

INTERVIEW WITH DEP. VANDERGRAAF

Q=Sgt. Carrasco

Q1=Sgt. Brown

A=Dep. Vandergraaf

A1=

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Q: Uh, okay. Today is March 25, 2015. It's approximately 2030 Hours. And we'll be discussing Sheriff's Office Case 15-084-0125E. This interview is going to be recorded. Just go around the room and introduce ourselves. Uh, my name is Sergeant Carrasco with the Sheriff's Office.

Q1: Sergeant Brown, Sheriff's Office

A: Deputy Steve Vandergraaf, Santa Clara County Sheriff's Office.

A1: Here on behalf of Deputy Vandegraaf.

Q: Thank you. And Deputy Vandergraaf, you've had enough time to, uh, consult your attorney?

A: Yes.

Q: Excellent. And, um, you understand that the statement you're about to give is a voluntary statement?

A: Yes.

Q: All right. So we're just going to, uh, start by just asking you some questions about your past, uh, your current work history and past, uh, history. So obviously, we know that you work here. How long have you worked at the Sheriff's Department?

A: Approximately 14 years.

43 Q: Okay. And do you have any other prior law enforcement experience?
44
45 A: Yes.
46
47 Q: What department or departments?
48
49 A: Uh, Newark Police Department. '96 to 2000, uh, level one reserve.
50
51 Q: Okay. Any military experience?
52
53 A: No.
54
55 Q: And what year were you hired with the Sheriff's Department?
56
57 A: Uh, 2001, October.
58
59 Q: And with Newark, did you have to attend some sort of academy?
60
61 A: Yes.
62
63 Q: Can you tell me about that?
64
65 A: A level one reserve academy to operate as a solo reserve officer.
66
67 Q: And you completed that academy?
68
69 A: Yes.
70
71 Q: Okay. And when did you complete the academy for the Sheriff's Office?
72
73 A: Uh, I was a lateral hire. I completed the academy, uh, in, um, September 2001.
74
75 Q: Okay. And can you tell me about some of your past assignments here at the
76 Sheriff's Department?
77
78 A: Uh, currently working in patrol.
79
80 Q: Okay.
81
82 A: Uh, also worked as a court deputy, also as a detective in the Investigative
83 Services Bureau.
84

85 Q: And how long would you, uh, say you worked in patrol from when you first
86 got hired?
87

88 A: I have approximately a total of, um, nine years of experience in patrol.
89

90 Q: And how many in investigations?
91

92 A: Five years. And I did about eight years in patrol there.
93

94 Q: Okay. What's your current assignment then, uh, right now?
95

96 A: Headquarters Patrol, Day Shift, 10 Plan, East Side.
97

98 Q: And what are the hours of that?
99

100 A: 6:30 to 4:30.
101

102 Q: And when did that shift begin?
103

104 A: Uh, probably like as far as, uh, the - the...
105

106 Q: So this year?
107

108 A: Yes. Yes.
109

110 Q: Okay. So last year you were in court or were you also on patrol?
111

112 A: Patrol. This is - I'm starting my fourth year on patrol in this term.
113

114 Q: Okay. And what, uh, so you started shift at 6:30 in the morning?
115

116 A: Yes.
117

118 Q: Okay, and today would be or yesterday, oh, yeah, it's today, uh, would have
119 been your second day of - on your...
120

121 A: Yes.
122

123 Q: Okay. Um, so last night, uh, what time did you go to sleep?
124

125 A: Um, sometime between 10:00 pm and 11:00 pm.
126

127 Q: And what's a normal night's rest for you?
128
129 A: Uh, my alarm is set for 5:00.
130
131 Q: Okay. And what did you eat last night for dinner?
132
133 A: Uh, last...
134
135 Q: Or the last meal?
136
137 A: Uh, last night for dinner was, uh, what did we do? Uh, now I'm drawing up a
138 blank. My last meal today was actually at breakfast and I had, uh, eggs, bacon,
139 steak and sausage. Uh, last night? I'm drawing a blank what we had for dinner
140 last night.
141
142 Q:
143
144 A:
145
146 Q:
147
148 A:
149
150 Q:
151
152 A:
153
154 Q:
155
156 A:
157
158 Q: When you say you had breakfast this morning, uh, do you normally eat before
159 you come to work or is it during your shift?
160
161 A: Uh, it's as available. Sometimes I eat breakfast, sometimes I eat lunch. It
162 depends on how busy we are. This time I try to have breakfast, so we had
163 breakfast.
164
165 Q: Okay. Uh, when you come to work, do you actually get dressed here at your
166 shift?
167
168 A: Yes.

169

170 Q: Okay, so you have a locker upstairs?

171

172 A: Yes.

173

174 Q: Okay. And what does your uniform consist of?

175

176 A: Uh, standard, uh, Class B uniform. Uh, this time I was wearing a long sleeve
177 shirt, tan, uh, green pants, black shoes, black duty belt and all the appropriate
178 gear I carry.

179

180 Q: Do you carry a department-issued firearm?

181

182 A: Yes.

183

184 Q: Okay. Can you just describe to me some of the things on your duty belt?

185

186 A: Um, my duty belt is set up with, uh, obviously my firearm, a double magazine
187 pouch, two individual cuff cases, uh, one pouch, uh, for a - a Leatherman
188 super tool and asp and my little sea spray and a flashlight holder.

189

190 Q: Okay. And when your shift starts, you normally have a - a briefing?

191

192 A: Yes.

193

194 Q: Okay. Uh, this morning, did you have a briefing?

195

196 A: No.

197

198 Q: Uh, can you tell me why not?

199

200 A: Uh, Sergeant was unavailable, He's away on training. Uh, we checked to see if
201 one of the other sergeants were coming in. We were notified that they weren't,
202 so we went 10-8.

203

204 Q: Okay.

205

206 A: Or went on duty.

207

208 Q: And when you go on duty, do you already, uh, have your car set up to...

209

210 A: Uh, currently my beat does not have a permanent car assigned to it, so I have
211 to, um, take a different car usually, or I have to wait for one of the other shifts
212 to come in with a car, depending on, uh, availability.
213
214 Q: Okay.
215
216 A: I mean it has not been consistent, so.
217
218 Q: Do you know what kind of car you had today then? Was it...
219
220 A: It was the, um, Caprice.
221
222 Q: Do you remember the vehicle number?
223
224 A: 14714.
225
226 Q: And was that a prior shift or was that already out in the back parking lot?
227
228 A: It was in the parking lot when I got there.
229
230 Q: Okay. Thank you. Tell me a little bit about your patrol car, what it's equipped
231 with and...
232
233 A: Um, the standard issue equipment. It has a light bar, uh, spotlights, code three
234 panel. Uh, mine has a - a tablet keypad. Um, radio, um, P.A system, shotgun
235 rack, AR-15 rack. Um, and just the stuff in the truck.
236
237 Q: Okay. And do you know if this, uh, vehicle is equipped with a wireless dash
238 cam?
239
240 A: Yes.
241
242 Q: Okay. And do you know how to operate that?
243
244 A: Yes.
245
246 Q: Can you tell me a little bit about that?
247
248 A: The dash cam?
249
250 Q: Yes.
251

252 A: Uh, the dash cam can be operated in several ways. Obviously, I can press a
253 button manually. If I activate my code three lights, it will activate. If I activate
254 my air horn, it activates. If I exceed a certain speed limit, I know it activates.
255 And then, um, if, uh, while I'm traveling, if I suddenly hit the brakes, it may or
256 may not activate if it registers that it thinks I got into a crash.
257

258 Q: Okay. And when you get ready for your shift in the morning, obviously, do
259 you test all the components of the vehicle and make sure everything's
260 working?
261

262 A: Yes.
263

264 Q: And did you do that this morning?
265

266 A: Yes.
267

268 Q: Okay. And did you also check to see if the - the dash cam was also working?
269

270 A: I actually didn't check the dash cam this morning. Um, I was putting my gear
271 in and then, um, listening to radio traffic. And then ironically, I happened to
272 notice that the, um, button selector for the code three equipment was broken
273 and I kind of got distracted from that. So I didn't actually press the button this
274 time. Uh, later on, though, um, I looked at it, uh, I think after one of my car
275 stops to see if it was, uh, still recording properly.
276

277 Q: And was it at that time?
278

279 A: Uh, to the best of my knowledge, it was, uh, and the Caprices, unlike the
280 Crown Vics, is up a little bit higher.
281

282 Q: Mm-hm.
283

284 A: So I have a little bit of a hard time - I'd have to like, tilt my head and look up
285 at it. I just kind of glance at it to make sure that it's still operating.
286

287 Q: I see.
288

289 A: And then, uh, if it's - if it's fine, then I just press the button when I shut it off.
290

291 Q: Okay, tell me about, um, some of the calls for service you had this morning.
292

293 A: Um, let's see. We had, um, call for service for a missing person 'cause I took a
294 - a report on that or was taking a report on it. Uh, we had a disturbance
295 involving a juvenile. Um, then after that, prior to the, uh, responding to the
296 incident, I had made a car stop.
297

298 Q: Do you know where that car was made?
299

300 A: I believe I was at so down from East (unintelligible) ,um, Meadow and
301 something, and I'm forgetting what it was.
302

303 Q: What was the final disposition of that car stop?
304

305 A: Uh, I terminated the car stop early, and the reason being was because I heard
306 Deputy (Randall) requested - request additional units for the call that he was
307 responding to. But because I was in the middle of the car stop, I didn't actually
308 hear what it was. So I had to ask radio for clarification. They notified me that
309 it was a non-broadcast, which means I had to look at my MDT. Based on how
310 far along with the car stop, I decided to release the driver and then, uh,
311 terminate the stop to look at the MDT to see what the call was.
312

313 Q: Okay. So you actually made the stop, got out of your car and made contact
314 with the driver?
315

316 A: Right.
317

318 Q: Okay.
319

320 A: And I was in the process of getting the license when I heard the, uh, trans- uh,
321 the radio traffic
322

323 Q: Okay. And that was, uh, initially dispatched to Deputy...
324

325 A: (Randall)
326

327 Q: ...(Randall)? Okay. Do you remember if Deputy (Randall) came by your
328 location to talk about the, uh, the pending call?
329

330 A: No, he did not.
331

332 Q: Okay. So after you released the driver, then you went back to your vehicle,
333 and you were?
334

335 A: Looking at the MDT for the call that he was responding to 'cause it was a non-
336 broadcast call.
337

338 Q: What does that mean?
339

340 A: It means that they won't give the information over the radio, and their concern
341 is that the nature of the call would be jeopardized if somebody had a scanner
342 or something listening in to affect our ability to handle the call.
343

344 Q: So County Comm has the ability to dispatch calls right to your MDT or the
345 details of the call...
346

347 A: Yes.
348

349 Q: ...on the MDT? Okay. But you were aware that he was being dispatched to a
350 call?
351

352 A: Yes. Well, I - I keyed up on the fact that he was asking for additional units.
353

354 Q: Okay.
355

356 A: So that's what sparked my interest, 'cause otherwise I most likely would've
357 stayed on the car stop.
358

359 Q: So you asked for clarification?
360

361 A: Yes. And then that's when they told me they couldn't give it to me over the air.
362

363 Q: Okay. And do you remember what time that was?
364

365 A: Um...
366

367 Q: Approximately?
368

369 A: After 11:00.
370

371 Q: Okay.
372

373 A: Per se.
374

375 Q: And so you went back to your car, and you looked at your MDT?
376

377 A: Mm-hm.

378

379 Q: Do you remember what you - what the call was?

380

381 A: Yeah, it referred to the area of Sweigert and Geist. It said that, uh, the MDT
382 11-300, two vehicles involved and it - not clear anymore, but I thought it said
383 eight to ten people. I might have been wrong on that point, but I - what I
384 keyed up on was the area 'cause I had patrolled that area before. And for the
385 nature of the call, I know we had received calls in that nature in the past. So
386 based on what I saw, uh, I attached myself to the call and then, uh, uh, said I
387 was responding to the area.

