

Today's Date
9/1/2013

**Fairfax County Police Department
Computer Forensics Lab**

Date Received in Lab	By (Initials)

Request for Laboratory Examination

Agency Case Number
20132410242

Please attach a copy of your Search Warrant and/or Police Report for each case.

Offense
OIS

Examination Requested by (required)	Agency	Rank / Position	EIN	Contact / Phone #'s
<i>Name - PLEASE PRINT:</i>				
JP FARRELL	FCPD	DET	312051	

Evidence Seized by (required)	Agency	Rank / Position	EIN	Contact / Phone #'s
<i>Name - PLEASE PRINT:</i>				
JP FARRELL	FCPD	DET	312051	

Suspect(s) – Last, First, MI	DOB	Victim(s) Last, First MI	DOB
<i>PLEASE PRINT:</i>		<i>PLEASE PRINT:</i>	

Barcode #	Evidence Location	Item Description	Special Instructions
774872	CIB	MOTOROLA VERIZON CELL PHONE	Contact list only

(Use Separate Sheet to Continue)

General Instructions of Request for Laboratory Examination Form

- All seized evidence must be appropriately processed through your agency's evidence division **prior** to submission to FCPD Computer Forensic Section.
- Please do not place evidence tape directly on CPUs or any other seized media such as floppy disks, backup tapes, CD's, etc. These items should be bagged and labeled in accordance with crime scene/evidence handling guidelines.
- It is important to identify what you expect/hope to find as evidence on the computer; please be as detailed as possible when completing this form. Please attach additional sheets if necessary.

Upon completion of the forensic examination, the evidence items will be returned to the FCPD Property Room for secure storage. A detailed report of findings will be returned to the submitting officer/detective. Evidence from outside agencies will be returned directly to the submitting officer/detective with detailed report of findings.

Fairfax County Police Department – Computer Forensic Section
4100 Chain Bridge Rd
Fairfax, Virginia 22030
Detective Ryan Rowson, Detective Jason Friedman, Detective Brian Bayliss

******Note: For Internet- and email-related investigations, please identify any known email accounts, screen names, ISPs (Internet Service Providers) and other pertinent information for suspects and victims.******

Please identify the types of information to be searched / recovered:							
	X	(Other)	X	(Other)	X	(Other)	X
Child Pornography	<input type="checkbox"/>	CONTACT LIST	<input checked="" type="checkbox"/>	WORD DOCUMENTS	<input type="checkbox"/>	VIDEOS	<input type="checkbox"/>
Internet History	<input type="checkbox"/>	CALL HISTORY	<input type="checkbox"/>	INTERNET SEARCHES	<input type="checkbox"/>		<input type="checkbox"/>
Email	<input type="checkbox"/>	TEXT	<input type="checkbox"/>	PHOTOS	<input type="checkbox"/>		<input type="checkbox"/>

Additional Information, email addresses, screen names, passwords, unique keywords, etc.

CONTACT LIST TO PROVIDE TO NEXT OF KIN
 PASSWORD [REDACTED]

Fairfax County Police Department – Computer Forensic Section
 4100 Chain Bridge Rd
 Fairfax, Virginia 22030
 Detective Ryan Rowson, Detective Jason Friedman, Detective Brian Bayliss
 [REDACTED]

Revised12/02/2010

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Fairfax County Police Department – Computer Forensic Section
4100 Chain Bridge Rd
Fairfax, Virginia 22030
Detective Ryan Rowson, Detective Jason Friedman, Detective Brian Bayliss
(703) 246-7800

Revised 12/02/2010

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Internet History	<input type="checkbox"/>	CALL HISTORY	<input type="checkbox"/>	INTERNET SEARCHES	<input type="checkbox"/>		<input type="checkbox"/>
Email	<input type="checkbox"/>	TEXT	<input type="checkbox"/>	PHOTOS	<input type="checkbox"/>		<input type="checkbox"/>

Additional Information, email addresses, screen names, passwords, unique keywords, etc.

CONTACT LIST TO PROVIDE TO NEXT OF KIN
 PASSWORD [REDACTED]

Fairfax County Police Department – Computer Forensic Section
 4100 Chain Bridge Rd
 Fairfax, Virginia 22030
 Detective Ryan Rowson, Detective Jason Friedman, Detective Brian Bayliss
 (703) 246-7800

Revised12/02/2010

From: Sorrentino, Joseph J.
To: Hinson, Jeremy
CC: Farrell, John
Sent: 9/1/2013 11:25:21 PM
Subject: RE: 2013-2410242 OIS
Attachments: Case.jpg; Crop.jpg

From the files on J drive

From: Hinson, Jeremy
Sent: Sunday, September 01, 2013 11:13 PM
To: Sorrentino, Joseph J.
Cc: Farrell, John
Subject: Re: 2013-2410242 OIS

Supposed to be a video, but we haven't been able to see it except on NBC4.

Sent from my iPad

On Sep 1, 2013, at 11:10 PM, "Sorrentino, Joseph J."

█ wrote:

This is a single still right not a video.

From: Hinson, Jeremy
Sent: Sunday, September 01, 2013 10:45 PM
To: Sorrentino, Joseph J.
Cc: Farrell, John
Subject: Re: 2013-2410242 OIS

I'll defer to John Farrell, but I'd assume the sooner the better since the news already has it.

Detective Jeremy Hinson
Cold Case Squad
Major Crimes Division
Criminal Investigations Bureau
FCPD

Sent from Blackberry

From: Sorrentino, Joseph J.
Sent: Sunday, September 01, 2013 10:31 PM
To: Hinson, Jeremy
Subject: Re: 2013-2410242 OIS

When do you need this?

From: Hinson, Jeremy
Sent: Sunday, September 01, 2013 08:35 PM
To: Sorrentino, Joseph J.
Cc: Farrell, John; Flanagan, Christopher; Holland, Bryan; Griffith, Cara D
Subject: 2013-2410242 OIS

Joe,
Can you access the Cold Case Sqd folder on the MCD portion of the J drive and take a look at the folder for this case? We have citizen video files that we need converted to a watchable format. These were taken by a citizen with a Panasonic HD handheld recorder model HC-V100M video recorder. The format is ".cpi" and only seem to work on the recorder itself. Also, can you advise of any loss of quality in the conversion process?

Thank you,
Jeremy

EVIDENCE

Overview

Calls

Messages

Timeline

Overview

Overview	Device Information	Evidence Summary
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Fairfax
County
Police Dept

Agency	Fairfax County Police Dept
Case	20132410242
Date	09/05/2013 14:17:54 EDT
Device Time Zone	America/Detroit
Evidence	774872
Examiner	Det. B Bayliss
Lantern Version	3.0.1
Time Zone	AUTO

Calls

Incoming	305
Outgoing	195
Reporting	28 of 500

☐	●	Time	To/From	Number	Duration
📞	I	08/29/2013 17:20:06 EDT	Thad		00:00:00
📞	I	08/29/2013 16:51:31 EDT	Thad		00:00:00
📞	I	08/29/2013 16:36:09 EDT			00:00:00
📞	I	08/29/2013 16:14:49 EDT	Thad		00:00:00
📞	I	08/29/2013 16:07:33 EDT			00:00:00
📞	I	08/29/2013 16:03:39 EDT			00:00:00
📞	I	08/29/2013 15:46:25 EDT	Thad		00:00:00
📞	I	08/29/2013 14:59:07 EDT	Thad		00:00:00
📞	📞	08/29/2013 14:41:12 EDT			00:00:38
📞	📞	08/29/2013 14:38:39 EDT	Jeff Cell		00:02:29
📞	I	08/29/2013 14:25:07 EDT			00:00:00
📞	📞	08/29/2013 14:23:41 EDT	Maura		00:07:10
📞	📞	08/29/2013 14:23:11 EDT	Maura		00:00:21
📞	📞	08/29/2013 14:14:40 EDT	Jeff Cell		00:08:21
📞	📞	08/29/2013 14:04:36 EDT	Jeff Cell		00:00:05
📞	I	08/29/2013 13:42:37 EDT			00:00:00
📞	📞	08/29/2013 13:39:26 EDT			00:03:59
📞	📞	08/29/2013 13:39:02 EDT			00:00:00
📞	📞	08/29/2013 13:38:50 EDT	Maura		00:00:04
📞	📞	08/29/2013 13:38:36 EDT	Maura		00:00:03

		08/29/2013 13:31:58 EDT	Maura		00:00:27
		08/29/2013 13:30:37 EDT	Maura		00:01:09
		08/29/2013 13:30:35 EDT			00:00:00
		08/29/2013 13:29:57 EDT	Maura		00:00:21
		08/29/2013 13:29:13 EDT	Maura		00:00:36
		08/29/2013 13:28:41 EDT	Maura		00:00:22
		08/29/2013 13:27:44 EDT	Maura		00:00:39
		08/29/2013 12:42:09 EDT	Jeff Cell		00:00:00

Messages

Incoming	408
Outgoing	314
Reporting	19 of 722

Jeff Cell

					Time	To/From	Number	Text
					08/29/2013 16:01:16 EDT	Jeff Cell	[REDACTED]	John!!! End this now and get to a hospital .. It is not your time to go
					08/29/2013 14:37:37 EDT	Jeff Cell	[REDACTED]	5 minutes are up .. Your kids need a place to sleep.. What's the plan ?

Maura

					Time	To/From	Number	Text
					08/29/2013 13:24:21 EDT	Maura	[REDACTED]	We need to continue our conversation finish before you sign. Do you have time tonight?

Ray Mcnealy

					Time	To/From	Number	Text
					08/29/2013 12:53:27 EDT	Ray Mcnealy	[REDACTED]	K
					08/29/2013 12:52:03 EDT	Ray Mcnealy	[REDACTED]	I am sorry Ray. Be good.
					08/29/2013 12:49:52 EDT	Ray Mcnealy	[REDACTED]	Ok. I've read ur text this am over & over.... Your absolutely correct. I did indeed push the envelope way too far. I apologize sincerely I do.

						<p>No ned to respond. You opened my eye's not just with you & I but I can see where I have been an ass etc even with some people down here. K deserved it.I will learn. Thank you! Be well.</p>
			08/29/2013 08:53:51 EDT	Ray Mcnealy		<p>U never learn...</p> <p>I told you... you don't stop. I have a 13 yo with better etiquette.</p> <p>You are a good guy when you are humble and ready to listen. You are a dick when you try to hard. Give it a break.</p> <p>When you grow up and get over the need to be my daddy. You can contact me again. Until then I will not respond to you.</p> <p>If you want to play the your usual " I got money" game send me \$100k green and you will have my attention.</p> <p>:I really hope you don't. Even if I could use it.</p> <p>You should be more then money...</p> <p>Get it!!!!</p>
			08/29/2013 03:16:47 EDT	Ray Mcnealy		<p>u up. lmao</p>

Rodger Jolly

				Time	To/From	Number	Text
				08/29/2013 18:26:33 EDT	Rodger Jolly		Never go to the ggrocery store when you've not eaten!
				08/29/2013 13:58:28 EDT	Rodger Jolly		Just the 3 or 4 of us in OBX for sure...other couple backed out...woo hoo! I'm cooking tonight for the drunk nights so we have some food...lol
				08/29/2013	Rodger		Am I still at 50% to get the bottom knocked out of my ass this

			11:52:41 EDT	Jolly	[REDACTED]	weekend?
			08/29/2013 10:25:51 EDT	Rodger Jolly	[REDACTED]	I just got cussed out by the father of one of our clients and I'm so pissed off right now. I told him to have a good day and hung up on him. I'm shaking!! Is it Friday yet?
			08/29/2013 09:00:59 EDT	Rodger Jolly	[REDACTED]	Do you only drink coffee when you fish? I wanna do things to you!!!
			08/29/2013 08:57:33 EDT	Rodger Jolly	[REDACTED]	No the coffee thing makes me want to fish.
			08/29/2013 08:48:10 EDT	Rodger Jolly	[REDACTED]	My what I wanna do to you texts makes you want to go fishing? I remember you saying if you are wearing a tie you only wear white! Well I'm sure that coffee will make him have a trip to the dry cleaners
			08/29/2013 08:30:12 EDT	Rodger Jolly	[REDACTED]	Makes me want to go fishing. When....I wear a tie only white shirts. Never a color. And always tailored. It is worth the \$15
			08/29/2013 07:59:15 EDT	Rodger Jolly	[REDACTED]	Is it bad to laugh at the guy in the car next to me who has a light blue dress shirt and tie on and goes to take a sip of his coffee and the lid falls off and goes all over him and he just throws his arms up...wipes his chin and reaches for napkins!! lol
			08/29/2013 07:46:35 EDT	Rodger Jolly	[REDACTED]	I guess you liked what I had to say! :>)
			08/29/2013 07:30:32 EDT	Rodger Jolly	[REDACTED]	I must tell you. I didn't get your text till around 1:30. I was out with a friend I hadn't see in years. He manages a bar not far from my house. Didn't even know he was there. Any way left my phone at home. Got ripped drunk. Came home and saw the text. Jacked off passed out woke up read it again jacked off fell asleep woke up jacked off and here I am.

Timeline

Time	Description
08/29/2013 03:16:47 EDT	Message from Ray Mcnealy: u up. lmao
08/29/2013 07:30:32 EDT	Message to Rodger Jolly: I must tell you. I didn't get your text till around 1:30. I was
08/29/2013 07:46:35 EDT	Message from Rodger Jolly: I guess you liked what I had to say! :>)
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08/29/2013 12:49:52 EDT	Message from Ray Mcnealy: Ok. I've read ur text this am over & over.... Your absolutely
08/29/2013 12:52:03 EDT	Message to Ray Mcnealy: I am sorry Ray. Be good.

<input checked="" type="checkbox"/>	08/29/2013 12:53:27 EDT	Message from Ray Mcnealy: K
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<input checked="" type="checkbox"/>	08/29/2013 13:28:41 EDT	Call to Maura (00:00:22)
<input checked="" type="checkbox"/>	08/29/2013 13:29:13 EDT	Call to Maura (00:00:36)
<input checked="" type="checkbox"/>	08/29/2013 13:29:57 EDT	Call to Maura (00:00:21)
<input checked="" type="checkbox"/>	08/29/2013 13:30:35 EDT	Call to [REDACTED] (cancelled)
<input checked="" type="checkbox"/>	08/29/2013 13:30:37 EDT	Call from Maura (00:01:09)
<input checked="" type="checkbox"/>	08/29/2013 13:31:58 EDT	Call to Maura (00:00:27)
<input checked="" type="checkbox"/>	08/29/2013 13:38:36 EDT	Call to Maura (00:00:03)
<input checked="" type="checkbox"/>	08/29/2013 13:38:50 EDT	Call to Maura (00:00:04)
<input checked="" type="checkbox"/>	08/29/2013 13:39:02 EDT	Call to [REDACTED] (cancelled)
<input checked="" type="checkbox"/>	08/29/2013 13:39:26 EDT	Call to [REDACTED] (00:03:59)
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<input checked="" type="checkbox"/>	08/29/2013 14:14:40 EDT	Call to Jeff Cell (00:08:21)

Timeline Forensic Report Overview

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08/29/2013 17:20:06 EDT	Call from Thad (missed)
08/29/2013 18:26:33 EDT	Message from Rodger Jolly: Never go to the ggrocery store when you've not eaten!

From: Holland, Bryan
To: Roessler, Edwin C. Jr.; Arnn, Ted; Ryan, Tom; Schaible, Erin; Smith, Sharon; Russell, David A.; Thompson, Paul
CC: Farrell, John; Flanagan, Christopher; Griffith, Cara D; Hinson, Jeremy
Sent: 2/5/2014 12:49:41 PM
Subject: FW:

All,

This is an update from John Farrell who is our lead in the Torres OIS. Late yesterday evening, he informed both families (girlfriend/wife, and his parents) that the case had been sent to the DOJ for a review. You can see that email below.

John addressed some items which were brought up. Their claim of destroying evidence is of course not true. We still have the video footage which was aired through the media prior to the OIS. There is no actual video of the shooting. Additional evidence we have is from a neighbor who captured a short video and still pictures, again, well before the OIS.

As far as compensation, I spoke with Risk Management and they will most likely not approve any type of claim (damage to the front door and debris which he threw outside prior to police arrival). This falls under Sovereign Immunity. We will provide the family the phone number to Risk Management in case they elect to contact them.

For the property compensation, the mother is referring to the additional weapons we took from the home as evidence. She has wanted them back from the beginning so they could be sold.

We will stay in contact with the families and update them once we have an understanding of this review. As of noon today, Ray Morrogh has not been provided any type of timeline.

Should anyone have any questions, please let me know.

Bryan
Bryan W. Holland, Second Lieutenant
Cold Case Squad
Fairfax County Police
[REDACTED]

-----Original Message-----

From: Farrell, John
Sent: Tuesday, February 04, 2014 8:38 PM
To: Holland, Bryan; Flanagan, Christopher
Subject:

I spoke with Maura Harrington and notified her of the federal review. She had a couple of questions and advised me that they filed the lawsuit today and questioned the timing of my phone call. I assured her that it was purely coincidental.

I called the Geer's and notified them. They expressed frustration over the timeliness of the investigation and the fact that a federal review would increase the amount of time without resolution. They wanted specific reasons why the case was being reviewed. They want to speak directly with Ray Morrogh. I will advise Mr. Morrogh of that tomorrow. They want to know who is responsible for the damages to the residence from the forced entrance. They also want us to compensate them for the property we have retained.

The phone call was a bit contentious and they accused us of destroying evidence specifically the recording that the neighbor took of the standoff prior to the shooting. Their position is that the shooting was captured on video and that we destroyed it.

I advised them that I would be back in touch by the end of the week and would advise them if someone had been assigned to work the case from the Dept of Justice.

John

From: Farrell, John
To: Griffith, Cara D
Sent: 11/8/2013 6:16:40 PM
Subject: Fw: Followup

----- Original Message -----

From: Farrell, John
Sent: Friday, November 08, 2013 06:09 PM
To: Flanagan, Christopher; Holland, Bryan
Subject: Fw: Followup

Draft:

Adam,

Thank you for reaching out and letting me know what happened today. I can't imagine how difficult it must be to have to deal with the rumor mill. I can only represent to you that I have only discussed facts and details of the investigation with my unit and chain of command and the Commonwealth Attorney's office. Unfortunately monday morning quarterbacking seems to be a part of the police culture and often those who know least talk loudest. I do not know what has gone on at other stations roll calls but I have not contributed to those conversations.

You should be able to come to work without feeling "harassed". I would encourage you to promptly report any behavior that you makes you feel unwelcome at work to IA or through your chain of command.

I think it is very important that you continue building a support system. Incident Support Services provides peer support, department psychologists, and referrals. These are the folks that may be able to help you understand what is going on and how to deal with some of the issues that you are dealing with.

I can only promise you that I am committed to conducting a fair complete and impartial investigation. This is a long process and each officer involved shooting investigation is unique. Once the investigation is complete it will be presented to the Commonwealth Attorney for review. It will ultimately be his job to determine if the facts and circumstances surrounding the shooting justified the actions that were taken that day. Unfortunately the investigation is not yet complete and it would be premature and improper for me to make any representations about my findings until that time.

----- Original Message -----

From: Torres, Adam D.
Sent: Friday, November 08, 2013 03:52 PM
To: Farrell, John; Hill, Joe R.; Owens, Matt
Subject: Followup

Today I heard what I would consider disturbing news/ rumors concerning my shooting. From one person, who approached me in the cafeteria in the courthouse began asking questions about the shooting. I did not tell him however he told me he heard stories from people at the Mason station that there were/ are ongoing conversations about my "bad shooting" in roll calls and was allegedly heard from the radio on Aug 29. Since I'm not from Mason I wonder how many other stations are getting a hold of their own spin on things especially when those officers werent at the shooting to witness. From West Springfield Ive heard several stories, all on a negative side. Basically it sounds like my reputation around the county is going downhill. On top of that I've been hearing about the great shooting at Mount Vernon a little while ago. And yes I've heard that I shouldn't be worried about what people say, but I'm not sure what anyone is expecting me to think or do when these accusations are going around and I can't do anything

DEF005920

about it.

Worst part is I'm stuck wondering where this investigation is heading and no one can tell me anything. All I can hope is someone give me some insight on what to do or expect other than to hang in there, be patient. If/ when I'm cleared of this shooting, is it even worth going back to patrol to deal with the harassment? I'm very aware this is not a very popular shooting among citizens, so when my name gets released, I'm sure ill get some backlash.

Adam Torres

From: Farrell, John
To: Flanagan, Christopher; Hinson, Jeremy; Griffith, Cara D; Holland, Bryan
Sent: 1/31/2014 7:19:12 PM
Subject: Fw: Fwd: geer

More to come tonight at 11.

From: John Farrell [REDACTED]
Sent: Friday, January 31, 2014 07:18 PM
To: Farrell, John
Subject: Fwd: geer

Sent from my iPad

Begin forwarded message:

From: John Farrell [REDACTED]
Date: January 31, 2014 at 7:15:32 PM EST
To: [REDACTED]

<http://www.wjla.com/articles/2014/01/john-geer-death-friends-family-question-investigation-99791.html>

Sent from my iPad

From: Holland, Bryan
To: Hardy, James
CC: Farrell, John; Flanagan, Christopher; Hinson, Jeremy; Griffith, Cara D
Sent: 11/15/2013 2:50:38 PM
Subject: FW: Geer shooting
Attachments: violent post.PNG

Jim,

Ref our conversation, here is the information. This post is from an officer involved shooting we had in Aug in the West Springfield area. Above is the post which is taken directly from the link below which carries the article.

PWCO PD should be aware of this post and the address for officer safety reasons!

John Farrell who is our lead detective in our OIS, or myself can be contacted if there are any questions.

Thanks again Jim,
Bryan

From: Farrell, John
Sent: Friday, November 15, 2013 1:58 PM
To: Holland, Bryan
Subject: Geer shooting

Lt. Holland,

The below listed website has generated some pretty threatening posts. I wanted to forward this to you for officer safety reasons. I think this is information that should be taken into account when the time comes to make the decision about releasing the officer's name.

Additionally I have attached a post that should probably be forwarded to PWCO police department for informational purposes.

Detective John Farrell
Fairfax County Police
4100 Chain Bridge Road
Fairfax, Virginia 22030

-----Original Message-----

From: John Farrell [REDACTED]
Sent: Thursday, November 14, 2013 10:58 PM
To: Farrell, John
Subject:

<http://www.policestateusa.com/2013/john-geer-shot-by-police/>

Sent from my iPad

DEF005923

From: Farrell, John
To: Griffith, Cara D
Sent: 11/14/2014 4:15:03 PM
Subject: Fwd:

John Farrell

Begin forwarded message:

From: John Farrell <[REDACTED]>
Date: November 13, 2014 at 9:45:28 PM EST
To: John Farrell <[REDACTED]>

http://www.washingtonpost.com/local/grassley-demands-answers-from-fairfax-police-us-attorney-in-john-geer-case/2014/11/13/61bcbbe8-6b78-11e4-b053-65cea7903f2e_story.html

Sent from my iPad

DEF005925

From: Sterling, John G.
To: Wallace, John; Bond, Robert; Colligan, Brian S.; Bibeault, Daniel; Deane, Eric; Needels, Stephen M.; Stallings, Erik S.; Morris, Connie; Mullins, Richard; Powers, Linda; Holland, Bryan; Flanagan, Christopher; Farrell, John; Hinson, Jeremy; Griffith, Cara D
Sent: 2/7/2014 2:46:16 PM
Subject: OIS - News

<http://www.washingtonpost.com/blogs/local/wp/2014/02/07/five-months-after-fairfax-police-killed-john-geer-more-delays-ahead-in-resolving-case/>

http://www.washingtonpost.com/local/crime/probe-of-fatal-police-shooting-goes-to-federal-authorities/2014/02/06/ee27b788-8f7b-11e3-b46a-5a3d0d2130da_story.html

From: Rowson, Ryan
To: Griffith, Cara D
Sent: 9/5/2013 4:01:41 PM
Subject: Re: Video camera call out

Ok

----- Original Message -----
From: Griffith, Cara D
Sent: Thursday, September 05, 2013 04:01 PM
To: Rowson, Ryan
Subject: Re: Video camera call out

Yes. I haven't been able to reach her yet.

----- Original Message -----
From: Rowson, Ryan
Sent: Thursday, September 05, 2013 04:00 PM
To: Griffith, Cara D
Subject: Re: Video camera call out

Are you guys picking her computer up today

----- Original Message -----
From: Griffith, Cara D
Sent: Wednesday, September 04, 2013 08:10 PM
To: Rowson, Ryan
Subject: Video camera call out

Hey Ryan, I have the video camera. I'm almost back to Massey. I'll be in the cold case office. If u want to holler when u get here I can bring it down to you. Thanks.

DEF005927

From: Rowson, Ryan
To: Griffith, Cara D
Sent: 9/5/2013 4:00:39 PM
Subject: Re: Video camera call out

Are you guys picking her computer up today

----- Original Message -----

From: Griffith, Cara D
Sent: Wednesday, September 04, 2013 08:10 PM
To: Rowson, Ryan
Subject: Video camera call out

Hey Ryan, I have the video camera. I'm almost back to Massey. I'll be in the cold case office. If u want to holler when u get here I can bring it down to you. Thanks.

DEF005928

From: Rowson, Ryan
To: Griffith, Cara D
Sent: 9/5/2013 5:57:08 PM
Subject: Re: Video camera call out

Ok

----- Original Message -----
From: Griffith, Cara D
Sent: Thursday, September 05, 2013 05:53 PM
To: Rowson, Ryan
Cc: Desmond, Bill
Subject: Re: Video camera call out

I'm enroute with computer.

----- Original Message -----
From: Rowson, Ryan
Sent: Thursday, September 05, 2013 04:57 PM
To: Griffith, Cara D
Subject: Re: Video camera call out

Ok

----- Original Message -----
From: Griffith, Cara D
Sent: Thursday, September 05, 2013 04:53 PM
To: Rowson, Ryan
Subject: Re: Video camera call out

I still haven't heard back from the video lady but am driving down there anyway hoping she calls back in the meantime. I'll keep u posted.

----- Original Message -----
From: Rowson, Ryan
Sent: Thursday, September 05, 2013 04:01 PM
To: Griffith, Cara D
Subject: Re: Video camera call out

Ok

----- Original Message -----
From: Griffith, Cara D
Sent: Thursday, September 05, 2013 04:01 PM
To: Rowson, Ryan
Subject: Re: Video camera call out

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Sent: Thursday, September 05, 2013 04:00 PM
To: Griffith, Cara D
Subject: Re: Video camera call out

Are you guys picking her computer up today

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To: Rowson, Ryan
Subject: Video camera call out

Hey Ryan, I have the video camera. I'm almost back to Massey. I'll be in the cold case office. If u want to holler when u get here I can bring it down to you. Thanks.

From: Laitinen, Joshua B
To: Farrell, John
CC: Flanagan, Christopher; Hinson, Jeremy; Griffith, Cara D
Sent: 9/4/2014 1:50:52 PM
Subject: Torres shooting

Fyi..in case you hadn't already heard

http://www.washingtonpost.com/local/after-a-year-with-no-answers-in-fairfax-police-slaying-of-john-geer-family-sues/2014/09/02/54da1892-31e6-11e4-a723-fa3895a25d02_story.html

2nd Lieutenant Josh Laitinen

Cold Case & Computer Forensics

Major Crimes Division



From: Farrell, John
To: Griffith, Cara D
Sent: 9/5/2013 4:30:51 PM
Subject:

[REDACTED]
Will Horton

Erica Epps [REDACTED]

Mariam Bamba [REDACTED] (video owner)

Detective John Farrell
Fairfax County Police
4100 Chain Bridge Road
Fairfax, Virginia 22030

[REDACTED]

From: Farrell, John
To: Holland, Bryan
CC: Flanagan, Christopher; Hinson, Jeremy; Griffith, Cara D
Sent: 1/31/2014 10:43:41 AM
Subject:

[REDACTED]

Medical examiner's office is calling [REDACTED]
[REDACTED] The also
called on GEER but I will handle that one.

Detective John Farrell
Fairfax County Police
4100 Chain Bridge Road
Fairfax, Virginia 22030

[REDACTED]

From: Roessler, Edwin C. Jr.
To: FCPD
Sent: 2/6/2014 8:04:56 PM
Subject: Update - OIS August 29, 2013

As all of you are aware, we responded to the 7900 block of Pebble Brook Court in the West Springfield District area on August 29, 2013. During the event there was an officer involved shooting. Our CIB Detectives have completed their investigation under the direction of the Commonwealth's Attorney. Recently, the County Attorney's Office was informed by the Commonwealth's Attorney that he has asked for federal assistance in the criminal investigation.

Although I do not have any additional information regarding the criminal investigation by the Commonwealth's Attorney, I want all of you to be aware of this matter as our community and the media may express their concerns.

Colonel Edwin C. Roessler Jr.
Chief of Police
Fairfax County Police Department
4100 Chain Bridge Road - 11th Floor
Fairfax, Virginia 22030


From: Winter, Brenda
To: Farrell, John; Flanagan, Christopher
Sent: 9/12/2013 8:47:02 AM
Subject: 911 tapes
Attachments: Track01 911 Call.doc; Track02 WSP Dispatch.doc; Track03 WSP Dispatch.doc

Brenda

Brenda Winter
Administrative Assistant III
Criminal Investigations Bureau/Major Crimes Division
Fairfax County Police Department



Fairfax County Police Department
Criminal Investigations Bureau
911 CALL

- A: I'm calling the police, John.
- Q: Fairfax 911. Where is your emergency?
- A: I need a cop please out in 7907 Pebble Brook Court.
- Q: Okay. I can't understand you. What's the numbers?
- A: 7907 Pebble Brook Court.
- Q: And that's a house?
- A: Yeah and my um, he's just throwing everything out of the house of mine and -
- Q: Okay. Who is he?
- A: My uh, my partner that I've lived with for the past twenty-four years.
- Q: Okay. So, it's your live in boyfriend is that what you're saying?
- A: Yeah. Yeah and in front of our kids.
- Q: Okay. What is your name?
- A: My name's Mora.
- Q: What's your last name Mora?
- A: Parrington.
- Q: And how about a phone number to reach you at?
- A: Um, [REDACTED] He's destroying my furniture.

Criminal Investigations Bureau
911 CALL

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

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

Q: Okay. And how long has -

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

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

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

Q: Alright. And what is his name?

A: John Geer.

Q: I'm sorry. Don?

A: John.

Q: What's the last name?

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

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

A: White.

Q: And how old?

A: Forty-six.

Q: How about a height and weight?

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

Criminal Investigations Bureau
911 CALL

Q: What's he wearing today?

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

Q: What's he saying?

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

Q: Okay. Has he been drinking?

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

Q: Okay. Does he do drugs?

A: No.

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

A: Uh, yeah.

Q: What kind of weapons?

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

Q: Okay.

A: He has a gun case.

Q: What kind of guns does he have though?

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

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

A: Two.

Q: Two. Okay. And they're -

A: Seventeen and thirteen.

Q: They're -

Criminal Investigations Bureau
911 CALL

A: They're outside right now.

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

A: Okay.

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

A: Okay.

Q: Give us a call back. Okay?

A: Thank you.

Q: You're welcome. Bye, bye.

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

Fairfax County Police Department
Criminal Investigations Bureau
WEST SPRINGFIELD DISPATCH

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

A: **730 CHARLIE:** I'm 10-4.

Q: 1442. 711 Charlie everything 10-4?

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

Q: 10-4. 1443.

A: **420 CHARLIE:** 420 Charlie outside.

Q: Area 420 for suspicious person. 3419 Collin Springs Road at Grand View Apartments it's gonna be for a black male, blue long sleeve sweater, black jeans, red and black back pack, sleeping in front of the building. 1445.

A: **970 CHARLIE:** 970 Charlie self-dispatched. 731 Bravo to back area 731 for a residential burglary alarm. [REDACTED] (INAUDIBLE) on the front door. 1453.

Criminal Investigations Bureau
West Springfield Dispatch

740 CHARLIE: 740 Charlie.

Q: Scout 740 Charlie.

A: 740 Charlie.

Q: Scout 740 Charlie.

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

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

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

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

Q: Any other unit -

A: **740 BRAVO:** 740 Bravo. (INAUDIBLE) around.

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

A: **700:** (INAUDIBLE) 700 in route.

741 BRAVO: 741 Bravo in route.

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

400 CHARLIE: 400 Charlie I'm (INAUDIBLE).

Q: 10-4. Scout 740 Charlie.

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

Q: Are you and 730 Charlie waiting outside?

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

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

Criminal Investigations Bureau
West Springfield Dispatch

A: **1040 BRAVO:** 1040 Bravo. I'm about three minutes out.

Q: 10-4.

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

Q: 740 Charlie.

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

Q: 7 Charlie, you direct?

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

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

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

Q: 10-4.

A: **730 CHARLIE:** Scout 730 Charlie. We're speaking to the subject through the screen window of his front door. There's nobody else in the house according to him. He is armed with a pistol. Said he will use it against us 'cause we have our pistols. He has his hands behind his head. He's talking to us. But, he's refusing to come outside.

Q: 7 Charlie you direct?

Criminal Investigations Bureau
West Springfield Dispatch

- A: **7 CHARLIE:** 7 Charlie. I'm direct. 7 Charlie get the shield down there.
- Q: Anyone with a shield that can respond to a domestic dispute?
- A: **740 CHARLIE:** 740 Charlie. I have the shield in my own cruiser. Someone can just come and get it from my trunk would be great.
- Q: 10-4. First responding unit if you can retrieve the shield from 740 Charlie's cruiser.
- A: **740 BRAVO:** 740 Bravo. I'm on scene.
- Q: 10-4. Scout 740 Charlie.
- A: **740 CHARLIE:** 740 Charlie.
- Q: Do you have any charges against this man yet?
- A: Not at this time. He's just threatening to use his weapon against us.
- Q: 10-4.
- A: **7 CHARLIE:** Car 7 Charlie. We responded on a domestic dispute. Is the wife around there or family members?
- Q: I believe they're next door. 740 Charlie can you confirm? Scout 740 Charlie to 730 Charlie.
- A: **730 CHARLIE:** Scout 730 Charlie. 740 uh, 740 Bravo is on scene. He's a hostage negotiator. I'm gonna go talk to the other parties involved in this.
- Q: 10-4. and the other parties are next door?
- A: Direct. [REDACTED]
- Q: 10-4.
- A: Scout 730 Charlie.

Criminal Investigations Bureau
West Springfield Dispatch

Q: Scout 730 Charlie.

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

Q: 10-4. 7 Charlie you direct?

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

Q: 10-4.

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

Q: Scout 730 Charlie.

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

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

A: **7 CHARLIE:** Car 7 Charlie. To the officers on scene it is efficient that we make notification to the residents in the general area perimeter of the house what the situation is, so that they can go and seek safe cover.

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

Criminal Investigations Bureau
West Springfield Dispatch

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

Approximately ten children -

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

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

(INAUDIBLE).

Q: 10-4. Thank you.

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

Q: 10-4. Thank you.

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

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

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

Q: 741 Charlie.

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

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

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

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

Criminal Investigations Bureau
West Springfield Dispatch

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

Q: 10-4. 741 Charlie you direct?

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

Q: 1507.

A: 741 Charlie. Can I get a direct canine 7?

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

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

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

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

741 CHARLIE: Hey man, I'm in the wood line um, where the break is in the townhouses. Canines in route. They're gonna take a rear position.

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

Q: 731 Charlie you still have direct contact?

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

Q: Scout 741 Bravo.

A: 740 Bravo has the report with the subject. There's three others of us.

Criminal Investigations Bureau
West Springfield Dispatch

Have him at gunpoint. He's standing there with his hands up in the air, but he's still inside the house. He said if anyone comes in the backdoor it's gonna escalate, so don't try to enter the back door.

Q: 7 Charlie you direct?

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

Q: 741 Charlie are you direct?

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

Q: 10-4. 1511.

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

Q: Last unit.

A: Unit 318955. (INAUDIBLE) on uh, Ox Road and JD Boulevard. It's gonna be a black motorcycle. [REDACTED] Can you do a license check for me when you have an opportunity?

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

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

Q: Scout 730 Charlie.

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

Criminal Investigations Bureau
West Springfield Dispatch

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

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

Q: 7 Bravo.

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

Q: 10-4. Thank you.

A: **440 BRAVO:** 440 Bravo. Everything. 10-4

XRAY 700: X-ray 700.

Q: X-ray 700.

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

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

A: **730 CHARLIE:** Scout 730 Charlie. When we first arrived he advised he had a gun in his lower waistband in his lower back. He did take something out and put something down on the ground to the left front side of his body on the ground. So, it might still be in his lower back, it might be on the ground, he might have multiple weapons with him. We don't know.

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

Criminal Investigations Bureau
West Springfield Dispatch

waistband on his back.

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

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

A: Okay. Thank you.

Q: 1516.

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

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

Q: 741 Charlie.

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

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

UNIT 318955: Unit 318955. Go ahead.

Q: You can switch over to channel eight.

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

Q: 731 Charlie.

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

Q: Any surrounding perimeter unit can advise?

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

Q: Any unit on scene of the domestic dispute can you advise if you need

Criminal Investigations Bureau
West Springfield Dispatch

another unit to respond?

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

Q: 10-4.

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

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

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

Q: Scout 730 Charlie.

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

Q: 10-4. What location is this?

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

Q: 10-4.

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

Q: 10-4. Thank you.

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

Criminal Investigations Bureau
West Springfield Dispatch

drinking?

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

731 CHARLIE: Okay. 731 Charlie.

Q: 731 Charlie.

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

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

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

CAR 7 CHARLIE: Car 7 Charlie.

Q: Car 7 Charlie.

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

Q: 10-4.

Criminal Investigations Bureau
West Springfield Dispatch

A: Thank you.

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

CANINE 7: Go ahead.

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

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

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

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

UNKNOWN OFFICER: Neil standby for a second.

UNKNOWN OFFICER: Just hold what you have right now.

COMMANDER 70: Commander 70. Hold me on scene of this dom
(INAUDIBLE) 730.

Q: 10-4.

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

CANINE 10: Go ahead man.

Criminal Investigations Bureau
West Springfield Dispatch

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

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

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

CANINE OFFICER: Okay. We got it.

Q: Set 63 and set 64.

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

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

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

Fairfax County Police Department
Criminal Investigations Bureau
WEST SPRINGFIELD DISPATCH (CONT.)

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

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

Q: 1531.

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

Q: Shots fired. 1534.

A: **750 BRAVO:** 750 Bravo. We've got he's down inside the house.

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

Q: 1534.

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

Q: 10-4.

A: (INAUDIBLE)

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

UNKNOWN OFFICER: Hold the channel.

740 BRAVO: 740 Bravo. He's hit. We've exited the house. Doors closed.

We don't know if he's moving around or not.

Criminal Investigations Bureau
West Springfield Dispatch (cont.)

Q: Car 7 Bravo you direct?

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

Q: Direct. 1535.

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

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

Q: Car 7 Bravo you direct?

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

Q: 1535.

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

Q: 1535.

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

Q: Handled. 1535.

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

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

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

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Q: Commander 70.

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

Q: 10-4.

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

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

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

Q: Car 7 Charlie.

A: We believe he's wounded and we also believe that he's still is armed with several weapons inside the residence. So, I'm requesting to do the officer (INAUDIBLE) tac force please.

Q: (INAUDIBLE) tac call out. 1538.

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

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

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

Q: 740 Bravo movement at the door. 1539.

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

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UNKNOWN OFFICER: Adam's got one.

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

7 BRAVO: 7 Bravo.

Q: Car 7 Bravo.

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

Q: 10-4. 1540.

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

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

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

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

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

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

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

Q: 10-4. 1542.

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

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his name is John.

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

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

Q: 10-4.

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

Q: 1546.

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

Q: 10-4 commander 7. 1547.

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

Q: 1547.

A: **UNKNOWN OFFICER:** 7 Charlie come in.

7 CHARILE: 7 Charlie go ahead.

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

UNKNOWN OFFICER: Direct.

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

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Q: **Bystander** calling.

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

Q: SOD 2 in route. 1549.

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

Q: 1549.

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

UNKNOWN OFFICER: I got it.

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

7 CHARLIE: Car 7 Charlie. To the command post (INAUDIBLE) to the command scene here.

TAC 1: TAC 1.

Q: TAC 1.

A: Tell me, tell me about the event on Pebble Brook.

Q: 1553.

A: **FAIRFAX 1:** Fairfax 1 to –

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

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

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

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

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

Q: Direct. 1554.

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

(INAUDIBLE)

UNKNOWN OFFICER: No movement LT.

7 BRAVO: 7 Bravo.

Q: Go ahead 7 Bravo.

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

Q: We have already notified the neighbors. 1555.

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

TAC 12: TAC 12 on scene.

Q: TAC 12 on scene.

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

Q: Commander 70.

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

Q: 10-4.

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

COMMANDER 70: Go ahead Fairfax 1.

FAIRFAX 1: Fire department requested us for the possible medevac. (INAUDIBLE) if you needed us for anything uh, we're gonna standoff. Uh, but if you want us overheard we can. Just let us know.

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

FAIRFAX 1: Direct sir.

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

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

Q: 10-4 SOD 1.

A: **UNKNOWN OFFICER:** 7040 copy. Hey Rodney you copy?

UNKNOWN OFFICER: (INAUDIBLE) when the uh --, (INAUDIBLE) from that door there how far back do you think he is from that door?

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

UNKNOWN OFFICER: Okay. So, he's not too far from that door then.

UNKNOWN OFFICER: I, I don't know if he actually hit the ground or the

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floor or anything. But, we've heard movement in here prior to your guy's arrival. But, I haven't heard anything the last fifteen minutes.

UNKNOWN OFFICER: Alright. Direct.

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

UNKNOWN OFFICER: Alright. 10-4.

UNKNOWN OFFICER: And he said it was holstered.

COMMANDER 7: Commander 7.

CANINE 7: Canine 7.

UNKNOWN OFFICER: (INAUDIBLE) to Canine 7.

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

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

CANINE 7: Okay.

7 CHARLIE: Come in 970 Charlie.

Q: Car 70 Charlie.

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

970 CHARLIE: I'm 970 here.

7 CHARLIE: Need to respond to the back of the residence adjacent to [REDACTED] where the, where the uh, female is, his girlfriend. Escort her out of

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there and to command.

970 CHARLIE: Just the girlfriend. 10-4.

7 CHARLIE: Just the girlfriend.

UNKNOWN OFFICER: (INAUDIBLE)

731: 731.

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

UNKNOWN OFFICER: Wait there.

7 CHARLIE: 7 Charlie. Go ahead.

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

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

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

COMMANDER 7: Commander 7 to dispatch.

Q: Commander 7.

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

Q: Direct. 1604.

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

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UNKNOWN OFFICER: (INAUDIBLE)

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

UNKNOWN OFFICER: Anthony stay right there.

TAC 3: TAC 3 on scene.

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

Q: (INAUDIBLE) are marking on scene. TAC 3's on scene.

A: **UNKNOWN OFFICER:** (INAUDIBLE) you're calling me. Go ahead.

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

COMMANDER 7: 10-4.

UNKNOWN OFFICER: (INAUDIBLE)

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

SOD 2: SOD 2 on the scene.

Q: 1607

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

UNKNOWN CANINE: Yeah. 10-4.

COMMANDER 7: Commander 7.

Q: Commander 7.

A: Hey go ahead and alert **Molders** we're gonna need some traffic support on Pohick. We're probably gonna need two to four units just to um, take

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care of the intersection as folks are coming in.

Q: Direct. 1609.

A: **MOTOR: MOTOR**

Q: Last motor unit.

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

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

A: 10-4.

Q: 1609.

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

Q: TAC 5's on scene. 1609.

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

Q: Negotiator 1 on scene. 1609.

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

Q: TAC 1 on scene. 1610.

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

SOD 1: SOD 1 on scene.

Q: Last units you covered each other.

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

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

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

Q: SOD 1 on scene. 1612.

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

Q: 1612.

A: **MOTOR 1:** Motor 1 on scene.

Q: 1613.

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

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

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

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

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

UNKNOWN OFFICER: Alright. 7 Bravo you copy?

UNKNOWN OFFICER: Go ahead.

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

UNKNOWN OFFICER: (INAUDIBLE)

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

UNKNOWN OFFICER: 10-4.

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TAC 4: TAC 4 on scene.

Q: TAC 4 on scene. 1614.

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

Q: TAC 11 on scene. 1614

A: **UNKNOWN OFFICER:** Hey TAC team needs four units uh, when you come up off the delta side (INAUDIBLE).

FAIRFAX 1: Fairfax 1.

Q: Fairfax 1.

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

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

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

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

UNKNOWN OFFICER: (INAUDIBLE)

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

Q: Last unit calling.

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

Q: TAC 1 go ahead.

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

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COMMANDER 7: Commander 7 to 7 Baker.

7 BAKER: Go ahead.

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

7 CHARLIE: This is 7 Charlie. We do.

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

UNKNOWN OFFICER: Canine on rear containment can you copy?

UNKNOWN CANINE: Yep.

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

UNKNOWN CANINE: On the delta side from ground level, which is gonna be your basement entry you have a slider door. (INAUDIBLE) any other windows. The second level up number two you got two windows off side by side. Looks like it's probably gonna be the living room area and then you got third floor up and I see two windows uh, looks like probably for bedrooms.

UNKNOWN OFFICER: Alright. Direct.

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

UNKNOWN OFFICER: I'm direct. (INAUDIBLE). Hey, you'll be good as long as you guys don't move around. You're pretty hard to see as long as

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you're standing still.

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

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

UNKNOWN CANINE: Negative. We got a shotgun with buckshot and (INAUDIBLE)

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

Q: 1623.

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

Q: 10-4. 1623.

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

Q: 10-4 TAC 15. 1623.

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

TAC 3: Go ahead.

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

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

TOD 2: 10-4.

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

TOD 2: Yeah. It's up here at the fort.

TAC 3: 10-4. Hey Richard you got an eyeball on that backdoor? 10-4.7 7

UNKNOWN OFFICER: Car 7 Bravo.

7 BRAVO: Go ahead.

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

TAC 3: TAC 3 to TOD 2.

TOD 2: TOD 2. Go ahead.

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

TOD 2: Say again.

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

TOD 2: That's 10-4.

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

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

TAC 3: If possible.

TOD 2: Alright.

Q: Last unit calling.

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

Q: Motor 1.

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A: (INAUDIBLE) PIO is in route.

UNKNOWN OFFICER: (INAUDIBLE)

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

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

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

OSB 1: OSB 1.

Q: OSB 1.

A: OSB 1. I (INAUDIBLE) the time, (INAUDIBLE) general orders and the SWAT is (INAUDIBLE) around the house.

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

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

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

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

Q: Commander 70.

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

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busy on the scene.

Q: 10-4. 1634.

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

UNKNOWN OFFICER: Go ahead.

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

UNKNOWN OFFICER: Roger that.

Q: OSB 1.

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

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

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

Q: Direct. 1635.

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

Q: OSB 1.

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

Q: Direct. 1635.

A: **SOD 1:** SOD 1 to OSB 1 I'm direct you got uh, tactical command. Uh, be advised uh, for (INAUDIBLE) on a public safety concern sir.

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OSB 1: OSB 1. I'm direct.

SOD 1: SOD 1 for all tactical channels on channel 7 uh, SOD 1 for all tactical channels on channel 7 uh, tactical comps will be SOD 1 echo, SOD 1 echo. Correction that's TDT 1 echo, TDT 1 echo.

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

7 CHARLIE: This is 7 Charlie. Go ahead.

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

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

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

COMMANDER 70: Commander 70 to 7 Charlie.

7 CHARLIE: This is 7 Charlie. Go ahead.

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

7 CHARLIE: Okay.

OSB 1: OSB 1. OSB 1.

Q: OSB 1.

A: OSB 1. I need the uh, station 7 recorder to respond to the command post with (INAUDIBLE). Please.

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

A: **TAC 51:** TAC 51. (INAUDIBLE).

Q: TAC 51.

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

Q: Fairfax 1.

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

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

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

Q: TAC 51.

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

Q: OSB 1.

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

Q: Direct. 1643.

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

Q: OSB 1 you're direct?

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

Q: 1644.

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

Q: Fairfax 1.

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

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

Q: Fairfax 1 you have traffic?

A: **FAIRFAX 1:** 1022.

Q: 1644.

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

Q: 1645.

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

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

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

UNKNOWN OFFICER: Who you trying to call?

Q: Commander 70.

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

Q: Go ahead OSB 1.

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

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

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

Q: 1649.

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

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

OSB 1: OSB 1.

Q: OSB 1.

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

Q: Commander 7 or Commander 70.

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

Q: OSB 1 you direct?

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

Q: 1651.

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

Q: 1653.

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

OSB 1: OSB 1. Go ahead.

SOD 1: Just be advised the tactical operations are over. Um, you can go ahead and start with the uh, criminal investigation aspect of the operation. 10-4.

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

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

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

Q: 1655.

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

Q: 1655. OSB 1.

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

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

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

Q: Direct. 1657.

A: **CANINE 7:** Canine 7. (INAUDIBLE) I believe the children are at [REDACTED]

Q: Direct. 1657. OSB 1.

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

Q: (INAUDIBLE) call DPSC supervisor Loraine (INAUDIBLE) ASAP.

A: Okay. Somebody will call her.

Q: 1658

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

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

Q: 731 Charlie.

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

Q: OSB 1.

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

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

Q: Scout 970 Charlie.

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

CANINE 7: Copy. Canine 7.

SOD 1: Yeah, can you (INAUDIBLE) uh, PDTA, PDTA 1 echo, PDTA echo.

CANINE 7: 10-4.

OSB 1: OSB 1.

Q: OSB 1.

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

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

A: OSB 1. I'm direct.

Q: 1709.

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

Q: Commander 70.

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

Q: Direct. 1712.

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

Q: OSB 1.

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

Q: PIO 6. PIO 6.

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

Q: 1716.

A: **UNKNOWN OFFICER 600:** (INAUDIBLE) 600.

Q: (INAUDIBLE) 600. (INAUDIBLE) 600 did you have traffic?

A: (INAUDIBLE) to my left.

Q: 1720.

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

COMMANDER 7: Commander 7.

Q: Commander 7.

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- A: Yeah, could you get an ETA on mobile crisis to the command post?
- Q: 10-4. 1722.
- A: **OSB 1:** OSB 1.
- Q: OSB 1.
- A: OSB 1. I'm switching command at this time and uh, CIB 1 will be the commander.
- Q: 10-4. Attention all units CIB 1 will now have Pebble Brooke command. 1723.
- A: OSB 1.
- Q: OSB 1.
- A: Yeah, OSB 1. Can you call those houses you initially did the reverse 911 to and tell them that they're clear to come out if they want? We're done here.
- Q: 10-4. Direct. 1728.
- A: **7 BRAVO:** 7 Bravo. I'll be clearing the scene. In route to the station.
- Q: 1729.
- A: **IS 74:** IS 74.
- Q: IS 74.
- A: Please sign me off for the night. Thank you.
- CIB 5:** CIB 5.
- Q: CIB 5.
- A: Could you check on the status in the uh, mobile crisis for me?

Criminal Investigations Bureau
West Springfield Dispatch (cont.)

Q: 10-4. CIB 5.

A: Go ahead.

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

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

Q: 1754.

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

Q: 1802. Commander 7 go ahead.

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

Q: Officer Eugene Kim. Calling Officer Eugene Kim.

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

Q: CIB 5.

A: That will be 711 Charlie.

711 CHARLIE: Car 711 Charlie.

Q: 711 Charlie please go back to command post.

A: Direct. In route.

Q: 1824.

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

Q: 1828. SOD 2.

A: **SOD 2:** (INAUDIBLE)

Q: SOD 2 repeat your traffic.

Criminal Investigations Bureau
West Springfield Dispatch (cont.)

A: Hold me clear from the scene.

Q: 10-4. 1828.

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

Q: 10-4 TAC 51. 1831

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

Q: 1831.

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

Q: 720 Bravo.

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

ZEBRA 750: This is Zebra 750. Go ahead.

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

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

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

Q: 1844.

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

Q: Negotiator 5.

A: I'm clearing the scene and secure. 303228.

Q: 1850.

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

Q: OSB 2.

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

Criminal Investigations Bureau
West Springfield Dispatch (cont.)

Q: 10-4. 1850.

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

Q: TAC 1.

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

Q: 10-4. 1902.

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

Q: CIB 403.

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

Q: 10-4. 1913.

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

Q: PIO 6.

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

Q: 10-4. 1916.

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

Q: Commander 7.

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

Q: 10-4.

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

Q: SOD 1.

Criminal Investigations Bureau
West Springfield Dispatch (cont.)

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

Q: 10-4.

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

Q: 10-4 Motor 1. 19-

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

Q: 10-4 Motor 5. 19-

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

Q: Car 7 Alpha.

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

Q: 10-4. 1936.

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

Q: CIB 5.

A: Hold me on scene at station 7 please.

Q: 10-4. 1945. CIB 46.

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

Q: 10-4.

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

Q: 10-4. 2038.

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

Criminal Investigations Bureau
West Springfield Dispatch (cont.)

Q: IA 3.

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

Q: 10-4 IA 3. 21-

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

Q: Motor 16.

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

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

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

Q: 10-4. 2003.

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

Q: ACO 2.

A: ACO 2 I'm 10-4.

COMMANDER 7: Commander 7.

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

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

Q: 10-4 sir. 2236.

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

From: Winter, Brenda
To: Flanagan, Christopher; Farrell, John
Sent: 5/6/2014 2:18:57 PM
Subject: 2013-2410242 GUCKENBERGER TAPE
Attachments: 2013-2410242 GUCKENBERGER TAPE.doc

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

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 turric 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 (inaudible) 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, (inaudible).

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, rendered 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, feel 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 and waiting 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's 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 lead way 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 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 accidentally 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, yall, yall'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 puffed

the front door, located subject.

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

A: Yeah.

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, actually 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 (inaudible)

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're (inaudible) 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.

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

From: Hinson, Jeremy
To: Sorrentino, Joseph J.
CC: Farrell, John; Flanagan, Christopher; Holland, Bryan; Griffith, Cara D
Sent: 9/1/2013 8:35:54 PM
Subject: 2013-2410242 OIS

Joe,

Can you access the Cold Case Sqd folder on the MCD portion of the J drive and take a look at the folder for this case? We have citizen video files that we need converted to a watchable format. These were taken by a citizen with a Panasonic HD handheld recorder model HC-V100M video recorder. The format is ".cpi" and only seem to work on the recorder itself. Also, can you advise of any loss of quality in the conversion process?

Thank you,
Jeremy

From: Carr, Annemarie
To: Flanagan, Christopher
Sent: 9/17/2013 9:17:53 AM
Subject: Barnes transcript
Attachments: Ofc Rodney Barnes.docx

Good morning Chris,

Attached, hereto, please find the transcript for Officer Barnes. I apologize that there are some Inaudibles in there.

Let me know regarding changes.

Annemarie Carr
Administrative Assistant
Major Crimes Division
4100 Chain Bridge Road
Fairfax, VA 22030



Fairfax County Police

Case Number: 2013-2410242

Transcribed on: September 17, 2013

Det. Flanagan: This is Detective Flanagan with the Fairfax County Police. The date is Octo... I'm sorry, August 29, 2013, at 19:18 hours. This is an interview with Officer Rodney Barnes at the West Springfield District Station in regards to an officer involved shooting that occurred on this date. Uhmm, Officer Barnes we were talking for a little bit about, uhh, some of your background information if .. before we getting into talking about what, .. uhmm, the incident today. If we could go back over some of that, if that's ok? ... Uhmm, and if you could, uhmm, speak clearly so it's – it's captured on the recorder as well.

Ofc. Rodney Yes.

Barnes:

Det. Ok. Uhmm, Rodney can you state your full name for me.

Flanagan:

Ofc. Rodney Rodney Michelle Barnes.

Barnes:

Det. Rodney, what's your EIN?

Flanagan:

Ofc. Rodney 316949

Barnes:

Fairfax County Police
Case Number: 2013-2410242
Transcribed on September 17, 2013

Det. And when were you hired by the Fairfax County Police?

Flanagan:

Ofc. Rodney August 31, 1998.

Barnes:

Det. Ok. Did you have any military experience prior to that?

Flanagan:

Ofc. Rodney Yes, ten years in the Navy.

Barnes:

Det. Ok. And .. any other law enforcement experience?

Flanagan:

Ofc. Rodney Uhh, yes, Corpus Christy, Texas. **INAUDIBLE** with the South

Barnes: Corpus Christy Police Department from '96 or '95 to '98, I can't remember. I know I came here in '98.

Det. Ok. And – and you mentioned that you graduated from the

Flanagan: Fairfax County Police Academy in '98 ...

Ofc. Rodney '99.

Barnes:

Det. ... or that you were hired in '98. You graduated in '99.

Flanagan:

Ofc. Rodney '99.

Barnes:

Det. Where did you go after the academy?

Fairfax County Police
Case Number: 2013-2410242
Transcribed on September 17, 2013

Flanagan:

Ofc. Rodney Mount Vernon District Station.

Barnes:

Det. Ok. And were you inve... Was that in a cap... patrol capacity?

