SRPD Case#: 22-8672
Date: 07/31/22
Time: 12:30 PM
Location: Sonoma County Sheriff DSA Hall

INTERVIEW WITH DEPUTY MICHAEL DIETRICK (PART 1)

SRPD VCI Detective: Gino Rantissi (GR)
SRPD VCI Detective: Matthew White (MW)
Interviewed: Deputy Michael Dietrick (Dietrick)
Also Present: Attorney Andrew Ganz (Ganz)

Legend:
****: Unintelligible

GR: All right. Ready to begin?

Dietrick: Yeah.

GR: Good afternoon. Uh, today is Sunday, July 31st, 2022 at about 12:35 p.m. This interview relates to SRPD Case No. 22-8672. This was an incident that occurred on Friday, July 29th, 2022 in the area east of [redacted] Thomas Road, Healdsburg, California. Our current location is inside the deputy sheriff's association hall. I am Santa Rosa Police Detective Gino Rantisi. Also present is.

MW: Uh, Matthew White, Santa Rosa PD Violent Crime Unit.

Ganz: Andrew Ganz from Rains, Lucia, Stern.

Dietrick: Uh, Michael Dietick, Sonoma County Sheriff Deputy.

GR: This is a criminal investigation, and Deputy Dietrick, is that you pronounce it?

Dietrick: Yeah.

GR: Uh, is being interviewed as a victim and witness in that incident. Deputy, the statement being sought is voluntary. I therefore need to advise you of the following. Deputy, you are free to leave at any time. You are not obligated to answer any questions asked by anyone in this room. At this time, are you prepared to provide a statement?

Dietrick: Yes.

GR: Have you had ample time to gather your thoughts and otherwise prepare for this interview?

Dietrick: Yes.

GR: Have you watched your body-worn camera footage?

Dietrick: Yes.

GR: Have you watched anyone else's footage?

Dietrick: No.

GR: Is there anything that would hinder you giving a statement at this time?

Dietrick: No.

GR: Deputy, do we have a friendship or a close relationship?

Dietrick: No.

GR: Do you have a friendship or close relationship with Detective White?

Dietrick: No.

GR: Are you sick or injured now?

Dietrick: No.

GR: Were you sick or injured as a result of this incident?

Dietrick: No.

GR: Did you receive any injuries as a result of this incident?

Dietrick: No.

GR: At the time of the incident were you suffering from any medical condition or taking any medication that may have impaired your abilities as a law enforcement officer?

Dietrick: No.

GR: Um, at the time, uh, rewind to the date of the incident, when did you last sleep?

Dietrick: Uh, when did I last sleep before the incident?

GR: Yeah.

Dietrick: Okay. Um, it was, I believe I went to bed at around 9, 9:30 p.m.

GR: Um, how long did you sleep that night?

Dietrick: Uh, I woke up at, uh, 5 in the mornin'.

GR: Do you remember if you had eaten before the incident?

Dietrick: Uh, yes.

GR: Okay. Uh, currently, um, when did you last sleep?

Dietrick: Uh, I slept. I think I went to sleep around say like 10.

GR: Last night?

Dietrick: Yes.

GR: And then do you remember how many hours you slept last night?

Dietrick: Um, I think I woke up around like 3 in the mornin' and couldn't go back to sleep.

GR: Okay. Uh, did you, uh, when did you last eat?

Dietrick: Uh, this morning.

GR: Okay. Have you consumed any alcoholic beverages in the last 24 hours?

Dietrick: Uh, yes.

GR: How much?

Dietrick: I had I think three, I don't know what the ounce size is, but White Claws, uh, yesterday afternoon.

GR: Do you remember what time you started or had the first one I guess?

Dietrick: Uh, it was after we did lunch, so I'd say probably around 1:00 p.m.

GR: Do you remember when you had your last drink?

Dietrick: Maybe 3 p.m.

GR: Okay. At the time of the incident had you consumed any alcoholic beverages in the prior 24 hours?

Dietrick: No.

GR: Okay. How long have you been a Sonoma County Sheriff's deputy?

Dietrick: Uh, approximately 5 years.

GR: How many total years of law enforcement experience do you have?

Dietrick: Uh, 9 years.

GR: Did you work for any prior agencies?

Dietrick: Uh, yes, Clearlake Police Department.

GR: Okay. How long were you with Clearlake PD?

Dietrick: Uh, approximately 4 years.

GR: Uh, any other law enforcement agencies?

Dietrick: No.

GR: Have you had any prior police training?

Dietrick: Besides the two other agencies that I worked for?

GR: Um, prior police training such as in firearms, SWAT, um, hostage negotiations or anything like that?

Dietrick: Uh, no, just the, uh, just the standard patrol deputy and officer positions.

GR: Okay. Um, have you had any prior police training aside from the police academy?

Dietrick: No.

GR: Have you ever attended any law enforcement classes or anything like that?

Dietrick: Um, I've done, uh, the behavioral analysis, um, I forget the full acronym of it, but, um, done one of those classes, um, EVOC instructor class, um, field force operations, um, for the TAC team, um, which I, I think I quit about a year ago or so, um, and, uh, field training officer class.

GR: Are you a field-training officer?

Dietrick: Not currently, no. That was for, uh, Clearlake PD.

GR: Okay. But you were?

Dietrick: Yes.

GR: Okay. Um, and –

MW: Real, real quick, Gino, can I ask some. Uh, uh, I am, I am apologize if I, uh, apologize if I missed it, Mike, but, uh, so you worked for the Sonoma County Sheriff's Department and Clearlake PD, did you have a prior agency prior to that or is it just those two?

Dietrick: Just those two.

MW: Okay. Sorry. Thank you.

GR: Um, so you, you were an FTO at one point. Were you ever on the TAC team?

Dietrick: Yes.

GR: Okay. Any other special assignments or collateral duties?

Dietrick: No.

GR: Okay. Uh, currently, uh, what are, what is the nature of your duties?

Dietrick: Uh, currently I am assigned to, uh, patrol.

GR: Okay. Um, uh, on the date and time of the incident what were your work hours or like what shift were you working?

Dietrick: I was working the weekend dayshift, uh, which is 0700 in the morning to 1900.

GR: What days of the week?

Dietrick: Uh, it is Friday, Saturday, Sunday and every other Thursday.