388

389 Q: Did you say you were responded to the area or did you just type in your MDT
390 that you were attaching yourself?

391

392 A: No, I - I said it on the radio that I was responding. I didn't give out the
393 location because of what the, uh, previous traffic. I just said that, uh, I was
394 attaching myself to the call, notifying radio that I would be responding so the
395 others would know I was on my way.

396

397 Q: Okay, and when you say you're attaching yourself to the call, do you just refer
398 by the actual event number? Like, I'm re- responding to that 125 or?

399

400 A: Um, I don't remember if I said the event or if I said 71-81 detail, it would have
401 been one of the two.

402

403 Q: Got it. And you were - you said you were around Meadow area?

404

405 A: Yes, 'cause we had just, uh, completed a - a call in that area, uh, that was a,
406 um, um, uncontrollable juvenile that, uh, didn't want to go to school. So the
407 mother called us to - to talk to him. Deputy Reynolds was the one that actually
408 handled the call.

409

410 Q: Okay.

411

412 A: I just backed him up, so he did all the talking. And once he, uh, cleared it, I
413 got back in my car, and I was leaving the area.

414

415 Q: And how far is that from, uh, Sweigert and Geist approximately?

416

417 A: Um, I think in real terms, it's probably about four miles. The - the issue is
418 because you're in a residential, it's not a straight shot. So I have to navigate out
419 of the residential onto a main street and then up through the road.
420

421 Q: Did you go to that call all by yourself or did you follow Deputy (Randall) up
422 there?
423

424 A: Deputy (Randall) wasn't, uh, in my view, until I got on the scene. So I was
425 alone. I didn't see any - any other units in my rearview.
426

427 Q: Okay. And you said, you're familiar with this area?
428

429 A: Yes.
430

431 Q: Can you describe it for me a little bit?
432

433 A: Uh, it's a, uh, it's classified as a residential. As you're approaching, you'll see
434 track homes, uh, other (unintelligible). The area that we're going to, it's up a
435 hill, so it's a single road that goes up to, I believe, four house - three or four
436 houses. The road actually continues on, but it's, uh, locked off by a gate that's
437 never opened. So we know that once we at the top, that that's as far as we're
438 going to go.
439

440 Q: Okay. And you had mentioned you had responded up there on previous calls
441 for service. And just off the top of your head, do you remember what kind of
442 calls...
443

444 A: Uh...
445

446 Q: ...similar type?
447

448 A: Similar - similar to that. Uh, a majority of the ones I went to were, uh, people
449 who were, um, looking, uh, stopping in the middle of the road and looking at
450 the Overlook, uh, drinking alcohol, possibly, uh, doing drugs in the area.
451

452 Q: As you, uh, got close to the area, did you hear a Deputy (Randall) go 10-97 on
453 his - on the radio?
454

455 A: Yes.
456

457 Q: Did you hear any other radio traffic?
458

459 A: No, not - not before I got there.
460
461 Q: Did you hear him put out any vehicle plates or associations of people that...
462
463 A: Uh, he was putting that up, but I was already on scene.
464
465 Q: Okay, tell me, uh, what happened when you were coming up?
466
467 A: Well, as I approached around the corner, uh, I saw Deputy (Randall)'s car
468 first, and then I looked ahead, and I saw two other vehicles, and then I saw
469 Deputy (Randall). Parked my patrol car. Uh, put out that I'd, uh, I had arrived
470 on scene so that everybody knew I was there.
471
472 Q: And then what happened?
473
474 A: Uh, exited my vehicle, and then I started to, uh, approach, uh, from my
475 driver's side, uh, between, um, my driver's side and the guardrail, uh, moving
476 up, uh, towards Deputy (Randall)'s vehicle. Based on the position and the
477 approximately, I wanted to get out of the side where I was closest to the edge,
478 so that would be on my driver's side. So I was making my way between the
479 two patrol cars back to the other side of the road. And then I was going to
480 continue up towards where Deputy (Randall) was with the other two cars.
481
482 Q: And did you see anybody that he was making contact with at that time?
483
484 A: Yeah, I noticed that the vehicle he was standing next to was the - which was
485 the farthest vehicle. It was the white vehicle.
486
487 Q: Okay.
488
489 A: That, uh, there were two people there, and I believe they were both female.
490
491 Q: Could you hear what he was saying?
492
493 A: Um, originally, uh, all - all I - all I heard was he was giving up the plates and
494 then that, um, there was an issue with one of them. And then next thing I
495 know that I recall I heard him shouting, uh, something, stop, halt. Something
496 like that. So that kind of keyed up my interest, at that point I became
497 concerned 'cause I thought there was a problem with the - the people he had,
498 so I drew my weapon. And then I started, uh, to make my way between the
499 two cars 'cause I hadn't cleared it yet.
500

501 Q: Okay. And then what happened?

502

503 A: Uh, it was at that point that, um, although I was focused on the other two, I
504 turned on my - my head slightly to the left, and that's when I saw the green
505 vehicle, which is in front of the white vehicle, start to move towards me. And
506 then, um, I believe I shouted something, halt or stop, one of the two. I pointed
507 my weapon at the vehicle. The vehicle at that point, um, sort of fishtailed,
508 meaning that it, uh, dodge left and right, really quick, but not really far swing.

509

510 Q: Mm-hm.

511

512 A: And it was at that point that I believe that the car was coming directly at me
513 and that the driver intended to run me over. So, um, between there and as the
514 vehicle was passing, is what I remember discharging my vehi- my weapon.

515

516 Q: Okay, could you see that - who was driving the vehicle?

517

518 A: No, I couldn't. I couldn't see the occupant in there. I, uh, it's either the angle of
519 the sun or that vehicle had tint. I really didn't have time to focus on what the
520 issue was, but I could not see into the car. I didn't know how many occupants
521 were in there, if it was a dri- sole driver with multiple passengers or what. I
522 just knew the vehicle was coming at me.

523

524 Q: I know you had mentioned just a minute ago that you said you heard Deputy
525 (Randall) yell. What also were you hearing as - as things were transpiring?
526 Did you hear anything else?

527

528 A: Um, I didn't hear any other voices. The...

529

530 Q: What about the noises?

531

532 A: No, I mean, I heard the revving of the car.

533

534 Q: Okay.

535

536 A: So I knew that, uh, whoever was driving was - was hitting the accelerator. It
537 wasn't a screeching. It was more like a - a large - the - the sound of the motor
538 was increasing.

539

540 Q: Mm-hm.

541

542 A: And then the - the vehicle - next thing I'm now I'm focusing on is the vehicle
543 coming at me.

544

545 Q: And how far would you say that vehicle is from you?

546

547 A: Uh, it's - it was parked in front of Deputy (Randall)'s vehicle, so I would say
548 at least his car length, maybe a couple of feet. Based on the angle that I was
549 looking at the car, I can't make a direct determination on - on visual estimation
550 'cause, um, basically I'm - my - part of my view is blocked by Deputy
551 (Randall)'s vehicle. And so I only can see the car when he pulls out. And I
552 can't - I couldn't really judge it other than to know that he was in front of his
553 car. So it has to be at least a car length.

554

555 Q: Okay. As the vehicle's coming towards you, tell me what's going on.

556

557 A: Well, at that point, uh, as I said, I remember issuing a couple commands. Um,
558 the things that were going through my head were that based on the vehicle's
559 motion and the fact that it's coming at me, that I - I truly believe that I was
560 going to get runned over. And, um, basically, for lack of a better term, the -
561 the next thing that popped in my head was, this is real. This is not a dream and
562 this is - this is going to happen if I don't do something. So, um, it was at that
563 point, um, that, uh, I fired, I think, the first shot, and then I continued to fire
564 until I saw the tail end of the car pass back me. I continued to point my
565 weapon, but in - in my mind, I decided that the car was no longer a threat to
566 me, so I stopped firing. So then...

567

568 Q: So - go ahead.

569

570 A: And then at that point, I fell back to my patrol car on the other side, and then I
571 put out the radio traffic. Originally, I said, "Code four," and I think that it's me
572 thinking four thing, but I - I corrected myself immediately and said, "Code
573 three." And I believe I said after that, "Shots fired." Then I waited for an
574 answer if anybody heard me.

575

576 Q: How many shots do you think you fired?

577

578 A: I believe I fired four.

579

580 Q: Okay. And do you know what part of the vehicle - of the - of the vehicle that
581 you struck?

582

583 A: I...

584

585 Q: Or the area that you hit...

586

587 A: I know the, uh, as the car was passing, I'm - I'm firing - it's almost like I'm
588 trying to catch up, but I'm firing, uh, into the passenger side of the vehicle.

589

590 Q: Okay.

591

592 A: And I believe that, um, my last shot, um, exited the, um, windshield 'cause I
593 thought I saw a spider web. But again, that might have been the lightning, it
594 might've - it could have been a hundred things. So just that's what I thought I
595 saw.

596

597 Q: What happened next?

598

599 A: Uh, after - as I said, after the vehicle passed me, I kind of moved back to my
600 vehicle.

601

602 Q: Mm-hm.

603

604 A: Um, put out the radio traffic. I looked up, I saw Deputy (Randall) had, uh, the
605 two female occupants on the ground, and they were making comments. So
606 holstered my weapon, ran up to him to sit - to assess what's going on.

607

608 Q: Mm-hm.

609

610 A: Uh, then we ended up securing one of the females in his car and one in mine.
611 And then after that, um, the next thing I did was I actually looked at the
612 ground and saw, uh, two of my shell casings near my car. And then I - I just
613 started walking down the hill to what I thought was a good distance to block
614 off the road.

615

616 Q: When you say to walk down the hill for a distance to block off the road, what
617 were you going to block it off with?

