

TRANSCRIPT OF POST-INCIDENT INTERVIEW OF OFFICER KYLE
SMITH (LVMPD 000231– LVMPD 000277)

EXHIBIT 5

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
EMPLOYEE STATEMENT**

**CIRT CIRT2019-009
Event# LLV190300010224**

1 **NAME OF PERSON GIVING STATEMENT:** Officer Kyle Smith , P# 16897 (KS)
2 Involved Employee
3
4 **LOCATION OF INTERVIEW:** Critical Incident Review Team Office
5 400C South Martin Luther King Boulevard
6 Las Vegas, Nevada 89106
7
8 **DATE & TIME OF INTERVIEW:** 03-06-2109 @ 08049 Hours
9
10 **PERSON INTERVIEWING:** Detective Clay Howell, P# 9364 (CH)
11
12 **ALSO PRESENT:** Detective Guy Turner, P# 13518
13 Sergeant William Giblin, P# 6408
14
15
16 **REPRESENTATIVE:** PPA Chad Lyman, P# 8262 (CL)
17
18
19
20
21

22 **ATTEST:**

23
24 I do hereby certify that I have truly and correctly transcribed the audio recording in the above-
25 entitled matter.
26

27 Transcriptionist name here

28 Date @ Time hours
29
30
31

32 CH: This is Detective Clay Howell, P# 9634, conducting a subject employee interview with
33 Officer Kyle Smith as part of an administrative investigation under CIRT number 2019-
34 009 and Event LLV190300010224. This case is assigned to Detective Guy Turner. You
35 are being questioned in an official investigation by the LVMPD regarding a use of force
36 that you were involved in that occurred on 3-3 of 2019 at approximately 0320 hours. It

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1 is alleged that you used force while attempting to handcuff - handcuff a subject. After
2 the subject was handcuffed he later passed away at the hospital. You will be questioned
3 regarding your tactics and decision making during the incident. This interview is being
4 conducted at 400 Martin Luther King Boulevard, Building C, Suite 307 at 0849 hours on
5 3-6 of 2019. Also present at this time are Detective Guy Turner, P# 13518, Sergeant
6 William Giblin, P# 6408, and PPA Representative Chad Lyman, P# 8262. Kyle do you
7 understand this conversation is being recorded?

8 KS: Yes.

9 CH: If at any time during this interview you become culpable to any misconduct as a result
10 of this interview this interview, uh, will be stopped and you'll be a subject employee. You
11 are being compelled to provide information in this administrative investigation regarding
12 the described incident. As such the following department rules and laws apply to every
13 LVMPD employee. **Truthfulness:** Did you receive and read a copy of the LVMPDB?

14 KS: Yes.

15 ?: It's an email.

16 CH: Employee Obligations and Protections in an Internal Investigation form?

17 KS: Yes.

18 CH: Prior to this interview beginning did you initial and sign that same document?

19 KS: Yes.

20 CH: As an LVMPD employee do you understand your obligation to be truthful?

21 KS: Yes.

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1 CH: Because you are being compelled to answer questions as an employee under threat of
2 termination your statements, any information or evidence which is gained through such
3 questioning cannot be used against you in any criminal proceeding. Do you understand
4 this right?

5 KS: Yes.

6 CH: **Active Investigation Admonishment:** This admonishment is to maintain the integrity
7 of the process for the department and all parties involved. You are hereby directed to
8 not contact any employee or persons involved in this administrative investigation until
9 those persons have been interviewed by the Critical Incident Review Team. You may
10 not disclose any facts of the investigation with anyone except those persons with
11 designated departmental authority until interviewed by the Critical Incident Review
12 Team. Designated departmental authority is extended to your representative of choice
13 as allowed by the Rights of Peace Officers Statutes and the Civilian Collective
14 Bargaining Agreement. Once the Critical Incident Review Team has completed their
15 interviews this admonishment is lifted. Do you understand?

16 KS: Yes.

17 CH: Did you receive a copy of NRS: Chapter 289 - the Rights of Peace Officers?

18 KS: Yes.

19 CH: Do you have any questions about the rights of peace officers or rights pertaining to this
20 interview?

21 KS: No.

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1 CH: Uh, prior to the interview beginning will you acknowledge that you and your rep-
2 representation had time to review the following evidence related to the incident?

3 KS: Yes.

4 CH: We have CAD. We have radio traffic and body-worn camera.

5 KS: Yes sir.

6 CH: Do you have any questions before we start the interview?

7 KS: No.

8 CH: For the record can you state and spell your name and P# ?

9 KS: Kyle -- K-Y-L-E -- Smith -- S-M-I-T-H -- P# 16897.

10 CH: What is your classification and current assignment?

11 KS: I'm a PO1 who is assigned to graveyard at Spring Valley Area Command.

12 CH: And how long have you been employed by the LVMPD?

13 KS: Uh, including academy time? Since, uh, September of 2017.

14 UM1: All right. Um, you good if I call you Kyle?

15 KS: Yes sir.

16 UM1: Okay. Kyle how long have you been assigned to - what - what squad are you assigned
17 to in Spring Valley?

18 KS: I am Spring Valley 11.

19 UM1: How long have you been assigned there?

20 KS: Been there for about two weeks when this occurred.

21 UM1: 'Kay. Um, what's your shift and RDOs?

22 KS: It's, uh, graveyard and my RDOs were Wednesday, Thursday, Friday.

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- 1 UM1: And what uniform that evening were you wearing?
- 2 KS: Wearing the standard tan long-sleeve shirt with the two patches on each side that say
3 Las Vegas Metropolitan Police Department on it. Um, on my left chest I was wearing
4 my badge and my name placard on the left-hand side on the left, uh, right breast pocket.
- 5 UM1: 'Kay. Um, explain the equipment you had on your person during that incident from your
6 duty belt. Just start from one section and go all the way around.
- 7 KS: Okay so starting from my right side in the front I keep my body camera directly center
8 on my, uh, front. Uh, I carry two sets of handcuffs and a double pouch up here, um,
9 flashlight's directly next to that. Firearm's on my right hip. I carry my baton directly
10 behind that on my hip on the right side. Um, going across from there I have my tourniquet
11 on my left lower back. I have my radio and then I have my OC spray, my Taser's on my
12 left hip and then I have my three magazines on the front s- on the, uh, left-hand side.
- 13 UM1: Okay. Um, do you carry a backup handgun?
- 14 KS: Not on - with me at duty.
- 15 UM1: And that evening do - were you wearing your body armor?
- 16 KS: Yes.
- 17 UM1: Um, do you carry a knife?
- 18 KS: Yes.
- 19 UM1: Where is that at?
- 20 KS: I keep it in my left front pocket.
- 21 UM1: 'Kay. Mmm, what level of, uh, retention is your holster?
- 22 KS: It's a level 3.

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1 UM1: What was your call sign at, uh, at the time of the incident?

2 KS: 1 VC 91.

3 UM1: And what vehicle were you driving?

4 KS: Uh, 18211.

5 UM1: And who was your supervisor?

6 KS: Sergeant Garcia.

7 UM1: Do you know what his call sign is?

8 KS: 811.

9 UM1: What were you doing prior to being assigned to this call?

10 KS: Uh, prior to this call I believe I did a traffic stop or two and I went 494 just before it

11 happened to go get a energy drink.

12 UM1: Okay. Um, are you CIT certified?

13 KS: I am.

14 UM1: And do you know when you were certified?

15 KS: Uh, it's either the last week of August or the first week of October in 2018.

16 UM1: Okay. On March 3, 2019 at approximately 0316 hours under LVMPD Event#

17 LLV190300010224 at the location of 3601 East Conlon Avenue, uh, C-O-N-L-O-N -- you

18 were involved in an incident that resulted in death of a suspect. Can you walk us through

19 your response from the time you were assigned or self-initiated until the time you cleared

20 from the call?