Flanagan:

Ofc. Rodney Yes, patrol.

Barnes:

Det. Ok. And did you transfer from that station at any point?

Flanagan:

Ofc. Rodney Yeah, in 2000. .. I came to ... I think it was 2000. .. I came here

Barnes: in 2000 or 2001, I can't ... I think it was 2000.

Det. Ok. And here is West Springfield ...

Flanagan:

Ofc. Rodney West Springfield.

Barnes:

Det. District?

Flanagan:

Ofc. Rodney And I've been here the whole **INAUDIBLE**.

Barnes:

Det. Ok. All of that was in a patrol capacity?

Flanagan:

Ofc. Rodney Yes.

Barnes:

Det. And, uhmm,

Flanagan:

Ofc. Rodney **INAUDIBLE**

Barnes:

Det. beside from your regular academy training, uhmm, have you

Flanagan: had any other source of specialized training?

Ofc. Rodney No. I was the SRO for almost seven years

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney here at station.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney Uhmm, but, I mean we had training in the Navy, but that's

Barnes: different kinda

Det. How about, uhmm, have you had hostage negotiator training

Flanagan: **INAUDIBLE?**

Ofc. Rodney Yes, I have.

Barnes:

Det. You have that done.

Flanagan:

Ofc. Rodney And I'm a hostage negotiator too.

Barnes:

Det. Ok. And how about crisis intervention? Have you ever had ...

Flanagan:

Ofc. Rodney I've had that training too.

Barnes:

Det. ... **INAUDIBLE.**

Flanagan:

Ofc. Rodney Yes.

Barnes:

Det. Ok. Any other training that you can think off?

Flanagan:

Ofc. Rodney I mean,

Barnes:

Det. O.O..Other than your – what you received in the academy

Flanagan: initially.

Ofc. Rodney I mean, I've been back to the academy for some – a lot of

Barnes: classes, but

Det. Ok.

Flanagan:

Ofc. Rodney Like criminal patrol tactics, uhh, ... I can't remember of – right of

Barnes: the head what I've been to for – at the academy for.

Det. Ok. .. Ummm, and with regards to your training you, uhh, we also

Flanagan: talked about the – the service weapon ..-

Ofc. Rodney Uh-um.

Barnes:

Det. ... that you carry. What kind of service weapon is that?

Flanagan:

Ofc. Rodney 226.

Barnes:

Det. Ok. And that's ...

Flanagan:

Ofc. Rodney A Sig Sauer 226.

Barnes:

Det. Ok. And, ummm, you're qualified with that?

Flanagan:

Ofc. Rodney Yes, I am.

Barnes:

Det. What other weapons are you qualified with?

Flanagan:

Ofc. Rodney Uhh, the shotgun, ... uhh, and the Taser. ... I mean weapons.

Barnes:

Det. Right.

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Flanagan:

Ofc. Rodney Uhh, I sure consider a Taser.

Barnes:

Det. Taser, yeah.

Flanagan:

Ofc. Rodney A Taser, ... pepper spray. I don't know if that's what one of the

Barnes: things

Det. Ok. ... Uhhh, what about pepper balls?

Flanagan:

Ofc. Rodney Pepper ball. Yes, pepper ball gun.

Barnes:

Det. Ok. And I think you also mentioned, uhh, for as far as special

Flanagan: assignments, you were and SRO?

Ofc. Rodney For almost seven years.

Barnes:

Det. Ok. And .. your current assignment right now, what is that?

Flanagan:

Ofc. Rodney Uhh, patrol, Days-A at West Springfield Station.

Barnes:

Det. Ok. That's day work?

Flanagan:

Ofc. Rodney Day work, yes.

Barnes:

Det. Ok. And on this particular day do you – what was your

Flanagan: designator?

Ofc. Rodney 740B.

Barnes:

Det. And “Bravo” means you’re day work and that “740” means you

Flanagan: cover area “740”?

Ofc. Rodney Right, that’s my normal patrol area.

Barnes:

Det. And that’s just your standard patrol, uhmm, responding for calls,

Flanagan: for service, ...

Ofc. Rodney Right.

Barnes:

Det. ... in your area and they ...

Flanagan:

Ofc. Rodney Being proactive.

Barnes:

Det. ... needed to show?

Flanagan:

Ofc. Rodney Yeah.

Barnes:

Det. Ok. Uhh, do you remember what cruiser you had today?

Flanagan:

Ofc. Rodney Yes, I had a, uhh, blue unmarked, which is not my cruiser. My

Barnes: cruisers been dead-lined, so I don't really have a cruiser right now. I use midnight's cruiser last nigh.... To yesterday and today's 4325.

Det. Ok. Now, when you say, uhmm, ...-

Flanagan:

Ofc. Rodney Line package. Got a whole police package.

Barnes:

Det. So, it's got lights and sirens?

Flanagan:

Ofc. Rodney Yes.

Barnes:

Det. It just doesn't have the decals on it?

Flanagan:

Ofc. Rodney That's correct.

Barnes:

Det. Ok. ... Uhmm, and could you describe your uniform for me. I

Flanagan: guess the easiest way is probably starting at your shoes and then just kinda go up to your shoulders.

Ofc. Rodney I have, uhh, a pair of black pa..., uhh, Oakley ... leather boots. ...

Barnes: Waterproof. And I have a dark blue patrol pants with the cargo

pockets. And I have a gray shirt with – displaying my PFC and my, ... uhh, patch that says Fairfax County Police Department. And, uhmm, I have a outer vest, the new outer – patrol outer vest ... displaying my name, R. Ir ... I mean Barnes. And displaying a embroidered Fairfax County Badge. And I have a shoulder mic. And I have – On my waist I have, uhh, two ... magazines. And, .. uhmm, my radio is up on the vest. And I also have a Taser. I have a ASP. I have a Mag-Lite. I have two, uhmm, handcuffs in the .. back – in the back. I have a – my service weapon on the right. I'm right handed. And I have, uhh, pepper spray in the front ...-

Det. Ok.

Flanagan:

Ofc. Rodney ... on the right.

Barnes:

Det. Ok. And you mentioned that you're right handed.

Flanagan:

Ofc. Rodney I'm right handed.

Barnes:

Det. And the magazines that are stored in your pouch, the two on

Flanagan: your belt, do you know the condition of those? What the load is on those?

Ofc. Rodney Uhh, I think one has thirteen. Here's thirteen. .. Uhh, twelve. ...

Barnes: And one has eleven.

Det. Ok.

Flanagan:

Ofc. Rodney I didn't top it off.

Barnes:

Det. Ok. .. And .. the weapon that's in your holster, your **INAUDIBLE**,

Flanagan: do you know the condition of that?

Ofc. Rodney It's ready. It's – It's one in the mag – It's one in the chamber ...

Barnes: and I guess eleven in the magazine.

Det. Ok. And the way you're dressed right now, and what we just

Flanagan: talked about, is that how you were dressed at the time of this
incident?

Ofc. Rodney Yes, it was.

Barnes:

Det. Ok. No gloves, no hat or coats ...

Flanagan:

Ofc. Rodney No gloves.

Barnes:

Det. ... or anything different?

Flanagan:

Ofc. Rodney No.

Barnes:

Det. Ok. And I think you mentioned this, but you said you were right

Flanagan: handed, is that correct?

Ofc. Rodney I'm right handed, yes.

Barnes:

Det. Ok. And, uhmm, what day of the shift is this for you guys?

Flanagan:

Ofc. Rodney It's the last day. It's our Friday.

Barnes:

Det. And – and that's, uhmm, ... it's a two day shift for you?

Flanagan:

Ofc. Rodney Two day, yes.

Barnes:

Det. And this is the second of your

Flanagan:

Ofc. Rodney Right.

Barnes:

Det. two day shift? And how was your sleep last night? How would

Flanagan: you describe it?

Ofc. Rodney It's like – It's normal. I, uhh, ... When I usually get home .. I

Barnes: usually .. sometime nod out on the couch

Det. Uh-um.

Flanagan:

Ofc. Rodney for a couple hours. My wife gets on me about .. sleeping on

Barnes: the couch, so I went upstairs probably about 11

Det. Right.

Flanagan:

Ofc. Rodney ... 11:15 after taking the dog out. And I got up at 3 ... Well, the

Barnes: **INAUDIBLE** goes off at 3:50, I probably got out of bed at .. I – I
lay there for another ten minutes sometimes.

Det. Right.

Flanagan:

Ofc. Rodney So, I think I actually got out of bed at 4:00. I always look at the

Barnes: clock. **INAUDIBLE**. If I haven't showered before, I shower that
morning and then get dressed ...

Det. Uh-uh.

Flanagan:

Ofc. Rodney ... and go ...

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney ... downstairs and head to work.

Barnes:

Det. Alright. Ummm, are you – are you on any medications now that

Flanagan: would impair your judgment in any way?

Ofc. Rodney I'm on medication, but not anything that would impair

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney for me to, ... you know, my judgment.

Barnes:

Det. Ok. And, uhmm, how about alcohol use and drug use. Any

Flanagan: alcohol or drug use in the last 48 hours?

Ofc. Rodney No, I don't drink and I haven't taken any drug other than prescript

Barnes: to me.

Det. Your prescript drugs, haha. Ok.

Flanagan:

Ofc. Rodney And vitamins.

Barnes:

Det. Ok. And for .. you – you mentioned that you're Days-A. What

Flanagan: time is roll call for day work?

Ofc. Rodney 05:30.

Barnes:

Det. Alright. And what time do you typically hit the street?

Flanagan:

Ofc. Rodney Uhh, we ... have a short roll call, ... probably ten minutes. And

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Barnes: we're in service – He wants us in service by six o'clock.

Det. Alright. And was that the case this morning?

Flanagan:

Ofc. Rodney Yeah, around six. I maybe, uhh, like for me .. probably 6:01,

Barnes: 6:02, but, yes.

Det. Ok.

Flanagan:

Ofc. Rodney We – We – He wants us in service at six.

Barnes:

Det. And typically, for day work, when you guys come off the street?

Flanagan:

Ofc. Rodney Oh, day work? He want us marked out at the station at four.

Barnes:

Det. Alright. And you're actual days ...

Flanagan:

Ofc. Rodney 16:00.

Barnes:

Det. ... is when?

Flanagan:

Ofc. Rodney I know. Our actual day from 05:30 to 17:00.

Barnes:

Det. Ok. And you're – you're in the station at four?

Flanagan:

Ofc. Rodney 16:00.

Barnes:

Det. Ok. Alright. Now, uhmm, as far as this morning goes, was that –

Flanagan: was it normal .. did you actually hit the street around six o'clock?

Ofc. Rodney Yeah. Yes, sir.

Barnes:

Det. And, uhmm, you mentioned that you were, uhh, "740B". In the

Flanagan: course of your duties, uhmm, prior to this event, was – was there

any, uhmm, strange or unusual calls this morning, or today?

Ofc. Rodney I won't have to say strange, we had a suspicious person that we

Barnes: found .. two, uhh, one was a teenager, one was an adult, ...

Det. Uh-uh.

Flanagan:

Ofc. Rodney ... sleeping in a stairway at a ... a garage in Lorton at a condo

Barnes: ...

Det. Yeah.

Flanagan:

Ofc. Rodney ... we had to deal with. We were out on that for a few hours,

Barnes: because we was trying to reach a parent to pick up ...

Det. Ok.

Flanagan:

Ofc. Rodney ... the sixteen year old, because she was a minor.

Barnes:

Det. And was that resolved without issue?

Flanagan:

Ofc. Rodney Yes, it was resolved.

Barnes:

Det. Ok. Any other significant events during the day?

Flanagan:

Ofc. Rodney No, sir.

Barnes:

Det. Ok. And in regards with – with the, uhmm, the incident that we're

Flanagan: here for, how do you first become aware of that?

Ofc. Rodney Well, you – you – I knew they were going to – I heard, you know,

Barnes: they dispatched, uhh, "730 .. C" – Charlie units, "730C", "731C". I think that's the two.

Det. Ok.

Flanagan:

Ofc. Rodney Uhh, Officer Neil and Officer Torres went to where, uhh, what I

Barnes: caught of it, was that, uhh, the – the boyfriend had, ... and I read the event too, had thrown **INAUDIBLE** the bed and stuff out and wouldn't let her back in the house, 'cause she said she's gonna move her stuff, she was in the process of moving out.

Det. Do you – Do you know what that event was dispatched as?

Flanagan:

Ofc. Rodney I wanna say a dom... I think a domestic dispute.

Barnes:

Det. Uh-uh.

Flanagan:

Ofc. Rodney I don't believe it was dom... I thought it was a domestic dispute.

Barnes:

Det. And what's the difference between a domestic dispute and ...

Flanagan:

Ofc. Rodney Well, a domestic dispute ...

Barnes:

Det. ... domestic violence?

Flanagan:

Ofc. Rodney ... there's some kind of argument or something ...

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney ... and domestic violence there's some kind of physical

Barnes: altercation

Det. Uhmm,

Flanagan:

Ofc. Rodney involving a covert relationship or, ... you know, a wife

Barnes: and

Det. Is it uncommon for one to lead to the other?

Flanagan:

Ofc. Rodney Yeah, it's not uncommon to lead from domestic to get there. If it's

Barnes: not a domestic, it's domestic violence, and you get there. Come out of domestic violence and you get there. There was actually no physical contact.

Det. Uh-um.

Flanagan:

Ofc. Rodney So, then you make it a domestic dispute.

Barnes:

Det. Ok. And would they say be true for the reverse, where you were

Flanagan: dispatched to a domestic dispute.

Ofc. Rodney And we change it to a domestic ... 'cause we find out ... in – in

Barnes: the investigation, if this is the case, like, "Hey, well, yeah, he pushed me." It ...

Det. Ok.

Flanagan:

Ofc. Rodney ... it changes, you know, what You know. But I wasn't

Barnes: ... the primary officer

Det. Ok.

Flanagan:

Ofc. Rodney responding.

Barnes:

Det. And, uhmm, do you know approximately what time it was when

Flanagan: this was first radioed?

Ofc. Rodney I – I honestly didn't look at my clock or ... I don't know.

Barnes:

Det. Alright. Did you ... You – you weren't one of the officers

Flanagan: dispatched, you just heard it?

Ofc. Rodney No, the – the two primary officers were dispatched.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney Then I heard 'em, sounded like Torres got on the radio and said

Barnes: that the guy has a gun or something like that and he wasn't going anywhere. We wasn't coming in. He – he got no problem shooting. I – I'm – I'm not sure of the exact word, but it was something about a gun and, uhmm, ... and that they need another Unit. Or either the dispatch said something about a Unit and they said, "Are any Units available?" And I said, "740B". And they said – I said, "Hold me enroute." And they And, uhh, then that was all the traffic and I remember I actually went. ...

Then I heard "741" said he was coming and I – I went lights and siren. And then they said some other traffic, and I said that I'm about three minutes off.

Det. Ok.

Flanagan:

Ofc. Rodney Do you just want me to talk or just wait ask the

Barnes:

Det. Uhmm,

Flanagan:

Ofc. Rodney Ok.

Barnes:

Det. do – you can just tell at your pace. Sometimes I, oh, when I

Flanagan: writing and I write to slow, uhmm, ...-

Ofc. Rodney No, you do alright.

Barnes:

Det. ...- I might have to to stop you, but, uhmm, So, you're –

Flanagan: you're running code to call. You're running lights and sirens. And did you say it took you about three minutes to get there?

Ofc. Rodney I – I made a comment, 'cause something else came on that they

Barnes: needed a .. the, uhh, shield.

Det. Ok.

Flanagan:

Ofc. Rodney And then they said, the first officer get on the scene, I think

Barnes: Jocca, Lieutenant Jocca, may have said that,

Det. Ok.

Flanagan:

Ofc. Rodney which said, "Hey, when the first Unit" He said that it was in

Barnes: his trunk. The first – The next to first Unit that gets on the – The next Unit that gets on the scene get – get the shield for him.

Det. Ok.

Flanagan:

Ofc. Rodney So, I said, "Hey, I'm about a few – a couple minutes off. .. Two or

Barnes: three minutes off."

Det. Ok.

Flanagan:

Ofc. Rodney Something like that.

Barnes:

Det. Where – where ... At this point, have you heard for other

Flanagan: resources being called?

Ofc. Rodney There .. At the same time when I said that I was enroute,

Barnes: "741Char ... Barvo" was enrou.... "Bravo" ... "Bravo" was enroute ...-

Det. Ok.

Flanagan:

Ofc. Rodney ... and maybe some other Units said something.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney I did hear "741", ...

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney ... which is my partner,

Barnes:

Det. Alright.

Flanagan:

Ofc. Rodney you know, down south.

Barnes:

Det. Now, ...

Flanagan:

Ofc. Rodney **INAUDIBLE.**

Barnes:

Det. ... prior you getting here, do you hear any more radio traffic?

Flanagan:

Ofc. Rodney I – I don't recall. All I know ... I know before I got there, when I

Barnes: said I was coming three minutes off, I told them I was – I be on

scene in two minutes ...

Det. Ok.

Flanagan:

Ofc. Rodney ... or something like that.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney And I said, uhmm, ... They restricted the channel.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney The dispatcher did.

Barnes:

Det. And what happened when you arrive?

Flanagan:

Ofc. Rodney When I rounded, uhh, Pebble, ... I can't remember, ... I came

Barnes: around the corner. Came in. 'Cause you, .. you know, when you come down, .. you don't cover a number and you're up high, you don't see it. So, when I came down I saw, uhh, Torres', uhh, silver unmarked parked there. And I saw them standing in yard. And I could see the guy in the – in the door, the screen door, with his hands up.

Det. Ok.

Flanagan:

Ofc. Rodney 'Cause they were talking to him. Now, when I pull up, ... I pull up

Barnes: behind Torres' cruiser and I went in the trunk, I grabbed the – I grabbed the shield and the helmet. .. He had a helmet. And I brought that up to him. I said, you know, seeing what he want to do with the shield, 'cause I'm not siel.... shield qualified or whatever.

Det. You brought that to Torres?

Flanagan:

Ofc. Rodney I br.... Yeah, 'cause they asked me to bring it ...-

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney ...- when I got on scene. So, he's got him at gun point, both of

Barnes: them. And I want to see what he wanted to with that. He said, "Set it by the tree." So, I set the helmet down in the grass and set it against the tree, and then I took a The tree's here. I moved over to the left. And I was just standing there, had my gun out, 'cause neither one of us was trying talking to him, but not really much going ...-

Det. So, who are the officers that are there when you ...-

Flanagan:

Ofc. Rodney When I got there, it was – I was the third officer on scene.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney Officer David Neil and Adam Torres was – were on scene.

Barnes:

Det. Ok. And if you're ... Am I correct, that if you come straight down

Flanagan: the hill ...

Ofc. Rodney They're right ...

Barnes:

Det. ... the house is ...

Flanagan:

Ofc. Rodney Straight.

Barnes:

Det. ... right down ...

Flanagan:

Ofc. Rodney Right there.

Barnes:

Det. ... straight in front of you?

Flanagan:

Ofc. Rodney Torres is on the left,

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney like in the front yard,

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney and – and, uhh, Neil was kinda like on the sidewalk edge –

Barnes: like edge – on the edge of the grass to .. like it was like a “V”.

You know, like your “V” is? And then here is – here is Torres and
here’s – here’s Neil,

Det. Ok.

Flanagan:

Ofc. Rodney and the guy’s in the door.

Barnes:

Det. Now, ...

Flanagan:

Ofc. Rodney And I said, ...

Barnes:

Det. ... he – he’s ... is he Where – What ... Describe to me how

Flanagan: ...

Ofc. Rodney He has a white screen door with a screen.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney And he's inside the screen door.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney But his hand ... Well, I can see his hands up, ... 'cause they had

Barnes: ordered ... I guess that's something they told him, to keep his
hands up.

Det. Yeah.

Flanagan:

Ofc. Rodney And he was talking to them through the screen.

Barnes:

Det. Is there a full door too? Like a hard door? ... Can you ever see

Flanagan: that?

Ofc. Rodney No, the hard door is in the back, it's open.

Barnes:

Det. Ok, so it's

Flanagan:

Ofc. Rodney Yeah.

Barnes:

Det. The hard door is open full and ...

Flanagan:

Ofc. Rodney Yeah.

Barnes:

Det. ... the screen door

Flanagan:

Ofc. Rodney And the door, the hard door, was yellow. .. Looked like it was

Barnes: yellow. ... But the screen door was white and like black in the
screen. ... And ... Oh, you know what, it was a full screen door,
because you could actually see his – his shorts and everything. It
wasn't one of those were it's just screen,

Det. Uh-um.

Flanagan:

Ofc. Rodney 'cause that would've been real bad, 'cause it was a screen

Barnes: door where you could see the top ...

Det. Ok.

Flanagan:

Ofc. Rodney ... and you could see you I think he had shorts on.

Barnes:

Det. Right.

Flanagan:

Ofc. Rodney You could see his feet. It's let, you know, you could see his legs.

Barnes:

Det. What ... And you said his hands were up where ...

Flanagan:

Ofc. Rodney His hands were ...

Barnes:

Det. ... it's ...

Flanagan:

Ofc. Rodney ... his hands were like ... Here's the screen. His hands were on

Barnes: the screen. .. Like this. And he's talking to 'em through the door.

Det. Is the door, screen door, closed?

Flanagan:

Ofc. Rodney At times it opens a little bit,

Barnes:

Det. Uh-uh.

Flanagan:

Ofc. Rodney and it's closed. Like .. he would open it sometimes like

Barnes: about that much

Det. Ok.

Flanagan:

Ofc. Rodney at – in the course of talking.

Barnes:

Det. Ok. And do you – Are you able to communicate with Torres?

Flanagan:

Ofc. Rodney Well, ...

Barnes:

Det. Or do you learn more about what's going on?

Flanagan:

Ofc. Rodney ... well, I kinda like .. 'cause I'm just here to cover for them, ...

Barnes:

Det. Right.

Flanagan:

Ofc. Rodney ... I didn't had not intentions or .. talking. At the time when I got

Barnes: there, Torres wasn't really saying anything.

Det. Ok.

Flanagan:

Ofc. Rodney David was saying something. I don't recall what he was saying.

Barnes: Like, "Hey," you know, "come out." You know, whatever, "Come."
And guy So, I – I got there and I kinda waited. And it kinda
like You know, Dave is new. He was talking. But then, I was
like, you know, I said – I said, "David do you mind if I And I
said, "Hey, I'm Officer Barnes." I said, "Hey, I'm also a hostage
negotiator, a crisis negotiator. Hey, ..." And then he said, "What's
your first name Officer Barnes?" I said, "Rodney." And then he
said, "Can I call you Rodney?" I said, "Sure." And then I said,

“Can I What’s your name?” He said, “I’m John.” Until then the conversation Yeah, for some reason, I cannot remember that David went next door. I guess to talk ... Somebody had maybe said something on the radio, so he just left me and Torres there.

Det. Ok.

Flanagan:

Ofc. Rodney But then shortly .. after that – shortly, .. and I don’t remember if

Barnes: David had moved yet, but I could hear Parker was there. Parker gets **INAUDIBLE** saying he got his rifle. And then Kushner gets gets there. And Kushner got – he took a position. And – and Parker took a position.

Det. Ok.

Flanagan:

Ofc. Rodney And then I’m talking to him. And .. So, it was just me and him

Barnes: talking.

Det. Alright.

Flanagan:

Ofc. Rodney And at that point nobody else was talking to him.

Barnes:

Det. Ok. ... And wha... what do you, other than what do you hear on

Flanagan: the radio, you ...

Ofc. Rodney The ra..... ... It was radio traffic the – the whole time. I mean

Barnes: different people, like Lieutenant Jocca was saying stuff when they got on there, and, you know, a couple times Torres, ... we're at gunpoint, ... Torres gotta get on the radio, while we're at gunpoint with this guy,

Det. Yeah.

Flanagan:

Ofc. Rodney talking to the ... whoever.

Barnes:

Det. Right.

Flanagan:

Ofc. Rodney You know.

Barnes:

Det. And .. what The communication between you and this guy,

Flanagan: what is that?

Ofc. Rodney For ... As I just told him ...

Barnes:

Det. You say when you're talking.

Flanagan:

Ofc. Rodney We're talking. I say, "Hey, you know, You know, we don't

Barnes: want anybody get hurt." You know, and, uhh, he seemed to like talking to me,

Det. Uh-um.

Flanagan:

Ofc. Rodney but he wanted – he wanted ... a couple times he wanted

Barnes: Torres not to point the gun right at him.

Det. Uh-um.

Flanagan:

Ofc. Rodney And ...-

Barnes:

Det. Like ... What was he saying? How do we know that?

Flanagan:

Ofc. Rodney What do you mean?

Barnes:

Det. Like ... What – what was he You said that he didn't want

Flanagan: Torres ...-

Ofc. Rodney Why, ...-

Barnes:

Det. ... **INAUDIBLE**

Flanagan:

Ofc. Rodney ...- When we got there, we had the gun, he said, "Hey, guys,"

Barnes: you know, "nobody gonna get hurt here. I don't have a gun in my hand." And I don't know every exact word, ...-

Det. Uh-uh.

Flanagan:

Ofc. Rodney ... he said, "Hey, can you – can you not point that gun at me.

Barnes: Can you get Officer whatever to lower his gun?

Det. Uh-um.

Flanagan:

Ofc. Rodney And he was getting a little irritated, and I said, "Hey, we – now,

Barnes: we can't like drop our guns." But he did ... I did convince Torres to take it down to ready. Ready gun,

Det. Uh-uh.

Flanagan:

Ofc. Rodney you now.

Barnes:

Det. Right.

Flanagan:

Ofc. Rodney And – and we're talking, he seem to be ok with that several

Barnes: times.

Det. Uh-uhm.

Flanagan:

Ofc. Rodney And then the rifle ... Like Ben was out there with his rifle. Ben

Barnes: kinda ... He was only – He lowered it, but from that distance it wasn't really low....., you know, it was down.

Det. Right.

Flanagan:

Ofc. Rodney He just was **INAUDIBLE** get.... He said, ... you know, that, you

Barnes: know, - he says stuff like, uhh, ... So we're talking. I ask him ...
He said, "Is not against the law for me to throw things out."
Uhhh, you know. "My" He kept call ... He referred her as his
partner, 'cause ...

Det. Uh-um.

Flanagan:

Ofc. Rodney ... they're not married, ...

Barnes:

Det. Right.

Flanagan:

Ofc. Rodney ... but they been together twenty-something years ... and they

Barnes: have two kids. And it Later on I ask him, "Sir, so how many
kids you have? How - how old are you're kid?" He told me.
Uhhh. He said, "Yeah, they're awesome." I said, "Well, you
know," And then was - he made some comments about,
..... you know, ... some pregnant lady. You know, people
started to come home, he didn't want them, you know
They don't need to see this. And - and, uhh, you know, I was
like, "Hey, you know, we don't want anybody get hurt." I said ...
He said, "Well, I know my rights. You can't come in the house."
And I said, "Hey, you know, we got no reason to come in your

house.”

Det. Uh-um.

Flanagan:

Ofc. Rodney I said, you know, Not ... Several times I was trying to get him

Barnes: to “Hey, can you” You know, he was – he was saying, “I know if I reach down or drop my hands I can get shot.” I said, “Hey, nobody is gonna shoot you if you just do what

Det. What Whe..... – When ... At what point did he say that?

Flanagan:

Ofc. Rodney He said it He sta.... – He started to tell me ... Like he knew ...

Barnes: Like our procedures. Like, you know, I know, that if I drop my gun-hand, I’m gonna get shot. He said that to **INAUDIBLE**.

Det. Uh-uh.

Flanagan:

Ofc. Rodney Several times. But, ... along with that, ‘cause he kept going back

Barnes: and forth, And I’m talking to him. And he seem to enjoy talking to me. And he said And I – and it – and it ... early on I was getting where, “Hey, why don’t you come out and we talk.” He said, “Well, ... what would’ve happen if I come out?” I said, “We’ll just talk.” I said ... I said, “I – I’m – I’m gonna give you some commands,” and then, you know, they teach us He said, “No, not commands.” I said, “Well, I ask you to come out

and you have to do some things.” He said, “Oh,.....” You know –
You know how you gotta switch or make it more human where he
didn’t really wanna, You know, like you’re authority. He knew
we were

Det. Right.

Flanagan:

Ofc. Rodney So, he said – he said, “Well, ...” said, “if I come out, was gonna
Barnes: happen” And I’m kinda told him what the surrender, you
know, what he needed to do fo... for – for us

Det. Right.

Flanagan:

Ofc. Rodney to come out. He said, “Am I gonna be handcuffed? I said,
Barnes: “Well, you know, I’m gonna put you down on your knees and –
and make tas.... ask you some things.” I said, “We’re gonna
handcuff you till we sort this out, ... you know, and for your safety
and my safety. And then we’ll find out what’s happening.”

Det. Ok.

Flanagan:

Ofc. Rodney He said, He said, “Well, I’ll come out if Torres those
Barnes: guys move back to a van. Way back.” And I said, “Well, And
then he said, “You stay here.” I said, “Well, they can’t leave me
here. Can’t stay here.” .. You know. And he Back and forth.

And he was like, uhmm, "No, I know what's gonna happen if I step outta here, 'cause I have different rights then if I step out on the porch." I said, "Well, this is your property, if you come out on the porch is gonna be nothing different as far as your rights.

Det. Uh-uh.

Flanagan:

Ofc. Rodney I mean, it's still your house. Your property." I said, "We just

Barnes: wanna talk to you and find out what went on here and what"

He said, "Well, I know that y'all can't put me out, because I know I can put her out and I know it takes 30 to 90 days through the courts to get her out." And so he – he was telling us – telling me – telling us that. And, uhh, .. uhh, I know I ask him, say, "Hey," you know, trying to **INAUDIBLE** him, I said, "Hey, what – what – what do you do for a living?" He said, "Oh, .. Oh, well, I – I – I deal with kitchens." And I said, "Well, - Well, like remodeling?" He said, "No, I sell kitchens, and I can do it from the house. I just sell complete kitchens and I – I do it from here." And he, well, you know, I'm trying to get him off of And then he, you know, and he said, "Well, what if I come out there and sat down on the steps?" I would say, "If you come out sit on the step, we'll talk." He said, "Just you and me?" I said, "Well, we'll talk, but they can't leave and leave me here."

Det. Uh-um.

Flanagan:

Ofc. Rodney He said, "Well, nah, 'cause I know" And he said, "Well, you

Barnes: know what, I – I – I'm getting tired and I need some water and I want, uhh, ... I wanna go get some water out of the kitchen. So, I'm a shut the door. .. Go in. Get some water." And he – he made a comment one time were, "You can come get some water with me. **INAUDIBLE** come in side." I said, "No, I can't come inside your house." You know, he just wanted ...

Det. Yeah.

Flanagan:

Ofc. Rodney ... me to come in. Of course ...

Barnes:.

Det. Yeah.

Flanagan:

Ofc. Rodney ... I would not do that. And he said, uhh, **INAUDIBLE** talk

Barnes: about the gun and I – I – I'm kinda jumping around, and he goes, ... He said, "Yeah, I do have a gun. Is sitting right here on the couch, on the chair, right by the door." ... Like, he's standing there ... He said there was a gun ... he had set right there.

Det. Oh, you're motioning ...

Flanagan:

Ofc. Rodney To the left ...

Barnes:

Det. ... to the left side?

Flanagan:

Ofc. Rodney To his left.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney Like, you facing the door. He's facing us. He said, "I have a gun."

Barnes: He laid down. He's said it was a 3 He described it **INAUDIBLE** 357. He said it was holster ... in a brown holster or whatever. He said, "I know," ... He said, "The barrel – The han...
- The – the – the, uhmm," He said that the butt isn't facing me. He said, And he kinda opened the door a little bit more. ... He said, "Officer Barnes, see. Can you see it? Is right there." I kinda looked, but I couldn't see it. He said, "You see it?" And I said, "I can't see it." He said, "Well, it's here, you know, I don't ...," He said, "I don't want anybody to get hurt." I said, "I don't wanna get shot. I don't want anybody else to get shot." I said, "Well, we don't want anybody to get hurt."

Det. Did he say why he had the gun there?

Flanagan:

Ofc. Rodney No, he never told me why he had the gun there. He just said he

Barnes: had there. Now, ...

Det. Huh.

Flanagan:

Ofc. Rodney ... before I got there, I don't really know.

Barnes:

Det. Huh.

Flanagan:

Ofc. Rodney Neil said later something about he had something in his hand,

Barnes: but he put it down. I'm thinking that must've been the gun. They
can tell you, I don't know any of that.

Det. Ok.

Flanagan:

Ofc. Rodney And then, uhh, .. uhh, but he ... And he said, "Well, Officer

Barnes: Barnes, why don't you come and get the gun?" He said, "You
come get the gun and we'll talk." I said, "Well, I can't come in the
house and get the gun." He said, "It's right here." So he opened
the door a little more. He said, "Right here. Just come get the
door." I said, "I tell you what, if you come outside then I'll get
the gun." He said, "No, no, no." And then ... He said, "No." I said,
"Ok. Well, just ... He said, "I ain't gonna reach for it. I'm not." And
he .. A couple of times he needed to scratch his nose. He would

say, "Hey, I'm gonna scratch my nose." And he would slowly take his hand and scratch his nose.

Det. Uh-um.

Flanagan:

Ofc. Rodney And one – one time he – he'd said – he said, "Can I get my phone?" He said, "It's in my front left pocket." But he had like a polo shirt on, it was a little longer. I said, "No, no, just don't reach." He said, "What if I reach?" I said, "Listen, .. don't reach. I don't want you to reach in your pocket." He said, "Well, can I just put my hand in my pocket?" I said, "No, please don't." ... And he didn't. He didn't do it. He said, "Do you mind if I just ... He opened the door and said, "Can I just," because he was getting tired, "can I just put my hands over the top of the door?" You know, like, open the, yeah, the door.

Det. Right.

Flanagan:

Ofc. Rodney Open a little bit out and he ... Just to rest ... You know, that

Barnes: kinda help you ...

Det. Right.

Flanagan:

Ofc. Rodney ... **INAUDIBLE** move around ... Kinda hold him. So, I let him ... I

Barnes: said, "Yeah, sure." And, uhh, ... he said, "You know what,

"I'm gonna shut the door and go back in here. You can come in here and talk to me." I said, "No, I can't come in." And this went on. And – and then he was like, "Well, tell them to move. If they – if they'll move all the way back, I'll come out and talk to you. But I don't wanna be handcuffed." So, then I even said, "Ok," I said, "you come out. You sit down. We're not gonna handcuff you." You know. He said, "No, you wanna get me separated from my house." You know. And he said, "No, I'm not closing the door." And I said, "Well, can you just come out shut ..." I said, "You can even prop the door open. .. The screen door, .. prop it open, and just come and sit down with me." You know. He wouldn't do that. But .. we're talking.

Det. Even after you said that you wouldn't handcuff him?

Flanagan:

Ofc. Rodney No, I even said it wouldn't be happening. Then he would say, "If Barnes: they move all the way back and you stay here," Well, they wouldn't leave me there by myself.

Det. Righ.

Flanagan:

Ofc. Rodney So I said, "We can't do that." You know. Then we're Barnes: **INAUDIBLE** go back in the house, and this went on. And He said, uhh, ... And a couple of times I said, "Hey, if I disrespect

you.” But he said, “No, no, you haven’t. You – you haven’t. You know, we’re talking. You know, but I want them to leave.” Then a couple of times he would – he – he has to scratch his nose again. He would tell us. He said, “I’m gonna scratch my nose again.” And then, next thing I know, it’s like, pow. You know. ... And, you know, it kinda **INAUDIBLE** you like, “What

... And the whole time my finger ... is down the side.

Det. Uh-uh.

Flanagan:

Ofc. Rodney You know. ‘Cause as it went on, .. a couple of times he was
Barnes: saying, ... He said, “Man he keep pointing that gun at me.”
Talking about Adam. He said, “He keep pointing that gun at me.”
You know. **INAUDIBLE** say nothing. And he would lower it. And
then, next thing I know, I heard a “Pop”, .. you know. And – and
he had just scratched his nose and put his hand back up there.
And it just happened so fast. And I’m like, .. When he shot him,
I’m like, ... To myself, “Who the fuck shot?” You know. ... I know
it wasn’t him. And when it shot, you know, “Pow”. And then, ...
for an instant And he – he, .. when he’s shot, ... when the
shot went off, ... First I thought it was a rifle? I said, “Nah, that’s
not a rifle. And ... ‘Cause Torres was right here. He wasn’t far
from me.

Det. Uh-um.

Flanagan:

Ofc. Rodney And it was loud. .. And he go, "Ahhhh." And he would – We – got

Barnes: shot, ... he was like, "Ouhhh." And I kinda saw him, you know, do like this, and as he went back, ... **INAUDIBLE** he just went back. And he – and he was going back, he shot the door. ... Boom. I just heard, Boom. Now I couldn't tell if he went to the floor. ... 'Cause they asked me, .. the hostage negotiator asked me later, 'cause he saw me up there, "Hey, did he fall?" I said, "I don't know."

Det. Uh-um.

Flanagan:

Ofc. Rodney He said, "Well, he's right there." I said, "I don't know if he's right

Barnes: there." Then later on at – at couple times I heard Like went into the house, like ... something, maybe he was on the floor or down or he stumbled. I don't know where they found him.

Det. Right.

Flanagan:

Ofc. Rodney So, ... But when we ... **INAUDIBLE** went in, uhh, I think out

Barnes: of my eye I saw **INAUDIBLE** to better ... something, but me and Torres, where we were, we just went to the side is brick. Then the next – right next to it, like you got the – the window ... we

went right here. Brick, where we couldn't - we just had a angle at the door. ... And then it says, "Shots fired." And then there was some confusion, 'cause Jocca and them was out there, and saying, "Yeah, we don't know who shot." And then I said, I - I kinda got a little pissed, because ... I'm like, "Hey," ... It was to many people talking. Everybody was I said, "I need the **INAUDIBLE**, you know.

Det. Uh-um.

Flanagan:

Ofc. Rodney I said, "An officer fired a shot. He was hit somewhere in Barnes: the stomach area or somewhere, .. you know, and he went back into the house shut As he was going backwards, he yelled, ... he's, "Ahhh," and he shut the door. And - and that motion ... And that motion, he shut the door. So, 'Cause the door Which way the door open? .. I wanna say the door open Is it this way? Anyway, I think it went this way, because the screen door opens this way and I wanna say that the ... the door open ... maybe this way. But anyway, in his motion, .. 'cause when he went back, "Ahhh," the door closed. Slammed.

Det. The - the hard door?

Flanagan:

Ofc. Rodney The hard door. ... And then I said, "Hey, an officer fired. He's hit."

Barnes: And I kinda .. figured .. should I say **INAUDIBLE** in the stomach
 or whatever.

Det. Uh-um.

Flanagan:

Ofc. Rodney And then, uhh, we moved. Adam was behind me. .. And he's like

Barnes: .. He said, ... 'Cause I said, "Who shot?" He said, "I did. I'm
 sorry." And he said, .. He says, "He – he put – he moved his
 hand down to his waist." I said, "I didn't see that." You know. And
 I never took my eye off of him. I'm not ... I'm – I just ... I'm like,
 ... And he was ... I said, "You ok?" He said, "Are you ok?" I said,
 "I'm fine. I'm fine. I'm fine." You know, a little pumped up. I'm like,
 ... He said, "Man, my wrist." He said his wrist was hurting. I don't
 know if **INAUDIBLE** holding it, but he said, "I jammed my wrist,"
 or something. And, uhh, ... he was kept make a look. I said, - I
 said, "Breath in." "Ahh, man." I said, "You gonna be ok. Ok, we
 gotta deal with this. You gonna be ok." And he ... You know, he
 amazes me, he's like, "Man, ... Man, you know." He said, "I'm
 sorry." I'm like, "You gonna be ok. Torres, we gonna deal with
 this. You know." He said, "I'm sure.... I asked ... You gonna have
 to do all that, you're fine. Just – just deal with that. You deal with
 it." Then he made a comment. ... 'Cause I was like..... He said,
 "You're ok, just breath." I said, "I'm good." **INAUDIBLE** ensure

us, I'm ok, 'cause, you know, I was kinda – I was pissed, but then, like, "What-the-hell just happened here?"

Det. Uh-uh.

Flanagan:

Ofc. Rodney You know. He said, "Did you see it?" I said, "No." That's all I said.

Barnes: I didn't like, "Man, what the fuck. Why did you do that?" That wasn't time for that. It wasn't. But I was also trying to calm him down. He was concerned about me. ... You know, he said, "You're alright, man?" ... And he said, 'Cause I wasn't really saying anything to him, 'cause we were watching the door and we need to And, uhh, he said, - he said, - he said, "Man," he said, "Man, I know I have to talk to IA." I said, "Yeah, we all are." He said, "They gonna take my gun?" I said, "Yeah, they gonna do all that." You know, 'cause he don't know.

Det. Right.

Flanagan:

Ofc. Rodney And then he made a comment that kinda ... He said, "Man, I did

Barnes: have argument with my wife before I came to work." You know, I'm saying to myself..... You know, I didn't say, "Hey," I said, "Now you gonna be ok, just deal with this."

Det. **INAUDIBLE** thinking by then. Did he say what he meant?

Flanagan:

Ofc. Rodney I don't know. I mean ... I guess he was just trying to give reason

Barnes: that ... Now in my mind, I'm like, "What-the-hell just happen here? You know. And he ... And I can tell you he was ... shaken-up.

Det. Right.

Flanagan:

Ofc. Rodney It was normal. And then, you know, he's the one that shot –fired

Barnes: the shot. I'm like, "Maybe he saw somebody I didn't see," but I'm like, "I had a perfect view." ... And, ha, you know, - you know, I'm like, "Hey." And then he kept saying, "Man, they need to get in there and get him. We need to get him." You know. I said, "Hey, we gotta hold tight, we can't just, you know And then, I'm like I was kinda pissed, 'cause I was talking to him, like, you know, "Is he ok." You know, "Is he ok." And I even started yelling in there, "Hey, John. John. John." But a couple ti.... – a couple times they can hear the recording, "I heard him inside." I know for a fact he ...

Det. Heard him talking or?

Flanagan:

Ofc. Rodney No, I heard like ... start moving, you know, for

Barnes:

Det. Right.

Flanagan:

Ofc. Rodney ... a couple times. And it got to a point where there was nothing.

Barnes:

Det. How long did you guys stay up front?

Flanagan:

Ofc. Rodney Till TAC – till TAC – TAC came up on the delta side. Like we

Barnes: facing it, they were over there.

Det. Uh-um.

Flanagan:

Ofc. Rodney The delta side. And when they came around, they told us they

Barnes: were coming. They got on the corner, they said So, I moved down to were ... like, two townhouses down, and where Dave and a couple other guys .. and we moved **INAUDIBLE** ride to the other tree line.

Det. Uh-um.

Flanagan:

Ofc. Rodney There's a **INAUDIBLE** Island, we stayed right there. Uhmm,

Barnes: where there was me, Dave, uhmm, Dave Parker, Dave Neil, Anthony Quarto, ... 'Cause that's where he was the whole time. I didn't know this.

Det. Uh-um.

Flanagan:

Ofc. Rodney And then, Eric from evenings was stand...., he came down there.

Barnes: Then eventually Lieutenant Jocca came. And then, uhh, ... Well, before that, before we got moved outta there, they asked I kept **INAUDIBLE** say, "You – I kept telling her say, "Hey man, you want me – me ... I can get you a relieve. I can get you a relieve." 'Cause I knew it was a matter of time they gonna call for him.

Det. Right.

Flanagan:

Ofc. Rodney And next thing you know they said, "Hey, can we get Torres re –

Barnes: relieved?" So, Dave had a rifle. He came up to where I was, and we were there awhile. So, then Torres went back to the command bus and we were there for a while till TAC ... I don't know how much longer, but it was awhile.

Det. Uh-um.

Flanagan:

Ofc. Rodney When TAC told us, you know, to get out of there. And we came

Barnes: back around to where we were out of the way. And then, uhh, Jocca gets there. And he didn't really He was trying to tell us, which I knew, the robot was on his way down.

Det. Uh-um.

Flanagan:

Ofc. Rodney Which I know what the robot ... And he was trying to going

Barnes: through to tell the **INAUDIBLE** and what was next. And, uhmm,
.... But Torres kept, you know, before he left, like, "Hey, you
know, we need, you know, we need to get in there. You know,
we need to get in there and get him." I said, "I know." "We need
to, you know"

Det. Was – Was he like – Was he concerned for ...

Flanagan:

Ofc. Rodney Yeah.

Barnes:

Det. ... they guy being

Flanagan:

Ofc. Rodney Yeah, he was. Yeah, he was. ... He – He was. .. He – He was

Barnes: concerned, and he was scared and ... And I just .. I was mad,
'cause I was like, what-the-hell happened here? You know. And
I'm saying to myself, And I didn't say anything to him, 'cause I
was concerned about him. I'm – I'm not .. here to throw him
under the bus or anything like that, but I – I – I didn't see what he
saw.

Det. Uh-um.

Flanagan:

Ofc. Rodney What he thought he saw. Whatever. I don't know if his hand –

Barnes: finger was on the trigger, I don't know.

Det. Ok. Well, let's go back and, uhmm, .. I guess we'll start with like

Flanagan: in a little more detail. .. Uhmm, you're in your car and .. you hear
the call come out. .. And you said you read the CAD-traffic.

Ofc. Rodney I had read the CAD, the traffic, yeah, about what the call was.

Barnes:

Det. Do you remember what the CAD-traffic said?

Flanagan:

Ofc. Rodney Something about he had thrown Oh, I read where there was

Barnes: no alcohol and the weapons were secure or something. That's
all.

Det. Where there weapons in the house?

Flanagan:

Ofc. Rodney Yeah, but they supposedly were secured.

Barnes:

Det. Uh-uh.

Flanagan:

Ofc. Rodney That's from the comp... the call-taker.

Barnes:

Det. Ok. Uhmm,

Flanagan:

Ofc. Rodney And I wasn't going, 'cause it wasn't ... At that point they didn't

Barnes: say anything about, "Hey, he say he has a gun and he ain't coming out and .. we better not come ... Whatever.

Det. Then the first thing you hear about the gun is from

Flanagan:

Ofc. Rodney Torres.

Barnes:

Det. the officers that are on the scene?

Flanagan:

Ofc. Rodney Adam,

Barnes:

Det. Adam.

Flanagan:

Ofc. Rodney because he was talking.

Barnes:

Det. And what do you – what do you recall .. from that ...

Flanagan:

Ofc. Rodney When I heard him say, "The guy got a gun, he ain't coming out."

Barnes: Then ... they ask for another unit. I said, "Is there any unit ... This is 740B, hold me enroute." .. Then I heard 741 and I said, "Hey," .. As we going, they When I got turned on Hooes running code ... Turned on Hooes ... 'Cause I didn't have far to go up to Hooes to make a right on Newington Forest, then I know

I got to make a left on Maple Leaf – Maple Leaf. ... And, uhh, ...

So I was on scene and

Det. Wa....Was there any radio traffic or CAD-traffic about, ... uhmm,

Flanagan: threats against the officers from the guy?

Ofc. Rodney I – I thought I heard ‘em say that he would shoot us if we come in

Barnes: there or he has a gun. I didn’t hear it all, I just heard about

that he had a gun. He wasn’t coming in – He – We wasn’t coming
in or he wasn’t coming out. It would be bad if we came in. ...

That’s the kind of what I heard.

Det. That – And – And what do you hear, ... you hear that on the

Flanagan: police radio.

Ofc. Rodney Yeah, it’s on the radio.

Barnes:

Det. From

Flanagan:

Ofc. Rodney From Torres.

Barnes:

Det. Ok. So, ...

Flanagan:

Ofc. Rodney ‘Cause he called.

Barnes:

Det. he’s relaying that ...

Flanagan:

Ofc. Rodney And that's ...

Barnes:

Det. ... to the dispatcher?

Flanagan:

Ofc. Rodney ... And that's why he said, "Hey, we need a unit." So I knew, at

Barnes: that point, I don't need to go casually, so I ...

Det. Yeah.

Flanagan:

Ofc. Rodney ... I ran code.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney And then they restricted the channel. And then he said, uhh, ...

Barnes: They were talking about Something else he said ... I don't know, that they, uhh, they needed the shield. And I said, "Hey, I'll be on scene shortly." ... Three minutes. Two minutes. .. Whatever. And I got on scene and .. I saw them .. in their position.

Det. So, when you – when you're coming down, ... uhh, the street,

Flanagan:

Ofc. Rodney Which? On .. The actual street.

Barnes:

Det. On Pebble

Flanagan:

Ofc. Rodney Pebble.

Barnes:

Det. Pebble, yeah. .. Uhhh, the townhouses straight down at the

Flanagan: bottom of the hill?

Ofc. Rodney Yeah. When I came 'Cause when you first come in, you're

Barnes: way up there. You know, like where the command thing is?

Det. Right.

Flanagan:

Ofc. Rodney You come down. Then I saw his car. 'Cause I didn't actually

Barnes: know who ...

Det. Right.

Flanagan:

Ofc. Rodney When I – I saw Torres, he always drives the silver unmarked.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney And I didn't see .. Neil's car, 'cause it was over to the left, .. like

Barnes: around

Det. Yeah.

Flanagan:

Ofc. Rodney But I saw his car and I saw him standing in there. And I pull up

Barnes: behind his car and got his, uhh,

Det. Alright. You parked behind his car?

Flanagan:

Ofc. Rodney Right behind it.

Barnes:

Det. Alright. And .. as you're looking at townhouses straight ahead of

Flanagan: you, from right to left, which townhouse is his? How far in?

Ofc. Rodney Maybe the third one. ... From – from the right in

Barnes:

Det. Uh-uh.

Flanagan:

Ofc. Rodney it was maybe the third or fourth one. I don't – I don't know.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney Third. .. I don't know. ... 'Cause I couldn't ... I didn't know the

Barnes: number – I knew the number, but you couldn't see the numbers from there. How I knew which one it was? When I saw him standing in the door, I said, "Oh damn, it's right there." I – I don't know if it was the third in. Third. Yeah. Third in or

fourth in. I'm not sure. Maybe more than that. Fourth. I
don't know.

Det. Was it closer to the right or to the left?

Flanagan:

Ofc. Rodney Close to the right.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney It looked like to me, I don't really know how long they were,

Barnes: I think it was It maybe even, but it maybe ... I thought it
was closer to the right.

Det. And the screen door, .. which way did that open?

Flanagan:

Ofc. Rodney Our, .. to the right. Like, if you're facing it, it opens this way. Like,

Barnes: I'm facing it, ... it opened like this.

Det. Ok, so it ... when you're coming from the outside in, the knob is

Flanagan: on the right hand side?

Ofc. Rodney Yeah.

Barnes:

Det. And do you know which way the .. large interior door ... which

Flanagan: way that one opened?

Ofc. Rodney It had to open opposite, because I could see him what he was

Barnes: trying to show me. Like, he opened the door a little bit. Like he opened it enough where I can see in past him. So, the door ... 'Cause I wouldn't been able to see that. So, I think the door, you facing it, it opened opposite .. of what ... Well, you know what I mean? .. It opens .. Like you open that door like this, ... the screen door this way,

Det. Uh-uh.

Flanagan:

Ofc. Rodney the door opens this way.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney That's what it looks like. .. 'Cause if it was that way, there's no

Barnes: way that I could've seen inside of there where he was trying to tell me the gun was. .. 'Cause I could actually see in there.

Det. Ok. So if this is, ... this whole sketch .. it's not accurate as far as

Flanagan: ...-

Ofc. Rodney The screen door opens this way.

Barnes:

Det. Right. So, if this is the screen, opening like that, ... and then this

Flanagan: is the main door,

Ofc. Rodney The main door opens that way.

Barnes:

Det. Like this.

Flanagan:

Ofc. Rodney Are you facing it? ... Yeah, it opens ...-

Barnes:

Det. So the knob would be here, opening like that?

Flanagan:

Ofc. Rodney No, no, no, the knob would be on the right.

Barnes:

Det. Ok, then how would be the knob on the right on this door then? ..

Flanagan: On the screen door.

Ofc. Rodney The knob was here, .. 'cause it opens. The knob .. The screen

Barnes: door only opens one way. .. Outward. ... It can't go inward.

Det. Right.

Flanagan:

Ofc. Rodney You know what I mean. The screen door opens this way.

Barnes:

Det. So, they're opening this .. like this?

Flanagan:

Ofc. Rodney The screen door this way and the door open this way.

Barnes:

Det. So, is that right, like that?

Flanagan:

Ofc. Rodney Yeah. So, if he closes it, Wait a minute, that don't look

Barnes: right. .. Ok. .. All I know, I saw the door cl.... There's no

Det. Where – where ...

Flanagan:

Ofc. Rodney If the door ...

Barnes:

Det. ... **INAUDIBLE** mentioning the gun is right down where you ...

Flanagan:

Ofc. Rodney When he opened the door enough, I could look right in here. ...

Barnes: He was trying to tell me that the gun was right there ...

Det. So, ...

Flanagan:

Ofc. Rodney ... on something.

Barnes:

Det. ... facing inside out, the gun stood to his left?

Flanagan:

Ofc. Rodney Yeah. ... So the door .. The door couldn't open this way, 'cause I

Barnes: wouldn't been able to see it. So, the door – the hard door had to
open that way.

Det. Ok.

Flanagan:

Ofc. Rodney That's the way I see it. I – I couldn't see Maybe I'm, ta uhh, ..

Barnes: 'Cause there's no way. 'Cause I wouldn't have been able to see
in. ... Is that confusing?

Det. Uhmm. ... Well,

Flanagan:

Ofc. Rodney It looked like a door. Like this door here. ... It looked like this

Barnes: door ... open this way.

Det. Ok.

Flanagan:

Ofc. Rodney Because I wouldn't have been able ... If the door open like this –

Barnes: If the door open this way, ... then I couldn't seen in there. .. You
know what I mean?

Det. Right.

Flanagan:

Ofc. Rodney That's what I I'm sorry.

Barnes:

Det. It's ok, just to the best of your memory.

Flanagan:

Ofc. Rodney Yeah.

Barnes:

Det. Uhmm, and we can – I can go down and look at the door.

Flanagan:

Ofc. Rodney Yeah.

Barnes:

Det. Uhmm. So,

Flanagan:

Ofc. Rodney I know it was like yellow looking.

Barnes:

Det. Out in front – What is out in front? Like, where are you guys

Flanagan: located out in front of the townhouse?

Ofc. Rodney There ain't notin'. At – we're .. Like you got the yard. Like there's

Barnes: grass here.

Det. Uh-uh.

Flanagan:

Ofc. Rodney Yard. And there's grass over here. And there's the sidewalk. ...

Barnes:

Det. The sidewalk that leads up to the front door?

Flanagan:

Ofc. Rodney Yeah, well, you got the sidewalk up here, but there's a sidewalk

Barnes: going up .. right to the front door. ... I was in the grass over here.

There's a tree in the yard here.

Det. Ok. It .. And ...

Flanagan:

Ofc. Rodney And Torres was right there by the ...

Barnes:

Det. Are there – Is there parking lot

Flanagan:

Ofc. Rodney Yes, that's – that's where park.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney Cars pull up. You had the parking lot, ... sidewalk,

Barnes:

Det. Yes.

Flanagan:

Ofc. Rodney you know the regular sidewalk to walk down the front of them.

Barnes: ... Yeah, like that. ... Then you had the sidewalk that walk, you know for each – each

Det. Uh-um.

Flanagan:

Ofc. Rodney each townhouse you got Right. Right.

Barnes:

Det. Ok. And you said there's a tree over here?

Flanagan:

Ofc. Rodney There's a tree right in the yard. ... Like, right here.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney Wasn't a real wide tree. ... It was long. ... And Torres was right

Barnes: here, I was right here.

Det. He's to the right of the tree?

Flanagan:

Ofc. Rodney Yeah.

Barnes:

Det. Is he using the tree as his cover?

Flanagan:

Ofc. Rodney Kinda. ... I mean it wasn't really – It wasn't a lot of cover, you

Barnes: know. ... Now, I'm in the open ... over here.

Det. And you're right here?

Flanagan:

Ofc. Rodney Yeah. ... 'Cause they were here and Neil was like here. Neil

Barnes: ...

Det. Like there?

Flanagan:

Ofc. Rodney ... was like here. ... Like right there.

Barnes:

Det. Is he u.... – Is he ...

Flanagan:

Ofc. Rodney He's closer ...

Barnes:

Det. ... **INAUDIBLE** any cover?

Flanagan:

Ofc. Rodney ... to the sidewalk. ... No, he has notin' for cover. ... 'Cause they,

Barnes: I guess, ... Now, I don't know, they must've ... was gettin' ready to talk to him .. and then he wouldn't come out the door and they was just talking to him right there.

Det. **INAUDIBLE** – Where ...

Flanagan:

Ofc. Rodney So they wasn't ...

Barnes:

Det. ... are the positions of the other officers? .. If you know.

Flanagan:

Ofc. Rodney Ok. ... There's a – a van or something ... There's something

Barnes: parked there.

Det. Uh-uh.

