



**Ventura County Sheriff's Office  
Major Crimes Bureau**

**Attempted Murder Of A Police  
Officer / Officer Involved Shooting  
17-149849**

**October 1, 2017**

**8:03 PM**

**Case Agent**

**Sergeant Steven Jenkins**

# **Case Summary**

*[Handwritten signature]*  
2017



Ventura County Sheriff's Office  
Special Services – Major Crimes

**Case Summary**

**Report Number:** 17-149849

**Investigators:** Sergeant Steven Jenkins - *SS*  
Detective Cyrus Zadeh  
Detective Steve Michalec

**Subject:** Attempted Murder of a Police Officer / Officer-Involved Shooting

**Date Occurred:** October 1, 2017 @ 10:36 p.m.

**Location:** [REDACTED] Camarillo, CA

**Victims:** Deputy Steven Krupnik and Deputy Richard Maertz - VCSO

**Suspect:** Robert Burton Fogal ([REDACTED])

**Summary of Incident**

On 10-01-17, at about 2003 hours, Sheriff's Dispatch received two 911 calls reporting a male (later identified as Robert Fogal) was starting fights and threatening people at the apartment complex at [REDACTED] Camarillo, CA. One of the reporting parties (RP-1) [REDACTED] believed a male [REDACTED] threw a kitchen knife at [REDACTED] front door while angrily yelling at [REDACTED] [REDACTED] told Sheriff's Dispatch, "Please send help immediately before somebody gets killed." (RP-2) [REDACTED] reported hearing a male (Fogal) yelling at other residents. [REDACTED] saw a kitchen knife on her neighbor's [REDACTED] door step.

At about 2007 hours, Sergeant Luna, Deputy Maertz, Deputy Krupnik, Deputy Pallotto, and Deputy Eskridge arrived at the [REDACTED] Apartment complex and learned Fogal was inside apartment [REDACTED]. Apartment [REDACTED] was located on the second-story of the complex with an exterior staircase leading from the parking lot to the apartment balcony. The deputies parked in

front of Fogal's residence and they were in uniform. The patrol vehicle overhead lights were on. The deputies contacted witnesses and found a knife at the door step of [REDACTED] residence. The deputies collected the knife as evidence. As the deputies investigated the incident, Fogal came out of the second-story apartment at [REDACTED] and became verbally aggressive with the deputies. The deputies could not establish a crime at that time so they chose to back out and take a covert position out of Fogal's line of sight. The deputies were attempting to de-escalate the situation in hopes that Fogal would go inside the residence and fall asleep. The deputies moved the patrol vehicles to the south parking lot and out of Fogal's line of sight.

At about 2100 hours, Deputy Krupnik, Deputy Maertz, and Deputy Pallotto were in the south parking lot and out of Fogal's direct line of sight when they heard and saw a window screen fall from the top balcony to the parking lot. The deputies monitored the situation.

At about 2110 hours, Fogal exited the residence and possessed a knife in each hand. Fogal was verbally aggressive with the deputies. Fogal threatened to kill the deputies. Fogal went back inside the residence. Deputies Krupnik, Maertz, and Pallotto were in the parking lot and moved into position to visually monitor Fogal.

At about 2127 hours, Fogal walked outside onto the balcony and threatened to kill Deputy Maertz and Deputy Krupnik. Deputy Krupnik gave Fogal several warnings not to come downstairs and not to approach the deputies while holding the knives or he would be shot.

Between 2130 and 2236 hours, Fogal threw four knives along with multiple miscellaneous items at the deputies and threatened to kill them. The following list details each knife assault:

First knife assault – While Fogal stood on the stair landing just below the balcony, Fogal threw a serrated steak knife toward the deputies' (Deputy Krupnik, Maertz, and Pallotto) direction. The knife hit a tree which was located in between the stair landing and the deputies. The knife fell to the ground near the base of the tree. The knife landed approximately 20 feet from the landing and about 40 feet away from the deputies.

Second knife assault – Immediately after throwing the first knife, Fogal threw a second kitchen knife while standing on the stair landing. The knife was thrown toward Deputy Krupnik, Maertz, and Pallotto. The knife landed on the sidewalk about 35 feet southeast of the landing and about 30 feet from the deputies. The deputies were on the sidewalk at the time of the assault.

Third knife assault - As Deputy Krupnik and Maertz moved northwest through the parking lot and hid behind a vehicle to get a better visual of the suspect, Fogal threw a third knife (serrated steak knife) at the deputies new location in the parking lot. The knife traveled about 50 feet from the balcony and landed about 18 feet from the deputies' location.

Deputy Krupnik and Maertz moved south (further away from the balcony) to a position underneath a carport overhang. The deputies used vehicles and the carport roof as cover.

Fogal repeatedly stated if the deputies came upstairs, he would kill them. Fogal stated he wanted to sneak out of the apartment, come up behind them, and slit their throats. Fogal stated he was going to call down a hellfire missile on the deputies and they all would die.

Fourth knife assault – As Fogal threatened the deputies, he threw a fourth kitchen knife toward Deputy Krupnik and Maertz. The knife landed in the parking lot about 68 feet from the balcony and about 20 feet away from the deputies' location.

Sgt. Luna and Deputy Eskridge arrived and positioned themselves northwest of the balcony. Sgt. Luna and Deputy Eskridge were hiding behind a tree about 40 feet away from the balcony.

At about 2236 hours, Deputy Krupnik saw Fogal point at Sgt. Luna and Deputy Eskridge. Fogal pointed at Deputy Eskridge and said, "You see this face, this is the face that's gonna kill you." While looking at Deputy Eskridge, Fogal said, "You're gonna die." Deputy Krupnik saw Fogal raise a knife above his head in a throwing motion. Deputy Krupnik believed Fogal was actively throwing a fifth knife at Sgt. Luna and Deputy Eskridge. Deputy Krupnik aimed for a stucco pillar that Fogal was standing behind. Deputy Krupnik fired one round from his AR-15 rifle. Deputy Krupnik shot at the pillar because he believed the .223 round would travel through the pillar and hit Fogal. The bullet did not go through and Fogal was not injured. No other rounds were fired. After the shooting, Fogal went inside the residence and did not immediately return outside.

At about 2345 hours, SWAT arrived and took over negotiations with Fogal. Patrol personnel were relieved and sent to the command post.

While SWAT negotiated with Fogal, Fogal continued to yell obscenities and throw miscellaneous items such as a hair brush, cell phone, and butter knife (Knife #6) toward the direction of SWAT personnel. The SWAT personnel were not hit by the items. At about 0430 hours, a search warrant was approved for the residence. SWAT used a Light Sound Diversionary Device (LSDD) near the residence to encourage Fogal to give up. After the LSDD was used, Fogal exited the apartment and complied with orders. Fogal was arrested with no further incident. Fogal was transported to the Ventura County Medical Center (VCMC) for a medical clearance prior to booking him at the jail. Fogal was not injured, but the medical clearance was precautionary due to his level of intoxication.

Detective Alvarez was with Fogal in the emergency room at VCMC. Body Camera video footage captured Fogal yelling obscenities at the investigators. While handcuffed to the hospital bed, Fogal attempted to rock the bed in an attempt to tip it over.

During the Miranda interview, Fogal stated he got upset because his steak burned so he threw the knives out the window. Fogal denied trying to kill anyone. Fogal was yelling obscenities at Detective Alvarez and calling Detective Alvarez names during the interview. Fogal stated he suffered from Post-Traumatic Stress Disorder (PTSD) from his military experiences. The interview ended.

Fogal was found to have no injuries. Fogal was medically cleared for jail booking. Fogal was booked into jail.

**\*For complete details, refer to the associated reports; attached and incorporated herein to the digitized Adobe Acrobat Pro Case File. The entire incident was captured on body camera video which is available to view.**

### **Suspect's Background**

Robert Fogal DOB: [REDACTED] is a white male, 6-01, and 220 pounds. Fogal served in the United States Coast Guard and was discharged. Fogal had the following past arrests and / or convictions:

- In 2007, Fogal was arrested for misdemeanor battery by the Redondo Beach Police Department and convicted of an infraction of disturbing the peace
- In 2010, Fogal was arrested for driving under the influence (DUI) of alcohol by the California Highway Patrol in Los Angeles and he was convicted of reckless driving. Fogal was sentenced to 24 months of probation and 5 days of jail.
- In 2010, Fogal was arrested for misdemeanor vandalism by the Redondo Beach Police Department and he was found guilty. Fogal was sentenced to 36 months of probation and 18 days of jail.
- In 2017, Fogal was arrested for DUI by the Ventura County Sheriff's Office and found guilty. Fogal was sentenced to 30 days in jail.
- On 06-25-17, Deputy Galvan and Deputy Maertz responded to a battery that occurred in Camarillo where Fogal was the disturbing party. Deputies located Fogal and he became combative. Deputy Maertz attempted to keep Fogal from walking away and he slapped Deputy Maertz' hand away. Fogal ran from the deputies and a short foot pursuit ensued. After warning Fogal he was going to use the Taser on him, Fogal complied. Fogal was arrested for misdemeanor battery and resisting arrest. Fogal was placed in the patrol vehicle. Fogal used his feet to kick out the window and he damaged the door frame to the patrol vehicle. Fogal began hitting his head on broken glass. Fogal was yelling obscenities at the deputies. Fogal was arrested for additional charges of felony vandalism and felony resisting an executive officer. Fogal was booked into jail. This case is pending jury trial.

Investigators later learned from jail psychiatric staff that Fogal suffered from (PTSD) from an incident that occurred while he served in the military. That incident is unknown and his military records were sealed.

## Scene

The incident occurred on the balcony at [REDACTED]. The residence was located in the Avalon Mission Oaks Apartment complex in the city of Camarillo. [REDACTED] was located in the center of the complex. [REDACTED] was a two story building with Unit [REDACTED] located on the second story. [REDACTED] was on the west side of [REDACTED] and the front door faced west. The front door to unit [REDACTED] opened up to a small parking lot on the west side of [REDACTED]. Access to the small parking lot was from the south side of [REDACTED]. Both [REDACTED] and this small parking lot were on private property and within the boundaries of the Avalon Mission Oaks apartment complex. It was night time and dark during the incident, but the balcony (location of the shooting) was well lit with porch lights, parking lot lights, and back lighting from the residence.

## Evidence

### **Officer Body Worn Camera Footage**

All the deputies involved in the incident before and after the shooting were wearing department issued body worn cameras (BWC). The BWC footage was downloaded and submitted as evidence. The following deputies were wearing BWC and turned it on to capture their role in the incident: Deputy Krupnik, Deputy Maertz, Deputy Pallotto, and Deputy Eskridge.

### **Neighbor's Cell Phone Video**

Detective Cruz obtained a cell phone video from (W) [REDACTED] [REDACTED] was at her residence at [REDACTED] when she began capturing the confrontation between Fogal and the deputies. The video captured the incident from about 150 feet away and did not add any additional evidence compared to the body worn camera footage.

### **Kitchen Knives**

There were a total of six kitchen knives found in the parking lot and sidewalk areas that had been thrown at the deputies by Fogal.

- Knife #1 – boning knife with black handle and approximate 7-inch metal blade
- Knife #2 - steak knife with black handle and approximate 4-inch metal blade
- Knife #3 – carver's kitchen knife with black handle and approximate 7-inch metal blade
- Knife #4 - steak knife with black handle and approximate 4-inch metal blade
- Knife #5 - steak knife with black handle and approximate 4-inch metal blade
- Knife #6 - metal butter knife with approximate 3-inch blade

### **Miscellaneous Items Found Outside**

Miscellaneous items were found in the parking lot and sidewalk areas that were also thrown at the deputies such as a cell phone, hair brush, cordless phone, vertical blinds, tan women's purse, two outside patio chairs, folding patio chair, white framed screen door, wood handled broom, potted plant (red pot with small fake tree), two outdoor chairs, clothes, white framed window screen, brown curtain with curtain rod, decorative door wreath and a craftsmen hammer.

### **Miscellaneous Items Found Inside Residence**

Multiple kitchen knives were found throughout the inside of the residence. One knife with a broken metal blade was found in the living area. The type of knives (Farberware) matched the knives that were found outside. Two glass marijuana pipes with residue were found on the front porch area and the bedroom. Open and empty beer containers were found throughout the residence. Bottles of Clonazepam and Doxepin with pill inside were found in the bedroom.

### **Bullet Hole**

A bullet hole was found in the stucco of the pillar near the front door of Fogal's apartment. The bullet was not recovered due to the amount of destruction to the apartment stairway it would have taken to recover the bullet.

### **Officer's Firearm and Spent Casing**

Deputy Krupnik's patrol rifle was identified as a Colt M4 5.56 NATO serial # [REDACTED] with a mounted TLR-1 light and Aimpoint M2 optic. Forensic Scientist Firearms Examiner Song examined the rifle and found the firearm to be in good working order. Based on witness statements, body worn camera footage, and evidence at the scene, investigators determined only one round had been shot from the rifle. The spent cartridge was recovered and the ammunition used was a department issued Speer .223 round.

## **Video Summary**

The incident was captured on BWC footage by cameras worn by Deputy Krupnik, Deputy Maertz, Deputy Pallotto, and Deputy Eskridge. Also, a neighbor captured a majority of the incident on video from a cellular phone. NOTE: The first and second knife assaults occurred prior to the BWC cameras being turned on. The following is a summary of what the videos captured: Deputy Krupnik and Deputy Maertz stood to the south of Fogal's residence, in the parking lot, in between two vehicles. The deputies were about 80 feet south of the balcony. Deputy Krupnik told Fogal that the deputies saw the knife in his hand. Deputy Krupnik told Fogal not to approach the deputies or he would be shot. Fogal yelled something at the deputies that could not be understood. Deputy Krupnik and Deputy Maertz walked a few feet toward the balcony and stopped at the edge of the sidewalk / parking lot. Deputy Krupnik and Deputy

Maertz spoke to each other about deploying less lethal. Deputy Krupnik stated he worried less lethal would not work on Fogal because the last time it was used on him, it had no effect.

Deputy Krupnik and Deputy Maertz waited in the parking lot. Fogal occasionally stepped onto the balcony and challenged Deputy Krupnik to fight. Deputy Krupnik told Fogal that the deputies wanted him to go inside the residence and to go to sleep. Fogal said, "I'm going to fucking kill you, I'll gut your throat motherfucker." A loud noise was heard hitting a nearby vehicle. Deputy Krupnik ducked behind a vehicle and asked Deputy Maertz, "Was that a knife." Deputy Maertz said yes. Deputy Krupnik and Deputy Maertz backed up and took a position of cover under the carport area. Deputy Krupnik used a vehicle as cover and kept an eye on Fogal. Deputy Maertz and Deputy Krupnik took turns retrieving their AR-15 rifles from their patrol vehicles as they traded off and watched Fogal. Both Deputy Krupnik and Deputy Maertz returned to the carport area and stood near each other. Deputy Maertz told Deputy Krupnik that they could not leave with Fogal throwing knives at them. Deputy Maertz stated he wanted to start a dialogue with Fogal. Fogal again stated he wanted to kill the deputies. Fogal told the deputies to shoot him. Deputy Krupnik told Fogal that he did not want to shoot him and he would rather have Fogal go to bed. Deputy Krupnik and Deputy Maertz moved north underneath the parking lot with a more direct view of Fogal's front door and balcony. Deputy Krupnik used a vehicle as cover. Deputy Krupnik asked Fogal not to reach into his waistband. Fogal stated he did not have a firearm. Fogal repeatedly yelled he wanted the deputies to shoot him. Deputy Krupnik repeatedly stated the deputies did not want to shoot him.

Sergeant Luna and Deputy Eskridge arrived and went to the north side of the balcony. Sergeant Luna attempted to talk to Fogal, but Fogal kept telling the deputies to shoot him.

Fogal went inside the residence. Fogal stepped back outside on the balcony and possessed a knife in his right hand. Fogal raised his right arm and appeared to be throwing the knife. Deputy Krupnik used his AR-15 to shoot one round at Fogal. The round hit a pillar near Fogal. After the shot, Fogal ran inside the residence. The deputies were relieved by SWAT personnel.

### Witness Interviews

██████████ was a neighbor and saw the deputies contact Fogal. ██████████ said Fogal "went off", screamed at the deputies, and threw things off the balcony. He heard the deputies offer to get Fogal help for his issues. ██████████ saw an unknown object in Fogal's hand and then he heard a shot. Fogal went into the apartment. Fogal came back outside and stated he was going to kick the deputies' asses. ██████████ described Fogal's behavior as "really out there". ██████████ did not understand police procedures and he wondered why the deputies did not allow Fogal to fall asleep.

██████████  
██████████ was a neighbor and heard Fogal screaming at random people earlier in the night. When deputies arrived, she heard Fogal yell that he wanted the deputies to shoot and kill him. ██████████ heard a gunshot. She did not believe Fogal was hit because he kept going in and out of the residence.

██████████  
██████████ was a neighbor and heard Fogal yelling obscenities at the police. ██████████ heard Fogal yell that he had power over the police and he was going to kill them. He heard Fogal yell that he had a knife and he could do this.

██████████  
██████████ was a neighbor and heard Fogal threatening to kill the police. Fogal dared the police to come upstairs. Fogal said, "Come up here or I will kill you." Fogal began pin pointing deputies on scene. Fogal began throwing things off the balcony. ██████████ heard a deputy tell Fogal to keep his hands up and then she heard a gunshot.

### Officer Statements

#### **Deputy Steven Krupnik**

On 10-02-17, Major Crime Detective Michalec conducted an audio recorded walk-thru interview with Deputy Krupnik at the apartment complex. Deputy Krupnik confirmed he had spoken to legal counsel and he had time to review the body worn camera from the incident. Deputy Krupnik agreed to give a voluntary statement. Deputy Krupnik provided the following statement: After responding to a disturbance at Corte Estima, Deputy Krupnik learned Fogal was agitated and had thrown a knife at a neighbor's door. After conducting an investigation, Sgt. Luna decided they would allow Fogal to stay in his residence, but Sgt. Luna wanted Deputy Maertz, Deputy Krupnik, and Deputy Pallotto to stay in the area just in case Fogal came outside with knives. The deputies decided to move the patrol vehicles out of sight to de-escalate the situation. Deputy Krupnik stood to the west of the residence and out of view. Fogal walked onto the balcony. Fogal walked down the stairs and yelled obscenities. Fogal had a large kitchen knife in his hand. Deputy Maertz told everyone that Fogal had a knife. Deputy Krupnik told Fogal not to approach them with the knife or he would be shot. Deputy Krupnik gave Fogal several commands to drop the knife and he did not comply. While Fogal stood on the stair landing, Fogal threw two knives toward Deputy Krupnik, Deputy Maertz, and Deputy Pallotto (knife assaults #1 and #2). One knife hit a tree and fell near the base of the tree. The other knife landed about thirty feet from Deputy Krupnik. Deputy Krupnik and Deputy Maertz lost visual of Fogal so they moved northwest into the parking lot. They used parked vehicles as cover. Deputy Krupnik heard something hit the ground next to them and Deputy Maertz told him that

Fogal had thrown another knife (third knife assault) at them (Deputy Maertz and Deputy Krupnik). Deputy Krupnik believed the knife landed near them and had skidded next to their feet.

Deputy Krupnik worried Fogal was going to throw another knife and hit them. He believed a knife thrown with that strength and velocity would cause great bodily injury or death. Deputy Maertz and Deputy Krupnik took turns retrieving their AR-15 rifles from their patrol vehicles.

Deputy Krupnik and Deputy Maertz moved to a better position of cover near the carport area. Deputy Krupnik explained their new position would give them clear visibility of Fogal, but the risk was less from being hit by a thrown knife. The carport had a roof and parked vehicles as cover. Deputy Krupnik monitored Fogal while he paced back and forth on the balcony. Deputy Krupnik heard Fogal say he wanted to kill the deputies. Fogal told the deputies they were going to die and Fogal was going to slit their throats. Fogal repeatedly stated he wanted to kill the deputies. Multiple warnings were given to Fogal to surrender and comply or force would be used against him. Fogal ignored the warnings.

Fogal threw another knife (knife assault #4) toward Deputy Krupnik's direction and the knife landed in the middle of the parking lot. Fogal threw a cell phone in their direction and it landed near them.

Deputy Krupnik saw Sgt. Luna and Deputy Eskridge standing on the sidewalk just north of the balcony (30 feet). Fogal began pointing at each deputy. Deputy Krupnik saw Fogal point at Deputy Eskridge and Sgt. Luna. Fogal said he was going to call down hellfire missiles and the deputies were going to die. Fogal said, "You're gonna die, you're all gonna die." Fogal looked at Deputy Krupnik and told him that his (Fogal's) face was going to kill him and ruin his life. Fogal repeatedly said the deputies were going to die.

Fogal went inside the house and reappeared. Fogal was holding a knife in his right hand. Deputy Krupnik believed Fogal was going to throw the knife at Sgt. Luna and Deputy Eskridge. Deputy Krupnik believed Fogal had been throwing the knives with such force that would cause serious bodily injury to the deputies. Deputy Krupnik feared for the safety of Sgt. Luna and Deputy Eskridge. Deputy Krupnik believed Sgt. Luna and Deputy Eskridge were not in a position to see Fogal throw the knife. Deputy Krupnik believed he did not have time to warn Sgt. Luna and Deputy Eskridge if Fogal threw the knife at them until it was too late. Deputy Krupnik aimed at the pillar and believed the round would go through the pillar and incapacitate Fogal. Deputy Krupnik shot one round from his AR-15 rifle as Fogal was in the act of throwing a knife toward Sgt. Luna and Deputy Eskridge. Deputy Krupnik believed Fogal was going to kill his partners. The round hit the pillar and did not hit Fogal. Fogal went inside the residence. Deputy Krupnik only shot one round. Deputy Krupnik told Sgt. Luna that he had fired the round. Fogal came outside and yelled at deputies again. Based on Fogal's actions, Deputy

Krupnik believed Fogal had not been injured. After a stand-off, Deputy Krupnik was relieved by SWAT personnel and he was taken to the Camarillo Police Station.

Deputy Krupnik had seven years of law enforcement experience and had attended the 24-hour Tactical Rifle Training course. Refer to Detective Michalec's supplemental report narrative for further details.

### **Deputy Richard Maertz**

After responding to a disturbance at Corte Estima, the deputies contacted Fogal. Fogal stood on the balcony and yelled obscenities at them. After evaluating the incident, Sgt. Luna decided the deputies should leave. Deputy Maertz lingered in the area to make sure there was no public safety issue. Deputy Maertz stayed with Deputy Krupnik in the parking lot as Fogal came out on the balcony and yelled obscenities at the deputies. Deputy Maertz saw Fogal holding two knives while standing on the balcony. Deputy Maertz told Fogal that he had seen the knives and warned him not to approach them with the knives or he would be shot. Deputy Maertz was about 75 feet away from Fogal when Fogal threw the first two knives toward the deputies. Both knives hit a tree and fell onto the walkway. One of the knives landed close to them. Deputy Maertz collected one of the knives as evidence.

Additional patrol personnel were requested. Deputy Maertz and Deputy Krupnik moved to take a position in the parking lot to observe Fogal. Fogal threw another knife that hit a vehicle located directly in front of the deputies. Deputy Maertz and Deputy Krupnik moved to a position near the carport that had more cover for them. Fogal threw a large patio chair toward them and an additional knife that landed near them. At that point, Fogal had thrown four large kitchen knives toward the deputies' direction. While Fogal was in the act of throwing the fifth knife, Deputy Maertz heard one rifle round and saw the bullet strike the pillar near Fogal on the balcony. Fogal went into the residence and returned. Fogal kept yelling at them. Deputy Maertz was relieved from the scene by SWAT personnel.

### **Sergeant Marty Luna**

Sgt. Luna responded to a disturbance at Corte Estima and heard Fogal yelling obscenities. Sgt. Luna learned Fogal was upset at his girlfriend, but his girlfriend was not at the location. Sgt. Luna learned no one else was inside the residence. Sgt. Luna felt confronting Fogal would aggravate the problem so he had the deputies stay out of Fogal's direct line of sight. Sgt. Luna left and then returned after hearing Fogal was throwing knives. Sgt. Luna heard Fogal state that he was going to kill the deputies if they went to the apartment. Sgt. Luna attempted to speak to Fogal, but he refused to talk with Sgt. Luna. Fogal began throwing miscellaneous items such as a camping chair and vertical blinds into the parking lot. Fogal was throwing the items from the balcony of the residence.

Sgt. Luna and Deputy Eskridge positioned themselves on a sidewalk about 15 yards away from Fogal. Sgt. Luna believed a tree and the darkness would conceal their whereabouts. Sgt. Luna had a limited view of Fogal through the tree branches. Sgt. Luna told Fogal to comply and he refused. While talking to Fogal, Sgt. Luna heard a shot. Sgt. Luna could not see Fogal's during the shot. After the shot, Fogal went into the residence. Sgt. Luna determined Deputy Krupnik fired one round that hit a pillar. Sgt. Luna asked Deputy Krupnik if he accidentally fired the round and he said no. No one else fired a round. Fogal came outside and Sgt. Luna determined Fogal was not injured. SWAT relieved Sgt. Luna and the other deputies.

### **Deputy Sean Eskridge**

Deputy Eskridge responded to a disturbance at Corte Estima. Deputy Eskridge contacted Michael Hakkarinen and he identified Fogal as the disturbing party who had challenged him to fight in the parking lot of the apartment complex. Hakkarinen got away from Fogal and went into his apartment. A few minutes later, he heard a loud bang at the door. Hakkarinen opened the door and saw a large butcher knife at the threshold. Deputy Eskridge collected the knife as evidence. After talking to Sgt. Luna, Deputy Eskridge left the area. A few minutes later, Deputy Eskridge heard a broadcast that Fogal was throwing knives at the deputies. Deputy Eskridge returned to the complex. Deputy Eskridge heard Fogal threaten the deputies that he was going to kill anyone who came to his house.

Deputy Eskridge retrieved a less lethal shotgun and took a position with Sgt. Luna just north of the residence. Deputy Eskridge explained they were attempting to be concealed from Fogal's view, but still be close enough to use a less lethal force option if Fogal came downstairs. While listening to Deputy Maertz and Deputy Krupnik talk to Fogal, he heard one shot. Deputy Eskridge did not see Fogal's movements when he heard the shot. He learned Deputy Krupnik shot the pillar next to Fogal. Fogal went into the residence and then returned. Fogal began yelling obscenities and threatening the deputies again. The SWAT team arrived and relieved Deputy Eskridge.

### **Deputy Jason Pallotto**

Deputy Pallotto responded to a disturbance at Corte Estima. He learned Fogal was challenging neighbors to fight and he had thrown a knife at a neighbor's door. After Sgt. Luna left the scene, Deputy Krupnik, Deputy Maertz, and Deputy Pallotto stayed out of sight and monitored the incident. Deputy Pallotto stayed on the south end of the building adjacent to the sidewalk and parking lot. Deputy Pallotto provided containment on the south side of the building during the entire incident. Deputy Pallotto saw Fogal step outside onto the balcony and he heard Fogal threaten the deputies. Fogal threw a kitchen knife toward them and Deputy Pallotto saw the knife land about 10 feet away from him on the south sidewalk. Deputy Pallotto saw Deputy Maertz collect the knife as evidence. Deputy Pallotto saw Deputy Krupnik retrieve his AR-15. Fogal yelled at them, challenged them to fight, and began throwing miscellaneous items into the

parking lot from the balcony. Fogal stated he would kill anyone who came to his apartment. Fogal threw a patio chair onto the hood of a vehicle. During the disturbance, Deputy Pallotto saw Fogal near the rail of the balcony. Deputy Pallotto saw Fogal lunge forward and then he heard one shot. Due to Deputy Pallotto's limited view, he was unable to see the knife in Fogal's hand when he lunged forward. Deputy Pallotto learned Deputy Krupnik had fired at Fogal. Fogal was not hit and went into the residence. Fogal returned and yelled at the deputies again. Deputy Pallotto was relieved by SWAT personnel.

### **District Attorney's Review and Filed Complaint**

The District Attorney's Office reviewed the case and filed the below listed criminal charges against Robert Fogal:

- Two counts of PC 664/187(a) – attempted murder of a peace officer
- Two counts of PC 245(c) – assault upon a peace officer
- Two counts of PC 422 – criminal threats against a police officer
- Two counts of PC 69 – attempt to prevent an executive officer from performing duty

Along with filing the case against Fogal, the District Attorney's Office relayed the belief that Deputy Krupnik's use of force was reasonable. Fogal is currently in custody and awaiting jury trial.

### **Conclusion**

After Deputy Krupnik, Deputy Maertz, and the other personnel arrived on scene, they established Fogal had challenged neighbors to fight in a threatening manner. The deputies could not prove Fogal threw a knife at the neighbor's door because no one witnessed the incident. The deputies believed Fogal was in a drunken state and acting belligerent. Sgt. Luna developed a plan to have the deputies leave in an attempt to de-escalate the incident. Sgt. Luna hoped Fogal would go inside the residence and go to sleep. The deputies moved their patrol vehicles to the south parking lot and out of Fogal's direct line of sight. The deputies stood by in the south parking lot to monitor the situation to ensure Fogal did not harm anyone in the area.

As Deputy Krupnik and Deputy Maertz covertly monitored the situation, Fogal made an overt attempt to walk onto the balcony and partially walk down the stairs in order to visually see the deputies. Fogal engaged the deputies by threatening them, challenging them to fight, and throwing miscellaneous items at them. Fogal threw a total of four knives toward Deputy Krupnik and Deputy Maertz prior to the shooting. Fogal threw the knives in a position of advantage from a second-story balcony to the parking lot below (where the deputies were

located). The knives of each assault traveled a good distance and landed near the deputies. Knife assault #1 was thrown about 20 feet after hitting a tree and landed about 40 feet from the deputies. Knife assault #2 was thrown about 35 feet and landed about 30 feet away from the deputies. Knife assault #3 was thrown about 50 feet and landed about 18 feet from the deputies. Knife assault #4 was thrown about 68 feet and landed about 20 feet away from the deputies. Fogal demonstrated his strength and ability to throw the knives.

At that point, Fogal had committed felonious crimes against Deputy Krupnik and Deputy Maertz. Fogal's statements and actions posed a significant threat to public safety and the citizens that lived in the area. Deputy Krupnik and Deputy Maertz had an obligation to engage Fogal and to resolve the incident.

The deputies were in uniform and they were clearly visible. Deputies gave clear announcements that they were with the Sheriff's Office and they were giving lawful orders. Identification of the deputies was not an issue.

Based on circumstances surrounding the incident and information obtained through this investigation, Fogal willfully displayed non-compliant behavior with uniformed officers, repeatedly threatened to harm or kill the deputies, ignored use of force warnings, threw multiple items toward the deputies, and willfully attempted to kill the deputies by throwing large kitchen knives at them. Fogal appeared physically fit and strong. With the weight of the kitchen knives and the force they were being thrown, the deputies' safety from great bodily injury and / or death was real. Fogal previously displayed his ability of strength and power by throwing other items such as a patio chair and a cell phone.

Deputy Krupnik saw Fogal pointing in the direction of Sgt. Luna and Deputy Eskridge whom were about 30 feet away from Fogal. Fogal repeatedly said the deputies were going to die. Deputy Krupnik believed Fogal was about to assault Sgt. Luna and Deputy Eskridge by throwing a large kitchen knife at them. Deputy Krupnik shot at Fogal just as he was bringing the knife back in preparation to throw it.

I believe Deputy Krupnik's use of force was objectively reasonable under the circumstances as Robert Fogal posed a significant threat to seriously injure or kill Sgt. Luna and Deputy Eskridge.

# **Crime Report**

INCIDENT DATE/TIME <b>10-01-2017/2003</b>		INCIDENT LOCATION [REDACTED] <b>CAMARILLO</b>				
SPECIAL INTEREST/HATE CRIME/BIAS <b>NONE (NO BIAS)</b>		STATUS <b>ACTIVE</b>		ARRESTEE <b>ARRESTED</b>	JUVENILE <b>NO</b>	CLASS <b>FELONY</b>

USE OF FORCE INCIDENT? **Y** IF SO, # OF REPORTS WRITTEN? **1** IS BODY CAMERA VIDEO AVAILABLE? **Y** GANG INVOLVED? **N**

OFFENSE <b>664/187</b>	OFFENSE DESCRIPTION <b>664/187(A)ATT.MURD-POLICE-WPN</b>	ENTRY METHOD	WEAPON/FORCE TYPE <b>KNIFE/CUTTING INSTRUMENT</b>
OFFENSE <b>69</b>	OFFENSE DESCRIPTION <b>69 RESIST EXECUTIVE OFFICER</b>	ENTRY METHOD	WEAPON/FORCE TYPE
OFFENSE <b>245</b>	OFFENSE DESCRIPTION <b>245(C)ADWPOLICE/FIRE-WEAPON</b>	ENTRY METHOD	WEAPON/FORCE TYPE <b>KNIFE/CUTTING INSTRUMENT</b>

**INVOLVED PERSONS**

ROLE <b>VICTIM - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) <b>KRUPNIK , STEVEN</b>			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE	D.O.B.
HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE /			
ADDRESS				HOME PHONE	MOBILE PHONE		
OCCUPATION <b>DEPUTY SHERIFF</b>	EMPLOYER <b>VENTURA COUNTY SHERIFF'S DEPT.</b>	EMPLOYER ADDRESS			BUSINESS PHONE		

VICTIM OF OFFENSE			RELATIONSHIP OF VICTIM TO OFFENDER
<b>664/187</b>	<b>11</b>	<b>664/187(A)ATT.MURD-POLICE-WPN</b>	
<b>69</b>	<b>0</b>	<b>69 RESIST EXECUTIVE OFFICER</b>	
<b>245</b>	<b>16</b>	<b>245(C)ADWPOLICE/FIRE-WEAPON</b>	

INJURY <b>NONE</b>	CONFIDENTIAL
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ROLE <b>VICTIM - #2</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) <b>MAERTZ , RICHARD</b>			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE	D.O.B.
HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE /			
ADDRESS				HOME PHONE	MOBILE PHONE		
OCCUPATION <b>DEPUTY SHERIFF</b>	EMPLOYER <b>VENTURA COUNTY SHERIFF'S DEPT.</b>	EMPLOYER ADDRESS			BUSINESS PHONE		

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Issued by: \_\_\_\_\_  
Issued date: \_\_\_\_\_

DATE/TIME REPORTED <b>10-01-2017 / 2003</b>	REPORTING OFFICER / I.D. # - ORG. UNIT <b>ZADEH, CYRUS (4339) / Special Services Major Crimes</b>
FTO OFFICER / PARTNER ID #	APPROVED BY / ID # - APPROVED DATE / TIME <b>JENKINS, STEVEN / 3933 - 10/03/2017 / 2012</b>

**INVOLVED PERSONS**

VICTIM OF OFFENSE			RELATIONSHIP OF VICTIM TO OFFENDER			
664/187	11	664/187(A)ATT.MURD-POLICE-WPN				
69	0	69 RESIST EXECUTIVE OFFICER				
245	16	245(C)ADWPOLICE/FIRE-WEAPON				
INJURY <b>NONE</b>		CONFIDENTIAL				
ROLE <b>ARRESTEE - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) <b>FOGAL , ROBERT</b>		RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	
HEIGHT <b>6'01</b>	WEIGHT <b>230</b>	HAIR <b>BROWN</b>	EYE <b>GREEN</b>	DATE [REDACTED]		
[REDACTED] <b>AMARILLO , CA , 93012-</b>			HOME PHONE [REDACTED]	[REDACTED]		
OCCUPATION <b>UNEMPLOYED</b>	EMPLOYER	EMPLOYER ADDRESS			BUSINESS PHONE	
COMPLEXION <b>LIGHT</b>	BUILD <b>MEDIUM</b>	HAIR LENGTH/STYLE <b>SHORT, BUSHY</b>	GLASSES <b>NONE</b>	HANDED <b>RIGHT HANDED</b>	FACIAL HAIR LENGTH/STYLE <b>SHORT, UNSHAVEN</b>	

# **Victims**

**Deputy Steven Krupnik**



**Deputy Richard Maertz**



**Suspect: Robert Fogal**



# **Suspect's View From Second Story**



Police  
City of Camarillo

# **Officer's View From Parking Lot**



# **Calls for Service**

**OFFICER'S NARRATIVE**

**SUPPLEMENTAL REPORT: SUMMARY OF AUDIOS FROM 911 CALLERS**

WITNESS #1  
WITNESS #2  
WITNESS #3



**BACKGROUND:**

On 10-01-17, I was assigned as an investigator for the Ventura County Sheriff's Major Crimes Bureau and responded to an officer involved shooting. Upon my arrival, I learned deputies responded to a disturbance at [REDACTED] and contacted Robert Fogal. Robert began threatening the deputies. While throwing a knife at a deputy, the deputy shot at Robert, but missed. Robert barricade himself in the residence. Robert was eventually taken into custody. During the investigation, I learned there had been several 911 callers reporting the incident. I requested the Sheriff's Dispatch log and audio from the 911 calls. I reviewed the calls and summarized what the 911 callers said.

WITNESS #1 [REDACTED]:

On 10-01-17, at about 2003 hours, [REDACTED] used telephone number [REDACTED] o call 911 and the Ventura County Sheriff's Dispatch. [REDACTED] told dispatch the following: There was a man in the apartment complex that was crazy and starting fights with people. The suspect was a big white male in his 20's with his shirt off. While [REDACTED] walked his trash outside, the man yelled at [REDACTED] and targeted his anger toward [REDACTED]. The man threw a knife at [REDACTED]'s door and the knife was still there. After confronting [REDACTED], the man began fighting with other people. [REDACTED] believed the male was high or drunk. [REDACTED] did not know the male and he did not know his name. [REDACTED] said the situation was dangerous. [REDACTED] said, "Please send help immediately before somebody gets killed." [REDACTED] had no additional information and the call ended.

WITNESS #2 [REDACTED]:

On 10-01-17, at about 2003 hours, [REDACTED] used telephone number [REDACTED] to call 911 and the Ventura County Sheriff's Dispatch. [REDACTED] told dispatch the following: She was calling to a report a disturbance at [REDACTED]. A male living at that location was in the parking lot and in a confrontation with another resident. The male was walking around the parking lot and yelling. [REDACTED] believed the male may have been drunk, but she was unsure. The suspect was a white male with brown hair in his young 30's. [REDACTED] did not know if the male had a weapon, but she heard a noise earlier and looked outside. While looking outside, [REDACTED] saw a kitchen knife on her neighbor's door step. [REDACTED] did not know how the knife got there. [REDACTED] lived at apartment [REDACTED] and her neighbor with the knife on his door step lived at [REDACTED] [REDACTED] had no additional information and the call ended.

WITNESS #3 LAURA [REDACTED]:

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Issued by: \_\_\_\_\_  
Issued date: \_\_\_\_\_

DATE REPORTED 10-09-2017	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME JENKINS, STEVEN (3933) / Special Services Major Crimes - 10-23-2017 / 1058
APPROVED BY / ID # - APPROVED DATE / TIME MACIAS, CARLOS / 2362 - 10/23/2017 / 1058	

On 10-01-17, at about 2045 hours, [REDACTED] [REDACTED] used telephone number [REDACTED] to call 911 and the Ventura County Sheriff's Dispatch. [REDACTED] told dispatch the following: A male is yelling and screaming inside the Avalon Mission Oaks Apartments on [REDACTED] he police were at the location, but they just left. The male is sitting on his balcony and calling out the police. [REDACTED] heard the male tell deputies that he wanted to kick their ass and kill a cop. [REDACTED] was concerned the deputies just left. [REDACTED] wanted the deputies to taser him and take him away. [REDACTED] believed the male may have been drunk, but she did not know. [REDACTED] had no additional information and the call ended.

**WITNESS #4 UNKNOWN FEMALE:**

On 10-01-17, at about 2113 hours, an unknown female called 911 and Ventura County Sheriff's Dispatch. The unknown female told dispatch the following: She wanted to report a male at the Avalon Mission Oaks Apartments is taunting deputies and calling them racial slurs. The unknown female had no additional information and the call ended.

End of Report  
S. Jenkins #3933

# **Dispatch Log**

CALL: VS17-149851 CLEARED (R)

Time	Date	Desk/Unit	ID
20:03:57	10 01	SCC7	41711
20:06:23	10 01	SCC7	41711
20:06:23	10 01	SCC7	41771
20:06:55	10 01	SCC7	41771
20:06:55	10 01	SCC7	41771
20:06:55	10 01	SCC7	41771
20:07:18	10 01	SCC7	41771
20:08:58	10 01	SCC7	41771
20:09:31	10 01	SCC7	41771
20:09:31	10 01	SCC7	41771
20:09:31	10 01	SCC7	41771
20:09:31	10 01	SCC7	41771
20:09:32	10 01	SCC7	41771

Priority: 1 Received by: T TELEPHONE - BUSINESS LINE  
Initial: SDIS  
Final: SDIS  
74-  
Community: CA cad.county: cad.district: 12 cad.zone: 8D01 CA 805  
Contact: NO THOMAS G1: MELISSA G2: Sex: DOB:  
SUBJ IS IN THE PLOT YELLING CAUSING A DIST POSS HBD / WM 30 YRS BROWN HAIR  
GRY OR NAVY SWEATSHIRT / UNK ON WEAPONS / RP SEES A KNIFE ON THE NEIGHBORS  
DOOR STEP RP IS IN BLDG 5195 APT SO THE NEIGHBOR IS POSS  
Related Call: ADDED TO PRIME.VS17-149849  
Comp.Name: CHANGED TO:   
Comp. Contact  
Comp. phone: CHANGED TO:   
SUBJ TOOK OF HIS SHIRT AND IS YELLING AT THE GUY IN THE PLOT /  
Related Call: DELETED PRIME: VS17-149849  
Report: N Founded: N How cleared: C  
DUP  
Call was CLEARED  
Founded: Y TO: N  
Cleared by: CHANGED TO: C  
Clear remarks: CHANGED TO: DUP  
Related Call: ADDED TO PRIME: VS17-149849  
END OF REPORT

CALL: VS17-149872 CLEARED (R)

VENTURA COUNTY SHERIFF

Time Date Desk/  
20:45:44 10 01 911 Unit ID

Position: 06  
MORRIS 800 [REDACTED] 4

Phone: [REDACTED] AT&T

20:45:49 10 01 SCC6 5326

Priority: 1 Received by: 9 911 SYSTEM  
Initial: SDIST  
Final: SDIST  
Telephone: 805 [REDACTED]

20:49:34 10 01 SCC6 5326  
20:49:34 10 01 SCC6 5326  
20:49:34 10 01 SCC6 5326

Community: CA cad.county: cad.district: 12 cad.zone: 8D01 MISSION OAKS  
Contact: [REDACTED] G1. LAURA G2: Sex: DOB: 5901  
BLVD CA  
Report: N Founded: Y How cleared: Z  
RP ADVISING A HM NO SHIRT / DARK JEANS, SUBJ IS STILL OUT YELLING OFF THE  
BALCONY AND MAKING THREATS / RP BELIEVES HE IS HBD, ADVISED DEPS OS /  
Related Call: ADDED TO PRIME: VS17-149849  
END OF REPORT

CALL: VS17-149886 CLEARED (R)

Time 21:13:43 Date 10 01 Desk/Unit 911 ID 4934

Position: 02  
Priority: 1 Received by: 9 911 SYSTEM

Initial: SDIST  
Final: SDIST  
Telephone: 805

Community: CA cad. county: cad. district: 12 cad. zone: 8D01  
Contract: UNK G2: Sex: DOB: 112-5195 CORTE ESTIMA CA

21:15:27 10 01 SCC2 4934  
21:15:27 10 01 SCC2 4934  
21:15:27 10 01 SCC2 4934

Report: N Founded: Y How cleared: Z  
FEM RP CALLED ADVING MALE IS OUTSIDE WIELDING A KNIFE AND BEING VERBAL  
WITH DEPS/RP ADDVD DEPS ARE 1097  
Related Call: ADDED TO PRIME: VS17-149849  
END OF REPORT

Phone:

CALL: VS17-149849 CLEARED (R)

Time 20:03:27 Date 10/01/10 Desk/Unit SCC3 ID 4933  
Priority: 1 Received by: T TELEPHONE - BUSINESS LINE  
Initial: SDIST  
Final: SDIST  
Reporting: 49118

Community: CA cad.county: cad.district: 12 cad.zone: 8D01 CA 720  
Contact: YES Sex: DOB:

HBD WM LARGE BUILDING SHIRT THREW A KNIFE AT RPS DOOR  
ER: 8D21 P 4913  
ER: 8J51 P 4750  
RP ADV THE KNIFE IS AT HIS FRONT DOOR /DP WAS TRYING TO START A FIGHT  
W/PASSERBY

C3: 8D21 P 4913 Sent to MDT: 8D21, Status changed to C3 by SCC2  
C3: 8D21 P 4913  
C3: 8J51 P 4750 Sent to MDT: 8J51, Status changed to C3 by SCC2  
C3: 8J51 P 4750 SHIRT BLK PANTS /UNK IF HE LIVES IN THE COMPLEX  
WM MID 20' S NO  
Comp. Name: CHANGED TO:  
Comp. Contact  
Comp. phone: CHANGED TO:  
8D21 RP ADV THERES OTHER PEOPLE STANDING BY OUTSIDE LOOKING AT THE SUBJ IN  
THE PLOT

(M) DUPLICATE: VS17-149851: SUBJ IS IN THE PLOT YELLING CAUSING A DIST  
POSS HBD / WM 30 YRS BROWN HAIR GRY OR NAVY SWEATSHIRT / UNK ON WEAPONS /  
RP SEES A KNIFE ON THE NEIGHBORS DOOR STEP RP IS IN  
THE NEIGHBOR IS POSS  
Related Call: ADDED DUPLICATE: VS17-149851

ER: 8C21 P 3272 Sent to MDT: 8C21, Status changed to C3 by SCC2  
C3: 8C21 P 3272  
C3: 8D21 P 4913 Sent to MDT: 8D21, Status changed to OS by SCC2  
OS: 8D21 P 4913 DELETED DUPLICATE: VS17-149851  
OS: 8D21 P 4913  
(M) DUPLICATE:  
POS HBD / WM VS17-149851: SUBJ IS IN THE PLOT YELLING CAUSING A DIST  
RP SEES A KNIFE ON THE NEIGHBORS DOOR STEP RP IS IN BLDG UNK ON WEAPONS /  
THE NEIGHBOR IS POSS  
(M) DUPLICATE: VS17-149851: CALLER: (H) NO  
Related Call: ADDED DUPLICATE: VS17-149851

OS: 8J51 P 4750 Sent to MDT: 8J51, Status changed to OS by SCC2  
OS: 8J51 P 4750  
OS: 8B60 SG 2357  
OS: 8C21 P 3272 Sent to MDT: 8C21, Status changed to OS by SCC2  
OS: 8C21 P 3272  
OS: 8A21 P 4906 DELETED STACK TO VS17-149829  
OS: 8A21 P 4906  
FOGAL. ROBERT. 060587.M  
FOGEL. ROBERT. 060587.M

20:09:32 10 01 SCC7 4171  
20:09:32 10 01 SCC7 4171  
20:09:45 10 01 SCC2 4934  
20:09:45 10 01 SCC2 4934  
20:11:11 10 01 SCC2 4934  
20:11:31 10 01 SCC2 4934  
20:13:07 10 01 SCC2 4934  
20:13:43 10 01 SCC2 4934  
20:14:26 10 01 SCC2 4934  
20:14:34 10 01 SCC2 4934

20:06:23 10 01 SCC7 4171  
20:07:39 10 01 SCC2 4934  
20:07:41 10 01 SCC2 4934  
20:07:41 10 01 SCC2 4934  
20:07:46 10 01 SCC2 4934  
20:07:46 10 01 SCC2 4934  
20:08:58 10 01 SCC7 4171  
20:09:24 10 01 SCC2 4934  
20:09:32 10 01 SCC7 4171

CALL: VS17-149849 CLEARED (R)

Time 20:14:52 Date 10 01 Desk/Unit SCC2 ID 4934

Subject: Rsp: [REDACTED] \*4934.#1  
4CD04900751.IN

DATE: 10-01-17 \*TIME: 20:14\*

MATCHED ON: \*S/N\*/N\*/N\* BD

DMV RECORD FOR LAW ENFORCEMENT USE ONLY

DL/NO [REDACTED] \*NAME: FOGAL ROBERT BURTON\*  
MAIL ADDR AS OF 03-29-17: [REDACTED] CAMARILLO 93012\*  
OTH/ADDR AS OF 11-21-12: 4810 [REDACTED] \*

IDENTIFYING INFORMATION:

SEX: MALE \*HAIR: BROWN \*EYES: GRN \*HT: 6-01  
\*WT: 205\*

ID CARD MLD: 04-07-17 \*EXPIRES: 06-05-22 \*BATES: LIS\*

LIC/ISS: 08-23-13 \*EXPIRES: 06-05-18 \*CLASS: C NON-COMMERCIAL\*  
ENDORSEMENTS: NONE\*

ORIGINAL DL ISSUE DATE: 08-11-04\*  
LATEST APP:

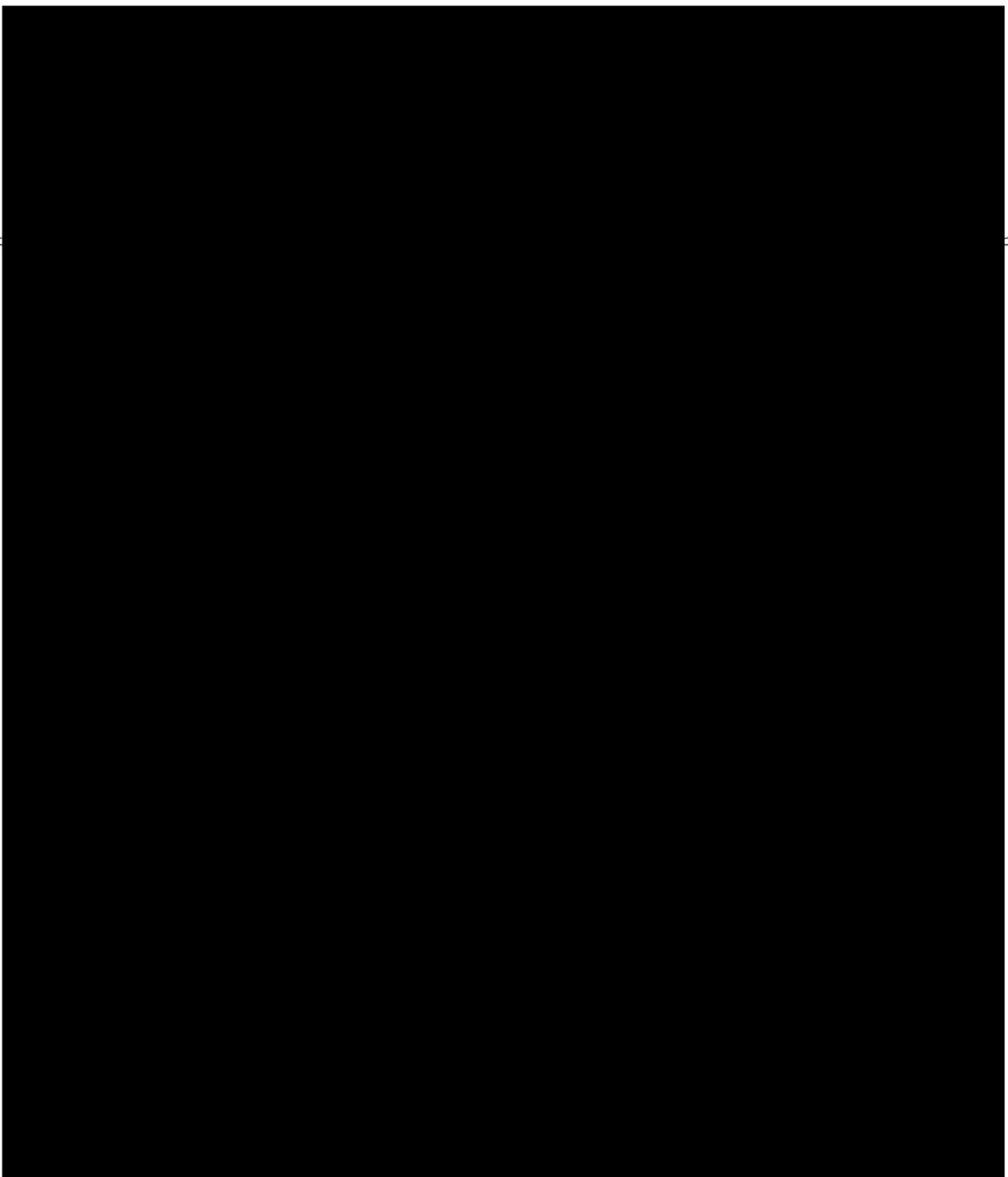
Page 3  
FOR: 109837

JURISDICTION - VENTURA COUNTY SHERIFF'S

Wed, Oct-04-2017

CALL: VS17-149849 CLEARED (R)

Time Date Desk/  
Unit ID



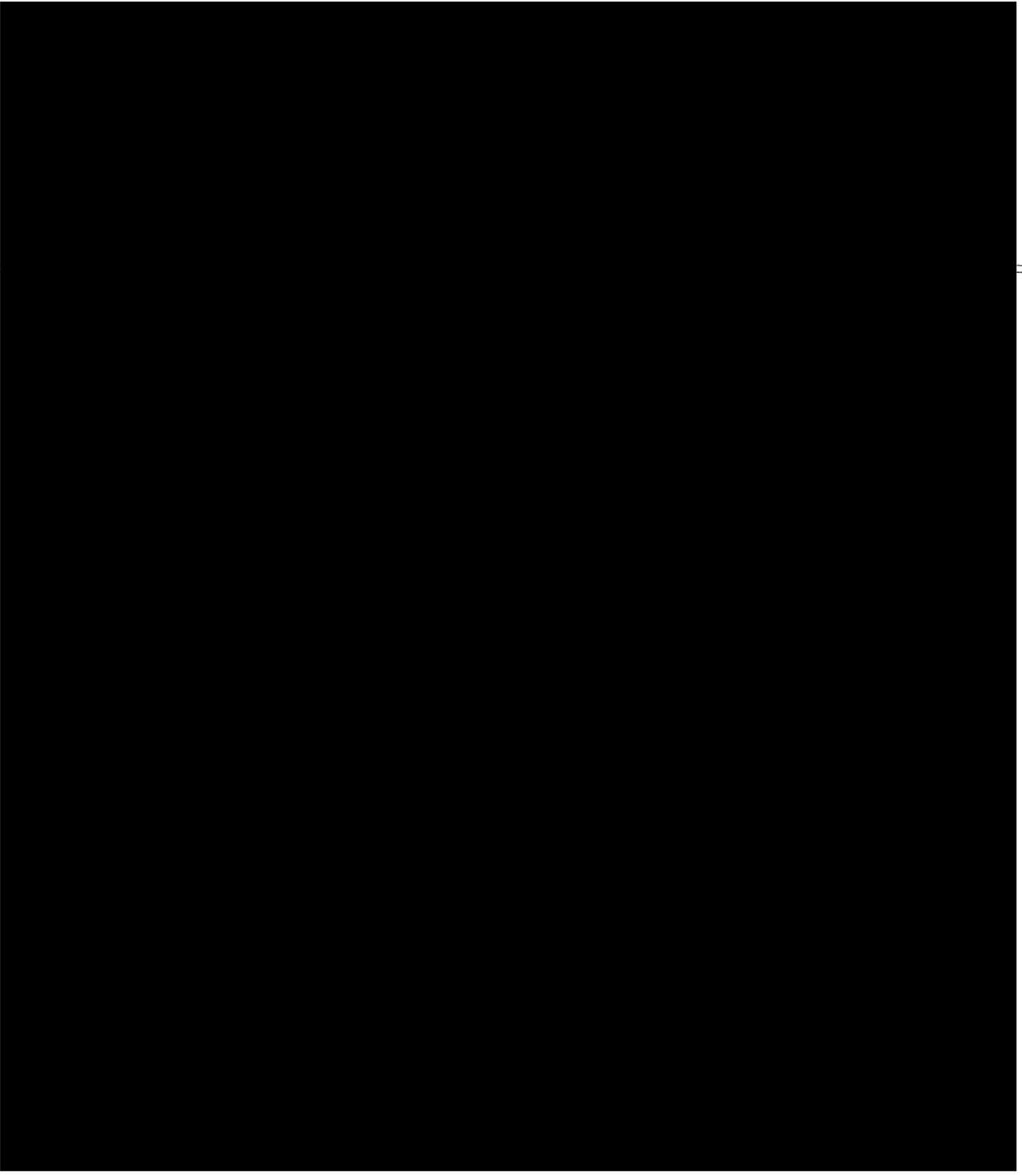
Page 4  
FOR: 109837

JURISDICTION - VENTURA COUNTY SHERIFF'S  
VENTURA COUNTY SHERIFF'S

wed, Oct-04-2017

CALL: VS17-149849 CLEARED (R)

Time Date Desk/  
Unit ID



Page 5  
FOR: 109837

VENTURA COUNTY SHERIFF  
JURISDICTION - VENTURA COUNTY SHERIFF'S

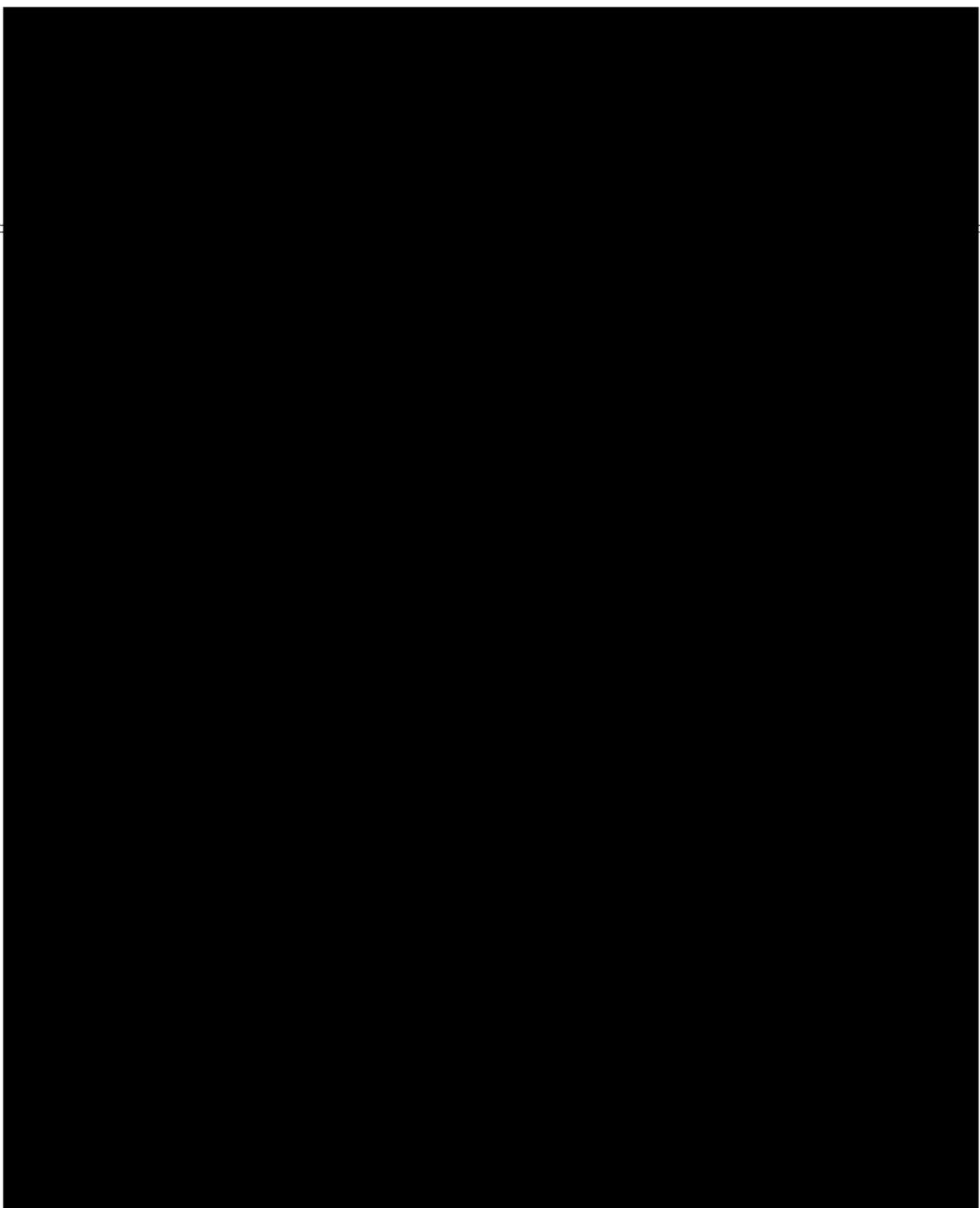
Wed, Oct-04-2017

CALL: VS17-149849 CLEARED (R)

Time Date Desk/  
Unit ID

NONE

20:15:00 10 01 SCC2 4934



Page 6  
FOR: 109837

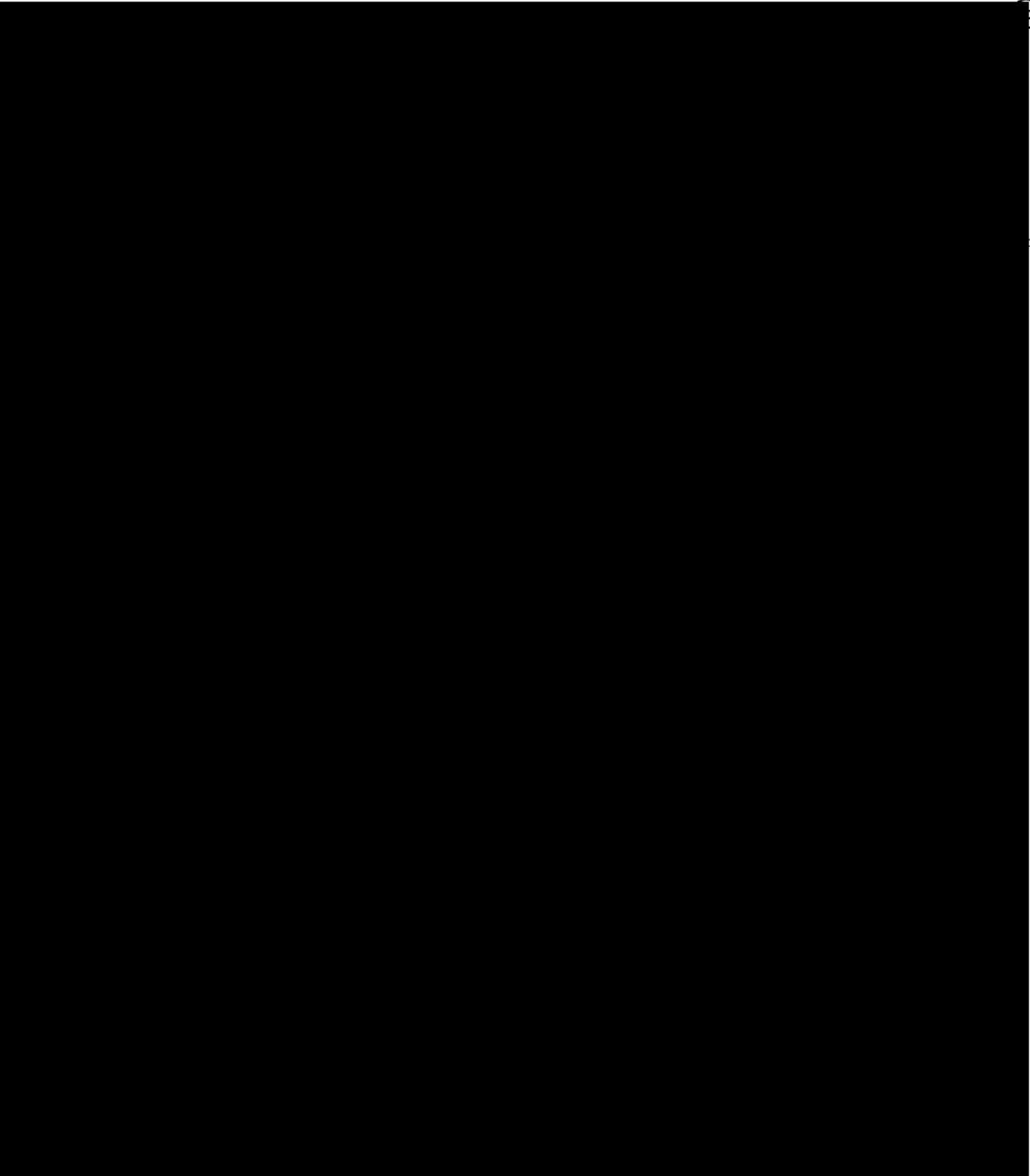
JURISDICTION - VENTURA COUNTY SHERIFF'S

Wed, Oct-04-2017

CALL: VS17-149849 CLEARED (S)

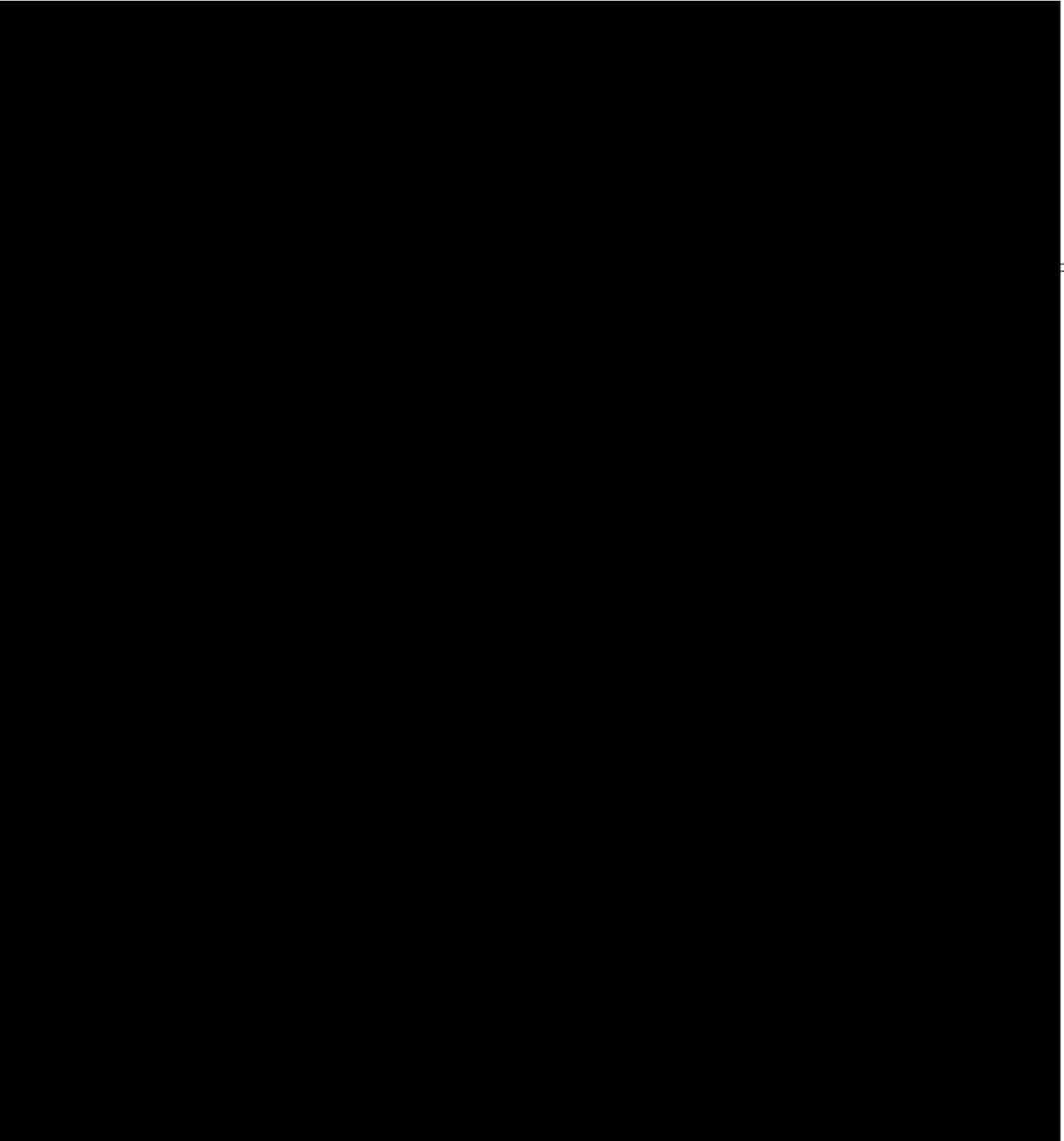
Time	Date	Desk/ Unit	ID
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20:15:03	10 01	SCC2	4934
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CALL: VS17-149849 CLEARED (R)

Time Date Desk/  
Unit ID





CALL: VS17-149849 CLEARED (R)

Time	Date	Desk/Unit	ID	Text
22:37:07	10 01	SCC6	5326	SHOTS FIRED BY US, UNK SUBJ HOT
22:37:35	10 01	SCC6	5326	HIT *
22:37:42	10 01	SCC5	5320	ER: 8B21 P 4816 CONTROL FOR UNIT CHANGED OFF
22:37:42	10 01	SCC5	5320	ER: 8B21 P 4816 MOVEMENT INSIDE
22:40:34	10 01	SCC6	5326	3S60 APPEARS MOVEMENT INSIDE
22:41:01	10 01	SCC6	5326	NEG K9 AT THIS TIME
22:43:41	10 01	SCC6	5326	OS: 8B21 P 4816
22:43:41	10 01	SCC6	5326	OS: 8B21 P 4816
22:44:27	10 01	SCC6	5326	3S60 HAVE VISUAL AND VERBAL CONTACT
22:44:53	10 01	8T2	5019	OS: 8T2 T 5019
22:44:53	10 01	8T2	5019	OS: 8T2 T 2877
22:45:30	10 01	SCC6	5326	ITTS CLEAR AT THE REAR
22:53:56	10 01	ARTR	5097	10-21 FOR FOGAL AS OF 6/26/17
23:01:07	10 01	SCC1	5326	OS: 3S60 SG 2357 TIMER OFF - 3S60
23:04:38	10 01	SCC2	4934	COMMAND POST ADVD 74-5243 CORTE ESTIMA, -
23:04:38	10 01	SCC2	4934	ER: 5H16 D 3149 CONTROL FOR UNIT CHANGED OFF
23:08:45	10 01	SCC6	5326	ER: 5H11 D 4339
23:08:45	10 01	SCC6	5326	ER: 5H11 D 4339
23:09:34	10 01	SCC6	5326	8T2 DP RAN BACK INOT APARTMENT
23:09:34	10 01	SCC6	5326	NEXT TIME SMITLY TALKS HIM, DOWN, HOLD POSITION, I HAVE THE GUYS WITH LONG
23:11:57	10 01	SCC6	5326	RIFLES, HOLD GROUND
23:12:32	10 01	SCC6	5326	8T2 DP ON BALCONY WITH SHIRT OFF TALKING TO DEPS
23:13:20	10 01	SCC6	5326	DP MAKING STATEMENT THAT HES GOING TO JUMP OFF BALCONY
23:14:10	10 01	SCC6	5326	OS: 3CS ZZ 3069
23:15:06	10 01	SCC9	5310	DP AT BALCONY ENGAGING DEPS IN CONFRONTATION
23:15:17	10 01	SCC9	5310	OS: 4F21 SR 3422 CONTROL FOR UNIT CHANGED OFF
23:19:21	10 01	SCC6	5326	8T2 DP CLIMBING OFF EDGE OF BALCONY
23:19:57	10 01	SCC6	5326	8T2 SUBJ COMING DOWN STAIRS
23:19:57	10 01	SCC5	5320	ER: 5N13 N 4587 CONTROL FOR UNIT CHANGED OFF
23:20:27	10 01	SCC6	5326	C3: 5N13 N 4587
23:20:56	10 01	SCC6	5326	8T2 SUBJ WENT BACK UP 2ND BALCONY
23:26:46	10 01	SCC6	5326	SUBJ WALKING DOWN, SUBJ JUST WENT BACK UP
23:27:02	10 01	SCC6	5326	OS: 5H11 D 4339
23:27:34	10 01	SCC6	5326	ER: 11A A 2420
23:27:34	10 01	SCC6	5326	11A NEGOTIATION
23:27:44	10 01	SCC6	5326	OS: 5H17 D 4339
23:28:13	10 01	SCC6	5326	ER: 5H11 D 4339
23:28:13	10 01	SCC1	4643	TS: 4F21 SR 3422 CONTROL FOR UNIT CLEARED
23:28:15	10 01	SCC1	4643	IS: 4F21 SR 3422
23:28:53	10 01	SCC6	5326	OS: 5H1 D 3933
23:28:53	10 01	SCC6	5326	COMMAND POST AT
23:30:06	10 01	SCC6	5326	8T2 DP BACK INTO VONS
23:31:09	10 01	SCC6	5326	C3: 5N13 N 4587 HIS RESD
23:31:09	10 01	SCC6	5326	ER: 5H18 D 3996 HAD CONTACT
23:31:33	10 01	SCC6	5326	OS: 8B21 P 4816
23:31:33	10 01	SCC6	5326	OS: 8T2 T 5019
23:31:33	10 01	SCC6	5326	OS: 8T2 T 2877
23:33:44	10 01	SCC6	5326	5H17 ALL RESPONDING MISSION OAKS COMMAND POST, CVS PLOT, DIRECTLY IFO

CALL: VS17-149849 CLEARED (R)

Time	Date	Desk/Unit	ID	Text
23:33:59	10 01	SCC9	5310	ER:7X J 3639
23:35:59	10 01	SCC9	5310	ER:7X J 3639
23:36:06	10 01	SCC6	5326	ER:5H16 D 3149
23:37:25	10 01	SCC6	5326	8T2 DP PHONE
23:37:37	10 01	SCC6	5326	OS:5H9 D 2967
23:42:01	10 01	SCC6	5326	OS:8L A 3545
23:42:26	10 01	SCC6	5326	OS:5H11 D 4339
23:43:06	10 01	SCC6	5326	8T2 DP STILL IN RESD
23:43:17	10 01	SCC6	5326	OS:5A6 D 4572
23:45:45	10 01	SCC3	4933	5A6 97 COMMAND
23:45:45	10 01	SCC3	4933	ER:11Z1 A 3535
23:46:45	10 01	SCC6	5326	ER:11Z1 A 3535
23:46:58	10 01	SCC6	5326	OS:CAR12 A 2359
23:47:28	10 01	SCC6	5326	CAR12 97 CP
23:47:36	10 01	SCC6	5326	WERE LOADING UP AND COMING OUT WITH 5 SWAT OPERATORS
23:47:37	10 01	SCC1	4643	OS:5H18 D 3996
23:47:39	10 01	SCC1	4643	ER:CAR10 A 2721
23:48:39	10 01	SCC6	5326	ER:CAR10 A 2721
23:48:49	10 01	SCC6	5326	OS:5N13 N 4587
23:49:05	10 01	SCC6	5326	DP STILL IN RESD NO COMMUNICATION
23:50:32	10 01	SCC6	5326	OS:5H30 ZZ
23:54:06	10 01	SCC6	5310	OS:11A A 2420
23:54:13	10 01	SCC9	5310	OS:CAR3 A 3318
23:54:21	10 01	SCC6	5326	OS:5H12 D 3478
23:55:39	10 01	SCC6	5326	OS:5H12 D 3478
23:56:54	10 01	SCC6	5326	CAR3 97 CP
23:58:22	10 01	SCC6	5326	DP STILL IN RESD NO CONTACT
23:58:27	10 01	SCC6	5326	COMING IN A BEARCAT
23:58:46	10 01	SCC6	5326	5H17 FRONT DOOR FACES WEST, NO BODY AT BACK OF BUILDING
23:59:30	10 01	SCC6	5326	OS:3CS ZZ 3069
00:00:05	10 02	SCC6	5326	LUNA ACROSS FROM FRONT DOOR BEHIND CARPORT
00:00:28	10 02	SCC6	5326	8T2 EXTERIOR LIGHTS TURNED OFF, STILL NO CONTACT WITH DP
00:02:04	10 02	SCC9	5310	POULL UP, FRONT DOOR FACE OUT TWDS PLOT, LIGHT IT UP WITH LIGHTS
00:02:22	10 02	SCC6	5326	DEL
00:02:44	10 02	SCC6	5326	OS:5H16 D 3149
00:02:57	10 02	SCC3	4933	WE NEED ATLEAST ON K9
00:02:57	10 02	SCC3	4933	ER:4FK K9 3281
00:04:06	10 02	SCC6	5326	C3:4FK K9 3281
00:06:14	10 02	SCC6	5326	C3:4FK K9 3281
00:06:38	10 02	SCC6	5326	ER:7X J 3639
00:07:01	10 02	SCC6	5326	WERE GOING TO USE #1 SIDE AS FRONT DOOR FACING WEST, I WILL LEAD 2 SWAT, AT CORNER
00:08:04	10 02	SCC6	5326	3S60 30 MINS NO VERBAL CONTACT
00:09:32	10 02	SCC6	5326	2 SWAT AT 2/3 CORNER
00:10:04	10 02	SCC6	5326	I HAVE 1/2 CORNER WITH ONE PATROL GUY,
00:10:24	10 02	SCC6	5326	GET A PATROL ON 1/4
00:12:36	10 02	SCC6	5326	LONG RIFLE ON ONE SIDE, APPROX 56 YARD FROM APARTMENT POSS VISUAL ON LIVING ROOM AND BEDROOM ONE ONE OPEN BLIND
				WELL BE CONTAINMENT 3, AND NICK CHIPS CONTAINMENT 4
				CONTAIN 3 CONFIRN NO SOURCE OF EXIT ON 3 SIDE? NOTHING ON 2 SIDE

CALL: VS17-149849 CLEARED (R)

Time	Date	Desk/Unit	ID	CONFIRM	THERES	NO EXIT	ON 3	SIDE
00:12:55	10 02	SCC6	5326	3/4 WINDOW, UNK	IF INTO THIS APARTMENT			
00:13:20	10 02	SCC6	5326	OS:5H1 D 3933	TIMER OFF - 5H1			
00:13:26	10 02	SCC6	5326	OS:4FK K9 3281				
00:13:30	10 02	SCC6	5326	OS:4FK K9 3281				
00:13:35	10 02	SCC6	5326	OS:5H17 D 3392	Sent to MDT: 4FK, Status changed to OS by SCC6			
00:15:43	10 02	SCC6	5326	KILL TONE, KEEP 33	TIMER OFF - 5H17			
00:16:02	10 02	SCC6	5326	HE WILL NOT HAVE ACCESS OUT 3 SIDE				
00:16:11	10 02	SCC6	5326	NEED TWO PATROL TO COVER 3/4				
00:16:21	10 02	SCC6	5326	ER:1121 A 3535	HAD CONTACT			
00:17:27	10 02	SCC1	4643	FIRE ADVD TO STAGE AT CP				
00:17:42	10 02	SCC6	5326	SEND THEM TO TRUCK WITH ENO				
00:17:59	10 02	SCC6	5326	ER:CAR10 A 2721	TIMER OFF - CAR10			
00:20:04	10 02	SCC6	5326	IS 3 SIDE TO LOC NO ACCES TO THE APART ON 3 SIDE CANT GET OUT THAT				
				WAY WHAT ABOUT WINDOW? ITS POSSIBLE, BASED ON CONSTRUCTION DOESNT LOOK LIK				
				IT GOES THROUGH				
				ARE THERE OTHER FRONT DOORS ON 3 SIDE? AFFIRM				
				THERE ARE FRONT				
				DEL				
00:20:14	10 02	SCC6	5326	OS:5H9 D 2967	TIMER OFF - 5H9			
00:20:23	10 02	SCC6	5326	OS:8L A 3545	TIMER OFF - 8L			
00:21:24	10 02	SCC6	5326	OS:5H11 D 4339	TIMER OFF - 5H11			
00:22:43	10 02	SCC6	5326	OS:5A6 D 4572	TIMER OFF - 5A6			
00:27:15	10 02	SCC6	5326	OS:CAR12 A 2359	TIMER OFF - CAR12			
00:32:06	10 02	SCC6	5326	IM GOING TO CUT	THEM LOOSE, THEYRE ER			
00:33:14	10 02	SCC6	5326	OS:5H18 D 3996	TIMER OFF - 5H18			
00:33:24	10 02	SCC6	5326	OS:4FK K9 3281	TIMER OFF			
00:33:46	10 02	SCC6	5326	OS:5H16 D 3149	TIMER OFF			
00:33:46	10 02	SCC6	5326	OS:5N13 N 4587	TIMER OFF			
00:33:46	10 02	SCC6	5326	OS:11A A 2420	TIMER OFF			
00:33:46	10 02	SCC6	5326	ER:7X J 3639	TIMER OFF			
00:33:46	10 02	SCC6	5326	ER:1121 A 3535	TIMER OFF			
00:33:46	10 02	SCC6	5326	OS:5H30 Z Z	TIMER OFF			
00:33:46	10 02	SCC6	5326	OS:CAR3 A 3318	TIMER OFF			
00:33:46	10 02	SCC6	5326	OS:5H12 D 3478	TIMER OFF			
00:36:55	10 02	SCC6	5326	STARTING EVACS ON 4 SIDE				
00:37:22	10 02	SCC6	5326	APARTMENT TO LEAVING				
00:38:53	10 02	SCC6	5326	RESD IN ARE EVACUATING IN 5				
00:39:01	10 02	SCC6	5326	NO ANSWER AT POST				
00:39:25	10 02	SCC6	5326	3560 COMMAND				
00:40:56	10 02	SCC6	5326	2 ADULT 2KIDS	EVACUATING			
00:42:03	10 02	SCC6	5326	OUR LOCATION IS APART	NO LIGHTS ON THIS SIDE			
00:43:54	10 02	SCC6	5326	#75 CONTACTED	WILL BE LEAVING			
00:44:58	10 02	SCC6	5326	#77 CONTACTED	WILL BE EVACUATING			
00:44:58	10 02	SCC6	5326	#76 CHOOSE TO SHELTER IN PLACE				
00:45:41	10 02	SCC6	5326	#79 3 ADULTS SHELTERING IN PLACE				
00:46:01	10 02	8T2	5019	OS:8T2 T 5019	EXT O PERS-NAME:MATIAS G1:ALEXANDER			
				STATE:CA VCJT:Y	EXTD:Y EXTN:Y CAD:N CNM:149849			
				PKI:N	TONC:Y UNIT:8T2			
					SEX:M			
					CJR:VS			
					CYR:17			

CALL: VS17-149849 CLEARED (R)

Time	Date	Desk/Unit	ID	
00:47:41	10 02	SCC6	5326	NO ANSWER AT [REDACTED]
00:48:01	10 02	SCC6	5326	MALE AND FEMALE WALKING ON 1 SIDE
00:49:13	10 02	SCC6	5326	UNIT BENEATH OUR TARGET LOC IS VACANT PER PATROL
00:50:30	10 02	SCC6	5326	UNIT [REDACTED] EVACUATING
00:52:11	10 02	SCC6	5326	ONE OF YOU GUYS MAKE CONTACT WITH GUYS WITH CAMERA, HAVE THEM PULL BACK
00:52:46	10 02	SCC6	5326	ALL RESP EXCEPT IN PRIMARY BUILDING WERE CONTACTED/[REDACTED] NO ANSWER
00:53:32	10 02	SCC2	4934	OS: 8D21 P 4913 [REDACTED] COMMAND POST (V)
00:55:32	10 02	SCC6	5326	IM LEAVING OLD [REDACTED] AND HOL ON 4 SIDE, BRADY HAS LAYOUT, GOING TO BRING IT TO CP
00:56:40	10 02	SCC6	5326	ENTRY LIGHT JUST WENT ON AND OFF, 1/2 CORNER ON 1 SIDE, CAN SEE HIM, SAW
				THROUGH SLIDER HE HAS ON 1 SIDE, SEE MOVEMENT
				LOOKS LIKE BI AT THE CP
				SH18 REO BI AT THE CP
				CSI ADVD
00:57:19	10 02	SCC6	5326	MOVEMENT ON SLIDER LEFT SIDE
01:00:16	10 02	SCC7	4171	SLIDER JUST OPENED
01:01:22	10 02	SCC1	4643	LONG RIFLE, SLIDER OPENED? ARRIRM, HE IS WEARING HOPODED SWEATSHIRT
01:04:36	10 02	SCC6	5326	*HOODED
01:05:17	10 02	SCC6	5326	SUSP PUT HEAD OUT, LOOKED IN OUR DIRECTION, ATTEMPTED CONTACT, WENT BACK
01:06:06	10 02	SCC6	5326	INSIDE CLOSED SLIDER
01:07:13	10 02	SCC6	5326	HES OPENING DOOR
				FRONT DOOR OPENED AND CLOSED AGAIN
				CAN WE CALL HIM?
				SLIDER IS OPEN
01:07:20	10 02	SCC6	5326	EYES ON SUSP, STANDING AT SLIDER, HOODED SWEATSHIRT, PORCH LIGHT CAME ON
01:07:25	10 02	SCC6	5326	SUSP IS STANDING AT SLIDER
01:09:54	10 02	SCC6	5326	SUBJ CAME OUT, THREW SOMETHING AT US, MIGHT HAVE BEEN A CAN
01:10:45	10 02	SCC6	5326	SUBJ AT SLIDER, OPENED SLIDER
01:11:51	10 02	SCC6	5326	CALL GOING IN
01:12:47	10 02	SCC6	5326	APPEAR HE DOESNT HAVE ANYTHING IN HANDS
01:13:23	10 02	SCC6	5326	NO ANSWER AT PHONE IN
01:13:34	10 02	SCC6	5326	VEHS DRIVING THRU COMPLEX, HAVE PATROL SHUT DOWN VEH TRAFF IN AREA
01:14:01	10 02	SCC6	5326	SUBJ ON BALC AT THIS TIME
01:14:08	10 02	SCC6	5326	ADV TWO PHONE CALLS IN NO ANSWER
01:14:21	10 02	SCC6	5326	SUSP ON PATTON YELLING AT US
01:14:27	10 02	SCC6	5326	*PATTO
01:14:33	10 02	SCC6	5326	ATTEMPTING TO GET HIM TO COME DOWN, HE SAID IF WE WANT TO TALK TO HIM, WE
01:14:54	10 02	SCC6	5326	HAVE TO COME UP THERE
				PHONE CALL GOING IN
01:15:07	10 02	SCC6	5326	SUSP BACK INSIDE, STILL NOT COMPLYING, DOESNT WANT TO COME DOWN
01:15:39	10 02	SCC6	5326	SUSP ANSWERED PHONE SAID HELLO AND HUNG UP
01:16:19	10 02	SCC6	5326	SUSP ON PATTO, WITH HANDHELD PHONE, HAVE VERBAL CONTACT
01:16:31	10 02	SCC6	5326	HES GOT A BEER IN OTHER HAND, SOUNDS LIKE HES LAND LINE/WERE ON PHONE WITH
01:17:00	10 02	SCC6	5326	HIM
01:17:16	10 02	SCC6	5326	SUSP WANTS OFFICERS TO LEAVE SO HE CAN GO TO SLEEP
01:17:38	10 02	SCC6	5326	SUSP STILL ON PORCH
01:17:55	10 02	SCC6	5326	HE JUST THREW PHONE DOWN TOWARDS US, WENT BACK INSIDE AND CLOSED SLIDER
01:18:37	10 02	SCC6	5326	BE ADVISED, SUSP SOUND AGGITATED AND INTOXICATED, SAID HE WANTED TO SLEEP
01:20:04	10 02	SCC6	5326	ANOTHER CALL GOING IN
01:21:16	10 02	SCC6	5326	CALL WENT TO VM
01:22:16	10 02	SCC6	5326	MALE AND FEMALE ON 1 SIDE TRYING TO GET INTO THEIR CAR

CALL: VS17-149849 CLEARED (R)

Time	Date	Desk/Unit	ID	Text
01:22:56	10 02	SCCC6	5326	ANOTHER CALL GOING IN
01:24:11	10 02	SCCC6	5326	WENT TO VM, NO ANSWER
01:25:49	10 02	SCCC6	5326	MAKING ANOTHER PHONE CALL
01:26:45	10 02	SCCC6	5326	2 SIDE, SOMEONE ON THAT PATIO
01:27:13	10 02	SCCC6	5326	CONTAINMENT ANOTHER PERSON ON BALC LIGHT IT UP
01:27:33	10 02	SCCC6	5326	HE THREW PHONE DOWN A FEW AGO, WE CANT HEAR IT RING
01:32:07	10 02	SCCC6	5326	UNIT [REDACTED] HAS BEEN EVACUATED
01:33:14	10 02	SCCC6	5326	WELL WORK ON [REDACTED]
01:36:55	10 02	SCCC6	5326	GET MORE LIGHTING ON 1 SIDE
01:38:14	10 02	SCCC6	5326	I CANT SEE IN DINING ROOM PAST SLIDER, LIGHTS NEED TO BE ON OPPOSITE ANGLE
01:47:27	10 02	SCCC6	5326	WE WILL REPOSITION
01:47:30	10 02	SCCC6	5326	ONE AVAIL UNIT TO GO ON 1/4 CORNER OUTER PERIMETER TO KEEP RESD OUT
01:47:30	10 02	SCCC6	5326	ER: 3C21 SR 4452 [REDACTED]
01:52:11	10 02	8T2	5019	OS: 8T2 T 5019 EXT O PERS-NAME: FOGEL, G1: ROBERT SEX: M
				STATE: CA VICI JT: Y EXTD: Y EXTN: Y CAD: N CNM: 149849 CJR: VS CYR: 17
				PKI: N TONC: Y UNIT: 8T2
01:53:00	10 02	3C21	5068	OS: 3C21 SR 5068
01:53:13	10 02	3C21	5326	OS: 3C21 SR 4452
01:54:56	10 02	3C21	5326	OS: 3C21 SR 5068
01:55:54	10 02	3C21	5326	OS: 3C21 SR 4452
01:58:45	10 02	3C21	5326	UNIT [REDACTED] IS EVACUATED
01:59:00	10 02	3C21	5326	CAN YOU RE CONTACT #72 /IM ATTEMPTING STILL NO ANSWER
01:59:06	10 02	3C21	5326	EE9
02:20:36	10 02	3C21	5326	ER: 5E9 CS 4853 [REDACTED]
02:20:38	10 02	3C21	5310	OS: 5E9 CS 5353 [REDACTED]
02:28:14	10 02	3C21	5310	OS: 5E CS 4853
02:28:42	10 02	3C21	5310	RELIEVE HOLT, SEND HIM BACK TO COMMAND POST
				ATTEMPTING TO MAKE VERBAL COMMUNICATION WITH SUSP WITH PA ON BEAR
				CAT//UNITS ON 3 SIDE SHOULD HEAR US ATTEMPTING TO MAKE CONTACT//COMMAND
				POST ATTEMPT TO MAKE CONTACT NOW
				MULTIPLE ANNOUNCEMENTS, NO RESPONSE//COMMAND POST COPY
				*
02:33:53	10 02	3C21	5310	OS: 3C21 SR 5068 TIMER OFF - 849
02:39:54	10 02	3C21	5310	OS: 3C21 SR 4452 TIMER OFF - 849
02:39:54	10 02	3C21	5310	OS: 5E9 CS 5353 TIMER OFF - 849
02:39:54	10 02	3C21	5310	OS: 5E CS 4853 TIMER OFF - 849
02:40:30	10 02	3C21	5310	NUMEROUS ADD'L BCAST'S NO RESPONSE
02:47:14	10 02	3C21	5310	UNITS ON PERIMETER WE'RE GOING TO TRY AGAIN
02:47:55	10 02	3C21	5310	SUSP IN THE WINDOW WE HAVE VERBAL CONTACT WITH HIM
02:48:11	10 02	3C21	5310	SUSPECT CLOSED TO WINDOW WENT BACK INSIDE
02:48:22	10 02	3C21	5310	THE BEDROOM WINDOW TO THE RIGHT OF THE FRONT DOOR
02:48:25	10 02	3C21	5310	*DOOR
02:48:28	10 02	3C21	5310	NOW BACK ON THE PATIO
02:48:35	10 02	3C21	5310	SUSPECT STATES HE IS NOT LEAVING IT'S HIS HOME
02:48:46	10 02	3C21	5310	SUSP STILL ON THE PATIO?
02:48:55	10 02	3C21	5310	SUSP HAS NOTHING IN HIS HANDS
02:49:25	10 02	3C21	5310	BACK INSIDE, SLIDER'S CLOSED
02:49:57	10 02	3C21	5310	BACK IN THE BEDROOM WINDOW TO THE RIGHT OF THE DOOR

CALL: VS17-149849 CLEARED (R)

Time	Date	Desk/Unit	ID
02:50:36	10 02	SCC9	5310
02:51:17	10 02	SCC9	5310
02:51:20	10 02	SCC9	5310
02:52:29	10 02	SCC9	5310
02:52:37	10 02	SCC9	5310
02:52:38	10 02	SCC3	49934
02:54:14	10 02	SCC9	5310
02:54:29	10 02	SCC9	5310
02:54:46	10 02	SCC9	5310
03:00:33	10 02	SCC9	5310
03:00:50	10 02	SCC9	5310
03:01:05	10 02	SCC9	5310
03:02:19	10 02	SCC9	5310
03:02:34	10 02	SCC9	5310
03:03:15	10 02	SCC9	5310
03:04:06	10 02	SCC9	5310
03:04:29	10 02	SCC9	5310
03:04:51	10 02	SCC9	5310
03:08:55	10 02	SCC9	5310
03:10:32	10 02	SCC6	5326
03:10:32	10 02	SCC6	5326
03:10:32	10 02	SCC6	5326
03:10:32	10 02	SCC6	5326
03:11:55	10 02	SCC9	5310
03:15:32	10 02	SCC9	5310
03:16:46	10 02	SCC9	5310
03:17:04	10 02	8J51	4750
03:17:41	10 02	SCC9	5310
03:19:14	10 02	SCC9	5310
03:19:58	10 02	SCC9	5310
03:21:38	10 02	SCC9	5310
03:21:43	10 02	SCC9	5310
03:22:32	10 02	SCC9	5310
03:25:11	10 02	SCC6	5326
03:25:32	10 02	SCC9	5310
03:26:23	10 02	SCC9	5310
03:26:24	10 02	SCC6	5326
03:26:24	10 02	SCC6	5326
03:26:48	10 02	SCC9	5310
03:26:48	10 02	SCC6	5326
03:27:01	10 02	SCC9	5310

COMMAND POST//SUSP WAS IN THE WINDOW WE GAVE A WARNING  
STILL HAVE VERBAL CONTACT/BEDROOM WINDOW TO RIGHT OF FRONT DOOR  
\*DOOR  
LOOKING AT A LAYOUT RIGHT NOW OF A SIMILAR UNIT  
GETTING READY TO USE THE SIREN AGAIN  
(M) PROP MGR [REDACTED] REQ 1021 WHEN AVAIL ABOUT FUTURE  
ENCOUNTERS WITH SUBJ/SUBJ IS NOT CURRENTLY A LEASE HOLDER  
GO AHEAD AND CALL OUT / HE'S AT THE SLIDER  
LONG RIFLE CALL OUT MOVE IN AS YOU SEE IT  
SUSP CAME OUT PICKED UP A BROOM THREW IT DOWN WENT BACK INSIDE/COMMAND  
POST COPIES  
GOING TO USE THE SIREN ONE MORE TIME  
SUSP OUT ON THE PORCH SAYS HE'S NOT COMING OUT SAYS HE'S GOING TO GO TO BED  
HE'S BACK OUT ON THE PATIO SAYING COME GET ME  
SUSP JUST PRESENTED HIMSELF IN THE BEDROOM WINDOW RT OF FRONT DOOR/LOOKS  
HE'S HOLDING SOME SORT OF A KNIFE  
SUSP IN THE SAME WINDOW, SHOWING US JUST A BUTTER KNIFE  
SUSP BACK IN THE WINDOW, SAYS HE'S NOT COMING OUT, NOT GOING TO WALK  
HIMSELF INTO OUR HANDS  
SUSP MADE A STATEMENT OF DON'T COME INTO MY HOME  
COMMAND POST COPIES  
DON'T COME INTO MY HOUSE OR ILL HURT YOU  
USE THE SIREN AGAIN?  
TS:8T2 T 5019 CONTROL FOR UNIT CLEARED  
TS:8T2 T 2877 CONTROL FOR UNIT CLEARED  
TS:8T2 T 5019  
TS:8T2 T 2877  
ANY MOVEMENT? COMING TO MULTIPLE WINDOWS, APPEARING TO FIX BLINDS HE BROKE  
EARLIER/CAN SEE HIS MOVEMENT TO BEDROOM RT OF FRONT DOOR  
AT THE FRONT DOOR TO THE LANDING/ CHALLENGING US TO COME UP TO HIS HOUSE  
REFUSING TO COME DOWN  
SUSP STILL OUT STILL BEING ENGAGED BY TNU  
OS:8J51 P 4750 (HOME STATION) HOME STATION  
SUSP WENT BACK INSIDE CLOSED THE FRONT DOOR/ NOW STANDING INSIDE SLIDER  
YELLING AT US  
HE'S COMING BACK OUT ON THE PATIO AND OUT THE FRONT DOOR/STILL ENGAGING US  
VERBALLY  
GOING TO COME OVER WITH FIRE/STAGE AN ENGINE ON THE 4 SIDE  
SUSP OUT ON PATIO WITH SOMETHING METAL IN HIS RIGHT HAND/KNIFE, CAN YOU  
CONFIRM  
HAS A BUTTERKNIFE IN HIS HAND  
SUSP STILL HAS A KNIFE IN HIS RT HAND  
SH18 HAVE 3D21 11\*98 TO RELIEVE 8B21, 8B21, 11\*98 AT CP  
SUSP HAS THREW THE BUTTER KNIFE TOWARDS THE UNITS BELOW  
SUSP NOW AT THE FRONT DOOR HOLDING A HAMMER  
ER:3D21 P 5020 CONTROL FOR UNIT CHANGED OFF  
ER:3D21 P 5020 DOWN AT US  
THREW HAMMER DOWN AT US  
ER:3D21 P 5020 PASEO DEL CAMPO /N WOODCREEK RD (V)  
3D21 TO REPLACE 8B21 AT PASEO DEL CAMPO FOR TRAFFIC//8B21 TO REPORT TO

Time	Date	Desk/Unit	ID	COMMAND POST
03:28:18	10 02	SCC9	5310	ILL BE APPROACHING THE BEAR CAT / GO ON DS OF K9 UNIT
03:28:46	10 02	SCC3	4934	ER:3D21 P 5020 PASEO DEL CAMPO /N WOODCREEK RD, WOF (V)
03:29:39	10 02	SCC9	5310	MADE A STATEMENT THAT ANYBODY WHO STEPS IN HIS DOORSTEP THEY'RE GOING TO DIE
03:30:32	10 02	SCC9	5310	CAME BACK OUT ON PATIO/ THREW SOME UNK OBJECT AT US
03:35:37	10 02	SCC9	5310	USE THE SIREN AGAIN
03:36:44	10 02	3D21	5020	OS:3D21 P 5020
03:38:25	10 02	SCC9	5310	DO YOU HAVE A VIEW / LOOK ON THE FIRST STORY WALL//LOOK AT ANY WATER VALVES SHUT OFF? UTILILITY CLOSET THINKING THAT'S WHERE IT'S AT IT CLOSET RIGHT BELOW MASTER BEDROOM WINDOW AND RIGHT BELOW BALCONY FIRE IS STAGED ON THE 4 SIDE
03:38:39	10 02	SCC9	5310	SIREN AGAIN
03:38:45	10 02	SCC9	5310	SEND SOMEBODY BACK TO CP
03:39:37	10 02	SCC9	5310	OS:3D21 P 5020 TIMER OFF - 849
03:49:16	10 02	SCC9	5310	OS:8J51 P 4750 TIMER OFF - 849
03:50:37	10 02	SCC9	5310	NA:8J51 P 4750 BYE,HOME STATION
03:57:34	10 02	8J51	4750	TS:8J51 P 4750
04:21:57	10 02	SCC6	5326	SEARCH WARR HAS BEEN SIGNED
04:50:00	10 02	SCC7	4171	ATTEMPTING TO MAKE CONTACT AGAIN W/SIREN
04:52:18	10 02	SCC7	4171	ATTEMPTING TO MAKE CONTACT AGAIN W/SIREN
04:53:59	10 02	SCC7	4171	ARREST WARR FOR ATTEMPT 187 245 69
04:54:19	10 02	SCC7	4171	SIREN 1 MORE TIME AND ADDL ANNOUNCEMENT
04:55:29	10 02	SCC7	4171	ATTEMPT ADDL ANNOUNCEMENT
04:56:21	10 02	SCC7	4171	NO REACTION TO THE ANNOUNCEMENT
04:58:07	10 02	SCC7	4171	FRONT DOOR PARTIALLY OPENED
04:58:16	10 02	SCC7	4171	OS:11Z1 A 3535
04:58:20	10 02	SCC7	4171	OS:CAR10 A 2721
05:00:57	10 02	SCC7	4171	OS:7X J 3639
05:12:48	10 02	SCC7	4171	CHIPS TO PERM/DEVISE 1/4 CORNER D
05:13:28	10 02	SCC7	4171	DIV TEAM COME BACK
05:14:13	10 02	SCC7	4171	CHIPS STARTING W/DIV DEVICE TEAM MOVING UP
05:14:44	10 02	SCC7	4171	ANNOUNCEMENT BEING MADE
05:15:10	10 02	SCC7	4171	NO MOVEMENT IN THE BEDROOM
05:16:06	10 02	SCC7	4171	SUSP OUT TO THE FRONT DOOR HANDS UP HANDS ARE EMPTY
05:17:44	10 02	SCC7	4171	SUSP COMPLYING HALF WAY DOWN THE STAIRS
05:18:55	10 02	SCC7	4171	SUSP ON THE GROUND FLOOR BEING GIVEN ADDL INSTRUCTIONS
05:21:12	10 02	SCC7	4171	TAKING INTO CUSTODY NOW
05:24:56	10 02	SCC7	4171	SUSP IN CUSTODY
05:29:08	10 02	SCC7	4171	CHIPS FAINT SMELL OF NATURAL GAS INSIDE THE RESD
05:29:39	10 02	SCC6	5326	GASS OFF MAKING ENTRY
05:29:39	10 02	SCC6	5326	NEED THE LADDER FOR ATTIC ACCESS
05:29:39	10 02	SCC6	5326	C4:3C21 SR 4492
05:29:39	10 02	SCC6	5326	C4:3C21 SR 4492
05:30:58	10 02	SCC6	5326	C4:3C21 SR 5068
05:30:58	10 02	SCC6	5326	OS:3C21 SR 5068
05:30:58	10 02	SCC6	5326	OS:3C21 SR 4452
05:31:43	10 02	SCC6	5326	OS:3C21 SR 5068
05:34:12	10 02	SCC7	4171	**3C22 C4 DISREGARD 3C21 C4
05:34:21	10 02	SCC7	4171	CHIPS C4 AT THE AT THE RESD
05:34:21	10 02	SCC7	4171	OK:8A21 P 4906

Sent to MDT: 3C21, Status changed to C4 by SCC6

Sent to MDT: 3C21, Status changed to OS by SCC6



CALL: VS17-149849 CLEARED (R)

Time	Date	Desk/Unit	ID	NA:8D21 P 4913	BYE, HOME STATION
06:59:35	10 02	8D21	4913	OS:5A2 D 4727	
07:02:45	10 02	SCC7	41771	IS:8D21 SR 5068	TIMER OFF - 3C21
07:03:27	10 02	SCC7	41771	OS:3C21 SR 4452	TIMER OFF - 3C21
07:04:21	10 02	SCC7	41771	OS:8T SR 3386	TIMER OFF - 8T
07:14:23	10 02	SCC7	41771	OS:5H15 D 2342	TIMER OFF - 5H15
07:15:48	10 02	SCC7	41771	OS:5H20 D 3616	TIMER OFF - 5H20
07:18:40	10 02	SCC7	41771	OS:5A5 D 3382	TIMER OFF - 5A5
07:23:51	10 02	SCC2	43112	OS:8B11 P 4900	TIMER OFF - 8B11
07:49:57	10 02	SCC2	43112	OS:5A2 D 4727	TIMER OFF - 5A2
08:01:14	10 02	SCC5	48559	IS:7X J 3639	CONTROL FOR UNIT CLEARED
08:14:29	10 02	SCC5	48559	IS:3S12 SG 2561	
09:14:57	10 02	SCC6	43112	IS:8T SR 3386	AT THE HOSPITAL WAITING FOR A MED CLEARANCE
10:39:29	10 02	SCC6	38990	IS:5A2 D 4727	
11:02:26	10 02	SCC3	46553	IS:5A6 D 4572	
11:02:26	10 02	SCC3	46553	IS:5A5 D 3382	
11:03:34	10 02	SCC3	46553	IS:8B11 P 4900	3701 IAS POSAS RD (V)
11:14:53	10 02	SCC3	46553	ER:8B11 P 4900	Sent to MDT: 8B11, Status changed to ER by SCC3
11:15:53	10 02	SCC3	46553	IS:5H18 D 3616	CONTROL FOR UNIT CLEARED
11:15:10	10 02	SCC3	46553	IS:5H20 D 3616	CONTROL FOR UNIT CLEARED
11:15:10	10 02	SCC3	46553	IS:5H15 D 2342	CONTROL FOR UNIT CLEARED
11:15:10	10 02	SCC3	46553	IS:5H15 D 2342	
11:15:10	10 02	SCC3	46553	IS:3CS ZZ 3069	
11:15:10	10 02	SCC3	46553	IS:5H11 D 4339	
11:15:10	10 02	SCC3	46553	Call was CLEARED	
11:15:10	10 02	SCC3	46553	Report flag:N TO:Y	
11:15:10	10 02	SCC3	46553	Clear remarks:CHANGED TO:RPT	
11:15:10	10 02	SCC3	46553	IS:3C21 SR 5068	
11:15:10	10 02	SCC3	46553	IS:3C21 SR 4452	
11:15:10	10 02	SCC3	46553	IS:5E9 CS 5353	CONTROL FOR UNIT CLEARED
11:15:10	10 02	SCC3	46553	IS:5H16 D 3149	
11:15:10	10 02	SCC3	46553	IS:5H16 D 3149	
11:15:10	10 02	SCC3	46553	IS:8A21 P 4906	
11:15:10	10 02	SCC3	46553	IS:5H1 D 3933	
11:15:10	10 02	SCC3	46553	IS:5H9 D 2967	
11:15:10	10 02	SCC3	46553	IS:8T A 3545	CONTROL FOR UNIT CLEARED
11:15:10	10 02	SCC3	46553	IS:11Z1 A 3535	
11:15:10	10 02	SCC3	46553	IS:11Z1 A 3535	
11:15:10	10 02	SCC3	46553	IS:CAR10 A 2721	CONTROL FOR UNIT CLEARED
11:15:10	10 02	SCC3	46553	IS:CAR10 A 2721	
11:15:10	10 02	SCC3	46553	IS:5H30 ZZ	
11:15:10	10 02	SCC3	46553	IS:5H12 D 3478	CONTROL FOR UNIT CLEARED

CALL: VS17-149849 CLEARED (R)

Time	Date	Date	Desk/	ID	Call	Remarks
11:15:11	10 02	10 02	SCC3	4653	IS:5H12 D 3478	
11:15:11	10 02	10 02	SCC3	4653	IS:5E CS 4853	
11:15:11	10 02	10 02	SCC3	4653	Call was CLEARED	
11:48:29	10 02	10 02	SCC3	4653	Call was REOPENED	
11:48:33	10 02	10 02	SCC3	4653	OS:3C21 SR 5068	
11:48:33	10 02	10 02	SCC3	4653	OS:3C21 SR 4452	
11:48:40	10 02	10 02	SCC3	4653	TR:3C21 SR 5068	
11:48:40	10 02	10 02	SCC3	4653	TR:3C21 SR 4452	
11:48:40	10 02	10 02	SCC3	4653	TR:3C21 SR 5068	
11:50:08	10 02	10 02	SCC3	4653	ER:5H15 D 3616	
11:50:17	10 02	10 02	SCC3	4653	OS:3C21 SR 5068	
12:00:19	10 02	10 02	SCC3	4653	OS:3C21 SR 4452	
12:00:19	10 02	10 02	SCC3	4653	OS:3C21 SR 5068	
12:00:58	10 02	10 02	SCC3	4653	OS:3C21 SR 4452	
12:20:58	10 02	10 02	SCC3	4653	OS:5H15 D 3616	
12:20:58	10 02	10 02	SCC3	4653	OS:3C21 SR 5068	
12:20:58	10 02	10 02	SCC3	4653	OS:3C21 SR 4452	
12:21:06	10 02	10 02	SCC3	4653	OK:5H15 D 3616	
12:21:06	10 02	10 02	SCC3	4653	OK:3C21 SR 5068	
12:21:06	10 02	10 02	SCC3	4653	OK:3C21 SR 4452	
12:21:06	10 02	10 02	SCC3	4653	OK:3C21 SR 5068	
13:03:51	10 02	10 02	SCC3	4653	OK:5H20 D 3616	
13:03:51	10 02	10 02	SCC3	4653	IS:3C21 SR 5068	
13:03:51	10 02	10 02	SCC3	4653	IS:3C21 SR 4452	
13:10:04	10 02	10 02	SCC3	3890	Call was CLEARED	
13:10:04	10 02	10 02	SCC6	3890	Clear remarks:RPT TO:SUBJ BOOKED	
13:10:04	10 02	10 02	SCC6	3890	Report: Y Founded: Y How cleared: A	
13:10:04	10 02	10 02	SCC6	3890	SUBJ BOOKED	
13:10:04	10 02	10 02	SCC6	3890	IS:5H15 D 3616	
13:10:04	10 02	10 02	SCC6	3890	IS:5H20 D 3616	
13:10:04	10 02	10 02	SCC6	3890	Call was CLEARED	
13:10:04	10 02	10 02	SCC6	3890	END OF REPORT	

REOPENED/REOPENED  
 MAIN JAIL, WITH FOGEL  
 MAIN JAIL, WITH FOGEL  
 Sent to MDT: 3C21, Status changed to TR by SCC3  
 MAIN JAIL, WITH FOGEL,  
 MAIN JAIL, WITH FOGEL,  
 TRANSPORT COMPLETED:  
 TRANSPORT COMPLETED:  
 Sent to MDT: 3C21, Status changed to OS by SCC3

Sent to MDT: 3C21, Status changed to OK by SCC3

# **Crime Scene**

**OFFICER'S NARRATIVE**

**CRIME SCENE REPORT**

17-149849

██████████, Camarillo CA

**NOTIFICATION AND RESPONSE:**

On 10/01/2017, I was working as a Detective with the Ventura County Sheriff's Office Major Crimes Bureau. At approximately 2308 hours, I received a call from Detective Sgt. Harwood. Harwood requested my assistance and response in reference to an officer involved shooting in the city of Camarillo. I learned that a Ventura County Sheriff's Deputy was involved in the shooting and had fired his patrol rifle. I also learned the suspect was still inside his home and refusing to come out. The incident was located in an around ██████████ in Camarillo. Due to the nature of the incident, a command post was being established at 5275 Mission Oaks Blvd. (Vons parking lot). I arrived at 5275 Mission Oaks Blvd. just before midnight on 10/01/2017.

Due to the ongoing nature of the incident, multiple patrol deputies and supervisors from the Ventura County Sheriff's Office Camarillo station were already on scene. Ventura County Sheriff's SWAT Team members and Ventura County Sheriff's Office Major Crimes Detectives were already in the parking lot when I arrived.

Additional Ventura County Sheriff's Office Major Crimes Bureau personnel arrived on scene shortly after I did and a briefing was held in the parking lot. During the briefing, I learned suspect Robert Fogal threw knives at Camarillo Patrol Deputies and Deputy Krupnik fired one round at Fogal using his patrol rifle. It was presumed that Fogal was not hit by the rifle round. I learned Fogal was currently inside his home at ██████████ apartment ██████ and was refusing to come out. I learned the crime scene was in and around Fogal's apartment, which was inside a larger apartment complex on the north side of the Vons parking lot we were in.

The Ventura County Sheriff's Office Major Crimes Bureau will be responsible for investigating the crime and officer involved shooting. I was assigned task of managing and documenting the crime scene.

Due to the nature of the incident (barricaded subject with weapons), I did not respond directly to the crime scene. Upon arriving at the parking lot, I learned the crime scene around Fogal's apartment was secured by multiple patrol deputies from the Camarillo Patrol Station. A short time later, Ventura County SWAT Team members left the parking lot, relieved patrol deputies that were on scene and took positions around Fogal's apartment. Patrol deputies then assisted the SWAT team by securing the entrances to the apartment complex.

I arrived on the scene right after Fogal was taken into custody by the SWAT team. Upon arrival, I saw multiple deputies and SWAT team members on scene. I remained at the scene until it was secured. From what I learned

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Issued date: \_\_\_\_\_

DATE REPORTED 11-08-2017	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME OGONOWSKI, MATTHEW (3996) / Special Services Major Crimes - 11-08-2017 / 1155
APPROVED BY / ID # - APPROVED DATE / TIME JENKINS, STEVEN / 3933 - 11/08/2017 / 1155	

about how the scene was secured and from what I saw at the scene, I was satisfied the integrity of the scene was preserved and contamination of the scene was not a consideration for this investigation.

A crime scene log was already started and was maintained by Deputy Bentrup (ID #4900). Please refer to her report and attached crime scene log for a list of all parties entering/leaving the crime scene.

**DESCRIPTION OF THE CRIME SCENE:**

██████████ is inside the Avalon Mission Oaks Apartment complex in the city of Camarillo. The apartment complex is bordered on the east by Woodcreek Road and to the north by Paseo Del Campo. The complex is bordered on the south by Vons and CVS. Vons and CVS are the two largest retail stores inside a larger "strip mall" type retail outlet on the south side of the apartment complex. This retail outlet lies between the apartment complex and Mission Oak Blvd. The west and southwest side of the complex is bordered by a residential neighborhood and Corte Vistora. In the area of the Avalon Mission Oaks complex, Paseo Del Campo runs primarily east and west and Woodcreek Road runs primarily north and south.

██████████ is in the approximate center of the complex. The apartment complex pool and office are on the northwest side of ██████████. ██████████ is a two story building with multiple up and downstairs apartment units. Uni ██████ is on the west side of ██████████. The staircase and front door to unit ██████ face west. There are no other exterior doors for unit ██████, except the front or west facing door.

The front door to unit ██████ opens up to a small parking lot that is on the west side of ██████████. This parking lot has 24 spaces. This small parking lot is enclosed ██████████ the north, east and west. ██████████ takes up the east boundary of the parking lot. Both ██████████ and ██████████ make up the north boundary of the parking lot. Both ██████████ Corte Bocina and ██████████ make up the west boundary of the parking lot. Access to the small parking lot is from the Corte Estima on the south side. Corte Estima is a private drive. Both Corte Estima and this small parking lot are on private property and lie within the boundaries of the Avalon Mission Oaks apartment complex.

The crime scene for this incident is ██████████ and the private property to the west of ██████████. This includes ██████████ uni ██████ and the parking lot on the west side of ██████████ (described above).

Yellow crime scene tape was used to cordon off the entire enclosed parking lot. The tape was affixed to trees and other fixed objects on the west and north side of the parking lot. On the east side of the parking lot, the crime scene was taken all the way up to the structure of ██████████. The area between ██████████ and the parking lot was included in the yellow crime scene tape.

After initially surveying the scene, I identified an inner perimeter of the crime scene and secured it with "red" crime scene tape. This inner perimeter centered around the parking lot and west side of ██████████. This inner perimeter included all objects (weapons and debris) thrown by suspect Fogal. The inner perimeter included the steps leading to unit ██████ and unit ██████ itself. I secured the red crime scene tape to fixed objects around the inner perimeter.

The entire crime scene was on private property and was contained inside the apartment complex. No portion of the crime scene extended onto public property.

The crime scene and balcony area was littered with debris Fogal threw from his apartment. Scattered around the front entrance and steps to uni [REDACTED] were the following debris and objects:

1. Tan women's purse
2. Folding patio/outside chair
3. White framed screen door
4. Wood handled broom
5. Potted plant (red pot with small fake tree)
6. Two outdoor chairs
7. Clothes
8. White framed window screen
9. Brown/red curtain with curtain rod
10. Deceptive door wreath
11. Vertical blinds

Object 1, was between vehicle 3 and vehicle 4 and object 2 was partially under the passenger side of vehicle 4. All other objects listed above were scattered on and around the front steps that led to uni [REDACTED]. The above listed objects (1-11) were not marked as evidence and were not collected, measured or recorded. Although the above listed objects were not considered evidentiary in nature, I considered them important enough to discuss and briefly describe how they were scattered around the screen. I believe describing these objects contributes to the overall prospective of the scene and aids the reader in conceptualizing the scene as the events unfolded. These objects were extensively photographed.

When I arrived, I identified 17 vehicles inside the small parking lot on the west side of [REDACTED]. The vehicles were marked 1-17. Each vehicle's location was described in detail in the factual scene diagram that is included with this report (described below).

Multiple items of evidence were identified and marked on my walk through of the crime scene. These items of evidence are described in detail bellow under documentation and evidence collection.

My intent with this scene report is to provide a basic description of the scene by describing [REDACTED], the surrounding property, apartment unit [REDACTED], the parking lot and the Avalon Apartment Complex itself. A more detailed description of the crime scene with measurements, latitude and longitude and drawings/diagrams were compiled by Sr. Deputy Dominguez. Please refer to his report and attached factual diagram for further details.

#### DOCUMENTATION OF THE SCENE:

I requested Ventura County Sheriff's Office Field Evidence Technicians to respond and assist me in [REDACTED] enta [REDACTED] ide [REDACTED] lection. Ventura County Sheriff's Office Field Evidence Technicians [REDACTED] (ID [REDACTED]) and [REDACTED] ID [REDACTED] arrived and met me in the Vons parking lot, prior to arrival at the crime scene. Tog [REDACTED] crime scene, marked and collected evidence and assisted in the search warrant at unit #74. [REDACTED] took 879 digital photographs. Refer to their respective reports for additional details on their actions.

Sr. Dep. Dominguez (ID # 3386) and Deputy Riordan (ID #4615) also arrived on scene to document and measure the scene with the "Total Station 15i" electronic distance meter and crime scene reconstruction system. Later, Sr.

**Dep. Dominguez used the measurements to create a factual diagram of the crime scene. Refer to his supplemental report and attached factual crime scene diagram for a detailed overview of the crime scene, location of each vehicle (including patrol unit) and the location of the evidence.**

**One of intents of this crime scene report is to relay a basic description of the crime scene as I saw it when I arrived. For greater detail and the exact location of objects and evidence in the crime scene, please refer to Sr. Dep. Dominguez's supplemental report and attached factual diagram under this report number.**

**Because of the large size of this crime scene and the weapons scattered around the scene, I requested the Ventura County Sheriffs UAV (Unmanned Arial Vehicle) Unit respond and document the scene. I felt an overhead prospective would be beneficial given the size of the scene. In addition, the UAV could fly in and around the vehicles parked inside the scene and further document the locations of the weapons and evidence around the scene. Also, I thought the UAV could provide a prospective from the deputies' point of view. Sr. Deputy Delarosa and Sr. Deputy L. Johnson responded and documented the scene with the UAV. Please refer to the UAV footage for further detail on the scene.**

**SCENE PROCESSING AND EVIDENCE COLLECTION:**

**The below listed evidence was numerically marked, photographed and collected.**

**Numbered marker Item / location**

**18. Bullet Hole / refer to factual diagram**

**19. Craftsman Hammer / refer to factual diagram**

**20. Kitchen Knife / refer to factual diagram**

**21. Cordless Phone / refer to factual diagram**

**22. "i-phone" / refer to factual diagram**

**23. Steak Knife / refer to factual diagram**

**24. "Con air" Brush / refer to factual diagram**

**25. Butter Knife / refer to factual diagram**

**26. Spent 5.56 casing / refer to factual diagram**

**27. Steak Knife / refer to factual diagram**

Each numbered evidence item listed above was collected by FET [REDACTED] and FET [REDACTED] Who later booked each item as evidence with the Ventura County Sheriff's Office Crime Lab. Please refer to their property report under this report number for additional details.

Prior to collection of the items listed above, FET [REDACTED] took digital photographs of the items before they were collected. Later, she booked digital copies of the photographs with the Ventura County Sheriff's Office Crime Lab as evidence. Please refer to her property report for additional details.

Prior to collection of the items listed above, Sr. Dep. Dominguez and Deputy Riordan marked and documented the items exact location with the "Total Station 15i" electronic distance meter. For a detailed analysis of each item's location please refer to their supplemental report and attached factual diagram under this report number.

#### **FORENSIC PROCESSING AND EVIDENCE COLLECTION:**

[REDACTED] bullet from Deputy Krupnick's rifle struck the outside of a vertical column on the second story porch of unit [REDACTED]. This column was square, encased in stucco and was approximately 1.5' x 1.5'. The bullet did not penetrate the column. Sr. Deputy Lindsey and Sr. Deputy Smith arrived on scene to assist in the search and the removal of the 5.56mm bullet from the column. Using a circular saw and a hammer, Lindsey and Smith opened up the north side of the column away from the bullet hole on the west side. Once the column was opened up, I looked inside and noticed it was hollow and framed on all four corners by 2" x 4". Looking inside, I could see that the bullet entered from the west side and penetrated a 2" x 4" on the North West corner of the column. The bullet penetrated the outside stucco and then penetrated about 3 inches of the 2" x 4" before exiting the 2" x 4". I noticed multiple small bullet fragments embedded in the east side of the column. These small fragments looked consistent in appearance with lead and copper and were directly across from the bullet hole. I noticed a large bullet fragment embedded along with the smaller ones. I retrieved this fragment; it was photographed and booked as evidence. The fragment was circular and appeared to be the back or end of the bullet. A lead core was visible inside a copper jacket. The diameter of the fragment was approximately 5-6 mm in diameter and was consistent with a 5.56 mm projectile.

#### **WEATHER AND LIGHTING:**

I arrived at the Vons parking lot just before midnight on 10/01/2017. When I arrived, it was dark, with normal visibility. The sky was clear and the temperature was in the mid 60's. As the day went on, the temperature increased into the mid 70's with clear sky.

The majority of the crime scene was processed under daylight.

#### **SEARCH WARRANT SERVICE AT [REDACTED] UNI [REDACTED]:**

For details on the search warrant that was served at unit [REDACTED], please refer to the search warrant service report written by Sgt. Worthy. For a complete list of evidence seized during the service of the search warrant please refer to the attached search warrant property record.

**WEAPONS EXAMINATIONS:**

Prior to responding to the crime scene, I examined the following weapons and spoke with the following deputies concerning their involvement with relation to using any weapons in this incident.

1. Deputy Richard Maertz (ID #4750). I spoke with Deputy Maertz in the Vons parking lot next to the command post at approximately 0230 hours. Maertz told me he did not fire any rounds with his patrol rifle, duty handgun or Taser. I examined his rifle, pistol and Taser. The condition of each weapon is detailed below.

a. Daniel Defense DDMV5 (serial [REDACTED]) - This is Maertz' optional duty patrol rifle. This rifle is not a department issued rifle and is carried by Maertz as an option to carrying a patrol rifle issued and owned by the department. Maertz' had a Lancer L5AWM 20 round magazine with his rifle. Maertz told me he charged his rifle (one round in the chamber) during the incident. After he secured from the scene, Maertz said he cleared his rifle and placed it back in his trunk. Maertz produced the rifle from the trunk of his patrol unit (unit #3015). I examined the rifle and attached 20 round magazine. The rifle did not appear to be fired and I found 20 rounds in the magazine. Maertz told me he normally loads his Lancer magazines with 20 rounds. All rounds I saw were department issued Speer rounds. I did not examine any of Maertz' additional duty magazines. The rifle is within department policy for an optional duty patrol rifle.

b. Taser (serial [REDACTED]) - This is Meartz' issued Taser and it is the property of the Sheriff's Office. The Taser had Meartz' name on it. Meartz told me he did not fire his Taser and I observed both cartridges in the Taser.

c. SigSauer P226 Legion 9mm pistol (serial [REDACTED]) and magazines - This is Meartz' optional duty pistol. This pistol is not a Sheriff's Department issued or owned pistol. This pistol is supplied and used by Deputy Meartz by his own choice and his own cost. The pistol is within department policy for an optional duty sidearm. Meartz has a TLR-1HL weapon light mounted to his pistol. Meartz told me he did not fire any rounds with his pistol. I examined the pistol and found it loaded with a full magazine. Meartz had an additional 3 fully loaded magazines on his duty belt. All magazines were fully loaded with 18 rounds of Department issued Speer Gold Dot duty ammunition. All magazines were manufactured by "Mec-Gar" and were model #MG P226-9.

Based on Meartz' statements and an inspection of his weapons, I found no evidence that would lead me to suspect he fired any rounds in this incident.

2. Deputy Eskridge (ID #3272). I spoke with Deputy Eskridge in the command post at approximately 0400 hours. Eskridge told me he did not fire any rounds with his duty handgun or Taser. Eskridge told me he does not carry a patrol rifle. I examined his duty handgun in the command post.

a. SigSauer P226 .40 cal pistol (serial #U687 189) and magazines - This is Eskridge's department issued duty pistol. The pistol had one round in the chamber and 12 rounds in the attached magazine for a total of 13 rounds. Eskridge had two additional magazines on his duty belt, each with 12 rounds. All magazines in his possession were fully loaded to capacity with 12 rounds. His total round count was 37 (.40 cal) rounds. All 37 rounds were department issued Speer Gold Dot .40 cal rounds.

**Based on Eskridge's statements and an inspection of his weapon, I found no evidence that would lead me to suspect he fired any rounds in this incident. I did not inspect his Taser.**

**3. Deputy Pallotto (ID #4913). I spoke with Deputy Pallotto in the command post at approximately 0445 hours. He told me he did not fire any rounds with his duty handgun or Taser. Pallotto told me he does not carry a patrol rifle. I examined his duty handgun in the command post.**

**a. SigSauer P226 .40 cal pistol (serial #U686 511) and magazines - This is Pallotto's department issued duty pistol. The pistol had one round in the chamber and 12 rounds in the attached magazine for a total of 13 rounds. Pallotto had two additional magazines on his duty belt, one with 12 rounds and one with 11 rounds. All magazines in his possession were standard equipment 12 round magazines that our department would typically issue. His total round count was 36 (.40 cal) rounds. All 36 rounds were department issued Speer Gold Dot .40 cal rounds. I asked Pallotto about the magazine on his belt that had 11 rounds and not the standard 12. Pallotto told me he fired one of his duty rounds by mistake at the department shoot on September 23, 2017. Since the department shoot, Pallotto had not yet replaced the missing (1) duty round and knew he was one round under capacity in one of his extra magazines.**

**Based on Pallotto's statements and an inspection of his weapon, I found no evidence that would lead me to suspect he fired any rounds in this incident. [REDACTED] and [REDACTED] also conducted gunshot residue tests on Pallotto's hands. Refer to their supplemental report for further details on evidence collection from Pallotto.**

**I have been a firearms instructor for over 10 years and from prior experience I know it is common for a deputy to shoot one of their duty rounds at the range and forget to replace it before they return to duty. I did not inspect Pallotto's Taser.**

**4. Deputy Steven Krupnik (ID# 4906). I contacted Deputy Krupnik inside the Camarillo Police Station at approximately 0505 hours. He produced his optional duty pistol and magazines for me to examine. The condition is detailed below.**

**a. SigSauer P220 .45 cal pistol (serial # [REDACTED] and magazines - This is Krupnik's optional duty pistol. This pistol is not a Sheriff's Department issued or owned pistol. This pistol is supplied and used by Deputy Krupnik by his own choice and his own cost. Attached to the pistol was a TLR-1 HL weapon light. The pistol is within department policy for an optional duty sidearm. I examined the pistol and found it loaded with a full magazine of 8 rounds and one round in the chamber. Krupnik had an additional 4 fully loaded magazines on his duty belt. All (5) magazines (1 in the gun and 4 on the duty belt) were all fully loaded with 8 rounds of Department issued Speer Gold Dot duty ammunition. Krupnik's total round count was 41 rounds.**

**Based on the inspection of his pistol, I found no evidence that would lead me to suspect Krupnik fired any rounds with his pistol. I did not look at his Taser. Krupnik, his pistol and ammunition were photographed by FET [REDACTED] and [REDACTED] Iso conducted gunshot residue tests on Krupnik's hands. Refer to their supplemental report for further details on evidence collection from Krupnik.**

**All the weapons and ammunition listed above were photographed by FET [REDACTED] and FET [REDACTED]**

**EXAMINATION OF THE PATROL RIFLE USED IN THE OFFICER INVOLVED SHOOTING:**

At approximately 0300 hours, I took possession of Deputy Krupnik's patrol rifle from Deputy Vasquez. I took possession of the rifle at the command post. Vasquez produced this rifle from the trunk of his patrol unit. Vasquez told me the rifle was in the locked trunk of his patrol unit since he took possession of it from Krupnik. Vasquez said Krupnik placed the rifle in the trunk himself in the Vons parking lot. Vasquez told me he did not handle, manipulate or clear the rifle. Vasquez was not on the scene when the shot was fired. I examined the rifle.

\* Colt M4 5.56 mm NATO (Serial [REDACTED]) - This is Deputy Krupnik's optional duty patrol rifle that was used in the officer involved shooting. This rifle is not a department issued rifle and is carried by Krupnik's as an option to carrying a patrol rifle issued and owned by the department. The rifle is Colt M4 5.56mm NATO 1/7 twist barrel with a "VTLOR" with collapsible stock and a "VTLOR" forward grip. The rifle also was equipped with a TLR-1 HP weapon light and an Aimpoint Comp M2 red dot optic 149 (ser. #879334). I received the rifle loaded with one round in the chamber and the fire safety selector switch set to safe. The rifle had an attached "MagPul" 30 round P-Mag magazine. The attached magazine was locked in the magazine well and contained 26 rounds. The total round count for this rifle was 27 rounds. All rounds were Speer Gold Dot duty rounds that are provided by the Sheriff's Office for duty use.

o After examining Krupnik's patrol rifle, I found it to be within department policy for an optional duty patrol rifle. In addition, Ventura County Sheriff's Policy states that 30 round rifle magazines shall be loaded with 28 rounds. This policy is intended to reduce or eliminate malfunctions that can occur when magazines are filled/loaded to capacity. The 27 rounds I discovered in the rifle was not only consistent and within Sheriff's Policy for a rifle with a 30 round magazine but also consistent with Krupnik's firing of one round.

o Care was taken to photograph the rifle as I unloaded it and cleared the remaining round from the chamber.

o The rifle, magazine in the rifle and the cartridge found in the chamber were all booked separately. The remaining rounds in the attached magazine were booked together.

o All photographs of the rifle were taken by FET [REDACTED]. They also booked the rifle, magazine and cartridge as evidence.

**EVIDENCE COLLECTION AT THE COMMAND POST:**

While I was inspecting Meartz' weapons, he turned over two knives to me. From the trunk of his patrol unit, Meartz produced a Faberware 4.75" kitchen knife and a Faberware "Professional" 6.5" kitchen knife. Meartz said one of these knives was the first knife he saw Fogal throw at him. Meartz said Fogal threw the second knife at him at some point during the incident. Meartz did not know if Fogal threw the 4.75" or the 6.5" knife first. Both knives were thrown by Fogal. The knives were both collected by FET [REDACTED] and booked as evidence.

**OFFICER'S NARRATIVE**

**NOTIFICATION:**

On October 2, 2017, at approximately 0515 hours, I was called out to an officer involved shooting in the city of Camarillo. I was directed to respond to the command post located at 5259 Mission Oaks Blvd (Vons Shopping Center). I responded from my home in Ventura and arrived on scene at 0615 hours. Upon arrival, I contacted Detective Sgt. Steve Jenkins of the Major Crimes Unit and was briefed of the circumstances as he understood them. Detective Sgt. Jenkins advised me there was one scene that needed to be diagrammed which was located at [REDACTED]. He described the location as an apartment complex with numerous units surrounding the crime scene.

Deputy Riordan #4615 and I responded to the crime scene and met with Detective Ogonowski who was the on-scene agent and was directing responding resources. Detective Ogonowski walked us through the crime scene and directed us to where each piece of evidence was located. Detective Ogonowski asked us to diagram the parking lot and outer apartment scene. Detective Ogonowski requested we provide any additional information or evidence if discovered during our diagramming of the crime scene.

**EVIDENCE:**

All measurements were taken from a base point (instrument station point) using the Robotic Total Station 15i. Deputy Riordan and I have been trained in the diagramming of crime scenes and traffic collision scenes using this total station.

The station point is the center of Reference Line 1 (RL1) and Reference Line 2 (RL2). RL1 and RL2 create base lines within the scene. All measurements referred to as RL1 and east (+) and west (-) of the baseline of RL2. All measurements referred to as RL2 and north (+) and south (-) of the baseline of RL1.

The Instrument Station Point was located at 34.23000 North Latitude and -119.00011 West Longitude.

**SCENE LEGEND:**

- Evidence Marker #18 - Bullet Hole (-9.173 / 12.263)
- Evidence Marker #19 - Craftsman Hammer (-13.762 / 3.144)
- Evidence Marker #20 - Kitchen Knife (21.045 / 3.328)

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Issued date: \_\_\_\_\_

DATE REPORTED 10-05-2017	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME DOMINGUEZ, SAMUEL (3386) / Special Services Major Crimes - 10-26-2017 / 0910
APPROVED BY / ID # - APPROVED DATE / TIME JENKINS, STEVEN / 3933 - 10/26/2017 / 0910	

**-Evidence Marker #21 - Cordless Phone (-24.473 / 1.184)**

**-Evidence Marker #22 - iPhone Cellular Phone (-60.784 / -2.220)**

**-Evidence Marker #23 - Steak Knife (-45.875 / -1.321)**

**-Evidence Marker #24 - Conair Hair Comb (-36.416 / -0.702)**

**-Evidence Marker #25 - Butter Knife (-36.973 / -0.701)**

**-Evidence Marker #26 - Spent Shell Casing (-31.404 / -0.584)**

**-Evidence Marker #27 - Steak Knife (-23.159 / 1.224)**

**CRIME SCENE VEHICLE DESCRIPTIONS:**

**-V1 - White Cadillac - License [REDACTED]**

**-V2 - White Ford Edge - License [REDACTED]**

**-V3 - Green Ford Expedition - License [REDACTED]**

**-V4 - White Toyota Corolla - License [REDACTED]**

**-V5 - Red Honda Accord - License [REDACTED]**

**-V6 - Gray Nissan Murano - License [REDACTED]**

**-V7 - Silver Mercury Tracer - Licens [REDACTED]**

**-V8 - Green Honda Civic - License [REDACTED]**

**-V9 - Teal Chevrolet Silverado - License [REDACTED]**

**-V10 - Charcoal Mercedes Benz - License [REDACTED]**

**-V11 - Silver Mazda 6 - License [REDACTED]**

**-V12 - Black Ford F150 - License [REDACTED]**

**-V13 - Black Chrysler 300 - License [REDACTED]**

**-V14 - Black Ford Edge - License [REDACTED]**

**-V15 - White Nissan Altima - License [REDACTED]**

**-V16 - White Toyota Camry - License [REDACTED]**

**-V17 - Silver Ford Taurus - License [REDACTED]**

**FOLLOW UP INVESTIGATION:**

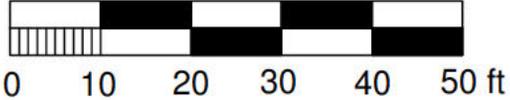
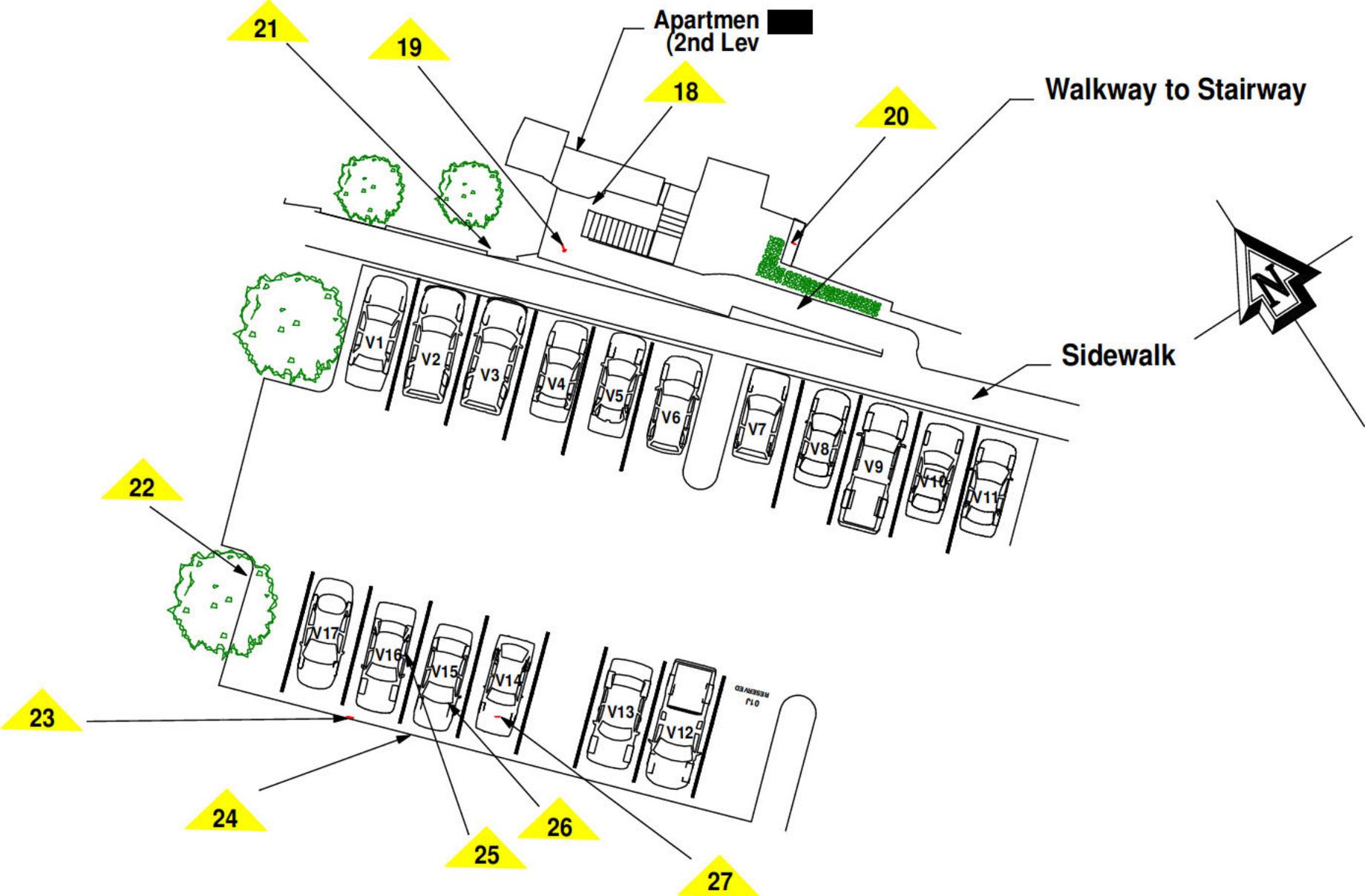
**On October 20, 2017, Detective Sergeant Jenkins and I met at the scene for a follow up investigation. Sergeant Jenkins requested assistance with obtaining measurements from the suspects position on the balcony and stair landing to the areas to the point of rest of the evidence. I obtained the measurements using a rolatape and laser measuring device. I documented the final measurements on the diagram.**

**CONCLUSION:**

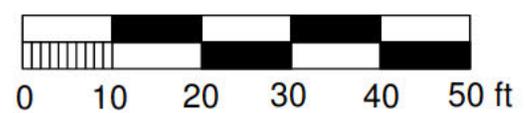
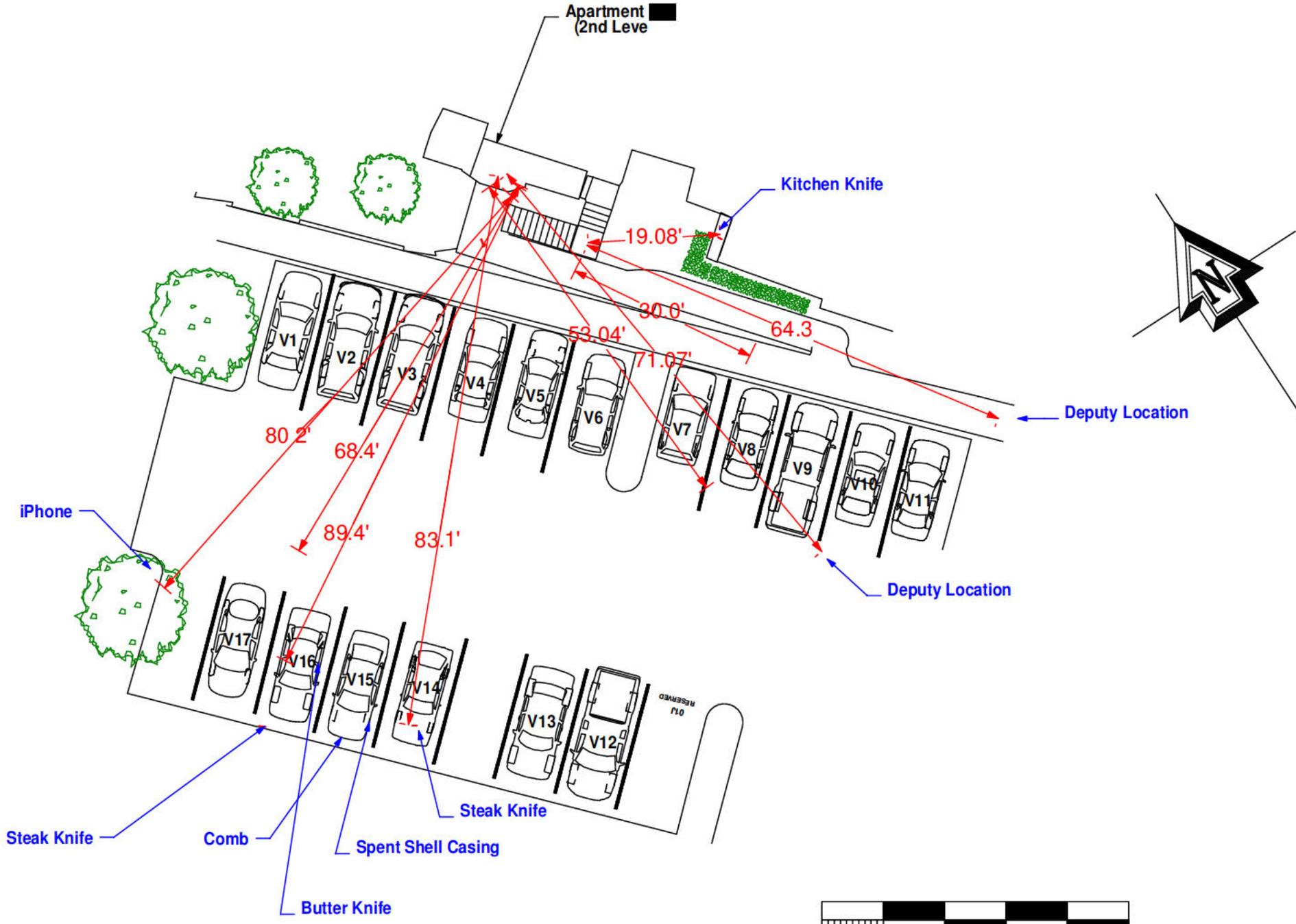
**At the conclusion of my investigation, I forwarded PDF copies of the diagrams to Detective Sergeant Jenkins.**

# Diagrams

# Camarillo



# Camarillo



# **Deputy Krupnik's Statement**

**INVOLVED PERSONS**

ROLE <b>VICTIM - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) <b>KRUPNIK , STEVE</b>			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE	D.O.B.
HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE /			
ADDRESS <b>800 S. VICTORIA AVE , VENTURA , CA , 93009-</b>				HOME PHONE	MOBILE PHONE		
OCCUPATION <b>DEPUTY SHERIFF</b>	EMPLOYER <b>VENTURA COUNTY SHERIFFS OFFICE</b>	EMPLOYER ADDRESS			BUSINESS PHONE		
VICTIM OF OFFENSE			RELATIONSHIP OF VICTIM TO OFFENDER				

LOCATION BOOKED <b>WEST COUNTY PROPERTY ROOM</b>	PROPERTY ADDRESS <b>800 S. VICTORIA AVE, VENTURA, VENTURA COUNTY</b>
---	---

TAG # <b>1</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	ITEM <b>DISC, COMPACT AUDIO</b>	MAKE	MODEL
COLOR			DESCRIPTION <b>CONTAINING RECORDED INTERVIEW WITH DEP. KRUPNIK</b>		
SERIAL # <b>UNKNOWN</b>			# OF PIECES <b>1</b>	TOTAL VALUE <b>\$1.00</b>	
DATE RECOVERED <b>10-02-2017</b>			RECOVERED VALUE <b>\$1.00</b>	LOCATION RECOVERED <b>SCENE</b>	
OWNER			RELATED TO		

**OFFICER'S NARRATIVE**

**VENTURA COUNTY SHERIFF'S OFFICE / OFFICER INVOLVED SHOOTING**

**PURPOSE OF REPORT: Walk through interview with Deputy Steve Krupnik #4906**

**Background:**

**On October 1, 2017, deputies from the Ventura County Sheriff's Camarillo Police Station responded to a disturbance call at th [REDACTED] complex on [REDACTED] in the City of Camarillo. The original reporting party (RP), [REDACTED] told Sheriff's dispatch there was a white male subject with a large**

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DATE REPORTED <b>10-17-2017</b>	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME <b>MICHALEC, STEVEN (2967) / Special Services Major Crimes - 10-20-2017 / 1339</b>
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APPROVED BY / ID # - APPROVED DATE / TIME <b>JENKINS, STEVEN / 3933 - 10/20/2017 / 1340</b>
--

build and no shirt who threw a knife at [REDACTED]'s front door. [REDACTED] further advised the disturbing party was trying to start a fight with passersby.

Another caller, [REDACTED], called sheriff's dispatch and reported a male subject in the parking lot of the complex who was causing a disturbance. [REDACTED] advised the subject had possibly been drinking and he was wearing a gray or navy sweatshirt. [REDACTED] said she saw a knife on her neighbor's door step. [REDACTED] also told dispatch the subject had taken off his shirt and was yelling at a male subject in the parking lot.

While the deputies were on scene, they encountered A-Robert Fogal at [REDACTED], Apt [REDACTED]. Fogal was verbally aggressive and confrontational towards the deputies and shortly after the initial contact, Fogal threw two knives in the direction of two deputies. Because of the assault on the deputies, the deputies set up a perimeter around the apartment complex and attempted communication with Fogal. Fogal refused to cooperate with the deputies and he became exceedingly more volatile while making death threats to the deputies and throwing additional knives at deputies.

Eventually, an officer involved shooting occurred and Deputy Krupnik advised dispatch he was the deputy who fired a single rifle shot at Fogal. Deputy Krupnik remained on scene until he was relieved by Ventura County Sheriff's Special Weapons and Tactics (SWAT) team. Deputy Krupnik was transported to the Camarillo Police Station where he met with his attorney, Kasey Sirody from the Ventura County Deputy Sheriff's Association (VCDSA). Early in the investigation, I spoke with Attorney Sirody and advised her that Sgt. Jenkins, Detective Zadeh and I were conducting the investigation regarding the officer involved shooting. I asked Attorney Sirody to discuss with Deputy Krupnik whether he would be willing to provide a voluntary interview or a walk-through interview regarding the shooting.

Attorney Sirody told me she spoke with Deputy Krupnik and they agreed to participate in a walk-through interview with us. Based on the fact there was body worn camera footage from the incident, Attorney Sirody requested Deputy Krupnik be allowed to view his body worn camera footage prior to the walk-through interview.

During the early stages of the investigation, detectives located a civilian witness who lived in the Avalon Condominium complex who had used her cellular telephone to record several hours of the incident. The witness voluntarily provided her cellular telephone to detectives to recover the video footage. Ventura County Sheriff's Major Crimes Bureau Captain Miller and I spoke with Attorney Sirody and advised her of the cellular phone video footage of the event. Sirody, Captain Miller and I came to an agreement that Deputy Krupnik would be allowed to view the cellular telephone video, as well as his body worn camera footage prior to the walk-through interview.

Because of the length of the body worn camera footage and the civilian cellular telephone video footage of the incident, it took a significant amount of time to download the videos. On 10/2/17, at approximately 1100 hours, the videos were still downloading and Attorney Sirody was advised it would be hours before Deputy Krupnik could view the videos. After discussing the situation, a consensus was agreed upon that Deputy Krupnik would be allowed to go home and sleep before he viewed the videos. Attorney Sirody agreed to have Deputy Krupnik meet back at Camarillo Police Department at 1800 hours to view the videos and then conduct the walk-through interview after viewing the footage.

**Video Footage:**

On 10/2/17, at 1800 hours, the following persons met at the Camarillo Police Station to view the video footage related to the officer involved shooting: Deputy Steve Krupnik, along with his Attorney, Casey Sirody. From the Ventura County Sheriff's Major Crimes Bureau was myself, Captain Jeff Miller, Detective Cyrus Zadeh, Sergeants Steve Jenkins and Dean Worthy. From the Ventura County Sheriff's Internal Investigations Unit

was Captain Ian Laughlin, with Sergeants Bob Flemming and Harold Orr. From the Ventura County District Attorney's Office was Investigator Bob Coughlin and District Attorney Joann Roth.

Upon our arrival, Detective Zadeh explained to Attorney Sirody that the civilian video footage had not downloaded due to the length of the video. We had planned on Detective Krupnik to view the video footage alone with his attorney while everyone else viewed the video in a separate room. Because the footage had not downloaded, we proposed to Attorney Sirody that she consult with Deputy Krupnik and determine if she and Deputy Krupnik would consider viewing the civilian video in the conference room with everyone else present. After consulting with Deputy Krupnik, Attorney Sirody advised that she and Deputy Krupnik were willing to view the video with everyone present. We discussed the length of the video footage and Attorney Sirody requested we view the civilian footage from the beginning and up until the rifle was fired.

Once the civilian footage was viewed, Attorney Sirody requested Deputy Krupnik be allowed to view his body worn camera footage in its entirety. Attorney Sirody and Deputy Krupnik viewed the body worn camera footage in private while it was viewed in a separate room by everyone else. When Deputy Krupnik and Attorney Sirody completed viewing the footage they desired, we responded out to the crime scene on Corte Estima for the crime scene walk-through interview.

**Crime Scene Walk-Through Interview with Deputy Krupnik:**

On 10/2/17, at approximately 2203 hours, Detective Zadeh and I conducted a walk-through interview with Deputy Krupnik, along with his Attorney, Kasey Sirody. Deputy Krupnik and Attorney Sirody agreed to allow the following personnel to be present during the walk-through interview: Sergeants Steve Jenkins and Dean Worthy from the Sheriff's Major Crimes Bureau, Investigator Bob Coughlin from the Ventura County District Attorney's Office and Sergeants Bob Flemming and Harrold Orr from the Sheriff's Internal Investigations Unit. The walk-through interview was digitally recorded and later downloaded to a cd that was booked as evidence. Refer to the recording for complete details. The following is a summary of the interview with Deputy Krupnik:

I stated the names of each person present during the interview and I told Deputy Krupnik I understood he had consulted with his attorney and agreed to give us a voluntary statement regarding the incident that occurred on 10/1/17. Deputy Krupnik answered, "Yes, sir." I asked Krupnik how long he had been employed by the Ventura County Sheriff's Office and he advised he'd been on the department for approximately seven and a half years. Deputy Krupnik said he had no prior law enforcement experience prior to working with the Ventura County Sheriff's Office. Deputy Krupnik told us his current assignment was as a patrol deputy at the Camarillo Police Station, on shift B, night shift. Deputy Krupnik advised that his normal work hours were 1900 hours until 0730 hours. I asked Deputy Krupnik the last series of days that he worked and he told us he worked Friday (9/29/17), Saturday (9/30/17) and Sunday (10/1/17). I asked Deputy Krupnik if anything significant occurred during his previous shifts, prior to Sunday, and he said there had been nothing significant.

I asked Deputy Krupnik what time he got off work from his Saturday Shift and he advised he got off on Sunday (10/1/17) morning at 0715 hours. I asked Deputy Krupnik to go over his activities for the day of 10/1/17, prior to responding for his assigned shift. Deputy Krupnik believed he got home and went to sleep "shortly after" 0900 hours. Deputy Krupnik said he got up at approximately 1600 hours. I asked Deputy Krupnik if he was well rested and he answered, "Yes." I asked Deputy Krupnik if he had been ill recently and he said he had not. I asked Deputy Krupnik with whom he lived and he told us he lived with his wife and their two month old child. I asked if there were any problems in the home and he said there were no issues, other than "a crying baby". I asked Deputy Krupnik if he had been experiencing any problems at work and he said, "No. The shift is good."

I told Deputy Krupnik I wanted to know who else worked on his shift on Sunday night. Deputy Krupnik said he was "8A21", Deputy Gorin was "8B21", Deputy Eskridge was "8C21" and Deputy Pallotto worked overtime as "8D21". Deputy Krupnik said Sgt. Luna was working overtime as the shift Sergeant on Sunday night, while

Deputy DeSalvo and his trainee, Deputy Moss were working as "3C21". Deputy Krupnik told us Deputy Nunes was assigned as "3C22" for Sunday's shift.

I asked Deputy Krupnik if he recalled what time he arrived to the police station before his shift on Sunday. He believed he arrived to work at approximately 1840 hours. Deputy Krupnik said he keeps some of his work gear in his personal vehicle and some at the police station. Deputy Krupnik told us he changed into his uniform at the police station. I asked Deputy Krupnik what uniform he wore for his shift on 10/1/17. Deputy Krupnik told us he wore the "standard patrol uniform", with a tan Sheriff's uniform shirt containing his badge, nameplate and pins. Deputy Krupnik wore the green uniform pants, black boots and his "normal gun belt". I asked Deputy Krupnik to describe what equipment he keeps on his gun belt. Deputy Krupnik told us, "Starting from I guess, my right, going around to my left, I have my magazines, followed by my baton, Taser, my radio, two separate handcuff cases, then my duty weapon and then my pepper spray". I noted the configuration he described and asked if he was right or left handed. Deputy Krupnik told us he was left handed.

I asked Deputy Krupnik what firearm he carried on his gun belt and he said it was a, "P220, it's a .45 (caliber, Sig Sauer). I asked Deputy Krupnik how he kept his magazines loaded and he said he kept them fully loaded with 8 rounds in each of his four spare magazines, as well as the magazine in his firearm. Additionally, Deputy Krupnik kept one live round in the chamber of the firearm, making it a total of nine rounds in his handgun. I asked Deputy Krupnik when he last checked the number of rounds in his magazines / firearm and he advised he last checked them on Friday (9/29/17).

I asked Deputy Krupnik if he carried any other firearms when he is on duty and he confirmed he did. Deputy Krupnik told us he carried a Smith and Wesson revolver (5 rounds) in his right front pants pocket and he had it in that location during his shift on 10/1/17. Deputy Krupnik told us he carries his personal Colt AR-15 rifle in his patrol vehicle during his shifts. Deputy Krupnik told me he was not certain of the number of rounds in his magazine, but he had a 30 round magazine in the rifle during the incident on 10/1/17. Deputy Krupnik last loaded the magazine approximately two weeks ago, although he could not recall the specific date. Deputy Krupnik explained that he carries the rifle in "cruiser-carry" status, meaning the loaded magazine was inserted into the weapon, but there was no round in the chamber. I asked Deputy Krupnik if he carried any extra rifle magazines and he said he kept one extra 30 round magazine in his gear bag and on the night of the incident, he had his gear bag in the trunk of patrol vehicle #3130 (Chevy Tahoe). Deputy Krupnik pointed out that during the incident on 10/1/17, he left the extra magazine in the vehicle and he didn't have the magazine with him during the shooting.

I asked Deputy Krupnik to tell us about the beginning of his shift on 10/1/17. Deputy Krupnik said that after he dressed for his shift, he attended the shift briefing. There was nothing significant regarding the shift briefing. After briefing, Deputy Krupnik put his gear in the patrol vehicle and conducted a unit check to ensure the vehicle lights and equipment was functioning properly. Deputy Krupnik told me he placed his rifle in the locking rifle carrier inside the driver compartment of the patrol vehicle. I asked Deputy Krupnik if there were any other firearms assigned to the patrol car. Deputy Krupnik advised there was a shotgun in the shotgun rack and a less-lethal shotgun in the trunk of the vehicle. I asked Deputy Krupnik to describe the less-lethal shotgun and he explained it was a shotgun with an orange stock and instead of "slug" ammunition; it had "bean bag rounds". Deputy Krupnik said he checked the less-lethal shotgun at the beginning of his shift and confirmed it was unloaded and had the bean bag rounds in the side saddle.

Deputy Krupnik said he completed his vehicle check and went "10-8 (in service) to begin his shift. Deputy Krupnik didn't recall the time, but he was dispatched to a "late 10-48 (non-injury traffic collision) report" on Lewis Road. While Deputy Krupnik was enroute to the traffic collision call, he heard other deputies dispatched to a "man running around, I believe, without a shirt and some knives." I asked Deputy Krupnik what he thought of when he heard the call for service regarding the subject with knives. Deputy Krupnik said he was near the area of the call and "you never know what you're gonna have, so I figured I'd head that way to see if they needed an

additional (deputy)." I asked Deputy Krupnik to tell us the route he took to the subject with knives call and he said he "Took Upland, turned on Wood Creek and I made a right into the complex (Avalon)."

I asked Deputy Krupnik if he remembered if any of the deputies were dispatched to respond "Code 3 (lights and sirens)" and Deputy Krupnik confirmed two units were dispatched to respond Code 3. Deputy Krupnik said he did not respond Code 3 to the call. I asked Deputy Krupnik what he remembered happening once he arrived on scene. Deputy Krupnik said he pulled in behind one of the other patrol vehicles and spoke to Sgt. Luna to determine if Sgt. Luna wanted Deputy Krupnik to continue to his traffic collision report or to stay on scene regarding the subject with knives. Sgt. Luna told Deputy Krupnik to remain on scene at the subject with knives call, so Deputy Krupnik advised Sheriff's Dispatch he was "on scene" at the subject with knives call. Deputy Krupnik spoke with Deputy Maertz to "get an idea of what's going on."

I asked Deputy Krupnik if he had personally responded to the Avalon complex in the past and he said he had been there to serve warrants a couple of times while he was on patrol training. Deputy Krupnik also advised that he'd possibly responded to a domestic disturbance at the complex. I asked Deputy Krupnik if he recalled a specific address or person having been referenced on the call for service, but he didn't recall. I asked Deputy Krupnik what went through his mind when he first got on scene of the reported subject with knives call. Deputy Krupnik said, "Well, I was just kind of thinking of the call that was broadcasted of a male walking around with no shirt, with knives, um, just wasn't sure what his state (of mind) would be. If he was agitated, if it was maybe a mental illness issue, um, but like I said, just 'cause we never knew what we have, I figured I'd respond to help the units."

I asked Deputy Krupnik if he and the other deputies on scene located a subject who matched the description from dispatch. Deputy Krupnik said, "When I got here, he was already inside his home. So, he was located prior to my arrival." I asked if Deputy Krupnik knew who the deputies were that had located the disturbing party and he wasn't sure. I asked who told Deputy Krupnik that the disturbing party was inside his apartment and Deputy Krupnik believed Deputy Maertz had told him. I asked Deputy Krupnik if he personally observed anything out of the ordinary when he first arrived on scene and he said he didn't see or hear anything unusual when he first arrived. I asked Deputy Krupnik if he saw or heard something that caught his attention at some point and Deputy Krupnik said he heard the disturbing party yelling from inside of his apartment.

I asked Deputy Krupnik to describe the lighting conditions at the time he arrived on scene on 10/1/17. Deputy Krupnik didn't know the exact time he arrived on 10/1/17, but he believed it was shortly after 2000 hours. I noted the time during our interview that it was approximately 2220 hours and Deputy Krupnik told us the lighting on 10/1/17 was very similar, consisting of "street lights, moonlight and porch lights on the apartments."

At this point in the interview, I asked Deputy Krupnik to take us to the area where he parked his patrol vehicle on 10/1/17. Deputy Krupnik walked us to the parking area to the south of one of the multi-unit buildings on Corte Estima. I noted we were on the south side of building number 5243. Deputy Krupnik told us that when he arrived on 10/1/17, he parked his patrol vehicle facing west on Corte Estima, with the front of his vehicle approximately even with the second parking space to the east of the westernmost parking space on the north side of Corte Estima. Deputy Krupnik said he met up with other deputies and Sgt. Luna on the sidewalk near the south west corner of [REDACTED]. Deputy Krupnik said they discussed "what we had exactly, if there was a crime." Deputy Krupnik told us other deputies went to talk to the reporting party while Deputy Krupnik and the other deputies stood by to make sure the person in the apartment that was yelling didn't come out and hurt someone.

I asked Deputy Krupnik what the deputies learned after speaking with the reporting party. Deputy Krupnik said they learned the disturbing male subject had been outside, was agitated and threw a knife at the reporting party's front door. I asked Deputy Krupnik if he knew where the reporting party's residence was located, but Deputy Krupnik said he never saw it. Deputy Krupnik said he and Deputy Maertz discussed the possibility that the disturbing party was a male who Deputy Maertz had contacted "a couple months ago and the end result was

the disturbing party ended up breaking his (Deputy Maertz') trainee's shoulder. It was a fight at a house and they contacted him (Fogal), he was very violent and aggressive, muscular, strong and their attempts to go hands on didn't go well and I know a deputy was injured." I asked Deputy Krupnik if everyone on scene on 10/1/17 knew of the information regarding the past incident with the disturbing party. Deputy Krupnik believed everyone on scene was aware of the prior violent incident with Fogal.

I asked Deputy Krupnik to tell us what happened next and he walked us along the sidewalk on the west side of building [REDACTED] and toward the stairs that lead up to unit [REDACTED]. Deputy Krupnik explained that he and Deputy Maertz were a short distance south of the staircase, with Deputy Maertz slightly to the north of Deputy Krupnik. Deputy Maertz and Deputy Krupnik discussed the situation and whether they had a legal reason to contact the disturbing party. I asked Deputy Krupnik if they had determined if there had been a crime and Deputy Krupnik told us they believed there was a possible vandalism, but the victim did not wish prosecution. Deputy Krupnik said Fogal talked to Deputy Maertz from the apartment and said he wanted to go to bed, so they told him, "have a good night." Deputy Krupnik said Fogal was yelling and at one point, pushed out a screen from one of his windows. Deputy Krupnik said the deputies discussed that Fogal could "damage his own property if he wanted." I asked Deputy Krupnik if he ever saw Fogal and he said Fogal was inside of his apartment, but at one point, they did see Fogal's face. Deputy Krupnik said they checked the law enforcement database, iCop, and from a prior booking photo of Fogal, they confirmed the disturbing party was the same subject (Fogal). Deputy Maertz also confirmed Fogal was the subject he discussed from the prior violent incident.

I asked Deputy Krupnik which other deputies were on scene and where they were positioned, if he knew. Deputy Krupnik told us Deputy Pallotto was standing to the south of Deputy Krupnik and Deputy Maertz, while Deputy Eskridge had gone to talk with the reporting party. Deputy Eskridge then came with Sgt. Luna to the west of Deputy Maertz, Deputy Krupnik and Deputy Pallotto. I asked if a decision was made as to what the deputies were going to do regarding Fogal. Deputy Krupnik said the deputies discussed allowing Fogal to "be angry in his home and we'll just kinda back out, but Sgt. Luna wanted us to stay in the area, in case he (Fogal) exited the home again with knives." I asked Deputy Krupnik if the deputies had discussed the subject coming out with knives. Deputy Krupnik said, "Yeah, we thought he may come out with knives or just agitated and it's an apartment complex, people are walking around. We didn't want anybody to get hurt."

I asked Deputy Krupnik if he remained standing near the stairs on the west side of the building, but he said he went back to his patrol car and remained there for a couple minutes. At some point, the deputies decided to move the patrol vehicles out of view from Fogal's apartment. Deputy Krupnik said, "The DP (Fogal) was looking out the window, could see us and started getting agitated, calling us out, so we figured it would be better to just be present, but out of sight." I asked Deputy Krupnik if Fogal was speaking directly to the deputies from inside of the apartment and Deputy Krupnik confirmed the subject was "yelling out the window." I asked Deputy Krupnik if he recalled any specific comments the subject made and Deputy Krupnik remembered the subject "Dropping derogatory statements, calling us 'Motherfuckers' and 'you guys can't come into my home' and just, almost seemed like, trying to lure us up to his house." I asked Deputy Krupnik if he saw any weapons during the time the subject was yelling at them, but he said he didn't see weapons at that point. I asked Deputy Krupnik what weapons he personally had with him upon the initial response to the subject with knives call. Deputy Krupnik said he initially had only his duty firearm and his back up revolver in his pocket. I asked Deputy Krupnik if he had drawn either firearm or if any of the other deputies had drawn weapons at that point, to which Deputy Krupnik said, "No."

I asked Deputy Krupnik what happened next, after he had moved his patrol vehicle out of sight. Deputy Krupnik walked us back to the parking area to the south of building 5243. Deputy Krupnik said he had moved his patrol vehicle back (to the east) approximately five more parking stalls. Deputy Krupnik told us Deputy Maertz' vehicle was in front of Deputy Krupnik's and both of the vehicles were out of view of Fogal's apartment. Deputies Krupnik, Maertz and Pallotto stood near Deputy Maertz' patrol vehicle. I asked Deputy Krupnik what he recalled happening next and he said Deputy Maertz announced that Fogal was coming out of the apartment. Deputy Krupnik believed Fogal could still see Deputy Pallotto's vehicle near the building to the west. Deputy

Krupnik said he tried to stay out of sight, but looked towards Fogal's apartment. Deputy Krupnik said he saw Fogal, but it didn't appear he saw the deputies. Deputy Krupnik said Fogal was yelling towards Deputy Pallotto's patrol vehicle, but he couldn't recall exactly what Fogal was saying. Deputy Krupnik noted he did not see anything in Fogal's hands at that point. Since they were still trying to stay hidden, Deputy Krupnik said none of the deputies addressed Fogal at that point. Deputy Krupnik said Deputy Pallotto's vehicle was moved out of Fogal's view and the deputies hoped by moving the vehicle out of view, "he (Fogal) would lose his fire, fuel for his fire, and he would go inside."

I asked Deputy Krupnik if Fogal remained down on the lower level and Deputy Krupnik told us Fogal "never went past the railing" on the lower level. Deputy Krupnik described Fogal as pacing back and forth on the walkway for a couple minutes. Deputy Krupnik said Fogal went back upstairs after Deputy Pallotto's vehicle was moved out of view. Deputy Krupnik said the deputies decided to wait a few more minutes to make sure Fogal remained inside. Deputy Krupnik told us Fogal came back out of his apartment and had a "large knife" in his hand. Deputy Krupnik told us Deputy Maertz "called it out", letting everyone know Fogal had a knife. I asked Deputy Krupnik to describe what "large" was and he explained that the blade to the knife was approximately seven inches long and was "silver and shiny." Deputy Krupnik was unable to see the handle due to Fogal's hand covering it. I asked which hand Fogal held the knife in, but Deputy Krupnik couldn't recall. I asked Deputy Krupnik what he thought when he saw Fogal with the knife. Deputy Krupnik said, "That he was agitated, he had been calling us out earlier and that he might try to harm us, or somebody else. A knife can kill somebody, so that was our main concern." I asked if anyone addressed Fogal at the point they noticed he had a knife. Deputy Krupnik told us he drew his duty weapon at that point and he believed Deputy Maertz did as well. Deputy Krupnik remembered telling Fogal, at some point, "Don't approach us with a knife or you will be shot." I asked Deputy Krupnik if Fogal responded to his command. Deputy Krupnik said, "He didn't respond in a way that seemed like it registered what I told him. He (Fogal) just kinda started yelling out profanities."

Deputy Krupnik showed us where he was when he told Fogal not to approach with the knife. Deputy Krupnik demonstrated that he was standing to the rear of a vehicle parked in the third parking space, east of the westernmost parking space on the south side of Fogal's building. Deputy Krupnik told us he made the warning to Fogal when Fogal was on the lower walkway on the west side of the building, approximately halfway down the walkway, headed south and towards Deputies Krupnik and Maertz. I asked Deputy Krupnik what he saw Fogal do at that point and he said Fogal paced back and forth on the walkway while holding the knife. Fogal didn't raise the knife during the time he was pacing and Deputy Krupnik demonstrated that he was alternating between "a low ready" and holding the firearm close to his chest. Deputy Krupnik estimated he and Deputy Maertz were approximately 35 feet from Fogal at this point. Detective Zadeh asked Deputy Krupnik to clarify the positions Deputy Krupnik held his firearm. Deputy Krupnik explained that he had the firearm aimed pointed "towards the floor, in a position you can bring it up quickly to get on target." In regards to having his firearm close to his chest, Deputy Krupnik demonstrated holding the firearm with both hands, but having his hands in tight to the center of his chest, with the firearm pointed towards the ground.

I asked if Fogal responded to any commands at that point and Deputy Krupnik said, "He was responding, but more in a derogatory, angry way. It didn't seem like he understood or was willing to comply." Deputy Krupnik said Fogal didn't remain on the walkway for very long and it seemed to Deputy Krupnik that when he and Deputy Maertz moved to the front of the parked vehicles, it seemed to push Fogal back. Deputy Krupnik said Fogal ran back to his apartment and Deputy Krupnik lost visual of him. Deputies Krupnik and Maertz moved west in the parking lot in an attempt to get cover, as well as a view of the suspect. Deputy Krupnik walked us to the area that he moved to and it was northwest from the south side of the building. Deputy Krupnik asked us if all of the vehicles in the parking area at the time of our interview were the same vehicles as during the incident and I told him we weren't certain if the vehicles were in the same locations or if they were the same vehicles as during the incident. Deputy Krupnik showed us the area to which he had moved and it was in the parking area on the west side of Fogal's apartment building. Deputy Krupnik showed us that he had gotten into a position to the west of a vehicle parked in the third parking stall north of the southernmost curb of the parking area. Deputy Krupnik didn't recall where the other deputies were positioned at this point, but he knew Deputy Maertz was nearby, possibly to the west and north of Deputy Krupnik.

I asked Deputy Krupnik what he saw happen next and he said, "I saw Fogal on his balcony, just kinda pacing back and forth." From Deputy Krupnik's vantage point, Fogal was located to the north east and he estimated Fogal was approximately forty feet away. I asked Deputy Krupnik if he was aware of how many apartments were on the upstairs area where Fogal was located on the balcony. Deputy Krupnik told me he had asked a resident in the area about the layout of the complex and based on his interaction with the resident, Deputy Krupnik believed there to be just one apartment upstairs. From the vantage point Deputy Krupnik had taken us to, there was a light on a pole that was between his location and the upstairs balcony where Fogal had gone. This light made it difficult to see and Deputy Krupnik moved again to try and get a better view of Fogal. I asked Deputy Krupnik if there were lights on in Fogal's residence and Deputy Krupnik said Fogal turned the lights on and off at different points in the incident, but Deputy Krupnik believed the porch light was off. Deputy Krupnik showed us where he moved to the south in order to have the light on the pole out of his view. Deputy Krupnik told us he heard something hit the ground and Deputy Maertz said it was a knife that had been "launched" from the balcony. Deputy Krupnik described the knife that hit the ground as having been to his left (west) and slightly behind him. Deputy Krupnik told us that based on the direction (south west) he heard the knife skid on the pavement; he believed the knife had been thrown from Fogal's residence. Deputy Krupnik saw the knife on the ground and he described it as "a kitchen knife", but he didn't recall the length of the blade. Deputy Krupnik said he didn't spend time looking at the knife; rather, he turned his attention back on Fogal as fast as he could.

Deputy Krupnik told us he pointed his firearm in the direction of Fogal's balcony, but he didn't recall if he activated his flashlight that is mounted on the firearm. Deputy Krupnik said he could see Fogal standing on the balcony and I asked Deputy Krupnik how it made him feel to know a knife had been thrown towards him and Deputy Maertz. Deputy Krupnik said, "So, I knew he was strong, from just the stories I had heard from other deputies, based on prior conflict. So, I imagined he could throw hard. I'm thinking, if he's throwing knives in our direction, one, it's gonna be hard to see coming at you, especially with that light there. I was worried he was gonna throw another one (knife) and it might hit me or Deputy Maertz or I didn't know where Deputy Pallotto was, but I didn't want any of us getting hit or killed." I asked if any of the deputies on scene had donned helmets and Deputy Krupnik said they had not. I asked Deputy Krupnik, based on his experience, what he believed a knife hurled in his direction could do if it hit himself or someone else. Deputy Krupnik said, "If a knife, if it was hurled in our direction and the blade hit us, it would stab you and it could kill you, depending on where it hit. Or at least, cause great bodily injury." I asked Deputy Krupnik if anyone made commands to Fogal after the knife was thrown towards them. Deputy Krupnik didn't recall if anyone said anything to Fogal, but he remembered thinking he would fire at Fogal if Fogal threw another knife.

Deputy Krupnik told us he moved westbound in order to get out of range in case Fogal threw another knife at him. Deputy Krupnik showed us that he moved under the carport and in the area south of the parking spot marked "reserved 01J". Deputy Krupnik told us there was a vehicle parked in the space, but he couldn't recall what kind of vehicle it was. Deputy Krupnik said he was by himself at that point and he just wanted to get cover behind something. I pointed out that the area he described was on the front right, or passenger side of the vehicle and Deputy Krupnik confirmed that was his position. Deputy Krupnik told us he was unable to see Fogal from that position and although he didn't like the position, Deputy Krupnik was glad to have cover. Deputy Krupnik told us that Deputy Maertz had gone to his patrol vehicle and returned to the carport area with his AR-15 rifle. Once Deputy Maertz was in the area with Deputy Krupnik, Deputy Maertz covered for Deputy Krupnik to go retrieve his AR-15 from his patrol vehicle. Deputy Krupnik returned back to the carport area with his AR-15. Detective Zadeh asked Deputy Krupnik to describe the process of retrieving his AR-15. Deputy Krupnik explained he unlocked his patrol vehicle and tried to release the rifle from the locked rifle holder. Deputy Krupnik realized the rifle wouldn't release with the vehicle off, so he turned on the vehicle and released the rifle. Deputy Krupnik described how he kept the rifle in "cruiser carry" status, with no round in the chamber, so he "racked it (pulled the charging handle)" to chamber a round. Deputy Krupnik told us he pulled his collapsible stock out "two clicks" and turned on his "red dot" (Aimpoint) optic. Deputy Krupnik told us he had a flashlight mounted on the left side of his rifle barrel. Deputy Zadeh asked how the flashlight was activated and Deputy Krupnik told us there was a toggle switch or he could manually push the button to activate the flashlight. Deputy Krupnik told us he kept his rifle on "safe" while he moved back to the carport.

Deputy Krupnik showed us the position he moved to; on the sidewalk on the west side of the carport, which was on the west portion of the parking lot, west of Fogal's apartment. Deputy Krupnik explained that for the majority of the incident, Deputy Krupnik moved locations, back and forth, from various vehicles that were parked under the carport. Deputy Krupnik told us Deputy Maertz had taken a position to Deputy Krupnik's left (north), in the area of the two northernmost parking spaces under the carport. Deputy Krupnik told us Deputy Pallotto remained near Deputy Maertz' and Deputy Krupnik's patrol vehicles that were on the south side of Fogal's apartment building. Deputy Krupnik told us that from his vantage points under the carport, he was able to see Fogal "Running around on his balcony and going inside, I mean, he was going in and out various times." I asked if anyone was communicating with Fogal and Deputy Krupnik told us Deputy Maertz was "attempting to" speak with Fogal. I asked what Fogal was saying and Deputy Krupnik said, "Um, he (Fogal) repeatedly told us he was, not verbatim, but he was gonna kill us. If we come up to him, this is gonna be our, you know, if we go to him, we're gonna get hurt. We're gonna get killed. I remember at one point, he (Fogal) mentioned, 'I'm gonna sneak out, and appear behind you and slit your throat'. And just, over and over, how he was gonna harm us and we couldn't go up to his home, but we were gonna get killed."

Deputy Krupnik told us he saw Sgt. Luna and Deputy Eskridge had arrived back on scene at one point. Deputy Krupnik described Sgt. Luna and Deputy Eskridge as having taken a position on the sidewalk, near a light pole to the north of Fogal's apartment building. Deputy Krupnik told us that in order to communicate with Deputies Krupnik and Maertz, Sgt. Luna moved back and forth from the light pole position to an area behind Deputies Maertz and Krupnik. I asked Deputy Krupnik what Sgt. Luna discussed with them and Deputy Krupnik said they discussed "A general overview of what we had. What was going on and I know he was communicating with dispatch and the Watch Commander."

Deputy Krupnik told us Fogal continued going back and forth from inside of the apartment and out on the balcony. I asked Deputy Krupnik how he felt in the position(s) he had taken under the carport and he said, "I felt much better because, for him to get a knife to us and that, he'd have to arch it and we had the overhang over us. I had vehicles to hide behind if I needed to." Deputy Krupnik further told us they weren't sure what other weapons or firearms Fogal might have had in the house, so having vehicles for cover was beneficial.

Deputy Krupnik said, "At one point, he (Fogal) threw a knife, I don't recall how he threw it, but I remember seeing a knife in the air. It didn't land anywhere close to us." I asked Deputy Krupnik where that knife landed and he told us it landed "in the middle of the parking lot somewhere." I pointed out there were vehicles parked on opposite sides of the parking lot and there was an empty area of the parking lot between the two groups of parking spaces. I asked Deputy Krupnik if the knife he was describing had landed in the open space between the groups of parking spaces. Deputy Krupnik said, "Yes. Somewhere in between." I asked if the knife had been thrown in the direction of any deputy in particular. Deputy Krupnik said he couldn't tell if it had been thrown towards anyone in particular, but it was thrown "in our direction". Deputy Krupnik couldn't recall with which hand Fogal threw that knife or if he threw it over or underhand. Deputy Krupnik said that in response to the knife being thrown towards them, he advised Fogal, "If he approaches with a knife, he can be shot and also, if he's throwing knives at us, he can be shot." I asked if Fogal responded to Deputy Krupnik's advisement and Krupnik said, "Not in any way that showed he acknowledged it. He just continued to tell us he'd kill us and calling us 'Motherfuckers'."

I asked Deputy Krupnik what he recalled happening next. Deputy Krupnik told us Fogal appeared to be on the cell phone with his girlfriend and he came out to the balcony with a black object in his hand. Deputy Krupnik couldn't tell what the black object was and he stated out loud that he might have a gun. Deputy Krupnik then said he believed he "called him (Fogal) out. I said, 'Hey, it looks like you have a gun'. It wasn't enough for me to shoot, but I just wanted to let him know that I saw it." Deputy Krupnik told us Fogal threw the phone in their direction and while the object was in the air, Deputy Krupnik saw it was lit up and realized it was a phone. I asked Deputy Krupnik what led him to believe Fogal was on the phone with his girlfriend. Deputy Krupnik said

a woman he believed to be Fogal's girlfriend had shown up on scene and was talking with Sgt. Luna. Sgt. Luna tried to find a way for the woman to communicate with Fogal. I asked Deputy Krupnik if he spoke to the woman he believed to be Fogal's girlfriend. Deputy Krupnik told us he did speak to her briefly while he was braced on one of the vehicles as a shooting platform. Deputy Krupnik said he asked the woman if there were any guns in the residence, to which she said, "No. Unless he brought something in while I was gone." I asked Deputy Krupnik if he knew the woman's name to whom he spoke and he believed her name was "██████."

I asked Deputy Krupnik what Fogal was doing at this point and he explained that Fogal would stay inside for a while and then come back out to the balcony. I asked if Fogal was communicating with the deputies and Deputy Krupnik said, "I wouldn't say communicating, it was more, just angry, just yelling at us." I asked about anything specific that Fogal said, but Deputy Krupnik told us, "Aside from the stuff I said earlier, just that, you know, he'd kill us, um, he told me he'd call down a Hellfire Missile on me and I know at one point, he pointed. And this is where I realized he knew where we all were, 'cause he said, I believe it was like, 'You're gonna die, you, you' and then he pointed over at Deputy Eskridge, who was over in the corner, 'and you.' And then he looked at me and he said, 'You see this face? This is the face that's gonna kill you. This is the face that's going to ruin your life'." I asked Deputy Krupnik who the specific deputies Fogal pointed to after he said, "You're gonna die." Deputy Krupnik told us Fogal pointed at Deputy Krupnik first, then Deputy Maertz and then at Deputy Eskridge who had Sgt. Luna with him. I asked Deputy Krupnik if Fogal had anything in his hands when he told them they were going to die, but Krupnik didn't believe Fogal had anything in his hands when he made the threats to the deputies.

Deputy Krupnik said Fogal started to come down the stairs, so Deputy Krupnik and Deputy Maertz moved locations slightly towards Fogal's apartment, while maintaining cover near the vehicles under the carport. Detective Zadeh asked Deputy Krupnik to clarify if Deputy Krupnik was standing on the sidewalk to the west of the carport or if he was on the pavement of the parking area. Deputy Krupnik told us he was "in the parking lot" and spent "very minimal time on the sidewalk." Detective Zadeh asked Deputy Krupnik what the communication was like between Deputy Krupnik and Deputy Maertz. Deputy Krupnik said he and Deputy Maertz talked to each other about the situation and Deputy Krupnik told Deputy Maertz that he hoped, if Fogal was drunk, Fogal would just go inside the apartment and "pass out". Deputy Krupnik said he started to mention a "game plan" with Deputy Maertz in case Fogal started throwing knives. Deputy Krupnik said they were interrupted and Deputy Maertz never responded. Deputy Krupnik told us he and Deputy Maertz discussed the possibility of Deputy Krupnik having to fire a shot and how the rifle round would go through the front door of the apartment. Deputy Maertz also pointed out to Deputy Krupnik that the AR-15 round would go through the pillar on the front balcony and told Deputy Krupnik to "keep that in mind" if he needed to shoot. Detective Zadeh asked what, if anything Fogal was doing that caused Deputies Maertz and Krupnik to discuss firing their weapons. Deputy Krupnik told us Fogal didn't have anything in his hands and they commanded him to keep his hands up. Fogal responded by telling the deputies he didn't have any guns, but Deputy Krupnik told Fogal, "Hey, we don't know that. Just keep your hands up. Don't reach towards your waistband." Deputy Krupnik demonstrated that Fogal would come out of his apartment with his hands up and other times, Fogal would put his hands on his waistband. Deputy Krupnik told us that eventually, Fogal started walking out of the apartment with knives and that was what prompted Deputies Krupnik and Maertz to discuss the possibility of "having to take a shot." Detective Zadeh asked Deputy Krupnik what it was about the knives that caused the conversation about possibly having to shoot. Deputy Krupnik said, "We weren't concerned with him charging us because of the distance. I mean, he has to get down all those stairs before he can get to us. The problem is him throwing the knives. He's been throwing them. He threw them in our direction before. We knew that could kill us, so we're just worried about him throwing the knives. We felt pretty comfortable in this spot (covered carport), but, however, we did have deputies out in less cover."

Detective Zadeh returned the conversation back to the phone Deputy Krupnik said Fogal threw and asked Deputy Krupnik to clarify where Deputy Krupnik was when Fogal threw the phone. Deputy Krupnik told us he believed he was near the third support pillar (from north to south) for the carport when the phone was thrown. Deputy Krupnik told us Fogal threw the knife that landed in the middle of the parking area and he then threw the phone that Deputy Krupnik believed also landed in the middle of the parking area. Detective Zadeh asked

Deputy Krupnik about the short conversation Deputy Krupnik had regarding Fogal possibly having a gun. Detective Zadeh asked Deputy Krupnik what went through his mind after [REDACTED] commented something to the effect of "unless he brought something when I was gone." Deputy Krupnik said, "It's pretty easy to hide a gun. I wasn't sure if maybe he had something hidden in there. I didn't know how long ago she ([REDACTED]) had left, you know, I wasn't sure if it was a day, vacation or if she was gone ten minutes." Detective Zadeh brought up Deputy Krupnik's mention of Fogal commenting about "Launching Hellfires" and what Deputy Krupnik thought about when he heard Fogal say this. Deputy Krupnik told us he understood a Hellfire to be a missile used by the military. Deputy Krupnik said he didn't believe Fogal had access to a missile, so he wasn't necessarily concerned about a missile, but he did believe Fogal was possibly referring to "raining knives on us". Deputy Krupnik told us that Fogal "started peeling the blinds off and at one point, he (Fogal) took his knife and cut the blind and it seemed to cut really smoothly and I know I mentioned to Maertz, 'Hey, we know it's sharp'." I asked Deputy Krupnik how it made him feel when Fogal demonstrated how sharp the knife was. Deputy Krupnik said, "Not good, knowing we had an agitated person with a sharp knife. I knew it (knife) wasn't a toy at this point, now. And the fact that it cut through it so smoothly, like it was very sharp." I asked Deputy Krupnik if he could describe the knife Fogal used to cut the blinds. Deputy Krupnik said, "It had a black handle. At least the part that was exposed from his hand. He was carrying it, you couldn't see the whole handle, but the handle looked like it was black and the blade was seven, eight inches. It was pretty long. Silver, shiny blade." I pointed out to Deputy Krupnik that it appeared from our vantage point under the carport and looking at Fogal's apartment, there was a sliding door to the left of the front door and a sliding window to the right of the front door. I asked Deputy Krupnik which set of blinds Fogal cut with the knife. Deputy Krupnik told us it was the blinds on the left side of the door, but the right window of the slider. Deputy Krupnik told us that when Fogal cut the blinds, Fogal was inside of the apartment, facing towards the deputies. I asked Deputy Krupnik if Fogal said anything when he cut the blinds, but Deputy Krupnik couldn't recall anything having been said.

I asked Deputy Krupnik if Fogal came down to the first level before or after he cut the blinds with the knife. Deputy Krupnik was not certain, but he believed Fogal came down prior to cutting the blinds with the knife. Deputy Krupnik told us he moved eastbound in the parking lot when Fogal came down. Deputy Krupnik explained that when Fogal came down, Deputy Krupnik believed it could possibly give the deputies an opportunity to use the less-lethal bean bag shotgun that Deputy Pallotto had with him. Deputy Krupnik said Deputy Maertz moved to a position approximately 15 feet south of the center of the north curb line of the parking area. Deputy Krupnik said kept his rifle raised and with the flashlight on in the direction of Fogal as Deputy Krupnik moved to a position in the first parking space south of the raised parking curb. Deputy Krupnik said there was a vehicle parked in the parking space, but he wasn't sure which vehicle it was. Deputy Krupnik said Fogal got to the ground level, but once the deputies advanced, Fogal ran back upstairs. I asked Deputy Krupnik if he or the other deputies gave commands to Fogal when he got to the lower level, but Deputy Krupnik did not recall if anyone gave commands to Fogal at that point. I asked Deputy Krupnik if he saw anything in Fogal's hands at that point, but Deputy Krupnik didn't see anything in his hands.

I asked Deputy Krupnik what Fogal did once he got to the top of the stairs and Deputy Krupnik said, "That's when he started pointing at us and that's when he started talking about the Hellfire Missile. And that's when he pointed at me, Deputy Maertz and then towards Deputy Eskridge and Sgt. Luna. That's when he (Fogal) said, 'You're gonna die. You're all gonna die, you, you, you.'" Deputy Krupnik said Fogal further stated to him, "See this face? This is the face that's gonna kill you. This is the face that's gonna ruin your life." I asked Deputy Krupnik how it made him feel when Fogal said those things and Deputy Krupnik said, "Um, just 'cause I know of his violent past, um, he has knives, weapons, he's agitated, I don't know if he's under the influence of something...kinda scared. I mean, we have a job to do, but at the same time, it made me nervous that I was gonna get hurt, or my partners."

I asked Deputy Krupnik what he did next and he said he turned his light off in hopes Fogal wouldn't see him anymore. Deputy Krupnik eventually moved back to a location on the west side of the parking spaces on the west side of the parking lot. We moved to the location Deputy Krupnik described and Deputy Krupnik told us he still was holding his rifle as he moved locations. Deputy Krupnik said he moved locations at various times in order to try and verify whether Fogal had a knife or other item in his hands. Deputy Krupnik told us Deputy Pallotto

was still in his position at the southwest corner of Fogal's building and Deputy Eskridge was with Sgt. Luna in the northwest corner of the building, near the light pole. Deputy Krupnik told us Deputy Maertz was moving back and forth from the front of the northernmost vehicle in the carport and back to the railing to the west of that vehicle.

I asked Deputy Krupnik what Fogal did next and Deputy Krupnik said he saw Fogal come out onto the balcony with a knife in his right hand. Deputy Krupnik said he or another deputy called out, "Knife" and then Deputy Krupnik realized Fogal had two knives, one in each hand. I stopped Deputy Krupnik and asked if Fogal threw any other items besides knives or the phone. Deputy Krupnik confirmed there were "a couple instances" where Fogal threw trash, clothing and a patio chair over the side of the balcony and onto one of the vehicles parked below. Deputy Krupnik said he recalled Fogal throwing another chair that fell into the patio for the neighbor below him. I asked Deputy Krupnik if there were any deputies in the area of where the chairs were thrown, but he told us there was no one there. Deputy Krupnik told us that Fogal threw some of the items from a "hunched position" that was out of view of the deputies and that made Deputy Krupnik and the other deputies "nervous".

I asked Deputy Krupnik if anything else occurred between Fogal throwing the additional items over the side of the balcony to when he appeared with two knives in his hands. Deputy Krupnik did not recall anything else occurring. I asked Deputy Krupnik if he was concerned any of the items Fogal threw from the balcony were going to hit a deputy or himself. Deputy Krupnik said he didn't believe the trash, clothing or chairs were going to hit anyone. Deputy Krupnik said he believed the first knife was thrown "at us, in an attempt to hurt us. The second knife, I'm not sure how it was thrown, but it wasn't thrown, I guess, hard enough where I felt like it was a direct threat to us." Deputy Krupnik said the other items were "tossed" and with the exception of the chair that hit the vehicle, the other items appeared to have been thrown "in anger, but not, didn't seem like there was the intent to hit somebody." I asked Deputy Krupnik if he recalled the chair hitting the vehicle and he confirmed the chair landed on the windshield or hood area of the vehicle. Deputy Krupnik didn't recall anything specific that Fogal said when he threw the chair onto the vehicle, but Deputy Krupnik pointed out Fogal had been "cussing at us the whole time."

I asked Deputy Krupnik to describe what he saw when Fogal came out next. Deputy Krupnik advised he saw Fogal with a knife with a black handle and a long shiny, silver blade in his right hand. Deputy Krupnik said he called out "knife" approximately three times in order to advise the other deputies of the knife. Deputy Krupnik said he saw another knife in Fogal's left hand that looked similar to the other knife, with a black handle and a silver, shiny blade. I asked Deputy Krupnik if Fogal said anything at that point and Deputy Krupnik said Fogal was saying something, but he couldn't remember what he said. Deputy Krupnik said Fogal's demeanor was the same as it had been the entire night, "Angry, threatening". Deputy Krupnik showed us that when Fogal came out with the two knives, Deputy Krupnik was leaning with his back on the rear passenger side door of a black Ford Edge that was still parked in the same parking space as during the incident. Deputy Krupnik explained that his arms were starting to tire and that was the reason he used the Ford Edge as a "shooting platform."

While Deputy Krupnik was bracing himself on the Ford Edge, he saw Fogal hiding behind the southernmost pillar in front of the entrance door to the apartment. Deputy Krupnik said he could see the right portion of Fogal's body and could tell he still had a knife in his right hand. I asked Deputy Krupnik if he knew where Deputy Maertz was at the point Fogal took cover behind the pillar and had the knife in his hands. Deputy Krupnik remembered last seeing Deputy Maertz to the west of the west end of the northernmost parked vehicle under the carport. Deputy Krupnik said he last saw Deputy Pallotto in the area of the south west corner of Fogal's building, while Deputy Eskridge and Sgt. Luna were still in the position near the light pole on the northwest corner of Fogal's apartment.

I asked Deputy Krupnik if he noted any objects on the ground in the parking area between Deputy Krupnik's location and Fogal's position. Deputy Krupnik remembered that Deputy Maertz had kicked one of the knives back and towards the west curb of the parking area / carport. Deputy Krupnik didn't see where the knife was

kicked to, but he did hear the knife slide on the pavement. Deputy Krupnik believed the knife Deputy Maertz kicked was the second knife Fogal threw. Deputy Krupnik said he saw that knife in the air, but he didn't see it once it landed.

I brought the conversation back to Deputy Krupnik being braced against the black SUV as a shooting platform and Fogal hiding behind the pillar to the south of the front door. Deputy Krupnik told us he could see the right side of Fogal's body and that Fogal was holding a knife in his right hand. Deputy Krupnik saw Fogal "Cant his shoulders back", which made Deputy Krupnik believe Fogal was going to throw the knife. Deputy Krupnik said, "From where I was standing, it looked like he (Fogal) was gonna throw it in the direction of Eskridge, Deputy Eskridge and Sergeant Luna." Deputy Krupnik further told us that he wasn't sure Deputy Eskridge and Sergeant Luna were able to see Fogal throw the knife and Deputy Krupnik didn't believe he had time to "call it out". Deputy Krupnik told us that even if he was able to "call it out" that Fogal was throwing a knife at them (Eskridge and Luna), Deputy Krupnik didn't believe they would have anywhere to move. Deputy Krupnik told us, "It was my opinion that he (Fogal) was gonna try and throw the knife at them (Eskridge and Luna). Deputy Krupnik told us he took into consideration that "I know he's been throwing them with force, so I remember getting my red dot up in the area where Deputy Maertz and I discussed before, we thought the pillar, it (bullet) would go through (the pillar), so I remember kind of envisioning where I thought his (Fogal) center mass would be in the pillar and I didn't, I didn't want it just because he moved back, not actually mean he was gonna throw it, so I waited. But then, once I saw his shoulder start to cant the other way and his arm come up, I pulled the trigger."

I asked Deputy Krupnik if he knew where his round hit and he said he knew it struck the south pillar. I asked Deputy Krupnik if he saw where the knife went and he said, "It went in the air. I don't know where it landed." I asked Deputy Krupnik if he ever learned where that knife landed, but he said, "No." I asked Deputy Krupnik what he thought of when he saw Fogal with the knife raised up in the throwing motion. Deputy Krupnik said, "Once it (hand with knife) was coming back? He was gonna throw it and I didn't want him to kill my partners. I didn't want him to hurt them." Deputy Krupnik further said, "The whole night, he's been telling us he's gonna kill us and just didn't want them to get hurt. Because I didn't do something."

I asked Deputy Krupnik what he did after he fired the gunshot and he said he looked for where the round hit and saw that Fogal had ducked and went into the house. Deputy Krupnik said Sgt. Luna asked who fired the shot and Deputy Krupnik immediately said that he did. Deputy Krupnik believed Sgt. Luna tried to transmit over the radio that a shot had been fired, but it didn't go out, so Deputy Krupnik advised dispatch of the shot fired. Deputy Krupnik believed he told dispatch, "Station one, eight Adam twenty one, do you copy? Single shot fired. Unknown if subject's hit." Deputy Krupnik said that once Fogal went back into the apartment, his and the other deputies' primary concern was to get help to Fogal in case he had been struck by the bullet. Deputy Krupnik said he and the other deputies on scene attempted to get a response from Fogal as to whether he had been struck or not. Deputy Krupnik said Fogal didn't respond "for a while", but at one point, Deputy Maertz said he could see Fogal in the left window.

Deputy Krupnik said Fogal started responding at one point, but Deputy Krupnik didn't recall exactly what was said. Deputy Krupnik remembered Fogal saying something to the effect of him having been "hit", but the way Fogal said it didn't make Deputy Krupnik believe Fogal had been hit. Deputy Krupnik explained that the way Fogal said it, it didn't sound as if Fogal was in distress and Deputy Krupnik didn't see any damage or blood on the wall behind the pillar, which made Deputy Krupnik believe his gunshot hadn't gone completely through the pillar. Because he was talking about having been able to see the wall of the apartment, I asked Deputy Krupnik how he was able to see the wall. Deputy Krupnik told us he hadn't mentioned this earlier, but at one point, prior to the shooting, Deputy Krupnik placed his Ultra Stinger Flashlight on the roof of one of the vehicles under the carport. Deputy Krupnik explained that he directed the beam of the flashlight towards Fogal's apartment as a "makeshift spotlight".

I asked Deputy Krupnik to go back and describe to us what he did with his flashlight. Deputy Krupnik told us that Deputy Maertz had placed his flashlight on a vehicle under the carport and directed the beam towards Fogal's apartment as a spotlight. Deputy Krupnik said he placed his flashlight on the driver side roof rail of a silver ford that was parked under the carport. Deputy Krupnik couldn't recall if the lights were on at Fogal's apartment, but between the flashlights he and Deputy Maertz positioned, as well as the light on Deputy Krupnik's rifle, it allowed Deputy Krupnik to see the area of Fogal's balcony. I asked Deputy Krupnik if he recalled when it was that he and Deputy Maertz placed their flashlights on the vehicle and Deputy Krupnik said, "It was pretty early after we moved in this general direction (under the carport)."

I asked Deputy Krupnik if Fogal came back outside after the shooting and Deputy Krupnik said, "Eventually, he did." Deputy Krupnik told us Deputy Vasquez and his trainee, Deputy Smiley arrived on scene and Deputy Krupnik believed Deputies Vasquez and Smiley positioned themselves west of the carport. Deputy Krupnik told us Deputy Gorin arrived on scene and took a position near Deputy Pallotto. Deputy Krupnik said he saw Sgt. Valenti arrive and walk in from the northwest walkway. Deputy Krupnik told us the SWAT Team members eventually arrived and relieved him.

I asked Deputy Krupnik if he or anyone else fired a weapon after Deputy Krupnik fired the one shot. Deputy Krupnik told us no one else fired a gunshot. I asked Deputy Krupnik if he told Sergeants Valenti or Luna the direction of his gunshot, but Deputy Krupnik said he hadn't told anyone the direction of the shot until he told Sgt. Chips from the SWAT Team.

I asked Deputy Krupnik about wearing a Body Worn Camera (BWC) and he confirmed he did have one attached to his uniform during the incident. Deputy Krupnik told us his BWC was the "AXON Body II" camera. Deputy Krupnik told us the camera was attached by magnet and that he attached the camera to the front of his uniform shirt, between his belly button and his sternum. Deputy Krupnik explained the BWC is usually in "standby mode" and in order to turn the camera on, the operator taps the button on the front of the camera twice. Deputy Krupnik said the light on the camera is green when the BWC is in standby mode and the light turns red when it is recording. He said the BWC also beeps and vibrates to let the operator know it comes on. Deputy Krupnik said he heard and felt the camera, but he didn't look at the light to determine if it was on or not. Deputy Krupnik told us he activated his BWC two times during the incident involving Fogal. He first activated the BWC when he was at the bottom of the stairs and he deactivated the camera when they walked back to the patrol cars and Fogal said he was going to bed. Deputy Krupnik said he turned the BWC back on when he first saw Fogal come down the stairs with the knife. Deputy Krupnik said he kept the BWC on until he was relieved by the SWAT Team members and was transported back to the station.

I asked Deputy Krupnik if he remained in the area of the carport until he was relieved and he confirmed that was the case. I asked Deputy Krupnik if there was any significant conversation or interaction between the deputies and Fogal between the time of the shot and when the SWAT Team arrived. Deputy Krupnik told us Deputy Smiley tried to talk to Fogal, but it wasn't effective. Fogal came out on the balcony and talked about jumping off of the balcony and stood with his hands on the top rail of the balcony. Deputy Krupnik didn't recall exactly what Fogal was saying at that time.

I asked Deputy Krupnik if he spoke with Fogal after he fired the gunshot. Deputy Krupnik said he didn't recall much conversation with Fogal, other than to ask Fogal if he was okay or if he needed medical attention because they were not sure whether Fogal had been shot or not. I reminded Deputy Krupnik that he told us Fogal mentioned that he was "hit" at one point. I asked Deputy Krupnik if he saw any injuries to suggest Fogal had been injured by the gunshot. Deputy Krupnik told us he didn't see any injuries, but Fogal didn't appear to be in pain. I asked Deputy Krupnik if Fogal obtained a weapon again, but Deputy Krupnik didn't remember.

Detective Zadeh asked Deputy Krupnik to clarify how many shots he fired and Deputy Krupnik answered, "One." Detective Zadeh asked Deputy Krupnik if he had used the flashlight on the rifle to illuminate the area

and Deputy Krupnik confirmed he did. Detective Zadeh asked Deputy Krupnik what Fogal's demeanor was like prior to Deputy Krupnik firing the rifle. Deputy Krupnik said, "He was the same as he's been the entire night. Angry. Agitated, threatening." Detective Zadeh asked Deputy Krupnik if he remembered anything specific that Fogal said just prior to Deputy Krupnik shooting. Deputy Krupnik said he didn't recall what, if anything, Fogal said directly before he fired the shot. Detective Zadeh asked Deputy Krupnik if he gave Fogal any commands before he fired the shot. Deputy Krupnik said, "Nah. I didn't, I didn't have time." Deputy Krupnik clarified that when he saw Fogal's arm going forward with the knife, he pulled the trigger on his rifle. Deputy Krupnik said that by the time he could have said, "Hey, don't throw the knife, by the time I said that, the knife is gonna be out of his hand and possibly going into one of my partners. So, at that point, I felt I just needed to stop him." Detective Zadeh asked what Fogal did after the gunshot and Deputy Krupnik said he wasn't sure if Fogal "ducked or fell, but he dropped (out of view) and went into the house."

I asked Deputy Krupnik about him having fired the rifle one time and if there was a reason why he didn't fire anymore shots. Deputy Krupnik said, "Because when I shot, so my, the purpose of me shooting was to stop him from throwing the knife, um, when I shot, uh, the knife had left his hand already, or at least, I saw it leave his hand, I'm not sure if it was after I shot or...but the knife was out of his hand, he had ducked and was not throwing knives anymore. So, at that point, I didn't feel that it was warranted to use lethal force. If he had kept using a knife, then it would be different, but I didn't see anything else in his hand. I know he was holding two (knives) originally, but I didn't see him attempting to throw it."

Detective Zadeh asked Deputy Krupnik about his seven years of law enforcement experience and if that was as a sworn peace officer. Deputy Krupnik confirmed it was seven years as a sworn deputy. Detective Zadeh asked Deputy Krupnik if he was wearing a bullet proof vest during the incident and Deputy Krupnik confirmed he was. Detective Zadeh asked Deputy Krupnik about his patches on his uniform. Deputy Krupnik explained he had one patch on each shoulder. Detective Zadeh asked about the weather on the night of the incident and Deputy Krupnik told us the weather was "cooler" and similar to the weather during our interview. Detective Zadeh asked Deputy Krupnik if he wore a jacket on the night of the incident, but Deputy Krupnik said he wore a black thermal shirt under his uniform that night and he didn't have a jacket on. Detective Zadeh asked about Deputy Krupnik's backup revolver and what caliber it was. Deputy Krupnik told us the caliber of his revolver was "38, plus P, 38 Special." Deputy Krupnik told us he never pulled the revolver out during the incident with Fogal. Detective Zadeh asked Deputy Krupnik if there were any other force options he could have used at the time Deputy Krupnik fired his rifle. Deputy Krupnik said, "At that point, no. I felt the rifle was the best choice because I had the longer barrel, more accurate. Less chance of me hitting...because I had a residence I had to account for, so I felt like that was the most accurate one. I know the distance was too far for the Taser, I didn't have a bean bag (rifle) on me and pepper spray, obviously couldn't reach there either." Detective Zadeh asked Deputy Krupnik if he had any cover or concealment at the time he fired the rifle. Deputy Krupnik said, "No. I just. No."

I asked Deputy Krupnik if he had any prior military experience and he told us he did not. I asked Attorney Sirody if she had anything to add and she asked Deputy Krupnik if he was "CIT (Crisis Intervention Team) trained", to which Deputy Krupnik said, "Yes".

I asked Deputy Krupnik about his bullet proof vest and he told us it was the department issued vest. I asked him if the vest would stop a knife and Deputy Krupnik said, "I've been told no." Detective Zadeh asked Deputy Krupnik to explain if a knife could cause great bodily injury or death. Deputy Krupnik said, "Depending on where it lands, if it lands in the head, it could go to your brain, your eye, anything like that. If it hits your throat, your carotid artery, you could bleed out. Same thing with the femoral artery in the leg. Um, you have organs inside your torso, the heart. If it punctures the body, it can do damage to some serious organs. Cause internal bleeding." I asked Deputy Krupnik if, during his experience on the department, had seen people with injuries caused by knives and he confirmed that he had.

Detective Zadeh told Deputy Krupnik that he mentioned Fogal's actions made him think Fogal might have been under the influence. Detective Zadeh asked Deputy Krupnik to explain what made him believe Fogal may have been under the influence. Deputy Krupnik said, "I was told, in his history, that he possibly takes like horse caffeine pills and alcohol. I am a DRE (Drug Recognition Expert) and just watching his (Fogal) behavior, he was definitely agitated, I mean, without doing an evaluation, I wouldn't be able to tell you exactly what, you know, to cite what substance he was under, but, the way he was, he may have had either a mental illness or he may have been under the influence of a substance that was causing him to be so agitated and erratic." Detective Zadeh asked Deputy Krupnik, if, based on his training as a DRE drug recognition expert, CIT training, years on the department and prior experiences with persons with mental illnesses or under the influence of drugs, what he learned about the behavior of people under the influence or having a mental crisis. Deputy Krupnik said, "Sometimes it takes patience and eventually you can come to a solution, however, sometimes I've learned, with people with either drug issues or mental health issues, sometimes there's nothing you can say or do that's gonna get them to comply. I also know that pain compliance isn't always the best thing because they might be so under the influence that the pain might not even register in a sense. Or maybe the effect may be lowered. That's why I think I mentioned it, um, my concern with the beanbag shotgun was if he was under the influence, or the same way he was before, where pain tolerance didn't seem to work, if he was running at us with a knife, if we tried a less lethal first and it didn't work, he may be too close to us for us to react. I just know they can be unpredictable and erratic sometimes." Detective Zadeh asked if he would describe Fogal's behavior as unpredictable and erratic and Deputy Krupnik said, "Yes."

I thanked Deputy Krupnik for coming out and giving us his statement and asked him if he had any questions for us and he did not. We concluded the interview.

# **Officer's Response and Observations**

**INVOLVED PERSONS**

ROLE <b>ARRESTEE - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) <b>FOGEL , ROBERT</b>			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT <b>6' 1</b>	WEIGHT <b>205</b>	HAIR <b>BROWN</b>	EYE <b>GRAY</b>	TE [REDACTED]			
ADDRESS [REDACTED] <b>CAMARILLO , CA , 93012-0000</b>				[REDACTED]	MOBILE PHONE [REDACTED]		
ROLE <b>RPT PARTY - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED] ER)			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT <b>5'09</b>	WEIGHT <b>200</b>	HAIR	EYE	DRIVER'S LICENSE/STATE /			
ADDRESS [REDACTED] <b>CAMARILLO , CA , 93012-</b>				HOME PHONE	MOBILE PHONE [REDACTED]		
COMPLEXION <b>LIGHT</b>	BUILD <b>HEAVY</b>	HAIR LENGTH/STYLE	GLASSES	HANDED	FACIAL HAIR LENGTH/STYLE		

**OFFICER'S NARRATIVE**

On 10/1/2017, I was working patrol as 8J51 in the City of Camarillo. At approximately 2004 hours, I was dispatched, lights and siren, to a subject disturbing [REDACTED] or Estima. Dispatch advised [REDACTED] identified as Robert Fogel, threw a knife at a reporting party's door. The reporting party, [REDACTED] was also advising the suspect was attempting to fight other people in the complex.

[REDACTED] ed, Deputy Pallotto (ID # 4913) had already spoken to [REDACTED]. Deputy Pallotto told me [REDACTED] pointed out the apartment Fogel was living in as [REDACTED], and said Fogel returned to his apartment after the incident and had not left. Shortly after my arrival, Sergeant Luna (ID # 2357) and Deputy Krupnik (ID # 4906).

Deputy Pallotto and I staged near a set of stairs leading to Fogel's front door and waited while Sergeant Luna spoke to [REDACTED] Fogel exited his residence while we were near the base of the stairs to his apartment. Fogel said he did not want to speak to deputies and went back into his apartment. He came to a window and punched a screen off of the window from the inside while yelling at us.

Based on the information gathered, Sergeant Luna made the decision for us to pull back and allow Fogel the opportunity to stay in his residence. We moved patrol cars from his view and Deputies Kurupnik, Pallotto, and I positioned ourselves near the southwest corner of the building of Fogel's apartment. At this position, we were out of Fogel's view, even if he exited his residence and stayed on his front porch. If he left his front porch, we would see him leave. Based on his aggressive and violent behavior, we stayed in the area for the safety of the many people in the area of the apartment complex.

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Issued date: \_\_\_\_\_

DATE REPORTED 10-02-2017	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME MAERTZ, RICHARD (4750) / Special Services Major Crimes - 10-20-2017 / 1352
APPROVED BY / ID # - APPROVED DATE / TIME JENKINS, STEVEN / 3933 - 10/20/2017 / 1352	

The front of Fogel's second story apartment faced west. The front of his apartment was a door between two windows with a porch along the entire front of his apartment. On the south side of his porch, was a short staircase going south to a small landing. More stairs going west to another small landing. Then more stairs going north to the ground level. From the base of the stairs, there is a short east-west walkway leading to a first story apartment on the east side and another walkway going south on the west end. The walkway was approximately 50 feet long and had a railing along the west side of the walkway.

To better illustrate our position, in this report, I will refer to the parking stalls along the south side of the apartment complex by number. Numbering the parking stalls from the west most stall moving east, starting at one. Same for the parking stalls immediately to the west of Fogel's apartment, and the parking stalls across the small parking lot in front of Fogel's apartment. The stalls will be numbered starting from the the south, moving north, starting with one. The row of parking spaces along the south of the building will be referred to as the south stalls. The row of stalls on the east side of the small parking lot in front of Fogel's apartment will be referred to as the east stalls. The row of parking stalls on the west side of the parking lot in front of Fogel's apartment will be referred to as the west stalls.

While we were in and around stall 3 of the south stalls, Fogel left his apartment several times coming to the south end of the walkway coming from the base of his stairs. He told us to leave "his" property several times. If we attempted to have a dialogue with him, he would just scream over us and tell us to leave. When we spoke, he raised both of his middle fingers at us in a gesture usually associated with the term, "Fuck you." At one point, he brought the screen he had punched out of the window earlier and threw it in our direction. He threw the screen from near the end of the walkway to his stairs. He was about 50 feet from us. The screen fell into the bushes approximately 30 feet from us.

Based on his aggressive and assaultive behavior, Deputy Pallotto got the less-lethal bean bag shotgun from my trunk and loaded the shotgun magazine with bean bag rounds.

Deputy Pallotto called Sergeant Luna to update him on the situation. While Deputy Pallotto was on the phone, Fogel walked to within several feet of the south end of the walkway mentioned above with a knife in each hand. I activated my body worn camera. The knives appeared to have blades approximately five to seven inches long. Fearing he may attempt to leave or attack us, I drew my pistol, but did not point it at him. He got to approximately 70 feet of us, stopped, and continued to yell at us. Deputy Krupnik told him that we saw the knives and not to approach us with the knives or he would be shot. Fogel acknowledged the admonishment by saying he was not approaching us. During a short conversation between Deputy Krupnik and Fogel, Fogel told us he could sneak up behind us and kill us if he wanted. After a short period of time, Fogel turned and went back up to his apartment.

#### **FIRST KNIFE THROWN**

We could not see the entirety of Fogel's front porch area from our position. I advanced from the rear of the vehicle I was standing behind to the south curb line of the apartment building between stalls one and two of the south stalls. Fogel came down to the area between the two landings of the stairway to his apartment, crouched down, and was looking through an opening in a tree. At the time, I was shining my flashlight at him. Fogel threw two knives at Deputy Krupnik's and my position from approximately 75 feet away. Deputy Krupnik was between stalls two and three at the curb line as well.

The first knife hit some leaves of the tree and fell onto the walkway leading to the stairs of Fogel's apartment. The knife was a fillet style knife with a blade of approximately seven inches. After hitting the leaves and skidding on the walkway, the knife stopped approximately 40 feet from us.

**The second knife he threw bounced off of a branch of the tree, hit the apartment building, and fell in a planter area. I later saw the knife, it was an approximate five inch steak knife.**

**After throwing the knives, Fogel ran back into the apartment. We could not clearly see the door to Fogel's apartment from our positions so we repositioned to the east stalls. We were in the area of the third and fourth stalls. With Deputy Krupnik watching the front door, I collected the seven inch fillet style knife to keep it from being on the ground should deputies and Fogel be in close proximity to each other in the area.**

**After collecting the knife, I returned to my patrol vehicle and put the knife on my windshield under the windshield wiper on the passenger side. I then circled back to where Deputy Krupnik because I could hear Fogel yelling at him. Deputy Krupnik was attempting to talk to Fogel. At the time, Deputy Krupnik was behind a truck parked in the third parking spot of the east stalls. I was behind Deputy Krupnik and slightly further north between stalls three and four. Fogel yelled that he was going to kill Deputy Krupnik.**

### **THIRD KNIFE THROWN**

**To get a better look at Fogel, I shined my flashlight at him. From his position on his front porch area, he threw another knife at us. The knife was coming close enough to my position that I jumped back out of the path of the knife. The knife struck a vehicle parked in the area and was deflected to more of a western direction. At the time he threw the knife, we were approximately 70 feet from Fogel. The knife skidded to a stop in the parking lot approximately 90 feet from Fogel and 30 feet from us. It came to rest just outside of stalls four and five of the west stalls. I collected the knife, it was another knife similar to the second knife thrown, an approximate five inch steak knife.**

**I returned to my patrol vehicle and placed the second knife I collected on my windshield. I also retrieved my patrol rifle while Deputy Krupnik watched the apartment. I returned to the area I picked up the knife. While I watched the apartment, Deputy Krupnik got his rifle. We made our way around to a covered car port area where we were approximately 100 feet from Fogel's front porch. From my position, I could clearly see the front of Fogel's apartment and was behind a car and a steel support beam, as well as under the steel roofed car port. I was in the area between stalls 12 and 13 of the west stalls. I was in that position for the majority of the incident.**

**Deputy Eskridge (ID # 3272) and Sergeant Luna, who had left the scene, responded to the scene. Deputy Eskridge was on the north west corner of the apartment building. Deputy Pallotto was on the south west corner of the apartment building. Deputy Krupnik and I were under the same car port.**

**With Fogel's behavior, we made the plan that if he attempted to leave the apartment, I would sling my rifle and have a taser ready, Deputy Krupnik would stay with his rifle, and Deputy Pallotto would use the less-lethal shotgun. Our plan was to approach Fogel and deal with him as the situation dictated.**

**While under the car port, I put my flashlight on top of a vehicle a couple stalls south of where Deputy Krupnik was positioned. Deputy Krupnik later put his flashlight on a vehicle approximately one parking space away from Deputy Krupnik on one side and me on the other. The flashlights were illuminating the front of Fogel's apartment.**

**Fogel continually screamed threats at us and only minimally responded to our attempts to speak with him. At times, Fogel said he was going to kill us, and kill our families. We continually told him several different ways to not have knives in his hands and that we did not want to shoot him, but would if his actions threatened anyone.**

A couple times, Fogel came partially down the stairs to his apartment. We approached, and Fogel ran aback up the stairs prior to getting close enough for us to keep him from returning to his apartment. During the incident, I pointed my pistol, patrol rifle, and a taser, while turned on, at Fogel.

#### **FOURTH KNIFE THROWN**

At one point, Fogel came out onto his porch with a phone in one hand and a knife in the other. Fogel threw the knife. From the trajectory of the knife, it appeared he threw it at the light positioned between Deputy Krupnik and I. At the time, we were approximately 100 feet from Fogel. The knife fell to the ground approximately 60 feet from Fogel and skidded another 15 feet. He then went back into the apartment. The knife was a large butcher style knife with a blade approximately eight inches long.

A short time later, Fogel came down the steps to the second landing, he appeared unarmed. We started the planned maneuver and approached Fogel. I slung my rifle and drew my taser, turned it on, and pointed the laser aiming device at Fogel's chest. I could see Deputy Krupnik also approaching to my right. Once we got approximately 50 feet from Fogel, he ran back to the porch of his apartment. I took cover behind a sport utility vehicle (SUV) parked in stall nine of the east stalls. I also re-holstered my taser and drew my pistol. Several times, from behind the SUV, I pointed my pistol at Fogel. While I was behind the SUV, Fogel threw a large patio chair at me. The chair struck the hood of the SUV I was standing behind and fell to the ground.

A short time later, Fogel went back inside the apartment. Deputy Krupnik and I repositioned back under the car port to similar positions as before. On my way back to my position, I kicked the large butcher style knife back to the curb under the car port near stalls 11 and 12 of the west stalls.

While we were under the car port, Fogel came out on the balcony several times. Sometimes armed with knives, sometimes not. Other times, it was hard to tell if Fogel had anything in his hands. At times, Fogel was pacing on his porch, yelling. Others, he was hiding behind pillars and low-crawling around on the porch.

#### **FIFTH KNIFE THROWN AND DEPUTY KRUPNIK'S SHOT**

At one point, approximately two hours and 45 minutes after we arrived on scene, Fogel came out with a knife in his right hand and hid behind the southern pillar on his porch. I asked him to put the knives down and told him that we needed to talk to him. He said we were playing games, then said, "Let's play games mother fucker." Just after saying that, he leaned out from behind the pillar on the north side. Fogel reached his right arm up and back with the knife in his hand in a throwing motion. I heard a rifle round go off and watched the bullet strike the southern pillar. Sergeant Luna asked who fired. Deputy Krupnik said he did.

At the time, I did not see if the knife left Fogel's hand. After watching the body camera footage, I was able to tell the knife left his hand, but I could not see where it landed.

After the shot, Fogel ducked and ran back inside the apartment. For several minutes, Fogel did not say anything, nor come to any of the windows or the door. I asked him several times if he had been hit and we offered him medical assistance, but he did not respond.

Eventually, he continued the same erratic behavior listed above and was throwing random items off of his porch (plants, trash, clothing, blinds, trim pieces, etc). At one point, he stood on the railing of his porch and threatened to jump off.

**During the incident, I removed my body worn camera from my chest and stuck it to the front of the metal support I was standing behind to give a better view. I later retrieved the camera and was relieved by a member of the SWAT Team and directed to watch the rear of the building. I was eventually relieved from the scene and returned to the command post where I gave a short debrief to Major Crimes Detectives and gave the knives I collected to evidence technicians.**

**I submitted my firearms, magazines, and taser to be checked and photographed by detectives and evidence technicians.**

INVOLVED PERSONS

Form with fields for ROLE (SUSPECT - #1), NAME (FOGAL, ROBERT BURTON), RACE (WHITE), GENDER (M), AGE, D.O.B., HEIGHT, WEIGHT, HAIR, EYE, ADDRESS (CAMARILLO, CA, 93012-), HOME PHONE, MOBILE PHONE, RPT PARTY - #1, COMPLEXION (LIGHT), BUILD (HEAVY), HAIR LENGTH/STYLE, GLASSES, HANDED, FACIAL HAIR LENGTH/STYLE.

LOCATION BOOKED: CAMARILLO PD; PROPERTY ADDRESS

Table with columns: TAG # (1), EVIDENCE (N), ITEM STATUS (SEIZED), ITEM (KNIFE (HOUSEHOLD/ KITCHEN)), MAKE (FARBER), MODEL (PROFESSIONAL), COLOR (BLACK), DESCRIPTION, SERIAL # (UNKNOWN), # OF PIECES, TOTAL VALUE, OWNER, RELATED TO (SUSPECT - ROBERT FOGAL).

OFFICER'S NARRATIVE

On 10-01-17, I was working uniformed patrol in the City of Camarillo assigned as 8C21. At approximately 2007 hours, I responded to assist Deputies Maertz and Pallotto on a subject disturbing at [redacted] Upon arrival, Maertz and Pallotto were on scene and advised that the suspect in the disturbance, later identified as (S) Robert Fogal had locked himself in his apartment when they arrived.

I contacted the Reporting Party (R) [redacted] in apartment [redacted] and in summary he told me the following: At about an half hour before our arrival, [redacted] left his apartment to throw away the trash into the dumpster. As he was walking down the stairs, he noticed Robert in the parking lot talking to himself and acting strange. [redacted] does not know Robert and did not know if Robert lived in the complex. As [redacted] got

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DATE REPORTED: 10-02-2017; REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME: ESKRIDGE, SEAN (3272) / Special Services Major Crimes - 10-03-2017 / 1256

APPROVED BY / ID # - APPROVED DATE / TIME: ZADEH, CYRUS / 4339 - 10/03/2017 / 1256

to the bottom of the stairs, he decided not to go any further due to Robert's strange behavior. [REDACTED] stated he said something to effect of "What the Fuck" not directed to Robert, just out loud. Robert heard this and started walking towards [REDACTED] challenging him saying things like, You want some of this?, You want to go? [REDACTED] wanted nothing to do with Robert and went back into his apartment.

A couple minutes later, [REDACTED] heard a loud bang at his door. [REDACTED] looked out of his apartment and saw a large butcher knife on the threshold. [REDACTED] assumed Robert threw it at this door. This scared [REDACTED] and he called the Police.

I collected the knife which was on the upper landing next to [REDACTED]'s door. The knife was ultimately booked as evidence at the Camarillo Police Station.

After speaking with [REDACTED] I spoke to two other neighbors in the area. They confirmed that Robert was in the parking lot challenging people to fight.

Based on the information given and due to Robert's violent unpredictable behavior, we felt that there was no exigency to arrest or detain Robert at this time.

We devised a plan to slowly remove ourselves from the area. I left the area and drove to the northern part of the complex. I took a position on foot on the northwest sidewalk where I could stay concealed from Robert's view and see the landing where he was yelling and screaming from. At this point, we were just watching Robert and no one was engaging him. Robert was yelling profanities, threatening that if anybody came up to his apartment they would get hurt. Robert began throwing items over the second story landing to the ground below. I could not identify what he was throwing, but at one point he ran down the stairs and threw a window screen.

After observing Robert for about 10-15 minutes I exited and returned to my patrol unit. I drove to the north entrance where I stood by and began completing reports. At about 2120 hours, I heard Deputy Maertz advise dispatch that Robert was now throwing knives at them. I again responded on foot to the north side of Robert's apartment where I had clear view of the staircase that went up to his apartment. Robert could not see me and I could not see what he was doing on the second story. I could hear Deputy Maertz and Deputy Krupnik trying to have a conversation with Robert. Robert was still screaming and challenging the deputies by saying things like he was going to kill anybody that came into his house.

I was there for a bout 30 minutes when Sergeant Luna and I decided it would be better if I had less lethal weapon. I retrieved the less lethal shotgun from my vehicle, loaded it with bean bag rounds, and returned to the same spot. At this point I activated my body worn camera.

Maertz and Krupnik were across the parking lot giving commands to drop the knives. I then heard one shot. Krupnik immediately stated he shot and believed the bullet hit the pillar on the second floor. Maertz began calling out to Robert trying to get him to respond to see if he was injured. Maertz got no response. Maertz advised dispatch to have AMR respond and stage as he continued to try and get Robert to confirm if he was injured. There was no response from Robert for about 10 minutes and then he emerged and began yelling and threatening us again.

Deputies Gorin, Vasquez and Smiley responded to assist. Due to not having any success with the male Deputies, we tried to have Smiley who is a female Deputy talk with Robert. Robert was not willing to talk with her and began to threaten her and say disparaging remarks to her.

**I was still covering the stairway with the less lethal on the north side. I felt I would have a better advantage if I covered the stairway from the south side. With Gorin as my lethal cover, we moved to the south side of the complex. We were about 35 feet from the bottom of the stairwell and would have a straight shot if Robert made his way down to the bottom of the stairs.**

**Robert came down the stairs twice while we were there, but I was unable to take a clear shot. The first time he was at the foot of the stairs behind the wrought iron banister. The second time he came out further, but when I advised him to get on his knees and he saw I had the shotgun pointed at him, he turned and ran back upstairs. Gorin and I stayed in that location until we were relieved by the SWAT Team.**

**After being relieved and the incident turned over to the SWAT Team, Patrol Deputies were instructed to close the three entrances into the apartment complex. I responded to the entrance on northwest side and stayed there until advised to clear.**

**OFFICER'S NARRATIVE**

On 10/1/2017, I was assigned to work uniformed patrol as 8B21 in the city of Camarillo. At approximately 2235 hours, I was assisting Deputies DeSalvo (#4452), Moss (#5068), and Miller (#4613) with a DUI investigation at 280 North Glenn Drive. At 2236 hours, I heard Deputy Krupnik (#4906/8A21) advise Sheriff's Dispatch of shots fired. I went back to my unit and heard a 10-33 go out over the air. I went to channel two and advised I would be enroute to 8A21's call.

I scrolled through the call slip and saw a note stating "subj is now throwing knives at deputies." I also saw a note saying "no guns reg to sub" which I believed to mean the subject did not have any firearms registered to him.

I arrived at the apartment complex at 2243 hours and Deputies Vazquez (#2877) and Smiley (#5019) arrived right after me. We contacted Deputy Eskridge (#3272) at the north west corner of the apartment complex and saw Deputy Eskridge holding a less lethal shotgun. Deputy Vazquez advised me to stay with Deputy Eskridge as his cover officer with my firearm. Deputy Eskridge informed me the male subject had thrown knives at them. At our location, I could hear a male subject yelling and confirmed with Deputy Eskridge that he was on the top balcony. A tree was covering my view of the top balcony and I was unable to clearly see the subject. The male subject was later identified as Robert Fogal.

Deputy Smiley attempted to speak with Fogal and identified herself by her first name. Fogal yelled at Deputy Smiley, "I don't know who the fuck you are Megan. So whoever the fucks at my door is gonna die." Fogal went back and forth from inside the residence to the balcony. Fogal had an agitated tone in his voice. When Deputy Smiley expressed concern for Fogal's safety, Fogal stated "I'm concerned for your safety bitch!" While Fogal yelled this he threw something from his balcony onto the grass beneath the balcony.

Deputy Smiley again tried speaking with Fogal but Fogal kept saying he didn't know who she was and to "kick rocks." Fogal said "anyone come into my house can kick rocks" because he "owns this shit." Fogal further said, "this is my place of domicile you cant fucking do anything to me. If you wanna fucking do anything you fucked. This is where I live if you wanna come in here and want to start some shit you die."

Fogal said he wanted us all to go away. Deputy Smiley said we were not going to go away. Fogal said, "I'm gonna make sure you all go away." Fogal said, "you're all fucked" and yelled, "Get out of my life! Or I'm gonna make sure you get out of my life. Come at me bitch and I'll fucking ruin your day." Fogal made other explicit comments and stated, "I've done nothing wrong. If you wanna come at me I will fucking hurt you." Deputy Smiley said no one was coming at him and he replied, "then leave me the fuck alone or I will fucking hurt you."

Fogal started walking down the stairs and Deputy Eskridge and I told Fogal to put his hands up and walk down the steps. I did not see Fogal holding anything as he was walking down the stairs. As soon as Fogal saw us he went back up the stairs to the balcony. Deputy Vazquez informed us Fogal had a knife. Sergeant Valenti arrived and we advised him of the situation.

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Issued date: \_\_\_\_\_

DATE REPORTED 10-02-2017	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME GORIN, GREGORY (4816) / Special Services Major Crimes - 10-03-2017 / 1411
APPROVED BY / ID # - APPROVED DATE / TIME JENKINS, STEVEN / 3933 - 10/03/2017 / 1411	

**Deputy Eskridge advised me he was concerned of having to use the less lethal, at our current position, because of the iron railing near the stair case. Once at the bottom of the stair case, the railing was closed off on the north side and it only opened up towards the south side of the building.**

**Deputy Smiley started speaking with Fogal again and he said, "Come on up. What, you want some shit. Let's play some games. These fucking assholes want to play games, lets do it. I'm not trying to hurt nobody but if anyone wants to get hurt I'll hurt them." Fogal started coming down the steps and Deputy Eskridge gave him commands to show his hands. Fogal then went back up the stairs and yelled, "You're a piece of shit. Fuck you!" Fogal said, "Come on! What do you got! You wanna play games. I'll kill all ya'll. Lets do it. Come get me mother fucker. You can't come at me. What. Come on. What do you got. I'm not doing shit to hurt nobody. You wanna come at me then fine I'll fucking kill all ya'll. Come on, come up. Come up to me! And see what you got to say. Let's go, I'm right here. You wanna come up and fucking play some games. I'll fucking murder all ya'll."**

**Deputy Eskridge and I decided to go around to the south side of the building because we would have a better position to use the less lethal shotgun if needed. We were positioned approximately 35 feet away from the bottom of the stairs. Fogal came down the stairs and stopped behind the bottom step where we were unable to see him from our position. Fogal went back upstairs to the balcony and yelled, "If you got some shit to say I'll fucking hurt you. Let's go. Come on up!"**

**A couple minutes later Fogal came back down the stairs and started walking down towards Deputy Eskridge and I from the bottom step. Fogal then saw us and Deputy Eskridge told Fogal to get on his knees. Fogal immediately ran back to the bottom step and went upstairs. Fogal went back inside the residence and stayed in. I was later relieved by SWAT members.**

**INVOLVED PERSONS**

ROLE <b>ARRESTEE - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) <b>FOGAL , ROBERT</b>			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT <b>6' 1</b>	WEIGHT <b>250</b>	HAIR <b>BROWN</b>	EYE <b>GREEN</b>	[REDACTED] TE			
ADDRESS [REDACTED] <b>CAMARILLO , CA , 93012-0000</b>				HOME PHONE [REDACTED]		[REDACTED]	
COMPLEXION <b>FAIR</b>	BUILD <b>HEAVY</b>	HAIR LENGTH/STYLE	GLASSES	HANDED <b>UNKNOWN</b>		FACIAL HAIR LENGTH/STYLE	
ROLE <b>RPT PARTY - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED] , [REDACTED]			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT <b>5'10</b>	WEIGHT <b>210</b>	HAIR <b>BALD</b>	EYE [REDACTED]	[REDACTED] ATE			
[REDACTED] <b>CAMARILLO , CA , 93012-</b>				HOME PHONE [REDACTED]		MOBILE PHONE [REDACTED]	
COMPLEXION <b>LIGHT</b>	BUILD <b>MEDIUM</b>	HAIR LENGTH/STYLE <b>BALD</b>	GLASSES	HANDED <b>UNKNOWN</b>		FACIAL HAIR LENGTH/STYLE	

LOCATION BOOKED	PROPERTY ADDRESS [REDACTED] <b>74, CAMARILLO, VENTURA COUNTY</b>
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TAG # <b>1</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>BODY WORN CAMERA OF INCIDENT</b>				
DATE RECOVERED# <b>10-01-2017</b>		LOCATION RECOVERED [REDACTED]					
OWNER			RELATED TO				
<b>1</b>	ITEM <b>BODY WORN CAMERA</b>	VALUE	QUANTITY <b>2</b>	RECOVERED			

**OFFICER'S NARRATIVE**

**On 10-1-17, I was working uniform patrol, in a marked black and white police vehicle, in the city of Camarillo as 8D21.**

**At approximately 2003 hours, I responded Code 3, lights and sirens to [REDACTED] eference a subject disturbance. Sheriff's dispatch advised the suspect had thrown a large knife at the reporting parties (RP) front door.**

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Issued by: \_\_\_\_\_  
Issued date: \_\_\_\_\_

DATE REPORTED <b>10-03-2017</b>	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME <b>PALLOTTO, JASON (4913) / Special Services Major Crimes - 10-03-2017 / 1439</b>
APPROVED BY / ID # - APPROVED DATE / TIME <b>JENKINS, STEVEN / 3933 - 10/03/2017 / 1439</b>	

At approximately 2007 hours, I arrived on scene and spoke with (RP) [REDACTED] [REDACTED] [REDACTED] stated, the subject later identified as Robert Fogal was causing a disturbance and challenging neighbors to fight. Prior to my arrival Fogal had returned to his apartment on the second floor ([REDACTED]) and closed the door. [REDACTED] stated Fogal was intoxicated and shouting at other residence in the apartment complex.

Fogal's apartment was located on the second floor. His front door faced west and overlooked a parking lot. The apartment had a connecting patio. A ramp walkway led to two flights of stairs. The first set of stairs faced south and led to a landing platform. The platform was connected to a second flight of stairs facing north. The stairs led to the second floor where Fogal's apartment was located. There were no other apartments on the second floor.

The front door to Fogal's apartment was located between his bedroom window and patio. Just north of the front door was a gated patio with a sliding glass door leading to the apartment living room. Fogal had patio furniture on the patio. Just west of the parking lot was additional apartment buildings. The parking lot was in the center of the apartment buildings. The parking spaces on the northwest side of the parking lot were covered but not enclosed. The spaces on the east side of the parking lot were not covered.

At this time Sergeant Luna, Deputies Maertz, Krupnik and Eskridge arrived on scene. I advised them of the situation and we attempted to contact Fogal. Fogal was still in his apartment and was very agitated. Fogal refused to cooperate and exit his residence when asked to do so. Fogal began yelling at us through his bedroom window. Fogal was intoxicated and instructed us many times to leave him alone so he could go to sleep. He began cursing and threatening us. Fogal challenged us to enter his apartment then he stated if we were to enter his residence he would hurt us. As we began to walk away from his residence, Fogal exited his apartment and continued to challenge us to fight. Fogal stated we did not have permission to enter his "domicile". Fogal then began stating he wanted us to leave him alone so he could go to bed. Fogal's statements were erratic and not making sense. He entered his apartment as we began to clear the scene.

At this time, we were unable to establish a crime and Sergeant Luna determined it was best if we left the area and allowed Fogal to calm down. I contacted (RP) [REDACTED] [REDACTED] and advised him of the situation. I asked [REDACTED] to inform me of what had taken place between him and Fogal. The following is a summary of our conversation:

[REDACTED] tely 1950 hours, [REDACTED] overheard someone in the roadway just outside his residence ([REDACTED]) yelling and cursing. [REDACTED] lives on the second floor and he needed to take out his trash so he exited his apartment and confronted Fogal. [REDACTED] looked at Fogal and said, " What the fuck is up with you, shut the fuck up!" At that time, [REDACTED] and Fogal engaged in a verbal argument. Due to Fogal's erratic behavior and level of agitation, [REDACTED] re-entered his residence with out emptying his trash.

At approximately 2000 hours, 10 minutes later, [REDACTED] heard a loud bang on his front door. [REDACTED] exited his residence and located a large kitchen butcher knife lying on the ground near his front door. [REDACTED] did not see Fogal throw the knife although he suspected Fogal threw it. [REDACTED] was able to hear Fogal yelling and cursing in the parking lot. [REDACTED] was in fear for his safety and he contacted Sheriff's dispatch and advised them of the situation. [REDACTED] entered his residence and locked his door.

[REDACTED] stated he was in fear for his safety and was scared of how Fogal may respond in the days to come. I advised [REDACTED] to contact Sheriff's Dispatch if he had any further confrontations with Fogal or if Fogal exited his house and became threatening to himself or others. I concluded my conversation with [REDACTED] at that time.

**Based on Fogal's erratic behavior and statements, Deputies Maertz, Krupnik and I decided to park our patrol vehicles near the southwest corner of Fogal's apartment building out of his line of site. We determined it was best to stay in close proximity to Fogal's apartment until he went to bed as he stated he was going to do.**

**At approximately 2100 hours, I contacted Sergeant Luna and advised him of the situation. While I was on the telephone with Sergeant Luna, Fogal exited his residence, picked up a window screen he had removed from his front window walked down the pathway in our direction. Fogal threw the window screen towards Krupnik and Maertz. The screen landed approximately fifteen feet from our location. After throwing the screen he returned to his apartment.**

**At approximately 2110 hours, Fogal exited his residence with two knives, one in each hand. Fogal began walking down the stairs and down the ramp in our direction. At this time, I drew my handgun and kept it at the low ready position. Fogal stopped approximately 25 yards from our location, halfway down the ramp and began to yell and curse at us. Deputies Krupnik, Maertz and I were standing behind multiple parked vehicles near the southwest corner of Fogal's apartment building. After cursing at us, Fogal returned to his residence without incident. At this time, I retrieved the Less Lethal Shotgun from Deputy Maertz trunk, loaded it and placed it on the passenger seat of Maertz patrol vehicle. Based on Fogal's actions, Deputies Krupnik, Maertz and I decided not to leave the location. I contacted Sergeant Luna and updated him on the incident.**

**After Fogal returned to his residence, Deputies Krupnik, Maertz and I attempted to gain a better location in order to maintain a visual on Fogal's apartment. As we were taking cover behind multiple vehicles on the southeast side of the center parking lot, Fogal threw a kitchen knife at us. I did not see him throw the knife, however I was informed that he had thrown it and the knife landed approximately ten feet from our location. I was able to hear the knife make contact with the asphalt. Deputy Maertz retrieved the knife, it was approximately 7-9 inches in length. Maertz placed the knife in his patrol vehicle.**

**Deputies Maertz and Krupnik returned to their patrol vehicles and retrieved their Assault Rifles. Deputy Maertz and Krupnik positioned themselves on the northwest side of the parking lot located in the middle of the complex. I was unable to maintain a visual on Krupnik and Maertz due to my location. I continued to hold the southwest corner of the apartment building with my handgun drawn. Due to my location, my view of Fogal's apartment was obstructed by a large tree. The tree was located south of his patio and it blocked most of my view of the patio.**

**At approximately 2027 hours, Fogal exited his apartment and began yelling and screaming at Deputy Maertz and Krupnik. Fogal was challenging them to fight and it appeared as if he began throwing items off of his balcony.**

**At approximately 2130 hours, I was able to see movement on the balcony of Fogal's apartment. I was taking cover behind a Jeep [REDACTED] just to the southwest of Fogal's apartment building. He was still extremely agitated and cursing from his balcony. At one point Fogal stated he would kill anyone that entered his apartment.**

**At approximately 2205 hours, I was instructed to retrieve the Less Lethal Shotgun. If Fogal exited his apartment and attempted advance on us without any weapons, Deputy Krupnik and Maertz would cover me while I fired the Less Lethal bean bag rounds. I retrieved the Less Lethal Shotgun from Deputy Maertz patrol vehicle. The Less Lethal was previously loaded.**

**Throughout the time I was on scene, I noticed multiple items being thrown over the balcony from Fogal's apartment. As Fogal was throwing things over the balcony he was shouting at the deputies on scene. At one point Fogal threw a patio chair from his balcony and it landed on the hood of an Sports Utility Vehicle (SUV) parked in front of his apartment.**

**At approximately 2236 hours, I heard Fogal yelling at Deputy Krupnik and it appeared as if Fogal was walking or lunging towards the railing on his balcony. I then heard one shot fired. I was unable to see who fired the shot, where the shot may have come from or landed. At that time, I remember hearing the front door to Fogal's apartment shut.**

**I heard Sergeant Luna ask aloud, who had fired the shot. I then heard Deputy Krupnik say he had fired one round. Refer to Deputy Krupnik's and Meartz' reports for further details. Sergeant Luna then contacted Sheriff's Dispatch and notified them of the shot fired and asked for American Medical Response (AMR) to stage at a nearby location.**

**At that time, I was able to hear Deputy Krupnik attempt to make contact with Fogal but Fogal was not responding. I was unsure if he had been injured by the round Deputy Krupnik fired or if he was refusing to respond. I continued to hold my position at the southwest corner of the apartment building with the Less Lethal Shotgun.**

**I held my position until approximately 2300 hours. At that time, I entered a patrol vehicle and repositioned the unit (Chevy Tahoe) to use the spot lights to illuminate Fogal's residence. I repositioned the unit into the center parking lot along the eastside. After repositioning the patrol unit, I returned to the southwest end of the apartment building and continued to cover the ramp walkway leading to Fogal's residence with the Less Lethal Shotgun.**

**At approximately 2305 hours, Deputy Smiley began to communicate with Fogal. I was unable to hear their conversation due to their distance from me. I was approximately 25-30 yards from Fogal's residence at that time. Fogal began yelling at Smiley for an unknown reason. Refer to Deputy Smiley's report for further details.**

**At approximately 2310 hours, Deputies Gorin and Eskridge responded to my location. Deputy Gorin had his fire arm drawn and Deputy Eskridge also had a Less Lethal Shot Gun. We were positioned at the southwest corner of the apartment building. We attempted to gain a better advantage point on Fogal's apartment. Fogal exited his apartment, began walking down the stairs and saw us. He returned to his apartment and a short time later we returned to my previous position located just southwest of the apartment building.**

**At approximately 2355 hours, I was contacted by Swat Team Member Garnier. Garnier and I proceeded to cover the northwest corner (Containment 3) of the apartment building. I continued to carry the Less Lethal Shotgun while Garnier covered the residence with lethal force.**

**At approximately 0030 hours, I was instructed to respond to the Command Post located near Vons at 5259 Mission Oaks Boulevard. While at the Command Post, Dispatch asked to have all of the entrance's of the Avalon apartment complex blocked and not allow any vehicles to enter. I responded to Woodcreek and blocked the Woodcreek entrance.**

**At approximately 0600 hours, I responded back to the crime scene and initiated a Crime Scene Log. At approximately 0645 hours, Deputy Bentrup relieved me from the Crime Scene Log.**

**Throughout the entire incident Fogal displayed bizarre, aggressive and unpredictable behavior. He was challenging his neighbors and the deputies on scene to fight him. He stated he would hurt anyone that attempted to enter his residence. At one point, Fogal stood on the ledge of his balcony and made suicidal statements. Fogal threatened to jump off of the balcony and kill himself. He threw many different items off of his balcony including**

**knives however, I was unable to determine what he was throwing due to my location. Fogal was a danger to himself and others.**

**Two Body Worn Camera Video's of the Incident were uploaded by Sergeant Valenti.**

**INVOLVED PERSONS**

ROLE <b>ARRESTEE - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) <b>FOGAL , ROBERT</b>			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT <b>6' 1</b>	WEIGHT <b>205</b>	HAIR <b>BROWN</b>	EYE <b>GRAY</b>	DATE [REDACTED]			
OTHER ID							
BOOKING NUMBER [REDACTED]							
ADDRESS [REDACTED], CAMARILLO , CA , 93012-0000					HOME PHONE [REDACTED]	MOBILE PHONE	
COMPLEXION <b>LIGHT</b>	BUILD <b>HEAVY</b>	HAIR LENGTH/STYLE <b>SHORT, STRAIGHT</b>	GLASSES	HANDED <b>UNKNOWN</b>	FACIAL HAIR LENGTH/STYLE		
LOCATION BOOKED				PROPERTY ADDRESS <b>CAMARILLO, VENTURA COUNTY</b>			

TAG # <b>1</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>BODY WORN CAMERA</b>				
DATE RECOVERED# <b>10-01-2017</b>		LOCATION RECOVERED					
OWNER			RELATED TO <b>ARRESTEE - ROBERT FOGEL</b>				
<b>1</b>	ITEM <b>DEPUTY SMILEY</b>	VALUE	QUANTITY <b>3</b>	RECOVERED			

**OFFICER'S NARRATIVE**

On 10-1-17, at approximately 2236 hours, Deputy Vazquez #2877 and I were assigned to work Traffic Enforcement in the City of Camarillo as 8T2. I monitored radio traffic by a deputy on scene, a shot had been fired, and a 10-33 emergency broadcast was initiated. I responded Code 3 (lights and siren) to assist multiple units in the area of [REDACTED] reference the incident. Deputies had already been on scene for approximately a couple hours prior to my arrival. Deputy Gorin also arrived around the same time.

When I arrived at approximately 2244 hours, I could hear a male voice yelling. Deputies Gorin, Vazquez and I walked to the west end of the building where the voice became louder. Based on the circumstances and information, I unholstered my department issued firearm in the event the suspect, identified as Robert Fogal, had a weapon. I saw Sergeant Luna and Deputy Eskridge standing to the north side of the building looking up at the second story apartment where Fogal lives. Fogal's voice was thick and slurred and it appeared he was possibly under the influence of alcohol or drugs. Sergeant Luna was trying to talk to Fogal, however Fogal was

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DATE REPORTED <b>10-02-2017</b>	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME <b>SMILEY, MEAGAN (5019) / Special Services Major Crimes - 10-03-2017 / 1545</b>
APPROVED BY / ID # - APPROVED DATE / TIME <b>ZADEH, CYRUS / 4339 - 10/03/2017 / 1545</b>	

**uncooperative and yelled, "What do you want, let's go!" Sergeant Luna attempted to gain Fogal's compliance, however Fogal continued to repeat himself and stated, "Say what you have to say, bitch!"**

**Sergeant Luna disengaged after a few moments, and I attempted to develop a rapport with Fogal. I called out his name, however he stepped back in the apartment. I could not see Fogal because there were trees in the way, however I could hear him walking from the balcony into the apartment. I spoke to Deputy Eskridge to gain an understanding of Fogal's background. Fogal had been in the military and suffered from post traumatic stress disorder (PTSD). Fogal had a history of being violent and a deputy was injured in the past while contacting him.**

**I called out to Fogal again, introduced myself to him by my first name, and asked him to talk to me. Fogal stated, "I don't know who the fuck you are Meagan, but whoever the fuck's at my door is gonna die!" Fogal continued to be verbally abusive and stated, "So unless you are going to tell me who the fuck you are Meagan, I am going to ruin your life!" Fogal then slammed a door and retreated back into the apartment again. After a few moments, Fogal stepped out of the apartment and engaged us by yelling again. I asked Fogal to talk to me and explain what was going on with him, however he continued to resist my efforts to gain a rapport with him. Instead, he threw a screen (size of a screen to fit the inside of a sliding glass door) with a metal border over the ledge of the balcony, where it landed on the sidewalk.**

**I told Fogal I was concerned for his safety and I cared about him. Fogal then threw a metal looking patio chair over the ledge of the balcony and stated, "I'm concerned for your safety... bitch!" I asked Fogal what branch of the military he was in, however he did not answer and again retreated back into the apartment. I heard approximately two loud pounding noises made by him, however I did not know his location, or what he used to make the noises.**

**Fogal stepped back out of the apartment and I could see him on the left corner of the balcony where I later learned the living room area was. Fogal challenged us again and yelled, "What do you got!" I asked Fogal again to talk to me and tell me what was going on with him. Fogal stated, "I don't know who the fuck you are, you bitch" and told me to "fuck off." Fogal went on to explain his house was his "Place of Hamsa" and nobody could do anything to him.**

**While he was talking, I walked westbound along the sidewalk and engaged Fogal again. Fogal again stated, "I don't know who you are." I introduced myself again and told him I work for the Sheriff's Office. I asked Fogal if he would let me help him, and he stated, "Nope, you're not gonna help me." Fogal wanted us to leave and I told him we would not be leaving, and again told him I wanted to make sure he was safe. I told Fogal nobody wanted him to get hurt or have to point their guns at him. Fogal stated, "I'm sure you're having a good time, bitch. Well I'm going to make sure you have a great time." Fogal threatened me by telling me to get out of his life or "I will make sure you get out of my life!" Fogal went on to explain he did nothing wrong to me, and I acknowledged he had done nothing wrong towards me. Fogal threatened me again and yelled, "I will fucking ruin your day!" Fogal also became verbally abusive towards Deputy Vazquez, who was standing next to me and called him a "Mexican ass beaner bitch faggot fuck."**

**Fogal was under the impression he had done nothing wrong and continued to threaten us to leave. Fogal again yelled, "Leave me the fuck alone" or "I will fucking hurt you!" Fogal's words were thick and slurred and he continued to repeat similar threatening statements while I spoke to him. Throughout most of our interaction, Fogal would cut me off. Fogal threatened me again stating, "Get the fuck out of my life, or I will make sure you get the fuck out of my life." Fogal specifically told me, "You're gonna fuckin suffer." Fogal continued to make threatening statements and I could not gain his compliance. Fogal then retreated back into the apartment again, and I heard the same loud banging noises that I heard earlier, approximately 4-5 times.**

Fogal came back out of the apartment and was leaning against the metal bars on the balcony. Deputies Krupnik and Maertz were positioned up against vehicles under a carport facing Fogal's apartment. Fogal was illuminated by the lights on their AR-15 rifles pointed in his direction. I could see Fogal had a slender, white long object in his hand which was approximately 3 1/2 feet in length but I did not know what it was (I later learned it was a piece of a plastic blind, window covering from the sliding glass door, which he had cut in half with a knife). Fogal also threw that over the ledge of the balcony, where it landed on the ground. Fogal then ran halfway down the staircase which led up to the front balcony area of the apartment. I unholstered my department issued taser in the event he ran all the way down the stairs and less lethal force needed to be used. Fogal was still on the balcony at the time.

At this point, I could see the layout of the apartment. There was a living room area to the left which was completely illuminated, and had a sliding glass door which was halfway open. I also noticed the half of the blind which was sheared off, and still intact with the frame. To the right of the living room was the front door which was closed at the time, and to the right of the front door was a large window with the same type of blinds as the sliding door. The blinds were shut and I could only see an opening, which was approximately a half foot in width and dim lighting in the background.

Fogal then retreated back into the apartment again and I heard the loud pounding noise again approximately 8-9 times. Deputy Krupnik called out Fogal had a knife in his hand inside at the right front window.

I changed my position to gain a better vantage point, where I still had concealment. I stood behind a tree which was on an inclined hill, behind the carport facing east so I could see Fogal. I disengaged speaking with Fogal since I had not made any progress with him. While watching Fogal, he would yell things such as, "fuck you," "fucking losers," "come get me," and "let's go!" After a few moments, Fogal tried to bait us by telling us to shoot him.

I contacted Fogal again by asking him why he was playing games with us. Fogal explained he did not want to hurt anybody but if someone wanted to get hurt, he would hurt them. I expressed my concern about how I did not want him to get hurt. I told Fogal we were not leaving and he stated, "Alright then I'm gonna come to you." I asked Fogal why we could not make the situation peaceful. Fogal stated, "I'm gonna come to you, I'll meet you in the middle of the fucking parking lot." I told Fogal at that time to come down the stairs, and Fogal complied. Fogal walked half way down to the stairs and said "Fuck you!" Fogal then ran back up into the apartment and grabbed an unknown object.

Fogal told us we were playing games with him and he did not want to hurt anybody, however continued to urge us to come and get him. I pled with Fogal to end the situation peacefully however he remained resistant to my requests. Fogal also made reference to the lights from the AR-15's being pointed at him and said "Put me down." I told Fogal we did not want that to happen, however he began to victimize himself. Fogal was still under the impression his actions were not wrong and became agitated to where he stepped up onto the bottom of the railing on the balcony. Fogal was elevated above the ground and held onto the stucco ceiling with his body postured forward as if he were getting ready to jump. Fogal was adamantly wanting us to shoot him in that position.

I asked Fogal how we could end the situation. Fogal stated, "Go ahead and shoot me." Fogal threatened to throw another chair over the ledge of the balcony. Fogal threatened to jump off the ledge, and I pled with him to get down by telling him I did not want him to get hurt. Fogal ignored my requests and continued to stand on the ledge. I again asked Fogal to please get down. Fogal stated, "What are you gonna do, shoot me?" Fogal's voice quivered as he began making reference to hurting himself. Fogal stood on the ledge in silence as I asked him several more times to please get down. I told Fogal he was important to me. Fogal would be important to me. I told Fogal he was a human being and I was concerned for his life. Fogal stated, "Well watch me kill myself." After making various other statements about us playing games with him, Fogal told me his death would be my fault.

**I watched Fogal continue to stand on the railing before finally getting down. The conversation with Fogal was a constant back and forth about him challenging us to come and get him and me trying to calm him down. Nothing I was saying to Fogal was getting through to him, however in my opinion he was still aware of what was happening. I told Fogal to come down and meet us, however he continued to refuse. Fogal challenged deputies to come up to his apartment by yelling, "Come on up!" and hitting his hands together as if he were going to fight us.**

**Fogal was agitated by the lights aimed on him from the AR-15's and I told Fogal we had to have light on him because we were afraid. Fogal paced back and forth on the balcony and eventually came all the way down the stairs, however we could not engage him before he ran back up the stairs. Throughout the entire contact, Fogal would run into the apartment through the front door, and through the opening to the living room area. Various times, I could see Fogal in the front right window doing something and sometimes presenting a knife or an unknown object. Fogal would also come back onto the balcony and hide behind a large stucco pillar and sometimes present a middle finger at us. It appeared the situation was a game for him.**

**I attempted to contact Fogal again and tell him to come down to us, with no response. Fogal's voice was lower now, however I could hear him say something to the effect of, "I'm going to hurt everyone who comes near me." Fogal then ran back into the apartment and I called out to him multiple times. I could see Fogal's silhouette in the front right window hunched over, but I could not see what he was doing. I asked Fogal multiple times if he was ok, but he would not answer me. I told Fogal we were not leaving and I did not want him to get hurt. I urged him to come outside and come to us because I did not want to force a situation to occur. Fogal was silent while I was attempting to maintain some sort of verbal contact with him.**

**For approximately 40 minutes, which was the remainder of the time I was on scene, I did not have any other verbal contact with Fogal, where he would respond. I did not see any other movement inside the apartment or hear anything. It appeared Fogal had barricaded himself. I attempted to shine my light in the right window and turned on the strobe effect in an attempt to get a response with negative results.**

**The SWAT team arrived and I was relieved of my duties. Deputies Vazquez, Krupnik and I returned to my patrol unit. Deputy Krupnik still had possession of his AR-15 rifle and he placed it in the trunk of my unit. We drove to the command post located at the VONS parking lot at 5275 Mission Oaks Boulevard. I maintained constant supervision of my patrol unit and no other people came into contact with the AR-15 until Crime Scene Investigators (CSI) arrived on scene at the Command Post.**

**Detective Ogonowski with Major Crimes and CSI took possession of the rifle and processed it. This concluded my involvement with the incident.**

INVOLVED PERSONS

Table with columns: ROLE, NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER), RACE, GENDER, AGE, D.O.B., HEIGHT, WEIGHT, HAIR, EYE, ADDRESS, HOME PHONE, MOBILE PHONE, COMPLEXION, BUILD, HAIR LENGTH/STYLE, GLASSES, HANDED, FACIAL HAIR LENGTH/STYLE.

OFFICER'S NARRATIVE

SOURCE OF ACTIVITY:

On 10-01-2017, at about 2236 hours, Dep. Smil [redacted] assigned to work traffic enforcement as 8T2. I monitored a radio broadcast of shots fired at [redacted]

RESPONSE:

I advised Sheriff's Dispatch that we were responding Code-3 (emergency lights and siren) to [redacted] to assist the patrol units. Dep. Smiley and I arrived at the location which is a condominium complex. We parked our patrol car at the entrance off of Paseo Del Campo and walked into the complex.

ARRIVAL:

We met with Dep. Gorin #4816 and walked to the building where [redacted] as located. I heard the suspect yelling and screaming. The suspect was later identified as Robert Burton Fogal. Fogal was at the front balcony of the second floor to his condominium. There were several tall trees at the front of Fogal's balcony and I could not see Fogal from my location.

We walked closer to the north side of the building of Fogal's home. I saw Sgt. Luna and Dep. Eskridge at the end of the building. Sgt. Luna was speaking to Fogal, but Fogal was yelling and screaming.

STANDOFF:

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**I heard Fogal make statements that, "I will kill all of you!" He also made comments about challenging the deputies to, "Come up to my house to see what happens." Sgt. Luna continued to speak to Fogal, but Fogal would yell over Sgt. Luna's voice. When Sgt. Luna stepped back, Dep. Smiley asked if she could try to talk to Fogal.**

**I stood by Dep. Smiley as she began to talk to Fogal. Dep. Smiley began to talk to Fogal by introducing herself by her first name. Fogal answered Dep. Smiley, but Fogal continued to make threatening comments. Refer to Dep. Smiley's supplement report for further details. During the interaction, Fogal threw a metal frame chair over the balcony and it landed on the front lawn area.**

**REPOSITIONING:**

**Sgt. Luna directed us to position ourselves across from Fogal's balcony so we could have a better vantage point. There was a parking lot located at the bottom floor of Fogal's building. Across the parking lot there was an open carport with several vehicles parked.**

**We positioned ourselves across the parking lot behind trees and Deps. Maertz and Krupnik were positioned behind different parked vehicles that were under the carport. Dep. Smiley continued to talk to Fogal, but Fogal continued to yell and scream.**

**Sgt. Luna advised us that SWAT was requested. While we were waiting for SWAT's arrival, we talked about alternate plans if and when Fogal would walk down the staircase. Sgt. Valenti arrived at the scene.**

**SWAT:**

**When SWAT Deputies arrived, they relieved us from our positions. Sgt. Luna and Sgt. Valenti remained at the location. Sgt. Luna advised me that Dep. Krupnik had fired his rifle. I advised him that Dep. Smiley and I would escort Dep. Krupnik to the Command Post. I advised Dep. Krupnik to place the safety on his rifle and then to put his rifle in the trunk of our patrol car.**

**COMMAND POST:**

**We transported Dep. Krupnik to the Command Post located at 5275 Mission Oaks Boulevard. Capt. Paris met with us and he escorted Dep. Krupnik to his vehicle.**

**Dep. Smiley and I remained at the Command Post with Dep. Krupnik's rifle until a Major Crimes Detective and personnel from the Sheriff's Crime Laboratory arrived and took custody of Dep. Krupnik's rifle.**

**OFFICER'S NARRATIVE**

**On October 1, 2017, I was working as the patrol supervisor out of the Camarillo Police Department. I was in full uniform and driving a marked black and white patrol vehicle.**

**At about 2005 hours, I responded to [REDACTED] Camarillo, reference a subject disturbing. The subject, later identified as Robert Fogal, was apparently trying to pick fights with passerby's within the apartment complex and a knife was involved. He lived at [REDACTED], Camarillo, which is across the parking lot from the reporting party, [REDACTED].**

**This area is an apartment complex with several units on the first and second floor. To the north of the apartment complex is an elementary school, the south a Vons shopping center, to the west a single family residential neighborhood, and to the south a walking trail and condominium complex.**

**I arrived in the area around 2010 hours. As I was looking for the apartment unit in question, I could hear a male voice yelling. As I neared, I saw Fogal outside on the upstairs landing of his front door apartment. He was yelling obscenities, which I noticed was directed at deputies standing below on the sidewalk, a safe distance away. Across the parking lot and slightly southeast of Fogal's location, was Hakkiren apartment. There were other residents and/or guest in the general vicinity watching the situation unfold; some walking in potential harm's way of Fogal.**

**I met with Deputy Eskridge and he briefed me on what was happening. He apparently had prior history with Fogal. Eskridge told me Fogal was retired from the military with PTSD, possibly taking medication, and had been drinking. Fogal apparently had an argument with his girlfriend and might have been the cause of Fogal's outburst.**

**Eskridge said Fogal was walking in apartment complex when he crossed [REDACTED] with [REDACTED]. [REDACTED] acknowledged Fogal presence, but Fogal responded antagonistically. [REDACTED] did not want to exacerbate Fogal's behavior, so he ignored Fogal and went upstairs to his apartment. Later (not sure how much time elapsed), [REDACTED] heard a noise at his door. He opened it and saw a knife at his door. [REDACTED] subsequently called police.**

**During this time, information was gleaned by deputies from other residents that Fogal's presumed girlfriend was not at the residence and no other were confident no one else was in the apartment with Fogal. I later learned the female that left the apartment was [REDACTED] the sole tenant to that apartment and not Fogal's girlfriend. Fogal was only a long term guest (6+ months) of the tenant.**

**As Eskridge and I were assessing the situation and addressing Fogal, we re-contacted [REDACTED] outside his apartment. [REDACTED] as visibly shaken and made statements he was frightened by Fogal's behavior. As we**

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APPROVED BY / ID # - APPROVED DATE / TIME JENKINS, STEVEN / 3933 - 10/03/2017 / 1753	

talked with [REDACTED] I could still see and hear Fogal yelling at the deputies nearby. I also noted more residents around watching the scenario unfold; some walking in close proximity of Fogal's apartment.

It appeared to me, Fogal's was more agitated of our presence and we were providing him an audience. Other than throwing a knife at the aforementioned apartment door and Fogal's agitated state of mind, I felt confronting Fogal would only aggravate the problem. I directed deputies to pull back and out of direct view of Fogal with the intent to get Fogal to calm down and hopefully back into his apartment.

I phoned the Watch Commander, Captain Therrien, and briefed him on the situation. I told Therrien that Fogal committed no crime that warranted us confronting him in his agitated state. I felt it would create a more dire consequence. I told Therrien I was going to pull back the deputies from direct view, but keep them in close proximity in the event Fogal's behavior worsened.

I moved and parked my patrol car to the west and several apartment units away. I was out of view from Fogal's apartment. I monitored the radio traffic and heard updates from deputies watching Fogal. Approximately 30-45 minutes later, I heard deputies on the radio report that Fogal was now throwing knives. I responded back to the immediate area where I saw Deputy Krupnik and Deputy Maertz directly south of Fogal's apartment. They took cover under a carport and in front of parked vehicles. They each had their AR-15 rifles pointed at Fogal, who was standing and yelling from just outside his front door. They told me he was walking down the stairs carrying knives

Fogal was yelling threats that he would kill us if we went up to his apartment. Fogal also paced back and forth into his apartment. I took cover behind a tree about 5 to 10 feet from Krupnik and Maertz. During this time we tried to talk to Fogal to no avail. We made several attempts and pleaded for Fogal to cooperate. We told him we did not want him to get hurt and that we could get him help, but he refused.

As the events were unfolding, Fogal was getting more agitated. He began displaying knives and making cutting motions. At one point, he threw a large camping chair from the balcony and onto a vehicle. I also witnessed him make a swiping motion with a knife in his hand, cut a vertical blind from the dining area blinds, tear apart a screen door and toss it down, and run in and out of the apartment from the balcony and front door area. At times he could be heard inside the apartment banging on the walls and front door. Krupnik later told me Fogal had "staged" knives on the balcony banister.

I eventually contacted [REDACTED] (leaseholder to apartment) who was about to return to her apartment when she saw the police in the area. She had no idea what was going on and the fluid development occurring with Fogal. She told me she left her apartment earlier in the evening when Fogal was arguing with his girlfriend. She said Fogal was a military veteran, was taking anxiety medication for PTSD, and essentially claiming Fogal had no family members to turn to for help; she suggested Fogal's family did not want to deal with him. [REDACTED] said she left for a couple of hours to handle some personal matters.

I asked [REDACTED] if she was willing to talk to Fogal and she agreed. I walked her to a safe area near Krupnik's location. I directed her to call Fogal on his cell phone and landline. She made several attempts and Fogal eventually answered, but the call did not get the desired effect to get him to cooperate. At one point, Fogal thought he was talking to someone else and not [REDACTED]. I had her call out to him. He responded, but again did not have the desired effect. During this time Fogal was making statements for us to shoot him and made threats he was going to kill us. During this time Captain Therrien was also making attempts to call Fogal from WC office. He was also not getting the desired affect. I subsequently directed [REDACTED] away from the area and to a safer location.

**Sometime during this time, Fogal threw his cell phone toward our location. The phone landed in a shrubbery bed, several feet from Maertz' location. The phone was left at its location until recovered by CSI technicians.**

**I later repositioned myself with Deputy Eskridge along the sidewalk, just below and west of the balcony from which Fogal was standing. I estimated the distance to be about 15 yards. I was concealed by the canopy of a large tree and darkness. I was able to see Fogal through the trees as he paced back and forth, but at times, I would lose sight of him. I tried to communicate with him. Fogal periodically responded, but oftentimes he rambled on and demanded we leave or he would harm us.**

**While talking to Fogal, I suddenly heard a loud explosion. Initially, I did not know what it was or where it came from due to the echo sound. After a couple of seconds, I hollered out a few times as to who fired. Deputy Krupnik immediately responded and said he had. I immediately put out over the police radio a shot was fired and for dispatch to stage AMR ambulance.**

**Immediately after the shot was fired, Fogal ran into the apartment and was not heard.**

**I called Captain Therrien and requested SWAT. I then went to Krupnik's location to ascertain safety questions. This was when I noticed one bullet hole into the stucco on the decorative pilaster. The bullet hole was adjacent to the front door. It was obvious only one shot was taken and due to the trajectory of the bullet, I surmised the bullet lodged into the pilaster and there was no threat to safety beyond the apartment.**

**I asked Krupnik if he accidentally discharged his AR-15. He said no and stated Fogal was about to throw a knife at me. I did not ask him any more questions about his actions. I directed him to hold his position as I assessed the situation.**

**Fear of shrapnel striking Fogal, we began hollering for Fogal. We asked him if he was hurt and to come out. I estimated about 10 minutes had elapsed before we heard from him. He eventually came out to the balcony and continued his rant. At one point he removed his shirt and we did not see any injuries. He continued to make threats he wanted to kill us and for us to shoot him. He later made threats he was going to jump from the balcony.**

**Deputy Vazquez and Deputy Smiley arrived shortly after the shot was fired. Smiley assisted by trying to communicate with Fogal from the sidewalk and west of the balcony. She later came to my location across the parking lot and continued to try and work with Fogal, but was not getting any cooperation.**

**While waiting for SWAT, Fogal walked down to the base of the stairs several times. One time, he took several steps down the walkway east of Eskridge location. We could not ascertain if he had any knives in his hand. Every time he came down stairs, he would immediately run upstairs. Due to Fogal's behavior, the layout of the sidewalk and walkway leading to the stairs, I repositioned Eskridge to the east of the apartment with his less lethal shotgun.**

**We held our positions, tried to talk to Fogal, and kept him within the boundaries of his apartment and stairs until SWAT arrived. Once SWAT arrived and assembled they relieved us of our duties.**

# **Witness Interviews**

**INVOLVED PERSONS**

ROLE <b>WITNESS - #1</b>	[REDACTED] (ER)			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	[REDACTED]
HEIGHT <b>6'1</b>	WEIGHT <b>240</b>	HAIR <b>BLUE</b>	EYE <b>BLUE</b>	[REDACTED]		[REDACTED]	
[REDACTED] <b>CAMARILLO, CA, 93012-</b>				[REDACTED]	MOBILE PHONE		
OCCUPATION <b>RETIRED</b>	EMPLOYER	EMPLOYER ADDRESS			BUSINESS PHONE		
COMPLEXION <b>LIGHT</b>	BUILD <b>HEAVY</b>	HAIR LENGTH/STYLE <b>STRAIGHT</b>	GLASSES <b>NONE</b>	HANDED <b>RIGHT HANDED</b>	FACIAL HAIR LENGTH/STYLE <b>BEARD, MUSTACHE</b>		
ROLE <b>WITNESS - #2</b>	[REDACTED]			RACE <b>WHITE</b>	GENDER <b>F</b>	AGE [REDACTED]	[REDACTED]
HEIGHT <b>5'6</b>	WEIGHT <b>130</b>	HAIR <b>BROWN</b>	EYE <b>BROWN</b>	[REDACTED] TE		[REDACTED]	
[REDACTED] <b>CAMARILLO, CA, 93012-</b>				HOME PHONE	[REDACTED]		
COMPLEXION <b>LIGHT</b>	BUILD <b>SLENDER</b>	HAIR LENGTH/STYLE <b>STRAIGHT</b>	GLASSES	HANDED <b>RIGHT HANDED</b>	FACIAL HAIR LENGTH/STYLE		
ROLE <b>WITNESS - #3</b>	[REDACTED]			RACE <b>WHITE</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT <b>5'7</b>	WEIGHT <b>215</b>	HAIR <b>BALD</b>	EYE <b>BLUE</b>	DRIVER'S LICENSE/STATE [REDACTED]			
[REDACTED] <b>CAMARILLO, CA, 93012-</b>				HOME PHONE	MOBILE PHONE [REDACTED]		
COMPLEXION <b>LIGHT</b>	BUILD <b>MEDIUM</b>	HAIR LENGTH/STYLE <b>STRAIGHT</b>	GLASSES <b>GLASSES (PRESCRIPTION)</b>	HANDED <b>RIGHT HANDED</b>	FACIAL HAIR LENGTH/STYLE <b>NONE</b>		
ROLE <b>WITNESS - #4</b>	[REDACTED] (ONIKER)			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	[REDACTED]
HEIGHT <b>6'3</b>	WEIGHT <b>220</b>	HAIR <b>BROWN</b>	EYE <b>BROWN</b>	[REDACTED] TE		[REDACTED]	
[REDACTED] <b>CAMARILLO, CA, 93010-</b>				HOME PHONE	[REDACTED]		
COMPLEXION <b>MEDIUM</b>	BUILD <b>HEAVY</b>	HAIR LENGTH/STYLE <b>STRAIGHT</b>	GLASSES <b>NONE</b>	HANDED <b>RIGHT HANDED</b>	FACIAL HAIR LENGTH/STYLE <b>MEDIUM</b>		
ROLE <b>WITNESS - #5</b>	[REDACTED] )			RACE <b>OTHER</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT <b>5'3</b>	WEIGHT <b>120</b>	HAIR <b>BROWN</b>	EYE <b>BROWN</b>	[REDACTED] TE		[REDACTED]	

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DATE REPORTED <b>10-03-2017</b>	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME <b>CLARK, JAMAL (4572) / Special Services Major Crimes - 10-10-2017 / 1356</b>
APPROVED BY / ID # - APPROVED DATE / TIME <b>JENKINS, STEVEN / 3933 - 10/10/2017 / 1357</b>	

**INVOLVED PERSONS**

[REDACTED] CAMARILLO , CA , 93010-				HOME PHONE		[REDACTED]	
COMPLEXION	BUILD <b>MEDIUM</b>	HAIR LENGTH/STYLE <b>STRAIGHT</b>	GLASSES <b>GLASSES (PRESCRIPTION)</b>	HANDED <b>RIGHT HANDED</b>	FACIAL HAIR LENGTH/STYLE		
ROLE <b>WITNESS - #6</b>	[REDACTED]			RACE <b>HISPANIC</b>	GENDER <b>F</b>	AGE	D.O.B.
HEIGHT <b>5'5</b>	WEIGHT <b>250</b>	HAIR <b>BROWN</b>	EYE <b>BROWN</b>	TE [REDACTED]			
[REDACTED] CAMARILLO , CA				HOME PHONE		MOBILE PHONE	
COMPLEXION <b>MEDIUM</b>	BUILD <b>MEDIUM</b>	HAIR LENGTH/STYLE <b>STRAIGHT</b>	GLASSES <b>NONE</b>	HANDED <b>RIGHT HANDED</b>	FACIAL HAIR LENGTH/STYLE <b>NONE</b>		
ROLE <b>WITNESS - #7</b>	[REDACTED]			RACE <b>HISPANIC</b>	GENDER <b>M</b>	AGE	D.O.B.
HEIGHT <b>5'10</b>	WEIGHT <b>140</b>	HAIR <b>BLACK</b>	EYE <b>BROWN</b>	TE [REDACTED]			
[REDACTED] AMARILLO , CA , 93012-				HOME PHONE		MOBILE PHONE	
COMPLEXION <b>MEDIUM</b>	BUILD <b>MEDIUM</b>	HAIR LENGTH/STYLE <b>STRAIGHT</b>	GLASSES <b>NONE</b>	HANDED <b>RIGHT HANDED</b>	FACIAL HAIR LENGTH/STYLE <b>NONE</b>		
ROLE <b>WITNESS - #8</b>	[REDACTED] IAS/MONIKER)			RACE <b>ASIAN</b>	GENDER <b>M</b>	AGE	D.O.B.
HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE /			
ADDRESS [REDACTED] CAMARILLO , CA				HOME PHONE		[REDACTED]	

LOCATION BOOKED	PROPERTY ADDRESS <b>CAMARILLO, VENTURA COUNTY</b>
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TAG # <b>1</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>CD CONTAINING CELL PHONE VIDEO PROVIDED BY [REDACTED]</b>				
DATE RECOVERED#		LOCATION RECOVERED [REDACTED]					
OWNER			RELATED TO <b>WITNESS - [REDACTED]</b>				
<b>1</b>	ITEM <b>COMPACT DISC</b>	VALUE	QUANTITY <b>1</b>	RECOVERED			
TAG # <b>2</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>CD CONTAINING WITNESS STATEMENTS</b>				
OWNER			RELATED TO				
<b>1</b>	ITEM <b>COMPACT DISC</b>	VALUE	QUANTITY <b>1</b>	RECOVERED			

**OFFICER'S NARRATIVE**

On October 1, 2017, I was assigned as a detective at the Camarillo Police Station. At approximately 0700 hours, I responded to [REDACTED] Core Estima in reference to an officer involved shooting that occurred the night prior that stemmed from a subject disturbing call for service. I contacted eight witnesses that lived in the area of the incident.

**OFFICER'S NARRATIVE - WITNESS [REDACTED]**

[REDACTED]  
[REDACTED]

I activated my digital recording device and contacted [REDACTED] outside of his residence. [REDACTED] told me the following in summary: (Refer to the digital recording booked as evidence item #2 for further details):

[REDACTED] has been a resident at the Avalon apartment complex approximately sixteen years. [REDACTED]'s apartment faces east and is approximately 50 yards away from [REDACTED]. [REDACTED] said he walked outside of his apartment to smoke a cigarette but did not recall what time it was, [REDACTED] noted the Seattle Seahawks National Football League (NFL) game was still on television. [REDACTED] observed a female neighbor, he identified as (P) [REDACTED], inside of her vehicle in the parking lot of the apartment complex. [REDACTED] stated he knew [REDACTED] as his neighbor and stated both have lived in the apartment complex for the same amount of time.

[REDACTED] observed a male, later identified as (A) Robert Fogel speaking to [REDACTED] while she was inside of her vehicle. [REDACTED] initially believed Fogel and [REDACTED] were in a dating relationship and believed Fogel was preventing [REDACTED] from leaving. [REDACTED] later spoke to [REDACTED] and learned that Fogel was not keeping her from leaving and they were not in a dating relationship.

[REDACTED] stood outside and continued to smoke his cigarette. Fogel looked at [REDACTED] and [REDACTED] noted a "funny" look on Fogel's face. [REDACTED] explained that he has smoked cigarettes with Fogel outside of the apartment complex and both have engaged in small talk with one another.

[REDACTED] finished his cigarette and went back into his residence. Approximately fifteen minutes later, [REDACTED] heard yelling coming from his apartment building. [REDACTED] was unable to determine where the yelling came from and believed the yelling was kids playing outside. [REDACTED] heard vehicles and noticed two or three patrol deputies outside.

[REDACTED] stated he was informed by his neighbor that Fogel threw a knife at his door. [REDACTED] did not know the name of his neighbor but stated he lived above him to the right. [REDACTED] stated the neighbor told he Fogel was agitated and wanted to fight. [REDACTED] did not see this incident occur, and was informed by his neighbor.

[REDACTED] was contacted by the deputies at his residence who informed him that there was nothing they could do about the disturbance between the neighbors but they would remain in the area. [REDACTED] said after patrol deputies on scene stepped out of the area, Fogel "went off." [REDACTED] elaborated and said Fogel began to yell, scream and throw things off of his balcony. [REDACTED] said Fogel's behavior escalated and he continued to throw things off of his balcony and break things inside of the residence.

[REDACTED] stated the patrol deputies returned to contact Fogel and he watched as Fogel became more agitated. [REDACTED] stated the patrol deputies contacted Fogel and asked him to come down from the balcony. [REDACTED] also stated the patrol deputies attempted to reason with Fogel and offered him help.

█████ stated the incident continued over a period of three to four hours and he watched from his apartment as multiple deputies responded with "big guns." █████ mentioned that at one point, Fogel walked down the stairs to the sidewalk with a metal window screen in his hands. █████ stated the deputies backed away from Fogel and he did not understand why the deputies did not tackle Fogel. Fogel also said a female from the crisis team also responded and attempted to speak with Fogel.

█████ heard the gun shot that was fired by the patrol deputy. █████ stated he believed the gun shot was not from a pistol and believed it was from an "AR", shotgun or "bean bag thing." █████ was standing outside on the northeast corner, outside of his apartment with a perfect view. █████ said prior to the shot, he observed Fogel exit his apartment with something in his hand. █████ was unable to tell me what the object Fogel had in his hand.

After the shot was fired, Fogel immediately went back into the residence. █████ said the patrol deputies on scene attempted to contact Fogel and asked if he was hit or if he needed medical attention. Deputies attempted to contact Fogel, who retreated into his apartment for approximately forty five minutes and received no response.

After approximately forty five minutes, Fogel stepped out of the apartment and said he was not going to come down because he was shot at. █████ heard Fogel tell deputies throughout the incident that if they attempted to approach him or his apartment he (Fogel) would "kick your ass" and "come up here and find out what's going on." █████ described Fogel's behavior as "really out there."

█████ believed Fogel was suffering from a "mental situation," █████ was informed by █████ that Fogel had recently started a new medication. In addition, █████ has observed Fogel drinking outside the apartment in the area where they smoke.

█████ said he spoke to Fogel on a previous occasion in which Fogel disclosed that he had Post Traumatic Str Disorder (PTSD) and was not receiving treatment from the Veteran's Affairs Office. In addition, Fogel told █████ that he recently had his 30th birthday and one contacted him.

█████ believed the d █████ were too aggressive because they continuously called Fogel's name which Fogel during the incident. █████ believed the deputies should have let Fogel fall asleep but stated he was unaware of the procedures regarding incidents like this.

This concluded my interview with █████.

**OFFICER'S NARRATIVE - WITNESS █████**

█████ █████  
█████ █████

I activated my digital recording device and contacted █████ inside of her residence. █████ told me the following in summary: (Refer to the digital recording booked as evidence item #2 for further details):

█████ is a resident at the Avalon apartment complex and lives █████' apartment is on the second floor, faces east and is approximately 50 yards away from █████. In addition, █████ balcony faces north.

At approximately 1900 hours, [REDACTED] stated a male, identified as (A) Robert Fogel, was in the parking lot on the northeast corner of her apartment building. [REDACTED] is familiar with Fogel after she witnessed Fogel cause a disturbance at the apartment complex on a previous occasion. [REDACTED] was inside of her apartment and heard Fogel say "say something" in a confrontational tone as if he was questioning someone. [REDACTED] stated her apartment windows were open which allowed her to hear the noise outside of her residence.

[REDACTED] walked onto her patio and no longer saw Fogel in the area. Shortly after, [REDACTED] heard something outside of her apartment door. [REDACTED] explained that her neighbor, who she identified as "Mike" in apartment #104, never made any noise when he walked up and down the stairs outside of her front door.

[REDACTED] looked outside of the door and observed a knife outside of her neighbors door. [REDACTED] said the knife was large in size and similar to a butcher or block style knife. Shortly after, [REDACTED] began to hear yelling from the parking lot area of the apartment complex. [REDACTED] looked outside and saw Fogel in a "back and forth" argument with a male and two young females in the parking lot. [REDACTED] observed the altercation and contacted the police.

[REDACTED] stated she observed deputies respond to the apartment and attempt to speak to Fogel. [REDACTED] also said she observed Fogel continue to yell and take his shirt on and off. [REDACTED] stated she heard what she believed to be a gunshot but was inside of her apartment. [REDACTED] said prior to the gun shot, she heard deputies telling Fogel to "get his hands up." [REDACTED] also heard deputies outside tell Fogel several times to keep his hands up and his hands out of his waist band. [REDACTED] mentioned she had knowledge that Fogel had picked up a chair and threw it over the balcony at someone's vehicle.

This concluded my interview with [REDACTED].

**OFFICER'S NARRATIVE - WITNESS [REDACTED]**

[REDACTED]

I activated my digital recording device and contacted [REDACTED] inside of her residence. [REDACTED] told me the following in summary: (Refer to the digital recording booked as evidence item #2 for further details):

[REDACTED] is a resident at the Avalon apartment complex and lives with (W) [REDACTED] her apartment is on the second floor, faces west and is approximately 60 yards away from [REDACTED]. In addition, [REDACTED]'s balcony faces north. I interviewed [REDACTED] and [REDACTED] separately.

At approximately 1900 hours, [REDACTED] heard (A) Robert Fogel screaming. [REDACTED] stated she was familiar Fogel's voice because she has heard Fogel scream on previous occasions that included arguments with his girlfriend and an incident with police at the same apartment complex a month prior.

[REDACTED] stated she was inside of her apartment with the windows open and heard Fogel say "you want to fight, come at me" to an unknown person. Based on the tone of Fogel's voice she believed Fogel was in an argumentative situation. [REDACTED] looked outside and did not see anything.

Approximately twenty minutes later, [REDACTED] heard Fogel screaming again and heard him call an unknown person a "fat fucking piece of shit" and "you want to come at me, lets fight." At approximately 1945 hours, [REDACTED] observed the deputies arrive but did not know Fogel's location.

At this time, [REDACTED] said she walked onto her patio and began to watch the incident unfold as deputies attempted to contact Fogel. [REDACTED] said during the incident, Fogel continued to taunt the deputies by saying "kill me" and "shoot me" in addition to derogatory and racial comments towards the deputies on scene. [REDACTED] also heard Fogel tell deputies if they came up to his apartment he (Fogel) would kill them.

[REDACTED] stated she heard a gun shot. After the shot, [REDACTED] heard the deputies on scene ask Fogel if he was hurt or injured. [REDACTED] stated prior to the gunshot, Fogel was outside of his apartment and yelling "shoot me, shoot me, you want to shoot me I'm right here." [REDACTED] did not believe he was hit as he continued to come in and out of the residence.

[REDACTED] believed Fogel suffered from Post Traumatic Stress Disorder due to the fact that he made comments about being ex military and ordering an airstrike. In addition, [REDACTED] believed Fogel was intoxicated or on drugs due to his slurred speech during the incident.

[REDACTED] sent me two text messages to my department issued cellular phone which contained a 22 second video clip and 34 second video clip of the incident. (Refer to CD booked as evidence item #1 for further details of the recorded events)

I reviewed the 22 second video and noted the following:

The video quality is poor, dark and there appears to be shot at an elevated position that shows the parking lot of the apartment complex and tree obstructing the view in the video.

Based on the voice, it appears a male can be heard yelling "come at me" and "come at me" The male voice can also be heard saying "get the fuck off of my porch."

I reviewed the 34 second video and noted the following:

The video quality is poor, dark and there appears to be shot at an elevated position that shows the parking lot of the apartment complex and tree obstructing the view in the video.

A male voice can be heard saying "fucking loser" and "shoot me.

This concluded my interview with [REDACTED].

**OFFICER'S NARRATIVE - WITNESS** [REDACTED]

[REDACTED]

I activated my digital recording device and contacted [REDACTED] inside of his residence. [REDACTED] told me the following in summary: (Refer to the digital recording booked as evidence item #2 for further details):

[REDACTED] is a resident at the Avalon apartment complex and lives with ( [REDACTED] ). Their apartment is on the second floor, faces west and is approximately 60 yards away from [REDACTED]. In addition, [REDACTED]'s balcony faces north. I interviewed [REDACTED] and [REDACTED] separately.

[REDACTED] stated he was watching football in the bedroom of his apartment when [REDACTED] told him there was an argument outside. [REDACTED] walked onto his balcony to see. [REDACTED] stated he was familiar with (A) Robert Fogal, from a previous incident that occurred at the apartment complex that was similar to the events that transpired today.

[REDACTED] heard Fogal using profanity towards someone and believed there they were in the parking lot near Fogal's apartment. [REDACTED] described the incident as a reenactment of the incident two months prior in which Fogal was belligerent and yelling obscenities.

[REDACTED] stated the deputies backed away from Fogal. During this time, Fogal began to state he had the "power over the police "I'm going to kill these people" and "I have a knife I can do this." [REDACTED] said this continued for several hours with Fogal's demeanor going up and down similar to a revolving door.

[REDACTED] sent me four cell phone video clips from his email address (kevlunn85@gmail.com) that were from [REDACTED]'s cellular phone and too large to send via text. I reviewed the video and noted the following (Refer to CD booked as evidence item #1 for further details of the recorded events)

Video #1 (18 seconds)-

00:04-A male is heard stating " you want to play games, fine I'll fuck you over"

00:07-A second male can be heard saying "we don't want to play games"

00:08-A male voice can be heard saying "Yea you're playing games mother fucker, you want to play games, lets... (loud audible noise).

Video #2 (18 seconds) appears to be the same video as Video #1

Video #3 (1:20)

00:02-A male can be heard yelling "say what you have to say bitch" "You can't touch me, you see me, I going to hurt you"

01:10- A female voice can be heard saying "Robert, Robert, hey Robert my name is Megan will you talk to me?"

Video #4 (59 seconds)

00:01: A male can be heard yelling "I will put you in the fucking dirt"

00:10: A male can be heard saying "play these games and you're going to fucking die"

00:45: Male is heard saying "Come get me" followed by a loud noise. It appears in the video a large, light colored object, is tossed over the balcony rail.

Video #5 (59 seconds)

00:29: Male voice heard saying " come down, I'm coming down"

00:30: Multiple voice can be heard saying "keep your hands up" multiple times

00:36: A male voice can be heard saying "Fuck you, go ahead come at me fucking faggots"

00:44: A male can be heard saying something to the affect of "door step" and "don't get killed"

**OFFICER'S NARRATIVE - WITNESS** [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
I activated my digital recording device and contacted [REDACTED] inside of her residence. [REDACTED] told me the following in summary: (Refer to the digital recording booked as evidence item #2 for further details)

[REDACTED] is a resident at the Avalon apartment complex. [REDACTED]'s apartment is on the second floor, faces east and is approximately 40 yards away from [REDACTED]. In addition, [REDACTED]'s balcony faces east but is partial obstructed by a tree.

[REDACTED] was inside of her apartment during the incident. [REDACTED] stated she observed "the neighbor" across the way running up and door the stairs. [REDACTED] also heard "the neighbor" threaten to kill the police the whole night. [REDACTED] stated "the neighbor" dared the police to come up the stairs in what she believed was an attempt to get the police into his space.

[REDACTED] said "the neighbor" dared the police to go upstairs and said "come up here or I will kill you." [REDACTED] also stated "the neighbor" began to pin point deputies on scene but was not able to provide their names. [REDACTED] stated believed "the neighbor" threw things off of his balcony but was unable to see what the objects were because it was to dark.

[REDACTED] heard what she believed to be a gunshot during the incident. [REDACTED] stated there was a deputy in the area below her apartment near a vehicle with a female with a name that began with an "R". [REDACTED] heard a deputy say keep your hands up followed by the sound of a gunshot.

This concluded my interview with [REDACTED].

**OFFICER'S NARRATIVE - WITNESSES [REDACTED] AND [REDACTED]**

[REDACTED]

[REDACTED]

I activated my digital recording device and contacted [REDACTED] and [REDACTED] outside of their residence. [REDACTED] and [REDACTED] told me the following in summary: (Refer to the digital recording booked as evidence item #2 for further details):

[REDACTED] and [REDACTED] are residents at the Avalon apartment complex and reside together. Their apartment is on the second floor, faces east and is approximately 60 yards away from [REDACTED]. I initially spoke to [REDACTED] alone outside of the residence until [REDACTED] walked outside and provided a brief statement to what they both observed.

[REDACTED] and [REDACTED] heard a male screaming outside. [REDACTED] initial believed it was children at the pool but continued to hear more screaming. Both [REDACTED] and [REDACTED] observed police cars in the apartment complex parking lot. Both [REDACTED] and [REDACTED] heard the male screaming from his balcony at deputy's positioned below in the parking lot.

[REDACTED] and [REDACTED] said the male yelled he would kill himself, "kill you" and other threats towards the deputies on scene. [REDACTED] also heard the male tell the deputies he was on his own property and to "get the fuck out." [REDACTED] and [REDACTED] could not provide any further information.

This concluded my interview with [REDACTED] and [REDACTED].

**OFFICER'S NARRATIVE - WITNESS [REDACTED]**

[REDACTED]

I activated my digital recording device and contacted [REDACTED] outside of her residence. [REDACTED] told me the following in summary: (Refer to the digital recording booked as evidence item #2 for further details)

[REDACTED] is a resident at the Avalon apartment complex. [REDACTED]' apartment is on the first floor, faces east and is approximately 30 yards away from [REDACTED].

[REDACTED] stated she was at her residence during the incident. [REDACTED] heard yelling from her neighbor and observed the deputies on scene attempt to speak to him. [REDACTED] heard the male say "come get me" and "why don't you

come up here." [REDACTED] also observed the male go down the stairs and go back up to his apartment. In addition, [REDACTED] observed the male throw the chair off the patio.

This concluded my interview with [REDACTED].

**INVOLVED PERSONS**

ROLE <b>WITNESS - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED]			RACE <b>OTHER</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	E [REDACTED]			
ADDRESS [REDACTED] <b>CAMARILLO, CA, 93012-</b>				HOME PHONE [REDACTED]		MOBILE PHONE [REDACTED]	
ROLE <b>WITNESS - #2</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED]			RACE <b>OTHER</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	E [REDACTED]			
ADDRESS [REDACTED] <b>CAMARILLO, CA, 93012-</b>				HOME PHONE [REDACTED]		MOBILE PHONE [REDACTED]	
ROLE <b>WITNESS - #3</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED]			RACE <b>OTHER</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE /			
ADDRESS [REDACTED] <b>CAMARILLO, CA, 93012-</b>				HOME PHONE [REDACTED]		MOBILE PHONE [REDACTED]	
ROLE <b>WITNESS - #4</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED]			RACE <b>HISPANIC</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE /			
ADDRESS [REDACTED] <b>CAMARILLO, CA, 93012-</b>				HOME PHONE [REDACTED]		MOBILE PHONE [REDACTED]	
ROLE <b>WITNESS - #5</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED]			RACE <b>HISPANIC</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE /			
ADDRESS [REDACTED] <b>CAMARILLO, CA, 93012-</b>				HOME PHONE [REDACTED]		MOBILE PHONE [REDACTED]	
ROLE <b>WITNESS - #6</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED]			RACE <b>OTHER</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE /			
ADDRESS [REDACTED] <b>CAMARILLO, CA, 93012-</b>				HOME PHONE [REDACTED]		MOBILE PHONE [REDACTED]	
ROLE <b>WITNESS - #7</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED]			RACE <b>OTHER</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]

*Do Not Duplicate*  
**Ventura County Sheriff's Office - Official Copy**

Issued to: \_\_\_\_\_  
Issued by: \_\_\_\_\_  
Issued date: \_\_\_\_\_

DATE REPORTED <b>10-05-2017</b>	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME <b>JOHNSON, LARRS (3961) / Special Services Major Crimes - 10-10-2017 / 1357</b>
APPROVED BY / ID # - APPROVED DATE / TIME <b>JENKINS, STEVEN / 3933 - 10/10/2017 / 1357</b>	

**INVOLVED PERSONS**

HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE /			
ADDRESS [REDACTED] CAMARILLO, CA, 93012-				HOME PHONE		MOBILE PHONE	
ROLE <b>WITNESS - #8</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED]			RACE <b>OTHER</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE /			
ADDRESS [REDACTED] CAMARILLO, CA, 93012-				HOME PHONE		MOBILE PHONE	
ROLE <b>WITNESS - #9</b>	NAME - LAST, FI [REDACTED], [REDACTED] ER)			RACE <b>ASIAN</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	[REDACTED] TE			
ADDRESS [REDACTED] CAMARILLO, CA, 93012-				HOME PHONE		MOBILE PHONE	
ROLE <b>WITNESS - #10</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED]			RACE <b>OTHER</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE [REDACTED]			
ADDRESS [REDACTED] CAMARILLO, CA, 93012-				HOME PHONE		MOBILE PHONE [REDACTED]	
ROLE <b>WITNESS - #11</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED]			RACE <b>OTHER</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	[REDACTED] TE			
ADDRESS [REDACTED] CAMARILLO, CA, 93012-				HOME PHONE		MOBILE PHONE	
ROLE <b>WITNESS - #12</b>	[REDACTED] IAS/MONIKER)			RACE <b>OTHER</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE /			
ADDRESS [REDACTED] CAMARILLO, CA, 93012-				HOME PHONE		MOBILE PHONE [REDACTED]	
ROLE <b>WITNESS - #13</b>	[REDACTED] IAS/MONIKER)			RACE <b>OTHER</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE /			
ADDRESS [REDACTED] CAMARILLO, CA, 93012-				HOME PHONE		[REDACTED]	
ROLE <b>WITNESS - #14</b>	[REDACTED]			RACE <b>OTHER</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	[REDACTED] TE			
ADDRESS [REDACTED] CAMARILLO, CA, 93012-				HOME PHONE		MOBILE PHONE	
ROLE <b>WITNESS - #15</b>	[REDACTED]			RACE <b>FILIPINO</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]

**INVOLVED PERSONS**

HEIGHT	WEIGHT	HAIR	EYE	[REDACTED]			
[REDACTED] CAMARILLO, CA, 93012-				HOME PHONE	[REDACTED]		
ROLE <b>WITNESS - #16</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED]			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	[REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	[REDACTED]			
ADDRESS [REDACTED] CAMRILLO, CA, 93012-				HOME PHONE	MOBILE PHONE [REDACTED]		
ROLE <b>WITNESS - #17</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED]			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	[REDACTED]			
ADDRESS [REDACTED] AMARILLO, CA, 93012-				HOME PHONE	[REDACTED]		
ROLE <b>WITNESS - #18</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED] ER)			RACE <b>WHITE</b>	GENDER <b>F</b>	AGE [REDACTED]	[REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	[REDACTED]			
ADDRESS [REDACTED] CAMARILLO, CA, 93012-				HOME PHONE	[REDACTED]		

LOCATION BOOKED	PROPERTY ADDRESS
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TAG # <b>1</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>WITNESS INTERVIEWS</b>
DATE RECOVERED# <b>10-01-2017</b>		LOCATION RECOVERED	
OWNER		RELATED TO	
<b>1</b>	ITEM <b>WITNESS INTERVIEWS</b>	VALUE	QUANTITY <b>14</b>
			RECOVERED

**OFFICER'S NARRATIVE**

On 10-1-2017 I was working as a Detective for the Ventura County Sheriff's Office, Camarillo Investigations. At approximately 0700 hours, I responded to the apartments in the area of 5195 Corte Estima in the city of Camarillo. I was tasked with canvassing a portion of the apartment complex.

I conducted the following interviews. Each interview was conducted at each of the respective witness' apartment. The following is a summary of my digitally recorded interviews. Refer to the digital recordings for further details of the interviews.

[REDACTED]

[REDACTED]  
[REDACTED] said she was at home and heard an unknown person screaming outside for several hours. [REDACTED] did not have any specifics for what the subject was yelling. [REDACTED] said that at one point she looked out the window since the subject seemed to be right outside of her bedroom window. When [REDACTED] looked out of the window she could not see anything since it was dark. [REDACTED] said that she and her family were evacuated from her apartment by the sheriff's office.

[REDACTED]  
[REDACTED] told me that an unknown person was screaming non-stop until they were recommended to evacuate. [REDACTED] said she tried to look out the window to see what was going, but she did not see anything.

[REDACTED]  
[REDACTED] said she was in the bathroom and did not hear any yelling. At about 10:30 pm she heard a really loud bang, then she went to sleep until they were evacuated.

[REDACTED]  
[REDACTED] as inside with his wife, [REDACTED] sleep and they did not hear anything until they were woken up to be evacuated.

[REDACTED]  
[REDACTED] aid she saw and heard nothing related to the incident.

[REDACTED]  
[REDACTED] aid she briefly went on her porch and she he heard "a couple of gunshots" but, she did not see anything to the incident. [REDACTED] aw people on the ground watching what was going on. She did not see anything else related to the incident.

[REDACTED]  
[REDACTED] id not see anything before the police arrived, but she did hear a lot of screaming before the police arrived and saw neighbors go towards the incident. She was unable to understand what was being screaming. [REDACTED] hen exited her apartment and w [REDACTED] r car after the police arrived. She saw a male subject on a balcony throw a chair off of the balcony. [REDACTED] hen saw the deputy shoot his weapon [REDACTED] aid she did not see anything else because she went to bed.

[REDACTED]

[REDACTED]

[REDACTED] aid that the subject was screaming "bad words." She described the police were repeatedly telling the subject to come outside and everything would be okay. The subject continually yelled profanities back at the police.

[REDACTED]

[REDACTED]

[REDACTED] said she was asleep inside of her apartment and she did not see or hear anything related to the incident.

[REDACTED]

[REDACTED] aid that she saw police cars in the area around 2000 hours. After 2200 hours, she heard what she described as a gunshot. After the gunshot she heard the police tell the subject to come down, and she heard the subject continue to yell obscenities.

[REDACTED]

[REDACTED] aid she did not hear or see anything related to the incident.

[REDACTED]

[REDACTED]

[REDACTED] aid they were asleep in their apartment and did not hear or see anything related to the incident until they were woken up by the police and evacuated.

[REDACTED]

[REDACTED] a [REDACTED] id not see anything, but I heard a lot of banging. [REDACTED] shares a common wall with the subject's apartment. [REDACTED] heard doors slamming more than 4 or 5 times. [REDACTED] said that he heard banging that shook his apartment several times.

[REDACTED]

aid she did not see anything, but she heard a lot of banging on the walls of the apartment. estimated the banging started around 2130 hours, and lasted through when she was evacuated from her apartment.

[REDACTED]

said he, his wife and daughter were standing outside by the maintenance shed, located to the south of his apartment's c ving a ciga rd something and saw "that guy" coming down the steps from apartment He watched as the subject walked from the steps of apartment back towards the subjects' apartment. The subject then turned and returned to the sidewalk area in front of apartment and stopped. The subject began yelling something to the effect, How are you doing? replied that he was doing good and he asked the subject how he was doing. The subject replied with, "who the fuck are you." told the subject his name and the subject began yelling at him. This escalated to where the subject ripped his shirt off while continuing to yell obscenities. said he began yelling at the subject really loud trying to get someone's attention since did not have his cellphone with him. said the subject retreated to his residence when the sirens from the responding deputies could be heard. s and his family returned to their apartment until they were evacuated by the police.

Other residents in the apartment. [REDACTED]

[REDACTED]

[REDACTED]

said his apartment shares a wall with the subjects. said the subject had been yelling and he saw the subject walk back and forth in front of their patio one time. said he could not see the subject's face or hands because it was dark. then interjected and stated they had walked to the store and returned to the apartment. When they returned to their apartment, they heard the subject yelling proficiencies at the police who n scene. described the yelling as a one way conversation with the subject yelling and no one replying. heard the subject yell at the police that he was going to kill the police.

There was no answer at the following apartments:

[REDACTED]

I uploaded the audio recordings to the server.



**INVOLVED PERSONS**

ROLE <b>VICTIM - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED], [REDACTED] [REDACTED]			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT <b>5'09</b>	WEIGHT <b>200</b>	HAIR <b>BLACK</b>	EYE <b>BROWN</b>	[REDACTED] SE/STATE <b>A</b>			
[REDACTED] <b>CAMARILLO, CA, 93010-</b>				HOME PHONE	[REDACTED]		
OCCUPATION	EMPLOYER <b>AMGEN</b>	EMPLOYER ADDRESS			BUSINESS PHONE		
VICTIM OF OFFENSE				RELATIONSHIP OF VICTIM TO OFFENDER			
ROLE <b>WITNESS - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED] [REDACTED] [REDACTED] ER)			RACE <b>WHITE</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT <b>5'04</b>	WEIGHT <b>149</b>	HAIR <b>BROWN</b>	EYE <b>BROWN</b>	[REDACTED] E			
[REDACTED] <b>CAMARILLO, CA, 93010-</b>				HOME PHONE	MOBILE PHONE [REDACTED]		
COMPLEXION <b>LIGHT BROWN</b>	BUILD <b>MEDIUM</b>	HAIR LENGTH/STYLE <b>STRAIGHT</b>	GLASSES <b>NONE</b>	HANDED	FACIAL HAIR LENGTH/STYLE <b>NONE</b>		
ROLE <b>WITNESS - #2</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED] [REDACTED] [REDACTED]			RACE <b>WHITE</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT <b>5'03</b>	WEIGHT <b>125</b>	HAIR <b>BROWN</b>	EYE <b>BROWN</b>	DRIVER'S LICENSE/STATE /			
[REDACTED] <b>AMARILLO, CA, 93010-</b>				HOME PHONE	[REDACTED]		
OCCUPATION <b>STUDENT</b>	EMPLOYER <b>FRONTIER HIGH SCHOOL</b>	EMPLOYER ADDRESS			BUSINESS PHONE		
COMPLEXION <b>LIGHT</b>	BUILD <b>SLENDER</b>	HAIR LENGTH/STYLE <b>WAVY / CURLY</b>	GLASSES <b>NONE</b>	HANDED	FACIAL HAIR LENGTH/STYLE		
ROLE <b>WITNESS - #3</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED], [REDACTED] [REDACTED]			RACE <b>HISPANIC</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT <b>5'10</b>	WEIGHT <b>200</b>	HAIR <b>BROWN</b>	EYE <b>BROWN</b>	[REDACTED] ATE			
[REDACTED] <b>CAMARILLO, CA, 93010-</b>				HOME PHONE	MOBILE PHONE		
COMPLEXION <b>LIGHT BROWN</b>	BUILD <b>MEDIUM</b>	HAIR LENGTH/STYLE <b>LONG</b>	GLASSES <b>NONE</b>	HANDED	FACIAL HAIR LENGTH/STYLE <b>NONE</b>		
ROLE <b>WITNESS - #4</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED], [REDACTED] [REDACTED] KER)			RACE <b>WHITE</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]

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Issued to: \_\_\_\_\_  
Issued by: \_\_\_\_\_  
Issued date: \_\_\_\_\_

DATE REPORTED <b>10-02-2017</b>	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME <b>BOYNTON, DAVID (3382) / Special Services Major Crimes - 10-03-2017 / 1636</b>
APPROVED BY / ID # - APPROVED DATE / TIME <b>MICHALEC, STEVEN / 2967 - 10/03/2017 / 1636</b>	

**INVOLVED PERSONS**

HEIGHT <b>5'09</b>	WEIGHT <b>135</b>	HAIR <b>BLOND OR STRAWBERRY</b>	EYE <b>BLUE</b>	DRIVER'S LICENSE/STATE [REDACTED]			
ADDRESS [REDACTED] <b>CAMARILLO, CA, 93010-</b>				HOME PHONE [REDACTED]			
OCCUPATION <b>ACCOUNT MANAGER</b>	EMPLOYER <b>KELLY SERVICES</b>	EMPLOYER ADDRESS <b>UNKNOWN, TROY MICHIGAN</b>				[REDACTED]	
COMPLEXION <b>LIGHT</b>	BUILD <b>HEAVY</b>	HAIR LENGTH/STYLE <b>LONG, WAVY / CURLY</b>	GLASSES <b>NONE</b>	HANDED	FACIAL HAIR LENGTH/STYLE <b>NONE</b>		
ROLE <b>WITNESS - #5</b>	[REDACTED] R)			RACE <b>WHITE</b>	GENDER <b>F</b>	AGE [REDACTED]	[REDACTED]
HEIGHT <b>5'08</b>	WEIGHT <b>140</b>	HAIR <b>BROWN</b>	EYE <b>GREEN</b>	[REDACTED] TE			
[REDACTED] <b>CAMARILLO, CA, 93010-</b>				HOME PHONE [REDACTED]			
COMPLEXION <b>LIGHT</b>	BUILD <b>MEDIUM</b>	HAIR LENGTH/STYLE <b>LONG, STRAIGHT</b>	GLASSES <b>NONE</b>	HANDED	FACIAL HAIR LENGTH/STYLE <b>NONE</b>		
ROLE <b>WITNESS - #6</b>	[REDACTED]			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT <b>5'10</b>	WEIGHT <b>250</b>	HAIR <b>BROWN</b>	EYE <b>BROWN</b>	[REDACTED] ATE			
[REDACTED] <b>CAMARILLO, CA, 93010-</b>				HOME PHONE [REDACTED]			
COMPLEXION <b>LIGHT</b>	BUILD <b>HEAVY</b>	HAIR LENGTH/STYLE <b>WAVY / CURLY</b>	GLASSES <b>NONE</b>	HANDED	FACIAL HAIR LENGTH/STYLE <b>NONE</b>		
ROLE <b>WITNESS - #7</b>	[REDACTED]			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	[REDACTED]
HEIGHT <b>5'11</b>	WEIGHT <b>215</b>	HAIR <b>BROWN</b>	EYE <b>BROWN</b>	DRIVER'S LICENSE/STATE [REDACTED]			
[REDACTED] <b>CAMARILLO, CA, 93010-</b>				HOME PHONE [REDACTED]			
COMPLEXION <b>MEDIUM</b>	BUILD	HAIR LENGTH/STYLE	GLASSES	HANDED	FACIAL HAIR LENGTH/STYLE		

LOCATION BOOKED <b>CAMARILLO POLICE STATION</b>	PROPERTY ADDRESS <b>3701 LAS POSAS RD, CAMARILLO, VENTURA COUNTY</b>
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TAG #	EVIDENCE	ITEM STATUS	DESCRIPTION	VALUE	QUANTITY	RECOVERED
<b>1</b>	<b>Y</b>	<b>SEIZED</b>	<b>PHOTOGRAPHS</b>	<b>0.00</b>	<b>10</b>	
OWNER			RELATED TO			
<b>1</b>			<b>PHOTOGRAPHS UPLOADED TO ISHOT</b>	<b>0.00</b>	<b>10</b>	
TAG #	EVIDENCE	ITEM STATUS	DESCRIPTION	VALUE	QUANTITY	RECOVERED
<b>2</b>	<b>Y</b>	<b>SEIZED</b>	<b>INTERVIEWS</b>			

OWNER		RELATED TO		
1	ITEM VICTIM / WITNESS INTERVIEWS	VALUE 0.00	QUANTITY 6	RECOVERED

**OFFICER'S NARRATIVE**

**On 10/2/2017, I was working as a detective out of the Camarillo Police Station. At about 0630 hours, I responded to the command center, located at 5275 Mission Oaks Blvd, in reference to an officer involved shooting.**

**Upon my arrival, I contacted Major Crimes Detective Jenkins. Detective Jenkins requested Detective Johnson and I to assist with contacting the reporting parties and conduct an interview with them. Detective Jenkins told Detective Johnson and me to contact Detective Clark as he had the names of the reporting parties.**

**Detective Johnson and I responded to the scene location, [REDACTED] and contacted Detective Clark. Detective Clark provided us with names and phone numbers of four reporting parties.**

**I called [REDACTED] and [REDACTED]. Neither [REDACTED] nor [REDACTED] answered their phones and I left a voice message for them, requesting a call back.**

**Major Crimes Detective Worthy requested Detective Johnson, Detective Clark and I to contact residents in the area for potential witness statements.**

[REDACTED]

**At about 0730 hours, I contacted [REDACTED] at her residence. I also contacted [REDACTED] who is [REDACTED]'s mother. I recorded my interview with [REDACTED] and [REDACTED]. I had [REDACTED] wait in the residence as I spoke to [REDACTED], prior to speaking with [REDACTED]. Refer to the recording for [REDACTED]'s complete statements. The following is a summary of my interview with [REDACTED]: [REDACTED] heard yelling outside the house and asked [REDACTED] to see what was going on. [REDACTED] came out to the front of the residence and saw a male subject, later identified as Robert Fogal yelling at someone. [REDACTED] could not see who Fogal was yelling at. [REDACTED] indicated the person Fogal was yelling at was out of view, around the corner from the front of her residence.**

**[REDACTED] went back into the residence and told [REDACTED] what she had seen. [REDACTED] went to her room, which is located at the front of the residence. She opened her window slightly, so she could hear what Fogal was doing. [REDACTED] said she heard Fogal yelling things like, "Come up here and see what you'll get." [REDACTED] told [REDACTED] what she heard and [REDACTED] called 911. [REDACTED] saw emergency lights in the parking area of the apartment complex and knew the police were at the scene. [REDACTED] said police were asking Robert to come out and Robert began yelling he was going to kill the police. Robert said if the police came up to his doorstep, he was going to hurt them. She saw Robert going in and out of his house and up and down the stairs.**

**At one point, Robert came down the stairs to the landing and someone approached Robert, at which point Robert ran back up the stairs to his apartment. Robert remained in his apartment and would communicate with the police by using the sliding glass door or window at the front of the residence.**

**[REDACTED] heard what she thought was police shooting a bean bag gun at Fogal. After the shot, Fogal stayed inside his residence, for what [REDACTED] estimated to be 10 minutes. [REDACTED] heard a female named [REDACTED] who was with the**

Sheriff's Office, yelling to Fogal, asking if he was hurt. Fogal remained in the residence and did not respond for an extended period of time.

██████ has never had any contact with Fogal and did not even know Fogal's name until she heard police calling to him during the incident. ██████ has seen Fogal in the area and knew he lived in the apartment complex.

██████ told me she set her phone on a tri-pod at the front of her residence and recorded the entire incident from the time police were on scene. ██████ agreed to provide a copy of the video from her phone. I concluded my interview with ██████ and asked to speak to ██████.

██████ ██████ ██████  
██████ ██████

I recorded my interview with ██████. Refer to the recording for ██████'s complete statements. The following is a summary of my interview with ██████: At about 1930 to 1945 hours, she heard a male yelling. She asked ██████ to look outside and see who was yelling. ██████ told ██████ what she heard and ██████ called the police. ██████ told ██████ the police were already there, so ██████ hung-up the phone. When Fogal began threatening the police, ██████ told ██████ to record the incident.

During the incident, Fogal said, "A lot of crazy stuff." Fogal made statements about the whole side of the building going to be gone, which made ██████ nervous. ██████ went to sleep and then heard a loud bang, which she believed was a bean bag being shot at Fogal. She heard two loud bangs. When she heard the first bang she thought police shot Fogal. She heard, ██████ yelling to Fogal asking if he was injured. She heard Fogal yell something back and then Fogal went into the residence and stopped talking for about 20 minutes. At that time, she observed SWAT officers had arrived at the scene.

██████ was happy to see SWAT had arrived, and stated she had been calling the Sheriff's Office asking for SWAT to respond. She was concerned, because she heard Fogal say something about blowing up the apartment complex. Fogal said something about missiles and being in the Air Force. After seeing SWAT had arrived, she was just falling asleep, when she heard the second loud bang. Fogal came running out of the house after the second loud bang.

When the incident first started, she heard a lot of yelling, so she went to the window at the front of the residence and she heard Fogal yell something about a woman, calling her a, "Bitch." She thought the incident was a domestic dispute, after hearing Fogal call someone a bitch, so she called the police. She never saw who Fogal was yelling at.

██████ observed Fogal going in and out of his residence and noticed he kept changing his clothes. She also saw Fogal throwing items off the balcony, including a broom and phones. At one point she thought police left and she called Sheriff's Dispatch. The dispatcher assured her police were still on scene. She took her dogs out of the residence, one at a time, to use the bathroom and she saw Fogal standing on the balcony watching her. Fogal did not say anything to her at that time. She believed Fogal did not say anything to her as she has always been friendly when she has seen him around the apartment complex in the past. A short time later, an unidentified neighbor came out and got into their car. Fogal began yelling at the neighbor, challenging him. She did not know who the neighbor was; just that he drove a white car.

█████' d█████ came home at abo █████ hours and left to go back to work at █████ 0200 hours. She spoke to █████ by phone and had informed █████ bout what was happening. She told █████ ot to try to come home, but he came home around 0100 hours anyway.

█████ said during the incident, it appeared to her, Fogal was attempting to lure police upstairs. This really worried her, because she thought Fogal might blow something up.

I asked █████ if she knew Fogal and she said she did not. She did not know Fogal's name or which apartment he lived in until the incident occurred. She has said hello to Fogal in passing and she has seen him smoking toward the rear of the Vons Shopping Center in the past. She has not had contact with Fogal other than in passing.

█████ as not home at the time of my contact with █████ or █████. Per my conversation with █████, █████ did not arrive home until 0100 hours, and left within an hour of arriving home to go back to work.

At about 0740 hours, I spoke to █████ I recorded my conversation with █████. Refer to the recording for █████' complete statements. The following is a summary of my interview with █████: I contacted █████ walking to his car, which was parked in the car port in front of █████ █████ said last night he came out to his car to get his pack of cigarettes, but the SWAT team had the area blocked off. █████ saw multiple police vehicles blocking the entrances. █████ returned to his apartment. █████ said he did not hear anything and was unaware of what was happening. █████' apartment is located on the opposite side of the building from the scene location. █████ recalled hearing a loud bang at about 2200 hours. █████ had no further information. I concluded my interview with █████.

I escorted █████ to his vehicle, and he drove out of the parking lot.

At about 0805 hours, I contacted █████ █████, who identified herself as Fogal's roommate. I recorded my interview with █████. Refer to the recording for █████'s complete statement. The following is a summary of my interview with █████: When I contacted █████ she was attempting to return to her apartment and had stopped at the outer perimeter. █████ said on 10/1/2017, she went to her parent's residence to visit and then returned to her apartment. She worked for a little while at the house and then left for a walk. When she was at the house working, Fogal was also home. She walked for about an hour and then returned home. At about 1800 █████ he █████ g into the apartment as Fogal was walking out. Fogal was on the phone with his girlfriend █████ and Fogal appeared to be, "A little agitated."

█████ took a shower and when she got out of the shower, Fogal knocked on the front door as it was locked. She went and opened the door and Fogal asked her why she had locked him out of the house. She told him she was not locking him out. █████ said when Fogal came into the hous █████ d really agitated." She asked Fogal if everything was okay and he told her he had been fighting with █████ he told me she said, "Okay if you're doing this, I said I can't, I'm gonna go, I'm gonna leave." She went to her car and Fogal followed her to the car.

Fogal asked her where she was going and she told him she was going to her parents or was going to run errands or something. She told Fogal, she did not want to be there, because he was agitated. She left and was gone for a couple of hours. When she returned she saw a neighbor named [REDACTED] who told her what had happened.

I asked [REDACTED] what time she returned to the apartment complex and she told me it was dark, so she estimated it was a [REDACTED] hours. The police were already on scene when she arrived back at the apartment. I asked [REDACTED] where [REDACTED] as and she said Paris. [REDACTED] did not have [REDACTED] ate of birth and said she has never met [REDACTED] in person.

[REDACTED] has known Fogal for about four years. They met on a plane to California from Atlanta. They began talking about business. She was working for Kelly Services and Fogal was doing some telecom business. Fogal was doing some networking events, so they kept in touch and got to know one another. Fogal was living in South Bay at the time and was working for a telecom company out of Sherman Oaks. Fogal was looking for a place to live in Sherman Oaks to relocate. She offered to let Fogal stay at her apartment for a few weeks, while he found a place to live. Fogal lived in her apartment for a little while and then moved to Oxnard. Fogal lived in Oxnard for over a year. Fogal and his girlfriend at the time [REDACTED] asked [REDACTED] if Fogal could stay with her for a while as his lease was up. Fogal was planning on moving somewhere else. She allowed Fogal to move in and he has been at the apartment since. I asked [REDACTED] when she let Fogal move back in and she said it was May or June of 2016.

I asked [REDACTED] if she knew what the argument with [REDACTED] and she said she did not. I asked [REDACTED] if the [REDACTED] e reason why she wanted to leave after learning [REDACTED] and Fogal were arguing. [REDACTED] said Fogal and [REDACTED] are, "like oil and water." She has told Fogal and [REDACTED] hat they need to stop arguing or maybe they should take a break on the relationship. [REDACTED] said she has never seen Fogal in the state he was last night. She said, "He was out of his mind last night, it wasn't even him, and I don't even know what he was talking about, but he wasn't like that when I left. So it was like a completely different Robert that I saw last night when I came home."

I asked [REDACTED] if she had any knowledge of Fogal being diagnosed with Post Traumatic Stress Disorder (PTSD). [REDACTED] said Fogal has been seeing a psychiatrist and was diagnosed with PTSD around June of 2017. The psychiatrist prescribed Fogal some medication for the PTSD. Fogal was prescribed four different medications. She was not sure if Fogal was taking all of the medications prescribed to him. [REDACTED] did not know if Fogal was diagnosed with anything other than PTSD. [REDACTED] said Fogal has PTSD as a result of his service in the military. Fogal was in the Coast Guard for a couple of years and had joined when he was 18.

I asked [REDACTED] what she saw when she got back to the complex last night. She said she got to the complex and there were three police cars parked in the area. She parked and was approached by [REDACTED]. A sergeant on scene asked [REDACTED] to go around the corner of the complex with him to see if she could talk to Fogal. She attempted to talk to Fogal, but he thought she was [REDACTED]. She attempted to talk to Fogal on the phone. When she called Fogal, [REDACTED] he was [REDACTED]. She told Fogal she was not [REDACTED] and Fogal asked why [REDACTED] was calling from [REDACTED] hone. She asked Fogal what he wanted and was trying to get him to calm down. Fogal would not talk to her and was just shouting. He was talking about the army and all sorts of bizarre stuff.

The first time she called Fogal, he texted her back and said he could not talk right now. I asked [REDACTED] what time the call was and she showed me her phone, which indicated the text from Fogal was at 2212 hours. The call log showed the following: There was a call made to Fogal's phone at 2135 hours, for four seconds. There was a canceled call at 2145 hours, and there was a missed call from Fogal's phone at 2219 hours. I took photographs of the calls and text message on [REDACTED]'s phone. I later uploaded the photographs to iShot as evidence.

I asked [REDACTED] if Fogal has ever mistaken her for [REDACTED] in the past and she said no. I asked [REDACTED] if she has ever noticed any bizarre behavior from Fogal in the past and she said there has been some. She said Fogal has had a

troubled past and has broken down crying, because he has no family. She has never had any issues with Fogal, they have always gotten along and Fogal threatened her. To the best of her knowledge Fogal had only been involved in a verbal argument with [REDACTED] by phone and nobody else was involved.

[REDACTED] said during the incident she saw Fogal throwing items off the balcony, walking back and forth, going up and down the stairs and to her it looked like Fogal was, "in battle or something, like he thought everybody was gonna attack him." [REDACTED] said Fogal has been upset before, but everyone gets upset. She went on to say, "I've never seen someone out of their mind like that before. It was like he didn't know where he was, and like I said, I heard him talk about the army and that he was calling, uhm, planes to come in and shoot everyone down. I'm like what is he talking about. It was like he was out in the military."

[REDACTED] said Fogal just picked up some new medication this week and she heard from [REDACTED] Fogal had been drinking. She believed the combination of alcohol and medication could make Fogal turn into a different person. Fogal has consumed alcohol before and when he has been drinking he has said, "Some crazy things." I asked her what type of things Fogal would say. [REDACTED] said Fogal would become more agitated if he were upset at someone, when he is drinking. If Fogal were drinking and he was not upset with someone, he would usually just get quiet and pass out. Fogal has not been drinking that she is aware of and this was the first time in a while she has heard about him drinking.

[REDACTED] had nothing further to add and I concluded my interview with her. I provided [REDACTED] with my business card, the report number and the contact number for Risk Management.

[REDACTED]

At about 0820 hours, I spoke to [REDACTED] I recorded my interview with [REDACTED]. Refer to the recording for [REDACTED]'s complete statements. The following is a summary of my interview with [REDACTED]: I contacted [REDACTED] at the [REDACTED] crime scene, as she walked to her vehicle. [REDACTED] told me her vehicle was parked in front of [REDACTED]. [REDACTED] told me she came out of her residence between 2100 hours and 2300 hours. She was taking her dog for a walk, when a neighbor upstairs told her not to go that way and for her to go to the right. It was at that time she noticed a police officer standing at the corner blocking the route. After the dog went to the bathroom, she went back into the residence. She heard yelling back and forth and at some point, she heard a shot. There was a lot of conversation after the shot, throughout the night. At about 0400 hours to 0500 hours, she heard a really loud bang. She did not hear anything after the really loud bang. She could not tell what was being said during the incident and she was unaware anything was even occurring until she came out to walk the dog.

[REDACTED] had no additional information and I concluded my interview with her. [REDACTED] advised me her husband [REDACTED] was also attempting to leave and she called him to our location.

[REDACTED]

At about 0820 hours, I spoke to [REDACTED] I recorded my interview with [REDACTED]. Refer to the recording for [REDACTED]'s complete statements. The following is a summary of my interview with [REDACTED]: I spoke to [REDACTED] at the edge of the crime scene. [REDACTED] told me he heard police outside talking to someone. He saw the police had their weapons out, so he remained inside his residence. At about 0400 hours, he heard someone on a speaker say something about having a warrant. [REDACTED] did not hear anything prior to observing the officers and could not hear what was being said. [REDACTED] did not know who was involved in the incident.

██████████ had no additional information and I concluded my interview with him. I escorted ██████████ and ██████████ to their vehicles and they drove out of the parking area.

██████████ ██████████ ██████████  
██████████ ██████████

At about 0935 hours, Detective Johnson and I contacted ██████████ ██████████ at his residence, located at ██████████ ██████████. I recorded our interview with ██████████. Refer to the recording for ██████████'s complete statements. The following is a summary of my interview with ██████████: ██████████ said Fogal threw a beer and a knife at his front door yesterday. I looked at ██████████'s front door and I could see there were marks from dried spots of liquid all over the door. There were also some scratches in the paint on the front door. I photographed the door and later uploaded the photographs to iShot as evidence.

██████████ told me he was having trouble remembering what time the incident started and he has never been so scared for his safety in his life. Yesterday, at what ██████████ estimated to be 2000 hours, Fogal was on the sidewalk next to the dumpster. The sidewalk leads to a gate, which allows access to the back dock area of Vons. ██████████ was taking his trash out and met Fogal on the sidewalk. Fogal was, "already screaming to himself." Fogal was talking about his girlfriend, the police being called and his girlfriend leaving him. ██████████ said, "What the fuck, what the fuck is wrong with you," to Fogal, because Fogal was talking to himself. Fogal focused his attention on ██████████ and asked, "You want some of me?" ██████████ told Fogal he did not want anything with him, apologized and ran back upstairs to his apartment.

A few minutes later, Fogal began to beat on ██████████'s front door. ██████████ stayed in the house and did not answer the door. He heard a clunk at the door. He went to the door, opened it and looked out and he saw a knife lying on the ground in front of the door. ██████████ ran to the corner and saw Fogal, "attacking" an older gentleman. When ██████████ said he ran to the corner, he moved toward the corner of his residence, where a window was located. Detective Johnson asked ██████████ what he meant by attacking. ██████████ said Fogal had taken his shirt off and was challenging the older man to fight. When ██████████ saw Fogal challenging the older man to fight, he called the police. Within a short time, law enforcement arrived and Fogal retreated to his residence.

I asked ██████████ if he had ever seen Fogal in the past and he said he has. ██████████ said he has seen Fogal a few times when he has gone out to Vons. ██████████ said Fogal would be outside the gate at the back of Vons smoking. ██████████ said Fogal usually looks pissed off, so ██████████ stays away from him. ██████████ has never spoken to Fogal and has only seen him in passing. ██████████ said he did not know why he said anything to Fogal and stated he was so scared he would never do anything like that again. ██████████ said he was really scared when he saw Fogal's eyes were completely black like a cats eyes due to the size of his pupils, which made him think there was something wrong with Fogal. I asked ██████████ if he even knew Fogal's name and he said he did not.

██████████ said he heard ██████████ talking to John about Fogal last night during the incident. I asked ██████████ what he heard ██████████ say. ██████████ said ██████████ told ██████████ that Fogal is unstable and that he has been living there for a few months. ██████████ also mentioned that Fogal is taking medications. I asked ██████████ if he heard why Fogal was taking medication and he said he did not.

I asked ██████████ if he ever saw Fogal with the knife and he said he did not. ██████████ said Fogal had to have the knife on his person. Fogal could not have retrieved a knife from anywhere and come back in the amount of time that elapsed from when Fogal beat on the door to the time the knife hit the door and ██████████ saw it on the porch. ██████████ also noticed a beer can on the porch. The beer can was from a beer that had been thrown

at the door at about the same time the knife was thrown. The beer can from the incident was also on the porch, but [REDACTED] had kicked it off to the bushes below. [REDACTED] described the can as a silver can. I concluded my interview with [REDACTED].

I went to the ground floor and checked the area for the beer can with negative results. I re-contacted [REDACTED] and asked him about the location of the knife. [REDACTED] told me the knife was collected by a deputy wearing gloves.

I later uploaded all of the recordings to my T-drive as evidence.

**Search Warrants &  
Corresponding Property  
Receipts**

**INVOLVED PERSONS**

ROLE <b>SUSPECT - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) <b>FOGAL , ROBERT</b>			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	[REDACTED] DATE			
ADDRESS [REDACTED] <b>CAMARILLO , CA , 93012-</b>				[REDACTED]	[REDACTED]		
OCCUPATION <b>UNEMPLOYED</b>	EMPLOYER	EMPLOYER ADDRESS			BUSINESS PHONE		

**OFFICER'S NARRATIVE - SEARCH WARRANT EXECUTION**

17-149849

**ATTEMPTED MURDER OF UNIFORMED POLICE OFFICERS / OFFICER INVOLVED SHOOTING INVESTIGATION**

**PURPOSE OF REPORT: Search Warrant Execution**

On Oct. 1, 2017, at approximately 2255 hours, Major Crimes Detective Sergeant S. Jenkins called me and advised of an officer involved shooting which had recently occurred in the City of Camarillo. Sergeant Jenkins requested my assistance with the investigation. I called Sheriff's Dispatch Center and learned the incident was still unfolding and the suspect was not in custody. I was told the location of the officer involved shooting was [REDACTED] Camarillo, CA.

While responding to the area, Patrol Watch Commander Captain W. Therrien sent a group email to responding major crimes personnel and management advising that the Sheriff's Command Post was being deployed to the Vons shopping center on Mission Oaks Blvd. and Wood Creek Dr.

I responded to the shopping center and arrived at approximately 1140 hours. Upon my arrival, a briefing was conducted by the case agent, Sergeant Jenkins. In summary, I learned the suspect, Robert Fogal, had thrown a knife or potentially multiple knives at deputies on scene. At some point during the incident, Deputy Krupnik had fired a shot at Fogal, though it had yet to be determined if Fogal had been shot or was potentially injured. Immediately after the shooting, Fogal retreated into his apartment, where he remained barricaded. Sheriff's SWAT team was requested and they responded to Fogal's apartment.

Major Crimes Detective D. Alvarez was tasked with authoring a search warrant for Fogal's apartment as well as a Ramey Arrest Warrant for Fogal's person. The Honorable Judge D. Inumerable reviewed and approved the search and arrest warrants. After being advised that the warrants had been signed by the judge, SWAT conducted a tactical operation which resulted in Fogal being taken into custody.

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Issued to: \_\_\_\_\_  
Issued by: \_\_\_\_\_  
Issued date: \_\_\_\_\_

DATE REPORTED 10-04-2017	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME WORTHY, DEAN (3149) / Special Services Major Crimes - 10-23-2017 / 1633
-----------------------------	--

APPROVED BY / ID # - APPROVED DATE / TIME ZADEH, CYRUS / 4339 - 10/23/2017 / 1634
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**I left the Command Post and responded to the apartment following Fogal's arrest. I learned the Sheriff's SWAT team had already cleared the apartment and confirmed no one else was inside following Fogal's arrest. Upon arrival at Fogal's apartment, I noticed the front door was open and the wooden door frame was damaged. At approximately 0640 hours, I made a knock and notice announcement stating, "Sheriff's Office search warrant demand entry." I then entered the unoccupied apartment accompanied by the following personnel: Major Crimes Detective J. Foote, R. Skaggs and F. Jauregui. Assisting with our evidence search were Field Evidence Technicians (FET's) [REDACTED] and [REDACTED] from the Sheriff's Crime Scene Investigations (CSI) Unit. The apartment was in disarray with items strewn about the interior. Overall photographs were taken of the apartment prior to searching, during the search as items of evidentiary value were identified and following the search after the items had been collected and documented.**

**During the execution of the search warrant, multiple items of evidence were located and seized within the apartment. Refer to FET reports for a breakdown of items collected and for further description on the respective locations from which they were found.**

**At the conclusion of the search warrant, I left a receipt for items which were seized and a Notice of Search Warrant Service Form on the kitchen table of the apartment. Since the front door of the apartment was damaged and therefore could not be locked and secured, Sergeant Jenkins called the tenant on the lease of Fogal's apartment, [REDACTED]. [REDACTED] responded and took control of the apartment.**

**INVOLVED PERSONS**

ROLE <b>SUSPECT - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) <b>FOGAL , ROBERT</b>			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE /			
ADDRESS				HOME PHONE		MOBILE PHONE	

**OFFICER'S NARRATIVE**

**L17-07542**

**On October 2, 2017, I was working as a Field Evidence Technician (FET) for the Ventura County Sheriff's Office. At approximately 1200 hours, I received a call from Detective Rodriguez to respond to the Pre-trial Detention Facility/Main Jail located at 800 S. Victoria Avenue, Ventura, to photograph an attempted murder suspect.**

**Scene/Briefing**

**At approximately 1210 hours, I arrived at the Pre-trial Detention Facility/Main Jail and met with Detective Rodriguez #3591. Rodriguez told me the following in summary:**

**Deputies responded to a call from Sheriff's Dispatch where they encountered the suspect, Robert Fogal. The suspect threw knives at the responding deputies. One deputy fired a single round at the suspect, missing him. The suspect then barricaded himself in his apartment for several hours before being taken into custody. Rodriguez requested that I photograph the suspect and any injuries that he may have.**

**Observations**

**The suspect was handcuffed to a bench in the booking area of the Main Jail. His hands were handcuffed behind his back and he had leg restraints around his ankles. The suspect was highly agitated. Due to his level of agitation, the handcuffs were not removed for photographs. The suspect had possible bruising and abrasions to the back of his left arm and shoulder area. He also had possible bruising to the back of his right arm. The suspect appeared to have a red bump on his forehead near his hairline. It was reported to me that the suspect had been hitting his head on a window.**

**Photographs**

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Issued to: \_\_\_\_\_  
Issued by: \_\_\_\_\_  
Issued date: \_\_\_\_\_

DATE REPORTED 10-03-2017	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME [REDACTED] / Special Services Evidence Unit - 10-06-2017 / 1507
APPROVED BY / ID # - APPROVED DATE / TIME [REDACTED] - 10/06/2017 / 1508	

**I took overall and close-up photographs of the following:**

**-the suspect, Robert Fogal**

**-possible injuries located on the suspect**

**Completion**

**I downloaded 27 photographs of the suspect to the Sheriff's Imaging Storage Server.**

**L17-07542**

**SEARCH WARRANT  
PROPERTY RECORD**

**VENTURA COUNTY SHERIFF'S OFFICE**  
(Agency Identifier CA0560000)

1. SEARCH WARRANT NO.

2. CASE NO.  
17-149849

EVIDENCE SEIZED PURSUANT TO SEARCH WARRANT

PAGE 2 OF 4

3. LOCATION SEARCHED: [REDACTED] CAMARILLO, CA. 4. DATE / TIME: 10-2-17 / 0735 5. RD. 6. BEAT

7. ITEM NO. 701 8. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) FOGAL, ROBERT 9. STORAGE LOCATION VTA. PROP. ROOM 10. EVIDENCE / WORK REQUESTED

11. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY (FOR ALL ITEMS 1-5)

12. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...  
PIECE OF KNIFE BLADE (METAL) FOUND ON FLOOR NEAR ENTRY WAY

13. OFFICER LOCATING PROPERTY / I.D. NO. [REDACTED] 14. PHOTO  YES  NO 15. SEIZED / 11470 H & S  YES  NO 16. OFFICER SEIZING PROPERTY / ID. NO. [REDACTED] 17. OFFICER BOOKING PROPERTY [REDACTED]

18. ITEM NO. 702 19. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) FOGAL, ROBERT 20. STORAGE LOCATION VTA. PROP. ROOM 21. EVIDENCE / WORK REQUESTED

22. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY  
PIECE OF BROKEN KNIFE BLADE; LOCATED ON FLOOR NEXT TO KITCHEN (LIVINGROOM)

23. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...

24. OFFICER LOCATING PROPERTY / I.D. NO. [REDACTED] 25. PHOTO  YES  NO 26. SEIZED / 11470 H & S  YES  NO 27. OFFICER SEIZING PROPERTY / ID. NO. [REDACTED] 28. OFFICER BOOKING PROPERTY [REDACTED]

29. ITEM NO. 703 30. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) FOGAL, ROBERT 31. STORAGE LOCATION VTA. PROP. ROOM 32. EVIDENCE / WORK REQUESTED

33. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY  
BLACK KNIFE HANDLE W/ BROKEN BLADE (FARBERWARE BRAND) FOUND ON WOODEN WINE RACK NEAR KITCHEN

34. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...

35. OFFICER LOCATING PROPERTY / I.D. NO. [REDACTED] 36. PHOTO  YES  NO 37. SEIZED / 11470 H & S  YES  NO 38. OFFICER SEIZING PROPERTY / ID. NO. [REDACTED] 39. OFFICER BOOKING PROPERTY [REDACTED]

40. ITEM NO. 704 41. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) FOGAL, ROBERT 42. STORAGE LOCATION VTA. PROP. ROOM 43. EVIDENCE / WORK REQUESTED

44. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY  
EMPTY WOODEN KNIFE BLOCK, LOCATED ON KITCHEN COUNTER NEAR REFRIGERATOR

45. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...

46. OFFICER LOCATING PROPERTY / I.D. NO. [REDACTED] 47. PHOTO  YES  NO 48. SEIZED / 11470 H & S  YES  NO 49. OFFICER SEIZING PROPERTY / ID. NO. [REDACTED] 50. OFFICER BOOKING PROPERTY [REDACTED]

51. ITEM NO. 705 52. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) FOGAL, ROBERT 53. STORAGE LOCATION VTA. PROP. ROOM 54. EVIDENCE / WORK REQUESTED

55. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY  
BLOOD STAIN LOCATED ON WEST WALL, NEAR BEDROOM WINDOW OF FOGAL'S ROOM  
(2 SWABS COLLECTED)

56. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...

57. OFFICER LOCATING PROPERTY / I.D. NO. [REDACTED] 58. PHOTO  YES  NO 59. SEIZED / 11470 H & S  YES  NO 60. OFFICER SEIZING PROPERTY / ID. NO. [REDACTED] 61. OFFICER BOOKING PROPERTY [REDACTED]

62. LIST ALL DEFENDANTS AND CHARGES (Last Name, First, D.O.B., Code Section(s))

ROBERT BURTON FOGAL [REDACTED]  
664/187 P.C.; 245(A)(1) P.C.; 69 P.C.

63. REPORTING OFFICER - ID. NO. / DIV. / UNIT D. WORTHY / #3149 / SPEC SVCS / MAJOR CRIMES 64. APPROVED BY / ID. NO. JENKINS 3933

**SEARCH WARRANT  
PROPERTY RECORD**

**VENTURA COUNTY SHERIFF'S OFFICE**  
(Agency Identifier CA0560000)

1. SEARCH WARRANT NO.

2. CASE NO.  
**17-149849**

EVIDENCE SEIZED PURSUANT TO SEARCH WARRANT

PAGE **2** OF **4**

3. LOCATION SEARCHED: [REDACTED] <b>CAMARILLO, CA</b>	4. DATE / TIME <b>10/2/17 0800</b>	5. RD	6. BEAT
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7. ITEM NO. <b>706</b>	8. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) <b>FOGAL, ROBERT</b>	9. STORAGE LOCATION <b>VTA. PROP. ROOM</b>	10. EVIDENCE / WORK REQUESTED
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11. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY  
**[REDACTED] CAMARILLO, CA**

12. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...  
**SILVER & BLACK BUTTERFLY KNIFE, LOCATED ON TOP OF WHITE NIGHTSTAND ON E/WALL OF FOGAL'S BEDROOM**

13. OFFICER LOCATING PROPERTY / I.D. NO. [REDACTED]	14. PHOTO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	15. SEIZED / 11470 H & S <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	16. OFFICER SEIZING PROPERTY / ID. NO. [REDACTED]	17. OFFICER BOOKING PROPERTY [REDACTED]
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18. ITEM NO. <b>707</b>	19. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) <b>SAME AS # 8</b>	20. STORAGE LOCATION <b>VTA. PROP. ROOM</b>	21. EVIDENCE / WORK REQUESTED
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22. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY  
**SAME AS # 11**

23. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...  
**(4) PRESCRIPTION BOTTLES FOR ROBERT FOGAL, LOCATED ON TOP ON WHITE NIGHTSTAND ON E/WALL OF FOGAL'S BEDROOM**

24. OFFICER LOCATING PROPERTY / I.D. NO. [REDACTED]	25. PHOTO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	26. SEIZED / 11470 H & S <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	27. OFFICER SEIZING PROPERTY / ID. NO. [REDACTED]	28. OFFICER BOOKING PROPERTY [REDACTED]
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29. ITEM NO. <b>708</b>	30. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) <b># 8</b>	31. STORAGE LOCATION	32. EVIDENCE / WORK REQUESTED
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33. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY  
**# 11**

34. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...  
**GLASS MARIJUANA SMOKING PIPE (MULT-COLORED), LOCATED ON THE FLOOR UNDER WINDOW OF W/WALL OF SUSPECT ROOM.**

35. OFFICER LOCATING PROPERTY / I.D. NO. [REDACTED]	36. PHOTO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	37. SEIZED / 11470 H & S <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	38. OFFICER SEIZING PROPERTY / ID. NO. [REDACTED]	39. OFFICER BOOKING PROPERTY [REDACTED]
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40. ITEM NO. <b>709</b>	41. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) <b># 8</b>	42. STORAGE LOCATION	43. EVIDENCE / WORK REQUESTED
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44. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY  
**# 11**

45. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...  
**(2) METAL BUTTER KNIVES; LOCATED IN GUEST BATHROOM ON TOP OF BROWN WICKER DRESSER ALONG E/WALL**

46. OFFICER LOCATING PROPERTY / I.D. NO. [REDACTED]	47. PHOTO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	48. SEIZED / 11470 H & S <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	49. OFFICER SEIZING PROPERTY / ID. NO. [REDACTED]	50. OFFICER BOOKING PROPERTY [REDACTED]
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51. ITEM NO. <b>710</b>	52. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) <b># 8</b>	53. STORAGE LOCATION	54. EVIDENCE / WORK REQUESTED
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55. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY  
**# 11**

56. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...  
**STEAK KNIFE W/BLACK HANDLE; LOCATED IN MASTER BEDROOM ON TOP OF WOODEN NIGHTSTAND ALONG S/WALL.**

[REDACTED] I.D. NO.	58. PHOTO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	59. SEIZED / 11470 H & S <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	60. OFFICER SEIZING PROPERTY / ID. NO. [REDACTED]	61. OFFICER BOOKING PROPERTY [REDACTED]
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62. LIST ALL DEFENDANTS AND CHARGES (Last Name, First, D.O.B., Code Section(s))  
**ROBERT BURTON FOGAL [REDACTED]  
664/187 P.C.; 245(a)(1) P.C.; 69 P.C.**

63. REPORTING OFFICER - ID. NO. / DIV. / UNIT <b>D. WORTHY / #3149 / S&amp;C SVCS / MAJOR CRIMES</b>	64. APPROVED BY / ID. NO. <b>JENKINS 3933</b>
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SEARCH WARRANT  
PROPERTY RECORD

VENTURA COUNTY SHERIFF'S OFFICE  
(Agency Identifier CA0560000)

1. SEARCH WARRANT NO.

2. CASE NO.  
17-149849

EVIDENCE SEIZED PURSUANT TO SEARCH WARRANT

PAGE 3 OF 4

3. LOCATION OF PROPERTY [REDACTED] CAMARILLO, CA	4. DATE / TIME 10-2-17 / 0825	5. RD	6. BEAT
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7. ITEM NO. 711	8. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) FOGAL, ROBERT	9. STORAGE LOCATION VTA. PROP. ROOM	10. EVIDENCE / WORK REQUESTED
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11. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY  
[REDACTED] CAMARILLO

12. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...  
40MM. PROJECTILE; LOCATED ON BALCONY (ENCLOSED BALCONY) JUST N/OFF-FRONT PORCH

13. OFFICER LOCATING PROPERTY / I.D. NO. [REDACTED]	14. PHOTO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	15. SEIZED / 11470 H & S <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	16. OFFICER SEIZING PROPERTY / I.D. NO. [REDACTED]	17. OFFICER BOOKING PROPERTY [REDACTED]
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18. ITEM NO. 712	19. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) SAME AS # 8	20. STORAGE LOCATION	21. EVIDENCE / WORK REQUESTED
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22. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY  
SAME AS # 11

23. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...  
GLASS SMOKING PIPE (BLUE IN COLOR) - WET - BROWN RESIDUE, LOCATED ON ENCLOSED BALCONY (EXTERIOR) NEAR SLIDING GLASS DOOR

24. OFFICER LOCATING PROPERTY / I.D. NO. [REDACTED]	25. PHOTO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	26. SEIZED / 11470 H & S <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	27. OFFICER SEIZING PROPERTY / I.D. NO. [REDACTED]	28. OFFICER BOOKING PROPERTY [REDACTED]
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29. ITEM NO. 713	30. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) # 8	31. STORAGE LOCATION	32. EVIDENCE / WORK REQUESTED
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33. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY  
# 11

34. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...  
VETERAN'S AFFAIRS (V.A.) LETTER ADDRESSED TO ROBERT FOGAL (e # 8), LOCATED IN FOGAL'S BEDROOM, NIGHTSTAND ON E/WALL. (EST. DOMINION & CONTROL)

35. OFFICER LOCATING PROPERTY / I.D. NO. [REDACTED]	36. PHOTO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	37. SEIZED / 11470 H & S <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	38. OFFICER SEIZING PROPERTY / I.D. NO. [REDACTED]	39. OFFICER BOOKING PROPERTY [REDACTED]
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40. ITEM NO. 714	41. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) # 8	42. STORAGE LOCATION	43. EVIDENCE / WORK REQUESTED
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44. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY  
# 11

45. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...  
BLACK COMPUTER, LAPTOP, DELL, INSPIRON # 15, SERVICE TAG # 2P7Q312 W/POWER CORD. FOUND ON NIGHTSTAND ALONG E/WALL.

46. OFFICER LOCATING PROPERTY / I.D. NO. [REDACTED]	47. PHOTO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	48. SEIZED / 11470 H & S <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	49. OFFICER SEIZING PROPERTY / I.D. NO. [REDACTED]	50. OFFICER BOOKING PROPERTY [REDACTED]
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51. ITEM NO. 713	52. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) FOGAL, ROBERT	53. STORAGE LOCATION VTA PROP ROOM	54. EVIDENCE / WORK REQUESTED
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55. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY  
[REDACTED] CAMARILLO CA,

56. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...  
40mm PROJECTILE, LOCATED ON OPEN BALCONY 3' WEST OF FRONT DOOR

57. OFFICER LOCATING PROPERTY / I.D. NO. [REDACTED]	58. PHOTO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	59. SEIZED / 11470 H & S <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	60. OFFICER SEIZING PROPERTY / I.D. NO. [REDACTED]	61. OFFICER BOOKING PROPERTY [REDACTED]
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62. REPORTING OFFICER - LAST NAME, FIRST, D.O.B., CODE SECTION(S)  
[REDACTED]

ROBERT BURTON FOGAL [REDACTED]  
604/187 P.C.; 245(A)(1) P.C.; 69 P.C.

63. REPORTING OFFICER - ID. NO. / DIV. / UNIT D. WORTHY #3119 / SPEC SVCS / MAJOR CRIMES	64. APPROVED BY / ID. NO. JENKINS 3933
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**SEARCH WARRANT  
PROPERTY RECORD**

**VENTURA COUNTY SHERIFF'S OFFICE**  
(Agency Identifier CA0560000)

1. SEARCH WARRANT NO.

2. CASE NO. **17-149849**

**EVIDENCE SEIZED PURSUANT TO SEARCH WARRANT**

PAGE **4** OF **4**

4. DATE / TIME **10/02/17/0735**

5. RD  
6. BEAT

3. LOCATION SEARCHED: [REDACTED]

7. ITEM NO. **716** 8. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) **FOGAL, ROBERT** 9. STORAGE LOCATION **VENTURA Prop Room** 10. EVIDENCE / WORK REQUESTED

11. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY: **CAMARILLO CA ON FLOOR**

12. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...  
**FOGAL'S BEDROOM, UNDER CHE CLOTHES  
(1) BOTTLE PRESCRIPTION MEDICATION (MOLOXICAM)**

13. OFFICER LOCATING PROPERTY / I.D. NO. **FOOTE 14423** 14. PHOTO  YES  NO 15. SEIZED / 11470 H & S  YES  NO 16. OFFICER SEIZING PROPERTY / ID. NO. [REDACTED] 17. OFFICER BOOKING PROPERTY [REDACTED]

18. ITEM NO. **717** 19. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) **FOGAL, ROBERT** 20. STORAGE LOCATION **VENTURA PROP RM** 21. EVIDENCE / WORK REQUESTED

22. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY: **ON NIGHT STAND BY FRONT DOOR**

23. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...  
**(1) BLACK 46 THUMB DRIVE & (1) SILVER 26 THUMB DRIVE**

24. OFFICER LOCATING PROPERTY / I.D. NO. **FOOTE / 4423** 25. PHOTO  YES  NO 26. SEIZED / 11470 H & S  YES  NO 27. OFFICER SEIZING PROPERTY / ID. NO. [REDACTED] 28. OFFICER BOOKING PROPERTY [REDACTED]

29. ITEM NO. **799** 30. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) **FOGAL, ROBERT** 31. STORAGE LOCATION **VENTURA PROP. R.M.** 32. EVIDENCE / WORK REQUESTED

33. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY: **FOUND IN BLACK PLASTIC FILE HOLDER - N/WALL**

34. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...  
**HANDWRITTEN LETTER (PRESUMED TO BE AUTHORED BY FOGAL) WRITTEN TO [REDACTED]**

35. OFFICER LOCATING PROPERTY / I.D. NO. **JAUREGUI 4427** 36. PHOTO  YES  NO 37. SEIZED / 11470 H & S  YES  NO 38. OFFICER SEIZING PROPERTY / ID. NO. [REDACTED] 39. OFFICER BOOKING PROPERTY [REDACTED]

40. ITEM NO. 41. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) 42. STORAGE LOCATION 43. EVIDENCE / WORK REQUESTED

44. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY

45. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...

46. OFFICER LOCATING PROPERTY / I.D. NO. 47. PHOTO  YES  NO 48. SEIZED / 11470 H & S  YES  NO 49. OFFICER SEIZING PROPERTY / ID. NO. 50. OFFICER BOOKING PROPERTY

51. ITEM NO. 52. PERSON PROPERTY BOOKED TO (Last Name, First, Middle, Gen.) 53. STORAGE LOCATION 54. EVIDENCE / WORK REQUESTED

55. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY

56. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...

57. OFFICER LOCATING PROPERTY / I.D. NO. 58. PHOTO  YES  NO 59. SEIZED / 11470 H & S  YES  NO 60. OFFICER SEIZING PROPERTY / ID. NO. 61. OFFICER BOOKING PROPERTY

62. LIST ALL DEFENDANTS AND CHARGES (Last Name, First, D.O.B., Code Section(s))

**ROBERT BURTON FOGAL [REDACTED]  
664/187 P.C.; 245(a)(1) P.C.; 69 P.C.**

63. REPORTING OFFICER - ID. NO. / DIV. / UNIT **OGONOWSKI 13996 / Spec Serv M/C** 64. APPROVED BY / ID. NO. **JENKINS 3933**

**SEARCH WARRANT  
PROPERTY RECORD**

**VENTURA COUNTY SHERIFF'S DEPARTMENT**  
(Agency Identifier CA0560000)

1. SEARCH WARRANT NO.

2. CASE NO.  
17-149849

**EVIDENCE SEIZED PURSUANT TO SEARCH WARRANT**

PAGE 1 OF 1

3. LOCATION SEARCHED: ROBERT FOGAL'S (FOGEL) PERSON @ VCM HOSPITAL  
4. DATE / TIME: 10-2-2017/0735  
5. RD: OUT  
6. BEAT: OUT

7. ITEM NO: 600  
8. PERSON PROPERTY BOOKED TO ( Last Name, First, Middle, Gen. ): FOGAL, ROBERT  
9. STORAGE LOCATION: PROPERTY ROOM  
10. EVIDENCE / WORK REQUESTED: DNA

11. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY: RIGHT ARM OF ROBERT FOGAL - TAKEN BY VCMC MEDICAL STAFF

12. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...  
1 BLOOD VIAL

13. OFFICER LOCATING PROPERTY / I.D. NO.: RODRIGUEZ #3591  
14. PHOTO:  YES  NO  
15. SEIZED / 11470 H & S:  YES  NO  
16. OFFICER SEIZING PROPERTY / I.D. NO.: RODRIGUEZ #3591  
17. OFFICER BOOKING PROPERTY: RODRIGUEZ #3591

18. ITEM NO.  
19. PERSON PROPERTY BOOKED TO ( Last Name, First, Middle, Gen. )  
20. STORAGE LOCATION  
21. EVIDENCE / WORK REQUESTED

22. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY

23. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...

24. OFFICER LOCATING PROPERTY / I.D. NO.  
25. PHOTO:  YES  NO  
26. SEIZED / 11470 H & S:  YES  NO  
27. OFFICER SEIZING PROPERTY / I.D. NO.  
28. OFFICER BOOKING PROPERTY

29. ITEM NO.  
30. PERSON PROPERTY BOOKED TO ( Last Name, First, Middle, Gen. )  
31. STORAGE LOCATION  
32. EVIDENCE / WORK REQUESTED

33. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY

34. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...

35. OFFICER LOCATING PROPERTY / I.D. NO.  
36. PHOTO:  YES  NO  
37. SEIZED / 11470 H & S:  YES  NO  
38. OFFICER SEIZING PROPERTY / I.D. NO.  
39. OFFICER BOOKING PROPERTY

40. ITEM NO.  
41. PERSON PROPERTY BOOKED TO ( Last Name, First, Middle, Gen. )  
42. STORAGE LOCATION  
43. EVIDENCE / WORK REQUESTED

44. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY

45. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...

46. OFFICER LOCATING PROPERTY / I.D. NO.  
47. PHOTO:  YES  NO  
48. SEIZED / 11470 H & S:  YES  NO  
49. OFFICER SEIZING PROPERTY / I.D. NO.  
50. OFFICER BOOKING PROPERTY

51. ITEM NO.  
52. PERSON PROPERTY BOOKED TO ( Last Name, First, Middle, Gen. )  
53. STORAGE LOCATION  
54. EVIDENCE / WORK REQUESTED

55. LOCATION WHERE PROPERTY FOUND OR TAKEN INTO CUSTODY

56. PROPERTY: Itemized, Detailed Description of Same, Including Color, Size, Serial Number, Etc...

57. OFFICER LOCATING PROPERTY / I.D. NO.  
58. PHOTO:  YES  NO  
59. SEIZED / 11470 H & S:  YES  NO  
60. OFFICER SEIZING PROPERTY / I.D. NO.  
61. OFFICER BOOKING PROPERTY

62. LIST ALL DEFENDANTS AND CHARGES ( Last Name, First, D.O.B., Code Section(s) )  
FOGAL, ROBERT [REDACTED] / PC 664/187, PC 245, PC 69

63. REPORTING OFFICER - ID. NO. / DIV. / UNIT: RODRIGUEZ #3591 / SPECIAL SERVICES / MAJOR CRIMES  
64. APPROVED BY / ID. NO.

# **Forensic Scientist's Report**

**INVOLVED PERSONS**

ROLE <b>SUSPECT - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) <b>FOGAL , ROBERT</b>			RACE <b>UNKNOWN</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE /			
ADDRESS [REDACTED] <b>AMARILLO , CA , 93012-</b>				HOME PHONE	MOBILE PHONE		

LOCATION BOOKED <b>WEST COUNTY PROPERTY ROOM L17-07542</b>	PROPERTY ADDRESS <b>VENTURA COUNTY</b>
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TAG # <b>731</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	ITEM <b>FIREARMS</b>	TYPE <b>RIFLE - CARBINE</b>		MAKE <b>COLT</b>	MODEL
CALIBER <b>5.56</b>	FINISH	BARREL LENGTH	VALUE	S/N DESTROYED <b>N</b>	DESCRIPTION <b>COLT LAW ENFORCEMENT CARBINE 5.56MM</b>		
SERIAL NUMBER [REDACTED]			OWNER APPLIED #				
DATE RECOVERED <b>10-02-2017</b>		RECOVERED VALUE	LOCATION RECOVERED <b>COMMAND STATION - CORNER OF MISSION OAKS BLVD AND WOODCREEK RD</b>				
OWNER			RELATED TO				

TAG # <b>718</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>BULLET FRAGMENT RECOVERED FROM PILLAR</b>				
DATE RECOVERED# <b>10-02-2017</b>		LOCATION RECOVERED [REDACTED], <b>CAMARILLO, CA 93012</b>					
OWNER			RELATED TO				

1	ITEM <b>BULLET FRAGMENT</b>	VALUE	QUANTITY	RECOVERED
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TAG # <b>719</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>HAMMER</b>			
DATE RECOVERED# <b>10-02-2017</b>		LOCATION RECOVERED [REDACTED], <b>CAMARILLO, CA 93012</b>				
OWNER			RELATED TO			

1	ITEM <b>HAMMER</b>	VALUE	QUANTITY	RECOVERED
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TAG # <b>720</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>KNIFE IN BUSHES</b>			
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***Do Not Duplicate***  
**Ventura County Sheriff's Office - Official Copy**

Issued to: \_\_\_\_\_  
Issued by: \_\_\_\_\_  
Issued date: \_\_\_\_\_

DATE REPORTED <b>10-03-2017</b>	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME [REDACTED] / <b>Special Services Evidence Unit - 11-14-2017 / 1230</b>
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APPROVED BY / ID # - APPROVED DATE / TIME [REDACTED] <b>4035 - 11/14/2017 / 1230</b>
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DATE RECOVERED# <b>10-02-2017</b>		LOCATION RECOVERED [REDACTED], CAMARILLO, CA 93012		
OWNER		RELATED TO		
<b>1</b>	ITEM <b>KNIFE IN BUSHES</b>	VALUE	QUANTITY	RECOVERED
TAG # <b>721</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>CORDLESS HOME PHONE</b>	
DATE RECOVERED# <b>10-02-2017</b>		LOCATION RECOVERED [REDACTED], CAMARILLO, CA 93012		
OWNER		RELATED TO		
<b>1</b>	ITEM <b>CORDLESS HOME PHONE</b>	VALUE	QUANTITY	RECOVERED
TAG # <b>722</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>CELLPHONE WITH BROKEN FACE</b>	
DATE RECOVERED# <b>10-02-2017</b>		LOCATION RECOVERED [REDACTED], CAMARILLO, CA 93012		
OWNER		RELATED TO		
<b>1</b>	ITEM <b>CELLPHONE WITH BROKEN FACE</b>	VALUE	QUANTITY	RECOVERED
TAG # <b>723</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>KNIFE WITH BLACK HANDLE</b>	
DATE RECOVERED# <b>10-02-2017</b>		LOCATION RECOVERED [REDACTED], CAMARILLO, CA 93012		
OWNER		RELATED TO		
<b>1</b>	ITEM <b>KNIFE WITH BLACK HANDLE</b>	VALUE	QUANTITY	RECOVERED
TAG # <b>724</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>HAIR BRUSH</b>	
DATE RECOVERED# <b>10-02-2017</b>		LOCATION RECOVERED [REDACTED], CAMARILLO, CA 93012		
OWNER		RELATED TO		
<b>1</b>	ITEM <b>HAIR BRUSH</b>	VALUE	QUANTITY	RECOVERED
TAG # <b>725</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>WHITE METAL BUTTER KNIFE</b>	
DATE RECOVERED# <b>10-02-2017</b>		LOCATION RECOVERED [REDACTED], CAMARILLO, CA 93012		
OWNER		RELATED TO		
<b>1</b>	ITEM <b>WHITE METAL BUTTER KNIFE</b>	VALUE	QUANTITY	RECOVERED
TAG # <b>726</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>CARTRIDGE CASE "SPEER 10"</b>	
DATE RECOVERED# <b>10-02-2017</b>		LOCATION RECOVERED [REDACTED], CAMARILLO, CA 93012		
OWNER		RELATED TO		

<b>1</b>	ITEM <b>CARTRIDGE CASE "SPEER 10"</b>	VALUE	QUANTITY	RECOVERED
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TAG # <b>727</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>STEAK KNIFE</b>	
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DATE RECOVERED# <b>10-02-2017</b>	LOCATION RECOVERED [REDACTED], <b>CAMARILLO, CA 93012</b>
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OWNER	RELATED TO
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<b>1</b>	ITEM <b>STEAK KNIFE</b>	VALUE	QUANTITY	RECOVERED
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TAG # <b>728</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>KNIFE WITH 4.75" BLADE</b>	
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DATE RECOVERED# <b>10-02-2017</b>	LOCATION RECOVERED [REDACTED], <b>CAMARILLO, CA 93012</b>
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OWNER	RELATED TO
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<b>1</b>	ITEM <b>KNIFE WITH 4.75" BLADE</b>	VALUE	QUANTITY	RECOVERED
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TAG # <b>729</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>KNIFE WITH 6.5" BLADE</b>	
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DATE RECOVERED# <b>10-02-2017</b>	LOCATION RECOVERED [REDACTED], <b>CAMARILLO, CA 93012</b>
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OWNER	RELATED TO
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<b>1</b>	ITEM <b>KNIFE WITH 6.5" BLADE</b>	VALUE	QUANTITY	RECOVERED
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TAG # <b>730</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>GUN SHOT RESIDUE KIT</b>	
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DATE RECOVERED# <b>10-02-2017</b>	LOCATION RECOVERED <b>CAMARILLO POLICE STATION</b>
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OWNER	RELATED TO
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<b>1</b>	ITEM <b>GUN SHOT RESIDUE KIT</b>	VALUE	QUANTITY	RECOVERED
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TAG # <b>732</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>MAGAZINE AND AMMO FROM RIFLE THAT WAS REPORTEDLY FIRED</b>	
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DATE RECOVERED# <b>10-02-2017</b>	LOCATION RECOVERED <b>COMMAND STATION</b>
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OWNER	RELATED TO
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<b>1</b>	ITEM <b>MAGAZINE/ AMMO FROM FIRED RIFLE</b>	VALUE	QUANTITY <b>27</b>	RECOVERED
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TAG # <b>733</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>ROUND IN CHAMBER OF RIFLE REPORTEDLY FIRED</b>	
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DATE RECOVERED# <b>10-02-2017</b>	LOCATION RECOVERED <b>COMMAND STATION</b>
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OWNER	RELATED TO
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<b>1</b>	ITEM <b>ROUND FROM CHAMBER</b>	VALUE	QUANTITY	RECOVERED
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**Lab # L17-07542**

**On Monday October 2, 2017, I was assigned to the Crime Scene Investigations Unit as a Forensic Scientist (FS) for the Ventura County Sheriff's Office. At approximately 0102 hours, I received a call from Sheriff's Dispatch to respond to the scene of an officer-involved shooting (OIS) investigation. The OIS had occurred at [REDACTED] nit [REDACTED], in the city of Camarillo. I was advised to report to the Command Post set up in the parking lot of the CVS pharmacy on the corner of Mission Oaks Boulevard and Woodcreek Road in the city of Camarillo. FS [REDACTED] served as my field training officer (FTO).**

**Scene/Briefing:**

**At approximately 0224 hours, FS [REDACTED] and I arrived at the Command Post and met with Detective Matthew Ogonowski #3996. Ogonowski told us the following in summary:**

**Deputies responded to a disturbance call. The suspect, Robert Fogal, threw knives and other objects at the deputies. Deputy Steve Krupnik #4906 reportedly fired his weapon, but did not hit the suspect. The suspect barricaded himself inside his home and was later extricated.**

**Ogonowski requested that I photograph all of the deputies that were present at the time of the shooting, including their firearms and ammunition. He also requested that I photograph the scene and collect items of evidence relevant to the investigation.**

**Observations:**

**Upon arriving at the scene, I observed a two-story structure with multiple apartment units. Unit [REDACTED] was located on the second floor of [REDACTED]. The front door, patio, and balcony of the unit faced west. The suspect reportedly threw knives and other objects from this area. There was a parking lot and carport to the west of the unit.**

**Photographs:**

**I took overall, mid-range, and close-up photographs of the responding deputies.**

I took overall, mid-range, and close-up photographs (with and without a scale) of the responding deputies' firearms and ammunition.

I took overall photographs of the exterior of [REDACTED] and the surrounding area, including the parking lot.

I took overall photographs of the interior of Unit [REDACTED].

I took overall, mid-range, and close-up photographs (with and without a scale) of items of evidence seized from Unit [REDACTED].

I took overall, mid-range, and close-up photographs (with and without a scale) of the bullet hole damage in the pillar to the west of the entrance to Unit [REDACTED].

I took overall, mid-range, and close-up photographs (with and without a scale) of the items of evidence collected from the parking lot to the west of [REDACTED].

I took overall, mid-range, and close-up photographs of the suspect's vehicle (a brown Jeep Grand Cherokee Laredo California license plate [REDACTED]).

**Processing/Collection:**

I documented the following information from each of the responding deputies:

- Deputy Richard Maertz #4750: AR 15 Daniel Defense rifle, serial [REDACTED] 20 x 5.56mm "S" rounds in the magazine; the deputy had removed the magazine prior to our arrival; Taser serial # [REDACTED] with two unfired cartridges; four magazines with 18 Speer 9mm Luger live rounds in each; Sig Sauer P226 pistol, serial [REDACTED] ith one live round from the chamber (cleared by Ogonowski)
- Deput [REDACTED] ridge #3272: three magazines with 12 Speer 40 S&W live rounds in each; Sig Sauer P226 pistol, serial # [REDACTED] ith one live round from the chamber (cleared by Ogonowski)
- Deputy Jason Pallotto #4913: two magazines with 12 Speer 40 S&W live rounds in each; one magazine with 11 Speer 40 S&W live rounds; Sig Sauer P226 pistol, serial [REDACTED] ith one live round from the chamber (cleared by Ogonowski)
- Deputy Steve Krupnik #4906: four magazines with 8 Speer 45 Auto live rounds in each; Sig Sauer P220 pistol, serial # [REDACTED]
- Sergeant Mario Luna #2357: two magazines with 12 Speer 40 S&W live rounds in each; Sig Sauer P226 pistol, serial [REDACTED] with one live round from the chamber (cleared by [REDACTED])

**I documented the following information from the discharged rifle:**

- Transported to Command Post in patrol car license plate #1408486
- Colt Law Enforcement Carbine 5.56mm
- Serial [REDACTED]
- 26 "Speer 10" live rounds 5.56mm in single magazine
- Safety switch to "ON"
- Live round in chamber cleared by Ogonowski

**I collected the following items from the parking lot area to the west of Unit [REDACTED]:**

- Bullet fragment removed from the pillar to the west of the entrance to Unit [REDACTED]
- Hammer
- Knife in bushes
- Cordless home phone
- Black Apple iPhone
- Knife with black handle
- Hair brush
- White metal butter knife
- Cartridge case "Speer 10"
- Steak knife

**The following items of evidence were collected by FS Kwast and transferred to my possession:**

- **Gun Shot Residue (GSR) kit from Deputy Steve Krupnik #4906**
- **Rifle that was reportedly fired**
- **Magazine and ammunition from the rifle that was reportedly fired**
- **Live round in chamber from the rifle that was reportedly fired**

**The following items were collected by Deputy Richard Maertz #4750 and transferred to my possession:**

- **Knife with 4.75 inch blade**
- **Knife with 6.5 inch blade**

**Completion:**

**Items seized by investigators were collected under search warrant #17-149849 dated October 2, 2017. Refer to the search wa [REDACTED] operty record for further details. Detective Sergeant Dean Worthy #3149 released items 701-715 to FS [REDACTED] who then transferred them to my possession at the scene for booking. Detective Matthew Ogonowski #3996 released items 716, 717, and 799 to my possession at the scene for booking.**

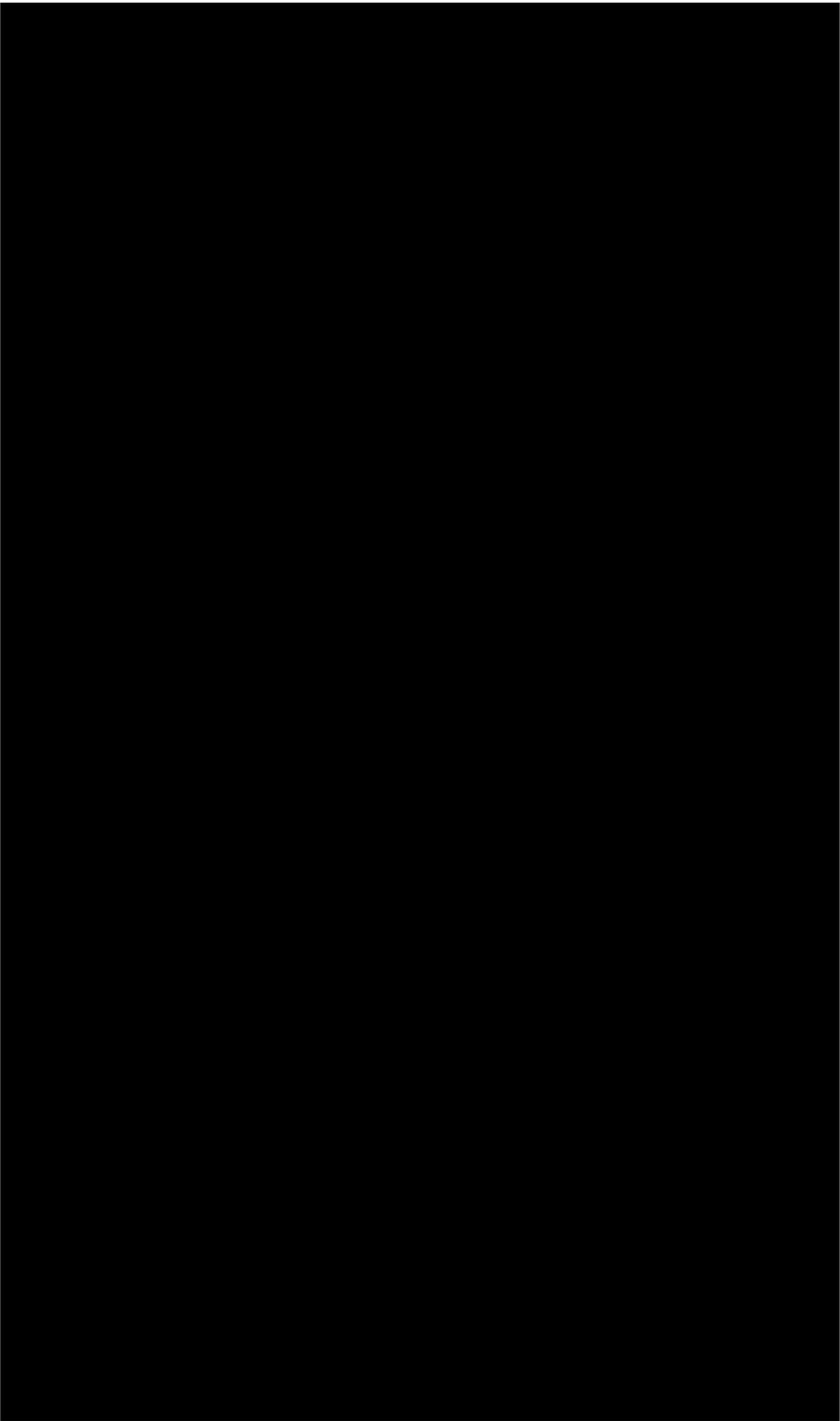
**I downloaded 879 photographs of the scene to the Sheriff's Imaging Storage Server (SISS). I booked the collected items of evidence into the Sheriff's West County Property Room.**

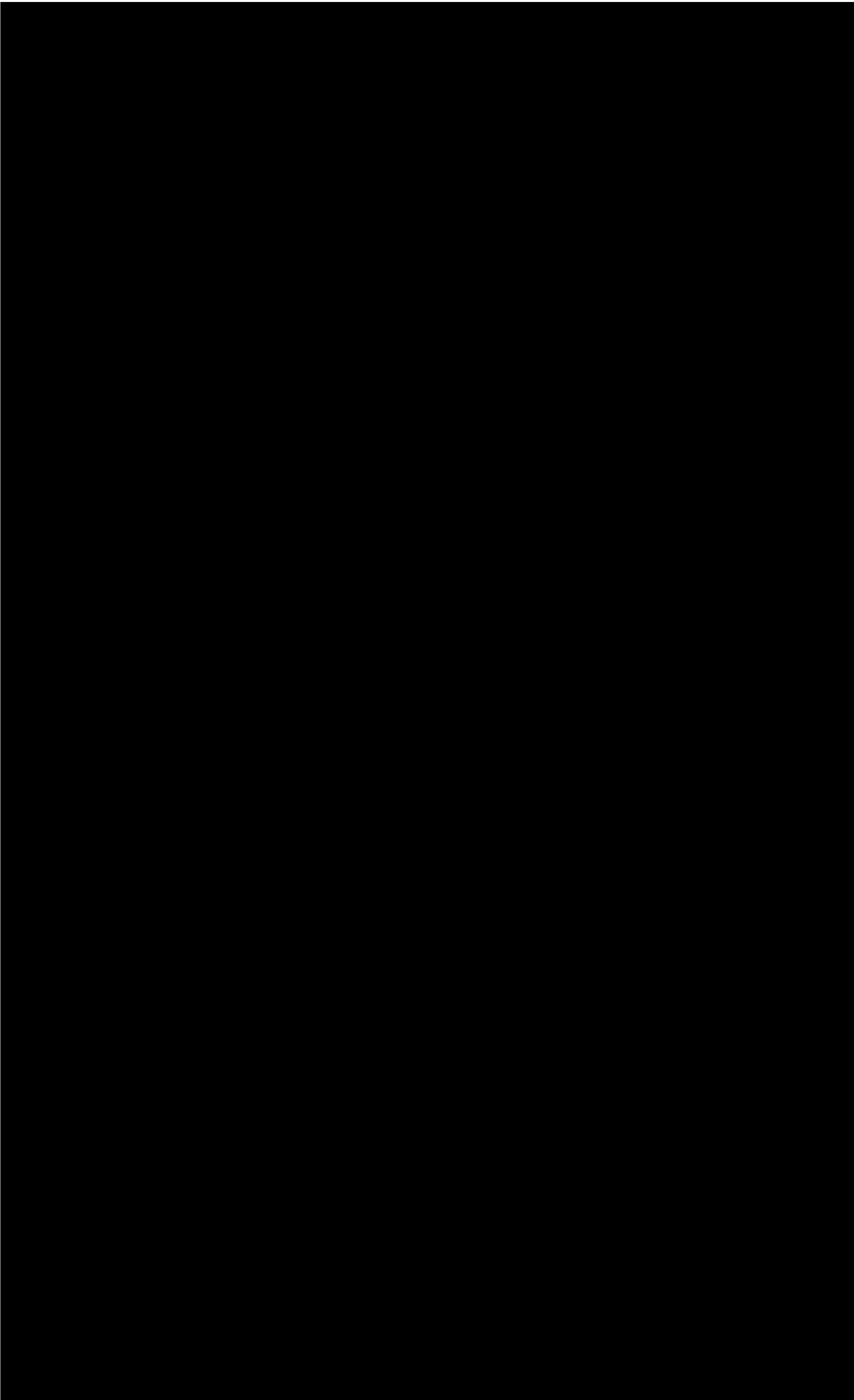
**Lab # L17-07542**

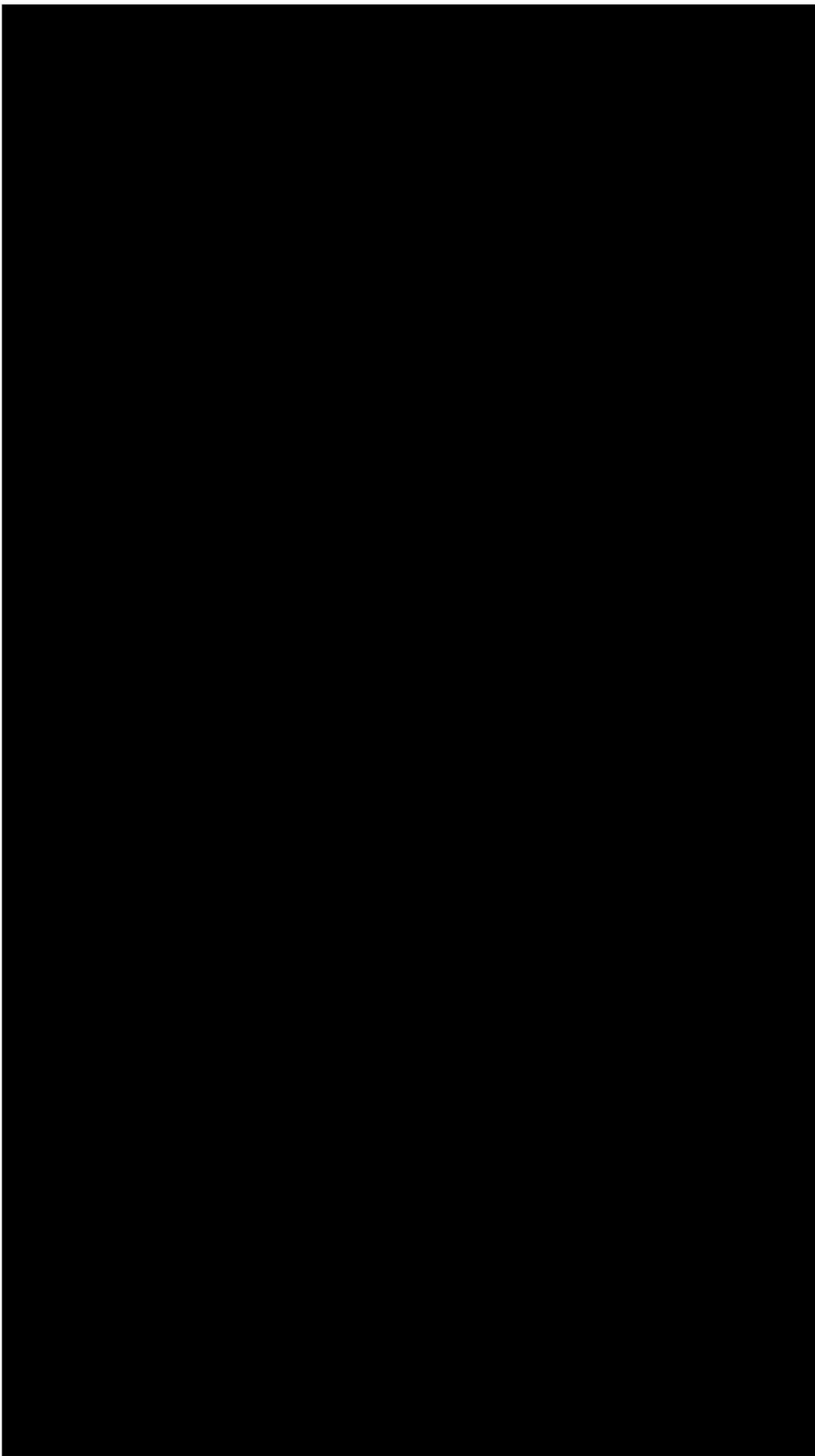
# **Suspect Background**

- **Photos**
- **Criminal History**
- **Prior Reports & Contacts**
- **LexisNexis**









INCIDENT DATE/TIME <b>06-25-2017/0055</b>	[REDACTED] <b>AMARILLO</b>			
SPECIAL INTEREST/HATE CRIME/BIAS	STATUS <b>ACTIVE</b>	ARRESTEE <b>ARRESTED</b>	JUVENILE <b>NO</b>	CLASS

USE OF FORCE INCIDENT? **Y** IF SO, # OF REPORTS WRITTEN? **2** IS BODY CAMERA VIDEO AVAILABLE? **Y** GANG INVOLVED?

OFFENSE <b>SOC</b>	OFFENSE DESCRIPTION <b>USE OF FORCE</b>	ENTRY METHOD	WEAPON/FORCE TYPE
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**INVOLVED PERSONS**

ROLE <b>ARRESTEE - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) <b>FOGAL , ROBERT BURTON</b>			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT <b>6' 1</b>	WEIGHT <b>205</b>	HAIR <b>BROWN</b>	EYE <b>GRAY</b>	DRIVER'S LICENSE/STATE [REDACTED] <b>A</b>			
ADDRESS [REDACTED] , <b>CAMARILLO , CA , 93012-</b>				[REDACTED]	MOBILE PHONE		
OCCUPATION <b>UNKNOWN</b>	EMPLOYER <b>UNKNOWN</b>	EMPLOYER ADDRESS <b>UNKNOWN</b>			BUSINESS PHONE		
COMPLEXION <b>MEDIUM</b>	BUILD <b>ATHLETIC</b>	HAIR LENGTH/STYLE <b>SHORT, STRAIGHT</b>	GLASSES <b>NONE</b>	HANDED <b>UNKNOWN</b>	FACIAL HAIR LENGTH/STYLE <b>UNSHAVEN</b>		

LOCATION BOOKED <b>UPLOADED TO SERVER</b>	PROPERTY ADDRESS <b>CAMARILLO PD, CAMARILLO, VENTURA COUNTY</b>
--	--

TAG # <b>1</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>BODY CAMERA FOOTAGE</b>				
DATE RECOVERED# <b>06-25-2017</b>		LOCATION RECOVERED [REDACTED]					
OWNER			RELATED TO <b>ARRESTEE - ROBERT FOGAL</b>				
<b>1</b>	ITEM <b>BODY CAMERA FOOTAGE</b>		VALUE <b>0.00</b>	QUANTITY <b>1</b>	RECOVERED <b>Y</b>		

**OFFICER'S NARRATIVE**

**On Sunday, June 25, 2017, I was working uniformed traffic enforcement in the City of Camarillo as 8T5.**

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Issued by: \_\_\_\_\_  
Issued date: \_\_\_\_\_

DATE/TIME REPORTED <b>06-25-2017 / 0055</b>	REPORTING OFFICER / I.D. # - ORG. UNIT <b>KULHANEK, JONATHAN (4703) / Camarillo Patrol Services</b>
FTO OFFICER / PARTNER ID #	APPROVED BY / ID # - APPROVED DATE / TIME <b>REYES, EDUARDO / 2160 - 06/26/2017 / 0351</b>

At approximately 0059 hours, I was dispatched to assist Deputy Aragon (8D21) reference a call of a battery just occurred at [REDACTED] reet. Deputy Galvan and his field training officer Deputy Maertz (8J51) also responded to as

While we were still enroute, Sheriff's Dispatch advised the disturbing party, (A) Robert Fogal, had left the house on foot headed towards Rowland Ave. I arrived in the area, and began checking for Fogal. Deputy Aragon responded to the residence, and contacted the reporting party.

After several minutes of checking the area, I was unable to locate Fogal, and responded to Aragon's location. As Aragon was speaking with the reporting party, I heard them describe Fogal as wearing a white shirt, with tattoos on his right arm, about 6'5", with a large muscular build. I also heard the reporting party state Fogal had been in the US Coast Guard [REDACTED] scene with Aragon, I heard Deputy Galvan over the radio say they were with a subject in front of [REDACTED] ve.

I responded to Galvan and Maertz' location to assist. When I a [REDACTED] alvan and Maertz speaking to a male subject who was laying on the grass in the front yard of [REDACTED] ve. The subject matched the description I heard the reporting party provide to Aragon, and [REDACTED] e sweaty and intoxicated. Deputy Galvan obtained the subject's identification, which identified him as (A) Robert Fogal. Fogal is approximately 6'5", and approximately 240 pounds, with a muscular build, and prior military experience.

As Deputy Maertz was speaking with Fogal, I heard Fogal make a comment about not having hit anyone. When Deputy Maertz inquired further, Fogal appeared to become agitated. Fogal abruptly stood up, and backed away from us. Deputy Maertz attempted to grab Fogal's shoulder, and told him to sit on the ground. Fogal grabbed Maertz' hand, and threw it away from him. Fogal began to yell "What did I do" and "I didn't do anything wrong". He put his hands up, and stated he had no weapons, and was "no threat". Deputy Rush (8B21) also arrived to assist.

Because of Fogal's size, strength, and prior experience, combined with his agitated state, I decided to retrieve my department-issued Taser. I kept my Taser off, and at the low-guard position, should Fogal make any other sudden movements or aggress towards us.

Fogal was still yelling, and began to remove his shirt. Deputy Galvan moved in from Fogal's right side to gain physical control of Fogal. Deputy Maertz gave Fogal repeated commands to get on the ground, and also attempted to gain control of Fogal. Fogal did not comply with the commands, and physically resisted Maertz and Galvan by trying to pull away from their grasp. During the struggle, Fogal, Maertz, and Galvan all moved in my direction. I transitioned my Taser to my right hand, and attempted to grip Fogal's right upper arm. Because Fogal was already sweating, his arm slipped out of my grip.

Fogal pushed past me, and broke free from Meartz and Galvan's grasp. Fogal ran into the street (Rowland Ave.) and began to run northbound away from us. Galvan, Maertz, and I went in foot pursuit of Fogal northbound towards the intersection with Bronson St. As Deputy Galvan was running ahead of me, I saw him attempt to grab Fogal again. It appeared to me that Fogal threw Galvan to the ground, then continued to run northbound.

Maertz and I continued chasing Fogal, until he stopped and turned around in the intersection of Rowland Ave. and Bronson St. Fogal had his hands up, and said he wanted to go home. Maertz gave Fogal several verbal commands to sit down on the ground. Fogal remained standing, and did not comply with Maertz's commands. Because of Fogal's size, strength, agitated state, and his displayed unwillingness to obey commands, I believed Fogal my make another unpredictable movement, or aggress towards Maertz and I. I turned my Taser on, and pointed it directly at Fogal's torso. I gave Fogal commands to get on the ground, or he would be Tased. Fogal

**complied, and got on the ground face-first. I kept my Taser pointed at Fogal as he went to the ground. I moved closer, and to Fogal's right side as Deputies Maertz and Galvan moved in to place Fogal into handcuffs. After Fogal was secured in handcuffs, I turned off my Taser, and holstered it.**

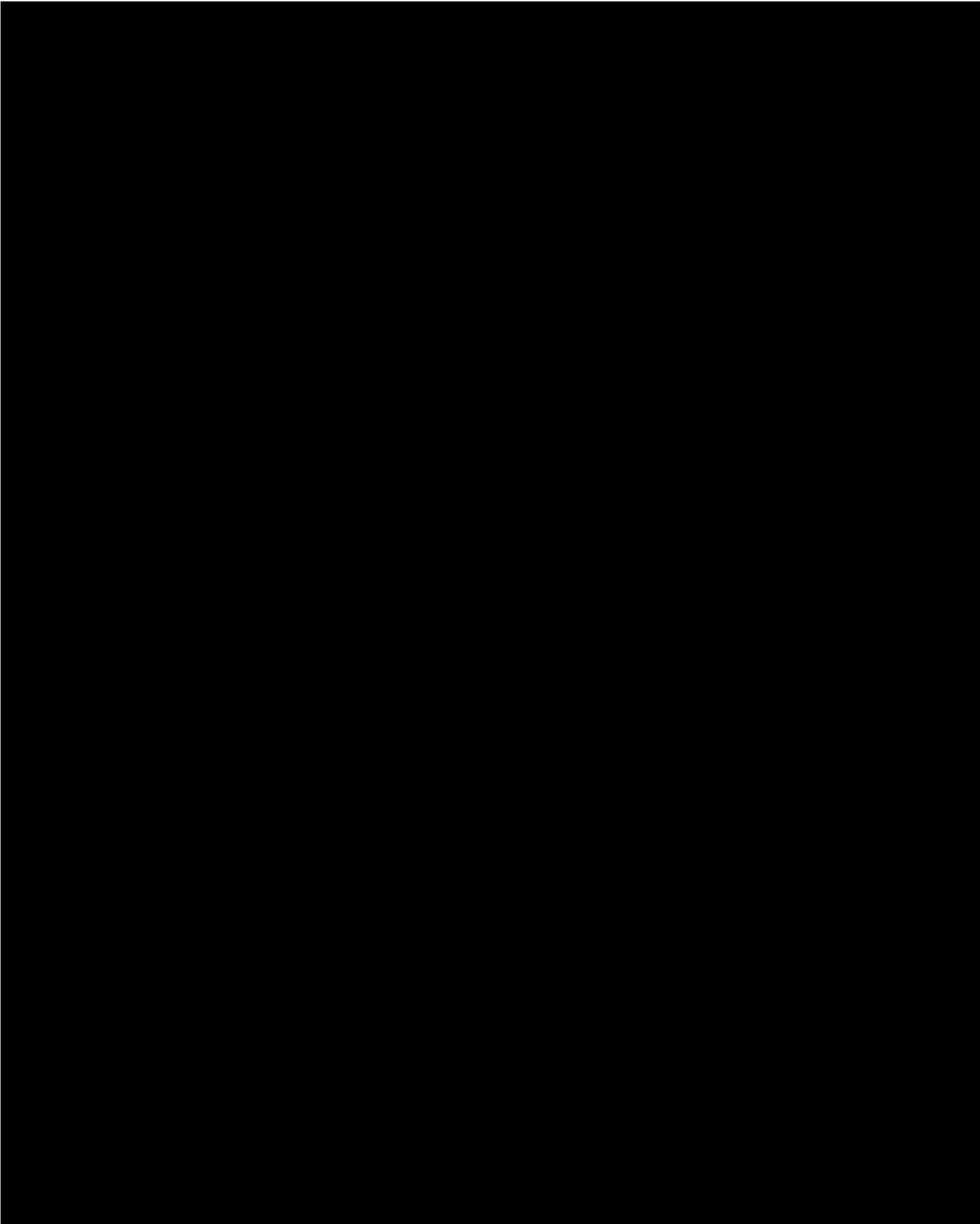
**Fogal stated he was struggling to breathe. I moved him onto his side into the recovery position, then to a sitting position. Fogal stated he ran because he thought someone was trying to kill him.**

**We placed Fogal inside Deputy Maertz' patrol vehicle (#3015). Once inside, Fogal became increasingly agitated, and began yelling obscenities. Fogal began to kick the rear passenger side window of the vehicle. Fogal's first kick bent the window frame of the door outwards. Fogal's second kick shattered the window. Fogal then began to hit his head face-first into the window frame he had just broken.**

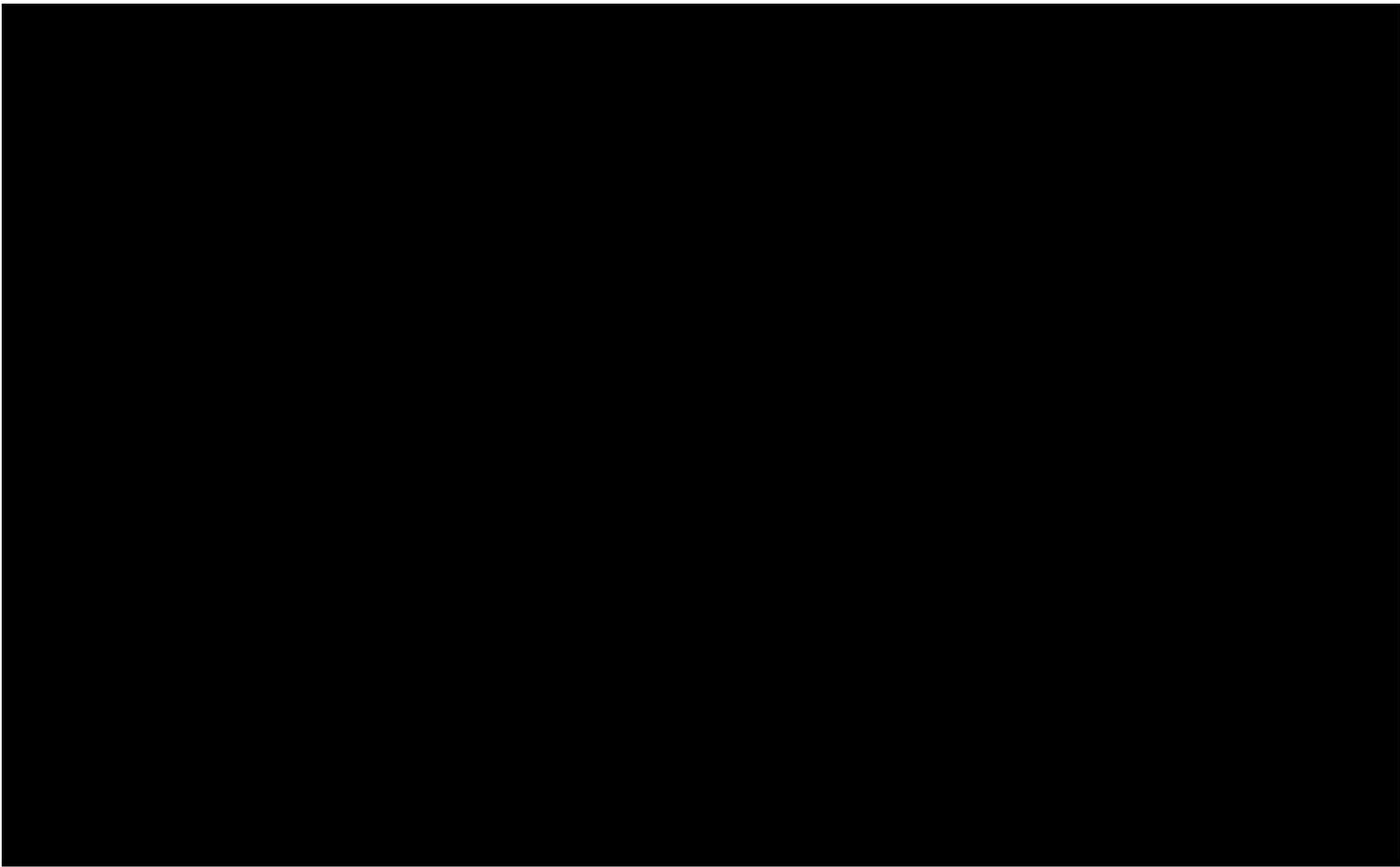
**Deputy Maertz, Galvan, Rush, and I removed Fogal from the vehicle to prevent him from further injuring himself. We placed Fogal against the passenger side of the trunk of the vehicle, facing the vehicle. Fogal again tried to resist by tensing his upper body and pushing back against us. In order to gain control of Fogal, we pressed his upper torso against to trunk lid. Once in that position, Fogal again began to hit his head against the trunk lid. Deputy Rush held Fogal's head against the trunk lid to prevent him from further injuring himself. Once Deputy Aragon arrived on scene with another patrol vehicle, we secured Fogal inside that patrol vehicle.**

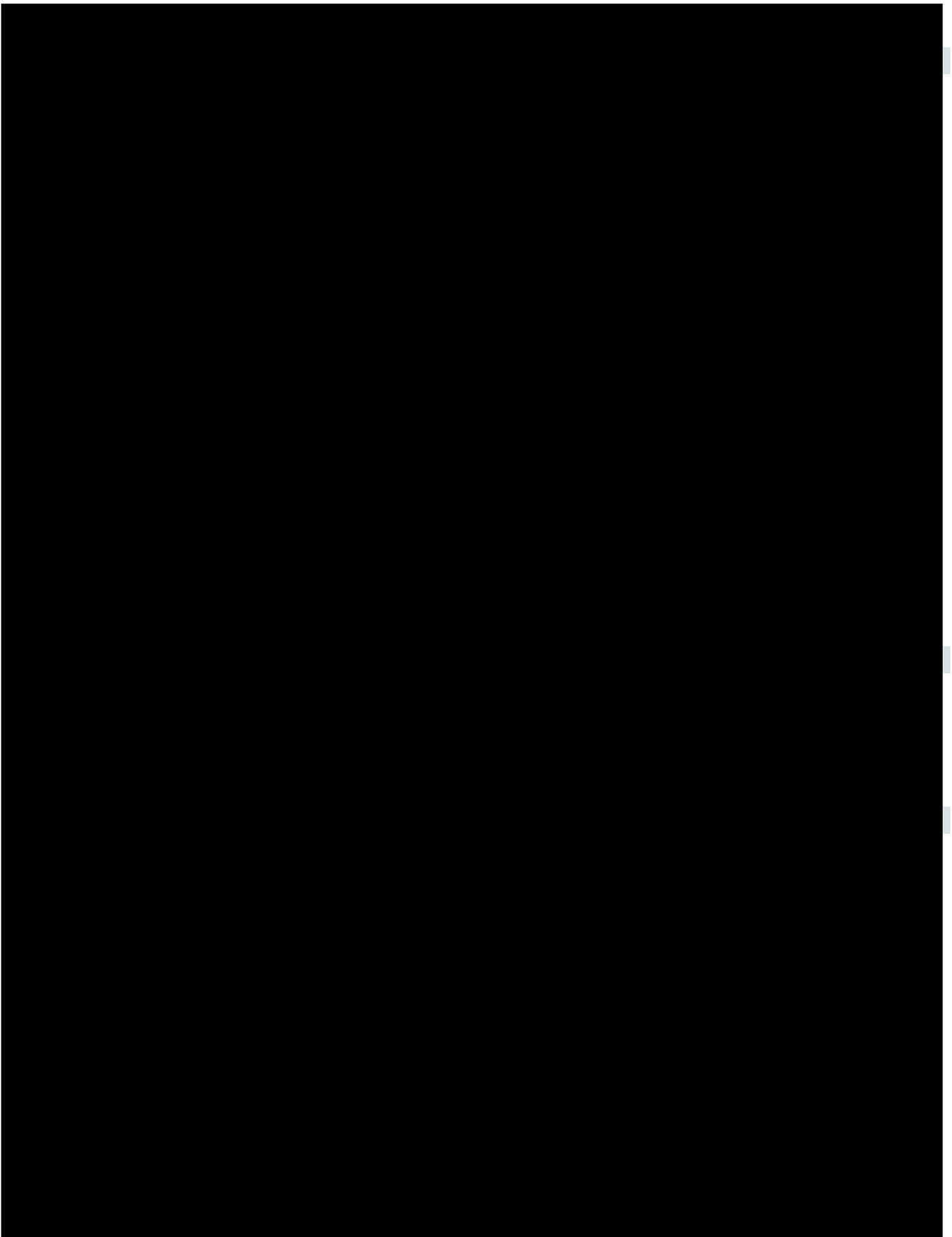
**Refer to other deputies' reports for the full details of their involvement.**

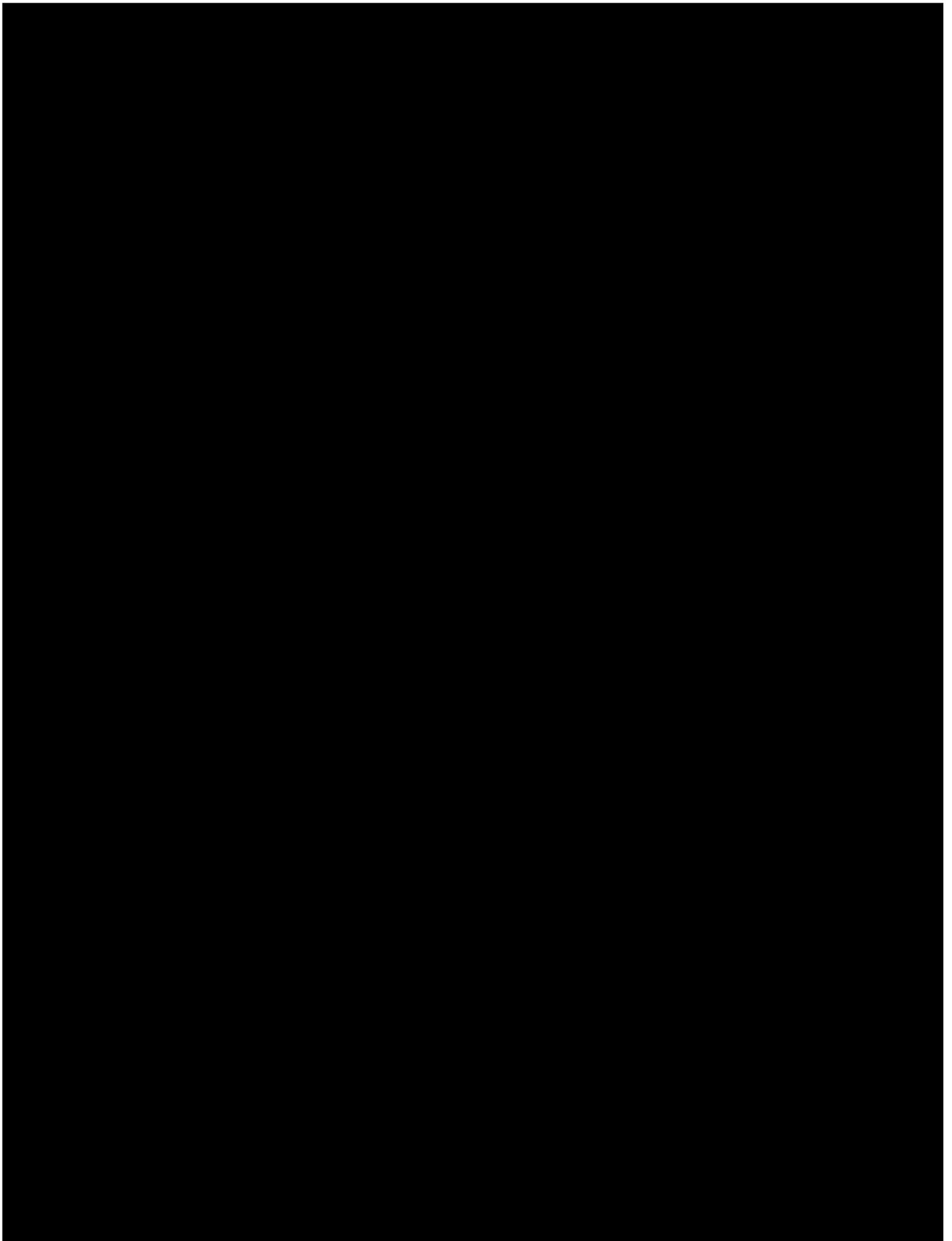
**Sergeant Reyes was on scene and advised of the incident.**

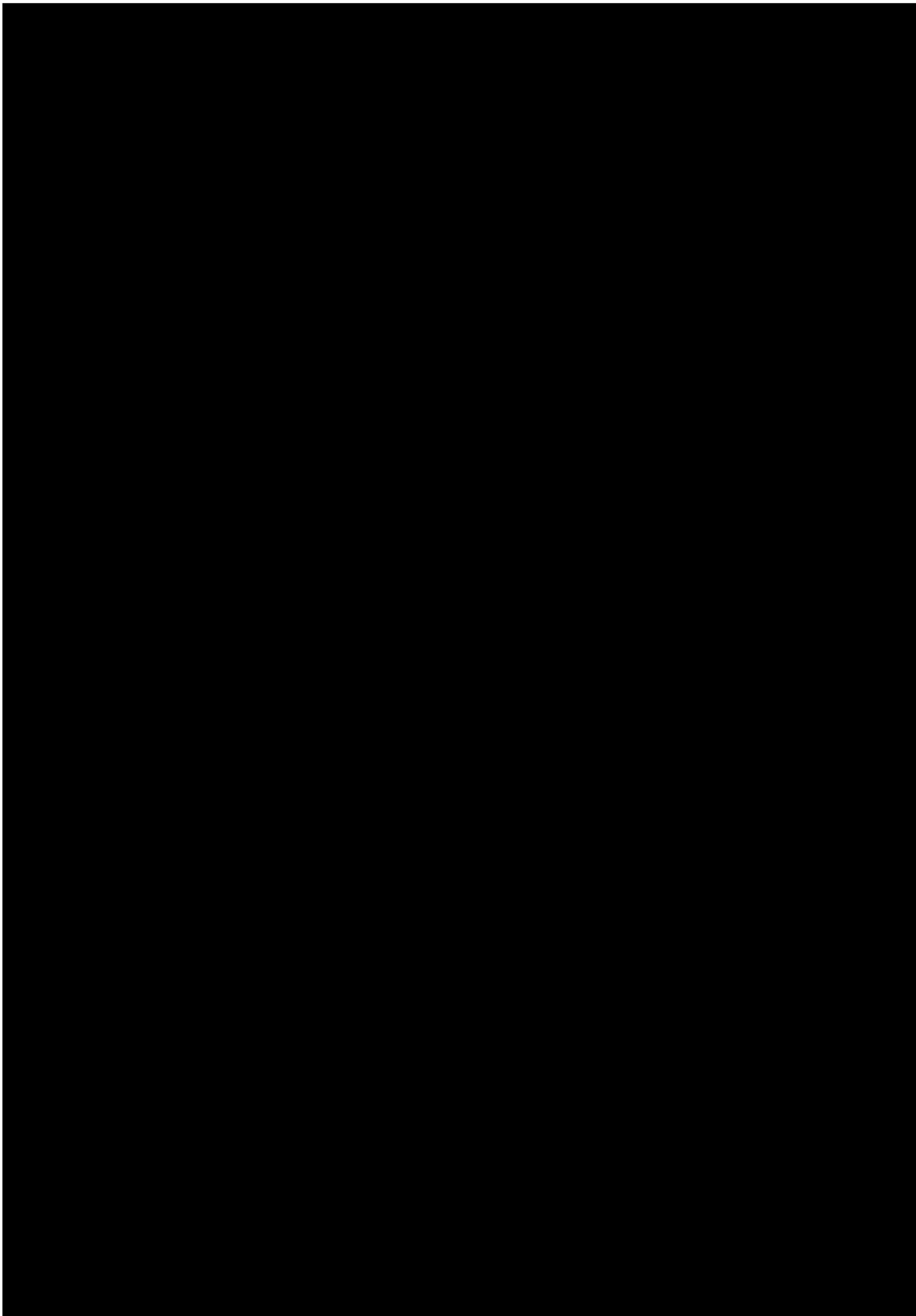


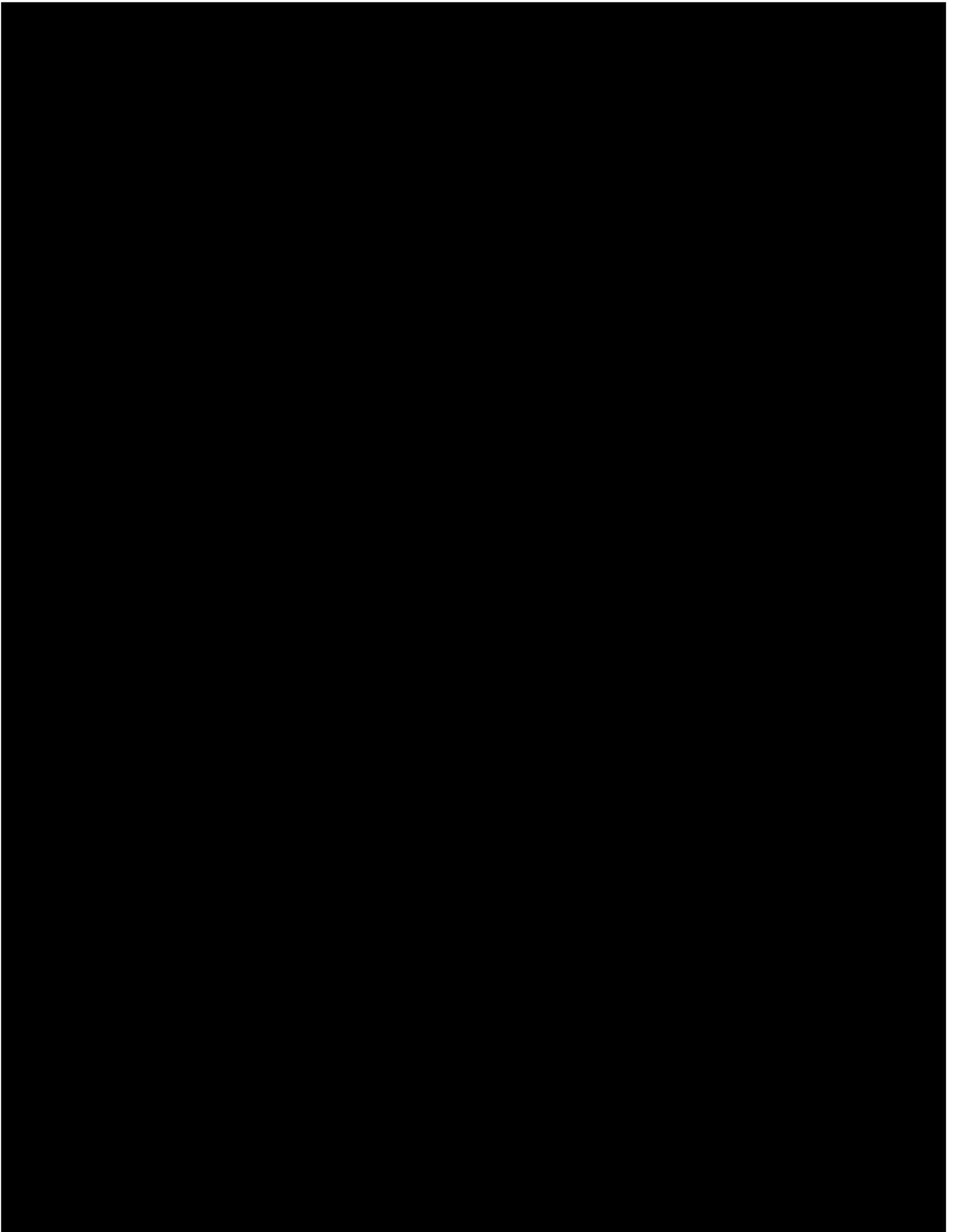


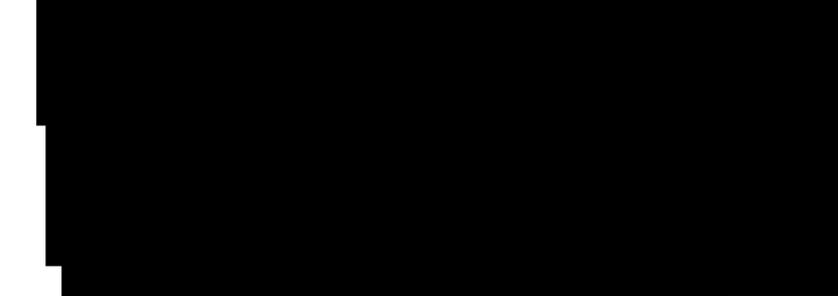
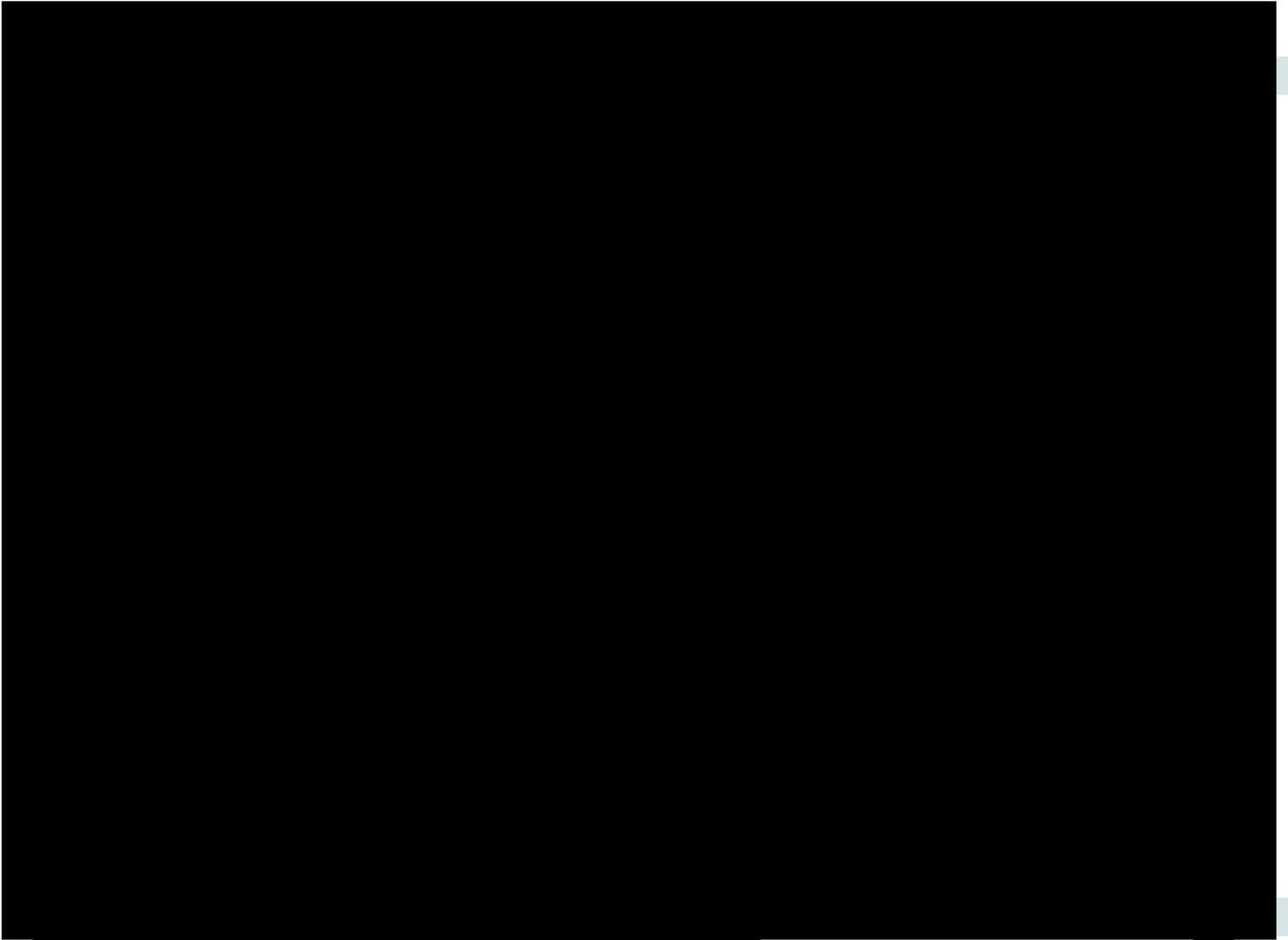


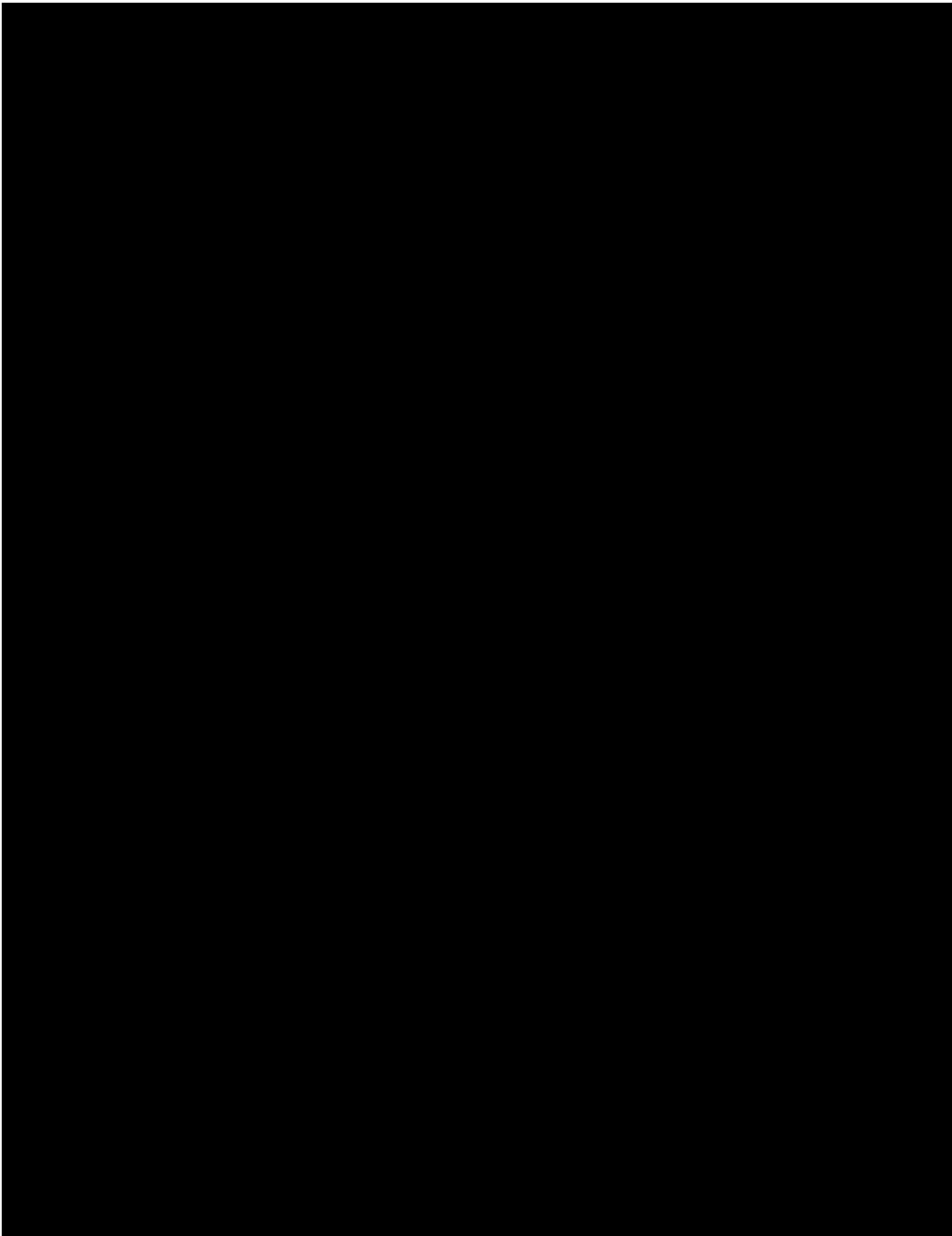


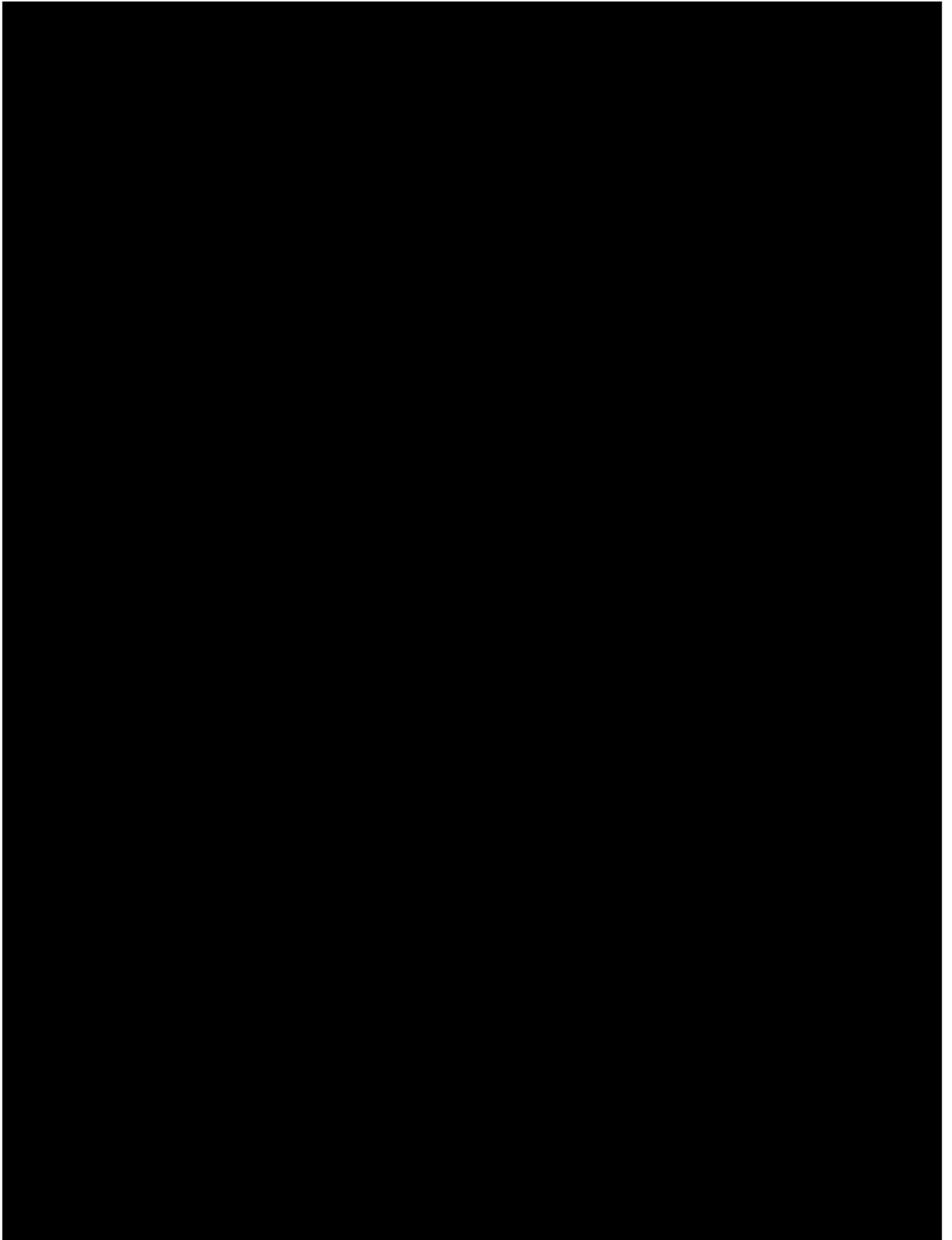


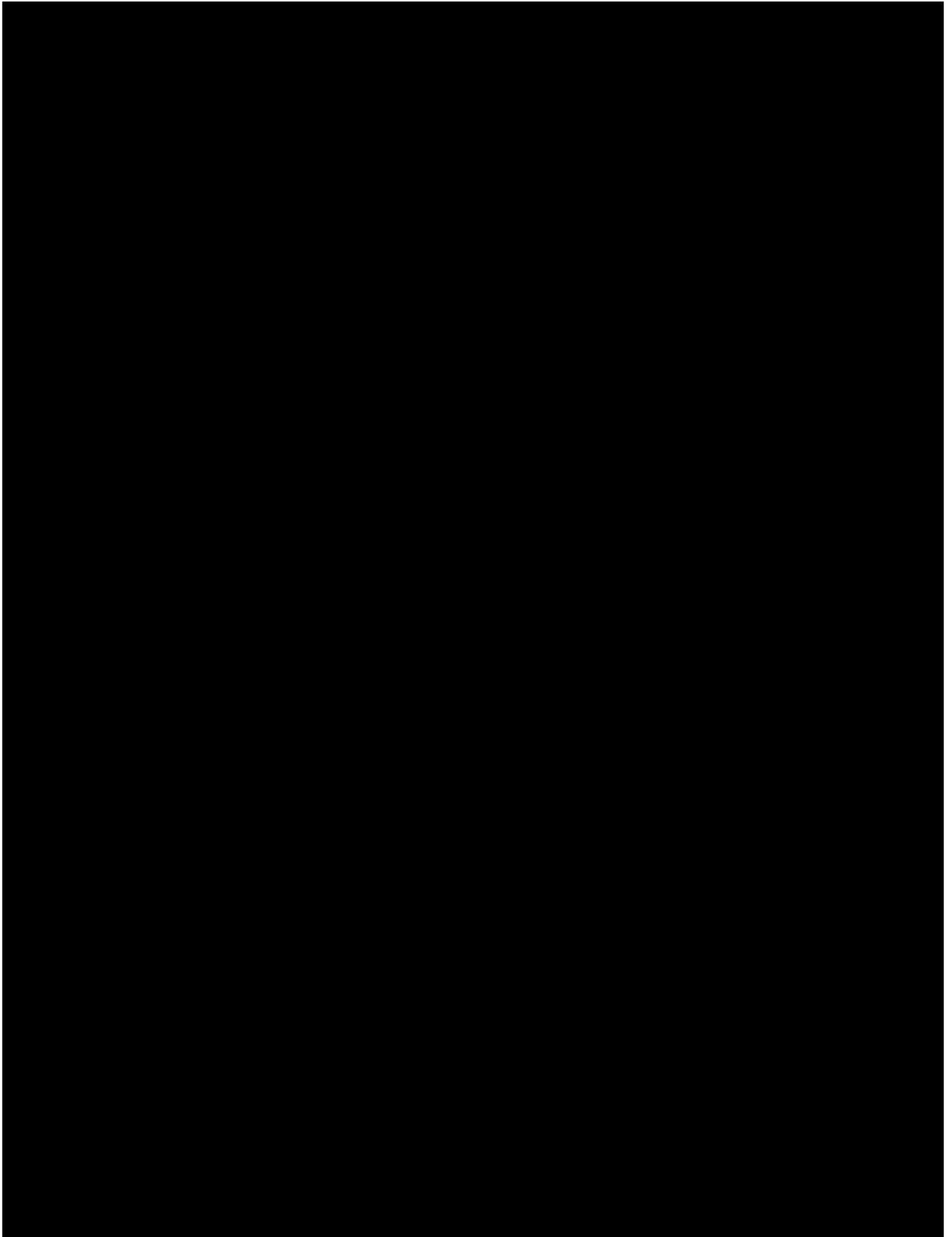


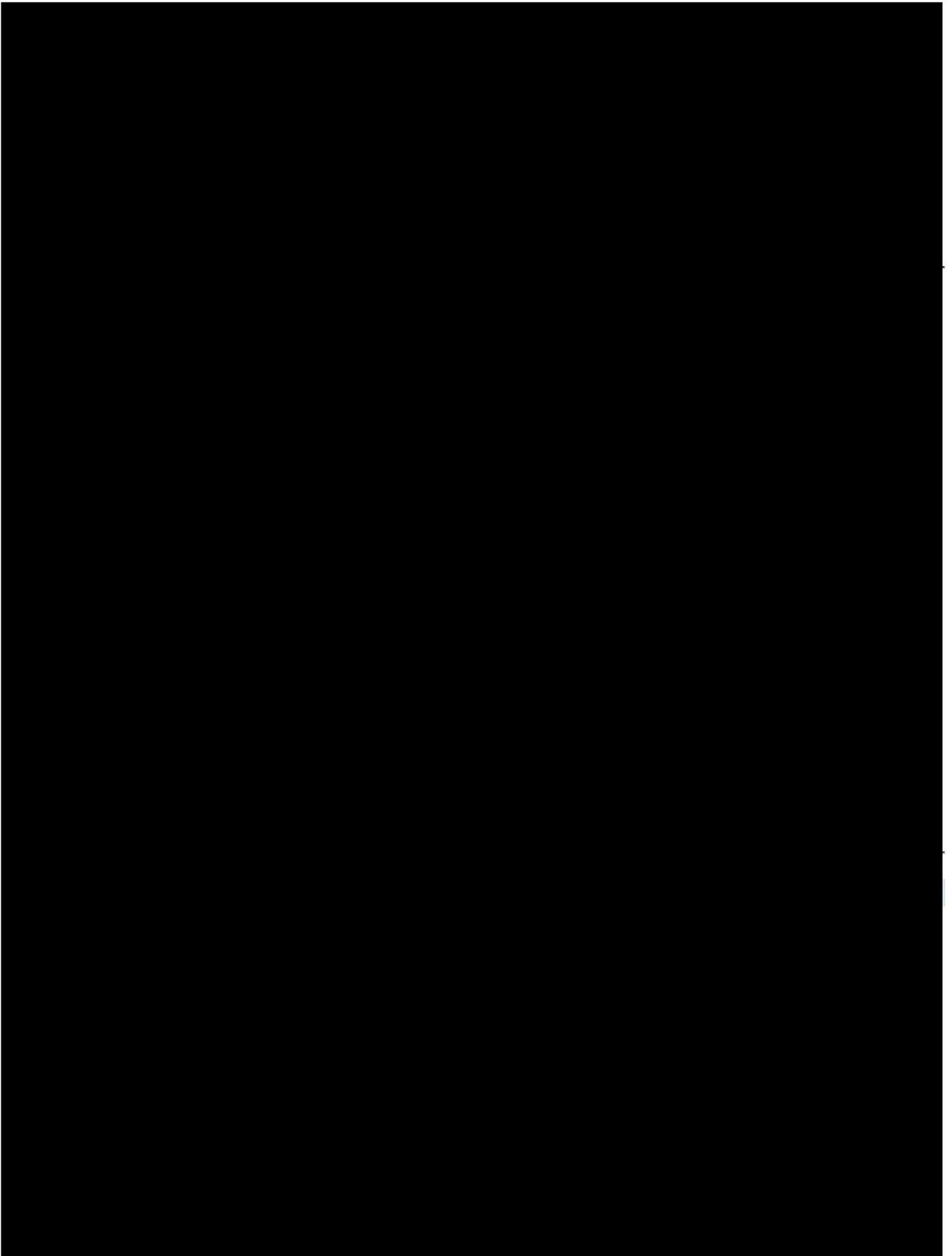


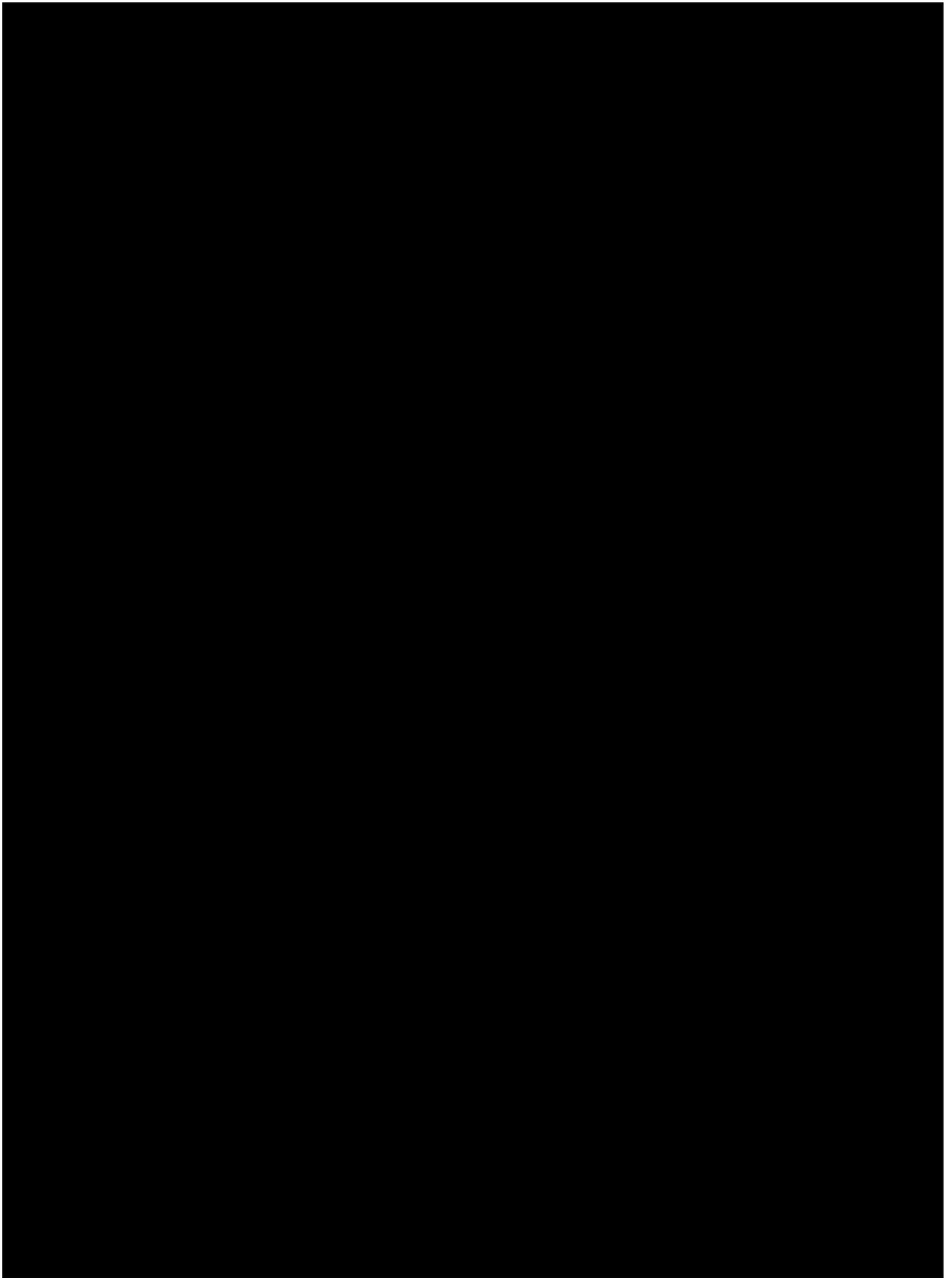


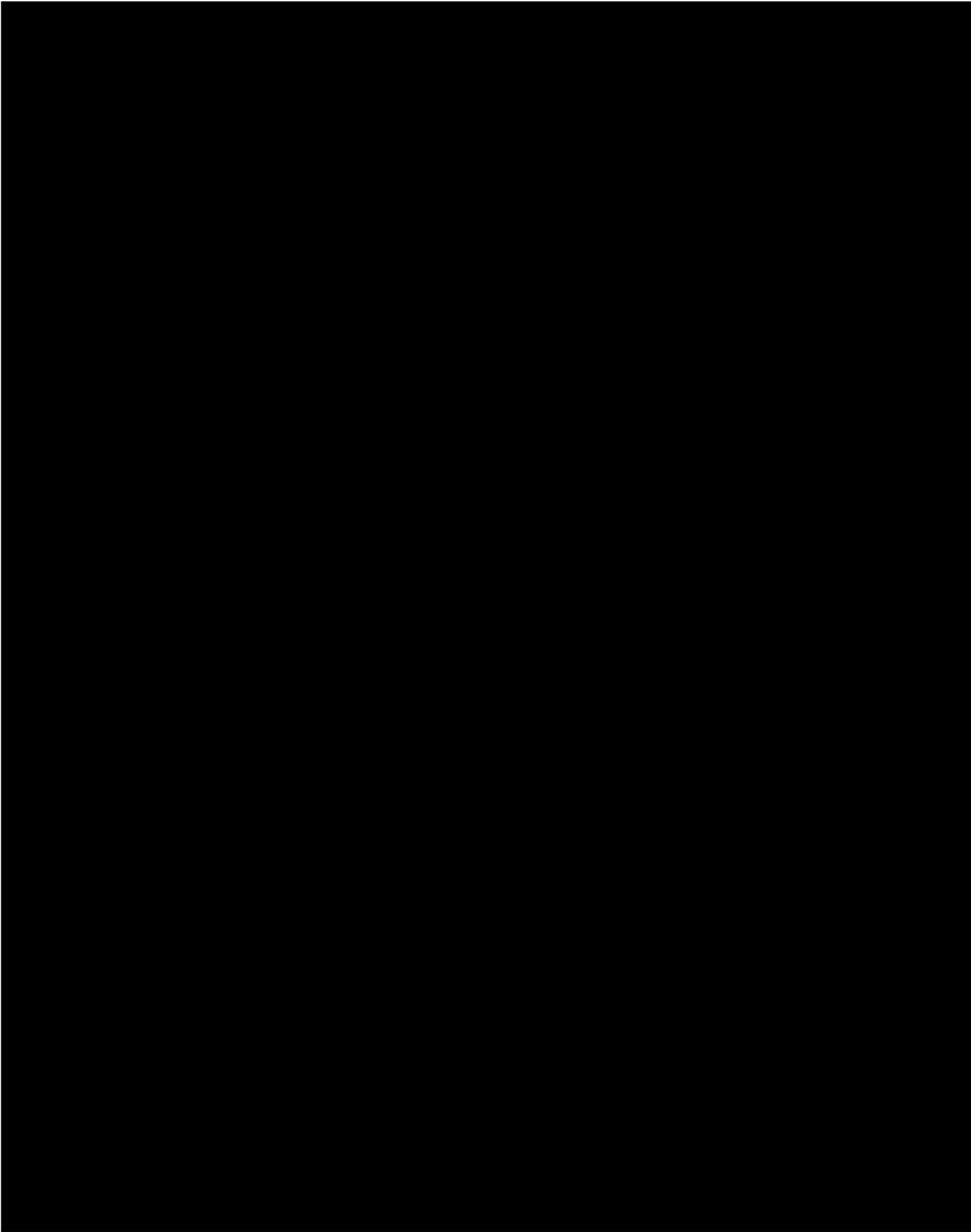


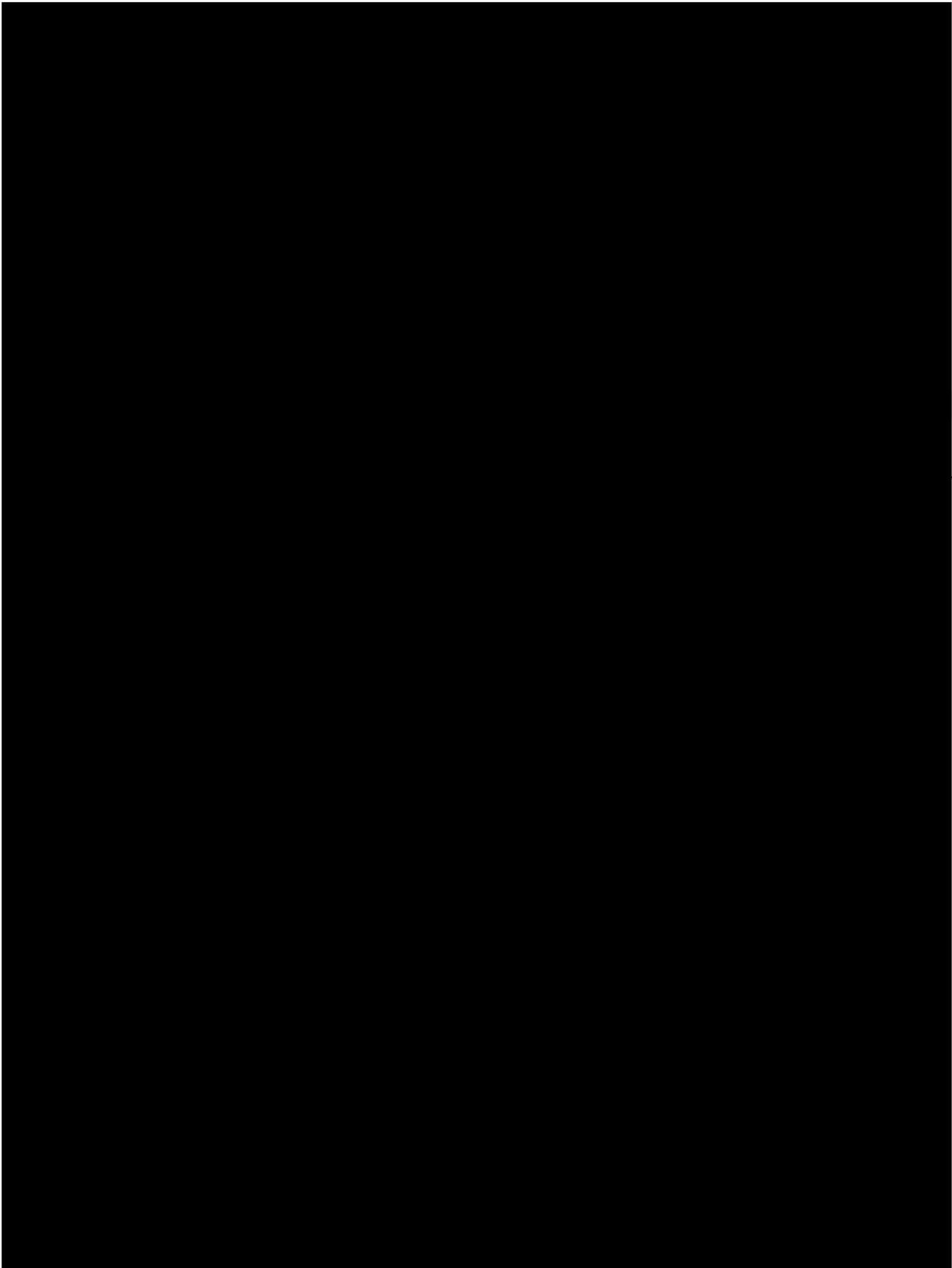


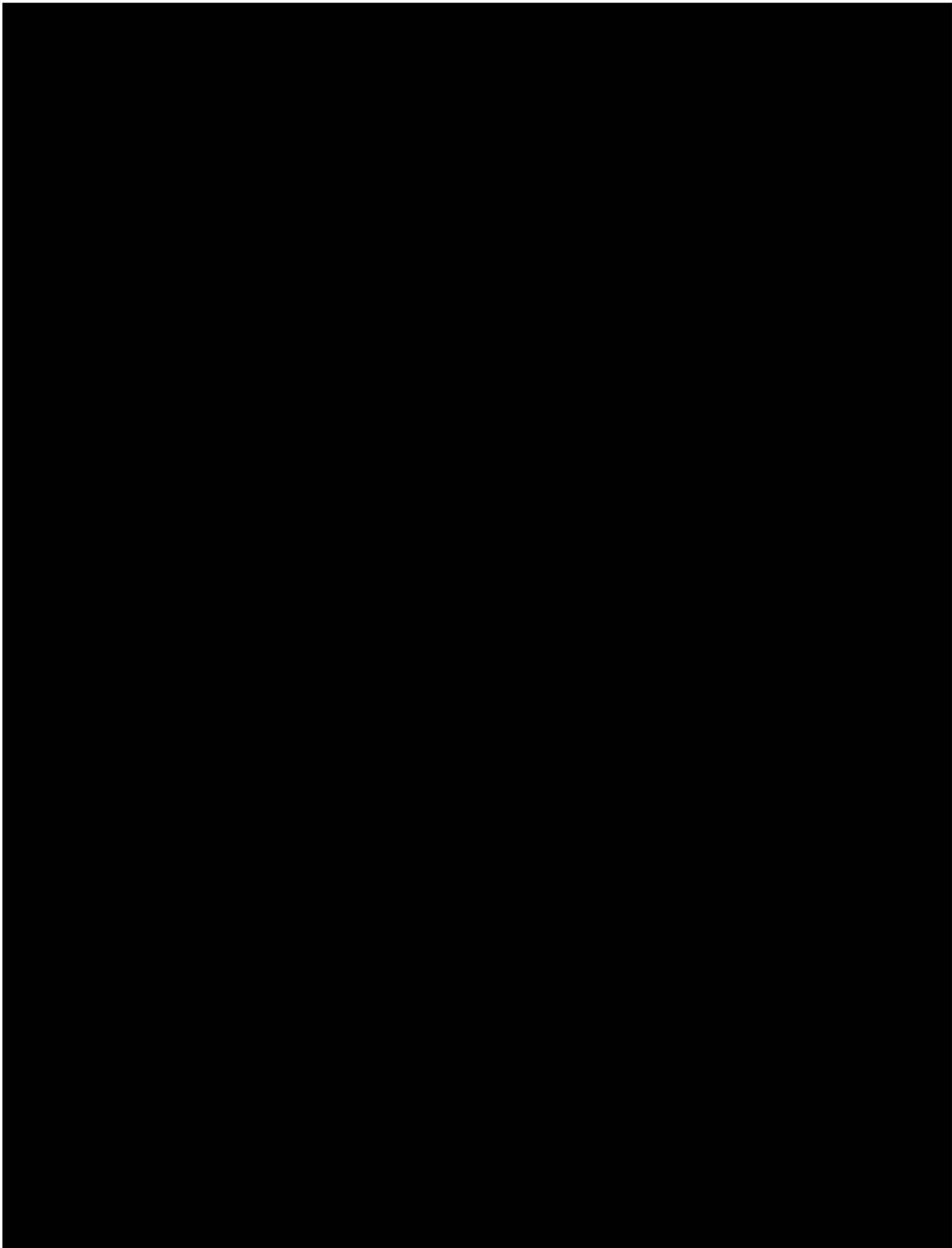


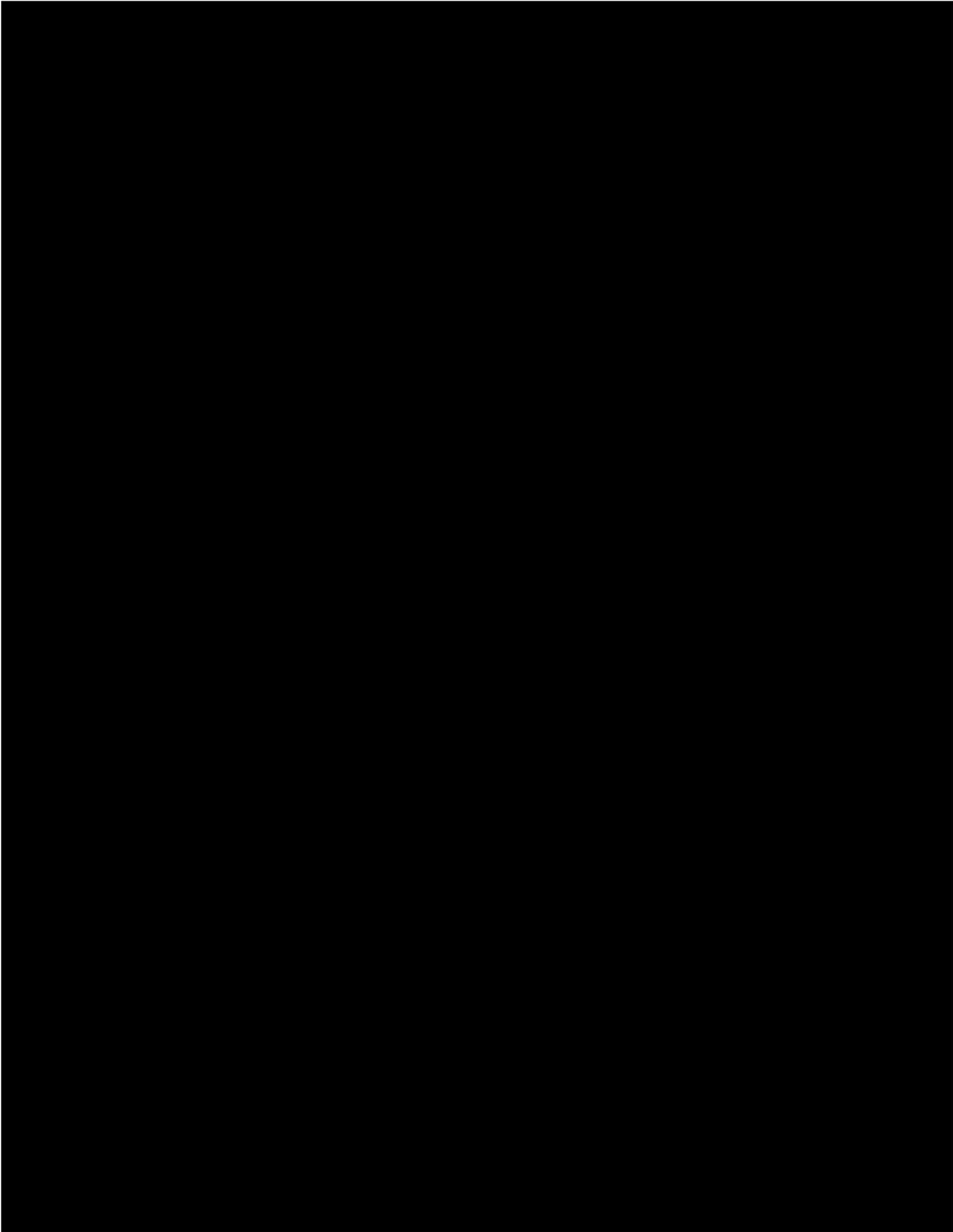


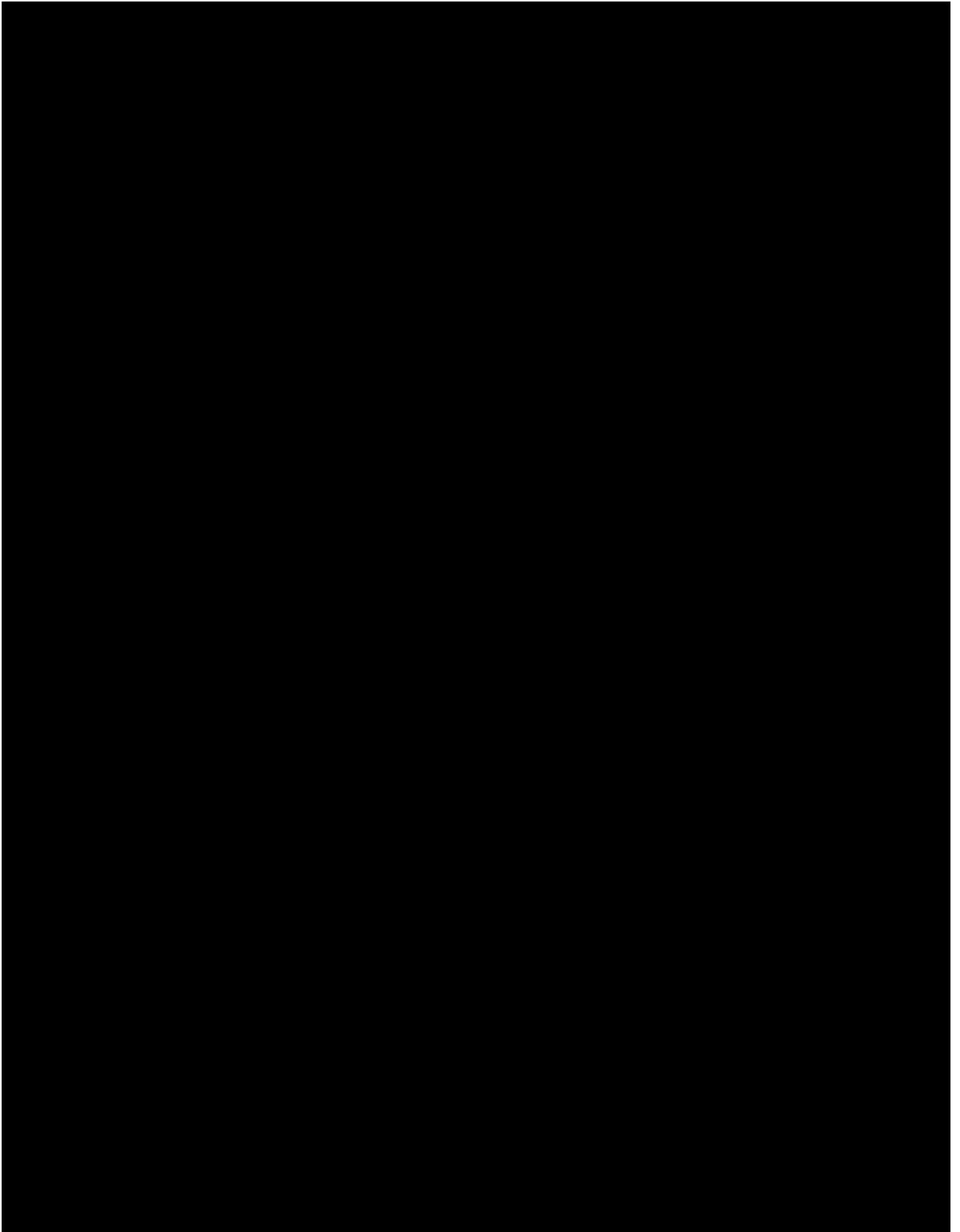


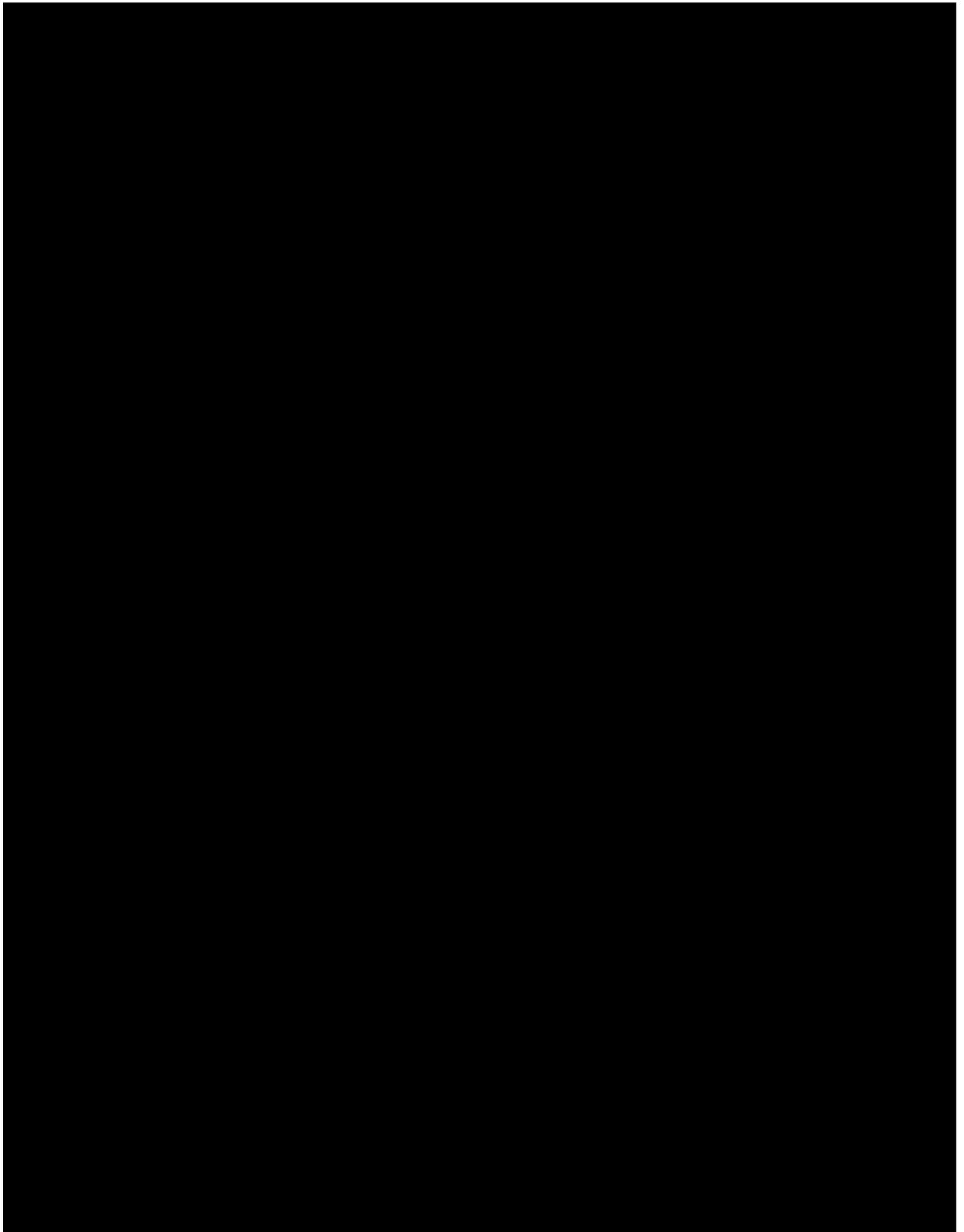


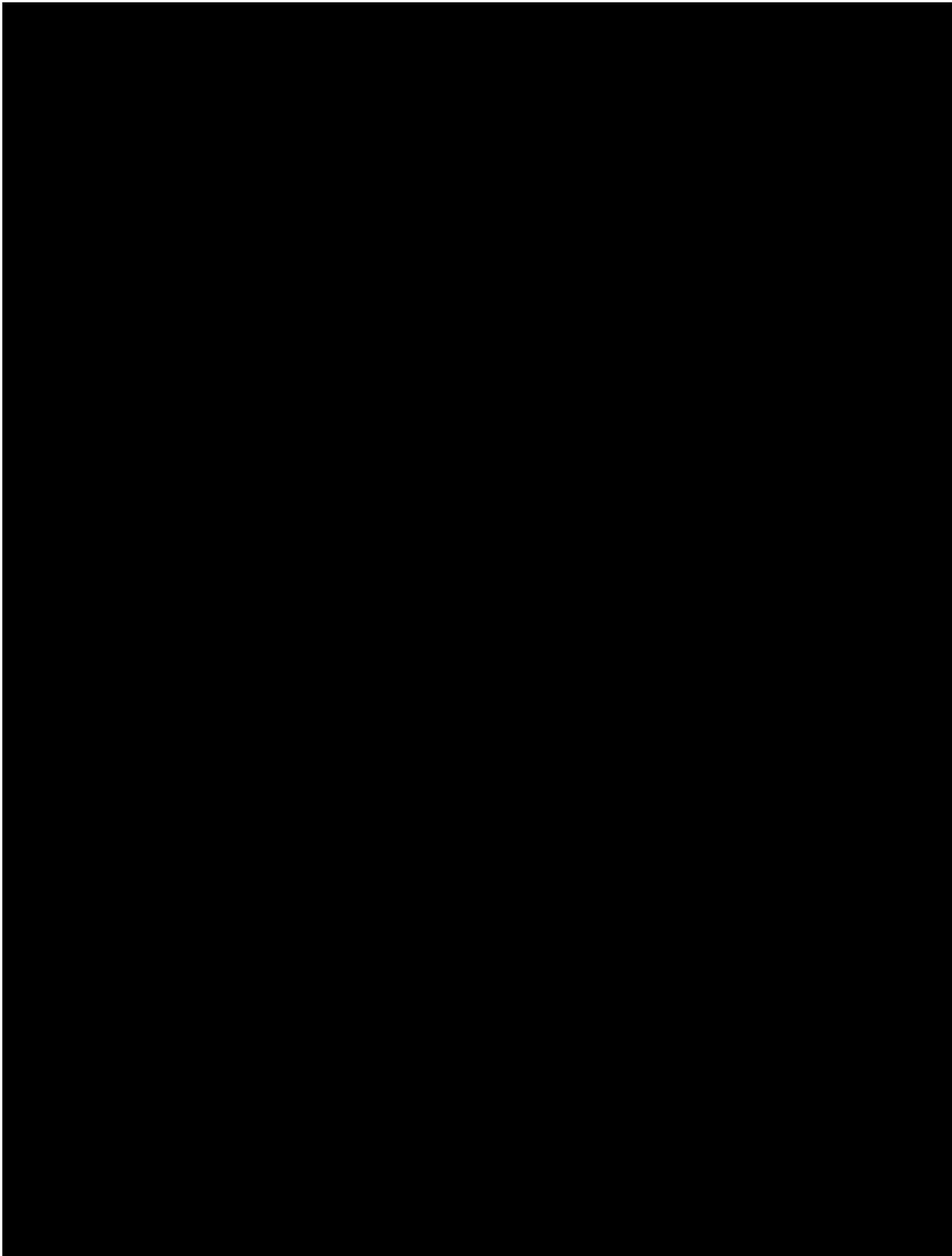


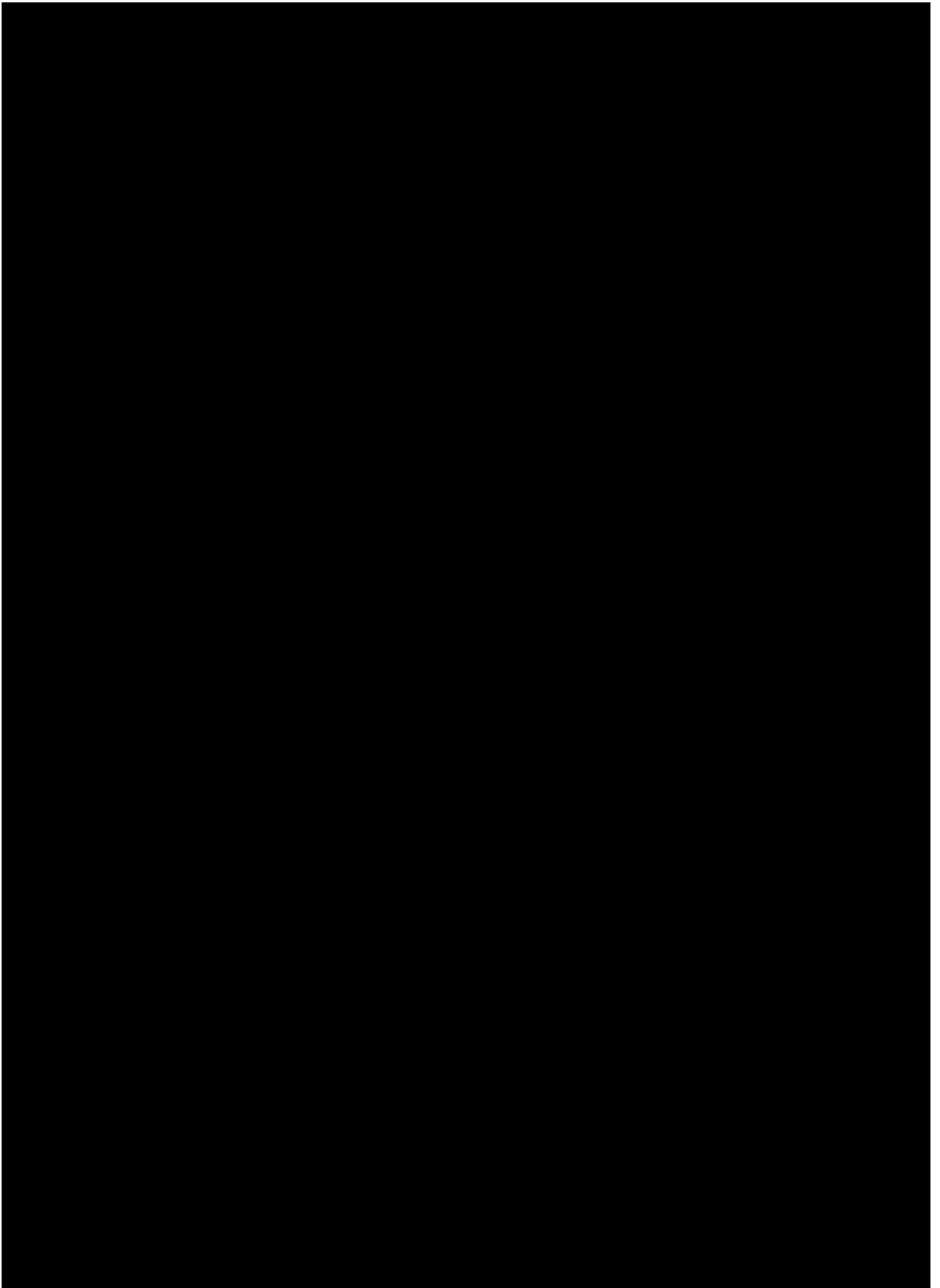


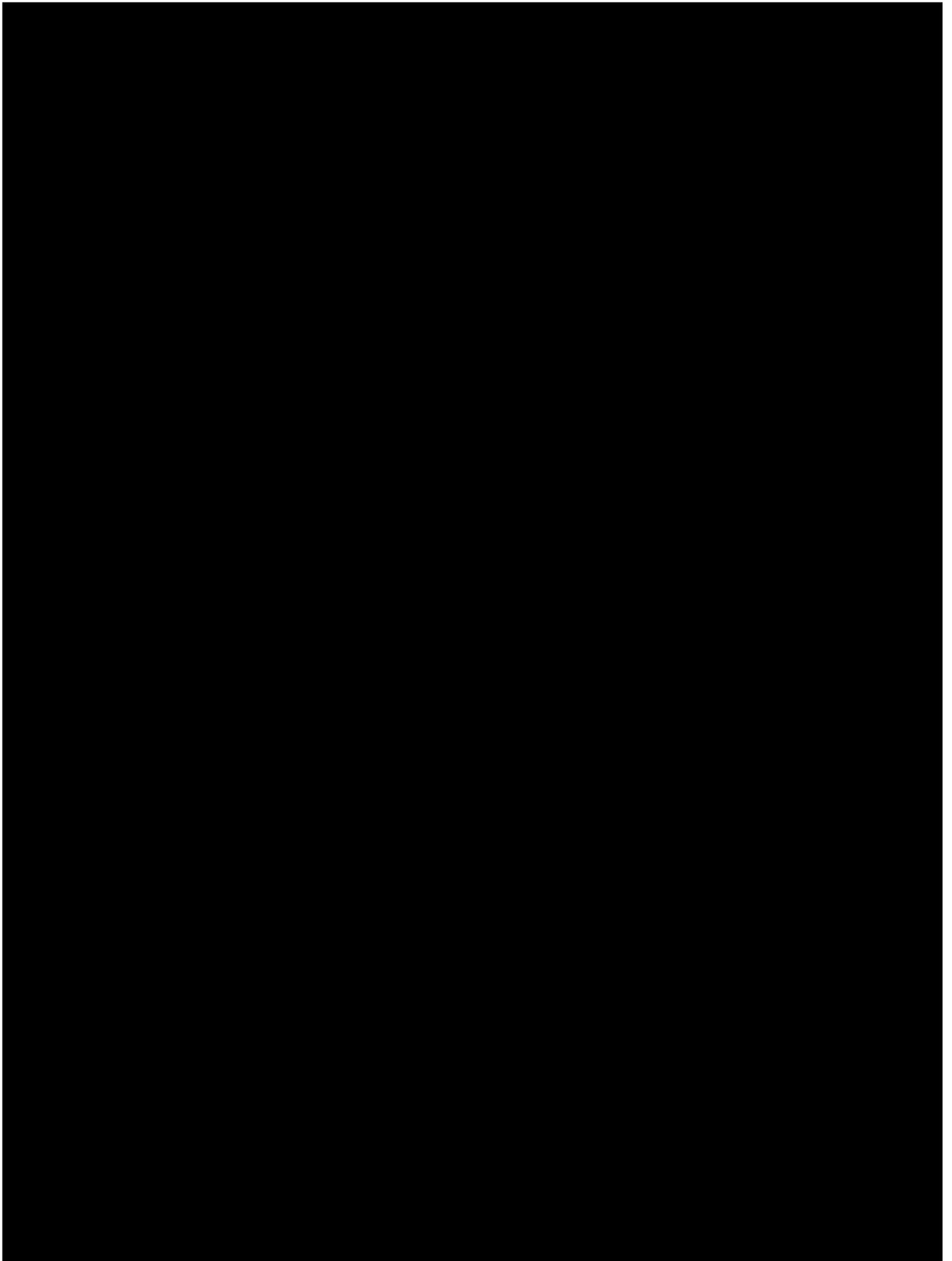


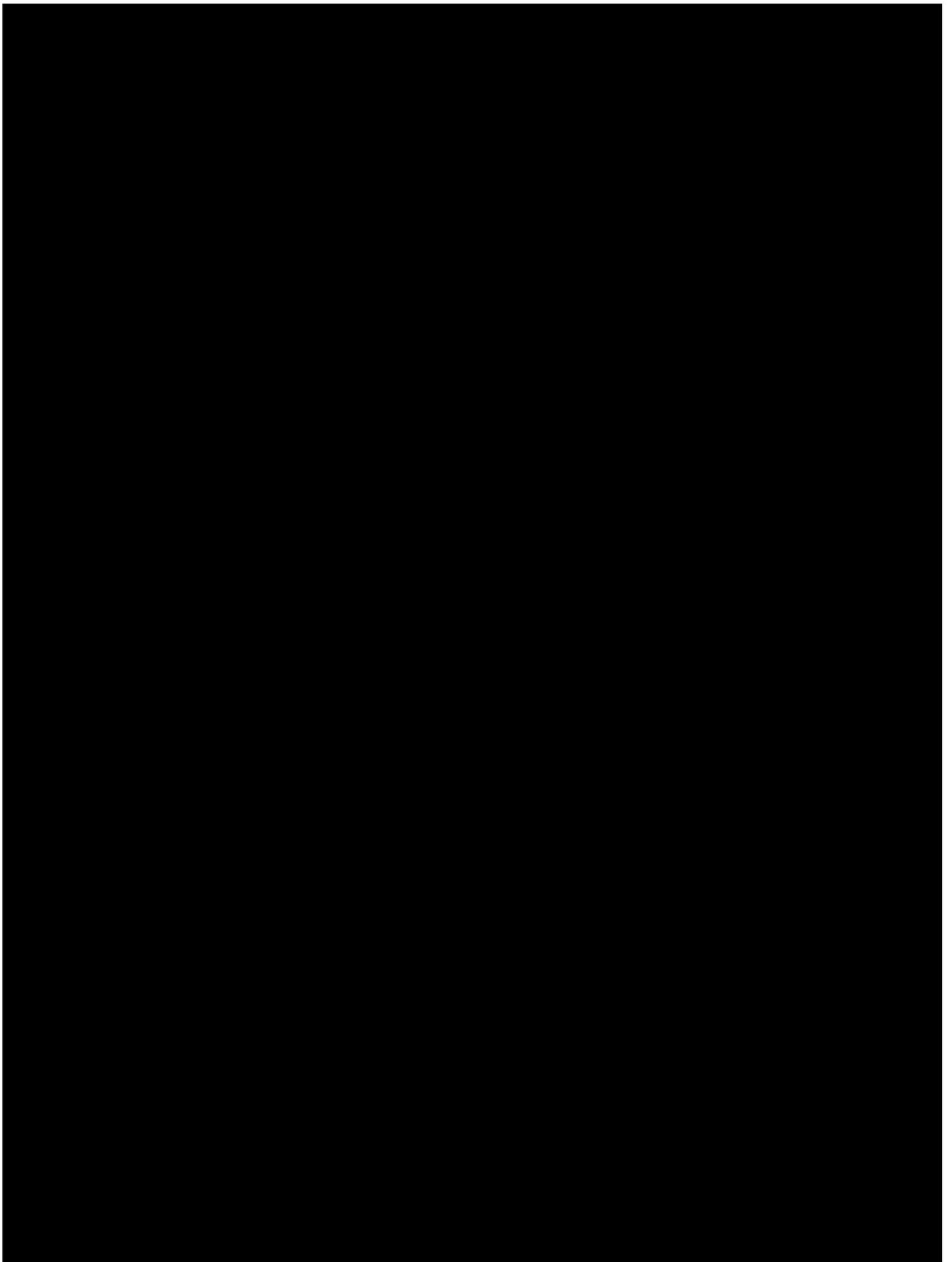


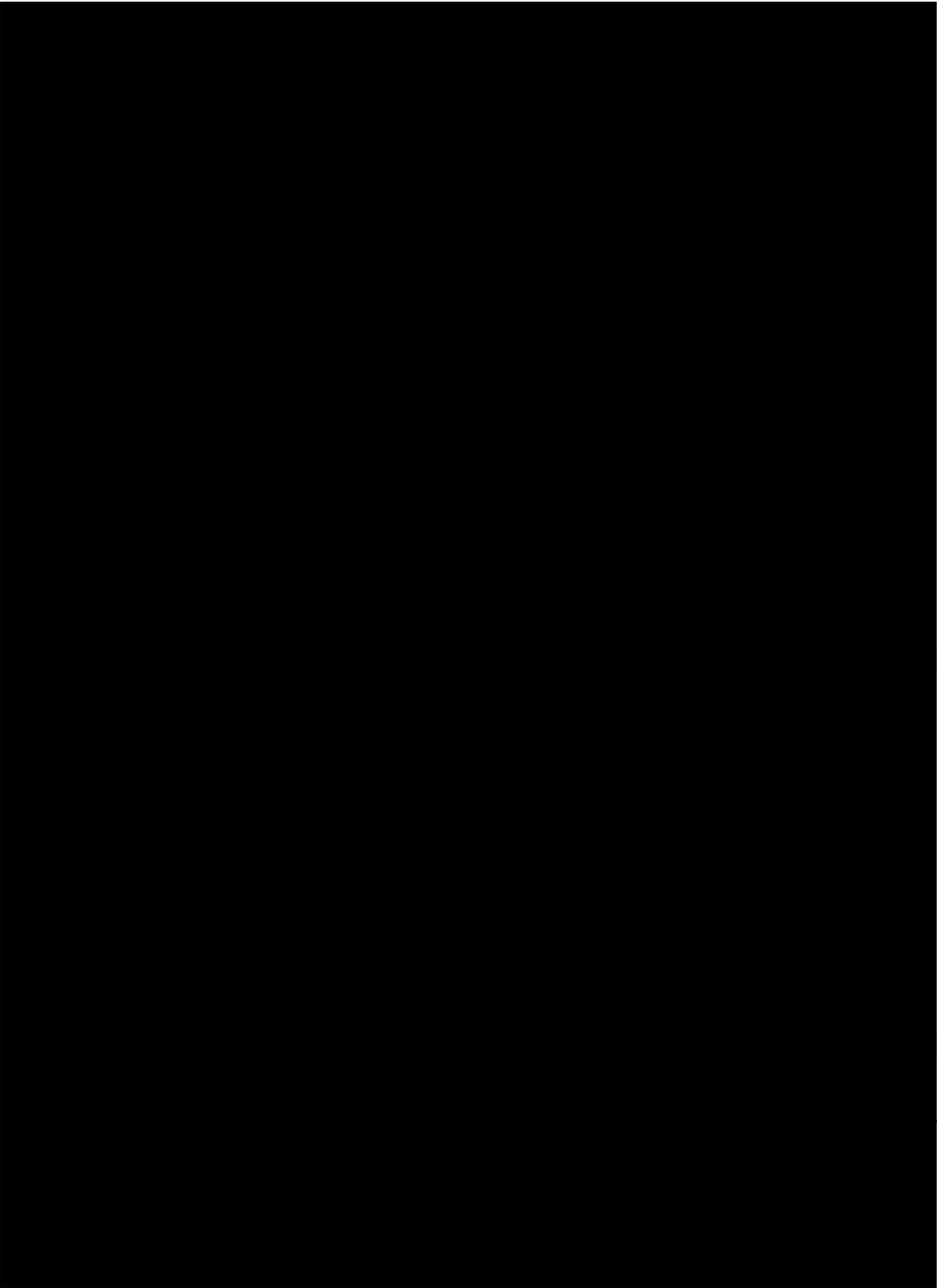


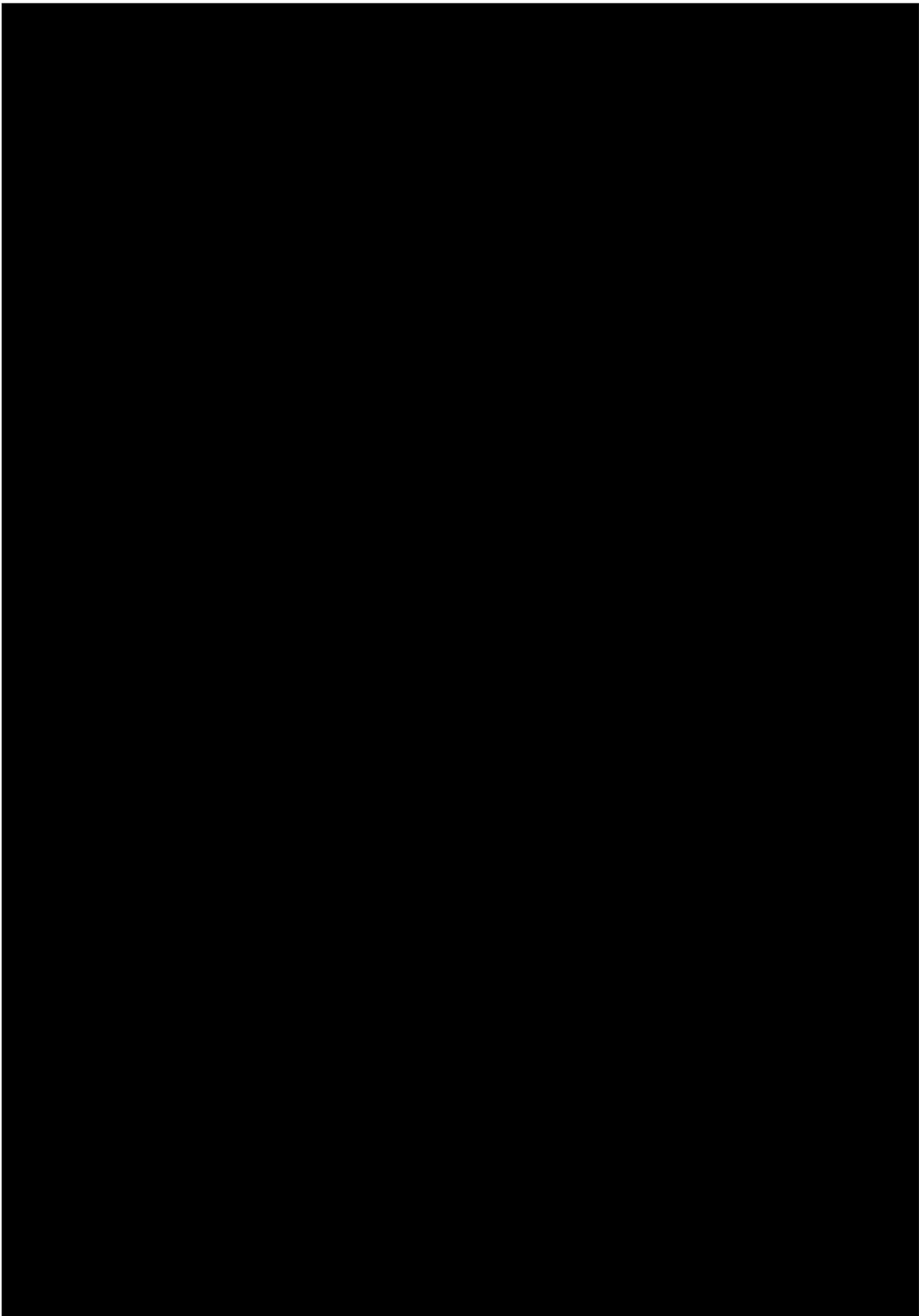


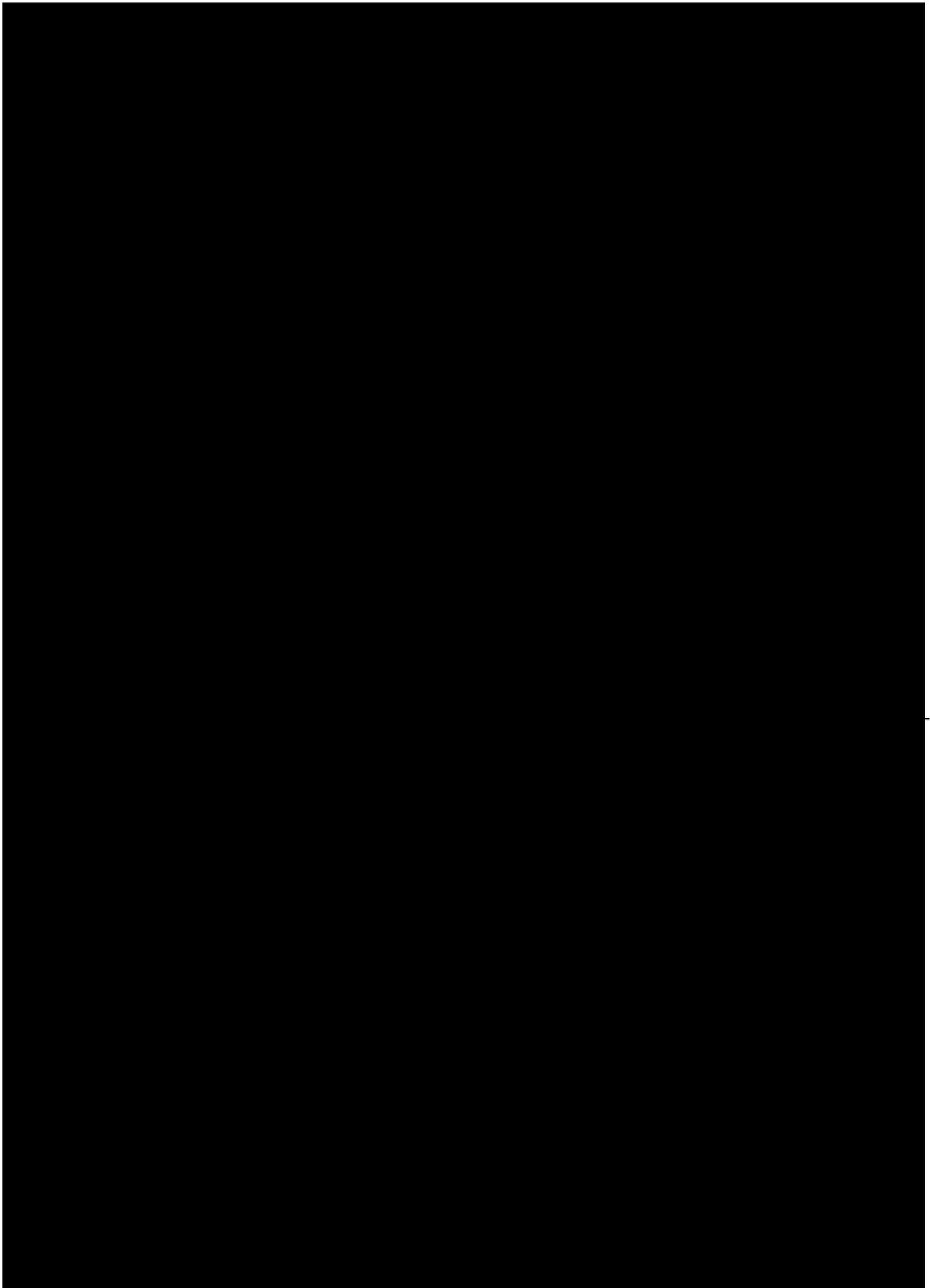


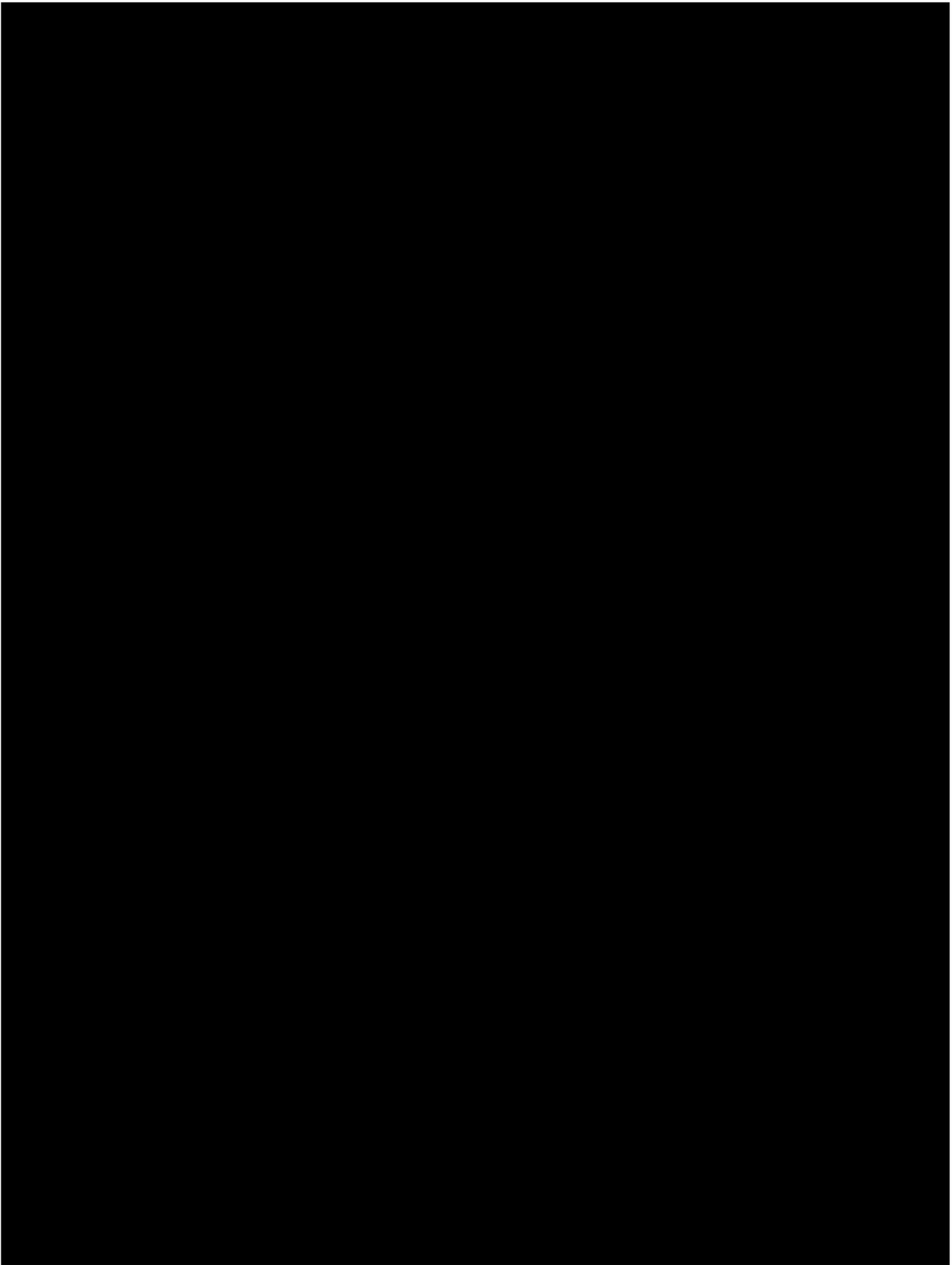


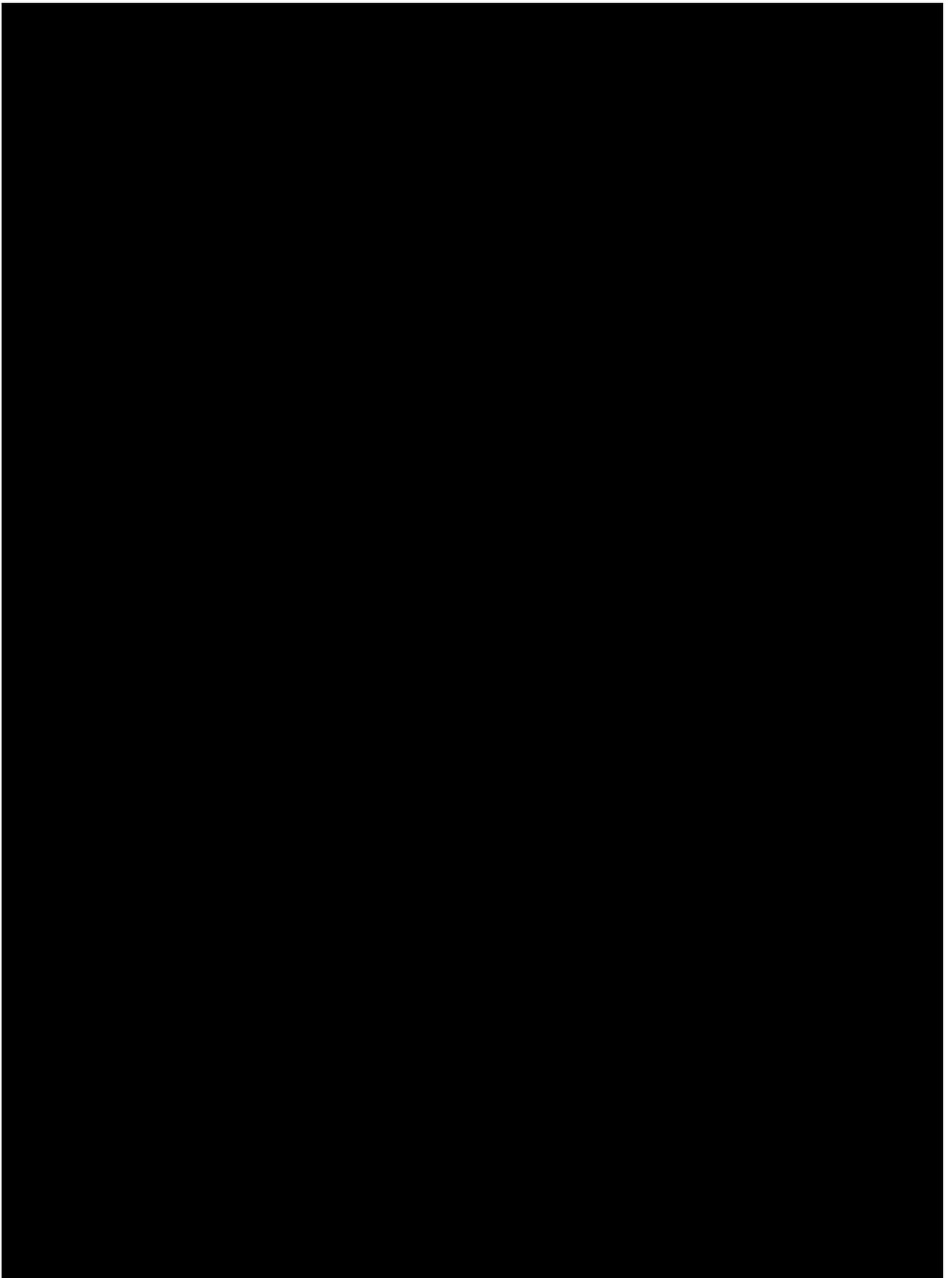


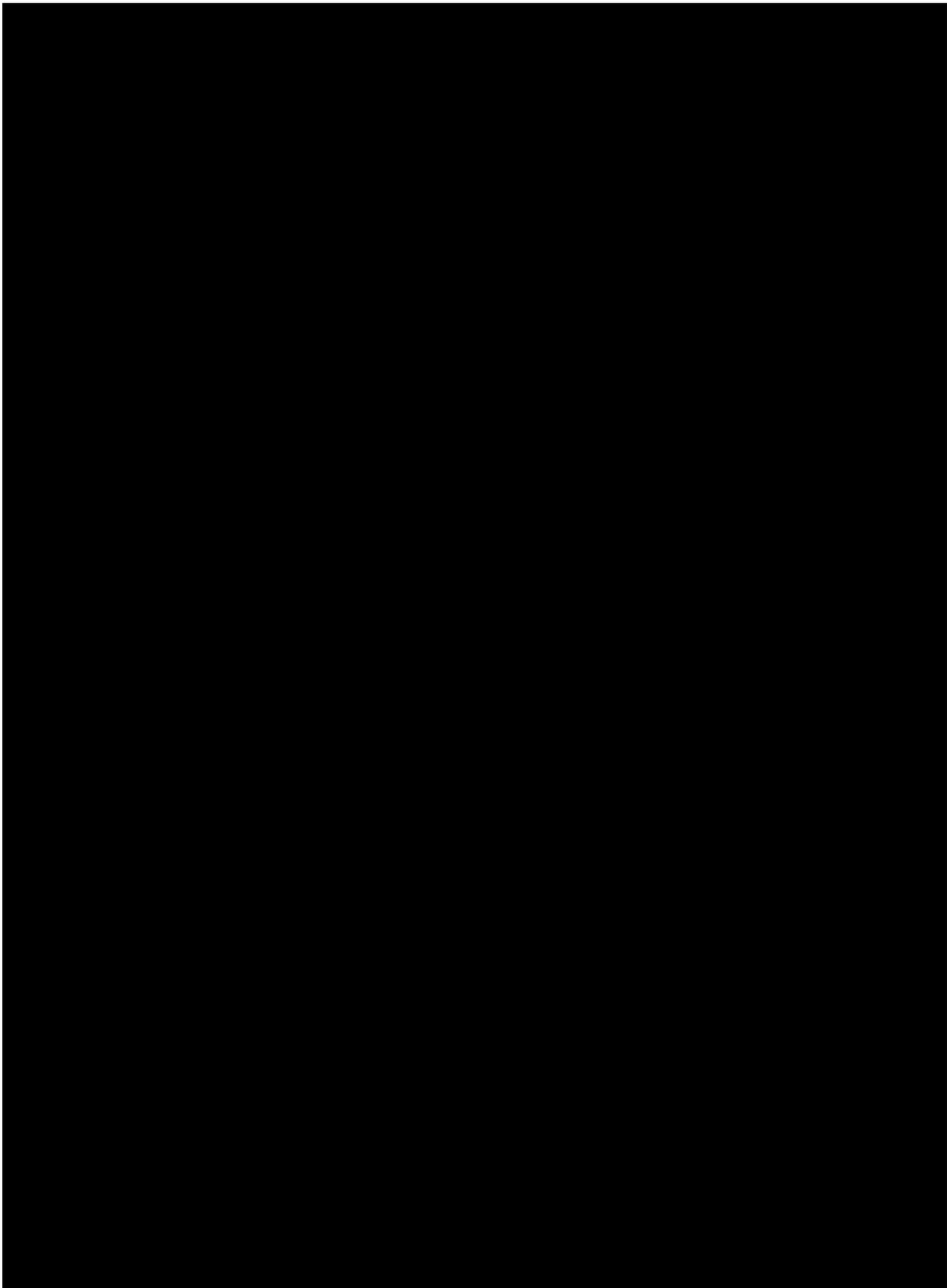


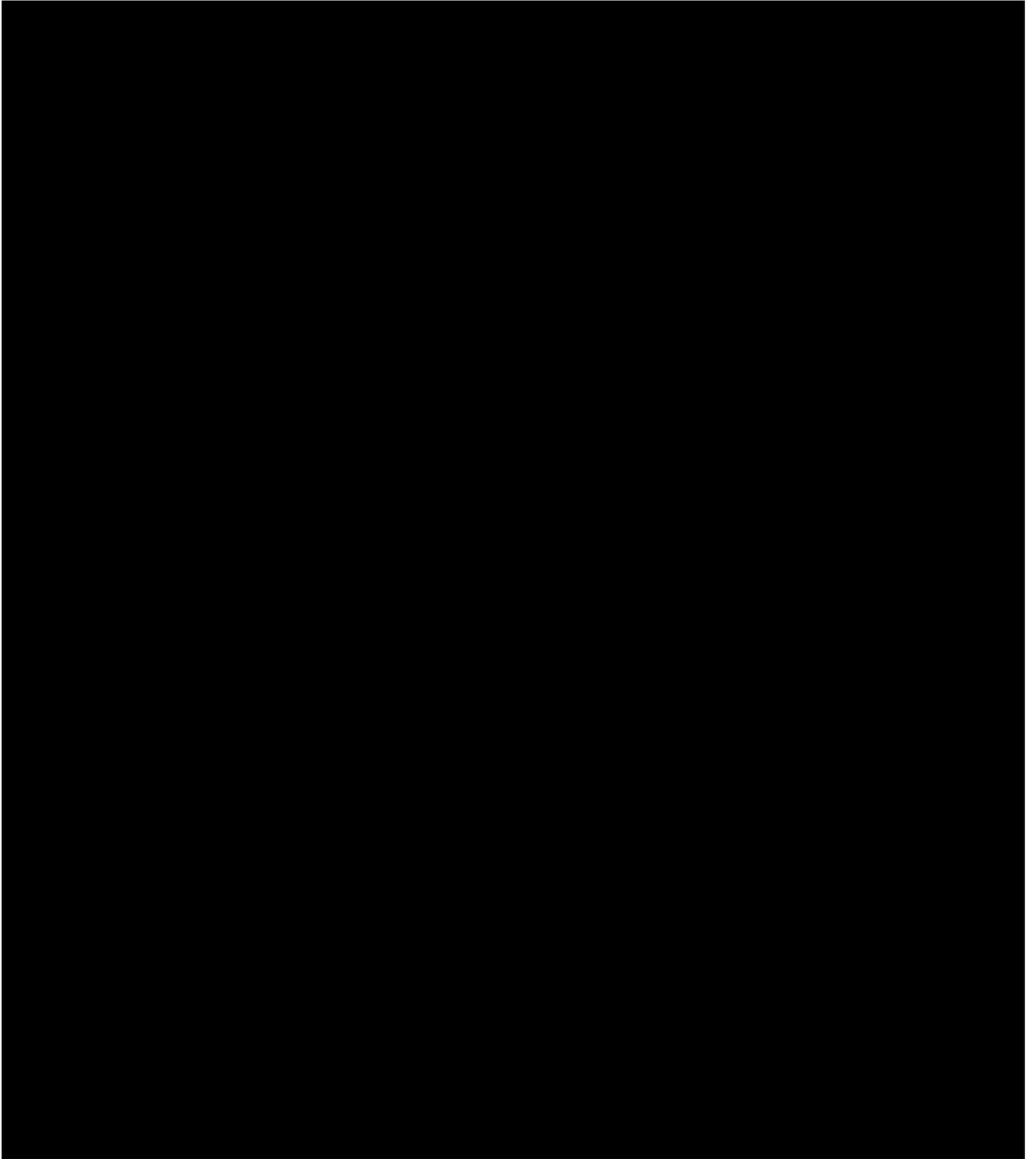












# **SWAT Response, Arrest, and Miranda Interview**

**INVOLVED PERSONS**

ROLE <b>ARRESTEE - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) <b>FOGEL , ROBERT</b>			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT <b>6' 1</b>	WEIGHT <b>230</b>	HAIR <b>BROWN</b>	EYE <b>GREEN</b>	TE [REDACTED]			
ADDRESS [REDACTED] <b>CAMARILLO , CA , 93012-</b>				[REDACTED]		MOBILE PHONE	
OCCUPATION <b>UNEMPLOYED</b>	EMPLOYER	EMPLOYER ADDRESS				BUSINESS PHONE	
COMPLEXION <b>LIGHT</b>	BUILD <b>MUSCULAR</b>	HAIR LENGTH/STYLE	GLASSES	HANDED	FACIAL HAIR LENGTH/STYLE		

LOCATION BOOKED <b>EAST COUNTY PROPERTY ROOM</b>	PROPERTY ADDRESS <b>2101 E OLSEN RD, THOUSAND OAKS, VENTURA COUNTY</b>
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TAG # <b>1</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>COMPACT DISC</b>				
DATE RECOVERED# <b>10-02-2017</b>		LOCATION RECOVERED [REDACTED]					
OWNER			RELATED TO				
<b>1</b>	ITEM <b>DIGITAL PHOTOS/VIDEO</b>	VALUE	QUANTITY	RECOVERED			

**OFFICER'S NARRATIVE**

On 10//2017, the Ventura County Sheriff's Office Special Weapons and Tactics Team (SWAT) was activated for an officer involved shooting at [REDACTED] in the city of Camarillo. Upon initial activation, I responded to the parking lot of Vons, 5275 Mission Oaks Blvd., for a briefing about the incident.

Upon my arrival, I learned the following from Sergeant Chips: Ear [REDACTED] n the evening, deputies assigned to the Camarillo Police Department had responded to [REDACTED], [REDACTED] in reference to a subject disturbing. (A) Robert Fogel lived at the residence had been involved in an altercation with a neighbor. While deputies were speaking with Fogel, he attempted to stab one of the deputies. Fogel eventually fled into his apartment and refused to exit upon instruction from on scene deputies. After our initial briefing, a response plan was developed and SWAT personnel responded to the location.

Upon arrival, SWAT personnel set-up an initial contact team on the south side of the apartment building, utilizing an armored vehicle, referred to as a Bearcat as cover. The entire front side of the residence was illuminated utilizing the lights from the Bearcat, and a nearby Sheriff's patrol vehicle. Senior Deputy Ragan

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Issued date: \_\_\_\_\_

DATE REPORTED <b>10-04-2017</b>	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME <b>DOUGLAS, JAMES (4729) / Thousand Oaks Special Enforcement Unit - 10-10-2017 / 1555</b>
APPROVED BY / ID # - APPROVED DATE / TIME <b>HORSWILL, JOSEPH / 4509 - 10/10/2017 / 1555</b>	

was present and assigned to the incident as a tactical negotiator. Senior Deputy Ragan announced our presence over the Bearcat's loudspeaker. Senior Deputy Ragan instructed Fogel to exit the residence and comply with our orders. Fogel was also advised force may be used against him and he may be hurt as a result of that force. These commands were given verbally over loud-speaker and via open communication with Fogel.

As additional SWAT team members arrived, patrol deputies were replaced and containment was set-up on all sides utilizing SWAT personnel. Once the scene was secured by the SWAT team, a small contingent of SWAT personnel contacted and evacuated residents at nearby apartments.

During the incident, Fogel came out of his residence and challenged SWAT deputies multiple times. Fogel would exit his apartment and yell for us to leave the area. Each time he returned to his residence, I could hear loud noises, which sounded like Fogel was causing damage to the interior of the apartment. While he was inside, I observed Fogel cause damage to several sets of vertical blinds in his residence. At one point while Fogel was outside, I heard him say deputies would, "Die" if they came upstairs to the apartment. I took a digital video of this incident with my department issued iPhone. I later booked a copy of this video as evidence at the East County Property Room.

While we were at the location, Fogel also came out of his residence armed with a hammer. While he was armed with the hammer, I observed him hit a nearby railing with the hammer while standing on his porch. Fogel eventually threw the hammer down towards a small grass area in front of the apartment building. Senior Deputy Ragan gave Fogel multiple commands to comply with our lawful orders and instructed Fogel to come downstairs to our location. Fogel refused to comply and ignored our commands. Fogel eventually entered his residence, turned off all interior lights, and ceased any communication with deputies for several hours.

At approximately 0450 hours (10/2/2017), a search warrant for the residence and an arrest warrant for Fogel were signed by Ventura County Superior Court Judge Innumerable. Sergeant Medina broadcast via radio the approval of both warrants, and that Fogel's arrest warrant was for violation of PC 664/187, PC 245, and PC 69. The SWAT personnel present during the service of the warrant were as follows: Sergeant Chips, Sergeant Stubblefield, Senior Deputy Malagon, Senior Deputy Henderson, Senior Deputy Miller, Senior Deputy Zapata, Senior Deputy Odenath, Senior Deputy Nicholas, Senior Deputy Jauregui, Senior Deputy Gariner, Senior Deputy Brady, Senior Deputy Holt, Deputy Helm, Deputy Rodriguez, and myself.

After approval of the warrant, Senior Deputy Ragan announced our presence again over the Bearcat loud-speaker. Senior Deputy Ragan called out to Fogel and advised we had a search warrant for the residence and demanded entry. After multiple announcements with no reaction, Senior Deputy Malagon fired two less than lethal rounds at the front door of Fogel's apartment in an attempt to stimulate communication.

After failed communication attempts, Senior Deputy Foote, Senior Deputy Henderson, and I positioned ourselves below an exterior window of the apartment. I deployed a Deftec Light Sound Diversionary Device (LSDD) outside a window of Fogel's residence. Shortly after deployment of the device, Fogel came to the front door and complied with instructions. Fogel was taken into custody without further incident. After Fogel was taken into custody, SWAT personnel performed a safety sweep of Fogel's apartment without incident.

After the apartment was secured, I examined the area for any damage as a result of the warrant service. I noticed two circular indentations on the upper portion of the front door. These were caused by the less than lethal rounds fired by Senior Deputy Malagon. I also noticed part of the door frame was broken. I was unable to determine if this damage was caused by the rounds, or by Fogel's destructive behavior. I booked a compact disc at the East County Property Room, which contained digital photographs of the residence and any damage done by Sheriff's SWAT personnel.



THIS IS AN **OFFICER USE OF FORCE** REPORT.

**INVOLVED PERSONS**

ROLE <b>ARRESTEE - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) <b>FOGAL , ROBERT</b>			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT <b>6'01</b>	WEIGHT <b>230</b>	HAIR <b>BROWN</b>	EYE <b>GREEN</b>	DRIVER'S LICENSE/STATE [REDACTED]			
ADDRESS [REDACTED] <b>CAMARILLO , CA , 93012-</b>				HOME PHONE [REDACTED]		[REDACTED]	
OCCUPATION <b>UNEMPLOYED</b>	EMPLOYER	EMPLOYER ADDRESS			BUSINESS PHONE		
COMPLEXION <b>LIGHT</b>	BUILD <b>MEDIUM</b>	HAIR LENGTH/STYLE <b>SHORT, BUSHY</b>	GLASSES <b>NONE</b>	HANDED <b>RIGHT HANDED</b>	FACIAL HAIR LENGTH/STYLE <b>SHORT, UNSHAVEN</b>		
CLOTHING <b>PANTS - WHITE ATHLETIC SHORTS;</b>							

LOCATION BOOKED <b>CAMARILLO POLICE STATION</b>	PROPERTY ADDRESS <b>5243 CORTE ESTIME, 74, CAMARILLO, VENTURA COUNTY</b>
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TAG #	EVIDENCE	ITEM STATUS	DESCRIPTION
<b>1</b>	<b>Y</b>	<b>SEIZED</b>	<b>PHOTOGRAPHS - ISHOT</b>

DATE RECOVERED# <b>10-02-2017</b>	LOCATION RECOVERED <b>3291 LOMA VISTA DR</b>
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OWNER	RELATED TO <b>ARRESTEE - ROBERT FOGAL</b>
-------	--

1	ITEM	VALUE	QUANTITY	RECOVERED
	<b>PHOTOGRAPHS</b>	<b>0.00</b>	<b>1</b>	<b>Y</b>

TAG #	EVIDENCE	ITEM STATUS	DESCRIPTION
<b>2</b>	<b>Y</b>	<b>SEIZED</b>	<b>DESALVO'S BODY WORN VIDEO</b>

DATE RECOVERED# <b>10-02-2017</b>	LOCATION RECOVERED
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OWNER	RELATED TO <b>ARRESTEE - ROBERT FOGAL</b>
-------	--

1	ITEM	VALUE	QUANTITY	RECOVERED
	<b>DESALVO'S BODY WORN VIDEO</b>	<b>0.00</b>	<b>4</b>	<b>Y</b>

TAG #	EVIDENCE	ITEM STATUS	DESCRIPTION
<b>3</b>	<b>Y</b>	<b>SEIZED</b>	<b>MOSS' BODY WORN VIDEO</b>

DATE RECOVERED# <b>10-02-2017</b>	LOCATION RECOVERED
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Issued date: \_\_\_\_\_

DATE REPORTED <b>10-02-2017</b>	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME <b>MOSS, SAMUEL (5068) / Special Services Major Crimes - 10-03-2017 / 1410</b>
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APPROVED BY / ID # - APPROVED DATE / TIME <b>ZADEH, CYRUS / 4339 - 10/03/2017 / 1410</b>
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OWNER		RELATED TO <b>ARRESTEE - ROBERT FOGAL</b>		
<b>1</b>	ITEM <b>MOSS' BODY WORN VIDEO</b>	VALUE <b>0.00</b>	QUANTITY <b>6</b>	RECOVERED <b>Y</b>

**OFFICER'S NARRATIVE - ATTEMPT MURDER ON OFFICER**

**On 10/02/17, I worked uniformed patrol with Deputy DeSalvo #4452 as 3C21 in the unincorporated area of Camarillo. At 0147 hours, we responded to [REDACTED] eference a SWAT call out for a subject, (A) Robert Fogal, who attempted to murder a deputy sheriff around 2030 hours on 10/01/17.**

**Upon arrival, we assisted SWAT team members in securing the perimeter.**

**At 0518 hours, the SWAT team arrested Fogal for an active arrest warrant (# 1159637) for the following Penal Code (PC) violations:**

**PC 664/187(a) - Attempt murder on a peace officer**

**PC 245(a)(1) - Assault with a deadly weapon**

**PC 69 - Resist executive officer**

**SWAT team member, Deputy Hennes #4587, escorted Fogal to our patrol vehicle. Deputy DeSalvo and I secured Fogal in the rear passenger side of our patrol vehicle. Due to Fogal's large size, SWAT team members secured Fogal's hands with two pairs of handcuffs.**

**While Fogal was in the patrol vehicle, Fogal yelled repeatedly. Fogal moved his hands from behind his back, underneath his legs, and to the front of his body. Deputy DeSalvo, Deputy Flores #3281, and I removed Fogal from the vehicle, and re-secured Fogal in one pair of handcuffs behind his back.**

**We re-secured Fogal into the patrol vehicle and told him to keep his hands behind his back. Fogal continued to yell, and occasionally banged his head on the Plexiglas which divided the back and front seats of the vehicle. Fogal again moved his hands from behind his back to the front of his body.**

**Deputy DeSalvo, Deputy Douglas #4729, and I again removed Fogal from the vehicle and re-secured Fogal's hands behind his back. Based on Fogal's ability to move his hands from behind his back to the front of his body and the officer safety concerns associated with his propensity to do so, at about 0550 hours, I secured Fogal's feet with a rip hobble.**

**We re-secured Fogal into the patrol vehicle with his hands cuffed behind his back and his feet secured with a rip hobble. Fogal managed to remove the rip hobble from his feet, and again moved his hands from behind his back to the front of his body.**

**Deputy DeSalvo, Deputy Helm #5240, and I removed Fogal from the vehicle and secured his feet with shackles and a rip hobble. We then secured Fogal's hands behind his back and re-secured him in our patrol vehicle.**

At 0600 hours, Deputy DeSalvo and I transported Fogal to the Ventura County Medical Center (VCMC) for a medical clearance. Fogal was medically evaluated in Exam Room 13 in the VCMC Emergency Room Department.

Major Crimes detectives Alvarez #3616 and Rodriguez #3591 responded to VCMC and conducted a Miranda interview with Fogal. During the Miranda Interview, Detective Rodriguez utilized my body worn camera to obtain audio and video footage of the interview. Refer to Major Crimes detectives reports for additional information regarding their investigation.

At 1138 hours, Fogal received a medical clearance from treating physician [REDACTED]

At 1148 hours, Deputy DeSalvo and I transported Fogal to the Pre-Trial Detention Facility and booked him on the above warrant for the above listed charges without incident.

During the course of my contact with Fogal, I obtained 31 photographs of his person to document the presence or absence of injury. The photographs were uploaded into evidence via iShot. Additionally, I recorded six body worn videos and Deputy DeSalvo recorded four body worn videos. The videos were uploaded into evidence via Evidence.com.

**USE OF FORCE**

SUBJECT <b>OFFICER USE OF FORCE</b>					
DATE <b>10-02-2017</b>	TIME <b>0550</b>	LOCATION OF UOF INCIDENT [REDACTED]	# DEPUTIES <b>1</b>	# SUBJECTS <b>1</b>	SUBJECT NAME <b>ROBERT FOGAL</b>
SUPERVISOR NOTIFIED <b>YES</b>		SUPERVISOR NAME <b>SERGEANT MACIAS</b>	SUPERVISOR RESPOND? <b>YES</b>		INJURIES SUSTAINED BY: <b>YES</b>
DID EMS RESPOND? <b>NO</b>		RESPONDING JAIL MEDICAL STAFF	FIRE/AMR STATION #		EMT NAME/ID
NATURE OF INITIAL CONTACT <b>ARREST</b>		SUBJECT'S CONDUCT <b>VERBALLY DEMONSTRATING THEIR NON-COMPLIANCE</b>			SUBJECT ARMED/TYPE OF WEAPON
SUBJECTS RESISANCE <b>ACTIVE RESISTANCE (PHYSICALLY ATTEMPTS TO DEFEAT CONTROL)</b>			DEPUTIES USE OF FORCE <b>LEG RESTRAINTS (HOBBLE)</b>		
EFFECTS OF FORCE ON SUBJECT <b>COMPLAINT OF MINOR INJURY</b>			INJURY/TREATMENT <b>NO INJURY TO SUBJECT</b>		
SUBJECT TRANSPORTED TO <b>HOSPITAL</b>			HOSPITAL OUTCOME <b>THE SUBJECT WAS MEDICALLY CLEARED FOR BOOKING</b>		
DEPUTY <b>DEP MOSS, SAMUEL</b>		FORCED USED AGAINST DEPUTY <b>OTHER</b>		EFFECT OF FORCE USED AGAINST DEPUTY <b>NO COMPLAINT OF INJURY</b>	
INJURY/TREATMENT TO DEPUTY <b>NO INJURY TO DEPUTY</b>			HOSPITAL OUTCOME		

ARREST DATE/TIME <b>10-02-2017 /0518</b>	ARREST LOCATION [REDACTED], <b>CAMARILLO</b>	ARRESTEE STATUS <b>IN CUSTODY (MAIN JAIL)</b>	JUVENILE <b>NO</b>
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USE OF FORCE INCIDENT? **Y** IF SO, # OF REPORTS WRITTEN? **1** IS BODY CAMERA VIDEO AVAILABLE? **Y**

CHARGE	CHARGE DESCRIPTION	SEVERITY	CITE #/COURT/DATE	WARRANT #
<b>PC 813(A)</b>	<b>FELONY WARRANT-NEW</b>	<b>FELONY</b>		<b>1159637</b>

WAS THE ARRESTEE READ THE MIRANDA ADVISEMENT? **NO**

**ARRESTED PERSON**

BOOKING #	NAME - LAST, FIRST, MIDDLE <b>FOGAL, ROBERT</b>			RACE <b>WHITE</b>	[REDACTED]	GENDER <b>M</b>	AGE [REDACTED]	DOB [REDACTED]
HEIGHT <b>6'01</b>	WEIGHT <b>230</b>	HAIR <b>BROWN</b>	HAIR STYLE <b>SHORT, BUSHY</b>		FACIAL HAIR <b>SHORT, UNSHAVEN</b>			
EYE <b>GREEN</b>	LENS <b>NONE</b>	COMPLEXION <b>LIGHT</b>	BUILD <b>MEDIUM</b>	LANGUAGE <b>ENGLISH</b>		HAND USED <b>RIGHT HANDED</b>		
ADDRESS [REDACTED] <b>AMARILLO, CA, 93012-</b>					PHONE [REDACTED]	ALT. PHONE [REDACTED]		
OCCUPATION <b>UNEMPLOYED</b>			EMPLOYER	EMPLOYER ADDRESS				
INJURY <b>NONE SEEN. "HANDS, FEET, HEAD HURT." VCMC MED CLEARANCE.</b>								

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Issued date: \_\_\_\_\_

REPORTING OFFICER / ID # - ORG UNIT - SUBMIT DATE / TIME <b>MOSS, SAMUEL / 5068- