
From: Laitinen, Joshua B
To: Hardy, James
CC: Farrell, John
Sent: 9/17/2014 6:47:45 PM
Subject: Fwd: Officer Safety-OIS

Jim,

Can you have your on call give John Farrell a call please. Thanks

2LT Josh Laitinen
[REDACTED]

Sent from my Blackberry

Begin forwarded message:

From: "Flanagan, Christopher" [REDACTED]
Date: September 17, 2014 at 6:38:56 PM EDT
To: "Laitinen, Joshua B" [REDACTED]
Cc: "Farrell, John" [REDACTED]
Subject: Officer Safety-OIS

Josh,

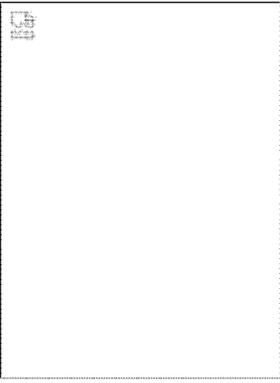
I spoke to Adam Torres this evening regarding a suspicious event at his residence. Officer Torres was involved in a OIS in 2013 (20132410242). He advised that when he arrived home this evening at approximately 1710 hours, a Honda sedan bearing Virginia registration [REDACTED] pulled into his driveway as he was walking to his front door. A white male exited the vehicle and walked to his front door. Torres greeted him outside at the front door at which time the subject asked..."Are you Torres?" Officer Torres responded that he was and asked the subject why he wanted to know. The subject said something to the effect of "Don't worry about it" and then turned away and walked to his vehicle. The subject drove away without further incident. Torres advised that he does not know the subject or the vehicle and has not seen him in the neighborhood before. Torres and his wife are concerned about the suspicious activity at their residence. They contacted the [REDACTED] Office who sent an officer to check the area.

I did a quick workup on the vehicle and co-owners. The vehicle returns to Javier Jorge Casas Echandia and Martha Pardo Figueroa Mazuelo at [REDACTED] He has no CCH III record but has several contacts in LINX. All traffic except a fraud case from Arlington in 2010. He was listed as the suspect. In that case the suspect posed as a public works employee and attempted to obtain identity information.

The subject registered to the vehicle is similar to the subject described by Torres.

Javier Jorge Casas Echandia
[REDACTED]

White male, [REDACTED]
5'7", 172,
DMV photo attached



Can you review this and forward it to Intel so it can be further vetted for a potential threat to Torres or his family. The workup that we did is on Farrell's desk if you need further info.

Chris

Christopher Flanagan
Detective
CIB/Cold Case
Fairfax County Police



From: Kline, Michael
To: Farrell, John
Sent: 9/18/2014 8:08:28 AM
Subject: Here you go
Attachments: 14-LSL-013.pdf

John,

Sorry you didn't get this.

Mike K

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


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



DIMUROGINSBERG PC
ATTORNEYS AT LAW

September 15, 2014

BERNARD J. DIMURO
NINA J. GINSBERG
MICHAEL S. LIEBERMAN
JONATHAN R. MOOK
C. THOMAS HICKS III
STEPHEN L. NEAL, JR. *
ANDREA L. MOSELEY
STACEY ROSE HARRIS
M. JARRAD WRIGHT
SARA M. SAKAGAMI
TAYLOR S. CHAPMAN
RACHAEL E. LUZIETTI
MATTHEW A. LAFFERMAN

VIA PRIVATE PROCESS SERVER

Major Michael Kline
Internal Affairs Bureau
The Fairfax County Police Department
4100 Chain Bridge Road
Fairfax, Virginia 22030

Re: *Maura Harrington v. Col. Edwin C. Roessler, Jr., et al., Case No. CL-2014-11477*

Dear Major Kline:

HARVEY B. COHEN
SENIOR COUNSEL

CECIL E. KEY †
OF COUNSEL
JAY P. KESAN †
OF COUNSEL

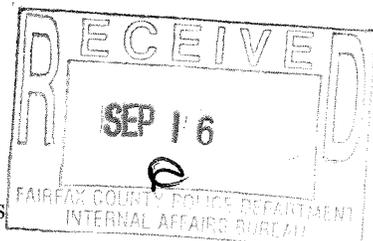
This law firm represents the Estate of John Geer, who has recently filed a Complaint against the Fairfax County Police Department and its Chief, Col. Edwin C. Roessler (as well as others). On September 11, 2014, the Office of the County Attorney, through Anne Killalea, advised me that service of process upon both the Department and Col. Roessler should be through your offices, the Fairfax County Police Department's Internal Affairs Bureau. Accordingly, enclosed please find two sets of summon, Complaint and First Requests for Production of Documents to each of the following Defendants in the above-styled matter: Col. Edwin C. Roessler and the Fairfax County Police Department. As indicated on the Summons, answers and responses to the Complaint are due to be filed with the Court within 21 days of service with copies to me, Plaintiff's Counsel, Michael S. Lieberman, at DiMuroGinsberg, P.C., 1101 King Street, Suite 610, Alexandria, VA 22314. Additionally, the responses to the First Requests for Production of Documents are due 28 days of service, and may also be addressed to me.

Thank you for ensuring that the Complaint and the First Requests for Production of Documents are provided to the appropriate persons for handling. If you have any questions, please feel free to contact me at [REDACTED] or at [REDACTED]

Thank you.

Very truly yours,

Michael S. Lieberman



Enclosures

* LICENSED ONLY IN DC-NC.
† MEMBER OF KEY IP LAW GROUP, PLLC

1101 KING STREET, SUITE 610
ALEXANDRIA, VIRGINIA 22314

1750 TYSONS BLVD., SUITE 1500
MCLEAN, VIRGINIA 22102

TEL: [REDACTED]

COMMONWEALTH OF VIRGINIA
CIRCUIT COURT OF FAIRFAX COUNTY
4110 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030
703-691-7320
(Press 3, Press 1)

Maura Harrington vs. Edwin C Roessler Jr

CL-2014-0011477

TO: Edwin C Roessler, Jr.
Fairfax County Chief of Police
Fairfax County Police Department
4100 Chain Bridge Road
Fairfax VA 22030

SUMMONS – CIVIL ACTION

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the Clerk's office of this Court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment or decree against such party either by default or after hearing evidence.

APPEARANCE IN PERSON IS NOT REQUIRED BY THIS SUMMONS.

Done in the name of the Commonwealth of Virginia, on September 9, 2014.

JOHN T. FREY, CLERK

By: 
Deputy Clerk

Plaintiff's Attorney: Michael S Lieberman

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

FILED
CIVIL INTAKE

2014 SEP -2 AM 11:34

JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

MAURA HARRINGTON, as Personal
Representative and Administrator of the
Estate of John B. Geer, deceased,
7907 Pebble Brook Court
Springfield, VA 22153

Plaintiff,

v.

COLONEL EDWIN C. ROESSLER JR.,
Fairfax County Chief of Police
Fairfax County Police Department
4100 Chain Bridge Road
Fairfax, VA 22030

JOHN DOE POLICE OFFICER I,

JOHN DOE POLICE OFFICER II,

JOHN DOE POLICE OFFICER III,

FAIRFAX COUNTY POLICE DEPARTMENT
4100 Chain Bride Road
Fairfax, VA 22030

Defendants.

2014-11477

Case No. _____

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW the Estate of John B. Geer (hereinafter "Mr. Geer's Estate"), by its
Personal Representative and Administrator, Maura Harrington, by counsel, and for her
Complaint states the following:

NATURE OF THE ACTION

1. This suit arises out of the fatal shooting of John B. Geer, then age 46, by Fairfax County Police Officer John Doe I on August 29, 2013. On that day, several members of the Fairfax County Police Department (“FCPD”), including but not limited to John Doe Police Officer I (“John Doe I”) and John Doe Police Officer II (“John Doe II”) confronted John Geer, who was standing unarmed in the doorway of his residence in Springfield, Virginia. Mr. Geer refused to leave his residence as was his right. Mr. Geer was subsequently shot and killed by John Doe I after standing with his empty hands raised above his head, resting on top of the screen door frame to his residence for well over thirty minutes. Both officers drew their weapons almost immediately upon arrival. In addition, for approximately forty-five minutes or more, either John Doe I or John Doe II kept his firearm trained at Mr. Geer’s center mass (his chest) in a gun-ready position from a distance of no more than twenty feet. During this time, the other officer, either John Doe I or John Doe II, also alternated between pointing his weapon directly at Mr. Geer’s center mass to dropping his weapon to a modified gun-ready position, pointing his weapon at the lower part of Mr. Geer’s body. At approximately 3:30 p.m., Mr. Geer slowly lowered his hands several inches with his palms clearly facing outward in the direction of the police officers. When Mr. Geer’s hands had reached about his ear level, John Doe I fired a single shot that struck Mr. Geer in the chest. At the time he was shot, Mr. Geer was clearly unarmed and posed no immediate threat to John Doe I, to any other police officer present at the scene, or to any other individual. Once he was shot, and in the plain view of John Doe I and John Doe II and others, including other FCPD officers present at the scene, Mr. Geer grabbed his chest, staggered into his house and shut the front door. Although, upon information and belief, at least four other police officers on the scene had their weapons drawn at the moment that Mr.

Geer was shot, no other firearm was discharged. Thereafter, although knowing that Mr. Geer was severely injured and in need of emergency medical assistance, FCPD waited more than forty-five minutes to enter the home with an armored tank. When the Fairfax County Fire and Rescue personnel (“EMT’s”), who were present at the scene minutes after Mr. Geer was shot, were finally allowed by the FCPD to reach Mr. Geer, he was dead from the extensive loss of blood caused by the gunshot wound to his chest. Mr. Geer was pronounced dead at 4:47 p.m.

2. One year after John Doe I shot and killed Mr. Geer, the FCPD and Fairfax County continue to conceal John Doe I’s identity and the facts surrounding his deadly shooting on August 29, 2013. FCPD regulations require the police department to conduct separate criminal and internal affairs investigations after such a shooting. The results of or any facts regarding these investigations have yet to be provided to Mr. Geer’s family or the public.

3. The Fairfax County Commonwealth Attorney’s Office also purportedly conducted a criminal investigation into Mr. Geer’s death which continued in total secrecy for almost six months when the Commonwealth’s Attorney suddenly announced that he and his office had one or more undisclosed conflict(s) of interest, and was therefore closing his investigation of potential violations of Virginia’s criminal laws. The Commonwealth Attorney’s Office did not disclose any results of its investigation, including the identity of John Doe I, or specifically why the State’s criminal investigation was no longer being pursued by the Commonwealth. Instead, the Commonwealth Attorney’s Office requested the United States Attorney’s Office for the Eastern District of Virginia and the United States Department of Justice to investigate whether federal civil rights laws had been violated instead of the state law crimes the Commonwealth Attorney’s Office claimed to have been investigating for over six months before the undisclosed conflict(s) of interest arose.

4. Despite Mr. Geer's family and their representatives numerous attempts to learn the identity of the officer who killed Mr. Geer and the witnesses to the shooting, and to discover the facts surrounding Mr. Geer's death, the FCPD and Fairfax County have refused to respond to these requests. Requests under the Freedom of Information Act to the FCPD have been rebuked or answered with minimal information. Other formal (and informal) requests for information, made as recently as August 15 and 19, 2014 to the Fairfax County Police Department and the Fairfax County Attorney's Office, respectively, have met with similar refusals to provide Mr. Geer's family with any information as to who shot Mr. Geer, why he was shot and the other circumstances surrounding his shooting (while he held both of his empty hands up above his shoulders) as well as why the FCPD failed to timely provide him with emergency medical care, causing him to bleed to death from the gunshot wound to his chest. And, as recently as August 21, 2014, the FCPD and the County Attorney's Office, respectively, again refused to provide any of the requested information. As a result, the name of the officer involved in the shooting, the officers who failed to provide medical assistance to Mr. Geer, and other critical information regarding the shooting have been obdurately withheld from Mr. Geer's family, their counsel, the community and the press.

5. The Estate of John Geer (hereinafter "Mr. Geer's Estate"), by its Personal Representative and Administrator, Maura Harrington, files this suit in order to seek damages for the benefit of his two children, under Virginia common and statutory law for wrongful death, intentional, reckless, willful, wanton, and/or grossly negligent wrongdoing in causing John Geer's death. The Estate of John Geer also seeks damages under Virginia common and statutory law for the defendants' John Doe I and II, and their supervisor's (John Doe III), intentional, reckless, willful, wanton, and/or grossly negligent failure to permit and/or administer such

emergency medical attention as was necessary and reasonable under the circumstances to treat Mr. Geer's gunshot wound. The Plaintiff also seeks damages from the FCPD Chief of Police for his utter failure to properly train and supervise the John Doe defendants and maintain proper policies and procedures for situations like those involving John Geer on the day he was wrongfully killed by John Doe I.

JURISDICTION AND VENUE

6. This action is a civil case seeking to recover in excess of \$25,000. As a result, this Court has original and exclusive subject matter jurisdiction over this case pursuant to Virginia Code Section 17.1-513.

7. All of the defendants in this case have their principal place of employment in Fairfax County, Virginia. All of the causes of action alleged in this case arose in Fairfax County, Virginia. As a result, venue is appropriate in this Court pursuant to Virginia Code Section 8.01-262 (4).

PARTIES

8. Maura Harrington has been appointed as the Administrator of Mr. Geer's Estate by the Clerk of the Fairfax County Circuit Court. Ms. Harrington is a citizen and resident of the Commonwealth of Virginia who has, and still does, reside at 7907 Pebble Book Court, Springfield, Virginia 22153. Maura Harrington was Mr. Geer's domestic partner for nearly 24 years and the mother of Mr. Geer's two daughters.

9. Defendant John Doe I is a police officer employed by the FCPD. John Doe I, believed to be a patrol officer, responded to 7907 Pebble Brook Court, Springfield, Virginia 22153, on August 29, 2013, and eventually shot and killed John Geer, while he was unarmed and had his empty hands raised above his shoulders.

10. Defendant John Doe II is a police officer employed by the FCPD. John Doe II, believed to be a patrol officer, responded to 7907 Pebble Brook Court, Springfield, Virginia 22153, on August 29, 2013 and was present at the scene, with his weapon drawn and pointed toward Mr. Geer's center mass (his chest), until Mr. Geer was shot in the chest and later declared dead.

11. Defendant John Doe III ("John Doe III") is a police officer employed by the FCPD. John Doe III is the supervisor of John Doe I and II and was, at all relevant times, responsible for supervising and overseeing the aforementioned Defendant police officers who responded to 7907 Pebble Brook Court, Springfield, Virginia 22153, on August 29, 2013 prior to Mr. Geer being shot.

12. Upon information and belief, Defendant Colonel Edwin C. Roessler Jr. was at all relevant times the Chief of Police of the FCPD charged with the responsibility of training and developing training methods and policies and procedures for the FCPD regarding the use of deadly force, negotiations with individuals under circumstances similar to those involving Mr. Geer, rescue operations for individuals having been shot under circumstances similar to those with Mr. Geer and with properly supervising the aforementioned Defendant members of the FCPD.

13. The Fairfax County Police Department is the primary law enforcement agency of Fairfax County, Virginia, and the party whom, acting through its agents and officers under the guise of its authority, confiscated the personal property of John B. Geer at 7907 Pebble Brook Court, Springfield, Virginia 22153 on August 29, 2013 and have refused to return said property.

STATEMENT OF FACTS

A. Mr. Geer and His Family

14. John B. Geer was born on November 16, 1966 and at the time of his death was self-employed as a kitchen designer.

15. At the time of his death, Mr. Geer resided at 7907 Pebble Book Court, Springfield, Virginia 22153 along with his two teenage daughters, Haylea Geer and Morgan Geer, along with their mother, Maura Harrington.

B. The Initial Police Call

16. At approximately 2:40 p.m. on August 29, 2013, police officers from FCPD responded to a call from Ms. Harrington regarding a domestic dispute in the 7900 block of Pebble Brook Court. Upon their arrival, Fairfax County Police Officers approached an unarmed Mr. Geer outside of his residence. At the time of the officers' arrival, Mr. Geer was calmly talking to his daughters. When Mr. Geer saw the police arriving, he went inside his house, as was his right, and stood in the doorway of his residence with the interior solid door to the house half opened behind him and the exterior screen-door partially closed in front of him. The top of the exterior door was a screen and the bottom half of the door was glass. The door as a whole was transparent and Mr. Geer was at all times standing in the threshold of the doorway, facing outward and plainly visible to all of the police officers then present and observing him, including John Doe I and John Doe II. At this time or shortly thereafter, Mr. Geer placed his hands straight above his head, with his wrists resting on the top of the screen door frame, where they remained for approximately the next 45 minutes. The FCPD officers on the scene could observe that Mr. Geer's hands were clearly empty, and that he did not possess, or appear to be within reach of, any kind of weapon.

C. The Shooting of Mr. Geer

17. Upon approaching Mr. Geer, Fairfax County Police Officers started talking with Mr. Geer. The officers demanded that Mr. Geer leave his residence, which he declined to do, as was his right. Almost immediately, both officers drew their weapons. One of the officers (either John Doe I or John Doe II) stood in a gun-ready position, aiming his loaded weapon directly at Mr. Geer's center mass (his chest), continuously and uninterrupted, for approximately the next forty-five minutes, while the other officer (either John Doe I or John Doe II) alternated between aiming his weapon at Mr. Geer's center mass or maintaining a modified gun-ready position, aiming his weapon toward the lower part of Mr. Geer's body. A short time later, additional police officers arrived on the scene. Upon information and belief, either during an initial call for backup or shortly thereafter, a supervisor for the FCPD (John Doe III) was notified of the situation at the 7900 block of Pebble Brook Court involving Mr. Geer, and knew the facts regarding the situation involving Mr. Geer as it occurred.

18. Shortly, after their arrival on the scene, several FCPD officers, including John Doe I and John Doe II, positioned themselves directly in front of Mr. Geer's residence with their weapons drawn, demanding that he come outside of his house. Mr. Geer, however, exercised his Constitutional rights and refused to leave his residence or grant consent for the officers to enter the premises absent a lawfully issued warrant. John Doe I and John Doe II remained outside of Mr. Geer's house with their weapons drawn. One of the officers, either John Doe I or John Doe II, continued to have his weapon trained on Mr. Geer's center mass (his chest) as shown in the below photograph.



19. At or about this time, a Fairfax County Police Officer brought an armored shield to the front yard of Mr. Geer's house. The shield was placed next to a tree just a few feet from where John Doe I and John Doe II stood with their weapons trained on Mr. Geer as shown in the below photograph.



20. While positioned directly in front of Mr. Geer's residence and still having their weapons drawn, John Doe I and John Doe II tried to convince Mr. Geer to leave his house, notwithstanding Mr. Geer's right to stay therein.

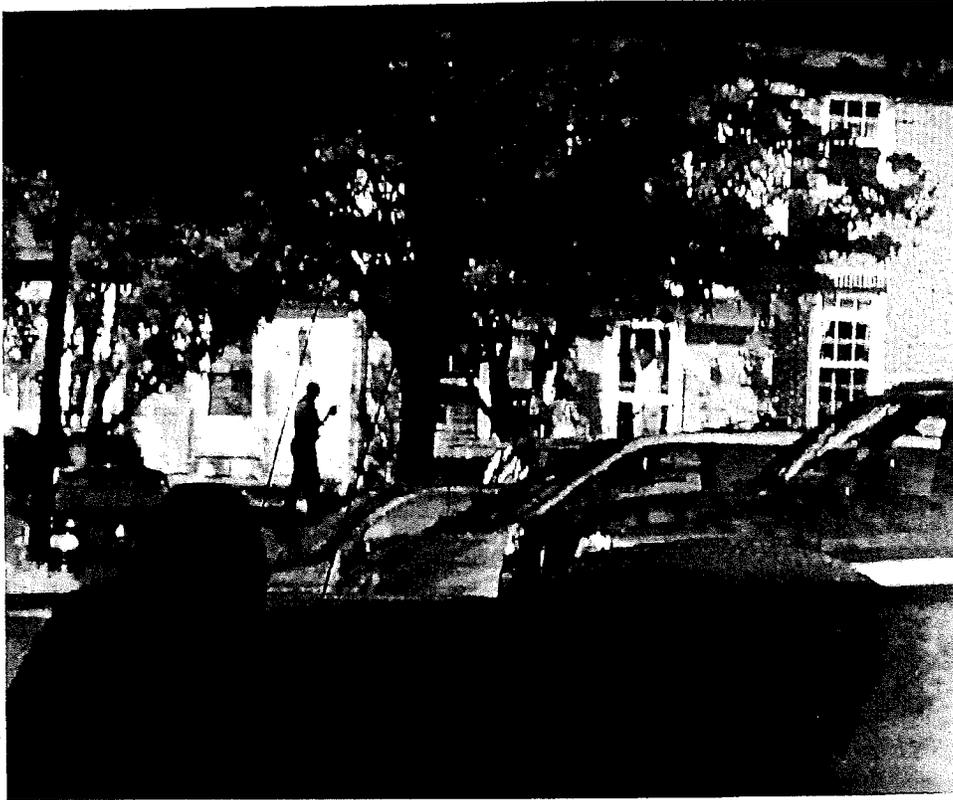
21. Upon information and belief at no point during the approximately 45 minutes before Mr. Geer was shot did the patrol officers (John Doe I and John Doe II), or their supervisor (John Doe III), call for a trained negotiator to participate in these discussions as no such negotiator ever arrived to Mr. Geer's residence to talk to Mr. Geer prior to Mr. Geer being shot.

22. During virtually this entire time, Mr. Geer held his arms and hands either straight up above his head, or slowly moved them to a position at about his ear level, keeping his palms

facing outward in clear view of any observing police officers, including John Doe I and John Doe II. At no point did Mr. Geer appear to possess a weapon of any kind or appear to be within immediate reach of any weapon. Additionally, according to witnesses, Mr. Geer never made any furtive, sudden, or aggressive motion towards the police officers or any other individual. Furthermore, at all times Mr. Geer kept his empty and raised hands in clear view of the police officers and other witnesses.

23. Nevertheless, all of the officers on the scene had their firearms drawn and at least one of the officers, John Doe I or John Doe II, had his firearm directly pointed at Mr. Geer's center mass, a stance only permitted under the applicable standard of care for law enforcement officers when an officer intends to shoot to kill.

24. Shortly before Mr. Geer was shot, one of his neighbors took a photograph of the two police officers outside of Mr. Geer's residence. These officers are believed to be Defendant John Doe I and John Doe II. The photograph clearly shows Mr. Geer, with his empty hands above his head, and at least one of the John Doe Defendants directly pointing his firearm at Mr. Geer's chest as depicted below.



25. According to autopsy and EMT Reports, at approximately 3:30 P.M, John Doe I fired a single shot that struck Mr. Geer in his chest. At the time the shot was fired Mr. Geer had slightly lowered his hands to face level after holding his arms straight above his head for well over 30 minutes. His empty palms remained facing outward toward John Doe I and John Doe II and any other FCPD officers then observing the scene. Upon information and belief, while at least 4 other FCPD officers were on the scene with weapons drawn, no officer other than John Doe I discharged a weapon.

D. The FCPD Failed to Provide Medical Treatment to Mr. Geer And Allowed Him To Bleed to Death

26. After Mr. Geer was shot, his hand reached to cover his chest, and he staggered into his house, out-of-view of the police officers and his friends and neighbors who were located outside the residence.

27. After Mr. Geer was shot in the chest and stumbled backwards into his house, at least one police officer at the scene reported over the police radio that Mr. Geer was alive and slight sounds of movement were heard.

28. Despite knowing that Mr. Geer was still alive and shot in the chest, for approximately 45 additional minutes or more, police officers at the scene, including John Doe I and John Doe II, made no effort to enter the residence. When the FCPD finally did enter the premises, they did so with an armored tank. During this interval between the time Mr. Geer was shot and the use of the armored tank FCPD officers at the scene, including John Doe I and John Doe II, failed to take steps to determine Mr. Geer's medical condition or try to administer any necessary emergency medical care. During this timeframe, an armored protective shield was present just outside of Mr. Geer's residence and, in addition, the FCPD had immediate access to Ms. Harrington's keys to the house but never utilized them. For over an hour no emergency medical care was permitted to be administered to Mr. Geer by the FCPD despite Fairfax County Fire and Rescue personnel's (EMT's) presence at the scene. During this timeframe, Mr. Geer's best friend and his father, who were kept at a distance from the house by the FCPD, persistently urged the FCPD to provide medical assistance to Mr. Geer, and faced with the fact that FCPD was not providing medical assistance futilely pleaded with the FCPD to be allowed to help Mr. Geer themselves or otherwise help the FCPD to get urgent medical assistance to Mr. Geer, who they knew had been shot in the chest.

29. By the time, the FCPD entered Mr. Geer's house, at least an hour after he had been shot in the chest by John Doe I, Mr. Geer was dead from cardiac arrest from the uncontrolled bleeding from his gunshot wound. Mr. Geer was pronounced dead by paramedics at approximately 4:47 p.m.

E. The Aftermath

30. After the shooting of Mr. Geer, the FCPD entered his residence and seized many items of personal property now belonging to the Estate of John Geer, and despite requests for their return, the FCPD has refused to return these personal items

31. An autopsy report was performed on November 20, 2013, by the Office of the Chief Medical Examiner for the Department of Health of the Commonwealth of Virginia. This report not only confirmed that Mr. Geer died from cardiac arrest from the uncontrolled bleeding from his gunshot wound, but also ruled Mr. Geer's death a Homicide.

32. From the time John Doe I and John Doe II arrived on the scene at 7907 Pebble Book Court, Springfield, Virginia 22153 on August 29, 2013, until Mr. Geer's death, John Doe I and John Doe II were under the supervision and oversight of their supervising police officer, John Doe Police Officer III ("John Doe III").

33. Since his appointment on July 30, 2013, the Chief of Police of the FCPD, Colonel Edwin C. Roessler Jr. has been responsible for the training and the development of training methods and policies and procedures for the police officers of the FCPD, including John Doe I, John Doe II, and John Doe III, regarding the use of force, the use of a trained negotiator and rescue operations to administer emergency medical assistance in situations similar to those involving Mr. Geer.

F. The Effect of Mr. Geer's Death on Mr. Geer's Estate and Family

34. Mr. Geer died intestate survived by his then two minor daughters, Haylea Geer and Morgan Geer. At the time of his death, Haylea was 17 years old, and Morgan was 13 years old.

35. Haylea and Morgan Geer have suffered greatly from the loss of their father, including, but not limited to, damages for the following: (1) sorrow, mental anguish and solace including society, companionship, comfort, guidance, kindly offices and advice of Mr. Geer; (2) compensation for reasonably expected loss of (i) income from Mr. Geer as well as (ii) the services, protection, care and assistance provided by Mr. Geer.

36. In addition, Mr. Geer's Estate has suffered damages for all expenses for the care, treatment and hospitalization of the decedent incident to Mr. Geer's shooting resulting in his death as well as Mr. Geer's reasonable funeral expenses.

CAUSES OF ACTION

COUNT I

**Gross Negligence/Wrongful Death Claim by Mr. Geer's Estate
Against Defendant John Doe Police Officer I**

37. The allegations of paragraphs 1 to 36 are incorporated as though fully set forth herein.

38. Defendant John Doe I, as well as the other members of the FCPD who participated in the events at the 7900 block of Pebble Brook Court prior to the shooting of Mr. Geer had a duty to exercise reasonable care under the circumstances in their role as police officers. As a result, John Doe I's duty of reasonable care included, but was not limited to, the duty of the Fairfax County Police Officers to (1) use every reasonable non-violent means before exercising the use of force on a suspect and then only when reasonably necessary; (2) use

alternative methods of the use of force that are reasonably necessary in view of the circumstances, including non-deadly and less-lethal force, before exercising the use of deadly force; (3) perform their duties without the use of excessive or unreasonably unnecessary force; (4) refrain from using deadly force unless reasonably necessary to stop an individual who is either posing an imminent threat of death or serious injury to another person, including an officer or a member of the public and that all other methods of force to control the individual would be or have already proven to be ineffective in view of the circumstances.

39. Defendant John Doe I's actions demonstrated an utter disregard of prudence that amounted to a complete neglect for Mr. Geer's safety and rights and thereby breached the duty of reasonable care which John Doe I owed to John Geer. These actions include, but are not limited to (1) failing to utilize reasonably available non-violent alternatives to the use of force to control an individual who is clearly unarmed, poses no imminent threat, nor presents a flight risk; (2) failing to utilize reasonably available non-deadly means of the use of force that were available to the officer when an individual is clearly unarmed and poses no imminent danger to anyone nor a flight risk; (3) having his loaded firearm drawn and pointed directly at Mr. Geer's center mass despite Mr. Geer clearly being unarmed, posing no imminent danger nor a flight risk, and having his hands raised above his head; and (4) firing his gun at Mr. Geer when it was not reasonably necessary to utilize such deadly force, as Mr. Geer did not pose an imminent threat of death or serious injury to another person; and (5) generally exercising excessive and unreasonably necessary force in view of the circumstances.

40. Defendant John Doe I's handling, display, aiming and firing of his firearm that resulted in the death of Mr. Geer was grossly negligent, was not reasonably necessary to accomplish any lawful or just purpose, was wholly unwarranted and contrary to, and in breach

of, the recognized standards for police officers in the performance of their duties under same or similar circumstances, and demonstrated an utter disregard of prudence that amounted to a complete neglect for Mr. Geer's safety and rights.

41. As a direct and proximate result of the grossly negligent conduct and actions of John Doe I, Mr. Geer suffered extensive injury and blood loss due to internal or external hemorrhage, which ultimately led to his death.

42. As a direct and proximate result of the wrongful actions of John Doe I, Plaintiff and the beneficiaries of Mr. Geer's Estate have been damaged in the amount of \$12,000,000 (twelve million dollars) as set forth in the Prayer for Relief, below.

COUNT II

Willful, Wanton, and Reckless Negligence/Wrongful Death Claim by Mr. Geer's Estate Against Defendant John Doe Police Officer I

43. The allegations of paragraphs 1 to 42 are incorporated as though fully set forth herein.

44. Defendant John Doe I, as well as the other members of the FCPD who participated in the events at the 7900 block of Pebble Brook Court prior to the shooting of Mr. Geer, owed a duty to Mr. Geer to exercise reasonable care under the circumstances in their role as police officers which included, but was not limited to, the duty of the Fairfax County Police Officers to (1) use every available non-violent means before exercising the use of force on a suspect and then only when reasonably necessary; (2) use alternative methods of the use of force that are reasonably necessary in view of the circumstances, including non-deadly and less-lethal force, before exercising the use of deadly force; (3) perform their duties without the use of excessive or unreasonably necessary force; (4) refrain from using deadly force unless reasonably necessary to stop an individual who is either posing an imminent threat of death or serious

injury to another person, including an officer or a member of the public, and that all other methods of force to control the individual would be or have already proven to be ineffective in view of the circumstances.

45. Defendant John Doe I breached his duty to Mr. Geer to exercise reasonable care under the circumstances in his role as police officer by acting with conscious disregard of Mr. Geer's rights and/or reckless indifference to the consequences in his intentional aiming and firing of his firearm at Mr. Geer when Mr. Geer was clearly unarmed, posed no flight risk, and had his hands above his head at all relevant times during his discussions with the police prior to his shooting.

46. Defendant John Doe I was aware from his knowledge of the existing circumstances that Mr. Geer was located only several yards from John Doe I and John Doe II, with nothing but a transparent half screen (top) and half glass (bottom) storm door located between the police officers and Mr. Geer.

47. As a result, Defendant John Doe I was aware from his knowledge of the existing circumstances that his aiming and firing of his firearm at Mr. Geer likely would cause injury to Mr. Geer.

48. As a direct and proximate result of the willful, wanton, and reckless negligence of Defendant John Doe I, Mr. Geer suffered extensive injury and blood loss due to internal or external hemorrhage, which ultimately led to his death.

49. As a direct and proximate result of the wrongful actions of John Doe I, Plaintiff and the beneficiaries of Mr. Geer's Estate have been damaged in the amount of \$12,000,000 (twelve million dollars) as set forth in the Prayer for Relief, below.

COUNT III

**Battery/Wrongful Death Claim by Mr. Geer's Estate
Against Defendant John Doe Police Officer I**

50. The allegations of paragraphs 1 to 49 are incorporated as though fully set forth herein.

51. John Doe I committed the common law tort of battery. By shooting Mr. Geer, John Doe I committed an unwanted touching to which Mr. Geer clearly did not consent. John Doe I had no legal justification or excuse for committing this wrongful act.

52. As a direct and proximate result of John Doe I's unconsented touching of Mr. Geer to which Mr. Geer clearly did not consent, Mr. Geer suffered extensive blood loss due to internal or external hemorrhage, which ultimately led to his death.

53. As a direct and proximate result of the wrongful actions of John Doe I, Plaintiff and the beneficiaries of Mr. Geer's Estate have been damaged in the amount of \$12,000,000 (twelve million dollars) as set forth in the Prayer for Relief, below.

COUNT IV

**Gross Negligence/Wrongful Death Claim by Mr. Geer's Estate
Against Defendants John Doe Police Officer I and John Doe Police Officer II**

54. The allegations of paragraphs 1 to 53 are incorporated as though fully set forth herein.

55. Defendants John Doe I and John Doe II, as well as the other members of the FCPD who participated in the events in the 7900 block of Pebble Brook Court prior to the death of Mr. Geer, had a duty to exercise reasonable care under the circumstances in their role as police officers. The duty of reasonable care owed by John Doe I and John Doe II included, but was not limited to, the duty to (1) employ the skills of a trained negotiator in a situation where

police officers are engaged in a situation with an unarmed individual who poses no imminent threat to anyone nor is a flight risk; and, (2) to effectively and timely execute a rescue operation to allow the administration of emergency medical assistance to an injured, unarmed person who posed no imminent threat to anyone nor a flight risk.

56. Defendants John Doe I and John Doe II grossly breached their duties owed to John Geer of exercising reasonable care under the circumstances by their failure to call or employ a trained negotiator in the circumstances set forth above with Mr. Geer, who was unarmed, posed no imminent danger to anyone and posed no flight risk, and thereby demonstrated an utter disregard of prudence that amounted to a complete neglect for Mr. Geer's safety and rights.

57. Defendants John Doe I and John Doe II also grossly breached their duties owed to John Geer of exercising reasonable care under the circumstances by their failure to effectively and timely execute a rescue operation to administer emergency medical assistance to Mr. Geer, who was not only unarmed and posed no flight risk, but also was known to be alive and suffering from a gunshot wound to his chest, and thereby demonstrated an utter disregard of prudence that amounted to a complete neglect for Mr. Geer's safety and rights.

58. As a direct and proximate result of the grossly negligent conduct and actions of Defendants John Doe I and John Doe II Mr. Geer suffered extensive blood loss due to internal or external hemorrhage, which ultimately led to his death.

59. As a direct and proximate result of the wrongful actions of John Doe I and John Doe II, Plaintiff and the beneficiaries of Mr. Geer's Estate has been damaged in the amount of \$12,000,000 (twelve million dollars) as set forth in the Prayer for Relief, below.

COUNT V

Willful, Wanton, and Recklessness/Wrongful Death Claim by Mr. Geer's Estate Against Defendants John Doe Police Officer I and John Doe Police Officer II

60. The allegations of paragraphs 1 to 59 are incorporated as though fully set forth herein.

61. Defendants John Doe I and John Doe II, as well as the other members of the FCPD who participated in the events in the 7900 block of Pebble Brook Court prior to the death of Mr. Geer, had a duty to exercise reasonable care under the circumstances in their role as police officers. The duty of reasonable care owed by John Doe I and John Doe II included, but was not limited to, the duty to (1) employ the skills of a trained negotiator under the circumstances involving John Geer as described above, where police officers are engaged in a situation with an unarmed individual who poses no imminent threat to anyone nor is a flight risk; and, (2) to effectively and timely execute a rescue operation to allow the administration of emergency medical assistance to an injured, unarmed person who posed no imminent threat to anyone nor a flight risk.

62. Defendants John Doe I and John Doe II willfully, wantonly and recklessly breached their duty of reasonable care owed to John Geer by their acting with conscious disregard of Mr. Geer's rights and/or reckless indifference to the consequences of their actions and inactions when they failed to call or employ a trained negotiator regarding the aforementioned situation with Mr. Geer, who was unarmed and posed no imminent threat to anyone nor any flight risk.

63. Defendants John Doe I and John Doe II also willfully, wantonly and recklessly breached their duty of reasonable care owed to John Geer by acting with conscious disregard of Mr. Geer's rights and/or reckless indifference to the consequences of their actions or inactions

when they failed to effectively and timely execute a rescue operation to administer emergency medical assistance to Mr. Geer, who was not only unarmed, posed no imminent danger to anyone and posed no flight risk, but also was known to be alive and suffering from a gunshot wound to his chest.

64. Defendants John Doe I and John Doe II were aware from their knowledge of the existing circumstances that they had time to call a trained negotiator to handle the circumstances set out above involving Mr. Geer, who was unarmed, posed no imminent danger to anyone and posed no flight risk.

65. Defendants John Doe I and John Doe II were aware from their knowledge of the existing circumstances that Mr. Geer was suffering from a gunshot wound to his chest after John Doe I had discharged his firearm at Mr. Geer from only several yards away and knew that he was alive for some period of time after he was shot.

66. As a result, Defendants John Doe I and John Doe II were aware from their knowledge of the existing circumstances that failing to employ or call a trained negotiator to handle the then existing situation with Mr. Geer, who was unarmed, posed no imminent danger to anyone and posed no flight risk, could pose a risk to Mr. Geer if any of the police officers unnecessarily escalated the situation in a dangerous manner, which in fact did occur.

67. Defendants John Doe I and John Doe II were also aware or should have been aware from their knowledge of the existing circumstances that failing to effectively and timely execute a rescue operation to administer emergency medical assistance to Mr. Geer, who was not only unarmed, and posed no imminent danger to anyone and posed no flight risk, but also was suffering from a gunshot wound to his chest and was still alive for some period of time after the

gunshot, probably would cause Mr. Geer to suffer from extensive blood loss due to internal or external hemorrhage.

68. As a direct and proximate result of the aforementioned willful, wanton, and reckless negligence of Defendants John Doe I and John Doe II Mr. Geer suffered extensive injury and blood loss due to internal or external hemorrhage, which ultimately led to his death.

69. As a direct and proximate result of the wrongful actions of John Doe I and John Doe II, Plaintiff and the beneficiaries of Mr. Geer's Estate have been damaged in the amount of \$12,000,000 (twelve million dollars) as set forth in the Prayer for Relief, below.

COUNT VI

Grossly Negligent Supervision/Wrongful Death Claim by Mr. Geer's Estate Against Defendants John Doe Police Officer III

70. The allegations of paragraphs 1 to 69 are incorporated as though fully set forth herein.

71. Defendant John Doe III had a duty to exercise reasonable care under the circumstances in his role as a supervising police officer overseeing the actions of John Doe I and John Doe II, and the overall situation at the 7900 block of Pebble Brook Court at or before the shooting of Mr. Geer and thereafter prior to his being pronounced dead. As a result, John Doe III had the duty of reasonable care, which included, but was not limited to, the duty to reasonably supervise the Fairfax County Police Officers at the scene of the 7900 block of Pebble Brook Court in their exercise of their actions regarding Mr. Geer and between the interactions of the FCPD and Mr. Geer and to otherwise act in a reasonable manner.

72. Defendant John Doe III breached the duty of reasonable care owed to Mr. Geer and demonstrated an utter disregard of prudence that amounted to a complete neglect for Mr. Geer's safety and rights when, in his role as supervisor, he demonstrated the absence of slight

diligence or the want of even scant care in failing to design or execute any plan of action, which resulted in Defendants John Doe I and John Doe IIs' failure to call or employ a trained negotiator regarding their interaction with Mr. Geer, who was unarmed, posed no imminent threat to anyone and posed no flight risk. John Doe III's failure to develop such a plan an action also amounted to the absence of slight diligence or the want of even scant care.

73. Defendant John Doe III also breached the duty of reasonable care owed to John Geer and demonstrated an utter disregard of prudence that amounted to a complete neglect for Mr. Geer's safety and rights when, in his role as supervisor, he demonstrated the absence of slight diligence or the want of even scant care in failing to design or execute any plan of action, which resulted in Defendants John Doe I and John Doe IIs' failure to effectively and timely execute a rescue operation to administer emergency medical assistance to Mr. Geer, who was not only unarmed, posed no imminent threat to anyone and posed no flight risk, but also was known to be alive and suffering from a gunshot wound to the chest.

74. As a direct and proximate result of Defendants John Doe III's grossly negligent supervision of Defendants John Doe I and John Doe II, Mr. Geer suffered extensive injury and blood loss due to internal or external hemorrhage, which ultimately led to his death.

75. As a direct and proximate result of the wrongful actions of John Doe III, Plaintiff and the beneficiaries of Mr. Geer's Estate have been damaged in the amount of \$12,000,000 (twelve million dollars) as set forth in the Prayer for Relief, below.

COUNT VII

Gross Negligence/Wrongful Death Claim By Mr. Geer's Estate Against Defendant Colonel Edwin C. Roessler Jr.

76. The allegations of paragraphs 1 to 75 are incorporated as though fully set forth herein.

77. Defendant Colonel Edwin C. Roessler Jr., as the Chief of Police of the FCPD, owed a duty to John Geer of exercising reasonable care under the circumstances in his role as the Chief of Police. As a result, Defendant Roessler's duty of reasonable care included, but is not limited to, the duty to train or develop training methods, policies and procedures for the FCPD in regards to (1) the use of deadly force, (2) the employment of trained negotiators and negotiation oriented strategies to avoid any unnecessary use of force or escalations of force by members of the FCPD, and (3) the execution of effective and timely rescue operations to administer emergency medical assistance to gravely injured individuals caused by the actions of officers of the FCPD, that were reasonable under the circumstances as described above.

78. Defendant Roessler breached the duty of reasonable care owed to Mr. Geer by his failure to properly train and develop any training methods for police officers to utilize every reasonable non-violent alternative to the use of force before exercising such force on a suspect, such as Mr. Geer, an unarmed man who posed no immediate threat to any Fairfax County Police Officers or, for that matter, anyone, and by doing so, demonstrated an utter disregard of prudence that amounted to a complete neglect for Mr. Geer's safety and rights as well as the absence of slight diligence or the want of even scant care.

79. In addition, Defendant Roessler breached the duty of care owed to Mr. Geer by his failure to properly train and/or develop appropriate training methods, policies and procedures for the FCPD that would require, under the circumstances present at the 7900 block of Pebble Brook Court at or before the shooting of Mr. Geer, John Doe I and John Doe II and their supervisor John Doe III, to utilize a trained negotiator and/or negotiation oriented strategies focused on force de-escalation techniques towards Mr. Geer, an unarmed man who posed no imminent threat to any Fairfax County Police Officers or, for that matter, anyone, and by doing

so demonstrated an utter disregard of prudence that amounted to a complete neglect for Mr. Geer's safety and rights.

80. Finally, Defendant Roessler breached the duty of reasonable care owed to Mr. Geer by his failure to properly train and develop any appropriate training methods, policies and procedures for the FCPD requiring that the FCPD engage in effective and timely executed rescue operations that would have allowed Fairfax County Police Officers or other Fairfax County medical personnel to administer emergency medical assistance to Mr. Geer immediately or soon after he was shot, (and instead of waiting approximately an hour to take any such action), and by doing so demonstrated an utter disregard of prudence that amounted to a complete neglect for Mr. Geer's safety and rights as well as the absence of slight diligence or the want of even scant care under the circumstances presented.

81. As a direct and proximate result of the grossly negligent conduct and actions of Defendant Roessler, Mr. Geer suffered extensive injury and blood loss due to internal or external hemorrhage, which ultimately led to his death.

82. As a direct and proximate result of the wrongful actions of Defendant Roessler, Plaintiff and the beneficiaries of Mr. Geer's Estate have been damaged in the amount of \$12,000,000 (twelve million dollars) as set forth in the Prayer for Relief, below.

COUNT VIII

Conversion Claim by Mr. Geer's Estate Against the Fairfax County Police Department and Chief Roessler

83. The allegations of paragraphs 1 to 82 are incorporated as though fully set forth herein.

84. On August 29, 2013, police officers of the FCPD, acting on behalf of the FCPD, and under the ultimate supervision and control of Defendant Roessler, seized various items of personal property from the home of Mr. Geer.

85. At the time of the seizure, Mr. Geer was the owner of all of the items of personal property seized by the FCPD.

86. As of today, more than one year after the FCPD's seizure of these items, the items of personal property remain in the custody and control of the FCPD.

87. With the death of Mr. Geer, the prosecution of him for any alleged criminal offense is legally impossible.

88. Upon information and belief, there exists no lawful basis for the continued seizure and retention of Mr. Geer's personal property.

89. Consequently, the FCPD's continued possession of these items constitutes the wrongful exercise or assumption of authority over another's goods.

90. The FCPD's continued custody and control of Mr. Geer's personal property deprives the owner, Mr. Geer's Estate, of its right to possess such items.

91. Chief Roessler's and the FCPD action of failing to return personal property, which is not being held in connection to an ongoing investigation or criminal prosecution, does not include any special risks from a governmental activity, and consequently, constitutes a ministerial function.

92. Therefore, either these items, or the equivalent monetary value, should be restored to the Plaintiff as the Administrator of Mr. Geer's Estate.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all counts set forth herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, and on behalf of the beneficiaries of the Estate of John Geer, prays for judgment against Defendants, jointly and severally, as follows:

- a. Compensatory damages under Virginia common law and for wrongful death under Virginia Code Section 8.01-50 *et seq.* in the amount of \$12,000,000 (twelve million dollars) for the following:
 1. Sorrow, mental anguish and solace which include society, companionship, comfort, guidance, kindly offices and advice of Mr. Geer;
 2. Compensation for reasonably expected loss of (i) income of Mr. Geer and (ii) services, protection, care and assistance provided by Mr. Geer;
 3. Expenses for the care, treatment and hospitalization of Mr. Geer incident to his shooting resulting in his death; and,
 4. The reasonable funeral expenses of Mr. Geer.
- b. Punitive damages under Virginia common law and for wrongful death under Virginia Code Section 8.01-50 *et seq.* in the amount of \$350,000 (three hundred and fifty thousand dollars);
- c. Interest on any damage award from August 29, 2013, as well as any taxable costs and court costs;
- d. Return of the personal property wrongfully seized and now retained by the FCPD; and,
- e. Any further relief as the Court may deem just and equitable under the circumstances of this case.

Date: September 2, 2014

Respectfully submitted,

By Counsel:



Bernard J. DiMuro, Esq. [REDACTED]

Michael S. Lieberman, Esq. [REDACTED]

Nina Ginsberg, Esq. [REDACTED]

Andrea L. Moseley ([REDACTED] [REDACTED])

DiMuroGinsberg, PC



*Counsel for Maura Harrington, Personal Representative
and Administrator of the Estate of John B. Geer*

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

MAURA HARRINGTON, as Personal)	
Representative and Administrator of the)	
Estate of John B. Geer, deceased,)	
)	
Plaintiff,)	Case No. 2014-11477
)	
v.)	
)	
COLONEL EDWIN C. ROESSLER JR. <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO
DEFENDANT EDWIN C. ROESSLER, JR., CHIEF OF THE FAIRFAX COUNTY
POLICE DEPARTMENT**

Comes now the Plaintiff, by counsel, and hereby request that Defendant Edwin C. Roessler, Jr., Chief of the Fairfax County Police Department ("Col. Roessler"), produce the following described documents for inspection and copying pursuant to Rule 4:9 of the Supreme Court of Virginia to the offices of DiMuroGinsberg, P.C., c/o Michael S. Lieberman, 1101 King Street, Suite 610, Alexandria, VA 22314, within 28 days from the date of service of the these Requests.

GENERAL DEFINITIONS AND INSTRUCTIONS

As used herein, the words and phrases set out below shall have the meaning prescribed for them:

1. "Document" or "documents" shall mean every "document" within the widest permissible scope of the Rules of the Supreme Court of Virginia, including, without limitation, every original (and every copy of any original or copy which differs in

any way from any original) of every writing or recording of every kind or description, whether handwritten, typed, drawn, sketched, printed, or recorded by any physical, mechanical, electronic, or electrical means whatsoever, including, without limitation, books, records, files, memoranda, reports, studies, graphs, papers, pamphlets, manuals, orders, operating and other procedures, policies, regulations, brochures, specifications, notebooks, worksheets, working papers, statistical records, stenographer's notes or notebooks, lists, analyses, annual or other periodic reports, calendars, appointment books, diaries, correspondences, communications, electronic mail, facsimiles, telegrams, telexes, dictation tapes, computer tapes (including back up disks), CD rom, diskette, computer printouts, microfilm, microfiche, telephone answering machine recordings, telephone bills and toll call records, expense reports and records, agendas, agreements, contracts, applications, offers, acceptances, written memorials of oral communications, photographs, photographic slides or negatives, films, film strips, tapes and recordings in the possession, custody, or control of the party responding to the discovery, its employees, agents, representatives, consultants, contractors and counsel, or known to exist by the party responding to the discovery. This definition includes any and all drafts of any of any "Document" as defined above.

2. As used herein, the terms "refer or relate to," "relating to," "related," "evidencing," "regarding," "pertaining to," and any similar term shall mean -- unless otherwise indicated -- having any relationship or connection to, concerning, being connected to, commenting on, responding to, containing, evidencing, showing, memorializing, describing, analyzing, reflecting, relating to, comprising, constituting, or otherwise establishing any reasonable, logical or causal connection.

3. “You,” “your,” or “yours” refers to the party to whom these requests are directed.

In construing this request:

1. The singular shall include the plural and the plural shall include the singular.

2. A masculine, feminine, or neuter pronoun shall not exclude the other genders.

3. As used herein, the words “or” and “and” shall mean “and/or.”

4. Each request shall extend to all documents which are in the possession or subject to the control of Col. Roessler relating to the period of time covered by this request, which is August 28, 2013 to the present.

5. “Identification” or “identify” when referring to a document, shall mean to set forth the author or originator, addressee(s), signatures, date, title or subject matter, and the present custodian of the original thereof, or, if unknown, the present custodian of any copy thereof and the last known address of each such custodian.

For each document requested herein which is sought to be withheld under claim of privilege, a privilege log should be produce with the following information:

1. The place, approximate date, and manner of recording or otherwise preparing the document;

2. The name and title of the sender, and the name and title of the recipient of the document;

3. The name of each person or persons (other than stenographic or clerical assistant) participating in the preparation of the document;

4. The name and corporate position, if any, of each person to whom the contents of the documents have heretofore been communicated by copy, exhibition, reading or substantial summarization;

5. A statement of the basis on which privilege is claimed and whether or not the subject matter of the contents of the documents is limited to legal advice or information provided for the purpose of securing legal advice;

6. The number of the request to which the document is responsive.

SPECIFIC INSTRUCTIONS AND DEFINITIONS

1. The term "Complaint" refers to the civil Complaint filed on September 2, 2014 in the Circuit Court of Fairfax County entitled Maura Harrington, as Personal Representative and Administrator of the Estate of John B. Geer, deceased, Plaintiff v. Colonel Edwin C. Roessler, Jr., Fairfax County Chief of Police, et al.

2. The term "Chief Roessler" refers to Colonel Edwin C. Roessler, Jr.

3. The term "John Doe I" refers to the FCPD officer who shot John Geer.

4. The term "John Doe II" refers to the FCPD officer who was located in front of John Geer's house at the time of his shooting who did not shoot Mr. Geer, as further set forth in the Complaint.

5. The term "John Doe III" refers to the FCPD officer who was the supervisor of John Doe I and John Doe II at the time of the shooting of John Geer up through the time that Mr. Geer's body was removed from his residence on August 29 or August 30, 2013, as further set forth in the Complaint.

6. The term "Rules", "Orders", "Guidelines", "Policies or Procedures" and/or "Regulations" refer to all policies, procedures, practices, general orders, regulations, training, customs and tactics of the FCPD, whether written or unwritten.

7. The terms “the Fairfax Police Department” and/or “the FCPD” refer to the Fairfax County Police Department.

8. The term “Special Operations Division” or “SOD” means the Special Operations Division of the Fairfax Police Department.

9. The terms “the SWAT Team” or “the Tactical Section” refer to the Fairfax Police Department’s Special Operations Division’s Tactical Section.

10. The term “Internal Affairs Bureau” or “IA” refers to the Internal Affairs Bureau of the Fairfax County Police Department.

11. The term “IACP” refers to the International Association of Chiefs of Police.

12. The term “Criminal Investigations Bureau” or “CIB” means the Criminal Investigation Bureau of the Fairfax County Police Department.

13. The term “Major Crimes Division” or “MCD” means the Major Crimes Division of the Criminal Investigations Bureau of the Fairfax County Police Department.

14. The term “Crime Scene Section” means the Crime Scene Section of the Criminal Investigations Bureau.

15. The term “CAD” means Computer-Aided Dispatch system.

16. The term “Fire & Rescue Department” refers to the Fairfax County Fire & Rescue Department.

17. The term “Geer residence” or “the location of the Geer residence” refers to the townhome located at 7907 Pebble Brook Court, Springfield, VA 22153.

18. The term “the Incident” refers to the Fairfax County Police Department’s response on August 29, 2013 to the Geer residence at 7907 Pebble Brook Court,

Springfield, VA 22153 beginning with the FCPD receipt of a 911 call relating to activities at the residence and all events relating to any action(s) of any member of the FCPD taken in response to the 911 call and any actions taken at or in the vicinity of the Geer Residence on August 29, 2013 by members of the FCPD or Mr. Geer, up through the shooting of John Geer by a Fairfax County Police Officer, the entry by members of the FCPD of the Geer Residence, the recovery and subsequent removal of Mr. Geer's body from the Geer residence and any medical attention or treatment provided to Mr. Geer, the seizure of any property from the Geer residence, as well as any and all actions taken by any member of the FCPD to investigate any of the aforementioned on or about August 29 or August 30, 2014.

19. The "vicinity" of the Geer residence shall mean the townhouse/housing neighborhood known as "Woodstream", which includes Magic Leaf Road (off of Pohick Road), which leads to Pebble Brook Court. Pebble Brook Court includes townhouses addressed as 7900 Pebble Brook Court to 7974 Pebble Brook Court and includes the Geer residence located at 7907 Pebble Brook Court. Woodstream also includes Bubbling Brook Court, Forest Path Way, Park Lane Court and Timber Brook Lane.

REQUESTS

THE INCIDENT

1. All documents regarding or relating to the Incident.
2. A copy of any document that identifies all the FCPD employees present in the vicinity, or at the scene, of the Incident at any time during the Incident.
3. A copy of all 911 calls, police radio calls, or police telephone calls made during or regarding the Incident, and a copy of any transcript of those calls.

4. A copy of any report or record regarding or relating to the Incident, including, but not limited to: all statements, drawings, photos, and videos from all officers and employees of the FCPD who responded to the location of the Incident during the time of the Incident, or who investigated the Incident.

5. A copy of any and all witness statements provided by any persons, including, but not limited, to members of the FCPD and non-FCPD individuals who witnessed any part of the Incident, which the FCPD has, or has had, possession, custody, or control.

6. A copy of all videos, tape, or digital recordings of any statements made by any person, including, but not limited to, any employees of the FCPD, regarding the Incident.

7. A copy of all documents that reflect which FCPD vehicle numbers responded to the scene of the Incident, which employees arrived in each vehicle, and the exact time of their arrival.

8. A copy of any emails, correspondence, texts, notes or memorandum from any FCPD personnel to any person, whether it be to other FCPD personnel or any other person, which was created on August 29, 2013 up through September 2, 2014, regarding or related to the Incident.

9. A copy of any statement or voice mail by any person regarding or related to the Incident to or by any member of the FCPD, whether stored electronically, digitally, or in written record.

10. All documents that reflect the names, addresses, and telephone numbers of each and every person interviewed by the FCPD regarding or related to the Incident.

11. All documents that reflect the names, addresses, and telephone numbers of each and every person who investigated any aspect of the Incident.

12. A copy of each FCPD officers' (including TAC members and investigating officers') notes (including field notes) regarding or relating to the Incident, whether handwritten, recorded, or computerized, prepared from August 29, 2013 up through September 2, 2014.

13. A copy of any CAD Report(s) reflecting all dispatch activity and other activity related to the Incident.

14. All documents describing, regarding, or related to any statements between John Geer and any member of the FCPD on the day of the Incident.

15. All documents describing, regarding, or related to any statements made by John Geer on August 29, 2013, during the Incident or before the Incident began, whether to members of the FCPD or to others.

16. All documents describing, regarding, or related to any statements made by JOHN DOE I or JOHN DOE II or any other FCPD member to John Geer on the date of the Incident.

17. All documents describing, regarding, or related to any statements made by John Geer to any member of the FCPD on the date of the Incident.

18. All documents describing the actions of John Geer any time during the Incident.

19. All documents regarding or relating to the shooting of John Geer.

20. Any documents reflecting, constituting, or relating to any statements made by JOHN DOE I, JOHN DOE II, or JOHN DOE III or Chief Roessler regarding or relating to the Incident.

21. Any documents reflecting or constituting any statements made by any member of the FCPD regarding the participation or the suggested participation of a trained negotiator, including, but not limited, to members of the Crisis Negotiation Team (“CNT”), to talk with John Geer prior to the time that John Geer was shot.

22. Any documents reflecting or constituting communications with any member of the CNT regarding or relating to the Incident.

23. All documents reflecting communications with any FCPD personnel regarding the use of force during the Incident.

24. Any documents reflecting or constituting any statements made by any member of the FCPD who was present at any time at the location, or in the vicinity, of the Incident, regarding or relating to the Incident

25. All documents reflecting the identity and exact location of all FCPD officers at the location, or in the vicinity, of the Incident at the time that John Geer was shot.

26. All documents reflecting the identity and exact location of any the FCPD official who was not at the site of the Incident, but who was in communication with the FCPD officers who were then present at the location, or in the vicinity, of the Incident, regarding or relating to the Incident.

27. All documents reflecting the identity and assignments of all FCPD officers at the location of the Incident at the time that John Geer was shot.

28. All documents reflecting what communication devices were in the possession of, or which were accessible to, each of the FCPD officers in the vicinity, or at the location, of the Incident at the time that John Geer was shot.

29. All documents reflecting all communication devices, audio, or visual taping or recording devices that were present at the location, or in the vicinity, of the Incident at any time during the Incident.

30. All documents that reflect any access to any communication devices, surveillance equipment, audio or visual recording equipment and recorded listening devices available to members of the FCPD present at the Incident during the Incident, including, but not limited to, any efforts that were made to utilize such equipment and devices at any time during the Incident.

31. All documents reflecting weather conditions and ambient lighting conditions at the location of the Incident at the time that John Geer was shot or at any time during the Incident.

32. All documents reflecting the identity and location of any non-FCPD individual who was present at the location, or in the vicinity, of the Incident during the Incident, up through the time that John Geer was shot.

33. All documents reflecting any FCPD equipment present at the Incident at any time prior to Mr. Geer being removed from the scene of the shooting, and the identity of the member(s) of the FCPD who were responsible for the utilization (or non-utilization) of that equipment while present at the Incident. This request includes, but is not limited to, such equipment as an armored tank, robotic equipment, protective shields,

helicopters, lethal and non-lethal weapons, medical equipment, and communication and surveillance or listening devices.

34. All documents referencing the make, model and caliber weapon that was used by JOHN DOE I at the time he shot John Geer.

35. All documents relating to or reflecting any communications or actions taken regarding providing medical attention or treatment to John Geer after he was shot.

36. All documents relating to or reflecting any communications or actions taken to enter the Geer residence after Mr. Geer was shot.

37. All documents relating to the location of JOHN DOE I's trigger finger at all times from his arrival at the location of the Incident up until the time he shot John Geer.

38. All documents relating to whether the decocker on JOHN DOE I's weapon was engaged, to be used as a manual safety or otherwise, at the time of the shooting of John Geer or at any time during the Incident, and if so, when the weapon was decocked.

39. Plaintiff specifically requests access to the following equipment and evidence for an inspection:

- a. all communication equipment used by any member of the FCPD who was participating in the Incident, including in a supervisory role, during the Incident;
- b. all vehicles that were at the location, or in the vicinity, of the Incident used by members of the FCPD during the Incident;

- c. all surveillance equipment used by members of the FCPD during the Incident, including, but not limited to, any visual equipment; audio equipment, camera equipment; and other recording device equipment;
- d. the weapon and related equipment utilized by JOHN DOE I during the Incident (e.g. gloves, holster, uniform, boots);
- e. any equipment used by members of the FCPD during the Incident, including, but not limited to, any robotic equipment, any armored vehicles or tanks like vehicles, any protective shields, and any medical equipment.

VIDEOS/PHOTOGRAPHS

40. A copy of all photographs or video or audio tapes regarding or relating to the Incident taken on August 29, 2013, through the present, (including but not limited to all 911 calls, all communication recordings between members of the FCPD, or between members of the FCPD and any other person, or any other recordings obtained by members of the FCPD).

41. All audio or video tape recordings and photographs relating to the Incident, including the shooting and its aftermath, (e.g. photographs taken at the scene, at the autopsy, recordings or photographs related to the provision of medical treatment to Mr. Geer or the use of an armored tank, and robotic equipment) taken by members of the FCPD, or that was, at any time, in the possession, custody, or control of the FCPD.

42. All audio or video tape recordings and photographs taken relating to the Incident, including the shooting and its aftermath, taken by non-members of the FCPD that was, at any time, in the possession, custody, or control of the FCPD.

43. A copy of any video coverage of the Incident from the beginning of the 911 call on August 29, 2013, through the shooting of John Geer and the investigation thereafter of his shooting, whether from any type of video equipment, including, but not limited to, vehicle videos, lapel videos, other videos, cell phones and/or cameras either taken by the FCPD personnel or obtained by the FCPD from any citizen or news media personnel, including any such video coverage on August 29, 2013, up through the present.

44. All documents that reflect chain of custody by the FCPD (including but not limited to the identities of any person who had access to or possession) for any camera cards, memory cards, camera, computers, photographs, and videos regarding or related to the Incident, and all reports, memorandum, notes, or any other documents that reflect what was found on such devices, a copy of all videos, photographs, or information retrieved from such devices, and the names of each FCPD personnel and all other person(s) who reviewed such devices and reported their findings (attach their reports).

POST SHOOTING MEDICAL CARE

45. All documents regarding or relating to any medical attention or treatment given to John Geer on the scene by any member of the FCPD or Fairfax County Fire and Rescue, any Emergency Medical Technicians or any other person.

46. Any documents reflecting or constituting any statements made by any member of the FCPD regarding providing medical care to John Geer after he was shot, whether by someone at the location, or in the vicinity, of the Incident or whether located elsewhere.

47. All documents constituting, regarding, or relating to the certifications, qualifications and training of any individual that provided any medical attention or treatment to John Geer.

48. All documents regarding or relating to the transportation of John Geer from the location of the Incident to any hospital or medical examiner's office.

49. All documents constituting, regarding, or relating to John Geer being pronounced dead at the scene.

50. All documents constituting, regarding or relating to the FCPD making entry into the Geer residence at any time during the Incident, including but not limited to after Mr. Geer was shot.

51. All documents constituting, regarding, or relating to the autopsy of John Geer.

FORENSIC EVIDENCE

52. All documents that reflect, constitute, or relate to any testing or examinations by the Virginia Department of Forensic Science or any other individual or entity regarding or relating to the Incident, including but not limited to the shooting of John Geer, such as any testing of JOHN DOE I's person, clothing, weapon, holster, gun belt, gloves, uniform, bullets, bullet fragments, John Geer's person, John Geer's clothing, the area where John Geer was shot, as well as the area where JOHN DOE I or any other member of the FCPD, was located at the time of the shooting and after the shooting, up through the time that members of the FCPD permanently left John Geer's residence.

53. All documents that reflect, constitute, or relate to any testing or examination of JOHN DOE I after the shooting, including, but not limited to, testing for

alcohol, illegal or illicit substances, steroids, prescription medications, gunshot residue, or psychological testing.

54. All documents that reflect, constitute, or relate to any testing or examination of any property seized from the person of John Geer or from his house.

55. All documents that reflect, constitute, or relate to any examinations or testing of any audio or visual tape recordings, photographs (such as enlargements or other enhancements), fingerprint testing, or gunshot residue relating to the Incident.

56. All documents that reflect, constitute, or relate to any reconstructions of the shooting of John Geer, including, but not limited to, any diagrams, sketches, calculations, photographs, or descriptions of the scene any time during the Incident up through the time that the FCPD permanently left the Geer residence.

57. All documents that reflect, constitute, or relate to any blood pattern evidence, or any testing or examination of blood patterns, regarding the shooting of John Geer.

58. All documents that reflect, constitutes, or relate to any trace evidence, such as chemical testing of any kind, regarding the shooting of John Geer, any items collected from the Geer residence or in its vicinity or from any individual participating in any manner in the Incident.

INVESTIGATIONS OF THE SHOOTING

59. All documents, photographs, and video or audio recordings regarding or relating to any crime scene investigation relating to the Incident, including, but not limited to, "documenting the scene" by members of the FCPD.

60. All documents regarding or relating to any statements taken at or after the shooting of John Geer pertaining to the Incident.

61. All photographs, video tapes, audio tapes, or other electronic images relating to the shooting of John Geer and its aftermath.

62. All documents that identify any and all persons present at, or participating in, the investigation of the shooting of John Geer, including, but not limited to, any civilian witnesses that were present.

63. All documents relating to the preservation of evidence regarding the Incident that might otherwise be destroyed in the normal course of police business, including, but not limited to, radio run calls, logs, draft documents, tape recordings of communications, or interviews.

64. All documents memorializing or relating to the destruction or disappearance of any items related to the Incident, whether or not they were destroyed in the normal course of police business.

65. All documents relating to the appearance of JOHN DOE I at the Incident.

66. All documents relating to the appearance of any member of the FCPD at the location, or in the vicinity of, the Incident at any time during the Incident.

67. All documents relating to the collection of any weapons that were at the location, or in the vicinity, of the Incident.

68. All documents relating to the seizure or collection of any tangible items from the Geer residence.

INVESTIGATIONS BY CIB

69. All documents that were created as part of the Investigation of the Incident by CIB, including, but not limited to, any Report(s) created by members of the CIB and all drafts thereof.

70. All documents identifying all participants in CIB investigation, including, but not limited to, all supervisory personnel as well as each individuals role in the CIB investigation.

71. All documents that were reviewed by members of the CIB during its investigation of the Incident.

72. All documents relating to any forensic testing undertaken by or reviewed by CIB during its investigation of the Incident.

73. All documents relating to any findings, conclusions, or recommendations by CIB regarding its investigation of the Incident.

74. All documents relating to any CIB supervisors and commanders being kept abreast of the progress of the Incident and [their] provision of any guidance, review, approval, or disapproval of any FCPD officers' actions during the Incident.

INVESTIGATIONS BY INTERNAL AFFAIRS BUREAU

75. A copy of all documents regarding or related to any investigation conducted by Internal Affairs ("IA") relating to the Incident.

76. All documents that were created as part of any investigation of the Incident by Internal Affairs, including, but not limited to, any Report(s) created by IA and all drafts thereof.

77. All documents identifying all participants in the IA investigation of the Incident, including, but not limited to, all supervisory personnel, as well as each individuals role in the IA investigation.

78. All documents reviewed or generated during the IA investigation of the Incident, including, but not limited to, notes of interviews; other investigative notes; any interview of JOHN DOE I, whether compelled or not; or, any interviews of other participants of the Incident, including, but not limited to, witnesses to the Incident.

79. All documents relating to any forensic testing undertaken or reviewed by IA relating to the Incident.

80. All documents relating to any findings, conclusions, or recommendations of IA relating to the Incident, including, but not limited to, any investigation report that was completed by the Internal Affairs Bureau and forwarded to any commander or reviewing authority for review or action, including but not limited to Chief Roessler.

81. All documents relating to any disciplinary measures for JOHN DOE I and/or for any other officer or employee of the FCPD regarding the Incident recommended by IA.

INVESTIGATION BY CHIEF ROESSLER

82. All documents reviewed by Chief Roessler regarding the Incident

83. All documents generated as part of any investigation ordered by or provided to Chief Roessler regarding the Incident including any drafts of such documents.

OTHER INVESTIGATIONS

84. All documents provided to the United States Attorney's Office, the Federal Bureau of Investigations or the Department of Justice, Civil Rights Division (hereinafter "FBI/DOJ") by the FCPD relating to the Incident or any investigation of the Incident.

85. All documents relating to any review of the FCPD criminal investigation by Commonwealth's Attorney Raymond F. Morrogh or his designee, including, but not limited to, all documents provided to Mr. Morrogh regarding the Incident, JOHN DOE I, and John Geer.

86. All documents provided to the Commonwealth Attorney's Office by FCPD relating to the Incident, JOHN DOE I, John Geer or any investigation of the Incident by the FCPD or any other person or entity.

RESPONSE:

87. All documents relating to any investigation undertaken by the Commonwealth Attorney's Office regarding the Incident.

88. All documents related to any conflict of interest or perceived conflict of interest by the Commonwealth's Attorney's Office relating to the Incident or the investigation of the incident by the FCPD or any other person or entity.

89. All documents related to any requests for information by the Commonwealth's Attorney's Office relating to the Incident, JOHN DOE I, any other member of the FCPD, John Geer which the FCPD did not or refused to comply with.

JOHN DOE I

90. All documents contained in the FCPD personnel file for JOHN DOE I, including, but not limited to, pre-employment investigations, employment applications,

performance assessments and/or evaluations, psychological testing and/or evaluations, job or position descriptions, applications and responses to requests for promotion, transfer, training, notation of counseling, discipline, demotion, or other similar personnel actions.

91. A copy of JOHN DOE I's complete training file from the date he was hired through the present, including, but not limited to, any and all formal or informal training records regarding JOHN DOE I, including the identification of all classes and courses taken; all certifications issued; and, all specialized qualifications earned by JOHN DOE I, including, but not limited to, any training or measurement of task competency of JOHN DOE I in the following subject matters:

- a. the drawing, displaying, use and control of firearms;
- b. the use of deadly force;
- c. the determination of whether a subject is a risk to flee;
- d. the determination if a person is a danger to an officer or to another person;
- e. negotiation skills and negotiation techniques; and
- f. the rendering of medical care to injured individuals.

92. A copy of all documents reflecting or relating to any certification or qualification by JOHN DOE I that establish that JOHN DOE I complied with any mandatory training established by the Virginia Department of Criminal Justice Services for firearm use.

93. A copy of any and all documents reflecting, constituting, or related to any disciplinary action taken against JOHN DOE I.

94. All documents reflecting, constituting or relating to any complaints by any civilians or by any member of the FCPD or the Commonwealth's Attorney's Office or any other individual or entity against JOHN DOE I, and any prior investigations of JOHN DOE I (whether or not it resulted in any discipline), including, but not limited to, any allegations of the use of excessive force.

95. All documents that reflect or constitute curriculum vitae for JOHN DOE I.

96. All documents that reflect or relate to any incidents where JOHN DOE I discharged a firearm while on duty as a member of the FCPD, other than during training exercises.

97. All documents that reflect or relate to any testing of JOHN DOE I for alcohol, illegal substances, prescription medication, steroids, or any other illicit substance.

98. All documents that reflect or relate to the number of hours worked by JOHN DOE I in the seven (7) days preceding the Incident.

99. Any video tapes, photographs, or visual depictions of JOHN DOE I during any of his training as an officer of the FCPD.

100. The complete training sheet synopsis form maintained by the Range Training Staff at the Academy regarding JOHN DOE I.

JOHN DOE I'S ACTIONS PRE-INCIDENT

101. All documents that reflect, constitute or otherwise relate to any actions by JOHN DOE I for the days of August 27-30, 2013, including, but not limited to, any activities by JOHN DOE I while on duty or while off duty; and, all activities as indicated by any review of his cell phone records, work phone records, home phone records, home

computer records, work computer records, internet email account records, credit card receipts, or other documentation.

102. All documents that reflect or relate to any activities by JOHN DOE I for the 24 hour period before the Incident until he arrived at the location of or the vicinity of the Incident, including, but not limited to, any documents setting out the identity of any persons observing JOHN DOE I during that time period; and, any review of his cell phone records, work phone records, home phone records, home computer records, work computer records, internet email account records, credit card receipts, or other documentation obtained by the FCPD setting out any activities by JOHN DOE I during that time period.

103. All documents that constitute, reflect, or relate to any assessment undertaken by the FCPD, or any other individual or entity, referring to or calling into question JOHN DOE I's fitness for duty as a member of the FCPD on or about August 29, 2013, or at any other time.

**PROPERTY SEIZED FROM THE PERSON OF JOHN GEER
AND FROM HIS RESIDENCE**

104. All documents that reflect, constitute, or relate to any property seized from the person of John Geer, or his house or yard, and the location of each item when seized.

105. All photographs, audio, and visual tape recordings made during any search of John Geer's residence.

106. All notes taken or made during the search of John Geer's residence.

107. All documents that relate to the search of John Geer's residence.

108. All documents that identify each member of the FCPD that participated in the search of John Geer's residence, and the role of each member during the search.

109. All documents that relate to the examination or disposition of any item seized from the person of John Geer or from his residence.

110. All documents pertaining to any warrant to search John Geer's residence.

111. All documents pertaining to any consent obtained to search John Geer's residence.

112. All documents pertaining to any action or activity of any kind discussing or taken by any member of the FCPD regarding the seeking of a warrant to search John Geer's residence or to arrest John Geer during the course of the Incident.

RELEVANT INFORMATION MAINTAINED BY THE FCPD

113. All documents constituting or relating to any modification or change since January 26, 20106 in FCPD training of its members relating to:

- a. the pointing of a firearm at the center mass of another;
- b. the pointing of a firearm at another person; and
- c. using the muzzle of a firearm as a means of obtaining compliance from another person.

114. All documents constituting or relating any remedial steps taken by the FCPD since January 26, 2006 relating to the then current practice, custom or procedure of routinely pointing the muzzle of a firearm at another person in order to obtain compliance from that person.

115. All documents that reflect or relate to data on the number of firearm discharges by the FCPD during the course of duty from January 26, 2006 to the present.

116. All documents that reflect or relate to data on the number of accidental or unintentional discharge of firearms by members of the FCPD since January 26, 2006 to the present.

117. All documents that reflect, constitute or relate to any claims or allegations of excessive force by members of the FCPD from 2007 to the present.

118. All documents that reflect any civil claims against the FCPD relating to excessive force or inadequate training of members of the FCPD.

MISCELLANEOUS OTHER RELEVANT INFORMATION

119. All documents used by you to respond to, or identified in your responses, to any interrogatories propounded by plaintiff.

120. All documents given to, or prepared by, any expert retained as part of the investigation of the Incident.

121. All press releases issued by Col. Roessler that refer or relate to the use of force or the discharge of a firearm by employees of the Fairfax County Police Department from January 26, 2006 to the present.

122. All press releases and/or public statements issued by Col. Roessler that refer or related to the Incident.

**POLICY AND PROCEDURES OF THE VARIOUS
UNITS AND DEPARTMENTS OF THE FCPD**

123. Provide by name and number (and attach copies thereof) of all Procedures and General or Special Orders that relate to the actions of any member of the FCPD regarding or relating to the Incident, from the moment of the 911 call through the

conclusion of the investigation of the police shooting and internal affairs investigation thereafter.

124. All formal and informal manuals, directives, guidelines, rules, regulations, general orders, Standard Operating Procedures (“SOP’s”), instructions, policy statements, commands, directions, memoranda, or the like, which relate to the performance or operation of any official business on behalf of, or as a member of, any of the following departments, units, divisions or individuals of the FCPD:

- a. Domestic Disturbance Division/Patrol Officer Units;
- b. Criminal Investigations Bureau;
- c. Internal Affairs Bureau;
- d. Tactical Unit/SWAT;
- e. Crisis Negotiation Team (“CNT”);
- f. Mobile crisis Unit; and
- g. Any FCPD personnel trained in providing medical care.

including, but not limited to, any such documents relating to: (a) the use of force; (b) the wearing, carrying, displaying and discharging of firearms; (c) the use of a trained negotiator; (e) the deployment of the TAC unit, the deployment of robots or armored tanks; (f) any risk assessments and risk management review undertaken prior to or during any operational action, including but not limited to any such assessment and review by the TAC unit prior to its deployment; (h) the internal discipline of police officers; (i) the investigation of any allegations or suspicions of wrongdoing by an police officer, including, but not limited to, police shootings of civilians; (j) the deployment of medical treatment for individuals that are in need of medical attention by the FCPD or by any

other individual or entity; and/or (k) any prohibition regarding the deployment of family members to provide assistance during an barricade situation or to provide medical treatment for individuals that are in need of medical attention.

125. All formal or informal, written or verbal, manuals, directives, procedures, orders, guidelines, rules, regulations, general orders, instructions, policy statements, commands, directions, memoranda, or the like, that relate to the performance or operation of any official business on behalf of, or as a member of, the FCPD relating to communications received by the FCPD relating to a domestic disturbance, including, but not limited to:

- a. the factors that are considered in determining whether a domestic disturbance constitutes a high risk, low risk or other some other level of risk to members of the FCPD or any other individual;
- b. the factors to be considered when using or displaying a firearm during a response to a communication regarding a domestic disturbance;
- c. the factors to be considered in deploying the TAC unit to participate in a response to a communication regarding a domestic disturbance;
- d. the procedures to be followed in order to deploy a trained negotiator to participate in a response to a communication regarding a domestic disturbance, including the identification of all paperwork that must be completed as part of the negotiator or deployment procedure;
- e. the factors to be considered in formulating an operational plan regarding a response to a communication regarding a domestic disturbance, including

but not limited to the identification of all paperwork that must be completed as part of the operational plan;

- f. the factors to be considered in whether to utilize any electronic communications during a response to a communication regarding a domestic disturbance, including but not limited to the tape recording of such communications including but not limited to the identification of all paperwork that must be completed for use of such communication devices and recording equipment;
- g. the factors to be considered in whether to utilize any video or photographic equipment during a response to a communication regarding a domestic disturbance, including, but not limited to, the identification of all paperwork that must be completed for use of such equipment;
- h. the identification of all necessary approvals that must be obtained prior to the deployment of a negotiator or TAC Unit to aid in a response to a communication regarding a domestic disturbance and the audio or visual recording of any domestic disturbance communication or any response to a communication regarding a domestic disturbance;

POLICY: WEAPONS AND THE USE OF FORCE

126. All formal or informal, written or verbal, manuals, directives, guidelines, rules, regulations, general orders, instructions, policy statements, commands, directions, memoranda or the like that relate to the performance or operation of any official business on behalf of, or as a member of, the FCPD relating to:

- a. the use of deadly force by a member of the FCPD;

- b. the drawing of a firearm;
- c. the display of a firearm;
- d. the pointing of a firearm at the center mass of another;
- e. the placing of one's finger on the trigger of a firearm;
- f. the handling (positioning) of a firearm in approaching an unarmed person;
- g. the handling (positioning) of a firearm in approaching an individual who poses no immediate threat to the police or another;
- h. the handling (positioning) of a firearm in approaching an individual who is verbally threatening an officer but is unarmed;
- i. the handling (positioning) of a firearm in approaching an individual who is unarmed but is believed to have weapons nearby;
- j. the handling (positioning) of a firearm in approaching an individual who is unarmed and has his empty hands above his shoulders or head;
- k. the handling (positioning) of a firearm in approaching an individual who is unarmed and has his empty hands above his shoulders or head but is believed to have weapons nearby; and/or
- l. the handling (positioning) of a firearm in approaching an individual who poses no immediate threat to flee from the police encounter.

127. All documents constituting or relating to any FCPD directives, guidelines, rules, regulations, general orders, instructions, policy statements, commands, directions, standard operating procedures, memoranda or the like that have been modified or

changed in any way since January 26, 2006 that relate to the performance or operation of any official business on behalf of , or as a member of, the FCPD relating to:

- a. the pointing of a firearm at the center mass of another;
- b. the pointing of a firearm at another person; and
- c. using the muzzle of a firearm as a means of obtaining compliance from another person.

DATED: September 15, 2014

Respectfully submitted,

**Maura Harrington
By Counsel,**



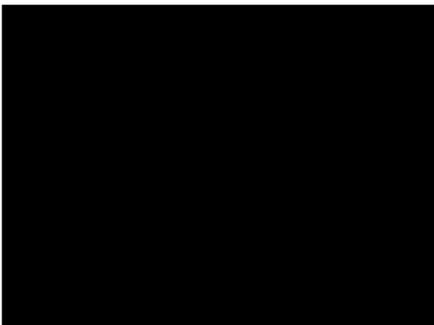
Bernard J. DiMuro, Esq. [REDACTED]

Nina J. Ginsberg, Esq. [REDACTED]

Michael S. Lieberman, Esq. [REDACTED]

Andrea L. Moseley, Esq. [REDACTED]

DIMUROGINSBERG, PC



Counsel for Plaintiff Maura Harrington

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of September, 2014, a true and accurate copy of the foregoing Plaintiff Maura Harrington's First Request for Documents to Colonel Edwin C. Roessler, Jr., was served by first-class mail upon the following:

Major Michael Kline
Internal Affairs Bureau
The Fairfax County Police Department
4100 Chain Bridge Road
Fairfax, Virginia 22030
[REDACTED]

Designee For Service for Defendant Colonel Edwin C. Roessler, Jr. and Fairfax County Police Department



Michael S. Lieberman

From: Powers, Linda
To: Farrell, John
Sent: 5/20/2014 8:31:22 AM
Subject: MPO Paul De Haven OIS interview
Attachments: MPO Paul DeHaven OIS Farrell.docx

Linda Powers
Administrative Assistant
Criminal Investigations Bureau
Homicide/Cold Case


Fairfax County Police Department
Fairfax, Virginia
May 19, 2014

Case Number: 2013-2410242

* * * * *

It's April 18, 2014 at 1504 hours, uh, at the helicopter; Detective Farrell interviewing MPO PAUL DEHAVEN regarding an officer involved shooting that occurred on August 20, 29, 2013.

* * * * *

FARRELL: Um, MPO DeHaven, if you would, just state your name?

DE HAVEN: Uh, MPO Paul DeHaven.

FARRELL: And what's your four-digit EIN?

DE HAVEN: 2561.

FARRELL: And how long have you been, uh, on the Fairfax County Police Department?

DE HAVEN: Twenty years.

FARRELL: And what's your current assignment?

DE HAVEN: The Helicopter Division.

FARRELL: And approximately how long have you been assigned to the helicopter?

DE HAVEN: Fifteen to sixteen years.

FARRELL: And, um, as a member of the Helicopter Division, uh, you're a certified paramedic, is that correct?

DE HAVEN: Correct.

FARRELL: And approximately how long have you been a paramedic?

DE HAVEN: Fifteen to sixteen years.

May 19, 2014

FARRELL: All right and regarding your qualifications as a paramedic, um, is that the highest level of, um, medical training that we have on the department for officers who are involved out on the street?

DE HAVEN: Yes.

FARRELL: Ok and when you go on missions with the helicopter, is there always a paramedic assigned?

DE HAVEN: Yes.

FARRELL: And in addition to your duties as, um, a paramedic with the helicopter, you're also assigned in some capacity to the TAC Team?

DE HAVEN: Yes, as a tactical paramedic.

FARRELL: And if you would, just explain what that means.

DE HAVEN: We have a, uh, program where three paramedics from the Helicopter Division have additional duties as what we call a Tactical Paramedic which means that one of us is on call at all times and any time that the SWAT Team, EOD, Dive Team, essentially any of the special operations units either go out for a search warrant, barricade, uh, bomb event, a dive mission, whoever the on call tactical paramedic also responds with whichever team it is for purposes of providing health and welfare of the team members themselves but also to provide any medical aid for anybody that may become injured, um, during whichever operation we're on.

FARRELL: Ok so the purpose for that is for the officers but also the individuals that we may come in contact with?

DE HAVEN: Correct, suspects, civilians, hostages, anybody that may be involved.

FARRELL: And as a, as a Tactical Paramedic you train, uh, with the TAC Team on entries and responses to different types of calls?

DE HAVEN: We do.

FARRELL: Ok. And how long have you been assigned as a Tactical Medic?

DE HAVEN: Twelve to thirteen years.

FARRELL: Ok. And in the course of the twelve to thirteen years, you've had occasion to assist on barricades and, uh, shootings and high risk situations?

DE HAVEN: Yes.

FARRELL: And, uh, in the course of those twelve to thirteen years, you've had the opportunity to use your skills as a paramedic to, to assist officers or, um, injured, injured citizens?

DE HAVEN: Yes.

FARRELL: And as a paramedic or as a paramedic assigned to the TAC Team, you've had occasion to, um, see or observe dead people and do you pronounce them dead or do you, do you make a, uh, do you evaluate them?

DE HAVEN: I have seen quite a few dead, uh, people throughout my career both in the Helicopter Unit as well as, um, with the TAC Team. As a paramedic, I'm not specifically, um, declaring somebody dead unless there are clear and obvious signs that are incompatible with life.

FARRELL: Ok.

DE HAVEN: Um, the only exception to that would be in consultation with what we call Med Control, which would be the doctor at the hospital. If we had a particular patient whose injuries were such and the circumstances were such that there, uh, they're injuries were incompatible with life, then the doctor could authorize the cessation of any kind of efforts.

FARRELL: Ok. And just tell me how you became involved with this officer involved shooting on the date if you recall?

May 19, 2014

DE HAVEN: I was the on-call TAC Medic and got called out for what was determined, which was dispatched to us as a barricaded situation, um, and I arrived on scene and, uh, uh, joined up with the TAC Team as they were putting their, uh, Reaction Team so forth together.

FARRELL: Were you working that day?

DE HAVEN: I was.

FARRELL: So do you recall where you responded from?

DE HAVEN: From the heliport.

FARRELL: And how did you arrive on scene?

DE HAVEN: Uh, in a vehicle, department vehicle.

FARRELL: While you were on scene, did you have occasion to speak with the officer involved in the shooting?

DE HAVEN: No, I did not.

FARRELL: If you get a call where you guys gotta go, that's fine.

DE HAVEN: Ok.

FARRELL: Um, so you arrive on scene and Reaction Team is being put together in order to respond?

DE HAVEN: Correct.

FARRELL: Ok and tell me what happened from there.

DE HAVEN: Um, when I arrived on scene, I checked in with the Fire Department, uh, command post to let them know that I was on scene. We designated a landing zone, uh, in case we needed to use the helicopter and, in fact, the helicopter was actually overhead and it was already landing in the landing zone that was designated, uh, to standby; so they were already essentially gonna be on the ground ready to go if needed. Um, I then checked in with the SWAT

supervisor who assigned me to, uh, stage inside the Hostage Rescue Vehicle with the Reaction Team and that's where I remained until the team, uh, made entry into the house and requested that I respond into the house.

FARRELL: Um, you said you checked in with the Fire Department, you looked for a viable landing zone, checked with the SWAT commander, the decision was made for you to be in the Hostage Rescue Vehicle; are these all, uh, pretty typical . . .

DE HAVEN: Yep, yeah.

FARRELL: Things that occur when you assist with the team?

DE HAVEN: Yes.

FARRELL: Um, so are you, are you often in a line of march or do you usually wait for them to secure an area or how does that work?

DE HAVEN: The tech medic is usually the last person in the line of march, um, and we go typically as far as the, the front door and the team goes in and clears the residence or establishment and once the scene is deemed clear, then if there's a need for the medic to come in, then the medic will come in.

FARRELL: So in terms of tactics, you're not involved in actively clearing . . .

DE HAVEN: No.

FARRELL: Um, you're duties are to wait and provide medical assistance as needed.

DE HAVEN: Correct.

FARRELL: Ok. However, you're armed and if there was a threat, you would respond as would any other officer?

DE HAVEN: Correct. And the rationale behind that is the; you don't want the medic to be in the process of actively searching for suspects, clearing rooms, and end up being the individual

that gets wounded. So the medic is in the line of march, quote, unquote, in the hot zone environment.

FARRELL: Ok.

DE HAVEN: But kind of just outside so that we're quick to respond but not, uh, in the immediate line of fire so to speak.

FARRELL: And in the past, have you used the Hostage Rescue, Rescue Vehicle; have you ever been in it before?

DE HAVEN: Oh, yes, uh, ha.

FARRELL: So is it common for the TAC Team to wait for the Hostage Rescue Vehicle in order to make an entry or in order to approach a residence?

DE HAVEN: I, I think it all is dependent on the nature of the incident and those are all tactical decisions that the, um, SOD Commander and the TAC Team and the TAC Commander, uh, will make those decisions.

FARRELL: So you're not involved in that decision making.

DE HAVEN: Not typically, no.

FARRELL: Ok. And from when you responded on scene until when entry was made, um, or from when you got the call until when you responded on scene and entry was made, how would you describe the response? Was it a typical response, a quicker response, a slower response?

Did you have any observations about, um . . . ?

DE HAVEN: Um . . .

FARRELL: How things evolved?

DE HAVEN: I would say that it was a fairly typical response for a high priority in-progress, um, tactical situation. There was clearly a sense of urgency, um, on the part of the, uh, the TAC

Team, EOD and the other, uh, units that were arriving on scene to get a reaction team put together and get to the house, um, in as timely a fashion as possible.

FARRELL: Ok and, um, what was; do you know what prompted that urgency?

DE HAVEN: Uh, the fact that, that it was a barricaded subject, the fact that there had been a report that a shooting had occurred and the belief that the individual had been shot.

FARRELL: Ok. And once you were called, uh, into the residence, tell me what your observations were.

DE HAVEN: Um, as I was called into the residence, the team had already made entry and were in the process of clearing the, the building and, uh, as I came through the front door, I observed a single male lying on the floor in the foyer, hallway area, um, his feet were closest to the front door, his head was, um, towards the interior of the house. He was wearing a T-shirt and pants, um, there was a hole in the front of his T-shirt with uh, um, a large blood pool around that hole. There was also a large pool of blood on the floor around his body.

FARRELL: Ok, what observations did you make about him?

DE HAVEN: I made my way to, uh, his head. I went around to the, uh, the top of his body where his head was, um, I observed that his skin was ashen in color, the blood that was on the floor had already, uh, begun to coagulate which indicated that it had been there for a fair amount of time, um, there was no visible indication of any movement or breathing, uh, coming from the individual. I then, uh, retrieved my stethoscope and listened for lung sounds, uh, I heard no air movement, no indication of respirations. I listened for heart sounds and I heard no heart sounds, uh, which would indicate that the heart would not be beating. I also felt for both a corroded pulse and a radial pulse, the radial pulse being in the wrist. Uh, I felt no pulse in either location and I found his skin to be cool to the touch. I also checked his pupils and his pupils were what

we call fixed and dilated, which means they were widened, enlarged and they were not reacting to, uh, the introduction of light.

FARRELL: Ok and based on all those observations, what was your conclusion?

DE HAVEN: Uh, my conclusion was that there were no signs of life, uh; from the individuals and also that he had been, uh, deceased for a fair amount of time.

FARRELL: Did there come a time where the Fire Department entered?

DE HAVEN: Yes, I requested that a, uh, single medic from the Fire Department, um, join me at the individual, uh, specifically with a cardiac monitor so that we could, uh, verify that there was no electrical or cardiac activity, uh, being generated from the heart.

FARRELL: Was that done?

DE HAVEN: Yes.

FARRELL: And what was the conclusion that they came to?

DE HAVEN: The, uh, the conclusion was that the electrical activity or the rhythm, uh, was what we call a systole, commonly known as flat line, uh, which indicates that there's no electrical activity from the heart which, uh, is indicative of a, a non-beating heart; no, uh, no life signs.

FARRELL: So those observations supported your observations that at this point Mr. Geer was deceased?

DE HAVEN: Correct.

FARRELL: Or the subject later identified as Mr. Geer.

DE HAVEN: Correct. And I also had the, the Fire Department medic confirms my findings of no pulse, ashen skin, etc.

FARRELL: And is that all protocol?

DE HAVEN: That is typical, um, conduct for this type of a situation or any type of situation where it appears the subject is most likely deceased.

FARRELL: So based on those observations and the fact that the Fire Department confirmed, um, your initial observations, was any aid provided?

DE HAVEN: No.

FARRELL: And, um, you talked about the stethoscope and checking for pulses, um, in the course of doing those things, was the decedent's body moved in any, um, significant way other than what it would take to accomplish, uh, those tasks?

DE HAVEN: No, uh, in fact, I specifically made a point of trying not to move or disturb his shirt so I actually reached through the opening of the neck . . .

FARRELL: Ok.

DE HAVEN: Of the shirt to place the stethoscope as opposed to removing the shirt completely. Um, his appearance was such that he appeared to be deceased so I was consciously trying to not disturb, uh, the scene as much as possible; however, I didn't let that prevent me from . . .

FARRELL: Ok.

DE HAVEN: Making the necessary assessments.

FARRELL: So to no large degree was he moved; did you, uh, ever observe a weapon in his proximity?

DE HAVEN: I do not recall seeing a weapon.

FARRELL: Ok. And based on the, uh, positioning of, um, the decedent and the pooling of the blood and the condition of his clothing, were you able to or are you able to, um, um, draw a conclusion as to whether after he was shot he moved through the home or whether, um, it's more

likely that he fell right there where you located him or was that beyond the scope of what you're able to infer from your observations?

DE HAVEN: From a non – I'm not a crime scene detective . . .

FARRELL: Ok.

DE HAVEN: So from a non, um, I guess non-technical, non-specifically trained eye, I couldn't specify.

FARRELL: Right.

DE HAVEN: From just a casual observation it appeared to me that, um, where he was found was either where he fell after he was shot or very, very close.

FARRELL: Ok.

DE HAVEN: Um, in fact one observation I failed to mention is there was actually a, uh, deformed, uh, bullet on the floor in or about the, uh, the blood.

FARRELL: And then, um, so after the Fire Department came in, um, and you concluded your assessment, was it, did you do anything else in the house; did you move about the house?

DE HAVEN: No, myself and the Fire Department medic, uh, retrieved our equipment and we retreated back out the front again being conscious not to kick anything or disturb anything.

FARRELL: Ok and then, um, at some point you generated a word document with, with notes as to what actions you took?

DE HAVEN: Yes.

FARRELL: Ok and you provided me with a copy of that word document, um, are there any other notes or any other official documents or unofficial documents that you would have generated, um, as a course of your involvement in this?

DE HAVEN: None that I would have generated, um, any time there's a patient contact, there needs to be what we call a Patient Care Report or a PPCR generated to document the condition of that individual, um, that was accomplished by the Fire Department medic.

FARRELL: Ok.

DE HAVEN: So that would be the official medical record if that's what you want to call it of the condition and the assessment findings.

FARRELL: All right. Is there anything else you can think of that would be important for me to know in the course of my investigation regarding your actions that day or your observations?

DE HAVEN: Not that comes to mind.

FARRELL: Ok. That concludes the interview at 1552 hours.

Date of Interview: April 18, 2014
Typist: Linda Powers

Case Number: 2013-2410242
May 19, 2014

From: Powers, Linda
To: Farrell, John
Sent: 5/21/2014 11:18:01 AM
Subject: Office Steven Carroll OIS Farrell
Attachments: MPO Steven Carroll OIS Interview Farrell.docx

Linda Powers
Administrative Assistant
Criminal Investigations Bureau
Homicide/Cold Case


Fairfax County Police Department
Fairfax, Virginia
May 20, 2014

Case Number: 2013-2410242

* * * * *

It's April 17, 2014 at 1329 hours; Detectives Farrell and Flanagan in the CIB Cold Case office interviewing Officer STEVEN CARROLL regarding an officer involved shooting that occurred August 29, 2013.

* * * * *

FARRELL: If you would just state your name please.

CARROLL: Steven Carroll.

FARRELL: And what's your, um, rank on the department?

CARROLL: Master Police Officer.

FARRELL: And how long have you been on the Police Department?

CARROLL: It will be 20 years this fall in October.

FARRELL: And what's your current assignment?

CARROLL: I'm assigned to Operations Support Division to the SWAT Team.

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

CARROLL: Since odd, uh, transferred to the SWAT Team August, the first week of August, 2013.

FARRELL: Ok and prior to August of 2013, where were you assigned?

CARROLL: I was assigned to the, uh, OCN, um, Narcotics Unit for the last 12 years; since 2001.

FARRELL: Ok, were you ever on the SWAT Team on a stand-by capacity or supplementary?

CARROLL: I was supplemental SWAT Team since 2007, the fall of 2007 or early winter of 2008.

FARRELL: Ok so from 2007 or 2008 you were a member of the supplement team and then you became a member of the full-time team in August of 2013.

CARROLL: Yes.

FARRELL: And as a member of the supplemental and then later as a member of the full-time team, um, do you receive specialized training?

CARROLL: Yes.

FARRELL: Ok and what type of operations or, or work, um, do you do as a member of the supplemental or as a member of the full-time SWAT Team?

CARROLL: Um, we serve search warrants for various entities in the department, uh, we also respond to barricade situations involving emotionally disturbed persons, um, hostage barricade situations, um, we also execute arrest warrants, um, anything that comes out as a high risk nature.

FARRELL: Ok, um, and as a member of the Narcotics Unit, did you also receive specialized training?

CARROLL: Yes.

FARRELL: And did that involve specialized tactics and higher risk situations than an average patrol officer would deal with?

CARROLL: Yes.

FARRELL: Ok. So it would be fair to say since, uh, 2001 when you became a member of the Narcotics Unit that you've been exposed to specialized tactical training, um, at a higher level than, than the average police officer?

CARROLL: Yes.

FARRELL: Ok. And does that training, um, also consist of training as, as a group or is it just an individualized training?

CARROLL: The majority of it's as a group, um, it's supposed to be with the SWAT Team and, uh, when I was in OCN, I was assigned to the Street Crimes Unit for five years so that was also as a team type training. Um, the last seven years of my time in OCN was with narcotics and that was also a lot of team training when it came to tactics.

FARRELL: Ok, um, and do you recall how you became involved in this case?

CARROLL: Yes, I was, uh, actually on my way home on the 29th of August and we were, we had a pre-alert that there was possibly a barricade situation in West Springfield and they were, it wasn't clear if we were gonna get called out or not so, uh, we monitored the radio traffic and, uh, I remember hearing, uh, I believe it was the supervisor on scene saying that it was gonna take a little time, they had to establish a rapport with the guy and, uh, shortly after that it, I heard some traffic that made me think that there was some type of shooting and then we got received a page shortly thereafter to respond and that; at that time I was right near the, uh, Prince William County and 66 so I turned around and came back to the county.

FARRELL: And as a member of the SWAT Team, it's part of your duties is to respond to those types of calls?

CARROLL: Yes.

FARRELL: And it's pretty common for you guys to be called out, uh, for these types of events during different hours of the day?

CARROLL: Yes.

FARRELL: However in this case you were on your way home from work?

CARROLL: Yes.

FARRELL: Uh, how would you describe your response from Prince William County and 66 to the scene of the event?

CARROLL: I responded lights and siren.

FARRELL: Did you have your gear with you?

CARROLL: I had all my gear with me.

FARRELL: So the fact that you were already in your vehicle, um, and you had all your equipment with you, would you describe your response as quicker than a usual call out from home or about the same?

CARROLL: It's the same; I always have my gear with me.

FARRELL: Ok. And then just tell me what happened when you arrived on scene.

CARROLL: Uh, I believe I was the first TAC officer on scene and as I was gearing up, um, I remember Walt Fasci pulled in next to me. He started gearing up and we were, um, waiting for just a couple more guys to get there so we could get a Reaction Team to the house. Um, shortly thereafter, Lee Northrop arrived on scene, he was TAC 3, being the senior member of the team, I went to him for direction, um, and it was and I, I gave him briefly what I knew about it that there's been a shooting at the residence and an individual was still inside the residence and his question asked was, 'Was it a police shooting or was it a citizen that shot at the police'? And I went over to the command post and spoke to the incident commander, I can't remember his name, um, I can't remember his name, however, I, uh, asked him if it was a police shooting or a, um, citizen shooting. He said no that the police had shot the individual inside the house. So at that point we felt we had a little bit of an urgency to get down there and, um, render aid to somebody. Um, as we I believe it was, um, Lee Northrop, Walt Fasci and myself, Jey Phillips

May 20, 2014

and, uh, there's one other, um, Lance Guckenberger, went down towards the residence and as we were going down there, we also made contact with John Diguilian, who was the sniper, um, he was readjusting his position. We made it to the Delta corner of the, uh, target townhome. We were actually about two houses down from him but on the Delta corner and, uh, waiting for the word from the command post to let us go. There were, there was some confusion whether they said they needed the warrant for us to make entry, um, we felt that we had community caretaker at that point, um, but the call came, they ended up bringing the; they were also waiting for the HRV to get there. As soon as the HRV was there, the, uh, boom was put on the front of the HRV and that was driven down to the location and the front door was breached. Um, once the front door was breached, uh, immediately heard from inside the HRV they could see the individual in the hallway, in the front hallway, so, uh, and also, uh, MPO Depoto was with us as well from the SWAT Team in that group I talked about. Uh, that group of about five or six of us went inside, um, I remember Jey Phillips and, uh, Lance Guckenberger rendered aid; it appears he was already deceased but, um, they dealt with him and, uh, with myself and Tony Depoto cleared the upstairs just to make sure there was no other victims or anybody injured in the house, uh, and as we're going up the stairs on the, the first landing which is about two steps off the main level, which would be the number two level, uh, there was a revolver in a holster laying on the ground.

FARRELL: Ok. Did you manipulate that weapon?

CARROLL: No.

FARRELL: At all? So it was just left where you observed it on the landing as far as you know?

CARROLL: Yes.

FARRELL: Ok, um, you said that when you arrived on scene that you may have been the first TAC officer on scene . . .

CARROLL: Uh, ha.

FARRELL: And that a Reaction Team was formed. Can you explain to me what a Reaction Team is and what the purpose of that is?

CARROLL: A Reaction Team would be formed, uh, a small group of guys, usually about five, and we put them as close to the incident as we safely can stage and their job is to be the team that would go inside if there was immediate danger or immediate threat that had to be dealt with. It can also be utilized to arrest an individual that may come out of a residence.

FARRELL: So essentially they're there to react to whatever, um, if something happens immediately while another . . .

CARROLL: When the rest of the team is en route, they're also forming a plan of entry, um, that's the initial team that's set up close to the target.

FARRELL: Ok.

CARROLL: To deal with whatever happens until the plan can be formulated.

FARRELL: And when you said you were at the delta corner of the townhouse, what does that mean?

CARROLL: Delta corner is if, if you were facing the front door of the residence, the front side of the building is labeled as A or alpha and then it goes clockwise around the building; left side being the baker bravo side, the back being the Charlie side and the right side being the delta side.

FARRELL: Ok. Um and you said that you were there was some discussion as to, um, what legal authority you all had to enter the home and whether or not, uh, a warrant was needed and additional that while that was going on you were waiting for the HRV, what is the HRV?

CARROLL: The HRV is the Hostage Rescue Vehicle. It's a, it's an armored vehicle that the county utilizes.

FARRELL: Um and what would be the advantage of utilizing the HRV in a situation like this?

CARROLL: It could provide us mobile cover, um, are there we are safe where we can't be shot closer to the resident's house. It allows us a, a place of observation, um, closer to that; in this case it was able to give us entry into the house without exposing any of the, uh, operators.

FARRELL: And then you said that a boom was put on it in order for the door to be breached; what does that mean?

CARROLL: Uh, there's a boom which is a, it's a two, uh, it's kind of two pieces of metal that are put together to make them longer and it ends up being about 10 or 12 feet long that's attached to the front of the HRV and it's on a hydraulic piston that allows it to raise up and down and on the end of that is a flat piece of metal, it's approximately 12 by 12 that, um, acts as a battering ram and it's able just to make contact with something and by the vehicle being accelerated, it will push through. In this case it was the front door.

FARRELL: Is that something that's operated at a high speed?

CARROLL: No, low speed. Basically the truck is in 4-wheel drive below so it's moving very slowly and it applies constant pressure to the walking mechanism and eventually pops the door open.

FARRELL: Is that, uh, a piece of equipment you guys use, um, in these types of calls?

CARROLL: We have, yes.

FARRELL: And, um, as being a member of the Tactical Unit, you waited for other members of the TAC Team to arrive on scene?

CARROLL: Yes.

FARRELL: And why is that?

CARROLL: Because they're the ones that are trained in these high risk tactics and we actually relieved the patrol officers who were standing in front of the windows of the resident, of the townhouse . . .

FARRELL: So . . .

CARROLL: Um, in a, in a dangerous area if it was, if there had been a shooting involved or a shooting and it was deemed dangerous for us to come out, we had to move the officers out of the area and they were in a bad place to be standing.

FARRELL: So in these types of situations you prefer to form a response team, uh, with other members of the TAC Team because of training and their experience?

CARROLL: Yes.

FARRELL: Ok. So it wouldn't be, uh, routine for you just to grab whatever patrol officers were available and attempt to form a reaction team or attempt to make an entry?

CARROLL: No.

FARRELL: And then you said that, um, you've been on these types of or barricade situations in the past?

CARROLL: Yes.

FARRELL: And essentially since this occurred, um, can you explain to me how barricades are usually handled?

CARROLL: Uh, usually the patrol officer will arrive on scene and encounter a situation that he feels he's not able to contain or to control and, uh, the tactics necessary to bring to resolution would be too dangerous so at that point the supervisors are usually notified and the supervisors consult with the duty officer who consults with the SOD Commanders and they decide whether

the situation meets a high risk, high risk tactic and at that point then the, uh, SWAT Team is activated.

FARRELL: And then when you all respond to these types of calls, um, is your course of action usually to make entry or is it to, uh, begin dialogue or, or how do you all, how do you usually typically respond from when you arrive on scene?

CARROLL: Typically they try to, we get ourselves ready as quickly as we can, um, set up a reaction, reaction team close, put out a sniper observer to give us Intel as much as they can cause they can, they have the optics and the means to view things from a farther distance or a concealed location at a closer distance and give us a good idea of what they can see, um, once we are set up on there, then we try to, um, and relieved the, um, patrol officers from those locations, get them to a safe area then we try to, uh, have some type of dialogue with the cit, the citizen or the subject in the barricade. Um a lot of times that would be through the Negotiations Unit, um, sometimes not; sometimes we, we're the ones that initiate that contact and, uh, we try to get them to come out voluntarily and if that doesn't work then we have to go to other tactics.

FARRELL: Uh, would it be usual for you all to make entry as quickly as you did in this situation or was there something about the facts and circumstances that accelerated your response?

CARROLL: Uh, the fact we knew we had somebody that was injured inside, um, we had some information that, we had information the person was shot inside the residence. Um, we also had information that they could hear some type of flailing around or flopping around inside the residence to make us think that there indeed was an injured person inside and we felt for his medical safety we needed to at least get a foothold in the door and try to determine what was going on inside the residence.

FARRELL: So based on the, uh, desire to render aid, um, things moved a little bit quicker than maybe they, they usually would?

CARROLL: Yes.

FARRELL: Ok, um, the concern being that either the person was unable to ask for help or maybe needed help but couldn't get to a position where you guys could render aid?

CARROLL: Yes.

FARRELL: Ok. Um, yeah, any questions?

FLANAGAN: Um, we kind of just talked about it a little bit right there but you used the term community caretaker. What, what does that mean?

CARROLL: Basically it's a, I guess for it's a legal term it's used to, um, kind of under search and seizure where we might make entry into a residence, um, without probably cause of a crime being committed without, um, their consent, without, uh, there would be an extra circumstance that we would make entry and the reason we would make the extra circumstance entry would be to render aid as a caretaker of the community for either a fire, some type of injury, or in this case the result of a gunshot to render aid or first aid.

FLANAGAN: So as, as a, a law enforcement officer, do you have a responsibility to go in there and render aid if it's necessary or determine if based on the facts that you had before you that it was necessary that there was a good chance that this person needed some sort of medical assistance?

CARROLL: Yes.

FLANAGAN: Um and then just a couple of other terms when, um, what is, uh, generally speaking, what does pre-alert mean?

CARROLL: The pre-alert is there may be a situation arising on the street where a one of our SWAT Commanders is notified of an ongoing event and just as a courtesy to the operators, the supervisor will call us and tell us of a pending event and then that allows us to maybe make arrangements if we were off duty or if we're doing something in the county to make arrangements to get ready to go to something like that and we can also monitor those channels.

FLANAGAN: So are there, are times when you are pre-alerted you don't actually end up getting called out?

CARROLL: Yes.

FLANAGAN: Um and then you also mentioned getting on the scene and gearing up. What is gearing up?

CARROLL: Uh it would mean getting into our tactical uniform, which in this case was a, uh, a, a Nomex Suit, we put on, we would, uh, put on our duty belt which has a thigh rig which is a holster on our leg with our sidearm, uh, putting on our body armor, putting on a helmet, um, catching our communications gear and, uh, I also in this case I grabbed my, uh, short rifle, um, which is a INAUDIBLE stand-off weapon that, uh, UMP, uh, 45 which would give us, um, a need to give us more fire power than our handgun.

FLANAGAN: And the equipment that you described there, uh, is that more than what the normal patrol officer would have?

CARROLL: Yes.

FLANAGAN: And you, you're not, the Fairfax County Police TAC Team, um, is a stand-alone unit; you're not a patrol officer who upon receiving a call leaves your duty and then goes to an event.

CARROLL: Right, we're a stand-alone unit. We do have guys that are supplemental who respond . . .

FLANAGAN: And what's the difference between you guys and supplemental?

CARROLL: Supplemental guys are; they're assignment is to patrol or to some other unit besides, uh, OSB and they respond to supplement the full-time team.

FLANAGAN: Ok, they train with you guys?

CARROLL: They do train with us, they have the same gear but their primary assignment would be another unit.

FLANAGAN: Ok.

FARRELL: Um, the officer that fired the shot, did you speak with him at all?

CARROLL: No.

FARRELL: And then from the time that you got the call and initiated your response, um, until the time you made entry, uh, how did that compare to usual responses or, um, was there any issue in your mind with the timeliness of the response?

CARROLL: Our response there was pretty quick; I thought our entry was a little slow.

FARRELL: Ok.

CARROLL: I thought we probably should have gone a little bit sooner but, uh, we were waiting for the HRV and that was en route so, um, I think the main frustration was that our commander wasn't, in our minds, we didn't think he knew what if he had standing to make entry.

FARRELL: Ok. Do you know if that was, uh, uh once the HRV got there, do you know if that issue had been resolved by then or if it was, um, that delay overlapped with the arrival of the HRV or whether or not; do you have any idea if that contributed to . . . ?

CARROLL: I think once the HRV got there, we put into place what we had planned n doing which was making entry but I think before that there was some issue going on back and forth between the, um, the Captain that's higher above us whether we had standing to do that but I think by the time HRV got there, which was what we were waiting on, um, we went ahead and made entry at that point.

FARRELL: So, um, would that, would it have been, um, I guess what my question would be do you know if you all would have made entry without the HRV?

CARROLL: That was some of the after-action, uh, debrief that we had and it was a lot of people's idea that we probably should have made some type of entry on that door . . .

FARRELL: Ok.

CARROLL: Um it would put us at greater risk; however, we did have reason to believe someone in there was injured.

FARRELL: So it's sort of a, oh, um, you had to weigh the tactical advantage of having the HRV verses the, uh, need to get in there and render aid.

CARROLL: Uh, ha.

FARRELL: Um, ok, so there may have been some sort of delay there as that decision was made or there was because ultimately it was decided . . .

CARROLL: There was . . .

FARRELL: That the HRV would be utilized . . .

CARROLL: That's what we needed to use.

FARRELL: And that's how entry was made.

CARROLL: Yes.

FARRELL: Ok. Have you responded to other barricades where, um, a shot was fired, um, maybe not by the police officer but either the subject fired a shot at officers or at himself maybe committing suicide?

CARROLL: Yes.

FARRELL: Um would the response, what is the response to render aid to that person? Um, is it any different than a response to render aid to a person that had been shot by the police? Or what other maybe steps would be taken if a shot was fired, uh, and there's no information as to what's going on in the house?

CARROLL: If we had no information about what's going on in the house, it would be a little bit longer response trying to figure that out but in the fact we had information that we shot the police, the individual inside and I confirmed it with on-scene commander. So we had knowledge that it was going on so I think we had a more of an urgency to make entry.

FARRELL: What steps would be taken if, um, if it was like a suicide or just a shot within, within the residence at the point that you all have a reaction team in place? Would entry be made or would other, uh, means be utilized to attempt to communicate with the individual or get him to come out of the house?

CARROLL: We would, commonly, we would try to initiate contact either through a telephone and that would be involving Intel from family or friends or neighbors to get us contact through our Negotiations Unit or, um, with their telephones. If that's not possible, then we usually use the HRV through a loud speaker, um, sometimes it involves us putting a throw phone, which is a little portable telephone that is put up near the residence, and then over the HRV loud speaker we're telling them that is out there for them and can they come pick it up. IF there's no response, then the next step is usually, um, given a situation similar to this, would be to maybe

utilize a robot that would make entry and go and clear the residence, um, that's, that would be a common thing would be to put a robot, um, usually a lot of times it's EOD, um, our bomb unit would come up and utilize their, uh, their robots and they have a, uh, basically a camera on a pole that's on their robot that would usually breach a front window or a window that they can have access to to look inside the residence.

FARRELL: Ok. Um and you don't know how long the HRV was on scene prior to utilizing to make entry?

CARROLL: Not, I just think as soon as it got there, they put a team together on it and got it down there; I don't know the exact time but . . .

FARRELL: Cause you're on the Reaction Team down at the residence.

CARROLL: We're on the Reaction Team at the residence.

FARRELL: Ok.

INAUDIBLE: You have any other questions?

FARRELL: You have anything else, uh, that you think we should know or we didn't ask or?

CARROLL: Not that I can INAUDIBLE.

FARRELL: Ok, that concludes the interview at 1355 hours.

Date of Interview: April 17, 2014
Typist: Linda Powers

From: Flanagan, Christopher
To: Laitinen, Joshua B
CC: Farrell, John
Sent: 9/17/2014 6:38:56 PM
Subject: Officer Safety-OIS

Josh,

I spoke to Adam Torres this evening regarding a suspicious event at his residence. Officer Torres was involved in a OIS in 2013 (20132410242). He advised that when he arrived home this evening at approximately 1710 hours, a Honda sedan bearing Virginia registration [REDACTED] pulled into his driveway as he was walking to his front door. A white male exited the vehicle and walked to his front door. Torres greeted him outside at the front door at which time the subject asked... "Are you Torres?" Officer Torres responded that he was and asked the subject why he wanted to know. The subject said something to the effect of "Don't worry about it" and then turned away and walked to his vehicle. The subject drove away without further incident. Torres advised that he does not know the subject or the vehicle and has not seen him in the neighborhood before. Torres and his wife are concerned about the suspicious activity at their residence. They contacted the [REDACTED] Office who sent an officer to check the area.

I did a quick workup on the vehicle and co-owners. The vehicle returns to Javier Jorge Casas Echandia and Martha Pardo Figueroa Mazuelo at [REDACTED]. He has no CCH III record but has several contacts in LINX. All traffic except a fraud case from Arlington in 2010. He was listed as the suspect. In that case the suspect posed as a public works employee and attempted to obtain identity information.

The subject registered to the vehicle is similar to the subject described by Torres.

Javier Jorge Casas Echandia

[REDACTED]
White male, [REDACTED]
5'7", 172,
DMV photo attached

[REDACTED]

Can you review this and forward it to Intel so it can be further vetted for a potential threat to Torres or his family. The workup that we did is on Farrell's desk if you need further info.

Chris

Christopher Flanagan
Detective
CIB/Cold Case
Fairfax County Police
[REDACTED]

DEF008053



From: Manzo, Ronald
To: Farrell, John
Sent: 5/21/2014 8:15:26 AM
Subject: OIS - Geer.

Good morning John,

Can I get a copy of my interview for the OIS involving Mr. Geer?

Thanks,

Ron

*Captain Ron Manzo
Fairfax County Police Department
Commander, Planning and Research Bureau*



From: Flanagan, Christopher
To: Farrell, John
Sent: 9/4/2014 2:47:45 PM
Subject: Opinion: Justice Delayed Is Justice Denied

<http://www.connectionnewspapers.com/news/2014/sep/03/opinion-justice-delayed-justice-denied/>

From: Powers, Linda
To: Farrell, John
Sent: 5/19/2014 10:22:59 AM
Subject: Peter Massaro interview OIS
Attachments: Sergeant Peter Massaro OIS Farrell.docx

Linda Powers
Administrative Assistant
Criminal Investigations Bureau
Homicide/Cold Case


Fairfax County Police Department
Fairfax, Virginia
May 16, 2014

Case Number: 2013-2410242

* * * * *

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

* * * * *

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

MASSARO: Peter J. Massaro.

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

MASSARO: Eighteen years.

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

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

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

MASSARO: That's correct.

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

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

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

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

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

MASSARO: Almost 14 years.

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

MASSARO: Uh, three years now.

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

MASSARO: That's correct.

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

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

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

MASSARO: Yes.

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

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

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

MASSARO: That's correct.

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

MASSARO: Yes.

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

MASSARO: That is correct.

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

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

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

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

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

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

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

FARRELL: Ok.

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

FARRELL: Ok. And then what happened from there?

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

FARRELL: Ok and did that occur?

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

FARRELL: Ok.

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

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

FARRELL: And did they make immediate entry?

MASSARO: Immediate entry, yes.

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

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

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

MASSARO: No.

FARRELL: To another part of the house?

MASSARO: No, I did not.

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

MASSARO: I did not see a weapon.

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

MASSARO: Yes, I did.

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

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

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

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

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

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

FARRELL: Ok.

MASSARO: From what you know at the time.

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

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

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

MASSARO: That's correct.

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

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

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

MASSARO: Yes, we have two of them.

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

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

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

MASSARO: Uh, ha, yes, correct.

FARRELL: Um . . .

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

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

MASSARO: No, I did not.

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

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

FARRELL: Ok.

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

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

MASSARO: That's correct.

FARRELL: Um . . .

MASSARO: Render immediate aid.

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

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

FARRELL: Ok.

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

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

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

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

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

FARRELL: You have anything?

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

MASSARO: Yes.

FLANAGAN: Ok.

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

FLANAGAN: That was all I had.

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

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

FARRELL: Ok.

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

FARRELL: Ok.

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

Why I assume that I don't know.

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

Date of Interview: April 23, 2014

Typist: Linda Powers

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

Amy,

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

Chris

Christopher Flanagan
Detective
CIB/Cold Case
Fairfax County Police

(W)

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

Sure thing!

Sent from my iPhone

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

Lt. Morgan,

Can you have somebody from PIO assist in compiling up any (recent – last 2 months or so) news articles/videos /coverage involving the officer involved shooting (August 29, 2013) resulting in the death of John Geer.

Thanks!

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

From: Malarkey, Gregory
To: Farrell, John; Billeb, Todd
Sent: 9/9/2014 10:05:56 AM
Subject: RE:

Thanks John. I got your four emails.

Todd. I am printing them

From: Farrell, John
Sent: Monday, September 08, 2014 2:30 PM
To: Billeb, Todd; Malarkey, Gregory
Subject:

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



From: Kline, Michael
To: Farrell, John
Sent: 7/10/2014 1:22:20 PM
Subject: RE: Friend of Springfield man fatally shot by police speaks out, see - DC News FOX 5 DC WTTG

thx

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."

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

From: Farrell, John
Sent: Thursday, July 10, 2014 1:14 PM
To: Kline, Michael
Subject: FW: Friend of Springfield man fatally shot by police speaks out, see - DC News FOX 5 DC WTTG

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

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

From: Flanagan, Christopher
Sent: Thursday, July 10, 2014 12:49 PM
To: Farrell, John
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>

DEF008072

From: Walker, Bud
To: Farrell, John
Sent: 7/10/2014 2:34:58 PM
Subject: RE: Fwd:
Attachments: Geer Shooting 2014 media coverage.docx

There actually wasn't that much coverage.....

I will bring hard copies up to you office.

From: Farrell, John
Sent: Thursday, July 10, 2014 2:00 PM
To: Walker, Bud
Subject: RE: Fwd:

No rush.... Take your time and I will take whatever you have.

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

From: Walker, Bud
Sent: Thursday, July 10, 2014 1:32 PM
To: Farrell, John
Cc: Billeb, Todd; Kline, Michael; Flanagan, Christopher; Morgan, Ryan W.
Subject: FW: Fwd:

Hey John,

I will be working on this for you.
I am starting now so I should have a quick turnaround but let me ask anyway; do you have a deadline?

And in case you need it, I compiled the media coverage immediately right after the shooting; including a video of all the TV stories.

-Bud

From: Morgan, Ryan W.
Sent: Thursday, July 10, 2014 1:19 PM
To: Azcarate, Eduardo
Cc: Walker, Bud
Subject: Re: Fwd:

Ok thanks

Sent from my iPhone

On Jul 10, 2014, at 1:18 PM, "Azcarate, Eduardo" [REDACTED] wrote:

Lt. Bud will handle. This was his case.

Eddy

MPO Eduardo J. Azcarate
Fairfax County Police

On Jul 10, 2014, at 13:15, "Morgan, Ryan W." [REDACTED] wrote:

Can you coordinate please? Let me know if there are any logistical issues

Sent from my iPhone

Begin forwarded message:

From: "Farrell, John" [REDACTED]
Date: July 10, 2014 at 1:13:12 PM EDT
To: "Morgan, Ryan W." [REDACTED]
Cc: "Laitinen, Joshua B" [REDACTED], "Kline, Michael" [REDACTED],
"Flanagan, Christopher" [REDACTED]

Lt. Morgan,

Can you have somebody from PIO assist in compiling up any (recent – last 2 months or so) news articles/videos /coverage involving the officer involved shooting (August 29, 2013) resulting in the death of John Geer.

Thanks!

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

[REDACTED]

Geer Shooting – Media Coverage – Post Shooting

July 8, 2014 – Washington Post

Ten months of silence in the Fairfax police shooting death of John Geer

There may be a very good reason why a Fairfax County police officer shot and killed John Geer as he stood in his townhouse doorway on Aug. 29, 2013. Or there may be no reason. But after ten months, the authorities in Northern Virginia still have provided no explanation for why this unarmed citizen was gunned down by an unnamed officer, who remains on paid desk duty.

<http://www.washingtonpost.com/blogs/local/wp/2014/07/08/ten-months-of-silence-in-the-fairfax-police-shooting-death-of-john-geer/>

July 8, 2014 – WTTG FOX5 (video)

Friend of Springfield man fatally shot by police speaks out, seeking answers in case

It has been more than ten months since an unarmed man was shot to death by Fairfax County police and there is still no resolution in the case.

<http://www.myfoxdc.com/story/25971150/friend-of-springfield-man-fatally-shot-by-police-speaks-out-seeking-answers-in-case>

April 2, 2014 – Washington Post

The death of John Geer: Now seven months of silence on Fairfax police shooting

The clock keeps ticking, and that's about the only sound emanating from the investigation into the death of John Geer. Geer, 46, was unarmed when he was shot to death by a Fairfax County police officer on Aug. 29. It has now been seven months and there is still no explanation from the Fairfax police, prosecutors or federal investigators about how and why this happened, and whether or not it was legally justifiable.

<http://www.washingtonpost.com/blogs/local/wp/2014/04/02/the-death-of-john-geer-now-seven-months-of-silence-on-fairfax-police-shooting/>

February 6, 2014 – WJLA ABC7

John Geer death: Federal prosecutors take over investigation

Fairfax County Commonwealth's Attorney Ray Morrogh confirms he has asked federal prosecutors to take over the investigation into the officer-involved shooting death of John Geer.

<http://www.wjla.com/articles/2014/02/john-geer-death-federal-prosecutors-take-over-investigation-99974.html>

February 6, 2014 – Washington Post

Probe of fatal Virginia police shooting goes to federal authorities

The Fairfax County prosecutor has turned over the investigation of a fatal police shooting of an unarmed Springfield man to federal authorities, citing complications with the five-month-old case.

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

January 31, 2014 – WJLA ABC7

John Geer death: Friends, family question investigation

Almost six months after a Fairfax County man was shot and killed by police during a standoff, there's still no progress on the investigation into what happened.

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

September 12, 2013 – WRC NBC4

Fairfax County Police Chief Addresses Fatal Police-Involved Shooting

Fairfax County's police chief is promising to address concerns about the use of force during a fatal police-involved shooting in the Springfield area.

<http://www.nbcwashington.com/news/local/Fairfax-Police-Chief--223544361.html>

September 4, 2013 – WJLA ABC7

John Geer not armed after all, according to investigators

Springfield man John Geer was shot dead last week after police got a call from a woman reporting a domestic dispute. After she stated that he was armed, it prompted a massive police response -- complete with armored vehicles and SWAT teams surrounding the property.

<http://www.wjla.com/articles/2013/09/john-geer-not-armed-after-all-according-to-investigators-93601.html>

From: Kline, Michael
To: Farrell, John; Billeb, Todd
Sent: 7/10/2014 3:11:36 PM
Subject: RE: Fwd:

Excellent. Thanks

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


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

From: Farrell, John
Sent: Thursday, July 10, 2014 2:38 PM
To: Kline, Michael; Billeb, Todd
Subject: FW: Fwd:

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


From: Walker, Bud
Sent: Thursday, July 10, 2014 2:35 PM
To: Farrell, John
Subject: RE: Fwd:

There actually wasn't that much coverage.....

I will bring hard copies up to you office.

From: Farrell, John
Sent: Thursday, July 10, 2014 2:00 PM
To: Walker, Bud
Subject: RE: Fwd:

No rush.... Take your time and I will take whatever you have.

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


From: Walker, Bud
Sent: Thursday, July 10, 2014 1:32 PM

DEF008077

To: Farrell, John
Cc: Billeb, Todd; Kline, Michael; Flanagan, Christopher; Morgan, Ryan W.
Subject: FW: Fwd:

Hey John,

I will be working on this for you.
I am starting now so I should have a quick turnaround but let me ask anyway; do you have a deadline?

And in case you need it, I compiled the media coverage immediately right after the shooting; including a video of all the TV stories.

-Bud

From: Morgan, Ryan W.
Sent: Thursday, July 10, 2014 1:19 PM
To: Azcarate, Eduardo
Cc: Walker, Bud
Subject: Re: Fwd:

Ok thanks

Sent from my iPhone

On Jul 10, 2014, at 1:18 PM, "Azcarate, Eduardo" [REDACTED] wrote:

Lt. Bud will handle. This was his case.

Eddy

MPO Eduardo J. Azcarate
Fairfax County Police

On Jul 10, 2014, at 13:15, "Morgan, Ryan W." [REDACTED] wrote:

Can you coordinate please? Let me know if there are any logistical issues

Sent from my iPhone

Begin forwarded message:

From: "Farrell, John" [REDACTED]
Date: July 10, 2014 at 1:13:12 PM EDT
To: "Morgan, Ryan W." [REDACTED]
Cc: "Laitinen, Joshua B" [REDACTED]
"Flanagan, Christopher" [REDACTED]

"Kline, Michael" [REDACTED]

Lt. Morgan,

Can you have somebody from PIO assist in compiling up any (recent – last 2 months or so) news articles/videos /coverage involving the officer involved shooting (August 29, 2013) resulting in the death of John Geer.

Thanks!

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

DEF008078



From: Hardy, James
To: Laitinen, Joshua B
CC: Russell, David A.; Watts, Jerry; Smith, Sharon; Farrell, John; Baumstark, Jim; Edmunds, Chris
Sent: 9/11/2014 2:24:51 PM
Subject: RE: John Geer OIS

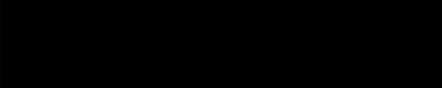
Hey Josh,

As we discussed this morning, my analysts were unable to find anything else associated with the author listed below with the info provided. Nothing nefarious on Twitter. There were a few tweets about the Geer situation as whole, but no calls for violence.

While the comments are certainly disturbing, this may still constitute protected free speech without any other specific supporting rhetoric. It is probably a stretch, but a detective may be able to articulate a possible threat investigation for the purpose of obtaining a search warrant / court order for the posting individuals identity, but I think the protected speech component may surface again. Unfortunately, I am short on detectives at the moment, but may have one available that could consult with the Commonwealth Attorney's Office in the near future for a final decision.

Please let me know if you have questions,

Jim

Second Lieutenant James Hardy
Fairfax County Police Department
Northern Virginia Regional Intelligence Center


NOTICE: This communication may contain Law Enforcement Sensitive Information. Do not disseminate, copy, or forward this email unless permission to release its contents have been obtained by the original sender.

From: Laitinen, Joshua B
Sent: Thursday, September 11, 2014 5:12 AM
To: Hardy, James
Cc: Russell, David A.; Watts, Jerry; Smith, Sharon; Farrell, John
Subject: Fwd: John Geer OIS

Jim, can you see below plz

2LT Josh Laitinen


Sent from my Blackberry

Begin forwarded message:

DEF008080

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. It can you please forward this to the intelligence unit tomorrow for a threat assessment. Additionally this should be included in any future analysis regarding the release of names in this officer involved shooting.

I will forward a copy of this email to Adam so he is direct on our actions.

Thanks!

John Farrell

From: Fortiz, Rafael
To: Hardy, James; Farrell, John; Flanagan, Christopher; Edmunds, Chris
CC: Gubanich, Jon; Williams, James A.
Sent: 9/17/2014 10:45:40 PM
Subject: Re: Officer Safety-OIS

End result, the guy is selling water purification system.

Case is closed.

On Sep 17, 2014, at 7:59 PM, "Hardy, James" [REDACTED] wrote:

Thanks Raf.

Jimmy, just FYI

Jim

From: Fortiz, Rafael
Sent: Wednesday, September 17, 2014 7:38 PM
To: Hardy, James
Cc: Charles, Peter; Comfort, Douglas; Gubanich, Jon; Williams, James A.
Subject: Re: Officer Safety-OIS

Direct

On Sep 17, 2014, at 7:33 PM, "Hardy, James" [REDACTED] wrote:

Whoever has call for CID tonight, can you please give John Farrell a call regarding the event below

Thanks,

Jim

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

From: Laitinen, Joshua B [REDACTED]
Received: Sep 17, 6:47 PM
To: Hardy, James [REDACTED]
CC: Farrell, John [REDACTED]
Subject: Fwd: Officer Safety-OIS

Jim,

Can you have your on call give John Farrell a call please. Thanks

2LT Josh Laitinen
[REDACTED]

Sent from my Blackberry

Begin forwarded message:

From: "Flanagan, Christopher" [REDACTED]
Date: September 17, 2014 at 6:38:56 PM EDT
To: "Laitinen, Joshua B" [REDACTED]
Cc: "Farrell, John" [REDACTED]

DEF008082

Subject: Officer Safety-OIS

Josh,

I spoke to Adam Torres this evening regarding a suspicious event at his residence. Officer Torres was involved in a OIS in 2013 (20132410242). He advised that when he arrived home this evening at approximately 1710 hours, a Honda sedan bearing Virginia registration [REDACTED] pulled into his driveway as he was walking to his front door. A white male exited the vehicle and walked to his front door. Torres greeted him outside at the front door at which time the subject asked..."Are you Torres?" Officer Torres responded that he was and asked the subject why he wanted to know. The subject said something to the effect of "Don't worry about it" and then turned away and walked to his vehicle. The subject drove away without further incident. Torres advised that he does not know the subject or the vehicle and has not seen him in the neighborhood before. Torres and his wife are concerned about the suspicious activity at their residence. They contacted the [REDACTED] Sheriff's Office who sent an officer to check the area.

I did a quick workup on the vehicle and co-owners. The vehicle returns to Javier Jorge Casas Echandia and Martha Pardo Figueroa Mazuelo at [REDACTED] He has no CCH III record but has several contacts in LINX. All traffic except a fraud case from Arlington in 2010. He was listed as the suspect. In that case the suspect posed as a public works employee and attempted to obtain identity information.

The subject registered to the vehicle is similar to the subject described by Torres.

Javier Jorge Casas Echandia
[REDACTED]

White male, [REDACTED]
5'7", 172,
DMV photo attached

Can you review this and forward it to Intel so it can be further vetted for a potential threat to Torres or his family. The workup that we did is on Farrell's desk if you need further info.

Chris

Christopher Flanagan
Detective
CIB/Cold Case
Fairfax County Police
[REDACTED]
[REDACTED]

From: Fortiz, Rafael
To: Flanagan, Christopher; Farrell, John
Sent: 9/18/2014 10:23:46 AM
Subject: Re: Officer Safety-OIS

FYI, I looked the officer up on I leads in order for me to be familiar with his face. Just in case you guys get a flag warning.

On Sep 18, 2014, at 9:34 AM, "Flanagan, Christopher" [REDACTED] wrote:

Thanks for jumping on that...

Chris

From: Fortiz, Rafael
Sent: Wednesday, September 17, 2014 10:46 PM
To: Hardy, James; Farrell, John; Flanagan, Christopher; Edmunds, Chris
Cc: Gubanich, Jon; Williams, James A.
Subject: Re: Officer Safety-OIS

End result, the guy is selling water purification system.

Case is closed.

On Sep 17, 2014, at 7:59 PM, "Hardy, James" [REDACTED] wrote:

Thanks Raf.

Jimmy, just FYI

Jim

From: Fortiz, Rafael
Sent: Wednesday, September 17, 2014 7:38 PM
To: Hardy, James
Cc: Charles, Peter; Comfort, Douglas; Gubanich, Jon; Williams, James A.
Subject: Re: Officer Safety-OIS

Direct

On Sep 17, 2014, at 7:33 PM, "Hardy, James" [REDACTED] wrote:

Whoever has call for CID tonight, can you please give John Farrell a call regarding the event below

Thanks,

Jim

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

From: Laitinen, Joshua B [REDACTED]
Received: Sep 17, 6:47 PM
To: Hardy, James [REDACTED]
CC: Farrell, John [REDACTED]
Subject: Fwd: Officer Safety-OIS

Jim,

Can you have your on call give John Farrell a call please. Thanks

2LT Josh Laitinen
[REDACTED]

Sent from my Blackberry

Begin forwarded message:

From: "Flanagan, Christopher" [REDACTED]

Date: September 17, 2014 at 6:38:56 PM EDT

To: "Laitinen, Joshua B" [REDACTED]

Cc: "Farrell, John" [REDACTED]

Subject: Officer Safety-OIS

Josh,

I spoke to Adam Torres this evening regarding a suspicious event at his residence. Officer Torres was involved in a OIS in 2013 (20132410242). He advised that when he arrived home this evening at approximately 1710 hours, a Honda sedan bearing Virginia registration [REDACTED] pulled into his driveway as he was walking to his front door. A white male exited the vehicle and walked to his front door. Torres greeted him outside at the front door at which time the subject asked... "Are you Torres?" Officer Torres responded that he was and asked the subject why he wanted to know. The subject said something to the effect of "Don't worry about it" and then turned away and walked to his vehicle. The subject drove away without further incident. Torres advised that he does not know the subject or the vehicle and has not seen him in the neighborhood before. Torres and his wife are concerned about the suspicious activity at their residence. They contacted the [REDACTED] Sheriff's Office who sent an officer to check the area.

I did a quick workup on the vehicle and co-owners. The vehicle returns to Javier Jorge Casas Echandia and Martha Pardo Figueroa Mazuelo at [REDACTED]. He has no CCH III record but has several contacts in LINX. All traffic except a fraud case from Arlington in 2010. He was listed as the suspect. In that case the suspect posed as a public works employee and attempted to obtain identity information.

The subject registered to the vehicle is similar to the subject described by Torres.

Javier Jorge Casas Echandia
[REDACTED]

White male, [REDACTED]

5'7", 172,

DMV photo attached

Can you review this and forward it to Intel so it can be further vetted for a potential threat to Torres or his family. The workup that we did is on Farrell's desk if you need further info.