Flanagan:

Ofc. Rodney So, Parker .. was like on the end of that car.

Barnes:

Det. Is a van?

Flanagan:

Ofc. Rodney Like .. Some kinda vehicle, I don't remember what kinda vehicle.

Barnes: ... And Parker was like ... right there. ... You know, cover. He had cover. .. If I'm – I – I – I think I'm right here, I'm not sure.

Det. Ok.

Flanagan:

Ofc. Rodney And then I see... I saw Ben ... There's ... You got other

Barnes: townhouses over here.

Det. Right.

Flanagan:

Ofc. Rodney There's some cars here. ... And Ben is on the .. there's a .. Ben

Barnes: is on the front corner.

Det. In front of the cars?

Flanagan:

Ofc. Rodney Yeah, but like, ... he – he was the front of the car .. Like here's

Barnes: the car, he's like right here. ... And he got his rifle.

Det. Ok.

Flanagan:

Ofc. Rodney Like, .. let's say, ... Yeah, you're right. ... Like, let's say, he

Barnes: might've been this car. I don't know if it was this car ... this car ... and he's right there.

Det. Ok.

Flanagan:

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Ofc. Rodney With the rifle.

Barnes:

Det. What's Ben's last name?

Flanagan:

Ofc. Rodney Kushner. ... K-U-S-C-H-E-N-E-R. Kushner. Whatever his name

Barnes: is.

Det. Ok.

Flanagan:

Ofc. Rodney K-U-S-C-H-N-E-R.

Barnes:

Det. Any other officers that you remember?

Flanagan:

Ofc. Rodney No, that's it. Tha..... Now, as far as us? I knew Neil and them

Barnes: was at a house, the townhouse, where ... down by where the family was. The son. Neil ... I just know he ... Neil went over to a house behind us, like down here somewhere.

Det. At the Was – Where was he at the time of the shooting?

Flanagan:

Ofc. Rodney Nah, he wasn't there. Neil had left to go over here, for whatever

Barnes: reason. I don't remember what.

Det. Ok.

Flanagan:

Ofc. Rodney I don't remember ... I'm sorry I don't remember what he went

Barnes: for.

Det. So he wasn't there at the time the shot was fired?

Flanagan:

Ofc. Rodney No, no, he wasn't. .. But he can hear ... I mean, he was – he had

Barnes: a position over here. Like ... So he couldn't see it. And
then,

Det. Ok. ... Uhhh, any other officers that you remember?

Flanagan:

Ofc. Rodney I know Lieutenant ... Like back here,

Barnes:

Det. Uh-uh.

Flanagan:

Ofc. Rodney Lieu ... I can see the cars, .. like our cars are here, ... I can

Barnes: see Lieutenant Fish out there.

Det. Up there? Up the street?

Flanagan:

Ofc. Rodney Yeah. ... I don't – I know, .. uhhh, they were out there, I just

Barnes: didn't really pay much attention to them.

Det. Ok.

Flanagan:

Ofc. Rodney I was focused on him. .. At the time of the shot I don't really know

Barnes: who was over here. Maybe they came after, I don't – I don't know.

Det. Ok. And

Flanagan:

Ofc. Rodney And then we moved to the corner.

Barnes:

Det. Right. Right after the shooting?

Flanagan:

Ofc. Rodney Yeah.

Barnes:

Det. Ok. ... Before that, ... So, this is where you negotiating from,

Flanagan: right here.

Ofc. Rodney Uh-um.

Barnes:

Det. And, uhmm, how does the negotiation start off with you talking?

Flanagan: Or do ... Des...describe me .. like his demeanor. Like when you first get there.

Ofc. Rodney He was just in the door and he's talking to Neil. Neil's ...

Barnes:

Det. Uh-uh.

Flanagan:

Ofc. Rodney ... talking to him. And I don't remember exactly what they were

Barnes: saying. They were talking. But it started to go like, you know, "I'm not coming out," and all this. And, you know, "Y'all need to leave." Something like that. And Neil kinda like, .. I felt, was getting maybe a little stumped. You know.

Det. But what ... Like ... What – what was the guy saying? What do

Flanagan: you remember him saying?

Ofc. Rodney I don't remember exactly what he was saying. Like, you know,

Barnes: He said something about, all these officers, and at the time I was the only one there, the other ones hadn't got there yet.

Det. Uh-um.

Flanagan:

Ofc. Rodney And, uhh, I just came up with the chase, "Oh," something like,

Barnes: "Y'all bringing everything?" or something like that. And I asked where he wanted, you know, asked the ... **INAUDIBLE** where he want, you know, he couldn't really take the shield right then, you know, at that point, you know. We – He said, "Just put it by the tree." So leaned it up against the tree.

Det. Ok.

Flanagan:

Ofc. Rodney Then I went to the left of the tree, ... with gun drawn, you know.

Barnes: ... Then he was concerned about why the guns are pointin' at him. And then Neil was saying some things, but Neil didn't talk to

him. Neil talk to him for about another couple of minutes, but ...

And then I – I kinda like say, “Neil, do you mind?”

Det. What ...

Flanagan:

Ofc. Rodney **INAUDIBLE.**

Barnes:

Det. ... was the guy saying ... to them?

Flanagan:

Ofc. Rodney Uhh, ... like, it’s not against the law to throw stuff – throw her ..

Barnes: stuff out.

Det. Uh-um.

Flanagan:

Ofc. Rodney And stuff like that. And Neil said, “Hey, why don’t just come out

Barnes: and we can talk to you.” And he really seemed – appear like he really didn’t wanna talk to Neil, you know, like it wasn’t going.

Det. Did – did he say anything about the gun at that point?

Flanagan:

Ofc. Rodney No. He – I don’t recall him saying anything about the gun. I

Barnes: don’t. He didn’t have one in his hands.

Det. Ok. And then you start talking?

Flanagan:

Ofc. Rodney Yeah. I said, “Do you mind?” They say, “Hey.” I started talking to

Barnes: him. Introduced myself. And then he said, "Can I call you ... What's your first name?" I said, "Can I – Can I call you Rodney?" I said, "Sure." I said, uhmm, ... **INAUDIBLE** Officer Barnes. I said, "Hey, I'm ... I'm a negotiator also, you know, we can ... He said, "Well, what's your first name?" "Rodney." He was real, you know, kinda ... And I – And ... So, he ... I said, "Rodney. Sure." He said, "Well, I'm John." I said, "Ok. .. So, can I call you John?" And we started talking. ... You know, kinda went over what .. went on today and that, you know, ... he had broken any laws. .. And, uhh, He said something at one time that I seem to be reasonable, ... or something like that, .. you know. And I'm just trying to keep him talking.

Det. And what was his demeanor?

Flanagan:

Ofc. Rodney A little irritated at times. .. You know.

Barnes:

Det. What was ...

Flanagan:

Ofc. Rodney Like, why we were here. We didn't need to be there. And ... You

Barnes: know, he ... irritated like, ... He – He – He – He spoke well. You know what I mean. He kinda like, you know, He – He – He would like tell He was just telling us what, you know, what we

could do, what we can't do and, you know. And then he said, "I can call my lawyer and get him on the phone," and – and he knows A couple times, you know, he was upset that they had a gun point at him and I got 'em to lower them to "ready-gun". ... And he – he appreciated that. He said, "Hey, I don't want ...". He said, "Nobody needs to get hurt today." You know, he said that several times. You know, like I said, I asked him about his kids. I asked him while we were here. You know, what happened today, and ... He just said, "Hey, you know, ... you know, I got every right to throw her stuff out." You know. And I asked, ... I said, "Hey, so do y'all own the house together?" He said, "No. I own this for 20 something years and it's in my name." I said, "Ok." He said, "I know it's gonna take 30 to 90 days to ... for her to, ... you know, to need to put her out." And, uhmm, he was saying that his dad, I guess, Supposedly, I didn't see him, he said, "So, I see that's my dad out there." I guess some people had come. Now, at one point, there was a guy d... that was down there with Fish and them. I'm talking to him, for whatever reason, they told him to talk to the guy. ... He said, "What are you doing, John?" You know, I hear him like, ... ha, you know, "What are you doing, John?" You know, I don't know who that was. He's, ...-

Det.

Uh-uh.

Flanagan:

Ofc. Rodney ... "Oh, that's my friend. What is he doing here?" Well, first he

Barnes: said, "Oh, my dad is out there now." And then he – his friend is saying, "Come on, I'm trying to call you on the phone. Come out here man, don't do this. You don't" And then they finally .. shut him up, the friend,

Det. Uh-um.

Flanagan:

Ofc. Rodney 'cause I guess he tried to call him on the phone. That kinda

Barnes: irritated him a little bit. I said, "What's ..."

Det. Now, why ..."

Flanagan:

Ofc. Rodney ... all this?"

Barnes:

Det. why did you say he was – he was irritated? Like ..."

Flanagan:

Ofc. Rodney That the friend was out there talking to him.

Barnes:

Det. But what was he doing that make you think he was irritated?

Flanagan:

Ofc. Rodney He said, "Man, what is he doing here?" He said, "Now, all they

Barnes: want everybody to talk to me." Something like that. And – and

then finally, whatever reason, ... I don't know who did it, he stopped talking to him. ... And then I said, "Hey." .. You know. And then he started talking to me again after I got his attention.

Det. Uh-um.

Flanagan:

Ofc. Rodney 'Cause I guess they shut him up. 'Cause I was in the middle .. of Barnes: talking to him .. and that .. I didn't expect that.

Det. Uh-um.

Flanagan:

Ofc. Rodney You know what I mean?

Barnes:

Det. Were – were you guys giving him commands or did you give him

Flanagan: a surrender ritual?

Ofc. Rodney Oh, .. yes I did. I said, "Hey John, why don't you come out and

Barnes: talk to us?" I said,

Det. And what did he say?

Flanagan:

Ofc. Rodney And I said, ... He said, "No, I'm not coming and you can't come

Barnes: in." Then I said, "Hey," I said, "I'm gonna give you some commands, you come out and talk to me." He said, "What ha.... He said, "What happen What I have to do if I come out?" And I told him. .. He correct me, says, "Commands?" He said,

“Can I I said, “Tell you what, I ask you to do some things for me.” I said, “It’s for my safety and your safety.” He said, “What is that?” I said, “You open the door, keep your hands where we can see ‘em. You gonna come out. Turn around. Walk back to the voice. And when I tell you to stop, you go to your knees, keep your hands over your head, and then s.... you gonna be handcuffed.” He said, “No. I’ll come out, but I’m not getting handcuffed.” So, then I changed .. and said, “Hey, how ‘bout you come out, come out where we can talk, And he said, “No. You’re – you’re trying to I know if I come out, there’s different rules if outside my house.” I said, “This is your property.” He said, “Well, why don’t y’all just leave? ... You stay here and everybody else leaves.” And he said, uhh, ... He said, ... I said, Then I changed to, “Well, no handcuffs, ... just come out and talk to me.” I said, “Why don’t you just sit down?” A couple times he said, “Well, .. ok, if I just come out there and sit down, ... what’s gonna happen?” I said, “We just gonna talk.” “No, I don’t believe you.” And he kept talking about “I know those long guns can take me out.” I said, “Listen, if you don’t make any movements and keep your hands up that’s not gonna happen.” He said, “Yeah, yeah.” I said, “No.” You know. And then You know, I asked him earlier, I said, “Hey, who had anything to drink?” I

heard that earlier. He said, "Last night." 'Cause to ... It appeared that maybe he .. may been drinking. I don't .. I didn't know. That's why I asked him.

Det. What made you think that?

Flanagan:

Ofc. Rodney Just the way, you know, ... He was kinda like .. red, ... you know.

Barnes: Like ... And it could've been from the sun. He just looked like he was red. Like ... You know, that's why I asked him, "Have you been drinking?"

Det. Was his speech slurred or?

Flanagan:

Ofc. Rodney At times, ... but not really. But I just thought maybe he had some

Barnes: drinks. He said, "I had a few drinks, but it was last night." And – and went on from that. And I told you he tried to get me to come in and get the gun. "Here's the gun. You know, I don't want I'm ready to get some water, come back." He said, "If I shut the door, there ain't nothing y'all can do." I said, "That's true, but I don't want you to do that. ... John, we're talking. Try to resolve this. ... **INAUDIBLE**. Talking." You know.

Det. Uh-um.

Flanagan:

Ofc. Rodney I mean, at times you would think you'll make some ground,

Barnes: 'cause he open the door. He'll think about it. And then he said,
"Well, if everybody moves back and you stay here, I'll come out."

Det. But even when you .. changed your plan and told him he wasn't

Flanagan: gonna be handcuffed, he then still didn't come out?

Ofc. Rodney No, he said – he said he would if everybody moved. And then he

Barnes: said, "No, I know the law. My rights change when I come out." I
said, "If you're on your porch, you're still on your property." He
said, "Ok. Yeah, yeah, it's my property, why don't y'all just get off
my property." He said, "I haven't broken any laws." And he
would let us know when he gotta scratch his nose. And one thing
..... **INAUDIBLE** he only asked to get his phone one time, and I
told, ... you know, I said, "Hey, you know." He said, "I know. I
know. I might get shot." I said, "Listen, you don't know" He
said, "The guns right here. See it Officer Barnes? See it Officer
Barnes?"

Det. Why do you think he was showing you the gun?

Flanagan:

Ofc. Rodney He wanted to let me know that it was where he say it was, but

Barnes: I really couldn't see in there. It was dark. He says it's right here.
He described it. 357 ... It's in a holster. ... I .. The butt is turned
the other way. You know. He said, "I'm not gonna reach for no
gun." That's what he said. He said, "See Officer Barnes. See."

Then he said, "Hey, come and get the gun Officer Barnes." Well, that wasn't gonna happen.

Det. And why wouldn't you do that?

Flanagan:

Ofc. Rodney Uhh, I don't know what else he had, ... you know.

Barnes:

Det. So, is he – In your mind he was still a threat to you?

Flanagan:

Ofc. Rodney With that gun being that close, I thought so. 'Cause even if I

Barnes: moved up, I'm in the line of fire of the other officers.

Det. Uh-um.

Flanagan:

Ofc. Rodney And from my vantage point it would have to be, like, shootin'

Barnes: through the screen. You know what I mean?

Det. Right.

Flanagan:

Ofc. Rodney If he reached. You know.

Barnes:

Det. Right.

Flanagan:

Ofc. Rodney Then I'm like, "Ok." I just didn't think that was a good idea to

Barnes: go You know, I did say, "If you come outside, out here

where we away from the door, and the ground, I'll get the gun." "No, you can come in and get it." 'Cause he opened just a little and said, "Come get it. See Officer Barnes, come get the gun." I said, "I stand right here." You know, that's just to

Det. Did – did you think he was trying to bait you into trying to come in

Flanagan: there to get the gun or

Ofc. Rodney He ... I don't know. He – he – he ... Did I think he was sincere by

Barnes: giving me the gun? I don't know. But I did want to get him away from that gun, it was just to close. If there was a gun there. Now, I didn't see it. I couldn't see it. .. He kept saying, "It's right here."

Det. He – he was referring that it was within arm's reach?

Flanagan:

Ofc. Rodney "Oh, it's right there." Like he's staying here. ... Got the door. ...

Barnes: And it was dar.... I couldn't see. ... He says, "It's right here. It's standing right here." ... There must've been something there, like a ta.... I don't know. He says, "It's right there. See Officer Barnes. See."

Det. And you're motioning to your left hand side there?

Flanagan:

Ofc. Rodney Yeah, which was his

Barnes:

Det. Uh-um.

Flanagan:

Ofc. Rodney It's my right, his left. ... Here he is. Here the knee. It seem like he

Barnes: coulda just reach over and got the gun.

Det. Ok.

Flanagan:

Ofc. Rodney I couldn't see it. He tried ...

Barnes:

Det. Now ...

Flanagan:

Ofc. Rodney ... to let me see it.

Barnes:

Det. ... and .. when – when you're talking to him, uhmm, You

Flanagan: said earlier that you heard .. Officer Torres on the radio talk about threats he made about shootin' police officers or ...

Ofc. Rodney Something, I didn't catch all of it. I just said, "Hey, I'm not going

Barnes: anywhere and it's won't – it won't be ugly. It'll be ... Something uglier. ... I didn't catch it all. I just ...

Det. Was ...

Flanagan:

Ofc. Rodney ... talking about ...

Barnes:

Det. ... Was there anything like that said when you were actually

Flanagan: there?

Ofc. Rodney No, when I got there he just said, "Hey," you know, uhh, ... He –

Barnes: He told me he didn't want anybody – He didn't want – He – I don't want anybody to get shot. And he said, "And I don't wanna get shot, ... 'cause I don't wanna die today." That's exactly what he said.

Det. Uh-um.

Flanagan:

Ofc. Rodney But he never said anything while I was there about, "If we came

Barnes: in there he would .. shoot."

Det. Did he ...

Flanagan:

Ofc. Rodney Not to me.

Barnes:

Det. ... Did he make any threats towards anyone?

Flanagan:

Ofc. Rodney Not while I was there.

Barnes:

Det. Ok. Alright. And then you said that you're talking to him

Flanagan: and, ... walk me through again, he says he – he talks about going back inside the house to get some water?

Ofc. Rodney He said he was thirsty. He says, "Listen, I'm thirsty. I'm gonna go
Barnes: in the kitchen and get some water. You can come in with me if
you want to and watch me get the water." I said, "Well, I can't do
that." Ha ha. I said, And then - And then he said, "I shut the
door. I - I'll come back."

Det. Uh-um.

Flanagan:

Ofc. Rodney And I didn't want him to do that. And he didn't shut the door.

Barnes: 'Cause a couple times, like, "Oh, yeah, he's going." But I kept
talking to him, ... you know. I said, "Hey, I did some stuff for you,
like, you know, we're not, you know, will you just stay here and
talk to me?" "I'm thirsty." And it ... Several times I, "Hey, I can get
you some water. Come out on the stoop." I said, "You can either
stand there, shut the door, or prop it open, stand there, or sit
down on the stoop, and we'll talk." Then he kept saying, "Well,
my rights change if I sit on the stoop."

Det. Did he ever leave the doorway while you were there talking to

Flanagan: him?

Ofc. Rodney No.

Barnes:

Det. Ok. .. And then ... What happens next?

Flanagan:

Ofc. Rodney Well, we hear a shot.

Barnes:

Det. Well, what Tell me, where you're looking right before you

Flanagan: hear the shot.

Ofc. Rodney The whole time I'm looking at him. His hands were up here.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney He hands ... A couple times his hands would slide down. You

Barnes: know, like he would take it off and slide it down. And then he – he would say, "Hey, I'm gonna scratch my nose again." He would do that twice, three times. .. But he never, like dropped his hands down, .. 'cause then ... that's critical.

Det. You're – You're motion like all the way to his waist.

Flanagan:

Ofc. Rodney Right.

Barnes:

Det. Yeah.

Flanagan:

Ofc. Rodney He never ... And I – I never seen him go past like here. ... I

Barnes: didn't.

Det. To ...

Flanagan:

Ofc. Rodney I'm – I'm looking ... I can see him.

Barnes:

Det. ... like chest level?

Flanagan:

Ofc. Rodney Yeah. He wouldn't go, you know, he would go like here. He

Barnes: never like ... Or one time he's like, "Hey, if I get my, earlier, what – can I just get my....." And then the gun went back up. That's early on. "No. Ok, don't get your phone." He only mentioned the phone ones.

Det. Alright. So, when you see him right before he gets shot,

Flanagan:

Ofc. Rodney Well, he ... Right before he got shot

Barnes:

Det. what's he doing?

Flanagan:

Ofc. Rodney his hands were on the door, ...

Barnes:

Det. Alright.

Flanagan:

Ofc. Rodney ... but I can't remember if he had dropped them a little bit ...

Barnes:

Det. Is he ...

Flanagan:

Ofc. Rodney ... or they were still up.

Barnes:

Det. ... Is he hanging on the door like you described earlier or ...

Flanagan:

Ofc. Rodney I can't remember if he was still hanging on the door, but they

Barnes: were like down. I can't remember if he was still hanging on the door. He might've dropped them. 'Cause a couple times he was just bring 'em down **INAUDIBLE** door.

Det. So, when you're – you're saying, drop 'em and you're motioning,

Flanagan: you're like motioning like dropping 'em to shoulder height.

Ofc. Rodney Right. Like – like – like, ... you know But then, that's why ..

Barnes: the shot surprised me. ... I'm like ...

Det. Had he dropped them when – right before the shot – had he

Flanagan: dropped them to the shoulder level?

Ofc. Rodney They were still up kinda high. I don't know if they were still on the

Barnes: door, but it wasn't ... it may been shoulder level or – or .. level or a little higher, ... but he didn't, I mean, ... And They – they were still up.

Det. Ok.

Flanagan:

Ofc. Rodney Whether he was still on the door

Barnes:

Det. And – and you're looking at him as the round is discharged?

Flanagan:

Ofc. Rodney Yeah. 'Cause when the shot went, he ... I'm looking at him. I'm

Barnes: like, ... He go, "Ahhh." ... He's like, He go

Det. When you got your hands out in front of you, when you're doing

Flanagan: that?

Ofc. Rodney Who me? No, no, no.

Barnes:

Det. Uh-um.

Flanagan:

Ofc. Rodney When the shot went, ...

Barnes:

Det. **INAUDIBLE.**

Flanagan:

Ofc. Rodney ... he go, "Ahhh." And when he goes back, the door closes.

Barnes:

Det. Do you see he hands go to his side?

Flanagan:

Ofc. Rodney His right hand coming back here, like, ... kinda like, "Ahhh."

Barnes: Something like this. The right hand.

Det. Right.

Flanagan:

Ofc. Rodney And then, in the same mo..... he went back and then the door

Barnes: closed. I don't know which hand he used. He might've moved
I just saw him go. He goes back. Now, I don't know if he uses
his right hand to shut door or left. I don't know.

Det. But you're ... When he gets shot, and what you displaying to me

Flanagan: now, is you're standing up and with his right hand he puts his
right hand **INAUDIBLE**

Ofc. Rodney Something like that. And then ... But at the end part you could

Barnes: better see harder door closed, ...

Det. Right, ...

Flanagan:

Ofc. Rodney ... 'cause ...

Barnes:

Det. ... before that. Before we get to the door closing, when ... you're

Flanagan: displaying how he moved his right hand to his ...

Ofc. Rodney When the shot went, "Pow", he go, "Ahhhh." .. And he went ...

Barnes: And I see he goes back. ... Like, quick, "Ahhhh." Screamed. Next
thing I know the door's closed, ... 'cause I lost sight of him.

Det. Humm. You're ... But listen – listen to my question. With your

Flanagan: right hand you're motioning to where his injury is.

Ofc. Rodney Yeah, he grabbed something, like he was reaching wherever ...

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney ... he was hit.

Barnes:

Det. Yeah, my question is, when you're this – showing me how he did

Flanagan: that, you're bringing your right hand from waist level ...

Ofc. Rodney No, no.

Barnes:

Det. ... to his side.

Flanagan:

Ofc. Rodney No, no, ...

Barnes:

Det. So, tell me how ...

Flanagan:

Ofc. Rodney ... he was up.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney When the shot happened, his hands were up, and he go,

Barnes: "Ahhhh." And then ... I saw the right hand come down.

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Det. Ok.

Flanagan:

Ofc. Rodney Not like right here coming down

Barnes:

Det. Right.

Flanagan:

Ofc. Rodney it was up higher.

Barnes:

Det. Gotcha. Ok.

Flanagan:

Ofc. Rodney And then the door closes. He went back. .. 'Cause they asked

Barnes: me, "Did he fall?" I said, "I don't know." He just went back in, the
door went. Now, Ben .. or Parker could probably see better,
"Hey," 'Cause it was like a one motion and ...

Det. And Parker is by the car at the end of the sidewalk?

Flanagan:

Ofc. Rodney Huh, Parker is over here and Ben is over here.

Barnes:

Det. Right. Ok.

Flanagan:

Ofc. Rodney Do you mind if I piss and come back?

Barnes:

Det. No, we can, uhh,

Flanagan:

Ofc. Rodney I'm kinda ...

Barnes:

Det. Why don't we take a break! The, uhh, time is, uhmm, 20:21

Flanagan: hours.

Ofc. Rodney Ok.

Barnes:

Det. This is a continuation of the interview with Officer Rodney

Flanagan: Barnes. The time is 20:25 hours. Officer Barnes
we were just talking you – you're mentioning where Officer
Parker was and where, uhmm, he may've had a better view and
from ...

Ofc. Rodney Here now Kushner.

Barnes:

Det. The – the ...

Flanagan:

Ofc. Rodney Harter is closer than Kushner.

Barnes:

Det. The rough sketch that we drew, uhmm, kinda shows him straight

Flanagan: away from the door.

Ofc. Rodney It maybe a little more I'm – I'm just It's like he may had a –

Barnes: a – a different view.

Det. Ok.

Flanagan:

Ofc. Rodney From .. I mean, I'm not saying that .. he did, ...-

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney ...- but I'm sure he should been able to see. He could see the

Barnes: guy's hands and stuff from being **INAUDIBLE** too.

Det. Ok. But from what you're saying and what you saw, his hands

Flanagan: were up at, uhmm, ... at a minimum at his shoulders?

Ofc. Rodney Right. .. At a minimum.

Barnes:

Det. Ok. ... Uhmm, **INAUDIBLE** at the time the round was

Flanagan: discharged?

Ofc. Rodney Right. As it just shocked ... It just surprised us. Like, what-the-

Barnes: hell.

Det. Ok. ... And you had said that the officer was, uhmm, Well,

Flanagan: actually you described yourself as being .. like – like you were –
like you were pissed or angry. What were you talking ...-

Ofc. Rodney No, what – what I'm talking about is, is that I'm like, "What-the-

Barnes: hell." You know, like, ... What I'm angry about is like, ... and I don't know, you know, he said, "We're" I'm like, why did he shoot? You know. And I was ok, even when we moved over and he was relieved, at the moment I'm good. I mean, 'cause we gotta make sure But then I – I got really angry, when, you know, when I was removed.

Det. **INAUDIBLE.**

Flanagan:

Ofc. Rodney Not for being removed, 'cause I knew But just being over

Barnes: there and, you know, you're sittin' there and you're like, And then the adrenaline kinda comes off.

Det. Uh-um.

Flanagan:

Ofc. Rodney 'Cause TAC took over and you're just off to the side over in

Barnes: cover. And, you know, I'm just, you know, hot and sweaty. And then one guy had "go bag" and he let me have some water. ... And then, you know, ... And as I'm walking to the command bus, I was just like, you know, "What-the-hell happened?" You know, that's – that's what I'm ... I'm just Like, .. in my opinion and what I saw, I'm like, "Why did – Why did he shoot?" You now, I'm

Det. Uh-um.

Flanagan:

Ofc. Rodney He can say what he, and that's fine, but I didn't see what

Barnes: he saw.

Det. Uh-um.

Flanagan:

Ofc. Rodney You – You know what I mean?

Barnes:

Det. Uh-um. Well, you know, I ...

Flanagan:

Ofc. Rodney And I was just ...

Barnes:

Det. ... **INAUDIBLE** here ...

Flanagan:

Ofc. Rodney ... 'cause – 'cause I'm just coming down. I'm just like. You know

Barnes: I was talking to him right when he hid him. He – he basically did everything I asked him to do, ... except come out, you know. We were talk, you know, but he ...

Det. What did he comply when you were asking him to – to come

Flanagan: outside?

Ofc. Rodney He thought of ... A couple times he would say he was, then he

Barnes: said, "No, if I come out, ... you know, of course with the handcuffs." And I said, "Well, ok, no handcuffs. Would you just

come out and talk to us get a

He said, "No. No, you – you want me to get away from the door." He did say that. You know, "Keep wanting me get away from the door so I can't retreat back." And I said, "No, just want you to come out." I say, "Hey, you know what, I don't, you know, talking to you between the screen door, ... I mean, you know. ... I ... It be nice if you come out and just ... You can stand on the steps, sit But at first he said, "Ha, what if I just come right there and step on the ... sat on the steps?" I said, "Fine."

Det. But yet, he still didn't do that?

Flanagan:

Ofc. Rodney No, he didn't do it.

Barnes:

Det. And how – how long is this negotiation going on for?

Flanagan:

Ofc. Rodney Hey, I really don't It – it almost seem like it was forever. ... I –

Barnes: I know that sounds crazy,

Det. Uh-um.

Flanagan:

Ofc. Rodney but I don't – I don't know how long.

Barnes:

Det. Ok. Now, ...

Flanagan:

Ofc. Rodney And – and if he sh... close – if he closed the door and gone back

Barnes: in the house, you know, **INAUDIBLE** knock on the door.

You know, ...

Det. Ok.

Flanagan:

Ofc. Rodney ... 'cause, you know, No one, Now, far as I'm con....

Barnes: noted, none of his fam.... all the family was out of the house. So,
it was just him in the house.

Det. Ok.

Flanagan:

Ofc. Rodney You know.

Barnes:

Det. But, uhmm, if you don't know how long the negotiation ...

Flanagan:

Ofc. Rodney I don't.

Barnes:

Det. ... went on for, but during that time, uhmm, .. It sounds like from

Flanagan: what you told me, you gave him several opportunities just to
come out, and then even change your plan.

Ofc. Rodney Yeah, but, you know, a couple time he would talk about it, then

Barnes: his biggest thing was, "Everybody leave and then you stay." ..

You know. ... And then he would start to where he say .. kept saying he was thirsty and he was going to go in his kitchen and get some water.

Det. But – but even though you changed your plan, you’ve allowed

Flanagan: him to come out and told him he wouldn’t be handcuffed; he still didn’t comply with that?

Ofc. Rodney No.

Barnes:

Det. Ok. I mean, and I think you said, you can never actually see

Flanagan: the gun.

Ofc. Rodney No, ‘cause he tried to open the door ... wide enough for me to

Barnes: see it, And I can see in there, but I couldn’t see the gun. I just couldn’t see it, you know.

Det. Right.

Flanagan:

Ofc. Rodney And he, haha, I didn’t want him to reach in there “Here you

Barnes: go.” Sure ... No, I don’t want that. He said it was in the Holster. I wanna say he might have said it was a brown holster. He did say it was ... a 357. Black or something like that.

Det. Ok.

Flanagan:

Ofc. Rodney And he wanted me to come get the gun.

Barnes:

Det. Now, this ... After this has been over, have you talked to any of

Flanagan: the other officers about this?

Ofc. Rodney No, just, uhmm, ... just, uhh, ... I know it shouldn't be much

Barnes: talking. Uhmm, ... only thing Parker said to me when he took over for Torrez .. or Torres, he .. he said, "Hey Rodney, if he comes out," he said, "you know the door opens this way, if he comes out," I said, "If he comes out you have a rifle I'm gonna let you, ... I mean, y'all ... I'm gonna kinda like, ... you know, do what you gotta do. You know. And he said, uhmm, We just had **INAUDIBLE**, "Hey, you know the door opens this way? So, if he'll opens that door, we'll see it." You know the screen door,

Det. Uh-um.

Flanagan:

Ofc. Rodney it has opened to where we are. And then 'Cause he said

Barnes: – **INAUDIBLE**, "Man," he said, "This ain't good." You know. And I said, "tell me about it." You know. That's it.

Det. What did – What did you mean ... What – What did you think? I

Flanagan: mean, if he came outside ...

Ofc. Rodney I think what he meant was the same thing I thought, like, why did

Barnes: he shoot? You know.

Det. Uh-um.

Flanagan:

Ofc. Rodney That thing – that It seem to me like we kinda understood. ... I

Barnes: mean, he said, "Oh, it's gonna be a long day." You know. Haha. Well, you know, he said, "It's gonna be a long day," or something like that. .. He said, "I won't' make my overtime assignment at six." He had an overtime assignment at St. Meads at six. And I said, "Nope." ... And then we were finally relieved by TAC. And then we went over to the tree line. I didn't s.... The other officers, like Neil, ... Neil was ... 'cause he was new, he kept saying, "Oh, I'm just trying to go over what" I said, All I told him, he was talking, I said, "Neil, just" Yeah, you gonna talk to IA. Just tell 'em what you saw. Don't ... If you didn't see, ... You say – you tell 'em exactly what you saw, exactly what you did. That's it." And then he would say nothing else, 'cause he was kinda

Det. Uh-um.

Flanagan:

Ofc. Rodney just talking, and I know you shouldn't be doing that. You

Barnes: know what I mean, 'cause Dave wouldn't say anything. Dave was up there by the tree. I said, "Hey man," 'Cause I asked him, "Are you ok?" You know. I said, "Hey." He said, "Ahh, I'm just

trying to go over. I've never been to IA." I said, "No, big deal. .. You gonna talk to a lot of people, just tell 'em what you saw. Tell 'em everything. Tell the truth." And then he would say nothing else. And then the other two officers, they didn't really say anything to me. They didn't come, "Hey man, what happened?"

Det. Uh-um.

Flanagan:

Ofc. Rodney I wasn't gonna tell them anyway. And luckily Lieutenant Jocca

Barnes: didn't ask me either. He just came down and said, "What the **INAUDIBLE** we're doing? .. 'Cause I even said, if he came and asked me what happened, I wasn't gonna tell him, you know. I just didn't feel like, ... you know, But he didn't. ... Yeah, my Lieutenant came down and he stood there for a while and he was like, 'Cause I was sweatin'. You know, I was I was angry too. But I mean, like I said, if he seen I just didn't see what he saw. I can't say, "Oh," Yeah, if I didn't have a good view, then I can't question that. You know what I mean?

Det. Uh-um.

Flanagan:

Det. I can't say, ... you know, if I was My view was obstructed or

Flanagan: something like that, that's different. That I'm not doing, second guess what somebody did or what they felt, you know.

..... Then the guy's kids are like a door down, two doors down. They heard the shot.

Det. Uh-um.

Flanagan:

Ofc. Rodney One of them tried to come out. ... And you could hear him, "Don't

Barnes: hurt my dad." This is after the shot. ... You know. And then they we had to get somebody over there to not – to tell them not to come out of the house, you know, 'cause they wasn't being You know, he could've just ran out and we couldn't done anything, so they got an officer up there. Uhmm, so, as – as I just kinda like decompressed a little bit out there, you know, I was like, "What the fuck," you know. I wasn't like scared, 'cause I didn't know what to do in this situation and like, But I was like, "What happened," you know.

Det. Ok. Uhmm, Is – Is there anything else that, uhmm, that

Flanagan: you think that I need to know about ... or anything else you can remember that I haven't asked you about? ... And this won't be you're only opportunity ...-

Ofc. Rodney I know.

Barnes:

Det. ...- to talk to me, but, ... uhmm, but you're thinking off right that I

Flanagan: need to know?

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Ofc. Rodney Right at this moment, I can't.

Barnes:

Det. Ok.

Flanagan:

Ofc. Rodney **INAUDIBLE.**

Barnes:

Det. That completes the interview with Officer Barnes. The time is

Flanagan: 20:34 hours.

Transcribed on 09/17/2013

By Annemarie Carr, Administrative Assistant

From: Quinn, Karol
To: Flanagan, Christopher
CC: Quinn, Karol
Sent: 9/6/2013 9:18:04 AM
Subject: Donald Geer 1st Interview
Attachments: Donald Geer.docx

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 6, 2013

FLANAGAN: This is Det. Flanagan of the Fairfax County Police. The date is August 29, 2013 at 7:26 hours. This is an interview with Donald Geer regarding an officer involved shooting which occurred on this date. Um, Mr. Geer how, how did you first become aware of a situation or a problem today at the townhouse?

GEER: Uh, John called me up um, and it was about something else uh some business on some, he's in the kitchen cabinet design business and it was related to that uh and then we got off on he was saying he was in the process of moving the uh furniture out of the house from his, I'll call her his wife. They've been living together for twenty some odd years or so, I don't know, but.

FLANAGAN: Ok.

GEER: And they the two children, um, and he told me they were moving everything out and then we started talking about uh, uh a little bit of the past and present and I could tell he was upset but to what degree and he got pee'd off at me and ended up hanging up. Um, a few minutes, a short while later, uh, I'll call her his wife called and.

FLANAGAN: Is it Maura?

GEER: Mora.

FLANAGAN: Ok.

GEER: M-O-R-A, uh, Harrington H-A-R-R-I-N-G-T-O-N.

FLANAGAN: Ok.

GEER: Uh, called me up and said that she was over here and John was taking uh all her stuff out and that she had called the police and John had said something about if the police come in I'm going to shot 'em. And um, you know I that kind of set me back and I, what am I gonna do or what should I do and just about that time Jeff called and said he got another call from Maura too and uh you know well I mean, I don't think I heard, she didn't say he had a gun at that time. I, I'm, I'm a little vague on that.

FLANAGAN: Ok.

GEER: I don't, don't have the right order on that.

FLANAGAN: Ok.

GEER: But uh Jeff called and said you know Maura's really upset and uh, all this and you ought to get over there so I came over here and I got here you know in the vicinity of three o'clock. And at that time uh, I, I came, there was three officers uh right outside the front door probably fifteen, twenty feet away uh with guns uh, pointed at him and he was at the front door uh the door itself was open, the screen door was, was there and he had his hands up and his hands were on the top of the door. As far as I didn't see any gun or any arms whatsoever.

FLANAGAN: Well now, when you said he had his hands up uh, can you demonstrate to me?

GEER: Here's the top of the door, he had his hands spread out like this holding the top of the screen door.

FLANAGAN: Ok, so he's actually holding the door?

GEER: Yeah.

FLANAGAN: And you said the door is open?

GEER: That door was open probably a foot. The uh, the main door, the

hard wood door.

FLANAGAN: Um, hm.

GEER: Uh, was, looked like it was wide open, I don't, don't really recall but it was open.

FLANAGAN: Now what is your perspective, where do you see this from?

GEER: What are you, what are you referring too?

FLANAGAN: Like where, where are you standing when you see this?

GEER: Well, I saw the uh.

FLANAGAN: When he's standing at the door with his hands on there, where are you?

GEER: Ok, I was down, there's a little park on the left side, have you been down there?

FLANAGAN: No, I've not.

GEER: Ok, uh, I would say fifty yards or seventy five yards up this road here looking down at the house.

FLANAGAN: Ok, so before you get to his house?

GEER: Yeah.

FLANAGAN: Ok.

GEER: We were directly in the front, in front of his house.

FLANAGAN: Ok. And is his house on what would be the right side of the road?

GEER: His, if you go down this road you'll go right in to the, in to his house. He's right at the end of this road, this road here.

FLANAGAN: Ok, does it face up this way?

GEER: It faces up this way.

FLANAGAN: Ok. And which side of the road are you standing on? Which side of this road?

GEER: I was standing in the middle or.

FLANAGAN: Ok.

GEER: Or, or close to the middle.

FLANAGAN: In the middle of this road right here?

GEER: Yeah. We were standing there talking with uh some policemen.

FLANAGAN: Do you know the names of the officers that you were standing with?

GEER: No, I do not.

FLANAGAN: Ok. And can you hear conversation between them?

GEER: Uh, down at the uh house?

FLANAGAN: Yeah.

GEER: The police that were talking to him, no.

FLANAGAN: Ok.

GEER: At one point I waved to John, uh, and he just, I, he kind of halfway acknowledged I was there but he didn't uh wave or anything cause he had his hands up and you know he had guns pointed at him.

FLANAGAN: Um, hm. Did you see him at any time with a gun out there?

GEER: No. May I ask a?

FLANAGAN: Sure.

GEER: Has anybody gone and talked to Maura and the kids?

FLANAGAN: Yeah, I, the detectives haven't but I think we had our peer support with them.

GEER: Ok.

FLANAGAN: And I think they were going to talk to the kids when I came to

speak to you.

GEER: Ok, I was, I'm concerned about that.

FLANAGAN: Now the, the, they're teenagers?

GEER: Yeah, one's thirteen, one's seventeen.

FLANAGAN: And they're John's children?

GEER: Yes.

FLANAGAN: Ok.

GEER: John and Maura, with Maura.

FLANAGAN: Ok.

GEER: Basically they have been together I guess, well, the oldest one is
 seventeen and uh they were together a few years before she
 was born so they've been together for twenty years.

FLANAGAN: Ok.

GEER: Just never got married. Which I guess isn't unusual in today's
 world.

FLANAGAN: Yeah, I don't think it's, it has kind of changed hasn't it? Um, how
 long do you think you were here for that, where, where you
 actually witnesses, witnessed the uh.

GEER: From the time I arrived.

FLANAGAN: Yeah.

GEER: Until I heard the gun shot?

FLANAGAN: Exactly.

GEER: I'm going to say fifteen to twenty minutes.

FLANAGAN: And, and during that time is, is there movement, either
 movement by the officers or movement by John or is it all just

stagnant at the door.

GEER: I, uh, it was pretty stagnant I think.

FLANAGAN: Ok, he's not coming and going?

GEER: No, no, he, he nev, he never had his hands leave the top of the door, uh and I never saw any that the policemen were you know like this with the gun pointed at him and uh, I never saw them move.

FLANAGAN: Do you, do you know where or do you know where those officers were generally?

GEER: Yeah.

FLANAGAN: The three that you're talking about.

GEER: Can I have?

FLANAGAN: Sure.

GEER: I'll do it right here. Front door, there was a tree, a tree here and one was here. There was a vehicle in the road here and there was one that INAUDIBLE this way and I think there was one over about here, I'm not sure, that seems about right.

FLANAGAN: Ok.

GEER: This is tree and that's the three officers.

FLANAGAN: Ok.

GEER: I believe, I'm, now I'm, I could be a little off but that's in the approximate.

FLANAGAN: Right, right. And they're in this position the whole time?

GEER: Yeah.

FLANAGAN: And John's at the door the whole time?

GEER: Right.

FLANAGAN: As, as best that you remember that you could see?

GEER: Right.

FLANAGAN: Um, and I, I think you said you couldn't hear any conversation.

GEER: No.

FLANAGAN: But could you tell, was there any indication they were communicating with each other that you could see?

GEER: There was a, yeah, uh, it kind of, well, one of the police officers that was with me uh standing there said, said they were communicating.

FLANAGAN: Ok.

GEER: Uh, I couldn't hear it and I couldn't tell whether his mouth was moving or not, I, I, I wasn't think.

FLANAGAN: Too far away or just not paying attention to that.

GEER: Probably not paying attention, I, if I was really paying attention I may have seen it.

FLANAGAN: Ok.

GEER: Uh, but I did see a, ah INAUDIBLE ok, there was at least a brief conversation.

FLANAGAN: Um, hm.

GEER: Not, I don't know if it was steady or not.

FLANAGAN: Right

GEER: But I do, do recall a couple of times where it appeared some verbiage was going back and forth between the police officer and him.

FLANAGAN: Ok. And, and after you heard the shot um, did you see which officer shot, were you able to tell?

GEER: No, I don't.

FLANAGAN: Ok.

GEER: I don't remember.

FLANAGAN: What happened after the shot was fired?

GEER: Um, the shot was fired and he brought his hands down and grabbed his side uh, uh and kind of swung around and went inside and shut the door. And this is the main door.

FLANAGAN: Ok, um, did you see what the officers did after that? I assume you couldn't see what John was doing as, since, when he shut the main door.

GEER: No, no, right, right, I couldn't see him all. I, I'd, no I didn't pay any attention as to what the officers did and I, and that's when they started, you know, and uh started moving us back, moving us back because you know, it was the gunfire at one time.

FLANAGAN: Right.

GEER: And I guess they were looking out for our safety so they kept moving, moving us further and further back.

FLANAGAN: Right. Right, I understand. Um, was Jeff with you right there at that that same time too?

GEER: He was there the whole, yeah, I got here probably five, ten minutes before Jeff got here.

FLANAGAN: Well, what's Jeff's last name?

GEER: Stewart. S-T-E-W-A-R-T.

FLANAGAN: And do what, do you, can you, can you tell me a little more of the history um between John and Maura, were, were they going, was she moving out?

GEER: Yes. They.

FLANAGAN: Ok. Can you tell me a little more about that?

GEER: They had been having problems over the past few years.

FLANAGAN: Ok.

GEER: Uh, on and off. John uh, had some, had a drinking problem, uh, you know, uh and when he would drink he would get pretty mean.

FLANAGAN: Ok.

GEER: And nasty. And uh with the kids uh he would get uh mean with them so uh she, and she's been talking about getting away from him for a number of years.

FLANAGAN: Ok.

GEER: But she just didn't have anywhere to go so she finally couldn't take it any longer I guess I'm uh that's my summation.

FLANAGAN: Ok. Do you know if he had been drinking today?

GEER: No. I don't know.

FLANAGAN: Ok.

GEER: Well, it would, uh, personally I, wouldn't surprise me if he was. I mean after he, when he found, what I understand when he found out she had signed a lease. They had been talking about her moving out and all and there was communication between them about that. And today he found out that she had signed a lease.

FLANAGAN: Um, hm.

GEER: And that's when he kind of you know, went off the deep end and started carrying her furniture out from what I gather.

FLANAGAN: Ok. Were the kids going to go with her?

GEER: Yeah.

FLANAGAN: Um, how about, did, did, are there weapons in the house that you're aware of?

GEER: Yes.

FLANAGAN: What, what does he have on the house or she have?

GEER: Jeff can tell ya that, we've given it to, he's told several people.

FLANAGAN: Ok.

GEER: Um I, I think he has two, I think two handguns and I know a shotgun and I think a rifle or two, I don't know, you know he, know several years ago I bought him a gun cabinet for Christmas and.

FLANAGAN: Ok.

GEER: He could put the guns in so the girls couldn't get to it.

FLANAGAN: Do you know where he keeps that gun cabinet?

GEER: I believe it is on the stairway going down to the basement. Right at the top of the stairway I think there's a, it's not a real big gun cabinet but uh I think that's where it is.

FLANAGAN: Ok.

GEER: So that would be on the first floor.

FLANAGAN: Ok.

GEER: I mean this has been a year, several years since I've, I've noticed it there but that's.

FLANAGAN: Right.

GEER: What my guess is.

FLANAGAN: Um, has, has John ever sought help for his drinking?

GEER: I don't think so.

FLANAGAN: Ok.

GEER: He's too stubborn for that.

FLANAGAN: Does he have any other medical problems?

GEER: Not to my knowledge.

FLANAGAN: Ok. How about uh mental health, has he ever sought help for mental health or any issues?

GEER: No, he's too stubborn for that. He knows everything, or he knew everything.

FLANAGAN: Do you, do you know if he ever did have mental health problems or is it?

GEER: No.

FLANAGAN: Ok.

GEER: I mean, uh, you'd have to know John.

FLANAGAN: What, what does John do?

GEER: Uh, he's a uh kitchen cabinet designer.

FLANAGAN: Ok.

GEER: Or kitchen designer basically selling cabinets. He's self-employed.

FLANAGAN: Ok. Um, have there been other, any other incidents at the house, I mean like incidents of violence that you are aware of?

GEER: Not that I'm aware of.

FLANAGAN: Ok.

GEER: I mean he's uh, we had a falling out several years ago uh he wasn't violent but like he, he threatened to hurt me a little bit you know just grabbing my hand and started twisting and then he stopped but.

FLANAGAN: Um, hm.

GEER: I shouldn't say that's really no violence but he does have a temper, temper. And Jeff probably can answer more of those questions than I can.

FLANAGAN: Is Jeff close with them?

GEER: Yeah. And they've know each other you know twenty five, thirty years and uh you know he, he talked to John several times today.

FLANAGAN: Ok.

GEER: And he's been my, closer to John in recent years than I have.

FLANAGAN: Ok. Um, is there anything else you should think, you think I should know or that I didn't ask you?

GEER: I can't think of anything right now and my mind isn't not going as well as it should.

FLANAGAN: I totally understand and that's why I was going to preface that with this won't be the last time we talk.

GEER: Ok.

FLANAGAN: But I just, I, I was told that you were here so I wanted to sit down with you and.

GEER: Ok.

FLANAGAN: Like I said I don't know much about what actually happened but I did know that your, your son had passed so I wanted to let you know that before you heard it.

GEER: Yeah, I appreciate that.

FLANAGAN: Somewhere else.

GEER: Right.

FLANAGAN: Um, and like I said we'll, I'll give you my card um but I'm sure

we're going to talk again.

GEER: Ok.

FLANAGAN: And uh if you, but if you, before we do speak if you have any questions you can call me at either one of those numbers. Unfortunately I do have a cell phone so I am always reachable.

GEER: Ok, um, can I go down and see Maura and the kids?

FLANAGAN: Let me find out where they are first. I'm not sure if they're.

GEER: Uh, they're down there in one of the houses right next door.

FLANAGAN: Yeah, I know the kids, well, let me find out because my partner John Farrell was going to talk to Maura, so he may be talking to her right now, but before I talk Jeff I'll find that out right now.

GEER: No, I just want to talk to Maura and tell her you know to bring the kids over to our house tonight.

FLANAGAN: Right.

GEER: And that sort of thing.

FLANAGAN: Right.

GEER: And I, you know just.

FLANAGAN: I'll find out right how we can make those arrangements.

GEER: Do you want Jeff in here now?

FLANAGAN: Um, let me check on the family first.

GEER: Ok.

FLANAGAN: And then uh and I'll talk to Jeff if he has time to wait.

GEER: Can you check that and I want, I want to check my, talk to my wife.

FLANAGAN: Absolutely.

GEER: His mother.

FLANAGAN: Ok.

GEER: And let her know cause she knows a little bit that's going on but not much.

FLANAGAN: That concludes the interview at 17:45 hours.

Transcribed on 9/6/2013

By Karol L. Quinn, Administrative Assistant

Fairfax County Police
Case Number 2013-2410242
Transcribed on September 6, 2013

From: [REDACTED]
To: [REDACTED]
Sent: 8/29/2013 3:43:58 PM
Subject: Emergency Alert from Fairfax County

Officer involved shooting at 7907 Pebble Brook Court. Staging is 7905 Pebble Brook Court...TAC
CIB IAB and Peer Crime Scene request

Sent by DPSC Bridge to PD CIB Major Crime Commanders (E-mail, Pager, Cell Phone) through the
Fairfax County Emergency Alert Network ... powered by Cooper Notification RSAN

Update your profile at <http://ean.fairfaxcounty.gov/myhome.php>

Reset your password at <http://ean.fairfaxcounty.gov/sendpassword.php>

Retrieve your username at <http://ean.fairfaxcounty.gov/sendusername.php>

Reply STOP to stop receiving ALL future alerts and service messages

Contact AlertSupport@Fairfaxcounty.gov for help

From: [REDACTED]
To: [REDACTED]
Sent: 8/29/2013 6:18:17 PM
Subject: Emergency Alert from Fairfax County

There was an officer involved shooting earlier this afternoon. The officer involved is unharmed. All of the appropriate resources have responded and are assisting with the officer's well being.

Please do not call DPSC, the PLC, or your station at this time. The next Event Summary Report will contain updated information.

Auth/LT Tor Bennett

Sent by DPSC Bridge to PD Police Department All (E-mail, Pager, Cell Phone) through the Fairfax County Emergency Alert Network ... powered by Cooper Notification RSAN

Update your profile at <http://ean.fairfaxcounty.gov/myhome.php>

Reset your password at <http://ean.fairfaxcounty.gov/sendpassword.php>

Retrieve your username at <http://ean.fairfaxcounty.gov/sendusername.php>

Reply STOP to stop receiving ALL future alerts and service messages

Contact AlertSupport@Fairfaxcounty.gov for help

From: Holland, Bryan
To: Roessler, Edwin C. Jr.; Arnn, Ted; Ryan, Tom; Schaible, Erin; Smith, Sharon; Russell, David A.; Thompson, Paul
CC: Farrell, John; Flanagan, Christopher; Griffith, Cara D; Hinson, Jeremy
Sent: 2/5/2014 12:49:41 PM
Subject: FW:

All,

This is an update from John Farrell who is our lead in the Torres OIS. Late yesterday evening, he informed both families (girlfriend/wife, and his parents) that the case had been sent to the DOJ for a review. You can see that email below.

John addressed some items which were brought up. Their claim of destroying evidence is of course not true. We still have the video footage which was aired through the media prior to the OIS. There is no actual video of the shooting. Additional evidence we have is from a neighbor who captured a short video and still pictures, again, well before the OIS.

As far as compensation, I spoke with Risk Management and they will most likely not approve any type of claim (damage to the front door and debris which he threw outside prior to police arrival). This falls under Sovereign Immunity. We will provide the family the phone number to Risk Management in case they elect to contact them.

For the property compensation, the mother is referring to the additional weapons we took from the home as evidence. She has wanted them back from the beginning so they could be sold.

We will stay in contact with the families and update them once we have an understanding of this review. As of noon today, Ray Morrogh has not been provided any type of timeline.

Should anyone have any questions, please let me know.

Bryan
Bryan W. Holland, Second Lieutenant
Cold Case Squad
Fairfax County Police
[REDACTED]

-----Original Message-----

From: Farrell, John
Sent: Tuesday, February 04, 2014 8:38 PM
To: Holland, Bryan; Flanagan, Christopher
Subject:

I spoke with Maura Harrington and notified her of the federal review. She had a couple of questions and advised me that they filed the lawsuit today and questioned the timing of my phone call. I assured her that it was purely coincidental.

I called the Geer's and notified them. They expressed frustration over the timeliness of the investigation and the fact that a federal review would increase the amount of time without resolution. They wanted specific reasons why the case was being reviewed. They want to speak directly with Ray Morrogh. I will advise Mr. Morrogh of that tomorrow. They want to know who is responsible for the damages to the residence from the forced entrance. They also want us to compensate them for the property we have retained.

The phone call was a bit contentious and they accused us of destroying evidence specifically the recording that the neighbor took of the standoff prior to the shooting. Their position is that the shooting was captured on video and that we destroyed it.

I advised them that I would be back in touch by the end of the week and would advise them if someone had been assigned to work the case from the Dept of Justice.

John

From: Holland, Bryan
To: Flanagan, Christopher; Farrell, John; Hinson, Jeremy; Bibeault, Daniel; Stallings, Erik S.
CC: Deane, Eric; Cory, Eli; Durden, Lucas
Sent: 8/29/2013 7:31:06 PM
Subject: Fw:

John F... Bebo is at Sta, jeremy and Erik are enr too for interviews.. Once I get more cleared I'll send them to sta. Deane is doing S/W..

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Holland, Bryan
Sent: Thursday, August 29, 2013 07:11 PM
To: Smith, James R.; Farrell, John
Subject: Re:

Tks

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Smith, James R.
Sent: Thursday, August 29, 2013 06:58 PM
To: Farrell, John; Holland, Bryan
Subject:

Case recovered.
Det. Jim Smith. Crime Scene

From: Morrogh, Ray F.
To: Flanagan, Christopher
Sent: 3/20/2014 12:25:48 PM
Subject: FW:

Chris , sorry I forgot to add your address to this one. Tx Ray

From: Morrogh, Ray F.
Sent: Thursday, March 20, 2014 12:20 PM
To: Farrell, John
Subject:

John

Hi John hope all is well. I received a phone call from Mrs. Gear, mother of Mr. Gear. She wants her son's property back. Have you all heard anything from them? Or has the Police Department responded to them? Thanks Ray

From: Holland, Bryan
To: Farrell, John; Flanagan, Christopher
CC: Barrett, Shawn; Lee, Gun; Thompson, Paul
Sent: 11/12/2013 2:29:28 PM
Subject: FW: A Torres

info

-----Original Message-----

From: Arnn, Ted
Sent: Friday, November 08, 2013 5:59 PM
To: Holland, Bryan
Subject: Re: A Torres

There are issues we will have to work out next week. No meeting yet.

Major Ted Arnn
Fairfax County Police Department
Internal Affairs Bureau

Sent via BlackBerry Wireless

----- Original Message -----

From: Holland, Bryan
Sent: Friday, November 08, 2013 05:56 PM
To: Arnn, Ted
Subject: A Torres

Hey Maj,

Have you had a chance to speak with Ray Morrogh. I understand you two may have discussed information which could be pertinent to our investigation, concerning possible "anger issues".

Bryan

Sent from my BlackBerry Wireless Handheld

From: Smith, Sharon
To: Thompson, Paul; Russell, David A.; Farrell, John; Flanagan, Christopher; Hinson, Jeremy; Sterling, John G.; Wallace, John
Sent: 1/31/2014 8:30:00 PM
Subject: Fw: ABC channel 7 @ 11pm

FYI.....

----- Original Message -----

From: Kline, Michael
Sent: Friday, January 31, 2014 08:03 PM
To: Kim, Tonny
Cc: FCPD-Admin Staff Restricted
Subject: Re: ABC channel 7 @ 11pm

Thx
Major Mike Kline
Fairfax County Police Dept
Commander, Internal Affairs Bureau

----- Original Message -----

From: Kim, Tonny
Sent: Friday, January 31, 2014 08:01 PM
To: Burns, Jane A; Owens, Matt; Pirnat, Thea; Forrest, Timothy M; Billeb, Todd; Scianna, Vincent; Day, Darrin; Kline, Michael
Subject: ABC channel 7 @ 11pm

Channel 7 news is having a special report regarding Torres' shooting.

From: Holland, Bryan
To: Flanagan, Christopher; Hinson, Jeremy; Griffith, Cara D
CC: Farrell, John
Sent: 9/3/2013 8:33:40 PM
Subject: Fw: DPSC "Phone Threat" (UPDATE)

We can chat more on this tomorrow..

