From: Winter, Brenda
To: Farrell, John; Flanagan, Christopher
Sent: 9/12/2013 2:09:59 PM
Subject: MAURA HARRINGTON
Attachments: MAURA HARRINGTON.doc

Fairfax County Police Department
Major Crimes Division - #20132410242
MAURA HARRINGTON
August 29, 2013

Detective Farrell, Officer Involved Shooting, August 29th, 2013, at 1718 hours, interview with Maura Harrington.

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BRIDGE: You can have the car if you want it?

FARRELL: Alright.

BRIDGE: (inaudible) possible to get a little bit of information from you (inaudible)

FEMALE: Everything's ok now right?

BRIDGE: Yeah.

FARRELL: I'm sorry.

BRIDGE: Hang on a second.

FARRELL: Where'd they go?

BRIDGE: Hold on, that's weird, she was in the car a minute ago.

FARRELL: Camille, copy?

BRIDGE: That's not good, somebody ordered them, told them to move, I don't know who they....

FARRELL: 10-4 copy.

BRIDGE: I listened to my radio all night last night (inaudible)

FARRELL: Where are the kids at?

BRIDGE: The kids are at the house two doors away, at [redacted]

FARRELL: They were down that way?

BRIDGE: Yeah, all the way down, uh, uh it was in close probability that what direction they went John, but I don't know, if you want to, if you want to look down there, we don't know where the mom went (inaudible) ok, go ahead……

FARRELL: I'm gonna, if they're not there I'm coming back here. (walking) (grunting)

BRIDGE: She's up here, they moved cars, uh, they moved her in the center of the Cul-de-sac with the (inaudible)

FARRELL: Ok.

BRIDGE: (inaudible) yeah they……

FARRELL: (inaudible)

BRIDGE: (inaudible)

FARRELL: Ok.

BRIDGE: So I was going (inaudible).

VOICES: (not sure who)

MALE: She direct, 1061?

FEMALE: Yeah.

MALE: She is, ok.

FARRELL: Yeah, if you just, who's she talking to right there?

FEMALE: Cold Case, Homicide.

MALE: Cold Case, Homicide?

FEMALE: Ok, this is Maura.

FARRELL: Hey Maura, I'm Detective Farrell, you mind if I come in here and talk to you for a minute?

HARRINGTON: Sure.

FEMALE: If your phone rings and it's your daughter, I'll answer it and tell her that you're busy, ok.

HARRINGTON: (inaudible)

FARRELL: I'm going to close the door is that alright? I'm going to be the lead detective, investigating what happened today.

HARRINGTON: Did he just bleed to death in there?

FARRELL: I, I don't, I, my job is to be able to answer all those questions for you, but right now I, I don't have any answers for you at all, right now you know more about this than I do, let me, is your first name Laura or Maura?

HARRINGTON: Maura.

FARRELL: M A U R A?

HARRINGTON: Yeah.

FARRELL: Ok what's your last name Maura?

HARRINGTON: Harrington.

FARRELL: Harrington, what's your cell phone number?

HARRINGTON: [redacted]

FARRELL: [redacted]?

HARRINGTON: [redacted]

FARRELL: I'm sorry about John, and I'm sorry about....

HARRINGTON: It's my fault, they should have called you, they should not have called emergency, 911.

FARRELL: Why did you call today, could you tell me what happened?

HARRINGTON: He was throwing all my stuff out, he was throwing it out, I just wanted him to stop doing that. My, my bed, out on the front yard.

FARRELL: And then what happened?

HARRINGTON: I came, when I got home, he was throwing something else out, the girls were outside, he started going back in, I went back, I went in the house and started walking up the stairs, and he threw a suitcase down the stairs, hit me on top of the head, my youngest daughter comes running in because I screamed and she thought, something else was going, I guess he was just pushing around or something, I don't know, but we, we got outside in a couple, because I just, I, he was just throwing everything out it was just, stop.

FARRELL: How long have you guys been together?

HARRINGTON: 24 years.

FARRELL: And you have two children with him?

HARRINGTON: Uh huh.

FARRELL: Two girls?

HARRINGTON: Yes.

FARRELL: What are their names?

HARRINGTON: Hailey and Morgan.

FARRELL: Did you see what happened when the police got here?

HARRINGTON: I saw yes, we were out, he was out talking to them, talking to our daughters, telling them that he's not mad at them, that he loves them and that he wanted to have a conversation, a family conversation first before I signed a lease, that I, because I was moving out and he knew, they knew, they were already informed by, I told them, been preparing them for a, for a while.

FARRELL: Did he just find out you're moving out?

HARRINGTON: No, he's known, but he didn't want me to sign the lease until we had a conversation, but we had a 5 hour conversation on Monday about it, he knew I had it in hand, I just hadn't signed it yet, but I, I was afraid that, I was afraid that I was taking too long to sign it and that they, it was gonna, someone else was gonna rent.

FARRELL: So did you sign the lease today?

HARRINGTON: I signed it yesterday, but he sent me a text at lunch today and said we still need to finish talking and, before you sign the lease, and I, when I called him back, I told him that I had already signed it, and he said fuck you, I'm throwing your shit out, you need to get the hell out of here, we had an agreement, you went back on that.

FARRELL: So it started over the phone?

HARRINGTON: Yeah, and then he started, throwing the mattress out, my oldest daughter called me, and she's like, what happened, and I could hear my youngest daughter in the background trying to stop him from, throwing stuff out and, um, she was crying and screaming at him to stop and he was telling her, yelling at her to get out of the way and she was telling him no and, told me that um, I don't think he, pushed her or anything but, he might have pushed her out of the way, trying to get the mattress out, because he was just, determined to, do what he was doing, he was going to hurt me.

FARRELL: You think he was gonna, like hurt....

HARRINGTON: Emotionally.

FARRELL: Like hurt, right because of, signing the lease?

HARRINGTON: Cause, yes.

FARRELL: Ok, um, what time did, what time did you get home?

HARRINGTON: Um, it might have been close to 2.

FARRELL: And then how long after you got home did you end up calling the police?

HARRINGTON: Um, probably like 5,10 minutes, fifteen minutes, I just didn't want, I wanted, someone to tell him that he can't be doing it.

FARRELL: Right, what um, what precipitated all this, why did you decide you wanted to sign the lease and move out?

HARRINGTON: It's been building for years and finally in February I told him that, I'm, I've not been happy, he, he's an alcoholic, he's irrational, he would just blow up and, and just, I don't know, just got up the courage and had friends that were helping me, and, motivating, and uh telling me that, that I can do it, because I was always afraid to before.

FARRELL: Ok.

HARRINGTON: And they would help, they said they would make sure I didn't fail.

FARRELL: Do you know if he had been drinking today?

HARRINGTON: I, I doubt it, I mean, he usually doesn't drink during the day, when he does drink, he but, he was, in February, when I told

him I was done, and I was, I was going to find a place, I was going to move out, he said he was going to stop drinking and, well, he didn't say that at first but, he said if I stop drinking, will you, work with me, will you, find it in you to, be a family again and, and he has been trying but I'm still not happy because I, I just, can't talk to him anymore, (answers phone) Jeff, yeah, I'm, they told me over, probably about a half hour ago, they just tell you now, how's his dad taking it? (crying) I shouldn't have done that, I shouldn't have called the police. He um, let's see, he had told the police when they got there, and they asked him to step out, he said no, then you'll just arrest me for drunk in public so I think he probably drank some, on, after he talked to me and I was on my way home. You know, I know but, I mean he said that along the way that I still didn't want to stay. And you guys, and you guys have been around for the past few years but it's just it got so bad. You know, I think um, you know because he called his dad, did he tell you? He called his dad, he called his dad on, when I was coming home, and to find out what's going on with um, his mom and stuff, and she is completely, she completely cut him out of the will, and I think that was probably, you know, anoth, you know another last

straw, he had nothing. Morgan, Morgan's going to be devastated. He, Morgan, is getting both of them, they're going to be devastated, they don't know yet, the girls do not know. Ok, ok, alright I think, like. Just, just need, just step outside and talk to them. He was, he, I think, I don't know. I know. I don't know what to do. Ok. I know, can you um, can you call Don Kelly back? Ok. I know, and then Kelly called me and then uh, my phone died. Oh ok. Yeah. I know. I know. I know he never, I know, I didn't understand why he couldn't just think of them and not think of me just. Yeah. Well, Morgan, I, I saw you, I saw you. I wasn't. You're kidding? What the hell. I heard, I heard the pop's I was, I was next door. Right. Right, right. Why, God, so, they, they did, they did, they sent the robot in, but there was so much lighter. Alright. Ok. Alright, I don't know, they're going to have somebody, I, I, have to, I have to go, I'm in, I'm talking to a detective right now, alright. Thanks Jeff. (end of phone call) (inaudible) they were going to send somebody, they work for Drug Enforcement Administration.

FARRELL: What do you do for them?

HARRINGTON: Um, I'm just, I work in forensic security, but I don't, I think it has

to be reported. (answers phone) hello, hello, that didn't work. I'll just. That's not it.

FARRELL: You said your cell is [redacted]

HARRINGTON: Yes.

FARRELL: How long have you been living in this address here?

HARRINGTON: Almost 24 years.

FARRELL: And what's the address here?

HARRINGTON: 7907 Pebble Brook Court.

FARRELL: And it's the four of you living here?

HARRINGTON: Yes.

FARRELL: You have renters or anything?

HARRINGTON: No.

FARRELL: No one else in the house, today?

HARRINGTON: Just, just the kids.

FARRELL: Were you speaking to him, to John on the home phone or his cell phone?

HARRINGTON: I'm not sure, um, I don't know, it's the (inaudible) probably.

FARRELL: What's the home phone number?

HARRINGTON: [redacted]

FARRELL: And what's his cell phone number?

HARRINGTON: [redacted]

FARRELL: And then, do Morgan and Hailey have cell phones?

HARRINGTON: (no audible answer)

FARRELL: What's Hailey's number?

HARRINGTON: [redacted]

FARRELL: And Morgan's?

HARRINGTON: [redacted] I think it's [redacted] (inaudible)

FARRELL: Right.

HARRINGTON: (inaudible) [redacted]

FARRELL: [redacted] what's Morgan's date of birth?

HARRINGTON: [redacted]

FARRELL: And Hailey's?

HARRINGTON: Its [redacted]

FARRELL: And, what's your date of birth?

HARRINGTON: [redacted]

FARRELL: So you guys, you're on the phone, uh, and then, you sign the lease, he's throwing things out, you hear the altercation with the girls, you get here, and then what happens? Are the girls inside or outside when you came home?

HARRINGTON: They were, I told them to go to the um, our neighbor's house, so they were over there, Morgan had packed up a bunch of her stuff, and brought it over there, they um, locked the cat, in the

bedroom, their bedroom, because um, he said he wasn't gonna to touch anything in that room, and, I came home, I parked and he was bringing out, I think it was the headboard at the time, and then he went back upstairs and he got a mirror and came out and threw the mirror down, and, then, then as he went back upstairs I went back in the house, Morgan, had already come out, but um, she was already out there and when he went back in, I went back in and I think I said, what the hell John, and, you got to stop this, and, he uh, he through a suitcase down the stairs, it hit me on the top of the head, I actually, when I saw it coming, I thought it was like, one of the, furniture, I thought it was like a side table or something.

FARRELL: Did he throw it at you?

HARRINGTON: I don't think he cared, that I was on the stairs, he threw it down the stairs, he threw it up a little bit and down the stairs.

FARRELL: So he knew you were there?

HARRINGTON: Yeah, and he knew I was talking to (inaudible).

FARRELL: Ok.

HARRINGTON: So I, I screamed, Morgan came running in the house, and she was crying and, she's like, mom we got to get out of here, so that's when I told him I'd call the police, I called 911.

FARRELL: What neighbor's house were they at?

HARRINGTON: Lydia Gifford's, [redacted]

FARRELL: So when you get here, um, did you speak to the officers?

HARRINGTON: He, he came outside and he was very calm, and he started talking to the girls, I was talking to a friend of mine telling, telling her what, what was going on, and he was talking to them and he said, you know, I just want you to know that, I love you and this isn't, it's not your fault, I'm not mad at you, I'm not mad either of you, but your mom and I had an agreement and she went back on that, and that's why I'm angry, and he said something I didn't hear because I was talking on the phone, I think he wanted them to step inside and I was, just said no, hold on, and he started walking, oh, a UPS truck came down and he didn't want to be outside, he didn't want anyone to see him, to see because, bearing family business outside and all our stuff is out on there, and I didn't want that person to see him so he started walking towards the house, he went inside, and then after the truck, the UPS truck went by he came back out, um, and but I told the girls, we're not going inside, um, and then the two police cars, came down and he started walking in the house and he told them, he told them that um, I'm going in,

they're not coming in here.....

FARRELL: He told that to who?

HARRINGTON: I think he told it to the girls, he said something along those lines, I'm going to be in the house, I'm not coming out.

FARRELL: Ok.

HARRINGTON: And then um, we were standing there, the police officers came and, saw him and the, first one on the scene didn't get his name, um, he said sir, do not go inside sir, and John said something like, I'm going in anyway, and then he got inside, he walked in and then came back out and that's when he said, you know, I'm not coming out and I just want you to know, that I have a gun, you know because, and, and...

FARRELL: So he went in and then came back out?

HARRINGTON: He didn't come outside.

FARRELL: He walked in?

HARRINGTON: He walked in and then, came, and probably put something on the stairs, he had told me and I don't know what's in there, um, but when I told him I called the police, and he says that fine, you just let them know that I'll be waiting here with a, semi-automatic, and it looked like he had, Rife, and, and is that what a semi-automatic is, I, ...

FARRELL: So you told him, you called the police and he said that's fine?

HARRINGTON: Just let them know I'll be waiting here with a semi-automatic. When I was coming home, and we were talking on the phone, he did say to me, want throw the shit, shit out, go ahead and call the police.

FARRELL: Ok.

HARRINGTON: Which, I think of a, I mean I probably would have.....

FARRELL: So the officers are, two officers arrive on scene or two cars?

HARRINGTON: Its two officers.

FARRELL: He goes inside, the officers tell him not to go inside, then he comes out but not fully out?

HARRINGTON: He doesn't come out, but we have a screen, half of the glass in screen....

FARRELL: Ok.

HARRINGTON: So the screen, glass was down so the screen was there....

FARRELL: Ok.

HARRINGTON: And he was talking through that. And he said you know, I'm not, I'm not coming out and, I just want you to know that I, I have a gun and the officer said why, why do you have a gun or, I don't know exactly what they said um, but he said you guys have guns, you're hands are on your gun, I had told 911 that

he had had guns, um, and he says, so I have a right to protect myself, you have a gun, if you want to put your guns down, I'll put my gun down, he didn't have it in his hands, he was, I think it was tucked behind his back, in his pants.

FARRELL: Why do you think that?

HARRINGTON: Um, because his hands were like this.

FARRELL: Ok.

HARRINGTON: And he said he had the gun so I believed that I, I almost think that he did tuck something down there.

FARRELL: Did you see anything?

HARRINGTON: (sighs) I'm not sure if I did, I believe I saw something that was about that big that I thought was probably, could have been a gun.

FARRELL: When did you see that?

HARRINGTON: Um, when he, it's all confusing, I don't know, I don't know if it was when, he walked back into the house, when he was walking into the house, when they were coming out.

FARRELL: Ok.

HARRINGTON: I'm not sure if it was.

FARRELL: Ok, so then what happens?

HARRINGTON: Um, we, walk over to the neighbor's house, I was watching

outside and, I, remember two officers, one was talking to him, I don't think his gun was out at the time but the other one, the taller officer was standing at the tree, the tree in our front yard, and he had his gun out.

FARRELL: Ok.

HARRINGTON: And, and then another officer showed up with, the, I don't know what it is, the shield....

FARRELL: Ok.

HARRINGTON: And he, (inaudible) he came around and he, they were all talking and, I know that, John kept saying no, I don't need to come out, and, when I said that, about the drinking, I don't know if I told you that, but I called, I said this when Jeff finally arrived, and I called Jeff, because Jeff was up the hill, where the rest of the officers were, and he said what is going on and, and he said that, oh it was actually the police officer that told me he had said, that if I step out, you'll just arrest me for drunk in public, cause then he asked me if he had been drinking, um, so it was Jeff that told me what happened, though that, he was just sitting there talking, his hands were up on the glass, and it looked like he started to drop his hands a little bit but they were just talking, when somebody fired.

FARRELL: Ok, so Jeff was there?

HARRINGTON: Jeff was up and then.....

FARRELL: Is he around here now?

HARRINGTON: He's um, he should be, I mean he watched the whole thing, he saw it.....

FARRELL: Ok.

HARRINGTON: He said doesn't know what happened because it did not look like John was going, dropping his hands or.....

FARRELL: Ok.

HARRINGTON: Reaching for anything.

FARRELL: Ok, what's Jeff's last name?

HARRINGTON: Stewart. I can call him and see if he's still here.

FARRELL: That's alright, I'll get, I'll get his information from you, what's his uh, cell phone number?

HARRINGTON: [redacted]

FARRELL: So you're watching everything from Lydia's house?

HARRINGTON: Yeah so....

FARRELL: Ok.

HARRINGTON: I couldn't, I heard what sounded like a gunshot.

FARRELL: Do you remember how many?

HARRINGTON: It sounded like two to me, I, I thought it was pop, pop, and it

was just a pop, it didn't so, I thought well, I mean it didn't sound like anything, but then I called Jeff, and I said what just happened and Jeff said, um, well first of all, when that happened the police officers who were in front of the house, ran to the sides, I mean I, Jeff seems to think it was just somebody somewhere else....

FARRELL: Ok.

HARRINGTON: And the dude didn't even look like the police officers had done that.

FARRELL: Were the girls watching?

HARRINGTON: God no, they were downstairs, I didn't hear....

FARRELL: That's good.

HARRINGTON: That, but after that happened, there were, everyone was hugged up against the other townhomes, and there were two in front where I was, uh two officers, and when my daughter came up, she was one, wanted to know what was going on, she wanted to see her dad, she, and she saw the police officers were out front, and I told her, I said, they're just, that's when they're using the bullhorn, and I said, they're trying to get him to come out of the house, and she says, but I see them out there, they're just trying to get him out so they can shoot him.

FARRELL: So she was upset?

HARRINGTON: She tried to get outside, she opened the door and yelled out, don't hurt him?

FARRELL: Who is this?

HARRINGTON: This (inaudible)

FARRELL: Which one?

HARRINGTON: Morgan. I mean, it took a lot, my older daughter, stronger, kept a lot to um, hold her and stop her from running out, I was so afraid she was going to run out and.....

FARRELL: Ok.

HARRINGTON: House, (answers ringing phone) hello, ok. The kids are still at their neighbors, they don't know yet, and I'm talking to a detective right now. Um, I can get a hotel. I, I, I do, I could stay with John's parents, I could stay with other friends of mine, I'm unfortunately, (inaudible) other friends are not in town.

FARRELL: I'm going to step out for one minute.

HARRINGTON: (crying) (Detective Farrell leaves room) (Detective Farrell returns) (Ms. Harrington still on phone call) I know, (inaudible) that, I was just thinking if I could have just had Joe come over and talk to him, I should have called, Morgan's going to be devastated, she doesn't know yet. Thank you. I know, ok. Ok.

Ok, thank you, bye. This doesn't happen, I know he would never hurt anyone, he wouldn't have hurt anyone, do you think he just wanted to hurt himself, she, she's going to say I lied to her, cause, because I kept her in the house, I said he's going to be fine, they're just trying to get him out. I know. Thank you. Thank you. Ok, ok. Ok, ok. Thank you Renee, uh huh, no, no not right now, I'm still talking to a detective right now, they're together, they're down at the babies, uh our daycare, the daycare provider, our neighbor. Right. Yeah. Ok. She, she's safe but she tried to run out at one point to tell everyone not to hurt him. I know, I know, he told them that. Ok. Ok honey, thank you. Right, thank you Renee. I know, its, I love him too. Ok, ok. Ok. Ok. Thank you, alright, bye Renee, bye.

FARRELL: Maura, what type of weapons did he have?

HARRINGTON: Um, I think he, he has 2 or 3 handguns, um, pretty sure he has a shot gun, I'm not sure, the gun I saw that I thought I saw him carrying, the, when he said just let the, when I told him I had called the police, he said well just let them know I have a, whatever it's called um, like semi-automatic, semi-automatic, it looked a big, a gun this big, a rifle or something, I don't know what, a semi-automatics were, um...

FARRELL: He was carrying that, at one point?

HARRINGTON: We were outside the house.

FARRELL: He had that outside the house?

HARRINGTON: No, he was, I could see him through the door.

FARRELL: So you saw him in the, inside the house with a longer gun?

HARRINGTON: Yeah, then he, he wasn't, holding that when he was talking to the officers.

FARRELL: Have you guys ever had, problems where he threatened you with a gun or……

HARRINGTON: (inaudible)

FARRELL: Are those reported at all?

HARRINGTON: No, cause I know he was just yelling in anger.

FARRELL: Would that be when he was intoxicated?

HARRINGTON: Yes.

FARRELL: When was, did that happen recently?

HARRINGTON: No, the, the one in question, the major one where, everyone told me that I was stupid, that I'm stupid, was uh, happened a long time ago, where he was going to murder my youngest was young at the time, she still remembers it though, he um, I know we were, he was, we were arguing, I don't even remember why but he had, got the gun out, I don't know if he told me get the

hell upstairs and don't come back downstairs, or I'll, he'll shoot me or, but I yelled for Morgan, she of course was on top of the stairs listening to the conversation, argument, and, when I yelled Morgan, and we talked a little later, she thought that he was coming out to shoot me.

FARRELL: Did he point the gun at you?

HARRINGTON: I don't know, I just know, I wasn't afraid, I told her though, I yelled at Morgan because I wanted to leave, so I told her to, went up together and we ran down and I went outside, and I got in my car and realized I didn't have my keys, and then when I came back in the house he was calm and wanted to talk.

FARRELL: Um.

HARRINGTON: But um, a cup, a couple of weeks ago, got angry again one time, um, because I don't know, I, I came home early and I didn't talk to him enough, and I was sitting outside and reading a book, enjoying the weather and my oldest daughter is sitting outside and he came out started making snotty remarks and I, said something and it just escalated into a big fight, argument, just yelling um, and when he gets that way, he's very, he was very demanding that, I talk to him. He will, just yell and yell and

yell to see, to where I finally, I guess don't mind (inaudible) him again, just, I guess, just to get him to get a reaction, I was the…

FARRELL: Is it more of just the yelling or has there ever been any physical abuse?

HARRINGTON: A long time ago.

FARRELL: Ok.

HARRINGTON: Before the kids were born.

FARRELL: Does, I know you said that um, he had some problem with alcohol, does he take another medication or does he take drugs or narcotics or anything like that?

HARRINGTON: I, always wondered, I always thought he might of um, I know, I know years ago that um, he has.

FARRELL: Ok.

HARRINGTON: He just…….

FARRELL: But nothing recently, no?

HARRINGTON: No, I mean I, you know I work for DEA, I can't be in the house and I'm afraid that it's probably hidden somewhere and it is.

FARRELL: Any um, mental health issues with him?

HARRINGTON: No.

FARRELL: That he's receiving treatment for?

HARRINGTON: No.

FARRELL: Any uh, physical problems with his body?

HARRINGTON: No, no physical his um, why, I guess why suicidal, is that what we're getting down to here?

FARRELL: Well no, I was just wondering, I, I, I don't know you and I don't know him, and I don't know, I don't even know....

HARRINGTON: He has problems....

FARRELL: Officers...

HARRINGTON: With his fam, his parents, he stopped talking to him mom finally about three years ago, I mean, it was just (inaudible)

FARRELL: Is that Don?

HARRINGTON: Yes.

FARRELL: Ok.

HARRINGTON: Um, his mom, has talked to me, is just (inaudible) her son and he had just (inaudible) and the problem is, he raised our kids to manipulate her, too, so and then he was just like, just.....

FARRELL: Had he expressed any suicidal thoughts?

HARRINGTON: As I was coming home he did.

FARRELL: What did he say?

HARRINGTON: Um, that he's about 45 seconds away from putting a gun to his head because he has nothing left, he just found out, because

he called his dad, after he (inaudible) at me, because I had signed the lease without, I was talking um, (inaudible) um, he told me he had just talked to his dad and he found out that his mom had completely ki, cut him out of the will, so he has nothing, he was (inaudible) I think it was (inaudible)

FARRELL: And that, he said that today?

HARRINGTON: And um, he asked his dad, he told me, that he asked his dad if there's, if he could help and his dad said, that, he probably only has a couple of more years to live and he's not going to rock the boat at home, his mom is very, very opinionated, strong and, pretty much rules the house.

FARRELL: You guys are, you're not married correct? Like common law husband and wife, kind of, (inaudible)?

HARRINGTON: (crying) Commonwealth of Virginia (laughs)

FARRELL: As far as that (inaudible)

HARRINGTON: We lived in this house since he, when we first moved in, we moved in together, 24 years in December.

FARRELL: Where does he work at?

HARRINGTON: (inaudible) he's um, he works at home, he has no one to talk to during the day, the girls just, keep in the room, because he tends to rant and rave.

FARRELL: And you said he's made suicidal comments in the past, is he depressed or.....

HARRINGTON: I think he was when I first told him in February that I've just had enough and I'm done, he's drinks, he's irrational, he's scares me, he scares the kids, we don't know when he's gonna to blow up or afraid of what he's going to do, so, most of the time it's just yelling, I don't know if he would ever hurt us because he turns around and says after, afterwards that he would never hurt his kids, he loves his kids. But, he also, when we were talking on Monday, um, that I'm never moving out, and, my mind is set, he, went from sometimes he's yelling to me mad, to him knowing that yes he's, what his words, fucked up, he was mad, he's just, caused all this, um, but he said that, he's yelling he was saying, once you walk out that house, those kids are your responsibility, they're no longer mine, responsibility, but then turn around and say, I love my kids, I'll do anything for them, but he said he just wants, he just want me, it, it just seemed obsessive, (inaudible) because, it just, I wasn't (inaudible) somebody I could talk to, but, I didn't know if he was going to be drinking that day, and, go off on something.

FARRELL: What um, where was the lease, or where were you going to,

where were you going to move to?

HARRINGTON: Just over Martin because, it's just a condo, um, I wish I could remember the street um, he um, I'm not sure who this is (phone ringing)

FARRELL: (inaudible) what I'd like to do is have Officers....

HARRINGTON: This number looks familiar, (answers phone) hello, yeah. Pat (crying) I don't know why it came down to this. (Detective Farrell leaves room)

MALE: No Farrell just left, just got out.

HARRINGTON: (Detective Farrell returns to room) (Ms. Harrington still on phone talking) have some neighbors or Morgan's friends, be able to cross that street and then they're going (inaudible) said we could stay at their house too, and that's close and familiar, ok, you ok, thank you. Ok. I appreciate that Pat. Ok. I think his parents will have to help too. His dad was here. Yeah. Alright, I got to finish talking to the detective, ok, bye. Ok, thank you, alright, bye.

FARRELL: What was he wearing that day, do you remember?

HARRINGTON: He just had on shorts and a T-shirt, he had first told me he had on shorts when he was throwing my stuff out, did someone throw up in the back of your car?

FARRELL: (inaudible)I'm not sure.

HARRINGTON: (inaudible) something.

FARRELL: So first only shorts um, so when, when, uh, he throws the suitcase down, um, he's just wearing shorts?

HARRINGTON: (no audible response)

FARRELL: Ok, then you're outside, he comes outside....

HARRINGTON: Well I saw he had put on another T-shirt before he came outside.

FARRELL: That's when you noticed the bulge in the back of the shirt?

HARRINGTON: No, he didn't come out with the gun, he did not come out with a gun.

FARRELL: Ok, when did you see that?

HARRINGTON: He was, when I was, either time, I don't know if I was talking to somebody, but he had, come just to the front, and it's a glass door....

FARRELL: Ok.

HARRINGTON: And a screen, so you can see right through, that was, the, the screen door, glass down below and, and he was holding what looking like um, a rifle and, to me, it looked like it could have been an oozy, and cause that might have just been my mind thinking that because he said semi-automatic.

FARRELL: Right.

HARRINGTON: Um, but, that was not what he, when he went back in the house, when the police officers came down, that, isn't, it looked like he had put something in the back and it could not have been a gun that big.

FARRELL: Right, so you never saw a gun outside of the house?

HARRINGTON: No.

FARRELL: It was just when he's at the window.....

HARRINGTON: Yes.

FARRELL: Of the house.

HARRINGTON: And it's, and it actually, and when I saw it, the girl saw it too, so that's when, we started, probably, it would have been, moved.

FARRELL: Ok, and did, did you tell the officers on scene that you had seen him, holding the rifle inside or, I mean the....

HARRINGTON: Say, they asked, like, he told them he had guns but when I called the police, when I called 911, and spoke to the operator, I told her that he has guns.

FARRELL: Ok, did you tell the operator that he might have one on him at that point or just that he has guns in the house?

HARRINGTON: I, I don't remember.....

FARRELL: Ok.

HARRINGTON: I, I may have said I saw him with one.

FARRELL: Ok.

HARRINGTON: Yes, I'm sure I did....

FARRELL: Ok.

HARRINGTON: Because they knew that coming, (inaudible)

FARRELL: Um, I have um, some people from mobile crises, which helps with um, support, um, and then I have a detective, and I'd like, what I'd like to do is, have them go with you to talk, I need them to talk to your daughters, but I think they may be able to help you...

HARRINGTON: Ok.

FARRELL: Um, notify your daughters as to what happened, does that sound ok?

HARRINGTON: (no audible response)

FARRELL: Ok, um, like I said, I'm the lead detective, my job is to determine, what crimes occurred, what crimes didn't occur, who is responsible for whatever criminal activity may have happened today.

HARRINGTON: I don't, hate him, I mean when I was talking to the lead officer, the officer that was here first, in the neighbor's house, um, I, I told him, I said he's not gonna just, do anything, he's not going

to hurt anyone, but he is very stubborn, and he doesn't like police officers and he doesn't like the government, he's not going to come out of the house.

FARRELL: Well my job is to.....

HARRINGTON: (inaudible)

FARRELL: Figure out what happened today, um, to thoroughly investigate it, uh and, and to document all that so, if you have any questions, about what's going on with the investigation or, status of things, um, please call me, um, I'll let you know as best I can, the one thing I won't do is, I won't answer questions, I if I don't have the answer, so, like right now, I, I, I don't really know much at all.

HARRINGTON: I know.

FARRELL: And I'm going to talk to everyone, uh, to the officers that were here.

HARRINGTON: Do you need to talk to Jeff too?

FARRELL: Jeff I'll, yes definitely someone will speak to Jeff someone.....

HARRINGTON: Because he was up and saw.....

FARRELL: Yes, and definitely, and if you hear of other people who may have been outside, will speak to Lydia, we want to speak....

HARRINGTON: Lydia, ok.

FARRELL: To anybody who saw anything.

HARRINGTON: Lydia, you need to speak to her, because actually before, I came home, went over to him, um, telling him that he's scaring the kids doing this, and you know, we've known her for 24 years as well.

FARRELL: Ok.

HARRINGTON: She took care of our kids until the age of 5.

FARRELL: Let me introduce you to Detective Bond, and then we'll uh, head down.

HARRINGTON: (inaudible) she just said she would be introducing him, he just needs to come outside, that's all they're trying to do is get him out but she was afraid that they would just try to lure him out to shoot him, I think she saw him, up by the house.

FARRELL: I explained to Maura that we need to, that we'll help with notification and then we need to speak to the girls about what they saw, and then also we have mobile crisis here that, maybe able to assist.

BOND: Yeah, I uh, I, I don't want to talk to them in great detail, and drag it on, but yeah, just, just a brief statement of what they may have saw or (inaudible) that's it, uh, I think we can sit down later on and talk to them about, you know what actually

happened, ok? Do you want to just walk on down there now?

FARRELL: Yeah.

BOND: (inaudible) Yeah (inaudible).

****

This statement has been typed as recorded/(bkw)/ (September 12, 2013)

From: Carr, Annemarie
To: Farrell, John; Flanagan, Christopher
Sent: 10/2/2013 2:08:50 PM
Subject: Neil OIS interview
Attachments: Ofc David Neil.docx

Sorry, some Inaudibles are in it.

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

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 26, 2013

****

Farrell: September 25, 2013 at ..... 17:15 hours. CIB Cold Case Office – Officer David Neil being interviewed by Detective Farrell, Detective Chris Flanagan, uhh, regarding an officer involved shooting that occurred on August 29, 2013. .. Alright. Uhh, Officer Neil if you just state your name.

Neil: Uhh, David Neil.

Farrell: Ok. Uhmm, and you understand that Detective Flanagan and I are following up on the criminal investigation into the officer involved shooting that occurred on August 29, is that correct?

Neil: Correct.

Farrell: And you've had, uhh, ... You were interviewed that night and you've been provided a copy of the transcript, uhh, to review, is that correct?

Neil: Correct.

Farrell: Ok. Uhmm, after reading that, is there anything that you recall or you remember anything else that you like to add at this point?

Neil: No, sir.

Farrell: Ok. Uhmm, and I explained to you that our intend today is to **INAUDIBLE** through that whole again, but that I have some

specific questions and some things that I wanna clarify. Is that correct?

Neil: Yes, sir.

Farrell: Ok. Alright. Uhmm, ... you're one of the initial officers dispatched to the event, is that correct?

Neil: Yes, sir.

Farrell: Ok. And ... when you, uhmm, arrive on scene, uhh, or in the vicinity of the neighborhood, uhmm, Officer Torres is already in the neighborhood?

Neil: He was ... Basically, if you're looking at the house, ... house is here, ... there's a cul-de-sac type of opening where all – at the end of the incident all the command post vehicles are at. It's kind of like an "L". It's kind of a hard turn a little bit. He was further back this way, so he wasn't actually at the house. He was kinda waiting on the street – down the street from me to get there I'm assuming. Uhmm, and then, when I saw several unmarked sitting there, I passed him and I honked at him. It's 'cause I was – It's my area, I'm 730, it was in the area of 730, so, you know, I'm taking paper on it and everything, that's usually how ... we work it. Uhmm, course if it was like an emergency, I'm – I'm assuming that he would've gone to the scene unless, you know, if he needed make action, but, you know, it's a domestic i..... dispute,

we're gonna go in together. He's waiting for me. So, I passed him. He then .. He followed me in and we took the left hand turn .. into the final stretch towards the house.

Farrell: Ok. From where he was staging, he wouldn't have been in view of the residence, is that correct?

Neil: Correct.

Farrell: Ok. Uhmm, and when someone marks on scene via CAD, do you get an alert?

Neil: Yes, first Unit on scene it'll alert.

Farrell: Had he already marked on scene?

Neil: I don't recall.

Farrell: Ok. ..... And ... as you came into that curve that takes you down where he's staging, was he faced towards the residence or faced towards the way you came in?

Neil: He was facing towards the – the cul-de-sac. That – That open area where the command post vehicles were sitting at the end. So, he was facing this way and the house is down here. So, he was facing the same direction I was driving in.

Farrell: Ok. So, that's the direction that you're be driving in, he was facing that way?

Neil: Yes.

Farrell: Ok.

Neil: I … He's in the right hand. I passed him and I honked at him. And he's … I guess he fell – fell in behind me, 'cause he pulled up …. I remember when I backed in he was pulling up. So, …..

Farrell: Was there a specific reason that you honked at him?

Neil: Just to let him know that I was here.

Farrell: Ok.

Neil: Yeah, I'm here, let's go …. type a thing.

Farrell: Ok.

Neil: I guess I could've stopped and say, "Hey, I'm here," but ……. Just to let him know I was there, so that he can go in.

Farrell: He wouldn't have been in a position to necessarily observe you as you would've been coming from behind him, is that correct?

Neil: If he's looking into his rearview mirror, I guess he could've see me, but if, you know, ….. I don't know what he was doing in his car. If he is – he was waiting for me or what he was doing. But I just knew that .. I saw him sitting there, so I honked to let him know that .. he – I'm here, let's go type of thing.

Farrell: Uh-uh.

Neil: And … So I passed him and went on to the call.

Farrell: Ok. So, could you see what he was doing in the car?

Neil: No.

Farrell: Ok. And you're honking wasn't .. because .. he didn't see you, it's

just to alert him that you're ..-..

Neil: Just to alert him, "Hey, I'm here, let's – let's get on. Let's go." You know what I'm saying? Like, my area ... He's 73..... I think he's 740 or som..... He's up in area he wasn't my ... I knew that I was 730 and it was my area and he's backing me. So, you know. I let him know I'm here, let's roll ... type of thing.

Farrell: Alright. Uhmm, when you guys arrive on scene, uhmm, do you get to talk to him at all?

Neil: Who?

Farrell: Torres?

Neil: No.

Farrell: Ok. Uhmm, what happen .... Why, uhmm, ... I'm not getting into what happens, but why don't you guys, uhmm, ... Is it that you don't have the opportunity to talk about the call or why is it that you don't talk about the call before you make approach?

Neil: I mean, I could've .. Going back hindsight I could've stopped next to him and talked to him before we went up there, but when I was ... We – We get the call, I wasn't thinking much of it. I was thinking this guy a domestic dispute .....

Farrell: But not at that point. At the point that you arrive in front of the residence?

Neil: Oh, when I – I backed – I pulled in. I backed up. And I remember

getting out of my car. He pulled in like ... this, which is like perpendicular. Then he gets out. And we both are approaching in, and I – I remember seeing him approaching, and I approach, and I looked to the – to the people and the guy and the girl standing there, and the guy turns around and starts walking away from me. So, at that point .... I wasn't gonna just sit here and talk to Torres, you know, "Hey, what's going on today? You know, how's your day been?" whatever. This guy's walking away from me, so it wasn't really an opportunity to talk to each other.

Farrell: Ok.

Neil: And a lot of times when I go to calls, I mean, I – we're usually on the same page with the officers. I mean, if it's like a serious situation where I need like a Warrant Service or something like that, we pow-wow beforehand or whatever, but I wasn't thinking, you know, ... you know, it was gonna – that ... serious of a call or anything. It was just a domestic dispute. We'll go handle it. Try to be mediators. Maybe help the lady load her belonging up. You know, figure – figure out if we have a crime or not and move forward. But as we pulled up, and as soon as we got out, the guy started walking away. So, I was focused on that guy walking away from me at that point.

Farrell: Ok. So, .. at that point you really don't have the opportunity to

discuss the call with him?

Neil: Correct. Once we pulled on the scene, correct.

Farrell: Yeah.

Neil: I did have an opportunity as I ba… p…. passed him in the cruiser and I didn't ..-..

Farrell: Right.

Neil: ..-.. stop, but once we were on scene, no, there was no opportunity to discuss the call with him at that point.

Farrell: Ok. So, at the point that you make contact with, uhmm, the residence where out in front ……

Neil: Uh-um.

Farrell: ….. the – all the information you have is based on radio and CAD traffic?

Neil: Correct.

Farrell: And all the information Torres has, presumably, is based on radio and CAD traffic, because you guys don't discuss it?

Neil: Correct.

Farrell: Ok. There's … I'm not saying there's anything wrong with that, ……

Neil: Yeah, I don't know ..-..

Farrell: ….. I was trying to get ..-..

Neil: ..-.. I don't know what he knew, ..-..

Farrell: So, don't ..-..

Neil: ..-.. if he even ..-..

Farrell: I don't ..-..

Neil: Maybe he was looking through I/Leads, and that's something I would do if I had time, looking through I/Leads and stuff, if I had, ... You know, some guys on our squad are real good at. Like Danneman, he's the IT guy, and bum-bum he's always throwing ... He's not even on the call and he's throwing stuff out, "Hey, he's got prior this. He's got prior that. This is the involved party," whatever. But I don't know what he was doing. If he had ..-..

Farrell: Uh-um.

Neil: ..-.. that information or not. Nothing was related to me by – to – to me by him .. when we arrived on scene.

Farrell: Ok. And .. So, my understanding from your interview is, you arrive on scene, he walks away, and you make a mention of he makes like a – a gesture that you describe as like, "Oh great."

