Fairfax County Police Department
Fairfax, Virginia
May 16, 2014

Case Number: 2013-2410242

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It's April 23, 2014 at 1405 hours in CIB; Detectives Farrell and Flanagan interviewing Sergeant PETER MASSARO regarding officer involved shooting that occurred on August 29, 2013.

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FARRELL: If you would, just state your name for the recording.

MASSARO: Peter J. Massaro.

FARRELL: And how long have you been a Fairfax County Police Officer?

MASSARO: Eighteen years.

FARRELL: And, if you would, what is your four digit and six digit EIN?

MASSARO: My four digit is 2794 and my six digit is 309625.

FARRELL: And you're currently a Sergeant on the police department, is that correct?

MASSARO: That's correct.

FARRELL: Um, back in August of 2013, where were you assigned to as a, as a Sergeant?

MASSARO: I was supervisor of Basic Training at the Fairfax County Criminal Justice Academy.

FARRELL: And were you a member of any supplemental teams?

MASSARO: Yes, I was a member of the supplemental, uh, the decentralized SWAT Team and I was functioning as a Sergeant on that team.

FARRELL: And how long have you been a member of the SWAT Team, the TAC Team?

MASSARO: Almost 14 years.

FARRELL: And how long have you been a supervisor on that unit?

MASSARO: Uh, three years now.

FARRELL: And as a member of the, the TAC Team you receive specialized training, is that correct?

MASSARO: That's correct.

FARRELL: And that training is different from training that your average patrol officer receives?

MASSARO: That's correct with respect to weapons and tactics.

FARRELL: Ok and in the course of your 14 years, um, as a member of the TAC Team, um, have you responded to high risk events or warrant services and, and barricades?

MASSARO: Yes.

FARRELL: And what other types of calls is TAC routinely used for?

MASSARO: Um, mostly for high risk warrants and high risk apprehensions, um, and barricade situations and anything directed such as stake outs or VIP protection details, um, anything of that nature.

FARRELL: And you receive specialized training to respond to those types of calls.

MASSARO: That's correct.

FARRELL: And the, the TAC Team trains together as, as units?

MASSARO: Yes.

FARRELL: And you train with the Decentralized team and also with the full-time team?

MASSARO: That is correct.

FARRELL: Ok and if you would just explain the role of the Decentralized SWAT Team.

MASSARO: The Decentralized SWAT Team, um, in theory can function as a separate team for the county, uh; the operators are fully trained and fully equipped to do that and they have their

own leadership cadre. The main purpose of the Decentralized SWAT Team is to support the full-time team, um, and that means that we will provide operators, equipment and essentially personnel, um, we're a manpower unit for the full-time team so we can flush out the full-time team, uh, with 19 members if necessary, uh, we can get any type of equipment that the team might need such as trucks or support bands and things of that nature to a scene, um, so, uh, we're a manpower and equipment pool if you will.

FARRELL: And a member of the Decentralized Team, um, can just be plugged into the regular team?

MASSARO: That's correct. Once they're trained, it takes about a year or so to get fully trained and into the rotation, but once they're fully trained and equipped, it can be interchanged with full-time members in theory.

FARRELL: Ok. And regarding the case we're investigating, this officer involved shooting from back in August of 2013, can you tell me how you got involved in, in the case and just explain to me your involvement.

MASSARO: I was, uh, paged out for the barricade in West Springfield, uh, while I was at the Police Academy working. Responded with my cruiser, I was on call and, uh, arrived on scene and took charge of or assisted in the team, the reaction team that was placed in the HRV, that is the HRV that's equipped with the what we call the ram on the front of the vehicle and, uh, I went inside the HRV and I was directed by, um, Jeff Reiff, one of the team leaders, to go inside the HRV and, um, fill that role. I believe I was inside with Steve Carroll and Lance Guckenberger and I believe myself and one other individual present; it might have been Jon Gubanich, I'm not sure. I believe it was four of us present inside the vehicle the front. It could have been Jeff Finn too.

FARRELL: Ok.

MASSARO: I'm not really sure which; there was another subject in the vehicle with me.

FARRELL: Ok. And then what happened from there?

MASSARO: Um, we were directed as part of the plan to go ahead and make a breach at the front door, that is we were going to take the HRV and just push the front door open to give us a, um, a breach and an ability to look inside the residence, a foothold, um, also to open that residence up so that if there was anybody injured inside we could hear them or we could hear their call for help and that we could also put forth a call that is an audible, um, call to that person to come out; try to ascertain through that open door what we had. Uh, we were told that a shot was fired by a patrol officer at that time and that the subject appeared to have been hit and the door had been slammed by the subject and it remained closed upon our arrival. So the idea was to safely push the door open and make a call inside the house and/or render aid and rescue.

FARRELL: Ok and did that occur?

MASSARO: Uh, we did successfully breach the door, um, very easily and, uh, it, we immediately determined that the subject was laying in the foyer, he was on his back, uh, you could clearly see from inside the vehicle, I was looking through the front windshield, that, um, there was a great deal of blood on the front of his shirt, he was wearing a white T-shirt, and he was laying, uh, with his feet towards the door almost as if he had fallen backwards onto his back, face up, feet towards the door.

FARRELL: Ok.

MASSARO: In the foyer and, uh, from there we immediately told the reaction team on the outside of the ve, of the home, we had a secondary reaction team to make immediate entry so the I could guess I could say that was actually the primary reaction team because the vehicle born

reaction team was buttoned up inside the HRV. So, um, we made the radio call outside that, hey, he's laying in the front in the foyer and go ahead and, uh, make immediate entry and render aid.

FARRELL: And did they make immediate entry?

MASSARO: Immediate entry, yes.

FARRELL: And did there come a time when you entered the residence?

MASSARO: I did not enter the residence because of the fact that, uh, we already had, uh, close to a dozen operators inside the home I would think and I, once I exited the vehicle, I went up to the front foyer and I did observe the subject from about two or three feet away but I did not enter the residence. I thought that's not INAUDIBLE there's a lot of blood on the floor and I just didn't need to have a lot of people in there. The house was cleared immediately and the medics were rendering or checking his vitals at that time so I just thought it best not to make more of a crowd inside. I didn't want to get my boots bloody.

FARRELL: From where, um, you observed the individual laying in the foyer, um, did you observe anyone move him dramatically from that location?

MASSARO: No.

FARRELL: To another part of the house?

MASSARO: No, I did not.

FARRELL: Were you able to observe a weapon at all?

MASSARO: I did not see a weapon.

FARRELL: When you responded to the scene from the Academy, um, how did you respond, uh, did you respond with lights and sirens?

MASSARO: Yes, I did.

FARRELL: And as a member of, uh, the TAC Team, um, I assume over the years you've been called out plenty of times, um, how would you, um, describe your response from to this call in terms of from when you got the call to when you arrived would it have been quicker since you were coming from work or would it have been about the same or was there anything that you noted about the timeliness of the response?

MASSARO: I thought the time; I thought we were very timely. In fact I thought because of the fact that there had been gunfire, it was communicated to us that there had been shots fired, um, we I would say we probably responded in a more, uh, what would be the proper word, um, in a more, uh, heightened response. I mean we made every effort to get there to support patrol because all we received on the pager was there was an officer involved shooting so we didn't know if the officer had been hit or if the subject was still at large or shooting at the police so we weren't really sure via the page that this was like a stabilized situation so I remember getting there as quickly as I could.

FARRELL: Ok and when you arrive on scene, um, or when you usually arrive on scene, um, you all want to wait for other members of the TAC Team to get there before you make an entry or take . . .

MASSARO: Yeah, usually, yeah, absolutely get enough people together and equipment and get a plan together and do a leader's recon make sure we know what we're doing, where patrol's located at, relieve patrol of their duties and take over their spot, take over the inner perimeter, um, and you know then work the problem.

FARRELL: And, um, why is it that as a member of the TAC Team you'd prefer to have other TAC operators with you rather than just grab whatever patrol officers were there and . . .

MASSARO: Safety, uh, it's all officer safety. Um, that situation potentially, um, from what little you know at the time, is a very volatile situation and very violent and so you would want to have, um, a fully assembled, equipped and briefed people, um, that are used to working with each other and used to that type of, um, level of violence if you will.

FARRELL: Ok.

MASSARO: From what you know at the time.

FARRELL: So the fact that you all train together and, and you guys have worked these types of calls together and . . .

MASSARO: We're the appropriate unit for that type of response.

FARRELL: Ok and you all have access to, um, equipment that the average patrol officer wouldn't have either weapons or . . . ?

MASSARO: That's correct.

FARRELL: Ok and a decision was made to utilize the HRV, can you explain to me what that is?

MASSARO: HRV is a hostage rescue vehicle; it's a fully armored car, if you will. Um, it's capable of withstanding that particular model up to a 50 caliber round, uh, which is very significant so it can withstand basically all small arms that we would encounter here in the county which makes it very safe to use as a barricade, very safe to arrive and put officers into to get up close to a scene, uh, to negotiate from, um, to make a breach as we did; you can go right up to the front of the house and regardless if the subject were to fire at you or anything, it would be impervious to direct fire.

FARRELL: And is that a piece of equipment that you guys routinely use?

MASSARO: Yes, we have two of them.

FARRELL: And you mentioned that there was sort of a heightened response to this because of the fact that it was an officer involved shooting, um . . .

MASSARO: On my part. That was not communicated via radio or anything else; I, I, I personally felt that because an officer – the information that I received – led me to believe that there was gunfire either between citizen and a police officer, somebody had been hit, I knew that, so I figured, well, in my opinion, I, I felt that day because it was actual shooting going on that it was a heightened response on my part.

FARRELL: And then when you arrive on scene you learn that someone may have been shot and that a door was shut?

MASSARO: Uh, ha, yes, correct.

FARRELL: Um . . .

MASSARO: Then I got the full story when I got there.

FARRELL: Ok. Um, did you speak directly to the officer who was involved in the shooting?

MASSARO: No, I did not.

FARRELL: Ok, um, so you're briefed by other people.

MASSARO: Yeah, I was briefed, I believe we were briefed by; I was briefed by Lieutenant Bauer.

FARRELL: Ok.

MASSARO: And, uh, Jeff Reiff, who had arrived before me. I think they were just a few minutes before me and they may have received a brief from Captain Joe Hill; he was on scene, the Commander.

FARRELL: And then the decision is made to use the HRV to, um, breach the home in order to check on the individual . . .

MASSARO: That's correct.

FARRELL: Um . . .

MASSARO: Render immediate aid.

FARRELL: Ok, um, based on other barricades you've responded to or other types of calls where you have an armed individual, um, was there more of an urgency in, in making that approach or breaching the door in order to render aid because of the circumstances or is this a typical response or um . . .

MASSARO: No, I think that we were concerned that if the subject had gotten hit that he might be dying.

FARRELL: Ok.

MASSARO: And so, um, we did not go through the standard procedures that we normally do in a barricade where we form the inner perimeter, uh, try to make I don't know negotiations possible, and you know we kind of go a little slower and try to give people time if we know there's no urgency inside.

FARRELL: So the fact that he may have been struck, um . . .

MASSARO: Heightened our response that we needed to go in and get that door open right away. We usually don't make a breach until we've at least tried to get phone contact or get set up, that kind thing. There's no, if there's no hostages inside or no issues and this is a single person who's, um, suicidal perhaps maybe armed but suicidal, there's no real rush to, you know, you just take things slowly and safely and you have all day, literally, to talk them out before you start ratcheting up the response especially if they're not doing anything that is harmful to the outside.

FARRELL: Ok. Um, you mentioned earlier that, um, a reaction team was formed; can you explain what a reaction team is and, and the purpose of them forming?

MASSARO: Um, it's standard procedure for a barricade, um; you assemble a group of individuals or entry personnel and, um, the term itself Reaction Team is sort of self-explanatory. Their job is to get on a corner or side of the building or home that we're working with and be prepared to make immediate entry if necessary, um, and/or take people into custody or receive hostages that may flee the residence or flee the, uh, establishment. Um, so their job, while the problem is being worked, is to handle anything immediately that happens at their designated location so the reaction team does exactly what the terminology is. They react to any situation that occurs until we can make contact or negotiate with the subject.

FARRELL: You have anything?

FLANAGAN: No, um, after you briefed, um, the decision was made to use the HRV, was the HRV already on the scene?

MASSARO: Yes.

FLANAGAN: Ok.

MASSARO: When I got there, yeah. We assembled the, uh, the ram on it.

FLANAGAN: That was all I had.

FARRELL: Ok. Uh, anything else that you think we should know or anything else that we should have asked you or you think's important for us to know?

MASSARO: No, um, I did not personally see a firearm; however, I was told there was a firearm, uh, in the vicinity of the steps.

FARRELL: Ok.

MASSARO: I said does anybody see a gun – I asked that question. And I said, yeah, there's one over here by the steps.

FARRELL: Ok.

MASSARO: And I don't know anything else other than that; I'm assuming it was a handgun. Why I assume that I don't know.

FARRELL: All right that concludes the interview at 1422 hours.

Date of Interview: April 23, 2014
Typist: Linda Powers

Fairfax County Police Department
Case Number – 2013-2410242
LANCE GUCKENBERGER

It's March 6, 2014, at 1136 hours, Detective John Farrell and Chris fan, Flanagan interviewing Lance Guckenberg, Guckenberger regarding an officer involved shooting that occurred on August 29, 2013.

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Q: Lance if you would, just state your name for the recording.

A: **LANCE GUCKENBERGER.**

Q: And, what's your 4 digit EIN?

A: 3199.

Q: And how long have you been on the department?

A: Uh, for 13 years.

Q: And what's your current assignment?

A: I'm with uh, the SWAT Team full time.

Q: Ok, how long have you been full time with the SWAT Team?

A: Approximately 5 years.

Q: And prior to that were you, uh, on the SWAT Team in a different capacity?

A: I was uh, I worked as a part time SWAT Officer, uh, for approximately 11 years.

Q: Ok, so your total time with the SWAT Team dates back to 2002?

A: Correct.

Q: In one capacity or another, um, and directing your attention to this case can you, tell me if you recall how you got involved in, in this case?

A: Oh, we got called out for a barricade with shots fired, um, I'd been listening to it on the radio, so kind of prepared for it a little bit um, heard the, the call go out about the shots fired, we knew that we were going to be getting called, relatively quickly so we got some gear on, waited for the, uh, the actual page and the call out and we started heading to the location in West Springfield, uh and I was, at the time we were getting ready to do, um, uh, rail safe, we were at the Vienna Metro Station.

Q: Ok, so you responded from Vienna Metro Station?

A: Correct.

Q: And that was upon getting the page?

A: That's correct yes.

Q: Alright.

A: As soon as we heard it go out over the radio the duty officer had called, for a TAC call out, we started heading that way.

Q: And do you, do you recall if you responded with lights and sirens?

A: I did.

Q: Ok, and then, tell me what happened when you arrived on scene?

A: Oh we were, arrived on scene, I was one of the first officers there, think maybe one or two officers pulled in just ahead of me, uh within a minute or so, um, we immediately geared up, and grabbed uh, grabbed some limited breaching equipment and, headed right down range, immediately, uh, we started making plans along the way, and we set up on the Bravo side of the row of townhouses, I'm sorry the Delta side of the row of townhouses, um, in preparation to make entry.

Q: Do you recall who was with you?

A: Uh, Officer Depoto, Officer Northrop, Officer Fasci, I believe Officer Carroll, and I think at the time that might have been it, or uh, maybe even uh, uh, uh Jay Phillips as well, I think that was it that was down there, at that time.

Q: So you're staging on, one side of the residence and then what occurs from there?

A: So we were uh, as soon as we got down there, we were making sure we had perimeters set, um, that officers weren't in the line of fire, at that point and time, um our new hostage rescue vehicle, uh was pulling on scene, um, I had decided to leave the reaction team to make sure that the, the new vehicle was set up properly to make a breach, um, we had just received it from Lanko and I had

just given the class I believe that week, or two weeks earlier, so I decided to go out and make sure that they got the ramp set up on it correctly, uh just in case they needed it, as soon as I, uh, left I saw that they had the ramp set up, and we then tried to uh, move down range to go ahead and make entry into, the townhouse.

Q: And at some point the door to the house was breached?

A: That's correct.

Q: How was that accomplished?

A: As we moved down range, uh several other officers had gotten onto the HRV, uh, I was in the turret at the time, us, had less lethal uh equipment with us, just in case the individual was up and moving about, we had the ability to use less lethal on him um, so we, we approached the door with the HRV, uh we pushed through the, exterior door I believe the screen door was closed, we pushed through the screen door and hit the um, the interior, uh main door of the house, it was a soft push, pushed the door open gently and immediately I could see, uh the individual laying on the floor, just inside, probably a couple of feet inside the doorway.

Q: So you were able to see him from the turret?

A: That's correct.

Q: And what observations did you make regarding him?

A: Uh he was laying, um on his back for the most part, I could see a large pool of blood, at that point I got on the radio, uh, gave uh, the reaction team that was still set up on the delta side, um, information that he wasn't moving I had him covered, and I just, provided updates for them, as they made their approach to the front door, just continued to say, no movement, no movement, and, uh, the team made their initial entry, and began to clear the house.

Q: Did you enter the home?

A: I did, as soon as the initial team that, that came from the delta side, uh made entry, I then got out of the turret and, myself and Paul DeHaven whose a paramedic and I am also an EMT, um, made our way into the house um, to check on the individual, and provide aid if necessary.

Q: And at that point was any aid rendered?

A: Uh, he uh, was cold to the touch, no pulse on initial um, on the initial check, like I said cold to the touch, no respirations, it appeared as if he was uh, he was dead at that moment, uh we called for rescue to come in with some, monitoring equipment to verify that there was in fact no heartbeat, and uh, they came in and accomplished that um, shortly after we made the request.

Q: Did you physically touch him, or when you say he's cold to the touch was that observation that Officer DeHaven made or.....

A: I did not check the pulse, Officer DeHaven....

Q: Ok.

A: Checked him, made sure that uh, there was no pulse.

Q: Ok, so, you don't physically move or touch the body at all?

A: Um, we did maneuver him initially uh, just so we could work on him um, and you know within the small work space that we had there, but we didn't move him substantially, it was just a couple of inches one way or the other, we straightened him out just in case we did have to you know, provide compressions or something along those lines and to get the monitoring equipment on him and to check respirations so we did move him slightly.....

Q: Ok.

A: Um.

Q: Just within the confines of that foyer?

A: That's correct yes.

Q: Did you turn him over or anything like that?

A: Uh we did check for, you know, I believe we did check the wounds because we did underneath him was um, uh the round, we saw the round from the exit wound um, I don't know if we specifically

rolled him all the way over to do that though.

Q: So you observed this spent round?

A: That's correct.

Q: Did you make any other observations uh, about the condition of the foyer or, what was going on there?

A: It um, as soon as we got in, I made it a, just an initial survey of the area around us, make sure it was safe for us to work there, and I did notice a uh, hand gun on the foyer approximately 5 feet away from where he was at, I was, on the um, literally like, there was one step up from the foyer, and, I guess you call that the landing at the bottom of the stairs, there was, appeared to be a large, long barrel, uh revolver, it was in a holster that was sitting, at the bottom of the stairs, but within about 4 maybe 5 feet from where the individual was laying, uh there was a couple of other things laying around but nothing of any uh, you know importance, that I saw.

Q: Beyond the foyer of the house, did you, uh, enter any other part of the home?

A: No I just stayed there with uh, the individual and um, the um, the medic Paul DeHaven and once, once the house was clear we all left and uh, waited out, out in front of the townhouse.

Q: Ok um, when you're initially are called uh, or when you initially your monitoring the call on the radio and then you hear the duty officer call for the TAC Team and you respond from the Vienna Metro?

A: **no audible response**

Q: Ok um, is that typically how you guys are called out or is that a typical way that you'll become involved in a call?

A: Uh, if we get, if we happen to be listening to a radio or something along those lines and we hear the call then yeah, we'll go ahead and respond once they make the call, but typically most of the call outs occur when we're not listening to the radio so our first notification would be either a heads up from our supervisor that something was going on, or it would just be the pager or the telephone going off saying there's been a call out, in this case, it was during the work day so, driving around with the radio's on, scanning the county, yeah uh, we were, stumbled across the call and I just continued to listen to it since it seemed that, like it was a call that we might end up being involved in.

Q: And um, usually if you're called out over the pager are there, rules or expectations as to how quickly you'll respond?

A: Yeah, we're expected to be on scene within 30 minutes.

Q: Ok, and, seeing that you were called out or you learn about the call over the radio, um, did that effect your response, did it make it a quicker response than what it had usually been or, the same or, or any slower?

A: It, it made it quicker, because really the clock doesn't start until, you know we get the page so, we get to skip that amount of time that it would have taken for the dispatch center to type up the message and put it through the, the page system and all that so, we probably got the, um, the message a couple of minutes quicker than what we would have, if it had gone to the normal channels.

Q: Ok, so the response is a bit quicker um, and then you, use lights and sirens to get to the scene, um, when you arrive on scene, what does the team usually do on, on an incident like this?

A: What our team, acts a little bit differently than regular patrol officers probably do, uh we immediately fill in where we're needed so I'm, being that I live centrally in the county I'm on scene quite often before everyone else, I'll see what they need whether you know, it's a sniper, or somebody needs less lethal, I grab that gear and I'll go ahead and deploy down range and let um, the duty officer or, team leader know via phone or radio, where I'm at and what I'm doing, in this case, several of us showed up at the same

time, we knew that there was an individual possibly injured inside, so our thought process, at least my thought process at the time was, we had excellent circumstances, uh, and um, we needed to get into the residence as quickly as we could to uh, render aid if need be, and that was the thought process and that's why we moved down range as quickly as we did, and um, with the mindset that we were going to be making entry into the townhouse as soon as possible.

Q: So once you, you arrive on scene, you guys fill in where you're needed, um, other officers are arriving and then, you're formulating a plan to make entry into the home?

A: That's correct.

Q: Ok, and um how was, and you may not know this but how was term, determination made to use the HRV?

A: It's a standard piece of equipment that comes out on um, barricades and hostage situations and things like that so, we knew that it was going to be coming, um, and just so happened it got there fairly quick after we got set up on the house, so, taking that into account, knowing that we had a you know, fail safe, way of breaching the front door, we used the new equipment that we had and, and, and safely breached it just in case the individual inside

was still laying in wait for police to try and make entry into the house.

Q: And HRV stands for Hostage Rescue Vehicle?

A: That's correct.

Q: And, just ex, describe or explain to me what that is.

A: It is a Ford F550 vehicle that, the regular body of it has been taken off and it's been armored, um with thick metal to, keep bullets from being able to pass through, keep the occupants inside safe, it also affords, you know us to be able to get closer so we can talk to people um, and, you know if an individual inside wants to do us harm, um, we don't have to necessarily have to shoot back immediately if, they try to, you know shoot at a police officer so it's a, it provides both a, the potential suspects and police a little bit more leeway before we have to use deadly force.

Q: And what is the advantage of using the uh, HRV in a situation like this, um, over either using a shield or just grabbing officers and making entry into the residence?

A: Well in this, in this case, uh having listened to the radio, um there was information that this individual had high power rifles, uh he had assault style rifles inside the residence and apparently had threatened to use them against police if they tried to make entry,

uh so, in this case knowing that or, or at least just reasonably believing that he had those capabilities um, we would want to use that extra protection to our advantage, use the vehicle in which, we'll be able to stop um, high power rif, uh rifle rounds, keep the team safe but still be able to accomplish the mission of quickly getting inside the apartment or at least, being able to, breach the door and to improve our communications with any potential people inside.

Q: You said that when you were in the turret you had access to less lethal....

A: I did.

Q: And what, what was that?

A: It's a 40mm, a 40mm multi launcher um, it shoots a foam projectile, uh 60 gram foam projectile, um, and basically its designed to inflict pain on an individual, without penetrating and creating injuries, it'll bruise you but shouldn't, shouldn't create any serious amount of damage unless you accidently hit somebody in the head which is obviously not the goal, so we had an ability to um, uh, use that tool for pain compliance if, if the individual was up and wasn't compliant with us on initial commands.

Q: And then how would you describe um, your all's, your all's

response from when you first get the call to when you're able to make entry in the home in terms of timeliness.

A: I think we were on scene within about, 10 to 15 minutes, coming from Vienna Metro, uh as I remember correctly there was a train, most of it was moving pretty quickly, I think I was up front, and uh, we you know, moving with some urgency, uh to get there, knowing what the situation was so I, I think it took us about 10 to 15 minutes to get down there with traffic in the afternoon, uh, as soon as we got on scene, it was get, get dressed as quickly as possible, and then move down range, we had a couple of hundred yards that we had to negotiate to get to the delta side, and then we had some issues with uh, some locations of police officers, that we wanted to make sure that we had perimeters set and people were safe, and at that point that's when the HRV showed up, so they held that position, still coming up with plans and uh, I ran back up, literally ran back to the HRV from the location, um, tried to get people into the vehicle as quickly as possible, then we moved right down range and as soon as we got down range, in front of the house, we made, made, you know, a handful of announcements which probably took about 30 seconds, there was no response on the announcements, we went ahead and popped

the front door, located subject.

Q: And was, is this quicker than you typically would make entry on a barricade type situation?

A: Yeah. Much quicker.

Q: And, and why was that?

A: Uh, because we had reason to believe he was injured inside and, one of the jobs of us, of the team is to, you know, to make entry when people potentially have life threatening injuries, uh so we'll definitely put ourselves at little bit more risk, um, in order to get inside, and secure the situation, and render aid if, if necessary in order to save, preserve life, so in this case we had information that he was shot and down, um, so we tried to get there as quickly as possible to uh, potentially save the individual.

Q: If he had been calling out for help, or if, you could see that he wasn't armed, would that have accelerated the response from when you arrive on scene, or what steps would have been taken if?

A: If he was up in and mobile.

Q: Yeah, or if he was communicating with ya'll asking for help?

A: If he was asking for help, uh and there, we still had the same circumstances involved, we, we probably would have done the

same thing, the HRV provides us with that, that amount of uh, protection that, that we still could have popped the front door and been able to obtain that visual contact that we needed to verify that, either he is a threat and possess a firearm or not a threat and in which case we could have, still gone in to render aid.

Q: Ok, and then when you say down range, what do you mean by that?

A: Uh down range it, is where the target location is at, so it's, you know we're, we're, the hot area....

Q: Uh huh.

A: The area that is, is potentially still a threat to officers, ourselves, and the public.

Q: And when you say the Delta side?

A: The Delta side, if you're looking at the front of the townhouse, the Delta side would be the right side of the house.

Q: Chris?

FLANAGAN: Um, Lance, you said when you entered and you and DeHaven um, were over the top of the deceased, weren't quite sure whether you rolled him or not, did you see the bullet, I'm wasn't sure if you said the bullet may have been under him at one point, or if, where you remembered seeing the bullet?

A: I remember seeing the bullet on the ground, I don't recall if I saw it initially as soon as we came into the house, or if it was after, we, potentially repositioned, the, the body, not exact.....

FLANAGAN: Ok.

A: Confident on that.

FLANAGAN: Alright, so you don't have a, you don't have a specific memory either way, whether it was, under him and he was rolled to move aid, and then you saw it, or you come in and you see it, and it was beyond where he was, lying position?

A: I want to say that, that I may have seen it prior to moving the body, like it was down on the ground, near, near his bottom portion, um but, I do definitely recall and thinking, the round, went through and through and must have hit that shirt and just dropped straight down, I remember thinking that um, at the time but I, I can't with 100% certainty say, I saw it before we moved, you know repositioned him, or, if whether or not it was, afterward.

FLANAGAN: Ok and, to the best of your memory if you recall we're talking about moving the body, um, can you describe, like the, difference between, if his, his head is here, like are we turning the body totally different way or how much movement as much as you can describe are you talking about.

A: It, it would have been, movement to, reposition the arms to you need to check a pulse or something, um, as I recall I think initially when we came in the house his one leg was up on the, on the landing, that stoop where I described where the gun was at um, so, it would have been to get him in that area where, where we could just check everything, uh, but it wouldn't be, considered you know, considered uh, a, a large move like moving the bod, the head from one end to the other, literally we would have moved the body maybe a couple of inches one way or the other, center him up or something in the hallway, or to check limbs, pulses and things, things along those lines, not, wouldn't have been, wouldn't have been a major move.....

FLANAGAN: Ok.

A: Significant anyways.

FLANAGAN: And, and, there are occasions where, when, aid is being rendered by either rescue or police personnel, that his clothes maybe altered, either cut or moved, um, was, was there anything done with his clothes significantly that you recall as far as cutting them off or moving them in any way?

A: Yeah I.....

FLANAGAN: To the extent that they were, there's a dramatic change, I mean

obviously if you're moving a body a little bit his clothes are going to be moving but what there anything significant about the, his clothes at all?

A: I don't recall if we cut his clothes or not?

FLANAGAN: Ok.

A: I'm not, I'm not 100% sure.

FLANAGAN: Ok, those are the only questions I had.

Q: Anything else that you want to add or anything we didn't cover that you think we should of touched on?

A: I can't think of anything.

Q: Ok, that concludes the interview at 1159 hours.

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This statement has been typed as recorded/(bkw)/ (April 25, 2014)

Fairfax County Police Department
CASE #2013-2410242
MR. WALTER FASCI

The following taped interview is being conducted by Detective John Farrell and Detective Chris Flanagan. Mr. Walter Fasci is the person being interviewed.

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FARRELL:	It's, uh, March 27, 2014 at 1150 hours, Detective Farrell and Flanagan, uh, interviewing Walter Fasci reference case number 20132410242, a, an officer involved shooting that occurred on August 29, 2013. If you would, just state your name.
FASCI:	Uh, it's Walter Fasci
FARRELL:	And what's your EIN?
FASCI:	300306
FARRELL:	And how long have you been on the Fairfax County Police Department?
FASCI:	Over 12 years.
FARRELL:	And what's your current assignment?
FASCI:	Current assignment is Mason B midnights.
FARRELL:	And you're assigned to the TAC or SWAT team in some capacity?
FASCI:	That's correct. I'm a member of the supplemental team.
FARRELL:	And how long have you been a member of the supplemental team?
FASCI:	About nine years.
FARRELL:	And can you, can you explain what it means to be a member of the

	supplemental team?
FASCI:	Uh, supplemental team is I work my regular job on the street as a member of the, uh, B midnights squad, but I also, uh, work in, uh, part time capacity as a, uh, supplemental tactical officer, uh, call out, um, call outs, search warrants, stuff like that I'm a mem—uh, I, uh, work with them on those.
FARRELL:	And as a member of the supplemental team, um, do they provide you specialized training?
FASCI:	Yes.
FARRELL:	And you train with the team on responding to different types of calls?
FASCI:	That's correct.
FARRELL:	And what are some of the calls that the TAC team will respond to?
FASCI:	Um, high-risk search warrants, uh, weapons complaints, barricades, um, active shooter cases, stuff that require, uh, higher level of training.
FARRELL:	And when you respond to these types of calls, um, how are you notified or, or how do you become involved in these calls generally?
FASCI:	Um, if I'm working it's, uh, over the radio, I'll hear the call and I'll go out to it, um, if I'm at home I'll receive a call or I'll, uh, get a page that, uh, calls us out for it.
FARRELL:	And do you recall how you became involved in this case?
FASCI:	This one I believe I was on call at the time and, uh, I was paged out

	to it.
FARRELL:	Okay. And where would you have been responding from if you, if you recall?
FASCI:	On this particular case I believe I was at the station, uh, for one reason or another, off-duty and, uh, I was responding from Mason district.
FARRELL:	Okay. So you responded from the Mason district station to, uh, the scene?
FASCI:	That's correct.
FARRELL:	Alright. And then if you would just tell me about from when you left the station, describe your response to the call, and what happened from there on.
FASCI:	Um, if I remember correctly, the call went out, um, uh, Mason and, uh, West Springfield share the same channel, um, I started listening to the call and, uh, half paying attention not really paying attention to it, but, had the radio on and I heard that there was, uh, shots fired at one point and then the pager went off requesting, uh, SWAT call out. That point I got my SWAT gear on, um, jumpsuit, rifle vest and I responded code to the scene. Once I got on the location I, uh, figured out where the command, uh, was set up. I spoke with a couple of, uh, lieutenants on the scene, I can't remember who it was and, uh, waited for additional SWAT officers to respond.

FARRELL:	Um, do you, do you recall if there, are there any other TAC officers when you arrived on scene there?
FASCI:	I believe I was either the first or second officer on the scene but I can't be sure because it was, uh, the parking, you know, there was cars all over the place, but, I believe I was one of the first individuals there.
FARRELL:	Okay. And tell me what happened from there.
FASCI:	At that point, um, we kinda got a head count of, uh, SWAT officers after a few minutes, got, uh, a briefing on, uh, what had occurred and, uh, we were waiting for one of the sergeants to show up on scene, I can't remember who it was exactly, but, uh, they appointed myself and a few other members of the team as, uh, um, quick reaction team.
FARRELL:	Okay. Go on.
FASCI:	Um, at that point, uh, we were shown where the house was, did a quick visual recon of, uh, what the, uh, best avenue of approach would have been to the house, um, we, uh, ended up, uh, walking down and posting up as you're looking at the house on the right corner of the townhouses. We remained in that position for, um, several minutes waiting for the, uh, hostage barricade vehicle to get on scene and the plan was then made to utilize, uh, the ram on that vehicle to open up the front door to mitigate any type of danger to

	the SWAT officers. Plan was once we got that front door open, try to get a look inside and see where the guy was, um, as soon as the door was breached my team, uh, I believe it was four or five of us, advanced on the front door and made entry into the house, and cleared the house. Soon as we stepped through the front door, um, we could immediately see, uh, the, uh, individual that lived there, um, laying on his back, approximately two or three feet from the front door, uh, there was a large puddle of blood around his body, um, one of the things that immediately stuck out in my mind as I quickly glanced at him is there was a round on the floor to the right side of his body. Myself and another officer, uh, stepped over him, made an immediate right to go downstairs into the basement to clear that area and, uh, turned out he was the, uh, only person inside the house.
FARRELL:	So after you make entry into the home, uh, you go down into the basement, do you search any other part of the home?
FASCI:	No, the rest of the members of the team, I, I believe there was an upstairs portion of the house and they took care of that. By the time we came upstairs, uh, the, uh, TAC medic, which I believe was Paul DeHaven, I'm, I'm actually positive it was Paul DeHaven, was, uh, uh, checking out the, the guy at that point.
FARRELL:	Alright. Did you do anything else?
FASCI:	No.

FARRELL:	Okay. When you say that you responded code from Mason station to the scene what does that mean?
FASCI:	Uh, lights and siren, uh, respond in an urgent manner, uh, as if there was, you know, possible, uh, emergency occurring.
FARRELL:	And would you describe your response from, uh, Mason, or from when you were notified of that call, to when you arrived on scene, as a typical response or quicker or slower than what your usual response would be?
FASCI:	Um, it was, I'd say it was probably quicker knowing that there was a possible gunman at large, is, what had, uh, we had gotten over the radio and over, uh, the, um, text on the page.
FARRELL:	Okay. And then the geographic distance from Mason to West Springfield and the fact that you are at the station, would that have made things quicker for you also, or—
FASCI:	Yeah, typically, uh, you know, being so close, um, you know, you never know what's going to happen if there was, uh, some type of active shooter not knowing what the full story was, just getting, you know, fragmented pieces of the case, uh, you want to get there as soon as possible to try to, you know, uh, set up, uh, shop, if you will, before, uh, anything further can, uh, unfold.
FARRELL:	Okay. And when you say you arrived on scene you were one of the first or second responding SWAT officers, um, at that point you

	waited for other members of the team?
FASCI:	That's correct.
FARRELL:	And why do you do that?
FASCI:	Uh, well we wanted to get a game plan together, um, you know, we, uh, you don't, we never rush into a situation, we want to have, uh, you know, uh, at least a basic plan of, uh, what our movement's gonna be to ensure our safety.
FARRELL:	And earlier you said that, um, as a supplemental member of the team you receive, uh, job related training?
FASCI:	That's correct.
FARRELL:	And, you, you, um, and, regular training with the team?
FASCI:	That's correct. We have, uh, two training dates a month and, uh, at least one week of, uh, consecutive training Monday through Friday a year and that's, uh, on the low end, that doesn't include, uh, various schools and, uh, conferences and stuff like that that we attend throughout the year.
FARRELL:	So when you respond to this type of call and you know other members of the SWAT team are responding with you, you'd prefer to work with them in terms of, uh, addressing the emergency rather than just grabbing a couple patrol officers and, and, formulating a response?
FASCI:	Yes, that's correct. Um, you, well, we feel more comfortable working

	with our guys, uh, we know, um, that everyone's had the same training so, uh, we can basically work off each other's body language, uh, you know, very comfortable working with each other 'cause we, we've done so for years now, so, without being told what to do each member can pretty much, uh, self-task as far as when we get inside the house to, uh, what their job's gonna be and, uh, we can work off each other without any, uh, hiccups in the, uh, entry.
FARRELL:	So you arrived on scene, um, waited for, when you say a sergeant, is that a TAC sergeant or a TAC supervisor you're waiting for?
FASCI:	I'm not sure if it was a sergeant lieutenant but yeah, a TAC supervisor. If I remember correctly there was, uh, someone had gotten on the, on the radio, either, uh, the, uh, lieutenant or sergeant, and stated that they were, uh, either in route or on scene, so we waited for them.
FARRELL:	And then there was a briefing where you were provided information regarding the call, what was your understanding, uh, as to what, what had occurred?
FASCI:	Um, my, my initial understanding was that the, uh, officers had responded to a domestic violence or domestic dispute, um, that there was a gun involved or threatening of, uh, the use of a gun, and, uh, that the officer had discharged rounds at some point into the, uh, into the individual.

FARRELL:	And based on that information, um, a decision was, was made to have a hostage rescue vehicle breach the door?
FASCI:	That's correct.
FARRELL:	And can you tell me why that decision was made or, or what factors would have influenced calling for that vehicle?
FASCI:	Um, not knowing where the suspect was in the house, uh, we utilize a vehicle like that in case we did start taking, uh, rounds from inside the house, that ensures that all our officers are, uh, you know, inside the vehicle that's, uh, essentially bulletproof, um, we're not exposing ourselves to any hostile fire if that, if that does start and, uh, it's just safer all around, it's a great observation point, uh, we have, uh, um, a system on there where we can, uh, utilize a loud speaker to, uh, call, call out to the person, have them come out of the house, there's also a, um, a ram, uh, extension piece that we can put on the front of the house that way if there's any closed windows or, you know, with curtains on it or a, uh, closed or locked door, we can, uh, use the, uh, HRV to actually push open the door and make a space in a window so we can get a better look on the inside of the, uh, the house.
FARRELL:	And what was the urgency to get into the house?
FASCI:	Um, this point that they had said that, uh, the individual is possibly shot, um, one, he wasn't, he wasn't answering us, so, uh, the

	concern was that, um, he needed medical attention.
FARRELL:	If you all had been called down there and there was, uh, a shot had not been fired or there wasn't a medical need, would the response have been the same in terms of making entry that quickly or was that accelerated by the fact that there was concern for, uh, the subject's well-being?
FASCI:	No, there was definitely concern for his well-being, um, if it was, uh, a case where the individual had maybe, uh, stated there was a gun and there was some kind of, uh, criminal charges against him we woulda went, uh, about it differently, you know, waited for a warrant, um, you know, tried to get a layout of the, uh, inside of the place, it would have been, um, a longer, uh, situation unfolding.
FARRELL:	So from the time you learn of the call and then respond and make entry, that's accelerated in comparison to a case where it's a barricade and you know there's not, uh, threat of the subject being injured?
FASCI:	Yeah, we would go through a, a total different, um, uh, use, uh, uh, different steps, if you will, there might be, uh, robots utilized to get a look inside the house, might come up with a gas plan to try to, uh, get the individual to come out of the house by, uh, pushing him from room to room with chemical munitions, um, these kind of things.
FARRELL:	And how would you, from the time you learned of the call until the

	time you were able to make entry into the home, how would you describe your response, was it about average? Quick? Did you, was it faster than usual or did it seem slower than usual? Did you have any, you know, asking you now at this point, sometime after this happened, did you have any impression about the timeliness of the response one way or another?
FASCI:	Um, no, to be honest with you this was the first case where, I think it, uh, it was kind of, uh, you know, where we kinda had to hurry up a little bit, I, I guess, I guess it went, it went a little bit faster than, uh, we're used to, or that I'm used to at least, just because of the concern over the, uh, the, uh, individual. It's, uh, this, this was a rare case as far as, you know, having someone, uh, potentially, um, you know, mortally wounded and, you know, we have to, uh, try to go in and see what's going on.
FARRELL:	And then when you said you initially arrived you formed a quick reaction team, what does, what does that mean?
FASCI:	Basically what the reaction team is, is, um, we'll put together, you know, a small group of, um, SWAT guys, maybe five or six, depending on who's there, we'll stage in a, uh, in an area that's, uh, out of line of sight of, um, any hostile action, um, but we're also in a position that if we need to go into, uh, um, a building or a house or something it's, if there's immediate danger. For example, uh, we

	hear gunshots and there's, uh, hostages in there, that's the type of situation where we're gonna make immediate entry.
FARRELL:	Okay. And that team would also respond if the subject had come out and surrendered, or—
FASCI:	Correct.
FARRELL:	Um, or if he was asking for help and you were able to ascertain there was no weapon, and—
FASCI:	Exactly.
FARRELL:	So that team is there just to operate outside of the parameters of the general plan based on response to a specific stimuli?
FASCI:	Right, we want to have a unit in place that can, uh, affect an arrest, uh, provide immediate aid, um, if someone's in, in trouble, that kind of thing, so yeah, closer to the situation than the rest of the officers on the scene.
FARRELL:	Anything else you can think of that I didn't ask, or—
FASCI:	Um, that was about it, I mean, uh, seems like, uh, was only on scene for, uh, uh, an hour or two and things progressed fairly quickly, uh, as soon as we got there.
FARRELL:	Do you have anything?
FLANAGAN:	When you entered the home, do you know if any, were there any TAC officers in front of you?
FASCI:	Yes, one officer.

FLANAGAN:	Do you know who that was?
FASCI:	Lee Northrop.
FLANAGAN:	And do you see what Lee does in front of you?
FASCI:	Um, I don't think, uh, I saw that he was, uh, clearing one portion of the house so I, I'm not going to look that way, um, I was clearing another portion, like visually clearing it, but, uh, I believe that Lee, we both went straight in, stepped over the individual, and I posted up at the top of the stairs, from that point I think Lee came around behind me so that we could, um, go down the stairs and, and clear, uh, the basement portion of the house.
FLANAGAN:	Okay, so you don't see him go to the body or manipulate the body at all?
FASCI:	No, he definitely did not.
FLANAGAN:	Okay, so and you, and I think you mentioned when you went in, uh, you described the position of the body and you mentioned that, the, um, there was a bullet next to the body and I think the way you described it was on the right, is that on his right side—
FASCI:	It would have been his left side, my, my, uh, yeah, his left side.
FLANAGAN:	Okay, so he's, when I say hey, he, we're talking about, um, his name is Gear, Mr. Gear, Mr. Gear's laying on his back and the bullet's on his left side?
FASCI:	That's correct.

FLANAGAN:	Alright. And you can see that, like, outside of his body?
FASCI:	That's correct. It was in plain view, uh, on the linoleum floor.
FLANAGAN:	And at that point as far as you know, you hadn't seen anybody move his body yet?
FASCI:	No.
FLANAGAN:	Okay. Do you remember where it was like in relation to, aside from left of his body, like in proximity to body parts, like towards his feet or towards his head, or, if you remember?
FASCI:	If I recall it was, uh, like torso, like mid-body.
FLANAGAN:	Okay. And was it just on the floor or do you remember blood being around it?
FASCI:	That I don't recall.
FLANAGAN:	Okay. That was all I had.
FARRELL:	Alright, that concludes the interview at 12:11.

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This statement has been typed as recorded by Audrey Hine (332739) on April 29, 2014.

Fairfax County Police Department
Fairfax, Virginia
April 1, 2014

Case Number: 2013-2410242

* * * * * * * * * * *

It's March 4, 2014 at 1005 hours. Detective Farrell, Chris Flanagan, uh, with LEE NORTHRUP from the TAC Team, uh, reference an officer involved shooting case number 2013-2410242.

* * * * * * * * * * *

FARRELL: If you would, Lee, just state your name for the recording.

NORTHRUP: Uh, Lee Northrup.

FARRELL: And can you tell me what your EIN is, your six digit EIN?

NORTHRUP: Uh, 300902.

FARRELL: And what's your current assignment with the department?

NORTHRUP: I'm OSB with the SWAT Team.

FARRELL: Ok and can you tell me what SWAT means?

NORTHRUP: Uh, special weapons and tactics.

FARRELL: And how long have you been with the SWAT Team?

NORTHRUP: Uh, twenty, let's see twenty three years and approximately four months.

FARRELL: Ok and when did you come on the police department?

NORTHRUP: Uh, September of 1982.

FARRELL: All right and can you tell me, um, what your TAC designator is or what it would have been, uh, back in August?

NORTHRUP: Uh, TAC 3.

FARRELL: TAC 3? Ok. Um, do you recall getting dispatched or called for this case, this officer involved shooting?

NORTHRUP: Yes, I do.

FARRELL: Ok and can you just tell me about that?

NORTHRUP: Uh, we were working a, uh, assignment over at the, uh, Vienna Metro, um, that afternoon, um, myself and Lance Guckenberger, uh, Lieutenant Schaible and I believe it was, uh, Bryan Cooke from EOD I believe was there as well. Um, we're working a rail safe project that afternoon, um, and we were listening to the, uh, the call go out on the radio, um, and then, uh, pagers went off we were paged out and we responded to the scene.

FARRELL: Ok and is that how you typically become involved in these types of cases that you're paged or called out?

NORTHRUP: Yes, uh, ha.

FARRELL: All right and what's your protocol for once you're, once you receive that call?

NORTHRUP: Um, generally as a team we're, we're, we're required to respond that we're uh, uh, that we received the call within, within 15 minutes. Uh, we're supposed to be, uh, responding within 30 and then on scene within an hour. Um, because we were over there at the Vienna Metro Station, we just, uh, got, got together, um, you know kind of lined up followed each other over with our emergency equipment, uh, over to the scene.

FARRELL: Ok, so once you get the call, you guys immediately stopped the rail safe project and respond to the scene?

NORTHRUP: Yes, sir. Uh, ha.

FARRELL: Ok and that's at the Vienna Metro?

NORTHRUP: Yeah, we were working the Vienna, the, uh, Vienna Metro Station that day.

FARRELL: All right and you responded lights and sirens out to the scene.

NORTHRUP: Yes, we did.

FARRELL: You arrived fairly quickly?

NORTHRUP: Uh, ha.

FARRELL: Um, do you remember what you were wearing that day in terms of equipment or standard uniform or?

NORTHRUP: Well once we got on the scene?

FARRELL: Uh, either prior or, or once you arrived down there.

NORTHRUP: Uh, prior to is, uh, we're wearing, um, our normal daily uniform which is, uh, green, um, uh like BDU cargo, cargo pants, um, black T-shirts, uh, we had our uh, our, um, SWAT vests on which are our green vests, um, some guys choose to wear hats, um, and, uh, uh armed with our handguns.

FARRELL: Ok.

NORTHRUP: Um, yeah, sometimes we're uh, we carry our assault rifles, not assault rifles, sorry, our, uh, submachine guns as well.

