

# BILLINGS POLICE DEPARTMENT

## WITNESS STATEMENT HEADING

**WITNESS:** Jacob Grommes

**C & O NUMBER:** 20-76444

**DETECTIVE:** David Raschkow #383

**PLACE:** Billings Police Department  
3<sup>rd</sup> Floor City Hall  
Detective Division  
Billings, Montana

**START TIME:** 09:03 Hours

**END TIME:** 10:08 Hours

**DATE:** October 16, 2020

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This is Detective Raschkow with the Billings Police Department referencing case number 20-76444. Today's date is October 16<sup>th</sup>, 2020. The time by my watch is 09:03 hours. I'm currently speaking with Mr. Jacob Grommes of the Billings Police Department.

Q. Jacob can I have you say and spell your first and last name for the recording?

A. Jacob, J-A-C-O-B, Grommes, G-R-O-M-M-E-S.

Q. Okay. And your date of birth is [REDACTED] [REDACTED] [REDACTED] is that correct?

A. Yes.

Q. Okay. Ahm, I'm not gonna display your address, but you do live here in Billings, is that correct?

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A. Correct.

Q. Alright. And you are employed by the Billings Police Department.

A. That is correct.

Q. Okay. How long have you been employed with the Billings PD?

A. 2 years.

Q. When did you, when did you start?

A. My start date was September 1<sup>st</sup> of 2000 and 18.

Q. So, upon the time of being hired, what was your training like?

A. Ahm, we did a week of the training at this, at City Hall and then we did firearms and then we went off to the Academy.

Q. Okay. Ahm, what was your first week of firearms training like?

A. Ahm, we went out to the range with, I think it was, ah, Sgt Milam and Sgt Becker and we did, I think it was 3 or it might've been a full week, I, I think it was a week of firearms training and we did, ahm...

Q. Okay. Had you had any firearms training prior to that?

A. Training? No.

Q. Okay. Ahm, and then from there you went to the Academy, how long's the Academy?

A. The Academy is 3 months, so, I think it's 12 weeks.

Q. 12 weeks. And what do they teach ya at the Academy?

A. Ah, Montana Law, ahm, ew, ah, vehicle operations, firearms, ah defensive tactics.

Q. Okay. Ahm, and after that 12 week process, what's your training like after that?

A. After graduation from the Academy we did 3 more weeks of admin, administrative training here with ah, the Billings Police

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Department so, I guess it's a little more in-depth training. It's more geared towards what they do here versus...

Q. Uh Huh (Affirmative)

A. ...a broader stroke that they do at the Academy.

Q. What's covered during that 3 weeks?

A. Ah, we do, CIT, taser training, ah, interior tactics, ahm, how to operate the MDT's, ah, radio communication.

Q. Okay. Correct me if I'm wrong, is there a use of force day involved there?

A. Ahm, on, the, in admin?

Q. Yes.

A. Yes, they do a, yeah, they do a full day of the, ah, defensive tactics and, ah, handcuffing.

Q. And my understanding is that's a pretty intense day.

A. Yeah, it's, it's a very hard day. It's physically demanding.

Q. Okay. So you get into, some, real staged fights...

A. Oh yeah.

Q. ...is that, is that my understanding? Am I correct?

A. Yep. And they teach ya, like, some, little bit of judo stuff, some jujitsu stuff.

Q. Okay.

A. Things like that.

Q. Alright. So after that 3 weeks, then what's your training like?

A. Ahm, I did, let's see, what is it, 4, 8, 12, 4, I think it's 14 weeks of field training.

Q. And what's field training like?

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A. Ahm, I guess when, start out in the first phase, it's, ah, you're riding with another officer who's your Field Training Officer and ahm, for me he, was kinda showing you how to apply everything you've learned in this, long amount of training you've gone through and applying it to the job. And then as you get further along in the process it's more and more your responsibility to, do the job and...

Q. Okay.

A. ...like little by little on your own.

Q. So, ahm, is it safe to say that, that through this process you become more and more independent?

A. Correct.

Q. Okay. Ahm, and once your field training is complete, where are you assigned?

A. I was assigned to Night Shift.

Q. Okay. Have you worked any other shifts? Other, other than through field training, have you worked any other shift...

A. No I've not.

Q. Now, I've worked Night Shift myself but just for the, for the purposes of this we'll go through a few things. Explain to me, kinda what night shift's like.

A. As opposed to like the other shifts?

Q. Ah, yeah, what's, what the, the, I guess the things that are unique to night shift?

A. Ahm, a lot of the calls are in progress, ahm, it's a lot more, ah, I would say probably, they're a lot more violent calls. Ahm, more uncooperative suspects. A lot more people are under the

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- influence of drugs or alcohol during the night as opposed to during the daytime.
- Q. Uh Huh (Affirmative). Okay. So, and, and this is comparing, of course to some of your shifts....
- A. Uh Huh (Affirmative)
- Q. ...that you've had in training, so you've had the opportunity to see, how, kinda the other shifts of the day rotate right?
- A. Uh Huh (Affirmative)
- Q. And then they're, you're basing this off of just your other experiences.
- A. Correct.
- Q. Okay. Ahm, so, when you got to a call on Night Shift, do you feel that you have a heightened sense of awareness to violence?
- A. Yes.
- Q. Okay. Now when you, when you go out for your patrol day, what's your standard load out, for, both, ah, intermediate weapons, equipment and your, your firearms?
- A. Ahm, on me I have, I carry the Taser X2, and then, as my sidearm I have a Glock 17, which is a 9 millimeter.
- Q. Is that a department....
- A. Department issue.
- Q. Okay.
- A. Correct.
- Q. Okay. And how many rounds do you have for the, 17?
- A. I carry, it's, ah, s-s-six, 64. 21 in each magazine and then one in the chamber.

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Q. Okay. So you got your Taser, your sidearm, ahm, all of the cars have shotguns...