21 KS: Yep. So, um, I heard the other Paul unit -- I can't remember his call sign - I think it's

22 Paul 11, um, Huntsman -- I heard him get assigned to the call. Um, they asked if there

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1 was any other units that could go with him 'cause the - he was the only one that was
2 available 'cause we had a very busy night. So I was the VC unit so I ended up going
3 with him. Um, we arrived in the area on it. Um, we approached the - the target
4 residence. Um, the initial call was a 404 -- unknown trouble call -- um, stating that there
5 was three subjects with one potentially having a saw by what the subject was saying,
6 uh, the PR. Um, he stated that they had a saw and were trying to hurt him and then
7 upon recall and stuff like that the dispatcher could not get any further from him. He was
8 just being uncooperative. She stated that, uh, she believed that he was, uh, 421A and
9 they left it at that. There was no further information. Um, when we first initially got there
10 we determined where - which, uh, apartment number it was. Had to double check on it
11 and make sure it was 217 I think it was instead of 117 which was below it. Um, after
12 that we checked the area to make sure we didn't see any other subjects who were
13 walking around in the general vicinity of the apartment complex to see if it was actually
14 someone in the stairwell or not. Didn't see anyone. Couldn't hear anything that sounded
15 odd. So we approached the, um, the door of his apartment complex. We started
16 knocking on it. And right off the get go he started talking to us through the door, um,
17 saying that he can't come to the door and answer 'cause there's someone inside with
18 him. Um, made the couple kind of strange comments that - saying that, "I can't come to
19 the door." And then he kind of paused for a little bit. "Why can't you come to the door?"
20 We started having a conversation with him. He told us that they were inside the
21 apartment with him but you couldn't hear anything. There was no reason for us to need
22 to go inside. Um, there was nothing being knocked over. He was having a completely

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1 calm conversation with us like we are right now. And we - we got weirded out by it. We,
2 uh, kept trying to get him to come to the door. He wouldn't come to the door. So we
3 backed away from it. Um, while we were standing at the bottom I gave my sarge a call
4 to let him know -- Sergeant Garcia. And I let him know what was going on. Um, kind of
5 gave him the - the updates on - that he was telling us to kick the door in and stuff like
6 that but we had no exigent circumstances for any reason to go into the door. So I let
7 him know and he said to attempt to make contact with him a few more times and if he
8 doesn't want to come to the door he doesn't want to come to the door and you guys can,
9 uh, clear pending recall on it. So, um, we, uh, I turned my camera back on at that point.
10 We could see, um, we could see the subject standing in his window so. Stairwell goes
11 up and directly to the left 'cause it was a second story so facing outwards towards the
12 sidewalk. You could see him standing in the window facing inwards towards the
13 apartment so kind of sideways in the window and he just - he seemed a little off just
14 standing there straight and not doing anything. Shined a flashlight at him and when we
15 lit him up he looked directly at me with some really big yellow eyes and seemed a little
16 off to me. So I let my partner know he's - he - he looks like he's possibly 421A or under
17 the influence of something. We kinda talked to - a little briefly about it and he was like,
18 "Okay." Um, at that point, um, I - I kinda communicated with him, "Stay down here where
19 you can see him so that way if he does move when I knock on the door again you can
20 tell me." Um, so he stayed down there where he could see him. I went up the stairs. I
21 used my baton. I banged on the door a couple times a little bit louder - see if he would
22 come or respond to that. Dead quiet for like 10, 15 seconds and, uh, he - I pronounced,

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1 you know, uh, "Metro PD or LVMPD. You need to come to the door." And then you
2 could start hearing stuff getting knocked over like he was coming from the window to the
3 door and my partner called up and said, "Hey he's - he's coming towards you." So I - I
4 h- I could hear him aggressively coming for that door like he was gonna come flying out
5 and he starts ripping on the locks and stuff. So I went back down the stairs and got
6 away from it 'cause I didn't know what he was gonna do when he came outside. I turned
7 the corner at the bottom of the stairs to the right-hand side of the stairs and, uh, I had
8 my flashlight out. I lit the door up. Soon as he came outside of the door, um, he
9 presented a metal pipe in one hand and a cell phone in the other. He was holding both
10 of 'em about waist high and had the same look in his eye when he was looking at me
11 from the top - a little bit, uh, like he was disturbed about something or whatever the case
12 be. And he kind of locked straight in on me. Started to come down the stairs. At that
13 point I drew my gun on him and told him to drop the pipe. Um, I told him twice to drop
14 it. He finally drops it. You can hear it actually hit the, uh, the stairs in the video and I
15 watched it fall down to the bottom of the stairs. You could hear it tinkling all the way
16 down. My partner grabbed it. He tossed to the side into the bushes so that way it was
17 out of reach on the other side of him. Um, we told the guy to come down the stairs and
18 come talk to us and he - he was just like, "Oh I just had my cell phone." I was like, "You
19 have a cell phone and a metal pipe. You need to come down the stairs. You're gonna
20 talk to me now." So he comes down. Instead of stopping with us to talk to us and have,
21 like, a normal conversation he has his hands up. He walks in between us and goes to
22 a wall that's directly across from the staircase and he backs himself up against the wall

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1 and he immediately starts kinda down the path of, "I can't turn my back because there's
2 people that want to hurt me." And he backs himself against the wall. We start talking
3 with him a little bit. He does tell us that he's, uh, he's paranoid and he brought up a
4 comment that he's schizo. Um, so we started talking with him. I tried to, uh, use training
5 I learned from CIT to try and communicate with him with his, uh, mental illnesses and
6 everything like that to try and bring the situation down, um, since he already presented
7 a pipe at that point. Um, we were talking with him. I asked him several times that I
8 needed him to turn around and face towards the wall so that we could pat him down.
9 Um, he pretty much denied it multiple times. Every single time we asked him he said, "I
10 can't turn around. They'll - they'll come up behind me and hurt me," or whatever the
11 case be. And he just said, "I'm paranoid. I can't do it." He kept saying it. Um, I asked
12 him again if he had any weapons on him again and he reached for his, uh, waistband on
13 this side. We still - both of us had about five, six feet between us. Um, he reached for
14 his waistband on his left side and presented a, uh, a knife with a red handle. Um, I don't
15 think it was in his pocket 'cause he didn't go diving into his pocket. I think he had it
16 sticking somewhere in his waistband or sticking out of his pocket 'cause it came out nice
17 and easy and he already had it but he was just kind of holding it kind of daintily. It wasn't
18 really like a firm grip like he wanted to attack or hurt us at that point. It was just kind of
19 like, "Yeah I got this." Um, at that point my partner made his decision to - to take it from
20 him and secure it and he ended up throwing it back behind the corner of the building.
21 Um, once he had that away from him we started to - to talk with him again. We're like,
22 "Do you have any other weapons on you? We're gonna pat you down." Like, "You've

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1 already presented two weapons to us.” At that point when he pulled that knife I was
2 gonna pull my firearm on him again and I started to - I was about to step back again but
3 my partner already took the knife at that point so it kinda eliminated that. But he was
4 still standing there hands up for us. He wasn’t diving into any more pockets. Asked him
5 again if he had any weapons on him. We started to glove up. Um, at that point we
6 asked him - we - we told him we were gonna search, uh, we were gonna pat him down.
7 And he goes, “You want me to take my shirt off?” And he starts to reach up to like he’s
8 gonna dive into his shirt now and he starts to unzip his sweatshirt. And, uh, we told him,
9 “No we don’t want you to do that.” So we grabbed him. Uh, soon as we start going
10 hands on with him, um, we were going to handcuff him so that we could then pat him
11 down and, uh, secure him for, um, a possible legal 2000 so we could get him some
12 medical help and everything like that for the issues that he was having. Um, he initially
13 was just kind of confused as to why we were trying to get him away from the wall. I think
14 he kind of lost the presence that we were officers even though we were clearly police
15 officers.

