From: Farrell, John
To: Farrell, John
Sent: 9/26/2013 3:24:46 PM
Subject: Scan Document
Attachments: Scan.pdf

Please find attached your scanned document

Powered By AutoStore

County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods, and diverse communities of Fairfax County

Colonel
Edwin C. Roessler Jr.
Chief of Police

Lt. Colonel
Thomas Ryan
Deputy Chief of Police for Investigations/ Operations Support

Colonel
Edwin C. Roessler Jr.
Deputy Chief of Police for Patrol

Lt. Colonel
Thomas Ryan
Deputy Chief of Police for Administration

September 26, 2013

Mrs. Kathy Thompson,

The purpose of this letter is to request a copy of the incident report regarding the death of John Geer that occurred on August 29, 2013 on Pebble Brook Court in Fairfax County.

Thank you for your assistance with this matter.

I can pick a copy of the report up at your convenience or you can send it to me electronically at [redacted]

At a future date if the family consents we may attempt to procure the entire medical file.

Sincerely,

John Farrell
Detective, Fairfax County Police
[redacted]

Fairfax County Police Department
4100 Chain Bridge Road
Fairfax, Virginia 22030
[redacted]
www.fairfaxcounty.gov

From: Farrell, John
To: Farrell, John
Sent: 9/1/2013 5:47:26 PM
Subject: Scan Document
Attachments: Scan.pdf

Please find attached your scanned document

Powered By AutoStore

Phone Examination Report Properties

Selected Manufacturer:	Motorola CDMA
Selected Model:	XT875 Droid Bionic
Detected Manufacturer:	motorola
Detected Model:	DROID BIONIC
Revision:	4.1.2 9.8.2O-72_VZW-22 39
MEID:	[redacted]
MDN:	[redacted]
Extraction start date/time:	09/01/13 17:31:23
Extraction end date/time:	09/01/13 17:32:25
Phone Date/Time:	09/01/13 17:32:34 (GMT-4)
Connection Type:	USB Cable
UFED Version:	Software: 1.9.0.130 UFED , Full Image: N/A , Tiny Image: N/A
UFED S/N:	[redacted]

Note: This device is using client in order to communicate with UFED

Phone Examination Report Index

Contacts	Selected
SMS - Text Messages	Not Selected
Calendar/Notes/Tasks	Not Selected
Call Logs	Not Selected
MMS - Multimedia Messages	Not Selected
Email Messages	Not Supported
Instant Messages	Not Supported
Images	Not Supported
Ringtones	Not Supported
Audio	Not Supported
Video	Not Supported
Databases	Not Supported

Phone Examination Report Properties

Selected Manufacturer:	Motorola CDMA
Selected Model:	XT875 Droid Bionic
Detected Manufacturer:	motorola
Detected Model:	DROID BIONIC
Revision:	4.1.2 9.8.2O-72_VZW-22 39
MEID:	[redacted]
MDN:	[redacted]
Phone Date/Time:	09/01/13 17:32:34 (GMT-4)
Connection Type:	USB Cable
UFED Version:	Software: 1.9.0.130 UFED , Full Image: N/A , Tiny Image: N/A
UFED S/N:	[redacted]

Note: This device is using client in order to communicate with UFED

Phone Contacts

Total Entries: 79
PBB MD5 Hash: 172918106025423A279E22EB46EFC3D4
PBB SHA256 Hash: 5516A511 B01487A 2DEFB55 8D22AEE 598EF69 F60B351 AA95F35 75903BC 59B083E

#1	**Me** (Memory: Phone)

#2	**Geer Morgan** (Memory: Phone)
Mobile:	[redacted]
Email Home:	[redacted]

#3	**Assistance Directory** (Memory: Phone)
Mobile:	411

#4	**Center #Warranty** (Memory: Phone)
Mobile:	[redacted]

#5	**Haylea** (Memory: Phone)
Mobile:	[redacted]

#6	**Maura** (Memory: Phone)
Mobile Work:	[redacted]
Mobile:	[redacted]
Work:	[redacted]

#7	**Aaron** (Memory: Phone)
Mobile:	[redacted]

#8	**Adu** (Memory: Phone)
Mobile:	[redacted]

#9	**Melencon Art** (Memory: Phone)
Mobile:	[redacted]

#10	**Assi** (Memory: Phone)
Mobile:	[redacted]

#11	**Cell Carmen** (Memory: Phone)
Mobile:	[redacted]

#12	**Simon Christina** (Memory: Phone)
Mobile:	[redacted]

#13	**Harris Dan** (Memory: Phone)
Mobile:	[redacted]

#14	**Danile** (Memory: Phone)

Mobile:	[redacted]

#15	**Maley Don** (Memory: Phone)
Mobile:	[redacted]

#16	**Goetticher Erin** (Memory: Phone)
Mobile:	[redacted]

#17	**Post Everet** (Memory: Phone)
Mobile:	[redacted]

#18	**flesh John** (Memory: Phone)
Mobile:	[redacted]

#19	**Gene** (Memory: Phone)
Mobile:	[redacted]

#20	**Budwash Heidi** (Memory: Phone)
Mobile:	[redacted]

#21	**Home** (Memory: Phone)
Mobile:	[redacted]

#22	**Cell Jeff** (Memory: Phone)
Mobile:	[redacted]

#23	**Goldberg Jill** (Memory: Phone)
Mobile:	[redacted]

#24	**Hubble John** (Memory: Phone)
Mobile:	[redacted]

#25	**Hoser Katie** (Memory: Phone)
Mobile:	[redacted]

#26	**Kelly** (Memory: Phone)
Mobile:	[redacted]

#27	**Kristen** (Memory: Phone)
Mobile:	[redacted]

#28	**Lausevic** (Memory: Phone)
Mobile:	[redacted]

#29	**Leon Marc** (Memory: Phone)
Mobile:	[redacted]

#30	**Maglich Mike** (Memory: Phone)
Mobile:	[redacted]

#31	**Yates Randy** (Memory: Phone)
Mobile:	[redacted]

#32	**Reese** (Memory: Phone)
Mobile:	[redacted]

#33	**Rich** (Memory: Phone)
Mobile:	[redacted]
Home:	[redacted]

#34	**Northup Ryan** (Memory: Phone)
Mobile:	[redacted]

#35	**Thad** (Memory: Phone)
Mobile:	[redacted]
Home:	[redacted]
Work:	[redacted]

#36	**Schriete Tom** (Memory: Phone)
Mobile:	[redacted]
Home:	[redacted]

#37	**Fleming Tim** (Memory: Phone)
Mobile:	[redacted]

#38	**Chasson Clark** (Memory: Phone)
Mobile:	[redacted]

#39	**Jones Mike** (Memory: Phone)
Mobile:	[redacted]

#40	**Mallon Bill** (Memory: Phone)
Mobile:	[redacted]

#41	**Kurtz** (Memory: Phone)
Mobile:	[redacted]

#42	**Fletcher Jim** (Memory: Phone)
Mobile:	[redacted]

#43	**Dan Nicolaisen** (Memory: Phone)
Work:	[redacted]

#44	**Heartwood** (Memory: Phone)

Work:	[redacted]

#45	**Burks Whitney** (Memory: Phone)
Mobile:	[redacted]

#46	**Martin Rebbeca** (Memory: Phone)
Mobile:	[redacted]

#47	**Nicolaisen Dan** (Memory: Phone)
Mobile:	[redacted]

#48	**Laminate Superior** (Memory: Phone)
Work:	[redacted]

#49	**Scott Anderson** (Memory: Phone)
Mobile:	[redacted]

#50	**Lacey Sean** (Memory: Phone)
Mobile:	[redacted]

#51	**Garner Tim** (Memory: Phone)
Mobile:	[redacted]

#52	**uva Heidi** (Memory: Phone)
Work:	[redacted]

#53	**Brasher Bruce** (Memory: Phone)
Home:	[redacted]
Email Home:	[redacted]

#54	**Suzy Willimson** (Memory: Phone)

Home:	[redacted]

#55	**Mathew Estes** (Memory: Phone)
Home:	[redacted]

#56	(Memory: Phone)
Email:	[redacted]

#57	**Mcnealy Ray** (Memory: Phone)
Home:	[redacted]

#58	**Cavil Pat** (Memory: Phone)
Home:	[redacted]

#59	**The Car Guy Mike** (Memory: Phone)
Home:	[redacted]

#60	**Lake Ridge Fellowship** (Memory: Phone)
Home:	[redacted]

#61	**Drew** (Memory: Phone)
Home:	[redacted]

#62	**Voicemail** (Memory: Phone)
Mobile:	[redacted]

#63	**Assistance Directory** (Memory: Phone)
Mobile:	[redacted]

#64	**Center #Warranty** (Memory: Phone)
Mobile:	[redacted]

#65	**#DATA** (Memory: Phone)
Mobile:	[redacted]

#66	**#BAL** (Memory: Phone)
Mobile:	[redacted]

#67	**#MIN** (Memory: Phone)
Mobile:	[redacted]

#68	**#PMT** (Memory: Phone)
Mobile:	[redacted]

#69	**Accessories Verizon Wireless** (Memory: Phone)
Mobile:	[redacted]

#70	**Support Technical** (Memory: Phone)
Mobile:	[redacted]
Web Home:	www.verizonwireless.com

#71	**Haylea** (Memory: Phone)
Mobile:	[redacted]

#72	(Memory: Phone)
Email:	[redacted]

#73	(Memory: Phone)
Email:	[redacted]

#74	**One Randi** (Memory: Phone)
Email:	[redacted]

#75	(Memory: Phone)
Email:	[redacted]

#76	**Hairfield Steve** (Memory: Phone)
Home:	[redacted]

#77	**Burks Orlanda** (Memory: Phone)
Home:	[redacted]

#78	**Geer Morgan** (Memory: Phone)
Email Home:	[redacted]

#79	**Jolly Rodger** (Memory: Phone)
Home:	[redacted]

From: Farrell, John
To: Farrell, John
Sent: 10/21/2013 11:18:01 AM
Subject: Scan Document
Attachments: Scan.pdf

Please find attached your scanned document

Powered By AutoStore

Detective John Farrell

Fairfax County Police

Provided to Samly on 9/12/13

PROPERTY TAKEN FROM RESIDENCE:

SUITCASE

SCREEN

KIMBER GUN CASE S/N KU09321

BERETTA GUN CASE

RIFLE MAGAZINES

REVOLVER IN HOLSTER – taurus

VARIOUS AMMUNITION

7 long guns:

REMINGTON 870 SHOTGUN (A145526H)

AR-15 – DANIEL DEFENSE (DDB021790C)

RUGER .22 – MODEL 10/22 CARBINE (245-31805)

LONG GUN WITH SCOPE (GAMO) HUNTER 440 (04-1C-048454-0)

O.F. MOSSBURG & SONS INC – BOLT ACTION LONG GUN

SILVER LONG GUN MISSING STOCK –MARLIN FIREARMS (06267311)

SPRINGFIELD MODEL 15

CELL PHONE

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: Griffith, Cara D
To: Farrell, John
Sent: 11/25/2013 3:44:23 PM
Subject: supplement
Attachments: geer sup.doc

Det. Cara D. Griffith
Fairfax County Police
Criminal Investigations Bureau
[redacted]

On Thursday August 29, 2013 at approximately 1545 hours I was advised there had been an officer involved shooting in the West Springfield area. I responded to the scene at 7907 Pebble Brook Court, arriving at about 1238 hours. I was briefed on the facts of the case known at that point and advised that Det. Farrell would be in charge of the investigation.

At the scene location I entered the inner perimeter for the purpose of viewing the exterior of the residence for an understanding of the scene and a general layout of the homes and yards. I did not enter the house at that time. I remained onscene of the incident until approximately 1850 hours when I was directed to respond to the West Springfield Station.

At the West Springfield Station I assisted Det. Farrell in notifying the witness officers that they would be photographed by Crime Scene and then individually interviewed by detectives. I then accompanied Det. Farrell to speak with Officer Torres and his attorney, John Carroll. Officer Torres declined to give a statement at that time. I remained in the room while Crime Scene examined and photographed Officer Torres and his equipment.

At approximately 2240 hours I accompanied Det. Farrell to the residence of the decedent's family. During that visit Maura Harrington gave consent for police to search her residence and signed the consent form. Det. Farrell and I left the Geer home at approximately 2351 hours.

At about 0005 hours I arrived back at the incident scene at 7907 Pebble Brook Court. Crime Scene detectives were already present along with Detectives Hinson, Stallings and Farrell and Lt. Owens. I entered the residence through the rear basement door. The decedent was located on the main level foyer floor facing up.

Upon the conclusion of the search of the house Metropolitan Funeral Home arrived to transport the body. The body was loaded into the van by Metropolitan personnel, Eric Tucker and Robert Deifel. I followed behind the van to maintain chain of custody. The van arrived at the Medical Examiner's office at approximately 0337 hours. I was met by staff from the Medical Examiner's office who took custody of the body.

I attended the autopsy of John Geer on August 30, 2013 along with Detectives Farrell, Flanagan and Smith.

On August 31, 2013 I conducted a canvass of the Pebble Brook Court neighborhood along with several other detectives. I returned for a follow up canvass on September 4, 2013. The following are residents I spoke with.

[redacted]

Grace Stachowski

[redacted]

Ms. Stachowski said she has lived in the area for about one month. On August 29 she left around 1400 hours to take her three children for a walk (ages 3, 2, and an infant). Ms. Stachowski thinks it was about 1500 hours when she was headed back to the Pebble Brook cul-de-sac. As she walked toward the cul-de-sac she noticed police cars at the end of the circle. She saw a man in the doorway of 7907 Pebble Brook CT with his arms up on the frame of the door. His hands were crossed in front of his face. The man's head was down a little, as if he was resting his head on his arms. She thought he may have been leaning against the screen of the door. She saw one officer to the left side of the yard with his gun pointed toward the man in the doorway.

Ms. Stachowski only had a view of the incident for a couple seconds. Ms. Stachowski turned her child's stroller around to head the other direction and was approached by an officer. The officer told Ms. Stachowski to go home. When Ms. Stachowski said that she lived further down the court, , toward the incident, the officer told her to "just leave".

Ms. Stachowski headed away from her house and the incident. At about 1530 hours she heard a gunshot. Ms. Stachowski did not have her phone with her but she left with her kids to another part of the neighborhood.

[redacted]

Heidi Ashbaugh

[redacted]

On August 29, 2013 Ms. Ashbaugh went to take her trash out around 1530 hours. She saw that there was a lot of police activity. She saw that the police were talking to someone further down the row of townhouses East of hers. Ms. Ashbaugh noticed that there were personal belongings in the front yard of the house where police were. Ms. Ashbaugh initially thought the police were there for an eviction. Ms. Ashbaugh stood outside for a minute or two before she was told by officers to go inside.

Ms. Ashbaugh's house is directly in line with 7907 and therefore Ms. Ashbaugh could not see or hear Mr. Geer or the officers standing in the front yard. At around 1615 to 1630 hours Ms. Ashbaugh heard what she described as a "pop" sound. Ms. Ashbaugh believed the officer near the mailbox holding the rifle shot at the house because that is the only officer she saw pointing a gun in that direction.

After the shots she heard officers on the lous speaker telling the subject to "come out, we know you're injured" and "if you hear the phone ringing, pick up". She also heard an officer say through the loud speaker that "we are just here to help you. Come out with your hands where we can see them".

[redacted]
Lucinda Lewis
[redacted]

Ms. Lewis lives at the above address with her son and daughter. She said no one had been home during the time of the incident. Ms. Lewis was not very cooperative and did not wish to answer any further questions.

[redacted]
Alga Teutler
[redacted]

Ms. Teutler and her husband were overseas on August 29, 2013 and did not arrive back until 9-02-13. Ms. Teutler has lived at that residence for 10 years. She knows the Geer family from seeing them in the neighborhood but does not have a close relationship with them. Ms. Teutler did not know of any specific problem in the family or other incidents between them and the police.

[redacted]
Geri Dolan
[redacted]

Ms. Dolan is the only occupant at the address. Ms. Dolan had not been home at the time of the incident. She attempted to come home around 1700 hours that day but couldn't get through due to police activity so she left the area. The only information Ms. Dolan has of the incident she learned through the news. Ms. Dolan does not know the residents of 7907.

[redacted]

Andy Viglucci

[redacted]

Mr. Viglucci was home during the time of the incident but was unaware of any problems until he heard a gunshot. The sound of the shot prompted Mr. Viglucci to look outside. From the window Mr. Viglucci saw officers with their guns drawn, using cars for cover. Mr. Viglucci heard officers yelling to the subject to come out of the house and to put down your gun. He later heard them yelling "we're here to help you, come out of the house".

Mr. Viglucci had an obstructed view of 7907 Pebble Brook but does remember seeing a lot of "junk in front of the house". Mr. Viglucci was unsure what specifically was in the yard.

[redacted]

Robert Allen

[redacted]

I spoke with Mr. Allen during the neighborhood canvass on 8/31. Mr. Allen advised that on August 31, 2013 he arrived home around 1430 to 1440 hours and saw two officers onscene in the front lawn of 7907 Pebble Brook Ct. Mr. Allen saw the officers interacting with the white male in the doorway of 7907. Mr. Allen said the man was standing in the doorway yelling and sounded intoxicated. Mr. Allen based this thought on the fact that the man was yelling loudly and his speech sounded slurred. Mr. Allen remembered the man yelling, "I know my rights, I know my rights". Mr. Allen said "that's pretty much all I heard from him". Mr. Allen described the front door of 7907 as completely open but the screen door was closed. There was debris of some sort in the front lawn. Mr. Allen didn't remember what the debris was but thought it looked like drywall or something similar.

Mr. Allen described the two initial officers as white males. He said the shorter officer was standing to the right of the sidewalk while the other, taller officer was about 10 to 15 feet from him and a few feet to the right of the tree in the front yard, but to the left of the sidewalk. Mr. Allen said the shorter officer to the right was trying to talk to the man in the door.

Mr. Allen only watched the interaction for about a minute before going into his townhouse. Mr. Allen attempted to watch the incident from his kitchen window but had a limited view and could no longer see the front door of 7907. Mr. Allen could see the island of trees in the middle of the townhouse complex and saw many officers arrive onscene. Mr. Allen guessed there to be about 10 to 12 cruises in the area before the gunshot. Mr. Allen noticed a uniformed officer loading his shotgun from the rear of his cruiser that was parked in front of 7223 Pebble Brook Court. Mr. Allen moved from the window at that point and never saw where the officer went after loading the shotgun.

Mr. Allen estimated it was about 35 to 40 minutes after he arrived home that he heard a single gunshot. Mr. Allen was not looking out the window at the time he heard the shot. He didn't think SWAT arrived until after he heard the gunshot. Mr. Allen watched most of the remaining activity on the television.

Mr. Allen watched SWAT make entry into the house on the news. Mr. Allen felt that a lot of time had passed between the gunshot and entry into the house. He felt it had been maybe an hour or more.

Upon conclusion of the September 4, 2013 neighborhood canvass on Pebble Brook Court I took custody of a video camera belonging to Mariam Bamba of [redacted], given to me by Det. Hinson. The camera was believed to have video recorded from the time of the incident. The video camera was given to Det. Hinson with the owner's consent to search for and copy the video. I transported the camera to the Massey building at 2010 hours where I turned to over to Det. Rowson.

Based on information from Det. Rowson, it was learned that although the video could not be recovered from the video camera it might still exist on the computer Ms. Bamba uses for downloading the videos. On September 5th I returned to the [redacted] address and spoke to both Ms. Bamba and her mother, Erica Epps. I obtained consent from them to transport Ms. Bemba's laptop computer to the Massey building for the purpose of attempting to extract the video from the computer. A consent form was signed by Ms. Bamba and witnessed by Ms. Epps. At 1753 hours I transported the laptop to the Massey Building where I turned it over to Det. Friedman of the Computer Forensic Department. I returned the laptop to Ms. Bamba's family the following morning.

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

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

(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. 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: White, Kara
To: Farrell, John
Sent: 12/16/2013 1:58:05 PM
Subject: timeline

I put a printed copy of the timeline on your desk. It's pretty large and covers multiple pages – but I wanted you to be able to read it pretty easily. I can work on formatting it later once it's set up how you want it. You'll see towards the end I have highlighted each officer in a different color – tried to make it easier to see when the same officer voices something over the radio so it's easier to keep them straight. I am just looking at it again and I think I spelled Geer's name wrong on there so I'll fix that too. we can talk about it after you've had time to look it over and I can change whatever you need. Hope things are going ok in court.

Kara

Kara White
Crime Analyst
Major Crimes Division
Fairfax County Police Department
[redacted]

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This email and any attached files are for the sole use of the intended recipient(s) and may contain privileged and/or confidential information. If you are not the intended recipient, any use, disclosure, dissemination or copying of this email or the contents thereof is unauthorized. If you have received this email in error, please advise the sender by return email immediately and delete this message and any attachments.

From: Cory, Eli
To: Farrell, John
Sent: 8/29/2013 8:44:12 PM
Subject:

3 cruisers are back. Patrol guys r taking a second trip for more

From: Farrell, John
To: Guckenberger, Lance
Sent: 3/2/2014 7:42:40 PM
Subject:

I am pretty sure we will be rescheduling based on weather forecasts...

From: Farrell, John
To: Holland, Bryan
Sent: 2/10/2014 3:00:38 PM
Subject:

OIS:

[redacted]

2013-2410242
Assigned case on 8/29/13
Mr. Morrogh advised that night
9/3, 9/13, 1/31 meetings with Mr. Morrogh
9/19, 10/29, 12/4 provided Mr. Morrogh with documents
(Throughout the investigation I was in communication with Mr. Morrogh – however not every meeting is documented in the above list)

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

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
[redacted]

From: Farrell, John
To: Torres, Adam D.
Sent: 1/15/2014 10:28:08 AM
Subject:

Adam,

Let me know if you are around – I am leaving around 11 so you can call later if I don't see you before then.

[redacted]

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

From: Farrell, John
To: Smith, James R.
Sent: 12/3/2013 4:20:58 PM
Subject:

Hey bro – just wanted to see about your supplement on the Geer case – officer involved shooting off Pebble Brook court. Ray Morrogh is asking for a copy of my file and I wanted to get the police report to him.

Thanks!

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

From: Farrell, John
To: Griffith, Cara D
Sent: 11/25/2013 6:32:36 PM
Subject:
Attachments: CARA DRAFT.doc

Edited.... Corrections or questions in red.... Initial time you put in there is off....

THANKS!

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

On Thursday August 29, 2013 at approximately 1545 hours I was advised there had been an officer involved shooting in the West Springfield area. I responded to the scene at 7907 Pebble Brook Court, arriving at about 1238 hours. I was briefed on the facts of the case known at that point and advised that Det. Farrell would be in charge of the investigation.

At the scene location I entered the inner perimeter for the purpose of viewing the exterior of the residence and for an understanding of the scene and a general layout of the homes and yards. I did not enter the house at that time. I remained onscene of the incident until approximately 1850 hours when I was directed to respond to the West Springfield Station.

At the West Springfield Station I assisted Det. Farrell in notifying the witness officers that they would be photographed by Crime Scene and then individually interviewed by detectives. I then accompanied Det. Farrell to speak with Officer Torres and his attorney, John Carroll. Officer Torres declined to give a statement at that time. I remained in the room while Crime Scene examined and photographed Officer Torres and his equipment.

At approximately 2240 hours I accompanied Det. Farrell to the residence of the decedent's family. During that visit Maura Harrington gave consent for police to search her residence and signed the consent form. Det. Farrell and I left the Geer home at approximately 2351 hours.

At about 0005 hours I arrived back at the incident scene at 7907 Pebble Brook Court. Crime Scene detectives were already present along with Detectives Hinson, Stallings and Farrell and Lt. Owens. I entered the residence through the rear basement door. The decedent was located on the main level foyer floor facing up.

Upon the conclusion of the search of the house Metropolitan Funeral Home arrived to transport the body. The body was loaded into the van by Metropolitan personnel, Eric Tucker and Robert Deifel. I followed behind the van to maintain chain of custody. The van arrived at the Medical Examiner's office at approximately 0337 hours. I was met by staff from the Medical Examiner's office who took custody of the body.

I attended the autopsy of John Geer on August 30, 2013 along with Detectives Farrell, Flanagan and Smith.

On August 31, 2013 I conducted a canvass of the Pebble Brook Court neighborhood along with several other detectives. I returned for a follow up canvass on September 4, 2013. The following are residents I spoke with.

[redacted]
Grace Stachowski
[redacted]

Ms. Stachowski said she has lived in the area for about one month. On August 29 she left around 1400 hours to take her three children for a walk (ages 3, 2, and an infant). Ms. Stachowski thinks it was about 1500 hours when she was headed back to the Pebble Brook cul-de-sac. As she walked toward the cul-de-sac she noticed police cars at the end of the circle. She saw a man in the doorway of 7907 Pebble Brook CT with his arms up on the frame of the door. His hands were crossed in front of his face. The man's head was down a little, as if he was resting his head on his arms. She thought he may have been leaning against the screen of the door. She saw one officer to the left side of the yard with his gun pointed toward the man in the doorway.

Ms. Stachowski only had a view of the incident for a couple seconds. Ms. Stachowski turned her child's stroller around to head the other direction and was approached by an officer. The officer told Ms. Stachowski to go home. When Ms. Stachowski said that she lived further down the court, toward the incident, the officer told her to "just leave".

Ms. Stachowski headed away from her house and the incident. At about 1530 hours she heard a gunshot. Ms. Stachowski did not have her phone with her but she left with her kids to another part of the neighborhood.

[redacted]
Heidi Ashbaugh
[redacted]

On August 29, 2013 Ms. Ashbaugh went to take her trash out around 1530 hours. She saw that there was a lot of police activity. She saw that the police were talking to someone further down the row of townhouses East of hers. Ms. Ashbaugh noticed that there were personal belongings in the front yard of the house where police were. Ms. Ashbaugh initially thought the police were there for an eviction. Ms. Ashbaugh stood outside for a minute or two before she was told by officers to go inside.

Ms. Ashbaugh's house is directly in line with 7907 and therefore Ms. Ashbaugh could not see or hear Mr. Geer or the officers standing in the front yard. At around 1615 to 1630 hours Ms. Ashbaugh heard what she described as a "pop" sound. Ms. Ashbaugh believed the officer near the mailbox holding the rifle shot at the house because that is the only officer she saw pointing a gun in that direction.

After the shots she heard officers on the loud speaker telling the subject to "come out, we know you're injured" and "if you hear the phone ringing, pick up". She also heard an officer say through the loud speaker that "we are just here to help you. Come out with your hands where we can see them".

[redacted]
Lucinda Lewis
[redacted]

Ms. Lewis lives at the above address with her son and daughter. She said no one had been home during the time of the incident. Ms. Lewis was not very cooperative and did not wish to answer any further questions.

[redacted]
Alga Teutler
[redacted]

Ms. Teutler and her husband were overseas on August 29, 2013 and did not arrive back until 9-02-13. Ms. Teutler has lived at that residence for 10 years. She knows the Geer family from seeing them in the neighborhood but does not have a close relationship with them. Ms. Teutler did not know of any specific problem in the family or other incidents between them and the police.

[redacted]
Geri Dolan
[redacted]

Ms. Dolan is the only occupant at the address. Ms. Dolan had not been home at the time of the incident. She attempted to come home around 1700 hours that day but couldn't get through due to police activity so she left the area. The only information Ms. Dolan has of the incident she learned through the news. Ms. Dolan does not know the residents of 7907.

[redacted]
Andy Viglucci
[redacted]

Mr. Viglucci was home during the time of the incident but was unaware of any problems until he heard a gunshot. The sound of the shot prompted Mr. Viglucci to look outside. From the window Mr. Viglucci saw officers with their guns drawn, using cars for cover. Mr. Viglucci heard officers yelling to the subject to come out of the house and to put down your gun. He later heard them yelling "we're here to help you, come out of the house".

Mr. Viglucci had an obstructed view of 7907 Pebble Brook but does remember seeing a lot of "junk in front of the house". Mr. Viglucci was unsure what specifically was in the yard.

[redacted]
Robert Allen
[redacted]

I spoke with Mr. Allen during the neighborhood canvass on 8/31. Mr. Allen advised that on August 31, 2013 he arrived home around 1430 to 1440 hours and saw two officers onscene in the front lawn of 7907 Pebble Brook Ct. Mr. Allen saw the officers interacting with the white male in the doorway of 7907. Mr. Allen said the man was standing in the doorway yelling and sounded intoxicated. Mr. Allen based this thought on the fact that the man was yelling loudly and his speech sounded slurred. Mr. Allen remembered the man yelling, "I know my rights, I know my rights". Mr. Allen said "that's pretty much all I heard from him". Mr. Allen described the front door of 7907 as completely open but the screen door was closed. There was debris of some sort in the front lawn. Mr. Allen didn't remember what the debris was but thought it looked like drywall or something similar.

Mr. Allen described the two initial officers as white males. He said the shorter officer was standing to the right of the sidewalk while the other, taller officer was about 10 to 15 feet from him and a few feet to the right of the tree in the front yard, but to the left of the sidewalk. Mr. Allen said the shorter officer to the right was trying to talk to the man in the door.

Mr. Allen only watched the interaction for about a minute before going into his townhouse. Mr. Allen attempted to watch the incident from his kitchen window but had a limited view and could no longer see the front door of 7907. Mr. Allen could see the island of trees in the middle of the townhouse complex and saw many officers arrive onscene. Mr. Allen guessed there to be about 10 to 12 cruises in the area before the gunshot. Mr. Allen noticed a uniformed officer loading his shotgun from the rear of his cruiser that was parked in front of 7223 Pebble Brook Court. Mr. Allen moved from the window at that point and never saw where the officer went after loading the shotgun.

Mr. Allen estimated it was about 35 to 40 minutes after he arrived home that he heard a single gunshot. Mr. Allen was not looking out the window at the time he heard the shot. He didn't think SWAT arrived until after he heard the gunshot. Mr. Allen watched most of the remaining activity on the television.

Mr. Allen watched SWAT make entry into the house on the news. Mr. Allen felt that a lot of time had passed between the gunshot and entry into the house. He felt it had been maybe an hour or more.

Upon conclusion of the September 4, 2013 neighborhood canvass on Pebble Brook Court I took custody of a video camera belonging to Mariam Bamba of [redacted], given to me by Det. Hinson. The camera was believed to have video recorded from the time of the incident. The video camera was given to Det. Hinson with the owner's consent to search for and copy the video. I transported the camera to the Massey building at 2010 hours where I turned to over to Det. Rowson.

Based on information from Det. Rowson, it was learned that although the video could not be recovered from the video camera it might still exist on the computer Ms. Bamba uses for downloading the videos. On September 5th I returned to the [redacted] address and spoke to both Ms. Bamba and her mother, Erica Epps. I obtained consent from them to transport Ms. Bemba's laptop computer to the Massey building for the purpose of attempting to extract the video from the computer. A consent form was signed by Ms. Bamba and witnessed by Ms. Epps. At 1753 hours I transported the laptop to the Massey Building where I turned it over to Det. Friedman of the Computer Forensic Department. I returned the laptop to Ms. Bamba's family the following morning.

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
[redacted]

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- Confirmed DOA
16:46

From: Farrell, John
To: Torres, Adam D.
CC: Owens, Matt; Hill, Joe R.
Sent: 11/8/2013 6:44:01 PM
Subject:

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.

Please continue reaching out as questions arise.

John Farrell

From: Farrell, John
To: Owens, Matt
Sent: 10/14/2013 1:30:23 PM
Subject:

Can you get academy training records for:

TORRES
PARKER
BARNES
KUSHNER
NEIL

Thanks… Once I see the overviews I may want to get more detailed info regarding course content.

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

From: Farrell, John
To: Winter, Brenda
Sent: 10/9/2013 4:03:52 PM
Subject:
Attachments: KUSHNER (2) (corrected).doc

Can u fix the header for me

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

Fairfax County Police Department
Major Crimes Division - #20132410242
OFFICER BENJAMIN ZEDIKIA KUSHNER
September 25, 2013

It's September 25th, 2013, Detective Chris Flanagan and John Farrell interviewing Officer Kushner regarding an Officer Involved Shooting that occurred on August 29, 2013.

****

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

KUSHNER: Benjamin Zedekia Kushner.

FARRELL: Alright, and how long have you been on the department?

KUSHNER: 11 years sir.

FARRELL: And what's your current uh, rank?

KUSHNER: PFC.

FARRELL: PFC, and you're assigned to West Springfield?

KUSHNER: West Springfield, Days A sir.

FARRELL: And, um, you just had an opportunity to review your transcript from an interview that occurred, um, on the night of the event, is that correct?

KUSHNER: Yes sir.

FARRELL: Ok, and just off the top of your head, is there anything, that you would want to add at this point that um, you know that you didn't say then that you thought of, that you think would be important for us to know?

KUSHNER: No sir, nothing that I remember.

FARRELL: Alright, um, and I've explained to you that, Detective Flanagan and I are, responsible for the criminal aspect of this investigation, um, and we just have some follow up questions, is that correct?

KUSHNER: Yes sir.

FARRELL: Ok, um, one of the questions that I had, uh was um, in the transcript you say that um, initially you're with uh, Officer Parker and then you guys respond to the call, is that correct?

KUSHNER: Yes sir.