FARRELL: Ok. So that was what you were wearing when you were at the rail safe project?

NORTHRUP: Yes, sir.

FARRELL: And then when you arrived, uh, down on scene for this case, did you change uniforms or put on different equipment?

NORTHRUP: Uh, I believe we put on our, uh, jumpsuits.

FARRELL: All right and then just talk me through what happens once you arrived out on scene.

NORTHRUP: Uh, when we arrived on scene, we, uh, were, uh, advised that there's an officer, officer involved shooting, excuse me, um, we had, uh, like I said, uh, myself, um, Lance Guckenberger, where the other officers were, were arriving uh, uh, other guys from the team

were arriving at that time, um, we had found out that they hadn't made any, uh, they attempted to make contact with the person but nobody had, uh, actually, uh, gone into, uh, check on the welfare of the, of the subject, um, so what we're, uh, idea was is to get a team together, get down to the house as soon as possible and if nothing else at least breach the front door to see if we can't make contact with the, with the, uh, the person to, uh, uh, render aid, uh, find out if he was in fact injured, um, or if he wasn't injured, if he wasn't injured then trying to get him to come out. If he was injured, to get in there, get him and then get him out of the house, uh, where we could get him to, uh, medical personnel.

FARRELL: Ok. Do you remember who was relaying this information to you all?

NORTHRUP: No, a lot of it was, uh, uh, just basically talking. We get down there you're talking to different people, um, uh, the word, you know, we, we had known the subject had there's a shooting involved, um, and the sus, the person was inside, um, but I don't remember exactly who was giving us all the information.

FARRELL: Ok, so you guys arrived down there and you're talking about the case. Do you remember who else was down there from the TAC Team?

NORTHRUP: Um, McDonaldson was down there; I was talking with him. We're trying to get a group of guys together; it was myself, Lance Guckenberger, uh, Tony Depoto, Jey Phillips and I believe Walt Fasci came down with us as well.

FARRELL: Did you guys have a supervisor on scene?

NORTHRUP: Um, Sean and Jeff I can't remember if they were there before us or after we got there; I'm not sure which.

FARRELL: Ok.

NORTHRUP: It might have been after cause I think I don't remember the exact time, I think it was after four o'clock, I'm not positive, um, but I think most of the guys had already gone home because we're working that little bit after there, I think we're the closet ones at that location at the time.

FARRELL: Ok. So you guys, uh, arrive, brief, discuss the case and what was, what actions were taken from there?

NORTHRUP: Um, from there what we decided to do we were going to go down, um, take a team down with a shield, um, the idea was that we get down, get in position, um, breach the door, uh, cause we figure we had the shield, breach the door try and make contact with the, uh, um, person inside; person or persons inside. The information that he was the only one inside but you never really want to, you know, you're never really sure if, if he's the only one in there, you know, by himself or not, uh, so we were just going to try and make contact. Um, down there at the, at the house was myself, like I said Lance, uh, Tony, Jey, and, um, I believe I said Walt was down there with us at that point, uh, so we're gonna move up and breach the door. At that point, Lance Guckenberger advised that the HRV was already on scene, um, we have a new HRV that has a ram system, um, and they had the ram set up on the HRV. So at that point figured it was already on the scene, bring that down because that would be the safest way instead of going up and actually banging the door open, we just use the, uh, HRV to push the door with the ram on it; just push the door open. Um, when Lance said the HRV was on scene, he ran up the hill to bring the HRV down, uh, we stood up, we stood by and, uh, HRV came down, um, and, uh, and as we moved up, uh, they pulled the HRV in with the ram, uh, and pushed the door open to the house or the townhouse.

FARRELL: Ok. What happened from there?

NORTHRUP: Um, our plan was the other way, whichever way the door came open, our plan was that, uh, myself and, um, uh, Lance were gonna go in first basically if we saw the guy there and he didn't have any weapons, our idea was to go in first and just provide cover. Uh, Tony and Jey would come in and, uh, ex, extricate the, the person, um, if he was hurt then they could get him to an ambulance, if he wasn't hurt, uh, at least get him outside they could check him and make sure everything was ok. Um, when the door came open, uh, Jeff Finn was, uh, was on the radio to us. He said that he could see the subject laying, uh, just inside the doorway off to, off to the, uh, right hand side and that he didn't appear to be moving. Um, he gave him a couple of quick commands and received no response. At that point, uh, we, we enter the house.

FARRELL: Was Jeff operating the HRV?

NORTHRUP: Jeff I believe, um, Jon Gubanich I believe was driving, uh, Jeff was on the radio, um, and Lance because he had gone back, um, to get it, he was actually up in the turret so he could like see down into the house.

FARRELL: Ok.

NORTHRUP: Um, and so we had, uh, as we went in, it was myself, Walt Fasci and I'm not sure if Jey and Tony, I don't know if Jey came in before Tony or Tony came in before Jey; that I couldn't tell you.

FARRELL: And you guys were, uh, when Jeff relays that information to you, uh, do you, do you recall what channel he would have been on?

NORTHRUP: Normally we're on, uh, PDTAC 2, um, at that point though we had that new channel of PDTAC 1 that's encrypted so we could have been on that channel; I really we've worked off of both so I really don't remember.

FARRELL: Ok and when you make entry into the house, tell me what happens.

NORTHRUP: I was the first one through the door as I came in I saw the, uh, uh, uh, the person he was lying on the, on the floor, um, he appeared to be deceased, um, the only thing I noticed was the spent, um, bullet was laying on the floor next to him, um, and he didn't have any weapons in his hand. I just stepped, stepped over and, uh, uh, we provided cover into the, into the house area, um, so, so those guys could come in. Um, as they came in behind us, uh, we just kind of moved and cleared that floor to make sure there was nobody else in, inside in that area. Um and then from that point, um, we went downstairs and cleared the basement; I believe other people went upstairs and cleared the upstairs and I couldn't tell you who did that I'm not sure. Um and then once we, and once the, we, like I said, we made sure the, the main level was clear, the basement was clear; we exited the house by the rear door so that we didn't come back up through the scene.

FARRELL: When you came in, you, uh, went past him and you cleared that first floor, who was with you?

NORTHRUP: Uh, Walt Fasci.

FARRELL: Ok. And then when you go down to the basement do you recall?

NORTHRUP: I think Walt came down with me to the basement as well.

FARRELL: So once you, uh, move through that initial part of the house where the decedent is, um, you don't come back through there.

NORTHRUP: No, no.

FARRELL: You go through that first level, then you go down to the basement, then you . . .

NORTHRUP: Yeah, I went down to the basement and exited the, the, the back, uh, basement door.

FARRELL: Ok. And the purpose, when you say you were clearing house, can you explain what the purpose of that is for?

NORTHRUP: Yeah we're just making sure that there is no other, nobody else in the house either that had been injured or, uh, uh, was hiding or you know could possibly, uh, uh, be a safety, um, issue to, uh, you know our guys inside the house.

FARRELL: Is that something you guys do, a standard thing you all do when you?

NORTHRUP: Yes, uh, ha.

FARRELL: From the position that the decedent was when you entered the house, um, did you have occasion to move his body or move that bullet or uh . . .

NORTHRUP: No, not at all.

FARRELL: Anything in his proximity?

NORTHRUP: Huh, uh.

FARRELL: Ok and can you explain to me what the HRV is?

NORTHRUP: It's a hostage rescue vehicle. It's an armored vehicle, uh, built by a company called Lenco, their office or their company's up in Massachusetts, um, it's just a, it's an armored vehicle, um, that we use to carry the team in, um, so that we can approach. Any time we have like a, a barricaded, uh, suspect or a hostage type of situation or a high risk warrant service that we can, we can get in the vehicle, uh, drive up right up to the residence or location and, uh, it protects the team inside from any type of hostile fire – excuse me.

FARRELL: So it's bullet proof?

NORTHRUP: Yes.

FARRELL: And it has a ram on the front?

NORTHRUP: It has a ram, um, attachment that attaches to the front of the vehicle, um, we carry the pieces on, uh, in, uh, uh rails on the side of it so when you get on the scene, you just you take the things off, hook them together and attach it to the front of the vehicle.

FARRELL: And that's a standard, um, this HRV is something that you guys are using now, something you guys train with?

NORTHRUP: Yes, uh, ha.

FARRELL: Do you recall, um, I know it's been a couple of months, do you recall from when you arrive on scene to approximately how much later you guys, uh, rammed the door?

NORTHRUP: Time wise?

FARRELL: Yes.

NORTHRUP: Um, by the time we got dressed, got the guys together, I'd say hmm, 25 minutes.

FARRELL: Ok.

NORTHRUP: I'd estimate but I'm not positive.

FARRELL: Based on, on your experience having been on the team for twenty years, um, from when you respond, when you first get the call from Vienna until when you guys are able to make entry into the house, was that an average time or a quicker time or how would you describe the amount of time it took?

NORTHRUP: I'd say, I would say it's an average time.

FARRELL: Ok.

NORTHRUP: Average time. I mean for, for that particular situation. I mean normally if it was just a person inside that residence without shots being fired, then obviously we're not gonna go up and force the issue as far as getting the doors open and things like that but because of the, the

circumstances, we felt we needed to get in there and get the door open and try and make contact with him as soon as possible.

FARRELL: Why did you guys feel that? What's the exigency?

NORTHRUP: With, with that, it was, uh, from what we understand it was an officer involved shooting, a suspect shot by the police, so we, we needed to render aid as soon as possible, um, you know, because of that fact. You know if he had shot himself or, um, was in there maybe just a shot was heard but no other information was known, then we, we'd be probably a little more hesitant as far as, as far as trying to get in there and bust it open but because it was officer involved we figured it was our duty to because of exigency to get in there and take care of him as soon as possible.

FARRELL: Ok, so the fact that officer had fired and, um, you had information that he, he had been hit or may have been hit . . .

NORTHRUP: Uh, ha.

FARRELL: But there was no response from him.

NORTHRUP: Yes.

FARRELL: It was the exigency was to render aid?

NORTHRUP: Yes.

FARRELL: If it had been, if he had been yelling out the window or if there'd been any thought that he hadn't been hit or that, you know, he was, uh, moving around or somehow communicating with you all, would that have changed the response?

NORTHRUP: Yes, it would, yes because at that point we, if we knew that he was moving around, uh, part of, I remember hearing as well that I guess after the, after the shot went off that they heard him, uh, he closed the door and then they heard some moving around inside, um, you

know at that point if, if, if uh, uh, you know he was moving around or making noise or yelling out the window, you know, we might not know if maybe he's possibly laying in wait or, or you know like an ambush type situation or whatever like that so we, we would have worked that a little bit differently at that point.

FARRELL: Ok. So for the information you had and the observations of the officers there that had been communicated to you all, this was a pretty standard response to this, uh, situation where you feel that he may be in there injured?

NORTHRUP: Yes.

FARRELL: When you entered the house, do you recall, um, where Mr. Geer was, the decedent?

NORTHRUP: He was laying off to the right like near the, uh, I think that's where the, the stairs where the stairs went up in the room was right there and all that; he was laying right there like to the, to the right kind of right side of the, of the doorway just back inside, inside the doorway.

FARRELL: And you said you observed a bullet on the floor?

NORTHRUP: Yes, uh, ha.

FARRELL: Spent bullet?

NORTHRUP: Yep.

FARRELL: Did you make any other observations about the scene or anything that you saw?

NORTHRUP: Uh, I think there's a lot of blood on the floor that sort of thing but other than that, no. My concern was really the, like I said, we're going in to provide cover so you know if he was alive INAUDIBLE like that they could get him on out.

FARRELL: So your responsibility is just to insure that whoever comes in behind you is safe so that they can take whatever actions necessary?

NORTHRUP: Yes, sir.

FARRELL: For example if, if, uh, Mr. Geer had been alive, you wouldn't, you wouldn't have rendered aid, you would have bypassed him so the next guys could render aid?

NORTHRUP: Yeah cause we're just, we're just stepping past him, um, Jey Phillips was coming in, uh, and Tony. Like I said, they could've, they could've got him in, in, uh, uh, you know pulled him out let the uh, the uh, um, fire personnel, fire rescue personnel like that, you know, come down and then, and then, uh, rec, you know, do their thing.

FARRELL: Is that pretty standard tactic that the initial guys go in just to secure and provide cover.

NORTHRUP: Uh, ha.

FARRELL: And, and the guys that come in after . . .

NORTHRUP: Yeah, if they, if they come in first and, and to treat him and then there's , you know, then there's a problem in between them in the back of the house then they're kind of like in the, in the middle of all that.

FARRELL: Ok. Um, did you observe any weapons?

NORTHRUP: I did not.

FARRELL: And then would you, um, would you personally have generated some sort of after-action report?

NORTHRUP: Um, generally what we'll do is we'll some somebody do an after-action report for it, uh, somebody on the team that was there and what they'll do is they'll take all the information as to, um, what position, uh, you had during that operation, um, what you did during the operation, what weapons you carried during the operation, um, you know what your role in, in the, uh, in the operation was and then that's, that's put into an after-action report.

FARRELL: Chris you have?

FLANAGAN: I just had a couple of things. Um, what you mentioned earlier when you first entered, he appeared deceased to you.

NORTHRUP: Uh, ha.

FLANAGAN: Um, was there any, like what made you think that or was it a specific, um, observations that you saw that lead you to believe he was deceased?

NORTHRUP: Uh, he was just laying there, he wasn't moving, I didn't see his chest move and rise or anything like that. The blood on the, there appeared to be a large amount of blood and it was all, it was like coagulated and all that like it'd been there for a while.

FLANAGAN: Ok.

NORTHRUP: Um, so.

FLANAGAN: But it, as far as your responsibility as a team member, that wasn't your responsibility to confirm that.

NORTHRUP: Yes.

FLANAGAN: Ok.

NORTHRUP: That's correct.

FLANAGAN: And, and on your, and we'll get to the like the team aspect of it in a second, but when you say the team goes in, that team that went in there, are there any medics on your SWAT team that were part of that entry that day?

NORTHRUP: Um, at that moment, no. Uh, Jey had, was trained as an EMT, um, but his, uh, thing had expired.

FLANAGAN: Ok.

NORTHRUP: I believe Paul DeHaven was there but I'm not exactly sure if Paul was, if Paul came up when, when we were making the entry or if Paul was in the HRV.

FLANAGAN: Ok.

NORTHRUP: So that I'm not sure.

FLANAGAN: Um and talking about the HRV and you described it a little bit before, um, are there is the HRV, does it have weapons equipped on it?

NORTHRUP: As far as, I don't understand.

FLANAGAN: Any weapons?

NORTHRUP: Like mounted on it?

FLANAGAN: Yes.

NORTHRUP: No.

FLANAGAN: Ok.

NORTHRUP: No.

FLANAGAN: So is it, um . . .

NORTHRUP: Excuse me.

FLANAGAN And correct me if I'm wrong but strictly for, um, um, defense of the officers that are in it or whether they're using it for cover from the outside or concealment from the outside, cover and concealment, from the inside?

NORTHRUP: Yeah, uh, uh, it has like a hatch on the top where, where an officer could like uh, uh, stand up that the, um, step up through the hatch and then the cover comes up like, it's like a, uh, like an armored shield.

FLANAGAN: Ok.

NORTHRUP: Um, you can shoot from the HRV, um, but there's no weapons that are actually mounted on, on the HRV at all.

FLANAGAN: Ok and so as you're up there and you're up at the door, in this particular situation, what's the difference between, um, your initial approach when you have a shield if you could describe, uh, the functionality of a shield and how well you're protected by that and then verses the actual using the HRV.

NORTHRUP: Ok, originally we're gonna, uh, move up, um, with a shield and, and a ram man, um, come up try and position the shield in front of the door as best you can but you have to kind of stand off the side while the, while whoever's gonna ram to door, you know, rams it. Obviously you can't shield right there in front of the door. We have uh ballistic blankets you can stick on the door and then ram through those, um, but at the time all we had was just a, like a handheld ballistic shield, um, and then with the, uh, as I recall where the door was and the kitchen was right, right next to that there's a kitchen window there. Um, so even though you have a shield, you're still kind of exposed if he was inside and, and was ok. Um, the ram off the HRV extends oh jeez I should know this but probably twice my arm length here.

FLANAGAN: Ok.

NORTHRUP: All right and then it has a big flat plate on the end of it, um, and it hydraulically can be moved up and down, positioned. So by pulling the, the that up there and just pushing against the door, you know, nobody has to actually go and stand in front of the door in order to ram it open.

FLANAGAN: Ok and how big is the shield?

NORTHRUP: Uh, the ballistic shield like two by three I guess on average; two foot by three foot.

FLANAGAN: I mean the shield that you guy approach the door with.

NORTHRUP: Yeah, it would be, it would be about like a regular ballistic shield.

FLANAGAN: OK and it's, it's two foot wide . . .

NORTHRUP: Yeah, maybe, maybe two foot wide . . .

FLANAGAN: By three foot tall?

NORTHRUP: By three foot tall on average.

FLANAGAN: Ok and what sort of rounds does that, um, ballistic shield protect you against or not protect you against?

NORTHRUP: Uh, it'll protect you against hand, handgun rounds.

FLANAGAN: Will it protect you against rifle rounds?

NORTHRUP: No.

FLANAGAN: Ok.

NORTHRUP: Not the one that we had there.

FLANAGAN: Were you aware of what kind of weapons, um, were in that house or accessible?

NORTHRUP: Uh, I had heard, um, uh, uh, the, uh, person inside the house uh claimed to have a handgun and, and some type of long gun but I can't, I don't recall if it was a rifle or a shotgun.

FLANAGAN: Ok and, um, in contrast, what, what does the HRV, if you're inside the HRV, um, what does that protect you from?

NORTHRUP: That'll protect you up to, uh, 50 caliber, uh, ball ammunition . . .

FLANAGAN: Ok.

NORTHRUP: So, um, in any type of, uh, uh, like up to 30, uh, uh, um, 30 aught 6, uh, armor piercing.

FLANAGAN: Ok and 30 aught 6 is a rifle round?

NORTHRUP: Yes, uh, ha.

FLANAGAN: Uh and we talked about you were mentioning team, um, you, you guys are a stand-alone unit your SWAT Team?

NORTHRUP: Yes.

FLANAGAN: As opposed to that is your full-time assignment.

NORTHRUP: Uh, ha.

FLANAGAN: And, um, how often do you guys train?

NORTHRUP: Um, we normally, uh, shooting tactics wise, we normally shoot a couple of times a week, um, and then we do all types of like a shoot house entry training, the shoot house out there at the range. Uh, we do a lot of vehicle take downs, um, um, you know, search warrants, uh, hostage rescue training. Uh, so generally on, um, during the workweek, Tuesdays and Thursdays are our training days, um, Wednesdays and Fridays, Mondays, Wednesdays and Fridays, it depends on who's working, um, those are days if we have training to do we'll, we'll throw training in there as well, um, or they may be days like we're doing, uh, um, you know any type of, uh, like a search warrant or controlled delivery or possibly a VIP protection or, or you know whatever else comes up during the week.

FLANAGAN: And when you train, do you train individually or do you guys train as a team?

NORTHRUP: We train as a team.

FLANAGAN: Ok and, um, the training that you get, is it specialized or is it training that any other police officer may attend?

NORTHRUP: I would say just because of the tactics and, and the weapons that we use, it's more specialized training than normal, normal officer training.

FLANAGAN: Ok and from a efficiency standpoint or, um, or best practices, um, when you guys get to the scene, is there a reason does, does that training as a team and working as a team is that an important concept as to how efficient you can be, um, in a situation like this where you have to use these special weapons or you have to use the HRV as opposed to just, um, you and the next police officer who's on the scene there?

NORTHRUP: Well absolutely I think it has, uh, it has, it's more advantageous working that team in, in specialized training environment than what the normal street officer, uh, receives.

FLANAGAN: Ok and, and how much of that, um, how does that come into play as far as generally speaking when you respond to a scene and, um, you're being briefed, um, waiting for the team members to come; how does that work as opposed to just, um, like getting a couple of police officers when and I'm not talking about an active shooter type situation . . .

NORTHRUP: Uh, ha.

FLANAGAN: But, um, a situation like this where you why is it you wait for other team members to come and you brief with those team members and then you guys, um, you operate as a team?

NORTHRUP: Uh, just because, we, we train with each other so we, we know how, um, other people how, how we're gonna react, I mean, it's a lot of, a lot of the stuff when we do things we can because we've trained in that environment, we, we just kind of we know what we're gonna do and we know what our teammates are gonna do so we don't need a lot of communication or a lot of planning and that sort of thing, um, you know, generally like if we go undercover, we know that, you know, if, if I'm covering here and then somebody else is gonna cover there, you don't have to sit there and, you know, do a lot of talking and a lot of pre-planning and that sort of thing.

FLANAGAN: And the average officer on the street or the detective, they don't have that same training?

NORTHRUP: I'm not sure what they get as far as their in-service training goes, um, but I don't think they get nearly enough as what we do.

FLANAGAN: And I think, um, Detective Farrell kind of touched on this, um, getting to the scene and briefing and getting prepared and having, um, a plan as to how your team is going to operate, that obviously takes some time, um, and that's your normal procedure to, to go and get as much information as you can first and then come up with the plan. Uh, on this particular day and this event, was that any different than what you guys routinely do and I know cases like every event may have a different fact pattern or circumstances but, but generally speaking was there anything different about this day and how you guys responded, planned and executed?

NORTHRUP: Yeah, I think once, once we got on the scene, everybody kind of knew the circumstances of, you know, the situation of what had happened and so we're all pretty much on the same page that we needed to get down there, you know, as soon as we could get enough people to do it safely; get down there and get the door open and try and, and try and make contact with the person inside.

FARRELL: So in some respects this may have even moved quicker than maybe a similar scenario where an officer hadn't shot?

NORTHRUP: Oh, absolutely, absolutely.

FLANAGAN: That was all the questions I had.

FARRELL: Anything, um, that we didn't ask you that you felt we needed to cover or anything else you'd like to add?

NORTHRUP: No, that's pretty much it.

FARRELL: All right. That concludes the interview at 1036 hours.

Date of Interview: March 4, 2014
Typist: Linda Powers

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L.GIFFORD: Yeah, yeah.

CHAMBERS: Yeah, that'll, yeah, that's less work.

L.GIFFORD: It, is right. My daughter in law tried to get me, no.

BOND: I grew up in Maryland so that's all we did.

L.GIFFORD: Ok, and that's where, and that's where she's from too. Yup, yup, yup. That's it. That's all she did.

BOND: Um, your husband tells, tells me that you are uh quite busy during the day.

L.GIFFORD: Oh yes, with my little kids. They were very good today, yup.

BOND: I was just telling him it's amazing how you keep this place with a bunch of kids around.

L.GIFFORD: Well, thank you. Yeah, I do yup, well I'm organized and keep it all together.

BOND: That's very good, that's awesome. Uh, can I get your first name?

L.GIFFORD: Lydia. L-Y-D-I-A. L-Y.

BOND: I'm sorry.

L.GIFFORD: L-Y.

BOND: Uh huh.

L.GIFFORD: D-I-A.

BOND: Ok. All right. And can I get your age and birthdate?

L.GIFFORD: I'm fifty eight.

BOND: Um hm.

L.GIFFORD: [redacted]

BOND: Ok, do you have a cell phone?

L.GIFFORD: No, no we don't have cell phones, we're tough, he's tough.

BOND: All right um, he's telling me you guys were like the original owners of the house?

L.GIFFORD: Hm?

BOND: You guys were the original owners of the house?

L.GIFFORD: Yes, we're the original, matter of fact this weekend we'll be here twenty nine years.

BOND: Is that right?

CHAMBERS: Wow.

BOND: Very good.

L.GIFFORD: In the house, yes, thirty years in Virginia November.

BOND: Oh ok. Where are you guys originally from?

L.GIFFORD: Uh, Pennsylvania.

BOND: Oh ok. What part?

L.GIFFORD: Yeah. Well I'm from a little town called Donora on the other side of Pittsburgh.

BOND: Oh ok.

L.GIFFORD: And he's from the other side and we met in Pittsburgh.

BOND: Oh ok.

L.GIFFORD: Yeah.

BOND: Very good. Um, and uh your neighbors have been here he said probably eighteen, nineteen years something like that?

L.GIFFORD: Yeah, yeah, if he's right with the numbers I mean you know whatever he thinks because I, I'm not thinking of the numbers but yeah they've been here for quite a while.

BOND: Ok and, and he, he was trying to say that you guys obviously knew each other for a long time.

L.GIFFORD: Very.

BOND: But don't necessarily socially hang out together.

L.GIFFORD: No. we.

BOND: But.

L.GIFFORD: Right.

BOND: But talk to each other.

L.GIFFORD: Oh, I talked to John all the time, I mean I'm the one because I'm home.

BOND: Ok.

L.GIFFORD: And when my children are napping I'm outside in back and he comes over all the time and you know if he's outside checking, especially now because he, he was working at a place and they closed for twenty years, after twenty years they closed.

BOND: Uh huh.

L.GIFFORD: At a um, um like a kitchen place?

BOND: Ok.

L.GIFFORD: And, and then he worked from home.

BOND: Ok.

L.GIFFORD: And then um so that's since he's been home. INAUDIBLE

BOND: How long ago, how long has he been working from home?

L.GIFFORD: I think about two years now maybe, two, three years.

BOND: Ok.

L.GIFFORD: Or maybe just two years, yeah.

BOND: Ok.

L.GIFFORD: If it's longer I'm sorry. I didn't keep track of it.

BOND: No, that's all right, I'm just trying to get an idea.

L.GIFFORD: Right.

BOND: As to what's going on.

L.GIFFORD: Right, right.

BOND: Um.

L.GIFFORD: And we would talk, I mean I talked to him today.

BOND: Yeah.

L.GIFFORD: I talked to him today right before.

BOND: What time did you talk to him do you know?

L.GIFFORD: It was like about maybe 1:30, something like that.

BOND: And what were the circumstances of that?

L.GIFFORD: Well, I was sitting in the living room and I looked outside and I saw the girls across the street sitting down and she had her cat and I saw Morgan walk across, the younger one, and I saw that she was crying and I'm thinking, and I know what the situation is there because he even told me about it like uh last week he come over and said you're the only one I'm telling because we're neighbors and you know we're very, we're close.

BOND: Um hm.

L.GIFFORD: And he said.

BOND: And he, he told you last week that they were separating?

L.GIFFORD: Yes, yes. And he says you know this is what, this is our plan and I said, and I questioned him and I said well, like I always do, and I said, and I says well you, you know how's it gonna work? He goes we're going to be together, he said the girls are going to come over and everything, me and Maura's working, you know we're going it out and maybe she's gonna, she's gonna get her own place, I said oh ok and where's the girls going, they're gonna be with mom I says ok that'll be good but you're gonna see them they're gonna be here at the house you know they're gonna come back and forth, left it at that, ok, fine, so today.

BOND: He seemed to be ok with that though?

L.GIFFORD: Very.

BOND: Ok.

L.GIFFORD: Yeah, very much so. Um, hm, he says because I'm, I'm tired of all the junk in the house all the stuff, I know that always bothered him.

BOND: Um hm.

L.GIFFORD: Always.

BOND: I'm sorry it's all the what?

L.GIFFORD: It always bothered him that there was junk in the house, you know like Maura would leave things, you know she's just a pack rat, ok, you know.

BOND: Right. Ok.

L.GIFFORD: And it bothered him.

BOND: Ok.

L.GIFFORD: Severely.

BOND: Um hm.

L.GIFFORD: Sorry but it did, it bothered him a lot.

BOND: Ok. Um hm.

L.GIFFORD: So today when I saw them out there I'm wondering you know, then all of a sudden Haylea and, they both walked across the street and came to my house and like crying, Oh what's wrong, you know, so I thought well, ok, and he, as soon as she said that I didn't hesitate, I walked right over you know I'm like worried about it you know, I know them, and I walked over and the mattress was down the steps already and I said John, he was up on the steps and I said John what are you doing I said you're, you're upsetting your two girls and he goes uh, he like was all of the sudden like just calmed you know just like whew you know just like that and I said so, he goes I know, he just stopped , he went I know he says I apologize for that he says I don't mean to upset them he says and um he says but you know I'm, I'm, what did he say? He says I don't want to upset them he says I'm not going to hurt them or anything he said they're welcome to come back in the house um and I didn't say anything to him about that, and I says well Morgan brought all her stuff over I said so we're just going to, they're just going to hang over here with me.

BOND: Um hm.

L.GIFFORD: And then I think somebody called him, or he was talking to someone on the phone I walked away and then he talked. If I knew all that I would have stayed longer. I would have just stayed, I don't know. And when Maura come I didn't feel that I needed to go over there.

BOND: Um hm.

L.GIFFORD: Or maybe I should of, I don't know.

BOND: No, don't second guess it.

CHAMBERS: No, no.

BOND: Don't get yourself in any type of.

L.GIFFORD: Yeah.

BOND: Problem. Um, so, so when you went over uh there you saw the mattress on the.

L.GIFFORD: Um hm. Yeah.

BOND: Bottom, bottom of the steps.

L.GIFFORD: Right.

BOND: He was at the top of the steps.

L.GIFFORD: Yeah.

BOND: And did you see any firearms or anything like that?

L.GIFFORD: No, I didn't see anything, um hm. And I asked him I says well what are you going to do and he says well I wouldn't throw the kids things out he says but Maura's things, they're all going out the door. And I said ok. You've said that a hundred times during your lifetime and two together.

CHAMBERS: So you've witnessed them in altercations before?

L.GIFFORD: Yeah, um hm INAUDIBLE.

CHAMBERS: Anything physical?

L.GIFFORD: Not to her, I don't know, no, no, no to the walls?

CHAMBERS: Um hm.

L.GIFFORD: To the walls, yeah, he's got a bad temper. The walls, punching

on them.

BOND: Was he just like punching things or throwing things?

L.GIFFORD: Um hm. Yeah, he has a bad, he had a bad temper and he, he, he I mean maybe I'm the only one telling you this but he does you know drink.

BOND: Um hm.

L.GIFFORD: I mean he wasn't drunk today and you know he wasn't INAUDIBLE but he just had cocktails after, especially when he was working out of the house they'd come home and cause when I would talk to Maura and I would say well you know is he drinking and she goes yeah she says when he gets really mad and if he's drinking then that's when he gets all, you know, but today I don't know I don't think he was, he didn't seem like it to me. I think he'd just, he, he just had it, he wanted it to go his way.

BOND: Um hm.

L.GIFFORD: And if it's not his way it's the highway.

BOND: Um hm.

L.GIFFORD: It's the way he is, you know as you see I know pretty well, I do, I mean I feel that I know him pretty well.

BOND: Um hm. Did he say what upset him today though?

L.GIFFORD: Yeah, well I didn't get the story straight but she was supposed to put a down payment on a place and then for some reason, see I didn't get the whole thing, if some reason it didn't go through or something and it was going to be delayed and he thought maybe she was trying to like you know stay and trying to make it work out and he didn't want any part of it I don't think so you know he said no, you're gonna go, he was mad about that and he told me but it just that it, it didn't register you know I wasn't trying to remember everything he said you know not thinking anything but

that's, that's what it was, it was about the place she was going to get. I don't know.

BOND: Ok, so what, he, he actually came over here at, at, at eleven thirty you said?

L.GIFFORD: No, no he never came over here.

BOND: Oh, he never came over here today?

L.GIFFORD: No, I went over there at one thirty, about one thirty it was something like that, yeah.

BOND: Ok. All right.

L.GIFFORD: No, he INAUDIBLE

BOND: You just went over there when you saw the girls sitting across the street?

L.GIFFORD: Right, right.

BOND: I thought you meant he came over here.

L.GIFFORD: Oh, no, no, no, not at all.

BOND: Ok.

L.GIFFORD: Besides that I didn't see him this morning at all.

BOND: Right. And when, and, and he told you what'd you say last week, do you remember what day that was that he told you they were going their separate ways?

L.GIFFORD: Ok, today's Thursday. I mean maybe it was the end of the week.

BOND: Ok.

L.GIFFORD: Yeah, maybe Thursday. I'm trying to think, it wasn't this week, no. It was last week I'm pretty sure it was. Yeah, because it rained Tuesday, I'm trying to think when I was outside yeah, Tues, yeah, yeah, it had to been last week. And I said no, no, no I won't tell anybody, I says you work it out and do, do best for the

children.

BOND: Um hm.

L.GIFFORD: You know, and he says we will, he said they come first, I mean you know when we talked sometimes like he said he's up, he's down, you know we talked about that and he says you know sometimes he says when you know I'm down I'm great, I'm fine, ok? And then when I'm up I'm not and so I mean I don't know.

BOND: Um.

L.GIFFORD: I says you bipolar? I don't know, maybe he was I don't know.

BOND: Um hm.

L.GIFFORD: I don't know.

CHAMBERS: You ever notice the police at the house?

L.GIFFORD: I don't think, I don't remember if they ever had like years ago when they you know argued, they argued after, [redacted]

CHAMBERS: Um hm.

L.GIFFORD: [redacted] I just don't remember.

CHAMBERS: Um hm.

L.GIFFORD: I mean I really don't.

CHAMBERS: Ok.

L.GIFFORD: Or if they did, they did, I don't remember. Like I said he as far as I know he's never touched her cause I've asked her that I mean she's been at my house you know, crying, you know I, I watched her kids. So when she'd come and get them you know she would tell me things and I would say well Maura you know maybe it's

time to get out.

BOND: Um hm.

L.GIFFORD: While the gettin's good. She should have, she should have left him a long time ago and it would have been easy, it would have been parted, it would have been done, friends still, kids are ok, I don't know. And he's, he's tried to help her you know like she didn't, she makes her own good money and he's told me he's tried to help her you know like you know she likes to spend money you know she spends it and that's why she's there because she doesn't have the money to get a place. He says I'll help you, he says you know I'll lend you the money INAUDIBLE you know I'll do this, I'll do that he, he wanted to help her to do all this stuff, it's not like he, he didn't want to, I mean in my opinion he's a good person it's just. I'm sorry.

BOND: Yeah, you know a lot of emotions go into these things and um people don't think right when they are in that situation and.

L.GIFFORD: No, they don't. Well, that's what me and my husband said, they just snap I guess.

BOND: Um hm.

L.GIFFORD: I don't know cause he didn't need to do that, he didn't need to do it, he didn't, he needed to come out and say ok, it's fine.

BOND: Um hm.

L.GIFFORD: He just couldn't talk to them, I don't know.

BOND: Yeah, I don't know I mean the whole cir, situation, that's what we are trying to do here it just figure it out but it's kind of, it sounds like that's kind of how, the way it was it's that.

L.GIFFORD: Right, yeah.

BOND: They wanted him to come out and talk to them and.

L.GIFFORD: No, no, right.

BOND: INAUDIBLE

L.GIFFORD: I don't, in my opinion I think maybe he was afraid that they were going to smack him in jail but they told him no they said we weren't even going to charge you they just wanted you to come out of the house so we can talk. They said.

BOND: How do you know all this, did you hear it on the intercom or something?

L.GIFFORD: Um, how did I hear all that, to come out of the, yeah, uh, yes, I guess I did hear, yeah because who else would you know tell me? I guess I did, yeah, hear that, yeah.

BOND: What did you hear again?

L.GIFFORD: I heared that, that they said just you know just come out of the house, oh, Maura told me.

BOND: Who?

L.GIFFORD: They tried, Maura.

BOND: Oh, ok.

L.GIFFORD: Maura told me that, she says all they want him to do is just come out of the house, she says they don't want to hurt him, they don't even want to charge him, they just want him to come out so we can talk to see, get down to it and see what happened, what's wrong INAUDIBLE

BOND: What did you hear from within the house, could you hear anything?

L.GIFFORD: No, um hm, no.

BOND: Ok. Could you see anything?

L.GIFFORD: No, I couldn't hear, uh uh, nothing. The only thing I saw was the stuff he threw out of the house and I didn't see him even do that.

I was over here with the kids trying to keep them happy.

BOND: Um hm.

L.GIFFORD: You know because Maura INAUDIBLE she was crying and.

BOND: You never looked out the window or anything and saw the police or anything like that?

L.GIFFORD: When they first came.

BOND: When the police first came?

L.GIFFORD: Yeah when they first came.

BOND: Ok.

L.GIFFORD: Yeah. When they first came but by then Maura, Maura was here, I mean Maura was in my house. She was here.

BOND: Ok.

L.GIFFORD: And she, and yeah, and then I never said, I didn't even ask her I said did you call the police, I didn't even ask her that.

BOND: Um hm.

L.GIFFORD: I mean I imagine you know she's the one, I don't know, I guess she did. I guess she figured I'm afraid to go in that house and knowing that he does have, he does have the guns and stuff and.

BOND: Ok, well thank you very much. Anything else you can think of?

CHAMBERS: No.

BOND: Thank you very much for talking to us.

L.GIFFORD: All right.

BOND: And thanks a lot for your hospitality.

L.GIFFORD: All right. If there's anything else let me know.

BOND: Um I'm, I'm sure we'll call you if we do have any other questions.

L.GIFFORD: Ok.

BOND: And really appreciate you being, taking care of those girls.

L.GIFFORD: Oh, no problem. I've watched them since they were babies, I did.

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Transcribed on 9/20/2013

By Karol L.Quinn, Administrative Assistant

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 17, 2013

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Bond: Done. Ok. .. Alright. This is Detective Robert Bond with Fairfax County Police Department. Uhh, we're investigating a police shooting that occurred in the West Springfield District Station today and which is, .. uhh, August 29, 2013, uhmm, down in, uhh, Springfield. Do you remember what the address was down there? Is that ..-..

Hanidias: It's something Pebble Brook.

Bond: Yeah, Pebble Brook Court in Springfield. Uhmm, present during the interview is, uhmm, Lieutenant, uhh, Todd Billeb from Internal Affair Section and Officer .....

Hanidias: Erit Hanidias.

Bond: ..... Hanidias. How do you spell your last name? H-A-N-I-D-I-A-S. Ok. Uhmm, Erit you said?

Hanidias: Erit.

Bond: Ok. Erit, uhmm, what I'm gonna ask you to do is just kinda go over, uhmm, what happened tonight. Kinda basically how – how you got involved.

Hanidias: Ok.

Bond: Uhmm, and we start out with, uhmm, you're – you work at West

Springfield Station, is that right?

Hanidias: I do.

Bond: Ok. And what, uhmm, what – what shift do you work?

Hanidias: Evenings "A" Squad.

Bond: Evenings "A" Squad, ok. So, uhmm, where were you at when the original call came out, do you remember?

Hanidias: I was actually not logged on yet.

Bond: Ok.

Hanidias: Uhmm, I came in a little bit late, because I had my physical today.

Bond: Ok.

Hanidias: When I first ca….., uhh, logged on, I saw there was an alarm on hold, so I had self-dispatched to an alarm. And as I was driving there, that's when I heard Officer Torres get on the radio and say that, uhmm, there was a subject that had – that was threatening to use a gun .. or something to that effect. Uhmm, I was right down the street from my alarm, so I continued in on the alarm. It got cancelled. And then I heard more people going to his incident. I hadn't quite pulled it up yet. Uhmm, by the time I was done with the alarm….. Actually, while I was on the way to the alarm, I saw that he was on a domestic dispute. Uhmm, when I got cleared with the alarm, I started heading towards .. the

location.

Bond: How far is that from .....?

Hanidias: Uhmm, I was off of Hunter Mill Road, and I .... that is off of Pohick Road, so maybe a five ... eight minute drive.

Bond: Ok.

Hanidias: Not to far. Uhmm, but by that point, uhmm, I was basically just going to help out, because I felt like there were a lot of Units already on scene.

Bond: Uh-um.

Hanidias: 'Cause I'd logged on I didn't know how long they had already been on scene for.

Bond: And what – what – what, uhh, Unit were you? What .....?

Hanidias: I was a field unit. I was 970Charlie.

Bond: 970Charlie, ok.

Hanidias: Yes. Uhmm, by the time I had gotten there, K-9 – both K-9 Units were, I parked up at the end of the cul-de-sac, both K-9 Units were .... it was – it was Ku..Kunstel and Riccio that had just pulled on scene along with an Officer ... Quarto who had just pulled on scene. I went with Kyle to the ride side of the roadway and the other K-9 Officer and the other officer went to the left side of the roadway. I followed Kyle to the back. I had heard on my way there that Officer Lingenfelter and Officer Danneman

were going to take up rear position of the house. So I had followed Kyle back there to see if they had needed any other Units ..-..

Bond: Who's – who's Kyle, I'm sorry.

Hanidias: The K-9 Unit.

Bond: Ok.

Hanidias: I'm sorry. Yeah. K-9 Unit. Uhmm, ...

Bond: So, you .. do you walk down the – the front of the houses that ..-..

Hanidias: No, we ..-..

Bond: Around the back?

Hanidias: ..-.. we walked through the back.

Bond: Ok.

Hanidias: Uhmm, at the point when I first hooked up with them, I actually could not see the front of the house or how many units were in the front of the house .....

Bond: Ok.

Hanidias: ..... or what they had going on. Uhmm, Kyle and I cut through the back ... or K-9 and I cut through the back from pretty far aways – away.

Bond: Is that kinda like up there where the cul-de-sac is up at the end of the road?

Hanidias: Yeah. When – when you first ..... Well, there's the cul-de-sac,

.....

Bond: Uh-uh.

Hanidias: ..... I parked right at the entrance of the cul-de-sac. There's a short row of townhomes. There's a break in it.

Bond: Right.

Hanidias: Another row of townhomes. Another break. And that's ... Then there's the, uhmm, the other row of townhomes where the house was at.

Bond: Ok.

Hanidias: So, Kyle and I made ... Uhh, K-9 and I had made entrance back here. We hocked up with ... Lingenfelter and Danneman, uhh, closer to the row of townhouses with – where the house, you know, that we were headed to was. And, uhmm, ... K-9 had said, "Hey, I only need two people with me." Uhh, so I backtracked my way. Went back. Found Lieutenant Joca and Lieutenant Fish, who were standing in the middle of the roadway, uhh, ... you know .. a row of houses away from the target-house. So, if this was the target-house, they were over here with a line-of-sight through it. Uhh, Lieutenant Jocca had told me to hold off for one second, 'cause they were, ... I believe they were about .... One Unit in the house and three in front of the house. So, I waited with Lieutenant Joca and Lieutenant Fish for a minute or two.

And one of them had pointed out that there was this row of townhomes and another row here, with a break in between, there was a person on their cell phone fitting in this, uhh, house that's outside. They told me to go to that house and tell that person to go back inside their home, and at the same time Lieutenant Fish had said that there might be children in the house that might need to be escorted out. So he said, after I told them to ... that person to go inside the home, wait in that area in case they needed me to help get their children away from the home.

Bond: Uh-um.

Hanidias: So, I made my way around. Told that person to get in.

Bond: And this is ..... if you're looking at the target house, it's – it's to the left of that?

Hanidias: Correct.

Bond: Ok.

Hanidias: Correct. So, I had told that person to go in, and I'm waiting here. I see ..... Officer Rodney Barnes and Officer Torres like on the lawn in front of the target-home. And I saw Officer ... Parker in the street, behind like a parked car, using it for cover.

Bond: Ok. So, that – those two were to the right of the front door and they were in the parking lot behind a car.

Hanidias: Officer Parker was behind a parked car, ...

Bond: Uh-um.

Hanidias: ..... and the other two were on the lawn directly in front of the home.

Bond: And that was who? On the lawn.

Hanidias: Torres and Barnes.

Bond: Ok.

Hanidias: Ok.

Bond: But they – they take any cover right there?

Hanidias: Uhmm, ... I just kinda got a snapshot ... view, ..-..

Bond: Ok.

Hanidias: ..-.. because I was focused on my task at hand.

Bond: Uh-uhm.

Hanidias: So, I don't – I know there was a tree there and I remember seeing a ... shield laying there, uhmm, but I don't know exactly where the two were situated. They were kinda in front, but I don't know if they had barriers in between them or not. Uhmm, and when – where I was standing, I felt as if they had sufficient coverage to the front home. So, this was the townhome, right here, I stood kind of in a middle where I had – I had to peek out in order to be able to see, but basically just standing straight up and down my vision was blocked by the side of the townhouse. Uhmm, and I remember seeing another citizen coming out of

their home … and I told them to go back inside their home. And then I saw Officer Neil, who was inside of the home, ….. two homes down. When he was talking to I believe the complainant along … in the same house with the children. I saw Officer Neil exit out of the home and got – walk towards I believe, uhh, Lieutenant Fish and Lieutenant … Joca. And as I was standing there I heard a, uhmm, I heard a loud – I heard a loud bang. When I peeked ..-..

Bond: Where – where were you at now when ..-..

Hanidias: I was still ..-..

Bond: ..-.. you heard the bang?

Hanidias: ..-.. in between the – the break of the townhomes.

Bond: Ok.

Hanidias: Uhmm, …….

Bond: And this is the break of the townhomes on the – on the row of the townhomes that the target-house is on?

Hanidias: That the target-house is on.

Bond: So, to the left the target-house has a break at some point and then ..-..

Hanidias: Right, ..-..

Bond: ..-.. **INAUDIBLE**.

Hanidias: ..-.. it's like two houses down, then there's a break, and then

there's the house that I went to go address the citizen ..-..

Bond: Ok.

Hanidias: ..-.. sitting outside.

Bond: Ok. .. So, you're in the – in the break area or were you inside?

Hanidias: Correct.

Bond: Ok.

Hanidias: I was in the break area.

Bond: Ok. You hear a shot.

Hanidias: I hear a – I hear a loud bang. I thought it was a shot.

Bond: Uh-uh.

Hanidias: Uhmm, I don't know who or what or how it took place. When I peered around the corner, I see Officer Parker make, uhmm, moving from his point of cover towards me and I move up to Officer Torres. I think there still a house in between us – between Officer Torres and us, and I said to Officer Torres, I said, uhmm, "Did you see what happened?" 'Cause I don't know – I didn't have any visual on where they were or what part of talking they were in.

Bond: Right.

Hanidias: Uhmm, so I said, "Did you see what happened?" And he says, "Yeah, I shot him." And .. then Officer Parker, he had the rifle, so he got in front of me and I saw Officer Torres and Rodney go like

next to the door, and I hear one of the say, uhmm, "You know he – he went back in the house and shut the door and – on him." So, Officer, uhmm, Parker and I backed up a little bit and got into … I mean, it wasn't very much cover, but it was, you know, still had a little bit of building there, so we kinda positioned our way, uhmm, so that we could react and – and still have a little bit of cover. And ….. And then at one point Lieutenant ….. Or af…. at that point Lieutenant Joca or Lieutenant Fish, one of the two, asked for the wife to be taken out of the house from the back of the house. So I went around the building …. to the back, got the wife, escorted her around to the side, she was met by K-9, and K-9 walked her all the way back to the, uhmm, Command Post. And I went back around to the front of the house and I saw that Officer Parker took Officer Torres' position and Officer Torres went to the Command Post and Officer Quarto took Officer Par…Parker's position. So I stayed with … Officer Quarto. And then, at that point, uhmm, ….. Officer Neil brought his vehicle around, got on the PA-system, uhmm, to ……. voice to the person inside to come out. We have an ambulance. We're here to help you. Things of that nature. And then, at that point, uhmm, we did … Rodney said he heard a little bit of movement inside, uhmm, but not … I – I don't think he said anything specific. I

didn't see any – any movement. Then the .. negotiator came out and he got on the PA for a little while. And then, that's when TAC came and they motioned for us to leave the area.