16 UM1: Mm-hm.

17 KS: And he started to - he started to fight with us at that point. Started to rip his hands away
18 from us. Didn’t want us to put him in handcuffs. Um, when we went hands on with him
19 he kinda - he kept twisting around trying to look back at us the whole time and just kinda
20 gradually the, uh, the struggle kind of went to the ground just on its own. Uh, we didn’t
21 have to take him down and he didn’t fall on the ground. He just kind of gradually went
22 to the ground. Um, when he was on the ground I recall him - he was, you know, he kind

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1 of fell into the rocks a little bit. Head was in the rocks and he was on the asphalt. He
2 kept pushing around and struggling and stuff like that. Um, I was controlling - he ended
3 up flipping over to where he was face up so he was laying on his back on the ground.
4 And I was controlling his left hand on the ground - keeping it down. My partner had his
5 right hand keeping it on the ground so we were controlling him from there. At that point
6 was when I had the opportunity to be able to get on the radio so I got on the radio -
7 asked for a code red on the channel. We had a subject that was resisting us at this
8 point. Um, when we had him down, um, we attempted probably two or three times to
9 roll him onto his, uh, roll him onto his stomach so that we could handcuff him. Um, he
10 was putting up a very good fight. I mean, he was like 60 something years old and he
11 was putting up a fight of like a 20-year-old -- very strong. And, uh, we were gonna initially
12 hold him. My partner got on the radio and said that we are, uh, "We're currently holding
13 him down. We need more units," and everything like that. "You can clear the red." I
14 remember him asking to clear the red, um, because we had him kind of secured on the
15 ground we just couldn't get him handcuffed. So we were just waiting for more units to
16 come to get it and we didn't want the red to occupy the channel when we felt we had
17 control of it. Um, so I don't recall any other radio traffic past that for the moment. We
18 eventually, um, found a time where he kinda wasn't as strong as he was initially when it
19 started. We rolled him. We finally got him rolled over on his back. My partner put his,
20 uh, put his left leg across his upper torso and I had mine across his butt. When he
21 started struggling I kinda slipped to a position where I was practically sitting on top of
22 him instead of my knee going across him the way that we're trained. Um, we were still

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1 able to get him handcuffed. It took a few extra minutes to get him cuffed but we got both
2 hands secured and cuffed. The whole time he was, uh, he was grabbing at us, kicking
3 and struggling and stuff like that. Um, once he was handcuffed he was still kinda in the
4 panic mode. He was rolling around all over the ground. Um, we tried to lay him on his
5 side in the recovery position initially and, uh, he was laying in the recovery position. He
6 was still struggling just kinda rolling around. He ends up laying on his back again on top
7 of his handcuffed hands and he's just kind of looking up and he's still repeating the same
8 stuff. He's screaming and yelling the entire time, uh, "Don't touch me. Don't hurt me."
9 All of those kind of things. Um, at that point he was laying facing straight up and he
10 started to, uh, have like a - it was like a very quick overwhelmingly calm that kinda came
11 over him where it was just one minute panic mode and the next minute it was calm. And
12 I kinda recognized that as him coming down off of - I've been on a couple calls that have
13 had a - a subject that was, uh, ED - the excited delirium. And I kinda recognized the
14 signs of that. So I - as soon as he calmed down we got him back on his side again in
15 the recovery position. My partner - his - his breathing started to slow. Um, at that point
16 my partner asked for medical to expedite and then I came on the air and I did let them
17 know that I believed it was possible ED and that his breathing was slowing. We had him
18 on the side in the recovery position. Um, while we were with him he was laying there.
19 You could still see faint breathing. Um, his eyes were still moving a little bit. He just
20 kind of looked like he was really mellowed out like almost falling asleep. Uh, one point
21 it got to the point where I was kinda nervous about it and I didn't want him to fall asleep
22 or anything like that. I tried to sternum rub him several times. I was hitting him on the

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1 shoulder trying to keep him awake and keep him, um, keep him, you know, with us at
2 the moment. And he wasn't responding to sternum rubs or anything like that. Um, it
3 was like a minute later medical showed up and our other partner showed up. And they
4 requested us to remove handcuffs from him so they get him on the gurney and get him
5 strapped in. Soon as we got him strapped into the gurney and he was secure then
6 everything - they immediately started chest compressions and -- sorry too much talking
7 -- um, and used the, uh, EBMs for getting air into him.

8 UM1: 'Kay. All right?

9 KS: Yes. Definitely.

10 UM1: Take a drink of water. Great job man. Um, all right so we're gonna go back through just
11 a little bit - kind of break some stuff down. Um, prior to you getting dispatched do you
12 remember exactly where you were at whenever the incident first came out?

13 KS: Um, I do not. I think I was down by Sahara and Teddy.

14 UM1: Where's Teddy at?

15 KS: Um, Sahara and Teddy is right by the, uh, Palace Station.

16 UM1: Okay.

17 KS: By the 15 Freeway.

18 UM1: Um, were you riding with anybody that day?

19 KS: No I was by myself.

20 UM1: Whenever you responded did you respond code 3 or anything like that or just regular
21 response?

22 KS: Just regular response.

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1 UM1: Um, did you do any sort of preplanning in your head while you were driving down there?

2 KS: My preplanning in my head was to pretty much just try and get in contact with him.

3 'Cause due to the dispatcher and the, uh, nature of the call I was concerned it was
4 probably gonna be a 421A...

5 UM1: Mm-hm.

6 KS: ...or some sort of drugs.

7 UM1: Right.

8 KS: So mostly just to make contact and figure out what was going on from there.

9 UM1: 'Kay. You all right?

10 KS: Yeah.

11 UM1: 'Kay.

12 KS: Between all the talking with everyone my voice is going.

13 UM1: Um, whenever you were in route or just as you're arriving what were the options that
14 were available to you at that time?

15 KS: At that point it was - we just needed to be able to get eyes on the - the scene to see what
16 was even going on. So, I mean, we had pretty much any option available at that point.
17 We could still deploy a low-lethal and stuff like that but there was no real call or need to
18 do so which is why we responded with two of us.

19 UM1: Okay. Um, do you know if you've ever had contact with the suspect before?

20 KS: I have.

21 UM1: Do you remember when you did?

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1 KS: Probably about a month ago during dayshift Spring Valley. Um, Officer Rojas was in a
2 similar struggle with him, um, same thing - screaming and yelling, uh, asking for help.
3 Saying that we were hurting him. Um, they said that he was possible ED. Got taken to
4 a hospital on a legal.

5 UM1: Okay. And then there - there was a use of force for that event as well right?

6 KS: Yes.

7 UM1: Okay. Were you part of the use of force or just a witness for the use of force?

8 KS: Just a witness.

9 UM1: Man you're in a lot of stuff.

10 KS: Yeah.

11 UM1: Um, did you receive any other information from dispatch about the suspect after your
12 arrival?

13 KS: No. Nothing further. We didn't even have his actual name at that point.

14 UM1: 'Kay. So he - whenever he called in he didn't give you a PR name or anything?

15 KS: I think it was, like, Royce or something. It was something completely different. 'Cause
16 his name - it was just Roy but he never gave a last name. Nothing like that.