Neil: Correct. When I first roll ... Before I even got out of my car, ...

Farrell: Ok.

Neil: ..... I made that little turn where that cul-de-sac thing is, and I remember ... When I'm going to calls I always try to get a general idea, is the house on the right, on the left, the .... try to figure out where the house is at, you know, so I can find it, 'cause

looking for house numbers and stuff, particularly at night, this is during the day obviously, but you're looking for a house number and try to find the right location, sometimes it's difficult. So, I try to use the CAD to figure out ..... I knew ... The CAD said the house is on the very end of that straightaway. So I remember turning the corner and then, as soon as I made that turn around the corner, he was standing there, I believe he was on the left hand ... I'm facing them, he was on the ... my right and she was on my left, and he goes like, one of those things, "Great the police are here." And then ..-..

Farrell: And you like demonstrate like, throwing your hands up in the air?

Neil: Yeah, like – like great.

Farrell: Ok.

Neil: You know, one of those things. Like ... To me, ... when I saw that gesture, it was like, "Great, the police are here." He knew the police are here. "Great, thanks for calling the police type of thing." Now we gotta deal with them. That's what I took it as.

Farrell: Ok. So, you – you interpreted as he's frustrated now the police are here?

Neil: Correct.

Farrell: Ok. Uhmm, and as the individual ... At that point the individual moves towards the house and you ..-..

Neil: He ..-..

Farrell: ..-.. sh…shout out to him?

Neil: ..-.. He wasn't moving towards the house until I got out of the car.

Farrell: Ok.

Neil: So, as I get out of the car, I noticed he's now turned and walking back towards the house. And I said, "Sir, can you please stay outside for me?" So, I said to him. He said, "No, …. not gonna do it," and he closes the door.

Farrell: Uh-uh.

Neil: Close the screen door. And he stands right in front of the screen door and stands there. He didn't go in deep into the house. He didn't close the other door. He just stood there in the door.

Farrell: Ok.

Neil: Uhmm, so, … And it wasn't like I was asking him anything unreasonable, I was asking him to stay outside and talk to me, 'cause I this …. I knew the dispatcher always ask if there's weapons involved, I remember – I recall him saying that was weapons in the house. And when he turned around and started going to the house with a purpose, it wasn't like a nonchalance just walk, he was walking briskly towards the house in a straight line, something told me that he's … I don't want him going in the house. That's just … It was very natural to me. I don't want him

going in the house. There's no need for him to go in the house right now. We're discussing a very simple domestic dispute. Why does he need to go in the house? Why is he going ..... Every time I said, "Why is he going in the house?" "Sir, can you please stay outside for me?" "No, not gonna do it." Closes the door. At that point I knew something wasn't right. The .. Then .. Some wasn't sticking right with me at that point, so.

Farrell: Ok. Uhmm, when you – when you call out to him, does Torres say anything to him?

Neil: I don't recall .....

Farrell: Ok.

Neil: ..... if he said something or not.

Farrell: Do you recall Torres speaking with the individual at all?

Neil: Uhh, I remember Torres talking on the radio and – and after the guy said he had a gun, Torres saying something on the radio, uhmm, but I don't recall what he – what he said. Uhmm, I remember him saying something about ... Torres saying something about a gun on the radio. And then I got on the radio after him, I said, "Torres, I got it." And goes, you know, calmly saying, "Hey, what, you know, what he told us or anything." I don't remember him talking to the guy or what he says to the guy to be – to be honest. I don't really know .....

Farrell: Ok.

Neil: ..... for certain.

Farrell: How was the tone of the conversation between you and – and Geer, the subject?

Neil: It was apparent to me that he wasn't going to do what I ask him to do. I mean, ... But he wasn't yelling. He wasn't screaming. Uhmm, I .... Keep your hands where I can see them, I was very stern with that. And he kept his hands like this. He had his hands the whole time by his – by his head. For most of the time like this, ok?

Farrell: Ok.

Neil: And I kept telling him, "Keep your hands where I can see them." And he wasn't like screaming or irate, but he was very adamant that he was not going to do what I ask him to do. He wasn't coming out. Uhmm, he was very defiant, but he wasn't, you know, ... screaming. Like he wasn't i..irate or out of control or anything.

Farrell: So, it wasn't like an angry, rude sort of yelling match?

Neil: It was more like .... No, it was .... Neither one of us was yelling. I wasn't yelling either. I never yelled at the guy. You know, I said, "Sir, can you please stay outside." And it wasn't a yell, it was – it was, basically, it was a simple question. And even when we were

talking through the whole entire time I was keeping very calm. Just trying to match what he was giving me. There's no need for me to yell. He wasn't yelling. Uhh, I was trying to keep it kinda this relaxed. Relaxed as I possibly could, considering the fact that he had told us that he had a gun and I had my gun down. You know I didn't want it to get escalate. I was trying to wait for the units to get there. Get the information across the radio best I could so people knew what was going on. What we had. But ..-..

Farrell: So, he – he doesn't comply with your initial request to stay outside?

Neil: Correct.

Farrell: And he has his hands up. Are you asking him to come outside?

Neil: Yes, I asked him to step outside and he said, "No."

Farrell: And he's not complying with that. However, it's .. you're not angry with him, he's not angry with you, it's not .....

Neil: Correct.

Farrell: ..... It's back and forth.

Neil: 'Cause I don't have any ... What do I ... I didn't have anything as far as, like, ... It's a domestic dispute. You know, I don't have a crime at ... I know of it. At the time maybe he destroyed some of her properties and **INAUDIBLE** bedframe and stuff outside. You know, I'm just trying to figure out what's going on. You know, I'm

trying to figure out, you know, if we have enough to go grab him and pull him out. You know, what we had. Right now, just a guy that goes into his home and not, you know, coming outside when I ask him too. Doesn't mean he doesn't – he doesn't have to come out because I want too, maybe. I gotta figure out does he have to come out? Does he not have to come out? What we have, so. It was just kinda just trying to figure out what was going on at the time. All I had was the dispatch information at the time.

Farrell: Alright. So, you're concerned for officer safety reasons as you're trying to figure it out, but you're not upset?

Neil: Correct.

Farrell: Ok. Was Geer upset?

Neil: He didn't – He seemed upset, I mean, he seemed upset of our presence. He didn't like the fact that police was on this. He said, "This is private property." You know. "I know my rights." You know. "You need to – You guys need to get of my property." And I told him, "We're not going anywhere until we figure out what's going on."

Farrell: Is he ... When he's telling you that he knows his rights and he wants you off his property, is he expressing it .... in – in a way that, you know, is – is he being rude or – or angry about it, or is he just telling you, "Hey, this is – this is how it's gonna be."

Neil: This is how it's gonna be.

Farrell: Ok. So, .. it's not a heated exchange between you and him?

Neil: I would not consider it ..-..

Farrell: I mean, you don't agree. Obviously you guys are in disagreement, but, ...

Neil: Correct, it wasn't a ... I didn't feel that it was a heated situation.

Farrell: You don't feel like he's yelling at you or he's barking at you or giving you orders, he's just telling you .....

Neil: Not – No, it doesn't look like he's yelling at us or anything. No.

Farrell: Ok. And you're not yelling back at him?

Neil: No.

Farrell: Ok. What about Torres? Is Torres ... Does Torres appear to be upset or does he say or do anything that makes you believe he's upset about what's going on?

Neil: All I can recall is – is once the gu... - **INAUDIBLE** Torres .. I looked to my left and Torres had his gun pointing at the guy. That's when the guy said he had a gun.

Farrell: Ok.

Neil: So, I remember that. I didn't focus much on Torres after that. I knew that he had cover at a tree next to Torres. I'm think ... The only thing I thought was he has cover and I don't.

Farrell: Ok.

Neil: I'm standing on the sidewalk and I got cars to my right. And I'm thinking should I retreat a little bit and get some cover and we then talk to this guy. You know, it's happening really fast. And I had my pist.... Ones he told me he had a gun, I had my pistol drawn to my side, just pointing it down, you know, 'cause I .... He was fo... The guy was focusing on me the whole time, it wasn't really looking at Torres very much, he was looking at me and I **INAUDIBLE** 'cause that guy ... And I felt confident, you know, if he pulls something out and points in my direction, I can shoot him from this position. I can draw two shots, two seconds or trying to do that. And it's already out of my holster. So, I'm ... If I can keep my gun ... 'Cause it seem like when I had my gun down, he was comfortable. He kept saying, "You guys put your guns away, you know, and I come outside." And I said, "Well, you know, what if I put my gun in my holster, will you come to me with your hands up .. keep your hands where I can see them, will you come to me." He said, "No, you both need to put your guns away." And I said, "That's not gonna happen." So, he was ... upset that Torres had the gun pointed at him, you know, and that ..... I think that's why he talked to me, because I had my gun down and he felt a little more comfortable. And that's why I continued to had my gun down, because I knew that I could draw

– I can get it on him if I needed to. But I had it down and I was trying to keep him just focused on me, talking to me, keeping him looking forward. Because it wasn't **INAUDIBLE** or anything, I wanted to keep it that way. **INAUDIBLE** what we got and so, I mean, I knew that people were coming. I hear people mark, … you know, marking up on the radio and I knew that, you know, I hear, you know, sirens in the background. People are coming. And Rodney pulled up and ended up coming to the scene too. So, I just gotta keep it calm and try figure out what we got so that supervisors can, … you know, make the best decisions they can.

Farrell: Where you initially gun-on him?

Neil: No, I drew my gun and put it onto the side.

Farrell: Ok.

Neil: I initially didn't draw my gun right away and then Torres drew his gun first. And, you know, two … like, maybe, … ten seconds for me to realize were I had drew my pistol kept down to the side.

Farrell: Ok.

Neil: So, that's .. basically the whole time. I never pointed my gun at him.

Farrell: Ok. …… And in …. You feel that by having your gun down, it improved your report with him?

Neil: Correct. I felt ..-..

Farrell: So you're acting as the contact officer?

Neil: Yes he's – Yeah, it's my area, I was the contact officer. It was my .... We – When I first rolled up, when I honked at Torres, my demeanor was, I'm contact, it's my area, I'm taking paper, I'm doing all the contact on this.

Farrell: And Torres acted as a cover .. officer?

Neil: Correct.

Farrell: Ok. Uhmm, ... so, you feel that it's, uhmm, ... you feel safe with your gun out by your side based on your training that you didn't – that you could get gun on him if you needed and then also because you have a cover officer who has a gun on him?

Neil: Correct.

Farrell: Ok. If you cover – If you didn't have a cover officer there do you think you had your gun up or been in ready gun or ....?

Neil: I think I still would've, based on the conversation we're having and him having his hands like this, I felt – I still felt very – very confident that I could, you know, draw from here. I mean, my hand was like here, I could shoot him if I needed to. Him not – Him not being there, maybe I would had been at ready-gun, just 'cause there's no ... maybe just done like this, uhmm, just because, you know, I don't know ... and he's got his hands up, you know, I – I feel comfortable that I can punch forward and

shoot on target, I'm a shooting expert. I'm – I've been shooting guns since I was, you know, a little kid. But I did feel more comfortable having Torres .... I made the statement, "What if I put my gun in the holster will you come out to me," because Torres had his gun pointed at him and I – I felt confident that if the guy reached and pointed anything at me that, you know, or threatened me, either I could shoot him, two shoots a second, or Torres would be able to shoot him. Uhmm, ..-..

Farrell: Ok.

Neil: ..-.. so that's how I – how I felt at the time.

Farrell: Ok. So, you offer .....

Neil: It was a prior – dumb, probably stupid, you know, to say, ..-..

Farrell: Not ..-..

Neil: ..-.. "Hey, put – I put my gun in the holster," but that wasn't the .... I felt like that was, maybe, what it would take for him to come outside.

Farrell: Right.

Neil: I thought, maybe, it'll be enough, and I felt confident in my training.

Farrell: Yeah.

Neil: Uhmm, that's all. I mean, hind side is always 20/20. I thought about this a lot – a lot, and, you know, but, you know, I – I

thought it was the best thing I could do to keep him calm. It seemed to be working. He was focused on me. He seemed to, ... you know, not like the gun pointing at him, so, you know, towards the gun pointing at him, so I had my gun down. I think he felt a little more comfortable with that, and I offered that option, but when he said, "No, you need both put your guns away," I told him, "That's not gonna happen." So, that – that pretty much got rid of that whole idea, because once he said, you know, "Put both guns away," I told him, "That's not gonna happen," and he said, you know, he wasn't gonna come out, then I'm not gonna have us both put our guns away. I'm not gonna ask that of anybody anyways, it's his decision not mine.

Farrell: Right.

Neil: Uhmm, I was trying to .... I wanted to end it amicably. I wanted him to come outside, you know, and figure out what's going on.

Farrell: Ok.

Neil: Alright. So. At that point I would've had him come outside and try to disarm him first before we did anything else. Obviously if he has a gun.

Farrell: Right.

Neil: But .....

Farrell: Ok.

Neil: ..... he – he didn't come out.

Farrell: So, you, uhmm, you know, you're guns down and you even offered to holster up if he'll comply, but he won't – he doesn't comply or he won't ack.....

Neil: Correct.

Farrell: ..... he doesn't accept that.

Neil: Correct.

Farrell: Ok.

Neil: He said, "I'm not stepping outside. If I come outside I'll be drunk in public." Something like – Someth..... You know, he mentioned being drunk in public to me.

Farrell: Uh-um.

Neil: So, I don't know if that meant that he – he's been drinking. Uhmm, I don't know. Uhmm, but he had mentioned that, "I – I know the drunk in public laws. I'll be drunk in public, I'm not coming outside." But he already been outside, so he would've been ... This, you know, he – he didn't have alcohol in his hand or anything, so he wouldn't get a drunk in public regardless if he's outside. But, ... Anyways, so.

Farrell: So, then there comes a time where more officers respond on scene .....

Neil: Correct.

Farrell: ..... and you transition out of the contact role?

Neil: Yes. Uhh, Officer Barnes came up and I recall him carrying a shield, and I think he had a helmet with him as well. And he put the shield down, I think he leaned it against the tree, and I knew that he's a hostage negotiator, he just got – you got that training and everything and I'm only like a two year guy, so he's got more training experience on talking to the guy. And then we were joking getting on the radio and says, "Has anybody talked to the complainant yet?" And I remember, you know, the lady .... When – When I ... When the guy first said he had a gun, there's a lady .. the lady, the twenty-four year, uhh, girlfriend, and I believe there's two girls ... there's some - some other people on the porch, and I had asked everybody to just go inside. I said, "Can you guys go ins.... in the house for me?" And they – they didn't argue or anything they went inside the house. So, uhh, when he's, and I'm assuming she was the complainant because she was the other person with, I mean it could've been somebody else, but I assumed that was the complainant, 'cause she was standing there with him when we first rolled up. So, I said nobody's talked to, you know, nobody's talked him. So I said, "Torres, do you want me to talk to them or you want to go inside and talk to them?" He said, "You go and talk to them." So, I

holstered my pistol and I went around and I went inside that house and talked to them. And at that point relinquished it to Torres and p...primarily Rodney, 'cause he was the, you know, hostage ..... And I even said on the radio, I believe, you know, Bar..., uhh, Barnes is here he's a hostage negotiator, he'll take over and I go inside. I believe that's what I said on the radio.

Farrell: So, you hear, I mean without getting into details what Barnes is, but you hear Barnes speaking with him ... as you walk away to the house?

Neil: Yes.

Farrell: Ok. Uhmm, at – and is Barnes kind of having the same sort-of conversation that you were in terms of tone?

Neil: Yeah. I .. When I .. All I saw – recall Rodney saying, "Hey, I – I'm Rodney Barnes." You know, he – he just introduced himself and everything and, ... that's all the part I heard of it, but it wasn't – it was the same tone, calm, you know, nothing, ... he wasn't yelling or anything. Uhmm, Rodney is a really laid back guy and he just, you know, and I'm sure part of the training is to keep things controlled. So, he was talking with the guy the same way, same tones I was using. Uhmm, and that's the only part of the conversation that I heard, uhh, uhh, Rodney give – introducing himself.

Farrell: Do you hear Torres speak at all at that point or .....?

Neil: No, I did not.

Farrell: Ok. You go over and you speak to the complainant, uhmm, and she kinda give you some background of what's going on, and you're broadcasting information over the radio.

Neil: Correct.

Farrell: Do you ever go back out and tell anything to Torres or, uhh, Barnes that's not broadcasted over the radio? Like, do you ever go back out there and update them?

Neil: No.

Farrell: Ok. So, all the information that they would've had at that time would've been whatever you're relaying over the – the radio?

Neil: That and whatever they got from the guy personally. Yes.

Farrell: Ok. ..... Uhmm, and when she talked to you about the altercation, uhmm, does she mention anything about a suitcase?

Neil: No.

Farrell: Ok. Does she anything about him throwing any furniture or belongings or suitcase at her?

Neil: Only thing she – she mentioned is throwing is the bed. Remember the bed and .. being thrown outside. She ... I don't recall a suitcase. No.

Farrell: Ok. .....

Neil: I don't recall her saying anything throwing at her at all.

Farrell: Did she say any about – anything about getting hit in the head with anything?

Neil: No.

Farrell: Ok.

Neil: She just said that – that he got mad and threw .. started throwing her stuff around and the – throwing her stuff around the house and outside of the house, .. but I did not hear anything or recall anything about him … or him throwing anything at her or hitting her with anything. That would've, you know, **INAUDIBLE** … I'm pretty sure there's a **INAUDIBLE** relationship with those two children, so, that would've been domestic assault and I would've related that over the radio if it had been.

Farrell: Uh-um.

Neil: So, …. no, I do not recall any of that.

Farrell: What about anything … Any violence directed towards the children in the house?

Neil: No.

Farrell: Any, uhh, threatened violence? Did she tell you anything about that?

Neil: No.

Farrell: Ok. …… Did you speak to the girls at all?

Neil: I did.

Farrell: Alright. And did they say anything about, uhmm, any violence between them and the dad or the dad .....?

Neil: No, they did not mention anything about the dad doing anything violent to them that **INAUDIBLE**.

Farrell: Any mention of, uhmm, anybody being hit with a towel or anything like that?

Neil: No.

Farrell: Ok. Uhmm, ... then at the – then at the time the shot is fired, where are you positioned?

Neil: I was standing, if you're facing the house, there's like a island of woods to the left, there's a cruiser that's parked along the island of woods this way so the – the front of the car is to the left and the back of the car is to the right, I'm behind that cruiser talking to Lieutenant Joca.

Farrell: Ok. Is that – Is that cruiser, uhmm, hanging out into the street or is it just along the curb by the island?

Neil: It's along ..... Uhh, ...

Farrell: Like, it's not like way out in the street blocking the street or anything.

Neil: Correct. It's kinda like – It's, ahh, if I'm facing the cruiser, which I was, the cruiser is here, I'm facing the cruiser, the house is like

right here. So, it wasn't lined up with the house of to the left of the houses.

Farrell: Ok.

Neil: And I remember the woods being there. And I believe it was – it was parked against the curb, so I would say that it wasn't .... out in the – in the loo... in the road, it was actually parked against that curb.

Farrell: Ok. Right. And you have a clear line of sight to the house?

Neil: Yes.

Farrell: Ok. But you don't see the shot or the events preceding the shot?

Neil: Correct.

Farrell: Alright.

Neil: I was talking to Joca.

Farrell: Uhmm, ... after the shot, do you have any interaction with Torres?

Neil: No.

Farrell: Ok. Where do you ... You hear the shot and then you get into the cruiser and pull it around?

Neil: I heard the shot and everybody is ducking for cover. And I remember ... standing ... kneeling down and using the cruiser for cover, the engine block. Per my training, you know. I remember then the lady telling me that there's an assault rifle in the house ..

or some kind of rifle in the house. I'm thinking, you know, our best chances are this, you know, the engine block to stop something with a steel wheels. And then I remember .. somebody telling me that he need a PA to go around and, .. it was a supervisor, I can't remember if it was Fish or Joca, but one of them told me to go get into that car and drive ... I think it was Joca, but I can't be cer.... a hundred percent certain, drive around we need to get a PA to that house and – and give him, you know, orders to come out to us. So, I got in that car and I drove that car .. around and I parked it .. maybe three houses down, ... as close I can get without being directly in the line of fire. And also I wanted cover, so I turned it kind of sideways, but I didn't want the PA facing the other way, so I kinda did, like, in between the two. So the PA was kinda facing towards the house, but I also had cover.

Farrell: Right.

Neil: And then I gave commands on the PA to come out. We're try.... You know, "We're here to help you. Come out. .... Show us," .... you know, "Come to the door slowly. Open the door. Show us your hands. Everybody is waiting." And I did that maybe eight, nine times. Uhmm, you know, throughout the ... I didn't do them back to back to back, but, you know, every – every minute or

two.

Farrell: Alright.

Neil: Uhh, I would give that over the PA. And then, eventually, some – the guy in plain clothe came and took over the PA and I went back to the tree line.

Farrell: Alright. So, you don't observe, uhh, Torres or you don't … speak with him after this occurs.

Neil: Correct.

Farrell: Ok. Uhmm, ... You have questions?

Flanagan: Uhmm, you mentioned one … See if I wrote it ….

Neil: Ok.

Flanagan: Correct me if I do this …. Uhmm, …. you said you put your gun down by your side in ..-..

Neil: Correct.

Flanagan: ..-.. hopes the guy would come outside. And you said that the guy was upset with Torres and wanna talk to you maybe it was because the gun was by your side?

Neil: I think that he was more … willing to speak to me, because I had my gun …. I – I don't know, I can't say what the guy thought, but I had my gun down to the side and he seem not to like the fact that the gun was pointed at him. That Torres didn't .. had the gun pointed at him, so he's ..-..

Flanagan: What made you think that?

Neil: He said, "Stop," you know, "put your guns down. Why you're pointing guns at me?" You know, I knew that he was upset with the guns being out. I had my gun out too and he didn't like – he didn't like either our guns out. But I think the fact that my gun was down to the side … he seemed to .. wanna speak to me. He se…. – He was focused on me in speaking to me. So, I think .. I was trying to keep it calm. And I think if I .. I do believe if I pointed my gun at him, he would've been just as upset with me pointing the gun as – as he was with Torres pointing the gun. I think it would've escalated things more.

Flanagan: Ok.

Neil: I think having my gun down to the side, de-escalated it enough that I could keep control and just kinda talk to him and kill time until people .. got there.

Flanagan: Why you were there … upfront with Torres, did he ever directly address Torres?

Neil: I just remember him saying, "Put your guns away." .. And I remember him looking over at Torres. "Put your guns away," and looked over at Torres. But that's the only thing that I can remember him actually addressing Torres. Any of his .. 'Cause he just felt more threat ….. That's why I'm saying, I think – he felt

more threatened by the gun being pointed at him, 'cause he said, "Put your guns away," and look over at him.

Flanagan: Uh-um.

Neil: My gun was out too. I don't know if he real...., you know, if he didn't acknowledged, maybe it didn't register with him my gun was out as much because my gun wasn't pointed at him.

Flanagan: Right.

Neil: But my gun was out and I was willing to use my gun if I needed to. I would, you know, just ... I kept it down so he just focus, I mean, talk to me or anything and ... If ... I'm just trying to put myself ... in somebody else's position. If someone got a point .. gun pointed at me, I feel lot more threatened then if my gun's .. a gun's down.

Flanagan: Right.

Neil: I like not to see a gun at all, obviously, but, you know, you .. that's psychologically. You know, ... There's no real difference with that gun pointed here and here. It's still – still as effective. You know, I ... it's a little bit slower in motion, but it's still same thing. But psychologically, you got a gun pointed at you and a gun down here; you might feel a little more comfortable. .. I would think. That's me. I don't know. I can't say what the guy thought or what .... I can't – I can't do that. But I just know for me, if I was

having a gun pointed at me or I have a gun down, I feel more comfortable with the gun down, even though I know .... Even – Even knowing that – that's the same, it's not much of a difference, you know, I would still feel more comfortable with it down than pointing at me. But I was only doing this, because I knew he had his gun pointed at him.

Flanagan: Right.

Neil: You know, I was, you know, like I said, there's – there's no – no one else there. I probably would've had, like, this, maybe, or something, you know. Depends on circumstances. If he wouldn't show me his hand, my gun would've been pointed at him, no doubt. By myself, if he wouldn't have showed me his hands, there's no way I wouldn't had the gun pointed at him, because I ... he had his hands like this and I was – I would think that this motion here, to my lower back, would be the same as me to here .... or probably faster here. So, he didn't, you know, as long as he wasn't making any motion.... Now, if he was acting all squirrely and like erratic and doing spins and turning around and doing all kinda funny stuff and doing something behind the wall, I would've had my gun drawn completely, 'cause he mentioned a gun to me.

Flanagan: Uh-um.

Neil: But he had his hands like this.

Farrell: When you say like this, you're describing your hands up kind of ....

Neil: Yeah, by his head. Just like this.

Farrell: Alright. And you said that, uhmm, you may have had your gun, you said, like this, and you're describing, like, at your chest with one hand underneath it where you can .....

Neil: No, I ... Sorry.

Farrell: You – You thought that you had it that way, ...

Neil: Yes.

Farrell: ..... but that's – you would've considered putting it that way.

Neil: Yeah, if he ..-..

Farrell: Just – Just – Just for terms ..-..

Neil: Sorry, yes, ..-..

Farrell: ..-.. of describing and recording ..-..

Neil: I understand. .. Gotcha.

Farrell: Now, I'm not saying that you ever had your gun there, ..-..

Neil: Right.

Farrell: ..-.. but that's something you would've .....

Neil: Yes, and when I say that his hand were like this, I mean his hands were by his head. On each side of his head.

Farrell: Yeah.

Neil: And when I say I would've had a gun like this, more like a – like a – a ready-gun type position, you know, versus down here. However, like I said, if he had been acting really squirrely and making movements, I would've had my gun pointed at him.

Farrell: Ok.

Neil: Uhmm, I just felt, based on the fact that he was complying with the fact to keep my hands .. your hands where I can see them. He kept his hands where I could see them and he wasn't giving me enough that I thought that I have to have him at gun point. When I had another guy or had him at gun point and I was building **INAUDIBLE** with him with my gun down. This would just escalate things. I felt like, based on what we had, uhmm, I was trying to keep ... I wasn't trying to make it any worse than it already was until people got there. So, that's why I felt at the time, and like I said, I thought about this a lot. The whole weekend I thought about what can I do better, what did I do wrong, ya-di ya-da, and I, you know, just basing ... timing of ... everything happened that's what, you know, I thought was best. So, ... you know ..... kinda .....

Flanagan: When – When he .... looks over to Torres and makes the comment about putting your guns down, does Torres respond to him in any way?

Neil: I don't recall him s.... – him saying anything, but I – I, like I said, I wasn't really focused ... I was .... It's almost like ..-..

Flanagan: Only what you ..-..

Neil: They say ..-..

Flanagan: ..-.. have observed.

Neil: ..-.. They say its tunnel vision and I ... it kinda is, like your – I was focused on that guy. It could've been somebody standing to my right and I couldn't have told you, ...

Flanagan: Right. Yeah.

Neil: ..... because I was so focused on that guy.

Flanagan: And this goes with any question we ask you, if – if you don't know or you don't remember, that's fine, ..-..

Neil: Ok.

Flanagan: ..-.. we're just reproving ..-..

Neil: Sure.

Flanagan: ..-.. in case you do know, ..-..

Neil: Ok.

Flanagan: ..-.. we wanna ask.

Neil: No problem.

Flanagan: So, don't feel like, ... just because we ask, you should have an answer.

Neil: Ok.

Flanagan: Uhmm, it's only what you observe or, uhmm, what you recall. Uhmm, did Torres, .. with that in mind, did Torres change at all his weapon position when the guy made those co.... – when the guy made those comments to him?

Neil: All I recall is him having his gun pointed at him, and I don't remember him changing. I don't know if that was a change or not. All – All I remember when I – I looked at Torres one time and he had his gun pointed at him and as far as I knew he had his gun pointed the whole time, but I don't know what he did. Uhh, after that I – I already ... Torres had the gun pointed at him and I was focusing on that guy and I really don't know if – if he moved backwards, forwards, sideways or anything. I couldn't tell you, I'm sorry.

Flanagan: No – No, apologies, ..-..

Neil: Yeah.

Flanagan: ..-.. what you observe is what you observe.

Neil: Ok.

Flanagan: It's ... You have a responsibility there and it's, ... you know, towards the threat. ..... That was the only questions I had.

Farrell: Anything else that you wanna to add or clarify or anything else that you think that is important that wasn't asked or ..... that you recall?

Neil: That's, I mean, that's .. basically everything. I mean, I can really think anything of the top of my head. You guys have the questions **INAUDIBLE** I know. Uhmm, .. I try to just recall it, you know, from ... when I first got there to the end and try to paint a picture and ... do the best I can, so.

Farrell: Alright, that concludes the interview at 17:46 hours.

****

Transcribed on 09/26/2013

By Annemarie Carr, Administrative Assistant

From: Deane, Eric
To: Flanagan, Christopher; Farrell, John; Griffith, Cara D
Sent: 8/29/2013 11:40:19 PM
Subject: OCME

Did anyone call OCME yet? Steph was hedging toward coming to the scene earlier but [redacted] is on now. Might be worth giving her a heads up in case she is going to respond. Otherwise we'll be waiting.

Detective Eric Deane
Fairfax County Police Department
Homicide Squad
[redacted]

From: Morrogh, Ray F.
To: Flanagan, Christopher; Farrell, John
Sent: 11/22/2013 1:11:10 PM
Subject: OIS Geer

Chris John:

Do you know what the status of the autopsy report is on Mr. Geer? Thanks Ray

From: Morrogh, Ray F.
To: Farrell, John; Flanagan, Christopher
Sent: 11/22/2013 10:54:19 AM
Subject: OIS

Chris ,John

Can you tell me the names that correspond to the following call signs?

- 711 Charlie
- 730 Charlie
- 731 Charlie
- 740 Charlie
- 420 Charlie
- 440 Bravo
- 731 Bravo
- 741 Bravo
- Canine 7
- Canine 10
- 7 Bravo
- Car 7 Charlie

Thanks guys.... Ray ps Chris April Carroll is in the Massey building today...

From: Thompson, Paul
To: Farrell, John; Flanagan, Christopher
Sent: 12/4/2013 11:29:24 AM
Subject: OIS
Attachments: Police Involved Shooting.doc

Guys,

Please review and advise if this is sufficient for your needs. I am pretty sure it was Lance Schaible who debriefed Torres prior to the SWAT entry. If you have a conflicting view please feel free to change the name.

I am assuming you will cut and paste this word document into I/Leads. When you do so please let me know and I will approve it as necessary.

Lieutenant Paul Thompson
Fairfax County Police Department
4100 Chain Bridge Road
Fairfax County, Virginia 22030

Assistant Commander
Criminal Investigations Bureau
Major Crimes Division

[redacted]

Police Involved Shooting
Case 2013-2410242

Lt. Paul Thompson
Assistant Commander
Major Crimes Division

On 08-29-2013 I responded to 7907 Pebble Brook Court in reference to an officer involved shooting. Upon reaching the scene I coordinated immediately with Captain Joseph R. Hill (Commander - West Springfield District Station). This contact occurred in the cul-de-sac at the top of a grade away from the involved residence. At that time I learned that PFC Adam D. Torres had been identified as a DIRECTLY involved officer and that there were potentially two to three other police officer witnesses. One of those officers was identified as PFC Rodney M. Barnes. I was also informed at that time that the suspect who had been shot had barricaded himself inside of his residence (townhouse) and the previously mentioned officers were still part of the active perimeter.

Captain Hill and I discussed this issue and agreed that the involved officers should be removed from the perimeter as soon as they could be replaced with supporting officers and/or responding SWAT officers. This occurred rather quickly and I was soon placed in contact with PFC Torres. I then identified myself and position to him. At that time I noticed that he was in full patrol uniform and that his service weapon was secured in his holster on his right side. The weapon had been de-cocked. When asked, PFC Torres confirmed that he had discharged his weapon and said he had fired one round at the suspect. He also informed me that no other officers had discharged their weapons in his presence. PFC Torres was not noticeably upset at this time nor was he exhibiting any signs of anger or irrationality.

I then directed PFC Torres to leave his service weapon secured in his holster (as is) and to not manipulate it further. He was then instructed to remain on the scene pending the outcome of the barricade situation as he was still a source of information to arriving SWAT personnel. I also briefly explained to him that peer support personnel would be on scene shortly and that they would tend to his needs (per SOP). (This occurred shortly thereafter). I also briefly explained that he would be transported to the West Springfield District Station as soon as possible.

PFC Torres did request to make a phone call to his wife and when asked why he stated that he wanted to tell her he was all right in case she saw the incident on the news. Captain Hill and I conferred on the matter and agreed that he should be allowed to make the phone call. PFC Torres did so and spoke with his wife at length on his cell phone. At one point during the call I asked PFC Torres what they were discussing as I did not want him to discuss the incident with her. He simply stated he was not discussing the case and that he merely wanted to hear her voice. While I was not present with PFC Torres during this entire conversation due to other matters that needed my attention, he was not left alone as peer support personnel had arrived and

were assigned to him. 2LT Jayson Carson attended to this matter in the appropriate fashion.

I did observe PFC Torres being debriefed by hostage/barricade/negotiator personnel (Second Lieutenant Lance Schaible) during this time period.

After what I thought was a brief period of time I learned that SWAT had made entry into the involved residence and determined that the suspect who had been shot was deceased. This information was relayed to me by Captain Hill.

I made contact with PFC Barnes in the cul-de-sac shortly thereafter and noted that he was already with peer support personnel. PFC Barnes was visibly agitated and perspiring. He exclaimed at one point, "I was just talking to him when he was shot." Due to his agitated state I did not question PFC Barnes further regarding the incident and ensured that arrangements were being made to transport him to the West Springfield District Station.

I then remained on scene after both officers were transported coordinating further investigative responses by Major Crimes Division personnel. Eventually I responded to the station and continued coordinating efforts at that location as well.

From: Winter, Brenda
To: Flanagan, Christopher; Farrell, John
Sent: 9/7/2013 3:36:37 PM
Subject: Parker Interview
Attachments: Parker.doc

****

BIBEAULT: Ready to go?

GRIFFITH: Oh I thought.....

BIBEAULT: Mine's dead so.

GRIFFITH: Ok there ya go.

BIBEAULT: There ya go, alright, can I get your name?

PARKER: David Parker.

BIBEAULT: And what were you today, what uh?

PARKER: 741 Bravo, 2nd day.

BIBEAULT: Second, today's your second day?

PARKER: Right.

BIBEAULT: You were off for the three days?

PARKER: Right.

BIBEAULT: Right, you work yesterday?

PARKER: Yes.

BIBEAULT: What can you tell us about today?

PARKER: Ok I don't know exact time but, in regards to this call, um.

BIBEAULT: You start the shift normal.....

PARKER: Oh ok.

BIBEAULT: Roll call, hit the street.

PARKER: Hit the street, quiet, very quiet day um....

ANNOUNCEMENT: Paul Thompson, you copy on 7 OPS 1.

BIBEAULT: Would you mind turning that down?

PARKER: That was the only real call, it was a domestic dispute, oh it wasn't a domestic dispute, it was trespassing call, so it wasn't busy at all today, uh, and in fact it was near the end of this, well coming up on the end of this shift and I met up with uh, Ben Kushner, he was XRAY 700, and we met up at uh, behind the Burger King down there in Lorton.

BIBEAULT: XRAY?

PARKER: 700.

BIBEAULT: Thanks.

PARKER: We met up at uh, behind the Burger King at uh, down on Lorton Road, when we heard uh, should I talk slower or....

BIBEAULT: Um, I'm keeping up so far.

PARKER: Ok, we heard Officer Neil on the radio who was on a domestic dispute call, saying that the males.....

BIBEAULT: Did the domestic go out?

PARKER: I don't recall.

BIBEAULT: Ok.

PARKER: Um, we just heard him say, that the male involved said that he had a gun and he wasn't afraid to use it.

BIBEAULT: This is, you heard this over the radio.

PARKER: Over the radio.

BIBEAULT: By Neil?

PARKER: By Neil.

BIBEAULT: And who was Officer Neil?

PARKER: His designator or?

BIBEAULT: Or whatever you go, what's his first name?

PARKER: Uh Dave Neil, he's directly across from me.

BIBEAULT: Dave Neil?

PARKER: Yeah.

BIBEAULT: And?

PARKER: He's 730 Bravo I think?

BIBEAULT: Neil?

PARKER: Neil, I think.

BIBEAULT: Ok.

PARKER: He's the new guy, newer, 730 Bravo I think he was, no I'm sorry no he's a, he's a Charlie unit, he went to evenings a couple of weeks ago so he's 730 Charlie, now he was with our squad.

BIBEAULT: And you heard him say?

PARKER: The male subject involved said that, he's got a gun and he's not afraid to use it. I think those were his words.

BIBEAULT: As close as you can remember it?

PARKER: Yeah, and.

BIBEAULT: The male subject involved said, he's got a gun.....

PARKER: He's got a gun and he's not afraid to use it.

BIBEAULT: And he's not afraid to use it.

PARKER: And at that point, since I have the....

BIBEAULT: And it's over the radio channel 7?

PARKER: To dispatch yeah.

BIBEAULT: Alright.

PARKER: And at that point, since I'm the only guy on day work that has a patrol rifle, oh, and the fact that there was a threat of a gun, uh both Ben or Officer Kushner and I, marked in route to the call, over the radio.

BIBEAULT: Uh huh.

PARKER: And we responded uh, lights and siren, do you need to know the route we took or?

BIBEAULT: Um, I guess if you know it, it doesn't hurt.

PARKER: Let me see, Silver Brook Road, to South Run Drive, to Pohick Road.

BIBEAULT: Silver Brook, South Run.

PARKER: South Run, left on Pohick, and then um, took a right into the residential area where that, where the event happened um, and, I don't know the name of the street.

BIBEAULT: So Pohick and you turn onto that street which eventually gets you into that townhouses, I think it's.....

PARKER: At that point I killed it.

BIBEAULT: Magic leaf or something.

PARKER: Yeah Magic Leaf, that's it, and I killed my lights and sirens so that the, the subject wouldn't uh, hear us coming, or hear the sirens, and um, I think at some point during that um, Officer Neil said that uh, he was talking to the subject through the screen door.

BIBEAULT: So over the radio Neil says I'm talking to...

PARKER: I think so, that he said he was talking to the guy through the screen door, um, pull up on scene, um.....

BIBEAULT: Hang on a second.

PARKER: Ok.

BIBEAULT: Ok.

PARKER: Um, I pulled in behind, um, I think it was a blue unmarked and I believe that was Officer Barnes cruiser.

BIBEAULT: Uh huh.

PARKER: I was in a marked car, but you need the car number?

BIBEAULT: Uh sure.

PARKER: 3521.

BIBEAULT: Sorry about that.

PARKER: Ok, um, marked on scene, I pushed the on scene button on my CAD, uh put the car in park, and uh, released the, released to get my rifle out.

BIBEAULT: Uh huh.

PARKER: Got out of the car and uh, quickly approached to the, towards the front of the house, and I, without drawing it, I don't know how to explain it, the townhouses are directly in front of me, the subjects house is directly in front of me with the screen door.....

BIBEAULT: Uh you can, if you want to you can...

PARKER: Want me to draw it for you? That might help.

BIBEAULT: (inaudible)

PARKER: I'm not an artist but.

BIBEAULT: Who is, use it, there's a pen right there.

PARKER: Oh ok, I think the address was 7907 but I'm not positive right now, so if this is the suspects house, and the door opens out this way, then there's a sidewalk, a big tree here, um, curb, and there's a maroon um minivan, parked, facing in, um I took up position right here at the right back

bumper, resting the back of my hand against the, side of the van to stabilize the weapon, and uh.

BIBEAULT: You're behind that van that's facing right in?

PARKER: Yeah this is, this is the suspect's door.....subject's door.....

BIBEAULT: Uh huh.

PARKER: This is where I was standing with the rifle, um, when I got there I saw um, uh Officer Barnes was about here.

BIBEAULT: Ok.