Bond: Ok, did you ... The radio traffic that ... while you were there, was there any point that anybody said something about seeing a gun or anything like that?

Hanidias: Uhmm, on my way there, ... I don't remember exactly which point I heard it and or how I heard it or where I was that I heard it, I remember on my way there he said couple of times that the person ha... says that he has a gun and threatens to use it against us. And also, at another point, he said that he wants to have a – he wants to commit suicide by cop.

Bond: And who is relaying that information?

Hanidias: I remember hearing Officer Torres saying it.

Bond: Torres.

Hanidias: I remember him saying that a couple of times. And I believe even Officer Neil might've said it. .. Might've confirmed it or – or said it all as well.

Bond: And Officer Neil is the one who's speaking to the girlfriend or whatever?

Hanidias: Correct.

Bond: Ok.

Hanidias: And …… And at one point I remember, uhmm, I believe it was Officer Torres who said that he had a .. two handguns, a shotgun and a semi-automatic rifle .. in the house, or that was what he said he had.

Bond: Uh-um.

Hanidias: And that was over the radio. Uhmm, …….

Bond: Did Torres tell you that, uhh, when you asked him, "Did you see what happened," did he say .. anything else then – other then, "I shot him." Did he say that, …. you know, whatever? Did he say ..-..

Hanidias: No, I ..-..

Bond: ..-.. anything?

Hanidias: ..-.. I did not. He did not.

Bond: Ok. Uhmm, was, uhh, Officer Torres dressed in just regular uniform just like you are?

Hanidias: He did. He had full uniform on.

Bond: Full uniform? Ok. Uhmm, could you hear any conversation that was going on, uhh, between Torres or any of the officers or upfront .. between them and, uhh, the – the person inside the house?

Hanidias: I could not hear anything. .. No.

Bond: I me…. Not even … You couldn't hear any voi…. You couldn't

hear any voices. You couldn't hear anything.

Hanidias: I – I – I couldn't hear anything ..-..

Bond: Ok.

Hanidias: ..-.. from where I was.

Bond: How far where from, you think, from where they actually were?

Hanidias: I think I was about two houses away.

Bond: Two houses. Ok.

Hanidias: Two ..-..

Bond: But ..-..

Hanidias: ..-.. townhomes houses.

Bond: ..-.. But I thought you were like, uhh, there was a break ..-..

Hanidias: Right. Uhmm, I think – I – I think there's the target-house ..-..

Bond: Yeah.

Hanidias: ..-.. and then two .. two or three townhomes and then the break.

Bond: And then the break. Ok.

Hanidias: And I was in that break area.

Bond: Ok. And how long where you in that break area do you think?

Hanidias: Several minutes. Enough time for me to tell that person to go inside, another person to come out, for me to tell them to go inside, see Officer Neil come out. Uhmm, ...

Bond: But at no point did you hear any conversation going on between the officers upfront and the – and the guy inside the house?

Hanidias: Not that I remember.

Bond: Ok.

Hanidias: No.

Bond: Alright.

Hanidias: Uhmm, I don't – I don' t know if it was a matter of .... I don't know if it was a matter of that I was too far away from them ..-..

Bond: Uh-um.

Hanidias: ..-.. or I was just focused on my task at hand of this is what I'm waiting for, ...

Bond: Right.

Hanidias: ..... uhmm, but I don't remember hearing anything.

Bond: Ok. ... And just, uhmm, make sure I'm clear, when you went originally up there with the K-9 you went down the – the row of townhouses on the right of the house?

Hanidias: Correct.

Bond: And then the K-9 officer said he only needed one officer, ..-..

Hanidias: He needed two officers.

Bond: ..-.. two officers.

Hanidias: Right.

Bond: So, then you went back and then you worked your way around the other side.

Hanidias: Actually I went just down the middle.

Bond: Ok.

Hanidias: I went just down the middle to ..-..

Bond: Across the street … in the middle, is that what you mean?

Hanidias: Right. In the middle of the street, ..-..

Bond: Alright.

Hanidias: ..-.. uhmm, to meet with the Lieutenants.

Bond: Lieutenants. Right. … And how far where the Lieutenants you think back from the house? Were they like halfway up the cul-de-sac or …….?

Hanidias: Uhmm, …….. can I draw a little diagram, maybe?

Bond: Sure. …….. Actually, use this, because he's, uhh, taking notes. ……..

Hanidias: So, if this was the target-home, …….

Bond: Uh-uh.

Hanidias: ……. there was a break and that's where I was standing.

Bond: Ok.

Hanidias: And in the middle .. there's like a …. Island with trees.

Bond: Uh-uh.

Hanidias: There's a row of townhouses here.

Bond: Right.

Hanidias: And there's another – I believe another row of townhouses here.

Bond: Uh-um.

Hanidias: And one final row of townhouses here. And this is where the cul-de-sac .....

Bond: Right.

Hanidias: .... opens. .. This is where I parked. This is where I first ... And K-9 I believe parked like around here.

Bond: Right.

Hanidias: This is where we first entered in ...

Bond: Right.

Hanidias: ... and walked back. And Lieutenant had his vehicle around here. And there was like some other, uhmm, like truck parked somewhere around here.

Bond: Now, can you put like LT or something like that, so I just know what you got there? .... Ok.

Hanidias: Ok. Uhmm, this is kinda where they were. And there's a row of cruisers here.

Bond: Ok.

Hanidias: And this is where everyone else was.

Bond: Ok. And you were in this area .. in this cut ..-..

Hanidias: I was here.

Bond: ..-.. cut through at the time of the – the loud noise what you think ..-..

Hanidias: Correct.

Bond: ..-.. was the shot. ... And did you only hear one shot?

Hanidias: I only heard one shot. I only heard one bang.

Bond: Ok.

Hanidias: Ok. So, when he told me to go .... And the person that was on their phone was here.

Bond: Uh-um.

Hanidias: So, when he told me to go and have them go inside, I went around this way .....

Bond: Gotcha.

Hanidias: ..... to address them. And I just stood ... in the break.

Bond: Alright. And just kinda do - do me a favor, just kinda, uhh, I just draw a line around here showing which .. way you went. ... Here you go. .. Ok. Uhmm, ... I think that's about it. ..... Pretty straight forward. ..... Ok. Anything else that I haven't asked that you think might be important? .....

Hanidias: Uhmm, ...

Bond: How long have you been on the Police Department?

Hanidias: Eight years.

Bond: Ok. And this is the first shooting you've been involved in, right?

Hanidias: Yes.

Bond: Ok. ..... And in ..-..

Hanidias: I remember him saying on the ra..... Uhh, going back to what you

asked about radio traffic .....

Bond: Uh-uh.

Hanidias: .... and about the gun, I – I remember him saying ... something about, uhmm, ... I remember him saying, "He says he has a gun." And I think – I think Officer Neil was the one who said, "He took some object out, put it on the floor. He may have put the gun on the floor. He may have still had it on him. We don't know. I – I think everyone ..... Uhmm, I think it was just .... We didn't .... I didn't really know .. where the gun was. Uhmm, I .. At one point they said that it was in his waistband, but he might've taken it out, but no one actually saw him take it out. So, it might be still in his waistband.

Bond: Ok.

Hanidias: So, I do remember hearing something like that, where it was, uhmm, ... he – he said he had it, it could still be there, kinda – kinda .....

Bond: But it was pretty – pretty clear that this guy was ... had a – had some access to a weapon?

Hanidias: Right.

Bond: Right.

Hanidias: Right. It was said over and over again, that he had multiple guns in the home.

Bond: Ok. .... Uhh, I think that's about it. If you ... Can you think of anything else? You have any questions for me?

Hanidias: No.

Bond: Ok. Pretty – pretty straight forward. Ok. Well, thank you very much and this concludes the, uhh, interview and it is now 9:54 pm. Thank you.

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Transcribed on 09/17/2013

By Annemarie Carr, Administrative Assistant

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Q: **Detective Bibeault**: I don't want to give you bad information but that, that would definitely all come out.

A: Ok I mean I'm not. I was just curious.

Q: Sure.

A: I mean I thought they hit him like low left side cause I watched him grab here and I heard another officer saying they hit him center mass, but I guess center mass is basically anything from the belt to the neck or I mean I know they're aiming for the vital area but I just didn't know. I was kind of hoping he'd make it, but…

Q: **Detective Bibeault**: What's your relationship to the people here. I know you live in Chantilly.

A: I used to, I used to live across the cul-de-sac from him and we'd been friends for twenty-eight years. And I actually talked to him this morning and we were gonna go golfing.

Q: What's his name? Because I don't (inaudible).

A: John Geer. G-e-e-r.

Q: And you've known him for twenty-eight years?

A: Yea give or take.

Q: And you spoke to him this morning?

A: I spoke to him several times. Right up until the point where the police were coming.

Q: Spoke in person? Or phone? Or...?

A: I spoke to him on the phone and then I spoke to him from a distance when the police were talking to him at the front door.

Q: Alright. Just so it's clear cause you don't live here anymore, how did you end up down here today?

A: I knew this whole thing was going down

Q: Okay.

A: And

Q: I, I, cause I don't know that. I just

A: I mean do you want me to tell you...

Q: Yea.

A: the story? Or do you want to ask me questions?

Q: Go ahead and tell me the story.

A: I mean I don't want to jump in on your job.

Q: It'll probably be easier because if you just tell me the story cause

A: Let me tell you what happened and then if you have questions about that

Q: Sure.

A: You can make notes as you go. He called me we've been in touch last we're in touch, we're good friends. Um talked to him this morning and said what are you doing today? I said do you want to go down and hit

some golf balls? He said yea no problem. And then I called him back at one o'clock and I said hey John you know what are you doing the next hour? He goes let me call you back. So he called me back a little bit later maybe two o'clock and said I can't you know I'm not gonna be able to do it today. I was like why what's going on? He goes well there's just a bunch of shit going down and I threw Maura's stuff in the front yard. And I said why'd you throw her stuff in the front yard? He said -

Q: Who's Maura?

A: Maura's his girlfriend and their two daughters who are a couple doors down right now.

Q: And so his two daughters, they're -

A: They're here.

Q: Are theirs together? They're John and Maura's?

A: Yes, they're both their kids. They're not married; they're just common law marriage, whatever you want to call it. They've been together for a long time.

Q: Sure.

A: Um I talked to him on the phone, I said you want my opinion? He said sure, I said you know – I tried to get him to just be peaceful about the whole thing. I wasn't even getting into the police situation yet. I was like look; you have two daughters involved here. Put their stuff back in the house. I'll come over, we don't need to golf. I'll come over; I'll help you

move everything back in the house. You know just end it on a good note. Let Maura get out of there when she can. And he goes let me think about that for five minutes. And five minutes went by and I texted him, I said five minutes is up, you know your kids need a place to sleep tonight. What's the plan? Then he called me and he said well you know we're kind of beyond that now. The police are here. And I said John; this doesn't need to be resolved with the police. You know I was like just go out and tell them everything's fine and you'll put their stuff in the house or let Maura go to your parents. Whatever, you know this is the typical talk trying to get him to calm down. And he said well he goes the police are here and if they come in the house I'm gonna shoot them. And I said John; I was like they have the right to come in your house. I was like because Maura lives there, so if she invites them in you know you just can't shoot at police officers. He goes well then the next time you you know hear about me, I might have a bullet in my chest. Kind of ironic in hindsight, but I said John – he's, he's hot headed. I mean he's always been hot headed. But I just didn't picture this you know to be his ending. And I'm just like John; it doesn't have to be like that, you know just chill out, calm down. I'm heading over there. I was like you know don't hate me, but I'll take Maura's stuff and put it in the U-Haul trailer that I have and we'll you know get it over to your dad's and we'll get her out of the house and you can just chill out a little bit. And he's like well if the police

come in I'm shooting them. It's like John just don't get any guns out, don't do anything. So then I called Maura right away and she was crying and she was saying John was walking around with a gun in his hand. So then I called his dad who is the guy, the older guy over there that was standing with me and I said Don, you need to get over to John and Maura's house now. You know he's flipping out a little bit, you know see if you can calm things down. I said I'm heading there but I'm still ten minutes out. And by the time I -

Q: You're coming from Chantilly?

A: I was actually out in Manassas at my office. So when Maura finally called me she called me back, I was about half way here and she said Jeff how far away are you? The police are here, they've got their guns out, John's at the door. I said I'll get there as quick as I can and I got here and I pulled – I mean that's my truck, that's my Tundra and U-Haul down at the end of the street. You might have saw it double parked down there. So I was sitting right there watching them at the front door and I tried to talk to him a little bit. He you know basically wouldn't talk to me, he told me to shut up, he wasn't coming out. There was a couple officers standing in the front yard. They both had guns drawn. Probably at about fifteen feet you know talking to him. Um obviously the distance I was at I couldn't hear what was being said. Um he was standing in the doorway with his hands on top of the storm door. The storm door was part way open so

he was kind of like swinging on it. He had his hands on top of the storm door. The main door was partially closed behind him. He was standing there talking to them for about fifteen minutes, and I was sitting there watching him and he just slowly started sliding his hands down the, the screen door. Then when his hands got about halfway down the door they fired you know one shot. He grabbed himself with his right hand, turned, you know I thought he yelled, heard him yell oh shit or something and he grabbed his it looked like I thought they hit him right here, but he grabbed here, turned and spun and closed the door with his left hand as he was running in. And they all backed off and backed, you know backed up and then they kind of moved us out of the way and up the street.

Q: And then all the SWAT people come there and

A: Then SWAT there and I see the robot going down and I mean I was trying to tell his dad this can only end you know the best thing that we can hope for is they go in there and he's unconscious from blood loss and they can get him in the.

Q: Yank him out.

A: In the, maybe get him in, get him some help. I was like worst case scenario, if they have to go in there the mere fact he's been shot and hasn't come out yet or given up, tells me that if they have to go in there and he's lucid, you know they may end up having to kill him anyway. And I just don't I can't even wrap my whole head around it.

Q: Yea pretty surreal.

A: Yea I mean, I mean I hunt, I shoot deer, I do all that, you know it's not it's just the whole like I said it is surreal.

Q: Plus you've known him; you've known him almost thirty years.

A: Yea I mean I've known and I mean he's a hot head. I mean he can't

Q: He was gonna go golfing.

A: Yea this morning we were going golfing. I mean he's a hot head, he, he's very reactive. And what happened today that set him off, I guess they had you know he goes, cause he told me on the phone he's like look I've been trying to tell you, you know I was gonna try and you know when we went golfing or fishing I was gonna try and tell you know this was all going down with Maura. Which isn't a big shock to anybody that knows them. You know they've had verbal abuse for years. I don't think it's ever resulted in physical abuse, but he drinks; gets verbally abusive with her and just does irrational things sometimes. But

Q: Have they been together a long time?

A: Long time. As long as I've known him.

Q: Oh so a really long time.

A: Yea, yea, a really long time. They've been living there I mean if there's common law, I don't even know if there's common law marriage in Virginia.

Q: Not in Virginia.

A: But if there is, they're married. Yea and um he called me and he said look, he said you know Maura's been you know we've been talking about her moving out for like a month and I was cool with that. He said but she told me you know that she was gonna sign a lease with somebody and I, and I, you know we agreed to talk before she signed a lease. I don't know what he was gonna talk about. I mean this is like I said, this has been coming down the road for a long time. There was no saving this. But you know she just said that he was finally decided you know she said I talked to her a couple times and she was just saying look you know he finally admitted this has all been his fault and he's wrong and that's stuff that doesn't come out of John's mouth. Which when he was saying it to me on the phone today that's when I got worried. You know he's like look I was like John be the bigger man, let's put the stuff back in the house. He was like that's the problem, I haven't been the bigger man, you know this has been all my fault. And that John never says anything's his fault. He's right about everything. That type of mentality. He's kind of one of those friends like okay to have a beer with but you really don't want to get in too deep of discussions with, ha, ha. But um apparently you know between the time we were supposed to go golfing and this all starting, he said I just found out about forty-five minutes ago Maura signed a lease. And she didn't talk to me first like we agreed. He goes so I threw all her shit out in the front yard. And I was like John you have

two kids. You know I said I really don't care what goes on between you and Maura, I was like if it was just between you and Maura.

Q: So is he describing it like around one o'clock is when he finds out?

A: Yea.

Q: Cause at one o'clock you guys kind of talking he says there's some shit going on or it could be like

A: Shit going on, I've got a bunch of stuff on my plate, I'm throwing more stuff in the front yard. I just found out forty-five minutes ago that she signed a lease with somebody. And, and it's no it certainly isn't a valid reason for all this and it's certainly not a valid reason to die. And I have my own thoughts on his frame of mind, but I just think he.

Q: What kind of stuff does he do like for a job?

A: Kitchen designer. He was, he was with a kitchen company Coyle & Associates over in.

Q: Is, is he okay financially?

A: I don't know how it's been lately cause that company that he was working for closed probably maybe a year ago. And he's been doing it on his own. And he just told me the other day business was great, but that means nothing.

Q: I was just wondering if the lease, you know there was a financial.

A: Well he owns the home. He owns his home, his parent's they're well off, you know at least comfortable. Live in Fairfax Station. He's had some

run-ins; you know falling out lately with his parents. He's an only child, but he's had some falling outs with his mom. I guess they removed him from the will and you know kind of put it in his daughter's name. And there's been some things that have really crushed him I think. And then I-

Q: Is that fairly recently? Or...?

A: And again that's just what Maura told me. I.

Q: You don't, you don't.

A: I don't know facts. I don't know facts. So don't go to you know John's dad and say why'd you take him out of the will? But I don't know what was done. I mentioned something to Don about that. I mean I, him and I are close friends too. A matter of fact his dad and my dad and John, we go golfing once a year on Father's Day and that type of thing. So I mean I'm close with his parents too, but he's just you know his mom's had lung cancer, he hasn't you know I've had some run-ins with John lately about not getting over to see his mom because he's basically at odds with her. You know and then he'd just yell at me about that, so again you kind of just kept your mouth shut. So he's had a lot of things happening lately that I think just kind of brought it all to this. But he is a smart guy. I just can't grasp the whole getting to that point. Like you said surreal, I just don't know....

Q: How'd he make that decision at that time.

A: Yea, how'd he make that decision that this is the day I'm gonna end my life over this?

Q: I'm glad it's never gotten that way for me. You know…

A: Yea I mean I was just telling his dad, it's like you know I'm pissed at John cause he's got two kids.

Q: That now don't have a dad.

A: Yea, I mean that just to me, it's cowardice and.

Q: They were in there when it happened right?

A: No, no, they.

Q: They had gotten them out?

A: They had gotten them out. Well they weren't I think the daughters were home. Maura, if I'm guessing just being it's a weekday, summer break, kids were probably home. Maura was probably at the office. John flipped out, started throwing all their stuff in the front yard. And you know he I said John, just chill out for your kids. He's like oh my kids have already seen me be uglier than they've ever seen me you know today. I was like well you still have to end it like this. You know it's not too late to undo it. Let's just put the stuff in the house and let them get out. You know as soon as they can get out. And he's like well and then he called me back and said I think it's beyond that now. The police are here. And then halfway here again Maura calls me and says hurry up; you know the police have their guns out. John's at the front door, he's not coming out

of the house. And my initial thought I mean I didn't know he had made threats to officers, cause my initial thought to the one officer, is like look based on everything he's told me today, he doesn't want the police coming in his house. You know why don't we just get her stuff, move it out of here, go away, come back tomorrow when he's sober and calmed down -

Q: Right.

A: And talk to him, and the one officer said well we're already beyond that because he threatened you know two side-by-side police officers. It's like....I don't know it's just...

Q: But one officer seemed to have the plan of get her stuff out of here and get her out of here and come back tomorrow?

A: I don't think, I don't know, no, that was my idea.

Q: Oh your idea, okay.

A: And honestly I got it off of watching Alaska State Troopers, cause they got called to a scene where a guy was flipping out and he was threatening to kill the police if they came in and he was ah you know an army sharp shooter and they got there and decided it wasn't worth confronting the guy, that he hadn't broken any laws to this point. Let's just go away, you know and we'll contact the guy tomorrow rather than turning this into a situation. That was the first thing that came to my mind, I just mentioned to some of the officers. Like I said look, I don't

want to tell you guys how to do your job, but he told me on the phone he's shooting the police officers if they come in his house. I was like I don't know what he's done, but why don't you just like let her take her stuff out of the yard, he'll go in, close the door, and I guess their thought was well then if he goes in and hurts himself, you know kills himself, where does that leave them? I don't know. Again I don't know the parameters of what's supposed to be done or what's not supposed to be done. But at the time it just seemed like it could have been diffused and but I don't know, the other part of me tells me I think he had this in his mind like the whole time. You know it's time for me to go; I can't do it myself, maybe if the police shoot me.

Q: It does happen.

A: Yea I know. Suicide by police. And I just think it's I don't know, either way it's cowardice whether you do it yourself or have somebody else do it for you. It's just you have two daughters that love you despite your differences with your mother. What a mess.

Q: Yea this didn't make it any better.

A: No. But anyways, is there any questions I can answer for you?

Q: Um.

A: You know that I haven't told you. That's pretty much the story.

Q: Just catching up on the notes. Okay, can you describe to me again your there at the house, there's two officers?

A: There was four officers at the front of the house.

Q: Four uniformed officers?

A: Four uniformed officers at the front of the house. I was basically right where the cul-de-sac turns left.

Q: I actually, I don't know that.

A: If you go down this street there's a loop with an island in the middle.

Q: Okay.

A: I was at the top end of the loop, basically and his house is straight ahead. So basically we were standing there looking at him at the front door. Probably at eighty yards. Eighty to a hundred yards maybe max.

Q: And there's four uniformed officers?

A: Two uniformed officers in the front yard, one to the left up closer to the house, one out in the center yard right behind the tree, one behind one of the vans right in front of the house, and one behind one of the vans to the right side of the house.

Q: I think I got that mixed up. You said there was two in the front?

A: Two front yard.

Q: One in the.

A: Two behind cars.

Q: Okay. So two are in the front yard, and are any of those behind the van or anything? Or no?

A: No. They're standing in the front yard, guns drawn, just talking to him.

Q: **2LT Tonny Kim**: Do me a favor, can you just draw it? If that's the house.

A: That's the house, I was here, the house is basically right there. Well let's say this is his house. We'll call this the front door and the sidewalk. There's a tree right here. You've got an officer here, you've got an officer here, there was a van parked here with an officer here. There was a van parked here with an officer up against that van. And he was at the front door. Is that clear?

Q: Very good.

A: I'm assuming one of the officers in the front yard shot him. If I had to guess I would say it was probably the one by the tree since he had the most direct line of fire.

Q: **Det. Bibeault:** You're not sure which officer shot then?

A: I don't know. I heard , I mean, I watched the whole thing happen but I didn't see any I didn't see any muzzle flash or gun or smoke or.

Q: How many shots do you hear?

A: One shot. There was only one, unless they shot simultaneously. There was only one shot.

Q: And he's at the front door with his hands on top of the storm door?

A: Hands are on top of the storm door, I don't know if that's because he was told to put his hands up or whether that's he was just in a relaxed position. But he was talking there.

Q: So the front door's open and then he's.

A: The storm door's partially open cause his hands are on top of it.

Q: And he's on the inside of it.

A: He's on the inside of it with his hands on top of the door talking to them.

Q: And the front door is open?

A: The front door is partially.

Q: Can you see in the house?

A: No. The front door is partially closed behind him. Like half closed behind him.

Q: Could you hear anything that they were saying to him?

A: I heard nothing. You know seconds before the shot I didn't hear any like commands, you know stop, I didn't hear any yelling.

Q: Could you hear anything though?

A: No.

Q: Even conversation that you couldn't make out? Could you hear their conversation?

A: Couldn't hear conversation. If there had been yelling you would have been able to hear it from our distance but I heard nothing. I just, I just saw what happened. They were they were talking. I mean you could see that there was words coming out and you could.

Q: But you just couldn't hear them.

A: You could slightly hear you know voices, but you weren't making out

anything that was being said.

Q: Um from the time you get here, how long is it that you get here when you get here are the police already here?

A: When I get here there's police cruisers on the street here, they've got the, they've got the cul-de-sac where I showed you where I was standing blocked right there. Um they've got a cruiser down further closer to his house and the four officers are already you know there's officers around the side of the house, probably officers out back I'm assuming. And there's officers everywhere, but the, the four with guns drawn that I saw were standing at the front of the house.

Q: And so you go up to them, did you tell them who you are?

A: I stayed back. I they stopped me.

Q: You didn't have conversation with them before.

A: I didn't have any conversation with the officers in the front. When I got here there were already officers blocking the cul-de-sac right there and we stopped there and I got out and I said you know can I go up and talk to him? And they said you can try to talk to him from here, but you know we really can't have you up there. I said well I'd like to think that we're not gonna go from you know talking about golfing to him shooting me. It's like let me just go ahead and talk to him. No you, you can talk from here. So I just yelled to him. At least obviously they didn't want me going down and getting hurt, but I just yelled to him. I said John, you

know what are you doing man? This is you know not the way to end this. You know let's just resolve this. Come on out. Talk to the officers. And he said just go away Jeff; I'm not coming out, shut up. And then the officer told me to be quiet at that point.

Q: And then you see him with his hands up on the storm door.

A: Correct.

Q: The four officers are out there guns drawn. Some are behind the van; some are in the other spots that you showed us.

A: Two in the yard, two behind the car.

Q: When you see Jeff can you see anything in his hands?

A: Jeff's me, I'm still alive.

Q: Okay John, sorry.

A: John is the one, ha, ah nothing was he had nothing in his hands. I saw his hands come down the screen. You could see the insides of his hands. I'm not gonna make a lot of assumptions about what he I mean I did tell the officers he had guns in the house. You know he owns a 357, he owns a 9 millimeter; he owns a couple long guns. You know Maura called me and said he was walking around with a gun in his hand, so she probably mentioned that to the officers. There was certainly room; you know just cause for alarm.

Q: He owns a 357? Ah.

A: 9 millimeter.

Q: And long guns?

A: And at least one shotgun. And I don't know what else he's bought since then. I haven't been shooting with him in a while. We occasionally go.

Q: That's what you know he has?

A: Yea I know he has those. And I called him on the way over here and I just said John just put the gun down, you don't need you don't have to involve guns here. Just resolve this, get on with our day and we'll go golfing. We're beyond that now, good bye.

Q: And his hands are coming down?

A: His hands were on top and as they're talking, like I said I didn't hear anything get like loud or anything. He just almost like he was like getting tired of holding his hands up there and he just started sliding his hands down the door and when they got to about right here they fired.

Q: Where'd they get to about?

A: They were like right here still on the door.

Q: Chestish level?

A: Yea, maybe about chest high. It got to about right here and pow and he ducked, you know curled and ducked. He put his right hand over and as he was running, as he spun around he pulled the door shut with his left hand.

Q: And he shuts the entrance door?

A: Yes, as he spun he just kind of I don't know that it shut the whole way. I

don't think it shut the whole way and then I didn't see whether he tried to come back and shut it the whole way. I don't know how quickly he expired after he was shot, but he just kind of spun and as he was running he yelled "shit" then he ducked, kind of hunched over, grabbed his side and as he was spinning just kind of pulled the door shut with his left hand as he ran. And then they said they were still hearing noises in the house.

Q: You can..

A: Ah that's fine. I just want to tilt it up so it's not blowing right on my head.

Q: (Inaudible) just turn that thing (inaudible). You say John drinks?

A: Yes.

Q: Like how often?

A: Daily when available.

Q: What's his drink of choice?

A: Captain Morgan and coke. But I think recently he's even been drinking like scotch straight. I tried to talk to him about that too, but that wasn't he was a functioning alcoholic in my opinion. And when he drank he got more belligerent, more reactive to situations that occur. This has been going on for; I think it's been going on for years.

Q: Did he ah take any drugs that you know?

A: Not any time recently.

Q: What's recently? Like…

A: Within years. I mean when I used to live here twenty years ago there

was occasionally a little pot here and there, but.

Q: Nothing more than that?

A: No. He and I haven't even that's even been out of the picture for probably a decade or more.

Q: So a long time.

A: Yea it was when we were you know when I moved in here I was twenty-two years old or twenty-three years old. My life evolved a little bit, so did his, and.

Q: So does everybody's.

A: Yea I just sent my, just sent my boy to college last Thursday so.

Q: Where'd he go.

A: Certain things don't have a place in my life anymore.

Q: Yea.

A: But -

Q: Where'd you send him off to?

A: Virginia Tech.

Q: Nice. Yea your life changes.

A: I went to the University of Florida so certain things down there were kind of hard to ha, ha, ha, certain things just kind of were hard to hide from.

Q: Ah anything you know about him like prescription wise?

A: No, no, he was just a drinker and a hot head and....

Q: Did he have any medical problems?

A: No.

Q: Even stuff like diabetes? High blood pressure? Anything?

A: Nothing that I know of. He wasn't really I don't know. I don't know if it came from being an only child or what, but the guy just wasn't one to really open up to his friends. You know, even if he needed to.

Q: Any ah psychiatric issues? That were diagnosed?

A: Ha, ha, not that I know of, no. Sorry, I don't mean to laugh at it, but obviously the psychiatric issues. I mean I always thought there was something there, but again he would never be the type of person that would go talk to somebody. Friends or a medical professional.

Q: Um have you ever known him to be involved in any kind of traumatic incident before?

A: No.

Q: He ever been involved in a shooting that you know of?

A: Absolutely not.

Q: Was he in the military?

A: Never. A couple of bar fights here and there, but nothing crazy.

Q: Um was there anybody else out there that you saw from the neighborhood?

A: I, I think I'm the only one that wasn't a police officer that probably saw what happened. Unless people were watching out their windows.

Q: Yea.

A: I mean people from the side if you're anybody in the side townhomes, they certainly could have been watching what was going on. I mean I happened to be staring at him when the shot was fired. You know so that's kind of, kind of surreal. Although I've been thinking about it like you know while I'm standing there. It's like I really don't want to see this end with him getting shot.

Q: It's ah.

A: And I thought things looked good. You know he's at the front door, he's talking with him, you know his hands are up. He doesn't have a gun in his hand. It's not like a crazy guy walking around, you know like full metal jacket with a gun in his hand and they're trying to talk him down. But he obviously had his mind made up that you know I'm not coming out.

Q: It's ah you know you're a guy that's been around, and you're a guy, but you, you've seen something today that not everybody sees in their life.

A: It's crazy.

Q: It's a traumatic, it's a traumatic thing. And it's something that you know you're never gonna forget. And you may want to consider yourself.

A: Talking to somebody.

Q: Talking to somebody about it when you, you don't have to talk about it today, but at some point you know it's a guy you've known for thirty years and this all happened right in front of you. You were kind of dragged into

it. You know you were on the phone and Maura's asking you to come over. And I mean you're probably gonna go through a lot of different emotions about this whole thing. You know right now it's just kind of reeved up and there's gonna be a time when you're gonna come down from this and you may want to consider.

A: I do have a lot of adrenaline pumping right now and I just.

Q: That'll end.

A: Like I don't know where to direct it. You know and I'm pissed at him. You know I feel bad for the guy but on the same note I'm glad nobody else was hurt and he didn't shoot any police officers and.

Q: And the kids and the wife are good and it's.

A: And I told Maura that cause I was just talking to her on the phone a few minutes before you walked over. She called me while she was talking to one of the detectives and she's like what am I gonna do? And I was like look, she's goes I shouldn't have called the police. I was like Maura.

Q: People are going to second guess things.

A: This is not, this is not your fault.

Q: You may even say well what if I would have said this or would have done that. And, and I mean it's not your fault either.

A: Personally right now I have no I tried, so I really don't feel like I have any guilt about it. I feel terrible for her.

Q: And you may not, but and, and a lot of people.

A: I know what you're saying. I appreciate it.

Q: At the beginning there's a lot. Like a lot happens right now, you've got a lot of adrenaline running through you and a lot of things gonna happen where people are gonna be trying to take care of Maura and the kids and there's gonna be a funeral and all this other stuff. And then there comes a time where things just go phrew and they slow down. And that's when sometimes it kind of comes and.

A: I just can't see what gets.

Q: Just keep it in the back of your mind that you know you may want to consider talking about it with somebody. It's a traumatic event that you went through. It really is.

A: It is. But you're trying to wrap your head around it.

Q: And that's gonna drive you crazy.

A: It's someone you've known your whole life.

Q: That's the part that'll drive you crazy.

A: You're thinking how did you get to this point?

Q: Yea.

A: The guy had I mean really I mean he got shit on a few times. A lot of it he deserved. But he had a hell of a lot going for him. You know and.

Q: Yea there's people showing up at his house, his parents are here, it's like.

A: I was just like John why are we, why are we at this point buddy? Were

we just not going golfing like two hours ago? Like why are we now talking about guns and police? He's like I don't want to talk about it anymore. I was like why? What are we doing? You know where are we going with this? It's like this isn't what you do for your kids. You know I just I can't wrap my head around that.

Q: Yea.

A: And I'm pissed at him cause I just think it's being a coward. I mean I get that way when I hear about people committing suicide, you know fathers with families. And I was just like where does it get to? You know where do you get to in your life where that's the right decision? You know or are you gonna let these cops shoot you? You know and they like I said they're fearing for their life, they're gonna do their job. But.

Q: How long do you think your, you get here before the shooting happens?

A: Fifteen minutes.

Q: I know sometimes in those situations it's hard to judge time.

A: I'm guessing.

Q: We're not gonna hold you to it, but you feel like it was about fifteen minutes?

A: I'm I mean it was, you know it wasn't a few minutes. I was definitely here and got out of the car and um you know I had made a phone call, talked to my wife. You know they were still talking to him at the front door. I'm guessing it was about fifteen minutes from the time I pulled up, parked

my car. I mean I talked to him for probably twenty, thirty seconds before he basically just you know shut me off. Then they told me not to talk to him anymore. Absolutely not.

Q: What are you gonna do now?

A: I'm gonna go down and see if his kids and his girlfriend need any help and.

Q: Is Maura back here?

A: She's here. They were they're three doors down.

Q: So she's somewhere around here.

A: No they were like I said, here's what I'm guessing happened. The kids were probably home with him today cause it's summer break. She was probably at the office. She has a job. So I'm guessing that she probably came home and the girls probably called her and said daddy's flipping out.

Q: Things are going down.

A: And he's throwing stuff in the front yard. She probably came home and I don't know if she called the police before she got here, you know fearing for the girls, or whether she called the police when she got here. But you know she's all guilting out now saying I should have never called the police. It's like yes you should have. I was like this it's like this just didn't happen. I was trying to tell her I'm not a psychologist, but this didn't happen today. This has been this past is being.

Q: What if something would have happened to the kids? Then you'd be like you should have called the police.

A: Yea I said this road's been being paved for a long time. John now just now drove down it. I was like this has been building for a long time. For years. I was like he's done some drastic things before. Changing the locks on the door. She'd be over at our house crying cause he flipped out about something. Like I said, I don't think he ever got physically abusive, but he was definitely verbally abusive and more so when he drank. And he would just flip out and just get irrational. And I just and I just tried to tell her on the phone a few minutes ago, it's like it's not your fault. You did the right thing. If you didn't call the police he could have hurt you or the girls. I was like if he had gotten to the point where we're at now where he was ready to.

Q: Right.

A: You know this is, this is it, I was like it could have been you or the girls. I was like so you did the right thing. But the police being called isn't the reason John's dead. John's dead because of what he did after the police got here. And then he wasn't willing to be rational and reasonable and come out with you know a minor offense of threatening a police officer, whatever that might have been. You know even if you went to jail for a little bit of time for that, what's the big deal? You know you move on. You own your home, you make a little money. I don't know.

Q: I don't know either.

A: And I know you're not sitting here to listen to all of my…

Q: Well.

A: I'll give you the facts as I know them, help you where I can.

Q: You gave us a lot of information. I mean a lot of stuff you know we didn't know anything about. Like I said when we came up here we didn't know anything that kind of went on. You told us a lot. You told us about you know thirty years of knowing this guy and some of his background and what's been going on in their relationship and what kind of went down today and all that kind of stuff.

A: Like I said, you don't, you don't flip out and take it to this point over your girlfriend signing a lease somewhere when you knew it was coming. You know cause he just told me on the phone, it's like yea that's why I wanted to go fishing with you today, or you know golfing, cause I just wanted to tell you what's going down with Maura and I. And he's telling me like it was like when my dad told me him and my mom were getting separated, it's like shocker. You know, it's like we all knew. You know so it wasn't a big shock that he was telling me this. But how'd it get to this point, I'm floored.

Q: Has she ever moved out before or he moved out before? More than just overnight?

A: No.

Q: But he has changed the locks before when he's been mad?

A: Yea. That was years ago. They had a fight about something. He changed the locks, but like I said I've seen him go on his little tirades when he's been drinking. And I just know what gets said in front of the girls. And even when they were younger, I used to try and talk to him about that. And like I said, he was just one of those friends that you tried to bring him in a little bit, and then he'd just you know cut you off and start you know "What the hell do you know?" "What did you hear?" It's like no I heard that you know sleeping on the couch and fighting with your wife, you know your girlfriend every day in front of the kids isn't probably good for them. It's like you guys might want to consider you know separate ways. "Oh shut the hell up." You know then he gets into that thing and then you say okay, I'm done.

Q: Do you mind if I get your date of birth?

A: [redacted] Although don't look too deep. I've been good for years.

Q: Yea, we appreciate it. I tell you (inaudible).

A: No I have – my brother was a police officer. I have respect for you guys even when I was not the best person on the block. I still had respect for the police, so…

Q: Can you think of anything else Tonny?

2LT Tonny Kim: Um I just want to clarify a few things Mr. Stewart if

that's okay with you.

A: Absolutely.

Q: Alright um when um when you got to the house and you're standing at the edge of the cul-de-sac, the entrance of the cul-de-sac, did you see any weapon near um John?

A: No.

Q: You said he owned a shotgun? Did you happen to see any shotgun laying around or anything like that?

A: No. But Maura said that he was walking around with a gun in his hand before the police got here. I would assume, again just guessing, I'm guessing it was probably one of his handguns.

Q: What was he wearing?

A: Ah tan shorts, white t-shirt.

Q: Okay. Did you get a clear view of his body at the time?

A: Yea, it was no I had an unobstructed view.

Q: Okay. And do you recall what type of weapons the officers had out?

A: They both had all four of them had handguns out.

Q: Okay. You mentioned you talked to him earlier on the phone today before you showed up. Did he mention that he had drank anything today?

A: He did not. I could hear it a little bit in his voice and just.

Q: What do you mean by that?

A: I mean he wasn't just the at- the attitude he gets.

Q: Okay.

A: You know it wasn't like he was slurring words. I don't think he was drunk.

Q: Okay.

A: But he gets this belligerent you know.

Q: **Det. Bibeault:** When he's drinking and that he doesn't have when he's not drinking? Or as much?

A: He kind of has the I you know I know everything attitude even when he's not drinking, but you know he can be reasoned with. But when he's been drinking and he gets that hard ass you know attitude going, he can do no wrong. You know I know everything, you know I'm gonna shoot the police if they come in my house. It's like John; you realize how stupid that sounds?

Q: How that's never gonna end good.

A: Yea, I mean it's not gonna go well for you. I mean I was just kinda hoping that they just wounded him and he was unconscious and they just take him away and you know get him some psychiatric help.

Q: **2LT Tonny Kim**: And…

A: Yes I'm sorry, go ahead.

Q: Um if you were to describe his motion from when he dropped his hands on the storm door, was it a fast movement? Was it a slow movement?

A: Very slow.

Q: Was it just. What do you think he was doing?

A: You know it all happened like kind of quickly to the point where I'm sitting there I mean in the back of my mind I'm thinking this isn't good. And then I was thinking oh maybe he's coming out. You know because it just kind of looked like well he was just starting to relax his hands. And as they you know like I said, they were here on the door and then he was still talking. And then they just started to slide down the door like this and they got to about right here and pow. But it wasn't ah you know he didn't like jerk like he was going for something. He just started to slide his hands down like he was tired of holding them up.

Q: And with that storm door, it's half screen and half glass on the bottom? How's that all designed?

A: It looked to me like the top half was screen. I haven't been over to his house. You know like I said we usually golf and fish and meet somewhere. So I haven't been over to his house probably in six months. But I think it is a split door.

Q: Did you notice any glare off that glare ah the door?

A: I did not notice any glare. But again the door as you're facing the house the door is hinged left.

Q: Okay.

A: So it would have been tilted slightly this way. And he was here, and the policeman was here. Did they have glare? I don't know. Um based on

the sun being over there I don't know if they had glare or not. But there was glass on the bottom; it looked like screen on the top that he was talking through.

Q: And when you.

A: It could have been all screen, I don't know. But the top he was definitely talking through the top part.

Q: And when you said he spun around, which direction? Counter-clockwise? Count clockwise?

A: As he's facing you?

Q: Yea.

A: You know again he's got the door cocked a little bit open. He reached across with his right hand, grabbed his left side, spun to the left.

Q: **Det. Bibeault:** Spun this way?

A: Yea as he's facing us he's spun to run back- cause the storm door's hinged left and so is the inside door. So he spun to run back into the house, and as he spun he pulled the door behind him shut with the left hand. And he was, you know he was noticeably bent over. I mean it was obvious he was hit hard. You know he bent over, spun to the left, pulled the door shut as he ran in. And that's when I had a good idea it wasn't gonna end good. I mean that point you're you gotta realize things aren't going well.

Q: Yea.

A: You know time to quit.

Q: Alright.

A: Anything else?

Q: Thank you. You have our cards there.

2LT Tonny Kim: Thank you Mr. Stewart.

A: Yes sir. Thank you guys for your service. Let me know if I can help you.

Q: **Det. Bibeault:** We'll call again if we need something, but thank you.

A: Yes sir. Have a good day.

Q: You too. That's a pretty good witness Tonny. Holy shit.

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This statement has been typed as recorded/(JLK)/(September 11, 2013)

Fairfax County Police Department
Fairfax, Virginia
September 12, 2013

Case Number: 2013-2410242

* * * * * * * * * * *

Ok, I'm Detective Chambers with Criminal Investigations Bureau; I'm gonna be interviewing Lieutenant JOCA. Present is Lieutenant Kim from Internal Affairs.

* * * * * * * * * * *

CHAMBERS: Um, I guess LT we'll start off with, you know, obviously if you can just give me kind of a brief what happened today as far as this incident is concerned.

JOCA: Ok, um, basically we got a call, um, that there was an individual who is involved in a domestic dispute, um, uh, and, um, I was still here at the station so I went on and finished signing on in the car and it upped the ante when the officer on the scene, uh, Officer Neil stated that, um, the individual there had a weapon and said that if in fact we came into the residence that, uh, he was going to shoot us, um, he made the same comment to, um, everybody on the scene that I'm aware of, uh, and this was relayed to me so I initiate started down to the scene itself, um, along with several other officers from the, uh, Baker shift, the day shift. Um, we went down there, um, Lieutenant Fish was behind me and, uh, I arrived on scene just about the same time he did. Um, observed the officers, um, talking to the individual through the screen door, um, and, uh, they were holding conversation with him; one of the officers I believe was a hostage negotiation or affiliated with hostage negotiations and he was conducting, you know, some kind of interview with him – trying to go and get him to cooperate and come outside. Uh, I saw the individual he had his hands raised above his head like holding onto the door frame. Uh, of the door itself, the screen door was being pushed open by his foot a little bit as he spoke with the officers there. It was a screen door not a solid glass door. Um, the officers were in a position

one in front of the window, uh, one was on the side to his left and there was one with a rifle, um, Mr. Parker, and he was at the vehicle which was directly in front to the left of the center of the residence. Um, there was another officer, um, let's see, Officer, um, his name, um, Teague, and he was, um, in the tree or behind a tree that was to the right of the residence itself. The residence was, uh, fourth residence in on, uh, townhouses that faced out to the main street, um, in a kind of a cul-da-sac area of the townhouse, uh, complex. Um, while I was on my way down there to retrace, while I was on my way down there we I went and was filled in by the information that they gave me and made sure that there was somebody out back behind the house, that they had notified the neighbors that, uh, there was an incident going on and to go and take safe position, uh, not to come outside and we maintained that the whole time we were there. Um, so I arrived on scene, the officers were in their position, they were conversing, um, the father pulled up of the individual inside and, uh; I conversed with him to try and find out what the emotional state of this individual was. Uh, father said that he was an alcoholic, that he, um, probably had consumed alcohol that day, that his life was kind of spiraling out of control because his girlfriend and he were having issues and they had a couple kids and she had just told him that she was moving out and that that set him off and, um, so he was acting totally irrational then at that time, uh, to the father at least and that's what he conveyed to me. Um, we were continuing to go and do the conversation back and forth, the interplay back and forth, um, I knew this was going to be a long term type thing so I requested that we had, uh, our own channel so, uh, DPSC went and got us our own channel. Um, the, uh, incident kind of played out and played out and I knew it was going to be a long term type thing. The officers appeared to have some rapport with him. Um, he wasn't acting, from what I could see I was about 50 yards away if not a little bit further, he wasn't acting, uh, irrational or anything else like that though I didn't hear their conversations

back and forth with him so I didn't know what he was saying but his mannerisms were not, you know, wild and dynamic. Um, I kept on talking to the officer on the scene down there on the radio once we had the channel and they informed us over a period of time that this individual said he was armed with a weapon that was adjacent to the door, uh, 357 and I believe they also said that he had some kind of weapon that was in his waistband in the back, um, the, uh, but he kept his hands up so initially that wasn't, uh, cause for concern as long as we could still see his hands and they were above his head. Um, this played on for several minutes, um, I thought that they were actually getting a rapport with him because he seemed to be in the conversation that I could see him doing or interplay seemed to be a little more relaxed than it was. Um, his friend pulled up behind us, um, this is a guy that's known him for years and actually he just got off the phone with him, um, minutes before literally that the call that was going to DPSC and he said that the, um, that he was gonna be playing golf with him, that they had set up a golf date and everything else and he says then the conversation got kind of strange, um, and he said that, uh, he mentioned that, um, he was throwing the, uh, girlfriend's stuff out on the lawn and that the police were en route and he was in the residence and nobody was gonna come in the residence and he would probably end up either being killed by us or killing himself. Um, his friend tried to go and convince him, no, this is not the way to go, to hold off on everything and, um, that didn't play out. He, he just refused to go and cooperate on that end of it with him and his friend. So he went and, uh, when I had, when his friend was there and he told me this information, I had him make contact from where we were with him to say, hey, I'm here, everything's gonna be ok and, you know, you can come out, talk to the police, get things resolved and we'll go and handle things from there and he again made a statement that he wasn't gonna come out of the house and if we came in he'd kill us. Um and he was capable of doing so. I asked his friend whether or not he

had any weapons and both his friend and his dad said that he had long rifles, shotgun, uh, he had the 9 millimeter and he had a, uh, 357 and that he had them in locations around the house that were probably accessible to him. Um, even though we couldn't see it, you know, what he stated was that they were very, very accessible right to the door and so. Um, uh, Lieutenant Manzo got on scene, I briefed him, um, we started conversing a little bit about our options and, um, at that time, um, a shot came out, um, I looked at the door and I saw, uh, the individual grab his side immediately and then sort of turn back and then go in with his opposite hand closed the door. I didn't know if he went down but he didn't look like he went down; he looked like he just spun a bit from the, from the round. Um, I immediately CAD rescue contacted and had them come up to the corner and stage and, uh, made all the notifications that or I told DPSC to make notifications to everybody so that they would get people rolling down with us. Um, I also called for, um, TAC because after several minutes of no response from the residence or very little response from the residence and with the thought that he was in there and possibly armed or very; he could have been armed very quickly, um, you know, we weren't gonna go and go through that door not knowing what was behind it, his intent. Um, we held the position, we held the scene until, uh, everybody showed up and, uh, I had them go in, had for the father go and do a diagram of the interior of the residence for TAC so they could go and see what it looked like prior to going in and approaching it and, um, then we just held our positions until such time as we were relieved by TAC and the officers fell back and I fell back and then, uh, we took positions away from that scene while they conducted their operation and that's about it.