17 UM1: Mm-hm. Okay. Um, did you get any other additional details from the MDT that you
18 didn't talk about already?

19 KS: No.

20 UM1: And then a supervisor didn't arrive until after the incident had occurred basically right?

21 KS: After the incident occurred and medical was already there.

22 UM1: And who was the first, uh, supervisor to arrive?

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1 KS: Uh, Garcia.

2 UM1: And do you know about how long after, um, medical arrived, uh, Sergeant Garcia
3 showed up?

4 KS: Probably a minute or two if that. He probably arrived right around the same general
5 time.

6 UM1: Um, while you were in route did you ever request - did - so whenever the call came out
7 at the apartment did you recognize it as being the one from the one previously a month
8 ago?

9 KS: No. He wasn't at the apartment. It was actually at the, uh, the Height Market which
10 was...

11 UM1: Okay.

12 KS: ...right down the - on the corner.

13 UM1: Okay. Did you request it prior for any of the loca- or any priors for that location from
14 dispatch while you're in route there?

15 KS: Um, one of them - I don't remember I think - I don't know if it - I didn't do it personally but
16 I remember I think Sarge might've asked.

17 UM1: Okay.

18 KS: I don't remember.

19 UM1: Prior to you guys arriving?

20 KS: Yeah.

21 UM1: Okay.

22 KS: There was something that said there was no priors on the phone number.

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1 UM1: You didn't have that. Um, so were you aware the suspect was 440?

2 KS: No. Not until after the fact.

3 UM1: 'Kay. And then you didn't know anything about that. Um, whenever you were contacting
4 or prior - prior to contact did you guys kind of formulate a plan with you and, uh, your
5 partner about who's contact, who's cover? Any of that stuff?

6 KS: Um, we didn't do contact cover kind of thing. He was primary on it so I kind of assumed
7 the position initially as the cover officer and he was gonna be doing the - the knock and
8 talk on the door.

9 UM1: Okay.

10 KS: And then when it kind of escalated with him coming out with a pipe I kinda ended up
11 taking over 'cause he was going straight for me initially when he took the first couple
12 steps. So he was looking more at me than he was with him so I kinda got into the spot
13 where I was now contact for the most part.

14 UM1: How long have you guys been on the same squad together?

15 ?: (Unintelligible).

16 KS: Just the two weeks.

17 UM1: Okay. D- what exactly did he tell you whenever he came out the door? 'Cause I know
18 in the door he's yelling at you - he's telling you kick the door in.

19 KS: Yeah.

20 UM1: Um, he comes - opens the door. He's walking out with a bat. Does he ever say anything
21 to you guys?

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1 KS: He said something. I can't remember what he said. It was kinda more along the lines
2 of, like, "What the hell you want," or, "Who are you," kinda thing. And he came out with
3 the pipe...

4 UM1: Mm-hm.

5 KS: ...like he was looking for someone. Maybe it was those people that he saw or that he
6 believed that was out there.

7 UM1: Okay.

8 KS: Um, and then once he - believe that once he - he took a couple steps down the stairs
9 and he was looking straight at me and, uh, soon as he saw me draw my gun on him he
10 dropped it and it was done and over with.

11 UM1: Okay. Um, never made any threats towards you or any other officers?

12 KS: No.

13 UM1: Whenever he came out with the pipe did you feel threatened at any point by him?

14 KS: Uh, initially when he first walked out. He was kinda in that aggravated aggressive kind
15 of stance. I mean, he was - he looked like he wanted to - to come over there and hit me
16 with the damn pipe so...

17 UM1: Okay.

18 KS: ...it was pretty much - at that point I was fully expecting it to go that way.

19 UM1: Mm-hm.

20 KS: And as soon as I told him that he needed to drop the pipe and then he dropped it that's
21 - I had time, distance and everything to my side on that one. So I used that to my

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1 advantage and gave him my verbal commands from further away and he ended up
2 dropping the pipe.

3 UM1: Okay. What were you initially contacting the suspect for?

4 KS: Um, we were just gonna make contact with him about the incident that he called so the
5 three subjects that were in his stairwell and believed that one of 'em had a saw and that
6 they were there to hurt him.

7 UM1: 'Kay.

8 KS: So we're trying to figure out what was going on with that incident. And then if it was - if
9 that was indeed the case that he was, uh, had mental illness and everything like that we
10 want to ensure that he was okay.

11 UM1: Sure. So the - the initial point would be you - or you guys are - he's the PR. You're
12 gonna go contact him. Let him know people weren't there or?

13 KS: Yep. So pretty much we were just gonna try and figure out what he - what he was seeing
14 - what he saw and kinda determine where to go from there. That was the initial contact
15 that we were gonna make.

16 UM1: 'Kay.

17 KS: Just try and get an idea who we were talking to - figure out what he - what he was actually
18 seeing and everything which he never gave us any of that.

19 UM1: Um, so you said you - you conducted a pat down on him once he got - or you guys, uh,
20 were gonna attempt to...

21 KS: Yeah we were trying to. Yeah.

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1 UM1: Okay. Can you just articulate the pat down, uh, um, the reason for conducting a pat
2 down?

3 KS: Um, first off he presented the pipe and started walking towards us down the stairwell -
4 towards me particularly. He was looking at me the entire time. Um, so he already had
5 a pipe. He was already in that aggravated aggressive mode. His clothing - when he got
6 down to the bottom he was just wearing a pair of baggy blue jeans which could easily
7 hide another weapon in it which was, um, he already presented a second weapon at that
8 point when we were still trying to get a pat down done. Um, so we had no idea if he had
9 multiple other weapons in there, if he had a gun in his waistband. Um, at that point he's
10 already showing signs of mental illness so I don't know if at that point he has the intent
11 to harm or doesn't. He wasn't showing it. But we don't really know at that point so.

12 UM1: 'Kay. Um, after you guys get him detained are you g- so you get him down on the ground
13 and then you said you don't - you aren't able to get handcuffs on him right away right?

14 KS: Mm-hm.

15 UM1: So you're - you're kind of holding him there. I guess you can call it h- he's detained but
16 not handcuffed.

17 KS: Yes.

18 UM1: Um, what were his actions at that point prior to you getting handcuffs on him?

19 KS: Prior to getting handcuffs on him? So when we were, like, laying on the ground initially?

20 UM1: Right.

21 KS: So when I was holding his left arm -- partner was holding his right arm -- he was kinda
22 throwing knees and kicks and stuff like that trying to get us off of him.

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1 UM1: 'Kay.

2 KS: I don't...

3 UM1: And he was on his back?

4 KS: Yeah he's on his back at that point so he's looking face up and he keeps trying to sit up
5 on us with us holding his arms down so he's kinda stuck at that point.

6 UM1: Okay.

7 KS: So he's actively kicking, kinda throwing knees and stuff like that. I think it was more so
8 - for him it was trying to get whoever's attacking him away kind of thing.

9 UM1: Mm-hm.

10 KS: I don't, like, again I don't - I don't even know if he was in a right enough mind to be able
11 to recognize that we were police officers anymore at that point. I think he just knew that
12 someone was on him. He didn't want 'em on him. So he was still acting in a aggressive
13 manner with us but I don't know if he really had an intent to do harm which is why we
14 chose to use hand tactics with him and try and just restrain him until we could get
15 handcuffs on him.

16 UM1: Okay. So you didn't think he was trying to harm you guys he was just trying to get away
17 from...

18 KS: I think he's just trying to get away from us.

19 UM1: ...from whoever...

20 KS: Yeah. And at that point with the way he presented himself to us and everything like that
21 we needed to get him in handcuffs until we could figure out to get him some help.