618

619 A: What I was - well, my - I knew that there were other units coming at that
620 point...

621

622 Q: Mm-hm.

623

624 A: ...so my intention was to stop the next - the next immediate unit and had that
625 block the road. Uh, that actually ended up being Deputy (Winn). So when she

626 got there, I told her, "Block off this road, nobody goes past this point. And,
627 uh, if you've got tape, put it up here."
628

629 Q: When you secured the - the two females that were there, one was in Deputy
630 (Randall)'s car, do you know who got put in his car?
631

632 A: No, I did not.
633

634 Q: And one got put into your car?
635

636 A: Yes.
637

638 Q: Do you know what that person's name was?
639

640 A: No, I don't know either of the names.
641

642 Q: They tried to contact you and ask you any questions about what was
643 happening while they were - when they were in the backseat of the car?
644

645 A: Yes. Uh, the one in my car, uh, started to ask me questions. Uh...
646

647 Q: Like what?
648

649 A: Um, she asked me - she asked me if I could get some phone numbers out of
650 her cell phone. And I told her, um, "You just saw that something happened.
651 You need to bear with us right now. There are other deputies on the way, and
652 they're going to be able to assist you. But I will not be able to do that."
653

654 Q: Okay.
655

656 A: And then she said she understood, and then she said nothing like that ever
657 happened to her (unintelligible). And I think I said something like, "Hang
658 tight."
659

660 Q: Did anybody ask you any questions, did Deputy (Randall) ask you any
661 questions as to what happened?
662

663 A: Um, no. I think we were, at that point, we were too focused on - well, he was -
664 he was focused on dealing with the - the remaining car and the two females.
665 And then, like I said, I started to walk away from him to walk down the hill.
666

667 Q: Mm-hm.

668

669 A: So if we had any discussions about the, uh, the shooting portion of it, I don't
670 think I was paying attention to him anymore.

671

672 Q: Okay. What happened after you talked to Deputy (Winn) and asked her to
673 block off this - this area?

674

675 A: Uh, I stood by - by the tape. So kind of like in the inner perimeter. I notified
676 her that, um, between my car and the hillside, were my shell casings, and that
677 nobody was to go up that area.

678

679 Q: Okay.

680

681 A: And then I basically stood by until - I was waiting for a supervisor at that
682 point.

683

684 Q: Did you ever go back up the hill towards your car, if you can recall?

685

686 A: Hmm, I don't believe so. I don't think I made it back up there for anything --
687 'cause I didn't pull anything out of the car. And then as people were coming,
688 they wanted me down the hill. So, uh, I ended up staying with Deputy (Paul).
689 And then, um, some of these civil warrants, uh, deputies arrived. One of
690 which, um, the, um, Amtrak police was there. And then, uh, as patrol deputies
691 were - were coming up then, like, the cars were stacking.

692

693 Q: Mm-hm.

694

695 A: So I don't believe I ever made it back to the car. No, actually no, that's right,
696 because somebody asked me if I wanted something out of the car and I said,
697 "No. Nobody touch the car until it gets photographed."

698

699 Q: Okay.

700

701 A: So I definitely didn't go back up there.

702

703 Q: See this, I had...

704

705 A: Sorry, dude, it came out.

706

707 Q: That's good. Now you've said that you saw some of your shell casings, but
708 you never marked them or anything like that to identify...

709

710 A: No. Like, I - I actually instructed everybody not to do that. And like my
711 rationale was, I didn't want - in my mind, I said, I don't want the scene
712 tampered with. But my excuse to everybody else was, it's not nighttime. Let
713 them do their job, they'll find it.
714

715 Q: And when you say you were giving these, uh, suggestions, who were you
716 giving those suggestions to?
717

718 A: Just the deputies on the scene because it started to get, um, people wanting to
719 do stuff. And like I said, I was - at that point, I was kind of focused on, no, I
720 want the scene preserved.
721

722 Q: Right.
723

724 A: So that when my supervisors get there, I can say, here's what, here's how it is,
725 and that I know that nobody did anything.
726

727 Q: After Deputy (Winn) came up, and you told her that you wanted the scene
728 blocked off, and other deputies are responding. When was the first time that
729 you sort of stayed with Deputy (Paul)? Who was the next deputy that sort of
730 you had encountered?
731

732 A: Um, let me see. So there was, uh, Deputy Scott. There was, um, uh, Deputy
733 (Zasabon) was there. Deputy (Navarro) came. Um, Deputies, uh, (Aniya) and,
734 um, (Lopez) came. Uh, starting (unintelligible). Uh, I think - I think some of
735 my sergeants showed up, but I don't - I don't know who they are. And then,
736 uh, Lieutenant (Durr) was there. Eventually, Sergeant Fischer showed up. Uh,
737 Sergeant (Bonsil) - (Bonsil). (Bonsil) was the - the next one after (Paul). So I
738 believe he was there. We were discussing where I was going to go. And then I
739 ended up being directed down the hill, and he told, uh, Deputy (Paul) to stay
740 with me.
741

742 Q: Okay. Did you ever give a public safety statement to any supervisor on scene?
743

744 A: Yes.
745

746 Q: Who was that?
747

748 A: Uh, the first person I spoke to was Lieutenant (Durr), and then, uh, basically I
749 told him, uh, shots fired and, um, uh, what do you call it, just how the scene
750 was. And then the second time was after, um, Deputy - not Deputy, Sergeant

751 Fischer arrived, and I basically told him the same thing. They asked me, how
752 many shots and, you know, that portion of it
753
754 Q: When they asked you those questions, were they towards where the incident
755 occurred or...
756
757 A: So...
758
759 Q: ...were they down the hill?
760
761 A: So, uh, Lieutenant (Durr) is between, uh, the command post at - at, uh, Geist
762 and, uh, Sweigert 'cause he was halfway up the hill. Sergeant Fischer, uh, was
763 down at the command post where they had set up on the patrol car.
764
765 Q: Okay, but you never walk Lieutenant (Durr) back into the...
766
767 A: Well, then...
768
769 Q: ...the inner perimeter, sort of close to the (unintelligible)?
770
771 A: Yeah, they - we were - we were discussing that. And then they made a
772 determination that based on - in their opinion, based on my statement and the
773 proximity of the scene, it wasn't necessary.
774
775 Q: Okay.
776
777 A: So at that point, a decision was made to transport me away from the scene.
778
779 Q: And you went with Deputy?
780
781 A: (Paul).
782
783 Q: (Paul). And where did you go?
784
785 A: Uh, back to Sheriff's Headquarters.
786
787 Q: Okay. Are you currently range qualified?
788
789 A: Uh, I qualified last December.
790
791 Q: Last December.
792

793 A: Uh, I'm still within the timeframe between range call. However, yesterday was
794 our training day, and we were short on patrol, so I ended up working patrol,
795 uh, with the understanding that Sergeant (Reina) was going to arrange a
796 separate day for me to go up to the range to qualify for this, uh, uh, semester.
797

798 Q: Okay.

799

800 A: Um, semi-annual...

801

802 Q: Bi-yearly. Yeah.

803

804 A: Yeah, bi- biannual. That's it.

805

806 Q: Okay. Are you aware of anybody else that may have witnessed the shooting
807 besides yourself and deputy?
808

809 A: Um, during the incident, and I did not listen to them directly. If you're walking
810 down the hill, there was a residence and two people to the right, which I don't
811 know what the address is. I heard them making some type of comments. I
812 heard one of them mention something to the effect of he almost ran him over.
813 And I remember Sergeant (Bonsil) or one of the other ones saying, "People
814 need to take these pe- uh, these people's statement before they leave." But I
815 was walking away, so I never stayed to see if they had any pertinent
816 information, if they were asking a question or if they actually had witnessed
817 anything.
818

819 Q: Have you ever been involved in an officer-involved shooting before?
820

821 A: No.
822

823 Q: All right. Okay. I'm going to go back, uh, a little bit, um, that you talked about
824 your patrol car.
825

826 A: Yes.
827

828 Q: Emergency lighting equipment, spotlights...
829

830 A: Mm-hm.
831

832 Q: ...uh, even, you know, panel lighting.
833

834 A: Mm-hm.

835

836 Q: Um, are there marking- markings on the side of the vehicle, um, to indicate
837 maybe that it's a - a patrol vehicle or a sheriff's office vehicle?
838

839 A: Yes, the - the word sheriff. And then we have the, um, sheriff star on the side.
840 And it also has my vehicle number on it, is in the bridge form. So, uh,
841 although the, um, actual number is 14714, mine says 414, identifying what
842 unit I'm driving.
843

844 Q: When you, uh, pulled up and Deputy (Randall)'s vehicle was already there,
845 correct?
846

847 A: Mm-hm.
848

849 Q: And when you stopped, it was actually in front of your vehicle?
850

851 A: Yes.
852

853 Q: Is his vehicle marked the same way?
854

855 A: Yes.
856

857 Q: When you showed up, uh, you mentioned you could see Deputy (Randall)'s
858 vehicle. It was the first vehicle that you - you noticed. Did you notice any of
859 the other vehicles?
860

861 A: Uh, what I was talking about is as I was driving up...
862

863 Q: Uh-huh.
864

865 A: ...I saw his car because I keyed on it 'cause I didn't know where to stop.
866

867 Q: Right.
868

869 A: So he's the first car I saw when I came around. It's - it's on a slight curve.
870

871 Q: Right.
872

873 A: It - I didn't take a good look at the other two vehicles, uh, until I got closer as
874 I'm driving up almost on top of his vehicle.
875

876 Q: Okay, so you hadn't quite parked yet before - but just right at the end, you -
877 you could see the vehicles up...
878
879 A: I - I saw the - at first, I saw him.
880
881 Q: Yeah.
882
883 A: And then I saw him standing with two cars.
884
885 Q: Uh, and what - what's your call sign?
886
887 A: 71 (unintelligible).
888
889 Q: And Deputy (Randall) is?
890
891 A: 71 (unintelligible).
892
893 Q: Okay. Um, so then you - you exited your vehicle.
894
895 A: Mm-hm.
896
897 Q: And...
898
899 A: Well, actually, I - I omitted one, uh, one thing I had done, which was, um, my
900 - my rest of my - my light bar, uh, selector, was damaged.
901
902 Q: Okay.
903
904 A: I did activate the light to turn my back flashers on.
905
906 Q: Okay.
907
908 A: And then I exited my vehicle.
909
910 Q: Okay, so I - I was going to get to that, actually. But since you brought it up, so
911 you - you activated the ambers in the -in the back?
912
913 A: Correct.
914
915 Q: But at any time, did you actually activate the - the forward facing emergency
916 light equi- equipment?
917

918 A: No, because the - the type of call we were responding to I consider it a low
919 priority call. It didn't merit like any type of code three response or anything
920 where I had to record. Uh, I indicated before that I had been to some more
921 calls.
922

923 Q: Yeah.
924

925 A: So all I was doing was turning my lights on to assist with traffic hazards and
926 notifying anybody else that was showing up.
927

928 Q: It's on a curve?
929

930 A: Correct.
931

932 Q: Uh, and the roadway is...
933

934 A: It's - it's a narrow road.
935

936 Q: Uh, two cars can pass?
937

938 A: Uh, another car can pass, but typically they don't because you're going to hit
939 the side of the hill. It's not, like, there's - there's no delineator in the center.
940

941 Q: Pretty narrow.
942

943 A: So it's actual classification is a single lane road. So you can't, like I said, with
944 a compact vehicle, you can do it. But let's say if somebody came with an SUV
945 or a truck. They'd have - somebody would have the backup or something
946 'cause you're not getting through.
947

948 Q: And with the embers on, does that activate the...
949

950 A: Flag bed?
951

952 Q: ...dash camera?
953

954 A: No.
955

956 Q: Only you...
957

958 A: But you have to get into position number two where the forward red lights are
959 on. If you hit your air horn or I have to activate it manually.