CHAMBERS: At any time did you hear him say anything or did you hear any officers giving commands that led you to believe that he based on total movement or before the shot?

JOCA: No I didn't. Um, I couldn't hear any interplay between the officers; I was too far away and they were focusing on him and he was in the doorway so I was actually fifty yards behind them basically and stuff like that. So I didn't hear any conversation that was taking place, um, I didn't hear them yell out anything, you know, no screaming or yelling or anything else like that that occurred. Um, it just, that's the way it just kind of played out. I didn't initially know who fired the shot. I thought initially that he shot himself because of the way that he grabbed himself and went inside, um, and the lack of any type of a muzzle flash or anything else like that but, um, it was later when we started, when everybody fell back to safe, safer positions, you know, after the shot rang out and he went back in the house everybody fell back to safer positions on the outside of the house and then we found out that, um, uh, Officer, uh, Torres was the one that actually made the shot and everything and then when it was possible to have him move and not leave the other officer alone there, we had him go and down to the command bus and I guess talk with IA or whoever happened to be responding.

CHAMBERS: Where was his position at; do you remember?

JOCA: Um, Officer Torres was to the - if you're facing the residence, he was to the, the door, there was a screen door that opened to the left as you're facing it; he was about where the screen door would be if it was open. He wasn't directly in front of the door but he was to the left of the door just slightly and there was a tree in the front yard so he was exposed but he was be kind of like next to the tree. Um Officer, uh, Barnes was to his left and at a more severe of an angle and, um, he was actually conducting most of the interplay I believe back and forth. I couldn't hear what they were saying but I, I he was the one that was kind of talking to him I believe and the other officer was, um, let's see, was Officer Parker and he had a long rifle and he was behind to the left rear side, or excuse me, right rear side of the vehicle that was parked just

to the left center of the house. It was a red, um, like a family wagon, station wagon type thing and so. But, um, like a van, it would be a van. But that was their location and the other officer was in the behind a tree that was on the other side toward the other townhouses so he could get a good angle in there. We had K-9 out back and, um, watching the rear of the building and the, the next door area was, um, the, uh, actual girlfriend, or two doors down, was the girlfriend, her children fathered by him and another woman who had a Kinder Care place working out of there so we were concerned that people would be coming to drop off and all this other stuff so we had to go and actually use resources to keep them from coming down the street and everything else. We brought a vehicle in the hostage nego, negotiator after the shooting. The hostage negotiator got there and we moved a vehicle in, one of my officers moved the vehicle, Officer, um, Neil, moved his vehicle up front so we could get on the PA system to try to get him to come out still or make an indication that he was ok and that he needed assistance and stuff and he wanted us to come in, um, he did that for probably five minutes or so and stuff like he got no response. The hostage negotiator as soon as he got on scene came down there and jumped in the car and he tried to develop a rapport with him and get him to come out and whatever else like that; still no response so and he left and went back to that scene over there and held it until TAC went and made their move.

CHAMBERS: So after he retreated into the house, never heard anything else from him?

JOCA: No. They did, Rodney Barnes, um, who was my the officer on the left, left side of the house, uh, he took a position and he said that he could hear some movement, um, initially but he said the movement stopped after just a couple minutes and he couldn't hear anything else after that.

CHAMBERS: And so you guys held that position until TAC arrived?

JOCA: Right and they, they we held it, um, until TAC arrived and they brought the, uh, little robot guy and he went in there and everything else like that and I, I'm assuming he tried to see into the window; I couldn't see any visual on that cause we had moved back by that time but, um, I saw him pass us, the little guy, and, um, it was – I don't know whether they made contact in there or whatever, but next thing I saw was the big, uh, response vehicle from TAC moving in and everything else with the big, uh, rod on the front, the ram rod on the front, and I'm assuming that's how they made entry into the residence just probably hit the door with that.

CHAMBERS: How long do you think sin, once you got on scene until this happened from the time you got on scene to the actual shot?

JOCA: Probably, it would probably be about 20 minutes or so I would think, I mean, I didn't, I didn't check my watch or anything else like that; just as a guesstimate but, um, um, I was interplay on talking back and forth with, um, Lieutenant Fish and we were throwing up ideas about, ok, if we respond to this and, um, it appeared initially from all purposes, you know, that we were, that we were on the right track and that the delaying tactics were working with this individual and that he was getting a little more complacent about, you know, responding to the officers though, as I said, I couldn't hear what he was saying to him but it, it just from his manner it seemed like he was getting a little more, you know, movement of the door a little bit more and things of that nature but, um, but, um, the um, it just seemed like it was working, it seemed like the our plan which was gonna be delaying action, uh, was gonna try to break him down until a point where he either sobered up a little bit more than he was and realized that we were not there to go and, you know, cause him any harm or anything else like that and that he'd come forward and, and come from the doorway out to us. Um, when as I think back when I talked to the father and the friend, they said that he was like an A type personality who had to be

right all the time and that, um, when he made a decision, the decision was something he stuck with and, um, which was, you know, kind of a strange because he was actually ended up talking to the officers and it looked like it was gonna be interplay there and he was gonna go and, and actually come out and assist us but the indication that they had said that, um, you know, that probably was not gonna be the case, um, at least what they profited to me. It probably was not gonna be the place cause he never was wrong and he always stuck with whatever he did and that's, I mean, and the statements that he made were such that it kind of, you know, don't come in the house, don't do this, don't do that or I'll have to shoot you and everything was, was pretty definitive so. And his access to the weapons was definitive and that's one of the reasons why, uh, we weren't gonna approach that residence or go in there with the thought that if in fact he was just wounded . . .

CHAMBERS: Uh, ha.

JOCA: Um, that he still had the capability of doing any of us grievous harm should he, should we try to go and enter that place cause that's what he said he was gonna do so that's why we waited for, uh, TAC to get there.

CHAMBERS: And once this, once you saw him when you described him being shot and turned around closing the door, the officers continue to try communication?

JOCA: Correct.

CHAMBERS: Ok.

JOCA: They moved from the positions they were in to the side of the house to give them a little more cover, um, cause they had no idea of what was gonna to be the response after that, um, so everybody basically took a position of cover and everything else while still trying to go and converse with him and say, look, come on out, come on out, you know, you need help, we

can get you help, things of that nature and then we reiterated that with the PA system, um, and then I believe even TAC when they got there I could hear them going over the PA system going and requesting that he come out and, you know, and surrender ritual and give up and we would provide him with medical help but, um, as far as I know we got no response out of that.

CHAMBERS: And prior to the shot, um, rescue was already on scene staging?

JOCA: No, um, we had not contacted rescue to respond yet because we didn't have an incident that would rise to that level . . .

CHAMBERS: Um. . .

JOCA: Um, as soon as the shot was fired and everything, I told them I wanted them to come and stage for us.

CHAMBERS: Ok.

JOCA: So they could be on scene should we be able to go and get him to open the door and try to come out, you know, we want go get him medical treatment right away, um, but, uh, just the way he closed the door, I mean, it was not, you know, it wasn't like I'm hit and I fall backwards and, you know, come out and help me; it was like boom, you know, slam door shut and, um, which was not a rational way of, as far as I'm concerned, if you need assistance, you want to go and get assistance right away; it didn't pan out that way.

CHAMBERS: So from your, your visual on, of him after being shot, he didn't seem to be incapacitated?

JOCA: No.

CHAMBERS: He seemed like he's still in the fight.

JOCA: He, he was, he was, he when the round went off, I saw him just grab his side right here which would be kind of like under the ribcage on the left hand side.

CHAMBERS: Uh, ha.

JOCA: And in my experience in the military and stuff like that, a lot of those are through and through so there's a real possibility, you know, at that time that we had wounded him . . .

CHAMBERS: Uh, ha.

JOCA: But not caused any more damage. I, I still don't know what the situation with him is but, um, you know, that type of shot is not what you would call a kill shot.

CHAMBERS: Right.

JOCA: You know it's a wounding shot, yes, you know, and it could incapacitate but, you know, his response was not, you know, help me, I need help or anything else like that. There was no, nothing out that from that point on and the fact that he actually swung backwards to the right and then closed the door with his other hand led me to believe that he was still in the fight or still capable of doing whatever he intended to do after the fact.

CHAMBERS: All right, LT, I think that pretty much, um, does it for me tonight, you know, and they may want to talk to you later somebody from homicide or cold case.

JOCA: Yeah.

CHAMBERS: Later on; we just want to get an initial statement, get everybody home so we can get some rest.

JOCA: I understand, I understand.

CHAMBERS: I appreciate you talking to me tonight.

JOCA: Thank you all, sir.

Date of Interview:
Typist: Linda Powers

Fairfax County Police Department
Major Crimes Division - #20132410242
OFFICER MATTHEW KYLE KUNSTEL
August 29, 2013

This is Detective Flanagan with the Fairfax County Police Department, the date is, August 29, 2013, the time is 2117 hours, I'm at the West Springfield Station, with an interview, with Matthew Kyle Kunstel, in reference to, an officer involved shooting that occurred on this date in Springfield.

****

FLANAGAN: Officer, if you could uh, state your name for me.

KUNSTEL: **Matthew Kyle Kunstel.**

FLANAGAN: And uh what's your EIN?

KUNSTEL: Uh, 308280.

FLANAGAN: And when were you hired by the Fairfax County Police?

KUNSTEL: September 11, 2000.

FLANAGAN: And um, I assume you completed the Academy, after the Academy where were you assigned?

KUNSTEL: West Springfield District Station.

FLANAGAN: And that's a, patrol capacity?

KUNSTEL: Yes sir.

FLANAGAN: Did you have any special assignments while at West Springfield?

KUNSTEL: Yes, I was on the, Neighborhood Patrol Unit Bike Team.

FLANAGAN: Ok, um, and after West Springfield where were you assigned?

KUNSTEL: I was assigned to K9 Section.

FLANAGAN: Alright, and how long have you been in K9?

KUNSTEL: Uh, almost 2 years.

FLANAGAN: And that's your current assignment now right?

KUNSTEL: Yes it is.

FLANAGAN: And what's your dog's name?

KUNSTEL: Max.

FLANAGAN: Ok, and um, did you any temporary assignments prior to going to K9?

KUNSTEL: I did.

FLANAGAN: Where was that?

KUNSTEL: Narcotics Section.

FLANAGAN: Ok, and the um, the weapon that you're carrying today on the street, what weapon is that?

KUNSTEL: It's a Sig Sauer 226.

FLANAGAN: And do you know the condition of your weapon?

KUNSTEL: It's just live bullets.

FLANAGAN: With, you're loaded, how many loaded?

KUNSTEL: Yes, 12, 12 in the, in the uh magazine, and one in the uh, pipe.

FLANAGAN: Ok, and you carry extra magazines on you?

KUNSTEL: I do.

FLANAGAN: And, what's the load in those?

KUNSTEL: 12.

FLANAGAN: Ok, um, have you ever been involved in an Officer Involved Shooting before?

KUNSTEL: I have not.

FLANAGAN: Ok, do you have any uh, previous military experience?

KUNSTEL: I have not.

FLANAGAN: And what was your schedule today?

KUNSTEL: Uh, I was scheduled actually to start work today at uh, uh 3PM and work till 1AM, um I got called in earlier today for a separate uh, case, so, I actually came in earlier, around 11:15 or so.

FLANAGAN: Ok, were you already out on the street at the time of the call?

KUNSTEL: I was.

FLANAGAN: Ok, what's your designator?

KUNSTEL: K9-10.

FLANAGAN: What's the responsibility of a K9 Officer?

KUNSTEL: Uh, we are support role for patrol units, um, whether it's uh, tracking or assisting with narcotics detection, or helping with perimeters um, uh, barricades or uh, any other tactical call outs.

FLANAGAN: Ok, and are, are you typically requested to go to a call or can you self-initiate to go to a call?

KUNSTEL: I can self-initiate to go to a call.

FLANAGAN: Alright.

KUNSTEL: Or I can be requested.

FLANAGAN: And with this um, incident that we're down here working today, how did you first become aware of that?

KUNSTEL: I heard the uh, radio traffic, uh and I self-initiated uh to assist patrol.

FLANAGAN: Do you recall, how the call was dispatched?

KUNSTEL: Uh, I believe it this call, uh, originally dispatched as a domestic dispute.

FLANAGAN: Ok, and do you remember um, any of the radio traffic that was talking about the nature of the call?

KUNSTEL: Yes, I got, I heard that there was uh, um, the subject that the officers were trying to talk to, um, was possibly armed, I just caught the tail end of uh, some of the radio traffic, um, but uh, I heard the uh, dispatchers and officers uh, discussing it, uh, the subject did have weapons in the house, and that, either an acquaintance or a girlfriend had stated that, uh, he had told them that he may try suicide by cop.

FLANAGAN: Ok, and do you recall any other radio traffic?

KUNSTEL: Uh, radio traffic that um.

FLANAGAN: At that point was your…

KUNSTEL: At that point um, while in route, after I uh, self-assisted to the, to the call, uh, I heard officers saying that uh, they were talking to him……

FLANAGAN: Uh huh.

KUNSTEL: Um, and that uh, he said that, he didn't want anybody coming in the back of the house otherwise things would be escalated, uh, there was ongoing conversations about trying to make uh, neighbors aware, to stay inside, stay away from doors, stay away from windows, um, and setting up a, a scene, you know lock down the scene around it, um, and a good solid perimeter.

FLANAGAN: Um, you mentioned there may have been weapons in the house……

KUNSTEL: Uh huh.

FLANAGAN: Did, did they say specifically, did you hear on the radio traffic or do you know about some other means, um, what kind of weapons you were talking, they were talking about?

KUNSTEL: Uh, I know that, the officers had said that uh, uh, the man at the door had stated there was, that he had a, uh, gun, uh, it would have been to, he said it was to his left side, um, the officers couldn't see it, but he spoke about it……

FLANAGAN: Uh huh.

KUNSTEL: Stating that hey, the guns right here, um, but uh, the officers I, I did not hear them say that they saw it, just that the, the suspect or the uh, the, the man at the door said that there was a weapon just to his left, alright, and I thought that they said to the left of his knee, um, but there was mention of, rifles in the house, and um, uh, possible shot guns in the house, and hand guns.

FLANAGAN: Ok, and, as far as your response, what happens next?

KUNSTEL: Um, I started out, I was actually uh coming from the Burke area, um, uh, K9 Officer, Riccio and I were actually driving um, he was driving behind me, we're both uh, going to assist on the call, we um, heard him say that he didn't want things escalated so, we agreed that we wouldn't drive lights and sirens and or, you know so that he wouldn't……

FLANAGAN: Uh huh.

KUNSTEL: Hear us coming and think things were getting escalated, as we pulled on uh, I would assume we parked, uh at the top of uh, Pebble Brook, Pebble Brook. Um, uh, said he couldn't see us, uh, also Riccio and I decided that I would go ahead and take the rear, uh containment on the house, and I'd take 2 or 3 officers with me, uh, so that we could cover the back, make sure he didn't come out

the back, uh, also Riccio was going to try and work his way around uh, the side so he could get an angle at the front, so we'd have a dog at the front and a dog at the back, um, at that point I, deployed with uh, my K9 partner Max, um, we went to the rear of the townhouses as you're coming down the hill on Pebble Brook, um, well off the street, we went behind the town, townhouses so he couldn't see us, I had uh, uh, Officer Lingenfelter and Officer Dannemann with me, we went down into the woods, deep into the woods, and then worked our way back up the hill um, so he didn't never see us, so he didn't think things were escalating.....

FLANAGAN: When, when you say you are behind the townhouses, are they on the right or on the left?

KUNSTEL: On the right hand side.

FLANAGAN: Ok.

KUNSTEL: So as you come down the hill we're on the right hand side.

FLANAGAN: Ok.

KUNSTEL: Um with the target house, at the bottom of the hill.....

FLANAGAN: Ok.

KUNSTEL: Facing up, um, we're able to come up to, find a large tree um, my K9 partner and I, uh just, we covered the back, we were about 30 yards deep into the woods, there was about, maybe 30 yards, of

grass from the back edge of their property, and then, to where the woods starts and then we were about another 30 yards back into the woods behind a large tree.

FLANAGAN: Ok.

KUNSTEL: Uh, off a little bit to um, if you're looking at the back of it, off the left a little bit of an angle, um.....

FLANAGAN: What's the reason for being behind the tree?

KUNSTEL: Uh, provide cover for us, um, we knew the officers were talking to him up front....

FLANAGAN: Uh huh.

KUNSTEL: Um, and we told, and if he leaves the front door please let us know, so we know, we can make adjustments if we need to uh, at the back, um, so we use the trees as cover um, due to, him having a hand, you know, speaking of a hand gun and um, possible knowledge that he had rifles and hunting weapons, um, we saw a target in the back where we were, like a, I don't if it's for bow hunting um, target practice or whatever back there in the woods, um, I don't know if it's his or not, but um, so, you know I, my partner and I, we found a large tree, uh, to tuck in behind, Officer Dannemann found a different tree and um, Officer Lingenfelter found another tree, uh, we made a plan that if he did come out the

back, I would handle all the challenges verbally, Officer uh, Dannemann would provide cover for me and Officer Lingenfelter would uh, be in charge of the radio traffic. We sat there for approximately, uh, 15 to 20 minutes, I'm guessing, when uh, we heard a single gunshot, followed by officers, um, getting across the radio saying, we have shots fired, at that point um, they said that uh, suspect had, gone back into the house, closed the door, they were no longer able to make communication with him, or they could hear him moving in the house, they weren't sure uh, if he was hit, they said he grabbed his stomach, they weren't sure if he was hit or not.

FLANAGAN: Ok.

KUNSTEL: Uh, they're, we were then instructed that it was an officer who shot, at the, at the uh, at the man at the door, but uh, um, and that no officer was struck, by any, by any rounds, we maintained, not knowing if he was going to flee to the back, we just maintained behind the tree, uh for, probably another 20 minutes before we were, relieved, by uh, Officer Riccio and his, and his K9 dog.

FLANAGAN: Ok.

KUNSTEL: Uh, we switched positions, I moved around to the front, gave my dog a break in the car, made it around to the front, put my dog in

the car in the air condition, moved for a better place to cover, um, and, uh, I guess, TAC units had responded, just as we were making our, our switch from the, from the rear containment, Officer Riccio and I, SWAT Units were just arriving and coming in and uh, approaching the delta side of the uh, townhouse row, we made it all the way around front, where my car was, we were in a crossfire, so I just moved around to a, better place um, maintained uh, a cover position until they brought the uh, HRV Vehicle down and I made entry into the, using the ram on the front of the HR, HRV. At, at which point they, could immediately could see the subject on the, on the floor, unresponsive, not moving, uh, SWAT Units moved in, determined that you know, he had been shot, what his condition was, immediately uh, requested rescue to respond.

FLANAGAN: Did you actually go in with TAC or were.....

KUNSTEL: I did not.

FLANAGAN: You just able to see?

KUNSTEL: I did not, just what I saw and heard on the, they had switched over to a PA, PDA TAC 1 channel, so as I, I was monitoring that, we are, we are a SWAT K9, um, so just in case they needed anything.

FLANAGAN: Ok, while you were out in the back, um, could you hear any conversation, from either the subject or the officers out front?

KUNSTEL: Could not.

FLANAGAN: And, and after the shooting, did you speak with any of the officers that were out front that were involved? Regarding what had happened?

KUNSTEL: Um, I did see uh, Rodney Barnes, I just asked him I said, you know, who took the shot, and he told me that, that you know Officer Torres took the shot.

FLANAGAN: Ok.

KUNSTEL: But he didn't, elaborate anymore on that.

FLANAGAN: Ok, did you ever, when you're out in the back, covering the rear, did you ever see the individual inside the house?

KUNSTEL: Never saw, any movement in that house.

FLANAGAN: Is there anything else you can think of that uh, I didn't ask you that I should know?

KUNSTEL: Uh, not that I can think of, no.

FLANAGAN: Um, I know it's difficult to remember all the radio the traffic, and you know when you responding to, to calls like that, but um, is there anything else that comes to mind that you remember hearing about the radio traffic, about.....

KUNSTEL: I remember uh, I do remember one officer on scene saying, hey right now, all we do have is you know, basically the possible destruction of property and a uh, um, a disorderly, but based on what they're saying they were seeing, and his communication, that he wanted to, you know, going to attempt suicide by cop, it was obvious that hey, we might have something else going on that, you know, would need our attention, you know, a response of, a you know, um, I knew it was a domestic dispute, I knew that uh, that, the girlfriend appeared to be close by, um and I knew officers were communicating with him, un I mean, uh.....

FLANAGAN: Anything related to um, this guy's intentions or um, threats against the officers?

KUNSTEL: Um, just radio traffic saying that he, and I can't remember if it was, the girlfriend saying this or, a friend of the subject saying, that, they talked to him recently, and he said that, I, he would, something about 45 minutes, or, um, something even later I heard it, that he had brought up, suicide by cop, to them.....

FLANAGAN: To the officers?

KUNSTEL: To he, he had spoke to, that the subject had just spoke to, it was either his friend or his girlfriend, about suicide by cop.

FLANAGAN: Ok, alright, anything else you can think of?

KUNSTEL: No.

FLANAGAN: And that concludes the interview of the officer, or the time is 2135 hours.

****

This statement has been typed as recorded/(bkw)/ (September 4, 2013)

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 11, 2013

****

BIBEAULT: You live?

LAITINEN: Um?

BIBEAULT: You live? Ok. Do you mind if we record it?

KUSHNER: No.

BIBEAULT: Is that ok?

KUSHNER: Yeah, absolutely.

BIBEAULT: And obviously you know what we are here about, but uh, Crystal from IA, I'm from CIB, uh, just to make sure before we start into this; you know we're here about the shooting down there today. Were you, did you shoot at all?

KUSHNER: No sir.

BIBEAULT: Ok. Uh, as I told uh, Dave, it has happened before where we get into the interview and it's like, oh, wait a minute.

KUSHNER: That would be a little awkward.

BIBEAULT: Yeah, so it's, uh, just important that we clear that up at the beginning. You mind telling us about today, let's start with you were Xray 700?

KUSHNER: Xray 700, yes sir, I was on a traffic assignment.

BIBEAULT: But this is your normal squad right?

KUSHNER: Yes sir.

BIBEAULT: You're not a, some kind of set unit or something, this is your squad?

KUSHNER: No sir, I'm day.

BIBEAULT: Day work unit.

KUSHNER: Days A at West Springfield.

BIBEAULT: So.

KUSHNER: Under Lieutenant Fish, sir.

BIBEAULT: So today was your second day, you'd be off for three days?

KUSHNER: Yes sir.

BIBEAULT: Started normal time today, roll call?

KUSHNER: Yes, sir, well I wasn't in roll call but, I had wellness, but started at the normal time.

BIBEAULT: All right, you didn't come in early or late or anything?

KUSHNER: No sir.

BIBEAULT: Start up early? And as Xray you're assigned to traffic, or what, what is Xray do?

KUSHNER: District wide, wide going for traffic enforcement sir.

BIBEAULT: Mainly traffic enforcement.

KUSHNER: Yes sir

BIBEAULT: Ok, and, uh, did the morning mainly consist of traffic tickets and INAUDIBLE?

KUSHNER: Yes, sir, I was writing tickets up until about 1:30 sir.

BIBEAULT: We gonna have that in each one?

LAITINEN: I guess.

BIBEAULT: Um, uh, the same thing happened INAUDIBLE uh, so then what happens as you are leading up to this event?

KUSHNER: Uh, I.

BIBEAULT: Are you writing a traffic ticket and this little thing goes down.

KUSHNER: No sir, I'd, I'd finished writing tickets for the day. I was actually sitting with Officer Parker while starting on some paperwork when we heard the call come out and decided to respond to assist. Well, we heard the call escalating.

BIBEAULT: All right, so you had kind of finished off what you needed to do for the day and you were catching up on paperwork?

KUSHNER: Yes sir.

BIBEAULT: And you were with Dave Parker?

KUSHNER: Yes sir.

BIBEAULT: And where were you guys?

KUSHNER: Uh, down behind the little shopping center off I guess it's Cardinal Forest, down off of Gunston Corner Shopping Center where the Burger King is down off of Lorton and Silverbrook.

BIBEAULT: Are you just cruiser to cruiser?

KUSHNER: Yes sir.

BIBEAULT: And talking while you finish up paperwork?

KUSHNER: Yes sir.

BIBEAULT: And what is it you hear?

KUSHNER: We'd heard the, the event that they had as a domestic, sounded like it was escalating, they'd started talking about how um, they'd approached the door and the man told them he had a gun and told them he was going to use it or that he'd be willing to shoot

them, the officers.

BIBEAULT: Had you heard the initial event go out or?

KUSHNER: No sir, I, I, it seemed like a, it wasn't anything particular going on.

BIBEAULT: So all of a sudden you just hear over the radio, you hear?

KUSHNER: Right, we heard the other units come on and make the advisement that they were talking to the individual and that he had made those statements.

BIBEAULT: And what did he say that, over the radio, what did he say the guy said?

KUSHNER: As I recall he mentioned that the individual stated that he had a gun and that he was willing to use it to shoot officers.

BIBEAULT: All right. And then did you have to figure out where this event is or?

KUSHNER: It came up on the CAD and I.

BIBEAULT: Oh, did you already get alerted be, because of the escalation of it?

KUSHNER: Well, well, we, they'd called for additional officers and we marked up on radio, as soon as I marked up on the radio they dispatched me to it and I followed Dave to the event.

BIBEAULT: And do you know how you get there?

KUSHNER: Follow Dave, I try, tried using the GPS on the CAD but it didn't verify correctly so it wasn't able to give us accurate directions to get there.

BIBEAULT: Did Dave seem to know where he was going?

KUSHNER: I followed Dave and we, we got there, yes sir.

BIBEAULT: And when you go there is any emergency equipment activated?

KUSHNER: Uh, yes sir, we ran lights and sirens.

BIBEAULT: Both of you?

KUSHNER: Yes sir.

BIBEAULT: Do you hear anything on the way there? Over the radio or I guess CAD?

KUSHNER: Uh, I'd heard them giving various updates, just other units marking, as I remember other units marking up to, to head there.

BIBEAULT: So some units are marking up that said they were heading there, in route there.

KUSHNER: That they're in route there and then we heard.

BIBEAULT: But did you hear anything more form the scene? That you remember.

KUSHNER: From the scene they were there, um, they were explaining that they were talking to him and that he said he had a gun but that they were, said he had weapons but that they were talking to him through the screen door. That he was standing at the front of the house and that they were talking to him but he said he had a gun so we were, continued responding.

BIBEAULT: Um, hm. Do you know who was talking on the radio?

KUSHNER: I couldn't, no sir, I don't remember.

BIBEAULT: It's just whether you know or not it's no big deal. Uh, so then what happens?

KUSHNER: Dave and I arrived on scene. I parked my cruiser, exited my cruiser, grabbed the shotgun and took up a position in front of the home behind, a position of cover behind one of the vehicles parked in the parking lot.

BIBEAULT: Um, what's your shotgun loaded with?

KUSHNER: It was originally loaded with buck and then it I changed over to slugs.

BIBEAULT: Where do you do that at, where do you trans, transition from buckshot to?

KUSHNER: I'm sorry, where or when?

BIBEAULT: Yeah, where, when, where, like how, when does that happen?

KUSHNER: I'd originally gone up, we had the positions that we had on, on the, on the perimeter.

BIBEAULT: Um hm.

KUSHNER: And I had buck and I decided I wanted to change to slug at that point so I motioned Dave, got his attention, told him you got this, I'm gonna go back and change real quick, switched over while they still had him.

BIBEAULT: So you had gotten out there, you got in a position realized might be better if I go to, to slug so you tell Dave and then you go back to your car.

KUSHNER: Correct.

BIBEAULT: Transition it out.

KUSHNER: Yes sir.

BIBEAULT: And then came back?

KUSHNER: Came back, reassume my position, whole time at that point he was at the front, he had his hands up and they had him well in sight so it wasn't, I mean, wasn't anything going on in particular at that point.

BIBEAULT: Now what did you say the subject was doing?

KUSHNER: He was standing in the front of his residence, had like a glass storm screen door at the front and he was standing in the front way talking with officers, talking with Officer Barnes.

BIBEAULT: In front of the storm door or behind the storm door?

KUSHNER: He was behind the storm door sir, but he was, it wasn't shut and sealed, it was varying degrees of opened.

BIBEAULT: Um hm. And he's doing what? He's talking to somebody you say?

KUSHNER: He was talking to Officer Barnes.

BIBEAULT: Ok. Could you hear the conversation?

KUSHNER: Yes sir.

BIBEAULT: What did you hear? You don't have to say, like I don't know if you remember every word but like what, what, what kind of.

KUSHNER: I remember the individual in the home was, was very agitated, he was uh confrontational with Officer Barnes, Officer Barnes was trying to get him to step out and speak with officers, um he'd mentioned several times that he'd had a gun, we'd heard updates over the radio from I guess his girlfriend had told one of our officers that he planned on copicide, on suicide by cop and that he was um very agitated, he had different weapons and he had INAUDIBLE

BIBEAULT: This your hearing over the radio?

KUSHNER: Yes sir.

BIBEAULT: INAUDIBLE

KUSHNER: We were getting updates from one of the officers, I believe it was Officer Neil, was speaking with the girl friend and was advising us of that in addition he'd said that while he was up there he mentioned that he had a gun real close, in close proximity to him. As he'd look over, as he was standing in the front of the townhouse he'd look off to the left of him like right at the threshold of the doorway when he was talking about having the weapon close.

BIBEAULT: How did you know that again?

KUSHNER: I'm sorry?

BIBEAULT: He's talking about having a gun.

KUSHNER: Yes.

BIBEAULT: And holding your, hands up?

KUSHNER: He had his hands up while the officers had him at gun point and then Officer Parker and I as well, I'd had my shotgun trained on him from my position of cover given the circumstances that he had, his state of mind intending on suicide by cop, that he was willing to shoot officers is what he told then through the door and everything from there we all had him at gun point and he was standing at the front with the storm door ajar and he'd had his hands sticking up like holding on to the top of the storm door. So he's holding on to that, officers, and he's just complaining and agitated that officers have their guns out demanding that they put their guns down and lower them down from there doesn't make him feel comfortable and he knows his rights and he's yelling and screaming I'm going to ask you all to get off my property now, you all need to leave, you all got no rights to be here, I can go in to my house right now and you all got no cause to be here and you all are really gonna be in a spot then and just real agitated and he was, started getting thirsty and was saying that he was thirsty and he was going to go in for water, he kept threatening to go in for water, Officer Barnes said look, I really don't want you to do that. Stay out here talk to us we can get you a bottle of water if you want, we'll get you one just stay here where we can see you, why don't you just come on out, you know have a seat on the front porch, stuff along those lines, just trying to get him out,

keep him engaged in conversation.

BIBEAULT: Ok. So is it mainly Barnes that's talking to him?

KUSHNER: Yes sir.

BIBEAULT: Is it only Barnes that's talking to him?

KUSHNER: Yes sir.

BIBEAULT: Do you hear anybody else talk to him?

KUSHNER: No sir.

BIBEAULT: Even if it's not an officer?

KUSHNER: I didn't hear anybody else. At one point um there was an acquaintance of his, I don't know if it was a family member or a friend yelled from up the road at him and they started hollering back and forth, the guy was talking about plans that they were supposed to have and told him to come on out and be done with this, things of that, you know trying to get him to come out I guess. But they were hollering back and forth at each other. That was the only, that's the only other conversation I remember anybody having with him.

BIBEAULT: What's he saying to the guy that's up the road? What's he saying back to him?

KUSHNER: They were just yelling back and forth that, just, he was trying to get him to come out.

BIBEAULT: This guy's telling him to come on out, we'll get over, this over with.

KUSHNER: Yeah.

BIBEAULT: And what's the guy inside the, the, the door saying?

KUSHNER: Uh, er, I don't remember to tell you the truth.

BIBEAULT: I'm not going to come out, I'm not going to come out, I mean.

KUSHNER: He was just hollering like I got this.

BIBEAULT: Ok. All right. Then what happens?

KUSHNER: Uh, Officer Barnes continued trying to negotiate with him, trying to get him to come out, tried talking with him.

BIBEAULT: Who all's up there? You, you said you'd motioned to Parker.

KUSHNER: Ok.

BIBEAULT: And you're there.

KUSHNER: The, the set up INAUDIBLE

BIBEAULT: And Barnes is there.

KUSHNER: Was as you're facing the townhome, if you all have seen the scene.

BIBEAULT: I've seen it, yeah.

KUSHNER: Ok. So as you're facing the townhome he's the center house, there's three townhouses to the right of it. The front, he's got all the stuff thrown out in the front looking like a yard sale, um, so as we're from there, there's cars that are parked facing towards his row of townhouses.

BIBEAULT: Um hm.

KUSHNER: And theres also cars that are faced perpendicular going up the, the right hand side of townhouses that are parked in front of those. Uh, Rodney and Officer Torres were at the front of the house by the tree off to a left hand, off to the left hand side of the front of the house having an angle on him at gunpoint and Officer Parker was, as they're up front, he was behind taking a position of cover behind one of the, the vehicles that was parked over in front of his house and the vehicles, the line of vehicles that was

parked on the right hand side, I was over the back corner of, I believe it was like a red minivan or SUV, that I was over the back of that with my shotgun trained on the house.

BIBEAULT: So that's the four officers that are there?

KUSHNER: Yes sir.

BIBEAULT: That you see, that you know are right there?

KUSHNER: In the immediate area.

BIBEAULT: Right. All uniformed officers?

KUSHNER: Yes sir.

BIBEAULT: Did you see, uh, you had a shotgun?

KUSHNER: Yes sir.

BIBEAULT: And your handgun but you had the shotgun out?

KUSHNER: Yes sir.

BIBEAULT: Parker?

KUSHNER: Had his patrol rifle.

BIBEAULT: He's got a patrol rifle.

KUSHNER: Yes sir. And then Officer Barnes.

BIBEAULT: Barnes?

KUSHNER: And Torres had their pistols.

BIBEAULT: Anything else deployed?

KUSHNER: I think there was a shield by the tree. Up next to Barnes and Torres.

BIBEAULT: All right. And then what, what, um, happens next?

KUSHNER: They continued on, Officer Barnes was trying to get him to come

out and address, trying to get him out of the house saying look, offering him, you know things that he said you know he'd wanted.

LAITINEN: Right.

KUSHNER: He kept, uh getting more increasingly agitated saying no, he was going to get a drink of water, how frustrated he was with it, you all can't do anything to me, I haven't broken any laws. You all got no rights to get here, you all need to lower your guns, I feel very uncomfortable, you all can't have your guns pointed at me, you all lower your guns or else I'm going in the house, uh, lower your weapons, I'm thirsty, I'm gonna go in and get a glass of water, if I go in I got plenty of stuff to stay in here, I don't have to come out unless I gotta go to the grocery store for something. And I know someday you know all shut off the power and the electric, and the water and you know going through you know his list of things that were getting him agitated. And talk about how he was really thirsty, he was gonna go in for a glass of water and we couldn't do anything about it, he was gonna go in, um, he'd start, as he was standing in the front the whole time keeping his hands up in there, he'd start moving his hands around and he'd come down to scratch his nose, sometimes he said I gotta scratch my nose and he'd kinda be going around different, varying, uh, the door as the door would open and close, come open more as he'd work, walk a little bit further out and then come out all, all the time staying, keeping the door between he and Officer Barnes and Torres. Cause the door swung open against where they were. So he kept his hands up there but he continually talk about and then he brought he's got his, a gun within close range to him, he can get to it, he's got a 357 right next to him from there, it's in the holster, he's got it, it's right there, um, just getting increasingly more agitated and just insisting that he was going to go in to the

house and there wasn't anything anybody could do about it. He continued to say I need to scratch my nose and he'd go "I'm scratching my nose, I'm scratching my", sometimes you know he was usually saying it and just.

BIBEAULT: Usually or every time he scratches does he say ahead of time I'm going to scratch my nose or?

KUSHNER: He, he'd mention it, I remember him mentioning it, I mean, not every time his hands moved would he say something but they'd come down, on, you know, one occasion he talked about I'm going to scratch my nose, my hands going to come down but they are still at my chest, things along those lines, and he was just moving around a lot getting increasingly agitated when the door coming open and.

BIBEAULT: And then what?

KUSHNER: At some point during that exchange while he was moving around and his hands were moving there was a shot fired. I saw what sound, what sounded like a shot fired, I saw him grab his midsection, I saw a red spot on his shirt and he went back into the house and the door shut.

BIBEAULT: So at some point he's sort, sort of moving around and you hear a gunshot?

KUSHNER: He was moving around the whole time we were talking to him just, just moving around there, the door's continually opening and he's coming and seemed like he was gonna, getting ready to run back into the house or reach for something, he was just getting increasingly agitated and moving around and then there was a shot fired.

BIBEAULT: And then you hear the gun shot, you see a red spot?

KUSHNER: Yes.

BIBEAULT: INAUDIBLE

KUSHNER: I saw a red spot on his, in his abdomen to what would be his, what seemed like his left side.

BIBEAULT: Does he say anything?

KUSHNER: I think there was yelling I don't remember anything in particular. And he went back in to the house and the door shut.

BIBEAULT: So he gets shot, you see a red spot here and then he goes back in to the house?

KUSHNER: Yes sir.

BIBEAULT: Does he shut the door behind him or?

KUSHNER: Yes sir. As he went back in the house he shut the door.

BIBEAULT: Any more contact with him after that?

KUSHNER: No sir.

BIBEAULT: Do you know who shot him?

KUSHNER: From what I gleaned on the scene, you know from them saying hey have the officer that shot respond up it seemed as though it was Officer Torres.

BIBEAULT: When you're, when you're looking from where you are do you know where the shot comes from? Left, right, back, front?

KUSHNER: It seems like it came from up front on the left where Officer Barnes and Officer Torres were.

BIBEAULT: Ok. But you don't see specifically who shoots?

KUSHNER: No sir.

BIBEAULT: But then afterwards they say have the officer have the officer that was involved in the shooting come back and you see an officer go back?

KUSHNER: I saw Officer Torres go back.

BIBEAULT: Torres goes back.

KUSHNER: But it sounded like a pistol, I mean it wasn't Dave's rifle and it wasn't my shotgun.

BIBEAULT: What did you do after that, after the shot, like what happened?

KUSHNER: We, I'd communicated to Dave earlier and tried to tell folks that hey when it seemed like he was going to run back in the house we knew he had some sort of a long gun we told 'em hey, I told Dave if he goes back inside that house we need to drastically readjust our position and take up more cover you know behind heavier trees cause where we were just behind the cars wasn't going to be adequate if he was using long guns so at that point while keeping an eye on the front of the house as best we could we repositioned and I went behind one of the larger trees.

BIBEAULT: And then what?

KUSHNER: At that point um, we were keeping an eye on the front of the house not sure if at that point um, me, not sure if he was gonna attempt to engage us or what he was going to come out and look to do, anything along those lines um, uh, notifications were made over the radio that shots were fired, that the officers were all right but that he was hit and he'd gone back inside the house and that the door was shut um, they started rescue, advised rescue to stage up the, up the street um, Rodney said that he could, they moved back a little bit more so they were along the front of the townhouse rows where they could still keep an eye on the front of the building, the door, to see if he came out but just moving out of the direct line of fire since we didn't know where he was in the house. Um, at that point Rodney could hear him inside moving around and, and I guess Rodney said that he could hear

him yelling inside, I didn't hear him.

BIBEAULT: Ok.

KUSHNER: He'd also made mention earlier during the, we'd had a perimeter set around the whole, the whole townhouse, we had units in, in the back and he'd uh, from what I understood being transmitted over the radio he told them hey don't try coming in the back or else things are going to escalate. He'd made mention of that as well. Um, after that Rodney attempted to try and holler at him, we tried calling on the phone to try and get back in, in touch, they made a request for that, um I yelled back to the supervisors you know if we bring the car around the side we can try using the PA, try using the PA to get in touch with him if he's not answering the phone, tell him to come out, something along those lines, and then they brought the car around and tried using the PA to make contact with him and we just held our positions at that point, um, I believe it was a negotiator, another negotiator came out and started speaking over the PA trying to get him to come out of the house saying hey look you know we care about your safety just like Rodney was you know trying to tell him hey look you know we need to help you, you need help, you're our main concern, come on out so we can give you the assistance you need, we want to help you, things of that nature, trying to get him to come out so that we could get him to the ambulance, um he didn't come out for that um I held my position until the TAC team came up and rammed and relieved me at which point I went down, had a brief conversation with them and then made my way back behind the townhouses up to the command post.

BIBEAULT: All right, um they already come in and photograph you?

KUSHNER: Yes sir.

BIBEAULT: Uh, is your shotgun back in the cruiser?

KUSHNER: No sir, my cruiser was left down at the scene so it could be photographed uh, crime scene came and photographed me and you know with the shotgun and everything at that point I was told I had to change.

BIBEAULT: Oh, so you had the shotgun when you came back here?

KUSHNER: Yes sir, I kept the weapon since I had that on scene I kept that with me in the condition I had it in so she came up, took photographs of me

BIBEAULT: All that's been.

KUSHNER: And I was told I could clear that and put it in the armory.

BIBEAULT: Ok.

KUSHNER: So after I was told that I cleared it and put it in the armory.

BIBEAULT: All right.

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Transcribed on 9/11/2013

By Karol L. Quinn, Administrative Assistant

Fairfax County Police Department
Major Crimes Division - #20132410242
OFFICER BENJAMIN KUSHNER
September 25, 2013

It's September 25th, 2013, Detective Chris Flanagan and John Farrell interviewing Officer Kushner regarding an Officer Involved Shooting that occurred on August 29, 2013.

****

FARRELL: If you would just state your name for the recording?

KUSHNER: Benjamin Zedekia Kushner.

FARRELL: Alright, and how long have you been on the department?

KUSHNER: 11 years sir.

FARRELL: And what's your current uh, rank?

KUSHNER: PFC.

FARRELL: PFC, and you're assigned to West Springfield?

KUSHNER: West Springfield, Days A sir.

FARRELL: And, um, you just had an opportunity to review your transcript from an interview that occurred, um, on the night of the event, is that correct?

KUSHNER: Yes sir.

FARRELL: Ok, and just off the top of your head, is there anything, that you would want to add at this point that um, you know that you didn't say then that you thought of, that you think would be important for us to know?

KUSHNER: No sir, nothing that I remember.

FARRELL: Alright, um, and I've explained to you that, Detective Flanagan and I are, responsible for the criminal aspect of this investigation, um, and we just have some follow up questions, is that correct?

KUSHNER: Yes sir.

FARRELL: Ok, um, one of the questions that I had, uh was um, in the transcript you say that um, initially you're with uh, Officer Parker and then you guys respond to the call, is that correct?

KUSHNER: Yes sir.

FARRELL: Ok, um, and as you're responding to the call, there's information coming over the radio and via the CAD?

KUSHNER: Yes sir.

FARRELL: Ok, um, do you recall, and I know it's, it's a month later, if when you arrived on scene, if anyone initially provided you with any other information other than what you had heard on the radio or received through the CAD.

KUSHNER: I remember getting no other information when I arrived on scene....

FARRELL: Ok.

KUSHNER: Just what I heard, as updates over the radio.

FARRELL: Ok, so when you get there you pretty much, take a position and

you're, involved in the event, but it's not like, there's someone on there that briefs you or communicates anything directly to you?

KUSHNER: I got no briefing when I got on scene.....

FARRELL: Ok.

KUSHNER: We, had an idea from the radio traffic as we were approaching, you know when we were sitting car to car, and then we heard it, come out that it, had taken a turn, and then we responded, and heard all the updates as we're going, to the point where we arrived, and then once we arrived, we didn't receive a briefing or anything per se.....

FARRELL: Ok.

KUSHNER: But as we fell into position, took a position of cover, around the perimeter, at that point you know, we, heard the updates that would come up, as we were on the scene.

FARRELL: Ok, do you recall if, um, while you're on scene in your perimeter position if, you're getting a verbal, if anybody ever updated you anytime, that wasn't over the radio, like did anybody ever come over and talk to you or is an officer shouting information out, uh do you recall?

KUSHNER: No.

FARRELL: Ok, so do you think that, most of the information you had at that

point is whatever is coming over the radio?

KUSHNER: Yes sir.

FARRELL: Ok.

KUSHNER: Now when we, gotten there, we'd, and I'm sure you all are familiar with the scene and, the pictures of everything, as it was correct?

FARRELL: Yeah.

KUSHNER: So I mean, you know, as we got there, I parked up the street and got the shotgun and came down and, there was a, it was like red minivan or SUV, that I had taken up, position of, cover, light cover off to the right and, Parker went to the left, there was a, another vehicle that he was behind.

FARRELL: Ok.

KUSHNER: So we took up from there and at that point we were just, focusing and providing cover for, the two officers that were up closer to the townhouse at that point.

FARRELL: Ok, my understanding is that Parker's behind a vehicle that's, parked um, offset a little bit but facing the residence?

KUSHNER: Yes sir.

FARRELL: Ok, are you set up on a vehicle on that same row or on that row that sort of uh, perpendicular……

KUSHNER: To the right, its perpendicular…..

FARRELL: Ok.

KUSHNER: That's face, you know if, if, forgive me for drawing, (drawing description) but you know if it's right there, and from here townhouses there.....

FARRELL: Right.

KUSHNER: Dave was behind this vehicle here, the front doors there...

FARRELL: Ok.

KUSHNER: And I was behind a couple of vehicles from here, just about even with Dave.

FARRELL: Ok.

KUSHNER: Maybe even a little bit behind him.

FARRELL: Ok.

KUSHNER: But up to there.

FARRELL: So you're kind of on the, in the same line with him, but whereas he's in a vehicle, he's behind a vehicle, that's parked facing forward, you're behind a vehicle that would be, to equivalent....

KUSHNER: (inaudible)

FARRELL: Parking sideways.

KUSHNER: Yes sir.

FARRELL: As you're demonstrating the scene to me.

KUSHNER: Yes sir.

FARRELL: Ok, ok, in the transcript there's a, a mention where um, and I think you're paraphrasing what um, Geer, the decedent is saying, where he's, he says something to the effect of, I can, he says I can go in and ya'll are going to be in a spot?

KUSHNER: Right.

FARRELL: Um, what did you, what was your perception of what he meant by that?

KUSHNER: At that point, he was very agitated from the time when I'd, come on scene, and he'd had his arms up and he, Officer Barnes was trying to get him to come out, have a talk, just sit on the front porch, and he was talking about, kept reiterating, kept going on about, we got no rights to be here, he hadn't done anything wrong, got no rights to be there, go away, put your guns down, ya'll are making me uncomfortable, put your guns down, yet he, we'd had all that information coming up, prior, where he had made statements and threats against officers, so he said, ya'll got no reason to be here, you know I can go inside, and ya'll can't do nothing about it, you know I can go in here, I can stay in here, forever, for, for an extended period of time, we got the point across, I don't need to come out, except for you know, if I got to go to the grocery store or something later on.