FARRELL: Ok, um, and as you're responding to the call, there's information coming over the radio and via the CAD?

KUSHNER: Yes sir.

FARRELL: Ok, um, do you recall, and I know it's, it's a month later, if when you arrived on scene, if anyone initially provided you with any other information other than what you had heard on the radio or received through the CAD.

KUSHNER: I remember getting no other information when I arrived on scene....

FARRELL: Ok.

KUSHNER: Just what I heard, as updates over the radio.

FARRELL: Ok, so when you get there you pretty much, take a position and

you're, involved in the event, but it's not like, there's someone on there that briefs you or communicates anything directly to you?

KUSHNER: I got no briefing when I got on scene.....

FARRELL: Ok.

KUSHNER: We, had an idea from the radio traffic as we were approaching, you know when we were sitting car to car, and then we heard it, come out that it, had taken a turn, and then we responded, and heard all the updates as we're going, to the point where we arrived, and then once we arrived, we didn't receive a briefing or anything per se.....

FARRELL: Ok.

KUSHNER: But as we fell into position, took a position of cover, around the perimeter, at that point you know, we, heard the updates that would come up, as we were on the scene.

FARRELL: Ok, do you recall if, um, while you're on scene in your perimeter position if, you're getting a verbal, if anybody ever updated you anytime, that wasn't over the radio, like did anybody ever come over and talk to you or is an officer shouting information out, uh do you recall?

KUSHNER: No.

FARRELL: Ok, so do you think that, most of the information you had at that

point is whatever is coming over the radio?

KUSHNER: Yes sir.

FARRELL: Ok.

KUSHNER: Now when we, gotten there, we'd, and I'm sure you all are familiar with the scene and, the pictures of everything, as it was correct?

FARRELL: Yeah.

KUSHNER: So I mean, you know, as we got there, I parked up the street and got the shotgun and came down and, there was a, it was like red minivan or SUV, that I had taken up, position of, cover, light cover off to the right and, Parker went to the left, there was a, another vehicle that he was behind.

FARRELL: Ok.

KUSHNER: So we took up from there and at that point we were just, focusing and providing cover for, the two officers that were up closer to the townhouse at that point.

FARRELL: Ok, my understanding is that Parker's behind a vehicle that's, parked um, offset a little bit but facing the residence?

KUSHNER: Yes sir.

FARRELL: Ok, are you set up on a vehicle on that same row or on that row that sort of uh, perpendicular……

KUSHNER: To the right, its perpendicular…..

FARRELL: Ok.

KUSHNER: That's face, you know if, if, forgive me for drawing, (drawing description) but you know if it's right there, and from here townhouses there…..

FARRELL: Right.

KUSHNER: Dave was behind this vehicle here, the front doors there…

FARRELL: Ok.

KUSHNER: And I was behind a couple of vehicles from here, just about even with Dave.

FARRELL: Ok.

KUSHNER: Maybe even a little bit behind him.

FARRELL: Ok.

KUSHNER: But up to there.

FARRELL: So you're kind of on the, in the same line with him, but whereas he's in a vehicle, he's behind a vehicle, that's parked facing forward, you're behind a vehicle that would be, to equivalent….

KUSHNER: (inaudible)

FARRELL: Parking sideways.

KUSHNER: Yes sir.

FARRELL: As you're demonstrating the scene to me.

KUSHNER: Yes sir.

FARRELL: Ok, ok, in the transcript there's a, a mention where um, and I think you're paraphrasing what um, Geer, the decedent is saying, where he's, he says something to the effect of, I can, he says I can go in and ya'll are going to be in a spot?

KUSHNER: Right.

FARRELL: Um, what did you, what was your perception of what he meant by that?

KUSHNER: At that point, he was very agitated from the time when I'd, come on scene, and he'd had his arms up and he, Officer Barnes was trying to get him to come out, have a talk, just sit on the front porch, and he was talking about, kept reiterating, kept going on about, we got no rights to be here, he hadn't done anything wrong, got no rights to be there, go away, put your guns down, ya'll are making me uncomfortable, put your guns down, yet he, we'd had all that information coming up, prior, where he had made statements and threats against officers, so he said, ya'll got no reason to be here, you know I can go inside, and ya'll can't do nothing about it, you know I can go in here, I can stay in here, forever, for, for an extended period of time, we got the point across, I don't need to come out, except for you know, if I got to go to the grocery store or something later on.

FARRELL: Ok.

KUSHNER: I got plenty of stuff, or, and then he went on talking about you know, I know ya'll will end up cutting the power off, or something along those lines, you know, you know, trying to say he knew, our tactics or, what would happen at that point, but just getting a cross point that you know, he could go inside and there's, nothing anybody can do about it.

FARRELL: Ok, were you concerned about him going inside?

KUSHNER: Yes sir I was.

FARRELL: What, and what was your concern?

KUSHNER: My concern was that, while we were responding, what originally got us to respond was while, Officer Parker and I were sitting, car to car, we heard it come over the radio, one of the officers updated, that, the individual that they were dealing with said that he had firearms, that he had weapons, and he'd use them against officers, so that, perked us up, naturally and we said ok, they asked for a couple of more units so we said, we'd respond, so we responded, as we're going over there, en route, we'd heard, him talk about, he's got, those weapons, he's willing to use them, we got there on scene, and as more information comes out, he's talking about, you know, we, him talking about, having a weapon,

that we'd heard that he had weapons, one, to use them against officers, two, that he um, was agitated, that he started talk about that he had a gun, in very close proximity to him, that you know he'd, you know he'd say I got a gun, right inside the door right here, it's a 357, called it out by caliber, um we'd gotten information from another officer that his, girlfriend said that, indicated that he, mentioned to her, that he was looking for a suicide by cop, so at that point, I was very concerned that he was going to go inside, he had, mentioned of his 357 and, also perhaps that he'd have a long gun, or something along those lines, so my main concern was, our safety and if he went back in the house, we wouldn't know, what he was going to, get ready to do.

FARRELL: Ok.

KUSHNER: If he was going to come back out with a weapon at us, or if he was just going to reach inside the door and grab the weapon that he'd indicated that he'd had, or anything along those lines so, I was, very concerned about him going back into the house.

FARRELL: Ok, um, so not only for just the barricade purposes but whatever, he may have retrieved a weapon or, the caliber of the weapon he may have in the home?

KUSHNER: Right, just, from the standpoint of, of weapon and, and our safety.

FARRELL: Ok.

KUSHNER: Because I had indicated to Dave, that if he does go in the house, we need to readjust, you know he says he's got a long gun, we need to readjust to something other than cars……

FARRELL: Right.

KUSHNER: For better cover.

FARRELL: Um, and you can hear what he's saying, from where you're positioned?

KUSHNER: I can't hear everything he said at every point, but I can hear the majority of it, he's talking in a loud enough tone to where I can hear a good amount of the conversation that was going, back and forth.

FARRELL: Ok, did you hear um, Officer Torres speaking at all, to him?

KUSHNER: No sir.

FARRELL: Ok, um, and then, you talk about, uh movement, and uh, him being agitated, could you describe that a little bit more?

KUSHNER: He was, as he was positioned, at the front of his townhouse, he was standing in the threshold, to his door, and he had the main front door and then he had uh, a glass, like a storm door, that was in front of that, so he was standing in between his main front door and the glass storm door as he was in the threshold with his

hands up over top, of the, of the glass door, like he had his hands up and he'd go from having them up to, having the fingers curled over the top of the glass door and, in there, and he was, becoming frustrated telling people that, you know, he didn't like everybody's guns at him, put your guns away, trying to demand people put their guns away, um, kept telling them that, we had no rights to be there he didn't break any laws, he done nothing wrong, we need to get off his property, we got no business being there uh, he can go back inside, he's getting thirsty, I want a drink of water, I'm going to go inside and get a drink of water, and Officer Barnes offered him, said hey look, I'll get you a bottle of water, I'll get you one, just stay where we can see you, just stay out front, don't go inside, just stay here and keep talking to me, things along those lines, so he offers, Officer Barnes keep offering him water, said hey, why don't you just come have a seat on the front porch, right there, he said no, no, I'm not coming out, I'm not coming out, I'm staying here, I want to go inside and get a glass of water, so, you know he said he was thirsty, Officer Barnes offered him water, I didn't want to see him go inside the house, for a bottle of water, given statements he'd made about, the weapon I felt that, it could very well be, a ploy for, to get towards the weapon.

FARRELL: Ok, how was he um, moving in the door?

KUSHNER: He was uh, fidgety, he'd have his hands over the top and, at one point or a couple of times he mentioned that, you know his nose itched, I'm going to itch my nose, I'm going to scratch my nose, and he'd bring his hands down to, scratch his nose and his hands would move, they weren't always up, on top of the door.

FARRELL: Ok.

KUSHNER: He'd be moving around and, he'd kind of, reposition, sometimes come a little further out, the door would open a little more but his hands would be up top and he'd come back and, you know just re, readjust and shifting his position, his hands were moving a lot.

FARRELL: Ok, so you were kind of demonstrating like, just sort of rocking back and forth a little bit, nothing uh, would that be consistent with the movements, as you're just sort of moving your arms up and down a little bit?

KUSHNER: Yes.

FARRELL: Did you ever see him like, take 2 or 3 steps to one side or another or, move back, or is the movement contained within the threshold?

KUSHNER: Every movement was contained, to the threshold of the door.

FARRELL: Ok.

KUSHNER: You know, one jam to the other jam, you know if he took a couple

steps, side to side, it was, in view.

FARRELL: Ok, uh any abrupt or rapid movements or, was it more, you described it as fidgety?

KUSHNER: Yeah, I mean, I mean he was, fidgety, he didn't make any, I mean he wasn't jerking around and you know, darting from one side to another real fast, but you know he'd be moving around, he was agitated and, it was clear in his body language that he was agitated and he was moving around.

FARRELL: Ok um, were you looking at him at the time you heard the shot?

KUSHNER: Yes sir.

FARRELL: Ok, and tell me how he was moving at that point.

KUSHNER: At that point it was more of the same, his hands were, moving around he'd, moved his hands down a couple of times, uh gone to scratch his nose, things like that, he was moving around, kept talking about he was getting increasingly more agitated, kept talking about how, he was going to go inside and get, and get a drink of water, I think I want to go get a glass of water, you know, you can't stop me from getting a glass of water, I can go inside, ya'll can't stop me I've done nothing wrong, I think I'm going to go inside and get a glass of water, whole time he's moving and fidgeting and hands are you know, going around at the top of the

door, he'd come down and scratch his nose, stuff along those lines.

FARRELL: Ok, you recall where his hands were when you heard the shot?

KUSHNER: His hands were in the same general direction.

FARRELL: Ok.

KUSHNER: I mean.

FARRELL: And you're demonstrating kind of towards you head, a little bit above your....

KUSHNER: Right, between the top of the door, and right around his face area.

FARRELL: Ok, um from when you arrive, till the time of the shot, um, how do you perceive, what's your perception of how things are going? In terms of, uh, is he becoming more compliant, is he.....

KUSHNER: No, he was, I, was thinking we were about to lose him, was, he was on the verge of darting in the house and who knows what, that's why I had made the comment to Dave, that hey look, if he goes inside the house, we're looking at long guns in there, from what we heard, I'm going to the big tree, you need to find, you know we need to find more substantial cover, that would hold up to a long gun because sheet metal on the cars and glass, wasn't going to cut it, so when I was there, it seemed as though the situation was, I mean Rodney was doing really good talking to

him, kept talking to him, kept giving him ideas, you know hey, you know, I'll get you a glass of water, you know he said he was thirsty, hey I'll get you water, have a seat on the thing and, just don't go inside the house, but, it, he was getting more and more agitated.....

FARRELL: Ok.

KUSHNER: More and more angry, and insisted on, that he was going to go inside and get his water.

FARRELL: So, your perception is, that things weren't improving, that it, it was, you felt that he was going to go inside, that things were deteriorating, in, in that sense?

KUSHNER: That they were deteriorating and that it was a very real possibility that he was going to go inside.

FARRELL: Ok.

KUSHNER: For who knows what at that point.

FARRELL: Alright, um, what was um, and I don't, I don't know if you observed this but, um, at the time or after the shooting do you have any interaction with Torres?

KUSHNER: No sir.

FARRELL: Ok, did you um.....

KUSHNER: (coughs) sorry.

FARRELL: At the time that shots fired, you said you're not clear as to who shot, is that correct?

KUSHNER: I was watching him, the, Mr. Geer, excuse me (coughs) I was watching Mr. Geer I mean I was trained on him so, I saw him in the doorway and then heard the shot, and saw the red spot.....

FARRELL: Ok.

KUSHNER: On his belly, and then he, yelled and went inside the house at that point....

FARRELL: Ok.

KUSHNER: So I mean I wasn't, watching my officers that's not where the threat was.

FARRELL: Ok.

KUSHNER: I was watching him the whole time.

FARRELL: Um, and then after the shooting, where do Barnes and Torres go, do you know?

KUSHNER: After the shot was fired, Mr. Geer went back into his house, shut the door, I hollered to Dave, reposition, Dave went to the, as you're facing, the townhouse, as you're facing the townhouse he went to the left side of the door, and stacked behind, he was behind Rodney and Torres.

FARRELL: Ok.

KUSHNER: They went from where they were in the front yard, to alongside of the row of houses, and Dave was behind them, and then I went behind the, large tree that was, in the yard next to me.

FARRELL: Ok, so do you have an opportunity, do you ever meet up again with Rodney and Torres, um, prior to um, Torres going back to the Command Bus?

KUSHNER: No sir.

FARRELL: Ok, so did you have an opportunity to observe his demeanor or hear if he said anything at the time of the shooting or, or right there afterwards?

KUSHNER: No, I didn't hear anything.

FARRELL: Ok, do you have any follow up?

FLANAGAN: You briefly mentioned um, you thought Rodney was doing a good job negotiating Ro, Officer Barnes, how would you describe uh Officer Barnes demeanor throughout this?

KUSHNER: Throughout, from which, from the point where……

FLANAGAN: For, for…..

KUSHNER: I came up to….

FLANAGAN: Right.

KUSHNER: Which point….

FLANAGAN: To….

KUSHNER: The shooting or?

FLANAGAN: Up for the shooting yeah.

KUSHNER: Uh, patient, I mean he was, talking to Mr. Geer, engaging in conversation anytime Geer'd have something to say, Rodney would have an answer for him, he wasn't confrontational, he was talking I mean I'm, familiar with Rodney, Rodney's on my squad, I know Rodney's talked to other individuals before and Rodney seemed, calm with him and just genuine and sincere that he was just trying to, talk to him and say look, just come on out, talk to us, you know what I mean, he was just trying to, to, making a genuine effort to deescalate the situation.

FLANAGAN: Ok, and, and how would you describe, if you made any observation of, Officer Torres' demeanor?

KUSHNER: Officer Torres was, was standing there covering on the subject, I didn't see anything that drew my attention to him other, above and beyond, it seemed like you know, all of us was standing there, watching the guy, Rodney's talking to him, so we're covering while Rodney's talking.

FLANAGAN: Ok, and I think you mentioned to Detective Farrell that you were looking at Mr. Geer at the time of the shot....

KUSHNER: Yes sir.

FLANAGAN: Um, do you know the position of your weapon at that time?

KUSHNER: Position of my weapon?

FLANAGAN: Yeah.

KUSHNER: I had the shotgun and it was, resting on the rear of the vehicle, so I was watching, and in case, something happened or not.

FLANAGAN: As you're looking at him are, are you looking down the barrel of the shotgun or are you....

KUSHNER: Over the barrel of the shotgun.

FLANAGAN: You're over so you're not looking um, at your sights with, but you had also seen um, Mr. Geer in the background, I guess what my question are....

KUSHNER: I was focusing on Mr. Geer.

FLANAGAN: What, you, yeah....

KUSHNER: Not on the sights.

FLANAGAN: Ok.

KUSHNER: At that time because, I needed to see Mr. Geer, at that time and know what was happening, make sense?

FLANAGAN: Yeah exact, that you, actually phrased it better than I asked it.

KUSHNER: Ok.

FLANAGAN: That was what I wanted to know is where, are you seeing him as you're looking down on your sights or are you focused on him?

KUSHNER: I was focused on him.

FLANAGAN: Um, and I think I just had, when you said that, after the shot you repositioned, um, why did you reposition?

KUSHNER: Because, after the shot Mr. Geer went back into the home, and, from, out of concern that he had a long gun or other weapons, I didn't want to be out and, not in the open but, where my position was, was behind that vehicle and all it was, was, glass windows and a little bit of sheet metal and I didn't feel comfortable where I was anymore, with him right where he was prior to the shot, I was, in the position of more, concealment than cover, and I was fine where I was, but after he was in there and, the concern was a long gun, I didn't want to be out in the open where I didn't have that protection afforded to me.

FLANAGAN: What, what was your primary responsibility um, when you're positioned there at the car, with your weapon? Rod, Officer Barnes was negotiating, so what is your responsibility taking up that position where you were?

KUSHNER: My position was, cover and containment.

FLANAGAN: Ok.

KUSHNER: At that point I mean, just making sure everybody was safe and help try and contain the situation and make sure that we were all

safe.

FLANAGAN: Now and, and your position of cover and your um, those are police terms that we use in law enforcement....

KUSHNER: Ok.

FLANAGAN: Um, so ex, explain if you can what, what cover means to you in that particular situation?

KUSHNER: Cover can change, uh cover means a position of protection.

FLANAGAN: Ok.

KUSHNER: It means something that will shield me from, a shot, from a bullet, concealment is more just, hiding, what may be concealment or cover for one round is can be, inadequate for another round, so once he was out of my sight and I couldn't tell what he was doing, I wanted more protection for myself, so I went behind a very large tree that was very close to me, so I was still able to peek my head out in different areas and different positions and see what was going on up front, but it offered me substantially more protection than just the metal and glass of the vehicle.

FLANAGAN: And with regards to contact and cover, what, what does cover mean as far as your responsibility in that role?

KUSHNER: Contact cover at that point, Officer Barnes was the contact officer, he was handling negotiations, speaking with the individual, my

responsibility as cover officer at that point, was to keep all of us safe, to watch so that is, anybody, as Rodney's talking to that individual to make sure that I'm in the position to act, if need be.

FLANAGAN: And, did you feel like, the, the officers that were in the front yard, um, there was a, a threat risk with them?

KUSHNER: Yes sir.

FLANAGAN: And, the other officers that were on the scene, was there um, also a risk to them?

KUSHNER: Yes sir. We wouldn't have had our guns out if there wasn't.

FLANAGAN: And what was that, threat risk?

KUSHNER: Threat risk, risk was, our understanding of the situation as we approached, hearing that he told officers to their face, that he had weapons and he wasn't afraid to use them against officers, that he was willing to harm officers, raised my level of concern drastically at that point, and then when I got there and heard his statements that he made from his mouth, talking about he had a 357, and it was in the holster, but it was right next to the door, it was sitting right there, that raised my concern even more, from that point, and when he, was talking about wanting to go inside to go get water and kept reiterating that's he's going, trying to let everybody know, hey I'm going in, I'm going in, I'm going in the house, at that

point, to me, it's not, at that point he was very agitated, his mental state was very agitated and, not rational, so from, I don't take anything at face value, so if somebody tells me that they're going in for water in that kind of situation, he could have been, wanting to go for water or he could have been wanting to go, get that 357 that was inside the door, as we're trained you know, you're, you expect movement, people tell you hey I'm going to move so that you expect movement, you expect movement it's going to slow your reaction time, somebody might think, oh he's just going in to go get, get a drink of water, somebody may, believe him that he's going in for a drink of water but, I'm not necessarily believing him that, he's going in for a drink of water when he's made all those statements in the past that he's you know, told officers that he's got a gun and he's willing to use it on them when he's, got information from his girlfriend, that's he's looking for a suicide by cop, when he tells us we have no business on his property and I can go inside and all the statement that he made, made me very, very concerned.

FLANAGAN: Based on, all the information that you had, what you observed on the radio, oh I'm sorry, what you heard on the radio or read on the CAD and what you observed when you're on the scene um, your

state of mind, did you think he was capable of acting on those threats or carrying or, or harming an officer or anybody else that was in, um his proximity?

KUSHNER: Yes sir.

FLANAGAN: That was all I had.

FARRELL: Alright, anything else you wanted to add?

KUSHNER: No sir.

FARRELL: That concludes the interview at 1546 hours.

****

This statement has been typed as recorded/(bkw)/ (September 27, 2013)

From: Farrell, John
To: Griffith, Cara D
Sent: 10/2/2013 4:16:05 PM
Subject:
Attachments: TORRES 2nd INTERVIEW (FINAL).doc

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

Fairfax County Police Department
Major Crimes Division - #20132410242
OFFICER ADAM DANIEL TORRES PARTI II
September 4, 2013

It's September 4th, 2013 at 1303 hours, interview with Adam Torres, regarding an Officer Involved Shooting that occurred on August 29th, present is Counsel John Carroll, Detective Chris Flanagan, and Detective John Farrell.

****

FARRELL: If you would just state your name?

TORRES: Adam Torres.

FARRELL: Ok, um, and we spoke a couple of days ago, regarding the incident and, um, you gave a comprehensive statement, is that correct?

TORRES: Yes.

FARRELL: Ok, and at that point I explained, what my role is in the investigation and you understood that, correct?

TORRES: Yes.

FARRELL: Ok, um, and is, at, you're understanding is that you're back here today because I had some follow up questions that I wanted to ask based on some either, new information or things I need to clarify, is that correct?

TORRES: Correct.

FARRELL: Ok, and before I get started, is there anything else you wanted to, to add or anything else you remembered or, or that you think is

important for me to know at this point?

TORRES: No.

FARRELL: Ok, um, when you um, when you arrived on scene, you were operating an unmarked cruiser, correct?

TORRES: Yes.

FARRELL: Ok, when you initially uh, respond to the neighborhood, um, what do you recall about your response, in terms of where you parked, or where, you're responding to the area, do you pre-stage at a location?

TORRES: I, I did at one point yes.

FARRELL: Ok, where was that at?

TORRES: Um, just right outside the neighborhood, um.

FARRELL: Would that been it, would that have been in view of uh, the residence?

TORRES: No.

FARRELL: Ok, and then at that point uh, the second officer arrives?

TORRES: Yeah.

FARRELL: And then, you guys respond in together?

TORRES: Yes.

FARRELL: Ok, about how long were you, staged?

TORRES: 30 seconds maybe.

FARRELL: Ok, and then, as you arrive down at the scene, it, do you have an opportunity to um, who was the second officer that arrived with you?

TORRES: Uh, Neil.

FARRELL: Do you guys have an opportunity to uh, formulate a plan or discuss anything about the call…..

TORRES: No.

FARRELL: Before approaching?

TORRES: No.

FARRELL: Ok, and why was that?

TORRES: Uh, we just, just went in right together, just, we didn't talk about it, we just, um, I, I don't know what his assumption, I, I guess my assumption is just to, a regular, just domestic dispute going on and, um, um, so.

FARRELL: So at that point you guys don't, there's no discussion about the call? You approach?

TORRES: Yeah, no, no discussion at all.

FARRELL: Ok, and then we spoke, um, there comes a time when you, um, feel a need to draw your weapon, and you said that you maintained it, two hand grip, with the exceptions of times you were manipulating the mer, the radio, is that correct?

TORRES: Correct.

FARRELL: Ok, um, can you, can you just describe the, your grip of the weapon? In terms of where, how your hands would be placed.

TORRES: Um, um, well, I'm right handed so.

FARRELL: Ok.

TORRES: Right hand goes on the um, um, whatever the term is, the, right on the handle, I got my uh, finger on the barrel, on the outside of the barrel, um, my left hand over the top of my right, my right hand.

FARRELL: Ok, so right hand on the handle of the gun, your finger is along the barrel?

TORRES: Correct.

FARRELL: And then your left hand is on top of your right hand....

TORRES: Yes.

FARRELL: Is that correct? Ok um, and is that the grip you maintain throughout the, incident?

TORRES: Uh, no, not the entire time.

FARRELL: Ok, was there a time that you changed your grip or.....

TORRES: Um, I, ev, every once and a while I put my finger on the trigger, just to, um, in case I, uh, in case I, um, wanted, just, just a few times I, I did it, um...

FARRELL: Do you remember if that was in response to, something specific or

um, why your finger would have moved from the barrel to the trigger?

TORRES: I know when I know when he, he jerked his hand down the first time I put my finger on the trigger.

FARRELL: Ok, and is there any other times specifically when you recall your finger being on the trigger?

TORRES: Um, two or three other times, mostly just when he jerk, jerked his thing, or just jerked his hand down.

FARRELL: So your recollection is that, your finger moves from the, the slide onto the trigger in response to him moving his hands?

TORRES: Correct.

FARRELL: Ok, do you recall a time, during the incident where your finger is on the trigger and it's in response to anything else?

TORRES: No.

FARRELL: Ok, and then with the exception of, when you pull the trigger, was there a time where you're actually taking slack out or do you recall anything else?

TORRES: What do you mean taking slack out?

FARRELL: Um, you, are you manipulating the trigger at all or, is it, do you recall, do you recall doing anything with the trigger other than putting your finger on it?

TORRES: No.

FARRELL: Ok, and then, times um, prior to the shooting where your fingers on the trigger, um, what causes you to place it back on the barrel, do you remember?

TORRES: Um.

FARRELL: Or why does your finger come off the trigger?

TORRES: Um, um when he put his hands back up on the, on the screen door, and he's just talking calmly, I just put my finger back on the, on the barrel.

FARRELL: Ok, um, at the time you fired the shot, do you recall if you gave any commands or if you said anything to him at that point?

TORRES: No, I didn't, I didn't say anything.

FARRELL: Were you injured at all during the, the incident?

TORRES: No.

FARRELL: Uh, any complaints of pain or, anything that happened to you, from standing out there for that period of time or?

TORRES: Uh, I, I know, standing out there like um, with the gun on the guy for a while, my arms just starting to hurt a little bit.

FARRELL: Do you remember saying anything to anybody about, being injured or, pain or?

TORRES: No.

FARRELL: What about from firing the shot, were you injured from that at all?

TORRES: No.

FARRELL: Or do you remember complaining about pain from that?

TORRES: No.

FARRELL: Do you remember saying anything about your wrist being hurt?

TORRES: No.

FARRELL: You remember your wrist hurting?

TORRES: No.

FARRELL: Ok, and then we talked about um, statements that were made, that you made after um, the incident um, and, I want to go over those again a little bit, um, who were the officers that you made statements to?

TORRES: Um, I guess Rodney, he was the only one there, and he said I said something so, um he was the only one around at the time.

FARRELL: Ok, and that's, you make a statement about, um, a problem with your wife?

TORRES: If, if he said I said something like that, then I, I probably did, um, um, I don't remember saying anything like that.

FARRELL: Ok.

TORRES: Um, you know.

FARRELL: And then you said, you told us that you said, you made it,

something along the lines of, like I can't believe I shot him or.

TORRES: Yeah.

FARRELL: Ok, do you remember saying um, that you were sorry?

TORRES: No. Oh yes, um, I said uh, I said to Rodney, I said something along the lines of, hey Rodney I'm sorry about that or, um, uh something along those lines.

FARRELL: Ok, do you remember what you were thinking at the time you said that?

TORRES: Um, I, I just, I, I just remember seeing Rodney's face after I pulled the trigger, and he just looked like he was just, in, a lot of shock, like he just couldn't believe it, and um, he was breathing a little, kind of heavily, so I just, I don't know if, if I was just trying to calm him down, um, because he, he was trying to talk, he was talking to the guy for most, or the whole entire time.

FARRELL: Ok.

TORRES: Um.

FARRELL: So, it was in response to, Rodney?

TORRES: Right.

FARRELL: Ok, um, and, I know we spoke about this at length, um, the other day, but you're not apologizing because you accidentally shot the person?

TORRES: No.

FARRELL: Ok, and are you apologizing because, you felt like you shot the person and it wasn't justified?

TORRES: No, it was justified, I, I, I have no, I have no doubt about that at all, um, I don't feel sor, I don't feel sorry for shooting the guy at all, um, um, if I was saying I'm sorry to anybody, it was just to Rodney because of his, um, his reaction to everything.

FARRELL: Ok.

TORRES: Um, it wasn't anything particular to, to John at all.

FARRELL: So it's not, it's um, it's in response to his reaction.....

TORRES: Right.

FARRELL: Not in response to, any sort of justification or lack thereof for your action?

TORRES: Correct.

FARRELL: Ok, you have any follow up on that Chris?

FLANAGAN: Um, do, the only, not so much on that part, can I jump back to the....

FARRELL: Uh huh.

FLANAGAN: Hand position, um Adam, when, and I'm not trying to split hairs but, right, you've already talked about how his hands moved down and that's what caused you to pull the trigger.....

TORRES: Yeah.

FLANAGAN: Um, just before that, just before his hands moved, where is your finger?

TORRES: I don't remember.

FLANAGAN: Ok, do you know if it was on the, on the, the barrel or on the trigger before his hands moved?

TORRES: No.

FLANAGAN: Ok, up to that point that was all I had.

FARRELL: Ok., um, alright and then, the guy, like I wanted to touch again on, just sort of your state of mind, at the time this occurs, um, when you're, when you're in route, you're on the phone, and there's um, a conversation with your wife, how long are you on the phone for?

TORRES: Uh, a few minutes.

FARRELL: Ok, do you recall if that, if the phone call, um, was after you're dispatched, or while you're being dispatched or prior to being dispatched?

TORRES: Prior.

FARRELL: Ok, um, and then at what point, if you recall, do you terminate the phone call?

TORRES: (sighs) um, right, right when I'm sitting right outside the neighborhood.

FARRELL: Ok.

TORRES: Um.

FARRELL: And, do you explain to your wife you're going to a call or do you make any statements about, um....

TORRES: I told her, I, I'm going to a call right now and I can't talk to you at the time, at the moment.

FARRELL: Was she upset by that?

TORRES: She was.

FARRELL: Ok, um, and you said you guys are, you said you were arguing or, speaking about um, she was complaining about how much time you spend with the kids?

TORRES: Or us, supposedly lack of time I spend and she's stressed over school work, um, uh, she's trying to get uh, go work at the same time, going to school, uh, she's staying at home with the girls uh, uh, so, a lot, a lot of stress going on with her.

FARRELL: And you guys are married?

TORRES: Yes.

FARRELL: Living together?

TORRES: Yes.

FARRELL: Ok, and how old are the girls?

TORRES: Four and two.

FARRELL: Ok, um, is, have you um, had like, these types of arguments before over the phone or discussions while on duty?

TORRES: Yes.

FARRELL: Ok, um, and have you been able to do your job?

TORRES: Yes.

FARRELL: Or has, have you ever had an incident where you weren't able to handle a call or you, um, weren't able to comply with your duties because of, a, a phone call or, something involving this domestic situation?

TORRES: No.

FARRELL: Ok, is this um, something that's been going on for a while or is this, was that the first time you guys had talked about it?

TORRES: It's been going on for a while.

FARRELL: Ok, um, when you hang up, or explain to her that you're going on a call, or is it just kind of a hang up?

TORRES: Tell her I'm going on a call, and then I hang up.

FARRELL: Ok, um, were you pretty upset or were you pretty heated when, at the conclusion of the phone call?

TORRES: Somewhat heated, yeah, wasn't, I wasn't irate, but uh, upset.

FARRELL: Ok, and how did that influence how you handled the call?

TORRES: It didn't.

FARRELL: Ok, so at the time you approach and you're dealing with um, John Geer, this incident isn't in the front of your mind?

TORRES: Its lingering, it's not there, it's not uh, um, it, it's not my main focus at the, at the time.

FARRELL: Ok, and when you, what do you mean by lingering?

TORRES: It, it's you know, you just have an argument with your wife over something, you know you're a little upset, and you just, now you're heading towards a domestic, and now you have to worry about what other people are arguing about, um, um, the, I'm focused on what I need to do, not I mean, I can, I can deal with um, talking to my wife later, um, she needs to understand that I have a job also, I need to do it.

FARRELL: Ok, has she been able to understand that in the past or is that.....

TORRES: She has.

FARRELL: Ok, um, do you shoot Mr. Geer because you're angry at your wife?

TORRES: No.

FARRELL: Ok.

TORRES: Not at all.

FARRELL: Alright, is when, as you're working this domestic, is this personalized for you in some way, that it affects how you

handle.....

TORRES: No.

FARRELL: The incident?

TORRES: No.

FARRELL: Ok, so, at the time you pull the trigger, this is, what is this in response to?

TORRES: Him making a threatening gesture, what I felt was a threatening gesture going towards the weapon.

FARRELL: At the time you're pulling the trigger are you thinking about, that you're angry at your wife?

TORRES: No.

FARRELL: And then afterwards, you make a comment about it.

TORRES: I, I don't know why I made a comment.

FARRELL: Ok, just, is it just a, a thought that.....

TORRES: It just, I guess there was just a, thought that popped up and, as many other thoughts that came to mind at the time.

FARRELL: Ok, what were some of the other thoughts that came to mind at the time?

TORRES: Like my arms are hurting, um, can't believe I shot somebody, I was hoping the guy would come out and seek medical attention, um, I was worried about Rodney, um, what, how he was doing

um.....

FARRELL: Did you have any other thoughts unrelated to the call, that just popped in your head?

TORRES: Um, I was just thinking about my wife, I wanted to talk to her, (pauses) um, but I didn't even remember the argument (laughs) afterwards.

