



MEMORANDUM

Date: December 9, 2022

To: Larry Cox, Captain – Operations Division

From: Jason Hunter, Patrol Sergeant *JH 270*

Subject: **Officer Involved Shooting Administrative Investigation – 22-05639**

On February 17th at about 1151 hours, PPD Dispatched received a domestic violence call for service via CHP transfer. The RP and victim (Jane Doe) advised PPD dispatch her boyfriend (Cody Chavez) physically assaulted her around 0200 hours. Officers determined Chavez committed crimes of felony domestic violence, criminal threats, false imprisonment and preventing Doe from calling the police.

Officer Repetto and Officer Jones learned Chavez had a history of domestic violence, assault with a deadly weapon, battery on a police officer, and resisting arrest. Officer Jones and Repetto requested additional officers to assist. Sergeant Gora, Officer Koumiss, and Officer Batt arrived on scene. Multiple attempts were made (by phone and knocking) to contact Chavez inside of the apartment but he refused to respond. Officers observed movement inside the apartment and suspected Chavez was inside. Additional resources were requested to include the Armored Rescue Vehicle, K-9, Crisis Negotiation Team, tactically experienced officers, Criminal Investigative Unit, the Alameda County Sheriff's Office Unmanned Aerial Vehicle Unit, multiple sergeants, and two lieutenants.

A Ramey warrant to arrest Chavez was signed and Doe provided consent to enter her apartment. Once the warrant was signed, a team of officers approached the front door and deployed the robot on the sidewalk. The team of officers backed away and a short time later re-approached the front door again to breach it open with a battering ram. After three hits from the ram the door was opened and the robot was used to block the door open. Chavez slammed the door on the robot several times attempting to close it. Officers positively identified Chavez and observed a large kitchen knife in his hand.

A team of officers (Officer Jones, Officer Leonardo, Officer Kroutil and Detective White) approached the window just west of the front door to conduct a break and rake of the window. The goal of this technique was to allow for the Alameda County Sheriff's Office to fly an Unmanned Aerial Vehicle (UAV) inside the residence for intelligence and to communicate with Chavez for his surrender. Officer Jones used a breaching tool to break open the left side window panel. As Officer Jones was raking the blinds out, Chavez opened the front door and quickly walked to the sidewalk. Chavez was holding a large kitchen knife in his right hand positioned alongside his right leg. Chavez raised the knife up to chest height, pointing it toward Detective White, and ran at him. Officer Repetto observed this action and fired the first round of his bean bag shotgun striking Chavez in the leg. Chavez appeared undeterred and continued to

aggressively move toward Detective White, approximately 16 feet away from him. About one second after Officer Repetto fired his first bean bag round, Detective White (FN303, nine rounds), Officer Repetto (one additional round fired), Officer Guillermo (rifle, two rounds), and Officer Jewell (rifle, five rounds) all fired lethal and less lethal rounds at Chavez for approximately 2 seconds. Chavez fell to the ground on his back with an obvious and fatal head wound.

Sergeant Pittl was the first to check on Chavez and he requested medical to respond. Livermore Pleasanton Fire Department was staged and arrived within a few minutes. Sergeant Pittl, Sergeant Gora, Lieutenant Stocking, and Detective Kroutil all monitored Chavez until LPFD determined he was deceased. The involved officers provided a public safety statement and were sequestered. Chief Swing, Captain Cox, and Captain Schlehuber were notified of the officer involved shooting. The scene was preserved until PPD Detectives, PPD Administrative Investigators, Alameda District Attorney's Office, Alameda County Sheriff's Office Crime Lab, and Alameda County Sheriff's Office Coroner's Bureau responded.

INVOLVED PARTIES

Suspect:

Cody Chavez (Deceased) – 2977 Rustic Dr. San Jose, CA 95124

Victim:

Erica Ruiz – 4899 Willow Rd. #105 Pleasanton, CA 94588

Witness:

Farid Sotomayor – 4899 Willow Rd. #207 Pleasanton, CA 94588

<u>PPD Officers</u>	<u>Location/Role</u>	<u>Force Used</u>
Lt. R. Gamez	Command Post/ Incident Commander	None
Lt. B. Stocking	Command Post/ Tactical Commander	None
Sgt. E. Gora	Hood of ARV/ Medical	None
Sgt. A. Pittl	Hood of ARV/ Tactical plan/ Medical	None
Sgt. N. Albert	Hood of ARV/ Tactical plan/ radio	None
Sgt. C. Lewellyn	Robot/Public Safety Statement	None
Ofc. B. Jewell	ARV Turret w/ rifle	Yes, Rifle
Ofc. M. Guillermo	Hood of ARV w/ rifle	Yes, Rifle
Ofc. A. Repetto	Hood of ARV w/ B.B. Shotgun	Yes, Bean bag
Det. K. White	Window breach w/ FN303	Yes, FN303
Ofc. C. Jones	Window breach w/ Break and rake	None
Det. M. Kroutil	Window breach w/ pistol	None
Ofc. K. Leonardo	Window breach w/ pistol	None
Ofc. T. Martens	Behind ARV w/ K-9 Matsjo	None
Ofc. A. Koumiss	W. of residence / FN303	None
Ofc. K. Batt	W. of residence / pistol	None
Ofc. M. Lengel	Command Post / CNT Negotiator	None
Ofc. K. Furphy	Command Post / CNT Negotiator	None
CSO Godfrey	Traffic Control	None
CSO Peters	Traffic Control	None

Other Involved Parties:

ACSO UAV Unit – Report #22-002723

ACSO Coroner's Bureau – Report #22-00942

ACSO Crime Lab

LPFD Engine #92

Captain F. Carranza, Firefighter R. Myers, Paramedic D. Estrada and Engineer M. Johnson

Falck Paramedics #126 – EMT N. McGuire and EMT M. Macias

Alameda County DA's Office – Deputy DA Mark Bennett and Inspector Phil Green

Rains Lucia Stern Attorney – Doug Foley

INVESTIGATION

The goal of this administrative review was to investigate the actions of the involved Officers, Sergeants, and Lieutenants related to the Pleasanton Police Department Use of Force Policy.

On February 17, 2022, at 1729 hours, I (Sergeant Hunter) was contacted by Lieutenant Sarasua who explained there was an officer involved shooting in Pleasanton and advised I would be assigned the administrative investigation. I responded immediately, arriving at approximately 1800 hours. I met with Lieutenant Sarasua who explained she was the manager assigned to this administrative investigation and provided me a summary of the incident.

Lieutenant Sarasua and I drove to the scene of the officer involved shooting, 4899 Willow Rd #105, where we met with Sergeant Shuffield. Lieutenant Sarasua, Sergeant Shuffield and I completed a walkthrough of the crime scene. After the walkthrough, Lieutenant Sarasua and I returned to the police department where we met with Sergeant Shuffield, Detective Sheldon, and two investigators (from the District Attorney's Office) in the back conference room. Sergeant Shuffield played the body worn camera system footage from Officer Leonardo, Officer Jewell, Officer Guillermo, Officer Repetto, and Detective White for the group. We only reviewed a portion of the footage to cover the officer involved use of force and shooting. Sergeant Shuffield advised me they would be completing voluntary interviews of Officer Repetto, Detective White, Officer Guillermo, and Officer Jewell in the late evening hours of February 17, 2022, and early morning hours of February 18, 2022. Attorney Doug Foley from Rains Lucia Stern represented all four officers and met with Lieutenant Sarasua, Sergeant Shuffield, Detective Sheldon, Detective Barcelo, DDA Bennett, DA Inspector Green and I prior. Attorney Foley was informed Lieutenant Sarasua and I were conducting the administrative review and he was comfortable with me sitting in the interview room while Lieutenant Sarasua listened in by phone conference call. All statements were voluntarily provided, and audio recorded only. This concluded the first night of the investigation.

Over the next few days several more voluntary statements were provided by Lieutenant Stocking, Lieutenant Gamez, Sergeant Gora, Sergeant Pittl, Sergeant Albert, Officer Jones, Officer Leonardo, and Detective Kroutil. All involved had the opportunity to consult with legal counsel prior or had legal counsel when providing their statements. All were also informed of the administrative investigation when I sat in the interview room.

I read and provided administrative notices to all of the above who were interviewed. All of them signed the form and only Detective White desired a copy which he was provided. The signed administrative notices were placed in the administrative binder as attachments. After all officers were interviewed, I concluded my initial investigation. I began a comprehensive investigation of the officer involved shooting.

TIMELINE – FEBRUARY 17, 2022

(All times are approximate)

1151 – 1200 Hours

Dispatched received a call for service via CHP transfer. The reporting party/victim (Jane Doe) advised PPD dispatch her boyfriend physically assaulted her this morning around 0200 hours. On the 911 call for service, Doe stated, “Last night he covered my face with a pillow. He pushed me. He pulled me. He wouldn’t let me leave the room and that was the reason I couldn’t call.” Later in the call Doe stated she thought she was going to die, “Last night I thought I was going to die because he put the pillow over my face. He hid my phone. He locked my door to my bedroom so I couldn’t leave or call you guys.” Doe appeared fearful and scared during this call for service.

The suspect (Cody Chavez) was last seen approximately one hour earlier and it was unknown if he was still at the residence. Doe provided a description of Chavez, his date of birth, and what he was last seen wearing. Doe was waiting near the apartment complex clubhouse to meet with officers. Doe told dispatch she was unaware of Chavez being violent with officers in the past but stated he is “a ticking time bomb.” Doe desired to press charges and mentioned having previous Emergency Protective Orders (PPD case numbers 22-02175 and 22-02429).

1204 – 1250 Hours

Officer Jones and Officer Repetto were dispatched to a domestic violence call and met with victim Jane Doe in the Galloway Apartment Complex. Other PPD officers and Sergeant Gora responded.

1251 - 1255 Hours

Officers attempted to contact Chavez by phone and at the apartment resulted in no answer. Officers attempted a door code to open the front door which worked mechanically but failed to open the door. Officers observed a subject shut a window and look through the blinds indicating someone was inside Doe’s apartment.

1256 - 1300 Hours

Verbal announcements were made at the window with no answer.

1301 - 1310 Hours

Lieutenant Gamez and K-9 Officer Martens were enroute to the scene. LPFD (medical) was requested to stage. A second code for the front door was attempted and failed to open it. Officers requested Dispatch to look for violent crime and gun history.

1311 - 1325 Hours

The ACSO UAV team was requested. Dispatch advised Chavez texted Doe the police were going to kill him.

1326 - 1338 Hours

Dispatch advised officers there were no guns on Chavez or in the apartment per Doe. Sergeant Pittl, Sergeant Albert, and Sergeant Lewellyn advised they were enroute with the ARV.

1338 – 1342 Hours

Jane sent Cody a text message: “please give up so they don’t have to hurt you Coty. I love you and want you to get help. Please.” Cody responded, “If you loved me you would had let me come home where I was safe. They gonna kill me. Bye.”

ARV with Sergeant’s Pittl, Albert and Lewellyn and ACSO UAV team arrived on scene. The ARV was parked horizontally in front of the apartment. The ARV displayed the word “Police” on the side of the ARV which was visible from the front of the apartment. The ARV’s emergency lights were illuminated and more than one hour of periodic PA announcements were made in both English and Spanish for Chavez to surrender peacefully.

1343 - 1450 Hours

Lieutenant Stocking, Detective White, Officer Guillermo, Officer Leonardo, and Officer Jewell arrived on scene. Sergeant Gora asked for a photograph of Chavez to be sent to all involved officers.

1451-1531 Hours

CNT made contact with Chavez by phone and he claimed he was in San Jose and not the apartment. Officer Lengel sent several text messages to Cody’s cell phone in an attempt to establish communication. Officer Lengel texted, “Hey Cody would you rather we text? This is Matt. Hey Cody give me a call. Let’s talk about this ... our officers saw you through the window. We can’t leave. Call me and let’s talk. I’m willing to listen to you. Cody, pick up the phone and let’s talk. We’re not able to leave until we can talk to you. How can we make that happen? Cody let’s talk pick up please. Please pick up the phone.”

Additional announcements were made to Chavez that the police were not leaving. Two CSO’s shut down the nearby roadways. CNT briefly made contact with Chavez who stated he was still in San Jose. A felony Ramey warrant to arrest Chavez for domestic battery and false imprisonment was authorized by a judge.

1532 Hours

Sergeant Pittl (shield and pistol), Detective White (FN303), and Officer Jones (robot) left the cover of the ARV and approached the front door. Officer Jones placed the robot on the sidewalk near the front porch. The team backed away from the residence.

1533 Hours

Sergeant Pittl (shield and pistol), Detective White (FN303), and Officer Jones (ram) left the cover of the ARV and approached the front door. Officer Jones used the ram and struck the front door three times to break it open. Once the front door was opened, Sergeant Lewellyn drove the robot into the doorway.

1534 Hours

Chavez pushed the door closed onto the robot. Sergeant Pittl tells Chavez, “Come to the front door” multiple times and “you are going to get bit” giving Chavez a warning. The breach team backed away from their position and Sergeant Pittl radioed, “The suspect tried to slam the door on us.” Officer Jewell (positioned in the ARV turret) yelled twice, “Cody Chavez come out with your hands up.”

1535 Hours

Officer Jewell yelled to the surrounding officers, “Positive ID” and “He’s got a knife. He’s at the front door.” Officer Martens also observed Chavez with a knife, “He has a knife. Did you see that.” Sergeant Albert relayed over the radio, “He has thrown the robot out. He has a knife in his hand and has slammed the door closed. He is armed with a knife.”

1536 Hours

Sergeant Albert radios, “Subject is positive ID looking through front door and non-compliant.” Officer Jewell yelled, “Cody Chavez, it’s the Police Department. Come out with your hands up.” Sergeant Pittl reminded everyone that only Officer Jewell should be giving commands.

1537 - 1538 Hours

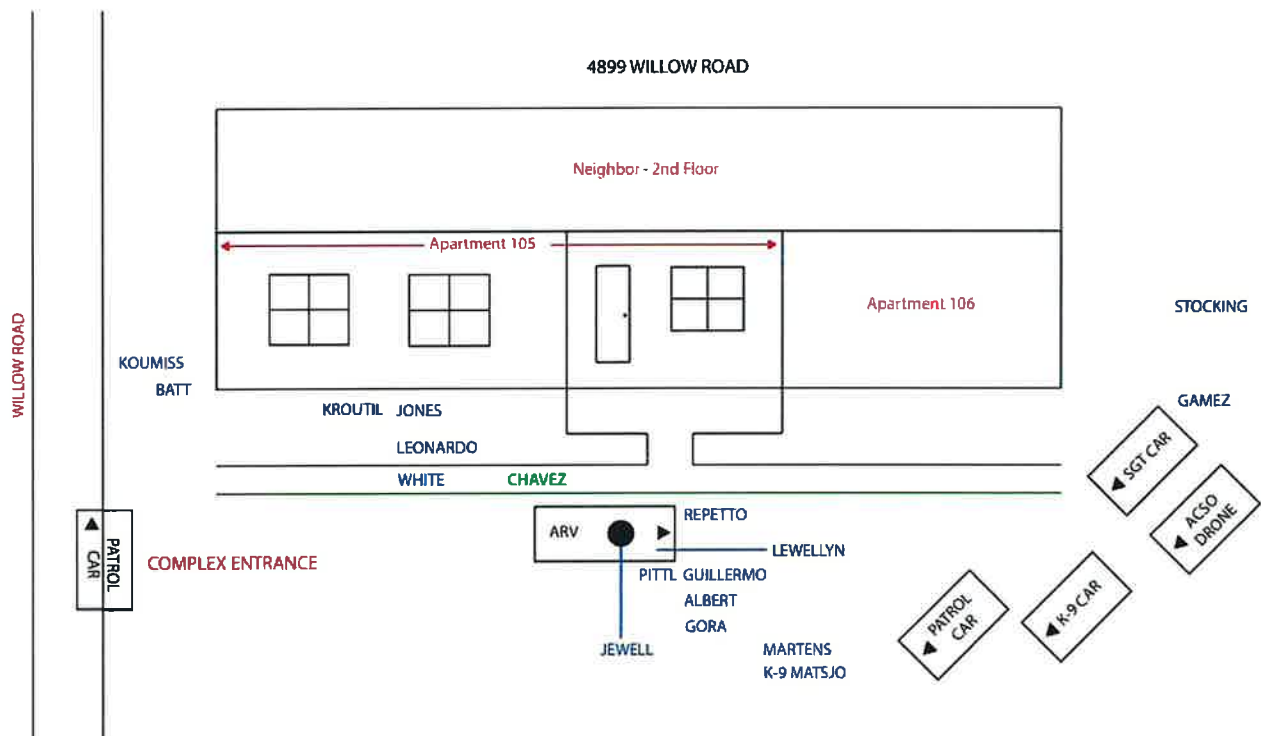
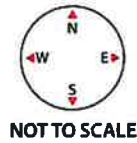
Drone footage captured Chavez looking out the front window. Lieutenant Stocking approved Sergeant Pittl’s request to conduct a break and rake of the window. Sergeant Pittl briefed the break and rake team on what to do. Sergeant Albert instructed Officer Repetto to get the less lethal shotgun for coverage at the front of the ARV. Officer Repetto returned a short time later with the less lethal bean bag shotgun. The window breach team broke out the window just West of the front door. After a short time, Chavez exited the front door while holding a large kitchen knife in his right hand. Within seconds, he charged toward the window breach team and brought the knife up to his chest in a threatening manner. Officer Repetto fired multiple bean bag rounds at Chavez which struck him in the thigh and were ineffective. Detective White fired multiple FN303 rounds, Officer Jewell fired multiple rifle rounds, and Officer Guillermo fired multiple rifle rounds at Chavez. Chavez was struck by bean bag, FN303 and rifle rounds. He fell to the ground with an open head wound. Sergeant Pittl was the first to arrive and check Chavez’s welfare.