A. Correct.

Q. ...as far as I know, do you have a personally issued, or own shotgun? Or anything...

A. No. Mine's department issued.

Q. Okay.

A. And then I have my patrol rifle as well.

Q. And that's one you own?

A. Correct.

Q. Okay. So you've been through rifle training as well then?

A. Yes.

Q. Okay. Ah, how does rifle training differ from other firearms training?

A. Ahm, I feel like the rifle training was a lot more in depth. I mean, everyone goes through the pistol, everyone gets a pistol and then...

Q. Uh Huh (Affirmative)

A. ....when ya put in to do the rifle, I feel, okay, now it's the next step up type of thing. It's more intense training, it's, ahm, more shooting.

Q. Uh Huh (Affirmative)

A. More different tactics, cuz now ya have 2 weapons to worry about, instead of just having the one in the holster, you got your primary, your rifle and you have you, your pistol on ya as well at the same time.

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- Q. Okay, so you're, you're qualified for, at least in terms of, of lethal force, you're qualified on a handgun, a shotgun and a rifle is that correct?
- A. Correct.
- Q. Okay. And they, they talk about the various situations in which you would employ those, is that correct?
- A. Correct.
- Q. Okay. So you've had all of that training. Ahm, do you have any other intermediate weapons other than your Taser?
- A. I do not.
- Q. Okay. So you've got, your, your options available to you are, your hands, your Taser and any of your lethal force options?
- A. Correct.
- Q. Okay. Alright. And I'm jumpin' ahead a little bit, but on this...
- A. Uh Huh (Affirmative)
- Q. ...instance that we're talking about, nobody had any weapons other than, what they carry on them in their normal day?
- A. Correct.
- Q. So there were no long guns coming out?
- A. No.
- Q. Okay. Alright. So, ahm, I'm sure in the, the couple years you've been working in, in Night Shift you've had the opportunity to deal with non-compliant people and, people who are resistive, what's the, the standard procedure for somebody that's being non-compliant resistive?
- A. Ahm, it's, I mean it's situationally, different. Ahm, but if someone's being non-complaint or combative, I mean, the goal

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is to get them in handcuffs with, the least amount of incident as possible.

Q. Uh Huh (Affirmative)

A. The proper amount of force.

Q. So is this some combination of, various techniques you've learned?

A. Ahm, yeah, I mean, it's, eh whether it was in the defensive tactics course that we took with ah...

Q. Uh Huh (Affirmative)

A. ...the, the department or just with other officers that I've been a part of that, when we're dealing with non-compliant, they'll do something or explain something to me that can be used.

Q. Uh Huh (Affirmative). Alright. Ahm, and this would include everything from, using verbal commands up to empty hand techniques to taser to anything that...

A. Correct.

Q. Okay. Alright. And it's sufficive to say that, if the opportunity presents itself, ahm, you're going ta go to the least amount of force and then work up from there, is that correct?

A. Yes. Yes.

Q. Okay.

A. The least amount of incident as possible, you know if, we can just, ahm, talk to someone and calm em down and get em in cuffs, that's ideal. If we have to go to the next, to the next or jump around whatever needs to be done, but I always try to give them verbal commands first.

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- Q. Okay. And, safe to say over the course of, well we'll, we'll say a year and a half of working nights, you've had the opportunity to sharpen this up a little bit?
- A. Absolutely.
- Q. Okay. So, let's jump ahead to ah, to Monday night. Ahm, I'm gonna run back a little earlier in the day, so, what day does Monday fall on you for your week?
- A. It's my Friday.
- Q. Okay, so that's, ba, it's basically the last day of your week.
- A. Yes.
- Q. And when does your shift start?
- A. Ah, 9:30 PM.
- Q. Okay. Ahm, have you had the opportunity to sleep between your prior shift on Sunday night and your...
- A. Yes.
- Q ...shift on Monday night? How much sleep did you get?
- A. Ahm, usually I sleep from 9 to 3, so, 6 hours.
- Q. Ahm, so you had 6 hours, which I've worked night shift before...
- A. Uh Huh (Affirmative)
- Q. ...sometimes that's a lot.
- A. Yeah.
- Q. Given, just given the tempo of it. Did you feel well rested going into work?
- A. Yeah, it's my, I got my normal, I mean 6 is what I get on a, a typical day, so.

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- Q. Okay. Ahm, and then your shift starts at 9:30, go to briefing and I know briefing's a little weird now because of COVID, but, ahm, what do they run ya through in briefing?
- A. Ahm, well first we bid for shifts and then after that, they, there's a, we go through the burglaries in the area and the warrants and area checks. Any information that we need to know before hitting the street.
- Q. Okay. Ahm, is there anything particular about the briefing that night that sticks in your mind?
- A. Ah, not particularly, no.
- Q. Okay. So, you, you do briefing and then you head out and...
- A. Uh Huh (Affirmative)
- Q. ...hit your beat. Where, what were you assigned to that night?
- A. Ah, Charlie 3.
- Q. Okay. Now what are the boundaries of Charlie 3?
- A. Ah, let's see, I don't work it often, but ah, I think it's, south of Monad and then it goes all the way out west to, I think Shiloh or 44<sup>th</sup> Street and, east it's I think it's either the King Overpass or 20<sup>th</sup> Street West.
- Q. Huh. Okay. It's a pretty good size beat.
- A. Uh Huh (Affirmative)
- Q. And that butts up to, of course Charlie 1 and 2.
- A. Yeah.
- Q. Someone in (UNINTELLIGIBLE)...
- A. Charlie 2's north of it and Charlie 1's north of Charlie 2.
- Q. Yeah. Charlie 1's north or Charlie 2 you said?
- A. Uh Huh (Affirmative)

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- Q. And I'm asking this cuz I actually don't know these. They, re-did all of this stuff after I left...
- A. It could be...
- Q. ...patrol.
- A. ...and actually it could be south of Central, not south of Monad, but I'm, like I said, I don't work it very often so.
- Q. Where do you typically work?
- A. I typically work the downtown area.
- Q. Understood. Okay. So, what was the call tempo like Monday night?
- A. Ahm, it wasn't particularly busy. I think I, at that point I'd ah, been ta 2 calls and made a traffic stop, so I'd been...
- Q. In your, so in your first hour on you'd been to 2 calls and made a traffic stop?
- A. Uh Huh (Affirmative).
- Q. Okay.
- A. Yeah.
- Q. Anything of note in either of those?
- A. No.
- Q. Okay. Alright. And so, do you know what time you got this call on Avenue C?
- A. Ah, I think it was 10:20 or 10:30 at night.
- Q. Okay.
- A. If I remember right.
- Q. And what was the dispatch for?