FARRELL: Ok.

TORRES: Um, I just wanted to talk to her.

FARRELL: When you say, what did you want to talk to her about?

TORRES: Just to talk, um, get some sort of uh, um, I don't know if this is the right word, um, some sort of sanity back you know, um, you know, I just shot somebody it's, I want to talk to somebody that um, just, I just wanted to talk to her, nothing in particular, just, um, just to tell her that, hey this is, this is what happened, um, I asked her if she's ok um, just something that popped in my head.....

FARRELL: Ok.

TORRES: I just wanted to talk to her.

FARRELL: Did you get the opportunity to talk to her after it, the shooting?

TORRES: Yeah.

FARRELL: Where, how, how did that come about?

TORRES: Uh, Command, walked back to the Command Center in the Cul-

de-sac, um, somewhere, where ever it was, down the street, and I saw a whole bunch of people there and I saw my Captain there and I asked him if I could call my wife.

FARRELL: Where, was she on her cell phone or home phone?

TORRES: We got, just cell phones.

FARRELL: Ok, what's her cell phone number?

TORRES: [redacted]

FARRELL: Chris?

FLANAGAN: Um, when you're, can you, um describe for me in more detail if you can, when you talk about your arms hurting?

TORRES: Yeah um, holding my arms up for a long period of time with my firearm drawn out, uh, I guess it's a little bit of stress on the arms....

FLANAGAN: Uh huh.

TORRES: Um, I, I don't know how long I was standing out there with my arms out, um, they, they were just hurting a little bit, that's all.

FLANAGAN: And, where about's in your arms, if you can, like describe to me....

TORRES: (sighs) right, right around here, like shoulder to, to the elbow.

FLANAGAN: This, and I don't want to put words in your mouth, but just from what you're showing me, are we talking about the bicep area?

TORRES: Right.

FLANAGAN: Ok, tri, bicep or triceps?

TORRES: Yeah.

FLANAGAN: Ok, um, were you able to take any steps, while you're out there for this long period of time to, um, to relax or to reduce that.....

TORRES: I know.

FLANAGAN: Stress on your arm?

TORRES: I know when uh, Rodney asked me to, um, just to put my weapon down just a little bit, just to lower it, um, it was a nice relief (laughs)

FLANAGAN: Right.

TORRES: Uh, I, I, didn't um, you know.

FLANAGAN: Now did that um, that many, did that in any way affect your ability to, to perform your duties or do what you did that day?

TORRES: No.

FLANAGAN: Was that something that you were aware of as the event was going on?

TORRES: Yes.

FLANAGAN: And, and I think Detective Farrell asked you specifically about it, it wasn't something in your wrist, um, in which you should, maybe it was just your upper arms?

TORRES: Right.

FLANAGAN: Ok.

TORRES: Um, getting, getting back to the wrist um, I, I may have went like this in my wrist later on, when I was um, uh standing next to the house……

FARRELL: Like stretched it out?

TORRES: Stretched it out, um, it wasn't, I didn't hurt my wrist, I just um, I, I was holding on to the gun, like, like a death grip at that time, and it just um, I just needed to stretch it out for just a second.

FLANAGAN: Is it, this is after the shooting?

TORRES: After the shooting, yeah.

FLANAGAN: Ok, and where is your weapon at that point?

TORRES: Put it back in my, transferred it to my left hand, just for a second, just to stretch my fingers out and my, my wrist out.

FLANAGAN: Ok, and its, not looking for a medical diagnosis, but just so I understand, are we talking about, injury verses soreness, you know did, did you, was there something that occurred acutely that's causing that wrist pain or is it, like what you were describing with your arms?

TORRES: No I, I, af, after the shooting um, I, I just held onto the gun tight.

FLANAGAN: Ok.

TORRES: Um, and I was just holding it in that position for, quite a long time

and it just um, um, I guess my hand start hurting a little bit so I just needed to stretch it out a little bit, just....

FLANAGAN: Ok.

TORRES: That, put the gun back in my hand.

FLANAGAN: And, and I can see, what you're doing but for, the purposes of documentation, you're referring to your right wrist?

TORRES: Right.

FLANAGAN: Right?

TORRES: Correct.

FLANAGAN: That was all I had.

FARRELL: Alright, do you have anything else you wanted to add?

TORRES: Um, no I, I, don't know where he put that gun down, I know he put it by his feet somewhere, um, I don't know if he had another gun on him, or another weapon, um, so, (pauses) you know (laughs) the stress of, I, I guess almost an hour after, after being there, and he's got his, and he's jerking his arms down several times and then he, he, or his hand down several times and then that last uh, that's when he brings both his hands down um, past his rib cage um, um, I, I just felt like he was going for something.

FARRELL: Do you have anything else?

FLANAGAN: And I guess that brings up another point, Adam is that if um, we

talked on Monday, it's been a couple of days now, um, lots of times we ask, guys questions and they don't know the answer to them when we ask them and its, we expect that, we understand that, in traumatic situations like this that um, even if your brain does record, what you saw or what you heard, it's not an easy thing to then sit back and articulate that, um, and the reason why I say that is, um, because I want you to feel like if, even if there's something we, that anybody's asked you about a couple of days ago that you, didn't recall then that you now recall, um I want you to feel comfortable in telling us that and not thinking that, you know because I didn't say it the other day, is that going to be interpreted in, a negative light.

TORRES: Right.

FLANAGAN: Our, our responsibility is to, uncover all the facts, um, so if there's things that you remember, which we found over time, um, officers and civilian witnesses, um that are involved in traumatic situations like this, do remember things over time, that they weren't necessarily able to articulate immediately following or the day after an event like this, come to mind and when, um, our experiences from talking to people later is that, sometimes they're a little uncomfortable, where they question their own memory or, we

don't want you to feel uncomfortable or any, or any witness for that matter, to feel uncomfortable telling us, ex, exactly what they remember to the bet of their ability.

TORRES: Right.

FLANAGAN: And that doesn't mean that I'm looking for something, it's just that, we know that this, this happens in cases um, that are stressful and traumatic like this so, um, whether it's today or any other point and time, I mean obviously you have um, Mr. Carroll representing you, you know if, if there's things that you do remember or there's more things you want to tell us, regardless of whether we asked you about them or not, um, you know you can speak with your counsel, and, and we're more than willing to sit down and listen to, to anything that uh, that comes to mind from this point on or from any point.

CARROLL: There's one other point and, and he said it to me, and I can raise it or, or tell him you know, remind him but, um, in terms of a domestic situation, what Adam told me was that, um, gun's would never be drawn if this guy wouldn't have shown a gun.

FARRELL: Ok.

CARROLL: That wouldn't have been the way he operates correct?

TORRES: Right.

CARROLL: And you told me about that so that's....

TORRES: Right.

CARROLL: Something you might want to...

FLANAGAN: Can you explain your, your thinking?

TORRES: Um, you know when, you know his whole comment of, um, I have a gun and will use it, if I need to since you guys have guns, um, you know then he put his hands behind his back, you know I, uh, it gave me a pretty good, idea or indication that he had something, he had a gun with him, um, that's the reason I pulled the gun out, my firearm out, um, um, again if, if, I don't know if he had multiple firearms on him, and I never saw his whole body um, he wasn't being very cooperative with us at the time, we just wanted to get him outside, away from the gun that he put down on his feet, by his feet, um.

CARROLL: In a normal domestic situation you wouldn't have guns drawn right?

TORRES: No, not at all (laughs)

FLANAGAN: Sorry my handwritings a little slow, it takes me a while to catch up, that, that's all I have.

FARRELL: Alright, anything else?

TORRES: No.

FARRELL: Alright, that concludes the interview at 1333 hours.

****

This statement has been typed as recorded/(bkw)/ (September 10, 2013)

From: Farrell, John
To: Griffith, Cara D
Sent: 10/2/2013 4:15:38 PM
Subject:
Attachments: 911 CAll Final.doc; TORRES TRANSCRIPT (PART 1 FINAL).doc; TORRES TRANSCRIPT (Part 2 final).doc

Detective John Farrell
Fairfax County Police
4100 Chain Bridge Road
Fairfax, Virginia 22030
Cell) [redacted]
Desk) [redacted]
[redacted]

****

A: I'm calling the police, John.

Q: Fairfax 911. Where is your emergency?

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

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

A: 7907 Pebble Brook Court.

Q: And that's a house?

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

Q: Okay. Who is he?

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

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

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

Q: Okay. What is your name?

A: My name's Maura.

Q: What's your last name Maura?

A: Harrington.

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

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

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

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

Q: Okay. And how long has -

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

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

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

Q: Alright. And what is his name?

A: John Geer.

Q: I'm sorry. Don?

A: John.

Q: What's the last name?

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

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

A: White.

Q: And how old?

A: Forty-six.

Q: How about a height and weight?

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

Q: What's he wearing today?

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

Q: What's he saying?

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

Q: Okay. Has he been drinking?

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

Q: Okay. Does he do drugs?

A: No.

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

A: Uh, yeah.

Q: What kind of weapons?

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

Q: Okay.

A: He has a gun case.

Q: What kind of guns does he have though?

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

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

A: Two.

Q: Two. Okay. And they're -

A: Seventeen and thirteen.

Q: They're -

A: They're outside right now.

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

A: Okay.

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

A: Okay.

Q: Give us a call back. Okay?

A: Thank you.

Q: You're welcome. Bye, bye.

****

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

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

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

****

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

TORRES: **Adam Daniel Torres.**

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

TORRES: 3681.

FARRELL: And your six digit EIN.

TORRES: 301888.

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

TORRES: Yes.

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

TORRES: August 16, 2006.

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

TORRES: No.

FARRELL: Any military experience?

TORRES: No.

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

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

FARRELL: And what was that Bachelor's in?

TORRES: Uh, Administration of Justice.

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

TORRES: None.

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

TORRES: Yes.

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

TORRES: 9.

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

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

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

TORRES: Yes.

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

TORRES: Yes.

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

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

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

TORRES: Yes.

FARRELL: And what shift do you work?

TORRES: Evenings A side.

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

TORRES: 1:30PM.

FARRELL: And what time do you work till?

TORRES: 1AM.

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

TORRES: Yes.

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

TORRES: Yes.

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

midnights, is that correct?

TORRES: Yes.

FARRELL: And you're on the evening shift?

TORRES: Yes.

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

TORRES: Uh Wednesday and Thursday, last week.

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

TORRES: Yes.

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

TORRES: Yes.

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

TORRES: No.

FARRELL: Uh, any court?

TORRES: Not last week no.

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

TORRES: Yes.

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

TORRES: Yes.

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

TORRES: At 1330, Thursday.

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

TORRES: 1:00 maybe.

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

TORRES: That's about right, yeah.

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

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

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

TORRES: No.

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

TORRES: Yes.

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

TORRES: Yes.

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

your uniform by a crime scene detective?

TORRES: Yes.

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

TORRES: No.

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

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

FARRELL: And name tag?

TORRES: Says A. D. Torres.

FARRELL: Ok.

TORRES: On it.

FARRELL: And you have patches on the sleeves?

TORRES: Yes.

FARRELL: And do you recall what those patches are?

TORRES: It's Fairfax County Police.

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

TORRES: Short.

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

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

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

TORRES: I was wearing regular patrol pants.

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

TORRES: Yes.

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

TORRES: No.

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

TORRES: Yes.

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

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

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

TORRES: Sig Sauer 40 caliber.

FARRELL: Is that a 226?

TORRES: Yes.

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

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

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

TORRES: 12, 12 bullets in each magazine.

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

TORRES: I don't remember.

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

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

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

TORRES: Yeah.

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

TORRES: Yes.

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

TORRES: 1330.

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

TORRES: No.

FARRELL: So it was just, routine?

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

FARRELL: You don't recall?

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

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

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

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

TORRES: Um, after 2:00.

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

TORRES: 740.

FARRELL: And what was your designator?

TORRES: 740 Charlie.

FARRELL: And what does Charlie mean?

TORRES: It just means evening unit.

FARRELL: And what is 740?

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

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

TORRES: No.

FARRELL: Do you have a usual patrol area?

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

FARRELL: And what does that mean?

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

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

TORRES: Yes.

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

TORRES: Yes.

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

TORRES: Yes.

FARRELL: Uh, what cruiser were you operating?

TORRES: 4617.

FARRELL: Is that an assigned cruiser?

TORRES: Yes.

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

TORRES: It's a unmarked silver.

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

TORRES: Correct.

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

TORRES: Right.

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

TORRES: Yes.

FARRELL: Alright, um Crown Vic?

TORRES: Yes.

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

TORRES: None.

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

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

TORRES: Yes.

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

TORRES: (sighs)

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

TORRES: Oh um.

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

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

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

TORRES: No.

FLANAGAN: Or a shot gun rounds?

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

FLANAGAN: Ok.

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

TORRES: Uh, sunny (laughs).

FARRELL: Alright.

TORRES: Warm.

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

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

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

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

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

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

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

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

TORRES: Yes.

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

TORRES: Nuh uh.

FARRELL: Ok.

TORRES: I don't remember.

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

TORRES: Yes.

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

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

FARRELL: Ok.

TORRES: That's what we know.

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

TORRES: Yes.

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

TORRES: Yes.

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

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

FARRELL: Um, did you read the CAD event?

TORRES: Yes.

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

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

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

TORRES: No.

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

TORRES: Yes we got there at the same time.

FARRELL: Ok, where did you park?

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

FARRELL: Ok, where did Neil park?

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

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

TORRES: Yes.

FARRELL: But you arrived at the same time?

TORRES: Yes.

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

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

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

TORRES: Yes.

FARRELL: Do you recall that address?

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

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

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

TORRES: No.

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

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

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

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

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

TORRES: Uh huh.

FARRELL: And the subject walks into the house?

TORRES: Yes.

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

TORRES: No.

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

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

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

TORRES: Yes.

FARRELL: So he would have said, I have?

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

FARRELL: Where were you and Neil at this point?

TORRES: In front of his house.

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

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

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

TORRES: When he said it?

FARRELL: Yes.

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

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

TORRES: Uh huh.

FARRELL: And then he reaches behind his back?

TORRES: Yes.

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

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

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

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

TORRES: Yes.

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

TORRES: Yes.

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

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

FARRELL: In his left hand?

TORRES: In his left hand.

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

TORRES: No.

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

TORRES: Yes.

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

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

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

TORRES: A few seconds.

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

TORRES: Yes.

FARRELL: As a weapon in a holster?

TORRES: Yes.

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

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

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

TORRES: I don't remember.

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

TORRES: Well what I believe is his feet yes.

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

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

FARRELL: Ok.

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

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

TORRES: No.

FARRELL: Ok.

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

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

TORRES: No he.....

FARRELL: Frame of the door?

TORRES: No, he just leaned over.

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

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

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

TORRES: Yep.

FARRELL: And moving towards the tree.

TORRES: Yep.

FARRELL: Why is that?

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

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

TORRES: Yep.

FARRELL: You perceive that…..

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

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

TORRES: Yes.

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

TORRES: No.

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

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

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

TORRES: No.

FARRELL: Ok.

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

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

TORRES: Yes.

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

TORRES: I was.

FARRELL: And do you remember what you were advising?

TORRES: Yes.

FARRELL: Ok, tell me about that.

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

FARRELL: Ok, um, where's your radio positioned on your belt?

TORRES: The mic is on my left shoulder.

FARRELL: Ok, were you using that mic?

TORRES: Yes.

FARRELL: Ok, initially when you, draw your weapon and point it at him, how are you holding the weapon?

TORRES: Two hands.

FARRELL: Two hands, and then when you go to operate the radio…..

TORRES: I'd um, let go of my left hand, from my, my right and I still had uh, control of my weapon on him with my right hand, um, and to operate the radio I, I had to use my left hand to, to talk on it.

FARRELL: So you just bring your left hand up to your shoulder?

TORRES: Yeah.

FARRELL: Um, press the mic?

TORRES: Yes.

FARRELL: Speak into it?

TORRES: Yes.

FARRELL: You don't have to unclip it from…..

TORRES: No.

FARRELL: Your epaulette or anything like that?

TORRES: No.

FARRELL: So you advise over the radio and what responses do you receive?

TORRES: Um, um, Lieutenant Joca got on the radio um, said he was direct on it, um, and for a shield to go down to location, and I advised him that I had a shield in my car, I needed someone to bring it up to me if he wanted a shield out.

FARRELL: Ok, and then the next unit that arrives on scene, do you recall who

that is?

TORRES: No, I, I, I remember Rodney showing up but I don't remember if he was the next person on scene.

FARRELL: Ok, all your attention is focused.....

TORRES: Right.

FARRELL: On the townhouse, or you, I mean, the officers coming in would have been coming in from behind you correct?

TORRES: Yes.

FARRELL: Ok, um, are you always um, on the same side of the tree or after you initially approach and take up cover do you end up moving?

TORRES: No.

FARRELL: From one side to another.

TORRES: I was always on the same side, didn't move.

FARRELL: Ok, so from your initial approach towards the house, until you move towards the tree, uh that's the extent of.....

TORRES: Yes.

FARRELL: Your movement? And when you approach, do you uh, the house initially, do you walk straight up to it or are you coming from one side or the other?

TORRES: I walked straight up to it.

FARRELL: Ok, um, where does Rodney come up, or what, where's Rodney

end up being positioned?

TORRES: To my uh, left side, um, sort of a diagonal manner um, he is, he's sort of at my um, I hate to say like a 90 degree angle....

FARRELL: Ok.

TORRES: But uh, and if, if I'm facing the house, he's on my, he's on my left side.

FARRELL: Ok.

TORRES: But uh, it's just a slight angle.

FARRELL: Is he closer to the house than you are?

TORRES: Uh, he, closer to, uh the row of houses, yes.

FARRELL: Ok, but you're closer to the door.

TORRES: Yeah I, I had, I had a direct view of the door.

FARRELL: Ok, so, you're, he's closer to the house, the row of houses like you said.....

TORRES: Right.

FARRELL: Because he's a few.....

TORRES: Yeah he's.....

FARRELL: Because he's a 90 degree angle, he's a little bit in front of you but to your left, is he on the other side of the tree?

TORRES: Yes.

FARRELL: Ok, and where's Neil at this point, as best you know?

TORRES: Right side, right um, maybe 10 feet to my right.

FARRELL: Ok, does he have any cover or concealment?

TORRES: No.

FARRELL: How long after Rodney arrived do, does someone direct Neil to talk to the complainant, or how does that, how does that happen?

TORRES: I don't remember who made, um, who made, who wanted him to talk to him, I'm not sure if he said he would go talk to him or he asked if, Rodney to do it, but I know that Rodney um, um, I know that he eventually went over and talked to him.

FARRELL: Ok, did Neil update you all with what he finds out from the complainant?

TORRES: Oh man, I don't remember.

FARRELL: Does Neil ever come back and talk to you guys or is he on the radio or don't remember?

TORRES: I know there's a lot of radio traffic, um a lot of people talking, um, um he never came back to talk to us about, individually talk to us.

FARRELL: Do you remember any other radio updates, or information relating to the call, maybe not whose responding or, where people are going but, any other information other than what you had from your own observations?

TORRES: No.

FARRELL: Ok, um, what about prior to arriving there, did you check location of interest or were you aware of any uh, informa, any information about weapons or……

TORRES: No.

FARRELL: Once um, Rodney arrives on scene, do you talk to this person or give him any commands or uh, interact with him at all, is there any communication between you and him?

TORRES: No.

FARRELL: Other than what he's directing towards you?

TORRES: No.

FARRELL: Now he's making comments that you look young, or he's acting, asking you to lower your weapon…..

TORRES: Yeah.

FARRELL: Do you respond to him at all?

TORRES: No.

FARRELL: Ok, so um, at that point, you're covering, Rodney's handling contact, he's handling all communication?

TORRES: Yes.

FARRELL: Ok, are any other officers on scene at that point providing cover that you're aware of?

TORRES: Um, I know, I know Kushner showed up, I know Dave Parker

showed up, and they took some cover behind uh, a few cars in the parking lot.

FARRELL: How did you know that?

TORRES: I looked behind me really quick when I heard noises.

FARRELL: Ok, ok, um, so, backing up a little bit, the subject reaches behind his back with his left hand, pulls out a holstered weapon, shows it to you, places it on the, on the floor um, or somewhere near him on the ground, where does, where does his hands go from there?

TORRES: Top of the door ledge, or the molding of the door.

FARRELL: Does he place them there or is that um, at direction from you all?

TORRES: He placed them there.

FARRELL: Does he say anything about that?

TORRES: No.

FARRELL: Ok, so he places his hands at the door um, and then is there any movement of his hands prior to let's say Rodney's arrival?

TORRES: I don't remember.

FARRELL: Ok, when do you, you said earlier that at some point he begins to make, you know taking, moving his hands to his face.....

TORRES: Yeah.

FARRELL: What do you remember about that?

TORRES: He, he would jerk his hand down, um, he did it a couple of times

with his right hand, he jerked it down really quick.

FARRELL: So he jerks his hand down from the door frame to his face?

TORRES: Uh huh, to his face, like um, like parallel, like a 90 degree angle with his hands, with his shoulders, and um, he like he would jerk it down, and then he'll look at me and tell me to calm down, he would say, I'm just going to scratch my nose and he just scratches his nose and puts his um, hand back in there, on the uh, uh, the um, the, the door, um, frame.

FARRELL: Would he jerk his hand, and then tell you, scratch his nose, or jerk his hand, scratch his nose and then tell you or.....

TORRES: No he'll jerk his hand, tell me he's going to scratch his nose.

FARRELL: And then scratch it?

TORRES: And then scratch it.

FARRELL: So the hand would kind of come straight down, then he tells you then it comes over the face?

TORRES: Yes.

FARRELL: Ok.

TORRES: He like jerks it really fast.

FARRELL: Oh.

TORRES: And then um, and then he'll look at me when he's doing it.

FARRELL: Ok, what, what was your perception of, of that?

TORRES: Wasn't sure why he was doing it.

FARRELL: How that, how did that make you feel?

TORRES: Uncomfortable.

FARRELL: And why were you uncomfortable?

TORRES: I didn't know if he had another weapon on him, or and why didn't he just tell me first that he wanted to scratch his nose, you know, uh, he doesn't have to make a fast movement.

FARRELL: And how many times did he do that?

TORRES: At least three times.

FARRELL: Ok, and there comes a time where he opens the door?

TORRES: Yeah he, he partially opens the screen door.

FARRELL: If, his hands are up here, how does, how does he open the door, do you recall?

TORRES: No.

FARRELL: Do you recall if he said hey I'm going to open the door and he reached down or.....

TORRES: Yeah he said he wanted to open the screen door.

FARRELL: Ok.

TORRES: And then I don't remember how he opened it, but then he put his hands back up on the door, on the, on the um, screen door, top of the screen door.

FARRELL: Ok, so there was nothing significant about how he opened the door that.....

TORRES: No.

FARRELL: Kind of drew your attention to him, whereas where he's scratching his nose it's a little bit more, noticeable because of.....

TORRES: He's jerking his hand down.

FARRELL: Ok, so at some point, the door is open and then, where are his hands then?

TORRES: He puts them back on the top of the screen door.

FARRELL: Ok, are then like over them, like you can see the fingers in front of it or you can't tell?

TORRES: I can't tell.

FARRELL: Is he, ok, so his hands are on top of the screen door?

TORRES: Top of the screen door.

FARRELL: Alright, are there any other movements that he makes with his body or his, hands that you recall prior to you, um, I mean, I know at the time you pull the trigger, you say his hands are coming down, but prior to that, were there any other movements that you recall?

TORRES: Um, he, he said, one other time he said he wanted to scratch his nose, and then um, and then he did scratch his nose, but that time

he lowered his hand really slowly.

FARRELL: Ok, from the time you arrive on scene, um, until the time that you shoot him, do you remember how long that was or how long that felt?

TORRES: Uh, a long time, um, I don't know, I don't know how much, how long it took, um, what I can tell you, is later, I heard 40 minutes.....

FARRELL: Ok.

TORRES: Um, that might be about right.

FARRELL: That that's seems, consistent with your recollection?

TORRES: That seems, that seems, yeah.

FARRELL: Alright, um, so, when you, when you fire the shot, his hands are, are they over the door or is his door open at that point?

TORRES: The screen door was slightly open.

FARRELL: Ok, and describe what happens.

TORRES: He brought both his hands down in a quick motion towards his waist, and I fired a shot right through the screen door and hit him.

FARRELL: From where his hands are um, how high up are his hands, they're up on the top of the door?

TORRES: Yes.

FARRELL: Do you recall how far they come down?

TORRES: Near his waist.

FARRELL: And, ok, um, and you said in a quick motion.....

TORRES: Really quick.

FARRELL: Um, was it quicker than when he goes to touch his nose or....

TORRES: It's the same, the same speed, really quick.

FARRELL: Ok, um, his hands are kind of, sort of up like this, correct, like in 90 degrees?

TORRES: They're all the way up like this.

FARRELL: Ok, so it's straight up.

TORRES: All the way straight up and he brings him down in a really quick motion like this.

FARRELL: Ok, did they get all the way down to the waist do you recall or did they, do you recall how far they came down?

TORRES: I don't think they made it all the way down to the waist.

FARRELL: Ok.

TORRES: But he got, pretty close, um, at least, at least past his rib cage.

FARRELL: Ok, did he tell you he was going to move his hands?

TORRES: No.

FARRELL: Ok, and, why did you shoot him?

TORRES: I didn't know if he had a, another weapon on him, um, I thought there was just a, you know, through talking with him and, his previous statement is him having a gun and, just thought that was

uh, a credible threat towards myself and Rodney and, whoever else was out there, um, just all his movements.

FARRELL: Ok um, prior to him, prior to him making that movement, and you firing that shot had he been compliant?

TORRES: He um.....

FARRELL: Let me ask you this, was um, what was Rodney asking him to do?

TORRES: To come outside so we could talk to him.

FARRELL: Ok, did he come outside?

TORRES: No.

FARRELL: Did he, um, did he, did he make any demands of you all or make any request?

TORRES: Other than me to leave his property and to have Rodney come inside so he could talk to him alone.

FARRELL: So Rodney asked him to come outside but he won't come outside?

TORRES: And then he one time asked me to put my gun down on the ground.

FARRELL: Ok, and then he stated you're making him nervous....

TORRES: Right.

FARRELL: And Rod, Rodney directs you to lower your weapon?

TORRES: Yeah.....

FARRELL: And.....explain...

TORRES: By, by, he, the, the guy said he wanted me to put my gun down, he wanted me to put my gun down on the ground, Rodney said no, he wasn't going to do that, he wanted me to at least lower my weapon, um, so it's not directed at him, um, he said that he could see the bullet from, from inside my chamber.

FARRELL: Ok.

TORRES: Um.

FARRELL: How far did you lower your weapon?

TORRES: Uh, down to his legs.

FARRELL: Ok, and, and like a ready gun position?

TORRES: Just a ready gun position.

FARRELL: Ok, and that's just lower, where you're not trained on the target but you're sort of assessing for threats, like that kind of....

TORRES: Correct.

FARRELL: Alright, when um, when you, lowered your gun, um, did the subject then comply with, and come outside or.....

TORRES: No, he never came outside.

FARRELL: Ok, so he wasn't compliant with what Rodney was asking him....

TORRES: Right.

FARRELL: To come outside, did he make any other request or did, did you or

Rodney make any other concessions to try to get him to agree to come outside?

TORRES: I don't know, I don't, I don't remember, I don't remember everything Rodney told him.

FARRELL: Ok, was there any discussion about him being arrested or, handcuffed?

TORRES: Um, no I don't think so.

FARRELL: Alright.

TORRES: He said he was getting nervous, because I was um, because every time he jerked his hand down to go scratch his nose supposedly, he um, I raised my gun back up on his chest.

FARRELL: You said he was calm?

TORRES: Very calm.

FARRELL: Ok, how was his tone?

TORRES: Regular talking, just like this.

FARRELL: After the initial threats he made, did he make any other threats after Rodney came?

TORRES: I don't remember.

FARRELL: You said you were initially uh, dispatched to a domestic dispute?

TORRES: Yes.

FARRELL: Ok um, what would your expectations be based on your training,

experience on how you would handle a domestic dispute?

TORRES: My expectations?

FARRELL: What do you think the expectations would be of you on how you would handle or investigate or resolve a domestic dispute, what, what's your duty?

TORRES: To make sure no violence is taken place, uh, it, give them any type of help or counseling they may need at the time, um, we try to, we try to offer um, a cooling off period, if, if there's no crime, or a cooling off period for the parties just to separate, um, at least for a few hours um, most of the time it does happen, someone just leaves the house for a few hours and comes back later and you know just, cooler heads.

FARRELL: Uh huh.

TORRES: Um, some, there have been a few cases that no one wants to leave the house, and we just, we can't force them to leave the house, so we just, we just ask them just to, try to stay in separate rooms for a little bit, um, most of the time that works.

FARRELL: As you arrived there, um, how would you all have handled it had he not gone inside?

TORRES: Just talk to everybody outside.

FARRELL: Ok.

TORRES: Um, um, me or Neil talk to, talk to the guy and uh, the other, talk to the family and see what's going on.

FARRELL: Ok, and is it common to be dispatched to a domestic dispute and find out it's a domestic violence?

TORRES: It, it, it's happened before yes.

FARRELL: Or you're dispatched to a domestic violence and it turns out to be domestic dispute?

TORRES: Yes.

FARRELL: Ok, um, so when you arrive on scene, um, you witness, what is it that's going on there between him and them?

TORRES: Um, it looks like they're having an argument.....

FARRELL: Ok.

TORRES: Outside, um, again I saw some furniture outside.

FARRELL: And that was consistent with the information you had received in the dispatch?

TORRES: Yes.

FARRELL: Ok, and, what was your concern with him going inside the house?

TORRES: Possibility of weapons inside the house, um, we, you know, every once in a while we get training on uh, people who, ambush situations or just, um, people coming back out with weapons, uh sometimes, a person who is in a uh, a very emotional state may,

may want to start claiming suicide later, um, I guess there could be any number of reasons, so.

FARRELL: Ok, so when you arrive on scene, and you see him outside, you just want to deal with him outside?

TORRES: Just want to deal with him outside, unless, unless he's, if he, if he stayed and talked to us, if he wanted to, if he wanted to go back inside and talk to us there, uh, then we would go and talk to him outside but we would, each officer would at least be able to see each other no matter what.

FARRELL: What would you base that decision on?

TORRES: Just separating, uh both parties, um, um, just separating both parties so no one could just hear each other, to at least talk to them individually.

FARRELL: Ok.

TORRES: Um, if we have both of them inside or both of them outside, a lot of times uh, they would just yell at each other and once they see each other, just keep the argument going.

FARRELL: Ok.

TORRES: Um.

FARRELL: So sometimes you separate to further the investigation?

TORRES: Right.

FARRELL: But that would be after a point where things are stable?

TORRES: Right.

FARRELL: So you would want the people involved to be compliant at the point you either move in or out?

TORRES: Right.

FARRELL: So your concern of possibilities of weapons in the house and, he's going in there and, kind of disregarding the direction of you, because you all....

TORRES: Yeah.

FARRELL: Directed him to stay outside?

TORRES: Well....

FARRELL: Or is O'Neil trying to talk to him?

TORRES: I think.....

FARRELL: Or Neil's trying to talk to him.

TORRES: I think Neil said that he wants to talk, talk to him, for him to stop and come and talk to us, he just kept walking.

FARRELL: Ok.

TORRES: Can I take a break?

FARRELL: Sure.

CARROLL: You need to go to the restroom?

TORRES: Yeah that too.

FARRELL: Uh, break in the recording at 1809 hours.

****

This statement has been typed as recorded/(bkw)/ (September 5, 2013)

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

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

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FARRELL: It's uh, 1814 hours, um, continuing the interview with, Adam Torres, present is John Carroll, Chris Flanagan, and John Farrell. Do you remember um, dispatch splitting channels or patching channels or anything like that?

TORRES: No.

FARRELL: Did you have to switch your radio to another channel?

TORRES: No.

FARRELL: Ok, you said you were aware that some officers were behind you, you heard noise, checked back….

TORRES: Yeah.

FARRELL: And you knew Kushner and Parker were there?

TORRES: Yeah.

FARRELL: Do you know how they were armed?

TORRES: Kushner had his shotgun out, and I don't, I don't remember how Parker was, it was either a rifle or a shotgun.

FARRELL: What about uh, were there other civilians out and about?

TORRES: I don't remember, I don't think so, I know the, um, well, what I can tell you is I, I don't remember when, one of the neighbors came out from one of adjoining row of townhouses and wondered what was going on.

FARRELL: Was the neighbor trying to talk to you?

TORRES: No.

FARRELL: Ok.

TORRES: They, they were down the street.

FARRELL: What about other people yelling, or trying to talk to uh, the decedent?

TORRES: It's only that one guy, um, right before the shooting.

FARRELL: Um, so you're out there for this, from when you mark out, essentially from when you mark out there, um, there's almost this immediate altercation, and you draw your weapon, and from then until the time of the shooting, are you, in the same position?

TORRES: Yes.

FARRELL: With your gun drawn?

TORRES: Yes.

FARRELL: Um, with um, you know either between ready gun or gun on him the whole time?

TORRES: Yes.

FARRELL: Ok, that's got to be pretty, fatiguing?

TORRES: Yes.