1539 -1550 Hours

Lieutenant Stocking, Sergeant Pittl, Sergeant Gora, and Detective Kroutil medically monitored Chavez until LPFD arrived and ultimately pronounced him deceased. Officer Jewell, Officer Guillermo, Officer Repetto and Detective White were sequestered. After the use of force, notifications, administrative steps, and investigative steps were completed.

DIAGRAM OF LOCATION

OIS 22-05639



PHOTOGRAPHS

While reviewing video footage, I used a snipping tool to capture screen shots of the officer involved shooting. Below are several images from different camera angles showing the scene just prior and after the officer involved shooting.

UAV footage, Chavez with knife



Officer Leonardo's BWC, Chavez looking at window breach team



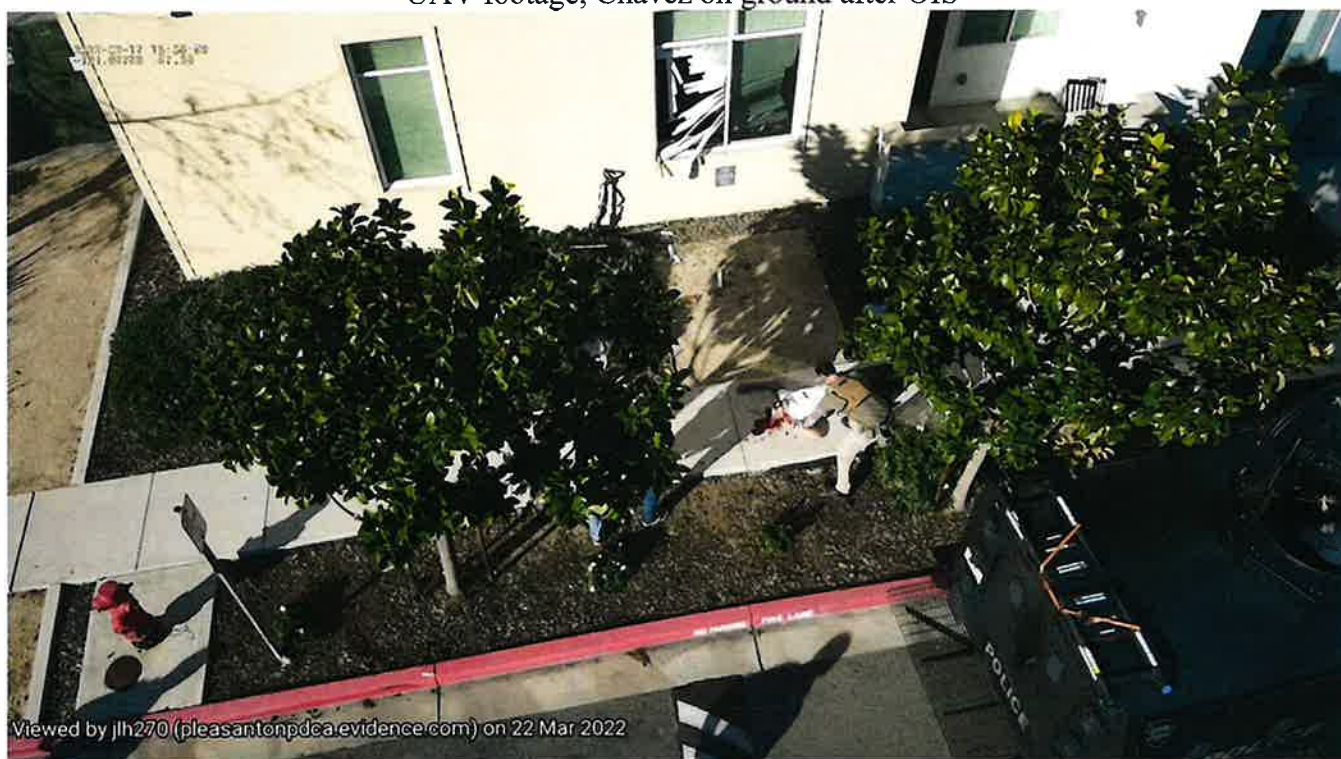
UAV footage, Chavez running



Officer Leonardo's BWC, Chavez running



UAV footage, Chavez on ground after OIS



Sergeant Pittl's BWC, Chavez and knife on the ground



REVIEW OF VIDEO EVIDENCE

- Only Body Worn Camera (BWC) pertaining to the officer involved shooting was reviewed for this administrative review. The BWC footage regarding the DV earlier in the day was not reviewed. BWC footage from Police Officers or Community Service Officers who were not involved or close enough to be a witness to the officer involved shooting were also not reviewed.
- Events described in the review of footage may not be repeated in other video footage timelines for brevity.
- All times below are approximate to the second and are formatted: hours, minutes, seconds.
- Some of the BWC footage times are not synchronized and off by a few seconds.

UAV FOOTAGE

- 15:35:59 hours:** Start of video (visual only, no audio)
- 15:36:49 hours:** Movement can be seen inside the front door window curtains.
- 15:37:20 hours:** Chavez looked out of the front door window as the robot drove onto the front patio.
- 15:37:47 hours:** Window breach team was observed getting into position.
- 15:37:57 hours:** Window breached by Officer Jones.
- 15:38:41 hours:** Front door quickly opened and Chavez stepped outside with a large knife in his right hand.
- 15:38:44 hours:** Chavez walked past the open patio gate and looked to his right (at the window breach team).
- 15:38:45 hours:** Chavez briefly looked to his left before he looked back to his right. Chavez appeared to flinch as he was struck by a less lethal round fired by Officer Repetto.
- 15:38:46 hours:** Chavez ran towards the window breach team who appeared to be approximately 12 to 15 feet away (estimated based on the sidewalk grooves). There were no barriers in the way to slow Chavez's progress.
- 15:38:47 hours:** Officer Jewell, from the ARV turret port, fired five rounds in succession from his rifle which caused Chavez to fall to the ground.
- 15:38:52 hours:** The UAV repositioned which showed Chavez with a head wound and blood on the sidewalk.
- 15:38:54 hours:** Sergeant Pittl checked Chavez's right arm. Chavez was placed in a recovery position on his side and was monitored by Sergeant Pittl.
- 15:39:41 hours:** Lieutenant Stocking and Sergeant Gora each arrived with a medical bag. No further medical aid provided due Chavez's head injury.
- 15:41:30 hours:** LPFD arrived on scene, cut Chavez shirt open but did not provide any further medical aid due his injury.
- 15:43:35 hours:** End of video

OFFICER LEONARDO'S BWC FOOTAGE

- 15:32:45 hours:** Start of video. Officer Leonardo was positioned behind the ARV, and he monitored the window to the left of the front door.
- 15:34:36 hours:** Officer Jewell can be heard saying: "He is at the door, Cody Chavez come out with your hands up." Officer Jewell repeated the commands for Chavez to exit with his hands up continuously for several minutes. Officer Jewell announced to Chavez it was the Pleasanton Police Department.

- 15:34:54 hours:** A second officer (unknown who) shouted, "We see you, hands up."
- 15:35:05 hours:** Officer Martens' K-9 partner "Matsjo" can be heard barking in the background for approximately 18 seconds.
- 15:35:29 hours:** Someone on the police radio advised, "He has been given multiple commands and is non-compliant."
- 15:35:52 hours:** Someone on the police radio stated, "He has a knife in his hands. He has slammed the door closed armed with the knife."
- 15:37:45 hours:** The window breach team approached the window West of the front door.
- 15:37:59 hours:** Officer Jones used a breaching tool on the window to shatter it. Officer Leonardo provided lethal coverage on the window, Detective White had the FN303, Detective Kroutil was rear-guard with his pistol out. Officer Jewell yelled, "He is at the door" to inform the team of Chavez's location.
- 15:38:45 hours:** Chavez was seen on Officer Leonardo's BWC for the first time walking from apartment #105 toward the ARV. Chavez can be observed looking right at the window breach team. He quickly walked out of the residence but after about 2-3 seconds he ran at officers. A large kitchen knife was seen in his right hand. Chavez initially was holding the knife at the side of his body but raised it up to chest height as he ran towards officers. A bean bag shotgun round was fired first by Officer Repetto. About a second later, multiple less lethal and lethal rounds were fired. Officer Leonardo did not use force during this officer involved shooting.
- 15:38:50 hours:** Chavez fell to the ground a short distance away from Detective White and Officer Leonardo (per the video appeared to be about 5-10 feet away). No other force was used on Chavez after he hit the ground as he had a major head wound.
- 15:38:55 hours:** Sergeant Pittl conducted a medical assessment of Chavez. Sergeant Pittl instructed nearby officers to clear the apartment. Officer Leonardo who cleared the apartment with a group of officers.
- 15:39:46 hours:** Officer Leonardo exited the residence, and his camera captured multiple officers around Chavez monitoring him until medical aid arrived. Officer Leonardo's video continued where he assisted with evidence preservation.
- 15:46:42 hours:** End of video

OFFICER GUILLERMO'S BWC FOOTAGE

- 15:32:21 hours:** Start of video. Officer Guillermo's BWC view is limited due his position at the engine block of the ARV and his rifle position.
- 15:35:10 hours:** Sergeant Albert was positioned to the right of Officer Guillermo and can be heard saying: "Positive ID on the suspect, Cody Chavez... (continued but unable to hear due to K-9 Matsjo barking).
- 15:35:52 hours:** Officer Guillermo stated: "He has a knife."
- 15:38:45 hours:** Officer Guillermo and Officer Repetto (to his immediate right) can be observed pointing their rifle and bean bag shotgun at Chavez. Several officers shouted "Drop the knife."
- 15:38:47 hours:** Officer Repetto fired the first round from his bean bag shotgun.
- 15:38:48 hours:** Officer Guillermo's BWCS fell from his chest to the ground as multiple less lethal and rifle rounds were fired. Officer Guillermo's camera remained on the ground until it is picked up and turned off.
- 15:40:02 hours:** End of video.

OFFICER JEWELL'S BWC FOOTAGE

- 15:26:11 hours:** Start of video. Officer Jewell was positioned at the ARV turret port with his rifle pointed toward the residence. ARV overhead red and blue emergency lights are activated.
- 15:33:52 hours:** Door breach team approached front door.
- 15:34:34 hours:** Officer Jewell told the team, "He is at the door."
- 15:34:37 hours:** Officer Jewell yelled twice, "Cody Chavez come out with your hands up."
- 15:35:02 hours:** Officer Jewell yelled to the surrounding officers, "Positive ID". Officer Jewell repeated commands to Chavez and informed the team he is at the door for several minutes until the shooting occurred.
- 15:35:57 hours:** Officer Jewell called out to the surrounding officers, "He's got a knife. He's at the front door."
- 15:36:43 hours:** Officer Jewell yelled, "Cody Chavez, it's the Police Department. Come out with your hands up."
- 15:37:20 hours:** Officer Jewell yelled, "He is barricading the door."
- 15:38:02 hours:** Officer Jewell yelled, "Door is opening." And shortly after "Door is closed."
- 15:38:43 hours:** Officer Jewell yelled, "Door is opening."
- 15:38:46 hours:** A "pop" sound can be heard (which is Officer Repetto firing the bean bag shotgun based on other videos).
- 15:38:48 hours:** Officer Jewell fired five rounds and yelled, "Shots fired, shots fired."
- 15:38:51 hours:** Officer Jewell stopped pointing his rifle at Chavez and placed it on safe. Officer Jewell did not fire any other rounds.
- 15:39:05 hours:** Officer Jewell exited the ARV, approached Chavez to assist with medical attention as he told Sergeant Pittl, "I got gloves" twice.
- 15:39:14 hours:** Officer Jewell told Sergeant Pittl, "I shot." Sergeant Pittl removed him from Chavez's location. Officer Jewell walked around the ARV out of view of Chavez until his recording stopped.
- 15:40:34 hours:** End of video

OFFICER REPETTO'S BWC FOOTAGE

- 15:32:22 hours:** Start of Video. Officer Repetto was positioned behind the ARV with other officers.
- 15:32:56 hours:** Sergeant Pittl held a shield and pistol, Detective White held an FN303, and Officer Jones held the robot. All three are observed leaving the cover of the ARV toward the front door. Sergeant Lewellyn (controlled the robot), Officer Guillermo with his rifle, Officer Martens, and Officer Jewell (roof hatch of ARV with rifle) are also in the frame.
- 15:33:14 hours:** The robot is dropped off at the front patio and the robot deployment team backed out of the area.
- 15:33:49 hours:** The same team approached the front door with Officer Jones holding the ram.
- 15:34:01 hours:** Officer Jones used the ram to breach the front door open after three hits.
- 15:34:16 hours:** The front door breach team backed away from the door.
- 15:37:29 hours:** Sergeant Albert asks Officer Repetto to grab a bean bag shotgun as Detective White was assigned to the breach team. Officer Repetto ran to his car and retrieved it.
- 15:38:05 hours:** As Officer Repetto ran back to the front of the ARV from his patrol vehicle, he loaded the first bean bag round into the shotgun within view of the camera to clearly show it was a bean bag round. Officer Repetto showed the second round to Officer Martens

who confirmed it was a bean bag round. Officer Repetto showed his third and fourth rounds to Sergeant Gora who confirmed.

15:38:26 hours: Officer Repetto took a position at the front of the ARV.

15:38:45 hours: Chavez was first seen on Officer Repetto's BWCS. Someone shouted, "Hey, hey, hey, drop the knife."

15:38:46 hours: Officer Repetto fired his first bean bag round at Chavez.

15:38:47 hours: Officer Repetto fired his second bean bag round at Chavez. Multiple rifle rounds can be heard.

15:38:49 hours: Chavez was lying face up on the sidewalk. No other rounds were fired by Officer Repetto. Officer Repetto cleared the residence with a group of officers. Afterwards, Officer Repetto, Officer Jewell, Officer Guillermo and Detective White were sequestered.

15:40:34 hours: End of video

DETECTIVE WHITE'S BWC FOOTAGE

14:27:02 hours: Start of Video

14:27:43 hours: Detective White and other officers were positioned behind the ARV already parked in front of apartment #105. Detective White obtained the FN303 from Officer Guillermo. A fully loaded FN303 magazine with clear impact rounds can be observed in the FN303.

14:28:15 hours: Team briefed plan.

14:31:14 hours: Officer Guillermo made PA announcements for Chavez to exit.

14:40:45 hours: Detective White and other officers conducted a walk-through of apartment #106 to understand the layout of apartment #105 as it is a mirrored unit. Detective White had given Sergeant Pittl the FN303 to hold during the walkthrough. Afterwards, Detective White retrieved it and clear impact rounds were still visible in the magazine.

14:54:41 hours: Per Lieutenant Stocking on the radio, Chavez stated he was in San Jose.