Chris

Christopher Flanagan

Detective

CIB/Cold Case

Fairfax County Police
[REDACTED]

DEF008085

From: Thompson, Paul
To: Farrell, John
Sent: 5/22/2014 2:46:21 PM
Subject: RE: OIS

Thanks John.

Save this e-mail as a reminder that I will ensure Karen Gibbons [REDACTED] regarding this case.

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

Assistant Commander
Criminal Investigations Bureau
Major Crimes Division

703-246-7800 Office
[REDACTED]

From: Farrell, John
Sent: Thursday, May 22, 2014 2:16 PM
To: Thompson, Paul
Subject: FW: OIS

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

From: Thompson, Paul
Sent: Wednesday, December 04, 2013 11:29 AM
To: Farrell, John; Flanagan, Christopher
Subject: OIS

Guys,

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

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

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

DEF008086

Assistant Commander
Criminal Investigations Bureau
Major Crimes Division

703-246-7800 Office

A large black rectangular redaction box covers the text below the phone number.

From: Davila, Peter
To: Gaisor, Amy
CC: Farrell, John; Flanagan, Christopher; Cochrane, Chantel J.
Sent: 7/22/2014 12:53:11 PM
Subject: RE: PFC. Adam Torres

LOL – I'll do my best, I believe that was 8 years ago. I'll have to look in the session book downstairs.

From: Gaisor, Amy
Sent: Tuesday, July 22, 2014 12:42 PM
To: Davila, Peter
Cc: Farrell, John; Flanagan, Christopher
Subject: RE: PFC. Adam Torres

Pete,

Can you please provide the information requested. Adam Torres attended session 49. They need your PowerPoint presentation for Use of Deadly Force. Thank you.

SGT Amy Gaisor
Basic Law Enforcement Training Supervisor
In-Service Supervisor
Honor Guard Supervisor
Fairfax County Criminal Justice Academy
14601 Lee Road
Chantilly, Va 20151

From: Flanagan, Christopher
Sent: Friday, July 18, 2014 9:41 AM
To: Gaisor, Amy
Cc: Farrell, John
Subject: PFC. Adam Torres

Amy,

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

Chris

Christopher Flanagan
Detective
CIB/Cold Case
Fairfax County Police

From: Gaisor, Amy
To: Farrell, John
Sent: 6/23/2014 6:53:04 AM
Subject: RE: Record review

Very good. I will have the files returned to the file room.

SGT Amy Gaisor
Basic Law Enforcement Training Supervisor
In-Service Supervisor
Honor Guard Supervisor
Fairfax County Criminal Justice Academy
14601 Lee Road
Chantilly, Va 20151



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

From: Farrell, John
Sent: Monday, June 23, 2014 6:52 AM
To: Gaisor, Amy; Simonpietri, Mark
Subject: Record review

Thank you for all your help. I have everything I need!

John

From: Joca, George
To: Farrell, John
Sent: 5/18/2014 2:40:45 PM
Subject: RE: Review of statement

John,

I have traffic court in Fairfax on May 21st. If we could set up a time, after court, to review the statement that would be great. I have a DWI case amongst several others so I'll contact you when I finish my docket to check on your availability. If that doesn't work we can set the meeting up for Thursday.

Thank you,
George

2nd Lt. George R. Joca
Evening Shift, A Squad
West Springfield District Station
[REDACTED]

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

From: Farrell, John
Sent: Thursday, May 15, 2014 7:56 PM
To: Joca, George
Subject: Re: Review of statement

Sounds good - I should be around all week!

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

From: Joca, George
Sent: Thursday, May 15, 2014 07:27 PM
To: Farrell, John
Subject: Review of statement

John,

Next week is fine withj me. I'll get back with you to set up the best time for both of us.

Tks,
George

From: Gaisor, Amy
To: Farrell, John
Sent: 6/18/2014 9:29:13 AM
Subject: RE: Scan Document

Simonpeitri is working on pulling the requested information for you now. He will have it with the other files. As far as the testing information I spoke with the testing coordinator and she does not know of any testing materials dating back to that time frame.

I have to be at the Massey Bldg at 10am for Performance Eval training. I will be back after training is complete.

SGT Amy Gaisor
Basic Law Enforcement Training Supervisor
In-Service Supervisor
Honor Guard Supervisor
Fairfax County Criminal Justice Academy
14601 Lee Road
Chantilly, Va 20151



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

From: Farrell, John
Sent: Wednesday, June 18, 2014 9:04 AM
To: Gaisor, Amy
Subject: FW: Scan Document

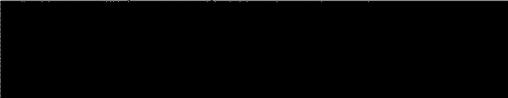
Sgt Gaisor,

Thanks again for all your help. I have attached a scan copy of Torres's training record. I put a check mark next to the courses we are interested in. We would like a copy of the lesson plan and training aids/materials (like powerpoints etc) for each of the highlighted courses.

As we spoke yesterday if you are able to locate copies of the tests for Session 49 we would like to obtain those also.

Thank you so much. I will be by today to begin copying the other materials you provided.

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



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

From: Farrell, John
Sent: Wednesday, June 18, 2014 8:58 AM
To: Farrell, John
Subject: Scan Document

Please find attached your scanned document

Powered By AutoStore

DEF008091

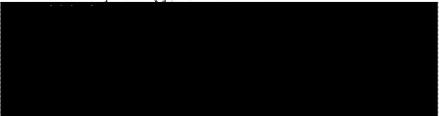
From: Malarkey, Gregory
To: Farrell, John
Sent: 9/12/2014 12:55:13 PM
Subject: RE: Scanned by NSI AutoStore

John,
Do you happen to have any of the footage that was shot at the scene and given to the news. The footage made by a neighbor that appeared on the news

Greg

From: Farrell, John
Sent: Wednesday, September 10, 2014 6:03 PM
To: Malarkey, Gregory; Billeb, Todd
Subject: FW: Scanned by NSI AutoStore

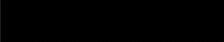
Detective John Farrell
Fairfax County Police
4100 Chain Bridge Road
Fairfax, Virginia 22030



From: Farrell, John
Sent: Monday, September 08, 2014 2:48 PM
To: Farrell, John
Subject: Scanned by NSI AutoStore

From: Kline, Michael
To: Farrell, John
Sent: 9/3/2014 5:33:58 PM
Subject: RE: Scanned by NSI AutoStore

Thank you

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


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

From: Farrell, John
Sent: Wednesday, September 03, 2014 5:31 PM
To: Kline, Michael
Subject: FW: Scanned by NSI AutoStore

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


From: Farrell, John
Sent: Wednesday, September 03, 2014 5:28 PM
To: Farrell, John
Subject: Scanned by NSI AutoStore

From: Malarkey, Gregory
To: Farrell, John
Sent: 9/12/2014 1:37:10 PM
Subject: RE: Scanned by NSI AutoStore

Excellent. Thanks

From: Farrell, John
Sent: Friday, September 12, 2014 1:37 PM
To: Malarkey, Gregory
Subject: Re: Scanned by NSI AutoStore

Should be on a disc labelled nbc broadcast

John Farrell

On Sep 12, 2014, at 12:55 PM, "Malarkey, Gregory"  wrote:

John,
Do you happen to have any of the footage that was shot at the scene and given to the news. The footage made by a neighbor that appeared on the news

Greg

From: Farrell, John
Sent: Wednesday, September 10, 2014 6:03 PM
To: Malarkey, Gregory; Billeb, Todd
Subject: FW: Scanned by NSI AutoStore

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



From: Farrell, John
Sent: Monday, September 08, 2014 2:48 PM
To: Farrell, John
Subject: Scanned by NSI AutoStore

From: Joca, George
To: Farrell, John
Sent: 5/14/2014 7:17:01 PM
Subject: Review of Statement on Officer Involved Shooting

John,

I would like to review my statement taken concerning the Officer Torres involved shooting last year. Please let me know when the best time to accomplish this as I am on A shift working this weekend.

Thank

you,

George

2nd Lt. George R. Joca
Evening Shift, A Squad
West Springfield District Station
[REDACTED]

From: Farrell, John
To: Farrell, John
Sent: 6/18/2014 8:57:45 AM
Subject: Scan Document
Attachments: Scan.pdf

Please find attached your scanned document.

Powered By AutoStore

TRAINING HISTORY - SUMMARY Fairfax County Criminal Justice Academy

9/5/2013 3:03:18 PM

ROUTING: West Springfield Station

VCIN Level A/B/C Recert George Joca,	14751	4/29/2010	4/29/2010	0	4	0	4	Y	0	Satisfactorily completed	E 01/21/2010, map
Paramilitary Attack: Counter Offensive Plan ✓	15342	4/15/2010	4/15/2010	0	4	0	4	Y	0	Satisfactorily completed	
CQB Training ✓	14907	3/4/2010	3/4/2010	0	4	0	4	Y	0	Satisfactorily completed	
I/Leads: Site 4	14809	2/15/2010	2/19/2010	0	40	0	40	Y	0	Satisfactorily completed	
Crimes Against the Elderly	15555	9/28/2009	12/15/2009	0	0	0	1	N	0	Satisfactorily completed	
Accident Investigation Richard Theal,	13248	10/19/2009	10/23/2009	4	36	0	40	Y	0	Satisfactorily completed	E-4/13/2009, smc
I/Mobile	14039	8/24/2009	8/24/2009	0	5	0	5	Y	0	Satisfactorily completed	
Legislative Updates #2 ✓	13899	7/2/2009	8/15/2009	1	0	0	1	Y	0	Satisfactorily completed	
LIDAR/RADAR Recertification	13767	6/24/2009	6/24/2009	0	2	0	2	Y	0	Satisfactorily completed	
Firearms & Def. Tact. Inservice ✓	13490	5/13/2009	5/13/2009	1	7	0	8	Y	0	Satisfactorily completed	
Photography for Law Enforcement richard ret	12504	4/27/2009	5/1/2009	1	39	0	40	Y	0	Satisfactorily completed	e 7/16/08 theal,
Child Safety Seat Technician Certification richard ret	12438	10/21/2008	10/24/2008	4	32	0	36	Y	0	Satisfactorily completed	E 7/16/08 theal,
Firearms Inservice - New Issue ✓	12721	8/26/2008	8/26/2008	0	8	0	8	Y	0	Satisfactorily completed	
CPR/AED Recert	12859	7/28/2008	7/28/2008	0	0	0	0	N	0	Satisfactorily completed	
Search Warrant Richard elb	11270	6/11/2008	6/13/2008	4	20	0	24	Y	2913	Satisfactorily completed	E-3/21/08 Theal,
VCIN Level A/B Recert	16093	6/3/2008	6/3/2008	0	0	0	4	N	0	Satisfactorily completed	
Cultural Diversity (On-Line) #15	12090	2/1/2008	2/29/2008	0	0	2	2	Y	2913	Satisfactorily completed	
Cultural Diversity (On-Line) #04	11969	12/1/2007	12/31/2007	0	0	2	2	Y	2913	Satisfactorily completed	
Ballistic Shield ✓	11842	11/14/2007	11/14/2007	0	8	0	8	Y	2913	Satisfactorily completed	
CPR Recert (Ponsart) Theal, Richard elb	10987	11/6/2007	11/6/2007	0	8	0	8	Y	2913	Satisfactorily completed	E-6/27/07
Pursuit Immobilization Technique	11579	7/30/2007	7/30/2007	0	8	0	8	Y	2913	Satisfactorily completed	
Flanking Engagement Drill ✓	11705	3/13/2007	3/13/2007	0	0	0	4	N	0	Satisfactorily completed	
NIMS - ICS 100/200/700 ✓	10584	9/1/2006	9/30/2006	0	8	0	8	Y	0	Satisfactorily completed	
VCIN Level B Initial Certification Session #49	10589	3/9/2006	8/31/2006	0	0	0	8	N	0	Satisfactorily completed	
Conducted Energy Device (Taser)	10706	8/24/2006	8/24/2006	0	16	0	16	Y	0	Satisfactorily completed	
Radar/Lidar - Speed Measurement	10577	8/17/2006	8/22/2006	0	0	0	32	Y	0	Satisfactorily completed	
Basic Law Enforcement Academy #49	9994	3/6/2006	8/16/2006	62	850	0	912	Y	2372	Satisfactorily completed	

F41 INFO

Torres, Adam D

TRAINING HISTORY - SUMMARY Fairfax County Criminal Justice Academy

9/5/2013 3:03:19 PM

ROUTING: West Springfield Station

F41#	F41 Date		
3780	11/18/2011	11/18/2011 Law Enforcement In-Service	Crisis Intervention Training
3440	9/23/2010	8/31/2010 Law Enforcement In-Service	Cultural Diversity On-Line #1
2913	6/16/2008	6/13/2008 Law Enforcement In-Service	Search Warrant
2372	8/30/2006	8/16/2006 Law Enforcement Basic	Basic Law Enforcement Academy #49

CERTIFICATIONS

	Cert. Date	Due Date
AED	4/24/2013	4/24/2015
First Aid	4/24/2013	4/24/2015
CPR	4/24/2013	4/24/2015
Radar/Lidar Operator	10/25/2012	10/25/2015
VCIN Level B	4/9/2012	4/9/2014

FIREARMS

Course of Fire	Date	Weapon	Serial Number	Model	Points Possible	1st Score	2nd Score	3rd Score	4th Score	Percent Score	Dept. Pass Issue
Slug	10/19/2012	Other			6	6	0	0		100.000%	
Shotgun	10/19/2012	Shotgun		remington	54	54	2	0		103.704%	
TQC	10/19/2012	On Duty	u809956	sig p226	250	210	0	0		84.000%	
Bean Bag	10/19/2012	Other			2	2	0	0		100.000%	
Slug	11/29/2011	Other			100	93	0	0		93.000%	
Shotgun	11/29/2011	Shotgun		Remington	54	54	2	0		103.704%	
TQC	11/29/2011	On Duty	U809956	Sig P226	250	206	0	0		82.400%	
Slug	4/15/2010	Other			100	86	0	0		86.000%	
Shotgun	4/15/2010	Shotgun		remington	54	54	2	0		103.704%	
TQC	4/15/2010	On Duty	u809956	SIG 226	250	226				90.400%	
Slug	5/13/2009	Other			100	86	0	0		86.000%	
Shotgun	5/13/2009	Shotgun		remington	54	54	2	0		103.704%	

Torres, Adam D

TRAINING HISTORY - SUMMARY Fairfax County Criminal Justice Academy

9/5/2013 3:03:19 PM

ROUTING: West Springfield Station

Activity	Date	Status	Code	Weapon	Count 1	Count 2	Count 3	Count 4	Percentage
TQC	5/13/2009	On Duty	U809956	sig 226	250	212	0	0	84.800%
Slug	8/26/2008	Other			100	42	0	0	42.000%
Shotgun	8/26/2008	Shotgun		remington	54	54	2	0	103.704%
TQC	8/26/2008	On Duty	u8099sc	sig 226	250	229	0	0	91.600%
Slug	8/15/2007	Other			100	93	0	0	93.000%
Shotgun	6/2/2007	Shotgun		REMINGTON	54	54	2	0	103.704%
TQC	6/2/2007	On Duty	U714099	SIG 226	250	236	0	0	94.400%
MDA	4/13/2006	On Duty	U714099	SIG 226	300	275	0	0	91.667%
Shotgun	4/13/2006	Shotgun		REMINGTON	90	90	2	0	102.222%
TQC	4/13/2006	On Duty	U714099	SIG 226	250	237	0	0	94.800%

Torres, Adam D

From: Farrell, John
To: Farrell, John
Sent: 9/3/2014 5:27:50 PM
Subject: Scanned by NSI AutoStore
Attachments: Scan.pdf

CONSENT TO SEARCH FORM

I, Maura Harrington do hereby give consent to

Detective John Farrell of the Fairfax County Police Department to

search for the below listed items. I am giving this consent of my own free will. I have not been forced, threatened or coerced to do so, nor have I been promised any special considerations by anyone. I have been advised that I have the right to refuse this search. The person, place, or

thing to be searched is: 7907 Pebble Brook Court, Springfield

The items to be searched for are:

guns, ammunition, documents, cell phone, electronic devices, blood, forensic evidence, any item related to the officer involved shooting.

X Maura Harrington
Person consenting to search

Date: 8/29/2013

Date of search: 0000 / 8/30/13

Time of search. Began/End 1

Witness: J Farrell 312051

Witness: [Signature] 315326

From: Farrell, John
To: Farrell, John
Sent: 9/8/2014 2:48:14 PM
Subject: Scanned by NSI AutoStore
Attachments: Scan.pdf

Barricade - subject shot in upper torso by PD. Responded to scene and coordinated with fire department and unified command post. Determined that an LZ had been designated and the helicopter was landing to standby on the ground in case needed. I responded to the residence in the HRV. PFC Thibault was available and also responded for training purposes. The HRV was used to breach the door of the residence. Upon entry of the reaction team, the subject was found lying on the floor inside the front door with a pool of blood on the floor around him and a large quantity of blood on his shirt. The subject was not moving. The reaction team did an initial safety sweep of the immediate area and called for Medic Up. I entered the residence and assessed the subject finding no signs of life. I had a fire department medic enter the residence and confirm my findings and connect a cardiac monitor. The fire department medic confirmed my findings and the EKG reading displayed Asystole. We cleared the residence after confirming the subject was deceased.

PFC Thibault arrived as the front door was being breached by the HRV. After the situation was stabilized, he responded to the front of the house and I debriefed the situation and my actions with him.

I was covering the duty shift at the heliport when this event occurred. Lt. Smith covered my duty so that I could respond to the barricade.

The subject had a single GSW to the mid section of the upper torso. He was wearing a white tee shirt with a single hole consistent with a bullet hole and the front of the shirt was soaked in blood. The patient was pulseless and apneic with no lung or heart sounds audible. His pupils were fixed and dilated and his skin was ashen and cool to the touch.

The fire department medic who confirmed my findings was FF/Medic Adam Bartman 50892 from Medic 435.

08/24/2013
15:35
18:35
7907 PEBBLE BROOK COURT
LANCE GUCKENBERGER

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

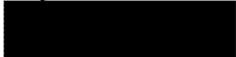
Fyi..in case you hadn't already heard

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

2nd Lieutenant Josh Laitinen

Cold Case & Computer Forensics

Major Crimes Division



From: Flanagan, Christopher
To: Flanagan, Christopher; Farrell, John
Sent: 9/17/2014 5:56:10 PM
Subject:
Attachments: DSEO1410990076330.JPEG

Co-owner of vehicle in driveway is listed below (photo attached). Other co-owner appears to be a female-Martha Pardo Figueroa Mazuelo ([REDACTED] No CCH III record.

Javier Jorge Casas Echandia

[REDACTED]

H/M [REDACTED]

From: Farrell, John
To: Torres, Adam D.
Sent: 10/23/2013 7:46:05 AM
Subject: Re: Followup

Sure what time you in?

From: Torres, Adam D.
Sent: Wednesday, October 23, 2013 07:12 AM
To: Farrell, John
Subject: Followup

If you get a free chance, will you please give me a call or come see me? I will most likely be on the 3rd floor

Thankyou

Adam Torres

From: Quinn, Karol
To: Farrell, John
CC: Quinn, Karol
Sent: 9/19/2013 9:20:35 AM
Subject: Danielle Torres Interview
Attachments: Danielle Torres Interview.docx

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 19, 2013

FARRELL: It's September 13, 2013 at nine thirty. Detectives Farrell and Flanagan involving in, investigating a officer involved shooting interviewing Danielle Candice Torres. Ok. Danielle, can you just state your name one more time?

D.TORRES: Danielle Candice Torres.

FARRELL: Ok, and you understand that Detective Flanagan and I are conducting the investigation into the uh officer involved shooting, correct?

D.TORRES: Yes.

FARRELL: Involving Officer Adam Torres? What's your um relationship to Adam Torres?

D.TORRES: He's my husband.

FARRELL: And how long have you all been married?

D.TORRES: Six years.

FARRELL: And how many children do you have?

D.TORRES: Two.

FARRELL: Ok, um, on the, on the day of the shooting it's my understanding you were on the phone with Adam?

D.TORRES: Yes I was.

FARRELL: Ok, can you tell me about that phone call?

D.TORRES: We were having a disagreement uh involving finances and um the care of our children.

FARRELL: Ok. Um, how did that, how did that disagreement begin, was it something that started that day at home or?

D.TORRES: Um, no it was just a general conversation, we talk everyday while he's at work, I like to keep um tabs with him cause he works a very stressful job, I worry about him so I don't like not hearing from him for long periods of time and we were talking and it just escalated to more of a disagreement opposed to just a general conversation.

FARRELL: Do you recall if you called him or if he called you?

D.TORRES: I called him.

FARRELL: Ok, um and just tell me about the conversation as much as you remember.

D.TORRES: Um, I don't remember very much of the conversation, it was you know an everyday conversation, it wasn't anything special. You know we're tight on budget you know we're a young family, we have two young children, we have, this is our first school year so we're balancing budget so our kids going to classes as well as to school, it's just very tight at home and we were having, it just came up because I had to enroll my second child in school because I attend school now as well. So I need time to do homework and stuff at home and having two kids its not possible. And so that's what our discussion was about.

FARRELL: Ok, um was, were, you said that that was something that just a, arose from the general phone conversation?

D.TORRES: Yes.

FARRELL: So it wasn't, the purpose of the call was not for you to talk to him about that it was just something that came out of the

conversation?

D.TORRES: Yes.

FARRELL: Ok, um about how long was the conversation if you recall?

D.TORRES: Maybe a couple, they're not very long, usually a couple minutes, maybe two to three minutes.

FARRELL: Ok, um and that one do you, do you remember specifically if it was that short or?

D.TORRES: Most of them are that short when he's at work.

FARRELL: Ok.

D.TORRES: We don't usually just speak for long periods of time because he's usually on his way to a call.

FARRELL: Ok.

D.TORRES: When we talk.

FARRELL: Did he tell you if he was on the way to a call?

D.TORRES: Yes.

FARRELL: Ok, what did he tell you about the call?

D.TORRES: Just that it was a domestic dispute.

FARRELL: Ok, um and how does the conversation end?

D.TORRES: I hung up because he was at the, he arrived on scene so he said he had to go.

FARRELL: Ok, so was it you hung up on him or?

D.TORRES: A bit of both. I hung up on him because he said he was at, you know we were if a heated discussion about our finances, he said he had arrived on the scene, he had to go so I hung up.

FARRELL: Ok, um how long have you guys been having these, this disagreement over the finances?

D.TORRES: It's been an ongoing thing for the last few years, you know with kids and everything nothing seems to come to an end, it's always more finances, it's never like there's never an end to the finances, you know kids go to school then they have to do classes then they have to, books and uniforms, so it's a continuous thing.

FARRELL: So this is sort of a routine stressor in your marriage?

D.TORRES: Yes.

FARRELL: Ok, and had you guys, that morning um had you been at home?

D.TORRES: Yes.

FARRELL: Ok, had, so did you see Adam in the morning?

D.TORRES: Yes, I did.

FARRELL: Ok, did you guys argue at home?

D.TORRES: No.

FARRELL: Ok, tell me about that morning as, if you remember.

D.TORRES: Pretty routine, we get up, both of us, or one of us gets up with the girls, I don't remember if both us got up that morning or if it was just the one of us, um we go downstairs they have breakfast, everybody gets dressed that was a Thursday, um my older daughter was probably going to school. I'm not a hundred percent sure, but one of us would drop her off and then we go head home, Adam would pack his stuff for work and he would leave at noon.

FARRELL: Ok, um so prior to him leaving at work was there anything unusual about that morning?

D.TORRES: No.

FARRELL: Was there any arguing or?

D.TORRES: No.

FARRELL: Ok, um anything that he said when he left the house that he was upset or anything that you noticed?

D.TORRES: No.

FARRELL: Ok, so as far as you recall when he leaves that day it's pretty generic, normal?

D.TORRES: Yes.

FARRELL: Him leaving for work?

D.TORRES: Yes.

FARRELL: Ok, as he's on his way to work did you guys talk on the phone at all?

D.TORRES: Um, I can't recall.

FARRELL: Ok, and then he's at work and you call him, do you remember why you called him specifically?

D.TORRES: I always call him after roll call just to check in and see how the day went, if there's anything unusual that he's expecting that day.

FARRELL: So it's pretty routine that everyday sometime after roll call you'll try and call him?

D.TORRES: Yeah.

FARRELL: Ok.

D.TORRES: The only days I don't call is if I'm busy with the girls. If something comes up on my side and I'm busy then I don't call him.

FARRELL: Ok.

D.TORRES: But usually by that time the girls are either sleeping or taking a nap and I usually call him.

FARRELL: Ok. Would it, would it be routine for you all to, if you, if you missed a call at roll would you speak during the shift?

D.TORRES: Yes.

FARRELL: Would it be uh odd for you guys not to speak during the shift?

D.TORRES: Yes.

FARRELL: So pretty much every day he works there's a time where you guys speak.

D.TORRES: Yes.

FARRELL: And usually it's after roll call, or you try to call him after?

D.TORRES: I try to call him after roll call if not it's later in the day.

FARRELL: Ok.

D.TORRES: Like I say he usually calls me when he's on his way to a call when he's got a, when there's a little bit of a gap.

FARRELL: Right. And then on this date you guys are, are talking and then uh the conversation turns to an argument.

D.TORRES: Yes.

FARRELL: Ok. How would you describe that argument, how heated was it?

D.TORRES: You want a ratio of like one to five?

FARRELL: However you want to describe it.

D.TORRES: Um, it's normal conversation for us so if I was on a scale of one to five it would be about a two and a half.

FARRELL: Ok. Were you upset?

D.TORRES: I was upset, yes.

FARRELL: Ok. What about him?

D.TORRES: Um, Adam's pretty level headed so he's kind of takes everything

with a INAUDIBLE and takes him a while to digest things, it's not something he gets upset about right then and there, usually takes him a while to get through the conversation.

FARRELL: Ok, so when that conversation ended um was he, how would you describe him as from his tone like how did you think he was when the conversation ended?

D.TORRES: Work mode.

FARRELL: Ok.

D.TORRES: When he's at work he's pretty level headed.

FARRELL: Was there a name calling or?

D.TORRES: No.

FARRELL: Cursing or?

D.TORRES: No.

FARRELL: Angry I'm, I'm never going to talk to you again kind of hanging up or?

D.TORRES: No.

FARRELL: Ok, so it's just a pretty.

D.TORRES: Just end of the conversation, you have to work now; we'll pick this up later when you get home tonight.

FARRELL: Ok, when you um on other instances when you've spoken to him on the phone after roll call or during the shift have there been other instances when you guys have argued or?

D.TORRES: Yes.

FARRELL: Ok, um are those; were the tone or nature of those arguments any different than?

D.TORRES: No.

FARRELL: So it was routine?

D.TORRES: Yes.

FARRELL: As far as these things go?

D.TORRES: If we have a discuss, if we have an argument, yes.

FARRELL: Ok. Did he make any statements to you that you know I can't, I can't take it or I can't, when you call me like this I can't do my job or it effects how um my ability to do all my duties or anything like that?

D.TORRES: No.

FARRELL: Ok, um later after, um how do you learn about the shooting?

D.TORRES: He phoned me.

FARRELL: Ok. When did he call you?

D.TORRES: About couple minutes after everything happened and he was with his um LT.

FARRELL: Ok, um when he called you what did he say?

D.TORRES: He said I was involved in a shooting, I shot somebody, I'm not going to be available for the next couple of hours I just wanted to tell you and you were the first person I wanted to speak to.

FARRELL: Ok, did he reference the earlier argument?

D.TORRES: No.

FARRELL: Ok, did you reference it?

D.TORRES: No.

FARRELL: Did he uh blame you?

D.TORRES: No.

FARRELL: For the shooting?

D.TORRES: No.

FARRELL: Did he, did he say that had anything to do with, that your argument, did he bring up the argument at all?

D.TORRES: No.

FARRELL: Ok. And then later you speak to him again when he is at the station?

D.TORRES: Yes.

FARRELL: Ok, and what is, what is the nature of that conversation?

D.TORRES: The same thing, just that he's ok, just checking in to see how I'm doing, if I'm feeling ok, that's about it.

FLANAGAN: Ok. Did he say anything; did he bring up the argument from earlier at that point?

D.TORRES: No.

FARRELL: So at any point did he say that that contributed to what occurred or.

D.TORRES: No, we never brought up the conversation that we had earlier for the rest of the day. It was purely just discussion about what was going on with him, how long he thought he was going to be at the station, whether I needed to come pick him up or not, if everybody was ok, you know just giving me general information and so that I can follow along with what's happening.

FARRELL: Ok. So nothing back to?

D.TORRES: No.

FARRELL: What had occurred earlier?

D.TORRES: No.

FARRELL: Ok. What time did he get home that night?

D.TORRES: Um, probably about, I think it was like eleven PM.

FARRELL: Ok. And then at that point do you guys talk some more about what happened?

D.TORRES: No, we went to bed.

FARRELL: Ok, um I'm assuming that since this has occurred you guys have spoken about what happened.

D.TORRES: Once or twice.

FARRELL: Ok, um what, what has he explained to you about what oc, what happened?

D.TORRES: He told me everything.

FARRELL: Ok.

D.TORRES: Every detail that's happened from the time that he got off the phone with me that he went in to the, in to the call, where he stood, we went over everything with a fine tooth comb cause he wanted to tell me everything.

FARRELL: Ok. What did he, why did he tell you he shot this person?

D.TORRES: Because there was movement. He felt like the man was reaching for his weapon and so he shot him.

FARRELL: Ok. Did he say, did he say he was angry with the man?

D.TORRES: No.

FARRELL: Ok.

D.TORRES: He was doing his job.

FARRELL: Did he say that he was angry with you?

D.TORRES: No.

FARRELL: Um, did he make any statements; I know he didn't say that but is there any part of you that believes that him being angry with you

or that argument contributed to this?

D.TORRES: No.

FARRELL: All right. Now you said um that it takes him a while, that he's level headed when he's kind of in work mode?

D.TORRES: Um hm.

FARRELL: And that he sort of processes things and then digests, you said it takes him a while to digest information?

D.TORRES: Yes.

FARRELL: Ok, um how would you describe him?

D.TORRES: Level headed, he's pretty stable person when he's in work mode he's in work mode, when he's in family mode he's in family mode, he doesn't overreact, he's the best person under stress.

FARRELL: Ok. When you guys argue at home um what does it take for him to just lose control or?

D.TORRES: I've never seen him lose control.

FARRELL: Ok. So when he gets, if he gets angry or frustrated is that something that would happen at the front end of an argument or at the end of an argument or what does, what does it take to kind of push his buttons?

D.TORRES: It, it takes a lot to push his buttons.

FARRELL: Ok.

D.TORRES: He's, I've never seen, he's never raised his voice, he's never gotten frustrated he usually just listens to everything um he sits quietly he digests everything and that's why I get so frustrated.

FARRELL: Ok.

D.TORRES: Because I don't, because he doesn't react.

FARRELL: Are you more emotional?

D.TORRES: I'm more emotional.

FARRELL: Ok, so if, when you guys are arguing or having these discussions are, are you the one that's more louder or maybe?

D.TORRES: Yes.

FARRELL: A little bit more animated than he is?

D.TORRES: Yes.

FARRELL: What questions do you have?

FLANAGAN: Um, I was writing really fast, um. Danielle, and I, I think you said this, do you, do you recall how long that conversation lasted for that day on the phone?

D.TORRES: A couple minutes, two or three minutes.

FLANAGAN: Ok. Did, while he was on the phone with you at that point um, and I think you mentioned that he was going to a domestic um type of call, did he say anything more about the call?

D.TORRES: No, that's all the information he received.

FLANAGAN: Ok. And what's, what's Adam's cell phone number?

D.TORRES: [REDACTED]

FLANAGAN: [REDACTED]

D.TORRES: Yes.

FLANAGAN: And just, just so I'm clear when you were, and I apologize for this headrest being in between us.

D.TORRES: That's fine.

FLANAGAN: Um, when, as the conversation ends.

D.TORRES: Um hm.

FLANAGAN: And, and, and correct me if I'm wrong, I don't want to put words

in your mouth, did you say that he said he was on scene and had to go or how, how did that come about?

D.TORRES: Yes, he told me that he was on scene and that he had to go and I hung up.

FLANAGAN: Ok, was it, were you, was it like a normal hang up or was it more like were you still frustrated and you just hung up on him and broke the conversation off or was it like a mutual um, like a, like a normal hang up? Goodbye, goodbye, I gotta go.

D.TORRES: No, not mutual, I was frustrated.

FLANAGAN: Ok.

D.TORRES: And he, I know that he has to go to work so I hung up.

FLANAGAN: Ok. And do you remember what's the last thing was that he was saying?

D.TORRES: That we would discuss this later, that he was busy at, with work and that he was on scene and that he had to go.

FLANAGAN: Ok. Did he try and call you back? Right, right then I mean, not.

D.TORRES: No.

FLANAGAN: Not after.

D.TORRES: No.

FLANAGAN: Did you try and call him back?

D.TORRES: No.

FLANAGAN: Ok. I, I don't think I have anything else.

FARRELL: Do you have any questions for us?

D.TORRES: No.

FARRELL: That concludes the interview at nine forty six hours.

Fairfax County Police
Case Number 2013-2410242
Transcribed on September 19, 2013

Transcribed on 9/19/2013

By Karol L. Quinn, Administrative Assistant

From: Flanagan, Christopher
To: Farrell, John
Sent: 10/9/2013 3:41:10 PM
Subject: Emailing: Ben Kushner 082913
Attachments: Ben Kushner 082913.docx

Your message is ready to be sent with the following file or link attachments:

Ben Kushner 082913

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 11, 2013

BIBEAULT: You live?

LAITINEN: Um?

BIBEAULT: You live? Ok. Do you mind if we record it?

KUSHNER: No.

BIBEAULT: Is that ok?

KUSHNER: Yeah, absolutely.

BIBEAULT: And obviously you know what we are here about, but uh, Crystal from IA, I'm from CIB, uh, just to make sure before we start into this; you know we're here about the shooting down there today. Were you, did you shoot at all?

KUSHNER: No sir.

BIBEAULT: Ok. Uh, as I told uh, Dave, it has happened before where we get into the interview and it's like, oh, wait a minute.

KUSHNER: That would be a little awkward.

BIBEAULT: Yeah, so it's, uh, just important that we clear that up at the beginning. You mind telling us about today, let's start with you were Xray 700?

KUSHNER: Xray 700, yes sir, I was on a traffic assignment.

BIBEAULT: But this is your normal squad right?

KUSHNER: Yes sir.

BIBEAULT: You're not a, some kind of set unit or something, this is your squad?

KUSHNER: No sir, I'm day.

BIBEAULT: Day work unit.

KUSHNER: Days A at West Springfield.

BIBEAULT: So.

KUSHNER: Under Lieutenant Fish, sir.

BIBEAULT: So today was your second day, you'd be off for three days?

KUSHNER: Yes sir.

BIBEAULT: Started normal time today, roll call?

KUSHNER: Yes, sir, well I wasn't in roll call but, I had wellness, but started at the normal time.

BIBEAULT: All right, you didn't come in early or late or anything?

KUSHNER: No sir.

BIBEAULT: Start up early? And as Xray you're assigned to traffic, or what, what is Xray do?

KUSHNER: District wide, wide going for traffic enforcement sir.

BIBEAULT: Mainly traffic enforcement.

KUSHNER: Yes sir

BIBEAULT: Ok, and, uh, did the morning mainly consist of traffic tickets and INAUDIBLE?

KUSHNER: Yes, sir, I was writing tickets up until about 1:30 sir.

BIBEAULT: We gonna have that in each one?

LAITINEN: I guess.

BIBEAULT: Um, uh, the same thing happened INAUDIBLE uh, so then what happens as you are leading up to this event?

KUSHNER: Uh, I.

BIBEAULT: Are you writing a traffic ticket and this little thing goes down.

KUSHNER: No sir, I'd, I'd finished writing tickets for the day. I was actually sitting with Officer Parker while starting on some paperwork when we heard the call come out and decided to respond to assist. Well, we heard the call escalating.

BIBEAULT: All right, so you had kind of finished off what you needed to do for the day and you were catching up on paperwork?

KUSHNER: Yes sir.

BIBEAULT: And you were with Dave Parker?

KUSHNER: Yes sir.

BIBEAULT: And where were you guys?

KUSHNER: Uh, down behind the little shopping center off I guess it's Cardinal Forest, down off of Gunston Corner Shopping Center where the Burger King is down off of Lorton and Silverbrook.

BIBEAULT: Are you just cruiser to cruiser?

KUSHNER: Yes sir.

BIBEAULT: And talking while you finish up paperwork?

KUSHNER: Yes sir.

BIBEAULT: And what is it you hear?

KUSHNER: We'd heard the, the event that they had as a domestic, sounded like it was escalating, they'd started talking about how um, they'd approached the door and the man told them he had a gun and told them he was going to use it or that he'd be willing to shoot

them, the officers.

BIBEAULT: Had you heard the initial event go out or?

KUSHNER: No sir, I, I, it seemed like a, it wasn't anything particular going on.

BIBEAULT: So all of a sudden you just hear over the radio, you hear?

KUSHNER: Right, we heard the other units come on and make the advisement that they were talking to the individual and that he had made those statements.

BIBEAULT: And what did he say that, over the radio, what did he say the guy said?

KUSHNER: As I recall he mentioned that the individual stated that he had a gun and that he was willing to use it to shoot officers.

BIBEAULT: All right. And then did you have to figure out where this event is or?

KUSHNER: It came up on the CAD and I.

BIBEAULT: Oh, did you already get alerted be, because of the escalation of it?

KUSHNER: Well, well, we, they'd called for additional officers and we marked up on radio, as soon as I marked up on the radio they dispatched me to it and I followed Dave to the event.

BIBEAULT: And do you know how you get there?

KUSHNER: Follow Dave, I try, tried using the GPS on the CAD but it didn't verify correctly so it wasn't able to give us accurate directions to get there.

BIBEAULT: Did Dave seem to know where he was going?

KUSHNER: I followed Dave and we, we got there, yes sir.

BIBEAULT: And when you go there is any emergency equipment activated?

KUSHNER: Uh, yes sir, we ran lights and sirens.

BIBEAULT: Both of you?

KUSHNER: Yes sir.

BIBEAULT: Do you hear anything on the way there? Over the radio or I guess CAD?

KUSHNER: Uh, I'd heard them giving various updates, just other units marking, as I remember other units marking up to, to head there.

BIBEAULT: So some units are marking up that said they were heading there, in route there.

KUSHNER: That they're in route there and then we heard.

BIBEAULT: But did you hear anything more form the scene? That you remember.

KUSHNER: From the scene they were there, um, they were explaining that they were talking to him and that he said he had a gun but that they were, said he had weapons but that they were talking to him through the screen door. That he was standing at the front of the house and that they were talking to him but he said he had a gun so we were, continued responding.

BIBEAULT: Um, hm. Do you know who was talking on the radio?

KUSHNER: I couldn't, no sir, I don't remember.

BIBEAULT: It's just whether you know or not it's no big deal. Uh, so then what happens?

KUSHNER: Dave and I arrived on scene. I parked my cruiser, exited my cruiser, grabbed the shotgun and took up a position in front of the home behind, a position of cover behind one of the vehicles parked in the parking lot.

BIBEAULT: Um, what's your shotgun loaded with?

KUSHNER: It was originally loaded with buck and then it I changed over to slugs.

BIBEAULT: Where do you do that at, where do you trans, transition from buckshot to?

KUSHNER: I'm sorry, where or when?

BIBEAULT: Yeah, where, when, where, like how, when does that happen?

KUSHNER: I'd originally gone up, we had the positions that we had on, on the, on the perimeter.

BIBEAULT: Um hm.

KUSHNER: And I had buck and I decided I wanted to change to slug at that point so I motioned Dave, got his attention, told him you got this, I'm gonna go back and change real quick, switched over while they still had him.

BIBEAULT: So you had gotten out there, you got in a position realized might be better if I go to, to slug so you tell Dave and then you go back to your car.

KUSHNER: Correct.

BIBEAULT: Transition it out.

KUSHNER: Yes sir.

BIBEAULT: And then came back?

KUSHNER: Came back, reassume my position, whole time at that point he was at the front, he had his hands up and they had him well in sight so it wasn't, I mean, wasn't anything going on in particular at that point.

BIBEAULT: Now what did you say the subject was doing?

KUSHNER: He was standing in the front of his residence, had like a glass storm screen door at the front and he was standing in the front way talking with officers, talking with Officer Barnes.

BIBEAULT: In front of the storm door or behind the storm door?

KUSHNER: He was behind the storm door sir, but he was, it wasn't shut and sealed, it was varying degrees of opened.

BIBEAULT: Um hm. And he's doing what? He's talking to somebody you say?

KUSHNER: He was talking to Officer Barnes.

BIBEAULT: Ok. Could you hear the conversation?

KUSHNER: Yes sir.

BIBEAULT: What did you hear? You don't have to say, like I don't know if you remember every word but like what, what, what kind of.

KUSHNER: I remember the individual in the home was, was very agitated, he was uh confrontational with Officer Barnes, Officer Barnes was trying to get him to step out and speak with officers, um he'd mentioned several times that he'd had a gun, we'd heard updates over the radio from I guess his girlfriend had told one of our officers that he planned on copicide, on suicide by cop and that he was um very agitated, he had different weapons and he had INAUDIBLE

BIBEAULT: This your hearing over the radio?

KUSHNER: Yes sir.

BIBEAULT: INAUDIBLE

KUSHNER: We were getting updates from one of the officers, I believe it was Officer Neil, was speaking with the girl friend and was advising us of that in addition he'd said that while he was up there he mentioned that he had a gun real close, in close proximity to him. As he'd look over, as he was standing in the front of the townhouse he'd look off to the left of him like right at the threshold of the doorway when he was talking about having the weapon close.

BIBEAULT: How did you know that again?

KUSHNER: I'm sorry?

BIBEAULT: He's talking about having a gun.

KUSHNER: Yes.

BIBEAULT: And holding your, hands up?

KUSHNER: He had his hands up while the officers had him at gun point and then Officer Parker and I as well, I'd had my shotgun trained on him from my position of cover given the circumstances that he had, his state of mind intending on suicide by cop, that he was willing to shoot officers is what he told then through the door and everything from there we all had him at gun point and he was standing at the front with the storm door ajar and he'd had his hands sticking up like holding on to the top of the storm door. So he's holding on to that, officers, and he's just complaining and agitated that officers have their guns out demanding that they put their guns down and lower them down from there doesn't make him feel comfortable and he knows his rights and he's yelling and screaming I'm going to ask you all to get off my property now, you all need to leave, you all got no rights to be here, I can go in to my house right now and you all got no cause to be here and you all are really gonna be in a spot then and just real agitated and he was, started getting thirsty and was saying that he was thirsty and he was going to go in for water, he kept threatening to go in for water, Officer Barnes said look, I really don't want you to do that. Stay out here talk to us we can get you a bottle of water if you want, we'll get you one just stay here where we can see you, why don't you just come on out, you know have a seat on the front porch, stuff along those lines, just trying to get him out,

keep him engaged in conversation.

BIBEAULT: Ok. So is it mainly Barnes that's talking to him?

KUSHNER: Yes sir.

BIBEAULT: Is it only Barnes that's talking to him?

KUSHNER: Yes sir.

BIBEAULT: Do you hear anybody else talk to him?

KUSHNER: No sir.

BIBEAULT: Even if it's not an officer?

KUSHNER: I didn't hear anybody else. At one point um there was an acquaintance of his, I don't know if it was a family member or a friend yelled from up the road at him and they started hollering back and forth, the guy was talking about plans that they were supposed to have and told him to come on out and be done with this, things of that, you know trying to get him to come out I guess. But they were hollering back and forth at each other. That was the only, that's the only other conversation I remember anybody having with him.

BIBEAULT: What's he saying to the guy that's up the road? What's he saying back to him?

KUSHNER: They were just yelling back and forth that, just, he was trying to get him to come out.

BIBEAULT: This guy's telling him to come on out, we'll get over, this over with.

KUSHNER: Yeah.

BIBEAULT: And what's the guy inside the, the, the door saying?

KUSHNER: Uh, er, I don't remember to tell you the truth.

BIBEAULT: I'm not going to come out, I'm not going to come out, I mean.

KUSHNER: He was just hollering like I got this.

BIBEAULT: Ok. All right. Then what happens?

KUSHNER: Uh, Officer Barnes continued trying to negotiate with him, trying to get him to come out, tried talking with him.

BIBEAULT: Who all's up there? You, you said you'd motioned to Parker.

KUSHNER: Ok.

BIBEAULT: And you're there.

KUSHNER: The, the set up INAUDIBLE

BIBEAULT: And Barnes is there.

KUSHNER: Was as you're facing the townhome, if you all have seen the scene.

BIBEAULT: I've seen it, yeah.

KUSHNER: Ok. So as you're facing the townhome he's the center house, there's three townhouses to the right of it. The front, he's got all the stuff thrown out in the front looking like a yard sale, um, so as we're from there, there's cars that are parked facing towards his row of townhouses.

BIBEAULT: Um hm.

KUSHNER: And theres also cars that are faced perpendicular going up the, the right hand side of townhouses that are parked in front of those. Uh, Rodney and Officer Torres were at the front of the house by the tree off to a left hand, off to the left hand side of the front of the house having an angle on him at gunpoint and Officer Parker was, as they're up front, he was behind taking a position of cover behind one of the, the vehicles that was parked over in front of his house and the vehicles, the line of vehicles that was

parked on the right hand side, I was over the back corner of, I believe it was like a red minivan or SUV, that I was over the back of that with my shotgun trained on the house.

BIBEAULT: So that's the four officers that are there?

KUSHNER: Yes sir.

BIBEAULT: That you see, that you know are right there?

KUSHNER: In the immediate area.

BIBEAULT: Right. All uniformed officers?

KUSHNER: Yes sir.

BIBEAULT: Did you see, uh, you had a shotgun?

KUSHNER: Yes sir.

BIBEAULT: And your handgun but you had the shotgun out?

KUSHNER: Yes sir.

BIBEAULT: Parker?

KUSHNER: Had his patrol rifle.

BIBEAULT: He's got a patrol rifle.

KUSHNER: Yes sir. And then Officer Barnes.

BIBEAULT: Barnes?

KUSHNER: And Torres had their pistols.

BIBEAULT: Anything else deployed?

KUSHNER: I think there was a shield by the tree. Up next to Barnes and Torres.

BIBEAULT: All right. And then what, what, um, happens next?

KUSHNER: They continued on, Officer Barnes was trying to get him to come

out and address, trying to get him out of the house saying look, offering him, you know things that he said you know he'd wanted.

LAITINEN: Right.

KUSHNER: He kept, uh getting more increasingly agitated saying no, he was going to get a drink of water, how frustrated he was with it, you all can't do anything to me, I haven't broken any laws. You all got no rights to get here, you all need to lower your guns, I feel very uncomfortable, you all can't have your guns pointed at me, you all lower your guns or else I'm going in the house, uh, lower your weapons, I'm thirsty, I'm gonna go in and get a glass of water, if I go in I got plenty of stuff to stay in here, I don't have to come out unless I gotta go to the grocery store for something. And I know someday you know all shut off the power and the electric, and the water and you know going through you know his list of things that were getting him agitated. And talk about how he was really thirsty, he was gonna go in for a glass of water and we couldn't do anything about it, he was gonna go in, um, he'd start, as he was standing in the front the whole time keeping his hands up in there, he'd start moving his hands around and he'd come down to scratch his nose, sometimes he said I gotta scratch my nose and he'd kinda be going around different, varying, uh, the door as the door would open and close, come open more as he'd work, walk a little bit further out and then come out all, all the time staying, keeping the door between he and Officer Barnes and Torres. Cause the door swung open against where they were. So he kept his hands up there but he continually talk about and then he brought he's got his, a gun within close range to him, he can get to it, he's got a 357 right next to him from there, it's in the holster, he's got it, it's right there, um, just getting increasingly more agitated and just insisting that he was going to go in to the

house and there wasn't anything anybody could do about it. He continued to say I need to scratch my nose and he'd go "I'm scratching my nose, I'm scratching my", sometimes you know he was usually saying it and just.

BIBEAULT: Usually or every time he scratches does he say ahead of time I'm going to scratch my nose or?

KUSHNER: He, he'd mention it, I remember him mentioning it, I mean, not every time his hands moved would he say something but they'd come down, on, you know, one occasion he talked about I'm going to scratch my nose, my hands going to come down but they are still at my chest, things along those lines, and he was just moving around a lot getting increasingly agitated when the door coming open and.

BIBEAULT: And then what?

KUSHNER: At some point during that exchange while he was moving around and his hands were moving there was a shot fired. I saw what sound, what sounded like a shot fired, I saw him grab his midsection, I saw a red spot on his shirt and he went back into the house and the door shut.

BIBEAULT: So at some point he's sort, sort of moving around and you hear a gunshot?

KUSHNER: He was moving around the whole time we were talking to him just, just moving around there, the door's continually opening and he's coming and seemed like he was gonna, getting ready to run back into the house or reach for something, he was just getting increasingly agitated and moving around and then there was a shot fired.

BIBEAULT: And then you hear the gun shot, you see a red spot?

KUSHNER: Yes.

BIBEAULT: INAUDIBLE

KUSHNER: I saw a red spot on his, in his abdomen to what would be his, what seemed like his left side.

BIBEAULT: Does he say anything?

KUSHNER: I think there was yelling I don't remember anything in particular. And he went back in to the house and the door shut.

BIBEAULT: So he gets shot, you see a red spot here and then he goes back in to the house?

KUSHNER: Yes sir.

BIBEAULT: Does he shut the door behind him or?

KUSHNER: Yes sir. As he went back in the house he shut the door.

BIBEAULT: Any more contact with him after that?

KUSHNER: No sir.

BIBEAULT: Do you know who shot him?

KUSHNER: From what I gleaned on the scene, you know from them saying hey have the officer that shot respond up it seemed as though it was Officer Torres.

BIBEAULT: When you're, when you're looking from where you are do you know where the shot comes from? Left, right, back, front?

KUSHNER: It seems like it came from up front on the left where Officer Barnes and Officer Torres were.

BIBEAULT: Ok. But you don't see specifically who shoots?

KUSHNER: No sir.

BIBEAULT: But then afterwards they say have the officer have the officer that was involved in the shooting come back and you see an officer go back?

KUSHNER: I saw Officer Torres go back.

BIBEAULT: Torres goes back.

KUSHNER: But it sounded like a pistol, I mean it wasn't Dave's rifle and it wasn't my shotgun.

BIBEAULT: What did you do after that, after the shot, like what happened?

KUSHNER: We, I'd communicated to Dave earlier and tried to tell folks that hey when it seemed like he was going to run back in the house we knew he had some sort of a long gun we told 'em hey, I told Dave if he goes back inside that house we need to drastically readjust our position and take up more cover you know behind heavier trees cause where we were just behind the cars wasn't going to be adequate if he was using long guns so at that point while keeping an eye on the front of the house as best we could we repositioned and I went behind one of the larger trees.

BIBEAULT: And then what?

KUSHNER: At that point um, we were keeping an eye on the front of the house not sure if at that point um, me, not sure if he was gonna attempt to engage us or what he was going to come out and look to do, anything along those lines um, uh, notifications were made over the radio that shots were fired, that the officers were all right but that he was hit and he'd gone back inside the house and that the door was shut um, they started rescue, advised rescue to stage up the, up the street um, Rodney said that he could, they moved back a little bit more so they were along the front of the townhouse rows where they could still keep an eye on the front of the building, the door, to see if he came out but just moving out of the direct line of fire since we didn't know where he was in the house. Um, at that point Rodney could hear him inside moving around and, and I guess Rodney said that he could hear

him yelling inside, I didn't hear him.

BIBEAULT: Ok.

KUSHNER: He'd also made mention earlier during the, we'd had a perimeter set around the whole, the whole townhouse, we had units in, in the back and he'd uh, from what I understood being transmitted over the radio he told them hey don't try coming in the back or else things are going to escalate. He'd made mention of that as well. Um, after that Rodney attempted to try and holler at him, we tried calling on the phone to try and get back in, in touch, they made a request for that, um I yelled back to the supervisors you know if we bring the car around the side we can try using the PA, try using the PA to get in touch with him if he's not answering the phone, tell him to come out, something along those lines, and then they brought the car around and tried using the PA to make contact with him and we just held our positions at that point, um, I believe it was a negotiator, another negotiator came out and started speaking over the PA trying to get him to come out of the house saying hey look you know we care about your safety just like Rodney was you know trying to tell him hey look you know we need to help you, you need help, you're our main concern, come on out so we can give you the assistance you need, we want to help you, things of that nature, trying to get him to come out so that we could get him to the ambulance, um he didn't come out for that um I held my position until the TAC team came up and rammed and relieved me at which point I went down, had a brief conversation with them and then made my way back behind the townhouses up to the command post.

BIBEAULT: All right, um they already come in and photograph you?

KUSHNER: Yes sir.

BIBEAULT: Uh, is your shotgun back in the cruiser?

KUSHNER: No sir, my cruiser was left down at the scene so it could be photographed uh, crime scene came and photographed me and you know with the shotgun and everything at that point I was told I had to change.

BIBEAULT: Oh, so you had the shotgun when you came back here?

KUSHNER: Yes sir, I kept the weapon since I had that on scene I kept that with me in the condition I had it in so she came up, took photographs of me

BIBEAULT: All that's been.

KUSHNER: And I was told I could clear that and put it in the armory.

BIBEAULT: Ok.

KUSHNER: So after I was told that I cleared it and put it in the armory.

BIBEAULT: All right.

Transcribed on 9/11/2013

By Karol L. Quinn, Administrative Assistant

From: Hinson, Jeremy
To: Farrell, John
Sent: 12/2/2013 4:36:09 PM
Subject: Emailing: David Neil OIS final version II
Attachments: David Neil OIS final version II.docx

I'm not sure what happened, but there were some corrections omitted from this final, please replace any existing versions with this one. The last copy was David Neil OIS final version.

Fairfax County Police Department
Fairfax, Virginia
September 18, 2013

Case Number: 2013-2410242

* * * * *

Today is August 29, 2013; the time is 2032. We're at the West Springfield Station, this is Detective Jeremy Hinson Cold Case interviewing DAVID NEIL with Sergeants Cochrane, Chantel Cochrane, and Thea Pirnat from Internal Affairs, uh, we're talking to Officer Neil about his role as a witness officer and a shooting.

* * * * *

HINSON: So Officer Neil is you could just tell me – is it David?

NEIL: Yes, sir.

HINSON: And what's your middle initial?

NEIL: A.

HINSON: A? And could you spell Neil for me?

NEIL: N-E-I-L.

HINSON: And what's your unit number?

NEIL: My designator?

HINSON: Or your, yeah, your designator.

NEIL: Seven thirty Charlie today.

HINSON: Ok all right and what was your car number?

NEIL: 3321.

HINSON: All right and if you would tell me what your, what happened today on of this event.

NEIL: Sure. Um, I responded to the scene and while I was en route, uh, Officer Torres, is the other officer with me, he was in the silver unmarked; he was waiting for me down the

street from the location so I passed him and honked at him let him know I was passing him cause I was it was my area so we arrived together. Um, I turned on to the street and as I was driving down, I observed a male and a female, uh, standing kind of talking to each other in the front yard. It didn't appear they were arguing or anything, they were kind of standing there and the male gave a gesture like oh, great the cops are here type of thing, like his hands, his hands. Um, I pulled in, I actually backed into a parking space, um, and then Torres pulled in, uh, so he'd be perpendicular to my – front end of his cruiser perpendicular to the front of my cruiser – I was backed into a space. I got out and the male immediately started walking right to the door with a, with a purpose, you know, I knew that there were guns involved because they said there's guns at the house in a, in a gun safe. So I knew there were some guns on scene but I didn't know if they were, you know, locked away or not; I just knew they were possibly present and it felt, I felt like a little uncomfortable because he's walking directly towards the house and I said, sir, can you stay outside for me and he said, no, not gonna do it and he goes inside and closes the screen door. So the screen door's closed but the other door's open. So I said, you know, the reason we're here there's a domestic dispute, you know, we just need to talk to you and he said, well, I have a gun. At that point, I was oh no, ok, he's got a gun and I said, ok, there's no reason; you know where's the gun? He said my lower back. I said well there's reason for you to have a gun, I need a gun to defend myself from you guys, you guys have guns; I might need mine. So that's when seven, uh, seven Torres, I'll say Torres, he has a designator but I'm sure what it was. I think 740. Um, got on the radio and advised the dispatcher what was going on and, uh, he said I have a right, I know my rights, you're on private property. I said step outside and talk to us and he said I'm not stepping outside because that means I'll be drunk in public or similar along those lines. I don't know his exact statements but being drunk in public. Um, I said, ok, like I

understand you have the right to have a gun, I'm all for guns, I carried one before I became an officer, my family all carries them. I'm trying like calm the situation down, build a rapport; I do recall at one point that he had something in his, in his hand behind, he kind of reached around his back and he had something black in his hand and he kind of set it down to the left side, it would be my right his left. It was black, I don't know, it could have been, you know, I don't know what it was, I mean, it's black like kind of like long but I couldn't tell what it was; weapon or not I couldn't tell you. Um, so we held the scene, we're kind of, I have my gun drawn but it's to my side, like it's pointed down at the ground or Torres had him at gunpoint. I told the guy, ok, just come out and talk to us and he said can you guys put your guns away then we'll talk. And I said what if I put my gun away, will you come walk towards me and Officer Torres will stand there? He said no I want all your guns away. I was like that's not gonna happen; we're not putting our guns down, we're trying to figure out what's going on. Then Officer Barnes respond, came on scene. I remember him carrying a shield and I believe he had a helmet and he walked to Torres and I believe he went to the left side of Torres and then Joca got on the radio and said, 'has anybody talked to the complainant yet?' And then basically no one had so I said Torres do you want me to go talk to her or do you want to talk to her? He said you go talk to her. So I holster my pistol and I walked around and I went inside. At first, you know when I first got on the radio I said it was the house next door but now I believe it was the house two doors down from the location. IF you're looking at the house to the left and I made contact with his girlfriend who he's been with for 24 years I believe. They're not married; they have two kids in common. I don't their ages; I did talk to the girls I did write down their date of births and everything later on in my double oh seven. I talked to, talked to the lady, um, at first I was trying to see if we had any charges or not; what's going on, uh, she advised that he basically they had been together for

24 years and in February she had mentioned to him that she wanted to move out. He had kind of stopped drinking up to February and then, um, started drinking again kind of how he deals with his problems I guess. Um, she said that she had mentioned to him that she was moving out and he said, you know; let's talk about it before you sign the lease. Well, apparently she had signed the lease and she told him that I signed the lease today and he like went irate started throwing her stuff in the house, throwing her stuff out the house, um, according to her she had signed the lease and was moving out with her two daughters, um, so that really threw him off the deep end. I asked her, I asked her if he ever made any kind of suicidal statements or anything threats to harm himself ever, um, and she said that early in the day he was on the phone with her and said that he was 45 seconds from shooting himself in the head and then they're talking he's like now I'm 30 seconds from shooting myself in the head. So I knew he had made statements to hurt himself, um, so I made sure I let the supervisors on scene know that he had made those statements. Um she also, she also told me that he had made statements that, you know, he had his gun with him and that he'd probably end up with a bullet in himself by the end of the day or something along those lines. Um, she was telling me all these things while I'm trying to tell the, the over the radio I'm trying to tell everybody this going on so they have an idea suicide by cop type of deal. Um, I took all the kids; it was actually an in-home day care that I was standing in the middle of. There was a lady that lived there, the neighbor, she had four children that she was watching. There were two other kids that were the guy's daughters. So I had everybody go down to the basement, I said let's everybody go down to the basement and we'll kind of keep them away as far as I can, you know, I when I did that I noticed that the back door was accessible if we needed to evacuate them but, uh, the Lieutenant told me to hold when I got there so I kept everybody downstairs and got them distracted with like TV and stuff. Um, so I kept talking to the, the wife

or the girlfriend 24 years talking to her, um, I kept tying the radio up and I knew that, you know, Torres and Rodney needed the radio so once I got everyone downstairs and was kind of, you know, got all the information I needed, um, I walked outside turned the long way, crossed the woods to Lieutenant, uh, Joca and advised him that the wife, the girlfriend had told me that he was, the subject was anti-government and he would not give up until he got his way. So I was just telling the Ser, Lieutenant we might be here for a while, you know, let them know those things. Um at that point, I'm standing, I was standing outside; it was the house and I remember there's, there's like, like an island of woods basically and I was beyond that island of wood. There was a cruiser that was perpendicular to the house and I was standing behind that cruiser kind of using it as cover. I remember Lieutenant Fish told everybody else to go back to the command post but I was to stay there, um, and that's when I heard a gunshot and I looked up and saw Torres kind of and Rodney running to the left hand side of the house and then heard 'shots fired' over the radio, um, shortly after I was directed by Joca to get a cruiser, which was the one in front of me, and drive it around to the front of the house and use the PA to try to get the guy to come out. So I got the cruiser which I believe was Kushner's cruiser, cruiser . . .

HINSON: What was the name?

NEIL: Kushner.

HINSON: Kushner.

NEIL: Uh, Ben Kushner; I believe it was his car, um, I drove it around and I kind of turned it not as, not like a traffic stop sideways but enough that I knew I had an engine block but I didn't want to turn it too much cause I wanted the PA to kind of direct towards the house so I turned the wheels, I gave myself some cover and I got on the PA and I continued to tell him, hey, this is County Police, uh, we're here to help you, we need you to come out slow with your hands

up, open the door slowly, show us your hands, we're gonna help you, we have an ambulance and I repeated that eight or nine times, um, and then hostage negotiators, who I have no idea who it was, um, showed up in like plain clothes and said he was gonna take over. So then I went back to the wood line and I stood with Officer Quarto and kind of stood with him, um, for a little bit and then I remember Joca directed, uh, 970 Charlie who was, uh, Hanidias to go get the girlfriend from the back of the house and then he told me to go with cause I actually took his place, Eric's place, on that long side the edge of the houses and he said I think Fish actually told me, hey, he pointed to me and, uh, he was on the radio my attention and he put, hey, go help Eric. So I went around and I met Eric in the back and we got the, um, well he got the girl, uh, 24 year old girlfriend, 24 year girlfriend out of the house; I talked to the two daughters cause the home person living there, the lady with the day care, said that the youngest daughter was trying to leave the house. Um, so they were sitting on the stairs, the downstairs stairs, and the older sister was sitting there and the younger daughter was kind of laying on the, um, stairs playing video games – I don't want to talk to you. So I kind of like talked to them; what school do you go to kind of build rapport with them and stuff and talking for a little bit, talking to the older sister make sure she wasn't, you know, you got control of little sister she's not going anywhere, yeah, she's not going anywhere. And I talked to the two adults on scene which was the day care provider and one of the children she watches parents and said, hey, make sure she doesn't leave or anything I'm gonna go outside and check everything. So I went back out and, uh, went back out to where Quarto had originally standing which is next to the tree line and then Swat showed up or TAC, I'm sorry, TAC showed up, um, and did their thing. They all lined up on the side of the houses and they brought this big like tank thing down with a hole and the pushed the door in and all that so. And then I was told to go to the command, after they did that they found the guy;

I was told to go back to the command post and, uh, stood there and answered a few questions but I wasn't asked very much and then I was transported, um, Lieutenant Plaska transport me and Officer Parker and Hanidias and Quarto to the station and then we were brought here and I kind of sat here. I tried the best I can. I'm trying to like think and trying to look at and see it in my mind as I'm, as I'm going through it so.

COCHRANE: You did fine.

HINSON: We're just catching up.

NEIL: Ok.

HINSON: Ok, all right. Did you ever see the, uh, the subject?

NEIL: The subject?

HINSON: Yeah.

NEIL: Yes.

HINSON: And when did, when did you see him?

NEIL: When I, when I first pulled up, he was standing outside next to the girlfriend.

HINSON: Uh, ha.

NEIL: And he as he walked away from me and went inside and stood in the doorframe with the screen door and I talked; I was the one communicating with him . . .

HINSON: Uh, ha.

NEIL: For the first probably it was like four minutes maybe but it seems like a long time, but it was probably four minutes while I was talking to him. Telling him to keep his hands where I could see them, you know, just trying to keep, keep him talking. I didn't want him to go in the house and close the door because then we have a barricade or something like that and, you know, we had a domestic dispute was all it was and I told him you know why we're here . . .

HINSON: Uh, ha.

NEIL: We're just here for typical domestic dispute, you're making it a lot worse than it needs to be; let's just talk and he just didn't want to have it so but I did see him, yes, and he was standing in the door frame the entire time until I went inside to talk to the 24 year, year girlfriend, he was standing in that door the whole time.

HINSON: When he was standing in that door, uh, you said he was behind a screen?

NEIL: Correct.

HINSON: What; I haven't been down there so . . .

NEIL: Ok.

HINSON: Is it one of these doors that's got screen upper metal lower or is it just the whole screen?

NEIL: I recall it being, from what I remember, a screen halfway up so it didn't have any glass on the way down. Like halfway down is glass and halfway up is screen. That's what I recall.

HINSON: So could you see through this door . . .

NEIL: Yes. Yes.

HINSON: Fairly well?

NEIL: Yes.

HINSON: And you said that he announced to you that he had a gun in his lower back.

NEIL: It was . . .

HINSON: Is that from behind the screen?

NEIL: That wasn't, yes, that wasn't like, like it wasn't like I have a gun in my lower back . . .

HINSON: Right.

NEIL: I have gun and I said where is it and he said in my lower back.

HINSON: Ok and that, did that come before you saw the movement with the black object?

NEIL: That part I cannot recall if it was before or after; to be honest with you, I mean, I know they both happened but I don't know if it was before or after; it's happening very quickly and I, I didn't necessarily feel threatened by the object he had in his hand, it was, I was kind of to the like if I'm looking at the door, I'm to the right and Torres is to the left so I really part of his left arm was kind of concealed by the door frame so I couldn't really see what he had and he kind of just set it down real quick and stood back up and put his hands like this. So I knew whatever it was wasn't in his hands anymore so I didn't know what it was, um, but I don't know if it was before he announced he had a gun or after.

HINSON: His left arm was partially obscured?

NEIL: Yes and part of the object was; it was like something black sticking out. I don't know what it was.

HINSON: And he set it down; uh, did he set it down on the floor or was there a table or . . .

NEIL: It appeared he sat it down on the floor but I couldn't see really in pass what, I don't know what was next to him. I just remember him kind of like going like this and put it like kind of kneeling down for a second and then come up like this so I didn't know what he, what he was putting down. It could have been a phone for all I know but it was black and it appeared to be about that long but it was also concealed by the doors. I don't know if it was this long or just that long . . .

HINSON: So when you, when you say that long just for the sake of later, you talking about eight inches, six inches?

NEIL: Eight inches maybe. Eight inches.

COCHRANE: Was it in front of him on the floor?

NEIL: Uh, he was standing right in the door frame so like if the door, he was like basically right up against the screen, I mean, not like leaning against the screen up but right against, you know, near the screen and he kind of just doing one of these things where you like stand like this he went like.

COCHRANE: So he didn't take his off you guys.

NEIL: Correct. He was like putting it . . .

COCHRANE: And did he put both hands up like that?

NEIL: He had, yeah; he had his like this, yeah. I kept telling him keep your hands where I can see them.

HINSON: All right. So after, after this happens, you say Joca asks who if anyone talked to the complainant, right?

NEIL: Correct.

HINSON: And the complainant turns out to be the girlfriend of 24 years?

NEIL: I believe so, yes.

HINSON: Ok, so you, you holster up.

NEIL: Yes.

HINSON: Is your gun out from the get-go as this guy is walking away or does your gun come out when it kind of starts to become a little heated?

NEIL: No, my gun was not out until he said I have a gun and even that point I think, I believe, Torres drew his gun and I was still talking to him and I said, it's ok, why do you need a gun? He said, well, I might need to defend myself. You guys have guns; I might need to defend

myself with it and that's when I drew my pistol and had it to my side. So I felt confident that if he reached for something, I could have reached, I could have, you know, gone to shoot him if I needed to from that position. I felt confident that I could have enough time. Um, I was like trying to distract him cause I knew that Torres had gun drawn on him so he was already at the point where he could pull the trigger and I was trying to keep him talking to me; he seemed to be talking to me, he seemed to be talking to me, I was trying to talk him down, you know, wait until I get more people there. Um, I knew Rodney was on the way and I know he's hostage negotiator so he'd be a good person to talk and as soon as Rodney showed up he even said I got it, I'll talk him. So that let Rodney take over cause he's got more experience and training than I do, um. I'm just trying to keep it very as calm as I possibly could because it was escalating quickly, it didn't need to, it was simple, it wasn't, I mean, domestics are dangerous we go to them and that's when the most heated things and emotions are involved and stuff so I already had it in my head but only thing I can say is when I rolled up and he started walking to that door that quickly, it made me nervous cause I knew that, you know, he was obviously I said, sir, can you please stay outside so I can speak to you and he said no and he's defi, you know, it's a simple question just for him to speak to me, uh, I just felt something wasn't right and then when he said he had a gun, you know, obviously it was, it was going quick and that's why I drew and put down at my side and I held it there and I was talking to him, you know, so but I never pointed it at him, I mean, I didn't think I needed to because I had an officer who already had a gun pointed at him and I was trying to keep him focused on me. I even offered, like I said, I even offered, if I holster my gun, will you walk out toward us with your hands up? Cause I figured even if he walks out towards me and I can get him to go do his knees whatever, I have an officer backing me that can, you know, do what he needs to do, um, I was seeing if I can get anything, get him to come out for

anything; he was not coming outside; he like refused to come out. It was very obvious he was not coming out, um, for me at least.

HINSON: Let's go back up to the point where you hear the shot.

NEIL: Ok.

HINSON: So did you hear and see or just hear?

NEIL: I just heard it.

HINSON: And describe to me what your observations where after you heard the shot.

NEIL: I heard the shot and I looked up at the house and I saw Rodney and Torres both retreating to the left hand side of the house. Uh, I saw the subject I could see, you know, behind the screen but I couldn't see whether he was hit or anything like that and I saw the per, the color of his shirt back up and the door close. So I don't know if he spun or if he backed up and closed it but I saw the guy go back and the door close and then it was 'shots fired' and then I was getting cover cause I didn't know; all I knew is that the lady had told me that today he had showed her a rifle, he's a deer hunter, and he had told her it was an assault ri, or a semi-automatic rifle so I'm thinking, ok, this guy, I didn't know who shot who – I didn't know if they shot at us or if we shot or what, um, but it's possible he has a semi-automatic rifle and he's a hunter so I hunt I know how accurate I can be with a rifle; none of us are safe at 300 yards with a rifle so, you know, it happened quickly, we're all trying to take cover and you know, but I didn't see, you know, who shot or I just heard one shot is all I heard.

HINSON: So after you took cover, where'd you take cover?

NEIL: Right behind that, that same cruiser that I ended up driving; it was the same cruiser I used for cover. I just basically got behind the engine block and kind of indexed off a little bit, um, and went down to a knee, um, and everybody was kind of scrambling at that point

and then that when I was told, you know, once Rodney was telling, hey, I can hear movement at the door, um, they wanted a PA system down there cause he wasn't answering the phone. They tried phone calls in via, um, I remember going to a, to a CAD in that same car and putting in, quickly putting in the guy's name, date of birth and phone numbers; I didn't know if they had his cell phone number or anything so I put that in there so that everybody would have the number in case they wanted to call him or get in there. Um, I also put his, put his T number in as well and I think that should be in the event, in the comments in the event, um, to get that in there and then is when I drove the car around.

HINSON: You did that when you were driving the car around?

NEIL: Before I drove around. I sat and hunkered down and I put it in there and.

HINSON: And before the shots.

NEIL: I can't recall if it was before the shots or after the shots but I remember sitting in that car before I drove it and I did put that stuff in to make sure they had it all. I'm sure they already had it but I put in date of birth; name, date of birth, and his phone number and then I, when I did that, I ran him in ILeads and pulled up his OL number and stuck it in there too so they'd have it, um, cause Joca had told me, hey, look in ILeads, this is before the shots I believe, look in ILeads and see if he has any priors for anything so that's what I was gonna do. Knowing that I probably did it before the shots but I remember sitting down and doing that in the computer before I drove that car around.

HINSON: And, uh, so after you drove, after you take cover, you use that cover position you maintained until TAC does their thing?

NEIL: No, I took cover and then drove that, eventually I got in the driver's seat of that car and drove that car around the corner and parked it sideways kind of with the wheels turned so

the steel wheels are kind of giving me cover. I tried to point the PA system towards the house but also to give myself cover and then I got the PA and did all my stuff on the PA . . .

HINSON: Uh, ha.

NEIL: Per Joca's command.

HINSON: All right, ok, so after all the PA stuff . . .

NEIL: Correct.

HINSON: And, and where; you're hunkered down behind the engine block at that point, right?

NEIL: Yes.

HINSON: After, after you . . .

NEIL: I was relieved.

HINSON: Let the hostage negotiator take over; you go back to the wood line?

NEIL: I went to the wood line with Quarto and then that's when I believe, uh, Joca told Eric Hanidias to go get the, or one of the supervisors I can't really tell you for certain, told him to go around back and get the lady, bring her out so I took his place. Me, me and Quarto both took his place cause, cause Parker had moved up to make sure no one came out of the front of the house of the, the neighbor's house and so when Eric left it kind of left that spot open so me and Quarto approached and took, you know, took his spot. As soon as I got there, Lieutenant Fish was standing, I was, you know, there's houses here, he was standing there he said Neil, I looked over he said go around and help Eric get the lady out. So I went around and by then Eric had already been inside talking to her and everything and was getting her to go out; that's when I talked to the girls, made sure they were ok and they weren't gonna go run out the door or anything and the older daughter was very calm, very collective, we talked about what school she

was going to college, trying to talk about stuff, you know, um, gonna go to South County, she's gonna be a senior, she plays softball, I think she wants to go to Bryant University or something like that. Um, then I ended up leaving, they locked the door behind me, um, and I went back out and that's when I returned to where I had originally had met Quarto and I stood behind like these three trees coming from like one huge base and I figured that's a good spot where I can, you know, have, you know, cover . . .

HINSON: Uh, ha.

NEIL: Not just concealment but have cover and pretty much stood there and watched TAC do their thing. Um, Lieutenant Joca eventually approached from behind and stood with, with me and then Parker was there, Barnes was there, I believe Eric was there cause Eric had a go bag and he was giving us all water, Eric Hanidias, and I believe Quarto was there as well and then they did SWAT did their thing, they busted the door down, they said they had contact with the subject, Joca said, hey, it's they're scene now, need to response to command area and check in so they know who is there and we all walked up single file, I was in front, and I just walked up and, uh, talked to – I don't even know who their names are to be honest, um, trying to think. I remember going past Davenport, he was in the SWAT vehicle and it was a command post over there and I kind of just told him who I was and what and they kind of held us and corralled up and said don't talk to anybody and brought us over here. We stopped at 7-Eleven and got food then we came over here so.

HINSON: Anything else you can think of that we should know about this?

NEIL: That's it, man. The only thing that's frustrating me is like I can't recall exactly everything happened what sequence. I know what happened but to try like get like pieces like when I first arrived talking to him, you know, for example, when he said he had a gun verses

putting the thing down; I don't know which one's first, um, that's what's frustrating me but other than that and also frustrating the fact that if he had a gun in his lower back I didn't see it when he was walking away from me. I didn't even, you know, he's walking into the house, maybe he had it concealed by his shirt I didn't even notice.

COCHRANE: What kind of shirt did he have on?

NEIL: He had a white shirt on.

COCHRANE: Was it baggy, tucked in?

NEIL: I can't recall.

COCHRANE: What kind of pants did he have on?

NEIL: I don't recall. Yeah, sorry I know it's . . .

COCHRANE: That's ok. You can only tell me what you remember.

NEIL: Yeah, I just remember being a white shirt and his hands being up and I was focusing on him and um, I didn't honestly I didn't think much of it when I first pulled up cause he was talking, they weren't arguing or physically fighting or anything. They were standing next to each other, he was like, great, the police are here type of thing and he start. So I, I pulled up and I backed in took my time, didn't hit any cars, backed in and I get out of my car and that's when he turns his back was walking straight like with a, with a purpose towards the door. I'm like, sir, can you stay outside for me, it's like I just felt this feeling don't go in the house, why do you need to go in the house I need to talk to you out here and he said, no, not gonna do it and closed the screen door. You know that's, I knew something wasn't right so it's kind of where I was at and, you know, trying to I was like it's happening really fast like is all I can say. It happened really, I mean, it seemed like an eternity but it was happening fast and it was, you

know, trying to get him to talk to me and he just didn't, didn't want, didn't want to come out. I was trying to get him to come out and he wouldn't come out and, um . . .

COCHRANE: What was his demeanor?

NEIL: He, he pretty much said, you know, I know my rights, I'm not stepping out, you know, as soon as I step out I'll be drunk in public; I'm not coming outside, um, he did say a couple of times kinda alright guys just put your guns away, just put your guns away, you know, one of those things and I said, you know, well, you have a gun I can't put my gun away we're not, I think I recall saying I'm gonna go home to my family tonight too. We all want to go home, we'll just talk, you know, um, we're just here for a domestic issue, you guys are throwing stuff out, that's all we're here for, you're making it worse than it needs to be. We're just trying to figure out what's going on, I'm here to play mediator as he has his hands up. And I said keep your hands where I can see them. He kept saying all right just put your guns away and I kept saying, that's what I told him, I'll put my gun how about this I'll put my I'll holster my gun if you, if you'll come out with your hands up and come talk to me and come to me. He's like no; you both need to put your guns away. And I knew that wasn't gonna happen if he has a weapon, it's not gonna happen if he has a gun; we're not putting our guns away, um, I rather him stand there and, you know, us stand our ground, he stands his ground than for him to come out and our guns be down and him shoot us or whatever so. This hold we got until people can get there to help us basically at that point.

COCHRANE: Did he seem mad or angry, upset?

NEIL: Not, I mean, not . . .

COCHRANE: Calm?

NEIL: Yeah, I mean, relatively, I mean, he just, when I was talking, when we were talking to him it seemed like he had his foot down, he wasn't coming out until we put the guns away, um, but he wasn't like making a lot of motions. He was standing there calmly with his hands up and everything. I felt confident, like I said, I had my gun like this, I felt confident that if he made movements I'd be able to react fast enough with training and stuff; I felt confident in my ability that I could raise up and put target if I needed to, if he had reached for something, if he went around his back and pulled something around whatever but he, he had his hands the whole time like this, you know, after I told him to, hands like this and he didn't put them down or anything he kept them up so it wasn't like irate or yelling at us or anything or screaming. It was calm talking, um, and I was trying to keep it that way. That's why I was trying to stay calm and just talk to him, I wasn't yelling or anything, um . . .

COCHRANE: Did you get the impression that he had taken his gun out from his back and putting it down on the ground and came up with his hands up like he was saying I surrender?

NEIL: No, well, I don't know what he was doing put on the ground or if he was surrender; he wasn't surrendering by any means because I asked him where is it and he said my lower back. So he never said I put it down on the ground, he never said, you know, I don't have it any more; never it was always, as far as I know when I was talking to him, he still had that gun on his person or a gun on his person. I know there's three handguns in that house, um . . .

COCHRANE: How did you know he had three handguns in the house?

NEIL: Because we dispatcher was two and then later on I told the lady, the lady told me she had three in there. Three, three handguns, a shotgun and a, a rifle so I knew there was guns in the house at the time, um, and he told me that there was he had a revolver so, um, you know, I, I figured he's a concealed revolver he could have anywhere on his person.

COCHRANE: So when you got the information, did you pass that on over the radio or did you tell the guys around you about multiple weapons?

NEIL: I told over the radio, yes, I went over the radio and I said just so y'all know that, this; the dispatcher wasn't understanding me but I think Joca was saying that they had, she had three handguns and a shotgun and that she showed him a rifle today that she said was semi-automatic so I said is it an assault rifle, she said I don't know he's a deer hunter but he said it's semi-automatic, um, but I mean I don't know I never saw it myself so I don't know what it was.

HINSON: You mentioned when you first saw him it made you nervous the way he took off towards his house.

NEIL: Yes.

HINSON: Was, was there anything about that that you can think back to?

NEIL: He just, I got out and he turned around and just started walking straight away; just walking straight away didn't even acknowledge that I was there just walked straight away and then I said, sir, can you stay outside for me, he said nope and he closed the door like it, it just – the fact that he knew we were the police, we rolled in marked, I rolled up in a marked police car, I backed up, you know, I'm getting out in my, in my uniform, my uniform and, you know, he immediately turns around and just starts walking straight; it wasn't like a casual walk it was a, a brisk walk straight line to the door. So, you know, I didn't know if he had, you know, I always think worst case scenario; I didn't know if he had a gun behind the door and he was gonna grab it and, and start opening fire, I didn't know. And I knew I was; one thing I felt was like I have no cover right now. As soon as he said he had a gun, I'm thinking, ok, towards the tree to the left I have nothing right now. So I'm thinking to myself, ok, do I back up and get behind a car, do I talk to him? Well, he had his hands up after you know I told him to keep his hands where I can

see them and I had my pistol here and I was like you know what, I could back up but I know if he reaches for something I could probably shoot him before he could shoot me. That's what I'm telling myself cause I'm thinking I back up, you know, and you know then my buddy here is he on the same page as me and it was happening so quick and then Rodney showed up with the shield and then that's when I went inside the house but I felt like a sitting duck kind of cause I figured if he did have a gun or anything there, I'd be kind of in a bad situation, you know, like what am I gonna do. It happened so fast, I was there, you know, I had my ground if I surrender it, what's, you know, what's gonna happen now so it happened really quickly and I held my ground with confidence in my ability to shoot, you know, if I needed to so.

COCHRANE: I just want to make sure; you were in full uniform?

NEIL: Yes, ma'am.

COCHRANE: And you pulled up in a marked cruiser . . .

NEIL: Yes, ma'am.

COCHRANE: And then you reversed and you parked right in front of his house.

NEIL: Yes.

COCHRANE: So you, you definitely think that he knew; did you tell him you were a police officer as you approached do you remember?

NEIL: I don't remember saying that I was, you know, a police officer, um, I mean I pulled up and he, like I said, when I rolled as soon as I turned the corner it's kind of like one of these things where you go where the command buses were, you turn left and as soon as I turned left I could see him cause I knew I looked on the CAD map and it kind of tells you, you unit to event. It tells you where the house should be and I knew the house should be straight away, straight ahead on that road and then I turned the corner and I could see the two standing there

and as soon as I saw him, he went like, like one of these, like great the police are here; he didn't say anything, I couldn't hear what he said but the gesture was, great, the police are here and so I pulled forward he's still standing there. He hasn't turned around, he's still talk, you know, standing next to the lady. So I pull up, I back in and I get out and that's when and I, I get to close the door, he turns around real fast and starts walking towards the house. I was like this is not right; you watch this guy walking away from me. I said, sir, you mind, you know, could you stay outside for me, you know, that's what I, I was try, it's not an unreasonable thing to ask and that's when he went in the house and no not gonna do it and closed, closed the door, the first screen door. So I knew that something wasn't right and then I told; once he said he had a gun, I do recall telling the lady who was still outside and her girls were still out on the porch, I said everybody can you just go in the house for me right there? Cause they were all on the porch and figured they were already halfway the door's open and that's why I got everybody to go in the house cause I knew, I just wanted everybody away from the situation, you know, I didn't want any, you know, anything to go wrong but if it did, I didn't want them out there. So I remember, I do remember telling them to go in the house and they went inside and that's when I knew later on to go in that house and talk to them. Um, so I did the best I could, I mean, based on the situation I mean it happened fast. I know I'm a new officer, you know, trying to do the best I can. I got, you know, I went there with the whole mind set was this guy's being a jerk, he's throwing her stuff out, you know, I'm just gonna talk to him, play mediator, see if I can help, you know, get some stuff loaded up, whatever, have one of them go somewhere else for the rest of the day to cool off or something. I was already planning in my head before I got there what I was trying to do and it went to hell real quick, that's basically all I can say. It just boom, boom real quick and I was like, oh, now he's got a gun, now he's, you know, we got guns drawn on

him and all that stuff and I'm trying to talk to him and then, you know, I went inside and did the best I could with everything else and tried and relay everything I possibly could without stepping on traffic cause I knew they needed the channel but at the same time I was trying to get out if we had charges first, if there'd be any charge. Like maybe the destruction of property, it's your bed, whose bed is it, well, they'd been together 24 years; it's like I think he bought the mattress, might be my bed. So I'm telling Lieutenant I think we might have a destruction, maybe, it's all we really have. Then I talked to her about suicidal threats or anything and I knew he had made suicidal threats I'm thinking, ok, now we can get a TDO or something or, you know, we ECO OPS, we can get a TDO done on paper cause I know paper's important to go inside someone's house and all that stuff so we had something to take him on, you know, cause he's making suicidal statements and stuff like that about shooting himself, um, so I was just trying to get that out to the supervisor, get that out to everybody so they knew what was going on, you know, so they can make the best decisions, you know, cause I know we can't go in someone's house for no reason we have to have something. It makes better when there's paper I learned that in FTI; I was.. Gamo always told me paper, get paper so I was trying to get it out and I don't what all's happened and I'm sure eventually one day I'll find out but maybe not. The news will probably tell me but.

COCHRANE: You're probably right.

NEIL: Yeah.

HINSON: Anything?

PIRNAT: I don't have anything.

COCHRANE: You did a good job.

HINSON: All of us think you did a good job, uh, if there, if we need to follow up with you at a later date, what's a good number for us to reach you on?

NEIL: [REDACTED]

HINSON: Uh, ha.

NEIL: [REDACTED] that's my personal cell phone. I don't have a home phone.

HINSON: That's perfect; that'll be good. Uh, I am not the lead detective working the officer involved . . .

NEIL: Ok.

HINSON: Shooting case but, you know, it's a small group of us and, you know, basically . . .

COCHRANE: You have the right to come on back.

NEIL: Ok.

HINSON: Sergeant Cochrane's gonna write some stuff on there for you . . .

NEIL: Ok.

HINSON: Um, she's also not the lead IA investigator.

NEIL: Ok.

HINSON: So, you know, if you remember something additional that you think's pertinent to me . . .

NEIL: Uh, ha.

HINSON: Um or even her and feel free to contact me use me as a point of contact.

NEIL: Ok.

HINSON: Um, sometimes after you've slept you might remember something that might sort itself out.

NEIL: Right.

HINSON: Um or if you just think, hey, there's a little something extra I wanted to tell you.

NEIL: Right.

HINSON: You know just hit me up and we'll meet, figure it out.

NEIL: Thank you.

COCHRANE: Matt Owen, Second Lieutenant Matt Owen.

NEIL: Ok.

COCHRANE: So if you hear from him, he's the one working from our office.

NEIL: Ok.

COCHRANE: We pretty much let them do all they need to do and then we'll have everybody up for um, you know to review transcript and then I'm sure that it's all correct but maybe some follow-up questions.

NEIL: Ok.

COCHRANE: So if you hear from Second Lieutenant Owen you should know . . .

NEIL: Ok.

COCHRANE: That he's from our office, um, I am gonna get a piece of paper, uh, to give you confidentiality order . . .

NEIL: Ok.

COCHRANE: Um and that's really to help you because he's gonna ask you not to say anything to anybody else who people could get their facts confused . .

NEIL: Right.

COCHRANE: Until the investigation's complete. If I give you confidentiality order it's easy for you to say when people are talking about it or asking you about it – I'm sorry I'm under confidentiality order from Internal Affairs Bureau.

NEIL: Right, ok.

COCHRANE: Ok? So it's, it's to help you out and also keep everything clean.

NEIL: Sure.

COCHRANE: Ok? Do you have any questions from us?

NEIL: Do you know who; if I do a report or supplement or anything in ILeads?

HINSON: If you've spoken to us, you don't do a supplement.

NEIL: Ok, all right. Great that was . . .

HINSON: If you already have . . .

NEIL: I haven't done anything; they wouldn't, I had so much paper from yesterday to do that I haven't even touched.

HINSON: Ok.

NEIL: So I'm gonna do it, uh, after this I guess but I won't do anything if I'm not supposed to do.

HINSON: David, how much time you got on?

NEIL: Uh, two, I graduated two years in November. Was hired in March, 2000 I gotta see on here. I was appointed April 25, 2011 but I graduated it'd be two years in November of this year.

HINSON: Ok.

COCHRANE: You said you're on evenings, correct?

NEIL: Evenings, yes.

COCHRANE: And your supervisor is?

NEIL: Joca and Field.

COCHRANE: Is this your first officer involved shooting?

NEIL: Yes.

HINSON: And that's your usual area?

NEIL: Lately yes cause, uh, PFC Donohue's is on, uh, domestic violence so they put me in his place but other than that I mean I've moved around; 700, 740, all over the place but lately I've been 730 regularly for evenings.

HINSON: Perfect. Well, I'm gonna end the recording if there's no other questions. The time is 2110.

Date of Interview: August 29, 2013
Typist: Linda Powers

From: Hinson, Jeremy
To: Farrell, John
CC: Powers, Linda
Sent: 9/19/2013 11:43:00 AM
Subject: Emailing: David Neil OIS final version
Attachments: David Neil OIS final version.docx

Final edit for Neil.

Fairfax County Police Department
Fairfax, Virginia
September 18, 2013

Case Number: 2013-2410242

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Today is August 29, 2013; the time is 2032. We're at the West Springfield Station, this is Detective Jeremy Hinson Cold Case interviewing DAVID NEIL with Sergeants Cochrane, Chantel Cochrane, and Thea Pirnat from Internal Affairs, uh, we're talking to Officer Neil about his role as a witness officer and a shooting.

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HINSON: So Officer Neil is you could just tell me – is it David?

NEIL: Yes, sir.

HINSON: And what's your middle initial?

NEIL: A.

HINSON: A? And could you spell Neil for me?

NEIL: N-E-I-L.

HINSON: And what's your unit number?

NEIL: My designator?

HINSON: Or your, yeah, your designator.

NEIL: Seven thirty Charlie today.

HINSON: Ok all right and what was your car number?

NEIL: 3321.

HINSON: All right and if you would tell me what your, what happened today on of this event.

NEIL: Sure. Um, I responded to the scene and while I was en route, uh, Officer Torres, is the other officer with me, he was in the silver unmarked; he was waiting for me down the

street from the location so I passed him and honked at him let him know I was passing him cause I was it was my area so we arrived together. Um, I turned on to the street and as I was driving down, I observed a male and a female, uh, standing kind of talking to each other in the front yard. It didn't appear they were arguing or anything, they were kind of standing there and the male gave a gesture like oh, great the cops are here type of thing, like his hands, his hands. Um, I pulled in, I actually backed into a parking space, um, and then Torres pulled in, uh, so he'd be perpendicular to my – front end of his cruiser perpendicular to the front of my cruiser – I was backed into a space. I got out and the male immediately started walking right to the door with a, with a purpose, you know, I knew that there were guns involved because they said there's guns at the house in a, in a gun safe. So I knew there were some guns on scene but I didn't know if they were, you know, locked away or not; I just knew they were possibly present and it felt, I felt like a little uncomfortable because he's walking directly towards the house and I said, sir, can you stay outside for me and he said, no, not gonna do it and he goes inside and closes the screen door. So the screen door's closed but the other door's open. So I said, you know, the reason we're here there's a domestic dispute, you know, we just need to talk to you and he said, well, I have a gun. At that point, I was oh no, ok, he's got a gun and I said, ok, there's no reason; you know where's the gun? He said my lower back. I said well there's reason for you to have a gun, I need a gun to defend myself from you guys, you guys have guns; I might need mine. So that's when seven, uh, seven Torres, I'll say Torres, he has a designator but I'm sure what it was. I think 740. Um, got on the radio and advised the dispatcher what was going on and, uh, he said I have a right, I know my rights, you're on private property. I said step outside and talk to us and he said I'm not stepping outside because that means I'll be drunk in public or similar along those lines. I don't know his exact statements but being drunk in public. Um, I said, ok, like I

understand you have the right to have a gun, I'm all for guns, I carried one before I became an officer, my family all carries them. I'm trying like calm the situation down, build a rapport; I do recall at one point that he had something in his, in his hand behind, he kind of reached around his back and he had something black in his hand and he kind of set it down to the left side, it would be my right his left. It was black, I don't know, it could have been, you know, I don't know what it was, I mean, it's black like kind of like long but I couldn't tell what it was; weapon or not I couldn't tell you. Um, so we held the scene, we're kind of, I have my gun drawn but it's to my side, like it's pointed down at the ground or Torres had him at gunpoint. I told the guy, ok, just come out and talk to us and he said can you guys put your guns away then we'll talk. And I said what if I put my gun away, will you come walk towards me and Officer Torres will stand there? He said no I want all your guns away. I was like that's not gonna happen; we're not putting our guns down, we're trying to figure out what's going on. Then Officer Barnes respond, came on scene. I remember him carrying a shield and I believe he had a helmet and he walked to Torres and I believe he went to the left side of Torres and then Joca got on the radio and said, 'has anybody talked to the complainant yet?' And then basically no one had so I said Torres do you want me to go talk to her or do you want to talk to her? He said you go talk to her. So I holster my pistol and I walked around and I went inside. At first, you know when I first got on the radio I said it was the house next door but now I believe it was the house two doors down from the location. IF you're looking at the house to the left and I made contact with his girlfriend who he's been with for 24 years I believe. They're not married; they have two kids in common. I don't their ages; I did talk to the girls I did write down their date of births and everything later on in my double oh seven. I talked to, talked to the lady, um, at first I was trying to see if we had any charges or not; what's going on, uh, she advised that he basically they had been together for

24 years and in February she had mentioned to him that she wanted to move out. He had kind of stopped drinking up to February and then, um, started drinking again kind of how he deals with his problems I guess. Um, she said that she had mentioned to him that she was moving out and he said, you know; let's talk about it before you sign the lease. Well, apparently she had signed the lease and she told him that I signed the lease today and he like went irate started throwing her stuff in the house, throwing her stuff out the house, um, according to her she had signed the lease and was moving out with her two daughters, um, so that really threw him off the deep end. I asked her, I asked her if he ever made any kind of suicidal statements or anything threats to harm himself ever, um, and she said that early in the day he was on the phone with her and said that he was 45 seconds from shooting himself in the head and then they're talking he's like now I'm 30 seconds from shooting myself in the head. So I knew he had made statements to hurt himself, um, so I made sure I let the supervisors on scene know that he had made those statements. Um she also, she also told me that he had made statements that, you know, he had his gun with him and that he'd probably end up with a bullet in himself by the end of the day or something along those lines. Um, she was telling me all these things while I'm trying to tell the, the over the radio I'm trying to tell everybody this going on so they have an idea suicide by cop type of deal. Um, I took all the kids; it was actually an in-home day care that I was standing in the middle of. There was a lady that lived there, the neighbor, she had four children that she was watching. There were two other kids that were the guy's daughters. So I had everybody go down to the basement, I said let's everybody go down to the basement and we'll kind of keep them away as far as I can, you know, I when I did that I noticed that the back door was accessible if we needed to evacuate them but, uh, the Lieutenant told me to hold when I got there so I kept everybody downstairs and got them distracted with like TV and stuff. Um, so I kept talking to the, the wife

or the girlfriend 24 years talking to her, um, I kept tying the radio up and I knew that, you know, Torres and Rodney needed the radio so once I got everyone downstairs and was kind of, you know, got all the information I needed, um, I walked outside turned the long way, crossed the woods to Lieutenant, uh, Joca and advised him that the wife, the girlfriend had told me that he was, the subject was anti-government and he would not give up until he got his way. So I was just telling the Ser, Lieutenant we might be here for a while, you know, let them know those things. Um at that point, I'm standing, I was standing outside; it was the house and I remember there's, there's like, like an island of woods basically and I was beyond that island of wood. There was a cruiser that was perpendicular to the house and I was standing behind that cruiser kind of using it as cover. I remember Lieutenant Fish told everybody else to go back to the command post but I was to stay there, um, and that's when I heard a gunshot and I looked up and saw Torres kind of and Rodney running to the left hand side of the house and then heard 'shots fired' over the radio, um, shortly after I was directed by Joca to get a cruiser, which was the one in front of me, and drive it around to the front of the house and use the PA to try to get the guy to come out. So I got the cruiser which I believe was Kushner's cruiser, cruiser . . .

HINSON: What was the name?

NEIL: Kushner.

HINSON: Kushner.

NEIL: Uh, Ben Kushner; I believe it was his car, um, I drove it around and I kind of turned it not as, not like a traffic stop sideways but enough that I knew I had an engine block but I didn't want to turn it too much cause I wanted the PA to kind of direct towards the house so I turned the wheels, I gave myself some cover and I got on the PA and I continued to tell him, hey, this is County Police, uh, we're here to help you, we need you to come out slow with your hands

up, open the door slowly, show us your hands, we're gonna help you, we have an ambulance and I repeated that eight or nine times, um, and then hostage negotiators, who I have no idea who it was, um, showed up in like plain clothes and said he was gonna take over. So then I went back to the wood line and I stood with Officer Quarto and kind of stood with him, um, for a little bit and then I remember Joca directed, uh, 970 Charlie who was, uh, Hanidias to go get the girlfriend from the back of the house and then he told me to go with cause I actually took his place, Eric's place, on that long side the edge of the houses and he said I think Fish actually told me, hey, he pointed to me and, uh, he was on the radio my attention and he put, hey, go help Eric. So I went around and I met Eric in the back and we got the, um, well he got the girl, uh, 24 year old girlfriend, 24 year girlfriend out of the house; I talked to the two daughters cause the home person living there, the lady with the day care, said that the youngest daughter was trying to leave the house. Um, so they were sitting on the stairs, the downstairs stairs, and the older sister was sitting there and the younger daughter was kind of laying on the, um, stairs playing video games – I don't want to talk to you. So I kind of like talked to them; what school do you go to kind of build rapport with them and stuff and talking for a little bit, talking to the older sister make sure she wasn't, you know, you got control of little sister she's not going anywhere, yeah, she's not going anywhere. And I talked to the two adults on scene which was the day care provider and one of the children she watches parents and said, hey, make sure she doesn't leave or anything I'm gonna go outside and check everything. So I went back out and, uh, went back out to where Quarto had originally standing which is next to the tree line and then Swat showed up or TAC, I'm sorry, TAC showed up, um, and did their thing. They all lined up on the side of the houses and they brought this big like tank thing down with a hole and they pushed the door in and all that so. And then I was told to go to the command, after they did that they found the guy;

I was told to go back to the command post and, uh, stood there and answered a few questions but I wasn't asked very much and then I was transported, um, Lieutenant Plaska transport me and Officer Parker and Hanidias and Quarto to the station and then we were brought here and I kind of sat here. I tried the best I can. I'm trying to like think and trying to look at and see it in my mind as I'm, as I'm going through it so.

COCHRANE: You did fine.

HINSON: We're just catching up.

NEIL: Ok.

HINSON: Ok, all right. Did you ever see the, uh, the subject?

NEIL: The subject?

HINSON: Yeah.

NEIL: Yes.

HINSON: And when did, when did you see him?

NEIL: When I, when I first pulled up, he was standing outside next to the girlfriend.

HINSON: Uh, ha.

NEIL: And he as he walked away from me and went inside and stood in the doorframe with the screen door and I talked; I was the one communicating with him . . .

HINSON: Uh, ha.

NEIL: For the first probably it was like four minutes maybe but it seems like a long time, but it was probably four minutes while I was talking to him. Telling him to keep his hands where I could see them, you know, just trying to keep, keep him talking. I didn't want him to go in the house and close the door because then we have a barricade or something like that and, you know, we had a domestic dispute was all it was and I told him you know why we're here . . .

HINSON: Uh, ha.

NEIL: We're just here for typical domestic dispute, you're making it a lot worse than it needs to be; let's just talk and he just didn't want to have it so but I did see him, yes, and he was standing in the door frame the entire time until I went inside to talk to the 24 year, year girlfriend, he was standing in that door the whole time.

HINSON: When he was standing in that door, uh, you said he was behind a screen?

NEIL: Correct.

HINSON: What; I haven't been down there so . . .

NEIL: Ok.

HINSON: Is it one of these doors that's got screen upper metal lower or is it just the whole screen?

NEIL: I recall it being, from what I remember, a screen halfway up so it didn't have any glass on the way down. Like halfway down is glass and halfway up is screen. That's what I recall.

HINSON: So could you see through this door . . .

NEIL: Yes. Yes.

HINSON: Fairly well?

NEIL: Yes.

HINSON: And you said that he announced to you that he had a gun in his lower back.

NEIL: It was . . .

HINSON: Is that from behind the screen?

NEIL: That wasn't, yes, that wasn't like, like it wasn't like I have a gun in my lower back . . .

HINSON: Right.

NEIL: I have gun and I said where is it and he said in my lower back.

HINSON: Ok and that, did that come before you saw the movement with the black object?

NEIL: That part I cannot recall if it was before or after; to be honest with you, I mean, I know they both happened but I don't know if it was before or after; it's happening very quickly and I, I didn't necessarily feel threatened by the object he had in his hand, it was, I was kind of to the like if I'm looking at the door, I'm to the right and Torres is to the left so I really part of his left arm was kind of concealed by the door frame so I couldn't really see what he had and he kind of just set it down real quick and stood back up and put his hands like this. So I knew whatever it was wasn't in his hands anymore so I didn't know what it was, um, but I don't know if it was before he announced he had a gun or after.

HINSON: His left arm was partially obscured?

NEIL: Yes and part of the object was; it was like something black sticking out. I don't know what it was.

HINSON: And he set it down; uh, did he set it down on the floor or was there a table or . . .

NEIL: It appeared he sat it down on the floor but I couldn't see really in pass what, I don't know what was next to him. I just remember him kind of like going like this and put it like kind of kneeling down for a second and then come up like this so I didn't know what he, what he was putting down. It could have been a phone for all I know but it was black and it appeared to be about that long but it was also concealed by the doors. I don't know if it was this long or just that long . . .

HINSON: So when you, when you say that long just for the sake of later, you talking about eight inches, six inches?

NEIL: Eight inches maybe. Eight inches.

COCHRANE: Was it in front of him on the floor?

NEIL: Uh, he was standing right in the door frame so like if the door, he was like basically right up against the screen, I mean, not like leaning against the screen up but right against, you know, near the screen and he kind of just doing one of these things where you like stand like this he went like.

COCHRANE: So he didn't take his off you guys.

NEIL: Correct. He was like putting it . . .

COCHRANE: And did he put both hands up like that?

NEIL: He had, yeah; he had his like this, yeah. I kept telling him keep your hands where I can see them.

HINSON: All right. So after, after this happens, you say Joca asks who if anyone talked to the complainant, right?

NEIL: Correct.

HINSON: And the complainant turns out to be the girlfriend of 24 years?

NEIL: I believe so, yes.

HINSON: Ok, so you, you holster up.

NEIL: Yes.

HINSON: Is your gun out from the get-go as this guy is walking away or does your gun come out when it kind of starts to become a little heated?

NEIL: No, my gun was not out until he said I have a gun and even that point I think, I believe, Torres drew his gun and I was still talking to him and I said, it's ok, why do you need a gun? He said, well, I might need to defend myself. You guys have guns; I might need to defend

myself with it and that's when I drew my pistol and had it to my side. So I felt confident that if he reached for something, I could have reached, I could have, you know, gone to shoot him if I needed to from that position. I felt confident that I could have enough time. Um, I was like trying to distract him cause I knew that Torres had gun drawn on him so he was already at the point where he could pull the trigger and I was trying to keep him talking to me; he seemed to be talking to me, he seemed to be talking to me, I was trying to talk him down, you know, wait until I get more people there. Um, I knew Rodney was on the way and I know he's hostage negotiator so he'd be a good person to talk and as soon as Rodney showed up he even said I got it, I'll talk him. So that let Rodney take over cause he's got more experience and training than I do, um. I'm just trying to keep it very as calm as I possibly could because it was escalating quickly, it didn't need to, it was simple, it wasn't, I mean, domestics are dangerous we go to them and that's when the most heated things and emotions are involved and stuff so I already had it in my head but only thing I can say is when I rolled up and he started walking to that door that quickly, it made me nervous cause I knew that, you know, he was obviously I said, sir, can you please stay outside so I can speak to you and he said no and he's defi, you know, it's a simple question just for him to speak to me, uh, I just felt something wasn't right and then when he said he had a gun, you know, obviously it was, it was going quick and that's why I drew and put down at my side and I held it there and I was talking to him, you know, so but I never pointed it at him, I mean, I didn't think I needed to because I had an officer who already had a gun pointed at him and I was trying to keep him focused on me. I even offered, like I said, I even offered, if I holster my gun, will you walk out toward us with your hands up? Cause I figured even if he walks out towards me and I can get him to go do his knees whatever, I have an officer backing me that can, you know, do what he needs to do, um, I was seeing if I can get anything, get him to come out for

anything; he was not coming outside; he like refused to come out. It was very obvious he was not coming out, um, for me at least.

HINSON: Let's go back up to the point where you hear the shot.

NEIL: Ok.

HINSON: So did you hear and see or just hear?

NEIL: I just heard it.

HINSON: And describe to me what your observations where after you heard the shot.

NEIL: I heard the shot and I looked up at the house and I saw Rodney and Torres both retreating to the left hand side of the house. Uh, I saw the subject I could see, you know, behind the screen but I couldn't see whether he was hit or anything like that and I saw the per, the color of his shirt back up and the door close. So I don't know if he spun or if he backed up and closed it but I saw the guy go back and the door close and then it was 'shots fired' and then I was getting cover cause I didn't know; all I knew is that the lady had told me that today he had showed her a rifle, he's a deer hunter, and he had told her it was an assault ri, or a semi-automatic rifle so I'm thinking, ok, this guy, I didn't know who shot who – I didn't know if they shot at us or if we shot or what, um, but it's possible he has a semi-automatic rifle and he's a hunter so I hunt I know how accurate I can be with a rifle; none of us are safe at 300 yards with a rifle so, you know, it happened quickly, we're all trying to take cover and you know, but I didn't see, you know, who shot or I just heard one shot is all I heard.

HINSON: So after you took cover, where'd you take cover?

NEIL: Right behind that, that same cruiser that I ended up driving; it was the same cruiser I used for cover. I just basically got behind the engine block and kind of indexed off a little bit, um, and went down to a knee, um, and everybody was kind of scrambling at that point

and then that when I was told, you know, once Rodney was telling, hey, I can hear movement at the door, um, they wanted a PA system down there cause he wasn't answering the phone. They tried phone calls in via, um, I remember going to a, to a CAD in that same car and putting in, quickly putting in the guy's name, date of birth and phone numbers; I didn't know if they had his cell phone number or anything so I put that in there so that everybody would have the number in case they wanted to call him or get in there. Um, I also put his, put his T number in as well and I think that should be in the event, in the comments in the event, um, to get that in there and then is when I drove the car around.

HINSON: You did that when you were driving the car around?

NEIL: Before I drove around. I sat and hunkered down and I put it in there and.

HINSON: And before the shots.

NEIL: I can't recall if it was before the shots or after the shots but I remember sitting in that car before I drove it and I did put that stuff in to make sure they had it all. I'm sure they already had it but I put in date of birth; name, date of birth, and his phone number and then I, when I did that, I ran him in ILeads and pulled up his OL number and stuck it in there too so they'd have it, um, cause Joca had told me, hey, look in ILeads, this is before the shots I believe, look in ILeads and see if he has any priors for anything so that's what I was gonna do. Knowing that I probably did it before the shots but I remember sitting down and doing that in the computer before I drove that car around.

HINSON: And, uh, so after you drove, after you take cover, you use that cover position you maintained until TAC does their thing?

NEIL: No, I took cover and then drove that, eventually I got in the driver's seat of that car and drove that car around the corner and parked it sideways kind of with the wheels turned so

the steel wheels are kind of giving me cover. I tried to point the PA system towards the house but also to give myself cover and then I got the PA and did all my stuff on the PA . . .

HINSON: Uh, ha.

NEIL: Per Joca's command.

HINSON: All right, ok, so after all the PA stuff . . .

NEIL: Correct.

HINSON: And, and where; you're hunkered down behind the engine block at that point, right?

NEIL: Yes.

HINSON: After, after you . . .

NEIL: I was relieved.

HINSON: Let the hostage negotiator take over; you go back to the wood line?

NEIL: I went to the wood line with Quarto and then that's when I believe, uh, Joca told Eric Hanidias to go get the, or one of the supervisors I can't really tell you for certain, told him to go around back and get the lady, bring her out so I took his place. Me, me and Quarto both took his place cause, cause Parker had moved up to make sure no one came out of the front of the house of the, the neighbor's house and so when Eric left it kind of left that spot open so me and Quarto approached and took, you know, took his spot. As soon as I got there, Lieutenant Fish was standing, I was, you know, there's houses here, he was standing there he said Neil, I looked over he said go around and help Eric get the lady out. So I went around and by then Eric had already been inside talking to her and everything and was getting her to go out; that's when I talked to the girls, made sure they were ok and they weren't gonna go run out the door or anything and the older daughter was very calm, very collective, we talked about what school she

was going to college, trying to talk about stuff, you know, um, gonna go to South County, she's gonna be a senior, she plays softball, I think she wants to go to Bryant University or something like that. Um, then I ended up leaving, they locked the door behind me, um, and I went back out and that's when I returned to where I had originally had met Quarto and I stood behind like these three trees coming from like one huge base and I figured that's a good spot where I can, you know, have, you know, cover . . .

HINSON: Uh, ha.

NEIL: Not just concealment but have cover and pretty much stood there and watched TAC do their thing. Um, Lieutenant Joca eventually approached from behind and stood with, with me and then Parker was there, Barnes was there, I believe Eric was there cause Eric had a go bag and he was giving us all water, Eric Hanidias, and I believe Quarto was there as well and then they did SWAT did their thing, they busted the door down, they said they had contact with the subject, Joca said, hey, if they're seen now need to response to command area and check in so they know who is there and we all walked up single file, I was in front, and I just walked up and, uh, talked to – I don't even know who their names are to be honest, um, trying to think. I remember going passed Davenport, he was in the SWAT vehicle and it was a command post over there and I kind of just told him who I was and what and they kind of held us and corralled up and said don't talk to anybody and brought us over here. We stopped at 7-Eleven and got food then we came over here so.

HINSON: Anything else you can think of that we should know about this?

NEIL: That's it, man. The only thing that's frustrating me is like I can't recall exactly everything happened what sequence. I know what happened but to try like get like pieces like when I first arrived talking to him, you know, for example, when he said he had a gun verses

putting the thing down; I don't know which one's first, um, that's what's frustrating me but other than that and also frustrating the fact that if he had a gun in his lower back I didn't see it when he was walking away from me. I didn't even, you know, he's walking into the house, maybe he had it concealed by his shirt I didn't even notice.

COCHRANE: What kind of shirt did he have on?

NEIL: He had a white shirt on.

COCHRANE: Was it baggy, tucked in?

NEIL: I can't recall.

COCHRANE: What kind of pants did he have on?

NEIL: I don't recall. Yeah, sorry I know it's . . .

COCHRANE: That's ok. You can only tell me what you remember.

NEIL: Yeah, I just remember being a white shirt and his hands being up and I was focusing on him and um, I didn't honestly I didn't think much of it when I first pulled up cause he was talking, they weren't arguing or physically fighting or anything. They were standing next to each other, he was like, great, the police are here type of thing and he start. So I, I pulled up and I backed in took my time, didn't hit any cars, backed in and I get out of my car and that's when he turns his back was walking straight like with a, with a purpose towards the door. I'm like, sir, can you stay outside for me, it's like I just felt this feeling don't go in the house, why do you need to go in the house I need to talk to you out here and he said, no, not gonna do it and closed the screen door. You know that's, I knew something wasn't right so it's kind of where I was at and, you know, trying to I was like it's happening really fast like is all I can say. It happened really, I mean, it seemed like an eternity but it was happening fast and it was, you

know, trying to get him to talk to me and he just didn't, didn't want, didn't want to come out. I was trying to get him to come out and he wouldn't come out and, um . . .

COCHRANE: What was his demeanor?

NEIL: He, he pretty much said, you know, I know my rights, I'm not stepping out, you know, as soon as I step out I'll be drunk in public; I'm not coming outside, um, he did say a couple of times INAUDIBLE just put your guns away, just put your guns away, you know, one of those things and I said, you know, well, you have a gun I can't put my gun away we're not, I think I recall saying I'm gonna go home to my family tonight too. We all want to go home, we'll just talk, you know, um, we're just here for a domestic issue, you guys are throwing stuff out, that's all we're here for, you're making it worse than it needs to be. We're just trying to figure out what's going on, I'm here to play mediator as he has his hands up. And I said keep your hands where I can see them. He kept saying all right just put your guns away and I kept saying, that's what I told him, I'll put my gun how about this I'll put my I'll holster my gun if you, if you'll come out with your hands up and come talk to me and come to me. He's like no; you both need to put your guns away. And I knew that wasn't gonna happen if he has a weapon, it's not gonna happen if he has a gun; we're not putting our guns away, um, I rather him stand there and, you know, us stand our ground, he stands his ground than for him to come out and our guns be down and him shoot us or whatever so. This hold we got until people can get there to help us basically at that point.

COCHRANE: Did he seem mad or angry, upset?

NEIL: Not, I mean, not . . .

COCHRANE: Calm?

NEIL: Yeah, I mean, relatively, I mean, he just, when I was talking, when we were talking to him it seemed like he had his foot down, he wasn't coming out until we put the guns away, um, but he wasn't like making a lot of motions. He was standing there calmly with his hands up and everything. I felt confident, like I said, I had my gun like this, I felt confident that if he made movements I'd be able to rack fast enough with training and stuff; I felt confident in my ability that I could raise up and put target if I needed to, if he had reached for something, if he went around his back and pulled something around whatever but he, he had his hands the whole time like this, you know, after I told him to, hands like this and he didn't put them down or anything he kept them up so it wasn't like irate or yelling at us or anything or screaming. It was calm talking, um, and I was trying to keep it that way. That's why I was trying to stay calm and just talk to him, I wasn't yelling or anything, um . . .

COCHRANE: Did you get the impression that he had taken his gun out from his back and putting it down on the ground and came up with his hands up like he was saying I surrender?

NEIL: No, well, I don't know what he was doing put on the ground or if he was surrender; he wasn't surrendering by any means because I asked him where is it and he said my lower back. So he never said I put it down on the ground, he never said, you know, I don't have it any more; never it was always, as far as I know when I was talking to him, he still had that gun on his person or a gun on his person. I know there's three handguns in that house, um . . .

COCHRANE: How did you know he had three handguns in the house?

NEIL: Because we dispatcher was two and then later on I told the lady, the lady told me she had three in there. Three, three handguns, a shotgun and a, a rifle so I knew there was guns in the house at the time, um, and he told me that there was he had a revolver so, um, you know, I, I figured he's a concealed revolver he could have anywhere on his person.

COCHRANE: So when you got the information, did you pass that on over the radio or did you tell the guys around you about multiple weapons?

NEIL: I told over the radio, yes, I went over the radio and I said does CO know that, this; the dispatcher wasn't understanding me but I think Joca was saying that they had, she had three handguns and a shotgun and that she showed him a rifle today that she said was semi-automatic so I said is it an assault rifle, she said I don't know he's a deer hunter but he said it's semi-automatic, um, but I mean I don't know I never saw it myself so I don't know what it was.

HINSON: You mentioned when you first saw him it made you nervous the way he took off towards his house.

NEIL: Yes.

HINSON: Was, was there anything about that that you can think back to?

NEIL: He just, I got out and he turned around and just started walking straight away; just walking straight away didn't even acknowledge that I was there just walked straight away and then I said, sir, can you stay outside for me, he said nope and he closed the door like it, it just – the fact that he knew we were the police, we rolled in marked, I rolled up in a marked police car, I backed up, you know, I'm getting out in my, in my uniform, my uniform and, you know, he immediately turns around and just starts walking straight; it wasn't like a casual walk it was a, a brisk walk straight line to the door. So, you know, I didn't know if he had, you know, I always think worst case scenario; I didn't know if he had a gun behind the door and he was gonna grab it and, and start opening fire, I didn't know. And I knew I was; one thing I felt was like I have no cover right now. As soon as he said he had a gun, I'm thinking, ok, towards the tree to the left I have nothing right now. So I'm thinking to myself, ok, do I back up and get behind a car, do I talk to him? Well, he had his hands up after you know I told him to keep his hands where I can

see them and I had my pistol here and I was like you know what, I could back up but I know if he reaches for something I could probably shoot him before he could shoot me. That's what I'm telling myself cause I'm thinking I back up, you know, and you know then my buddy here is he on the same page as me and it was happening so quick and then Rodney showed up with the shield and then that's when I went inside the house but I felt like a sitting duck kind of cause I figured if he did have a gun or anything there, I'd be kind of in a bad situation, you know, like what am I gonna do. It happened so fast, I was there, you know, I had my ground if I surrender it, what's, you know, what's gonna happen now so it happened really quickly and I held my ground with confidence in my ability to shoot, you know, if I needed to so.

COCHRANE: I just want to make sure; you were in full uniform?

NEIL: Yes, ma'am.

COCHRANE: And you pulled up in a marked cruiser . . .

NEIL: Yes, ma'am.

COCHRANE: And then you reversed and you parked right in front of his house.

NEIL: Yes.

COCHRANE: So you, you definitely think that he knew; did you tell him you were a police officer as you approached do you remember?

NEIL: I don't remember saying that I was, you know, a police officer, um, I mean I pulled up and he, like I said, when I rolled as soon as I turned the corner it's kind of like one of these things where you go where the command buses were, you turn left and as soon as I turned left I could see him cause I knew I looked on the CAD map and it kind of tells you, you INAUDIBLE to event. It tells you where the house should be and I knew the house should be straight away, straight ahead on that road and then I turned the corner and I could see the two

standing there and as soon as I saw him, he went like, like one of these, like great the police are here; he didn't say anything, I couldn't hear what he said but the gesture was, great, the police are here and so I pulled forward he's still standing there. He hasn't turned around, he's still talk, you know, standing next to the lady. So I pull up, I back in and I get out and that's when and I, I get to close the door, he turns around real fast and starts walking towards the house. I was like this is not right; you watch this guy walking away from me. I said, sir, you mind, you know, could you stay outside for me, you know, that's what I, I was try, it's not an unreasonable thing to ask and that's when he went in the house and no not gonna do it and closed, closed the door, the first screen door. So I knew that something wasn't right and then I told; once he said he had a gun, I do recall telling the lady who was still outside and her girls were still out on the porch, I said everybody can you just go in the house for me right there? Cause they were all on the porch and figured they were already halfway the door's open and that's why I got everybody to go in the house cause I knew, I just wanted everybody away from the situation, you know, I didn't want any, you know, anything to go wrong but if it did, I didn't want them out there. So I remember, I do remember telling them to go in the house and they went inside and that's when I knew later on to go in that house and talk to them. Um, so I did the best I could, I mean, based on the situation I mean it happened fast. I know I'm a new officer, you know, trying to do the best I can. I got, you know, I went there with the whole mind set was this guy's being a jerk, he's throwing her stuff out, you know, I'm just gonna talk to him, play mediator, see if I can help, you know, get some stuff loaded up, whatever, have one of them go somewhere else for the rest of the day to cool off or something. I was already planning in my head before I got there what I was trying to do and it went to hell real quick, that's basically all I can say. It just boom, boom real quick and I was like, oh, now he's got a gun, now he's, you know, we got guns drawn

on him and all that stuff and I'm trying to talk to him and then, you know, I went inside and did the best I could with everything else and tried and relay everything I possibly could without stepping on traffic cause I knew they needed the channel but at the same time I was trying to get out if we had charges first, if there'd be any charge. Like maybe the destruction of property, it's your bed, whose bed is it, well, they'd been together 24 years; it's like I think he bought the mattress, might be my bed. So I'm telling Lieutenant I think we might have a destruction, maybe, it's all we really have. Then I talked to her about suicidal threats or anything and I knew he had made suicidal threats I'm thinking, ok, now we can get a TDO or something or, you know, we ECOPS, we can get a TDO done on paper cause I know paper's important to go inside someone's house and all that stuff so we had something to take him on, you know, cause he's making suicidal statements and stuff like that about shooting himself, um, so I was just trying to get that out to the supervisor, get that out to everybody so they knew what was going on, you know, so they can make the best decisions, you know, cause I know we can't go in someone's house for no reason we have to have something. It makes better when there's paper I learned that in FTI; I was Gamo INAUDIBLE always told me paper, get paper so I was trying to get it out and I don't what all's happened and I'm sure eventually one day I'll find out but maybe not. The news will probably tell me but.

COCHRANE: You're probably right.

NEIL: Yeah.

HINSON: Anything?

PIRNAT: I don't have anything.

COCHRANE: You did a good job.

HINSON: All of us think you did a good job, uh, if there, if we need to follow up with you at a later date, what's a good number for us to reach you on?

NEIL: [REDACTED]

HINSON: Uh, ha.

NEIL: [REDACTED] that's my personal cell phone. I don't have a home phone.

HINSON: That's perfect; that'll be good. Uh, I am not the lead detective working the officer involved . . .

NEIL: Ok.

HINSON: Shooting case but, you know, it's a small group of us and, you know, basically . . .

COCHRANE: You have the right to come on back.

NEIL: Ok.

HINSON: Sergeant Cochrane's gonna write some stuff on there for you . . .

NEIL: Ok.

HINSON: Um, she's also not the lead IA investigator.

NEIL: Ok.

HINSON: So, you know, if you remember something additional that you think's pertinent to me . . .

NEIL: Uh, ha.

HINSON: Um or even her and feel free to contact me use me as a point of contact.

NEIL: Ok.

HINSON: Um, sometimes after you've slept you might remember something that might sort itself out.

NEIL: Right.

HINSON: Um or if you just think, hey, there's a little something extra I wanted to tell you.

NEIL: Right.

HINSON: You know just hit me up and we'll meet, figure it out.

NEIL: Thank you.

COCHRANE: Matt Allen, Second Lieutenant Matt Allen.

NEIL: Ok.

COCHRANE: SO if you hear from him, he's the one working from our office.

NEIL: Ok.

COCHRANE: We pretty much let them do all they need to do and then we'll have everybody up for um, you know to review transcript and then I'm sure that it's all correct but maybe some follow-up questions.

NEIL: Ok.

COCHRANE: So if you hear from Second Lieutenant Allen you should know . . .

NEIL: Ok.

COCHRANE: That he's from our office, um, I am gonna get a piece of paper, uh, to give you confidentiality order . . .

NEIL: Ok.

COCHRANE: Um and that's really to help you because he's gonna ask you not to say anything to anybody else who people could get their facts confused . .

NEIL: Right.

COCHRANE: Until the investigation's complete. If I give you confidentiality order it's easy for you to say when people are talking about it or asking you about it – I'm sorry I'm under confidentiality order from Internal Affairs Bureau.

NEIL: Right, ok.

COCHRANE: Ok? So it's, it's to help you out and also keep everything clean.

NEIL: Sure.

COCHRANE: Ok? Do you have any questions from us?

NEIL: Do you know who; if I do a report or supplement or anything in ILeads?

HINSON: If you've spoken to us, you don't do a supplement.

NEIL: Ok, all right. Great that was . . .

HINSON: If you already have . . .

NEIL: I haven't done anything; they wouldn't, I had so much paper from yesterday to do that I haven't even touched.

HINSON: Ok.

NEIL: So I'm gonna do it, uh, after this I guess but I won't do anything if I'm not supposed to do.

HINSON: David, how much time you got on?

NEIL: Uh, two, I graduated two years in November. Was hired in March, 2000 I gotta see on here. I was appointed April 25, 2011 but I graduated it'd be two years in November of this year.

HINSON: Ok.

COCHRANE: You said you're on evenings, correct?

NEIL: Evenings, yes.

COCHRANE: And your supervisor is?

NEIL: Joca and Field.

COCHRANE: Is this your first officer involved shooting?

NEIL: Yes.

HINSON: And that's your usual area?

NEIL: Lately yes cause, uh, PFC Donohue's is on, uh, domestic violence so they put me in his place but other than that I mean I've moved around; 700, 740, all over the place but lately I've been 730 I believe INAUDIBLE.

HINSON: Perfect. Well, I'm gonna end the recording if there's no other questions. The time is 2110.

Date of Interview: August 29, 2013
Typist: Linda Powers

From: Hinson, Jeremy
To: Farrell, John
Sent: 12/2/2013 5:57:35 PM
Subject: Emailing: Ofc Michael Riccio OIS Hinson final version II
Attachments: Ofc Michael Riccio OIS Hinson final version II.docx

Only missed my previous corrections of Joca. This is the most recent/accurate.

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 18, 2013

Hinson: This is August 29, 2013. Detective Jeremy Hinson, Cold Case Squad, interviewing Michael Riccio, MPO, K-907, with Sergeant Chantel Cochrane and Sergeant Thea Pirnat. Reference Officer Involved Shooting down in Station 7's area, 7907 Pebble Brook Court. Alright, could you, uhh, tell me what you're patrol assign.... or your assignment was today?

Riccio: I – I was signed on as K-9 seven.

Hinson: Uh-um.

Riccio: There was two of us signed on, myself and K-910. Uhh, pretty much we cover the entire county. Sharing it amongst ourselves as to who goes to what calls, but, uhmm, we're not really assigned to any particular area patrol area, we're just monitoring the radio.

Hinson: And where you the K-9 Officer that was dispatched to support, uhh, the Station 7 Units?

Riccio: We were never dispatched; we self-initiated on it.

Hinson: Both of you?

Riccio: Yes.

Hinson: Ok. And who was the other K-9 Officer?

Riccio: K-910, Matthew Kunstel or Kyle as we call him.

Hinson: Kunstel?

Riccio: Kunstel. K-U-N-S-T-E-L.

Hinson: Thank you. ... And is – is he MPO as well?

Riccio: He's a PFC I believe.

Hinson: Ok. So, where you guys in separate areas when you saw the initiated and just went down there ...

Riccio: Actually, ...

Hinson: ... or ...

Riccio: ... we were – we just finished having lunch. We got called out earlier this morning for a robbery with a bail out, down in Mount Vernon. Uhh, since we were here prior to our shift hours we decided to get lunch together. We just finished lunch over at Spartans... off of Burke Road when this call came out. And when I heard the, uhh, Lieutenant asking for a shield unit .. we started rolling down there.

Hinson: And which Lieutenant ... Do – do you know which Lieutenant?

Riccio: I – I wanna say it was ... I believe it was Joca, but I'm not sure which one was asking for a shield.

Hinson: So, after you heard that you both went down?

Riccio: Correct.

Hinson: Separate vehicles .. I assume?

Riccio: Yes.

Hinson: And when you were – when you get there, when you get on scene, uhh, walk me through what happens when you arrive on scene.

Riccio: Uhh, basically, as we driving down there, I'm listening to the radio as to what's going on and I'm getting a clear picture of the ... One officer has a rapport with the subject who's standing at the door. Uhhh, the subject is making threats, that if we ramp-up any kind of enforcement action, it's gonna get – it'll get messy. He's making threats of violence with weapons. Claims that he has a gun nearby him. That it's not on him, but it's very close. It's what we're getting. Uhhh, so all I know at this time is that an officer is at the front door talking to him .. through the screen door of the front door. I'm assuming he's got cover – a cover officer with him. Uhhh, as we're getting closer, I think it was 741 ... Charlie or Baker, I'm not ... I think it was Charlie though, that started making reference that he's gonna go to the back of the house to obtain a cover position back there and set up a perimeter so in case he runs out the back door. At that point I got on the radio and had him stand-by for that, we had two K-9's enroute. One would go back with him and hold the rear containment with him; with the dog. Uhh, that was all

acknowledged and confirmed on the radio. We got to the scene.

As you come down Pebble Breek – Pebble Creek, Pe....., right

Pe.... – Pebble – Pebble Creek

Hinson: Pebble Creek.

Riccio: Ok.

Hinson: Pebble – Pebble Brook.

Riccio: Pebble Brook. As you come down Pebble Brook I wasn't sure what side of the road 741 was going to be on, so I got on the radio and ask what side he was going to be on. He said he's going to be on the right side in the tree line. Uhhh, as we marked on scene I got out and quickly briefed up with ... K-910 that the guy was at this point being cooperative. He was talking to officers. I didn't want the presence of K-9 getting this thing to start ramping up. By us escalating our force that he would start getting upset. So, I thought it would be more prudent that we keep the dogs out of sight .. and let the – and let's see how this thing un.... starts unraveling. So we actually Kyle went to the right, I went to the left. We used the backs of the townhouses. I set up to the front .. of the target location and Kyle went to the back with 741 Charlie. At the front of the address I met up with, uhhh,

Hinson: I'm sorry, did you said he went right?

Riccio: He went to the right ...

Hinson: Ok.

Riccio: ... and walked behind those townhouses, I went to the left and walked behind those ... until we could both get to our – our positions.

Hinson: Ok.

Riccio: Alright we popped out at the ... As you come down Pebble Brook there is like a square .. a rounded island that you can drive around. We came up on the top, as you're coming down Pebble Brook, the top left side ...

Hinson: Uh-um.

Riccio: ... is where we popped up behind ... from behind the townhouses and got our bearing as to where the scene was. Where the gentleman was talking to everybody through the door. Where the house was. I confirmed K-910 was in lo... position. Uhhh, is that point that I pretty much married-up with ... Quarto, uhhh, and we answered ... I let Lieutenant Joca and Lieutenant Fish know that we were here .. that we're there. Uhhh, I told them we take up a position on the left side on that middle island, where there's a nice berm that we can use for cover and I can conceal the dog from the view of the – the suspect. Once we got to that position, I can see the suspect standing in the doorway

talking to the officer who's standing in front of him. Uhmm, the subject was wearing tan shorts, tan shirt .. short sleeve shirt look like. Uhmm, I saw the way the door opened from the right to the left. I then got on the radio again making, uhh, plans with K-910 as to if he runs my way I'll take him, if he runs towards the delta side it would be his responsibility or if he comes out of the back he would also be K-910's responsibility. We're putting all that plan together. Uhmm, the subject was standing in the doorway kinda, looked like he had his hands up on the top of the frame of the door, uhmm, and the door was partially opened, not – not all the way, but probably a good – a good foot. And it looked like he was almost standing in the threshold of the door. Uhmm, it was an officer standing in front of him right on that walkway up to the house who had him at gunpoint, but was talking to him. And then there another officer behind the tree for cover that also had his gun out, uhh, providing, uhmm, cover support. Uhmm, I couldn't hear what they were saying, 'cause of the distance, it was all muffled, uhmm, ... but I – they were – they were engaging in conversation ... that's – that's the best I can tell you. Uhmm, at some point I saw the door start to come open, just a little movement, like the guy is kinda swinging back and forth, uhmm, and then I heard a shot ring out. I didn't know at that point if it

came from out..... inside the house or outside ... in. Uhhh, I saw the subject kinda take a step or two back into the house and then the door come closed. Uhhh, it was at that point I thought we'd be making entry into – into the house, uhhh, so I started tightening-up a little bit, but then I realized Quarto wasn't coming with me or ... and then I saw the two officers in front of the house kinda backing off the cover. So I realized that we were not making entry at that point, uhhh, so I went back to a cover position. Uhhh, as you can imagine, at this point that the radio is erupting with information getting out. Uhhh, I asked Quarto if he's good to stay where we were at, which was a good piece of cover and good eyeballing the house. He said he was fine. And at that point I went over to Lieutenant Joca's location, which was just up the street from the house but right in front of the house. We had good cover behind the car. I wanted to get with him to start talking tactically about how we were going to approach the situation. Uhhh, get – had K-910 behind the house still, uhhh, knew he would need to relieve soon. Realized at this point this is probably turn into a long Since we didn't make the initial entry that this gonna turn into a long – long haul. Uhhh, so, once everything was secured at the front of the house I went ... We initially parked way up on top ... end of Pebble

Brook. Ummm, I went up, put my dog back in the car, brought my car down closer to the scene, if you're looking at the house we were parked on the far left hand corner, ummm, of that parking lot area. And then went to the rear of the house, got Kyle's keys from him. Went up and got his car and brought it down to the same location. This way we can start rotating dogs in and out from the rear containment. Ummm, I put us on like a 30 minute rotation. Ummm, once I got his car set, I got geared up in my swat gear, helmet, gloves and started getting different leads ready for Comack to – my dog – to, if we had to make entry into the house. Then I went back and relieved Kyle from his position. Ummm, gave him a 30 minute time range said, "I'll see you in thirty." He left the wooded area. I held that position till the Swat Team showed up and entry was made.

Hinson: And where were you when you were holding your position when Swat came in?

Riccio: If you're looking at the, (sigh), back of the house now, it's off in the woods.... it's about a hundred feet into the woods behind a good size oak tree. Ummm, from the back of the house probably about the eight o'clock position.

Hinson: You said that was until TAC made entry?

Riccio: Yes.

Hinson: Ok.

Riccio: And I had two officers back there with me, one with a shotgun, one with a pistol.

Hinson: When you're originally deployed, uhmm, since you got the dog there, what, uhh, what weapons you deploy with when – when you're coming to the scene initially?

Riccio: It's, if I have the dog with me, it's just my sidearm.

Hinson: And where you – did you have your weapon out at any time, uhh, before the shooting?

Riccio: Neither ... Never at any point did it come out today.

Hinson: And .. Let's go back to the point, uhh, before the shooting takes place.

Riccio: Ok.

Hinson: So, you have a pretty good view of – of the door.

Riccio: I can see his ...-

Hinson: The way it opens you're seeing a little more.

Riccio: It opens right to left and I was way off to the left.

Hinson: Ok.

Riccio: Uhmm, I can see his lower I couldn't see his face.
Uhmm, by his body posture I can see his arms are up on top of the frame of the door. But I couldn't see – I was blocked by, uhh, foliage

Hinson: Uh-um.

Riccio: I could see his, ... probably his chest down, and part of his legs.
..... At that point I was still trying to remain out of sight, so
we didn't – we didn't escalate the issue.

Hinson: And if you could get back over what you did see prior to the
shot ringing out. You mentioned some movement. If you ...

Riccio: Yeah, it lo..... ..

Hinson: ... If you could do that.

Riccio: ... looked like he was just kinda and – and I don't even know
how to it's kinda like swinging in the door. Like he was talking
to the officer. I – I couldn't, again, I couldn't hear what they were
saying, but they were definitely engaged in a conversation.
Uhhh, it didn't sound erratic at all, it sounded just like they
were .. conversing about options, maybe. Uhhh, and he was
kinda – it looked like he was – it looked like he had his hands up
on top of the door, and just kinda like swinging back and forth,
like he's contemplating whatever he's gonna do, uhhh, it's
just – it wasn't just standing still, there was – there was motion
involved.

Hinson: Ok.

Riccio: That's the best I can give you.

Hinson: Ok. And what about the – the door. You said it's partially open.

Does ...

Riccio: From my prospective it looked like it was not open ... wide enough for an officer to actually go and grab the guy, but it was probably about a foot and a half/two feet open.

Hinson: Did you notice any other movements, uhh, or hear any escalation of anything prior to the shot?

Riccio: I – I didn't hear any esca.... esca.... escalate The word you used. Thank you. (laughs)

Hinson: Was, uhh, ... Was that door, was that your – your focal point ... when the shot rang out?

Riccio: Well, I ...

Hinson: or where you ...

Riccio: ... I was – I was paying attention to a couple things. I had to pay attention to the door. I – I was looking at his ave..... - looking for his avenues of escape, where he would possibly run to, ... if he decides to run. Uhhh, and I was also being ... had to be mindful of my dog, uhhh, who at this point wants to get up and see what's going on himself, but he's a

Cochrane: How far away do you think you are from the conversation that went on?

Riccio: Of Uhhh, fifty yards.

Hinson: So, did you – did you see or could you tell which officer had

shot?

