

**Sacramento Police Department
Internal Affairs Division**

Summary

IAD2019-095

Allegations: Neglect of Duty, Improper Tactics, Firearm Discharge,
Excessive Force

Complainant: Sacramento Police Department

Report Prepared by: Sgt. Ryan Bullard #3135

Investigating Office: Internal Affairs

Accused Employees: Police Officers J. Robinet & T. Mercadal

Administrative review of SPD Case #18-82449, an officer-involved shooting where SPD Officers Jared Robinet and Terrence Mercadal discharged their firearms at Stephon Clark on 3/18/18 which resulted in Clark's death.

I reviewed documents, videos, and other media pertinent to this investigative/administrative review. The following SPD employees were interviewed for this for this review: Sgt. John Morris, Ofc. Nick Tayler, Ofc. Christina Trujillo, Ofc. Brandon Lundgren, Ofc. Jared Robinet, and Ofc. Terrence Mercadal.

For investigative details, refer to following documents: "Investigative Log", "Body Worn Camera Review – Shooting & After Force Care", and the above named officers' administrative statements.

Sacramento Police Department Citizen Complaint Form

REPORTED SOURCE: Departmental

IAD NUMBER: IAD2019-095

INJURY: YES NO

PHOTOS: YES NO

OPSA NUMBER: OPSA2019-0095

DISTRICT: 5 - South

BEAT: 5A ASSIGNMENT: Patrol

INCIDENT SUPERVISOR: Sgt. John Morris

MED. WAIVER: YES NO

DATE REPORTED March 18, 2019	TIME REPORTED 14:43	DATE OCCURRED March 18, 2018	TIME OCCURRED 21:10	DAY Sunday
LOCATION: [REDACTED] 29th Street - Sacramento				

CITIZEN/COMPLAINANT

NAME Sacramento Police Department	AGE	D.O.B.	SEX
RESIDENCE ADDRESS	ZIP CODE	RESIDENCE/CELL PHONE	
BUSINESS ADDRESS	ZIP CODE	BUSINESS/CELL PHONE	
NARRATIVE: Administrative review of Stephon Clark OIS, # 18-82449.			

WITNESSES

NAME	AGE	D.O.B.	SEX		RESIDENCE/CELL PHONE
RESIDENCE ADDRESS			STATE	ZIP	BUSINESS/CELL PHONE
NAME	AGE	D.O.B.	SEX		RESIDENCE/CELL PHONE
RESIDENCE ADDRESS			STATE	ZIP	BUSINESS/CELL PHONE

EMPLOYEE INVOLVED

NAME Terrence Brandon Mercadal	BADGE # 0752	SEX Male	RANK/TITLE Police Officer
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Person Accepting Inquiry: Sgt. Ryan Bullard #3135

Per California Penal Code Section 148.6(b):

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZEN COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I have read and understood this statement.

Signature: _____

Acknowledged via phone Refused to sign Initials: _____ Badge #: _____ Date: _____

Continued on the other side.

Sacramento Police Department Citizen Complaint Form

REPORTED SOURCE:
Departmental

IAD NUMBER: **IAD2019-095**

INJURY: YES _____ NO _____

PHOTOS: YES _____ NO _____

OPSA NUMBER **OPSA2019-0095**

DISTRICT **5 - South**

BEAT **5A** ASSIGNMENT

Patrol

INCIDENT SUPERVISOR **Sgt. John Morris**

MED. WAIVER: YES _____ NO _____

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NARRATIVE: Administrative review of Stephon Clark OIS, # 18-82449.			

WITNESSES

NAME	AGE	D.O.B.	SEX		RESIDENCE/CELL PHONE
RESIDENCE ADDRESS			STATE	ZIP	BUSINESS/CELL PHONE
NAME	AGE	D.O.B.	SEX		RESIDENCE/CELL PHONE
RESIDENCE ADDRESS			STATE	ZIP	BUSINESS/CELL PHONE

EMPLOYEE INVOLVED

NAME Jared E Robinet	BADGE # 0520	SEX Male	RANK/TITLE Police Officer
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Person Accepting Inquiry: Sgt. Ryan Bullard #3135

Per California Penal Code Section 148.6(b):

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I have read and understood this statement.

Signature: _____

Acknowledged via phone Refused to sign Initials: _____ Badge #: _____ Date: _____

Continued on the other side.

Sacramento Police Department

Citizen Complaint Form

Ofcr J. Robinet IAD2019-095

INCIDENT CLASSIFICATIONS:

- | | | | | |
|---|---|---|---|---|
| <input type="checkbox"/> Conduct Unbecoming | <input type="checkbox"/> Discourtesy | <input type="checkbox"/> Discrimination | <input type="checkbox"/> Dishonesty | <input type="checkbox"/> False Arrest |
| <input checked="" type="checkbox"/> Firearm Discharge | <input checked="" type="checkbox"/> Force | <input type="checkbox"/> Garnishment | <input type="checkbox"/> Harassment | <input type="checkbox"/> Improper Search |
| <input checked="" type="checkbox"/> Improper Tactics | <input type="checkbox"/> Insubordination | <input type="checkbox"/> Intoxication | <input type="checkbox"/> Missing Property | <input checked="" type="checkbox"/> Neglect of Duty |
| <input type="checkbox"/> Profiling | <input type="checkbox"/> Service | <input type="checkbox"/> Traffic | | |

DISPOSITION:

Approved By: _____
Chief of Police

Date: _____

SKELLY OR DISCIPLINE SETTLEMENT:

Approved By: _____
Chief of Police

Date: _____

Request for Review Form

Date of Request: 4/4/2019

IAD Case #: IAD2019-095

OPSA Case #: OPSA2019-0095

Complainant Last Name: SPD

Employee / Badge #: J. Robinet [0520]

T. Mercadal [0752]

OPSA:

WILL REVIEW

WILL NOT REVIEW

45
46 SCHUMACHER: Do you understand each of these rights that I have explained to you?
47
48 TAYLER: Yes, sir.
49
50 SCHUMACHER: Having these rights in mind do you wish to talk to us now?
51
52 TAYLER: No.
53
54 SCHUMACHER: Although you have the right to remain silent and to not incriminate yourself,
55 your silence can be deemed insubordination and result in administrative
56 discipline. Do you understand that based upon the authority vested in me by the
57 chief of police, I am ordering you to answer all of these questions?
58
59 TAYLER: Yes, I do.
60
61 SCHUMACHER: Any statement made under compulsion of a threat of discipline cannot be used
62 against you in later criminal proceedings. However, if you do not answer our
63 questions truthfully and fully, a charge of insubordination may be imposed
64 which could result in discipline up to and including termination. Do you
65 understand this is only an administrative investigation?
66
67 TAYLER: Yes, I do.
68
69 SCHUMACHER: Do you understand the allegations?
70
71 TAYLER: I do.
72
73 SCHUMACHER: Do you understand that I am ordering you to answer our questions and that if
74 you do not answer them truthfully and fully, it could result in disciplinary action
75 up to and including termination?
76
77 TAYLER: Yes.
78
79 BULLARD: For the record please state and spell your name.
80
81 TAYLER: First name Nicholas, N-I-C-H-O-L-A-S, last name TAYLER:, T-A-Y-L-E-R.
82
83 BULLARD: Did you graduate from the Sacramento Police Academy?
84
85 TAYLER: I did.
86
87 BULLARD: When did you graduate?
88

89 TAYLER: December 2013.
90
91 BULLARD: Do you have any prior law enforcement experience?
92
93 TAYLER: I do not.
94
95 BULLARD: Did you have any kind of specialized training or assignment at this, uh - I'm
96 sorry, scratch that question, doesn't apply here. What is your current
97 assignment and shift?
98
99 TAYLER: Currently patrol in south area FTO on Team 28
100
101 BULLARD: Okay.
102
103 TAYLER: [REDACTED]
104
105 BULLARD: And how long have you been in your current assignment?
106
107 TAYLER: Approximately five months.
108
109 BULLARD: What was your assignment and shift in March of 2018?
110
111 TAYLER: I was attached to the South Gang Enforcement Team as a - on the Shot Spotter
112 Team.
113
114 BULLARD: Have you had any kind of specialized training or assignment with the
115 Sacramento Police Department?
116
117 TAYLER: Yes.
118
119 BULLARD: Okay. Could you summarize some of those for me?
120
121 TAYLER: The - just the assignment I was on, the special team with South Gang
122 Enforcement. Our duties were to primarily patrol known gang areas and to
123 prevent gun and gang violence and investigate gun and shooting-related crimes.
124
125 BULLARD: Okay. Prior to this interview I provided you and your representative with your
126 body-worn camera footage from March 18, 2018 relating to CAD call 18-
127 82449, a video recording of your interview with Homicide detectives on
128 October 10, 8- 2018 related to SPD case 18-82449, your statement and
129 observations relating to SPD case 18-82449, a CAD call printout for call 18-
130 82449, an audio recording of radio traffic relating to SPD CAD call 18-82449, a
131 transcription of the radio traffic relating to SPD CAD 18-82449, an aerial photo
132 of [REDACTED] 29th Street from SPD case 18-82449, a copy of your POST training

133 record, a 2018 SPD CPT First Aid CPR update course outline, General Order
134 580.12, revision date 10-9-2012, General Order 522.02, revision date 5-16 of
135 2017, and General Order 525.07, revision date 4-26 of 2017. Have you had a
136 chance to review these for the record?
137
138 TAYLER: Y-
139
140 BULLARD: Oh, I'm sorry. Go ahead, have you had a chance to review these?
141
142 TAYLER: Yes, I have.
143
144 BULLARD: For the record these general orders were the current policies in place March 18
145 of 2018. We're here to conduct an administrative interview with you regarding
146 SPD case 18-82449, an officer-involved shooting which you were involved in
147 on March 18, 2018. Do you have any questions at all before we begin?
148
149 TAYLER: Not yet.
150
151 BULLARD: Okay. Prior to our interview here have you read or reviewed any materials
152 pertaining to this case, 18-82449, reports, press releases, statements, video, et
153 cetera?
154
155 TAYLER: Yes.
156
157 BULLARD: And what would those be?
158
159 TAYLER: I read my observations and I reviewed my body-worn camera the night of the
160 incident.
161
162 BULLARD: Okay.
163
164 TAYLER: And also during my interview with DOJ.
165
166 BULLARD: Okay. And aside from the materials that you were provided here, is there any
167 other material, video, press releases, or anything that you have read, watched,
168 reviewed, or anything like that prior to our interview here today?
169
170 TAYLER: Yeah, I mean, I've followed up on press releases and stuff as - as they've come
171 out related to this incident.
172
173 BULLARD: Okay.
174
175 TAYLER: And, you know, between now and when it occurred.
176

177 BULLARD: Any - any further reports outside of your observations or statement or anything
178 like that that you were - that you reviewed?
179
180 TAYLER: No - no further reports, no.
181
182 BULLARD: Okay. Have you received training in emergency first aid and CPR?
183
184 TAYLER: I have.
185
186 BULLARD: And specifically what kind of training?
187
188 TAYLER: When, why, and how to conduct CPR in given circumstances general first aid,
189 combat first aid, stuff related to that.
190
191 BULLARD: Okay. And was your last training on this prior to March 18, 2018, was your last
192 training for the CPR update on February 26, 2018?
193
194 TAYLER: Yes, it was.
195
196 BULLARD: Okay. Have you attended department training that talks about cover and
197 concealment?
198
199 TAYLER: Yes.
200
201 BULLARD: Okay, can you explain what that is?
202
203 TAYLER: Cover is something that would afford you the ability to be behind and prevent
204 rounds or specifically firearm bullets from hitting you. Concealment meaning
205 you're not necessarily in the view of a suspect, however, concealment doesn't
206 prevent you from getting hit with any projectiles.
207
208 BULLARD: As a police officer, especially working patrol, how often would you utilize
209 cover and concealment?
210
211 TAYLER: Sometimes daily.
212
213 BULLARD: Did you ever take a course about containment and perimeters?
214
215 TAYLER: Yes.
216
217 BULLARD: Can you explain what training that was?
218
219 TAYLER: Yeah, I - I can't think specifically what the course was, if it was related to it but
220 I mean, in the academy we'd talk about perimeters and I'm assuming some of

221 these CPR updates, I couldn't give you the exact date. But we're taught to
222 establish a perimeter and contain the scene when - when necessary and possible.
223
224 BULLARD: Okay. Have you been trained in the concepts of contact arrest teams?
225
226 TAYLER: Yes.
227
228 BULLARD: And can you explain what that is?
229
230 TAYLER: A contact arrest team would be a group of officers with specific, specific I guess
231 duties at the time in order to make contact and safely contain a suspect.
232
233 BULLARD: Have you been trained in concepts of cover officers?
234
235 TAYLER: I have.
236
237 BULLARD: Can you explain what that would be?
238
239 TAYLER: Use a cover officer in lots of differences. Sometimes we'll have a - an officer
240 specifically assigned to, you know, go hands-on to put somebody in cuffs,
241 you'll have somebody else that's gonna be covering them in preventing, um -
242 you know, watching out for their safety while they're doing what they're doing.
243
244 BULLARD: Are the use of contact teams and cover officers a common practice in police
245 work?
246
247 TAYLER: Yes.
248
249 BULLARD: And that's for officer safety reasons, is that correct?
250
251 TAYLER: Correct, as well as the safety of the suspect's.
252
253 BULLARD: Have you received training relating to tactics and strategies for armed suspects?
254
255 TAYLER: Yes.
256
257 BULLARD: Okay. Have you utilized those tactics and strategies throughout your career?
258
259 TAYLER: Yes.
260
261 BULLARD: Is distance a key factor for officer safety?
262
263 TAYLER: It can be, yes.
264

265 BULLARD: And can you elaborate just a little bit on that?
266
267 TAYLER: Yeah, I mean, distance in relation to somebody who's been hostile or about to
268 launch some sort of an attack it gives you that time to react, number one, and
269 then also time to seek cover if possible, if - if the need arises. Distance also
270 makes it harder for people to aim if it involves a shooting or a firearm-related
271 crime.
272
273 BULLARD: Have you been involved in any officer-involved shootings other than this case?
274
275 TAYLER: I have not.
276
277 BULLARD: Would you agree that all Sac PD officers have been trained and have some of
278 the experience in areas that we've talked about here?
279
280 TAYLER: I would.
281
282 BULLARD: Refer or referring to your observations written by you in relation to this case,
283 did you review any video, whether body-worn camera, any other kind of video,
284 prior to writing and submitting your observations?
285
286 TAYLER: Yeah, I reviewed mine prior to - prior to my observations.
287
288 BULLARD: Your body-worn camera?
289
290 TAYLER: Correct.
291
292 BULLARD: And referring to your statement that you had given to Homicide investigators on
293 October 10, 2018, do you remember what videos you were allowed to watch
294 prior to your interview with Homicide detectives?
295
296 TAYLER: As far as I recall it was just mine, my body-worn camera.
297
298 BULLARD: Okay. What type of equipment did you carry with you on the date of the
299 shooting?
300
301 TAYLER: A firearm, additional magazines, handcuffs, pepper spray, gloves, sanitary
302 wipes, notepads, pens, radio, body-worn camera.
303
304 BULLARD: Okay. And you - did you have your body-worn - department-issued body-worn
305 camera equipped at the time?
306
307 TAYLER: I did.
308

309 BULLARD: Okay. And to your knowledge was all of your equipment, including your body-
310 worn camera, functioning properly at the beginning of your shift on March 18,
311 2018?
312
313 TAYLER: It was.
314
315 BULLARD: Okay. Were you on duty March 18, 2018 at 9:26 pm?
316
317 TAYLER: Yes.
318
319 BULLARD: And what was your gang, or your identifier?
320
321 TAYLER: Gang 57.
322
323 BULLARD: Did you have a partner that you were working with?
324
325 TAYLER: I did.
326
327 BULLARD: And who was that?
328
329 TAYLER: Officer Trujillo.
330
331 BULLARD: Okay, as a Gang Unit, what were your responsibilities for your shift and
332 assignment at that time?
333
334 TAYLER: Respond to shot-spotter calls, shooting investigations, track and patrol and
335 known gang areas ultimate goal is to prevent gun and gang violence.
336
337 BULLARD: What hours did you typically work as a Gang Unit?
338
339 TAYLER: At that time it would have been roughly 5:00 pm to 3:00 am.
340
341 BULLARD: On this date on March 18, 2018, were you driving an all black SPD patrol
342 vehicle equipped with emergency lights?
343
344 TAYLER: I was.
345
346 BULLARD: Were you in full SPD uniform?
347
348 TAYLER: I was in a modified uniform with cargo pants and a Sacramento Police
349 Department vest equipped with patches and badge.
350

351 BULLARD: Can you - can you fully like, kind of describe that - that uniform as far as
352 lettering, number, or any of that, that would be visible for anybody to identify
353 you as a police officer?
354

355 TAYLER: Yes. So I wore a vest which had "Police" written in large, gold letter, letters
356 front and back. It was also equipped with my Sacramento Police Department
357 embroidered badge as well as our Sacramento Police Department patch.
358

359 BULLARD: And was your partner, Officer Trujillo, dressed in the same manner that you're
360 describing how you were?
361

362 TAYLER: She was.
363

364 BULLARD: Okay. Officer Trujillo, was she the passenger in your vehicle at this time?
365

366 TAYLER: Yes, she was.
367

368 BULLARD: On March 18, 2018, 2126 hours, did you respond to a call for service in the area
369 of [REDACTED] 29th Street regarding a car clout or car burglary which had resulted in
370 an officer-involved shooting?
371

372 TAYLER: Yes.
373

374 BULLARD: Did you respond Code 3?
375

376 TAYLER: Yes, I did.
377

378 BULLARD: Where did you respond from?
379

380 TAYLER: Roughly in the area of Franklin and Florin so it would have been - but I had
381 made a U-turn to drive towards that direction once I heard about the call. We
382 made the U-turn north of Florin on Franklin and then as things progressed we
383 continued towards the scene.
384

385 BULLARD: Okay. Can you summarize the information about the call that you knew at that
386 time when you were responding?
387

388 TAYLER: Yes, so, so it was something about a car burglary, like, a - a car clout in the area
389 of 29th Street. So I guess officers had been dispatched and so we were just
390 monitoring the radio at that point and at some point I guess somebody broadcast
391 that he's, you know still on scene the suspect, that is, and so since we have a
392 crime in progress we kind of respond to the area to assist, that's why I made a
393 U-turn initially to respond to that area. And then there was traffic that the
394 suspect was fleeing on foot so I responded Code 3 to the scene.

395
396 BULLARD: Okay. And SSD Air Unit STAR responded to this call as well, is that correct?
397
398 TAYLER: Correct.
399
400 BULLARD: To your knowledge was STAR on scene for this call prior to your arrival?
401
402 TAYLER: Yes, they were.
403
404 BULLARD: Do you recall any information that STAR had broadcasted regarding this call
405 prior to your arrival?
406
407 TAYLER: Yes, I do.
408
409 BULLARD: Is it any - that information you can summarize at all that you remember?
410
411 TAYLER: Yeah so STAR got on scene they had broadcasted that a suspect involved was
412 breaking a window at - at a residence and he had previously broken or pre-
413 previously been seen in the area of where the call had originated. They
414 broadcasted when he was running, to my knowledge, and then they were - they
415 broadcasted information after the shooting itself took place.
416
417 BULLARD: Can you describe some of the things that you were considering or thinking
418 about during your response to this call?
419
420 TAYLER: Yeah, after it was, radio traffic indicated that shots had been fired my concern
421 was getting to the scene as quickly as possible to assist and make sure
422 everything was safe for the officers and the suspect.
423
424 BULLARD: At 2131 hours you and Officer Trujillo arrived on scene for this call, is that
425 correct?
426
427 TAYLER: Yeah, I'd have to just look at the call just to confirm. You said 2131? Correct.
428
429 BULLARD: Is that correct?
430
431 TAYLER: Yes, sir.
432
433 BULLARD: Okay. And did you actually respond to [REDACTED] 29th Street as opposed to [REDACTED]?
434
435 TAYLER: Yes, the [REDACTED].
436
437 BULLARD: [REDACTED] 29th Street was the actual location of the officer-involved shooting to your
438 knowledge at that time, is that correct?

439
440 TAYLER: Yeah, so let me clarify, I guess. So as we're arriving on scene I didn't know the
441 exact numbers of that house at the time because their cars were parked in a
442 different location and it was apparent that the suspect fled on foot so I wasn't
443 exactly sure so I had to clarify via radio for STAR and they gave me a white
444 light for the actual house itself. Regarding at the time, that I - I didn't know
445 what the actual numbers were on the house.

446
447 BULLARD: Okay. Okay, now we're going to review - we're - refer to your body-cam
448 footage here. Let me get this at the beginning. Okay, your body-cam footage
449 on this call, time, date, time stamp labeled as "2018-03-19" and "T0426," and
450 "01," Z for Zulu time. So I'm gonna - let's see, I'm gonna fast forward here
451 real quick.

452
453 ((BEGIN RECORDING))

454
455 Radio: Keep going, ke- (unintelligible) keep going to the south, two-story house, keep
456 going to the south, keep going south. Keep going, keep going two more houses,
457 right where my light's at, right there. They're in that back yard.

458
459 TAYLER: Everybody good, everybody good?

460
461 Man: (Unintelligible).

462
463 TAYLER: All right.

464
465 ((END RECORDING))

466
467 BULLARD: Okay, so at 04:28:59 you and Officer Trujillo appeared to join Officers Robinet
468 and Mercadal in the back yard of [REDACTED] 29th Street after your Code 3 response,
469 correct?

470
471 TAYLER: Yes, sir.

472
473 BULLARD: And to your knowledge at this point Officers Robinet and Mercadal had just
474 been involved in a shooting, is that correct?

475
476 TAYLER: Correct.

477
478 BULLARD: Now at 04:29:02 you appeared to view in the southern direction of the back
479 yard at [REDACTED] 29th Street with your handgun drawn, is that correct?

480
481 TAYLER: Yes, sir.

482

483 BULLARD: Can you describe what you saw at that time?
484
485 TAYLER: Yeah, I saw a male, black su- subject with dark clothing. He appeared to be
486 laying face down with his head generally facing west. His right arm was visible
487 with – with his right hand appeared to be concealed partially by his head or
488 upward near his head and I was unable to see his left arm.
489
490 BULLARD: Okay. And on page one of your observations that you had written, on the fifth
491 paragraph down you had described, “I move - I maneuvered to the right of
492 Officer Mercadal and observed the male, black adult suspect lying face down
493 with his head generally facing westbound. He was wearing a black sweatshirt
494 and black or dark-colored pants. His right arm was positioned upward near his
495 head and neck area and his right hand was partially concealed from my view. I
496 was unable to see where the subject’s left hand was or if he was in possession of
497 any weapons. The subject was not moving from the time I first observed him.”
498 Is that accurate?
499
500 TAYLER: Correct.
501
502 BULLARD: Okay. And at this point too it almost sounded, did you - did you ask “did he
503 have a gun”, is that correct?
504
505 TAYLER: Yeah, I said something about “Where’s the gun?” Or, “Did he have a gun?”
506
507 BULLARD: Okay. And do you recall what Officers Robinet or Mercadal had told your or
508 resp- replied to you at all?
509
510 TAYLER: I
511
512 BULLARD: I’ll - I’ll could just play it
513
514 TAYLER: Not exactly.
515
516 BULLARD: Let me just play it back.
517
518 TAYLER: Go ahead.
519
520 ((BEGIN RECORDING))
521
522 TAYLER: You get the gun?
523
524 ROBINET We haven’t secured it. We’re not moving in until we have more.
525
526 MERCADAL: (Unintelligible).

527

528 ((END RECORDING))

529

530 TAYLER: So it sound- at that point it sounds like there was additional communication
531 between him and somebody else. I don't know if what Robinet was saying was
532 a direct answer to what I was saying. I don't think I necessarily got a clear
533 answer at that point.

534

535 BULLARD: Okay. Okay.

536

537 ((BEGIN RECORDING))

538

539 MERCADAL: We don't have it. Do you see it Jared?

540

541 ROBINET: I don't, I don't see it.

542

543 TRUJILLO: (Unintelligible).

544

545 ROBINET: He hasn't moved at all.

546

547 ((END RECORDING))

548

549 TAYLER: So, at that point Mercadal is, like, "I don't have it." In my mind it - seeing -
550 tried to see where the gun is.

551

552 BULLARD: Referencing that he doesn't have the gun?

553

554 TAYLER: He doesn't, um - well, my opinion of this is that he doesn't, like, see it. I don't -
555 like, I'm not tracking it, I don't - I don't see where it's at, so we don't know
556 where it is.

557

558 BULLARD: Okay.

559

560 ((BEGIN RECORDING))

561

562 TAYLER: Let's -

563

564 ROBINET: Right now.

565

566 TAYLER: You want to - you want to get him detained?

567

568 ((END RECORDING))

569

570 BULLARD: Now at 04:29:23 here, what did you ask or say right here?

571

572 TAYLER: I asked if he wanted to get him detained.

573

574 BULLARD: Get - okay, "get him detained"? Okay.

575

576 ((BEGIN RECORDING))

577

578 ROBINET: Not yet.

579

580 TAYLER: Okay. All -

581

582 ((END RECORDING))

583

584 BULLARD: And what did Officer Robinet reply to you there?

585

586 TAYLER: Not yet.

587

588 BULLARD: Okay. And based on what you had observed and knew at this time, would it be
589 accurate that you were of the understanding that the downed suspect you saw
590 had been shot by officers and had not moved?

591

592 TAYLER: That was my understanding, yes.

593

594 BULLARD: Can you explain why you asked that at that time about getting the suspect
595 detained?

596

597 TAYLER: Why at that time in particular? It's - we had four people on scene at that point
598 so I don't know what their thoughts - wanted to know their thoughts about
599 going and getting - getting him detained so as to make the scene safe and start
600 rendering any care that was necessary.

601

602 BULLARD: Did you feel it was safe enough to do that based on what you had observed and
603 what you knew?

604

605 TAYLER: I wasn't sure, that's why I posed the question. So I wasn't there for the
606 incident, I don't know if you know, where the suspect was in the back yard
607 when he first observed the firearm given the fact at this point that we don't
608 know where the firearm is and we can't see where both of his hands are. That's
609 - that's why I posed the question.

610

611 BULLARD: Were you aware at the time about what kind of crime the downed suspect may
612 have committed or if he was arrestable for anything at that time?

613

614 TAYLER: Related to the call and the - the prior to the - the incident, the shooting incident?

615
616 BULLARD: This - this incident in particular, up to this point here did you have any
617 knowledge of any specifics as far as anything that the suspect was - would be
618 arrestable for or any kind of crime he had committed at all?
619
620 TAYLER: I- I don't think it was established that he was arrestable for anything at that time
621 that I know of.
622
623 BOYD: You're simply basing that on what you heard over the radio or?
624
625 TAYLER: Yeah, correct.
626
627 BOYD: Limited information
628
629 TAYLER: Yeah.
630
631 BOYD: Would that be safe to say?
632
633 TAYLER: Correct.
634
635 BULLARD: Okay.
636
637 ((BEGIN RECORDING))
638
639 TAYLER: He go- he's got one hand by his - by his face
640
641 ((END RECORDING))
642
643 BULLARD: So at 04:29:30, what is it that you said right there?
644
645 TAYLER: He's got one hand by his face.
646
647 BULLARD: And what did you mean by that?
648
649 TAYLER: His right hand looked like it was up near his head or face.
650
651 BULLARD: The suspect's?
652
653 TAYLER: Correct.
654
655 BOYD: Could you see the hand or just you knew it was up?
656
657 TAYLER: At, his arm was up where I, don't - I don't believe I could see the hand itself at
658 that point.

659

660 ((BEGIN RECORDING))

661

662 MERCADAL: Hey, can you hear us?

663

664 TAYLER: Police Department, can you hear us?

665

666 ((END RECORDING))

667

668 BULLARD: So at 04:29:48, here, you appeared to call out to the downed suspect, "Police
669 Department can you hear us", is that correct?

670

671 TAYLER: Yes, sir.

672

673 BULLARD: Can you explain the reason for doing that?

674

675 TAYLER: Announcing our presence as police officers and trying to elicit some sort of
676 response from the suspect.

677

678 ((BEGIN RECORDING))

679

680 TRUJILLO: We need to know if you're okay. We need to - we need to get you medics but
681 we can't go over there and get you help unless we know you're - you don't have
682 a weapon.

683

684 ROBINET: Hey, you guys - you good right here?

685

686 MERCADAL: I'm good here.

687

688 TAYLER: Yeah.

689

690 ROBINET: You guys, I'm going to go get the correct address for this place.

691

692 TRUJILLO: Yeah.

693

694 MERCADAL: It's [REDACTED], I think STAR put it out.

695

696 Man: (Unintelligible).

697

698 ROBINET: Yeah, it probably is.

699

700 MERCADAL: He put it out, he put it out.

701

702 TRUJILLO: Okay, uh-huh. Sir, can you move? Can you hear us? Just, and that's it? He
703 hasn't moved after that?
704
705 ROBINET: Hasn't moved.
706
707 TRUJILLO: Okay.
708
709 ((END RECORDING))
710
711 BULLARD: So at 04:30:22 here, can you tell what it is that Officer Trujillo asked here, ask
712 Robinet here about the suspect?
713
714 TAYLER: She asked if he had moved and
715
716 BULLARD: And what is Officer Robinet's reply?
717
718 TAYLER: No, he had not.
719
720 BULLARD: That he had not moved?
721
722 TAYLER: Correct.
723
724 ((BEGIN RECORDING))
725
726 MERCADAL: He came up and then he - he kind of approached us, hands out and then -
727
728 ROBINET: Yeah, he was -
729
730 ((END RECORDING))
731
732 BULLARD: At 04:30:28, here, what is it that Officer Mercadal said here?
733
734 TAYLER: That "he approached us hands out".
735
736 BULLARD: Okay. Would - would it be accurate, "He came up, he kind of approached us
737 with his hands out"?
738
739 TAYLER: Yes.
740
741 BULLARD: Would that be accurate? Okay. Can you explain what that meant to you, what
742 Officer Mercadal said?
743
744 TAYLER: Sounded like - from - my understanding is that he - the suspect had extended his
745 arms towards the officers and had moved towards them and approached them.

746

747 ((BEGIN RECORDING))

748

749 ROBINET: (Unintelligible).

750

751 TRUJILLO: (Unintelligible). Let's have the next unit (unintelligible)

752

753 Man: And, uh

754

755 ((END RECORDING))

756

757 BULLARD: That's very faint, let me try and play that again here real quick.

758

759 ((BEGIN RECORDING))

760

761 TRUJILLO: (Unintelligible).

762

763 Man: And (unintelligible).

764

765 ((END RECORDING))

766

767 BULLARD: Are you able to make out at all what Officer Trujillo's saying there?

768

769 TAYLER: No.

770

771 ((BEGIN RECORDING))

772

773 Man: (Unintelligible).

774

775 ((END RECORDING))

776

777 BULLARD: It - it plays out a little.

778

779 ((BEGIN RECORDING))

780

781 TRUJILLO: (Unintelligible).

782

783 Man: And (unintelligible).

784

785 ((END RECORDING))

786

787 BULLARD: So at 04:30:46, here, with headphones on it's a little easier, it sounds - on my
788 end it sounded like she had said something to the effect of, "Let's have the next

789 unit bring a non-lethal in case he's pretending," and, "Just in case." Does that
790 sound accurate at all -
791
792 TAYLER: Yeah, I recall at some point in the conversation that, that was said.
793
794 BULLARD: Okay.
795
796 TAYLER: I just can't tell if that's right here.
797
798 BULLARD: Okay. And referring to a non-lethal, based on your training and experience,
799 what is a non-lethal?
800
801 TAYLER: Most of us have at least a non-lethal shotgun which is a 12-gauge pump action
802 Remington equipped with rounds that fire a fin-stabilized, like, beanbag
803 projectile. It's used to you know, make - make a situation safe if necessary and
804 gain compliance in order to safely detain a suspect.
805
806 BULLARD: I provided you with General Order 580.12, Less, or Less Lethal Weapon
807 System, revision date 10-12- or 10-9 of '12. Would you please read aloud the
808 highlighted portions?
809
810 TAYLER: Yes. "Policy, it shall be the policy of the Sacramento Police Department to
811 deploy and use less lethal weapon systems as instructed in department training
812 in order to maximize the safety of all individuals involved in an incident." "A,
813 Definitions, 1, flexible baton round, bean bag, a less lethal, two and three-
814 quarter inch 12-gauge shotgun, round firing a Kevlar bag containing 40 grams
815 of lead shot at a velocity of 280 feet per second, the drag stabilized projectiles
816 delivers 112-foot pounds of energy on impact. Flexible baton rounds are
817 discharged from a dedicated 12-gauge shotgun that is distinguishable by an
818 orange butt stock and fore grip. This round provides accurate and effective
819 performance when fired from the approved distance of not less than five feet but
820 not more than 50 feet from the target."
821
822 BULLARD: All right.
823
824 TAYLER: Second page. "Deploy- Deployment Criteria. Less lethal weapon systems shall
825 only be used in a manner that is consistent with department policy and training
826 guidelines. Officers shall not deploy a less lethal weapon system once specific
827 information reasonably indicates that - indicates the potential for the system's
828 use. The circumstances of each instance shall dictate the reasonableness for the
829 deployment. Use of Less - Less Lethal Weapons." "Use of a less lethal weapon
830 shall be consistent with General Order 580.02, Use of Force." "Situations for
831 use of less lethal weapon systems may include but are not limited to self-
832 destructive, dangerous, and/or combative individuals, circumstances where a

833 tactical advantage can be obtained. Tactical considerations; if possible a less
834 lethal weapon system is to be utilized, a -" sorry, "If possible when a le- less
835 lethal weapon system is to be utilized a sufficient number of officers shall be
836 assembled to assist with the physical custody of the targeted subject. A number
837 of additional officers and the responsibility shall be dictated by the da- by the
838 dynamics of the incident. Unless extraordinary circumstances exist,
839 consideration should be given to the following responsibilities." "Deploying
840 officer, at least one officer to discharge the less lethal weapon system, multiple
841 officers with less lethal weapon systems may be utilized in a single incident, the
842 use of K-9 and the conducted energy device may also be appropriate in concert
843 with less lethal weapon systems. Protection officers, a sufficient number of
844 officers prepared to deliver appropriate force, cover options given the
845 immediate circumstances. Custody officers, a sufficient number of officers who
846 are responsible for handcuffing and restraining the subjects. Under exigent
847 circumstances nothing in this order shall prohibit an officer from deploying and
848 discharging a less lethal weapon without requesting authorization or having the
849 presence of additional officers."

850
851 BULLARD: Okay, we'll go back to your video here real quick.

852
853 ((BEGIN RECORDING))

854
855 Radio: (Unintelligible).

856
857 TAYLER: You want to put that out?

858
859 Man: What?

860
861 TAYLER: When they're done?

862
863 TRUJILLO: Hey.

864
865 ROBINET: Hey go get a non-lethal.

866
867 TRUJILLO: (Unintelligible).

868
869 ROBINET: Oh hey Sarge.

870
871 TAYLER: There's one in our car, on the roof.

872
873 TRUJILLO: There's a -

874
875 TAYLER: There's one - there's a shotty.

876

877 ((END RECORDING))

878

879 BULLARD: 04:31:18, on your video you say, "There's one in our car on the roof. There's
880 one - there's a shotty," correct?

881

882 TAYLER: Yes, sir.

883

884 BULLARD: What did you mean by this?

885

886 TAYLER: Our less lethal shotgun in that vehicle is mounted in a gunlock on the roof of the
887 vehicle.

888

889 BULLARD: And referencing General Order 580.12, Less Lethal Weapon System, even
890 though the less lethal shotgun was not actually deployed or used during this
891 incident it was considered. After reviewing the above general order do you feel
892 this incident on March 18, 2018 would have been a practical use for it at any
893 point?

894

895 TAYLER: Yeah, possibly, yeah.

896

897 BULLARD: Can you explain why?

898

899 TAYLER: Well, we're developing a contact team at this point and gathering resources so
900 having somebody with a less lethal option during that contact may be
901 appropriate if this is a ruse and he's playing games and might be combative
902 upon contact with him it could be a force option.

903

904 BULLARD: Okay. And then it appears that you, as well as other officers here, are staying at
905 the northwest corner of [REDACTED] 29th Street as opposed to going out in the open
906 area of the back yard. Can you explain why that is?

907

908 TAYLER: Yeah, we're concerned at this point that one, he had a firearm, and two, now we
909 don't know where it is. We can't see both of his hands so we're concerned for
910 safety reasons and trying to stay a- behind as much cover and concealment as
911 possible.

912

913 BULLARD: So I was going to ask you, would you consider this a position of cover?

914

915 TAYLER: Best option for cover that we had at the time.

916

917 BULLARD: And can you describe for me the setting of the back yard, what you perceived at
918 that time where this occurred as far as lighting, vegetation, obstructions,
919 anything like that?

920

921 TAYLER: Yeah, it's - it was dark back there, as far as I recall it was ze- zero lighting other
922 than what we have on our equipment lights. There was a patio cover south of
923 where the suspect is lying some sort of brick structure to the west of the suspect
924 and then grass which was overgrown in the foreground between us and the
925 suspect providing some sort of a little bit of concealment.
926

927 BULLARD: And you may have kind of touched on it, but as far as the lighting, what was the
928 lighting situation like in this back yard at that time?
929

930 TAYLER: A- as, as far as I could recall it was completely dark, absent our lights.
931

932 BULLARD: Your flashlights?
933

934 TAYLER: Correct.
935

936 BULLARD: Okay. And at that time did you have any concerns of the potential of additional
937 suspects?
938

939 TAYLER: That's always a concern, another reason we kind of - why we're not moving to a
940 different location at this point and then why - I'm looking around the yard with
941 my flashlight on - on the initial approach. But as far as we know at this point,
942 my - in my head we only had information about one suspect that fled. I didn't
943 have any more additional information.
944

945 BULLARD: Can you explain why an approach of the downed suspect at this point with
946 Officers Robinet, Mercadal, Trujillo and yourself on scene had not been done?
947

948 TAYLER: Yeah, we're - at this point we're worried about officer safety issues and the fact
949 that we don't see where a weapon is nor can we see both of his hands so that
950 was our main concern.
951

952 BULLARD: Do you recall any officers requesting a body bunker or ballistic shield during
953 this?
954

955 TAYLER: Yes, somebody - somebody mentioned the shield in order to make our
956 approach.
957

958 BULLARD: Okay, and what - what is a body bunker or ballistic shield?
959

960 TAYLER: It's a shield which is generally clear that allows you, uh - an officer to safely
961 approach and is supposed to prevent the officer from being injured by handgun
962 projectiles, it's supposed to protect them ballistically from that. So an officer -
963 officers, it offers somebody some mode of cover for officers that's mobile and
964 can go with us.

965
966 BULLARD: Okay. And this is probably a little bit redundant but I'll just - theoretically
967 would having a body bunker or ballistic shield assist officers in making a safe
968 approach of an armed suspect?
969
970 TAYLER: Yes.
971
972 BULLARD: And this would be to protect, or officers by shielding them from any gunfire
973 that a suspect may potentially send downrange towards the officers, is that
974 correct?
975
976 TAYLER: Yes, sir.
977
978 BULLARD: Okay. The helicopter air unit STAR, was on scene throughout the entirety of
979 this incident, is that correct?
980
981 TAYLER: Yes, sir.
982
983 BULLARD: Do you recall if it was considered by officers on scene in asking the air unit to
984 actually visually verify if the suspect was still armed or a threat while you were
985 waiting?
986
987 TAYLER: I don't believe it was discussed.
988
989 BULLARD: Okay. Do you feel the air unit could have realistically verified if the suspect
990 was still armed or a threat whereas a result you could make a safe approach at
991 that point?
992
993 TAYLER: I think based on where we are we didn't - I think their view of the situation was
994 probably they can, they're not going to be able to say for sure whether they can
995 see that they know that information or not. So we're - we're in much closer
996 proximity, so.
997
998 BULLARD: I'm gonna go back to your body-worn camera here.
999
1000 ((BEGIN RECORDING))
1001
1002 TAYLER: (Unintelligible).
1003
1004 MERCADAL: We can't see his left hand.
1005
1006 ((END RECORDING))
1007
1008 BULLARD: 04:31:24, here, what does Officer Mercadal say here?

1009
1010 TAYLER: "We can't see his left hand."
1011
1012 BULLARD: "Can't see his left hand"?
1013
1014 TAYLER: Correct.
1015
1016 ((BEGIN RECORDING))
1017
1018 TRUJILLO: I'll just grab it.
1019
1020 Radio: (Unintelligible).
1021
1022 MORRIS: What did he have on him?
1023
1024 ROBINET: Like this, so
1025
1026 ((END RECORDING))
1027
1028 BULLARD: Okay, at 04:31 we'll say 32, Sergeant Morris, 3SAM5 has arrived on scene and
1029 asked, "What did he have on him?" Is that correct?
1030
1031 TAYLER: Yes.
1032
1033 BULLARD: And what was Sergeant Morris referring to, in your opinion?
1034
1035 TAYLER: What was the type of weapon that he had on him.
1036
1037 BULLARD: The suspect?
1038
1039 TAYLER: The suspect, correct.
1040
1041 BULLARD: Okay.
1042
1043 ((BEGIN RECORDING))
1044
1045 ROBINET: Something in his hands, it looked like a gu – hands -
1046
1047 MORRIS: What did he have on him?
1048
1049 ROBINET: Like this, something in his hands. It looked like a gun from our perspective.
1050
1051 ((END RECORDING))
1052

1053 BULLARD: So at 04:31:35, Officer Robinet replies, "Like this, something in his hands, it
1054 looked like a gun from our perspective." Does that sound accurate?
1055
1056 TAYLER: Yes, sir.
1057
1058 BULLARD: Did you see Officer Robinet demonstrate anything when he was describing this?
1059
1060 TAYLER: I did not.
1061
1062 BULLARD: In your observations you had indicated that Sergeant Morris arrived on scene at
1063 2131 hours in the back yard where you were but per your observations that
1064 would have been the same time that you and Officer Trujillo arrived on scene as
1065 per your observations.
1066
1067 TAYLER: Oh.
1068
1069 BULLARD: In reviewing your body-worn camera video, it's apparent Sergeant Morris
1070 arrives on scene after you both.
1071
1072 TAYLER: Correct.
1073
1074 BULLARD: Which per the times in your body-worn camera is about a minute and a half
1075 after you. Does that sound accurate?
1076
1077 TAYLER: Yes, it sounds -
1078
1079 BULLARD: Sergeant -
1080
1081 TAYLER: Correct, as opposed to what's typed here.
1082
1083 BULLARD: Sergeant Morris did not arrive on scene at the same time as you and Officer
1084 Trujillo
1085
1086 TAYLER: That's correct.
1087
1088 BULLARD: Is that correct? Okay.
1089
1090 ((BEGIN RECORDING))
1091
1092 Man: Guys ready? Good? Let's go.
1093
1094 ((END RECORDING))
1095

1096 BULLARD: Okay, at 04:31:49, you appear to advance towards the downed suspect who's
1097 later identified as Stephon Clark, is that correct?
1098
1099 TAYLER: Correct.
1100
1101 BULLARD: Do you recall if a decision was made by anyone as why to approach the suspect
1102 at this time?
1103
1104 TAYLER: In my mind it was, one, to make the scene safe and then provide medical care
1105 for the suspect. I don't know if that discussion was made but in my mind that's
1106 what everybody was onto the same page regarding.
1107
1108 BULLARD: Okay. Have you been involved in, or are you aware of any similar situations
1109 where law enforcement delayed their response for immediate rescue of a
1110 suspect that law enforcement had shot or injured?
1111
1112 TAYLER: I - I can't give you a specific example but
1113
1114 BULLARD: Are you aware of - of any incidents? If you can't give specific examples but are
1115 you aware of incidents in the past where anything like that may have occurred?
1116
1117 TAYLER: In - a- across the world and - and America? yeah, sure, absolutely.
1118
1119 BULLARD: So I - we kind of touched earlier but was any kind of plan made just before your
1120 approach as to who would be lethal cover, who would be hands, or anything like
1121 that?
1122
1123 TAYLER: We didn't discuss it.
1124
1125 BULLARD: Okay. Did not discuss it?
1126
1127 TAYLER: No.
1128
1129 BULLARD: Okay.
1130
1131 TAYLER: If anybody else did I'm - I'm not sure but I did not have that discussion with
1132 anyone.
1133
1134 ((BEGIN RECORDING))
1135
1136 ROBINET: Okay, one of you guys want to go hands, cover him, I -
1137
1138 Radio: (Unintelligible).
1139

1140 ((END RECORDING))

1141

1142 BULLARD: Okay, so at 04:31, call it 56 here, Sergeant Morris appears to grab the suspect's
1143 left arm wrist area, and then you, you appear to - grabbed the suspect's right
1144 arm and bring it around the suspect's back, is that correct?

1145

1146 TAYLER: That's correct.

1147

1148 ((BEGIN RECORDING))

1149

1150 TAYLER: Waistband?

1151

1152 MORRIS: Yeah, we need to start CPR. Three -

1153

1154 ((END RECORDING))

1155

1156 BULLARD: So at 04:32:06, you said, "Waistband," is that correct?

1157

1158 TAYLER: Yes, sir.

1159

1160 BULLARD: And Sergeant Morris said, "Yeah, we need to start CPR," is that correct?

1161

1162 TAYLER: Is that what he said? I missed that, I'm sorry.

1163

1164 BULLARD: I'll - I'll play it again.

1165

1166 ((BEGIN RECORDING))

1167

1168 MORRIS: Sam four uh - three

1169

1170 TAYLER: Waistband?

1171

1172 MORRIS: Yeah, we need to start CPR. Three Sam -

1173

1174 ((END RECORDING))

1175

1176 TAYLER: Yes, that's what it sounds like he said.

1177

1178 BULLARD: Okay. All right. Did you take that as a direction from Sergeant Morris that you
1179 needed to conduct CPR on the suspect?

1180

1181 TAYLER: I - I don't know if I heard that at the time or not, to be honest with you. So I
1182 think it was - kind of - that was the understanding, if

1183

1184 BULLARD: Okay.
1185
1186 ((BEGIN RECORDING))
1187
1188 MORRIS: Four, or Sam Five, send fire in code three.
1189
1190 Man: (Unintelligible).
1191
1192 MORRIS: Three Sam -
1193
1194 TAYLER: Waistband?
1195
1196 MORRIS: Yeah, and we need to start CPR. Three Sam Four, uh Sam Five, send fire in
1197 code three.
1198
1199 ((END RECORDING))
1200
1201 BULLARD: Let me jump forward just a little bit here. At 04:32:09, Sergeant Morris appears
1202 to voice over the radio "Send Fire and Code 3," is that correct?
1203
1204 TAYLER: Correct.
1205
1206 BULLARD: In - in the beginning of this you appeared to be patting down the suspect for
1207 weapons at first, is that correct?
1208
1209 TAYLER: Yes, sir.
1210
1211 BULLARD: Can you explain why this is done?
1212
1213 TAYLER: To assure that officers as well as the suspect are sta- safe and that he's not in
1214 possession of any weapons that can harm us or himself.
1215
1216 BULLARD: On page one of your observations you had written, "I observed the suspect to
1217 have an injury to the right side chest torso area that was bleeding, and the
1218 suspect was not breathing and had no detectible carotid pulse," is that correct?
1219
1220 TAYLER: Correct.
1221
1222 BULLARD: To the best of your understanding the suspect had been struck by officers'
1223 gunfire, is that accurate?
1224
1225 TAYLER: Yes, sir.
1226
1227 BULLARD: Did you have any kind of emergency medical kit on your person at that time?

1228
1229 TAYLER: Not on my person.
1230
1231 ((BEGIN RECORDING))
1232
1233 Man: (Unintelligible).
1234
1235 TAYLER: Light.
1236
1237 ((END RECORDING))
1238
1239 BULLARD: 04:32:19, you say, "Light," here. Is that accurate?
1240
1241 TAYLER: Yes, sir.
1242
1243 BULLARD: And why are you saying that?
1244
1245 TAYLER: My intention was to start CPR and I wanted somebody to provide me with light
1246 to do that.
1247
1248 BULLARD: So would the light help you as far as conducting CPR, would it make it more
1249 easier visually for you to conduct that?
1250
1251 TAYLER: Yes, it would.
1252
1253 BULLARD: Okay.
1254
1255 ((BEGIN RECORDING))
1256
1257 MORRIS: Did you fire? Come over here.
1258
1259 TAYLER: Give me a light, we'll start CPR.
1260
1261 MERCADAL: All right -
1262
1263 ((END RECORDING))
1264
1265 BULLARD: And at 04:32:28, here you appeared to put on some rubber gloves, you asked for
1266 a light again, and you say, "We'll start CPR," is that correct?
1267
1268 TAYLER: Yes, sir.
1269
1270 BULLARD: And who are you talking to?
1271

1272 TAYLER: I don't know who specifically was there at that time.
1273
1274 BULLARD: Okay.
1275
1276 ((BEGIN RECORDING))
1277
1278 TAYLER: Hey man
1279
1280 ((END RECORDING))
1281
1282 BULLARD: So at 04:32:33, you say, "Hey, man," is that correct?
1283
1284 TAYLER: Yes.
1285
1286 BULLARD: And why are you saying that?
1287
1288 TAYLER: Try to elicit a response from the suspect.
1289
1290 BULLARD: Okay.
1291
1292 ((BEGIN RECORDING))
1293
1294 MERCADAL: (Unintelligible).
1295
1296 TAYLER: Why don't you shine me a light?
1297
1298 MORRIS: Mercadal -
1299
1300 MERCADAL: We're going to need CPR stuff.
1301
1302 ((END RECORDING))
1303
1304 BULLARD: That was - at 04:32:47, someone says, "We're going to need CPR stuff." Do
1305 you recall who said that?
1306
1307 TAYLER: I don't know who that was.
1308
1309 ((BEGIN RECORDING))
1310
1311 MORRIS: (Unintelligible) want to get your mask?
1312
1313 MERCADAL: Mask? (Unintelligible) that's my light.
1314
1315 ((END RECORDING))

1316
1317 BULLARD: 04:32:54, someone says, "You want to go get your mask?" And another officer
1318 says, "Mask." Does that sound accurate?
1319
1320 TAYLER: Yes.
1321
1322 BULLARD: Okay. And what does that mean?
1323
1324 TAYLER: Referring to the CPR mask that go- covers the suspect's mouth and nose area to
1325 protect the officer from blood and vomit or whatever other body - bodily fluids
1326 is between him and the suspect.
1327
1328 BULLARD: Okay. Do you recall who said any of that as far as getting the mask?
1329
1330 TAYLER: I - I can't, and I don't recall, I'm sorry.
1331
1332 ((BEGIN RECORDING))
1333
1334 BULLARD: Let me back up just a second.
1335
1336 MERCADAL: Mask? (unintelligible) that's my light.
1337
1338 ((END RECORDING))
1339
1340 BULLARD: All right, just going back about a second, actually, 04:32:54, you appear to be
1341 giving CPR chest compressions to Suspect Clark who is on the ground facing
1342 up. Is that correct?
1343
1344 TAYLER: Yes, sir.
1345
1346 BULLARD: Okay. Based on the injuries that you had observed to the suspect or were you
1347 aware of, would it have been practical for you to assess for the application of
1348 tourniquets, bandages, direct pressure wounds, while also conducting CPR chest
1349 compressions?
1350
1351 TAYLER: Yeah, it could have been I - I saw the one chest injury and I didn't have any
1352 supplies with me so, uh - and this point, I was giving him the best care I could
1353 before additional supplies arrived.
1354
1355 BULLARD: The best care being the chest compressions?
1356
1357 TAYLER: Correct.
1358
1359 ((BEGIN RECORDING))

1360

1361 Man: Bring a mask. Rescue mask?

1362

1363 TAYLER: Come on, buddy. Wake up, breathe for me.

1364

1365 ((END RECORDING))

1366

1367 BULLARD: So at 04:33:14, you say, "Come on, buddy. Wake up, breathe for me," correct?

1368

1369 TAYLER: Yes, sir.

1370

1371 BULLARD: And is that directed towards the suspect at that time?

1372

1373 TAYLER: It is.

1374

1375 ((BEGIN RECORDING))

1376

1377 Radio: (Unintelligible).

1378

1379 ((END RECORDING))

1380

1381 BULLARD: So I know it's kind of hard to see here but at 04:33:22, it looks like that you resumed your chest compressions of the suspect

1382

1383

1384 TAYLER: Yes.

1385

1386 BULLARD: Is that correct? Okay.

1387

1388 ((BEGIN RECORDING))

1389

1390 TAYLER: Come on, bud.

1391

1392 ((END RECORDING))

1393

1394 BULLARD: So at 04:33:40, here, you - you call out again, you say, "Come on, bud," to the suspect, is that correct?

1395

1396

1397 TAYLER: Yes.

1398

1399 BULLARD: And to clarify, is this you calling out to the suspect in hopes of him in some way recovering or waking up as a stimulus?

1400

1401

1402 TAYLER: Yes, sir.

1403

1404 ((BEGIN RECORDING))

1405 ((END RECORDING))

1406

1407 BULLARD: At 04:33:54, you appear to continue giving chest compressions, is that right?

1408

1409 TAYLER: Yes.

1410

1411 ((BEGIN RECORDING))

1412

1413 TAYLER: Come on, bud.

1414

1415 ((END RECORDING))

1416

1417 BULLARD: And at 04:34:12, you call out, "Come on, bud," again, correct?

1418

1419 TAYLER: Yes.

1420

1421 ((BEGIN RECORDING))

1422

1423 Radio: (Unintelligible).

1424

1425 TAYLER: No pulse -

1426

1427 TRUJILLO: No pulse, no breathing?

1428

1429 TAYLER: No.

1430

1431 ((END RECORDING))

1432

1433 BULLARD: So at 04:34:19, you said something, "No pulse." Is that correct?

1434

1435 TAYLER: Yes.

1436

1437 BULLARD: Okay. And Officer Trujillo asked you, "No pulse? He's not breathing?"

1438

1439 TAYLER: Yes.

1440

1441 BULLARD: And you replied "no"?

1442

1443 TAYLER: Correct.

1444

1445 BULLARD: And what's the reason for that kind of communication between you and Officer
1446 Trujillo there?

1447

1448 TAYLER: Kind of a deciding factor between continuing CPR or not, if he's got a pulse
1449 now all of a sudden because our treatment has worked then chest compression-
1450 chest compressions do not resume.
1451

1452 BULLARD: Okay.

1453
1454 ((BEGIN RECORDING))
1455

1456 LUNDGREN: You want to trade off compressions?

1457
1458 TAYLER: I'm good.
1459

1460 ((END RECORDING))
1461

1462 BULLARD: At 04:34:23 an officer asked, "You want to trade compressions?" And you
1463 replied, "I'm good," is that correct?
1464

1465 TAYLER: Yes.

1466
1467 BULLARD: Do you recall who asked you that?
1468

1469 TAYLER: I don't - it sounds like it might have been Officer Lundgren.
1470

1471 BULLARD: Lundgren?
1472

1473 TAYLER: Yeah.
1474

1475 BULLARD: Okay, and -
1476

1477 TAYLER: And I- I'm not sure.
1478

1479 BULLARD: Okay. What did you understand that question to mean about 'trading
1480 compressions'?

1481
1482 TAYLER: Just to - because like- physical exertion required to give CPR he's wanting to
1483 know if we should switch out so that he can do them and give me a break or
1484 whatever.
1485

1486 ((BEGIN RECORDING))
1487

1488 TAYLER: No pulse
1489

1490 TRUJILLO: No pulse, no breathing?
1491

1492 TAYLER: No.
1493
1494 LUNDGREN: You want to trade off compressions?
1495
1496 TAYLER: I'm good.
1497
1498 ((END RECORDING))
1499
1500 BULLARD: Is that four, 04:34:22, you continue your chest compressions, is that correct?
1501
1502 TAYLER: Yes.
1503
1504 ((BEGIN RECORDING))
1505
1506 TRUJILLO: (Unintelligible) face please (unintelligible) you got gloves on already?
1507
1508 LUNDGREN: You want to trade off compressions?
1509
1510 TAYLER: I'm good.
1511
1512 TRUJILLO: (Unintelligible) you got gloves on already? (unintelligible) on his face please?
1513
1514 ((END RECORDING))
1515
1516 BULLARD: Are you able to make out at all what Officer Trujillo is saying?
1517
1518 TAYLER: I can't tell.
1519
1520 BULLARD: "You got gloves on already. Can you put that on his face, please?" Does that
1521 sound accurate at all?
1522
1523 TAYLER: Yeah, it very well could have been.
1524
1525 BULLARD: Okay.
1526
1527 ((BEGIN RECORDING))
1528
1529 TRUJILLO: (Unintelligible) you got gloves on already? (unintelligible) on his face please?
1530
1531 ((END RECORDING))
1532
1533 BULLARD: 04:34:28 it looks like someone puts a rescue mask over the suspect's face, is
1534 that correct?
1535

1536 TAYLER: Yes.
1537
1538 BULLARD: And do you recall which officer that was?
1539
1540 TAYLER: I think it was Officer Lundgren but I can't say for sure.
1541
1542 BULLARD: And for the record, what's a rescue or resuscitation mask, what is that?
1543
1544 TAYLER: The mask is a - described before that we carry, a CPR mask it's got a one-way
1545 valve to, um - or a barrier to prevent vomit or blood or body fluids
1546 contaminating the officer giving the treatment.
1547
1548 BULLARD: Okay. Do you recall where your rescue mask was at that time at all?
1549
1550 TAYLER: Yeah, it would have been in my patrol bag in my vehicle.
1551
1552 ((BEGIN RECORDING))
1553
1554 Radio: (Unintelligible).
1555
1556 TRUJILLO: Come on, buddy.
1557
1558 ((END RECORDING))
1559
1560 BULLARD: 04:34:37, Officer Trujillo calls out, "Come on, buddy," is that correct?
1561
1562 TAYLER: Yes, sir.
1563
1564 ((BEGIN RECORDING))
1565
1566 Radio: (Unintelligible).
1567
1568 TRUJILLO: Come on.
1569
1570 TAYLER: Good?
1571
1572 TRUJILLO: You want me to switch? (Unintelligible).
1573
1574 ((END RECORDING))
1575
1576 BULLARD: 04:34:43 you appear to pause here and Trujillo says, "Come on." And then you
1577 appear to ask, "Good?" and then Officer Trujillo appears to ask something,
1578 "You want me to switch?" Does that sound accurate?
1579

1580 TAYLER: Yes.
1581
1582 ((BEGIN RECORDING))
1583
1584 Radio: (Unintelligible) structure on that property (unintelligible) at [REDACTED] Meadowview.
1585
1586 TRUJILLO: (Unintelligible) got it?
1587
1588 Radio: Let's just get an officer over there (unintelligible).
1589
1590 TAYLER: I'm good.
1591
1592 TRUJILLO: Yeah, (unintelligible).
1593
1594 Radio: (Unintelligible) but there is one structure on that property (unintelligible) at
1595 [REDACTED] Meadowview.
1596
1597 TRUJILLO: Got it?
1598
1599 Radio: Let's just get an officer over there (unintelligible).
1600
1601 TRUJILLO: Yeah, (unintelligible).
1602
1603 TAYLER: I'm good, I'm good, I'm good.
1604
1605
1606 BULLARD: Okay, hang on here.
1607
1608 Radio: (Unintelligible) but there is one structure on that property (unintelligible) at
1609 [REDACTED] Meadowview.
1610
1611 TRUJILLO: Got it?
1612
1613 TAYLER: I'm good, I'm good, I'm good.
1614
1615 ((END RECORDING))
1616
1617 BULLARD: Okay hang on a second here. At some point do you notice Officer Lundgren's
1618 giving rescue breaths?
1619
1620 TAYLER: Yes.
1621
1622 BULLARD: To the suspect?
1623

1624 TAYLER: Yeah.
1625
1626 BULLARD: Okay. Could you tell at all if the suspect's chest was rising at all as a result of
1627 those rescue breaths?
1628
1629 TAYLER: I couldn't tell.
1630
1631 BULLARD: How we doing on time? You guys want to take a break, or you guys want to
1632 keep going?
1633
1634 TAYLER: I'm all right.
1635
1636 BULLARD: Okay, let's see here.
1637
1638 ((BEGIN RECORDING))
1639
1640 Radio: (Unintelligible) [REDACTED] Meadowview.
1641
1642 TRUJILLO: Got it?
1643
1644 Radio: Let's just get an officer over there (unintelligible).
1645
1646 Woman: You want to switch?
1647
1648 TAYLER: I'm good. I'm good, I'm good.
1649
1650 Woman: You good?
1651
1652 TAYLER: Ready?
1653
1654 ((END RECORDING))
1655
1656 BULLARD: At 04:34:53 hours, or 53 there, you appear to continue your chest compressions,
1657 is that correct?
1658
1659 TAYLER: Yes.
1660
1661 BULLARD: Okay.
1662
1663 ((BEGIN RECORDING))
1664
1665 Radio: (Unintelligible).
1666
1667 TRUJILLO: Come on, buddy.

1668
1669 Radio: (Unintelligible).
1670
1671 TAYLER: Thirty.
1672
1673 ((END RECORDING))
1674
1675 BULLARD: 04:35:10, you voice, "thirty" is that correct?
1676
1677 TAYLER: Yes.
1678
1679 BULLARD: What does that mean?
1680
1681 TAYLER: Indicating to the officer giving the next set of breaths that I had completed my
1682 compressions which is thirty.
1683
1684 BULLARD: Alright.
1685
1686 ((BEGIN RECORDING))
1687
1688 Radio: (Unintelligible).
1689
1690 ((END RECORDING))
1691
1692 BULLARD: And Officer Lundgren appears here to lower and give rescue breaths to the
1693 suspect, and is that correct?
1694
1695 TAYLER: Yes, sir.
1696
1697 ((BEGIN RECORDING))
1698
1699 TRUJILLO: Come on, buddy.
1700
1701 Radio: (Unintelligible).
1702
1703 ((END RECORDING))
1704
1705 BULLARD: 04:35:18, you continue - or you continue your chest compressions, correct?
1706
1707 TAYLER: Yes, sir.
1708
1709 ((BEGIN RECORDING))
1710
1711 Radio: (Unintelligible).

1712
1713 TRUJILLO: (Unintelligible).
1714
1715 Radio: (Unintelligible).
1716
1717 TAYLER: Thirty.
1718
1719 LUNDGREN: Fire?
1720
1721 Man: (unintelligible)
1722
1723 ((END RECORDING))
1724
1725 BULLARD: So at 04:35:36, you pause again and say, "thirty" correct?
1726
1727 TAYLER: Yes.
1728
1729 BULLARD: Okay. And we'll start from this point here.
1730
1731 ((BEGIN RECORDING))
1732
1733 TAYLER: Thirty.
1734
1735 LUNDGREN: Fire?
1736
1737 Man: (unintelligible)
1738
1739 LUNDGREN: Let's go.
1740
1741 TAYLER: Two breaths.
1742
1743 ((END RECORDING))
1744
1745 BULLARD: So at 04:35:38, an officer calls out "Fire," and then someone says, "Yeah," and
1746 an officer says, "Let's go." Does that sound accurate?
1747
1748 TAYLER: Yes.
1749
1750 BULLARD: Okay. Do you - do you recall what happened there or what - what that
1751 exchange was?
1752
1753 TAYLER: It sounded like Fire was making their way into the backyard and he's trying to
1754 get them to hurry up and start to resume medical care.
1755

1756 BULLARD: Okay. Fire?

1757

1758 TAYLER: To Fire.

1759

1760 BULLARD: "Hurry up, Fire."?

1761

1762 TAYLER: Yeah.

1763

1764 ((BEGIN RECORDING))

1765

1766 TAYLER: Thirty.

1767

1768 LUNDGREN: Fire?

1769

1770 Man: Yeah

1771

1772 LUNDGREN: Let's go.

1773

1774 TAYLER: Two breaths.

1775

1776 ((END RECORDING))

1777

1778 BULLARD: And again, you said "Two breaths," is that correct?

1779

1780 TAYLER: Yes.

1781

1782 BULLARD: And Officer Lundgren then gives the rescue breaths, is that accurate?

1783

1784 TAYLER: That's correct.

1785

1786 BULLARD: Okay.

1787

1788 ((BEGIN RECORDING))

1789

1790 Man: You guys just got one?

1791

1792 TRUJILLO: Yeah, just one.

1793

1794 Man: (unintelligible).

1795

1796 ((END RECORDING))

1797

1798 BULLARD: 04:35:46, a medic or fireman asks, "You guys just got one?" And Officer
1799 Trujillo replies, "Yeah, just one," is that correct?

1800
1801 TAYLER: Yes.
1802
1803 BULLARD: What did that exchange mean to the best of your understanding?
1804
1805 TAYLER: My understanding is that they're asking how many people we had - needed
1806 medical care, just one, and she responds with, "Yes, just one."
1807
1808 ((BEGIN RECORDING))
1809
1810 Man: -got one?
1811
1812 TRUJILLO: Yeah, just one.
1813
1814 Man: (unintelligible)
1815
1816 ((END RECORDING))
1817
1818 BULLARD: So 04:35:45, you continue your chest compressions, correct?
1819
1820 TAYLER: Yes.
1821
1822 ((BEGIN RECORDING))
1823
1824 Man: Let's cut his shirt off and get him on a monitor.
1825
1826 TRUJILLO: (Unintelligible).
1827
1828 Man: We got a shooting?
1829
1830 ((END RECORDING))
1831
1832 BULLARD: A fireman, sounds like he says, "Let's cut his shirt off, get him on the monitor,"
1833 and another fireman or medic says, "We got a shooting?" Does that sound
1834 accurate?
1835
1836 TAYLER: Yes.
1837
1838 ((BEGIN RECORDING))
1839
1840 Man: (Unintelligible).
1841
1842 TAYLER: Good?
1843

1844 Man: You even know where he's hit?
1845
1846 TAYLER: Somewhere in the chest. Yeah, he's cuffed.
1847
1848 Man: He's cuffed?
1849
1850 ((END RECORDING))
1851
1852 BULLARD: 04:35:58, here, you appear to pause, you say, "Good," and then a fireman or
1853 medic asks, "You even know where he's hit?" And you replied, "Somewhere in
1854 the chest. Yeah, he's cuffed" Does that sound accurate?
1855
1856 TAYLER: Yes.
1857
1858 BULLARD: Okay.
1859
1860 ((BEGIN RECORDING))
1861
1862 Man: (Unintelligible) in my pocket.
1863
1864 TAYLER: You want me to take the cuffs off first?
1865
1866 Man: No.
1867
1868 ((END RECORDING))
1869
1870 BULLARD: 04:36:03, you asked, "You - you guys want me to take the cuffs off first?" Is
1871 that correct?
1872
1873 TAYLER: Yes.
1874
1875 BULLARD: And one of the medics replies, "No.?"
1876
1877 TAYLER: Correct.
1878
1879 BULLARD: And did you mean take the handcuffs off the suspect at that time?
1880
1881 TAYLER: Yes, sir.
1882
1883 BULLARD: And why did you ask that at that time?
1884
1885 TAYLER: It would help them render more care, or it would help them in rendering care for
1886 the suspect.
1887

1888 ((BEGIN RECORDING))

1889

1890 Radio: (Unintelligible).

1891

1892 ((END RECORDING))

1893

1894 BULLARD: Now you stood up at this point and Fire and medics begin to cut off the
1895 suspect's clothing, is that correct?

1896

1897 TAYLER: Yes.

1898

1899 BULLARD: On page two of your observations you indicated that after medics cut off the
1900 suspect's clothing to expose the chest area, you observed a bullet projectile near
1901 the left side of the suspect's torso under the clothing, is that correct?

1902

1903 TAYLER: Yes.

1904

1905 BULLARD: At what point did you feel that the Fire and medics had taken over medical
1906 responsibility of the suspect from you?

1907

1908 TAYLER: Just prior to me standing up.

1909

1910 BULLARD: Just prior to you standing up?

1911

1912 TAYLER: Correct.

1913

1914 BULLARD: Fire and medics pronounced the suspect deceased, is that correct?

1915

1916 TAYLER: Yes.

1917

1918 BULLARD: For the record, in reviewing body-worn camera footage, approximately four
1919 minutes and 57 seconds elapsed between when officers' gunfire ceased to the
1920 point officers first made physical contact with the suspect, Stephon Clark. At
1921 approximately 59 seconds after that you began CPR on Clark, does that sound
1922 accurate?

1923

1924 TAYLER: Yes.

1925

1926 BULLARD: I provided you General Order 522.02, Emergency Care For Individuals Under
1927 Police Care or Control, revision date 5-16 of 2017. Would you please read
1928 aloud the highlighted portions of poli- of Policy and Section A1 and 2?