GR: On the date of that incident, what time did you start your shift?

Dietrick: Uh, 0700.

GR: Do you remember your call sign?

Dietrick: Uh, Edward 21.

GR: This is a uniformed or non-uniformed assignment?

Dietrick: Uniformed.

GR: And how long have you currently been working in this assignment? Has it been since your inception at the sheriff's department?

Dietrick: Uh, I did do close to a year as a court security deputy, um, but that was, it was over a year ago, um, maybe even 2 years ago. I'm not a hundred percent sure.

GR: Okay. Um, so how long have you been working patrol concurrently I guess?

Dietrick: Um, probably the last 2 years at least.

GR: Okay. Uh, were you driving, at the time were you driving your normally assigned vehicle?

Dietrick: Yes.

GR: Okay. Were you in uniform?

Dietrick: Yes.

GR: Can you describe your uniform?

Dietrick: Uh, I'll start at the top, uh, black hat, uh, baseball cap with the sheriff's department star emblem on the front, um, a outer carrier, uh, vest, a, um, a tan short-sleeve, um, uniform shirt with, uh, Sonoma County Sheriff's patches, uh, one on each shoulder, um, and green, uh, I'm sorry, the vest has my, my name on it, um, M Dietrick, um, had a, uh, the brass star badge, um, and I'm wearing green pants, um, and black boots.

GR: Okay. As far as the equipment you were carrying, can you describe the equipment carried on your vest and/or your duty belt?

Dietrick: So I've got my body camera, um, and mount are secured to my left breast pocket. Um, I have, um, one single pouch that contains two sets of handcuffs. Um, my, uh, Taser is mounted on my vest. Um, it's, uh, so I can draw it left-handed. Um, I also have a canister of OC spray on the vest, and, uh, like a key-ring holder on the vest. Um, as far as the belt, I have, uh, two magazines, two extra magazines on the belt, um, and then on my right side, um, my, uh, Glock 22 40-caliber pistol. Um, I have a small pouch that contains two different sets of, um, of rubber gloves. Um, I have a tourniquet on my left side, a baton loop holder, uh, no baton. Um, and, uh, a flashlight holder with the flashlight, and I believe that's everything.

GR: Okay. Do you carry a backup gun?

Dietrick: No, I don't.

GR: Uh, any other firearms?

Dietrick: No.

GR: Uh, do you carry any firearms in your car?

Dietrick: Uh, yes, I do have a, uh, AR15, uh, patrol rifle.

GR: A shotgun?

Dietrick: No.

GR: Okay. Uh, you said earlier but I'm reiterating, uh, you, you do have a body-worn camera?

Dietrick: Yes.

GR: Any other audio recorders?

Dietrick: No.

GR: Okay. Um, you mentioned you have a Taser, um, an OC spray, any other less-lethal options?

Dietrick: Not that I can think of, no.

GR: Okay. Um, so the nature of this investigation concerns a significant incident you were involved in. It occurred in the general area east of [redacted] Thomas Road, Healdsburg, California. Please 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 as you can recall. Include all the information you can remember relative to the circumstances.

Dietrick: M'kay. Um, I believe it was approximately 8:30, um, I got dispatched to a winery property off of, uh, Highway 128, um, regarding a, uh, an suspicious unoccupied vehicle. Um, I went over there. I contacted the, um, I guess the, I don't know ranch manager or, um, whatever, what, a worker that was in charge, um, who had originally called it into his boss. Um, he said about, it was like around 6 in the morning, somebody drove a, a, it was a Nissan sedan, uh, into the vineyard property, parked it, and, um, and left it there and that he thought he saw some footprints heading south but, um, never saw anybody, so, um, I got there and talked to him, checked out the car. Um, there was no, the plate was comin' back clear. There was no indication that it was stolen, stolen, no punched ignition, um, nothin' like that that really indicated that it was stolen or anything like that. Um, so just talked to him about what they can do it get it removed from the property. Um, as I was clearing that call, dispatch advised that south of that location, um, there was a, uh, a reporting party calling in saying that somebody had just broken out, um, the window of, of their house and that I believe it was the RP's father was, uh, was outside, uh, with a gun trying to, um, trying to find the guy. Um, so I, I responded over there. Um, I don't remember the exact address, um, but I, I contacted a, a, a male, uh, a white male. Um, he was, uh, apparently the homeowner. Um, he had a pistol in his hand. As soon as I pulled up, he went over to his side by side, put it down, um, and got out of the car, uh, started talking to him he said that a Hispanic male came up to his, uh, to his house and broke out the, I think it was the living room window or the, maybe it was the master bedroom window, but broke out a window of his house. Um, he grabbed his gun and fired several warning shots at the, uh, at the Hispanic male's feet, um, and then jumped into the gardener's truck, uh, which was a blue, I think it was 2014 Chevy Silverado truck and stole it from the property, um, and then I believe I activated my body camera at that time, um, you know, after he gave me a quick explanation. Um, tried to get a little bit more details as far as where this guy had gone. I was trying to get the, uh, the details from, uh, from the owner of the truck, um, so I can give that to dispatch to see if they can figure out what the license plate is to, uh, to the now stolen truck. Um, the homeowner, I don't remember his name. I'll just refer to him as Homeowner No. 1, um, so Homeowner No. 1 said that after he chased the guy off, um, he jumped in the truck, took off in the truck and, uh, the suspect drove through multiple gates, um, and multiple properties, um, and, uh, he kinda thought he was in, he was still close by. Um, he said he saw like clouds of dust, you know, in this direction, and he made a direction