22 UM1: 'Kay. Um, who put handcuffs? You did or?

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1 KS: I did.

2 UM1: You did. Okay. And then why - what was your reasoning for placing him in handcuffs?

3 KS: The metal pipe that was presented to me, the stance that he was taking, his, uh, how
4 aggressive and aggravated he was as far as that goes. Um, presented the other knife.
5 Like I said, I don't know if he had any other weapons or anything like that on him. He's
6 already acting a little standoffish with us and everything like that. At this point I don't
7 know if he wants to hurt one of us. I don't know if he wants to - if there was a neighbor
8 that came out he might think that that's the person that was in his stairwell. Might try
9 and attack them. So at this point it was putting him in handcuffs to eliminate some of
10 those potential threats.

11 UM1: Um, you mentioned you put the suspect in a recovery position. Can you just describe
12 what the - what - describe when, uh, that type of position is used.

13 KS: So recovery position is used on, uh, subjects that are, um, you know, poten- having, uh,
14 some sort of medical episode. Uh, the recovery position's on one hip or the other, um,
15 more like a fetal position so they're laying on a side with their knees kind of tucked up to
16 the side of 'em. Um, allows their - like their heart rhythm and stuff like that to kinda
17 regain control so they can relax. If they do need to throw-up it allows it to throw-up that
18 way if they're gonna potentially swallow their tongue if that be the case so kind of
19 alleviates a few different things that could potentially be wrong.

20 UM1: 'Kay. Um, oh let's see. You said that. And you said you've dealt with ED suspects
21 before?

22 KS: Yes.

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1 UM1: Do you remember the significance of those? W- were they significant events like this
2 or?

3 KS: No. No.

4 UM1: Or anything...

5 KS: It was, uh...

6 UM1: Anything similar to this?

7 KS: Um, yes similar to this. There was, uh, um, when I was in field training before the, uh, it
8 was fourth phase I was with, uh, FTO Hagar - it was when I was solo beat. Um, I
9 responded to a possible ED, uh, female that was inside of the Smith's grocery store and
10 she was actively hitting people. Um, there was multiple people that ended up restraining
11 her and holding her and when we showed up she initially started doing the same thing.
12 She was fighting with us. She - her speech was very slurred. You couldn't really
13 understand a whole lot she was saying. Um, she was very, very strong for being 115
14 pound like 5'6" female. She was throwing three grown men around. So, um, we got her
15 handcuffed and everything like that. Got her - similar thing. We did the recovery position
16 with her. Medical showed up. Got her to the hospital. Her feet had, like, severe burns
17 on the bottom of 'em, stuff like that.

18 UM1: 'Kay. Um, what symptoms was the suspect displaying that evening that made you
19 believe he was ED?

20 KS: Um, so the - initially he had kind of confused and, uh, slurred speech. Um, so when he
21 was talking to us through the door he was making comments that - that you could
22 understand but they weren't really making sense. And then when he started to get into

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1 the struggle with us his speech and motor skills kinda did their own thing. Um, became
2 very strong and aggressive. Um, his speech was very slurred. You couldn't really
3 understand what he was saying half the time. It just became very mumbled.

4 UM1: 'Kay. Um, at what point did you notice the suspect was in a medical crisis?

5 KS: Um, I would say probably the medical crisis kinda probably kicked off from the get go. I
6 think that there was, um, something that was underlying that he was probably having
7 issues with but I think I really noticed when it kicked off when he was letting us know
8 when he was against the wall. "I'm paranoid. I'm schizo. I'm having issues," and all
9 that kind of stuff when we're just trying to talk with him. Then when we had to go hands
10 on with him the s- slurred speech and everything like that that accompanied it and after
11 the fact when he started to - when he got that overwhelming calm that kinda came over
12 him and s- breathing started to slow and everything like that that's when I was definitely,
13 like, everything just came together for it.

14 UM1: 'Kay and then at that point you had said before you - that's when you called medical,
15 told 'em to expedite, all that stuff?

16 KS: Yeah.

17 UM1: 'Kay. Um, what was the conversation that you had with, um, your - with your sergeant?

18 KS: Um, which one? I had two different...

19 UM1: The - the...

20 KS: ...conversations with him.

21 UM1: ...the phone call I guess prior to him coming out.

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1 KS: So - well I had two of 'em prior to him coming out. Um, there's the one that's on the
2 body camera and then there's one that's off body camera.

3 UM1: Just kinda go through both of 'em.

4 KS: So off body camera was us t- letting him know we tried to make contact. We can't see
5 the guy. And then that's when we saw him up in the window and he was, you know,
6 looking at us and he had real big eyes and he looked a little off, uh, the way he was
7 standing there and his posture and everything. Um, so we let him know about that. We
8 let him know that we tried to knock on the door several times and he's just telling us to
9 kick the door in. We let him know that there was no exigent circumstances. There was
10 no sounds, no noises, nothing that seemed odd. Um, he just said for us to attempt to
11 make contact a few more times and if there was nothing else at that point just to - that
12 at that point we could just, uh, uh, clear out and leave, uh, pending recall and stuff like
13 that.

14 UM1: 'Kay.

15 KS: Second one was just us giving him updates on the situation. I let him know that I believed
16 that he was possibly ED and that we were gonna have medical expedite, um, to get him
17 some help.

18 UM1: Um, were there any witnesses to the incident that were there?

19 KS: There was two that I remember.

20 UM1: Who were they?

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1 KS: Um, I don't know their names but they were both neighbors. One was the adjacent
2 neighbor, um, I think one was down below and I think was - one was upstairs. I don't
3 remember. I know the one that came out initially was downstairs.

4 UM1: Okay. And that's the one that comes out while you guys were struggling...

5 KS: Yeah.

6 UM1: ...with him.

7 KS: While we're in the struggle and we're trying to ask what his name is and if he knows
8 anything about him.

9 UM1: What - did he tell you anything other than his name?

10 KS: He said his name was Roy. He said that he's on a ton of medi- uh, medication for mental
11 illnesses and he told us that we are out there all the time. But that was kind of where
12 we were at on him because we didn't know that we were out there all the time because
13 the last thing that we got was there was no priors or anything like that.

14 UM1: All right.

15 KS: So.

16 UM1: Um, immediately whenever you saw him did you recognize him as being the guy you
17 dealt with a month prior?

18 KS: Not, uh, not right off the get go. I kinda - I was putting a face to it but I didn't really 100%
19 recognize it. It wasn't until afterwards when I saw his name.

20 UM1: Okay. That's when you put two and two together?

21 KS: Yeah.

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1 UM1: Um, and you said that you guys w- whenever you got there your first initial part was you
2 - you just wanted to talk to him - give him update that - that the suspects weren't there.

3 KS: Yeah. And just...

4 UM1: Um...

5 KS: ...try and see what was going on. See if he needed, um, medical assistance for any
6 issues that he was having...

7 UM1: Okay.

8 KS: ...and go from that point.

9 UM1: At what point did y- so I'm - what was your purpose for placing him under arrest other
10 than his care? Were you guys gonna legal him at that point?

11 KS: At that point we were just trying to determine it. So...

12 UM1: Uh-huh.

13 KS: ...I would say at that point yeah he was - he was definitely heading towards the way of
14 a legal 'cause he was unable to take care of himself and he's acting in an aggressive
15 manner towards other people where he could potentially hurt us. Uh, we didn't know at
16 that point if, you know, like I said, if a neighbor came out if he would've thought, "Yep
17 that's him," and then he just went and started attacking him.