1929

1930 TAYLER: Yes. It is, "It shall be the policy of the Sacramento Police Department to
1931 provide emergency medical treatment to individuals under police care or control

1932 while ensuring their safety and that of others during treatment.” Procedure, “A,
1933 Emergency medical treatment 1, officers having any doubt concerning a
1934 person’s condition shall request emergency medical assistance and 2, officers
1935 shall provide first aid to injured parties if it can be done safely.”
1936
1937 BULLARD: Thank you, may I see that? In your opinion when was the suspect under police
1938 care and control as stated in 522.02?
1939
1940 TAYLER: As soon as we detained him.
1941
1942 BULLARD: Would that be as soon as you - as physical contact was made with him? As
1943 soon as -
1944
1945 TAYLER: Made physical contact with the suspect, correct.
1946
1947 BULLARD: Okay. And - and why would it be at that time, why in your opinion?
1948
1949 TAYLER: That - at that point we determined that the scene was safe enough in order to
1950 render medical care and he was now in our - in our care and custody.
1951
1952 BULLARD: In your opinion do you feel you were able to provide first aid to the suspect
1953 safely as stated at Section A, subsection 2, any sooner than when you made your
1954 eventual approach of the downed suspect?
1955
1956 TAYLER: Given the circumstances, no.
1957
1958 BULLARD: Why?
1959
1960 TAYLER: Due to us not knowing what his actual condition was, where the firearm in this
1961 case was, not being able to see his hands. We needed to be able to establish a
1962 contact team with necessary resources like the shield and - and enough bodies to
1963 safely approach and detain him.
1964
1965 BULLARD: Okay. Would it have been reasonable to direct Fire and medics to enter the
1966 scene and medically treat the suspect prior to officers safely securing the scene
1967 and arresting or detaining the suspect?
1968
1969 TAYLER: No, it would not.
1970
1971 BULLARD: Why?
1972
1973 TAYLER: We had Fire stage until we are able to make a scene safe but otherwise it’s not
1974 going to be safe for them.
1975

1976 BULLARD: In your opinion do you feel it was reasonable for officers to delay their
1977 approach of the suspect for the amount of time that they did?
1978
1979 TAYLER: Yes.
1980
1981 BULLARD: As we alluded to earlier, and as you know, the individual who died as a result of
1982 this officer-involved shooting, was Stephon Clark. Did you know Stephon
1983 Clark prior to this incident?
1984
1985 TAYLER: I did not.
1986
1987 BULLARD: To your knowledge have you ever had any inter - interactions or dealings with
1988 Stephon Clark prior to this incident?
1989
1990 TAYLER: I had not.
1991
1992 BULLARD: Okay. I'm going to fast forward a little bit here.
1993
1994 ((BEGIN RECORDING))
1995
1996 Radio: (Unintelligible).
1997
1998 TAYLER: With him kind of wrapped up in his clothing.
1999
2000 Man: Okay.
2001
2002 TAYLER: So I was just looking for Sam Five.
2003
2004 Man: One Sam -
2005
2006 TAYLER: He's right here, I got him.
2007
2008 Man: Are either one of you peer support?
2009
2010 TRUJILLO: Yes.
2011
2012 Man: You are?
2013
2014 ((END RECORDING))
2015
2016 BULLARD: At 04:42:12, you appear to mute your body-worn camera here, is that correct?
2017
2018 TAYLER: Yes.
2019

2020 BULLARD: Do you re- recall the reasoning for that at that time?
2021
2022 TAYLER: I was going to have a discussion with - with Sergeant and whoever else was
2023 over there.
2024
2025 BULLARD: I'm sorry.
2026
2027 TAYLER: I- I was going to have a discussion with Sam Five.
2028
2029 BULLARD: Sergeant Morris?
2030
2031 TAYLER: Sergeant Morris.
2032
2033 BULLARD: Okay. At 04:45 and 31, you unmute or re-activate the audio of your body-worn
2034 camera at this point. Is that correct?
2035
2036 TAYLER: That is, correct.
2037
2038 BULLARD: Okay.
2039
2040 ((BEGIN RECORDING))
2041
2042 TAYLER: Cool. Hey guys, we're going to back everybody up.
2043
2044 ((END RECORDING))
2045
2046 BULLARD: 04:45:53 you appear to contact a group of citizens here, is that correct?
2047
2048 TAYLER: Yes.
2049
2050 BULLARD: Okay. And do you recall the reasoning why you unmuted your - your body-
2051 worn camera or reactivated the audio for it at that time?
2052
2053 TAYLER: Yeah, so I felt that our scene or our perimeter here was too close to the scene so
2054 I wanted to back everything up and obviously I was going to have to contact the
2055 public in order to do that so that's why I react- or unmuted my body-worn
2056 camera.
2057
2058 BULLARD: Okay. Fast forward just a little bit here.
2059
2060 ((BEGIN RECORDING))
2061
2062 TAYLER: A- I know (unintelligible) we've checked.
2063

2064 Man: Well, I do have a phone (unintelligible).
2065
2066 TAYLER: Yeah. I just want to, like -
2067
2068 Man: Okay.
2069
2070 TAYLER: - hey - Uh, in terms of the folks?
2071
2072 ((END RECORDING))
2073
2074 BULLARD: At 04:53:50 you appeared to mute your body cam again here, is that correct?
2075
2076 TAYLER: Yes.
2077
2078 BULLARD: And again the reasoning for that that you can recall?
2079
2080 TAYLER: Yea- having discussion with I - I think that's Sergeant Park.
2081
2082 BULLARD: Okay. And then at 04:03, or I'm sorry, 05:03 and 43, you deactivate your body-
2083 worn camera, correct?
2084
2085 TAYLER: Yes.
2086
2087 BULLARD: And you recall the reasoning for tha- at that time at all?
2088
2089 TAYLER: Whoever the watch commander was at the time, I think broadcast via the radio
2090 that everyone was to turn them off.
2091
2092 BULLARD: Was it Lieutenant Cybulski with that?
2093
2094 TAYLER: That (unintelligible), yes.
2095
2096 BULLARD: Okay. I provided you with General Order 525.07, revision date 4-26 of 2017,
2097 Body-Worn Camera. Would you please read aloud the highlights portions?
2098
2099 TAYLER: Yes, policy. "It shall be the policy of the Sacramento Police Department to
2100 utilize a body-worn camera in a manner that will assist in criminal pros-
2101 secutions or civil litigation by providing a recording of the incident that may
2102 supplement an employee's report and help document professional police
2103 conduct. All officers issued a body-worn camera are required to wear and use
2104 their body-worn cameras while working in uniform. A uniform is to be
2105 considered the standard uniform as well as any apparel, e.g., tactical raid vests,
2106 that identifies the wearer as a police officer. Body-worn camera video provides
2107 additional information regarding in- investigative or enforcement contact with a

2108 member of the public as body-worn camera recordings provide only a limited
2109 perspective of the encounter. All other available evidence such as witness
2110 statements, officer interviews forensic analysis, and documentary evidence shall
2111 be considered before any conclusions are reached.” “Body-worn cameras
2112 should assist in the following,” “A,” it says, “Documenting an initial police
2113 response,” want me to move down? Employer responsibility number 2, says,
2114 “Employees assigned a body-worn camera shall -” you want me to read those?
2115

2116 BULLARD: Just the highlighted ones, please.

2117
2118 TAYLER: Okay. Oh, there it is. “C, affix their issued body-worn cameras to the uniforms
2119 at the beginning of their shift in accordance with training in the ma-
2120 nufacturer’s guidelines. The body-worn camera shall be worn for the entire
2121 shift. Required activation of a body-worn camera. This policy is not intended
2122 to describe every possible situation in which the body-worn camera should be
2123 utilized. Not all situations will clearly start out as necessitating the activation of
2124 the body-worn camera nor will all events have a clear ending when the body-
2125 worn camera is no longer necessary. Employees shall activate the body-worn
2126 cameras during any enforcement or investigative activity, whether self-initiated
2127 or in response to a dispatched call. Examples include but are not limited to the
2128 following, when conducting pedestrian or vehicle contacts, while, while
2129 responding to any in-progress, just occurred or any other call for service in
2130 which the fleeing suspect and/or vehicles may be capturing- may be captured
2131 leaving the scene - the crime scene, when responding to calls reportedly
2132 involving weapons or violence, when pursuing a suspect on foot, during Code 3
2133 responses, including vehicle pursuits regardless of whether the vehicle’s
2134 equipped with an in-car camera system, while execu- executing into the
2135 searches of individuals’ vehicles, buildings, and other places, when conducting
2136 arrests, detentions, and/or citations. Deactivation of a body-worn camera. As -
2137 except as listed below once activated officers shall not deactivate their body-
2138 worn cameras until the investigative or enforcement activity involving a
2139 member of the public has reasonably concluded. If enforcement or investigative
2140 activity with a member of the public resumes the officer shall re-activate the
2141 body-worn camera and continue recording.” “Employees may de-activate the
2142 body-worn camera at any time based on their discretion in the following
2143 circumstances, A, when an employee is discussing tactical or confi- confidential
2144 information with an- other law enforcement per- personnel during briefing-
2145 during - during briefings or during conversations with confidential informants,”
2146 “When it is necessary to discuss issues or concerns with an employee,
2147 supervisor, doctor, or nurse or paramedic in private or details regarding a
2148 reason,” “Details regarding the reason of de-activation should be recorded and
2149 documented when appropriate.”
2150

2151 BULLARD: Good?

2152
2153 TAYLER: That's it.
2154
2155 BULLARD: Are you aware of any verbiage in this policy that addressed muting your body-
2156 worn camera?
2157
2158 TAYLER: I am not.
2159
2160 BULLARD: After reviewing that, in your opinion do you feel you complied with that policy?
2161
2162 TAYLER: I do.
2163
2164 BULLARD: Why?
2165
2166 TAYLER: It was activated from the moment of my Code 3 response to the scene until I
2167 was instructed to turn it off by, my watch commander.
2168
2169 BULLARD: Sergeant Schumacher?
2170
2171 SCHUMACHER: Just a few. Given all the information you had at the time when you responded
2172 to the scene and you got to the corner there where the other officers were was
2173 there reasonable suspicion to detain that individual for further investigation of
2174 criminal conduct?
2175
2176 TAYLER: Absolutely.
2177
2178 SCHUMACHER: Sergeant Bullard already asked this but I'm going to rephrase it just a little bit
2179 different. Are you aware of the training and experience any incident where an
2180 officer has been either injured or maybe even shot as they've approached an
2181 individual who they believe is either incapacitated or - or possibly injured?
2182
2183 TAYLER: I - I - again, I don't know that I can cite a specific example but based on my
2184 training and - and things that I've been told and scenarios which have unfolded
2185 yes, cer- certainly that's a -that's a possibility.
2186
2187 SCHUMACHER: Going back to, we don't have to review it but going back to 04:32:26, on the
2188 video when you're applying some latex gloves, are those standard issued gloves
2189 that the department provides you?
2190
2191 TAYLER: They are.
2192
2193 SCHUMACHER: And what's the reason for that?
2194
2195 TAYLER: Contamination from the suspect to me and myself to the suspect, to prevent that.

2196
2197 SCHUMACHER: In your experience with dealing with other medical professionals, paramedics,
2198 maybe doctors in the ER, is that - is it common practice for people to don latex
2199 gloves before administering any type of medical care to an individual?
2200
2201 TAYLER: Absolutely.
2202
2203 SCHUMACHER: So including anything minor from maybe caring for an abrasion up to
2204 something very critical such as CPR?
2205
2206 TAYLER: Yes, sir.
2207
2208 SCHUMACHER: In your experience working with Fire and when they're responding to medical
2209 emergencies in conjunction with an investigation, even if requested will they
2210 enter a scene and provide medical attention or any - anything for that matter if
2211 they feel the scene is possibly a threat to their safety?
2212
2213 TAYLER: No, they will not.
2214
2215 SCHUMACHER: That's all I have.
2216
2217 BULLARD: Do you have anything to add regarding this incident at all that we haven't
2218 covered or anything that?
2219
2220 TAYLER: Not at this time.
2221
2222 BULLARD: Okay.
2223
2224 SCHUMACHER: Is there anything else related to this matter which we have not covered that
2225 needs to be added, clarified, or changed? If so, I'm ordering you to provide that
2226 information right now.
2227
2228 TAYLER: None that I can think of.
2229
2230 SCHUMACHER: After you leave this interview, should you remember anything that is different
2231 from or in addition to the information that you have given today, I am ordering
2232 you to contact Sergeant Bullard immediately. I'm also ordering you to not
2233 discuss this matter with any other department employee. Do you understand
2234 these orders?
2235
2236 TAYLER: Understood.
2237
2238 SCHUMACHER: Ending interview at 16
2239

2240 BULLARD: Six

2241

2242 SCHUMACHER: 04 hours.

2243

2244 **End of recording.**

2245

2246

2247 The transcript has been reviewed with the audio recording submitted and it is an accurate
2248 transcription.

2249 Signed _____

Sgt. Ryan Bullard

2250

Sgt. Ryan Bullard

INTERVIEW WITH SGT. JOHN MORRIS
SCHUMACHER=Sgt. Don Schumacher
BULLARD=Sgt. Ryan Bullard
BOYD=Mick Boyd
ROBINET=Ofc. Robinet
MERCADAL=Ofc. Mercadal
TAYLER=Ofc. Tayler
TRUJILLO=Ofc. Trujillo
MORRIS=Sgt. John Morris

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SCHUMACHER The date is May 7, 2019. The time is 1452 hours. Present in the Internal Affairs Division Office is Sergeant John Morris, his representative, Mick Boyd, Sergeant Ryan Bullard, and myself Sergeant Don Schumacher. The purpose of this meeting is to conduct an interview of Sergeant John Morris who is employed with the Sacramento Police Department in the capacity of Police Sergeant. This is an administrative investigation on the charges of neglect of duty and improper tactics involving Officers Jared Robinet and Terrence Mercadal. This is an administrative investigation only on these charges. Do you understand that?

MORRIS Yes.

SCHUMACHER However, since the allegations indicate that a crime may have been committed, I am advising you that one, you have the right to remain silent. Two, anything you say may be used against you in court. Three, you have the right to the presence of an attorney before and during any questioning. Four, if you cannot afford an attorney, one will be appointed to you free of charge before any questioning if you desire. Do you understand each of these rights that I have explained to you?

MORRIS Yes.

SCHUMACHER Having these rights in mind, do you wish to talk to us now?

MORRIS No I don't.

SCHUMACHER Although you have the right to remain silent and to not incriminate yourself, your silence can be deemed insubordination and result in administrative discipline. Do you understand that based upon the authority vested in me by the Chief of Police, I'm ordering you to answer all of our questions?

MORRIS Yes I do.

45 SCHUMACHER Any statement made under compulsion of a threat of discipline cannot be used
46 against you in a later criminal proceeding. However, if you do not answer our
47 questions truthfully and fully, a charge of insubordination may be imposed,
48 which could result in discipline up to and including termination. Do you
49 understand this is only an administrative investigation?
50
51 MORRIS Yes.
52
53 SCHUMACHER Do you understand the allegations?
54
55 MORRIS Yes.
56
57 SCHUMACHER Do you understand that I'm ordering you to answer our questions and if you do
58 not answer them truthfully and fully it could result in disciplinary action up to
59 and including termination?
60
61 MORRIS Yes I do.
62
63 BULLARD For the record please state and spell your name.
64
65 MORRIS John Morris, J-O-H-N, M-O-R-R-I-S.
66
67 BULLARD Did you graduate from the Sacramento Police Academy?
68
69 MORRIS Yes I did.
70
71 BULLARD When did you graduate?
72
73 MORRIS March '97.
74
75 BULLARD Do you have any prior law enforcement experience?
76
77 MORRIS No.
78
79 BULLARD What is your current assignment and shift?
80
81 MORRIS South patrol, [REDACTED] shift.
82
83 BULLARD How long have you been in your current assignment?
84
85 MORRIS I think working on three years, like 2 and a half years.
86
87 BULLARD What was your assignment and shift in March of 2018?
88

89 MORRIS South patrol, [REDACTED] shift, a Sergeant.
90
91 BULLARD Have you had any kind of specialized training or assignment with the
92 Sacramento Police Department?
93
94 MORRIS Uhm, regular update training and the Tactical Medicine training. Want me to
95 go through all of them? or just
96
97 BULLARD I mean, anything that comes to mind. We don't have to go down the entire list
98 or anything like that.
99
100 MORRIS Okay. Field Training Officer training, I was a Field Training Officer for several
101 years
102
103 BULLARD Okay.
104
105 MORRIS And trained multiple officers.
106
107 BULLARD All right. Prior to this interview I provided you and your representative with
108 your body worn camera footage from March 18, 2018 relating to CAD Call 18-
109 82449, your written observations from SPD Case 18-82449, a CAD Call
110 printout for Call 18-82449, an audio recording for radio traffic related to SPD
111 CAD 18-82449, a transcription of the radio traffic relating to SPD CAD Call
112 18-82449, an aerial photo of [REDACTED] 29th Street from SPD Case 18-82449, a copy
113 of your POST training record, a 2018 SPD CPT First Aid CPR update course
114 outline, a three page law enforcement Tactical Lifesaver course outline, a 90
115 page Tactical Lifesaver course student guide booklet, General Order 580.12
116 revision date 10-9 of 2012, General Order 522.02 revision date 5-16 of 2017,
117 and General Order 525.07 revision date 4-26-2017. Have you had a chance to
118 review these?
119
120 MORRIS Yes.
121
122 BULLARD For the record these general orders were the current policies in place on March
123 18, 2018. We are here to conduct an administrative interview with you
124 regarding SPD Case 18-82449, an officer involved shooting, which you were
125 involved with on March 18, 2018. Prior to our interview here, have you read or
126 reviewed any materials pertaining to this case, 18-82449, such as reports, press
127 releases, statements, videos, et cetera?
128
129 MORRIS I believe I reviewed - not recently but I have looked at the YouTube videos that
130 were released of the incident particularly the helicopter video and then just
131 things that were brought up throughout the year on the updates on the case, but -
132

133 BULLARD Anything as far as like from the SAC PD transparency Web site where we
134 release redacted reports or CAD calls or anything like that that you've reviewed
135 or the press releases from the police department or anything like that that you
136 can?
137
138 MORRIS Not that I remember.
139
140 BULLARD Have you received training in emergency first aid and CPR?
141
142 MORRIS Yes.
143
144 BULLARD And specifically what kind of training and when was it?
145
146 MORRIS So it was - let's see.
147
148 BULLARD Do you see one in there for November 3 of 2016? SPD first aid CPR update?
149
150 MORRIS Yes. First aid CPR update. I believe I taken the Tactical Lifesaver course too.
151 I don't see that on there.
152
153 BULLARD I was going to ask you about that one in a second here.
154
155 MORRIS There it is right there.
156
157 BULLARD Does - does that look accurate though for the CPR -
158
159 MORRIS Yes.
160
161 BULLARD first aid, November 3?
162
163 MORRIS Yeah. And I've taken the Tactical Lifesaver
164
165 ((Crosstalk))
166
167 MORRIS course 4-6-16. Basically -
168
169 BULLARD How - I'm sorry. Go ahead.
170
171 MORRIS - it, it these courses just went over first aid and CPR and basics of identifying
172 injuries and how to treat them and how to perform CPR and life saving
173 techniques.
174
175 BULLARD Okay. And the Tactical Lifesaver Course that was April 6, 2016. Is that
176 correct?

177
178 MORRIS Yes.
179
180 BULLARD Okay. And that was an eight hour course?
181
182 MORRIS Yes.
183
184 BULLARD Can you describe the Tactical Lifesaver course as to the material it covers,
185 practicals you participate in or lessons plan?
186
187 MORRIS I have (unintelligible).
188
189 BULLARD Are you able to describe that Tactical Lifesaver course, just this material that it
190 covers, practicals you participate in and lessons plan, lesson plans, anything like
191 that?
192
193 MORRIS It - basically it's, it's how to treat life threatening injuries, bullet wounds, stab
194 wounds, how to perform CPR. I don't know what else uhm.
195
196 BULLARD Okay.
197
198 MORRIS It's basically just for in the field care, anybody that's injured, you know, serious
199 wounds, so to get, to get somebody to stop bleeding quickly, get breathing
200 quickly, get a, get him, so, so an ambulance can get in and uh get to him as fast
201 as possible.
202
203 SCHUMACHER Try to stabilize them until
204
205 MORRIS Yeah.
206
207 SCHUMACHER An actual medic unit can get there?
208
209 MORRIS Exactly. Stabilize them.
210
211 SCHUMACHER (Unintelligible).
212
213 BULLARD Have you attended department training that talks about cover and concealment,
214 not referring to anything specifically in there but as far as cover and
215 concealment? departmental training or experience?
216
217 MORRIS Yeah.
218
219 BULLARD Can you explain what that is?
220

221 MORRIS Yes. So concealment is you're, you're hiding yourself behind something but
222 it's not necessarily gonna protect you from any kind of bullets. And cover is
223 you're gonna be concealed behind something that may have protection against
224 bullets like an engine block or stuff like that.
225

226 BULLARD As a Police Officer especially working patrol, how often would you utilize
227 cover or concealment?
228

229 MORRIS Use it often. If you're approaching a house there maybe an armed subject is in,
230 you would, you would approach and consider, you know, like if you use trees or
231 cars as cover or if merely there's just bushes out front, that's only going to
232 conceal you, so. It's on a fairly regular basis you're thinking about that.
233

234 BULLARD Have you been trained the concepts of contact arrest teams?
235

236 MORRIS Yes.
237

238 BULLARD Can you explain what that is?
239

240 MORRIS It's basically having a plan put in place where you have the officers have less
241 lethal, lethal, possibly some kind of shield, we have one officer that's gonna be
242 verbal commands. And you would - once you have less - the suspect or engage
243 the suspect, you would have a plan on how you're gonna engage the suspect.
244

245 BULLARD Okay. Have you been trained on the concepts of cover officers?
246

247 MORRIS Yes I have.
248

249 BULLARD Can you explain what that is?
250

251 MORRIS It's a - so if you have officers that are gonna move from one spot to another,
252 you have officer cover him make sure that area is gonna be safe for that officer
253 to move. Another is just you wouldn't go into something by yourself knowing
254 there might be a potential for danger. You know another officer is gonna cover
255 you and help you out.
256

257 BULLARD Okay. Are these contact teams and cover officers a common practice in police
258 work?
259

260 MORRIS Yes it is.
261

262 BULLARD And that's for officer safety reasons?
263

264 MORRIS Yes.

265
266 BULLARD And have you received training relating to tactics and strategies for armed
267 subjects?
268
269 MORRIS Yes I have.
270
271 BULLARD Okay. Have you utilized those tactics and strategies throughout your career?
272
273 MORRIS Yes I have.
274
275 BULLARD Is distance a key factor for officer safety?
276
277 MORRIS Yes it is.
278
279 BULLARD Can you elaborate a little bit on that?
280
281 MORRIS Yeah you have time to react to any suspects movement, you - the more distance
282 you have, the more time you have to react to the - if the suspect's gonna shoot at
283 you, it's less likely you're going to be shot at. I mean less likely that they'll be
284 able to zero in on the target if you're further away. Yeah. That's
285
286 BULLARD Okay. Have you been involved in any officer involved shootings other than this
287 case?
288
289 MORRIS No. I don't think I have. I can't remember any.
290
291 BULLARD Okay. Would you agree that all SAC PD officers have been trained and have
292 some of the experience in the areas that we've talked about here especially with
293 cover, concealment, contact teams?
294
295 MORRIS Yes I do.
296
297 BULLARD Okay. Referring to your observations written by you in relation to this case, did
298 you review any video whether body worn camera or any other kind of video
299 prior to writing and submitting your observations?
300
301 MORRIS Don't recall reviewing the video prior to writing my observations.
302
303 BULLARD Okay. To your knowledge was all your equipment including your body worn
304 camera functioning properly at the beginning of your shift on March 18, 2018?
305
306 MORRIS Yes.
307
308 BULLARD Were you on duty March 18, 2018 at 9:27 pm?

309
310 MORRIS March 19?
311
312 BULLARD March
313
314 MORRIS Eighteenth.
315
316 BULLARD eighteenth 2018, 9:27 pm.
317
318 MORRIS Yes.
319
320 BULLARD Was your identifier 3SAM5?
321
322 MORRIS Yes it was.
323
324 BULLARD And you were a mid-watch patrol supervisor at this time. Is that correct?
325
326 MORRIS Yes.
327
328 BULLARD Do you recall what your hours were for this shift?
329
330 MORRIS Fourteen thirty hours to zero zero thirty hours.
331
332 BULLARD On March 18, 2018 2127 hours did you respond to a call for service in the area
333 of [REDACTED] 29th Street regarding a car clout or a car burglary that resulted in an
334 officer involved shooting?
335
336 MORRIS Yes I did.
337
338 BULLARD And per the CAD Call 18-82449 it indicates your en route and on scene time as
339 2141 hours. Is that correct?
340
341 MORRIS I think, let me see here. I think in my observations I wrote that I was on scene
342 at 2130 hours? So I don't know if maybe dispatch marked me on scene at
343 2141? And I was on scene at 2130? Because once I arrived on scene I may not
344 have marked, not on scene as soon as I got there just because the nature of the
345 incident was such as it was an emergency I needed to get out of the car quick
346 and go.
347
348 BULLARD The CAD call printout itself though indicates that your en route and on scene's
349 2141 is that correct?
350
351 MORRIS Correct.
352

353 BULLARD Okay. We'll touch on that just a little bit later. Can you summarize the
354 information about the call that you knew at the time that you were responding?
355

356 MORRIS Originally a call came out, it was a car clout in progress. Subject broke out a
357 window of a vehicle and the air unit was en route and Officer Mercadal and
358 Officer Robinet were en route. As they were arriving on scene, a air unit
359 broadcast that the suspect - a suspect broke out a back slider of a house and was
360 jumping a fence and that officers were attempting to catch up to him. Shortly
361 after that, air unit advised that shots were fired. And at the time I was on the
362 phone with somebody getting an update and said, "Gotta go". Started en route
363 Code 3 to the call.
364

365 BULLARD Were you driving a fully marked SPD patrol vehicle and in full SPD uniform?
366

367 MORRIS Yes I was.
368

369 BULLARD And you responded Code 3 to the location of the shooting. Is that correct?
370

371 MORRIS Yes I did.
372

373 BULLARD And where did you respond from if you can recall?
374

375 MORRIS It was the 24th Street Corp Yard, 24th Street and Fernandez area.
376

377 BULLARD An SSD Air Unit STAR responded to this call as well. Correct?
378

379 MORRIS Yes.
380

381 BULLARD What are some concerns or thoughts during your response to this call as a Field
382 Supervisor?
383

384 MORRIS First concern is that officers are okay. Second concern was I need to - if the
385 suspect's okay and need the fire en route. I heard Air call for fire. So I didn't
386 have to call for it myself and so I knew that that was gonna happen. And so I
387 wanted to just get there quickly and see what kind of help I could give once I
388 got there.
389

390 BULLARD Do you recall what information had been broadcast regarding the suspect, if any
391 weapons were involved or any injuries or something, or anything like that?
392

393 MORRIS At one point when the air unit advised that he broke out of the back slider, they
394 said he had some kind of pole or something in his hand. Other than that, I don't
395 recall any other weapons.
396

397 BULLARD And it was determined based on radio updates from STAR that the location at
398 the officer involved shooting occurred at - was in the backyard of [REDACTED] 29th
399 Street. Correct?
400
401 MORRIS Yes.
402
403 BULLARD I'm going to refer to your body worn camera footage here. The date and time
404 stamp labeled as - on this one 2018-03-19 T (Tom) 04:26:38Z (Zebra) for Zulu
405 Time. Does this appear to be your body camera footage?
406
407 MORRIS Yes.
408
409 BULLARD I'm going to fast forward
410
411 ((RECORDING))
412
413 Man 1: right where my light's at that right there. Right at the intersection of
414 Ellenwood, I'm sorry, Ellwood and 29th Street and we copy officers are okay.
415
416 ROBINET One Charles 54. Can't see the subject's hand. Still not moved. 3SAM5 if you
417 can head this way, we could use a body bunker before we detain him.
418
419 ((END RECORDING))
420
421 BULLARD Zero four twenty-nine and forty seconds here. During your response Officer
422 Robinet, 1 Charles 54. Sounds like he verbalizes over the radio to you
423 requesting to bring a body bunker to the location to detain the suspect. Does
424 that sound accurate?
425
426 MORRIS Yes.
427
428 BULLARD What is a body bunker?
429
430 MORRIS It's a hand held shield that will help give cover when approaching a suspect or
431 approaching a house or just it's a shield that somebody will hold.
432
433 BULLARD Okay. Theoretically is a body bunker or ballistic shields practically used to
434 assist officers in making a safe approach on an armed suspect?
435
436 MORRIS Yes.
437
438 BULLARD And this would be to protect officers by shielding them from any gun fire or
439 threats that the suspect may potentially send down range towards officers. Is
440 that correct?

441
442 MORRIS Yes.
443
444 BULLARD Do you recall - did your patrol vehicle have a body bunker in it during this
445 incident?
446
447 MORRIS No it didn't. I had taken one of the older patrol cars that night and I knew it
448 didn't have a body bunker. I had checked prior to shift.
449
450 BULLARD Okay.
451
452 ((RECORDING))
453
454 Radio (Unintelligible).
455
456 ((END RECORDING))
457
458 BULLARD We'll stop right here. So at 0430 and 53 seconds here. Now it appears you
459 arrive on scene here. Correct?
460
461 MORRIS Yes.
462
463 BULLARD Now at 0430 Zulu Time would translate to 2130 hours Pacific Standard Time.
464 So as the CAD call indicates, you arrive on scene at 2141 hours. You actually
465 physically arrive on scene it looks like roughly around 2130 hours. Is that
466 correct?
467
468 MORRIS Correct.
469
470 BULLARD Okay. Based on your training and experience, can you explain why that time
471 discrepancy may exist?
472
473 MORRIS Like, like I said earlier, based on the nature of the incident, it's an emergency
474 type call. I probably didn't press the on scene button or verbalize on the radio
475 that I was on scene. And so it didn't get marked on the CAD call by dispatch
476 until later when the dispatcher realized that I was on scene and that's when the
477 dispatcher probably marked it on the call.
478
479 ((RECORDING))
480
481 Radio (Unintelligible).
482
483 MORRIS What back yard - what back yard you in?
484

485 Radio Okay. That original lane - that original complainant, we need to get him in
486 pocket.
487
488 MORRIS Hey, I don't have a bunker so we'll just have to go in and, and cuff him.
489
490 Radio (part of the driveway here).
491
492 ((END RECORDING))
493
494 BULLARD Okay at 0431 17 seconds looks like you arrive on scene at [REDACTED] 29th Street,
495 come into the backyard. You made contact with the involved officers in the
496 backyard and you advised them you don't have a bunker so we're just going to
497 have to go in and cuff him. Is that correct?
498
499 MORRIS Correct.
500
501 BULLARD Can you explain what that means what you said?
502
503 MORRIS Well I was letting them know I didn't have a shield. We're - I was aware that
504 he hasn't moved since the call came out. The officer announced that on the
505 radio. And, that we needed to get in and start rendering first aid as soon as
506 possible to the sub - subject on the ground. I didn't want to get over and take a
507 look at him before we moved forward though. But I was just letting them know
508 I didn't have a body bunker right now and I don't think we're going to have
509 time to wait for it because we need to get in to give first aid to him.
510
511 BULLARD Okay. So to this point here - to your knowledge at this point, a Sacramento
512 police officer or officers had just been involved in a shooting. Is that correct?
513
514 MORRIS Yes.
515
516 BULLARD Okay.
517
518 ((RECORDING))
519
520 MORRIS What?
521
522 ROBINET Let's get a non-lethal, hit him a couple times with that
523
524 ((Crosstalk))
525
526 TRUJILLO just in case.
527
528 ((END RECORDING))

529
530 BULLARD Zero four thirty-one twenty-two, Officer Robinet sounds like he asks you to get
531 a non-lethal. Does that sound correct?
532
533 MORRIS Yes.
534
535 BULLARD What is a non-lethal?
536
537 MORRIS So to get a pepper ball or a beanbag shotgun. And I think his idea was to hit the
538 suspect on the ground with it to see if he was playing possum and was faking
539 that he was injured. And again, I thought about that. I wanted to take a look for
540 myself. My stress level wasn't as high as theirs and my adrenalin wasn't as
541 pumping as much as theirs. So I wanted to kind of take of the scene before I
542 made that decision to bring in less lethal. And so that's - I took that in as a good
543 suggestion. But I wanted to see for myself what I could see, before moving
544 forward with that idea.
545
546 BULLARD Okay. Let me just back it up a second.
547
548 ((RECORDING))
549
550 ((Crosstalk))
551
552 TRUJILLO Are you good with me grabbing, just in case.
553
554 MORRIS What?
555
556 ROBINET: Let's get a non-lethal, hit him a couple times with that
557
558 TRUJILLO Are you good with me grab -
559
560 ((Crosstalk))
561
562 ((END RECORDING))
563
564 BULLARD So it sounds like Officer Robinet he says 'let's hit him a couple times with
565 that'? after he's referring to the non-lethal. Is that correct?
566
567 MORRIS Yes.
568
569 BULLARD And again, when I asked what that meant to you, you said non-lethal, you said
570 pepper ball, you said a beanbag shotgun and you said with the potential - what
571 he means by that is potentially shooting the suspect to see if he's playing
572 possum?

573
574 MORRIS Correct.
575
576 BULLARD Does that basically mean - when you say playing possum, what exactly, what do
577 you mean by that?
578
579 MORRIS Like, he's laying to wait for officers to get close to jump up and start shooting.
580
581 BULLARD Alright.
582
583 ((RECORDING))
584
585 TRUJILLO Just in case - just in case (unintelligible).
586
587 ROBINET: get a non-lethal, hit him a couple times with that
588
589 ((Crosstalk))
590
591 TRUJILLO Are you good with me grabbing it, just in case. Just in case
592
593 ((Crosstalk))
594
595 ((END RECORDING))
596
597 BULLARD So at 431 24 here Officer Trujillo says, "Are you good with me grabbing it just
598 in case - just in case he's" - what is Officer Trujillo referring to at that time?
599
600 MORRIS She was referring to go get the less lethal and just in case we decided to use it to
601 see if he was laying in, lying in wait.
602
603 BULLARD Okay.
604
605 ((RECORDING))
606
607 TRUJILLO I can't tell. I'll just grab it
608
609 ((Crosstalk))
610
611 ((END RECORDING))
612
613 BULLARD Can you hear what officer Trujillo says there?
614
615 MORRIS Something about 'I can't tell' something.
616

617 BULLARD Something in the effect 'I just can't tell. I'll just grab it'? Does that sound
618 accurate?
619
620 MORRIS Yeah, I don't remember her saying that at the time but that sounds
621
622 ((RECORDING))
623
624 MORRIS What do have on him?
625
626 ((END RECORDING))
627
628 BULLARD And just before I go further here, did you direct Officer Trujillo to go re-
629 retrieve what she was referring to?
630
631 MORRIS I don't remember if I did or not.
632
633 BULLARD Okay.
634
635 MORRIS I don't think I did though.
636
637 BULLARD I think you kind of explained it. So as explaining what a non-lethal or less
638 lethal shotgun - can you explain again how that would be applied in this setting
639 as Officer Robinet suggested?
640
641 MORRIS Well, if he was lying in wait and you - and we were to hit him with a less lethal
642 munition, then he may move to show us that yeah, he's not incapacitated. He
643 might actually just be lying in wait. If somebody was hit with a less lethal, they
644 most likely would move after feeling that impact.
645
646 BULLARD I provided you with General Order 580.12, less lethal weapons system, revision
647 date 10-9-2012. Would you please read aloud the highlighted portions?
648
649 MORRIS It shall be the policy of the Sacramento Police Department to deploy and use
650 less lethal weapons systems as instructed in department training in order to
651 maximize safety of all individuals involved in incident. Definition. Flexible
652 baton round, beanbag and less lethal 2-3/4 inch .12 gauge shotgun round firing a
653 Kevlar bag containing 40 grams of lead shot at velocity of 280 feet per second.
654 The drag stabilized projectile delivers a hundred and twelve feet pounds of
655 energy on impact flexible baton rounds are discharged from a dedicated .12-
656 gauge shotgun that is distinguished by an orange butt stock and fore grip. This
657 round provides accurate and effective performance when fired from the
658 approved distance of not less than five feet but not more than 50 feet to the
659 target. Deployment criteria. Less lethal weapons systems shall only be used in
660 a manner that is consistent with department policy and training guidelines.

661 Officers shall not deploy less lethal weapon system unless specific information
662 reasonably indicates the potential for the system's use. The circumstances of
663 each incident shall dictate the reasonableness of for the deployment. Use of less
664 lethal weapons. Use of the less lethal weapon system shall be consistent with
665 General 580.02, use of force. Number 5. Situations for use of less lethal
666 weapon system may include but are not limited to self-destructive dangerous
667 and/or combative individuals, circumstances where a tactical advantage can be
668 obtained. Tactical considerations. One, if possible a le - a less lethal weapons
669 system is to be utilized, a sufficient number of officers should be assembled to
670 assist with the physical custody of the target - of the targeted subject. The
671 number of additional officers and the response shall be dictated by the dynamics
672 of the incident. Unless extra - extraordinary circumstances exist, consideration
673 will be given to the following responsibilities. Deploying officers. At least one
674 officer to discharge less lethal weapons system, multiple officers with less lethal
675 weapons systems may be utilized in a single incident. The use of K9 and
676 conducted energy device may be - also be appropriate and in concert with less
677 lethal weapons systems. Protection officers. A sufficient number of officers
678 prepared to deliver appropriate force, cover, options given the immediate
679 circumstances. Custody officers. A sufficient number of officers who are
680 responsible for handcuffing and restraining the subjects. Under exigent
681 circumstances nothing in this order shall prohibit an officer from deploying and
682 discharging a less lethal weapon without requesting authorization or having the
683 presence of additional officers.
684

685 BULLARD Even though the less lethal shotgun was not actually deployed or used during
686 this incident, it was considered. After reviewing that general order that you just
687 read aloud, do you feel that this incident on March 18, 2018 would have been a
688 practical use for it?
689

690 MORRIS Yes.

691 BULLARD And why is that?

692 MORRIS Because if he had - he's obviously demonstrated that he was not cooperative
693 with officers and he's resistive. The officers felt that he was a danger. And
694 then if he was actually lying in wait, it, it could be used to help get him into
695 custody without further use of any lethal force.
696
697
698

699 BULLARD Are you aware of other incidents in which a less lethal shotgun would be
700 utilized with similar circumstances?
701

702 MORRIS We had - well, not on somebody that's incapacitated like this. I've - there's
703 been situations where subjects were in vehicles refusing to come out where
704 pepper ball has been shot at the windshield and the pepper ball activated and

705 was able to get the subject out without any other use of force and get him
706 detained. So it's kind of similar to that.
707
708 BULLARD Okay.
709
710 MORRIS I would think.
711
712 BULLARD Anything else or
713
714 BOYD Although you can't remember any specific event
715
716 MORRIS Right.
717
718 BOYD do you recall over the past 22 years in law enforcement that that tactic being
719 used by maybe this department or other departments in a situation that would be
720 similar? And again, you don't have to think of this particular event
721
722 MORRIS No.
723
724 BOYD but have you heard of that occurring?
725
726 MORRIS No, not that I recall. I mean, we've had a guy that was supposedly armed with a
727 machete in the backyard that was hiding in the grass and SWAT officers used a
728 - the pepper ball to shoot it into the grass area to get him to come out. So, I
729 mean - and he may have been lying in wait in that kind of situation. So I've
730 heard of situations like this but not exactly.
731
732 BULLARD On Page 1 of your observations for this report you stated, "The suspect was
733 face-down on the back patio West of [REDACTED] 29th Street. His right hand was up
734 by his face and his left hand was underneath his body. I walked towards the
735 West fence line to get a better look at his hands and I could now see anything in
736 his right hand. I did not see the suspect moving." Is that correct?
737
738 MORRIS Yes.
739
740 BULLARD Okay. Back to your body cam video here.
741
742 ((RECORDING))
743
744 Radio 981 check (unintelligible).
745
746 MORRIS What'd he have on him?
747
748 ((END RECORDING))

749
750 BULLARD Zero four thirty-one and thirty-one seconds here. You asked, "What did he
751 have on him." Is that correct?
752
753 MORRIS Yes.
754
755 BULLARD And what did you mean by that?
756
757 MORRIS What kind of weapon did he have on him?
758
759 BULLARD The suspect?
760
761 MORRIS Yes.
762
763 BULLARD Okay.
764
765 ((RECORDING))
766
767 Radio (Unintelligible).
768
769 ROBINET Like this, something in his hands it looked like gun from our perspective.
770
771 Radio (Unintelligible).
772
773 ((END RECORDING))
774
775 BULLARD Officer Robinet replies to you, "Like this, something in his hands that looked
776 like a gun from our perspective." Does that sound accurate?
777
778 MORRIS Yes.
779
780 BULLARD Do you recall what Officer Robinet showed you or demonstrated to you when
781 he told you this?
782
783 MORRIS No I don't.
784
785 ((RECORDING))
786
787 Radio (Unintelligible).
788
789 ((END RECORDING))
790
791 BULLARD All right. You replied, "Okay." And then it looks like you shine your flashlight
792 towards the suspect and moved west into the backyard area. Is that correct?

793
794 MORRIS Yes.
795
796 BULLARD Okay. Why was that done?
797
798 MORRIS I had been watching the suspect at that time and there was no movement. I
799 couldn't tell - I couldn't see any breathing coming from him. I wanted to get to
800 that side of the field to see if I could see his left hand to see if there's any
801 weapons in it. From what I was looking at from my perspective at that time, he
802 looked incapacitated to me. He didn't look like he was lying in wait for us.
803
804 BULLARD Okay. Now initially it appears that you as well as other officers had stayed at
805 the Northwest corner of [REDACTED] 29th Street as opposed to going out into the open
806 area of the backyard. Can you explain why that is?
807
808 MORRIS The Northwest corner what?
809
810 BULLARD So the Northwest corner it seemed - it appeared that you and along with the
811 other officers stayed by that Northwest corner backyard area of [REDACTED] 29th Street
812 as opposed to going out in the yard.
813
814 MORRIS The cor - the corner of the house?
815
816 BULLARD Yes.
817
818 MORRIS Okay.
819
820 BULLARD Can you explain why that is done?
821
822 MORRIS So we're staying behind the corner of the house for cover and concealment to -
823 in case the suspect was armed and, and lying in wait or possibly still a threat.
824 So we're just staying back there.
825
826 BULLARD That would be considered a position of cover
827
828 MORRIS Yes.
829
830 BULLARD that you guys were in? Okay. Can you describe the overall setting of where the
831 downed suspect was at the time as far as lighting, the backyard condition, visual
832 obstructions like I can back it up if you want?
833
834 MORRIS Yeah, it, it was dark. There was some grass that was a little bit obstructive but
835 not too bad. And he was like laying on a kind of concrete patio or maybe the
836 dirt. Can't remember, can't remember for sure. But he was just - he was in the

837 open. It wasn't - there wasn't like any big objects that - in the way where I
838 could see him.
839
840 BULLARD Okay. Did you have any kind of concerns at that time about addition - potential
841 additional suspects at all?
842
843 MORRIS No. I didn't have any reason to believe there was any other suspects based on
844 the original caller. The air unit didn't see anybody else. The officers didn't
845 mention any other suspects. So not at that time I didn't.
846
847 BULLARD Okay. And then what about the suspect himself? Were you able to clearly see
848 that he was no longer apparently armed or a threat to officers from your vantage
849 point?
850
851 MORRIS From what I could see when I moved over to that position, I could see that he
852 wa - didn't have anything in his right hand. I couldn't completely see his left
853 hand, but from where I could - what I could see, I didn't see anything there.
854 And again, he hadn't been moving the whole time. And the officers advised he
855 hadn't been moving the whole time. I didn't feel he was a threat at that time. I
856 felt he needed first aid at that time.
857
858 BULLARD So when you moved to the west backyard area, you said you could see a clearer
859 view of one of the hands of the suspect's?
860
861 MORRIS Yeah.
862
863 BULLARD You men - and which one was that?
864
865 MORRIS His right hand.
866
867 BULLARD Okay.
868
869 MORRIS Yeah.
870
871 BULLARD In referring to the Tactical Lifesaver course that you took, can you articulate
872 any lesson plans, I know I kind of asked you about the outline earlier. But can
873 you articulate any lesson plans or materials form that course, which would
874 apply in this scenario as why no approach of the suspect had been made to this
875 point?
876
877 MORRIS I think the officers felt that he was a deadly threat and that's - obviously that's
878 why they wanted to wait for additional officers. They're, you know, hoping to
879 get a shield up there and make a safe approach with a group of officers. And
880 they, they wanted to make sure everything was safe before they approached

881 him. They didn't want to - the subject to jump up, start shooting, again. And
882 they - their, their stress levels up a lot higher because of the incident just
883 happened. And so they - just the whole safety reason of just waiting until
884 another - more resources arrived before approaching.
885
886 BULLARD I've earmarked Page 29 of the Tactical Lifesaver course, the student guide.
887 Would you please read aloud the highlighted portions?
888
889 MORRIS Suspect and treatment guidelines. Tactical casualty care during law
890 enforcement special operations is performed in three phases. The first is situ -
891 situational awareness and scene safety. In the first phase you're about to enter a
892 tactical environment of a possible crime scene. Your safety is paramount and
893 the possibility still exists that you or other officers at some point may come
894 under hostile fire. The tactical medic must at all time be fully aware of their
895 surroundings and any potential threats. The likelihood of having to draw your
896 weapon and engage a suspect with deadly force is possible but extremely
897 unlikely. Number 1. Situ - Situational awareness and scene safety. Determine
898 if your surrounding - if your surrounding are free of immediate life threatening
899 concerns. Do not attempt to provide first aid if your own life is in imminent
900 danger.
901
902 BULLARD Does this material that you just read here, does this appear to be consistent with
903 your training regarding the Tactical Lifesaver course that you attended?
904
905 MORRIS Yes.
906
907 BULLARD Okay. In your opinion would this information that you just read aloud, would
908 that apply to this incident on March 18 of 2018?
909
910 MORRIS Yes.
911
912 BULLARD Why?
913
914 MORRIS Because, the officers obviously wanted to wait for additional resources. They
915 asked for additional resources. They couldn't enter the area - I don't think they
916 felt safe entering that area on their own without additional help just for their
917 own officer safety.
918
919 BULLARD And I think you kind of touched on it earlier but I'll just kind of ask it maybe a
920 little differently. Have you been involved in or are you aware of any similar
921 situations where law enforcement delayed their response for an immediate
922 rescue of a suspect that law enforcement had shot or injured?
923

924 MORRIS Can't think of any specific ones. I know I've heard of officer involved
925 shootings where suspects are inside a house and they fire out and officers fire
926 back and then they don't immediately enter even though they haven't heard or
927 seen the suspect for a while. They wait and they get the robot and they come in
928 and they clear each room and that time they'll - they might find the suspect had
929 been shot and died in one of the rooms or something. So yeah. I mean in that
930 kind of situation, yeah, the officers aren't gonna immediately rush into the
931 house right after the shooting. They're going to wait until it's safe and use other
932 resources to
933

934 BULLARD Are there any specific incidents you can think of where police officers have
935 been shot by a suspect that they were trying to rescue?
936

937 MORRIS Yeah. The Daniels incident. It's suspect Daniels wanted for a murder and he
938 was - fled the scene when he was actually going to a witness' house I think to
939 take the witness out. And he - vehicle pursuit ensued and he crashed into
940 another vehicle and he sat in the car and claimed he couldn't move. And so
941 officers came up with a plan to approach the car and once they did, they - he
942 opened fire on them.
943

944 BULLARD Did he actually hit
945

946 MORRIS He
947

948 BULLARD or shoot - actually shoot the officer?
949

950 MORRIS Oh yeah officer
951

952 BULLARD Do you recall which officer?
953

954 MORRIS Sergeant, Sergeant uh
955

956 BOYD: Steve Weinrich
957

958 MORRIS: Weinrich
959

960 BULLARD Weinrich?
961

962 MORRIS Yeah.
963

964 BULLARD Okay.
965

966 ((RECORDING))
967

968 Radio [REDACTED], [REDACTED] and [REDACTED]

969

970 ((END RECORDING))

971

972 BULLARD Now at 0431 48 you appear to begin your approach of the downed suspect. Is
973 that correct?

974

975 MORRIS Yeah. As I moving around the corner here, I could still see he's not moving.
976 He obviously needs medical aid from my perspective because that, like I said,
977 he hadn't moved at all the whole time. And the position that he was laying in to
978 me from my experience that it's not - he's not lying in wait, he's severely
979 injured. And the other officer I hear him say, "Move. Let's move." or "Move
980 forward." And so I knew that those officers were gonna move forward. I didn't
981 think it was unsafe at time, at that time with all those officers there. At that
982 time I thought 'okay', you know, if they're ready to move forward, I'm ready to
983 move forward. And that's why we approached him. And I felt safe because we
984 had four officers there that are all on the same page because we moved forward
985 together.

986

987 BULLARD The Helicopter Air Unit STAR was on scene throughout the entirety of this
988 incident. Is that correct?

989

990 MORRIS Yes.

991

992 BULLARD Did you consider asking the Air Unit to visually verify if the suspect was still
993 armed or a threat while you were waiting?

994

995 MORRIS No.

996

997 BULLARD Any reason why not?

998

999 MORRIS No I didn't think about it.

1000

1001 BULLARD Do you

1002

1003 BOYD Quick question.

1004

1005 BULLARD Yeah.

1006

1007 BOYD Prior to you moving to where you are at 0431 48 did you have a good enough
1008 view? Or did, did you have to move over to get the view to where you could see
1009 it or you felt like 'okay, he doesn't look like he's lying in wait'? Right?

1010

1011 MORRIS Prior to me moving over there?

1012
1013 BOYD Yeah.
1014
1015 MORRIS I still felt he wasn't moving, he was incapacitated, not, not lying in wait.
1016
1017 BOYD Okay.
1018
1019 MORRIS But I did want to move over here to see
1020
1021 BOYD To get a better view.
1022
1023 MORRIS better view to see if I could see any weapons around him.
1024
1025 BULLARD Do you feel that the Air Unit STAR could have realistically verified if the
1026 suspect was still armed or a threat where as a result you could then make a safe
1027 approach?
1028
1029 MORRIS I don't know if they could or not from their vantage point. I, I have no idea if
1030 they would have been able to see that. Like I said, I didn't feel that at that time
1031 when I was moved up - when I saw him for that long laying in that same
1032 position, I didn't feel he was a threat especially when I moved over and I could
1033 still see - I could see more and more the scene.
1034
1035 BULLARD Okay. Prior to your approach of the suspect, was there any kind of tactical plan
1036 made by you as to what officers needed to do?
1037
1038 MORRIS No. So and that's, that's part of - I was trying to get a view to figure out okay,
1039 do, do we need to get anything to, you know, a shield or anything or pepper ball
1040 or use the less lethal? And once the officer said, "Let's move forward" - if I'd
1041 felt at that time that he was still a threat and that the four of us couldn't safely
1042 approach him? then I'd have said 'no let's not, let's back off and do something
1043 else'. But from my vantage point, my experience, I didn't think he was a threat
1044 at that time.
1045
1046 BULLARD So was anybody specifically designated as like a cover officer, hands officer or
1047 anything like that prior to your approach of the suspect?
1048
1049 MORRIS No.
1050
1051 BULLARD When you ultimately made the approach to the suspect this was conducted
1052 without a body bunker or a - and without a less lethal shotgun. Is that correct?
1053
1054 MORRIS Not - it was without a shield or body bunker that - I don't know. I don't think
1055 Trujillo had come back with it.

1056
1057 BULLARD Tru - Trujillo?
1058
1059 MORRIS Trujillo had came back with the less lethal yet or not. I'm not sure.
1060
1061 BULLARD Were any other less lethal tools deployed by officers or yourself as a precaution
1062 before or during your approach of the suspect?
1063
1064 MORRIS I don't know if any of the other officers had less lethal out when we
1065 approached.
1066
1067 BULLARD I'm going to go to back to your body cam here.
1068
1069 ((RECORDING))
1070
1071 ROBINET Hey, one of you guys want to go hands cover him? I -
1072
1073 Radio (Unintelligible).
1074
1075 ((END RECORDING))
1076
1077 BULLARD So at 0431 and 56 on your camera you appear to make physical contact with the
1078 suspect by grabbing his left wrist arm?
1079
1080 MORRIS: Mm-hmm.
1081
1082 BULLARD: And bringing that arm around to the suspect's back. Is that correct?
1083
1084 MORRIS Yes.
1085
1086 ((RECORDING))
1087
1088 TAYLER Waistband?
1089
1090 MORRIS Yeah. And we need start - CPR.
1091
1092 ((END RECORDING))
1093
1094 BULLARD At 0432 07 Officer Tayler says "Waistband" and you reply, "Yeah and start
1095 CPR." Is that correct?
1096
1097 MORRIS Yes.
1098

1099 BULLARD On Page 1 of your observations you stated the suspect was still not responding
1100 and he did not appear to be breathing. Is that correct?
1101
1102 MORRIS Correct.
1103
1104 BULLARD And to your understanding the suspect had likely been struck by officers'
1105 gunfire. Is that correct?
1106
1107 MORRIS Yes.
1108
1109 ((RECORDING))
1110
1111 MORRIS Three Sam Four, Or Sam 5. Send fire in Code 3.
1112
1113 ((END RECORDING))
1114
1115 BULLARD So 0432 and 11 you broadcast on your portable radio to dispatch to send in fire
1116 Code 3. Is that correct?
1117
1118 MORRIS Yes.
1119
1120 BULLARD And requesting fire Code 3 is a request for fire and medics to respond urgently
1121 and immediately without delay. Is that accurate?
1122
1123 MORRIS Yes.
1124
1125 BULLARD And this is done in order to render emergency medical aid to the suspect. Is that
1126 accurate?
1127
1128 MORRIS Yes.
1129
1130 ((RECORDING))
1131
1132 Radio (Unintelligible).
1133
1134 MORRIS Did you fire?
1135
1136 ROBINET Yes.
1137
1138 MORRIS Come over here.
1139
1140 ROBINET We both did.
1141
1142 ((END RECORDING))

1143
1144 BULLARD So at 0432 23 you asked Officer Robinet if he fired. Is that correct?
1145
1146 MORRIS Yes.
1147
1148 BULLARD And Officer – Ro - I’m sorry. Officer Robinet replies, “Yes. We both did.” Is
1149 that accurate?
1150
1151 MORRIS Yes.
1152
1153 BULLARD Okay.
1154
1155 ((RECORDING))
1156
1157 MORRIS Both of you did?
1158
1159 ROBINET Yeah.
1160
1161 MORRIS How many, how many rounds did you
1162
1163 ((END RECORDING))
1164
1165 BULLARD You appear to lead Officer Robinet over to the North end of the yard. Is that
1166 correct?
1167
1168 MORRIS Yes.
1169
1170 BULLARD Back up just a little bit here.
1171
1172 ((RECORDING))
1173
1174 MORRIS How many, how many rounds did you fire and which direction sir?
1175
1176 ((END RECORDING))
1177
1178 BULLARD So at 0432 28 you confirm with Officer Robinet, “Both of you did?” and
1179 Officer Robinet replies, “Yeah.” And you ask, “How many rounds did you fire
1180 and which direction sir?” Is that correct?
1181
1182 MORRIS Yes.
1183
1184 BULLARD What’s the purpose of brining Officer Robinet to this portion of the backyard
1185 and asking these questions?
1186

1187 MORRIS Well, when we had turned over the suspect, I could see a large wound in his
1188 neck. And part of the reason I wanted to get Robinet and Mercadal away from
1189 that is just for their mental health is one thing. And, and then I started asking
1190 the other quest - their questions of how many rounds and which way did you
1191 fire for a public safety statement to determine where do I need to look, see if
1192 there's anybody else on the other side of the fence hit? where was the -
1193 obviously the suspect was there so I know if he shot back? he would have shot
1194 back towards them? and so I'd know where to look for a possible other victims
1195 or - and just - it's just for the public safety statement, this portion is why I asked
1196 those questions.

1197
1198 ((RECORDING))

1199
1200 ROBINET We both shot Southbound. I shot about five times.

1201
1202 ((END RECORDING))

1203
1204 BULLARD So at 0432 33 Officer Robinet advises you or replies to you that he shot in a
1205 Southbound direction and believed he fired about five times but wasn't sure. Is
1206 that correct?

1207
1208 MORRIS Yes.

1209
1210 ((RECORDING))

1211
1212 ROBINET I don't know exactly how many but I

1213
1214 ((Crosstalk))

1215
1216 MORRIS Come out here. And who were you with?

1217
1218 ROBINET Mercadal.

1219
1220 MORRIS Merca-

1221
1222 ((END RECORDING))

1223
1224 BULLARD Okay. Officer Robinet advises you that Officer Mercadal was with him when
1225 this incident, or when this occurred. Is that correct?

1226
1227 MORRIS Yes.

1228
1229 ((RECORDING))

1230

1231 MORRIS Come out here. And who were you with?
1232
1233 ROBINET Mercadal.
1234
1235 MORRIS Mercadal. All right.
1236
1237 ((END RECORDING))
1238
1239 BULLARD So at 432 45 you called out to Officer Mercadal to have him come to you. Is
1240 that correct?
1241
1242 MORRIS Yes.
1243
1244 BULLARD And what was the reason for that?
1245
1246 MORRIS To also get a public safety statement from him.
1247
1248 ((RECORDING))
1249
1250 MERCADAL We're gonna need uh CPR stuff
1251
1252 ((Crosstalk))
1253
1254 MORRIS Come on. You want to go get your mask first?
1255
1256 MERCADAL Mask?
1257
1258 MORRIS Yeah. Go ahead and grab your light.
1259
1260 MERCADAL That's my light.
1261
1262 MORRIS Okay.
1263
1264 ((END RECORDING))
1265
1266 BULLARD Okay. You told Officer Mercadal to get his mask after he advised they needed
1267 "CPR stuff". Is that correct?
1268
1269 MORRIS Yes.
1270
1271 ((RECORDING))
1272
1273 MERCADAL: We need a mask.
1274

1275 MORRIS Good, yeah. Can you bring your mask?
1276
1277 MERCADAL Rescue mask?
1278
1279 ((END RECORDING))
1280
1281 BULLARD So it appears here that you escort Officers Robinet and Mercadal towards the
1282 front of the property. Correct?
1283
1284 MORRIS Yes.
1285
1286 BULLARD And again, the reason for that would be?
1287
1288 MORRIS Well, I wanted to get them away from the scene where the suspect was just for
1289 their, their mental health for one. Also because I need to still get Mercadal's
1290 public safety statement. He was gonna assist getting a mask but that, another
1291 officer was there so I just asked them to get the mask. And I kind of was like
1292 stuck where I was like 'okay, I don't want to leave Tayler by himself back here
1293 but I also don't want to leave these guys by themselves". I need officers with
1294 them. And just to separate them from the scene at that time.
1295
1296 ((RECORDING))
1297
1298 MERCADAL: Rescue mask? CPR?
1299
1300 MORRIS: I got it. I got it. Go ahead and go with him.
1301
1302 Radio (Unintelligible).
1303
1304 TAYLER: Wake up breathe for me.
1305
1306 Radio (unintelligible) need help (unintelligible) backyard where he ran South from
1307 [REDACTED].
1308
1309 MORRIS As soon as your partner gets back I'll make sure fire gets back to you.
1310
1311 ((END RECORDING))
1312
1313 BULLARD So at 0433 37 you advise Officer Tayler, "Soon as your partner gets back here
1314 I'll make sure fire gets back to you." Is that correct?
1315
1316 MORRIS Yes.
1317
1318 BULLARD And what did you mean by that?

1319
1320 MORRIS I knew she was going to get her first aid kit and CPR mask to come help him
1321 with first aid and CPR. And then I was gonna make sure fire knew exactly what
1322 backyard they were, we're in to get them back there as quick as possible.
1323
1324 BULLARD And when you say she, you mean Officer Trujillo?
1325
1326 MORRIS Yes.
1327
1328 ((RECORDING))
1329
1330 Radio STAR clear the way for fire to enter, they're coming in from the South. Make
1331 sure you clear the way for fire to enter from the South.
1332
1333 ((Crosstalk))
1334
1335 MORRIS Right there, I'll, I'll direct them back here.
1336
1337 ((END RECORDING))
1338
1339 BULLARD So 0433 52 Officer Trujillo appears to go in the backyard where Officer Tayler
1340 is. Correct?
1341
1342 MORRIS Yes.
1343
1344 BULLARD And you advised both officers that you would direct fire to them?
1345
1346 MORRIS Yes.
1347
1348 BULLARD And did you mean that you would direct fire and medic or medics or the fire
1349 department to where the suspect was?
1350
1351 MORRIS Correct.
1352
1353 ((RECORDING))
1354
1355 Radio (Unintelligible).
1356
1357 MORRIS Three SAM four or five. I'm gonna need at least five more units out here. I
1358 need a two officer car here at the front at the scene.
1359
1360 Radio (Unintelligible).
1361
1362 MORRIS How many rounds did you fire?

1363
1364 ((END RECORDING))
1365
1366 BULLARD Zero four thirty-four thirty-three after you've come back to the front of the
1367 property you ask Officer Mercadal how many rounds he fired. Is that correct?
1368
1369 MORRIS Yes.
1370
1371 ((RECORDING))
1372
1373 MERCADAL I think maybe, maybe six, maybe five or six.
1374
1375 MORRIS In that direction?
1376
1377 MERCADAL Yes.
1378
1379 ((END RECORDING))
1380
1381 BULLARD And Officer Mercadal replies, "Maybe five or six." Is that correct?
1382
1383 MORRIS Yes.
1384
1385 ((RECORDING))
1386
1387 MORRIS Okay.
1388
1389 ((END RECORDING))
1390
1391 BULLARD Now it sounded like you asked him "in that direction"?
1392
1393 MORRIS Yes.
1394
1395 BULLARD Do you recall what direction you were indicating to him there?
1396
1397 MORRIS Yes.
1398
1399 ((RECORDING))
1400
1401 MERCADAL Yeah
1402
1403 ((END RECORDING))
1404
1405 MORRIS I believe I pointed Southbound, the same direction that Officer Robinet said he
1406 fired to verify that they fired in the same direction.

1407
1408 ((RECORDING))
1409
1410 MORRIS That's alright. Don't worry about it, man.
1411
1412 ((Crosstalk))
1413
1414 Man (Unintelligible).
1415
1416 MORRIS Yeah. Can you tape off? The front of this house?
1417
1418 Man Tape it off?
1419
1420 MORRIS No, not you. Could you tape off the front of the house for me?
1421
1422 ((Crosstalk))
1423
1424 Man Yeah.
1425
1426 MORRIS We'll have fire. You guys? He's straight through here.
1427
1428 Man In the back?
1429
1430 MORRIS Yup. And to the left. There's officers back there with him.
1431
1432 Man Okay.
1433
1434 ((END RECORDING))
1435
1436 BULLARD 0435 07 you appear to tell fire and medics, "You guys, he's straight through
1437 here." Medics reply, "In the back." And you reply, "Yeah. And to the left
1438 there's officers back there with him." Is that correct?
1439
1440 MORRIS Yes.
1441
1442 BULLARD And to clarify, you're directing fire and medics to the backyard location of [REDACTED]
1443 29th Street where the downed suspect is. Correct?
1444
1445 MORRIS Yes.
1446
1447 ((RECORDING))
1448
1449 ((Crosstalk))
1450

1451 Man That's the direction we
1452
1453 MORRIS Yeah. And that, I'll have these officers do that.
1454
1455 Radio (Unintelligible).
1456
1457 ((END RECORDING))
1458
1459 BULLARD So at 0435 38 you deactivate your body worn camera. Is that correct?
1460
1461 MORRIS Yes.
1462
1463 BULLARD I provided you with General Order 525.07, body worn camera, revision date 4-
1464 26-17. Would you please read aloud the highlighted portions.
1465
1466 MORRIS Policy. It shall be the policy of Sacramento Police Department to utilize a body
1467 worn camera in a manner that will assist in criminal prosecutions or civil
1468 litigation by providing a recording of the incident that may supplement an
1469 employee's report and help document professional police conduct. A. General.
1470 Number 1. All officers issued a body worn camera are required to wear and use
1471 their body worn cameras while working in uniform. A uniform is to be
1472 considered standard uniform as well as any apparel as tactical/raid vests that
1473 identifies the wearer as a police officer. Two. Body worn camera video
1474 provides additional information regarding an investigation or enforcement
1475 contact with a member of the public as body worn camera recordings provide a
1476 only limited perspective of the encounter. All other available evidence such as
1477 witness statements, officer interviews, forensic analysis and documentary
1478 evidence should be considered before any conclusions are reached. Number
1479 three. Body worn cameras should assist in the following. A. Documenting an
1480 initial police response. Subsection B. Employee responsibility. Number 2.
1481 Employees assigned a body worn camera shall, C, affix their issued body worn
1482 cameras to their uniforms at the beginning of their shift in accordance with
1483 training and the manufacturer's guidelines. The body worn camera shall be
1484 worn for the entire shift. Subsection C. Required activation of body worn
1485 camera. This policy is not intended to describe every possible situation in
1486 which the body worn camera should be utilized. Not all situations will clearly
1487 start out as necess - necessitating the activation of the body worn camera or nor
1488 will all events have a clear ending when the body worn camera is no longer
1489 necessary. Three. Employees shall activate their body worn cameras during
1490 any enforcement or investigative activity whether self-initiated or in response to
1491 a dispatched call. Examples include but are not limited to the following. When
1492 conducting pedestrian and vehicle context, contacts while responding to any in
1493 progress just occurred or any other call for service in which the fleeing suspect
1494 and/or vehicles may be captured leaving the crime scene. When responding to

1495 calls reportedly involving weapons or violence. When pursuing a suspect on
1496 foot. During Code 3 responses including vehicle pursuits regardless of whether
1497 the vehicle is equipped with an in car camera system. While executing searches
1498 of individuals, vehicles, buildings and other places. When conducting arrests,
1499 detentions and/or citations. Subsection D. Deactivation of the body worn
1500 camera. Except as listed below, once activated officers shall not deactivate their
1501 body worn cameras until the investigative or enforcement activity involving a
1502 member of the public has reasonably concluded. If enforcement or investigative
1503 activity with a member of the public resumes, the officer shall reactivate the
1504 body worn camera and continue recording. Employees may deactivate the body
1505 worn camera at any time based on their discretion in the following
1506 circumstances. Where the employee is discussing - discussing tactical or
1507 confidential information with other law enforcement personnel during briefings
1508 or during conversations with confidential informants. When it is necessary to
1509 discuss issues or concerns with an employee, supervisor, doctor, nurse or
1510 paramedic in private. Details regarding the reason for deactivation should be
1511 recorded and documented when appropriate.

1512
1513 BULLARD After reviewing that, can you explain your reason for deactivating your body
1514 worn camera at the time that you did?

1515
1516 MORRIS Yeah. At that time I was in a call - I was calling the watch commander on duty
1517 and I was going to discuss the call with him on the phone. And also the
1518 investigation from my part was completed and main - mainly was going to at
1519 that point set up a crime scene and, and direct officers do a canvas and other
1520 things. But for me I wasn't gonna be in contact with taking statements with the
1521 public or anything at that point.

1522
1523 BULLARD Would the watch commander be a lieutenant?

1524
1525 MORRIS Yes.

1526
1527 BULLARD Would the lieutenant or watch commander be your supervisor?

1528
1529 MORRIS Yes.

1530
1531 BULLARD After reviewing this policy, in your opinion do you feel you - that you complied
1532 with that policy?

1533
1534 MORRIS Yes I do.

1535
1536 BULLARD For the record in reviewing body worn camera footage approximately four
1537 minutes fifty-seven seconds elapsed between when Officer Robinet's and
1538 Officer Mercadal's gunfire ceased to the point when you first made physical

1539 contact with the suspect Stephon Clark, approximately 59 seconds after that
1540 officers began CPR on Clark. Does that sound accurate?
1541
1542 MORRIS It does.
1543
1544 BULLARD I provided General Order 522.02, emergency care for individuals under police
1545 care or control, revision date 5-15 of 2017. Would you please read aloud the
1546 highlighted portions of Policy and Section A1 and 2?
1547
1548 MORRIS Policy. It shall be the policy of the Sacramento Police Department to provide
1549 emergency medical treatment to individuals under police care or control while
1550 ensuring their safety and that of others during treatment. A. Emergency
1551 medical treatment. Number 1. Officers having any doubt concerning a person's
1552 condition shall request emergency medical assistance. Number 2. Officers
1553 shall provide first aid to injured parties if it can be done safely. Subsection C.
1554 Emergency medical authority. Number 1. The highest level paramedic
1555 emergency medical technician on scene is in charge and responsible for the
1556 examination, treatment and transportation of medical patients.
1557
1558 BULLARD That's - you don't have to go on any further on that.
1559
1560 MORRIS Okay.
1561
1562 BULLARD Between the point of officers using deadly force and treating the suspect in this
1563 case and just prior to officers making physical contact with the suspect, in your
1564 opinion was the suspect under police care and control as stated in 522.02? So
1565 between when the shots are fired and just prior to the point of you making
1566 contact with the suspect as defined under police care and control 522.02, would
1567 you consider him to have been under police care and control?
1568
1569 MORRIS Yes. But I feel that not necessarily safe to administer first aid that whole time
1570 he was under our control. It -
1571
1572 BULLARD But would you consider - would you - in your opinion would you consider the
1573 suspect under your care and control prior to being able to make physical contact
1574 with him?
1575
1576 MORRIS I'm not sure I understand the question. Not - I can't say he's under our care and
1577 control until we've actually made contact with him because up to that point
1578 who's to say he was not injured and he jumps up and takes off? So I would say
1579 no. Not until we actually get a hold of him. Then we can start first aid.
1580

1581 BULLARD In your opinion do you feel you were able to provide first aid to the suspect
1582 safely as stated in Section A Subsection 2 any sooner than when you made your
1583 eventual approach of the downed suspect?
1584

1585 MORRIS No. Not safely. I think that once we had additional officers there then it was
1586 safe to move in and, and take control of him and start first aid, but not prior to
1587 that.
1588

1589 BULLARD Would it have been reasonable to direct fire and medics to enter the scene and
1590 medically treat the suspect prior to officers safely securing the scene and
1591 arresting or detaining the suspect?
1592

1593 MORRIS No. That's why I told off - the medic or the fire personnel that showed up -
1594 that's why I told them that officers were back there with him to let them know
1595 they're safe to enter.
1596

1597 BULLARD Okay.
1598

1599 MORRIS Yeah. I would never had sent them in there before that - before we actually had
1600 him detained.
1601

1602 BULLARD Based on your knowledge and experience as a Police Officer, will the fire
1603 department or medics enter a crime scene that has not been secured yet or
1604 deemed safe to enter by law enforcement?
1605

1606 MORRIS No they won't.
1607

1608 BULLARD In your opinion, do you feel it was reasonable for officers to delay their
1609 approach of the subject for the amount of time that they did?
1610

1611 MORRIS Yes.
1612

1613 BULLARD As we alluded to earlier, as you know, the sus - the individual who had died as a
1614 result of this officer involved shooting was Stephon Clark. Did you know
1615 Stephon Clark prior to this incident?
1616

1617 MORRIS No I don't - no I didn't.
1618

1619 BULLARD To you knowledge have you ever had any interactions or dealings with Stephon
1620 Clark prior to this incident?
1621

1622 MORRIS No.
1623

1624 BULLARD If you were to respond to this call again, is there anything that you would have
1625 done differently?
1626
1627 MORRIS Nothing that I can think of. With everyth – everything in the way the thing was
1628 - or moving, I felt like we did the best we could with the, with the whole
1629 situation and that like - I don't know. I think - I don't think I can think of
1630 anything else that we could have done different.
1631
1632 BULLARD Sergeant Schumacher?
1633
1634 SCHUMACHER I have nothing.
1635
1636 BULLARD Mick?
1637
1638 BOYD Nothing sir.
1639
1640 SCHUMACHER All right.
1641
1642 BULLARD Do you have anything to add at all regarding this incident or interview today?
1643
1644 MORRIS No I don't.
1645
1646 SCHUMACHER Okay. In closing if there's anything else related to this matter that we have not
1647 covered that needs to be added, clarified or changed, I am ordering you to
1648 provide that information now.
1649
1650 MORRIS Okay.
1651
1652 SCHUMACHER Nothing?
1653
1654 MORRIS I don't have anything.
1655
1656 SCHUMACHER After you leave the interview should you remember anything that is different
1657 from or in addition to the information we've -you've given today, I am ordering
1658 you to contact Sergeant Bullard immediately. I'm also ordering you not to
1659 discuss this matter with any other department employee. Do you understand
1660 these orders?
1661
1662 MORRIS Yes.
1663
1664 SCHUMACHER All right.
1665
1666 BULLARD Fifteen fifty-seven hours.
1667

1668 SCHUMACHER Yes. Terminating 1557.

1669

1670 **End of recording.**

1671

1672 The transcript has been reviewed with the audio recording submitted and it is an accurate
1673 transcription.

1674

1675

Sgt. Ryan Bullard

1676 Signed _____

Sgt. Ryan Bullard

1677

INTERVIEW WITH OFC. CHRISTINA TRUJILLO

ALONSO=Det. Lilia Alonso

BULLARD=Sgt. Ryan Bullard

BOYD=Mick Boyd

ROBINET=Ofc. Jared Robinet

TAYLER=Ofc. Tayler

MERCADAL=Ofc. Terrence Mercadal

MORRIS=Sgt. John Morris

LUNDGREN=Ofc. Brandon Lundgren

TRUJILLO=Ofc. Christina Trujillo

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8
9
10
11
12
13 ALONSO: All right. The date is May 9, 2019. The time is 10:35 in the morning. Present
14 in the Internal Affairs Division Office are Christina Trujillo, Mick Boyd,
15 Sergeant Ryan Bullard, and myself, Detective Lilia Alonso. The purpose of this
16 meeting is to conduct an interview of Christina Trujillo who is an employee of
17 the Sacramento Police Department in the capacity of Police Officer. This is an
18 administrative investigation on the charges of neglect of duty and improper
19 tactics involving Jared Robinet and Terrence Mercadal. This is an
20 administrative investigation only on those charges. Do you understand that?

21
22 TRUJILLO: Yes.

23
24 ALONSO: However, since the allegations indicate, indicated that a criminal - that a crime
25 may have been committed, I am advising you that you have the right to remain
26 silent. Anything you say may be used against you in court. You have the right
27 to the presence of an attorney before and during any questioning. If you cannot
28 afford an attorney, one will be appointed to you free of charge before any
29 questioning if you want. Do you understand each of those rights that I have
30 explained to you?

31
32 TRUJILLO: Yes.

33
34 ALONSO: Having those rights in mind, do you wish to talk to us now?

35
36 TRUJILLO: No.

37
38 ALONSO: Although you have the right to remain silent and not to incriminate
39 yourself, your silence can be deemed insubordination and result in
40 administrative discipline. Do you understand that based upon the authority
41 vested in me by the Chief of Police I am ordering you to answer all of our
42 questions?

43
44 TRUJILLO: Yes.

45
46 ALONSO: Any statement made under compulsion of a threat of discipline cannot be used
47 against you in a later criminal proceeding. However, if you do not answer our
48 questions truthfully and, and fully, a charge of insubordination may be imposed,
49 which could result in discipline up to and including termination. Do you
50 understand this is only an administration - administrative investigation?
51
52 TRUJILLO: Yes.
53
54 ALONSO: Do you understand the allegations?
55
56 TRUJILLO: Yes.
57
58 ALONSO: Do you understand that I am ordering you to answer our questions and that if
59 you do not answer them truthfully and fully, it could result in disciplinary action
60 up to and including termination?
61
62 TRUJILLO: Yes.
63
64 BULLARD: For the record please state and spell your name.
65
66 TRUJILLO: Christina Trujillo. Christina is C-H-R-I-S-T-I-N-A. Trujillo is T-R-U-J-I-L-L-
67 O.
68
69 BULLARD: Did you graduate from the Sacramento Police Academy?
70
71 TRUJILLO: Yes.
72
73 BULLARD: When did you graduate?
74
75 TRUJILLO: In 2007, March I believe or April. Should know this.
76
77 BULLARD: Do you have any prior law enforcement experience?
78
79 TRUJILLO: No.
80
81 BULLARD: Have you had any kind of specialized training or assignment - actually scratch
82 that question. What's your current assignment and shift?
83
84 TRUJILLO: I'm currently assigned to the South Gang Enforcement Team. I work a
85 [REDACTED] shift.
86
87 BULLARD: How long have you been in your current assignment?
88

89 TRUJILLO: Since December and prior to that it was part of the same team but the Shot-
90 Spotter position.
91
92 BULLARD: What was your assignment and shift in March of 2018?
93
94 TRUJILLO: I was assigned to the South GET Shot-Spotter Team.
95
96 BULLARD: South GET?
97
98 TRUJILLO: Mm-hmm.
99
100 BULLARD: G-E-T?
101
102 TRUJILLO: Yes.
103
104 BULLARD: Have you had any kind of specialized training or assignment with the
105 Sacramento Police Department?
106
107 TRUJILLO: Yes. That's the, the Gang Enforcement Team.
108
109 BULLARD: Shot-Spotter Gang Enforcement?
110
111 TRUJILLO: Yeah.
112
113 BULLARD: Anything else?
114
115 TRUJILLO: Just TDY's.
116
117 BULLARD: Such as?
118
119 TRUJILLO: To the neighborhood crimes unit to Crime Suppression Unit, the Crisis
120 Negotiations Team and Peer Support.
121
122 BULLARD: Prior to this interview I provided you and your representative with your body
123 worn camera footage from March 18, 2018 relating to CAD Call 18-82449, a
124 video recording of your interview with homicide detectives on October 10, 2018
125 relating to SPD Case 18-82449, your statement and observations relating to
126 SPD Case 18-82449, a CAD call printout for Call 18-82449, an audio recording
127 of radio traffic relating to SPD CAD 18-82449, a transcription of the radio
128 traffic relating to SPD CAD 18-82449, an aerial photo of [REDACTED] 29th Street from
129 SPD Case 18-82449, a copy of your POST training record, a 2018 SPD CPT
130 First Aid CPR update course outline, a three page Law Enforcement Tactical
131 Lifesaver course outline, a 90 page Tactical Lifesaver course student guide
132 booklet, General Order 580.12, revision date 10-9-2012, General Order 522.02,

133 revision date 5-16 of 2017, and General Order 525.07, revision date 4-26-2017.
134 Have you had a chance to review these?
135
136 TRUJILLO: Yes.
137
138 BULLARD: And for the record, these general orders were the current policies in place on
139 March 18 of 2018. We're here to conduct an administrative interview with you
140 regarding SPD Case 18-82449, an officer involved shooting, which you were
141 involved in on March 18 of 2018. Prior to our interview here have you read or
142 reviewed any materials pertaining to this case 18-82449 such as reports, press
143 releases, statements, video?
144
145 TRUJILLO: Yes.
146
147 BULLARD: What would those be? What were those entail?
148
149 TRUJILLO: My observations and the documents that you provided. I've also seen stuff on
150 the media.
151
152 BULLARD: And anything in particular that you've seen on the media when you say that?
153
154 TRUJILLO: Just like news stories and the DA's release of their decision.
155
156 BULLARD: Okay. Have you received training in emergency first aid and CPR?
157
158 TRUJILLO: Yes.
159
160 BULLARD: And specifically what training?
161
162 TRUJILLO: We had - I've had multiple trainings throughout my career. I marked it here on
163 this - on my POST training. Do you want me to -
164
165 BULLARD: If you're able just to refer to the most recent one leading up to March 18 of
166 2018, so anything most recent and prior to that date.
167
168 TRUJILLO: I had an update in February 26, 2018.
169
170 BULLARD: And that was SPD First Aid CPR update?
171
172 TRUJILLO: Yes.
173
174 BULLARD: Okay. Did you also attend what's called a Tactical Lifesaver course?
175
176 TRUJILLO: Yes I did.

177
178 BULLARD: And when was the date of that?
179
180 TRUJILLO: October 9, 2014.
181
182 BULLARD: And was that an eight - eight hour course?
183
184 TRUJILLO: Yes.
185
186 BULLARD: Okay. Can you describe the Tactical Lifesaver course as to the material it
187 covers, any practicals that you participate in or lessons plans – lesson plans or
188 anything like that, that -
189
190 TRUJILLO: Do we have this here? Can I look at that? I'm sorry, can you repeat the question
191 one more time?
192
193 BULLARD: Yeah. And it's not referring to specific lines on these here but can you describe
194 the Tactical Lifesaver course as to the material it covers, practicals you
195 participated in, lesson plans?
196
197 TRUJILLO: Yeah.
198
199 ((Crosstalk))
200
201 TRUJILLO: In general, from what I remember they obviously taught us some first aid and
202 CPR, reviewed that. We also talked about just our situational awareness and
203 rescue situations and just providing medical care whether for officers or
204 suspects or community members.
205
206 BULLARD: Community members?
207
208 TRUJILLO: Yeah.
209
210 BULLARD: Okay. Have you attended department training that talks about cover and
211 concealment?
212
213 TRUJILLO: Yes.
214
215 BULLARD: Can you explain what that is?
216
217 TRUJILLO: Cover is a position where more of safety where you're going, you know, it
218 would - if you're being fired upon, you would have some type of protection
219 from that. Concealment is more just to not necessarily protect you from if shots

220 are fired but more of just to hide your position and give you a position of
221 advantage but it won't necessarily protect you.
222
223 BULLARD: As a Police Officer especially working patrol, how oft – how often would you
224 utilize cover and concealment?
225
226 TRUJILLO: Often. Very often. Daily.
227
228 BULLARD: Have you been trained the concepts of contact arrest teams?
229
230 TRUJILLO: Yes.
231
232 BULLARD: Can you explain what that is?
233
234 TRUJILLO: There's different types of contact arrests and I know there's like a three man,
235 five man, usually you have different roles within that arrest team and different
236 assignments, you have officers that provide cover and then you have lethal
237 cover, less lethal. If a shield is available, somebody would use that and
238 somebody go hands on verbal. So everybody's given kind of a different
239 assignment in those arrest teams.
240
241 BULLARD: Okay. Have you been trained on concepts of cover officers?
242
243 TRUJILLO: Yes.
244
245 BULLARD: And can you explain what that would be?
246
247 TRUJILLO: If your cover officers, it's you are providing -- I don't know another word for
248 cover -- you're covering your other officer by providing - in case there's a threat
249 you're responsible for basically protecting your partner and providing some
250 type of force or - how do you best explain it without using the word cover? So
251 as a, as a cover officer, I'm providing protection for my partner or whoever it is
252 and I'm - whether I have to provide leth - lethal force, less lethal, it depends on
253 the situation. But I'm trying to protect them from being harmed.
254
255 BULLARD: Okay. Are the use of contact teams and cover officers a common practice in
256 police work?
257
258 TRUJILLO: Yes.
259
260 BULLARD: And is that for officer safety reasons?
261
262 TRUJILLO: Yes it is.
263

264 BULLARD: Have you received training relating to tactics and strategies for armed suspects?
265
266 TRUJILLO: Yes.
267
268 BULLARD: Okay. And have you utilized those tactics and strategies throughout your
269 career?
270
271 TRUJILLO: Yes.
272
273 BULLARD: Is distance a key factor to officer safety?
274
275 TRUJILLO: Yes.
276
277 BULLARD: And can you elaborate a little bit on that about distance?
278
279 TRUJILLO: So my training has taught me that the more distance is often better because
280 suspects can close that distance very quickly. And the more distance usually
281 allows you more response time. And unfortunately some of our tools like the
282 taser though don't work at certain distances very effectively. So there's
283 different depending on the, the - some of the less lethal and stuff is - even lethal
284 it - there's certain levels of distance that it is - what's the word I'm looking for -
285 - effective - most effective.
286
287 BULLARD: Have you been involved in any officer involved shootings other than this case?
288
289 TRUJILLO: Yes. But not as a shooter.
290
291 BULLARD: Can you describe what that incident or incidents were?
292
293 TRUJILLO: I don't remember the year but it was as a peer support role, I wasn't on scene at
294 the time of the shooting.
295
296 BULLARD: I see. Would you agree that all Sacramento police officers have been trained and
297 have some experience - some of the experience in the areas that we've talked
298 about here?
299
300 TRUJILLO: Yes.
301
302 BULLARD: Referring to your observations written by you in relation to this case, did you
303 review any video - any video whether body worn camera or any other kind of
304 video prior to writing and submitting your observations?
305
306 TRUJILLO: Yes.
307

308 BULLARD: And which video would that be, which videos?
309
310 TRUJILLO: My body worn camera.
311
312 BULLARD: Any other videos?
313
314 TRUJILLO: No.
315
316 BULLARD: Okay. And then referring to your statement that you gave the homicide
317 investigators on October 15, 2018, do you remember what videos you were
318 allowed to watch prior to the interview with homicide detectives?
319
320 TRUJILLO: I believe it was only my body worn camera.
321
322 BULLARD: Okay. What type of equipment did you carry with you on the date of the
323 shooting so March 18 of 2018?
324
325 TRUJILLO: Everything that I'm wearing now except for I - I was wearing a tactical vest ins
326 - instead of the regular police uniform. But I had my handgun, my taser, my
327 baton. And I had just been issued a less lethal shotgun that was in our patrol
328 car.
329
330 BULLARD: Did you have your department issued body worn camera equipped on this day?
331
332 TRUJILLO: Yes.
333
334 BULLARD: And to your knowledge was all of your equipment including your body worn
335 camera functioning properly at the beginning of your shift on March 18 of
336 2018?
337
338 TRUJILLO: Yes.
339
340 BULLARD: Were you on duty March 18, 2018 at 9:26 pm?
341
342 TRUJILLO: Yes.
343
344 BULLARD: And what was your identifier?
345
346 TRUJILLO: I was Gang 57.
347
348 BULLARD: Gang 57?
349
350 TRUJILLO: Yes.
351

352 BULLARD: Did you have a partner you were working with?
353
354 TRUJILLO: Yes.
355
356 BULLARD: And who was that?
357
358 TRUJILLO: Officer Nick Tayler.
359
360 BULLARD: Nick Tayler?
361
362 TRUJILLO: Yes.
363
364 BULLARD: As a gang unit, what were your responsibilities for your shift and assignment at
365 that time?
366
367 TRUJILLO: We were Shot-Spotter Officers at the time so we handled the Shot-Spotter calls
368 and activations but we also assisted patrol with any shots fired calls. And we
369 were just available to assist with calls for service when they were busy and we
370 were available.
371
372 BULLARD: What hours did you typically – what hours did you typically work as a gang
373 unit?
374
375 TRUJILLO: Typically was 1700 to 0300.
376
377 BULLARD: Were you in an all black SPD patrol vehicle equipped with emergency lights?
378
379 TRUJILLO: Yes.
380
381 BULLARD: Were you in full SPD uniform or were you - you kind of indicated earlier you
382 were dressed maybe a little differently. Can you describe again what kind of
383 uniform or SPD uniform you wearing at the time?
384
385 TRUJILLO: I was wearing a tan tactical pants like 5.11 pants, a black shirt with a black
386 tactical vest over that had police on the front and back in large yellow writing.
387 It had a SPD patch on it and, and my duty belt.
388
389 BULLARD: And was your partner, Officer Tayler dressed in the same way as you were that
390 night?
391
392 TRUJILLO: Yes.
393
394 BULLARD: Officer Tayler was driving?
395

396 TRUJILLO: Yes.
397
398 BULLARD: - to this event. Is that correct?
399
400 TRUJILLO: Yes.
401
402 BULLARD: On March 18, 2018 2126 hours did you respond to a call for service in the area
403 of [REDACTED] 29th Street regarding a car clout or car burglary, which has resulted in
404 an officer involved shooting?
405
406 TRUJILLO: Yes.
407
408 BULLARD: Did you respond Code 3?
409
410 TRUJILLO: Yes.
411
412 BULLARD: And where did you respond from?
413
414 TRUJILLO: We were actually in the process of clearing a prior call. I don't remember the
415 location of the call and exactly where we were at. But I remember we were
416 trying to clear that call to go to the other one. And I'm sorry, what was the rest
417 of the question?
418
419 BULLARD: Just as far as where you responded from.
420
421 TRUJILLO: Yeah. It was from another call I believe in Sector 5 but I - I think that we were
422 headed - I remember we were heading like northbound at some place and then
423 we heard the radio traffic and they were in - I don't remember exactly what
424 street we were on.
425
426 BULLARD: Can you summarize the information about this call you knew at the time when
427 you were responding?
428
429 TRUJILLO: I knew - I remember hearing that there was a foot - a foot pursuit, which is what
430 diverted us at the time. Can I refer to my report?
431
432 BULLARD: Sure, absolutely.
433
434 TRUJILLO: Okay. Yeah. So there was - over the radio I heard that there was one at
435 gunpoint and that there was a subject fleeing on foot. So that's what made us
436 respond to that location - to the call.
437
438 BULLARD: An SSD Air Unit STAR responded to this call as well. Correct?
439

440 TRUJILLO: Yes.

441

442 BULLARD: And to your knowledge, was STAR on scene for this call prior to your arrival?

443

444 TRUJILLO: Yes.

445

446 BULLARD: Do you recall any information that STAR had broadcasted regarding this call
447 prior to your arrival?

448

449 TRUJILLO: Yes. I remember hearing shots fired on the radio – that, that they said there
450 were shots fired.

451

452 BULLARD: STAR advised?

453

454 TRUJILLO: I believe it was STAR.

455

456 BULLARD: Okay.

457

458 TRUJILLO: Yes, yes.

459

460 BULLARD: Can you – okay. Can you describe some of the things that you were considering
461 or thinking about during your response to this call?

462

463 TRUJILLO: One, how to direct my partner there but also just the direction that was the safest
464 to, to get to the call because I don't know which way the shots were fired I
465 didn't know who was hurt. There wasn't a lot of details but I do remember at
466 one point I think it was Officer Mercadal had said that the - a subject was down.
467 But I didn't have any further information.

468

469 BULLARD: The CAD call indicates that at 2131 hours you and Officer Tayler arrived on
470 scene for this call. Is that correct?

471

472 TRUJILLO: Yeah, sounds about right. It was about five minutes. Yeah.

473

474 BULLARD: And did you actually respond to [REDACTED] 29th Street as opposed to [REDACTED]?

475

476 TRUJILLO: I don't remember the exact addresses. But I remember we were directed in by
477 the Air Unit. He directed us I believe by his light - the helicopter light. He was
478 kind of directing us. Because their cars were mapping at one location and we
479 were trying to figure out exactly where they were at. And if I remember
480 correctly, there was the helicopter light was directing us to where to go - which
481 house they were in, in the backyard.

482

483 BULLARD: Okay. [REDACTED] 29th Street was the actual location of the
484 officer involved shooting to your knowledge then?
485
486 TRUJILLO: That sounds correct.
487
488 BULLARD: Is that correct?
489
490 TRUJILLO: Sounds correct - yeah.
491
492 BULLARD: And you said –
493
494 TRUJILLO: Yes.
495
496 BULLARD: - that basically what directed you to [REDACTED] 29th Street was the helicopter
497 spotlight?
498
499 TRUJILLO: Yes.
500
501 BULLARD: - directing you there?
502
503 TRUJILLO: Yeah.
504
505 BULLARD: Okay. All right. I'm going to refer to your body worn camera footage from this
506 call. Does this appear to be your body worn camera footage that we have pulled
507 up here?
508
509 TRUJILLO: Yes.
510
511 BULLARD: Okay. And then we're going to be looking at time date stamp here. So it's
512 2018-03-19 and then T-Tom is 04:226 - or I'm sorry, 26:01 Z as in zebra for
513 Zulu Time. So we'll fast forward just a bit here.
514
515 ((RECORDING))
516
517 Radio: keep going to the South two story house keep going to the south. – houses,
518 right where my light's at, right there, they're in that backyard.
519
520 ((END RECORDING))
521
522 BULLARD: So I'm going to stop at 04:28:45 on the video here. You appear to arrive on
523 scene. Is that correct?
524
525 TRUJILLO: Yes.
526

527 BULLARD: Now would that time 04:28 Zulu Time would translate for Pacific Standard
528 Time as 2128 hours. Does that sound correct?
529
530 TRUJILLO: Uhm
531
532 BULLARD: Or as it says 04:28:45 seconds, it would be 2128 and 45 seconds Pacific
533 Standard Time.
534
535 TRUJILLO: I'm not sure because I think the whole date is wrong. Because I think the whole
536 time is wrong all together on my body camera because it's showing the 19th
537 also. I think this happened on the 18th.
538
539 BULLARD: It - It did.
540
541 TRUJILLO: Okay.
542
543 BULLARD: Correct. And so what Zulu Time does is it goes forward, what is that,
544 approximately seven
545
546 ((Crosstalk))
547
548 TRUJILLO: Oh, is it? Okay.
549
550 BULLARD: So going back to -
551
552 TRUJILLO: I'm sorry I wasn't familiar, so yeah.
553
554 BULLARD: - going back to Pacific Standard Time would be March 18th. And then from my
555 estimations on it, it would be about 2128 hours on there.
556
557 TRUJILLO: Okay, okay. Yeah.
558
559 BULLARD: Sound about accurate?
560
561 TRUJILLO: Yeah.
562
563 BULLARD: Okay. Now in referring to Page 1 of your observations. You indicated that you
564 and Officer Tayler arrived on scene at about 2131 hours. Is that correct?
565
566 TRUJILLO: Correct.
567
568 BULLARD: And then based on your training and experience, can you explain the time
569 discrepancy here, roughly two to three minutes from your body warn camera,
570 2128 hours as to 2131 hours on the CAD call or on your report?

571
572 TRUJILLO: Yeah. I don't know why the discrepancy, if it's just if they're just not synched
573 or I don't know. Honestly I don't know what the difference is. I don't know. I
574 don't remember if I hit F4 to mark us on scene? or if we did it over radio and
575 then dispatch did it for us. That could be. But I don't remember.
576
577 BULLARD: Okay.
578
579 ((RECORDING))
580
581 TRUJILLO: Where's my freaking light?
582
583 Radio: (Unintelligible) north side there you go, north side of the house.
584
585 TRUJILLO: Watch out. Watch out.
586
587 ROBINET: One Charles five four. I want everybody to know, we are fine. No officers are
588 hit. Subject's down in the backyard.
589
590 ((END RECORDING))
591
592 BULLARD: So at 04:29:05 you and Officer Tayler appeared to join Officers Robinet and
593 Mercadal in the backyard at [REDACTED] 29th Street after you Code 3 response. Is that
594 correct?
595
596 TRUJILLO: Yes.
597
598 BULLARD: Okay. And to your knowledge at this point Officers Robinet and Mercadal had
599 just been involved in a shooting. Is that correct?
600
601 TRUJILLO: Yeah.
602
603 ((RECORDING))
604
605 ROBINET: We're not moving in until we have more.
606
607 MERCADAL: We don't have it. Do you see it Jared?
608
609 TRUJILLO: Do we need -
610
611 ((Crosstalk))
612
613 ROBINET: I don't, I don't see it
614

615 TRUJILLO: He hasn't moved at all?
616
617 ROBINET: He hasn't moved at all.
618
619 TRUJILLO: Okay.
620
621 ((END RECORDING))
622
623 BULLARD: Okay. So at 04:29 and 15 you asked, "He hasn't moved at all?" And Officer
624 Robinet replies, "He hasn't moved at all." Is that correct?
625
626 TRUJILLO: Correct.
627
628 BULLARD: On Page 1 of your observations you indicated that you observed the suspect was
629 face down on the ground in the backyard on the West side of the residence and
630 was not moving. "I was unable to see the suspect's hands and could not see if
631 he had a weapon or not. He was wearing dark clothing and I could not see any
632 injuries from where I was standing." Is that correct?
633
634 TRUJILLO: Yes.
635
636 BULLARD: Can you describe for me the setting of the backyard and what you perceived at
637 that time where this occurred at as far as lighting, the vegetation or any potential
638 obstructions, anything like that?
639
640 TRUJILLO: Yeah. So we went through on the North side. When I entered the backyard I
641 remember it being dark but the helicopter's light was kind of what was giving
642 us light at the time. Without it and when it moved, it was obviously very dark
643 in the areas it wasn't covering. There was - the grass was overgrown and there
644 was like - I remember seeing some furniture, maybe like a bench. And like on
645 the patio area there wasn't - from where we were standing I remember there
646 wasn't anywhere to get closer that wasn't - this was the cover spot I guess in my
647 opinion where they were standing. Because there wasn't - I couldn't remember
648 anywhere that I could go to get closer where I felt safe if that makes sense.
649
650 BULLARD: Okay.
651
652 ((RECORDING))
653
654 TRUJILLO: Do you think we're going to need -
655
656 ROBINET: Right now -
657
658 TRUJILLO: Yeah. Okay

659
660 TAYLER: Do you want to get him detained?
661
662 ROBINET: Not yet.
663
664 TRUJILLO: No. No, no, no. We can't see his hands, right?
665
666 ((END RECORDING))
667
668 BULLARD: So at 04:29:28 I just kind of want to back up here on what sounded like it was
669 said. Officer Tayler appears to ask, "You want to get him detained?" And
670 Officer Robinet replies, "Not yet." And you affirmed, "No, no. We can't see
671 his hands." Is that correct?
672
673 TRUJILLO: Yes.
674
675 BULLARD: And based on what you had observed and knew at this time, would it be
676 accurate that you were of the understanding that the downed suspect you saw
677 had been shot by officers and had not moved?
678
679 TRUJILLO: That was my understanding.
680
681 BULLARD: And at that time did you feel it was safe enough to detain the suspect as Tayler
682 suggested based on what you had observed and what you knew at that time?
683
684 TRUJILLO: I did not feel it was safe.
685
686 BULLARD: You did not feel it was safe?
687
688 TRUJILLO: No.
689
690 BULLARD: Okay. Were you aware at that time about any kind of crime that the downed
691 suspect may have committed or if he was arrestable by anything or for anything
692 at that time?
693
694 TRUJILLO: I didn't know the details but part of the reason that I leaned towards what
695 Officer Mercadal and Robinet and what they, their delay was because I knew
696 that they had witnessed what happened. I didn't. They have more firsthand
697 knowledge and I didn't want to honestly overstep what they - they had more
698 knowledge of what had happened, it was what they saw. I didn't fully know.
699 So if they believed he had a weapon, I was concerned about that.
700
701 BULLARD: Okay.
702

703 ((RECORDING))

704

705 TRUJILLO: No, no, no, no. We can't see his hands, right?

706

707 ROBINET: Yeah.

708

709 TAYLER: Got one hand by his, by his face.

710

711 ((END RECORDING))

712

713 BULLARD: So at 04:29:30 can you hear what Officer Tayler says right there?

714

715 TRUJILLO: He says has one hand by his face but I - I honestly couldn't see it.

716

717 BULLARD: He has one hand by his face?

718

719 TRUJILLO: It's something along those lines but yeah. I couldn't - I kept trying to look and
720 I couldn't see but.

721

722 BULLARD: And Officer Tayler's referring to the suspect?

723

724 TRUJILLO: Yes.

725

726 BULLARD: Okay.

727

728 ((RECORDING))

729

730 ROBINET: (Unintelligible) still has not moved. Three Sam Five (unintelligible) before we
731 detain him.

732

733 ((END RECORDING))

734

735 BULLARD: Let me back up there. We had a little coughing in the background here.

736

737 BOYD: Sorry.

738

739 BULLARD: It's okay.

740

741 ((RECORDING))

742

743 ROBINET: Three Sam Five (unintelligible) body bunker before we detain him.

744

745 ((END RECORDING))

746

747 BULLARD: Okay. At 04:29 and 39 can you hear what Officer Robinet - sounds like he's
748 voicing on the radio at all?
749
750 TRUJILLO: I couldn't quite hear it on here sorry.
751
752 BULLARD: I'll play it again here.
753
754 ((RECORDING))
755
756 ROBINET: Still has not moved. Three Sam Five (unintelligible) body bunker before we
757 detain him.
758
759 ((END RECORDING))
760
761 BULLARD: Can you understand?
762
763 TRUJILLO: He's asking for a body bunker.
764
765 BULLARD: Officer Robinet's -
766
767 TRUJILLO: Yes.
768
769 BULLARD: - asking for a body bunker? Okay. Can you tell who he's asking?
770
771 TRUJILLO: Three Sam five.
772
773 BULLARD: Okay. What is a body bunker?
774
775 TRUJILLO: It's a ballistic shield that we utilize. And at the time my understanding was
776 most of the sergeants' vehicles were equipped with it? And I - I'm not sure if
777 the watch commander's also. But yeah.
778
779 BULLARD: Okay. Theoretically would having a body bunker or ballistic shield assist the
780 officers in making a safe approach of an armed suspect?
781
782 TRUJILLO: Yes.
783
784 BULLARD: And this would be to protect officers by shielding them from any gunfire that
785 the suspect may potentially send downrange towards the officers. Is that
786 correct?
787
788 TRUJILLO: Not, not any but most, yes or handgun yes.
789
790 ((RECORDING))

791
792 TRUJILLO: Let's ask, let's call -
793
794 MERCADAL: Hey. Can you hear us?
795
796 ((Crosstalk))
797
798 TAYLER: Police Department. Can you hear us?
799
800 TRUJILLO: We need to know if you're okay. We need, need to get you medics but we can't
801 go over and get you help unless we know your - you don't have a weapon.
802
803 ((END RECORDING))
804
805 BULLARD: So at 04:29:56 you suggest to officers to call out to the suspect to see if he is
806 okay?
807
808 TRUJILLO: Yes.
809
810 BULLARD: Is that correct?
811
812 TRUJILLO: I wanted to see if we could get any type of response.
813
814 BULLARD: Okay. And at that point Officer Mercadal appears to call out, "Hey, can you
815 hear us?" Officer Tayler says, "Police Department. Can you hear us?" And
816 then you say, "We need to know if you're okay. We need to get you medics but
817 we can't get over and get you help unless we know you - your - you don't have
818 a weapon." Is that correct?
819
820 TRUJILLO: Correct.
821
822 BULLARD: Okay. And what's - can you explain the reason for doing that - for saying those
823 things?
824
825 TRUJILLO: Well, I wanted him to let him know that we wanted to get him help. At least for
826 me I - I wanted to get him help but I didn't know if it was safe for us to - to get
827 there because I - I - going through training and my experience, I've heard of
828 stories like this and - or at least one story that sticks in my mind. So I didn't
829 know if he was playing possum and I didn't want anybody to get hurt but
830 obviously we want to get him aid but I couldn't see his hands and I didn't know
831 if it's just safe or not.
832
833 BULLARD: Okay.
834

835 ((RECORDING))

836

837 ROBINET: Hey you guys, good right here?

838

839 MERCADAL: I'm good here.

840

841 ROBINET: You guys I'm gonna go -

842

843 TRUJILLO: Yeah.

844

845 ROBINET: - get the correct address

846

847 TRUJILLO: Yeah.

848

849 MERCADAL: It's [REDACTED] I think STAR already put it out (unintelligible).

850

851 ROBINET: Yeah (unintelligible)

852

853 MERCADA: Yeah he put it out, he put it out.

854

855 TRUJILLO: Okay. Sir, can you move? Can you hear us?

856

857 ((END RECORDING))

858

859 BULLARD: So at 04:30 and 15 you call out to the suspect again, "Sir, can you move? Can
860 you hear us? Is that correct?

861

862 TRUJILLO: Yes.

863

864 ((RECORDING))

865

866 TRUJILLO: Alright, he just - and that's it? He didn't move after that?

867

868 ROBINET: He hasn't moved.

869

870 TRUJILLO: Okay.

871

872 MERCADAL: He came up and then he - he kind of approached us, hands out.

873

874 ROBINET: Yeah he was uh -

875

876 ((END RECORDING))

877

878 BULLARD: 04:30 and 27 you appear to motion with your left hand forward and you say,
879 "And that's it? He didn't move after that?" And Officer Robinet replies, "He
880 hasn't moved." And Officer Mercadal's saying, "He came up. He kind of
881 approached us with his hands out." Is that correct?
882

883 TRUJILLO: Yes.
884

885 BULLARD: What were you motioning with your hand there when you were asking this with
886 your left hand? Do you remember?
887

888 TRUJILLO: If he'd move at all. I don't know if they understood me correctly. I was trying
889 to make sure because I'm be - kind of behind them and I think almost my body
890 camera has a better view than what I could actually see. But I wanted to see -
891 What I'm referring to at this moment is, has he moved when we made the calls
892 to him. Has he not moved at all? But I remember asking initially if he had
893 moved and that was referring to before I got there. This is more referring to
894 once we made the call outs to him if he has and I think maybe Robinet might
895 have understood and he said, "No." I'm not sure if Mercadal did or not.
896

897 BULLARD: Okay.
898

899 ((RECORDNIG))
900

901 ROBINET: He was -
902

903 Radio: (Unintelligible).
904

905 TRUJILLO: Okay. Okay let's have them, let's have the next unit get just bring a non-lethal
906 in case he's pretending. But let's just, in case.
907

908 ((END RECORDING))
909

910 BULLARD: So at 04:30 and 44 you say essentially, "Let's have the next unit bring a non-
911 lethal in case he's pretending or just in case." Is that correct?
912

913 TRUJILLO: Yes.
914

915 BULLARD: Okay. Based on your training and experience, what is a non-lethal?
916

917 TRUJILLO: It's a we - a weapon that we - weapons that we have that are not likely if used
918 appropriately to cause any type of lethal - cause death. But so here I'm
919 referring to specifically our non-lethal shotguns.
920

921 BULLARD: Okay. I provided you with General Order 580.12, less lethal weapons system,
922 revision date 10-9 of 2012. Would you please read aloud the highlighted
923 portions?
924

925 TRUJILLO: Yes. Policy. It shall be the policy of the Sacramento Police Department to
926 deploy and use less lethal weapons systems as instructed in department training
927 in order to maximize the safety of all individuals involved in an incident. A.
928 Definitions. One. Flexible baton round, bean bag, a less lethal 2-3/4 inch 12
929 gauge shotgun round firing a Kevlar bag containing 40 grams of lead shot at a
930 velocity of 280 feet per second FPS. The drag stabilized projectile delivers 112
931 feet per pounds of energy on impact. Flexible baton rounds are discharged from
932 a – from a dedicated 12 gauge shotgun that is in – that is distinguishable by an
933 orange butt stock and fore grip. This round provides accurate and effective
934 performance when fired from the approved distance of not less than five feet but
935 not more than 50 feet from the target. Okay. Deployment criteria. One. Less
936 lethal weapons systems shall only be used in a manner that is consistent with
937 department policy and training guidelines. Five. Officers shall not deploy a
938 less lethal weapons system unless specific information reasonably indicates the
939 potential for the system's use, the circumstances of each incident shall dictate
940 the reasonableness for the deployment. Use of less lethal weapons. One. Use
941 of a less lethal weapons system shall be consistent with General Order 580.02,
942 use of force. Five. Situations for use of the less lethal weapons systems may
943 include but are not limited to A, self-destructive, dangerous and/or combative
944 individuals, C, circumstances where a tactical advantage can be obtained.
945 Tactical considerations. One. If possible when a less lethal weapons system is
946 to be utilized, a sufficient number of officers should be assembled to assist with
947 the physical custody of the target subject. The number of additional officers
948 and their responsibilities shall be dictated by the dynamics of the incident.
949 Two. Unless extraordinary circumstances exist, consideration should be given
950 to the following responsibilities. A, deploying officers. At least one officer to
951 discharge the less lethal weapons system, multiple officers with less lethal
952 weapons systems may be utilized in a single incident. The use of K9 and a
953 conducted energy device may also be appropriate in concert with less lethal
954 weapons systems. B, protection officers. A sufficient number of officers
955 prepared to deliver appropriate force cover options given the immediate
956 circumstances. C, custody officers. A sufficient number of officers who are
957 responsible for handcuffing and restraining the subjects. Three. Under exigent
958 circumstances nothing in this order shall prohibit an officer from deploying and
959 discharging a less lethal weapon without requesting authorization or having the
960 presence of additional officers.

961
962 BULLARD: So in referencing your video here, what did you mean by having someone bring
963 a non-lethal in case he's pretending?
964

965 TRUJILLO: I wanted - I wanted to someone to bring it to – be able to have that option to use
966 it if, if we needed to. I didn't know - again, I didn't know if he was pretending
967 or not. So it was just another option for us to have to use in case something
968 were to happen upon our approach.
969
970 ((RECORDING))
971
972 Radio: (Unintelligible) check on the people at I believe [REDACTED]
973
974 Radio: Two Charles five five, we'll be uh checking (unintelligible) [REDACTED]
975
976 Radio: STAR copy, next unit
977
978 TAYLER: (unintelligible) put that out?
979
980 TRUJILLO: He's trying to get air.
981
982 Radio: (Unintelligible) get him in pocket.
983
984 TRUJILLO: Hey.
985
986 ROBINET: Hey, go get a non-lethal.
987
988 TRUJILLO: Go get a non -
989
990 ROBINET: Oh, hey Sarge.
991
992 TAYLER: There's one in the car on the roof.
993
994 TRUJILLO: There's a –
995
996 TAYLER: There's one -
997
998 TRUJILLO: Yeah.
999
1000 TAYLER: - shotty.
1001
1002 ((END RECORDING))
1003
1004 BULLARD: 04:31 and 17 on your video Officer Tayler says, "There's one in our car on the
1005 roof. There's one - there's a shotty." Correct?
1006
1007 TRUJILLO: Yes.
1008

1009 BULLARD: What did that mean?
1010
1011 TRUJILLO: That's the less lethal shotgun, the bean boun - bean bag shotgun.
1012
1013 BULLARD: Okay.
1014
1015 ((RECORDING))
1016
1017 ROBINET: (Unintelligible) couple times with that
1018
1019 TRUJILLO: I'm gonna - Are you good with me grabbing - just in case. Just in case he's - I
1020 mean we can't tell so I'll just grab it just to have it.
1021
1022 ((END RECORDING))
1023
1024 BULLARD: So at 04:31 and 27 you verbalized for someone, to someone to get a less lethal
1025 just in case we can't tell. And then you say, "I'll just grab it just to have it." Is
1026 that correct?
1027
1028 TRUJILLO: Yes.
1029
1030 ((RECORDING))
1031
1032 Radio: (Unintelligible).
1033
1034 ((END RECORDING))
1035
1036 BULLARD: And then you begin to go back towards the front of the property towards your
1037 patrol vehicle for the purposes of retrieving the less lethal shotgun. Is that
1038 correct?
1039
1040 TRUJILLO: Yes.
1041
1042 BULLARD: And referencing General Order 580.12, less lethal weapons system. Even
1043 though the less lethal shotgun was not actually deployed or used during this
1044 incident, it was considered. After reviewing that general order that we did, do
1045 you feel that this incident on March 18, 2018 would have been a practical use
1046 for it at any point?
1047
1048 TRUJILLO: Yes.
1049
1050 BULLARD: Why?
1051

1052 TRUJILLO: Because if - if we were to approach and he became, you know, if he was
1053 pretending to be either injured or - or not but he became a threat again but not
1054 necessarily a threat where we would need to use lethal force if he was not
1055 compliant or anything like that, I wanted to be able to have that available to use.
1056

1057 BULLARD: Okay. Now prior to you leaving towards the front of the house, it appears that
1058 you as well as other officers here had initially stayed at the Northwest corner of
1059 [REDACTED] 29th Street as opposed to going out into the open area of the backyard.
1060 Can you explain why that is?
1061

1062 TRUJILLO: That is where we felt that there was cover.
1063

1064 BULLARD: Okay. That would be a position of cover -
1065

1066 TRUJILLO: Yes.
1067

1068 BULLARD: - at the corner? Okay. Did you - at that time did you have any concerns of any
1069 potential additional suspects?
1070

1071 TRUJILLO: No. I was only aware of the one.
1072

1073 BULLARD: On Page 1 of your observations you wrote, "He" meaning the suspect "did not
1074 respond to officers and I did not observe him make any movements. I was not
1075 sure at this time if the suspect was injured, the extent of his injuries, if any, if he
1076 had a weapon or if he was pretending and refusing to comply. I feared the
1077 suspect may have a weapon and could have possibly used it against officers
1078 upon approach." Is that correct?
1079

1080 TRUJILLO: Yes.
1081

1082 BULLARD: And is this the reasoning for not making the approach of the downed suspect at
1083 this point with Officers Robinet, Mercadal, Tayler and yourself on scene?
1084

1085 TRUJILLO: Yes.
1086

1087 BULLARD: In referring to the Tactical Lifesaver course that you took, can you articulate
1088 any lesson plans or materials from that course, which you think would apply in
1089 this scenario as to not approach the suspect or as why no approach of the
1090 suspect was made at that point?
1091

1092 TRUJILLO: We - I remember being taught that obviously we want to be able to rescue a
1093 person but we have to be able to do it safely upon approach so that we don't get
1094 injured or killed while trying to do so. What was the rest of the question? I'm
1095 Sorry.

1096
1097 BULLARD: Just as far as that training from the Tactical Lifesaver course why the delayed
1098 approach of the suspect was done – why - why it had not been made to that
1099 point of anything that you can draw form that course that you took, the Tactical
1100 Lifesaver.
1101
1102 TRUJILLO: Yeah. It – we have - it has to be done safely. That’s, that’s the reason.
1103
1104 BULLARD: Okay. I’ve earmarked Page 29 of the Tactical Lifesaver course student guide.
1105 Would you please read aloud the highlighted portions?
1106
1107 TRUJILLO: Yes. Assessment and treatment guidelines. Tactical casualty care during law
1108 enforcement special operations is performed in three phases. The first is
1109 situational awareness and scene safety. In the first phase you are about to enter
1110 a tactical environment and a possible crime scene. Your safety is paramount
1111 and the possibility still exists that you or other officers at some point may come
1112 – may come under hostile fire. The tactical medic must at all times be fully
1113 aware of the surroundings and any potential threats. The likelihood of having to
1114 draw your weapon and engage a suspect with deadly force is possible but
1115 extremely unlikely. One, situational awareness and scene safety. Determine if
1116 your surrounding are free of immediate life threatening concerns. Do not
1117 attempt to provide first aid if your own life is in imminent danger.
1118
1119 BULLARD: Does this material appear to be consistent with your training regarding the
1120 Tactical Lifesaver course that you attended?
1121
1122 TRUJILLO: Yes.
1123
1124 BULLARD: Okay. In your opinion, would this information that you just read aloud apply to
1125 this incident on March 18 of 2018?
1126
1127 TRUJILLO: Yes.
1128
1129 BULLARD: Can you explain why?
1130
1131 TRUJILLO: Because we didn’t know if he was still a threat to us and if our lives could be in
1132 danger upon approach - if we didn’t approach safely because we didn’t - again,
1133 we couldn’t - I couldn’t see his hands. I didn’t - I wasn’t there at the initial time
1134 but my understanding from what I knew is that he likely had a weapon and we
1135 didn’t approach because we didn’t know if he still had the weapon, especially if
1136 we couldn’t see his hands. So I didn’t know if he was – he was faking or not.
1137 And I – I wasn’t - I didn’t feel it was safe at the time to approach.
1138

1139 BULLARD: Okay. Have you been involved in or are you aware of any similar situations
1140 where law enforcement delayed their response for an immediate rescue of a
1141 suspect that law enforcement had shot or injured?
1142

1143 TRUJILLO: I'm trying to think. Can you read it one more time? I just want to make sure -
1144

1145 BULLARD: Yeah.
1146

1147 TRUJILLO: - I understand.
1148

1149 BULLARD: Have you been involved in or are you aware of any similar situations where law
1150 enforcement delayed their response for an immediate rescue of a suspect that
1151 law enforcement had shot or injured?
1152

1153 TRUJILLO: I have not been involved in one other than this here. But I know that it, it -
1154

1155 BOYD: You had mentioned the - an incident to me when we were talking prior?
1156

1157 TRUJILLO: Yeah, Sergeant - I think it was Sergeant Weinrich if I'm remembering the
1158 correct Sergeant that was taught - or I wasn't here - working here yet. But I had
1159 learned of the story where a suspect had been injured and I don't remember all
1160 the details because I was not part of it, but I remember being taught that he - it
1161 was probably involved in either - I think it was a collision and officers were
1162 giving him orders and he was saying he was injured and he couldn't get out or
1163 something along those lines. So officers - I think including Sergeant Weinrich
1164 had gone up to approach the car and the suspect fired at him upon approach.
1165 And so that was one of the lessons that I took from that. Just obviously we want
1166 to make sure this can happen. They can fake an injury you or pretend to be
1167 more injured than they really are.
1168

1169 BULLARD: Okay. Any other specific incidents or anything like that?
1170

1171 TRUJILLO: Not that I can think of but I know that from my experience I know that officers
1172 always want to make sure that it's safe to do the approach first.
1173

1174 BULLARD: Okay. The Helicopter Air Unit STAR was on scene throughout the entirety of
1175 this incident. Correct?
1176

1177 TRUJILLO: Yes.
1178

1179 BULLARD: Do you recall if it was considered by any of the officers on scene in asking the
1180 Air Unit to visually verify if the suspect was still armed or a threat to officers
1181 while you were waiting?
1182

1183 TRUJILLO: I don't remember. I don't remember that. If like - I mean I don't know if it did
1184 or not but I just can't remember.
1185
1186 BULLARD: Okay. Do you feel the Air Unit could have realistically verified if the suspect
1187 was still armed or a threat or as a result you could actually make a safe approach
1188 of the suspect?
1189
1190 TRUJILLO: I don't think realistically. I mean I - we were closer than the Air Unit and I
1191 think we would have had a better view but I don't - I've never actually been in
1192 an Air Unit so I don't know but I don't think so.
1193
1194 BULLARD: Okay.
1195
1196 ((RECORDING))
1197
1198 Radio: (Unintelligible) [REDACTED], [REDACTED] Control if you could note that in the call please.
1199
1200 Radio: Affirm.
1201
1202 TRUJILLO: Work.
1203
1204 Radio: STAR they're approaching the body (unintelligible) victim.
1205
1206 TRUJILLO: (unintelligible) get it out.
1207
1208 MORRIS: (Unintelligible). Three SAM four or SAM five send fire in.
1209
1210 ((END RECORDING))
1211
1212 BULLARD: 04:32:08 you appear to attempt to retrieve the less lethal shotgun from your
1213 vehicle. And it sounds like you verbalized that you can't get it out is that
1214 correct?
1215
1216 TRUJILLO: It wasn't working. I don't know why but it wasn't - releasing it. So we don't
1217 put it in there anymore.
1218
1219 BULLARD: I was going to ask you if, did the - did the lock malfunction or -
1220
1221 TRUJILLO: Yeah.
1222
1223 BULLARD: - something stuck to your recollection?
1224

1225 TRUJILLO: Yeah. I, it was malfunctioning and I don't know why the car was on and it - I
1226 couldn't get it out. I even tried all the other ones, which I know don't work but
1227 they weren't working.
1228
1229 BULLARD: Okay. Let me back up just a second here. I wanted to draw your attention to
1230 the radio traffic while you're trying to do this.
1231
1232 ((RECORDING))
1233
1234 MORRIS: Three SAM four or SAM five send fire in Code 3.
1235
1236 ((END RECORDING))
1237
1238 BULLARD: Now it sounds here like Sergeant Morris is heard on your portable or on the
1239 radio that he's requesting fire to respond Code 3. Is that correct?
1240
1241 TRUJILLO: Yes.
1242
1243 BULLARD: And was it your understanding at that point that officers had made their
1244 approach and de – and detention of the suspect at that point?
1245
1246 TRUJILLO: Yes.
1247
1248 BULLARD: On Page 2 of your observations you wrote, "I briefly stood in front of the
1249 residence in order to direct medics to the suspect upon their arrival." Is that
1250 correct?
1251
1252 TRUJILLO: Yes.
1253
1254 BULLARD: And uh let me -
1255
1256 ((RECORDING))
1257
1258 Radio: (unintelligible) Ellwood and 29th Street identify yourself (unintelligible).
1259
1260 ((END RECORDING))
1261
1262 BULLARD: So you appear to be looking around the front driveway of [REDACTED] 29th Street with
1263 your flashlight. Was this that portion that you're referring to in your report and
1264 waiting for medics?
1265
1266 TRUJILLO: Yeah. And I know there was a lot of officers arriving on scene too. So I was
1267 just trying to direct whoever needed to come to our location including the
1268 medics.

1269
1270 BULLARD: Okay.
1271
1272 ((RECORDING))
1273
1274 Radio: (Unintelligible).
1275
1276 Radio: Copy if you could handle that intersection and so three houses south of
1277 (unintelligible) – yeah. South of that.
1278
1279 TRUJILLO: Yeah.
1280
1281 Radio: Need a unit to the North (unintelligible) crime scene tape (unintelligible).
1282
1283 ((Crosstalk))
1284
1285 TRUJILLO: Let's just have them stop there.
1286
1287 Radio: (unintelligible) 29th Street identify.
1288
1289 LUNDGREN: Where's Robinet?
1290
1291 TRUJILLO: He's - They're back there, they're back there. Just have them start -
1292
1293 ((END RECORDING))
1294
1295 BULLARD: 04:32 and 51. Officer Lundgren appears to arrive on scene and asks you,
1296 "Where's Robinet?" And you direct him towards the backyard of [REDACTED] 29th
1297 Street. Is that correct?
1298
1299 TRUJILLO: Yes.
1300
1301 ((RECORDING))
1302
1303 TRUJILLO: - start blocking this off.
1304
1305 Radio: (Unintelligible) in pocket.
1306
1307 MERCADA: (unintelligible) mask? Rescue mask? CPR?
1308
1309 TRUJILLO: Okay. Let's get it.
1310
1311 Radio: (Unintelligible).
1312

1313 ((END RECORDING))

1314

1315 BULLARD: So at 04:33:07 sounds like an officer is heard calling out, something about
1316 "rescue mask."?

1317

1318 TRUJILLO: Mm-hm. Yes.

1319

1320 BULLARD: Mask CPR. And you replied, "Okay. I'll get it."?

1321

1322 TRUJILLO: Yes.

1323

1324 BULLARD: Is that correct?

1325

1326 TRUJILLO: Mm-hm.

1327

1328 ((RECORDING))

1329

1330 TRUJILLO: I don't know if we have it.

1331

1332 Radio: (Unintelligible) original complainant. Next unit we need to really
1333 (unintelligible) those other backyards where he ran South from [REDACTED].

1334

1335 ((END RECORDING))

1336

1337 BULLARD: 04:33:29 you retrieve a resuscitation mask and rubber gloves from the trunk -
1338 trunk of your vehicle and then proceed toward the backyard. Is that correct?

1339

1340 TRUJILLO: Yes.

1341

1342 BULLARD: And for the record, what's a resuscitation or rescue mask?

1343

1344 TRUJILLO: It's a - it's a mask that we use over the - the subject's face when we're
1345 providing CPR and providing breaths to them.

1346

1347 BULLARD: Okay.

1348

1349 ((RECORDING))

1350

1351 Radio: STAR clear the way for fire to enter they're coming in from the South. Make
1352 sure we clear the way for fire to enter.

1353

1354 TRUJILLO: Are they coming in?

1355

1356 Radio: (unintelligible).

1357
1358 TRUJILLO: (Unintelligible).
1359
1360 ((END RECORDING))
1361
1362 BULLARD: Now at 04:33:57 - I know it's dark here but you seem to arrive back to where
1363 Officer Tayler is. Can you explain what Officer Tayler is doing here?
1364
1365 TRUJILLO: Yes. He was giving the subject chest compressions at the time.
1366
1367 BULLARD: And would these be CPR chest compressions?
1368
1369 TRUJILLO: Yes. Yes.
1370
1371 ((RECORDING))
1372
1373 TRUJILLO: Here, I'll do it.
1374
1375 MORRIS: Three Sam four or five –
1376
1377 TAYLER: Come on bud.
1378
1379 MORRIS: - I'm going to need at least five more units out here. I need a two officer car
1380 here.
1381
1382 TRUJILLO: No pulse or breathing?
1383
1384 TAYLER: No.
1385
1386 ((END RECORDING))
1387
1388 BULLARD: 04:34 and 18 you ask, "No pulse, no breathing?" And Officer Tayler replies,
1389 "No." Is that correct?
1390
1391 TRUJILLO: Yes.
1392
1393 BULLARD: On Page 2 of your observations you had written, "I also observed the suspect
1394 was bleeding from what appeared to be the right side of his chest. There was
1395 blood on his shirt in this area. It did not appear that the suspect was breathing
1396 and he was unresponsive." Is that correct?
1397
1398 TRUJILLO: Yes.
1399

1400 BULLARD: Okay. To the best of your understanding, the suspect had been struck by
1401 officers' gunfire at that time. Correct?
1402

1403 TRUJILLO: Yes.
1404

1405 BULLARD: Did you have any kind of emergency medical kit on your person at that time?
1406

1407 TRUJILLO: Just the CPR mask, which I would keep in my car.
1408

1409 BULLARD: Okay. And you had indicated earlier that you had noticed that the suspect was
1410 bleeding from the chest area?
1411

1412 TRUJILLO: Yes.
1413

1414 BULLARD: Okay. Based on your training and experience in first aid CPR, does the training
1415 also cover treatment of indiv - individuals who are bleeding such as applying
1416 tourniquets, bandages, direct wound pressure?
1417

1418 TRUJILLO: Yeah. So tourniquet wouldn't apply because it wasn't like - I didn't see
1419 anything on like his limbs. So it wasn't something we could tourniquet. The
1420 direct pressure we could have applied there but if it was in his chest area, it's - if
1421 I'm remembering correctly, I think it's an occlusive dressing where there's an
1422 opening? I didn't have - I didn't have that. And I know that from what I could
1423 hear is that fire was actually arriving on scene and being directed in. Because
1424 he wasn't breathing also I - we were trying to get him to breathe, which was
1425 why we were doing - trying to do CPR.
1426

1427 BULLARD: Okay. And based on any injuries you observed on the suspect or that you were
1428 aware of, would it have been practical for you to assess for the application of
1429 tourniquets, bandages, direct pressure to apparent gunshot wounds while also
1430 conducting CPR chest compressions?
1431

1432 TRUJILLO: Sorry. Can you read that one more time?
1433

1434 BULLARD: Yes. Based on
1435

1436 ((Crosstalk))
1437

1438 TRUJILLO: That was a long one. That was a long one.
1439

1440 BULLARD: Based on - Based on any injuries that you had observed to the suspect or that
1441 you were aware of, would it have been practical for you to assess for the
1442 application of tourniquets, bandages, direct pressure to any gunshot wounds
1443 while also conducting CPR compressions?

1444
1445 TRUJILLO: I don't think it would have been practical. I think at the time that was just kind
1446 of our - our priority. That's what we're looking for. From what I recall, it just
1447 happened quickly. We could see that he was injured. I knew the tourniquet
1448 wasn't working because I usually actually - I didn't mention that I remember I
1449 usually typically carry one in my vest, a tourniquet. I don't remember if I had
1450 one on that day but I typically did. But I knew a tourniquet wouldn't work in
1451 this situation. So this was the - the medical aid that I think that was most
1452 important -
1453
1454 BULLARD: Which was?
1455
1456 TRUJILLO: - to be provided. Which was the CPR and getting him air. Getting him a, a
1457 pulse.
1458
1459 BULLARD: Okay.
1460
1461 ((RECORDING))
1462
1463 Radio: (Unintelligible).
1464
1465 LUNDGREN: Trade off compressions?
1466
1467 TAYLER: I'm good.
1468
1469 TRUJILLO: Here (unintelligible) take breaths for a second while I get, you got gloves on
1470 already? Can you put that on his face please and then just (unintelligible) ready.
1471
1472 ((END RECORDING))
1473
1474 BULLARD: So at 04 or 04:34 and 30 seconds you appear to give your mask to Officer
1475 Lundgren and direct him to put the mask on the - decedent - the person who
1476 deceased, Stephon Clark's face while you get your latex gloves on. Is that
1477 correct?
1478
1479 TRUJILLO: Yes. Because I saw he had gloves on already.
1480
1481 BULLARD: And Officer Lundgren puts the mask on the suspect as you directed there?
1482
1483 TRUJILLO: Yes.
1484
1485 BULLARD: On Page 2 in your observations you wrote that you gave the mask to Officer
1486 Lundgren because he had latex gloves and you instructed Lundgren to put the
1487 mask on the suspect's face and to give him breaths. Is that correct?

1488
1489 TRUJILLO: Yes.
1490
1491 BULLARD: And this was done to expedite the process of rescue breathing?
1492
1493 TRUJILLO: Yes.
1494
1495 BULLARD: Based on your training and experience, do first responders such as fire and
1496 medics or hospital staff typically treat any kind of patient without first putting
1497 on latex or rubber gloves?
1498
1499 TRUJILLO: Not that I'm aware of but I - no. No. I don't think so.
1500
1501 BULLARD: And this is done to prevent contamination or transfer of bodily fluids as a safety
1502 measure. Is that correct?
1503
1504 TRUJILLO: Yes.
1505
1506 BULLARD: And is a rescue mask used for the same reasons of preventing contamination or
1507 transfer of bodily fluid substances as a safety measure?
1508
1509 TRUJILLO: Yes.
1510
1511 BULLARD: On Page 2 in your observations you indicated that you observed Lundgren blow
1512 into the inlet of the CPR mask between Officer Tayler's compressions but did
1513 not see the suspect's chest rise. Is that correct?
1514
1515 TRUJILLO: Yes.
1516
1517 BULLARD: And to your knowledge was that resuscitation mask functioning properly?
1518
1519 TRUJILLO: Yeah. I should have mentioned it in my report. I didn't see his chest rise but I
1520 could see the air going into his mouth because I remember seeing his - I don't
1521 know if his cheeks or - like the air was coming through the mask but it wasn't
1522 making his chest rise.
1523
1524 BULLARD: Okay. And then you also indicated in your observations after this that you had
1525 checked for the suspect's pulse near his right carotid but could not feel one.
1526 Correct?
1527
1528 TRUJILLO: Correct.
1529
1530 BULLARD: Can you describe where the right carotid is?
1531

1532 TRUJILLO: It's just below your ear and kind of along the jaw line. It's a, carotid artery and
1533 you can typically - when you put your fingers there usually I do two and you
1534 can feel kind of a pulse and that location is one of the locations we're taught to
1535 check for a pulse.

1536
1537 ((RECORDING))

1538
1539 Radio: (Unintelligible) unit

1540
1541 TRUJILLO: Come on buddy.

1542
1543 ((END RECORDING))

1544
1545 BULLARD: 04:34:38 you say, "Come on buddy." Is that correct?

1546
1547 TRUJILLO: Yes.

1548
1549 BULLARD: And who are you saying this to?

1550
1551 TRUJILLO: The subject, Stephon Clark.

1552
1553 BULLARD: Okay.

1554
1555 ((RECORDING))

1556
1557 Radio: (Unintelligible).

1558
1559 TRUJILLO: Come on.

1560
1561 Man: (Unintelligible) and I don't

1562
1563 ((Crosstalk))

1564
1565 TRUJILLO: You want me to switch? Try (unintelligible) breaths see?

1566
1567 Radio: (unintelligible) but there is one structure on that property (unintelligible) [REDACTED]

1568
1569 TRUJILLO: Got it? Switch.

1570
1571 TAYLER: I'm good, I'm good.

1572
1573 ((Crosstalk))

1574
1575 ((END RECORDING))

1576
1577 BULLARD: Let me back up a second here.
1578
1579 ((RECORDING))
1580
1581 Radio: (Unintelligible) next free unit
1582
1583 TRUJILLO: Come on buddy.
1584
1585 Radio: (unintelligible) west end of this field.
1586
1587 TRUJILLO: Come on.
1588
1589 Man: (Unintelligible).
1590
1591 TRUJILLO: You want me to switch? (unintelligible) giving him breaths see?
1592
1593 ((Crosstalk))
1594
1595 Radio: (unintelligible) there is one -
1596
1597 ((END RECORDING))
1598
1599 BULLARD: Now at 04:34:46 Lundgren appears to be - begin giving breaths to Clark. Is that
1600 correct?
1601
1602 TRUJILLO: Yes.
1603
1604 BULLARD: And you offer to trade places with Officer Tayler for compressions but Tayler
1605 advises he'll continue? Is that correct?
1606
1607 TRUJILLO: Yeah. I think he said he was good or something along those lines, yeah.
1608
1609 BULLARD: What's the purpose of trading place - places as it relates to CPR?
1610
1611 TRUJILLO: It's easy to get fatigued because you have to push hard and so many times
1612 repetitively and at a certain pace. So if he was getting tired, I would offer to
1613 take his spot so that it would be more effective if, if he was tired. But he was -
1614 he was doing good. I just offered and he said he was good.
1615
1616 ((RECORDING))
1617
1618 Radio: -structure on that property.
1619

1620 ((Crosstalk))
1621
1622 TRUJILLO: (unintelligible) Got it? Switch?
1623
1624 TAYLER: I'm good, I'm good.
1625
1626 TRUJILLO: You good? Okay.
1627
1628 LUNDGREN: Ready?
1629
1630 Radio: (Unintelligible) check that building.
1631
1632 TRUJILLO: Come on Buddy.
1633
1634 Radio: (unintelligible).
1635
1636 TAYLER: Thirty.
1637
1638 TRUJILLO: Come on buddy.
1639
1640 ((END RECORDING))
1641
1642 BULLARD: So 04:35:00 and 04:35:17 you again say, "Come on Buddy." And you had said
1643 this earlier that you were saying this to Clark?
1644
1645 TRUJILLO: Yes.
1646
1647 BULLARD: Again. Can you explain your mindset why you're saying that?
1648
1649 TRUJILLO: I was hoping to get a response and I - I didn't want him to die.
1650
1651 ((RECORDING))
1652
1653 Radio: Hey (unintelligible) [REDACTED] Meadowview. We have (unintelligible) all these
1654 houses back up to.
1655
1656 TRUJILLO: Let's move (unintelligible) let's move that.
1657
1658 Radio: (unintelligible) structure southwest of where this occurred (unintelligible)
1659
1660 TAYLER: Thirty.
1661
1662 LUNDGREN: Fire? Let's go.
1663

1664 TAYLER: Two breaths.
1665
1666 ((END RECORDING))
1667
1668 BULLARD: 04:35:42 Officer Tayler directs Officer Lundgren to give two breaths to Clark,
1669 which Officer Lundgren does that. Correct?
1670
1671 TRUJILLO: Yes.
1672
1673 ((RECORDING))
1674
1675 Man: You guys just got one?
1676
1677 TRUJILLO: Yeah, just the one.
1678
1679 ((END RECORDING))
1680
1681 BULLARD: Okay. Fire and medics appear to arrive on foot at this point. Correct?
1682
1683 TRUJILLO: Yes.
1684
1685 ((RECORDING))
1686
1687 Man: Let's cut his shirt off get him on a monitor.
1688
1689 TRUJILLO: Yeah. Get those - let's get those cuffs off of him.
1690
1691 ((Crosstalk))
1692
1693 Man: (unintelligible) shooting?
1694
1695 TRUJILLO: Let's get those cuffs off of him too.
1696
1697 ((END RECORDING))
1698
1699 BULLARD: 04:35:52 you appear to advise officers to take the handcuffs off Clark here. Is
1700 that correct?
1701
1702 TRUJILLO: Yes.
1703
1704 BULLARD: And can you explain why at that point to do that - the handcuffs?
1705

1706 TRUJILLO: I didn't - feel he wasn't a threat at this point. And also, I didn't - I figured in
1707 my mind it might be easier for them to provide medical care without them on. I
1708 didn't know for - I'm not a medic but that's why.
1709

1710 ((RECORDING))

1711
1712 Man: You even know where he's hit?

1713
1714 TAYLER: Somewhere in the chest, yeah he's cuffed up.
1715

1716 ((END RECORDING))

1717
1718 BULLARD: 04:35:57 medics ask officers if they know where the suspect is hit. And Officer
1719 Tayler advises them, "Somewhere in the chest." Is that correct?
1720

1721 TRUJILLO: Yes.

1722
1723 ((RECORDING))

1724
1725 Man: (Unintelligible).

1726
1727 ((Crosstalk))

1728
1729 TAYLER: You want me to take the cuffs off first?
1730

1731 Man: No.

1732
1733 Radio: [REDACTED] (unintelligible) 29th and
1734

1735 ((END RECORDING))

1736
1737 BULLARD: 04:36 and 07 fire and medics begin cutting Clark's upper body clothing off
1738 here. Correct?
1739

1740 TRUJILLO: Yes.

1741
1742 BULLARD: I provided you with General Order 522.02, emergency care for individuals
1743 under police care or control, revision date 5-16-2017. Will you please read
1744 aloud the highlight portions?
1745

1746 TRUJILLO: Yes. Policy. It shall be the policy of the Sacramento Police Department to
1747 provide emergency medical treatment to individuals under police care or control
1748 while ensuring their safety and that of others during treatment. A, emergency
1749 medical treatment. One, officers having any doubt concerning a person's

1750 condition shall request emergency medical assistance. Two, officers shall
1751 provide first aid to injured parties if it can be done safely. C, emergency
1752 medical authority. One, the highest level paramedic emergency medical
1753 technician EMT on scene is in charge and responsible for the examination,
1754 treatment and transportation of medical patients. Three, law enforcement does
1755 not have the authority to order anyone to stop performing cardiopulmonary
1756 resuscitation CPR or to interfere with a paramedic/EMT. Once CPR has been
1757 started on a person, it may be legally discontinued only when A, everyone
1758 working on the patient is too exhausted to continue, B, a medical doctor orders
1759 everyone to stop, and C, the person starts breathing.
1760
1761 BULLARD: In your opinion, when was the suspect under police care and control as stated in
1762 General Order 522.02?
1763
1764 TRUJILLO: When was he in the care?
1765
1766 BULLARD: Under police care and control I'm referring to the page
1767
1768 TRUJILLO: Uhm, I - I would say the entire time until the medics arrived.
1769
1770 BULLARD: Okay. On Page 2 of your observations you wrote that, "Officers continued CPR
1771 until medics arrived on scene and took over medical aid." Is that correct?
1772
1773 TRUJILLO: Yes.
1774
1775 BULLARD: And at what point in reviewing this were you under the impression that fire had
1776 taken over medical ca - care of Clark?
1777
1778 TRUJILLO: As soon as they started handling the person - the body. So at the moment they
1779 transitioned from Tayler giving - stopping the chest compressions and the medic
1780 came in and took his position. Does that make sense?
1781
1782 BULLARD: Okay. Took Tayler's position?
1783
1784 TRUJILLO: Yeah.
1785
1786 BULLARD: Okay. Fire and medics pronounced Clark deceased. Is that correct?
1787
1788 TRUJILLO: Yes.
1789
1790 BULLARD: Okay. For the record in reviewing body worn camera footage approximately
1791 four minutes and 57 seconds elapsed between when officers' gunfire ceased to
1792 the point that officers first made physical contact with the suspect, Stephon

1793 Clark. Approximately 59 seconds after that Officer Tayler began CPR on
1794 Clark. Does that sound accurate?
1795
1796 TRUJILLO: Yes.
1797
1798 BULLARD: And in reviewing body worn camera footage, approximately three minutes total
1799 of CPR treatment by SPD officers was conducted on Clark. Does that sound
1800 accurate?
1801
1802 TRUJILLO: Yes.
1803
1804 BULLARD: In your opinion do you feel you were able to provide first aid to the suspect
1805 safely as stated in Section A Subsection 2 of the General Order that you had
1806 reviewed, 522.02, any sooner than when you made your eventual approach of
1807 the suspect?
1808
1809 TRUJILLO: Sooner? no. But at the time that we did, I felt it was safe.
1810
1811 BULLARD: Okay. Can you explain why you don't feel that you would have been able to
1812 provide first aid safely any sooner to the suspect?
1813
1814 TRUJILLO: Because at the time based on the information that I knew, I didn't know if it was
1815 safe to approach at that time. I didn't know again if he still had his weapon and
1816 if he was faking. I couldn't see his hands. So I didn't feel it was safe without
1817 more tools and we need - I didn't - we didn't have the shield. I would have
1818 liked to have the shield but yeah, I think we needed a little bit more.
1819
1820 BULLARD: Would it have been reasonable to direct fire and medics to enter the scene and
1821 medically treat the suspect prior to officers safely securing the scene and
1822 arresting or detaining the suspect?
1823
1824 TRUJILLO: No.
1825
1826 BULLARD: Why?
1827
1828 TRUJILLO: If it wasn't safe for us. In my opinion it wouldn't have been safe for them.
1829
1830 BULLARD: In your opinion do you feel it was reasonable for officers to delay their
1831 approach of the suspect for the amount of time that they did?
1832
1833 TRUJILLO: I believe so, yes.
1834
1835 BULLARD: As we already referred earlier that the suspect involved in this was Stephon
1836 Clark. Did you know Stephon Clark prior to this incident?

1837
1838 TRUJILLO: No.
1839
1840 BULLARD: To your knowledge had you had any interactions or dealings with Stephon
1841 Clark prior to this incident?
1842
1843 TRUJILLO: No.
1844
1845 BULLARD: Refer back to your body worn camera. Fast forward.
1846
1847 ((RECORDING))
1848
1849 Radio: (Unintelligible).
1850
1851 TRUJILLO: Yeah.
1852
1853 Radio: (Unintelligible).
1854
1855 ((END RECORDING))
1856
1857 BULLARD: At 04:42 - it's actually right around 35 you appeared to mute your body worn
1858 camera here. Correct?
1859
1860 TRUJILLO: Correct.
1861
1862 BULLARD: Do you – do you recall the reasoning at that time for that?
1863
1864 TRUJILLO: For some reason I thought I was told to but then I don't - I can't really
1865 remember. If not, it was because of that or because we were done. I wasn't
1866 contacting the public anymore. It was just - yeah, I was done contacting the
1867 public.
1868
1869 BULLARD: Okay. Let me fast forward still a little further here.
1870
1871 BOYD: Do you need a break or anything Christina?
1872
1873 TRUJILLO: I'm sorry. My
1874
1875 ((Crosstalk))
1876
1877 BULLARD: No, no. That's not a problem.
1878
1879 ((Crosstalk))
1880

1881 BOYD: Do you want a break?
1882
1883 BULLARD: We're just a little over an hour.
1884
1885 TRUJILLO: No. I think I'm okay. Just probably (unintelligible) my voice is a little hoarse.
1886
1887 BULLARD: Okay. So at – let me pause this – at 05:01 and 10 seconds on your body cam,
1888 you deactivate your body worn camera. Correct?
1889
1890 TRUJILLO: Yes.
1891
1892 BULLARD: And do you recall the reasoning for it at that time?
1893
1894 TRUJILLO: I was told to.
1895
1896 BULLARD: Do you recall by who?
1897
1898 TRUJILLO: I don't. I thought it was a sergeant but I don't remember which one.
1899
1900 BULLARD: Do you recall any kind of order going out over the radio by the watch
1901 commander or lieutenant to have all units not directly dealing with the public to
1902 deactivate body cam or video at that time at all?
1903
1904 TRUJILLO: I don't recall. I don't know if it happened or not but I don't recall it.
1905
1906 BULLARD: Okay. I provided you with General Order 525.07, revision date 4-26 of 2017,
1907 body worn camera. Would you please read aloud the highlighted portions?
1908
1909 TRUJILLO: Yes. Policy. It shall be the policy of the Sacramento Police Department to
1910 utilize a body worn camera in a manner that will assist in criminal prosecutions
1911 or civil litigation by providing a recording of the incident that - that may
1912 supplement an employee's report and help document professional police
1913 conduct. A, general. One. All officers issued a body worn camera are required
1914 to wear and use their body worn cameras while working in uniform. A uniform
1915 is to be considered the standard uniform as well as any apparel, for example,
1916 tactical/raid vests that identifies the wearer as a police officer. Two. Body
1917 worn camera video provides additional information regarding an investigative
1918 or enforcement contact with a member of the public as body worn camera
1919 recordings provide only a limited perspective of the encounter. All other
1920 available evidence such as witness statements, officer interviews, forensic
1921 analysis and documentary evidence should be considered before any inclu -
1922 conclusions are reached. Three. Body worn cameras should assist in the
1923 following. A, documenting an initial police response. B, employee
1924 responsibility. Two. Employees assigned a body worn camera shall, C, affix

1925 their issued body worn cameras to their uniform at the beginning of their shift in
1926 accordance with training and the manufacturer's guidelines. The body worn
1927 camera shall be worn for the entire shift. C, required activation of the body
1928 worn camera. One. This policy is not intended to describe every possible
1929 situation in which the body worn camera should be utilized. Not all situations
1930 will clearly start out as necessitating the activation of the body worn camera nor
1931 will all events have a clear ending when the body worn camera is no longer
1932 necessary. Three. Employees shall activate their body worn cameras during
1933 any enforcement or investigative activity whether self-initiated or in response to
1934 a dispatched call. Examples include but are not limited to the following. C,
1935 when conducting pedestrian and vehicle contacts. D, while responding to any in
1936 progress just occurred or any other call for service in which the fleeing suspect
1937 and/or vehicles may be captured leaving the crime scene. E, when responding
1938 to calls reportedly involving weapons or violence. G, when pursuing a suspect
1939 on foot. H, during Code 3 responses including vehicle pursuits regardless of
1940 whether the vehicle is equipped with an in car camera. I, while executing
1941 searches of individuals, building - I'm sorry - vehicles, buildings and other
1942 places. K, when conducting arrests, detentions and/or citations. Deactivation of
1943 the body worn camera. One. Except as listed below, once activated officers
1944 shall not deactivate their body worn cameras until the investigative or
1945 enforcement activity involving a member of the public has reasonably
1946 concluded. If enforcement or investigative activity with a member of the public
1947 resumes, the officer shall reactivate the body worn camera and continue
1948 recording. Two. Employees may deactivate the body worn camera at any time
1949 based on their discretion in the following circumstances. A, when the employee
1950 is discussing tactical or confidential information with other law enforcement
1951 personnel during briefings or during conversations with confidential informants.
1952 C, when it is necessary to discuss issues or concerns with an employee,
1953 supervisor, doctor, nurse or paramedic in private. Three. Details regarding the
1954 reason for deactivation should be recorded and documented when appropriate.
1955

1956 BULLARD: After reviewing that, in your opinion do you feel you complied with that policy?
1957

1958 TRUJILLO: Yes.
1959

1960 BULLARD: Why?
1961

1962 TRUJILLO: We were no longer - I was no longer contacting the public. It was - I was not
1963 investigating the crime or again, talking to the public and I was transitioned into
1964 a role of peer support, which is a confidential position.
1965

1966 BULLARD: Would it be fair to say do you feel that you complied with this policy as far as
1967 your activation of the body worn camera?
1968

1969 TRUJILLO: Yes.
1970
1971 BULLARD: And why?
1972
1973 TRUJILLO: Because we responded Code 3 initially. And obviously there is a crime in
1974 progress and we were still dealing with the subject, which is a member of the
1975 community public.
1976
1977 BULLARD: If you were to respond to this call again, is there anything that you would have
1978 done different?
1979
1980 TRUJILLO: Well yeah, the policy's changed. So I would leave it on and not mute it.
1981
1982 BULLARD: Considering if – if we were to go back to this – this date and time when this
1983 policy was still in effect as to - and these policies which we've reviewed, is
1984 there anything that you would have done differently at all in reviewing this?
1985
1986 TRUJILLO: No. No.
1987
1988 BULLARD: Detective Alonso, do you have any follow up?
1989
1990 ALONSO: I don't. No.
1991
1992 BULLARD: Mick?
1993
1994 BOYD: No ma'am. No sir.
1995
1996 BULLARD: No? Okay. The time is
1997
1998 ALONSO: Hold on.
1999
2000 BULLARD: I know - 11:50 just making sure what time it was.
2001
2002 ALONSO: Is there anything else relating to this matter which we have not covered that
2003 needs to be added, clarified or changed? If so, I am ordering you to provide that
2004 information now. After you leave this interview should you remember anything
2005 that is different from or in addition to the information that you've given today, I
2006 am ordering you to conduct – to contact Sergeant Bullard immediately. I am
2007 also ordering you not to discuss this matter with any other department
2008 employee. Do you understand these orders?
2009
2010 TRUJILLO: I do.
2011
2012 BULLARD: And we didn't give a chance for her to answer on if she had anything.

2013
2014 ALONSO: Do you have anything else relating to this matter that you would like to add,
2015 clarify or change?
2016
2017 TRUJILLO: Not that I can think of at the moment, no.
2018
2019 ALONSO: Okay. And do you understand the order of not to discuss this with anyone - any
2020 other department employee?
2021
2022 TRUJILLO: Yes I do.
2023
2024 BULLARD: Eleven fifty-one hours.
2025

2026 **End of recording.**
2027
2028

2029 The transcript has been reviewed with the audio recording submitted and it is an accurate
2030 transcription.

2031 Signed _____

Sgt. Ryan Bullard

Sgt. Ryan Bullard

INTERVIEW WITH OFC. BRANDON LUNDGREN

ALONSO=Det. Lilia Alonso

BULLARD=Sgt. Ryan Bullard

BOYD=Mick Boyd

TRUJILLO=Ofc. Christina Trujillo

MERCADAL=Ofc. Terrence Mercadal

TAYLER=Ofc. Tayler

ROBINET=Ofc. Robinet

MORRIS=Sgt. Morris

LUNDGREN=Ofc. Brandon Lundgren

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2
3
4
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6
7
8
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10
11
12
13 ALONSO: The date is May 9, 2019. The time is 3:00 pm. Present in the Internal Affairs
14 Division Office are Brandon Lundgren, Mick Boyd, Sergeant Ryan Bullard and
15 myself Detective Lilia Alonso. The purpose of this meeting is to conduct an
16 interview of Brandon Lundgren who is an employee with the Sacramento Police
17 Department in the capacity of Police Officer. This is an administrative
18 investigation on the charges of neglect of duty and improper tactics involving
19 Jared Robinet and Terrence Mercadal. This is an administrative investigation
20 only on those charges. Do you understand that?

21
22 LUNDGREN: I do.

23
24 ALONSO: However, since the allegations indicated that a crime may have been committed,
25 I am advising you that you have the right to remain silent. Anything you say
26 may be used against you in court. You have the right to the presence of an
27 attorney before and during any questioning. If you cannot afford an attorney,
28 one will be appointed to you free of charge before any questioning if you want.
29 Do you understand each of those rights that I have explained to you?

30
31 LUNDGREN: I do.

32
33 ALONSO: Having those rights in mind, do you wish to talk to us now?

34
35 LUNDGREN: No.

36
37 ALONSO: Although you have a right to remain silent and not to incriminate yourself, your
38 silence can be deemed insubordination and result in administrative discipline.
39 Do you understand that based upon the authority vested in me by the Chief of
40 Police I am ordering you to answer all of our questions?

41
42 LUNDGREN: I understand.
43

44 ALONSO: Any statement made under compulsion of a threat of discipline cannot be used
45 against you in a later criminal proceeding. However, if you do not answer our
46 questions truthfully and fully, a charge of insubordination may be imposed,
47 which could result in discipline up to and including termination. Do you
48 understand this is only an administrative investigation?
49
50 LUNDGREN: I do.
51
52 ALONSO: Do you understand the allegations?
53
54 LUNDGREN: I do.
55
56 ALONSO: Do you understand that I am ordering you to answer our questions and that if
57 you do not answer them truthfully and fully it could result in disciplinary action
58 up to and including termination?
59
60 LUNDGREN: I do.
61
62 ALONSO: Okay.
63
64 BULLARD: For the record please state and spell your name.
65
66 LUNDGREN: Brandon Lundgren, B-R-A-N-D-O-N Lundgren, L-U-N-D-G-R-E-N.
67
68 BULLARD: Did you graduate from the Sacramento Police Academy?
69
70 LUNDGREN: No.
71
72 BULLARD: Okay. Which Academy did you graduate from?
73
74 LUNDGREN: Graduated from the Yuba College Police Academy.
75
76 BULLARD: And what - when did you graduate from there?
77
78 LUNDGREN: In 2016, June 6 I believe.
79
80 BULLARD: Okay. Do you have any prior law enforcement experience?
81
82 LUNDGREN: I was a Reserve Deputy for approximately six months with Yuba County
83 Sheriff's Department.
84
85 BULLARD: Yuba County Sheriff's Department?
86
87 LUNDGREN: Yuba County.

88
89 BULLARD: What is your current assignment and shift?
90
91 LUNDGREN: Patrol, Sector 5 [REDACTED]
92
93 BULLARD: Okay. How long have you been in your current assignment?
94
95 LUNDGREN: Approximately three years. Three years will be in June.
96
97 BULLARD: What was your assignment and shift in March 2018?
98
99 LUNDGREN: I was working as I believe 2 Charles 55 in Sector 5 swing shift.
100
101 BULLARD: Have you had any kind of specialized training or assignment with the
102 Sacramento Police Department?
103
104 LUNDGREN: No.
105
106 BULLARD: Prior to this interview I provided you and your representative with your body
107 worn camera footage from March 18, 2018 relating to CAD Call 18-82449, a
108 video recording of your interview with homicide detectives on March 29, 2018
109 relating to SPD Case 18-82449, your statement and observations relating to
110 SPD Case 18-82449, a CAD call printout for Call 18-82449, an audio recording
111 of radio traffic relating to SPD CAD 18-82449, a transcription of the radio
112 traffic relating to SPD CAD 18-82449, an aerial photo of [REDACTED] 29th Street from
113 SPD Case 18-82449, a copy of your POST training record, a 2018 SPD CPT
114 First Aid CPR update course outline, General Order 522.02, revision date 5-16
115 of 2017, and General Order 525.07, revision date 4-26-2017. Have you had a
116 chance to review these?
117
118 LUNDGREN: I have.
119
120 BULLARD: For the record, these general orders were the current policies in place on March
121 18 of 2018. We are here to conduct an administrative interview with you
122 regarding SPD case 18-82449, an officer involved shooting, which you were
123 involved in on March 18, 2018. Prior to our interview here have you read or
124 reviewed any materials pertaining to this Case 18-82449, such as reports, press
125 releases, statements, videos?
126
127 LUNDGREN: Yes.
128
129 BULLARD: What would those entail?
130

131 LUNDGREN: I have read my report that I wrote the night of, through the course of this
132 investigation, I have seen news media in regards to this. I have watched videos
133 published online of the helicopter's view of this and other body worn cameras
134 that have been released.
135
136 BULLARD: Okay. Have you received training in emergency first aid and CPR?
137
138 LUNDGREN: I have.
139
140 BULLARD: And specifically what kind of training?
141
142 LUNDGREN: I've had first aid and CPR.
143
144 BULLARD: With the Sacramento Police Department?
145
146 LUNDGREN: Yes.
147
148 BULLARD: And when was that?
149
150 LUNDGREN: That was on 1-29 of '18.
151
152 BULLARD: Okay. Referring to your observations written by you in relation to this case, did
153 you review any video whether body worn camera or any other kind of video
154 prior to writing and submitting your observations?
155
156 LUNDGREN: No.
157
158 BULLARD: And then referring to your statement that you gave the homicide investigators
159 on March 29, 2018. Do you remember what videos you were allowed to watch
160 prior to the interview with homicide detectives?
161
162 LUNDGREN: I don't recall.
163
164 BULLARD: What type of equipment did you carry with you on the date of the shooting,
165 March 18, 2018?
166
167 LUNDGREN: In reference to every piece of equipment on me?
168
169 BULLARD: Of whatever you can recall that you think would be -
170
171 LUNDGREN: The night in question the equipment I had on my body was - I had my firearm.
172 I had extra magazines. I had my flashlight, my baton. I had my taser, my radio,
173 my ballistic vest, all my standard issue equipment I had on me that night.
174

175 BULLARD: Did you have your department issued body worn camera equipped?
176
177 LUNDGREN: I did.
178
179 BULLARD: And to your knowledge, was all of your equipment including your body worn
180 camera functioning properly at the beginning of your shift on March 18 of
181 2018?
182
183 LUNDGREN: Yes it was.
184
185 BULLARD: Were you on duty March 18, 2018 at 9:28 pm?
186
187 LUNDGREN: I was.
188
189 BULLARD: What was your identifier?
190
191 LUNDGREN: I believe it was 2 Charles 55. It was 2 Charles 55.
192
193 BULLARD: Okay. Did you have a partner you were working with?
194
195 LUNDGREN: I did.
196
197 BULLARD: And who was that?
198
199 LUNDGREN: That was Thomas MacLean.
200
201 BULLARD: Okay. Were you in a fully marked SPD patrol vehicle equipped with
202 emergency lights?
203
204 LUNDGREN: We were.
205
206 BULLARD: Were you in full SPD uniform?
207
208 LUNDGREN: I was.
209
210 BULLARD: And your partner Officer MacLean, was he in full SPD uniform as well at the
211 time?
212
213 LUNDGREN: He was.
214
215 BULLARD: On March 18, 2018, 2128 hours did you respond to a call for service in the area
216 of [REDACTED] 29th Street regarding a car clout or a car burglary, which had resulted in
217 an officer involved shooting?
218

219 LUNDGREN: Yes I did.
220
221 BULLARD: Did you respond Code 3?
222
223 LUNDGREN: Yes we did.
224
225 BULLARD: Where did you respond from?
226
227 LUNDGREN: We responded from Delta Shores Circle.
228
229 BULLARD: Can you summarize the information about the call that you knew at the time that
230 you were responding?
231
232 LUNDGREN: At the time we were listening to radio traffic of two officers responding to the
233 area of 29th Street in regards to a subject breaking car windows. The sheriff's
234 helicopter STAR got overhead and located a subject in the backyard on 29th.
235 As officers, you know, arrived on scene, STAR updated them advising them
236 that he was jumping fences heading Southbound through yards. STAR advised
237 them that he had just broken a back window into a residence and then continued
238 Southbound over a fence. At that time we heard an update from STAR that
239 shots had been fired. And then we heard over the radio the officers putting out,
240 "Shots fired." We then responded from Delta Shores Circle Code three to 29th
241 Street.
242
243 BULLARD: Okay. So as you touched on earlier an SSD Air Unit STAR responded to this
244 call as well. Correct?
245
246 LUNDGREN: Correct.
247
248 BULLARD: To your knowledge, was STAR on scene for this call prior to your arrival?
249
250 LUNDGREN: Yes they were.
251
252 BULLARD: Can you describe some of the things that you were considering or thinking
253 about during your response to this call?
254
255 LUNDGREN: Shots just were fired. So I was concerned with the officers on scene and their
256 safety and the well being. I was concerned about the individual they just got
257 into a firefight with. I was concerned thinking if the subject was still armed and
258 if he was, you know, still in the fight. We were concerned about, you know,
259 getting there safely and rendering aid to whoever we needed to render aid to if
260 that meant engaging in a firefight or helping with first aid, scene security and
261 the following investigation.
262

263 BULLARD: Okay. The CAD call indicates that at 2133 hours you and Officer MacLean
264 arrived on scene for this call. Is that correct?
265
266 LUNDGREN: That's correct.
267
268 BULLARD: And did you actually respond to [REDACTED] 29th Street as opposed to [REDACTED]?
269
270 LUNDGREN: We responded and parked our vehicle approximately two houses North of the
271 actual residence where shots were fired.
272
273 BULLARD: Okay. [REDACTED] 29th Street was the actual location of the officer involved shooting
274 to your knowledge - Let me rephrase it. Do you recall how you got directed or
275 what led you to [REDACTED] 29th Street?
276
277 LUNDGREN: When I arrived on scene there were other officers on scene. I started asking
278 where my partners were. They directed me Southbound. I moved
279 approximately two residences Southbound, came across another officer. Asked
280 where my partners were. They directed me to the backyard of [REDACTED] - [REDACTED] -
281
282 BULLARD: [REDACTED] 29th Street was the original -
283
284 LUNDGREN: - Yeah original CAD call.
285
286 BULLARD: - original CAD call location?
287
288 LUNDGREN: So not - not that address, [REDACTED] was where they directed me to.
289
290 BULLARD: Okay. And to your knowledge an officer involved shooting had occurred at this
291 location?
292
293 LUNDGREN: Yes.
294
295 BULLARD: Okay. Okay we're going to refer to your body worn cam footage here. Let me
296 try and get to the very beginning here. So, these are all a little bit tricky, we'll
297 just do that. All right. So does this appear to be your body worn camera
298 footage?
299
300 LUNDGREN: Yes it does.
301
302 BULLARD: Okay. So we'll review it here and it has date and time stamp labeled as 2018-
303 03-19. T Tom 04:28:18 Z zebra for Zulu Time. So we will fast forward here
304 just a little bit.
305
306 ((RECORDING))

307
308 STAR: STAR they're approaching the victim.
309
310 ((END RECORDING))
311
312 BULLARD: So we're pausing here at 04:32:04. This is when you arrived on scene in the
313 area. Is this correct?
314
315 LUNDGREN: That's correct.
316
317 BULLARD: Okay. Now in translating to Pacific Standard Time as opposed to Zulu Time,
318 this would estimate to be roughly 2132 hours. Does that sound accurate for
319 Pacific Standard Time?
320
321 LUNDGREN: Yes. That's very close.
322
323 BULLARD: Okay.
324
325 ((RECORDING))
326
327 Man: They already clear it?
328
329 Man: Do you guys know the address (unintelligible)?
330
331 Man: [REDACTED] (unintelligible).
332
333 ((Crosstalk))
334
335 ((END RECORDING))
336
337 BULLARD: So we're paused it at 04:32:23. It sounds like an officer says [REDACTED]. Is that
338 correct?
339
340 LUNDGREN: That's correct.
341
342 BULLARD: Okay. And to your recollection, would this mean [REDACTED] 29th Street where
343 Officers Robinet and Mercadal were - were presumably at?
344
345 LUNDGREN: Yes.
346
347 BULLARD: Okay.
348
349 ((RECORDING))
350

351 ((Crosstalk))

352

353 LUNDGREN: Where is he?

354

355 Man: [REDACTED], it's up this way.

356

357 LUNDGRE: [REDACTED] (unintelligible) this way?

358

359 Man: Yeah they're in the back yard (unintelligible).

360

361 ((Crosstalk))

362

363 LUNDGREN: Where's Robinet?

364

365 TRUJILLO: He's back there. They're back there.

366

367 ((END RECORDING))

368

369 BULLARD: So at 04:32:52 you appear to make contact with an officer. Do you recall which
370 officer that was that you made contact?

371

372 LUNDGREN: Trujillo.

373

374 BULLARD: Okay. And this is in front of [REDACTED] 29th Street. And you asked, "Where's
375 Robinet?" Is that correct?

376

377 LUNDGREN: That's correct.

378

379 BULLARD: And Trujillo replies they're back there and indicated in a Western direction
380 towards the back yard of this property. Is that correct?

381

382 LUNDGREN: That is correct.

383

384 BULLARD: And at this point then you proceed West towards the backyard of [REDACTED] 29th St?

385

386 LUNDGREN: Yeah -

387

388 BULLARD: - along the North side of the property. Is that correct?

389

390 LUNDGREN: That's correct.

391

392 ((RECORDING))

393

394 ((Crosstalk))

395
396 MORRIS: (unintelligible) mask?
397
398 MERCADAL: Rescue mask? Rescue mask CPR?
399
400 ((END RECORDING))
401
402 BULLARD: So 04:33:06 an officer is heard saying, is it "rescue mask"? Is that correct?
403
404 LUNDGREN: Rescue mask.
405
406 BULLARD: And somebody - sounds like someone mentioned CPR? Is that correct? Could
407 you hear that at all?
408
409 LUNDGREN: I can hear rescue mask.
410
411 BULLARD: Okay.
412
413 ((RECORDING))
414
415 TRUJILLO: Okay (unintelligible).
416
417 Man: (unintelligible).
418
419 ((Crosstalk))
420
421 ((END RECORDING))
422
423 BULLARD: And then at that point it looks like an officer - after someone says that, an
424 officer goes back towards the front of the property. Could you tell which
425 officer that was?
426
427 LUNDGREN: Officer Trujillo.
428
429 BULLARD: Okay. And so she - Officer Trujillo goes back towards the front of [REDACTED] 29th
430 Street?
431
432 LUNDGREN: She says that she's gonna go get a rescue mask.
433
434 BULLARD: Okay.
435
436 ((RECORDING))
437
438 LUNDGREN: All right. We got somebody getting rescue mask. They good back there?

439
440 MERCADAL: Uh no we need uh -
441
442 ((END RECORDING))
443
444 BULLARD: 04:33:18 you say, "Okay. We got someone getting a rescue mask. They good
445 back there?" And then someone replies, "Uh no, we need uh" - can you - can
446 you tell who said that or which officer said that?
447
448 LUNDGREN: I believe it's Officer Mercadal.
449
450 BULLARD: Okay. And which officers are walking back towards the front of the property of
451 what you can remember from that or what you can see?
452
453 LUNDGREN: Right now it's Officer Mercadal and Officer Robinet.
454
455 BULLARD: Okay.
456
457 ((RECORDING))
458
459 ((Crosstalk))
460
461 LUNDGREN: Hey mute.
462
463 ((END RECORDING))
464
465 BULLARD: Okay. 04:33:38 you appear to join Officer Robinet and Mercadal on the West
466 sidewalk of 29th Street near [REDACTED] 29th Street and someone says, "Uh mute." Is
467 that correct?
468
469 LUNDGREN: That's correct.
470
471 BULLARD: Do you recall which officer said that?
472
473 LUNDGREN: I believe it was me.
474
475 BULLARD: Okay. And at the time do you recall the reason why you had asked that or said
476 that at the time?
477
478 LUNDGREN: I was gonna ask them if - or I asked them if they were okay, if they were
479 injured. And then they responded, "Yeah, we're okay." And then I turned
480 around and walked away from them.
481

482 BULLARD: And to your knowledge at this point, Officers Robinet and Mercadal had just
483 been involved in a shooting. Correct?
484

485 LUNDGREN: I didn't at that time know if it was one or both. I just knew that they were the
486 ones responding to the scene.
487

488 BULLARD: Okay. And at this point here it says 04:33 - it says 39. You mute your body
489 worn camera. Is that correct?
490

491 LUNDGREN: That's correct.
492

493 BULLARD: So we'll stop at 04:33:53. Officer Robinet appears to point towards the
494 backyard of [REDACTED] 29th Street and then you appear to run back towards the
495 backyard. Is that correct?
496

497 LUNDGREN: That's correct.
498

499 BULLARD: Okay. So I'm referring to Page 2 and 3 of your statement to homicide
500 detectives and it should be highlighted. You explained the reason for muting
501 your body worn camera at the time was to have a personal conversation with
502 Robinet and Mercadal and that you were checking on their welfare. Is that
503 correct?
504

505 LUNDGREN: That's correct.
506

507 BULLARD: And on Page 3 of your statement you said, "I don't remember. I think I might
508 have said where is he and they pointed to the backyard. Then I turned to go to
509 the backyard and I think Officer Robinet said we're on ice."? Is that correct?
510

511 LUNDGREN: That's correct.
512

513 BULLARD: Okay. Are - at this point here in your statement, were you referencing here
514 what was said when Robinet is seen on your video here pointing towards the
515 backyard?
516

517 LUNDGREN: Yeah. As far as I remember that's correct.
518

519 BULLARD: Okay. Can you explain what that meant when Officer Robinet said, "We're on
520 ice"? that - in context at all what that -
521

522 LUNDGREN: The way that I understood it and took it was they were just involved in
523 something that they needed to separate themselves from and not talk to anyone.
524 Being on ice just being kind of put alone at the moment to not talk about it. To
525 - that's kind of how I took it.

526
527 BULLARD: And meaning that Officers Robinet and Mercadal were "on ice" so to speak to
528 not talk about it?
529
530 LUNDGREN: Yeah.
531
532 BULLARD: Is that correct?
533
534 LUNDGREN: That's how I took it.
535
536 BULLARD: Okay. And to clarify, when you said, "I might have said where is he" are you
537 referring to where is the suspect who was shot?
538
539 LUNDGREN: Yes.
540
541 BULLARD: So was the reason for your going into the backyard, was it to assist in treating
542 the suspect if possible?
543
544 LUNDGREN: Yes it was.
545
546 BULLARD: So at 04:34 and 00 you un-mute or reactivate the audio on your body worn
547 camera. Is that correct?
548
549 LUNDGREN: That's correct.
550
551 BULLARD: And what's the reason for you reactivating the audio at that point?
552
553 LUNDGREN: My private conversation regarding safety was over and I was reactivating my
554 audio to continue in my investigation.
555
556 ((RECORDING))
557
558 TAYLER: Come on bud.
559
560 ((END RECORDING))
561
562 BULLARD: So at 04:34 and 15 seconds you appear to contact Officers Trujillo and Tayler in
563 the backyard. Is that correct?
564
565 LUNDGREN: That's correct.
566
567 BULLARD: Can you describe what Officer Tayler appeared to be doing at this point?
568
569 LUNDGREN: He was performing chest compressions.

570

571 BULLARD: Okay. Would those be like CPR chest compressions?

572

573 LUNDGREN: Yes.

574

575 ((RECORDING))

576

577 TRUJILLO: No pulse no breathing?

578

579 ((END RECORDING))

580

581 BULLARD: Can you hear what Officer Trujillo asked or says right there?

582

583 LUNDGREN: I believe she says something along the lines of, "Is he breathing?"

584

585 ((RECORDING))

586

587 LUNDGREN: You want to trade off compressions?

588

589 TAYLER: I'm good.

590

591 TRUJILLO: Here -

592

593 ((END RECORDING))

594

595 BULLARD: So at four - 04:34:24 you ask, "You want to trade off compressions?" Is that correct?

596

597

598 LUNDGREN: That's correct.

599

600 BULLARD: And Officer Tayler replies, "I'm good." Is that correct?

601

602 LUNDGREN: That's correct.

603

604 BULLARD: Just to clarify something on Page 1 of your observations. After writing that you had arrived on scene at [REDACTED] 29th Street, you wrote, "I located one of the members Gang 57, in parenthesis Tayler who advised me that they were in the backyard. I made my way to the backyard and located the second member of Gang 57, in parenthesis Trujillo who was already performing chest compressions on a male subject." Is that correct of what you wrote there?

605

606

607

608

609

610

611 LUNDGREN: That is what I wrote.

612

613 BULLARD: So after reviewing your initial portion of your body worn camera footage here,
614 it appeared that you actually contacted Officer Trujillo in front of the residence
615 first as opposed to Tayler and then located Tayler in the backyard who began
616 chest compressions as opposed to Trujillo. Would that be correct?
617

618 LUNDGREN: That is correct.
619

620 BULLARD: Okay. So just a mix of officers on it from your observations to what - who was
621 doing chest compressions and who referred you to the back, is that correct?
622

623 LUNDGREN: That's correct.
624

625 BULLARD: Okay. And then can you explain what you mean by trade off compressions?
626

627 LUNDGREN: When giving chest compressions it can be very tiresome. And so I wanted to
628 make sure that he wasn't worn out and could still perform chest compressions.
629

630 ((RECORDING))
631

632 LUNDGREN: You want to trade off compressions?
633

634 TAYLER: I'm good.
635

636 TRUJILLO: Here. (Unintelligible) and you got gloves on already? Can you put that on his
637 face please (unintelligible).
638

639 ((END RECORDING))
640

641 BULLARD: 04:34:29 can you explain what happens right here after you asked about trading
642 off compressions. Officer Trujillo motions towards you. What is she asking
643 you to do? Do you recall right here?
644

645 LUNDGREN: She hands me a rescue mask for CPR purposes and asks me to start giving
646 breaths.
647

648 BULLARD: Okay. Do you recall her asking say - mentioning anything about you having
649 gloves on already?
650

651 LUNDGREN: Yes.
652

653 BULLARD: And did Officer Trujillo ask you to put the rescue mask on the suspect's face?
654 Do you recall? I can replay it if you want here.
655

656 LUNDGREN: Yeah, would you?

657

658 ((RECORDING))

659

660 TRUJILLO: Here. (Unintelligible) you got gloves on already? Can you put that on his face
661 please?

662

663 ((END RECORDING))

664

665 LUNDGREN: Yes she does.

666

667 BULLARD: Okay. She asks you to put the mask on the suspect's face please?

668

669 ((END RECORDING))

670

671 LUNDGREN: Yes she does.

672

673 BULLARD: Okay, she asks you to put the mask on the suspect's face?

674

675 LUNDGREN: Yes.

676

677 BULLARD: Okay. And Officer Trujillo actually gives you her rescue mask. Is that correct?

678

679 LUNDGREN: That's correct.

680

681 BULLARD: Okay.

682

683 ((RECORDING))

684

685 TRUJILLO: (Unintelligible).

686

687 ((END RECORDING))

688

689 BULLARD: Backup just a bit. So 04:34 and 30 seconds it looks like you're actually putting
690 the rescue mask on the subject's face. Is that correct?

691

692 LUNDGREN: That's correct.

693

694 BULLARD: It's kind of dark. And for the record, what is a resuscitation or rescue mask?

695

696 LUNDGREN: It's a mask that you place over the individual's mouth and nose, it creates a seal.
697 It also prevents the one giving breaths - if there's any vomiting or fluids coming
698 back out of this - the individual's mouth, it won't get into the one giving breaths
699 mouth. And it assists with delivering air to their airway.

700

701 ((RECORDING))

702

703 Radio: (Unintelligible).

704

705 TRUJILLO: Come on buddy. Come on.

706

707 LUNDGREN: Good?

708

709 TRUJILLO: You want me to switch? (unintelligible)

710

711 ((END RECORDING))

712

713 BULLARD: So at 04:34:44 Officer Tayler appears to pause and then you ask, "Good?" Is
714 that correct?

715

716 LUNDGREN: That's correct.

717

718 BULLARD: And then you appear to give rescue breaths to the suspect. Is that correct?

719

720 LUNDGREN: That's correct.

721

722 BULLARD: Would it be one? Would it be two? What would you typically do for rescue
723 breaths?

724

725 LUNDGREN: Typically you give two at a time.

726

727 BULLARD: And did you notice during these breaths at all that you gave to the suspect if his
728 chest rose or anything like that?

729

730 LUNDGREN: I don't recall.

731

732 BULLARD: Okay. And to your knowledge was that resuscitation mask functioning
733 properly?

734

735 LUNDGREN: It was.

736

737 BULLARD: And these chest compressions I think we already touched on it earlier that
738 Officer Tayler was giving to the suspect, these would be considered CPR chest
739 compressions?

740

741 LUNDGREN: Yes.

742

743 BULLARD: To the best of your understanding the suspect had been struck by officers'
744 gunfire. Is that accurate?

745
746 LUNDGREN: It's accurate.
747
748 BULLARD: Did you have any kind of emergency medical kit on your person at that time?
749
750 LUNDGREN: No I did not.
751
752 BULLARD: And based on your training and experience, first aid CPR, does the training also
753 cover treatment of individuals who are bleeding such as applying tourniquets,
754 bandages, direct wound pressure, et cetera?
755
756 LUNDGREN: Yes.
757
758 BULLARD: Based on your knowledge that the suspect had likely been shot, would it have
759 been practical for you to assess for the application of tourniquets, bandages,
760 direct pressure to any apparent gunshot wounds while also conducting CPR?
761
762 LUNDGREN: Yes.
763
764 BULLARD: Okay.
765
766 ((RECORDING))
767
768 ((Crosstalk))
769
770 TRUJILLO: (unintelligible) got it?
771
772 TAYLER: I'm good I'm good I'm good.
773
774 TRUJILLO: Good?
775
776 Man: Ready?
777
778 ((END RECORDING))
779
780 BULLARD: At 04:34 and 54 Officer Tayler appears to continue giving chest compressions.
781 Correct?
782
783 LUNDGREN: That's correct.
784
785 ((RECORDING))
786
787 TRUJILLO: Come on buddy.
788

789 ((END RECORDING))

790

791 BULLARD: 04:35:09 a gloved hand appears to feel the suspect's right neck area. Do you
792 recall which officer that was?

793

794 LUNDGREN: No I don't.

795

796 ((RECORDING))

797

798 ((Crosstalk))

799

800 TAYLER: Thirty.

801

802 ((END RECORDING))

803

804 BULLARD: At 04:35, it's actually 10, Officer Tayler pauses and says, "Thirty" correct?

805

806 LUNDGREN: That's correct.

807

808 ((RECORDING))

809

810 ((END RECORDING))

811

812 BULLARD: And you kind of motion downward here as - as the body cam shows. Is this you
813 giving rescue breaths to the suspect?

814

815 LUNDGREN: Yes it is.

816

817 BULLARD: Okay.

818

819 ((RECORDING))

820

821 TRUJILLO: Come on buddy.

822

823 ((END RECORDING))

824

825 BULLARD: What does "thirty" mean when that's voiced by Officer Tayler?

826

827 LUNDGREN: Through our training we're trained to give 30 chest compressions to every two
828 breaths.

829

830 BULLARD: Thirty chest compressions?

831

832 LUNDGREN: Thirty chest compressions, so.

833
834 BULLARD: Okay. I'd like to get back to the question I kind of ask you just a little bit earlier
835 about applying tourniquets, bandages and all that. In your opinion or based on
836 your training and experience, what is the priority of treatment in something like
837 this?
838
839 LUNDGREN: Priority of treatment is – is airway, so getting this individual since he's not
840 breathing back to breathing. If there's enough officers on scene that enough
841 medical equipment on scene and aid can be rendered to multiple areas of the
842 body at once, then you can do so. But the primary function of getting on scene
843 and evaluating an individual is getting their airway back.
844
845 BULLARD: Okay. And with doing that would CPR be that primary way of doing that and
846 trying to get somebody to breathe?
847
848 LUNDGREN: Yes it would.
849
850 BULLARD: Okay. And I - when I'd asked you here about applying tourniquets, bandages
851 and wound pressure, you said that could have been - you said that would have
852 been practical for you to assess to do that while also doing CPR? You had said
853 yes. Is that -
854
855 LUNDGREN: I apologize. I didn't get the practical part. It wouldn't be practical in this sense
856 with the amount of people that we had on scene and with the equipment we had
857 on scene. We didn't have medical bags to treat such injuries. We had the
858 rescue mask and the - our main focus was getting this individual breathing
859 again.
860
861 ((RECORDING))
862
863 ((END RECORDING))
864
865 BULLARD: 04:45:19 seconds it appears that Officer Tayler continues his chest
866 compressions again. Correct?
867
868 LUNDGREN: That's correct.
869
870 ((RECORDING))
871
872 ((Crosstalk))
873
874 TRUJILLO: (unintelligible).
875
876 TAYLER: Thirty.

877
878 LUNDGREN: Fire?
879
880 Man: Yeah.
881
882 LUNDGREN: Let's go.
883
884 TAYLER: Two breaths.
885
886 ((END RECORDING))
887
888 BULLARD: So 04:35:39 Officer Tayler pauses and says 30 again. Correct?
889
890 LUNDGREN: Correct.
891
892 BULLARD: And then you call out, "Fire"? Is that correct?
893
894 LUNDGREN: That's correct.
895
896 BULLARD: And it sounds like a distant voice replies, "Yes" or something in the affirmative
897 and you reply, "Let's go." Correct?
898
899 LUNDGREN: That's correct.
900
901 BULLARD: Can you explain what that exchange was when you had said that?
902
903 LUNDGREN: I heard that fire was on scene and they're working their way back and they're - I
904 - I believe they asked, "Where are they" or something along those lines. So I
905 called out, "Fire." He responded. And I told him basically, "Let's go. You're
906 clear to enter." That was the exchange.
907
908 BULLARD: Okay. So I want to kind of clarify. When you're telling fire and medics, "Let's
909 go" in the way that you did, is that a way of you telling them to hurry or
910 expedite in assisting in treating the suspect here for medical attention?
911
912 LUNDGREN: Yes it was.
913
914 BULLARD: And then right at the very end of this video - I'll replay here if you want. But
915 Officer Tayler says, "Two breaths." Is that - I'll go right back.
916
917 ((RECORDING))
918
919 TAYLER: Thirty.
920

921 LUNDGREN: Fire?

922

923 Man: Yeah.

924

925 LUNDGREN: Let's go.

926

927 TAYLER: Two breaths.

928

929 ((END RECORDING))

930

931 BULLARD: So Officer Tayler says, "Two breaths" and then you appear to give two more
932 rescue breaths here to the suspect. Is that correct?

933

934 LUNDGREN: That's correct.

935

936 BULLARD: Okay.

937

938 ((RECORDING))

939

940 Man: You guys just got one?

941

942 TRUJILLO: Yeah just -

943

944 ((END RECORDING))

945

946 BULLARD: 04:35:46 someone says what sounds like, "You guys just got one?" Does that
947 sound accurate?

948

949 LUNDGREN: That's what it sounds like.

950

951 BULLARD: I can play it again here. Make sure that you -

952

953 ((RECORDING))

954

955 Man: You guys just got one?

956

957 TRUJILLO: Yeah.

958

959 ((END RECORDING))

960

961 LUNDGREN: Yeah it's accurate.

962

963 BULLARD: Okay. Can you tell who was saying that and what it meant?

964

965 LUNDGREN: It sounds like it was coming from the first fire on scene. And it sound – it - the
966 context is one victim, one subject down.

967
968 BULLARD: Okay.

969
970 ((RECORDING))

971

972 ((Crosstalk))

973

974 ((END RECORDING))

975

976 BULLARD: And at 04:35:47 Officer Tayler appears to continue his chest compressions.
977 Correct?

978

979 LUNDGREN: That's correct.

980

981 ((RECORDING))

982

983 Man: Let's cut his shirt off, get him on monitor.

984

985 ((Crosstalk))

986

987 ((END RECORDING))

988

989 BULLARD: 04:35:50 someone says something about cutting off the suspect's shirt and
990 getting him on a monitor. Is that correct?

991

992 LUNDGREN: That's correct.

993

994 BULLARD: Can you tell who is saying that?

995

996 LUNDGREN: That was fire.

997

998 ((RECORDING))

999

1000 ((Crosstalk))

1001

1002 Man: Yeah.

1003

1004 ((END RECORDING))

1005

1006 BULLARD: Okay. You appear to stand up at this point. Is that correct?

1007

1008 LUNDGREN: That's correct.

1009
1010 BULLARD: Okay.
1011
1012 ((RECORDING))
1013
1014 TAYLER: Good?
1015
1016 Man: You even know where he's hit?
1017
1018 ((END RECORDING))
1019
1020 BULLARD: Let me back up just a second.
1021
1022 ((RECORDING))
1023
1024 Man: (Unintelligible) get him on a monitor.
1025
1026 LUNDGREN: Yeah.
1027
1028 ((END RECORDING))
1029
1030 BULLARD: Backup one more time.
1031
1032 ((RECORDING))
1033
1034 LUNDGREN: Yeah.
1035
1036 ((Crosstalk))
1037
1038 Man: Let's cut his shirt off, get him on monitor.
1039
1040 Man: (unintelligible).
1041
1042 LUNDGREN: Yeah.
1043
1044 ((END RECORDING))
1045
1046 BULLARD: Are you able to hear what's asked there?
1047
1048 LUNDGREN: No.
1049
1050 BULLARD: As far as what you reply, "Yeah."
1051
1052 LUNDGREN: No, I can't hear.

1053
1054 BULLARD: Okay.
1055
1056 LUNDGREN: Want to try one more time?
1057
1058 BULLARD: I can. Sure. I know it was a lot of different voices going at the same time.
1059
1060 ((RECORDING))
1061
1062 Man: Let's cut his shirt off, get him on monitor.
1063
1064 ((Crosstalk))
1065
1066 LUNDGREN: Yeah.
1067
1068 ((END RECORDING))
1069
1070 LUNDGREN: It sounds like he says something about a shooting.
1071
1072 BULLARD: Okay.
1073
1074 LUNDGREN: But I'm not sure.
1075
1076 BULLARD: Okay.
1077
1078 ((RECORDING))
1079
1080 TAYLER: Good?
1081
1082 Man: You even know where he's hit?
1083
1084 TAYLER: (unintelligible) in the chest.
1085
1086 Man: He's cuffed?
1087
1088 TAYLER: Yeah he's cuffed.
1089
1090 ((END RECORDING))
1091
1092 BULLARD: So 04:35:59 several fire and medics appear to be standing around the suspect
1093 and Officer Taylor at this point appears to stop chest compressions and says,
1094 "Good." Is that correct?
1095
1096 LUNDGREN: Yes.

1097
1098 ((RECORDING))
1099
1100 Man: (unintelligible) shoes and the pocket.
1101
1102 TAYLER: You want me to take the cuffs off first?
1103
1104 Man: No.
1105
1106 BULLARD: Let me back up here.
1107
1108 TAYLER: Good?
1109
1110 Man: You even know where he's hit?
1111
1112 TAYLER: (unintelligible) in the chest.
1113
1114 Man: He's cuffed?
1115
1116 TAYLER: Yeah he's cuffed.
1117
1118 ((END RECORDING))
1119
1120 BULLARD: A medic asks if you or someone knew where the suspect was hit. Does that
1121 sound accurate?
1122
1123 LUNDGREN: Yeah. It's what I hear.
1124
1125 BULLARD: Okay. And can you tell what Officer Tayler says in response to them?
1126
1127 LUNDGREN: Let's do it one more time.
1128
1129 BULLARD: Okay.
1130
1131 ((RECORDING))
1132
1133 TAYLER: Good?
1134
1135 Man: You even know where he's hit?
1136
1137 TAYLER: (unintelligible) in the chest.
1138
1139 Man: He's cuffed?
1140

1141 TAYLER: Yeah he's cuffed.
1142
1143 ((END RECORDING))
1144
1145 LUNDGREN: Sounds like he said, "Somewhere in the chest."
1146
1147 BULLARD: And can you hear what's asked at the end of that "chest"? - the chest and -
1148
1149 LUNDGREN: No I can't. I'll listen to it one more time.
1150
1151 BULLARD: Yeah.
1152
1153 ((RECORDING))
1154
1155 TAYLER: (unintelligible) in the chest.
1156
1157 Man: He's cuffed?
1158
1159 TAYLER: Yeah he's cuffed.
1160
1161 ((END RECORDING))
1162
1163 LUNDGREN: Is he cuffed? Is that -
1164
1165 ((Crosstalk))
1166
1167 BULLARD: Is he - Is he cuffed?
1168
1169 LUNDGREN: Is that what you're looking for? Yeah.
1170
1171 BULLARD: Okay.
1172
1173 LUNDGREN: It sounds like the medic asks, "Is he cuffed?"
1174
1175 BULLARD: Okay.
1176
1177 ((RECORDING))
1178
1179 Man: (Unintelligible). I got shoes in my pocket.
1180
1181 TAYLER: Want me to take the cuffs off first?
1182
1183 Man: No.
1184

1185 ((END RECORDING))

1186

1187 BULLARD: Can you tell what Officer Tayler asked there of the medics?

1188

1189 LUNDGREN: One more time.

1190

1191 BULLARD: No problem.

1192

1193 ((RECORDING))

1194

1195 Man: (Unintelligible). I got shoes in my pocket.

1196

1197 TAYLER: Want me to take the cuffs off first?

1198

1199 Man: No.

1200

1201 ((END RECORDING))

1202

1203 LUNDGREN: He asked if he could take the cuffs off first.

1204

1205 BULLARD: Okay. And what was the medics' reply?

1206

1207 LUNDGREN: No.

1208

1209 BULLARD: No? And cuffs meaning - would those mean handcuffs?

1210

1211 LUNDGREN: Handcuffs.

1212

1213 BULLARD: Okay. In your opinion, what point did you feel that fire and medics took over
1214 medical responsibility of the suspect?

1215

1216 LUNDGREN: Right about this point.

1217

1218 BULLARD: Okay.

1219

1220 LUNDGREN: Maybe a few moments earlier.

1221

1222 BULLARD: Few?

1223

1224 LUNDGREN: The reason I stood up and backed off is once fire's on scene, they're there, they
1225 know - they have way more experience with medical treatment than I do. So
1226 I'm distancing myself and letting them have the opportunity to take over
1227 medical.

1228

1229 BULLARD: Okay.
1230
1231 LUNDGREN: But right now when Tayler stands up and backs off, fire is now working on him.
1232
1233 BULLARD: Okay. Fire and medics pronounce the suspect deceased. Correct?
1234
1235 LUNDGREN: Correct.
1236
1237 BULLARD: And to your knowledge, the suspect was later identified as Stephon Clark. Is
1238 that correct?
1239
1240 LUNDGREN: That's correct.
1241
1242 BULLARD: And for the record, in reviewing body worn camera footage approximately three
1243 minutes total of CPR treatment by SPD officers was conducted on Clark. Does
1244 that sound accurate?
1245
1246 LUNDGREN: It sounds about accurate.
1247
1248 BULLARD: Okay. I provided you with General Order 522.02, emergency care for
1249 individuals under police care or control, revision date 5-16-2017. Would you
1250 please read aloud the highlight portions of that?
1251
1252 LUNDGREN: Policy. It shall be the policy of the Sacramento Police Department to provide
1253 emergency medical treatment to individuals under police care or concern while
1254 ensuring their safety and that of others during treatment. Emergency medical
1255 treatment. Officers having any doubt concerning a person's condition shall
1256 request emergency medical assistance. Officers shall provide first aid to injured
1257 parties if it can be - if it can be done safely. Emergency medical authority. The
1258 highest level paramedic emergency medical technician or EMT on scene is in
1259 charge and responsible for the examination, treatment and transportation of
1260 medical parties or patients. Law enforcement does not have the authority to
1261 order anyone to stop performing cardiac pulmonary resuscitation or CPR or to
1262 infer - or to interfere with the paramedics or EMTs. Once CPR has been started
1263 on a person, it may be legal to discontinue only when everyone working on the
1264 patient is too exhausted to continue, a medical doctor orders everyone to stop,
1265 or the person starts breathing.
1266
1267 BULLARD: Just to retouch on what you had - had mentioned there. In your opinion, you
1268 felt that fire and medics had taken over responsibility of the suspect on this once
1269 you stood up because the medics were on scene there - or the fire and EMTs
1270 that were on scene had all the - more equipment or whatever to treat the suspect
1271 on this. Is that correct?
1272

1273 LUNDGREN: Yes.
1274
1275 BULLARD: Okay. Did you know the suspect Stephon Clark prior to this incident?
1276
1277 LUNDGREN: No.
1278
1279 BULLARD: To your knowledge, have you had any kind of interactions or dealings with
1280 Stephon Clark prior to this incident?
1281
1282 LUNDGREN: No.
1283
1284 BULLARD: Okay. I'll fast forward here just to -
1285
1286 ((RECORDING))
1287
1288 Man: Yeah.
1289
1290 TRUJILLO: Is that (Unintelligible).
1291
1292 LUNDGREN: I'm assuming. I'm throwing my camera on mute. I don't know where you are.
1293
1294 ((END RECORDING))
1295
1296 BULLARD: So at 04:40 and 42 you appear to mute your body worn camera here again.
1297 Correct?
1298
1299 LUNDGREN: That's correct.
1300
1301 BULLARD: And was it you said there when you mute - right before it muted?
1302
1303 LUNDGREN: Something like, "I don't know where you are" or you can replay it if you'd like.
1304
1305 BULLARD: Okay.
1306
1307 ((RECORDING))
1308
1309 LUNDGREN: I'm throwing my camera on mute. I don't know where you are.
1310
1311 ((END RECORDING))
1312
1313 LUNDGREN: Yeah. I don't know where you are.
1314
1315 BULLARD: What - What did that mean?
1316

1317 LUNDGREN: In reference of her camera and if it was already on mute or not.
1318
1319 BULLARD: Okay. I understand. Okay. And the reason for you muting your body worn
1320 camera at that point was why?
1321
1322 LUNDGREN: At this point there was no more contact with public or the community. I wasn't
1323 investigating anything at this point. I was just holding the scene, just standing
1324 back there. So I didn't feel the need to keep recording.
1325
1326 BULLARD: Okay. Just go forward here a bit. So at - I know it stopped the frame there but -
1327 At 04:57 and 16 seconds you deactivate your body worn camera. Is that
1328 correct?
1329
1330 LUNDGREN: That's correct.
1331
1332 BULLARD: And do you recall the reason for it at that time?
1333
1334 LUNDGREN: Just out of frame the - another officer comes back and says, "I'm gonna relieve
1335 you. Head on out to" and I don't remember who they advised me to go to. But
1336 I was directed to go to an individual person. I think it was a sergeant or - so at
1337 that point my investigation was done. I was heading out.
1338
1339 BULLARD: Okay. I provided you with General Order 525.07, revision date 4-26-2017,
1340 body worn camera. Would you please read aloud the highlighted portions?
1341
1342 LUNDGREN: Policy. It shall be the policy of the Sacramento Police Department to utilize a
1343 body worn camera in a manner that will assist in criminal prosecution or civil
1344 litigation by providing a recording of the incident that may supplement an
1345 employee's report and help document professional police conduct. General.
1346 All officers issued a body worn camera are required to wear and use the body
1347 worn camera while working in uniform. A uniform is to be considered the
1348 standard uniform as well as any apparel, e.g., tactical or raid vests that identify
1349 the wearer as a police officer. Body worn camera video provides additional
1350 information regarding an investigate - regarding an investigative or
1351 enforcement contact with a member of the public as body worn cameras
1352 recording provides only a limited perspective of the encounter. All other
1353 available evidence such as witness statements, officer interviews, forensic
1354 analysis and documentary evidence shall be considered before any conclusion
1355 are reached. Body worn cameras should assist in the following. Document -
1356 Documenting an initial police response. Employee's responsibilities.
1357 Employees assigned a body worn camera shall affix their issued body worn
1358 camera to their uniform at the beginning of their shift in accordance with the
1359 training and the manufacturer's guideline. The body worn camera shall be worn
1360 for the entirety - for the entire shift. Required activation of body worn camera.

1361 This policy is not intended to describe every possible situation in which the
1362 body worn camera should be utilized. Not all situations with – clearly - clearly
1363 start out as necessitating the activation of the body worn camera nor will all
1364 events have a clear ending when the body worn camera is no longer necessary.
1365 Employees shall activate their body worn cameras during an enforcement or
1366 investigative activity whether self-initiated or in response to a dispatched call.
1367 Examples include but are not limited to the following. When contacting
1368 pedestrians and vehicle contacts, while responding to any in progress just
1369 occurred or any other call for service in which the fleeing suspect and/or vehicle
1370 may be captured leaving the crime scene, when responding to a call reportedly
1371 involving weapons or violence, when pursuing a suspect on foot, during a Code
1372 3 response including vehicle pursuits regardless of whether the vehicle is
1373 equipped with an in car camera system, while executing searches or individual –
1374 of individuals, vehicles, buildings and other places, when conducting arrests,
1375 detentions and/or citations. Deactivation of the body worn camera. Except as
1376 listed below, once activated officers shall not deactivate their body worn
1377 cameras until the investigation or enforcement action involving a member of the
1378 public has reasonably concluded. If enforcement or investigation activities with
1379 a member of the public resume, the officer shall reactivate the body worn
1380 camera and continue recording. Employees may deactivate the body worn
1381 camera at any time based on their discretion in the following circumstances:
1382 when the employee is discussing tactical or confidential information with other
1383 law enforcement personnel during briefings or during conversations with
1384 confidential information, when it is necessary to discuss issues or concerns with
1385 an employee, supervisor, doctor, nurse or paramedic in private. Details
1386 regarding the reason for deactivation should be recorded and documented when
1387 appropriate.
1388

1389 BULLARD: After reviewing that in your opinion, do you feel that you complied with that
1390 policy?
1391

1392 LUNDGREN: I do.
1393

1394 BULLARD: Can you give some reasons why?
1395

1396 LUNDGREN: I activated my body worn camera at the initial point when we were rolling Code
1397 three to the call. So our in car camera was on but I also activated my body worn
1398 camera. During this revision or when I – when I arrived on scene, I made
1399 contact with Officer Robinet and Officer Mercadal. We muted our cameras to
1400 discuss a private conversation of their safety. I reactivated my body worn
1401 camera and continued into the backyard where I made contact with Stephon
1402 Clark who had been shot. Once fire had pronounced Stephon Clark had passed
1403 and we had searched the area for additional gun or additional bullets - holes, at
1404 that point our - my investigation was complete. I was just holding the scene.

1405 So I muted my camera. I stood in the backyard until I was relieved, which at
1406 that point my investigation was complete and the end of the call. So I turned
1407 the camera off.

1408
1409 BULLARD: If you were to respond to this call again, is there anything that you would have
1410 done differently?

1411
1412 LUNDGREN: No. Not that I can think of.

1413
1414 BULLARD: Detective Alonso?

1415
1416 ALONSO: I don't have anything.

1417
1418 BULLARD: Mick.?

1419
1420 BOYD: No sir.

1421
1422 BULLARD: No? Okay you want -

1423
1424 ALONSO: Okay. Is there anything else relating to this matter which we have not covered
1425 that needs to be added, clarified or changed? If so, I'm ordering you to provide
1426 that information now.

1427
1428 LUNDGREN: No.

1429
1430 ALONSO: After you leave this interview should you remember anything that is different
1431 from or in addition to the information that you've given today, I'm ordering you
1432 to contact me immediately. I'm also ordering you not to discuss this matter
1433 with any other department employee. Do you understand those orders?

1434
1435 LUNDGREN: I do.

1436
1437 BULLARD: The time is 1548 hours.

1438
1439 **End of recording.**

1440
1441
1442 The transcript has been reviewed with the audio recording submitted and it is an accurate
1443 transcription.

1444 Signed Sgt. Ryan Bullard

Sergeant Ryan Bullard

45
46 SCHUMACHER: Any statement made under compulsion of a threat of discipline cannot be used
47 against you in a later criminal proceeding. However, if you do not answer our
48 questions truthfully and fully, a charge of insubordination may be imposed,
49 which could result in discipline up to and including termination. Do you
50 understand this is only an administrative investigation?
51
52 ROBINET: Yes.
53
54 SCHUMACHER: Do you understand the allegations?
55
56 ROBINET: Yes.
57
58 SCHUMACHER: Do you understand that I am ordering you to answer our questions and that if
59 you do not answer them truthfully and fully it could result in disciplinary action
60 up to and including termination?
61
62 ROBINET: I do.
63
64 BULLARD: For the record, please state and spell your name.
65
66 ROBINET: My name is Jared Robinet. First name is J-A-R-E-D. Last name R-O-B-I-N-E-
67 T.
68
69 BULLARD: Did you graduate from the Sacramento Police Academy?
70
71 ROBINET: I did.
72
73 BULLARD: When did you graduate?
74
75 ROBINET: June 2014.
76
77 BULLARD: Do you have any prior law enforcement experience?
78
79 ROBINET: I do.
80
81 BULLARD: Okay. And can you describe what that is?
82
83 ROBINET: I had five years roughly with the United States Border Patrol.
84
85 BULLARD: That was a sworn officer position?
86
87 ROBINET: Sworn Federal Agent.
88

89 BULLARD: Did you have any kind of specialized training and assignment at that prior
90 agency?
91

92 ROBINET: Mobile field force kind of stuff. It was essentially a tactical team that would go
93 out and we'd - we were regular patrol agents but we would go out in hot calls
94 and set it up for BORTAC to respond, BORTAC being essentially what a
95 SWAT team is.
96

97 BULLARD: How do you spell that BORTAC?
98

99 ROBINET: B-O-R-T-A-C. Border Patrol Tactical.
100

101 BULLARD: What is your current assignment and shift?
102

103 ROBINET: Currently I'm assigned to the Neighborhood Crimes Unit. I work [REDACTED]
104 through [REDACTED] about [REDACTED] to [REDACTED]
105

106 BULLARD: And how long have you been in that current assignment?
107

108 ROBINET: Roughly a year and three months.
109

110 BULLARD: What was your assignment and shift in March of 2018?
111

112 ROBINET: My assignment was South Command Patrol, shift was swings from 1430 to
113 midnight thirty.
114

115 BULLARD: Did you have any kind of specialized training or assignment with the
116 Sacramento Police Department?
117

118 ROBINET: No.
119

120 BULLARD: Prior to this interview I provided you and your representative with the following
121 items from SPD Case 18-82449, the CAD call printout, your body worn camera
122 footage, a video recording of your interview with homicide detectives on March
123 19, 2018, your statement to SPD Homicide Detective Griggs on March 19,
124 2018, an SSD Air Unit STAR video, your round count form, an audio recording
125 of radio traffic, a transcription of that radio traffic, an aerial photo of [REDACTED] 29th
126 Street, a copy of your POST training record, a 2018 SPD CPT First Aid CPR
127 Update course outline, a three page Law Enforcement Tactical Lifesaver course
128 outline, a 90 page Tactical Lifesaver course student guide booklet, a four page
129 Crisis Intervention Behavioral Health training course outline, an eight page
130 Crisis Intervention training expanded course outline, a copy of your range and -
131 of your range training qualification record, General Order 580.02, revision date
132 5-16-2017, General 580.03, revision date 1-19 of 2018, General Order 580.12,

133 revision date 10-9 of 2012, General Order 522.01, revision date 3-16 of 2018,
134 General Order 522.02, revision date 5-16-2017, and General Order 525.07,
135 revision date 4-26-2017, and a copy of the blue sheet complaint form relating to
136 this investigation. Have you had a chance to review these?
137

138 SCHUMACHER: I have.
139

140 BULLARD: Okay. And for the record, these general orders were the current policies in
141 place on March 18 of 2018. We're here to conduct an administrative interview
142 with you regarding SPD Case 18-82449, an officer involved shooting, which
143 you were involved in on March 18, 2018. Before we begin our interview here,
144 it's been almost a year and two months since this incident occurred. There has
145 been a large amount of video, audio, reports, press releases, media coverage,
146 several investigations that have been made public regarding this incident. With
147 that in mind, is there anything else that is not contained in Sacramento Police
148 Report 18-82449 as your transcribed statement, your videotaped interview that
149 you have identified that needs to be added, clarified or elaborated on?
150

151 ROBINET: Not to my knowledge.
152

153 BULLARD: Have you received training in emergency first aid and CPR?
154

155 ROBINET: I have.
156

157 BULLARD: Specifically what kind of training and when? And your POST training record
158 should have this.
159

160 ROBINET: It's in here somewhere.
161

162 OLANDER: Says POST.
163

164 ROBINET: There it is.
165

166 BULLARD: And again, I'll repeat the question again. Regarding first aid - emergency first
167 aid and CPR, specifically what kind of training did you take and when?
168

169 ROBINET: Looks like it's referred to as a Web training on 5-25-2016. I know we went
170 over first aid and CPR in the Academy. And I believe there's been a couple
171 updates during CPT over the last few years.
172

173 BULLARD: Okay. Is there also a course regarding Tactical Lifesaver that you had taken?
174

175 ROBINET: Yes.
176

177 BULLARD: What was the date of that?
178
179 ROBINET: Tactical Lifesaver, the eight hour course? was on 10-21-2015.
180
181 BULLARD: Can you describe the Tactical Lifesaver course as to the material it covers,
182 practicals you participate in or lesson plans?
183
184 ROBINET: I don't remember every little detail. I know a lot of it involved gunshot
185 wounds, how to field address gunshot wounds, tourniquets, uses of tourniquets,
186 tactical situations where medical aid is needed, as far as the scenarios and stuff
187 like that, I'm - I'm, I don't remember exactly everything that was done.
188
189 BULLARD: Have you attended Crisis Intervention Training or CIT?
190
191 ROBINET: Yes I have.
192
193 BULLARD: And when was that? There should be three dates in there I think.
194
195 ROBINET: Yeah. Crisis Intervention, the first one 5-8-2015. Crisis Intervention
196 Behavioral Health Training, is it SB11, I'm not sure what the SB11 was for.
197
198 BULLARD: What's the date on that one?
199
200 ROBINET: February 27, 2017. And then a Crisis Intervention Training on September 28,
201 2017.
202
203 BULLARD: Can you describe what CIT is and what is taught in that course?
204
205 ROBINET: Essentially it's responding to mental health crisis calls, ways to intervene in
206 somebody actively trying to kill themselves, ways to deal with people who are
207 planning on killing themselves. That's pretty much it. Mental health crisis as in
208 how to help these people when they're experiencing those types of situations.
209
210 BULLARD: Have you attended department training that talks about cover and concealment?
211
212 ROBINET: Yes.
213
214 BULLARD: And can you explain what that is?
215
216 ROBINET: Cover is essentially when you're behind a barrier that is impenetrable by
217 projectiles. Concealment would be a position of hiding essentially where you're
218 still vulnerable to a projectile as a threat but you're in a position where the
219 person shooting wouldn't necessarily be able to see you.
220

221 BULLARD: As a Police Officer especially working patrol, how often would you utilize
222 cover and concealment?
223

224 ROBINET: Often. Concealment especially? Concealment is arriving from a tactical,
225 tactical position, arriving to a call using a tactical position. That way if there is
226 a potential threat at the call you're arriving at that they don't necessarily see you
227 as you're coming up to them. We use that in knocking on doors for any call.
228 Like you stand to the side. That's a position used to conceal where you're at
229 when you're knocking on a door being a doorway is typically a - what they call
230 the fatal funnel. Cover, we use cover a lot in the more high priority situations or
231 higher risk situations I should say. Felony vehicle stops. We use the A pillar of
232 the vehicle as a piece of cover from any threats that might be in the vehicle that
233 you're stopping. Any time there's a situation where somebody has a gun and
234 we know about it, we use cover when we're dealing with that, whatever cover
235 we may have be it cars, trees, stronger parts of the house - the structure of the
236 house, any - any type of situation like that.
237

238 BULLARD: Okay. Have you attended any kind of department training about containment or
239 perimeters?
240

241 ROBINET: I believe some of that was covered in the Academy. I don't necessarily
242 remember. But as far as a perimeter class, no, I've never been on one. I can
243 think of one that's been offered a couple times but I've never had a chance to
244 attend.
245

246 BULLARD: Have you been trained the concepts of contact arrest teams?
247

248 ROBINET: Yes.
249

250 BULLARD: Can you explain what that is?
251

252 ROBINET: A contact arrest team is when there's a situation arises that you actually need to
253 place somebody under arrest and they're in a position typically of disadvantage
254 where if you have them on the ground prone out or something like that, an
255 arrest team is usually used where you have somebody who would be verbal
256 commands, somebody who would be less lethal coverage, somebody who
257 would be lethal coverage and somebody who would be hands on, all different
258 officers - or as many as you have available at the time to move towards that
259 person and make the arrest.
260

261 BULLARD: Okay. Have you been trained the concepts of cover officers?
262

263 ROBINET: Yes.
264

265 BULLARD: Can you explain what that is?
266
267 ROBINET: A cover officer is essentially somebody whose job is to watch you, the suspect,
268 the surrounding areas for any potential threats that might arise while the primary
269 officer is dealing with the subject.
270
271 BULLARD: Are the use of contact teams and cover officers a common practice in police
272 work?
273
274 ROBINET: Sometimes every single call each day. So it's very common, yes.
275
276 BULLARD: And is that for officer safety reasons?
277
278 ROBINET: It is.
279
280 BULLARD: Have you received training relating to tactics and strategies for armed subjects?
281
282 ROBINET: Yes.
283
284 BULLARD: And have you utilized those tactics and strategies throughout your career?
285
286 ROBINET: Yes.
287
288 BULLARD: Is distance a key factor to officer safety?
289
290 ROBINET: Yes it is.
291
292 BULLARD: Can you elaborate just a little bit on that?
293
294 ROBINET: Distance allows you time to react. In a potentially life threatening situation
295 where a subject might have a gun, distance is good for protecting yourself from
296 being shot because they don't necessarily - it's harder to hit a target from a
297 distance than it is close up in laymen's terms. Mostly distance just gives you
298 time to react.
299
300 BULLARD: Have you been involved in any officer involved shootings other than this case?
301
302 ROBINET: No.
303
304 BULLARD: Would you agree that all Sacramento police officers have been trained and have
305 some experience in the areas that we've talked about here?
306
307 ROBINET: Yes.
308

309 BULLARD: In referring to your range qualification record, could you please state your last
310 qualification date prior to March 18 of 2018?
311
312 OLANDER: Is that going to be in the here somewhere?
313
314 ROBINET: It was range, right?
315
316 BULLARD: Mm-hmm.
317
318 ROBINET: It was going to be December 4, 2017.
319
320 BULLARD: And this range qualification would have been with your personally owned
321 Glock handgun, which you were equipped with on March 18 of 2018?
322
323 ROBINET: Yes.
324
325 BULLARD: Okay. Referring to your homicide or to your statement that you gave to
326 homicide investigators on March 19, 2018, do you remember what videos you
327 were allowed to watch prior to the interview with homicide detectives?
328
329 ROBINET: Yes. The - My body cam footage and Officer Mercadal's body cam footage.
330
331 BULLARD: And what type of equipment did you carry with you on that date of the shooting
332 if you recall?
333
334 ROBINET: Equipment as far as gear -
335
336 BULLARD: Yeah.
337
338 ROBINET: - that I had on me? Typical duty belt with a taser, baton, OC spray, my firearm,
339 magazines, radio, handcuffs, a tourniquet that was in my vest - my bullet proof
340 vest and pretty much it. Couple a - I mean there was a couple knives on my belt
341 but that was the equipment I had at the time.
342
343 OLANDER: Body worn camera?
344
345 ROBINET: A body worn camera, thank you.
346
347 BULLARD: I was just going to ask you -
348
349 ROBINET: Yeah.
350
351 BULLARD: - a follow up question. Were you wearing your department issued body worn
352 camera?

353
354 ROBINET: Yes I was.
355
356 BULLARD: Okay. And to your knowledge was all of your equipment including your body
357 worn camera functioning properly at the beginning of your shift on March 18 of
358 2018?
359
360 ROBINET: Yes it was.
361
362 BULLARD: Were you on duty March 18, 2018 at 9:17 pm?
363
364 ROBINET: Yes I was.
365
366 BULLARD: And was your identifier 1 Charles 54?
367
368 ROBINET: Yes.
369
370 BULLARD: You were a mid watch patrol unit at this time. Is that correct?
371
372 ROBINET: Yes.
373
374 BULLARD: And I think you kind of touched on this just a little bit earlier but what hours or
375 what were your hours typically for that shift?
376
377 ROBINET: From 1430 to midnight 30.
378
379 BULLARD: Okay. On March 18, 2018 2117 hours, did you respond to a call for service in
380 the area of [REDACTED] 29th Street regarding a car clout or car burglary in progress?
381
382 ROBINET: I did.
383
384 BULLARD: And would that type of call for service typically require a one or two officer
385 response?
386
387 ROBINET: It's a two officer – two officer response.
388
389 BULLARD: And do you know the reason why that would be as opposed to one?
390
391 ROBINET: The majority of calls that we go to is always the two officer response just a
392 cover officer for anything. This one in particular had a subject that was
393 possibly in the area and that would always be a two officer response.
394
395 OLANDER: Is that for officer safety reasons?
396

397 ROBINET: For officer safety reasons.
398
399 BULLARD: Can you summarize some of the information about the call that you knew at the
400 time when you were responding?
401
402 ROBINET: At the time of the call, the call came out as a subject who had been breaking
403 into cars. He was described as a - a male, approximately six foot tall wearing a
404 black hoodie and some sort of pants with a white design on them.
405
406 BULLARD: Were you driving a fully marked SPD patrol vehicle and in full SPD uniform?
407
408 ROBINET: I was.
409
410 BULLARD: Did another SPD patrol officer respond to this call as well with you?
411
412 ROBINET: Yes.
413
414 BULLARD: And who was that?
415
416 ROBINET: That was Officer Mercadal.
417
418 BULLARD: And what was his identifier?
419
420 ROBINET: One Charles five seven I believe.
421
422 BULLARD: How long have you worked with Officer Mercadal leading up to this call?
423
424 ROBINET: In general? Or -
425
426 BULLARD: In general.
427
428 ROBINET: In general, Officer Mercadal rode with me when he was a Phase 1 trainee just
429 for like one day. I didn't see him for a while and then he came to Team 29, that
430 - the team I was on at that time. He - it had been a couple months, three months
431 I believe since the start of the - since I started working with him. So in total I'd
432 say, you know, three months and a couple days.
433
434 BULLARD: And he was on the same patrol team with you. Is that correct?
435
436 ROBINET: Yeah.
437
438 BULLARD: Okay. During your response to this call, did you and Officer Mercadal
439 formulate any kind of plan as to how this call would be handled?
440

441 ROBINET: Not really. It was kind of on the fly. I mean it was - started out as a typical
442 pretty easy to handle call where we both knew that what we were gonna do is
443 just go check the backyard that the complainant had - had mentioned the guy
444 had ran into. And we were just gonna check it and clear it, make sure nobody
445 was there. If anything, we just kind of knew that's what the plan was. It's like
446 let's go check that backyard I guess would have been our plan. I'm pretty sure
447 we said something like that.
448

449 OLANDER: And is that - I'm sorry to interrupt. Is that just based on your training and
450 experience with these types of calls?
451

452 ROBINET: Yeah. From experience mostly with these types of calls. It's one of those
453 things that we do. We just, you know, don't need to formulate a plan per se
454 because there's not much to them. They're just, you know, go clear the area
455 and make sure that person isn't still in the backyard that he was last seen going
456 into.
457

458 BULLARD: An SSD Air Unit STAR responded to this call as well. Correct?
459

460 ROBINET: Yes.
461

462 BULLARD: To your knowledge, was STAR on scene for this call prior to your arrival?
463

464 ROBINET: I believe he was, yes.
465

466 BULLARD: Do you recall any information that STAR had broadcasted regarding this call
467 prior to your arrival?
468

469 ROBINET: Prior to our arrival? No, I don't remember. I believe he was just asking for
470 more information from dispatch.
471

472 BULLARD: The CAD call indicates that at 2134 hours you arrived on scene for this call. Is
473 that correct?
474

475 ROBINET: Yes. Twenty-one thirty-four zero nine.
476

477 BULLARD: Is that correct?
478

479 ROBINET: Yes.
480

481 BULLARD: Okay. Do you recall who the primary officer on this call was?
482

483 ROBINET: I believe I was but I'm not sure.
484

485 BULLARD: When you arrived on scene, you contacted caller complainant [REDACTED].
486 Is that correct?
487

488 ROBINET: Yes.
489

490 BULLARD: I'm going to refer to your body worn camera footage here from this call. And it
491 looks like starting date time stamp 2018-03-19 and then T Tom 04:18:44 Z for
492 Zulu Time. Does this appear to be your body worn camera footage from the
493 incident?
494

495 ROBINET: Yes.
496

497 ((RECORDING))
498

499 ((END RECORDING))
500

501 BULLARD: Now at 04:18:59 you appear to contact Mr. [REDACTED] here. Is that correct?
502

503 ROBINET: Yes.
504

505 BULLARD: And to clarify, so 04:18 hours Zulu Time would translate to 2118 hours Pacific
506 Standard Time. So as the CAD call indicates, you're on scene time at 2131
507 hours or I'm sorry 34 hours. Would your actual physical on scene time be at
508 2118 hours?
509

510 ROBINET: Yes.
511

512 BULLARD: And I want to make sure I touched on that real quick on your 906 time earlier. I
513 had said 2134 for your 906. Was it 2134 or 2131?
514

515 ROBINET: It says en route 2131 and on scene 2134.
516

517 BULLARD: Okay. So as I was saying earlier here at 2131 hours it's not correct. It's 2134
518 hours. Based on your training and experience, can you explain why that time
519 discrepancy in the CAD call might be 2134 hours versus 2118 hours?
520

521 ROBINET: It could be that I either forgot to hit that I was on scene, the F12 button on the
522 computer, it could be that there's some sort of delay in the CAD call or for
523 some reason dispatch marked me on scene later on again. Sometimes that
524 changes when it shows - like if I were to hit en route as I'm going and hit on
525 scene like accidentally and then hit en route again, it would show multiple times
526 for each thing and then hitting on scene again when I finally show up. I might
527 have aired that I was on scene later on over the radio thinking I didn't hit on
528 scene. There's a lot of - a lot of reasons that that could have happened. But

529 from my experience, it's usually something like that. It's usually forgetting to
530 hit on scene when I show up.
531
532 BULLARD: Okay.
533
534 ROBINET: Or missing the button completely with my finger. This particular case I don't
535 know exactly why there's a discrepancy there. I don't remember.
536
537 BULLARD: And one note for the record, your body worn camera footage here has video but
538 no audio for the first 30 seconds. Is that correct?
539
540 ROBINET: Yes.
541
542 BULLARD: Is that standard as to how the Axon brand SPD issued body worn cameras
543 function with no audio for the first 30 seconds?
544
545 ROBINET: Yeah. It's a - It's a pre-record. Like it'll record the first 30 seconds before you
546 activate the camera. So it'll show video. It just won't sound during that time.
547
548 BULLARD: Okay. I'm going to hit play here again on your video.
549
550 ((RECORDING))
551
552 ((END RECORDING))
553
554 BULLARD: So at 04:19:10 your audio activates here. Correct?
555
556 ROBINET: Yeah.
557
558 BULLARD: Okay. So roughly between 04:18:59 and 04:19:10 while you were apparently
559 talking with Mr. [REDACTED] with no audio, can you recall what he said to you?
560
561 ROBINET: From my best recollection he was explaining to me that the subject had ran over
562 like the North side fence of [REDACTED] 29th Street. He was just kind of telling me
563 like, "Hey. He went that way. He went that way." I do remember he kind of
564 surprised me. I didn't expect to find the complainant standing in the street.
565 And didn't realize he was that actual caller until he had started speaking to me.
566 And that's why there was no activation of the camera except when he was
567 talking to me.
568
569 BULLARD: Of that portion of no audio while you're speaking with Mr. [REDACTED], do you
570 recall if he gave you any information as to the suspect description?
571

572 ROBINET: I believe I asked him. I don't remember completely but I believe I asked him if
573 he had anything else. And he gave me the same description that he had given
574 dispatch, which was the male in a hoodie with the – the pants with the white
575 design on them.
576

577 OLANDER: And before we go on, just for the benefit of the record with the time, obviously
578 we're talking about 04:19:10 in Zulu Time not actual time.
579

580 ((Crosstalk))
581

582 BULLARD: Correct. Which would translate, yeah. And like I was saying earlier, that will
583 translate. As you see on here it says March 19 but the incident's on the 18th.
584 So for the Zulu Time that translates - it's actually 2119 as opposed to 0419. So
585 it's a seven hours –
586

587 OLANDER: Difference.
588

589 BULLARD: - subtraction if that makes sense to you. Did Mr. [REDACTED] direct you and Officer
590 Mercadal towards a location where he last saw the suspect flee?
591

592 ROBINET: He - He pointed across the street to [REDACTED]. And there was like the little side
593 fence that's in this area would be it's North South but it's that like piece of the
594 fence that separates like the front yard from the backyard. He was pointing to
595 that area and said, "That's where the subject went over."
596

597 BULLARD: And is this car's - or this call is regarding vehicles being broke into. At this
598 time did you observe the vehicles that Mr. [REDACTED] had claimed had been broken
599 into?
600

601 ROBINET: I hadn't seen them yet. I know at one point after this part of the body cam
602 footage I did see - I think it might have been at this point. But I – I remember
603 seeing like glass next to SUVs on the other side of the street. Now that I'm
604 thinking about it, I actually can't remember when I actually saw that but it was
605 at some point in this call I saw that one. And then I saw another vehicle later on
606 after all this.
607

608 BULLARD: Okay.
609

610 ROBINET: The concern here was some subject being in the backyard of somebody else's
611 house and the - that homeowner not necessarily knowing if that person was
612 back there or not.
613

614 BULLARD: In referring to Page 16 of your statement to homicide detectives, you said, "I
615 could see broken glass from the side windows on the ground or what I assumed

616 was from the side windows on the ground. And then I observed another vehicle
617 I think in front of [REDACTED] or around there with a - there was like a wrought iron
618 gate section of it. The - I don't know, probably about four" -- I assume that's
619 four feet wide -- "By however tall. It was laying on the sidewalk. And there
620 was broken glass out of the car that was parked next to the section of the fence
621 all over the ground right there." Does that sound accurate?
622

623 ROBINET: Yeah.

624
625 BULLARD: And based on the information you had at this point, can you describe what kind
626 of crime, if any, you were investigating at this point given the information that
627 you had?
628

629 ROBINET: At the point in time that I saw this vehicle was actually after STAR the
630 helicopter - Sheriff's helicopter had explained to us that he had observed
631 somebody in the backyard of - I don't remember that address but the one North
632 of the scene. He had seen somebody in the backyard of that house breaking out
633 the - the rear window. So when I saw this vehicle, it was as we were running
634 towards the - where the subject was standing that the STAR was giving us the
635 description of.
636

637 ROBINET: So to answer the question at this point in time --

638
639 OLANDER: Let's be specific as to which point in time here.
640

641 ROBINET: Okay. At the point in time that I saw this vehicle it wasn't necessarily like a
642 vandalism anymore or a trespass, you know, in the property. At this point in
643 time it was more or less - at the very least a burglary. But from training and
644 experience, I knew it was a Sunday night at approximately 9:30'ish at night --
645 and most likely somebody's home in the house that the guy was breaking the
646 window. I was worried that that person that was breaking the window would
647 actually be breaking in the home for some sort of, you know, occupy the
648 dwelling, robbery or any number of things that could have happened. I mean
649 I'm sure we'll have more questions on that later. But to clarify, this was just
650 something I noticed as we were running to the directions that STAR was putting
651 out.
652

653 BULLARD: Got you. Later? Not at this point in the body camera?

654
655 ROBINET: Not at this point, no.
656

657 OLANDER: And just a point of clarification. So when you're saying a burglary at the
658 juncture where you're running to, where STAR has identified the subject, which
659 - what kind of burglary are you referring to?

660
661 ROBINET: Are you talking about like - felony.
662
663 OLANDER: So a residential?
664
665 ROBINET: Residential occupied dwelling, burglary, robbery kind of thing. Multiple
666 different options as to what kind of burglary it could be. At the very least it's a
667 residential burglary.
668
669 BULLARD: Before you got to that point though when you had responded to this call and
670 based on the - what you had seen, at the time you were describing the broken
671 glass and everything, what kind of crime were you investigating at that time
672 prior to STAR directing you down the street?
673
674 ROBINET: Like per the text of the call it sounded at the very least a vehicle burglary
675 possibly? Vandalism at the very least, the lowest level of crime at that point
676 would have been a vandalism. Possibly a felony vandalism depending on how
677 much those windows cost.
678
679 BULLARD: Given the information that you had and the recent time element in this incident
680 occurring, did you have concerns or reason to believe that the suspect was
681 possibly still in the immediate area?
682
683 ROBINET: Say it again? Sorry.
684
685 BULLARD: Given the information you had and the recent time element to this incident
686 occurring, did you have concerns or reason to believe that the suspect was
687 possibly still in the immediate area?
688
689 ROBINET: At this point in time?
690
691 BULLARD: Yes.
692
693 ROBINET: At this point in time that we're looking at on the body cam footage, correct?
694
695 BULLARD: Yes.
696
697 OLANDER: Four nineteen ten Zulu Time.
698
699 BULLARD: Yes.
700
701 ROBINET: Yeah. Yeah. Four nineteen ten Zulu Time. Yes. We had reason to believe that
702 he could possibly still be in the backyard of [REDACTED] because we weren't that far
703 away when this call came out. It didn't take us long to get there. He did

704 mention that the dogs had been barking and they had just stopped recently. And
705 I believe that might be on the body cam footage. If not, it was something he did
706 tell me that they had just stopped barking moments before our arrival. So it was
707 definitely a possibility that there was still a subject that had committed the burg
708 - or the vandalisms in - in the area.

709
710 BULLARD: Okay. And as you described, you were investigating a possible - you said
711 vandalism. Was it possibly also an auto burglary or one or the other or was
712 there? -

713
714 ROBINET: At the - I mean it could have been either or. I mean we knew there was broken
715 windows from vehicles and there - a subject had broken those windows. The
716 only difference between a vandalism and a auto burglary at that point is whether
717 or not he took something out of the vehicles.

718
719 BULLARD: Okay. Is auto burglary defined under 459 of the California Penal Code as a
720 crime in the State of California?

721
722 ROBINET: Yes it is.

723
724 BULLARD: And then is vandalism defined under 594 of the California Penal Code as a
725 crime in the State of California?

726
727 ROBINET: Yes it is.

728
729 BULLARD: And these - both of these can be either a misdemeanor or a felony depending on
730 circumstances. Correct?

731
732 ROBINET: Yes.

733
734 BULLARD: I provided you with General Order 522.01, handling mentally ill persons,
735 revision date 3-16-2018. At your request here I will read the highlighted
736 portions aloud. Policy. It shall be the policy of the Sacramento Police
737 Department that officers handling mentally ill persons proceed in a manner
738 consistent with the safety and well being of all persons involved. Officers are
739 increasingly required to respond to and intervene on behalf of persons who are
740 in mental health crisis. While officers are not expected to make mental health
741 diagnosis, they are expected to recognize signs and symptoms that may
742 suggested a mental illness as well as behaviors that are indicative of mental
743 health crisis. The goal is to use de-escalation techniques to maximize the
744 likelihood of a safe outcome for officers, individuals and the community.
745 Procedure. Section C, use of force or physical restraint. Section 1. Officers
746 shall utilize only that amount of force necessary to secure the custody of the
747 mentally ill person pursuant to 5150 of Welfare and Institutions Code. Officers

748 shall handcuff all mentally ill persons taken into custody unless the age or
749 physical condition of the person is such that the personal safety of the person
750 and officer will clearly not be jeopardized. Do you acknowledge and
751 understand that general order that I read?
752

753 ROBINET: Yes.

754
755 BULLARD: Okay. Did you have any information on this call or reason to believe up to this
756 point that the outstanding suspect on this had a mental illness or was dealing
757 with a mental crisis of any kind?
758

759 ROBINET: No. None at all.

760
761 BULLARD: Okay. Based on your training and experience, have individuals committed auto
762 burglaries or vandalisms or other forms of crimes who to the best of your
763 knowledge are not mentally ill or going through a mental crisis?
764

765 ROBINET: Yes. Quite often.

766
767 BULLARD: Is it common practice for Sacramento police officers to arrest and book
768 individuals who have committed a public offense even if they are or even if they
769 have a mental illness or are dealing with a mental crisis?
770

771 ROBINET: Yes.

772
773 BULLARD: Were you equipped with a less lethal shotgun in your patrol vehicle on March
774 18, 2018?
775

776 ROBINET: Yes I was.

777
778 BULLARD: Okay. Had you been issued one at that time?
779

780 ROBINET: I believe so.

781
782 BULLARD: Based on the information on the call that you had regarding the vandalism or
783 auto burglary, would it have been routine to deploy and arm yourself with a less
784 lethal shotgun system such as the beanbag shotgun, CED taser or pepper ball
785 gun while investigating that call at the time?
786

787 ROBINET: At the time? no. I - There wouldn't have been any reason to deploy the beanbag
788 shotgun. We didn't even know if there was a suspect actually still there.
789 Likelihood that there might have been, but we didn't know.
790

791 BULLARD: I'm going to hit play on your video here.

792

793 ((RECORDING))

794

795 Reiling: (Unintelligible).

796

797 ROBINET: Yeah, we'll be there. STAR, Charles 54. Our complainant last saw the guy
798 jump the fence here at [REDACTED]. We are unaware if (unintelligible) west,
799 northwest area?

800

801 ((END RECORDING))

802

803 BULLARD: So at 04:19:56 what were you saying here?

804

805 ROBINET: As far as what I was saying to STAR?

806

807 BULLARD: Generality - yeah. Generally of what you were saying here.

808

809 ROBINET: Essentially what I was doing was one, updating STAR on where could be a
810 possible area to look from this location. Just from my previous knowledge of
811 working the area for a while. I've been down Sector 5 for the majority of my
812 career with SAC PD. I knew that there was like a empty field behind the
813 church, basically right behind this house. So I figured that if he would have
814 gone anywhere, the subject that broke the windows would have gone anywhere,
815 he probably would have continued over the fence and into that area towards
816 Coral Gables. So I was telling the occupants of STAR to kind of look in that
817 area. And aside - aside to that, I was also updating the call and anyone else
818 who might have been listening to the call of what the complainant had told us,
819 which was basically that he saw that guy going that way towards [REDACTED] - going
820 West towards [REDACTED] 29th Street.

821

822 BULLARD: You and Officer Mercadal went to this location that [REDACTED] had directed you to
823 correct?

824

825 ROBINET: Yes.

826

827 BULLARD: And once you and Mercadal went to this address, what did you do?

828

829 ROBINET: I knocked on the window just because the light in the kitchen was on, trying to
830 get the attention of any occupants that might be there. I mean it looked like
831 somebody was home with the lights on. Then somebody came to the window. I
832 never got her name but took it as she was the occupant of the home. Kind of
833 just gave her a brief synopsis of what was going on. Told her that supposedly
834 somebody had jumped into her backyard and asked for - we asked for
835 permission to just check the backyard and make sure nobody was back there.

836
837 BULLARD: And that - that resident allowed you and Officer Mercadal to check that
838 backyard?
839
840 ROBINET: Yes.
841
842 BULLARD: After checking the backyard of this location at [REDACTED] 29th Street with Officer
843 Mercadal, did you find the subject in question?
844
845 ROBINET: No.
846
847 BULLARD: Okay. I'll fast forward a bit here.
848
849 ((RECORDING))
850
851 ROBINET: - we do that?
852
853 Woman: Yeah I -
854
855 ROBINET: - eyes on that car?
856
857 ((END RECORDING))
858
859 BULLARD: Now at 04:25:16 after finishing your backyard search of this location at [REDACTED]
860 29th Street, you and Officer Mercadal then return back towards 29th Street. Is
861 that correct?
862
863 ROBINET: Yes.
864
865 BULLARD: Okay. Let me play -
866
867 ((RECORDING))
868
869 ROBINET: One Charles 54. Sorry about the dogs. Asking if you still got eyes on the car.
870
871 ((END RECORDING))
872
873 BULLARD: At 04:25:40 you and Officer Mercadal appear to begin running in a Southbound
874 direction on 29th Street. Correct?
875
876 ROBINET: Yes.
877
878 BULLARD: And can you explain why?
879

880 ROBINET: That was when the – for - excuse me, the - can't think of the name right now but
881 that TFO, Tactical Flight Observer in the STAR had advised us that they had
882 watched somebody in the backyard of - I don't remember that address but one
883 house North of the scene - had advised that they had just watched somebody use
884 a - I believe - I called it a crowbar in my interview but they called it some sort
885 of toolbar to break out the rear sliding glass door window of that address
886 whatever it may be of the – of the house North of the final scene –

887
888 BULLARD: Okay.

889
890 ROBINET: - which was [REDACTED]? So it might have been [REDACTED] or something like that?

891
892 BULLARD: Are you hearing these updates from STAR over your portable radio?

893
894 ROBINET: Yes.

895
896 BULLARD: Now there doesn't appear to be any kind of audible traffic or audible radio
897 traffic on your body worn camera footage here. Is that correct?

898
899 ROBINET: Yes.

900
901 BULLARD: Can you explain why that is?

902
903 ROBINET: Because I use a tactical earpiece. It's a microphone that essentially just goes
904 right into my ear. That way only I can hear what's on the radio versus everyone
905 around me hearing the same kind of updates. It's for officer safety, tactical
906 situations. Just that way if you're, you know, need to run somebody over the
907 radio and they end up having a warrant, that way they're not advised that we
908 now know that they have a warrant. Any other situation like that where you just
909 generally don't want people to hear what's on the radio. That's why we use the
910 earpieces.

911
912 BULLARD: In referring to Page 10 of your statement to homicide investigators, you stated,
913 "I don't recall him giving an address at the time but he said that it looked like
914 the individual was attempting to break into that house and that he had a crowbar
915 in his hand and STAR gave the update about the breaking of the glass with a
916 crowbar." Is that correct?

917
918 ROBINET: Yes.

919
920 BULLARD: So in referencing the radio audio of Page 4 of the transcript, and you don't need
921 to really jump behind - or between the pages unless you want to. The crowbar -
922 you had mentioned it earlier here, you said STAR had mentioned that the
923 subject had what they thought was a toolbar.

924
925 ROBINET: Yes.
926
927 BULLARD: Is that correct? Okay. Was this the information about the crowbar that you
928 were referring to in your statement?
929
930 ROBINET: Yeah.
931
932 BULLARD: Based on your training and experience, would breaking glass such as a window
933 typically require a hard object or some kind of force?
934
935 ROBINET: Yes. It's pretty tough glass in those sliding glass doors.
936
937 BULLARD: On Page 16 of your statement, you described a wrought iron gate section about
938 four wide. Is that four feet wide?
939
940 ROBINET: I believe so. That might have been a transcription error where they didn't catch
941 me saying four feet. But I was - yeah. Four feet.
942
943 BULLARD: Okay. And you said you had noticed this on the sidewalk near one of the
944 damaged vehicles. So confirming that you're describing like a four foot wide
945 metal gate of some kind?
946
947 ROBINET: Yes.
948
949 BULLARD: Okay. And do you recall when you first saw that object?
950
951 ROBINET: As we're running. Like as you can see in the body cam footage at 4:25:40 Zulu
952 Time, as we continued to run Southbound is when I observed that car with the
953 broken glass and the gate next to it.
954
955 BULLARD: Okay. Did it appear that with this new information from STAR in addition to
956 you investigating either a car burglary or vandalism on this call that the same
957 suspect had possibly committed or was attempting to commit a residential
958 burglary or home invasion as well?
959
960 ROBINET: That was exactly what my concern was. It - It upped the level of I guess danger
961 - upped the level of necessity to find out who the person was and stop them
962 from doing whatever they were doing because of - because of those concerns.
963 It changed it from being a simple vandalism or car burglary to something much
964 more extreme where there's definitely more danger involved to the residents of
965 that neighborhood and potentially even us if somebody's willing to break into
966 an occupied house, then who knows what else they might be able to do.
967

968 BULLARD: Residential burglary and/or home invasion are both felonies in the State of
969 California as defined under 459 and 212.5 of the California Penal Code
970 respectively. Correct?
971

972 ROBINET: Yes.
973

974 BULLARD: And did these additional updates give you any extra considerations as to your
975 mindset at all?
976

977 ROBINET: Can you clarify what you mean by my mindset? Was kind of referring back to
978 what I was just saying?
979

980 BULLARD: Yeah. And you did kind of touch on that. So as these updates coming out that
981 you're thinking that you have a residential burglary or home invasion, are these
982 updates that are coming out changing or affecting your mindset as to your
983 approach of handling this call?
984

985 ROBINET: Yeah. It became much more a necessity to find this person and prevent him
986 from doing anything else that he might be planning on doing be it a home
987 invasion or a residential burglary or again, who knows. Like – like I talked
988 about earlier, my biggest concern was that it was a Sunday night at roughly 9:30
989 at night. Most people in that neighborhood are going to be home. It's not like
990 it's a weekday daytime when people are at work. You know, if somebody is
991 going around breaking car windows and then now is trying to break into a home
992 that's most likely occupied. It's not just the home invasion thing. It's what
993 might happen after the home invasion. And we would be at a huge tactical
994 disadvantage if we had to respond to somebody now inside with any hostages or
995 doing God knows what to the person inside of the home. We need to be able to
996 find that person before he actually goes into a house.
997

998 OLANDER: I think you just touched on this when you – but you said what may happen after
999 the home invasion. Can you just be a little bit more specific as to what - what
1000 you're referring to?
1001

1002 ROBINET: Well there's a whole number of things that could happen after somebody breaks
1003 into an occupied house. I mean something as, you know, hey, I'm gonna take
1004 you stuff, sit there. I mean that person's victimized by that. But it could be all
1005 the way up to a homicide depending on why he's breaking into that house. It
1006 could be a hostage situation. It could be any number of just extremely
1007 dangerous things to a community member, somebody who's necessarily just
1008 sitting there and minding their own business. Not really sure what else I can
1009 articulate except for the fact that it's - changes the scope of the call immensely
1010 from something that's relatively minor to something that's extremely
1011 dangerous.

1012
1013 BULLARD: Do you recall what information STAR was advising about the direction of travel
1014 and location of the suspect at this time? As we're referring on your body worn
1015 camera footage -
1016
1017 ROBINET: At this -
1018
1019 BULLARD: - it's at 04:25:40.
1020
1021 ROBINET: - Yeah, at this time, you know, I call it more like a timeframe as we're running
1022 southbound here. He's giving updates and he says that he broke the window
1023 and then he was running south. There were more updates later. I don't
1024 remember exactly timeframe-wise in relation to when in the bodycam footage it
1025 is.
1026
1027 BULLARD: Okay.
1028
1029 ROBINET: If that makes any sense.
1030
1031 BULLARD: I'll hit play it again here.
1032
1033 ((RECORDING))
1034
1035 ((END RECORDING))
1036
1037 BULLARD: That's 04:26:26. Did Officer Mercadal say something to you here?
1038
1039 ROBINET: Now I know that he did. At that time, I just heard him yelling.
1040
1041 BULLARD: Okay.
1042
1043 ROBINET: I wasn't exactly sure what was being said.
1044
1045 BULLARD: Okay. In - Now in hindsight of what you know now, do you - what was it that
1046 Officer Mercadal said to you?
1047
1048 ROBINET: I know - I know from seeing the videos, I know that he called my name. And I
1049 do know - and I knew at the time - I should say I did know at the time he was
1050 yelling at somebody else. Not neces- not me, which, from experience, training
1051 and all that stuff, I knew that he was most likely yelling at the suspect. Just by
1052 tone of voice and how loud he was, the fact he wasn't yelling at me, there really
1053 wasn't much else that - what we'd known from STAR giving updates that he -
1054 at - in one of these driveways I was a little confused of where I was at this point.
1055 But, in one of the driveways, the subject was actually coming out towards 29th

1056 Street. So I started running back because I assumed that Officer Mercadal is
1057 now yelling at the suspect.

1058
1059 ((RECORDING))

1060
1061 MERCADAL: Hey.

1062
1063 ((END RECORDING))

1064
1065 BULLARD: So at 04:26:31 here, you begin to run northbound on 29th Street here. And I
1066 think you kind of touched on it but can you just again say - indicate why you
1067 began running back northbound on 29th?

1068
1069 ROBINET: Because as I was saying earlier, it's - it was pretty obvious that - that Officer
1070 Mercadal had found the suspect that we were looking for. Based on what
1071 STAR had been telling us over the radio, which can't be heard on my bodycam
1072 because of the earpiece, because of the tone, and the volume of Officer
1073 Mercadal's commands, it's pretty obvious that Officer Mercadal had contacted
1074 the suspect at that time.

1075
1076 ((RECORDING))

1077
1078 MERCADAL: Show me your hands. Stop. Stop. Five seven south.

1079
1080 ((END RECORDING))

1081
1082 BULLARD: 04:26:35. So what does Officer Mercadal appear to do here?

1083
1084 ROBINET: Issue commands to the person that was running away from him. He's yelling,
1085 telling him to show him his hands, telling him to stop. It appears that - I never
1086 actually saw the suspect - up to this point I hadn't seen the suspect. I'm pretty
1087 sure since Terrence was running that the suspect was running. So that would
1088 make since why Officer Mercadal was giving him the commands that he was
1089 giving him, telling him to stop, show his hands, that kind of stuff.

1090
1091 BULLARD: Were you under the impression that Officer Mercadal was in foot pursuit of the
1092 suspect in question at this time?

1093
1094 ROBINET: I guess technically, yes, that would be a foot pursuit. Very short foot pursuit.
1095 But I - I assume so. That he was chasing the suspect at that time because the
1096 suspect was running from him and also Star had been giving updates about the
1097 direction of travel of the suspect. So he was overhead following. So I never
1098 really thought about it as a foot pursuit before but just based on the short
1099 distance. But technically, yes, it was one.

1100
1101 BULLARD: Was Officer Mercadal verbalizing commands towards the subject he was
1102 pursuing?
1103
1104 ROBINET: Yes.
1105
1106 BULLARD: And can you - again, can you recall what those were?
1107
1108 ROBINET: It was, "Show - show your hands." "Stop." I don't remember every little thing
1109 that he said but I think that was pretty much the gist of it.
1110
1111 BULLARD: Okay. Are foot pursuits inherently dangerous for police officers?
1112
1113 ROBINET: Yes.
1114
1115 BULLARD: Okay, can you explain why?
1116
1117 ROBINET: You have many things to contend with. Not only do you have the suspect. It's
1118 not like you chase a suspect and they stay in a straight line. You have corners,
1119 you have things that you have to go around and you really never know what's
1120 on the other side of that corner when you get to them. That's why every law
1121 enforcement agency I've been with, including the border patrol, taught when
1122 you're running after somebody you stop or slow at corners to get an idea of
1123 what's on the other side of that corner before you go past it. Then, just the
1124 ancillary things that are - you have to deal with: the other people, vehicle traffic,
1125 any number of things that could possibly be an issue. You can't just run out in
1126 the middle of the street chasing somebody because, well, you might get hit by a
1127 car. So, yeah, in general, foot pursuits can be inherently dangerous.
1128
1129 BULLARD: Based on your training and experience, would it be an accepted practice by
1130 Sacramento Police Officers to not assist or join police officer who are involved
1131 in a foot pursuit?
1132
1133 ROBINET: No that'd be a hor- but, like, basically not helping out another officer running -
1134 or chasing somebody? Yeah, that would be a horrible idea because of how
1135 dangerous they could be and it also helps to apprehend the person that you're
1136 chasing to have more people there helping.
1137
1138 BULLARD: And did you see the suspect at the time Officer Mercadal called out to you and
1139 began to give chase? I think you said earlier you didn't see him. Is that
1140 correct?
1141
1142 ROBINET: No, I hadn't seen him. Even up to this point, I hadn't seen him. I was just
1143 following Officer Mercadal.

1144
1145 BULLARD: Okay.
1146
1147 ROBINET: Or trying to catch up to him, I should say.
1148
1149 BULLARD: You guys want to take a little break? We're almost an hour in?
1150
1151 ROBINET: I'm good.
1152
1153 OLANDER: Let's - let's take a five minutes.
1154
1155 BULLARD: Okay. And we're breaking at 0950.
1156
1157 -BREAK-
1158
1159 BULLARD: Okay, we are back on at 1001. All right. I'll play your body camera here again.
1160
1161 ((RECORDING))
1162
1163 ((END RECORDING))
1164
1165 BULLARD: At 04:26:40, at what point did you draw your firearm? Do you recall?
1166
1167 ROBINET: Honestly no. I don't remember when I drew it up. I would assume it was
1168 probably out around here because that's just my general - what's the word I'm
1169 looking for? My typical maneuver in a foot pursuit. I want to have it at least at
1170 the low ready, meaning by my side unless I can actually see what I'm chasing or
1171 going at. And know it's not, you know, there's no gun or anything like that in
1172 there. And I don't typically draw it on every foot pursuit but in a situation like
1173 this, it's dark. Can't see the person we're running after. All we have is what
1174 STAR is telling us in our ear pieces at the moment and I don't know what
1175 Officer Mercadal had seen up to that point. I'm gonna have my gun out and just
1176 ready if need be. At - That said though? I don't know if I actually did at this
1177 point in time.
1178
1179 BULLARD: Okay. When you eventually did, you kind of describe some of it. Again, what
1180 was your reason for drawing your firearm when you did draw it. Can you
1181 recall?
1182
1183 ROBINET: The inherent dangers that I talked about before in foot pursuits when you're
1184 chasing somebody. The fact that you can see in this section of the body camera
1185 footage that we are coming up on the corner of a house and there is - aside from
1186 what STAR is putting out that there's somebody running in that backyard -
1187 because at this point in time STAR was still telling us he was running

1188 southbound. There's a huge unknown right there. There's a corner, there's a
1189 yard and then there's nothing else. We don't know what is around that corner.
1190 So it's advantageous to actually have your gun out and ready just in case there
1191 is that immediate threat around the corner.
1192

1193 BULLARD: Did you ever consider drawing or arming yours – arming yourself with any kind
1194 of less lethal weapon such as your conductive energy device or anything else as
1195 opposed to your firearm at this point?
1196

1197 ROBINET: I didn't consider it and I wouldn't consider it - not at this point. Like I said
1198 there's time – there's a time and a place to use those less lethal options but
1199 when there is a huge unknown of what's around a corner is not – is neither the
1200 time nor the place to use less - less lethal weapons. Those are when you have
1201 the ability to assess the situation that's developed in front of you is when you
1202 can use those less lethal options. At this point in time there is no – there is no
1203 chance nor was there an ability to assess what was around the corner. I mean,
1204 can't see it. Can't tell - read the future. You can't do anything – that - that's
1205 just a complete unknown.
1206

1207 BULLARD: Did you know who the suspect was at all at this point?
1208

1209 ROBINET: No, not at all. I still hadn't seen the suspect.
1210

1211 OLANDER: Before we move on to the next portion, in terms of when you made the decision
1212 to draw your firearm - I know you can't recall exactly when you did here but
1213 just generally speaking, I think you said your certain maneuver or your tactic, is
1214 that based on your training with the Sacramento Police Department?
1215

1216 ROBINET: With the Sacramento Police Department and with the U.S. Border Patrol. You
1217 don't go into a complete unknown situation where something might be
1218 dangerous without having your firearm at the ready.
1219

1220 OLANDER: And is that the same in terms of your - you just articulated not using a less lethal
1221 option at that time. Is that based on your training and experience with the
1222 Border Patrol and Sacramento Police Department?
1223

1224 ROBINET: Yes.
1225

1226 OLANDER: Okay.
1227

1228 ROBINET: Say for most people in law enforcement too that would be not - not just training
1229 but also common sense over time from experience.
1230

1231 ((RECORDING))

1232
1233 ((END RECORDING))
1234
1235 BULLARD: 04:26:41. Can you describe what happens here?
1236
1237 ROBINET: From my best recollection - recollection, what I recall, this is when we're
1238 hitting the corner of the house. Officer Mercadal had gone further out into the
1239 yard and started to go out into the yard. I think at this point in time what you
1240 can see on my body camera is - on the footage is Officer Mercadal seeing that
1241 the suspect who ended up being Mr. Clark was actually still in the backyard
1242 posted up. We had been told by STAR - literally like almost as we were hitting
1243 this corner - that the suspect was still running. So this moment, I believe, is
1244 when Officer Mercadal probably notices that Stephon Clark is still in the
1245 backyard and standing facing us.
1246
1247 BULLARD: Okay.
1248
1249 OLANDER: Do you remember what STAR told you about him running in terms of direction
1250 of travel -
1251
1252 ROBINET: Yeah, he -
1253
1254 OLANDER: - and what you were thinking at the time?
1255
1256 ROBINET: Essentially - well, not essentially - but STAR had told us that the suspect was
1257 still running southbound. And was - I remember him - Deputy Gomez, I
1258 believe, was the TFO on STAR that day. But Deputy Gomez was talking now
1259 about getting perimeters set up because he was gonna be running into that
1260 empty field that I had talked about earlier by the church near Coral Gables
1261 Court. But at this point in time, we were under the impression that the
1262 individual's still running southbound through the yard.
1263
1264 ((RECORDING))
1265
1266 MERCADAL: Show me your ha -
1267
1268 ((END RECORDING))
1269
1270 BULLARD: We'll stop again, here. At 04:26:42. It appears that you hold a position at the
1271 northwest corner of [REDACTED] 29th Street, is that correct?
1272
1273 ROBINET: Yeah.
1274
1275 BULLARD: Would this be considered a position of cover?

1276
1277 ROBINET: Yes.
1278
1279 BULLARD: You and Officer Mercadal appear to focus on the south backyard area here,
1280 correct?
1281
1282 ROBINET: Yes.
1283
1284 BULLARD: You kind touched on it earlier but just to reiterate here, were you and Officer
1285 Mercadal - were you directed by the air unit over the radio as to the location of
1286 the suspect at this point? Were you directed, basically, to where the suspect was
1287 based on what STAR was telling you? Or was it more that you were following
1288 Officer Mercadal?
1289
1290 ROBINET: Do you mean as far as directed to - like I said before, Star was telling us that he
1291 was still running southbound through the yard. We didn't have any indication
1292 that he would be actually standing there facing us as we hit the corner. So I
1293 guess it would be a combination of following Officer Mercadal, also following
1294 STAR's directions to the suspect that was running in the yard.
1295
1296 BULLARD: Okay. So -
1297
1298 ROBINET: But it's -
1299
1300 BULLARD: I'm sorry. Go ahead.
1301
1302 ROBINET: - Yeah as far as his position in the body camera footage right here? No, we had
1303 no indication that he would be exactly right there.
1304
1305 BULLARD: Were you under the impression that this subject that Officer Mercadal had
1306 spotted was likely the same subject that the air unit was describing and directing
1307 you towards?
1308
1309 ROBINET: Based on the timeframe from Officer Mercadal spotting him in the yard to
1310 chasing back there plus the updates from STAR, yeah, I had no question that it
1311 was the same person. There was no indication of anyone else being in that yard.
1312
1313 BULLARD: Did you yell out any commands at this point to the suspect?
1314
1315 ROBINET: No, I didn't.
1316
1317 BULLARD: Okay. Did you verbally identify yourself as a police officer to this point?
1318
1319 ROBINET: No.

1320
1321 BULLARD: And what's the reason that you can explain. Why not?
1322
1323 ROBINET: Personally I didn't have – I didn't feel like I had even a chance to. I mean, this
1324 - everything unfolded so quickly so, I mean, as I mentioned in my homicide
1325 interview, it was instantaneous how everything was just – just kind of happened.
1326 I hadn't – I didn't know everything that Officer Mercadal had - had yelled in his
1327 initial commands. Like I said I had just heard him yelling. But up to this point
1328 and even after the brief moments after, I never felt like I had an actual
1329 opportunity. That said, I guess it would be kind of conjuncture or even
1330 hindsight. I don't – I don't believe there was any question or not of who we
1331 were. I mean, Officer Mercadal had been mere feet away from Stephon in the
1332 driveway. Combination with the helicopter flying overhead shining the
1333 spotlight down. I mean, there's not really a whole lot of question about who we
1334 could have been at that point in time, so. But again that's not something that
1335 entered my mind at this particular time. This particular time I just didn't feel
1336 like I had any time whatsoever to issue any commands.
1337
1338 BULLARD: On page 11 of your statement to homicide investigators, you described, "Due to
1339 the subject breaking the - breaking the glass thinking maybe he's trying to break
1340 into the house..."
1341
1342 ROBINET: Oh, 11.
1343
1344 BULLARD: "...what completely unknown - what he had in his hands when Officer
1345 Mercadal followed him into the backyard". What was the importance here of
1346 what you were describing here about the subject breaking glass and that it was
1347 unknown what he had in his hands?
1348
1349 ROBINET: So when I was talking about the breaking of the glass that - that Deputy Gomez
1350 had mentioned from STAR, that was referring to our - our mindset of - or my –
1351 my mindset on - the - what may have happened after breaking into the glass.
1352 Like - was he going to commit a home invasion? Or was he going to commit
1353 the - the burglary? Or was he going to do the same thing and try to get into this
1354 particular house? That was referring to my mindset. When I was talking about
1355 what was in hands, like, if you go back in my statement I'm talking about I had
1356 already observed him in that isosceles shooting position. The shooting position
1357 with the two hands out in front of you with the chest and body facing forward,
1358 which I recognized as a shooting position, firing position. And when I - so what
1359 I was saying, like, what was unknown is like - I knew he had something in his
1360 hands. It was just unknown what exactly was in his hands. It doesn't - this
1361 statement didn't have anything to do with like what he used to break the
1362 window. This is just his intent, his mindset of what he was going to do after

1363 breaking into these houses. And then the - his positioning and noticing that
1364 there was something in his hands that he was pointing at us.
1365
1366 BULLARD: On page 11 of your statement you said, "As - as we hit the corner - the
1367 northwest corner of the - the house and the backyard, I observed the suspect
1368 standing approximately what I thought was around 15 to 20 feet away", is that
1369 correct?
1370
1371 ROBINET: Yes.
1372
1373 BULLARD: Back to your bodycam here.
1374
1375 ((RECORDING))
1376
1377 MERCADAL: Show me your hands, gun.
1378
1379 ((END RECORDING))
1380
1381 BULLARD: 04:26:43. What does Officer Mercadal say here?
1382
1383 ROBINET: He says gun.
1384
1385 BULLARD: Does he say anything else?
1386
1387 ROBINET: Show me your hands. Gun.
1388
1389 BULLARD: On page 11 of your statement and leading into page 12 to homicide
1390 investigators, you describe the suspect had punched out into an isosceles
1391 position that you observed the suspect make. Can you further describe that?
1392
1393 ROBINET: Kind of like what I was just saying. The isosceles position is a - I think it's
1394 almost relatively every single law enforcement agency that I'm aware of shoot -
1395 or teaches this shooting stance. It's a stable platform where your shoulders are
1396 square to your target. Your hands are - what I meant by punched out - are
1397 pushed out in front of you. They are forming a triangle - your arms are forming
1398 a triangle with your shoulders. Your gun is held at the same plane as your eye
1399 level - is held up at eye level. And you're slightly bent forward, hands out
1400 completely in front of you. And, like I said, training and experience from both
1401 the Border Patrol and here at Sac PD, that's a firing stance.
1402
1403 BULLARD: You describe in your statement that, "An isosceles position would be consistent
1404 with a shooting or firing position that someone would take from your firearms
1405 and range training experience," correct?
1406

1407 ROBINET: Yes.
1408
1409 BULLARD: And on page 12 of your statement you said, "I recognize as – I recognize that as
1410 a position somebody shoots from," correct?
1411
1412 ROBINET: Yes.
1413
1414 BULLARD: Can you think of any other practical reasons for someone to take a stance like
1415 that towards a police officer aside from pointing and shooting a firearm at
1416 them?
1417
1418 ROBINET: I can't think of any reason why anybody would stand in that position other than
1419 if they were going to fire a gun. Like even if they weren't pointing it at a police
1420 officer, there's no practical reason why anybody would have - stand that way.
1421
1422 BULLARD: You also describe in your statement on page 12, "I could see that there was
1423 something in the suspect's hands. I wasn't able to make it out. I saw
1424 something, reflection of what I thought was a metal object in his hand from the
1425 reflection of our - our lights. Because the backyard was really dark, it was hard
1426 to see, making out anything clear. All I saw was a subject in dark clothing
1427 standing in that position with his hands punched out, with something in his
1428 hands. Mercadal yelled, 'gun,' out of instinct I ducked behind the corner real
1429 quick cover, came back around and to get an idea what was going on, saw the
1430 suspect still standing in that position, still punched out at us. I honestly was
1431 really surprised that I hadn't heard gunshots yet. And to protect myself and
1432 Terrence, I fired what I thought was five rounds on scene." And then on page
1433 13, you had said, "I was surprised he hadn't started firing at us." Does that all
1434 sound accurate?
1435
1436 ROBINET: Yes.
1437
1438 BULLARD: Okay. Can you explain what you meant in that you were surprised he hadn't
1439 started firing?
1440
1441 ROBINET: So going back to the long paragraph of what I was talking about, when Officer
1442 Mercadal first yelled "gun," that's when I instinctively took the cover position
1443 behind the corner of the house. I actually stuck - I came out with my gun on
1444 target and I stuck my head out and was looking at, Stephon, or Mr. Clark, what
1445 felt for, like a really long time. That's when I said I was - I came back around
1446 to get a better idea of what was going on. But I looked to try to figure out what
1447 was in his hands and that's when he was still punched out. And at the time of
1448 the interview and immediately after the - the event, I remember thinking,
1449 "Wow, I stuck my head out there for a really fricking long time. And he had - I
1450 mean, the whole time it was like an ambush scenario. He had the drop on us the

1451 entire time. Meaning that we came around that corner and we're exposed. He
1452 was already in that position. When we took cover and I stuck my head out
1453 there, it was much longer than – it felt much longer than it actually was but my
1454 head was exposed. And I never really understood - at the – at the time I didn't
1455 understand why he had not started shooting at us because he had ample
1456 opportunity to do so. Or it felt like ample opportunity to do so. So when I was
1457 talking about I was surprised he hadn't started firing on us, everything that we
1458 did in – you know exposing ourselves, coming around the corner, believing he
1459 was still running but we were coming around the corner, he had opportunity
1460 after opportunity to actually start shooting. And it – it just - I mean, it's pretty
1461 self-explanatory after that. I was just surprised that that hadn't happened. Like,
1462 I didn't know what kind of luck we had or what but I was surprised that he
1463 hadn't started shooting.
1464

1465 OLANDER: And did that make you feel that - that him shooting at you was imminent?
1466

1467 ROBINET: Oh, yeah. I mean, that was – that was the thought that was in my head. I was –
1468 I took the time to try and figure out what was in his hands but I didn't, you
1469 know, I mean, come to find out after watching the body camera footage and
1470 stuff that it wasn't really that long before I started firing and that was because,
1471 in my opinion, there was that imminent threat at the time based on all the other
1472 factors, his position and what-not.
1473

1474 BULLARD: On page 13 of your statement you said, "I really felt like that was a gun. His
1475 position, like I said, was something I recognized as a firing position from all the
1476 training and all the firearms training that I've been through in the last nine
1477 years," correct?
1478

1479 ROBINET: Yes.
1480

1481 BULLARD: And I'll pay a bodycam here.
1482

1483 ((RECORDING))
1484

1485 MERCADAL: Show me your hands. Gun gun gun.
1486

1487 ((END RECORDING))
1488

1489 BULLARD: At 04:26:47, what does Officer Mercadal say here?
1490

1491 ROBINET: He says, "Show me your hands," and then he repeats "gun" three times.
1492

1493 BULLARD: Okay. And at this point, you shoot at the suspect, correct?
1494

1495 ROBINET: Yes.
1496
1497 BULLARD: Did you give any commands to the suspect to drop what he was holding?
1498
1499 ROBINET: No.
1500
1501 BULLARD: Why not?
1502
1503 ROBINET: I didn't feel like there was time. Like I just kind of rambled on about a second
1504 ago, I – I felt like he had the drop on us. Like I didn't feel like there was any
1505 time to do anything other than fire at that point. This is kind of - this is the
1506 section that I was talking about, like, when Officer Mercadal yells, "Gun" the
1507 first time, I hit the cover point and I am actually already looking at this point
1508 trying to determine what was in Stephon's hands prior to Officer Mercadal
1509 yelling gun three times. So that – that's kind of the time period where I had my
1510 head exposed trying to figure it out. When I refer later in my statement about
1511 like the - the reflection that I saw and all that stuff, that was when I saw all that
1512 stuff and felt like that was definitely a gun in his hands. So at that point I – I
1513 felt like it was just - if I waited any longer I was going to take - take a - you
1514 know - He was gonna start shooting. If I waited any longer, he was gonna start
1515 shooting.
1516
1517 BULLARD: Okay. Based on recollection, can you estimate about how far away the suspect
1518 was from you and Officer Mercadal when you fired?
1519
1520 ROBINET: At that point it - I never remembered him moving so I'd still say he was
1521 probably 15 to 20 feet. But I -
1522
1523 BULLARD: 15 to 20 feet?
1524
1525 ROBINET: Yeah, I don't – I don't -
1526
1527 BULLARD: Okay.
1528
1529 ROBINET: - don't completely remember.
1530
1531 BULLARD: On page 18 of your statement, you indicated that you did not hear the suspect
1532 say a single thing during this incident, correct?
1533
1534 ROBINET: I didn't.
1535
1536 BULLARD: Okay. Did not?
1537
1538 ROBINET: I did not. Yeah, I did not hear him say anything.

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BULLARD:

I provided you with general orders 580-02, Use of Force, revision date 5/16/17 and 580-03, Discharge of Firearm, revision date 1/19/18. I will read aloud the highlighted portions here if you want to follow along. Under 580.02 policy: "It shall be the policy of the Sacramento Police Department that officers value and preserve the sanctity of human life at all times. Officers shall use only that amount of force necessary under the circumstances presented that the officer reasonably believes is required. Officers are expected to use de-escalation techniques when reasonably possible and without increasing the risk of harm to officers or others in an effort to reduce or eliminate the use of force. When use of force officers – when using force officers shall continuously reassess the perceived threat to select the reasonable use-of-force response. When making use-of-force decisions, officers should be mindful that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including but not limited to alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers." Under procedure A definitions, B - or I'm sorry, 9, De-escalation: "Employing techniques to stabilize a situation to decrease the likelihood of the need to use force and to increase the likelihood of voluntary compliance." B, General, subsection 1) "Force shall be used I compliance with penal code section 835(A) which states, 'Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect arrest – to affect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested. Nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.'" 2) Officers may use deadly force if, under the circumstances, the officer reasonably believes that the suspect poses a threat of death or serious bodily injury either to the officer or to others." 5) "When reasonable under the totality of the circumstances and where it may be accomplished without increasing the risk of harm to officers or others, officers should attempt to de-escalate the situate – de-escalate situations. De-escalation include but are not limited to gathering information about the incident, assessing risks, gathering resources, personnel, and equipment, using time, distance, cover, using crisis intervention techniques and communicating and coordinating a response. Refer to GO 522.02, Emergency Care for Individuals Under Police Care or Control when rendering emergency medical treatment or summoning medical assistance." Under C, Mandatory Reporting Procedure, d) "When the use of force has resulted in an injury officers shall comply with the provisions in GO 522.02 Emergency Medical Care for Arrestees. And if the individual is not arrested or will be released with a citation, officers should offer to call for an ambulance or assist in arranging

1582 transportation to an authorized medical facility.” And do you understand that
1583 General Order that I read aloud there? 580.022?
1584

1585 ROBINET: Yes, I do.
1586

1587 BULLARD: Okay. 580.03, Discharge of Firearm. Policy: “It shall be the policy of the
1588 Sacramento Police Department that officers continually evaluate all reasonable
1589 and readily available force options to apprehend or subdue an individual before
1590 resorting to the greater use of physical and/or deadly force. A thorough
1591 investigation will be conducted on all incidents resulting on firearm discharges
1592 by Department employees.” Procedure A, General, Subsection 1) Officers may
1593 discharge a firearm in the performance of their official duty.” Section a) “in the
1594 necessary defense of themselves or in the defense of another person when the
1595 officer reasonably believes that an imminent danger of death or serious bodily
1596 injury exists.” Section b) “to affect an arrest, prevent escape, or recapture an
1597 escapee when the officer reasonably believes the suspect to be arrested poses an
1598 immediate threat to cause death or serious bodily injury if apprehension is
1599 delayed.” Section 3) “a verbal warning should proceed the use of deadly force
1600 where feasible and when it will not increase the risk of harm to officers or
1601 others.” 4) “Justification for the use of deadly force shall be limited to what
1602 reasonably appears to be the facts known or perceived by the officer at the time.
1603 Facts unknown to an officers shall not be considered in later determining
1604 whether the shooting was justified.” 5) “Nothing in any firearms procedure
1605 shall preclude the drawing of the officer’s firearm during the course of an arrest
1606 or investigation or when an officer reasonably believes it necessary for the
1607 safety of the officer or the safety of another. Section 7: Refer to GO 522.02,
1608 Emergency Care for Individuals Under Police Care or Control when rendering
1609 emergency medical treatment or summoning medical assistance.” Do you
1610 understand that General Order that I have read?
1611

1612 ROBINET: I do.
1613

1614 BULLARD: Okay. Now as far as your justification for discharging your firearm, use of
1615 force, would you like to stipulate that your voluntary statement provided to
1616 investigators on March 19, 2018 articulates your justification to discharging
1617 your firearm?
1618

1619 ROBINET: Yes, I do.
1620

1621 BULLARD: Okay. Is there anything you would like to add or clarify from that statement as
1622 to your justification for the use of force, specifically discharging your firearm?
1623

1624 ROBINET: No.
1625

1626 BULLARD: In your opinion, do you feel you complied with or violated General Order
1627 580.02, Use of Force?
1628
1629 ROBINET: I complied with.
1630
1631 BULLARD: You complied with it?
1632
1633 ROBINET: Yes.
1634
1635 BULLARD: In your opinion, do you feel you complied with or violated General Order
1636 580.03, Discharge of Firearm?
1637
1638 ROBINET: I complied with that one as well.
1639
1640 BULLARD: If you could articulate why, in your opinion, you feel you complied with those
1641 General Orders? Citing any possible sections in those orders that you feel
1642 would apply?
1643
1644 OLANDER: And we're just - just to be clear we are articulating certain policy sections that
1645 apply but not the factual circumstances that are already articulated in the
1646 homicide investigation?
1647
1648 BULLARD: Correct. We're not going for the articulation as to why you discharged your
1649 firearm. It's just as to why you feel that you complied with those two general
1650 orders that I read.
1651
1652 OLANDER: Thank you.
1653
1654 ROBINET: To answer the question, do you mind if I just refer to the part that's actually
1655 written in the policy?
1656
1657 BULLARD: Sure.
1658
1659 ROBINET: Okay, so just in the policy - policy statement alone, "Officers shall use only the
1660 amount of force necessary under the circumstances presented that the officer
1661 reasonably believes is required." In this scenario, without going into detail, I
1662 reasonably believed that he was pointing a firearm at us and a threat was
1663 imminent. "Officers are expected to use de-escalation techniques." There was
1664 no time. Again, an imminent, instantaneous situation that developed, where
1665 there was no time to do anything to de-escalate the situation. "When making
1666 use-of-force decisions, officers should be mindful that subjects may be
1667 physically or mentally incapable of responding to police commands." That goes
1668 back to there was no time to de-escalate so there was no time - nor did we have
1669 any indication that the subject might be experiencing a mental health crisis or

1670 under the influence of different narcotics or narcotics or alcohol. We had no
1671 indication that that was happening here nor did we have time to figure that out.
1672 And that goes with the rest of that policy statement talking about, you know
1673 language, cultural barriers. We - there was no time at all to figure any of that
1674 stuff. Again, the procedure A9, "Employee Techniques to Stabilize the
1675 Situation, De-escalation," no time to do that. "The force being in compliance
1676 with Penal Code section 835A," again, as perceived at the time of the event, we
1677 necessarily needed to use deadly force based on the circumstances that are
1678 outlined in the - in the homicide investigation.
1679
1680 BULLARD: Are there any other excerpts that you want to -
1681
1682 ROBINET: I'm trying to be as thorough as possible.
1683
1684 BULLARD: No, that's okay.
1685
1686 ROBINET: If I was going overboard I apologize.
1687
1688 BULLARD: That's all right.
1689
1690 ROBINET: Um.
1691
1692 BULLARD: Let me touch on something under the 580.03 one. So as stated at the bottom of
1693 your page, page 18 of your statement.
1694
1695 ROBINET: I think it's over here somewhere.
1696
1697 BULLARD: You stated that you did not give the suspect any commands, correct?
1698
1699 ROBINET: Yes.
1700
1701 BULLARD: Yeah, so in referencing under there with 580.03 about a verbal warning. So as
1702 far as you not giving the suspect any commands, can you explain why not?
1703 Yeah, I'm sorry, it -
1704
1705 ROBINET: The verbal warning should precede the use of deadly force where feasible. I
1706 never had a chance to give a verbal command. It goes back to the imminent,
1707 instantaneous situation unfolding. Or how I felt it was that way. Had I made a
1708 command or taken the time to do some sort of command, I felt like that would
1709 have been time allotted to Mr. Clark to actually shoot us. I mean, again, it was
1710 instantaneous. There was no time to do that to prevent, you know, or - there
1711 was no time to issue a command like that. Because the threat to our lives was
1712 imminent. I guess this is a better way of putting it - articulating it.
1713

1714 BULLARD: Okay. Just prior to your firing, you appeared to come around the corner, then
1715 retreat back, and then peek back around the corner and engage the suspect, is
1716 that correct?
1717

1718 ROBINET: Yes.
1719

1720 BULLARD: Okay. Was there a reason you decided to engage the suspect here as opposed to
1721 any other options like fully retreating from your position or anything like that?
1722

1723 ROBINET: We had already – we had already been advised that he had at least attempted to
1724 break into a home. And now he was in another yard. Come to find out it was
1725 his grandmother's yard but at the time we didn't know it. There's no way of
1726 knowing that. But he was in another yard and retreating from that situation
1727 would allowed – would have allowed him to do whatever he needed to do to get
1728 into that home and potentially victimize brutally or whatever in some form or
1729 fashion, the occupants of that home. That's the way we perceived that situation.
1730 We had no idea that it was actually where he stayed on occasion. So if we
1731 would have come back out of that driveway and left him to his own accord, who
1732 knows what would have happened. It could have been that, like I said, the same
1733 situation with the house that was just north of us at the time – at this time. The
1734 home invasion, the residential burglary, the inherent risks that come with that
1735 and what would have happened to the victims - would they have been seriously
1736 hurt, killed? We didn't have any clue other than the fact that we couldn't give
1737 him that opportunity at that time.
1738

1739 BULLARD: All right -
1740

1741 ROBINET: Especially now that - sorry - especially now that we thought he had a firearm
1742 and had we retreated and let him break into that house, that would have been
1743 extremely bad for the occupants of the house. I mean now - that would have
1744 changed the dynamic of the call immensely and it's more than likely the
1745 occupants of the house would have been seriously injured if not killed.
1746

1747 BULLARD: I'm gonna play your body camera here.
1748

1749 ((RECORDING))
1750

1751 MERCADAL: Five seven shot -
1752

1753 ((END RECORDING))
1754

1755 BULLARD: So 04:26:53 gunfire by you and Officer Mercadal appears to cease at this point,
1756 correct?
1757

1758 ROBINET: Yes.
1759
1760 BULLARD: Referencing from your crisis intervention training, do you think it would have
1761 been practical or safe for you try and evaluate if the suspect was experiencing
1762 mental crisis or illness or under the influence of anything given the timing of
1763 what you and Officer Mercadal were faced with during your initial pursuit and
1764 confrontation with the suspect?
1765
1766 ROBINET: I'm sure I talked about this already but, yeah, there was no – there was
1767 absolutely no time to perceive or evaluate Mr. Clark for any of that stuff.
1768 There's just no time for it.
1769
1770 BULLARD: Okay.
1771
1772 OLANDER: Do you believe if doing so would have potentially increased the risk of harm to
1773 yourself or the occupants of that residence?
1774
1775 ROBINET: Easily we would have allowed him more time to, you know, either break into
1776 the house or shoot at us. Again, perceiving the subject with a gun at this point
1777 in time.
1778
1779 BULLARD: Okay.
1780
1781 ((RECORDING))
1782
1783 MERCADAL: Five-seven. Shots fired. Suspect's down.
1784
1785 ((END RECORDING))
1786
1787 BULLARD: What does Officer Mercadal say there?
1788
1789 ROBINET: He says 5-7 which is his unit identifier. And says shots fired and the suspect's
1790 down or subject's down. I couldn't tell.
1791
1792 BULLARD: Okay.
1793
1794 ((RECORDING))
1795
1796 MERCADAL: Show me your hands.
1797
1798 ROBINET: Let's see your hands.
1799
1800 ((END RECORDING))
1801

1802 BULLARD: 04:26:59. What are you and Officer Mercadal saying here?
1803
1804 ROBINET: We're yelling at the suspect, Mr. Clark to show us his hands.
1805
1806 BULLARD: Okay.
1807
1808 ((RECORDING))
1809
1810 MERCADAL: Five seven, he's down. We're gonna – We're gonna need additional units.
1811 Come in from the west to east of this yard.
1812
1813 ((END RECORDING))
1814
1815 BULLARD: 04:27:14. What is Officer Mercadal saying here?
1816
1817 ROBINET: He's saying - verbatim? Sorry or?
1818
1819 BULLARD: No, no. I mean of what you can recall from that.
1820
1821 ROBINET: So he's, he's – he's on the radio giving an update of what's happened. Did he -
1822 he did say shots fired again. And he's trying to direct other units to the area and
1823 he, I think, maybe based on adrenaline or what but he gave them the wrong
1824 directions. But he's trying to direct the units that are just automatically going to
1825 come with a shots fired call into the backyard of this house from a safe area.
1826
1827 ((RECORDING))
1828
1829 ROBINET: Let's see your hands.
1830
1831 ((END RECORDING))
1832
1833 BULLARD: 04:27:16. Is that you saying, "Let's see your hands"?
1834
1835 ROBINET: Yeah, I'm still trying to elicit a response from the subject that I can see on the
1836 ground. He's - right now his back is towards us and from my perspective, I
1837 can't see either one of his hands.
1838
1839 ((RECORDING))
1840
1841 MERCADAL: You all right? You hit?
1842
1843 ROBINET: Yeah, I'm good.
1844
1845 MERCADAL: Okay.

1846

1847 ((END RECORDING))

1848

1849 BULLARD: What's being said here between you and Officer Mercadal?

1850

1851 ROBINET: We're checking on each other to if anybody had - he asked me if I was hit and I
1852 told him that I was good. And I think right after this I kind of asked him if he
1853 was all right, himself.

1854

1855 BULLARD: What does that mean when you say, "Are you hit?" When you're checking on
1856 somebody?

1857

1858 ROBINET: Are you shot? Have you been hit by a bullet?

1859

1860 ((RECORDING))

1861

1862 ROBINET: He was still pointing when I saw, like -

1863

1864 ((END RECORDING))

1865

1866 BULLARD: I'm sorry. Let me play that back.

1867

1868 ((RECORDING))

1869

1870 ROBINET: He was still pointing -

1871

1872 MERCADAL: Oh shit.

1873

1874 ROBINET: - when I saw it again. You all right -

1875

1876 ((END RECORDING))

1877

1878 BULLARD: What is it that you said right there? So the 04:27:27.

1879

1880 ROBINET: He was still pointing. And I think I continued to say as he - as I poked my head
1881 back around the corner he was still pointing his, he was still pointing at us or
1882 something like that. I don't remember exactly what my words were but I was
1883 referring to the first time Officer Mercadal yelled, "Gun," and I saw Stephon in
1884 the shooting position. And then I hit the cover. I came back around. He was
1885 still pointing whatever it was at us like it was a gun. That's what I was referring
1886 to. So the second time I came around after I took cover and came back around
1887 with my head, he was still pointing - well, what ended up being a cell phone - at
1888 us like a gun.

1889

1890 BULLARD: Okay.

1891

1892 ((RECORDING))

1893

1894 MERCADAL: Oh shit.

1895

1896 ROBINET: - when I saw it again. You all right dude?

1897

1898 MERCADAL: Yeah, I'm all right. I don't think I'm hit or anything.

1899

1900 ((END RECORDING))

1901

1902 BULLARD: What are you and Officer Mercadal saying to each other here?

1903

1904 ROBINET: Just asking if he was good this time. He said, "I don't think I'm hit or
1905 anything." I was - I mean, he had asked me first if I was good and I said I was
1906 and then we had that little brief discussion about what I saw and then now I was
1907 just asking to make sure he was all right.

1908

1909 BULLARD: Okay.

1910

1911 ROBINET: As you can hear on the bodycam footage he's breathing quite heav - heavily and
1912 is pretty -

1913

1914 BULLARD: Officer -

1915

1916 ROBINET: - freaked out by the whole situation. Pretty excited.

1917

1918 BULLARD: Officer Mercadal?

1919

1920 ROBINET: Officer Mercadal.

1921

1922 BULLARD: Okay.

1923

1924 ROBINET: What'd I say?

1925

1926 BULLARD: Oh you said, "He." I was just clarifying.

1927

1928 ROBINET: Oh, yeah Officer Mercadal. Sorry.

1929

1930 BULLARD: On page 17 of your statement, you describe the backyard as it was nonexistent
1931 except for my flashlight and Terrence's light, correct?

1932

1933 ROBINET: The lighting? yes.

1934
1935 BULLARD: So can you describe for me the overall setting here of where the downed suspect
1936 was at the time as far as back yard condition, vegetation, any obstructions and
1937 again I know you touched on lighting already but can you describe those things?
1938
1939 ROBINET: Yeah aside from the light from Terrence's Taclight - I believe he had a Taclight
1940 I know it was my flashlight. Because my Taclight stopped working in the back
1941 yard of the other house. Aside from that light there was absolutely zero light
1942 and if we weren't pointing our flashlights at a certain area the lighting was
1943 completely non-existent. I don't even recall there being much of a moon that
1944 night. It was really dark out there. The grass as you can see in the bodycam
1945 footage was extremely long. I knew there was this brick structure right here
1946 that you can see in the bodycam footage. It might've been like an outdoor
1947 barbeque pit or something or a fire pit of some sort. I'm not really sure really
1948 what it was but you can't see him in my bodycam footage but just on the other
1949 side of the corner. I believe it might've been either parallel with the fire pit or
1950 slightly in front. Stephon Clark is laying on his right side. Hands from what I
1951 can tell are in front of - in front of him. And he's got his back towards us. So
1952 the grass covers him a little bit from my perspective. That's really all I kind of
1953 remember about actually what I saw at that time. I just remember seeing his
1954 back - not being able to see his hands and seeing that the - he was kind of near
1955 that patio area of the cement section in the back yard.
1956
1957 BULLARD: Okay on Page 18 of your statement you said, "I could see what our light was on
1958 which at that point was a pretty much the suspect. I saw mostly his midsection.
1959 Like I'd say from his mid-stomach down to like his knees and it was really dark.
1960 I couldn't see." Is that correct?
1961
1962 ROBINET: Yes.
1963
1964 BULLARD: Okay and what about the suspect himself? You kind of touched on just earlier.
1965 Were you able to clearly see that he was no longer apparently armed or a threat
1966 to you or Officer Mercadal at this time?
1967
1968 ROBINET: At this time after the shooting? - no.
1969
1970 BULLARD: Okay.
1971
1972 ROBINET: No. Couldn't see - all I could see really was his - his back and shoulders and
1973 back of his head. There wasn't much else that I remember being able to see.
1974
1975 BULLARD: Okay.
1976
1977 ((RECORDING))

1978
1979 ROBINET: I got him at gun point dude.
1980
1981 MERCADAL: You, you wanna –
1982
1983 ROBINET: You do a tactical reload okay?
1984
1985 MERCADAL: Alright (unintelligible).
1986
1987 ((END RECORDING))
1988
1989 BULLARD: 04:27:42 what did you say here?
1990
1991 ROBINET: I told Officer Mercadal that I would hold the suspect at gunpoint and advised
1992 him to do a tactical reload. Essentially a quick reload of the magazine into his
1993 firearm.
1994
1995 BULLARD: Okay and why was that said?
1996
1997 ROBINET: That was said - there was two – two reasons why I said that. In previous
1998 training - it was something in the Border Patrol that was taught pretty heavily -
1999 was in a situation like this you need some minor task that's kind of muscle
2000 memory. It kind of helps you calm down. So obviously both of us were really
2001 excited at this point in time. Really not - excited is the wrong word but pumped
2002 with adrenaline, breathing hard. You can hear Officer Mercadal breathing
2003 extremely hard and I wanted to give him a task to just focus on to take his mind
2004 off of everything else and it was just a tangible task that he'd do to kind of help
2005 calm him down. So there was that aspect of it but then there was also the aspect
2006 that we did not know that Stephon was not armed at that point in time. We
2007 didn't know if he was playing possum where he might be actually just laying in
2008 wait. This situation that every agency that I'm aware of trains for where people
2009 after shootings have still been alive and then waited for officers to get closer
2010 before they fired on them. I know here at Sac P.D. they talked about – I can't -
2011 of course I can't think of the officer's name or the suspects name but there was
2012 time where officers approached a car where a shooting had happened and the
2013 guy was laying in wait and one of the officers got shot - shot in the badge and
2014 shot in the hip. That was something they talked about during the academy.
2015 There was a scenario in the academy where we actually were in foot pursuit of
2016 an armed suspect or something like that and almost exactly like this, suspect
2017 rounds a corner and the idea for the proctors of the scenario was to see what
2018 we'd do when we as officers hit that corner. So you hit the corner and if you do
2019 it right, you wait there and suspect has a medical emergency. And they wanted
2020 to see what we would do now that the suspect's having a medical emergency.
2021 For the officers or the trainees that actually tried to go help him with the

2022 medical emergency the guy was going to be laying in wait and shoot the officers
2023 that walked up on him. My partner at the time - who no longer works here - and
2024 I actually waited at the corner until the guy was com - not moving whatsoever
2025 before we actually ended up approaching him. And we were praised for doing
2026 it that way. So I mean we have like tons of training on situations almost exactly
2027 like this where somebody could be still a potential threat versus immediate
2028 threat and laying in wait for us to approach unprotected. So I kind of rambled
2029 there a little bit but that's - what was the question again?
2030

2031 BULLARD: No I was just asking as far as what you had said when you had given reasons as
2032 far as the tactical reload - that you had told Officer Mercadal to do that.
2033

2034 ROBINET: Oh yeah so I - that was - I probably went way ahead but yeah the tactical reload
2035 was for that - that situation where the suspect might actually be laying wait for
2036 us again or might decide to start firing on us again if he is not actually down.
2037

2038 BULLARD: Okay.
2039

2040 ((RECORDING))
2041

2042 ROBINET: I think I shot about five times.
2043

2044 ((END RECORDING))
2045

2046 BULLARD: 04:27:45 what did you say here?
2047

2048 ROBINET: I think I shot about five times.
2049

2050 BULLARD: And why did you say that?
2051

2052 ROBINET: In my mindset at that time I thought it was important to have a - I guess a round
2053 count of how many times I actually shot on - on recording. Just for later on. I
2054 don't know I thought it would be important to have what I thought I - how many
2055 times I shot - I thought I shot on - as part of the recording just for the homicide
2056 detectives or whatever reason. I just thought it would be important.
2057

2058 BULLARD: Okay.
2059

2060 ((RECORDING))
2061

2062 ROBINET: Stand by.
2063

2064 MERCADAL: Stand by on that. He's still down he's not moving. We can't see the gun.
2065

2066 ((END RECORDING))

2067

2068 BULLARD: 04:28:00 what are you and Officer Mercadal saying here?

2069

2070 ROBINET: We're talking to - I think it was dispatch talking about how - if it was clear for
2071 fire and we were telling them to stand by on it because we didn't know if
2072 Stephon was still any type of threat at this point in time. We couldn't see the
2073 gun.

2074

2075 BULLARD: You say clear for fire you mean clear for the fire department to enter?

2076

2077 ROBINET: Yeah for the fire department to come assess the injuries. If it was a safe scene
2078 for fire I should say.

2079

2080 BULLARD: Okay.

2081

2082 ((RECORDING))

2083

2084 ROBINET: You good?

2085

2086 MERCADAL: Yeah I'm good.

2087

2088 ROBINET: All right I'm going to reload okay?

2089

2090 MERCADAL: Go - go I got you.

2091

2092 ROBINET: You got a light on him?

2093

2094 MERCADAL: Got it.

2095

2096 ((END RECORDING))

2097

2098 BULLARD: Okay 04:28:09 what is it that's being said here?

2099

2100 ROBINET: I was making sure that Terrence was ready. Meaning like gun reloaded,
2101 magazine seated just in case he needed to fire more rounds for whatever reason
2102 if the threat was still there and he need to address it and before - before like I
2103 was making sure he was ready to go before I reloaded myself for the same - the
2104 same reasons of actually like addressing any threat that might have - might
2105 have come after the situation - any potential threat that might still be there.

2106

2107 BULLARD: Okay.

2108

2109 ((RECORDING))

2110
2111 MERCADAL: Negative. Neither one of us are hit - we're okay - suspect down.
2112
2113 ((END RECORDING))
2114
2115 BULLARD: 04:28:14 here what is it that Officers Mercadal - Officer Mercadal is saying
2116 here?
2117
2118 ROBINET: He said negative neither one of us are hit and suspect's down.
2119
2120 BULLARD: Do you recall why - why that was said?
2121
2122 ROBINET: I don't recall. I don't remember what was said over the radio or if was an up -
2123 somebody was looking for an update or something like that and I don't recall
2124 exactly why but saying that neither one of us is hit just I guess letting whoever
2125 know that we were okay.
2126
2127 BULLARD: Okay.
2128
2129 ((RECORDING))
2130
2131 ROBINET: Alright.
2132
2133 MERCADAL: Good?
2134
2135 ROBINET: Yup.
2136
2137 ((END RECORDING))
2138
2139 BULLARD: 04:28:22 so just to kind of summarize is this you conducting a tactical reload
2140 yourself?
2141
2142 ROBINET: Yes it was.
2143
2144 BULLARD: Okay and I think you've already touched on the reasons earlier why it - why
2145 that was being done here. So at this point here why didn't you and Officer
2146 Mercadal make your approach of the suspect prior to any additional officers
2147 arriving on scene?
2148
2149 ROBINET: Because it would - there's still a potential threat. The fact that Mr. Clark was
2150 still down on the ground doesn't mean that he wasn't alive and that he wouldn't
2151 shoot at us had we approached without - I mean you can see he's just straight
2152 into the back yard. There's no cover. Even the corner of the house is not really
2153 complete cover because bullets can go through wood. But we didn't - we

2154 didn't know for certain that one he was even hit because I do recall as I was
2155 shooting I remember seeing Stephon still standing the whole time. And I
2156 actually didn't remember the second volley of five shots. But what I did
2157 remember was the first five shots and then thinking to myself when it was
2158 happening like am I even hitting this guy? Like I don't seen him going down, I
2159 don't see him moving, I don't see anything. Of course time had completely
2160 slowed down and it felt like a lot longer than it actually was but I remember
2161 thinking like I'm not even hitting this guy. And then the next thing I know is he
2162 was down on the ground. There was no - there was no him falling. There was
2163 no him putting his hands out like you can see on the STAR's video there's - or
2164 like putting his hand down on the ground and be like going down slowly I
2165 should say, not putting his hands up. But there was - there was none of that
2166 from what I remember. It was him standing there, me shooting and then all of a
2167 sudden him on the ground. So in my mind at this time there's a high likelihood
2168 that we didn't even hit him because I'd remembered shooting at him and him
2169 still standing. So the last thing I wanted to do was not have any type of
2170 protection between him and us as we approached him. Especially not knowing
2171 where his hands were, not knowing if he was still alive, not knowing if he was
2172 still potentially a threat like I just didn't want to put myself in that position to
2173 put myself - or put myself in a position of danger with possibly being shot by
2174 approaching him to render medical aid - not yet anyway.

2175
2176 ((RECORDING))

2177
2178 ROBINET: One Charles 5-4 there's an older model looks like Chevy in the driveway it's a
2179 brown house with -

2180
2181 MERCADAL: No you're covered - you're covered - you're covered. Nothing but STAR is
2182 going out.

2183
2184 ((END RECORDING))

2185
2186 BULLARD: 04:28:44 what's being said here?

2187
2188 ROBINET: I'd have to actually look at the radio. But I think - I think they're like - they
2189 had asked for - the radio transcript in here? or it was just on

2190
2191 BULLARD: No it should be in there but I was just if you recall

2192
2193 OLANDER: If you recall.

2194
2195 BULLARD: If you can recall at the time

2196
2197 ROBINET: Yeah - yeah.

2198
2199 BULLARD: Why -why - what was being said and why it was being said.
2200
2201 ROBINET: Well I thought – I thought they were looking for like a landmark to get cover
2202 officers into the right house and so I was trying to put that information out. And
2203 then unbeknownst to me STAR was doing the same thing and had covered my
2204 radio traffic with their radio traffic so sometimes when you're on the radio you
2205 can you know whoever keys up the mic first sometimes can talk over the other
2206 person. Sometimes it just cancels each other out and you just squelch.
2207
2208 OLANDER: Before - before you move on I kind of want to double back just briefly to the
2209 rendering medical aid question that you had asked. Officer Robinet you
2210 mentioned sort of your mindset at the time and you don't know if he's armed.
2211 Is this something that's based on your Sacramento Police Department training?
2212
2213 ROBINET: Within the Sacramento Police Department training like I referred to that scenario
2214 in the academy and the other situations that we had talked about. But yeah and
2215 also in the – in the US Border Patrol we trained the same type of situation. You
2216 don't approach a potentially dangerous situation without enough units, without
2217 tactical considerations like shields and gear and all that kind of stuff.
2218
2219 OLANDER: Thank you.
2220
2221 ((RECORDING))
2222
2223 MERCADAL: Give him a light I got him.
2224
2225 ROBINET: All right.
2226
2227 ((END RECORDING))
2228
2229 BULLARD: So 04:28:49 what's being said here?
2230
2231 ROBINET: I believe Officer Mercadal asked me to give them a light. Because more
2232 officers were showing up and giving them the light was essentially me holding
2233 my flashlight up and I put it on strobe so the other officers could actually see
2234 where we were and we had a situation where rounds were just fired. The last
2235 thing you want is somebody coming in from a direction down range especially
2236 or in a position that might put them in some sort of danger. So we wanted them
2237 to know exactly where we were.
2238
2239 BULLARD: And is that you at this frame here you're shining that flashlight towards 29th
2240 Street?
2241

2242 ROBINET: Towards 29th Street yeah.
2243
2244 BULLARD: And is that basically to signal on - upcoming officers who are arriving on scene
2245 to where you're location is?
2246
2247 ROBINET: Yeah it'll bring them to pretty much exactly where we're standing which at that
2248 point and time is the - the safe area.
2249
2250 BULLARD: Okay want to take a break?
2251
2252 ROBINET: I'm good.
2253
2254 BULLARD: You good? Okay.
2255
2256 OLANDER: Let's keep going.
2257
2258 BULLARD: We'll keep going all right.
2259
2260 ((RECORDING))
2261
2262 ROBINET: Hey we're good - we're good slow it down - slow it down we're good.
2263
2264 TAYLER: All right.
2265
2266 ((END RECORDING))
2267
2268 BULLARD: 04:28:54 what are you saying here and to who if you can recall?
2269
2270 ROBINET: Talking to Officer Trujillo and Tayler. They had arrived and they're - I
2271 remember seeing Officer Tayler kind of running in quick and I knew there was
2272 some debris and stuff in the area. Last thing I didn't - wanted him was to get
2273 hurt so I was telling him to slow down. He didn't need to just come rushing in
2274 there that he could you know save himself I guess - or not save himself. Why
2275 am I saying that? But he could slow it down so he didn't get hurt. He didn't
2276 trip on some of the debris or - I know part of the fence was actually knocked
2277 over so the fence that separated the side - or the front area from the rear yard.
2278 So I was just telling him to slow - slow it down a little bit.
2279
2280 BULLARD: Okay SPD Officer Tayler and Trujillo are the first responding back up officers
2281 to assist you and Officer Mercadal correct?
2282
2283 ROBINET: Yes.
2284
2285 ((RECORDING))

2286
2287 ROBINET: One Charles 5-4 I want everybody to know we are fine. No officers are hit.
2288 Subject's down in the back yard.
2289
2290 ((END RECORDING))
2291
2292 BULLARD: 04:29:03 can you explain what it is that you say here?
2293
2294 ROBINET: That was just another attempt because of how they came running in and I know
2295 it's a pretty high stress situation for even the officers that aren't on scene to
2296 know that there's been an officer involved shooting. Pretty much everybody
2297 responds and they respond Code 3 which inherently is dangerous. That was just
2298 kind of one of those situations where I wanted to let everybody know that we at
2299 that time were okay. Like neither Officer Mercadal or I were hurt and that
2300 would just give other people responding a chance to kind of breathe. Maybe
2301 slow - slow it down. Slow down their driving a little bit. Not go as crazy like
2302 you know just to make sure that everybody knew that.
2303
2304 BULLARD: Okay.
2305
2306 ROBINET: That's all I was just trying to do.
2307
2308 ((RECORDING))
2309
2310 ROBINET: - down in the back yard.
2311
2312 TAYLER: You got the gun?
2313
2314 ((END RECORDING))
2315
2316 ROBINET: To go back to what I was saying there. That was essentially so the responding
2317 officers don't get in a situation where they get hurt themselves.
2318
2319 BULLARD: Okay. At 04:29:04 could you hear what Officer Tayler said there or asked?
2320
2321 ROBINET: I believe he asked where the gun was or something like that.
2322
2323 BULLARD: Okay.
2324
2325 ((RECORDING))
2326
2327 ROBINET: We haven't secured it. We're not moving in until we have more.
2328
2329 ((END RECORDING))

2330

2331 BULLARD: 04:29:08 what is it that you say here?

2332

2333 ROBINET: I told Officer Taylor that we hadn't secured it and that I didn't want to move in
2334 towards the back yard towards Stephon until we had more - essentially more
2335 resources. Be it more people or like I know shortly after this I ask for a body
2336 bunker or a shield - a ballistic shield. That was definitely something that I
2337 wanted before we actually approached him.

2338

2339 BULLARD: When you say you haven't secured it meaning you have not secured the
2340 suspect's firearm?

2341

2342 ROBINET: Yeah we haven't secured the firearm.

2343

2344 BULLARD: Okay.

2345

2346 ((RECORDING))

2347

2348 MERCADAL: We don't have it. Do you see it Jared?

2349

2350 ((END RECORDING))

2351

2352 BULLARD: 04:29:12 here what does Officer Mercadal say here that you can? -

2353

2354 ROBINET: He says we don't have it and he asked me if I had seen it. Essentially what he's
2355 referring to and what I understood him to be talking about is we don't have
2356 visual of a firearm and he - he asked me if I had seen the firearm.

2357

2358 BULLARD: Okay.

2359

2360 ((RECORDING))

2361

2362 ROBINET: I don't - I don't see it.

2363

2364 TRUJILLO: He hasn't moved at all?

2365

2366 ROBINET: He hasn't moved at all.

2367

2368 ((END RECORDING))

2369

2370 BULLARD: 04:29:15 what is it that you say here?

2371

2372 ROBINET: That I hadn't seen the firearm and then Officer Trujillo asked me if he's moved
2373 and I said he hasn't moved at all. Speaking about Stephon.

2374

2375 ((RECORDING))

2376

2377 TRUJILLO: Do you think we're going to need -

2378

2379 ROBINET: Right now -

2380

2381 TRUJILLO: Yeah.

2382

2383 ((END RECORDING))

2384

2385 BULLARD: 04:29:23 what does Officer Trujillo ask you? Can you recall or what can you
2386 make out what it is she asked you or said to you?

2387

2388 ROBINET: I - I don't remember. It kind of sounded like she trailed off. I know eventually
2389 we talk about like less lethal options to elicit a response from Stephon. But I
2390 don't know if that's what we're getting into at this point. I don't - I don't know
2391 if she even continued or she just trailed off at this point.

2392

2393 BULLARD: Your response to her that would sound something to the effect of, "Right now?"
2394 And you kind of stopped. Do you know what that was?

2395

2396 ROBINET: I - I have no idea. I probably started to say something and then just stopped
2397 talking because something else caught my attention or I mean it's a hectic
2398 situation.

2399

2400 BULLARD: Okay.

2401

2402 ((RECORDING))

2403

2404 TAYLER: You want to get him detained?

2405

2406 ROBINET: Not yet.

2407

2408 TRUJILLO: No - no - no - no - no.

2409

2410 ((END RECORDING))

2411

2412 BULLARD: 04:29:25 what is it that Officer Tayler asked here?

2413

2414 ROBINET: If I wanted to get him detained.

2415

2416 BULLARD: And what did that mean?

2417

2418 ROBINET: He wanted to go in there - approach Stephon and place him in handcuffs.
2419
2420 BULLARD: And what was your reply to Officer Tayler?
2421
2422 ROBINET: Not yet. I still - I just didn't feel comfortable going in even with the four of us.
2423 I didn't feel comfortable going in until we had some sort of physical barrier to
2424 use as cover.
2425
2426 ((RECORDING))
2427
2428 TRUJILLO: -can't see his hands right?
2429
2430 ROBINET: Yeah we're good.
2431
2432 ((END RECORDING))
2433
2434 BULLARD: 04:29:28 can you hear at all what Officer Trujillo said or asked there?
2435
2436 ROBINET: Can you play it again I didn't -
2437
2438 BULLARD: Yeah.
2439
2440 ((RECORDING))
2441
2442 ROBINET: Not yet.
2443
2444 TRUJILLO: No - no - no - no - no. (Unintelligible) can't see his hands right?
2445
2446 ROBINET: Yeah we're good.
2447
2448 ((END RECORDING))
2449
2450 BULLARD: Can you make out at all what -
2451
2452 ROBINET: I don't know I'd assume asking if we were all right or something like that.
2453
2454 BULLARD: Okay do you know what your response there it sounded like you said, "Yeah
2455 we're good." Do you know what that meant at all? Can you recall what you
2456 were responding to there?
2457
2458 ROBINET: Without knowing what she said I can't say for certain but I'm assuming she was
2459 probably asking if we were okay and I was saying yeah we're okay - we're
2460 physically okay.
2461

2462 BULLARD: Now at this point here can you explain why you did not make your approach
2463 with a downed suspect with officers Mercadal, Tayler and Trujillo now on
2464 scene?
2465

2466 ROBINET: As I had mentioned previously I was - again I think I already said this but right
2467 after this I'm asking for a ballistic shield. Which I'm sure I was already
2468 thinking about at this point and I didn't want to approach somebody with a gun
2469 who I had no idea was still alive or not at this point in time. I did not want to
2470 approach that person without a ballistic shield or a physical barrier between us
2471 and them. That was - that was my mindset at the time that there was just no
2472 reason to put any of us in danger because yeah there could be a bunch of bodies
2473 going in or people - sorry - going in - officers going in to detain somebody who
2474 had just been in a shooting or been subjected to a shooting. And yeah that's
2475 strength in numbers but at the same time all it takes is like a fraction of a second
2476 for him to turn over and fire a gun and shoot one of the four of us. Which I still
2477 didn't want to happen.
2478

2479 BULLARD: Okay.

2480
2481 ((RECORDING))

2482
2483 TAYLER: He's got one hand by his, by his face.
2484

2485 ROBINET: One Charles 5-4 can't see the subject's hands. He's still not moved. Three Sam
2486 Five if you can head this way we could use a body bunker before we detain him.
2487

2488 ((END RECORDING))

2489
2490 BULLARD: 04:29:39 what is it that you're saying here?
2491

2492 ROBINET: I'm asking the Sergeant who is responding Three Sam Five which was Sergeant
2493 Morris at the time to bring a body bunker which is essentially a slang term for a
2494 ballistic shield to our position. That way we could actually safely approach
2495 him.
2496

2497 BULLARD: And was that request - what you're verbalizing there on the video are you doing
2498 that over your radio?
2499

2500 ROBINET: Yeah I'm doing it over the radio.
2501

2502 BULLARD: And can you describe what a body bunker is - or ballistic shield?
2503

2504 ROBINET: Ballistic shield is a shield about four feet tall by a foot and a half to two feet
2505 wide. It's made out of ballistic materials. I'm not sure exactly what. It's made

2506 out of ballistic materials. It will withstand most handgun rounds. I think it
2507 won't withstand rifle rounds but it's basically a - it's a shield. I mean in every
2508 sense of the word it's - you carry it by hand and use it to protect the top two
2509 thirds of your body when you're in a situation where there's somebody with a
2510 firearm that you need to approach.
2511
2512 BULLARD: On Page 14 and 15 of your statement you had stated – let me know when you
2513 get to it there.
2514
2515 ROBINET: Oh, I'm sorry.
2516
2517 BULLARD: It's okay.
2518
2519 ROBINET: I was waiting for the question.
2520
2521 BULLARD: It's alright.
2522
2523 ROBINET: 14 and 15?
2524
2525 BULLARD: 14 and 15 you stated the reasoning you wanted the body bunker was because if
2526 the suspect had a gun and was not injured or still alive at that point, "I didn't
2527 want to approach to detain him." And you also said, "In fear that he might still
2528 be able to get rounds off on us." Is that correct?
2529
2530 ROBINET: Yes.
2531
2532 BULLARD: And when you say get rounds off what exactly does that mean?
2533
2534 ROBINET: Firing a firearm at our position. Shooting.
2535
2536 BULLARD: In referring to the tactical lifesaver course that you took can you articulate any
2537 lesson plans or materials in that course that you feel - that you can recall -
2538 would apply in this scenario right here as to why no approach of the suspect had
2539 been made to this point?
2540
2541 ROBINET: We talk about the three phases – or three phases of casualty care - tactical
2542 casualty care. The situational awareness and scene safety. In this instance even
2543 in the book right here it talks about, "In the first phase you're about to enter a
2544 tactical environment and a possible crime scene. Your safety is paramount and
2545 the possibility still exists that you or other officers at some point may come –
2546 may come under hostile fire. The tactical medic must at all times be fully aware
2547 of the surroundings and any potential threats. The likelihood of having to draw
2548 your weapon and engage a suspect with deadly force is possible but extremely
2549 unlikely." So basically what it's talking about is the entire scene. What the

2550 situation is - when it relates to this is we have to make sure the scene is safe for
2551 us to actually approach the downed suspect. That's where that body bunker or
2552 ballistic shield would have come - come into play. Like we want to have that to
2553 make sure all four of us at this point are safe as we approach the suspect who
2554 we believed had a gun.

2555

2556 BULLARD: Okay and that portion that you read there that's basically from an earmarked
2557 page from Page 29 of the Tactical Lifesaver Course Student Guide is that
2558 correct?

2559

2560 ROBINET: Yes.

2561

2562 BULLARD: Okay and then if I continue here just the lower highlighted portions. You read
2563 the upper portion that correct?

2564

2565 ROBINET: Yeah.

2566

2567 BULLARD: Okay and then the other portions I got highlighted on here, "Number one
2568 situational awareness and scene safety determine if your surrounding are free of
2569 immediate life-threatening concerns. Do not attempt to provide first aid if your
2570 own life is in imminent danger." Correct?

2571

2572 ROBINET: Yes.

2573

2574 BULLARD: Does this material here appear to be consistent with your training regarding the
2575 Tactical Lifesaver Course that you attended?

2576

2577 ROBINET: Yes it does.

2578

2579 BULLARD: And in your opinion would this information that you just read aloud here to this
2580 incident apply on March 18, 2018?

2581

2582 ROBINET: Yes.

2583

2584 BULLARD: And I think we already touched on it a little bit earlier but just to reiterate it
2585 appears that you as well as the other officers here are staying at the northwest
2586 corner of [REDACTED] 29th Street as opposed to going out into the open area of the
2587 back yard and again can you explain why that is?

2588

2589 ROBINET: If we go into to the open area in the back yard there is absolutely no cover.
2590 Meaning something that'll protect you from bullets between us and Stephon
2591 Clark - where Stephon Clark was lying.

2592

2593 ((RECORDING))

2594
2595 TRUJILLO: Ask (unintelligible).
2596
2597 MERCADAL: Hey can you hear us?
2598
2599 TAYLER: Police department can you hear us?
2600
2601 TRUJILLO: We need to know if you're okay. We need - we need to get you medics but we
2602 can't go over to get you're help unless we know you're - you don't have a
2603 weapon.
2604
2605 ((END RECORDING))
2606
2607 BULLARD: 04:29:56 here what is it that - that Officers Mercadal, Tayler and Trujillo are
2608 saying here?
2609
2610 ROBINET: They're making commands to Stephon to show his hands and also trying to
2611 elicit some sort of response from him to show whether or not it was - he was
2612 alive to - if it was safe to approach or to - any number of situations but basically
2613 we were trying to get him to show us the hands and make sure that he isn't
2614 armed.
2615
2616 ((RECORDING))
2617
2618 ROBINET: Hey you guys - are you good right here?
2619
2620 MERCADAL: We're good here.
2621
2622 ROBINET: All right you guys I'm going to go get the correct address for this place.
2623
2624 MERCADAL: (Unintelligible) think STAR put it out.
2625
2626 ROBINET: Well which way - yeah it probably is.
2627
2628 MERCADAL: He put it out, he put it out.
2629
2630 ROBINET: Okay.
2631
2632 ((END RECORDING))
2633
2634 BULLARD: 04:30 and :08 here what's being said here?
2635
2636 ROBINET: We were trying to confirm the location of the scene for other responding
2637 officers. I wanted to make sure that it was out on the radio for everybody else

2638 but Officer Mercadal told me that STAR had already put it out which is
2639 something I must've missed.
2640
2641 OLANDER: Over the radio?
2642
2643 ((RECORDING))
2644
2645 TRUJILLO: Sir can you move? Can you hear us?
2646
2647 ((END RECORDING))
2648
2649 BULLARD: 04:30:17 what is it that Officer Trujillo is saying here?
2650
2651 ROBINET: She's asking Stephon if he can hear us and if he can move trying to elicit some
2652 sort of response.
2653
2654 ((RECORDING))
2655
2656 TRUJILLO: Just – and that's it?
2657
2658 ROBINET: Hmm?
2659
2660 TRUJILLO: He didn't move after that?
2661
2662 ROBINET: Hasn't moved.
2663
2664 TRUJILLO: Okay.
2665
2666 ((END RECORDING))
2667
2668 BULLARD: 04:30:23 what's the exchange here between you and Officer Trujillo? Can you
2669 explain it?
2670
2671 ROBINET: She was asking if he's moved and I just said he hasn't moved as far as I knew. I
2672 hadn't been at the corner of the house for a little bit there.
2673
2674 ((RECORDING))
2675
2676 MERCADAL: came up and then he - he kind approached us hands out and
2677
2678 ROBINET: Yeah he was - he was -
2679
2680 ((END RECORDING))
2681

2682 BULLARD: 04:30:30 here can you explain what's being said here by Officer Mercadal and
2683 you here?
2684

2685 ROBINET: It was kind of explaining what we had seen happen to Officer Tayler and
2686 Trujillo – Trujillo, that just kind of what we had seen. That's pretty much it. I
2687 – I demonstrated what I had seen to Officer Trujillo versus actually completing
2688 the statement.
2689

2690 BULLARD: What were you demonstrating to Officer Trujillo?
2691

2692 ROBINET: That Stephon had been in that punched out isosceles shooting position when we
2693 observed him prior to the shooting.
2694

2695 OLANDER: And what was the purpose for letting her know that?
2696

2697 ROBINET: The purpose - yeah the purpose of us talking about this at the time was to
2698 ascertain whether or not there was a gun still at the scene. Why we believed
2699 there was a gun and just give them a reason to why there is a gun there at the
2700 scene.
2701

2702 OLANDER: So officer safety?
2703

2704 ROBINET: For officer safe – for officer safety.
2705

2706 ((RECORDING))
2707

2708 TRUJILLO: Let's have them, let's have the next unit get - just bring a non-lethal in case he's
2709 pretending but we'll just (unintelligible).
2710

2711 ROBINET: All right.
2712

2713 ((END RECORDING))
2714

2715 BULLARD: 04:30:45 here what is it that Officer Trujillo is saying here?
2716

2717 ROBINET: She's bringing up the idea of getting like a non-lethal beanbag shotgun to
2718 basically it sounds pretty horrible considering the circumstances that we know
2719 now but it would be to shoot Clark with the non-lethal rounds because they're
2720 painful and the thought would be that if he's pretending he wouldn't be able to
2721 pretend to be dead through that pain. So it was - she brought up that idea just as
2722 a way to see if he was alive still.
2723

2724 BULLARD: Okay I provided you with General Order 580.12 Less Lethal Weapon System
2725 Revision date 10-09-2012 and I'll read aloud the highlighted portions. "Policy.

2726 It shall be the policy of the Sacramento Police Department to deploy and use less
2727 lethal weapons systems as instructed in the department training in order to
2728 maximize the safety of all individuals involved in an incident. Procedure. A.
2729 Definitions. Number 1. Flexible Baton Round - Beanbag. A less lethal two
2730 and three quarter 12 gauge shotgun firing a Kevlar bag containing 40 grams of
2731 lead shot at a velocity of 280 feet per second. The drag stabilized projectile
2732 delivers 112 foot pounds of energy on impact. Flexible Baton rounds are
2733 discharged from a dedicated 12 gauge shotgun that is distinguishable by an
2734 orange buttstock and fore grip. This round provides accurate and effective
2735 performance when fired from the approved distance of not less than five feet but
2736 not more than 50 feet from the target. Deployment Criteria. Number One.
2737 Less Lethal Weapons systems shall only be used in a manner that is consistent
2738 with department policy and training guidelines. Number five. Officers shall not
2739 deploy a less lethal weapon system unless specific information reasonably
2740 indicates the potential for the system's use. Circumstances of each incident
2741 shall dictate the reasonableness for the deployment. Section E. Use of less
2742 lethal weapons. Number one. Use of less lethal weapons systems shall be
2743 consistent with General Order 580.02 Use of Force. Section 5. Situations for
2744 the Use of the Less Lethal Weapons System may include but are not limited to
2745 A. Self-destructive, dangerous and/or combative individuals. C.
2746 Circumstances where a tactical advantage can be obtained. Section F. Tactical
2747 Considerations. Number One. If possible when a less lethal weapon system is
2748 to be utilized a sufficient number of officers should be assembled to assist with
2749 the physical custody of the targeted subject. The number of additional officers
2750 and their responsibilities shall be dictated by the dynamics of the incident.
2751 Section Two. Unless extraordinary circumstances exist consideration should be
2752 given to the following responsibilities. A. Deploying Officers. At least one
2753 officer to discharge the less lethal weapon system. Multiple officers with less
2754 lethal weapons systems may be utilized in a single incident. The use of canine
2755 and the conducted energy device may also be appropriate in concert with less
2756 lethal weapon systems. B. Protection Officers. A sufficient number of officers
2757 prepared to deliver appropriate force cover options given the immediate
2758 circumstances. C. Custody Officers. A sufficient number of officers who are
2759 reasonable - responsible for handcuffing and restraining the subject. Number
2760 three. Under exigent circumstances nothing in this order shall prohibit an
2761 officer from deploying and discharging a less lethal weapon without requesting
2762 authorization or having the presence of additional officers." Do you understand
2763 the General Order that I have read there?

2764
2765 ROBINET: Yes.

2766
2767 BULLARD: Okay even though the less lethal shotgun was not actually deployed or used
2768 during this incident it was considered. After reviewing that General Order that I

2769 just read aloud do you feel this incident on March 18, 2018 would've been a
2770 practical use for it at any point?
2771
2772 ROBINET: Do I feel - yes. I feel we would have had a practical use for it.
2773
2774 BULLARD: And again can you articulate as to why?
2775
2776 ROBINET: Most notably circumstances where a tactical advantage can be obtained. We
2777 already knew the situation where - the nec - or deadly force was necessary but
2778 we also had a situation where we felt that we needed to gain tactical advantage
2779 on somebody who's on the ground because we couldn't see his hands. We
2780 didn't know if he had a firearm. We thought maybe he could be pretending to
2781 be injured. It was possible that he could be pretending to be injured. So we -
2782 the use of a beanbag shotgun in this situation would've been helpful in
2783 obtaining that tactical advantage over him. Because at that point even though
2784 he's lying there he really has an advantage on us. Because if he's lying in wait
2785 or pretending to be injured all it takes is for one of us to come out from a
2786 position of cover or concealment and he would've been able to shoot or
2787 seriously injure one of us.
2788
2789 BULLARD: Okay. Are you aware of any other incidents in which a less lethal shotgun
2790 would be utilized with similar circumstances?
2791
2792 ROBINET: Any other situations like this?
2793
2794 BULLARD: Well any other situations where - the way you're describing how it would be
2795 used in this scenario. Any other situations that you're aware of where it's been
2796 used in that way you're describing?
2797
2798 OLANDER: I just want to be clear - are you asking for specific examples that he has
2799 experienced in the field or -
2800
2801 BULLARD: That he - he knows of.
2802
2803 OLANDER: Okay.
2804
2805 BULLARD: That he has - that you have any knowledge of or -
2806
2807 OLANDER: Training experience or anecdotal?
2808
2809 BULLARD: Yes.
2810
2811 OLANDER: Okay, thank you.
2812

2813 ROBINET: Honestly I haven't really been around the use of the beanbag shotgun. I've
2814 heard situations where you know people have a – have a knife and are sitting
2815 there. I think there was one recently where the subject had a knife and it was
2816 just kind of standing there downtown and wouldn't comply with commands and
2817 so they fired a beanbag shotgun at him to get him to comply and drop the knife.
2818 More than anything else what I've - what I've experienced and heard of more
2819 often is in a situation very similar to this officers would use a canine as a - to go
2820 in and actually bite or approach the suspect to determine whether or not he was
2821 faking. Like the - it's a painful experience to get bitten by a dog and it's hard to
2822 maintain your – your - what's the word I'm looking for your - when you're
2823 faking I can't think of the right word, sorry. But it's hard to maintain that ruse
2824 when a dog's biting you so it was kind of a - in a sense a similar - similar idea to
2825 that but instead of a canine you'd be using the shotgun beanbag rounds.
2826
2827 OLANDER: Do you recall any training that would be similar to this situation where they've
2828 discussed using a beanbag shotgun?
2829
2830 ROBINET: To be honest I don't remember specifically being told a situation like this in
2831 training. I'm sure the beanbag shotgun training was - had some sort of situation
2832 like this. It didn't just - you know it wasn't an idea that just kind of
2833 materialized out of nowhere. So no I don't actually remember any specific
2834 training on this. But the beanbag shotgun training was a little while ago.
2835
2836 BULLARD: The helicopter air unit STAR was on scene throughout the entirety of this
2837 incident correct?
2838
2839 ROBINET: Yes as far as I recall.
2840
2841 BULLARD: Did you consider asking the air unit to visually verify if the suspect was still
2842 armed or threat while you were waiting?
2843
2844 ROBINET: Don't recall asking that no.
2845
2846 BULLARD: Is there a reason why that – if you -
2847
2848 ROBINET: I don't - I honestly don't even think it crossed our minds.
2849
2850 BULLARD: Why not?
2851
2852 ROBINET: Why didn't it cross our minds?
2853
2854 BULLARD: Mm-hmm.
2855

2856 ROBINET: Just - I have no idea why it didn't it just didn't. It's one of those things that had
2857 been - I'm not - yeah - I don't even know if we've ever been actually like
2858 taught something like that. It sounds like a good idea now but I don't recall
2859 why we didn't think about it. I can't really answer that.
2860

2861 BULLARD: Okay.

2862

2863 ROBINET: We just didn't.

2864

2865 BULLARD: Do you feel the air unit could've realistically verified if the suspect was still
2866 armed or a threat or whereas a result you could make a safe approach at that
2867 point?
2868

2869 ROBINET: I think it would've been worth asking. But considering the scene and the length
2870 of the grass and the just the individual's clothing and like that, from my
2871 experience with helicopters especially in the city limits they wouldn't have been
2872 able to get low enough to actually make a positive determination. I think they
2873 might've been able to give us a better idea but at the same time I don't think he
2874 would've been able to say for certain considering all the circumstances around
2875 where Stephon was lying and - and the limitations by helicopters within city
2876 limits.
2877

2878 ((RECORDING))

2879

2880 TRUJILLO: Hey

2881

2882 ROBINET: Hey go get a non-lethal.

2883

2884 TRUJILLO: Go get a non

2885

2886 ROBINET: Oh hey Sarge

2887

2888 ((END RECORDING))

2889

2890 BULLARD: 04:31:11 here what is it that you said here?

2891

2892 ROBINET: I asked the Sergeant to go grab a non-lethal. I didn't realize it was the Sergeant
2893 that was running up at the time that I asked him to do that or else I would've
2894 asked him to go get the shield.
2895

2896 ((RECORDING))

2897

2898 MORRIS: I don't have a bunker so we're just gonna have to go in and (unintelligible)

2899

2900 ROBINET: Okay well let's get
2901
2902 ((END RECORDING))
2903
2904 BULLARD: 04:31:15 Sergeant Morris 3 Sam 5 arrives on scene here correct?
2905
2906 ROBINET: Yes.
2907
2908 BULLARD: Let me back up just a second here. I wanted you to just to draw your attention
2909 to what Sergeant Morris says here when he first shows up.
2910
2911 ROBINET: About not having the bunker?
2912
2913 ((RECORDING))
2914
2915 MORRIS: - we're just gonna have to go in and (unintelligible)
2916
2917 ROBINET: Okay well let's.
2918
2919 MORRIS: What?
2920
2921 MORRIS: I don't have a bunker so we're just having to go in and cover him
2922
2923 ROBINET: Okay well let's get
2924
2925 ((END RECORDING))
2926
2927 BULLARD: Do you recall what Sergeant Morris says there?
2928
2929 ROBINET: He says he doesn't have a bunker we're just going to have to go in and get him
2930 or something like that.
2931
2932 BULLARD: Okay.
2933
2934 ((RECORDING))
2935
2936 ROBINET: - a non-lethal.
2937
2938 MORRIS: What?
2939
2940 ROBINET: Let's get a non-lethal, hit him a couple times with that before we uh -
2941
2942 ((END RECORDING))
2943

2944 BULLARD: 04:31:21 here what did you say to Sergeant Morris?
2945
2946 ROBINET: I was asking him to - well I was saying let's get a non-lethal so we could strike
2947 him with the beanbag rounds a couple times to see if we - that would elicit a
2948 response from him.
2949
2950 ((RECORDING))
2951
2952 TRUJILLO: - just in case. We can't tell - I'll just grab it just to have it.
2953
2954 MORRIS What did he have on him?
2955
2956 ((END RECORDING))
2957
2958 BULLARD: 04:31:31 what did Sergeant Morris ask you here?
2959
2960 ROBINET: He asked what he had on him.
2961
2962 BULLARD: Okay.
2963
2964 ((RECORDING))
2965
2966 ROBINET: Like this something in his hands. It looked like a gun from our perspective.
2967
2968 ((END RECORDING))
2969
2970 BULLARD: 04:31:35 you appear to demonstrate with your arms out forward is that correct?
2971
2972 ROBINET: Yes.
2973
2974 BULLARD: And can you explain what you're saying and demonstrating here?
2975
2976 ROBINET: I'm demonstrating to Sergeant Morris what we saw. The isosceles shooting
2977 position. The firing stance. That there was something in his hands because
2978 even up to this point there was no confirmation that it was an actual firearm.
2979 But we just believed it was. That - but the point being what I was telling him
2980 was that there was actually something in his hands when he was pointing his ha-
2981 when his hands were in that shooting position. Essentially telling him what we
2982 saw without saying for certain that there was a firearm. Again that was kind of
2983 based on talking to the camera as well as - as Sergeant Morris. I didn't want to
2984 say anything that would be like I guess detrimental or something that I could
2985 perjure myself with later on. I didn't want to be like confirm something that I
2986 didn't actually know.
2987

2988 BULLARD: And I know we've touched on it a couple times already about the reason that
2989 you had not approached the suspect even with additional officers. Now with
2990 Sergeant Morris on scene would there be any other differing reasons as why an
2991 approach to the suspect at this point would not have been made as opposed to
2992 what you've already articulated earlier?
2993
2994 ROBINET: Any differing reasons why approach wouldn't have been made at - at this point?
2995
2996 BULLARD: At this point with Sergeant Morris on scene here.
2997
2998 ROBINET: In my opinion there is no difference. I think I understood that question
2999 correctly.
3000
3001 BULLARD: At that time did you have any concerns of potential - of additional suspects at
3002 all?
3003
3004 ROBINET: No.
3005
3006 BULLARD: To touch back on your statement on Page 12 of your statement to homicide
3007 investigators. Where you had stated you stopped firing at the suspect once he
3008 was down and was no threat anymore correct?
3009
3010 ROBINET: Yes.
3011
3012 BULLARD: Can you explain or articulate with that in mind why no approach had been made
3013 to this point of the suspect if he was not a threat anymore at that point of
3014 concluding discharging your firearm?
3015
3016 ROBINET: At this point in time when I made this statement I was referring to the fact that
3017 there was no immediate or imminent threat to the safety of Officer Mercadal or
3018 I. At - at this time when he fell to the ground. However there was still
3019 definitely a potential threat because we were unable to see the weapon that we
3020 perceived to be there. We were unable to see his hands and we were unable to
3021 illicit any response from him whatsoever. So it's not like there was absolutely
3022 zero threat and we could just walk up and, you know, without any consideration
3023 for our safety. There was still the potential that something dangerous was there.
3024 And that's why we didn't approach.
3025
3026 ((RECORDING))
3027
3028 Man: You guys ready?
3029
3030 ROBINET: Good?
3031

3032 Man: Let's go.

3033

3034 ((END RECORDING))

3035

3036 BULLARD: 04:31:48 here can you describe what's happening at this point?

3037

3038 ROBINET: Sergeant Morris had just told us to go and so we're - we're approaching where
3039 Stephon laid to render medical aid and make the scene safe.

3040

3041 BULLARD: Was this approach done without a body bunker?

3042

3043 ROBINET: Yes it was.

3044

3045 BULLARD: To your knowledge were any less lethal weapons deployed or in use during the
3046 approach at this time on your approach to the suspect?

3047

3048 ROBINET: I honestly do not remember.

3049

3050 BULLARD: And do you recall if a decision was made by anyone as why to approach the
3051 suspect was being made at this time to this point?

3052

3053 ROBINET: The decision was Sergeant Morris. He just said that we needed to go do it and
3054 so we did. I think I answered the question or was there more to it? Then - yeah.

3055

3056 BULLARD: Do you recall if any kind of plan as to who would be designated as cover
3057 officers, hands officers, less lethal options was discussed prior to your
3058 approach?

3059

3060 ROBINET: I don't think it was discussed prior. I do remember that it was discussed kind of
3061 during. I don't know if it actually was put into effect, but it was discussed as
3062 we were walking up.

3063

3064 ((RECORDING))

3065

3066 ROBINET: Hey one of you guys want to go hands - cover him? I

3067

3068 ((END RECORDING))

3069

3070 BULLARD: 04:31:51 what did you say here?

3071

3072 ROBINET: I was asking somebody to just go hands meaning be the person that does the
3073 cuffing and the hands on because we didn't all need to have some sort of
3074 weapon system out at that time.

3075

3076 ((RECORDING))

3077

3078 ROBINET: - oh fuck.

3079

3080 ((END RECORDING))

3081

3082 BULLARD: 04:31:53 What is it that you say here?

3083

3084 ROBINET: Oh fuck.

3085

3086 BULLARD: And can you explain why that was said at that time?

3087

3088 ROBINET: Because I saw the cellphone and I think his - that was when it dawned on me
3089 what he had had in his hands.

3090

3091 ((RECORDING))

3092

3093 ((END RECORDING))

3094

3095 BULLARD: 04:31:56 Sergeant Morris physically contacts the suspect here. Correct?

3096

3097 ROBINET: Yes.

3098

3099 ((RECORDING))

3100

3101 ((END RECORDING))

3102

3103 BULLARD: 04:32:02 or 02 Can you describe what's being done here?

3104

3105 ROBINET: I believe he's being roll- rolled over onto his back to perform CPR. I don't
3106 know if he'd been cuffed yet though or if he was cuffed.

3107

3108 ((RECORDING))

3109

3110 TAYLER: Waistband?

3111

3112 MORRIS: Yeah. We need to start CPR. 3-Sam-4, or Sam five -

3113

3114 TAYLER: Waistband?

3115

3116 ((END RECORDING))

3117

3118 BULLARD: 04:32:04 Can you describe what happens here?

3119

3120 ROBINET: The cellphone gets moved out of the way.
3121
3122 BULLARD: How does it - I'm sorry. Go ahead.
3123
3124 ROBINET: I - I moved it out of the way. I don't know why. It was just kind of a reaction.
3125
3126 ((RECORDING))
3127
3128 MORRIS: Yeah. We need to start CPR. 3-Sam-4, or Sam five send fire in code 3.
3129
3130 ((END RECORDING))
3131
3132 BULLARD: 04:32:09 Can you hear what some of the things that Sergeant Morris is saying
3133 here?
3134
3135 ROBINET: I heard him ask to send Fire in. I think they should have been staging already
3136 but yeah he asked them to send them in code three.
3137
3138 ((RECORDING))
3139
3140 TAYLER: Light.
3141
3142 MORRIS: Did you fire?
3143
3144 ROBINET: Yes.
3145
3146 MORRIS: Come over here
3147
3148 ROBINET: We both of us did.
3149
3150 MORRIS: Both of you did?
3151
3152 ROBINET: Yeah.
3153
3154 ((END RECORDING))
3155
3156 BULLARD: 04:32:25 What is being said between you and Sergeant Morris here?
3157
3158 ROBINET: He asked me if I fired and referring to Officer Mercadal and I. I said we both
3159 did. And he's taking us out of the scene.
3160
3161 ((RECORDING))
3162
3163 MORRIS: How man, how many rounds you did you fire and which direction sir?

3164
3165 ROBINET: We, we both shot southbound. I shot about five times. I don't know exactly
3166 how many.
3167
3168 ((END RECORDING))
3169
3170 BULLARD: 04:32:35 Can you describe what's being said here?
3171
3172 ROBINET: He's basically doing the - the safety what's it called? Safety brief or -
3173
3174 BULLARD: Public safety statement?
3175
3176 ROBINET: Public safety statement where he's asking us which direction we fired and how
3177 many times.
3178
3179 BULLARD: And what is it that you said?
3180
3181 ROBINET: I said that I had shot southbound and pointed in that direction and said about
3182 five times, but I didn't remember exactly how many times.
3183
3184 ((RECORDING))
3185
3186 ROBINET: - about five times.
3187
3188 MORRIS: (Unintelligible) and who were you with?
3189
3190 ROBINET: Mercadal.
3191
3192 MORRIS: Mercadal.
3193
3194 ((END RECORDING))
3195
3196 BULLARD: 04:32:43 And then what's further being said here between you and Sergeant
3197 Morris?
3198
3199 ROBINET: He asked who I was with and advised I was with Officer Mercadal.
3200
3201 BULLARD: Okay. We doing okay? Want to take a break?
3202
3203 ROBINET: I'm fine.
3204
3205 BULLARD: You're good?
3206
3207 ROBINET: Yeah.

3208
3209 OLANDER: Yup.
3210
3211 BULLARD: Referring to the round count form that I provided you with, a round count was
3212 done or was conducted by homicide investigators with you. Correct?
3213
3214 ROBINET: Yes.
3215
3216 BULLARD: And this round count was done prior to your actual interview with homicide?
3217
3218 ROBINET: From what I remember yes.
3219
3220 BULLARD: And it was determined in that round count that you f - your firearm was missing
3221 10 live rounds of ammunition which would indicate you fired 10 rounds as
3222 opposed to five. Correct?
3223
3224 ROBINET: Yes.
3225
3226 BULLARD: Based on your training and experience can you explain why that discrepancy
3227 might be where you initially thought or believed you fired your handgun five
3228 times but it was more than that?
3229
3230 ROBINET: My training and experience has taught me that there's a lot of psychological
3231 reactions that happen during a high-stress situations, officer involved shootings
3232 being one of those high stress situations. The mind does some funny things in
3233 those types of situations and for me in particular in this situation it was that I
3234 didn't remember the second volley of shots - the second volley of five shots. I
3235 talked about it earlier. I didn't remember a lot of that quick period of time and
3236 like I said - training, experience, things I've read that's just a typical reaction to
3237 adrenaline dumps in the body. That's what I'm assuming is the discrepancy
3238 because I still to this day I have no recollection of that second volley.
3239
3240 BULLARD: Would you consider this incident a very stressful situation?
3241
3242 ROBINET: Oh very - very stressful.
3243
3244 ((RECORDING))
3245
3246 ROBINET: Let's -
3247
3248 MERCADAL: - need uh CPR stuff.
3249
3250 ROBINET: Is he responsive breathing at all?
3251

3252 ((END RECORDING))

3253

3254 BULLARD: 04:32:51 What is it that you said here?

3255

3256 ROBINET: Is he responsive or breathing at all?

3257

3258 BULLARD: And who was that question directed towards?

3259

3260 ROBINET: I don't know. I think anybody that might have been over by – by Stephon at that period in time.

3261

3262

3263 BULLARD: Can you explain why you asked that - why you said that?

3264

3265 ROBINET: General concern. I didn't like the fact that I had been in that situation. I didn't like the fact that we had shot him and this is pretty soon after I had realized that it was just a cellphone and I - yeah. I was concerned. I was kind of hoping that there was some - there was some hope that he'd still be alive.

3266

3267

3268

3269

3270 BULLARD: Could you describe or do you recall what the officers who are over there what they were doing immediately around the downed suspect at all?

3271

3272

3273 ROBINET: They were doing CPR.

3274

3275 ((RECORDING))

3276

3277 Man: Can we get a mask?

3278

3279 MORRIS: Can you bring your mask?

3280

3281 MERCADAL: Rescue mask? Rescue mask -

3282

3283 MORRIS: I got it (unintelligible)

3284

3285 Man: Go ahead go.

3286

3287 ((END RECORDING))

3288

3289 BULLARD: 04:33:08 Can you describe what's happening here?

3290

3291 ROBINET: They were calling for a rescue mas- mask - a breathing, you know, something where you didn't have to go lip to lip for CPR for a rescue breaths. I know there was an officer coming in from the street that we ended up asking to go back for one. I think that's pretty much what was happening in that brief

3292

3293

3294

3295 exchange right there. We were just asking another officer to go grab one from
3296 his car.
3297
3298 BULLARD: Were you getting directed to walk this direction back towards 29th Street?
3299
3300 ROBINET: Yeah. We had been told to go back out this way between the multiple other
3301 things that Sergeant Morris was dealing with at that time he'd started directing
3302 us away from the scene.
3303
3304 BULLARD: Sergeant Morris was?
3305
3306 ROBINET: Yeah.
3307
3308 ((RECORDING))
3309
3310 Man: (unintelligible) rescue mask. (unintelligible) back there?
3311
3312 Man: Uh, No we need a -
3313
3314 ROBINET: Go inside please.
3315
3316 Man: Hey mute?
3317
3318 ((END RECORDING))
3319
3320 BULLARD: 04:33:34 You, Officer Mercadal, and Officer Lundgren appear to meet up on
3321 the west sidewalk of 29th Street near [REDACTED] 29th Street. Is that correct?
3322
3323 ROBINET: Yeah.
3324
3325 BULLARD: And someone says, "Mute". Is that correct?
3326
3327 ROBINET: Yes.
3328
3329 BULLARD: Do you recall which officer said that?
3330
3331 ROBINET: No I don't.
3332
3333 ((RECORDING))
3334
3335 LUNDGREN: Hey you guys good?
3336
3337 ((END RECORDING))
3338

3339 BULLARD: 04:33:39 What does Officer Lundgren ask or say here?
3340

3341 ROBINET: Hey says, "Hey. Are you guys good?"
3342

3343 BULLARD: And 04:33:40 appears that your body worn camera mutes at this point. Correct?
3344

3345 ROBINET: Yes.
3346

3347 BULLARD: Do you recall what was said between you, Officer Lundgren, and Officer
3348 Mercadal at this time?
3349

3350 ROBINET: Not verbatim but it was essentially in line with him asking if we were good. He
3351 was checking on our well-being. Just making sure that we were okay.
3352

3353 BULLARD: Can you recall the reasoning for muting your body worn camera at that point?
3354

3355 ROBINET: Well at the time there was no direct policy on muting. I actually taught the
3356 body worn camera cla – body worn camera class and part of the things that we
3357 taught the students in using them is that you can use the mute function in order
3358 to prevent personal conversations from being discovered in court or whatever
3359 like when you're talking about your family, talking about your kids, talking on
3360 the phone, in a situation like this something personal as like, "Hey how are you
3361 guys?" And, you know, if Officer Mercadal or I stated something like, "Wow
3362 this is so fucked up." Or something like that then that wouldn't be caught on
3363 camera or in audio anyway. So the point there was we were just having a
3364 personal conversation that at the time we were told it was okay to mute the
3365 cameras for.
3366

3367 BULLARD: 04:33:51 It appears that Officer Lundgren points in a western direction towards
3368 [REDACTED] 29th Street. Is that correct?
3369

3370 ROBINET: Yeah.
3371

3372 BULLARD: And can you describe if something was said to him or if what he's doing or
3373 what's being said there?
3374

3375 ROBINET: I honestly don't remember. It might have been just pointing him towards the
3376 scene and he was going to go see if he could help with anything.
3377

3378 BULLARD: 04:34:12 Sergeant Morris appears and where you and Officer Mercadal are
3379 standing. Correct?
3380

3381 ROBINET: Yeah.
3382

3383 BULLARD: And from this point forward it appears that you and Officer Mercadal and
3384 Sergeant Morris are out in front of [REDACTED] 29th Street. Do you recall what
3385 conversation if any was being had between you or Sergeant Morris or Officer
3386 Mercadal up to the point that your body camera stops at 04:35:49?
3387

3388 ROBINET: The only thing that I recall going on at this point in time was the neighbor from
3389 the house where the sliding glass window had been broken out was standing out
3390 front of his house trying to report that his window had been broken and I had
3391 told him to go back in his house, an officer would talk to him and then told him
3392 again to go back in his house and an officer would come talk to him and then
3393 Sergeant Morris came out and I believe started to kind of direct us like, "Hey
3394 you go here. You go there." Like, you know, like sending me to my car and
3395 sending Officer Mercadal in another car with - with a buddy officer or whatever
3396 you'd like to call. But I don't remember him saying much else than that other
3397 than eventually like, "Hey you guys still on?" And then, "Turn 'em off."
3398

3399 BULLARD: Okay. So that - the next question I was going to ask you was the reason for
3400 when you did deactivate or turn off your body worn camera, were you
3401 indicating that Sergeant Morris told you to?
3402

3403 ROBINET: Sergeant Morris told us to.
3404

3405 BULLARD: Okay.
3406

3407 ROBINET: I think shortly after there was a lieutenant put it out over the radio too to
3408 deactivate the body cameras.
3409

3410 BULLARD: I provided you with General Order 525.07 Body worn camera provision date
3411 4/26/2017. I'll read aloud the highlighted portions. "Policy: It shall be the
3412 policy of the Sacramento Police Department to utilize a body worn camera in a
3413 manner that will assist in criminal prosecutions or civil litigation by providing a
3414 recording of the incident that may supplement an employee's report and help
3415 document professional police conduct. A: General: All officers issued a body
3416 worn camera are required to wear and use their body worn cameras while
3417 working in uniform. A uniform is to be considered the standard uniform as well
3418 as any apparel example tactical/raid vest that identifies the wearer as a police
3419 officer. Body worn camera video provides additional information regarding an
3420 investigative or enforcement contact with a member of the public. As body
3421 worn camera recordings provide only a limited perspective of the encounter all
3422 other available evidence such as witness statements, officer interviews, forensic
3423 analysis, and documentary evidence should be considered before any
3424 conclusions are reached. 3: Body worn cameras should assist in the following:
3425 documenting an initial police response. Section B: Employee responsibility
3426 subsection 2: Employees assigned a body worn camera shall subsection C: affix

3427 their issued body worn cameras to their uniforms at the beginning of their shift
3428 in accordance with training and the manufacturer's guidelines. The body worn
3429 camera shall be worn for the entire shift. Section C: Required activation of the
3430 body worn camera. Number 1: This policy is not intended to describe every
3431 possible situation in which the body worn camera should be utilized. Not all
3432 situations will clearly start out as necessitating the activation of the body worn
3433 camera nor will all events have a clear ending when the body worn camera is no
3434 longer necessary. Number 3: Employees shall activate their body worn cameras
3435 during initial enforcement or investigative activity whether self-initiated or in
3436 response to a dispatch call. Examples include but are not limited to the
3437 following: Section C: when conducting pedestrian and vehicle contacts, D:
3438 while responding to any in progress, just occurred, or any other call for service
3439 in which the fleeing suspect and or vehicles may be captured leaving the crime
3440 scene, E: when responding to calls reportedly involving weapons or violence,
3441 G: when pursuing a suspect on foot, H: during code three responses including
3442 vehicle pursuits regardless of whether the vehicle is equipped with an in car
3443 camera system, I: while executing searches of individuals, vehicles, buildings,
3444 and other places, K: when conducting arrests, detentions, and or citations.
3445 Section D: Deactivation of the body worn camera A: Except as listed below
3446 once activated officers shall not deactivate their body worn cameras until the
3447 investigative or enforcement activity involving a member of the public has
3448 reasonably concluded. If enforcement or investigative activity with a member
3449 of the public resumes the officer shall reactivate the body worn camera and
3450 continue recording. 2: Employees may deactivate the body worn camera at any
3451 time based on their discretion in the following circumstances. Section A: When
3452 the employee is discussing tactical or confidential information with other law
3453 enforcement personnel, during briefings, or during conversations with
3454 confidential informants. Section C: When it is necessary to discuss issues or
3455 concerns with an employee, supervisor, doctor, nurse, or paramedic in private.
3456 Section 3: Details regarding the reason for deactivation should be recorded and
3457 documented when appropriate." Do you understand the general order that I
3458 read there?

3459
3460 ROBINET: I do.

3461
3462 BULLARD: Okay. In reviewing this incident regarding your body worn camera and it's use
3463 on March 18, 2018 do you feel you complied with or violated that general
3464 order?

3465
3466 ROBINET: I feel like I complied with.

3467
3468 BULLARD: Can you explain why?

3469

3470 ROBINET: Because all the stuff covered in required activation of the body camera was - the
3471 body camera was on for. The arrest, the detention, the foot pursuit, contacting
3472 somebody - all that stuff. At the point in time when this policy was out muting
3473 wasn't actually classified as deactivating. When it comes into like a section D:
3474 2-a When the employee's discussing tactical or confidential information with
3475 other law enforcement personnel during briefings or during conversation with
3476 confidential informants that was essentially taking the cover of that part where
3477 we were discussing personal information. The necessary discussion issues with
3478 concerned employees (unintelligible), nurse, or paramedic in private. When
3479 they're talking about deactivating in this policy at the time it was actually
3480 shutting the whole thing off. Muting wasn't considered deactivating. Muting -
3481 and it wasn't in the policy anywhere where we talked about when and when you
3482 couldn't mute the body camera it was actually just something that we discussed
3483 in the training like in these situations muting would be okay. Personal
3484 conversations were one of those situations.
3485

3486 BULLARD: For the record in reviewing body worn camera footage approximately four
3487 minutes and 57 seconds elapse between when yours and Officer Mercadal's
3488 gunfire ceased to the point officers first made physical contact with the suspect
3489 Stephon Clark. Approximately 59 seconds after that CP - officers began CPR
3490 on Clark. Does that sound accurate?
3491

3492 ROBINET: Yes. I mean - according to the bodycam footage yes. I didn't know it was that
3493 long at the time.
3494

3495 BULLARD: In your opinion do you feel it was reasonable to wait that amount of time up to
3496 when officers made contact with Clark and to render first aid?
3497

3498 ROBINET: In my opinion it was reasonable to wait for additional resources and potential -
3499 potentially using a body bunker or ballistic shield before we approached
3500 because of the potential danger that was there in approaching Mr. Clark without
3501 - without those resources. So, if it took that long to get him? then yes it was
3502 reasonable.
3503

3504 BULLARD: I provided general order 522.02 Emergency care for individuals under police
3505 care or control, revision date 5/16/2017. I'll read now aloud the highlighted
3506 portions here. "Policy: It shall be the policy of the Sacramento Police
3507 Department to provide emergency medical treatment to individuals under police
3508 care or control, while ensuring their safety and that of others during treatment.
3509 Procedure A: Emergency Medical Treatment Number 1 Officers having any
3510 doubt concerning a person's condition shall request emergency medical
3511 assistance. 2. Officers shall provide first aid to injured parties if it can be done
3512 safely. C: Emergency Medical Authority The highest-level
3513 paramedic/emergency medical technician on scene is in charge and responsible

3514 for the examination, treatment, and transportation of medical patients.” And
3515 that’s as far as we need to go with that. In your opinion when was the suspect
3516 under police care and control as stated under 522.02?
3517
3518 ROBINET: He was under care and control the moment that we fired on him and he went
3519 down.
3520
3521 BULLARD: Okay.
3522
3523 ROBINET: I-
3524
3525 OLANDER: No. Pursuant to this policy when do you believe that you and other officers had
3526 him under control?
3527
3528 ROBINET: Had him under control? I thought you were referring to like custody and
3529 control being a different
3530
3531 BULLARD: Referring to this general order -
3532
3533 ROBINET: Okay.
3534
3535 BULLARD: - when do you feel that the suspect was under police care and control?
3536
3537 ROBINET: I guess that I - when we – when we approached him and began CPR as far as
3538 like the medical treatment before – I get, I get what you’re saying. Yeah.
3539 When we approached him and began CPR is when he was under our control like
3540 for medical purposes - for CPR purposes.
3541
3542 BULLARD: In your opinion do you feel you were able to provide first aid or that officers
3543 were able to provide first aid to the suspect safely as stated in section A
3544 subsection 2 any sooner than when you made your eventual approach of the
3545 downed suspect?
3546
3547 ROBINET: Do I think it could have been done sooner safely? No. That’s why we didn’t
3548 approach.
3549
3550 BULLARD: Okay. And again, can you articulate why?
3551
3552 ROBINET: Because we didn’t have the necessary resources to approach him and to safely
3553 begin CPR. We were waiting for additional resources. We were waiting for a
3554 body bunker. At that point in time until Sergeant Morris arrived on scene said,
3555 “Just let’s go.” It was my opinion that it wasn’t safe to approach because we
3556 didn’t have those other resources.
3557

3558 BULLARD: In your opinion do you feel that you complied with or violated general order
3559 522.02?
3560

3561 ROBINET: I feel like I complied with it.
3562

3563 BULLARD: Okay. And why?
3564

3565 ROBINET: Medical assistance is automatically going to be requested in a situation like this
3566 and I don't remember if Terrance or I called for Fire prior - prior but it was
3567 already staging because dispatch would do that automatically. So medical was
3568 coming and we knew that. Us providing first aid as previously stated in my
3569 opinion it wasn't safe to do so until we had further resources because of the
3570 potential threat that - that Stephon still posed to both Officer Mercadal and I.
3571 We believed he had a firearm and we couldn't see his hands. He was in a
3572 position that didn't allow us to see his hands. He wasn't responding to our
3573 commands and we had no cover between him inside of the house where we
3574 were actually standing. There was a lot of, I refer to it as no man's land
3575 between him and I where we would have had absolutely zero cover if he was
3576 still alive and potentially fired on us. The time it took to get more resources
3577 there was necessary because we needed those other resources to actually
3578 perform medical aid safely. So that's - yeah, why we didn't violate this policy.
3579

3580 BULLARD: Would it have been reasonable to direct Fire or medics to enter the scene and
3581 medically treat the suspect prior to officers safely securing the scene and
3582 arresting or detaining the suspect?
3583

3584 ROBINET: No.
3585

3586 BULLARD: Based on your training and experience will Fire enter a crime scene that has not
3587 been secured yet by law enforcement?
3588

3589 ROBINET: It doesn't even have to be a crime scene. Sometimes they won't enter
3590 something if there's an argument in the background. They won't enter scenes
3591 until we - we can tell them that it's safe. That's just their policy and their
3592 training tells them not to do that.
3593

3594 BULLARD: Regarding your decision to delay and the amount of time you did in
3595 approaching and treating the suspect, in your opinion do you feel your actions
3596 pertaining to that would be considered a neglect of duty?
3597

3598 ROBINET: No.
3599

3600 BULLARD: And why not?
3601

3602 ROBINET: Because of all the things I've mentioned before. I didn't neglect on my duty. I
3603 waited until I believed the scene was safe for us to render medical aid. And
3604 cover, resources, believing there was a firearm there, believing that he might
3605 potentially be faking injuries, and not wanting to put other officers or myself in
3606 a position of peril - in a position where it would take less than a second for
3607 Stephon to turn around or even just point the gun behind himself and shoot. It
3608 would've been tactically unsafe, tactically unsound to actually approach him
3609 until we have those additional resources that would allow us to do it safely.
3610

3611 BULLARD: In your opinion do you feel any of your actions regarding this officer involved
3612 shooting on March 18, 2018 would be considered a neglect of duty?
3613

3614 ROBINET: No.
3615

3616 BULLARD: Looking back at the incident did you ever think that the suspect wanted the
3617 police to shoot him?
3618

3619 ROBINET: That was my first thought after everything calmed down. That's the only
3620 reasonable explanation for the actions that Mr. Clark performed. Reasonable, I
3621 use that word lightly here but in what's not really reasonable but it was the only
3622 reasonable explanation for those actions I should say.
3623

3624 BULLARD: Did you know Stephon Clark prior to this incident?
3625

3626 ROBINET: No.
3627

3628 BULLARD: To your knowledge had you ever had any interactions or dealings with Stephon
3629 Clark prior to this incident?
3630

3631 ROBINET: No.
3632

3633 BULLARD: Did you have any reason to know that the fleeing suspect, Stephon Clark was
3634 running into a family member's backyard at [REDACTED] 29th Street just prior to the
3635 shooting?
3636

3637 ROBINET: No idea.
3638

3639 BULLARD: We're just going to refer to dispatch audio here.
3640

3641 ((RECORDING))
3642

3643 MERCADAL: Seven he's down, no movement we're gonna need additional units, come in
3644 from the uh, west to east of this yard.
3645

3646 ((END RECORDING))

3647

3648 BULLARD: That's not where I wanted it - Hang on here.

3649

3650 ((RECORDING))

3651

3652 Dispatch: Is fire clear to enter?

3653

3654 ((END RECORDING))

3655

3656 BULLARD: So at 08:43 Dispatch asks, "Is Fire clear to enter?" Does that sound correct?

3657

3658 ROBINET: Yeah.

3659

3660 BULLARD: Okay. Do you recall if you copied that question at the time at all?

3661

3662 ROBINET: If this was when we asked - when we told them to stand by? then yeah I
3663 remember hearing it I think. I think I remember hearing it, because that would
3664 explain why I told them to stand by.

3665

3666 ((RECORDING))

3667

3668 STAR: STAR we got several people coming out of all the houses here so we're gonna
3669 need several units.

3670

3671 Dispatch: Copy there's multiple en route.

3672

3673 Dispatch: 5-4 Is Fire clear to enter?

3674

3675 ((END RECORDING))

3676

3677 BULLARD: So at 9:13 here on the audio Dispatch asks, "5-4 Is Fire clear to enter?" Is that
3678 correct?

3679

3680 ROBINET: Yeah.

3681

3682 BULLARD: And - I'll play it a little further here.

3683

3684 ((RECORDING))

3685

3686 MERCADAL: Negative. Neither one of us are hit. We're okay. Suspect down.

3687

3688 ((END RECORDING))

3689

3690 BULLARD: So at 09:22 here on the audio Officer Mercadal replies, "Negative. Neither one
3691 of us are hit. We're okay. Suspect down." Is that correct?
3692

3693 ROBINET: Yeah.
3694

3695 BULLARD: Do you know if Mercadal's response as negative indicated that it was not clear
3696 for Fire to enter or do you think that the question is understood differently?
3697

3698 ROBINET: I - I don't know why he responded that way - why Officer Mercadal responded
3699 that way.
3700

3701 BULLARD: Okay. And again at that point in this would it have been safe for Fire to enter
3702 the scene and treat the suspect anyway?
3703

3704 ROBINET: No - no. Honestly we were still probably figuring out what just happened.
3705

3706 BULLARD: On March 19, 2018 you provided your voluntary statement to SPD Homicide
3707 Detective Griggs regarding your involvement in SPD case 18-82449. If you
3708 could refer to page seven of your statement in that case. You stated that when
3709 you responded to this call the suspect description indicated on the call that the
3710 suspect was a male black as to his ethnicity. Is that correct?
3711

3712 ROBINET: Yes. That's what I stated.
3713

3714 BULLARD: Okay. In reviewing the CAD call printout which I know you have a copy of
3715 here and the audio recording from SPD radio traffic as well as listening to the
3716 audio recording from the caller [REDACTED] to SPD Dispatch, I was unable to
3717 locate any documentation or information which indicated that the suspect was a
3718 male black. Can you explain where that information in your statement came
3719 from regarding the suspect's ethnicity?
3720

3721 ROBINET: My only explanation for that was at that time of the interview I knew that it was
3722 a male black. I knew that Stephon was a male black at the time of the
3723 interview. I probably didn't remember exactly what the dispatch had said so I
3724 just put what I knew into what I thought I knew and ended up saying male black
3725 was part of the dispatch but after the fact I had realized that I said that and - like
3726 way after the fact, days after the fact I had realized that I had said that when in
3727 actuality of the dispatch had said that or did not indicate a race.
3728

3729 BULLARD: Do you recall if [REDACTED] described the suspect's ethnicity to you at all and
3730 Officer Mercadal when you first contacted him when your body worn camera
3731 had no audio?
3732

3733 ROBINET: No. He didn't.

3734
3735 BULLARD: Okay. Sergeant?
3736
3737 OLANDER: I have one follow up on that.
3738
3739 BULLARD: Yeah. Absolutely.
3740
3741 OLANDER: If you recall when was the moment that you realized Stephon Clark's race?
3742
3743 ROBINET: The moment that we walked up on him to detain him and start CPR. That was
3744 the first indication that I had that he was a male black.
3745
3746 BULLARD: Sergeant Schumacher?
3747
3748 SCHUMACHER: I just have a few things.
3749
3750 BULLARD: Okay.
3751
3752 SCHUMACHER: You and Officer Mercadal how long had you worked together?
3753
3754 ROBINET: How long we've worked together?
3755
3756 SCHUMACHER: Mm-hm.
3757
3758 ROBINET: In what sense I guess I mean?
3759
3760 SCHUMACHER: Well let me ask you I -
3761
3762 ROBINET: Like on that team? On - for that -
3763
3764 SCHUMACHER: Can you estimate how many calls you've been on together?
3765
3766 ROBINET: I wouldn't even know where to start. We'd only been on that team together for
3767 a few months. He worked in 5C where I worked in 5B so we hadn't been on
3768 too many calls together but I'm sure that there'd been a few calls that we had
3769 answered together. I know there was that day. We were on a call together
3770 previous to this call.
3771
3772 SCHUMACHER: Okay. Going back to Sergeant Bullard asked you if you developed a plan when
3773 you arrived to the scene of this incident. How many times, just an estimate, do
3774 you think you've responded to a call like this where it's some preliminary
3775 information. There's possibly a suspect still outstanding that's still in the area?
3776

3777 ROBINET: Oh hundreds and hundreds. I mean in the five years that I've – that I've been
3778 here, at that time the five years that I've been here I mean it was easily
3779 hundreds. I mean that happens every single day, multiple times a day.
3780

3781 SCHUMACHER: And are there standard steps you take when responding to a call like that?
3782

3783 ROBINET: Yeah.
3784

3785 SCHUMACHER: As far as obtaining information, determining if a crime took place, things like
3786 that?
3787

3788 ROBINET: Suspect description, what – what they observed, what they knew, the direction
3789 the suspect went, things that I can update other units to if need be or go look for
3790 it myself.
3791

3792 SCHUMACHER: So if you're responding to a scene like this with a partner which is typical,
3793 correct?
3794

3795 ROBINET: Mm-hm.
3796

3797 SCHUMACHER: Do you feel it's necessarily - you have to verbalize your plan since both of you
3798 have been through these same type of call numerous times and understand the
3799 foundation-ary steps to investigating this?
3800

3801 ROBINET: Yeah. I think that's kind of what I was trying to refer to is, it's essentially just
3802 knowing what we're going to do. I mean there's no point in like pulling out my
3803 notepad and drawing out a diagram of our plan or anything like that. It's just
3804 we do it so often that you just kind of know what steps are going to happen.
3805 Like had I been in a different position and seen Officer Mercadal walk up to the
3806 front door of the house where we know the suspected vehicle burglar had ran to
3807 I would have assumed he's just gonna go knock on the door and ask to go check
3808 the back door of the house. Like it's just automatic.
3809

3810 SCHUMACHER: I want to touch a little bit on the beanbag shotgun and just for the record, can
3811 you describe what a beanbag shotgun is?
3812

3813 ROBINET: It's a shotgun that shoots a projectile made of a Kevlar bag with small weighted
3814 pellets in it. It's designed to not kill or maim but instead just in - incapacitate
3815 the person you're firing at. Basically, it's designed to be a pain compliance
3816 kind of tool.
3817

3818 SCHUMACHER: About how long is it?
3819

3820 OLANDER: How long is the -

3821
3822 ((Crosstalk))
3823
3824 ROBINET: The shotgun?
3825
3826 SCHUMACHER: Approximately how long is the shotgun?
3827
3828 ROBINET: Oh. It's the size of a standard shotgun. I think like a 28-inch barrel or
3829 something. A 28-inch - 28-inch length overall.
3830
3831 SCHUMACHER: Any idea about how heavy it is?
3832
3833 ROBINET: I'd say it weighs at least I don't know between nine and 15 pounds, 10 - 15
3834 pounds. That might be a little much.
3835
3836 SCHUMACHER: Is there a carrying handle on it? Anything - you can use to secure it?
3837
3838 ROBINET: There's a pistol grip on some of them and a sling on others but it's still the
3839 length and weight is - makes it difficult to carry just generally carry around.
3840
3841 SCHUMACHER: Is it - Would you consider it comfortable or awkward during a movement
3842 maybe jogging or running?
3843
3844 ROBINET: It would be extremely awkward to jog or run with that.
3845
3846 SCHUMACHER: What about say a yard search where you may have to go over a fence or squeeze
3847 between two tight objects. Is that something - is the less-lethal shotgun
3848 something that would be comfortable to carry while participating in anything
3849 like that?
3850
3851 ((Crosstalk))
3852
3853 ROBINET: I don't know that comfortable would be the - it would be completely
3854 impractical. It would get in the way especially with the sling system that we
3855 have. It would get in the way. It would be loud. It would be noisy. If we
3856 carried it in a position where it would be easier then manipulate that would take
3857 away our tactical advantage of being able to get to our weapon system like our
3858 firearm quickly in the need that we need to use it which if you notice in the
3859 bodycam footage we will clear every unknown situation with our firearms or
3860 should be clearing every unknown situation with our firearms. Carrying a non-
3861 lethal shotgun at that point in time would really hinder our ability to one carry
3862 the shotgun and our firearm at the same time and - or to get to our firearm if
3863 needed.
3864

3865 SCHUMACHER: So are you familiar with the concept of contact and cover?
3866

3867 ROBINET: Yes.
3868

3869 SCHUMACHER: So were you and Officer Mercadal kind of using contact and cover when you
3870 first arrived to the incident?
3871

3872 ROBINET: Yes. And it's one of those things that ebbs and flows as the situation develops.
3873 I was contact initially when I was contacting the person that lived inside [REDACTED]
3874 Officer Mercadal became contact when he was the first to see Stephon Clark
3875 before running into the backyard.
3876

3877 SCHUMACHER: When you're utilizing contact and cover - actually can you describe exactly
3878 what that concept is? If you're the contact officer what are your duties?
3879

3880 ROBINET: Your contact officer, you're the one contacting the suspect, subject, witness,
3881 victim, whatever it may be in order to talk to them. Your focus is that particular
3882 person and the dangers that they might potentially show or might be potential
3883 with that person. Your focus is that one person and anything that kind of goes
3884 along with that one person. Talking to them, getting a statement. The cover is
3885 basically watching your back, watching the surrounding area for any other
3886 possible threats or potential hazards or what not that might come from around
3887 the person that the contact officer is talking to.
3888

3889 SCHUMACHER: So in a two officer situation like you and Officer Mercadal were in at the
3890 beginning of the incident would the contact officer be responsible for searching
3891 someone?
3892

3893 ROBINET: For searching somebody?
3894

3895 SCHUMACHER: Yes. Actually physically contacting, physically laying hands, searching -
3896

3897 ROBINET: Yeah.
3898

3899 SCHUMACHER: - handcuffing?
3900

3901 ROBINET: Of course depending on the circumstance but yeah.
3902

3903 SCHUMACHER: Of course, but just standard training procedurally?
3904

3905 ROBINET: Standard yeah. The contact person would be responsible for that.
3906

3907 SCHUMACHER: And the cover person you said would be responsible for kind of the safety into -
3908 to as kind of an overwatch of the contact officer or any other dangers possibly?

3909
3910 ROBINET: I think that's a good word for it. Overwatch would be - yeah.
3911
3912 SCHUMACHER: The cover officer would they primarily utilize lethal or less than lethal as a – as
3913 a tool if it's just the two officer -
3914
3915 ROBINET: The cover or?
3916
3917 SCHUMACHER: The cover officer.
3918
3919 ROBINET: The cover officer? It's really dependent on the situation. What's necessary at
3920 the time really is what the cover officer would use. I mean like you say a
3921 typical arrest team so let's, you know, throw a hypothetical out there and say
3922 that you only have two people for an arrest team then typically the cover officer
3923 will be using le – using lethal weapon while the contact is going to be the one
3924 that does the hands, the cuffing, and the searching and all that stuff.
3925
3926 SCHUMACHER: If a third officer to arrive after that, would that officer primarily use a less lethal
3927 option?
3928
3929 ROBINET: The third officer would, yeah be using a less lethal option.
3930
3931 OLANDER: But it's dependent on the totality of the circumstances?
3932
3933 ROBINET: Exactly, depending on the totality of the circumstances.
3934
3935 SCHUMACHER: In your training experience is it beneficial for two officers to be giving
3936 commands to a subject at the same time?
3937
3938 ROBINET: No. Confusion reigns when that happens. Usually you typically - typically
3939 have and we'll go with that contact cover kind of situation, contact officer's
3940 going to be issuing commands. That way you have clear, concise commands of
3941 what exactly the contact person wants to happen. If you have multiple people
3942 yelling commands then - then people get confused and don't really know
3943 exactly whose directions to follow especially if they – if they're different from
3944 each other.
3945
3946 SCHUMACHER: Typically is the first officer that makes verbal contact with a subject kind of just
3947 de facto designated the command giver?
3948
3949 ROBINET: Sometimes. Sometimes that person isn't very strong vocally and somebody else
3950 takes over or sometimes that officer loses their train of thought and doesn't
3951 know what to say and so somebody else takes over. I mean it's all again
3952 dependent on circumstances and on what's happening.

3953
3954 SCHUMACHER: Is there a difference between giving commands and echoing commands?
3955
3956 ROBINET: By definition yeah. I guess I'm kind of confused what you mean? Is there a
3957 difference between giving and echoing?
3958
3959 SCHUMACHER: Echoing would be maybe the reinforcement of a command that's already given.
3960
3961 ROBINET: Yeah. In that sense I mean sometimes people repeat what other people say just
3962 because they don't know what else to do and they're trying to be helpful or
3963 yeah. I mean it's for reinforcing the command, making sure somebody heard it.
3964 So yeah there'd be a difference there.
3965
3966 SCHUMACHER: Are you aware of any instance whether the department or anecdotally where a
3967 suspect has – or a subject has bro - broken into a house in the process of maybe
3968 trying to flee and procured weapons of any type inside of the house they'd
3969 broken into?
3970
3971 ROBINET: I'm pretty sure that's the exact scenario that happened in the Dazion Flenaugh?
3972 I think is how you say his name? the shooting? He broke into a house and
3973 obtained weapons from within the house, weapons that he later used to actually
3974 attack the officers that were involved in the shooting I believe. Something like
3975 that. That's – that's the one specific example that strikes me, that comes out.
3976 There are a - I'm sure there are a bunch of other ones. Weapons of any type be
3977 it kitchen knives, shovels, spikes, whatever are always in homes. Everybody
3978 has kitchen knives.
3979
3980 SCHUMACHER: That's all I have.
3981
3982 BULLARD: Do you want to take a break?
3983
3984 OLANDER: Yeah. Let's take a break.
3985
3986 BULLARD: Okay. It is 12:20.
3987
3988 -BREAK-
3989
3990 BULLARD: 1226 hours. We're back on the record. Did you?
3991
3992 SCHUMACHER: Let me find my closing here.
3993
3994 BULLARD: Okay.
3995
3996 SCHUMACHER: Sorry.

3997
3998 BULLARD: Yeah.
3999
4000 SCHUMACHER: Or did you want to ask that before I do closing?
4001
4002 BULLARD: Yeah. Okay. Officer Robinet do you have anything to add regarding this
4003 incident that we have covered today?
4004
4005 ROBINET: The only thing that I wanted to touch base on was that question considering the
4006 care and control of Mr. Clark after the shooting. I didn't quite understand what
4007 the question meant. I was kind of thinking more along the lines of a Fourth
4008 Amendment seizure which after the shooting it was a Fourth Amendment
4009 seizure but to clarify what I think the question was actually getting at was he
4010 was under our control once we approached, put cuffs, and started CPR. Before
4011 - in between the shooting which was seizure and the cuffing and CPR, the scene
4012 and Mr. Clark were not under our control. I think that makes sense.
4013
4014 BULLARD: Okay.
4015
4016 OLANDER: So you believe at the time that you approached Mr. Clark to render medical aid
4017 and you put the cuffs on - I believe you're saying that is the time when you feel
4018 the scene was safe and thus you had care and control of Mr. Clark?
4019
4020 ROBINET: Yeah. That's what I was trying to say but more eloquently.
4021
4022 BULLARD: Okay. Anything else that you'd like to add at all? Or -
4023
4024 ROBINET: No.
4025
4026 OLANDER: No. Thank you.
4027
4028 SCHUMACHER: All right. Is there anything else related to this matter that we have not covered
4029 that needs to be added, clarified, or changed? If so I am ordering you to provide
4030 this information right now.
4031
4032 ROBINET: Not that I'm aware of.
4033
4034 SCHUMACHER: After you leave this interview should you remember anything that is different
4035 from or in addition to the information that you have given today I am ordering
4036 you to contact Sergeant Bullard immediately. I am also ordering you to not
4037 discuss this matter with any other department employees. Do you understand
4038 these orders?
4039
4040 ROBINET: Yes I do.

4041
4042 SCHUMACHER: Concluding interview at 12:33.
4043
4044 BULLARD: 12 - what time?
4045
4046 SCHUMACHER: I'm sorry. 12:23. No 12:20 - 12:27.
4047
4048 BULLARD: 12:27

4049
4050 **End of recording.**

4051
4052
4053 The transcript has been reviewed with the audio recording submitted and it is an accurate
4054 transcription.

4055 Signed Sgt. Ryan Bullard

4056 Sgt. Ryan Bullard

INTERVIEW WITH OFC. TERRENCE MERCADAL

BROWN=Det. Joe Brown
BULLARD=Sgt. Ryan Bullard
TRUJILLO=Ofc. Trujillo
MORRIS=Sgt. Morris
TAYLER=Ofc. Tayler
LUNDGREN=Ofc. Lundgren
MERCADAL=Ofc. Mercadal
ROBINET=Ofc. Robinet
DAVIS=Zeb Davis
CRUZ=Det. Cruz

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12
13
14 BROWN: All right. The date is May 21st, 2019. The time is 2:24 pm. Present in the
15 Internal Affairs Division office are Terrance Mercadal, his representative Zeb
16 Davis, Sergeant Ryan Bullard, and myself, Detective Joe Brown. The purpose
17 of this meeting is to conduct an interview of Terrence Mercadal, who is an
18 employee with the Sacramento Police Department in the capacity of police
19 officer. This is an administrative investigation on the charges of excessive
20 force, firearm discharge, neglect of duty, and improper tactics involving Officer
21 Jared Robinet and Officer Terrence Mercadal. This is an administrative
22 investigation only on these charges. Do you understand that?
23

24 MERCADAL: Yes.

25
26 BROWN: However, since the allegations indicated that a crime may have been committed,
27 I'm advising you that 1) you have the right to remain silent, 2) anything you say
28 may be used against you in court, 3) you have the right to the presence of an
29 attorney before and during any questioning, 4) if you cannot afford an attorney,
30 one will be appointed to you free of charge before any questioning, if you want.
31 Do you understand each of these rights that I've explained to you?
32

33 MERCADAL: Yes.

34
35 BROWN: Having these rights in mind, do you wish to talk to us now?
36

37 MERCADAL: No.
38

39 BROWN: Although you have the right to remain silent and not to incriminate yourself,
40 your silence can be deemed insubordination and result in administrative
41 discipline. Do you understand that based upon the authority vested in me by the
42 Chief of Police I am ordering you to answer all of our questions?
43

44 MERCADAL: Yes.

45
46 BROWN: Any statement made under compulsion of a threat of discipline cannot be used
47 against you in a later criminal proceeding. However, if you do not answer our
48 questions truthfully and fully, a charge of insubordination may be imposed,
49 which could result in discipline up to and including termination. Do you
50 understand this is an administrative investigation?
51
52 MERCADAL: Yes.
53
54 BROWN: Do you understand the allegations?
55
56 MERCADAL: Yes.
57
58 BROWN: Do you understand that I am ordering you to answer our questions and that, if
59 you do not answer them truthfully and fully, it could result in disciplinary action
60 up to and including termination?
61
62 MERCADAL: Yes.
63
64 BULLARD: For the record please state and spell your name.
65
66 MERCADAL: Terrence Mercadal, first name T-E-R-R-E-N-C-E, last M-E-R-C-A-D-A-L.
67
68 BULLARD: Did you graduate from the Sacramento Police Academy?
69
70 MERCADAL: Yes.
71
72 BULLARD: When did you graduate?
73
74 MERCADAL: 2016 -- June 2016.
75
76 BULLARD: Do you have any prior law enforcement experience?
77
78 MERCADAL: Yes, I do.
79
80 BULLARD: And where was that at?
81
82 MERCADAL: Ah, Olive Branch Police Department.
83
84 BULLARD: And Olive Branch Police Department, where is that?
85
86 MERCADAL: That is in the City of Olive Branch in the State of Mississippi.
87

88 BULLARD: And what years or what timeframe were you working there with Olive Branch
89 Police?

90
91 MERCADAL: Between 2010 and 2014.

92
93 BULLARD: And that was as a sworn police officer?

94
95 MERCADAL: Correct. Yes.

96
97 BULLARD: Did you have any kind of specialized training or assignment at this prior
98 agency?

99
100 MERCADAL: Yes.

101
102 BULLARD: And what was that?

103
104 MERCADAL: SWAT team, special weapons, and tactics.

105
106 BULLARD: Okay. What is your current assignment and shift?

107
108 MERCADAL: Current assignment is an investigative role with the Sexual Assault and Child
109 Abuse Unit.

110
111 BULLARD: How long have you been in that current assignment?

112
113 MERCADAL: Approximately six months.

114
115 BULLARD: What was your assignment and shift in March of 2018?

116
117 MERCADAL: I was a patrolman on the swing shift junior team.

118
119 BULLARD: Okay. And what area was that?

120
121 MERCADAL: That was in Sector 5.

122
123 BULLARD: What part of Sacramento would that be?

124
125 MERCADAL: That would be in the South Sac Meadowview neighborhood.

126
127 BULLARD: Okay. Have you had any kind of specialized training or assignment with the
128 Sacramento Police Department?

129
130 MERCADAL: Yes.

131

132 BULLARD: Such as?

133

134 MERCADAL: I have - I had specialized training, which includes - it would include firearms
135 training it would include tactical medicine training as well. There was
136 additional training with regards to handling mentally ill individuals.

137

138 BULLARD: Okay. Prior to this interview I provided you and your representative with the
139 following items from SPD Case 18-82449 -- the CAD call printout, your body
140 worn camera footage, a 19- I'll fix this. We may have to take a break here. I'll
141 fix something - once we take a break here, I'll get you an extra little video clip.
142 There's a 19 second video clip from Sergeant Morris' body worn camera video
143 -- and I'll have that for you after the break -- a video recording of your
144 interview with homicide detectives on March 19, 2018, your statement to SPD
145 Homicide Detective Cruz on March 19, 2018, an SSD Air Unit STAR video,
146 your round count form, an audio recording of radio traffic, a transcription of
147 that radio traffic, an aerial photo of [REDACTED] 29th Street, a Google Maps overhead
148 photo of the area of [REDACTED] 29th Street shown to you during your homicide
149 interview on March 19, 2018, a copy of your POST training record, a 2018 SPD
150 CPT first aid/CPR update course outline, a 3-page law enforcement tactical life
151 saver course outline, a 90-page tactical life saver course student guide booklet, a
152 4-page crisis intervention behavioral health training course outline, an 8-page
153 crisis intervention training expanded course outline, a copy of your range
154 training qualification record, General Order 580.02 revision date 5-16-2017,
155 General Order 580.03 revision date 1-19-2018, General Order 580.12 revision
156 date 10-9-2012, General Order 522.01 revision date 3-16 of 2018, General
157 Order 522.02 revision date 5-16-2017, and General Order 525.07 revision date
158 4-26-2017, and a copy of the blue sheet complaint form relating to this
159 investigation. Have you had a chance to review these?

160

161 MERCADAL: Yes.

162

163 BULLARD: Okay. For the record, these general orders were the current policies in place on
164 March 18, 2018. We are here to conduct an administrative interview with you
165 regarding SPD Case 18-82449, an officer-involved shooting, which you were
166 involved in on March 18, 2018. Before we begin our interview, it's been almost
167 a year and two months since the incident occurred, and there has been an
168 unprecedented amount of video/audio, reports, press releases, media coverage,
169 and several investigations that have been made public regarding this incident.
170 With that in mind, is there anything else that is not contained in Sacramento
171 Police Report 18-82449, your transcribed statement, your videotaped interview
172 that you have identified, that needs to be added, clarified, or elaborated on?

173

174 MERCADAL: No.

175

176 BULLARD: Okay. Have you received training in emergency first aid and CPR?
177
178 MERCADAL: Yes.
179
180 BULLARD: And specifically referring to your POST record here, specifically what training
181 as far as first aid and CPR?
182
183 MERCADAL: Specifically a first aid and CPR update training course, which was attended
184 during I believe continued professional training.
185
186 BULLARD: And do you recall the date on that?
187
188 MERCADAL: February 12, 2018.
189
190 BULLARD: Okay. Did you also take a class - an 8-hour course called a tactical lifesaver
191 course?
192
193 MERCADAL: Yes.
194
195 BULLARD: And when was the date on that?
196
197 MERCADAL: March 28, 2017.
198
199 BULLARD: Can you describe the tactical lifesaver course as to the materials it covers,
200 practicals you participate in or lesson plans?
201
202 MERCADAL: Yes. The course covers information pertaining to administering first aid in
203 emergency situations. Some referred to include active shooter investigations,
204 downed officer hostage situations, downed subjects, and administering first aid
205 in a safe manner, and how to perform those specific medical procedures.
206
207 BULLARD: Okay. Have you attended crisis intervention training or CIT?
208
209 MERCADAL: Yes.
210
211 BULLARD: And when was that?
212
213 MERCADAL: Well it looks - two dates. There was a crisis intervention training March 10,
214 2017.
215
216 BULLARD: Do you have any other dates on there?
217
218 MERCADAL: Yes, and then May 8, 2017.
219

220 BULLARD: Do you also have one in there September 28, 2017?
221
222 MERCADAL: Yes.
223
224 BULLARD: Can you describe what CIT is and what is taught in that course?
225
226 MERCADAL: It's a crisis intervention training, and it deals specifically with handling the
227 mentally ill, goes over specific information on how to observe and how to
228 conduct de-escalation of a - a person who is experiencing a mental health crisis.
229
230 BULLARD: Okay. Have you attended department training that talks about cover and
231 concealment? Not referring to anything specifically in there, but -
232
233 MERCADAL: Yes.
234
235 BULLARD: - based on you training and experience?
236
237 MERCADAL: Yes.
238
239 BULLARD: And can you explain what that is regarding cover and concealment?
240
241 MERCADAL: Yes. Based on my training and experience, cover typically is a fortified or some
242 type of position that provides you a level of protection from a deadly threat or
243 threat of harm where concealment just hides you, and it keeps you hidden from
244 a perceived threat or an imminent threat.
245
246 BULLARD: Okay. As a police officer, especially working patrol, how often would you
247 utilize cover and concealment?
248
249 MERCADAL: Constantly.
250
251 BULLARD: Did you ever take any kind of departmental training or course about
252 containment or perimeters?
253
254 MERCADAL: Yes.
255
256 BULLARD: And can you explain what that is?
257
258 MERCADAL: Containment and perimeter courses are typically taught with regards to the
259 proper protocol in establishing a perimeter, if let's say a - when a foot pur- foot
260 pursuit ensues or if a dangerous or wanted subject is kind of loose in a particular
261 area and how to utilize resources to contain the individual.
262
263 BULLARD: Have you been trained in the concepts of contact arrest teams?

264
265 MERCADAL: Yes.
266
267 BULLARD: And can you explain what that is?
268
269 MERCADAL: Contact and arrest teams basically - in reference to a contact team, a contact
270 team is the team that is best prepared to deal with whatever threat is
271 immediately apparent or exists in a particular situation. This consists typically
272 of multiple officers. It can be a minimum of two officers, if needed. And they
273 are prepared with a variety of different force options in order to deal with that
274 threat. A rescue team is basically the team that is established to go and deal
275 with the downed person, whether that be a downed officer or citizen.
276
277 BULLARD: Okay. Have you been trained in the concepts of cover officers?
278
279 MERCADAL: Yes.
280
281 BULLARD: Can you explain what that is?
282
283 MERCADAL: A cover officer is essentially an individual who provides protection for the
284 contact officer. It's basically they're - they're - they're watching their back.
285 They're watching for threats.
286
287 BULLARD: Are the use of contact teams and cover officers a common practice in police
288 work?
289
290 MERCADAL: Yes.
291
292 BULLARD: And is that for officer safety reasons?
293
294 MERCADAL: Yes.
295
296 BULLARD: Have you received training relating to tactics and strategies for armed subjects?
297
298 MERCADAL: Yes.
299
300 BULLARD: And have you utilized those tactics and strategies throughout your career?
301
302 MERCADAL: Yes.
303
304 BULLARD: Is distance a key factor to officer safety?
305
306 MERCADAL: Yes.
307

308 BULLARD: And can you elaborate a little bit on that?
309
310 MERCADAL: When feasible, distance is used to allow reaction time for the officer to perceive
311 the threat that's being placed in front of him or her.
312
313 BULLARD: Okay. Have you been involved in any officer involved shootings other than this
314 case?
315
316 MERCADAL: No.
317
318 BULLARD: Would you agree that all Sacramento police officers have been trained and have
319 some of the experience in the areas that we've talked about here?
320
321 MERCADAL: Yes.
322
323 BULLARD: In referring to your range qualification record could you please state the last -
324 your last qualification date prior to March 18th of 2018?
325
326 MERCADAL: Yes that date is December 5, 2017. Appears it's at 5 pm.
327
328 BULLARD: Okay. And this range qual- qualification would have been with your
329 department issued handgun, which you were equipped with on March 18, 2018?
330
331 MERCADAL: Yes.
332
333 BULLARD: Okay. Referring to your statement that you gave to homicide investigators on
334 March 19, 2018, do you remember what videos you were allowed to watch prior
335 to the interview with homicide detectives?
336
337 MERCADAL: Yes. My body worn camera footage is what I was allowed to watch. I believe
338 that was all I was allowed to watch was my body worn camera footage.
339
340 BULLARD: Okay. What type of equipment did you carry with you on the date of the
341 shooting?
342
343 MERCADAL: I was in my standard police uniform which included my body worn camera,
344 which was affixed to about the middle of my chest my bullet - bulletproof vest
345 my body armor, my duty belt was on - give me a moment to recall the
346 placement of everything on my duty belt, but with - within my duty belt I had
347 handcuff case in the front my firearm in its holster with a tactical light, a set of
348 keys used for various reasons, flashlight - department issued flashlight a
349 tourniquet, spare magazines my department issued taser, and my radio.
350

351 BULLARD: Okay. To your knowledge was all of your equipment including your body worn
352 camera functioning properly at the beginning of your shift on March 18, 2018?
353
354 MERCADAL: Yes.
355
356 BULLARD: Were you on duty March 18, 2018 at 9:17 pm?
357
358 MERCADAL: Yes.
359
360 BULLARD: Was your identifier 1 Charles 57?
361
362 MERCADAL: Yes.
363
364 BULLARD: And you were a mid-watch patrol unit at this time. Is that correct?
365
366 MERCADAL: Correct.
367
368 BULLARD: What were your hours typically for that shift?
369
370 MERCADAL: It is from 2:30 pm to 12:30 am.
371
372 BULLARD: Okay. On March 18, 2018, 2117 hours, did you respond to a call for service in
373 the area of [REDACTED] 29th Street regarding a car clout or car burglary in progress?
374
375 MERCADAL: Yes.
376
377 BULLARD: Would that type of call for service typically require a one or two officer
378 response?
379
380 MERCADAL: It would require a two officer response.
381
382 BULLARD: And what would the reason for that be?
383
384 MERCADAL: For the reasons of officer safety, any crime in progress has the potential to be
385 inherently dangerous, so it is a minimum of two officers required.
386
387 BULLARD: Can you summarize the information about the call you knew at the time when
388 you were responding?
389
390 MERCADAL: Yes. In summary there was a complainant who had observed a male subject
391 who had broken - was in the process of either breaking into vehicles or
392 vandalizing vehicles. This complainant contacted the individual, and the
393 individual ran away and was hiding within a back yard which I believe was the
394 listed address on the call, 29th Street.

395
396 BULLARD: Were you driving a fully marked SPD patrol vehicle and in full SPD uniform?
397
398 MERCADAL: Yes.
399
400 BULLARD: Did another SPD patrol officer respond to this call as well with you?
401
402 MERCADAL: Yes.
403
404 BULLARD: And who was that?
405
406 MERCADAL: That was Officer Jared Robinet.
407
408 BULLARD: And what was Officer Robinet's identifier?
409
410 MERCADAL: 1 Charles 54.
411
412 BULLARD: How long had you and Officer Robinet, leading up to this call worked together?
413
414 MERCADAL: Approximately three months.
415
416 BULLARD: And was he on the same patrol team as you at that time?
417
418 MERCADAL: Yes.
419
420 BULLARD: During your response to this call, did you and Officer Ro - Robinet formulate
421 any kind of plan as to how this call would be handled?
422
423 MERCADAL: No.
424
425 BULLARD: Do you recall a description of the suspect given by the caller?
426
427 MERCADAL: Yes, if you give me a moment to refer to my notes.
428
429 BULLARD: Please.
430
431 MERCADAL: The basic description was a male subject, unknown race between I believe
432 5'10" and 6' wearing dark - a dark hooded sweatshirt and dark pants. It was a
433 very vague description.
434
435 BULLARD: An SSD Air Unit STAR responded to this call as well. Correct?
436
437 MERCADAL: Yes.
438

439 BULLARD: To your knowledge was STAR on scene for this call prior to your arrival?
440
441 MERCADAL: Yes.
442
443 BULLARD: Do you recall any information that Star had broadcasted regarding this call prior
444 to your arrival?
445
446 MERCADAL: Yes. Prior to our arrival STAR was checking the area for potential heat
447 signatures. And heat signatures means people and individuals that are out and
448 about. And he had indicated that he had not seen anything.
449
450 BULLARD: The CAD call indicates that at 2131 hours you arrived on scene for this call. Is
451 that correct?
452
453 MERCADAL: Give me a moment to refer to my notes. Yes.
454
455 BULLARD: Do you recall who the primary officer on the call was?
456
457 MERCADAL: It appears the initial primary officers on the call were - was 2 Charles 5- 45,
458 which was from the neighboring district. And I believe Officer Robinet and I
459 chose to be the primary officers on the call to make sure they didn't have to
460 come into that area to handle the call. It was our responsibility.
461
462 BULLARD: Was there a primary officer though designated between you and Officer Robinet
463 when you responded to this call that you can recall?
464
465 MERCADAL: Mm, not that I can recall.
466
467 BULLARD: When you arrived on scene, did you contact the caller/complainant [REDACTED]
468 [REDACTED]?
469
470 MERCADAL: Officer Robinet initially contacted him and began obtaining information.
471
472 BULLARD: Okay. I'm going to refer - or review your body worn camera footage from this
473 call with you here. And time - or date timestamp here reads 2018-03-19 then T
474 as in Tom 04:18:57Z Zebra for Zulu time. Let's see here. At 04:19:06 you
475 appear to walk up to Officer Robinet, who was contacting the caller [REDACTED]
476 [REDACTED] here. Is that correct?
477
478 MERCADAL: Yes.
479
480 BULLARD: And to clarify here 0419 hours Zulu time would translate to 2119 hours Pacific
481 Standard Time. So to clarify with you; as the CAD call indicates that you're on

482 scene time is 2131 hours, would you actual physical on scene time be
483 approximately 2119 hours?
484
485 MERCADAL: Yes.
486
487 BULLARD: Based on your training and experience, can you explain why that time
488 discrepancy with the CAD call time might be?
489
490 MERCADAL: At times there might be delays in when the dispatcher updates the on scene
491 location time compared to body worn camera actual - actual time.
492
493 BULLARD: Okay. And we'll note for the record your body worn camera footage here has
494 video but no audio for the first 30 seconds. Correct?
495
496 MERCADAL: Correct.
497
498 BULLARD: Okay. And is that standard as to how Axon brand SPD issued body worn
499 cameras function with no audio for the first 30 seconds?
500
501 MERCADAL: Yes, it is.
502
503 BULLARD: So 04:19:14 is this Officer Robinet here?
504
505 MERCADAL: Yes.
506
507 BULLARD: Okay. And what is it that it appeared that Ro- Officer Robinet was doing at that
508 time?
509
510 MERCADAL: At that time we were - what Officer Robinet was doing was looking in the
511 direction to which the complainant was saying he last saw the person
512 responsible for breaking into car windows.
513
514 BULLARD: Okay. Was - and Officer Robinet, was he initially speaking to this
515 complainant?
516
517 MERCADAL: Yes.
518
519 BULLARD: - from what you'd seen? And did you speak with Mr. [REDACTED] at all at this
520 point?
521
522 MERCADAL: I just overheard the conversation, so I was not speaking to him directly.
523
524 BULLARD: Okay. Do you recall anything that Mr. [REDACTED] had said to Officer Robinet?
525

526 MERCADAL: I recall him pointing to the house in which he saw the subject run and saying
527 that he believed he was still over there.
528
529 BULLARD: Do you recall if [REDACTED] verbalized any kind of suspect descriptions at all to
530 Officer Robinet or anything like that?
531
532 MERCADAL: It was a repeat of the description on the call.
533
534 BULLARD: And at this time did you observe the vehicles that Mr. [REDACTED] had claimed were
535 broken into?
536
537 MERCADAL: Yes, some of them that were on the street.
538
539 BULLARD: Okay. Do you have your statement? So I'm referring to Page 11 of your
540 statement to homicide detectives. You said, "I did recall seeing two vehicle
541 windows smashed out and glass on the ground. I believe the driver's side
542 windows of both vehicles had their windows smashed and broken out, and I
543 could see the glass reflecting off the light in the street." Is that correct?
544
545 MERCADAL: Just a moment to -
546
547 BULLARD: I'll try and let you in the -
548
549 MERCADAL: - to find the - find the right place here.
550
551 BULLARD: - we'll let you catch up here. No prob. Again it started with, "I did" -- this is
552 Page 11 -- "I did recall seeing two vehicle windows smashed out and glass on
553 the ground."
554
555 MERCADAL: Yes. Yes, I do see that. Yes.
556
557 BULLARD: Okay.
558
559 MERCADAL: That was my statement.
560
561 BULLARD: Does that sound accurate? Okay.
562
563 MERCADAL: That is accurate.
564
565 BULLARD: Okay. Based on the information you had at this point, can you describe what
566 crime, if any, you were investigat- investigating at this point given the
567 information that you had?
568

569 MERCADAL: Given the information I had we were investigating a, multiple vehicle burglaries
570 that have occurred.
571
572 BULLARD: Okay. And given the information you had and the recent time element in this
573 incident occurring, did you have concerns or reason to believe that the suspect
574 was possibly still in the immediate area?
575
576 MERCADAL: Yes.
577
578 BULLARD: And as you described, you were investigating a possible auto burglary at this
579 point. Is auto burglary, as defined under 459 of the California Penal Code, a
580 crime in the State of California?
581
582 MERCADAL: Yes.
583
584 BULLARD: And this can be a misdemeanor or a felony depending on the circumstance. Is
585 that correct?
586
587 MERCADAL: Yes.
588
589 BULLARD: Okay. Did Mr. [REDACTED] direct you and Officer Robinet towards a location where
590 he last saw the suspect flee?
591
592 MERCADAL: Yes, he did.
593
594 BULLARD: Do you recall the address of that?
595
596 MERCADAL: [REDACTED] 29th Street.
597
598 BULLARD: [REDACTED]?
599
600 MERCADAL: Yes.
601
602 BULLARD: Okay. I provided you with General Order 522.01, Handling Mentally Ill
603 Persons, revision date 3-16-2018. Would you mind in read- reading aloud the
604 highlighted portions of that?
605
606 MERCADAL: Yes, beginning with policy "It shall be the policy of the Sacramento Police
607 Department that officers handling mentally ill persons proceed in a manner
608 consistent with the safety and wellbeing of all persons involved. Officers are
609 increasingly required to respond to and intervene on behalf of persons who are
610 in mental health crisis. While officers are not expected to make mental health
611 diagnoses, they are expected to recognize signs and symptoms that may suggest
612 a mental illness as well as behaviors that are indicative of mental health crisis.

613 The goal is to use de-escalation techniques to max- maximize the likelihood of a
614 safe outcome for officers and individuals and the community.” Moving down
615 to Section C1, Use of Force or Physical Restraints, “Officers shall utilize only
616 that amount of force necessary to secure the custody of the mentally ill person
617 pursuant to 5150 W&I of the welf”- which is Welfare and Institutions Code --
618 “Officers shall handcuff all - handcuff all mentally ill persons taken into
619 custody unless the age or physical condition of the person is such that the
620 personal safety of the person and officer will clearly not be jeopardized.”
621

622 BULLARD: Did you have any information on this call or reason to believe up to this point
623 that the outstanding suspect had a mental illness or was dealing with a mental
624 crisis of any kind?
625

626 MERCADAL: No, we had no information.
627

628 BULLARD: Based on your training and experience, have individuals committed auto
629 burglaries or other forms of burglary, who to the best of your knowledge are not
630 mentally ill or going through a mental health crisis?
631

632 MERCADAL: To the best of my knowledge, yes.
633

634 BULLARD: Is it common practice for Sacramento police officers to arrest and book
635 individuals who have committed a public offense, even if they have a mental
636 illness or are dealing with a mental crisis?
637

638 MERCADAL: Yes.
639

640 BULLARD: Were you equipped with a less lethal shotgun in your patrol vehicle on March
641 18, 2018?
642

643 MERCADAL: Yes.
644

645 BULLARD: You had been issued one at that time?
646

647 MERCADAL: Yes.
648

649 BULLARD: Okay. Based on the information on the call that you had regarding an auto
650 burglary, would it have been routine to deploy and arm yourself with a less
651 lethal weapon system, such as the beanbag shotgun, CED taser, pepper ball gun,
652 while investigating that call at that point?
653

654 MERCADAL: No, it - it would not have been reasonable as it actually pertains to General
655 Order 580.12 for less lethal weapon systems you - you shall not deploy a less

656 lethal weapon system unless you know that you are going to encounter a
657 specific situation that might need it.
658
659 BULLARD: Do you recall if Officer Robinet advised STAR, SSD's helicopter unit of the
660 information [REDACTED] had provided as to where the suspect was last seen and a
661 possible direction of travel?
662
663 MERCADAL: Yes.
664
665 BULLARD: Okay. And then you and Officer Robinet went to this location that Mr. [REDACTED]
666 directed you to, correct?
667
668 MERCADAL: Correct.
669
670 BULLARD: I want to refer to a map here that homicide investigators provided for you
671 during your interview here. And then referring to page eight of your statement.
672 You have the highlighted version there?
673
674 MERCADAL: Yes.
675
676 BULLARD: Okay. That'll make it easier.
677
678 MERCADAL: Okay.
679
680 BULLARD: You find page eight there of your statement?
681
682 MERCADAL: Yes, sir.
683
684 BULLARD: Okay. So referring to this map that was shown to you and on page eight of your
685 statement to homicide investigators taken on March 19, 2018 you pointed at this
686 Google Map image where it was indicated in your statement that this was [REDACTED]
687 29th Street that [REDACTED] directed you to correct?
688
689 MERCADAL: Correct.
690
691 BULLARD: Now to clarify here, the call for service on this had indicated it was [REDACTED] 29th
692 Street where Mr. [REDACTED] was calling about so that would be approximately one
693 house north of what you were indicating on this map.
694
695 MERCADAL: Yes.
696
697 BULLARD: So as to clarify [REDACTED] would be approximately two houses north of [REDACTED] 29th
698 Street where the shooting occurred. [REDACTED] would be three houses north of [REDACTED]
699 29th Street.

700
701 MERCADAL: Yes.
702
703 BULLARD: Are you - are you sure as far as it being [REDACTED] 29th Street to where Mr. [REDACTED]
704 directed you to?
705
706 MERCADAL: Yes. Because I remember - referring back to my voluntary statement I
707 remember specifically seeing the shed that was in the corner of the yard.
708
709 BULLARD: Okay. I'm gonna refer to your body-cam footage here real quick. And I'm
710 gonna speed up here to -
711
712 ((RECORDING))
713
714 ((END RECORDING))
715
716 BULLARD: Are you able to see the address numbers on that?
717
718 MERCADAL: I am now.
719
720 BULLARD: - property? And so we're stopped at four - 04:20 -
721
722 MERCADAL: Mm-hm.
723
724 BULLARD: 20. Can you tell what address numbers that appears to be?
725
726 MERCADAL: [REDACTED]
727
728 BULLARD: Okay. Is - so to clarify, is this the address that you were referring to in your
729 homicide statement -
730
731 MERCADAL: That I was referring to -
732
733 BULLARD: - when they showed you the map?
734
735 MERCADAL: Yes.
736
737 BULLARD: - At the time? Okay. So as opposed to [REDACTED] it would be in fact [REDACTED]?
738
739 MERCADAL: Yes.
740
741 BULLARD: Okay.
742
743 MERCADAL: That was my statement.

744
745 BULLARD: Okay. Once you and Officer Robinet went to this address what did you do?
746
747 MERCADAL: We contacted the home owner and asked her permission to - we advised her of
748 the situation and we asked for permission to check her backyard.
749
750 BULLARD: Okay. And did you and Officer Robinet check the backyard?
751
752 MERCADAL: Yes.
753
754 BULLARD: Okay. After checking that backyard with Officer Robinet did you find the
755 subject in question?
756
757 MERCADAL: No, we did not.
758
759 BULLARD: Okay. I'll fast forward again here.
760
761 ((RECORDING))
762
763 ((END RECORDING))
764
765 BULLARD: So 04:25:24, you and Officer Robinet after finishing your backyard search of
766 this location at [REDACTED] 29th Street you both returned back towards 29th Street, is
767 that correct?
768
769 MERCADAL: Yes.
770
771 BULLARD: Okay.
772
773 ((RECORDING))
774
775 ((END RECORDING))
776
777 BULLARD: 04:25:40 you and Officer Robinet appear to begin running southbound on -
778 southbound direction to 29th Street, is that correct?
779
780 MERCADAL: Yes.
781
782 BULLARD: Can you explain why at that time?
783
784 MERCADAL: Yes. We had begun receiving information from the Sheriff's Department
785 helicopter that he had spotted a subject two houses to the south jumping over
786 fences and heading south.
787

788 BULLARD: And are you hearing these updates from STAR over your portable radio?
789

790 MERCADAL: Yes. I - that evening I was equipped with a earpiece and the earpiece basically
791 goes directly from my paddle mic into my ear and that's used to help make sure
792 that I get the information directly into my ear. It also provides a tactical
793 advantage so my radio is not loud enough for everyone to hear.
794

795 BULLARD: So that was going to be my follow-up question. So there doesn't appear to be
796 any kind of audible radio traffic on your body-worn camera footage here and
797 that is due to the earpiece that you had on your time - or on at that time that
798 would have all that audio in your ear instead?
799

800 MERCADAL: Yes, all that information is coming in constantly into my ear.
801

802 BULLARD: Okay. On page nine of your statement you indicated that STAR advised that
803 the same subject appeared to break out a window and that you believe the
804 information was that the subject was breaking out a car window at that point, is
805 that correct?
806

807 MERCADAL: Yes.
808

809 BULLARD: And then going to page 17 of your statement. I'll wait for you to catch up there.
810 Let me know when you're there.
811

812 MERCADAL: Okay, I'm there.
813

814 BULLARD: To your recollection at that time, when asked if you had heard updated
815 information about the suspect breaking a window to a residence you believed
816 STAR advised that it was a car window as opposed to a residence, is that
817 correct?
818

819 MERCADAL: Yes, that's correct.
820

821 BULLARD: On page 16 of your statement you indicated that STAR put out an update that
822 the suspect was attempting to break into a vehicle and that there was something
823 in his hands but couldn't tell what it was, correct?
824

825 MERCADAL: Yes.
826

827 BULLARD: And you indicated that you were thinking to yourself at the time in your
828 statement "what does he have? A lead pipe, gun or something he's breaking car
829 windows with", correct?
830

831 MERCADAL: Yes.

832
833 BULLARD: Do you recall if STAR described what was in the subject's hands at that time?
834
835 MERCADAL: At that time while running and multi-tasking and looking around and trying to
836 maintain officer safety, I believe hearing he had some kind of bar or something
837 in his hand that he was actively using to break a window. So I don't recall
838 exactly what it was. It was an unknown weapon to the best of my knowledge.
839
840 BULLARD: Okay. Did it appear that with this new information that in addition to the initial
841 car burglaries you were investigating that an addition burglary of some kind was
842 now in progress?
843
844 MERCADAL: Yes.
845
846 BULLARD: Did these additional updates give you any extra considerations as to your
847 mindset at all, what you were thinking about?
848
849 MERCADAL: Yes. It was - the situation escalating there was an - you know, active ongoing
850 crime being committed right now and there were a lot of unknown elements
851 happening in a short period of time.
852
853 BULLARD: Okay. And I think you touched on it just a little bit earlier but just to reiterate
854 on it. You recall the information that STAR was advising at all about the
855 direction of travel and location of the suspect at this time when you were
856 running?
857
858 MERCADAL: Yes, that he was heading south down 29th Street towards Meadowview.
859
860 BULLARD: Okay.
861
862 ((RECORDING))
863
864 MERCADAL: Over here, Jared. Jared.
865
866 ((END RECORDING))
867
868 BULLARD: 04:26:27, can you describe what happens here?
869
870 MERCADAL: At that moment I am checking the address and this was an - information that I
871 had received from the Sheriff's Department helicopter in my earpiece that he
872 was describing the backyard that he currently saw the individual in. Initially he
873 said that he saw the person running towards the front yard. He gave a
874 description of the vehicles there. At that time I believed I had saw the subject
875 and so I attempted to let Jared know that I had saw him at that location.

876
877 BULLARD: So what is it you verbalized or voiced there?
878
879 MERCADAL: "Over here. Over here, Jared."
880
881 BULLARD: Okay. And that was directed towards Officer Robinet?
882
883 MERCADAL: Yes.
884
885 BULLARD: Okay. And to clarify too, it appeared - did you draw your firearm here at this
886 point?
887
888 MERCADAL: Yes.
889
890 BULLARD: Okay. On page 11 of your statement you said, "I did have my - my gun out just
891 based on not knowing what's going on, the information that I received from
892 STAR that he didn't know what kind of weapon the person had in his hands."
893 Is that correct?
894
895 MERCADAL: Yes.
896
897 BULLARD: Okay. Did you ever consider drawing or arming yourself with any kind of less
898 lethal weapon such as your conducted energy device or anything else as
899 opposed to your firearm at this point?
900
901 MERCADAL: At that time I did not.
902
903 BULLARD: Why not?
904
905 MERCADAL: I was at a tactical disadvantage in the dark and actually illuminating my
906 direction exactly where I was. Based on officer safety dealing with unknown
907 elements it's always best to have your firearm ready to deal with any perceived
908 threat.
909
910 BULLARD: On page nine of your statement, you said, "And I saw a male black adult with a
911 black hoodie sweatshirt pulled up over his head standing behind that vehicle."
912 Is that correct?
913
914 MERCADAL: Yes.
915
916 BULLARD: And then can you describe the route that you take here?
917
918 MERCADAL: Yes. I am, began traveling up the driveway, which I believe was west, and I go
919 in between the cars and the side of the residence.

920
921 BULLARD: Okay. And as this going up along - this is [REDACTED] 29th Street, is that correct?
922
923 MERCADAL: Yes.
924
925 BULLARD: Okay. Now were you directed by the air unit over the radio as to the location of
926 the suspect at this point?
927
928 MERCADAL: Yes.
929
930 BULLARD: Okay. Were you under the impression that this subject you spotted was likely
931 the same subject that air - that the air unit was describing and directing you
932 towards?
933
934 MERCADAL: Yes, based off the information I received.
935
936 ((RECORDING))
937
938 MERCADAL: Hey, show me your hands. Stop. Stop.
939
940 ((END RECORDING))
941
942 BULLARD: 04:26:35, what do you say here?
943
944 MERCADAL: I say, "Hey, show me your hands. Stop. Stop."
945
946 BULLARD: And are these commands that you're yelling?
947
948 MERCADAL: Yes, they are.
949
950 BULLARD: And who are they directed towards?
951
952 MERCADAL: They're directed at the individual who began running away from me.
953
954 BULLARD: When you first yelled out these commands how far would you estimate the
955 suspect was from you?
956
957 MERCADAL: Approximately 20 feet.
958
959 BULLARD: Do you recall if the suspect looked at you or was facing you or saw you at this
960 time when you were giving these commands?
961
962 MERCADAL: Yes - yes. The subject was facing me and appeared to be looking at me.
963

964 BULLARD: On page 12 of your statement when asked if you ever identified yourself as a
965 police officer you stated, "I don't - I'm in the quite sure if I did - if I did." Is
966 that correct?
967

968 MERCADAL: Yes.
969

970 BULLARD: And to this date do you recall if you identified yourself as a police officer to the
971 suspect?
972

973 MERCADAL: To this date I - I did not.
974

975 BULLARD: Okay. Can you give a reason as to why you did not verbally identify yourself as
976 a police officer?
977

978 MERCADAL: Well, based on the fast-evolving situation, I was in full police uniform I was
979 giving loud verbal commands to which is typically common of police officers,
980 such as stop and show me your hands. There was the Sheriff's Department
981 helicopter that was overhead shining a light on while making a circular kind of
982 pattern or orbit and seeing that the subject had run away from me it was under
983 my belief that he knew I was a police officer and began to flee from me.
984

985 BULLARD: In your opinion were you in foot pursuit at this time?
986

987 MERCADAL: Yes.
988

989 BULLARD: Okay. Can you explain why you chased after the subject?
990

991 MERCADAL: Well based on the facts and the information that I was receiving like a fast,
992 evolving situation I was under the belief that based on what the information the
993 helicopter was giving me that this individual had obviously already run over and
994 jumped over a series of two fences and was again actively running and there
995 were a lot of unknown elements such as where was this person running to what
996 were - what's gonna be this person's reaction? Was this person going to
997 possibly enter a home. Is there another person in the area that could potentially
998 be harmed by this individual? There were a lot of unknowns.
999

1000 BULLARD: Would it have been practical or reasonable for you to just not chase after the
1001 subject at all?
1002

1003 MERCADAL: No. Just based on the - the likelihood and threat that this is a fast-evolving
1004 situation this person is proving to be unpredictable. I was concerned that, you
1005 know, he may try to force his way into a residence or if for some reason
1006 somebody was outside he may try to harm that person. So, no. Based off of

1007 what I believed and perceived is that I saw this individual and it was best to at
1008 least keep a good like visual of where he was and the direction he was going.
1009
1010 BULLARD: Are foot pursuits inherently dangerous for police officers?
1011
1012 MERCADAL: Yes.
1013
1014 BULLARD: Why?
1015
1016 MERCADAL: Well, you're dealing with unknown elements. You're dealing with a person
1017 who's actively trying to evade a police officer and it's in my training and
1018 experience that often people who are evading police officers will use whatever
1019 means or methods to either evade arrest or to possibly confront the officer or
1020 fight the officer.
1021
1022 BULLARD: Did you ever lose sight of the subject?
1023
1024 MERCADAL: Yes.
1025
1026 BULLARD: Do you recall where that was or when that was?
1027
1028 MERCADAL: At - right about this period.
1029
1030 BULLARD: At about this frame here?
1031
1032 MERCADAL: Yes.
1033
1034 BULLARD: 04:26:35?
1035
1036 MERCADAL: Yes.
1037
1038 BULLARD: Okay. And about how long do you think - how long would you say that you
1039 had lost sight of this suspect until you saw him again?
1040
1041 MERCADAL: It was a - it was a matter of seconds. If I had to estimate less than five seconds
1042 or so.
1043
1044 BULLARD: Okay. Back up just a little bit here.
1045
1046 ((RECORDING))
1047
1048 MERCADAL: Stop. Five seven south.
1049
1050 ((END RECORDING))

1051
1052 BULLARD: 04:26:37. What is it you voice here?
1053
1054 MERCADAL: I voice five seven south. So that was an abbreviation of my identifier, which is
1055 Charles 57. And I was saying the direction south as to the direction the suspect
1056 was running.
1057
1058 BULLARD: And were you attempting to - were verbalizing this in the attempt of saying this
1059 over your radio, your portable radio?
1060
1061 MERCADAL: Yes.
1062
1063 BULLARD: Did you know who the suspect was at this point?
1064
1065 MERCADAL: No, I did not.
1066
1067 ((RECORDING))
1068
1069 ((END RECORDING))
1070
1071 BULLARD: And I'll pause here at 04:26:41. Can you describe the area where you appear to
1072 run to here? This - this area here.
1073
1074 MERCADAL: It is a backyard with landscape and various items in the - in the landscape.
1075
1076 BULLARD: Would this be the northwest corner of [REDACTED] 29th Street?
1077
1078 MERCADAL: Yes.
1079
1080 BULLARD: Okay. Was Officer Robinet behind you during this initial foot chase?
1081
1082 MERCADAL: I later found out that he was, yes.
1083
1084 BULLARD: Okay.
1085
1086 ((RECORDING))
1087
1088 MERCADAL: Show your hands. Gun.
1089
1090 ((END RECORDING))
1091
1092 BULLARD: 04:26:44, can you explain what happens to this point here?
1093

1094 MERCADAL: To this point I give the verbal commands of, "Show me your hands. Gun."
1095 And the reasoning for that is because I saw the subject in the yard and he was
1096 facing me.
1097
1098 BULLARD: Okay. This location here, this northwest corner of the [REDACTED] 29th Street would
1099 this be considered a position of cover, this corner area?
1100
1101 MERCADAL: Can you desc - can you specify - are you talking about where I was or?
1102
1103 BULLARD: So the northwest corner of the structure, would that be a cover position?
1104
1105 MERCADAL: Yes.
1106
1107 BULLARD: Okay. On page 12 of your statement,, you said, "There was no lighting in the
1108 backyard, no rear porch, no back porch light, no lighting of any kind from the
1109 neighboring residences. All I recall is pitch black in the backyard there and the
1110 only light that I was able to use was my TAC light on my firearm and then also
1111 in the background I could see STAR going around. It's his overhead light but
1112 his light was in a different area. It wasn't in the backyard where we were." Is
1113 that correct?
1114
1115 MERCADAL: Yes.
1116
1117 BULLARD: So were you describing just the overall setting of the lighting here?
1118
1119 MERCADAL: Yes.
1120
1121 BULLARD: On page nine of your statement, you stated, "I tried to pie around the corner or
1122 slowly tactically go around the corner. When I come around the corner, the
1123 corner of the house, I - I left cover and I look and I see the same subject with his
1124 hoodie and sweatshirt pulled up and his arms pointed out like this." To where
1125 you demonstrate extending both of your arms out in front, at chest level up here
1126 to take a shooting position. Is that correct?
1127
1128 MERCADAL: Yes.
1129
1130 BULLARD: Okay. And you also stated that you thought the suspect had already shot at you
1131 because of a metallic reflection or muzzle flash, is that correct?
1132
1133 MERCADAL: Yes.
1134
1135 BULLARD: When you said the suspect was pointed out and extended like this, where was he
1136 pointing and in which direction was he pointing?
1137

1138 MERCADAL: At me.
1139
1140 BULLARD: At you?
1141
1142 MERCADAL: Yes.
1143
1144 BULLARD: On pages ten and 13 of your statement - starting with ten.
1145
1146 MERCADAL: Okay.
1147
1148 BULLARD: "I see that the subject" - you said, "I see that the subject is advancing towards us
1149 and I see that same bright metallic shining of the light in his hands and I thought
1150 he had - was approaching and shooting at us. I believe we're being fired upon.
1151 As well as - and that's - at the time I thought I saw a muzzle flash. I was scared.
1152 I was like, oh, my God. This is - he's shooting at me. The second time I come
1153 back around he had advanced and moved up. He wasn't in that same position
1154 he was in. Looked like he was moving forward like this." And that the suspect
1155 had made a huge gap as possibly 10 feet or more towards you and was
1156 approaching. Is that correct?
1157
1158 MERCADAL: Yes.
1159
1160 BULLARD: So to clarify, you're describing that the suspect was actually advancing on you,
1161 is that correct?
1162
1163 MERCADAL: Yes.
1164
1165 BULLARD: Okay. Referencing the terms that you were using to describe here what do you
1166 believe the suspect was holding here?
1167
1168 MERCADAL: A firearm.
1169
1170 BULLARD: Did you give any commands to the suspect to drop what he was holding?
1171
1172 MERCADAL: No.
1173
1174 BULLARD: Can you explain as to why not?
1175
1176 MERCADAL: Everything was evolving very fast and very rapidly. And the commands I do
1177 recall giving are "show me your hands". Typically from my experience when a
1178 police officer says that you would expect a subject to comply with showing
1179 their hands either forward or up.
1180

1181 BULLARD: And as you indicated you believe the suspect to be pointing and firing a gun at
1182 you both. Based on your training and experience what reasons do you know of
1183 as to why someone would advance closer to a target that they would be aiming
1184 or shooting at?
1185
1186 MERCADAL: With intent to harm that target.
1187
1188 BULLARD: As far as changing the distance, closing the distance.
1189
1190 MERCADAL: To -
1191
1192 BULLARD: Does that do anything - would that potentially - is there any reason why
1193 something - somebody would do something like that as far as shooting at a
1194 target?
1195
1196 MERCADAL: Yes closing the distance typically increases your accuracy because you're closer
1197 to the target.
1198
1199 BULLARD: Based on your recollection can you estimate what these distances were that the
1200 suspect was in comparison to you and Robinet from his initial location where he
1201 advanced?
1202
1203 MERCADAL: He had advanced approximately 10 feet and from our position was between ten
1204 and 12 feet from where we were.
1205
1206 BULLARD: I'll play your body cam video here again.
1207
1208 ((RECORDING))
1209
1210 MERCADAL: Show me your hands. Gun - gun - gun.
1211
1212 ((END RECORDING))
1213
1214 BULLARD: At 04:26:48 what did you say here?
1215
1216 MERCADAL: "Show me your hands. Gun - gun - gun."
1217
1218 ((RECORDING))
1219
1220 MERCADAL: Five seven -
1221
1222 ((END RECORDING))
1223
1224 BULLARD: 04:26:54, you made the decision to shoot at the suspect, correct?

1225
1226 MERCADAL: Yes.
1227
1228 BULLARD: And can you - based on your recollection can you estimate about how far away
1229 the suspect was from you and Officer Robinet when you fired?
1230
1231 MERCADAL: Approximately ten to 12 feet.
1232
1233 BULLARD: Okay. I've provided you with general orders 580.02, use of force. Revision
1234 date 5/16 of 2017 and 580.03, discharge of firearm. Revision date 1/19 of 2018.
1235
1236 MERCADAL: Yes.
1237
1238 BULLARD: If it's okay with you, would you like - I can - I can read aloud the highlighted
1239 portions of those?
1240
1241 MERCADAL: Yes, please.
1242
1243 BULLARD: Okay. So 580.02, policy. "It shall be the policy of the Sacramento police
1244 department that officers value and preserve the sanctity of human life at all
1245 times. Officers shall use only that amount of force necessary under the
1246 circumstances presented that the officer reasonably believes is required.
1247 Officers are expected to use de-escalation techniques when reasonably possible
1248 and without increasing the risk of harm to officers or others in an effort to
1249 reduce or eliminate the use of force. When using force officers shall
1250 continuously reassess the perceived threat to select the reasonable use force
1251 response. When making use of force decisions officers should be mindful that
1252 subjects may be physically or mentally incapable of responding to police
1253 commands due a variety of circumstances, including but not limited to: alcohol
1254 or drugs, mental impairment, medical conditions or language and cultural
1255 barriers." And under procedure A, definitions Section 9. De-escalation -
1256 employing techniques to stabilize a situation to decrease the likelihood of the
1257 need to use force and to increase the likelihood of voluntary compliance. B.
1258 General - force shall be used in compliance with Penal Code Section 835A
1259 which states, "Any peace officer who has reasonable cause to believe that the
1260 person to be arrested has committed a public offense may use reasonable force
1261 to affect the arrest, to prevent escape or to overcome resistance. A peace officer
1262 who makes or attempts to make an arrest need not retreat nor desist from his
1263 efforts by reason of the resistance or threatened resistance of the person being
1264 arrested. Nor shall such officer be deemed an aggressor or lose his right to self-
1265 defense by the use of reasonable force to affect the arrest or to prevent escape or
1266 to overcome resistance." Number 2, "Officers may use deadly force if under
1267 the circumstances the officer reasonably believes that the suspect poses a threat
1268 of death or serious bodily injury either to the officer or to others." Section 5,

1269 "When reasonable under the totality of circumstances where it may be
1270 accomplished without increasing the risk of harm to officers or others, officers
1271 should attempt to de-escalate situations. De-escalation techniques include but
1272 are not limited to, gathering information about the incident, assessing risks,
1273 gathering resources, personnel and equipment, using time/distance cover, using
1274 crisis intervention techniques and communicating and coordinating a response."
1275 Referred to GO 522.02, Emergency Care for Individuals Under Police Care or
1276 Control when rendering emergency medical treatment or summoning medical
1277 assistance. Section C, subsection D. "When the use of force has resulted in an
1278 injury officers shall comply with the provisions of GO 522.02, emergency
1279 medical care for the arrestees. If the individual is not arrested or will be
1280 released with a citation officers should offer to call for an ambulance or assist in
1281 arranging transportation to an authorized medical facility." Do you understand
1282 the general order that I read there aloud?
1283

1284 MERCADAL: Yes.

1285
1286 BULLARD: Okay. And I'll read 580.03. Discharge of Firearm. Policy. "It shall be the
1287 policy of the Sacramento Police Department that officers continually evaluate
1288 all reasonable and readily available force options to apprehend or subdue an
1289 individual before resorting to the use of greater physical and or deadly force. A
1290 thorough investigation will be conducted on all incidents resulting in firearm
1291 discharges by department employees." Procedure A General. Number 1,
1292 "Officers may discharge a firearm in the performance of their official duty. A,
1293 in the necessary defense of themselves or in the defense of another person when
1294 the officer reasonably believes that an imminent danger of death or serious
1295 bodily injury exists. B, to affect an arrest, prevent escape - prevent an escape or
1296 recapture an escapee when the officer reasonably believes that the suspect to be
1297 arrested poses an immediate threat to cause death or serious bodily injury if
1298 apprehension is delayed." Section 3, "A verbal warning should proceed -
1299 precede the use of deadly force where feasible and when it will not increase the
1300 harm - the risk of harm to officers or others." Four, "Justification for the use of
1301 deadly force shall be limited to what reasonably appears to be the facts known
1302 or perceived by the officer at the time. Facts unknown to an officer shall not be
1303 considered in later determining whether the shooting was justified." Number 5,
1304 "Nothing in any firearms procedure shall preclude the drawing of the officer's
1305 firearm during the course of an arrest or investigation or when an officer
1306 reasonably believes it necessary for the safety of the officer or the safety of
1307 another." Seven, refer to GO 522.02, Emergency Care for Individuals Under
1308 Police Care or Control when rendering emergency medical treatment or
1309 summoning medical assistance. Do you understand the general order that I
1310 read?
1311

1312 MERCADAL: Yes.

1313
1314 BULLARD: Okay. Now as far as your justification for discharging your firearm and the use
1315 of force, would you like to stipulate that your voluntary statement provided to
1316 homicide investigators on March 19, 2018 articulates - or articulates your
1317 justification to discharging your firearm?
1318
1319 MERCADAL: Yes.
1320
1321 BULLARD: Okay. Is there anything that you would like to add or clarify from that
1322 statement as to your justification for the use of force, specifically discharging
1323 your firearm?
1324
1325 MERCADAL: No.
1326
1327 BULLARD: In your opinion do you feel you complied with or violated General Order
1328 580.02, use of force?
1329
1330 MERCADAL: In my opinion I feel like I complied with.
1331
1332 BULLARD: In your opinion do you feel that you complied with or violated General Order
1333 580.03, discharge of firearms?
1334
1335 MERCADAL: In my opinion I feel I complied with that General Order.
1336
1337 BULLARD: If you could, please articulate why in your opinion you feel like you complied
1338 with those general orders? And if possible citing any sections in those orders
1339 which you feel would apply?
1340
1341 MERCADAL: Is there a particular General Order you would like to begin with or just up to
1342 me?
1343
1344 BULLARD: Well, yeah, up to you. I mean, after everything I read there is - are there
1345 anything - any things in there that you would - any excerpts or anything in there
1346 that you think would apply as to why you felt that you complied with both those
1347 general orders?
1348
1349 MERCADAL: Yes. Specifically under the general - under Section B, general Section 2 where
1350 it says, "Officers may use deadly force if under the circumstances officer
1351 reasonable believes that the suspect poses a threat of death or serious bodily
1352 injury to the officer or to others." I would feel that that applies in this situation
1353 and we did reasonably believe that. Also specifically when it refers to Section 5
1354 and it discusses the - "When reasonable, under the totality of circumstances and
1355 where it may be accomplished without risking the - without increasing the risk
1356 of harm to officers the other officers should attempt to de-escalate situations."

1357 Unfortunately we were not afforded the time distance or cover in order to de-
1358 escalate the situation. As it pertains to 580.03, discharge of firearm under
1359 Section A, General. 1, subsection A, "Officers may discharge a firearm in the
1360 performance of their initial duty if, A, in the necessary defense of themselves or
1361 in the defense of another person when the officer reasonably believes that an
1362 imminent danger of death or serious bodily injury exists." In my opinion I
1363 believe that applied to both Jared and I. We were both in - felt we were in
1364 imminent danger. Also referring to the facts that were unknown to us.
1365 Obviously there were facts that we did not know and we were going off of what
1366 we perceived at the time of the event.
1367

1368 BULLARD: Okay. Anything else?
1369

1370 MERCADAL: No, that's it.
1371

1372 BULLARD: Okay. Why don't we take a break? It is 1528 or 15 hours 28 minutes.
1373

1374 -BREAK-
1375

1376 BULLARD: Okay, we're resuming at 1542 hours. Okay. Just prior to your firing, you
1377 appeared to come around the corner then retreat back and then peek back
1378 around the corner and engage the suspect, is that correct?
1379

1380 MERCADAL: Yes.
1381

1382 BULLARD: Was there a reason you decided to engage the suspect here as opposed to any
1383 other options, like fully retreating from your position?
1384

1385 MERCADAL: In my opinion retreating was not an option. From when I initially peeked back
1386 around the corner the subject had advanced towards us and based on my
1387 training and experience I know that subjects or potential threats that advance
1388 towards you are - typically mean to do you harm. And retreating or turning my
1389 back and giving up that position would have put myself and Officer Robinet in
1390 imminent danger.
1391

1392 ((RECORDING))
1393

1394 MERCADAL: Shots fired. Suspect down - Show me your hands. Gun - gun - gun. Five
1395 seven sh-
1396

1397 ((END RECORDING))
1398

1399 BULLARD: So 04:26:54 gunfire by you and Officer Robinet appears to cease at this point,
1400 correct?

1401
1402 MERCADAL: Yes.
1403
1404 BULLARD: On page 15 of your statement, you were asked as to whether the suspect
1405 exhibited any symptoms as to possibly suffering from mental health issues.
1406 You stated that you were unable to determine that. That it was dark. You gave
1407 commands for the suspect to show you his hands and he fled from you and that
1408 you never heard him say a word, nor get a good look at his face to see what his
1409 mental status was or if he was under the influence of anything. Is that correct?
1410
1411 MERCADAL: Yes.
1412
1413 BULLARD: Referencing from your crisis intervention training. Do you think it would have
1414 been practical or safe for you to try and evaluate any of these symptoms or signs
1415 of a suspect potentially experiencing a mental health crisis or if he was under
1416 the influence of something given the timing of what you and Officer Robinet
1417 were faced with during your initial pursuit and confrontation with the suspect?
1418
1419 MERCADAL: No, I would not. We had a matter of seconds. It was not a proper amount of
1420 time to perform a evaluation.
1421
1422 ((RECORDING))
1423
1424 MERCADAL: Five seven. Shots fired. Suspect down.
1425
1426 ((END RECORDING))
1427
1428 BULLARD: 04:26:55, what do you say right here?
1429
1430 MERCADAL: I said, "57. Shots fired, suspect down."
1431
1432 BULLARD: Okay.
1433
1434 ((RECORDING))
1435
1436 MERCADAL: Show me your hands.
1437
1438 ROBINET: Let's see your hands.
1439
1440 ((END RECORDING))
1441
1442 BULLARD: 04:27:00 at this point what are you saying?
1443
1444 MERCADAL: Show me your hands.