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- A. Ahm, suspicious activity, ah, the complainant advised dispatch that she believed that there was 3 subjects that arrived in 2 different vehicles that were syphoning fuel from her vehicle.
- Q. Okay. And how many people responded to that?
- A. Ah, dispatch sent the, the primary and then a cover and, ahm, I self-dispatched to it cuz I was maybe 5 minutes away.
- Q. Okay.
- A. And then, I think Officer Nelson also self-dispatched to it. Assuming, I mean he got there before me, so he was obviously closer than I was.
- Q. Uh Huh (Affirmative). So who were the original people dispatched to it?
- A. Ah, Officer Vldic was primary.
- Q. Okay.
- A. And then Officer Bickford was his cover.
- Q. Now for an in-progress call, is that normal?
- A. Not typically.
- Q. Okay.
- A. Ahm, I always, if I'm close to a call and they didn't send me to it, and, you know, if I'm available, I, typically will go to it, just because I don't wanna tie up the radio finding out where the other cars are at. If I get there and they don't need me, I can leave, but I, you know, if 1 officer's 5 minutes away and 1 officer's down the street and I can get there in between em, that officer has cover for 2 more minutes on a call...
- Q. Uh Huh (Affirmative)
- A. ...as in regards to being there for 5 minutes alone.

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- Q. And is that normal pro, or, practice throughout the shift?
- A. Yeah I'd say it, ve, very often, cars that aren't dispatched to calls, just, either self-dispatch or show up to the call because they're close.
- Q. Okay. And the self-dispatch is on your, your dispatch screen...
- A. Uh Huh (Affirmative)
- Q. ...you can, you can opt to go to a call?
- A. Yes.
- Q. Without being sent? Okay. Alright. So you said you were close by within 5 minutes...
- A. Yeah, I think I was...
- Q. ...self-dispatched...
- A. ...like, yeah 24<sup>th</sup> and Broadwater area.
- Q. Okay. So, explain to me, kind of, the arrival.
- A. Ahm, when I arrived, Officer Nelson was out of his car and giving, ah, license plates of the 2 vehicles that were described as the suspect vehicles to Dispatch. Officer Vladic's car was parked right behind him. And then I parked behind Vladic. Vladic was getting out as I got there. We all, all of us came from 22<sup>nd</sup>, so we came from the east.
- Q. Okay. So, first car to arrive is Nelson, Vladic parks right behind him...
- A. Uh Huh (Affirmative)
- Q. ...everybody's in the alley between, on, and it's between Avenue B and Avenue C?
- A. Yes.

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- Q. Is that correct? Okay. And, so kinda describe to me what you're pulling into.
- A. Ahm, the, immediately see the, the 2 vehicles end up being a black Impala and a red Impala. They're parked at an odd angle. Ahm...
- Q. Okay. So how, how is normal parking? In this area?
- A. Ah, so it's covered parking. Typically if the vehicle's gonna park inside the lines, that a vehicle would normally park inside, they were not parked that way. They were...
- Q. Uh Huh (Affirmative)
- A. ...kind of angled, at like a 45 or 30 degree angle.
- Q. And this, this parking, this covered area is for the residents of this...
- A. Right. Yep.
- Q. ...apartment (UNINTELLIGIBLE) okay...
- A. (UNINTELLIGIBLE) there's numbers and, each number's assigned to a, an apartment.
- Q. Okay. Ahm, so, right away is it safe to say that, this is a, not necessarily alarming, but, doesn't fit with what the normal...
- A. Correct.
- Q. Okay. Alright. So, so Nelson's there, Vladic's there and you arrive right after that.
- A. Correct.
- Q. All of you have come in from 22<sup>nd</sup>.
- A. Uh Huh (Affirmative)

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- Q. Ahm, and, correct me if I'm wrong, at, at that point the only way to exit that is to either go back to the 22<sup>nd</sup> side or completely go through to 24<sup>th</sup>?
- A. Yes, that's correct.
- Q. Okay. Alright. So you're out of your car...
- A. Uh Huh (Affirmative)
- Q. ...what's the progression of events from here?
- A. Ahm, Vladic is on, so there's, the red vehicle, that Impala's got 2 females in it.
- Q. Uh Huh (Affirmative) and that's, when you, when you get out and face this, that's gonna be the one that's closer to 22<sup>nd</sup> Street is that correct?
- A. Yes, it's further east.
- Q. Okay.
- A. Yes.
- Q. And then the one immediately to the west of that is the...
- A. The....
- Q. ...black car...
- A. Yes.
- Q. ...that's been painted...
- A. Black-ish.
- Q. Okay.
- A. Yes.
- Q. Okay. So where do you go from there?
- A. Driver's side of the red Impala.
- Q. Okay.

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A. (UNINTELLIGIBLE) on the passenger side, speaking to the passenger and Nelson's talking to the male subject who was, ahm, I believe working on, the hood was up on the black Impala and he had like a wrench in his hand, so, working on the car.

Q. Okay. Okay. So, did you recognize any of these subjects?

A. I did not.

Q. Okay. Not, not anybody you dealt with previously?

A. No, I mean I may have, but, not to a point where I recognize who they were, no.

Q. Okay. Ahm, how are they acting?

A. Ahm, right off the bat Vladic had asked the females if they had identification. Ah, neither, I don't believe either of them responded. The driver definitely did not cuz I was standing right by the driver's side door. Ahm, we had to ask for identification at least twice before the driver handed me her, driver's license or ID card, whichever it was.

Q. And do you remember who the driver was?

A. I do not, because I, I ended up giving the ID to Vladic when dispatch didn't get, the plate returned inactive on the, the black and, the spray painted black Impala so, at that point there's a little more going on with the Impala...