Sent from my BlackBerry Wireless Handheld

From: Lee, Gun
Sent: Tuesday, September 03, 2013 08:30 PM
To: Holland, Bryan; Farrell, John
Cc: Thompson, Paul
Subject: Fw: DPSC "Phone Threat" (UPDATE)

Just an FYI only

From: Piper, John
Sent: Tuesday, September 03, 2013 08:18 PM
To: Roessler, Edwin C. Jr.; Barrett, Shawn; Ryan, Tom; Arnn, Ted; Day, Darrin; Lee, Gun; Thompson, Paul
Cc: Edmunds, Chris; Piper, John
Subject: DPSC "Phone Threat" (UPDATE)

Sirs,

Here is a brief update on where the phone "threat" investigation from earlier today stands.

We have tentatively identified the caller as:

Darin Lee THOMPSON

White Male

[REDACTED]
FBI [REDACTED]

SSN [REDACTED]

1997: charged with misd domestic assault in Henrico Co VA, found guilty of same
1999: charged with Assaulting a Police Officer in NJ, found guilty of simple assault
1999: charged with misd assault and battery on family member in Henrico Co VA, NP'ed
Works as OTR driver for Mesilla Valley Transportation (according to Facebook)

The call, which lasted less than a minute, stated:

"Hey I seen something on the internet. I see that a couple of Fairfax county pigs murdered a man for not letting them in on an illegal search. I'm thinking how about we the people just drive by and murder a couple of your pigs in retaliation. You fucking assholes work for we the people, we don't work for you, we don't serve you, we don't answer to you. You need to remember were your pay check comes from. Have a good day."

Detective Gubanich (NVRIC-CID) is the lead on this case. He has recovered the CD from DPSC, and is working with our analysts to conduct additional research on this subject's background, associations, etc.,

so we can obtain a more complete threat picture. We have an email into Deputy Commonwealth's Attorney Casey Langan, seeking his guidance on this statement, and whether or not their office will prosecute at this point. We believe the statement is not specific enough to meet the threat code. With only one call, we do not have sufficient probable cause for a violation of the harassing phone call code section; however, we will of course defer to Casey's opinion and proceed accordingly.

Either way, we will continue to further vet this subject, by reaching out to his local Police Department in PA to determine if they have had any additional contacts or local arrests. Once we do this and fully confirm his identify, we can draft a situational awareness bulletin with the subject's identifying information, vehicle info, DMV photo, and a synopsis of his call to DPSC. This bulletin will be shared with FCPD via the BLUENET and email.

I will keep you updated on this case and advise what Casey has to say ref possible prosecution.

Let me know if you have any questions.

Thanks,

John

From: Holland, Bryan
To: Brim, Samuel N; Byerson, Brian J; Cleveland, Michelle; Faett, Steve; Hooke, Brendan D; Mason, Kevin; Matthews, Edward; Mattison, Richard; Nytes, Jonathan D; Pang, Daniel; Thornton, Jesse; Wallace, John; Wolber, Lon A; Hooke, Brendan D; Byerson, Brian J; Castilon, Richard; McGowan, Sally; Anderson, Lester; Sexton, Rick; Dittmer, Patrick; Flanagan, Christopher; Bond, Robert; Bibeault, Daniel; Morris, Connie; Colligan, Brian S.; Pfeiffer, Mark; Stallings, Erik S.; Deane, Eric; Griffith, Cara D; Needels, Stephen M.
Sent: 8/30/2013 4:47:50 AM
Subject: FW: ESR 8-29-13 Mids

From: Powell, Jeff
Sent: Friday, August 30, 2013 4:47:45 AM (UTC-05:00) Eastern Time (US & Canada)
To: FCPD-Dutyprt
Subject: ESR 8-29-13 Mids

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

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

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

STAFFING

[REDACTED]

008C pulled to cover Sta-7 During their OIS then retasked until 0400 to supervise scene security.

[REDACTED]

MISCELLANEOUS

[REDACTED]

SIGNIFICANT EVENTS

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

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

[REDACTED]



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From: Farrell, John
To: Flanagan, Christopher
Sent: 8/30/2013 4:11:38 AM
Subject: Fw: First Draft!

From: Lee, Gun
Sent: Thursday, August 29, 2013 09:47 PM
To: Farrell, John
Subject: Fw: First Draft!

From: Walker, Bud
Sent: Thursday, August 29, 2013 08:52 PM
To: Lee, Gun
Subject: First Draft!

Officer Involved Shooting in Springfield Area

West Springfield Police District - Police are investigating an officer involved shooting that occurred this afternoon. Around 2:40 p.m. officers responded to a domestic dispute in the 7900 block of Pebble Brook Court involving a man who reportedly was armed with a weapon. Upon arrival, officers found the girlfriend outside the residence, who had self-evacuated. Officers also found a number of household items which the man had reportedly thrown outside. The man confronted officers at the door threatening violence towards the officers. Officers commenced negotiating with the man as they tried to have him come out. Preliminary indications are that at some point, one officer fired a single shot that struck the man. The man then barricaded himself inside the residence.

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

The decedent has been identified as John Geer, 46, of 7907 Pebble Brook Court. The officer involved will be placed on administrative leave pending the shooting investigation.

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

PFC Bud Walker
Public Information Officer
Fairfax County Police
[REDACTED]

From: Farrell, John
To: Flanagan, Christopher
CC: Holland, Bryan
Sent: 11/8/2013 3:56:22 PM
Subject: Fw: Followup

Chris - can u read this amnd shoot me a call

----- Original Message -----

From: Torres, Adam D.
Sent: Friday, November 08, 2013 03:52 PM
To: Farrell, John; Hill, Joe R.; Owens, Matt
Subject: Followup

Today I heard what I would consider disturbing news/ rumors concerning my shooting. From one person, who approached me in the cafeteria in the courthouse began asking questions about the shooting. I did not tell him however he told me he heard stories from people at the Mason station that there were/ are ongoing conversations about my "bad shooting" in roll calls and was allegedly heard from the radio on Aug 29. Since I'm not from Mason I wonder how many other stations are getting a hold of their own spin on things especially when those officers werent at the shooting to witness. From West Springfield Ive heard several stories, all on a negative side. Basically it sounds like my reputation around the county is going downhill. On top of that I've been hearing about the great shooting at Mount Vernon a little while ago. And yes I've heard that I shouldn't be worried about what people say, but I'm not sure what anyone is expecting me to think or do when these accusations are going around and I can't do anything about it.

Worst part is I'm stuck wondering where this investigation is heading and no one can tell me anything. All I can hope is someone give me some insight on what to do or expect other than to hang in there, be patient. If/ when I'm cleared of this shooting, is it even worth going back to patrol to deal with the harassment? I'm very aware this is not a very popular shooting among citizens, so when my name gets released, I'm sure ill get some backlash.

Adam Torres

From: Farrell, John
To: Flanagan, Christopher; Holland, Bryan
Sent: 11/8/2013 6:09:33 PM
Subject: Fw: Followup

Draft:

Adam,

Thank you for reaching out and letting me know what happened today. I can't imagine how difficult it must be to have to deal with the rumor mill. I can only represent to you that I have only discussed facts and details of the investigation with my unit and chain of command and the Commonwealth Attorney's office. Unfortunately Monday morning quarterbacking seems to be a part of the police culture and often those who know least talk loudest. I do not know what has gone on at other stations roll calls but I have not contributed to those conversations.

You should be able to come to work without feeling "harassed". I would encourage you to promptly report any behavior that you makes you feel unwelcome at work to IA or through your chain of command.

I think it is very important that you continue building a support system. Incident Support Services provides peer support, department psychologists, and referrals. These are the folks that may be able to help you understand what is going on and how to deal with some of the issues that you are dealing with.

I can only promise you that I am committed to conducting a fair complete and impartial investigation. This is a long process and each officer involved shooting investigation is unique. Once the investigation is complete it will be presented to the Commonwealth Attorney for review. It will ultimately be his job to determine if the facts and circumstances surrounding the shooting justified the actions that were taken that day. Unfortunately the investigation is not yet complete and it would be premature and improper for me to make any representations about my findings until that time.

----- Original Message -----

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Sent: Friday, November 08, 2013 03:52 PM
To: Farrell, John; Hill, Joe R.; Owens, Matt
Subject: Followup

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Worst part is I'm stuck wondering where this investigation is heading and no one can tell me anything. All I can hope is someone give me some insight on what to do or expect other than to hang in there, be patient. If/ when I'm cleared of this shooting, is it even worth going back to patrol to deal with the harassment? I'm very aware this is not a very popular shooting among citizens, so when my name gets released, I'm sure ill get some backlash.

DEF006141

From: Farrell, John
To: Flanagan, Christopher
Sent: 9/18/2013 4:47:45 PM
Subject: FW: Force Science

Fyi – if we need to touch base with them...

Detective John Farrell
Fairfax County Police
4100 Chain Bridge Road
Fairfax, Virginia 22030



From: Owens, Matt
Sent: Wednesday, September 18, 2013 11:17 AM
To: Farrell, John
Subject: Force Science

Good Morning,

I just sent the seized asset paperwork in for the force science school. The dates are November 11-15, 2013 in the event you want to meet with them at that time.

Matt

From: Farrell, John
To: Flanagan, Christopher; Hinson, Jeremy; Griffith, Cara D; Holland, Bryan
Sent: 1/31/2014 7:19:12 PM
Subject: Fw: Fwd: geer

More to come tonight at 11.

From: John Farrell [REDACTED]
Sent: Friday, January 31, 2014 07:18 PM
To: Farrell, John
Subject: Fwd: geer

Sent from my iPad

Begin forwarded message:

From: John Farrell <[REDACTED]>
Date: January 31, 2014 at 7:15:32 PM EST
To: [REDACTED]

<http://www.wjla.com/articles/2014/01/john-geer-death-friends-family-question-investigation-99791.html>

Sent from my iPad

From: Walker, Bud
To: Farrell, John
CC: Billeb, Todd; Kline, Michael; Flanagan, Christopher; Morgan, Ryan W.
Sent: 7/10/2014 1:31:43 PM
Subject: FW: Fwd:

Hey John,

I will be working on this for you.

I am starting now so I should have a quick turnaround but let me ask anyway; do you have a deadline?

And in case you need it, I compiled the media coverage immediately right after the shooting; including a video of all the TV stories.

-Bud

From: Morgan, Ryan W.
Sent: Thursday, July 10, 2014 1:19 PM
To: Azcarate, Eduardo
Cc: Walker, Bud
Subject: Re: Fwd:

Ok thanks

Sent from my iPhone

On Jul 10, 2014, at 1:18 PM, "Azcarate, Eduardo" <[REDACTED]> wrote:

Lt. Bud will handle. This was his case.

Eddy

MPO Eduardo J. Azcarate
Fairfax County Police

On Jul 10, 2014, at 13:15, "Morgan, Ryan W." <[REDACTED]> wrote:

Can you coordinate please? Let me know if there are any logistical issues

Sent from my iPhone

Begin forwarded message:

From: "Farrell, John" <[REDACTED]>
Date: July 10, 2014 at 1:13:12 PM EDT
To: "Morgan, Ryan W." <[REDACTED]>
Cc: "Laitinen, Joshua B" <[REDACTED]>, "Kline, Michael" <[REDACTED]>, "Flanagan, Christopher" <[REDACTED]>

Lt. Morgan,

Can you have somebody from PIO assist in compiling up any (recent – last 2 months or so) news articles/videos /coverage involving the officer involved shooting (August 29, 2013) resulting in the death of John Geer.

Thanks!

Detective John Farrell
Fairfax County Police
4100 Chain Bridge Road
Fairfax, Virginia 22030



From: Farrell, John
To: Flanagan, Christopher; Griffith, Cara D; Hinson, Jeremy
Sent: 11/15/2013 1:59:31 PM
Subject: FW: Geer shooting
Attachments: violent post.PNG

Detective John Farrell
Fairfax County Police
4100 Chain Bridge Road
Fairfax, Virginia 22030



-----Original Message-----

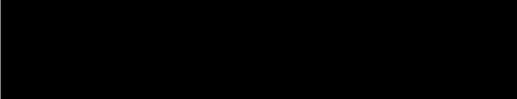
From: Farrell, John
Sent: Friday, November 15, 2013 1:59 PM
To: Holland, Bryan
Subject: Geer shooting

Lt. Holland,

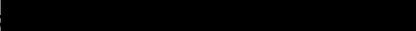
The below listed website has generated some pretty threatening posts. I wanted to forward this to you for officer safety reasons. I think this is information that should be taken into account when the time comes to make the decision about releasing the officer's name.

Additionally I have attached a post that should probably be forwarded to FWCO police department for informational purposes.

Detective John Farrell
Fairfax County Police
4100 Chain Bridge Road
Fairfax, Virginia 22030



-----Original Message-----

From: John Farrell [mailto:
Sent: Thursday, November 14, 2013 10:58 PM
To: Farrell, John
Subject:

<http://www.policestateusa.com/2013/john-geer-shot-by-police/>

Sent from my iPad

From: Holland, Bryan
To: Hardy, James
CC: Farrell, John; Flanagan, Christopher; Hinson, Jeremy; Griffith, Cara D
Sent: 11/15/2013 2:50:38 PM
Subject: FW: Geer shooting
Attachments: violent post.PNG

Jim,

Ref our conversation, here is the information. This post is from an officer involved shooting we had in Aug in the West Springfield area. Above is the post which is taken directly from the link below which carries the article.

PWCO PD should be aware of this post and the address for officer safety reasons!

John Farrell who is our lead detective in our OIS, or myself can be contacted if there are any questions.

Thanks again Jim,
Bryan

From: Farrell, John
Sent: Friday, November 15, 2013 1:58 PM
To: Holland, Bryan
Subject: Geer shooting

Lt. Holland,

The below listed website has generated some pretty threatening posts. I wanted to forward this to you for officer safety reasons. I think this is information that should be taken into account when the time comes to make the decision about releasing the officer's name.

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Detective John Farrell
Fairfax County Police
4100 Chain Bridge Road
Fairfax, Virginia 22030

-----Original Message-----

From: John Farrell [REDACTED]
Sent: Thursday, November 14, 2013 10:58 PM
To: Farrell, John
Subject:

<http://www.policestateusa.com/2013/john-geer-shot-by-police/>

Sent from my iPad

From: Farrell, John
To: Flanagan, Christopher; Holland, Bryan
Sent: 9/5/2013 10:45:11 AM
Subject: FW: John Geer's cell phone

Detective John Farrell
Fairfax County Police
4100 Chain Bridge Road
Fairfax, Virginia 22030



From: DON GEER [mailto:
Sent: Thursday, September 05, 2013 10:28 AM
To: Farrell, John
Subject: John Geer's cell phone

Please return John's cell phone as quickly as possible. Thank you for sending the contact list. However, that is a working cell phone in support of John's business. He never used his land line only his cell. Therefore, any orders he may have placed, delivery times and places, customer calls are all done via cell phone. If the phone is not in our possession and activated, we cannot be contacted by any of his suppliers, customers, etc. and apparently his records were mostly in his head. I cannot see any justification for the police keeping the phone which has nothing to do with the investigation and is none of their business in the first place. As to a criminal investigation, I believe you know who the criminal was and it was not John.

Thank you for your cooperation on this matter.

Anne Geer

From: Farrell, John
To: Flanagan, Christopher
Sent: 9/16/2013 1:24:16 PM
Subject: FW: Kushner
Attachments: Kushner.docx

Detective John Farrell
Fairfax County Police
4100 Chain Bridge Road
Fairfax, Virginia 22030



From: Quinn, Karol
Sent: Thursday, September 12, 2013 8:41 AM
To: Farrell, John
Cc: Quinn, Karol
Subject: Kushner

Kushner transcript

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 11, 2013

BIBEAULT: 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 INAUDIBLE 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 INAUDIBLE 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: INAUDIBLE

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 INAUDIBLE

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 INAUDIBLE

BIBEAULT: So all of a sudden you just hear over the radio INAUDIBLE?

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 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 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: How did you hear it, 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 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 you, 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 shot 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 INAUDIBLE 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 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 it's Amanda 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: It 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. Btu 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, theres 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 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 Sunday 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 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 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 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 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 that 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.

Transcribed on 9/11/2013

By Karol L. Quinn, Administrative Assistant

From: Farrell, John
To: Flanagan, Christopher
Sent: 9/10/2013 2:48:42 PM
Subject: FW: Manzo Interview
Attachments: Manzo.doc

Detective John Farrell
Fairfax County Police
4100 Chain Bridge Road
Fairfax, Virginia 22030



From: Winter, Brenda
Sent: Sunday, September 08, 2013 3:52 PM
To: Flanagan, Christopher; Farrell, John
Subject: Manzo Interview

holy smokes.....there are more inaudible in this one (23 to be exact), lots of personal talking in beginning that was hard to hear and a few over talking each other, inaudible's are highlighted so you are prepared and maybe you know what is being said.

Fairfax County Police Department
Major Crimes Division - #20132410242
LIEUTENANT RONALD MANZO

BIBEAULT: 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: (Inaudible) I had these three cases you know, there's a
(inaudible) Kathy had cases sitting in here involved that
last a long time.

LAITINEN: Uh huh.

MANZO: Parker, we (inaudible) what'd we say 30 days which is
unrealistic.

BIBEAULT: Yeah.

LAITINEN: That's unbelievable.

Fairfax County Police Department
Major Crimes Division - #20132410242
LIEUTENANT RONALD MANZO

MANZO: We should turn around and say, after twelve months, in you haven't....

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 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: (inaudible)

LAITINEN: Fourteen IA cases.

MANZO: (Inaudible)

LAITINEN: Crazy, crazy.

MANZO: I remember when I was walking out of there, after my temp when you guys were up there and, (inaudible) 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.....

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LAITINEN: It's hard.

MANZO: (inaudible)

LAITINEN: It's a hard job.

MANZO: The quality (inaudible)

LAITINEN: You ready?

BIBEAULT: They have to tell you stuff, 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 its IA's fault.
(inaudible)

LAITINEN: Oh, ah.

MANZO: It's going to be screaming.

BIBEAULT: We've done three interviews in, all two of them we've had radio traffic come on so we thought might (inaudible)

LAITINEN: (laughs)

BIBEAULT: Apparently not.

LAITINEN: No.

MANZO: (inaudible) so you can't stop it, just keeps going all the way

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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, (inaudible) radio traffic, including supervisors, the guys and I guess....

BIBEAULT: You were in your office and you just hear this....

MANZO: Yeah.

BIBEAULT: The speaker.....

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.....

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BIBEAULT: Over the radio?

MANZO: 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 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, our 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, you know 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 go 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

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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 firing stance, (inaudible) 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 about ready to (inaudible) 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,

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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, that I was calling him Dave, but anyways, um, he was running around to the left of the townhouse and I think he was controlling 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 exactly they 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 the house or whatever, sometimes they'll yell out a 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, they guy had a gun and he explained it all to me, I said ok, I concur with you on

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the decision and then uh, so we're talking and 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 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

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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 the bottom of 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, all of a sudden 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,

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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 standing at the Command Post, the unified command came into effect with the fire department, then we started calling everybody else, and we kept a perimeter on the house, established um, I later found out that Dave, well 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 secure and in place, we did reverse calls and that kind of stuff, he wanted to go through all that, I mean I was more concerned about what I saw at the incident.....

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BIBEAULT: Um.

MANZO: Once we pulled back and we started following our training as far as incident command, unified command, we put on our vest, we started making sure people were accounted for, we counted, locations, what units, like 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 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
(inaudible)

MANZO: No....

BIBEAULT: (inaudible)

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MANZO: No so, as I'm driving there I'm hearing...

BIBEAULT: Traffic.

MANZO: When I get there...

BIBEAULT: 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 don't know what to 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

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extended, um, and he wasn't following directions, and so his hands were slowly moving, and they wanted, and this, the guys calling, (inaudible) he's armed, so they come down with 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: Joca, 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 (inaudible)

BIBEAULT: Any non-officers there?

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MANZO: Any non-officers?

BIBEAULT: Yeah.

MANZO: Nine or non?

BIBEAULT: Non.

MANZO: I'm sorry, um, what do you mean like family members?

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 is strong 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

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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: Down on where you were?

MANZO: They're not where I was.

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 took cover to his face, and I said, get him out of the scene, get him back, get him back, get him back, and then I start 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

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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: No.

BIBEAULT: 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.

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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, yeah, we (inaudible)

BIBEAULT: (inaudible) 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, go so no one would sideswipe the 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

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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)

From: Deane, Eric
To: Flanagan, Christopher; Farrell, John
Sent: 8/29/2013 9:25:11 PM
Subject: Fw: OCME response?

I can call OCME if you want...

From: Becker, Stephanie (VDH) [REDACTED]
Sent: Thursday, August 29, 2013 09:23 PM
To: Bond, Robert; Wallace, John; Bibeault, Daniel; Colligan, Brian S.; Needels, Stephen M.; Mullins, Richard; Morris, Connie; Deane, Eric; Stallings, Erik S.
Subject: OCME response?

If you want someone to come out, let me know now. [REDACTED] gets on at 11.

Stephanie Becker, BA, MS, D-ABMDI
Medicolegal Death Investigator
Office of the Chief Medical Examiner of VA
Northern District

[REDACTED]

From: Peters, Charles K
To: Flanagan, Christopher
CC: Ligan, Casey; Morrogh, Ray F.
Sent: 9/13/2013 2:35:45 PM
Subject: FW: Officer Torres
Attachments: Scan.pdf

Chris – Attached is a scan of my notes from Torres' case. It was 3/5 and Courtroom 1E. The defense attorney for Torres case was Kyle Manikas (former ACA) and he may have been in the alcove just outside the witness room also. One of the other officers present was Mike Wheeler from Franconia.

Below is the note I sent to Casey outlining what had occurred.... Chuck

From: Peters, Charles K
Sent: Tuesday, March 05, 2013 3:51 PM
To: Ligan, Casey
Subject: Officer Torres

FYI – I had a DWI with FCPD Officer Torres today. We were going over the case in the attorney room and there was an issue with his RS for the stop. He confused the DMV drivers manual with the state code regarding signaling a lane change. Weird but no big deal. Two senior officers were in the room and couldn't believe the guy was so dense (and a total jerk to me). I had him come back in the room one on one and just told him that nobody knows everything and I learn something new every day. He had a total meltdown that prosecutors suck and West Springfield sucks and he cant wait to leave the job. I was cool and just told him that we all need to work together and help each other and he stormed out. Officers waiting in the alcove heard his ranting and came in to assist.

I considered firing a nuclear missile at him but I know from experience you don't like to do that to keep the relationship good. I completely respect that. I just wanted you to be aware in case the other officers say something about him being a jerk to a prosecutor.

3/5/13 IE Judge Cassidy

NP, NPH, wet rubber

11/26/12 1934

DWI - 1st Refusal

Jerry Phillips

Acc - Westwood drvr - A admit T bare bus while on phone - early s/c P/k

Small Aq in A - denied driving " (Sears) gave PD parant

FSTs

1G - toe not pointed -> 15V

9SWT - slow 1-2 not HT - rest ok

K -> U - fine

PBT = .102

IC refused - Bm - mag white
a - near white
Dot tongue - to get to bleed -

refused blood
Chapman - look in mouth
no blood in mouth
no breath test
not see soap
"did not"
other blood
refused
Blood - lips - until
till test -
Breedly test case

FTUP
DX?
ACC
W = bus driver
Driving?
is also same acc?
3 hrs?
date 5
4/2
4/2

DWES
FTUA
BT = Kevin Brown
W Spangher
NP
dates
4/1/13
4/1/13

2/8/13

DWI - 1st

Kyle Manikas

606 pm

.11

S/B Rother Rd - improper lane change - no turn signal
TS - veh continue S/B several blocks -> red light; PD exit + A keep going when green
A -> Keene Hill s/c -> BBT - not in park space - middle of aisle.

"didn't know why PD try to stop him so keep going" "I shut thr power"

FST - content 9SWT - began 1/6 - 9 turn then 1-9 no HT

D -> S skip Q + R Best - ok PBT = .09

ASAP .11

(Mash?)

+3
RD 2004
(Dart)

Sloan

1/12/13

Aggravated
868.1

RT 80 WB A passed PD on R lane - A up to land
over tailgate 44 in (18"), shoots to (R) lane
PD par 68/45 - down compute "kiss at him by
feels"

1 up
40

3/5/13 IE Judge Cassidy

NP, NP, NP
wet rubber

11/26/12
1934

DWI - 1st
Refusal

Acc - Westwood Chr Dr - A admit T bare bus while on phone - early s/c P/k

Small Acc in A - denied driving " (S) gave PD parent

F&T's

1(S) - toe not pointed -> 15V

9SWT - slow 1-2 not HT - rest ok

K -> U - fine

PBT = .102

IC refused - Bm - mag white
" - near white
" Dot tongue - to get to bleed -

refused blood
Chapman - look in mouth
no blood in mouth
no blood in rest
not see soap
" did not see"
other blood
refused
Blood - lips - until
till test -
Breedly test can

FTUP
DX?
ACC
W = bus driver
Driving?
is also same acc?
3 hrs?
date - 5
4/2
4/2

TONES
FTUA
BT = Kevin
W Spangher
NP
dates
4/1/13
4/1/13

2/8/13

DWI - 1st

Kyle Manikas

606 pm

.11

SB Rother Rd - improper lane change - no turn signal
TS - veh continue SB several blocks -> red light; PD exit + A keep going when green
A -> Keene Hill s/c -> BBT - not in park space - middle of aisle.

"didn't know why PD try to stop him so keep going" "I shot thr pan"

F&T - content 9SWT - began "1-6-9 turn then 1-9 no HT

D -> S skip Q + R Best - ok PBT = .09

ASAP .11

(M) (M)

+3
RD 2004
(Dart)

1/12/13

Aggravated
868.1

[Redacted]

RT 80 WB A passed PD on R lane - A up to land
over tailgate 44 in (18"), shoots to (R) lane
PD par 68/45 - down compute "kiss at him by
feels"

1 up
40

From: Holland, Bryan
To: Bibeault, Daniel; Bond, Robert; Deane, Eric; Stallings, Erik S.; Smit, Colin C.; Kroll, David; Chambers, Frederick K.; Owens, Matt; Cleveland, Paul; Kellam, James; Kim, Tonny; Day, Darrin
CC: Farrell, John; Flanagan, Christopher; Griffith, Cara D; Hinson, Jeremy
Sent: 8/30/2013 12:02:58 PM
Subject: FW: OIS

Short notice, I know... having a quick debrief to ensure we have everyone interviewed from yesterday as we are trying to get some things done this afternoon. Going for 1230 on the 9th floor conference room. I know people are off, if we have any questions about who you may have interviewed or to clarify something; we may call you.

Thanks

From: Winter, Brenda
To: Flanagan, Christopher; Farrell, John
Sent: 9/24/2013 9:34:06 AM
Subject: FW: Shooting Transcripts
Attachments: Radio Traffic Track04.doc; Radio Traffic Track05.doc

See below.

From: Angilletta, Kristen
Sent: Tuesday, September 24, 2013 9:33 AM
To: Winter, Brenda
Subject: Shooting Transcripts

Brenda,

Here are the 2 radio traffic transcripts. I don't have too much faith in the one for Track04. I find the radio traffic one's so difficult because I never know who is talking and it's constant back and forth. All the actual communications and textual information is there, but I can't say how accurate the Q and A portion is. Not sure if that really matters or not. I would fill in the names whenever I heard them, but most of the time it is "unknown officer". There were also a lot of inaudible's that are highlighted for review. Do the detectives actually review the typed transcripts down there? Anyways, just come up on to get the CD whenever you have time.

Thanks,

Kristen Angilletta
Administrative Assistant
Fairfax County Police Department
Internal Affairs Bureau
4100 Chain Bridge Road
Fairfax, VA 22030



Fairfax County Police Department
Criminal Investigations Bureau
RADIO TRAFFIC TRACK04

- Q: **UNKNOWN OFFICER:** Hey Matt about how far off are you?
- A: **MATT:** Half a mile. Do we have a, like a command post location or a rally point yet?
- Q: Negative. Everybody's set up on the house out front. We need to get some units in the back. I'm up uh, 7946 Pebble Brook.
- A: Alright. I'll do that for now instead. I got some binoculars.
- Q: Hey Ben, did you go to the back?
- A: **BEN:** Negative. I'm not sure who's at the back.
- Q: Direct. Go ahead. (INAUDIBLE) 22.
- A: **UNKNOWN OFFICER:** Yes sir, go ahead. Go ahead LT.
- Q: **UNKNOWN OFFICER:** Carpenter (INAUDIBLE)
- A: **UNKNOWN OFFICER:** 731 Charlie. Copy ops 1.
- Q: **UNKNOWN OFFICER:** Yeah.
- A: **UNKNOWN OFFICER:** Hey, can you come up here to the uh, command bus? We have a uh, assignment we got to take care of up here.
- Q: **UNKNOWN OFFICER:** 1 minute.
- A: **UNKNOWN OFFICER:** 731 Charlie you copy ops?
- Q: **UNKNOWN OFFICER:** Hey Doug, he was talking to somebody. I'm down

Criminal Investigations Bureau
Radio Traffic Track04

here what can I do for you?