and kinda pointed like towards the east. Um, so I was trying to get out as much information as I could to any incoming units. Um, I had already, when the initial call came out I had already requested for an additional unit, um, 'cause I kinda suspected that maybe the original suspicious vehicle might be connected to this guy breakin' out a window. Um, so as I'm getting the information, Homeowner No. 1, um, pulls out his cell phone. He says he just got a call from Homeowner No. 2 that, uh, the suspect was at his house, um, and so I jumped in the car. Um, Homeowner No. 1 jumped in his side by side. He was gonna lead me to where we were going. Um, I had never driven in that area before. Um, all the vineyard properties get fairly confusing. Um, they're not typically very well marked, um, so I, I knew that he would have a much better sense of direction and addresses, uh, than I would, so I followed him to the driveway of, uh, of Homeowner No. 2, which was just a very short distance away from where we had been talking. Um, I looked at my map, and I saw that, uh, that Deputy Powers was, um, he was on Chalk Hill Road, uh, about to get on, um, whatever road we were on. I forget the name of it, um, but he was close and, um, so given all the information that I had thus far, um, I felt that the safest thing for, for all the parties involved would be to just wait a few more moments for my, my backup to get there, and we would go in together, and, and, um, you know, try to take this guy into custody. Um, about this time, dispatch advised over the radio that the homeowner, Homeowner No. 2, was calling in saying that the suspect was at his house, um, and that he was on his knees crying and, uh, I think they advised that he was still armed with some rocks. Um, at, at that point in time, um, I thought it would, it would be a good opportunity. If the guy is on his knees, you know, crying, it might be a good opportunity to get there quickly while he is, you know, in that position to, to try to take him into custody, um, so I started going down the driveway. It was a much longer driveway than in anticipated. Um, on the way up the driveway, I saw the, um, the stolen blue Chevy Silverado, uh, off to my left-hand side in the ditch. Um, got up to Homeowner No. 2's property, um, announced myself, uh, Sonoma County Sheriff's Office. Um, I was looking around for the suspect. Uh, the homeowner, Homeowner No. 2, came outside. Um, uh, I asked him which direction did he go. Uh, he pointed over to the eastern direction and said he went down the hill. He said that he was armed with, uh, three boulders and, um, told me that the male had, as we were walking in that direction, Homeowner No. 2 told me that, uh, that the suspect had come to his home, um was holding the boulders, um, and, uh, was asking Homeowner No. 2, uh, to shoot him. Um, home, Homeowner No. 2 was armed with a pistol, um, but he realized that his pistol was not loaded, so he retreated back into his house, uh, and locked the doors but saw the guy running off, uh, in the eastern direction. Um, tried to follow the path where Homeowner No. 2 had last seen him, uh, didn't really see any clear trail. Um, there was a lot of trails. Uh, Homeowner No. 2 said that there is deer and boar and all kinds of stuff up on his property, so we weren't a hundred percent sure, you know, which trail was the suspect's. Um, we were trying to figure out what, what house might be next, uh, for him to go to. Um, you know, based on his behavior thus far, he potentially connected to maybe one stolen vehicle. He had, um, you know, gone to somebody's house and Homeowner No. 1's house, broken out the window, uh, you know, to the point where the homeowner actually shot at him or, um, you know, as he described it, warning shots at his feet, um, stole a truck and went to a second house with another armed homeowner. Um, so I felt that there was a pattern of him going to, you know, from house to house. Um, so we tried to get to what would be the, the, the closest, you know, most likely house in that direction, um, which, uh, Homeowner No. 2, um, and Homeowner No. 1, who followed us up there, um, you know, both said that it, you'd have to drive your cars, you know, pretty far back west to

get back onto that road. Um, Homeowner No. 2 said if you guys jump in the side by side I can just drive you down there. I've got a key to the gate. Um, it'd be a lot faster, so, um, I jumped in the passenger seat of the side by side, and then we started makin' our way down, um, you know, tried to search along the way to make sure, you know, he, he didn't hunker down somewhere. Um, as we were doing down the hill, Deputy Powers, uh, who had showed up, um, he was still on foot comin' down the hill checkin' some brush piles and stuff like that. Um, he jumped in the back of the side by said with us. Um, we continued down the hill. Um, got to a gate. Homeowner No. 2 had the combination of the gate, so we got through there. Um, we then made it to, um, the third house. Um, I don't know the address of that one either. Um, I can't recall the, the address. Um, we couldn't get the gate open for that. Um, Homeowner No. 2 I think thought that he had the combination, but it wasn't workin', um, so we jumped the fence of the, uh – Homeowner No. 2 said that, uh, there was, there was like a horse stable garage-type spot that we could see pretty close to where we were at. He said that there is a, a farmhand that usually is there, stays there, um, so we can maybe go ask him if he's seen anything, so Deputy Powers and I jumped the fence. We went over to that area. Um, nobody was there. Um, as were trying to figure out where the most likely route the suspect may have taken, the, the farmhand showed up to the property, um, uh, just talked to him briefly. He had just showed up. He didn't, he hadn't seen anyone. Um, I decided that we should, um, check the, the main residence and make sure that he wasn't at the main residence possibly, you know, threatening the, the homeowners there, um, you know, before we moved onto, uh, you know, trying to pick up his trail again and, and see where he might have gone. Uh, so Homeowner No. 2 drove us up to the house. Um, the house was, appeared secure. Didn't appear to be anything disturbed. Um, nobody was home. Uh, as we were checking that, uh, the ranch hand came back to the top of the driveway where we were at the house, uh, and advise that, um, I believe he called it a, a four by four, had been stolen from, from down near the stables. Um, there was a little bit of confusion. I tried to confirm if it was a side by side or a, like a quad. Um, it sounded like he was describing a quad but, um, uh, um, it turns out it was a side by side. Um, so the ranch hand had also said that, uh, um, there is a gate at the east end of the property that is now open, and it's never open, so Homeowner No. 2, uh, who we jumped into his side by side and started heading out, um, east out that gate. Um, we were followin' what, what appeared to be, you know, a quad or, or side by side tracks, um, out the dirt road. Um, kinda lost the trail, um, but we found in the, I think it was the southeast corner of the property there was another little gate, um, that it was closed, but it was unlatched, so we figured we'd try looking out that way. Um, as we crossed through that gate, um, I think we picked up some more tracks, uh, continued east. Um, we eventually stopped for a moment, and I could see just a little bit of a reflective red surface, um, like in this creek bed, so I, I advised Deputy Powers, um, that I see something. We jumped out and went to investigate it. Um, it turns out it was the side by side. Um, it, the engine was running, uh, and it appeared to be, appeared to have gotten stuck in the creek. Um, nobody was around it. I grabbed the keys out of the, um, out of the side by side, turned it off and put 'em in my pocket. Um, you know, I, I was concerned. I didn't know where the suspect was, if he was maybe gonna double back and, um, you know, maybe be able to get the side by side unstuck. It didn't look like it was immobile or anything like that. Um, so we continued heading east because that just seemed to be the, you know, the direction that he was headed. Um, Deputy Powers went off to the right. I went off to the left, um, you know, just trying to walk like the ridgeline so we can get the best field of view, um, for where everybody was. Um, I know that dispatch had advised that, uh, the helicopter was