15:09:28 hours: Sergeant Lewellyn made PA announcements asking Cody to come out with his hands up and nothing in his hands. Over the next few minutes, Sergeant Lewellyn continued to give similar commands.

15:25:14 hours: Officers discussed and were waiting for the warrant to be signed.

15:25:26 hours: Sergeant Pittl briefed the team on the robot deployment plan and then front door breach plan.

15:25:37 hours: Sergeant Lewellyn provided another round of commands to Chavez.

15:32:56 hours: Robot deployment team (Sergeant Pittl, Detective White, and Officer Jones) left cover of ARV to the front door. After placing the robot on the sidewalk leading up to the front door, the team retreated.

15:33:46 hours: The same team approached the front door to breach it open.

15:33:58 hours: The front door opened after Officer Jones hit it with the ram for the third time.

15:34:00 hours: The door was visibly wide open and with little to no movement.

15:34:01 hours: The door violently shuts onto the robot as if someone pushed it. Several more times the door is being pushed against the robot.

15:34:45 hours: Detective White repositioned to the rear of the ARV. Multiple officers gave commands for Chavez to come out and show his hands.

15:35:58 hours: Officer Jewell can be heard repeatedly giving Chavez commands with no other officers giving commands.

- 15:37:05 hours:** Detective White repositioned to the front of the ARV to provide less lethal coverage for a few seconds before going back to the rear of the ARV.
- 15:37:23 hours:** Sergeant Pittl provided the break and rake team direction on which window to break.
- 15:37:43 hours:** The break and rake team advanced from the ARV to the window.
- 15:37:57 hours:** Officer Jones used the window breaching tool to break the left window pane. Officer Jewell repeatedly shouted, "He's at the door."
- 15:38:42 hours:** Chavez was first observed on Detective White's camera as he approached the exterior patio gate.
- 15:38:44 hours:** Chavez looked directly at Detective White, raised the knife in his right hand, and proceeded to run toward him. Officer Repetto fired his first bean bag round.
- 15:38:45 hours:** Detective White fired his FN303 nine times. Multiple lethal and less lethal rounds can be heard.
- 15:38:47 hours:** All firing ceased, and Chavez fell onto the ground with an obvious head wound. Detective White cleared the residence with a group of officers.
- 15:40:03 hours:** Detective White put the FN303 down on the front passenger floorboard of the ARV.
- 15:40:17 hours:** End of Video.

OFFICER JONES'S BWC FOOTAGE

- 15:32:14 hours:** Start of video. Officer Jones was behind the ARV with several officers.
- 15:32:50 hours:** Officer Jones picked up the robot and proceeded to the front door with Sergeant Pittl (Shield and pistol) and Detective White (FN303). Officer Jones placed the robot on the sidewalk near the front porch. The team backed away.
- 15:33:47 hours:** Officer Jones grabbed a breaching ram and the same three officers re-approached the front door.
- 15:33:57 hours:** Officer Jones struck the front door with the breaching ram for the first time.
- 15:33:59 hours:** Officer Jones's third strike opened the front door. The robot can now be observed in the door frame.
- 15:34:02 hours:** The front door is stopped wide open and someone attempted to violently push it closed onto the robot.
- 15:34:09 hours:** Sergeant Pittl, Detective White, and Officer Jones slowly retreated out of the porch area.
- 15:37:44 hours:** Officer Jones (break and rake tool), Detective White (FN303), Officer Leonardo (pistol) and Officer Kroutil left cover of the ARV and approached the window just West of the front door.
- 15:37:58 hours:** Officer Jones struck the left panel of the window which caused it to break.
- 15:38:03 hours:** Officer Jones video abruptly stopped.

*** Short break in video ***

- 15:38:34 hours:** Officer Jones's video started up again while he was still hitting the window with the break and rake tool.
- 15:38:46 hours:** Officer Jones dropped the break and rake tool, drew his pistol and briefly pointed it at Chavez. Chavez was holding a knife in his right hand and ran towards Detective White. Officer Jones appeared to realize he was in the line of fire/path of Chavez and he ran towards a more advantageous position. After a few seconds of rounds being fired, Officer Jones said on the radio, "Shots fired" twice. Officer Jones did not use force. Officer Jones moved the transport vehicle around the complex to help block the

view of Chavez, who was now deceased, from the public for privacy purposes.
Nothing further of significance.

15:46:53 hours: End of video

DETECTIVE KROUTIL'S BWC FOOTAGE

- 15:32:09 hours:** Start of video. Detective Kroutil was behind the ARV.
- 15:33:50 hours:** Detective Kroutil deploys a noise/flash diversionary device to the Southwest side of the building as the breach team approached the front door.
- 15:35:46 hours:** On Detective Kroutil's BWC footage, Officer Martens pointed to the front door and stated, "He has a knife. Did you see that." Sergeant Albert relayed that information over the radio.
- 15:37:40 hours:** The window breach team approached the window just West of the front door. Detective Kroutil took a rear-guard position and had his back turned to the front door.
- 15:38:42 hours:** Officer Repetto's first shot from the bean bag shotgun can be heard.
- 15:38:43 hours:** Additional rifle and less lethal rounds can be heard, and Detective Kroutil repositioned himself behind the ARV. Detective Kroutil did not use force during this officer involved shooting.
- 15:38:58 hours:** Detective Kroutil positioned himself near the head of Chavez who was lying face up on the sidewalk with an obvious head wound. Sergeant Pittl checked Chavez's right arm and chest for signs of life. Sergeant Pittl yelled, "I need medical" and another officer radioed for medical support.
- 15:39:17 hours:** Detective Kroutil said, "Hey man stay with him, keep breathing." Chavez made a gurgling sound for about 10 seconds. Sergeant Pittl rolled Chavez onto his left side into a recovery position to help with the airflow. An obvious back of the head exit wound is visible.
- 15:39:42 hours:** Sergeant Gora stated, "Stay with us buddy" to Chavez. Lieutenant Stocking, Sergeant Pittl, Sergeant Gora, and Detective Kroutil continued to monitor Chavez until LPFD arrived on scene. Chavez was pronounced deceased.
- 15:44:00 hours:** I stopped reviewing Detective Kroutil's video as it was after the officer involved shooting.
- 16:43:21 hours:** End of video.

SERGEANT PITTL'S BWC FOOTAGE

- 15:32:22 hours:** Start of Video. Sergeant Pittl was behind the ARV.
- 15:32:52 hours:** Sergeant Pittl grabbed a shield and approached the front door with the robot deployment team (Detective White and Officer Jones).
- 15:33:08 hours:** Officer Jones deployed the robot and the team retreated.
- 15:33:48 hours:** The same team approached the front door again to breach it open.
- 15:34:01 hours:** After Officer Jones struck the door for the third time, Sergeant Pittl says, "Open" referring to the status of the front door. A short time later you can hear Sergeant Pittl say, "Come to the front door" multiple times and "you are going to get bit" giving Chavez a warning.
- 15:34:11 hours:** The breach team backed away from their position.
- 15:34:28 hours:** Sergeant Pittl radioed, "The suspect tried to slam the door on us."
- 15:36:13 hours:** Sergeant Pittl asked Sergeant Lewellyn to get the break and rake tool. A few seconds later Sergeant Lewellyn handed Sergeant Pittl this tool.

- 15:36:28 hours:** Sergeant Pittl reminded everyone that Officer Jewell should be the only person giving commands.
- 15:36:37 hours:** Sergeant Pittl placed the break and rake near Officer Jones.
- 15:37:45 hours:** After Sergeant Pittl instructed the break and rake team on what to do, they moved toward the front window just West of the front door.
- 15:38:43 hours:** Sergeant Pittl was behind the ARV when several voices could be heard yelling, “he is coming out” and “drop the knife.”
- 15:38:47 hours:** Officer Repetto fired his first bean bag round.
- 15:38:48 hours:** Multiple rifle rounds and less lethal rounds can be heard by involved officers.
- 15:38:49 hours:** All rounds ceased. Sergeant Pittl did not use force during this officer involved shooting.
- 15:38:51 hours:** Sergeant Pittl walked around the back of the ARV and Chavez was lying on his back on the sidewalk with a head injury.
- 15:38:55 hours:** Sergeant Pittl approached Chavez to check his welfare.
- 15:39:03 hours:** Sergeant Pittl said, “I need medical”
- 15:41:10 hours:** Sergeant Pittl’s BWC captured the kitchen knife lying along the sidewalk a few feet away from Chavez. Sergeant Pittl coordinated protecting the integrity of the scene and evidence preservation.
- 15:43:51 hours:** End of video.

SERGEANT ALBERT’S BWC FOOTAGE

- 15:32:10 hours:** Start of video. Sergeant Albert was behind the ARV.
- 15:32:42 hours:** Sergeant Albert told the group to activate their BWC.
- 15:33:12 hours:** Sergeant Albert provided a radio update that the robot was set.
- 15:33:54 hours:** Sergeant Albert continued radio updates to include the breach team approaching the front door and “device out” referring to the diversionary noise flash device deployed by Detective Kroutil.
- 15:35:48 hours:** Sergeant Albert radioed, “He has thrown the robot out. He has a knife in his hand and has slammed the door closed. He is armed with a knife.”
- 15:36:09 hours:** Sergeant Albert radioed, “Subject is positive ID looking through front door and non-compliant.”
- 15:37:28 hours:** Sergeant Albert instructed Officer Repetto to grab the less lethal bean bag shotgun.
- 15:38:18 hours:** Sergeant Albert radioed, “The subject is still at the door and appears to be trying to barricade the door.”
- 15:38:43 hours:** Chavez opened the front door.
- 15:38:44 hours:** Chavez exited the front door.
- 15:38:45 hours:** Commands of: “Drop it” and “Drop the knife” were given by officers.
- 15:38:46 hours:** An unknown officer can be heard saying, “Less lethal.” Officer Repetto fired the first bean bag shotgun round (heard only).
- 15:38:47 hours:** Rifle and less lethal rounds were fired by the involved officers.
- 15:38:49 hours:** All rounds cease. Sergeant Albert did not use force during this officer involved shooting.
- 15:38:57 hours:** Sergeant Albert cleared the apartment with a team of officers.
- 15:40:09 hours:** After clearing the residence, Sergeant Albert and Sergeant Lewellyn removed the involved officers away from the scene.

- 15:42:18 hours:** Sergeant Albert advised Sergeant Pittl he is going to start an interior perimeter. Sergeant Albert's video continued, but I stopped reviewing the footage as the use of force ended.
- 15:51:26 hours:** End of video.

OFFICER MARTENS' BWC FOOTAGE

- 15:26:26 hours:** Start of video.
- 15:28:12 hours:** Officer Martens walked over to the group of officers standing behind the ARV. Officer Martens is positioned just behind Detective White (information from this briefing already covered under Detective White's BWC).
- 15:34:13 hours:** Officer Martens walked back to his patrol vehicle to get his K-9 partner Matsjo.
- 15:34:40 hours:** Officer Martens and K-9 Matsjo took a position to the right of the ARV behind all the other officers involved.
- 15:35:02 hours:** Officer Jewell yelled, "Positive ID. Positive ID at the door."
- 15:35:51 hours:** Officer Martens told officers, "He had a knife, did you see that?"
- 15:37:47 hours:** The window breach team approached the window.
- 15:38:10 hours:** Officer Repetto showed Officer Martens several bean bag rounds to confirm the rounds were less lethal. Officer Repetto took a position at the front of the ARV.
- 15:38:42 hours:** Officer Jewell said, "At the door barricading the door."
- 15:38:43 hours:** Officer Jewell said, "Door open." Chavez walked out the front door.
- 15:38:46 hours:** An officer told Chavez to "Drop the knife." Officer Repetto fired his less lethal shotgun for the first time.
- 15:38:47 hours:** Officers fired multiple lethal and less lethal rounds.
- 15:38:49 hours:** All rounds ceased. Officer Martens did not use force during this officer involved shooting.
- 15:38:52 hours:** Officer Martens repositioned himself to the rear of the ARV and observed Chavez lying face down with a head injury.
- 15:39:17 hours:** Officer Martens secured his K-9 partner Matsjo in his vehicle. Officer Martens video continued but I did not review it further as the officer involved shooting already occurred.
- 16:00:52 hours:** End of video.

SERGEANT GORA'S BWC FOOTAGE

- 15:32:14 hours:** Start of video. Sergeant Gora was standing behind the ARV.
- 15:38:06 hours:** Sergeant Gora took a position at the hood of the ARV to the right of Officer Guillermo. Sergeant Gora pointed his pistol at the front of the residence.
- 15:38:16 hours:** Sergeant Gora holstered his pistol and verified the bean bag rounds Officer Repetto placed in the shotgun were less lethal rounds.
- 15:38:44 hours:** Sergeant Gora was positioned behind Sergeant Albert during the start of the officer involved shooting which blocked the BWC view.
- 15:38:48 hours:** One rifle round fired by Officer Guillermo can be seen.
- 15:38:49 hours:** All rounds ceased. Sergeant Gora did not use force during this officer involved shooting.
- 15:39:04 hours:** Sergeant Gora walked to Chavez's location and saw Chavez lying on the ground with Sergeant Pittl checking on him. Sergeant Pittl said, "I need medical," which Sergeant Gora relayed the information over the radio. Sergeant Gora ran to a nearby patrol vehicle to grab a medical bag.

- 15:39:44 hours:** Sergeant Gora arrived at Chavez with the medical bag. Chavez was monitored by officers until he was pronounced deceased.
- 15:41:30 hours:** I stopped reviewing Sergeant Gora's video as the UOF occurred and LPFD arrived on scene.
- 15:51:03 hours:** End of video.

OFFICER BATT'S BWC FOOTAGE

- 12:49:35 hours:** Start of video. Did not review the video until 15:33:00 mark. Officer Batt and Officer Koumiss were positioned on the West side of the residence behind a utility box with no visual of the front of the residence.
- 15:33:56 hours:** A diversionary device can be heard, and small plume of smoke observed. Over the next few minutes, commands given, radio traffic, and actions by the team can be heard but not seen.
- 15:38:44 hours:** Officer Batt and Officer Koumiss repositioned from the utility box to the corner of the building with visual toward the front of the residence.
- 15:38:46 hours:** The first less lethal round can be heard.
- 15:38:47 hours:** Multiple lethal and less lethal rounds can be heard.
- 15:38:49 hours:** All rounds ceased. Officer Batt did not use force during this officer involved shooting.
- 15:44:26 hours:** End of video.

OFFICER KOUMISS' BWC FOOTAGE

- 12:50:05 hours:** Start of video. Did not review the video until 15:33:00 mark. Officer Batt and Officer Koumiss were positioned on the West side of the residence behind a utility box with no visual of the front of the residence. Officer Koumiss had an FN303.
- 15:33:57 hours:** A diversionary device can be heard, and small plume of smoke observed. Over the next few minutes, commands given, radio traffic, and actions by the team can be heard but not seen.
- 15:38:45 hours:** Officer Koumiss and Officer Batt repositioned from the utility box to the corner of the building with visual toward the front of the residence.
- 15:38:47 hours:** The first less lethal round can be heard.
- 15:38:48 hours:** Multiple lethal and less lethal rounds can be heard.
- 15:38:50 hours:** All rounds ceased. Officer Koumiss did not use force during this officer involved shooting.
- 15:54:53 hours:** End of video.

LIEUTENANT GAMEZ'S BWC FOOTAGE

- 15:33:47 hours:** Start of video. Lieutenant Gamez was positioned at the command post with visual of the front of the residence.
- 15:33:52 hours:** The front door breach team was observed approaching the door.
- 15:37:02 hours:** Sergeant Pittl asked over the radio for clearance to break and rake the window and Lieutenant Stocking approved.
- 15:38:46 hours:** Chavez walked past the patio gate.
- 15:38:47 hours:** A less lethal round was fired and appeared to strike Chavez as he flinched. Chavez ran at the window breach team.

15:38:48 hours: Multiple rifle rounds and less lethal rounds were fired.

15:38:49 hours: All rounds ceased. Lieutenant Gamez did not use force during this officer involved shooting.

15:39:06 hours: End of video.

WITNESS #1'S CELL PHONE FOOTAGE

Video is 2 minutes and 35 seconds long. The timeframe will be referred to in minutes/seconds from the video.