Riccio: No. Again I didn't know if the shot came from ... inside the house out or went the other way until officers started talking on the radio about what they saw, that – that I know what happened.

Hinson: Anything you think that .. we should know about that we haven't gone over .. and things that you would've seen or heard?

Riccio: No, I – I No. The radio traffic was a little bit of an issue after it all happened. Uhhh, you know, we had a guy just rolled back into his house and possibly heading towards the back of the house .. and the radio is all tied up with what was happening in the front of the house, so we – we had no idea if could've already gone out of the back door. K-910 was dealing with him, 'cause the radio was so tied up.

Hinson: That was init.. initially?

Riccio: Yeah. Uhh, yes.

Hinson: Or, uhh, uhh, I mean, initially to the gunshot

Riccio: Uhh, ... P.....

Hinson: or prior to that?

Riccio: Well, po.... – post-gunshot. Pre-gunshot we had good open lines of communications.

Cochrane: Pre-gunshot did you hear that there were multiple guns

Riccio: Yes, ...

Cochrane: inside the house?

Riccio: ... I knew there were weapons in the house. And I heard the – the subject had stated that he had a gun very close to him and was prepared to use it. Where would've – If we send anybody in the back door he would – he would use it and he wouldn't mind shooting officers that came into his house. Which was pretty much what concreted our, even though we weren't requested, concreted our idea to be down there in the first place.

Cochrane: I just want to make sure you were in full uniform, I mean, what you wearing now is what you were ...

Riccio: Uhh, uhh, minus the ball cap, yes. I was wearing a green ball cap.

Cochrane: Ball cap that

Riccio: It has – it has police patch

Cochrane: Ok, and ...

Riccio: badge on it.

Cochrane: ... you have a police patch on your side and on your front?

Riccio: Yes, I do. But I – I didn't, again, I didn't want him seeing me or Kyle. That extra show of force. You know, who's these guys in green uniforms and

Cochrane: So you never let your dogs star.... bark or anything like that ...

Riccio: No.

Cochrane: ... to let him know?

Riccio: No, ...

Cochrane: Ok.

Riccio: ... I didn't want him to know at all we were there.

Cochrane: And Kyle was also in the same uniform?

Riccio: Yes, yes, he is.

Hinson: And just to clarify too, after the shots and after you moved your car, you transitioned into like into a full swat ...

Riccio: Swat.

Hinson: ... equipment ...

Riccio: Right.

Hinson: ... look.

Riccio: The helmet, ... gloves. That's really ... And then different leads hanging from my belt instead of ... a long line and a short line and

Hinson: Ok. Uhhh, .. Mike what's your vehicle number?

Riccio: 5391.

Hinson: Ok. ... And does crime scene done the photo – photograph interview as you were outfitted?

Riccio: They ... I – I was told that's not gonna be necessary to

photo....photograph me.

Hinson: Ok.

Riccio: But

Hinson: Alright, the only thing different with the way you look now, ...

Riccio: I was wearing a green ball cap

Hinson: ... is the ball cap. .. Ok. .. Before we leave we might revisit that.

Riccio: Ok.

Hinson: Ok.

Cochrane: And you received a gag-order

Riccio: Yes, I do.

Cochrane: from Internal Affairs? Thank you.

Hinson: Ok. Uhmm, these – these guys that – that you’re assisting on this call, are these any other people that you know. I know you referred to Quarto, but I assume that was because.. **INAUDIBLE**

Riccio: I – I learned that name tonight.

Hinson: Ok.

Riccio: Uhmm, ... and the two guys in the front door I didn't even realized who that was until it was all said and done.

Hinson: Ok. I know you know Joca.

Riccio: Yes. Yeah, I recog..... I worked with him several years ago.

Hinson: Ok. ... Uhh, so basically, the Your knowledge of the people on the scene is what you’ve learned from coming out on this?

Riccio: Yes.

Hinson: Right. Ok. Uhmm, had you had any knowledge of the person that the call was in reference too? The – the ...

Riccio: No.

Hinson: ... complainant or the Ok.

Riccio: No.

Hinson: Alright. Uhmm, anything that you saw any of the other officers do that you – that we haven't talked about that you think we should know, uhh, that may clarify or .. lead to further

Riccio: No, I think they did a bang up job. I, you know, I think I would have changed is probably should have taken the door as soon as it started coming closed on us.

Hinson: Alright if no one has any other questions? Alright. Im going to end the interview recording. It is 21:44 hours.

Transcribed on 09/18/2013

By Annemarie Carr, Administrative Assistant

From: Farrell, John
To: Kline, Michael
Sent: 7/10/2014 1:13:38 PM
Subject: FW: Friend of Springfield man fatally shot by police speaks out, see - DC News FOX 5 DC WTTG

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

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

From: Flanagan, Christopher
Sent: Thursday, July 10, 2014 12:49 PM
To: Farrell, John
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: Farrell, John
To: Owens, Matt
Sent: 10/4/2013 7:32:19 AM
Subject: Fw: Garrity Issues

Fyi

From: Morrogh, Ray F.
Sent: Thursday, October 03, 2013 02:34 PM
To: Arnn, Ted; Lingan, Casey
Cc: Flanagan, Christopher; Farrell, John
Subject: Garrity Issues

Ted:

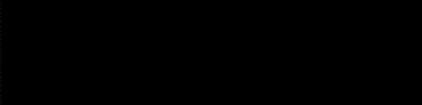
Hi hope all is well. As you know I am working with Detectives on the most recent officer involved shooting. As you know the Garrity decision prohibits the criminal investigation from using anything that the officer said while he was compelled to speak to supervisors or anything derived from such compelled statements. At this point I would like to look at any complaints filed against the officer involved. From there I am hoping to sort through what is there and ensure that the Garrity rule is not breached. I want to be very careful not to use anything protected by the Garrity decision in following up on anything that I find in these complaints. Maybe we could meet at your convenience to discuss these matters. Thanks very much

Sincerely,
Ray

From: Farrell, John
To: Bayliss, Brian
Sent: 9/5/2013 1:24:10 PM
Subject: FW: RE:

Verbal consent from Maura Harrington

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



From: Holland, Bryan
Sent: Thursday, September 05, 2013 1:17 PM
To: Desmond, Bill
Cc: Farrell, John
Subject: Re: RE:

Tks !

Sent from my BlackBerry Wireless Handheld

From: Desmond, Bill
Sent: Thursday, September 05, 2013 01:05 PM
To: Holland, Bryan
Subject: RE: RE:

Brian Bayliss will contact John

From: Holland, Bryan
Sent: Thursday, September 05, 2013 12:59 PM
To: Desmond, Bill
Subject: RE: RE:

correct

Bryan

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



From: Desmond, Bill
Sent: Thursday, September 05, 2013 12:59 PM
To: Holland, Bryan
Subject: RE:

Yes. This is from the officer involved shooting?

----- Original message -----

From: "Holland, Bryan" [REDACTED]
Date: 09/05/2013 12:57 PM (GMT-05:00)
To: "Desmond, Bill" [REDACTED]
Cc: "Farrell, John" [REDACTED]
Subject: FW:

Bill, is something they can jump on downstairs. The Chief is meeting with the family tomorrow and I'd like to get this back to them.

Bryan

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

From: Farrell, John
Sent: Thursday, September 05, 2013 12:44 PM
To: Holland, Bryan
Subject:

Reference the OIS the decedent's wife has given us permission to image the cell phone and is allowing me to view the CALL LOG and TEXT MESSAGES from the date of the incident. She understands that the whole phone will be imaged however I will only look at information dated on 8/29/13. The cell phone is in the property room – I would like to see if we could have that done prior to the meeting with the family.

Case # 2012-2410242 – prop # 774872

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

From: Farrell, John
To: Malarkey, Gregory
Sent: 11/21/2014 10:14:15 AM
Subject: FW: Scanned by NSI AutoStore
Attachments: Scan.pdf

Cara Griffith notes

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



From: Farrell, John
Sent: Friday, November 21, 2014 10:01 AM
To: Farrell, John
Subject: Scanned by NSI AutoStore

2013-2410242

1550	advised of case
1638	arrived on scene briefing by Manno Manno
1857	sta 7
1901	notify officers of CS photos
1932	int w/ Torres
1941	complete
1943	CS w/ Torres
2130	briefing
2253	arrived @ Don Greer
2351	left house
0005	@ scene
0241	body loaded by Metro - Eric Tucker & Robert Deyfel
0243	left scene
0337	arrived - left in secure storage
0342	cleared

1900 Fusch Band

1901 Harndis # 318509 (heard out of sight) Band

1901 Kishner # 306531 ✓ Bib

1903 Parker # 302570 ✓ Bibant

1904 Neil # 313057 Husa

1904 Quarto # 307649 Husa

1904 Joca # 314890 Chamber

Mango

Bib

Riccio K-9

Husa

Kunstel K-9

Barnes

Tares

Elanagar
Farrell

Daneman

Lungenfelter

Kidd/Smith
" "

Adam Torres

peer support

↳ Donald Ames ~~308369~~ 308369

Beault brief of left interview

just threw Mauris stuff out on the lawn
Δ us

Waving a gun around

357

9mm

shot gun

angry, hot tempered

W on phone w/ Δ

offers W-Hand

little late - police are here

"if the police come in my house I'm gonna shoot hi

W says "cant do that - police can

then you'll find me with a bullet in my chest

W estimates officers @ 15'

front door open 1/2 way

storm door open 1/2 way

left there 15 minutes

W - trying to calm him down

sees Δ hands sliding down from the door slowly
hears shot, sees Δ red, turn & step back into the house
& shut door behind him

12 rounds in
each magazine

Torres
J. Canal
Farrell
Giffith

1932 hours began w/ Adam Torres
1941 hours complete

1943 hrs CS - Susan Sharpe in w/ Torres

1952 CS ~~complete~~ - Torres left to change
↳ CS photographed belt

2013

~~2235~~
2235 call to Ray

2357 left Dan Greens

0005 arrive back to scene

2130 hours - briefing w Lt & Capt

onscene

2253 hr



for Maura Harringer
@ Don Greer's residence

2324 -

2357 left house

made entry thru basement sliding glass door.
to avoid blood & body in entry

entryway - glass on top of blood

body face up in foyer
apparent wound left mid-chest

large blood pool 1/2 way btwn body and door

revolver in holster on first step/landing to right of door
8" off ground

body in entryway w/m

positioned on back w/

right arm down toward side but at angle
left arm almost straight out from body
- slightly over stair rail

face turned to left side

white t-shirt, khaki shorts

no shoes/no socks

main pool of blood covering chest & under body
blood on legs & feet, foot smear on wall

basement

main room w couch in diagonal position

loveseat ^{covered} with keyboard & papers

desk in corner w built in cabinet

refrigerator

closet

hallway to half bath

2 half gallon vodka bottles (empty)

back laundry room

long gun case

0130

0142

~~0148~~

checked body - ME

cool / ambient to touch

~~center hole~~

center hole to chest

hole thru shirt side left

0145 collected

left front pocket - cell phone

upstairs

Master Bedroom

disarray

bedframe (not complete) on floor in center

clothes & personal belongings scattered

night stand, dresser & chest search (nothing significant)

Master bath

attached off bedroom, messy/dirty

nothing significant found

2nd bedroom

2 twin beds

cat found near closet

messy/dirty

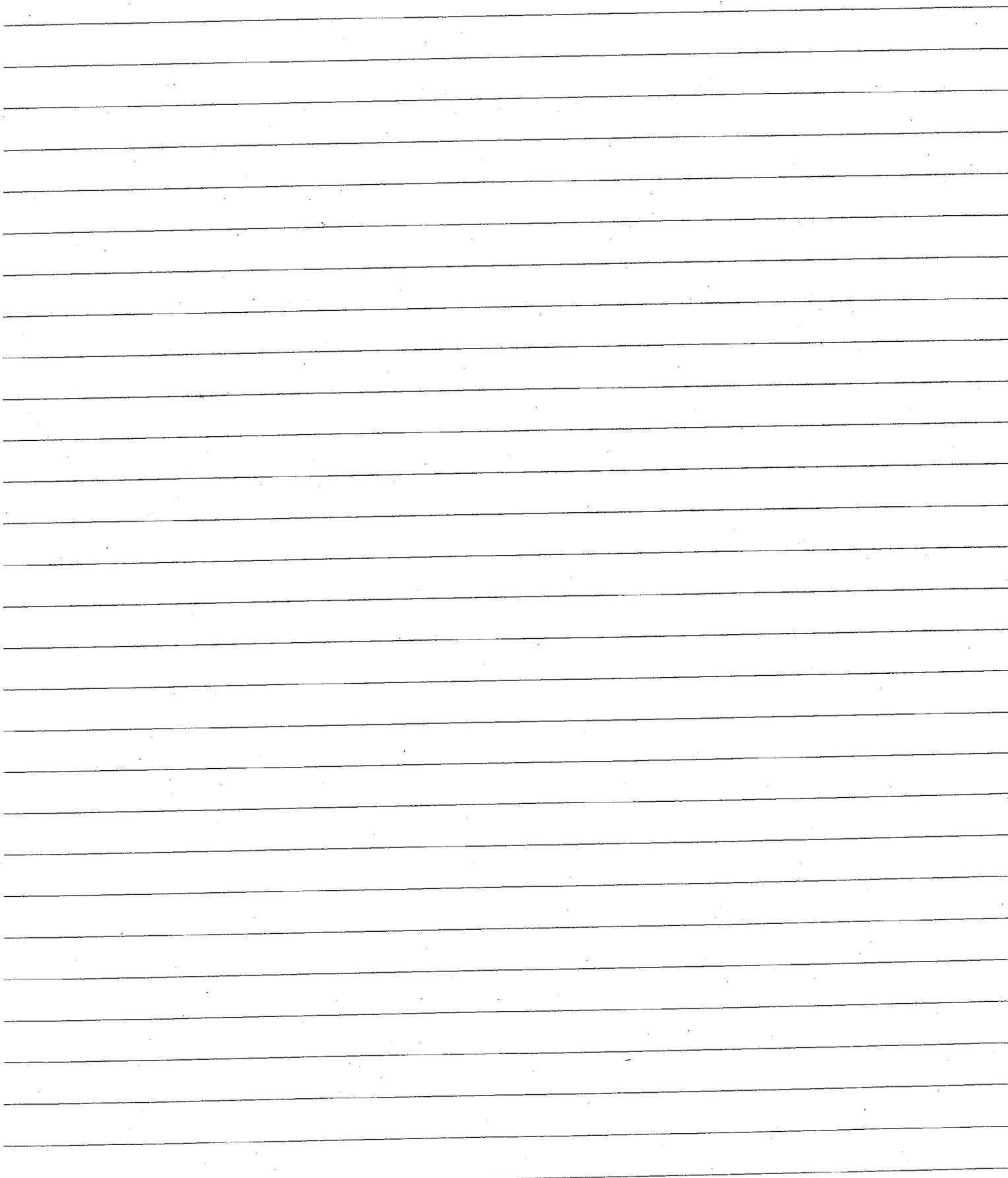
not searched

hall bathroom

messy/dirty

nothing of significance found

clothes personal belongings & hygiene products around
room & floor without order





Jeffrey Stuart
△ best friend

Bibeault

Don Geer
father

Flanagan

Rodney Barnes

Flanagan

David Neil 730c

Hinson

Quarto

Hinson

Riccis K-9 (50 yards)

Hinson/Thea

Kushner (^{behind vet.} ~~to right of~~ parked parallel
to 1st st)

~~Bibeault~~ Bibeault / Crystal
~~Bibeault~~ / Crystal

Parker (front of house behind van)

Bibeault / Crystal

Handias

Bond

Mango

Bibeault / Crystal

Fish

Hoca

Chamberlain

1439 1534

~~Jaco~~

^{Ellen}
Kunstal

Flanagan

Morgan Scott)
Halcy Scott) daughters

Bond / Chamberlin

0241 body loaded by Metro
0243 left scene / enr to ME
0337 arrived at ME
6 left in secure storage
033

John Geer

SSN

NOK

Eric Tucker
Robert Daifel } Metro
transporter

David Neil

guy immediately turns & heads to house ^{at police} ~~by~~ contact

Neil felt very expose by time

Neil right of sidewalk

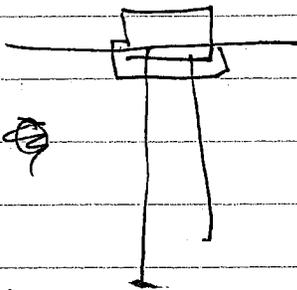
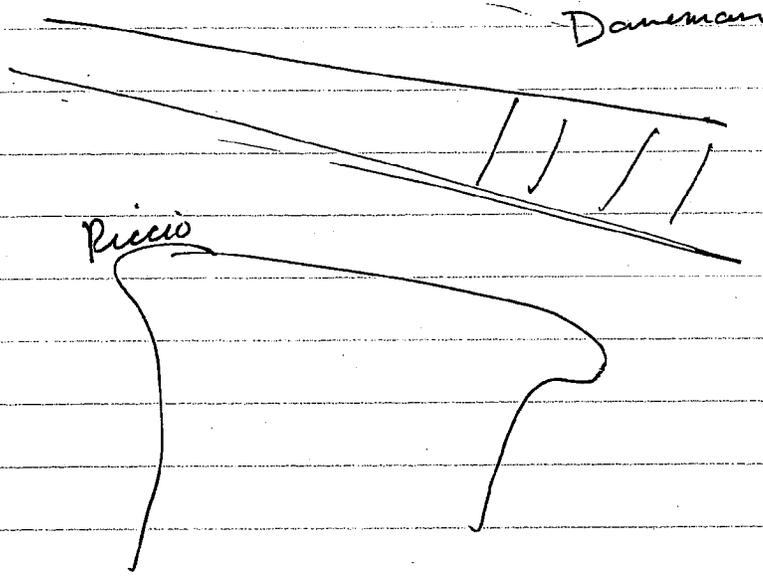
Torres left

Neil pulls gun put holds at side to hide from view

black object in left hand

placed black item on ~~stand~~ ^{something} inside door

if anyone comes in my back door I will shoot them



x
aid

⊙
x
Barus

x
Torres

x
Kunstal

News 4 Video

 townhouses to left

B/m short dead

~~7907~~ ~~not there~~

g/f notes gun in wasteband

↳ did she relay info to Ofe Neil?

did Ofe Neil put info on radio

R Polish

L Magicleaf 7907

turn to Peck Beach

463

1558 leave Massey

1638 on scene
at end of culdesac w/
sunny warm/hot, clear

1857 Sta 7

1901 notify officers of CS phantoms

Lt Mungo on scene

officers arrive for situation
Δ comes out of house, excha

witness officers

Rodney Barnes

Ben Kushner

Dave Parker

George

Mike

Briefing by Mango

14 42 dom dis B/f g/f
2 kids
alcoholic
g/f moving out

1450 hrs 1st officer
subject out front Ofc. Davis
wh shorts / t-shirt
△ agitated
says not talking, going out

△ pulls gun out of holster
says for you guys if you come in
puts gun on table to right just
inside front door
officers remain engage
going to kill you if you come inside

check high

△ standing at front door, arms up on ^{door} frame
David Head ~~was~~ went to left of house
Rodney Barnes Torres > talking to △
w/ weapons drawn

Mike Fish

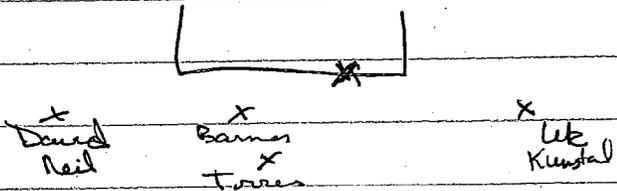
sees hands going down
hear shot

Mango saw hands drop
of shirt prof

K-9 9 to rear of house

Ricco

K-9 7



David Neal - initial officer (only heard
730 C to right of door

David Parker - (saw & heard
741 B up to house, near

B. Kushner (saw & heard)
X700

Rodney Barnes

Hemichis heard

Quarto heard & saw

Manny

K-9 Riccio

K-9

Fischer

Jocq

Scene

command bus } at end of cul de sac
swat bus }
bomb bus closer in by cul de sac

G/F ^{Mama} ~~Mora~~ Laura Harrington
w/ negotiator

John Geer [REDACTED] w/m
7907 Pebble Brook Ct [REDACTED]

two daughters 12 & 17
officer may have moved them to neighbors 7903

Morgan 12 40
Haley 17 40

dad - Don Geer

Torres

Rodney Barnes

David Neil

Kusher

Hanielias

Quato

Ron Mango

Joca

K-9 Riccio

K-9

Mike Fisch

George Joca

2 kids Haley Morgan

father - Dan

uncle neighbor witnesses

1627 w Lt left for scene @ w/ 1A

Flanagan w/ dad

Parish w/ g/f

List from
Massaro

- 1 Guckenberger 3199 -
1st ~~sent~~ in, actually saw subject from
outside after door rained
- 2 Fasci # 3395
- 3 Northrup # 1484
- 4 Phillips # 2900 entry - checked pulse
- 5 Massaro # 2794
- 6 Carroll # 254
309983
- 7 Depoto # 2653
- 8 DeHaven # 2561 worked on subject til rescue took over

1. Guckenberger - Went IN, And
EM# 3199 SAW Subject From
outside via HRV

2. FASCI # 3395 - Went
IN

3. Northrup # 1484 Went IN

4. Phillips # 2900 - Went IN
Checked pulse

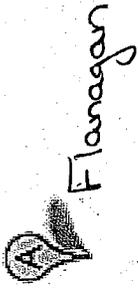
5. MASSARO # 2194 Went IN

6. Carroll # 309983 (2540)
Went IN

7. Depoto # 2653 Went IN

8. DeHAVEN # 2561 = worked
ON subject
TIL Rescued

Bond
1900-1910



Flanagan

Griffith

Kroll

Pebble Brook Ct

Allbritton

Hinson

Chambers

Bradrick

Pebble Brook Ct

①

②

1962



Forest Path Way

0000

Date: Thursday August, 29
Time: 1440 hours domestic dispute called in
1530 shots fired

Location: 7907 Pebble Brook Ct.
Involving: John Geer & Maura Harrington

Home at time of incident? If so, what did you see/hear?

Did you take photos or video? Know anyone that did?

Know of others in neighborhood that did see incident? and/or photograph or tape it?

Obtain full info on occupants

Knowledge of any prior incidents, domestic disputes, etc?

*looking for African American with dreadlocks in neighborhood that may have video of incident

Woodstream Homeowners Association

August 31, 2013

To All Woodstream Residents:

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

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

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

For further information regarding this incident, you may visit the Fairfax County Police Department website at <http://www.fairfaxcounty.gov/police/>. If you have any concerns or questions regarding the safety of our community, please contact the Board of Directors at info@woodstream.org.

On behalf of the Woodstream Board of Directors,

Michael Hoover
President

Woodstream Home Owner's Association
PO Box 5467
Springfield, VA 22150-5467

info@woodstream.org

<http://www.woodstream.org>

Pebble Brook Court Addresses Left to Canvass

possibly vacant

~~never spoke to~~

~~spoke to~~

~~Fred *postal (works late hours)~~

~~spoke to~~

~~*works nights. 1005 Akde~~

need Arabic interpreter

no ans.

spoke to

no answer

possibly vacant

~~residence not on main circle but female usually walks dog in the area (not home during canvass).~~

Call Ins From Canvass

[REDACTED] Deborah Minifie house sitting for daughter, ^{a Robert} Amy Streater
just noticed police present around 1545 hrs
only saw ~~some~~ general police activity, could
not see target address. Call back # [REDACTED]

Mack
Reckasha [REDACTED]

Cindy Carter [REDACTED]

[REDACTED] Biancha Rey [REDACTED]

w got home early, around a little after 2:00
walking dog, saw police around 1430 hrs
on next street over ~~got around corner~~ & heard gun shot (one shot)
later learn of incident location / cant see from house
dont know residents
dont know of any witnesses

Marisa Hamilton [REDACTED]

8/31 Canvas

Bob Allen

1430-1440

2 officers in front lawn

man in door

- hands behind head

volume & slur

sounded intoxicated - sounded like he had much too much too much too much

yelling "I know my rights, I know my rights"

35-40 minutes heard 1 shot

That's pretty much all I heard from him

more units

Saw SWAT show up

then heard news & saw

family loaded into back of veh SWAT

bags & belongings

didn't see where family came from

2 officers 2 w/m

short officers on right - balding

taller on left - weapon drawn standing

trying to talk/communicate to man

total views 1-1 1/2 minutes

then ~~continued~~ continued to watch out window

saw a female that was being walked around by officers

↳ before the shot

w/F black business suit

- maybe red blouse

long red hair? light
golden or longer

before shot remember

2 cruiser escape when S arrived home

10-12 cruisers - maybe before shot

saw officer get shot gun from trunk

on

SWAT showed up after shot fired

cant see front lawn

10-15'
apart

shorter - to right of sidewalk

taller - few feet out of tree but left of sidewalk

front door completely open

screen door closed

debris in yard in front of house

maybe drywall

debris b/m officer & house

neighbors
- doesn't think he was home

Bob Allen

no other occupa

asst principle @ Poe

started watching news around 5
shot to entry seemed like a long time - ~~an~~ hour or more

did see one K-9

saw many other officers throughout island area
no other civilians

saw officers - uniform & SWAT (well after shot)
to left of unit, along row attempting to
look thru windows

officer loading shot gun - didn't see pointed
in roadway IFO 7223

IFO 7201 SWAT vehicle that picked up family

* no answer - flyer in door
may be empty

* vacant flyer in door

~~found no answer no flyer package @ front door~~

~~no answer~~ Bobby flyer in door ∞

* 1.

* "

[REDACTED] Geri Dolan [REDACTED] - only occupant
~~that~~ [REDACTED]

@ 1700 coming home & couldn't get past park lane

no other issues
doesn't know family

next door had a renter but haven't seen him
would usually see but haven't lately

only know of incident thru news
2 little girls ran to daycare
and woman said

No Answers on Main Court



✓	[REDACTED]	
✓	[REDACTED]	
✓	[REDACTED]	- Stallings
x	[REDACTED]	found
✓	[REDACTED]	vacant
x	[REDACTED]	vacant
x	[REDACTED]	→ found
x	[REDACTED]	
✓	[REDACTED]	
✓	[REDACTED]	
✓	[REDACTED]	female walking dog - not home for canvass
✓	[REDACTED]	
✓	[REDACTED]	Fatima Derderer
✓	[REDACTED]	need Arabic Malika Derderer
	[REDACTED]	
	[REDACTED]	husband
	[REDACTED]	call after 6 for arrangements

Andy Viglucci

lived here month 1/2

not aware of any incident
heard gun shot + then looked out
loud, not muffled

officers moved from [redacted] to [redacted]
talk to boss

2 using car for cover, pistols drawn

cars blocking

saw lot of junk in front of house but
unsure

come out of house
put down your gun

hour later -

were here to help you, come out of house

Ries
Chris ~~Rose~~
↳ not ~~present~~
Yones

AR 15

Grace Stachowski

lived here one month

left w/ kids around 1400
maybe back around 1500
saw cars w/ lights
when got to circle

kids ages
10, 2 $\frac{1}{2}$, 3 $\frac{1}{2}$

saw man

g. arms up crossed in front of face
man in door

head down maybe resting on arms
maybe leaning on screen

officer to left side of yard w/ gun pointed to door/man
only one

turned stroller around & was approach by
another officer who said 'go home'
w- 'id like on the circle'
c- 'just leave'

wearing shorts
light colored clothes

total view was a couple seconds
no one home

heard shooting - around 1530 hrs
didn't have phone with her

friend supposed to get
works at airport

Luma Boyd
Det Bond spoke to on phone

Heidi Ashbaugh

stays

just thought evictor - personal goods in yard
turned out just met
then saw police

lot of police present for not much of an incident
overkill of thousands of police

came out around 1530

saw R-9 on corner of island
just didn't get feeling of a lot of commotion
saw wife escorted out

on mic

→ come out, we know you're injured
if you hear the phone ringing, pick up

we are just here to help you

come out w/ us hands where we can see them
parked at angle by mailbox

after
shots
maybe

standing out a min or two

most activity on corner 1FO house

didn't hear man or other officers

officer in between buildings said to go inside

heard pop around 1615 1630

officer w/ rifle by mailbox

K9 in island corner

sad

poor guy couldn't cut a break

was stupid

its not like he ever did anything erratic or goofy

8/29

[REDACTED] no answer

[REDACTED] Olga Teutler [REDACTED]

overseas, home 9/2

w/ husband

since 2003, known 10 years

wonderful neighbors, very loving person

no known

Lee or Mitch - friends

[REDACTED] no answer

[REDACTED] ~~no answer~~ Lucinda Lewis [REDACTED]

son & daughter live w/ her

not home @ time of incident

not very cooperative for canvass

[REDACTED] Eyassu, Akele [REDACTED]

1630 asking Δ to come

transferred to Rowson 1828

CONSENT TO SEARCH

I, Mariam Bamba, having been informed of my constitutional rights which advise I am not required to have a search made of my premises without a search warrant, hereby authorize Det. Griffith or other authority of the Fairfax County Police Department to conduct a complete search of HP Compag

for the purpose of discovering ^{data} ~~and recovering evidence and/or illegal contraband~~ relating to the crime of _____.

The investigator(s) is authorized by me to remove from my above described premises any and all items which may be related to the above offense for further examination, analysis, and/or testing, as well as any letters, papers, documents, material, or other property which may be considered evidence or contraband.

This written permission is being given by me to the above named investigator voluntarily and without any threats or promises.

Signed Mariam Bamba

Location [REDACTED]

Date/Time 9/05/13

Witness [Signature]

Witness _____

Date/Time 9/5/13

9/4 2010
2015

video camera

9/5 1753

emr w/ computer

canvass 9/4

brought video camera & hand off to Rowson ²⁰¹⁵ 2020

drove out 9/5 for computer

1753 emr to Massey

drop off to Jason

returned computer morning of 9/6

Rodney Barnes Interview

notes while listening to recording of interview

despatch Neil Torres - unsure time
730C/731C

boyfriend throwing out stuff - bed
wouldn't let g/f back in
thought to be Don Dio

Torres? - said guy has a gun
hes not going anywhere & will use it

responded code

needed shield

next unit on scene get shield from truck ← tree

Torres - silver unmarked
could see guy in doorway

Rodney brought shield &
R not shield qualified
set shield by tree

David Neil - edge of sidewalk/glass
Torres - on left

△ inside screen door
hard door yellow
full screen door

△ had shorts on

Δ asks to call Rodney by 'Rodney'
R could hear Parker
& Kushner

"just me and him talking"
radio talk continues

Torres getting on radio while @ gunpoint
he seemed to like talking to me

Δ 'hey guys nobody gonna get hurt'
'don't have a gun in my hands'

R convinced T to go to ready gun

Δ said not against law to throw stuff out

Δ concerned for neighbors coming home - don't want
to see

Δ - I know if I reach down or move my hands
I know I will get shot

2346 on recording Δ mentions water

Δ - 'I'm tired' gonna get water

Δ - yeah, I do have a gun
it's sitting right here on the couch / chair
right by the door

357 in holster

butt was facing me

opened door so R could see

R didn't see it

Δ tells R to get the gun

Δ said not gonna reach it

Δ asked if can get phone

can I reach

can I get phone from pocket

can I just put hands in pocket

would tell if gonna scratch

pow

the whole time my thing is down by my side

R + Torres moved to side

?? "shots fired"

Joca - didn't know who shot

R asked for channel

said officer shot, guy ^{spelled} inside

R - who shot

T - I did, I'm sorry

he moved his hand down to his waist

T - jammed wrist

oh man, I'm sorry

R - I was pissed

T - did you see it?

T - gonna have to talk to IA
they gonna take gun
well, I did have an argument w/ my wife

R - couple times heard Δ inside
stayed out front til TAC came around Δ side

R - I can get you relief, I can get you relief
knew it was a matter of time b4 they call 4 him
↳ then they called for Torres

Torres concerned that we need to get in there & get him

R - mad

I didn't see what he saw

I didn't see what he thought he saw

~~Back through~~

CAD - no alcohol & weapons secure

on

R heard he had a gun & would shoot us
if we came in - Radio via Torres

needed shield - R advised he would be there in 2¹/₃ mins

R didn't see Neil's car

R parked behind T's car

Δ - I'm not coming out, you all need to leave
Neil seemed stumped

Δ was uncooperative

telling us what we could do, what we can't do

Δ said several times - nobody needs to get hurt today

Δ said he sees his dad out there

for whatever reason they told him to talk to the guy
then they finally shut him up

man, what is he doing here? - Δ

Δ - no, I'm not coming out & we not coming in
commands, - no
requests

R - explained commands
said no handcuffs

~~R~~

R - if you don't make any movements & keep hands up
R thought Δ may have been drinking
red, ~~some~~ speech slurred at times

he said 'I'm not gonna reach for no gun
R- wanted me to know where the gun was
told me I could come get it

Chris - why wouldn't you, ~~still a threat~~ ^{do that}

R- I didn't know what else he had, you know

Chris - so in your mind he is still a threat to you?

R- with that gun being that close, I thought so

R- must have been something there, like a table
it seemed like he could have just reached
over & got the gun

△ I don't want to get shot, I don't want anybody to ^{get} shot
b/c I don't want to die today

R- didn't hear any threats made by △

△ he was going to shut door & get water & come back

R- he basically did everything I asked him to do -
except come out

how long ^{seemed} like it was forever

he he would have gone inside, wasn't gonna knock and/or

911 call review

live in BF - throwing everything out
hasnt

threw something down stairs as I was coming up

tell them to bring some guns
normally drinking but dont think so today
weapons - shot guns + hand guns but in safe
he says hes not threatening anyone

1442
~~1440~~

730c / 740c

domestic

throwing stuff out

2 guns locked inside safe

no known alcohol/drugs

1446

threatening he has a gun and will use it if he needs to
is threatening to use a gun he is inside his house

1455

730c

saying he ~~has~~ gun + will use it against us if he needs to

Tc set up safe perimeter

740c others ^{subject} inside another house, talking to him from the door

Tc landline speaking thru screen window of front door

730c he is armed w/ a pistol + will use it against us

we have our pistols

hands behind head + talking to us but refuse to come outside

Tc direct, requests should

740c shield in cruiser

740B on scene

740c no charges, just threats

730c advised 740B negotiator, 730c will talk to wife

730c dom dis, no physical contact, maybe destruction

730c made comments that has 45 seconds from putting a bullet in his head + told a friend of his that he had a

gun and he might do a suicide by cop type of situation

no stamp

Tc + disp ~~to~~ alert neighbors

741B 4 of us here, little busy

731c ~~to~~ minute off will start on neighbor notification

741c advises going to rear

1507 K97 advises 10 mins off. will handle rear

6:55 741B 740B ~~is~~ talking & has a report + 3 others of us have him at gp
741B ~~is~~ standing there w/ hands up in the air but still inside the house
he said if anyone comes in the back door its gonna escalate
so dont try to ~~go~~ enter the back door

1511 741c direct

318955 traffic stop

007 130c 2 hand guns, shotgun, semi auto rifle

7B 7c with father

X700 Δ advised gun in close proximity to him

1043 130c when we just arrived ~~he~~ advised had gun in
his lower waistband of his lower back he
did take something out & put something ^{down} on
the ground on the left side of his ^{body} on the ground
still he in his lower back, it might be
on the ground, he might have multiple
weapons with him, we dont know

7c confirmed w/ dispatch units to the rear

741c waiting on K-9 who just arrived — will head to rear

731c asked for unit location (which unit from right TH block,

7B no additional units needed

741c in rear

730c

730c children at daycare in basement
7B direct

~~Am~~ not sure if drinking today - but does regularly

731c 2 doors left, resident keeps coming out

7c will take time, split channels

commander 70 on scene

Set 13/14 switch to channel 7

1531 7c direct

1534 740c shots fired,

740B? hes down inside the house

~~740B~~

7c r

1539 740B hear movement in the house, screaming
movement at the door

1547 740B I dont hear any movement now

From: Farrell, John
To: Malarkey, Gregory
Sent: 11/19/2014 4:06:31 PM
Subject: FW: Scanned by NSI AutoStore
Attachments: Scan.pdf

Kroll's notes.

I have an updated supplement that is attached to the case (was written in October 2014) and I will burn you a disc of my emails.

I am in academy tomorrow – so I will get you that on Friday.

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



From: Farrell, John
Sent: Wednesday, November 19, 2014 3:54 PM
To: Farrell, John
Subject: Scanned by NSI AutoStore

- .357
 - 9MM
 - 9MM
 - 12 GAUGE
 - RIFLE - ?
- NO MILITARY
MINIMAL TRAINING
NO MENTAL

- G/F - 25 YRS - 2 KIDS TOGETHER

- KITCHEN DESIGN

- STORE CO / ARM 3X

- NO GOLF

- SIGN LEASE

- SHOOT POWIE

HOME - 

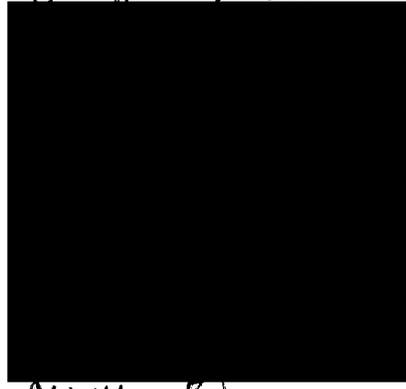
- PARKED IN FRONT OF HOUSE
- YOUNGEST DAUGHTER HOLDING MOM FROM BEHIND ON SIDEWALK
- OLDER DAUGHTER CURSING MOM FROM [REDACTED] AREA

* MET @ MOVE-IN

- NO ISSUES OBSERVED
- GOOD NEIGHBOR
- VIK ALCOHOL ISSUES
- VIK INFO - GUNS / WEAPONS
- NEVER BEEN INSIDE JOHN'S HOUSE
- HIS BEHAVIOR TODAY WAS OK - THROWING THINGS OUT

* LT. KILLAM TOOK NOTES

CHERYL HENDERSON



- MOTHER IN 2007

DAVEEN HENDERSON



- BLOVA - KN

- LEFT WORK @ 12:45 P.

- HOME - NORMAL
- PICKED UP SON - 4:00 P.
- NEWINGTON FOREST ES
- 2P - MET W/ TEACHER
- 1/2 HR - 40 MINS
- DROVE HOME
- SAW JOHN OUTSIDE THROWING ITEMS OUTSIDE THE HOUSE - THEN HE WALKED BACK IN
- W/M - BROWN HAIR - 5'7" - 5'7 1/2"
- SHORTS (LIGHT) - SHIRTLESS
- DIDN'T HEAR ANYTHING



MORGAN

-ONS

- Δ YELLING @ PEOPLE IN YARD
W/M - GRAY SHIRT

- WENT INSIDE / CLOSED SCREEN DOOR

- HE HAS GUN - WILL USE B/C WE HAVE GUNS

- NO TALK

- PUT HANDS BH BACK

- PULLED GUN IN HOLSTER (SHOW)

- PUT GUN DOWN @ FEET

- TALKING / SHOWING HANDS - HINKEY

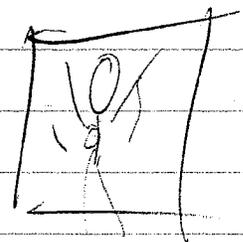
- COMMANDS

- PUT HANDS OUT SCREEN DOOR

- GUN MENTION

- HANDS TO WAIST - FAST

- SHOOTING - INSIDE DOOR



Blood | ~~GRAVITY~~ COUNT

-MADRA HADWENTON

✓
HAYLEA / MORGAN

JOE FLYNN - FRIEND

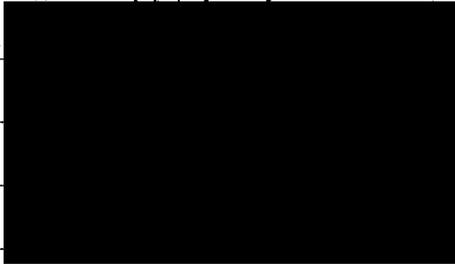
DON GEEZ -



JEFF STEWART -



* SWAFFORD, DAVID

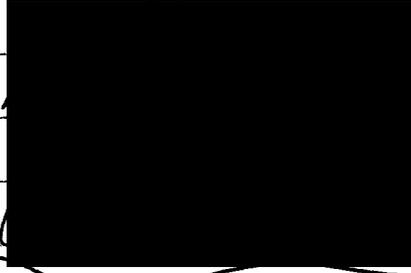


- HOME BEING INCIDENT
- 6 YRS IN HOUSE
- DID NOT KNOW FAMILY
- NOTHING @ TIME - WORK UP W/ PA
- GOT HEARING MEDICAL ASST OFFICER
- STAYED W/ NEIGHBORS - GOT INFO
- DOUNDS / SAOT PUPP / PA
- DESCRIBED COMMAND
- SHOOTING (HEARD)

- NO PHOTOS / VIDEOS - NO INFO
- NO KNOWN WITNESSES

- WIFE @ CHRS HOME - SAW PA RESPONSE - NO FURTHER

EL-AZAZY, IMAN



- HOME w/ 3 KIDS - AHMED / MOHAMED / SARA
- HEARD / SAID PA RESPONSE
- DAUGHTER / SHE SAW FROM FRONT DOOR

- SAW Δ BEHIND DOOR CLOSED WEARING WHITE CUT-OFF SHORTS / SOCKS
- DOOR CLOSED / HANDS UP
- PA CNS - TALKING
- DIDN'T SEE Δ W/ GUN
- WATCHED FOR APPROX - 3-5 MINS - BACK 2 FRONT
- HEARD PA INSTRUCTIONS
- HEARD SHOT BUT DIDN'T SEE

- PICS / VIDEOS - REVIEWED - GENERAL PICS OF RESPONSE
- DIDN'T KNOW IF ANYONE ELSE TOOK PICS / VIDEO

- HERE 2 MONTHS
- DID NOT KNOW FAMILY

EMPTY - For sale
u a

SCOTT DOWLING

- LIVED HERE 7 YRS.
- DID NOT FAMILY INVOLVED
- HOME - ALONE
- PRESENTING / OBLIVIOUS TO ANYTHING GOING ON
- PICS / VIDEOS - NO RESPONSE
- NO KNOWN OTHER PICS / VIDEOS

Celeste Mizeal



- NOT HOME - MOTHER-IN-LAW - NO INFO -
- ADDRESS @ 1715 - WORKED HOME
- DID NOT KNOW FAMILY
- DOESN'T KNOW ANYONE ELSE W/ PICS / VIDEO

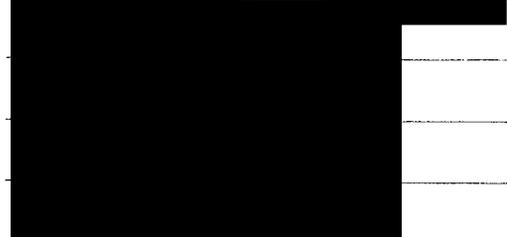
BEAN, MATTHEW



- LIVED HERE 3 1/2 YRS
- HOME - ALONE
- DIDN'T HEAR/SEE ANYTHING
- NO PICS/VIDEOS
- LEFT @ 1600 / RETURNED @ 2000
- UNC OTHERS W/ PICS/VIDEOS
- ~~DO~~ NOT KNOW FAMILY
- NOT MEXI POLICE IN AREA

- 45 MINS - IAR Delay
- Heard ~~the~~ ~~brakes~~ 1 call for medic
- Carried ~~to~~ ~~mountain~~
- Cleared by Tac
- Walked to front →
Command Post
- ~~Scene~~ ~~Security~~

- USA CONTRACTOR -



- Arrived → saw 4 OPC-ONS
- ~~pick up~~ ~~keys~~
- stay in residence

2013-241024Z

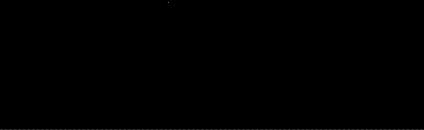
1847 | 8/20/13 | ONS
PFC MANNEMANN - T31C

- Adv ON UNIT TO EVENT
- 4 ONS BY HIM
- ~~stayed~~ @ TOP OF HILL
- GOT W/ LINENFELDER (741C)
- ~~prepared~~ FOR EAR CONTAINMENT
- GOT W/ K910 (KUNSTEL)
- POSITIONED / RE-POSITIONED
- K910 / K907
- SAW G/F GOT REMOVED BY
970C / 730C / K907
- K910 ONS W/ SHOOTING
OCCURRED
- HEARD 1 (ONE) SHOT
- HEARD TORRES GOT ON
RADIO & ADV
- ~~Grabbed~~ & ~~heard~~ ~~again~~ BY
ENEMIES

(K9) 0 0
 T31C 741C

From: Farrell, John
To: Malarkey, Gregory; Billeb, Todd
Sent: 9/10/2014 6:03:28 PM
Subject: FW: Scanned by NSI AutoStore
Attachments: Scan.pdf

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



From: Farrell, John
Sent: Monday, September 08, 2014 2:48 PM
To: Farrell, John
Subject: Scanned by NSI AutoStore

Barricade - subject shot in upper torso by PD. Responded to scene and coordinated with fire department and unified command post. Determined that an LZ had been designated and the helicopter was landing to standby on the ground in case needed. I responded to the residence in the HRV. PFC Thibault was available and also responded for training purposes. The HRV was used to breach the door of the residence. Upon entry of the reaction team, the subject was found lying on the floor inside the front door with a pool of blood on the floor around him and a large quantity of blood on his shirt. The subject was not moving. The reaction team did an initial safety sweep of the immediate area and called for Medic Up. I entered the residence and assessed the subject finding no signs of life. I had a fire department medic enter the residence and confirm my findings and connect a cardiac monitor. The fire department medic confirmed my findings and the EKG reading displayed Asystole. We cleared the residence after confirming the subject was deceased.