en route, but I think at that time it was like a 30-minute ETA to get to us, um, to help look for this guy. Um, as we were continuing east, um, I thought I heard somebody yell, um, and it was pretty faint. I don't know what it was, but it, it didn't sound like Powers had, or Deputy Powers had made that sound, um, so I advised that I think I heard somebody yell, and we continued east, and it, it seemed to be coming from more of Deputy Powers' ridgeline than it was mine. Um, so ran, ran down into the ravine, tried to catch up to where Deputy Powers was. As I was coming up the hill, uh, Deputy Powers advised that he has eyes on the suspect, um, that he's gonna try to sneak up and just keeps eyes on him until we can get some more resources there. Um, as I got to the top of the hill I could see Deputy Powers was, uh, lying on his stomach at the bottom of the hill, um, and he was looking towards the top of the hill. Um, I could see the suspect through the brush, um, not super clearly at that point but I could tell somebody was at the top of the hill. Um, I believe Deputy Powers said that he was at the top of the hill, um, possibly taking a break like resting his hands on his knees. Um, so I had a general idea of where the suspect was, and there was a big oak tree in between my line of sight of the suspect, and, and me, so I, as I approached to try to get closer to where Deputy Powers was, I tried to stay behind that tree so that he didn't see us, um, and I was thinking that if we can just keep eyes on this guy and, and try to wait for more of our resources to get to us, um, the helicopter especially, um, and given that terrain it is very difficult to give out any kinda directions, um, you know, uh, unnamed dirt roads, different hills, creeks, rocks. There is not a whole lot of identifying features that would be easy for me to articulate where exactly we were. Um, so I was really hopin' for the helicopter to get there before, you know, we try to do anything further. I knew that, um, Sgt Berg and Deputy Clegg were also close by, um, uh, relatively close by. They were still quite a ways away from us. Um, you know, I would imagine we were at least 15 to 20 minutes ahead of them, um, and that was with us getting a ride on a side by side. If they had come in by foot I knew it was gonna be that much longer, um, if they were able to find us at all, so, um, so I was trying to, uh, stay behind the, uh, the tree, wait for those resources. Deputy Powers seemed like he was in a, um, in a good spot to conceal himself laying down on the ground. Um, we waited there, um, you know, for, uh, for more resources, but, um, then the suspect saw us. Um, he had his back to us for a while, and then he turned around, and I could tell he spotted either Deputy Powers or I, and I wasn't sure which one he could see. Um, but he spotted us. Um, he might have yelled something or made some kinda sound that kinda let us know that he, he sees us. Um, at that point, you know, he knew we were there. Um, I didn't feel like we could sit there and wait for those resources before he just ran off again, so, uh, I tried to, tried to deescalate him a little bit or, or try to establish some kinda rapport, um, kinda poked out from behind the tree a little bit. Um, I could see that he had, uh, a hatchet in one hand and, um, some kind of long handled tool in the other, a hammer or a pick or some kinda long handled tool or blunt instrument. Um, so he was holding those. Um, I, when I stepped out from behind the tree, um, I said something to the effect of, uh, you know, mi amigo, no problemas. Um, I clearly don't speak very good Spanish. Um, I, I know a few words here and there, but, um, I am nowhere near fluent in Spanish. Um, I, I didn't know if he spoke Spanish or, or English, um, but, um, he, he, he was still pacin' back and forth with the, with the weapons in his hands, um, just, uh, appeared to be agitated, not wanting to come down to us or listen to us. Um, I offered him water. Um, I didn't have any water, but I thought that that might be, you know, something to kinda build rapport with him. Um, I knew I was exhausted and wanted water. Um, I thought that might be a good, you know, tool to try to get him to come down. Um, you know, and, and also based on all the erratic behavior that he had

been displaying, um, the, the fact that he was also barefoot as was described by I think, uh, Homeowner No. 2, um, made me think that he might possibly be under the influence of methamphetamine, um, which I know one of the side effects is severe dry mouth, um, so also one more reason why I thought that, you know, just offering him water might, might really entice him to just calm down and come down and talk to us. Um, but he, he was still holding both weapons, still pacing back and forth. Um, he was, you know, talking to himself and, and yellin'. Um, I think at one point Deputy Powers, uh, told him to come down in Spanish and, and pointed for him, you know, to come down towards us. Um, so while, while he was staying in this, while he was standing in the same spot up on top of the hill, we didn't approach him. We, we stayed where we were. We didn't have our guns out. Um, we were just trying to, trying to build some kinda rapport with him and, um, you know, deescalate it. Um, he started to back up a little bit, so we moved forward a little bit to try to keep eyes on him, um, and then he just started running east over the hill, and we immediately lost sight of him, um, so that's when Deputy Powers and I, uh, started runnin' up the hill towards him. I knew that, you know, we didn't really have that choice to, to wait for the helicopter, to wait for our other resources to get to us. It was, I mean, it was like a miracle that we found him in the first place out there. You know, I, I did not wanna lose sight of him again, um, you know, and I, I don't know what other houses are out there. I don't know who lives out there. He is already, he has already been, you know, confronted by two armed homeowners. Um, you know, I am, I am worried about the safety of the next homeowner that he comes into contact with, um, as well as his safety. He's already been, been shot at by one homeowner and, you know, had a gun, been held at gunpoint by a second homeowner, um, you know, so I, I don't know, I don't know anything that's out there. I don't know if there is, you know, f, field workers out there, um, ranch hands, um, so, uh, we continue up the hill. We get to the top of the hill, and we can't see him. Um, there is a, uh, there's a couple large rocks, some mounds of dirt and a few big trees. Um, you know, just in general for safety we wanna clear those, uh, those potential hiding spots before we just run past him, um, but especially based on his violent and erratic behavior I, I was scared that he was hiding behind one of those rocks or a tree, um, to possibly ambush us. Um, so we took out our, our firearms. Um, we started to clear the top of the hill, uh, lookin' behind the rocks and the trees, um, and as we continued to move east towards his last direction of travel, um, I saw him running south, um, down the hill, down another hill towards, uh, towards the creek. Um, Deputy Powers and I started running after him. Um, Deputy Powers was out in front, um, and I was, I was trying to keep up pace behind him. Um, the hill was extremely steep. Um, it, it took a lot just to stay on my feet, and, you know, as, as we were running, I'm just like, the hill is so steep, I'm just trying to keep my feet underneath me. Um, so as we're runnin' down the hill, um, we start to get back into some more wooded area. Um, Deputy Powers is, is out in front, so I know that he's got, got eyes on the guy, um, 'cause he, he dips down under another hill, so I can't see him. I can't see the suspect, but I can see Deputy Powers. Um, I hear Deputy Powers, oh, I see him stop, and then I hear him yell, um, real loudly something to the effect of drop it or put it down. Um, and so I, I'm trying to catch up to him, and I don't know if he put it on the radio or if he just made a side comment to me that the suspect had, um, hit the t, tree with, uh, with the ax, um, and he still was, was not dropping the, the two weapons that he had. Um, so I, I, as I came up over the hill, um, I think I saw him for, the, the suspect for a brief moment, but he was continuing down the hill towards the creek. Um, kinda lost sight of him for a minute. Um, I peeled off over to the right to try to see if I can go down like a little gulley to get eyes on him. Deputy Powers, um, stayed up high. Um, I then heard