18 UM1: Right.

19 KS: We have no idea what's going on in his guy's head at this point with what he's
20 demonstrating his actions.

21 UM1: Okay.

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1 KS: So at that point yeah we were - we were going to put him into custody so that we could
2 get more information and do a legal.

3 UM1: Okay. Um, just gonna go over the - some - the Graham v. Connor with the...

4 ?: Hold on, uh, you got any questions?

5 CH: Uh, Operator Detective Howell. Uh, Kyle you made mention earlier that when you first
6 contacted the - the subject he alluded that he had some mental issues and was on
7 medication for some mental problems?

8 KS: Um, he did when he was at the wall. He didn't say - I don't recall him saying anything
9 about, um, medication himself. That was the witness that came out...

10 CH: Okay the...

11 KS: ...after the fact. Um, he was just stating that he - he was paranoid and that he - he was,
12 uh, schizo.

13 CH: Okay. Did he ever make any mention of or allude to that he had any, uh, physical health
14 problems?

15 KS: No. Nothing that was physical. Never once ever made any comments about that.

16 CH: That's it.

17 UM2: I just got a couple things. How long you been on the department now? Sorry.

18 KS: Um, I got hired, um, September of 2017 so almost two.

19 UM2: So he was coming down the stairs, he had the pipe in his hand and then you tell him to
20 drop it twice at that point. Um, did you or your partner communicate to each other when
21 he had the pipe in his hand that, "Hey you take less-lethal. I got lethal." Anything like
22 that communicate - (unintelligible).

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1 KS: Not right off the get go 'cause I think it just kinda happened so quick I wasn't really
2 expecting him to come out with a pipe. I think he - I thought he was just gonna come
3 out and, you know, be, like, freaked out about whatever the situation was. And then he
4 exits with a pipe so I just immediately went to lethal at that point 'cause he was locked
5 on me. He's making eye contact with me and he take, uh, several steps down the stairs
6 towards me before I got to him to where he could drop the pipe so.

7 UM2: Did, uh, at that point did you believe he was, uh, ED at that point or just 421A?

8 KS: Um, I also didn't know at that point. I figured at that point he was just, uh, mentally ill.

9 UM2: Okay. So he had a pipe in his hand. He didn't really make any threats correct?

10 KS: No he never once made a threat.

11 UM2: Okay. But he - at that point you were in fear a little bit because of the (unintelligible).

12 KS: Oh yeah. The - the pipe and the way his posture was - his body language was presenting
13 to me that he was gonna come down the stairs and try and hit me with that pipe.

14 UM2: So any reason why you didn't put him in handcuffs immediately at the bottom of the
15 stairs?

16 KS: Um, I think that at that point we're trying to - because when he came down I saw he had
17 the cell phone and the way he was - the way he was reacting and stuff and wanted to
18 immediately get to that wall just so he could turn his back to it. Um, I feel like if we
19 would've attempted to go hands on with him, like, immediately like that that the fight
20 would've been on anyway. So I think it was kind of like a get a feel for what he's doing
21 - make sure he's keeping his hands out of his pockets and have control that way and
22 then kind of get some grounds with him and then get him in handcuffs.

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- 1 UM2: Even though he did have a knife on him you found it after the fact.
- 2 KS: Yeah after the fact. Yes.
- 3 UM2: Okay.
- 4 KS: After the fact. I didn't even know that there was anything on him. I didn't see anything
- 5 bulky in his pockets. I didn't th- see anything sticking out or anything like that. Um, like
- 6 I said, that knife - the way he presented it it looked like it was either up high on his hip
- 7 or whatever 'cause he barely had to move his shirt when he already had it out. So, like
- 8 I said, like, at that point it was - it was kind of the fact that he had the pipe. We were
- 9 trying to get him down. We could obviously see he was having that struggle but the
- 10 same token if we would've closed in on him and tried to grab him at that point he already
- 11 knew he had a knife in his pocket and we probably could've had a even worse situation.
- 12 So I think it was more of a try to get some sort of grounds between us before we try and,
- 13 like, "This is what we're gonna do so that you understand what we're doing 'cause I can
- 14 obviously tell you're having issues with something."
- 15 UM2: Okay.
- 16 KS: So.
- 17 UM2: So you're articulating why you're deescalating the situation.
- 18 KS: Yes.
- 19 UM2: Uh, my concern is an officer safety concern.
- 20 KS: Yes.
- 21 UM2: He has a pipe in his hand. He seemed - he appears to be 421A.
- 22 KS: Yes.

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1 UM2: Um, and we're not hooking him up immediately. That's my concern.

2 KS: Okay.

3 UM2: Um, your partner - did he state anything as far as why we didn't hook him up or was he
4 telling you, "Hey hook him up," or...

5 KS: No.

6 UM2: ...nothing like that. You're both kind of on the same page. Was backing off like, uh...

7 KS: Yeah.

8 UM2: ...what he wanted to do.

9 KS: Yep.

10 UM2: No - so nobody pulled out a less lethal option during that whole incident.

11 KS: I don't know what he did. I was focused on what the subject was doing.

12 UM2: Okay. So go...

13 KS: I can't answer for him.

14 UM2: Going back to when you had the conversation with your sergeant. He told you to do a
15 door kick. Correct?

16 KS: No.

17 UM2: Or he recommended or he - the suspect...

18 KS: No.

19 UM2: ...was telling you to do that.

20 KS: The - the - the - the subject...

21 UM2: I - I was confused on that one.

22 KS: ...inside the apartment was telling us that we needed to kick the door in...

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1 UM2: Okay.

2 KS: ...because the people were inside with him.

3 UM2: Okay.

4 KS: And we could not hear anything.

5 UM2: All right. I - I was confused on that 'cause you were saying the - there was no exigency
6 so I thought your sergeant was telling you to do that. I was...

7 KS: No.

8 UM2: I was (unintelligible).

9 KS: No, no, no, no.

10 ?: No.

11 KS: Definitely not.

12 UM2: Where was he at that time?

13 KS: I have no idea where he was at. He was - he wasn't on - on our scene or anything like
14 that. He - I think he was dealing with, uh, that, uh, 401B fatal that was at Sahara and
15 Decatur.

16 UM2: Was he in route...

17 KS: Uh, yes.

18 UM2: ...at that point?

19 KS: He's - he was gonna be in route.

20 UM2: Okay. So he's back against the wall, um...

21 KS: Yep.

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1 UM2: ...at that point you start thinking he's exhibiting, um, ED at that point correct? He's not
2 in handcuffs or was it at that point you still think he was 421A?

3 KS: Um, at that point the way that he was kind of talking and his speech was slurred I was
4 kind of leaning that way but I - I couldn't tell - right off the get go I couldn't tell if it was
5 just mental illness or if he was actually exhibiting that just yet. Yeah I think it was when
6 we tried to go hands on with him and the speech slurred much quicker, he was strong -
7 everything like that that's when I think I started putting those things together where I
8 believed he was possibly ED. Was more so when we went hands on.

9 UM2: Go hands on. He goes to the ground. Um, during the body-worn camera when I watched
10 it I could see him kicking.

11 KS: Mm-hm.

12 UM2: He's really not putting up a - like a - like a - like a physical fight it's more of, like, he just
13 wanted you to get away from him.

14 KS: Yeah it was like a struggle more along the lines like, "I want you off of me." So, I mean,
15 it was - he was aggressive about it but it was - I don't think he had an intent to do harm
16 towards us which would - for me that would eliminate, you know, any other uses of force
17 and stuff like that.