FARRELL: Ok.

KUSHNER: I got plenty of stuff, or, and then he went on talking about you know, I know ya'll will end up cutting the power off, or something along those lines, you know, you know, trying to say he knew, our tactics or, what would happen at that point, but just getting a cross point that you know, he could go inside and there's, nothing anybody can do about it.

FARRELL: Ok, were you concerned about him going inside?

KUSHNER: Yes sir I was.

FARRELL: What, and what was your concern?

KUSHNER: My concern was that, while we were responding, what originally got us to respond was while, Officer Parker and I were sitting, car to car, we heard it come over the radio, one of the officers updated, that, the individual that they were dealing with said that he had firearms, that he had weapons, and he'd use them against officers, so that, perked us up, naturally and we said ok, they asked for a couple of more units so we said, we'd respond, so we responded, as we're going over there, en route, we'd heard, him talk about, he's got, those weapons, he's willing to use them, we got there on scene, and as more information comes out, he's talking about, you know, we, him talking about, having a weapon,

that we'd heard that he had weapons, one, to use them against officers, two, that he um, was agitated, that he started talk about that he had a gun, in very close proximity to him, that you know he'd, you know he'd say I got a gun, right inside the door right here, it's a 357, called it out by caliber, um we'd gotten information from another officer that his, girlfriend said that, indicated that he, mentioned to her, that he was looking for a suicide by cop, so at that point, I was very concerned that he was going to go inside, he had, mentioned of his 357 and, also perhaps that he'd have a long gun, or something along those lines, so my main concern was, our safety and if he went back in the house, we wouldn't know, what he was going to, get ready to do.

FARRELL: Ok.

KUSHNER: If he was going to come back out with a weapon at us, or if he was just going to reach inside the door and grab the weapon that he'd indicated that he'd had, or anything along those lines so, I was, very concerned about him going back into the house.

FARRELL: Ok, um, so not only for just the barricade purposes but whatever, he may have retrieved a weapon or, the caliber of the weapon he may have in the home?

KUSHNER: Right, just, from the standpoint of, of weapon and, and our safety.

FARRELL: Ok.

KUSHNER: Because I had indicated to Dave, that if he does go in the house, we need to readjust, you know he says he's got a long gun, we need to readjust to something other than cars……

FARRELL: Right.

KUSHNER: For better cover.

FARRELL: Um, and you can hear what he's saying, from where you're positioned?

KUSHNER: I can't hear everything he said at every point, but I can hear the majority of it, he's talking in a loud enough tone to where I can hear a good amount of the conversation that was going, back and forth.

FARRELL: Ok, did you hear um, Officer Torres speaking at all, to him?

KUSHNER: No sir.

FARRELL: Ok, um, and then, you talk about, uh movement, and uh, him being agitated, could you describe that a little bit more?

KUSHNER: He was, as he was positioned, at the front of his townhouse, he was standing in the threshold, to his door, and he had the main front door and then he had uh, a glass, like a storm door, that was in front of that, so he was standing in between his main front door and the glass storm door as he was in the threshold with his

hands up over top, of the, of the glass door, like he had his hands up and he'd go from having them up to, having the fingers curled over the top of the glass door and, in there, and he was, becoming frustrated telling people that, you know, he didn't like everybody's guns at him, put your guns away, trying to demand people put their guns away, um, kept telling them that, we had no rights to be there he didn't break any laws, he done nothing wrong, we need to get off his property, we got no business being there uh, he can go back inside, he's getting thirsty, I want a drink of water, I'm going to go inside and get a drink of water, and Officer Barnes offered him, said hey look, I'll get you a bottle of water, I'll get you one, just stay where we can see you, just stay out front, don't go inside, just stay here and keep talking to me, things along those lines, so he offers, Officer Barnes keep offering him water, said hey, why don't you just come have a seat on the front porch, right there, he said no, no, I'm not coming out, I'm not coming out, I'm staying here, I want to go inside and get a glass of water, so, you know he said he was thirsty, Officer Barnes offered him water, I didn't want to see him go inside the house, for a bottle of water, given statements he'd made about, the weapon I felt that, it could very well be, a ploy for, to get towards the weapon.

FARRELL: Ok, how was he um, moving in the door?

KUSHNER: He was uh, fidgety, he'd have his hands over the top and, at one point or a couple of times he mentioned that, you know his nose itched, I'm going to itch my nose, I'm going to scratch my nose, and he'd bring his hands down to, scratch his nose and his hands would move, they weren't always up, on top of the door.

FARRELL: Ok.

KUSHNER: He'd be moving around and, he'd kind of, reposition, sometimes come a little further out, the door would open a little more but his hands would be up top and he'd come back and, you know just re, readjust and shifting his position, his hands were moving a lot.

FARRELL: Ok, so you were kind of demonstrating like, just sort of rocking back and forth a little bit, nothing uh, would that be consistent with the movements, as you're just sort of moving your arms up and down a little bit?

KUSHNER: Yes.

FARRELL: Did you ever see him like, take 2 or 3 steps to one side or another or, move back, or is the movement contained within the threshold?

KUSHNER: Every movement was contained, to the threshold of the door.

FARRELL: Ok.

KUSHNER: You know, one jam to the other jam, you know if he took a couple

steps, side to side, it was, in view.

FARRELL: Ok, uh any abrupt or rapid movements or, was it more, you described it as fidgety?

KUSHNER: Yeah, I mean, I mean he was, fidgety, he didn't make any, I mean he wasn't jerking around and you know, darting from one side to another real fast, but you know he'd be moving around, he was agitated and, it was clear in his body language that he was agitated and he was moving around.

FARRELL: Ok um, were you looking at him at the time you heard the shot?

KUSHNER: Yes sir.

FARRELL: Ok, and tell me how he was moving at that point.

KUSHNER: At that point it was more of the same, his hands were, moving around he'd, moved his hands down a couple of times, uh gone to scratch his nose, things like that, he was moving around, kept talking about he was getting increasingly more agitated, kept talking about how, he was going to go inside and get, and get a drink of water, I think I want to go get a glass of water, you know, you can't stop me from getting a glass of water, I can go inside, ya'll can't stop me I've done nothing wrong, I think I'm going to go inside and get a glass of water, whole time he's moving and fidgeting and hands are you know, going around at the top of the

door, he'd come down and scratch his nose, stuff along those lines.

FARRELL: Ok, you recall where his hands were when you heard the shot?

KUSHNER: His hands were in the same general direction.

FARRELL: Ok.

KUSHNER: I mean.

FARRELL: And you're demonstrating kind of towards you head, a little bit above your....

KUSHNER: Right, between the top of the door, and right around his face area.

FARRELL: Ok, um from when you arrive, till the time of the shot, um, how do you perceive, what's your perception of how things are going? In terms of, uh, is he becoming more compliant, is he.....

KUSHNER: No, he was, I, was thinking we were about to lose him, was, he was on the verge of darting in the house and who knows what, that's why I had made the comment to Dave, that hey look, if he goes inside the house, we're looking at long guns in there, from what we heard, I'm going to the big tree, you need to find, you know we need to find more substantial cover, that would hold up to a long gun because sheet metal on the cars and glass, wasn't going to cut it, so when I was there, it seemed as though the situation was, I mean Rodney was doing really good talking to

him, kept talking to him, kept giving him ideas, you know hey, you know, I'll get you a glass of water, you know he said he was thirsty, hey I'll get you water, have a seat on the thing and, just don't go inside the house, but, it, he was getting more and more agitated.....

FARRELL: Ok.

KUSHNER: More and more angry, and insisted on, that he was going to go inside and get his water.

FARRELL: So, your perception is, that things weren't improving, that it, it was, you felt that he was going to go inside, that things were deteriorating, in, in that sense?

KUSHNER: That they were deteriorating and that it was a very real possibility that he was going to go inside.

FARRELL: Ok.

KUSHNER: For who knows what at that point.

FARRELL: Alright, um, what was um, and I don't, I don't know if you observed this but, um, at the time or after the shooting do you have any interaction with Torres?

KUSHNER: No sir.

FARRELL: Ok, did you um.....

KUSHNER: (coughs) sorry.

FARRELL: At the time that shots fired, you said you're not clear as to who shot, is that correct?

KUSHNER: I was watching him, the, Mr. Geer, excuse me (coughs) I was watching Mr. Geer I mean I was trained on him so, I saw him in the doorway and then heard the shot, and saw the red spot.....

FARRELL: Ok.

KUSHNER: On his belly, and then he, yelled and went inside the house at that point....

FARRELL: Ok.

KUSHNER: So I mean I wasn't, watching my officers that's not where the threat was.

FARRELL: Ok.

KUSHNER: I was watching him the whole time.

FARRELL: Um, and then after the shooting, where do Barnes and Torres go, do you know?

KUSHNER: After the shot was fired, Mr. Geer went back into his house, shut the door, I hollered to Dave, reposition, Dave went to the, as you're facing, the townhouse, as you're facing the townhouse he went to the left side of the door, and stacked behind, he was behind Rodney and Torres.

FARRELL: Ok.

KUSHNER: They went from where they were in the front yard, to alongside of the row of houses, and Dave was behind them, and then I went behind the, large tree that was, in the yard next to me.

FARRELL: Ok, so do you have an opportunity, do you ever meet up again with Rodney and Torres, um, prior to um, Torres going back to the Command Bus?

KUSHNER: No sir.

FARRELL: Ok, so did you have an opportunity to observe his demeanor or hear if he said anything at the time of the shooting or, or right there afterwards?

KUSHNER: No, I didn't hear anything.

FARRELL: Ok, do you have any follow up?

FLANAGAN: You briefly mentioned um, you thought Rodney was doing a good job negotiating Ro, Officer Barnes, how would you describe uh Officer Barnes demeanor throughout this?

KUSHNER: Throughout, from which, from the point where……

FLANAGAN: For, for…..

KUSHNER: I came up to….

FLANAGAN: Right.

KUSHNER: Which point….

FLANAGAN: To….

KUSHNER: The shooting or?

FLANAGAN: Up for the shooting yeah.

KUSHNER: Uh, patient, I mean he was, talking to Mr. Geer, engaging in conversation anytime Geer'd have something to say, Rodney would have an answer for him, he wasn't confrontational, he was talking I mean I'm, familiar with Rodney, Rodney's on my squad, I know Rodney's talked to other individuals before and Rodney seemed, calm with him and just genuine and sincere that he was just trying to, talk to him and say look, just come on out, talk to us, you know what I mean, he was just trying to, to, making a genuine effort to deescalate the situation.

FLANAGAN: Ok, and, and how would you describe, if you made any observation of, Officer Torres' demeanor?

KUSHNER: Officer Torres was, was standing there covering on the subject, I didn't see anything that drew my attention to him other, above and beyond, it seemed like you know, all of us was standing there, watching the guy, Rodney's talking to him, so we're covering while Rodney's talking.

FLANAGAN: Ok, and I think you mentioned to Detective Farrell that you were looking at Mr. Geer at the time of the shot....

KUSHNER: Yes sir.

FLANAGAN: Um, do you know the position of your weapon at that time?

KUSHNER: Position of my weapon?

FLANAGAN: Yeah.

KUSHNER: I had the shotgun and it was, resting on the rear of the vehicle, so I was watching, and in case, something happened or not.

FLANAGAN: As you're looking at him are, are you looking down the barrel of the shotgun or are you....

KUSHNER: Over the barrel of the shotgun.

FLANAGAN: You're over so you're not looking um, at your sights with, but you had also seen um, Mr. Geer in the background, I guess what my question are....

KUSHNER: I was focusing on Mr. Geer.

FLANAGAN: What, you, yeah....

KUSHNER: Not on the sights.

FLANAGAN: Ok.

KUSHNER: At that time because, I needed to see Mr. Geer, at that time and know what was happening, make sense?

FLANAGAN: Yeah exact, that you, actually phrased it better than I asked it.

KUSHNER: Ok.

FLANAGAN: That was what I wanted to know is where, are you seeing him as you're looking down on your sights or are you focused on him?

KUSHNER: I was focused on him.

FLANAGAN: Um, and I think I just had, when you said that, after the shot you repositioned, um, why did you reposition?

KUSHNER: Because, after the shot Mr. Geer went back into the home, and, from, out of concern that he had a long gun or other weapons, I didn't want to be out and, not in the open but, where my position was, was behind that vehicle and all it was, was, glass windows and a little bit of sheet metal and I didn't feel comfortable where I was anymore, with him right where he was prior to the shot, I was, in the position of more, concealment than cover, and I was fine where I was, but after he was in there and, the concern was a long gun, I didn't want to be out in the open where I didn't have that protection afforded to me.

FLANAGAN: What, what was your primary responsibility um, when you're positioned there at the car, with your weapon? Rod, Officer Barnes was negotiating, so what is your responsibility taking up that position where you were?

KUSHNER: My position was, cover and containment.

FLANAGAN: Ok.

KUSHNER: At that point I mean, just making sure everybody was safe and help try and contain the situation and make sure that we were all

safe.

FLANAGAN: Now and, and your position of cover and your um, those are police terms that we use in law enforcement....

KUSHNER: Ok.

FLANAGAN: Um, so ex, explain if you can what, what cover means to you in that particular situation?

KUSHNER: Cover can change, uh cover means a position of protection.

FLANAGAN: Ok.

KUSHNER: It means something that will shield me from, a shot, from a bullet, concealment is more just, hiding, what may be concealment or cover for one round is can be, inadequate for another round, so once he was out of my sight and I couldn't tell what he was doing, I wanted more protection for myself, so I went behind a very large tree that was very close to me, so I was still able to peek my head out in different areas and different positions and see what was going on up front, but it offered me substantially more protection than just the metal and glass of the vehicle.

FLANAGAN: And with regards to contact and cover, what, what does cover mean as far as your responsibility in that role?

KUSHNER: Contact cover at that point, Officer Barnes was the contact officer, he was handling negotiations, speaking with the individual, my

responsibility as cover officer at that point, was to keep all of us safe, to watch so that is, anybody, as Rodney's talking to that individual to make sure that I'm in the position to act, if need be.

FLANAGAN: And, did you feel like, the, the officers that were in the front yard, um, there was a, a threat risk with them?

KUSHNER: Yes sir.

FLANAGAN: And, the other officers that were on the scene, was there um, also a risk to them?

KUSHNER: Yes sir. We wouldn't have had our guns out if there wasn't.

FLANAGAN: And what was that, threat risk?

KUSHNER: Threat risk, risk was, our understanding of the situation as we approached, hearing that he told officers to their face, that he had weapons and he wasn't afraid to use them against officers, that he was willing to harm officers, raised my level of concern drastically at that point, and then when I got there and heard his statements that he made from his mouth, talking about he had a 357, and it was in the holster, but it was right next to the door, it was sitting right there, that raised my concern even more, from that point, and when he, was talking about wanting to go inside to go get water and kept reiterating that's he's going, trying to let everybody know, hey I'm going in, I'm going in, I'm going in the house, at that

point, to me, it's not, at that point he was very agitated, his mental state was very agitated and, not rational, so from, I don't take anything at face value, so if somebody tells me that they're going in for water in that kind of situation, he could have been, wanting to go for water or he could have been wanting to go, get that 357 that was inside the door, as we're trained you know, you're, you expect movement, people tell you hey I'm going to move so that you expect movement, you expect movement it's going to slow your reaction time, somebody might think, oh he's just going in to go get, get a drink of water, somebody may, believe him that he's going in for a drink of water but, I'm not necessarily believing him that, he's going in for a drink of water when he's made all those statements in the past that he's you know, told officers that he's got a gun and he's willing to use it on them when he's, got information from his girlfriend, that's he's looking for a suicide by cop, when he tells us we have no business on his property and I can go inside and all the statement that he made, made me very, very concerned.

FLANAGAN: Based on, all the information that you had, what you observed on the radio, oh I'm sorry, what you heard on the radio or read on the CAD and what you observed when you're on the scene um, your

state of mind, did you think he was capable of acting on those threats or carrying or, or harming an officer or anybody else that was in, um his proximity?

KUSHNER: Yes sir.

FLANAGAN: That was all I had.

FARRELL: Alright, anything else you wanted to add?

KUSHNER: No sir.

FARRELL: That concludes the interview at 1546 hours.

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This statement has been typed as recorded/(bkw)/ (September 27, 2013)

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 6, 2013

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SMIT: All right, today is Thursday August 29, 2013 it's approximately uh 1841 1841 hours uh, the site, the scene of 7907 Pebble Brook Court Springfield and I'm interviewing one of the witnesses uh MPO uh Lingenfelter. What's your EIN?

LINGENFELTER: 3223 and the new one is 302837.

SMIT: Ok. Um, how many years of service do you have?

LINGENFELTER: Thirteen.

SMIT: Thirteen? Ok. Have you ever been, have you ever been involved in a, a police shooting before?

LINGENFELTER: No.

SMIT: Ok, um, any uh, any uh police shootings or anything before you were ever a Fairfax County police officer or anything like that?

LINGENFELTER: No.

SMIT: You weren't a victim of one or?

LINGENFELTER: No sir.

SMIT: Uh, military?

LINGENFELTER: No.

SMIT: Ok. All right. Uh, I want to get, tell me what happened. Under what, what circumstances did you, did you show up?

LINGENFELTER: Um, a radio call had come out on, involving a domestic situation.

SMIT: Uh, huh.

LINGENFELTER: And uh it was advised by the initial units on scene that a man was in the front uh entry door area, claimed to be armed with a gun. I responded as a back-up unit INAUDIBLE allegations of a weapon being involved. Upon my arrival there were several other units on scene directly in front of the house that had engaged the man in conversation. I observed a man standing in the doorway. It appears that he was inside the residence but his body was in plain view from a screen door or a glass door of some sort, the officers were talking to him. I observed one officer posted out front um, had a weapon trained on the man.

SMIT: Do you know who that was?

LINGENFELTER: I don't recall. I believe it was Dave Parker but I'm not a hundred percent sure.

SMIT: Ok. No problem.

LINGENFELTER: Um, the front of the residence appeared to be well covered with officers and I did not hear any radio traffic about the rear of the property being contained. At such time I advised the dispatcher that I would go to the rear of the residence to keep an eye on it. I heard one of my squad mates uh voice up saying he was a few minutes out from the scene, that was Officer Matt Dannemann.

SMIT: Um, hm.

LINGENFELTER: Uh, initially I waited for him to arrive so that we'd have two officers coming to the back.

SMIT: Um, hm.

LINGENFELTER: And um, we heard radio traffic that Canine Seven and Canine Nine.

SMIT: Um, hm.

LINGENFELTER: Were going to be in route to the scene and they asked that we

wait for them to arrive so that they could deploy a dog with us to the back of the residence.

SMIT: Ok.

LINGENFELTER: Dannemann and I come up the right hand side of the street.

SMIT: Um, hm.

LINGENFELTER: Uh, to where there was a break in the, in between the houses in to the wood line and waited for a canine officer to arrive. The canine officer that came with us was Matt Kunstel and he was accompanied by 970 Charlie that was uh Erit Hanidias tonight. We made our way to the back of the property going through the wood line. Officer Hanidias uh felt that his presence was unneeded so he went to another assignment and I don't know where he was at.

SMIT: Ok.

LINGENFELTER: And it just ended up being Kunstel, Danneman and myself posted behind some of the large trees watching the rear of the property.

SMIT: All right, did uh, did you uh have your patrol rifle deployed or did Dannemann have his shotgun or?

LINGENFELTER: Dannemann had the shotgun from my cruiser.

SMIT: Ok.

LINGENFELTER: It was loaded with the buckshot rounds.

SMIT: Ok.

LINGENFELTER: Uh, I just had my side uh, side arm with me.

SMIT: Ok. All right, um, just to back up a little bit, um, when you saw a, a white male at the front door?

LINGENFELTER: Yes.

SMIT: Um, could you see, what, what could you see when you were looking in there?

LINGENFELTER: It appears that he was wearing a white shirt or very light colored clothing.

SMIT: Uh, huh.

LINGENFELTER: And I couldn't see the position of his hands, I could just see the outline of his body, I could tell it was a white male with a very light colored tshirt on.

SMIT: Did, could you tell how old he was?

LINGENFELTER: I couldn't, no.

SMIT: Ok. Was there any type of exchange between, could you hear anything exchanged between him and the other officers?

LINGENFELTER: No, I didn't.

SMIT: A verbal, no?

LINGENFELTER: No.

SMIT: Ok. Door slamming or anything like that at that point?

LINGENFELTER: No.

SMIT: Ok. Uh, at that point when you showed up, I noticed there was some debris on the front, stuff on the front lawn.

LINGENFELTER: Yes.

SMIT: Was that already there when you, when you came up.

LINGENFELTER: Yes, it was.

SMIT: Ok and then it looked like there was a screen and some other things. Did you?

LINGENFELTER: The um, the screen door that's shattered or broken I believe that occurred at the time of Tac's entry.

SMIT: Ok.

LINGENFELTER: But that wasn't in place when we initially arrived.

SMIT: Ok. So then uh, so you and Officer Dannemann back here just as cover position covering the rear, and around what time do you think that was? Just round abouts.

LINGENFELTER: Um, approximately 1540, 1545 hours, may have been a little bit earlier, have to check unit status to see what time I got on scene.

SMIT: No problem. So then, so you and, like you said you and Dannemann are back here, you are maintaining uh rear, rear perimeter security and then what happened next?

LINGENFELTER: Uh, we had devised the plan with canine what actions we would take if the man had emerged, would have emerged from the rear of the property um, Dannemann was watching ground level with the shot gun, I was watching second level windows for any type of movement.

SMIT: Um, hm.

LINGENFELTER: Uh, approximately 1551hours heard one gun shot.

SMIT: Ok.

LINGENFELTER: Checked on our officers back here, it was none of us but based on the, the volume I didn't believe it was any of us from the back.

SMIT: Ok.

LINGENFELTER: We were all ok. The sound projected from the front of the townhouse.

SMIT: Was there any uh radio traffic immediately after that or?

LINGENFELTER: There was.

SMIT: Ok. What, do you remember what it was, I mean.

LINGENFELTER: There was.

SMIT: I know we're going to have a tape of it but.

LINGENFELTER: Yeah, uh, 740 Charlie which is Adam Torres he was I believe he was the first person on the radio to advise there were shots fired and then um, David Neil, I believe he's 730 Charlie tonight.

SMIT: Um, hm.

LINGENFELTER: He advised of the same of the same traffic and at some point in time Rodney Barnes who's 740 Baker he advised of the same thing cause there was a lot of radio chatter between dispatch and the folks on scene.

SMIT: Right.

LINGENFELTER: Figuring out what was going on, um.

SMIT: The, so from, so you heard the, you heard the gun shot from, you knew it wasn't, it didn't involve you guys, there wasn't anyone shooting at the, you believe at you at that point?

LINGENFELTER: Correct.

SMIT: Did you hear anything else inside the residence, people, you know, normally you can hear people storming up stairs, slamming or anything?

LINGENFELTER: Right, no, we didn't hear anything, um.

SMIT: Ok.

LINGENFELTER: Didn't hear anything from any of the houses adjoining this property.

SMIT: And there was, there was no other wit, uh, people poking out or?

LINGENFELTER: No.

SMIT: Ok.

LINGENFELTER: At some point there was a, like a young girl.

SMIT: Um, hm.

LINGENFELTER: Here, who was coming in and out and they were able to make contact to that house to get her to stay inside.

SMIT: Ok.

LINGENFELTER: And at some point Mike Riccio came back here with Erit Hanidias.

SMIT: Um, hm.

LINGENFELTER: And they got, I believe they took an adult women and the child out of this townhouse where the little play, uh, table is sitting there.

SMIT: Um, hm. Ok.

LINGENFELTER: But that was the only foot traffic that uh that we observed back here.

SMIT: Ok. Um, anything else that I'm missing?

LINGENFELTER: Um, at approximately 1647 hours we, we cleared the rear of the property.

SMIT: Um, hm.

LINGENFELTER: Um, it was advised that Tac had already made entry to the residence and their property was secure.

SMIT: Um, hm.

LINGENFELTER: 1659 checked in at the command post with uh Lt. Joca, he's my direct supervisor. Initially he advised for myself and Dannemann to respond to the station.

SMIT: Um, hm.

LINGENFELTER: But then we were redirected by Captain Hill to stay here on scene to provide scene security.

SMIT: Who, uh, who put up the uh perimeter tape?

LINGENFELTER: I did.

SMIT: Ok.

LINGENFELTER: Um, 1710 hours I established the crime scene tape at the front of the property and the rear of the property making it an inner and outer.

SMIT: Ok.

LINGENFELTER: Scene. And then approximately 1715 hours I posted at the rear of the property for security.

SMIT: What time was that 1745 you said?

LINGENFELTER: Uh, 1715.

SMIT: Fifteen. Ok, you posted up.

LINGENFELTER: I, I posted as security. And at 1745 Officer Szuminski from Crime Scene, he came around back and started to photograph the rear of the property for crime scene purposes.

SMIT: Ok.

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Transcribed on //2013

By Karol L. Quinn, Administrative Assistant

Fairfax County Police Department
Major Crimes Division - #20132410242
LIEUTENANT MIKE FISH
August 29, 2013

OK, uh, this is Detective Robert Bond, Fairfax County Police Department, (clears throat) its August 29th, uh 2013, at 9:12PM, present uh, during this interview is um, Detective, or I guess um, Lieutenant Todd Billeb from Internal Affairs and Lieutenant Mike Fish uh, from West Springfield District Station. Uh, we're interviewing um, Lieutenant Fish um, in reference to a uh police shooting that occurred uh, in their district earlier this evening.

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BOND: Um, um, Lieutenant, if you could just tell me um, I guess, you, you're the uh, Lieutenant for the day work squad that was working involving this shooting?

FISH: Yes.

BOND: Ok.

FISH: Yeah.

BOND: Um, do you recall, the call coming out over the radio or…..

FISH: Yes.

BOND: Ok, um, do you know what time that was? About?

FISH: It was approximately just before, 3:00.

BOND: Ok, and what was the original call?

FISH: I, believe it was a domestic disturbance.

BOND: Ok, do you remember any details about it?

FISH: I was in the station.

BOND: Ok.

FISH: Here.

BOND: Uh huh.

FISH: And I really didn't hear it, because I was coming into the station to do wellness, and Lieutenant Joca was command to the evening shift, and I heard him giving out, (phone ringing) ok.

BOND: That's me, go ahead.

FISH: And um, at some point I heard him, heard someone say something about a gun and he'll use it against us or something, and at that point, I, uh, let me go out and get in the car and I um, went down to Lieutenant Joca to see if he needed any assistance.

BOND: Ok, so Lieutenant Joca was already there?

FISH: He was en route there.

BOND: Ok.

FISH: But he already, spoke up on the radio he was aware of the situation and he was starting to give directions already.

BOND: Ok, and what was the radio traffic, as you're driving down there, has it escalated to more, what was the part about the gun, do you remember?

FISH: Um, I just remember hearing the officer say, and I'm, I guess kinda paraphrasing this, cause I'm not saying verbatim, something about that, he said that I had a gun and that he would use it

against us, and then you hear the officers say, we have, con, we've made contact with him, we're talking to him, he's inside the house, he has his hands on his head, um, but he says he has a gun.

BOND: Ok, and who, who, do you know who that was that was giving you that information?

FISH: I can't say for sure, I'm, I assume it's either, it was one of the two Charlie units that were on the scene first, and I don't know which one it was.

BOND: Ok, and you get there and um, and what did you do when you got there?

FISH: Ok when I got there, I got there just as Lieutenant Joca was getting there, and I simply, I simply beat him there because he went one way and I went the other route, other way and got there, and all, when I arrived on scene um, by this time, Officer Barnes, who arrived on the scene, he had made contact, he was having communications with the guy, I pulled up, half way up the block....

BOND: Ok.

FISH: Um, I could see that, the gentleman, standing in the doorway, he had his hands up like on the top of the screen door, or, like this....

BOND: So is he outside the door?

FISH: He was inside, he was inside the house.

BOND: Ok.

FISH: He was inside the residence, um, the entire time I saw him he was inside the residence, but he was at, at that screen door the entire time....

BOND: Ok.

FISH: And um, and now, the entire time I observed him, his hands were up, like either, grabbing the top of the door like maybe the door, a, slightly opened, he had his hands on top of the screen door...

BOND: Ok so....

FISH: So they were just up.

BOND: Ok.

FISH: Um and, there was Officer Barnes, who was, to, like as you look at the door, he was to the left, and Officer Torres was up there more, centered, I mean they were both behind a big tree, to cover, and then you had uh, I believe it was, Kushner, was off to the right behind a tree, and Officer Parker was there, uh more offset to the left, he had a rifle, so they had good containment and I heard on the radio there was a, another unit and a K9 unit which I can't tell you for sure what the number was in the back and there was another, there was another K9 unit that was coming down the

side, so they had a good containment there, so that's when I saw, I arrived on scene, um, right after I got there Lieutenant Joca marked on scene, and, I mean I just, do you want me to continue on with what I saw, what we were doing?

BOND: Yeah, go ahead.

FISH: Ok, so Jo, Joca got on scene, um, almost within a minute maybe, a truck pulls up and it was the subjects father, so um, George starts talking to him, trying to get some Intel from him um, we made the decision that, time was on our side because the guy was standing there, he was talking to Rodney, they had a good conversation going, um, so that went on for, I can't, don't quote me on the time I guess, but 3 or 4 or 5 minutes maybe, but there was a good rapport, he was talking, as you remember George and I was saying well times on our side, let's see if they can keep talking to him, um, at this time a friend of his showed up, um, and he was like, I can talk to him, so he yelled at him from way back where we were, trying to get him, say, just come on, just come out John, just calm down, we're talking about going golfing and John made some comment and then the guy was um, I, I can't do anything, and then um, Commander 70 arrived on scene, Lieutenant Manzo, and he came up and quickly briefed him on

the situation and um, we're standing there behind cover, behind a van, and there was George, myself, and Ron, the officers still had containment, Rodney was still having conversation with the gentleman, and there was a shot, and, I looked back, cause I know my attention was diverted, I was talking to Lieutenant Manzo and we heard a shot, looked back and the guy grabbed his side, stumbles back inside and closes his door.

BOND: Closes the screen door or the…

FISH: No the front door.

BOND: Front door?

FISH: Yeah, because, yeah, the front door was shut.

BOND: Ok.

FISH: Yeah, so he goes inside and it looks like he was shot I mean, he grabs toward his side and stumbled back, went back inside and closed the door, so, obviously we locked down real fast um, Rodney could hear some movement inside, then um, the TAC call out was made, we um called for rescue stage, you know we got the guys cell phone number, tried to call the cell, see if he would answer uh, um, I think it was Officer Neil was in the cruiser, trying to um, talk over the PA, trying to get the guy to come out and then TAC showed up and took the little robot down there and, relieved

us and sent up back basically and they did their thing.

BOND: Ok, so how far back from the house were you, do you think?

FISH: I would say, and I'm terrible at measurements, but probably about, as you go down that street, there's a row of townhouses and you kind of go straight into his row of townhouses, and I know you can't see because of the tape, but it's probably about, 10, 15 parking spaces back, up here, so maybe, I don't know, what do you say, hundred yards, 150 yards.

BOND: Ok, ok, and, and all the officers, how far were the officers from the.....

FISH: Oh they were....

BOND: Door?

FISH: They were pretty close, I mean they, they had good coverage, they were probably 8, 10 feet from the guy.

BOND: So they were on the, the trees that are directly right in front of the town houses then?

FISH: Yeah.

BOND: Between the, parking spaces...

FISH: Yes.

BOND: And the townhouses themselves?

FISH: Yeah, like you had the parking spaces, the sidewalk, you had

some trees, um, Rodney, Officer Barnes and Torres, were behind that tree, they were very close to the house.

BOND: They were up, they were behind the same tree?

FISH: Oh man, I think so.

BOND: Ok.

FISH: I mean yeah, I think, I believe they were, one was to the right and one was to the left.

BOND: Ok, but the tree was to the left of the, front door?

FISH: Yeah if you....

BOND: You know if you...

FISH: Face the front door, yeah they were to the left of the front door.

BOND: Ok.

FISH: Yeah, and they both had their weapons drawn, and um, um, like I said, Rodney was talking to the guy.

BOND: Ok, could you hear any of the conversation that was going on?

FISH: The only thing I heard, was when the friend yelled down at him, he says come on John, come out here, and then the guys like, ahhh, I'm not coming out, um, and the guy goes come on, you know you're gonna come out, and he's like, no I'm not coming out, just go on and leave or something like that, and that's all, I didn't hear the conversation with Rodney, I wasn't that close, they weren't

talking really loud, I'm sure they were talking in a normal tone, no I didn't hear what they were saying.

BOND: Did you ever see a um, a firearm in his hand?

FISH: No.

BOND: Ok, um but I, but one of the officers originally said that there was some type of weapon there?

FISH: Yeah, they had Intel, or they got, from the girlfriend, and then from um, the father that showed up and then from the friend that showed up that he had um, weapons in the house, and um, that he had uh, uh, told the officers when they got there that, um, I have guns, I think he even said that to them, if I remember the radio traffic on the sideband someplace, him saying I'll use them against you, and I'm pretty sure that's what they said, they said that he had his um, when they were talking to him, he had his hands in the air, he did, he did indicate that he did have weapons and he'd use them against us if we came inside, and then he made a statement I think I heard on the sideband, I believe it was Officer Neil that was the one, that was getting, because he was the first officer on the scene and getting the most Intel from the neigh, from the girlfriend.

BOND: Ok.

FISH: Yeah, but I never saw one, and I did, Officer Neil did say that when he retreated back into the house, he saw, what he thought, he put something down, like, by the door, you know, if it was something black, he didn't know if it was a handgun or what.

BOND: Ok, and where was, where was Neil, was he in the cruiser making the phone contact?

FISH: Now when I got there, at that time, Neil was next door with the girlfriend, like…

BOND: Oh ok.

FISH: At the guys house, and there was anoth, another townhouse and there was, like this, other townhouse, Neil was there with the girlfriend and her kids.

BOND: Ok.

FISH: In that house.

BOND: Ok.

FISH: And he was feeding us information from there.

BOND: Got you, um, trying to think of anything else. Anything else that you might want to tell me that I didn't ask or, you forgot?

FISH: Not that I can think of, I mean it was, it seems like, I mean, I don't know how, what the timeline was, but it seems like it happened pretty quick, um….

BOND: How long was it between time you got there and the time the shot went off, do you know?

FISH: Maybe 5 minutes.

BOND: Ok.

FISH: I mean I, I'm sure, um, CAD traffic might show when I marked on scene or, I may not even marked on scene because I was marked en route, I wasn't even actually marked en route, I was just following George down there, and then I eventually marked on scene so my, my time, timeline might not be accurate.

BOND: Right.

FISH: But I got there just before George did, and we were there, then Manzo showed up, and he walked down to the scene, and it was a couple of minutes that we were conversing, like you know what the charge, are there charges against they guy, what's the deal, what's going on, giving him a quick briefing, and then, (snaps fingers) it happened.

BOND: Ok.

FISH: So not, not a long time.

BOND: Ok, sounds good, thank you very much for talking to me and it is now, um 9:22PM, thank you.

FISH: Uh huh. It's like a TV.....

****

This statement has been typed as recorded/(bkw)/ (September 17, 2013)

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BIBEAULT: Cases Manzo was tracking….

LAITINEN: Yeah.

BIBEAULT: I don't know.

LAITINEN: No one knows.

BIBEAULT: I don't know.

LAITINEN: No one knows where they are.

BIBEAULT: I have no idea.

LAITINEN: What they were doing.

MANZO: Darrin was here (inaudible)

BIBEAULT: Can we figure it out?

MANZO: Darrin, hey Ron, I had these three cases you know, there's a pending Kathy had cases sitting in here involved that you know with our department.

BIBEAULT: Last a long time.

LAITINEN: Uh huh.

MANZO: With our department what'd we say 30 days which is unrealistic.

BIBEAULT: Yeah.

LAITINEN: That's unbelievable.

MANZO: We should turn around and we should say, after twelve months, in your not....

LAITINEN: Right.

MANZO: You'll get....

LAITINEN: Unless there's a reason, a review.

MANZO: A review or something, then its dropped.

LAITINEN: Like last month, Vinnie Sciana had 14 IA cases, who can....

BIBEAULT: That he, that he got that month, in one month?

LAITINEN: No, that he had to work, like that had come, I mean 14.

BIBEAULT: Are a lot of them inherited?

LAITINEN: No, I think he got one.

BIBEAULT: Oh, well then that's not good (inaudible)

MANZO: God bless you guys.

LAITINEN: Fourteen IA cases.

MANZO: Because when I was up there I got so discouraged.

LAITINEN: Crazy, crazy.

MANZO: I remember when I was walking out of there, after my temp when you guys were up there and, Rohrer said, so what do you think, and I said, I don't want to be here.

LAITINEN: (laughs)

MANZO: Those were my last words (inaudible) and I said.....

LAITINEN: It's hard.

MANZO: (inaudible)

LAITINEN: It's a hard job.

MANZO: The quality of the officers I've seen come through.

LAITINEN: You ready?

BIBEAULT: You have to tell yourself, its 1600 and it's a small percentage.

LAITINEN: Right, it's like, it's like you see the same, I'm like, weren't you in here last week for the same thing, ok ready? Ready?

BIBEAULT: Yes.

LAITINEN: Go.

MANZO: You went all the way around and now it's on highest volume.

LAITINEN: Oh, ah.

MANZO: It's going to be screaming at us.

BIBEAULT: We've done three interviews in, all two of them we've had radio traffic come on so we thought we learned our lesson but apparently not.

LAITINEN: (laughs) Not.

MANZO: You had it all, so you can't stop it, just keeps going all the

way around, I learned that, so.

BIBEAULT: Alright LT, you know that we're here talking about, um, if you can just kind of bring us into, where you were working today, you know, station, Assistant Commander, did you work day work today, like where did you work?

MANZO: I did, I came in around uh, I arrived at the station a little after 7, this morning and then I went, I left uh, I actually met with Lieutenant Holland for a little bit, and then responded back to the station, and, was here the rest of the day, until about ten after three, quarter after three when I heard that um, Dom Dis over radio traffic, between supervisor and his guys and I guess....

BIBEAULT: You were in your office and you just hear this....

MANZO: Yeah.

BIBEAULT: The speaker up here.

MANZO: Yeah, just going over it, a little concerned, I went to the front desk and asked for details, had them print out the details....

BIBEAULT: What are you hearing on the radio?

MANZO: Just some traffic, that this guy, down here possibly armed, um, is not cooperating, just stuff like that, then I heard suicide by cop.....

MANZO: Go over the radio? And so that immediately struck my attention, I went to the front desk and uh, asked them to print out, um, the event, so they printed it out so I had a location, because historically when I leave, I'm in the station all day and I go out to my car and my CAD's dead, my car's not dead so, um, I least I have a print out of where it was and everything else, I got into the car, I told Laura, the Admin, I'm leaving, I'm going to go down to the scene and then head home from there, just to make sure everything's good, um, got in my car, opened my map book, and figured out where, um, you know where Pebble Brook Court is, or whatever, and, and uh subsequently, started heading that way, took Rolling Road down to the parkway, turned right, drove down to Pohick turned left and drove down to the scene um, and, once I pulled up on the scene, I, I pulled in, and there was one cruiser all the way down where the Command Post was eventually set up, at the entrance to the, to that area, and then I start pulling in down through the complex and there was another cruiser sitting there, and as I came over the hump, I observed um, Lieutenant Fish and Lieutenant Joca kinda off to my left, um, a man standing in the door way of a townhouse and

two officers, um, standing in his front yard facing him with their guns drawn, but one (inaudible) you know our stance, our firing stance, with our arms locked, they weren't in that position of....

BIBEAULT: Two officers?

MANZO: Two officers.

BIBEAULT: Two uniformed officers?

MANZO: With their weapons drawn yeah, their guns, their arms weren't straight, which struck me because if you're pointing a gun, it wasn't, the guns weren't on target, you know they weren't in, the ready position, I'm not a range instructor but, ready position, so.....

BIBEAULT: They were more in the ready position?

MANZO: They were not, they were more down, and so they had the visual on the guy, um, then I noticed another officer to the right, and I noticed a short little stocky guy.....

BIBEAULT: Do you know any of these officers or?

MANZO: No because I'm still coming over the hill.....

BIBEAULT: Ok.

MANZO: At the time I didn't, the little stocky guy, I know, I was calling him Davis at the scene, I'm new here to the station so, he's a new officer so I'm still learning the names,

there's a, his name is Neil, and I know that because I met with him last week and we talked about hey, you're a new officer, transitioning into the whatever, whatever, I just couldn't remember his name, I think its David Neil, but I was calling him Davis, but anyways, um, he was running around to the left of the townhouse and I think he was controlling the radio traffic, I was familiar with his voice from meeting with him, previously, um once I pulled up I got out of my car, um, and walked up to Mike Fish and asked for a brief of what's going on, I said why isn't there a Command Post set up, and so um, Mike's giving me a brief and I said well where, you know I started asking a question, I can't remember the exact questions I was asking, how many officers, do we have officers on the back of the house, Mike's giving me a brief of all that, I said, did we escalate too quickly, and uh, um just my experience, sometimes officers will escalate (inaudible) you know somebody's in their house or whatever, sometimes they'll yell out barricade before it's an actual barricade, you know what I mean so, I just asked did we escalate too quickly and Mike said no we did not, the guy had a gun and he explained it all to me, I said ok, I concur with you all's

decision and then uh, so we're talking and were talking, as I'm looking the guy has his hands on the, screen door, it's a front door, and he's engaged with the two officers, say I'm the guy who....

BIBEAULT: You got your hands...

MANZO: The guy has his hands, he's like stretching on the screen door like this, and he's talking to the officers, he has white a T-shirt on and white shorts, I'm watching him the whole time....

BIBEAULT: You're kind of indicating like he's got them on the top of the screen door?

MANZO: Yeah likes he's, I'm not tall enough to do it but like he's hanging kind of off the top of the door, his hands are on top of the door, it, it, it kind of, I don't know if, his hands were in that position, as kind of he was just, relaxed like that, or if the officers gave him command to keep his hands up, I don't know, why his hands were like that, but he was clearly hands above his head, I couldn't hear anything, I was just so far away I couldn't hear anything but I had a visual on him, I was close enough to see um, but, far enough that I couldn't hear anything, uh, between the officers and the guy at the door, um, sorry, I um, I'm talking

to Fish at which time, I'm looking and I'm thinking why are two officers standing out in the middle of the front yard engaged with the subject who is possibly armed, why do I have an officer to the right, where's my take down team, and I was talking, and all this stuff was going through my head, um, just from my position and experience, and, and, then I see his arms start coming down, as I'm thinking this, and there's this, as his hands are coming down, with his arms, they get about, they get about here.....

BIBEAULT: You're showing like about your shoulders....

MANZO: My shoulder height, this guy looked like he's taller than me, but still....

BIBEAULT: On him, on him....

MANZO: On him about his shoulder height, I mean they were clearly extended over his head so it was good distance, then came down, and um, at which time I heard a loud pop and I see his shirt, ruffle, and um, right around the center part of his shirt because his hands were still up here, so the shirt ruffles, pop, the shirt ruffles, he goes down, grabs here, falls back into the house, at which time I lose visual, and the door shuts behind him, and that's the last, at which time, um, I'm notified that there's one 357, two 9

millimeters, one 12 gauge shotgun and a high power rifle in the house, and I pulled the Command Post back out of line of sight, we now name it's an incident.....

BIBEAULT: 357.

MANZO: I'm sorry.

BIBEAULT: 9 millimeter?

MANZO: Two 9 millimeters, one 357, one 12 gauge shotgun and one high power rifle, they informed me of that, and I said ok, we're moving the Command Post because of that, the line of sight, with the high power rifle was, grave concern to me, the officers responding, I said we're moving back out of range, him, then um, as we're setting up the Command Post, the unified command came into effect with the fire department, then we started calling everybody out, and we kept a perimeter on the house, established um, I later found out that Dave, well Neil, David Neil, um, was over there, um there were some, concern about the daycare next door, on B Side, Bravo Side of the house, and he was trying to make sure that people were secured in place, we did reverse calls and that kind of stuff, do you want me to go through all that, or are you more concerned about what I saw at the incident.....

BIBEAULT: Um.

MANZO: Because once we pulled back and we started following our training as far as incident command, unified command, we put on our vests, we started making sure people were accounted for, we counted, locations, what units, I had 740, I don't have the map in front of me, I don't have my, I left it back there with 741 Bravo, 741 Charlie were the two which I later found out was Rodney Barnes, who was closest to the house and Torres, Torres which was....

BIBEAULT: You later find out that those two officers you saw at the front of the house were Barnes and Torres?

MANZO: Correct, Torres was, my impression was, my understanding was, Torres was, the two I said, why are we standing out in the open without cover, were Barnes and Torres, the two in front of the house 741 I think it went Bravo and 741 Charlie or 740, I can't remember, I didn't have the lineup, but um, so that was it, um, like I said we, we kind of retreated to safer and higher ground....

BIBEAULT: As far as like the unified command stuff that doesn't really do much for me.

MANZO: No....

BIBEAULT: (inaudible)

MANZO: No so, as I'm driving there I'm hearing all the traffic.

BIBEAULT: As you get there and then up to the, the shooting part....

MANZO: Yeah.

BIBEAULT: And then after, um so...

MANZO: It was clear to me and my assumption was, they were giving in through, and I, I know what you say about assumptions, but just basically, from our training, and to see someone's hands and from what I was told when I got on the scene when I was briefed, hey, you know, the officers engaged and this guys said he's not cooperating, he's not going with the police and apparently he was armed, it wasn't confirmed, I later find out that they actually saw a holstered weapon set down next to the door, but at the time you know I was still getting fed information, still learning about it and, and, that's when I see the, hear the pop and see the thing go off, um, my impression at the time, was, they were probably telling him to keep his hands, that's how I interpreted it, I didn't hear it.....

BIBEAULT: Uh huh.

MANZO: They were probably telling him to keep his hands extended, um, and he wasn't following directions, and so his hands were slowly moving, and the went a good

distance, (inaudible) the guys calling, (inaudible) he's armed, so to come down is a good distance, but for him to be receiving commands to keep your hands up which I'm assuming he was, and him, to move that distance, then the officers felt threatened, that's my impression, for what it's worth.

BIBEAULT: You're there with Lieutenant Fish and Lieutenant Joca?

MANZO: Jocan, Joca was in front of us, so I didn't have……

BIBEAULT: Anybody else around you?

MANZO: Um, I was focused on Fish mainly, so I don't know, I'm, I'm, there were a lot of them, there's kind of, it's, it's, ,to me, if I remember the, there were some trees and stuff too, and I was trying to figure out where our troops are, or I shouldn't say troops, where all the officers were and so I'm talking to Fish just trying to figure out and I was just getting to that topic of, why are they out in the open and where's our take down team, where's this and that, you know what I mean, so um, yeah so I don't remember seeing any other officers except for the ones that caught my attention for just, the situation they put themselves in.

BIBEAULT: Any non-officers there?

MANZO: Any non-officers?

BIBEAULT: Yeah.

MANZO: Nine or non?

BIBEAULT: Non.

MANZO: I'm sorry, um, what do you mean like family members? Yea.

