

Office of the Sheriff, Santa Clara County

55 W. Younger Avenue, San Jose, CA 95110

- INJURY
- BOOKING
- CITE RELEASE

CASE NO.

14-040-01151

BEAT **13**

TYPE OF FORCE: HANDS/FEET KNIFE/CUTTING INSTR.
 FIREARM OTHER

INCIDENT REPORT

REPORT TYPE **OIS [O] Outside Service Report - SJPD Officer Involved Shooting**

OCURRED	DATE	TIME	DAY
ON OR FROM	2/9/14	8:30	Sun
TO			
REPORTED	2/9/14	8:30	Sun

LOCATION OF INCIDENT **Kotake Court @ N. White Road / San Jose**

CASE "V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER

ASSIGNED NOT ASSIG **V01** LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) STATE OF CA. RACE M F DOB AGE HT WT

RECORDS ROUTING VICTIM ADVISED: SEXUAL ASSAULT VICWIT ASSIST. DOMESTIC VIOLENCE INTERPRETER NEEDED: SPANISH VIETNAMESE OTHER

ABC ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE

Acctng BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE SSN

CCAP/CIVU VICTIM INFORMATION: NON DISCLOSURE (WHERE APPLICABLE) INJURY SART BLOOD URINE PHOTOGRAPH STUDENT

CLERY **W01** LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) RACE M F DOB AGE HT WT

DET. DIV. VICTIM ADVISED: SEXUAL ASSAULT VICWIT ASSIST. DOMESTIC VIOLENCE INTERPRETER NEEDED: SPANISH VIETNAMESE OTHER

POSTAL ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE

TRAFFIC BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE SSN

TRANSIT VICTIM INFORMATION: NON DISCLOSURE (WHERE APPLICABLE) INJURY SART BLOOD URINE PHOTOGRAPH STUDENT

OTHER VICTIM VEHICLE YEAR MAKE MODEL BODY TYPE COLOR LICENSE/VIN STATE

CLASS EVIDENCE R/O'S NAME (LAST, FIRST, MIDDLE) SAME AS VICTIM # ADDRESS CITY/STATE ZIP DAMAGE TO VEHICLE

RURAL CRIME VICTIM VEHICLE WAS: STOLEN IMPOUNDED STORED LEFT AT SCENE RELEASED AT SCENE HELD F/PRINTS PRINTED

PROPERTY (NOT FOR EVIDENCE) / COMPLETE SYNOPSIS OF INCIDENT						
ITEM#	QTY	BRAND	MODEL	DESCRIPTION OF PROPERTY	SERIAL NO.	VALUE
1	0					\$0.00

THIS REPORT IS FOR INSURANCE PURPOSES AND TO ALERT THE SHERIFF'S OFFICE OF THE CRIME.

HATE Synopsis: **OUTSIDE SERVICE REPORT - SAN JOSE PD OIS. On 2-9-2014, San Jose PD asked the S/O to use the S/O Leica ScanStation C10 3D laser scanner to document the scene of an SJPD officer involved shooting incident on Kotake Court. S/O personnel responded, scanned the scene, and later provided the scan data to SJPD. Reference associated SJPD case #14-040-0180. No further S/O involvement in the incident.**