Deputy Powers say something like I, I see him or I got him. Uh, he's continuing towards the creek, so catch up Deputy Powers. Um, the suspect continues towards the creek. Um, as we meet up, um, 'cause we, we were getting fairly close to him, and, well the closest that we had been thus far to getting anywhere near him, and the creek was where it seemed to be where we were heading, and it looked like there was a cliff or a drop off before you get to the creek, um, so I was thinking this might be where, um, you know, where he's gonna stop. Um, Deputy Powers, uh, says something to the effect of I'll go Taser. You go lethal cover. Um, I say okay. Um, we continue, um, down the hill. The suspect continues down the hill. Um, he goes down a very steep, steep cliff down into the creek, um, and we lose sight of him again. Um, at that point we're trying to figure out even how we're gonna get down to the bottom of the creek, um, and we don't know exactly which direction he went when he got to the bottom of the creek, um, whether he went, um, I believe the creek was north and south, so we didn't know, anyway, we didn't know which direction he had went. Um, Deputy Powers saw him, um, saw him running, uh, in the creek, so I, I caught up to him and, uh, caught up to Deputy Powers, um, and started going down into the creek. Um, it was extremely steep. Uh, I, I think I fell down onto my butt and just slid down for the last few feet, um, wasn't trying to, but it was, it was extremely steep, and it was super difficult to get down there, even, you know, e, even when we had our hands free, we had a difficult time getting to the bottom, um, and I could see that the suspect still had the, um, the weapons in his hands, um, you know, despite going down that rough terrain, he, he was still had possession of those even. You know, I would think that would, it would be much easier for him to get away or, or get down to the bottom there if he had, if he had dropped 'em, but, uh, he didn't. Um, uh, we continued chasin' him through the creek. Uh, um, told him to stop numerous times. Um, Deputy Powers was, uh, was out in front of me the whole time. Um, he was chasin' him through the creek bed, and, uh, I was having a really hard time keepin' up I was just, I was exhausted. Um, I just, you know, the suspect and Deputy Powers were just that much faster than me, so I was, I was trying to play catch up, uh, you know, I didn't, I didn't wanna lose sight of the suspect. Obviously, you know, I, I wanna take this guy into custody, you know, not just for, you know, just him committing crimes but, like, what other potential crime might he do if we don't catch him. You know, what other house is he gonna go to. You know, all that stuff is runnin' through my mind. Um, I also don't wanna lose sight of Deputy Powers. Um, you know, if, if me or my partner, anybody gets hurt out there, like, I don't, I don't even really know how to describe where we're at. You know, I –

GR: Mm hmm.

Dietrick: – can't give a direct location. Um, the, the helicopter still wasn't on scene at that point. Um, 'cause we had been chasin' him through the creek bed for a little bit before I finally heard the helicopter comin' in and tried to direct them, you know, where we were at and, um, you know, they started comin' towards us. I could hear it getting louder, um, and then I just tried to advise 'em like we're right underneath you now, um, and I, uh, I heard them say something to the effect of we can, we can see you guys, but the, the treetop cano, canopy is pretty thick so we, we don't have a great view of you guys, so I knew they could only see us in kinda bits and pieces as we went through the creek. Um, so I was trying to catch up. At one point I, uh, I lost sight of both the suspect and Deputy Powers. Um, I, uh, I tried to find the most direct route that I could, um, by going like up on the side of the creek beds and trying to make more of a straight line out of the windy creek bed that, um,