PARKER: And uh, Officer, I don't know why I'm drawing a blank.

BIBEAULT: Begin with a "T" or something?

GRIFFITH: Torres?

PARKER: Yeah, yeah, I don't know why, I should have remembered that one, yeah Torres was there, um he had his handgun drawn, and it was pointed at the subject in the doorway.

BIBEAULT: Is that the tree you're at?

PARKER: No I'm.....

BIBEAULT: He's, he's like...

PARKER: (inaudible)

BIBEAULT: Tree, no Torres.

PARKER: Yeah Torres.....

BIBEAULT: (inaudible) tree.

PARKER: Yeah, (inaudible) the tree and there was a shield, laying at

his feet.

BIBEAULT: Ok.

PARKER: Um.

BIBEAULT: And Barnes is here?

PARKER: Barnes is here, Barnes....

BIBEAULT: On the sides of the houses?

PARKER: Right, yeah because it was a bit of a, like a, step, two, I think it was two steps that come down to the sidewalk.

BIBEAULT: Uh huh.

PARKER: So this is all grass, um, Barnes is standing in the grass, Torres is standing in the grass, I'm back here, Ben Kushner deployed with the shot gun, uh, originally had um, I think, I think he said he had buck shot in it originally and switched to a slug, but I'm not positive about that, but there's other vehicle parked, vehicles parked facing in this way, that belong to the people that live in the houses, in this townhouse, and then, and also Kushner took up a spot back here so he and I had eye contact the whole time.

BIBEAULT: So he's kind of eyeing another, people over here?

PARKER: Right, taking up cover behinds, and then pointing his, the shot gun that way, um, Rodney was doing a fantastic job establishing a rapport with this guy, um essentially Rodney,

or Officer Barnes was asking him, um, to come out and talk to us on the porch, and um, knowing well when we were talking to the guy, he had his hands were up, and uh, during the conversation he says, my hands are getting tired so he wanted to hang on to the door frame or the door, I don't know what you call it, it's not the frame because the actual door part, the sill I guess you'd call it.

BIBEAULT: Just the top of the…

PARKER: The top……

BIBEAULT: Actual door?

PARKER: Yeah, and he was just resting it, not resting but, kind of leaning while he was talking, um, um Officer Barnes again asked him repeatedly would he come out and talk to us, um, you know nobody wants to get hurt and the guy was saying well you got guns pointed at me um, and strangely enough he said, I recognize Officer Parker, because he gave me a speeding ticket once, and I have no, I don't remember the guy, I mean I write so many, (inaudible) anyway I don't know how he recognized me, I mean I had these glasses on, and he had a rifle pointed at him but he still, I guess you never forget getting tickets…..

BIBEAULT: I guess.

PARKER: Um, but he was demanding that we put our guns down um, and then he'd come out and talk to us, Rodney said or Officer Barnes said that's not going to happen, um, but we can't just you know, put our weapons away and leave, it's for our safety and your safety, um, at that point I went to a, a, low ready on the, with the rifle, and uh, he was, he started to say that he was getting thirsty and that he would, he was thinking about going in and getting a, getting a glass of water, and then if he closed the door, that it would be much worse for us because we wouldn't know what he was doing, and he told Officer Barnes that he had a 357 magnum next to him, to, to the left of him, he pointed, I don't know where he's pointing to but he's pointing to the left of him, and he said, it's a 357 magnum but its um, it's in the holster and, I think he said the barrels pointed away from me or something.....

BIBEAULT: Ok, hold on.

PARKER: And he was, the subject was wearing a, like a white, white T-shirt, and I, I want to say white pants or white shorts but I can be positive.

BIBEAULT: So he says I have a 357 in a holster?

PARKER: Right.

BIBEAULT: And he's kind of pointing.....

PARKER: He, he....

BIBEAULT: He's not showing.....

PARKER: He put his hands down but he gestured, gestured to his left, he's this way, yeah his left, cause he didn't put his hands down, um, and then he told us he was going to scratch his nose, and he brought his hand down and scratched his nose, put it back up and put it back up on the sill, um, we also got an update from Officer Neil, went to 79 I'm not sure what the number was but its two houses down where the subjects wife and two kids were I believe and he was getting intel from them, um, and he came over the radio and said that, he's got I believe two handguns, it might have been three, two or three hand guns and a long rifle, um, and that uh, they asked about drink or he came over the radio and said that, he's been drinking heavier lately but she didn't know if he had been drinking today, and his speech wasn't slurred when he was talking to us so it didn't seem like he was intoxicated, Officer Barnes continued trying to get him to come out to, to talk to us on the front porch, um, at, I, I don't know if like, the guy heard the radio traffic or realized what was going on because he

knew that people were going around towards the, back of the townhouse development, but he said if anyone comes in the back door, this is going um, either escalate or get a whole lot worse, I can't remember the words he used exactly, just that it wouldn't be good if they came in the back door, so I got on the radio and announced, you know what he had said, to not come in the back door, the, Barnes continued to, to work on rapport with him um, and he said, the subject said I've got the upper hand now because, I know my rights, you can't come in here and you can't be on my property, he said if I close the door then, I've got enough food for weeks um, and the only time I'd have to come out is to go to the grocery store, and it would take you forever to get in here.

BIBEAULT: I have enough food for what?

PARKER: Three months I think he said, a bunch of food or food for months, I don't remember the exact verbiage, just that he's got a lot of food and, wouldn't need to come out and we couldn't come in.

BIBEAULT: Alright.

PARKER: And this, this went back and forth with just more, come out and talk to us, no I'm not coming out, um, Rodney, or

Officer Barnes asked him you know, if he had gotten a job, what he does for work and, um, I don't remember what he said, maybe he said self-employed but I'm not positive, um, it seemed to be going ok as far as the rapport goes, um, and I think, he continued to say he's going to get a drink of water and close the door and, um, you know Rodney said don't do that, just come out and talk to us, um, and from my vantage point what I saw next was he, the subject started to, um, move his left hand um, barely off the, the sill of the door, I heard a bang and um, I saw a black spot just what appeared to be just below the sternum of the subject, um, I heard him moan or, holler out, and I think he was falling back towards his right side, and pushed the door closed as he fell back.

BIBEAULT: Where do you see the black mark?

PARKER: I believe it was just below, I think it was just below his sternum, because it, it the pop from the gun, I mean it wasn't like when you're at the range, it's just strange but, because the first thing I said was, what the fuck, and, the door was closed and I heard him hollering and I don't know if he was thrash, thrashing around inside the place, but um, due to the fact that he supposedly had access to a long

gun, I didn't know, since the door is closed, I couldn't see him, I didn't know if he was fatally hit or if he was put down or, how bad he was hit.....

BIBEAULT: Right.

PARKER: And if he was going to run upstairs, I'm right there so I immediately um, ran over to another car that was parked and got down behind the left rear bumper and pointed the gun up towards the house, um, after a couple of minutes, um oh and then, Rodney, Rodney moved up to the, to the uh, side of the, where the, the one property ends and the other begins, with a, like a column wall, like a fire wall....

BIBEAULT: Uh huh.

PARKER: Fire break, and Torres did too, um, I realized I was not in a pretty position there either, um, at that point I saw Officer Erit uh, had, Hanadias, I don't know how to spell that....

BIBEAULT: Let me just, just, so I don't lose track of this, his hand comes down off, off the sill, you hear a bang, a shot, do you know who shoots?

PARKER: Torres.

BIBEAULT: Ok, how do you know that?

PARKER: Because when I met up when I got up with um, well, I moved up with Erit, and then eventually, I moved up with

Rodney because they called Torres back and I said, I said, um, um, who the fuck shot, and he said Torres.

BIBEAULT: So, that's how you know Torres shot him because they told you, not, you didn't see, you're looking at the guy.

PARKER: Yeah, I, I didn't see him.

BIBEAULT: Shooting comes from somewhere else.

PARKER: No it was so complete surprise, he, his hand was, literally like this, not, doing, not, he wasn't you know, doing one of these quick grabs, further movements or anything, his hands was coming off the (inaudible) because he said he was going to go ahead and get a glass of water and all of a sudden it was like that black spot appeared, I heard the bang, the guy moaned and fell back and closed the door as he was falling backwards.

BIBEAULT: Alright, and that's when you move up?

PARKER: No I didn't move up.

BIBEAULT: Well you move over?

PARKER: I moved over.

BIBEAULT: And then you're with?

PARKER: I'm by myself, and I realized I was in another crap spot, so then I saw um, Officer Erit and Hanidias, H A N I D I A S.

BIBEAULT: What did you say the first name is, Erit?

PARKER: Erit, E R I T.

BIBEAULT: Hanadias?

PARKER: Hanadias, and he's a Charlie unit, oh he was 970 Charlie, so I got up there with him, we both realized that, we have an ugly cross fire situation if the guy came back out.....

BIBEAULT: Uh huh.

PARKER: Uh, even though the door did swing out this way, so we basically, there's another steps here, I don't know what the address was, we stood inside just looking around to see if the guy came back out, then I guess one of the supervisors got on the radio and said, to have Torres work his way back to the....

BIBEAULT: Who, so when you're up here, when do you hear that Torres does the shooting? Like take me through that part one more time.

PARKER: I may have been here, and I may have asked Ben who shot.

BIBEAULT: But anyway, you asked who shot?

PARKER: Yeah.

BIBEAULT: And then what is the response?

PARKER: Torres.

BIBEAULT: And who told you that?

PARKER: It was either Ben Kushner or, or uh……

BIBEAULT: So someone answered it.

PARKER: Yeah.

BIBEAULT: And you asked, what the fuck happened or?

PARKER: Um, no I said who shot him, Torres, and I think I might have said why, and it was still too active and fluid at that point to…..

BIBEAULT: Uh huh.

PARKER: You know, quarterback it, so.

BIBEAULT: And did anybody respond to that?

PARKER: I don't remember.

BIBEAULT: Ok, and then what happens?

PARKER: Uh, I'm up the door of the neighbors with Errit, um, they called Erit away to I think to go to the back of the house to try and get the, the uh wife of the other address to take her away, I don't, then he left to do that and I don't what ever happened to him, I don't know if he did that or not, um, and then they, I don't know if it was Commander, someone had arrived down there and this is when things really slowed down because we're waiting on TAC, and I'm back here by myself and Rodney Barnes is up here with Torres and they said um, whoever the officer was involved in the shooting,

send them back to the Command Bus or to wherever, back to where the supervisors were, so uh, Torres made his way back to them, um, and I moved up to be next to Rodney, and uh, we stood there um, it seemed like forever, and uh, the TAC Team got there, and they came down, worked their way back of the townhouse, came up on this corner and told us to um, leave and go back behind the tree line and then uh, they were there for a bit, they sent the robot in I believe, and I, I, uh had a view because I was in the tree line, and the next think I knew was, the HRV came up and they made the announcements, oh and also, during the time, that we were standing here with Erit, um, I believe Officer Neil came down with the cruiser, and parked uh catty corner and got on the PA advising, advising the guy, I guess his name was John, to uh come out, that we were trying to help him, um show his hands when he came out, that medical aid was available, you know, trying to get him to come out over the PA, and then at one point, a uh, I don't know if it was a hostage negotiator or TAC guy came down and took over the PA with the same thing, with, we're here to help you and you know, we understand you're hurt, come on out we'll get you medical aid, um, and that's when

the uh, robot, I don't know if the robot ever made it in or not, the HRV came down, they announced several times to come out and we'd get him help um, and they told him that if he was standing by the door to, move because they were going to open the door and they pushed the door open with the, I don't know what the ram things is on the front of the HRV but they pushed it open and TAC guys went in and at that point Lieutenant Joca said uh, everybody that was involved, to go up to the Command Post and we did, and here we are.

BIBEAULT: Alright, this is kind of a quick rundown, normal shift, you meet up with Ben Kushner, you're at Burger King, you hear Neil come over the radio, say the guys got a gun, you guys respond down there.

PARKER: Right.

BIBEAULT: You set up in those initial positions that you talked about.

PARKER: Right.

BIBEAULT: You behind that van, Kushner on the other side, you could see Barnes and Torres.

PARKER: Uh huh.

BIBEAULT: Neil as far as you know is in another townhouse with the family.....

PARKER: Right.

BIBEAULT: The wife and the two kids.

PARKER: Two doors down.

BIBEAULT: Um, you talk about Erit, do you know where he was before you moved up?

PARKER: No.

BIBEAULT: Anybody else, did you see anybody else in there?

PARKER: No.

BIBEAULT: So then you're there, Barnes is kind of, basically negotiating with the guy.

PARKER: Right.

BIBEAULT: At the front door, the guys talking about holding up in the house, getting a glass of water, he has a 357, he doesn't want the police coming into his house.

PARKER: Right, Rodney's also trying to get him to talk about you know, what was bothering him and, oh and also there was a, have you been to the scene....

BIBEAULT: Uh huh.

PARKER: I don't know, well there's a bunch of stuff out in the front yard that he had been throwing out, I guess he was breaking up with his girlfriend or whatever, they had been together for 24 years, he didn't get into real details of what

the problems were um, just that they were having an argument and we noticed all the, the mattress and the headboard and everything had been thrown out in the front yard, and also during the, one time when Rodney was talking to the guy, um, someone, I don't know if it, I think his name might have been Tim, yelled to the suspect, or the subject about, about, I guess it was a friend of his, saying that, that he plans to go play golf and uh, and he says yeah well, this is ending a little bit different that we planned or something but he did say several times, I don't want to die today, so I guess the supervisors that were back there, told the guy to, quiet down because Rod, because Rodney was doing an outstanding job of, of talking to the guy I thought.

BIBEAULT: That guy says something about not dying that day or the guy at the door?

PARKER: The subject, John the guy that got shot.

BIBEAULT: Is he yelling that out to the guy or....

PARKER: No.

BIBEAULT: Or was he just answering more that you guys...

PARKER: He was answering Rodney, we weren't talking to him at all because, he was one on one with him.

BIBEAULT: He said I, I, he did not want to die today?

PARKER: He did not want to die today, and I think that one of the updates that Officer Neil gave when he was talking to the wife was that, she felt that he was possible considering like a suicide by cop thing.

BIBEAULT: Now who told you that, Neil?

PARKER: I think Neil said it on the radio.

BIBEAULT: Um, was there any other conversation you heard, from behind you other than that guy yelling down about the golfing and, having some kind of conversation there, he's yelling down from somewhere in the back and...

PARKER: No, the guy um, John the subject, he said, one of the things he was talking about was you know, we wanted to get it resolved before the kids all started coming home, the parents coming home from school, (inaudible) from work that live in the neighborhood, he said it doesn't look good for me, it doesn't look good for my neighbors, uh I don't look good in front of my neighbors and um, he said you know, it looks like people are coming in now, because he was looking up the street and he says, I think that's my father, I don't know if his father showed up on the scene or not, um, he didn't communicate with his father as far as I

know, he wasn't on the phone or anything and he didn't come down to us.

BIBEAULT: Any other conversations you remember?

PARKER: No, it was, it was fluid with Rodney, they were, he was establishing like you do, you establish a rapport, mostly when, towards the end when um, it happened, he was mostly saying, he was going to go in and get some water, and Rodney said no, it wouldn't be good because then we wouldn't know what he was doing um, he was under the, the, impression that we wouldn't come in, that we would have to wait him out for months and hours and.....

BIBEAULT: It seems like he's giving conflicting things saying, I can go in the house and you guys can't come in and I can stay for months but then he's saying, if I go in it's a bad thing, you guys don't know what I'm doing.

PARKER: Right.

BIBEAULT: Sort of conflicting to me.

PARKER: It was conflicting I mean, like I said his speech wasn't slurred and he was, it was, it was a coherent conversation he was having with Rodney but like you said, there is a couple of things that, may have been, I don't know, may have clashed with each other, some of the things he was

saying.

BIBEAULT: Um, alright so when the actual shooting goes down, you can see his hand coming down, and then you see then the mark in a, and a noise at the same time (inaudible)…..

PARKER: At the same time yeah.

BIBEAULT: Um, alright.

PARKER: And I was by the van, I had my rifle ready so, I wasn't looking for the sight I was just looking at him.

BIBEAULT: And you're 100 percent sure you didn't fire any rounds, did they check you out?

PARKER: That I did?

BIBEAULT: Yeah.

PARKER: Oh I'm positive.

BIBEAULT: Ok.

PARKER: I never even took my gun off of safety.

BIBEAULT: Um, did they ever take pictures of you or something…

PARKER: Uh huh.

BIBEAULT: And they check your guns and all that.

PARKER: They didn't check our guns but….

BIBEAULT: Ok, um, anything else you can think of? Um, mind if I take that little drawing you made?

PARKER: It's horrible but you are welcome to.

BIBEAULT: That's alright, it's a little easier for people to do that um, thank you Dave.

PARKER: I know it's not uh…

BIBEAULT: It is what it is.

PARKER: It is what it is you know.

BIBEAULT: You know, that's all you do is, you (inaudible) did they leave this here for you?

PARKER: I didn't know it was here when I came in.

BIBEAULT: Ok, I'm running out.

GRIFFITH: Thanks Dave.

****

This statement has been typed as recorded/(bkw)/ (September 7, 2013)

From: Flanagan, Christopher
To: Gaisor, Amy
CC: Farrell, John
Sent: 7/18/2014 9:40:35 AM
Subject: PFC. Adam Torres

Amy,

Detective Farrell is out of town and asked me to follow up on our last visit to the Academy when we reviewed PFC Adam Torres' file. Can I get a copy of any PowerPoint Presentations regarding Use of Deadly Force that would have used during PFC Adam Torres' time at the Academy.

Chris

Christopher Flanagan
Detective
CIB/Cold Case
Fairfax County Police

From: Kim Ryan
To: Flanagan, Christopher
Sent: 8/31/2013 5:53:37 PM
Subject: Photo
Attachments: ATT00001.txt; photo.JPG

Sent from my iPhone

From: Morgan, Ryan W.
To: Farrell, John
CC: Morgan, Ryan W.; Laitinen, Joshua B; Kline, Michael; Flanagan, Christopher
Sent: 7/10/2014 1:14:22 PM
Subject: Re:

Sure thing!

Sent from my iPhone

On Jul 10, 2014, at 1:13 PM, "Farrell, John" [redacted] wrote:

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
[redacted]

From: Laitinen, Crystal
To: Flanagan, Christopher
Sent: 9/2/2013 12:33:15 AM
Subject: RE:

Cool. go to sleep!!! ;)

From: Flanagan, Christopher
Sent: Monday, September 02, 2013 12:31 AM
To: Laitinen, Crystal
Subject: Re:

Ok thanks. Maybe it was just Dan that talked to him at the scene.

From: Laitinen, Crystal
Sent: Monday, September 02, 2013 12:19 AM
To: Flanagan, Christopher
Subject: RE:

i dont think that guy ever came to the station. Jimmy kellam, tonny kim and matt owens were at the scene. i can get with them and see if they have it..

From: Flanagan, Christopher
Sent: Monday, September 02, 2013 12:12 AM
To: Laitinen, Crystal
Subject: Re:

Got all three. Did u guys interview his friend Jeff too.

From: Laitinen, Crystal
Sent: Monday, September 02, 2013 12:10 AM
To: Flanagan, Christopher
Subject:

Manzo

From: Laitinen, Crystal
To: Flanagan, Christopher
Sent: 9/2/2013 12:13:57 AM
Subject: RE:

neg. I only did parker, kushner and manzo unless dan did him seperate with someone else.

From: Flanagan, Christopher
Sent: Monday, September 02, 2013 12:12 AM
To: Laitinen, Crystal
Subject: Re:

Got all three. Did u guys interview his friend Jeff too.

From: Laitinen, Crystal
Sent: Monday, September 02, 2013 12:10 AM
To: Flanagan, Christopher
Subject:

Manzo

From: Holland, Bryan
To: Farrell, John
CC: Flanagan, Christopher
Sent: 8/31/2013 11:25:57 AM
Subject: RE:

Okay-I'll work on that... 4:30 is still good ?

From: Farrell, John
Sent: Saturday, August 31, 2013 11:00 AM
To: Holland, Bryan
Cc: Flanagan, Christopher
Subject:

Lt - Chris and I were in the neighborhood of the canvass yesterday and from speaking to the wife of the deceased it sounds like a lot of people were out there watching what happened. I would like to expand the scope of the canvass a bit. I wanted to see if we could get a total of 8 bodies to assist.

Also I will be in the office by 1 but will have to leave by 7 - I forgot that my wife had a commitment tonight.

Thanks.

From: Holland, Bryan
To: Farrell, John
CC: Flanagan, Christopher
Sent: 1/31/2014 5:28:58 PM
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: Kim, Tonny
To: Flanagan, Christopher
Sent: 9/2/2013 6:34:52 PM
Subject: Re:

Yup. I'll email it tomorrow.

----- Original Message -----
From: Flanagan, Christopher
Sent: Monday, September 02, 2013 11:50 AM
To: Kim, Tonny; Farrell, John
Subject:

Tonny, do you have a recording of the interview of Geer's friend Jeff that you email John or me.

From: Kline, Michael
To: Morgan, Ryan W.
CC: Laitinen, Joshua B; Flanagan, Christopher; Farrell, John; Hill, Andy; Billeb, Todd
Sent: 7/10/2014 1:24:17 PM
Subject: RE:

Ryan,

Please add Todd Billeb as a recipient. He is handling for IAB.

Thx,

Mike K

Major Mike Kline
Commander, Internal Affairs Bureau
Fairfax County Police Department
[redacted]

"Rank's most important privilege is using its authority in the most responsible way-with fairness for all."

From: Morgan, Ryan W.
Sent: Thursday, July 10, 2014 1:14 PM
To: Farrell, John
Cc: Morgan, Ryan W.; Laitinen, Joshua B; Kline, Michael; Flanagan, Christopher
Subject: Re:

Sure thing!

Sent from my iPhone

On Jul 10, 2014, at 1:13 PM, "Farrell, John" <[redacted] wrote:

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
[redacted]

From: Flanagan, Christopher
To: Carr, Annemarie; Farrell, John
Sent: 9/18/2013 4:27:13 PM
Subject: RE: Barnes transcript
Attachments: Rodney Barnes 082913.docx

Corrected version of Barnes. Thank you.

From: Carr, Annemarie
Sent: Tuesday, September 17, 2013 9:18 AM
To: Flanagan, Christopher
Subject: Barnes transcipt

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
[redacted]

Fairfax County Police

Case Number: 2013-2410242

Transcribed on: September 17, 2013

****

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

Barnes: Yes.

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

Barnes: Rodney Michelle Barnes.

Flanagan: Rodney, what's your EIN?

Barnes: 316949

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

Barnes: August 31, 1998.

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

Barnes: Yes, ten years in the Navy.

Flanagan: Ok. And .. any other law enforcement experience?

Barnes: Uhh, yes, Corpus Christi, Texas. **INAUDIBLE** with the South Corpus Christi Police Department from '96 or '95 to '98, I can't remember. I know I came here in '98.

Flanagan: Ok. And – and you mentioned that you graduated from the Fairfax County Police Academy in '98 ..-..

Barnes: '99.

Flanagan: ..-.. or that you were hired in '98. You graduated in '99.

Barnes: right.

Flanagan: Where did you go after the academy?

Barnes: Mount Vernon District Station.

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

Barnes: Yes, patrol.

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

Barnes: Yeah, in 2000. .. I came to ... I think it's 2000. .. I came here in 2000 or 2001, I can't ... I think it was 2000.

Flanagan: Ok. And here is West Springfield ..-..

Barnes: West Springfield.

Flanagan: District?

Barnes: And I've been here the whole up to now.

Flanagan: Ok. All of that was in a patrol capacity?

Barnes: Yes.

Flanagan: And, uhmm, ...

Barnes: **INAUDIBLE**

Flanagan: ..... aside from your regular academy training, uhmm, have you had any other source of specialized training?

Barnes: No. I was the SRO for almost seven years .....

Flanagan: Ok.

Barnes: ..... here at station.

Flanagan: Ok.

Barnes: Uhmm, but, ... I mean we had training in the Navy, but that's different kinda .....

Flanagan: How about, uhmm, have you had hostage negotiator training **INAUDIBLE**?

Barnes: Yes, I have.

Flanagan: You have had that.

Barnes: And I'm a hostage negotiator too.

Flanagan: Ok. And how about crisis intervention? Have you ever had ..-..

Barnes: I've had that training too.

Flanagan: ..-.. **INAUDIBLE**.

Barnes: Yes.

Flanagan: Ok. Any other training that you can think off?

Barnes: I mean, ...

Flanagan: O..O..Other than your – what you received in the academy initially.

Barnes: I mean, I've been back to the academy for some – a lot of classes, but .....

Flanagan: Ok.

Barnes: Like criminal patrol tactics, uhh, ... I can't remember off – right of the head what I've been to for – at the academy for.

Flanagan: Ok. .. Uhmm, and with regards to your training you, uhh, we also talked about the – the service weapon ..-..

Barnes: Uh-um.

Flanagan: ..-.. that you carry. What kind of service weapon is that?

Barnes: 226.

Flanagan: Ok. And that's ..-..

Barnes: A Sig Sauer 226.

Flanagan: Ok. And, uhmm, you're qualified with that?

Barnes: Yes, I am.

Flanagan: What other weapons are you qualified with?

Barnes: Uhh, the shotgun, ... uhh, and the Taser. .. I mean weapons.

Flanagan: Right.

Barnes: Uhh, I guess you don't consider a Taser.

Flanagan: Taser, yeah.

Barnes: A Taser, … pepper spray. I don't know if that's what one of the things …..

Flanagan: Ok. … Uhmm, what about pepper balls?

Barnes: Pepper ball. Yes, pepper ball gun.

Flanagan: Ok. And I think you also mentioned, uhh, for as far as special assignments, you were and SRO?

Barnes: For almost seven years.

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

Barnes: Uhh, patrol, Days-A at West Springfield Station.

Flanagan: Ok. That's day work?

Barnes: Day work, yes.

Flanagan: Ok. And on this particular day do you – what was your designator?

Barnes: 740B.

Flanagan: And "Bravo" means you're day work and that "740" means you cover area "740"?

Barnes: Right, that's my normal patrol area.

Flanagan: And that's just your standard patrol, uhmm, responding for calls, for service, ..-..

Barnes: Right.

Flanagan: ..-.. in your area and (inaudible)..-..

Barnes: Being proactive.

Flanagan: ..-.. (inaudible) ok.

Barnes: Yeah.

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

Barnes: Yes, I had a, uhh, blue unmarked, which is not my cruiser. My cruisers been dead-lined, so I don't really have a cruiser right now. I use midnight's cruiser last nigh.... To yesterday and todays 4325.

Flanagan: Ok. Now, when you say, uhmm, ..-..

Barnes: Line package. Got a whole police package.

Flanagan: So, it's got lights and sirens?

Barnes: Yes.

Flanagan: It just doesn't have the decals on it?

Barnes: That's correct.

Flanagan: Ok. ... Uhmm, and could you describe your uniform for me. I guess the easiest way is probably starting at your shoes and then just kinda go up to your shoulders.

Barnes: I have, uhh, a pair of black pa..., uhh, Oakley ... leather boots. .. Waterproof. And I have a dark blue patrol pants with the cargo pockets. And I have a gray shirt with – displaying my PFC and my, ... uhh, patch that says Fairfax County Police Department. And, uhmm, I have a outer vest, the new outer – patrol outer vest ... displaying my name, R. Ir ... I

mean Barnes. And displaying a embroidered Fairfax County Badge. And I have a shoulder mic. And I have – On my waist I have, uhh, two … magazines. And, .. uhmm, my radio is up on the vest. And I also have a Taser. I have a ASP. I have a Mag-Lite. I have two, uhmm, handcuffs in the .. back – in the back. I have a – my service weapon on the right. I'm right handed. And I have, uhh, pepper spray …… in the front ..-..

Flanagan: Ok.

Barnes: ..-.. on the right.

Flanagan: Ok. And you mentioned that you're right handed.

Barnes: I'm right handed.

Flanagan: And the magazines that are stored in your pouch, the two on your belt, do you know the condition of those? What the load is on those?

Barnes: Uhh, I think one has thirteen. Here's thirteen. .. Uhh, twelve. … And one has eleven.

Flanagan: Ok.

Barnes: I didn't top it off.

Flanagan: Ok. .. And .. the weapon that's in your holster, your Sig, do you know the condition of that?

Barnes: It's ready. It's – It's one in the mag – It's one in the chamber … and I guess eleven in the magazine.

Flanagan: Ok. ..... And the way you're dressed right now, and what we just talked about, is that how you were dressed at the time of this incident?

Barnes: Yes, it was.

Flanagan: Ok. No gloves, no hat or coats ..-..

Barnes: No gloves.

Flanagan: ..-.. or anything different?

Barnes: No.

Flanagan: Ok. And I think you mentioned this, but you said you were right handed, is that correct?

Barnes: I'm right handed, yes.

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

Barnes: It's the last day. It's our Friday.

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

Barnes: Two day, yes.

Flanagan: And this is the second of your .....

Barnes: Right.

Flanagan: .... two day shift? And how was your sleep last night? How would you describe it?

Barnes: It's like – It's normal. I, uhh, ... When I usually get home .. I usually .. sometime nod out on the couch .....

Flanagan: Uh-um.

Barnes: .... for a couple hours. My wife gets on me about .. sleeping on the couch, so I went upstairs probably about 11 ....

Flanagan: Right.

Barnes: ... 11:15 after taking the dog out. And I got up at 3 ... Well, the clock goes off at 3:50, I probably got out of bed at .. I – I lay there for like another ten minutes sometimes.

Flanagan: Right.

Barnes: So, I think I actually got out of bed at 4:00. I always look at the clock. Then if I haven't showered before, I shower that morning and then get dressed ..-..

Flanagan: Uh-uh.

Barnes: ..-.. and .... go ..-..

Flanagan: Ok.

Barnes: ..-.. downstairs and head to work.

Flanagan: Alright. Uhmm, are you – are you on any medications now that would impair your judgment in any way?

Barnes: I'm on medication, but not anything that would impair .....

Flanagan: Ok.

Barnes: ..... for me to, ... you know, my judgment.

Flanagan: Ok. And, uhmm, how about alcohol use and drug use. Any alcohol or drug use in the last 48 hours?

Barnes: No, I don't drink and I haven't taken any drug other than

prescribed to me.

Flanagan: Your prescribed drugs, Ok.

Barnes: And vitamins.

Flanagan: Ok. And for .. you – you mentioned that you're Days-A. What time is roll call for day work?

Barnes: 05:30.

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

Barnes: Uhh, we … have a short roll call, … probably ten minutes. And we're in service – He wants us in service by six o'clock.

Flanagan: Alright. And was that the case this morning?

Barnes: Yeah, around six. I maybe, uhh, like for me .. probably 6:01, 6:02, but, yes.

Flanagan: Ok.

Barnes: We – We – He wants us in service at six.

Flanagan: And typically, for day work, when you guys come off the street?

Barnes: Oh, day work? He want us marked out at the station at four.

Flanagan: Alright. And you're actual days ..-..

Barnes: 16:00.

Flanagan: ..-.. ends when?

Barnes: What now? Our actual day from 05:30 to 17:00.

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

Barnes: 16:00.

Flanagan: Ok. Alright. Now, uhmm, as far as this morning goes, was that – was it normal .. did you actually hit the street around six o'clock?

Barnes: Yeah. Yes, sir.

Flanagan: And, uhmm, you mentioned that you were, uhh, "740B". In the course of your duties, uhmm, prior to this event, was – was there any, uhmm, strange or unusual calls this morning, or today?

Barnes: I won't have to say strange, we had a suspicious person that we found .. two, uhh, one was a teenager, one was an adult, ..-..

Flanagan: Uh-uh.

Barnes: ..-.. sleeping in a stairway at a ... a garage in Lorton at a condo ..-..

Flanagan: Yeah.

Barnes: ..-.. we had to deal with. We were out on that for a few hours, because we was trying to reach a parent to pick up ..-..

Flanagan: Ok.

Barnes: ..-.. the sixteen year old, because she was a minor.

Flanagan: And was that resolved without issue?

Barnes: Yes, it was resolved.

Flanagan: Ok. Any other significant events during the day?

Barnes: No, sir.

Flanagan: Ok. And in regards with – with the, uhmm, the incident that we're here for, how do you first become aware of that?

Barnes: Well, you – you – I knew they were going to – I heard, you know, they dispatched, uhh, "730 .. C" – Charlie units, "730C", "731C". I think that's the two.

Flanagan: Ok.

Barnes: Uhh, Officer Neil and Officer Torres went to where, uhh, what I caught of it, was that, uhh, the – the boyfriend had, … and I read the event too, had thrown was throwing her the bed and stuff out and wouldn't let her back in the house, and she said she's gonna move her stuff, she was in the process of moving out.

Flanagan: Do you – Do you know what that event was dispatched as?

Barnes: I wanna say a dom… I think a domestic dispute.

Flanagan: Uh-uh.

Barnes: I don't believe it was dom… I thought it was a domestic dispute.

Flanagan: And what's the difference between a domestic dispute and ..-..

Barnes: Well, a domestic dispute ..-..

Flanagan: ..-.. domestic violence?

Barnes: ..-.. there's some kind of argument or something ..-..

Flanagan: Ok.

Barnes: ..-.. and domestic violence there's some kind of physical altercation .....

Flanagan: Uhmm, ...

Barnes: .... involving a covered relationship or, ... you know, ... a wife and .....

Flanagan: Is it uncommon for one to lead to the other?

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

Flanagan: Uh-um.

Barnes: So, then you make it a domestic dispute.

Flanagan: Ok. And would they say be true for the reverse, where you were dispatched to a domestic dispute.

Barnes: And we change it to a domestic ... 'cause we find out ... in – in the investigation, if this is the case, like, "Hey, well, yeah, he pushed me." It ..-..

Flanagan: Ok.

Barnes: ..-.. it changes, you know, what ..... You know. .... But I

wasn't ... the primary officer .....

Flanagan: Ok.

Barnes: ..... responding.

Flanagan: And, uhmm, do you know approximately what time it was when this was first radioed?

Barnes: I – I honestly didn't look at my clock or ... I don't know.

Flanagan: Alright. Did you ... You – you weren't one of the officers dispatched, you just heard it?

Barnes: No, the – the two primary officers were dispatched.

Flanagan: Ok.

Barnes: Then I heard 'em, sounded like Torres got on the radio and said that the guy has a gun or something like that and he wasn't going anywhere. We wasn't coming in. He – he got no problem shooting. I – I'm – I'm not sure of the exact word, but it was something about a gun and, uhmm, ... and that they need another unit. Or either the dispatch said something about a unit and they said, "Are any units available?" And I said, "740B". And they said – I said, "Hold me enroute." And they .... And, uhh, then there was no other traffic and I remember I actually went. ... Then I heard "741" said he was coming and I – I went lights and siren. ..... And then they said some other traffic, and I said that I'm about three minutes off.

Flanagan: Ok. .....

Barnes: Do you just want me to talk or just wait ask the .....

Flanagan: Uhmm, ...

Barnes: Ok.

Flanagan: ..... do – you can just tell at your pace. Sometimes I, oh, when I writing and I write to slow, uhmm, ..-..

Barnes: No, you do alright.

Flanagan: ..-.. I might have to .... to stop you, but, uhmm, ... So, you're – you're running code to call. You're running lights and sirens. And did you say it took you about three minutes to get there?

Barnes: I – I made a comment, 'cause something else came on that they needed a .. the, uhh, shield.

Flanagan: Ok.

Barnes: And then they said, the first officer get on the scene, I think Jocca, Lieutenant Jocca, may have said that, ...

Flanagan: Ok.

Barnes: .... which said, "Hey, when the first Unit ...." He said that it was in his trunk. The first – The next to first Unit that gets on the – The next Unit that gets on the scene get – get the shield for him.

Flanagan: Ok.

Barnes: So, I said, "Hey, I'm about a few – a couple minutes off. .. Two or three minutes off."

Flanagan: Ok.

Barnes: Something like that.

Flanagan: Where – where … At this point, had you heard for other resources being called?

Barnes: They're .. At the same time when I said that I was enroute, "741Char … Barvo" was enrou.... "Bravo" … "Bravo" was enroute ..-..

Flanagan: Ok.

Barnes: ..-.. and maybe some other Units said something.

Flanagan: Ok.

Barnes: I did hear "741", ..-..

Flanagan: Ok.

Barnes: ..-.. which is my partner, ……

Flanagan: Alright.

Barnes: ….. you know, down south.

Flanagan: Now, ..-..

Barnes: **INAUDIBLE**.

Flanagan: ..-.. prior you getting here, do you hear any more radio traffic?

Barnes: I – I don't recall. All I know … I know before I got there, when I said I was coming three minutes off, I told them I was – I be

on scene in two minutes ..-..

Flanagan: Ok.

Barnes: ..-.. or something like that.

Flanagan: Ok.

Barnes: And I said, uhmm, ... They restricted the channel.

Flanagan: Ok. .....

Barnes: The dispatcher did.

Flanagan: And what happened when you arrive?

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

Flanagan: Ok.

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

Flanagan: You brought that to Torres?

Barnes: I br.... Yeah, 'cause they asked me to bring it ..-..

Flanagan: Ok.

Barnes: ..-.. when I got on scene. So, he's got him at gun point, both of them. And I want to see what he wanted to with that. He said, "Set it by the tree." So, I set the helmet down in the grass and set it against the tree, and then I took a ..... The tree's here. I moved over to the left. And I was just standing there, had my gun out, 'cause Neil is kinda talking to him, but not really much going ..-..

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

Barnes: When I got there, it was – I was the third officer on scene.

Flanagan: Ok.

Barnes: Officer David Neil and Adam Torres was – were on scene.

Flanagan: Ok. And if you're ... Am I correct, that if you come straight down the hill ..-..

Barnes: They're right ..-..

Flanagan: ..-.. the house is ..-..

Barnes: Straight.

Flanagan: ..-.. right down ..-..

Barnes: Right there.

Flanagan: ..-.. straight in front of you?

Barnes: Torres is on the left, ...

Flanagan: Ok.

Barnes: ..... like in the front yard, ...

Flanagan: Ok.

Barnes: ..... and – and, uhh, Neil was kinda like on the sidewalk edge – like edge – on the edge of the grass to .. like it was like a "V". You know, he is. And then here is – here is Torres and here's – here's Neil, ...

Det. Ok.

Flanagan:

Barnes: .... and the guy's in the door.

Flanagan: Now, ..-..

Barnes: And I said, ..-..

Flanagan: ..-.. he – he's ... is he .... Where – What ... Describe to me how hr'd in the ..-..

Barnes: He has a white screen door with a screen.

Flanagan: Ok.

Barnes: And he's inside the screen door.

Flanagan: Ok.

Barnes: But his hand ... Well, I can see his hands up, ... 'cause they had ordered ... I guess that's something they told him, to keep his hands up.

Flanagan: Yeah.

Barnes: And he was talking to them through the screen.

Flanagan: Is there a full door too? Like a hard door? … Can you ever see that?

Barnes: No, the hard door is in the back, it's open.

Flanagan: Ok, so it's …..

Barnes: Yeah.

Flanagan: The hard door is open full and ..-..

Barnes: Yeah.

Flanagan: ..-.. the screen door …..

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

Flanagan: Uh-um.

Barnes: ….. 'cause that would've been real bad, 'cause it was a screen door where you could see the top ..-..

Flanagan: Ok.

Barnes: ..-.. and you could see …. you …. I think he had shorts on.

Flanagan: Right.

Barnes: You could see his feet. It's let, you know, you could see his

legs.

Flanagan: What … And you said his hands were up where ..-..

Barnes: His hands were ..-..

Flanagan: ..-.. it's ..-..

Barnes: ..-.. his hands were like … Here's the screen. His hands were on the screen. .. Like this. And he's talking to 'em through the door.

Flanagan: Is the door, screen door, closed?

Barnes: At times it openes a little bit, …….

Flanagan: Uh-uh.

Barnes: …… and it's closed. Like .. he would open it sometimes like about that much …….

Flanagan: Ok.

Barnes: …. at – in the course of ….. talking. ……

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

Barnes: Well, ..-..

Flanagan: Or do you learn more about what's going on?