960

961 Q: What about impact? I know how like sometimes impacts or outer back...

962

963 A: So, uh, the only reason I know it actually works is because, uh, there was a
964 time when I was coming down Mount Hamilton...

965

966 Q: Mm-hm.

967

968 A: ...at night and, um, it was during the wintertime. So, um, when I hit a - an ice
969 patch, I slam my brake, it activated the light. So I know - I mean, activated the
970 camera. So when, uh, when we first got the camera system, we were actually
971 debriefing in training on it. And I mentioned that, and that's when, um, uh,
972 somebody had told me, oh yeah, it registers impact. So it must have thought
973 you were in a crash, even though all you did was slam on your brake, it's
974 supposed to come on. So that's how I know that feature is there.

975

976 Q: Okay, but you don't know from experience if it does, just what's...

977

978 A: I've never crashed. But I mean, technically, like I said, slamming your brake
979 hard enough turning the car, it'll turn the light on...

980

981 Q: Yeah.

982

983 A: ...I mean, the, uh, the camera on.

984

985 Q: The camera on. Uh, okay. So you arrive, uh, you - you get out, and you go to
986 pass through...

987

988 A: So I'm on the side...

989

990 Q: ...between your vehicle and...

991

992 A: ...I exit through my driver's side.

993

994 Q: Okay.

995

996 A: At that point, I'm standing between my car and the, uh, the side where which
997 goes off the side, and I don't really like that. Okay. So I could have had the
998 option of continuing on between Deputy (Randall)'s vehicle and approaching
999 that, or I did what I did, which was, uh, go around my - the front of my patrol
1000 car, which also is the rear of Deputy (Randall)'s patrol car...

1001

1002 Q: Uh-huh.
1003
1004 A: ...making my way to the inner portion of the road because I felt that was a
1005 safer path for me.
1006
1007 Q: Right. Do it or Deputy (Randall)'s vehicle being there, though, um, if I
1008 understand, you lost sight of the first subject's car somewhat?
1009
1010 A: No. Yeah, it's obstructed.
1011
1012 Q: Okay. Could you see Deputy (Randall)?
1013
1014 A: Yes, because he is actually standing next to the white vehicle, and he's on the
1015 curve. So I had a view of him the whole time. I could see over the cars.
1016
1017 Q: Uh-huh.
1018
1019 A: But the - the height of the car prevented me from seeing what - what was in
1020 the green car.
1021
1022 Q: When you got - okay, go ahead.
1023
1024 A: Well, so that's why I saw the two people. And originally I thought he, uh, I
1025 thought he pulled one out of the car, so I thought it was one and one. So I
1026 thought, all people are accounted for.
1027
1028 Q: Right.
1029
1030 A: So it kind of surprised me when that car started moving 'cause I couldn't see
1031 into it. I didn't even know there was a driver there.
1032
1033 Q: When you got out of your car., do you leave your car running?
1034
1035 A: Yes.
1036
1037 Q: Was Deputy (Randall)'s car running maybe?
1038
1039 A: I don't recall if it was or wasn't.
1040
1041 Q: Did you hear any other vehicles running?
1042
1043 A: Hmm, no, I didn't hear anything else running.

1044

1045 Q: Do you know if you heard any other vehicles st- start?

1046

1047 A: Well, um, as I indicated, I heard the revving of the engine as it was coming at
1048 me. But it actually wasn't - what I keyed up first was the motion of the car.

1049

1050 Q: Mm-hm.

1051

1052 A: So when I saw it moving, I was like, whoa, what's that - what's that over
1053 there? And then, as I said, as it's coming at me is when I - when I started
1054 hearing the revving of the engine and I said, wait a minute, this thing's
1055 accelerating.

1056

1057 Q: Okay.

1058

1059 A: And then it's - it's going worse and worse from there.

1060

1061 Q: The movement of the car, at - you - you saw it moving forward.

1062

1063 A: Correct.

1064

1065 Q: And you mentioned that it...

1066

1067 A: Fishtailed.

1068

1069 Q: ...yeah, fishtailed or swerved or, you know, whatever. Um, did you ever see it
1070 other than the - the fishtail or the swerve, do you ever see it go in any other
1071 direction like to back up? Did it...

1072

1073 A: I don't recall it doing that. If - if it did something like that, um, it wasn't doing
1074 it when I keyed up on it, 'cause I don't re- I don't remember seeing it ever in
1075 reverse. My - my recollection is that the vehicle was in front of Deputy
1076 (Randall)'s car, it had to turn, uh, around it, which put it in line with where I
1077 was standing, and it was always in a forward motion other than its swing left
1078 and right.

1079

1080 Q: Okay. Mm-hm.

1081

1082 A: And then continued on towards me.

1083

1084 Q: Um, so with the revving of the car and the - the car going and swerving
1085 around Deputy (Randall)'s car, um, would you say the car was accelerating
1086 quickly or rolling?
1087

1088 A: No, I - that sounded like acceleration to me and I - I can base that on prior
1089 experience, um, being around, uh, vehicles, both, uh, civilian and patrol cars
1090 and, um, what the sounds of acceleration are. And that definitely sounded like
1091 a - an engine revving and accelerating towards me.
1092

1093 Q: So you had your uniform shirt on?
1094

1095 A: Correct.
1096

1097 Q: Um, which also has patches?
1098

1099 A: Correct.
1100

1101 Q: And you have a badge?
1102

1103 A: Yes.
1104

1105 Q: Did you have a jacket on?
1106

1107 A: Um, normally, I would. I think I had taken my jacket - yes, I had already taken
1108 my jacket off 'cause it was getting hot.
1109

1110 Q: Did you have uniform pants on?
1111

1112 A: Yes.
1113

1114 Q: Which are?
1115

1116 A: Green.
1117

1118 Q: Green and color? Do they have the stripe going down the side?
1119

1120 A: Yes.
1121

1122 Q: Okay. Um, at the point now where we're seeing the car coming at us, can you
1123 talk to (unintelligible). That's - that's the - the boyfriend. Sorry. Um, at the
1124 point where you see the car coming at you, do you yell anything or do you say
1125 anything?

1126

1127 A: I - I recall it's either halt or stop.

1128

1129 Q: Uh-huh.

1130

1131 A: Because the car is coming was at me. And that was - it was just my gut
1132 reaction, just to yell something like that.

1133

1134 Q: And did you already have your weapon out at that time?

1135

1136 A: Yes, I did, because prior to clearing the - the two vehicles, I had heard Re-
1137 Deputy Repidy- Deputy (Randall) yell something either stop or halt or
1138 something else. So at that point, it alerted me that there might be trouble.
1139 Again, I'm still focused on the people he's standing with, so I thought that's
1140 where the threat was.

1141

1142 Q: Right.

1143

1144 A: But I had my weapon out and in a low ready position because I'm facing him
1145 now.

1146

1147 Q: Right.

1148

1149 A: And my intention was to run up there, secure with him and then deal with the
1150 issue.

1151

1152 Q: And help him. Yeah.

1153

1154 A: Yeah.

1155

1156 Q: But this car coming at you kind of...

1157

1158 A: Kind of - kind of changed things.

1159

1160 Q: ...changed things. Um, did you happen to yell, "Sheriff's Office", "Police"?

1161

1162 A: It is something that I've yelled in the past, but I'm going to tell you right now,
1163 I can't remember...

1164

1165 Q: You can't recall?

1166

1167 A: ...if I did or did not. But it - it - I have sho- I have shouted those commands in
1168 numerous scenes, uh, whether I'm making entries or getting somebody's
1169 attention or for notifications, and it - it is common for me to say, "Sheriff's
1170 Office".
1171

1172 Q: Hmm. Okay.
1173

1174 A: That's the one I'm - I've done all these years. In this situation, though, I just
1175 don't recall saying that.
1176

1177 Q: This is...
1178

1179 A: I could have said, "Sheriff's Office, halt." I just remember, halt.
1180

1181 Q: Okay. Um, so maybe to go along with that, uh, how long would you say, um,
1182 ho- what - what time estimate would you give between the time you stepped
1183 out of your vehicle to you notice this car coming at you?
1184

1185 A: Um, to me, it seemed like forever. I - and I, like I said, I - it seemed like I had
1186 enough time to see the car pull out, the car to swerve, and then the car come at
1187 me before - before the first squeeze of the trigger. But after everything was
1188 said and done, I - I want to say it only happened in a matter of seconds.
1189

1190 Q: Seconds?
1191

1192 A: And that's - I'm only basing that on - I apologize now 'cause I didn't take the
1193 time to recall. But I have a habit of looking at my watch, and I was noticing it
1194 was only a couple of minutes later 'cause - and it's I only do that - that's a habit
1195 of mine just for logging purposes so that I can start when I was doing my
1196 activity log. So I kind of glanced at my watch, oh, I did it at this time.
1197

1198 Q: Do you remember what time it was?
1199

1200 A: Um, I want to say, it's after 11:00, but it's - it's fading now.
1201

1202 Q: Okay.
1203

1204 A: I'm not remembering the exact times. I was better, probably earlier today, but
1205 now it's, uh, I just remember looking at the watch. I don't know if it was
1206 11:15, 11:10. It's something.
1207

1208 Q: But we're talking about the middle of the day, right?

1209
1210 A: Correct.
1211
1212 Q: So it's not dark outside?
1213
1214 A: No, clear...
1215
1216 Q: Sun's up?
1217
1218 A: ...clear daylight.
1219
1220 Q: Not like - not many clouds in the sky today, were there?
1221
1222 A: No.
1223
1224 Q: It was actually kind of warm?
1225
1226 A: Correct. That's...
1227
1228 Q: Uh...
1229
1230 A: ...that's why I took the jacket off.
1231
1232 Q: Took the jacket off. Um, from where the cars were parked, is there any
1233 blockage of you from where they were, espe- especially the first car to where
1234 your patrol vehicles were parked?
1235
1236 A: Um, as far as obstructions, other than our vehicles parked, uh, I seem to recall
1237 a part of them were in shading. So...
1238
1239 Q: Their cars?
1240
1241 A: Their cars. So that does make it difficult for me, um, with my eyesight to
1242 distinguish on, um, what I'm looking at 'cause I either needed to be in
1243 complete light or complete darkness, half-and-half. I tend to focus more - I'll -
1244 I'll see the dark, better.
1245
1246 Q: Right.
1247
1248 A: But that means I can't see what's there.
1249