The video footage was taken from the balcony above Doe's apartment and showed the front and middle driver's side of the ARV. At the start of the video, Officer Guillermo (with his rifle) was positioned behind the engine block of the ARV. Positioned behind him were Sergeant Gora, Sergeant Albert, and Officer Martens with his K-9 partner Mastjo. The emergency red and blue lights of the ARV are activated.

01 min 05 sec: Officer Repetto walked up to the front of the ARV with his less-lethal shotgun.

01 min 24 sec: Officer Jewell, with his rifle, was visible from the ARV turret port.

01 min 26 sec: Officer Repetto fired the first round of the bean bag shot gun (observed/seen on video).

01 min 27 sec: Witness #1 turned the cell phone which obstructed the camera view. The audio still functioned. One more bean bag round and several rifle rounds can be heard.

01 min 29 sec: No further rounds were heard. After ducking down due to the shooting, Witness #1 eventually pointed the camera outside again.

02 min 14 sec: Sergeant Gora was observed running with a medical bag.

02 min 35 sec: End of video.

INTERVIEWS

Lieutenant Stocking, Lieutenant Gamez, Sergeant Pittl, Sergeant Albert, Sergeant Gora, Officer Jewell, Officer Repetto, Officer Guillermo, Detective White, Detective Kroutil, Officer Jones and Officer Leonardo provided voluntary audio recorded statements at PPD. Some of them were represented by RLS Attorney Doug Foley and others elected to not have an attorney present. These interviews were audio recorded and later uploaded into Evidence.com by Detective Sheldon, Detective Barcelo or Sergeant Shuffield. The transcriptions of these interviews are attached in the supporting documents of this investigation and are also available on Evidence.com. Below is a synopsis of each interview.

OFFICER REPETTO'S INTERVIEW

Officer Repetto's interview was conducted on 02/17/22 at 2304 hours and was approximately 56 minutes in length. Present in the room were: Officer Repetto with Attorney Foley, Sergeant Shuffield, Detective Sheldon, DDA Bennett, DA Inspector Green, and I. Lt. Sarasua was listening in by conference call. Officer Repetto's statement was consistent with his BWC footage.

Officer Repetto stated he has been in law enforcement since February 2009. He was with Contra Costa County Sheriff's Office for five years before transferring to Pleasanton PD. Officer Repetto has a significant amount of training and experience as he was a former Detective and is currently assigned as a Field Training Officer.

On February 17th, Officer Repetto was assigned to routine patrol on dayshift and was in full police uniform. Officer Repetto was asked to assist Officer Jones on a domestic violence call at the Galloway Apartments. Officer Repetto described the events related to the domestic violence where the victim (Jane Doe) was physically assaulted causing visible injury, was suffocated with a pillow, and prevented from calling the police by the suspect (Cody Chavez). She was not able to leave for several hours until she had to leave for work. Officer Repetto learned Chavez had previously battered the victim and there were prior Emergency Protective Orders protecting Doe. Officer Repetto also learned Chavez's criminal history included assault with a deadly weapon, battery on a police officer, and resisting arrest. Additional units were requested due to Chavez's history and the felony domestic violence he committed today.

Sergeant Gora, Officer Koumiss, Officer Batt arrived on scene to assist Officer Jones and Officer Repetto. They formulated a plan to contact Chavez at the residence. Multiple attempts to knock on the front door and phone calls to Chavez were unsuccessful. One of the officers observed movement inside the apartment indicating Chavez was likely inside. Officer Repetto indicated the goal was to have Chavez exit the apartment and surrender peacefully. Officer Repetto pointed out that based on the violent felony crime, Chavez's criminal history, Doe's fear Chavez would kill her, and the fact Chavez was inside Doe's apartment officers were not going to walk away from this situation. Officer Repetto continued to describe all of the additional resources requested which arrived on scene to include: ARV, K-9, CNT Negotiator, tactically experienced officers, and two Lieutenants.

Officer Repetto described the events leading up to the use of force to include placing the robot, breaching the front door, and breaching the window in an attempt to establish communication. Officer Repetto wasn't initially part of this plan until Sergeant Albert asked him to get the less lethal shotgun. Officer Repetto ran over to his vehicle, grabbed the bean bag shotgun and loaded the first round while running back. He intentionally showed his camera the round to verify it was a bean bag round. Officer Repetto showed rounds 2-4 to Officer Martens and Sergeant Gora before loading them up. Once loaded up, Officer

Repetto took a position at the hood of the ARV looking at the front door. Officer Repetto described the use of force as follows (from transcription of interview):

Detective Sheldon *Um, so at what point, when did you actually draw or point the shotgun and then actually fire around?*

Officer Repetto *So at that point, I'm now, um, have the shotgun pointed towards the front door and he comes out pretty quickly. After that he had a knife in his hand, it was a very large knife and he comes out of the door and just makes a B line towards the officers that were on the other side, the stack that I had saw, he went right towards him. And, um, at that point I, I had to, I can't tell you exactly how many, less lethal rounds I put out. I think I remember at least two. I don't know if I ended up doing all four, it kind of became a blur at that point. I remember the first one went out. I tried to hit him in the thigh. It looked like it did hit him in thigh. He kept moving towards them. And I can tell you if I let another one or two go after that.*

Detective Sheldon *Okay. Do you know if you, did you say anything? Do you know if you said anything?*

Officer Repetto *Um, I don't remember if I said anything at that point, it happened so quick because he moved right towards them and the way he was holding that knife, it was very aggressive. And I didn't think there was time to try and give him a warning and wait to see if he was going to comply. Looked like he was running at them to try and kill someone over there. So it seemed imminent.*

Detective Sheldon *Okay. And you, how many times you fired, you said maybe two, maybe four?*

Officer Repetto *In between two and four.*

Detective Sheldon *Okay. Um, did you reassess after each shot?*

Officer Repetto *So, well I, the first one, it looked like a hit in the leg. So I assessed that one. After that it became a blur because he, you know, he was running quickly towards them. I thought he was going to try and kill somebody over there. I didn't know what was about to happen to him. The next thing I know he's on the ground and that it happened like a flash.*

Detective Sheldon *Okay. Uh, Were you in fear for your life? If so why? And at what point?*

Officer Repetto *I was in fear for my life. The second he came out, holding that knife in an aggressive manner. I knew that I was by myself pretty much on the right side of the ARV and the way that he came out aggressively. If he came out towards me, I was holding the wrong kind of weapon. I wouldn't want to have a less lethal weapon. That was, you know, it was a scary moment at that moment when he was heading towards my partners over there, that was a terrifying moment as well, because he had that knife out. I was praying when I hit him with that less lethal round, that that would drop him. When I saw him keep running. It was terrifying. I didn't know if he was going to make it all the way over there. He seemed very close. He was getting close to them.*

Detective Sheldon *When did you perceive the threat to be over?*

Officer Repetto He, like I said, it happened very fast and um, he went to the ground and at that point I didn't think that he was going to be getting back up.

Detective Sheldon Um, were you afraid and if so, describe for me what caused you to fire your weapon?

Officer Repetto Uh, yeah, I was definitely afraid. Um, I've had similar situations like this, where we've had to have a plan and we've had less lethal. And typically when we encounter somebody usually they'll drop a weapon or it will kind of, you know, deescalate at that point, but he just seemed the way he came out and his intention to come at us. It was scary. And he had a big knife in his hand and you're just, it was scary.

Detective Sheldon What physical changes took place with your body during this incident? Your senses hearing vision?

Officer Repetto Yeah. It's funny. They talk about tunnel vision and I've experienced that for my career, but in that moment I saw him come out. I couldn't tell you what anybody said. Couldn't tell you what words were said. It was, I was laser focused on him and, um, yeah, I mean was definitely a change.

Detective Sheldon How did you feel before, during and after the incident?

Officer Repetto Um, well, you know what I mean, since like this it's terrifying because we go to so many calls like this, where it feels like this could happen and we use all our techniques and everything that we've taught and trained, and most of the time everything ends up at results and it's okay. And then you go to an incident like this, where you see someone that's just hell bent on hurting somebody. And it's, it's just makes you think about, you know, doing this job and the future of this and just encountering people like this. Cause it it's out there. And it was, it was just close. I mean, a lot of people that I care about were out on that scene and somebody's running it then with a knife In his hand.

Officer Repetto further explained the attempts to de-escalate the situation prior to the use of force, the size of the knife, proximity of Chavez to the officers, and the imminent threat he presented. Officer Repetto believed Chavez's actions escalated the situation which resulted in the use of force. Officer Repetto stated in the interview:

Officer Repetto He escalated the situation a hundred percent. I mean, we tried everything we could to reach out to him to talk to him, to resolve it peacefully. And, um, you know, this was the end result. I mean, he, like I said, when he came out, he came out with a purpose.

After Officer Repetto used force on Chavez, he assisted with clearing the interior of the residence before being sequestered and brought to Pleasanton PD.

DETECTIVE WHITE'S INTERVIEW

Detective White's interview was conducted on 02/17/22 at 1119 hours and was approximately 44 minutes in length. Present in the room were: Detective White with Attorney Foley, Sergeant Shuffield, Detective

Barcelo, DDA Bennett, DA Inspector Green, and I. Lt. Sarasua was listening in by conference call. Detective White's statement was consistent with his BWC footage.

Detective White has been with the Pleasanton Police Department as a police officer since September 2015. Detective White is currently assigned to the Special Enforcement Unit and holds collateral assignments as an operator on the East County Tactical Team, Instructor on the Force Options Group and as a Field Training Officer. Detective White is a less lethal weapon instructor to include the FN303.

On February 17th, 2022, Detective White started his shift at 0800 hours. He was wearing plain clothes with a tactical over vest with the word "POLICE" on the front and back and his badge displayed. Detective White returned to Pleasanton Police Department after being a part of an ECTT mission in Livermore where they apprehended a wanted suspect without incident. He observed Sergeant Pittl, Sergeant Albert and Sergeant Lewellyn preparing the armored rescue vehicle. They advised Detective White to grab his equipment to include the FN303 that Detective White had with him. Detective White understood he was going to assist on a call of a felony domestic violence where the suspect placed a pillow over the victim's face, caused visible injury, and took her cell phone. Detective White was also briefed on some of Chavez's criminal history.

Once on scene, Detective White was designated as less lethal cover with the FN303. Detective White stated there were multiple attempts to have Chavez exit the residence to include verbal announcements, PA announcements in English and Spanish, and phone calls to Chavez's phone. Detective White indicated he did the Spanish PA announcements. Detective White stated they were waiting on a Ramey Warrant to be signed before proceeding with any further actions. Once the warrant was signed, Detective White was a part of the front door robot deployment and breach team. Detective White remembered seeing someone pushing back against the front door. Verbal announcements were made to have Chavez exit with his hands up, but he refused. The front door breach team backed away from the door.

A few minutes later, Detective White was designated to assist the window breach team as less lethal cover. The goal of breaking the window and blinds out was to fly a UAV into the residence to assist with intelligence and de-escalation. Detective White stated Detective Kroutil and Officer Leonardo were designated as lethal cover and Officer Jones was designated to break the window. While Officer Jones was breaking the blinds out, Chavez exited the apartment with a large knife and fixated on Detective White. Detective White was afraid Chavez was going to stab him. The below quoted statement is from a portion of Detective White's transcribed statement.

Detective White *So at that point, yes, I was prior to that. Yeah, of course. For all your sense, they're always hiding. You're scared, right? Especially given the history, his stature, all that kind of stuff, but then he fixates and comes at you without a doubt that was fearful.*

Detective Barcelo *What did you believe the suspect was going to do?*

Detective White *I thought he was gonna stab me.*

Detective Barcelo *Okay.*

Sergeant Shuffield *Did it look like he was trying to escape?*

Detective White *No, it looked like he was, you know, how they describe a thousand yard stare. Right. It looked like he was fixated on us coming towards us.*

Detective White stated he took a few steps back, thought he said “less lethal” and fired several rounds from the FN303 at Chavez’s center mass (torso) until he perceived the threat was over (once Chavez was on the ground). Detective White thought he only fired one or two rounds but later realized it was about half the magazine once he saw the magazine. Detective White indicated he was not sure if his rounds struck Chavez or if they affected him. Detective White stated this incident happened so fast he didn’t even have time to transition to his pistol. The below quoted statement is from a portion of Detective White’s transcribed statement.

Sergeant Shuffield *I want to rewind one quick second. And you said he's got a knife he's coming at you? Um, you're firing FN303 rounds. Um, what is, what's going through your mind as far as your firing these rounds for what purpose and what's your concern?*

Detective White *Uh, so my concern is I don't have time to transition to my firearm, is my concern, uh, because of the fact that he's closing the distance so quickly towards me.*

Sergeant Shuffield *What do you think he was going to do?*

Detective White *Stab me. Either stab me or I think Leonardo was still off to my side. One of us.*

Sergeant Shuffield *And with him coming at you, did you have any other options?*

Detective White *I didn't even have time to transition.*

Detective White believed that if Chavez was not shot by the other officers, he or Officer Leonardo would have been stabbed. After the officer involved shooting, Detective White saw Sergeant Pittl and other officers rendering medical aid to Chavez. Detective White placed the FN303 on the passenger floorboard of the ARV, provided a public safety statement and then was sequestered at the station until his voluntary statement.

OFFICER GUILLERMO’S INTERVIEW

Officer Guillermo’s interview was conducted on 02/18/22 at 0012 hours and was approximately 48 minutes in length. Present in the room were: Officer Guillermo with Attorney Foley, Sergeant Shuffield, Detective Sheldon, DDA Bennett, DA Inspector Green, and I. Lt. Sarasua was listening in by conference call. Officer Guillermo’s statement was consistent with his BWC footage.

Officer Guillermo was hired by Pleasanton PD in March of 2017. Prior to Officer Guillermo’s time with Pleasanton PD, he was a Contra Costa County Deputy for approximately two years. Officer Guillermo holds collateral assignments as an operator on the East County Tactical Team and as a Field Training Officer. Officer Guillermo is a certified firearms instructor and has experience with rifles due to his time on ECTT.

On February 17th, 2022, Officer Guillermo started his shift at about 0830 hours. He was wearing plain clothes with a brown plate carrier over-vest with the word “POLICE” on the front and back. His badge was displayed on his drop leg holster. Officer Guillermo brought and used his ECTT issued PWS MK111

.223 caliber rifle during this officer involved shooting. Officer Guillermo stated he last qualified with this weapon at Department Training in November 2021. Officer Guillermo returned to Pleasanton Police Department after being a part of an ECTT mission in Livermore where they apprehended a wanted suspect without incident.

Officer Guillermo responded to the scene in the ECTT transport vehicle. After Officer Guillermo was on scene, he was told the facts of the case and the criminal history of Chavez which included assault with a deadly weapon. Officer Guillermo went on to describe multiple de-escalation attempts through techniques communication which were previously mentioned in this memorandum. After the front door was breach, Officer Guillermo remembered someone calling out positive ID of Chavez inside the residence.

Officer Guillermo was positioned at the hood of the ARV when the window breach team approached the window. Officer Guillermo described the moment he observed Chavez exit with the knife and charge towards officers. The below quote is from Officer Guillermo's transcribed statement.

Detective Sheldon *There's a window on that door that you can see right through?*

Officer Guillermo *Yeah. And they're, they're using, I can clearly see them raking it and they're having trouble with the blinds. So they're constantly hitting the blinds and tried to rip it, but they're having an issue doing that. Um, and then as they were doing that, at some point, he opened the door and as soon as he opens the door, he steps in the doorway. And I see, uh, a large, I think it was a black knife. Uh, it looked pretty big from where I was, uh, he's holding it. I don't remember which hand he's holding him, but, uh, I could see the fist and then the blade, I'm pretty sure it was going downwards. Um, and then, so at that point he steps out of the doorway, uh, onto that little patio area, um, and starts walking forward. Uh, the other officers are still working on that window. Uh, and then commands are being given by someone to the left of me, uh, as soon as I think, when I saw the knife, I started yelling, drop the knife. And then I think there was quite a few people that also yelled drop the knife, cause we all saw the large knife. Um, but as soon as he started walking forward, I heard, I knew there was less lethal people to the right of me. Um, I heard them fire several less lethal rounds, uh, in his direction and he still, he's not coming forward anymore, but he's advancing to the, to his right, towards the officers that were over by the front window. Um, and so I kind of paused to see if the, the less lethal rounds have any effect on him, and it didn't look like any of the rounds had any effect on him. He kept, I saw him flinch but he kept moving towards the other officers. So at that point, I mean, he was close enough to where he probably could, uh, start stabbing whoever, uh, the officers that were there. So it was at that point, I felt, um, I was scared for the officer's safety that we're over by the window. So that's when I fired, I want to say at least two, three, maybe four rounds. And then I don't, he kept moving forward, but I had to stop firing because the windshield, of the ARV,*

Officer Guillermo clarified that he fired his rifle while looking through the red dot optic and aiming at Chavez's body at shoulder height. Prior to firing his rifle, Officer Guillermo noticed a less lethal bean bag round struck Chavez as he flinched but it did not stop or slow him down. Officer Guillermo felt he had to fire his rifle due to the threat Chavez presented, and the fact he was a short distance away from the window breach team. Officer Guillermo estimated this distance to be seven to eight feet away. Officer Guillermo did not have time to reassess after ever shot and he fired his rounds in succession. Officer Guillermo fired because he was fearful for the safety of the officers near the window (statement from the transcript):

Officer Guillermo *I knew, for me because I was behind the ARV and I had people to the right of me, I've felt a little safer, but my main priority was the officers by the window. I was scared for them, uh, for their life and their safety because of how large the knife was. And he was moving directly at them.*

Detective Sheldon *So were you afraid at all and if or were you afraid for the other officers?*

Officer Guillermo *I was still afraid. We're not used to having people with knives and, um, but I was definitely afraid for the other officers that were in that direction where he was walking to.*

Later in the statement:

Sergeant Hunter *Um, who escalated the situation?*

Officer Guillermo *I believe he did.*

Sergeant Hunter *How?*

Officer Guillermo *Uh, I believe that he made the choice of coming out of the apartment, knowingly and willingly holding a knife, uh, and advancing towards officers.*

Sergeant Hunter *Okay. And based on that, you believe he intended using what kind of force on them?*

Officer Guillermo *I believe he was, he had the intent of causing either death or great bodily injury to them.*

After Chavez was shot and lying on the ground, Officer Guillermo noticed another officer checking on Chavez. Officer Guillermo cleared the interior of the residence with a team of officers before relinquishing his rifle to Sergeant Lewellyn. Officer Guillermo was sequestered and brought back to the station.

OFFICER JEWELL'S INTERVIEW

Officer Jewell's interview was conducted on 02/18/22 at 0134 hours and was approximately 56 minutes in length. Present in the room were: Officer Jewell with Attorney Foley, Sergeant Shuffield, Detective Barcelo, DDA Bennett, DA Inspector Green, and I. Lt. Sarasua was listening in by conference call. Officer Jewell's statement was consistent with his BWC footage.

Officer Jewell was hired by Pleasanton PD in 2016 to attend the police academy at ACSO. In March 2017, he was sworn in as a police officer. Officer Jewell holds collateral assignments as an operator on the East County Tactical Team, a Field Training Officer, and as an instructor on the Force Options Group. Officer Jewell is a certified firearms instructor and has experience with rifles due to his time on ECTT.

On February 17th, 2022, Officer Jewell was in the gym at the station when he was advised to start work 30 minutes early (at 1330 hours) to assist with a domestic violence suspect. He was wearing his normal police uniform which included the load bearing vest. Officer Jewell brought and used his ECTT issued

PWS MK111 .223 caliber rifle during this officer involved shooting. Officer Jewell did not remember when he last qualified with his rifle but does receive regular training with the ECTT.

Officer Jewell responded to the scene and met with other officers/sergeants behind the ARV. Officer Jewell was briefed on the situation and shown a picture of Chavez. Officer Jewell spent time in apartment #106 to understand the layout of #105 as it was a mirrored unit. Afterwards, Officer Jewell returned to the ARV where he took a position at the turret port with his rifle. Officer Jewell observed the robot deployment team set the robot near the front door. A short time later the same team breached the front door with a ram. When the door opened, Officer Jewell observed someone pushing back on the door. Once the door breach team retreated, Officer Jewell identified the subject at the door to be Cody Chavez. Officer Jewell heard a fellow officer state Chavez had a knife. Officer Jewell could see an object in his hand but could not immediately make out what it was. Officer Jewell gave constant commands for Chavez to exit with his hands up while announcing Chavez's movement to fellow officers.

Officer Jewell knew based on radio traffic the window breach team moved up to the window. As the team was breaking and raking the window and blinds, Officer Jewell noticed the front door quickly and completely open. Chavez emerged holding a large kitchen knife. Officer Jewell described the incident as follows (from transcribed statement):

Detective Barcelo *Okay. So tell me what you saw and what you told us aspect when he emerged with the knife?*

Officer Jewell *I don't recall exactly what I said when he emerged. Um, I, I vaguely recall saying that the doors open and, um, after that, it, it was, everything was so fast. Um, he comes out, he's holding a large kitchen knife, um, and clearly saw that, um, he comes out and in what seemed to be one fluid motion. All of a sudden he looked like he looked over to where, uh, some of my fellow officers were at the back of the ARV, which was to my left or his right. Um, he was facing directly at me. Um, it looked like he looked directly at them and, um, as soon as he looked directly at him, uh, he immediately started to, what I appeared to see, um, running in the direction of those officers*

Detective Barcelo *And tell me what happened after that.*

Officer Jewell *Uh, so as he came out and looked at them, um, as he, uh, all of a sudden, uh, took a quick movement, those officers and what appeared to mean to be running at those officers. Um, I was in the turret, as I stated, I was looking through the porthole, however, the porthole is very small on the turret lid. Um, so I read a position myself to the side of the turret so I could get a better picture in view, um, all while he's coming out, as he looks at the officers and turns at them, I fired my, uh, my rifle, um, at the suspect.*

Detective Barcelo *Okay. Do you know how many rounds?*

Officer Jewell *I do not, but I shot until, uh, he was no longer a threat.*

Detective Barcelo *Okay. Do you remember the suspect holding the knife in any kind of threatening manner?*

Officer Jewell *Yes.*

Detective Barcelo Okay. And, um, what do you think, what did you believe was going to happen if the suspect reached to your fellow officers?

Officer Jewell He was going to kill my fellow officers.

Detective Barcelo Okay. So do you recall how far the suspect was in relation to the fellow officers that were breaching?

Officer Jewell I do not have an, uh, an exact distance. Um, however, um, he was within a distance where if I didn't, uh, shoot him at that point, he was gonna stab and kill my fellow officers that were at the back of the ARV.

Detective Barcelo Did you...

Sergeant Shuffield Were they in a position what you saw where they could defend themselves?

Officer Jewell I did not believe they could defend themselves.

Sergeant Shuffield Where were you aiming at when you shot?

Officer Jewell I was aiming at him.

Sergeant Shuffield Do you, is there a particular part of his body of your call or?

Officer Jewell Uh, I was aiming center mass.

Sergeant Shuffield Okay. Do you know if you hit him?

Officer Jewell I do not. I shot, as I stated, I shot until he was no longer a threat I shot until I observed him fall on the ground.

Sergeant Shuffield Do you think from what you saw, did it appear that he was trying to escape?

Officer Jewell It appeared that he was trying to attack and kill our fellow officers.

Officer Jewell goes onto to explain that if Chavez wanted to escape, Chavez would have gone a different direction. Officer Jewell believed he had no other option but to shoot Chavez to save his partners from great bodily injury or death. After Chavez was shot and lying on the ground, Officer Jewell exited the ARV to confirm Chavez was no longer a threat and to render medical aid. Once Officer Jewell recognized two other officers were monitoring Chavez, he informed Sergeant Pittl that he shot. Officer Jewell was immediately pulled away from the scene, placed his rifle in the back of an unmarked police vehicle, and was sequestered at the station.

LIEUTENANT STOCKING'S INTERVIEW

Lieutenant Stocking's interview was conducted on 02/18/22 at 1745 hours and was approximately 1 hour and 27 minutes in length. Present in the room were: Lieutenant Stocking, Sergeant Shuffield, Detective Sheldon, and I. Lieutenant Stocking chose not to have legal representation.

Lieutenant Stocking was hired by Pleasanton PD in July 2008. Lieutenant Stocking has a plethora of training related to tactics and investigations as he has held various assignments to include being a CIU Detective, Force Options Group Instructor, and on the ECTT as an operator and formal leader. He currently holds the position of Tactical Commander on the ECTT. He has also been to an extensive amount of training courses.

Lieutenant Stocking started his shift around 0800 hours that morning for a leadership meeting and an ECTT operation in Livermore. The operation was successful as the suspect was apprehended without any force being used. On February 17th at about 1200 hours, Lieutenant Stocking heard a tone out on the radio and overheard officers being sent to a domestic violence call with the suspect presumed to be inside of the apartment. Once Lieutenant Stocking heard Sergeant Gora ask for the ACSO UAV Unit, he went into the Lieutenant's office (based on his tactical experience) to see how he could help. Lieutenant Stocking asked Sergeant Albert and Sergeant Lewellyn to assist by bringing the ARV to the scene while he attempted to get more intelligence from Dispatch. Lieutenant Stocking ultimately made his way up to the scene.

Once on scene, Lieutenant Stocking was working with Lieutenant Gamez and Sergeant Pittl. Sergeant Pittl was bouncing back and forth from the Command Post to the back of the ARV providing intelligence to the Lieutenants and to the officers. Lieutenant Gamez provided Lieutenant Stocking with a rundown of the resources and personnel on scene, and both agreed it was sufficient for the situation. Both Lieutenants agreed this was a patrol function and they were going to take it slow. Based on the crimes committed, Chavez's criminal history, the victims desire for prosecution, the concern of future harm to the victim, prior Emergency Protective Orders being issued, and Chavez being in the victim's place of residence, the decision was made the police were not going to walk away without trying to arrest him. From the transcript of Lieutenant Stockings's statement:

I realized this there's some history of him not going peacefully with police, but that we're in a situation where we need to make, um, an effort to take him into custody. Um, we, we realized, uh, I realized that there was no, this is not a situation where we could, um, simply walk away because doing so would put the victim right in future harm. However, um, in speaking with Lieutenant Gamez, we planned to take it, take it slow.

In addition to the resources already on scene, Lieutenant Stocking asked for two negotiators to arrive on scene to assist. Officer Lengel and Officer Furphy arrived on scene to assist. They took time to meet with the victim prior to contacting Chavez by phone. While this occurred, there were numerous announcements made over the PA system to have Chavez exit the apartment in both English and Spanish. An arrest warrant was also being authored. When Officer Lengel did get a hold of Chavez by phone, he stated he was in San Jose and hung up. Lieutenant Stocking then went on to explain the goal and plan of the operation in his voluntary statement as follows (from transcription):

So, and this was a culmination of discussing with, uh, you know, Sergeant Pittl, um, Sergeant Gora, Lieutenant Gamez, the drone team, the canine handler, um, negotiations. It was kind of a

lot, there's a lot of input on this. And, uh, what we recognized was, um, he was in there, and we wanted him to come out peacefully. That was the ultimate goal and to come out peacefully so that we could arrest him outside. Um, we didn't want to go inside of the apartment to arrest him. Um, but since he wasn't coming out, what we have found successful before is if we can breach the door, um, so that the doors open and then send in either a robot or a drone to kind of see where the suspect is, uh, that can prompt. Okay, you know, the game's over, I'm going to come out peacefully because you guys have gotten into my house. Also, it gives us a lot of intelligence as to where he is in the house. Someone had mentioned that on a previous incident, he had hidden under a blanket. Um, I believe that was told to me by somebody, I cannot remember who said that, um, but robots can get in there and kind of see where, where they are. So the plan was to breach the door, to send in our tactical robot and kind of use the robot to prop the door open. So it didn't shut back on itself. The robot could then get some visual assessment of the apartment, but, um, then to send in some interior drones from the Sheriff's office, which can actually very efficiently navigate through an apartment, um, with cameras on them, we have a live feed, and if we could see where he was, um, and then communicate him via the two way communication features on the robot, um, we could continue negotiations there. And I actually prompted, um, officer Lengel and officer Furphy that if we make establish some two way communication, we would move them up into a position. They were pretty close, but we would move them into a position to actually take over that communication with, with, with the suspect and, and, and use their training and tactics to, to gain verbal compliance that way. Um, we, we, we recognized some contingency issues, um, and, and planning them. We recognize that if, if for some reason that door did not work, um, we could break a window and send a drone in through the window.

Lieutenant Stocking continued his statement by describing the plan and contingency plans in more detail to include readiness checks and using apartment #106 as a walk-through in case entry was made. Lieutenant Stocking was informed an arrest warrant for Chavez (to include two felony charges for 273.5 PC and 236 PC) was signed by a judge. At around 1530 hours, Lieutenant Gamez and Lieutenant Stocking gave Sergeant Pittl permission to proceed with the plan. From Lieutenant Stocking's position at the command post, he was able to hear some of the noises occurring, but he was not able to see what was happening outside of UAV footage. After the shooting occurred, Lieutenant Stocking grabbed a medical bag and brought it to the officers attending to Chavez and observed his major head wound. Lieutenant Stocking observed officers and sergeants completing all the necessary tasks post an officer involved shooting. Lieutenant Stocking notified Captain Cox of the officer involved shooting.

LIEUTENANT GAMEZ'S INTERVIEW

Lieutenant Gamez's interview was conducted on 02/19/22 at 1312 hours and was approximately 1 hour and 08 minutes in length. Present in the room were: Lieutenant Gamez, Sergeant Shuffield, Detective Sheldon, Officer Emmett, and I. Lieutenant Gamez chose not to have legal representation and his statement was consistent with his BWC footage.

Lieutenant Gamez was hired by Pleasanton PD in July 2005 and has been in law enforcement since 2000. Lieutenant Gamez has extensive training related to tactics and investigations as he has held various assignments to include being an SEU supervisor, Force Options Group Instructor (current manager of the unit), and ECTT operator.

Lieutenant Gamez started his shift at 0600 hours as he is the Team 1 Watch Commander. Lieutenant Gamez heard officers responding to a domestic violence call for service. When Officer Jones asked for a

supervisor, Lieutenant Gamez responded. Lieutenant Gamez met with Sergeant Gora who briefed him on the call and suspect's history. They established a command post and requested additional resources as Chavez was suspected to be inside of Doe's apartment. Lieutenant Gamez was the incident commander of this operation.

Knowing Chavez was likely inside and possibly hiding (a tactic he used previously), officers attempted to breach the front door by using an access code. The goal was to breach and call Chavez to them or send in a UAV to locate him. When the access code was entered into the door, officers could hear the mechanics of the door operating but the door would not open as something or somebody was stopping it. As this tactic was not successful, additional resources arrived to assist.

Lieutenant Gamez stated they could not walk away from this situation based on the seriousness of the crimes committed and continual victimization of Doe by Chavez. Lieutenant Gamez pointed out the Gabby Petito case which was nationally televised. Lieutenant Gamez understands there is a cycle of violence when it comes to domestic violence and there is a need for law enforcement intervention to help the victim break the cycle.

Lieutenant Gamez said the operational goal was to establish communication with Chavez for a peaceful surrender. From the transcript of Lieutenant Gamez's statement:

Um, so at, um, once the Ramey warrant was approved by the magistrate, then that's when the plan was, um, was, uh, going to be put in place. And my plan simply I shared with Sergeant Pittl is I want to breach the door, open the door and then have ACSO send their drone in and just to get intelligence of where he may be, um, because of the previous incidents where he was hiding under, um, clothing and things like that. So we knew he was in there and we just didn't want, there was no talk or plan to enter that apartment and create a violent confrontation with him. We didn't want to do that. We wanted to slow things down and maybe start communicating with him, um, with the technology that we had out there. For example, my understanding with Lieutenant Stocking, uh, at the command post is that our robot is able to communicate back and forth with that, with the individuals.

In a later statement, Lieutenant Gamez further explained the goal of the operation:

Anything we do in any kind of operation or any kind of a event or a call or incident? Our goal is to end things peacefully. And that was our goal here, is, was to end things peacefully. Um, obviously his actions prevented that. Um, but our goal main goal was to get him out of the apartment, to put handcuffs on him, and take him to Santa Rita for the domestic violence incident that occurred that day.