Barnes: ..-.. well, I kinda like .. 'cause I'm just here to cover for them, ..-..

Flanagan: Right.

Barnes: ..-.. I didn't had not intentions or .. talking. At the time when I got there, Torres wasn't really saying anything.

Flanagan: Ok.

Barnes: David was saying something. I don't recall what he was saying. Like, "Hey," you know, "come out." You know, whatever, "Come." And guy .... So, I – I got there and I kinda waited. And it kinda like .... You know, David is new. He was talking. But then, I was like, you know, I said – I said, "David do you mind if I .... And I said, "Hey, I'm Officer Barnes." I said, "Hey, I'm also a hostage negotiator, a crisis negotiator. Hey, ..." And then he said, "What's your first name Officer Barnes?" I said, "Rodney." And then he said, "Can I call you Rodney?" I said, "Sure." And then I said, "Can I ..... What's your name?" He said, "I'm John." Until then the conversation .... Yeah, for some reason, I cannot remember that David went next door. I guess to talk ... Somebody had maybe said something on the radio, so he just left me and Torres there.

Flanagan: Ok.

Barnes: But then shortly .. after that – shortly, .. and I don't know if David had moved yet, but I could hear Parker was there. Parker gets on scene, he got his rifle. And then Kushner gets there. And Kushner got – he took a position. And – and Parker took a position.

Flanagan: Ok.

Barnes: And then I'm talking to him. And .. So, it was just me and him talking.

Flanagan: Alright.

Barnes: And at that point nobody else was talking to him.

Flanagan: Ok. ... And wha... what do you, other than what do you hear on the radio, you ..-..

Barnes: The ra..... ... It was radio traffic the – the whole time. I mean different people, like Lieutenant Jocca was saying stuff when they got in there, and, you know, a couple times Torres, ... we're at gunpoint, ... Torres gotta get on the radio, while we're at gunpoint with this guy, ...

Flanagan: Yeah.

Barnes: .... talking to the ... whoever.

Flanagan: Right.

Barnes: You know.

Flanagan: And .. what .... The communication between you and this guy, what is that?

Barnes: Far as I just told him ..-..

Flanagan: You say when you're talking.

Barnes: We're talking. I say, "Hey, you know, ... You know, we don't want anybody get hurt." You know, and, uhh, he seemed to like talking to me, ...

Flanagan: Uh-um.

Barnes: ..... but he wanted – he wanted ... a couple times he wanted Torres not to point the gun right at him.

Flanagan: Uh-um.

Barnes: And ..-..

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

Barnes: What do you mean?

Flanagan: Like ... What – what was he .... You said that he didn't want Torres ..-..

Barnes: Why, ..-..

Flanagan: ..-.. **INAUDIBLE**

Barnes: ..-.. When we got there, we had the gun, he said, "Hey, guys," you know, "nobody gonna get hurt here. I don't have a gun in my hand." And I don't know every exact word, ..-..

Flanagan: Uh-uh.

Barnes: ..-.. he said, "Hey, can you – can you not point that gun at me. Can you get Officer whatever to lower his gun?

Flanagan: Uh-um.

Barnes: And he was getting a little irritated, and I said, "Hey, we – now, we can't like drop our guns." But he did ... I did convince Torres to take it down to ready. Ready gun, ...

Flanagan: Uh-uh.

Barnes: …. you know.

Flanagan: Right.

Barnes: And – and we're talking, he seem to be ok with that several times.

Flanagan: Uh-uhm.

Barnes: And then the rifle … Like Ben was out there with his rifle. Ben kinda … He was on him – He lowered it, but from that distance it wasn't really low….., you know, it was down.

Flanagan: Right.

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

Flanagan: Uh-um.

Barnes: ..-.. they're not married, ..-..

Flanagan: Right.

Barnes: ..-.. but they been together twenty-something years .. and they have two kids. And it …. Later on I ask him, "Sir, so how many kids you have? How - how old are you're kid?" He told me. Uhmm. He said, "Yeah, they're awesome." I said, "Well, you know, ….." And then was – he made some comments

about, ... you know, ... some pregnant lady. You know, people started to come home, he didn't want them, ... you know .... They don't need to see this. And – and, uhh, ... you know, I was like, "Hey, you know, we don't want anybody get hurt." I said ... He said, "Well, I know my rights. You can't come in the house." And I said, "Hey, you know, we ain't got no reason to come in your house."

Flanagan: Uh-um.

Barnes: I said, you know, ... Not ... Several times I was trying to get him to ..... "Hey, can you ...." You know, he was – he was saying, "I know if I reach down or drop my hands I can get shot." I said, "Hey, nobody is gonna shoot you if you just do what ....."

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

Barnes: He said it .... He sta.... – He started to tell me ... Like he knew ... Like our procedures. Like, you know, I know, that if I drop my gun-hand, I'm gonna get shot. He said that to us.

Flanagan: Uh-uh.

Barnes: Several times. But, ... along with that, 'cause he kept going back and forth, ... And I'm talking to him. And he seem to enjoy talking to me. And he said .... And I – and it – and it ... early on I was getting where, "Hey, why don't you come out

and we talk." He said, "Well, ... what would've happen if I come out?" I said, "We'll just talk." I said ... I said, "I – I'm – I'm gonna give you some commands," and then, you know, they teach us ..... He said, "No, not commands." I said, "Well, I ask you to come out and you have to do some things." He said, "Oh,....." You know – You know how you gotta switch or make it more human where he didn't really wanna, ... You know, like you're authority. He knew we were ..-..

Flanagan: Right.

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

Flanagan: Right.

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

Flanagan: Ok.

Barnes: He said, ... He said, "Well, I'll come out if .... Torres ....

those guys move back to a van. Way back." And I said, "Well, ... And then he said, "You stay here." I said, "Well, they can't leave me here. Can't stay here." .. You know. And he's .... Back and forth. And he was like, uhmm, "No, I know what's gonna happen if I step out here, 'cause I have different rights then if I step out on the porch." I said, "Well, this is your property, if you come out on the porch it's gonna be nothing different as far as your rights.

Flanagan: Uh-uh.

Barnes: I mean, it's still your house. Your property." I said, "We just wanna talk to you and find out what went on here and what ....." He said, "Well, I know that y'all can't put me out, because I know I can put her out and I know it takes 30 to 90 days through the courts to get her out." And so he – he was telling us – telling me – telling us that. And, uhh, .. uhh, I then asked him, say, "Hey," you know, trying to deflect him, I said, "Hey, what – what – what do you do for a living?" He said, "Oh, .. Oh, well, I – I – I deal with kitchens." And I said, "Well, - Well, what like remodeling?" He said, "No, I sell kitchens, and I can do it from the house. I just sell complete kitchens and I – I do it from here." And he, well, you know, I'm trying to get him off of .... And then he, you know, and he said, "Well,

what if I come out there and sat down on the steps?" I would say, "If you come out sit on the step, we'll talk." He said, "Just you and me?" I said, "Well, we'll talk, but they can't leave and leave me here."

Flanagan: Uh-um.

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

Flanagan: Yeah.

Barnes:. ..-.. me to come in. Of course ..-..

Flanagan: Yeah.

Barnes: ..-.. I would not do that. And he said, uhh, ... **INAUDIBLE** talk about the gun and ..... I – I – I'm kinda jumping around, and he goes, ... He said, "Yeah, I do have a gun. It's sitting right here on the couch, on the chair, right by the door." ... Like, he's standing there ... He said there was a gun .... he had set right there.

Flanagan: Oh, you're motioning ..-..

Barnes: To the left ..-..

Flanagan: ..-.. to the left side?

Barnes: To his left.

Flanagan: Ok.

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

Flanagan: Did he say why he had the gun there?

Barnes: No, he never told me why he had the gun there. He just said he had there. Now, ..-..

Flanagan: Huh.

Barnes: ..-.. before I got there, I don't really know.

Flanagan: Huh.

Barnes: Neil said later something about he had something in his hand, but he put it down. I'm thinking that must've been the gun. They can tell you, I don't know any of that.

Flanagan: Ok.

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

Flanagan: Uh-um.

Barnes: And one – one time he – he'd said – he said, "Can I get my phone?" He said, "It's in my front left pocket." But he had like a polo shirt on, it was a little longer. I said, "No, no, just don't reach." He said, "What if I reach?" I said, "Listen, .. don't

reach. I don't want you to reach in your pocket." He said, "Well, can I just put my hand in my pocket?" I said, "No, ... please don't." ... And he didn't. He didn't do it. He said, "Do you mind if I just ... He opened the door and said, "Can I just," because he was getting tired, "can I just put my hands over the top of the door?" You know, like, open the, yeah, the door.

Flanagan: Right.

Barnes: Open a little bit out and he ... Just to rest ... You know, that kinda help you ...

Flanagan: Right.

Barnes: ... he was moving, move around ... Kinda hold him. So, I let him ... I said, "Yeah, sure." .... And, uhh, ... he said, "You know what, "I'm gonna shut the door and go back in here. You can come in here and talk to me." I said, "No, I can't come in." And this went on. And – and then he was like, "Well, tell them to move. If they – if they'll move all the way back, I'll come out and talk to you. But I don't wanna be handcuffed." So, then I even said, "Ok," I said, "you come out. You sit down. We're not gonna handcuff you." You know. He said, "No, you wanna get me separated from my house." You know. And he said, "No, I'm not closing the door." And I

said, "Well, can you just come out shut ..." I said, "You can even prop the door open. .. The screen door, .. prop it open, and just come and sit down with me." No. .... He wouldn't do that. But .. we're talking.

Flanagan: Even after you said that you wouldn't handcuff him?

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

Flanagan: Right.

Barnes: So I said, "We can't do that." You know. .... Then we're talking, you know, I'm just gonna go back in the house, and this went on. And ..... He said, uhh, ... And a couple of times I said, "Hey, have I disrespect you." But he said, "No, no, you haven't. You – you haven't. You know, we talking. You know, but I want them to leave." Then a couple of times he would – he – he asked to scratch his nose again. He would tell us. He said, "I'm gonna scratch my nose again." And then, next thing I know, it's like, pow. You know. ... And, you know, it kinda startled you like, "What ....." And my ... And the whole time my finger ... is down the side.

Flanagan: Uh-uh.

Barnes: You know. 'Cause as it went on, .. a couple of times he was

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

Flanagan: Uh-um.

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

Flanagan: Uh-um.

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

Flanagan: Right.

Barnes: So, ... But when we ... shot went in, ... uhh, I think out of my eye I saw Dave and them retreat to better ... something, but me and Torres, where we were, we just went to the side it's brick. Then the next – right next to it, like you got the – the window ... we went right here. Brick, where we couldn't - we just had a angle at the door. ... And then it says, "Shots fired." And then there was some confusion, 'cause Jocca and them was out there, and saying, "Yeah, we don't know who shot." And then I said, ... I – I kinda got a little pissed, because ... I'm like, "Hey," ... It was to many people talking. Everybody was ..... I said, "I need the channel, you know.

Flanagan: Uh-um.

Barnes: I said, ... "An officer fired a shot. He was hit .... somewhere in the stomach area or somewhere, .. you know, and he went back into the house shut .... As he was going backwards, he yelled, ... he's, "Ahhh," and he shut the door. And – and that

motion ... And that motion, he shut the door. .... So, ... 'Cause the door .... Which way the door open? .. I wanna say the door open .... Is it this way? .... Anyway, I think it went this way, because the screen door opens this way and I wanna say that the ... the door open ... maybe this way. But anyway, in his motion, .. 'cause when he went back, "Ahhh," the door closed. Slammed.

Flanagan: The – the hard door?

Barnes: The hard door. ... And then I said, "Hey, an officer fired. He's hit." And I kinda .. figured .. should I say looked in the stomach or whatever.

Flanagan: Uh-um.

Barnes: And then, uhh, we moved. Adam was behind me. .. And he's like .. He said, ... 'Cause I said, "Who shot?" He said, "I did. I'm sorry." And he said, .. He says, "He – he put – he moved his hand down to his waist." I said, "I didn't see that." You know. And I never took my eye off of him. I'm not ... I'm – I just ... I'm like, ... And he was ... I said, "You ok?" He said, "Are you ok?" I said, "I'm fine. I'm fine. I'm fine." You know, a little pumped up. I'm like, ... He said, "Man, my wrist." He said his wrist was hurting. I don't know if it was from the way he was holding it, but he said, "I jammed my wrist," or

something. And, uhh, ... he was kept making look. I said, - I said, "Breath." "Ahh, man." I said, "You gonna be ok. Ok, we gotta deal with this. You gonna be ok." And he ... You know, he makes me, he's like, "Man, ... Man, you know." He said, "I'm sorry." I'm like, "You gonna be ok. Torres, we gonna deal with this. You know." He said, "I'm sure.... IA ... You gonna have to do all that, you're fine. Just – just deal with that. You deal with it." Then he made a comment. ... 'Cause I was like..... He said, "You're ok, just breath." I said, "I'm good." He even patted me on the shoulder. I'm ok, 'cause, you know, I was kinda – I was pissed, but then, like, "What-the-hell just happened here?

Flanagan: Uh-uh.

Barnes: You know. He said, "Did you see it?" I said, "No." That's all I said. I didn't like, "Man, what the fuck. Why did you do that?" That wasn't time for that. It wasn't. But I was also trying to calm him down. He was concerned about me. .. You know, he said, "You're alright, man?" ... And he said, ... 'Cause I wasn't really saying anything to him, 'cause we were watching the door and we need to .... And, uhh, he said, - he said, - he said, "Man," he said, "Man, I know I have to talk to IA." I said, "Yeah, we all are." He said, "They gonna take my

gun?" I said, "Yeah, they gonna do all that." You know, 'cause he don't know.

Flanagan: Right.

Barnes: And then he made a comment that kinda ... He said, "Man, I did have argument with my wife before I came to work." You know, I'm saying to myself..... You know, I didn't say, "Hey," I said, "Man you gonna be ok, just deal with this."

Flanagan: What do you think he meant by that? Did he say what he meant?

Barnes: No. I mean ... I guess he was just trying to give reason that ... In my mind, I'm like, "What-the-hell just happen here? ..... You know. And he ... And I can tell you he was ... shaken-up.

Flanagan: Right.

Barnes: It was normal. And then, you know, he's the one that shot – fired the shot. I'm like, "Maybe he saw somebody I didn't see," but I'm like, "I had a perfect view." ... And, ha, you know, - you know, I'm like, "Hey." And then he kept saying, "Man, they need to get in there and get him. We need to get him." You know. I said, "Hey, we gotta hold tight, we can't just, you know ..... And then, I'm like .... I was kinda pissed, 'cause I was talking to him, like, you know, "Is he ok." You

know, "Is he ok." And I even started yelling in there, "Hey, John. John. John." But a couple ti.... – a couple times they can hear the recording, "I heard him inside." I know for a fact he ..-..

Flanagan: Heard him talking or .....?

Barnes: No, I heard like ... stuff moving, you know, for ....

Flanagan: Right.

Barnes: ... a couple times. And it got to a point where there was nothing.

Flanagan: How long did you guys stay up front?

Barnes: Till TAC – till TAC – TAC came up on the delta side. Like you facing it, they were over there.

Flanagan: Uh-um.

Barnes: The delta side. And when they came around, they told us they were coming. They got on the corner, they said .... So, I moved down to were ... like, two townhouses down, and where Dave and a couple other guys .. and we moved **INAUDIBLE** ride to the other tree line.

Flanagan: Uh-um.

Barnes: There's a center Island, we stayed right there. Uhmm, where there was me, Dave, uhmm, Dave Parker, Dave Neil, Anthony Quarto, ... 'Cause that's where he was the whole

time. I didn't know this.

Flanagan: Uh-um.

Barnes: And then, Eric from evenings was stand...., he came down there. Then eventually Lieutenant Jocca came. And then, uhh, ... Well, before that, before we got moved outta there, they asked .... I kept Torres, you say, I kept telling ..., "Hey man, you want me – me ... I can get you a relieve. I can get you a relieve." 'Cause I knew it was a matter of time they gonna call for him.

Flanagan: Right.

Barnes: And next thing you know they said, "Hey, can we get Torres re – relieved?" So, Dave had a rifle. He came up to where I was, and we were there awhile. So, then Torres went back to the command bus and we were there for a while till TAC ... I don't know how much longer, but it was awhile.

Flanagan: Uh-um.

Barnes: When TAC told us, you know, to get out of there. And we came back around to where we were out of the way. And then, uhh, Jocca gets there. And he didn't really .... He was trying to tell us, which I knew, the robot was on his way down.

Flanagan: Uh-um.

Barnes: Which I know what the robot ... And he was trying to going

through to tell Ryan and then what was next. And, uhmm, ... But Torres kept, you know, before he left, like, "Hey, you know, we need, you know, we need to get in there. You know, we need to get in there and get him." I said, "I know." "We need to, you know ...."

Flanagan: Was – Was he like – Was he concerned for ..-..

Barnes: Yeah.

Flanagan: ..-.. they guy being .....

Barnes: Yeah, he was. Yeah, he was. ... He – He was. .. He – He was concerned, and he was scared and ... And I just .. I was mad, 'cause I was like, what-the-hell happened here? You know. And I'm saying to myself, ... And I didn't say anything to him, 'cause I was concerned about him. I'm – I'm not .. here to throw him under the bus or anything like that, but I – I – I didn't see what he saw.

Flanagan: Uh-um.

Barnes: What he thought he saw. Whatever. I don't know if his hand – finger was on the trigger, I don't know.

Flanagan: Ok. Well, let's go back and, uhmm, .. I guess we'll start with like in a little more detail. .. Uhmm, you're in your car and .. you hear the call come out. .. And you said you read the CAD-traffic.

Barnes: I had read the CAD, the traffic, yeah, about what the call was.

Flanagan: Do you remember what the CAD-traffic said?

Barnes: Something about he had thrown .... Oh, I read where there was no alcohol and the weapons were secure or something. That's all.

Flanagan: There weapons in the house?

Barnes: Yeah, but they supposedly were secured.

Flanagan: Uh-uh.

Barnes: That's from the comp... the call-taker.

Flanagan: Ok. Uhmm, ...

Barnes: And I wasn't going, 'cause it wasn't ... At that point they didn't say anything about, "Hey, he say he has a gun and he ain't coming out and .. we better not come ... Whatever.

Flanagan: Then the first thing you hear about the gun is from ....

Barnes: Torres.

Flanagan: ..... the officers that are on the scene?

Barnes: Adam, ...

Flanagan: Adam.

Barnes: .... because he was talking.

Flanagan: And what do you – what do you recall .. from that ..-..

Barnes: When I heard him say, "The guy got a gun, he ain't coming out." Then ... they ask for another unit. I said, "Is there any

unit ... This is 740B, hold me enroute." .. Then I heard 741 and I said, "Hey," .. As we going, they .... When I got turned on Hooes running code ... Turned on Hooes ... 'Cause I didn't have far to go up to Hooes to make a right on Newington Forest, then I know I got to make a left on Maple Leaf – Maple Leaf. ... And, uhh, ... So I was on scene and .....

Flanagan: Wa....Was there any radio traffic or CAD-traffic about, ... uhmm, threats against the officers from the guy?

Barnes: I – I thought I heard 'em say that he would shoot us if we come in there or he has a gun. I didn't hear it all, I just heard about .... that he had a gun. He wasn't coming in – He – We wasn't coming in or he wasn't coming out. It would be bad if we came in. .. That's the kind of what I heard.

Flanagan: That – And – And what do you hear, ... you hear that on the police radio.

Barnes: Yeah, it's on the radio.

Flanagan: From .....?

Barnes: From Torres.

Flanagan: Ok. So, ..-..

Barnes: 'Cause he called.

Flanagan: ..-.. he's relaying that ..-..

Barnes: And that's ..-..

Flanagan: ..-.. to the dispatcher?

Barnes: ..-.. And that's why he said, "Hey, we need a unit." So I knew, at that point, I don't need to go casually, so I ..-..

Flanagan: Yeah.

Barnes: ..-.. I ran code.

Flanagan: Ok.

Barnes: And then they restricted the channel. And then he said, uhh, … They were talking about …. Something else he said … I don't know, that they, uhh, they needed the shield. And I said, "Hey, I'll be on scene shortly." … Three minutes. Two minutes. .. Whatever. And I got on scene and .. I saw them .. in their position.

Flanagan: So, when you – when you're coming down, … uhh, the street, …..

Barnes: Which? On .. The actual street.

Flanagan: On Pebble …..

Barnes: Pebble.

Flanagan: Pebble, yeah. .. Uhmm, the townhouses straight down at the bottom of the hill?

Barnes: Yeah. When I came ….. 'Cause when you first come in, you're way up there. You know, like where the command

thing is?

Flanagan: Right.

Barnes: You come down. Then I saw his car. 'Cause I didn't actually know who ..-..

Flanagan: Right.

Barnes: When I – I saw Torres, he always drive the silver unmarked.

Flanagan: Ok.

Barnes: And I didn't see .. Neil's car, 'cause it was over to the left, .. like around ....

Flanagan: Yeah.

Barnes: But I saw his car and I saw him standing in there. And I pull up behind his car and got his, uhh, ...

Flanagan: Alright. You parked behind his car?

Barnes: Right behind it.

Flanagan: Alright. And .. as you're looking at townhouses straight ahead of you, from right to left, which townhouse is his? .... How far in?

Barnes: Maybe the third one. ... From – from the right in .....

Flanagan: Uh-uh.

Barnes: .... it was maybe the third or fourth one. I don't – I don't know.

Flanagan: Ok.

Barnes: Third. .. I don't know. ... 'Cause I couldn't ... I didn't know the

number – I knew the number, but you couldn't see the numbers from there. How I knew which one it was? When I saw him standing in the door, I said, "Oh damn, it's right there." ..... I – I don't know if it was the third in. .... Third. Yeah. Third in or fourth in. I'm not sure. .... Maybe more than that. .... Fourth. I don't know. .....

Flanagan: Was it closer to the right or to the left?

Barnes: Close to the right.

Flanagan: Ok. .....

Barnes: It looked like to me, ... I don't really know how long they were, ... I think it was .... It maybe even, but it maybe ... I thought it was closer to the right. .....

Flanagan: And the screen door, .. which way did that open?

Barnes: Outward, .. to the right. Like, if you're facing it, it opens this way. Like, I'm facing it, ... it opened like this.

Flanagan: Ok, so it ... when you're coming from the outside in, the knob is on the right hand side?

Barnes: Yeah. .....

Flanagan: And do you know which way the .. large interior door ... which way that one opened?

Barnes: It had to open opposite, because I could see in what he was trying to show me. Like, he opened the door a little bit. Like

he opened it enough where I can see in past him. So, the door ... 'Cause I wouldn't been able to see that. So, I think the door, you facing it, it opened opposite .. of what ... Well, you know what I mean? .. It opens .. Like you open that door like this, ... the screen door this way, ...

Flanagan: Uh-uh.

Barnes: ..... the door opens this way.

Flanagan: Ok.

Barnes: That's what it looks like. .. 'Cause if it was that way, there's no way that I could've seen inside of there where he was trying to tell me the gun was. .. 'Cause I could actually see in there.

Flanagan: Ok. So if this is, ... this whole sketch .. it's not accurate as far as ..-..

Barnes: The screen door opens this way.

Flanagan: Right. So, if this is the screen, opening like that, ... and then this is the main door, ...

Barnes: The main door opens that way.

Flanagan: Like this, right?

Barnes: Are you facing it? ... Yeah, it opens ..-..

Flanagan: So the knob would be here, opening like that?

Barnes: No, no, no, the knob would be on the right.

Flanagan: Ok, then how would be the knob on the right on this door then? .. On the screen door.

Barnes: The knob was here, .. 'cause it opens. The knob .. The screen door only opens one way. .. Outward. ... It can't go inward.

Flanagan: Right.

Barnes: You know what I mean. .... The screen door opens this way.

Flanagan: So, they're opening this .. like this? ....

Barnes: Screen door this way and the door open this way.

Flanagan: So, is that right, like that?

Barnes: Yeah. .... So, if he closes it, ... Wait a minute, ... that don't look right. .. Ok. .. All I know, I saw the door cl.... There's no .....

Flanagan: Where – where ..-..

Barnes: If the door ..-..

Flanagan: ..-.. he's mentioning the gun is right down where you ..-..

Barnes: When he opened the door enough, I could look right in here. ... He was trying to tell me that the gun was right there ..-..

Flanagan: So, ..-..

Barnes: ..-.. on something.

Flanagan: ..-.. facing inside out, the gun's to stood to his left?

Barnes: Yeah. ... So the door .. The door couldn't open this way,

'cause I wouldn't been able to see it. So, the door – the hard door had to open that way.

Flanagan: Ok.

Barnes: That's the way I see it. I – I couldn't see .... Maybe I'm, ta uhh, .. 'Cause there's no way. 'Cause I wouldn't have been able to see in. ... Is that confusing?

Flanagan: Uhmm. ... Well, ...

Barnes: It looked like a door. Like this door here. ... It looked like this door ... open this way.

Flanagan: Ok.

Barnes: Because I wouldn't have been able ... If the door open like this – If the door open this way, ... then I couldn't seen in there. .. You know what I mean?

Flanagan: Right.

Barnes: That's what I ..... I'm sorry.

Flanagan: It's ok, just to the best of your memory.

Barnes: Yeah.

Flanagan: Uhmm, and we can – I can go down and look at the door.

Barnes: Yeah.

Flanagan: Uhmm. So, ...

Barnes: I know it was like yellow looking.

Flanagan: Out in front – What is out in front? Like, where are you guys

located out in front of the townhouse?

Barnes: There ain't notin'. At – we're .. Like you got the yard. Like there's grass here.

Flanagan: Uh-uh.

Barnes: Yard. And there's grass over here. And there's the sidewalk. …

Flanagan: The sidewalk that leads up to the front door?

Barnes: Yeah, well, you got the sidewalk up here, but there's a sidewalk going up .. right to the front door. … I was in the grass over here. There's a tree in the yard here.

Flanagan: Ok. It .. And ..-..

Barnes: And Torres was right there by the tree.

Flanagan: Are there – Is there parking lot ……

Barnes: Yes, that's – that's where park.

Flanagan: Ok.

Barnes: Cars pull up. …. You had the parking lot, .. sidewalk, …. you know the regular sidewalk to walk down the front of them. … Yeah, like that. … Then you had the sidewalk that walk, you know for each – each ….

Flanagan: Uh-um.

Barnes: ….. each townhouse you got …. Right. ……. Right.

Flanagan: Ok. And you said there's a tree over here?

Barnes: There's a tree right in the yard. … Like, right here.

Flanagan: Ok.

Barnes: Wasn't a real wide tree. .. It was long. .. And Torres was right here, I was right here.

Flanagan: He's to the right of the tree?

Barnes: Yeah.

Flanagan: Is he using the tree as his cover?

Barnes: Kinda. .. I mean it wasn't really – It wasn't a lot of cover, you know. … Now, I'm in the open … over here.

Flanagan: And you're right here?

Barnes: Yeah. … 'Cause they were here and Neil was like here. ….. Neil ..-..

Flanagan: Like there?

Barnes: ..-.. was like here. … Like right there.

Flanagan: Is he u…. – Is he ..-..

Barnes: He's closer ..-..

Flanagan: ..-.. using anything for cover?

Barnes: ..-.. to the sidewalk. .. No, he has nothing for cover. … 'Cause they, I guess, … Now, I don't know, they must've … was gettin' ready to talk to him .. and then he wouldn't come out the door and they was just talking to him right there.

Flanagan: Ok. – Where ..-..

Barnes: So they wasn't ..-..

Flanagan: ..-.. are the positions of the other officers? .. If you know.

Barnes: Ok. ... There's a – a van or something ... There's something parked there.

Flanagan: Uh-uh.

Barnes: So, Parker .. was like on the end of that car.

Flanagan: There's a van?

Barnes: Like .. Some kinda vehicle, I don't remember what kinda vehicle. ... And Parker was like ... right there. ... You know, cover. He had cover. .. If I'm – I – I – I think I'm right here, I'm not sure.

Flanagan: Ok.

Barnes: And then I nee... I saw Ben ... There's ... You got other townhouses over here.

Flanagan: Right.

Barnes: There's some cars here. ... And Ben is on the .. there's a .. Ben is on the front corner.

Flanagan: In front of the cars?

Barnes: Yeah, but like, ... he – he was the front of the car .. Like here's the car, he's like right here. ... And he got his rifle.

Flanagan: Ok.

Barnes: Like, .. let's say, ... Yeah, you're right. ... Like, let's say, he

might've been this car. I don't know if it was this car ... this car ... and he's right there.

Flanagan: Ok.

Barnes: With the rifle.

Flanagan: What's Ben's last name?

Barnes: Kushner. ... K-U-S-C-H-N-E-R. Kushner. Whatever his name is.

Flanagan: Ok.

Barnes: K-U-S-C-H-N-E-R.

Flanagan: Any other officers that you remember?

Barnes: No, that's it. ..... Tha..... Now, as far as us? I knew Neil and them was at a house, the townhouse, where ... down by where the family was. The son. Neil ... I just know he ... Neil went over to a house behind us, like down here somewhere.

Flanagan: At the .... Was – Where was he at the time of the shooting?

Barnes: Nah, he wasn't there. Neil had left to go over here, for whatever reason. I don't remember what.

Flanagan: Ok.

Barnes: I don't remember ... I'm sorry .... I don't remember what he went for.

Flanagan: So he wasn't there at the time the shot was fired?

Barnes: No, no, he wasn't. .. But he can hear ... I mean, he was – he

had a position over here. Like … So he couldn't see it. …….. And then, ……

Flanagan: Ok. … Uhmm, any other officers that you remember?

Barnes: I know Lieutenant … Like back here, ……

Flanagan: Uh-uh.

Barnes: …. Lieu … I can see the cars, .. like our cars are here, … I can see Lieutenant Fish out there.

Flanagan: Up there? Up the street?

Barnes: Yeah. … I don't – I know, .. uhmm, they were out there, I just didn't really pay much attention to them.

Flanagan: Ok.

Barnes: I was focused on him. .. At the time of the shot I don't really know who was over here. Maybe they came after, I don't – I don't know.

Flanagan: Ok. And ……

Barnes: And then we moved to the corner.

Flanagan: Right. …. Right after the shooting?

Barnes: Yeah.

Flanagan: Ok. … Before that, … So, this is where you negotiating from, right here.

Barnes: Uh-um.

Flanagan: And, uhmm, how does the negotiation start off with you

talking? Or do … Des…describe me .. like his demeanor. Like when you first get there.

Barnes: He was just in the door and he's talking to Neil. Neil's ..-..

Flanagan: Uh-uh.

Barnes: ..-.. talking to him. And I don't remember exactly what they were saying. They were talking. But it started to go like, you know, "I'm not coming out," and all this. And, you know, "Y'all need to leave." Something like that. And Neil kinda like, .. I felt, was getting maybe a little stumped. You know.

Flanagan: But what … Like … What – what was the guy saying? What do you remember him saying?

Barnes: I don't remember exactly what he was saying. Like, you know, ….. He said something about, all these officers, …. and at the time I was the only one there, the other ones hadn't got there yet.

Flanagan: Uh-um.

Barnes: And, uhh, I just came up with the shield, "Oh," something like, "Y'all bringing everything?" or something like that. And I asked where he wanted, you know, asked the … Torres where he wanted it, you know, he couldn't really take the shield right then, you know, at that point, you know. We – He said, "Just put it by the tree." So leaned it up against the tree.

Flanagan: Ok.

Barnes: Then I went to the left of the tree, ... with gun drawn, you know. ... Then he was concerned about why the guns are pointin' at him. And then Neil was saying some things, but Neil didn't talk to him. Neil talk to him about another couple of minutes, but ... And then I – I kinda like say, "Neil, do you mind?"

Flanagan: What, what..-..

Barnes: **INAUDIBLE**.

Flanagan: ..-.. was the guy saying .. to them?

Barnes: Uhh, ... like, it's not against the law to throw stuff – throw her .. stuff out.

Flanagan: Uh-um.

Barnes: And stuff like that. And Neil said, "Hey, why don't just come out and we can talk to you." And he really seemed – appear like he really didn't wanna talk to Neil, you know, like it wasn't going.

Flanagan: Did – did he say anything about the gun .... at that point?

Barnes: No. He – I don't recall him saying anything about the gun. .... I don't. He didn't have one in his hands.

Flanagan: Ok. And then you start talking?

Barnes: Yeah. I said, "Do you mind?" They say, "Hey." I started

talking to him. Introduced myself. And then he said, "Can I call you ... What's your first name?" I said, "Can I – Can I call you Rodney?" I said, "Sure." I said, uhmm, ... 'cause I said Officer Barnes. I said, "Hey, I'm ... I'm a negotiator also, you know, we can ... He said, "Well, what's your first name?" "Rodney." He was real, you know, kinda ... And I – And ... So, he ... I said, "Rodney. Sure." He said, "Well, I'm John." I said, "Ok. .. So, can I call you John?" And we started talking. ... You know, kinda went over what .. went on today and that, you know, ... he hadn't broken any laws. .. And, uhh, ... He said something at one time that I seem to be reasonable, ... or something like that, .. you know. And I'm just trying to keep him talking.

Flanagan: And what was his demeanor?

Barnes: He was irritated at times. .. You know.

Flanagan: What was ..-..

Barnes: Like, why we were here. We didn't need to be there. And ... You know, he ... irritated like, ... He – He – He – He spoke well. You know what I mean. He kinda like, you know, ... He – He – He would like tell .... He was just telling us what, you know, what we could do, what we can't do and, you know. And then he said, "I can call my lawyer and get him on the

phone," and – and he knows ..... A couple times, you know, he was upset that they had a gun point at him and .... I got 'em to lower them to "ready-gun". ... And he – he appreciated that. He said, "Hey, I don't want ..." He said, "Nobody needs to get hurt today." You know, he said that several times. You know, like I said, I asked him about his kids. I asked him why we were here. You know, what happened today, and ... He just said, "Hey, you know, ... you know, I got every right to throw her stuff out." You know. And I asked, ... I said, "Hey, so do y'all own the house together?" He said, "No. I own this for 20 something years .... and it's in my name." I said, "Ok." He said, "I know it's gonna take 30 to 90 days to ... for her to, ... you know, to need to put her out." And, uhmm, ... he was saying that his dad, I guess, ... Supposedly, I didn't see him, he said, "So, I see that's my dad out there." I guess some people had come. Now, at one point, there was a guy ... that was down there with Fish and them. I'm talking to him, for whatever reason, they told him to talk to the guy. .. He said, "What are you doing, John?" You know, I'm him like, ... you know, "What are you doing, John?" You know, I don't know who that was. He's, ..-..

Flanagan: Uh-uh.

Barnes: ..-.. "Oh, that's my friend. What is he doing here?" Well, first he said, "Oh, my dad is out there now." And then he – his friend is saying, "Come on, I'm trying to call you on the phone. Come out here man, don't do this. You don't ....." And then they finally .. shut him up, the friend, ...

Flanagan: Uh-um.

Barnes: ..... 'cause I guess he tried to call him on the phone. That kinda irritated him a little bit. I said, "What's ..-..

Flanagan: Now, why ..-..

Barnes: ..-.. all this?"

Flanagan: ..-.. why did you say he was – he was irritated? Like ..-..

Barnes: That the friend was out there talking to him.

Flanagan: But what was he doing that make you think he was irritated?

Barnes: He said, "Man, what is he doing here?" He said, "Now they want everybody to talk to me." Something like that. And – and then finally, whatever reason, ... I don't know who did it, he stopped talking to him. ... And then I said, "Hey." .. You know. And then he started talking to me again after I got his attention.

Flanagan: Uh-um.

Barnes: 'Cause I guess they shut him up. 'Cause I was in the middle .. of talking to him .. and that .. I didn't expect that.

Flanagan: Uh-um.

Barnes: You know what I mean?

Flanagan: Were – were you guys giving him commands or did you give him a surrender ritual?

Barnes: Oh, .. yes I did. I said, "Hey John, why don't you come out and talk to us?" I said, ...

Flanagan: And what did he say?

Barnes: And I said, ... He said, "No, I'm not coming and you can't come in." Then I said, "Hey," .... I said, "I'm gonna give you some commands, you come out and talk to me." He said, "What ha.... .... He said, "What happen .... What I have to do if I come out?" And I told him. .. He correct me, says, "Commands?" He said, "Can I .... I said, "Tell you what, I ask you to do some things for me." I said, "It's for my safety and your safety." He said, "What is that?" I said, "You open the door, keep your hands where we can see 'em. You gonna come out. Turn around. Walk back to the voice. And when I tell you to stop, you go to your knees, keep your hands over your head, and then s.... you gonna be handcuffed." He said, "Nope. I'll come out, but I'm not getting handcuffed." So, then I changed .. and said, "Hey, how 'bout you come out, come out where we can talk, ... And he said, "No. You're – you're

trying to .... I know if I come out, there's different rules if outside my house." I said, "This is your property." He said, "Well, why don't y'all just leave? ... You stay here and everybody else leaves." And he said, uhh, ... He said, ... I said, ... Then I changed to, "Well, no handcuffs, ... just come out and talk to me." I said, "Why don't you just sit down?" A couple times he said, "Well, .. ok, if I just come out there and sit down, ... what's gonna happen?" I said, "We just gonna talk." "No, I don't believe you." And he kept talking about .... "I know those long guns can take me out." I said, "Listen, if you don't make any movements and keep your hands up ..... that's not gonna happen." He said, "Yeah, yeah." I said, "No." You know. And then .... You know, I asked him earlier, I said, "Hey, who had anything to drink?" I heard that earlier. He said, "Last night." 'Cause to ... It appeared that maybe he .. may been drinking. I don't .. I didn't know. That's why I asked him.

Flanagan: What made you think that?

Barnes: Just the way, you know, ... He was kinda like .. red, ... you know. Like ... And it could've been from the sun. He just looked like he was red. Like ... You know, that's why I asked him, "Have you been drinking?"

Flanagan: Was his speech slurred or .....?

Barnes: At times, ... but not really. But I just thought maybe he had some drinks. He said, "I had a few drinks, but it was last night." And – and went on from that. And I told you he tried to get me to come in and get the gun. "Here's the gun. You know, I don't want .... I'm gonna to get some water, come back." He said, "If I shut the door, there ain't nothing y'all can do." I said, "That's true, but I don't want you to do that. ... John, we're talking. Try to resolve this. ... and the kept talking." You know.

Flanagan: Uh-um.

Barnes: I mean, at times you would think you'll make some ground, 'cause he open the door. He'll think about it. And then he said, "Well, if everybody moves back and you stay here, I'll come out."

Flanagan: But even when you .. changed your plan and told him he wasn't gonna be handcuffed, he then still didn't come out?

Barnes: No, he said – he said he would if everybody moved. And then he said, "No, I know the law. My rights change when I come out." I said, "If you're on your porch, you're still on your property." He said, "Ok. Yeah, yeah, it's my property, why don't y'all just get off my property." ..... He said, "I haven't

broken any laws." And he would let us know when he gotta scratch his nose. And one thing ..... he only asked to get his phone one time, and I told, ... you know, I said, "Hey, you know." He said, "I know. I know. I might get shot." I said, "Listen, you don't know ....." He said, "The guns right here. See it Officer Barnes? See it Officer Barnes?"

Flanagan: Why do you think he was showing you the gun?

Barnes: He wanted to let me know that it was where he say it was, ... but I really couldn't see in there. It was dark. He says it's right here. He described it. 357 ... It's in a holster. ... I .. The butt is turned the other way. You know. He said, "I'm not gonna reach for no gun." That's what he said. He said, "See Officer Barnes. See." Then he said, "Hey, come and get the gun Officer Barnes." Well, that wasn't gonna happen.

Flanagan: And why wouldn't you do that?

Barnes: Uhh, I don't know what else he had, ... you know.

Flanagan: So, is he – In your mind he was still a threat to you?

Barnes: With that gun being that close, ... I thought so. 'Cause even if I moved up, I'm in the line of fire of the other officers.

Flanagan: Uh-um.

Barnes: And from my vantage point it would have to be, like, shootin' through the screen. You know what I mean?