Where Occurred	Property Attacked	Method of Entry	Suspect Actions
<input type="checkbox"/> Apartment/Condo <input type="checkbox"/> Hospital <input type="checkbox"/> Assembly Plant <input type="checkbox"/> Hotel/Motel <input type="checkbox"/> Bar or Lounge <input type="checkbox"/> Jewelry Store <input type="checkbox"/> Bank/Finance Co. <input type="checkbox"/> Liquor Store <input type="checkbox"/> Bus/Rail Stop <input type="checkbox"/> Parking Lot <input type="checkbox"/> Bus/Rail Vehicle <input type="checkbox"/> Other Retail <input type="checkbox"/> Construction Site <input type="checkbox"/> Park (All Types) <input type="checkbox"/> Convenience Store <input type="checkbox"/> Public Building <input type="checkbox"/> Driveway <input type="checkbox"/> Residence <input type="checkbox"/> Dr.'s/Dentist Office <input type="checkbox"/> Restaurant (All) <input type="checkbox"/> Farm/Ranch <input type="checkbox"/> Rural/Mount Area <input type="checkbox"/> Field/Pasture <input type="checkbox"/> School <input type="checkbox"/> Garage <input type="checkbox"/> Sidewalk <input type="checkbox"/> Gas Station <input type="checkbox"/> Shopping Center <input type="checkbox"/> Grocery/Market <input checked="" type="checkbox"/> Street/Highway	<input type="checkbox"/> Agriculture/Crops <input type="checkbox"/> Jewelry/Metals <input type="checkbox"/> Alcohol/Beer/Wine <input type="checkbox"/> Livestock <input type="checkbox"/> Auto Parts/Access <input type="checkbox"/> Not Applicable <input type="checkbox"/> Bicycle <input type="checkbox"/> Narcotics/Drugs <input type="checkbox"/> Bldg Materials <input type="checkbox"/> Other Property <input type="checkbox"/> Cameras/Video Equip <input type="checkbox"/> Phone(s) <input type="checkbox"/> Clothing <input type="checkbox"/> Power Tools <input type="checkbox"/> Computer/Elec Equip <input type="checkbox"/> Purse/Wallet <input type="checkbox"/> Checks (All Types) <input type="checkbox"/> Radio/Stereo Equip <input type="checkbox"/> Credit Card <input type="checkbox"/> Sporting Goods <input type="checkbox"/> Curr/Money/Coins <input type="checkbox"/> Television <input type="checkbox"/> Farm/Ranch Equip <input type="checkbox"/> Tools <input type="checkbox"/> Firearm(s) <input type="checkbox"/> Tractor/Hvy Equi <input type="checkbox"/> Furniture <input type="checkbox"/> Transit Equip/Facil <input type="checkbox"/> Household Appliance <input type="checkbox"/> Vehicle or Boat	<input type="checkbox"/> Attempt Only <input type="checkbox"/> Body Force <input type="checkbox"/> Broke Glass <input type="checkbox"/> Cut Lock/Screen <input type="checkbox"/> Key/Pass Key <input type="checkbox"/> Lock Punch <input type="checkbox"/> Pried <input type="checkbox"/> Removed <input type="checkbox"/> Point of Entry <input type="checkbox"/> On Premise <input type="checkbox"/> Door <input type="checkbox"/> Garage Door <input type="checkbox"/> Sliding Door <input type="checkbox"/> Roof <input type="checkbox"/> Window	<input type="checkbox"/> Approach From Front <input type="checkbox"/> Suspect Armed <input type="checkbox"/> Approach From Rear <input type="checkbox"/> Searched <input type="checkbox"/> Demand Money <input type="checkbox"/> Selective Theft <input type="checkbox"/> Force Victim to Move <input type="checkbox"/> Sex Act <input type="checkbox"/> Fought With Victim <input type="checkbox"/> Shot/Stabbed Vic <input type="checkbox"/> Injury Inflicted <input type="checkbox"/> Struck Victim <input type="checkbox"/> Knew Location Cash <input type="checkbox"/> Took Firearm <input type="checkbox"/> Multiple Suspects <input type="checkbox"/> Took Money/Coins <input type="checkbox"/> Molested Victim <input type="checkbox"/> Took Stereo/TV <input type="checkbox"/> Masturbated <input type="checkbox"/> Used Trick/Ruse <input type="checkbox"/> Made Threats <input type="checkbox"/> Used Demand Note <input type="checkbox"/> Pt Prop in Bag <input type="checkbox"/> Unknown <input type="checkbox"/> Ransacked <input type="checkbox"/> Vandalized/Tagged