18 UM2: Okay. Even though he did have a pipe. He did have a knife.

19 KS: Yeah. Initially.

20 UM2: You were on the left side of him when he was initially lying on his back correct?

21 KS: Yes.

22 UM2: Okay. And then who was your partner - what was your partner's name?

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1 KS: Uh, Huntsman.

2 UM2: He was on the...

3 KS: He was...

4 UM2: ...right side.

5 KS: ...his right side. Yes.

6 UM2: That's right. Who was making radio traffic during that time? He was not in handcuffs. I
7 see both of you have both of his hands - holding on to him. Who's making radio traffic
8 at that time? (Unintelligible).

9 KS: So I made the initial radio contact so when I had him - his arm pinned and I had my knee
10 up on his forearm so I was holding him down right there and he was trying to get up, um,
11 I called out and said, "Can you give us a red? We have a subject that's currently
12 resisting." At that point she gave us the red. I heard something come back. I couldn't
13 really make out any of the radio traffic 'cause the guy was screaming so loud the whole
14 time. Um, when we kind of had him in a position where he was under control, um, my
15 partner made the, uh, decision to, uh, let her know that we didn't need the red anymore
16 so it could clear up the traffic 'cause we were holding him down for, like, a solid minute
17 or two almost that I can recall. Um, so that we still need the units that were in route and
18 everything like that and, uh, Sergeant Garcia - I remember him asking for the next unit
19 to have, uh, hobbles and stuff like that. Um, but we had 'em clear the red because we
20 were just gonna try and hold him there initially until, uh, another officer could show up to
21 assist us with putting him into custody.

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1 UM2: 'Kay. So during that time when you're making radio traffic and you're grabbing his
2 hands...

3 KS: Yes.

4 UM2: ...to me it didn't look like you were trying to actively put him in handcuffs at that point.

5 KS: No.

6 UM2: No.

7 KS: Not at that point.

8 UM2: What was the...

9 KS: At that point...

10 UM2: What was the reason for that?

11 KS: So we were going to put him into handcuffs and the way that he was struggling and how
12 difficult it was for the two of us to try and get him onto his belly, um, that's kind of where
13 we kinda pause for a minute because we had him in a good spot to where we could still
14 control his actions and keep him from, you know, really hitting us at any point. But we
15 could still get, you know, radio traffic out so that was a good break in the point for us to
16 be able to try and get that and then we were just gonna try and keep him there until
17 someone could get there to assist us in rolling him and getting him in cuffs.

18 UM2: You're kind of predicting at that point if you try and press the issue...

19 KS: Yeah I...

20 UM2: ...(unintelligible)...

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1 KS: I figured that it could've been potentially worse if we would've pushed it because at that
2 point, um, he was substantially, like I said, he was - he was strong for being a 60
3 something year old male he was putting up a fight of like a 20-year-old. So...

4 UM2: So was that part of the factor is also his age.

5 KS: Yeah. So I - I mean at that point I - I didn't want to necessarily hurt him, you know, uh,
6 obviously I'm trying to - I'm trying to get him into custody but there's no - there's no
7 reason to present any other type of force because we have him on the ground, we have
8 him secured, we're just trying to get him into handcuffs so that we could get him medical
9 and, uh, stuff like that for his mental issues that he was currently having and his little
10 outburst.

11 UM2: Good.

12 CL: Uh, Operator, Officer Lyman. Um, and - and while the video doesn't - does the video
13 give a sense of how strongly he's pushing against you?

14 KS: No. Not really.

15 CL: He...

16 KS: Yeah, I mean, to a point you can see him where he's sitting up out of it - everything like
17 that but, I mean, you can't really see how much force we're having to put into our body
18 weight to keep him down.

19 CL: If you would not of...

20 KS: But...

21 CL: ...held him down what did you feel he would do?

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1 KS: Oh he probably would've punched me or kicked me in the face. He already got his leg
2 up high enough to where he almost hit me at one point. I - in the video you can hear me
3 say, "Don't kick us or you're - we're - we're gonna have a bigger problem," or something
4 along those lines. So, I mean, I felt that (unintelligible)...

5 CL: So he's actively trying to get up at least and get away.

6 KS: Oh yeah he's definitely trying to get up and get away and at that point if he would've
7 gotten up and gotten away then who knows what would've happened. Either it could've,
8 you know, went south and turned into something way worse or he could've attacked
9 someone or attacked us.

10 CL: Yeah.

11 UM1: All right. We're gonna go into Graham v. Connor - just the eight questions 'kay? Um,
12 what if any crimes were involved with the incident?

13 KS: There was no crimes that were necessarily involved in it up until the point where we
14 were trying to, um, get him detained for medical assistance for a legal.

15 UM1: 'Kay. What was the crime that was, uh...

16 KS: Um...

17 UM1: ...was involved at that point?

18 KS: I guess at that point it'd just be obstructing.

19 UM1: 'Kay. Um, what threat...

20 KS: Not necessarily - I don't - I don't - that one I don't necessarily feel that there was a crime
21 though 'cause I - like I said, uh, he was more so just trying to keep us away from him so,
22 I mean, same token I don't even know if I would consider that the case. So I almost feel

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1 more so it'd be just him, you know, trying to talk with us and everything like that but - I
2 don't know that one - that's the only thing that I was having an issue with was that so.

3 UM1: Okay. Um, what threat did the suspect pose to you or others?

4 KS: Um, presented the metal pipe like he wanted to hit me with it and everything like that so
5 came out in a aggravated aggressive and was, uh, pretty much at that point locked eyes
6 with me. Came down the stairs several steps before I could get him to drop the pipe.
7 So at that point, I mean, he presented himself like he was going to do bodily harm to me
8 or someone else.

9 UM1: 'Kay. Did that change at all during the incident?

10 KS: Yeah it kind of fluctuated I feel through - through the - the entire incident 'cause he
11 dropped his pipe and he presents a knife which obviously that was a secondary issue,
12 um, and we managed to get that away from him and then he starts to fight with us again
13 when we're taking him into custody. Um, so I feel like it kind of fluctuated the entire time.

14 UM1: 'Kay. All the way from which section the - so you said at...

15 KS: From the pipe out the door.

16 UM1: At one point he was aggravated aggressive right?

17 KS: Yes. At one point he came out, he was aggravated aggressive.

18 UM1: 'Kay.

19 KS: He had the pipe in hand. Um, he was attempting to close ground on me.

20 UM1: Right.

21 KS: Um, but it was from the top of the stairs. He took a few steps down the stairs towards
22 us. I have enough time and space, um, I got him to drop the pipe. Um, so, I mean, he

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1 was aggravated aggressive at that point. He became, um, very standoffish with us and
2 everything like that and when we tried to conduct our pat down - get him into handcuffs
3 when we were initially - 'cause we tried to get him in handcuffs when we were standing
4 up. That was the initial go around. We weren't...

5 UM1: Mm-hm.

6 KS: ...gonna pat him down and then do cuffs. We were gonna cuff him and then pat him
7 down.

8 UM1: Mm-hm.

9 KS: And as soon as he knew that we were gonna put him into handcuffs he's like, "What are
10 you doing? What are you doing?" And then that's when he kinda took us to the ground.
11 And at that point we kind of lost - lost control of that - or so we had control of his sides...

12 UM1: 'Kay so what...

13 KS: ...which is why we held him down.

14 UM1: ...what level of resistance would you be in at that point?

15 KS: Aggressive.

16 UM1: Okay. And then a- did it - it went all the way down to passive at some point and then
17 back up and just kind of went back and forth through the scale. At no point he was...

18 KS: Uh...

19 UM1: ...ever really compliant though right?

20 KS: Oh he was never compliant. Yeah.

21 UM1: Okay.

22 KS: He was - he wasn't compliant at all.

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1 UM1: Um, was the suspect under the influence of drugs or alcohol?