Flanagan: Right.

Barnes: If he reached. You know.

Flanagan: Right.

Barnes: Then I'm like, "Ok." .... I just didn't think that was a good idea to go ..... You know, I did say, "If you come outside, out here where we .... away from the door, and the ground, I'll get the gun." "No, ... you can come in and get it." 'Cause he opened just a little and said, "Come get it. See Officer Barnes, come get the gun." I said, "I stand right here." You know, that's just to .....

Flanagan: Did – did you think he was trying to bait you into trying to come in there to get the gun or .....?

Barnes: He ... I don't know. He – he – he ... Did I think he was sincere by giving me the gun? I don't know. ..... But I did want to get him away from that gun, it was just to close. If there was a gun there. Now, I didn't see it. I couldn't see it. .. He kept saying, "It's right here."

Flanagan: He – he was inferring that it was within arm's reach?

Barnes: "Oh, it's right there." Like he's staying here. ... Got the door. ... And it was dark.... I couldn't see. ... He says, "It's right here. It's standing right here." ... There must've been something there, like a table.... I don't know. He says, "It's

right there. See Officer Barnes. See."

Flanagan: And you're motioning to your left hand side there?

Barnes: Yeah, which was his .....

Flanagan: Uh-um.

Barnes: It's my right, his left. ... Here he is. Here the knee. It seem like he coulda just reached over and got the gun.

Flanagan: Ok.

Barnes: I couldn't see it. He tried ..-..

Flanagan: Now ..-..

Barnes: ..-.. to let me see it.

Flanagan: ..-.. and .. when – when you're talking to him, ... uhmm, ... You said earlier that you heard .. Officer Torres on the radio talk about threats he made about shootin' police officers or ..-..

Barnes: Something, I didn't catch all of it. I just said, "Hey, I'm not going anywhere and it's won't – it won't be ugly. It'll be ... Something ugly or... I didn't catch it all. I just ..-..

Flanagan: Was ..-..

Barnes: ..-.. talking about ..-..

Flanagan: ..-.. Was there anything like that said when you were actually there?

Barnes: No, when I got there he just said, "Hey," you know, uhh, ...

He – He told me he didn't want anybody – He didn't want – He – I don't want anybody to get shot. And he said, "And I don't wanna get shot, ... 'cause I don't wanna die today." That's exactly what he said.

Flanagan: Uh-um.

Barnes: But he never said anything while I was there about, "If we came in there he would .. shoot."

Flanagan: Did he ..-..

Barnes: Not to me.

Flanagan: ..-.. Did he make any threats towards anyone?

Barnes: Not while I was there.

Flanagan: Ok. ..... Alright. And then you said that you're talking to him and, ... walk me through again, he says he – he talks about going back inside the house to get some water?

Barnes: He said he was thirsty. He says, "Listen, I'm thirsty. I'm gonna go in the kitchen and get some water. You can come in with me if you want to and watch me get the water." I said, "Well, I can't do that." I said, ... And then - And then he said, "I shut the door. I – I'll come back."

Flanagan: Uh-um.

Barnes: And I didn't want him to do that. And he didn't shut the door. 'Cause a couple times, like, "Oh, yeah, he's going." But I kept

talking to him, … you know. I said, "Hey, I did some stuff for you, like, you know, we're not, you know, will you just stay here and talk to me?" "I'm thirsty." And it … Several times I, "Hey, I can get you some water. Come out on the stoop." I said, "You can either stand there, shut the door, or prop it open, stand there, or sit down on the stoop, and we'll talk." Then he kept saying, "Well, my rights change if I sit on the stoop."

Flanagan: Did he ever leave the doorway while you were there talking to him?

Barnes: No.

Flanagan: Ok. .. And then … What happens next?

Barnes: Well, we hear a shot.

Flanagan: Well, what …. Tell me, where you're looking right before you hear the shot.

Barnes: The whole time I'm looking at him. His hands were up here.

Flanagan: Ok.

Barnes: He hands … A couple times his hands would slide down. You know, like he would take it off and slide it down. And then he – he would say, "Hey, I'm gonna scratch my nose again." He would do that twice, three times. .. But he never, like dropped his hands down, .. 'cause then … that's critical.

Flanagan: You're – You're motion like all the way to his waist.

Barnes: Right.

Flanagan: Yeah.

Barnes: He never … And I – I never seen him go past like here. … I didn't.

Flanagan: To ..-..

Barnes: I'm – I'm looking … I can see him.

Flanagan: ..-.. like chest level?

Barnes: Yeah. He wouldn't go, …. you know, he would go like here. He never like … Or one time he's like, "Hey, if I get my, …. earlier, what – can I just get my….." And then the gun went back up. That's early on. "No. Ok, don't get your phone." He only mentioned the phone once.

Flanagan: Alright. So, when you see him right before he gets shot, ……

Barnes: When, he … right before he got shot ……

Flanagan: …… what's he doing?

Barnes: …. his hands were on the door, ..-..

Flanagan: Alright.

Barnes: ..-.. but I can't remember if he had dropped them a little bit ..-..

Flanagan: Is he ..-..

Barnes: ..-.. but they were still up.

Flanagan: ..-.. Is he hanging on the door like you described earlier or ..-..

Barnes: I can't remember if he was still hanging on the door, but they were like down. I can't remember if he was still hanging on the door. He might've dropped them. 'Cause a couple times he was just bring 'em down then could reacquire the door.

Flanagan: So, when you're – you're saying, drop 'em and you're motioning, you're like motioning like dropping 'em to shoulder height.

Barnes: Right. Like – like – like, … you know …… But then, that's why .. the shot surprised me. … I'm like ..-..

Flanagan: Had he dropped them when – right before the shot – had he dropped them to the shoulder level?

Barnes: They were still up kinda high. I don't know if they were still on the door, but it wasn't … it may been shoulder level or – or .. level or a little higher, … but he didn't, I mean, … And ….. They – they were still up.

Flanagan: Ok.

Barnes: Whether he was still on the door ……..

Flanagan: And – and you're looking at him as the round is discharged?

Barnes: Yeah. 'Cause when the shot went, he … I'm looking at him. I'm like, … He go, "Ahhh." … He's like, …. He go ……

Flanagan: You got your hands out in front of you, when you're doing that?

Barnes: Who me? No, no, no.

Flanagan: Uh-um.

Barnes: When the shot went, ..-..

Flanagan: Where are his hands ..-..

Barnes: ..-.. he go, "Ahhh." And when he goes back, the door closes.

Flanagan: Do you see he hands go to his side like that?

Barnes: His right hand came like here, like, ... kinda like, "Ahhh." Something like this. The right hand.

Flanagan: Right.

Barnes: And then, in the same mo..... he went back and then the door closed. I don't know which hand he used. He might've moved .... I just saw him go. He goes back. .... Now, I don't know if he uses his right hand to shut door or left. I don't know.

Flanagan: But you're ... When he gets shot, and what you displaying to me now, is you're standing up and with his right hand he puts his right hand **INAUDIBLE**

Barnes: Something like that. And then ... But Ben probably could better see how the door was closed.

Flanagan: Right, ..-..

Barnes: ..-.. 'cause ..-..

Flanagan: ..-.. before that. Before we get to the door closing, when … you're displaying how he moved his right hand to his ..-..

Barnes: When the shot went, "Pow", he go, "Ahhhh." .. And he went … And I see he goes back. … Like, quick, "Ahhhh." Screamed. Next thing I know the door's closed, … 'cause I lost sight of him.

Flanagan: Humm. You're … But listen – listen to my question. With your right hand you're motioning to where his injury is.

Barnes: Yeah, he grabbed something, like he was reaching wherever ..-..

Flanagan: Ok.

Barnes: ..-.. he was hit.

Flanagan: Yeah, my question is, when you're this – showing me how he did that, you're bringing your right hand from waist level ..-..

Barnes: No, no.

Flanagan: ..-.. to his side.

Barnes: No, no, ..-..

Flanagan: So, tell me how ..-..

Barnes: ..-.. he was up.

Flanagan: Ok.

Barnes: When the shot happened, his hands were up, and he go, "Ahhhh." And then … I saw the right hand come down.

Flanagan: Ok.

Barnes: Not like right here coming down .....

Flanagan: Right.

Barnes: ..... it was up higher.

Flanagan: Gotcha. Ok.

Barnes: And then the door closes. He went back. .. 'Cause they asked me, "Did he fall?" I said, "I don't know." He just went back in, the door went. Now, Ben .. or Parker could probably see better, "Hey," ..... 'Cause it was like a one motion and ..-..

Flanagan: And Parker is by the car at the end of the sidewalk?

Barnes: Huh, Parker's over here .... and Ben's is over here.

Flanagan: Right. .... Ok.

Barnes: Do you mind if I piss and come back?

Flanagan: No, we can, uhh, ...

Barnes: I'm kinda ..-..

Flanagan: Why don't we take a break! The, uhh, time is, uhmm, 20:21 hours.

Barnes: Ok.

Flanagan: This is a continuation of the interview with Officer Rodney Barnes. The time is 20:25 hours. ..... Officer

Barnes we were just talking you – you're mentioning where Officer Parker was and where, uhmm, he may've had a better view and from ..-..

Barnes: He and uhmm .... Kushner.

Flanagan: The – rough ..-..

Barnes: Parker is closer than Kushner.

Flanagan: The rough sketch that we drew, uhmm, kinda shows him straight away from the door.

Barnes: It maybe a little more .... I'm – I'm just .... It's like he may had a – a – a different view.

Flanagan: Ok.

Barnes: From .. I mean, I'm not saying that .. he did, ..-..

Flanagan: Ok.

Barnes: ..-.. but I'm sure he should been able to see. He could see the guy's hands and stuff and Ben could too.

Flanagan: Ok. But from what you're saying and what you saw, his hands were up at, uhmm, ... at a minimum at his shoulders?

Barnes: Right. .. At a minimum.

Flanagan: Ok. ... Uhmm, at, at the time the round was discharged?

Barnes: Right. As it just shocked ... It just surprised us. Like, what-the-hell.

Flanagan: Ok. ... And .... you had said that the officer was, uhmm, ...

Well, actually you described yourself as being .. like – like you were – like you were pissed or angry. What were you talking ..-..

Barnes: No, what – what I'm talking about is, is that I'm like, "What-the-hell." You know, like, ... What I'm angry about is like, ... and I don't know, you know, he said, "We're ....." I'm like, why did he shoot? You know. And I was ok, even when we moved over and he was relieved, at the moment I'm good. I mean, 'cause we gotta make sure .... But then I – I got really angry, when, you know, when I was removed.

Flanagan: **INAUDIBLE**.

Barnes: Not for being removed, 'cause I knew .... But just being over there and, you know, you're sittin' there and you're like, ... And then the adrenaline kinda comes off.

Flanagan: Uh-um.

Barnes: 'Cause TAC took over and you're just off to the side .... over in cover. And, you know, I'm just, you know, hot and sweaty. And then one guy had "go bag" and he let me have some water. .. And then, you know, ... And as I'm walking to .... the command bus, I was just like, you know, ... "What-the-hell happened?" You know, that's – that's what I'm ... I'm just .... Like, .. in my opinion and what I saw, I'm like, "Why did –

Why did he shoot?" You now, I'm ....

Flanagan: Uh-um.

Barnes: .... He can say what he, ... and that's fine, but I didn't see what he saw.

Flanagan: Uh-um.

Barnes: You – You know what I mean?

Flanagan: Uh-um. Well, you know, I'm ..-..

Barnes: And I was just ..-..

Flanagan: ..-.. just here to get your ..-..

Barnes: ..-.. 'cause – 'cause I'm just coming down. And it's like. You know I was talking to him right when he didn't, he didn't, he – he basically did everything I asked him to do, ... except come out, you know. We were talk, you know, but he ..-..

Flanagan: Well did he comply when you were asking him to – to come outside?

Barnes: He thought of ... A couple times he would say he was, then he said, "No, if I come out, ... you know, of course with the handcuffs." And I said, "Well, ok, no handcuffs. Would you just come out and talk to us get a ....." He said, "No. No, ... you – you want me to get away from the door." He did say that. You know, "Like you want me to get away from the door so I can't retreat back." And I said, "No, just want you to

come out." I say, "Hey, you know what, I don't, you know, talking to you between the screen door, … I mean, you know. .. I … It be nice if you come out and just … You can stand on the steps, sit …. But at first he said, "Ha, what if I just come right there and step on the … sit on the steps?" I said, "Fine."

Flanagan: But yet, he still didn't do that?

Barnes: No, he didn't do it.

Flanagan: And how – how long is this negotiation going on for?

Barnes: Hey, I really don't …. It – it almost seem like it was forever. … I – I know that sounds crazy, …..

Flanagan: Uh-um.

Barnes: ….. but I don't – I don't know how long.

Flanagan: Ok. Now, ..-..

Barnes: And – and if he sh… closed – if he'd closed the door and gone back in the house, …. you know, ….. we wasn't gonna go knock on the door. You know, ..-..

Flanagan: Ok.

Barnes: ..-.. 'cause, you know, ….. No one, ….. Now, far as I'm con…. noted, none of his fam…. all the family was out of the house. So, it was just him in the house.

Flanagan: Ok.

Barnes: You know.

Flanagan: But, uhmm, if you don't know how long the negotiation ..-..

Barnes: I don't.

Flanagan: ..-.. went on for, but during that time, uhmm, .. It sounds like from what you told me, you gave him several opportunities just to come out, and then even change your plan.

Barnes: Yeah, but, you know, a couple time he would talk about it, then his biggest thing was, "Everybody leave and then you stay." .. You know. ... And then he would start to where he say .. kept saying he was thirsty and he was going to go in his kitchen and get some water.

Flanagan: But – but even though you changed your plan, you've allowed him to come out and told him he wouldn't be handcuffed; he still didn't comply with that?

Barnes: No.

Flanagan: Ok. ..... I mean, and I think you said, you can never actually see the gun.

Barnes: No, 'cause he tried to open the door ... wide enough for me to see it, ... And I can see in there, but I couldn't see the gun. I just couldn't see it, you know.

Flanagan: Right.

Barnes: And he, haha, I didn't want him to reach in there .... "Here you go." Sure ... No, I don't want that. He said it was in the

Holster. I wanna say he might have said it was a brown holster. He did say it was ... a 357. Black or something like that.

Flanagan: Ok.

Barnes: And he even wanted me to come get the gun.

Flanagan: Now, this ... After this has been over, have you talked to any of the other officers about this?

Barnes: No, just, uhmm, ... just, uhh, ... I know it shouldn't be much talking. Uhmm, ... only thing Parker said to me when he took over for Torrez .. or Torres, he .. he said, "Hey Rodney, if he comes out," he said, "you know the door opens this way, if he comes out," ..... I said, "If he comes out you have a rifle I'm gonna let you, ... I mean, y'all ... I'm gonna .... kinda like, ... you know, do what you gotta do. You know. And he said, uhmm, ... We just had plan, uhmm, "Hey, you know the door opens this way? So, if he'll opens that door, we'll see it." You know the screen door, ...

Flanagan: Uh-um.

Barnes: ..... it has opened to where we are. And then ..... 'Cause he said, he came over, "Man," he said, "This ain't good." You know. And I said, "tell me about it." You know. That's it.

Flanagan: What did – What did you mean ... What – What did you

think…I don't know, you can't really say what (inaudible) ..-..

Barnes: I think what he meant was the same thing I thought, like, why'd you shoot? ….. You know.

Flanagan: Uh-um.

Barnes: That thing – that …. It seemed to me like we kinda understood. … I mean, he said, "Oh, it's gonna be a long day." You know. Well, you know, he said, "It's gonna be a long day," or something like that. .. He said, "I won't' make my overtime assignment at six." He had an overtime assignment at St. Meads at six. And I said, "Nope." … And then we were finally relieved by TAC. …. And then we went over to the tree line. I didn't s…. The other officers, like Neil, … Neil was … 'cause he was new, he kept saying, "Oh, I'm just trying to go over what ….." I said, …. All I told him, he was talking, I said, "Neil, just ….. Yeah, you gonna have talk to IA. Just tell 'em what you saw. Don't … If you didn't see, … You say – you tell 'em exactly what you saw, exactly what you did. That's it." And then he would say nothing else, 'cause he was kinda …..

Flanagan: Uh-um.

Barnes: ….. just talking, and I know you shouldn't be doing that. You know what I mean, 'cause Dave wouldn't say anything. Dave

was up there by the tree. I said, "Hey man," .... 'Cause I asked him, "Are you ok?" You know. I said, "Hey." He said, "Ahh, I'm just trying to go over. I've never been to IA." I said, "No, big deal. .. You gonna talk to a lot of people, just tell 'em what you saw. Tell 'em everything. Tell the truth." And then he didn't would say nothing else. And then the other two officers, they didn't really say anything to me. They would come, "Hey man, what happened?"

Flanagan: Uh-um.

Barnes: I wasn't gonna tell them anyway. And Lieut... Lieutenant Jocca didn't ask me either. He just came down and said what the robot was doing? 'Cause I even said, if he came and asked me what happened, I wasn't gonna tell him, you know. I just didn't feel like, .. you know, ... But he didn't. ... Yeah, my Lieutenant came down and he stood there for a while and he was like, ... 'Cause I was sweatin'. You know, I was ..... I was angry too. .... But I mean, like I said, if he seen .... I just didn't see what he saw. I can't say, "Oh," ..... Yeah, if I didn't have a good view, then I can't question that. You know what I mean?

Flanagan: Uh-um.

Flanagan: I can't say, ... you know, if I was .... My view was obstructed

or something like that, that's different. Than I'm not gonna, ... second guess what somebody did or what they felt, you know. ..... Then the guy's kids are like a door down, two doors down. They heard the shot.

Flanagan: Uh-um.

Barnes: One of them tried to come out. ... And you could hear him, "Don't hurt my dad." This is after the shot. ... You know. And then they .... we had to get somebody over there to not – to tell them not to come out of the house, you know, 'cause they wasn't being ..... You know, he could've just ran out and we couldn't done anything, so they got an officer up there. .... Uhmm, so, as – as I just kinda like decompressed a little bit out there, you know, I was like, ... "What the fuck," you know. I wasn't like scared, 'cause I didn't know what to do in this situation and like, ... But I was like, ... "What happened," you know. .....

Flanagan: Ok. Uhmm, ... Is – Is there anything else that, uhmm, that you think that I need to know about ... or anything else you can remember that I haven't asked you about? ... And this won't be you're only opportunity ..-..

Barnes: I know.

Flanagan: ..-.. to talk to me, but, ... uhmm, but you're thinking of right

now that I need to know?

Barnes: Right at this moment, I can't.

Flanagan: Ok.

Barnes: I just don't (inaudible).

Flanagan: That completes the interview with Officer Barnes. The time is 20:34 hours.

****

Transcribed on 09/17/2013

By Annemarie Carr, Administrative Assistant

From: Farrell, John
To: Flanagan, Christopher
Sent: 11/8/2013 6:18:20 PM
Subject: Re: Followup

Ok....thanks. Will do that.

----- Original Message -----
From: Flanagan, Christopher
Sent: Friday, November 08, 2013 06:16 PM
To: Farrell, John; Holland, Bryan
Subject: Re: Followup

That looks really good to me. What about adding something at the end about continuing to reach out to you with any other concerns.

----- 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 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: Holland, Bryan
To: Flanagan, Christopher; Farrell, John
Sent: 11/8/2013 6:25:59 PM
Subject: Re: Followup

Nice John

Sent from my BlackBerry Wireless Handheld

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From: Flanagan, Christopher
Sent: Friday, November 08, 2013 06:16 PM
To: Farrell, John; Holland, Bryan
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Adam Torres

From: Holland, Bryan
To: Flanagan, Christopher; Szuminski, William; Hardy, Derek
Sent: 8/30/2013 2:20:28 PM
Subject: Re: FYI

Awareness since you're headed down there

Sent from my BlackBerry Wireless Handheld

From: Lee, Gun
Sent: Friday, August 30, 2013 01:53 PM
To: Holland, Bryan; Farrell, John
Subject: FW: FYI

FYI

From: Perez, Richard
Sent: Friday, August 30, 2013 1:29 PM
To: Barrett, Shawn; Lee, Gun; Ryan, Tom
Cc: Roessler, Edwin C. Jr.
Subject: FYI

News Channel reporter has interviewed decedent's father, and two others in the neighborhood who are saying FCPD used excessive force. The father is apparently pretty upset and gave an emotional interview. Ch7 reporter obviously wanted us to go on camera to comment on this, we will not, as per our previous discussion.

Just want all to be informed that this report will likely air at noon.

Rich,

Captain Richard J. Perez
Public Information Office
Fairfax County Police Department
4100 Chain Bridge Road
Fairfax, Virginia 22030
[redacted]

From: Arnn, Ted
To: Morrogh, Ray F.; Lingan, Casey
CC: Flanagan, Christopher; Farrell, John
Sent: 10/3/2013 2:51:23 PM
Subject: RE: Garrity Issues

Hi Ray,

I am happy to meet and review his IA history and any cases with you that steer clear of Garrity issues. I am free Friday morning, Monday afternoon, Wednesday afternoon or Thursday afternoon. Please let me know your preference and where you would like to meet.

Ted

MAJOR TED ARNN
COMMANDER, INTERNAL AFFAIRS BUREAU
FAIRFAX COUNTY POLICE DEPARTMENT
4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030
[redacted]

From: Morrogh, Ray F.
Sent: Thursday, October 03, 2013 2:34 PM
To: Arnn, Ted; Lingan, Casey
Cc: Flanagan, Christopher; Farrell, John
Subject: Garrity Issues

Ted:

Hi hope all is well. As you know I am working with Detectives on the most recent officer involved shooting. As you know the Garrity decision prohibits the criminal investigation from using anything that the officer said while he was compelled to speak to supervisors or anything derived from such compelled statements. At this point I would like to look at any complaints filed against the officer involved. From there I am hoping to sort through what is there and ensure that the Garrity rule is not breached. I want to be very careful not to use anything protected by the Garrity decision in following up on anything that I find in these complaints. Maybe we could meet at your convenience to discuss these matters. Thanks very much

Sincerely,
Ray

From: Szuminski, William
To: Flanagan, Christopher
Sent: 8/30/2013 2:22:57 PM
Subject: Re: just got in

Yes

Detective William Szuminski
Investigative Support Bureau
Crime Scene Section

Sent via Blackberry

----- Original Message -----
From: Flanagan, Christopher
Sent: Friday, August 30, 2013 02:22 PM
To: Szuminski, William
Subject: Re: just got in

R u still at the office

----- Original Message -----
From: Szuminski, William
Sent: Friday, August 30, 2013 02:20 PM
To: Flanagan, Christopher
Subject: Re: just got in

We're delayed for smitty to give us the disc of picture

Detective William Szuminski
Investigative Support Bureau
Crime Scene Section

Sent via Blackberry

----- Original Message -----
From: Flanagan, Christopher
Sent: Friday, August 30, 2013 01:05 PM
To: Szuminski, William
Subject: Re: just got in

U da man.

----- Original Message -----
From: Szuminski, William
Sent: Friday, August 30, 2013 01:04 PM
To: Flanagan, Christopher
Subject: Re: just got in

Yep will do

Detective William Szuminski
Investigative Support Bureau
Crime Scene Section

Sent via Blackberry

----- Original Message -----
From: Flanagan, Christopher
Sent: Friday, August 30, 2013 01:04 PM
To: Szuminski, William
Subject: Re: just got in

Will. The PLC has some recordings for us. Can grab them on the way out?

----- Original Message -----
From: Szuminski, William
Sent: Friday, August 30, 2013 12:43 PM
To: Flanagan, Christopher
Subject: Re: just got in

Cool. See you then

Detective William Szuminski
Investigative Support Bureau
Crime Scene Section

Sent via Blackberry

----- Original Message -----
From: Flanagan, Christopher
Sent: Friday, August 30, 2013 12:42 PM
To: Szuminski, William
Subject: Re: just got in

Nah. Too last minute. We are on for photos at the scene at 1430 hours. Get with Derek and ill meet u guys there.

----- Original Message -----
From: Szuminski, William
Sent: Friday, August 30, 2013 12:33 PM
To: Flanagan, Christopher
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: Szuminski, William
To: Flanagan, Christopher
Sent: 8/30/2013 2:20:39 PM
Subject: Re: just got in

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Investigative Support Bureau
Crime Scene Section

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Investigative Support Bureau
Crime Scene Section

Sent via Blackberry

From: Szuminski, William
To: Flanagan, Christopher
Sent: 8/30/2013 2:10:44 PM
Subject: Re: just got in

We're enroute. I have the stuff from Trace

Detective William Szuminski
Investigative Support Bureau
Crime Scene Section

Sent via Blackberry

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Crime Scene Section

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From: Szuminski, William
To: Flanagan, Christopher
Sent: 8/30/2013 2:23:25 PM
Subject: Re: just got in

We were rolling out when we were stopped

Detective William Szuminski
Investigative Support Bureau
Crime Scene Section

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Crime Scene Section

Sent via Blackberry

----- Original Message -----
From: Flanagan, Christopher
Sent: Friday, August 30, 2013 12:42 PM
To: Szuminski, William
Subject: Re: just got in

Nah. Too last minute. We are on for photos at the scene at 1430 hours. Get with Derek and ill meet u guys there.

----- Original Message -----
From: Szuminski, William
Sent: Friday, August 30, 2013 12:33 PM
To: Flanagan, Christopher
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: Holland, Bryan
To: Farrell, John
CC: Barrett, Shawn; Lee, Gun; Thompson, Paul; Flanagan, Christopher; Griffith, Cara D; Hinson, Jeremy; Holland, Bryan
Sent: 9/6/2013 2:05:48 PM
Subject: RE: Meeting w/ family

All, the meeting this morning last about 40 minutes. The Chief did a great job speaking with Mr. and Mrs. Geer, Maura, and Jeff. He expressed sympathy to the family, and told them there would be a complete investigation. He outlined both the criminal and admin sides of the investigation, and that they would take time. He also informed them about Ray's piece in this as well.

No surprises or issues. They did have a few questions about "why" things like negotiations, rescue, other avenues to handle this were not explored, etc. His response was that those types of questions and the answers would be on the admin side.

John, just a few things to get back with them on please:
- mom would like a copy of the autopsy report when made avail
- inventory of the items taken from the house that night

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

From: Holland, Bryan
Sent: Thursday, September 05, 2013 12:35 PM
To: Roessler, Edwin C. Jr.
Cc: Farrell, John; Ryan, Tom; Barrett, Shawn; Lee, Gun; Thompson, Paul; Henry, Tracy
Subject: Meeting w/ family

Chief, the meeting tomorrow with Maura Harrington and John Geer's parents (Don and Ann) is confirmed for 11am.

We will be meeting at the parent's home which is located at [redacted]
I'll drive it on the way home for timing, shouldn't take but 15-20 minutes to arrive from the Massey--straight down 123 just prior to the old Lorton prison.

I'll drop some info off in your office, and will check-in with you tomorrow morning.

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

From: Fortiz, Rafael
To: Hardy, James; Farrell, John; Flanagan, Christopher; Edmunds, Chris
CC: Gubanich, Jon; Williams, James A.
Sent: 9/17/2014 10:45:40 PM
Subject: Re: Officer Safety-OIS

End result, the guy is selling water purification system.

Case is closed.

On Sep 17, 2014, at 7:59 PM, "Hardy, James" [redacted] wrote:

Thanks Raf.

Jimmy, just FYI

Jim

From: Fortiz, Rafael
Sent: Wednesday, September 17, 2014 7:38 PM
To: Hardy, James
Cc: Charles, Peter; Comfort, Douglas; Gubanich, Jon; Williams, James A.
Subject: Re: Officer Safety-OIS

Direct

On Sep 17, 2014, at 7:33 PM, "Hardy, James" [redacted] wrote:

Whoever has call for CID tonight, can you please give John Farrell a call regarding the event below

Thanks,

Jim

-----Original Message-----
From: Laitinen, Joshua B [redacted]
Received: Sep 17, 6:47 PM
To: Hardy, James [redacted]
CC: Farrell, John [redacted]
Subject: Fwd: Officer Safety-OIS

Jim,

Can you have your on call give John Farrell a call please. Thanks

2LT Josh Laitinen
[redacted]
Sent from my Blackberry

Begin forwarded message:

From: "Flanagan, Christopher" <[redacted]>
Date: September 17, 2014 at 6:38:56 PM EDT
To: "Laitinen, Joshua B" <[redacted]>
Cc: "Farrell, John" <[redacted]>

Subject: Officer Safety-OIS

Josh,

I spoke to Adam Torres this evening regarding a suspicious event at his residence. Officer Torres was involved in a OIS in 2013 (20132410242). He advised that when he arrived home this evening at approximately 1710 hours, a Honda sedan bearing Virginia registration [redacted] pulled into his driveway as he was walking to his front door. A white male exited the vehicle and walked to his front door. Torres greeted him outside at the front door at which time the subject asked..."Are you Torres?' Officer Torres responded that he was and asked the subject why he wanted to know. The subject said something to the effect of "Don't worry about it" and then turned away and walked to his vehicle. The subject drove away without further incident. Torres advised that he does not know the subject or the vehicle and has not seen him in the neighborhood before. Torres and his wife are concerned about the suspicious activity at their residence. They contacted the [redacted] Sheriff's Office who sent an officer to check the area.

I did a quick workup on the vehicle and co-owners. The vehicle returns to Javier Jorge Casas Echandia and Martha Pardo Figueroa Mazuelo at [redacted] He has no CCH III record but has several contacts in LINX. All traffic except a fraud case from Arlington in 2010. He was listed as the suspect. In that case the suspect posed as a public works employee and attempted to obtain identity information.

The subject registered to the vehicle is similar to the subject described by Torres.

Javier Jorge Casas Echandia
[redacted]

White male, [redacted], [redacted]
5'7", 172,
DMV photo attached

Can you review this and forward it to Intel so it can be further vetted for a potential threat to Torres or his family. The workup that we did is on Farrell's desk if you need further info.

Chris

Christopher Flanagan
Detective
CIB/Cold Case
Fairfax County Police
[redacted]

<image001.jpg>

From: Fortiz, Rafael
To: Flanagan, Christopher; Farrell, John
Sent: 9/18/2014 10:23:46 AM
Subject: Re: Officer Safety-OIS

FYI, I looked the officer up on I leads in order for me to be familiar with his face. Just in case you guys get a flag warning.

On Sep 18, 2014, at 9:34 AM, "Flanagan, Christopher" [redacted] wrote:

Thanks for jumping on that....

Chris

From: Fortiz, Rafael
Sent: Wednesday, September 17, 2014 10:46 PM
To: Hardy, James; Farrell, John; Flanagan, Christopher; Edmunds, Chris
Cc: Gubanich, Jon; Williams, James A.
Subject: Re: Officer Safety-OIS

End result, the guy is selling water purification system.

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Subject: Officer Safety-OIS

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DMV photo attached

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Chris

Christopher Flanagan
Detective
CIB/Cold Case
Fairfax County Police
[redacted]

<image001.jpg>

From: Kim, Tonny
To: Flanagan, Christopher
Sent: 9/3/2013 10:37:27 AM
Subject: RE: OIS

The recording is too big. Can you come up to the 12th floor and pick it up?

Tony

From: Flanagan, Christopher
Sent: Tuesday, September 03, 2013 10:35 AM
To: Kim, Tonny
Subject: OIS

Tonny,

If you can, can you email the Jeff Stewart recording. We are meeting with Ray Morrogh at 11 and wanted to listen to that before walking over.

Christopher Flanagan
Detective
CIB/Cold Case
Fairfax County Police
[redacted]

From: Farrell, John
To: Morrogh, Ray F.; Flanagan, Christopher
Sent: 11/22/2013 11:12:09 AM
Subject: RE: OIS

Hi Ray,

RADIO TRAFFIC involving 420 and 440 is unrelated to the call. They are from a different station so I do not have their identifying information but could find it if needed.

- 711 Charlie – OFC E. KIM
- 730 Charlie – OFC DAVID NEIL
- 731 Charlie – OFC MATTHEW DANNEMANN
- 740 Charlie – OFC ADAM TORRES
- 420 Charlie -
- 440 Bravo -
- 731 Bravo - OFC ANTHONY QUARTO
- 741 Bravo - OFC DAVID PARKER
- Canine 7 - OFC MICHAEL RICCIO
- Canine 10 – OFC KYLE KUNSTEL
- 7 Bravo - LT Mike Fish
- Car 7 Charlie – LT. George Joca

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

From: Morrogh, Ray F.
Sent: Friday, November 22, 2013 10:54 AM
To: Farrell, John; Flanagan, Christopher
Subject: OIS

Chris ,John

Can you tell me the names that correspond to the following call signs?

- 711 Charlie
- 730 Charlie
- 731 Charlie
- 740 Charlie
- 420 Charlie

- 440 Bravo
- 731 Bravo
- 741 Bravo
- Canine 7
- Canine 10
- 7 Bravo
- Car 7 Charlie

Thanks guys.... Ray ps Chris April Carroll is in the Massey building today...

From: Davila, Peter
To: Flanagan, Christopher
CC: Gaisor, Amy; Cochrane, Chantel J.
Sent: 7/22/2014 1:24:15 PM
Subject: RE: PFC. Adam Torres
Attachments: [redacted]

Chris,

I scanned and attached the LP, and I'll send you a hard copy in the mail.

Pete

From: Flanagan, Christopher
Sent: Tuesday, July 22, 2014 1:10 PM
To: Davila, Peter; Gaisor, Amy
Cc: Farrell, John; Cochrane, Chantel J.
Subject: Re: PFC. Adam Torres

Thanks Pete. I suspect hard copy will be fine if you have that.

Chris

From: Davila, Peter
Sent: Tuesday, July 22, 2014 12:53 PM
To: Gaisor, Amy
Cc: Farrell, John; Flanagan, Christopher; Cochrane, Chantel J.
Subject: RE: PFC. Adam Torres

LOL – I'll do my best, I believe that was 8 years ago. I'll have to look in the session book downstairs.

From: Gaisor, Amy
Sent: Tuesday, July 22, 2014 12:42 PM
To: Davila, Peter
Cc: Farrell, John; Flanagan, Christopher
Subject: RE: PFC. Adam Torres

Pete,

Can you please provide the information requested. Adam Torres attended session 49. They need your PowerPoint presentation for Use of Deadly Force. Thank you.

SGT Amy Gaisor
Basic Law Enforcement Training Supervisor
In-Service Supervisor
Honor Guard Supervisor
Fairfax County Criminal Justice Academy
14601 Lee Road
Chantilly, Va 20151
[redacted]

From: Flanagan, Christopher
Sent: Friday, July 18, 2014 9:41 AM
To: Gaisor, Amy
Cc: Farrell, John

Subject: PFC. Adam Torres

Amy,

Detective Farrell is out of town and asked me to follow up on our last visit to the Academy when we reviewed PFC Adam Torres' file. Can I get a copy of any PowerPoint Presentations regarding Use of Deadly Force that would have used during PFC Adam Torres' time at the Academy.

Chris

Christopher Flanagan
Detective
CIB/Cold Case
Fairfax County Police

Fairfax County Criminal Justice Academy
14601 Lee Road
Chantilly, VA 20151-1708

LESSON PLAN OUTLINE

Course Name:	*USE OF DEADLY FORCE*	Course Length: Four Hours
Instructor's Name:	MPO Pete Davila	
Date of Preparation:	July 2006	
Date of Instruction:	July 10, 2006	
Location of Instruction:	Fairfax County Criminal Justice Academy Session 49	

Course Reference/Resources:

Northern Virginia Criminal Justice Academy
D.T. Instructor's Handbook – Use of Force

Protective S-A-F-E-T-Y Systems
The Use of Force Paradigm for Enforcement and Corrections

Fairfax County Police Department
General Orders Volume I & II

Fairfax County Sheriff's Office
Standard Operating Procedures

Town of Vienna
Standard Operating Procedures

Town of Herndon
Regulations and General Orders

2LT. R. Hensey
#1505
08.02.06

DEF006543

INSTRUCTIONAL GOAL: To provide each recruit with the knowledge and understanding necessary to know when they may legally use deadly force.

INSTRUCTIONAL GOAL:

1. The student will be able to describe the fundamental elements of case law and statutory law pertaining to the justifiable use of deadly force by a law enforcement officer. (4.1.1/33.7.1)

2. The student will define the elements of justifiable use of deadly force. (4.1.1.1/33.7.2)

3. The student will understand the legal relationship between fear and the use of deadly force. (4.1.1.2/33.7.3)

4. The student will list and explain the factors an officer must consider when faced with the use of deadly force. (4.1.1.3/33.7.4)

5. The student, given word pictures or audio-visual presentations depicting situations where deadly force may be necessary, will state whether each instance of deadly force was justified and reasonable. (4.1.1.4/33.7.5)

6. The student, when given an audio-visual presentation or word picture description involving homicide by a law enforcement officer, will identify when the homicide is justifiable. (4.1.1.5/33.7.6)

7. The student will explain the effect of Tennessee v. Garner on the use of force. (32.2.12)

8. The student will be able to identify the use of force necessary and appropriate to law enforcement services. (6.6)

9. The student will be able to determine the need for the use of deadly force and take appropriate action. (6.9)

ATO's: **4.1.1, 4.1.1.1, 4.1.1.2, 4.1.1.3, 4.1.1.4, 4.1.1.5**
33.7.1, 33.7.2, 33.7.3, 33.7.4, 33.7.5, 33.7.6, 32.3.12

TO's: 6.6.1, 6.6.2, 6.9.1, 6.9.2, 6.9.3, 6.9.4, 6.9.5, 6.9.6

DEF006544

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151

LESSON PLAN

I. Introduction	
A. Law enforcement is one of a few professions where you are trained and allowed to take the life of another human being. The most important factor to consider when discussing this issue is to know when you are justified in deploying deadly force. A law enforcement officer, just as a citizen, is subject to legal and civil ramifications if the use of deadly force was used inappropriately. In this block of training we will discuss when the use of deadly force is justified and, more importantly, when it is not.	Discuss difference between inappropriate use and malicious use
II. Definitions	POWER POINT
A. **Deadly Force**: Force likely to cause serious physical injury or death.	
B. **Less Lethal Force**: Force which may result in death or serious bodily injury. The probability of which is greatly reduced over that of normal ammunition.	
C. **Non-Deadly Force**: Force which is not intended to cause death or serious bodily injury.	
D. **Reasonably Necessary**: An action or response, which is reasonable, given the circumstances present at the time and which is necessary to accomplish a lawful objective.	
E. **Serious Physical Injury**: An injury which creates a substantial risk of death, disfigurement, prolonged hospitalization, impairment of the functions of any bodily organ or limb, or any injury that medical personnel deem to be potentially life threatening.	

DEF006545

F. **Excessive Force**: Any force which is not reasonably necessary.

G. **Imminent Jeopardy**: When a subject has the intent, ability, means, and opportunity to inflict serious bodily injury or death.

Wheelchair example

H. **Preclusion**: All other efforts will or have failed.

I. **Institutional Integrity**: The condition whereby order is maintained in a detention facility to prevent violations of law, threatened assaults to others, attempted/threatened suicide, or failure of prisoners to respond to lawful commands to do any acts which are necessary for safety concerns of the facility.

III. ***Case Law***

A. Johnson v. Glick

1. Established four points in determining whether Constitutional line has been crossed when utilizing deadly force.

   a. Was there a need for the force?

   b. The relationship between the need and the amount of force.

   c. The extent of the injuries inflicted.

   d. Whether the force was applied in good faith, or maliciously and sadistically for the very purpose of causing harm.

1973 – U.S. Court of Appeals for the Second Circuit: Johnson into House of Detention. Failed to follow directions. Officer Fuller went into cell and struck Johnson. Put Johnson in holding cell for two hours. Johnson was refused medical treatment for two hours. Johnson suffering from terrible pains in the head since.
RULING: Need for intentional force in correctional setting. Must use four- point test when reviewing.