1445
1446 BULLARD: And who is that directed towards?
1447
1448 MERCADAL: To the subject.
1449
1450 BULLARD: And why are you saying that?
1451
1452 MERCADAL: Based off of what we perceived the subject was down. We - for me, I could not
1453 see one of his arms. It appeared one of his arms was underneath him and so I
1454 wanted to see his hands to see that he didn't have a weapon still in his
1455 possession.
1456
1457 ((RECORDING))
1458
1459 MERCADAL: Five seven. He's down. No movement. We're gonna need additional units.
1460 Come in from the west to east of this yard.
1461
1462 ((END RECORDING))
1463
1464 BULLARD: 04:27:15, what is it that your saying here?
1465
1466 MERCADAL: I'm saying that the subject is down. There's no movement and I'm directing
1467 additional resources to where we are in the yard.
1468
1469 BULLARD: And are you doing this over your radio?
1470
1471 MERCADAL: Yes.
1472
1473 BULLARD: Okay.
1474
1475 ((RECORDING))
1476
1477 ROBINET: Let's see your hands.
1478
1479 MERCADAL: You all right? You hit?
1480
1481 ROBINET: Yeah, I'm good.
1482
1483 MERCADAL: O -
1484
1485 ((END RECORDING))
1486
1487 BULLARD: 04:27:21, what is said here between you and Officer Robinet?
1488

1489 MERCADAL: I believe I asked him "You all right? Are you hit?" And he says, "Yeah, I'm
1490 good."
1491
1492 BULLARD: What does that mean?
1493
1494 MERCADAL: What that means is that I - we were basically checking each other, checking
1495 your partner to see if he was shot or injured or wounded in any way.
1496
1497 ((RECORDING))
1498
1499 ROBINET: He was still pointing -
1500
1501 MERCADAL: Oh, shit.
1502
1503 ROBINET: - when I saw him gain. You all right dude?
1504
1505 MERCADAL: Yeah, I'm all right. Don't think I'm hit or anything.
1506
1507 ((END RECORDING))
1508
1509 BULLARD: 04:27:31, what's being said here between you and Officer Robinet?
1510
1511 MERCADAL: Officer Robinet made a statement that he was still pointing and he didn't finish
1512 his - his sentence. Then he asked if I'm all right and then I said that I was okay.
1513 I don't think I'm hit or anything. Meaning that I didn't believe I was shot at the
1514 time or anything.
1515
1516 BULLARD: Okay. On page 14 of your statement, you said, "The background was - was
1517 extremely dark. The grass was extremely tall. He was under a - an awning, like
1518 an overhang awning which was directly protruded out from the house, probably
1519 seven, 8 feet or something like that. So he was at - at the awning and I just
1520 remember seeing how tall the grass was. The grass, the backyard was really
1521 unkempt," correct?
1522
1523 MERCADAL: Correct.
1524
1525 BULLARD: So outside of the overgrown grass that you're describing here can you describe
1526 the lighting at that time?
1527
1528 MERCADAL: Other than the lighting from my TAC light and Officer Robinet's flashlight
1529 there was no other lighting in that yard. Just looking at the video I can see that
1530 there's a whole portion of the yard I can't even see. It's pitch black.
1531

1532 BULLARD: Okay. And I may have - I don't know. I can't remember if I asked you this
1533 earlier or if I'm going to maybe ask it later. I just want to make sure I touch on
1534 it. Can you give the overall setting here of this? You obviously described how
1535 the grass was unkempt.
1536
1537 MERCADAL: Mm-hm.
1538
1539 BULLARD: It was very dark.
1540
1541 MERCADAL: Mm-hm.
1542
1543 BULLARD: Can you describe anything else about this location here as far as your point of
1544 view? Are there any obstructions or anything like that that - you can recall at
1545 all from this?
1546
1547 MERCADAL: Yes. There were several obstructions. It looks like there's like a brick or a
1548 brick oven. There's several other kind of various items in the yard, a couch,
1549 other furniture, a table. And yes, really high overgrown grass and weeds
1550 making it difficult to see.
1551
1552 BULLARD: Okay. What about the suspect himself? Were you able to clearly see that he
1553 was no longer apparently armed or a threat to you and Officer Robinet at this
1554 time?
1555
1556 MERCADAL: No, I was not able to see that.
1557
1558 BULLARD: And can you - I think you already kind of touched on it but can you explain why
1559 you were not able to clearly see that?
1560
1561 MERCADAL: Because of the condition of the yard and the lighting conditions so. In
1562 particular the grass was very high where the subject went down. And from my
1563 position it appeared one of his arms was underneath him and I believed that he
1564 was laying on a gun or was hiding a gun in attempts to hide or to ambush us
1565 potentially.
1566
1567 ((RECORDING))
1568
1569 ROBINET: I got him at gunpoint dude -
1570
1571 MERCADAL: You want to (unintelligible)?
1572
1573 ROBINET: - you do a tactical reload, okay?
1574
1575 MERCADAL: All right, copy.

1576
1577 ROBINET: I think I shot about five times.
1578
1579 ((END RECORDING))
1580
1581 BULLARD: 04:27:46, here. What is it that Officer Robinet is saying here?
1582
1583 MERCADAL: So what Officer Robinet is saying is he instructs me that he will take a cover
1584 position which basically means he's going to have his weapon and - and
1585 lighting position in - the direction of the suspect in case there is a further threat
1586 and that I should perform a tactical reload. Tactical reload essentially is a, your
1587 magazine from your firearm is not necessarily complete empty, but you should
1588 reload it with a fresh magazine, a full magazine, in case you need to continue
1589 delivering addition rounds if the gunfight continues.
1590
1591 BULLARD: And at this point why didn't you and Officer Robinet make your approach of
1592 the suspect at this time?
1593
1594 MERCADAL: Based on our training and experience and then also the - the information we had
1595 at the time the scene was not safe. We were waiting for additional resources to
1596 arrive. Typically when you're approaching a downed suspect or subject you
1597 want to have additional resources available to make sure that you are protecting
1598 the safety of the officers first and then dealing with any potential threats or
1599 problems that arise.
1600
1601 ((RECORDING))
1602
1603 ROBINET: Stand by.
1604
1605 MERCADAL: Stand by on that. He's still down. He's not moving. We can't see the gun.
1606
1607 ((END RECORDING))
1608
1609 BULLARD: At 04:28:00. What is it that's being said here?
1610
1611 MERCADAL: So there's information coming in through our radio earpiece which is from one,
1612 the Sheriff's Department helicopter and then also from the dispatcher. At that
1613 time I believe the dispatcher asked do we want Fire and medical - the fire
1614 department and medical resources to come to that area. And we said standby
1615 which means wait, hold on because we determined it was not yet safe for them
1616 to enter.
1617
1618 ((RECORDING))
1619

1620 ROBINET: You good?
1621
1622 MERCADAL: Yeah, I'm good.
1623
1624 ROBINET: All right. I'm gonna reload.
1625
1626 MERCADAL: All right. Go. I got you. Go.
1627
1628 ROBINET: You got a light on him?
1629
1630 MERCADAL: Got him.
1631
1632 ((END RECORDING))
1633
1634 BULLARD: 04:28:11 here. What are you saying and doing here?
1635
1636 MERCADAL: Officer Robinet and I are communicating with one other. He's asking if I had
1637 performed the reload that I was doing and if I was in a position to cover him.
1638 And if he was ready to - if it was safe for him to go ahead and perform his own
1639 tactical reload.
1640
1641 ((RECORDING))
1642
1643 MERCADAL: Negative. Neither one of us are hit. We're okay. Suspect's down.
1644
1645 ((END RECORDING))
1646
1647 BULLARD: 04:28:15 here. What are you saying here?
1648
1649 MERCADAL: Again responding in my radio from my earpiece that you know, we don't need
1650 additional - well, I apologize - that Fire and medical resources it's not safe for
1651 them to enter yet and then also clarifying that neither I or Officer Robinet were
1652 shot and that the suspect himself was down.
1653
1654 ((RECORDING))
1655
1656 STAR: (Unintelligible).
1657
1658 ROBINET: (Unintelligible).
1659
1660 MERCADAL: Good?
1661
1662 ROBINET: Yeah.
1663

1664 MERCADAL: All right.

1665

1666 ((END RECORDING))

1667

1668 BULLARD: 04:28:23. What's being communicated here between you and Officer Robinet?

1669

1670 MERCADAL: Officer Robinet says good. Basically indicating to me that he had performed
1671 the reload and he was prepared and just ready to go for whatever may occur.

1672

1673 BULLARD: Okay. And basically both you and Officer Robinet conducted tactical reloads
1674 after firing at the suspect here, correct?

1675

1676 MERCADAL: Yes, correct.

1677

1678 BULLARD: And I think you already articulated why you did the tactical reloads.

1679

1680 ((RECORDING))

1681

1682 ROBINET: Charles five four there's an older uh (unintelligible).

1683

1684 MERCADAL: No, you're covered. You're covered. You're covered. Nothing but STAR is
1685 going out.

1686

1687 ((END RECORDING))

1688

1689 BULLARD: 04:28:44 here. What's being said here by you?

1690

1691 MERCADAL: So while I was providing cover Officer Robinet was attempting to provide radio
1692 updates to our location and he was describing the - the house that we were at
1693 and the direction so additional resources could get to us. In resources, I mean,
1694 our back-up officers. But while he's making that radio transmission in my
1695 earpiece I hear the Sheriff's Department helicopter talking and communicating
1696 over the radio which meant that Officer Robinet's transmissions were not
1697 getting out. So when I say he's covered - covered - covered that means that
1698 what he was saying was not being heard. Only the Sheriff's Department
1699 transmission was heard.

1700

1701 ((RECORDING))

1702

1703 MERCADAL: Give them the light. I got him.

1704

1705 ((END RECORDING))

1706

1707 BULLARD: At 04:28:48 what did you say here? What did that mean?

1708
1709 MERCADAL: Basically that means I have I'm - I have cover. I have an eye or I am prepared
1710 to deal with the subject if - if there's additional threat and to use, uh - I was
1711 telling Officer Robinet to use his flashlight to direct back-up officers to where
1712 we are. Because once again, it's pitch black back there. We were not anywhere
1713 near our police car so I imagine other officers had a hard time finding us.
1714
1715 BULLARD: Okay.
1716
1717 ((RECORDING))
1718
1719 ROBINET: Hey we're good. We're good. Slow it down. Slow it down. We're good. One
1720 Charles five four I want everybody to know that we are fine (unintelligible).
1721
1722 TAYLER: (unintelligible).
1723
1724 MERCADAL: We - we - we don't - we don't
1725
1726 ROBINET: (Unintelligible) until we have more.
1727
1728 STAR: (Unintelligible).
1729
1730 ((END RECORDING))
1731
1732 BULLARD: 04:29:09 SPD Officers Tayler and Trujillo are the first responding back-up
1733 officers to assist you and Officer Robinet, correct?
1734
1735 MERCADAL: Yes.
1736
1737 BULLARD: I'm just going to back up just a little bit here as to what was said.
1738
1739 ((RECORDING))
1740
1741 TAYLER: (unintelligible).
1742
1743 MERCADAL: We - we don't - we don't
1744
1745 ROBINET: (Unintelligible) until we have more.
1746
1747 STAR: (Unintelligible) on 29th Street.
1748
1749 MERCADAL: We don't have it. Can you see it, Jared?
1750
1751 ((END RECORDING))

1752
1753 BULLARD: 04:29:12. Can you tell what's being talked about here or what's being said?
1754
1755 MERCADAL: Yes. So Officer Tayler asked, "Do you have the gun?" And Officer Robinet
1756 responded that we haven't secured it yet. So secured it means we haven't
1757 grabbed it or taken it away from the subject or suspect to make sure that it was
1758 no longer a threat to us. And so the communication we're having back and
1759 forth is that one, we don't have it in our possession so it's not - the scene is not
1760 safe. And then two we're - with the tall grass and the lighting conditions we're
1761 trying to find and see exactly where the weapon or firearm is.
1762
1763 ((RECORDING))
1764
1765 ROBINET: I don't - I don't see it.
1766
1767 TRUJILLO: (Unintelligible).
1768
1769 ROBINET: He hasn't moved at all.
1770
1771 STAR: (Unintelligible) stay inside.
1772
1773 ((END RECORDING))
1774
1775 BULLARD: 04:29:18. Can you tell what Officer Robinet says there?
1776
1777 MERCADAL: Yeah. Officer Robinet says "I don't see it," and that he hasn't moved at all.
1778 And I believe he's talking with Officer Trujillo back and forth.
1779
1780 ((RECORDING))
1781
1782 STAR: (Unintelligible). Thank you.
1783
1784 TRUJILLO: It's -
1785
1786 ROBINET: Right now -
1787
1788 TAYLER: You want to get him detained?
1789
1790 ((END RECORDING))
1791
1792 BULLARD: 04:29:25. What does Officer Tayler ask or say here?
1793

1794 MERCADAL: Officer Tayler asks do we want to get him detained. And so that basically
1795 means do we want to approach him while he's down and detain him or place
1796 him in our custody and care at that time.
1797
1798 ((RECORDING))
1799
1800 ROBINET: Not yet.
1801
1802 ((END RECORDING))
1803
1804 BULLARD: And I'm not sure if you can hear it there but what - what's Officer Robinet's
1805 reply to what Officer Tayler asks there?
1806
1807 MERCADAL: Officer Robinet says, "Not yet."
1808
1809 BULLARD: Can you explain why you did not make your approach of the downed suspect at
1810 this point with Officers Robinet, Tayler and Trujillo on scene with you?
1811
1812 MERCADAL: Yes. We began basically communicating and attempting to form a plan on how
1813 we will approach and what would be the best method to approach. At that time
1814 we're, you know, aware that additional resources are coming in and we're
1815 formulating a plan.
1816
1817 BULLARD: In referring to the Tactical Life Saver course that you took, can you articulate
1818 any lesson plans or materials from that course that you recall which would
1819 apply in this scenario as to why no approach of the suspect had been made to
1820 this point?
1821
1822 MERCADAL: Yes. I know specifically it was reiterated often that not to approach and render
1823 medical aid until the scene is safe and the scene is secure. Basically what that
1824 means is that if there's no longer a potential threat to the responding officers or
1825 emergency personnel who's there and at that time we still were unsure if the
1826 threat existed.
1827
1828 BULLARD: Okay. I've earmarked page 29 of the Tactical Life Saver course student guide.
1829 Will you please read aloud the highlighted portions?
1830
1831 MERCADAL: Beginning with Assessment Treating and Guidelines. "Tactical casualty care
1832 during law enforcement special operations is performed in three phases. The
1833 first is situational awareness and scene safety." And then in the first paragraph
1834 here it says, "In the first phase you are about to enter a tactical environment and
1835 a possible crime scene. Your safety is paramount and the possibility still exists
1836 that you or other officers at some point may come under hostile fire. The
1837 tactical medic must be - at all time be aware of the surroundings and any

1838 potential threats. The likelihood of having to draw your weapon and engage a
1839 suspect with deadly force is possible but extremely unlikely.” And then moving
1840 down to section one. Situational Awareness and Scene Safety. First bullet
1841 point, “Determine if you’re surroundings are free of immediate life threatening
1842 concerns.” Second bullet point, “Do not attempt to provide first aid if your own
1843 life is in imminent danger.”
1844
1845 BULLARD: Does this material that you just read aloud does it appear to be consistent with
1846 your training regarding the Tactical Life Saver course that you attended?
1847
1848 MERCADAL: Yes.
1849
1850 BULLARD: In your opinion would this information that you just read aloud apply in this
1851 incident on March 18, 2018?
1852
1853 MERCADAL: Yes, it would.
1854
1855 BULLARD: And why?
1856
1857 MERCADAL: As I - as it states here we need to determine if our surroundings are free from
1858 immediate life threatening concerns and to not attempt to provide first aid if
1859 your own life is in imminent danger. We were still under the belief that this
1860 person was armed with a firearm and that they still possibly had the firearm in
1861 their - in their hands and so it was not safe to approach at that time. And we
1862 were trying to determine the best tactical way to approach and when it would be
1863 appropriate to do so.
1864
1865 BULLARD: Have you been involved in or are you aware of any similar situations where law
1866 enforcement delayed their response for an immediate rescue of a suspect that
1867 law enforcement had shot or injured?
1868
1869 MERCADAL: Yes, I am aware of that, yes.
1870
1871 BULLARD: And any specific examples?
1872
1873 MERCADAL: Well, although I have not been a part of them up until this particular event
1874 throughout my law enforcement training I have received lot of - countless
1875 information regarding officer-involved shootings often active shooter situations
1876 in which officers will delay responding immediately up to a downed subject or
1877 suspect until they determine that the scene is safe. And that is always for officer
1878 safety and you know, making sure that you slow things down and you get the
1879 adequate resources you need to safely approach.
1880

1881 BULLARD: Are you aware of any incidents where law enforcement officers have been shot
1882 by a suspect that they were trying to rescue?
1883

1884 MERCADAL: Yes. I am aware of that. Also throughout my law enforcement career we've
1885 been told of numerous situations in which officers were fatally shot by rushing
1886 in to approach a downed subject and that person was lying in wait as what they
1887 call it basically pretending to be hurt or injured and then once the police officer
1888 gets close enough they ambush that person by - ambush was officer by shooting
1889 them at point-blank range. And so that definitely was a concern, although it
1890 was not voiced. That was a concern I believe was going on in all of our minds.
1891

1892 BULLARD: Okay. Now it appears that you as well as other officers here are staying at the
1893 northwest corner of [REDACTED] 29th Street as opposed to going out into the open area
1894 of the backyard. Can you explain why that is?
1895

1896 MERCADAL: Yes. That northwest corner was providing us cover. With - at least the side of
1897 the house provided a layer of cover and protection from us in case that very
1898 situation I just described as far as somebody laying in wait - lying in wait was to
1899 unfold.
1900

1901 ((RECORDING))
1902

1903 TAYLER: Got one (Unintelligible) by his face.
1904

1905 ROBINET: Three Sam five (unintelligible) before we detain him.
1906

1907 ((END RECORDING))
1908

1909 BULLARD: 04:29:40, are you able to make out at all what Officer Robinet is saying here?
1910

1911 MERCADAL: Yes, barely. What Officer Robinet is saying is that you know, we can't see the
1912 subject's hands. He still hasn't moved. And then he asks three Sam five, which
1913 is the on-duty sergeant or supervisor if he can head over this way and he can use
1914 a body bunker before we detain him. Now what a body bunker is, is it's like -
1915 it's a shield. So it's a shield that provides ballistic protection from bullets. And
1916 we were actually considering getting that out so we could safely approach.
1917 Because like I said before we were still under the belief that this person was
1918 armed with a firearm.
1919

1920 BULLARD: So to clarify, you recall at that time that Officer Robinet was actually making
1921 that request for the body bunker?
1922

1923 MERCADAL: Yes.
1924

1925 BULLARD: And you kind of indicated a little bit about a body bunker but can you just
1926 elaborate on what a body bunker or ballistic shield is. What it does.
1927
1928 MERCADAL: So ballistic shields like I said, they provided immediate protection for police
1929 officers or specialty officers heading into a situation where they encounter
1930 gunfire. So they can vary in size. They can be anywhere from, you know, two
1931 feet to four-and-a-half, 5 feet in - in length. And it's something that would help
1932 protect against gunfire.
1933
1934 BULLARD: Okay.
1935
1936 ((RECORDING))
1937
1938 MERCADAL: Hey, can you hear us? If you can hear us -
1939
1940 TAYLER: Police department, can you hear us?
1941
1942 TRUJILLO: We need to know if you're okay. We need to get you medics but we can't go
1943 over and get you help unless we know you're - you don't have a weapon.
1944
1945 ((END RECORDING))
1946
1947 BULLARD: 04:29:57. What's all being said right here?
1948
1949 MERCADAL: We're making attempts to communicate with the subject while he's down.
1950 Trying to determine if he can hear us if he's under medical distress and we want
1951 as Officer Trujillo said, to know if he has his weapon or if he can discard his
1952 weapon if he can hear us.
1953
1954 ((RECORDING))
1955
1956 ROBINET: Hey you guys, you good right here?
1957
1958 MERCADAL: I'm good here.
1959
1960 ROBINET: (Unintelligible). I'm going to go get (unintelligible).
1961
1962 MERCADAL: It's [REDACTED]. I think STAR put it out.
1963
1964 ROBINET: (Unintelligible), yeah. (Unintelligible).
1965
1966 MERCADAL: He put it out. He put it out.
1967
1968 TRUJILLO: Sir, can you move? Can you hear us?

1969
1970 ROBINET: (Unintelligible) hasn't moved.
1971
1972 MERCADAL: He came up and then he - he kind of approached us hands out and then -
1973
1974 ROBINET: Yeah, (unintelligible).
1975
1976 MERCADAL: - fell down.
1977
1978 ((END RECORDING))
1979
1980 BULLARD: 04:30:29, what are you saying right here?
1981
1982 MERCADAL: Talking with Officers Tayler, Trujillo and Robinet, we're trying to describe to
1983 them the incident that unfolded and, you know, where he's at. You know, we're
1984 telling him - telling them exactly what we saw and - and the events that
1985 unfolded.
1986
1987 ((RECORDING))
1988
1989 TRUJILLO: (Unintelligible) let's have the next unit (unintelligible).
1990
1991 ((END RECORDING))
1992
1993 BULLARD: 04:30:46 are you able to make out at all what Officer Trujillo is saying here?
1994 Do you recall what she says here?
1995
1996 MERCADAL: Yes. I know she talks about having the next unit when they come in to bring a
1997 non-lethal and that's a less than lethal option. Could be our less lethal shotgun.
1998 Could be we have a 40-millimeter weapon. We have a I'm sorry - a 40-milli-
1999 40-millimeter projectile that is - can be used for less lethal contact. And she
2000 brings that up be- just in case that the person is pretending or lying in wait and
2001 waiting for us to approach before he moves.
2002
2003 BULLARD: Ok- so to clarify what exactly is - what is a non-lethal?
2004
2005 MERCADAL: A non-lethal is I guess the best way to describe it would be a tool which would -
2006 could be a such as a - like, a drag stabilizing bean bag or some type of impact
2007 projectile that is used to - for pain compliance to not necessarily be used for
2008 deadly force but more for impacting force in order to gain compliance and to get
2009 a person to comply.
2010

2011 BULLARD: Think - I think you kind of explained this but I just want to make sure it's
2012 covered. Can you explain how a non-lethal or a less lethal shotgun would be
2013 applied in this setting?
2014

2015 MERCADAL: In this setting it would be applied to use a impact weapon or a projectile to hit
2016 the subject with that projectile to see if - if - if we get some kind of reaction or -
2017 or - or compliance from them to ensure that they are that they're not faking it.
2018

2019 BULLARD: I provided you with General Order 580.12 Less Lethal Weapon System,
2020 revision date 10-9-2012. Would you mind reading aloud the highlighted
2021 portions?
2022

2023 MERCADAL: Yes. Policy – it shall be the policy of the Sacramento Police Department to
2024 deploy and use less lethal weapon systems as instructed in department training
2025 in order to maximize the safety of all individuals involved in the incident. A)
2026 Definitions 1) flexible baton round bean bag: A less lethal 2 3/4 12-gauge
2027 shotgun. The shotgun round firing a Kevlar bag containing 40 grams of lead
2028 shot at a velocity of 280 feet per second. The drag stabilize projectile delivers
2029 112 feet pounds of - foot of pounds of energy on impact. Flexible baton rounds
2030 are discharged from a dedicated 12-gauge shotgun that is distinguishable by an
2031 orange buttstock and fore grip. This round provides accurate and effective
2032 performance when fired from the approved distance of not less than 5 feet but
2033 not more than 50 feet from the target. Section C Deployment Criteria: Less
2034 lethal weapon systems shall only be used in the manner that's consistent with
2035 department policy and training guidelines. #5 officers shall not deploy a less
2036 lethal weapon system unless specific information reasonably indicates the
2037 potential for the system's use. The circumstances for each incident shall dictate
2038 the reasonableness for the deployment. Section E Use of Less Lethal Weapons
2039 #1: Use of a less lethal weapon system shall be consistent with General Order
2040 580.02 Use of Force. # 5: Situations for use of the less lethal weapon systems
2041 may include but are not limited to A) self-destructive, dangerous and/or
2042 combative individuals and C) circumstances where a tactical advantage can be
2043 obtained. Section F Tactical Considerations: If possible when a less lethal
2044 weapon system is to be utilized a sufficient number of officers should be
2045 assembled to assist with the physical custody of the targeted subject. The
2046 number of additional officers and their responsibilities shall be dictated by the
2047 dynamics of the incident. And then under that same section # 2: Unless
2048 extraordinary circumstances exist considerations should be given to the
2049 following responsibilities. A) Deploying officers: At least one officer to dep- to
2050 discharge the less lethal weapon system. Multiple officers with less lethal
2051 weapon systems may be utilized in a single incident. The use of a canine and
2052 the conductive energy device may also be appropriate in concert with less lethal
2053 weapon systems. B) Protection of officers: A sufficient number of officers
2054 prepared to deliver appropriate force cover options given the immediate

2055 circumstances. C) Custody officers: A sufficient number of officers who are
2056 responsible for handcuffing and restraining the subject. 3: Under exigent
2057 circumstances nothing in this order shall prohibit an officer from deploying and
2058 discharging a less lethal weapon system without requesting authorization or
2059 having the presence of additional officers.
2060

2061 BULLARD: Even though the less lethal shotgun was not actually deployed or used during
2062 this incident, it was considered. After reviewing that General Order that you
2063 just read, do you feel this incident on March 18, 2018 would've been a practical
2064 use for it at any point?
2065

2066 MERCADAL: Yes.
2067

2068 BULLARD: Can you explain why?
2069

2070 MERCADAL: It would've - it would not have been practical prior to this incident because at
2071 the time it was unknown that we would be dealing with a combative or a
2072 threatening subject or individual. Once we had adequate resources where it
2073 went from just two officers and it increased to four, there were adequate
2074 resources to deploy it at that time because you had a number of officers that
2075 would form as your arrest team or contact team - the person who would go put
2076 their hands on the person and physically detain them, a person who would serve
2077 as a lethal cover basically provide, they would have their firearm ready in case
2078 they needed to protect from any lethal threat that presented itself. You'd have
2079 the person deploying the less lethal option. And you could possibly have
2080 another less lethal option whether it be your Taser which is referred to as a
2081 conductive energy device.
2082

2083 BULLARD: The helicopter Air Unit STAR was on scene throughout the entirety of this
2084 incident, correct?
2085

2086 MERCADAL: Yes.
2087

2088 BULLARD: Did you consider asking the Air Unit to visually verify if the suspect was still
2089 armed or a threat while you were waiting?
2090

2091 MERCADAL: At the time, no we did not think of that. We did not consider it. One of the
2092 factors - it's unclear from the video or the body cam footage. But the sheriff's
2093 department helicopter that was orbiting was giving a lot of broadcast over the
2094 radio. And I could hear that in my earpiece. There was constant
2095 communication and transmission from him. In addition to that I, you know, I'm
2096 not an expert on the technology used by the helicopter. But I - I don't believe
2097 that they can see objects such as that.
2098

2099 BULLARD: So my follow-up question to you there was do you feel that the air unit could've
2100 realistically verified if the suspect was still armed or a threat where as a result
2101 you could make a safe approach at that point?
2102
2103 MERCADAL: No I did not believe so.
2104
2105 ((RECORDING))
2106
2107 MERCADAL: And uh -
2108
2109 TAYLER: You want to put that out?
2110
2111 MERCADAL: What?
2112
2113 TAYLER: When they're done?
2114
2115 TRUJILLO: Hey.
2116
2117 ROBINET: Hey. Go get a non-lethal.
2118
2119 TRUJILLO: Go back -
2120
2121 ROBINET: Oh, hey Sarge.
2122
2123 MORRIS: Hey I don't have (unintelligible).
2124
2125 TAYLER: There's one in our car.
2126
2127 (Crosstalk)
2128
2129 ((END RECORDING))
2130
2131 BULLARD: 04:31:16 here, Sergeant Morris, 3 Sam 5 appears to arrive on scene. Do you
2132 recall what he says there when he first arrives?
2133
2134 MERCADAL: Initially I - I didn't realize it was him. But I later realized he said that he didn't
2135 have a bunker and that we're just going to have to go in.
2136
2137 BULLARD: And - and as far as not having a bunker meaning a body bunker?
2138
2139 MERCADAL: Yes. He did not have a body bunker or ballistic shield.
2140
2141 ((RECORDING))
2142

2143 ROBINET: Let's get a non-lethal.
2144
2145 MORRIS: What?
2146
2147 ROBINET: Let's get a nonlethal. Hit him a couple times with that
2148
2149 TRUJILLO: (Unintelligible).
2150
2151 ((END RECORDING))
2152
2153 BULLARD: 04:31:23 can you tell or do you recall what Officer Robinet is saying here?
2154
2155 MERCADAL: Yeah. Officer Robinet's saying, "Let's get a non-lethal," again referring to the
2156 less lethal options that are available and actually hit him or deploy the less lethal
2157 options at him a couple of times before we approach.
2158
2159 BULLARD: At the suspect?
2160
2161 MERCADAL: Yes, at the suspect.
2162
2163 BULLARD: And can you explain why that would be considered?
2164
2165 MERCADAL: Kind of what I mentioned before, used as a pain compliance. It wouldn't be
2166 reasonable to use further deadly force unless there was a potential - any - like,
2167 an immediate threat that we - we could see. So the idea behind that was to use a
2168 less lethal option to gain compliance to get a reaction.
2169
2170 BULLARD: Are you aware of other incidents in which a less lethal shotgun was utilized in
2171 the manner that's being referred to here?
2172
2173 MERCADAL: Yes I am aware of other incidents.
2174
2175 BULLARD: Any specifics that you're able to recall?
2176
2177 MERCADAL: Specifically there have - has been other occasions and it'd be situations similar
2178 to this in which a less lethal option is used and - whether that be canine or a
2179 Taser or a bean bag to try and gain compliance from the individual that's down
2180 and possibly still armed.
2181
2182 ((RECORDING))
2183
2184 MERCADAL: We can't see his left hand.
2185
2186 ((END RECORDING))

2187
2188 BULLARD: 04:31:26 here. What did you say there?
2189
2190 MERCADAL: I was communicating that to Sergeant Morris that we can't see his left hand.
2191 Basically I didn't even know that there was still a potential threat.
2192
2193 ((RECORDING))
2194
2195 TRUJILLO: I'll just grab it (unintelligible)?
2196
2197 MORRIS: What did he have on him?
2198
2199 ((END RECORDING))
2200
2201 BULLARD: 04:31:31. What did Sergeant Morris ask here?
2202
2203 MERCADAL: He asked, "What did he have on him?" I believe he's asking like, what type of
2204 weapon did he have?
2205
2206 BULLARD: The suspect?
2207
2208 MERCADAL: The suspect, yes.
2209
2210 ((RECORDING))
2211
2212 ROBINET: Like, this - something in his hands, it looked like a gun from our perspective.
2213
2214 ((END RECORDING))
2215
2216 BULLARD: 04:31:37. What did Officer Robinet say here?
2217
2218 MERCADAL: Officer Robinet said like this something in his hands looked like a gun from our
2219 perspective.
2220
2221 BULLARD: Could you see what if anything Officer Robinet was demonstrating to Sergeant
2222 Morris there?
2223
2224 MERCADAL: Out of the corner of my eye, Officer Robinet was demonstrating with his, his
2225 hands. He was forming a gun shape with his - both of his hands and his index
2226 fingers and extending his arms outward.
2227
2228 BULLARD: To this point can you explain your reasons for not approaching the suspect now
2229 that Sergeant Morris is on scene?
2230

2231 MERCADAL: We were basically doing a - a - a quick brief to Sergeant Morris about the
2232 circumstances what we perceived to currently be the situation so giving him the
2233 information he needed to make a decision as the supervisor.
2234
2235 BULLARD: At the time did you have any concerns about potential - about the potential of
2236 additional suspects?
2237
2238 MERCADAL: Yes. That was always a consideration. There are a lot of unknowns. And we
2239 didn't know where we were and if the scene was safe for us to approach.
2240
2241 ((RECORDING))
2242
2243 MERCADAL: You guys ready?
2244
2245 ((END RECORDING))
2246
2247 BULLARD: 04:31:45. What did you say here?
2248
2249 MERCADAL: I said, "You guys ready?" Basically are we ready to approach because I'd seen
2250 the officers moving to get into position. They began moving forward.
2251
2252 ((RECORDING))
2253
2254 Man: Ready?
2255
2256 MERCADAL: Let's go.
2257
2258 ((END RECORDING))
2259
2260 BULLARD: 04:31:50. What did you say there?
2261
2262 MERCADAL: "Let's go," was the - let's approach.
2263
2264 BULLARD: Let's approa -
2265
2266 MERCADAL: Let's approach
2267
2268 BULLARD: - meaning let's approach?
2269
2270 MERCADAL: Let's approach the subject.
2271
2272 BULLARD: So at this point what are you doing here at this point then in the video?
2273

2274 MERCADAL: In the video we are making a - a tactical approach. Basically it's just a slow
2275 approach. We have our - or at least I have my firearm out and drawn I believe.
2276 Well I - I don't know what - everyone was doing behind me. I was focusing
2277 down on the downed subject and so we were just making a slow progressive
2278 approach towards him.
2279

2280 BULLARD: To your knowledge during this approach do you know whether or not a body
2281 bunker or any kind of less lethal weapon was being deployed and used for this
2282 approach?
2283

2284 MERCADAL: I don't know. I - I kept my attention focused towards the suspect. But we did
2285 not have a body bunker.
2286

2287 BULLARD: Do you recall if a decision was made by anyone as to why the approach of the
2288 suspect was being made at this time?
2289

2290 MERCADAL: No. I just recall that Sergeant Morris was the supervisor and being the ranking
2291 officer he told us, "Let's go," and began a - a moving and approach. And I
2292 followed his instruction.
2293

2294 BULLARD: Do you recall if any kind of plan as to who would be designated as cover
2295 officers, hands officers, less lethal options or anything like that prior to your
2296 approach?
2297

2298 MERCADAL: As we're making our approach, Officer Robinet mentions, "One of you guys
2299 needs to go hands." And basically that means needs to be the person to put your
2300 hands on the suspect and detain him. And I had said that I will be that person
2301 by saying, "I'll cuff."
2302

2303 BULLARD: But as far as just prior to your approach was any kind of plan made as far as
2304 who was designated for which duties at all for this approach? Do you recall?
2305

2306 MERCADAL: I do not recall that.
2307

2308 BULLARD: Okay.
2309

2310 ((RECORDING))
2311

2312 ROBINET: Hey one of you guys want to go hands cover him (unintelligible)
2313

2314 ((END RECORDING))
2315

2316 BULLARD: 04:31:58. It's kind of hard to see here but it looks like Sergeant Morris appears
2317 to - make physical contact with the suspect here. Is that correct?

2318
2319 MERCADAL: Yes.
2320
2321 BULLARD: Ok
2322
2323 ((RECORDING))
2324
2325 MERCADAL: I'll cuff.
2326
2327 TAYLER: Waistband?
2328
2329 MORRIS: Yeah. We need to start CPR.
2330
2331 ((END RECORDING))
2332
2333 BULLARD: 04:32:07. Sergeant Morris, Officer Tayler and you appear to physically contact
2334 and search the suspect. Is that correct?
2335
2336 MERCADAL: Yes.
2337
2338 BULLARD: And what did you say there?
2339
2340 MERCADAL: "I'll cuff," I believe is what I said.
2341
2342 BULLARD: Okay. And what does that mean?
2343
2344 MERCADAL: I will put my handcuffs on the person to fully detain him.
2345
2346 BULLARD: Ok- and did you handcuff the suspect?
2347
2348 MERCADAL: Yes.
2349
2350 BULLARD: And what was the reason - you said to detain him. Was there a reason why he
2351 was being handcuffed?
2352
2353 MERCADAL: Still dealing with the unknown. If there was a - a firearm on his person or
2354 underneath him or in the - the immediate - immediate vicinity so placing the
2355 handcuffs is basically putting this person into custody so that he's no longer a
2356 immediate threat.
2357
2358 ((RECORDING))
2359
2360 Man: (Unintelligible).
2361

2362 TAYLER: Light.
2363
2364 Man: (Unintelligible).
2365
2366 TAYLER: Give me a light.
2367
2368 MERCADAL: All right. All right.
2369
2370 ((END RECORDING))
2371
2372 BULLARD: What did Officer Tayler ask you to do here?
2373
2374 MERCADAL: To give me his light. So basically Officer Tayler was putting on his latex
2375 gloves for protection and he wanted light so he can help see what he was doing.
2376
2377 BULLARD: So what were you doing then when - when he asked that?
2378
2379 MERCADAL: I was giving him the light that he asked for.
2380
2381 BULLARD: How were you doing that?
2382
2383 MERCADAL: I was using my flashlight and just illuminating first of all if we're going to be
2384 performing CPR I was using my light to illuminate the suspect that was down
2385 and then also illuminate the area so Officer Tayler could apply his latex gloves.
2386
2387 ((RECORDING))
2388
2389 TAYLER: Hey man.
2390
2391 MERCADAL: Let me get my gloves on.
2392
2393 TAYLER: Shine your light right -
2394
2395 ((END RECORDING))
2396
2397 BULLARD: 04:32:42. So on page 5 of your statement you indicated you had a tourniquet on
2398 your person as part of your equipment, correct?
2399
2400 MERCADAL: Yes.
2401
2402 BULLARD: Was there a reason at this point that you did not assist in performing CPR with
2403 either rescue breathing, chest compressions, checking vitals or applying a
2404 tourniquet to the suspect at this time?
2405

2406 MERCADAL: Yes. I applied my - actually applied my - was in the process of applying my
2407 latex gloves and then I was directed I later found out I believe it was Sergeant
2408 Morris to, "Hey go get your rescue mask," or I was directed by someone to go
2409 get my rescue mask. And so which is typically required to administer CPR. So
2410 I was in the process of going to get that. At some point I heard somebody else
2411 saying, "I have my CPR or rescue mask." And they were proceeding towards
2412 the back yard to basically take the position I was gonna have.
2413

2414 BULLARD: Now at this point here on the video you had verbalized that, "Let me get my
2415 gloves on." Is that correct?
2416

2417 MERCADAL: Yes.
2418

2419 BULLARD: Now what's the purpose of getting your gloves on?
2420

2421 MERCADAL: Putting my gloves on obviously once we made a - an approach we saw that the
2422 individual's actively bleeding. For, you know, protection from blood and the
2423 risk of disease that sometimes comes from it you apply your latex gloves for
2424 personal safety. It's part of your personal protective equipment.
2425

2426 BULLARD: Based on your training and experience do emergency first responders such as
2427 fire or medics or hospital staff typically treat any kind of patient without first
2428 putting on latex or rubber gloves?
2429

2430 MERCADAL: No.
2431

2432 ((RECORDING))
2433

2434 MORRIS: Mercadal.
2435

2436 MERCADAL: We're gonna need -
2437

2438 ((END RECORDING))
2439

2440 BULLARD: At 04:32 we'll call it 47 here, do you recall Sergeant Morris calling out to you?
2441

2442 MERCADAL: I don't recall if it was Sergeant Morris. I just remember somebody calling out
2443 to me and saying, "Hey come over here," along with, you know, "Go get your
2444 rescue mask."
2445

2446 BULLARD: I'll play it again here.
2447

2448 MERCADAL: Okay.
2449

2450 ((RECORDING))

2451

2452 MERCADAL: We're gonna need uh CPR stuff.

2453

2454 Man: (Unintelligible).

2455

2456 MERCADAL: Let me get my gloves on.

2457

2458 TAYLER: Shine your light right -

2459

2460 MORRIS: Mercadal.

2461

2462 ((END RECORDING))

2463

2464 BULLARD: So right there 04:32:44 do you hear any- anything about anybody calling out to
2465 you at all?

2466

2467 MERCADAL: From the body-worn camera I do hear it. At the time? I didn't hear my name
2468 called. At that time of the incident I'm focused on Tayler, putting my gloves on
2469 and getting ready to begin CPR.

2470

2471 BULLARD: So y- you didn't recall your name being called -

2472

2473 MERCADAL: Right.

2474

2475 BULLARD: at that time?

2476

2477 MERCADAL: At that time.

2478

2479 BULLARD: But when watching it now -

2480

2481 MERCADAL: Yes I hear it now.

2482

2483 BULLARD: - it's apparent that your name's getting called?

2484

2485 MERCADAL: Yes.

2486

2487 BULLARD: I got you.

2488

2489 ((RECORDING))

2490

2491 MERCADAL: We're gonna uh need CPR stuff.

2492

2493 ((END RECORDING))

2494
2495 BULLARD: 04:32:48. What is it that you said there?
2496
2497 MERCADAL: "We're gonna need CPR stuff," so we can begin performing CPR.
2498
2499 ((RECORDING))
2500
2501 Man: (Unintelligible).
2502
2503 MORRIS: Want to go get your mask for us?
2504
2505 MERCADAL: Mask? That's my light.
2506
2507 MORRIS: (unintelligible).
2508
2509 ((END RECORDING))
2510
2511 BULLARD: 04:32:56. What was being said here between you and Sergeant Morris?
2512
2513 MERCADAL: "You - you want to go get your mask for us." Which I knew that my rescue
2514 mask was in my patrol car which was down the street on 29th Street. Yes.
2515
2516 ((RECORDING))
2517
2518 Man: (Unintelligible).
2519
2520 MORRIS: Can you bring a mask?
2521
2522 MERCADAL: Rescue mask? Rescue mask for CPR?
2523
2524 ((END RECORDING))
2525
2526 BULLARD: 04:33:06 what's happening here?
2527
2528 MERCADAL: There's multiple officers responding to the scene. I'm advising them that we
2529 need a rescue mask and saying, "Hey, you know, get your rescue mask for
2530 CPR."
2531
2532 BULLARD: Okay. And what - what is a rescue mask?
2533
2534 MERCADAL: A rescue mask is basically a - a plastic seal which is commonly used in CPR
2535 that goes over the nose and mouth of a injured party and injured individual and
2536 it's used to give what they call rescue life breaths into their lungs so that you

2537 can help get them going. But also it helps prevent cross-contamination from the
2538 rescuer and the down person.
2539
2540 BULLARD: And you had indicated earlier you believed that your rescue mask was in your
2541 vehicle at the time?
2542
2543 MERCADAL: Yes.
2544
2545 BULLARD: Okay. And is that typically where you would keep your rescue mask at that
2546 time?
2547
2548 MERCADAL: Yes.
2549
2550 BULLARD: Okay.
2551
2552 ((RECORDING))
2553
2554 MERCADAL: Five seven why don't you go ahead and code four the beeper please.
2555
2556 Man: (Unintelligible).
2557
2558 ((END RECORDING))
2559
2560 BULLARD: 04:33:10. What is it that you voice right here or verbalized here?
2561
2562 MERCADAL: So whenever any critical incident is ongoing the dis- the radio or the dispatcher
2563 will initiate a beeper. It's basically a - a - a high pitched tone that intermittently
2564 goes off on the radio and that's indicated that officers are in a priority situation
2565 and that they have - unless you're directly involved in it you don't have priority
2566 to talk on the radio. And so that beeper is - as it's commonly referred to was
2567 constantly going off and seeing how the situation was no longer active and - and
2568 fluid I told him to go ahead and turn the beeper off. It's something we
2569 commonly do.
2570
2571 BULLARD: Okay. Did you end up retrieving your rescue mask?
2572
2573 MERCADAL: I did not.
2574
2575 BULLARD: Do you recall the reason why?
2576
2577 MERCADAL: As I was walking out of the yard I recall somebody else saying, "I got it," and
2578 somebody heading back to assist with CPR. And then also I kind of recall it
2579 being - everything kind of gathering and - and being instructed to kind of stay
2580 there in the front of the house.

2581
2582 BULLARD: Okay.
2583
2584 ((RECORDING))
2585
2586 LUNDGREN: - need a rescue mask.
2587
2588 Man: (unintelligible) back there?
2589
2590 MERCADAL: Uh no we need a -
2591
2592 Man: Hey, mute.
2593
2594 ((END RECORDING))
2595
2596 BULLARD: 04:33:36 here. What is happening here at this point?
2597
2598 MERCADAL: Officer Robinet and I are approached by it appears to be Officer Lundgren there
2599 in which he's asking, "Hey are you guys all right?" We - I believe somebody
2600 says, "Hey mute," in which we were instructed to mute our body-worn cameras.
2601
2602 BULLARD: Do you recall which officer said, "Mute?"
2603
2604 MERCADAL: Possibly Officer Lundgren. I - I don't recall.
2605
2606 BULLARD: Okay. Want to take a break?
2607
2608 DAVIS: Sure.
2609
2610 BULLARD: Okay. Take a break at 1634.
2611
2612 -BREAK-
2613
2614 BULLARD: Okay. It's 1639 hours. And so just to get this on the record referring earlier as I
2615 indicated the materials provided to you during our first break I provided you a
2616 19-second video clip of Sergeant Morris' body-worn camera video from this
2617 incident. Is that correct?
2618
2619 MERCADAL: Yes.
2620
2621 BULLARD: And did you have time - you and your representative - time to review that
2622 video?
2623
2624 MERCADAL: Yes.

2625
2626 BULLARD: Okay. At 04:33:38 on your body-worn camera it mutes here. Is that correct?
2627
2628 MERCADAL: Yes.
2629
2630 BULLARD: And can you recall the reason for muting your body camera at this time?
2631
2632 MERCADAL: Yes. The officers that were there - Officer Lundgren I - I believe being one of
2633 them wanted to just check on our welfare. And our prior training that we were
2634 provided on the body-worn camera was anything that is not directly pertaining
2635 to investigation - so for instance private con - personal conversations you are to
2636 mute your body camera. And that's all we did there was those officers asked if
2637 we're okay and how we're doing.
2638
2639 BULLARD: Pausing at 04:33:53. It appears as though Officer Robinet is pointing towards
2640 the back yard of [REDACTED] 29th Street with Officer Lundgren going in that direction.
2641 Can you describe or do you recall what was said there?
2642
2643 MERCADAL: I think he basically asked where was everything and we just pointed. Officer
2644 Robinet - I'm sorry - pointed to that direction. He was just checking to see if
2645 we were okay. That was it. Just personally am I doing all right? Is Officer
2646 Robinet doing all right?
2647
2648 BULLARD: Okay. Play, we'll keep playing here. So pausing at 04:34:10 it appears that
2649 from this point forward that you, Officer Robinet and Sergeant Morris are out in
2650 front of [REDACTED] 29th Street, correct?
2651
2652 MERCADAL: Yes.
2653
2654 BULLARD: And do you recall what kind of conversation if any was had between all of you?
2655
2656 MERCADAL: I believe we had what's - what's called a - a public safety statement or he's just
2657 asking first if we're okay and then he asks pertinent information like you know,
2658 "Did you sh- how many times did you shoot and what direction did you shoot
2659 at?"
2660
2661 BULLARD: And I'll fast-forward a bit here. Your video stays muted throughout the
2662 duration until it turns off here, correct?
2663
2664 MERCADAL: Yes.
2665
2666 BULLARD: Okay. 04:35:47 your body-worn camera video stops, correct?
2667
2668 MERCADAL: Yes.

2669
2670 BULLARD: And do you recall the reason at that time why you had turned off your body-
2671 worn camera?
2672
2673 MERCADAL: Sergeant Morris had directed us to verbally and then also motioned to turn it
2674 off.
2675
2676 BULLARD: Okay.
2677
2678 MERCADAL: Deactivate.
2679
2680 BULLARD: And I'm gonna refer to the video - the 19-second clip from Sergeant Morris's
2681 body-worn camera video that we'll start up here. And it appears to start at time-
2682 stamp 04:34:22.
2683
2684 ((RECORDING))
2685
2686 MORRIS: (Unintelligible) how many rounds did you fire?
2687
2688 MERCADAL: I think, maybe - maybe six, maybe five or six.
2689
2690 MORRIS: In that direction?
2691
2692 MERCADAL: Yeah. Hang on I gotta (unintelligible).
2693
2694 MORRIS: That's all right, it's all right. Don't wor -
2695
2696 ((END RECORDING))
2697
2698 BULLARD: So referring to this video clip here what is being said here between you and Sgt.
2699 Morris?
2700
2701 MERCADAL: He's asking like I said, before the public safety statement, how many rounds did
2702 I shoot and what direction did I shoot them at.
2703
2704 BULLARD: And what did you tell Sgt. Morris in relation to that?
2705
2706 MERCADAL: I just said five, five or six is what I believed at the time.
2707
2708 BULLARD: As to how many rounds you believed that you fired?
2709
2710 MERCADAL: Yes.
2711
2712 BULLARD: Okay. Referring to page ten of your statement to homicide detectives.

2713
2714 MERCADAL: Okay.
2715
2716 BULLARD: You stated, "I believed we were being fired upon and I believe I fired what, ten
2717 times." Is that correct?
2718
2719 MERCADAL: Yes.
2720
2721 BULLARD: Okay, referring to the round count form that I provided you with.
2722
2723 MERCADAL: Mm-hm.
2724
2725 BULLARD: A round count was conducted by homicide investigators with you correct?
2726
2727 MERCADAL: Yes.
2728
2729 BULLARD: And this round count was done prior to your actual interview with homicide
2730 detectives?
2731
2732 MERCADAL: Yes.
2733
2734 BULLARD: And it was determined in that round count that your firearm was missing ten
2735 live rounds of ammunition which would indicate you fired ten rounds correct?
2736
2737 MERCADAL: Correct.
2738
2739 BULLARD: Okay based on your statement to homicide where you said you believed you
2740 fired ten times, were you indicating how many rounds you became aware of that
2741 you fired at the time of the interview or were you referencing your memory at
2742 the time of the shooting which would've been different as to what you told Sgt.
2743 Morris at the time?
2744
2745 MERCADAL: To answer your question it was with regards to the amount of rounds that I
2746 became aware of that I fired and that was after the round count. Obviously at
2747 the time I made this statement to Sgt. Morris, I was stressed and I had perceived
2748 that I had only fired five or six shots.
2749
2750 BULLARD: Based on your training and experience can you explain why that discrepancy
2751 might be where you initially thought or you believed that you fired five to six
2752 times but you had actually fired more than that?
2753
2754 MERCADAL: Yes, so based on my training experience often there are physical and
2755 physiological changes that occur during a critical incident basically stress and
2756 that stress can have a lot of effects and some of those effects are misperception

2757 of time and short term memory losses in terms of the actual events as they
2758 unfolded.
2759
2760 BULLARD: Okay, would you consider this incident a very stressful situation?
2761
2762 MERCADAL: Yes.
2763
2764 BULLARD: I provided you with General Order 525.07 Body Worn Camera, Revision Date
2765 4-26-2017. Would you mind reading aloud the highlighted portions?
2766
2767 MERCADAL: Yes, policy, it shall be the policy of the Sacramento Police Department to utilize
2768 the body worn camera in a manner that will assist in criminal prosecutions or
2769 civil litigation by providing a recording of incident that may supplement an
2770 employee's report and help document professional police conduct. Under
2771 Procedure A General, 1. Officers issued a body worn camera are required to
2772 wear and use their body worn cameras while working in uniform. Uniform is to
2773 be considered the standard uniform as well as any apparel. For example tactical
2774 or raid vests that identifies the wearer as a police officer. Body worn camera
2775 video provides additional information regarding an investigative or enforcement
2776 contact with a member of the public as body worn camera recordings provide
2777 only limited perspective of the encounter all other available evidence such as
2778 witness statements, officer interviews, forensic analysis, and document - and
2779 documentary evidence should be considered before any conclusions are
2780 reached. Body worn cameras should assist in the following: A. Documenting
2781 an initial police response. Under Section B, Employee Responsibility. Number
2782 2, employees assigned the body worn camera shall affix their body worn
2783 cameras to their uniforms at the beginning of their shift in accordance with
2784 training and the manufacturer's guidelines. The body worn camera shall be
2785 worn for the entire shift. Under Section C Required activation of the body worn
2786 camera. Number 1, this policy is not intended to describe every possible
2787 situation which the body worn camera should be utilized, not all situations will
2788 clearly start out as necessitating the activation of the body worn camera, nor
2789 will all events have a clear ending when the body worn camera is no longer
2790 necessary. Number 3, Employees shall activate their body worn cameras during
2791 any enforcement or investigative activity whether self-initiated or in response to
2792 a dispatched call. Examples include but are not limited to the following;
2793 Section C when conducting pedestrian or vehicle contacts. D, while responding
2794 to any in progress or just occ- just occurred or any other call for service in
2795 which the fleeing suspect and/or vehicles may be captured leaving the crime
2796 scene. E, when responding to calls reportedly involving weapons or violence,
2797 G, when pursuing a suspect on foot, H, during code three responses including
2798 vehicle pursuits regardless of whether the vehicle is equipped with an in car
2799 camera system, I, while executing searches of individuals, vehicles, buildings
2800 and other places and then K, when conducting arrest, detentions and citations.

2801 And then Section D, deactivation of the body worn camera, 1, except as listed
2802 below once activated officers shall not deactivate their body worn cameras until
2803 the investigative or enforcement activity involving a member of the public has
2804 reasonably concluded. If enforcement or investigative activity with a member
2805 of the public resumes, officers shall reactivate the body worn camera and
2806 continue recording. Employees may deactivate the body worn camera at any
2807 time based on their discretion in the following circumstances, A, when the
2808 employee is discussing tactical or confidential information with other law
2809 enforcement personnel, during briefings or other conversations with
2810 confidential informants. C, when it is necessary to discuss issues or concerns
2811 with an employee, supervisor, doctor, nurse or paramedic in private. Number 3,
2812 details regarding the reason for deactivation should be recorded and
2813 documented when appropriate.

2814
2815 BULLARD: In reviewing this incident regarding your body worn camera and its use on
2816 March 18, 2018, do you feel you complied with or violated this general order?
2817

2818 MERCADAL: Complied with.
2819

2820 BULLARD: Can you explain why?
2821

2822 MERCADAL: Yes, and that specifically as it talks to the activation of the body worn camera
2823 was activated at the beginning of basically the start of the call for service for
2824 Officer Robinet and myself which is when we first got out of our patrol vehicles
2825 and contacted the complainant all the way up until the end of the conclusion of
2826 my involvement in the investigation. The body worn camera was muted and it
2827 falls under Section D, Deactivation of the Body Worn Camera. Employees may
2828 deactivate the body worn camera any time based on the discretion in the
2829 following circumstances when the employees discussing tactical or confidential
2830 information with other law enforcement personnel. And so at that time it was
2831 muted because Officer Lundgren was asking our wellbeing and that was
2832 confidential information, just asking what we were doing how we're doing in
2833 regards to our - our wellbeing.
2834

2835 BULLARD: You - you had mentioned that muting would be under the deactivation portion
2836 of the body worn camera that - that was addressed there, is that correct?
2837

2838 MERCADAL: That's correct although it does not say a - muting at the time of this general
2839 order and I - and I apologize because muting is not listed under here but at the
2840 time muting was not deemed deactivating.
2841

2842 BULLARD: So the follow up question, are you aware of anything in that policy that you read
2843 from that time that addressed muting?
2844

2845 MERCADAL: No.
2846
2847 BULLARD: And for the record in reviewing body worn camera footage from this incident
2848 approximately four minutes and fifty-seven seconds elapsed between your -
2849 when yours and Officer Robinet's gunfire ceased to the point officers first made
2850 physical contact with the suspect, Stephon Clark. Approximately fifty-nine
2851 seconds after that officers began CPR on Clark, does that sound accurate?
2852
2853 MERCADAL: Yes.
2854
2855 BULLARD: In your opinion do you feel it was reasonable to wait that amount of time up to
2856 when officers made contact with Clark to render first aid?
2857
2858 MERCADAL: Yes.
2859
2860 BULLARD: Why?
2861
2862 MERCADAL: As I stated before we were formulating a plan trying to determine if the scene
2863 was safe and from our - the information, the limited information we had the
2864 scene was not safe to approach.
2865
2866 BULLARD: Okay. I provided General Order 522.02 Emergency Care for Individuals Under
2867 Police Care or Control, Revision date 5/16/2017. Would you please read aloud
2868 the highlighted portions of policy in Section A, 1 and 2?
2869
2870 MERCADAL: It shall be the policy of the Sacramento Police Department to provide
2871 emergency medical treatment to individuals under police care and control while
2872 ensuring their safety and that of others during treatment. Number 1, officers
2873 having any doubt concerning a person's condition shall request emergency
2874 assistance. 2, officers shall provide first aid to injured parties if it can be done
2875 safely.
2876
2877 BULLARD: In your opinion when was the suspect under police care or control as stated in
2878 General Order 522.02?
2879
2880 MERCADAL: As soon as they became under our control when we physically touched him
2881 and-
2882
2883 BULLARD: So when the - when the suspect was first physically con- controlled or
2884 contacted-
2885
2886 MERCADAL: Controlled, yes.
2887
2888 BULLARD: - by our officers?

2889
2890 MERCADAL: Yes.
2891
2892 BULLARD: Okay, in your opinion do you feel you were able to provide first aid to the
2893 suspect safely as stated in Section A, Subsection 2 any sooner than when you
2894 made your eventual approach of the downed suspect?
2895
2896 MERCADAL: No.
2897
2898 BULLARD: And again your reasoning as to why.
2899
2900 MERCADAL: Based off of the information that we had and the - the circumstances of the
2901 event we determined the scene was not safe to approach.
2902
2903 BULLARD: In your opinion do you feel you complied with or violated General Order
2904 522.02 and why?
2905
2906 MERCADAL: Complied with, because as it states here, "Officers shall provide first aid to
2907 injured parties if it can be done safely." The issue that for us was that ensuring
2908 that we could provide medical aid safely and that was something we were trying
2909 to establish so that we can go apply that medical aid.
2910
2911 BULLARD: Would it have been reasonable to direct fire medics to enter the scene and
2912 medically treat the suspect prior to officers safely securing the scene and
2913 arresting or detaining the suspect?
2914
2915 MERCADAL: No, emergency personnel, emergency medical personnel will not approach a
2916 situation if the scene is not safe or secure for them to enter and do their work.
2917
2918 BULLARD: Okay. In your opinion do you feel your actions regarding this officer involved
2919 shooting on March 18, 2018 would be considered a neglect of duty?
2920
2921 MERCADAL: No.
2922
2923 BULLARD: And why not?
2924
2925 MERCADAL: I was using the training that I was provided throughout my law enforcement
2926 career to develop the best plan in - in which to deliver medical aid, medical
2927 assistance and a resounding theme with all that training is to make sure that it
2928 could be done safely and securely.
2929
2930 BULLARD: Regarding the decision - your decision to delay in the amount of time you did in
2931 approaching and treating the suspect in your opinion do you feel your actions
2932 pertaining to that would be considered a neglect of duty?

2933
2934 MERCADAL: No.
2935
2936 BULLARD: And again why not?
2937
2938 MERCADAL: Again following the training and the set of facts and circumstances that we had
2939 at the time of that incident, we were doing the best we could to make sure that
2940 we were putting our safety and the safety of the other officers first before we
2941 went and applied medical care.
2942
2943 BULLARD: Did you know Stephon Clark prior to this incident?
2944
2945 MERCADAL: No.
2946
2947 BULLARD: To your knowledge, had you ever had any interactions or dealings with Stephon
2948 Clark prior to this incident?
2949
2950 MERCADAL: No.
2951
2952 BULLARD: Did you have any reason to know that the fleeing suspect who eventually was
2953 Mr. Clark, was running into a family member's backyard at [REDACTED] 29th Street
2954 just prior to the shooting?
2955
2956 MERCADAL: No, we - we had no information about that.
2957
2958 BULLARD: Looking back at the incident did you ever think that the suspect wanted the
2959 police to shoot him?
2960
2961 MERCADAL: Initially that is not something that I perceived, but given the amount of
2962 information that has come out throughout the last year, yes I believe that that
2963 was something that was planned and intended. That is my personal opinion,
2964 yes.
2965
2966 BULLARD: I'm going to refer to the dispatch audio here. And go to -
2967
2968 Dispatch: Copy shots fired.
2969
2970 MERCADAL: Seven he's down, no movement, we're gonna need additional units come in
2971 from the uh, west to east of this yard.
2972
2973 BULLARD: So 0801 on the audio here you're indicating that the suspect is down, no
2974 movement which we already kind of covered that on your body camera correct?
2975
2976

2977 MERCADAL: Yes.
2978
2979 BULLARD: And then fast forwarding here.
2980
2981 Dispatch: Is fire clear to enter?
2982
2983 BULLARD: Eight minutes, forty-four seconds here, dispatch asks is fire clear to enter is that
2984 correct?
2985
2986 MERCADAL: Yes.
2987
2988 BULLARD: Do you recall if you copied that question on the radio at that time?
2989
2990 MERCADAL: I believe I did copy it and - yes I believe I did.
2991
2992 BULLARD: Okay.
2993
2994 Dispatch: 5-4 is fire clear to enter?
2995
2996 BULLARD: Nine minutes, thirteen seconds here, dispatch asks 5-4 is fire clear to enter is
2997 that correct?
2998
2999 MERCADAL: Yes.
3000
3001 MERCADAL: Negative, neither one of us are hit. We're okay. Suspect down.
3002
3003 BULLARD: Nine minutes, twenty-two seconds here you replied negative, neither one of us
3004 are hit. We're okay, suspect down is that correct?
3005
3006 MERCADAL: Yes.
3007
3008 BULLARD: Now was your response as "negative" indicating that it was not clear for fire to
3009 enter or did you understand the question differently where you thought
3010 dispatcher was asking if you yourself were injured and needed fire?
3011
3012 MERCADAL: Could you repeat that please?
3013
3014 BULLARD: Yeah.
3015
3016 MERCADAL: Sorry.
3017
3018 BULLARD: Was your response as "negative" indicating that it was not clear for fire to
3019 enter? or did you understand the question differently where you thought
3020 dispatch was asking if you yourself were injured and needed fire?

3021
3022 MERCADAL: The - I perceived it they were - I perceived it actually as both that, they're
3023 asking is fire clear to enter under the belief that, you know, that they needed to
3024 get in immediately and my answer to that was no, it was not safe to do so and
3025 that's when I clarified that Officer Robinet and I were okay.
3026
3027 BULLARD: Okay, so to follow up in your opinion was it clear or safe for fire to have
3028 entered the scene and medically treated the suspect at that time anyway?
3029
3030 MERCADAL: No.
3031
3032 BULLARD: Okay, I'm going to pull this up here. I'm pulling up your video from your
3033 homicide interview here. So on March 19, 2018 you provided a voluntary
3034 statement to SPD Homicide Detective Cruz regarding your involvement in SPD
3035 Case 18-82449 correct?
3036
3037 MERCADAL: Yes.
3038
3039 BULLARD: I'd like you to refer to page six of your statement in that report.
3040
3041 MERCADAL: Yes.
3042
3043 BULLARD: You stated that when you responded to this call, CAD call 18-82449, the
3044 suspect description indicated on the call that the suspect was a male black as to
3045 his ethnicity. I've reviewed the CAD call printout for this call, 18-82449, the
3046 audio recording for SPD radio traffic and as well has - having listened to the
3047 audio recording from the caller complainant, [REDACTED] to SPD dispatch,
3048 and I could not locate any documentation or information where it indicated the
3049 suspect was a male black as to his ethnicity. Can you explain where that
3050 information came from regarding the suspect's ethnicity in your statement?
3051
3052 MERCADAL: Yes, the description comes from - I did not know the suspect's ethnicity prior to
3053 contacting him. Now obviously we had went and contacted him and began
3054 medical care at which was the first time I saw his ethnicity. Prior to providing
3055 this voluntary statement I had obviously just encountered that, hours before and
3056 then I reviewed the body worn camera footage to help refresh my memory and
3057 that's when I identified the subject as African American and then I - during my
3058 statement provided that information.
3059
3060 BULLARD: Okay, and do you recall if [REDACTED] the complainant on this that was first
3061 contacted on this, do you recall if he had described the suspect's ethnicity at all
3062 to you or Officer Robinet when you first contacted him when your body worn
3063 camera initially had no audio?
3064

3065 MERCADAL: I believe when we first contacted him he did not provide a race. He said he
3066 didn't know and it was too dark to see.
3067
3068 BULLARD: On page ten of your statement, you indicated that Officer Tayler began
3069 performing CPR on Clark correct?
3070
3071 MERCADAL: Correct.
3072
3073 BULLARD: And on that same page of your statement, you had said, "I recall somebody else
3074 saying that they were going back there to take care of it, to get a rescue mask. I
3075 began to assist on CPR." Is that what it says there?
3076
3077 MERCADAL: That is what it says there.
3078
3079 BULLARD: Okay, I'd like to refer to your homicide interview video starting at twenty-three
3080 minutes, five seconds.
3081
3082 MERCADAL: - started doing CPR, life-saving measures.
3083
3084 CRUZ: Okay, and do you recall who performed CPR?
3085
3086 MERCADAL: I believe Officer Tayler began performing CPR. I had went to put my gloves on
3087 and to go a rescue mask and then I remember that I was - I recall somebody else
3088 saying that they were going back there to take care of it - to get a rescue mask,
3089 to begin, to assist with CPR.
3090
3091 BULLARD: Can you tell at that last line there what it is that you say?
3092
3093 MERCADAL: It appears that there's a typo here but based off of the homicide video it sounds
3094 like opposed to, "I began to assist with CPR" it says that's a continuation of the
3095 sentence "To get a rescue mask, to begin to assist with CPR."
3096
3097 BULLARD: So are you referring - basically I'm trying to just clarify - you're not actually
3098 saying here that you began to assist with CPR but that someone else was going
3099 to is that correct?
3100
3101 MERCADAL: That is correct.
3102
3103 BULLARD: So what's written in the statement there and where it indicates that you're
3104 saying that you assisted with CPR, that's not accurate?
3105
3106 MERCADAL: No, it's not.
3107
3108 BULLARD: Is that correct?

3109
3110 MERCADAL: That's correct.
3111
3112 BULLARD: And let's play it one more time just to make sure that we're - we're clear on that
3113 there.
3114
3115 MERCADAL: I had went to put my gloves on and to go a rescue mask and then I remember
3116 that I was - I recall somebody else saying that they were going back there to
3117 take care of it - to get a rescue mask, to begin, to assist with CPR.
3118
3119 BULLARD: To get a rescue mask, to begin, to assist with CPR?
3120
3121 MERCADAL: Yes.
3122
3123 BULLARD: As in relating to somebody else not you?
3124
3125 MERCADAL: Yes, that's correct.
3126
3127 BULLARD: Okay. Detective Brown?
3128
3129 BROWN: Is there anything else -
3130
3131 BULLARD: Wait - I'm sorry, go ahead. I was gonna ask if -
3132
3133 BROWN: Sorry.
3134
3135 BULLARD: I was -
3136
3137 ((Crosstalk))
3138
3139 BROWN: Counselor?
3140
3141 BULLARD: - do you have anything?
3142
3143 DAVIS: Oh, just one quick question Terrence. Referring back to you - do you recall
3144 when you were asked about why you did not identify yourself as a police
3145 officer?
3146
3147 MERCADAL: Yes, I recall.
3148
3149 DAVIS: Okay, and do you - do you believe he ran away because he was aware that you
3150 were a police officer?
3151
3152 MERCADAL: Yes, I do.

3153
3154 DAVIS: Okay. And again you - you've spoken at length about officer safety is that
3155 correct?
3156
3157 MERCADAL: Yes.
3158
3159 DAVIS: And was that a chief concern for you when choosing not to approach the
3160 subject?
3161
3162 MERCADAL: Yes.
3163
3164 DAVIS: To provide medical aid?
3165
3166 MERCADAL: Yes, it was.
3167
3168 DAVIS: Okay, that's all I had.
3169
3170 BROWN: Just real quick, why do you believe he knew you guys were officers when he
3171 fled?
3172
3173 MERCADAL: Honestly based off of the circumstances when I first encountered the suspect in
3174 the driveway I could see that he was - appeared to be facing me and looking at
3175 me and given that I was in full police uniform. I was giving loud verbal
3176 commands that were common - commonly used by police officers and the
3177 presence of the Sheriff's Department helicopter overhead and that this
3178 individual had been running - appeared to be running from that Sheriff's
3179 Department helicopter, and appeared to be aware that the helicopter was there
3180 and - and following him that I believe that he observed me and that I believe
3181 that he observed that I was a police officer.
3182
3183 BROWN: Counselor, anything additional?
3184
3185 DAVIS: No, thank you.
3186
3187 BROWN: Is there anything else relating to this matter which we have not covered that
3188 needs to be added, clarified or changed? If so, I am ordering you to provide that
3189 information now.
3190
3191 MERCADAL: No.
3192
3193 BROWN: After you leave this interview should you remember anything that is different
3194 from or in addition to the information that you've been given today, I'm
3195 ordering you to contact me immediately - or Sergeant Bull - Sergeant Bullard

3196 immediately. I'm also ordering you not to discuss this matter with any other
3197 department employee. Do you understand these orders?
3198

3199 MERCADAL: Yes.
3200

3201 BROWN: We will conclude the interview at 5:08 pm.
3202

3203 **End of recording.**
3204

3205

3206 The transcript has been reviewed with the audio recording submitted and it is an accurate
3207 transcription.

3208 Signed _____

Sgt. Ryan Bullard

3209

Sgt. Ryan Bullard