Incident/Investigation Report

Agency: **Sonoma County Sheriff's Office** Case #: **SD190801019**

CONTROLLED DOCUMENT - DO NOT DUPLICATE

Incident Information

Date/Time Reported: **08/01/2019 1742**	Occurred Between: **08/01/2019 1742** & **08/01/2019 1742**
Location: **9TH ST / MORGAN ST, SANTA ROSA CA 95401**	
UCR Status: Cleared	Officer: **Vellis, Ted 1101021**

Summary: Critical Incident investigation regarding the Officer Involved Shooting of Brad Baymon. The Sonoma County Sheriff`s Office invoked the Sonoma County Law Enforcement Employee-Involved Critical Incident Protocol (93-1). Members of the Santa Rosa Police Department Investigations Unit assumed responsibility as the lead investigative agency.

Charges

Statute: **000 - AGENCY ASSIST**		Attempted/Completed: **Completed**
Classification: Other Offenses	Weapon:	
Location: MISCELLANEOUS		
Statute: **000 - CRITICAL INCIDENT PROTOCOL**		Attempted/Completed: **Completed**
Classification: Other Offenses	Weapon:	
Location: MISCELLANEOUS		

Offenders

Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
BAYMON, BRAD	[redacted]	**42/Black/Male**	**6'00"/180**
Address: [redacted]			[redacted]
Employer/School: -			

Others Involved

Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Witness	[redacted]	[redacted]	[redacted]	[redacted]
Address: [redacted]				
Employer/School: -				
Inv Type: **Witness**	Name (Last, First Middle): [redacted]	DOB: [redacted]	Age/Race/Gender: [redacted]	Height/Weight: **/**
Address: ,				
Employer/School: -				
Inv Type: **Witness**	Name (Last, First Middle): [redacted]	DOB: [redacted]	Age/Race/Gender: [redacted]	Height/Weight: [redacted]
Address: [redacted]				[redacted]
Employer/School: [redacted]				

Narrative

Initial Narrative
Written by: **Vellis, Ted 1101021**
Date/Time: **08/01/2019 18:02:08**

CRITICAL INCIDENT - OFFICER INVOLVED SHOOTING OF BRAD BAYMON

Sonoma County Sheriff`s Office Case #190801-019
Santa Rosa Police Department Case #19-0010275

Detective Theodore Vellis
Violent Crime Investigations Unit

NOTIFICATION

On 08/01/2019 at approximately 1745 hours, I was the on-call VCI Detective. I was contacted by Sonoma County Sheriff`s Office Property / Narcotic Crime Investigation Detective Sergeant Jason Lucas and he informed me a Deputy had been in an officer involved shooting. The location of the shooting was in the area of 9th and Morgan Streets in the city of Santa Rosa. Sgt. Lucas requested I respond to the Sonoma County Sheriff`s Office.

AT THE SONOMA COUNTY SHERIFF`S OFFICE

At approximately 1800 hours, I arrived at the Sonoma County Sheriff`s Office. I met with Investigations Lieutenant Tim Duke, Sgt. Lucas and VCI Sgt. Brandon Cutting. Lt. Duke informed us the Sonoma County Sheriff`s Office had invoked the Sonoma County Law Enforcement Chief`s Association Critical Incident Protocol (93-1), and that the Santa Rosa Police Department would be the lead investigative agency. I would assume the role of point of contact / liaison for the Santa Rosa Police Department. Lt. Duke requested we respond to the Santa Rosa Police Department for a briefing.

BRIEFING AT THE SANTA ROSA POLICE DEPARTMENT

At approximately 1930 hours, myself and Sonoma County Sheriff`s Office Detectives from VCI and CSI attended a briefing of the incident with the Santa Rosa Police Department`s Investigations Unit at the Santa Rosa Police Department.

During the briefing, I learned suspect, Brad Baymon, stole shoes from Macy`s and was contacted by Macy`s Loss Prevention Agent as he was fleeing. During the contact Baymon attempted to stab one of the agents in the face with a knife. After the attempted stabbing, Baymon fled through the parking garage.

Baymon was located by Deputy David Edney on 9th Street, in the direction he was said to have fled. During the contact Baymon ignored Deputy Edney`s lawful commands and attempted to steal his patrol car. As Baymon was attempting to flee in the patrol car, Deputy Edney shot Baymon. Baymon was taken into custody and transported to Santa Rosa Memorial Hospital.

CRIME SCENE

At approximately 2100 hours, Sgt. Cutting and I arrived at the crime scene along with Santa Rosa Police Department personnel. During my time at the scene Santa Rosa personnel processed the scene, conducted neighborhood canvasses, collected evidence and took several digital photographs.

At approximately 2230 hours, I left the crime scene.

INTERVIEW WITH DEPUTY EDNEY

On 08/02/19, Lt. Duke, Sgt. Cutting and I were present for the interview with Deputy Edney. The interview was conducted by Santa Rosa Police Detectives Ryan Cogbill and Anthony Turner.

ITEMS INTO EVIDENCE

On 08/01/19, I contacted Sonoma County Sheriff`s Lieutenant Andrew Cash and requested he email an Axon.com link to Detective Cogbill. The link contained all of the Body Worn Camera (BWC) footage, pictures and recordings, uploaded into Axon.com. I later confirmed with Detective Cogbill, he did in fact receive the link.

CASE CLOSED

WITS - VALENCIA, J - 08/01/2019
Written by: **Valencia, Juan 1101628**
Date/Time: **08/01/2019 21:36:52**

Supplemental Report
Officer Involved Shooting
Deputy Juan Valencia # 1628
CR# 190801-019
Witness: [redacted]
****
On 08/01/2019, at 1742 hours, Deputy Edney notified dispatch that he was out with Santa Rosa Police Department`s robbery suspect on 9th Street at Morgan Street. Deputy Merz and I arrived on scene at 1749 hours. I entered the scene and met with Sergeant Gelhaus. I exited the scene and met with Deputy Merz.

I tasked Deputy Merz with contacting people at the scene to see who had witness the Officer Involved Shooting (OIS).

At the scene, I contacted (W) [redacted]. [redacted] told me the following, in summary. [redacted] was sitting in his living room when he heard what sounded like 4-5 gun shots outside. [redacted] got up and looked out his window and saw a marked Sonoma County Deputy Sheriff`s vehicle across the parking lot. He saw the deputy standing by the front left door of his patrol vehicle with his gun drawn and pointed at someone. [redacted] then saw more patrol vehicles arriving at the scene.

I told [redacted] not to talk with anyone about what he had witness.

I notified Santa Rosa Police Department personnel that I had a witness to the shooting. [redacted] agreed to be interviewed by detectives.

Per Sergeant Gelhaus, Deputy Merz and I stayed at the scene as liaisons. At 2006 hours, Deputy Merz and I cleared the crime scene.

WITS - MERZ, D - 08/01/2019
Written by: **DANIEL MERZ 1102731**
Date/Time: **08/01/2019 21:47:03**

On August 1, 2019, at about 1742 hours, Deputy J. Valencia #1628 and I responded to assist Deputy D. Edney #2345 with a robbery suspect at Ninth Street and Morgan Street in the City of Santa Rosa. While responding, Deputy Edney advised over the radio shots were fired. Prior to arriving on scene, I activated my body worn camera which remained on throughout the incident. I arrived on scene and interviewed two witnesses to an officer involved shooting. The witnesses were identified by their statements as [redacted] and [redacted]. Both subjects were on the east side of Ninth Street, approximately twenty feet north of Morgan Street.

I spoke to [redacted] who told me the following:

She was sitting on her blue tarp on the corner of Ninth Street and Morgan Street when the incident occurred. Her vision is poor. She heard someone say, "Stop or I`ll taze you" and then heard a Taser being used. [redacted] saw someone, "Try to get in the Sheriff`s car." Approximately ten seconds later, she heard four gun shots and saw the Sheriff standing near someone.

[redacted] is currently homeless and does not have a cell phone for follow up questions. She can be contacted every morning at the [redacted].

I spoke to [redacted] who told me the following:

He was near [redacted] tent during the incident. He saw a male subject with brown skin, wearing a grey hoodie, try to climb the fence on the north side of Morgan Street. [redacted] heard someone tell the subject to get off of the fence. [redacted] said the subject jumped inside the Sheriff`s car and tried to swing something at the Deputy. [redacted] thought it was a flashlight. [redacted] was astonished at the subject`s behavior and said, "Dude he wouldn`t quit."

[redacted] is currently homeless and lives on the streets near the area of the incident. He can be found most days at [redacted].

I remained on scene as a liaison for the Sheriff`s Department until advised to clear by Sergeant E. Gelhaus #623.

ATT - MILLER, N - 08/01/2019
Written by: **Miller, Nicholas 1102576**
Date/Time: **08/01/2019 21:55:06**

On 08/01/2019, at about 1742 hours, I responded to 9th St and Morgan Street after the report of shots fired by a Deputy.

I arrived on scene and contacted Sgt. Gelhaus who instructed me to sequester Deputy Edney, the involved Deputy.

I contacted Deputy Edney and sequestered him. I transport him to a secure location until he was contacted by SRPD Detectives. At no time did Deputy Edney discuss the incident with me or anyone else, outside his attorney.

At roughly 2130 hours Deputy Edney met with detectives and was advised he could go off duty. I transported him to the Sonoma County Sheriff`s Main Office where he went off duty.

END

WITS - GOFORTH, K - 08/01/2019
Written by: **Hunter, Mark 1102117**
Date/Time: **08/01/2019 23:02:01**

On 8/1/2019 at approximately 1744 hours, I was on patrol in a marked Sonoma County Sheriff`s Office patrol car. I responded to the area of 9th Street at Morgan Street in the city of Santa Rosa. Deputy Edney had advised that he was out with a robbery suspect and there had been shots fired.

I arrived on scene at approximately 1751 hours. I spoke with [redacted], who advised that he had witnessed what occurred at the scene. [redacted] said he was sitting on the sidewalk on the east side of Morgan Street, north of 9th Street. He was sitting with a couple subjects he had just met. He observed a Sheriff`s Deputy driving eastbound on 9th Street. He saw the patrol car come to a stop east of his location, and saw the suspect walking away, apparently ignoring the Deputy`s commands. He described the suspect as an African American male, approximately the same age as he ([redacted].) He heard the Deputy say something similar to "Get off the fence, this is a warrant arrest." He saw the Deputy use his Taser on the suspect, who was trying to climb the fence. At this point, [redacted] looked away, since he said he didn`t want to be involved in what was going

on.

When he looked back a few seconds later (which he estimated was approximately ten seconds) he saw the suspect sitting in the driver`s seat of the Deputy`s patrol car. He observed some kind of a struggle between the suspect and the Deputy, and saw the suspect close the patrol car door. The Deputy opened the door and there was another struggle, at which point the Deputy drew his weapon and fired shots.

[redacted] agreed to stay and speak with the detectives from the SRPD. He advised that he was just passing through, and does not live in the area.

I was then released from the scene by Sgt. Gelhaus, and I cleared at approximately 1816 hours.

My BWC was activated while I was on scene.

DISPOSITION: Supplemental report only.

CHRO - GELHAUS, E - 08/02/2019
Written by: **Gelhaus, Erick 110623**
Date/Time: **08/02/2019 00:48:07**

On the evening of 08/01/2019, I was the Main Office patrol sergeant. About 1740 hours, I heard Deputy Edney radio that Santa Rosa PD had a robbery at the Mall and he was in the area looking for the suspect.

Within a minute or two, Edney radioed that he was out with the suspect; that he had employed his Taser; and the suspect was trying to get into his patrol SUV. I told dispatch I was responding.

Then Edney radioed that shots had been fired and the suspect was down. Both SRPD and Fire/EMS were started.

While enroute, I contacted the watch commander, Lt Cash, who was already in route and then the DSA president.

I arrived about 1747 hours. After determining Deputy Edney was not injured, I checked on the suspect. I told dispatch that Fire/EMS were clear to enter if they hadn`t been told that.

Deputy M Matelli was on-scene and I initially had him temporarily act as the sequestering deputy - I knew M Matelli had been in a significant use of force earlier in his day shift. I had him document my obtaining a safety statement from Edney. In addition to the statement in Edney`s radio traffic, there were no other suspects. Additionally, the only shots Edney fired were into his patrol SUV from the driver`s side at the suspect.

Before 1800 hours, I had Deputy N Miller replace M Matelli as the sequestering deputy. They subsequently went to the Main Office. In the meantime I took custody of Edney`s Axon BWC. I retained it until Lt Cash took control of it.

At about 1900 hours, I went to the Main Office where I briefed other administrators before viewing the BWC footage. I then went to SRPD`s Investigations Bureau where I stood by in the event I needed to answer any questions.

Nothing Further.

FLUP - PARLATO, M - 08/05/2019
Written by: **Parlato, Matt 1101840**
Date/Time: **08/05/2019 09:50:56**

On 8/1/19, at approximately 1750 hours, CSI Detective J. Grohl contacted the CSI Team advising of an Officer Involved Shooting. Detective Grohl stated day shift Sergeant E. Seibold requested we respond to the Sheriff`s Main Office.

I arrived at the Sheriff`s Main Office at approximately 1815 hours, and met with Lieutenant A. Cash, Lieutenant A. Salas, PCI

Sergeant J. Lucas, and DVSA Sergeant K. Konopa. I learned that Santa Rosa PD would be the primary investigating agency, and it was decided that CSI Detectives Lomas and Grohl would be liaisons from our team.

Nothing further.

FLUP - LOMAS, M - 08/10/2019
Written by: **MONIQUE LOMAS 110712**
Date/Time: **08/10/2019 21:43:44**

On 08/01/2019 at approximately 1750 hrs. CSI Detective Grohl contacted the CSI Detectives advising us of an Officer Involved Shooting. We were requested to respond by Sgt. Seibold

At approximately 1825 Hrs. I arrived at the Sheriff`s Main Office and contacted Detective Parlato in the CSI Office. He told me the investigation was being handled by Santa Rosa Police Department (SRPD). I went to the investigations Office and met with Sergeant Konopa and Sergeant Cutting who advised that the investigation was being handled by SRPD but we would have Detectives be liaisons for them. Sergeant Konopa advised me that only one Detective was needed as liaison. I told him I would take on that task. I was told a briefing would be held at the Santa Rosa Police Department at 1930.

At approximately 1925 hrs. I arrived at SRPD and met with Sergeant Cutting and VCI Detectives Mitchell, Vellis and Diehm. I was tasked with going to the scene of the OIS to see if the SRPD CSI techs needed anything. At approximately 2045 hrs. I arrived at the scene located at 9th and Morgan Street and signed into the crime scene log. I was advised I was not needed. At approximately 2058 hrs. I checked out of the crime scene.

ON 08/02/2019 at approximately 1400 hrs. CSI Detective Grohl and I were tasked with setting up the Audio Video equipment at the Sonoma County Deputy Sheriff`s Association Hall for the interview process.

Nothing Further

Dispatch Event Detail

Event #: **SD192130147**

Agency: **Sonoma County Sheriff's Office**

Case #: **SD190801019**

CONTROLLED DOCUMENT - DO NOT DUPLICATE

Event Information

Date/Time Received: **08/01/2019 17:42:26**	Date/Time Closed: **08/01/2019 22:53:00**	
Location: **9TH ST / MORGAN ST, CITY OF SANTA ROSA**		
Dispatched: **08/01/2019 17:47:00**	Enroute: **08/01/2019 17:47:00**	Arrived: **08/01/2019 17:47:00**
Event Type: **WP**	Disposition:	

Response

	Responder - Unit #	Dispatched	Enroute	Arrived	Cleared
1	**Edney, David - F34**	08/01/2019 17:42:27	08/01/2019 20:34:55	08/01/2019 17:42:28	08/01/2019 22:53:16
2	**MERZ, DANIEL - F25**	08/01/2019 17:42:30	08/01/2019 17:45:18	08/01/2019 17:49:34	08/01/2019 20:06:41
3	**Gelhaus, Erick - S5**	08/01/2019 17:42:51	08/01/2019 17:43:10	08/01/2019 17:47:02	08/01/2019 20:17:56
4	**Cash, Andrew - A16**	08/01/2019 17:43:10	08/01/2019 19:50:08	08/01/2019 17:51:23	08/01/2019 21:15:50
5	**Geddes, Zachary - F44**	08/01/2019 17:43:14	08/01/2019 17:43:26	08/01/2019 17:51:09	08/01/2019 17:54:20
6	**Haas, Christopher - H1**	08/01/2019 17:43:29	08/01/2019 17:43:35	08/01/2019 17:58:30	08/01/2019 18:03:13
7	**Miller, Nicholas - G82**	08/01/2019 17:43:34	08/01/2019 17:43:44	08/01/2019 17:50:33	08/01/2019 21:57:16
8	**Negri, Daniel - K10**	08/01/2019 17:43:56	08/01/2019 17:44:00	08/01/2019 17:52:44	08/01/2019 18:26:15
9	**McGoon, Kevin - E21**	08/01/2019 17:43:56	08/01/2019 17:44:00	08/01/2019 17:51:44	08/01/2019 18:57:20
10	**Goforth, Kalvin,1102117 - F24**	08/01/2019 17:44:04	08/01/2019 17:44:07	08/01/2019 17:51:14	08/01/2019 18:16:17
11	**Atallah, Aziz - J85**	08/01/2019 17:44:04	08/01/2019 17:44:10	08/01/2019 17:52:42	08/01/2019 17:53:37
12	**Seibold, Eric - S11**	08/01/2019 17:47:02	08/01/2019 17:47:09	Arrived:	08/01/2019 19:47:42
13	**Matelli, Michael - E61**	08/01/2019 17:47:34	Enroute:	08/01/2019 17:47:35	08/01/2019 18:07:40
14	**Diehm, Anthony - D1**	08/01/2019 17:51:56	Enroute:	Arrived:	08/01/2019 21:53:00
15	**Cutting, Brandon - S4**	08/01/2019 18:07:15	08/01/2019 19:05:08	08/01/2019 19:05:11	08/01/2019 22:50:40
16	**Vail, Michael - C36**	08/01/2019 18:56:09	Enroute:	08/01/2019 18:56:16	08/01/2019 22:53:25
17	**Murphy, Shawn - A19**	08/01/2019 19:51:05	Enroute:	08/01/2019 19:51:12	08/01/2019 21:22:53

Dispatch Event Detail

Event #: **SD192130147**

Agency: **Sonoma County Sheriff's Office**

Case #: **SD190801019**

Response

	Responder - Unit #	Dispatched	Enroute	Arrived	Cleared
18	**Vellis, Ted - D4**	08/01/2019 21:11:11		08/01/2019 21:11:12	08/01/2019 21:52:58

User Comments

08/01/2019 05:42:38 PM | GRACE, NIKKI (1101412) | **F34 -- OUT W/ SRPDS POSS 211 SUSPECT**
08/01/2019 05:42:50 PM | GRACE, NIKKI (1101412) | **F34 -- TASER DEPLOYED HES TRYING TO GET IN THE CAR**
08/01/2019 05:43:00 PM | GRACE, NIKKI (1101412) | **F34 -- SHOTS FIRED SUSPECT DOWN**
08/01/2019 05:43:08 PM | SNYDE, THOMAS (1102291) | **STAGING REDCOM**
08/01/2019 05:43:15 PM | MCKEON, SEAN (1102476) | **A16 COPIES**
08/01/2019 05:43:23 PM | GRACE, NIKKI (1101412) | **F34 - NEED REDCOM TO STAGE**
08/01/2019 05:43:47 PM | BADGER, DANIELLE (1102417) | **SRPD HAS BEEN ADV**
08/01/2019 05:44:10 PM | DIXON, MEGHAN (1064497) | **6S19 ADV'D**
08/01/2019 05:45:04 PM | GRACE, NIKKI (1101412) | **F34 -- HES DETAINED SEND IN MEDICAL**
08/01/2019 05:45:14 PM | CHRISTIANSON, SHONNA (1102482) | **REDCOM ADV**
08/01/2019 05:46:25 PM | GRACE, NIKKI (1101412) | **A16 -- TO S5 - ADV IF WE ARE OK AS SOON AS POSSIBLE**
08/01/2019 05:46:33 PM | GRACE, NIKKI (1101412) | **S5 -- TAKING DT OFF BE THERE IN A COUPLE**
08/01/2019 05:46:39 PM | GRACE, NIKKI (1101412) | **S5 -- CALL IN GRAVEYARDS**
08/01/2019 05:47:00 PM | BADGER, DANIELLE (1102417) | **RECORDS WILL CALL IN GRAVES**
08/01/2019 05:47:09 PM | MCKEON, SEAN (1102476) | **S11 -- @MAIN**
08/01/2019 05:47:17 PM | MCKEON, SEAN (1102476) | **S11 -- COUPLE MIN OUT FROM THE MAIN - WILL START HANDLING THINGS**
08/01/2019 05:47:42 PM | MCKEON, SEAN (1102476) | **Preempt Unit E61**
08/01/2019 05:47:52 PM | GRACE, NIKKI (1101412) | **S5 -- OUR UNITS ARE C4 - FIRE CAN COME IN IF THEY HAVEN'T ALREADY BEEN ADVISED**
08/01/2019 05:47:56 PM | GRACE, NIKKI (1101412) | **S5 ADV MEDICAL WAS ADV TO ENTER**
08/01/2019 05:48:08 PM | BADGER, DANIELLE (1102417) | **A16 COPIES ALL UNITS C4**
08/01/2019 05:48:53 PM | MCKEON, SEAN (1102476) | **Preempt Unit H1**
08/01/2019 05:49:20 PM | BADGER, DANIELLE (1102417) | **PER A11 --- MIKE VAIL ON VACATION, PLS NOTIFY D1**
08/01/2019 05:49:55 PM | BADGER, DANIELLE (1102417) | **D1 HAS BEEN ADV**
08/01/2019 05:51:14 PM | BADGER, DANIELLE (1102417) | **A11 -- CAPTAINS HAVE BEEN ADV**
08/01/2019 05:52:56 PM | MCKEON, SEAN (1102476) | **Alarm Timer Extended: 0**
08/01/2019 05:57:40 PM | BADGER, DANIELLE (1102417) | **Alarm Timer Extended: 0**
Alarm Timer Extended: 0
Alarm Timer Extended: 0
Alarm Timer Extended: 0
08/01/2019 05:57:41 PM | BADGER, DANIELLE (1102417) | **Alarm Timer Extended: 0**
08/01/2019 05:57:51 PM | BADGER, DANIELLE (1102417) | **Alarm Timer Extended: 0**
08/01/2019 05:58:08 PM | GRACE, NIKKI (1101412) | **G82 -- ENR TO THE OFFICE W/ F34**
08/01/2019 05:59:29 PM | GRACE, NIKKI (1101412) | **A16 -- NOTIFICATIONS BEING MADE - LIFT THE CODE**
08/01/2019 06:00:37 PM | MCKEON, SEAN (1102476) | **E61 -- ASSIGN A CR TO F34 FOR THIS**
08/01/2019 06:01:11 PM | GRACE, NIKKI (1101412) | **Alarm Timer Extended: 15**
08/01/2019 06:04:40 PM | BADGER, DANIELLE (1102417) | **PER REDCORDS, GRAVES HAS BEEN NOTIFIED // PATRICK ALDRIGE AND PULEO ARE THE ONLY UNITS WHO ANSWERED AND WHO ARE COMING IN**
08/01/2019 06:04:56 PM | SNYDE, THOMAS (1102291) | **S34 ALSO ADVISED VIA 1021**
08/01/2019 06:14:12 PM | CASH, ANDY (1101039) | **Tracking device 000374CF/MDT/Default System cleared.**
Tracking device 000374CF/MDT/Default System set.
Tracking device 000374CF/MDT/Default System set for employee 1101039.
New equipment list for Unit [A16] :
08/01/2019 06:16:57 PM | BADGER, DANIELLE (1102417) | **A16 -- I WAS JUST INFORMED THE SUSPECT MAY BE 1055, CAN WE PLEASE CHECK WITH THE SRPD UNIT WITH THE VIC TO CONFIRM? **DO NOT BROADCAST****
08/01/2019 06:19:29 PM | SNYDE, THOMAS (1102291) | **SRPD -- HE IS STILL ALIVE**
08/01/2019 06:21:20 PM | SNYDE, THOMAS (1102291) | **A11/A16 ADVISED**
08/01/2019 06:47:45 PM | CHRISTIANSON, SHONNA (1102482) | **A11-- JUST WATCHED BODY WORN CAMERA// A16 IS**

Dispatch Event Detail

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BRIEFING CAPTAIN NOW// WILL BE MEETING WITH INVESTIGATIONS SHORTLY
08/01/2019 06:56:16 PM | SNYDE, THOMAS (1102291) | **C36 -- @DSA HALL**
08/01/2019 07:10:31 PM | GRACE, NIKKI (1101412) | **Alarm Timer Extended: 0**
08/01/2019 07:10:46 PM | BADGER, DANIELLE (1102417) | **SRPD // LT RON NELSON [redacted] REQ A 1021 FROM A16**
08/01/2019 07:11:24 PM | BADGER, DANIELLE (1102417) | **A16 ADV VIA 1021**
08/01/2019 07:32:04 PM | BADGER, DANIELLE (1102417) | **Alarm Timer Extended: 0**
08/01/2019 07:37:13 PM | BADGER, DANIELLE (1102417) | **Alarm Timer Extended: 0**
08/01/2019 07:38:16 PM | GRACE, NIKKI (1101412) | **Alarm Timer Extended: 0**
08/01/2019 07:50:08 PM | BADGER, DANIELLE (1102417) | **A16 -- @DSA HALL**
08/01/2019 07:51:12 PM | BADGER, DANIELLE (1102417) | **A19 -- @DSA HALL**
08/01/2019 07:56:41 PM | BADGER, DANIELLE (1102417) | **Alarm Timer Extended: 0**
08/01/2019 08:34:58 PM | GRACE, NIKKI (1101412) | **Alarm Timer Extended: 0**
08/01/2019 09:16:53 PM | CHRISTIANSON, SHONNA (1102482) | **Alarm Timer Extended: 0**
08/01/2019 09:52:10 PM | CHRISTIANSON, SHONNA (1102482) | **Alarm Timer Extended: 0**