FARRELL: Ok, and it was pretty hot out?

TORRES: Uh, just warm.

FARRELL: Warm, during that, I mean, did you get to drink water, did anybody bring you supplies, or is it, you're just up there on your own?

TORRES: Just up there by my own.

FARRELL: Ok, and someone brings the shield up to you, but you choose not to use that?

TORRES: Right.

FARRELL: Um, what, what entered your decision at that point?

TORRES: Um, it still had its cover on, on the shield, and I would, if I take the cover off, I would need to take my eyesight off the, uh, off that, off of John.

FARRELL: Ok.

TORRES: Um, for at least a few seconds to get the shield ready.

FARRELL: So you were concerned that even uh, the break in time it would take to uncover the shield, you weren't willing to take your eyes off because of the situation?

TORRES: Yes.

FARRELL: Alright, what about um, your Taser, you, why did you make a decision not to deploy your Taser?

TORRES: You don't take a Taser to a possible gun fight.

FARRELL: Ok, so once the subject showed you the weapon, you felt that it would be inappropriate, or it wouldn't be tac, tactically sound to use the Taser?

TORRES: Correct.

FARRELL: Ok.

TORRES: Plus he was behind a screen door.

FARRELL: Ok, um, describe the door to me, like how well were you able to see him?

TORRES: Hell, I, I can clearly see him, um, I had, it, it was just a screen door, and it had uh, I believe it had a um, a horizontal bar by his uh, either upper thigh or waist level, and that's where, it was just just a, a small bar.

FARRELL: Ok.

TORRES: Everything else was fine.

FARRELL: So its screen and then there's a bar and then what's beneath the bar?

TORRES: Another screen I believe or, a glass, I don't know.

FARRELL: So just screen or glass?

TORRES: Yeah.

FARRELL: However you're able to essentially see his whole body with the exception of where the horizontal, horizontal bar is?

TORRES: Correct.

FARRELL: Alright, and you said he was wearing shorts?

TORRES: Yeah.

FARRELL: Ok, and then a shirt?

TORRES: Yes.

FARRELL: How did the shirt fit on him, do you recall?

TORRES: No, how it fit whether? Or was it……

FARRELL: Was it tight, super tight, was it a tank top, was it…..

TORRES: Oh it was just uh, it wasn't a tank top, it was just a shirt, I don't remember if it had collar or not.

FARRELL: Ok, do you recall if it was tucked in or not?

TORRES: No.

FARRELL: Do you recall any statements you made afterwards to the other officers? That were on scene?

TORRES: Right after I shot him?

FARRELL: Yes.

TORRES: Yeah.

FARRELL: Do you remember what you said?

TORRES: Yes.

FARRELL: What did you say?

TORRES: I said I can't believe I just shot him, or things like, uh, shit I just shot the guy, and that's when, it was just to Rodney, I know Rodney was there, we, we went to the side of the house.

FARRELL: Ok, do you remember why you said that?

TORRES: Um, I remember, cause when, when I, when I shot him I um, I saw Rodney's face, I don't know why I looked at him really quick, I saw Rodney's face and Rodney was just in shock, and then he just, he had a shocked look on his face and he was just, like who just shot him.

FARRELL: So it's kind of in response to, just the way Rodney was looking at that point?

TORRES: And, or then the um, he asked, he asked who shot him, I, I told him I did.

FARRELL: Ok.

TORRES: And I went to the side of the house, its more, it's more like the um, oh shit, I just shot this guy.

FARRELL: So, you're just kind of surprised because of how things evolved, or?

TORRES: Or I never shot anybody before so, um, uh, and I, I meant, I

meant to pull, I meant to pull that trigger, um, it just kind of, you know, just, a reaction of mine.

FARRELL: Ok, you remember if you said anything else?

TORRES: Um, uh, just, just telling Rodney I said that, I hope the guy comes out.

FARRELL: So when you're saying, I can't believe I just shot him, it's just because you haven't shot someone before?

TORRES: It, it, it might have been, I just.....

FARRELL: I guess, I guess my point just to cut to the chase is, I want to make sure that this, it's not an accidental sort of thing?

TORRES: It's not accidental.

FARRELL: Ok, it just, I know you're out there for a long time, for, 40 minutes, um, and so just, you made a decision to pull the trigger based on?

TORRES: His actions.

FARRELL: Ok, how long after you shoot him, um, and you know I hate the how longs.....

TORRES: (laughs)

FARRELL: Um, you moved to the side of the house, correct?

TORRES: Yep.

FARRELL: And then from there, um, at some point are you moved away

from the scene and other people take your position?

TORRES: Yeah.

FARRELL: Ok, is that pretty quick or are you out there for a while?

TORRES: It was a while.

FARRELL: Ok.

TORRES: At least a few minutes.

FARRELL: Ok.

TORRES: Seemed like a long time, probably wasn't.

FARRELL: And then um, they take you back to the command post, and then transport you to the station?

TORRES: Yeah, but it, I was at the Command Post for, um, a little bit of time.

FARRELL: Did anybody talk to you there?

TORRES: Yeah.

FARRELL: Did anybody ask you questions about what happened?

TORRES: Uh, I know a detective came up to me and uh, wanted to know what charges there were so they could get uh, a TAC Team to go inside the house.....

FARRELL: Ok.

TORRES: That or check on the, I guess the welfare of.....

FARRELL: Alright, other than that did anybody ask you any specifics or

anything like that?

TORRES: No.

FARRELL: And then who transported you to the station?

TORRES: Uh Peer Support.

FARRELL: Do you remember who?

TORRES: Don Amos.

FARRELL: Ok, and you fired one round?

TORRES: One round.

FLANAGAN: When the detective asked you about the charges, what did you tell him?

TORRES: It, it, it, it struck me as uh, um, I, I, I told him what the guy did, I, I said, the only thing I can tell you is, the guy mentioned the use of a firearm, he, he showed it to us, um, and um, I don't remember what else I said to him, but um, he said ok we'll go with disorderly.

FLANAGAN: Alright, so you didn't give them a specific charge, you just explained what you had.....

TORRES: Right.

FLANAGAN: Heard.

TORRES: I think it just kind of struck me as a, somewhat of a shock more than anything else, I said I just shot the guy I don't know what

other charges you need to go into house but, I guess, it was just, I don't know.....

FLANAGAN: Right.

TORRES: Weird thinking.

FLANAGAN: Uh, maybe a couple of things, just so I'm clear like on the layout, there was dark by the time I got down there but is, if you're on the sidewalk in front of the cars and you're facing the townhouses.....

TORRES: Uh huh

FLANAGAN: Alright does that make sense?

TORRES: Yes.

FLANAGAN: Not, not the sidewalk that comes from the houses to the sidewalk but to that one that is parallel to them.

TORRES: Wait a minute, I'm sorry, say again.

FLANAGAN: Alright, I probably made that more confusing than that had to be.

TORRES: (laughs) do you, do you want to draw it?

FLANAGAN: I, uh no....

TORRES: We can.....

FLANAGAN: That's ok.....

TORRES: I can definitely draw.

FLANAGAN: If, if, if I'm, if I pull straight down the hill, and I pull into the

parking spot, and I get out of my car and I'm looking at the front of the townhouses, ok, they, if, if we're talking about this guy's door, where is the tree in relation to the door? As we're facing the townhouse, left or right?

TORRES: Left.

FLANAGAN: Ok, um, is it the only tree right in that little lawn area.....

TORRES: From what I remember, yes.

FLANAGAN: Ok, now with relation to that tree, where are you standing as best as you can recall?

TORRES: To the right of the tree.

FLANAGAN: To the right of the tree as you face it, right?

TORRES: Uh huh.

FLANAGAN: Um, now are you, you mentioned I think that you're using the tree for cover?

TORRES: Yep.

FLANAGAN: How, how are you positioning yourself with the tree?

TORRES: There was a (laughs) a um, a branch right at my head level, so I had to step to the right of the tree a little bit, just to see him um, um, I, I guess if I got on my knees I, I could have been, um, right behind the tree and took cover from there, uh, I didn't quite think of it that way, at that time but, I just stepped to the right of the

tree just a little bit.

FLANAGAN: Ok so you…..

TORRES: The tree was within arm's reach though, I can tell you that.

FLANAGAN: Ok, it's within forward of you within arm's reach?

TORRES: Yeah, within arms reach.

FLANAGAN: Alright and um, so I think what you're describing is that the branch that comes out then, to the right, is obstructing your view of the door?

TORRES: Yeah, it's right in my face. (laughs)

FLANAGAN: Are, are you, so which way to do you lean out to see?

TORRES: To the right side.

FLANAGAN: You lean out to your right?

TORRES: Yeah.

FLANAGAN: So are you now, um, exposing yourself to this guy?

TORRES: Yeah.

FLANAGAN: Alright, and when you lean out, to see, do you lean out or do you step out?

TORRES: Step out.

FLANAGAN: Ok, when, when you're in that position, what can you see of the front of the door?

TORRES: I could see his, his whole body, from the screen door, I see the

screen door, I see his whole body, he's facing outside, um, and then there's no oth, there's nothing else in between, me and him.

FLANAGAN: Ok.

TORRES: Except the screen door.

FLANAGAN: Now thinking if, I guess like in your mind's eye, as you're looking in, besides him, is there anything else that you can see, in the door?

TORRES: No, no, I don't remember, just him.

FLANAGAN: Um, do you remember which way the doors open, did you ever observe that?

TORRES: Um, I don't remember.

FLANAGAN: If, if you don't it's ok……

TORRES: Yeah.

FLANAGAN: Um, and I'm asking you just to kind of I guess give you a bearing too, so my, I don't want to confuse you with the questions, I, I'd rather just get your, what you truly observed, um, but if, if, if we're talking about looking into the door, right, and then looking to the right, as you see it to the right, can you see essentially I guess past him, to the right, can you see what's on the right hand side, as you go in?

TORRES: No.

FLANAGAN: And I, and I don't mean like, just him, I mean anything, a, a couch or a TV or a door, my, my point is, can you see anything in the house to the right?

TORRES: Yeah.

FLANAGAN: What can you see?

TORRES: I keep thinking there's a stairwell, and, I might be wrong but…

FLANAGAN: What makes you think that?

TORRES: Uh, I, I don't know.

FLANAGAN: Ok.

TORRES: Uh, just, just thinking back, right now, there's just something that, I don't know.

FLANAGAN: Ok, and that would be as you look at it, it would be off to the right, so it would be to his left?

TORRES: It would be to his left.

FLANAGAN: Ok, now, and then, I guess the opposite of that, can you see anything to your left or his right inside?

TORRES: Uh no.

FLANAGAN: Do you ever see the um, for lack of a better term, the main door, not the screen but the main door?

TORRES: Only when he closed it.

FLANAGAN: Ok, and that's, that's after the shooting?

TORRES: Yeah.

FLANAGAN: Ok, you could never see it, in, in, from your perspective, you could never see it before?

TORRES: No.

FLANAGAN: Um, when you guys first arrive on scene, is the, is the main door opened or closed, if you remember?

TORRES: Main door was open.

FLANAGAN: Ok, now, when, getting back to where he um, shows you the weapon, and sets it down, would that have been towards his left or towards his right?

TORRES: His left.

FLANAGAN: And is that the area that you see or that, you have reason to believe that you observed a staircase or a stairwell?

TORRES: Yeah.

FLANAGAN: Ok.

TORRES: Right now I'm thinking, I think it is a stairwell, I don't know what it was, I know it wasn't, it wasn't a uh, living object (laughs) um.....

FLANAGAN: Right.

TORRES: Um.

FLANAGAN: Yeah, I think between your recollection of it being a long time, I think we've talked about, the CAD or something eluding to it

being 40 minutes, um, does the lighting change out there during that time, do you have any specific recollection of it being difficult to see in there or not difficult or is it changing over time?

TORRES: No, it stayed the same.

FLANAGAN: Ok, and then considering your position at that tree, from where you are, let me ask you this beforehand, do you remember anything else at the um, specific like at the base of the tree?

TORRES: No, just a shield, just resting against the tree.

FLANAGAN: Um, was there anything that affected your, your footing like around the tree that made you adjust besides the shield?

TORRES: No.

FLANAGAN: Ok, and now with regards to Officer Barnes, he, he's to your left I think you described earlier?

TORRES: Um, yeah its, its, uh like a diagonal, towards the next townhouse, um.

FLANAGAN: Is he using anything for cover?

TORRES: No.

FLANAGAN: How, I know, I know distances are, are difficult but, is he within arm's reach of the tree?

TORRES: No.

FLANAGAN: He's, he's beyond arms reach?

TORRES: He's beyond, he's, how, how it looked at the beginning, before we asked Neil, to move, it looked like, uh, an "L", or our, or on the point of the "L" so, I'll draw it, on the (drawing) point of the "L", here's the tree, here's where I am, this is where Rodney is, this is where Neil was and this is the row of townhouses right here.

FLANAGAN: Alright.

TORRES: Um, we eventually asked Neil to go uh, over to the next row, couple of townhouses over here where the family started going and Rodney stayed over here, you can see that.

FLANAGAN: Yeah, I, I understand what you're saying, is he that close to the houses?

TORRES: He's probably around here, technically, um, he's, he's probably right around here, he....

FLANAGAN: What kind of, I'm sorry, I didn't mean to interrupt you.

TORRES: Well, he got at least a, I mean he at least talked to the guy so I would think he would be able to see him, um, from at least some point of angle.

FLANAGAN: Ok.

TORRES: Um.

FLANAGAN: Who has, a better point of observation of the, of the front door,

including um, this guy, you or Rodney?

TORRES: That would be me probably, I'm looking directly at him.

FLANAGAN: What.

TORRES: But I don't know what Rodney's perspective of, of him was.

FLANAGAN: Right, I understand.

TORRES: I mean.

FLANAGAN: Is there anything that you're aware of that is in front of Rodney, like you mentioned you had a branch in front of you, is there anything that's in front of him that he either mentions or that you're aware of that's an obstruction to him?

TORRES: No, no, I don't think there's anything in front of him.

FLANAGAN: Ok.

TORRES: Well, the branch wasn't in my way, I just stepped away from the tree to, you know, to um, you know, so I, I could at least see the guy and see what he does, um, I don't want you to think that the branch is in my way and obstructing anything, it just, I mean I stepped away from it, just so it wouldn't be in my way.

FLANAGAN: And just to be clear, at, at the time that you pulled the trigger, you're not saying the branch is obstructing your line of sight?

TORRES: It was not.

FLANAGAN: (inaudible) and I, and I think I had this written down but I think

you came back later and addressed this, when um, you described him making the uh, the jerking motions with his hands, the, the jerking motion, is that, is the jerking part the downward part or is it the part towards his face to actually scratch his nose?

TORRES: Downward part.

FLANAGAN: Ok, so he's jerking down like this?

TORRES: Yeah.

FLANAGAN: And then, the process of that, and I think you, I think eventually you said it happened different ways but, at some points he was jerking his hands down without asking to scratch his nose or without tell you he's scratching his nose?

TORRES: He, he's jerking his hands down before, to scratch his nose and then, one time he said that he needed to scratch his nose and then he, he brought his hand down slowly.

FLANAGAN: What, what was your take on with him, did he seem to be intentionally jerking his hands down, I think you had mentioned that after he would do that he would look at you.....

TORRES: He just looks at me and tells me to calm down.

FLANAGAN: What were you doing, that a person would think you weren't calm?

TORRES: Uh, when I had my gun at the, uh, ready gun and then he'd br,

you know he doesn't tell anybody anything he just jerks his hand down, I bring my, my gun back up on him.

FLANAGAN: Ok, and, that, those were your only actions that you're aware of that.....

TORRES: Right.

FLANAGAN: And that those comments, at least in your mind that he's making it, is a result of you um, getting back on aim on him?

TORRES: Right.

FLANAGAN: And, and I think Detective Farrell asked you, did you respond to him verbally in any way to that?

TORRES: No, I never talked to him at all.

FLANAGAN: Did um, did Officer Barnes ever give him any commands to, to not jerk his hands or to not make quick movements?

TORRES: He said um, when he told me to calm down, he said, well when you bring your hands down like that, that's, that's, you know Officer Torres is gonna bring his gun back up.

FLANAGAN: That, that's what Officer Barnes said?

TORRES: Something along those lines yeah.

FLANAGAN: Ok, do you know how many times that was said if more than once?

TORRES: Ah man, uh, once that I recall.

FLANAGAN: Ok.

TORRES: I don't remember if it was said again.

FLANAGAN: Do, do you recall, um, anything else that the deceased had said, not necessarily to you but as you guys are, um, and I guess I'll say when you're, when you've got him at gun point at the door, any other things that he would have said?

TORRES: Just to us?

FLANAGAN: Yes.

TORRES: About what he was doing?

FLANAGAN: Yeah.

TORRES: Or.....

FLANAGAN: Anything.....

TORRES: Just.....

FLANAGAN: Any other statements that, that you recall that he made.

TORRES: His nose was itchy and um, um, started claiming he was thirsty later, um, I don't remember anything else, or anything else he directed towards us.

FLANAGAN: Ok, um, did he ever make any statement about um, the consequences of it, of his actions, like if he knew he did this, this would happen or, anything along those lines?

TORRES: No.

FLANAGAN: And you talked to Detective Farrell about um, comments that you made with Officer Barnes after, what, did, did Officer Barnes say anything to you about the shooting?

TORRES: Um, he said, don't worry, you're good, um, um, he said something else I don't know remember what it was.

FLANAGAN: Ok, and, how close in proximity to the shooting is this, in time I mean?

TORRES: Oh right after um, I shot him and I got on the radio and said there's a shot fired and we both um, took uh, went right next to, to the townhouse right next to him, next to the guy.

FLANAGAN: Ok, why'd you do that?

TORRES: (sighs) uh just seemed like something that I needed to do, um, I, just to get away from the front door, um.

FLANAGAN: Why did you think you needed to get away from the front door?

TORRES: I, I don't know, it, it just something that came to mind just, just to move, um.

FLANAGAN: Was, was that a tactical decision?

TORRES: I just, I just moved in my event, I don't know.

FLANAGAN: Ok.

TORRES: I just moved behind him, moved behind Rodney.

FLANAGAN: Ok, and.....

TORRES: Because Rodney moved also, so, um, I, I just moved right, right, right where he was.

FLANAGAN: Did you have any further concerns at that point for, for your safety or, for the other officers that were out there for their safety?

TORRES: Um, I was, I was worried that he, he was going to come back out with a gun, and start shooting, um, that, we were both worried about that, me and Rodney were.

FLANAGAN: How do you know Rodney was worried about that?

TORRES: Because we talked about it.

FLANAGAN: Ok, do you remember what he said?

TORRES: No, I, I know, it was just, it was just mentioned, just hopefully he doesn't come out with a gun.

FLANAGAN: Ok.

TORRES: Um, um, we, were, I know Rodney kept calling his name, um, yes, just yelling at, just have him, just step outside or, we were just looking for any type of response from him, um.....

FLANAGAN: And I think at one point you said that um, you said we got to go and get him, what do you mean by that?

TORRES: I, I um, you know I, I was just hoping that he was ok, um, um, he, I just uh, my concern was he was going to bleed out to death,

um, knowing that, I, I didn't want the guy to die um, I, I wanted to get him some sort of medical attention, um, that's why.

FLANAGAN: Ok, was there, and, and I'm just referring to you and Rodney now in that, situation right there, was there a way for you and Rodney to safely enter that house to, to render aid to him?

TORRES: No, because if we opened that door, who knows what, what he was waiting for um, we heard movement inside the house but we don't know what he was doing.

FLANAGAN: What, how would you describe the movements?

TORRES: It's like a small thumping, um, it, it, it'd be like a thumping noise for a second or two and it would stop, and then it um, started up again, uh maybe 20 or 30 seconds later.

FLANAGAN: And how long do you think that went on for?

TORRES: Couple of cycles.

FLANAGAN: Ok.

TORRES: Maybe three cycles.

FLANAGAN: And I, and I think you mentioned that Officer Barnes is trying to communicate with him?

TORRES: Yeah, he was calling out his name.

FLANAGAN: Was there ever any verbal response from inside the house?

TORRES: No.

FLANAGAN: Would, would a person, a reasonable person be able to hear what Rodney was saying from inside the house with the door closed?

TORRES: Uh, Rodney was yelling it, I mean I, um, I, I don't, I don't know what the insulations like from, from the door so I....

FLANAGAN: But typic, but you think Rodney was yelling it in such a way that a person behind the door would have heard him?

TORRES: Yeah.

FLANAGAN: Ok, and, and I think Detective Farrell touched on this too, you mentioned that you had a two hand grip on the weapon, and um, I may have missed this, are you right handed or left handed?

TORRES: I'm right handed.

FLANAGAN: You're right handed, and the only time you took your hand off the wea, your left hand off the weapon was to communicate on the radio?

TORRES: Yeah.

FLANAGAN: At the time that you discharged the round, how many hands did you have on your weapon?

TORRES: Two.

FLANAGAN: You had two hands, um, and how would you describe your shooting position?

TORRES: My shooting position?

FLANAGAN: Are you out off the tree, like you were telling me you were standing before?

TORRES: Yeah.

FLANAGAN: Ok and, and I think you clarified this with Detective Farrell so I don't need to go into that again about what you actually observed at that time but, you're, he was still in that, you described the movements that he made, but where was he standing within the door when you saw those movements?

TORRES: Right in front of the door, right, right in front of the screen door, and he had his, he had his uh hands up on the, on the screen door, and then he just, brought both his hands down really quick.

FLANAGAN: How would you describe his body position as far as, straight, um, straight…

TORRES: He's looking straight at me…..

FLANAGAN: As far as left or right, so he's not, he's looking straight at you?

TORRES: Right at me.

FLANAGAN: So is he angled to some degree?

TORRES: No, he's looking straight at me.

FLANAGAN: But which way, if, if, I'm understanding your position right here, if I'm him standing in the doorway…..

TORRES: I guess, I guess there's a slight angle to him, um, but he's looking straight at me when he does it.

FLANAGAN: Ok, and is his body position the same way when he, I just don't want to be confused, when you say looking, his heads not turned, that's not what you mean right?

TORRES: Um, his, his body positions right at me I, I don't remember, I don't remember if you, I don't remember where his head, if his head was turned or not, um, I know his body was right at me though, um, I don't remember his head, I don't remember if he was looking at me or not.

FLANAGAN: Ok.

TORRES: I mean, I mean physically looking at me, I, his body was facing me.

FLANAGAN: But he's in the center of the doorway?

TORRES: Yes.

FLANAGAN: And in the, the statements that you, do you recall if any other statements that you made to any other officers um, after the uh, after the shooting?

TORRES: No.

FLANAGAN: Did, at any time um, particularly just after the shooting, did, did you make a comment about um, having a um, an argument with

your wife earlier?

TORRES: Yeah.

FLANAGAN: Could you recall that?

TORRES: Yes.

FLANAGAN: What, what statement did you make?

TORRES: I um, I, I had a, just, it, I just had an argument with the wife on the way to the call, I was on the phone, um, I, I told my wife that, hey I have to go, I'm about to get on scene of this, this domestic, and, and I've got to concentrate on that, um, so, that, that was that.

FLANAGAN: How, how did that, come up like, why did you make that statement then, when you did.

TORRES: I just, I, wondered, a lot of thoughts were going through my head and, I um, I, I was wondering if the guy died, I was wondering um, it's just a lot of things just came up, um, for a split second, I just thought um, whether it was just out of anger that this happened, um, but it, it wasn't out of anger, there was just something that happened right before hand, um, um, I, you know, we were just, I don't know, I just said it.

FLANAGAN: That, that was just the one statement to Rodney, but did you talk to him anymore about that?

TORRES: No.

FLANAGAN: Alright, and when you talk about, wondering for a split second if it was out of anger, um, what, what was, were you angry when you were down there on the scene?

TORRES: No.

FLANAGAN: Ok, were you thinking, when you were engaging this guy or throughout this call while you're on scene um, what are you thinking about?

TORRES: Um, wondering what he's going to do, hopefully that he comes out of the door, um yeah, the argument was still lingering in the back of my mind, uh, I was more concerned that the guy would come out of the door, that he'd just at least sit down and talk to us, um, so.

FLANAGAN: When, when you're, on the, you say this happens on the way to the call?

TORRES: The argument yes.

FLANAGAN: That you're talking to her?

TORRES: Yeah.

FLANAGAN: How long is that for?

TORRES: Man, I don't know, couple of minutes maybe.

FLANAGAN: It's all just on the phone, it's not prior to that?

TORRES: It's all on the phone.

FLANAGAN: Ok, and what's the nature of the argument?

TORRES: Uh, um, she's stressed out because of school, she's uh staying at home with the kids, um, she doesn't have a lot of time to do a lot of stuff and you know, I 'm telling her that, you know, you, I'm just telling her that you took way too many classes that, try to do this and I know that she wants to try to get her degree and uh, she was saying that she doesn't feel that uh, uh, you know, a lot of stupid stuff about the kids, um, about how I don't spend enough time with them, things like that um, you know.

FLANAGAN: And then how does it end on the telephone?

TORRES: I just told her I have to go.

FLANAGAN: Ok, and I take it you had already been dispatched to this call?

TORRES: I was, we were having an argument on, on the way out, when I was going to it.

FLANAGAN: Did she call you or did you call her?

TORRES: Oh man, I don't remember.

FLANAGAN: Ok, and, and I think you already answered this before I asked you but you said that you were focused on, um, the call at hand um, but after this is over and you make that comment to Rodney.....

TORRES: I don't even know if I did or not (laughs) ok I guess I did, ok.

FLANAGAN: What, what do you think, why do you think you make that comment, let me ask you this, how long after the shooting is it that you make that comment?

TORRES: Ah man, it, it had to be right after then because, we, we……

FLANAGAN: We're not talking like an hour later?

TORRES: No, cause we, we weren't allowed to talk to each other, once we got called back to the Command, I, once I got called back to the Command Bus, I, I didn't have any contact with him, I, I wanted to, after I found out he di, after the guy died, um, I just wanted someone to talk to that I knew, rather than, I got like 50 people I don't know them, um, trying to get me to calm down, so um.

FLANAGAN: And, and, what happens to you, after this has happened and, um, I mean I know, the protocols of the way things are happened, you mention that, that witnesses are separated, and um, they're instructed not to talk to people.

TORRES: Yeah.

FLANAGAN: But, for you, the person, um and I think you just kind of alluded to it somewhat, you're kind of separated from everyone else, I know this statement was made immediately after the shooting, do you talk to anybody else about it right after that?

TORRES: No.

FLANAGAN: It's just that one statement?

TORRES: Just that one time.

FLANAGAN: And.....

TORRES: Because I got back to uh, Command Bus and, um, I saw my Captain there and, I asked him if I could call my wife, that was the first person I thought about talking to, so.

FLANAGAN: This, the person that you ultimately shot, do you know his name?

TORRES: John, um, I don't know how to pronounce his last name, it's like Geer "G" "E" "E" "R" or something.

FLANAGAN: Ok, how, how did you find that out, how did you know that?

TORRES: News.

FLANAGAN: Ok.

TORRES: I, I knew his first name, um, when we were going, sometime through the call, I remember Rodney yelling the name out, um, I remember I said it on the radio at one point, um, I, I don't, I don't think I knew his last name until I, I looked it up.

FLANAGAN: Ok.

TORRES: Later.

FLANAGAN: Had you ever been on a call before when you had contact with

him?

TORRES: Not that I recall.

FLANAGAN: Have you ever been to that residence before?

TORRES: I may have, I, I really don't, I don't, I don't know.

FLANAGAN: Ok.

TORRES: I, I, sev, seven years of handling, handling, you know, thousands of domestics, I may have, I don't know.

FLANAGAN: Ok but.....

TORRES: Or Other complaints, I.....

FLANAGAN: But you have no, specific recollection of.....

TORRES: Of him no.

FLANAGAN: Knowing him or knowing that townhouse?

TORRES: Right.

FLANAGAN: Even though you may have been there?

TORRES: I, we, yeah.

FLANAGAN: Possibly.

TORRES: Possibly, yeah possibly once in the past or something, I, I have no idea.

FLANAGAN: Ok um, the complainant in the call, his girlfriend, do you know her?

TORRES: No, never met any of them before.

FLANAGAN: And ok, anyone…

TORRES: At least that I know of.

FARRELL: From their family?

TORRES: No.

FLANAGAN: Um, is there any reason why prior to this call you would be angry with this individual?

TORRES: No, no reason at all.

FLANAGAN: Ok, and you said for one second, you thought that, were you angry with him?

TORRES: I wasn't angry with him.

FLANAGAN: Why did you discharge your weapon?

TORRES: Because he made a, what I believe, was a threatening move, where I didn't know if he had another firearm on him, and he's already made the mention of firearms, and he jerked his hands down near his waist, where I thought he could have another firearm at least, and I didn't want him to, to take it out, to take the firearm out, I don't know if he had another gun on him or, or what, um, but I, I at least perceived the threat that he did.

FLANAGAN: Do you, I already asked you about the other officers perception, I don't want to get into what gay, other guys may have seen because I don't even know if you know where they are, where

they were standing, but you're confident in your position and your ability to observe his actions and where you were....

TORRES: Yes.

FLANAGAN: There were no um, other than the branch that we talked about, that you, moved to eliminate, there were no obstructions from what you could see and you could see, his body position the whole time?

TORRES: Yes.

FLANAGAN: Ok, now, I know you've talked about this a couple of times but, and we just have the audio recording but, but you were demonstrating to, is you were sitting, I don't know if you were, um, if you're cognizant of doing it, and you showed how you had moved your hands um, and I think you described to Detective Farrell as um, possibly as low as his rib cage.....

TORRES: Uh huh.

FLANAGAN: And when you were doing that, you had your hands up like this um, which is just slightly above my head, and then down to this point right here and then you, you physically moved your hands like this, to like in front of his chest.

TORRES: Oh.

FLANAGAN: Is that, and, and I'm, I'm only showing you that because I know

sometimes we talk with our hands.

TORRES: Right.

FLANAGAN: Is, is that in fact what you're thinking as well, what you're trying to describe?

TORRES: I'm trying to describe it what he did, he had his hands all the way up here by the door.

FLANAGAN: Right.

TORRES: And brought his hands down really quick, at least by his rib cage.

FLANAGAN: Ok, so down, the way you describe, the way you, displayed it, with your hands is exactly is the way you're describing it in what you saw?

TORRES: Yes.

FLANAGAN: Ok, I just wanted to be sure because I know, we do talk with our hands like that, and what you were showing us, what.....

TORRES: Yeah.

FLANAGAN: In fact what you were describing. And that was both hands correct?

TORRES: Yes, both hands.

FLANAGAN: Um, when he did that, I had my hands open like this, with my palms, do you know how his hands were?

TORRES: No.

FLANAGAN: Uh, (Unintelligible), we had something else.

FARRELL: So, you explained why you shot at that time, you're in fear, um, during the, you know, this altercation of 40 minutes or whatever it is, was there another, was there ever another point where you were that afraid?

TORRES: Other than, him jerking his hands down, to, supposedly scratch his nose, um, yeah.

FARRELL: So when he jerks his hands down, from up top down, head level....

TORRES: Uh huh.

FARRELL: Scratch his nose?

TORRES: He would, to scratch his nose, he only did it with one hand.

FARRELL: Ok, why didn't you shoot him at that point, what was the difference between the other motions and when you make the decision to fire?

TORRES: He brought his hands down too far.

FARRELL: Ok, and from the beginning, from when he goes into the house, shows the weapon and then places it down, from that point, do you feel that, the incident is escalating, is it, going along at the same pace, is it going up and down, do you feel that you're any

closer to resolving it at the time, you know, just prior to when you, uh shoot in response to him moving his hands, do you feel like this is, that Rodney's making any progress in negotiations, that this person is, um, complying or, what's your feeling at that point?

TORRES: That uh, I, I just don't think it was, it was working, um, um, you know, you know, you know Rodney had already asked him a couple of times to step out of the house and he just kind of playing around and, he doesn't want to step out of the house and you know, he's already made, statements that he's going to go back inside the house and close the door and he doesn't even do that, so I don't even know what he was doing, he just, felt like he was just playing around.

FARRELL: Can you recall any reason, um, for you to believe that he may have had any other weapons other than.....

TORRES: There's always a possibility of someone having more than just one weapon on them.

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

TORRES: [redacted]

FARRELL: And then no problems with your vision, do you wear contacts or glasses.....

TORRES: No.

FARRELL: Or anything like that?

TORRES: No.

FARRELL: I don't have any more questions, do you?

FLANAGAN: I don't have any other questions.

FARRELL: Is there anything else you want, that you'd like to say, or anything else you think we should have asked?

TORRES: No.

FARRELL: Is there anything else that you think we should do in the investigation, you know, other than we're speaking to the other officers, canvassing the neighborhood, is there anything else that, you know maybe we wouldn't think of that, you think would be important for us to do or someone you think would be important for us to talk to?

TORRES: Um, just, uh trying to find out his mentality at the time, um, um, that, that's it, I can think of.

FARRELL: Ok.

TORRES: Um, um, you know.

FARRELL: Did you have anything John?

CARROLL: There, there was one, and I just kind of followed up with the questions, it's my understanding and I think he communicated,

but I want to make sure it was that, the right hand came down a few times, and so the difference I think was when both hands came down, is that, is that…

TORRES: Right both hands came down.