that the suspect was leading Deputy Powers through. Um, I eventually saw, well I could hear them pretty much the whole time, but I finally saw Deputy Powers. He was still chasing the suspect, uh, through the creek bed. It was pretty slow going. You know, it was very rocky, um, intermittent patches of water. At one point there was like a wire fence, um, stretched across the creek so it was, uh, there was blackberry bushes. There is branches everywhere. It was extremely difficult terrain to navigate through, um, and so I saw that there was somewhat of a straight path, um, continuing up the creek bed as the creek bed took a big turn. Um, I, I ran, and it was flatter so I thought I might be able to move a little bit faster on that more even terrain. Uh, um, so I, I took, I went off to the right up onto the bank and was able to catch up to now I was basically parallel with the suspect. Um, the suspect saw me, and rather than continuing in the creek bed as he had been this whole time, he turned towards me and started walking up the bank straight towards me. Um, pulled my gun out. Um, I knew that Deputy Powers was now trying to, I could see like out of the corner of my eye he was trying to come up to where we were. Um, you know, we didn't have a lot of time to talk about it besides that brief moment of, um, he would go Taser, I would go lethal cover, so, um, you know, I'm, I'm trying to hold lethal cover on him, um, and as he's comin' up the creek bed towards me, um, I could see that he still has, um, both the ax, and now I can see that there are, what looked to be a hammer, uh, in his left hand and a large rock in his right hand. Uh, I would say the rock is, was probably the size of like a cantaloupe. Um, so he, he's comin' towards me. I, I'm trying to, um, you know, I've got my, my pistol pointed at him. He, he, he gets, um, I don't know, approximately 10 feet, 15 feet maybe away from me. Um, he stops, and he raises both of his arms like up, and but he looks up at the helicopter, which is directly above us at this point, and, you know, I'm, I'm, I'm on the cusp of, of potentially shooting him at that point because I, as he's raising the, his arms up, you know, I think that maybe he's getting ready to throw one of the, the weapons at me or maybe charge towards me, um, but I kinda held off for a second. Um, you know, I knew it was a risk, but I was trying just to buy a little bit more time until, you know, maybe Deputy Powers could come up with the Taser, um, but, and then I, he looks completely up at the, at the helicopter and starts yelling something at the helicopter, so I knew his, that's where his attention was, um, and he, he was screaming something at the helicopter, um, still very, very aggressive speech. Um, he was speaking in Spanish. I don't know exactly what he said but, um, you know, he was yelling. Um, it sounded very aggressive. Um, he, he lowered his arms, um, and that's when Deputy Powers had, had gotten off to my left-hand side, um, and, um, the suspect looked over at me, kinda looked back over at Deputy Powers, and he put his hands, um, which were both still holding the, the rock and the two weapons. He put his hands kinda like on his knees like he was resting for a moment, um, and I don't know if he intuitionally dropped the rock or if it slipped out, but the rock left his hand and hit the ground. He's still holding the ax and the hammer in his left hand, um, and then he looks back over at me, kinda takes one step back and then reaches down with his right hand to pick up the rock that he had just dropped, and as he's goes to pick it up, I feel like, hmm, I'm sorry, um, I feel like there is nothing else that I could do at this point. I can't, I feel like the next move he is gonna make is to throw that rock at me, um, which is gonna potentially, you know, knock me out, you know, break my ankle. I, I, you know, I don't, I don't know. Um, but he picks it up. As he is picking it up and looking over at me, I just felt like there was no other choice, nothin' else more I could do, and, uh, I discharged my, my firearm, uh, approximately three times, um, striking the suspect and, um, he, the weapons fell from his hands. Um, he fell back. Um, Deputy Powers and I ran up to him. Um, uh, at that point I

didn't know where exactly he had been hit. Um, I could tell that he had been hit in the chest. That was the only clear visible wound I could see in that moment, um, and, you know, just from training and this guy's just erratic and violent behavior thus far, I immediately went to start handcuffing him. Um, I got one of the handcuffs on, and I was just about to get the other one on there, um, and I think Deputy Powers suggested that we don't handcuff him. Uh, I, I didn't know how bad his injuries were, if he was gonna get back up. I, I decided let's get the handcuff on, um, and then reassess, you know, the situation. We rolled him over, uh, back onto his back. Um, we saw that he had one chest wound. Uh, we immediately started CPR. Um, I don't know who went first, but one of us. We were taking turns. Um, one of us would apply pressure to the chest wound, and the other one was applying chest compressions, um, and pretty quickly into that, Deputy Powers, um, suggested we take the, the handcuffs off to try to be more effective, um, with lifesaving measures, which at that point I agreed with. Um, now that I kinda got a better assessment of what his injuries were, I felt like that was a safe thing to do, um, and it would be, you know, better for the suspect and, and just, um, you know, for, for trying to keep him alive, um, and so I took the handcuffs off, and then we took turns for the next like 20 minutes to a half hour just doing CPR, um, and, and trying to apply pressure to the chest wound. Um, you know, Deputy Powers would do chest compressions until he couldn't anymore, and then we would switch, and, you know, I was already exhausted at that point, but, you know, even just doing those chest compressions, I mean I just gave it everything I had to, you know, try to keep this guy alive, um, and then, uh, after about 20, 30 minutes the helicopter was finally able to air lift, uh, a medic into our location, um, and to, uh, and then maybe another 10 minutes after that, he was able to air lift, um, Deputy Clegg and Sgt. Berg into our location, um, and, and then as soon as the medic and I believe it was Deputy Clegg was able to take over lifesaving measures, um, and Deputy Powers and I were able to step aside.

GR: Okay. Is that it?

Dietrick: Yeah.

GR: All right. Hmm, just a couple questions here. Uh, what was your guys' concern? Um, you mentioned that he was going house to house. What was your concern if he was left, um, unattended and, and he was allowed to continue going where he was going?

Dietrick: Uh, I was concerned that he was gonna come across another homeowner, um, and potentially harm them or get himself harmed. Um, he had already asked one homeowner to kill him, um, and that was after being shot at by the first homeowner, um, so I was concerned with the suspect's safety. I was concerned with the public's safety. Um, you know, uh, uh, if he would have come across, you know, a homeowner that wasn't in possession of a firearm, you know, what, you know, what could have happened there. Um, you know, the, there is field workers, ranch hands. I mean, I don't know. It's such a vast property with, you know, different remote locations. Um, you know, what if he gets to somebody's house that doesn't have a firearm that, or just can't protect themselves, can't even call for help, um, you know, landlines, cell phone service. A lot of those places have, you know, no service, spotty service, um, you know, and how do we, a lot of these places, like, it's just even hard to figure out even if you have an address like how do we get there? It takes a long time for us to get there. Even with having multiple units still in the area, if,

you know, if he continues in one direction on land, he could get to somebody's house or some innocent victim, and it, it could take us, you know, another 20, 30 minutes to get a deputy there, uh, to try to help. Um, and so, yeah, just concerned, you know, with all, I, I think I covered it. I'm sorry.

GR: Sure. Um, you described the terrain, uh, as being like pretty steep, like hard to stay on your feet, and, and pretty difficult in general. Um, can you, just briefly can you further describe, uh, the terrain and like what type of obstacles if there was any that were there?

Dietrick: Um, it was very loose dirt. Um, the hills rose and fell, um, excuse me, uh, very steeply in elevation, um, very uneven terrain, um, gopher holes, rocks, um, you know, the holes from where cows walk, you know, through the mud and, and leave holes everywhere. Um, there was downed branches, downed trees, um, drop offs, um, like, down into the creek, um, old barbed wire fences, um, loose rocks, um, slick rocks, slime on the rocks, uh, and you'd go from one spot in the creek that had no water and then another one that was, you know, deep enough for you to swim in. Um, uh –

GR: Okay.

Dietrick: – yeah, I think that's it.

MW: Real, real quick, do you have any, uh, follow-up questions?

Ganz: Sure.

MW: At this point.

Ganz: Sure. I could do it now or later.

MW: Yeah.

GR: Yeah. Why don't you go first. Sure.

Ganz: Okay.

GR: That's fine.

Ganz: Yeah. So, um, the initial call that you got, not the initial call. Sorry. Just let's talk about this homeowner who had rocks thrown into the window.

Dietrick: Okay.

Ganz: Um, like, in your mind based on the information that you had, did you come up like almost with a picture in your head like what this suspect did, like, from where he threw a rock, you know, and like what, what was your picture of like what just happened at that house in terms of the rocks in the window?

Dietrick: Um, that, uh, you know, homeowner is sitting at home, nice quiet rural, uh, house

where I'm sure he doesn't get many visitors or, uh, unexpected visitors, um, so all, all of a sudden seeing some unexpected person, um, no shoes, um, which is, would be, you know, highly irregular and concerning given the, the terrain and the heat and, and all that, um, and to see somebody that's, uh, holding a rock and, you know, breaking your window out, um, uh, it, you know, it scared him to the point where he felt it was necessary to grab his firearm and, and shoot several, uh, um, several rounds off towards, towards his feet, um, you know, so and, and that homeowner seemed to be a fairly, you know, um, oh, I'm trying to think of the right word.

Ganz: Uh, uh, um, um, did he seem like he was easily scarable or not?

Dietrick: No. He didn't. he seemed like he was a, a capable person, um, that, you know, was probably fairly level-headed, um, seemed that he was, given the situation he was just in he was fairly calm at that time speaking to me, so I didn't feel like this was somebody who was blowing something out of proportion or exaggerating something or even overreacting, um, so.

Ganz: Did, did it seem like there was a lot of time that had passed between the time the window is broken through and this homeowner responded and came out?

Dietrick: Uh, can you repeat the question?

Ganz: Did it seem like a lot, based on the information you had, did it seem to you like a lot of time had passed between the window being broken through and the homeowner responding or was it pretty quick that he kind of responded and came out?

Dietrick: Uh, it sounded like it was very quick that the homeowner saw him coming up to the house.

Ganz: Ok.

Dietrick: And then breaking the window and he, and the homeowner immediately responding, uh –

Ganz: ****

Dietrick: – to that situation.

Ganz: And did it seem to you like the suspect then sort of, uh, moving away from the house and ultimately stealing the truck was in response to that homeowner coming out? Did it seem like he was running away from that person, just based on the information that you had?

Dietrick: Uh, no because if that was the case then, you know, I was thinkin' that this guy has now crashed through multiple different gates and properties and –

Ganz: Right. No, I'm talking about, so I'm just talking about in the moment, so basically let me just ask you this way. Did you know for sure what exactly that person was doing when he was throwing rocks through the window, like what his intent or what his plan was?

Dietrick: No.

Ganz: Okay. Um, uh, have you ever investigated residential burglaries before?

Dietrick: Yes.

Ganz: Have you ever investigated ones where, like, there are actual, like, people present in the home and somebody breaks into the house?

Dietrick: Um, I don't believe I've had a, I don't believe I myself have investigated occupied residential burglaries, but I have, I have assisted in many of those types of investigations.

Ganz: Okay. So suffice to say based on the information you had that was one possibility of what he might have been trying to do?

Dietrick: Yes.

Ganz: Like, some people can just be, you know, for some reason throwing a rock through a window, but one of the things that could have been happening is he might have been trying to break into that house.

Dietrick: That was definitely a possibility.

Ganz: Okay. So let's just move forward now. So, um, I, I hope I'm not getting this confused with another, with a prior interview, but did you say you learned from Powers that he had done something with a tree, with a tool in the tree?

Dietrick: Uh, yeah, as we, right after we initially saw him on the top of the hill and he started running down the hill, he disappeared behind another hill, and I don't recall if Powers said it over the radio or if he turned to me and said it, um, but he had advised either myself or dispatch that the suspect had, um, had hit a tree with the ax.

Ganz: Did that information mean anything to you in terms of your assessment of his, um, level of dangerousness or any threat?

Dietrick: Yeah. It indicated to me that he is, you know, far more aggressive and confrontational than somebody who is just trying to get away. Um, you know, like, uh, that's a much more aggressive and threatening thing to do, um, you know, than just, just running with the items or tossing 'em and, and trying to run away.

Ganz: Um, obviously you can't know, uh, ex, ex, uh, exactly somebody's mind, but, um, have you ever encountered somebody, a suspect who you were trying to take into custody where there was some sort of language barrier before this incident?

Dietrick: Yes.

Ganz: Um, in your experience just based on the fact that you're wearing a uniform, you're, you

have a certain presence and just what you're able to say, do people generally when they want to comply in that situation where there's a language barrier, have you had people comply, you know, with you even though you couldn't necessarily speak exactly the same language?

Dietrick: Yes, and it's, it's usually pretty, um, apparent right off the bat just based on body language, um, you know, verbal tone. Um, you know, if they don't understand they at least stop what they're doing and, you know, try to figure it out.

Ganz: Okay. And in this situation did it appear that, just based on where you guys were in relationship to him, do you think he'd be able to see that you were deputies and/or law enforcement?

Dietrick: Absolutely.

Ganz: Okay. And did it appear to you that he, um, was willingly knowingly just not complying or did it appear that he was confused or not understanding?

Dietrick: Uh, it appeared to me that he was willfully not complying to us.

Ganz: Okay. so now I wanna go to, um, fast forward to when we're actually, um, before you fired shots, so, um, you indicated there were moments, um leading up to that when he's kinda coming up from the lower creek toward you, correct?

Dietrick: Yeah.

Ganz: Um, and as he's doing that, are you maintaining your location? Are you backing up, moving forward do you recall?

Dietrick: Um, as he was coming towards me, I kinda started walking like sideways. I didn't wanna try to get closer to him, but I also didn't want him to dart off in front of us and us be, you know, right back to Square 1 of him, you know, running away from us, so I didn't try to get any closer. I just tried to kind of, kind of parallel him and just move to a, uh, um, a position to where we could kinda triangulate him with like his back towards the creek, and Deputy Powers and myself, um, you know, kinda off, off to either side of him.

Ganz: Okay. If a person at that moment wanted to go ahead and surrender, um, what would you have expected to see from that person if they wanted to, um, comply at that point even after not complying before then?

Dietrick: Um, the first thing would be to, to drop the weapons in his hands. Um, uh, uh, I, in my experience that's a pretty universal sign that somebody is complying with what you want. Um, I think regardless of languages most people know that the police don't want you have weapons in your hands when they're dealing with you, and I have experienced that many times with anybody who, you know, may not speak the same language, they put their hands up or, you know, kind of stop what they're doing, put down whatever is in their hand, and they stop.

Ganz: Okay. Um, did he ever, again, as he's coming up this creek until ultimately you end up firing your weapon, did he ever, um, drop, uh, two, um, the two tools that were in his hand or was that not until after he was shot?

Dietrick: It was not until after he was shot.

Ganz: Did he ever, like, go down to his knees or lay on his stomach or anything like that –

Dietrick: No.

Ganz: – before that? Okay. Um, so you described, uh, these moments where, um, he with the two tools in one hand, and by the way, did you get a good enough look during the whole course of these events to tell us with any detail what those tools were?

Dietrick: I know one was a hatchet, and I believe the other one was a hammer.

Ganz: Okay. So when you say hatchet, I think we all know what you mean, but can you describe like literally what the object looked like?

Dietrick: Um, long handle, um, maybe a foot, foot and a half long with a large, um, flat blade on one end and a blunted, um, shorter end on the, on the other.

Ganz: Okay. So you described him kind of moving his body and his hands in an upward direction in that hatchet and what you believe is a hammer in one hand and then some sort of rock in the other, correct?

Dietrick: Yes.

Ganz: Um, as he is moving sort of in that upward direction, do you have your gun trained on him, your firearm?

Dietrick: Yes.

Ganz: Okay. Is he in a position where during that time you believe he saw that you had a firearm pointed at him?

Dietrick: Yes.

Ganz: Um, and as he's sort of moving up, do you know exactly what he's gonna do next?

Dietrick: Uh, I don't.

Ganz: Okay. Um, and then you ultimately say you saw him more turning his attention up to the helicopter and kinda holding his, both of his hands more toward the helicopter.

Dietrick: Yes.

Ganz: In the moments right before you saw him move up toward the helicopter, were you

concerned about everything that was in his hand?

Dietrick: Absolutely. I was concerned that, that he was raising up his arms to throw one of the, you know, either the rock or, um, you know, one of the two other weapons, uh, at me.

Ganz: Okay. But you didn't shoot at that point, correct?

Dietrick: Correct.

Ganz: Um, and, um, did you believe, did you have any knowledge that Powers was coming, um, nearby?

Dietrick: Um, I knew that he was, was behind the suspect, um, as far as when they were going through the creek. I knew, I knew he was close, um, so I, I was trying to hold off as long as I could to try to get him there to possibly deploy the Taser. Um –

Ganz: Why did you want him to use the Taser as opposed to lethal force?

Dietrick: Um, I, you know, I don't wanna shoot the guy. I don't want, you know, I don't wanna take anybody's life. Um, you know, I, I want, I wanted this to come to a, you know, to a, to a, to a resolution that didn't result in somebody being seriously injured, um, you know, or being fatally wounded.

Ganz: Okay. So then you described this moment where after he goes all the way up, he comes back down, and he kinda has his hands on his knees, and at that moment did he still with the hand that had the two tools, have two tools in his hand while sort of in the area of his knee?

Dietrick: Yeah. He still had two tools, uh, in I believe it was his left hand, and the rock in his right hand.

Ganz: And then you described you don't know if he purposefully or accidently, you know, dropped this rock, correct?

Dietrick: Correct.

Ganz: And then what was the next movement that he made?

Dietrick: Um, he looked down at the ground. Then he looked over at me. Um, then he took a step back with I believe it was his left leg, and then reached down with his right hand and picked up the rock that had just fallen from his hand.

Ganz: Okay. Um, this rock that he had, did you believe that he would be able to reach you with it if he did choose to throw it?

Dietrick: Yes.

Ganz: Was he close enough to Powers if he choose to, chose to throw it at him to reach him with

it?

Dietrick: Yes.

Ganz: The same thing with the tools, um, was he close enough to each of you and based on just, uh, your observations of him, his physical capabilities, the objects themselves, do you think he was close enough to be able to hit either of you with those if he chose to?

Dietrick: Absolutely.

Ganz: Um, and so I know this is kind of a dumb question, but, like, what were the sorts of things that you were afraid could happen if he took that rock and threw it at you? Let's say like what physical harm or what could result from that in your mind?

Dietrick: Um, I could lose consciousness, um, could be knocked out, um, you know, which would leave me incapable of protecting myself or helping Deputy Powers, also, you know, give him access to any of the weapons that I have on my belt, um, or that would have been in my hand at that point, um, that wouldn't even have been restrained in a holster. Um, I mean, even if a rock that size even hits you in the leg, it could break your leg, um –

Ganz: Did you believe, like, based on what you saw about it, like, at your distance that it was, like, solid enough and heavy enough that it could do that if it hit?

Dietrick: Absolutely.

Ganz: Okay. Um, and what about the other two objects, could they have the same potential capability?

Dietrick: Uh, absolutely. Um, you know, especially the, the ax. Um, you know, I, I, I know how easily and accurately those that, you know, those small hatchets can be thrown with relatively little to no training.

Ganz: Okay. So previously when he was moving up, you talked about how you had the ability to just wait, just wait an extra second for him to go all the way up to where he eventually was more looking at the helicopter.

Dietrick: Mm hmm.

Ganz: But when he reached down for the sec, rock a second time did you feel like you had that opportunity again to wait?

Dietrick: I did not. I felt like his next move was going to be to, once that rock was in his hand, he was gonna throw it at me.

Ganz: Those are all the questions I have right now.

MW: I think for now, um, it's probably a good time for us to take a quick break and, um, and then we'll just reconvene and I'll have, just have 'em turn the monitor off again.

Ganz: Perfect.

GR: It's, uh, 2:00 p.m., and I'm turning off the recorder.

END OF AUDIO

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