Q. Okay.

A. ...cuz we, we got a return on the red, the plate provided for the red Impala returned to a red Impala.

Q. Uh Huh (Affirmative)

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A. And then the other plate returned inactive so, I gave Vladic the ID for the driver and let him know, 'hey, this vehicle is not coming back so I'm gonna go hang out with Nelson and the male'.

Q. Uh Huh (Affirmative)

A. Because, we don't know, whose car it is, if it's stolen, what the deal is, type of thing.

Q. So when a plate doesn't come back and when, when you're saying that it, it doesn't return correctly or it returns inactive, what are the possible things that that could mean?

A. Ah, so typically, in my experience, an inactive plate means that, ah, the plate's no long assigned to a vehicle. So, if it's assigned to a vehicle, somebody goes and gets new plates, the old plates that were on the car are now inactive.

Q. Uh Huh (Affirmative)

A. They're cancelled essentially. And...

Q. Okay. So if a car's running on a cancelled plate, what, what are the possible things that could be happening there?

A. Ahm, it's either the, I mean, they took the plate from another, put it on theirs...

Q. Uh Huh (Affirmative)

A. Ahm, I mean that's really, or the registration is so much expired, I think I've only encountered that one time, it was so far expired that the plates came inactive. Like, 2 or 3 years past, ah, registration. Other than that, it's a plate assigned to a different vehicle.

Q. Uh Huh (Affirmative). Ahm, now why would somebody wanna run a different plate on a vehicle?

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- A. Ah, either they don't have plates for their car, they don't wanna register their car or the car is stolen.
- Q. Okay. So, suffice to say they're, they're concealing something.
- A. Correct.
- Q. Okay. Now when you know that somebody's concealing something, does that change any response on your part?
- A. Yes.
- Q. Okay.
- A. It's exactly why I went to have a 2<sup>nd</sup> officer with Nelson as opposed to, being with the other vehicle. And obviously the fact that the car is spray painted on top of having a different plate on it, that, that's just kinda s-s, stackin' up that some'in's not right here.
- Q. Okay. Ahm, so it's not necessarily one thing but it's several things that are...
- A. Yes.
- Q. Okay. So then your attention turns to this guy...
- A. Correct.
- Q. ...up front. Okay. Now this guy up front, how is he acting?
- A. Ahm, how he was acting before I came over, I, I have no idea, but once we kinda were asking him 'hey man, whose car is this?'
- Q. Uh Huh (Affirmative)
- A. Questioning him about the car and the plate he, started acting a little nervous, ah, saying it's his friend's car, went right to, gettin' on the phone.
- Q. Uh Huh (Affirmative)

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- A. Ahm, and when I'd came over, I tried to check for VINs on the car and the VINs were s-s, covered up or colored over. I couldn't, couldn't read the VIN, so there's, you know a third thing that's kinda, making me think some'in's not right here.
- Q. So you checked the VINs.
- A. Yeah, I checked to see if I could, run a quick VIN while we were dealing with the guy, but it was obstructed enough to where it would'a took too much time...
- Q. Uh Huh (Affirmative). And when you say they're covered up, did they look intentionally covered up?
- A. Yeah, so the one on the door, I didn't even try cuz it looked like it had been removed.
- Q. Uh Huh (Affirmative)
- A. And then there was a blue marker over top of it.
- Q. Okay.
- A. And then the one on the, that would've been on the dash, there was blue marker, either on the inside of the windshield or the outside of the windshield that, obstructed the view of the, the VIN number.
- Q. Okay. So, in your kind of ah, experience and professional opinion, this was a deliberate act to conceal a VIN, is that what I'm picking up from you?
- A. Ah, absolutely.
- Q. Okay. So, again, this is another, kinda one of those check box things...
- A. Yeah.
- Q. ...for the totality that, mo-more is going on than what you think.

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- A. Absolutely.
- Q. Okay.
- A. I'm thinking, I mean, off the bat the, the spray paint...
- Q. Uh Huh (Affirmative)
- A. ...that's, I mean, I, it might just be night shift, but, I mean, a lot of the time when a car is sp, spray painted it's, there's some'in going on. It's stolen or something and then when the VINs covered up on top of that, at that point, I mean I believe that car was stolen.
- Q. Okay. So he gets on the phone, this guy up front and, and...
- A. Uh Huh (Affirmative)
- Q. ...I don't know if you know his name by now, ah...
- A. No.
- Q. Ah, well his last name's Stump.
- A. Okay.
- Q. I'm trying to remember his first name but it's not coming to me right now. Ahm, so this guy up front gets, gets on his phone and what does he say on his phone?
- A. Ahm, I didn't hear anything of what he was saying on the phone. Ahm, something about, hey the cops are here, ahm, I wasn't really paying tons of attention...
- Q. Uh Huh (Affirmative)
- A. ...to what he was saying on the phone.
- Q. Alright. What were you paying attention to?
- A. Ahm, I was, cuz Vladic was still with the 2 females so I was trying to be with Nelson in there and still kinda, cuz there's 2 females here and just one of him so I was trying ta keep, to kinda divide

my attention between the two, but they're in a car, he's out of the car, so I wanted my f-f-f, like my physical body, my presence to be over with the, ah, the male who was out of the car with Nelson, cuz...

Q. Okay.

A. ...and again, he was with the...

Q. So you're kinda between, positioned between where Vladic's at and where Nelson's at?

A. I was, ahm...

Q. Let's do this.

A. Yeah.

Q. Yeah, so got a sheet of paper for ya here, (UNINTELLIGIBLE) like a pencil.

A. Okay.

Q. Just push it down.

A. Okay.

Q. There ya go.

A. So if we have, I'm not a excellent artist but...

Q. It's alright...

A. ...just draw boxes.

Q. ...I'm good with boxes.

A. ...for the cars.

Q. Yeah.

A. Or I guess, we can be more realistic here and angle em how they were. Ahm, so, we have, this is the red one, this is the black one. And, his door is open here, so, Nelson's here, suspect's here then we have 2 suspects in here. Ah, Vladic's here.