BIBEAULT: Civilian members, civilians in the area....

MANZO: Not civilian police, but yeah there were civilians, there was one lady, a blonde lady in some kind of uniform with a patch on her arm, and she was talking to Fish as I pull, as I approached, I'm not sure what that was um, and then um....

BIBEAULT: A blonde haired lady with a patch like our patches?

MANZO: No, no, no, no, it was almost like a Homeland Security patch, you know the little round badge, it was almost like a uniformed Homeland Security lady, a blonde lady, there was something she was concerned about, her kids, so maybe it was a kid in the daycare home that she was concerned about, um, again, my focus was drawn on the officers and their safety more so than she was in a safe location, um, the father, what I, who I understood to be the father and the very close friend were there, giving us some Intel, uh which we utilized later, to have them draw the floor

plan for SWAT or TAC um, so um, the girlfriend who, was involved with him prior to this, um, and the two children were off, my understanding was, in a safe location offsite at another townhouse?

BIBEAULT: They're not where you are though?

MANZO: They're not where I am.

BIBEAULT: But this father, close friend and blonde haired lady are nearby where you are?

MANZO: Yeah, and the father, I'm assuming it's his father, someone said his grandfather later but, I understood it to be his father, who just, because when I walked up they said, yeah he, he, just had contact with him before we arrived and he's not cooperated, we tried to get him to talk to him or whatever, and the best friend he won't listen to either one, and so they were there, cause I remember, as soon as the pop went, his dad like covered his face, and I said, get him out of the scene, get him back, get him back, get him back, and then I got started clearing people out, so that, and that was it.

BIBEAULT: Alright, just to kind of go through it again, you're in, you're in the office, you hear it over the PA, its, peaking your interest because you hear a gun, suicide by cop, you go to

the front desk you get the print out, you figure out where it is, you're heading there, check on things, uh, you get there, you start seeing officers staged, you can see Fish, you go to Fish, that's where you're getting your info from with Fish, uh, its Fish and Joca in that area and some blonde haired lady and you told us the dad of the guy and his close friend, uh, you see two officers up by the house, another officer to the right um, and the of, the subject has his hands up on the door, uh, you can't hear what's being said, but at some point you see the guys arms coming down to about his shoulders and then you hear a gunshot....

MANZO: Yea.

BIBEAULT: A pop, you figure out it's a gunshot and then you see his shirt ruffle and then, he, kind of falls back into the house and shuts the door...

MANZO: He falls straight back, he, he falls over, grabs, I see him go like this, and scream and fall straight back into the house, not standing up, squatting, he kind of squats over, and falls back.

BIBEAULT: And then he....

MANZO: And the door shuts.

BIBEAULT: Shuts the door. However the door gets shut.

MANZO: I don't ever see him again....

BIBEAULT: And then at that point, it's kind of the place is secured and eventually TAC comes in and....

MANZO: Yeah, yeah, we try and pull up and make sure we have (inaudible)

BIBEAULT: Makes entry and all that stuff, no more contact with the subject after that, and the entry is made by TAC and then they kind of find the guy....

MANZO: Yeah, so that, is basically it, and you know, it um, the blonde in, in, just so you know, we're good distance away from the townhouse, so the blonde in the car isn't like parked in front of the house, I mean she's up the road a little bit, I think there's like a, island there, like a little tree island, and so, that's where Fish's car and Joca, and Joca was standing next to his car up there, Fish was to the rear of his car as I pulled up, and what I did, I didn't pull up, I, I stopped my car, to offset it, to block, so that no one could come in because of the time, so that no cars, you know, that anybody else would come in, and hit my blue light, so it, they would just, you know, going so no one would sideswipe my car, and that's when I got out, I was walking down and they were talking to, Fish was talking to the

blonde lady, and she was explaining something to him and I was still trying to absorb what was going on and interpret what was going on, so, that's it, I mean that's, basically it.

BIBEAULT: Alright, thank you LT.

LAITINEN: Thank you sir.

****

This statement has been typed as recorded/(bkw)/ (September 8, 2013)

Fairfax County Police Department
Major Crimes Division - #20132410242
MAURA HARRINGTON
August 29, 2013

Detective Farrell, Officer Involved Shooting, August 29th, 2013, at 1718 hours, interview with Maura Harrington.

****

BRIDGE: You can have the car if you want it?

FARRELL: Alright.

BRIDGE: (inaudible) possible to get a little bit of information from you (inaudible)

FEMALE: Everything's ok now right?

BRIDGE: Yeah.

FARRELL: I'm sorry.

BRIDGE: Hang on a second.

FARRELL: Where'd they go?

BRIDGE: Hold on, that's weird, she was in the car a minute ago. Camille, copy?

BRIDGE: That's not good, somebody ordered them, told them to move, I don't know who they....

FARRELL: 10-4 copy.

BRIDGE: I listened to my radio all night last night (inaudible)

FARRELL: Where are the kids at?

BRIDGE: The kids are at the house two doors away, at [redacted]

FARRELL: They were down that way?

BRIDGE: Yeah, all the way down, uh, uh it was a good probability that what direction they went John, but I don't know, if you want to, if you want to look down there, we don't know where the mom went (inaudible) ok, go ahead……

FARRELL: I'm gonna, if they're not there I'm coming back here. (walking)

BRIDGE: She's up here, they moved cars, uh, they moved her in the center of the Cul-de-sac with Dave Kuhar.

FARRELL: Ok.

BRIDGE: (inaudible) yeah they……

FARRELL: (inaudible)

BRIDGE: (inaudible)

FARRELL: Ok.

BRIDGE: So I was going (inaudible).

VOICES: (not sure who)

MALE: She direct, 1061?

FEMALE: Yeah.

MALE: She is, ok.

FARRELL: Yeah, if you just, who's she talking to right there?

FEMALE: Cold Case, Homicide.

MALE: Cold Case, Homicide?

FEMALE: Ok, this is Maura.

FARRELL: Hey Maura, I'm Detective Farrell, you mind if I come in here and talk to you for a minute?

HARRINGTON: Sure.

FEMALE: If your phone rings and it's your daughter, I'll answer it and tell her that you're busy, ok.

HARRINGTON: (inaudible)

FARRELL: I'm going to close the door is that alright? I'm going to be the lead detective, investigating what happened today.

HARRINGTON: Did he just bleed to death in there?

FARRELL: I, I don't, I, my job is to be able to answer all those questions for you, but right now I, I don't have any answers for you at all, right now you know more about this than I do, let me, is your first name Laura or Maura?

HARRINGTON: Maura.

FARRELL: M A U R A?

HARRINGTON: Yeah.

FARRELL: Ok what's your last name Maura?

HARRINGTON: Harrington.

FARRELL: Harrington, what's your cell phone number?

HARRINGTON: [redacted]

FARRELL: [redacted]

HARRINGTON: [redacted]

FARRELL: I'm sorry about John, and I'm sorry about....

HARRINGTON: It's my fault, I shouldn't have called you, I should not have called emergency, 911.

FARRELL: Why did you call today, could you tell me what happened?

HARRINGTON: He was throwing all my stuff out, he was throwing it out, I just wanted him to stop doing that. My, my bed, out on the front yard.

FARRELL: And then what happened?

HARRINGTON: I came, when I got home, he was throwing something else out, the girls were outside, he started going back in, I went back, I went in the house and started walking up the stairs, and he threw a suitcase down the stairs, hit me on top of the head, my youngest daughter comes running in because I screamed and she thought, something else was going, I guess he was just pushing around or something, I don't know, but we, we got outside and I called the police, because I just, I, he was just throwing everything out it was just, stop.

FARRELL: How long have you guys been together?

HARRINGTON: 24 years.

FARRELL: And you have two children with him?

HARRINGTON: Uh huh.

FARRELL: Two girls?

HARRINGTON: Yes.

FARRELL: What are their names?

HARRINGTON: Hailey and Morgan.

FARRELL: Did you see what happened when the police got here?

HARRINGTON: I saw yes, we were out, he was out talking to them, talking to our daughters, telling them that he's not mad at them, that he loves them and that he wanted to have a conversation, a family conversation first before I signed a lease, that I, because I was moving out and he knew, they knew, they were already informed by, I told them, been preparing them for it, for a while.

FARRELL: Did he just find out you're moving out?

HARRINGTON: No, he's known, but he didn't want me to sign the lease until we had a conversation, but we had a 5 hour conversation on Monday about it, he knew I had it in hand, I just hadn't signed it yet, but I, I was afraid that, I was afraid that I was taking too long to sign it and that they, it was gonna, someone else was gonna rent it.

FARRELL: So did you sign the lease today?

HARRINGTON: I signed it yesterday, but he sent me a text at lunch today and said we still need to finish talking and, before you sign the lease, and I, when I called him back, I told him that I had already signed it, and he said fuck you, I'm throwing your shit out, you need to get the hell out of here, we had an agreement, you went back on that.

FARRELL: So it started over the phone?

HARRINGTON: Yeah, and then he started, throwing the mattress out, my oldest daughter called me, and she's like, what happened, and I could hear my youngest daughter in the background trying to stop him from, throwing stuff out and, um, she was crying and screaming at him to stop and he was telling her, yelling at her to get out of the way and she was telling him no and, told me that um, I don't think he, pushed her or anything but, he might have pushed her out of the way, trying to get the mattress out, because he was just, determined to, do what he was doing, he was going to hurt me.

FARRELL: You think he was gonna, like hurt....

HARRINGTON: Emotionally.

FARRELL: Like hurt, right because of, signing the lease?

HARRINGTON: Cause, yes.

FARRELL: Ok, um, what time did, what time did you get home?

HARRINGTON: He was upset about that. Um, it might have been close to 2.

FARRELL: And then how long after you got home did you end up calling the police?

HARRINGTON: Um, probably like 5,10 minutes, fifteen minutes, I just didn't want, I wanted, someone to tell him that he can't be doing it.

FARRELL: Right, what um, what precipitated all this, why did you decide you wanted to sign the lease and move out?

HARRINGTON: It's been building for years and finally in February I told him that, I'm, I've not been happy, he, he's an alcoholic, he's irrational, he would just blow up and, and just, I don't know, just got up the courage and had friends that were helping me, and, motivating, and uh telling me that, that I can do it, because I was always afraid to before.

FARRELL: Ok.

HARRINGTON: And they would help, they said they would make sure I didn't fail.

FARRELL: Do you know if he had been drinking today?

HARRINGTON: I, I doubt it, I mean, he usually doesn't drink during the day, when he does drink, he but, he was, in February, when I told him I was done, and I was, I was going to find a place, I was

going to move out, he said he was going to stop drinking and, well, he didn't say that at first but, he said if I stop drinking, will you, work with me, will you, find it in you to, be a family again and, and he has been trying but I'm still not happy because I, I just, can't talk to him anymore, (answers phone) Jeff, yeah, I'm, they told me over, probably about a half hour ago, they just tell you now, how's his dad taking it? (crying) I shouldn't have done that, I shouldn't have called the police. He um, let's see, he had told the police when they got there, and they asked him to step out, he said no, then you'll just arrest me for drunk in public so I think he probably drank some, on, after he talked to me and I was on my way home. You know, I know but, I mean he said that along the way that I still didn't want to stay. And you guys, and you guys have been around for the past few years but it's just it got so bad. You know, I think um, you know because he called his dad, did he tell you? He called his dad, he called his dad on, when I was coming home, and to find out what's going on with um, his mom and stuff, and she is completely, she completely cut him out of the will, and I think that was probably, you know, anoth, you know another last straw, he had nothing. Morgan, Morgan's going to be

devastated. He, Morgan, is getting both of them, they're going to be devastated, they don't know yet, the girls do not know. Ok, ok, alright I think, like. He just, just needed to step outside and talk to them. He was, he, I think, I don't know. I know. I don't know what to do. Ok. I know, can you um, can you call Don Kelly back? Ok. I know, and then Kelly called me and then uh, my phone died. Oh ok. Yeah. I know. I know. I know he never, I never, I didn't understand why he couldn't just think of them and not think of me just. Yeah. Well, Morgan, I, I saw you, I saw you. It wasn't. You're kidding? What the hell. I heard, I heard the pops I was, I was next door. Right. Right, right. Why, God, so, they, they did, they did, they sent the robot in, but there was so much lighter. Alright. Ok. Alright, I don't know, they're going to have somebody, I, I, have to, I have to go, I'm in, I'm talking to a detective right now, alright. Thanks Jeff. (end of phone call) (inaudible) they were going to send somebody, I work for Drug Enforcement Administration.

FARRELL: What do you do for them?

HARRINGTON: Um, I'm just, I work in forensic security, but I don't, I think it has to be reported. (answers phone) hello, hello, that didn't work. I'll just. That's not it.

FARRELL: You said your cell is [redacted]

HARRINGTON: Yes.

FARRELL: How long have you been living in this address here?

HARRINGTON: Almost 24 years.

FARRELL: And what's the address here?

HARRINGTON: 7907 Pebble Brook Court.

FARRELL: And it's the four of you living here?

HARRINGTON: Yes.

FARRELL: You have renters or anything?

HARRINGTON: No.

FARRELL: No one else in the house, today?

HARRINGTON: Just, just the kids.

FARRELL: Were you speaking to him, to John on the home phone or his cell phone?

HARRINGTON: I'm not sure, um, I don't know, it's the (inaudible) probably.

FARRELL: What's the home phone number?

HARRINGTON: [redacted]

FARRELL: And what's his cell phone number?

HARRINGTON: [redacted]

FARRELL: And then, do Morgan and Hailey have cell phones?

HARRINGTON: (no audible answer)

FARRELL: What's Hailey's number?

HARRINGTON: [redacted]

FARRELL: And Morgan's?

HARRINGTON: [redacted]

FARRELL: Right.

HARRINGTON: (inaudible) [redacted]

FARRELL: [redacted] what's Morgan's date of birth?

HARRINGTON: [redacted]

FARRELL: And Hailey's?

HARRINGTON: [redacted]

FARRELL: And, what's your date of birth?

HARRINGTON: [redacted]

FARRELL: So you guys, you're on the phone, uh, and then, you sign the lease, he's throwing things out, you hear the altercation with the girls, you get here, and then what happens? Are the girls inside or outside when you came home?

HARRINGTON: They were, I told them to go to the um, our neighbor's house, so they were over there, Morgan had packed up a bunch of her stuff, and brought it over there, they um, locked the cat, in the bedroom, their bedroom, because um, he said he wasn't gonna to touch anything in that room, and, I came home, I parked and

he was bringing out, I think it was the headboard at the time, and then he went back upstairs and he got a mirror and came out and threw the mirror down, and, then, then as he went back upstairs I went back in the house, Morgan, had already come out, but um, she was already out there and when he went back in, I went back in and I think I said, what the hell John, and, you got to stop this, and, he uh, he threw a suitcase down the stairs, it hit me on the top of the head, I actually, when I saw it coming, I thought it was like, one of the, furniture, I thought it was like a side table or something.

FARRELL: Did he throw it at you?

HARRINGTON: I don't think he cared, that I was on the stairs, he threw it down the stairs, he threw it up over the railing and down the stairs.

FARRELL: So he knew you were there?

HARRINGTON: Yeah, I mean I was talking to him.

FARRELL: Ok.

HARRINGTON: So I, I screamed, Morgan came running in the house, and she was crying and, she's like, mom we got to get out of here, so that's when I called the police, I called 911.

FARRELL: What neighbor's house were they at?

HARRINGTON: Lydia Gifford's, [redacted]

FARRELL: So when you get here, um, did you speak to the officers?

HARRINGTON: He, he came outside and he was very calm, and he started talking to the girls, I was talking to a friend of mine telling, telling her what, what was going on, and he was talking to them and he said, you know, I just want you to know that, I love you and this isn't, I don't know if he said it's not your fault, I'm not mad at you, I'm not mad either of you, but your mom and I had an agreement and she went back on that, and that's why I'm angry, and he said something I didn't hear because I was talking on the phone, I think he wanted them to step inside and I was, just said no, hold on, and he started walking, oh, a UPS truck came down and he didn't want to be outside, he didn't want anyone to see him, to see because, baring family business outside and all our stuff is out on there, and he didn't want that person to see him so he started walking towards the house, he went inside, and then after the truck, the UPS truck went by he came back out, um, and but I told the girls, we're not going inside, um, and then the two police cars, came down and he started walking in the house and he told them, he told them that um, I'm going in, they're not coming in here.....

FARRELL: He told that to who?

HARRINGTON: I think he told it to the girls, he said something along those lines, I'm going to be in the house, I'm not coming out.

FARRELL: Ok.

HARRINGTON: And then um, we were standing there, the police officers came and, saw him and the, first one on the scene didn't get his name, um, he said sir, do not go inside sir, and John said something like, I'm going in anyway, and then he got inside, he walked in and then came back out and that's when he said, you know, I'm not coming out and I just want you to know, that I have a gun, you know because, and, and…

FARRELL: So he went in and then came back out?

HARRINGTON: He didn't come outside.

FARRELL: He walked in?

HARRINGTON: He walked in and then, came, and probably put something on the stairs, he had told me and I don't know what's in there, um, but when I told him I called the police, and he says that fine, you just let them know that I'll be waiting here with a, semi-automatic, and it looked like he had, rifle, and, and is that what a semi-automatic is, I, ……

FARRELL: So you told him, you called the police and he said that's fine?

HARRINGTON: Just let them know I'll be waiting here with a semi-automatic.

When I was coming home, and we were talking on the phone, he did say to me, well I'm throwing your shit, shit out, go ahead and call the police.

FARRELL: Ok.

HARRINGTON: Which, now that I think of it, I mean I probably wouldn't have.....

FARRELL: So the officers are, two officers arrive on scene or two cars?

HARRINGTON: Its two officers.

FARRELL: He goes inside, the officers tell him not to go inside, then he comes out but not fully out?

HARRINGTON: He doesn't come out, but we have a screen, half of the glass in screen....

FARRELL: Ok.

HARRINGTON: So the screen, glass was down so the screen was there....

FARRELL: Ok.

HARRINGTON: And he was talking through that. And he said you know, I'm not, I'm not coming out and, I just want you to know that I, I have a gun and the officer said why, why do you have a gun or, I don't know exactly what they said um, but he said you guys have guns, you're hands are on your gun, I had told 911 that he had had guns, um, and he says, so I have a right to protect

myself, you have a gun, if you want to put your guns down, I'll put my gun down, he didn't have it in his hands, he was, I think it was tucked behind his back, in his pants.

FARRELL: Why do you think that?

HARRINGTON: Um, because his hands were like this.

FARRELL: Ok.

HARRINGTON: And he said he had the gun so I believed that I, I almost think that he did tuck something down there.

FARRELL: Did you see anything?

HARRINGTON: (sighs) I'm not sure if I did, I believe I saw something that was about that big that I thought was probably, could have been a gun.

FARRELL: When did you see that?

HARRINGTON: Um, when he, it's all confusing, I don't know, I don't know if it was when, he walked back into the house, when he was walking into the house, when they were coming out.

FARRELL: Ok.

HARRINGTON: I'm not sure if it was.

FARRELL: Ok, so then what happens?

HARRINGTON: Um, we, walk over to the neighbor's house, I was watching outside and, I, remember two officers, one was talking to him, I

don't think his gun was out at the time but the other one, the taller officer was standing at the tree, the tree in our front yard, and he had his gun out.

FARRELL: Ok.

HARRINGTON: And, and then another officer showed up with, the, I don't know what it is, the shield....

FARRELL: Ok.

HARRINGTON: And he, (inaudible) he came around and he, they were all talking and, I know that, John kept saying no, I don't need to come out, and, when I said that, about the drinking, I don't know if I told you that, but I called, I said this when Jeff finally arrived, and I called Jeff, because Jeff was up the hill, where the rest of the officers were, and I said what is going on and, and he said that, oh it was actually the police officer that told me he had said, that if I step out, you'll just arrest me for drunk in public, cause then he asked me if he had been drinking, um, so it was Jeff that told me what happened, though that, he was just sitting there talking, his hands were up on the glass, and it looked like he started to drop his hands a little bit but they were just talking, when somebody fired.

FARRELL: Ok, so Jeff was there?

HARRINGTON: Jeff was up and then.....

FARRELL: Is he around here now?

HARRINGTON: He's um, he should be, I mean he watched the whole thing, he saw it.....

FARRELL: Ok.

HARRINGTON: He said doesn't know what happened because it did not look like John was going, dropping his hands or.....

FARRELL: Ok.

HARRINGTON: Reaching for anything.

FARRELL: Ok, what's Jeff's last name?

HARRINGTON: Stewart. I can call him and see if he's still here.

FARRELL: That's alright, I'll get, I'll get his information from you, what's his uh, cell phone number?

HARRINGTON: [redacted]

FARRELL: So you're watching everything from Lydia's house?

HARRINGTON: Yeah so....

FARRELL: Ok.

HARRINGTON: I couldn't, I heard what sounded like a gunshot.

FARRELL: Do you remember how many?

HARRINGTON: It sounded like two to me, I, I thought it was pop, pop, and it was just a pop, it didn't so, I thought well, I mean it didn't sound

like anything, but then I called Jeff, and I said what just happened and Jeff said, um, well first of all, when that happened the police officers who were in front of the house, ran to the sides, I mean I, Jeff seems to think it was just somebody somewhere else....

FARRELL: Ok.

HARRINGTON: And that it didn't even look like the police officers had done that.

FARRELL: Were the girls watching?

HARRINGTON: God no, they were downstairs, I didn't hear....

FARRELL: That's good.

HARRINGTON: That, but after that happened, there were, everyone was hugged up against the other townhomes, and there were two in front where I was, uh two officers, and when my daughter came up, she was one, wanted to know what was going on, she wanted to see her dad, she, and she saw the police officers were out front, and I told her, I said, they're just, that's when they're using the bullhorn, and I said, they're trying to get him to come out of the house, and she says, but I see them out there, they're just trying to get him out so they can shoot him.

FARRELL: So she was upset?

HARRINGTON: She tried to get outside, she opened the door and yelled out, don't hurt him?

FARRELL: Who is this?

HARRINGTON: That's my youngest.

FARRELL: Which one?

HARRINGTON: Morgan. I mean, it took a lot, my older daughter, stronger, kept a lot to um, hold her and stop her from running out, I was so afraid she was going to run out and……

FARRELL: Ok.

HARRINGTON: House, (answers ringing phone) hello, ok. The kids are still at the neighbors, they don't know yet, and I'm talking to a detective right now. Um, I can get a hotel. I, I, I do, I could stay with John's parents, I could stay with other friends of mine, I'm unfortunately, (inaudible) other friends are not in town.

FARRELL: I'm going to step out for one minute.

HARRINGTON: (crying) (Detective Farrell leaves room) (Detective Farrell returns) (Ms. Harrington still on phone call) I know, (inaudible) that, I was just thinking if I could have just had Joe come over and talk to him, I should have called, Morgan's going to be devastated, she doesn't know yet. Thank you. I know, ok. Ok. Ok, thank you, bye. This doesn't happen, I know he would

never hurt anyone, he wouldn't have hurt anyone, do you think he just wanted to hurt himself, she, she's going to say I lied to her, cause, because I kept her in the house, I said he's going to be fine, they're just trying to get him out. I know. Thank you. Thank you. Ok, ok. Ok, ok. Thank you Renee, uh huh, no, no not right now, I'm still talking to a detective right now, they're together, they're down at the babies, uh our daycare, the daycare provider, our neighbor. Right. Yeah. Ok. She, she's safe but she tried to run out at one point to tell everyone not to hurt him. I know, I know, he told them that. Ok. Ok honey, thank you. Right, thank you Renee. I know, its, I love him too. Ok, ok. Ok. Ok. Thank you, alright, bye Renee, bye.

FARRELL: Maura, what type of weapons did he have?

HARRINGTON: Um, I think he, he has 2 or 3 handguns, um, pretty sure he has a shot gun, I'm not sure, the gun I saw that I thought I saw him carrying, the, when he said just let the, when I told him I had called the police, he said well just let them know I have a, whatever it's called um, like semi-automatic, semi-automatic, it looked a big, a gun this big, a rifle or something, I don't know what, a semi-automatics were, um...

FARRELL: He was carrying that, at one point?

HARRINGTON: We were outside the house.

FARRELL: He had that outside the house?

HARRINGTON: No, he was, I could see him through the door.

FARRELL: So you saw him in the, inside the house with a longer gun?

HARRINGTON: Yeah, then he, he wasn't, holding that when he was talking to the officers.

FARRELL: Have you guys ever had, problems where he threatened you with a gun or……

HARRINGTON: (inaudible)

FARRELL: Are those reported at all?

HARRINGTON: No, cause I know he was just yelling in anger.

FARRELL: Would that be when he was intoxicated?

HARRINGTON: Yes.

FARRELL: When was, did that happen recently?

HARRINGTON: No, the, the one in question, the major one where, everyone told me that I was stupid, that I'm still there, was uh, happened a long time ago, where years ago Morgan my youngest was young at the time, she still remembers it though, he um, I know we were, he was, we were arguing, I don't even remember why but he had, got the gun out, I don't know if he told me to get the hell upstairs and don't come back downstairs, or I'll, he'll shoot

me or, but I yelled for Morgan, she of course was on top of the stairs listening to the conversation, argument, and, when I yelled Morgan, and we talked a little later, she thought that he was coming out to shoot me.

FARRELL: Did he point the gun at you?

HARRINGTON: I don't know, I just know, I wasn't afraid, I told her though, I yelled at Morgan because I wanted to leave, so I told her to, went up together and we ran down and I went outside, and I got in my car and realized I didn't have my keys, and then when I came back in the house he was calm and wanted to talk.

FARRELL: Um.

HARRINGTON: But um, a cup, a couple of weeks ago, got angry again one time, um, because I don't know, I, I came home early and I didn't talk to him enough, and I was sitting outside and reading a book, enjoying the weather and my oldest daughter is sitting outside and he came out started making snotty remarks and I, said something and it just escalated into a big fight, argument, just yelling um, and when he gets that way, he's very, he was very demanding that, I talk to him. He will, just yell and yell and yell to see, to where I finally, I guess don't mind (inaudible) him

again, just, I guess, just to get him to get a reaction, I was the…

FARRELL: Is it more of just the yelling or has there ever been any physical abuse?

HARRINGTON: A long time ago.

FARRELL: Ok.

HARRINGTON: Before the kids were born.

FARRELL: Does, I know you said that um, he had some problem with alcohol, does he take another medication or does he take drugs or narcotics or anything like that?

HARRINGTON: I, always wondered, I always thought he might of um, I know, I know years ago that um, he has.

FARRELL: Ok.

HARRINGTON: He just…….

FARRELL: But nothing recently, no?

HARRINGTON: No, I mean I, you know I work for DEA, that can't be in the house and I'm afraid that it's probably hidden somewhere and it is.

FARRELL: Any um, mental health issues with him?

HARRINGTON: No.

FARRELL: That he's receiving treatment for?

HARRINGTON: No.

FARRELL: Any uh, physical problems with his body?

HARRINGTON: No, no physical his um, why, I guess why suicidal, is that what we're getting down to here?

FARRELL: Well no, I was just wondering, I, I, I don't know you and I don't know him, and I don't know, I don't even know....

HARRINGTON: He has problems....

FARRELL: Officers...

HARRINGTON: With his fam, his parents, he stopped talking to him mom finally about three years ago, I mean, it was just his Dad.

FARRELL: Is that Don?

HARRINGTON: Yes.

FARRELL: Ok.

HARRINGTON: Um, his mom, he has talked to me, is just a manipulative person and he had just had enough and the problem is, he used our kids to manipulate her, too, so and then he was just like his Mom, just.....

FARRELL: Had he expressed any suicidal thoughts?

HARRINGTON: As I was coming home he did.

FARRELL: What did he say?

HARRINGTON: Um, that he's about 45 seconds away from putting a gun to his

head because he has nothing left, he just found out, because he called his dad, after he blew up at me, because I had signed the lease without, I was talking um, God I don't need that now um, he told me he had just talked to his dad and he found out that his mom had completely ki, cut him out of the will, so he has nothing, he was (inaudible) I think it was (inaudible)

FARRELL: And that, he said that today?

HARRINGTON: And um, he asked his dad, he told me, that he asked his dad if there's, if he could help and his dad said, that, he probably only has a couple of more years to live and he's not going to rock the boat at home, his mom is very, very opinionated, strong and, pretty much rules the house.

FARRELL: You guys are, you're not married correct? Like common law husband and wife, kind of, (inaudible)?

HARRINGTON: (crying) There's no common law in Virginia (laughs)

FARRELL: Sort of that scenario (inaudible)

HARRINGTON: We lived in this house since he, when we first moved in, we moved in together, 24 years in December.

FARRELL: Where does he work at?

HARRINGTON: (inaudible) he's um, he works at home, he has no one to talk to during the day, you know, the girls just, he thinks ignore him,

because he tends to rant and rave.

FARRELL: And you said he's made suicidal comments in the past, is he depressed or.....

HARRINGTON: I think he was when I first told him in February that I've just had enough and I'm done, he's drinks, he's irrational, he's scares me, he scares the kids, we don't know when he's gonna to blow up I'm afraid of what he's going to do, so, most of the time it's just yelling, I don't know if he would ever hurt us because he turns around and says after, afterwards that he would never hurt his kids, he loves his kids. But, he also, when we were talking on Monday, um, that I'm definitely moving out, and, my mind is set, he, went from sometimes he's yelling to me mad, to him knowing that yes he's, with his words, fucked up, he's been bad, he's just, caused all this, um, but he said that, he's yelling he was saying, once you walk out that house, those kids are your responsibility, they're no longer mine, responsibility, but then turn around and say, I love my kids, I'll do anything for them, but he said he just wants, he just wants me, it, it just seemed obsessive, (inaudible) because, it just, I wasn't (inaudible) somebody I could talk to, but, I didn't know if he was going to be drinking that day, and, then blow up on

something.

FARRELL: What um, where was the lease, or where were you going to, where were you going to move to?

HARRINGTON: Just over on Martin because, it's just a condo, um, I wish I could remember the street um, he um, I'm not sure who this is (phone ringing)

FARRELL: (inaudible) what I'd like to do is have Officers....

HARRINGTON: This number looks familiar, (answers phone) hello, yeah. Pat (crying) I don't know why it came down to this. (Detective Farrell leaves room)

MALE: No Farrell just left, just got out.

HARRINGTON: (Detective Farrell returns to room) (Ms. Harrington still on phone talking) have some neighbors or Morgan's friends, be able to cross that street and then they're going (inaudible) said we could stay at their house too, and that's close and familiar, ok, you ok, thank you. Ok. I appreciate that Pat. Ok. I think his parents will have to help too. His dad was here. Yeah. Alright, I got to finish talking to the detective, ok, bye. Ok, thank you, alright, bye.

FARRELL: What was he wearing that day, do you remember?

HARRINGTON: He just had on shorts and a T-shirt, he had first told me he had

on shorts when he was throwing my stuff out, did someone throw up in the back of your car?

FARRELL: (inaudible)I'm not sure.

HARRINGTON: (inaudible) something.

FARRELL: So first only shorts um, so when, when, uh, he throws the suitcase down, um, he's just wearing shorts?

HARRINGTON: (no audible response)

FARRELL: Ok, then you're outside, he comes outside....

HARRINGTON: Well I saw he had put on another T-shirt before he came outside.

FARRELL: That's when you noticed the bulge in the back of the shirt?

HARRINGTON: No, he didn't come out with the gun, he did not come out with a gun.

FARRELL: Ok, when did you see that?

HARRINGTON: He was, when I was, either time, I don't know if I was talking to somebody, but he had, come just to the front, and it's a glass door....

FARRELL: Ok.

HARRINGTON: And a screen, so you can see right through, that was, the, the screen door, glass down below and, and he was holding what looking like um, a rifle and, to me, it looked like it could have

been an uzi, and cause that might have just been my mind thinking that because he said semi-automatic.

FARRELL: Right.

HARRINGTON: Um, but, that was not what he, when he went back in the house, when the police officers came down, that, isn't, it looked like he had put something in the back and it could not have been a gun that big.

FARRELL: Right, so you never saw a gun outside of the house?

HARRINGTON: No.

FARRELL: It was just when he's at the window.....

HARRINGTON: Yes.

FARRELL: Of the house.

HARRINGTON: And it's, and it actually, and when I saw it, the girl saw it too, so that's when, we started, probably, I wanted them moved.

FARRELL: Ok, and did, did you tell the officers on scene that you had seen him, holding the rifle inside or, I mean the....

HARRINGTON: Say, they asked, like, he told them he had guns but when I called the police, when I called 911, and spoke to the operator, I told her that he has guns.

FARRELL: Ok, did you tell the operator that he might have one on him at that point or just that he has guns in the house?

HARRINGTON: I, I don't remember.....

FARRELL: Ok.

HARRINGTON: I, I may have said I saw him with one.

FARRELL: Ok.

HARRINGTON: Yes, I'm sure I did....

FARRELL: Ok.

HARRINGTON: Because they knew that coming, down.

FARRELL: Um, I have um, some people from mobile crises, which helps with um, support, um, and then I have a detective, and I'd like, what I'd like to do is, have them go with you to talk, I need them to talk to your daughters, but I think they may be able to help you...

HARRINGTON: Ok.

FARRELL: Um, notify your daughters as to what happened, does that sound ok?

HARRINGTON: (no audible response)

FARRELL: Ok, um, like I said, I'm the lead detective, my job is to determine, what crimes occurred, what crimes didn't occur, who is responsible for whatever criminal activity may have happened today.

HARRINGTON: I don't, hate him, I mean when I was talking to the lead officer,

the officer that was here first, in the neighbor's house, um, I, I told him, I said he's not gonna just, do anything, he's not going to hurt anyone, but he is very stubborn, and he doesn't like police officers and he doesn't like the government, he's not going to come out of the house.

FARRELL: Well my job is to.....

HARRINGTON: (inaudible)

FARRELL: Figure out what happened today, um, to thoroughly investigate it, uh and, and to document all that so, if you have any questions, about what's going on with the investigation or, status of things, um, please call me, um, I'll let you know as best I can, the one thing I won't do is, I won't answer questions, I if I don't have the answer, so, like right now, I, I, I don't really know much at all.

HARRINGTON: I know.

FARRELL: And I'm going to talk to everyone, uh, to the officers that were here.

HARRINGTON: Do you need to talk to Jeff too?

FARRELL: Jeff I'll, yes definitely someone will speak to Jeff someone.....

HARRINGTON: Because he was up and saw.....

FARRELL: Yes, and definitely, and if you hear of other people who may

have been outside, will speak to Lydia, we want to speak....

HARRINGTON: Lydia, ok.

FARRELL: To anybody who saw anything.

HARRINGTON: Lydia, you need to speak to her, because actually before, I came home, went over to him, um, telling him that he's scaring the kids doing this, and you know, we've known her for 24 years as well.

FARRELL: Ok.

HARRINGTON: She took care of our kids until the age of 5.

FARRELL: Let me introduce you to Detective Bond, and then we'll uh, head down.

HARRINGTON: (inaudible) she just wanted to see him and I said she'd be able to see him, he just needs to come outside, that's all they're trying to do is get him out but she was afraid that they would just try to lure him out to shoot him, because she saw them, up by the house.

FARRELL: I explained to Maura that we need to, that we'll help with notification and then we need to speak to the girls about what they saw, and then also we have mobile crisis here that, maybe able to assist.

BOND: Yeah, I uh, I, I don't want to talk to them in great detail, and

drag it on, but yeah, just, just a brief statement of what they may have saw or (inaudible) that's it, uh, I think we can sit down later on and talk to them about, you know what actually happened, ok? Do you want to just walk on down there now?

FARRELL: Yeah.

BOND: (inaudible) Yeah (inaudible).

****

This statement has been typed as recorded/(bkw)/ (September 12, 2013)

Fairfax County Police Department
Fairfax, Virginia
September 18, 2013

Case Number: 2013-2410242

* * * * * * * * * * *

Today is August 29, 2013; the time is 2032. We're at the West Springfield Station, this is Detective Jeremy Hinson Cold Case interviewing DAVID NEIL with Sergeants Cochrane, Chantel Cochrane, and Thea Pirnat from Internal Affairs, uh, we're talking to Officer Neil about his role as a witness officer and a shooting.

* * * * * * * * * * *

HINSON: So Officer Neil is you could just tell me – is it David?

NEIL: Yes, sir.

HINSON: And what's your middle initial?

NEIL: A.

HINSON: A? And could you spell Neil for me?

NEIL: N-E-I-L.

HINSON: And what's your unit number?

NEIL: My designator?

HINSON: Or your, yeah, your designator.

NEIL: Seven thirty Charlie today.

HINSON: Ok all right and what was your car number?

NEIL: 3321.

HINSON: All right and if you would tell me what your, what happened today on of this event.

NEIL: Sure. Um, I responded to the scene and while I was en route, uh, Officer Torres, is the other officer with me, he was in the silver unmarked; he was waiting for me down the

street from the location so I passed him and honked at him let him know I was passing him cause I was it was my area so we arrived together. Um, I turned on to the street and as I was driving down, I observed a male and a female, uh, standing kind of talking to each other in the front yard. It didn't appear they were arguing or anything, they were kind of standing there and the male gave a gesture like oh, great the cops are here type of thing, like his hands, his hands. Um, I pulled in, I actually backed into a parking space, um, and then Torres pulled in, uh, so he'd be perpendicular to my – front end of his cruiser perpendicular to the front of my cruiser – I was backed into a space. I got out and the male immediately started walking right to the door with a, with a purpose, you know, I knew that there were guns involved because they said there's guns at the house in a, in a gun safe. So I knew there were some guns on scene but I didn't know if they were, you know, locked away or not; I just knew they were possibly present and it felt, I felt like a little uncomfortable because he's walking directly towards the house and I said, sir, can you stay outside for me and he said, no, not gonna do it and he goes inside and closes the screen door. So the screen door's closed but the other door's open. So I said, you know, the reason we're here there's a domestic dispute, you know, we just need to talk to you and he said, well, I have a gun. At that point, I was oh no, ok, he's got a gun and I said, ok, there's no reason; you know where's the gun? He said my lower back. I said well there's reason for you to have a gun, I need a gun to defend myself from you guys, you guys have guns; I might need mine. So that's when seven, uh, seven Torres, I'll say Torres, he has a designator but I'm sure what it was. I think 740. Um, got on the radio and advised the dispatcher what was going on and, uh, he said I have a right, I know my rights, you're on private property. I said step outside and talk to us and he said I'm not stepping outside because that means I'll be drunk in public or similar along those lines. I don't know his exact statements but being drunk in public. Um, I said, ok, like I

understand you have the right to have a gun, I'm all for guns, I carried one before I became an officer, my family all carries them. I'm trying like calm the situation down, build a rapport; I do recall at one point that he had something in his, in his hand behind, he kind of reached around his back and he had something black in his hand and he kind of set it down to the left side, it would be my right his left. It was black, I don't know, it could have been, you know, I don't know what it was, I mean, it's black like kind of like long but I couldn't tell what it was; weapon or not I couldn't tell you. Um, so we held the scene, we're kind of; I have my gun drawn but it's to my side, like it's pointed down at the ground or Torres had him at gunpoint. I told the guy, ok, just come out and talk to us and he said can you guys put your guns away then we'll talk. And I said what if I put my gun away, will you come walk towards me and Officer Torres will stand there? He said no I want all your guns away. I was like that's not gonna happen; we're not putting our guns down, we're trying to figure out what's going on. Then Officer Barnes respond, came on scene. I remember him carrying a shield and I believe he had a helmet and he walked to Torres and I believe he went to the left side of Torres and then Joca got on the radio and said, 'has anybody talked to the complainant yet'? And then basically no one had so I said Torres do you want me to go talk to her or do you want to talk to her? He said you go talk to her. So I holster my pistol and I walked around and I went inside. At first, you know when I first got on the radio I said it was the house next door but now I believe it was the house two doors down from the location. IF you're looking at the house to the left and I made contact with his girlfriend who he's been with for 24 years I believe. They're not married; they have two kids in common. I don't their ages; I did talk to the girls I did write down their date of births and everything later on in my double oh seven. I talked to, talked to the lady, um, at first I was trying to see if we had any charges or not; what's going on, uh, she advised that he basically they had been together for

24 years and in February she had mentioned to him that she wanted to move out. He had kind of stopped drinking up to February and then, um, started drinking again kind of how he deals with his problems I guess. Um, she said that she had mentioned to him that she was moving out and he said, you know; let's talk about it before you sign the lease. Well, apparently she had signed the lease and she told him that I signed the lease today and he like went irate started throwing her stuff in the house, throwing her stuff out the house, um, according to her she had signed the lease and was moving out with her two daughters, um, so that really threw him off the deep end. I asked her, I asked her if he ever made any kind of suicidal statements or anything threats to harm himself ever, um, and she said that early in the day he was on the phone with her and said that he was 45 seconds from shooting himself in the head and then they're talking he's like now I'm 30 seconds from shooting myself in the head. So I knew he had made statements to hurt himself, um, so I made sure I let the supervisors on scene know that he had made those statements. Um she also, she also told me that he had made statements that, you know, he had his gun with him and that he'd probably end up with a bullet in himself by the end of the day or something along those lines. Um, she was telling me all these things while I'm trying to tell the, the over the radio I'm trying to tell everybody this going on so they have an idea suicide by cop type of deal. Um, I took all the kids; it was actually an in-home day care that I was standing in the middle of. There was a lady that lived there, the neighbor, she had four children that she was watching. There were two other kids that were the guy's daughters. So I had everybody go down to the basement, I said let's everybody go down to the basement and we'll kind of keep them away as far as I can, you know, I when I did that I noticed that the back door was accessible if we needed to evacuate them but, uh, the Lieutenant told me to hold when I got there so I kept everybody downstairs and got them distracted with like TV and stuff. Um, so I kept talking to the, the wife

or the girlfriend 24 years talking to her, um, I kept tying the radio up and I knew that, you know, Torres and Rodney needed the radio so once I got everyone downstairs and was kind of, you know, got all the information I needed, um, I walked outside turned the long way, crossed the woods to Lieutenant, uh, Joca and advised him that the wife, the girlfriend had told me that he was, the subject was anti-government and he would not give up until he got his way. So I was just telling the Ser, Lieutenant we might be here for a while, you know, let them know those things. Um at that point, I'm standing, I was standing outside; it was the house and I remember there's, there's like, like an island of woods basically and I was beyond that island of wood. There was a cruiser that was perpendicular to the house and I was standing behind that cruiser kind of using it as cover. I remember Lieutenant Fish told everybody else to go back to the command post but I was to stay there, um, and that's when I heard a gunshot and I looked up and saw Torres kind of and Rodney running to the left hand side of the house and then heard 'shots fired' over the radio, um, shortly after I was directed by Joca to get a cruiser, which was the one in front of me, and drive it around to the front of the house and use the PA to try to get the guy to come out. So I got the cruiser which I believe was Kushner's cruiser, cruiser . . .

HINSON: What was the name?

NEIL: Kushner.

HINSON: Kushner.

NEIL: Uh, Ben Kushner; I believe it was his car, um, I drove it around and I kind of turned it not as, not like a traffic stop sideways but enough that I knew I had an engine block but I didn't want to turn it too much cause I wanted the PA to kind of direct towards the house so I turned the wheels, I gave myself some cover and I got on the PA and I continued to tell him, hey, this is County Police, uh, we're here to help you, we need you to come out slow with your hands

up, open the door slowly, show us your hands, we're gonna help you, we have an ambulance and I repeated that eight or nine times, um, and then hostage negotiators, who I have no idea who it was, um, showed up in like plain clothes and said he was gonna take over. So then I went back to the wood line and I stood with Officer Quarto and kind of stood with him, um, for a little bit and then I remember Joca directed, uh, 970 Charlie who was, uh, Hanidias to go get the girlfriend from the back of the house and then he told me to go with cause I actually took his place, Eric's place, on that long side the edge of the houses and he said I think Fish actually told me, hey, he pointed to me and, uh, he was on the radio my attention and he put, hey, go help Eric. So I went around and I met Eric in the back and we got the, um, well he got the girl, uh, 24 year old girlfriend, 24 year girlfriend out of the house; I talked to the two daughters cause the home person living there, the lady with the day care, said that the youngest daughter was trying to leave the house. Um, so they were sitting on the stairs, the downstairs stairs, and the older sister was sitting there and the younger daughter was kind of laying on the, um, stairs playing video games – I don't want to talk to you. So I kind of like talked to them; what school do you go to kind of build rapport with them and stuff and talking for a little bit, talking to the older sister make sure she wasn't, you know, you got control of little sister she's not going anywhere, yeah, she's not going anywhere. And I talked to the two adults on scene which was the day care provider and one of the children she watches parents and said, hey, make sure she doesn't leave or anything I'm gonna go outside and check everything. So I went back out and, uh, went back out to where Quarto had originally standing which is next to the tree line and then Swat showed up or TAC, I'm sorry, TAC showed up, um, and did their thing. They all lined up on the side of the houses and they brought this big like tank thing down with a hole and the pushed the door in and all that so. And then I was told to go to the command, after they did that they found the guy;

I was told to go back to the command post and, uh, stood there and answered a few questions but I wasn't asked very much and then I was transported, um, Lieutenant Plaska transport me and Officer Parker and Hanidias and Quarto to the station and then we were brought here and I kind of sat here. I tried the best I can. I'm trying to like think and trying to look at and see it in my mind as I'm, as I'm going through it so.

COCHRANE: You did fine.

HINSON: We're just catching up.

NEIL: Ok.

HINSON: Ok, all right. Did you ever see the, uh, the subject?

NEIL: The subject?

HINSON: Yeah.

NEIL: Yes.

HINSON: And when did, when did you see him?

NEIL: When I, when I first pulled up, he was standing outside next to the girlfriend.

HINSON: Uh, ha.

NEIL: And he as he walked away from me and went inside and stood in the doorframe with the screen door and I talked; I was the one communicating with him . . .

HINSON: Uh, ha.

NEIL: For the first probably it was like four minutes maybe but it seems like a long time, but it was probably four minutes while I was talking to him. Telling him to keep his hands where I could see them, you know, just trying to keep, keep him talking. I didn't want him to go in the house and close the door because then we have a barricade or something like that and, you know, we had a domestic dispute was all it was and I told him you know why we're here . . .

HINSON: Uh, ha.

NEIL: We're just here for typical domestic dispute, you're making it a lot worse than it needs to be; let's just talk and he just didn't want to have it so but I did see him, yes, and he was standing in the door frame the entire time until I went inside to talk to the 24 year, year girlfriend, he was standing in that door the whole time.

HINSON: When he was standing in that door, uh, you said he was behind a screen?

NEIL: Correct.

HINSON: What; I haven't been down there so . . .

NEIL: Ok.

HINSON: Is it one of these doors that's got screen upper metal lower or is it just the whole screen?

NEIL: I recall it being, from what I remember, a screen halfway up so it didn't have any glass on the way down. Like halfway down is glass and halfway up is screen. That's what I recall.

HINSON: So could you see through this door . . .

NEIL: Yes. Yes.

HINSON: Fairly well?

NEIL: Yes.

HINSON: And you said that he announced to you that he had a gun in his lower back.

NEIL: It was . . .

HINSON: Is that from behind the screen?

NEIL: That wasn't, yes, that wasn't like, like it wasn't like I have a gun in my lower back . . .

HINSON: Right.

NEIL: I have gun and I said where is it and he said in my lower back.

HINSON: Ok and that, did that come before you saw the movement with the black object?