Lieutenant Gamez had a limited view of the officer involved shooting as he was at the command post. He overheard officers give commands to Chavez to drop the knife. Lieutenant Gamez observed Chavez charge at officers and fall to the ground after being shot. Lieutenant Gamez remained at the command post for scene management.

SERGEANT PITTL'S INTERVIEW

Sergeant Pittl's interview was conducted on 02/19/22 at 1429 hours and was approximately 1 hour and 03 minutes in length. Present in the room were: Sergeant Pittl, Sergeant Shuffield, Detective Sheldon, Officer Emmett, and I. Sergeant Pittl chose not to have legal representation and his statement was consistent with his BWC footage.

Sergeant Pittl was hired by Pleasanton PD in August 2009. Sergeant Pittl has significant experience and trainings related to tactics. Sergeant Pittl is currently a team leader on the East County Tactical Team and an instructor on the Force Options Group. Additionally, he has detective experience with CIU and SEU.

Sergeant Pittl started his shift at 0800 hours for a leadership meeting. At 1000 hours, Sergeant Pittl left the meeting for an ECTT operation in Livermore. The operation was successful as the suspect was apprehended without any force being used. Sergeant Pittl returned to Pleasanton PD to leave when he received a phone call from Sergeant Albert advising him of the situation. Sergeant Pittl met with Sergeant Albert and Sergeant Lewellyn at the back lot of the PD. They deployed in the ARV "Code 3" to the scene. Sergeant Pittl drove and parked the ARV parallel and close to the front door of Doe's apartment to use as a shield for protection.

Sergeant Pittl met with Sergeant Gora, Lieutenant Gamez, and Lieutenant Stocking for a briefing of what transpired prior to his arrival. Afterwards, Sergeant Pittl relayed to officers at the scene the plan of action. Sergeant Pittl stated they made numerous PA announcements with different officers and sergeants to include announcements in Spanish. Chavez refused to exit during these commands. As a Ramey warrant was being authored, Sergeant Pittl took time to conduct briefings and rehearsals to those involved. Sergeant Pittl explained the importance of establishing communication with other means than the PA system and the plan of action in his interview (transcription below):

Sergeant Pittl *So, uh, the main reason is we need to get him to come out peacefully a hundred percent. That is why we need to talk to him because if we're not, we can say whatever we want on the PA all day long. But if we can't hear anything he's saying that we don't know, um, what his mindset is, what his thoughts are. Is he willing to come out? Is he looking for something, a negotiation? Does he want something for us to give him before he comes out? Um, does he want to do it in a certain way on his own terms? Uh, whatever that may be, whatever that looks like. If we're not talking to him, we have no idea. So we have to be able to talk to him to get him to come out, um, and surrender to us so we can, um, bring us a successful conclusion. Um,*

Detective Sheldon *Um, he was obviously not cooperating with that in the sense of trying to have any kind of communication or the CNT team,*

Sergeant Pittl *Correct, CNT team.*

Detective Sheldon *Or you guys?*

Sergeant Pittl *From us, no, absolutely not. Nobody up front of the CNT team. I think they may have spoken with him. I know for a fact that they, he told them that he was in San Jose. That definitely happened. Um, what more conversation happened. I I'm, I'm not sure. Um, but it was basically not enough to convince him to come out or for him to give demands or anything else like that. It was a very short conversation from what I understand. Um, moving further down the line,*

we had, we were planning to see what was going to happen if this continued, um, with no communication. And so eventually after all the robot, the drones, all this stuff, canine announcements at the front door, um, officer Marties and the lieutenants stated they were comfortable sending the dog into the apartment to try and, uh, um, locate the individual and apprehend him, um, if, if, uh, necessary. So we needed a plan on how we were going to do this safely. Um, how are we going to go take this individual into custody if maybe he is bit by the canine, if the canine alerts on the door. Okay, well now what are the steps we are going to, um, move safely to this door that he's now barricaded behind.

Once the Ramey warrant for Chavez's arrest was signed, Sergeant Pittl waited for two CSO's to block traffic on nearby streets prior to starting the plan. Sergeant Pittl, Officer Jones, and Detective White ultimately approached the front door to breach it open while Sergeant Lewellyn drove the robot into the residence. Sergeant Pittl observed Chavez slam the front door on the robot several times. Chavez was given commands to surrender but he refused to exit or respond.

Sergeant Pittl called for a break and rake as it appeared Chavez was attempting to keep the front door shut. The goal of the break and rake was to port open the window and deploy a UAV inside of the residence to establish communication. Sergeant Pittl designated Officer Jones to use the break and rake on the window along with a team of officers to assist with lethal and less lethal coverage. Sergeant Pittl cleared the break and rake plan with Lieutenant Stocking prior to the team movement.

As officers were breaking the window, Sergeant Pittl was behind the ARV looking through the driver's window toward the front door. He observed Chavez exit the residence and advance toward the break and rake team. Sergeant Pittl saw Officer Repetto deploy a bean bag shotgun at Chavez who appeared to be struck as he winced. As Sergeant Pittl moved to the rear of the ARV he heard shots fired from suppressed rifles. When Sergeant Pittl turned the corner, Chavez was lying on the ground. Sergeant Pittl immediately approached Chavez to check his welfare by looking for a pulse on his right arm. Sergeant Pittl requested medical aid and several other officers responded with medical bags until LPFD arrived on scene. Sergeant Pittl observed the head wound and stated based on his law enforcement experience he knew it was not survivable. Sergeant Pittl remained on scene to assist with the investigation and scene integrity.

SERGEANT ALBERT'S INTERVIEW

Sergeant Albert's interview was conducted on 02/22/22 at 1203 hours and was approximately 49 minutes in length. Present in the room were: Sergeant Albert, Detective Sheldon, and I. Sergeant Albert chose not to have legal representation and his statement was consistent with his BWC footage.

Sergeant Albert was hired by Pleasanton PD in January 2011. Sergeant Albert has significant experience and trainings related to tactics. Sergeant Albert was assigned as the Sniper Team Leader on the East County Tactical Team and an instructor on the Force Options Group. Additionally, he has detective experience with SEU and is currently in charge of the Alternate Response Unit.

On the morning of February 17th, 2022, Sergeant Albert started his shift in the morning for a leadership meeting. At 1000 hours, Sergeant Albert left the meeting for an ECTT operation in Livermore. The operation was successful as the suspect was apprehended without any force being used. Sergeant Albert returned to Pleasanton PD when Lieutenant Stocking advised him of the situation. Sergeant Albert met with Sergeant Pittl and Sergeant Lewellyn and deployed in the ARV "Code 3" to the scene.

Sergeant Albert provided an ancillary supporting role during this operation as Sergeant Pittl oversaw the tactical operation. Sergeant Albert was in charge of the cover team and to provide radio updates. The original cover team consisted of Officer Jewell (rifle, in turret), Officer Guillermo (rifle, front of ARV), Detective White (FN303, front of ARV), and Sergeant Albert (radio, front of ARV). Sergeant Albert understood the operational goal was to have Chavez surrender peacefully through communication efforts (from transcribed statement):

Well, I think that the ultimate goal is to, uh, get a peaceful resolution in the last, the last resort would be to make entry because that's only going to result in some sort of conflict. So every effort was made, every tool was utilized that was at our disposal to deescalate the situation and, and achieve a peaceful resolution. I think, um, those efforts, uh, include being patient, I think over an hour and a half of, uh, announcements being made and, uh, the utilization of crisis negotiation teams, members attempting to make contact with him via phone. Um, I, I think the plan to breach the front door, tactically retreat from that and utilize, uh, tools, uh, to make contact like the robot and the drones, um, were elements of, of attempting to deescalate and diffuse the situation. Uh, the best that we could. I think even the verbiage that we're using, you know, to, to reassure him, if he comes out with nothing in your hands, you will not be harmed. Um, uh, everything that we could do to convey that we were not there to, uh, with the intention of harm, um, was, was done. I think that, uh, for, uh, that's further emphasized by our presence and utilization of, um, of less lethal, you know, the less lethal options that we have available at this department primarily are less lethal beanbag, shotguns, tasers, uh, FN303, canine, all four of those elements were incorporate. I know I didn't get into the taser plan or hands-on or canine, but there was elements of all those on-scene at the ARV that were briefed and had roles. Um, uh, so I, I think every tool that I can reasonably think of that was at our disposal, um, at a patrol level was utilized, um, in an effort with the ultimate goal of hopefully obtaining a peaceful surrender and apprehension, um, to the situation.

As Chavez failed to comply with initial communication attempts, the front door was breached, and the robot deployed inside. Sergeant Albert observed Chavez had a knife in his hands when he attempted to keep the front door. Sergeant Albert relayed this information to the team over the radio.

Sergeant Albert heard Sergeant Pittl call for a window break and rake team which pulled Detective White (with the FN303) from the front of the ARV. Sergeant Albert immediately tasked Officer Repetto with obtaining a bean bag shotgun to provide a less lethal option at the front of the ARV. As the break and rake team was in the process of their task, Sergeant Albert observed Chavez exit the residence with a knife and charge toward officers. Sergeant Albert saw and heard the following per his statement (transcribed):

Sergeant Albert *Yeah. Um, while the team went up and did a break and rake and breach of the window, uh, the suspect, uh, Cody came out the front door, still armed with a knife. Um, and, uh, did what I can only describe as, uh, a, uh, a sh a stutter step or, uh, almost like a football juke where you didn't, I didn't know if he was going to go left or right. He was clearly looking to the left where he had a clear Avenue of escape versus the right where the breach team was. Um, still armed with a knife, he was already being given commands as soon as he was coming out the door. Um, and, uh, I know that I instructed, uh, officer Repetto to, to shoot the less lethal. Um, I saw that he was, uh, impacted with the less lethal munitions from the beanbag shotgun, and he, it had little to no effect. It was ineffective. He immediately, um, during that stutter step, uh, look to the right look like he made, um, visual confirmation with the breach team and charged, uh, right from the door, uh, towards the breach team with the knife still in hand. Um, uh, at that point, I, I know that he was engaged with the FN303, uh, but could not see that from my, my angle.*

Detective Sheldon *Were, did you hear it?*

Sergeant Albert *I could hear it.*

Detective Sheldon *Okay.*

Sergeant Albert *And then, uh, that was followed by, uh, uh, rifle fire from both, uh, officer Jewell up in the turret and, uh, Mario Guillermo over the hood.*

Detective Sheldon *Okay. Um, at that point, what did you do at that point?*

Sergeant Albert *I updated radio. I, uh, saw I repositioned and I saw that the suspect was down and, uh, appeared to have a fatal wound to his head. I immediately, uh, recognized that the team on the, uh, uh, the breach team to include Sergeant Pittl was moving forward to provide, uh, medical to the, down to individual. I stepped forward, uh, to provide a block and coverage on the open front door of apartment 105 and waited for additional units to, uh, meet with me and we did, uh, entered and cleared a apartment 105 of any other victims, um, inside.*

Sergeant Albert believes Chavez forced the situation based on his actions (from transcribed statement):

Cody, the suspect. I mean, I alluded to it earlier in my statement when I said that the most, one of the most important aspects I took from CIT is that, uh, in order for deescalation to work, there's an element of cooperation that's required. And, um, he made a conscious decision to, to come outside the home with, with a, uh, armed with a knife, a deadly weapon, he made the conscious decision to, uh, identify and target the breach team officers that were located directly to his right, where he had a less impeded path to the left, um, and to, to ultimately, uh, charge towards them with that weapon. Um, I believe with the intent to cause great bodily harm or death to the officers.

After the officer involved shooting, Sergeant Albert assisted with scene management.

SERGEANT GORA'S INTERVIEW

Sergeant Gora's interview was conducted on 02/23/22 at 1425 hours and was approximately 1 hour 13 minutes in length. Present in the room were: Sergeant Gora, Detective Sheldon, Detective Habib, and I. Sergeant Gora chose not to have legal representation. His statement was consistent with his BWC footage.

Sergeant Gora was hired by Pleasanton PD in June 2010 and has been a police officer since February 2004. Sergeant Gora has previously held assignments as a Field Training Officer, negotiator for CNT, detective, School Resource Officer, and Personnel and Training Sergeant.

On the morning of February 17th, 2022, Sergeant Gora started his shift at 0600 hours as the day shift supervisor. Sergeant Gora was requested to the scene by Officer Jones around 1230 hours. Officer Jones briefed Sergeant Gora about the details of the domestic violence. Sergeant Gora understood Chavez committed crimes of felony domestic violence, criminal threats, false imprisonment, and preventing Doe from calling the police. Sergeant Gora also learned the residence belonged to Doe and that on a previous (recent) domestic violence call for service Chavez hid underneath a pile of clothes.

Sergeant Gora and a team of officers attempted to contact Chavez by phone and by knocking on the door without success. Chavez refused to answer the door and was observed by officers peeking out a rear window. Officers attempted to use a digital passcode to unlock the front door which appeared to work mechanically but the door would not open because someone or something was preventing the door from unlocking. Officer Jones obtained a new code from the apartment management to try on the front door which had the same results. Sergeant Gora asked for additional resources to include the ACSO UAV Unit, K-9 Officer Martens, and LPFD to respond. Sergeant Gora overheard Sergeant Pittl advise he was enroute with the ARV and Lieutenant Gamez was also enroute.

Sergeant Gora set up a command post at the back of his vehicle and waited for additional resources to arrive on scene. Lieutenant Gamez took over the incident command and Sergeant Pittl oversaw the tactical operation. Sergeant Gora and his team of patrol officers were still responsible for the criminal investigation. Sergeant Gora explained that they were not going to walk away from the situation based on the crimes committed, Doe desiring prosecution and the fact Chavez was in Doe's residence.

Sergeant Gora was at the front of the ARV when the team was breaching the window. He observed Chavez exit with a knife in his hand and aggress towards the window breach team. Sergeant Gora thought he was going to have to shoot Chavez based on his positioning and what he was saw. He described the situation (from transcription of interview) as follows:

Detective Sheldon *Uh, officer, I'm sorry, so Cody Chavez, the suspect, walks out, take it over from there.*

Sergeant Gora *He walks out. He stammers at first, I think probably stepping over, tripping over the robot or something on the front steps. I don't know. I can't see his feet. As he stumbles out, I hear Jewell, just, in a very clear commands, like drop the knife, drop the knife, drop the knife. And um, I see, Cody Chavez kind of walks, so as he comes out the front door, you have to take a couple of steps to the East to, to access the little gate that separates the, the patio landing. And so he walks right to that gate. And I remember I see this knife in his hand. Uh, I'll be honest. I see it. Um, in my mind, I see it like in his left hand. And cause I remember when I'm like, he's going to stab himself in the neck right now, and just, that was a first worry, but yeah. Um, but then like in another second, I almost think it's in his right hand, but I really, I, so I couldn't tell you what hand the knife was in. I, I don't recall. I know it was this really large black, uh, kitchen knife that would, that, uh, you know, you used to cut a tri tip or something. It was a very big knife. It was black and it wasn't like black handle, silver. Uh, it was like all black knife. I remember I remember Jewell, um, hearing his voice and, and uh, drop the knife and drop the knife and Cody drop the knife and I'm looking at Cody and I go, uh, I just look into his eyes, and I go, this is, this is not, he's, he's going to kill himself or he's going to come after us. I don't. And, and it was almost like, uh, so I had, built like a, like a, I knew that officer Repetoo was to my right. I, I, I did like a little, like a line in my head, um, of if he passes his point, Eric, you have to shoot him. And I knew that and I thought about my backdrop was perfect. I would be shooting really to the front entry front door. So I didn't have any officers in between, you know crossfire situation. I knew that, um, there not like a joining apartment that I had to worry about, like the backdrop. So, uh, everyone tells you that time slows down and critical incidents and it does, its all the things that that happened simultaneously. And I remember going, like if he passes this like invisible wall, I think he will stab and kill Officer Repetto, I will have to, Eric, like you will have to, this will be your date. You will have to shoot him.*

Detective Sheldon And you had what, what a gun out?

Sergeant Gora And my, my, my, uh, department handgun, in my hand and I, um, and then it seemed like, um, Cody took this like deep breath in this bounding, like run. It just seemed like he was going from a standstill to a complete run but instead of turning left where I was, he turned right. And I, I remember, um, Tony, uh, sorry, officer Repetto firing. I could hear the shotgun firing to my right and I could see him racking the shotgun. Um, and then I heard other sounds. Um, and I, and I knew immediately, uh, I heard the sound of three suppressed or, or multiple. And I just remember three very distinctly three, three, um, suppressed rounds coming from my left. And I looked up and I can see, uh, uh, kind of smoke coming from the top of the turret where officer Jewell was. And I knew that sound was that he fired his AR. And then I heard "shots fired, shots fired". And, uh, I remember like looking like from where I was standing, is Chavez ran, um, and turned right, to his right. My, that my view was blocked. I have the windshield of the ARV. And then, then the whole body, the ARV is huge. I can't see, I could not see him. Um, and I didn't see him get shot. I didn't see, I just heard the sound of rounds. Definitely. I heard this sound with the shots/ I heard the rounds of the sound like SWAT rifles. I didn't realize til afterwards that multiple officers discharged the rifle.

Sergeant Gora stated Chavez was only about 10 feet away from officers when he charged at them with nothing in the way to slow or block his movement. Sergeant Gora believes Chavez intended to be killed by the police based on his actions.

OFFICER JONES'S INTERVIEW

Officer Jones's interview was conducted on 02/21/22 at 1327 hours and was approximately 45 minutes in length. Present in the room were: Officer Jones, Detective Sheldon, Detective Barcelo, and I. Officer Jones's chose not to have legal representation. His statement was consistent with his BWC footage.

Officer Jones was hired by Pleasanton PD in June of 2018. Officer Jones holds collateral assignments as an operator on the East County Tactical Team and as a First Aid Instructor. On February 17th, 2022, Officer Jones started his patrol shift at about 0600 hours. He was wearing a standard police uniform and assigned to beat two. Officer Jones and Officer Repetto were the first two officers dispatched to the domestic violence call for service. Officer Jones described his interaction with Doe as follows (transcription from interview):

Officer Jones The victim. Okay, cool. We met with the victim in the clubhouse. Um, I got a good statement from her, but I had spend like a half hour talking to her because based on what she was telling me, the situation I can, it was seems like a pretty bad domestic violence from probably the worst I've ever seen. She told me the victim, the victim said the suspect battered her approximately one month prior in Pleasanton. Um, she obtained a restraining order for that, since her, since the victim and the suspect were working out things, she decided to get rid of the restraining order or she's in the process of it. And around two in the morning, that morning, when this <inaudible> is all said and done, he went off the rails. Um, he's kind of, he got really mad at her. Uh, she tried to calm him down. She decided to walk out, go outside the apartment complex cause, in her words, if she was gonna start screaming, um, somebody would be able to hear her. Um, she went back inside shortly after. The suspect, grabbed her by the hair, kicked her in the face. Um, he then grabbed the pillow and try to in place of her face, pushing down on it. She told me she wasn't able to breathe because of that. After that she, um, he put her in the

one bedroom in the house where he locked her in there. Um, after he, first, actually, uh, backs up a little bit, he first, took away her phone and told her, you know, um, I think her exact words to me were, you're not, something to the effect of, "you're not calling the fucking police". So he took away her phone. Then he then locked her in the bedroom for the rest of the night. Um, from there, the only reason why she was able to get out is because the next morning she works at the apartment complex. So she had to go to work. And then when she was actually able to get to work, she kind of told some of her fellow employees what happened. Uh, it seems like they kind of encouraged her to call the police. She saw him walk around the apartment complex all morning, harassing fellow coworkers and whatnot. And then she told us that, I believe she told us, says that if, uh, she called the police, he would physically harm her. I'll be honest. Like, I can't remember if it was as physically harm, he would kill her. It was either or. And she said, um, that he told her if she calls the police, he's going to take off running and escape. She said, Hey, he put on his shoes last night. He told her that she called the police. He would escape. And he already prepped the bedroom window. The one that faces Willow road, he took off the screen. And so if he saw the cops arrive, he's going to take off running. So based on this information, I decided, Hey, you know what? I'm, this is good enough for me right now. I'm not going to get a full in depth statement yet because I'm afraid if he's, if he could see us, when he finds out we're here, he's going to escape. Get out, get out of here and he'll come back and possibly take revenge on her, hurting or even more, or possibly even killing her. So I was like, okay, wait. I told her waiting here. And I started calling for additional units to arrive on scene. And I first called for one additional unit, which, which ended up being officer Koumiss, who was like, look, we should do steps. We probably get a Sergeant up here, like, you know what, that's fine. Call for Sergeant Gora. And Sergeant Gora got up there.

Officer Repetto and Officer Jones confirmed Chavez was the suspect and they learned of his criminal history. Officer Jones and the rest of the patrol officers attempted to get Chavez to exit Doe's apartment by calling his cell phone, knocking on the door, and making PA announcements. All these attempts were unsuccessful and additional resources were brought to the scene. Officer Jones was assigned to be with the officers at the ARV due to his tactical experience. Officers were given permission by Doe to enter her apartment and a Ramey Warrant for Chavez's arrest was issued prior to breaching the front door.

Officer Jones went with Sergeant Pittl and Detective White up to the front door where he used a ram to breach it open. Chavez was observed, by another officer, at the doorway attempting to close the door. Officer Jones did see Chavez at one point and was able to identify him as he saw the CRIMS photo of him earlier. Officer Jones was instructed to break and rake a window for the UAV to fly into the residence.

Officer Jones, Officer Leonardo, Detective White, and Detective Kroutil all approached the window. Officer Jones was in the middle of raking the blinds down from the window when Chavez exited the residence with a knife and charged at them. Officer Jones described the events as follows (from transcribed statement):

Officer Jones *So we hung back there after we, uh, ran the door, we went back, they continue to make announcements. He is still trying to shut the door, slam the door on the robot. I saw his face, um, as like, okay, that's definitely him. Cause I had the CRIMS photo I saw earlier, same pretty sure it was the same haircut. Um, from there, I think he's able to get the door, door shut at one point after he got the robot out of there. So they said, Hey, we're gonna need to fly the ARV, not the ARV, the drone in there, but we need to break the glass first. So me Kroutil, White and Leonardo were all assigned to go up there. I was going to carry the glass rake, Kyle and Kroutil*

were going to have lethal. While Ken White was going to have a less lethal with the FN. So we all decided to move up and was a window directly next left at the front door, the two panel, one, the one, the left side of that. So as we're moving up, we move up the left side of it. Um, all the other guys got too close to the window side of yelled at him. Hey, get back I need to swing this thing in there. So I swung the glass rake at the window, started moving it around so the glass would break. I had a rip up, the shutters. Grabbed the cord on the, actually I can use this as a demonstration right here. I grabbed the court on the one side, ripped the cord out so the entire left side started falling down. I told the guys, Hey, look, I need to move to the other side. So I could rip off the cord from the other side or this thing is just going to be dangling here. So before that plan is even established, I hear everyone started yelling. Um, I looked at towards the door and I saw Cody Chavez, walking out, kind of looking at our group that was over by the window. I saw he had a knife in his right hand. So like, okay, this is, is a lethal situation now. Um, so I had started drawing my pistol and while putting down the glass rake, as I was rising, my pistol, I saw that, um, all the guys down in front of the area when my backdrop. So I started moving closer to Ken White, who is closer to the sidewalk. So if I have, if I was going to take a shot, no one's going to look at me to be in my backdrop. Or at least I can be a lot farther away. So I was moving closer to Ken White will draw my pistol, had it out. By that point, I heard the gunshots. Actually prior to the gunshots, I heard the beanbag shotgun go off. And the reason I noticed a difference because all our SWAT rifles are suppressed. So make a little kind of softer sound. But the BB shotgun is a more louder boom thumping sound.

Detective Barcelo Okay. Sorry. So as you saw the suspect exit, did you hear any verbal commands being given to him, um, that you recall?

Officer Jones I believe there was yelling for him to drop, drop something, but I'll be honest, I was more focused on, he had a knife and I had that glass stranding around me too. So I was more, I can't hear too well.

Detective Barcelo Okay. And as he exited, what did he do? What did the suspect do?

Officer Jones At first, he started walking out. Um, that's when I heard the boom, from the beanbag shotgun, he started looking around and looked to my right and Ken White was more closer to the sidewalk. So he's kind of looking more closer to Ken White. And all of a sudden he just started sprinting, like a full on sprint with a knife still in his hand, directly towards White.

Detective Barcelo Um, what did you believe the suspect was attempting to do?

Officer Jones Stab White.

Detective Barcelo Okay.

Officer Jones Kill him. If not kill him, seriously maim him, but most, more than likely kill him.

Detective Barcelo Did you believe, uh, he was trying to escape?

Officer Jones No.

Officer Jones stated he was surprised at how fast Chavez closed the distance and he was only a few feet away from Detective White by the time he fell to the ground. Officer Jones was scared for his and his partners' lives based on the deadly threat Chavez presented. After the shooting, Officer Jones remained on scene to help with investigative steps.

OFFICER LEONARDO'S INTERVIEW

Officer Leonardo's interview was conducted on 02/21/22 at 1101 hours and was approximately 33 minutes in length. Present in the room were: Officer Leonardo with Attorney Foley, Sergeant Shuffield, Detective Sheldon, and I. Officer Leonardo's statement was consistent with his BWC footage.

Officer Leonardo was hired in December 2015 and sworn in April of 2016. Officer Leonardo holds collateral assignments as an operator on the East County Tactical Team, Field Training Officer, and Force Options Group Instructor. Officer Leonardo is a certified instructor in firearms, less lethal munitions, and active threat.

On February 17th, 2022, Officer Leonardo started his shift at about 0700 hours to assist with the ECTT operation in Livermore. He was deployed in an undercover capacity and was wearing plain clothes with a black tactical over-vest with the word "POLICE" on the front and back. After the suspect was apprehended peacefully, Officer Leonardo and Detective Kroutil were at lunch when they were informed of the domestic violence situation. They responded to the scene and met with other officers behind the ARV where they were briefed on the situation. Officer Leonardo assisted in this operation by being lethal cover with his pistol. He did not use force during this officer involved shooting.

Officer Leonardo was positioned behind the ARV while a team of officers breached the front door. He overheard officers state Chavez was at the front door attempting to keep the door closed. He also heard Officer Jewell call out the suspect had a knife. After the front door breach team returned to the ARV, Officer Leonardo was tasked with assisting the window breach team as lethal cover. The window breach team included Detective White (FN303), Detective Kroutil (pistol, rear guard), and Officer Jones (breacher). As the team was breaching the window just West of the front door, Officer Leonardo heard lots of yelling and saw Chavez walking from the front door. He described the events as follows (from transcribed statement):

Detective Barcelo *Uh, can you describe what happened?*

Officer Leonardo *Sure. Um, right around the time that Officer Jones was breaking out that window, um, I was hearing lots of screaming and yelling from my right hand side. I looked over and saw Mr. Chavez walking outside of his apartment. Um, and it was very obvious to me that he wasn't compliant with any of the officer's orders.*

Detective Barcelo *Okay. Tell me what you saw.*

Officer Leonardo *So from there, um, Mr. Chavez had to kind of walk around a small little half wall, um, and rather than turn left away from the officers on scene who were giving him orders to surrender, he turned right towards where myself and Detective White and Officer Jones and Kroutil were standing. Um, you want me to continue?*

Detective Barcelo *Sure.*

Officer Leonardo *Uh, so because I had been tasked with, um, going hands on and arresting him, earlier today, um, I began to holster my handgun and move to tackle or put hands on Mr. Chavez to get him placed under arrest. Um, at the time I did not see the knife that he was holding.*

Detective Barcelo *Okay. Um, what was the distance between you and the suspect when you saw him?*

Officer Leonardo *Um, I put with distances probably six or seven yards on a football field. When, when you first, uh, rounded the corner on that wall.*

Detective Barcelo *Okay. Um, talk to me about backdrop. What did you see behind the suspect?*

Officer Leonardo *That was, that was another reason I kind of decided to holster. Um, I didn't have a good shot because, uh, some other support staff had parked in the distance on the other side of that. Um, and I was uncomfortable at that particular time to be able to take a shot if necessary.*

Detective Barcelo *What was going on through your mind as you saw Chavez coming out and approaching you?*

Officer Leonardo *Yeah, I was, uh, frankly scared. Um, I hadn't seen the knife, but he was very, he looked like a capable, younger guy about, about my age. He was taller and larger than me. Um, and he looked determined to hurt myself or another officer.*

Detective Barcelo *Okay. Can you describe what made you feel that way?*

Officer Leonardo *Um sure. He was larger than me. Um, he was moving extremely quickly. Um, I had already kind of felt like I was at a disadvantage because I was reacting to what was going on. And I was, I already kind of felt like I was maybe half a second behind the other officers who had seen it, seen him coming out from the beginning. Um, and then obviously after he had been shot, I saw the knife in his hand when he fell to the ground. Um, and that was a whole other kind of revelation that frightened me as well.*

Officer Leonardo believed Chavez intended on stabbing himself or his partners which could have caused great bodily injury or death. After the shooting, Officer Leonardo assisted with clearing the residence and protecting the integrity of the scene.

OFFICER KROUTIL'S INTERVIEW

Detective Kroutil's interview was conducted on 02/21/22 at 1200 hours and was approximately 47 minutes in length. Present in the room were: Detective Kroutil, Sergeant Shuffield, Detective Barcelo, and I. Detective Kroutil chose not to have legal representation. His statement was consistent with his BWC footage.

Detective Kroutil was hired in September of 2009 by Pleasanton PD after working for Modesto PD for two years. Detective Kroutil is currently assigned to the CIU unit and holds collateral assignments as a Field Training Officer, sniper on the ECTT, and instructor on the Force Options Group.

On February 17th, 2022, Detective Kroutil started his shift at about 0700 hours to assist with the ECTT operation in Livermore. He was deployed in an undercover capacity and was wearing plain clothes with a black tactical over-vest with his badge attached and the word “POLICE” on the front and back. After the suspect was apprehended peacefully, Detective Kroutil and Officer Leonardo were at lunch when they were informed of the domestic violence situation. They responded to the scene and met with other officers behind the ARV where they were briefed on the situation. Detective Kroutil assisted in this operation by being lethal coverage with his pistol. He did not use force during this officer involved shooting.

As the team of officers approached the front door to breach it open, Detective Kroutil threw a distraction device (flashbang) outside the apartment near the Southwest corner of the building. After the breach team returned to the ARV, Detective Kroutil (pistol) was assigned to the window break and rake team which included Officer Jones (breacher), Detective White (FN303), and Officer Leonardo (pistol). Detective Kroutil had a limited view of the events as his back was to the front door. Detective Kroutil described the events in his interview (transcribed) as follows:

Um, and then so getting back, so we're breaking out the window and just as he was finishing, we got, um, they were saying he's coming out the front door. My back was, um, facing towards the number two side, which was facing towards Willow road, which is away from the front door. And so I'm not really seeing what's going on. I know that, um, at that time Jones, I believe he put down the tool and we started going retreating back to the, um, armored vehicle. Um, and so they're saying he's coming out. I remember turning and starting to head back. I still had, I had my gun was my hand gun in my right hand. Um, and I remember walking back to going towards the armored vehicle and as a, as far as, or whatever, remember that the sidewalk, I remember looking back towards the front door where he would have been coming out of. And I remember seeing him sprint, it looked like he was sprinting. Um, I didn't have a lot of time, but I remember him sprinting towards us. And then I remember Ken White, he had the FN303 and I remember him firing the FN303 and seeing the actual, the, the rounds from the FN303 bouncing off um, the suspect. It was, I remember one him and like, I think it was the chest and I remember specifically one in the shoulder and just bouncing off and then, it kinda caught me off guard. It's kind of weird because I remember seeing, I was thinking in my head, like, that's weird because it was like a liquid. I thought it was from the FN303 like a liquid around or something, but ended up being him being shot. I didn't know that anybody had fired a lethal weapon and, uh, he crashed like it was, and this all happened within like the, like one second and then he just fell to the ground. And then, um, I remember walking over to him and seeing, I mean, it was obvious signs that hit the back of his head. A lot of it was, um, missing and you could, there's visible, he could see the ring and everything. And so, and there was lots of blood and there's no movement really.

Detective Kroutil stated he was in fear but was unable to provide lethal coverage as Detective White was directly in front of him in the line of fire and he had not seen the knife on Chavez until after he fell to the ground. Detective Kroutil stated Chavez was only five to eight feet away from Detective White when he fell. After Chavez fell to the ground, Detective Kroutil assisted Sergeant Pittl with the medical assessment of Chavez. Detective Kroutil knew based on the head injury he was unable to provide any medical care to help Chavez. Sergeant Pittl and Detective Kroutil did roll Chavez onto his side into a recovery position to open his airway as there was blood in his mouth. After Chavez was pronounced deceased by LPFD, Detective Kroutil assisted with scene integrity.

REVIEW OF EVIDENCE/PHOTOGRAPHS ON EVIDENCE.COM

Reviewed evidence on Evidence.com up through May 7th, 2022.

- Two bean bag shell casings indicating Officer Repetto fired two bean bag rounds
- 6 remaining FN303 rounds indicating Detective White fired nine FN303 rounds.
- Message from Cody and Jane where Cody stated, “They gonna kill me. Bye”
- Photo of Coroner’s Receipt: two FN 303 shell casings and seven .223 rifle shell casings recovered.
- One CTS Flashbang diversionary device
- Chavez attempted to keep the front door with tape
- Photographs of injuries to victim Doe caused by Chavez
- Crime scene photographs were reviewed.

TRAINING RECORDS

The training records of Officer Jewell, Officer Guillermo, Officer Repetto and Detective White are attached in supplement documents. Officer Jewell last qualified with his rifle on October 08th, 2021. Officer Guillermo last qualified with his rifle on December 02nd, 2021. Detective White last qualified with the FN303 on May 13th, 2019. Officer Repetto last qualified with the bean bag shotgun on June 13th, 2019.

INVESTIGATION CONTINUED

I reviewed the following documents, which can be found in the criminal investigation forwarded to the Alameda County District Attorney’s Office:

- Ofc. Jones’s initial report – Initial contact with Doe and Chavez
- Det. Sheldon’s initial investigation supplemental report – Authoring a Ramey warrant for Chavez
- Ofc. Furphy’s supplemental report – Doe’s statement, crisis negotiations, crime scene log
- Ofc. Boland’s supplemental report – Booking of evidence
- Ofc. Boland’s supplemental report #2 – Property tag number correction
- Det. Habib’s supplemental report – Collecting evidence
- Det. Habib’s supplemental report #2 – Booking Officer Jewell’s rifle into evidence
- Sgt. Shuffield’s supplemental report – Detailing Chavez’s attempt to keep the door closed
- Sgt. Shuffield’s supplemental report #2 – Interview with Chavez’s uncle Oneal
- Sgt. Shuffield’s supplemental report #3 – Interview with Chavez’s cousin Leon
- Sgt. Knight’s supplemental report – Neighborhood canvass and witness statements
- Ofc. Martens’s supplemental report – Statement from four witnesses
- Ofc. Cavellini’s supplemental report – Neighborhood canvass and witness statements
- Ofc. Evans’s supplemental report – Neighborhood canvass and witness statements
- Ofc. Emmett’s supplemental report – Witness statement and video evidence obtained
- Det. Sheldon’s supplemental report #1 – Summary of incident
- Det. Sheldon’s supplemental report #2 – 911 call

- Det. Sheldon's supplemental report #3 – Photographs of distances between Chavez and officers (Jones, Leonardo, and White)
- Det. Sheldon's supplemental report #4 – Interview with Officer Repetto
- Det. Sheldon's supplemental report #5 – Interview with Officer Guillermo
- Det. Sheldon's supplemental report #6 – Radio traffic from main and investigations channels
- Det. Sheldon's supplemental report #7 – Interview with retired Santa Clara County DA Inspector K. Coin
- Det. Sheldon's supplemental report #8 – Search warrant service
- Det. Sheldon's supplemental report #9 – Interview with Sergeant Gora
- Det. Sheldon's supplemental report #10 – Interview with Jane Doe
- Det. Sheldon's supplemental report #11 – Interview with Chavez's Aunt Oneal
- Det. Sheldon's supplemental report #12 – Interview with Santillan (mother of Chavez's daughter)
- Det. Sheldon's supplemental report #13 – Interview with Sergeant Albert
- Det. Sheldon's supplemental report #14 – Interview with Sergeant Pittl
- Det. Sheldon's supplemental report #15 – Interview with Lieutenant Stocking
- Det. Sheldon's supplemental report #16 – Alameda County Crime Lab Reports
- Det. Sheldon's supplemental report #17 – Conclusion
- Det. Barcelo's supplemental report #1 – Search Warrant for Doe's apartment, Chavez's cell phone
- Det. Barcelo's supplemental report #2 – Booking of evidence
- Det. Barcelo's supplemental report #3 – Interview with Detective White
- Det. Barcelo's supplemental report #4 – Interview with Officer Jewell
- Det. Barcelo's supplemental report #5 – Interview with Officer Leonardo
- Det. Barcelo's supplemental report #6 – Interview with Officer Jones
- Det. Barcelo's supplemental report #7 – Interview with Detective Kroutil

Reading the supplemental statements about Chavez from family members and the DA inspector provided more insight into his past. They were not surprised Chavez committed “suicide by cop” as he couldn’t see his daughter and felt he didn’t have much to live for. Santa Clara DA Coin provided context on Chavez’s life and criminal history to include being a part of a gang. Coin believes Chavez felt that he had nothing to live for and committed “suicide by cop.” Santillan (mother of Chavez’s daughter) dated Chavez for several years and experienced abuse from him. Santillan won’t let Chavez see his daughter due to his alcohol problem which causes him to be angry and violent. Santillan believed it was “100% his intention that day was not to hurt anybody, I think he just wanted to get shot.” Santillan described Chavez doing something similar 10 years earlier where he was almost shot by police for having what appeared to be a gun. These statements appear to provide more insight into why Chavez exited the apartment with a knife and charged at officers.

I reviewed the criminal investigation submitted to the Alameda County District Attorney’s Office. The investigation was thorough and comprehensive. My findings were consistent with Detective Sheldon’s conclusion and analysis.

CORONER INVESTIGATOR'S REPORT

A forensic autopsy by the ACSO Coroner's Bureau determined gunshot wounds were the cause of death (See attached Coroner's Report). Page 5 of the report summarizes the findings as follows:

"The gunshot wounds were lethal as they injured the brain, lungs, and a large blood vessel (aorta). Associated injuries included skull fractures, rib fractures, and bleeding into the chest cavities (Hemothorax). Scrapes (abrasions) and bruises (contusions) of the torso, arms, and legs were consistent with Mr. Chavez being struck with bean bag rounds and paint pellets. There was also evidence of old (remote) gunshot wounds. Toxicology testing detected ethanol (123mg/dL) and THC and THC metabolites."

DISTRICT ATTORNEY'S FINAL REPORT

District Attorney's Office Report, which was reviewed by District Attorney Nancy O'Malley, concluded there was no evidence to support criminal charges in this case. Page 18 of the report summarizes the findings as follows:

"Based on a totality of the circumstances as objectively evidenced by BWCs, Aerial Drone Footage, and statements of the involved officers, the officers' fear for the safety of the other officers was clearly reasonable. The involved officers' subjective fears were confirmed in their voluntary statements given during the investigation. All available evidence indicates Officers Jewell and Guillermo were justified in believing Cody Chavez posed a significant threat of death or serious bodily injury to others. Accordingly, in applying the California District Attorney's Uniform Crime Charging Standards, there is insufficient evidence to support the criminal prosecution of Officer Brian Jewell and Officer Mario Guillermo."

POLICIES

300.1	Purpose and Scope
300.2	Policy
300.2.1	Duty to Intercede
300.2.2	Fair and Unbiased use of force
300.3	Use of Force
300.3.1	Use of Force to Effect an arrest
300.3.2	Factors used to determine the reasonableness of force
300.3.6	Alternative Tactics – De-escalation
300.4	Deadly Force Applications
300.4.2	Displaying of Firearms
300.5	Reporting the Use of Force
300.5.1	Notification to supervisors
300.6	Medical Considerations
300.7	Supervisor Responsibility
308.9.1	Kinetic Energy Projectile Deployment and Use
308.9.2	Kinetic Energy Projectile Deployment Considerations
308.9.3	Safety Procedures
310.5.2	OIS: Notifications
310.5.3	OIS: Involved Officers
310.5.4	OIS: Supervisor Responsibilities
312.2.1	Approved Duty Weapons
312.2.3	SWAT Firearms
312.2.6	Ammunition
312.5	Firearm Training and Qualifications
312.6	Firearm Discharge
359	Major Incident Notification
450.5	BWC Activation

Findings:

There were no observed policy violations by those involved in this case with regards to the above policies. As described throughout this document this was not a call for service where officers could walk away from. There is state law requiring officers to attempt apprehension of domestic violence suspects (13701(a) PC).

Doe stated Chavez grabbed her hair, kicked her in the face, and placed a pillow over her face which prevented her from breathing. Chavez told Doe, “You’re not calling the fucking police” (statement from Officer Jones’s initial report) as he took away her phone and locked her in the bedroom. If Doe did call the police, Chavez would kill her, “I reassure you if I go to jail and the police call me, I will kill your ass when I get out (statement from Officer Furphy’s report). Doe desired prosecution for crimes of felony domestic violence, criminal threats, false imprisonment, and preventing her phone call to police. Doe had previously been victimized by Chavez and had a prior restraining order against him which Chavez convinced her to drop. Doe was told by Chavez he would escape from the police and harm/kill her if she called to report him.

Knowing Chavez was likely inside of Doe's apartment and the need to apprehend him, officers brought additional resources to the scene.

Response and de-escalation attempted leading up to the Use of Force:

- Officer Jones and initial responding officers attempted to call Chavez's phone, made verbal and PA announcements for him to comply.
- Additional personnel (show of force) were called to the scene to include tactically experienced officers, Sergeants, Lieutenants, CIU Detectives, crisis negotiators, K-9 Officer, CSO's, the ACSO's UAV team and the Livermore-Pleasanton Fire Department.
- Equipment utilized during this incident included: lethal coverage (rifles/pistols), less lethal coverage (FN303 by Detective White and Officer Koumiss, K-9 Officer Martens with Matsjo, and a bean bag shotgun by Detective Repetto), a shield, a robot, flying UAVs, and a diversionary device (flashbang).
- Police vehicles, to include the ARV, had proper identification markings and emergency lights activated. Chavez was aware the police were outside as he sent a text message to Doe asking for them to leave.
- There were hours of announcements and warnings to Chavez which included verbal and over the PA system. Some of the PA announcements were made in Spanish.
- Officer Lengel and Officer Furphy (who have CNT experience) briefly spoke with Chavez by phone. Chavez lied about his whereabouts, wanted to know if they would arrest him, and hung up on them. Officer Lengel and Furphy attempted to re-establish contact by phone calls and text messages without success.
- Chavez attempted to keep the front door closed.
- Doe provided officers consent to enter her apartment.
- Detective Sheldon authored a Ramey warrant for Chavez for 273.5 PC and 236 PC which was signed by Judge Jason Chin at 1525 hours.
- Once the warrant was signed, officers proceeded to breach the front door to deploy an avatar robot and eventually a flying UAV inside for communication and intelligence purposes.
- As the front door was breached, officers noticed Chavez attempted to push the door closed. Officers retreated (created time and distance) and continued announcements versus charging inside to apprehend him.
- Officers attempted to breach the window for the purpose of flying an UAV inside to establish communication.
- The personnel and equipment mentioned above are typical tactics and techniques used by Pleasanton PD (when possible) to de-escalate a situation and are aligned with department policy.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a). **Chavez was armed with a knife, within close proximity, and aggressively advancing toward four officers.**

- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
Chavez was non-compliant as he had many opportunities to engage in conversation with officers. He refused these attempts consistently. Additionally, he indicated he would kill the victim if the police were involved. Chavez also made prior statements of suicide by cop.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
Chavez was in his 30's and in good physical condition.
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
Officers attempted many forms of de-escalation prior to the use of force and deadly force.
- (e) The effects of suspected drugs or alcohol.
The Coroner's report shows Chavez was under the influence of marijuana and alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
Chavez's mental capacity or history was unknown to officers.
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
Chavez spoke English, briefly communicated with CNT personnel, and was texting the victim which indicated he was able to comprehend the situation.
- (h) Proximity of weapons or dangerous improvised devices.
Chavez was armed with a large kitchen knife was within a close distance to officers. Detective Sheldon measured Chavez to be 16.16 feet away from Detective White, 16.29 feet away from Officer Leonardo, and 19.26 feet away from Officer Jones at the time he charged them with the knife in his hand.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
Chavez had freedom of movement prior to the use of force.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
Officers attempted to de-escalate the situation through a show of force, attempted multiple avenues of communication (verbal, PA system, texting, and phone calls), the use of equipment and technology (ARV, drones, robots, and K-9), use of time and distance, and less lethal options (FN303 and bean bag shotgun).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
Felony domestic battery and criminal threats to harm/kill the victim was the reason officers arrived at the scene. Imminent threat to cause great bodily injury or death to officers during the time force was used.

- (l) Training and experience of the officer.
All four officers were well trained and have good experience. Officer Jewell, Officer Guillermo, and Detective White are assigned to the East County Tactical Team. Officer Jewel and Detective White are Force Options Instructors. Officer Repetto is a Field Training Officer and former Detective. All four officers were qualified and approved to carry/use the weapon they used in this situation. The proper lethal and less lethal ammunition was used.
- (m) Potential for injury to officers, suspects, bystanders, and others.
Chavez posed an imminent threat to four officers based on his actions.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
Chavez appeared to be attacking officers as he raised a knife up and started to run their direction. He had the option of staying inside of his house or running a different direction if he wanted to evade or delay a conflict.
- (o) The risk and reasonably foreseeable consequences of escape.
If officers walked away from this situation, Chavez stated he would kill the victim. If force was not used to stop Chavez, he would have likely injured or killed Detective White and Officer Leonardo as they were the closest to him and he ran towards them.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
Chavez would have caused great bodily injury or death to officers if not stopped by deadly force.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
Once Chavez fell to the ground and the threat was perceived to be over, officers stopped using force and rendered medical aid. The use of force and deadly force lasted approximately 3-4 seconds.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
Chavez committed a domestic battery against the victim one month earlier. Chavez had significant criminal history to include assault with a deadly weapon, domestic violence, assault on a police officer, and resisting arrest.
- (s) Any other exigent circumstances.
Chavez mentioned the police were going to kill him and his family previously mentioned he tried a "suicide by cop" approximately 10 years earlier.

Based on the above information, Chavez posed an imminent threat based on his present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to Detective White, Officer Leonardo, Officer Jones, and Detective Kroutil. Less lethal force was attempted and ineffective which resulted in the need for deadly force to stop Chavez from seriously injuring or killing officers.

The use of force by Officer Repetto (bean bag shotgun) and Detective White (FN303) and the use of deadly force (rifle fire) by Officer Jewell and Officer Guillermo were within policy

After the shooting occurred, officers continued to follow department policy by providing medical aid, protecting the scene integrity, sequestering officers involved, and made appropriate notifications.

- Sergeant Pittl, Sergeant Gora, Lieutenant Stocking, and Detective Kroutil all checked on Chavez's welfare. Two medical bags were brought over but were not used. Chavez was rolled into a recovery position on his side in hopes of keeping his airway open. LPFD (who was staged) arrived within a few minutes and pronounced Chavez deceased.
- The four officers who used force were immediately sequestered and required to provide a public safety statement to Sergeant Lewellyn. Their weapons were collected as evidence.
- Lieutenant Gamez and Lieutenant Stocking Chief Swing, Captain Cox, and Captain Schlehuber of the officer involved shooting.
- Alameda County DA's office, ACSO Coroner's Bureau, PPD CIU, and PPD administrative personnel (Lt. Sarasua and I) were notified of the officer involved shooting.
- Peer support and RLS were notified as required by policy. RLS Attorney Doug Foley represented several officers to include all four who used force.

The body worn camera policy was adhered to as Officers, Sergeants and Lieutenants properly activated them during this encounter. It should be noted Lieutenant Stocking had his BWC on his person but did not activate it. Lieutenant Stocking was not required to activate his camera as he was at the command post only and not in contact or expected to be in contact with members of the public.