DEF006546

B. Graham v. Connor *(Objective Reasonableness Standard)* 1. The court accepted the first three points of Johnson v. Glick, it rejected the last point dealing with the officers state of mind. 2. "Rcasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and it's calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. 3. The use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight 4. Officer's underlying intent or motivation will not be a factor in determining whether the force used was reasonable. a. Officer's evil intentions not factor with a reasonable use of force. b. Officer's good intentions not a factor with an excessive use of force.	Graham was a diabetic. Connor stopped. Graham became combative. Connor arrested after using force.
C. Tennessee v. Garner *(Fleeing Felon Rule)* 1. The use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable.	1985 Supreme Court 1974 Case – Fatal Shooting – Memphis, Tenn.

DEF006547

2. Where the suspect poses not threat to the officer and no threat to others, the harm resulting from failing to apprehend does not justify to the use of deadly force to do so.	B.T. Turner Case
3. A police officer may not seize an unarmed, non-dangerous suspect by shooting him dead.	
4. Police officers may use deadly force to apprehend a fleeing felon if he/she has probable cause to believe that the suspect poses a threat or serious physical injury or death, either to the officer or to others.	
5. An officer must give a verbal warning when practical or feasible.	
IV. General Orders	FAIRFAX COUNTY POLICE AND SHERIFF, TOWN OF VIENNA AND HERNDON HAVE SIMILAR GENERAL ORDERS
A. Deadly force shall not be used unless it is reasonably necessary.	
B. Deadly force may be used to apprehend fleeing felons.	
1. All other means of arrest have been exhausted.	
2. Officer believes that the escape of the felon poses an imminent threat of death or serious physical injury to an officer(s) or other person(s).	*Tennessee v. Garner*
C. Deadly force cannot be used to apprehend a fleeing misdemeanant.	

DEF006548

D. The use of deadly force is justified in the defense of the officer's life or a citizen's life.

E. The officer shall not use deadly force recklessly or in any place or under any circumstances where injury or death to an innocent bystander is likely.

F. Officers shall not fire warning shots under any circumstances.

G. Shooting at or from a moving vehicle shall be avoided except to defend an officer or citizen's life.

V. Use of Force Model

SHOW USE OF FORCE MODEL ON OVERHEAD

A. The Subjects Actions

1. Cooperative Subject

a. Subject(s) cooperative without direction – Variable Distance.

High School Kids run at sign of cruisers.

b. Subject(s) cooperative, only in response to direction – Variable Risk.

High School Kids told to leave by officer.

2. Resister

a. Passive: Non-movement in response to verbal and other direction – Variable Positioning.

Protestors

b. Active: Movement to avoid physical control – Variable Dynamics.

Subject runs when told is under arrest.

DEF006549

3. Assailant	
a. Actions are aggressively offensive without weapons.	Subject deflects/pushes officer away.
b. Actions will probably cause physical injury.	Subject punches/strikes officer.
c. Actions will probably cause death or serious physical injury.	Subject uses weapon to assault officer.
B. Control Options	Demo Gun/Knife/Club/Bottle
1. Social Control	
a. Presence of police officers.	
2. Verbal Control	
a. Used with social controls such as presence.	
3. Weaponless Control	
a. Holding (Pressure/Pain Compliance)	
b. Stuns	
c. Direct Mechanical Techniques	
1. Impact Weapons/Fists	
2. Concentrated Impact Pressure (Impact Weapons/Fists)	Chokeholds are prohibited!
3. Vascular chokes/Choke holds.	

DEF006550

4. Impact Weapons	
5. Control Instruments	Kubaton
6. Electrical Shocking Devices	
a. Tasers	
7. Chemical Agents	
a. O/C	
8. Firearms	Deadly Force
VI. Force Options	
A. Officer Presence	
1. Is the first basic level of contact between the office and the suspect or citizen.	
2. The message sent to the citizen or suspect is based upon the officer's:	
a. Professional image	60% is Professional Image
b. Physical Condition	
c. Posture	
d. Attitude	
e. Neatness of Uniform & Equipment	

DEF006551

B. Verbal Commands

1. An officer should establish a command presence by the use of firm, professional commands.

2. The commands should be simple, easy to understand and repeated as necessary.

3. Verbal commands should be issued by ***one officer*** to avoid confusion.

4. If you notice that the primary officer is not issuing effective commands or has forgotten certain commands, tell that officer that they forgot a command or that you are going to give a command.

C. Empty Hand Control

1. Officers need to verbalize commands to a subject while attempting any empty hand control. You need to let the individual know what you want them to do.

2. Examples of empty hand control would be:

   a. Escort Positions

   b. Pressure Points

D. Artificial Incapacitators

1. These may be used in situations where empty hand controls have either proven to be ineffective or would not be prudent due to the subject's behavior.

97% of Law Enforcement work is verbal.

DEF006552

2. Examples of Artificial Incapacitators would be:	**G.O. 540.1 Section C, #8**
a. O/C Spray	**Dispenser directed at subject's face.**
b. Chemical Agents	
c. Taser	**Officers must decontaminate.**
3. Only those O/C dispensers issued by the department shall be used by employees.	
4. Avoid using O/C on subjects suffering from:	**Seek medical attention ASAP!**
a. Bronchitis	
b. Asthma	
c. Emphysema	
d. Similar Respiratory Condition	
E. Hard Empty Hand Controls	
1. These types on controls involve using empty hand strikes and controls such as:	
a. Head Stuns	
b. Take – Downs	
2. These techniques rely on pain compliance to be effective. The less amount of pain felt by the suspect, the less effective the control technique.	**PCP**

DEF006553

3. Subjects under the influence of drugs have an increased level of pain tolerance depending on the amount and type of drug consumed.

F. Impact Weapons

G.O. 540.1 Section C, #9

1. Batons or other types of impact weapons can be used with varying degrees of intensity.

2. Batons may be used to strike the subject in designated target areas of the body such as:

   a. Torso

   b. Legs

   c. Arms

3. Intentional strikes to the subject's head, kidneys or groin shall be avoided, whenever possible.

4. The baton may be used as a lever to induce sufficient pressure to cause the subject to cease aggressive action.

Using baton/flashlight to choke subject will be avoided except when deadly force justified.

5. May be used to block strikes.

6. Types of Batons currently issued:

   a. ASP Expandable Baton

G.O. 320.1

   b. Monadnock Expandable Baton

   c. Monadnock Straight Baton

DEF006554

G. Deadly Force	G.O. 540.1
1. Deadly force may be employed only as a last resort. The officer must have a reasonable belief that he/she or another person is in imminent danger of serious bodily injury or death.	
VII. Judging the Use of Force	
A. Force is generally thought of in terms of quantity or "amount". However, the probable general effect of force is also co-dependent on the quality or type of force used.	
B. The correct amount of force is the amount of force necessary to establish and maintain control over the subject, neutralizing the threat or resistance.	
C. In order for an officer to justify the use of force, he/she must prove the subject met four legal criteria:	**IMMINENT DANGER**
1. Ability	
a. The officer must show that the assailant was capable of fully carrying out the alleged act or threat.	
2. Opportunity	
a. The officer must show that the assailant had full opportunity to accomplish the alleged act or threat.	**90 Lb. Officer vs. 300 Lb. assailant.** **Assailant on other side of locked door may negate opportunity.**

DEF006555

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151

LESSON PLAN

Statements
Speech
movement

3. Intent

   a. The officer will have to show that the assailant not only had the ability and opportunity, but also demonstrated the intent to carry out the act.

4. Means

   a. The officer must show that the assailant had possession of a weapon or some other means to inflict death or serious bodily injury.

D. There are several factors that a court will examine to determine whether the officer has met the legal criteria mentioned above. The following list of examples is not all-inclusive. This list is some of the factors examined when reviewing the "***Totality of the Circumstances***".

1. Avenue of Escape
2. Comparative Size
3. Weapons
4. Mental State
5. Number of Assailants
6. Color of Law

VIDEO: Alabama officer in housing complex.

Visual Demo:
Baton
Fire Wood
Bottle
Knife
Gun

(Officer killed by piece of firewood)

Possibility of retreat

300 LB officer vs. 90 LB subject – May negate ABILITY

Consideration in escalation of force

Did officer act within authority granted him?

DEF006556

E. Other factors that will be taken into consideration are:

1. Timeliness

a. The officer must act to control the aggressive act in a timely manner. Force must not be used too early or too late relative to the subject's actions.

b. Timeliness is defined as "not too early or too late to prevent physical injury, or to complete the legally authorized task".

c. Factors that an officer must consider are:

1. Distance

2. Shielding

3. Obstructions

4. Type of Attack or Resistance Encountered

5. Risk to others

Increased distance from subject allows more time to react.

If officer/civilians shielded from threat posed use of force can be delayed indefinitely.

Man w/ knife in open vs. basement.

DEF006557

2. Officer's Perception	
a. The perceptions of the officer are also subject to judgement. Perceptions must be judged according to timeliness. The shorter the time period involved, the faster the events occur, and the less accurate the officer's probable total perception will be.	
b. Human perceptions are limited by scope, amount of information taken into account, and time. Mistakes in perception and resultant mistakes in action are not just probable, but they predictable.	
c. The officer should not be judge because he/she reacted from an improper perception when other responsible officers would have reacted in the same manner.	Child with a squirt gun.
d. An officer's actions must be judged on perceptions, not absolute facts. The courts must allow latitude for errors in perception.	
3. Totality of the Circumstances	Mentioned above.
a. In reviewing the circumstances behind the use of force, the following factors must be taken into consideration:	
1. The type of call the officer was investigating.	

DEF006558

2. The officer's knowledge of the individual.

3. Information the officer may have concerning the subject's propensity for violence.

4. The officer's perception at the time the use of force was used.

DEF006559

- Don't Rush to Conclusion
  Clip -

- Movie (A&E) "Deadly Force"

1985 - Philly - Burned entire block / "Move" members — 9,000 Rounds

- Calvin / Freedom Center
- PWCo Swat
  - Toxic Level of OC
  - warrant

* Dead Officer

Problem: Rats etc
Building Code violation
Disorderly Conduct
Explosives
61 Houses destroyed

Engage the Group

Wife & Son of Randy Weaver — Both acquitted
~~for~~ Harris

Ruby Ridge
- 2 sawed off shot guns
- ATF misrepresented criminal History
- Vietnam Vet
- Booby Traps
- ATF "pinned down"

* Atty Gerry Spence

Serve Warrants
China - Undercover Officers

Arrest later at the mall / Place

From: Gaisor, Amy
To: Davila, Peter
CC: Farrell, John; Flanagan, Christopher
Sent: 7/22/2014 12:41:31 PM
Subject: RE: PFC. Adam Torres

Pete,

Can you please provide the information requested. Adam Torres attended session 49. They need your PowerPoint presentation for Use of Deadly Force. Thank you.

SGT Amy Gaisor
Basic Law Enforcement Training Supervisor
In-Service Supervisor
Honor Guard Supervisor
Fairfax County Criminal Justice Academy
14601 Lee Road
Chantilly, Va 20151
[redacted]

From: Flanagan, Christopher
Sent: Friday, July 18, 2014 9:41 AM
To: Gaisor, Amy
Cc: Farrell, John
Subject: PFC. Adam Torres

Amy,

Detective Farrell is out of town and asked me to follow up on our last visit to the Academy when we reviewed PFC Adam Torres' file. Can I get a copy of any PowerPoint Presentations regarding Use of Deadly Force that would have used during PFC Adam Torres' time at the Academy.

Chris

Christopher Flanagan
Detective
CIB/Cold Case
Fairfax County Police
[redacted]

From: Davila, Peter
To: Flanagan, Christopher
Sent: 7/22/2014 1:31:01 PM
Subject: RE: PFC. Adam Torres

No problem at all, I hope it all turns out well.

From: Flanagan, Christopher
Sent: Tuesday, July 22, 2014 1:30 PM
To: Davila, Peter
Subject: Re: PFC. Adam Torres

Thanks Pete. Sorry for adding tasks to your plate. I appreciate you handling this.

From: Davila, Peter
Sent: Tuesday, July 22, 2014 01:24 PM
To: Flanagan, Christopher
Cc: Gaisor, Amy; Cochrane, Chantel J.
Subject: RE: PFC. Adam Torres

Chris,

I scanned and attached the LP, and I'll send you a hard copy in the mail.

Pete

From: Flanagan, Christopher
Sent: Tuesday, July 22, 2014 1:10 PM
To: Davila, Peter; Gaisor, Amy
Cc: Farrell, John; Cochrane, Chantel J.
Subject: Re: PFC. Adam Torres

Thanks Pete. I suspect hard copy will be fine if you have that.

Chris

From: Davila, Peter
Sent: Tuesday, July 22, 2014 12:53 PM
To: Gaisor, Amy
Cc: Farrell, John; Flanagan, Christopher; Cochrane, Chantel J.
Subject: RE: PFC. Adam Torres

LOL – I'll do my best, I believe that was 8 years ago. I'll have to look in the session book downstairs.

From: Gaisor, Amy
Sent: Tuesday, July 22, 2014 12:42 PM
To: Davila, Peter
Cc: Farrell, John; Flanagan, Christopher
Subject: RE: PFC. Adam Torres

Pete,

Can you please provide the information requested. Adam Torres attended session 49. They need your PowerPoint presentation for Use of Deadly Force. Thank you.

SGT Amy Gaisor

Basic Law Enforcement Training Supervisor
In-Service Supervisor
Honor Guard Supervisor
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[redacted]

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Cc: Farrell, John
Subject: PFC. Adam Torres

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Chris

Christopher Flanagan
Detective
CIB/Cold Case
Fairfax County Police
[redacted]

From: Daniel, Erikk R.
To: Flanagan, Christopher
Sent: 8/30/2013 12:47:36 PM
Subject: RE: Release of Information Request

Can't find anything on any SOD or OSB channels. If they did use another channel it's possible they were using an unrecorded channel, but I've checked everything I can find.

Erikk Daniel
Custodian of Records – Quality Assurance Section
Department of Public Safety Communications
Fairfax, Virginia
[redacted]

From: Flanagan, Christopher
Sent: Friday, August 30, 2013 12:19 PM
To: Daniel, Erikk R.
Subject: Re: Release of Information Request

Is it possible to get SOD comm's too?

From: Daniel, Erikk R.
Sent: Friday, August 30, 2013 10:17 AM
To: Flanagan, Christopher
Subject: RE: Release of Information Request

No problem. What I have right now is the phone call, all main channel traffic, all ops1/ops2 traffic, CAD event, chronology, and unit info associated with the event. Is there anything else specific that you need in regards to this?

Erikk Daniel
Custodian of Records – Quality Assurance Section
Department of Public Safety Communications
Fairfax, Virginia
[redacted]

From: Flanagan, Christopher
Sent: Friday, August 30, 2013 9:49 AM
To: Daniel, Erikk R.
Subject: Re: Release of Information Request

Thanks Erikk.

From: Daniel, Erikk R.
Sent: Friday, August 30, 2013 09:29 AM
To: Bennett, Tor
Cc: Flanagan, Christopher
Subject: RE: Release of Information Request

Will do. Working on it now.

Erikk Daniel
Custodian of Records – Quality Assurance Section

Department of Public Safety Communications
Fairfax, Virginia
[redacted]

From: Bennett, Tor
Sent: Friday, August 30, 2013 2:36 AM
To: Daniel, Erikk R.
Cc: Flanagan, Christopher
Subject: Release of Information Request

Erikk,

Could you please touch base with Detective Flanagan once you review the Release of Information request. He is hopeful that the tape can be made sometime Friday afternoon.

Thank You,

Tor

Lieutenant Tor Bennett
Fairfax County Police Department
Police Liaison Commander, PSTOC
4890 Alliance Drive
Fairfax, Virginia 22030
[redacted]

From: Daniel, Erikk R.
To: Flanagan, Christopher
Sent: 8/30/2013 10:17:43 AM
Subject: RE: Release of Information Request

No problem. What I have right now is the phone call, all main channel traffic, all ops1/ops2 traffic, CAD event, chronology, and unit info associated with the event. Is there anything else specific that you need in regards to this?

Erikk Daniel
Custodian of Records – Quality Assurance Section
Department of Public Safety Communications
Fairfax, Virginia
[redacted]

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To: Daniel, Erikk R.
Subject: Re: Release of Information Request

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Sent: Friday, August 30, 2013 09:29 AM
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Fairfax, Virginia
[redacted]

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Lieutenant Tor Bennett
Fairfax County Police Department

Police Liaison Commander, PSTOC
4890 Alliance Drive
Fairfax, Virginia 22030
[redacted]

From: Daniel, Erikk R.
To: Bennett, Tor
CC: Flanagan, Christopher
Sent: 8/30/2013 9:29:56 AM
Subject: RE: Release of Information Request

Will do. Working on it now.

Erikk Daniel
Custodian of Records – Quality Assurance Section
Department of Public Safety Communications
Fairfax, Virginia
[redacted]

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Lieutenant Tor Bennett
Fairfax County Police Department
Police Liaison Commander, PSTOC
4890 Alliance Drive
Fairfax, Virginia 22030
[redacted]

From: Daniel, Erikk R.
To: Flanagan, Christopher
Sent: 8/30/2013 12:55:56 PM
Subject: RE: Release of Information Request

Sure. I'll leave the packet with the PLC in case I'm not around.

Erikk Daniel
Custodian of Records – Quality Assurance Section
Department of Public Safety Communications
Fairfax, Virginia
[redacted]

From: Flanagan, Christopher
Sent: Friday, August 30, 2013 12:54 PM
To: Daniel, Erikk R.
Subject: Re: Release of Information Request

Great thanks. Can we pick that up today.

From: Daniel, Erikk R.
Sent: Friday, August 30, 2013 12:47 PM
To: Flanagan, Christopher
Subject: RE: Release of Information Request

Can't find anything on any SOD or OSB channels. If they did use another channel it's possible they were using an unrecorded channel, but I've checked everything I can find.

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Custodian of Records – Quality Assurance Section
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[redacted]

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Fairfax, Virginia
[redacted]

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Department of Public Safety Communications
Fairfax, Virginia
[redacted]

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Thank You,

Tor

Lieutenant Tor Bennett
Fairfax County Police Department
Police Liaison Commander, PSTOC
4890 Alliance Drive
Fairfax, Virginia 22030
[redacted]

From: Deane, Eric
To: Farrell, John; Flanagan, Christopher; Holland, Bryan
Sent: 8/29/2013 10:07:20 PM
Subject: RE: SW draft

I'll add Body of JG

From: Deane, Eric
Sent: Thursday, August 29, 2013 10:07 PM
To: Farrell, John; Flanagan, Christopher; Holland, Bryan
Subject: SW draft

Let me know if this looks ok.

From: Thompson, Paul
To: Russell, David A.; Holland, Bryan
CC: Farrell, John; Flanagan, Christopher
Sent: 1/31/2014 9:21:05 PM
Subject: Re:

Direct. As of this e mail I do not know if the Chief is going ahead with notification or not.

From: Russell, David A.
Sent: Friday, January 31, 2014 09:18 PM
To: Holland, Bryan
Cc: Farrell, John; Flanagan, Christopher; Thompson, Paul
Subject: Re:

I clearly hear your concerns. Let's get together Monday morning.

From: Holland, Bryan
Sent: Friday, January 31, 2014 09:10 PM
To: Russell, David A.
Cc: Farrell, John; Flanagan, Christopher; Thompson, Paul
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: Bennett, Tor
To: Daniel, Erikk R.
CC: Flanagan, Christopher
Sent: 8/30/2013 2:36:17 AM
Subject: Release of Information Request

Erikk,

Could you please touch base with Detective Flanagan once you review the Release of Information request. He is hopeful that the tape can be made sometime Friday afternoon.

Thank You,

Tor

Lieutenant Tor Bennett
Fairfax County Police Department
Police Liaison Commander, PSTOC
4890 Alliance Drive
Fairfax, Virginia 22030
[redacted]

From: Carr, Annemarie
To: Flanagan, Christopher; Farrell, John
Sent: 9/19/2013 11:16:08 AM
Subject: Riccio transcript
Attachments: Ofc Michael Riccio.docx

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

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 18, 2013

****

Hinson: This is August 29, 2013. Detective Jeremy Hinson, Cold Case Squad, interviewing Michael Riccio, MPO, K-907, with Sergeant Chantel Cochrane and Sergeant Thea Pirnat. Reference Officer Involved Shooting down in Station 7's area, 7907 Pebble Brook Court. ..... Alright, could you, uhh, tell me what you're patrol assign.... or your assignment was today?

Riccio: I – I was signed on as K-97.

Hinson: Uh-um.

Riccio: There is two of us signed on, myself and K-910. Uhh, pretty much we cover the entire county. Sharing it amongst ourselves as to who goes to what calls, but, uhmm, we're not really assigned to any particular air patrol, we're just monitoring the radio.

Hinson: And where you the K-9 Officer that was dispatched to support, uhh, the Station 7 Units?

Riccio: We were never dispatched; we saw it from the shooting order.

Hinson: Both of you?

Riccio: Yes.

Hinson: Ok. And who was the other K-9 Officer?

Riccio: K-910, Matthew Kunstel .... or Kyle as we call him.

Hinson: Kunstel?

Riccio: Kunstel. K-U-N-S-T-E-L.

Hinson: Thank you. .. And is – is he MPO as well?

Riccio: He's a PFC I believe.

Hinson: Ok. ..... So, where you guys in separate areas when you saw the initiator and just went down there ..-..

Riccio: Actually, ..-..

Hinson: ..-.. or ..-..

Riccio: ..-.. we were – we just finished having lunch. We got called out earlier this morning for a robbery with a bail out, down in Mount Vernon. Uhh, since we were here prior to our shift hours we decided to get lunch together. We just finished lunch over at Spartans .. off of Burke Road when this call came out. And when I heard the, uhh, Lieutenant asking for a shield unit .. we started rolling down there. .....

Hinson: And which Lieutenant ... Do – do you know which Lieutenant?

Riccio: I – I wanna say it was ... I believe it was Jocca, but I'm not sure which one asking for a shield. .....

Hinson: So, after you heard that you both went down?

Riccio: Correct. ....

Hinson: Separate vehicles .. I assume?

Riccio: Yes.

Hinson: And when you were – when you get there, when you get on scene, uhh, walk me through what happens when you arrive on scene.

Riccio: Uhh, basically, as we driving down there, I'm listening to the radio to what's going on and I'm getting a clear picture of the … One officer has a **INAUDIBLE** with the subject who's standing at the door. Uhmm, the subject is making threats, that if we ramp-up any kind of enforcement action, it's gonna get – it'll get messy. He's making threats of violence with weapons. Claims that he has a gun nearby him. That it's not on him, but it's very close. It's what we're getting. Uhmm, so all I know at this time is that an officer is at the front door talking to him .. through the screen door of the front door. I'm assuming he's got cover – a cover officer with him. Uhmm, as we're getting closer, I think it was 741 … Charlie or Baker, I'm not … I think it was Charlie, that started making reference that he's gonna go to the back of the house to obtain a cover position back there and set up a perimeter so in case he runs out the back door. At that point I got on the radio and had him stand-by for that, we had two K-9's enroute. One would go back with him and hold the rear containment with him; with the dog. Uhh, that was all acknowledged and confirmed on

the radio. We got to the scene. As you come down Pevle Breek – Pebble Creek, Pe...., right Pe.... – Pebble – Pebble Creek .....

Hinson: Pebble Creek.

Riccio: Ok.

Hinson: Pebble – Pebble Brook.

Riccio: Pebble Brook. As you come down Pebble Brook I wasn't sure what side of the road 741 was going to be on, so I got on the radio and ask what side he was going to be on. He said he's going to be on the right side in the tree line. Uhmm, ... as we marked on scene I got out and quickly briefed up with ... K-910 that the guy was at this point being cooperative. He was talking to officers. I didn't want the presence of K-9 getting thing to start ramping up. By us escalating our force that he would start getting upset. So, I thought it would be more prudent that we keep the dogs out of sight .. and let the – and let's see how this thing un.... starts unraveling. So we actually .... Kyle went to the right, I went to the left. We used the backs of the townhouses. I set up to the front .. of the target location and Kyle went to the back with 741 Charlie. At the front of the address I met up with, uhmm, ...

Hinson: I'm sorry, did you said he went right?

Riccio: He went to the right ..-..

Hinson: Ok.

Riccio: ..-.. and walked behind those townhouses, I went to the left and walked behind those ..... until we could both get to our – our positions.

Hinson: Ok.

Riccio: Alright we popped out at the ... As you come down Pebble Brook there is like a square .. a rounded island that you can drive around. We came up on the top, as you're coming down Pebble Brook, the top left side ..-..

Hinson: Uh-um.

Riccio: ..-.. is where we popped up behind ... from behind the townhouses and got our barring as to where the scene was. Where the gentleman was talking to everybody through the door. Where the house was. I confirmed K-910 was in lo... position. Uhmm, is that point that I pretty much married-up with ... Quarto, uhmm, and we answered ... I let Lieutenant Jocca and Lieutenant Fish know that we were here .. that we're there. Uhmm, I told them we take up our position on the left side on that middle island, where's a nice **INAUDILBE** that we can use for cover and I can conceal the dog from the view of the – the suspect. Once we got to that position, I can see the suspect standing in the doorway talking to the officer who's standing in front of him. Uhmm, ... the subject was wearing tennis shorts,

tan shirt .. short sleeve shirt look like. Uhmm, I saw the way the door opened from the right to the left. I then got on the radio again making, uhh, plans with K-910 as to if he runs my way I'll take him, if he runs towards the delta side it would be his responsibility. Where if he comes out of the back he would also be K-910's responsibility. We're putting all that plan together. Uhmm, the subject was standing in the doorway kinda, I think he had his hands up on the top of the frame of the door, uhmm, and the door was partially opened, not – not all the way, but probably a good – a good foot. And it looked like he was almost standing in the threshold of the door. Uhmm, it was an officer standing in front of him right on that walkway up to the house who had him at gunpoint, but was talking to him. And then there another officer behind the tree for cover that also had his gun out, uhh, providing, uhmm, cover support. Uhmm, I couldn't hear what they were saying, 'cause of the distance, it was all muffled, uhmm, ... but I – they were – they were engaging in conversation ... that's – that's the best I can tell you. Uhmm, at some point I saw the door start to come open, just a little movement, like the guy is kinda swinging back and forth, uhmm, ... and then I heard a shot ring out. I didn't know at that point if it came from out..... inside the house or outside ... in. Uhmm, I saw the subject kinda take a

step or two back into the house and then the door come closed. Uhmm, it was at that point I thought we'd be making entry into – into the house, uhmm, so I started **INAUDIBLE**-up a little bit, but then I realized Quarto wasn't coming with me or ... and then I saw the two officers in front of the house kinda backing of the cover. So I realized that we were not making entry at that point, uhmm, so I went back to a cover position. Uhmm, as you can imagine, at this point that the radio is erupting with information getting out. Uhmm, I asked Quarto if he's good to stay where we were at, which was a good piece of cover and good eyeballing the house. He said he was fine. And at that point I went over to Lieutenants Jocca's location, which was just up the street from the house but right in front of the house. We had good cover behind the car. I wanted to get with him to start talking tac-leave about how we gonna push the situation. Uhmm, ... get – had K-910 behind the house still, uhmm, new **INAUDIBLE** need to relieve soon. Realized at this point this is probably turn into a long ..... Since we didn't make the initial entry that this gonna turn into a long – long haul. Uhmm, so, once everything was secured in the front of the house I went ... We initially parked way up on top ... end of Pebble Brook. Uhmm, I went up, put my dog back in the car, brought my car down closer to the scene, if

you're looking at the house we were parked on the far left hand corner, uhmm, of that parking lot area. And then went to the rear of the house, got Kyle's keys from him. Went up and got his car and brought it down to the same location. This way we can start rotating dogs in and out in the rear containment. Uhmm, I put us on like a 30 minute rotation. Uhmm, ... once I got his car set, I got geared up in my swat gear, helmet, gloves and started getting different leads for Comack to – my dog – to, ... if we got to make entry into the house. Then I went back and relieved Kyle from his position. Uhmm, gave him a 30 minute time range that .. **INAUDIBLE**. He left the wooded area. I held that position till the Swat Team showed up and entry was made. .....

Hinson: And where were you when you were holding your position when Swat came in?

Riccio: If you're looking at the, (sigh), back of the house now, it's off in the wo.... it's about a hundred feet into the woods behind a good size oak tree. Uhmm, from the back of the house probably about the eight o'clock position. .....

Hinson: You said that was until TAC made entry?

Riccio: Yes.

Hinson: Ok.

Riccio: And I had two officers back there with me, one with a shotgun,

one with a pistol. .....

Hinson: When you're originally deployed, uhmm, since you got the dog there, what, uhh, what weapons you deploy with when – when you're coming to the scene initially?

Riccio: It's, if I have the dog with me, it's just my sidearm. .....

Hinson: And where you – did you have your weapon out at any time, uhh, before the shooting?

Riccio: Either ... Never at any point did it come out today. .....

Hinson: And .. Let's go back to the point, uhh, before the shooting takes place.

Riccio: Ok.

Hinson: So, you have a pretty good view of – of the door.

Riccio: I can see his ..-..

Hinson: The way it opens you see a little more.

Riccio: It opens right to left and I was way off to the left.

Hinson: Ok.

Riccio: Uhmm, ... I can see his lower .... I can see his face. .... Uhmm, by his body posture I can see his arms are up on top of the frame of the door. But I couldn't see – I was blocked by, uhh, foliage .....

Hinson: Uh-um.

Riccio: I could see his, ... probably his chest down, and part of his legs.

..... At that point I still try to remain out of sight, so we didn't – we didn't escalate the issue. .....

Hinson: And ..... if you could get back over what you did see prior to the shot ringing out. You mentioned some movement. If you ..-..

Riccio: Yeah, it lo..... ..-..

Hinson: ..-.. If you could do that.

Riccio: ..-.. looked like he was just kinda .... and – and I don't even know how to .... it's kinda like swinging in the door. Like he was talking to the officer. I – I couldn't, again, I couldn't hear what they were saying, but they were definitely engaged in a conversation. Uhmm, it didn't sound .... erratic at all, it sounded just like they were .. conversing about options, maybe. Uhmm, and he was kinda – it looked like he was – it looked like he had his hands up on top of the door, and just like swinging back and forth, like he's contemplating whatever he's gonna do, uhmm, ... it's just – it wasn't just standing still, there was – there was motion involved.

Hinson: Ok.

Riccio: That's the best I can **INAUDIBLE**.

Hinson: Ok. And what about the – the door. You said it's partially open. Does ..-..

Riccio: From my prospective it looked like it was not open ... wide enough for an officer to actually go and grab the guy, but it was

probably about a foot and a half/two feet open. .....

Hinson: Did you notice any other movements, uhh, or hear any escalation of anything prior to the shot?

Riccio: I – I didn't hear any esca.... esca.... escalate ..... The word you used. ..... Thank you. ..... Haha

Hinson: Was, uhh, ... Was that door, was that your – your focal point ... when the shot rang out .....?

Riccio: Well, I ..-..

Hinson: ..... or where you ..-..

Riccio: ..-.. I was – I was paying attention to a couple things. I had to pay attention to the door. I – I was looking at his ave..... - looking for his avenues of escape, where he would possibly run to, ... if he decides to run. Uhmm, and I was also being ... had to be mindful of my dog, uhmm, who at this point wants to get up and see what's going on himself, but he's a .....

Cochrane: How far away do you think you are from the conversation that went on?

Riccio: Of .... Uhmm, fifty yards. .....

Hinson: So, did you – did you see or could you tell which officer had shot?

Riccio: No. ..... I didn't even know if the shot came from ... inside the house out or went the other way until officers started

talking on the radio about .... what they saw, that – that know what happened. .....

Hinson: Anything you think that .. we should know about that we haven't gone over .. and things that you would've seen or heard?

Riccio: No, I – I ..... No. .... The radio traffic was a little bit of an issue after it all happened. .... Uhmm, you know, we had a guy just ..... rolled back into his house and possible heading towards the back of the house .. and the radio is all tide up with what was happening in the front of the house, so we – we had no idea if could've already gone out of the back door. K-910 was dealing with him, 'cause the radio was so tide up. .....

Hinson: That was the – the initial?

Riccio: Yeah. Uhh, yes.

Hinson: Or, uhh, uhh, I mean, initially to the gunshot .....

Riccio: Uhh, ... P.....

Hinson: ..... or prior to that?

Riccio: Well, po.... – post-gunshot. Pre-gunshot we had good open lines of communications. .....

Cochrane: Pre-gunshot did you hear that there were multiple guns .....

Riccio: Yes, ..-..

Cochrane: ..... inside the house?

Riccio: ..-.. I knew there were weapons in the house. And I heard the –

the **INAUDIBLE** that got stated that he had a gun very close to him and was prepared to use it. ..... Where would've – If we send anybody in the back door he would – he would use it and he wouldn't mind shooting officers that came into his house. ..... Which was pretty much what **INAUDIBLE**, even though we weren't requested, **INAUDIBLE** idea to be down there in the first place. .....

Cochrane: I just want to make sure you were in full uniform, I mean, what you wearing now is what you were ..-..

Riccio: Uhh, uhh, **INAUDILBLE** ball cap, yes. I was wearing a green ball cap.

Cochrane: Ball cap that .....

Riccio: It has – it has police patch .....

Cochrane: Ok, and ..-..

Riccio: ..... badge on it.

Cochrane: ..-.. you have a police patch on your side and on your front?

Riccio: Yes, I do. ..... But I – I didn't, again, I didn't want him seeing me or Kyle. That extra show of force. You know, who's these guys in green uniforms and .....

Cochrane: So you never let your dogs star.... bark or anything like that ..-..

Riccio: No.

Cochrane: ..-.. to let him know?

Riccio: No, ..-..

Cochrane: Ok.

Riccio: ..-.. I didn't want him to know at all we were there.

Cochrane: And Kyle was also in the same uniform?

Riccio: Yes, yes. .....

Hinson: And just to clarify too, after the shots and after you moved your car, you transitioned into like into a full swat ..-..

Riccio: Swat.

Hinson: ..-.. equipment ..-..

Riccio: Right.

Hinson: ..-.. look.

Riccio: The helmet, ... gloves. That's really ... And then different leads hanging from my belt instead of ... a long line, a short line and .....

Hinson: Ok. Uhmm, .. Mike what's your vehicle number?

Riccio: 5391.

Hinson: Ok. ... And does crime scene done the photo – photograph interview as you were outfitted?

Riccio: They ... I – I was told that's not gonna be necessary to photo....photograph me.

Hinson: Ok.

Riccio: But .....

Hinson: I mean, the only thing different with the way you look now, ..-..

Riccio: I was wearing a green ball cap

Hinson: ..-.. is the ball cap. .. Ok. .. Before we leave we might revisit that.

Riccio: Ok.

Hinson: Ok.

Cochrane: And you received a gag-order .....

Riccio: Yes, I do.

Cochrane: ..... from Internal Affairs? ..... Thank you.

Hinson: Ok. Uhmm, ... these – these guys that – that you're assisting on this call, are these any other people that you know. I know you referred to Quarto, but I assume that was **INAUDIBLE**

Riccio: I – I **INAUDIBLE** today.

Hinson: Ok.

Riccio: Uhmm, ... and the two guys in the front door I didn't even realized who that was until it was all set and done.

Hinson: Ok. I know you know Jocca.

Riccio: Yes, sir. Yeah, I recog..... I worked with him several years ago.

Hinson: Ok. ... Uhh, so basically, the .... Your knowledge of the people on the scene is what you've learned from coming out on this?

Riccio: Yes.

Hinson: Right. Ok. Uhmm, had you had any knowledge of the person that the call was in reference too? The – the ..-..

Riccio: No.

Hinson: ..-.. complainant or the …….. Ok.

Riccio: No.

Hinson: Alright. Uhmm, …. anything that you saw any of the other officers do that you – that we haven't talked about that you think we should know, uhh, that may clarify or .. lead to further …….

Riccio: No, they – they did a **INAUDIBLE** job. I, you know, **INAUDIBLE** the door as soon as it started coming closed on us.

Hinson: Ok. … Sorry. **INAUDIBLE** no one has any other questions? Alright. This gonna end the interview recording. It is 21:44 hours.

****

Transcribed on 09/18/2013

By Annemarie Carr, Administrative Assistant

From: Morrogh, Ray F.
To: Farrell, John; Flanagan, Christopher
Sent: 11/27/2013 9:18:01 AM
Subject: some info on OIS

Good morning and Happy thanksgiving !

I received the autopsy on the OIS.
The decedent had a BAC of .13.
I didn't know if you all got a copy yet....thanks ray

From:	Holland, Bryan
To:	Farrell, John; Flanagan, Christopher; Griffith, Cara D; Hinson, Jeremy; Bibeault, Daniel; Deane, Eric; Stallings, Erik S.; Bond, Robert; Smit, Colin C.; Kroll, David; Owens, Matt; Kellam, James; Szuminski, William; Kim, Tonny; Smith, James R.; Chambers, Frederick K.
CC:	Lee, Gun; Thompson, Paul; Day, Darrin; Cleveland, Paul; Hill, Joe R.; Manzo, Ronald; Moyer, David; Perez, Richard; Walker, Bud; Longerbeam, Carter A.; Fish, Michael; Joca, George
Sent:	8/29/2013 8:42:21 PM
Subject:	Sta7 case number

Ref the OIS at Sta7.. the DOMDIS case number is 2013-2410240.

The OIS case number everyone should write their supplements under is
2013-2410242

Any officer who spoke with an MCD detective does not need to write a supplement.

If someone has written the supp under the DOMDIS, no worries.

Any questions, please let me know.

Bryan

From: Deane, Eric
To: Holland, Bryan; Flanagan, Christopher; Farrell, John; Hinson, Jeremy; Griffith, Cara D
Sent: 8/29/2013 8:31:47 PM
Subject: SW affid draft
Attachments: 2013-241 Affid OIS 7907 Pebble Brook Ct.doc

Look this over and let me know what needs to be changed. Thanks.

AFFIDAVIT FOR SEARCH WARRANT

VA. CODE ANN. §19.2-54
RULE 3A:27

The undersigned Applicant states under oath:

1. A search is requested in relation to an offense substantially described as follows:

, in violation of Section 18.2- of the 1950 Code of Virginia, as amended.

(☐ CONTINUED ON ATTACHED SHEET)

2. The place, person, or thing to be searched is described as follows:

7907 Pebble Brook Court, Springfield, Virginia. The residence is further described as a townhouse constructed of brick with beige siding and yellow trim. The front door is painted yellow. The numerals "7907" are posted on a yellow placard to the right of the front door.

(☐ CONTINUED ON ATTACHED SHEET)

3. The things or persons to be searched for are described as follows:

blood and/or bloody items, firearms, firearm ammunition, cartridge cases, bullets, holsters, cleaning kits, paraphernalia related to the purchase, ownership, concealment and storage of firearms and ammunition, cellular telephones, records and documents related to the owner(s) and occupant(s) of 7907 Pebble Brook Court, Springfield, Virginia

(OVER)

CASE NO.

AFFIDAVIT FOR SEARCH WARRANT

APPLICANT:

Eric Deane
NAME

Detective
TITLE (IF ANY)

4100 Chain Bridge Road
ADDRESS

Fairfax, Virginia 22030

Certified to Clerk of

..... Circuit Court
CITY OR COUNTY

on .....
DATE

....
TITLE SIGNATURE

Original Delivered [ ] in person [ ] by certified mail
[ ] by electronically transmitted facsimile

to Clerk of ..... Circuit Court
CITY OR COUNTY WHERE EXECUTED

on .....
DATE

....
TITLE SIGNATURE

Complete only if different than above:

Copy delivered [ ] in person [ ] certified mail
[ ] by electronically transmitted facsimile

to Clerk of ..... Circuit Court

on .....
DATE

TITLE SIGNATURE

4. The material facts constituting probable cause that the search should be made are:

On August 29, 2013, Fairfax County Police officers responded to 7907 Pebble Brook Court in Springfield, Virginia in response to a domestic dispute call from an adult female. The female reported to the call-taker that her boyfriend said he had two handguns, a shotgun and a semi-automatic rifle. She also reported that her boyfriend made suicidal statements and mentioned committing "suicide by cop". When patrol officers arrived, the boyfriend told the officers that he had a weapon in close proximity and threatened to shoot them if they came into his house. For several minutes, as the man stood inside the threshold of the front door, officers positioned outside the residence attempted to persuade him to come outside of the house peacefully. Officers observed the man slowly and deliberately lower his hands. A police officer fired one shot at the man. After the shot was fired, the man shut the front door and remained inside the house. Attempts were made to contact the man. When police entered the home, the man was deceased.