NEIL: That part I cannot recall if it was before or after; to be honest with you, I mean, I know they both happened but I don't know if it was before or after; it's happening very quickly and I, I didn't necessarily feel threatened by the object he had in his hand, it was, I was kind of to the like if I'm looking at the door, I'm to the right and Torres is to the left so I really part of his left arm was kind of concealed by the door frame so I couldn't really see what he had and he kind of just set it down real quick and stood back up and put his hands like this. So I knew whatever it was wasn't in his hands anymore so I didn't know what it was, um, but I don't know if it was before he announced he had a gun or after.

HINSON: His left arm was partially obscured?

NEIL: Yes and part of the object was; it was like something black sticking out. I don't know what it was.

HINSON: And he set it down; uh, did he set it down on the floor or was there a table or . . .

NEIL: It appeared he sat it down on the floor but I couldn't see really in pass what, I don't know what was next to him. I just remember him kind of like going like this and put it like kind of kneeling down for a second and then come up like this so I didn't know what he, what he was putting down. It could have been a phone for all I know but it was black and it appeared to be about that long but it was also concealed by the doors. I don't know if it was this long or just that long . . .

HINSON: So when you, when you say that long just for the sake of later, you talking about eight inches, six inches?

NEIL: Eight inches maybe. Eight inches.

COCHRANE: Was it in front of him on the floor?

NEIL: Uh, he was standing right in the door frame so like if the door, he was like basically right up against the screen, I mean, not like leaning against the screen up but right against, you know, near the screen and he kind of just doing one of these things where you like stand like this he went like.

COCHRANE: So he didn't take his off you guys.

NEIL: Correct. He was like putting it . . .

COCHRANE: And did he put both hands up like that?

NEIL: He had, yeah; he had his like this, yeah. I kept telling him keep your hands where I can see them.

HINSON: All right. So after, after this happens, you say Joca asks who if anyone talked to the complainant, right?

NEIL: Correct.

HINSON: And the complainant turns out to be the girlfriend of 24 years?

NEIL: I believe so, yes.

HINSON: Ok, so you, you holster up.

NEIL: Yes.

HINSON: Is your gun out from the get-go as this guy is walking away or does your gun come out when it kind of starts to become a little heated?

NEIL: No, my gun was not out until he said I have a gun and even that point I think, I believe, Torres drew his gun and I was still talking to him and I said, it's ok, why do you need a gun? He said, well, I might need to defend myself. You guys have guns; I might need to defend

myself with it and that's when I drew my pistol and had it to my side. So I felt confident that if he reached for something, I could have reached, I could have, you know, gone to shoot him if I needed to from that position. I felt confident that I could have enough time. Um, I was like trying to distract him cause I knew that Torres had gun drawn on him so he was already at the point where he could pull the trigger and I was trying to keep him talking to me; he seemed to be talking to me, he seemed to be talking to me, I was trying to talk him down, you know, wait until I get more people there. Um, I knew Rodney was on the way and I know he's hostage negotiator so he'd be a good person to talk and as soon as Rodney showed up he even said I got it, I'll talk him. So that let Rodney take over cause he's got more experience and training than I do, um. I'm just trying to keep it very as calm as I possibly could because it was escalating quickly, it didn't need to, it was simple, it wasn't, I mean, domestics are dangerous we go to them and that's when the most heated things and emotions are involved and stuff so I already had it in my head but only thing I can say is when I rolled up and he started walking to that door that quickly, it made me nervous cause I knew that, you know, he was obviously I said, sir, can you please stay outside so I can speak to you and he said no and he's defi, you know, it's a simple question just for him to speak to me, uh, I just felt something wasn't right and then when he said he had a gun, you know, obviously it was, it was going quick and that's why I drew and put down at my side and I held it there and I was talking to him, you know, so but I never pointed it at him, I mean, I didn't think I needed to because I had an officer who already had a gun pointed at him and I was trying to keep him focused on me. I even offered, like I said, I even offered, if I holster my gun, will you walk out toward us with your hands up? Cause I figured even if he walks out towards me and I can get him to go do his knees whatever, I have an officer backing me that can, you know, do what he needs to do, um, I was seeing if I can get anything, get him to come out for

anything; he was not coming outside; he like refused to come out. It was very obvious he was not coming out, um, for me at least.

HINSON: Let's go back up to the point where you hear the shot.

NEIL: Ok.

HINSON: So did you hear and see or just hear?

NEIL: I just heard it.

HINSON: And describe to me what your observations where after you heard the shot.

NEIL: I heard the shot and I looked up at the house and I saw Rodney and Torres both retreating to the left hand side of the house. Uh, I saw the subject I could see, you know, behind the screen but I couldn't see whether he was hit or anything like that and I saw the per, the color of his shirt back up and the door close. So I don't know if he spun or if he backed up and closed it but I saw the guy go back and the door close and then it was 'shots fired' and then I was getting cover cause I didn't know; all I knew is that the lady had told me that today he had showed her a rifle, he's a deer hunter, and he had told her it was an assault ri, or a semi-automatic rifle so I'm thinking, ok, this guy, I didn't know who shot who – I didn't know if they shot at us or if we shot or what, um, but it's possible he has a semi-automatic rifle and he's a hunter so I hunt I know how accurate I can be with a rifle; none of us are safe at 300 yards with a rifle so, you know, it happened quickly, we're all trying to take cover and you know, but I didn't see, you know, who shot or I just heard one shot is all I heard.

HINSON: So after you took cover, where'd you take cover?

NEIL: Right behind that, that same cruiser that I ended up driving; it was the same cruiser I used for cover. I just basically got behind the engine block and kind of indexed off a little bit, um, and went down to a knee, um, and everybody was kind of scrambling at that point

and then that when I was told, you know, once Rodney was telling, hey, I can hear movement at the door, um, they wanted a PA system down there cause he wasn't answering the phone. They tried phone calls in via, um, I remember going to a, to a CAD in that same car and putting in, quickly putting in the guy's name, date of birth and phone numbers; I didn't know if they had his cell phone number or anything so I put that in there so that everybody would have the number in case they wanted to call him or get in there. Um, I also put his, put his T number in as well and I think that should be in the event, in the comments in the event, um, to get that in there and then is when I drove the car around.

HINSON: You did that when you were driving the car around?

NEIL: Before I drove around. I sat and hunkered down and I put it in there and.

HINSON: And before the shots.

NEIL: I can't recall if it was before the shots or after the shots but I remember sitting in that car before I drove it and I did put that stuff in to make sure they had it all. I'm sure they already had it but I put in date of birth; name, date of birth, and his phone number and then I, when I did that, I ran him in ILeads and pulled up his OL number and stuck it in there too so they'd have it, um, cause Joca had told me, hey, look in ILeads, this is before the shots I believe, look in ILeads and see if he has any priors for anything so that's what I was gonna do. Knowing that I probably did it before the shots but I remember sitting down and doing that in the computer before I drove that car around.

HINSON: And, uh, so after you drove, after you take cover, you use that cover position you maintained until TAC does their thing?

NEIL: No, I took cover and then drove that, eventually I got in the driver's seat of that car and drove that car around the corner and parked it sideways kind of with the wheels turned so

the steel wheels are kind of giving me cover. I tried to point the PA system towards the house but also to give myself cover and then I got the PA and did all my stuff on the PA . . .

HINSON: Uh, ha.

NEIL: Per Joca's command.

HINSON: All right, ok, so after all the PA stuff . . .

NEIL: Correct.

HINSON: And, and where; you're hunkered down behind the engine block at that point, right?

NEIL: Yes.

HINSON: After, after you . . .

NEIL: I was relieved.

HINSON: Let the hostage negotiator take over; you go back to the wood line?

NEIL: I went to the wood line with Quarto and then that's when I believe, uh, Joca told Eric Hanidias to go get the, or one of the supervisors I can't really tell you for certain, told him to go around back and get the lady, bring her out so I took his place. Me, me and Quarto both took his place cause, cause Parker had moved up to make sure no one came out of the front of the house of the, the neighbor's house and so when Eric left it kind of left that spot open so me and Quarto approached and took, you know, took his spot. As soon as I got there, Lieutenant Fish was standing, I was, you know, there's houses here, he was standing there he said Neil, I looked over he said go around and help Eric get the lady out. So I went around and by then Eric had already been inside talking to her and everything and was getting her to go out; that's when I talked to the girls, made sure they were ok and they weren't gonna go run out the door or anything and the older daughter was very calm, very collective, we talked about what school she

was going to college, trying to talk about stuff, you know, um, gonna go to South County, she's gonna be a senior, she plays softball, I think she wants to go to Bryant University or something like that. Um, then I ended up leaving, they locked the door behind me, um, and I went back out and that's when I returned to where I had originally had met Quarto and I stood behind like these three trees coming from like one huge base and I figured that's a good spot where I can, you know, have, you know, cover . . .

HINSON: Uh, ha.

NEIL: Not just concealment but have cover and pretty much stood there and watched TAC do their thing. Um, Lieutenant Joca eventually approached from behind and stood with, with me and then Parker was there, Barnes was there, I believe Eric was there cause Eric had a go bag and he was giving us all water, Eric Hanidias, and I believe Quarto was there as well and then they did SWAT did their thing, they busted the door down, they said they had contact with the subject, Joca said, hey, it's they're scene now, need to response to command area and check in so they know who is there and we all walked up single file, I was in front, and I just walked up and, uh, talked to – I don't even know who their names are to be honest, um, trying to think. I remember going past Davenport, he was in the SWAT vehicle and it was a command post over there and I kind of just told him who I was and what and they kind of held us and corralled up and said don't talk to anybody and brought us over here. We stopped at 7-Eleven and got food then we came over here so.

HINSON: Anything else you can think of that we should know about this?

NEIL: That's it, man. The only thing that's frustrating me is like I can't recall exactly everything happened what sequence. I know what happened but to try like get like pieces like when I first arrived talking to him, you know, for example, when he said he had a gun verses

putting the thing down; I don't know which one's first, um, that's what's frustrating me but other than that and also frustrating the fact that if he had a gun in his lower back I didn't see it when he was walking away from me. I didn't even, you know, he's walking into the house, maybe he had it concealed by his shirt I didn't even notice.

COCHRANE: What kind of shirt did he have on?

NEIL: He had a white shirt on.

COCHRANE: Was it baggy, tucked in?

NEIL: I can't recall.

COCHRANE: What kind of pants did he have on?

NEIL: I don't recall. Yeah, sorry I know it's . . .

COCHRANE: That's ok. You can only tell me what you remember.

NEIL: Yeah, I just remember being a white shirt and his hands being up and I was focusing on him and um, I didn't honestly I didn't think much of it when I first pulled up cause he was talking, they weren't arguing or physically fighting or anything. They were standing next to each other, he was like, great, the police are here type of thing and he start. So I, I pulled up and I backed in took my time, didn't hit any cars, backed in and I get out of my car and that's when he turns his back was walking straight like with a, with a purpose towards the door. I'm like, sir, can you stay outside for me, it's like I just felt this feeling don't go in the house, why do you need to go in the house I need to talk to you out here and he said, no, not gonna do it and closed the screen door. You know that's, I knew something wasn't right so it's kind of where I was at and, you know, trying to I was like it's happening really fast like is all I can say. It happened really, I mean, it seemed like an eternity but it was happening fast and it was, you

know, trying to get him to talk to me and he just didn't, didn't want, didn't want to come out. I was trying to get him to come out and he wouldn't come out and, um . . .

COCHRANE: What was his demeanor?

NEIL: He, he pretty much said, you know, I know my rights, I'm not stepping out, you know, as soon as I step out I'll be drunk in public; I'm not coming outside, um, he did say a couple of times kinda alright guys just put your guns away, just put your guns away, you know, one of those things and I said, you know, well, you have a gun I can't put my gun away we're not, I think I recall saying I'm gonna go home to my family tonight too. We all want to go home, we'll just talk, you know, um, we're just here for a domestic issue, you guys are throwing stuff out, that's all we're here for, you're making it worse than it needs to be. We're just trying to figure out what's going on, I'm here to play mediator as he has his hands up. And I said keep your hands where I can see them. He kept saying all right just put your guns away and I kept saying, that's what I told him, I'll put my gun how about this I'll put my I'll holster my gun if you, if you'll come out with your hands up and come talk to me and come to me. He's like no; you both need to put your guns away. And I knew that wasn't gonna happen if he has a weapon, it's not gonna happen if he has a gun; we're not putting our guns away, um, I rather him stand there and, you know, us stand our ground, he stands his ground than for him to come out and our guns be down and him shoot us or whatever so. This hold we got until people can get there to help us basically at that point.

COCHRANE: Did he seem mad or angry, upset?

NEIL: Not, I mean, not . . .

COCHRANE: Calm?

NEIL: Yeah, I mean, relatively, I mean, he just, when I was talking, when we were talking to him it seemed like he had his foot down, he wasn't coming out until we put the guns away, um, but he wasn't like making a lot of motions. He was standing there calmly with his hands up and everything. I felt confident, like I said, I had my gun like this, I felt confident that if he made movements I'd be able to react fast enough with training and stuff; I felt confident in my ability that I could raise up and put target if I needed to, if he had reached for something, if he went around his back and pulled something around whatever but he, he had his hands the whole time like this, you know, after I told him to, hands like this and he didn't put them down or anything he kept them up so it wasn't like irate or yelling at us or anything or screaming. It was calm talking, um, and I was trying to keep it that way. That's why I was trying to stay calm and just talk to him, I wasn't yelling or anything, um . . .

COCHRANE: Did you get the impression that he had taken his gun out from his back and putting it down on the ground and came up with his hands up like he was saying I surrender?

NEIL: No, well, I don't know what he was doing put on the ground or if he was surrender; he wasn't surrendering by any means because I asked him where is it and he said my lower back. So he never said I put it down on the ground, he never said, you know, I don't have it any more; never it was always, as far as I know when I was talking to him, he still had that gun on his person or a gun on his person. I know there's three handguns in that house, um . . .

COCHRANE: How did you know he had three handguns in the house?

NEIL: Because we dispatcher was two and then later on I told the lady, the lady told me she had three in there. Three, three handguns, a shotgun and a, a rifle so I knew there was guns in the house at the time, um, and he told me that there was he had a revolver so, um, you know, I, I figured he's a concealed revolver he could have anywhere on his person.

COCHRANE: So when you got the information, did you pass that on over the radio or did you tell the guys around you about multiple weapons?

NEIL: I told over the radio, yes, I went over the radio and I said just so y'all know that, this; the dispatcher wasn't understanding me but I think Joca was saying that they had, she had three handguns and a shotgun and that she showed him a rifle today that she said was semi-automatic so I said is it an assault rifle, she said I don't know he's a deer hunter but he said it's semi-automatic, um, but I mean I don't know I never saw it myself so I don't know what it was.

HINSON: You mentioned when you first saw him it made you nervous the way he took off towards his house.

NEIL: Yes.

HINSON: Was, was there anything about that that you can think back to?

NEIL: He just, I got out and he turned around and just started walking straight away; just walking straight away didn't even acknowledge that I was there just walked straight away and then I said, sir, can you stay outside for me, he said nope and he closed the door like it, it just – the fact that he knew we were the police, we rolled in marked, I rolled up in a marked police car, I backed up, you know, I'm getting out in my, in my uniform, my uniform and, you know, he immediately turns around and just starts walking straight; it wasn't like a casual walk it was a, a brisk walk straight line to the door. So, you know, I didn't know if he had, you know, I always think worst case scenario; I didn't know if he had a gun behind the door and he was gonna grab it and, and start opening fire, I didn't know. And I knew I was; one thing I felt was like I have no cover right now. As soon as he said he had a gun, I'm thinking, ok, towards the tree to the left I have nothing right now. So I'm thinking to myself, ok, do I back up and get behind a car, do I talk to him? Well, he had his hands up after you know I told him to keep his hands where I can

see them and I had my pistol here and I was like you know what, I could back up but I know if he reaches for something I could probably shoot him before he could shoot me. That's what I'm telling myself cause I'm thinking I back up, you know, and you know then my buddy here is he on the same page as me and it was happening so quick and then Rodney showed up with the shield and then that's when I went inside the house but I felt like a sitting duck kind of cause I figured if he did have a gun or anything there, I'd be kind of in a bad situation, you know, like what am I gonna do. It happened so fast, I was there, you know, I had my ground if I surrender it, what's, you know, what's gonna happen now so it happened really quickly and I held my ground with confidence in my ability to shoot, you know, if I needed to so.

COCHRANE: I just want to make sure; you were in full uniform?

NEIL: Yes, ma'am.

COCHRANE: And you pulled up in a marked cruiser . . .

NEIL: Yes, ma'am.

COCHRANE: And then you reversed and you parked right in front of his house.

NEIL: Yes.

COCHRANE: So you, you definitely think that he knew; did you tell him you were a police officer as you approached do you remember?

NEIL: I don't remember saying that I was, you know, a police officer, um, I mean I pulled up and he, like I said, when I rolled as soon as I turned the corner it's kind of like one of these things where you go where the command buses were, you turn left and as soon as I turned left I could see him cause I knew I looked on the CAD map and it kind of tells you, you unit to event. It tells you where the house should be and I knew the house should be straight away, straight ahead on that road and then I turned the corner and I could see the two standing there

and as soon as I saw him, he went like, like one of these, like great the police are here; he didn't say anything, I couldn't hear what he said but the gesture was, great, the police are here and so I pulled forward he's still standing there. He hasn't turned around, he's still talk, you know, standing next to the lady. So I pull up, I back in and I get out and that's when and I, I get to close the door, he turns around real fast and starts walking towards the house. I was like this is not right; you watch this guy walking away from me. I said, sir, you mind, you know, could you stay outside for me, you know, that's what I, I was try, it's not an unreasonable thing to ask and that's when he went in the house and no not gonna do it and closed, closed the door, the first screen door. So I knew that something wasn't right and then I told; once he said he had a gun, I do recall telling the lady who was still outside and her girls were still out on the porch, I said everybody can you just go in the house for me right there? Cause they were all on the porch and figured they were already halfway the door's open and that's why I got everybody to go in the house cause I knew, I just wanted everybody away from the situation, you know, I didn't want any, you know, anything to go wrong but if it did, I didn't want them out there. So I remember, I do remember telling them to go in the house and they went inside and that's when I knew later on to go in that house and talk to them. Um, so I did the best I could, I mean, based on the situation I mean it happened fast. I know I'm a new officer, you know, trying to do the best I can. I got, you know, I went there with the whole mind set was this guy's being a jerk, he's throwing her stuff out, you know, I'm just gonna talk to him, play mediator, see if I can help, you know, get some stuff loaded up, whatever, have one of them go somewhere else for the rest of the day to cool off or something. I was already planning in my head before I got there what I was trying to do and it went to hell real quick, that's basically all I can say. It just boom, boom real quick and I was like, oh, now he's got a gun, now he's, you know, we got guns drawn on

him and all that stuff and I'm trying to talk to him and then, you know, I went inside and did the best I could with everything else and tried and relay everything I possibly could without stepping on traffic cause I knew they needed the channel but at the same time I was trying to get out if we had charges first, if there'd be any charge. Like maybe the destruction of property, it's your bed, whose bed is it, well, they'd been together 24 years; it's like I think he bought the mattress, might be my bed. So I'm telling Lieutenant I think we might have a destruction, maybe, it's all we really have. Then I talked to her about suicidal threats or anything and I knew he had made suicidal threats I'm thinking, ok, now we can get a TDO or something or, you know, we ECO OPS, we can get a TDO done on paper cause I know paper's important to go inside someone's house and all that stuff so we had something to take him on, you know, cause he's making suicidal statements and stuff like that about shooting himself, um, so I was just trying to get that out to the supervisor, get that out to everybody so they knew what was going on, you know, so they can make the best decisions, you know, cause I know we can't go in someone's house for no reason we have to have something. It makes better when there's paper I learned that in FTI; I was.. Gamo always told me paper, get paper so I was trying to get it out and I don't what all's happened and I'm sure eventually one day I'll find out but maybe not. The news will probably tell me but.

COCHRANE: You're probably right.

NEIL: Yeah.

HINSON: Anything?

PIRNAT: I don't have anything.

COCHRANE: You did a good job.

HINSON: All of us think you did a good job, uh, if there, if we need to follow up with you at a later date, what's a good number for us to reach you on?

NEIL: [redacted]

HINSON: Uh, ha.

NEIL: [redacted] that's my personal cell phone. I don't have a home phone.

HINSON: That's perfect; that'll be good. Uh, I am not the lead detective working the officer involved . . .

NEIL: Ok.

HINSON: Shooting case but, you know, it's a small group of us and, you know, basically . . .

COCHRANE: You have the right to come on back.

NEIL: Ok.

HINSON: Sergeant Cochrane's gonna write some stuff on there for you . . .

NEIL: Ok.

HINSON: Um, she's also not the lead IA investigator.

NEIL: Ok.

HINSON: So, you know, if you remember something additional that you think's pertinent to me . . .

NEIL: Uh, ha.

HINSON: Um or even her and feel free to contact me use me as a point of contact.

NEIL: Ok.

HINSON: Um, sometimes after you've slept you might remember something that might sort itself out.

NEIL: Right.

HINSON: Um or if you just think, hey, there's a little something extra I wanted to tell you.

NEIL: Right.

HINSON: You know just hit me up and we'll meet, figure it out.

NEIL: Thank you.

COCHRANE: Matt Owen, Second Lieutenant Matt Owen.

NEIL: Ok.

COCHRANE: So if you hear from him, he's the one working from our office.

NEIL: Ok.

COCHRANE: We pretty much let them do all they need to do and then we'll have everybody up for um, you know to review transcript and then I'm sure that it's all correct but maybe some follow-up questions.

NEIL: Ok.

COCHRANE: So if you hear from Second Lieutenant Owen you should know . . .

NEIL: Ok.

COCHRANE: That he's from our office, um, I am gonna get a piece of paper, uh, to give you confidentiality order . . .

NEIL: Ok.

COCHRANE: Um and that's really to help you because he's gonna ask you not to say anything to anybody else who people could get their facts confused . .

NEIL: Right.

COCHRANE: Until the investigation's complete. If I give you confidentiality order it's easy for you to say when people are talking about it or asking you about it – I'm sorry I'm under confidentiality order from Internal Affairs Bureau.

NEIL: Right, ok.

COCHRANE: Ok? So it's, it's to help you out and also keep everything clean.

NEIL: Sure.

COCHRANE: Ok? Do you have any questions from us?

NEIL: Do you know who; if I do a report or supplement or anything in ILeads?

HINSON: If you've spoken to us, you don't do a supplement.

NEIL: Ok, all right. Great that was . . .

HINSON: If you already have . . .

NEIL: I haven't done anything; they wouldn't, I had so much paper from yesterday to do that I haven't even touched.

HINSON: Ok.

NEIL: So I'm gonna do it, uh, after this I guess but I won't do anything if I'm not supposed to do.

HINSON: David, how much time you got on?

NEIL: Uh, two, I graduated two years in November. Was hired in March, 2000 I gotta see on here. I was appointed April 25, 2011 but I graduated it'd be two years in November of this year.

HINSON: Ok.

COCHRANE: You said you're on evenings, correct?

NEIL: Evenings, yes.

COCHRANE: And your supervisor is?

NEIL: Joca and Field.

COCHRANE: Is this your first officer involved shooting?

NEIL: Yes.

HINSON: And that's your usual area?

NEIL: Lately yes cause, uh, PFC Donohue's is on, uh, domestic violence so they put me in his place but other than that I mean I've moved around; 700, 740, all over the place but lately I've been 730 regularly for evenings.

HINSON: Perfect. Well, I'm gonna end the recording if there's no other questions. The time is 2110.

Date of Interview: August 29, 2013
Typist: Linda Powers

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 26, 2013

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Farrell: September 25, 2013 at ..... 17:15 hours. CIB Cold Case Office – Officer David Neil being interviewed by Detective Farrell, Detective Chris Flanagan, uhh, regarding an officer involved shooting that occurred on August 29, 2013. .. Alright. Uhh, Officer Neil if you just state your name.

Neil: Uhh, David Neil.

Farrell: Ok. Uhmm, and you understand that Detective Flanagan and I are following up on the criminal investigation into the officer involved shooting that occurred on August 29, is that correct?

Neil: Correct.

Farrell: And you've had, uhh, ... You were interviewed that night and you've been provided a copy of the transcript, uhh, to review, is that correct?

Neil: Correct.

Farrell: Ok. Uhmm, after reading that, is there anything that you recall or you remember anything else that you like to add at this point?

Neil: No, sir.

Farrell: Ok. Uhmm, and I explained to you that our intent today is not to go through that whole again, but that I have some specific

questions and some things that I wanna clarify. Is that correct?

Neil: Yes, sir.

Farrell: Ok. Alright. Uhmm, ... you're one of the initial officers dispatched to the event, is that correct?

Neil: Yes, sir.

Farrell: Ok. And ... when you, uhmm, arrive on scene, uhh, or in the vicinity of the neighborhood, uhmm, Officer Torres is already in the neighborhood?

Neil: He was ... Basically, if you're looking at the house, ... house is here, ... there's a cul-de-sac type of opening where all – at the end of the incident all the command post vehicles are at. It's kind of like an "L". It's kind of a hard turn a little bit. He was further back this way, so he wasn't actually at the house. He was kinda waiting on the street – down the street from me to get there I'm assuming. Uhmm, and then, when I saw the silver unmarked sitting there, I passed him and I honked at him. It's 'cause I was – It's my area, I'm 730, it was in the area of 730, so, you know, I'm taking paper on it and everything, that's usually how ... we work it. Uhmm, course if it was like an emergency, I'm – I'm assuming that he would've just gone to the scene unless, you know, if he needed make action, but, you know, it's a domestic i..... dispute, we're gonna go in together. He's waiting for me. So, I passed

him. He then .. He followed me in and we took the left hand turn .. into the final stretch towards the house.

Farrell: Ok. From where he was staging, he wouldn't have been in view of the residence, is that correct?

Neil: Correct.

Farrell: Ok. Uhmm, and when someone marks on scene via CAD, do you get an alert?

Neil: Yes, first Unit on scene it'll alert.

Farrell: Had he already marked on scene?

Neil: I don't recall.

Farrell: Ok. ..... And ... as you came into that curve that takes you down where he's staging, was he faced towards the residence or faced towards the way you came in?

Neil: He was facing towards the – the cul-de-sac. That – That open area where the command post vehicles were sitting at the end. So, he was facing this way and the house is down here. So, he was facing the same direction I was driving in.

Farrell: Ok. So, the natural direction that you're be driving in, he was facing that way?

Neil: Yes.

Farrell: Ok.

Neil: I ... He's on the right hand side. I passed him and I honked at

him. And he's ... I guess he fell – fell in behind me, 'cause he pulled up .... I remember when I backed in he was pulling up. So, ...

Farrell: Was there a specific reason that you honked at him?

Neil: Just to let him know that I am here.

Farrell: Ok.

Neil: Yeah, I'm here, let's go .... type a thing.

Farrell: Ok.

Neil: I guess I could've stopped and say, "Hey, I'm here," but ..... Just to let him know I was there, so that he can go in.

Farrell: He wouldn't have been in a position to necessarily observe you as you would've been coming from behind him, is that correct?

Neil: If he's looking into his rearview mirror, I guess he could've see me, but if, you know, ... I don't know what he was doing in his car. If he is – he was waiting for me or what he was doing. But I just knew that .. I saw him sitting there, so I honked to let him know that .. he – I'm here, let's go type of thing.

Farrell: Uh-uh.

Neil: And ... So I passed him and went on to the call.

Farrell: Ok. So, could you see what he was doing in the car?

Neil: No.

Farrell: Ok. And you're honking wasn't .. because .. he didn't see you, it's

just to alert him that you're ..-..

Neil: Just to alert him, "Hey, I'm here, let's – let's get on. Let's go." You know what I'm saying? Like, my area ... He's 730..... I think he's 740 or som..... He's up in area he wasn't my ... I knew that I was 730 and it was my area and he's backing me. So, you know. I let him know I'm here, let's roll ... type of thing.

Farrell: Alright. Uhmm, when you guys arrive on scene, uhmm, do you get to talk to him at all?

Neil: Who?

Farrell: Torres?

Neil: No.

Farrell: Ok. Uhmm, what happen .... Why, uhmm, ... I'm not getting into what happens, but why don't you guys, uhmm, ... Is it that you don't have the opportunity to talk about the call or why is it that you don't talk about the call before you make approach?

Neil: I mean, I could've .. Going back hindsight I could've stopped next to him and talked to him before we went up there, but when I was ... We – We get the call, I wasn't thinking much of it. I was thinking this guy it's a domestic dispute .....

Farrell: But not at that point. At the point that you arrive in front of the residence?

Neil: Oh, when I – I backed – I pulled in. I backed up. And I remember

getting out of my car. He pulled in like ... this, which is like perpendicular. Then he gets out. And we both are approaching in, and I – I remember seeing him approaching, and I approach, and I looked to the – to the people and the guy and the girl standing there, and the guy turns around and starts walking away from me. So, at that point .... I wasn't gonna just sit here and talk to Torres, you know, "Hey, what's going on today? You know, how's your day been?" whatever. This guy's walking away from me, so it wasn't really an opportunity to talk to each other.

Farrell: Ok.

Neil: And a lot of times when I go to calls, I mean, I – we're usually on the same page with the officers. I mean, if it's like a serious situation where I need like a Warrant Service or something like that, we pow-wow beforehand or whatever, but I wasn't thinking, you know, ... you know, it was gonna – that ... serious of a call or anything. It was just a domestic dispute. We'll go handle it. Try to be mediators. Maybe help the lady load her belongings up. You know, figure – figure out if we have a crime or not and move forward. But as we pulled up, and as soon as we got out, the guy started walking away. So, I was focused on that guy walking away from me at that point.

Farrell: Ok. So, .. at that point you really don't have the opportunity to

discuss the call with him?

Neil: Correct. Once we pulled on the scene, correct.

Farrell: Yeah.

Neil: I did have an opportunity as I ba… p…. passed him in the cruiser and I didn't ..-..

Farrell: Right.

Neil: ..-.. stop, but once we were on scene, no, there was no opportunity to discuss the call with him at that point.

Farrell: Ok. So, at the point that you make contact with, uhmm, the residences who were out in front ……

Neil: Uh-um.

Farrell: ….. the – all the information you have is based on radio and CAD traffic?

Neil: Correct.

Farrell: And all the information Torres has, presumably, is based on radio and CAD traffic, because you guys don't discuss it?

Neil: Correct.

Farrell: Ok. There's … I'm not saying there's anything wrong with that, ……

Neil: Yeah, I don't know ..-..

Farrell: ….. I was trying to get ..-..

Neil: ..-.. I don't know what he knew, ..-..

Farrell: So, don't ..-..

Neil: ..-.. if he even ..-..

Farrell: I don't ..-..

Neil: Maybe he was looking through I/Leads, and that's something I would do if I had time, looking through I/Leads and stuff, if I had, ... You know, some guys on our squad are real good at. Like Danneman, he's the IT guy, and boom-boom he's always throwing ... He's not even on the call and he's throwing stuff out, "Hey, he's got prior this. He's got prior that. This is the involved party," whatever. But I don't know what he was doing. If he had ..-..

Farrell: Uh-um.

Neil: ..-.. that information or not. Nothing was related to me by – to – to me by him .. when we arrived on scene.

Farrell: Ok. And .. So, my understanding from your interview is, you arrive on scene, he walks away, and you make a mention of he makes like a – a gesture that you describe as like, "Oh great."

Neil: Correct. When I first roll ... Before I even got out of my car, ...

Farrell: Ok.

Neil: ..... I made that little turn where that cul-de-sac thing is, and I remember ... When I'm going to calls I always try to get a general idea, is the house on the right, on the left, the .... try to

figure out where the house is at, you know, so I can find it, 'cause looking for house numbers and stuff, particularly at night, this is during the day obviously, but you're looking for a house number and try to find the right location, sometimes it's difficult. So, I try to use the CAD to figure out ..... I knew ... The CAD said the house is on the very end of that straightaway. So I remember turning the corner and then, as soon as I made that turn around the corner, he was standing there, I believe he was on the left hand ... I'm facing them, he was on the ... my right and she was on my left, and he goes like, one of those things, "Great the police are here." And then ..-..

Farrell: And you like demonstrate like, throwing your hands up in the air?

Neil: Yeah, like – like great.

Farrell: Ok.

Neil: You know, one of those things. Like ... To me, ... when I saw that gesture, it was like, "Great, the police are here." He knew the police are here. "Great, thanks for calling the police type of thing." Now we gotta deal with them. That's what I took it as.

Farrell: Ok. So, you – you interpreted as he's frustrated now the police are here?

Neil: Correct.

Farrell: Ok. Uhmm, and as the individual ... At that point the individual

moves towards the house and you ..-..

Neil: He ..-..

Farrell: ..-.. sh…shout out to him?

Neil: ..-.. He wasn't moving towards the house until I got out of the car.

Farrell: Ok.

Neil: So, as I get out of the car, I noticed he's now turned and walking back towards the house. And I said, "Sir, can you please stay outside for me?" So, I said to him. He said, "No, …. not gonna do it," and he closes the door.

Farrell: Uh-uh.

Neil: Close the screen door. And he stands right in front of the screen door and stands there. He didn't go in deep into the house. He didn't close the other door. He just stood there in the door.

Farrell: Ok.

Neil: Uhmm, so, … And it wasn't like I was asking him anything unreasonable, I was asking him to stay outside and talk to me, 'cause I this …. I knew the dispatcher always ask if there's weapons involved, I remember – I recall him saying that was weapons in the house. And when he turned around and started going to the house with a purpose, it wasn't like a nonchalance just walk, he was walking briskly towards the house in a straight line, something told me that he's … I don't want him going in the

house. That's just … It was very natural to me. I don't want him going in the house. There's no need for him to go in the house right now. We're discussing a very simple domestic dispute. Why does he need to go in the house? Why is he going ……. Every time I said, "Why is he going in the house?" "Sir, can you please stay outside for me?" "No, not gonna do it." Closes the door. At that point I knew something wasn't right. The .. Then .. Some wasn't sticking right with me at that point, so.

Farrell: Ok. Uhmm, when you – when you call out to him, does Torres say anything to him?

Neil: I don't recall ……

Farrell: Ok.

Neil: ….. if he said something or not.

Farrell: Do you recall Torres speaking with the individual at all?

Neil: Uhh, I remember Torres talking on the radio and – and after the guy said he had a gun, Torres saying something on the radio, uhmm, but I don't recall what he – what he said. Uhmm, I remember him saying something about … Torres saying something about a gun on the radio. And then I got on the radio after him, I said, "Torres, I got it." And goes, you know, calmly saying, "Hey, what, you know, what he told us or anything." I don't remember him talking to the guy or what he says to the guy

to be – to be honest. I don't really know ……

Farrell: Ok.

Neil: ….. for certain.

Farrell: How was the tone of the conversation between you and – and Geer, the subject?

Neil: It was apparent to me that he wasn't going to do what I ask him to do. I mean, … But he wasn't yelling. He wasn't screaming. Uhmm, I …. Twice I told him keep your hands where I can see them, I was very stern with that. And he kept his hands like this. He had his hands the whole time by his – by his head. For most of the time like this, ok?

Farrell: Ok.

Neil: And I kept telling him, "Keep your hands where I can see them." And he wasn't like screaming or irate, but he was very adamant that he was not going to do what I ask him to do. He wasn't coming out. Uhmm, he was very defiant, but he wasn't, you know, … screaming. Like he wasn't i..irate or out of control or anything.

Farrell: So, it wasn't like an angry, rude sort of yelling match?

Neil: It was more like …. No, it was …. Neither one of us was yelling. I wasn't yelling either. I never yelled at the guy. You know, I said, "Sir, can you please stay outside." And it wasn't a yell, it was – it

was, basically, it was a simple question. And even when we were talking through the whole entire time I was keeping very calm. Just trying to match what he was giving me. There's no need for me to yell. He wasn't yelling. Uhh, I was trying to keep it kinda this relaxed. Relaxed as I possibly could, considering the fact that he had told us that he had a gun and I had my gun down. You know I didn't want it to get escalate. I was trying to wait for the units to get there. Get the information across the radio best I could so people knew what was going on. What we had. But ..-..

Farrell: So, he – he doesn't comply with your initial request to stay outside?

Neil: Correct.

Farrell: And he has his hands up. Are you asking him to come outside?

Neil: Yes, I asked him to step outside and he said, "No."

Farrell: And he's not complying with that. However, it's .. not you're not angry with him, he's not angry with you, it's not .....

Neil: Correct.

Farrell: ..... A heated back and forth.

Neil: 'Cause I don't have any ... What do I ... I didn't have anything as far as, like, ... It's a domestic dispute. You know, I don't have a crime at ... I know of at the time maybe he destroyed some of her properties and some there's a bedframe and stuff outside. You

know, I'm just trying to figure out what's going on. You know, I'm trying to figure out, you know, if we have enough to go grab him and pull him out. You know, what we had. Right now, just a guy that's going into his home and not, you know, coming outside when I ask him too. Doesn't mean he doesn't – he doesn't have to come out if he doesn't want too, maybe. I gotta figure out does he have to come out? Does he not have to come out? What we have, so. It was just kinda just trying to figure out what was going on at the time. All I had was the dispatch information at the time.

Farrell: Alright. So, you're concerned for officer safety reasons as you're trying to figure it out, but you're not upset?

Neil: Correct.

Farrell: Ok. Was Geer upset?

Neil: He didn't – He seemed upset, I mean, he seemed upset of our presence. He didn't like the fact that police was on this. He said, "This is private property." You know. "I know my rights." You know. "You need to – You guys need to get of my property." And I told him, "We're not going anywhere until we figure out what's going on."

Farrell: Is he ... When he's telling you that he knows his rights and he wants you off his property, is he expressing it .... in – in a way that, you know, is – is he being rude or – or angry about it, or is

he just telling you, "Hey, this is – this is how it's gonna be."

Neil: This is how it's gonna be.

Farrell: Ok. So, .. it's not a heated exchange between you and him?

Neil: I would not consider it ..-..

Farrell: I mean, you don't agree. Obviously you guys are in disagreement, but, ...

Neil: Correct, it wasn't a ... I didn't feel that it was a heated situation.

Farrell: You don't feel like he's yelling at you or he's barking at you or giving you orders, he's just telling you .....

Neil: Not – No, I don't feel like he's yelling at us or anything. No.

Farrell: Ok. And you're not yelling back at him?

Neil: No.

Farrell: Ok. What about Torres? Is Torres ... Does Torres appear to be upset or does he say or do anything that makes you believe he's upset about what's going on?

Neil: All I can recall is – is once the gu... - **INAUDIBLE** Torres .. I looked to my left and Torres had his gun pointing at the guy. After the guy said he had a gun.

Farrell: Ok.

Neil: So, I remember that. I didn't focus much on Torres after that. I knew that he had cover at a tree next to Torres. I'm think ... The only thing I thought was he has cover and I don't.

Farrell: Ok.

Neil: I'm standing on the sidewalk and I got cars to my right. And I'm thinking should I retreat a little bit and get some cover and we then talk to this guy. You know, it's happening really fast. And I had my pist.... Ones he told me he had a gun, I had my pistol drawn to my side, just pointing it down, you know, 'cause I .... He was fo... The guy was focusing on me the whole time, it wasn't really looking at Torres very much, he was looking at me and I focused on that guy ... And I felt confident, you know, if he pulls something out and points in my direction, I can shoot him from this position. I can draw two shots, two seconds or trying to do that. And it's already out of my holster. So, I'm ... If I can keep my gun ... 'Cause it seem like when I had my gun down, he was comfortable. He kept saying, "You guys put your guns away, you know, and I come outside." And I said, "Well, you know, what if I put my gun in my holster, will you come to me with your hands up .. keep your hands where I can see them, will you come to me." He said, "No, you both need to put your guns away." And I said, "That's not gonna happen." So, he was ... upset that Torres had the gun pointed at him, you know, and that ..... I think that's why he talked to me, because I had my gun down and he felt a little more comfortable. And that's why I continued to had my gun

down, because I knew that I could draw – I can get it on him if I needed to. But I had it down and I was trying to keep him just focused on me, talking to me, keeping the rapport. Because it wasn't irate or anything, I wanted to keep it that way. Til we could figure out what we got and so, I mean, I knew that people were coming. I hear people mark, ... you know, marking up on the radio and I knew that, you know, I hear, you know, sirens in the background. People are coming. And Rodney pulled up and ended up coming to the scene too. So, I just gotta keep it calm and try figure out what we got so that supervisors can, ... you know, make the best decisions they can.

Farrell: Where you initially gun-on him?

Neil: No, I drew my gun and put it down to the side.

Farrell: Ok.

Neil: I initially didn't draw my gun right away and then Torres drew his gun first. And, you know, two ... like, maybe, ... ten seconds for me to realize were I had drew my pistol kept down to the side.

Farrell: Ok.

Neil: So, that's .. basically the whole time. I never pointed my gun at him.

Farrell: Ok. ..... And in .... You feel that by having your gun down, it improved your rapport with him?

Neil: Correct. I felt ..-..

Farrell: So you're acting as the contact officer?

Neil: Yes he's – Yeah, it's my area, I was the contact officer. It was my .... We – When I first rolled up, when I honked at Torres, my demeanor was, I'm contact, it's my area, I'm taking paper, I'm doing all the contact on this.

Farrell: And Torres acted as a cover .. officer?

Neil: Correct.

Farrell: Ok. Uhmm, ... so, you feel that it's, uhmm, ... you feel safe with your gun out by your side based on your training that you could – that you could get gun on him if you needed and then also because you have a cover officer who has a gun on him?

Neil: Correct.

Farrell: Ok. If you cover – If you didn't have a cover officer there do you think you had your gun up or been in ready gun or ....?

Neil: I think I still would've, based on the conversation we're having and him having his hands like this, I felt – I still felt very – very confident that I could, you know, draw from here. I mean, my hand was like here, I could shoot him if I needed to. Him not – Him not being there, maybe I would had been at ready-gun, just 'cause there's no ... maybe just down like this, uhmm, just because, you know, I don't know ... and he's got his hands up,

you know, I – I feel comfortable that I can punch forward and shoot on target, I shoot expert. I'm – I've been shooting guns since I was, you know, a little kid. But I did feel more comfortable having Torres .... I made the statement, "What if I put my gun in the holster will you come out to me," because Torres had his gun pointed at him and I – I felt confident that if the guy reached and pointed anything at me that, you know, or threatened me, either I could shoot him, two shoots a second, or Torres would be able to shoot him. Uhmm, ..-..

Farrell: Ok.

Neil: ..-.. so that's how I – how I felt at the time.

Farrell: Ok. So, you offer .....

Neil: It was a prior – dumb, probably stupid, you know, to say, ..-..

Farrell: Not ..-..

Neil: ..-.. "Hey, put – I put my gun in the holster," but that wasn't the .... I felt like that was, maybe, what it would take for him to come outside.

Farrell: Right.

Neil: I thought, maybe, it'll be enough, and I felt confident in my training.

Farrell: Yeah.

Neil: Uhmm, that's all. I mean, hind sight is always 20/20. I thought

about this a lot – a lot, and, you know, but, you know, I – I thought it was the best thing I could do to keep him calm. It seemed to be working. He was focused on me. He seemed to, … you know, not like the gun pointing at him, so, you know, towards the gun pointing at him, so I had my gun down. I think he felt a little more comfortable with that, and I offered that option, but when he said, "No, you need both put your guns away," I told him, "That's not gonna happen." So, that – that pretty much got rid of that whole idea, because once he said, you know, "Put both guns away," I told him, "That's not gonna happen," and he said, you know, he wasn't gonna come out, then I'm not gonna have us both put our guns away. I'm not gonna ask that of anybody anyways, it's his decision not mine.

Farrell: Right.

Neil: Uhmm, I was trying to …. I wanted to end it amicably. I wanted him to come outside, you know, and figure out what's going on.

Farrell: Ok.

Neil: Alright. So. At that point I would've had him come outside and try to disarm him first before we did anything else. Obviously if he has a gun.

Farrell: Right.

Neil: But ……

Farrell: Ok.

Neil: ..... he – he didn't come out.

Farrell: So, you, uhmm, you know, you're guns down and you even offered to holster up if he'll comply, but he won't – he doesn't comply or he won't ack.....

Neil: Correct.

Farrell: ..... he doesn't accept that.

Neil: Correct.

Farrell: Ok.

Neil: He said, "I'm not stepping outside. If I come outside I'll be drunk in public." Something like – Someth..... You know, he mentioned being drunk in public to me.

Farrell: Uh-um.

Neil: So, I don't know if that meant that he – he's been drinking. Uhmm, I don't know. Uhmm, but he had mentioned that, "I – I know the drunk in public laws. I'll be drunk in public, I'm not coming outside." But he already been outside, so he would've been ... This, you know, he – he didn't have alcohol in his hand or anything, so he would've been drunk in public regardless if he's outside. But, ... Anyways, so.

Farrell: So, then there comes a time where more officers respond on scene .....

Neil: Correct.

Farrell: ..... and you transition out of the contact role?

Neil: Yes. Uhh, Officer Barnes came up and I recall him carrying a shield, and I think he had a helmet with him as well. And he put the shield down, I think he leaned it against the tree, and I knew that he's a hostage negotiator, he just got – you got that training and everything and I'm only like a two year guy, so he's got more training experience on talking to the guy. And then we heard Joca getting on the radio and says, "Has anybody talked to the complainant yet?" And I remember, you know, the lady .... When – When I ... When the guy first said he had a gun, there's a lady .. the lady, the twenty-four year, uhh, girlfriend, and I believe there's two girls ... there's some - some other people on the porch, and I had asked everybody to just go inside. I said, "Can you guys go ins.... in the house for me?" And they – they didn't argue or anything they went inside the house. So, uhh, when he's, and I'm assuming she was the complainant because she was the other person with, I mean it could've been somebody else, but I assumed that was the complainant, 'cause she was standing there with him when we first rolled up. So, I said nobody's talked to, you know, nobody's talked him. So I said, "Torres, do you want me to talk to them or you want to go inside

and talk to them?" He said, "You go and talk to them." So, I holstered my pistol and I went around and I went inside that house and talked to them. And at that point relinquished it to Torres and p...primarily Rodney, 'cause he was the, you know, hostage ..... And I even said on the radio, I believe, you know, Bar..., uhh, Barnes is here he's a hostage negotiator, he'll take over and I'll go inside. I believe that's what I said on the radio.

Farrell: So, you hear, I mean without getting into details what Barnes is, but you hear Barnes speaking with him ... as you walk away to the house?

Neil: Yes.

Farrell: Ok. Uhmm, at – and is Barnes kind of having the same sort-of conversation that you were in terms of tone?

Neil: Yeah. I .. When I .. All I saw – recall Rodney saying, "Hey, I – I'm Rodney Barnes." You know, he – he just introduced himself and everything and, ... that's all the part I heard of it, but it wasn't – it was the same tone, calm, you know, nothing, ... he wasn't yelling or anything. Uhmm, Rodney is a really laid back guy and he just, you know, and I'm sure part of the training is to keep things controlled. So, he was talking with the guy the same way, same tones I was using. Uhmm, and that's the only part of the conversation that I heard, uhh, uhh, Rodney give – introducing

himself.

Farrell: Do you hear Torres speak at all at that point or .....?

Neil: No, I did not.