OTHER MO INFORMATION MO Continued in Narrative

ASSOCIATED CASE NUMBERS: **SJPD 14-040-0180** OTHER ROUTING: **San Jose Police Department**

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Leon, Herman	1685	02/18/14 1115	Det F-Su	Rodriguez, Daniel	1659	02/18/14 1223	1	5

REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL OIS [O] Outside Service Report - SJPD Officer Involved Shooting		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 14-040-01151					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Kotake Court @ N. White Road / San Jose			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 ASSOCIATED CASES:									
2									
3 San Jose Police Department Case #14-040-0180.									
4									
5 ATTACHMENTS:									
6									
7 DVD containing Leica "TruViews" of scene with TruView plug in.									
8 CD containing snapshots of scene from various perspectives.									
9									
10 INVESTIGATION:									
11									
12 On Sunday 2-9-2014, I was off duty but on call as part of the									
13 Sheriff's Office Leica ScanStation C10 3D Laser Scanner deployment									
14 team. At approximately 0830 hours, I received a call from									
15 Investigations Division Lt. R. Urena #1815 advising me that the San									
16 Jose Police Department (SJPD) was requesting S/O assistance with									
17 scanning the scene of an Officer Involved Shooting incident which had									
18 occurred earlier in the morning. Lt. Urena provided me the phone									
19 number for SJPD Homicide Lt. M. Kimm as a point of contact.									
20									
21 I called and spoke with SJPD Lt. Kimm who advised me the incident									
22 occurred at approximately 0301 hours in the area of Kotake Court at									
23 N. White Road in San Jose. SJPD Lt. Kimm provided me their case									
24 #14-040-0180 and the phone number for SJPD Crime Scene Investigator									
25 (CSI) Officer M. O'Brien, who was at the scene with SJPD CSI Officer									
26 J. Cusimano.									
27									
28 I called and spoke with SJPD CSI Officer O'Brien who confirmed the									
29 location. I advised him that my partner and I would be responding.									
30 I prepared to respond to the scene during which time I learned									
OFFICER'S NAME Leon, Herman		ID NUMBER 1685	DATE 02/18/14 1115	SHIFT/DAYS OFF Det F-Su	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 02/18/14 1223	PAGE 2	OF 5

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Kotake Court @ N. White Road / San Jose			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 CSI/Detective N. Cortez #1887 would be my assigned partner.									
2									
3 CSI Cortez and I met at the S/O and loaded the necessary equipment									
4 into CSI Cortez' unmarked emergency vehicle.									
5									
6 At approximately 0954 hours, CSI Cortez and I drove to the scene and									
7 arrived there at approximately 1005 hours. We checked in with the									
8 SJPD Crime Scene Log Officer followed by a briefing with SJPD CSI's									
9 Cusimano and O'Brien.									
10									
11 At approximately 1040 hours, CSI Cortez and I established a scan plan									
12 and began scanning the scene using the Leica ScanStation C10 3D laser									
13 scanner. The ScanStation C10 is a high-speed laser scanner with									
14 survey-grade accuracy, range and field of view which contains an									
15 integrated camera. Prior to beginning our scans, we positioned the									
16 Leica twin target pole on the north sidewalk of Kotake Court at N.									
17 White Road, outside the inner perimeter barrier tape. The twin									
18 target pole is a known measurement reference standard									
19 certified by the US Department of Commerce - National Institute of									
20 Standards and Technology (NIST) as having a measured distance of									
21 1.70015 m with an expanded uncertainty of 0.12 mm between the lower									
22 and upper target centers. Refer to NIST Test Number 683/282592-12									
23 and Leica Geosystems PN 838055 SN 157 for more details.									
24									
25 CSI Cortez and I began our scans at the entrance to Kotake Court and									
26 moved into the Court as our scans progressed. We used a total of									
27 eleven scanning locations, referred to as scan worlds, to document									
28 the scene. Included with the general scans were higher resolution									
29 focused scans and photography encompassing the immediate area where									
30 the shooting incident occurred as well as some skid marks on the									
OFFICER'S NAME Leon, Herman		ID NUMBER 1685	DATE 02/18/14 1115	SHIFT/DAYS OFF Det F-Su	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 02/18/14 1223	PAGE 3	OF 5

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1 roadway.									
2									
3 At approximately 1449 hours, CSI Cortez and I checked out with the									
4 SJPD Crime Scene Log Officer and exited the scene. We returned to									
5 the Sheriff's Office where I transferred the obtained scan data from									
6 the scanner to the dedicated Leica laptop. At approximately 1600									
7 hours, CSI Cortez and I went off duty.									
8									
9 On Monday 2-10-2014 at approximately 0730 hours, I came back on duty									
10 and began processing the scan data using Leica's Cyclone 3D Point									
11 Cloud Processing Software. During the processing, I used the fence									
12 tool to turn off various point cloud data in order to generate a more									
13 refined appearing product. None of the scan data was deleted during									
14 this process.									
15									
16 I completed processing the scan data and produced "TruView" renderings									
17 of the scene in "Normal", "High Intensity Color" and "Gray Scale"									
18 views. "TruView" is a format that allows for ease of viewing point									
19 clouds using a panoramic viewer approach to see the point clouds on									
20 the computer screen just as if you were standing right where the									
21 scanner captured the scan data. The Leica "TruView" plug-in is a									
22 Web-enabled panoramic point cloud viewer that lets you view, pan,									
23 zoom, measure and markup point cloud data over the Web. The Leica									
24 "TruView" Internet Explorer plug-in is required for viewing.									
25									
26 I created a DVD, plus copies, containing the Leica "TruViews". I also									
27 created a single DVD containing all the scan data in .pts file									
28 extension format to be given to SJPD for their records.									
29									
30 From within Cyclone's model space view; I completed bullet path									
OFFICER'S NAME Leon, Herman		ID NUMBER 1685	DATE 02/18/14 1115	SHIFT/DAYS OFF Det F-Su	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 02/18/14 1223	PAGE 4	OF 5

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<p>1 reconstruction based on the trajectory rods placed by SJPD CSI</p> <p>2 Cusimano. Using the program's Create Object/Fit to Cloud/Line</p> <p>3 Segment (Between Picks) function and the multi-pick tool, I picked</p> <p>4 two points along the ends of each trajectory rod and created a 3D</p> <p>5 line segment over the laser scanned trajectory rod. Based on the</p> <p>6 picks, Cyclone averages all of the point cloud data found in the</p> <p>7 vicinity of the line and finds the best fit resulting in a very</p> <p>8 accurate virtual rod. I then inserted a pointed cone with a 5 degree</p> <p>9 variance over the 3D line segment completing the bullet path</p> <p>10 reconstruction.</p> <p>11</p> <p>12 On Tuesday 2-18-2014, I produced snapshot images of the scene</p> <p>13 depicting it from overhead, snapshot images from various angles with</p> <p>14 bullet path reconstruction cones in place, and snapshot images of the</p> <p>15 twin target pole measurement reference standard with one displaying a</p> <p>16 measured distance of 1.701 m between the upper and lower targets and</p> <p>17 another displaying the same image but with the unit distance measured</p> <p>18 in feet for a distance of 5.582 ft between the upper and lower</p> <p>19 targets. I produced the snapshots from Cyclone's model space view.</p> <p>20 I created a CD, plus copies, containing the snapshot images.</p> <p>21</p> <p>22 I gave SJPD three copies each of the CD and DVD with the contents as</p> <p>23 previously described. I submitted one copy each of the DVD and CD to</p> <p>24 S/O Records as attachments to this report.</p> <p>25</p> <p>26 P.L.E.O.:</p> <p>27</p> <p>28 Sgt. H. Leon #1685 Original Report</p> <p>29 Det. N. Cortez #1887 Assist</p>								
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