(☐ CONTINUED ON ATTACHED SHEET)

5. The object, thing or person searched for constitutes evidence of the commission of such offense.

6. ☒ I have personal knowledge of the facts set forth in this affidavit OR

☒ I was advised of the facts set forth in this affidavit, in whole or in part by an informer. This informer's credibility or the reliability of the information may be determined from The following facts:

See attached affidavit.

The statements above are true and accurate to the best of my knowledge and belief.

Detective
TITLE OF APPLICANT (IF ANY)

APPLICANT
Eric Deane

Subscribed and sworn to before me this day.

DATE AND TIME

☐ CLERK ☐ MAGISTRATE ☐ JUDGE

From: Deane, Eric
To: Farrell, John; Flanagan, Christopher; Holland, Bryan
Sent: 8/29/2013 10:06:30 PM
Subject: SW draft
Attachments: 2013-2410242 Affid OIS 7907 Pebble Brook Ct.doc

Let me know if this looks ok.

AFFIDAVIT FOR SEARCH WARRANT

VA. CODE ANN. §19.2-54
RULE 3A:27

(OVER)

The undersigned Applicant states under oath:

1. A search is requested in relation to an offense substantially described as follows:

Assault and battery, in violation of Section 18.2-57 of the 1950 Code of Virginia, as amended.

(☐ CONTINUED ON ATTACHED SHEET)

2. The place, person, or thing to be searched is described as follows:

7907 Pebble Brook Court, Springfield, Virginia. The residence is further described as a townhouse constructed of brick with beige siding and yellow trim. The front door is painted yellow. The numerals "7907" are posted on a yellow placard to the right of the front door.

(☐ CONTINUED ON ATTACHED SHEET)

3. The things or persons to be searched for are described as follows:

blood and/or bloody items, firearms, firearm ammunition, cartridge cases, bullets, holsters, cleaning kits, paraphernalia related to the purchase, ownership, concealment and storage of firearms and ammunition, cellular telephones, records and documents related to the owner(s) and occupant(s) of 7907 Pebble Brook Court, Springfield, Virginia

CASE NO.

AFFIDAVIT FOR SEARCH WARRANT

APPLICANT:

Eric Deane
NAME

Detective
TITLE (IF ANY)

4100 Chain Bridge Road
ADDRESS

Fairfax, Virginia 22030

Certified to Clerk of

..... Circuit Court
CITY OR COUNTY

on .....
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CITY OR COUNTY WHERE EXECUTED

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to Clerk of ..... Circuit Court

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DATE

TITLE	SIGNATURE

4. The material facts constituting probable cause that the search should be made are:

On August 29, 2013, Fairfax County Police officers responded to 7907 Pebble Brook Court in Springfield, Virginia in response to a domestic dispute call from an adult female. The female reported to the call-taker that her boyfriend said he had two handguns, a shotgun and a semi-automatic rifle. She also reported that her boyfriend made suicidal statements and mentioned committing "suicide by cop". When patrol officers arrived, the boyfriend told the officers that he had a weapon in close proximity and threatened to shoot them if they came into his house. For several minutes, as the man stood inside the threshold of the front door, officers positioned outside the residence attempted to persuade him to come outside of the house peacefully. The subject would not comply with their instruction. Officers observed the man lower his hands. A police officer fired one shot at the man. After the shot was fired, the man shut the front door and remained inside the house. Attempts were made to contact the man were unsuccessful. When police entered the home, the man was deceased.

The complainant, M.H., was interviewed by Detective J.P. Farrell and stated that she was in a covered relationship with the man later identified as John Geer. Earlier in the day, M.H. and John Geer spoke by cellular telephone about their relationship. While the complainant was inside 7907 Pebble Brook Court, John Geer struck her in the head with a suitcase. The complainant then called the police.

(☐ CONTINUED ON ATTACHED SHEET)

5. The object, thing or person searched for constitutes evidence of the commission of such offense.

6. ☒ I have personal knowledge of the facts set forth in this affidavit OR

☒ I was advised of the facts set forth in this affidavit, in whole or in part by an informer. This informer's credibility or the reliability of the information may be determined from The following facts:

See attached affidavit.

The statements above are true and accurate to the best of my knowledge and belief.

Detective
TITLE OF APPLICANT (IF ANY)

APPLICANT
Eric Deane

Subscribed and sworn to before me this day.

DATE AND TIME

☐ CLERK ☐ MAGISTRATE ☐ JUDGE

From: Deane, Eric
To: Holland, Bryan; Bibeault, Daniel; Bond, Robert; Stallings, Erik S.; Farrell, John; Flanagan, Christopher; Griffith, Cara D
Sent: 8/29/2013 7:14:30 PM
Subject: SW

I decided to go to CIB to type the SW. FYI

Detective Eric Deane
Fairfax County Police Department
Homicide Squad
[redacted]

From: Kim Ryan
To: Flanagan, Christopher
Sent: 8/31/2013 7:17:33 PM
Subject: Time stamp to photo previously sent
Attachments: ATT00001.txt; photo.JPG

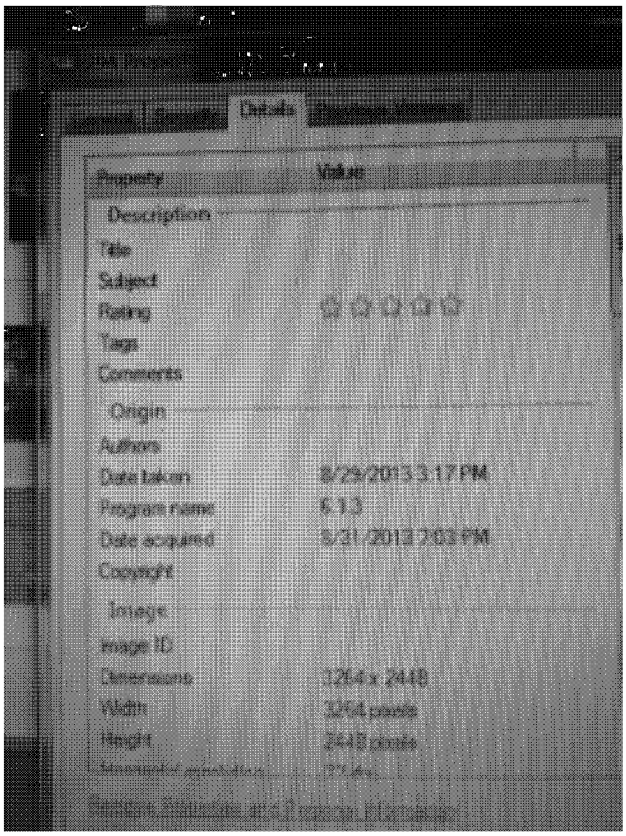
Detective Flanagan:

Attached is the time stamp that I took the photo previously sent to you. It was taken at 3:17 shortly after I parked my car.

Please let me know if you need any additional information. Thanks

Kim Ryan
[redacted]

Sent from my iPhone


Details
Property
Value
Description
Title
Subject
Rating
Tags
Comments
Origin
Authors
Date taken
8/29/2013 3:17 PM
Program name
6.1.3
Date acquired
8/31/2013 2:03 PM
Copyright
Image
Image ID
Dimensions
3264 x 2448
Width
3264 pixels
Height
2448 pixels

From: Winter, Brenda
To: Farrell, John; Flanagan, Christopher
Sent: 9/10/2013 5:23:24 PM
Subject: Torres part II of III
Attachments: Torres part II of III.doc

Fairfax County Police Department
Major Crimes Division - #20132410242
OFFICER ADAM DANIEL TORRES PARTI II
September 4, 2013

It's September 4th, 2013 at 1303 hours, interview with Adam Torres, regarding an Officer Involved Shooting that occurred on August 29th, present is Counsel John Carroll, Detective Chris Flanagan, and Detective John Farrell.

****

FARRELL: If you would just state your name?

TORRES: Adam Torres.

FARRELL: Ok, um, and we spoke a couple of days ago, regarding the incident and, um, you gave a comprehensive statement, is that correct?

TORRES: Yes.

FARRELL: Ok, and at that point I explained, what my role is in the investigation and you understood that, correct?

TORRES: Yes.

FARRELL: Ok, um, and is, at, you're understanding is that you're back here today because I had some follow up questions that I wanted to ask based on some either, new information or things I need to clarify, is that correct?

TORRES: Correct.

FARRELL: Ok, and before I get started, is there anything else you wanted to, to add or anything else you remembered or, or that you think is

important for me to know at this point?

TORRES: No.

FARRELL: Ok, um, when you um, when you arrived on scene, you were operating an unmarked cruiser, correct?

TORRES: Yes.

FARRELL: Ok, when you initially uh, respond to the neighborhood, um, what do you recall about your response, in terms of where you parked, or where, you're responding to the area, do you pre-stage at a location?

TORRES: I, I did at one point yes.

FARRELL: Ok, where was that at?

TORRES: Um, just right outside the neighborhood, um.

FARRELL: Would that been it, would that have been in view of uh, the residence?

TORRES: No.

FARRELL: Ok, and then at that point uh, the second officer arrives?

TORRES: Yeah.

FARRELL: And then, you guys respond in together?

TORRES: Yes.

FARRELL: Ok, about how long were you, staged?

TORRES: 30 seconds maybe.

FARRELL: Ok, and then, as you arrive down at the scene, it, do you have an opportunity to um, who was the second officer that arrived with you?

TORRES: Uh, Neil.

FARRELL: Do you guys have an opportunity to uh, formulate a plan or discuss anything about the call.....

TORRES: No.

FARRELL: Before approaching?

TORRES: No.

FARRELL: Ok, and why was that?

TORRES: Uh, we just, just went in right together, just, we didn't talk about it, we just, um, I, I don't know what his assumption, I, I guess my assumption is just to, a regular, just domestic dispute going on and, um, um, so.

FARRELL: So at that point you guys don't, there's no discussion about the call? You approach?

TORRES: Yeah, no, no discussion at all.

FARRELL: Ok, and then we spoke, um, there comes a time when you, um, feel a need to draw your weapon, and you said that you maintained it, two hand grip, with the exceptions of times you were manipulating the mer, the radio, is that correct?

TORRES: Correct.

FARRELL: Ok, um, can you, can you just describe the, your grip of the weapon? In terms of where, how your hands would be placed.

TORRES: Um, um, well, I'm right handed so.

FARRELL: Ok.

TORRES: Right hand goes on the um, um, whatever the term is, the, right on the handle, I got my uh, finger on the barrel, on the outside of the barrel, um, my left hand over the top of my right, my right hand.

FARRELL: Ok, so right hand on the handle of the gun, your finger is along the barrel?

TORRES: Correct.

FARRELL: And then your left hand is on top of your right hand....

TORRES: Yes.

FARRELL: Is that correct? Ok um, and is that the grip you maintain throughout the, incident?

TORRES: Uh, no, not the entire time.

FARRELL: Ok, was there a time that you changed your grip or.....

TORRES: Um, I, ev, every once and a while I put my finger on the trigger, just to, um, in case I, uh, in case I, um, wanted, just, just a few times I, I did it, um...

FARRELL: Do you remember if that was in response to, something specific or

um, why your finger would have moved from the barrel to the trigger?

TORRES: I know when I know when he, he jerked his hand down the first time I put my finger on the trigger.

FARRELL: Ok, and is there any other times specifically when you recall your finger being on the trigger?

TORRES: Um, two or three other times, mostly when he jerk, jerked his thing, or just jerked his hand down.

FARRELL: So your recollection is that, your finger moves from the, the slide onto the trigger in response to him moving his hands?

TORRES: Correct.

FARRELL: Ok, do you recall a time, during the incident where your finger is on the trigger and it's in response to anything else?

TORRES: No.

FARRELL: Ok, and then with the exception of, when you pull the trigger, was there a time where you actually taken slack out or do you recall anything else?

TORRES: What do you mean taking slack out?

FARRELL: Um, you, are you manipulating the trigger at all or, is it, do you recall, do you recall doing anything with the trigger other than putting your finger on it?

TORRES: No.

FARRELL: Ok, and then, times um, prior to the shooting where your fingers on the trigger, um, what causes you to place it back on the barrel, do you remember?

TORRES: Um.

FARRELL: Or why does your finger come off the trigger?

TORRES: Um, um when he put his hands back up on the, on the screen door, and he's just talking calmly, I just put my finger back on the, on the barrel.

FARRELL: Ok, um, at the time you fired the shot, do you recall if you gave any commands or if you said anything to him at that point?

TORRES: No, I didn't, I didn't say anything.

FARRELL: Were you injured at all during the, the incident?

TORRES: No.

FARRELL: Uh, any complaints of pain or, anything that happened to you, from standing out there for that period of time or?

TORRES: Uh, I, I know, standing out there like um, with the gun on the guy for a while, my arms just starting to hurt a little bit.

FARRELL: Do you remember saying anything to anybody about, being injured or, pain or?

TORRES: No.

FARRELL: What about from firing the shot, were you injured from that at all?

TORRES: No.

FARRELL: Or do you remember complaining about pain from that?

TORRES: No.

FARRELL: Do you remember saying anything about your wrist being hurt?

TORRES: No.

FARRELL: You remember your wrist hurting?

TORRES: No.

FARRELL: Ok, and then we talked about um, statements that were made, that you made after um, the incident um, and, I want to go over those again a little bit, um, who were the officers that you made statements to?

TORRES: Um, I guess Rodney, he was the only one there, and he said I said something so, um he was the only one around at the time.

FARRELL: Ok, and that's, you make a statement about, um, a problem with your wife?

TORRES: If, if he said I said something like that, then I, I probably did, um, um, I don't remember saying anything like that.

FARRELL: Ok.

TORRES: Um, you know.

FARRELL: And then you said, you told us that you said, you admitted,

something along the lines of, like I can't believe I shot him or.

TORRES: Yeah.

FARRELL: Ok, do you remember saying um, that you were sorry?

TORRES: No. Oh yes, um, I said uh, I said to Rodney, I said something along the lines of, hey Rodney I'm sorry about that or, um, uh something along those lines.

FARRELL: Ok, do you remember what you were thinking at the time you said that?

TORRES: Um, I, I just, I, I just remember seeing Rodney's face after I pulled the trigger, and he just looked like he was just, in, a lot of shock, like he just couldn't believe it, and um, he was breathing a little, kind of heavily, so I just, I don't know if, if I was just trying to calm him down, um, because he, he was trying to talk, he was talking to the guy for most, or the whole entire time.

FARRELL: Ok.

TORRES: Um.

FARRELL: So, it was in response to, Rodney?

TORRES: Right.

FARRELL: Ok, um, and, I know we spoke about this at length, um, the other day, but you're not apologizing because you accidentally shot the person?

TORRES: No.

FARRELL: Ok, and are you apologizing because, you felt like you shot the person and it wasn't justified?

TORRES: No, it was justified, I, I, I have no, I have no doubt about that at all, um, I don't feel sor, I don't feel sorry for shooting the guy at all, um, um, if I was saying I'm sorry to anybody, it was just to Rodney because of his, um, his reaction to everything.

FARRELL: Ok.

TORRES: Um, it wasn't anything particular to, to John at all.

FARRELL: So it's not, it's um, it's in response to his reaction.....

TORRES: Right.

FARRELL: Not in response to, any sort of justification or lack thereof for your action?

TORRES: Correct.

FARRELL: Ok, you have any follow up on that Chris?

FLANAGAN: Um, do, the only, not so much on that part, can I jump back to the....

FARRELL: Uh huh.

FLANAGAN: Hand position, um Adam, when, and I'm not trying to split hairs but, right, you've already talked about how his hands moved down and that's what caused you to pull the trigger.....

TORRES: Yeah.

FLANAGAN: Um, just before that, just before his hands moved, where is your finger?

TORRES: I don't remember.

FLANAGAN: Ok, do you know if it was on the, on the, the barrel or on the trigger before his hands moved?

TORRES: No.

FLANAGAN: Ok, up to that point that was all I had.

FARRELL: Ok., um, alright and then, the guy, like I wanted to touch again on, just sort of your state of mind, at the time this occurs, um, when you're, when you're in route, you're on the phone, and there's um, a conversation with your wife, how long are you on the phone for?

TORRES: Uh, a few minutes.

FARRELL: Ok, do you recall if that, if the phone call, um, was after you're dispatched, or while you're being dispatched or prior to being dispatched?

TORRES: Prior.

FARRELL: Ok, um, and then at what point, if you recall, do you terminate the phone call?

TORRES: (sighs) um, right, right when I'm sitting right outside the neighborhood.

FARRELL: Ok.

TORRES: Um.

FARRELL: And, do you explain to your wife you're going to a call or do you make any statements about, um....

TORRES: I told her, I, I'm going to a call right now and I can't talk to you at the time, at the moment.

FARRELL: Was she upset by that?

TORRES: She was.

FARRELL: Ok, um, and you said you guys are, you said you were arguing or, speaking about um, she was complaining about how much time you spend with the kids?

TORRES: Or us, supposedly lack of time I spend and she's stressed over school work, um, uh, she's trying to get uh, go work at the same time, going to school, uh, she's staying at home with the girls uh, uh, so, a lot, a lot of stress going on with her.

FARRELL: And you guys are married?

TORRES: Yes.

FARRELL: Living together?

TORRES: Yes.

FARRELL: Ok, and how old are the girls?

TORRES: Four and two.

FARRELL: Ok, um, is, have you um, had like, these types of arguments before over the phone or discussions while on duty?

TORRES: Yes.

FARRELL: Ok, um, and have you been able to do your job?

TORRES: Yes.

FARRELL: Or has, have you ever had an incident where you weren't able to handle a call or you, um, weren't able to comply with your duties because of, a, a phone call or, something involving this domestic situation?

TORRES: No.

FARRELL: Ok, is this um, so it's been going on for a while or is this, was that the first time you guys had talked about it?

TORRES: It's been going on for a while.

FARRELL: Ok, um, when you hang up, or explain to her that you're going on a call, or is it just kind of a hang up?

TORRES: Tell her I'm going on a call, I did not hang up.

FARRELL: Ok, um, were you pretty upset or were you pretty heated when, at the conclusion of the phone call?

TORRES: Somewhat heated, yeah, wasn't, I wasn't irate, but uh, upset.

FARRELL: Ok, and how did that influence how you handled the call?

TORRES: It didn't.

FARRELL: Ok, so at the time you approach and you're dealing with um, John Geer, this incident isn't in the front of your mind?

TORRES: Its lingering, it's not there, it's not uh, um, it, it's not my main focus at the, at the time.

FARRELL: Ok, and when you, what do you mean by lingering?

TORRES: It, it's you know, you just have an argument with your wife over something, you know you're a little upset, and you just, now you're heading towards a domestic, and now you have to worry about what other people are arguing about, um, um, the, I'm focused on what I need to do, not I mean, I can, I can deal with um, talking to my wife later, um, she needs to understand that I have a job also, I need to do it.

FARRELL: Ok, has she been able to understand that in the past or is that.....

TORRES: She has.

FARRELL: Ok, um, do you shoot Mr. Geer because you're angry at your wife?

TORRES: No.

FARRELL: Ok.

TORRES: Not at all.

FARRELL: Alright, is when, as you're working this domestic, is this personalized for you in some way, that it affects how you

handle.....

TORRES: No.

FARRELL: This incident?

TORRES: No.

FARRELL: Ok, so, at the time you pull the trigger, this is, what is this in response to?

TORRES: Him making a threatening gesture, what I felt was a threatening gesture going towards the weapon.

FARRELL: At the time you're pulling the trigger are you thinking about, that you're angry at your wife?

TORRES: No.

FARRELL: And then afterwards, you make a comment about it.

TORRES: I, I don't know why I made a comment.

FARRELL: Ok, just, is it just a, a thought that.....

TORRES: It just, I guess there was just a, thought that popped up and, as many other thoughts that came to mind at the time.

FARRELL: Ok, what were some of the other thoughts that came to mind at the time?

TORRES: Like my arms are hurting, um, can't believe I shot somebody, I was hoping the guy would come out and seek medical attention, um, I was worried about Rodney, um, what, how he was doing

um.....

FARRELL: Did you have any other thoughts unrelated to the call, that just popped in your head?

TORRES: Um, I was just thinking about my wife, I wanted to talk to her, (pauses) um, but I didn't even remember the argument (laughs) afterwards.

FARRELL: Ok.

TORRES: Um, I just wanted to talk to her.

FARRELL: When you say, what did you want to talk to her about?

TORRES: Just to talk, um, get some sort of uh, um, I don't know if this is the right word, um, some sort of sanity back you know, um, you know, I just shot somebody it's, I want to talk to somebody that um, just, I just wanted to talk to her, nothing in particular, just, um, just to tell her that, hey this is, this is what happened, um, I asked her if she's ok um, just something that popped in my head.....

FARRELL: Ok.

TORRES: I just wanted to talk to her.

FARRELL: Did you get the opportunity to talk to her after it, the shooting?

TORRES: Yeah.

FARRELL: Where, how, how did that come about?

TORRES: Uh, Command, walked back to the Command Center in the Cul-

de-sac, um, somewhere, where ever it was, down the street, and I saw a whole bunch of people there and I saw my Captain there and I asked him if I could call my wife.

FARRELL: Where, was she on her cell phone or home phone?

TORRES: We got, just cell phones.

FARRELL: Ok, what's her cell phone number?

TORRES: [redacted]

FARRELL: Chris?

FLANAGAN: Um, when you're, can you, um describe for me in more detail if you can, when you talk about your arms hurting?

TORRES: Yeah um, holding my arms up for a long period of time with my firearm drawn out, uh, I guess it's a little bit of stress on the arms....

FLANAGAN: Uh huh.

TORRES: Um, I, I don't know how long I was standing out there with my arms out, um, they, they were just hurting a little bit, that's all.

FLANAGAN: And, where about's in your arms, if you can, like describe to me....

TORRES: (sighs) right, right around here, like shoulder to, to the elbow.

FLANAGAN: This, and I don't want to put words in your mouth, but just from what you're showing me, are we talking about the bicep area?

TORRES: Right.

FLANAGAN: Ok, tri, bicep or triceps?

TORRES: Yeah.

FLANAGAN: Ok, um, were you able to take any steps, while you're out there for this long period of time to, um, to relax or to reduce that.....

TORRES: I know.

FLANAGAN: Stress on your arm?

TORRES: I know when uh, Rodney asked me to, um, just to put my weapon down just a little bit, just to lower it, um, it was a nice relief (laughs)

FLANAGAN: Right.

TORRES: Uh, I, I, didn't um, you know.

FLANAGAN: Now did that um, that many, did that in any way affect your ability to, to perform your duties or do what you did that day?

TORRES: No.

FLANAGAN: Was that something that you were aware of as the event was going on?

TORRES: Yes.

FLANAGAN: And, and I think Detective Farrell asked you specifically about it, it wasn't something in your wrist, um, in which you should, maybe it was just your upper arms?

TORRES: Right.

FLANAGAN: Ok.

TORRES: Um, getting, getting back to the wrist um, I, I may have went like this in my wrist later on, when I was um, uh standing next to the house.....

FARRELL: Like stretched it out?

TORRES: Stretched it out, um, it wasn't, I didn't hurt my wrist, I just um, I, I was holding on to the gun, like, like a death grip at that time, and it just um, I just needed to stretch it out for just a second.

FLANAGAN: Is it, this is after the shooting?

TORRES: After the shooting, yeah.

FLANAGAN: Ok, and where is your weapon at that point?

TORRES: Put it back in my, transferred it to my left hand, just for a second, just to stretch my fingers out and my, my wrist out.

FLANAGAN: Ok, and its, not looking for a medical diagnosis, but just so I understand, are we talking about, injury verses soreness, you know did, did you, was there something that occurred acutely that's causing that wrist pain or is it, like what you were describing with your arms?

TORRES: No I, I, af, after the shooting um, I, I just held onto the gun tight.

FLANAGAN: Ok.

TORRES: Um, and I was just holding it in that position for, quite a long time

and it just um, um, I guess my hand start hurting a little bit so I just needed to stretch it out a little bit, just....

FLANAGAN: Ok.

TORRES: That, put the gun back in my hand.

FLANAGAN: And, and I can see, what you're doing but for, the purposes of documentation, you're referring to your right wrist?

TORRES: Right.

FLANAGAN: Right?

TORRES: Correct.

FLANAGAN: That was all I had.

FARRELL: Alright, do you have anything else you wanted to add?

TORRES: Um, no I, I, don't know where he put that gun down, I know he put it by his feet somewhere, um, I don't know if he had another gun on him, or another weapon, um, so, (pauses) you know (laughs) the stress of, I, I guess almost an hour after, after being there, and he's got his, and he's jerking his arms down several times and then he, he, or his hand down several times and then that last uh, that's when he brings both his hands down um, past his rib cage um, um, I, I just felt like he was going for something.

FARRELL: Do you have anything else?

FLANAGAN: And I guess that brings up another point, Adam is that if um, you

told us Monday, it's been a couple of days now, um, lots of times we ask, guys questions and they don't know the answer to them and its, we expect that, we understand that, in traumatic situations like this that um, even if your brain does record, what you saw or what you heard, it's not an easy thing to then sit back and articulate that, um, and the reason why I say that is, um, because I want you to feel like if, even if there's something we, that anybody's asked you about a couple of days ago that you, didn't recall then that you now recall, um I want you to feel comfortable in telling us that and not thinking that, you know because I didn't say it the other day, is that going to be interpreted in, a negative light.

TORRES: Right.

FLANAGAN: Our, our responsibility is to, uncover all the facts, um, so if there's things that you remember, which we found over time, um, officers and civilian witnesses, um their involved in traumatic situations like this, do remember things over time, that they weren't necessarily able to articulate immediately following or the day after an event like this, come to mind and when, um, our experiences from talking to people later is that, sometimes they're a little uncomfortable, where they question their own memory or, we

don't want you to feel uncomfortable or any, or any witness for that matter, to feel uncomfortable telling us, ex, exactly what they remember (inaudible)

TORRES: Right.

FLANAGAN: And that doesn't mean that I'm looking for something, it's just that, we know that this, this happens in cases um, that are stressful and traumatic like this so, um, whether it's today or any other point and time, I mean obviously you have um, Mr. Carroll representing you, you know if, if there's things that you do remember or there's more things you want to tell us, regardless of whether we asked you about them or not, um, you know you can speak with your counsel, and, and we're more than willing to sit down and listen to, to anything that uh, that comes to mind from this point on or from any point.

CARROLL: There's one other point and, and he said it to me, and I can raise it or, or tell him you know, remind him but, um, in terms of domestic situation, what Adam told me was that, um, gun's would never be drawn if this guy wouldn't have shown a gun.

FARRELL: Ok.

CARROLL: That wouldn't have been the way he operates correct?

TORRES: Right.

CARROLL: And you told me about that so that's....

TORRES: Right.

CARROLL: Something you might want to...

FLANAGAN: Can you explain your, your thinking?

TORRES: Um, you know when, you know his whole comment of, um, I have a gun and will use it, if I need to since you guys have guns, um, you know then he put his hands behind his back, you know I, uh, it gave me a pretty good, idea or indication that he had something, he had a gun with him, um, that's the reason I pulled the gun out, my firearm out, um, um, again if, if, I don't know if he had multiple firearms on him, and I never saw his whole body um, he wasn't being very cooperative with us at the time, we just wanted to get him outside, away from the gun that he put down on his feet, by his feet, um.

CARROLL: In a normal domestic situation you wouldn't have guns drawn right?

TORRES: No, not at all (laughs)

FLANAGAN: Sorry my handwritings a little slow, it takes me a while to catch up, that, that's all I have.

FARRELL: Alright, anything else?

TORRES: No.

FARRELL: Alright, that concludes the interview at 1333 hours.

****

This statement has been typed as recorded/(bkw)/ (September 10, 2013)

From: Winter, Brenda
To: Flanagan, Christopher; Farrell, John
Sent: 9/7/2013 2:52:19 PM
Subject: Torres Part II
Attachments: Torres part II.doc

I will be sending Parkers interview soon.

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

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

****

FARRELL: It's uh, 1814 hours, um, continuing the interview with, Adam Torres, present is John Carroll, Chris Flanagan, and John Farrell. Do you remember um, dispatch splitting channels or patching channels or anything like that?

TORRES: No.

FARRELL: Did you have to switch your radio to another channel?

TORRES: No.

FARRELL: Ok, you said you were aware that some officers were behind you, you heard noise, checked back....

TORRES: Yeah.

FARRELL: And you knew Kushner and Parker were there?

TORRES: Yeah.

FARRELL: Do you know how they were armed?

TORRES: Kushner had his shotgun out, and I don't, I don't remember how Parker was, it was either a rifle or a shotgun.

FARRELL: What about uh, were there other civilians out and about?

TORRES: I don't remember, I don't think so, I know the, um, well, what I can tell you is I, I don't remember when, one of the neighbors came out from one of adjoining row of townhouses and wondered what was going on.

FARRELL: Was the neighbor trying to talk to you?

TORRES: No.

FARRELL: Ok.

TORRES: They, they were down the street.

FARRELL: What about other people yelling, or trying to talk to uh, the decedent?

TORRES: It's only that one guy, um, right before the shooting.

FARRELL: Um, so you're out there for this, from when you mark out, essentially from when you mark out there, um, there's almost this immediate altercation, and you draw your weapon, and from then until the time of the shooting, are you, in the same position?

TORRES: Yes.

FARRELL: With your gun drawn?

TORRES: Yes.

FARRELL: Um, with um, you know either between ready gun or gun on him the whole time?

TORRES: Yes.

FARRELL: Ok, that's got to be pretty, fatiguing?

TORRES: Yes.

FARRELL: Ok, and it was pretty hot out?

TORRES: Uh, just warm.

FARRELL: Warm, during that, I mean, did you get to drink water, did anybody bring you supplies, or is it, you're just up there on your own?

TORRES: Just up there by my own.

FARRELL: Ok, and someone brings the shield up to you, but you choose not to use that?

TORRES: Right.

FARRELL: Um, what, what entered your decision at that point?

TORRES: Um, it still had its cover on, on the shield, and I would, if I take the cover off, I would need to take my eyesight off the, uh, off that, off of John.

FARRELL: Ok.

TORRES: Um, for at least a few seconds to get the shield ready.

FARRELL: So you were concerned that even uh, the break in time it would take to uncover the shield, you weren't willing to take your eyes off because of the situation?

TORRES: Yes.

FARRELL: Alright, what about um, your Taser, you, why did you make a decision not to deploy your Taser?

TORRES: You don't take a Taser to a possible gun fight.

FARRELL: Ok, so once the subject showed you the weapon, you felt that it would be inappropriate, or it wouldn't be tac, tactically sound to use the Taser?

TORRES: Correct.

FARRELL: Ok.

TORRES: Plus he was behind a screen door.

FARRELL: Ok, um, describe the door to me, like how well were you able to see him?

TORRES: Hell, I, I can clearly see him, um, I had, it, it was just a screen door, and it had uh, I believe it had a um, a horizontal bar by his uh, either upper thigh or waist level, and that's where, it was just just a, a small bar.

FARRELL: Ok.

TORRES: Everything else was fine.

FARRELL: So its screen and then there's a bar and then what's beneath the bar?

TORRES: Another screen I believe or, a glass, I don't know.

FARRELL: So just screen or glass?

TORRES: Yeah.

FARRELL: However you're able to essentially see his whole body with the exception of where the horizontal, horizontal bar is?

TORRES: Correct.

FARRELL: Alright, and you say he was wearing shorts?

TORRES: Yeah.

FARRELL: Ok, and then a shirt?

TORRES: Yes.

FARRELL: How did the shirt fit on him, do you recall?

TORRES: No, how it fit whether? Or was it.....

FARRELL: Was it tight, super tight, was it a tank top, was it.....

TORRES: Oh it was just uh, it wasn't a tank top, it was just a shirt, I don't remember if it had collar or not.

FARRELL: Ok, do you recall if it was tucked in or not?

TORRES: No.

FARRELL: Do you recall any statements you made afterwards to the other officers? That were on scene?

TORRES: Right after I shot him?

FARRELL: Yes.

TORRES: Yeah.

FARRELL: Do you remember what you said?

TORRES: Yes.

FARRELL: What did you say?

TORRES: I said I can't believe I just shot him, or things like, uh, shit I just shot the guy, and that's when, it was just to Rodney, I know Rodney was there, we, we went to the side of the house.

FARRELL: Ok, do you remember why you said that?

TORRES: Um, I remember, cause when, when I, when I shot him I um, I saw Rodney's face, I don't know why I looked at him really quick, I saw Rodney's face and Rodney was just in shock, and then he just, he had a shocked look on his face and he was just, like who just shot him.

FARRELL: So it's kind of in response to, just the way Rodney was looking at that point?

TORRES: And, or then the um, he asked, he asked who shot him, I, I told him I did.

FARRELL: Ok.

TORRES: And I went to the side of the house, its more, it's more like the um, oh shit, I just shot this guy.

FARRELL: So, you're just kind of surprised because of how things evolved, or?

TORRES: Or I never shot anybody before so, um, uh, and I, I meant, I

meant to pull, I meant to pull that trigger, um, it just kind of, you know, just, a reaction of mine.

FARRELL: Ok, you remember if you said anything else?

TORRES: Um, uh, just, just telling Rodney I said that, I hope the guy comes out.

FARRELL: So when you're saying, I can't believe I just shot him, it's just because you haven't shot someone before?

TORRES: It, it, it might have been, I just.....

FARRELL: I guess, I guess my point just to cut to the chase is, I want to make sure that this, it's not an accidental sort of thing?

TORRES: It's not accidental.

FARRELL: Ok, it just, I know you're out there for a long time, for, 40 minutes, um, and so just, you made a decision to pull the trigger based on?

TORRES: His actions.

FARRELL: Ok, how long after you shoot him, um, and you know I hate the how longs.....

TORRES: (laughs)

FARRELL: Um, you moved to the side of the house, correct?

TORRES: Yep.

FARRELL: And then from there, um, at some point are you moved away

from the scene and other people take your position?

TORRES: Yeah.

FARRELL: Ok, is that pretty quick or are you out there for a while?

TORRES: It was a while.

FARRELL: Ok.

TORRES: At least a few minutes.

FARRELL: Ok.

TORRES: Seemed like a long time, probably wasn't.

FARRELL: And then um, they take you back to the command post, and then transport you to the station?

TORRES: Yeah, but it, I was at the Command Post for, um, a little bit of time.

FARRELL: Did anybody talk to you there?

TORRES: Yeah.

FARRELL: Did anybody ask you questions about what happened?

TORRES: Uh, I know a detective came up to me and uh, wanted to know what charges there were so they could get uh, a TAC Team to go inside the house.....

FARRELL: Ok.

TORRES: That or check on the, I guess the welfare of.....

FARRELL: Alright, other than that did anybody ask you any specifics or

anything like that?

TORRES: No.

FARRELL: And then who transported you to the station?

TORRES: Uh Peer Support.

FARRELL: Do you remember who?

TORRES: Don Amos.

FARRELL: Ok, and you fired one round?

TORRES: One round.

FLANAGAN: When the detective asked you about the charges, what did you tell him?

TORRES: It, it, it, it struck me as uh, um, I, I, I told him what the guy did, I, I said, the only thing I can tell you is, the guy mentioned the use of a firearm, he, he showed it to us, um, and um, I don't remember what else I said to him, but um, he said ok we'll go with disorderly.

FLANAGAN: Alright, so you didn't give them a specific charge, you just explained what you had.....

TORRES: Right.

FLANAGAN: Heard.

TORRES: I think it just kind of struck me as a, somewhat of a shock more than anything else, I said I just shot the guy I don't know what

other charges you need to go into house but, I guess, it was just, I don't know.....

FLANAGAN: Right.

TORRES: Weird thinking.

FLANAGAN: Uh, maybe a couple of things, just so I'm clear like on the layout, there was dark by the time I got down there but is, if you're on the sidewalk in front of the cars and you're facing the townhouses.....

TORRES: Uh huh

FLANAGAN: Alright does that make sense?

TORRES: Yes.

FLANAGAN: Not, not the sidewalk that comes from the houses to the sidewalk but to that one that is parallel to them.

TORRES: Wait a minute, I'm sorry, said it again.

FLANAGAN: Alright, I probably made that more confusing than that had to be.

TORRES: (laughs) do you, do you want to draw it?

FLANAGAN: I, uh no....

TORRES: We can.....

FLANAGAN: That's ok.....

TORRES: I can definitely draw.

FLANAGAN: If, if, if I'm, if I pull straight down the hill, and I pull into the

parking spot, and I get out of my car and I'm looking at the front of the townhouses, ok, they, if, if we're talking about this guys door, where is the tree in relation to the door? As we're facing the townhouse, left or right?

TORRES: Left.

FLANAGAN: Ok, um, is it the only tree right in that little lawn area.....

TORRES: From what I remember, yes.

FLANAGAN: Ok, now with relation to that tree, where are you standing as best as you can recall?

TORRES: To the right of the tree.

FLANAGAN: To the right of the tree as you face it, right?

TORRES: Uh huh.

FLANAGAN: Um, now are you, you mentioned I think that you're using the tree for cover?

TORRES: Yep.

FLANAGAN: How, how are you positioning yourself with the tree?

TORRES: There was a (laughs) a um, a branch right at my head level, so I had to step to the right of the tree a little bit, just to see him um, um, I, I guess if I got on my knees I, I could have been, um, right behind the tree and took cover from there, uh, I didn't quite think of it that way, at that time but, I just stepped to the right of the

tree just a little bit.

FLANAGAN: Ok so you.....

TORRES: The tree was within arm's reach though, I can tell you that.

FLANAGAN: Ok, it's within forward of you within arm's reach?

TORRES: Yeah, within arms reach.

FLANAGAN: Alright and um, so I think what you're describing is that the branch that comes out then, to the right, is obstructing your view of the door?

TORRES: Yeah, it's right in my face. (laughs)

FLANAGAN: Are, are you, so which way to do you lean out to see?

TORRES: To the right side.

FLANAGAN: You lean out to your right?

TORRES: Yeah.

FLANAGAN: So are you now, um, exposing yourself to this guy?

TORRES: Yeah.

FLANAGAN: Alright, and when you lean out, to see, do you lean out or do you step out?

TORRES: Step out.

FLANAGAN: Ok, when, when you're in that position, what can you see of the front of the door?

TORRES: I could see his, his whole body, from the screen door, I see the

screen door, I see his whole body, he's facing outside, um, and then there's no oth, there's nothing else in between, me and him.

FLANAGAN: Ok.

TORRES: Except the screen door.

FLANAGAN: Now thinking if, I guess like in your mind's eye, as you're looking in, besides him, is there anything else that you can see, in the door?

TORRES: No, no, I don't remember, just him.

FLANAGAN: Um, do you remember which way the doors open, did you ever observe that?

TORRES: Um, I don't remember.

FLANAGAN: If, if you don't it's ok……

TORRES: Yeah.

FLANAGAN: Um, and I'm asking you just to kind of I guess give you a bearing too, so my, I don't want to confuse you with the questions, I, I'd rather just get your, what you truly observed, um, but if, if, if we're talking about looking into the door, right, and then looking to the right, as you see it to the right, can you see essentially I guess past him, to the right, can you see what's on the right hand side, as you go in?

TORRES: No.

FLANAGAN: And I, and I don't mean like, just him, I mean anything, a, a couch or a TV or a door, my, my point is, can you see anything in the house to the right?

TORRES: Yeah.

FLANAGAN: What can you see?

TORRES: I keep thinking there's a stairwell, and, I might be wrong but...

FLANAGAN: What makes you think that?

TORRES: Uh, I, I don't know.

FLANAGAN: Ok.

TORRES: Uh, just, just thinking back, right now, there's just something that, I don't know.

FLANAGAN: Ok, and that would be as you look at it, it would be off to the right, so it would be to his left?

TORRES: It would be to his left.

FLANAGAN: Ok, now, and then, I guess the opposite of that, can you see anything to your left or his right inside?

TORRES: Uh no.

FLANAGAN: Do you ever see the um, for back of better term, the main door, not the screen but the main door?

TORRES: Only when he closed it.

FLANAGAN: Ok, and that's, that's after the shooting?

TORRES: Yeah.

FLANAGAN: Ok, you could never see it, in, in, from your perspective, you could never see it before?

TORRES: No.

FLANAGAN: Um, when you guys first arrive on scene, is the, is the main door opened or closed, if you remember?

TORRES: Main door was open.

FLANAGAN: Ok, now, when, getting back to where he um, shows you the weapon, and sets it down, would that have been towards his left or towards his right?

TORRES: His left.

FLANAGAN: And is that the area that you see or that, you have reason to believe that you observed a staircase or a stairwell?

TORRES: Yeah.

FLANAGAN: Ok.

TORRES: Right now I'm thinking, I think it is a stairwell, I don't know what it was, I know it wasn't, it wasn't a uh, living object (laughs) um.....

FLANAGAN: Right.

TORRES: Um.

FLANAGAN: Yeah, I think between your recollection of it being a long time, I think we've talked about, the CAD or something eluding to it

being 40 minutes, um, does the lighting change out there during that time, do you have any specific recollection of it being difficult to see in there or not difficult or is it changing over time?

TORRES: No, it stayed the same.

FLANAGAN: Ok, and then considering your position at that tree, from where you are, let me ask you this beforehand, do you remember anything else at the um, specific like at the base of the tree?

TORRES: No, just a shield, just resting against the tree.

FLANAGAN: Um, was there anything that affected your, your footing like around the tree that made you adjust besides the shield?

TORRES: No.

FLANAGAN: Ok, and now with regards to Officer Barnes, he, he's to your left I think you described earlier?

TORRES: Um, yeah its, its, uh like a diagonal, towards the next townhouse, um.

FLANAGAN: Is he using anything for cover?

TORRES: No.

FLANAGAN: How, I know, I know distances are, are difficult but, is he within arm's reach of the tree?

TORRES: No.

FLANAGAN: He's, he's beyond arms reach?

TORRES: He's beyond, he's, how, how I looked at the beginning, before we asked Neil, to move, it looked like, uh, an "L", or our, or on the point of the "L" so, I'll draw it, on the (drawing) point of the "L", here's the tree, here's where I am, this is where Rodney is, this is where Neil was and this is the row of townhouses right here.

FLANAGAN: Alright.

TORRES: Um, we eventually asked Neil to go uh, over to the next row, couple of townhouses over here where the family started going and Rodney stayed over here, you can see that.

FLANAGAN: Yeah, I, I understand what you're saying, is he that close to the houses?

TORRES: He's probably around here, technically, um, he's, he's probably right around here, he....

FLANAGAN: What kind of, I'm sorry, I didn't mean to interrupt you.

TORRES: Well, he got at least a, I mean he at least talked to the guy so I would think he would be able to see him, um, from at least some point of angle.

FLANAGAN: Ok.

TORRES: Um.

FLANAGAN: Who has, a better point of observation of the, of the front door,

including um, this guy, you or Rodney?

TORRES: That would be me probably, I'm looking directly at him.

FLANAGAN: What.

TORRES: But I don't know what Rodney's perspective of, of him was.

FLANAGAN: Right, I understand.

TORRES: I mean.

FLANAGAN: Is there anything that you're aware of that is in front of Rodney, like you mentioned you had a branch in front of you, is there anything that's in front of him that he either mentions or that you're aware of that's an obstruction to him?

TORRES: No, no, I don't think there's anything in front of him.

FLANAGAN: Ok.

TORRES: Well, the branch wasn't in my way, I just stepped away from the tree to, you know, to um, you know, so I, I could at least see the guy and see what he does, um, I don't want you to think that the branch is in my way and obstructing anything, it just, I mean I stepped away from it, just so it wouldn't be in my way.

FLANAGAN: And just to be clear, at, at the time that you pulled the trigger, you're not saying the branch is obstructing your line of sight?

TORRES: It was not.

FLANAGAN: (inaudible) and I, and I think I had this written down but I think

you came back later and addressed this, when um, you described him making the uh, the jerking motions with his hands, the, the jerking motion, is that, is the jerking part the downward part or is it the part towards his face to actually scratch his nose?

TORRES: Downward part.

FLANAGAN: Ok, so he's jerking down like this?

TORRES: Yeah.

FLANAGAN: And then, the process of that, and I think you, I think eventually you said it happened different ways but, at some points he was jerking his hands down without asking to scratch his nose or without tell you he's scratching his nose?

TORRES: He, he's jerking his hands down before, to scratch his nose and then, one time he said that he needed to scratch his nose and then he, he brought his hand down slowly.

FLANAGAN: What, what was your take on with him, did he seem to be intentionally jerking his hands down, I think you had mentioned that after he would do that he would look at you.....

TORRES: He just looks at me and tells me to calm down.

FLANAGAN: What were you doing, that a person would think you weren't calm?

TORRES: Uh, when I had my gun at the, uh, ready gun and then he'd br,

you know he doesn't tell anybody anything he just jerks his hand down, I bring my, my gun back up on him.

FLANAGAN: Ok, and, that, those were your only actions that you're aware of that.....

TORRES: Right.

FLANAGAN: And that those comments, at least in your mind that he's making it, is a result of you um, getting back on aim on him?

TORRES: Right.

FLANAGAN: And, and I think Detective Farrell asked you, did you respond to him verbally in any way to that?

TORRES: No, I never talked to him at all.

FLANAGAN: Did um, did Officer Barnes ever give him any commands to, to not jerk his hands or to not make quick movements?

TORRES: He said um, when he told me to calm down, he said, well when you bring your hands down like that, that's, that's, you know Officer Torres is gonna bring his gun back up.

FLANAGAN: That, that's what Officer Barnes said?

TORRES: Something along those lines yeah.

FLANAGAN: Ok, do you know how many times that was said if more than once?

TORRES: Ah man, uh, once that I recall.

FLANAGAN: Ok.

TORRES: I don't remember if it was said again.

FLANAGAN: Do, do you recall, um, anything else that the deceased had said, not necessarily to you but as you guys are, um, and I guess I'll say when you're, when you've got him at gun point at the door, any other things that he would have said?

TORRES: Just to us?

FLANAGAN: Yes.

TORRES: About what he was doing?

FLANAGAN: Yeah.

TORRES: Or.....

FLANAGAN: Anything.....

TORRES: Just.....

FLANAGAN: Any other statements that, that you recall that he made.

TORRES: His nose was itchy and um, um, started claiming he was thirsty later, um, I don't remember anything else, or anything else he directed towards us.

FLANAGAN: Ok, um, did he ever make any statement about um, the consequences of it, of his actions, like if he knew he did this, this would happen or, anything along those lines?

TORRES: No.

FLANAGAN: And you talked to Detective Farrell about um, comments that you made with Officer Barnes after, what, did, did Officer Barnes say anything to you about the shooting?

TORRES: Um, he said, don't worry, you're good, um, um, he said something else I don't know remember what it was.

FLANAGAN: Ok, and, how close in proximity to the shooting is this, in time I mean?

TORRES: Oh right after um, I shot him and I got on the radio and said there's a shot fired and we both um, took uh, went right next to, to the townhouse right next to him, next to the guy.

FLANAGAN: Ok, why'd you do that?

TORRES: (sighs) uh just seemed like something that I needed to do, um, I, just to get away from the front door, um.

FLANAGAN: Why did you think you needed to get away from the front door?

TORRES: I, I don't know, it, it just something that came to mind just, just to move, um.

FLANAGAN: Was, was that a tactical decision?

TORRES: I just, I just moved in my event, I don't know.

FLANAGAN: Ok.

TORRES: I just moved behind him, moved behind Rodney.

FLANAGAN: Ok, and.....

TORRES: Because Rodney moved also, so, um, I, I just moved right, right, right where he was.

FLANAGAN: Did you have any further concerns at that point for, for your safety or, for the other officers that were out there for their safety?

TORRES: Um, I was, I was worried that he, he was going to come back out with a gun, and start shooting, um, that, we were both worried about that, me and Rodney were.

FLANAGAN: How do you know Rodney was worried about that?

TORRES: Because we talked about it.

FLANAGAN: Ok, do you remember what he said?

TORRES: No, I, I know, it was just, it was just mentioned, just hopefully he doesn't come out with a gun.

FLANAGAN: Ok.

TORRES: Um, um, we, were, I know Rodney kept calling his name, um, yes, just yelling at, just have him, just step outside or, we were just looking for any type of response from him, um.....

FLANAGAN: And I think at one point you said that um, you said we got to go and get him, what do you mean by that?

TORRES: I, I um, you know I, I was just hoping that he was ok, um, um, he, I just uh, my concern was he was going to bleed out to death,

um, knowing that, I, I didn't want the guy to die um, I, I wanted to get him some sort of medical attention, um, that's why.

FLANAGAN: Ok, was there, and, and I'm just referring to you and Rodney now in that, situation right there, was there a way for you and Rodney to safely enter that house to, to render aid to him?

TORRES: No, because if we opened that door, who knows what, what he was waiting for um, we heard movement inside the house but we don't know what he was doing.

FLANAGAN: What, how would you describe the movements?

TORRES: It's like a small thumping, um, it, it, it'd be like a thumping noise for a second or two and it would stop, and then it um, started up again, uh maybe 20 or 30 seconds later.

FLANAGAN: And how long do you think that went on for?

TORRES: Couple of cycles.

FLANAGAN: Ok.

TORRES: Maybe three cycles.

FLANAGAN: And I, and I think you mentioned that Officer Barnes is trying to communicate with him?

TORRES: Yeah, he was calling out his name.

FLANAGAN: Was there ever any verbal response from inside the house?

TORRES: No.

FLANAGAN: Would, would a person, a reasonable person be able to hear what Rodney was saying from inside the house with the door closed?

TORRES: Uh, Rodney was yelling it, I mean I, um, I, I don't, I don't know what the insulations like from, from the door so I....

FLANAGAN: But typic, but you think Rodney was yelling it in such a way that a person behind the door would have heard him?

TORRES: Yeah.

FLANAGAN: Ok, and, and I think Detective Farrell touched on this too, you mentioned that you had a two hand grip on the weapon, and um, I may have missed this, are you right handed or left handed?

TORRES: I'm right handed.

FLANAGAN: You're right handed, and the only time you took your hand off the wea, your left hand off the weapon was to communicate on the radio?

TORRES: Yeah.

FLANAGAN: At the time that you discharged the round, how many hands did you have on your weapon?

TORRES: Two.

FLANAGAN: You had two hands, um, and how would you describe your shooting position?

TORRES: My shooting position?

FLANAGAN: Are you out off the tree, like you were telling me you were standing before?

TORRES: Yeah.

FLANAGAN: Ok and, and I think you clarified this with Detective Farrell so I don't need to go into that again about what you actually observed at that time but, you're, he was still in that, you described the movements that he made, but where was he standing within the door when you saw those movements?

TORRES: Right in front of the door, right, right in front of the screen door, and he had his, he had his uh hands up on the, on the screen door, and then he just, brought both his hands down really quick.

FLANAGAN: How would you describe his body position as far as, straight, um, straight…

TORRES: He's looking straight at me…..

FLANAGAN: As far as left or right, so he's not, he's looking straight at you?

TORRES: Right at me.

FLANAGAN: So is he angled to some degree?

TORRES: No, he's looking straight at me.

FLANAGAN: But which way, if, if, I'm understanding your position right here, if I'm him standing in the doorway…..

TORRES: I guess, I guess there's a slight angle to him, um, but he's looking straight at me when he does it.

FLANAGAN: Ok, and is his body position the same way when he, I just don't want to be confused, when you say looking, his heads not turned, that's not what you mean right?

TORRES: Um, his, his body positions right at me I, I don't remember, I don't remember if you, I don't remember where his head, if his head was turned or not, um, I know his body was right at me though, um, I don't remember his head, I don't remember if he was looking at me or not.

FLANAGAN: Ok.

TORRES: I mean, I mean physically looking at me, I, his body was facing me.

FLANAGAN: But he's in the center of the doorway?

TORRES: Yes.

FLANAGAN: And in the, the statements that you, do you recall if any other statements that you made to any other officers um, after the uh, after the shooting?

TORRES: No.

FLANAGAN: Did, at any time um, particularly just after the shooting, did, did you make a comment about um, having a um, an argument with

your wife earlier?

TORRES: Yeah.

FLANAGAN: Could you recall that?

TORRES: Yes.

FLANAGAN: What, what statement did you make?

TORRES: I um, I, I had a, just, it, I just had an argument with the wife on the way to the call, I was on the phone, um, I, I told my wife that, hey I have to go, I'm about to get on scene with this, this domestic, and, and I've got to concentrate on that, um, so, that, that was that.

FLANAGAN: How, how did that, come up like, why did you make that statement then, when you did.

TORRES: I just, I, wondered, a lot of thoughts were going through my head and, I um, I, I was wondering if the guy died, I was wondering um, it's just a lot of things just came up, um, for a split second, I just thought um, whether it was just out of anger that this happened, um, but it, it wasn't out of anger, there was just something that happened right before hand, um, um, I, you know, we were just, I don't know, I just said it.

FLANAGAN: That, that was just the one statement to Rodney, but did you talk to him anymore about that?

TORRES: No.

FLANAGAN: Alright, and when you talk about, wondering for a split second if it was out of anger, um, what, what was, were you angry when you were down there on the scene?

TORRES: No.

FLANAGAN: Ok, were you thinking, when you were engaging this guy or throughout this call while you're on scene um, what are you thinking about?

TORRES: Um, wondering what he's going to do, hopefully that he comes out of the door, um yeah, the argument was still lingering in the back of my mind, uh, I was more concerned that the guy would come out of the door, that he'd just at least sit down and talk to us, um, so.

FLANAGAN: When, when you're, on the, you say this happens on the way to the call?

TORRES: The argument yes.

FLANAGAN: That you're talking to her?

TORRES: Yeah.

FLANAGAN: How long is that for?

TORRES: Man, I don't know, couple of minutes maybe.

FLANAGAN: It's all just on the phone, it's not prior to that?

TORRES: It's all on the phone.

FLANAGAN: Ok, and what's the nature of the argument?

TORRES: Uh, um, she's stressed out because of school, she's uh staying at home with the kids, um, she doesn't have a lot of time to do a lot of stuff and you know, I 'm telling her that, you know, you, I'm just telling her that you took way too many classes that, try to do this and I know that she wants to try to get her degree and uh, she was saying that she doesn't feel that uh, uh, you know, a lot of stupid stuff about the kids, um, about how I don't spend enough time with them, things like that um, you know.

FLANAGAN: And then how does it end on the telephone?

TORRES: I just told her I have to go.

FLANAGAN: Ok, and I take it you had already been dispatched to this call?

TORRES: I was, we were having an argument on, on the way out, when I was going to it.

FLANAGAN: Did she call you or did you call her?

TORRES: Oh man, I don't remember.

FLANAGAN: Ok, and, and I think you already answered this before I asked you but you said that you were focused on, um, the call at hand um, but after this is over and you make that comment to Rodney.....

TORRES: I don't even know if I did or not (laughs) ok I guess I did, ok.

FLANAGAN: What, what do you think, why do you think you make that comment, let me ask you this, how long after the shooting is it that you make that comment?

TORRES: Ah man, it, it had to be right after then because, we, we……

FLANAGAN: We're not talking like an hour later?

TORRES: No, cause we, we weren't allowed to talk to each other, once we got called back to the Command, I, once I got called back to the Command Bus, I, I didn't have any contact with him, I, I wanted to, after I found out he di, after the guy died, um, I just wanted someone to talk to that I knew, rather than, I got like 50 people I don't know them, um, trying to get me to calm down, so um.

FLANAGAN: And, and, what happens to you, after this has happened and, um, I mean I know, the protocols of the way things are happened, you mention that, that witnesses are separated, and um, they're instructed not to talk to people.

TORRES: Yeah.

FLANAGAN: But, for you, the person, um and I think you just kind of alluded to it somewhat, you're kind of separated from everyone else, I know this statement was made immediately after the shooting, do you talk to anybody else about it right after that?

TORRES: No.

FLANAGAN: It's just that one statement?

TORRES: Just that one time.

FLANAGAN: And.....

TORRES: Because I got back to uh, Command Bus and, um, I saw my Captain there and, I asked him if I could call my wife, that was the first person I thought about talking to, so.

FLANAGAN: This, the person that you ultimately shot, do you know his name?

TORRES: John, um, I don't know how to pronounce his last name, it's like Geer G EER or something.

FLANAGAN: Ok, how, how did you find that out, how did you know that?

TORRES: News.

FLANAGAN: Ok.

TORRES: I, I knew his first name, um, when we were going, sometime through the call, I remember Rodney yelling the name out, um, I remember I said it on the radio at one point, um, I, I don't, I don't think I knew his last name until I, I looked it up.

FLANAGAN: Ok.

TORRES: Later.

FLANAGAN: Had you ever been on a call before when you had contact with

him?

TORRES: Not that I recall.

FLANAGAN: Have you ever been to that residence before?

TORRES: I may have, I, I really don't, I don't, I don't know.

FLANAGAN: Ok.

TORRES: I, I, sev, seven years of handling, handling, you know, thousands of domestics, I may have, I don't know.

FLANAGAN: Ok but.....

TORRES: Or Other complaints, I.....

FLANAGAN: But you have no, specific recollection of.....

TORRES: Of him no.

FLANAGAN: Knowing him or knowing that townhouse?

TORRES: Right.

FLANAGAN: Even though you may have been there?

TORRES: I, we, yeah.

FLANAGAN: Possibly.

TORRES: Possibly, yeah possibly once in the past or something, I, I have no idea.

FLANAGAN: Ok um, the complainant in the call, his girlfriend, do you know her?

TORRES: No, never met any of them before.

FLANAGAN: And ok, anyone…

TORRES: (inaudible)

FARRELL: From their family?

TORRES: No.

FLANAGAN: Um, is there any reason why prior to this call you would be angry with this individual?

TORRES: No, no reason at all.

FLANAGAN: Ok, and you said for one second, you thought that, were you angry with him?

TORRES: I wasn't angry with him.

FLANAGAN: Why did you discharge your weapon?

TORRES: Because he made a, what I believe, was a threatening move, where I didn't know if he had another firearm on him, and he's already made the mention of firearms, and he jerked his hands down near his waist, where I thought he could have another firearm at least, and I didn't want him to, to take it out, to take the firearm out, I don't know if he had another gun on him or, or what, um, but I, I at least perceived the threat that he did.

FLANAGAN: Do you, I already asked you about the other officers perception, I don't want to get into what gay, other guys may have seen because I don't even know if you know where they are, where

they were standing, but you're confident in your position and your ability to observe his actions and where you were....

TORRES: Yes.

FLANAGAN: There were no um, other than the branch that we talked about, that you, moved to eliminate, there were no obstructions from what you could see and you could see, his body position the whole time?

TORRES: Yes.

FLANAGAN: Ok, now, I know you've talked about this a couple of times but, and we just have the audio recording but, but you were demonstrating to, is you were sitting, I don't know if you were, um, if you're cognizant of doing it, and you showed how you had moved your hands um, and I think you described to Detective Farrell as um, possibly as low as his rib cage.....

TORRES: Uh huh.

FLANAGAN: And when you were doing that, you had your hands up like this um, which is just slightly above my head, and then down to this point right here and then you, you physically moved your hands like this, to like in front of his chest.

TORRES: Oh.

FLANAGAN: Is that, and, and I'm, I'm only showing you that because I know

sometimes we talk with our hands.

TORRES: Right.

FLANAGAN: Is, is that in fact what you're thinking as well, what you're trying to describe?

TORRES: I'm trying to describe it what he did, he had his hands all the way up here by the door.

FLANAGAN: Right.

TORRES: And brought his hands down really quick, at least by his rib cage.

FLANAGAN: Ok, so down, the way you describe, the way you, displayed it, with your hands is exactly is the way you're describing it in what you saw?

TORRES: Yes.

FLANAGAN: Ok, I just wanted to be sure because I know, we do talk with our hands like that, and what you were showing us, what.....

TORRES: Yeah.

FLANAGAN: In fact what you were describing. And that was both hands correct?

TORRES: Yes, both hands.

FLANAGAN: Um, when he did that, I had my hands open like this, with my palms, do you know how his hands were?

TORRES: No.

FLANAGAN: Uh, I'm kind of confused, we had something else.

FARRELL: So, you explained why you shot at that time, you're in fear, um, during the, you know, this altercation of 40 minutes or whatever it is, was there another, was there ever another point where you were that afraid?

TORRES: Other than, him jerking his hands down, to, supposedly scratch his nose, um, yeah.

FARRELL: So when he jerks his hands down, from up top down, head level....

TORRES: Uh huh.

FARRELL: Scratch his nose?

TORRES: He would, to scratch his nose, he only did it with one hand.

FARRELL: Ok, why didn't you shoot him at that point, what was the difference between the other motions and when you make the decision to fire?

TORRES: He brought his hands down too far.

FARRELL: Ok, and from the beginning, from when he goes into the house, shows the weapon and then places it down, from that point, do you feel that, the incident is escalating, is it, going along at the same pace, is it going up and down, do you feel that you're any

closer to resolving it at the time, you know, just prior to when you, uh shoot in response to him moving his hands, do you feel like this is, that Rodney's making any progress in negotiations, that this person is, um, complying or, what's your feeling at that point?

TORRES: That uh, I, I just don't think it was, it was working, um, um, you know, you know, you know Rodney had already asked him a couple of times to step out of the house and he just kind of playing around and, he doesn't want to step out of the house and you know, he's already made, statements that he's going to go back inside the house and close the door and he doesn't even do that, so I don't even know what he was doing, he just, felt like he was just playing around.

FARRELL: Can you recall any reason, um, for you to believe that he may have had any other weapons other than.....

TORRES: There's always a possibility of someone having more than just one weapon on them.

FARRELL: Ok, what's your cell phone number?

TORRES: [redacted]

FARRELL: And then no problems with your vision, do you wear contacts or glasses.....

TORRES: No.

FARRELL: Or anything like that?

TORRES: No.

FARRELL: I don't have any more questions, do you?

FLANAGAN: I don't have any other questions.

FARRELL: Is there anything else you want, that you'd like to say, or anything else you think we should have asked?

TORRES: No.

FARRELL: Is there anything else that you think we should do in the investigation, you know, other than we're speaking to the other officers, canvassing the neighborhood, is there anything else that, you know maybe we wouldn't think of that, you think would be important for us to do or someone you think would be important for us to talk to?

TORRES: Um, just, uh trying to find out his mentality at the time, um, um, that, that's it, I can think of.

FARRELL: Ok.

TORRES: Um, um, you know.

FARRELL: Did you have anything John?

CARROLL: There, there was one, and I just kind of followed up with the questions, it's my understanding and I think he communicated,

but I want to make sure it was that, the right hand came down a few times, and so the difference I think was when both hands came down, is that, is that what you guys understood?

FLANNAGAN: Yeah.

CARROLL: Cause I, It seemed a little loose.

FARRELL: Ok, so that was the only time both hands came that far down?

TORRES: It's the only time both hands did come down.

FARRELL: Ok, and then the right hand never came down that far?

TORRES: Right hand only came down to his face.

FARRELL: Ok.

TORRES: And then um, you know, that's it.

FARRELL: Alright, that will conclude the recording at 1903 hours.

****

This statement has been typed as recorded/(bkw)/ (September 7, 2013)

From: Winter, Brenda
To: Farrell, John; Flanagan, Christopher
Sent: 9/12/2013 8:45:57 AM
Subject: Transcript Jeff Stewart
Attachments: Transcript Jeff Stewart.doc

****

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

A: I mean I'm not – I was just curious -

Q: Sure.

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

Q: **Det. Bibeault**: What's your relationship to the people -

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

Q: What's his name?

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

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

A: Yea give or take.

Q: And you spoke to him this morning?

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

were coming.

Q: Spoke in person? Or phone? Or…?

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

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

A: I knew this whole thing was going down -

Q: Okay.

A: And -

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

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

Q: Go ahead and tell me the story.

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

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

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

Q: Sure.

A: You can make notes as you go. He called me – we've been in touch last – we're in touch, we're good friends. Um talked to him this morning and said what are you doing today? I said do you want to go down and hit some golf balls? He said yea no problem. And then I called him at one o'clock and I said hey John you know what are you doing the next hour?

And goes let me call you back. So he called me back a little bit later maybe two o'clock and said I can't – you know I'm not gonna be able to do it today. I was like why what's going on? He goes well there's just a bunch of shit going down and I threw Maura's stuff in the front yard. And I said why'd you throw her stuff in the front yard? He said -

Q: Who's Maura?

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

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

A: They're here.

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

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

Q: Sure.

A: Um I talked to him on the phone, I said you want my opinion? He said sure, I said you know – I tried to get him to just be peaceful about the whole thing. I wasn't even getting into the police situation yet. I was like look; you have two daughters involved here. Put their stuff back in the house. I'll come over, we don't need to golf. I'll come over; I'll help you move everything back in the house. You know just end it on a good note. Let Maura get out of there when she can. And he goes let me think

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

and she was saying John was walking around with a gun in his hand. So then I called his dad who is the guy, the older guy over there that was standing with me and I said Don, you need to get over to John and Maura's house now. You know he's flipping out a little bit, you know see if you can calm things down. I said I'm heading there but I'm still ten minutes out. And by the time I -

Q: They're coming from Chantilly?

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

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

Q: And then all the SWAT people come there and -

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

Q: Yank him out.

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

Q: Yea pretty surreal.

A: Yea I mean, I mean I hunt, I shoot deer, I do all that, you know it's not –

it's just the whole – like I said it is surreal.

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

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

Q: He was gonna go golfing.

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

Q: Have they been together a long time?

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

Q: Oh so a really long time.

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

Q: Not in Virginia -

A: But if there is, they're married. Yea and um he called me and he said look, he said you know Maura's been – you know we've been talking

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

between you and Maura -

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

A: Yea.

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

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

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

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

Q: Is, is he okay financially?

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

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

A: Well he owns the home. He owns his home, his parent's they're well off, you know at least comfortable. Live in Fairfax Station. He's had some run-ins; you know falling out lately with his parents. He's an only child,

but he's had some falling outs with his mom. I guess they removed him from the will and you know kind of put it in his daughter's name. And there's been some things that have really crushed him I think. And then I-

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

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

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

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

Q: How to make that decision.

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

life over this?

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

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

Q: That now don't have a dad.

A: Yea, I mean that just to me, it's cowardess and -

Q: They were in there when it happened right?

A: No, no, they -

Q: They had gotten them out?

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

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

Q: Right.

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

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

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

Q: Oh your idea, okay.

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

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

Q: It does happen.

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

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

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

Q: Um -

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

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

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

Q: Four uniformed officers?

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

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

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

Q: Okay.

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

Q: And there's four uniformed officers?

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

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

A: Two front yard.

Q: One in the -

A: Two behind cars.

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

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

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

house.

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

Q: Very good.

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

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

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

Q: How many shots do you hear?

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

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

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

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

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

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

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

Q: And the front door is open?

A: The front door is partially -

Q: Can you see in the house?

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

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

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

Q: Could you hear anything though?

A: No.

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

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

Q: But you just couldn't hear them.

A: You could slightly hear you know voices, but you weren't making out anything that was being said.

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

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

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

A: I stayed back. I – they stopped me -

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

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

You know let's just resolve this. Come on out. Talk to the officers. And he said just go away Jeff; I'm not coming out, shut up. And then the officer told me to be quiet at that point.

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

A: Correct.

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

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

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

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

Q: Okay John, sorry.

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

Q: He owns a 357? Ah -

A: 9 millimeter.

Q: And long guns?

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

Q: That's what you know he has?

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

Q: And his hands are coming down?

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

Q: Where'd they get to about?

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

Q: Chestish level?

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

Q: And he shuts the entrance door?

A: Yes, as he spun he just kind of – I don't know that it shut the whole way. I don't think it shut the whole way and then I didn't see whether he tried to

come back and shut it the whole way. I don't know how quickly he expired after he was shot, but he just kind of spun and as he was running he yelled "shit" then he ducked, kind of hunched over, grabbed his side and as he was spinning just kind of pulled the door shut with his left hand as he ran. And then they said they were still hearing noises in the house. Ah that's fine. I just want to tilt it up so it's not blowing right on my head.

Q: You say John drinks?

A: Yes.

Q: Like how often?

A: Daily when available.

Q: What's his drink of choice?

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

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

A: Not any time recently.

Q: What's recently?

A: Within years. I mean when I used to live here twenty years ago there was occasionally a little pot here and there, but -

Q: Nothing more than that?

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

Q: (Inaudible)

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

Q: So does everybody's.

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

Q: Way to go.

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

Q: Yea.

A: But -

Q: Where'd you send him off to?

A: Virginia Tech.

Q: Nice.

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

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

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

Q: Did he have any medical problems?

A: No.

Q: Diabetes? High blood pressure? Anything?

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

Q: Any ah psychiatric issues? That were diagnosed?

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

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

A: No.

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

A: Absolutely not.

Q: Was he in the military?

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

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

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

Q: Yea.

A: I mean people from the side – if you're anybody in the side townhomes, they certainly could have been watching what was going on. I mean I

happened to be staring at them when the shot was fired. You know so that's kind of, kind of surreal. Although I've been thinking about it like you know while I'm standing there. It's like I really don't want to see this end with him getting shot.

Q: It's ah -

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

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

A: It's crazy.

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

A: Talking to somebody.

Q: Talking to somebody about it when you – you don't have to talk about it today, but at some point you know it's a guy you've known for thirty years and this all happened right in front of you. You were kind of dragged into it. You know you were on the phone and Maura's asking you to come over. And I mean you're probably gonna go through a lot of different

emotions about this whole thing. You know right now it's just kind of reeved up and there's gonna be a time when you're gonna come down from this and you may want to consider -

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

Q: That'll end.

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

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

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

Q: People are going to (inaudible)

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

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

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

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

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

Q: At the beginning there's a lot. Like a lot happens right now, you've got a

lot of adrenaline running through you and a lot of things gonna happen where people are gonna be trying to take care of Maura and the kids and there's gonna be a funeral and all this other stuff. And then there comes a time where things just go phrew and they slow down. And that's when sometimes it kind of comes and -

A: I just can't see what gets -

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

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

Q: And that's gonna drive you crazy.

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

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

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

Q: Yea.

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

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

A: I was just like John why are we, why are we at this point buddy? Were we just not going golfing like two hours ago? Like why are we now talking about guns and police? He's like I don't want to talk about it

anymore. I was like why? What are we doing? You know where are we going with this? It's like this isn't what you do for your kids. You know I just – I can't wrap my head around that.

Q: Yea.

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

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

A: Fifteen minutes.

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

A: I'm guessing.

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

A: I'm – I mean it was, you know it wasn't a few minutes. I was definitely here and got out of the car and um you know I had made a phone call, talked to my wife. You know they were still talking to him at the front door. I'm guessing it was about fifteen minutes from the time I pulled up, parked my car. I mean I talked to him for probably twenty, thirty seconds before he basically just you know shut me off. Then they told me not to

talk to him anymore.

Q: What are you gonna do now?

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

Q: Is Maura back here?

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

Q: (Inaudible)

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

Q: Things are going down.

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

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

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

Q: Right.

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

Q: I don't know either.

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

Q: Well -

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

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

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

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

A: No.

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

A: Yea. That was years ago. They had a fight about something. He

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

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

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

Q: Yea, we appreciate it.

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

Q: Can you think of anything else Tony?

2LT Tonny Kim: Um I just want to clarify a few things Mr. Stewart if that's okay with you.

A: Absolutely.

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

A: No.

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

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

Q: What was he wearing?

A: Ah tan shorts, white t-shirt.

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

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

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

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

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

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

Q: What do you mean by that?

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

Q: Okay.

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

Q: Okay.

A: But he gets this belligerent you know -

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

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

Q: Not that's ever gonna end good.

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

Q: **2LT Tonny Kim**: And -

A: Yes I'm sorry, go ahead.

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

A: Very slow.

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

A: You know it all happened like kind of quickly to the point where I'm sitting

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

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

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

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

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

Q: Okay.

A: So it would have been tilted slightly this way. And he was here, and the policeman was here. Did they have glare? I don't know. Um based on the sun being over there I don't know if they had glare or not. But there was glass on the bottom; it looked like screen on the top that he was

talking through.

Q: And when you -

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

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

A: As he's facing you?

Q: Yea.

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

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

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

Q: Yea.

A: You know time to quit.

Q: Alright.

A: Anything else?

Q: Thank you. You have our cards there.

2LT Tonny Kim: Thank you Mr. Stewart.

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

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

A: Yes sir. Have a good day.

Q: You too.

****

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

From: Farrell, John
To: Morgan, Ryan W.
CC: Laitinen, Joshua B; Kline, Michael; Flanagan, Christopher
Sent: 7/10/2014 1:13:12 PM
Subject:

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: Holland, Bryan; Flanagan, Christopher
Sent: 2/4/2014 8:38:17 PM
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. The 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 stand off 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: Holland, Bryan
CC: Flanagan, Christopher
Sent: 1/31/2014 3:55:44 PM
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.

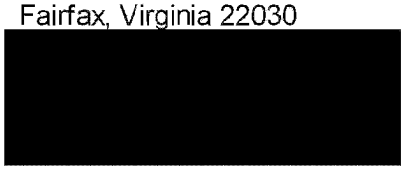
After speaking with you I later met with Captain Russell, Lt. Thompson and Major Smith and advised them (as we discussed) of my plan to call the Geer family. The purpose of the call was to simply update them and not to discuss the issues with the employment records. They felt that it would be necessary 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: Farrell, John
To: Flanagan, Christopher
Sent: 11/25/2013 5:14:05 PM
Subject:

Spoke with Geer's "friend" in Chespeake... She met him at a bar called Jolly Rodger in Outer Banks about 6 weeks before his death– he told her he was divorced. They hung out that weekend and then met again on one other occasion in Richmond. He was supposed to come see her that weekend in Outer Banks and they were going to hang out with a group of her friends.

She seemed very sincere and honest.

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

From: Farrell, John
To: White, Kara
CC: Flanagan, Christopher
Sent: 11/22/2013 8:54:17 PM
Subject:
Attachments: TIME LINE for geer.docx

Let me know if you guys have any thoughts on how to improve this – or information that should be added or subtracted.

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

TIME LINE

KEY:	RED	=	GEER PHONE LOG
	BLACK	=	TORRES's PHONE RECORDS
LOG			
	BLUE	=	RADIO/911/CAD RECORDS

13:24 Message to Maura. We need to continue our conversation finish before you sign. Do you have time tonight?

13:26 Torres texts wife

13:27 Torres wife texts.

13:27 Call to Maura. (39 seconds)

13:28 Torres texts wife.

13:28 Call to Maura. (22 seconds)

13:29 Call to Maura. (36 seconds)

13:30 Torres wife texts

13:29 Call to Maura. (21 seconds)

13:30 Call to [redacted] (cancelled)

13:30 Call to Maura. (1 minute 9 seconds)

13:31 Call to Maura. (27 seconds)

13:33 Multiple texts between Torres and wife

13:38 Call to Maura. (3 seconds)

13:37 Torres wife texts

13:38 Call to Maura. (4 seconds)
13:38 Multiple texts between Torres and wife

13:39 Call to [redacted] (cancelled)

13:39 Call to [redacted] (3 minutes 59 seconds)

13:41 Multiple texts between Torres and wife

13:42 Torres wife texts

14:03 Torres texts wife

14:04 Call from Jeff Cell (5 seconds)

14:04 Torres wife texts

14:06 Torres texts wife twice

14:07 Torres wife texts

14:10 Torres texts wife

14:11 Torres wife texts

14:12 Torres texts wife

14:13 Torres wife texts

14:14 Multiple texts between Torres and wife

14:14 Call to Jeff Cell (8 minutes 21 seconds)

14:15 Torres wife texts

14:16 Torres texts wife

14:17 Torres wife texts

14:18 Torres wife texts

14:19 Torres texts wife

14:20 Torres wife texts

14:23 Call to Maura (21 seconds)

14:23 Call to Maura (7 minutes 10 seconds)

14:25 Torres wife texts

14:25 Call from [redacted] (missed)

14:28 Torres texts wife

14:31 Torres wife texts

14:32 Torres wife texts

14:34 Torres texts wife

14:35 Torres wife calls (16 minutes 19 seconds)

14:37 Message from Jeff Cell. 5 minutes are up.. Your kids need a place to sleep. What's the plan ?

14:38 Call to Jeff Cell. (2 minutes 29 seconds)

14:39 Maura calls police – advises boyfriend throwing things out of the house, destroying furniture, and that he has guns in the house.

14:40 730C (NEIL) and 740C (TORRES) are dispatched – Dispatch advises over the radio that caller's boyfriend is throwing stuff out and that there are two guns locked in a safe. Over the CAD dispatch information conveyed is "boyfriend throwing caller stuff around and out//she is in the process of moving out he is John Geer, W/M, 46 yoa, 5'9'', 170 lbs, no known alcohol or narcs**shotgun and handgun in

gun safe inside**Caller and their tow children, 13 and 17 yoa, will be waiting outside

14:41 Call to [redacted] (38 seconds)

14:52 Torres marks on scene

14:52 Torres ends call with wife

14:52 Outgoing call from Torres to wife (15 seconds)

14:55 740C (TORRES) advises that Geer is threatening with a gun. "We're outside. Subject is threatening to use a gun. He's inside his house. He stated that he will use it against us if he needs to."

14:57 730C (NEIL) advises that subject has hands up and is refusing to come out. "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"

14:57 MALE VOICE can be heard yelling over radio broadcast "(Inaudible)... I will not... (Inaudible)"

14:57 730C (NEIL) continues "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."

14:57 740B (BARNES) arrives on scene

14:59 Call from Thad (missed)

15:00 730C (NEIL) leaves to talk to the complainant

15:03 730C (NEIL) advises "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."

15:04 730C (NEIL) advises "The long term uh, girlfriend of twenty-four years said that he made comments that he's forty-five seconds from putting a bullet in his head and he told a friend of his that he had a gun and he might do a suicide by cop type of situation. Be advised."

15:04 Dispatch repeats NEIL's transmission "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".

UNK 741B (PARKER) advises "740 Bravo has the rapport with the subject. There's three others of us. Have him at gunpoint. He's standing there with his hands up in the air, but he's still inside the house. He said if anyone comes in the backdoor it's gonna escalate, so don't try to enter the back door."

15:13 730C (NEIL) advises "According to the long term girlfriend there are two handguns, a shotgun, and he refereed 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."

15:14 730C (NEIL) advises "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."

15:14 Dispatch repeats a portion of NEIL's transmission "10-4. Possibly multiple weapons. Last said that he had it in his lower waistband on his back"

15:34 740C (TORRES) advises "This is 740 Charlie. Shots fired."

15:35 Rescue advised to stage

15:35 740B (Barnes) advises that officer fired shot.

15:38 TAC TEAM requested to be called out.

15:38 Movement heard inside by 740B (Barnes).

15:42 Movement heard by 740B (Barnes).

UNK 740B (BARNES) advises "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."

15:46 Call from Thad (missed)

16:01 Message from Jeff Cell: John!!! End this now and get to a hospital.. It is not you time to go.

16:45-16:46 Confirmed DOA

From: Farrell, John
To: Holland, Bryan
CC: Flanagan, Christopher
Sent: 9/18/2013 4:44:33 PM
Subject:

Lt. Holland,

Can you please advise on the best way to coordinate a meeting with Chief Roessler. I would like to talk to him about the Officer involved shooting.

Thanks so much.

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

From: Farrell, John
To: Holland, Bryan
CC: Flanagan, Christopher
Sent: 9/3/2013 4:10:21 PM
Subject:

Maura Harrington stated that family would be willing to meet with Chief during the day on Thursday or Friday before kids get home from school.

She can be contacted at [redacted]

She will be expecting a call on Thursday morning regarding arrangements.

The viewing is tonight and the funeral is tomorrow.