1250 Q: So that leads me to believe that it was half-and-half if they were parked in
1251 shade. That means your cars were probably in sunlight?
1252

1253 A: Yes, we were.
1254

1255 Q: Um, and you were in sunlight...
1256

1257 A: Yes.
1258

1259 Q: ...when you were walking through the cars?
1260

1261 A: Yes.
1262

1263 Q: Um, is there any doubt in your mind that the people, um, did - knew or didn't
1264 know that those were Sheriff's Office patrol cars?
1265

1266 A: No, I don't think they did not know it was Sheriff's Office.
1267

1268 Q: They had to have known?
1269

1270 A: They knew.
1271

1272 Q: How far would you say your and Deputy (Randall)'s patrol cars were from the
1273 first car?
1274

1275 A: Hmm, let's see. My car is 16-20 feet at the most.
1276

1277 Q: Twenty feet? Okay.
1278

1279 A: And I'm talking of the back of my car to the front of the first car.
1280

1281 Q: And Deputy (Randall) was even closer?
1282

1283 A: Correct. He was side by side with the car.
1284

1285 Q: Side by side with the car or - or...
1286

1287 A: Side by side. He was standing side by the white car, which is the second car
1288 on the hill.
1289

1290 Q: So in order to get to the second car, he actually had to walk by the first car.
1291

1292 A: Correct.
1293
1294 Q: Correct? Um, does Deputy (Randall) wear similar uniform to what you wear?
1295
1296 A: Yes.
1297
1298 Q: If somebody was sitting in the first car and Deputy (Randall) walked past the
1299 car with it being sunlight the way it was, do you think there's any doubt in
1300 your mind that they knew that Deputy (Randall) was a - a law enforcement
1301 officer?
1302
1303 A: No, they would have seen him.
1304
1305 Q: If you walked between the cars, but you actually come out a couple of feet
1306 into the roadway and a car comes just a car length away, you think there's any
1307 doubt that somebody driving that car would know that - not known that you're
1308 a law enforcement officer?
1309
1310 A: No, they would have known I was a law enforcement officer.
1311
1312 Q: Um, and you weren't actually between the cars, you actually walked out from
1313 between the cars?
1314
1315 A: Yeah, I had just emerged from the two cars 'cause as I said, I was trying to - I
1316 know that it's also a dangerous spot from working patrol.
1317
1318 Q: Right.
1319
1320 A: And that, you know, you don't - you never want to be between two cars 'cause,
1321 um, if a car came from behind, it cra- If it hits your car, you're going to get
1322 sandwiched. So I want to get out of there...
1323
1324 Q: Right.
1325
1326 A: ...as fast as I could. So I walked out, and I probably got maybe two or three
1327 feet up past that car before I saw the car. So...
1328
1329 Q: But far enough for somebody to see?
1330
1331 A: No, they - they can't see me.
1332
1333 Q: Okay.

1334
1335 A: The - there's - I'm not obstructive at that point on the driver's view, 'cause if I
1336 can see the front of the car, although I may not have been able to see in the
1337 car, I could see the - the windshield of the car clearly. So I know that the car
1338 was in front of me.
1339
1340 Q: So somebody that can see well enough to drive...
1341
1342 A: Can see me out.
1343
1344 Q: ...can see you standing out there, because you're only a car length away?
1345
1346 A: Correct.
1347
1348 Q: But at the most?
1349
1350 A: Correct.
1351
1352 Q: And as that car is getting closer to you, vision probably improves.
1353
1354 A: Mm-hm.
1355
1356 Q: You know, you're - you're able to see who you are, right?
1357
1358 A: Yeah.
1359
1360 Q: Um, did that car ever make contact with anything that you know of? Did it hit
1361 you?
1362
1363 A: No, did not hit me.
1364
1365 Q: Did it hit your car?
1366
1367 A: No.
1368
1369 Q: Did it hit the side of the mountain?
1370
1371 A: I wouldn't have been able to see that if it did.
1372
1373 Q: Do you know if it hit Deputy (Randall)'s car?
1374
1375 A: No, I don't know if it hit his car.

1376

1377 Q: Don't know? Okay. Um, how's the radio reception up there?

1378

1379 A: Uh, in that area, it's not bad. Um, I actually had reported that day that I was
1380 having radio problems earlier because, uh, I had a battery issue.

1381

1382 Q: Hand packed or vehicle kept?

1383

1384 A: Hand packed.

1385

1386 Q: Okay.

1387

1388 A: The car radios are fine.

1389

1390 Q: Okay.

1391

1392 A: There's no issues up there.

1393

1394 Q: Mm-hm.

1395

1396 A: I was having problems. So on a previous call until I had a chance to swap out
1397 a - a temporary battery, um, I had to, uh, one of our calls I had to - I had to tell
1398 radio, "Run all radio traffic through Deputy (Randall), my hand packed is
1399 having problems." So I was able to transmit on my car. Up on that hill, we
1400 have a clear view of the valley...

1401

1402 Q: Yeah.

1403

1404 A: ...so there's usually no radio reception problems until you get to the other side.

1405

1406 Q: Any radio traffic that you put out on your hand packed while you're on scene?
1407 Did you receive a response from county comm that you know of?

1408

1409 A: Uh, they - they acknowledged me when I - when I put the code three through
1410 traffic out.

1411

1412 Q: Uh-huh.

1413

1414 A: Um, and I know that there was - units were starting to, um, key up and
1415 respond. Um, at that point, uh, my mind started to focus more on my
1416 surroundings 'cause once I - once I had an acknowledgment that help was on
1417 the way, I really wasn't paying attention to the radio traffic anymore.

1418

1419 Q: Mm-hm.

1420

1421 A: Uh, as I said, I was more focused on getting down the hill, blocking off the
1422 next car, securing the scene and making sure nobody tampered with what we
1423 had.

1424

1425 Q: Okay. Okay. Let's go to the - the time as the car is coming around, and it starts
1426 to come at you, okay?

1427

1428 A: Okay.

1429

1430 Q: I'm trying to figure out how to ask this one. Um, at - at the time that the car is
1431 coming at you, would you say, like, it - it - if in the center of a vehicle that's
1432 approaching you, would you say you were more in the - in the center of that
1433 vehicle, off to the side of the vehicle? At what position were you say in
1434 relation to...

1435

1436 A: If - if you're taking the vehicle facing forward, splitting it down the middle...

1437

1438 Q: Yeah.

1439

1440 A: ...I was not exactly in the exact center. If I were to characterize it, if you were
1441 to take a line from the center and move to the, uh, front passenger side...

1442

1443 Q: Okay.

1444

1445 A: ...of the vehicle, that's where I'm standing.

1446

1447 Q: Okay.

1448

1449 A: So I'm not completely dead center with the car because I still saw it at an
1450 angle.

1451

1452 Q: Headlight area?

1453

1454 A: Yes, between - between the headlight and the center of the car would be...

1455

1456 Q: Okay.

1457

1458 A: ...would be appropriate.

1459

1460 Q: Okay.
1461
1462 A: Uh, that's, uh, reflective of where - probably where I was.
1463
1464 Q: And you mentioned that due to maybe some angles or whatever, it was
1465 difficult to see inside the car?
1466
1467 A: I couldn't - and like I said, I can't - I couldn't say if the car and tinting...
1468
1469 Q: Mm-hm.
1470
1471 A: ...or if it was the sun or if something else was obscuring my view. But I could
1472 not see the driver and I did try to look into the car.
1473
1474 Q: Could you see a silhouette?
1475
1476 A: Ye- uh, I'm going to tell you right now, I could not.
1477
1478 Q: Nothing else?
1479
1480 A: I - it - it, uh, it was just obscured. And I - I - like the car went too fast. And I
1481 can't recall anything specific about the obscurity.
1482
1483 Q: Uh-huh.
1484
1485 A: But I just could not see into the car.
1486
1487 Q: Okay.
1488
1489 A: That - that actually carried as the car - as - as - when I pulled back and the car
1490 was passing me as I was firing, I still couldn't see the driver. I didn't know -
1491 know if I hit anything.
1492
1493 Q: Okay. Um, at the - the point where you - you fire the first round, how far away
1494 would you say maybe the car was when you fired the first round?
1495
1496 A: I would probably say, um, three quarters to a half a car length if you were to
1497 take that particular patrol car.
1498
1499 Q: Okay.
1500
1501 A: Because, uh, I processed it when it was passed the fender.

1502

1503 Q: Mm-hm.

1504

1505 A: That's when I started clicking in my head that I think this person is now going
1506 to run me over.

1507

1508 Q: Right.

1509

1510 A: And I better do something about it.

1511

1512 Q: Right.

1513

1514 A: So I would - if I were to give a an estimate, it would be there -- either half the
1515 car or three quarters of the car before - before the first shot went off.

1516

1517 Q: Okay. And you mentioned feeling that you were afraid you're going to be run
1518 over?

1519

1520 A: I believe that that person was going to run me over, and I became fearful.

1521

1522 Q: Fearful? Um, and as you're firing, you know, how are you feeling? Are you
1523 still feeling the - the same?

1524

1525 A: Yes.

1526

1527 Q: And, uh, at the point you fired, you know, your second round, the car is still
1528 accelerating toward you?

1529

1530 A: In, the fir- the first two rounds were quick. I - they were, um, when the car
1531 was probably at it's furthest.

1532

1533 Q: Mm-hm.

1534

1535 A: But my third shot, the car was alongside me. And by the fourth shot, is when
1536 it was stating to pass me.

1537

1538 Q: Okay.

1539

1540 A: And it only was when I saw the, um, the tail lamp, uh, area is when I - when I
1541 let off the trigger. So the car has already passed me at that point.