PFC Thibault arrived as the front door was being breached by the HRV. After the situation was stabilized, he responded to the front of the house and I debriefed the situation and my actions with him.

I was covering the duty shift at the heliport when this event occurred. Lt. Smith covered my duty so that I could respond to the barricade.

The subject had a single GSW to the mid section of the upper torso. He was wearing a white tee shirt with a single hole consistent with a bullet hole and the front of the shirt was soaked in blood. The patient was pulseless and apneic with no lung or heart sounds audible. His pupils were fixed and dilated and his skin was ashen and cool to the touch.

The fire department medic who confirmed my findings was FF/Medic Adam Bartman 50892 from Medic 435.

08/24/2013
15:35
18:35
7907 PEBBLE BROOK COURT
LANCE GUCKENBERGER

From: Farrell, John
To: Kline, Michael
Sent: 9/3/2014 5:31:27 PM
Subject: FW: Scanned by NSI AutoStore
Attachments: Scan.pdf

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



From: Farrell, John
Sent: Wednesday, September 03, 2014 5:28 PM
To: Farrell, John
Subject: Scanned by NSI AutoStore

CONSENT TO SEARCH FORM

I, Maura Harrington do hereby give consent to
Detective John Farrell of the Fairfax County Police Department to
search for the below listed items. I am giving this consent of my own free will. I have not been
forced, threatened or coerced to do so, nor have I been promised any special considerations by
anyone. I have been advised that I have the right to refuse this search. The person, place, or
thing to be searched is: 7907 Pebble Brook Court, Springfield

The items to be searched for are:

guns, ammunition, documents, cell phone, electronic
devices, blood, forensic evidence, any item
related to the officer involved shooting.

X Maura Harrington
Person consenting to search

Date: 8/29/2013

Date of search: 0000 / 8/30/13

Time of search. Began/End 1

Witness: J Farrell 312051

Witness: [Signature] 315326

From: Owens, Matt
To: Farrell, John
Sent: 10/17/2013 3:28:05 PM
Subject: FW: Training

I said files...I should have said summary sheet as that is all I looked at.

Matt

From: Owens, Matt
Sent: Thursday, October 17, 2013 3:27 PM
To: Farrell, John
Subject: Training

Hey John,

I hope all is going well. I have pulled the Training files and you should be good.

Matt

From: Farrell, John
To: Torres, Adam D.
Sent: 9/10/2014 10:51:29 PM
Subject: Fwd: John Geer OIS

John Farrell

Begin forwarded message:

From: [REDACTED]
Date: September 10, 2014 at 10:50:02 PM EDT
To: Joshua B Laitinen [REDACTED]
Cc: Christopher Flanagan [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. It can you please forward this to the intelligence unit tomorrow for a threat assessment. Additionally this should be included in any future analysis regarding the release of names in this officer involved shooting.

I will forward a copy of this email to Adam so he is direct on our actions.

Thanks!

John Farrell

From: Carr, Annemarie
To: Flanagan, Christopher; Farrell, John
Sent: 9/18/2013 9:00:44 AM
Subject: Hanidias transcript
Attachments: Ofc Erit Hanidias.docx

As always, please let me know if you need me to fix anything.

By-the-way Chris, please be impressed how I solved our NAME problem in the first column. LOL

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



Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 17, 2013

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

Hanidias: It's something Pebble Brook.

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

Hanidias: Erit Hanidias.

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

Hanidias: Erit.

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

Hanidias: Ok.

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

Springfield Station, is that right?

Hanidias: I do.

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

Hanidias: Evenings “A” Squad.

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

Hanidias: I was actually not logged on yet.

Bond: Ok.

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

Bond: Ok.

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

location.

Bond: How far is that from?

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

Bond: Ok.

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

Bond: Uh-um.

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

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

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

Bond: 970Charlie, ok.

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

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

Bond: Who's – who's Kyle, I'm sorry.

Hanidias: The K-9 Unit.

Bond: Ok.

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

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

Hanidias: No, we ...

Bond: Around the back?

Hanidias: ... we walked through the back.

Bond: Ok.

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

Bond: Ok.

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

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

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

.....

Bond: Uh-uh.

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

Bond: Right.

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

Bond: Ok.

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

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

Bond: Uh-um.

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

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

Hanidias: Correct.

Bond: Ok.

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

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

Hanidias: Officer Parker was behind a parked car,

Bond: Uh-um.

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

Bond: And that was who? On the lawn.

Hanidias: Torres and Barnes.

Bond: Ok.

Hanidias: Ok.

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

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

Bond: Ok.

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

Bond: Uh-uhm.

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

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

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

Hanidias: I was still ...

Bond: ... you heard the bang?

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

Bond: Ok.

Hanidias: Uhmm,

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

Hanidias: That the target-house is on.

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

Hanidias: Right, ...

Bond: ... **INAUDIBLE.**

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

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

Bond: Ok.

Hanidias: ... sitting outside.

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

Hanidias: Correct.

Bond: Ok.

Hanidias: I was in the break area.

Bond: Ok. You hear a shot.

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

Bond: Uh-uh.

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

Bond: Right.

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

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

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

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

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

Bond: And who is relaying that information?

Hanidias: I remember hearing Officer Torres saying it.

Bond: Torres.

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

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

Hanidias: Correct.

Bond: Ok.

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

Bond: Uh-um.

Hanidias: And that was over the radio. Uhmm,

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

Hanidias: No, I ...

Bond: ... anything?

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

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

Hanidias: He did. He had full uniform on.

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

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

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

hear any voices. You couldn't hear anything.

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

Bond: Ok.

Hanidias: ... from where I was.

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

Hanidias: I think I was two houses away.

Bond: Two houses. Ok.

Hanidias: Two ...

Bond: But ...

Hanidias: ... townhomes houses.

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

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

Bond: Yeah.

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

Bond: And then the break. Ok.

Hanidias: And I was in that break area.

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

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

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

Hanidias: Not that I remember.

Bond: Ok.

Hanidias: No.

Bond: Alright.

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

Bond: Uh-um.

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

Bond: Right.

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

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

Hanidias: Correct.

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

Hanidias: He needed two officers.

Bond: ... two officers.

Hanidias: Right.

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

Hanidias: Actually I went just down the middle.

Bond: Ok.

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

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

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

Bond: Alright.

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

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

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

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

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

Bond: Uh-uh.

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

Bond: Ok.

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

Bond: Uh-uh.

Hanidias: There's a row of townhouses here.

Bond: Right.

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

Bond: Uh-um.

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

Bond: Right.

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

Bond: Right.

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

Bond: Right.

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

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

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

Bond: Ok.

Hanidias: And this is where everyone else was.

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

Hanidias: I was here.

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

Hanidias: Correct.

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

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

Bond: Ok.

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

Bond: Uh-um.

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

Bond: Gotcha.

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

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

Hanidias: Uhhh,

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

Hanidias: Eight years.

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

Hanidias: Yes.

Bond: Ok. And in ...

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

asked about radio traffic

Bond: Uh-uh.

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

Bond: Ok.

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

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

Hanidias: Right.

Bond: Right.

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

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

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

Hanidias: No.

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

Transcribed on 09/17/2013

By Annemarie Carr, Administrative Assistant

From: Farrell, John
To: Laitinen, Joshua B
CC: Flanagan, Christopher
Sent: 9/10/2014 10:50:05 PM
Subject: John Geer OIS

http://www.washingtonpost.com/opinions/the-unaccountable-death-of-john-geer/2014/09/05/29d36d96-339a-11e4-a723-fa3895a25d02_story.html

In the comments section of this article there is a posting that where the author [REDACTED] suggests that the citizens of Fairfax should extract revenge Michael Kennedy style.

I have been in communication with Adam regarding this posting and he is rightfully concerned. It can you please forward this to the intelligence unit tomorrow for a threat assessment. Additionally this should be included in any future analysis regarding the release of names in this officer involved shooting.

I will forward a copy of this email to Adam so he is direct on our actions.

Thanks!

John Farrell

DEF008317

From: Quinn, Karol
To: Farrell, John
CC: Quinn, Karol
Sent: 9/12/2013 8:40:45 AM
Subject: Kushner
Attachments: Kushner.docx

Kushner transcript

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 11, 2013

BIBEAULT: Live?

LAITINEN: Um?

BIBEAULT: You live? Ok. Do you mind if we record it?

KUSHNER: No.

BIBEAULT: Is that ok?

KUSHNER: Yeah, absolutely.

BIBEAULT: And obviously you know what we are here about, but uh, Crystal from IA, I'm from CIB, uh, just to make sure before we start into this; you know we're here about the shooting down there today. Were you, did you shoot at all?

KUSHNER: No sir.

BIBEAULT: Ok. Uh, as I told uh INAUDIBLE it has happened before where we get into the interview and it's like, oh, wait a minute.

KUSHNER: That would be a little awkward.

BIBEAULT: Yeah, so it's, uh, just important that we INAUDIBLE at the beginning. You mind telling us about today, let's start with you were Xray 700?

KUSHNER: Xray 700, yes sir, I was on a traffic assignment.

BIBEAULT: But this is your normal squad right?

KUSHNER: Yes sir.

BIBEAULT: You're not a, some kind of set unit or something, this is your squad?

KUSHNER: No sir, I'm day.

BIBEAULT: Day work unit.

KUSHNER: Days A at West Springfield.

BIBEAULT: So.

KUSHNER: Under Lieutenant Fish, sir.

BIBEAULT: So today was your second day, you'd be off for three days?

KUSHNER: Yes sir.

BIBEAULT: Started normal time today, roll call?

KUSHNER: Yes, sir, well I wasn't in roll call but, I had wellness, but started at the normal time.

BIBEAULT: All right, you didn't come in early or late or anything?

KUSHNER: No sir.

BIBEAULT: Start up early? And as Xray you're assigned to traffic, or what, what is Xray do?

KUSHNER: District wide, wide going for traffic enforcement sir.

BIBEAULT: Mainly traffic enforcement.

KUSHNER: Yes sir

BIBEAULT: Ok, and, uh, did the morning mainly consist of traffic tickets and INAUDIBLE?

KUSHNER: Yes, sir, I was writing tickets up until about 1:30 sir.

BIBEAULT: INAUDIBLE

LAITINEN: I guess.

BIBEAULT: Um, uh, the same thing happened INAUDIBLE uh, so then what happens as you are leading up to this event?

KUSHNER: Uh, I.

BIBEAULT: Are you writing a traffic ticket and this little thing INAUDIBLE

KUSHNER: No sir, I'd, I'd finished writing tickets for the day. I was actually sitting with Officer Parker while starting on some paperwork when we heard the call come out and decided to respond to assist. Well, we heard the call escalating.

BIBEAULT: All right, so you had kind of finished off what you needed to do for the day and you were catching up on paperwork?

KUSHNER: Yes sir.

BIBEAULT: And you were with Dave Parker?

KUSHNER: Yes sir.

BIBEAULT: And where were you guys?

KUSHNER: Uh, down behind the little shopping center off I guess it's Cardinal Forest, down off of Gunston Corner Shopping Center where the Burger King is down off of Lorton and Silverbrook.

BIBEAULT: Are you just cruiser to cruiser?

KUSHNER: Yes sir.

BIBEAULT: And talking while you finish up paperwork?

KUSHNER: Yes sir.

BIBEAULT: And what is it you hear?

KUSHNER: We'd heard the, the event that they had as a domestic, sounded like it was escalating, they'd started talking about how um, they'd approached the door and the man told them he had a gun and told them he was going to use it or that he'd be willing to shoot

them, the officers.

BIBEAULT: Had you heard the initial event go out or?

KUSHNER: No sir, I, I, it seemed like a, it wasn't anything INAUDIBLE

BIBEAULT: So all of a sudden you just hear over the radio INAUDIBLE?

KUSHNER: Right, we heard the other units come on and make the advisement that they were talking to the individual and that he had made those statements.

BIBEAULT: And what did he say that, over the radio, what did he say the guy said?

KUSHNER: As I recall he mentioned that the individual stated that he had a gun and that he was willing to use it to shoot officers.

BIBEAULT: All right. And then did you have to figure out where this event is or?

KUSHNER: It came up the CAD and I.

BIBEAULT: Oh, did you already get alerted be, because of the escalation of it?

KUSHNER: Well, well, we, they'd called for additional officers and we marked up on radio, as soon as I marked up on the radio they dispatched me to it and I followed Dave to the event.

BIBEAULT: And do you know how you get there?

KUSHNER: Follow Dave, I try, tried using the GPS on the CAD but it didn't verify correctly so it wasn't able to give us accurate directions to get there.

BIBEAULT: Did Dave seem to know where he was going?

KUSHNER: I followed and we, we got there, yes sir.

BIBEAULT: And when you go there is any emergency equipment activated?

KUSHNER: Uh, yes sir, we ran lights and sirens.

BIBEAULT: Both of you?

KUSHNER: Yes sir.

BIBEAULT: Do you hear anything on the way there? Over the radio or I guess CAD?

KUSHNER: Uh, I'd heard them giving various updates, just other units marking, as I remember other units marking up to, to head there.

BIBEAULT: So some units are marking up that said they were heading there, in route there.

KUSHNER: That they're in route there and then we heard.

BIBEAULT: But did you hear anything more form the scene? That you remember.

KUSHNER: From the scene they were there, um, they were explaining that they were talking to him and that he said he had a gun but that they were, said he had weapons but that they were talking to him through the screen door. That he was standing at the front of the house and that they were talking to him but he said he had a gun so we were, continued responding.

BIBEAULT: Um, hm. Do you know who was talking on the radio?

KUSHNER: I couldn't, no sir, I don't remember.

BIBEAULT: It's just whether you know or not it's no big deal. Uh, so then what happens?

KUSHNER: Dave and I arrived on scene. I parked my cruiser, exited my cruiser, grabbed the shotgun and took up a position in front of the home behind, a position of cover behind one of the vehicles parked in the parking lot.

BIBEAULT: Um, what's your shotgun loaded with?

KUSHNER: It was originally loaded with buck and then it I changed over to slugs.

BIBEAULT: Where do you do that at, where do you trans, transition from buckshot to?

KUSHNER: I'm sorry, where or when?

BIBEAULT: Yeah, where, when, where, like how, when does that happen?

KUSHNER: I'd originally gone up, we had the positions that we had on, on the, on the perimeter.

BIBEAULT: Um hm.

KUSHNER: And I had buck and I decided I wanted to change to slug at that point so I motioned Dave, got his attention, told him you got this, I'm gonna go back and change real quick, switched over while they still had him.

BIBEAULT: So you had gotten out there, you got in a position realized might be better if I go to, to slug so you tell Dave and then you go back to your car.

KUSHNER: Correct.

BIBEAULT: Transition it out.

KUSHNER: Yes sir.

BIBEAULT: And then came back?

KUSHNER: Came back, reassume my position, whole time at that point he was at the front, he had his hands up and they had him well in sight so it wasn't, I mean, wasn't anything going on in particular at that point.

BIBEAULT: Now what did you say the subject was doing?

KUSHNER: He was standing in the front of his residence, had like a glass storm screen door at the front and he was standing in the front way talking with officers, talking with Officer Barnes.

BIBEAULT: In front of the storm door or behind the storm door?

KUSHNER: He was behind the storm door sir, but he was, it wasn't shut and sealed, it was varying degrees of opened.

BIBEAULT: Um hm. And he's doing what? He's talking to somebody you say?

KUSHNER: He was talking to Officer Barnes.

BIBEAULT: Ok. Could you hear the conversation?

KUSHNER: Yes sir.

BIBEAULT: What did you hear? You don't have to say, like I don't know if you remember every word but like what, what, what kind of.

KUSHNER: I remember the individual in the home was, was very agitated, he was uh confrontational with Officer Barnes, Officer Barnes was trying to get him to step out and speak with officers, um he'd mentioned several times that he'd had a gun, we'd heard updates over the radio from I guess his girlfriend had told one of our officers that he planned on copicide, on suicide by cop and that he was um very agitated, he had different weapons and he had INAUDIBLE

BIBEAULT: How did you hear it, over the radio?

KUSHNER: Yes sir.

BIBEAULT: INAUDIBLE

KUSHNER: We were getting updates from one of the officers, I believe it was Officer Neil, was speaking with the girl friend and was advising us of that in addition he'd said that while he was up there he mentioned he had a gun real close, in close proximity to him. As he'd look over, as he was standing in the front of the townhouse he'd look off to the left of him like right at the threshold of the doorway when he was talking about having the weapon close.

BIBEAULT: How did you know that again?

KUSHNER: I'm sorry?

BIBEAULT: He's talking about having a gun.

KUSHNER: Yes.

BIBEAULT: And holding you, hands up?

KUSHNER: He had his hands up while the officers had him at gun point and then Officer Parker and I as well, I'd had my shotgun trained on him from my position of cover given the circumstances that he had, his state of mind intending on suicide by cop, that he was willing to shot officers is what he told then through the door and everything from there we all had him at gun point and he was standing at the front with the storm door ajar and he'd had his hands sticking up like holding on to the top of the storm door. So he's holding on to that, officers, and he's just complaining and agitated that officers have their guns out demanding that they put their guns down and INAUDIBLE doesn't make him feel comfortable and he knows his rights and he's yelling and screaming I'm going to ask you all to get off my property now, you all need to leave, you all got no rights to be here, I can go in to my house right now and you all got no cause to be here and you all are really be in a spot then and just real agitated and he was, started getting thirsty and was saying that he was thirsty and he was going to go in for water, he kept threatening to go in for water, Officer Barnes said look, I really don't want you to do that. Stay out here talk to us we can get you a bottle of water if you want, we'll get you one just stay here where we can see you, why don't you just come on out, you know have a seat on the front porch, stuff along those lines, just trying to get him out, keep him engaged in conversation.

BIBEAULT: Ok. So it's Amanda Barnes that's talking to him?

KUSHNER: Yes sir.

BIBEAULT: Is it only Barnes that's talking to him?

KUSHNER: Yes sir.

BIBEAULT: Do you hear anybody else talk to him?

KUSHNER: No sir.

BIBEAULT: Even if it's not an officer?

KUSHNER: It didn't hear anybody else. At one point um there was an acquaintance of his, I don't know if it was a family member or a friend yelled from up the road at him and they started hollering back and forth, the guy was talking about plans that they were supposed to have and told him to come on out and be done with this, things of that, you know trying to get him to come out I guess. Btu they were hollering back and forth at each other. That was the only, that's the only other conversation I remember anybody having with him.

BIBEAULT: What's he saying to the guy that's up the road? What's he saying back to him?

KUSHNER: They were just yelling back and forth that, just, he was trying to get him to come out.

BIBEAULT: This guy's telling him to come on out, we'll get over, this over with.

KUSHNER: Yeah.

BIBEAULT: And what's the guy inside the, the, the door saying?

KUSHNER: Uh, er, I don't remember to tell you the truth.

BIBEAULT: I'm not going to come out, I'm not going to come out, I mean.

KUSHNER: He was just hollering like I got this.

BIBEAULT: Ok. All right. Then what happens?

KUSHNER: Uh, Officer Barnes continued trying to negotiate with him, trying to get him to come out, tried talking with him.

BIBEAULT: Who all's up there? You, you said you'd motioned to Parker.

KUSHNER: Ok.

BIBEAULT: And you're there.

KUSHNER: The, the set up INAUDIBLE

BIBEAULT: And Barnes is there.

KUSHNER: Was as you're facing the townhome, if you all have seen the scene.

BIBEAULT: I've seen it, yeah.

KUSHNER: Ok. So as you're facing the townhome he's the center house, there's three townhouses to the right of it. The front, he's got all the stuff thrown out in the front looking like a yard sale, um, so as we're from there, theres cars that are parked facing towards his row of townhouses.

BIBEAULT: Um hm.

KUSHNER: And theres also cars that are faced perpendicular going up the, the right hand side of townhouses that are parked in front of those. Uh, Rodney and Officer Torres were at the front of the house by the tree off to a left hand, off to the left hand side of the front of the house having an angle on him at gunpoint and Officer Parker was, as they're up front, he was behind taking a position of cover behind one of the, the vehicles that was parked over in front of his house and the vehicles, the line of vehicles that was parked on the right hand side, I was over the back corner of, I

believe it was like a red minivan or SUV, that I was over the back of that with my shotgun trained on the house.

BIBEAULT: So that's the four officers that are there?

KUSHNER: Yes sir.

BIBEAULT: That you see, that you know are right there?

KUSHNER: In the immediate area.

BIBEAULT: Right. All uniformed officers?

KUSHNER: Yes sir.

BIBEAULT: Did you see, uh, you had a shotgun?

KUSHNER: Yes sir.

BIBEAULT: And your handgun but you had the shotgun out?

KUSHNER: Yes sir.

BIBEAULT: Parker?

KUSHNER: Had his patrol rifle.

BIBEAULT: He's got a patrol rifle.

KUSHNER: Yes sir. And then Officer Barnes.

BIBEAULT: Barnes?

KUSHNER: And Torres had their pistols.

BIBEAULT: Anything else deployed?

KUSHNER: I think there was a shield by the tree. Up next to Barnes and Torres.

BIBEAULT: All right. And then what, what, um, happens next?

KUSHNER: They continued on, Officer Barnes was trying to get him to come out and address, trying to get him out of the house saying look,

offering him, you know things that he said he'd wanted.

LAITINEN: Right.

KUSHNER: He kept, uh getting more increasingly agitated saying no, he was going to get a drink of water, how frustrated he was with it, you all can't do anything to me, I haven't broken any laws. You all got no rights to get here, you all need to lower your guns, I feel very uncomfortable, you all can't have your guns pointed at me, you all lower your guns or else I'm going in the house, uh, lower your weapons, I'm thirsty, I'm gonna go in and get a glass of water, if I go in I got plenty of stuff to stay in here, I don't have to come out unless I gotta go to the grocery store for something. And I know Sunday you know all shut off the power and the electric, and the water and you know going through you know his list of things that were getting him agitated. And talk about how he was really thirsty, he was gonna go in for a glass of water and we couldn't do anything about it, he was gonna go in, um, he'd start, as he was standing in the front the whole time keeping his hands up in there, he'd start moving his hands around and he'd come down to scratch his nose, sometimes he said I gotta scratch my nose and he'd kinda be going around different, varying, uh, the door as the door would open and close, come open more as he'd work, walk a little bit further out and then come out all, all the time staying, keeping the door between he and Officer Barnes and Torres. Cause the door swung open against where they were. So he kept his hands up there but he continually talk about and then he brought he's got his, a gun within close range to him, he can get to it, he's got a 357 right next to him from there, it's in the holster, he's got it, it's right there, um, just getting increasingly more agitated and just insisting he was going to go in to the house and there wasn't anything anybody could do about it. He

continued to say I need to scratch my nose and he'd go "I'm scratching my nose, I'm scratching my", sometimes you know he was usually saying it and just.

BIBEAULT: Usually or every time he scratches does he say ahead of time I'm going to scratch my nose or?

KUSHNER: He, he'd mention it, I remember him mentioning it, I mean, not every time his hands moved would he say something but they'd come down, on, you know, one occasion he talked about I'm going to scratch my nose, my hands going to come down but they are still at my chest, things along those lines, and he was just moving around a lot getting increasingly agitated when the door coming open and.

BIBEAULT: And then what?

KUSHNER: At some point during that exchange while he was moving around and his hands were moving there was a shot fired. I saw what sound, what sounded like a shot fired, I saw him grab his midsection, I saw a red spot on his shirt and he went back into the house and the door shut.

BIBEAULT: So at some point he's sort, sort of moving around and you hear a gunshot?

KUSHNER: He was moving around the whole time we were talking to him just, just moving around there, the door's continually opening and he's coming and seemed like he was gonna, getting ready to run back into the house or reach for something, he was just getting increasingly agitated and moving around and then there was a shot fired.

BIBEAULT: And then you hear the gun shot, you see a red spot?

KUSHNER: Yes.

BIBEAULT: INAUDIBLE

KUSHNER: I saw a red spot on his, in his abdomen to what would be his, what seemed like his left side.

BIBEAULT: Does he say anything?

KUSHNER: I think there was yelling I don't remember anything in particular. And he went back in to the house and the door shut.

BIBEAULT: So he gets shot, you see a red spot here and then he goes back in to the house?

KUSHNER: Yes sir.

BIBEAULT: Does he shut the door behind him or?

KUSHNER: Yes sir. As he went back in the house he shut the door.

BIBEAULT: Any more contact with him after that?

KUSHNER: No sir.

BIBEAULT: Do you know who shot him?

KUSHNER: From what I gleaned on the scene, you know from them saying hey have the officer that shot respond up it seemed as though it was Officer Torres.

BIBEAULT: When you're, when you're looking from where you are do you know where the shot comes from? Left, right, back, front?

KUSHNER: It seems like it came from up front on the left where Officer Barnes and Officer Torres were.

BIBEAULT: Ok. But you don't see specifically who shoots?

KUSHNER: No sir.

BIBEAULT: But then afterwards they say have the officer have the officer that was involved in the shooting come back and you see an officer go back?

KUSHNER: I saw Officer Torres go back.

BIBEAULT: Torres goes back.

KUSHNER: But it sounded like a pistol, I mean it wasn't Dave's rifle and it wasn't my shotgun.

BIBEAULT: What did you do after that, after the shot, like what happened?

KUSHNER: We, I'd communicated to Dave earlier and tried to tell folks that hey when it seemed like he was going to run back in the house we knew he had some sort of a long gun we told 'em hey, I told Dave if he goes back inside that house we need to drastically readjust our position and take up more cover you know behind heavier trees cause where we were just behind the cars wasn't going to be adequate if he was using long guns so at that point while keeping an eye on the front of the house as best we could we repositioned and I went behind one of the larger trees.

BIBEAULT: And then what?

KUSHNER: At that point um, we were keeping an eye on the front of the house not sure if at that point um, me, not sure if he was gonna attempt to engage us or what he was going to come out and look to do, anything along those lines um, uh, notifications were made over the radio that shots were fired, that the officers were all right but that he was hit and he'd gone back inside the house and that the door was shut um, they started rescue, advised rescue to stage up the, up the street um, Rodney said that he could, they moved back a little bit more so they were along the front of the townhouse rows where they could still keep an eye on the front of the building, the door, to see if he came out but just moving out of the direct line of fire since we didn't know where he was in the house. Um, at that point Rodney could hear him inside moving around and, and I guess Rodney said he could hear him yelling inside, I didn't hear him.

BIBEAULT: Ok.

KUSHNER: He'd also made mention earlier during the, we'd had a perimeter set around the whole, the whole townhouse, we had units in, in the back and he'd uh, from what I understood being transmitted over the radio he told them don't try coming in the back or else things are going to escalate. He'd made mention of that as well. Um, after that Rodney attempted to try and holler at him, we tried calling on the phone to try and get back in, in touch, they made a request for that, um I yelled back to the supervisors you know if we bring the car around the side we can try using the PA, try using the PA to get in touch with him if he's not answering the phone, tell him to come out, something along those lines, and then they brought the car around and tried using the PA to make contact with him and we just held our positions at that point, um, I believe it was a negotiator, another negotiator came out and started speaking over the PA trying to get him to come out of the house saying hey look you know we care about your safety just like Rodney was you know trying to tell him you know we need to help you, you need help, you're our main concern, come on out so we can give you the assistance you need, we want to help you, things of that nature, trying to get him to come out so that we could get him to the ambulance, um he didn't come out for that um I held my position until the TAC team came up and rammed and relieved me at which point I went down, had a brief conversation with them and then made my way back behind the townhouses up to the command post.

BIBEAULT: All right, um they already come in and photograph you?

KUSHNER: Yes sir.

BIBEAULT: Uh, is your shotgun back in the cruiser?

KUSHNER: No sir, my cruiser was left down at the scene so it could be photographed uh, crime scene came and photographed me and you know with the shotgun and everything at that point I was told I had to change.

BIBEAULT: Oh, so you had that when you came back here?

KUSHNER: Yes sir, I kept the weapon since I had that on scene I kept that with me in the condition I had it in so she came up, took photographs of me

BIBEAULT: All that's been.

KUSHNER: And I was told I could clear that and put it in the armory.

BIBEAULT: Ok.

KUSHNER: So after I was told that I cleared it and put it in the armory.

BIBEAULT: All right.

Transcribed on 9/11/2013

By Karol L. Quinn, Administrative Assistant

From: Quinn, Karol
To: Farrell, John
CC: Quinn, Karol
Sent: 9/6/2013 3:22:47 PM
Subject: MPO Lingenfelter2
Attachments: MPO Lingenfelter2.docx

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 6, 2013

SMIT: All right, today is Thursday August 29, 2013 it's approximately uh 1841 uh, the site, the scene of 7907 Pebble Brook Court Springfield and I'm interviewing one of the witnesses uh MPO uh Lingenfelter. What's your EIN?

LINGENFELTER: 3223 and the new one is 302837.

SMIT: Ok. Um, how many years of service do you have?

LINGENFELTER: Thirteen.

SMIT: Thirteen? Ok. Have you ever been, have you ever been involved in a, a police shooting before?

LINGENFELTER: No.

SMIT: Ok, um, any uh, any uh police shootings or anything before you were ever a Fairfax County police officer or anything like that?

LINGENFELTER: No.

SMIT: You weren't a victim of one or?

LINGENFELTER: No sir.

SMIT: Uh, military?

LINGENFELTER: No.

SMIT: Ok. All right. Uh, I want to get, tell me what happened. Under what, what circumstances did you, did you show up?

LINGENFELTER: Um, a radio call had come out on, involving a domestic situation.

SMIT: Uh, huh.

LINGENFELTER: And uh it was advised by the initial units on scene that a man was in the front uh entry door area, claimed to be armed with a gun. I responded as a back-up unit INAUDIBLE allegations of a weapon being involved. Upon my arrival there were several other units on scene directly in front of the house that had engaged the man in conversation. I observed a man standing in the doorway. It appears that he was inside the residence but his body was in plain view from a screen door or a glass door of some sort, the officers were talking to him. I observed one officer posted out front um, had a weapon trained on the man.

SMIT: Do you know who that was?

LINGENFELTER: I don't recall. I believe it was Dave Parker but I'm not a hundred percent sure.

SMIT: Ok. No problem.

LINGENFELTER: Um, the front of the residence appeared to be well covered with officers and I did not hear any radio traffic about the rear of the property being contained. At such time I advised the dispatcher I would go to the rear of the residence to keep an eye on it. I heard one of my squad mates uh voice up saying he was a few minutes out from the scene, that was Officer Matt Dannemann.

SMIT: Um, hm.

LINGENFELTER: Uh, initially I waited for him to arrive so that we'd have two officers coming to the back.

SMIT: Um, hm.

LINGENFELTER: And um, we heard radio traffic that Canine Seven and Canine Nine.

SMIT: Um, hm.

LINGENFELTER: Were going to be in route to the scene and they asked that we

wait for them to arrive so that they could deploy a dog with us to the back of the residence.

SMIT: Ok.

LINGENFELTER: Dannemann and I come up the right hand side of the street.

SMIT: Um, hm.

LINGENFELTER: Uh, to where there was a break in the, in between the houses in to the wood line and waited for a canine officer to arrive. The canine officer that came with us was Matt Kunstel and he was accompanied by 970 Charlie that was uh Erit Hanidias tonight. We made our way to the back of the property going through the wood line. Officer Hanidias uh felt that his presence was unneeded so he went to another assignment and I don't know where he was at.

SMIT: Ok.

LINGENFELTER: And it just ended up being Kunstel, Danneman and myself posted behind some of the large trees watching the rear of the property.

SMIT: All right, did uh, did you uh have your patrol rifle deployed or did Dannemann have his shotgun or?

LINGENFELTER: Dannemann had the shotgun from my cruiser.

SMIT: Ok.

LINGENFELTER: It was loaded with the buckshot rounds.

SMIT: Ok.

LINGENFELTER: Uh, I just had my side uh, side arm with me.

SMIT: Ok. All right, um, just to back up a little bit, um, when you saw a, a white male at the front door?

LINGENFELTER: Yes.

SMIT: Um, could you see, what, what could you see when you were looking in there?

LINGENFELTER: It appears that he was wearing a white shirt or very light colored clothing.

S Uh, huh.

LINGENFELTER: And I couldn't see the position of his hands, I could just see the outline of his body, I could tell it was a white male with a very light colored tshirt on.

SMIT: Did, could you tell how old he was?

LINGENFELTER: I couldn't, no.

SMIT: Ok. Was there any type of exchange between, could you hear anything exchanged between him and the other officers?

LINGENFELTER: No, I didn't.

SMIT: A verbal, no?

LINGENFELTER: No.

SMIT: Ok. Door slamming or anything like that at that point?

LINGENFELTER: No.

SMIT: Ok. Uh, at that point when you showed up, I noticed there was some debris on the front, stuff on the front lawn.

LINGENFELTER: Yes.

SMIT: Was that already there when you, when you came up.

LINGENFELTER: Yes, it was.

SMIT: Ok and then it looked like there was a screen and some other things. Did you?

LINGENFELTER: The um, the screen door that's shattered or broken I believe that occurred at the time of Tac's entry.

SMIT: Ok.

LINGENFELTER: But that wasn't in place when we initially arrived.

SMIT: Ok. So then uh, so you and Officer Dannemann back here just as cover position covering the rear, and around what time do you think that was? Just round abouts.

LINGENFELTER: Um, approximately 1540, 1545 hours, may have been a little bit earlier, have to check unit status to see what time I got on scene.

SMIT: No problem. So then, so you and, like you said you and Dannemann are back here, you are maintaining uh rear, rear perimeter security and then what happened next?

LINGENFELTER: Uh, we had devised the plan with canine what actions we would take if the man had emerged, would have emerged from the rear of the property um, Dannemann was watching ground level with the shot gun, I was watching second level windows for any type of movement.

SMIT: Um, hm.

LINGENFELTER: Uh, approximately 1551hours heard one gun shot.

SMIT: Ok.

LINGENFELTER: Checked on our officers back here, it was none of us but based on the, the volume I didn't believe it was any of us from the back.

SMIT: Ok.

LINGENFELTER: We were all ok. The sound projected from the front of the townhouse.

SMIT: Was there any uh radio traffic immediately after that or?

LINGENFELTER: There was.

SMIT: Ok. What, do you remember what it was, I mean.

LINGENFELTER: There was.

SMIT: I know we're going to have a tape of it but.

LINGENFELTER: Yeah, uh, 740 Charlie which is Adam Torres he was I believe he was the first person on the radio to advise there were shots fired and then um, David Neil, I believe he's 730 Charlie tonight.

SMIT: Um, hm.

LINGENFELTER: He advised of the same of the same traffic and at some point in time Rodney Barnes who's 740 Baker he advised of the same thing cause there was a lot of radio chatter between dispatch and the folks on scene.

SMIT: Right.

LINGENFELTER: Figuring out what was going on, um.

SMIT: The, so from, so you heard the, you heard the gun shot from, you knew it wasn't, it didn't involve you guys, there wasn't anyone shooting at the, you believe at you at that point?

LINGENFELTER: Correct.

SMIT: Did you hear anything else inside the residence, people, you know, normally you can hear people storming up stairs, slamming or anything?

LINGENFELTER: Right, no, we didn't hear anything, um.

SMIT: Ok.

LINGENFELTER: Didn't hear anything from any of the houses adjoining this property.

SMIT: And there was, there was no other wit, uh, people poking out or?

LINGENFELTER: No.

SMIT: Ok.

LINGENFELTER: At some point there was a, like a young girl.

SMIT: Um, hm.

LINGENFELTER: Here, who was coming in and out and they were able to make contact to that house to get her to stay inside.

SMIT: Ok.

LINGENFELTER: And at some point Mike Riccio came back here with Erit Hanidias.

SMIT: Um, hm.

LINGENFELTER: And they got, I believe they took an adult women and the child out of this townhouse where the little play, uh, table is sitting there.

SMIT: Um, hm. Ok.

LINGENFELTER: But that was the only foot traffic that uh that we observed back here.

SMIT: Ok. Um, anything else that I'm missing?

LINGENFELTER: Um, at approximately 1647 hours we, we cleared the rear of the property.

SMIT: Um, hm.

LINGENFELTER: Um, it was advised that Tac had already made entry to the residence and their property was secure.

SMIT: Um, hm.

LINGENFELTER: 1659 checked in at the command post with uh Lt. Joca, he's my direct supervisor. Initially he advised for myself and Dannemann to respond to the station.

SMIT: Um, hm.

LINGENFELTER: But then we were redirected by Captain Hill to stay here on scene to provide scene security.

SMIT: Who, uh, who put up the uh perimeter tape?

LINGENFELTER: I did.

SMIT: Ok.

LINGENFELTER: Um, 1710 hours I established the crime scene tape at the front of the property and the rear of the property making it an inner and outer.

SMIT: Ok.

LINGENFELTER: Scene. And then approximately 1715 hours I posted at the rear of the property for security.

SMIT: What time was that 1745 you said?

LINGENFELTER: Uh, 1715.

SMIT: Fifteen. Ok, you posted up.

LINGENFELTER: I, I posted as security. And at 1745 Officer Szuminski from Crime Scene, he came around back and started to photograph the rear of the property for crime scene purposes.

SMIT: Ok.

Transcribed on //2013

By Karol L. Quinn, Administrative Assistant

From: Owens, Matt
To: Billeb, Todd; Hill, Andy; Farrell, John; Flanagan, Christopher
Sent: 3/11/2014 3:58:43 PM
Subject: OIS Meeting

From: Farrell, John
To: Farrell, John
Sent: 10/31/2014 12:00:55 PM
Subject: PROVIDE BILLEB WITH THUMB DRIVE MASTER CASE FILE on this date

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



From: Farrell, John
To: Farrell, John
Sent: 10/31/2014 12:00:55 PM
Subject: PROVIDE BILLEB WITH THUMB DRIVE MASTER CASE FILE on this date

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



From: Owens, Matt
To: Farrell, John
Sent: 9/26/2013 2:45:21 PM
Subject: Question

When you have a chance, can you give me a call regarding medical records from the fire department. 

Thanks,
Matt

From: [REDACTED]
To: Farrell, John
Sent: 11/21/2014 9:18:20 AM
Subject: Re:

Thanks, John

Sent from my iPhone

On Nov 21, 2014, at 9:15 AM, "Farrell, John"

[REDACTED] wrote:

[REDACTED] - Danielle Torres

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

[REDACTED]

From: [REDACTED]
To: Farrell, John
Sent: 9/22/2014 2:47:27 PM
Subject: RE:

Det. Farrell,

Thanks for the call back...

Regards,

Todd

[REDACTED]
[REDACTED]
[REDACTED]
Detective First Sergeant [REDACTED]
Criminal Investigations Division
CETF-TFO (FBI-Richmond)

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From: Farrell, John [mailto:[REDACTED]]
Sent: Monday, September 22, 2014 2:28 PM
To: [REDACTED]
Subject:

Det. Boffi asked me to reach out to you about one of our officers who lives in [REDACTED]

Here's my contact info:

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

DEF008350



Thanks!

From: [REDACTED]
To: Farrell, John
Sent: 4/9/2014 1:22:12 PM
Subject: RE:

Thanks John

John F. Carroll

[REDACTED]

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From: Farrell, John [mailto:[REDACTED]]
Sent: Tuesday, April 08, 2014 2:02 PM
To: [REDACTED]
Subject:

Hey John,

The AUSA assigned to Torres's case is [REDACTED]

Take care!

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

[REDACTED]

From: Holland, Bryan
To: Farrell, John
Sent: 4/2/2014 11:03:27 AM
Subject: Re:

Great, tks John

Sent from my BlackBerry Wireless Handheld

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

From: Farrell, John
Sent: Wednesday, April 02, 2014 08:27 AM
To: Holland, Bryan
Subject:

Meeting with FBI today on Geer - to make sure they gave complete case file.

From: Holland, Bryan
To: Farrell, John
Sent: 1/17/2014 8:35:02 PM
Subject: Re:

Ok..chat w/ ya Tues

Sent from my BlackBerry Wireless Handheld

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

From: Farrell, John
Sent: Friday, January 17, 2014 08:20 PM
To: Holland, Bryan
Subject: Re:

He had a lot of questions we couldn't answer.

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

From: Holland, Bryan
Sent: Friday, January 17, 2014 07:48 PM
To: Farrell, John; Thompson, Paul
Subject: Re:

Tks J.. How'd he take the news

Sent from my BlackBerry Wireless Handheld

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

From: Farrell, John
Sent: Friday, January 17, 2014 06:56 PM
To: Holland, Bryan; Thompson, Paul
Subject:

Chris and I met with Torres this afternoon and he is direct.

From: Holland, Bryan
To: Farrell, John; Thompson, Paul
Sent: 1/17/2014 7:48:02 PM
Subject: Re:

Tks J.. How'd he take the news

Sent from my BlackBerry Wireless Handheld

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

From: Farrell, John
Sent: Friday, January 17, 2014 06:56 PM
To: Holland, Bryan; Thompson, Paul
Subject:

Chris and I met with Torres this afternoon and he is direct.

From: Farrell, John
To: Torres, Adam D.
Sent: 10/23/2013 7:50:30 AM
Subject: Re: Followup

K - I'll swing by in a few - still in traffic

From: Torres, Adam D.
Sent: Wednesday, October 23, 2013 07:47 AM
To: Farrell, John
Subject: RE: Followup

Im in all day. I have a meeting with Colby Mills at 10. I will be leaving at 1pm today

From: Farrell, John
Sent: Wednesday, October 23, 2013 7:46 AM
To: Torres, Adam D.
Subject: Re: Followup

Sure what time you in?

From: Torres, Adam D.
Sent: Wednesday, October 23, 2013 07:12 AM
To: Farrell, John
Subject: Followup

If you get a free chance, will you please give me a call or come see me? I will most likely be on the 3rd floor

Thankyou

Adam Torres

From: Farrell, John
To: Torres, Adam D.
Sent: 10/23/2013 7:46:05 AM
Subject: Re: Followup

Sure what time you in?

From: Torres, Adam D.
Sent: Wednesday, October 23, 2013 07:12 AM
To: Farrell, John
Subject: Followup

If you get a free chance, will you please give me a call or come see me? I will most likely be on the 3rd floor

Thankyou

Adam Torres

From: Farrell, John
To: Flanagan, Christopher
Sent: 11/8/2013 6:18:20 PM
Subject: Re: Followup

Ok....thanks. Will do that.

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

From: Flanagan, Christopher
Sent: Friday, November 08, 2013 06:16 PM
To: Farrell, John; Holland, Bryan
Subject: Re: Followup

That looks really good to me. What about adding something at the end about continuing to reach out to you with any other concerns.

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

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

Draft:

Adam,

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

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

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

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

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

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

Today I heard what I would consider disturbing news/ rumors concerning my shooting. From one person, who approached me in the cafeteria in the courthouse began asking questions about the

DEF008358

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

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

Adam Torres

From: Farrell, John
To: Owens, Matt; Billeb, Todd
Sent: 3/10/2014 3:08:48 PM
Subject: RE: Meeting

yup

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

Cell) [REDACTED]

Desk) [REDACTED]
[REDACTED]

From: Owens, Matt
Sent: Monday, March 10, 2014 3:06 PM
To: Farrell, John; Billeb, Todd
Subject: Meeting

Good Afternoon,

Will Thursday, March 13, at 0900 work for each of you to meet reference the Torres case.

Thanks,
Matt

From: Farrell, John
To: Owens, Matt
Sent: 12/17/2013 8:43:18 AM
Subject: RE: Officer Name List

Cool – she was there – redact the name WHITE from the list.. thanks!!!

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

From: Owens, Matt
Sent: Tuesday, December 17, 2013 8:40 AM
To: Farrell, John
Subject: RE: Officer Name List

I'm not sure who that is. The EIN belongs to Cara Griffith...is she listed somewhere else on the Crime Scene Log?
Dave White wasn't there.

Thanks,
Matt

From: Farrell, John
Sent: Tuesday, December 17, 2013 8:30 AM
To: Owens, Matt
Subject: RE: Officer Name List

No clue..... listed on the crime scene log – WHITE – no first name and and ein of: 315326 – arrived at 1821 hours.
Maybe Dave White? But the ein doesn't match....

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

From: Owens, Matt
Sent: Tuesday, December 17, 2013 8:16 AM
To: Farrell, John
Subject: Officer Name List

Good Morning John,

At the top of page two, the name "White" is listed. Can you please tell me who that is? I'll add it [REDACTED]
[REDACTED]

Thanks,
Matt

From: Owens, Matt
To: Farrell, John
Sent: 12/17/2013 8:39:50 AM
Subject: RE: Officer Name List

I'm not sure who that is. The EIN belongs to Cara Griffith...is she listed somewhere else on the Crime Scene Log? Dave White wasn't there.

Thanks,
Matt

From: Farrell, John
Sent: Tuesday, December 17, 2013 8:30 AM
To: Owens, Matt
Subject: RE: Officer Name List

No clue..... listed on the crime scene log – WHITE – no first name and and ein of: 315326 – arrived at 1821 hours. Maybe Dave White? But the ein doesn't match....

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

From: Owens, Matt
Sent: Tuesday, December 17, 2013 8:16 AM
To: Farrell, John
Subject: Officer Name List

Good Morning John,

At the top of page two, the name "White" is listed. Can you please tell me who that is? I'll add it [REDACTED]
[REDACTED]

Thanks,
Matt