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- Q. Okay.
- A. And then I was kinda back here. So I was here.
- Q. Okay.
- A. So, cuz I was back here, and I just came around to here. So I started here, came up here, came back and just went over here cuz that way I could come here or kinda equal distance.
- Q. So this is where you're at...
- A. Yes.
- Q. ...at the time, that you, you realize, this guy's acting nervous?
- A. Right.
- Q. Okay. Where are the patrol cars at?
- A. So, I think Nelson's is right here. He's in 1575. Vladic's here, I think he was in 1450 but I'm not sure and then mine's here. I'm in 1404.
- Q. Okay. Alright. So Nelson's talkin' to him, he's jumped on the phone, said something, you're not really sure, Vladic's still over here with these...
- A. Uh Huh (Affirmative)
- Q. ...these women.
- A. He's, I think Vladic's trying to get on the radio ta, ta identify these 2 females.
- Q. Okay. So what happens after this?
- A. Ahm, eventually dispatch returns, ah, cuz he had given Nelson a name...
- Q. Uh Huh (Affirmative)

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- A. ...and Nelson had ah, ran his name on Channel 2. Ahm, they come back with no local jacket, no return outta CJIN, nothing. They, they couldn't find em at all.
- Q. Okay. So he'd given a name, Nelson attempted ta, ta check it.
- A. Uh Huh (Affirmative). By name and date of birth.
- Q. Okay. And it came back as not returned?
- A. Correct.
- Q. Okay. Now has Bickford arrived yet?
- A. Ahm, actually, yes he has.
- Q. Okay.
- A. Cuz, Bickford had went, was in his car at this point, so Bickford's over here.
- Q. Now correct me if I'm wrong, Bickford had come in from the other side?
- A. Yes, so he's...
- Q. From 24<sup>th</sup>.
- A. ...he's facing this way and we're all facing this way.
- Q. Okay. Alright, so Bickford's also here.
- A. Right.
- Q. What was Bickford's kinda role?
- A. I think ah, Bickford had gotten out and ah, I think there was some talk of, you know, Channel 2 was being slow cuz they were backed up so, he goes back to his car and he's on his computer, so my assumption is, he's on the computer cuz we can get the same returns on the computer that Dispatch is pulling for us.
- Q. Uh Huh (Affirmative)

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- A. So I'm assuming he's trying to get returns faster than Dispatch could get em back.
- Q. Got it. Okay. And you're still here, ya got Nelson, you're 2, kinda to the rear of this...
- A. Uh Huh (Affirmative)
- Q. ...black car. You got Vladic over on the passenger side of this red car, Bickford's running numbers, er not running numbers, running names.
- A. Right.
- Q. So, let me ask you this, you've got people at night that have been called in on a suspicious...
- A. Uh Huh (Affirmative)
- Q. ...you got somebody that, is in a car with plates that don't return, with obscured VINs, with, that's being painted with...
- A. Right.
- Q. ...with non-vehicle paint, ahm, and he gives you a fake name.
- A. Right.
- Q. What does this do to your awareness level?
- A. At this point there's too much for me not to put him in handcuffs. It was, some'in's wrong...
- Q. Uh Huh (Affirmative)
- A. ...and, he doesn't want us to know what he's driving or who he is.
- Q. Uh Huh (Affirmative)
- A. So, ahm, at this point, I'm, he needs to go in handcuffs until we, not to be placed under arrest or anything of that matter, just, I

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- want him detained in handcuffs until we can figure out, whose car it is, if it's stolen, who he actually is.
- Q. Now I'm gonna jump back just for a second.
- A. Yep. Yep.
- Q. Have you, have you encountered a situation similar to this before?
- A. Ahm...
- Q. Where somebody's been this dishonest with you...
- A. Yeah.
- Q. Okay. And, is, are these prior experiences factoring into your decision making?
- A. Absolutely.
- Q. Okay.
- A. Typically when someone doesn't wanna know who you ar, who, want us to know who they are, ahm, it's, I mean it's sometimes people have small warrants and they don't want us to know, but I mean, other times...
- Q. Uh Huh (Affirmative)
- A. ...they got big warrants and they're violent people and they don't want us to know who they are. Ahm, in this circumstance, my thinking was, with the car, potentially being stolen, the way he's acting, it's more than likely this guy is, he's wanted is what my opinion or my assumption I guess was at that point. He's wanted, he doesn't want us to know he's got a big warrant or something along those lines or doesn't want us to know he, who he is, who's, whose driving a stolen car. So, it was...
- Q. Okay.

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- A. ...for me it was more that he was lying for a bigger reason than, than for a smaller reason at that point.
- Q. Okay. Ahm, now in your, prior experiences with people who are being dishonest and people who, aren't necessarily wanting to get arrested, ahm, is there a chance that it could become violent?
- A. Yes.
- Q. Okay. Is that a heightened chance? You feel?
- A. Yes. If someone's lying about their name and they don't want us to know who they are, cuz they don't wanna go to jail, that's, that's the first step they've taken to not wanna go to jail and the next step for them could be ta, ahm, resist arrest or fight with us. Fight with the officers.
- Q. Okay.
- A. To prevent being arrested.
- Q. Okay. So, you kinda determined that he needs to go in handcuffs.
- A. Absolutely.
- Q. What are your actions after that?
- A. Ahm, I step up to him, Nelson tells him to hang up the phone and that he's going in handcuffs. I, grabbed, it was his left hand that he had the phone in, I grabbed his left forearm with both of my hands.
- Q. Okay, so you got, you approached to his left side, you've got both of your hands on his, le, left wrist and left forearm?
- A. Correct.
- Q. Okay. And what's your intention at this point?
- A. Put his hand behind his back, put him in handcuffs.
- Q. Okay. So how does this progress?

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A. Ahm, as soon as I try ta, ahm, move his hand or arm to put it behind his back, he immediately tenses up and resistses, resists my attempt to do this.

Q. What's your response?

A. Ah, ah I go straight to the ground. I turn my hips and using, I guess you could call like an arm bar style takedown, I just turn my hips and use, my, I guess just the momentum from turning my hips and swinging him, his, his, taking his arm towards the ground which, typically will cause his body to go with it.

Q. Uh Huh (Affirmative)

A. And, so.

Q. 1 of 2 things'll happen, the arm will come off or the body will follow.

A. Correct.

Q. So. Yeah. Ahm, so, he goes down to the ground?

A. Correct.

Q. How does he land?

A. Ahm, how he landed initially, I don't know, cuz I had to kinda turn around, but once I turned around, he was on his right his right side.

Q. Okay.

A. Facing the west, kind of a little bit at a angle, he wasn't straight up and down, it was a little to, to an angle I guess is, the best way...

Q. So where does he go down at?

A. So there's like this, there's the sidewalk like right here...

Q. Uh Huh (Affirmative)

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- A. And then there's like the grass.
- Q. Yep.
- A. Ahm, I would say he like went down right around here. So, these are his legs, so he's kinda canted, like, like that.
- Q. Okay. So once he's down on the ground, then what happens?
- A. He's, he's pulling those arms towards the center of his body. Ahm, I couldn't get, his, I still tried, on his left arm...
- Q. Uh Huh (Affirmative)
- A. ...I couldn't get it, ah, I gave him commands. Give us your hands.
- Q. Can you stand up and show me, where he's, ah, ah, I realize he's laying down...
- A. Yeah.
- Q. ...but kinda...
- A. So...
- Q. ...like how he's, okay.
- A. His, want me to stand up?
- Q. Yeah. Yeah go ahead.
- A. So as he's laying down, his arms are like this.
- Q. Okay, so they're near the center of his abdomen...
- A. Right.
- Q. ...ahm, and he's not allowing you to get them behind his back?
- A. Correct.
- Q. Okay. Now why is that a dangerous position for him to be in?
- A. Ahm, that's where a lot of people like to keep weapons. In their waistband.
- Q. Okay.
- A. Or in the pockets around their waistband.

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- Q. Okay. So he's on his side...
- A. Yep.
- Q. Ahm, you've just taken him down, then what happens?
- A. Ahm, so I, I gave him the commands 'Give us your hands'.
- Q. Okay.
- A. Ahm, ah, I hear the other officers yelling, but the commands they're saying, I'm, I'm not sure of. Ah, but...
- Q. All of you are yelling things at this point.
- A. Yeah, right, and ah, he's not complying, so, ahm, I, I think it was just my right hand, ah, threw a couple of strikes in an attempt to gain compliance and, I think it was his lower back area, I'd say 3 to 4.
- Q. So you give 3 or 4 strikes to the lower back...
- A. Uh Huh (Affirmative)
- Q. ...ah, is this with a closed fist?
- A. Yes.
- Q. Okay. Now getting, in your experience when you're giving these, strikes, does this typically get someone to, give you their hands?
- A. Ahm, either one. They'll end up giving you your, giving you the hands, or you can get enough distraction from the strikes that they kind of forget to continue to tense up their, their arm...
- Q. Uh Huh (Affirmative)
- A. ...or both of their arms and you can, pull their arms behind their back at that point.
- Q. Okay. Ah, and then, and from where we're going with this I understand that the strikes were not effective for getting control of his hands?

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- A. They were not.
- Q. Okay. What happens after that?
- A. Ahm, Officer Nelson verbalizes that he's reaching for something.
- Q. Okay and, if somebody's reaching for something, what does that do to your awareness level?
- A. Brings it up even higher than it already was.
- Q. Okay.
- A. Ahm, 1 that is, ah, all the totality of everything, you know, the car, the way he's acting, lying about his name and, then he's resisting and then he's reaching towards his, center of his body and now he's reaching towards, reaching for something is, I, I, in my, assumption when he said that was, that he was reaching like into his waistband cuz of where his hands were at.
- Q. Uh Huh (Affirmative)
- A. Ahm, so again, like now it's, it's progressively getting, potentially more dangerous at that point for him and for us.
- Q. Okay. What else happens after that?
- A. Ahm, Nelson is, I think a couple of times, 'Somebody tase him, somebody tase him'. Ahm, ah, I wanna say it was a couple more seconds before nobody tased him and then, I was like, okay, well, I, I might be the only one who's in a position to do this.
- Q. Okay.
- A. So, I stand up, I draw my taser, I take a step or two back so I can try to get a little more effectiveness, better spread of the probes, ahm, and I deploy my taser.
- Q. Okay, so when you say that ah, you stood and you wanted to step back so you can get a spread...

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A. Uh Huh (Affirmative)

Q. ...ahm, why do you need to get spread with the taser probes?

A. So, I'm no expert in taser, but the way we're trained is, ah, a wider spread of the probes is more of the energy going in between them that, ahm, will elicit more of the, ah, neuromuscular incapacitation type of thing, so...

Q. Uh Huh (Affirmative)

A. ...if you just get a little spread on a small portion of a muscle, that's the only incapacitation you're gonna get is from that muscle. If you get a wider spread between multiple muscle groups then, you'll get more of that like lock-up that people are used to seeing on the taser.

Q. Got it. Okay, so you step back, where do the probes hit him?

A. Ahm, if I, to be honest, I can't, exactly tell ya where, ahm, but the only real place I had was like his upper left side of his back.

Q. Uh Huh (Affirmative)

A. Cuz of where everybody was at. So, like his shoulder blade area. If I remember correctly is the only spot I had ta, ta deploy.

Q. Okay, so you've, you deployed...

A. Uh Huh (Affirmative)

Q. ...ahm, was it effective?

A. Ahm, immediate, like right as the, deployment happened, no, there was not really, there was no, lock-up, there was no, I mean sometimes when you don't even get that neuromuscular incapacitation you'll get the, you know, ahhh...

Q. Right.

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A. ...the little scream cuz people feel it, but there was none of that. I don't even think my s-s, 5 second cycle of a taser was done before Nelson starts saying that, he has a gun, gun, gun, gun.