1542

1543 Q: At the time that you start pulling the trigger for, like, your first round, do you
1544 take any maneuvers, any - any - any action physically? Do you start moving?
1545

1546 A: Memory wise? I'm going to tell you, I don't exactly remember moving. But I
1547 will tell you that by the fourth shot, I am now standing between the two cars
1548 again. And I was not there before.
1549

1550 Q: Right.
1551

1552 A: So I'm going to - I'm going to say that, um, there is a gap between when I'm
1553 firing the shots and when I get back to the car.
1554

1555 Q: Almost instinctively?
1556

1557 A: But I'm back in the car...
1558

1559 Q: Uh-huh.
1560

1561 A: ...and I know that I did not get hit.
1562

1563 Q: Mm-hm. Did you sustain any injuries?
1564

1565 A: No, because, uh, that was one of the things, like, after the car left, and that's,
1566 uh, a thing, at some point I looked down at my uniform to see if I had
1567 anything 'cause I didn't know - I - I - I mean, literally, I didn't know if I was
1568 getting shot at. I didn't know if the guy was just trying to run me over or if I
1569 did get hit with anything like the side mirror or something.
1570

1571 Q: Mm-hm.
1572

1573 A: I just didn't know. So I had to - I had to - I had to look at myself for my own
1574 peace of mind to make sure that I wasn't hurt.
1575

1576 Q: And, um, as you see taillights and process, you know, okay...
1577

1578 A: Well, I didn't see tail lights. I saw the tail lamp area.
1579

1580 Q: ...tail lamp area.
1581

1582 A: I don't even remember if the...
1583

1584 Q: Okay.

1585

1586 A: ...the lights were on.

1587

1588 Q: Well, right. Okay, that's true. Okay, the tail lamp area. And at some point that
1589 processes to you, to stop firing. Why did you stop firing?

1590

1591 A: In my mind, the car was not going to run me over anymore 'cause it's now past
1592 me, and I just kind of looked at it a little bit. And then in my mind, I was like,
1593 okay, now it's driving away. I better get some radio traffic out 'cause now it's
1594 leaving.

1595

1596 Q: Mm-hm.

1597

1598 A: And that's - that's what I thought. I mean, literally, that's, uh, that's what went
1599 through my head.

1600

1601 Q: Okay. So as a car is just completing passing you...

1602

1603 A: Mm-hm.

1604

1605 Q: ...just completing passing you, you process, stop?

1606

1607 A: When - when it passed me, I stopped firing.

1608

1609 Q: Mm-hm.

1610

1611 A: I actually still had my weapon pointed at the car. As it turned the corner, that's
1612 when it kind of clicked in my head, okay, now you got to put some radio
1613 traffic out. I just shot this car...

1614

1615 Q: Mm-hm.

1616

1617 A: ...and it's still going. So again, I kind of it made me lead to believe that I
1618 didn't, uh, incapacitate the driver anyway 'cause he's able to operate the
1619 vehicle.

1620

1621 Q: So he's actually driving on the road?

1622

1623 A: Well, he was able to...

1624

1625 Q: Not, like, crashing?

1626

1627 A: He was able to negotiate the turn and go around, and I lose sight of him when
1628 he makes the next turn because my vision is obstructed. But in no time did I
1629 ever see him swagger where he hit - hit any, um, any of the guardrails. At
1630 least if he did, I didn't recall it. It appeared to me that he was still able to
1631 operate the vehicle.
1632
1633 Q: Um, in the manner of like fleeing, like, accelerating away?
1634
1635 A: Yes. Yes.
1636
1637 Q: Um, not like just rolling down the road?
1638
1639 A: No. I believe the car was still accelerating away at the time.
1640
1641 Q: Uh, okay. Um, did you hear anybody else, any - any other shots fired from
1642 any- anybody, whether it be, you know, some of the females, deputy
1643 (Randall)? Anybody else firing any shots?
1644
1645 A: Uh, um, I didn't hear any other shots. No.
1646
1647 Q: Uh, when you provided your safety statement, did that include kind of like the
1648 - the direction of fire?
1649
1650 A: Um, the first time when I spoke to, uh, Lieutenant (Durr), yes.
1651
1652 Q: Mm-hm.
1653
1654 A: Uh, Sergeant Fisher? No, uh, I pointed at the area 'cause we could see up the
1655 hill and I said - I said something to the effect of, um, I either hit the car or I hit
1656 the hillside. It's one of the two. I think at that point is when he said, "Okay, so
1657 we're going to go up there. That's all you need to say to me. We'll - we'll
1658 check it out." Or something to that effect. So I didn't - I never actually said I'm
1659 in north direction, east directional, south direction. I just said, this is the way I
1660 was facing.
1661
1662 Q: Um, did you, uh, after - after firing your shots, you actually re-holstered and
1663 then ran up to help Deputy (Randall)?
1664
1665 A: Yes. Yes.
1666
1667 Q: Um, he...
1668

1669 A: Because - because at that point I thought I'd seen that both females were
1670 handcuffed, but I didn't see anybody else. And I don't believe he had his gun
1671 out so - anymore, so I think, again, I just said, okay, I can put my gun away.
1672 Let me - let me go back out there
1673

1674 Q: So you watched the car drive down the hill, turned, he had them already
1675 handcuffed?
1676

1677 A: Right.
1678

1679 Q: Holstered?
1680

1681 A: Went around my car, put the radio traffic out and then went up to him.
1682

1683 Q: To, uh, assist him?
1684

1685 A: Right.
1686

1687 Q: And did you help him put the females into the - the patrol cars?
1688

1689 A: Uh, initially, um, the first - the female that I put in my car, I didn't know if
1690 she'd been searched yet, so I rolled her on her side...
1691

1692 Q: Uh-huh.
1693

1694 A: ...did a quick pat down search. We picked her - we picked them both up and
1695 that's when Deputy (Randall) said, "Let's put them into the cars."
1696

1697 Q: Right.
1698

1699 A: So he took his - put his in his car. I walked mine down to my car. Uh, and
1700 then, uh, I think that's when I looked down, saw the shell casings. She was
1701 asking me for something. I walked her onto to my driver's side, uh, opened up
1702 the door, roll down the window because I have the - I had the internal cage...
1703

1704 Q: Yeah.
1705

1706 A: ...so I know that there's no chance of her getting out. And then I addressed
1707 whatever concerns she had.
1708

1709 Q: Um, can you describe the car that came toward you?
1710

1711 A: Uh, green, um, box Sedan type. I couldn't tell you make or model, though.
1712
1713 Q: Two-door, four-door?
1714
1715 A: Don't recall.
1716
1717 Q: Don't recall?
1718
1719 A: No.
1720
1721 Q: Anything unusual about it at all?
1722
1723 A: The only thing I was thinking about was I thought it was an older style car,
1724 not a contemporary, uh, late '90s or higher. I just thought it was in the '80s, but
1725 because I didn't get a good look at it, I didn't really, again, assess that.
1726
1727 Q: This all happened so quick?
1728
1729 A: Well, as I said, when the vehicle started moving, I was focusing on the car
1730 moving at me and what kind of car it was 'cause I knew Deputy (Randall) had
1731 put out the plates already. So I figured, well, they got the plates, so they - the
1732 know what - they'll know what kind of car it is. So...
1733
1734 Q: You...
1735
1736 A: That's why I wasn't focusing on it in the beginning.
1737
1738 Q: Uh, you're afraid you're going to be hit by the car?
1739
1740 A: Yes.
1741
1742 Q: Uh, afraid of being injured, possibly worse?
1743
1744 A: Yes.
1745
1746 Q: Uh, and that's why you subsequently, you know, tried to discharge your
1747 weapon at the car?
1748
1749 A: I believe that I was going to die if I let that car hit me.
1750

1751 Q: Okay. Afterwards, as you're watching the car, uh, go down, uh, the road and
1752 then further beyond that, as you walked down, you walked on the road when
1753 you met Deputy (Winn)?
1754

1755 A: Yes, yes, yes.
1756

1757 Q: Did you notice any glass on the ground?
1758

1759 A: Um, the one thing that I noticed, which I didn't go back and take a closer look
1760 at is, I thought behind, I think it was behind my car, down the road, I thought I
1761 saw a black piece of cloth or a black sweatshirt or something, and I kind of
1762 thought, I wonder if that's relevant to this investigation. Um...
1763

1764 Q: Did you notice it on the way up?
1765

1766 A: No, I didn't, because I was - I focused on the car. I didn't see it till after I
1767 looked back down the hill. And then I - I think part of me thought, I hope I got
1768 - I didn't ran that over 'cause if it was relevant then that's this would suck. But
1769 again I was, uh, I was more focused on getting up to - up to the hill and to the
1770 other patrol car, so I could assist Deputy (Randall).
1771

1772 Q: Do you think the person driving that car was - was trying to hit you or just
1773 trying to leave? What do you know? I mean, I know this is kind of a guess.
1774

1775 A: I believed that the person was trying to hit me, mostly because it didn't stop on
1776 our commands, and it was coming in my direction and he had ample
1777 opportunity to stop the car. You know, if it does slow roll, if he stopped the
1778 car, I believe he wouldn't have. But what I saw was a vehicle accelerating at
1779 me...
1780

1781 Q: Mm-hm.
1782

1783 A: ...and in my mind, I believe that he intended to hit me. If for no other reason
1784 that I would no longer be a threat to him then if he was either escaping or, um,
1785 attempting to directly assault me, it was his intention to harm me.
1786

1787 Q: Hmm.
1788

1789 Q1: You know, I noticed you're wearing glasses, did you address that?
1790

1791 Q: No.
1792

1793 Q1:

1794

1795 A:

1796

1797

1798

1799 Q:

1800

1801 A:

1802

1803

1804

1805

1806

1807

1808

1809

1810

1811

1812 Q1:

1813

1814 A:

1815

1816 Q1:

1817

1818 Q:

1819

1820 A:

1821

1822

1823 Q:

1824

1825 A:

1826

1827

1828

1829

1830 Q:

1831

1832 A1:

Sure.

1833

1834 Q:

Go ahead.

1835

1836 A1: Can I ask a follow-up question to my client?

1837

1838 Q: Sure.

1839

1840 A1: Um, obviously, you've articulated that you received a threat at some point
1841 here, um, that's, you know, resulting in you discharging your firearm. After
1842 you perceived that the threat had, um, posed by the car had dissipated. Did
1843 you fire any additional rounds?
1844

1845 A: No.

1846

1847 A1: Okay. And then, um, I want to ask you this. Did it take you some period of
1848 time, however brief for however long for that matter, for you to stop shooting
1849 after it registered to you that the car was no longer a threat?
1850

1851 A: I'm sorry, say that again.

1852

1853 A1: Sure. Uh, did it take some period of time, however brief or however long, uh,
1854 for you to stop shooting after it registered to you that the car was no longer a
1855 thre- a threat. Or was it instantaneous as soon as you realized the car was not a
1856 threat, you instantaneously stop - stop shooting?
1857

1858 A: Um, so after I fired my last shot, I looked at the vehicle, and I was still
1859 deciding if I needed to fire again.
1860

1861 A1: Okay.

1862

1863 A: I chose ultimately not to do so. So I did have to take some time to think about
1864 it 'cause I didn't know, um, I was trying to assess if the vehicle still posed a
1865 threat to me or if it now was going to threaten somebody else. I didn't see
1866 anybody else on the road. So at that point, I just, like I said, I just thought it
1867 wasn't a threat anymore, and then I was concentrating on radio traffic and
1868 getting it out.
1869

1870 A1: Okay. Let me ask you this. It's - it's - you've - you've stated that the vehicle
1871 that there are some rounds you believe may have been fired towards the side
1872 of the vehicle, correct?
1873

1874 A: Yeah. Two - one, two, and three, definitely.

1875

1876 A1: And - and when the vehicle - when you're shooting inside the vehicle, uh,
1877 you're not standing in front of it anymore, I'm guessing?
1878

1879 A: Again, like I said, memory wise, I don't actually consciously remember
1880 moving. I know that I - at one point I was in front of the vehicle between the
1881 headlight and the center post...
1882

1883 A1: Okay.
1884

1885 A: ...and by the time I fired the last shot, I was back between the two cars.
1886

1887 A1: Do you - do you think it's possible to shoot - shoot at the side of the car from
1888 the front of the car and facing the front...
1889

1890 A: Not for me because I'm kind of fat.
1891

1892 A1: Okay.
1893

1894 A: And that's - that's just a reality. I know I'm big.
1895

1896 A1: Yep.
1897

1898 A: So if - if I had done something like that, I could have been sandwiched.
1899

1900 A1: Okay, would - would the car still pose a threat to you if you're standing - if
1901 you're shooting at the side of it?
1902

1903 A: Yes.
1904

1905 A1: Okay.
1906

1907 A: Because he can still swerve into me.
1908

1909 A1: Okay.
1910

1911 Q: Is that also made - is that danger also made greater because of the roadway?
1912

1913 A: Yes.
1914

1915 Q: Because...
1916

1917 A: Because of the narrowness of the road, he does not have enough room to - if
1918 he were to go into the opposite direction, then he would have hit the hillside.
1919

1920 Q: Okay, I was about - just as a follow-up, I - I understand that he couldn't go one
1921 way because your patrol cars are parked there, right?
1922

1923 A: Mm-hm.
1924

1925 Q: The other direction was, the other...
1926

1927 A: The hillside. The - the...
1928

1929 Q: And described the hillside.
1930

1931 A: So, uh, you're in a slant hill, approximately, I'd say, roughly a 60 degree slant
1932 before you reach the flat of the road. Then, um, that road is probably, I'd say,
1933 30-33 feet wide. Then you hit the guardrail, then it's a drop-off. Um, it's not a
1934 sheer cliff, but it's not something somebody can walk down in that area. So,
1935 um, it's, um, this way, flat, and then down.
1936

1937 Q: And on that flat part, you have your car...
1938

1939 A: That's our cars.
1940

1941 Q: ...his car.
1942

1943 A: That's where our cars are. And I'm not parked - because I have to open up my
1944 door, I'm not parked at the farthest most portion of the left side of the road. I
1945 have to leave at least three feet for me to get out of the car 'cause again, I'm
1946 large. And if I, uh, only gave myself a foot or something, I can't get out of that
1947 car.
1948

1949 Q: And there's a guardrail there?
1950

1951 A: Yes.
1952

1953 Q: And if he swerves, you- you'll actually be kind of either you and your car
1954 pushed off the road or crashed in between the cars?
1955

1956 A: If he had swerved where I was, then I know that I would have been hit, and
1957 then his force would most likely have set me, um, that would have set me this
1958 way 'cause once he swerves this way, that's where the force is coming. So like,

1959 I would have got knocked back, um, between the cars and possibly over the
1960 rail.
1961
1962 Q: Over the - over the rail.
1963
1964 A: Depending on how much force I get hit with.
1965
1966 Q: Right. Okay.
1967
1968 Q1: Um, how about the camera (unintelligible).
1969
1970 Q: Sure. Sure. We're going to - we did this earlier, uh, we're going to do this
1971 again, um, because this is, uh, all verbal, uh, we want to get a kind of a visual
1972 picture of what happened. So we have this thing here.
1973
1974 A: Okay.
1975
1976 Q1: And remind me to give it to you. Okay? Um, let me tell you what I'm gonna
1977 do here. Just to get it as accurate as possible here. Let's get this thing right in
1978 here.
1979
1980 A: Okay.
1981
1982 Q1: Okay. Again, uh, I know this is not the scale and I know it's just my - my
1983 crude, you know, drawing skills here.
1984
1985 A: Right.
1986
1987 Q1: But with this being clearly the hillside...
1988
1989 A: Mm-hm.
1990
1991 Q1: ...and we'll call this - this is called Sweigert?
1992
1993 A: Sweigert.
1994
1995 Q1: Does this roughly represent how it maybe it look when, you know, during this
1996 incident?
1997
1998 A: Uh, yeah, this - this side is a little bit more curved.
1999

2000 Q1: Okay. I was going to say, if there are changes, uh, to it that you want may be
2001 make to it, um, go ahead.
2002

2003 A: So and it's - we're going to assume that this is the upper portion and this is the
2004 lower portion?
2005

2006 Q1: Correct.
2007

2008 A: Okay.
2009

2010 Q1: This would be the uphill side. This would be the downhill side.
2011

2012 A: So actually coming along here, you still got a little bit more drop off that
2013 way...
2014

2015 Q1: Okay. All right.
2016

2017 A: ...before it levels out.
2018

2019 Q1: Cool. All right.
2020

2021 A: So well, roughly...
2022

2023 Q1: Hold on. I'll tell you, what? We're going to do this. I'm going to let, um,
2024 Sergeant Carrasco take a picture or something here. He's going to actually go
2025 over your shoulder. You know, just document the changes that you make.
2026 We're going to do this the exact same way that I did ea- earlier today. Okay?
2027

2028 A: Okay.
2029

2030 Q1: Um, I have these four things here. They - they represent cars. Okay? They're
2031 just stamps, and they have numbers on them. And I actually have a directional
2032 triangle for the direction that the car was driving. Okay?
2033

2034 A: Right.
2035

2036 Q1: Um, to the best of your recollection, when you arrived, okay, with the number
2037 one being the furthest car away from you.
2038

2039 A: Mm-hm.
2040

2041 Q1: Okay. Can you maybe put number one where that car was.

2042

2043 A: So it should be up closer towards here.

2044

2045 Q1: Then I'm going to let the Sergeant take a picture. To the best of your
2046 recollection, number two is going to represent the other subject car. Okay.
2047 Can you put that where that might have been?

2048

2049 A: It's probably right there.

2050

2051 Q1: Number three is actually going to be Deputy (Randall)'s car.

2052

2053 A: Okay.

2054

2055 Q1: So when you arrive, if you can put that were Deputy (Randall)'s car was.

2056

2057 A: So he's probably about there.

2058

2059 Q1: This might be a bad question, but I'm - I'm going to ask anyway. Do you have
2060 any idea the distance between these two cars?

2061

2062 A: No, I would have...

2063

2064 Q1: It - it's just too tough to see.

2065

2066 A: I would have had to have been up there to tell you that and...

2067

2068 Q1: Right. I kind of figured.

2069

2070 A: ...and I never made it that far.

2071

2072 Q1: Number four is going to be you.

2073

2074 A: Okay. So I'm just behind him.

2075

2076 Q1: When you arrived, the first time that you saw Deputy (Randall), (R)...

2077

2078 A: Mm-hm.

2079

2080 Q1: ...can you put where he was?

2081

2082 A: So he's over here.

2083

2084 Q1: And was he talking to anybody?
2085
2086 A: He was, um, he was pu- first, he was putting out the radio traffic 'cause I saw
2087 his hand on his mic...
2088
2089 Q1: Uh-huh.
2090
2091 A: ...and he looked at this car, and he was looking at that car.
2092
2093 Q1: Do you know what he was saying?
2094
2095 A: Um, I heard he was giving out the plates.
2096
2097 Q1: Mm-hm.
2098
2099 A: And then that's - that's when I'm exiting the vehicle and coming over here.
2100
2101 Q1: You mentioned two female subjects. Did you see them at this point?
2102
2103 A: Um, I can't remember if they're in the car or out of the car already, but I do
2104 remember seeing the two.
2105
2106 Q1: Okay.
2107
2108 A: I just don't - I don't - I don't remember where they are anymore.
2109
2110 Q1: Okay.
2111
2112 A: I just remember where they were when I came back up there, which was, uh,
2113 here and here on the ground.
2114
2115 Q1: Okay. After?
2116
2117 A: After.
2118
2119 Q1: After?
2120
2121 A: Right.
2122
2123 Q1: Okay. (V) is you Vandergraaf, okay?
2124
2125 A: Right.

2126
2127 Q1: Um, you - at what point that - that you've gotten out of your vehicle. Okay?
2128
2129 A: Okay.
2130
2131 Q1: Okay. Um, you get out of your car and you - by moving the (V), show me
2132 how you walked after getting out of your car.
2133
2134 A: Okay, so exited the vehicle here. As I said, I opened up my driver's side door.
2135 Then I started walking up this way...
2136
2137 Q1: Okay.
2138
2139 A: ...which is close towards Deputy (Randall)'s car.
2140
2141 Q1: Okay.
2142
2143 A: Once I cleared my patrol car, I started to move this way.
2144
2145 Q1: Okay.
2146
2147 A: And I probably got out to here, and I want - I was getting ready to turn up the
2148 hill...
2149
2150 Q1: Okay.
2151
2152 A: ...to get up to there.
2153
2154 Q1: Okay. But what happened?
2155
2156 A: Um, when I got about here, I heard Deputy (Randall) shout something. I drew
2157 my weapon.
2158
2159 Q1: Leave it right there. I'm going let Sergeant Carrasco take a photo of that. This
2160 is the point where you heard Deputy (Randall) shout something?
2161
2162 A: Right.
2163
2164 Q1: Okay. Then what happened?
2165

2166 A: I started looking at this vehicle. Then I believe I saw the two occupants. Uh,
2167 as I was turning, I got - probably got that close. Nothing, further 'cause ne- I
2168 never cleared the front of, uh, the back of his car.
2169
2170 Q1: Is this the point where you draw your weapon?
2171
2172 A: My - my weapon is out probably here to here.
2173
2174 Q1: When you hear him shout something?
2175
2176 A: So I heard something. Weapon was at low-ready because I saw him.
2177
2178 Q1: Mm-hm.
2179
2180 A: I still hadn't seen what the problem was. But it's at this point that my gun is
2181 already out.
2182
2183 Q1: Okay.
2184
2185 A: It's not - it's not aimed on anybody yet.
2186
2187 Q1: Okay. Okay. And so you- you've moved forward a - a little bit. Right?
2188
2189 A: Yeah.
2190
2191 Q1: But you say you never got any further than that?
2192
2193 A: I never - I never cleared the back of his car, so there's enough space for me to
2194 go forward this way up a little bit. And then that's as far as I get.
2195
2196 Q1: And then what?
2197
2198 A: Uh, it was at that point that I saw this car move.
2199
2200 Q1: Okay.
2201
2202 A: Then I raised my gun up.
2203
2204 Q1: Okay.
2205
2206 A: And then the car...
2207

2208 Q1: Go ahead. Go ahead.
2209
2210 A: Uh...
2211
2212 Q1: Go ahead. Mark.
2213
2214 A: Sorry.
2215
2216 Q1: Okay, go ahead.
2217
2218 A: Then the car approached me. At this point is when I shouted something 'cause
2219 now I am focused on this car. I've already lost visual of anything that's going
2220 on over here.
2221
2222 Q1: You already know it's coming towards you?
2223
2224 A: Yeah. Somewhere between here and here, I witnessed the car turn this way
2225 and that way.
2226
2227 Q1: Okay.
2228
2229 A: And then go this way.
2230
2231 Q1: Why don't you put it back to its first swerve?
2232
2233 A: Okay, so that's the first swerve...
2234
2235 Q1: Okay.
2236
2237 A: ...that I saw.
2238
2239 Q1: Marked. And then the second swerve?
2240
2241 A: Then the second swerve.
2242
2243 Q1: Okay. And then what?
2244
2245 A: Then it came in line with me.
2246
2247 Q1: Okay. Mark. And then what?
2248
2249 A: So between here and here, I remember car - car coming forward.

2250
2251 Q1: Okay. The revving?
2252
2253 A: Yeah, the revving. And then as it's passing is when I'm firing.
2254
2255 Q1: About what point do you think you fired first shot?
2256
2257 A: It's probably close to where I have the car right now.
2258
2259 Q1: Mark. Okay. And to the best of your recollection, walk me through the shots.
2260
2261 A: Okay, so car is coming at me...
2262
2263 A1: Are you able to parse out every - every shot?
2264
2265 A: Uh, what?
2266
2267 A1: Are you able to parse out every shot and each location of the car 'cause I don't
2268 want you to guess?
2269
2270 A: No. I'm not sure I'll be able to do that.
2271
2272 A1: Okay.
2273
2274 A: I mean, the only one, I like I said, I have a recollection of was the last one...
2275
2276 Q1: Okay.
2277
2278 A: ...'cause the last - I remember seeing - a - I believe I saw a spider web in the
2279 glass.
2280
2281 Q1: Okay.
2282
2283 A: But as the car is coming here, at some point, I'm back over here, still firing,
2284 still firing. And then it's - when the car gets past my car, that's when I looked
2285 at it. Stopped firing. And then I just started assessing the car.
2286
2287 Q1: Mark.
2288
2289 Q: Okay.
2290

2291 Q1: Would you say - would you say this is at or about the location that you st-
2292 finished your last shot?
2293

2294 A: I - I didn't get past between here and here, so I'm here.
2295

2296 Q1: This car?
2297

2298 A: Uh, yeah, it should - I 'cause at this point I...
2299

2300 Q1: I know - roughly, I know.
2301

2302 A: No, this - this point, I should be able to see the tail assembly at this point.
2303

2304 Q1: Okay.
2305

2306 A: And that's when I kind of paused a second, started seeing what, you know,
2307 what I still had for a threat.
2308

2309 Q1: Uh-huh.
2310

2311 A: But in my mind, I just didn't think it was dangerous to me anymore. I didn't
2312 see anybody over here. And so it was more about, okay, I'm going to let this
2313 car go.
2314

2315 Q1: Okay. And at the - at this point when you've stopped firing, you've moved in
2316 between the vehicles. Is this about right or is it more further in - in between?
2317

2318 A: So I'm already back here when I come to my senses, I guess, is the best way to
2319 describe it.
2320

2321 Q1: Mark. Go ahead.
2322

2323 A: And then I decided to move over here.
2324

2325 Q1: Okay.
2326

2327 A: 'Cause it's where I feel safe.
2328

2329 Q1: Okay. Mark.
2330

2331 A: And I'm standing...
2332

2333 Q1: Is the car out of the...
2334
2335 A: The car's - the car's gone.
2336
2337 Q1: Okay.
2338
2339 A: Then put radio traffic out. Looked up that way and secured.
2340
2341 Q1: So you were standing here when you put radio traffic out?
2342
2343 A: Yes. I am...
2344
2345 Q1: Okay.
2346
2347 A: I am definitely here, and I'm, uh, between, uh, my front door and my rear
2348 door, probably closer towards the back, but not at the back.
2349
2350 Q1: Okay. You are looking this way - when you're looking this way, you still are
2351 assessing, or now you have your...
2352
2353 A: At this point, I don't see the car anymore.
2354
2355 Q1: Right.
2356
2357 A: So now my focus is back turned on Deputy (Randall). Uh, two females are on
2358 the ground -- one's here and one's there.
2359
2360 Q1: Okay.
2361
2362 A: Weapon secured. Ran up here. Grabbed, I believe it was this one here.
2363
2364 Q1: Okay. And you escorted her back to your car?
2365
2366 A: Yeah. So he puts - he puts one in his car. I put one in my car.
2367
2368 Q1: Okay.
2369
2370 A: And then it was at that point - and I - I put her on this side. I'm sorry. I don't
2371 know where he put his. It was at that point, I kind of walked back over here,
2372 and then I saw the shell casing, and I was like, oh, I've got to deal with that
2373 problem.
2374

2375 Q1: You...
2376
2377 A: So that...
2378
2379 Q1: ...you were in this area or in the between somewhere?
2380
2381 A: When I saw the shell casings so...
2382
2383 Q1: And the shell casings were where?
2384
2385 A: Uh, the ones I saw were like, right here and right.
2386
2387 Q1: So kind of adjacent to your vehicle?
2388
2389 A: Yeah.
2390
2391 Q1: Okay.
2392
2393 A: Now, which was where I was expecting to find them 'cause I - I have an idea
2394 where the shots are going to land from prior experience. So I was focused on
2395 that area, and I was - I was trying to find all four. But as I said, I can only see
2396 two, so I got two at least there. And it was that point, (Randall) said something
2397 to me. I think I - I tuned him out. I started walking down the hill and then
2398 when Deputy (Winn) came up, I started waving my arms left and right,
2399 signaling her to stop. Uh, there should be a - I think a telephone pole right by
2400 there. I think is where I was standing. And then that's where I told her, "Block
2401 this off. Uh, there's shell casings up here. I don't want anybody in that area,
2402 but lock it down."
2403
2404 Q1: Mm-hm. Any (unintelligible)?
2405
2406 A: Yeah.
2407
2408 Q1: Okay. I know, crude, but (unintelligible)...
2409
2410 A: That works.
2411
2412 Q1: ...help me visualize it. Yep, it works. Can you guesstimate how many seconds
2413 or minutes from the time you exited your vehicle and to the time you...
2414
2415 A1: And don't guess.
2416

2417 A: I'm sorry, say that again.
2418
2419 Q1: (Unintelligible) exited the vehicle to probably the time you, uh, exited your
2420 vehicle to the time that you were shooting at the car that was coming at you?
2421
2422 A: Hmm, I'm not sure. I, um, I know it's, um, I'm walking uphill, and I'm coming
2423 around the corner, so I know it's not taking very long. But as far as seconds
2424 and minutes, I'm not sure.
2425
2426 Q1: Okay.
2427
2428 A: I mean, I would say less than a minute, but I can't specify as far as 30 seconds,
2429 45 seconds or what. 'Cause I wasn't thinking about it. At that point, I was just
2430 more concerned about walking up there and - and dealing with the problem.
2431
2432 Q1: You mean (unintelligible) on the air?
2433
2434 A: Yes.
2435
2436 Q1: Where were you when you went 10-97? Had you stopped and were getting
2437 out, or you were...
2438
2439 A: I - I was rolling behind the car, um,'cause I didn't - I didn't want to put it out
2440 too soon...
2441
2442 Q1: Mm-hm.
2443
2444 A: ...'cause I - I like to be out of the car as fast as I can. So I put it, uh, probably
2445 as I was slowing down. But no, I hadn't stopped the vehicle yet. Put 10-97,
2446 flip the switch and then got out of the car.
2447
2448 Q1: Flip the switch?
2449
2450 A: So the - to the back ambers.
2451
2452 Q1: Gotcha. So - yeah. So pretty sequence (unintelligible0.
2453
2454 A: Right.
2455
2456 Q1: Okay. So 10-97 to - and then how long did it take you to put out code three,
2457 shots fired...
2458

2459 A: Um...

2460

2461 Q1: ...after shots fired?

2462

2463 A: After I, uh, went back, put my gun away. It - it was right when I got to the, uh,

2464 thing. Again, I'm not 100% sure...

2465

2466 Q1: Yeah.

2467

2468 A: ...it's got to be less than a minute.

2469

2470 Q1: But you're already - you had already moved to the - to the side of your vehicle

2471

2472 A: Yes. Yeah, I - I was instinctively coming to a place of cover, I guess is the

2473 best way to describe it, even though the car was gone.

2474

2475 Q1: Right.

2476

2477 A: That's just what I was doing. That's what - what - what I was thinking at the

2478 time, and I said, I need to get over here before I put my traffic out, and that's

2479 just what I do.

2480

2481 Q1: Very cool. No further questions.

2482

2483 Q: Nothing here. Tell you what? We'll be right back.

2484

2485 A: Okay.

2486

2487 Q: Oh, here. Let me get this (unintelligible) number.

2488

2489 A: That's fine.

2490

2491 Q: All right.

2492

2493 A1: (Unintelligible), did you want one?

2494

2495 A: Uh, no. It's just right outside.

2496

2497 A1: Okay.

2498

2499 Man: (Unintelligible).

2500

2501 Q: Deputy Vandergraaf, how many, uh, rounds does your magazine hold?
2502
2503 A: Um, good question. Now, I don't remember. I believe it's 17.
2504
2505 Q: Okay. And one in the chamber?
2506
2507 A: Yes.
2508
2509 Q: And do you recall if your, uh, firearm was fully loaded that day or today?
2510
2511 A: Yes, I - prior to leaving the range, I always keep it fully loaded.
2512
2513 Q: Okay. Are all the magazines the same?
2514
2515 A: Um, yeah, I - I - I use the, uh, maximum rounds that the magazine will hold.
2516
2517 Q: And you carry two on your belt and one magazine in the gun?
2518
2519 A: Yes.
2520
2521 Q: Okay. I think that's it.
2522
2523 Q1: I think that's it.
2524
2525 A1: Can I just ask one more question?
2526
2527 Q1: Sure.
2528
2529 Q: Sure.
2530
2531 A1: Did you, uh, when - did you stop shooting your firearm, um, uh, when you
2532 recognized that the - when it registered to you that the threat had now - had
2533 disappeared, basically?
2534
2535 A: Yes.
2536
2537 A1: Okay. That's all I have.
2538
2539 Q1: At the time you fired your last round, you still felt a threat?
2540
2541 A: Yes.
2542

2543 Q1: Okay.

2544

2545 Q: Okay. All right. It's approximately 2152 hours.

2546

2547

2548 This transcript has been reviewed with the audio recording submitted and it is an accurate
2549 transcription.

2550 Signed _____