Farrell: Ok. You go over and you speak to the complainant, uhmm, and she kinda gives you some background of what's going on, and you're broadcasting information over the radio.

Neil: Correct.

Farrell: Do you ever go back out and tell anything to Torres or, uhh, Barnes that's not broadcasted over the radio? Like, do you ever go back out there and update them?

Neil: No.

Farrell: Ok. So, all the information that they would've had at that time would've been whatever you're relaying over the – the radio?

Neil: That and whatever they got from the guy personally. Yes.

Farrell: Ok. ..... Uhmm, and when she talked to you about the altercation, uhmm, does she mention anything about a suitcase?

Neil: No.

Farrell: Ok. Does she anything about him throwing any furniture or belongings or a suitcase at her?

Neil: Only thing she – she mentioned is throwing is the bed. Remember the bed and .. being thrown outside. She ... I don't recall a suitcase. No.

Farrell: Ok. .....

Neil: I don't recall her saying anything throwing at her at all.

Farrell: Did she say any about – anything about getting hit in the head with anything?

Neil: No.

Farrell: Ok.

Neil: She just said that – that he got mad and threw .. started throwing her stuff around and the – throwing her stuff around the house and outside of the house, .. but I did not hear anything or recall anything about him ... or him throwing anything at her or hitting her with anything. That would've, you know, covered ... I'm pretty sure there's a covered relationship with those two children, so, that would've been domestic assault and I would've related that over the radio if it had been.

Farrell: Uh-um.

Neil: So, ... no, I do not recall any of that.

Farrell: What about anything ... Any violence directed towards the children in the house?

Neil: No.

Farrell: Any, uhh, threatened violence? Did she tell you anything about that?

Neil: No.

Farrell: Ok. …… Did you speak to the girls at all?

Neil: I did.

Farrell: Alright. And did they say anything about, uhmm, any violence between them and the dad or the dad …..?

Neil: No, they did not mention anything about the dad doing anything violent to them that **INAUDIBLE**.

Farrell: Any mention of, uhmm, anybody being hit with a towel or anything like that?

Neil: No.

Farrell: Ok. Uhmm, ……. then at the – then at the time the shot is fired, where are you positioned?

Neil: I was standing, if you're facing the house, there's like a island of woods to the left, there's a cruiser that's parked along the island of woods this way so the – the front of the car is to the left and the back of the car is to the right, I'm behind that cruiser talking to Lieutenant Joca.

Farrell: Ok. Is that – Is that cruiser, uhmm, hanging out into the street or is it just along the curb by the island?

Neil: It's along ….. Uhh, …..

Farrell: Like, it's not like way out in the street blocking the road or anything.

Neil: Correct. It's kinda like – It's, ahh, if I'm facing the cruiser, which I

was, the cruiser is here, I'm facing the cruiser, the house is like right here. So, it wasn't lined up with the house of to the left of the house.

Farrell: Ok.

Neil: And I remember the woods being there. And I believe it was – it was parked against the curb, so I would say that it wasn't .... out in the – in the loo... in the road, it was actually parked against that curb.

Farrell: Ok. Right. And you have a clear line of sight to the house?

Neil: Yes.

Farrell: Ok. But you don't see the shot or the events preceding the shot?

Neil: Correct.

Farrell: Alright.

Neil: I was talking to Joca.

Farrell: Uhmm, ... after the shot, do you have any interaction with Torres?

Neil: No.

Farrell: Ok. Where do you ... You hear the shot and then you get into the cruiser and pull it around?

Neil: I heard the shot and everybody is ducking for cover. And I remember ... standing ... kneeling down and using the cruiser for cover, the engine block. Per my training, you know. I remember

then the lady telling me that there's an assault rifle in the house .. or some kind of rifle in the house. I'm thinking, you know, our best chances are this, you know, the engine block to stop something with a steel wheels. And then I remember .. somebody telling me that he need a PA to go around and, .. it was a supervisor, I can't remember if it was Fish or Joca, but one of them told me to go get into that car and drive ... I think it was Joca, but I can't be cer.... a hundred percent certain, drive around we need to get a PA to that house and – and give him, you know, orders to come out to us. So, I got in that car and I drove that car .. around and I parked it .. maybe three houses down, ... as close I can get without being directly in the line of fire. And also I wanted cover, so I turned it kind of sideways, but I didn't want the PA facing the other way, so I kinda did, like, in between the two. So the PA was kinda facing towards the house, but I also had cover.

Farrell: Right.

Neil: And then I gave commands on the PA to come out. We're try.... You know, "We're here to help you. Come out. .... Show us," .... you know, "Come to the door slowly. Open the door. Show us your hands. We have an ambulance waiting." And I did that maybe eight, nine times. Uhmm, you know, throughout the ... I

didn't do them back to back to back, but, you know, every – every minute or two.

Farrell: Alright.

Neil: Uhh, I would give that over the PA. And then, eventually, some – the guy in plain clothes came and took over the PA and I went back to the tree line.

Farrell: Alright. So, you don't observe, uhh, Torres or you don't … speak with him after this occurs.

Neil: Correct.

Farrell: Ok. Uhmm, …… You have questions?

Flanagan: Uhmm, you mentioned one … See if I wrote it ….

Neil: Ok.

Flanagan: Correct me if I do this …. Uhmm, …. you said you put your gun down by your side in ..-..

Neil: Correct.

Flanagan: ..-.. hopes the guy would come outside. And you said that the guy was upset with Torres and willing to talk to you maybe it was because the gun was by your side?

Neil: I think that he was more … willing to speak to me, because I had my gun …. I – I don't know, I can't say what the guy thought, but I had my gun down to the side and he seem not to like the fact that the gun was pointed at him. That Torres didn't .. had the gun

pointed at him, so he's ..-..

Flanagan: What made you think that?

Neil: He said, "Stop," you know, "put your guns down. Why you're pointing guns at me?" You know, I knew that he was upset with the guns being out. I had my gun out too and he didn't like – he didn't like either our guns out. But I think the fact that my gun was down to the side … he seemed to .. wanna speak to me. He se…. – He was focused on me in speaking to me. So, I think .. I was trying to keep it calm. And I think if I .. I do believe if I had pointed my gun at him, he would've been just as upset with me pointing the gun as – as he was with Torres pointing the gun. I think it would've escalated things more.

Flanagan: Ok.

Neil: I think having my gun down to the side, de-escalated it enough that I could keep control and just kinda talk to him and kill time until people .. got there.

Flanagan: While you were there … up front with Torres, did he ever directly address Torres?

Neil: I just remember him saying, "Put your guns away." .. And I remember him looking over at Torres. "Put your guns away," and looked over at Torres. But that's the only thing that I can remember him actually addressing Torres. Any of his .. 'Cause

he just felt more threat ..... That's why I'm saying, I think – he felt more threatened by the gun being pointed at him, 'cause he said, "Put your guns away," and looked over at him.

Flanagan: Uh-um.

Neil: My gun was out too. I don't know if he real...., you know, if he didn't acknowledged, maybe it didn't register with him my gun was out as much because my gun wasn't pointed at him.

Flanagan: Right.

Neil: But my gun was out and I was willing to use my gun if I needed to. I would, you know, just ... I kept it down so he just focus, I mean, talk to me or anything and ... If ... I'm just trying to put myself ... in somebody else's position. If someone got a point .. gun pointed at me, I feel lot more threatened then if my gun's .. a gun's down.

Flanagan: Right.

Neil: I like not to see a gun at all, obviously, but, you know, you .. that's psychologically. You know, ... There's no real difference between that gun pointed here and here. It's still – still as effective. You know, I ... it's a little bit slower in motion, but it's still same thing. But psychologically, you got a gun pointed at you and a gun down here; you might feel a little more comfortable. .. I would think. That's me. I don't know. I can't say what the guy

thought or what .... I can't – I can't do that. But I just know for me, if I was having a gun pointed at me or I have a gun down, I feel more comfortable with the gun down, even though I know .... Even – Even knowing that – that's the same, it's not much of a difference, you know, I would still feel more comfortable with it down than pointing at me. But I was only doing this, because I knew he had his gun pointed at him.

Flanagan: Right.

Neil: You know, I was, you know, like I said, there's – there's no – no one else there. I probably would've had, like, this, maybe, or something, you know. Depends on circumstances. If he wouldn't show me his hand, my gun would've been pointed at him, no doubt. By myself, if he wouldn't have showed me his hands, there's no way I wouldn't had the gun pointed at him, because I ... he had his hands like this and I was – I would think that this motion here, to my lower back, would be the same as me to here .... or probably faster here. So, he didn't, you know, as long as he wasn't making any motion.... Now, if he was acting all squirrely and like erratic and doing spins and turning around and doing all kinda funny stuff and doing something behind the wall, I would've had my gun drawn completely, 'cause he mentioned a gun to me.

Flanagan: Uh-um.

Neil: But he had his hands like this.

Farrell: When you say like this, you're describing your hands up kind of ....

Neil: Yeah, by his head. Just like this.

Farrell: Alright. And you said that, uhmm, you may have had your gun, you said, like this, and you're describing, like, at your chest with one hand underneath it where you can .....

Neil: No, I ... Sorry.

Farrell: You – Not that you had it that way, ...

Neil: Yes.

Farrell: ..... but that's – you would've considered putting it that way.

Neil: Yeah, if he ..-..

Farrell: Just – Just – Just for terms ..-..

Neil: Sorry, yes, ..-..

Farrell: ..-.. of describing and recording ..-..

Neil: I understand. .. Gotcha.

Farrell: Now, I'm not saying that you ever had your gun there, ..-..

Neil: Right.

Farrell: ..-.. but that's something you would've .....

Neil: Yes, and when I say that his hand were like this, I mean his hands were by his head. On each side of his head.

Farrell: Yeah.

Neil: And when I say I would've had a gun like this, more like a – like a – a ready-gun type position, you know, versus down here. However, like I said, if he had been acting really squirrely and making movements, I would've had my gun pointed at him.

Farrell: Ok.

Neil: Uhmm, I just felt, based on the fact that he was complying with the fact to keep my hands .. your hands where I can see them. He kept his hands where I could see them and he wasn't giving me enough that I thought that I have to have him at gun point. When I had another guy or had him at gun point and I was building rapport with him with my gun down. This would just escalate things. I felt like, based on what we had, uhmm, I was trying to keep ... I wasn't trying to make it any worse than it already was until people got there. So, that's why I felt at the time, and like I said, I thought about this a lot. The whole weekend I thought about what can I do better, what did I do wrong, ya-di ya-da, and I, you know, just basing ... timing of ... everything happened that's what, you know, I thought was best. So, ... you know ..... kinda .....

Flanagan: When – When he .... looks over to Torres and makes the comment about putting your guns down, does Torres respond to

him in any way?

Neil: I don't recall him s.... – him saying anything, but I – I, like I said, I wasn't really focused ... I was .... It's almost like ..-..

Flanagan: Only what you ..-..

Neil: They say ..-..

Flanagan: ..-.. have observed.

Neil: ..-.. They say its tunnel vision and I ... it kinda is, like your – I was focused on that guy. It could've been somebody standing to my right and I couldn't have told you, ...

Flanagan: Right. Yeah.

Neil: ..... because I was so focused on that guy.

Flanagan: And this goes with any question we ask you, if – if you don't know or you don't remember, that's fine, ..-..

Neil: Ok.

Flanagan: ..-.. we're just reproving ..-..

Neil: Sure.

Flanagan: ..-.. in case you do know, ..-..

Neil: Ok.

Flanagan: ..-.. we wanna ask.

Neil: No problem.

Flanagan: So, don't feel like, ... just because we ask, you should have an answer.

Neil: Ok.

Flanagan: Uhmm, it's only what you observe or, uhmm, what you recall. Uhmm, did Torres, .. with that in mind, did Torres change at all his weapon position when the guy made those co.... – when the guy made those comments to him?

Neil: All I recall is him having his gun pointed at him, and I don't remember him changing. I don't know if that was a change or not. All – All I remember when I – I looked at Torres one time and he had his gun pointed at him and as far as I knew he had his gun pointed the whole time, but I don't know what he did. Uhh, after that I – I already ... Torres had the gun pointed at him and I was focusing on that guy and I really don't know if – if he moved backwards, forwards, sideways or anything. I couldn't tell you, I'm sorry.

Flanagan: No – No, apologies, ..-..

Neil: Yeah.

Flanagan: ..-.. what you observe is what you observe.

Neil: Ok.

Flanagan: It's ... You have a responsibility there and it's, ... you know, towards the threat. ..... That was the only questions I had.

Farrell: Anything else that you wanna to add or clarify or anything else that you think that is important that wasn't asked or ..... that you

recall?

Neil: That's, I mean, that's .. basically everything. I mean, I can't really think anything of the top of my head. You guys have the questions let me now. Uhmm, .. I try to just recall it, you know, from … when I first got there to the end and try to paint a picture and … do the best I can, so.

Farrell: Alright, that concludes the interview at 17:46 hours.

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Transcribed on 09/26/2013

By Annemarie Carr, Administrative Assistant

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BIBEAULT: Ready to go?

LAITINEN: Oh I thought.....

BIBEAULT: Mine's dead so.

LAITINEN: Ok there ya go.

BIBEAULT: There ya go, alright, can I get your name?

PARKER: David Parker.

BIBEAULT: And what were you today, what uh?

PARKER: 741 Bravo, 2nd day.

BIBEAULT: Second, today's your second day?

PARKER: Right.

BIBEAULT: You were off for the three days?

PARKER: Right.

BIBEAULT: Right, you work yesterday?

PARKER: Yes.

BIBEAULT: What can you tell us about today?

PARKER: Ok I don't know exact time but, in regards to this call, um.

BIBEAULT: You start the shift normal.....

PARKER: Oh ok.

BIBEAULT: Roll call, hit the street.

PARKER: Hit the street, quiet, very quiet day um....

ANNOUNCEMENT: Paul Thompson, you copy on 7 OPS 1.

BIBEAULT: Would you mind turning that down?

PARKER: That was the only real call, it was a domestic dispute, oh it wasn't a domestic dispute, it was trespassing call, so it wasn't busy at all today, uh, and in fact it was near the end of this, well coming up on the end of this shift and I met up with uh, Ben Kushner, he was XRAY 700, and we met up at uh, behind the Burger King down there in Lorton.

BIBEAULT: XRAY?

PARKER: 700.

BIBEAULT: Thanks.

PARKER: We met up at uh, behind the Burger King at uh, down on Lorton Road, when we heard uh, should I talk slower or....

BIBEAULT: Um, I'm keeping up so far.

PARKER: Ok, we heard Officer Neil on the radio who was on a domestic dispute call, saying that the male.....su..

BIBEAULT: Did the domestic go out?

PARKER: I don't recall.

BIBEAULT: Ok.

PARKER: Um, we just heard him say, that the male involved said that he had a gun and he wasn't afraid to use it.

BIBEAULT: This is, you heard this over the radio.

PARKER: Over the radio.

BIBEAULT: By Neil?

PARKER: By Neil.

BIBEAULT: And who was Officer Neil?

PARKER: His designator or?

BIBEAULT: Or whatever you go, what's his first name?

PARKER: Uh Dave Neil, he's directly across from me.

BIBEAULT: Dave Neil?

PARKER: Yeah.

BIBEAULT: And?

PARKER: He's 730 Bravo I think?

BIBEAULT: Neil?

PARKER: Neil, I think.

BIBEAULT: Ok.

PARKER: He's the new guy, newer, 730 Bravo I think he was, no I'm sorry no he's a, he's a Charlie unit, he went to evenings a couple of weeks ago so he's 730 Charlie, he's a Charlie unit now he was with our squad.

BIBEAULT: And you heard him say?

PARKER: The male subject involved said that, he's got a gun and he's not afraid to use it. I think those were his words.

BIBEAULT: As close as you can remember it?

PARKER: Yeah, and.

BIBEAULT: The male subject involved said, he's got a gun.....

PARKER: He's got a gun and he's not afraid to use it.

BIBEAULT: And he's not afraid to use it.

PARKER: And at that point, since I have the....

BIBEAULT: And it's over the radio channel 7?

PARKER: To dispatch yeah.

BIBEAULT: Alright.

PARKER: And at that point, since I'm the only guy on day work that has a patrol rifle, oh, and the fact that there was a threat of a gun, uh both Ben or Officer Kushner and I, marked in route to the call, over the radio.

BIBEAULT: Uh huh.

PARKER: And we responded uh, lights and siren, do you need to know the route we took or?

BIBEAULT: Um, I guess if you know it, it doesn't hurt.

PARKER: Let me see, Silver Brook Road, to South Run Drive, to Pohick Road.

BIBEAULT: Silver Brook, South Run.

PARKER: South Run, left on Pohick, and then um, took a right into the residential area where that, where the event happened um, and, I don't know the name of the street.

BIBEAULT: So Pohick and you turn onto that street which eventually gets you into that townhouses, I think it's.....

PARKER: At that point I killed it.

BIBEAULT: Magic leaf or something.

PARKER: Yeah Magic Leaf, that's it, and I killed my lights and sirens so that the, the subject wouldn't uh, hear us coming, or hear the sirens, and um, I think at some point during that um, Officer Neil said that uh, he was talking to the subject through the screen door.

BIBEAULT: So over the radio Neil says I'm talking to...

PARKER: I think so, that he said he was talking to the guy through the screen door, um, pull up on scene, um.....

BIBEAULT: Hang on a second.

PARKER: Ok.

BIBEAULT: Ok.

PARKER: Um, I pulled in behind, um, I think it was a blue unmarked and I believe that was Officer Barnes cruiser.

BIBEAULT: Uh huh.

PARKER: I was in a marked car, but you need the car number?

BIBEAULT: Uh sure.

PARKER: 3521.

BIBEAULT: Sorry about that.

PARKER: Ok, um, marked on scene, I pushed the on scene button on my CAD, uh put the car in park, and uh, released the, released to get my rifle out.

BIBEAULT: Uh huh.

PARKER: Got out of the car and uh, quickly approached to the, towards the front of the house, and I, without drawing it, I don't know how to explain it, the townhouses are directly in front of me, the subjects house is directly in front of me with the screen door.....

BIBEAULT: Uh you can, if you want to you can...

PARKER: Want me to draw it for you? That might help.

BIBEAULT: (inaudible)

PARKER: I'm not an artist but.

BIBEAULT: Who is, use it, there's a pen right there.

PARKER: Oh ok, I think the address was 7907 but I'm not positive right now, so if this is the suspect's house, and the door opens out this way, then there's a sidewalk, a big tree here, um, curb, and there's a maroon um minivan, parked, facing in, um I took up position right here at the right back

bumper, resting the back of my hand against the, side of the van to stabilize the weapon, and uh.

BIBEAULT: You're behind that van that's facing right in?

PARKER: Yeah this is, this is the suspect's door.....subject's door.....

BIBEAULT: Uh huh.

PARKER: This is where I was standing with the rifle, um, when I got there I saw um, uh Officer Barnes was about here.

BIBEAULT: Ok.

PARKER: And uh, Officer, I don't know why I'm drawing a blank.

BIBEAULT: Begin with a "T" or something?

LAITINEN: Torres?

PARKER: Yeah, yeah, I don't know why, I should have remembered that one, yeah Torres was there, um he had his handgun drawn, and it was pointed at the subject in the doorway.

BIBEAULT: Is that the tree you're at?

PARKER: No I'm.....

BIBEAULT: He's, he's like...

PARKER: (inaudible)

BIBEAULT: Tree, no Torres.

PARKER: Yeah Torres.....

BIBEAULT: Sort of indexed off the tree.

PARKER: Yeah, indexed off the tree and there was a shield, laying at

his feet.

BIBEAULT: Ok.

PARKER: Um.

BIBEAULT: And Barnes is here?

PARKER: Barnes is here, Barnes....

BIBEAULT: On the sides of the houses?

PARKER: Right, yeah because it was a bit of a, like a, step, two, I think it was two steps that come down to the sidewalk.

BIBEAULT: Uh huh.

PARKER: So this is all grass, um, Barnes is standing in the grass, Torres is standing in the grass, I'm back here, Ben Kushner deployed with the shot gun, uh, originally had um, I think, I think he said he had buck shot in it originally and switched to a slug, but I'm not positive about that, but there's another vehicle parked, vehicles parked facing in this way, that belong to the people that live in the houses, in this townhouse, and then, Ben, Officer Kushner took up a spot back here so he and I had eye contact the whole time.

BIBEAULT: So he's kind of behind another, vehicle over here?

PARKER: Right, taking up cover behinds, and then pointing his, the shot gun that way, um, Rodney was doing a fantastic job

establishing a rapport with this guy, um essentially Rodney, or Officer Barnes was asking him, um, to come out and talk to us on the porch, and um, knowing while we were talking to the guy, he had his, his hands were up, and uh, during the conversation he says, my hands are getting tired so he wanted to hang on to the door frame or the door, I don't know what you call it, it's not the frame because the actual door part, the sill I guess you'd call it.

BIBEAULT: Just the top of the…

PARKER: The top…of the……

BIBEAULT: Actual door?

PARKER: The storm door, yeah…

Yeah, and he was just resting it, not resting but, kind of leaning while he was talking, um, um Officer Barnes again asked him repeatedly would he come out and talk to us, um, you know nobody wants to get hurt and the guy was saying well you got guns pointed at me um, and strangely enough he said, I recognize Officer Parker, because he gave me a speeding ticket once, and I have no, I don't remember the guy, I mean I write so many, (inaudible) anyway I don't know how he recognized me, I mean I had these glasses on, and he had a rifle pointed at him but he

still, I guess you never forget getting tickets.....

BIBEAULT: I guess.

PARKER: Um, but he was demanding that we put our guns down um, and then he'd come out and talk to us, Rodney said or Officer Barnes said that's not going to happen, um, but we can't just you know, put our weapons away and leave, it's for our safety and your safety, um, at that point I went to a, a, low ready on the, with the rifle, and uh, he was, he started to say that he was getting thirsty and that he would, he was thinking about going in and getting a, getting a glass of water, and then if he closed the door, that it would be much worse for us because we wouldn't know what he was doing, and he told Officer Barnes that he had a 357 magnum next to him, to, to the left of him, he pointed, I don't know where he's pointing to but he's pointing to the left of him, and he said, it's a 357 magnum but its um, it's in the holster and, I think he said the barrels pointed away from me or something.....

BIBEAULT: Ok, hold on.

PARKER: And he was, the subject was wearing a, like a white, white T-shirt, and I, I want to say white pants or white shorts but I can't be positive.

BIBEAULT: So he says I have a 357 in a holster?

PARKER: Right.

BIBEAULT: And he's kind of pointing.....

PARKER: He, he....

BIBEAULT: He's not showing.....

PARKER: He put his hands down but he gestured, gestured to his left, he's this way, yeah his left, cause he didn't put his hands down, um, and then he told us he was going to scratch his nose, and he brought his hand down and scratched his nose, put it back up and put it back up on the sill, um, we also got an update from Officer Neil, Officer Neil went to [redacted] I'm not sure what the number was but its two houses down where the subject's wife and two kids were I believe and he was getting intel from them, um, and he came over the radio and said that, he's got I believe two handguns, it might have been three, two or three hand guns and a long rifle, um, and that uh, they asked about drink or he came over the radio and said that, he's been drinking heavier lately but she didn't know if he had been drinking today, and his speech wasn't slurred when he was talking to us so it didn't seem like he was intoxicated, Officer Barnes continued trying to get him to come out to,

to talk to us on the front porch, um, at, I, I don't know if like, the guy heard the radio traffic or realized what was going on because he knew that people were going around towards the, back of the townhouse development, but he said if anyone comes in the back door, this is going um, either escalate or get a whole lot worse, I can't remember the words he used exactly, just that it wouldn't be good if they came in the back door, so I got on the radio and announced, you know what he had said, to not come in the back door, the, Barnes continued to, to work on rapport with him um, and he said, the subject said I've got the upper hand now because, I know my rights, you can't come in here and you can't be on my property, he said if I close the door then, I've got enough food for weeks um, and the only time I'd have to come out is to go to the grocery store, and it would take you forever to get in here.

BIBEAULT: I have enough food for what?

PARKER: Three months I think he said, a bunch of food or food for months, I don't remember the exact verbiage, just that he's got a lot of food and, wouldn't need to come out and we couldn't come in.

BIBEAULT: Alright.

PARKER: And this, this went back and forth with just more, come out and talk to us, no I'm not coming out, um, Rodney, or Officer Barnes asked him you know, if he had gotten a job, what he does for work and, um, I don't remember what he said, maybe he said self-employed but I'm not positive, um, it seemed to be going ok as far as the rapport goes, um, and I think, he continued to say he's going to get a drink of water and close the door and, um, you know Rodney said don't do that, just come out and talk to us, um, and from my vantage point what I saw next was he, the subject started to, um, move his left hand um, barely off the, the sill of the door, I heard a bang and um, I saw a black spot just what appeared to be just below the sternum of the subject, um, I heard him moan or, holler out, and I think he was falling back towards his right side, and pushed the door closed as he fell back.

BIBEAULT: Where do you see the black mark?

PARKER: I believe it was just below, I think it was just below his sternum, because it, it the pop from the gun, I mean it wasn't like when you're at the range, it's just strange but, because the first thing I said was, what the fuck, and, the door was closed and I heard him hollering and I don't know

if he was thrash, thrashing around inside the place, but um, due to the fact that he supposedly had access to a long gun, I didn't know, since the door is closed, I couldn't see him, I didn't know if he was fatally hit or if he was put down or, how bad he was hit.....

BIBEAULT: Right.

PARKER: And if he was going to run upstairs, I'm right there so I immediately um, ran over to another car that was parked and got down behind the left rear bumper and pointed the gun up towards the house, um, after a couple of minutes, um oh and then, Rodney, Rodney moved up to the, to the uh, side of the, where the, the one property ends and the other begins, with a, like a column wall, like a fire wall....

BIBEAULT: Uh huh.

PARKER: Fire break, and Torres did too, um, I realized I was not in a pretty position there either, um, at that point I saw Officer Erit uh, had, Hanadias, I don't know how to spell that....

BIBEAULT: Let me just, just, so I don't lose track of this, his hand comes down off, off the sill, you hear a bang, a shot, do you know who shoots?

PARKER: Torres.

BIBEAULT: Ok, how do you know that?

PARKER: Because when I met up when I got up with um, well, I moved up with Erit, and then eventually, I moved up with Rodney because they called Torres back and I said, I said, um, um, who the fuck shot, and he said Torres.

BIBEAULT: So, that's how you know Torres shot him because they told you, not, you didn't see, you're looking at the guy.

PARKER: Yeah, I, I didn't see him.

BIBEAULT: Shooting comes from somewhere else.

PARKER: No it was uh complete surprise, he, his hand was, literally like this, not, doing, not, he wasn't you know, doing one of these quick grabs, further movements or anything, his hands was coming off the top because he said he was going to go ahead and get a glass of water and all of a sudden it was like that black spot appeared, I heard the bang, the guy moaned and fell back and closed the door as he was falling backwards.

BIBEAULT: Alright, and that's when you move up?

PARKER: No I didn't move up.

BIBEAULT: Well you move over?

PARKER: I moved over.

BIBEAULT: And then you're with?

PARKER: I'm by myself, and I realized I was in another crap spot, so

then I saw um, Officer Erit and Hanidias, H A N I D I A S.

BIBEAULT: What did you say the first name is, Erit?

PARKER: Erit, E R I T.

BIBEAULT: Hanadias?

PARKER: Hanadias, and he's a Charlie unit, oh he was 970 Charlie, so I got up there with him, we both realized that, we have an ugly cross fire situation if the guy came back out.....

BIBEAULT: Uh huh.

PARKER: Uh, even though the door did swing out this way, so we basically, there's another steps here, I don't know what the address was, we stood inside just looking around to see if the guy came back out, then I guess one of the supervisors got on the radio and said, to have Torres work his way back to the....

BIBEAULT: Who, so when you're up here, when do you hear that Torres does the shooting? Like take me through that part one more time.

PARKER: I may have been here, and I may have asked Ben who shot.

BIBEAULT: But anyway, you asked who shot?

PARKER: Yeah.

BIBEAULT: And then what is the response?

PARKER: Torres.

BIBEAULT: And who told you that?

PARKER: It was either Ben Kushner or, or uh.....

BIBEAULT: So someone answered it.

PARKER: Yeah.

BIBEAULT: And you asked, what the fuck happened or?

PARKER: Um, no I said who shot him, Torres, and I think I might have said why, and it was still too active and fluid at that point to.....

BIBEAULT: Uh huh.

PARKER: You know, quarterback it, so.

BIBEAULT: And did anybody respond to that?

PARKER: I don't remember.

BIBEAULT: Ok, and then what happens?

PARKER: Uh, I'm up the door of the neighbors with Erit, um, they called Erit away to I think to go to the back of the house to try and get the, the uh wife at the other address to take her away, I don't, then he left to do that and I don't what ever happened to him, I don't know if he did that or not, um, and then they, I don't know if it was Commander, someone had arrived down there and this is when things really slowed down because we're waiting on TAC, and I'm back here by

myself and Rodney Barnes is up here with Torres and they said um, whoever the officer was involved in the shooting, send them back to the Command Bus or to wherever, back to where the supervisors were, so uh, Torres made his way back to them, um, and I moved up to be next to Rodney, and uh, we stood there um, it seemed like forever, and uh, the TAC Team got there, and they came down, worked their way around the back of the townhouse, came up on this corner and told us to um, leave and go back behind the tree line and then uh, they were there for a bit, they sent the robot in I believe, and I, I, uh had a view because I was in the tree line, and the next think I knew was, the HRV came up and they made the announcements, oh and also, during the time, that we were standing here with Erit, um, I believe Officer Neil came down with the cruiser, and parked uh catty corner and got on the PA advising, advising the guy, I guess his name was John, to uh come out, that we were trying to help him, um show his hands when he came out, that medical aid was available, you know, trying to get him to come out over the PA, and then at one point, a uh, I don't know if it was a hostage negotiator or TAC guy came down and took over the PA

with the same thing, with, we're here to help you and you know, we understand you're hurt, come on out we'll get you medical aid, um, and that's when the uh, robot, I don't know if the robot ever made it in or not, the HRV came down, they announced several times to come out and we'd get him help um, and they told him that if he was standing by the door to, move because they were going to open the door and they pushed the door open with the, I don't know what the ram things is on the front of the HRV but they pushed it open and TAC guys went in and at that point Lieutenant Joca said uh, everybody that was involved, to go up to the Command Post and we did, and here we are.

BIBEAULT: Just to give it a run, kind of a quick rundown, normal shift, you meet up with Ben Kushner, you're at Burger King, you hear Neil come over the radio, say the guy says he's got a gun, you guys respond down there.

PARKER: Right.

BIBEAULT: You set up in those initial positions that you talked about.

PARKER: Right.

BIBEAULT: You behind that van, Kushner on the other side, you could see Barnes and Torres.

PARKER: Uh huh.

BIBEAULT: Neil as far as you know is in another townhouse with the family.....

PARKER: Right.

BIBEAULT: The wife and the two kids.

PARKER: Two doors down.

BIBEAULT: Um, you talk about Erit, do you know where he was before you moved up?

PARKER: No.

BIBEAULT: Anybody else, did you see anybody else in there?

PARKER: No.

BIBEAULT: So then you're there, Barnes is kind of, basically negotiating with the guy.

PARKER: Right.

BIBEAULT: At the front door, the guys talking about holding up in the house, getting a glass of water, he has a 357, he doesn't want the police coming into his house.

PARKER: Right, Rodney's also trying to get him to talk about you know, what was bothering him and, oh and also there was a, have you been to the scene....I don't know.

BIBEAULT: Uh huh.

PARKER: I don't know, well there's a bunch of stuff out in the front yard that he had been throwing out, I guess he was

breaking up with his girlfriend or whatever, they had been together for 24 years, he didn't get into real details of what the problems were um, just that they were having an argument and we noticed all the, the mattress and the headboard and everything had been thrown out in the front yard, and also during the, one time when Rodney was talking to the guy, um, someone, I don't know if it, I think his name might have been Tim, yelled to the suspect, or the subject about, about, I guess it was a friend of his, saying that, that we were gonna make plans to go play golf and uh, and he says yeah well, this is ending a little bit different that we planned or something but he did say several times, I don't want to die today, so I guess the supervisors that were back there, told the guy to, quiet down because Rod, because Rodney was doing an outstanding job of, of talking to the guy I thought.

BIBEAULT: That guy says something about not dying that day or the guy at the door?

PARKER: The subject, John the guy that got shot.

BIBEAULT: Is he yelling that out to the guy or....

PARKER: No.

BIBEAULT: Or was he just answering more that you guys...

PARKER: He was answering Rodney, we weren't talking to him at all because, Rodney was one on one with him.

BIBEAULT: He said I, I, he did not want to die today?

PARKER: He did not want to die today, and I think that one of the updates that Officer Neil gave when he was talking to the wife was that, she felt that he was possibly considering like a suicide by cop thing.

BIBEAULT: Now who told you that, Neil?

PARKER: I think Neil said it on the radio.

BIBEAULT: Um, was there any other conversation you heard, from behind you other than that guy yelling down about the golfing and, having some kind of conversation there, he's yelling down from somewhere in the back and…

PARKER: No, the guy um, John the subject, he said, one of the things he was talking about was you know, we wanted to.. we wanted to get it resolved before the kids all started coming home, the parents coming home from school, or not school from work that live in the neighborhood, he said it doesn't look good for me, it doesn't look good for you or it doesn't look good for my neighbors, uh I don't look good in front of my neighbors and um, he said you know, it looks like people are coming in now, because he was looking up

the street and he says, I think that's my father, I don't know if his father showed up on the scene or not, um, he didn't communicate with his father as far as I know, he wasn't on the phone or anything and he didn't come down to us.

BIBEAULT: Any other conversations you remember?

PARKER: No, it was, it was fluid with Rodney, they were, he was establishing like you do, you establish a rapport, mostly when, towards the end when um, it happened, he was mostly saying, he was going to go in and get some water, and you know, it wouldn't be good if he closed the door because then we wouldn't know what he was doing um, he was under the, the, impression that we wouldn't be able to come in, that we would have to wait him out for months and hours and……

BIBEAULT: It seems like he's giving conflicting things where he's saying, I can go in the house and you guys can't come in and I can stay for months but then he's saying, if I go in it's a bad thing, you guys don't know what I'm doing.

PARKER: Right.

BIBEAULT: Sort of conflicting to me.

PARKER: It was conflicting I mean, like I said his speech wasn't slurred and he was, it was, it was a coherent conversation

he was having with Rodney but like you said, there is a couple of things that, may have been, I don't know, may have clashed with each other, some of the things he was saying.

BIBEAULT: Um, alright so when the actual shooting goes down, you can see his hand coming down, and then you see then the mark in a, and a noise at the same time that you recognize to be a gun shot.

PARKER: At the same time yeah.

BIBEAULT: Um, alright.

PARKER: And I was by the van, I had my rifle at low ready so, I wasn't looking for the sight I was just looking at him.

BIBEAULT: And you're 100 percent sure you didn't fire any rounds, did they check you out?

PARKER: That I did?

BIBEAULT: Yeah.

PARKER: Oh I'm positive.

BIBEAULT: Ok.

PARKER: I never even took my gun off of safety.

BIBEAULT: Um, did they already take pictures of you or something…

PARKER: Uh huh.

BIBEAULT: And they check your guns and all that.

PARKER: They didn't check our guns but....

BIBEAULT: Ok, um, anything else you can think of? Um, mind if I take that little drawing you made?

PARKER: It's horrible but you are welcome to.

BIBEAULT: That's alright, it's usually easier for people to do that um, thank you Dave.

PARKER: I know it's not uh...

BIBEAULT: It is what it is.

PARKER: It is what it is you know.

BIBEAULT: You know, that's all you do is, you (inaudible) did they leave this here for you?

PARKER: I didn't know it was here when I came in.

BIBEAULT: Ok, I'm running out.

LAITINEN: Thanks Dave.

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This statement has been typed as recorded/(bkw)/ (September 7, 2013)

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 26, 2013

****

FARRELL: September 25th 1604 hours at CIB Detectives Farrell and Flanagan uh interviewing PFC David Parker regarding an officer involved shooting that occurred on August 29th 2013. If you would just please state your name for the recording.

PARKER: David Parker.

FARRELL: Ok and um I've explained to you that we have some follow up questions regarding uh an interview that was conducted of you the night of the event, is that correct?

PARKER: That's correct.

FARRELL: And you had a opportunity just to sort of skim the transcript briefly.

PARKER: I did.

FARRELL: Ok, um before I get in to my questions was there anything that you've thought of or remembered or anything that you wanted to add that um you think is important for us to know since this has occurred?

PARKER: Um, no I don't think so.

FARRELL: Ok um and on the date in question um you responded to the event um initially you were with uh Officer Kushner?

PARKER: Correct.

FARRELL: And uh you received information over the radio?

PARKER: Yes.

FARRELL: Ok and was there information via CAD that you had access to also?

PARKER: Uh we would have pulled the event up um to, to add on to the call um the, over the radio is when um I believe it was Officer Neil said, was on a domestic dispute call and that's when he said that um there was um a subject and he said he had a gun and he wasn't afraid to use it um which immediately set off alarms in our heads so we were down um in Lorton uh behind the Burger King at Lorton and Silverbrook Road and uh that's when Ben and I both decided we should respond there because I, I'm the only guy on Days A with a patrol rifle so we started for the, the scene.

FARRELL: Ok. When you arrive on scene um you take a position behind a, a vehicle in front of the residence is that correct?

PARKER: A maroon van, yes.

FARRELL: Ok um from when you arrive on scene until when you take that position do you receive any information from people on scene, are you briefed by anybody or is all the information you have from the CAD and the radio at that point?

PARKER: Just the CAD and the radio.

FARRELL: Ok um at any point while you're there does anybody come over and formally brief you or provide you any more information or is it all from that point direct observation from what you're hearing and, and seeing?

PARKER: Just over the radio and what I'm, what I'm witnessing, what I'm seeing myself. Nobody briefed me if that's what you mean.

FARRELL: Ok um when you're in that position of cover did you hear Officer Torres speak at all to Geer or make any statements while the event was going on?

PARKER: No.

FARRELL: Ok. Were you in a position to observe his demeanor prior to the shooting?

PARKER: Torres?

FARRELL: Um hm.

PARKER: Yes.

FARRELL: And can you describe that for me?

PARKER: Uh he had his gun drawn and pointed at the subject um Mr. Geer for the entire time we were there.

FARRELL: All right. Did you notice anything else about him? Torres?

PARKER: Um not really I was more concerned at where I was at um he was, he would be maybe fifteen feet in front of me and about three, three feet to the left perhaps. My concern was that if, if a gunfight was to take place that Torres is, would, there would be a crossfire problem between Torres and I because I was behind Torres and Torres was like up in front of me and to the left so I was um I mostly saw Torres's back and the side of his profile for the, the entire time we were there.

FARRELL: Ok.

PARKER: Cause he didn't turn around to me while he was there.

FARRELL: So you were just concerned if he would have moved to his right that potentially there would be a crossfire INAUDIBLE

PARKER: Right, he would have been in the line of fire.

FARRELL: Ok um can you describe uh Mr. Geer's demeanor?

PARKER: Um somewhat agitated um near, right, as we neared the conclusion of, of what happened he seemed to um, he came across to me as almost um becoming arrogant that we couldn't

come in his house um he had food and supplies for months and he could stay in there and we couldn't come and, and then he started to I, it seemed to me as if he was trying to turn the situation around and be the one in control by telling us that uh if we were to uh I think he was talking about me and, and Ben Kushner and possibly even Torres cause he was talking to Rodney, Rodney was, had a very good rapport going with him, uh Officer Barnes um and he would, he would tell officer Barnes that if we would go back to um a position further back that he would be willing to come out and, and, and talk to Officer Barnes and, one on one um officer Barnes told him that we weren't really, you know we couldn't do that um but he would like to come out and talk to him and uh and he asked if he was going to be put in handcuffs when he came out and Officer Barnes um started to explain I think that for his safety and our safety that he would be and um and then that's the, that's when Mr. Geer said he wasn't coming out um and at, I think there was more dialog about how he was going to go get, get a glass of water, he was thirsty and if he went and closed the door we wouldn't know what he was doing um and it was just, it was a long, it was a long conversation with Officer Barnes mostly Officer Barnes trying to convince him to come out and and continue his rapport with him um and I don't know if I mentioned in here but at one point um there was a subject behind us who I believe was a friend of his that yelled out to him um to Mr. Geer um and told him that uh something to the effect that we had just, we just talked today about playing golf and you don't want to do this and he hollered something back to him you know that it's um and I can't remember the exact words but it was, he basically broke the rapport that Officer Barnes had with him and, and Officer Barnes,

or Rodney Barnes had to reestablish it um I don't know why that, the, the guy was, he was behind the line I think that uh I don't know if it was a supervisor or what had set up to protect the scene um but that was the only interruption other than that.

FARRELL: Were you concerned about the subject going back in to the house?

PARKER: Yes.

FARRELL: What was your concern?

PARKER: Um the report that we had on the radio that um he had uh hand guns and a long gun in, inside the house.

FARRELL: Ok.

PARKER: And uh we got there and saw that he had, the domestic dispute had escalated to the point where he was throwing his um well, well at the time I believed and I guess it's confirmed, was his, his girlfriend's belongings out in to the front yard that that's a little bit more than a than just a regular argument so he was become, or he had been heated.

FARRELL: From when you arrived on scene until the time when the shots fired uh was there a change in the subject's demeanor?

PARKER: Uh like I said at the beginning I think he became, it, it seemed like it became almost arrogant like he was in control of the situation.

FARRELL: Ok.

PARKER: Um but as far as raising his voice or screaming or anything there was no, nothing like that.

FARRELL: So it was, was it calm the conversation between Rodney?

PARKER: Conversational, yeah it was um conversational and then like I said he would, he would say if we would move back he would

consider coming out um and then when we would, when Officer Barnes told him we couldn't do that um it, it, felt like, it felt like the rapport kind of slipped a little bit and then he got it back and but it, it wasn't a screaming match by any means.

FARRELL: Ok um.

PARKER: In fact I think even Officer Barnes was asking about his employment and you know just making conversation with him trying to keep him focused on him.

FARRELL: Ok um I know we went in to depth in the, in the initial interview about um where his hands were at the time of the shooting. Was there any other movement that you observed um maybe not his hands but his upper body or any other movement involving him?

PARKER: At the point of the shot?

FARRELL: Yes.

PARKER: No.

FARRELL: Ok. What about uh prior to that?

PARKER: Um, there was I think one or two occasions when he said he was going to scratch his nose and he brought his hand down slowly and scratched his nose and put it back up.

FARRELL: Ok. Any other movement besides the hands coming down?

PARKER: Not that I recall no.

FARRELL: All right um were you wearing glasses or shooting glasses? It's referenced in there um that you had glasses on.

PARKER: I probably had my Oakley sun glasses on.

FARRELL: Ok. So no problems with eyes or your ability?

PARKER: No.

FARRELL: To observe INAUDIBLE

PARKER: No they were, they're not prescription they're just Oakley uh, the strike frames.

FARRELL: Ok um and then after the shots fired um my understanding is that uh Torres and Barnes moved to the side of the residence and you also move over there?

PARKER: Uh, well first I ducked down when um Mr. Geer uh was shot and fell back inside the house and slammed the door um and Ben was on my right, Ben Kushner was in the other side of the parking lot on on the to the right of me and he said um hey Dave he's got long guns in there which was a very good thing he said that because I was in a bad spot if he was, if the subject had run up to the top stairs up to the top of his house he would have been looking right down on me behind that red van so at that point um I moved to the left to another vehicle and was down on the ground um realized that cover was no good either and I moved up to um I don't know the house number but it would have been I believe two doorways down from Mr. Geer's.

FARRELL: And there do you meet up with Barnes and Torres?

PARKER: Barnes and Torres were at the, just off of the side of um Mr. Geer's house then there was another door and another door and that's where I was um and I think that's when um Officer Hanidias came up, I think. Cause he was, he was with me there for a while and we had discussed there was going to be a problem if Mr. Geer decided to run out of the house or come out and make a stand if he wasn't fatally injured, that Barnes and Torres were directly in front of us so we were in a, a bad bad spot.

FARRELL: Is there a point where you talk to Torres about firing the shot?

PARKER: No.

FARRELL: Ok.

PARKER: When um we heard, I, there was some crashing around inside of the, Mr. Geer's house um and I think Rod, or Officer Barnes uh relayed that on the radio, I think um and then someone from up the street that was a supervisor said that Torres needed to go back to the command bus or go back to um wherever the staging was, I don't recall what they called it um so he, he came back and made his way back around and went up there and I went up and took a position with Officer Barnes.

FARRELL: Ok um I think, let me INAUDIBLE. So Rodney tells you, or Officer Barnes tells you that Torres fired the shot?

PARKER: Right.

FARRELL: Ok um but you don't actually observe him firing the shot?

PARKER: No it was a complete surprise to me when um I think I said in there that I saw the, the black spot appear on Mr. Geer's shirt and then hear the crack of the, the gun fire and I, I think I, my, and I know my response was what the fuck. And then I said who shot and I think Ben said it was Torres. And then Rodney confirmed it was Torres when I was up at the doorway with him.

FARRELL: What um, did you have an opportunity to observe Torres's demeanor after the shooting?

PARKER: No but I mean his demeanor and everything, he was holding the ground that, you know, the ground that we had in case Mr. Geer came back out um but I just know what Officer Barnes told me when I went up to take up the position that um Torres left when he went back to the thing he said that Torres um told him, said over and over again that he was sorry.

FARRELL: Ok. Did you get a chance to observe Torres like face to face after the shooting prior to when he goes to the command bus?

PARKER: No, I mean, no, no because he had moved back and then when we all got taken to the station I, I didn't, I haven't seen him since then.

FARRELL: Ok.

PARKER: I didn't even see him at the station so I don't know.

FARRELL: So in that, when you're moving positions and there's no point where you and him end up where he would even have an opportunity to explain to you or.

PARKER: No we never spoke and I, we never were, I was never close enough to him to have a conversation with him.

FARRELL: Ok um. Do you?

PARKER: Cause when, when they called Torres back to the command bus or whatever it was I didn't want Rodney to be up there by himself so basically when he left I took his position so we never met up and talked or anything.

FARRELL: So after Torres fires the shot who would have been in a position to observe his demeanor or speak with him?

PARKER: Rodney Barnes.

FARRELL: Anybody else? What about, was Hanidias there?

PARKER: Ha, Hanidias was back, I, I don't remember where he came from but I know that he joined me two doorways down from uh Mr. Geer's house.

FARRELL: Ok.

PARKER: And I don't know that uh that uh Erit, or Officer Hanidias would have spoken with Torres unless maybe Torres may have come back to make his way to the command bus and then he would

have been with Erit Hanidias.

FARRELL: Ok.

PARKER: While I moved up to take his position with Rodney or with Officer Barnes so he may have had a conversation with him I don't know.

FARRELL: Did you hear uh, did you hear Torres speak at all at the time shots fired or say anything or?

PARKER: No.

FARRELL: Were you able to observe his, his reaction or?

PARKER: Not a word.

FARRELL: Ok. Do you have any follow up questions?

FLANAGAN: No I don't.

FARRELL: Did you have anything else you wanted to add or?

PARKER: No I think it's pretty clear.

FARRELL: All right. That concludes the interview with Officer Parker, PFC Parker at 1619 hours.

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Transcribed by Karol L. Quinn, Administrative Assistant