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

Q: **UNKNOWN OFFICER:** Okay.

A: **KEVIN:** Hey Doug.

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

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

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

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

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

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

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

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

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

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

Q: **UNKNOWN OFFICER:** (INAUDIBLE)

Criminal Investigations Bureau
Radio Traffic Track04

- A: **UNKNOWN OFFICER:** 730 OPS on ops.
- Q: **UNKNOWN OFFICER:** Go.
- A: **UNKNOWN OFFICER:** Hey, I don't know if you're in close. You can 22 him with the homeowner. It looks like it's a uh, mistake (INAUDIBLE).
- Q: **UNKNOWN OFFICER:** Paul Thompson you copy on 7 ops 1?
- A: **UNKNOWN OFFICER:** Hey Kevin or Matt any news from up front? Hey Matt do you copy ops?
- Q: **MATT:** Go ahead.
- A: **UNKNOWN OFFICER:** Hey uh, word from (INAUDIBLE) coming down yet?
- Q: **MATT:** Negative.
- A: **UNKNOWN OFFICER:** Alright. Thanks.
- Q: **UNKNOWN OFFICER:** (INAUDIBLE) I got my cell phone. I'll bump a call in up there and check in. Hey Doug FYI I got no response. I'll let you know.
- A: **UNKNOWN OFFICER:** Alright. No problem.
- Q: **UNKNOWN OFFICER:** Hey Doug copy.
- A: **DOUG:** Go ahead.
- Q: The boss just called me. He's working it.
- A: Alright. Great. If uh, you have a runner free I could take uh, some water back here if you got any.
- Q: Yeah. I'll send somebody back. Randazzo you copy ops?

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- A: **RANDAZZO:** Yeah, go ahead for Randazzo.
- Q: Hey, what's your ETA back to the station?
- A: I'm at the light for Rolling and Old Keene right now.
- Q: Alright. This is disorderedly holding. When you get back I'll back you on it. Just let me know when you're (INAUDIBLE).
- A: Alright. I'm direct.
- Q: **UNKNOWN OFFICER:** Horn you copy ops?
- A: **HORN:** Go ahead.
- Q: I just talked to the captain um, Earrit's car is still in the uh, parking lot up here with all the other vehicles that were in the cul de sac that they have moved. That's all been taken back to the station.
- A: Okay. So, your car is gone as well?
- Q: According to the captain, yes 'cause mine was up there at the cul de sac. So, everything that was up there has been taken back.
- A: Okay.
- Q: **EARRIT:** Hey Doug, am I allowed to go up there and retrieve my car myself?
- A: **JOE HILL:** Hey Earrit, this is Joe Hill. Yeah, if you can get a ride down there you can go and bring it back. If you can't get a ride let me know. I'll come get you.
- Q: 10-4. Thanks captain.
- Q: **210 ALPHA:** 710 Alpha you cops on ops 1? This is 210 Alpha. 710 you

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cops ops 1? It's 210.

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

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

Q: **UNKNOWN OFFICER:** (INAUDIBLE) on ops 1.

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

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

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

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

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

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

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

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

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

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

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

Q: They meaning CIB or relief? Both -

A: Go ahead LT.

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Q: When the time comes we're set for cars. Lingenfelter's car's still here and I'm gonna bring (INAUDIBLE) car up.

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

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

A: **MATT:** Okay.

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

A: **UNKNOWN OFFICER:** Okay. I'm here (INAUDIBLE).

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

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

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

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

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

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

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

A: **721 ALPHA:** Someone (INAUDIBLE) for 721 Alpha.

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

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

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

A: Go ahead.

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Q: As soon as the last media vehicle leaves the perimeter's gonna be collapsed down to where we have the (INAUDIBLE) out here. One of the midnights guys will take over for me at that point and then uh, the captain's working on getting you somebody.

A: Direct. Thank you. I appreciate it.

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

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

Q: I will.

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

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

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

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

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

Q: **UNKNOWN OFFICER:** (INAUDIBLE) on ops.

A: **UNKNOWN OFFICER:** Yeah.

Q: Hey this is Cottei. I'm up front. Looks like we got one van still taking a live shot and hopefully they'll be out of there soon. I'm here to relieve one of

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your guys. I'll send a message here if we can get something.

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

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

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

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

A: Hey, what door are you at?

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

A: 10-4.

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

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

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

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

Q: Direct. Thank you.

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

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

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

Q: Direct. Coming up front.

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

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

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

Q: I'm direct. Thanks.

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

Fairfax County Police Department
Criminal Investigations Bureau
TRACK05

- Q: **UNKNOWN OFFICER:** TAC 51.
- A: **PAUL:** Mark Smith are you on 7 ops 1?
- Q: **MARK SMITH:** Yeah, go ahead. 7 ops 2.
- A: (INAUDIBLE) 7 ops 2. Hey Mark, it's Paul. Um, (INAUDIBLE) is not available 'cause he's at a doctor's appointment with his daughter and (INAUDIBLE) is not available. We have no uh, tac medic uh, representation at the command post. Can you guys maybe come down to the command post in a cruiser and serve as command post liaison? And that way (INAUDIBLE) this guy you'll be right here to start treatment.
- Q: Okay. If you can arrange to have uh --. Are you near the command post and arrange for a cruiser?
- A: Alright. I can't do that. I'm on the HRV. We're getting ready to make entry. So, I'm going in.
- Q: Okay.
- A: **UNKNOWN OFFICER:** Lieutenant Davenport do you copy ops? Hey LT, are you near your phone?
- Q: **LT DAVENPORT:** Yeah, go ahead. It's Davenport.
- A: Hey Lieutenant Davenport are you near your phone?
- Q: Yes sir. It's in my hand.

Criminal Investigations Bureau
Track05

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

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

From: Holland, Bryan
To: Russell, David A.
CC: Farrell, John; Flanagan, Christopher; Thompson, Paul
Sent: 1/31/2014 9:10:13 PM
Subject: Fw:

Captain, I just want to share a few concerns we have with today's discussion about Geer.
Thank you

Sent from my BlackBerry Wireless Handheld

From: Flanagan, Christopher
Sent: Friday, January 31, 2014 07:06 PM
To: Holland, Bryan; Farrell, John
Subject: Re:

If it means anything...I agree 100 percent. We communicate with families in all of our cases throughout the investigation. I think it may undermine our credibility with families if we tell them some things and other police contacts relay other things. I suspect a family would question why the detectives have been in touch with them throughout the case and now their not sharing info that someone else is. I can't think of a reason why the detective wouldn't be the one to give them this info since we're the ones that meet with them when officers are cleared.

From: Holland, Bryan
Sent: Friday, January 31, 2014 05:28 PM
To: Farrell, John
Cc: Flanagan, Christopher
Subject: Re:

Thank you for the update John .. I agree w/ you and your assessment. We should notify them and keep that line of communication open.

I'll touch base w/ the Captain and Major on Monday to voice those concerns.

Sent from my BlackBerry Wireless Handheld

From: Farrell, John
Sent: Friday, January 31, 2014 03:55 PM
To: Holland, Bryan
Cc: Flanagan, Christopher
Subject:

LT. Holland,

I was notified by Ray Morrogh today that the FBI will be the lead federal agency on the Geer shooting. He did not have the name of the agent(s) or US attorney that will be handling the investigation. We discussed notifying the Geer family of the federal review and Mr. Morrogh supported notifying them.

After speaking with you I later met with Captain Russell, Lt. Thompson and Major Smith and advised them (as we discussed) of my plan to call the Geer family. The purpose of the call was to simply update them and not to discuss the issues with the employment records. They felt that it would be necessary to advise Chief Roessler first. I was later advised by Lt. Thompson that the Chief would handle the notification however he wanted direction from Mr. Morrogh in order to initiate communication.

I later learned from Lt. Thompson that Mr. Morrogh declined to direct the Chief to notify the family. It is my understanding that the family will not be notified at this time.

At this point I am not sure how, if, or when the family will be notified of the federal review. Obviously if they learn of it from outside sources it will contribute to their concerns of mistrust and cover ups. I feel that I am responsible for keeping them and Officer Torres up to date with the status of the investigation and am unable to do so based on what happened today. I feel the best course of action is for me to continue communicating with the family directly to the degree that the information that I share with them does not hinder the local or federal investigation.

We can touch base on this next week. Just wanted to keep you in the loop.

Detective John Farrell
Fairfax County Police
4100 Chain Bridge Road
Fairfax, Virginia 22030



From: Morrogh, Ray F.
To: Flanagan, Christopher; Farrell, John
CC: Suarez, Ceal
Sent: 5/1/2014 12:25:15 PM
Subject: Geer case

Chris/ John

Hi guys hope all is well. Did you guys tape your interview with the Chief regarding your interview of him concerning his interactions with the shooting officer on the night of the incident? Is there a report of that interview? Casey is off since his wife just had the baby and I think he has the reports now. If you have a report can you send a copy over here?

Thanks Ray

From: Farrell, John
To: Flanagan, Christopher; Morrogh, Ray F.; Ligan, Casey
Sent: 11/13/2014 9:46:42 PM
Subject: Geer case

John Farrell

Begin forwarded message:

From: John Farrell [REDACTED]
Date: November 13, 2014 at 9:45:28 PM EST
To: John Farrell [REDACTED]

http://www.washingtonpost.com/local/grassley-demands-answers-from-fairfax-police-us-attorney-in-john-geer-case/2014/11/13/61bcbbe8-6b78-11e4-b053-65cea7903f2e_story.html

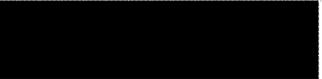
Sent from my iPad

From: Carr, Annemarie
To: Flanagan, Christopher; Farrell, John
Sent: 9/18/2013 9:00:44 AM
Subject: Hanidias transcript
Attachments: Ofc Erit Hanidias.docx

As always, please let me know if you need me to fix anything.

By-the-way Chris, please be impressed how I solved our NAME problem in the first column. LOL

Annemarie Carr
Administrative Assistant
Major Crimes Division
4100 Chain Bridge Road
Fairfax, VA 22030



Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 17, 2013

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 Belck 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 affect. 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: Uhhh, 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. Uhhh, but by that point, uhhh, 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. Uhhh, 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. Uhhh,

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: Uhhh, 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. Uhhh, Kyle and I cut through the back ... or K-9 and I cut through the back from pretty far away – 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 Jocca 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 Jocca 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 their 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 peak 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 ... Jocca. And as I was standing there I heard a, uhmm, I heard a loud – I heard a loud bang. When I peaked ...

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: Uhhh, I don't know who or what or how it took place. When I peered around the corner, I see Officer Parker make, uhhh, moving from his point of cover towards me and I move up to Officer Torres. I think there still a house between us – between Officer Torres and us, and I said to Officer Torres, I said, uhhh, "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: Uhhh, 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 shot 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 Jocca 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: Uhhh, 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 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. Uhhh, 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. Uhhh,

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: Uhhh, 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: uhhh, but I don't remember hearing anything.

Bond: Ok. ... And just, uhhh, 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. Uhhh, I think that's about it. Pretty straight forward. Ok. Anything else that I haven't asked that you think might be important?

Hanidias: Uhhh,

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.

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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.

Transcribed on 09/17/2013

By Annemarie Carr, Administrative Assistant

From: Farrell, John
To: Holland, Bryan; Flanagan, Christopher
Sent: 8/29/2013 11:49:32 PM
Subject: IMG-20130829-00338.jpg
Attachments: IMG-20130829-00338.jpg

to be searched is: 170 / Pebble Brook Court, Spring

The items to be searched for are:

guns, ammunition, documents, cell phone, electronic devices, blood, forensic evidence, any items related to the officer involved shooting.

x4 Mauro J. Singh
Person consenting to search

Date: 8/29/2013

Date of search: _____

Time of search: _____

From: FCPD Bluenet
To: FCPD
Sent: 8/29/2013 6:10:26 PM
Subject: Immediate Awareness - Officer Involved Shooting

Announcements

Officer Involved Shooting has been added

[Modify my alert settings](#) | [View Officer Involved Shooting](#) | [View Immediate Awareness](#) | [Mobile View](#)

Title: Officer Involved Shooting

Body: There was an officer involved shooting earlier this afternoon. The officer involved is unharmed. All of the appropriate resources have responded and are assisting with the officer's well being.

Please do not call DPSC, the PLC, or your station at this time. The next Event Summary Report will contain updated information.

Expires: 8/29/2013 11:59 PM

Point of Contact: LT Tor Bennett

Last Modified 8/29/2013 6:10 PM by Bennett, Tor

From: Farrell, John
To: Laitinen, Joshua B
CC: Flanagan, Christopher
Sent: 9/10/2014 10:50:04 PM
Subject: John Geer OIS

http://www.washingtonpost.com/opinions/the-unaccountable-death-of-john-geer/2014/09/05/29d36d96-339a-11e4-a723-fa3895a25d02_story.html

In the comments section of this article there is a posting that where the author [REDACTED] suggests that the citizens of Fairfax should extract revenge Michael Kennedy style.

I have been in communication with Adam regarding this posting and he is rightfully concerned. It can you please forward this to the intelligence unit tomorrow for a threat assessment. Additionally this should be included in any future analysis regarding the release of names in this officer involved shooting.

I will forward a copy of this email to Adam so he is direct on our actions.

Thanks!

John Farrell

DEF006233

From: Szuminski, William
To: Flanagan, Christopher
Sent: 8/30/2013 12:33:06 PM
Subject: just got in

Running late, do you need crime scene at the debrief?

Detective William Szuminski
Investigative Support Bureau
Crime Scene Section

Sent via Blackberry

From: Winter, Brenda
To: Flanagan, Christopher; Farrell, John
Sent: 9/27/2013 3:54:07 PM
Subject: KUSHNER
Attachments: KUSHNER.doc

Fairfax County Police Department
Major Crimes Division - #20132410242
OFFICER BENJAMIN ZEDIKIA 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 Zedikia 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 when we arrived, and then once we arrived, we didn't receive a briefing or anything per say.....

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 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.....

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OFFICER ADAM DANIEL TORRES PART II
September 4, 2013

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, expect 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, (inaudible) like 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.

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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 shift 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, on 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, (inaudible) 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 a 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 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 (inaudible)

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?

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FLANAGAN: Up for the shooting yeah.

KUSHNER: Uh, patient, I mean he was, talking to Mr. Geer, engaging in conversation anytime you get ready 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 the 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 or 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?

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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, covering 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

Fairfax County Police Department
Major Crimes Division - #20132410242
OFFICER ADAM DANIEL TORRES PART II
September 4, 2013

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.

This statement has been typed as recorded/(bkw)/ (September 27, 2013)

From: Winter, Brenda
To: Flanagan, Christopher
Sent: 9/4/2013 4:28:46 PM
Subject: Kyle Kunstel
Attachments: Kyle Kunstel.doc

Please let me know of any changes. There were only like 2 words I couldn't understand.

See you tomorrow.

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.

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

KUNSTEL: **Matthew Kyle Kunstel.**

FLANNAGAN: And uh what's your EIN?

KUNSTEL: Uh, 308280.

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

KUNSTEL: September 11, 2000.

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

KUNSTEL: West Springfield District Station.

FLANNAGAN: And that's a, patrol capacity?

KUNSTEL: Yes sir.

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

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

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

KUNSTEL: I was assigned to K9 Section.

Major Crimes Division - #20132410242
OFFICER MATTHEW KYLE KUNSTEL
August 29, 2013

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

KUNSTEL: Uh, almost 2 years.

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

KUNSTEL: Yes it is.

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

KUNSTEL: Max.

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

KUNSTEL: I did.

FLANNAGAN: Where was that?

KUNSTEL: Narcotics Section.

FLANNAGAN: 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.

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

KUNSTEL: It's just live bullets.

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

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

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

KUNSTEL: I do.

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

Major Crimes Division - #20132410242
OFFICER MATTHEW KYLE KUNSTEL
August 29, 2013

KUNSTEL: 12.

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

KUNSTEL: I have not.

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

KUNSTEL: I have not.

FLANNAGAN: 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.

FLANNAGAN: Ok, were you already out on the street at the time of the call?

KUNSTEL: I was.

FLANNAGAN: Ok, what's your designator?

KUNSTEL: K9-10.

FLANNAGAN: 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 calls.

FLANNAGAN: 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.

FLANNAGAN: Alright.

KUNSTEL: Or I can be requested.

FLANNAGAN: 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.

FLANNAGAN: Do you recall, how the call was dispatched?

KUNSTEL: Uh, I believe it this call, uh, originally dispatched as a domestic dispute.

FLANNAGAN: 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.

FLANNAGAN: Ok, and do you recall any other radio traffic?

KUNSTEL: Uh, radio traffic that um, at that point was your, 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.....

FLANNAGAN: Uh huh.

KUNSTEL: Um, and that uh, he said that, he didn't want anybody coming in the back of the house or otherwise things would be escalated, uh, it 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 (inaudible) perimeter.

FLANNAGAN: Um, you mentioned there may have been weapons in the house.....

KUNSTEL: Uh huh.

FLANNAGAN: 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.....

FLANNAGAN: 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 it was mention of, rifles in the house, and um, uh, possible shot guns in the house, and hand guns.

FLANNAGAN: 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 this thing escalated so, we agreed that we wouldn't drive lights and sirens and or, you know so that he wouldn't.....

FLANNAGAN: Uh huh.

KUNSTEL: Hear us coming and think things were getting escalated, as we pulled on uh, on the street we parked, uh at the top of uh, Pebble Brook.....

FLANNAGAN: Pebble Brook.

KUNSTEL: 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 of the front, so we'd have a dog at the front and a dog at the back, um, at 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 Lingenthal and Officer Hanidias 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.....

FLANNAGAN: When, when you say you are behind the townhouses, are they on the right or on the left?

KUNSTEL: On the right hand side.

FLANNAGAN: Ok.

KUNSTEL: So as you come down the hill we're on the right hand side.

FLANNAGAN: Ok.

KUNSTEL: Um with the target house, at the bottom of the hill.....

FLANNAGAN: Ok.

KUNSTEL: Facing up, um, we went over 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.

FLANNAGAN: 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.....

FLANNAGAN: 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....

FLANNAGAN: Uh huh.

KUNSTEL: Um, and we told, and if he leaves the front door please let us know, so we know, we can hear him, 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, (inaudible) 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 that's his or not, but um, so, you know I, my partner and I, we found a large tree, uh, to tuck in behind, also Hanidias found a different tree and um, also Lingenfelter found another tree, uh, we made a plan that if he did come out the back, I would handle all the challenges verbally,

also uh, Dan would provide cover for me and also 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, we said that uh, suspect had, gone back into the house closed the door, they were no longer able to make communication with him, 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.

FLANNAGAN: 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.

FLANNAGAN: 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 Team said responding, 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 left side of the uh, townhouse row, we made it all the way around front, where my car was, was in the crossfire, so I just moved around to a, better place um, maintained uh, a covered 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.

FLANNAGAN: Did you actually go in with TAC or were.....

KUNSTEL: I did not.

FLANNAGAN: You just able to see?

KUNSTEL: I did not, just what I saw and heard on the, we had switched over to a PA, PDA TAC, one channel, so as I, I was monitoring that, we are, we are a SWAT K9, um, so just in case they needed anything.

FLANNAGAN: 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.

FLANNAGAN: 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.

FLANNAGAN: Ok.

KUNSTEL: But he didn't, elaborate anymore on that.

FLANNAGAN: 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 the house.

FLANNAGAN: 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.

FLANNAGAN: Um, I know it's difficult to remember the log, radio and traffic, and you know when you responded 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 officer communicating with him, un I mean, uh.....

FLANNAGAN: Anything related to um, this guy's intentions or um, threats against the officers?

KUNSTEL: Um, just the way he's threatening 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, sometime later I heard it, that he had brought up, suicide by cop, to them.....

FLANNAGAN: To the officers?

KUNSTEL: To he, he had spoke to, the subject had just spoke to, it was either his friend or his girlfriend, about suicide by cop.

FLANNAGAN: Ok, alright, anything else you can think of?

Major Crimes Division - #20132410242
OFFICER MATTHEW KYLE KUNSTEL
August 29, 2013

KUNSTEL: No.

FLANNAGAN: And that concludes the interview, the officer, or the time is 2135
hours.

This statement has been typed as recorded/(bkw)/ (September 4, 2013)

From: Winter, Brenda
To: Flanagan, Christopher
Sent: 9/6/2013 3:51:26 PM
Subject: Kyle Kunstel
Attachments: Kyle Kunstel.doc

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

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

KUNSTEL: **Matthew Kyle Kunstel.**

FLANNAGAN: And uh what's your EIN?

KUNSTEL: Uh, 308280.

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

KUNSTEL: September 11, 2000.

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

KUNSTEL: West Springfield District Station.

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KUNSTEL: Yes sir.

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

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

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KUNSTEL: I was assigned to K9 Section.

Major Crimes Division - #20132410242
OFFICER MATTHEW KYLE KUNSTEL
August 29, 2013

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

KUNSTEL: Uh, almost 2 years.

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KUNSTEL: Yes it is.

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

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Major Crimes Division - #20132410242
OFFICER MATTHEW KYLE KUNSTEL
August 29, 2013

KUNSTEL: 12.

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

KUNSTEL: I have not.

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KUNSTEL: Uh, provide cover for us, um, we knew the officers were talking to him up front....

FLANNAGAN: Uh huh.

KUNSTEL: Um, and we told, and if he leaves the front door please let us know, so we know, we can hear him, 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, (inaudible) 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 that's his or not, but um, so, you know I, my partner and I, we found a large tree, uh, to tuck in behind, also Hanidias found a different tree and um, also Lingenfelter found another tree, uh, we made a plan that if he did come out the back, I would handle all the challenges verbally,

also uh, Dan would provide cover for me and also 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, we said that uh, suspect had, gone back into the house closed the door, they were no longer able to make communication with him, 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.

FLANNAGAN: 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.

FLANNAGAN: 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 Team said responding, 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 left side of the uh, townhouse row, we made it all the way around front, where my car was, was in the crossfire, so I just moved around to a, better place um, maintained uh, a covered 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.

FLANNAGAN: Did you actually go in with TAC or were.....

KUNSTEL: I did not.

FLANNAGAN: You just able to see?

KUNSTEL: I did not, just what I saw and heard on the, we had switched over to a PA, PDA TAC, one channel, so as I, I was monitoring that, we are, we are a SWAT K9, um, so just in case they needed anything.

FLANNAGAN: 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.

FLANNAGAN: 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.

FLANNAGAN: Ok.

KUNSTEL: But he didn't, elaborate anymore on that.

FLANNAGAN: 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 the house.

FLANNAGAN: 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.

FLANNAGAN: Um, I know it's difficult to remember the log, radio and traffic, and you know when you responded 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 officer communicating with him, un I mean, uh.....

FLANNAGAN: Anything related to um, this guy's intentions or um, threats against the officers?

KUNSTEL: Um, just the way he's threatening 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, sometime later I heard it, that he had brought up, suicide by cop, to them.....

FLANNAGAN: To the officers?

KUNSTEL: To he, he had spoke to, the subject had just spoke to, it was either his friend or his girlfriend, about suicide by cop.

FLANNAGAN: Ok, alright, anything else you can think of?

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OFFICER MATTHEW KYLE KUNSTEL
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KUNSTEL: No.

FLANNAGAN: And that concludes the interview, the officer, or the time is 2135
hours.

This statement has been typed as recorded/(bkw)/ (September 4, 2013)

From: Winter, Brenda
To: Flanagan, Christopher; Farrell, John
Sent: 9/17/2013 10:23:57 AM
Subject: Lieutenant Fish
Attachments: Lieutenant Fish.doc

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, (clears throat) 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, Lt Fish um, in reference to a uh police shooting that occurred uh, in their district earlier this evening.

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 service.

BOND: Ok, do you remember any details about it?

FISH: I was in the station.

BOND: Ok.

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FISH: Here.

BOND: Uh huh.

FISH: And I really didn't hear it, because I was coming into the station to do wellness, and Lt 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 Lt Joca to see if he needed any assistance.

BOND: Ok, so Lt 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

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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 Lt 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?

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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

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side, so they had a good containment there, so that's when I saw, I arrived on scene, um, right after I got there Lt 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, Lt Manzo, and he came up and quickly briefed him on the situation

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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 Lt 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, 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 robot down there and, relieved us

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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, (clears throat) 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

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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

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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.

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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 anothe, 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....

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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.....

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August 29, 2013

This statement has been typed as recorded/(bkw)/ (September 17, 2013)

From: Winter, Brenda
To: Flanagan, Christopher; Farrell, John
Sent: 9/8/2013 3:52:06 PM
Subject: Manzo Interview
Attachments: Manzo.doc

holy smokes.....there are more inaudible in this one (23 to be exact), lots of personal talking in beginning that was hard to hear and a few over talking each other, inaudible's are highlighted so you are prepared and maybe you know what is being said.

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LIEUTENANT RONALD MANZO

BIBEAULT: 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: (Inaudible) I had these three cases you know, there's a
(inaudible) Kathy had cases sitting in here involved that
last a long time.

LAITINEN: Uh huh.

MANZO: Parker, we (inaudible) what'd we say 30 days which is
unrealistic.

BIBEAULT: Yeah.

LAITINEN: That's unbelievable.

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MANZO: We should turn around and say, after twelve months, in you haven't....

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 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: (inaudible)

LAITINEN: Fourteen IA cases.

MANZO: (Inaudible)

LAITINEN: Crazy, crazy.

MANZO: I remember when I was walking out of there, after my temp when you guys were up there and, (inaudible) 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.....

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LAITINEN: It's hard.

MANZO: (inaudible)

LAITINEN: It's a hard job.

MANZO: The quality (inaudible)

LAITINEN: You ready?

BIBEAULT: They have to tell you stuff, 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 its IA's fault.
(inaudible)

LAITINEN: Oh, ah.

MANZO: It's going to be screaming.

BIBEAULT: We've done three interviews in, all two of them we've had radio traffic come on so we thought might (inaudible)

LAITINEN: (laughs)

BIBEAULT: Apparently not.

LAITINEN: No.

MANZO: (inaudible) so you can't stop it, just keeps going all the way

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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, (inaudible) radio traffic, including supervisors, the guys and I guess....

BIBEAULT: You were in your office and you just hear this....

MANZO: Yeah.

BIBEAULT: The speaker.....

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.....

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BIBEAULT: Over the radio?

MANZO: 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 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, our 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, you know 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 go 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

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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 firing stance, (inaudible) 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 about ready to (inaudible) 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, that I was calling him Dave, but anyways, um, he was running around to the left of the townhouse and I think he was controlling 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 exactly they 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 the house or whatever, sometimes they'll yell out a 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, they guy had a gun and he explained it all to me, I said ok, I concur with you on

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the decision and then uh, so we're talking and 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 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

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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 the bottom of 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, all of a sudden 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,

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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 standing at the Command Post, the unified command came into effect with the fire department, then we started calling everybody else, and we kept a perimeter on the house, established um, I later found out that Dave, well 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 secure and in place, we did reverse calls and that kind of stuff, he wanted to go through all that, I mean I was more concerned about what I saw at the incident.....

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BIBEAULT: Um.

MANZO: Once we pulled back and we started following our training as far as incident command, unified command, we put on our vest, we started making sure people were accounted for, we counted, locations, what units, like 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 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
(inaudible)

MANZO: No....

BIBEAULT: (inaudible)

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MANZO: No so, as I'm driving there I'm hearing...

BIBEAULT: Traffic.

MANZO: When I get there...

BIBEAULT: 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 don't know what to 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

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extended, um, and he wasn't following directions, and so his hands were slowly moving, and they wanted, and this, the guys calling, (inaudible) he's armed, so they come down with 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: Joca, 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 (inaudible)

BIBEAULT: Any non-officers there?

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MANZO: Any non-officers?

BIBEAULT: Yeah.

MANZO: Nine or non?

BIBEAULT: Non.

MANZO: I'm sorry, um, what do you mean like family members?

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 is strong 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

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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: Down on where you were?

MANZO: They're not where I was.

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 took cover to his face, and I said, get him out of the scene, get him back, get him back, get him back, and then I start 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

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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: No.

BIBEAULT: 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.

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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, yeah, we (inaudible)

BIBEAULT: (inaudible) 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, go so no one would sideswipe the 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

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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)