CARROLL: …what you guys understood?

FLANNAGAN: Yeah.

CARROLL: Cause I, It seemed a little loose.

FARRELL: Ok, so that was the only time both hands came that far down?

TORRES: It's the only time both hands did come down.

FARRELL: Ok, and then the right hand never came down that far?

TORRES: Right hand only came down to his face.

FARRELL: Ok.

TORRES: And then um, you know, that's it.

FARRELL: Alright, that will conclude the recording at 1903 hours.

****

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

From: Farrell, John
To: Peters, Charles K
Sent: 9/26/2013 9:53:09 AM
Subject:

Hope all is well – I had a few follow up questions about the Torres case and wanted to also do a taped statement. Let me know if you are around next week so we can arrange for a time that is convenient.

Thanks again!

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

From: Farrell, John
To: Hill, Joe R.
Sent: 9/26/2013 9:51:54 AM
Subject:

Captain Hill –

Hope all is well. We are still working through the officer involved shooting from last month and I had a couple of follow up questions for you. Please let me know when you have time for me to meet up with you.

I have the range tomorrow but am pretty much open next week.

My questions will primarily be about statements the officer may have made at the scene and trying to account for all police personnel who may have been in contact with him immediately after the shooting.

Thanks so much!

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

From: Farrell, John
To: Fish, Michael; Joca, George
Sent: 9/25/2013 6:52:32 AM
Subject:

Thanks again for your help.

Parker will either meet up with me after traffic court or towards the end of the day depending on what time court ends.

Neil has a prelim and will swing by afterwards.

Kushner will come by once eves hits the street.

John

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: Farrell, John
Sent: 9/13/2013 3:22:16 PM
Subject:
Attachments: PARKER (FINAL).doc

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

****

BIBEAULT: Ready to go?

LAITINEN: Oh I thought…..

BIBEAULT: Mine's dead so.

LAITINEN: Ok there ya go.

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

PARKER: David Parker.

BIBEAULT: And what were you today, what uh?

PARKER: 741 Bravo, 2nd day.

BIBEAULT: Second, today's your second day?

PARKER: Right.

BIBEAULT: You were off for the three days?

PARKER: Right.

BIBEAULT: Right, you work yesterday?

PARKER: Yes.

BIBEAULT: What can you tell us about today?

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

BIBEAULT: You start the shift normal…..

PARKER: Oh ok.

BIBEAULT: Roll call, hit the street.

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

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

BIBEAULT: Would you mind turning that down?

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

BIBEAULT: XRAY?

PARKER: 700.

BIBEAULT: Thanks.

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

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

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

BIBEAULT: Did the domestic go out?

PARKER: I don't recall.

BIBEAULT: Ok.

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

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

PARKER: Over the radio.

BIBEAULT: By Neil?

PARKER: By Neil.

BIBEAULT: And who was Officer Neil?

PARKER: His designator or?

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

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

BIBEAULT: Dave Neil?

PARKER: Yeah.

BIBEAULT: And?

PARKER: He's 730 Bravo I think?

BIBEAULT: Neil?

PARKER: Neil, I think.

BIBEAULT: Ok.

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

BIBEAULT: And you heard him say?

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

BIBEAULT: As close as you can remember it?

PARKER: Yeah, and.

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

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

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

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

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

PARKER: To dispatch yeah.

BIBEAULT: Alright.

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

BIBEAULT: Uh huh.

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

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

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

BIBEAULT: Silver Brook, South Run.

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

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

PARKER: At that point I killed it.

BIBEAULT: Magic leaf or something.

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

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

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

BIBEAULT: Hang on a second.

PARKER: Ok.

BIBEAULT: Ok.

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

BIBEAULT: Uh huh.

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

BIBEAULT: Uh sure.

PARKER: 3521.

BIBEAULT: Sorry about that.

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

BIBEAULT: Uh huh.

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

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

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

BIBEAULT: (inaudible)

PARKER: I'm not an artist but.

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

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

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

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

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

BIBEAULT: Uh huh.

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

BIBEAULT: Ok.

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

BIBEAULT: Begin with a "T" or something?

LAITINEN: Torres?

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

BIBEAULT: Is that the tree you're at?

PARKER: No I'm.....

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

PARKER: (inaudible)

BIBEAULT: Tree, no Torres.

PARKER: Yeah Torres.....

BIBEAULT: Sort of indexed off the tree.

PARKER: Yeah, indexed off the tree and there was a shield, laying at

his feet.

BIBEAULT: Ok.

PARKER: Um.

BIBEAULT: And Barnes is here?

PARKER: Barnes is here, Barnes....

BIBEAULT: On the sides of the houses?

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

BIBEAULT: Uh huh.

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

BIBEAULT: So he's kind of behind another, vehicle over here?

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

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

BIBEAULT: Just the top of the…

PARKER: The top…of the……

BIBEAULT: Actual door?

PARKER: The storm door, yeah…

Yeah, and he was just resting it, not resting but, kind of leaning while he was talking, um, um Officer Barnes again asked him repeatedly would he come out and talk to us, um, you know nobody wants to get hurt and the guy was saying well you got guns pointed at me um, and strangely enough he said, I recognize Officer Parker, because he gave me a speeding ticket once, and I have no, I don't remember the guy, I mean I write so many, (inaudible) anyway I don't know how he recognized me, I mean I had these glasses on, and he had a rifle pointed at him but he

still, I guess you never forget getting tickets…..

BIBEAULT: I guess.

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

BIBEAULT: Ok, hold on.

PARKER: And he was, the subject was wearing a, like a white, white T-shirt, and I, I want to say white pants or white shorts but I can't be positive.

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

PARKER: Right.

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

PARKER: He, he....

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

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

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

BIBEAULT: I have enough food for what?

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

BIBEAULT: Alright.

PARKER: And this, this went back and forth with just more, come out and talk to us, no I'm not coming out, um, Rodney, or Officer Barnes asked him you know, if he had gotten a job, what he does for work and, um, I don't remember what he said, maybe he said self-employed but I'm not positive, um, it seemed to be going ok as far as the rapport goes, um, and I think, he continued to say he's going to get a drink of water and close the door and, um, you know Rodney said don't do that, just come out and talk to us, um, and from my vantage point what I saw next was he, the subject started to, um, move his left hand um, barely off the, the sill of the door, I heard a bang and um, I saw a black spot just what appeared to be just below the sternum of the subject, um, I heard him moan or, holler out, and I think he was falling back towards his right side, and pushed the door closed as he fell back.

BIBEAULT: Where do you see the black mark?

PARKER: I believe it was just below, I think it was just below his sternum, because it, it the pop from the gun, I mean it wasn't like when you're at the range, it's just strange but, because the first thing I said was, what the fuck, and, the door was closed and I heard him hollering and I don't know

if he was thrash, thrashing around inside the place, but um, due to the fact that he supposedly had access to a long gun, I didn't know, since the door is closed, I couldn't see him, I didn't know if he was fatally hit or if he was put down or, how bad he was hit.....

BIBEAULT: Right.

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

BIBEAULT: Uh huh.

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

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

PARKER: Torres.

BIBEAULT: Ok, how do you know that?

PARKER: Because when I met up when I got up with um, well, I moved up with Erit, and then eventually, I moved up with Rodney because they called Torres back and I said, I said, um, um, who the fuck shot, and he said Torres.

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

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

BIBEAULT: Shooting comes from somewhere else.

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

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

PARKER: No I didn't move up.

BIBEAULT: Well you move over?

PARKER: I moved over.

BIBEAULT: And then you're with?

PARKER: I'm by myself, and I realized I was in another crap spot, so

then I saw um, Officer Erit and Hanidias, H A N I D I A S.

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

PARKER: Erit, E R I T.

BIBEAULT: Hanadias?

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

BIBEAULT: Uh huh.

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

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

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

BIBEAULT: But anyway, you asked who shot?

PARKER: Yeah.

BIBEAULT: And then what is the response?

PARKER: Torres.

BIBEAULT: And who told you that?

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

BIBEAULT: So someone answered it.

PARKER: Yeah.

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

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

BIBEAULT: Uh huh.

PARKER: You know, quarterback it, so.

BIBEAULT: And did anybody respond to that?

PARKER: I don't remember.

BIBEAULT: Ok, and then what happens?

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

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

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

BIBEAULT: Just to give it a run, kind of a quick rundown, normal shift, you meet up with Ben Kushner, you're at Burger King, you hear Neil come over the radio, say the guy says he's got a gun, you guys respond down there.

PARKER: Right.

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

PARKER: Right.

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

PARKER: Uh huh.

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

PARKER: Right.

BIBEAULT: The wife and the two kids.

PARKER: Two doors down.

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

PARKER: No.

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

PARKER: No.

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

PARKER: Right.

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

PARKER: Right, Rodney's also trying to get him to talk about you know, what was bothering him and, oh and also there was a, have you been to the scene….I don't know.

BIBEAULT: Uh huh.

PARKER: I don't know, well there's a bunch of stuff out in the front yard that he had been throwing out, I guess he was

breaking up with his girlfriend or whatever, they had been together for 24 years, he didn't get into real details of what the problems were um, just that they were having an argument and we noticed all the, the mattress and the headboard and everything had been thrown out in the front yard, and also during the, one time when Rodney was talking to the guy, um, someone, I don't know if it, I think his name might have been Tim, yelled to the suspect, or the subject about, about, I guess it was a friend of his, saying that, that we were gonna make plans to go play golf and uh, and he says yeah well, this is ending a little bit different that we planned or something but he did say several times, I don't want to die today, so I guess the supervisors that were back there, told the guy to, quiet down because Rod, because Rodney was doing an outstanding job of, of talking to the guy I thought.

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

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

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

PARKER: No.

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

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

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

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

BIBEAULT: Now who told you that, Neil?

PARKER: I think Neil said it on the radio.

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

PARKER: No, the guy um, John the subject, he said, one of the things he was talking about was you know, we wanted to.. we wanted to get it resolved before the kids all started coming home, the parents coming home from school, or not school from work that live in the neighborhood, he said it doesn't look good for me, it doesn't look good for you or it doesn't look good for my neighbors, uh I don't look good in front of my neighbors and um, he said you know, it looks like people are coming in now, because he was looking up

the street and he says, I think that's my father, I don't know if his father showed up on the scene or not, um, he didn't communicate with his father as far as I know, he wasn't on the phone or anything and he didn't come down to us.

BIBEAULT: Any other conversations you remember?

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

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

PARKER: Right.

BIBEAULT: Sort of conflicting to me.

PARKER: It was conflicting I mean, like I said his speech wasn't slurred and he was, it was, it was a coherent conversation

he was having with Rodney but like you said, there is a couple of things that, may have been, I don't know, may have clashed with each other, some of the things he was saying.

BIBEAULT: Um, alright so when the actual shooting goes down, you can see his hand coming down, and then you see then the mark in a, and a noise at the same time that you recognize to be a gun shot.

PARKER: At the same time yeah.

BIBEAULT: Um, alright.

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

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

PARKER: That I did?

BIBEAULT: Yeah.

PARKER: Oh I'm positive.

BIBEAULT: Ok.

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

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

PARKER: Uh huh.

BIBEAULT: And they check your guns and all that.

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

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

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

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

PARKER: I know it's not uh...

BIBEAULT: It is what it is.

PARKER: It is what it is you know.

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

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

BIBEAULT: Ok, I'm running out.

LAITINEN: Thanks Dave.

****

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

From: Farrell, John
To: Farrell, John
Sent: 9/12/2013 10:51:30 AM
Subject:
Attachments: property receipt.docx

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

Detective John Farrell (RECEIPT PROVIDED TO FAMILY ON 9/12/13)

Fairfax County Police

PROPERTY TAKEN FROM RESIDENCE:

SUITCASE

SCREEN

KIMBER GUN CASE S/N KU09321

BERETTA GUN CASE

RIFLE MAGAZINES

REVOLVER IN HOLSTER – taurus

VARIOUS AMMUNITION

7 long guns:

- REMINGTON 870 SHOTGUN (A145526H)
- AR-15 – DANIEL DEFENSE (DDB021790C)
- RUGER .22 – MODEL 10/22 CARBINE (245-31805)
- LONG GUN WITH SCOPE (GAMO) HUNTER 440 (04-1C-048454-0)
- O.F. MOSSBURG & SONS INC – BOLT ACTION LONG GUN
- SILVER LONG GUN MISSING STOCK –MARLIN FIREARMS (06267311)
- SPRINGFIELD MODEL 15

CELL PHONE

From: Farrell, John
To: Winter, Brenda; Farrell, John
Sent: 9/10/2013 10:36:29 AM
Subject:
Attachments: Torres part (Part 2 final).doc

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

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 said he was wearing shorts?

TORRES: Yeah.

FARRELL: Ok, and then a shirt?

TORRES: Yes.

FARRELL: How did the shirt fit on him, do you recall?

TORRES: No, how it fit whether? Or was it……

FARRELL: Was it tight, super tight, was it a tank top, was it…..

TORRES: Oh it was just uh, it wasn't a tank top, it was just a shirt, I don't remember if it had collar or not.

FARRELL: Ok, do you recall if it was tucked in or not?

TORRES: No.

FARRELL: Do you recall any statements you made afterwards to the other officers? That were on scene?

TORRES: Right after I shot him?

FARRELL: Yes.

TORRES: Yeah.

FARRELL: Do you remember what you said?

TORRES: Yes.

FARRELL: What did you say?

TORRES: I said I can't believe I just shot him, or things like, uh, shit I just shot the guy, and that's when, it was just to Rodney, I know Rodney was there, we, we went to the side of the house.

FARRELL: Ok, do you remember why you said that?

TORRES: Um, I remember, cause when, when I, when I shot him I um, I saw Rodney's face, I don't know why I looked at him really quick, I saw Rodney's face and Rodney was just in shock, and then he just, he had a shocked look on his face and he was just, like who just shot him.

FARRELL: So it's kind of in response to, just the way Rodney was looking at that point?

TORRES: And, or then the um, he asked, he asked who shot him, I, I told him I did.

FARRELL: Ok.

TORRES: And I went to the side of the house, its more, it's more like the um, oh shit, I just shot this guy.

FARRELL: So, you're just kind of surprised because of how things evolved, or?

TORRES: Or I never shot anybody before so, um, uh, and I, I meant, I

meant to pull, I meant to pull that trigger, um, it just kind of, you know, just, a reaction of mine.

FARRELL: Ok, you remember if you said anything else?

TORRES: Um, uh, just, just telling Rodney I said that, I hope the guy comes out.

FARRELL: So when you're saying, I can't believe I just shot him, it's just because you haven't shot someone before?

TORRES: It, it, it might have been, I just.....

FARRELL: I guess, I guess my point just to cut to the chase is, I want to make sure that this, it's not an accidental sort of thing?

TORRES: It's not accidental.

FARRELL: Ok, it just, I know you're out there for a long time, for, 40 minutes, um, and so just, you made a decision to pull the trigger based on?

TORRES: His actions.

FARRELL: Ok, how long after you shoot him, um, and you know I hate the how longs.....

TORRES: (laughs)

FARRELL: Um, you moved to the side of the house, correct?

TORRES: Yep.

FARRELL: And then from there, um, at some point are you moved away

from the scene and other people take your position?

TORRES: Yeah.

FARRELL: Ok, is that pretty quick or are you out there for a while?

TORRES: It was a while.

FARRELL: Ok.

TORRES: At least a few minutes.

FARRELL: Ok.

TORRES: Seemed like a long time, probably wasn't.

FARRELL: And then um, they take you back to the command post, and then transport you to the station?

TORRES: Yeah, but it, I was at the Command Post for, um, a little bit of time.

FARRELL: Did anybody talk to you there?

TORRES: Yeah.

FARRELL: Did anybody ask you questions about what happened?

TORRES: Uh, I know a detective came up to me and uh, wanted to know what charges there were so they could get uh, a TAC Team to go inside the house.....

FARRELL: Ok.

TORRES: That or check on the, I guess the welfare of.....

FARRELL: Alright, other than that did anybody ask you any specifics or

anything like that?

TORRES: No.

FARRELL: And then who transported you to the station?

TORRES: Uh Peer Support.

FARRELL: Do you remember who?

TORRES: Don Amos.

FARRELL: Ok, and you fired one round?

TORRES: One round.

FLANAGAN: When the detective asked you about the charges, what did you tell him?

TORRES: It, it, it, it struck me as uh, um, I, I, I told him what the guy did, I, I said, the only thing I can tell you is, the guy mentioned the use of a firearm, he, he showed it to us, um, and um, I don't remember what else I said to him, but um, he said ok we'll go with disorderly.

FLANAGAN: Alright, so you didn't give them a specific charge, you just explained what you had.....

TORRES: Right.

FLANAGAN: Heard.

TORRES: I think it just kind of struck me as a, somewhat of a shock more than anything else, I said I just shot the guy I don't know what

other charges you need to go into house but, I guess, it was just, I don't know.....

FLANAGAN: Right.

TORRES: Weird thinking.

FLANAGAN: Uh, maybe a couple of things, just so I'm clear like on the layout, there was dark by the time I got down there but is, if you're on the sidewalk in front of the cars and you're facing the townhouses.....

TORRES: Uh huh

FLANAGAN: Alright does that make sense?

TORRES: Yes.

FLANAGAN: Not, not the sidewalk that comes from the houses to the sidewalk but to that one that is parallel to them.

TORRES: Wait a minute, I'm sorry, say again.

FLANAGAN: Alright, I probably made that more confusing than that had to be.

TORRES: (laughs) do you, do you want to draw it?

FLANAGAN: I, uh no....

TORRES: We can.....

FLANAGAN: That's ok.....

TORRES: I can definitely draw.

FLANAGAN: If, if, if I'm, if I pull straight down the hill, and I pull into the

parking spot, and I get out of my car and I'm looking at the front of the townhouses, ok, they, if, if we're talking about this guy's door, where is the tree in relation to the door? As we're facing the townhouse, left or right?

TORRES: Left.

FLANAGAN: Ok, um, is it the only tree right in that little lawn area.....

TORRES: From what I remember, yes.

FLANAGAN: Ok, now with relation to that tree, where are you standing as best as you can recall?

TORRES: To the right of the tree.

FLANAGAN: To the right of the tree as you face it, right?

TORRES: Uh huh.

FLANAGAN: Um, now are you, you mentioned I think that you're using the tree for cover?

TORRES: Yep.

FLANAGAN: How, how are you positioning yourself with the tree?

TORRES: There was a (laughs) a um, a branch right at my head level, so I had to step to the right of the tree a little bit, just to see him um, um, I, I guess if I got on my knees I, I could have been, um, right behind the tree and took cover from there, uh, I didn't quite think of it that way, at that time but, I just stepped to the right of the

tree just a little bit.

FLANAGAN: Ok so you…..

TORRES: The tree was within arm's reach though, I can tell you that.

FLANAGAN: Ok, it's within forward of you within arm's reach?

TORRES: Yeah, within arms reach.

FLANAGAN: Alright and um, so I think what you're describing is that the branch that comes out then, to the right, is obstructing your view of the door?

TORRES: Yeah, it's right in my face. (laughs)

FLANAGAN: Are, are you, so which way to do you lean out to see?

TORRES: To the right side.

FLANAGAN: You lean out to your right?

TORRES: Yeah.

FLANAGAN: So are you now, um, exposing yourself to this guy?

TORRES: Yeah.

FLANAGAN: Alright, and when you lean out, to see, do you lean out or do you step out?

TORRES: Step out.

FLANAGAN: Ok, when, when you're in that position, what can you see of the front of the door?

TORRES: I could see his, his whole body, from the screen door, I see the

screen door, I see his whole body, he's facing outside, um, and then there's no oth, there's nothing else in between, me and him.

FLANAGAN: Ok.

TORRES: Except the screen door.

FLANAGAN: Now thinking if, I guess like in your mind's eye, as you're looking in, besides him, is there anything else that you can see, in the door?

TORRES: No, no, I don't remember, just him.

FLANAGAN: Um, do you remember which way the doors open, did you ever observe that?

TORRES: Um, I don't remember.

FLANAGAN: If, if you don't it's ok……

TORRES: Yeah.

FLANAGAN: Um, and I'm asking you just to kind of I guess give you a bearing too, so my, I don't want to confuse you with the questions, I, I'd rather just get your, what you truly observed, um, but if, if, if we're talking about looking into the door, right, and then looking to the right, as you see it to the right, can you see essentially I guess past him, to the right, can you see what's on the right hand side, as you go in?

TORRES: No.

FLANAGAN: And I, and I don't mean like, just him, I mean anything, a, a couch or a TV or a door, my, my point is, can you see anything in the house to the right?

TORRES: Yeah.

FLANAGAN: What can you see?

TORRES: I keep thinking there's a stairwell, and, I might be wrong but…

FLANAGAN: What makes you think that?

TORRES: Uh, I, I don't know.

FLANAGAN: Ok.

TORRES: Uh, just, just thinking back, right now, there's just something that, I don't know.

FLANAGAN: Ok, and that would be as you look at it, it would be off to the right, so it would be to his left?

TORRES: It would be to his left.

FLANAGAN: Ok, now, and then, I guess the opposite of that, can you see anything to your left or his right inside?

TORRES: Uh no.

FLANAGAN: Do you ever see the um, for lack of a better term, the main door, not the screen but the main door?

TORRES: Only when he closed it.

FLANAGAN: Ok, and that's, that's after the shooting?

TORRES: Yeah.

FLANAGAN: Ok, you could never see it, in, in, from your perspective, you could never see it before?

TORRES: No.

FLANAGAN: Um, when you guys first arrive on scene, is the, is the main door opened or closed, if you remember?

TORRES: Main door was open.

FLANAGAN: Ok, now, when, getting back to where he um, shows you the weapon, and sets it down, would that have been towards his left or towards his right?

TORRES: His left.

FLANAGAN: And is that the area that you see or that, you have reason to believe that you observed a staircase or a stairwell?

TORRES: Yeah.

FLANAGAN: Ok.

TORRES: Right now I'm thinking, I think it is a stairwell, I don't know what it was, I know it wasn't, it wasn't a uh, living object (laughs) um.....

FLANAGAN: Right.

TORRES: Um.

FLANAGAN: Yeah, I think between your recollection of it being a long time, I think we've talked about, the CAD or something eluding to it

being 40 minutes, um, does the lighting change out there during that time, do you have any specific recollection of it being difficult to see in there or not difficult or is it changing over time?

TORRES: No, it stayed the same.

FLANAGAN: Ok, and then considering your position at that tree, from where you are, let me ask you this beforehand, do you remember anything else at the um, specific like at the base of the tree?

TORRES: No, just a shield, just resting against the tree.

FLANAGAN: Um, was there anything that affected your, your footing like around the tree that made you adjust besides the shield?

TORRES: No.

FLANAGAN: Ok, and now with regards to Officer Barnes, he, he's to your left I think you described earlier?

TORRES: Um, yeah its, its, uh like a diagonal, towards the next townhouse, um.

FLANAGAN: Is he using anything for cover?

TORRES: No.

FLANAGAN: How, I know, I know distances are, are difficult but, is he within arm's reach of the tree?

TORRES: No.

FLANAGAN: He's, he's beyond arms reach?

TORRES: He's beyond, he's, how, how it looked at the beginning, before we asked Neil, to move, it looked like, uh, an "L", or our, or on the point of the "L" so, I'll draw it, on the (drawing) point of the "L", here's the tree, here's where I am, this is where Rodney is, this is where Neil was and this is the row of townhouses right here.

FLANAGAN: Alright.

TORRES: Um, we eventually asked Neil to go uh, over to the next row, couple of townhouses over here where the family started going and Rodney stayed over here, you can see that.

FLANAGAN: Yeah, I, I understand what you're saying, is he that close to the houses?

TORRES: He's probably around here, technically, um, he's, he's probably right around here, he....

FLANAGAN: What kind of, I'm sorry, I didn't mean to interrupt you.

TORRES: Well, he got at least a, I mean he at least talked to the guy so I would think he would be able to see him, um, from at least some point of angle.

FLANAGAN: Ok.

TORRES: Um.

FLANAGAN: Who has, a better point of observation of the, of the front door,

including um, this guy, you or Rodney?

TORRES: That would be me probably, I'm looking directly at him.

FLANAGAN: What.

TORRES: But I don't know what Rodney's perspective of, of him was.

FLANAGAN: Right, I understand.

TORRES: I mean.

FLANAGAN: Is there anything that you're aware of that is in front of Rodney, like you mentioned you had a branch in front of you, is there anything that's in front of him that he either mentions or that you're aware of that's an obstruction to him?

TORRES: No, no, I don't think there's anything in front of him.

FLANAGAN: Ok.

TORRES: Well, the branch wasn't in my way, I just stepped away from the tree to, you know, to um, you know, so I, I could at least see the guy and see what he does, um, I don't want you to think that the branch is in my way and obstructing anything, it just, I mean I stepped away from it, just so it wouldn't be in my way.

FLANAGAN: And just to be clear, at, at the time that you pulled the trigger, you're not saying the branch is obstructing your line of sight?

TORRES: It was not.

FLANAGAN: (inaudible) and I, and I think I had this written down but I think

you came back later and addressed this, when um, you described him making the uh, the jerking motions with his hands, the, the jerking motion, is that, is the jerking part the downward part or is it the part towards his face to actually scratch his nose?

TORRES: Downward part.

FLANAGAN: Ok, so he's jerking down like this?

TORRES: Yeah.

FLANAGAN: And then, the process of that, and I think you, I think eventually you said it happened different ways but, at some points he was jerking his hands down without asking to scratch his nose or without tell you he's scratching his nose?

TORRES: He, he's jerking his hands down before, to scratch his nose and then, one time he said that he needed to scratch his nose and then he, he brought his hand down slowly.

FLANAGAN: What, what was your take on with him, did he seem to be intentionally jerking his hands down, I think you had mentioned that after he would do that he would look at you.....

TORRES: He just looks at me and tells me to calm down.

FLANAGAN: What were you doing, that a person would think you weren't calm?

TORRES: Uh, when I had my gun at the, uh, ready gun and then he'd br,

you know he doesn't tell anybody anything he just jerks his hand down, I bring my, my gun back up on him.

FLANAGAN: Ok, and, that, those were your only actions that you're aware of that.....

TORRES: Right.

FLANAGAN: And that those comments, at least in your mind that he's making it, is a result of you um, getting back on aim on him?

TORRES: Right.

FLANAGAN: And, and I think Detective Farrell asked you, did you respond to him verbally in any way to that?

TORRES: No, I never talked to him at all.

FLANAGAN: Did um, did Officer Barnes ever give him any commands to, to not jerk his hands or to not make quick movements?

TORRES: He said um, when he told me to calm down, he said, well when you bring your hands down like that, that's, that's, you know Officer Torres is gonna bring his gun back up.

FLANAGAN: That, that's what Officer Barnes said?

TORRES: Something along those lines yeah.

FLANAGAN: Ok, do you know how many times that was said if more than once?

TORRES: Ah man, uh, once that I recall.

FLANAGAN: Ok.

TORRES: I don't remember if it was said again.

FLANAGAN: Do, do you recall, um, anything else that the deceased had said, not necessarily to you but as you guys are, um, and I guess I'll say when you're, when you've got him at gun point at the door, any other things that he would have said?

TORRES: Just to us?

FLANAGAN: Yes.

TORRES: About what he was doing?

FLANAGAN: Yeah.

TORRES: Or.....

FLANAGAN: Anything.....

TORRES: Just.....

FLANAGAN: Any other statements that, that you recall that he made.

TORRES: His nose was itchy and um, um, started claiming he was thirsty later, um, I don't remember anything else, or anything else he directed towards us.

FLANAGAN: Ok, um, did he ever make any statement about um, the consequences of it, of his actions, like if he knew he did this, this would happen or, anything along those lines?

TORRES: No.

FLANAGAN: And you talked to Detective Farrell about um, comments that you made with Officer Barnes after, what, did, did Officer Barnes say anything to you about the shooting?

TORRES: Um, he said, don't worry, you're good, um, um, he said something else I don't know remember what it was.

FLANAGAN: Ok, and, how close in proximity to the shooting is this, in time I mean?

TORRES: Oh right after um, I shot him and I got on the radio and said there's a shot fired and we both um, took uh, went right next to, to the townhouse right next to him, next to the guy.

FLANAGAN: Ok, why'd you do that?

TORRES: (sighs) uh just seemed like something that I needed to do, um, I, just to get away from the front door, um.

FLANAGAN: Why did you think you needed to get away from the front door?

TORRES: I, I don't know, it, it just something that came to mind just, just to move, um.

FLANAGAN: Was, was that a tactical decision?

TORRES: I just, I just moved in my event, I don't know.

FLANAGAN: Ok.

TORRES: I just moved behind him, moved behind Rodney.

FLANAGAN: Ok, and.....

TORRES: Because Rodney moved also, so, um, I, I just moved right, right, right where he was.

FLANAGAN: Did you have any further concerns at that point for, for your safety or, for the other officers that were out there for their safety?

TORRES: Um, I was, I was worried that he, he was going to come back out with a gun, and start shooting, um, that, we were both worried about that, me and Rodney were.

FLANAGAN: How do you know Rodney was worried about that?

TORRES: Because we talked about it.

FLANAGAN: Ok, do you remember what he said?

TORRES: No, I, I know, it was just, it was just mentioned, just hopefully he doesn't come out with a gun.

FLANAGAN: Ok.

TORRES: Um, um, we, were, I know Rodney kept calling his name, um, yes, just yelling at, just have him, just step outside or, we were just looking for any type of response from him, um.....

FLANAGAN: And I think at one point you said that um, you said we got to go and get him, what do you mean by that?

TORRES: I, I um, you know I, I was just hoping that he was ok, um, um, he, I just uh, my concern was he was going to bleed out to death,

um, knowing that, I, I didn't want the guy to die um, I, I wanted to get him some sort of medical attention, um, that's why.

FLANAGAN: Ok, was there, and, and I'm just referring to you and Rodney now in that, situation right there, was there a way for you and Rodney to safely enter that house to, to render aid to him?

TORRES: No, because if we opened that door, who knows what, what he was waiting for um, we heard movement inside the house but we don't know what he was doing.

FLANAGAN: What, how would you describe the movements?

TORRES: It's like a small thumping, um, it, it, it'd be like a thumping noise for a second or two and it would stop, and then it um, started up again, uh maybe 20 or 30 seconds later.

FLANAGAN: And how long do you think that went on for?

TORRES: Couple of cycles.

FLANAGAN: Ok.

TORRES: Maybe three cycles.

FLANAGAN: And I, and I think you mentioned that Officer Barnes is trying to communicate with him?

TORRES: Yeah, he was calling out his name.

FLANAGAN: Was there ever any verbal response from inside the house?

TORRES: No.

FLANAGAN: Would, would a person, a reasonable person be able to hear what Rodney was saying from inside the house with the door closed?

TORRES: Uh, Rodney was yelling it, I mean I, um, I, I don't, I don't know what the insulations like from, from the door so I....

FLANAGAN: But typic, but you think Rodney was yelling it in such a way that a person behind the door would have heard him?

TORRES: Yeah.

FLANAGAN: Ok, and, and I think Detective Farrell touched on this too, you mentioned that you had a two hand grip on the weapon, and um, I may have missed this, are you right handed or left handed?

TORRES: I'm right handed.

FLANAGAN: You're right handed, and the only time you took your hand off the wea, your left hand off the weapon was to communicate on the radio?

TORRES: Yeah.

FLANAGAN: At the time that you discharged the round, how many hands did you have on your weapon?

TORRES: Two.

FLANAGAN: You had two hands, um, and how would you describe your shooting position?

TORRES: My shooting position?

FLANAGAN: Are you out off the tree, like you were telling me you were standing before?

TORRES: Yeah.

FLANAGAN: Ok and, and I think you clarified this with Detective Farrell so I don't need to go into that again about what you actually observed at that time but, you're, he was still in that, you described the movements that he made, but where was he standing within the door when you saw those movements?

TORRES: Right in front of the door, right, right in front of the screen door, and he had his, he had his uh hands up on the, on the screen door, and then he just, brought both his hands down really quick.

FLANAGAN: How would you describe his body position as far as, straight, um, straight…

TORRES: He's looking straight at me…..

FLANAGAN: As far as left or right, so he's not, he's looking straight at you?

TORRES: Right at me.

FLANAGAN: So is he angled to some degree?

TORRES: No, he's looking straight at me.

FLANAGAN: But which way, if, if, I'm understanding your position right here, if I'm him standing in the doorway…..

TORRES: I guess, I guess there's a slight angle to him, um, but he's looking straight at me when he does it.

FLANAGAN: Ok, and is his body position the same way when he, I just don't want to be confused, when you say looking, his heads not turned, that's not what you mean right?

TORRES: Um, his, his body positions right at me I, I don't remember, I don't remember if you, I don't remember where his head, if his head was turned or not, um, I know his body was right at me though, um, I don't remember his head, I don't remember if he was looking at me or not.

FLANAGAN: Ok.

TORRES: I mean, I mean physically looking at me, I, his body was facing me.

FLANAGAN: But he's in the center of the doorway?

TORRES: Yes.

FLANAGAN: And in the, the statements that you, do you recall if any other statements that you made to any other officers um, after the uh, after the shooting?

TORRES: No.

FLANAGAN: Did, at any time um, particularly just after the shooting, did, did you make a comment about um, having a um, an argument with

your wife earlier?

TORRES: Yeah.