Dispatch Event Detail

Event #: **SD192130147**

Agency: **Sonoma County Sheriff's Office**

Case #: **SD190801019**

System Comments

08/01/2019 05:42:26 PM | GRACE, NIKKI (1101412) | **Field Event**
08/01/2019 05:42:28 PM | GRACE, NIKKI (1101412) | ** **LOI search completed at 08/01/19 17:42:28**
08/01/2019 05:47:09 PM | MCKEON, SEAN (1102476) | ** **LOI search completed at 08/01/19 17:47:09**
08/01/2019 05:52:51 PM | DIXON, MEGHAN (1064497) | **System Unit Alarm**
08/01/2019 05:54:48 PM | SNYDE, THOMAS (1102291) | **System Unit Alarm**
08/01/2019 05:55:33 PM | SNYDE, THOMAS (1102291) | **System Unit Alarm**
08/01/2019 05:56:14 PM | PETERSEN, KIMBERLY (105423) | **System Unit Alarm**
08/01/2019 05:56:23 PM | SNYDE, THOMAS (1102291) | **System Unit Alarm**
08/01/2019 05:56:44 PM | PETERSEN, KIMBERLY (105423) | **System Unit Alarm**
08/01/2019 05:57:44 PM | PETERSEN, KIMBERLY (105423) | **System Unit Alarm**
08/01/2019 05:58:13 PM | GRACE, NIKKI (1101412) | ** **LOI search completed at 08/01/19 17:58:13**
08/01/2019 06:00:26 PM | MCKEON, SEAN (1102476) | ** **Case number SD190801019 has been assigned to event SD192130147**
** **>>>> by: SEAN MCKEON on terminal: sdd6**
08/01/2019 06:11:29 PM | GRACE, NIKKI (1101412) | ** **LOI search completed at 08/01/19 18:11:29**
08/01/2019 06:56:16 PM | SNYDE, THOMAS (1102291) | ** **LOI search completed at 08/01/19 18:56:16**
08/01/2019 06:59:27 PM | GRACE, NIKKI (1101412) | ** **LOI search completed at 08/01/19 18:59:27**
08/01/2019 07:05:08 PM | GRACE, NIKKI (1101412) | ** **LOI search completed at 08/01/19 19:05:08**
08/01/2019 07:10:11 PM | DIXON, MEGHAN (1064497) | **System Unit Alarm**
08/01/2019 07:29:47 PM | GRACE, NIKKI (1101412) | ** **LOI search completed at 08/01/19 19:29:47**
08/01/2019 07:31:46 PM | DIXON, MEGHAN (1064497) | **System Unit Alarm**
08/01/2019 07:34:48 PM | SNYDE, THOMAS (1102291) | **System Unit Alarm**
08/01/2019 07:37:59 PM | GRACE, NIKKI (1101412) | **System Unit Alarm**
08/01/2019 07:50:08 PM | BADGER, DANIELLE (1102417) | ** **LOI search completed at 08/01/19 19:50:08**
08/01/2019 07:51:12 PM | BADGER, DANIELLE (1102417) | ** **LOI search completed at 08/01/19 19:51:12**
08/01/2019 07:56:16 PM | DIXON, MEGHAN (1064497) | **System Unit Alarm**
08/01/2019 08:34:55 PM | GRACE, NIKKI (1101412) | ** **LOI search completed at 08/01/19 20:34:55**
08/01/2019 09:11:17 PM | SNYDE, THOMAS (1102291) | **Unit [D4] Inf Issue Qry 0:3UR40XXXX00.*1102291.#172024032022.IR QVC.CA0490000.NAM/BAYMON,BRAD.SEX/M.[redacted].APP/Y**
08/01/2019 09:11:18 PM | SNYDE, THOMAS (1102291) | **Unit [D4] Inf Issue Qry 0: where a.LNAME='BAYMON' and a.FNAME='BRAD'**
Unit [D4] Inf Issue Qry 0:3UR40XXXX00.*1102291.#172024032022.IN L1BAYMON BRAD
[redacted]
Unit [D4] Inf Issue Qry 0:UR40 D4 XXXX1102291 .W.QW.NAM/BAYMON,BRAD.SEX/M.[redacted]
Unit [D4] Inf Issue Qry 0:000001102291 UR40.QP.NAM/BAYMON,BRAD.SEX/M.[redacted]PIC/2.
08/01/2019 09:11:34 PM | SNYDE, THOMAS (1102291) | **Unit [D4] Inf Issue Qry 0:3UR40XXXX00.*1102291.#172024032022.N 001 LTS DQ.CA0490000.MN.TXT NAM/BAYMON, BRAD.[redacted]SEX/M**
08/01/2019 09:11:35 PM | SNYDE, THOMAS (1102291) | **Unit [D4] Inf Issue Qry 0:3UR40XXXX00.*1102291.#172024032022.IO DLP.ID.[redacted].BAYMON, BRAD.M**
08/01/2019 09:16:13 PM | BADGER, DANIELLE (1102417) | **System Unit Alarm**
08/01/2019 09:51:56 PM | DIXON, MEGHAN (1064497) | **System Unit Alarm**
08/01/2019 10:53:25 PM | GRACE, NIKKI (1101412) | ** **Event SD192130147 closed.**

Sonoma County Sheriff's Office

Investigation - Case Details

Administrative Review: 19-AR-0003

Case Type:	Administrative Review	**Incident Number:**	19-AR-0003	**Report #:**	190801-019
Call Type:	Suspicious Person	**Incident Date:**	8/1/2019	**Time:**	
Origin:	Sheriff's Administration	**Date Reported:**	8/15/2019	**Time:**	07:58
Location:					
Address:					
Status:	Closed - General	**Date Closed:**	4/29/2020		

Details

Brief Summary:

:

Was body camera used & reviewed?: Yes

If so, was that video material to the outcome?: Yes

Employee

Name: EDNEY , DAVID **ID:** 1102345

Supervisor At Incident:

Rank: DEPUTY SHERIFF II **Position:**

County Emp. ID: 21373

Notes:

Persons Involved

Subject

Alias: **Date of Birth:** [redacted]

Address: **Age At Incident:** 42

Contact Type: **Contact Info:**

Race: Black **Sex:** MALE

Build: Medium **Weight:** 200 **Height:** 6'0

Hair Color: Black **Eye Color:** Brown

Baymon, Brad

Notes:

Employee Person Link

Employee:

Tracking

Group Assigned To: Internal Affairs
Employee Assigned To: CUTTING, BRANDON
Role:
Employee Assigned By: MURPHY, SHAWN
Date Assigned: 7/14/2020
Due Date:
Completion Date:
Recommendation:

Outcome Notification Status

Notes:

Group Assigned To: Internal Affairs
Employee Assigned To: DOHERTY, LARRY
Role: Investigator
Employee Assigned By: DOHERTY, LARRY
Date Assigned: 8/15/2019
Due Date:
Completion Date: 3/17/2020
Recommendation: Within Policy

Outcome Notification Status

Notes:

Group Assigned To: Captains
Employee Assigned To: DOUGHERTY, DARIN
Role:
Employee Assigned By: MURPHY, SHAWN
Date Assigned: 4/28/2020
Due Date:
Completion Date: 4/28/2020
Recommendation: Within Policy

Outcome Notification Status

Notes:

Group Assigned To: Executive Staff
Employee Assigned To: ENGRAM, EDDIE
Role:
Employee Assigned By: MURPHY, SHAWN
Date Assigned: 4/28/2020
Due Date:
Completion Date: 4/28/2020
Recommendation: Within Policy

Outcome Notification Status

Notes:

Group Assigned To: Executive Staff
Employee Assigned To: ESSICK, MARK
Role:
Employee Assigned By: MURPHY, SHAWN
Date Assigned: 4/28/2020
Due Date:
Completion Date: 4/28/2020
Recommendation: Within Policy

Outcome Notification Status

Notes:

Group Assigned To: Internal Affairs
Employee Assigned To: MURPHY, SHAWN
Role: Dept. Head/Designee
Employee Assigned By: DOHERTY, LARRY
Date Assigned: 3/17/2020
Due Date:
Completion Date: 4/1/2020
Recommendation: Within Policy

Outcome Notification Status

Notes:

Group Assigned To: Executive Staff
Employee Assigned To: NAUGLE JR, JAMES M
Role:
Employee Assigned By: MURPHY, SHAWN
Date Assigned: 4/28/2020
Due Date:
Completion Date: 4/28/2020
Recommendation: Within Policy

Outcome Notification Status

Notes:

Group Assigned To: Auditor
Employee Assigned To: NAVARRO, KARLENE

Role:
Employee Assigned By: MURPHY, SHAWN

Date Assigned: 4/29/2020
Due Date:

Completion Date:
Recommendation:

Outcome Notification Status

Notes:

Related Incident

20-CL-0008	8/1/2019	2/10/2020	Claims	Closed - General	2019127

Notification

Exhibit

Item Type: Document
Description: Edney's Firearms Training Records
Date: 2/18/2020
Number:
Location:
Link: Item stored in the Database.
Notes:

Item Type: Email
Description: Edney's Email Response Re Debriefing
Date: 2/18/2020
Number:
Location:
Link: Item stored in the Database.
Notes:

Item Type: Document
Description: SRPD's Supplement Report concerning [redacted]
Date: 3/11/2020
Number:
Location:
Link: Item stored in the Database.
Notes:

Item Type: Document
Description: SRPD Supplemental Report Re Dep Edney'
Date: 3/11/2020
Number:
Location:
Link: Item stored in the Database.
Notes:

Item Type: Transcription
Description: Deputy Edney's Interview
Date: 3/11/2020
Number:
Location:
Link: Item stored in the Database.
Notes:

Item Type: Transcription
Description: [redacted] Interview
Date: 3/11/2020
Number:

Location:			
Link:	Item stored in the Database.		
Notes:			
Item Type:	Transcription	**Description:**	[redacted] Int Re Potential Witness
Date:	3/11/2020	**Number:**	
Location:			
Link:	Item stored in the Database.		
Notes:			
Item Type:	IA Narrative	**Description:**	19-AR-0003 Investigative Narrative
Date:	3/17/2020	**Number:**	
Location:			
Link:	Item stored in the Database.		
Notes:			

Electronic Signature

DOHERTY, LARRY	110652	3/17/2020
Notes:		
DOUGHERTY, DARIN	1101583	4/28/2020
Notes:		
NAUGLE JR, JAMES M	1101351	4/28/2020
Notes:		
ESSICK, MARK	110348	4/28/2020
Notes:		
ENGRAM, EDDIE	1101484	4/28/2020
Notes:		

Narrative

Allegation and Actions Taken

Name:	**ID:**
Policy Type:	**Policy List:**
Violation:	
Finding:	**Finding Date:**
Allegation Notes:	

Sub: Report Signature

INTERNAL AFFAIRS INVESTIGATION
#19-AR-0003

Sonoma County Sheriff's Office
Internal Investigation Report

INCIDENT TYPE:	DATE OF INCIDENT:	DATE REPORTED:	FILE NUMBER:
Administrative Review—Officer Involved Shooting	08-01-2019	08-01-2019	19-AR-0003

EMPLOYEE:	DIVISION OR ASSIGNMENT:	WORK LOCATION:
Deputy Sheriff David Edney	Patrol	Main Office

SUMMARY OF COMPLAINT:

This is an Administrative Review of an officer involved shooting that occurred on August 1, 2019, near the Santa Rosa Plaza, in Santa Rosa.

Santa Rosa Police Department's (SRPD) Dispatch center broadcasted a BOLO for a subject who had committed an armed robbery (knife) at Macy's. A description and route of the suspect were provided. Deputy David Edney was near Macy's so he began to look for the suspect.

Deputy Edney located the suspect, Brad Baymon, near Macy's. Believing Baymon was the suspect, Deputy Edney drew his firearms and ordered Baymon to lie on the ground. Baymon did not comply and mumbled incoherently. Baymon walked past Deputy Edney, who transitioned to his Taser. Deputy Edney attempted to use the Taser twice however it was ineffective. Deputy Edney continued to order Baymon to lie on the ground.

Baymon walked to Deputy Edney's marked patrol vehicle, which was running with the driver's door open, entered the vehicle and closed the door. Deputy Edney and Baymon struggled over the driver's door.

Fearing Baymon (who had already attempted to stab someone) would now have access to the vehicle and the weapons located within; Deputy Edney fired his handgun at Baymon to stop his actions.

Based on the officer involved shooting, the Sonoma County Employee Involved Fatal Incident Protocol was enacted. The Santa Rosa Police Department and District Attorney's Office were tasked with conducting that investigation. The Internal Affairs Unit was tasked with completing this administrative review.

DIVISION ASSIGNED:	DATE ASSIGNED:	DATE COMPLETED:
Internal Affairs Unit	08-13-2019	03-18-2020
INVESTIGATOR:	SUPERVISOR (S) REVIEW:	
Sergeant Larry Doherty	Lieutenant Shawn Murphy	

INTERNAL AFFAIRS INVESTIGATION
#19-AR-0003

Table of Contents

Tab	Page
Background Summary	**4**
Involved Parties	**6**
Complaint/Authorities	**8**
Investigation	**9**
Conclusions and Findings	**40**

Background Summary

This is an Administrative Review of an officer involved shooting that occurred on August 1, 2019, near the Santa Rosa Plaza, in Santa Rosa.

Santa Rosa Police Department's (SRPD) Dispatch center broadcasted a BOLO for a subject who had committed an armed robbery (knife) at Macy's. A description and route of the suspect were provided. Deputy David Edney was near Macy's so he began to look for the suspect.

Deputy Edney located the suspect, Brad Baymon, near Macy's. Believing Baymon was the suspect, Deputy Edney drew his firearms and ordered Baymon to lie on the ground. Baymon did not comply and mumbled incoherently. Baymon walked past Deputy Edney, who transitioned to his Taser. Deputy Edney attempted to use the Taser twice however it was ineffective.

Baymon walked to Deputy Edney's marked patrol vehicle, which was running with the driver's door open, and entered the vehicle and closed the door. Deputy Edney and Baymon then began to struggle over the driver's door.

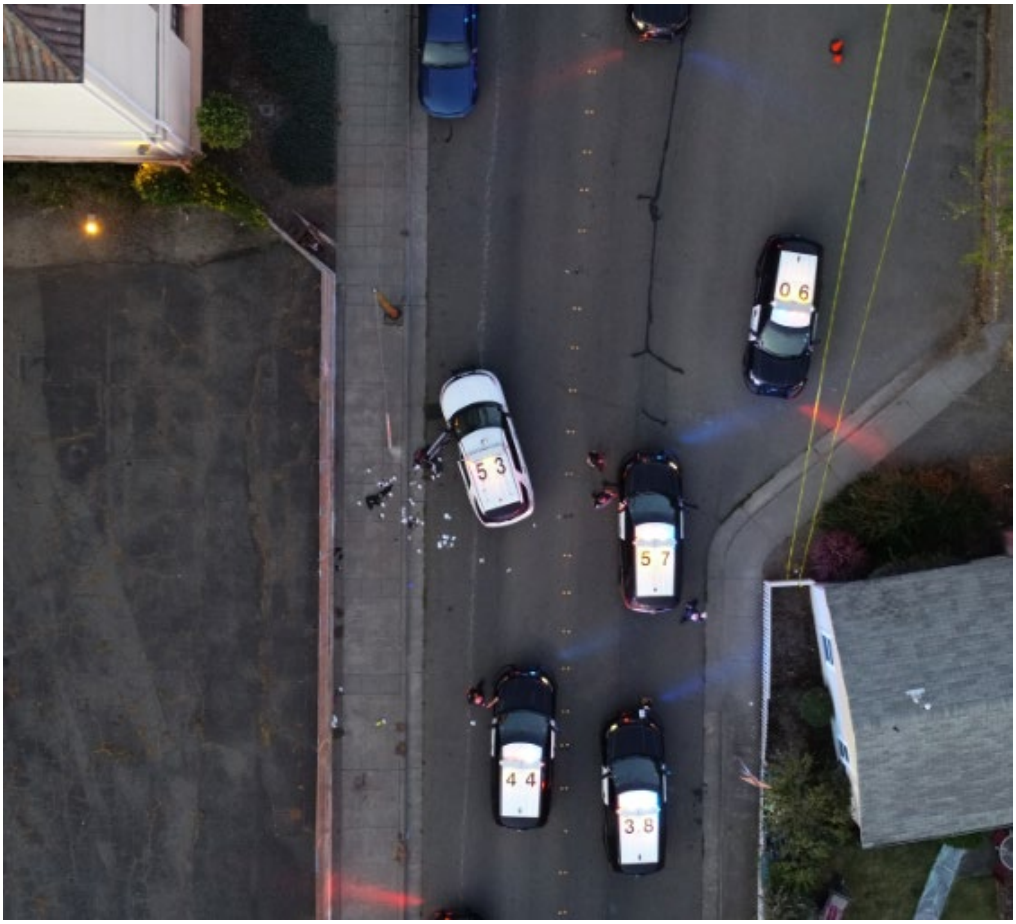
Fearing Baymon (who had already attempted to stab someone) would now have access to the vehicle and the weapons located within; Deputy Edney fired his handgun at Baymon to stop his actions.

Baymon was transported to a local hospital where he was treated for his injuries. He was later booked into the Sonoma County jail.

Based on the officer involved shooting, the Sonoma County Employee Involved Fatal Incident Protocol was enacted. The Santa Rosa Police Department and District Attorney's Office were tasked with conducting that investigation.

The Internal Affairs Unit was tasked with completing this administrative review.

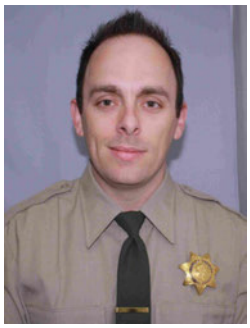
The following two pictures provide an aerial overview as well as a side view near where Deputy Edney fired his handgun. One can observe that the backdrop is a wall.


0 6
5 3
5 7
4 4
3 8


Sonoma County
SHERIFF

Involved Party—Deputy

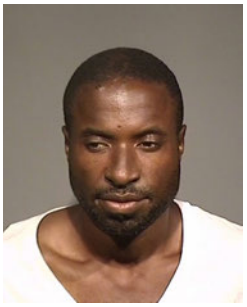
Deputy David Edney (as of August 1, 2019)



Sex: Male
Race: Caucasian
DOB: [redacted] (37 at the time of incident)

Involved Party—Suspect

Brad Baymon (as of August 1, 2019)



Sex: Male
Race: African-American
DOB: [redacted] (42 at time of incident)
Address: Transient
POB: Illinois
Physical:
Height: 5' 09"
Weight: 165 lbs.
Eyes: Brown
Hair: Black

DL# [redacted]

Criminal History:

[redacted]

One arrest of interest occurred on January 17, 2019, when the Portland Police Bureau arrested Baymon. That matter was described by SRPD Detective Vaughn Andrews as

> "Baymon was arrested for interfering with a police officer, resisting arrest and robbery. In this report, Baymon entered a jewelry store where he attempted to steal laptop computers. When the owner tried to detain Baymon, Baymon threw the laptops at the owner. He punched a security guard who tried to detain him and stated 'I'm going to kill you' and 'you guys are dead'. The security guard and owner wrestled with Baymon but he was able to get away.

"Officers contacted Baymon and attempted to take him into custody. Officers told Baymon he was under arrest but he responded by saying, 'I am not under arrest!' Baymon resisted officers and pulled away from them and grabbed at one of the officer's gun belt. As officers took Baymon to the ground, a screwdriver fell to the ground next to Baymon. Officers believed Baymon may have grabbed it from his person and dropped it as he fell. Baymon was ultimately detained in handcuffs.

"When officers attempted to ask Baymon his name he stated, 'that was a problem' and 'this is bigger than you'." [1]

[1] Baymon's criminal history may be reviewed in SRPD Investigative Report 19-0010275, as found under tab 25.

Complaint / Authorities

This investigation began after a deputy from the Sheriff's Office was involved in an 'Officer Involved Shooting' in Santa Rosa. In the beginning of this investigation there were no specific allegations of policy violations or misconduct on behalf of any Sonoma County Sheriff's Office employees therefore there were no specific authorities to address; however, there are policies that govern some of the actions that were taken by the employees. Based on those policies, the actions of the employees will be examined to determine if the policies were followed or if any policy can be improved upon.

The following policy, procedures, or protocols will be reviewed:

Sonoma County Sheriff's Office 'Department-Wide Policy and Procedure'

300	Use of Force
306	Firearms
324	Media Relations
329	Major Incident Notifications
338	Critical Incident Debriefing/Defusing
400	Patrol Functions

Sonoma County Law Enforcement Chief's Association

93-1	Law Enforcement Employee- Involved Critical Incident Protocol

Investigation

On August 13, 2019,[2] I was tasked by Lieutenant Shawn Murphy to complete an administrative review of this matter.

The following managers should review this report:

Captain Darin Dougherty
Captain Eddie Engram
Assistant Sheriff Jim Naugle
Sheriff Mark Essick

The following list shows the individuals who were involved in this matter and by providing their names I hope to aid the evaluator in reviewing this report:

Suspect:

Brad **Baymon**

Victims:

[redacted], Loss Prevention officer (245PC-knife)
[redacted], Loss Prevention officer (245PC-knife)

Witnesses:

[redacted] (OIS)
[redacted] (OIS)
[redacted] (OIS)

Involved Officers:

Deputy David **Edney**

On January 29, 2020, I received Santa Rosa Police Department's investigative (protocol) report. In reviewing the reports, I was able to determine the following:

On August 1, 2019, at approximately 1738 hours, Santa Rosa Police Department (SRPD) officers were dispatched to 800 Santa Rosa Plaza (Macy's) in regard to a robbery that just occurred.

SRPD Dispatch advised officers the suspect brandished a knife and attempted to stab one of Macy's Loss Prevention officers. The suspect was described as a black male adult wearing a brown shirt and khaki pants.

[2] An underlined date indicates it is a part of my investigation, Sergeant Larry Doherty.

SRPD Officer Gonzales-Campos arrived on scene and contacted [redacted] who provided the following information. [redacted] is employed by Macy's as a Loss Prevention officer. At approximately 1730 hours, an unknown male entered Macy's through the north east entrance. The unknown male was described as a black male adult carrying a large bag. According to [redacted], the male's behavior and the large bag made him suspicious so he began to monitor him. [redacted] observed the male grab a shoe box and go into the men's dressing room. (The male was later identified as Brad Baymon and I will refer to him as Baymon for the remainder of this report.) [redacted] coworker, [redacted], followed Baymon and went into a dressing room near him. Baymon was observed exiting the dressing room and hiding the shoebox within the store.

[redacted] noticed that Baymon was no longer wearing the same shoes he had on when he entered Macy's. [redacted] located the shoe box and found used shoes within. Baymon walked past an open cash register on the northwest side of the store and exited without making any attempt to pay for the shoes.

[redacted] and [redacted] contacted Baymon outside of the store and identified themselves as loss prevention officers. Baymon continuously stated, "What?" As [redacted] reached down to show Baymon his loss prevention badge, [redacted] reached into his right pants pocket with his right hand. [redacted] grabbed Baymon's right hand and Baymon pulled out a fixed blade knife. Baymon attempted to stab [redacted] in the neck approximately three times before turning and fleeing the location. Baymon was last seen walking northwest through the parking lot. They called 9-1-1.

SRPD officers were dispatched. Deputy Edney, who works for the Sonoma County Sheriff's Office (SCSO), was scanning SRPD's radio traffic. Deputy Edney heard that a robbery had just occurred and the suspect attempted to stab one of the security officers in the "eye." The description of the suspect, as recalled by Deputy Edney, was a black male adult wearing a brown jacket and carrying a red backpack. Deputy Edney was nearby so he decided to drive towards the call so he could assist SRPD with a perimeter or whatever else they might need. While driving east on 9th Street, Deputy Edney saw a person cross the street that closely matched the description of the suspect—Baymon.

Deputy Edney advised SCSO Dispatch he was going to be out with the possible robbery suspect. Deputy Edney parked his vehicle (though he left it running and the driver's door open) approximately 50 to 100 feet away from Baymon. Deputy Edney said Baymon was walking eastbound on 9th Street. For an unknown reason, Baymon turned around and started walking westbound towards Deputy Edney. Deputy Edney said his siren was not on and he hadn't said anything to Baymon that would have made him change directions abruptly.

Based on Baymon matching the description of the robbery suspect and the close proximity to the crime; Deputy Edney believed Baymon was the suspect. Deputy Edney exited his vehicle, unholstered his firearm, and told Baymon to lie on the ground. Baymon mumbled something that Deputy Edney could not understand and walked right

past Deputy Edney, completely ignoring his command. Deputy Edney said he couldn't see Baymon's hands and he did not know if he had any weapons other than the knife mentioned earlier.

Baymon continued walking away from Deputy Edney, despite commands from Deputy Edney for Baymon to lie on the ground. Deputy Edney transitioned to his Taser and told Baymon he was going to Tase him. Baymon continued walking away so Deputy Edney fired his Taser at Baymon's back. The Taser had no effect on Baymon, who continued walking away from Deputy Edney. Deputy Edney ran around to the front of Baymon and deployed his Taser again. Baymon momentarily stopped, but the Taser did not appear to have any effect on Baymon. Baymon then turned around and started walking eastbound, away from Deputy Edney. Deputy Edney continued giving Baymon commands to stop and lie on the ground.

Baymon walked towards Deputy Edney's marked patrol vehicle. Baymon got into the driver's seat and closed the door. Deputy Edney opened the door and a brief struggle ensued over the door and control of the vehicle. Baymon successfully closed the door again. Deputy Edney was concerned that Bayman, who had already attempted to stab someone, might use the vehicle as a deadly weapon or access the weapons located within. Deputy Edney believed it was necessary to use his handgun to stop Baymon's actions so Deputy Edney fired six rounds at Baymon through the closed driver's door. (At least three rounds struck Baymon in the torso and arm.) Baymon slouched over so Deputy Edney did not fire any more rounds.

Deputy Edney continued to give Baymon commands as he kept his firearm pointed at him. Deputy Edney waited for backup officers to arrive. Once they arrived, Baymon was taken out of the vehicle and emergency medical aid was provided. Baymon was eventually transported to Memorial Hospital. .

Deputy Edney provided a detailed statement to SRPD detectives about what occurred and his decision to use his firearm to stop the potential threat.

SRPD detectives also interviewed Baymon at Memorial Hospital. Baymon had no trouble answering all of the detective's questions regarding his personal history. When the detectives started talking to him about the robbery and shooting, Baymon refused to provide any details. The following are a few examples of statements he made during his interview. When asked about why he was in the hospital he stated, "Well, why I'm here is a series of events that happened that shouldn't happen, but from my point of awareness is, I can see why it happened." Bayman stated;

> "Well, like I was saying, it's a disconnect amongst individuals regarding, regarding what's going on right now that I am aware of and those who are around me are aware of also. So, like as I stated, a series of events that happened, that individuals are aware of, that I am aware of as well, that happened to preceded off of careless actions by others and so like I said, I understand why I am in here."

Baymon stated several times he believed he died on the date of the incident and did not remember anything about what happened. Baymon said; "Well [Detective] Ryan, yesterday I felt like I died yesterday so anything that happened yesterday is not really of any beneficial nature to me so whatever went down I'm not exactly for sure, but I realize now that it uh it's an exploitation of anything that happened."

Baymon was charged with carjacking (215 PC) and resisting a police officer (148 PC), which were based on Deputy Edney's interactions with Baymon (SRPD case number 19-0010275). In addition, Baymon was charged with armed robbery (211 PC), assault with a deadly weapon (245 PC), and being in possession of a dirk or dagger (21310 PC) all based on his actions at Macy's (SRPD case number 19-0010229).



On August 2, 2019, SRPD Detective Ryan Cogbill interviewed Baymon while he was at Memorial Hospital. The interview was recorded, as SPRD Detective Cogbill used his Body Worn Camera (BWC). There is no transcription however a copy of the video is available if the reader wishes to view it. SRPD Detective Cogbill wrote the following about his interview:

"[SRPD Detective Cogbill] walked into Baymon's hospital room and asked him how he was doing. He said, 'Pretty good for the circumstances.' I introduced myself and asked him if he was feeling up to talking with me. He said that he had a little bit of energy. I started asking Baymon personal history questions. Baymon had no trouble answering any of the questions about himself. He confirmed that his name was Brad Baymon. I asked him what his birthday was. He said, 'Relatively speaking, [redacted]' He gave me his height and weight. He provided me with his address in Minnesota and his cell phone number. He said that his cell phone was not through one of the large companies like Verizon or Sprint. He said that it was its own thing. I asked, 'Like a Go phone.' He responded affirmatively. He told me that he was not currently working, but he was a plumber for twenty years. He told me that he was not married and he had no children, 'That he was aware of.' He had no college education. He went to high school in Chicago. He did not graduate, but he obtained his GED.