2 KS: Don't know until they would tell us the - the - the outcome of that one, uh, for far as...

3 UM1: Did - did...

4 KS: ...the, uh...

5 UM1: So you don't know.

6 KS: ...autopsy no.

7 UM1: 'Kay.

8 KS: The guy said that he, uh, the neighbor said that he was under - he uses a lot of, uh,
9 prescriptions and stuff like that and he's had these issues before.

10 UM1: Okay.

11 KS: That's what his neighbor stated.

12 UM1: What was the mental capacity of the suspect?

13 KS: Um, very confused. Um, very disoriented by the seems of it. Um, and he was - believed
14 that he was seeing people. The whole time he was telling us that he needed his back
15 against the wall so that he could protect himself.

16 UM1: How much time did you have to make a decision to use force?

17 KS: I'd say we had time on our side as far as that goes. We had a fair amount of time and
18 distance and everything like that when it initially occurred and then when he presented
19 the knife, um, my partner made his decisions on what he chose to do but there was that
20 kind of little lapse when he pulled - presented the knife out of his pocket and was kind of
21 just holding it like, "Here take it," kind of thing. Um, I'd say at that point when we just
22 tried to put him in handcuffs it was a split-second decision. It was either try and get him

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1 in handcuffs and then he started to resist us immediately and started ripping around and
2 it was pretty much r- right there. That was the decision. It was kind of like, "Okay we
3 have to take him to the ground with minimal force to try and get him into custody.

4 UM1: What was the level of force that you used?

5 KS: Level of force that we used was just officer presence, um, I mean, we're at low level so
6 officer presence, uh, verbal communications and empty hand tactics that was all we
7 used.

8 UM1: Um, what was the availability of officers or resources to deescalate the situation?

9 KS: Uh, not very good because we were so busy that night. Um, there was multiple, um,
10 accident with injuries and stuff like that that were occurring. There was a lot of different
11 calls that were going. Officers were already stretched thin. Um, I was the VC unit that
12 night so, um, you know, my priority was going to different violent crime calls and then
13 just doing car stops and person stops. Um, so he was going to it by himself initially and
14 I told the dispatcher that she could put me with him so he wasn't going alone.

15 UM1: Okay. Um, what proximity or access to weapons did the suspect have?

16 KS: Had the metal pipe in his hand when he initially came out. Uh, when he was at the
17 bottom he presented the secondary weapon that was, um, concealed inside of his pocket
18 or up on his waistband. So he had two different times that he had weapons.

19 UM1: What was the environmental factors that affected your use of force or other exigent
20 circumstances?

21 KS: Um, I mean, exigent circumstances they were kinda - as far as the apartment side of it
22 goes they were nonexistent because there was nothing that you could hear inside that

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1 was going on. Nothing like that that was - made us have to kick any type of door. When
2 it came down initially and I had to draw my gun on him everything that was going through
3 my head at that point was we're in apartment complex with, like, multiple doors around
4 him. So it's kind of a, um, situation where it was, you know, you're kind of limited in that
5 standpoint. But then he drops the pipe. So when we get him down to the bottom and
6 he kinda goes over towards the wall, um, I know we had the wall there between us and
7 he presented the - the - the knife that time. So, I mean, there was - there was multiple
8 kind of factors that kind of started it with and then, uh, once we started to go to take him
9 into custody there was, uh, like the way he was acting as far as slamming his head
10 around and stuff like that. We had to move him, uh, several times so he wouldn't hit his
11 head on stuff. We were trying to keep him from hitting his head on the sidewalk and
12 everything like that as well.

13 UM1: 'Kay. Um, did any other units arrive to assist you other than your sergeant and, like, the
14 later on in the part was there anyone else besides your partner arrive...

15 KS: There was...

16 UM1: ...to help get him in custody?

17 KS: There was the - not to help us get him into custody. We had two units that finally showed
18 up after we had him in custody and he started to calm down.

19 UM1: Okay. Um, did you observe any other officers use force?

20 KS: No.

21 UM1: And then you - you said you requested medical?

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1 KS: I requested and, uh, my partner requested initially, um, and then he asked for them to
2 expedite once we - once he started to calm down after we had him in custody.

3 UM1: Mm-hm.

4 KS: Um, and then I came back over the air and let them know that we potentially thought he
5 might be ED due to the fact that now his breathing was substantially slowing. I didn't
6 know if that had to - anything to do with it, um, or if it was just underlying other health
7 issues that he had.

8 UM1: Okay. Um, did you provide him any medical treatment other than rolling him over?

9 KS: No. We put him into the recovery position. I sternum rubbed him several times to try
10 and keep him awake and up with us.

11 UM1: Do you have any metal - medical training?

12 KS: Um, at one point I just did some basic medical classes that were much prior to here -
13 several years ago - and that was about it.

14 UM1: Okay. Um, did you do anything else that we haven't asked you about?

15 KS: No.

16 UM1: Um, we already talked about that. Um, we did all that. We did that. Uh, was the Air
17 Unit on scene at all?

18 KS: No.

19 UM1: 'Kay. Clay you got anything else?

20 CH: No (unintelligible).

21 UM1: Sarge? Any other questions?

22 UM2: Just confirming no strikes during the incident?

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1 KS: No strikes, no knees - nothing like that.

2 UM2: Okay.

3 UM1: Chad?

4 CL: Nothing. Thank you.

5 UM1: Okay. I'm gonna read you these couple questions real quick. This is what we ask
6 everybody. We asked you in the last one too 'kay?

7 KS: Okay.

8 UM1: Um, in hindsight do you think the incident could've been approached in a way that
9 presented less risk to yourself or others?

10 KS: Um, I would say if there was a little bit better available resources at the timeframe, I
11 mean, at graveyard the Air Unit's down like 95% of the time.

12 UM1: Mm-hm.

13 KS: Um, there - all the officers were on a call. There was no one that was free to come with
14 us. I literally had to make myself free to be able to go with him just so he had someone
15 to go with.

16 UM1: Right.

17 KS: Um, so I would say little bit more officers and stuff like that would've been great right off
18 the get go 'cause it could've, you know, helped get him into custody quicker and alleviate
19 the situation a little bit quicker.

20 UM1: Looking back on the incident is there anything you would have done differently?

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1 KS: Um, not necessarily. I mean, it kind of presented itself as it did. Um, I would say that I
2 felt pretty comfortable with how we handled the situation for what it was with only two of
3 us.

4 UM1: 'Kay. Based on the training that you've received during your time on the department do
5 you think you were adequate - adequately prepared to handle this incident?

6 KS: Yes.

7 UM1: Can you think of any training the department might need to institute to better prepare
8 officers to handle situations like this?

9 KS: No.

10 UM1: Did you have any problems hearing or transmitting with the current radio system?

11 KS: Mmm, uh, no. Not from the radio system itself. I had trouble hearing it from the subject
12 when he was yelling but that was about it.

13 UM1: Did you have any equipment malfunctions or other problems with your equipment?

14 KS: No.

15 UM1: Clay?

16 ? : Done.

17 CH: Officer Smith are there any facts that you are aware of in this case that I have failed to
18 ask you about today?

19 KS: No.

20 CH: Is there any other information you would like to share with us?

21 KS: No.

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1 CH: Is there anyone you believe may have information pertaining to this investigation that we
2 have not already mentioned?

3 KS: No.

4 CH: Has everything you said been the truth?

5 KS: Yes.

6 CH: You may obtain a copy of your interview after it's been transcribed. This is the end of
7 the interview. Same persons are present and the time is 0946 hours.

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