Q. Okay. So, the taser had, had no effect on him whatsoever...

A. Correct.

Q. ...and where is Nelson at this point?

A. Ahm, so as, as we were saying, he's laying this way, Nelson's like, at his feet basically.

Q. Uh Huh (Affirmative)

A. The suspect's feet.

Q. Now what's Nelson doing as you're trying to tase him?

A. Ahm, so Nelson's like, st, I believe straddled over, like his feet area...

Q. Uh Huh (Affirmative)

A. ...like, trying to get his, his hands still.

Q. Okay. Do you remember Nelson saying anything else prior to saying gun?

A. No.

Q. Okay. Ahm, do you remember the suspect saying anything?

A. .I do not.

Q. Okay. So, you've deployed the taser, it's still completing it's cycle...

A. Right.

Q. ...could you hear clicking or anything of the taser or anything like that?

A. I mean at that, I mean there was so much going on, I, I don't recall.

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- Q. Uh Huh (Affirmative).
- A. I mean I know that, that I remember the pop of the taser...
- Q. Uh Huh (Affirmative)
- A. ...but ah, other than that, I don't, I don't recall. I mean I, I'd assume, but I, I couldn't tell ya I remember the taser.
- Q. Okay.
- A. Clicking or anything.
- Q. And then Nelson shortly after that, within a second or 2 is calling gun?
- A. Yes.
- Q. So what happens when Nelson calls gun?
- A. Ahm, eh, he says gun, and nothing really happens immediately after that, and then, ah, or he, I think the first thing he tells everyone is he, 'he's got a gun'. Ah, after that I think it's 2 or 3 gun, gun, gun. Ahm, at that point, I see Nelson kinda step off of him, ah, he drew his pistol and fired. I think it was 3 rounds.
- Q. Okay. Okay, so Nelson fires?
- A. Uh Huh (Affirmative)
- Q. Ahm, did you see anything else happen?
- A. Ahm, there was like a, a volley of gunfire-type of thing. Multiple shots. Ahm, and after I seen Nelson fire his rounds, I looked up and I seen Officer Bickford, was also had stepped back and stood up and had his, his, ah, firearm out as well.
- Q. And what could you see of the suspect?
- A. What could I see?
- Q. Yes.

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- A. Ahm, at that point I still did not see the gun that was mentioned, ahm, I, I'd seen the 3 gunshots wounds or 2 gunshots wounds and Nelson, from Nelson's firing that were, cuz the suspect's shirt was up from the struggle.
- Q. Uh Huh (Affirmative)
- A. Ahm, and, I, once the shots had fired, I guess I'm backtracking, but I had kinda fell back towards some cover.
- Q. Get, get yourself clear, yeah. I get that.
- A. Uh Huh (Affirmative). Get some cover, ah, holster my taser and drew my gun.
- Q. Right. So after, after this volley of gunfire, wha happens after that?
- A. Ah, the suspect's just laying there, and we're just kinda, ah, I, ah, I, I think ah, Vladic had gotten on the radio, or I'd gotten on the radio and tried ta, ah, get shots fired out, but, during the ah, struggle of trying to get him in handcuffs, my radio had been all spun around on different channels, so...
- Q. Yeah.
- A. ...my initial transmission didn't get out and then Vladic was able to get it out and then I think I went back to the f-f, back to the proper channel and put out over the radio that shots had been fired. Ahm, Bickford, I believe gets on, asks for medical...
- Q. Uh Huh (Affirmative)
- A. ...and Commanders to respond.
- Q. Yeah.
- A. After that, we're checking, 'hey, are you good?' 'Are you good?' making sure all the officers were okay and nobody was shot.

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- Q. Okay. So at, at this point does anybody know if he's got a, got a round off or not?
- A. Ah, ahm, no. I mean, ahm, we didn't really know anything of that until after. Ahm, I guess I'll backtrack again, ahm, before we start checking to see if we're all good, Bickford walks up and he's like, 'Lets get this gun' and kicks a gun, I don't know where the gun was, cuz I was, the angle I was at, I was seeing his back. Kicks out, like a subcompact, a semi-automatic pis, black pistol from, the area of where the suspect was.
- Q. Okay. So at this point is the suspect moving at all?
- A. Ahm, no, there's some agonal breathing but...
- Q. Okay.
- A. ...that's about all.
- Q. So you all and, I, I know what you're describing in my mind cuz I've done this.
- A. Right.
- Q. Ahm, after the shooting's done and things are relatively safe, you all are checking each other?
- A. Ahm...
- Q. To make sure...
- A. ...we're still kinda, like, so, ah, gosh, this is gonna be, there's like a pillar back here...
- Q. Uh Huh (Affirmative)
- A. ...I think I'm over here behind this pillar, ahm, Vladic's behind this car, I think Nelson was behind this car right here and then Bickford was back here. So we're just kind of, Bickford's like, 'You good?' you, we're just kinda verbalizing...

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- Q. Uh Huh (Affirmative)
- A. ...'hey is everybody good?' back to each other as we're still...
- Q. Yeah.
- A. ...we're, I mean...
- Q. Okay.
- A. ...we're not sure if he has anymore weapons or, I didn't...
- Q. Okay. So there, everybody's kinda holding security on him...
- A. Right.
- Q. ...the gun's been kicked away.
- A. Right.
- Q. Ahm, and then there's a, kind of a period where everybody's just making sure they at least have verbal...
- A. Right.
- Q. ...with the other people there...
- A. Confirmation that...
- Q. Okay.
- A. ...yeah, we're kinda checking to make sure.
- Q. Okay, what happens after that?
- A. Ah, after that I went and got my camera and took some photographs.
- Q. Okay.
- A. Ahm...
- Q. And what was the purpose of you doing that?
- A. Ahm, to, medical was coming, we'd called, obviously called for medical, it was a code response, ah, to come and render aide to him, ah, taking photographs of that is to get the scene prior to

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- any medical staff comes on scene or anything like that to where stuff could be moved or he's moved...
- Q. Uh Huh (Affirmative)
- A. ...or anything like that, just, to get a, a brief like, pictures of the scene.
- Q. Okay.
- A. Directly after the incident.
- Q. Alright. Because, in, in, again, I've, I've done this for a little while, ahm, what happens when medical arrives?
- A. They move everything, all, ah, start, ah, bustin' packages of medical supplies open, and, working on him and they'll be stuff everywhere that wasn't there prior and stuff moved from where it was before.
- Q. Okay. Alright. Ahm, so we know shortly after that, medical arrives...
- A. Yeah I think within a couple minutes.
- Q. Am I missing anything major, like you're taking photographs, but eh are there any other significant events that happened prior to medical arriving?
- A. Ahm, oh, yeah, ahm, I guess before we even, before I even go and get my camera, ah, those, the females are still in the car, so, and they're yelling and screaming, ah, so, Bickford and I tell him, tell Vlado, 'Hey get those 2 females in a car'. So Vlado takes the 2 females and puts em in the back seat of his patrol vehicle.
- Q. Okay. Anything else you can think of? Prior to medical arriving?
- A. No, not that I can think of.