"I told Baymon that I wanted to talk with him about why he was there. I explained to him that because he was in police custody, I had to read him his rights before we could start. I read Baymon his Miranda Rights, which he said that he understood. I told Baymon to keep his rights in mind and asked him if he wanted to talk with me about what happened yesterday and why he was in the hospital. He began talking. He said, 'Well, why I'm here is a series of events that happened that shouldn't happen, but from my point of awareness is, I can see why it happened.' I asked Baymon to explain it to me from his point of view. Baymon said, 'Well, like I was

saying, it`s a disconnect amongst individuals regarding what's going on right now that I am aware of and those who are around me are aware of also. So, like as I stated, a series of events that happened, that individuals are aware of, that I am aware of as well, that happened to preceded off of careless actions by others and so like I said, I understand why I am in here.'

"I asked Baymon if he remembered going into Macy's the previous day. He asked, 'I forget, what's your name?' I said, 'Ryan.' From that point on he started using my first name a lot while answering questions. Baymon said, 'Well Ryan, yesterday I felt like I died yesterday so anything that happened yesterday is not really of any beneficial nature to me so whatever went down I'm not exactly for sure, but I realize now that it uh it's an exploitation of anything that happened.'

"I asked Baymon to explain to me in his words how he ended up in the hospital. He responded, 'Well, like I said, it was a series of events that went down that shouldn't went down, but as I stated, it was not of my actions, but others.' I asked him to explain that more. He said, 'I don't know if you know Ryan, but this is a systematic structure, for things to happen there have to be some form directed accountability on our on each other and others. So for anything that happened s**** was aware and also accountable of, so as I stated, things that went that happened yesterday happened by a subjective aspect.'

"I explained to Baymon that I had a good idea about what happened based on my investigations and videos that I had viewed. I told him that I wanted to hear from him what was going through his mind. I wanted to know what he was thinking and why he did what he did. Baymon answered, 'Well Ryan, at any given moment in time, I am aware that I am being watched or heard so anything I do is based on that timeframe. I realize that what I say and what I do are implications of my own actions, but at the same time, I'm aware that I have some governance over what I say or do. So I understand, I aware of that some other individuals also are aware of that as well so...'

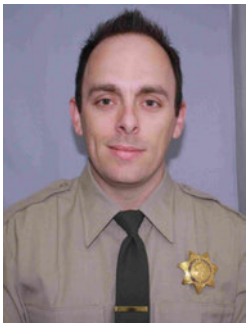
"I asked Baymon if he remembered the police officer contacting him the previous day. He said, 'Uh, I'm not exactly sure.' I asked if he remembered being at the mall and looking at clothing. He responded, 'As I stated Ryan, yesterday I felt like I died so anything of a past nature is not a significance to me as of the bigger nature of things.' I told Baymon that I understood that there were bigger things going on in the world and in the country, but it was important to me that we focus on this, 'Smaller thing,' so I can understand his perspective. I asked him again if he remembered being at the mall. He answered, 'Like I said Ryan, I cannot speak on things which they have no relevance at this point in time.'

"I asked Baymon to tell me why he was in the hospital. He said, 'Obviously, I'm here regarding a set of events that happened that I was subjected to.' I asked him what his injuries were. He said, 'Injuries are from what I was subjected to.' I asked what that was. After a long pause he stated, 'The inappropriate behavior by others.' I asked him who those others were. Baymon answered, 'That is what I am trying to figure out myself.'

"I asked Baymon how he ended up in Santa Rosa and how long he had been in Santa Rosa. He said, 'As I stated Ryan, I felt like I died yesterday so I cannot speak on anything from that point on.' I asked him if he remembered getting shot. Again, after a pause he replied, 'I know I'm in a hospital and the nurses told me that I was shot.' I asked him if he remembered who shot him. He said, 'No!' I asked him if it was a random person on the street or if it was law enforcement. He said, 'I am not for sure.'

"I tried several more times to get Baymon to describe to me what happened. All of his answers were very similar to his answers above. He essentially was concluding that he died the day before and had no memory of the incident. That was contradictory of his initial statement where he clearly stated, 'Well, why I'm here is a series of events that happened that shouldn't happen, but from my point of awareness is, I can see why it happened.' That statement to me meant that he had a memory that a series of events occurred, but he just did not want to talk to me about them." [3]

In reviewing Baymon's statement, I feel Detective Cogbill's synopsis is an accurate reflection of Baymon's statement.



On August 2, 2019, at 1500 hours, Deputy David Edney was interviewed by investigators from the Santa Rosa Police Department and District Attorney's Office due to the protocol having been invoked for the officer involved shooting. Deputy Edney was allowed to watch his BWC video prior to his interview. Deputy Edney was represented by attorney, [redacted] (Rains, Lucia, and Stern). Deputy Edney basically stated the following:

Deputy Edney has worked at the Sheriff's Office for 5 years [redacted] Deputy Edney stated the following when asked to give an account as to what he recalled:

[3] SRPD Detective Cogbill's supplemental report, as found in SRPD Investigative Report 19-0010275, pgs. 28-30 of 89, as found under tab 27.

"Um, I always, since I work local beat, I always have Santa Rosa Channel 1 on my scanner, because I like to listen what you guys are doin' just in case there's anything goin' on, and at that exact moment, uh, your dispatch put, uh, dispatched several units to a 211 that just occurred at Macy's, um, they gave the description of a black male adult wearing a brown jacket and a red backpack, who, uh, I believe tried to steal some items and then, when confronted by security, tried to stab him in the eye, is what I heard on the radio. Um, I figured since I was close, um, they said he fled northbound through the garage. I was, like, oh, I'm close enough. I'll just try and go set up a perimeter spot maybe several blocks north just ta keep an eye out, um, help out, um, so I went through Railroad Square, I turned, uh, eastbound onto Ninth Street, and then as I was coming up to the, um, 101 overpass, I watched, uh, a male matching that scr, description exactly cross the street, coming north, um, closer to the church there, and, so, I put out on my dispatch that I was out with a 211, possible 211 suspect from Santa Rosa's call. Um, as I came up, I came within about 50 to 100 feet of him, um, and I put my car in park. Um, at that exact moment, he was walking eastbound. He, for some reason, just turned around. I didn't, I hadn't said anything, I didn't have my siren or anything, um, he turned around and he started walking my direction. As I got out of my vehicle, um, well, when, when I, when I first saw him, I was, like, I'm 90 percent sure this is him, I mean, how many people are wearin' the exact same thing this guy's wearing, uh, the red back, uh, the red bag or backpack, whatever it was, um, and, so, and then when he turned around and started comin' towards me, I immediately, uh, told him to get on the ground, um, and he just was kinda mumbling something. I couldn't really quite make out what it was, but he just walked right by me, um, acting like I didn't, wasn't saying anything. He kinda looked in my direction and then just kept going, so I, I, I told him again to get on the ground, um, eh, at that moment I noticed that, um, at the time I thought it was his left hand that was free and I thought he had bags or something in his right hand. I couldn't really tell what it was. Um, I didn't see any knives visible at that poment, moment, but I didn't know if he had it on him or if he other weapons on him. I wasn't sure, so, um, but I was treating it as it was, because, uh, the description was that person and that they had just tried to stab somebody with a knife, so I was, uh, 99.9 percent sure this was my guy, especially now that he wasn't listenin' to my commands, walking away from me, he was north of the location where it occurred, especially that they said he ran north, so I was pretty much 100 percent that this was him. Um, so he continues walkin' away, I'm, I'm givin' him commands, he's not listening. I see that he doesn't have anything, um, any weapons completely available, or, uh, ready in his hands, so I told him that I was gonna Tase him. I, I drew my Taser out, and I put my pistol back in my holster and secured it. Um, I told him I would Tase him. He said something. I didn't hear what it was, but he kept walkin' away from me. Um, at this point, because I knew that he had tried to stab somebody or hurt or kill them, I wasn't gonna let this guy get away. I was, like, this guy needs to be stopped. I need to either just incapacitate him or do whatever I can to apprehend him, so I shot him once with the Taser. I carry an X2 Taser. Um, it

didn't have any effect because it hit his jacket. It was thick enough and it was far away enough from his body where, I recognized immediately that it wasn't working. Um, I've used the Taser before on the job, I've been trained by it, I've been shot by it, I know exactly how it feels and works, um, and I knew instantly it didn't work. Um, I remembered when he was walking by me in the first time that he kinda had the, um, his sh, uh, shirt was exposed because his jacket wasn't done, um, and, so, I immediately ran around to the front of him in an arc, um, and I transitioned my Taser to my, um, strong hand, and I shot him again with a second round. That second time, it connected. I could see it connected, 'cause for at least half a second, um, I saw him start ta, um, lock up, and then, uh, eh, but then it stopped, so I don't know if it just didn't connect right, um, he kinda turned away from it and started to pull at it, and then, um, uh, that's when I knew that that was not working. Um, at that moment, I threw my Taser on the ground, 'cause I knew that wasn't an effective tool anymore. I wasn't gonna try and go hands on and do a contact Tase, especially since I didn't know how accessible any weapons he could've had were. Um, he was, obviously, re, completely resisting and not doing any, giving into any of my commands or anything that I was doing, so, um, at that moment he was between me and my car. He turned around, started to walk away, and then started to run towards my car. My car door was still open, because I got out so quick. I didn't bother to shut it down or close the door because, like I said, when I couldn't dealt him, 'cause I didn't know if he had a weapon or, so he bolted right into my car, um, at that exact moment I knew that that was not okay. He'd already, uh, upped the ante at that point by not obeying my commands, um, but then I knew I had my rifle in the car, I knew I had my 40 in the car, and then at that moment I, he jumped into my car, which can turn into a weapon for, um, someone, and I, that was the line for me, and, so, um, I, I'd drawn my weapon, I'd already backed out my pistol again. I gave him commands to get out of my car and get on the ground. Um, originally, I thought I'd opened the door and gave him commands twice to, um, to get him out twice. Um, after reviewing the video, I realize that's not the case. I only did it one time, um, but I opened the door. Um, as I was trying to give him commands, he said something to me. I don't really remember what it was, but he was not goin' with the program, still, um, and when I opened the door, I tried to, I was gonna go reach in to see if I could grab him, but I, I realized that wasn't a good idea, and he was makin' movements, and then he lost grip of the door and immediately turned away from me towards where, um, again, I'm assuming he had bags or something there, but I made the assumption that he was going for whatever weapon he had, either the knife or some, maybe a gun or somethin'. I don't know, because I do know he had one or two bags that I couldn't see, but he immediately made that quick movement, he came back towards me, and I pulled away, because I didn't want him to attack me or hit me with anything that he had, and then, um, right after that, um, he grabbed the door and shut it again. Um, in that exact moment, um, I watched him as he reached up to grab the shift on my thing, and I said, that's where I, I was, like, no, that's it, and, so, I opened fire on him. Um, I thought I shot about four or five times, um, and then, uh, once, once I shot him, um, into the car window, he immediately slumped over in the

> passenger seat. I could see that. He wasn't goin' for the shift anymore, he wasn't gassin' the car or anything, so I knew he wasn't trying to drive away, but, um, I just held my gun on him, and I called out, um, on radio that I had shots fired, uh, I, I believe I yelled for him once or twice not to move, not to make any movements. He was responding to me. I couldn't hear what he was saying, but he was, he was kinda yelling back, but he was still slumped over. Um, I could see, um, red bl, I was assuming it was blood, so I could, I could tell that I hit him. Um, eh, at that point, um, after I called out, uh, that shots were fired, I just yelled at him a couple times, like I said, ta not make any movements. Um, within probably 15 seconds, 20 seconds, uh, the first Santa Rosa officer arrived. I don't remember his name. Um, I told him what I had, he came up next to me with his gun drawn, and I told him that the guy had the knife. I asked the suspect where the knife was. I yelled for him, I said, "Where's the knife? Where's the knife?" And he, I think he said, what I heard him say was it, it's in the bottle, or something along those lines, and I didn't know what that meant. I asked him, what does that mean, and then right after I asked that, he somehow threw it over his shoulder, 'cause he was still slumped over, towards us. It fell into the, um, driver's side floorboard. As another officer arrived, we opened the door, 'cause he still wasn't really moving, um, and then we could see a bloody knife on the floorboard. Uh, I'd estimate it maybe 3 inches, 4 inches. We could see it. One of the officers, other officers grabbed it and then after that, um, um, we started givin' him commands, um, just to, I, I believe to try to come out, but it wasn't happening, so as more officers arrived on scene, we, uh, ended up pulling him out on the ground. He didn't make any resistant movements then, and then, um, after he was secure handcuffed, then I holstered up, and I walked away. I had somebody walk back with me. I don't remember who it was, so, but, um, I think that was, that was the gist of it." [4]

Deputy Edney was asked to describe in more detail what happened when Baymon was seated inside the marked patrol vehicle and reaching for the knife. Deputy Edney stated:

> "Um, so when he ran into my car and I, and I had my gun on him and I was tellin' him to get out, when I opened the door, I didn't see any knives. Um, I did, I didn't see any in his hand. I, I didn't see a bag. I was, uh, more off, I was focused, I was trying to focus on his hands and his face, um, to see what he was doin'. Um, eh, when I reached in a little bit, um, ta keep the door open, and when he turned away from me, I was, and it was in my mind that he was grabbing the knife or another weapon that I didn't know about, and, so, and I wasn't gonna allow that. I wasn't gonna let him hit me with it, I wasn't, or anything, so that's when I backed off, and then he reached back over, um, I'm guessing he saw that I backed up, um, and he grabbed the door, and then he, that's when he shut it. So I didn't see a knife until he threw it over his shoulder, um, towards us, but, but I, when

[4] SRPD Investigative Report 19-0010275, Deputy Edney's statement, pgs. 7 to 11 of 29, as found attached to AIM.

> he was in the car in the first place, I didn't see one, so, but I, I know that when he had reached over and did his thing and he kinda came back quick, I don't know if he had anything in his hands, because at that point I backed up, and then the door was slightly closed, so I couldn't have a direct view of what he had, if he had anything. I just saw, I wasn't even gonna take that chance." [5]

Deputy Edney elaborated about his fear that once Baymon entered the patrol vehicle he had access to a rifle and 40mm low lethal weapon, in addition to the vehicle possibly being used as a deadly weapon. Deputy Edney said; "…in my mind, immediately, I literally thought about this as it was going on as he's right in my car, I'm, like, okay, the car is a weapon now. He can drive around the corner, open the trunk, and easily access, uh, uh, have access to my rif, or to my rifle and the 40 mil., and use it maybe on somebody else." [6]

Deputy Edney discussed the background he had, for when he first drove up to Baymon he did not notice any pedestrians around so he knew when he fired his weapon the potential for anyone else being injured by stray shots was negligible.

In describing his emotional state at the time and his decision to use his firearm to stop Baymon's actions, Deputy Edney stated:

> "Uh, what was going through my mind was when I was dealing with him is that, um, he could pull out the knife at any moment or another weapon like a like maybe a firearm or something that I just couldn't see and, um, because he was in such close proximity to me, I was worried for my safety. I thought he might try and stab me or do something else, you know, with another weapon and that was going through my mind the whole time. The moment, the moment I was 100 percent it was him, I was thinking this guy could hurt or kill me and that wasn't going to happen. I was gonna go home. I got a wife and kids. That's just not gonna happen, so, that was going through my mind the whole time. Um, when I decided to transition to the Taser, try the less lethal option because I couldn't readily see any weapons in his hands. Um, it was still in my mind that at any moment, um, we've had that training where they tell you, you know, from 20, 25 feet someone could run you down with a knife and get you before you could draw and that was all going through my mind. Because I couldn't see the weapon at that moment in his hands, I decided to see if I could just incapacitate him to stop it, stop the threat right then. So that was, that's what was going through my mind then. The moment that didn't work and I went back to my pistol, that was still going in my mind. I was like okay, um, he could pull the knife out at any moment and try and attack me, um, he could, if somebody would, not knowing what was going on, decided to cross the street, that happens all the time, he could go after them for all I know. He's already tried to do it with one security guard one citizen, so all that was just continuously going in my mind the whole time I was dealing

[5] Ibid., pg. 11 and 12.
[6] Ibid., pg. 13.

> with him. And then once again, the moment he got into my patrol car it just, I mean, it says, it seems kind of funny to say it could up the ante but that for me was even, it was even more like okay, now this guy really means business because he's got my vehicle as a weapon, um, he's got my other firearms in there that could be weapons and that's just unacceptable, so." [7]

Deputy Edney later advised me his rifle is a Springfield M-1A SOCOM 16, a .308 caliber (7.62 NATO) semi-automatic rifle with a scope.[8] It had a 20 round magazine attached, plus there were additional magazines available in the trunk.

For further information refer to Deputy Edney's transcribed statement.

SRPD Detective Anthony Turner reviewed Deputy Edney's BWC and wrote the following about his observations:

> "I reviewed Deputy Edney's Body Worn Camera (BWC) footage related to this incident. I watched the footage numerous times and noted that male he contacts looks very similar to (S).
>
> "I played the BWC footage and paused it at four different points. At each point, I obtained a still image from the BWC footage. (It should be noted that I was reviewing a copy of the BWC footage that had been provided to SRPD from the SCSO. The total length of this footage is 05:18. The video file is labelled AXON_Body_2_Video_2019-08-01_1742).
>
> "The four images show a Black male in different body positions as he is walking towards or away from Deputy Edney.
>
> "Image taken at 00:27 - The Black male is seen from the front (he is walking towards Deputy Edney). He is dark-skinned and is wearing a thick dark green winter jacket. The jacket is open at the front. The jacket has a wide collar. He is wearing a faded-red and white plaid shirt underneath the jacket. He is carrying a clear plastic box in his left hand. He is carrying a red bag between his left forearm and the left side of his body. The red bag has a black design mid-way up the side. The design appears to be in the shape of a pair of glasses (two adjacent black circles joined by a straight horizontal black line in the center. There appear to be two lines of white writing under the black design. He is wearing cream colored pants that appear to have no exterior pockets (they are pants and not cargo-pants). His shoes are brown with a distinctive white sole.
>
> "Image taken at 00:30 - The Black male is seen from a side-view (Deputy Edney is facing the male and he is walking from east to west). The Black

[7] Ibid., pgs. 16 and 17.

[8] The specifications regarding this rifle can be found on Springfield's homepage, as found on the internet, https://www.springfield-armory.com/products/m1a-socom-16/.

male is dark-skinned and wearing a dark green thick winter jacket. The cuffs of the jacket are black (it appears that there is a black inner-liner to the jacket). He is carrying a clear plastic box in his left hand. It appears that he has several pieces of string, ribbons or cord wrapped around his left hand and wrist. He is carrying a red bag between his left forearm and the left side of his chest. A black design and two lines of white writing can be seen on the side of the red bag. Underneath the red bag, he is carrying a black tote-style bag. The exterior of the bag is partially covered by the red bag. However, the black bag is square in shape with a white border running around the exterior edge. Two white images can be seen on the side of the bag - a thick U-shape design in the center at the bottom of the bag and a design on the right-side that appears to be a horse with a rider with a lighter colored rectangle underneath. He is wearing cream colored pants that appear to have no exterior pockets (they are pants and not cargo-pants). His shoes are brown with a distinctive white sole.

“Image taken at 00:39 - The image shows a Black male standing at an angle facing Deputy Edney (Deputy Edney is positioned at an angle on the left-side of the male). The male’s head or face cannot be seen. His hands are clearly visible; his skin is black. He is wearing a thick dark green or gray jacket with black cuffs (it looks as if there is a black under-liner inside the dark green/gray jacket). He is wearing a red and white plaid shirt under his jacket. The shirt can be seen to have three or four shades of red. He is carrying a clear plastic box in his left hand. There are several black cords or ropes wrapped around his left hand. He is carrying a red bag between his left forearm and the left side of his body. The bag has a distinctive black design on the side that looks similar to a pair of glasses (two black circles joined in the center with a straight horizontal black line). There are two lines of white writing underneath the black design. The top line of text reds: ‘Will change’. The bottom line of text reads: ‘even’. He is carrying a black tote-style bag underneath the red bag. The black bag is square in shape and the exterior edge is white or gray. A partial design on in the center of the bottom part of the bag can be seen. The design appears to be the left side of a U-shape. There is a trail of thin wires running from the male`s right shoulder towards Deputy Edney. He is wearing cream colored pants that appear to have no exterior pockets (they are pants and not cargo-pants).

“Image taken at 00:43 - The image shows a Black male facing Deputy Edney. The male is holding his arms out so that they are perpendicular to his body. He is dark-skinned and is wearing a thick dark green winter jacket with a thick collar. The jacket is open at the front. He is wearing a red and white plaid shirt underneath the dark green jacket. He is carrying a black tote-style bag on his left side. It appears that the strap of the black bag is strapped over his right shoulder. As the male’s left leg is in front of his right leg, the male’s body is turned in a bladed-stance. From this

angle, the front of the male's black bag is clearly visible. It is square in shape and has a white line running around the exterior edge. There are four white designs on the front of the bag. The white images on the bag's exterior are in a diamond pattern, with two larger images on the top and bottom, and two smaller images on the sides. The bottom image appears to be a 'U' shape, similar to an upside-down rainbow. The image on the right-side appears to be a small image of a horse with a rider. There is a lighter white or gray rectangle below the animal. He is wearing cream colored pants that appear to have no exterior pockets (they are pants and not cargo-pants). His shoes are brown with a distinctive white sole.

"I was advised that the Black male seen in Deputy Edney's BWC was identified as Brad Baymon (his identification card was found on his person and Baymon confirmed his identity to Det. Cogbill).

"Each of the four still images from the BWC show Baymon in a different body position. Each image shows a variety of unique and distinct characteristics about Baymon's appearance, clothing and the items that he was carrying.

"Deputy Edney's BWC footage shows that he contacted a dark-skinned Black male with short hair. I have confirmed that he was wearing a dark green jacket identical in description to the one worn by (S) outside Macy's. Additionally, both males are seen carrying identical red bags in their left hands, identical black-tote style bags on their left side, are carrying identical clear plastic boxes, are wearing the same cream-colored pants and they are both wearing identical brown shoes with a distinct white sole. Both males have identical facial features, hair length and are of an identical stature.

"By reviewing all of the unique and distinct characteristics shown in the four images, I believe that there is probable cause to believe that (S) is Baymon." [9]

On August 3, 2019, at 2050 hours, [redacted] was interviewed by SRPD Detectives Anthony Turner and Michael Spediacci. [redacted] is one of the Lost Prevention officers for the Santa Rosa Plaza. On August 1, 2019, he was working with [redacted] and [redacted] Detective Turner described that interview as follows:

"[redacted] confirmed that he has was working today with [redacted] and [redacted] Holden often works with these employees, and they are all members of the Asset Protection team.

[9] SRPD Detective Turner's supplemental report, as found in SRPD Investigative Report 19-0010229, pgs. 81 and 82 of 100, as found under tab 42.

"Today, just after [redacted] had finished his lunch, [redacted] identified a suspicious male shopper inside the store (later identified as Brad Baymon). [redacted] left the Security office to follow the male, while [redacted] stayed inside the Security office and followed Brad on the CCTV cameras from inside the Security office (see my separate supplemental report for further information about the CCTV footage).

[redacted] could clearly see Brad on the CCTV monitors in the Security office. He described Brad wearing a brown jacket, khaki pants and he was carrying a black/red bag. He updated Brad's movements to [redacted] and [redacted] from the Security office over their internal radio system.

"On the CCTV monitors, [redacted] watched as Brad selected a large quantity of clothing and a box of shoes from the shop floor. As [redacted] followed Brad on the CCTV, [redacted] walked over to the Male changing rooms and 'cleared' the room (he ensured that there was no discarded items of clothing, price tags or clothing labels inside the changing rooms). [redacted] watched as Brad took two items of clothing and the box of shoes into the Male changing room.

"Once Brad was inside the Male changing room, [redacted] switched roles with [redacted]. [redacted] watched the CCTV monitors inside the Security office while [redacted] walked out onto the Macy's shop floor. [redacted] and [redacted] waited on the shop floor for Brad to exit the Male changing room.

"When Brad walked out of the changing room, [redacted] noted that Brad was wearing a new pair of shoes. [redacted] believed that these new shoes were the pair that Brad had just selected off the shop floor and carried into the Male changing room. It appeared that Brad was not carrying or wearing a second pair of shoes (his old pair). [redacted] therefore believed that Brad had just removed his old pair of shoes and had left them in the Male changing room. [redacted] noted that Brad was not carrying the two items of clothing that he had also taken into the changing room with the new shoes. [redacted] therefore believed that Brad had discarded the two items of clothing along with his old shoes in the Male changing room, and he believed that Brad was now trying to steal the new shoes (the shoes that he was wearing).

"[redacted] was also watching Brad inside the store and saw that he was now wearing a new pair of shoes. He knew that Brad had not made any attempt to pay for the new shoes.

"[redacted] followed Brad through the Men's Department and out of the store's west exit door. As he walked outside, [redacted] knew that [redacted] was walking directly behind him. After Brad had exited the store making no attempt to pay for the new shoes, [redacted] walked out of the west exit and

stood in front of Brad. [redacted] saw [redacted] exit the store and approached Brad from behind. [redacted] approached Brad from behind and said: 'Hold up'. At the same time, [redacted] identified himself as a Macy's Asset Protection officer and told Brad that he just wanted to talk to him about the new shoes that he was wearing but had not paid for.

"[redacted] and [redacted] told Brad again that they were Macy's Asset Protection employees and they just wanted to talk to him about the shoes. [redacted] described them both being 'calm and casual'; [redacted] confirmed that neither [redacted] [nor] he made any physical contact with Brad, and neither of them 'put their hands' on Brad.

"Brad asked them again who they were. [redacted] took out his identification badge which stated that he was a 'Macy's Asset Protection Officer' and showed it to Brad. [redacted] heard [redacted] tell Brad his full name and tell him again that he was an Asset Protection officer. [redacted] told Brad his first name and repeated that he was an Asset Protection officer with the store.

"Both [redacted] and [redacted] told Brad numerous times that they were Asset Protection officers who worked at Macy's. They explained to Brad multiple times that they wanted to speak to him about the new shoes that he was wearing, and that they believed Brad had just stolen these shoes from the store.

"[redacted] arrived outside the store but remained standing a short distance away from [redacted] and Brad. Brad said something similar to, 'Hold up' and then quickly put his right hand into his right pocket.

"As Brad did this, [redacted] grabbed hold of Brad's right wrist. He did not know why Brad had put his hand into his pocket and was concerned about what he may pull out. Once Brad's hand was inside his pocket, he immediately pulled out a fixed blade knife. As he pulled it out, [redacted] kept his hand around Brad's wrist to keep the knife away from him and [redacted]

"While [redacted] maintained his grasp on Brad's wrist, Brad moved his arm and 'violently' attempted to stab [redacted] and [redacted] with the knife. [redacted] believed that Brad attempted to stab [redacted] 'with intent, several times four or five times'.

"[redacted] remembered keeping hold of Brad's wrist as he was trying to stab [redacted] However, he realized that as everything was happening very quickly, he must have let go of Brad's wrist during the stabbing motions.

"Brad did not say anything as he was trying to stab [redacted], or as he was walking away.

"[redacted] immediately called 911 from his cell phone as Brad picked up his other belongings and walked north-west, away from the store. [redacted] stayed on the phone talking with 911 as Brad walked away. [redacted] was able to give 911 a description of Brad and details of the incident as he walked away from him. [redacted] and [redacted] followed Brad for a short distance before turning around and walking back to the Macy's store. [redacted] did not know where Brad went as he continued walking north-west away from the Macy's store.

"[redacted] remembered that Brad kept the knife in his hand as he walked away (he thought Brad held it in his right hand). [redacted] continued to watch as Brad walked away (northbound) from the store with the knife still in his hand.

"[redacted] recalled that the knife was charcoal in color, and appeared to be just one consistent color. [redacted] noted that Brad did not have to 'open' it or perform any type of manipulation to expose the knife's blade - [redacted] believed that it must be a fixed bladed knife. [redacted] estimated that the blade on the knife was about 5" long.

"[redacted] described the clothing that he was currently wearing (to assist in identifying him on the CCTV footage of the incident). He was wearing a black hoody sweatshirt, jeans and a pair of black Nike sneakers. I confirmed that Holden was wearing the clothing as he had described. Holden confirmed that he was wearing this clothing at the time of the incident and had not changed his clothing since that time."[10]

In reviewing [redacted] statement, Detective Turner's synopsis is an accurate reflection of [redacted] statement. I would note that when [redacted] described Baymon's assault; [redacted] said Baymon was stabbing the knife towards [redacted] "…like a dagger motion towards his neck" and "upper chest area." [11]

For further information refer to [redacted] transcribed statement.

On August 3, 2019, at 1247 hours, [redacted] was interviewed by SRPD Detectives Turner and Spediacci. They spoke to [redacted] as it was believed a citizen had videotaped the actual assault with the knife. It turned out the citizen had simply recorded Baymon's departure from Macy's.

[redacted] was re-interviewed at 2050 hours, by SRPD Sergeant Brian Boettger and Detective Terry White. Detective White described that interview as follows:

[10] SRPD Detective Turner's supplemental report, as found in SRPD Investigative Report 19-0010229, pgs. 91 to 93 of 100, as found under tab 42.

[11] SRPD Investigative Report 19-0010275, Layton's statement, pg. 4 and 8 of 18, as found attached to AIM.

"[redacted] said that at approx. 1715 hrs., he was monitoring the closed-circuit television (CCT) cameras that were covering the entrances to the store. [redacted] said he saw a black male adult enter the store from B Street side. The subject was wearing a brown button up shirt, large green coat, khaki pants and dark brown shoes.

[redacted] began following the subject on the CCT system. The suspect went to the men's area and collected a pair of pants and a shirt. The subject set the items down and then walked to the men's shoe area.

"At that point, [redacted] had someone else monitor the CCT system as he went onto the floor to watch the subject.

[redacted] said that he checked the men's dressing room to ensure that there were no items already in the room. He then saw the suspect enter the dressing room. The suspect had the shirt, pants and a box of shoes.

"[redacted] said that he stepped into the dressing room next to the suspect. [redacted] said that he could hear the sound of paper as if the shoes were being removed from the box. [redacted] then saw the suspect exit the dressing room area. [redacted] checked the dressing room where the suspect had been, but there were no items left in it.

"He then followed the suspect. The suspect left the shirt and pants near the dressing room. The suspect was carrying the shoe box, but [redacted] saw that the suspect was wearing the new shoes. [redacted] saw the suspect place the shoe box down below a display and continue to walk towards the exit.

"[redacted] opened the shoe box and saw that it contained the shoes that the suspect wore into the store. [redacted] then advised the other asset protection agents that he believe the suspect was stealing the shoes and they would contact the suspect if he left the store without paying for the shoes.

[redacted] followed the suspect and another asset protection agent was in front of the suspect. They exited the store through the west doors.

"When they were approx. two feet outside of the store, [redacted] verbally identified himself and he was wearing his asset protection badge around his neck. [redacted] said that he told the suspect something to the effect of they needed to talk about the shoes that he did not pay for.

[redacted] said that the suspect asked something to the effect of, What? Who are you guys? [redacted] said that he again identified himself as an

asset protection agent from Macy's, and he only wanted the suspect to come back into the store so they could resolve the issue.

[redacted] was unsure if the other asset protection agent grabbed for the suspect's left hand. At that point, the suspect placed his hand in his right pocket. He removed his hand from the pocket and he had a 5 inch fixed blade knife in his hand. [redacted] did not initially recognize the item as a knife.

[redacted] said the suspect raised the knife above his head. At that moment, [redacted] was standing perpendicular to the suspect's left shoulder. The suspect was holding the knife in his right hand with the tip of the knife pointing down. He then made a downward stabbing motion towards [redacted]

"I asked [redacted] how he felt when the suspect produced the knife and made the downward stabbing motion. [redacted] said that he was fearful for his life and he was surprised that he was able to move out of the way of the stabbing motion without being injured.

"[redacted] said that he immediately created distance between himself and the suspect as the suspect made two more stabbing motions.

"After disengaging with the suspect, [redacted] directed his staff to get back into the store. At that point, the suspect picked up his items and started to walk away.

"[redacted] immediately called 911 and was on the phone with the dispatcher as the suspect walked west through the parking lot. The suspect did not run and occasionally glanced over his should as he walked away." [12]

In reviewing [redacted] statement, Detective White's synopsis is an accurate reflection of [redacted] statement.

For further information refer to [redacted] transcribed statement.

[redacted] On August 1, 2019, at 2023 hours, [redacted] was interviewed by SRPD Detective James Page. [redacted] lives (homeless) in the area of where the shooting took place. [redacted] advised Detective Page her eyesight is very poor and she is "blind" without her glasses, which she was not wearing when she witnessed the officer involved shooting. She was seated with some (homeless) friends at the intersection of Morgan and 9th Street.

[12] SRPD Detective White's supplemental report, as found in SRPD Investigative Report 19-0010229, pgs. 98 to 100 of 100, as found under tab 42.

[redacted] saw the marked Sheriff's patrol vehicle come to a stop. A deputy exited and began to tell a male "Stop or I will Tase you." [13] [redacted] heard a loud noise which indicated to her the deputy used his Taser. The suspect walked past the deputy and entered his marked patrol vehicle. [redacted] then heard four gunshots. [redacted] hearing the shots, ran westbound away from the scene as she was afraid for her safety. She later returned and spoke to SRPD Detective Page.

For further information refer to [redacted] transcribed statement.

[redacted]

On August 1, 2019, SRPD Officer Richard Boehm contacted [redacted], who lives (homeless) in the area of where the shooting took place, and wrote the following about [redacted] observations:

"[redacted] stated on today's date at approximately 1500 to 1530 hours, he was sitting with two of his friends on the northeast corner of Morgan Street and 9th Street. [redacted] and his two friends were seated facing westbound, looking toward Highway 101. While seated in this area, [redacted] observed a Santa Rosa Police Department patrol vehicle pass his location heading eastbound on 9th Street. Approximately three to four minutes later, [redacted] observed a Sonoma County Sheriff's patrol vehicle pass his location traveling eastbound on 9th Street as well. Several seconds after the Sonoma County Sheriff's patrol vehicle past his location, [redacted] heard a commotion coming from behind where he was seated.

[redacted] turned around and observed a Sonoma County Sheriff's Deputy yelling commands toward a black male adult with dark clothing (Suspect). The Suspect was attempting to climb over a fence from 9th Street into the parking lot of the church located at [redacted] 10th Street. The Sheriff's Deputy was yelling for the Suspect to get off of the fence and not to move. The Deputy threatened to 'Tase' the Suspect if he did not comply with his commands. As the Suspect climbed off of the fence, the Deputy deployed his Taser two to three times. [redacted] stated the Taser did not affect the Suspect's movement as he exited off of the fence and began walking away from the Deputy. As the Deputy stepped in front of the Suspect to block his escape, the Suspect turned around and walked toward the parked patrol vehicle.

"The Suspect walked over to and entered the front driver seat of the Deputy's patrol vehicle. As the Suspect walked toward the patrol vehicle, the Deputy was giving him verbal commands to stop. The Suspect failed to comply with the verbal commands from the Deputy. As the Suspect entered the vehicle, he slammed the door shut. As the Suspect closed the

[13] SRPD Investigative Report 19-0010275, [redacted] statement, pg. 3 of 16, as found under tab 19. [redacted] has no residence or phone contact information.

driver side front door, the Deputy immediately opened the same door from outside the vehicle. [redacted] described a struggle between the Suspect who was trying to close the driver side front door and the Deputy who was attempting keep the door open.

"During the struggle over the door, [redacted] observed the Suspect waving what appeared to be a large metallic object toward the Deputy from inside the vehicle. He was unsure what the item that the Suspect was waving around was. He estimated the length of the unknown object to be approximately twelve to eighteen inches.

"As the Suspect swung the unknown object at the Deputy, he was able to momentarily close the driver side front door to the vehicle. The Deputy took several steps back, drew his firearm, bent down and fired three to four rounds at the Suspect through the driver side front window. [redacted] believed the rounds struck the Suspect as he no longer resisted the Deputy. He believed the Suspect stayed seated in the Deputy's patrol vehicle until additional law enforcement officers arrived. The Suspect was eventually removed from the vehicle by law enforcement officers and medical attention was rendered.

"[redacted] showed me the exact location where he observed the shooting incident take place. The location where [redacted] was seated was approximately one hundred and fifty feet from where the shooting took place. From the location where [redacted] was seated, he would have been looking through two sets of chain link fencing. There were no additional obstructions blocking [redacted] view of the shooting.

"[redacted] stated he heard the Deputy give the Suspect numerous commands before he deployed his Taser and before he discharged his firearm. [redacted] could not remember the exact warnings given to the Suspect. He believed the warnings were similar to 'stop moving or I'll Tase you', 'hold', 'freeze' and 'stop.'

I asked [redacted] what he thought would have happened if the Suspect was able to drive away in the Sonoma County Sheriff's patrol vehicle. [redacted] believed the Deputy on scene or local residents may have been run over by the Suspect if he was able to drive away in the patrol vehicle.

"[redacted] said he did not believe the Suspect ever complied with any of the Deputy's verbal commands." [14]

For further information refer to SRPD Officer Boehm's supplemental report.

[14] SRPD Officer Boehm's supplemental report, as found in SRPD Investigative Report 19-0010229, pgs. 12 and 13 of 100, as found under tab 42. [redacted] personal information is located on pg. 44.

On August 1, 2019, SRPD Officer Nicholas Lund contacted [redacted] who lives (homeless) in the area of where the shooting took place, and wrote the following about [redacted] observations:

> [redacted] told me that he was standing on Morgan St near 9th St by the cyclone fence that borders the St Rose Church property. He said he was smoking marijuana when a friend of his told him to look toward the direction of where the deputy parked his car. [redacted] said he saw the white SUV parked with its door open. He saw the deputy standing near the suspect and he heard the deputy yelling at the suspect. [redacted] said the deputy was yelling something similar to 'stop' or 'halt, you're being arrested.' He said there were many verbal commands given by the deputy. [redacted] said the suspect, who he described as an African American, attempted to climb up the cyclone fence. At that point, the deputy Tased the suspect. He said the deputy continued yelling at the suspect to get down off the fence. [redacted] thought that the deputy had possibly Tased the suspect twice, but he wasn't sure. He said the Taser did not appear to have any effect on the suspect and it looked like he had ripped the wires off of his clothing. [redacted] said he looked away for approximately 5 or 6 seconds. When he looked back, he saw the suspect getting into the deputy's vehicle through the open driver door. [redacted] said it looked like the deputy still had his Taser in his hand. He said at that point, the suspect shut the vehicle door. The deputy then opened the door and [redacted] said he saw the suspect's arms wildly flailing out the open door. He said the suspect was able to close the vehicle door again and the deputy drew his handgun and pointed it at the suspect. [redacted] said he then saw the deputy shoot approximately 5 shots because he assumed the suspect was about to put the vehicle into drive. [redacted] said he thought the car could be used as a deadly weapon if the suspect were able to drive it away. [redacted] described the suspect as looking 'possessed.' [redacted] said he heard the deputy yell 'stop!' at least four times just prior to shooting the suspect. [redacted] remained at the scene waiting to be interviewed by detectives." [15]

Sergeant Sean Jones reviewed Deputy Edney's body worn camera (BWC) and was able to gather the following information:

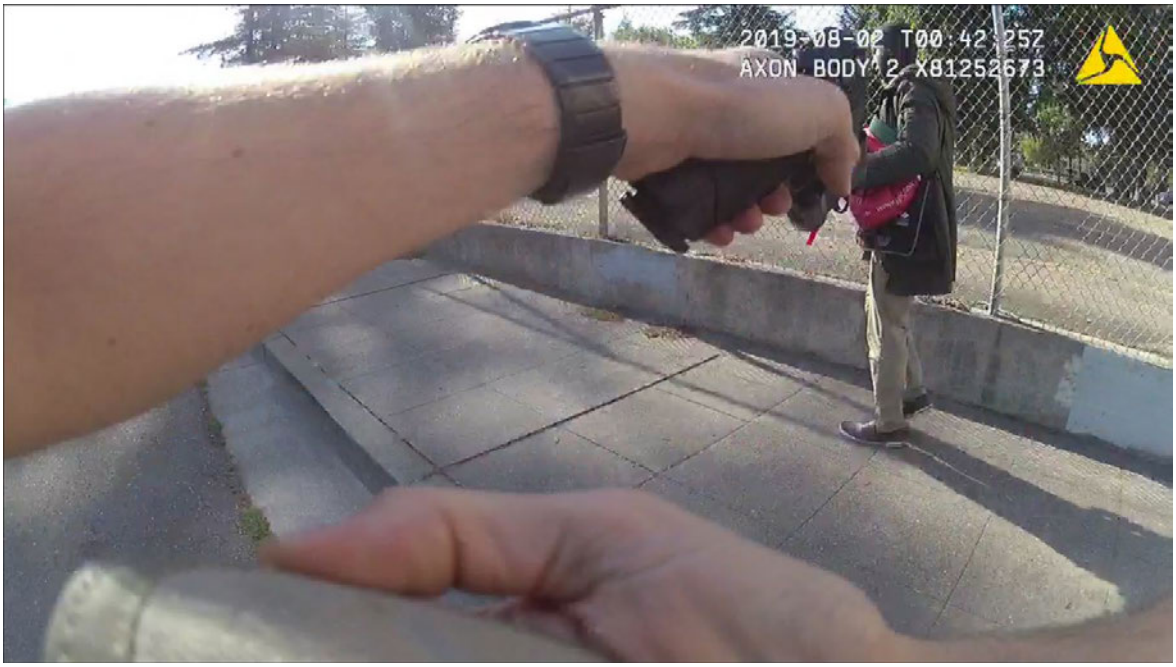
Deputy Edney activated his BWC at approximately 1742 hours. The video recorded continuously for 05:46 (mm:ss). The first 30 seconds of the video had no audio due to standard device settings. Sergeant Jones detailed the following significant points in the BWC video below.

[15] SRPD Officer Lund's supplemental report, as found in SRPD Investigative Report 19-0010229, pgs. 45 and 46 of 100, as found under tab 42. [redacted] personal information is located on pg. 44.

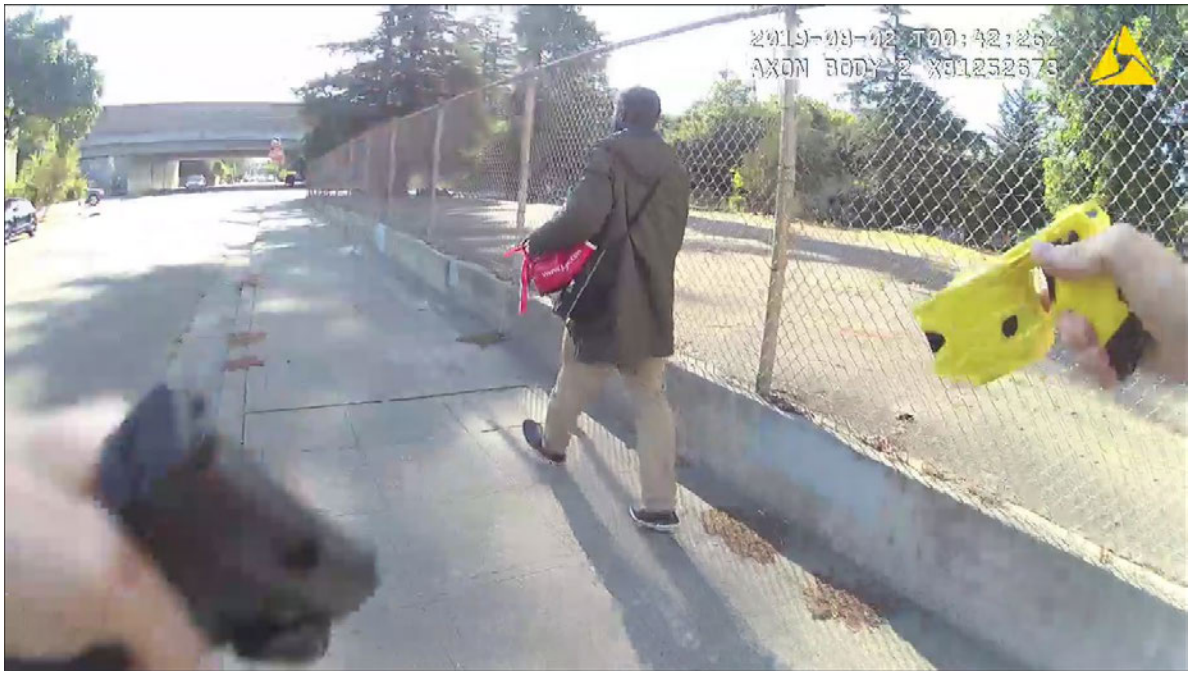
00:25 – Deputy Edney's initial confrontation with Baymon.



00:31 – Deputy Edney ordered Baymon to "Get on the ground right now!"



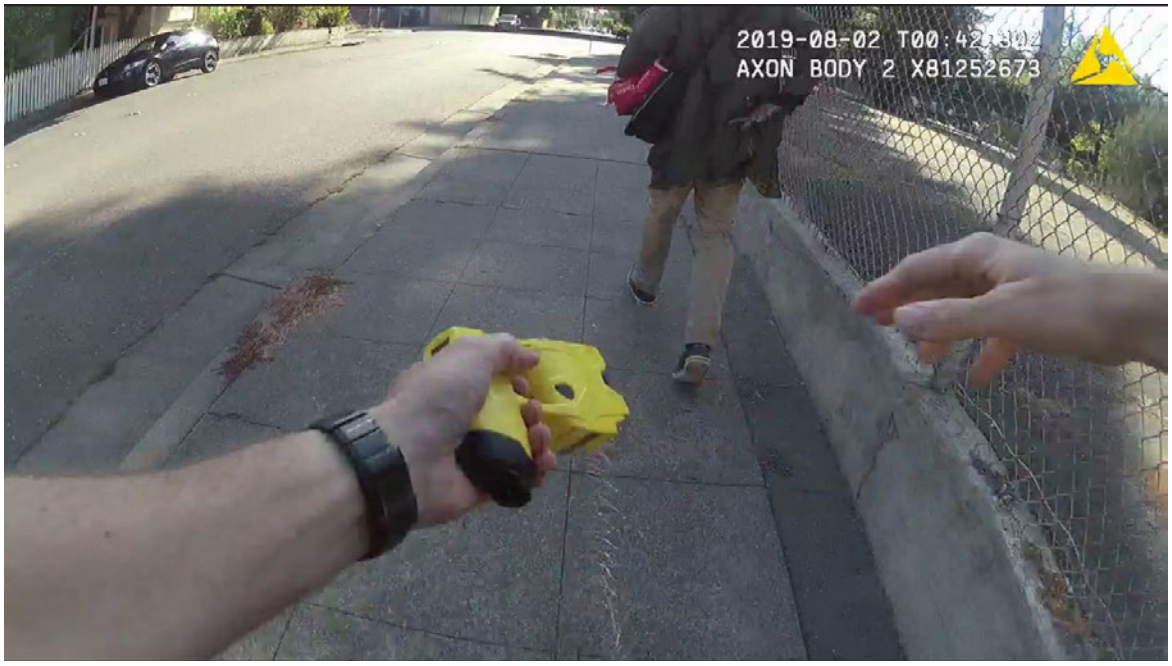
00:33 – Deputy Edney transitioned to his Taser and told Baymon “I will Tase you.”



00:35 – Deputy Edney deployed his Taser while Baymon continued to walk away.



00:37 – Baymon reached towards his back apparently trying to remove the Taser barb.



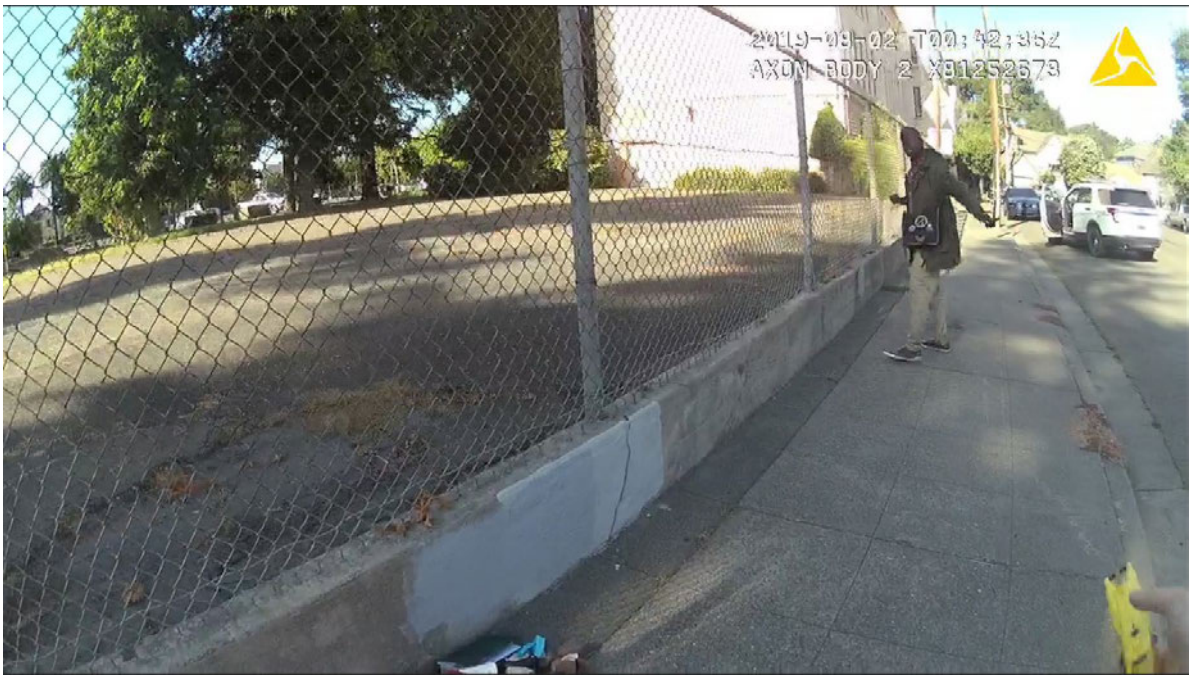
00:39 – Deputy Edney ran around to the front of Baymon and deployed his Taser a second time.



00:40 – Deputy Edney ordered Baymon to "Get on the ground right now, get on the fucking ground! Get on the ground right now!" Baymon dropped his bag.



00:42 – Baymon began walking away and said something unintelligible to Deputy Edney while trying to break the Taser wires.



00:46 – Deputy Edney transitioned back to his duty pistol while Baymon walked away dragging the Taser behind him. Baymon can be seen still trying to break the Taser wires. Deputy Edney broadcasted "Frank 34, Taser deployed…"



00:48 – Baymon entered Deputy Edney's patrol car through the open driver's door.



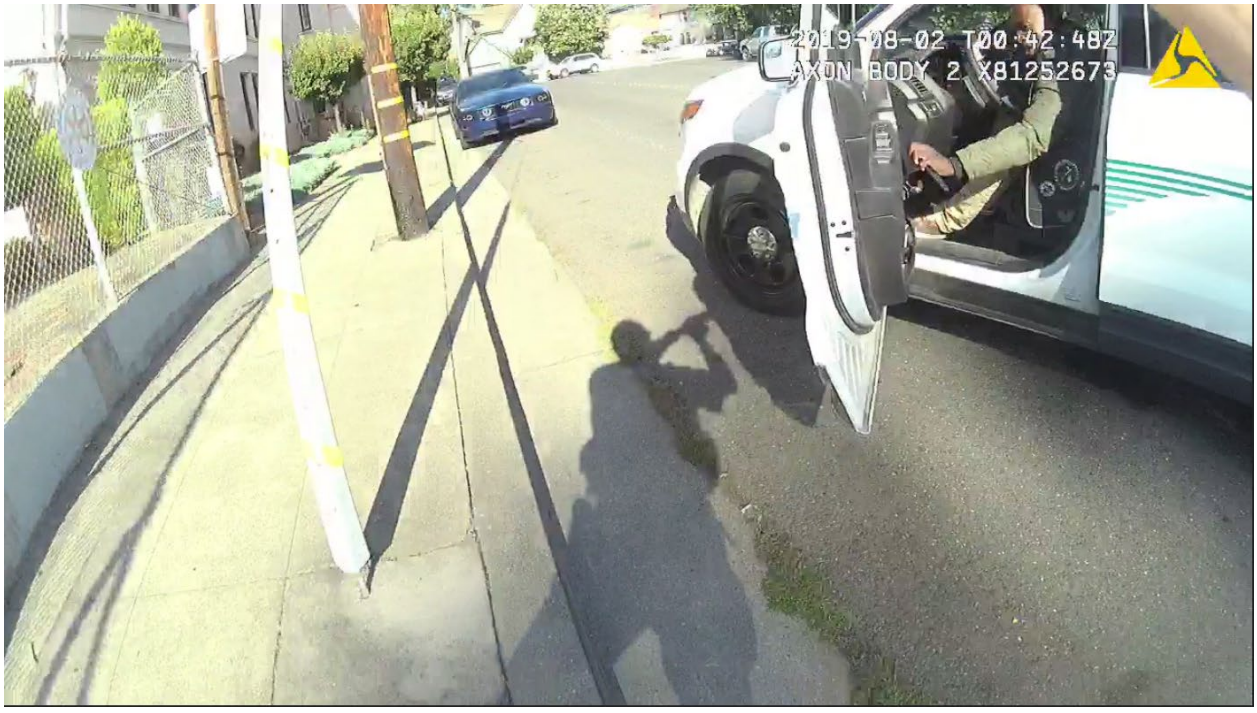
00:49 – Baymon closed the driver's door while he sat in the driver's seat.



00:52 – Deputy Edney opened the driver's door while Baymon attempted to hold it shut.



00:54 - Baymon said “Get out of here” as Deputy Edney backed up and aimed his pistol at him. Deputy Edney said under his breath, “Oh, shit.” A knife can be seen in Baymon’s left hand as he closed the car door again.



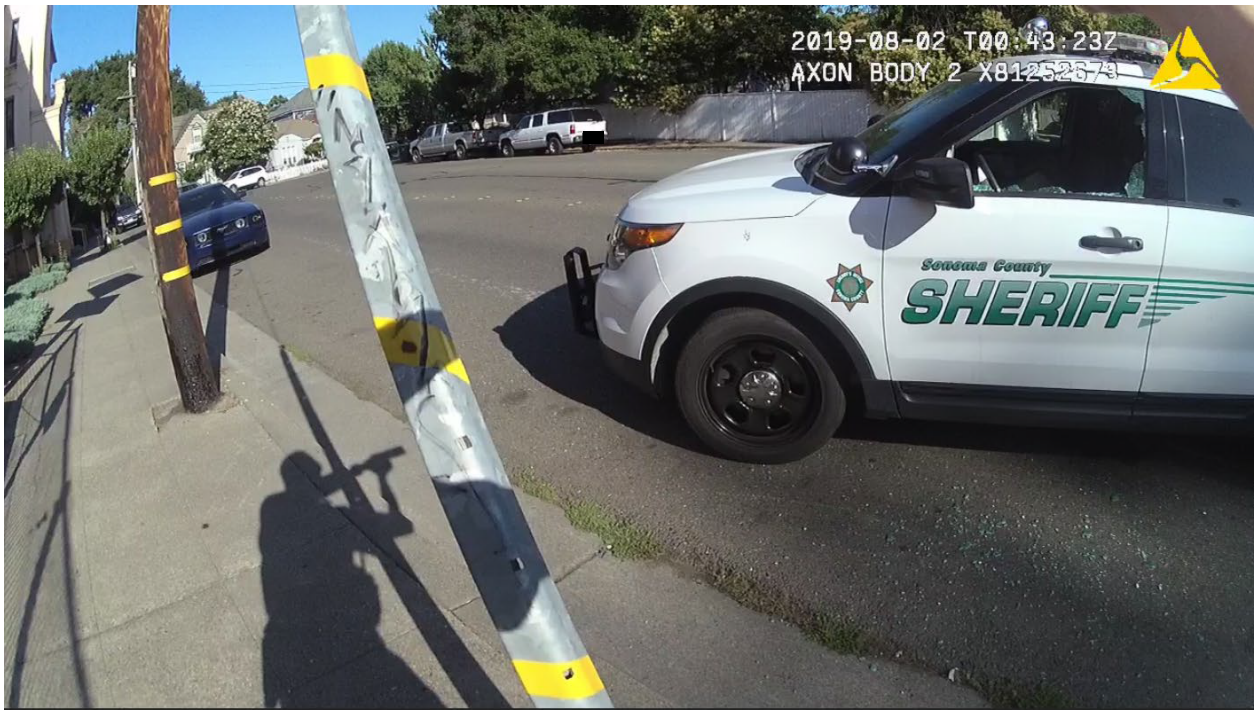
00:55 – Deputy Edney fired his first of 6 handgun rounds shattering the car window.



00:59 – Deputy Edney broadcasted “Frank 34, shots fired, shots fired. I got one suspect down.”



01:30 – Deputy Edney told Baymon, “Do not go for that knife!”



01:36 – A SRPD officer arrived on scene and Deputy Edney asked Baymon, "Where is the knife at? Where's the knife at?"

Baymon responded "It's on the bottom."

Deputy Edney - "It's on the what?"

Baymon - "There…"

Deputy Edney – "Did you just throw it? Don't move. You understand?"

02:03 – More SRPD officers arrived on scene. One officer recovered the knife from the driver's side floorboard.



02:20 – Deputy Edney told a SRPD officer, "I tried to Tase him, he ran from me and jumped in the patrol car."

02:51 – Baymon is removed from the driver's seat of the patrol car and handcuffed.



03:01 – Deputy Edney broadcasted “Frank 34, we got him detained. Go ahead and send in medical.”

Nothing further at this time.

Conclusions and Findings

Based on what I have reviewed of Deputy David Edney's actions on August 1, 2019, and comparing them with the Sonoma County Sheriff Office's Policy and Procedures as well as state and federal laws; I believe Deputy Edney acted appropriately considering the circumstances he faced.

Federal Case Law, Graham v. Connor, concludes in its findings that "The right to make an arrest carries with it the right to use objectively reasonable force. In determining whether force used by an officer is objectively reasonable, all of the facts and circumstances with which the officer was confronted are considered including:

1. The information available to the officer at the time of the incident;
2. The acts of the suspect;
3. Whether the suspect reasonably appeared to be a threat to the officer or to other persons;
4. The severity of the crime of which the individual was suspected.

California Penal Code Section 835a states:

> "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."

Following the guidelines in the federal case and California law; Deputy Edney's use of deadly force was reasonable based on Brad Baymon's actions of using a knife in an attempt to stab someone and potentially the marked patrol vehicle and/or the weapons located within as a deadly weapon.

The following policy, procedures, or protocols were reviewed:

Sonoma County Sheriff's Office 'Department-Wide Policy and Procedure'

300	Use of Force
306	Firearms
324	Media Relations
329	Major Incident Notifications
338	Critical Incident Debriefing/Defusing
400	Patrol Functions

Sonoma County Law Enforcement Chief's Association

93-1	Law Enforcement Employee- Involved Critical Incident Protocol

Below are listed the policies reviewed and the findings.

Sonoma County Sheriff's Office 'Department-Wide Policy and Procedure'

300-Use of Force

The purpose of this policy is to set up guidelines by which the use of force is employed by a deputy. Not only are the Department's polices considered, so too are the laws governing their use by state and federal authorities.

Penal Code 835(a) states that any peace officer that has reasonable cause to believe the person to be arrested has committed a public offense may use reasonable force 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 or her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such Deputy be deemed the aggressor or lose his or her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

The policy states that:

> "Deputies shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the Deputy at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of "reasonableness" must allow for the fact that Deputies are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving-about the amount of force that is necessary in a particular situation."

Section 300.3.2 of this policy lists several factors that are used to determine the reasonableness of force that a deputy applies, of which the following are applicable:

a. Immediacy and severity of the threat to deputies and others.
b. The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
c. Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies vs. subject(s)).
d. The effects of drugs or alcohol.
e. Subject's mental state or capacity.
f. Proximity of weapons of dangerous improvised devices.

g. The degree to which the subject has been effectively retained and his/her ability to resist despite being restrained.

h. The availability of other options and their possible effectiveness.

i. Seriousness of the suspected offense or reason for contact with the individual.

j. Training and experience of the Deputy.

k. Potential for injury to deputies, suspects, or others.

l. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.

m. The risk and reasonable foreseeable consequences of escape.

n. The apparent need for immediate control of the subject of a prompt resolution of the situation.

o. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.

p. Prior contacts with the subject or awareness of any propensity for violence.

q. Any other exigent circumstances.

It is recognized that deputies are expected to make split-second decisions and the amount of time a deputy has available to evaluate and respond to changing circumstances may impact his or her decision.

While various degrees of force exist, each deputy is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy. It goes on to state that a deputy may use deadly force to protect him/herself or others from what they reasonably believe would be an imminent threat of death or serious bodily injury.

This situation clearly showed why Deputy Edney's actions were reasonable and justified, not only from a policy standpoint, but based on federal and state laws. When Deputy Edney used his handgun he was in fear for his life and the potential victims if Baymon gained access to his marked patrol vehicle and/or the weapons located within. Suspect Baymon already showed the propensity of using a deadly weapon when he attempted to stab the loss prevention officers over a pair of shoes.

Recall Deputy Edney's mindset and emotional state at the time when he decided to use his firearm to stop Baymon's actions:

> "Uh, what was going through my mind was when I was dealing with him is that, um, he could pull out the knife at any moment or another weapon like a like maybe a firearm or something that I just couldn't see and, um, because he was in such close proximity to me, I was worried for my safety. I thought he might try and stab me or do something else, you know, with another weapon and that was going through my mind the

whole time. The moment, the moment I was 100 percent it was him, I was thinking this guy could hurt or kill me and that wasn't going to happen. I was gonna go home. I got a wife and kids. That's just not gonna happen, so, that was going through my mind the whole time. Um, when I decided to transition to the Taser, try the less lethal option because I couldn't readily see any weapons in his hands. Um, it was still in my mind that at any moment, um, we've had that training where they tell you, you know, from 20, 25 feet someone could run you down with a knife and get you before you could draw and that was all going through my mind. Because I couldn't see the weapon at that moment in his hands, I decided to see if I could just incapacitate him to stop it, stop the threat right then. So that was, that's what was going through my mind then. The moment that didn't work and I went back to my pistol, that was still going in my mind. I was like okay, um, he could pull the knife out at any moment and try and attack me, um, he could, if somebody would, not knowing what was going on, decided to cross the street, that happens all the time, he could go after them for all I know. He's already tried to do it with one security guard one citizen, so all that was just continuously going in my mind the whole time I was dealing with him. And then once again, the moment he got into my patrol car it just, I mean, it says, it seems kind of funny to say it could up the ante but that for me was even, it was even more like okay, now this guy really means business because he's got my vehicle as a weapon, um, he's got my other firearms in there that could be weapons and that's just unacceptable, so."

Per policy, Deputy Edney provided a public safety statement immediately after the incident to a Santa Rosa Police Department officer.

A review of this policy did not reveal any policy violations.

Findings: No violation noted.

306-Firearms

The purpose of this policy is to ensure that there is an established procedure for the use and reporting of incidents involving the discharge of firearms. It also ensures that a member of this Department who uses a weapon, in this case a handgun, has successfully passed a Department approved qualification course.

In reviewing Deputy Edney's shooting records, he qualified with his Department issued handgun on January 24 (first quarter), April 18 (second quarter), and July 11, 2019 (third quarter), as required by this policy.[16]

[16] As provided to me by the Firearm's team.

The policy also describes when a deputy may use a firearm: “To protect him or herself or others from what they reasonably believe would be an imminent threat of death or serious bodily injury.”

Deputy Edney, provided a verbal account as to what happened to SRPD detectives. Additionally, Deputy Edney used the weapon he qualified with.

Deputy Edney believed his life was threatened based on Baymon’s actions, in that, he not only showed a willingness to use a deadly weapon (knife) to assault two loss prevention officers, he was trying to gain access to a potential weapon (marked patrol vehicle) which also contained firearms.

In further review of this policy, under sections 304.2 Reporting and 304.3, it states the involved deputy (who uses his firearms) as well as his supervisor shall write memorandums regarding the use and circumstances respectfully. The only exception is if the Sonoma County Law Enforcement Chiefs Association countywide Protocol 93-1 (commonly known as the 'Employee Involved Fatal Incident Protocol') is invoked, which it was in this matter so they did not need to complete those mentioned memorandums.

The Employee Involved Fatal Incident Protocol was invoked and investigated by the Santa Rosa Police Department and District Attorney’s Office. Internal Affairs investigators completed this administrative review.

A review of this policy did not reveal any policy violations.

Findings: No violation noted.

324—Media Relations

The purpose of this policy is to ensure that we, as a Department, provide a fair and consistent release of information regarding the Department’s activity to the community. This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

A press release was completed and released on August 1, 2019. More releases were completed as information was compiled. A copy of what the Press Democrat published may be found in the Santa Rosa Police Department investigative binder, as found under tab 18.

A review of this policy did not reveal any policy violations.

Findings: No violation noted.

329—Major Incident Notifications

The purpose of this policy is to ensure that everyone who is required to be notified within the Department about a major incident be advised of such. In this case everyone was notified as required by this policy.

A review of this policy did not reveal any policy violations.

Findings: No violation noted.

338—Critical Incident Debriefing/Defusing

The purpose of this policy is to help members, who have been exposed to incidents that involve traumatic injury or death, a means to minimize potential health problems by discussing and receiving support due to their involvement in a critical incident—in this a death that occurred during a patrol function. This policy provides guidance to office members that affirms the Sonoma County Sheriff's Office is committed to providing information and support for members after any critical incident that could involve traumatic injury or death.

Deputy Edney recalled being advised he could speak to a chaplain or a peer support member prior to his interview with Santa Rosa Police Department.

Deputy Edney was aware there was a debriefing and attended it.

A review of this policy did not reveal any policy violations.

Findings: No violation noted.

400—Patrol Function

The purpose of this policy is to define the functions of the Patrol to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies. (400.05)

A review of this policy did not reveal any policy violations.

Findings: No violation noted.

Sonoma County Law Enforcement Chief's Association

93-1 Law Enforcement Employee- Involved Critical Incident Protocol

The purpose of this protocol is to set forth procedures and guidelines used by Sonoma County law enforcement agencies in the criminal investigation of specifically defined

incidents involving law enforcement employees. While this Protocol represents the understanding and agreement among Member Agencies about how Law Enforcement Employee-Involved Critical Incidents are to be investigated, this Protocol is neither a statute, ordinance, or regulation. Members expect that its provisions will be followed when Protocol incidents occur but it is anticipated that agencies may make minor modifications, which will not affect the Protocol's basic principles, to meet agency requirements.

This protocol is invoked at the discretion of the Chief of Police, the Sheriff, or Chief Probation Officer of the member agency for other employee involved incidents, which result in a significant use of force or a significant injury.

In this instance the protocol was enacted and Santa Rosa Police Department agreed and did the investigation.

A review of this policy did not reveal any policy violations.

Findings: No violation noted.

From: David Edney
To: Larry Doherty
Subject: Re: Admin Review
Date: Friday, February 7, 2020 11:05:41 AM

I did receive options to talk to peer support after the shooting. I also went to the debrief. Thank you

Sent from BlueMail
On Feb 6, 2020, at 8:26 AM, Larry Doherty <larry.doherty@sonoma-county.org> wrote:

> David,
>
> As you know, I am tasked with completing an Administrative Review of your officer involved shooting (OIS). The Department always does an Administrative Review whenever we have an OIS or an in-custody death, so:
>
> After this OIS were you made aware you could speak to a chaplain or someone from the peer support group prior to your interview with SRPD detectives?
>
> Were you advised about the debriefing and if so did you attend?
>
> Just one of the policies I have to ensure we followed…
>
> Please respond (yeah, that's an order) to this email with your answers.
>
> Thanks
> Larry
>
> [redacted]

Report Criteria: Officer: Edney, David / Training Held Between: 1/1/2019 AND 9/30/2019

Officer Detail Report #B-8

Sonoma County Sheriff's Office

Training By Officer / Name Of Training

* = Has Certificate

Officers	Current Division	Current Rank	Total Training Hours	Training Expenses
Edney, David #2345	Patrol	Deputy	26.00	$0.00

Name Of Training	Type Of Training	Category	Location	Attended	Training Dates	Training Hours	Trk No.
BLOC	Firearms / Defensive Tacti	Deputy	Not Listed	1/24/2019	1/1/2019 - 3/31/2019	**8.00**	520
Less Lethal	40mm/Less Lethal Shotgu	Deputy	Main Office	5/24/2019	5/24/2019 - 5/24/2019	**2.00**	551
Rifle	Firearms	Deputy	Not Listed	3/13/2019	3/13/2019 - 3/13/2019	**2.00**	539
Use of Force	Firearms / DT / Force on F	Deputy	Los Guilucos	4/18/2019	4/1/2019 - 6/30/2019	**4.00**	543
Use of Force 3rd Quarter	Firearms / DT / Force on F	Deputy	Not Listed	7/11/2019	9/30/2019 - 9/30/2019	**10.00**	557

Total Class Hours:	26.00	Total Overtime Hours:	0.00	Total Other Hours:	0.00	Total Training Hours:	26.00

In-Service Hrs:	26.00	CALEA Hrs:	0.00	State Approved Hrs:	8.00	Dept Required Hrs:	26.00	State Required Hrs:	8.00

1 Different Officers Listed	**Total Class Hours:**	**26.00**	**Overall Total Training Hours:** **26.00**
5 Different Training Classes	**Total Other Hours:**	**0.00**	**Total Overtime Hours:** **0.00**

In-Service Hrs:	26.00	CALEA Hrs:	0.00	State Approved Hrs:	8.00	Dept Required Hrs:	26.00	State Required Hrs:	8.00

I certify that the officers listed above attended this Training.

Signature _____ Title _____ Date _____

SRPD Case#: 19-10229 and 19-10275
Date: 08/02/19
Time: 1500
Location: Sonoma County Sherriff's Deputy Association Hall

INTERVIEW WITH DEPUTY EDNEY

SRPD VCI Detective: Ryan Cogbill
SRPD VCI Detective: Anthony Turner
Attorney: [redacted]
Interviewed: Deputy David Edney

Legend:
****: Unintelligible

DETECTIVE COGBILL: So my name's Detective Ryan Cogbill. We're here at the, um, Deputy's Hall, uh, in Santa Rosa. We're doin' an interview with Deputy Edney, and with me is –

DETECTIVE TURNER: Santa Rosa Police Detective Anthony Turner.

DETECTIVE COGBILL: Go ahead and introduce yourself.

DEPUTY EDNEY: David Edney. I'm a sheriff's deputy.

[redacted]: And I'm [redacted] here representing the deputy.

DETECTIVE COGBILL: All right. It is, um, August 2nd, at about 3:04. All ready to get started?

DEPUTY EDNEY: Yeah.

DETECTIVE COGBILL: Okay. So, um, obviously, the reason we're here is it is a criminal investigation, um, and you're bein' interviewed as a victim or witness. Do you understand that?

DEPUTY EDNEY: Yes.

DETECTIVE COGBILL: Um, you're free to go. You don't have to answer any of our questions. It's completely voluntary. The door's unlocked. Uh, if you say, I don't wanna talk anymore, we'll stop the interview. Sound fair?

DEPUTY EDNEY: Yeah.

DETECTIVE COGBILL: Okay. So before we start, you had a chance, an opportunity to, um, I read you an admonition, a body-worn camera admonition, –

DEPUTY EDNEY: Mm hmm.

DETECTIVE COGBILL: – and allowed you the opportunity to watch your body-worn camera footage. Is that correct?

DEPUTY EDNEY: That's correct.

DETECTIVE COGBILL: Okay, and you had a chance to view it with your attorney?

DEPUTY EDNEY: Yes, I did.

DETECTIVE COGBILL: Okay, perfect. Um, so are you prepared to provide a statement at this time?

DEPUTY EDNEY: Yes, I am.

DETECTIVE COGBILL: Okay. Uh, you've had ample time to gather your thoughts, and there's nothing hindering you from, from givin' a statement?

DEPUTY EDNEY: No.

DETECTIVE COGBILL: Okay, excellent. Um, real quickly, to get it outta the way, we're not best friends outside 'a work, uh, don't know each other, –

DEPUTY EDNEY: No.

DETECTIVE COGBILL: – kids don't know each other, we've –

DEPUTY EDNEY: No.

DETECTIVE COGBILL: Okay, perfect. There's no, uh, there's no friendship other than just work relationship, correct?

DEPUTY EDNEY: Yeah.

DETECTIVE COGBILL: Okay. Um, so currently today, are you sick or injured?

DEPUTY EDNEY: No.

DETECTIVE COGBILL: Were you sick or injured at the time of this incident?

DEPUTY EDNEY: No.

DETECTIVE COGBILL: Okay. Um, any injuries as a result of the incident?

DEPUTY EDNEY: No.

DETECTIVE COGBILL: Okay. During the incident, were you having any medical issues or taking any medicine?

DEPUTY EDNEY: No.

DETECTIVE COGBILL: Okay. And at the time of the incident, were you under the influence of, um, alcohol at all?

DEPUTY EDNEY: No.

DETECTIVE COGBILL: Okay. And when we talk about the incident, we're talking about, was yesterday, um, what's, today is, what is today? Friday, so Thursday at, in the area of the mall, uh, specifically, Morgan Street and Ninth.

DEPUTY EDNEY: Mm hmm, correct.

DETECTIVE COGBILL: So that's the, the incident we're referring to.

DEPUTY EDNEY: Yes.

DETECTIVE COGBILL: Okay. Um, so we're gonna go in your background, –

DEPUTY EDNEY: Okay.

DETECTIVE COGBILL: – your general experience. How long have you been with Sonoma County SO?

DEPUTY EDNEY: I've been with the SO for, what is it, uh, just, uh, just under 5 years.

DETECTIVE COGBILL: Okay, and is this your first agency?

DEPUTY EDNEY: This is my second agency as a police officer.

DETECTIVE COGBILL: Okay, and who were you with before that?

DEPUTY EDNEY: Sebastopol Police.

DETECTIVE COGBILL: Okay, and how long were you with them?

DEPUTY EDNEY: About 5 years.

DETECTIVE COGBILL: Okay, so 10 years' total –

DEPUTY EDNEY: Correct.

DETECTIVE COGBILL: – law enforcement experience. Um, any ancillary type work, like, SWAT team, firearms instructor, anything like that you do?

DEPUTY EDNEY: Uh, ye, in my last agency, I was baton instructor and Taser instructor, um, here, I'm an FTO, um, and I'm also a TFO on Henry 1.

DETECTIVE COGBILL: Okay, perfect. Um, any special assignments, like detective, anything like that in your time at both places?

DEPUTY EDNEY: No.

DETECTIVE COGBILL: Okay. At the time of the incident, um, were you workin' patrol?

DEPUTY EDNEY: Yes.

DETECTIVE COGBILL: Okay. What was your work shift in hours?

DEPUTY EDNEY: Uh, I was swing shift. Our hours are, uh, 3 p.m. to 1 a.m., and I was local beat, so I was s, Santa Rosa, surrounding area.

DETECTIVE COGBILL: Okay, so downtown?

DEPUTY EDNEY: Uh, –

DETECTIVE COGBILL: Kind of just –

DEPUTY EDNEY: – yeah, I –

DETECTIVE COGBILL: – anywhere in Santa Rosa?

DEPUTY EDNEY: Yeah, –

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: – pretty much just anywhere.

DETECTIVE COGBILL: And what was your call sign at the time?

DEPUTY EDNEY: Frank 34.

DETECTIVE COGBILL: Okay. It's a uniform assignment?

DEPUTY EDNEY: Correct.

DETECTIVE COGBILL: Okay. You were in full uniform at the time?

DEPUTY EDNEY: Yes, I was.

DETECTIVE COGBILL: How long have you been on that particular beat and time?

DEPUTY EDNEY: Well, I work weekends, generally, Friday through Sunday, so I was on

overtime shift, –

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: – um, so, um, I work that periodically depending on availability, but I've been on swings for about a ye, just over a year now.

DETECTIVE COGBILL: Okay. So what were you workin' the day of the incident? The same?

DEPUTY EDNEY: Same, uh, eh, yeah, pretty much the same.

DETECTIVE COGBILL: Just on a, on a different day?

DEPUTY EDNEY: Correct.

DETECTIVE COGBILL: Okay. Um, do you know the vehicle number offhand that you were usin'? If you don't, that's okay.

DEPUTY EDNEY: Uh, I think it's 853 or 855. I, –

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: – don't quite remember.

DETECTIVE COGBILL: Not a big deal.

DEPUTY EDNEY: It's not my car, normal car, so –

DETECTIVE COGBILL: Right, 'cause you were workin' overtime.

DEPUTY EDNEY: Correct.

DETECTIVE COGBILL: Um, so describe your uniform to me. The easiest way, probably, is just to go from head to toe –

DEPUTY EDNEY: Yeah.

DETECTIVE COGBILL: – and just explain kind of, um, whatchu're wearin', 'cause some guys wear the, um, carry vest, some guys don't, –

DEPUTY EDNEY: Yeah.

DETECTIVE COGBILL: – so just kinda go through what you have and where you carry it.

DEPUTY EDNEY: Yeah. I was wearin' a vest to carry, the body-worn vest, whatever, and, uh, inside the earpiece I have a Bluetooth mic. I have a radio, um, I have a tourniquet, I wear, um, I have three magazines for my pistols, I have my Taser in a cross draw, I have, um,

two sets of handcuffs, and I believe that's it on my vest. On my belt, I wear another set of handcuffs in the back and then my pistol, and that's it.

DETECTIVE COGBILL: Okay. And you pointed to your left side, so you left handed?

DEPUTY EDNEY: I'm left handed, –

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: – that's correct.

DETECTIVE COGBILL: Um, describe your uniform to me.

DEPUTY EDNEY: Uh, it's a, a vest carrier and then it's got, um, it's got pockets and, like, fake buttons in the front so it looks like a uniform shirt, –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – and then my, uh, undershirt has my, uh, patches that are visible, uh, my badge is visible on my vest, um, I think that's it.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: Yeah.

DETECTIVE COGBILL: Tan, tan top, green bottom?

DEPUTY EDNEY: Correct.

DETECTIVE COGBILL: Okay, perfect. Um, you had a Taser at the time?

DEPUTY EDNEY: That's correct.

DETECTIVE COGBILL: And we know you had your body-worn camera at the time. Do you have any back, did you have any backup weapons on your person at all?

DEPUTY EDNEY: Mm, not at that time, no.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: No, I didn't.

DETECTIVE COGBILL: Um, less lethal, did you have less lethal in the car or on your person?

DEPUTY EDNEY: I had a less lethal in the car. I had a 40 mil.

DETECTIVE COGBILL: A 40 mil, okay. Um, not including the incident, did you deploy any of your equipment on that shift? Meaning, did you use your Taser or your less lethal in a

different setting –

DEPUTY EDNEY: Oh, no.

DETECTIVE COGBILL: – during your shift?

DEPUTY EDNEY: Not that, no, –

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: – I did not.

DETECTIVE COGBILL: Okay. How many round capacity is your, are your magazines?

DEPUTY EDNEY: Seventeen.

DETECTIVE COGBILL: Okay. So you had three on your chest and another one in the gun, I'm assuming?

DEPUTY EDNEY: Correct.

DETECTIVE COGBILL: And were they all full to capacity?

DEPUTY EDNEY: Yes, they were.

DETECTIVE COGBILL: Okay. All right, so the nature of this investigation concerns a significant incident you were recently involved in. It occurred where we talked about, Morgan and Ninth, downtown Santa Rosa. So this is your opportunity to describe the event in as much detail as you can. Include the time of the event, names of witnesses, and names of officers as best you can recall. Include all the information you can remember relative to the circumstances. So take your time, um, take as long as you want. There's, this isn't an oral board or something, so just give me everything you need. I'll sit here and listen. I'll try not to interrupt, –

DEPUTY EDNEY: Okay.

DETECTIVE COGBILL: – and then I'll, if I have questions, I'll ask afterwards.

DEPUTY EDNEY: All right. Uh, I was on just general patrol, just proactive, drivin' around. I was comin' down Sebastopol Road, comin' up to Olive. I know, um, I was just checkin' that area. I know there's been some drive-bys and some other stuff lately, and, so, I was drivin' in that area. Um, I always, since I work local beat, I always have Santa Rosa Channel 1 on my scanner, –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – because I like to listen what you guys are doin' –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – just in case there's anything goin' on, and at that exact moment, uh, your dispatch put, uh, dispatched several units to a 211 that just occurred at Macy's, um, they gave the description of a black male adult wearing a brown jacket and a red backpack, who, uh, I believe tried to steal some items and then, when confronted by security, tried to stab him in the eye, is what I heard on the radio. Um, I figured since I was close, um, they said he fled northbound through the garage. I was, like, oh, I'm close enough. I'll just try and go set up a perimeter spot maybe several blocks north just ta keep an eye out, –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – um, help out, um, so I went through Railroad Square, I turned, uh, eastbound onto Ninth Street, and then as I was coming up to the, um, 101 overpass, I watched, uh, a male matching that scr, description exactly cross the street, coming north, um, closer to the church there, –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – and, so, I put out on my dispatch that I was out with a 211, possible 211 suspect from Santa Rosa's call. Um, as I came up, I came within about 50 to 100 feet of him, um, and I put my car in park. Um, at that exact moment, he was walking eastbound. He, for some reason, just turned around. I didn't, I hadn't said anything, I didn't have my siren or anything, um, he turned around and he started walking my direction. As I got out of my vehicle, um, well, when, when I, when I first saw him, I was, like, I'm 90 percent sure this is him, –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – I mean, how many people are wearin' the exact same thing this guy's wearing, uh, the red back, uh, the red bag or backpack, whatever it was, um, and, so, and then when he turned around and started comin' towards me, I immediately, uh, told him to get on the ground, um, and he just was kinda mumbling something. I couldn't really quite make out what it was, but he just walked right by me, um, acting like I didn't, wasn't saying anything. He kinda looked in my direction and then just kept going, so I, I, I told him again to get on the ground, um, eh, at that moment I noticed that, um, at the time I thought it was his left hand that was free and I thought he had bags or something in his right hand. I couldn't really tell what it was.

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: Um, I didn't see any knives visible at that poment, moment, but I didn't know if he had it on him or if he other weapons on him. I wasn't sure, so, um, but I was treating it as it was, because, uh, the description was that person and that they had just tried to stab somebody with a knife, so I was, uh, 99.9 percent sure this was my guy, especially now that he wasn't listenin' to my commands, –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – walking away from me, he was north of the location where it occurred, especially that they said he ran north, so I was pretty much 100 percent that this was him. Um, so he continues walkin' away, I'm, I'm givin' him commands, he's not listening. I see that he doesn't have anything, um, any weapons completely available, or, uh, ready in his hands, so I told him that I was gonna Tase him. I, I drew my Taser out, and I put my pistol back in my holster and secured it. Um, I told him I would Tase him. He said something. I didn't hear what it was, but he kept walkin' away from me. Um, at this point, because I knew that he had tried ta stab somebody or hurt or kill them, I wasn't gonna let this guy get away. I was, like, this guy needs to be stopped. I need ta either just incapacitate him or do whatever I can ta apprehend him, so I shot him once with the Taser. I carry an X2 Taser.

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: Um, it didn't have any effect because it hit his jacket. It was thick enough and it was far away enough from his body where, I recognized immediately that it wasn't working. Um, I've used the Taser before on the job, I've been trained by it, I've been shot by it, I know exactly how it feels and works, –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – um, and I knew instantly it didn't work. Um, I remembered when he was walking by me in the first time that he kinda had the, um, his sh, uh, shirt was exposed because his jacket wasn't done, um, and, so, I immediately ran around to the front of him in an arc, um, and I transitioned my Taser to my, um, strong hand, and I shot him again with a second round. That second time, it connected. I could see it connected, 'cause for at least half a second, um, I saw him start ta, um, lock up, –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – and then, uh, eh, but then it stopped, so I don't know if it just didn't connect right, um, he kinda turned away from it and started to pull at it, and then, um, uh, that's when I knew that that was not working. Um, at that moment, I threw my Taser on the ground, 'cause I knew that wasn't an effective tool anymore. I wasn't gonna try and go hands on and do a contact Tase, especially since I didn't know how accessible any weapons he could've had were. Um, he was, obviously, re, completely resisting and not doing any, giving into any of my commands or anything that I was doing, so, um, at that moment he was between me and my car. He turned around, started to walk away, and then started to run towards my car. My car door was still open, because I got out so quick.

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: I didn't bother to shut it down or close the door because, like I said, when I couldn't dealt him, 'cause I didn't know if he had a weapon or, so he bolted right into my car, um, at that exact moment I knew that that was not okay. He'd already, uh, upped the ante at that point by not obeying my commands, um, but then I knew I had my rifle in the car, I knew I had my 40 in the car, and then at that moment I, he jumped into my car, which can turn into a weapon for, um, someone, and I, that was the line for me, and, so, um, I, I'd

drawn my weapon, I'd already backed out my pistol again. I gave him commands to get out of my car and get on the ground. Um, originally, I thought I'd opened the door and gave him commands twice to, um, to get him out twice. Um, after reviewing the video, I realize that's not the case. I only did it one time, um, but I opened the door. Um, as I was trying to give him commands, he said something to me. I don't really remember what it was, but he was not goin' with the program, still, um, and when I opened the door, I tried to, I was gonna go reach in to see if I could grab him, but I, I realized that wasn't a good idea, and he was makin' movements, and then he lost grip of the door and immediately turned away from me towards where, um, again, I'm assuming he had bags or something there, but I made the assumption that he was going for whatever weapon he had, either the knife or some, maybe a gun or somethin'. I don't know, –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – because I do know he had one or two bags that I couldn't see, but he immediately made that quick movement, he came back towards me, and I pulled away, because I didn't want him to attack me or hit me with anything that he had, and then, um, right after that, um, he grabbed the door and shut it again. Um, in that exact moment, um, I watched him as he reached up to grab the shift on my thing, and I said, that's where I, I was, like, no, that's it, and, so, I opened fire on him. Um, I thought I shot about four or five times, –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – um, and then, uh, once, once I shot him, um, into the car window, he immediately slumped over in the passenger seat. I could see that. He wasn't goin' for the shift anymore, he wasn't gassin' the car or anything, so I knew he wasn't trying to drive away, but, um, I just held my gun on him, and I called out, um, on radio that I had shots fired, uh, I, I believe I yelled for him once or twice not to move, not to make any movements. He was responding to me. I couldn't hear what he was saying, but he was, he was kinda yelling back, but he was still slumped over. Um, I could see, um, red bl, I was assuming it was blood, so I could, I could tell that I hit him.

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: Um, eh, at that point, um, after I called out, uh, that shots were fired, I just yelled at him a couple times, like I said, ta not make any movements. Um, within probably 15 seconds, 20 seconds, uh, the first Santa Rosa officer arrived. I don't remember his name. Um, I told him what I had, he came up next to me with his gun drawn, and I told him that the guy had the knife. I asked the suspect where the knife was. I yelled for him, I said, "Where's the knife? Where's the knife?" And he, I think he said, what I heard him say was it, it's in the bottle, or something along those lines, and I didn't know what that meant. I asked him, what does that mean, and then right after I asked that, he somehow threw it over his shoulder, 'cause he was still slumped over, towards us. It fell into the, um, driver's side floorboard. As another officer arrived, we opened the door, 'cause he still wasn't really moving, um, and then we could see a bloody knife on the floorboard. Uh, I'd estimate it maybe 3 inches, 4 inches. We could see it. One of the officers, other officers grabbed it and then after that, um, um, we started givin' him commands, um, just to, I, I

believe to try to come out, but it wasn't happening, so as more officers arrived on scene, we, uh, ended up pulling him out on the ground. He didn't make any resistant movements then, and then, um, after he was secure handcuffed, then I holstered up, and I walked away. I had somebody walk back with me. I don't remember who it was, so, but, um, I think that was, that was the gist of it.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: Yeah.

DETECTIVE COGBILL: So goin' back ta, I wanna slow down just a little bit, um, when he gets into your car. So he gets in your car, and walk me through that portion of it, um, kind of the, the struggle with the door and what you're seein', um, and when, and if, you remember seein' the knife. I may have missed it, you may have said that, but in that instance, do you remember seein' it, where it was?

DEPUTY EDNEY: Um, so when he ran into my car and I, and I had my gun on him and I was tellin' him to get out, when I opened the door, I didn't see any knives.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: Um, I did, I didn't see any in his hand. I, I didn't see a bag. I was, uh, more off, I was focused, I was trying to focus on his hands and his face, –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – um, to see what he was doin'. Um, eh, when I reached in a little bit, um, ta keep the door open, and when he turned away from me, I was, and it was in my mind that he was grabbing the knife or another weapon –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – that I didn't know about, and, so, and I wasn't gonna allow that. I wasn't gonna let him hit me with it, I wasn't, or anything, so that's when I backed off, and then he reached back over, um, I'm guessing he saw that I backed up, um, and he grabbed the door, and then he, that's when he shut it.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: So I didn't see a knife until he threw it over his shoulder, um, towards us, –

DETECTIVE COGBILL: Got it.

DEPUTY EDNEY: – but, but I, when he was in the car in the first place, I didn't see one, so, but I, I know that when he had reached over and did his thing and he kinda came back quick, I don't know if he had anything in his hands, because at that point I backed up, and then the door was slightly closed, so I couldn't have a direct view of what he had, if he had anything.

DETECTIVE COGBILL: Right.

DEPUTY EDNEY: I just saw, I wasn't even gonna take that chance.

DETECTIVE COGBILL: Sure.

DEPUTY EDNEY: So –

DETECTIVE COGBILL: Okay. Um, describe your Taser to me. There's a lotta different Tasers. You, you gave me the model number, but why is yours, is yours different from other Tasers?

DEPUTY EDNEY: So I have an X2, and what that means is there's two cartridges in it.

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: Um, it's a little bit bigger of a Taser than, like, the old X26's and stuff, and, so, it's got two shots in it, and, so, you can shoot once and then shoot again and then you're exhausted, and then you, the only thing you can do after that is a dry stun.

DETECTIVE COGBILL: Right, so –

DEPUTY EDNEY: So I, I know what my Taser's like. I've trained with it for years, –

DETECTIVE COGBILL: Right.

DEPUTY EDNEY: – and, so, I know that it has two shots and –

NICOLE PIFARI: Without reloading ****?

DEPUTY EDNEY: Without reloading, correct, yeah. Yeah, without reloading.

NICOLE PIFARI: Right.

DEPUTY EDNEY: You can reload them too, but, um, it's made so, hopefully, you don't have to, –

DETECTIVE COGBILL: Right.

DEPUTY EDNEY: – um, so, –

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: – yeah.

DETECTIVE COGBILL: So at that point, once you shot the two shots, you can see you throw it, throw it down, because it's rendered, basically, useless right outside of a drive stun.

DEPUTY EDNEY: Especially 'cause he started to turn and walk away, and I wasn't gonna try and re-holster, and 'specially I knew the, everything was still connected, so –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – it was no longer an option for me, –

DETECTIVE COGBILL: Right, okay.

DEPUTY EDNEY: – so, especially if he decided to try to go hands on or somethin' like that, I wasn't gonna have a Taser in my hand, so –

DETECTIVE COGBILL: You mentioned that in the car, uh, in your patrol car, you had a rifle and the 40 millimeter. How were those kept in there?

DEPUTY EDNEY: So those were kept in their cases in the trunk, –

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: – which is easily accessible by unlocking the doors.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: So if he had, in my mind, immediately, I literally thought about this as it was going on as he's right in my car, I'm, like, okay, the car is a weapon now. He can drive around the corner, open the trunk, and easily access, uh, uh, have access to my rif, or to my rifle and the 40 mil., and use it maybe on somebody else.

DETECTIVE COGBILL: Yeah.

DEPUTY EDNEY: That wasn't an option.

DETECTIVE COGBILL: And the rifle had ammunition and it could have been used?

DEPUTY EDNEY: Correct. It was set up, ready to go. All you had to do was put the, uh, magazine in and it was ready to go.

DETECTIVE COGBILL: Okay. And how many rounds were –

DEPUTY EDNEY: I believe I carried 20 rounds. I have a 308.

DETECTIVE COGBILL: Okay. Um, do you remember, I know that obviously you're focused on him, do you remember anybody being around at that time when the, when you initially saw him?

DEPUTY EDNEY: When I initially saw him and I came up from 9th under the pass, I didn't notice any pedestrians anywhere. Um, and then when I was dealing with him, I didn't see

anybody around us, um, even when he was in the car. Even though I was focused on him, I didn't notice anybody behind him on the sidewalk because I knew that could have been an issue if I had use my firearm.

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: But I didn't see anybody out –

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: – in the neighborhood whatsoever when I was dealing with him.

DETECTIVE COGBILL: Okay. Um, so when you initially came up – I have, let me grab a picture right here just so we're clear. Uh, here we go. Can you see that all right, so –

DEPUTY EDNEY: Yeah, yeah.

DETECTIVE COGBILL: Okay. So just show me, you can just do it with your finger, you can do it with a pen if you want. Just kind of show me where you were driving when you initially saw him and kind of where. It doesn't have to be perfect, but just –

DEPUTY EDNEY: I was right about at Davis when I saw a male matching the description cross right about here.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: Right at the corner of the church. He was on this side of the street and he started walking that way. He immediately turned and started going that way heading east as I was coming up. As I came up to right about here is where I stopped. He had just did an about face.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: And then started walking westbound on the sidewalk, so.

DETECTIVE COGBILL: Okay. So he's now walking towards you.

DEPUTY EDNEY: Kind of towards me, yeah. Where my car was, he was walking on the sidewalk coming at me this way, so.

DETECTIVE COGBILL: Okay, yeah. Um, do you remember when you gave him the first command?

DEPUTY EDNEY: Right when I got out of the car. I pointed my gun at him, and I told him to get on the ground.

DETECTIVE COGBILL: Okay. And that's when he just –

DEPUTY EDNEY: Yeah, he had started saying something that I couldn't make out, it was unintelligible, and then he just kept walking.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: He was looking at me and then looking straight, looking at me, looking straight and he just kept going forward or westbound on the sidewalk.

DETECTIVE COGBILL: Okay. Um, daytime correct? Any issues with lighting at all?

DEPUTY EDNEY: No. Perfectly clear, daytime, um, yeah, I didn't, there was no issues with lighting and not being able to see.

DETECTIVE COGBILL: Okay. And do you remember exactly when you unholstered your firearm?

DEPUTY EDNEY: Almost immediately when I got out of the car.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: As soon as I opened the door, I pulled out my firearm and I pointed it at him.

DETECTIVE COGBILL: And then did you re-holster and then go to your Taser, or?

DEPUTY EDNEY: That's correct. When I pulled my Taser out, I re-holstered securing my pistol in my, in my, um, my carrier and then after the Taser didn't work, I threw it on the ground and I immediately took my pistol back out and reengaged.

DETECTIVE COGBILL: Okay. Um, the information from dispatch, you touched on it or you actually, it was pretty clear, but you heard it was a 211 where somebody almost got stabbed in the eye, correct?

DEPUTY EDNEY: Yeah, correct. They said the security guard almost got, uh, either he attempted to, or he tried to, you know, stab him in the eye.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: They were pretty clear about it was.

DETECTIVE COGBILL: So it was clear to you that it was a violent offense.

DEPUTY EDNEY: Yeah. Oh, yeah. That he already tried to hurt somebody seriously or kill them and then, um, they could, he could try it again.

DETECTIVE COGBILL: Right, okay. Um, did you know this person at all before that incident?

DEPUTY EDNEY: No. I, I didn't recognize him at all.

DETECTIVE COGBILL: Okay. So tell me, um, going to, this is kind of the hard part, but going to what you were feeling at the time. What was, what was your emotional level at the time and what were you thinking as far as – let me put this better. Had you not done what you done, what do you think could have happened and what was going through your mind?

DEPUTY EDNEY: Uh, what was going through my mind was when I was dealing with him is that, um, he could pull out the knife at any moment or another weapon like a like maybe a firearm or something that I just couldn't see and, um, because he was in such close proximity to me, I was worried for my safety. I thought he might try and stab me or do something else, you know, with another weapon and that was going through my mind the whole time.

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: The moment, the moment I was 100 percent it was him, I was thinking this guy could hurt or kill me and that wasn't going to happen.

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: I was gonna go home. I got a wife and kids. That's just not gonna happen, so, that was going through my mind the whole time. Um, when I decided to transition to the Taser, try the less lethal option because I couldn't readily see any weapons in his hands. Um, it was still in my mind that at any moment, um, we've had that training where they tell you, you know, from 20, 25 feet someone could run you down –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – with a knife and get you before you could draw and –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – that was all going through my mind. Because I couldn't see the weapon at that moment in his hands, I decided to see if I could just incapacitate him to stop it, stop the threat right then. So that was, that's what was going through my mind then. The moment that didn't work and I went back to my pistol, that was still going in my mind. I was like okay, um, he could pull the knife out at any moment and try and attack me, um, he could, if somebody would, not knowing what was going on, decided to cross the street, that happens all the time, he could go after them for all I know. He's already tried to do it with one security guard –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – one citizen, so all that was just continuously going in my mind the whole time I was dealing with him. And then once again, the moment he got into my patrol car it just, I mean, it says, it seems kind of funny to say it could up the ante but that for me was

even, it was even more like okay, now this guy really means business because he's got my vehicle as a weapon, um, he's got my other firearms in there that could be weapons and that's just unacceptable, so.

DETECTIVE COGBILL: Yeah.

DEPUTY EDNEY: Yeah.

DETECTIVE COGBILL: And had he been successful in getting away with the car, this obviously calls for speculation, but –

DEPUTY EDNEY: Yeah, no, I, that was in my mind too. If he had gotten in the car and driven away, if he knew how to drive that car right away and just took off before I could make, take any action, he could have ran into some citizen and killed them, he could have tried to hit a police officer, you know, and that was, those were not options.

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: 'Cause like I said before, the moment I engaged him when I knew it was him, he was not leaving.

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: I wasn't going to let him leave and hurt anybody else or myself.

DETECTIVE COGBILL: Mm hmm. Okay. Any questions?

DETECTIVE TURNER: Just going back to the vehicle, so you said the door was open when you stopped, and then was the engine running when you got out of the car?

DEPUTY EDNEY: That's correct. I left it in park and I still left the car running. Um, part of that further reasoning is because it was such a quick engagement 'cause he did turn around and start coming towards me, and so it's not like I had time to turn the car off, put the key in my pocket.

DETECTIVE TURNER: Mm hmm.

DEPUTY EDNEY: I mean, certain times you would do that on a call, but this didn't call for it. I was, my focus was him and that was it, and so I wasn't, I wasn't concerned at the time that he was going to try and jump into my car. Um, for me it was I needed to get out and engage him as quick as possible.

DETECTIVE TURNER: Okay. And then you described when he went into the car, when he got in the car that he made some movements towards the gear shift.

DEPUTY EDNEY: Uh, at the end, that's correct. Yeah, after he made whatever movement he made towards the center consoler and came back towards me, once he closed the door, I could see him through the side window reach up like he was going to grab the gear shift

and, and put it into drive.

DETECTIVE TURNER: Okay. And so what, what did you think when you saw that when he put his hand up towards the gear shift?

DEPUTY EDNEY: I thought he was gonna put it in drive and drive away and, and like I just explained to him, that wasn't an option because he could use my vehicle as a weapon. He could, I don't know how well he knows Ford Explorers, but he, he could know them really well and then jump into the trunk and grab weapons or, and that wasn't okay.

DETECTIVE TURNER: Okay. I know, I know that you talked about the weapons being in the trunk. You said they were in those cases and they were ready to go. Was there any secondary locks or anything else to, um, ****, to stop you from opening those cases in the trunk?

DEPUTY EDNEY: No, no. The 40's in a zippered case and my, um, rifle's in a, um, hard case but you just unsnap it. There's nothing that's locked in. It's made so I can grab it quick and easy if I need to.

DETECTIVE TURNER: Okay.

DETECTIVE COGBILL: Do you have any questions?

[redacted]: Um, a couple. I mean, I think that, uh, all the pieces are there, but I just want to ask a couple questions. Um, you mentioned the dispatch was that he had tried to stab some, someone in the eye –

DEPUTY EDNEY: Correct.

[redacted] – security guard in the eye. And, and you mentioned, I think you might have referred to that as, like, assault with a weapon. Your training experience, um, when one person stabs another person in the face or head, would you consider that, like, a use of lethal force; potentially a deadly act –

DEPUTY EDNEY: Oh, absolutely.

[redacted] – to stab someone ****. Okay, um, so, uh, not only was this, and I don't want to put words in your mouth so to speak, but you knew he was armed or potentially armed with a knife.

DEPUTY EDNEY: That's correct.

[redacted] Um, and you knew, um, at this point not only was he armed, but he was, he had shown willingness to sh, to, um, use that violence in a way that was even potentially murderous.

DEPUTY EDNEY: That's correct.

[redacted] Um, so you mentioned, like, I'm winding way back kind of to the beginning of your statement, that when you first saw him, you were 9, uh, you know, about 90 percent sure this was the guy, um, I think based on his, his physical look; the brown jacket, the red backpack, um, wha, how close were you physically to where the, um, where the crime had been dispatched to occur? Were, was he also close phy, you know, physically close to the location?

DEPUTY EDNEY: He, he was approximately about 2 blocks away from the garage.

[redacted] Okay, and they had, um, was he on the right side of the garage, north or south based on what –

DEPUTY EDNEY: He, he was –

[redacted] – his direction, his reported direction of travel.

DEPUTY EDNEY: Based, the call came out that he fled north through the garage and he was north, north-northwest of the garage ****.

[redacted] Okay, so everything consistent.

DEPUTY EDNEY: Correct.

[redacted] Um, and then you hop out, point your gun at this guy and start giving him commands.

DEPUTY EDNEY: To get on the ground, that's correct.

[redacted] And he, um, you said he just kept walking.

DEPUTY EDNEY: That's correct.

[redacted] In your, um, training experience, 10 years, um, in law enforcement, is that normal or typical behavior for someone to just kind of ignore you –

DEPUTY EDNEY: No –

[redacted] – when you've got a gun pointed at them?

DEPUTY EDNEY: No, it's not at all ****.

[redacted] Or even if you're not, don't have a gun pointed at 'em.

DEPUTY EDNEY: No, it's, it's abnormal for somebody to completely just disregard, um, me or a police officer in general whenever that's, I've seen it happen or dealt with it before.

[redacted] Okay, and does, is that concerning to you in terms of his, uh, mental status?

DEPUTY EDNEY: Yes, it was highly concerning that he was just brushing it off like it was nothing.

[redacted] Okay. Could you, did you have any impressions about his mental status or if he was, um, I don't know if you could tell if he was intoxicated or, um, I don't know. What were your impressions there?

DEPUTY EDNEY: I, the interaction was so –

[redacted] ****.

DEPUTY EDNEY: – quick, I didn't have any for his mental status other than the fact that he wasn't really responding to anything I was saying, so I knew that something was altered but I didn't what it was at the time because I didn't have enough time to evaluate it.

[redacted] Okay. Um, and then I know the first tase was ineffective. The second one he got zapped a bit.

DEPUTY EDNEY: Yes, that's correct. I watched him, he, as he kind of froze for about half a second or so.

[redacted] Um, have you, I know you said you were an instructor, but, um, on the street have you used a Taser before when it was effective?

DEPUTY EDNEY: That's correct. I have.

[redacted] Um, in your experience, um, when people get zapped; whether that's a full 5 second ride or just even a short drive stun, do you usually see it, um, be effective in terms of changing people's behavior?

DEPUTY EDNEY: That's correct. It's completely effective. It, it, I have never had anybody keep resisting once the Taser was used. Um, they immediately stop, they give up, they say I, I'm done, I'm sorry, um, they stop resisting, they stop moving or trying to get away.

[redacted] Have you been tased?

DEPUTY EDNEY: Yes, I have several times.

[redacted] And um, would you describe that as a pleasant feeling?

DEPUTY EDNEY: No, it's very painful. I can't, I've, I've never been able to move when I get tased, my muscles lock up. It's extremely painful.

[redacted] And, and so, that's why he typ, you know, would you agree that typically when someone feels that feeling, that's why it changes their behavior? They're like okay, game up.

DEPUTY EDNEY: That's correct.

[redacted] Like, whatever you want, they become compliant.

DEPUTY EDNEY: Yes, they do.

[redacted] Um, but that wasn't the experience here.

DEPUTY EDNEY: No, not at all.

[redacted] Um, so adding all these things together, his lack of compliance, the fact that he had used potentially lethal force on someone at the, um, mall, uh, you, he's potentially still armed and now headed to a patrol car that you've, that, that has deadly weapons in it. Did you feel like if he were to drive off in that car, he would be a danger to the public?

DEPUTY EDNEY: Absolutely.

[redacted] And again, I know, I think all of these things have kind of come out, I'm just sort of rewording it.

DEPUTY EDNEY: Yeah.

[redacted] Um, and I think that's it. I think that's all I ****.

DETECTIVE COGBILL: Anything you want to add?

DEPUTY EDNEY: No.

DETECTIVE COGBILL: Okay. So, we're gonna go take a quick break. The audio recorders are gonna stay on, so just–

DEPUTY EDNEY: Okay.

DETECTIVE COGBILL: – we're just gonna go talk, um, make sure we're not missing anything –

DEPUTY EDNEY: Okay.

DETECTIVE COGBILL: – come back in and then hopefully we'll be done ****. So the audio recordings are still going.

DEPUTY EDNEY: Got it.

NOTE: *It should be noted that for about nine minutes, Deputy Edney and his attorney had small talk while we were out of the room. Their conversation was removed from this transcript, but can be heard on the audio recording.*

DETECTIVE COGBILL: All right, just a couple follow up questions for you.

DEPUTY EDNEY: Sure. Still good?

DETECTIVE COGBILL: Still good?

DETECTIVE COGBILL: Yeah. ****.

DETECTIVE TURNER: Nice and cool up here compared to downstairs.

[redacted] Is it? I was just saying it seemed –

DEPUTY EDNEY: **** they probably didn't turn ****.

[redacted] – kind of warm.

DETECTIVE TURNER: that was a great call turning down the air con -

DETECTIVE COGBILL: So I think I touched on it, um, but I want to just go into more detail about your sleeping, your eating and stuff like that.

DEPUTY EDNEY: Okay.

DETECTIVE COGBILL: So let me, let me be more clear about this. So, let's go to the, yesterday, the day of the incident.

DEPUTY EDNEY: Mm hmm.

DETECTIVE COGBILL: So prior to your shift, um, your shift started at, I wrote it down –

DEPUTY EDNEY: 3:00 p.m.

DETECTIVE COGBILL: – 3:00 p.m.

DEPUTY EDNEY: Yeah.

DETECTIVE COGBILL: How much sleep did you get?

DEPUTY EDNEY: Around 8 hours –

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: – the night, the night before.

DETECTIVE COGBILL: Do you remember what time you went to bed the night before?

DEPUTY EDNEY: Uh, I went to bed at, um, probably 1:30.

DETECTIVE COGBILL: Okay. And got up at, uh, 9:30.

DEPUTY EDNEY: Somewhere around there. Yeah, 8:00, 8:30 ish –

DETECTIVE COGBILL: So about –

DEPUTY EDNEY: – I mean, **** hours sleep.

DETECTIVE COGBILL: A good 8 hours of sleep.

DEPUTY EDNEY: Yeah.

DETECTIVE COGBILL: Okay. And then prior to this incident, what was the last thing you had to eat? Did you have food?

DEPUTY EDNEY: Uh, like just before I came into work I had, uh, my wife made some ratatouille, polenta stuff like that and then I had that, and I think I had an apple like a half hour before the incident.

DETECTIVE COGBILL: Okay, so plenty to –

DEPUTY EDNEY: Yeah.

DETECTIVE COGBILL: – plenty to eat before. Um, and I asked it, but you said no, you don't take any medications. You're not under a doctor's care for any medical reasons, so that would apply to both now this interview and at the time of the incident.

DEPUTY EDNEY: Correct.

DETECTIVE COGBILL: Okay. At the time of the incident, um, had you had any alcohol to drink?

DEPUTY EDNEY: No.

DETECTIVE COGBILL: Within 24 hours of the incident had you had any alcohol to drink?

DEPUTY EDNEY: No.

DETECTIVE COGBILL: Okay. Moving forward to this interview, in the last 24 hours have you had any alcohol to drink?

DEPUTY EDNEY: Yeah.

DETECTIVE COGBILL: Okay, and what did you have specifically?

DEPUTY EDNEY: Half a beer. IPA ****.

DETECTIVE COGBILL: Half a beer?

DEPUTY EDNEY: Yeah.

DETECTIVE COGBILL: All right.

DEPUTY EDNEY: After I was done last night with waiting.

DETECTIVE COGBILL: Okay. And that was all the alcohol you had?

DEPUTY EDNEY: Yeah.

DETECTIVE COGBILL: During this interview you haven't felt the effects of that at all?

DEPUTY EDNEY: No.

DETECTIVE COGBILL: Okay. Last night, what time did you go to bed?

DEPUTY EDNEY: Uh, I probably went to bed around 12:00.

DETECTIVE COGBILL: About midnight?

DEPUTY EDNEY: Yeah, I think I got out of here like 10:30 ish, 10:00, 10:30.

DETECTIVE COGBILL: Okay. And then do you remember what time you woke up?

DEPUTY EDNEY: Uh, I woke up at 7:00. So we're rebuilding our home in Coffee Park and we had to meet with the construction crew over some stuff.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: So I got up at 7:00 and then, um, and then I, uh, we did what we had to do and then I took about an hour nap.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: Probably, like, from like 11:00, 12:00.

DETECTIVE COGBILL: So you got 7 hours plus an hour nap.

DEPUTY EDNEY: Yeah.

DETECTIVE COGBILL: Okay. And then before this interview did you have food, you –

DEPUTY EDNEY: Oh, yeah.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: I ate like 20 minutes before we met, yeah.

DETECTIVE COGBILL: Okay. Excellent, so I just wanted to clarify some of that stuff. Um,

couple other things. Going back to you mentioned when he was, um, walking away from you, you're giving him commands and he's walking away from you.

DEPUTY EDNEY: Mm hmm.

DETECTIVE COGBILL: He's carrying bags and at one point you said that you couldn't see his right hand. Um, just walk me through that part again where you're –

DEPUTY EDNEY: So, um, my memory recalls that his right hand had items in it –

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: – and his left hand was free. After watching the video, it was the other way around. His right hand was free, and his left hand had items in it, and so but when I recalled it as the hand that had items in it, I couldn't see what he was holding. He was holding something. I didn't know if it was just some of the bags or if he had an item, um, I just, I don't even remember what it was. I just remember that I, I just couldn't see what it was.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: And so I wasn't sure what it was. I didn't know if it was a weapon. I didn't know if it was just a random item. And so but I, I could only see one hand that was free, um, and that was it.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: So I didn't see any weapons at the time.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: Um –

DETECTIVE COGBILL: But one hand you could not see.

DEPUTY EDNEY: Correct. I couldn't see what it was holding or what was in it.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: Yeah.

DETECTIVE COGBILL: All right. Um, and then as you move to the patrol car, um, and he is in the patrol car, now kind of the struggle over the door, um, during that part were you able to see his hands the entire time?

DEPUTY EDNEY: I could not see his right hand. I could see his left hand for the most part, for the most part.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: Um, because that was the hand that kept, he kept reaching to grab the door. Um, and so, and the only time I saw his right hand is after he closed it and he went to grab the shifter. And so, but I couldn't see his right hand during most of the interaction in the vehicle.

DETECTIVE COGBILL: Okay. When he was reaching for the door, um, do you remember anything in either of his hands?

DEPUTY EDNEY: Uh, I, I couldn't recall if there was anything in his hands or not. Like I said, when he, when he turned away from me, he had both hands when he did that, um, and I, that's when I assumed he was grabbing a weapon or something to, because obviously I was trying to get him to get out of the car. Um, but I couldn't see what was in his hands and when he came back, I couldn't tell if there was anything in his hands or not.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: Um, but I wasn't, like I said, I backed away because I wasn't going to take that chance.

DETECTIVE COGBILL: Okay. Um, was there anything blocking your view at any point during that where you wouldn't be able to see everything, his hands and –

DEPUTY EDNEY: Uh, nothing was blocking my view until I backed up and then the door blocked a partial view of his body, so I couldn't quite see if there was anything in his hands.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: And so that was the only moment that was blocked.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: But when I had the door open and I was dealing with him, I could, I could see into the car except for when he, 'cause I couldn't see where his right hand was.

DETECTIVE COGBILL: Okay. So there was a moment when the door was shut that you couldn't see his hands.

DEPUTY EDNEY: Yeah, yeah. When, uh, when I backed up and I couldn't see part, part of his body, I couldn't see his hands and then the moment he shut the door I couldn't see his hands until he reached up and –

DETECTIVE COGBILL: Right.

DEPUTY EDNEY: – grabbed the shifter.

DETECTIVE COGBILL: Okay. Um, he then takes the knife. The first time you see the knife is when he throws it over his shoulder and it lands where you can see it. Do you, describe the knife to me as you remember it.

DEPUTY EDNEY: I remember it having a dark handle, maybe black, and then I thought the blade, it looked to be like a straight edged knife, like it didn't retract.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: That's what it looked like to me.

DETECTIVE COGBILL: Mm hmm.

DEPUTY EDNEY: Um, the blade was about approximately 3 to 4 inches, um, from my memory.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: Um, and it was just laying on the floorboard and it was bloody. I remember it was covered in blood.

DETECTIVE COGBILL: Okay. Do you remember the color of the blade?

DEPUTY EDNEY: It was silver.

DETECTIVE COGBILL: Okay. And what color is the interior of your patrol car?

DEPUTY EDNEY: Uh, the floorboard's black.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: Like a black feet, you know, covering area, like waterproof, whatever.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: And everything is dark. The seats are dark and –

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: – so.

DETECTIVE COGBILL: Was the, you said the handle was black, so the handle of the, the knife and the interior of the car, are they similar in color?

DEPUTY EDNEY: They were similar, yeah.

DETECTIVE COGBILL: Did it make it hard to see the knife at all?

DEPUTY EDNEY: Uh, it didn't make it hard to see it, um, because there was, there was nothing on my floorboard.

DETECTIVE COGBILL: Right.

DEPUTY EDNEY: Um, and so obviously when I, when I opened the door to look at it, it's the only thing laying there, so you can see it.

DETECTIVE COGBILL: Okay. I think that was all the questions I had.

DETECTIVE TURNER: Okay.

DETECTIVE COGBILL: Can you think of any?

DETECTIVE TURNER: So, the knife was easy to see when you saw it because of the contrast between the color of the knife and the color of your floorboards?

DEPUTY EDNEY: Correct.

DETECTIVE TURNER: Okay. Um, and then, I know we've talked a lot about hands when you were looking into the car, but can you remember, go back, what were you focusing on when you were looking into the car and you were looking at him?

DEPUTY EDNEY: I think I explained before I was looking at his face and I was looking at his, I was trying to watch his hands because if anything's gonna hurt anybody it's gonna be hands.

DETECTIVE TURNER: Okay.

DEPUTY EDNEY: So they're gonna have weapons, they're gonna have the car steering wheel, and so I was trying to pay attention to what he was doing with his hands, um, the best that I could.

DETECTIVE TURNER: Yeah.

[redacted] One thing I don't think we've mentioned at least on audio, how, how long did this take? I mean, we're, we're breaking this down –

DEPUTY EDNEY: Mm hmm.

[redacted] – into minute detail, but would you describe this as, uh, something that took 40 seconds or something that was just over in seconds?

DEPUTY EDNEY: I would describe it took probably between 30 and 45 seconds total. I, from what I remember, it was very quick.

[redacted] From the moment you spotted him to the end?

DEPUTY EDNEY: It was fairly quick, yeah. The whole interaction was quick with him walking away and then the interaction and then him running to the car and until I shot.

[redacted] What about when you zero in on the interaction around the car? Like, once he's in the car and you're up at, at the door, I mean, um, was this a, uh, this was a quickly –

DEPUTY EDNEY: I would –

[redacted] – evolving.

DEPUTY EDNEY: Yeah, I would say it was really, it was probably 5, maybe 10 seconds.

[redacted] And, you know, we're breaking down that, the door is opening, the door is closing but really it was like –

DEPUTY EDNEY: It was quick.

[redacted] It was –

DEPUTY EDNEY: There was a lot going on in a very short amount of time.

[redacted] Yeah, okay.

DEPUTY EDNEY: Yes.

DETECTIVE COGBILL: Anything you want to add at all?

DEPUTY EDNEY: No.

DETECTIVE COGBILL: Okay. If nobody has anything to add, I think we're done.

DETECTIVE TURNER: No, ****.

DETECTIVE COGBILL: Okay.

DEPUTY EDNEY: Thank you.

DETECTIVE COGBILL: Turning off the recorder it is, uh, 3:51.

END OF AUDIO

SUPPLEMENT:

INTERVIEW OF DEPUTY EDNEY AND BWC VIDEO

On 08/02/19, Detective Turner and I conducted an interview with Deputy Edney at the Sonoma County Sheriff's Department Association Hall in the city of Santa Rosa. The interview was regarding the critical incident that occurred on 08/01/19 in the area of 9th St. and Morgan St. in the city of Santa Rosa.

Prior to the interview, Deputy Edney was given the opportunity to watch his Body Worn Camera (BWC) video with his attorney. Deputy Edney wanted to view his BWC video. I read him an admonishment prior to viewing the video. Deputy Edney only viewed his own BWC video. He did not view any other BWC videos or any other surveillance videos prior to the interview.

The interview was audio recorded. The audio recordings were sent to SpeakWrite and transcribed. I listened to the interview and proof read the transcription for accuracy. Deputy Edney described the incident in detail and explained what he was thinking and the decisions that he made during the incident. See the attached transcription and the audio recording that was uploaded to Evidence.com for the interview in its entirety.

At a later date, I reviewed the entirety of Deputy Edney's Body Worn Camera (BWC) video. When Deputy Edney's BWC started, he was driving his patrol vehicle. There is no audio for the first thirty seconds, which is how the Taser Axon BWC is designed. Deputy Edney appeared to have his BWC activated for the entire incident from that point forward. After reviewing the BWC video and listening to Deputy Edney's statement, I determined that they were consistent with one another.

It should be noted that while Deputy Edney and Baymon were struggling for control of the vehicle, Baymon appeared to be holding something in his left hand. Deputy Edney told me that he did not remember seeing anything in Baymon's left hand, but there were moments during the altercation when Deputy Edney could not see Baymon's hands.

I slowed down the BWC video and watched that portion several times. It appeared to me that Baymon was holding an object in his left hand. Deputy Edney said that while Baymon was being taken into custody, he threw a knife over his shoulder and it landed on the floorboard. That knife was recovered from the scene. The object that Baymon appeared to be holding in his left hand appeared to be similar in color and shape to the knife that was recovered.

During the search of Deputy Edney's patrol vehicle, a sheath for a knife was recovered on the driver's side floor board. The same location where Baymon threw the knife while being taken into custody. The sheath was the same brand, "SOG," and similar size to the knife that was recovered.

DISPOSITION:

Attach to original. Forward to the DA for review.

SRPD Case#: 19-10229 and 19-10275
Date: 08/01/19
Time: 2121
Location: Santa Rosa Plaza (Macy's)

INTERVIEW OF [redacted]

SRPD VCI Detective: Anthony Turner (DT)
SRPD Detective: Michael Spediacci (MS)

Interviewed: [redacted]

Legend:
****: Unintelligible

It should be noted that for the first 3 minutes and 23 seconds of the recording, there is casual conversation between several people, including Detective Turner, Detective Spediacci and [redacted] *The conversation was not related to this case and it is not included in this transcription.*

Perfect. Okay. The time now is 8:50. 'Kay. [redacted], what's your last name again?

[redacted]

DT: And your date of birth.

[redacted]

DT: 'Kay. Home address?

[redacted]

DT: [redacted] okay. And good phone number for you [redacted]

[redacted]

DT: [redacted] Okay. So, you're one of the, um, loss prevention officers here.

[redacted] Yeah.

DT: 'Kay. Who are you working with today?

[redacted].

DT: Sorry. What's [redacted] last name?

[redacted]

DT: Okay.

[redacted]

DT: It's ****.

[redacted] It's a, it's a E.

DT: I'm sorry.

[redacted]

DT: Okay.

[redacted] And then, um, so everyone is on duty? Everyone?

DT: Um, well we, we, yeah, we're gonna be talkin' about just one portion of the day. So, were you working with [redacted] for the whole shift?

[redacted] Yeah. For, for this, for the incident that happened, yes.

DT: Yeah. ****, okay.

[redacted] Yeah.

DT: Okay, so, um, do you want to just start from the beginning? Yeah, you know why, you know we're here for –

[redacted] Yeah.

DT: – uh, one particular part of the day and one incident so do you want to just start from the beginning and just tell us what happens.

[redacted] Yeah. So, um, I believe it was a little after I came back from lunch. Um, [redacted] uh, identified the subject as, uh, having unusual shopping behaviors, you know, an empty bag, making quick selections. Um, he asked me to take over, uh, on the CC TV camera of the subject and [redacted] went out and to follow our PL policies he cleared the fitting room and stuff and I continued surveillance on CC TV of the, uh, the subject. He had the two items that [redacted] saw him select and then he went into men's shoes and got a, uh, a box of shoes. Um, I relayed that all over radio to [redacted]. Um, he brought the shoes into, uh, and two other selections into the fitting room with his bag and stuff. [redacted] was in the fitting room as well, in like the stall next to him so he could clear it after he came out, so we knew if he took the merchandise with him or not. Once, once he was in the fitting room [redacted] took over on the CC TV for me and I went out to the floor to assist with floor surveillance and if we had to make an apprehension to help [redacted] So, um, we waited for him to come out of the fitting room. I was on the men's floor. Uh, [redacted] texted me that he was out, so I radioed that to E[redacted] Obviously **** you know he's, we saw the shoes he went in

with and now he's wearing the shoes that he got so we knew that, and the, the other two selections he dropped out so we knew we had him on the shoes and he hadn't paid for the shoes. So, I started following him through the men's department and then to the, uh, the west junior's doors. I exited just before him and then I saw [redacted] coming up behind him so when I exited, went up and got in front of him and identified myself as Macy's asset protection. Uh, said hey, oh, I need to talk to you about the, uh, the shoes that you didn't pay for. [redacted] approached him from behind at the same time and said hey, you know, I'm, uh, assistant asset protection manager [redacted] I need to, uh, talk to you about the shoes you didn't pay for and the guy goes well, like verbatim, I don't remember exactly what he said but he said, uh, what, uh, who are you and we said we're Macy's asset protection, we just want to talk to you about the shoes. He was calm and casual, you know, we didn't put our hand on him or anything. He wasn't resisting, like, hey, we just want to talk to you about the shoes and then he goes who are you? So, then [redacted] took out his badge, showed him his badge. It says Macy's apro, asset protection, it has his name on it. I told him my first name and we're like hey, we just want to talk to you. That's when [redacted] arrived on the scene. Um, she was a little away so don't even know he was aware that she was there so we were still talk, talking **** and he was like – he said, and then he said hold up and then he quickly put his hand in his right pocket and when he did that I put my hand on his wrist just because I don't know what, what's in his pocket and for my own protection, and he pulled out a fixed blade. So I just kept my ha, my arm on his wrist to keep it, to protect me and [redacted] and then he began violently trying to attempt to stab, uh, [redacted] and, and me, uh, but we, we quickly got away and I kept his arm away from me but he was trying to stab [redacted] with, in my opinion with intent to do serious damage to him several times. I, I think like four or five times and then he dropped his stuff so then we got as far as like we kept trying to get away from him. I immediately began trying to call 911 on my phone. I messed up a couple times and then I finally got it through. He dropped his stuff, started picking it up, kept the knife in his hand and began walking northwest and then that whole time I was on the phone with dispatch explaining like his, uh, description and all that.

MS: 'Kay. What kind of pants was he wearing?

[redacted] Uh, tan khaki.

MS: Okay. And you said right pocket. Where, what kind of pocket? Side, front, rear pocket?

[redacted] Like the regular pants front pocket.

MS: Right front pocket?

[redacted] Yeah.

MS: Remember seeing the knife-like color of the handle blade, anything that stands out?

[redacted]: I think it was charcoal and he didn't have to open it when he took it out so I'm assuming it was fixed or he had it fixed in his pocket.

MS: You said he tried to stab [redacted] four or five times?

[redacted] Yes.

MS: And like what kind of motion? Can you show me?

[redacted] Like a, like a dagger motion towards his neck.

MS: Like from over the shoulder down?

[redacted] Yeah. And then the only thing that wasn't giving him full extension is I had my arm on his wrist.

DT: 'Kay.

[redacted] And then it was really quick too so I, I just kept his arm and then tried to get away from him.

MS: Was he saying anything when he was stabbing at [redacted]

[redacted] No, not that I remember.

MS: How big do you think the blade on the knife was?

[redacted] If I had to guess, 5 inches for the length, I guess.

MS: And you said charcoal. Which part was charcoal?

[redacted] I think the whole thing was like a charcoal grey. It seemed like it was one cohesive color.

DT: Okay. So it was, so [redacted] was working the cameras originally.

[redacted] Yes, originally.

DT: Yeah. So, he sees this guy walk into the store.

[redacted] I don't know, so I don't know if he saw him walking in the store. I know he saw him in the Levi's department.

DT: Okay. And then he realizes there's some kind of strange shopping patterns.

[redacted] Yeah.

DT: And then, um, you switch out with [redacted] right?

[redacted] No, I switched out with [redacted]

DT: You switched out with [redacted]

[redacted] Yes.

DT: Okay. Okay. And then it was [redacted] that went through and cleared the fittin' room?

[redacted] Mm hmm.

DT: Which his kind of your standard –

[redacted] Yeah.

DT: – procedure. And then you watched as he went inside the fittin' room.

[redacted] Yes.

DT: And then you switched out with [redacted]

[redacted] Yes, to go out to the floor.

DT: To go out to the floor.

[redacted] Mm hmm.

DT: Okay. So, then [redacted] was in the security office.

[redacted] Yes, on the CCTV.

DT: On the cameras. Okay. And, and she was, she was basically following you and [redacted] and the suspect on CCTV.

[redacted] Yeah. Once he, she kept the camera on the fitting room until he came out and then when he came out, she, she followed the subject and then since we were following the subject, we're in that shot too.

DT: Okay. So, um, you said that you knew he was wearing new shoes.

[redacted] Yes.

DT: So how did you know that?

[redacted] 'Cause we saw, we zoomed in on the shoes that he was wearing before he went in. They're completely different color. His shoes that he was wearing the first time were dirty and hand, uh, laces and the shoes he took that were ours didn't have laces.

DT: Okay. And then [redacted] communicate that to you, or did you see it yourselves?

[redacted] She, uh, communicated to me originally and then as, uh, he was exiting I was able to reassure what she said by looking myself.

DT: Okay. So, so you realized that the shoes he was wearing were different from the ones that he got into the fitting room.

[redacted] Yes.

DT: 'Kay. So, what was your purpose of following him out of the store?

[redacted] Because he, I followed the standards that we have, and he was taking merchandise that he did not pay for out of the store.

DT: Okay. So, once you realized that his shoes were different you, what, what were you thinking when you realized the shoes were different?

[redacted] So based on our rules, since he came out of the fitting room wearing the shoes, I knew that if he exited that meant that he had not paid for – as long as he didn't go to any place to pay, if he exited, directly exited then that, we could make an apprehension because he had not paid for the shoes.

DT: Okay. So, **** repeating ourselves **** but, so just like in laymen's terms what, like real basic terms, what did you think had happened?

[redacted] He swapped his shoes and he was going to steal the shoes that he was wearing.

DT: Okay. So, do you think the shoes he was wearing were the ones that he picks up from the store?

[redacted] Yes, they were the Ma, uh, our Macy's shoes yes.

DT: That he picks up. Okay. So, the reason you were following him out, out the store, um, was because you thought he was trying to take that merchandise which he was wearing at that time.

[redacted] Correct.

DT: Okay. And then just talk me through again what happens once you, once he's left the store.

[redacted] So, once he's left the store, we're like 4 or 5 feet outside the store, and I just approach him super calm and just say hey, Macy's asset protection. I need to talk to you about the shoes you didn't pay for.

DT: 'Kay.

[redacted] And then [redacted] came up behind him and said that hey. You know it's not a big deal, we just wanted, we just want the shoes back and we want to talk about the shoes. Can you come to our office with us? And he just kept saying what, who are you guys and then we're just, we're Macy's asset protection. My name is [redacted] here's his badge. Can we talk to you about the shoes that you didn't pay for? What? Who are you? Until he said

hold up and that's when, yeah.

DT: Okay. So, you hadn't spoken to him before you were outside of the store?

[redacted] No.

DT: And then as soon as you were outside of the store you were like, like you and [redacted] identified yourself as security?

[redacted] Yes.

DT: Right. Said you were asset protection, and then he asked again who are you and then you repeated yourself to him.

[redacted] Yes, and I also included my first name.

DT: Okay. And then you said that you showed him some identification.

[redacted] Yes.

DT: Okay.

[redacted] [redacted] showed him his badge.

DT: Okay. So, just to clarify. What badge does [redacted] does [redacted] carry?

[redacted] It's a, uh, it's a white and red badge. It says Macy's at, asset protection, Store 325. It has his picture, his name, and his employee I.D. number and on the back of it it has all the steps that we have to follow.

DT: Okay. Okay. So, what was your purpose in identifying yourself as asset protection once you've stepped outside?

[redacted] So that he doesn't, so he knows what, you know, we're not just approaching him for no reason. We're just saying hey. Identify myself to, to, so he knows why we're talking to him.

DT: Okay. So, um, just explain to me what you, what were you aiming to do when you, when you went outside and introduced yourself to him.

[redacted] So, no, so it's within our policy to identify ourselves as Macy's asset protection and then my goal is to ask him to come back to the office with us to discuss about the mer, the merchandise he didn't pay for.

DT: Okay. So, you identify yourself. What, what are the next steps that you'd normally take in that circumstance?

[redacted] You know, ask them as many times if they would come back to the office. It's not a

big deal. If they don't we, uh, can, uh, if we feel threatened for our safety we can, we, within our policy we can put them in cuffs or we, um, just continue to ask them – but I've never had a person who I've stopped before not come back to the office with me before, after we talk it out.

DT: Okay. So in your experience as an employee here as an asset, as an asset protection employee, um, every time that you've introduced yourself as asset protection, um, if you've suspected that someone's taken merchandise from the store they've come back to the security office with you.

[redacted]: I've had, uh – every time when I, I, no I guess technically not every time, well, I haven't had, I've had people run away.

DT: 'Kay.

[redacted] But, um, one, I've had, but usually when I talk to people several times, they come back with me. I've had people who just run as soon as they get out the door. Those people do not come back.

DT: Okay. So, you said that once you guys introduced yourselves, you explained that you're asset protection. He asked you who are you again. You both identify yourselves again as asset protection. Okay, and then just talk me through what happens after that.

[redacted] So, I can see out of the corner of my eye that [redacted] arrives and she's just, like, in the doorway and he's still looking at us, and then after saying, 'Who are you? What?' several times, and then he said, 'Hold up,' and put his hand in the pocket and took out the fixed blade.

DT: Okay. So, and you said that you grabbed his wrist –

[redacted] Yes.

DT: – at one point. So, just talk me through what you were thinking at that point.

[redacted] So, I mean, I don't know what it, is in anyone's pockets so if I was talking to anybody and they abruptly put their hand in their pocket, I'd make a move to protect myself, and especially, like, given the situation, I just don't know what's in his pocket. And so, when he reached in his pocket and then I saw him take out a knife, I grabbed his wrist to protect myself and my coworker.

DT: Okay. So, did you see him pull out that knife before you grabbed his wrist?

[redacted] I grabbed his wrist before I saw the knife, just 'cause I didn't know what's in his pocket.

DT: Okay. So, you, you saw him put his hands in his pocket.

[redacted] Yes.

DT: You weren't sure what he was, he was doing by putting his hands in his pocket and then you put your hand on his, uh, his right wrist.

[redacted] Yes, his right wrist.

DT: Okay. So, then just talk me through what happens after that.

[redacted] And then when I put my hand on it, it wasn't even a grip. It was just my hand was on it and once I, then he pulled it out and it's a knife so I tried to grab it, didn't get a grip of it so I just tried to keep it away from me and away from [redacted] and then that's just, and then while I'm trying to do that, he's, [redacted] evading and he's vigorously trying to, to stab him, like, in the, in the neck and upper chest area.

DT: Okay. So, he puts his hand in his pockets. You put your, you put your hand on his right wrist. Okay. So, just, so, why did you put your hand on his wrist?

[redacted] Out of fear that he would cause me physical harm.

DT: Okay. And then, you said that he pulls his hand out and you see a knife –

[redacted] Yes.

DT: – at that point. And was that knife in his right hand?

[redacted] Yes.

DT: Okay, so, what were you thinking at that point?

[redacted] That I needed to try to protect myself and my coworker.

DT: Okay, so, what did you think would happen if you didn't have hold of his wrist?

[redacted] I think he would have stabbed [redacted] in the neck.

DT: Okay. So, you were holding onto, you were holding onto his wrist. You could see that he had the knife in his hand. You were thinking that if you didn't have hold of his wrist, that he was gonna stab [redacted]

[redacted] Yeah.

DT: And you –

[redacted] I didn't, I didn't, again, have full hold. It was more like putting pressure on his wrist to keep it down, but I was doing that to try to protect [redacted] because he was forcefully trying to make stabbing towards [redacted]

DT: Okay. So, what do you think would have happened if you hadn't held his, his, his wrist, if

you hadn't, if you hadn't grabbed that wrist when you saw that knife, what do you think would have happened?

[redacted] I think he would have stabbed [redacted] causing him severe harm.

DT: Okay. So, you said that he, uh, tried, or he, you saw him try to stab [redacted] four or five times. Okay, and you said it was like in a downward motion from above his shoulder.

[redacted] Yes.

DT: Okay, so, what do you think, what do you think the, the suspect was trying to do at that point?

[redacted] I think he was trying to cause severe physical harm to [redacted] if not kill him.

DT: Okay. Did, um, did he say, or did you hear him say anything?

[redacted] I did not hear him say anything.

DT: Okay, and did [redacted] do or say anything?

[redacted] [redacted] just, I don't remember him saying any words. He, he might of shouted, I know someone shouted knife. I don't know who shouted knife, but I know I could see that [redacted] was fearful and tried to get away from him.

DT: Okay, so, how did [redacted] try and get away from him?

[redacted] He, he stepped back and tried to, as quickly as he could, like, kinda turn his body away from the stabbing motions.

DT: Okay, and did you have hold of this guy's wrist at that point?

[redacted] No. So, it's, so I put pressure on his wrist and then kinda slowed him up from getting the first attempt and then I, I backed away and then that's when he started trying to get to [redacted] with the downward motions. So, I think by me putting pressure on his wrist, it allowed [redacted] enough time to get away.

DT: Okay, so, you said that downward pressure when he was first bringing the knife out?

[redacted]: Mm hmm.

DT: And then once he had the knife out and was doing the stabbing motions, um, and you didn't have your hand on his wrist?

[redacted]: No, yeah, once he got it above his head, I lost, 'cause I wasn't able to get a grip of it.

DT: Okay, and you saw [redacted] make some kind of movement. It looked like he was trying to get away from –

[redacted] Yes.

DT: – from, who was [redacted] trying, or what was [redacted] trying to get away?

[redacted] [redacted] was trying to get away from the, the subject attempting to stab him.

DT: Okay. Um, so you said he didn't say anything as he was, as, as you saw that stabbing motion. Can you describe what, what else did he, uh, the suspect was doing?

[redacted] He was just stabbing and, uh, is what appeared to be as aggressively and as quickly as he could towards [redacted] Not as in, like, not brandishing a knife to get him away, trying to cause him harm with the knife that he had.

DT: With the knife, okay. Um, and then you described the knife already. You said it was like a charcoal color.

[redacted]: I believe so, yeah.

DT: Okay. So, when you described it for me, you said the whole thing was a charcoal color.

[redacted] Yeah.

DT: So, did you think it was, was, so, just think back on that knife. Right? So, uh, I think, oh, yeah, and initially you said it was a 5-inch blade.

[redacted] Yeah, I think it's a 5-inch blade.

DT: Okay.

[redacted] If I had to guess.

DT: And you first saw it as he was pulling his hand out of his pocket.

[redacted] Yeah.

DT: And then you saw it as he was holding it and he was stabbing it down towards [redacted]

[redacted] Yes.

DT: Okay. So, just take a moment. Just think about that knife and just, if you can describe that knife to us.

[redacted]: I remember it is charcoal in a fixed position, uh, only, the blade only on one side. I think it had a straight back, or maybe, like, a, uh, like a jaded, I don't know what the word is for it, but maybe if like the bumps with the grooves on the back but not on the blade. The blade was only on one side.

DT: Okay.

MS: Possibly had a serrated back?

[redacted] Serrated, that's the word I was looking for.

DT: Okay. And then, could you see there was a handle to that blade?

[redacted] I think, yeah, I think there was a handle, yeah.

DT: There was a handle. Okay. And then, but you think the handle and the blade were the same color.

[redacted] Yeah.

DT: Okay.

[redacted]: I'm mostly color blind but that's what I saw him holding.

DT: No, no, and, you know, I, I'm just, you said it was charcoal. I'm just –

[redacted] Yeah.

DT: – I'm trying to get that description from you of the –

[redacted] Yeah.

DT: – of the knife. Okay. And then, so this guy, so you see that stabbing motion four or five times. Okay. And then what happens after that?

[redacted] He, he dropped his stuff and, uh, he was picking it up, still kinda looking at us, and then we just kept getting more distance between him, and then, uh, he picked up some of the stuff, left some of it behind and then that's when I called my, I called 911 as soon as I, like as, as soon as I thought it was a safe space away from him, I began to call 911.

DT: Okay. So, so he makes that stabbing motion and then you and [redacted] you said take steps back.

[redacted] Mm hmm.

DT: So, does he, does he change his position?

[redacted] He, he, dur, while he was stabbing, he, he, he dropped that red and black bag that he had 'cause after he did the fourth or fifth stabbing motion is when he tried to pick that stuff up. He kinda, in other words, he's picking up, he's looking at us, I think, I don't know, maybe making sure we're staying away from him or, uh, just making sure he knew our whereabouts and then he picked his stuff up and that's when he went northwest into the street.

DT: Okay, did he say anything to you after each stab, stabbing motion?

[redacted] No.

DT: Okay, and did you hear him say or do anything 'cause he left?

[redacted]: No, I did not.

DT: Okay.

MS: When he took off, where, was the knife still in his hand? Did he put it in his back pocket? Do you remember where it was at –

[redacted] So, –

MS: – when he left?

[redacted] – for as long as I could see him, I could see the knife in his hand, and I saw him until he went into the parking garage, and I believe it's Parking Garage 5.

DT: Okay. So, you saw him take the knife out when you put your hand, when he first put his hand in his pocket, and then he has his knife, the knife in his hands as he was making the stabbing motion and then as he was walking away through the Garage 5.

[redacted] Yes.

DT: Okay. Um, can you describe what you were wearing right now?

[redacted] What, I'm wearing a black sweatshirt that says, 'Real life greater than internet'. It also says, 'Zoo' on my right wrist, and then I am wearing, um, Calvin Klein jeans with a seatbelt, a Chevy seatbelt for my belt and I have on black Nikes.

DT: Black Nikes, okay. What was he wearing?

[redacted] He was wearing khaki pants, a brown, like, jacket. Um, I think the jacket went down to like mid thigh. I don't remember what kind of shirt he was wearing, and then he had the black and red bag on him.

DT: Okay, so, so, you guys, you seen him, but you've identified him. You followed him through the store. You followed him as he's going into the fitting room and then you've gone outside. You've identified yourself as security officers and he asked you to repeat that. You repeat that to him. Um, and then you see him put his hand in his pocket. He pulls out a knife – well you put your hand on his wrist. He pulls out a knife. You let go of his wrist. He, you and [redacted] kinda take a step back. He makes this stabbing motion. You see [redacted] move away from him. You think that if you hadn't hold on, held onto his wrist initially that, uh, he would have stabbed [redacted] Um, you guys take steps back towards the store and then you watch as he leaves, and he still go the knife in his hand.

[redacted] Yes.

DT: Okay. So, what, what were you thinking as that, as that happened outside, once you, once you'd spoken to him and he put his hand, your hand on his, on his wrist, what were you thinking while you were out there?

[redacted] At that point?

DT: Yeah.

[redacted] That he was pulling something out of his pocket to harm us.

DT: Okay.

MS: When you guys were actually contacting him and identifying yourselves and trying to speak to him, what was your thought in terms of the look on his face? Did you feel like your words were getting through? Like, what was your interpretation, like, of you guys talking, did you feel like there was back and forth, or that it was not sinking in, or what was your, what'd you see in his face and his reactions when you were trying to talk to him?

[redacted] Um, he, he was, he was calm and, um, I think he just kept saying, what and who are you 'cause he didn't want to come back to the office with us, and, uh, he was just, he was just saying, he was trying, I think he was trying to make us think that we were confused or that he didn't swap out his shoes.

DT: Okay, and then at any point did you tell him that you'd seen him take the shoes, or what, did you actually specifically ask him to come back inside the store?

[redacted]: Yes, we asked him to come back to the office and we also said, 'Hey man, we just want to talk about the shoes that you didn't pay for.' Like, we know, and [redacted] said, 'You know, you swapped out your shoes in the fitting room. We just wanna talk about the shoes you didn't pay for. We just want to get the shoes back, talk about it in our office.'

DT: Okay. And that was before he put his hand in the pocket?

[redacted] Yes.

DT: Okay. ****, you got anything else?

MS: No, I think it's, **** pretty much everything covered that we need to.

DT: That's pretty much that, right?

MS: Yeah, mindset, where he went, knife.

DT: Did you, have you seen him before?

[redacted] No, I did not recognize him.

DT: Okay. And, um, –

MS: The knife didn't touch you at all while you had his wrist?

[redacted] No.

MS: After the fact, nothing like that? No marks on your sweatshirt, double check?

[redacted] No.

DT: How did you feel, as you took that step back and he had the knife?

[redacted] Fearful for [redacted] life.

DT: Okay. So, you, it was [redacted] that you were worried about?

[redacted] Yeah.

DT: That you thought he was –

Holden: Yeah.

DT: – aiming towards or he –

[redacted] Yeah, 'cause he –

DT: – he was focusing on.

[redacted] – he, yeah, he was looking at [redacted]

DT: Okay. Um, that's pretty much it.

[redacted] Okay.

DT: Um, I know, I know it's been a long day for 'ya. What time are you working until?

[redacted] I was off at 7.

DT: Okay, so extra.

[redacted] Yeah.

DT: Okay. So, um, so we got a phone number for you. Um, if we need to give you another call, we need to clarify anything, I'll give you a call and, um, we can talk through it. Um, I know, uh, so I know there's some video, some CC TV of what's happened.

[redacted] Yes.

DT: Have you watched that video footage between this happening and you speaking to us?

[redacted]: A playback of it?

DT: Mm hmm.

[redacted] Ju, just the part of him exiting. I have seen the part of him exiting, yeah.

DT: Okay. And did you talk with any of your colleagues about what happened?

[redacted] Yeah, well, with, I talked about the incident with, like, the people, like, when we were, like, how we called PD and, like, we had to write a state, we have to write statements for, like, our policy and stuff.

DT: Okay. So, have you written that statement already?

[redacted] Yeah.

DT: Um, all right. And, did you do that in the room with your colleagues?

[redacted] In the office?

DT: Yeah.

[redacted] Yeah.

DT: Okay. Let me get a copy of that statement.

[redacted] Yeah.

DT: For me.

MS: Well you guys have a whole report you do, right?

[redacted] Um, I think it's someone above me who writes like the official report. I just give the, a written statement, but I don't file my own report, I don't think, for this.

MS: Yeah, okay. I know sometimes you guys, like, well, we're just gonna lead –

[redacted] Well, [redacted] –

MS: – **** off of work.

[redacted] Yeah, like, there will be a case for this and so –

MS: Yeah.

[redacted] – yeah, it's gonna be [redacted] case so I won't have a case for it in our –

DT: Okay.

[redacted] – our system.

DT: But you've already written, you've already written a, an incident report.

[redacted] A complete report.

DT: You've written a statement.

[redacted] Yeah.

DT: Yeah. About what happened.

[redacted] Yeah.

DT: Okay. Okay. You want to escort us all the way down?

[redacted] Yeah, and –

DT: I think it would be very obvious if you don't –

[redacted]: Am I, am I allowed to ask them if I'm allowed to give you the statement?

DT: Uh, yeah, absolute.

[redacted] I mean, 'cause I mean I wanna –

DT: Yeah.

[redacted] – give it to you. It's just they are like, they have their own rules about, like, what I can and cannot do. Uh, so I just –

MS: Yeah, yeah, well, generally they give us a copy of the report if we ask for it so it's not a big deal.

[redacted] Yeah, yeah.

MS: Well, you'll give us our, the, your loss prevention case number.

[redacted] Yeah, like the case report but –

MS: **** copy of it, so, yeah.

[redacted] But like the, the statement thing is like, I've never given you guys like a **** so I

just, I don't have a problem with it. I just wanna see –

DT: Yeah, that works.

[redacted] – what they say.

DT: Yeah.

[redacted] And even if they say no I think I'll still give it to you.

DT: Yeah.

MS: Well, do what you gotta do.

[redacted] Yeah.

MS: We'll deal with that part –

DT: All right. So, now it's 2120.

END OF AUDIO

SUPPLEMENT:

Interview of Macy's Asset Protection officer [redacted]

On 8/1/19 at approximately 20:47hrs, Det. Spediacci and I met with Macy's employee [redacted] He identified himself as a member of the Macy's Asset Protection team and confirmed that he had been working at the Macy's store at 800 Santa Rosa Plaza today.

I had already spoken with SRPD Ofc Gonzales-Campos and knew that [redacted] had provided him with a brief statement. Ofc Gonzales-Campos had provided me with a summary of his conversation with [redacted] (See Ofc Gonzales-Campos's original report for further information).

Det. Spediacci and I were tasked with completing a more thorough interview of [redacted].

[redacted] escorted us upstairs to an unoccupied office. I activated the audio-record setting on my work issued cell phone and ensured that the entirety of our conversation was audio recorded.

[redacted] confirmed that he has was working today with [redacted] and [redacted] often works with these employees, and they are all members of the Asset Protection team.

Today, just after [redacted] had finished his lunch, [redacted] identified a suspicious male shopper inside the store (later identified as Brad Baymon). [redacted] left the Security office to follow the male, while [redacted] stayed inside the Security office and followed Brad on the CCTV cameras from inside the Security office (see my separate supplemental report for further information about the CCTV footage).

[redacted] could clearly see Brad on the CCTV monitors in the Security office. He described Brad wearing a brown jacket, khaki pants and he was carrying a black/red bag. He updated Brad's movements to [redacted] and [redacted] from the Security office over their internal radio system.

On the CCTV monitors, [redacted] watched as Brad selected a large quantity of clothing and a box of shoes from the shop floor. As [redacted] followed Brad on the CCTV, [redacted] walked over to the Male changing rooms and 'cleared' the room (he ensured that there was no discarded items of clothing, price tags or clothing labels inside the changing rooms). [redacted] watched as Brad took two items of clothing and the box of shoes into the Male changing room.

Once Brad was inside the Male changing room, [redacted] switched roles with [redacted] [redacted] watched the CCTV monitors inside the Security office while [redacted] walked out onto the Macy's shop floor. [redacted] and [redacted] waited on the shop floor for Brad to exit the Male changing room.

When Brad walked out of the changing room, [redacted] noted that Brad was wearing a new pair of shoes. [redacted] believed that these new shoes were the pair that Brad had just selected off the shop floor and carried into the Male changing room. It appeared that Brad was not carrying or wearing a second pair of shoes (his old pair). [redacted] therefore believed that Brad had just removed his old pair of shoes and had left them in the Male changing room. [redacted] noted that Brad was not carrying the two items of clothing that he had also taken into the changing room with the new shoes. [redacted] therefore believed that Brad had discarded the two items of clothing along with his old shoes in the Male changing room, and he believed that Brad was now trying to steal the new shoes (the shoes that he was wearing).

[redacted] was also watching Brad inside the store and saw that he was now wearing a new pair of shoes. He knew that Brad had not made any attempt to pay for the new shoes.

[redacted] followed Brad through the Men's Department and out of the store's west exit door. As he walked outside, [redacted] knew that [redacted] was walking directly behind him. After Brad had exited the store making no attempt to pay for the new shoes, [redacted] walked out of the west exit and stood in front of Brad. [redacted] saw [redacted] exit the store and approached Brad from behind. [redacted] approached Brad from behind and said: 'Hold up'. At the same time, [redacted] identified himself as a Macy's Asset Protection officer and told Brad that he just wanted to talk to him about the new shoes that he was wearing but had not paid for.

[redacted] and [redacted] told Brad again that they were Macy's Asset Protection employees and they just wanted to talk to him about the shoes. [redacted] described them both being 'calm and casual'; [redacted] confirmed that neither [redacted] or he made any physical contact with Brad, and neither of them 'put their hands' on Brad.

Brad asked them again who they were. [redacted] took out his identification badge which stated that he was a 'Macy's Asset Protection Officer' and showed it to Brad. [redacted] heard [redacted] tell Brad his full name and tell him again that he was an Asset Protection officer. [redacted] told Brad his first name and repeated that he was an Asset Protection officer with the store.

Both [redacted] and [redacted] told Brad numerous times that they were Asset Protection officers who worked at Macy's. They explained to Brad multiple times that they wanted to speak to him about the new shoes that he was wearing, and that they believed Brad had just stolen these shoes from the store.

[redacted] arrived outside the store but remained standing a short distance away from [redacted] and Brad. Brad said something similar to, 'Hold up' and then quickly put his right hand into his right pocket.

As Brad did this, [redacted] grabbed hold of Brad's right wrist. He did not know why Brad had put his hand into his pocket and was concerned about what he may pull out. Once Brad's hand was inside his pocket, he immediately pulled out a fixed blade knife. As he pulled it out, [redacted] kept his hand around Brad's wrist to keep the knife away from him and [redacted]

While [redacted] maintained his grasp on Brad's wrist, Brad moved his arm and 'violently' attempted to stab [redacted] and [redacted] with the knife. [redacted] believed that Brad attempted to stab [redacted] 'with intent, several times… four or five times'.

[redacted] remembered keeping hold of Brad's wrist as he was trying to stab [redacted]. However, he realized that as everything was happening very quickly, he must have let go of Brad's wrist during the stabbing motions.

Brad did not say anything as he was trying to stab [redacted], or as he was walking away.

[redacted] immediately called 911 from his cell phone as Brad picked up his other belongings and walked north-west, away from the store. [redacted] stayed on the phone talking with 911 as Brad walked away. [redacted] was able to give 911 a description of Brad and details of the incident as he walked away from him. [redacted] and [redacted] followed Brad for a short distance before turning around and walking back to the Macy's store. [redacted] did not know where Brad went as he continued walking north-west away from the Macy's store.

[redacted] remembered that Brad kept the knife in his hand as he walked away (he thought Brad held it in his right hand). [redacted] continued to watch as Brad walked away (northbound) from the store with the knife still in his hand.

[redacted] recalled that the knife was charcoal in color, and appeared to be just one consistent color. [redacted] noted that Brad did not have to 'open' it or perform any type of manipulation to expose the knife's blade - [redacted] believed that it must be a fixed bladed knife. [redacted] estimated that the blade on the knife was about 5" long.

[redacted] described the clothing that he was currently wearing (to assist in identifying him on the CCTV footage of the incident). He was wearing a black hoody sweatshirt, jeans and a pair of black Nike sneakers. I confirmed that [redacted] was wearing the clothing as he had described. [redacted] confirmed that he was wearing this clothing at the time of the incident and had not changed his clothing since that time.

Our interview with [redacted] concluded at 21:20hrs. I stopped my audio-recorder and [redacted] escorted Det. Spediacci and I back down to the Security office. We met with other SRPD officers and detectives, briefly discussed our observations, and left the Macy's store without further incident. We subsequently returned to the SRPD station and I updated Sgt. Philp and Det. Cogbill on our investigative steps at the Macy's store.

It should be noted that throughout this incident I was equipped with an audio recording device and portions of the incident were recorded. This report is merely a summary of the incident and is not intended to be an exact transcription of the entire investigation or of what may have been captured with the recording device. I later placed the audio file into Evidence.com.

DISPOSITION:

Attach to original report.

SRPD Case#: 19-10229 and 19-10275
Date: 08/03/19
Time: 1247
Location: Santa Rosa Plaza (Macy's)

INTERVIEW OF [redacted]

SRPD VCI Detective: Anthony Turner (DT)
Interviewed: [redacted]

Legend:
****: Unintelligible

DT: This is Detective Turner. The time now is 12:47. Um, I'm here with [redacted] in the Macy's security office. Um, [redacted] and I had a prior phone conversation. [redacted] confirmed that he had received the text message from a potential witness, um, after the incident, um, uh, at Macy's on Thursday evening, um, and that's witness had sent him a text message. So, [redacted] so, um, who, who approached you about this potential, about, who approached you and then subsequently sent you this text?

[redacted] Uh, it was a woman who had been coming from the west parking garage on her way into Macy's.

DT: Okay. So, she was coming from the parking garage.

[redacted]: Correct.

DT: Okay. Did she approach you shortly after everything had happened, or like at what point did she?

[redacted] Seemed like once he was a safe distance away she decided to approach me.

DT: Okay. So is this when you Holden were on the phone with the police.

[redacted]: I must have just either, either that or I had just hung up with 911.

DT: Okay. So, again you came out of the store, uh, you had the interaction with the suspects, um, he then walked off, and then, um, you and Holden both, um, told officers that you called 911 pretty much immediately.

[redacted]: Mm hmm.

DT: You were on the phone for a period of time.

[redacted] Yeah.

DT: And then it must have been just, just after that.

[redacted] Just after, yeah.

DT: That this woman approaches you.

[redacted] I was literally like walking back from the store and she said hey, I have a picture of him.

DT: Okay. So.

[redacted] And then I asked for her phone, um, no sorry, I said, um, I'll give you my phone number.

DT: Mm hmm.

[redacted]: And you can just text me.

DT: Okay.

[redacted] And that's what she did.

DT: Okay. Did she say anything else to you?

[redacted] No, she was in shock. She was like in disbelief. That's, that's about it.

DT: Okay. So she just says ****.

[redacted] She was, yeah, I mean she was visibly like, you know, uh, discomfited by the situation, but I mean, obviously so was I at that moment, so.

DT: Yeah, absolutely.

[redacted] I didn't really ask her any questions about what she saw or anything.

DT: And, um, did she say anything else? Did she say that she'd seen what happened between you and him or?

[redacted] Yeah. She did, she, well, you know, no, I can't, I mean I just got the, I got the feeling that she didn't, so I don't think she said anything else, other than I got a picture of him.

DT: Okay.

[redacted] Yeah. That's it.

DT: Okay. So you gave her your phone number.

[redacted]: Mm hmm.

DT: And then how long after did she send you the photo?

[redacted]: Immediately. She sent it immediately yeah.

DT: Okay.

[redacted] Yeah, I mean 5:40. The initial approach was at 5:37, so, not much had come by that.

DT: Okay. You mean the initial approach, that when you initially approached.

[redacted] Yeah. When [redacted] and I approached him, it was 5:37 almost on the dot.

DT: 5:37 and then you get that text at 5:40.

[redacted] Yeah.

DT: Okay. Can you describe her to me?

[redacted] Sure. Um, I think she was white. Um, she had a lot of tattoos. She had tattoos all over her arms, um, she had like kind of light brown hair with highlights in it. Um, she was probably about 35 years old.

DT: 'Kay.

[redacted] Um, I'd say maybe 5, 5'5", 5'6"?

DT: So she's about 35.

[redacted] 35 I'd say. Yeah.

DT: Sorry, 5?

[redacted] 5'6" I'd say.

DT: 5'6".

[redacted] And tattoos all over her arms and then she had, I think she had, um, the gages, is that what they're called? Yeah, gages.

DT: It's like big, um, kind of –

[redacted] Yeah.

DT: – like bi, big earrings in the bottom part ****.

[redacted] Yeah. I didn't, I didn't look at her too closely but I remember, yeah, large, yeah the gages being pretty big.

DT: Okay. Um, kay, so she was white, lots of tats all over her arms, light brown hair with highlights, about 35, about 5, 6.

[redacted] Yeah.

DT: And you remember those gage –

[redacted] Yeah.

DT: – uh, the gage earrings.

[redacted] Mm hmm.

DT: Had you seen her before?

[redacted] No, I can't say that I have. I mean I di, I remember she was bringing a Macy's bag into the store, so she was probably a returning customer.

DT: 'Kay.

[redacted] Yeah. I mean I'm sure we could get a video of her.

DT: Yeah, we can. That'd be awesome.

[redacted] Yeah. I'll look it up right now.

DT: Um, and she never gave you her name?

[redacted] No, and you know I never asked. Um, part of, I think it's part of what I do. We wanna limit contact with, you know, customers –

DT: Yeah, oh no, no, no and, and –

[redacted] – so I feel like maybe that's what my instinct was.

DT: – yeah, sure.

[redacted]: So, I didn't. I didn't ask her any questions. In hindsight, I kind of wish I had, but.

DT: Okay. So, and as far as you're aware, she took a photograph of the suspect as he was walking away and then she immediately texted you that photograph.

[redacted]: Mm hmm.

DT: And her photograph was probably from one of those west parking lots facing towards the west side of Macy's.

[redacted] Yeah, 'cause she had come, yeah, it was the west, it was like literally, as soon as you go out these doors right here, so these are doors that we exited from.

DT: Yep.

[redacted] Um, she had, just go straight. There's that parking garage right there.

DT: Yeah.

[redacted] She was coming from across, so that's the, let's look at where this happened.

DT: Yeah.

[redacted] So she must have come in around 5:40. This was on the first.

DT: Yeah.

[redacted]: Okay. So she'll be coming in this door pretty soon. Cause I did, I remember her walking into the, up, there's [redacted] okay? Let me just get fast forward a little bit. Wait, oh, who's that, oh, those are those two guys, yeah. So, these guys total jerks man. They were, they were sayin' oh, APs getting shanked. And they just walked off.

DT: So apparently they walks in and then walked back through into the plaza. There's [redacted] there.

[redacted] Yeah. Oh, those guys? Oh really okay.

DT: Yeah. So she followed them.

[redacted] Oh good.

DT: So again, I'll give you, I left her with my card.

[redacted] Okay.

DT: If you see those guys again, –

[redacted]: Yeah.

DT: – let us know.

[redacted]: All right.

DT: Where you must have come in.

[redacted] They must have seen it all too.

DT: Cause I wanna get their info.

[redacted] Yeah. There she is. There she comes. That's her. That's definitely her. Oh, I thought, oh, wait. I guess **** her tattoos. Wait, no, it couldn't have been her. It's only, it's not 5:40 yet. It does kinda look like her though a little bit. Mmm. That's not her.

DT: Was she coming in on her own?

[redacted] Yeah. There she is. That has gotta be her.

DT: Okay.

[redacted] But she doesn't come to this way, I mean just, ****. I don't see any tattoos on her arms either. Yeah, 'cause there I am. I'm sure I would have already, yeah this must be her right here. Um, I'm sorry I can't get you a better picture of her.

DT: Do you know what we could do.

[redacted] Yeah. What's that?

DT: If, if you can find, –

[redacted] Yeah.

DT: – like another image from those other cameras.

[redacted] Okay.

DT: You could just email that to me.

Other Speaker: What is the ****?

[redacted] Okay.

DT: All right. I mean I can see that she's wearing like jeans and a white top.

[redacted] Mm hmm. Yeah. I just remember seeing tats. I remember seeing tattoos.

DT: Oh yeah and I'm sure –

[redacted]: I'm not sure if they were where they were. I was really out of it.

DT: – yeah.

[redacted] I mean after that man, I was like yeah, I felt like I dodged a bullet.

Other Speaker: ****

[redacted] Okay, so, email you a picture if I can find another camera.

DT: Yeah, if you find something.

[redacted] I'm tryin' to think here what camera there might be.

Other Speaker: ****

[redacted] There are some options. I can rev, I can do some reviewing on our other system and I might come up with something.

DT: Okay. Awesome. Just something to help us identify her.

[redacted] Yeah I see.

DT: So basically, I've called her, sent a text. ****

[redacted] Okay you did.

DT: And she's not responding. And she's basically told me not to call her again.

[redacted] She did?

DT: She did. So, I would really like to interview her. I'd like to identify her because it's gonna help.

[redacted] How weird.

DT: Right? It's gonna help you guys. And what doesn't really make any sense because she's so helpful to you outside that maybe this phone was a friend's phone or maybe the person I've spoken to isn't her. Right? So, if I can do anything to track her down –

[redacted]: And you verified her number was correct right?

DT: – yeah, I mean.

[redacted] Cause you got it from the other guys right?

DT: I got it from the other detective.

[redacted] Yeah, mm hmm.

DT: But what I'll do, um, I mean just the fact that we've got a photograph.

[redacted] So weird. Yeah.

DT: Is great.

[redacted] Okay.

DT: But I would also like to speak with her and see what she saw.

[redacted] Mm hmm.

DT: All right, so anything that we can do to help identify her is gonna be great.

[redacted] Mm hmm. Mm hmm.

DT: Um, let me –

[redacted]: Okay.

DT: – so –

[redacted] I see here, let me turn that on for you.

DT: – giving it to my guy.

Other Speaker: ****

[redacted] **** I knew it. I already knew Officer Turner. Already knew. Well we got PePe so. I'm just kidding. Um, let's see here, where were we.

DT: So, yeah, just go back to it.

[redacted] Have you, are you happy about the new stadium? What are you guys doing about that?

DT: Oh, absolutely.

[redacted] Is it really beautiful?

DT: So, um, I mean everyone's like sorry let me just stop this tape, 12:57 and then we can talk about ****.

END OF AUDIO