FLANAGAN: Could you recall that?

TORRES: Yes.

FLANAGAN: What, what statement did you make?

TORRES: I um, I, I had a, just, it, I just had an argument with the wife on the way to the call, I was on the phone, um, I, I told my wife that, hey I have to go, I'm about to get on scene of this, this domestic, and, and I've got to concentrate on that, um, so, that, that was that.

FLANAGAN: How, how did that, come up like, why did you make that statement then, when you did.

TORRES: I just, I, wondered, a lot of thoughts were going through my head and, I um, I, I was wondering if the guy died, I was wondering um, it's just a lot of things just came up, um, for a split second, I just thought um, whether it was just out of anger that this happened, um, but it, it wasn't out of anger, there was just something that happened right before hand, um, um, I, you know, we were just, I don't know, I just said it.

FLANAGAN: That, that was just the one statement to Rodney, but did you talk to him anymore about that?

TORRES: No.

FLANAGAN: Alright, and when you talk about, wondering for a split second if it was out of anger, um, what, what was, were you angry when you were down there on the scene?

TORRES: No.

FLANAGAN: Ok, were you thinking, when you were engaging this guy or throughout this call while you're on scene um, what are you thinking about?

TORRES: Um, wondering what he's going to do, hopefully that he comes out of the door, um yeah, the argument was still lingering in the back of my mind, uh, I was more concerned that the guy would come out of the door, that he'd just at least sit down and talk to us, um, so.

FLANAGAN: When, when you're, on the, you say this happens on the way to the call?

TORRES: The argument yes.

FLANAGAN: That you're talking to her?

TORRES: Yeah.

FLANAGAN: How long is that for?

TORRES: Man, I don't know, couple of minutes maybe.

FLANAGAN: It's all just on the phone, it's not prior to that?

TORRES: It's all on the phone.

FLANAGAN: Ok, and what's the nature of the argument?

TORRES: Uh, um, she's stressed out because of school, she's uh staying at home with the kids, um, she doesn't have a lot of time to do a lot of stuff and you know, I 'm telling her that, you know, you, I'm just telling her that you took way too many classes that, try to do this and I know that she wants to try to get her degree and uh, she was saying that she doesn't feel that uh, uh, you know, a lot of stupid stuff about the kids, um, about how I don't spend enough time with them, things like that um, you know.

FLANAGAN: And then how does it end on the telephone?

TORRES: I just told her I have to go.

FLANAGAN: Ok, and I take it you had already been dispatched to this call?

TORRES: I was, we were having an argument on, on the way out, when I was going to it.

FLANAGAN: Did she call you or did you call her?

TORRES: Oh man, I don't remember.

FLANAGAN: Ok, and, and I think you already answered this before I asked you but you said that you were focused on, um, the call at hand um, but after this is over and you make that comment to Rodney.....

TORRES: I don't even know if I did or not (laughs) ok I guess I did, ok.

FLANAGAN: What, what do you think, why do you think you make that comment, let me ask you this, how long after the shooting is it that you make that comment?

TORRES: Ah man, it, it had to be right after then because, we, we……

FLANAGAN: We're not talking like an hour later?

TORRES: No, cause we, we weren't allowed to talk to each other, once we got called back to the Command, I, once I got called back to the Command Bus, I, I didn't have any contact with him, I, I wanted to, after I found out he di, after the guy died, um, I just wanted someone to talk to that I knew, rather than, I got like 50 people I don't know them, um, trying to get me to calm down, so um.

FLANAGAN: And, and, what happens to you, after this has happened and, um, I mean I know, the protocols of the way things are happened, you mention that, that witnesses are separated, and um, they're instructed not to talk to people.

TORRES: Yeah.

FLANAGAN: But, for you, the person, um and I think you just kind of alluded to it somewhat, you're kind of separated from everyone else, I know this statement was made immediately after the shooting, do you talk to anybody else about it right after that?

TORRES: No.

FLANAGAN: It's just that one statement?

TORRES: Just that one time.

FLANAGAN: And……

TORRES: Because I got back to uh, Command Bus and, um, I saw my Captain there and, I asked him if I could call my wife, that was the first person I thought about talking to, so.

FLANAGAN: This, the person that you ultimately shot, do you know his name?

TORRES: John, um, I don't know how to pronounce his last name, it's like Geer "G" "E" "E" "R" or something.

FLANAGAN: Ok, how, how did you find that out, how did you know that?

TORRES: News.

FLANAGAN: Ok.

TORRES: I, I knew his first name, um, when we were going, sometime through the call, I remember Rodney yelling the name out, um, I remember I said it on the radio at one point, um, I, I don't, I don't think I knew his last name until I, I looked it up.

FLANAGAN: Ok.

TORRES: Later.

FLANAGAN: Had you ever been on a call before when you had contact with

him?

TORRES: Not that I recall.

FLANAGAN: Have you ever been to that residence before?

TORRES: I may have, I, I really don't, I don't, I don't know.

FLANAGAN: Ok.

TORRES: I, I, sev, seven years of handling, handling, you know, thousands of domestics, I may have, I don't know.

FLANAGAN: Ok but.....

TORRES: Or Other complaints, I.....

FLANAGAN: But you have no, specific recollection of.....

TORRES: Of him no.

FLANAGAN: Knowing him or knowing that townhouse?

TORRES: Right.

FLANAGAN: Even though you may have been there?

TORRES: I, we, yeah.

FLANAGAN: Possibly.

TORRES: Possibly, yeah possibly once in the past or something, I, I have no idea.

FLANAGAN: Ok um, the complainant in the call, his girlfriend, do you know her?

TORRES: No, never met any of them before.

FLANAGAN: And ok, anyone…

TORRES: At least that I know of.

FARRELL: From their family?

TORRES: No.

FLANAGAN: Um, is there any reason why prior to this call you would be angry with this individual?

TORRES: No, no reason at all.

FLANAGAN: Ok, and you said for one second, you thought that, were you angry with him?

TORRES: I wasn't angry with him.

FLANAGAN: Why did you discharge your weapon?

TORRES: Because he made a, what I believe, was a threatening move, where I didn't know if he had another firearm on him, and he's already made the mention of firearms, and he jerked his hands down near his waist, where I thought he could have another firearm at least, and I didn't want him to, to take it out, to take the firearm out, I don't know if he had another gun on him or, or what, um, but I, I at least perceived the threat that he did.

FLANAGAN: Do you, I already asked you about the other officers perception, I don't want to get into what gay, other guys may have seen because I don't even know if you know where they are, where

they were standing, but you're confident in your position and your ability to observe his actions and where you were....

TORRES: Yes.

FLANAGAN: There were no um, other than the branch that we talked about, that you, moved to eliminate, there were no obstructions from what you could see and you could see, his body position the whole time?

TORRES: Yes.

FLANAGAN: Ok, now, I know you've talked about this a couple of times but, and we just have the audio recording but, but you were demonstrating to, is you were sitting, I don't know if you were, um, if you're cognizant of doing it, and you showed how you had moved your hands um, and I think you described to Detective Farrell as um, possibly as low as his rib cage.....

TORRES: Uh huh.

FLANAGAN: And when you were doing that, you had your hands up like this um, which is just slightly above my head, and then down to this point right here and then you, you physically moved your hands like this, to like in front of his chest.

TORRES: Oh.

FLANAGAN: Is that, and, and I'm, I'm only showing you that because I know

sometimes we talk with our hands.

TORRES: Right.

FLANAGAN: Is, is that in fact what you're thinking as well, what you're trying to describe?

TORRES: I'm trying to describe it what he did, he had his hands all the way up here by the door.

FLANAGAN: Right.

TORRES: And brought his hands down really quick, at least by his rib cage.

FLANAGAN: Ok, so down, the way you describe, the way you, displayed it, with your hands is exactly is the way you're describing it in what you saw?

TORRES: Yes.

FLANAGAN: Ok, I just wanted to be sure because I know, we do talk with our hands like that, and what you were showing us, what.....

TORRES: Yeah.

FLANAGAN: In fact what you were describing. And that was both hands correct?

TORRES: Yes, both hands.

FLANAGAN: Um, when he did that, I had my hands open like this, with my palms, do you know how his hands were?

TORRES: No.

FLANAGAN: Uh, (Unintelligible), we had something else.

FARRELL: So, you explained why you shot at that time, you're in fear, um, during the, you know, this altercation of 40 minutes or whatever it is, was there another, was there ever another point where you were that afraid?

TORRES: Other than, him jerking his hands down, to, supposedly scratch his nose, um, yeah.

FARRELL: So when he jerks his hands down, from up top down, head level....

TORRES: Uh huh.

FARRELL: Scratch his nose?

TORRES: He would, to scratch his nose, he only did it with one hand.

FARRELL: Ok, why didn't you shoot him at that point, what was the difference between the other motions and when you make the decision to fire?

TORRES: He brought his hands down too far.

FARRELL: Ok, and from the beginning, from when he goes into the house, shows the weapon and then places it down, from that point, do you feel that, the incident is escalating, is it, going along at the same pace, is it going up and down, do you feel that you're any

closer to resolving it at the time, you know, just prior to when you, uh shoot in response to him moving his hands, do you feel like this is, that Rodney's making any progress in negotiations, that this person is, um, complying or, what's your feeling at that point?

TORRES: That uh, I, I just don't think it was, it was working, um, um, you know, you know, you know Rodney had already asked him a couple of times to step out of the house and he just kind of playing around and, he doesn't want to step out of the house and you know, he's already made, statements that he's going to go back inside the house and close the door and he doesn't even do that, so I don't even know what he was doing, he just, felt like he was just playing around.

FARRELL: Can you recall any reason, um, for you to believe that he may have had any other weapons other than.....

TORRES: There's always a possibility of someone having more than just one weapon on them.

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

TORRES: [redacted]

FARRELL: And then no problems with your vision, do you wear contacts or glasses.....

TORRES: No.

FARRELL: Or anything like that?

TORRES: No.

FARRELL: I don't have any more questions, do you?

FLANAGAN: I don't have any other questions.

FARRELL: Is there anything else you want, that you'd like to say, or anything else you think we should have asked?

TORRES: No.

FARRELL: Is there anything else that you think we should do in the investigation, you know, other than we're speaking to the other officers, canvassing the neighborhood, is there anything else that, you know maybe we wouldn't think of that, you think would be important for us to do or someone you think would be important for us to talk to?

TORRES: Um, just, uh trying to find out his mentality at the time, um, um, that, that's it, I can think of.

FARRELL: Ok.

TORRES: Um, um, you know.

FARRELL: Did you have anything John?

CARROLL: There, there was one, and I just kind of followed up with the questions, it's my understanding and I think he communicated,

but I want to make sure it was that, the right hand came down a few times, and so the difference I think was when both hands came down, is that, is that…

TORRES: Right both hands came down.

CARROLL: …what you guys understood?

FLANNAGAN: Yeah.

CARROLL: Cause I, It seemed a little loose.

FARRELL: Ok, so that was the only time both hands came that far down?

TORRES: It's the only time both hands did come down.

FARRELL: Ok, and then the right hand never came down that far?

TORRES: Right hand only came down to his face.

FARRELL: Ok.

TORRES: And then um, you know, that's it.

FARRELL: Alright, that will conclude the recording at 1903 hours.

****

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

From: Farrell, John
To: Winter, Brenda; Farrell, John
Sent: 9/10/2013 10:36:29 AM
Subject:
Attachments: Torres part (Part 2 final).doc

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

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 said he was wearing shorts?

TORRES: Yeah.

FARRELL: Ok, and then a shirt?

TORRES: Yes.

FARRELL: How did the shirt fit on him, do you recall?

TORRES: No, how it fit whether? Or was it……

FARRELL: Was it tight, super tight, was it a tank top, was it…..

TORRES: Oh it was just uh, it wasn't a tank top, it was just a shirt, I don't remember if it had collar or not.

FARRELL: Ok, do you recall if it was tucked in or not?

TORRES: No.

FARRELL: Do you recall any statements you made afterwards to the other officers? That were on scene?

TORRES: Right after I shot him?

FARRELL: Yes.

TORRES: Yeah.

FARRELL: Do you remember what you said?

TORRES: Yes.

FARRELL: What did you say?

TORRES: I said I can't believe I just shot him, or things like, uh, shit I just shot the guy, and that's when, it was just to Rodney, I know Rodney was there, we, we went to the side of the house.

FARRELL: Ok, do you remember why you said that?

TORRES: Um, I remember, cause when, when I, when I shot him I um, I saw Rodney's face, I don't know why I looked at him really quick, I saw Rodney's face and Rodney was just in shock, and then he just, he had a shocked look on his face and he was just, like who just shot him.

FARRELL: So it's kind of in response to, just the way Rodney was looking at that point?

TORRES: And, or then the um, he asked, he asked who shot him, I, I told him I did.

FARRELL: Ok.

TORRES: And I went to the side of the house, its more, it's more like the um, oh shit, I just shot this guy.

FARRELL: So, you're just kind of surprised because of how things evolved, or?

TORRES: Or I never shot anybody before so, um, uh, and I, I meant, I

meant to pull, I meant to pull that trigger, um, it just kind of, you know, just, a reaction of mine.

FARRELL: Ok, you remember if you said anything else?

TORRES: Um, uh, just, just telling Rodney I said that, I hope the guy comes out.

FARRELL: So when you're saying, I can't believe I just shot him, it's just because you haven't shot someone before?

TORRES: It, it, it might have been, I just.....

FARRELL: I guess, I guess my point just to cut to the chase is, I want to make sure that this, it's not an accidental sort of thing?

TORRES: It's not accidental.

FARRELL: Ok, it just, I know you're out there for a long time, for, 40 minutes, um, and so just, you made a decision to pull the trigger based on?

TORRES: His actions.

FARRELL: Ok, how long after you shoot him, um, and you know I hate the how longs.....

TORRES: (laughs)

FARRELL: Um, you moved to the side of the house, correct?

TORRES: Yep.

FARRELL: And then from there, um, at some point are you moved away

from the scene and other people take your position?

TORRES: Yeah.

FARRELL: Ok, is that pretty quick or are you out there for a while?

TORRES: It was a while.

FARRELL: Ok.

TORRES: At least a few minutes.

FARRELL: Ok.

TORRES: Seemed like a long time, probably wasn't.

FARRELL: And then um, they take you back to the command post, and then transport you to the station?

TORRES: Yeah, but it, I was at the Command Post for, um, a little bit of time.

FARRELL: Did anybody talk to you there?

TORRES: Yeah.

FARRELL: Did anybody ask you questions about what happened?

TORRES: Uh, I know a detective came up to me and uh, wanted to know what charges there were so they could get uh, a TAC Team to go inside the house.....

FARRELL: Ok.

TORRES: That or check on the, I guess the welfare of.....

FARRELL: Alright, other than that did anybody ask you any specifics or

anything like that?

TORRES: No.

FARRELL: And then who transported you to the station?

TORRES: Uh Peer Support.

FARRELL: Do you remember who?

TORRES: Don Amos.

FARRELL: Ok, and you fired one round?

TORRES: One round.

FLANAGAN: When the detective asked you about the charges, what did you tell him?

TORRES: It, it, it, it struck me as uh, um, I, I, I told him what the guy did, I, I said, the only thing I can tell you is, the guy mentioned the use of a firearm, he, he showed it to us, um, and um, I don't remember what else I said to him, but um, he said ok we'll go with disorderly.

FLANAGAN: Alright, so you didn't give them a specific charge, you just explained what you had.....

TORRES: Right.

FLANAGAN: Heard.

TORRES: I think it just kind of struck me as a, somewhat of a shock more than anything else, I said I just shot the guy I don't know what

other charges you need to go into house but, I guess, it was just, I don't know.....

FLANAGAN: Right.

TORRES: Weird thinking.

FLANAGAN: Uh, maybe a couple of things, just so I'm clear like on the layout, there was dark by the time I got down there but is, if you're on the sidewalk in front of the cars and you're facing the townhouses.....

TORRES: Uh huh

FLANAGAN: Alright does that make sense?

TORRES: Yes.

FLANAGAN: Not, not the sidewalk that comes from the houses to the sidewalk but to that one that is parallel to them.

TORRES: Wait a minute, I'm sorry, say again.

FLANAGAN: Alright, I probably made that more confusing than that had to be.

TORRES: (laughs) do you, do you want to draw it?

FLANAGAN: I, uh no....

TORRES: We can.....

FLANAGAN: That's ok.....

TORRES: I can definitely draw.

FLANAGAN: If, if, if I'm, if I pull straight down the hill, and I pull into the

parking spot, and I get out of my car and I'm looking at the front of the townhouses, ok, they, if, if we're talking about this guy's door, where is the tree in relation to the door? As we're facing the townhouse, left or right?

TORRES: Left.

FLANAGAN: Ok, um, is it the only tree right in that little lawn area.....

TORRES: From what I remember, yes.

FLANAGAN: Ok, now with relation to that tree, where are you standing as best as you can recall?

TORRES: To the right of the tree.

FLANAGAN: To the right of the tree as you face it, right?

TORRES: Uh huh.

FLANAGAN: Um, now are you, you mentioned I think that you're using the tree for cover?

TORRES: Yep.

FLANAGAN: How, how are you positioning yourself with the tree?

TORRES: There was a (laughs) a um, a branch right at my head level, so I had to step to the right of the tree a little bit, just to see him um, um, I, I guess if I got on my knees I, I could have been, um, right behind the tree and took cover from there, uh, I didn't quite think of it that way, at that time but, I just stepped to the right of the

tree just a little bit.

FLANAGAN: Ok so you…..

TORRES: The tree was within arm's reach though, I can tell you that.

FLANAGAN: Ok, it's within forward of you within arm's reach?

TORRES: Yeah, within arms reach.

FLANAGAN: Alright and um, so I think what you're describing is that the branch that comes out then, to the right, is obstructing your view of the door?

TORRES: Yeah, it's right in my face. (laughs)

FLANAGAN: Are, are you, so which way to do you lean out to see?

TORRES: To the right side.

FLANAGAN: You lean out to your right?

TORRES: Yeah.

FLANAGAN: So are you now, um, exposing yourself to this guy?

TORRES: Yeah.

FLANAGAN: Alright, and when you lean out, to see, do you lean out or do you step out?

TORRES: Step out.

FLANAGAN: Ok, when, when you're in that position, what can you see of the front of the door?

TORRES: I could see his, his whole body, from the screen door, I see the

screen door, I see his whole body, he's facing outside, um, and then there's no oth, there's nothing else in between, me and him.

FLANAGAN: Ok.

TORRES: Except the screen door.

FLANAGAN: Now thinking if, I guess like in your mind's eye, as you're looking in, besides him, is there anything else that you can see, in the door?

TORRES: No, no, I don't remember, just him.

FLANAGAN: Um, do you remember which way the doors open, did you ever observe that?

TORRES: Um, I don't remember.

FLANAGAN: If, if you don't it's ok……

TORRES: Yeah.

FLANAGAN: Um, and I'm asking you just to kind of I guess give you a bearing too, so my, I don't want to confuse you with the questions, I, I'd rather just get your, what you truly observed, um, but if, if, if we're talking about looking into the door, right, and then looking to the right, as you see it to the right, can you see essentially I guess past him, to the right, can you see what's on the right hand side, as you go in?

TORRES: No.

FLANAGAN: And I, and I don't mean like, just him, I mean anything, a, a couch or a TV or a door, my, my point is, can you see anything in the house to the right?

TORRES: Yeah.

FLANAGAN: What can you see?

TORRES: I keep thinking there's a stairwell, and, I might be wrong but…

FLANAGAN: What makes you think that?

TORRES: Uh, I, I don't know.

FLANAGAN: Ok.

TORRES: Uh, just, just thinking back, right now, there's just something that, I don't know.

FLANAGAN: Ok, and that would be as you look at it, it would be off to the right, so it would be to his left?

TORRES: It would be to his left.

FLANAGAN: Ok, now, and then, I guess the opposite of that, can you see anything to your left or his right inside?

TORRES: Uh no.

FLANAGAN: Do you ever see the um, for lack of a better term, the main door, not the screen but the main door?

TORRES: Only when he closed it.

FLANAGAN: Ok, and that's, that's after the shooting?

TORRES: Yeah.

FLANAGAN: Ok, you could never see it, in, in, from your perspective, you could never see it before?

TORRES: No.

FLANAGAN: Um, when you guys first arrive on scene, is the, is the main door opened or closed, if you remember?

TORRES: Main door was open.

FLANAGAN: Ok, now, when, getting back to where he um, shows you the weapon, and sets it down, would that have been towards his left or towards his right?

TORRES: His left.

FLANAGAN: And is that the area that you see or that, you have reason to believe that you observed a staircase or a stairwell?

TORRES: Yeah.

FLANAGAN: Ok.

TORRES: Right now I'm thinking, I think it is a stairwell, I don't know what it was, I know it wasn't, it wasn't a uh, living object (laughs) um.....

FLANAGAN: Right.

TORRES: Um.

FLANAGAN: Yeah, I think between your recollection of it being a long time, I think we've talked about, the CAD or something eluding to it

being 40 minutes, um, does the lighting change out there during that time, do you have any specific recollection of it being difficult to see in there or not difficult or is it changing over time?

TORRES: No, it stayed the same.

FLANAGAN: Ok, and then considering your position at that tree, from where you are, let me ask you this beforehand, do you remember anything else at the um, specific like at the base of the tree?

TORRES: No, just a shield, just resting against the tree.

FLANAGAN: Um, was there anything that affected your, your footing like around the tree that made you adjust besides the shield?

TORRES: No.

FLANAGAN: Ok, and now with regards to Officer Barnes, he, he's to your left I think you described earlier?

TORRES: Um, yeah its, its, uh like a diagonal, towards the next townhouse, um.

FLANAGAN: Is he using anything for cover?

TORRES: No.

FLANAGAN: How, I know, I know distances are, are difficult but, is he within arm's reach of the tree?

TORRES: No.

FLANAGAN: He's, he's beyond arms reach?

TORRES: He's beyond, he's, how, how it looked at the beginning, before we asked Neil, to move, it looked like, uh, an "L", or our, or on the point of the "L" so, I'll draw it, on the (drawing) point of the "L", here's the tree, here's where I am, this is where Rodney is, this is where Neil was and this is the row of townhouses right here.

FLANAGAN: Alright.

TORRES: Um, we eventually asked Neil to go uh, over to the next row, couple of townhouses over here where the family started going and Rodney stayed over here, you can see that.

FLANAGAN: Yeah, I, I understand what you're saying, is he that close to the houses?

TORRES: He's probably around here, technically, um, he's, he's probably right around here, he....

FLANAGAN: What kind of, I'm sorry, I didn't mean to interrupt you.

TORRES: Well, he got at least a, I mean he at least talked to the guy so I would think he would be able to see him, um, from at least some point of angle.

FLANAGAN: Ok.

TORRES: Um.

FLANAGAN: Who has, a better point of observation of the, of the front door,

including um, this guy, you or Rodney?

TORRES: That would be me probably, I'm looking directly at him.

FLANAGAN: What.

TORRES: But I don't know what Rodney's perspective of, of him was.

FLANAGAN: Right, I understand.

TORRES: I mean.

FLANAGAN: Is there anything that you're aware of that is in front of Rodney, like you mentioned you had a branch in front of you, is there anything that's in front of him that he either mentions or that you're aware of that's an obstruction to him?

TORRES: No, no, I don't think there's anything in front of him.

FLANAGAN: Ok.

TORRES: Well, the branch wasn't in my way, I just stepped away from the tree to, you know, to um, you know, so I, I could at least see the guy and see what he does, um, I don't want you to think that the branch is in my way and obstructing anything, it just, I mean I stepped away from it, just so it wouldn't be in my way.

FLANAGAN: And just to be clear, at, at the time that you pulled the trigger, you're not saying the branch is obstructing your line of sight?

TORRES: It was not.

FLANAGAN: (inaudible) and I, and I think I had this written down but I think

you came back later and addressed this, when um, you described him making the uh, the jerking motions with his hands, the, the jerking motion, is that, is the jerking part the downward part or is it the part towards his face to actually scratch his nose?

TORRES: Downward part.

FLANAGAN: Ok, so he's jerking down like this?

TORRES: Yeah.

FLANAGAN: And then, the process of that, and I think you, I think eventually you said it happened different ways but, at some points he was jerking his hands down without asking to scratch his nose or without tell you he's scratching his nose?

TORRES: He, he's jerking his hands down before, to scratch his nose and then, one time he said that he needed to scratch his nose and then he, he brought his hand down slowly.

FLANAGAN: What, what was your take on with him, did he seem to be intentionally jerking his hands down, I think you had mentioned that after he would do that he would look at you.....

TORRES: He just looks at me and tells me to calm down.

FLANAGAN: What were you doing, that a person would think you weren't calm?

TORRES: Uh, when I had my gun at the, uh, ready gun and then he'd br,

you know he doesn't tell anybody anything he just jerks his hand down, I bring my, my gun back up on him.

FLANAGAN: Ok, and, that, those were your only actions that you're aware of that.....

TORRES: Right.

FLANAGAN: And that those comments, at least in your mind that he's making it, is a result of you um, getting back on aim on him?

TORRES: Right.

FLANAGAN: And, and I think Detective Farrell asked you, did you respond to him verbally in any way to that?

TORRES: No, I never talked to him at all.

FLANAGAN: Did um, did Officer Barnes ever give him any commands to, to not jerk his hands or to not make quick movements?

TORRES: He said um, when he told me to calm down, he said, well when you bring your hands down like that, that's, that's, you know Officer Torres is gonna bring his gun back up.

FLANAGAN: That, that's what Officer Barnes said?

TORRES: Something along those lines yeah.

FLANAGAN: Ok, do you know how many times that was said if more than once?

TORRES: Ah man, uh, once that I recall.

FLANAGAN: Ok.

TORRES: I don't remember if it was said again.

FLANAGAN: Do, do you recall, um, anything else that the deceased had said, not necessarily to you but as you guys are, um, and I guess I'll say when you're, when you've got him at gun point at the door, any other things that he would have said?

TORRES: Just to us?

FLANAGAN: Yes.

TORRES: About what he was doing?

FLANAGAN: Yeah.

TORRES: Or.....

FLANAGAN: Anything.....

TORRES: Just.....

FLANAGAN: Any other statements that, that you recall that he made.

TORRES: His nose was itchy and um, um, started claiming he was thirsty later, um, I don't remember anything else, or anything else he directed towards us.

FLANAGAN: Ok, um, did he ever make any statement about um, the consequences of it, of his actions, like if he knew he did this, this would happen or, anything along those lines?

TORRES: No.

FLANAGAN: And you talked to Detective Farrell about um, comments that you made with Officer Barnes after, what, did, did Officer Barnes say anything to you about the shooting?

TORRES: Um, he said, don't worry, you're good, um, um, he said something else I don't know remember what it was.

FLANAGAN: Ok, and, how close in proximity to the shooting is this, in time I mean?

TORRES: Oh right after um, I shot him and I got on the radio and said there's a shot fired and we both um, took uh, went right next to, to the townhouse right next to him, next to the guy.

FLANAGAN: Ok, why'd you do that?

TORRES: (sighs) uh just seemed like something that I needed to do, um, I, just to get away from the front door, um.

FLANAGAN: Why did you think you needed to get away from the front door?

TORRES: I, I don't know, it, it just something that came to mind just, just to move, um.

FLANAGAN: Was, was that a tactical decision?

TORRES: I just, I just moved in my event, I don't know.

FLANAGAN: Ok.

TORRES: I just moved behind him, moved behind Rodney.

FLANAGAN: Ok, and.....

TORRES: Because Rodney moved also, so, um, I, I just moved right, right, right where he was.

FLANAGAN: Did you have any further concerns at that point for, for your safety or, for the other officers that were out there for their safety?

TORRES: Um, I was, I was worried that he, he was going to come back out with a gun, and start shooting, um, that, we were both worried about that, me and Rodney were.

FLANAGAN: How do you know Rodney was worried about that?

TORRES: Because we talked about it.

FLANAGAN: Ok, do you remember what he said?

TORRES: No, I, I know, it was just, it was just mentioned, just hopefully he doesn't come out with a gun.

FLANAGAN: Ok.

TORRES: Um, um, we, were, I know Rodney kept calling his name, um, yes, just yelling at, just have him, just step outside or, we were just looking for any type of response from him, um.....

FLANAGAN: And I think at one point you said that um, you said we got to go and get him, what do you mean by that?

TORRES: I, I um, you know I, I was just hoping that he was ok, um, um, he, I just uh, my concern was he was going to bleed out to death,

um, knowing that, I, I didn't want the guy to die um, I, I wanted to get him some sort of medical attention, um, that's why.

FLANAGAN: Ok, was there, and, and I'm just referring to you and Rodney now in that, situation right there, was there a way for you and Rodney to safely enter that house to, to render aid to him?

TORRES: No, because if we opened that door, who knows what, what he was waiting for um, we heard movement inside the house but we don't know what he was doing.

FLANAGAN: What, how would you describe the movements?

TORRES: It's like a small thumping, um, it, it, it'd be like a thumping noise for a second or two and it would stop, and then it um, started up again, uh maybe 20 or 30 seconds later.

FLANAGAN: And how long do you think that went on for?

TORRES: Couple of cycles.

FLANAGAN: Ok.

TORRES: Maybe three cycles.

FLANAGAN: And I, and I think you mentioned that Officer Barnes is trying to communicate with him?

TORRES: Yeah, he was calling out his name.

FLANAGAN: Was there ever any verbal response from inside the house?

TORRES: No.

FLANAGAN: Would, would a person, a reasonable person be able to hear what Rodney was saying from inside the house with the door closed?

TORRES: Uh, Rodney was yelling it, I mean I, um, I, I don't, I don't know what the insulations like from, from the door so I....

FLANAGAN: But typic, but you think Rodney was yelling it in such a way that a person behind the door would have heard him?

TORRES: Yeah.

FLANAGAN: Ok, and, and I think Detective Farrell touched on this too, you mentioned that you had a two hand grip on the weapon, and um, I may have missed this, are you right handed or left handed?

TORRES: I'm right handed.

FLANAGAN: You're right handed, and the only time you took your hand off the wea, your left hand off the weapon was to communicate on the radio?

TORRES: Yeah.

FLANAGAN: At the time that you discharged the round, how many hands did you have on your weapon?

TORRES: Two.

FLANAGAN: You had two hands, um, and how would you describe your shooting position?

TORRES: My shooting position?

FLANAGAN: Are you out off the tree, like you were telling me you were standing before?

TORRES: Yeah.

FLANAGAN: Ok and, and I think you clarified this with Detective Farrell so I don't need to go into that again about what you actually observed at that time but, you're, he was still in that, you described the movements that he made, but where was he standing within the door when you saw those movements?

TORRES: Right in front of the door, right, right in front of the screen door, and he had his, he had his uh hands up on the, on the screen door, and then he just, brought both his hands down really quick.

FLANAGAN: How would you describe his body position as far as, straight, um, straight…

TORRES: He's looking straight at me…..

FLANAGAN: As far as left or right, so he's not, he's looking straight at you?

TORRES: Right at me.

FLANAGAN: So is he angled to some degree?

TORRES: No, he's looking straight at me.

FLANAGAN: But which way, if, if, I'm understanding your position right here, if I'm him standing in the doorway…..

TORRES: I guess, I guess there's a slight angle to him, um, but he's looking straight at me when he does it.

FLANAGAN: Ok, and is his body position the same way when he, I just don't want to be confused, when you say looking, his heads not turned, that's not what you mean right?

TORRES: Um, his, his body positions right at me I, I don't remember, I don't remember if you, I don't remember where his head, if his head was turned or not, um, I know his body was right at me though, um, I don't remember his head, I don't remember if he was looking at me or not.

FLANAGAN: Ok.

TORRES: I mean, I mean physically looking at me, I, his body was facing me.

FLANAGAN: But he's in the center of the doorway?

TORRES: Yes.

FLANAGAN: And in the, the statements that you, do you recall if any other statements that you made to any other officers um, after the uh, after the shooting?

TORRES: No.

FLANAGAN: Did, at any time um, particularly just after the shooting, did, did you make a comment about um, having a um, an argument with

your wife earlier?

TORRES: Yeah.

FLANAGAN: Could you recall that?

TORRES: Yes.

FLANAGAN: What, what statement did you make?

TORRES: I um, I, I had a, just, it, I just had an argument with the wife on the way to the call, I was on the phone, um, I, I told my wife that, hey I have to go, I'm about to get on scene of this, this domestic, and, and I've got to concentrate on that, um, so, that, that was that.

FLANAGAN: How, how did that, come up like, why did you make that statement then, when you did.

TORRES: I just, I, wondered, a lot of thoughts were going through my head and, I um, I, I was wondering if the guy died, I was wondering um, it's just a lot of things just came up, um, for a split second, I just thought um, whether it was just out of anger that this happened, um, but it, it wasn't out of anger, there was just something that happened right before hand, um, um, I, you know, we were just, I don't know, I just said it.

FLANAGAN: That, that was just the one statement to Rodney, but did you talk to him anymore about that?

TORRES: No.

FLANAGAN: Alright, and when you talk about, wondering for a split second if it was out of anger, um, what, what was, were you angry when you were down there on the scene?

TORRES: No.

FLANAGAN: Ok, were you thinking, when you were engaging this guy or throughout this call while you're on scene um, what are you thinking about?

TORRES: Um, wondering what he's going to do, hopefully that he comes out of the door, um yeah, the argument was still lingering in the back of my mind, uh, I was more concerned that the guy would come out of the door, that he'd just at least sit down and talk to us, um, so.

FLANAGAN: When, when you're, on the, you say this happens on the way to the call?

TORRES: The argument yes.

FLANAGAN: That you're talking to her?

TORRES: Yeah.

FLANAGAN: How long is that for?

TORRES: Man, I don't know, couple of minutes maybe.

FLANAGAN: It's all just on the phone, it's not prior to that?

TORRES: It's all on the phone.

FLANAGAN: Ok, and what's the nature of the argument?

TORRES: Uh, um, she's stressed out because of school, she's uh staying at home with the kids, um, she doesn't have a lot of time to do a lot of stuff and you know, I 'm telling her that, you know, you, I'm just telling her that you took way too many classes that, try to do this and I know that she wants to try to get her degree and uh, she was saying that she doesn't feel that uh, uh, you know, a lot of stupid stuff about the kids, um, about how I don't spend enough time with them, things like that um, you know.

FLANAGAN: And then how does it end on the telephone?

TORRES: I just told her I have to go.

FLANAGAN: Ok, and I take it you had already been dispatched to this call?

TORRES: I was, we were having an argument on, on the way out, when I was going to it.

FLANAGAN: Did she call you or did you call her?

TORRES: Oh man, I don't remember.

FLANAGAN: Ok, and, and I think you already answered this before I asked you but you said that you were focused on, um, the call at hand um, but after this is over and you make that comment to Rodney.....

TORRES: I don't even know if I did or not (laughs) ok I guess I did, ok.

FLANAGAN: What, what do you think, why do you think you make that comment, let me ask you this, how long after the shooting is it that you make that comment?

TORRES: Ah man, it, it had to be right after then because, we, we……

FLANAGAN: We're not talking like an hour later?

TORRES: No, cause we, we weren't allowed to talk to each other, once we got called back to the Command, I, once I got called back to the Command Bus, I, I didn't have any contact with him, I, I wanted to, after I found out he di, after the guy died, um, I just wanted someone to talk to that I knew, rather than, I got like 50 people I don't know them, um, trying to get me to calm down, so um.

FLANAGAN: And, and, what happens to you, after this has happened and, um, I mean I know, the protocols of the way things are happened, you mention that, that witnesses are separated, and um, they're instructed not to talk to people.

TORRES: Yeah.

FLANAGAN: But, for you, the person, um and I think you just kind of alluded to it somewhat, you're kind of separated from everyone else, I know this statement was made immediately after the shooting, do you talk to anybody else about it right after that?

TORRES: No.

FLANAGAN: It's just that one statement?

TORRES: Just that one time.

FLANAGAN: And.....

TORRES: Because I got back to uh, Command Bus and, um, I saw my Captain there and, I asked him if I could call my wife, that was the first person I thought about talking to, so.

FLANAGAN: This, the person that you ultimately shot, do you know his name?

TORRES: John, um, I don't know how to pronounce his last name, it's like Geer "G" "E" "E" "R" or something.

FLANAGAN: Ok, how, how did you find that out, how did you know that?

TORRES: News.

FLANAGAN: Ok.

TORRES: I, I knew his first name, um, when we were going, sometime through the call, I remember Rodney yelling the name out, um, I remember I said it on the radio at one point, um, I, I don't, I don't think I knew his last name until I, I looked it up.

FLANAGAN: Ok.

TORRES: Later.

FLANAGAN: Had you ever been on a call before when you had contact with

him?

TORRES: Not that I recall.

FLANAGAN: Have you ever been to that residence before?

TORRES: I may have, I, I really don't, I don't, I don't know.

FLANAGAN: Ok.

TORRES: I, I, sev, seven years of handling, handling, you know, thousands of domestics, I may have, I don't know.

FLANAGAN: Ok but.....

TORRES: Or Other complaints, I.....

FLANAGAN: But you have no, specific recollection of.....

TORRES: Of him no.

FLANAGAN: Knowing him or knowing that townhouse?

TORRES: Right.

FLANAGAN: Even though you may have been there?

TORRES: I, we, yeah.

FLANAGAN: Possibly.

TORRES: Possibly, yeah possibly once in the past or something, I, I have no idea.

FLANAGAN: Ok um, the complainant in the call, his girlfriend, do you know her?

TORRES: No, never met any of them before.

FLANAGAN: And ok, anyone…

TORRES: At least that I know of.

FARRELL: From their family?

TORRES: No.

FLANAGAN: Um, is there any reason why prior to this call you would be angry with this individual?

TORRES: No, no reason at all.

FLANAGAN: Ok, and you said for one second, you thought that, were you angry with him?

TORRES: I wasn't angry with him.

FLANAGAN: Why did you discharge your weapon?

TORRES: Because he made a, what I believe, was a threatening move, where I didn't know if he had another firearm on him, and he's already made the mention of firearms, and he jerked his hands down near his waist, where I thought he could have another firearm at least, and I didn't want him to, to take it out, to take the firearm out, I don't know if he had another gun on him or, or what, um, but I, I at least perceived the threat that he did.

FLANAGAN: Do you, I already asked you about the other officers perception, I don't want to get into what gay, other guys may have seen because I don't even know if you know where they are, where

they were standing, but you're confident in your position and your ability to observe his actions and where you were....

TORRES: Yes.

FLANAGAN: There were no um, other than the branch that we talked about, that you, moved to eliminate, there were no obstructions from what you could see and you could see, his body position the whole time?

TORRES: Yes.

FLANAGAN: Ok, now, I know you've talked about this a couple of times but, and we just have the audio recording but, but you were demonstrating to, is you were sitting, I don't know if you were, um, if you're cognizant of doing it, and you showed how you had moved your hands um, and I think you described to Detective Farrell as um, possibly as low as his rib cage.....

TORRES: Uh huh.

FLANAGAN: And when you were doing that, you had your hands up like this um, which is just slightly above my head, and then down to this point right here and then you, you physically moved your hands like this, to like in front of his chest.

TORRES: Oh.

FLANAGAN: Is that, and, and I'm, I'm only showing you that because I know

sometimes we talk with our hands.

TORRES: Right.

FLANAGAN: Is, is that in fact what you're thinking as well, what you're trying to describe?

TORRES: I'm trying to describe it what he did, he had his hands all the way up here by the door.

FLANAGAN: Right.

TORRES: And brought his hands down really quick, at least by his rib cage.

FLANAGAN: Ok, so down, the way you describe, the way you, displayed it, with your hands is exactly is the way you're describing it in what you saw?

TORRES: Yes.

FLANAGAN: Ok, I just wanted to be sure because I know, we do talk with our hands like that, and what you were showing us, what.....

TORRES: Yeah.

FLANAGAN: In fact what you were describing. And that was both hands correct?

TORRES: Yes, both hands.

FLANAGAN: Um, when he did that, I had my hands open like this, with my palms, do you know how his hands were?

TORRES: No.

FLANAGAN: Uh, (Unintelligible), we had something else.

FARRELL: So, you explained why you shot at that time, you're in fear, um, during the, you know, this altercation of 40 minutes or whatever it is, was there another, was there ever another point where you were that afraid?

TORRES: Other than, him jerking his hands down, to, supposedly scratch his nose, um, yeah.

FARRELL: So when he jerks his hands down, from up top down, head level....

TORRES: Uh huh.

FARRELL: Scratch his nose?

TORRES: He would, to scratch his nose, he only did it with one hand.

FARRELL: Ok, why didn't you shoot him at that point, what was the difference between the other motions and when you make the decision to fire?

TORRES: He brought his hands down too far.

FARRELL: Ok, and from the beginning, from when he goes into the house, shows the weapon and then places it down, from that point, do you feel that, the incident is escalating, is it, going along at the same pace, is it going up and down, do you feel that you're any

closer to resolving it at the time, you know, just prior to when you, uh shoot in response to him moving his hands, do you feel like this is, that Rodney's making any progress in negotiations, that this person is, um, complying or, what's your feeling at that point?

TORRES: That uh, I, I just don't think it was, it was working, um, um, you know, you know, you know Rodney had already asked him a couple of times to step out of the house and he just kind of playing around and, he doesn't want to step out of the house and you know, he's already made, statements that he's going to go back inside the house and close the door and he doesn't even do that, so I don't even know what he was doing, he just, felt like he was just playing around.

FARRELL: Can you recall any reason, um, for you to believe that he may have had any other weapons other than.....

TORRES: There's always a possibility of someone having more than just one weapon on them.

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

TORRES: [redacted]

FARRELL: And then no problems with your vision, do you wear contacts or glasses.....

TORRES: No.

FARRELL: Or anything like that?

TORRES: No.

FARRELL: I don't have any more questions, do you?

FLANAGAN: I don't have any other questions.

FARRELL: Is there anything else you want, that you'd like to say, or anything else you think we should have asked?

TORRES: No.

FARRELL: Is there anything else that you think we should do in the investigation, you know, other than we're speaking to the other officers, canvassing the neighborhood, is there anything else that, you know maybe we wouldn't think of that, you think would be important for us to do or someone you think would be important for us to talk to?

TORRES: Um, just, uh trying to find out his mentality at the time, um, um, that, that's it, I can think of.

FARRELL: Ok.

TORRES: Um, um, you know.

FARRELL: Did you have anything John?

CARROLL: There, there was one, and I just kind of followed up with the questions, it's my understanding and I think he communicated,

but I want to make sure it was that, the right hand came down a few times, and so the difference I think was when both hands came down, is that, is that…

TORRES: Right both hands came down.

CARROLL: …what you guys understood?

FLANNAGAN: Yeah.

CARROLL: Cause I, It seemed a little loose.

FARRELL: Ok, so that was the only time both hands came that far down?

TORRES: It's the only time both hands did come down.

FARRELL: Ok, and then the right hand never came down that far?

TORRES: Right hand only came down to his face.

FARRELL: Ok.

TORRES: And then um, you know, that's it.

FARRELL: Alright, that will conclude the recording at 1903 hours.

****

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

From: Farrell, John
To: Winter, Brenda
Sent: 9/10/2013 10:19:04 AM
Subject:
Attachments: TORRES TRANSCRIPT (PART 1 FINAL).doc

Detective John Farrell
Fairfax County Police
4100 Chain Bridge Road
Fairfax, Virginia 22030
Cell) [redacted]
Desk) [redacted]
[redacted]

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

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

****

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

TORRES: **Adam Daniel Torres.**

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

TORRES: 3681.

FARRELL: And your six digit EIN.

TORRES: 301888.

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

TORRES: Yes.

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

TORRES: August 16, 2006.

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

TORRES: No.

FARRELL: Any military experience?

TORRES: No.

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

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

FARRELL: And what was that Bachelor's in?

TORRES: Uh, Administration of Justice.

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

TORRES: None.

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

TORRES: Yes.

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

TORRES: 9.

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

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

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

TORRES: Yes.

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

TORRES: Yes.

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

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

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

TORRES: Yes.

FARRELL: And what shift do you work?

TORRES: Evenings A side.

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

TORRES: 1:30PM.

FARRELL: And what time do you work till?

TORRES: 1AM.

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

TORRES: Yes.

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

TORRES: Yes.

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

midnights, is that correct?

TORRES: Yes.

FARRELL: And you're on the evening shift?

TORRES: Yes.

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

TORRES: Uh Wednesday and Thursday, last week.

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

TORRES: Yes.

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

TORRES: Yes.

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

TORRES: No.

FARRELL: Uh, any court?

TORRES: Not last week no.

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

TORRES: Yes.

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

TORRES: Yes.

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

TORRES: At 1330, Thursday.

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

TORRES: 1:00 maybe.

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

TORRES: That's about right, yeah.

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

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

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

TORRES: No.

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

TORRES: Yes.

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

TORRES: Yes.

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

your uniform by a crime scene detective?

TORRES: Yes.

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

TORRES: No.

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

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

FARRELL: And name tag?

TORRES: Says A. D. Torres.

FARRELL: Ok.

TORRES: On it.

FARRELL: And you have patches on the sleeves?

TORRES: Yes.

FARRELL: And do you recall what those patches are?

TORRES: It's Fairfax County Police.

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

TORRES: Short.

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

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

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

TORRES: I was wearing regular patrol pants.

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

TORRES: Yes.

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

TORRES: No.

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

TORRES: Yes.

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

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

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

TORRES: Sig Sauer 40 caliber.

FARRELL: Is that a 226?

TORRES: Yes.

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

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

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

TORRES: 12, 12 bullets in each magazine.

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

TORRES: I don't remember.

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

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

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

TORRES: Yeah.

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

TORRES: Yes.

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

TORRES: 1330.

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

TORRES: No.

FARRELL: So it was just, routine?

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

FARRELL: You don't recall?

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

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

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

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

TORRES: Um, after 2:00.

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

TORRES: 740.

FARRELL: And what was your designator?

TORRES: 740 Charlie.

FARRELL: And what does Charlie mean?

TORRES: It just means evening unit.

FARRELL: And what is 740?

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

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

TORRES: No.

FARRELL: Do you have a usual patrol area?

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

FARRELL: And what does that mean?

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

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

TORRES: Yes.

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

TORRES: Yes.

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

TORRES: Yes.

FARRELL: Uh, what cruiser were you operating?

TORRES: 4617.

FARRELL: Is that an assigned cruiser?

TORRES: Yes.

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

TORRES: It's a unmarked silver.

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

TORRES: Correct.

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

TORRES: Right.

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

TORRES: Yes.

FARRELL: Alright, um Crown Vic?

TORRES: Yes.

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

TORRES: None.

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

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

TORRES: Yes.

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

TORRES: (sighs)

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

TORRES: Oh um.

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

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

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

TORRES: No.

FLANAGAN: Or a shot gun rounds?

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

FLANAGAN: Ok.

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

TORRES: Uh, sunny (laughs).

FARRELL: Alright.

TORRES: Warm.

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

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

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

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

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

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

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

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

TORRES: Yes.

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

TORRES: Nuh uh.

FARRELL: Ok.

TORRES: I don't remember.

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

TORRES: Yes.

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

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

FARRELL: Ok.

TORRES: That's what we know.

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

TORRES: Yes.

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

TORRES: Yes.

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

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

FARRELL: Um, did you read the CAD event?

TORRES: Yes.

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

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

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

TORRES: No.

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

TORRES: Yes we got there at the same time.

FARRELL: Ok, where did you park?

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

FARRELL: Ok, where did Neil park?

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

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

TORRES: Yes.

FARRELL: But you arrived at the same time?

TORRES: Yes.

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

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

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

TORRES: Yes.

FARRELL: Do you recall that address?

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

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

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

TORRES: No.

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

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

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

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

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

TORRES: Uh huh.

FARRELL: And the subject walks into the house?

TORRES: Yes.

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

TORRES: No.

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

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

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

TORRES: Yes.

FARRELL: So he would have said, I have?

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

FARRELL: Where were you and Neil at this point?

TORRES: In front of his house.

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

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

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

TORRES: When he said it?

FARRELL: Yes.

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

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

TORRES: Uh huh.

FARRELL: And then he reaches behind his back?

TORRES: Yes.

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

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

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

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

TORRES: Yes.

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

TORRES: Yes.

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

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

FARRELL: In his left hand?

TORRES: In his left hand.

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

TORRES: No.

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

TORRES: Yes.

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

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

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

TORRES: A few seconds.

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

TORRES: Yes.

FARRELL: As a weapon in a holster?

TORRES: Yes.

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

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

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

TORRES: I don't remember.

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

TORRES: Well what I believe is his feet yes.

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

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

FARRELL: Ok.

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

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

TORRES: No.

FARRELL: Ok.

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

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

TORRES: No he.....

FARRELL: Frame of the door?

TORRES: No, he just leaned over.

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

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

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

TORRES: Yep.

FARRELL: And moving towards the tree.

TORRES: Yep.

FARRELL: Why is that?

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

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

TORRES: Yep.

FARRELL: You perceive that…..

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

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

TORRES: Yes.

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

TORRES: No.

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

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

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

TORRES: No.

FARRELL: Ok.

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

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

TORRES: Yes.

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

TORRES: I was.

FARRELL: And do you remember what you were advising?

TORRES: Yes.

FARRELL: Ok, tell me about that.

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

FARRELL: Ok, um, where's your radio positioned on your belt?

TORRES: The mic is on my left shoulder.

FARRELL: Ok, were you using that mic?

TORRES: Yes.

FARRELL: Ok, initially when you, draw your weapon and point it at him, how are you holding the weapon?

TORRES: Two hands.

FARRELL: Two hands, and then when you go to operate the radio.....

TORRES: I'd um, let go of my left hand, from my, my right and I still had uh, control of my weapon on him with my right hand, um, and to operate the radio I, I had to use my left hand to, to talk on it.

FARRELL: So you just bring your left hand up to your shoulder?

TORRES: Yeah.

FARRELL: Um, press the mic?

TORRES: Yes.

FARRELL: Speak into it?

TORRES: Yes.

FARRELL: You don't have to unclip it from.....

TORRES: No.

FARRELL: Your epaulette or anything like that?

TORRES: No.

FARRELL: So you advise over the radio and what responses do you receive?

TORRES: Um, um, Lieutenant Joca got on the radio um, said he was direct on it, um, and for a shield to go down to location, and I advised him that I had a shield in my car, I needed someone to bring it up to me if he wanted a shield out.

FARRELL: Ok, and then the next unit that arrives on scene, do you recall who

that is?

TORRES: No, I, I, I remember Rodney showing up but I don't remember if he was the next person on scene.

FARRELL: Ok, all your attention is focused.....

TORRES: Right.

FARRELL: On the townhouse, or you, I mean, the officers coming in would have been coming in from behind you correct?

TORRES: Yes.

FARRELL: Ok, um, are you always um, on the same side of the tree or after you initially approach and take up cover do you end up moving?

TORRES: No.

FARRELL: From one side to another.

TORRES: I was always on the same side, didn't move.

FARRELL: Ok, so from your initial approach towards the house, until you move towards the tree, uh that's the extent of.....

TORRES: Yes.

FARRELL: Your movement? And when you approach, do you uh, the house initially, do you walk straight up to it or are you coming from one side or the other?

TORRES: I walked straight up to it.

FARRELL: Ok, um, where does Rodney come up, or what, where's Rodney

end up being positioned?

TORRES: To my uh, left side, um, sort of a diagonal manner um, he is, he's sort of at my um, I hate to say like a 90 degree angle....

FARRELL: Ok.

TORRES: But uh, and if, if I'm facing the house, he's on my, he's on my left side.

FARRELL: Ok.

TORRES: But uh, it's just a slight angle.

FARRELL: Is he closer to the house than you are?

TORRES: Uh, he, closer to, uh the row of houses, yes.

FARRELL: Ok, but you're closer to the door.

TORRES: Yeah I, I had, I had a direct view of the door.

FARRELL: Ok, so, you're, he's closer to the house, the row of houses like you said.....

TORRES: Right.

FARRELL: Because he's a few.....

TORRES: Yeah he's.....

FARRELL: Because he's a 90 degree angle, he's a little bit in front of you but to your left, is he on the other side of the tree?

TORRES: Yes.

FARRELL: Ok, and where's Neil at this point, as best you know?

TORRES: Right side, right um, maybe 10 feet to my right.

FARRELL: Ok, does he have any cover or concealment?

TORRES: No.

FARRELL: How long after Rodney arrived do, does someone direct Neil to talk to the complainant, or how does that, how does that happen?

TORRES: I don't remember who made, um, who made, who wanted him to talk to him, I'm not sure if he said he would go talk to him or he asked if, Rodney to do it, but I know that Rodney um, um, I know that he eventually went over and talked to him.

FARRELL: Ok, did Neil update you all with what he finds out from the complainant?

TORRES: Oh man, I don't remember.

FARRELL: Does Neil ever come back and talk to you guys or is he on the radio or don't remember?

TORRES: I know there's a lot of radio traffic, um a lot of people talking, um, um he never came back to talk to us about, individually talk to us.

FARRELL: Do you remember any other radio updates, or information relating to the call, maybe not whose responding or, where people are going but, any other information other than what you had from your own observations?

TORRES: No.

FARRELL: Ok, um, what about prior to arriving there, did you check location of interest or were you aware of any uh, informa, any information about weapons or……

TORRES: No.

FARRELL: Once um, Rodney arrives on scene, do you talk to this person or give him any commands or uh, interact with him at all, is there any communication between you and him?

TORRES: No.

FARRELL: Other than what he's directing towards you?

TORRES: No.

FARRELL: Now he's making comments that you look young, or he's acting, asking you to lower your weapon…..

TORRES: Yeah.

FARRELL: Do you respond to him at all?

TORRES: No.

FARRELL: Ok, so um, at that point, you're covering, Rodney's handling contact, he's handling all communication?

TORRES: Yes.

FARRELL: Ok, are any other officers on scene at that point providing cover that you're aware of?

TORRES: Um, I know, I know Kushner showed up, I know Dave Parker

showed up, and they took some cover behind uh, a few cars in the parking lot.

FARRELL: How did you know that?

TORRES: I looked behind me really quick when I heard noises.

FARRELL: Ok, ok, um, so, backing up a little bit, the subject reaches behind his back with his left hand, pulls out a holstered weapon, shows it to you, places it on the, on the floor um, or somewhere near him on the ground, where does, where does his hands go from there?

TORRES: Top of the door ledge, or the molding of the door.

FARRELL: Does he place them there or is that um, at direction from you all?

TORRES: He placed them there.

FARRELL: Does he say anything about that?

TORRES: No.

FARRELL: Ok, so he places his hands at the door um, and then is there any movement of his hands prior to let's say Rodney's arrival?

TORRES: I don't remember.

FARRELL: Ok, when do you, you said earlier that at some point he begins to make, you know taking, moving his hands to his face.....

TORRES: Yeah.

FARRELL: What do you remember about that?

TORRES: He, he would jerk his hand down, um, he did it a couple of times

with his right hand, he jerked it down really quick.

FARRELL: So he jerks his hand down from the door frame to his face?

TORRES: Uh huh, to his face, like um, like parallel, like a 90 degree angle with his hands, with his shoulders, and um, he like he would jerk it down, and then he'll look at me and tell me to calm down, he would say, I'm just going to scratch my nose and he just scratches his nose and puts his um, hand back in there, on the uh, uh, the um, the, the door, um, frame.

FARRELL: Would he jerk his hand, and then tell you, scratch his nose, or jerk his hand, scratch his nose and then tell you or.....

TORRES: No he'll jerk his hand, tell me he's going to scratch his nose.

FARRELL: And then scratch it?

TORRES: And then scratch it.

FARRELL: So the hand would kind of come straight down, then he tells you then it comes over the face?

TORRES: Yes.

FARRELL: Ok.

TORRES: He like jerks it really fast.

FARRELL: Oh.

TORRES: And then um, and then he'll look at me when he's doing it.

FARRELL: Ok, what, what was your perception of, of that?

TORRES: Wasn't sure why he was doing it.

FARRELL: How that, how did that make you feel?

TORRES: Uncomfortable.

FARRELL: And why were you uncomfortable?

TORRES: I didn't know if he had another weapon on him, or and why didn't he just tell me first that he wanted to scratch his nose, you know, uh, he doesn't have to make a fast movement.

FARRELL: And how many times did he do that?

TORRES: At least three times.

FARRELL: Ok, and there comes a time where he opens the door?

TORRES: Yeah he, he partially opens the screen door.

FARRELL: If, his hands are up here, how does, how does he open the door, do you recall?

TORRES: No.

FARRELL: Do you recall if he said hey I'm going to open the door and he reached down or.....

TORRES: Yeah he said he wanted to open the screen door.

FARRELL: Ok.

TORRES: And then I don't remember how he opened it, but then he put his hands back up on the door, on the, on the um, screen door, top of the screen door.

FARRELL: Ok, so there was nothing significant about how he opened the door that.....

TORRES: No.

FARRELL: Kind of drew your attention to him, whereas where he's scratching his nose it's a little bit more, noticeable because of.....

TORRES: He's jerking his hand down.

FARRELL: Ok, so at some point, the door is open and then, where are his hands then?

TORRES: He puts them back on the top of the screen door.

FARRELL: Ok, are then like over them, like you can see the fingers in front of it or you can't tell?

TORRES: I can't tell.

FARRELL: Is he, ok, so his hands are on top of the screen door?

TORRES: Top of the screen door.

FARRELL: Alright, are there any other movements that he makes with his body or his, hands that you recall prior to you, um, I mean, I know at the time you pull the trigger, you say his hands are coming down, but prior to that, were there any other movements that you recall?

TORRES: Um, he, he said, one other time he said he wanted to scratch his nose, and then um, and then he did scratch his nose, but that time

he lowered his hand really slowly.

FARRELL: Ok, from the time you arrive on scene, um, until the time that you shoot him, do you remember how long that was or how long that felt?

TORRES: Uh, a long time, um, I don't know, I don't know how much, how long it took, um, what I can tell you, is later, I heard 40 minutes.....

FARRELL: Ok.

TORRES: Um, that might be about right.

FARRELL: That that's seems, consistent with your recollection?

TORRES: That seems, that seems, yeah.

FARRELL: Alright, um, so, when you, when you fire the shot, his hands are, are they over the door or is his door open at that point?

TORRES: The screen door was slightly open.

FARRELL: Ok, and describe what happens.

TORRES: He brought both his hands down in a quick motion towards his waist, and I fired a shot right through the screen door and hit him.

FARRELL: From where his hands are um, how high up are his hands, they're up on the top of the door?

TORRES: Yes.

FARRELL: Do you recall how far they come down?

TORRES: Near his waist.

FARRELL: And, ok, um, and you said in a quick motion.....

TORRES: Really quick.

FARRELL: Um, was it quicker than when he goes to touch his nose or....

TORRES: It's the same, the same speed, really quick.

FARRELL: Ok, um, his hands are kind of, sort of up like this, correct, like in 90 degrees?

TORRES: They're all the way up like this.

FARRELL: Ok, so it's straight up.

TORRES: All the way straight up and he brings him down in a really quick motion like this.

FARRELL: Ok, did they get all the way down to the waist do you recall or did they, do you recall how far they came down?

TORRES: I don't think they made it all the way down to the waist.

FARRELL: Ok.

TORRES: But he got, pretty close, um, at least, at least past his rib cage.

FARRELL: Ok, did he tell you he was going to move his hands?

TORRES: No.

FARRELL: Ok, and, why did you shoot him?

TORRES: I didn't know if he had a, another weapon on him, um, I thought there was just a, you know, through talking with him and, his previous statement is him having a gun and, just thought that was

uh, a credible threat towards myself and Rodney and, whoever else was out there, um, just all his movements.

FARRELL: Ok um, prior to him, prior to him making that movement, and you firing that shot had he been compliant?

TORRES: He um.....

FARRELL: Let me ask you this, was um, what was Rodney asking him to do?

TORRES: To come outside so we could talk to him.

FARRELL: Ok, did he come outside?

TORRES: No.

FARRELL: Did he, um, did he, did he make any demands of you all or make any request?

TORRES: Other than me to leave his property and to have Rodney come inside so he could talk to him alone.

FARRELL: So Rodney asked him to come outside but he won't come outside?

TORRES: And then he one time asked me to put my gun down on the ground.

FARRELL: Ok, and then he stated you're making him nervous....

TORRES: Right.

FARRELL: And Rod, Rodney directs you to lower your weapon?

TORRES: Yeah.....

FARRELL: And.....explain...

TORRES: By, by, he, the, the guy said he wanted me to put my gun down, he wanted me to put my gun down on the ground, Rodney said no, he wasn't going to do that, he wanted me to at least lower my weapon, um, so it's not directed at him, um, he said that he could see the bullet from, from inside my chamber.

FARRELL: Ok.

TORRES: Um.

FARRELL: How far did you lower your weapon?

TORRES: Uh, down to his legs.

FARRELL: Ok, and, and like a ready gun position?

TORRES: Just a ready gun position.

FARRELL: Ok, and that's just lower, where you're not trained on the target but you're sort of assessing for threats, like that kind of....

TORRES: Correct.

FARRELL: Alright, when um, when you, lowered your gun, um, did the subject then comply with, and come outside or.....

TORRES: No, he never came outside.

FARRELL: Ok, so he wasn't compliant with what Rodney was asking him....

TORRES: Right.

FARRELL: To come outside, did he make any other request or did, did you or

Rodney make any other concessions to try to get him to agree to come outside?

TORRES: I don't know, I don't, I don't remember, I don't remember everything Rodney told him.

FARRELL: Ok, was there any discussion about him being arrested or, handcuffed?

TORRES: Um, no I don't think so.

FARRELL: Alright.

TORRES: He said he was getting nervous, because I was um, because every time he jerked his hand down to go scratch his nose supposedly, he um, I raised my gun back up on his chest.

FARRELL: You said he was calm?

TORRES: Very calm.

FARRELL: Ok, how was his tone?

TORRES: Regular talking, just like this.

FARRELL: After the initial threats he made, did he make any other threats after Rodney came?

TORRES: I don't remember.

FARRELL: You said you were initially uh, dispatched to a domestic dispute?

TORRES: Yes.

FARRELL: Ok um, what would your expectations be based on your training,

experience on how you would handle a domestic dispute?

TORRES: My expectations?

FARRELL: What do you think the expectations would be of you on how you would handle or investigate or resolve a domestic dispute, what, what's your duty?

TORRES: To make sure no violence is taken place, uh, it, give them any type of help or counseling they may need at the time, um, we try to, we try to offer um, a cooling off period, if, if there's no crime, or a cooling off period for the parties just to separate, um, at least for a few hours um, most of the time it does happen, someone just leaves the house for a few hours and comes back later and you know just, cooler heads.

FARRELL: Uh huh.

TORRES: Um, some, there have been a few cases that no one wants to leave the house, and we just, we can't force them to leave the house, so we just, we just ask them just to, try to stay in separate rooms for a little bit, um, most of the time that works.

FARRELL: As you arrived there, um, how would you all have handled it had he not gone inside?

TORRES: Just talk to everybody outside.

FARRELL: Ok.

TORRES: Um, um, me or Neil talk to, talk to the guy and uh, the other, talk to the family and see what's going on.

FARRELL: Ok, and is it common to be dispatched to a domestic dispute and find out it's a domestic violence?

TORRES: It, it, it's happened before yes.

FARRELL: Or you're dispatched to a domestic violence and it turns out to be domestic dispute?

TORRES: Yes.

FARRELL: Ok, um, so when you arrive on scene, um, you witness, what is it that's going on there between him and them?

TORRES: Um, it looks like they're having an argument.....

FARRELL: Ok.

TORRES: Outside, um, again I saw some furniture outside.

FARRELL: And that was consistent with the information you had received in the dispatch?

TORRES: Yes.

FARRELL: Ok, and, what was your concern with him going inside the house?

TORRES: Possibility of weapons inside the house, um, we, you know, every once in a while we get training on uh, people who, ambush situations or just, um, people coming back out with weapons, uh sometimes, a person who is in a uh, a very emotional state may,

may want to start claiming suicide later, um, I guess there could be any number of reasons, so.

FARRELL: Ok, so when you arrive on scene, and you see him outside, you just want to deal with him outside?

TORRES: Just want to deal with him outside, unless, unless he's, if he, if he stayed and talked to us, if he wanted to, if he wanted to go back inside and talk to us there, uh, then we would go and talk to him outside but we would, each officer would at least be able to see each other no matter what.

FARRELL: What would you base that decision on?

TORRES: Just separating, uh both parties, um, um, just separating both parties so no one could just hear each other, to at least talk to them individually.

FARRELL: Ok.

TORRES: Um, if we have both of them inside or both of them outside, a lot of times uh, they would just yell at each other and once they see each other, just keep the argument going.

FARRELL: Ok.

TORRES: Um.

FARRELL: So sometimes you separate to further the investigation?

TORRES: Right.

FARRELL: But that would be after a point where things are stable?

TORRES: Right.

FARRELL: So you would want the people involved to be compliant at the point you either move in or out?

TORRES: Right.

FARRELL: So your concern of possibilities of weapons in the house and, he's going in there and, kind of disregarding the direction of you, because you all....

TORRES: Yeah.

FARRELL: Directed him to stay outside?

TORRES: Well....

FARRELL: Or is O'Neil trying to talk to him?

TORRES: I think.....

FARRELL: Or Neil's trying to talk to him.

TORRES: I think Neil said that he wants to talk, talk to him, for him to stop and come and talk to us, he just kept walking.

FARRELL: Ok.

TORRES: Can I take a break?

FARRELL: Sure.

CARROLL: You need to go to the restroom?

TORRES: Yeah that too.

FARRELL: Uh, break in the recording at 1809 hours.

****

This statement has been typed as recorded/(bkw)/ (September 5, 2013)

From: Farrell, John
To: Flanagan, Christopher
Sent: 9/3/2013 2:15:39 PM
Subject:

J drive- cold case – homicide – Farrell – police shootings – Geer- folders for Stewart and harrington

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

From: Farrell, John
To: Farrell, John
Sent: 9/2/2013 10:11:17 PM
Subject:

Evidence dropped off at prop locker

From: Farrell, John
To: Holland, Bryan
CC: Flanagan, Christopher; Smith, James R.
Sent: 9/1/2013 9:32:16 AM
Subject:

Lt Holland -

John Geer's mother called and stated that the family wants a copy of all his contacts in his phone in order to contact people for the funeral arrangements which are set for Wednesday.

I would like to see if we could get access to the phone at crime scene and have the contacts electronically downloaded today in order to accomodate her.

Thanks,

John

From: Farrell, John
To: Deane, Eric
Sent: 8/29/2013 9:36:00 PM
Subject:

We are going to use dom vio 18.2-57.2..... as the code and see how this looks.

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 subject later identified as John Geer. Earlier in the day M.H. and John Geer spoke by telephone and were arguing about their relationship. John Geer began throwing the complainant's belonging out of the house. When the complainant arrived on scene John Geer threw a suitcase at her which struck her in the head. The complainant then called the police.

For items: pls add

"the body of John Geer,"

From: Flanagan, Christopher
To: Kim, Tonny; Farrell, John
Sent: 9/2/2013 11:50:23 AM
Subject:

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

From: Griffith, Cara D
To: Farrell, John
Sent: 10/2/2013 4:00:21 PM
Subject:

Hey, can I get an electronic copy of the transcripts from the Geer case to read while I'm gone?

From: John Farrell
To: Farrell, John
Sent: 1/31/2014 7:15:32 PM
Subject:

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

Sent from my iPad

From: John Farrell
To: Farrell, John
Sent: 11/14/2013 10:57:45 PM
Subject:

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

Sent from my iPad

From: Kim, Tonny
To: Farrell, John
Sent: 8/29/2013 5:45:28 PM
Subject:

If ur interviewing, I'd like to sit in.

From: Morrogh, Ray F.
To: Farrell, John
Sent: 3/20/2014 12:20:02 PM
Subject:

John

Hi John hope all is well. I received a phone call from Mrs. Gear, mother of Mr. Gear. She wants her son's property back. Have you all heard anything from them? Or has the Police Department responded to them? Thanks Ray

From: Smith, James R.
To: Farrell, John; Holland, Bryan
Sent: 8/29/2013 6:58:57 PM
Subject:

Case recovered.
Det. Jim Smith. Crime Scene

From: Smith, James R.
To: Farrell, John
Sent: 8/29/2013 5:38:15 PM
Subject:

I am the crime scene lead on this shooting and am ons.
Det. Jim Smith. Crime Scene

From: Cory, Eli
To: Farrell, John
Sent: 8/29/2013 8:44:34 PM
Subject:

3 cruisers are back. Patrol guys r taking a second trip for more

From: Roessler, Edwin C. Jr.
To: FCPD
Sent: 8/29/2013 11:54:59 PM
Subject: Update - Officer Involved Shooting Station # 7

As many of you are aware from previous communications, on August 29, 2013, at 1440 hours, officers from the West Springfield District Station responded to the 7900 block of Pebble Brook Court for a domestic dispute involving a man whom the complainant advised was armed with a firearm. Upon arrival of the officers, they encountered the complainant outside the residence. The officers conducted negotiations with the man at the front door of the residence and they attempted to have him come out of the home peacefully. During the negotiations a patrol officer fired a single shot that struck the man. The man then barricaded himself inside the residence.

For the purpose of rendering aid, the police hostage rescue vehicle was utilized to allow a safe approach and entry into the residence. Once inside, tactical officers found the man deceased.
The decedent has been identified as 46-year-old John Geer. The officer involved was placed on routine administrative leave while the investigation continues.

This information is based on the preliminary investigation and may be subject to revision as the investigation continues. Our Incident Support Services team is assisting all involved officers.

Respectfully,

Colonel Edwin C. Roessler Jr.
Chief of Police

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

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

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

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

From:	Hinson, Jeremy
To:	Farrell, John
Sent:	12/3/2013 12:46:06 PM
Subject:	Witness Officers on GEER
Attachments:	Hinson supplement Witness Officers Geer OIS.docx

This is the final version of the witness officers supplement. I'll do the canvass in a separate report. I'll also add all names in I/Leads. Let me know if you have any questions.

On August 29, 2013, I was contacted by Detective Chris Flanagan and advised of a police shooting at 7907 Pebble Brook Court in Springfield. While responding to the scene I was contacted by Lt. Bryan Holland and directed to respond to the West Springfield District Station for the purpose of conducting witness officer interviews. I arrived at the West Springfield Station at 1936 hours and received a verbal brief via telephone by Lt. Holland. I was informed that Officer Adam Torres (EIN #301888) and Officer David Neil (EIN #313057) were dispatched to a Domestic Dispute call at 7907 Pebble Brook Court. During the call Officer Torres discharged his service weapon striking the decedent, Mr. John GEER. I was further informed that Detective John Farrell was assigned as the Lead Detective.

At 1948 hours, I conducted an interview of Officer Anthony Quarto (EIN #307649) in a private office inside the West Springfield Station. The interview was audio recorded and transcribed. The following is a summary of that interview. Also present was Sergeants Chantel Cochrane and Thea Pirnat, both of Internal Affairs Bureau.

Officer Quarto advised that he was has been a sworn police officer for about 10 months and has never been on an officer involved shooting before today. Quarto was working today as 731B (driving vehicle #4620) and stated that during the initial portion of the Domestic Dispute call he was enroute to an alarm call. When that call was cancelled he was dispatched to the Domestic Dispute to assist officers already onscene. Quarto advised that prior to responding to Domestic Dispute call he heard Officer Neil on the radio advising units that the subject (later identified as John GEER) had a gun and would use it if provoked. Quarto arrived late in the call and parked behind K9 Officer Michael Riccio's SUV. Officers Torres and Barnes were verbally engaged with GEER at the row of townhomes at the end of the street. Quarto then accompanied Riccio & his dog to a position of concealment behind a wooded berm to the left of the front of that townhouse. Officer Erit Hanidias accompanied K9 Officer Kunstel and his dog in the opposite direction to cover a different area. Quarto was unable to hear the specifics of the verbal exchanges, but was able to hear GEER tell Barnes and Torres that he knew his rights. Quarto estimated the distance at between 25 and 50 yards. Quarto left his firearm holstered due to the distance and the fact that there were at least two other guns pointed at GEER. Quarto could see GEER standing inside of his doorway behind the screen door with his hands on his head or up. Quarto also heard GEER yelling with another citizen, that Quarto believed to be a family member, most likely GEER's father. This citizen was standing near Lieutenant's Fish and Joca, who were also behind the wooded berm, but with a straight on view of GEER and the townhouse (Quarto drew a sketch of the scene at the time of his initial deployment for clarification). An African-American male or female citizen with short braided hair (later identified as Mariam Bamba; minor daughter of Erika Epps) approached Quarto's position from behind with a video camera. Quarto advised Bamba to go inside for her safety and she complied; returning to the row of townhouses behind Quarto's position. When Quarto got back into position with Riccio he heard one gunshot, but couldn't see any detail due to the foliage. Quarto was able to observe smoke from the position where Torres had been standing. He also saw Torres and Barnes running to the left taking cover to the left of the townhouse. Quarto heard Torres yell and GEER scream and saw the front door closing as GEER appeared to fall backwards. Riccio left their position and Quarto took over Riccio's vantage point with a view of the front door. Quarto observed Officer Parker with his rifle deployed and Hanidias to his left. Neil drove a cruiser to a position in front of the townhouse and between Quarto's position and the front door. Quarto heard Neil calling to GEER over the PA and Barnes saying over the radio that he could

hear noises inside the townhouse. Neil was giving commands for GEER to exit the house with his hands up leaving all weapons inside and telling him that they were not there to hurt him. Dispatch was asked to call the townhouse, but the calls were not answered. A hostage negotiator arrived and took over the PA from Neil. Quarto stated that Captain Hill called for the officers involved to come to the command post. Parker filled in Torres' position when Torres left. Quarto consolidated positions with Hanidias and Neil; approximately a few houses down from Parker and Barnes. At some point Hanidias was sent to get the subject's wife or girlfriend. When Hanidias returned Neil left their position for an unknown location or purpose. Quarto and Hanidias maintained this position covering the front door and front of the townhouse in case the subject tried to engage them. Quarto and Hanidias were relieved by the TAC Team when they arrived. Quarto, Hanidias, Parker, Neil, and Barnes, retreated back to Quarto's original position behind the wooded berm. Quarto stated that he observed TAC make entry and heard them advise that GEER was down; he learned about an hour later that GEER was deceased.

At 2032 hours, I conducted an interview of Officer David Neil (EIN #313057) in a private office inside the West Springfield Station. The interview was audio recorded and transcribed. The following is a summary of that interview. Also present was Sergeants Chantel Cochrane and Thea Pirnat, both of Internal Affairs Bureau.

Officer Neil advised that he has been a sworn police officer for approximately 1 year and 10 months and has never been on an officer involved shooting before today. Neil was working today as 730C (driving vehicle #3321) and stated that he and Officer Torres were dispatched to the Domestic Dispute call where the shooting ultimately occurred. Torres was driving a silver unmarked cruiser and was waiting for Neil down the street from the event location. Neil passed Torres and honked to let him know he was onscene. Neil wanted to be first since this was his patrol area. Neil arrived first, but at the same time as Torres. Neil observed a male (later identified as John GEER) and female (later identified as Maura HARRINGTON; the complainant and girlfriend to GEER) standing and talking in the yard of the dispatched location. Neil stated that it didn't appear that GEER and HARRINGTON were arguing, but GEER made a hand gesture that Neil took to mean "Oh great, the Police are here." Neil backed into a parking space and Torres parked perpendicular to Neil's cruiser (making an "L" shape). Neil exited his marked police cruiser wearing a patrol uniform and GEER immediately started walking to the door "with a purpose." Neil knew that guns were involved in the event because he was informed by dispatch that guns were in the house in a gun safe. Neil was unsure if these weapons were secured or not and felt uncomfortable with GEER being inside with access to these weapons. Neil tried to verbally engage GEER to get him to stay outside, but GEER stated, "No, not going to do it" and proceeded into the house and closed the screen door. Neil ended up in an exposed position on the sidewalk with Torres on his left near an ornamental tree that didn't provide any protection. Neil said this was when he felt that things were not right; he didn't know if GEER had a gun behind the door and if he was going get it and start shooting. GEER was to the left of the doorway, which partially obscured his left arm. Neil told HARRINGTON and two teenage girls (who later turned out to be the couple's daughters) who were still outside to go inside the house they were standing in front of so they would be safe. Neil was concerned they would be in danger if any shooting began. Neil informed GEER that they were only there because of a domestic dispute and just needed to talk. GEER informed Neil that he had a gun, specifically a revolver, in his lower back to defend himself from the police and further stated, "You guys have guns, I might need mine." Torres then got on the radio

and advised dispatch of the current situation. GEER told Neil that they were on private property and that he knew his rights. Neil attempted to convince GEER to come outside and talk, but GEER countered by saying that if he came outside that he would be drunk in public. Neil tried to defuse the situation by adopting a stance on being pro-gun and attempted to build rapport with GEER. Neil recalled that during this point GEER reached around behind his back and had something long and black in his left hand which he set down on his left side. Neil was unable to tell if the object was a weapon, but stated that the object was black and approximately the length of a telephone; about eight inches. Neil stated that this occurred "real quick" and that GEER then put his hands up, but even after this Neil thought that GEER was armed and in no way took this as a gesture of surrender. Neil stated that it is possible that this occurred prior to GEER announcing that he had a gun. After GEER announced that he had a gun Neil unholstered his weapon and had it down along his side while Torres had GEER at gun point. Neil knew that if GEER had a concealed revolver it could be anywhere on GEER's person. Neil was aware that Torres had GEER at gunpoint so he stated that he kept his gun at his side to avoid escalating GEER's reaction and concentrated on keeping him talking. Neil knew that Officer Barnes was enrounte and had hostage negotiator training. He felt that Barnes may have better success talking with GEER once he arrived. Neil stated that he knew how dangerous domestic calls could be due to the high level of emotions involved. Neil repeatedly told GEER to keep his hands where they could be seen. Neil again tried to get GEER to come out and speak with them, but he demanded that all officers had to put their guns away. Neil wanted to keep GEER focused on him and negotiated that he would put his gun away, but GEER said all the guns had to be put down. Neil told GEER that that wasn't going to happen because they were trying to figure out what had occurred. Neil said that at this point they had to stand their ground with their guns out while GEER stood his ground rather than put down their guns and risk having GEER come out and shoot them. Neil felt that they basically had to hold their position until people could get there to help them. Neil felt that it was obvious that GEER was not going to come out of the house. At this time Officer Barnes arrived onscene with his shield and helmet and took a position near Torres. Lt. Joca then asked over the radio if anyone had spoken with HARRINGTON. No one had, so Neil asked Torres if he wanted to speak with HARRINGTON. Torres told Neil to meet with her. Neil holstered his weapon and walked over to HARRINGTON's location approximately two doors down from where he had engaged GEER. Neil spoke with HARRINGTON and later the two teenager daughters. HARRINGTON was GEER's girlfriend of 24 years and they have two teenage daughters in common. HARRINGTON advised Neil that in February she told GEER that she wanted to move out due to his drinking. GEER asked that she speak with him about it before signing a lease. GEER had stopped drinking for a period of time after that day in February, but had started again. HARRINGTON informed GEER today that she had signed a lease and was moving out with their two daughters, which prompted GEER to become irate. GEER began throwing HARRINGTON's things in the house and then out of the house. Neil inquired as to any suicidal statements made by GEER. HARRINGTON stated that earlier in the day GEER had told her over the telephone that he was 45 seconds from shooting himself in the head and then 30 seconds from shooting himself. GEER also told HARRINGTON that he would probably end up with a bullet in him by the end of the day. HARRINGTON further advised Neil that GEER showed her a rifle today and told her it was an assault or a semi-automatic rifle and that GEER was a deer hunter. She also stated that GEER had 3 handguns and a shotgun in the house. Neil advised the supervisors onscene via radio that GEER had made recent threats to hurt himself. Neil was concerned that this was a "suicide by cop" type of situation after speaking with HARRINGTON. He had all the children at his current location, which was a neighborhood daycare, move into the basement to provide them a safer location and a rear evacuation point if needed.

Lt. Joca advised Neil to keep all the occupants at this basement location. Neil continued his conversation with HARRINGTON and was informed that GEER was anti-government and would not give up until he got his way. Neil then exited the townhouse and crossed the woods to meet with Lt. Joca to give him this latest information. Neil told Lieutenants Joca and Fish that he felt they had enough for a destruction of property charge if there was enough information to show that the bed thrown out of the house by GEER belonged to just HARRINGTON. Neil also told his supervisors that due to the suicidal threats he felt there was enough for a TDO. Lt. Fish told everyone else to go back to the Command Post, but had Neil remain with him and Lt. Joca at a point of cover along the opposite side of a cruiser from GEER's house. Lt. Joca directed Neil to find out if GEER had any prior contacts with police. Neil used the CAD in that cruiser for that purpose. He also added GEER's personal identification information and phone numbers in the event section of the call so that information would be available to any officers who may attempt to contact GEER. Neil then heard a gunshot and looked up to see Torres and Barnes running to the left side of the house as he heard "shots fired" on the radio. Neil also saw GEER's white shirt moving backwards as the front door closed. Neil took cover behind the cruiser's engine block in case GEER fired. He was unsure who had fired, but knew that with GEER's experience as a deer hunter that he could engage targets easily within 300 yards with any type of rifle. Lt. Joca directed Neil to take the cruiser they were using as cover and drive it around to the front of the house so that Neil could use the PA to get GEER to come out. That cruiser ended up being Officer Kushner's vehicle. Neil drove the cruiser around and positioned it so that the engine block was between him and GEER's residence. Neil used the PA to announce that they were the County Police and were there to help GEER. He also told him to come out slow with his hands visible. Neil added that an ambulance was on the way. He repeated that about eight or nine times until a Hostage Negotiator arrived in plain clothes and took over. Neil then went to the wood line with Quarto. Later Lieutenants Joca and Fish directed Neil to accompany Hanidias in bringing HARRINGTON to their position. Hanidias took HARRINGTON out of the townhouse, but Neil had to stay inside because the youngest daughter kept trying to leave. Neil tried to gain rapport with the girls. When he was sure that the oldest daughter could keep her sister in the basement he went back to the tree line where he had been with Quarto. Neil then observed the Tac Team arrive and make entry into the residence. Neil was then instructed to go to the Command Post. Neil, along with Parker, Hanidias, and Quarto, were transported to the Station by Lt. Plaska. Neil was frustrated with himself due to the fact that he didn't see a gun in GEER's lower back and stated that GEER may have had it concealed by his white shirt.

At 2123 hours, I conducted an interview of Master Police Officer (MPO) Michael Riccio (EIN #301389) in a private office inside the West Springfield Station. The interview was audio recorded and transcribed. The following is a summary of that interview. Also present was Sergeants Chantel Cochrane and Thea Pirnat, both of Internal Affairs Bureau.

MPO Riccio advised that he was working today as K907 along with K910, PFC Matthew "Kyle" Kunstel. They had just finished eating a late lunch in the West Springfield area after a previous callout for a robbery in the Mount Vernon area. Riccio heard Lt. Joca ask for a shield unit and Riccio and Kunstel self-initiated and responded to the call on Pebble Brook Court. Riccio learned from the event and radio traffic that the male subject (GEER) was making threats of violence with weapons if the police onscene ramp up any kind of enforcement action. GEER had a gun nearby, not on him, but close and an officer was outside

at the screen door speaking to him. The information relayed was that if any police tried to enter GEER's residence that he would shoot officers that were inside his house. Riccio heard 741C say that they will move to the rear of the townhouse to set up a perimeter in case GEER exited the back of the townhouse. Riccio advised that unit to standby since two K9 units were enroute. Riccio planned to have one K9 cover the front and one K9 cover the rear. 741C was contacted on the radio and provided their position as the right side of the tree line. Riccio and Kunstel arrived and were briefed that GEER was being cooperative; talking to the officers. Riccio was concerned that the presence of K9 would cause GEER to escalate so he planned to keep the dogs out of sight. Kunstel went to the right to cover the rear containment with 741C and Riccio went to the left with Quarto behind the square island which was approximately 50 yards away. The dogs were kept out of sight and hidden behind concealment or cover of the berm, trees, and foliage. Riccio advised Lieutenants Joca and Fish that both K9's were in position. GEER was visible behind the screen door from Riccio's position. Riccio and Kunstel communicated and developed a plan that Riccio and his dog would be responsible for the front and left side and Kunstel and his dog would cover the right side and rear. Riccio observed GEER standing in the area of the threshold of the door with his hands up or on top of the screen door while he was speaking to the two officers in front of the townhouse. The distance was too great for Riccio to make out exactly what was being said. Riccio noted that the door opened right to left and it appeared that GEER was wearing a tan short sleeve shirt and tan shorts. His view of GEER's face was blocked by foliage, but due to body position he could tell that GEER's hands were up. One of the officers was on the sidewalk leading up to the front door and the other was to the left behind a tree providing cover support; both at gunpoint. Riccio saw the door swinging a little back and forth and then a little movement. The movement was described as a motion; not standing still, as if he was contemplating what he was going to do. At that time Riccio heard one shot, but didn't know if the shot came from inside the house or outside. This was due to Riccio scanning his surroundings for likely avenues of escape and trying to keep his dog in a down position. Riccio started to tighten up on the townhouse to prepare for an entry, but noticed that Quarto was not advancing with him and that the officers closest to the townhouse were retreating for cover. Riccio then pulled back into a cover position. Riccio asked Quarto if he was good to hold the position to observe the house and went to meet with Lt. Joca to develop a tactical plan. It appeared that this was going to become a long event so once everything appeared stable at the front of the house Riccio put his dog back into his vehicle and moved it closer to the scene. He then met up with Kunstel to get his keys and moved his vehicle down to the same location so that it would be easier to rotate fresh dogs in and out from the rear containment position. Then Riccio put on his SWAT gear and began preparing different leads for his dog Comack so that he would be prepared for an entry scenario. Riccio then relieved Kunstel and gave him a 30 minute rotational schedule. Riccio's position was now about 100 feet into the woods from the rear of the house in about the 8 o'clock position with two patrol officers; one with a pistol and another with a shotgun. The SWAT Team arrived and made entry prior to Riccio being relieved. Riccio deployed with only his sidearm and never unholstered.

See future supplements for additional tasks assigned to this Detective.

From: Darren Koeppen
To: Farrell, John
Sent: 10/2/2013 12:55:57 PM
Subject: Your LERT Case (#1563926) case packet titled "1563926" Response vzwappsecure
Attachments: securedoc.html

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1. Click the attachment, securedoc.html.

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2. Click the open button.

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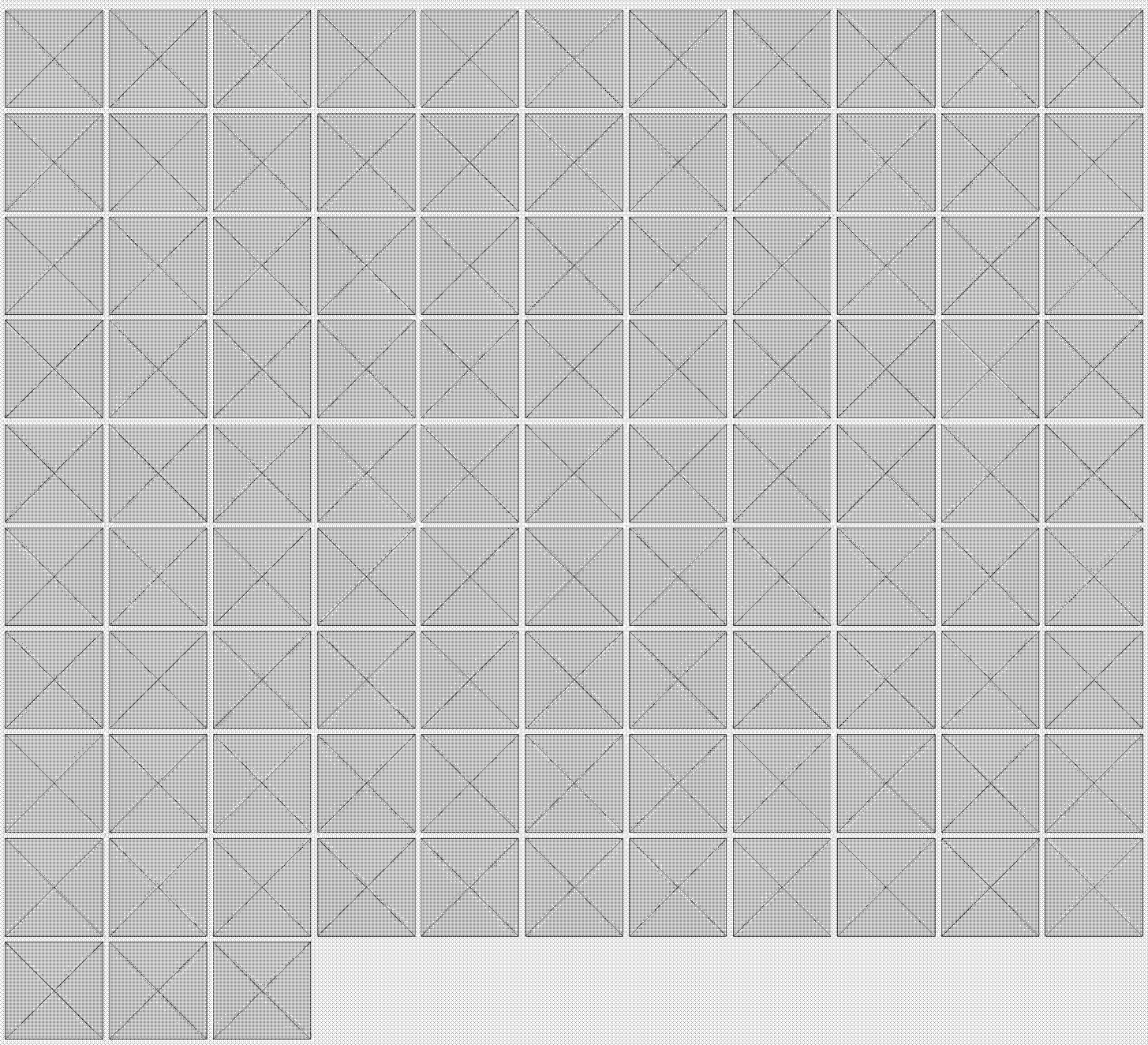
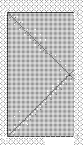
2. You have opened the attachment and
   a. you do not yet have an account. Please select your email address and click the Open button to create an account.
   b. you have an account. Once the Open button appears, enter your password and click Open.

If the Open button does not appear, please forward the original email to: mobile@res.cisco.com





Help

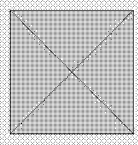
From: Darren Koeppen <[redacted]>
To: [redacted]
Subject: Your LERT Case (#1563926) case packet titled "1563926" Response vzwappsecure
Password:

Forgot password?

Personal Security Phrase
Your personal phrase is not enabled on this computer.
More info

This page may take a minute to load. Please wait for the Open button to appear to open this message.

My address is not listed
Submit your password above to open your message online.



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From: Darren Koeppen
To: Farrell, John
Sent: 10/2/2013 1:33:37 PM
Subject: Your LERT Case (#1565971) case packet titled "1565971" Response vzwappsecure
Attachments: securedoc.html

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If the Open button does not appear, please forward the original email to: mobile@res.cisco.com

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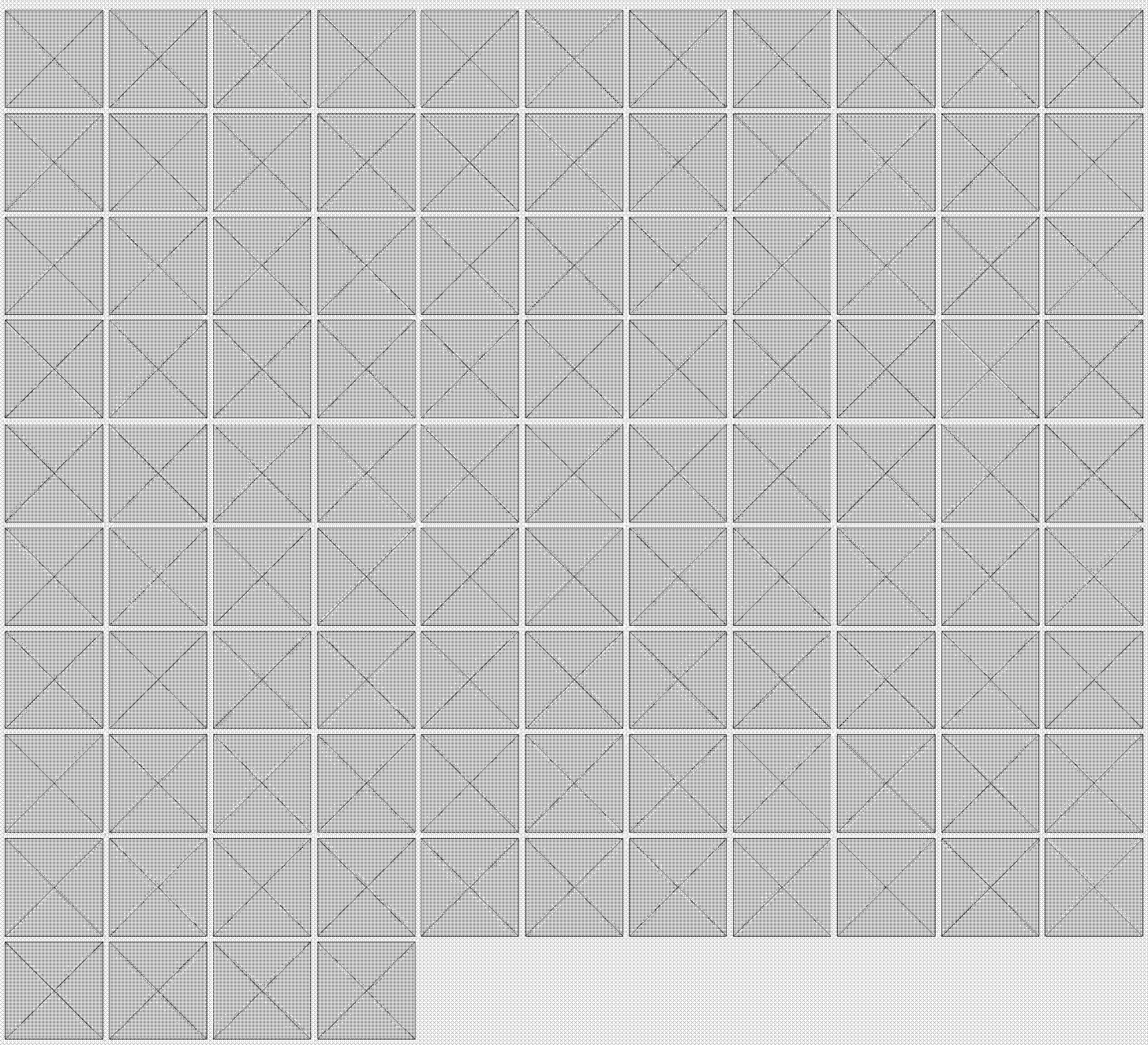
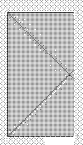




Help

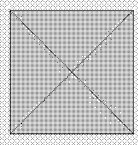
From: Darren Koeppen <[redacted]>
To: [redacted]
Subject: Your LERT Case (#1565971) case packet titled "1565971" Response vzwappsecure
Password:

Forgot password?

Personal Security Phrase
Your personal phrase is not enabled on this computer.
More info

This page may take a minute to load. Please wait for the Open button to appear to open this message.

My address is not listed
Submit your password above to open your message online.



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From: Jason Kobran
To: Farrell, John
Sent: 10/2/2013 12:59:50 PM
Subject: Your LERT Case (#1565973) case packet titled "1565973" Response vzwappsecure
Attachments: securedoc.html

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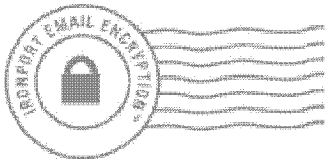

Help

From: Jason Kobran
< [redacted] >

To: [redacted]

Subject: **Your LERT Case (#1565973) case packet titled "1565973" Response vzwappsecure**

My address is not listed

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From: Jason Kobran
To: Farrell, John
Sent: 10/2/2013 12:56:43 PM
Subject: Your LERT Case (#1565976) case packet titled "case" Response vzwappsecure
Attachments: securedoc.html

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To retrieve your encrypted message, follow these steps:

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You will be prompted to open (view) the file or save (download) it to your computer. If the file does not open, try saving it to a local drive and then open it in a Web browser.

2. Click the open button.

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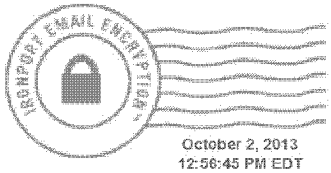
Need technical support or have a general question? Please contact us at EmailencryptionQA@verizonwireless.com or for general help opening the securedoc.html file, see https://securemail.verizonwireless.com/websafe/help?topic=RegEnvelope



October 2, 2013
12:56:45 PM EDT
Message Security: Low

Help

From: Jason Kobran
<[redacted]>

To: [redacted]

Subject: **Your LERT Case (#1565976) case packet titled "case" Response vzwappsecure**

Password: No password required.

OPEN

Personal Security Phrase
Your personal phrase is not enabled on this computer.
More info

If you experience problems opening this message, try to Open Online

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Loading Envelope Tools...

From: Bayliss, Brian
To: Farrell, John
Sent: 9/10/2013 1:06:33 PM
Subject: Your notes for this case.

The paper case notes for 20132410242 are done. Are you up in your office today?

Detective Brian Bayliss, CFCE
Fairfax County Police Department
Computer Forensics Section

From: Kline, Michael
To: Farrell, John
Sent: 9/3/2014 5:16:30 PM
Subject: Earlier conversation

John,

Was the consent to search in that case verbal or in writing?

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: Flanagan, Christopher
To: Farrell, John
Sent: 7/10/2014 12:48:31 PM
Subject: Friend of Springfield man fatally shot by police speaks out, see - DC News FOX 5 DC WTTG

http://www.myfoxdc.com/story/25971150/friend-of-springfield-man-fatally-shot-by-police-speaks-out-seeking-answers-in-case

From:	Laitinen, Joshua B
To:	Hardy, James
CC:	Russell, David A.; Watts, Jerry; Smith, Sharon; Farrell, John
Sent:	9/11/2014 5:12:11 AM
Subject:	Fwd: John Geer OIS

Jim, can you see below plz

2LT Josh Laitinen
[redacted]
Sent from my Blackberry

Begin forwarded message:

From: "Farrell, John" [redacted]
Date: September 10, 2014 at 10:50:04 PM EDT
To: "Laitinen, Joshua B" [redacted]
Cc: "Flanagan, Christopher" [redacted]
Subject: John Geer OIS

http://www.washingtonpost.com/opinions/the-unaccountable-death-of-john-geer/2014/09/05/29d36d96-339a-11e4-a723-fa3895a25d02_story.html

In the comments section of this article there is a posting that where the author [redacted] suggests that the citizens of Fairfax should extract revenge Michael Kennedy style.

I have been in communication with Adam regarding this posting and he is rightfully concerned. Lt can you please forward this to the intelligence unit tomorrow for a threat assessment. Additionally this should be included in any future analysis regarding the release of names in this officer involved shooting.

I will forward a copy of this email to Adam so he is direct on our actions.

Thanks!

John Farrell