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- Q. Okay. Now once medical gets there, ahm, what happens after that?
- A. Ahm, medical gets there and, you know ah, multiple other officers arrive on scene, medical obviously medical goes to him and they start...
- Q. Uh Huh (Affirmative)
- A. ...rendering aid. Ahm, at that point, ahm, I think Sergeant Lennick pulled me aside to make sure I was good and kinda asking me what had happened.
- Q. So you're with Sergeant Lennick, he checks ya out...
- A. Uh Huh (Affirmative)
- Q. ...gets kind of an overview of what has gone on.
- A. Right.
- Q. Ah, what do you do after that?
- A. Ahm, I go f-f, I went and found, first Vladic, I think it was, ah...
- Q. Uh Huh (Affirmative)
- A. ...check him, ah, he was, ah, he had, his pants pulled up, he was checking his leg, he had thought that he had been either shot or...
- Q. Uh Huh (Affirmative)
- A. ...something. Ah, he felt a blast of some sort, whether it's the flash of the muzzle or whatever it was, ah, so he was, I was helping him make sure...
- Q. Uh Huh (Affirmative)
- A. ...ahm, that he hadn't been hit or anything of that matter and then, I went and found the other 2 officers that, and to make sure, you know, 'you guys good?' Everything okay type of thing.

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- Q. Okay. Was anybody injured?
- A. Ahm, no serious injuries that I'm aware of.
- Q. Okay.
- A. There might've been, you know, cuts and bruises from, being on the ground, but, that's typical.
- Q. Okay so after everybody's checked, what happens?
- A. Everybody's checked, ah, I mean as far as my involvement, it's, ahm, I, there's not much, I think, I, ah, well either ca, Sergeant Cagle or Lennick says that one of the females, they, they need to separate the females so we, separate the females, there's a bunch of officers there, a couple officers took those 2 females and put them in separate cars.
- Q. Uh Huh (Affirmative)
- A. Ahm, ahm, nothing really that I can think of.
- Q. Okay. Ahm, and then once, once other people arrive, I mean, obviously there's a swirl of stuff...
- A. Uh Huh (Affirmative)
- Q. ...ahm, I end up showing up there along with some other detectives and then we, progress on with the investigation.
- A. Right.
- Q. Ahm, is there anything else significant that happened kind of in that timeframe between when the shooting was or, and when medical arrived, that you think's important?
- A. (EXHALES, PAUSES) I, I mean, there, there may have been, but nothing that I, that I can recall. I don't...
- Q. Okay. Why don't we just take a quick break, here really quick, ahm, I'll check to see, oh, let me ask this really quick, at any point

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- during this, did you have the opportunity ta activate your Watch Guard?
- A. Ahm, so I thought my Watch Guard was activated up on arrival...
- Q. Okay.
- A. ...which I typically do. Ahm, ah, cuz I, had thought that I activated my top lights...
- Q. Uh Huh (Affirmative)
- A. ...like right before getting in the area and that will automatically turn on the Watch Guard, so, I thought my Watch Guard was on, when I went to get my camera...
- Q. Uh Huh (Affirmative)
- A. ...I noticed that the red light on the camera that tells you it's recording was not on, so at that point I activated my Watch Guard.
- Q. Okay. Okay. Now we'll just take quick break, ahm, and I will see if there's anything else that we need ta, ta cover. (AUDIO PAUSED)
- Q. Alright, we're continuing the interview. The time is 10:05 hours. Ahm, so I just wanna jump back a little bit, to when he's on the ground, you've just tased him and Nelson's calling gun...
- A. Uh Huh (Affirmative)
- Q. ...ahm, when you hear him call gun, what does that make you think and feel?
- A. Well I, I mean, if he's pulling a gun when he's fighting with us...
- Q. Uh Huh (Affirmative)
- A. ...ahm, he's probably, has intentions to use it.
- Q. Okay.

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- A. On us.
- Q. Okay. Okay. Ahm and you've just deployed your taser...
- A. Uh Huh (Affirmative)
- Q. ...and then the gun call is made, ahm, are you afraid at this point that you or one of your fellow officers is gonna be hurt?
- A. Absolutely. I mean, it's, as soon as it's called that's when I retreat to cover.
- Q. Uh Huh (Affirmative)
- A. Ahm, it's, I mean it's so quick, ahm, he calls gun and I'm trying to get to cover and I, I don't know if sh-shots were fired before I got to cover, but, ahm, like I said, I think the call of gun and the shots being fired were within the amount of time my taser was cycling, if not a couple seconds after it was done.
- Q. Okay. Ahm...
- A. And that's kinda the whole, making sure everyone's okay at the end, cuz if, he called gun, I mean he could've fired and hit one of the, cuz I, all I heard was a volley of multiple shots and I only saw Nelson fire what I thought was 3, so.
- Q. Uh Huh (Affirmative)
- A. There's more rounds to be accounted for at that point. From, in my mind. So. I wanted to make sure everyone's okay.
- Q. Okay. Alright. Ahm, is there anything that we've talked about in the last hour that you, feel you need to expand on at all?
- A. Ahm, not that I can think of, no.
- Q. Okay. Ahm, is there anything that you, wanna talk about that I didn't ask about?
- A. No.

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Q. Okay, and is there anything you wish to, to say further about any of it?

A. Ahm, not that I can think of, no.

Q. Okay. I think for now, we'll go ahead and conclude the interview. The time is 10:08 hours.

(END OF TAPED INTERVIEW)

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**D.R. / ty**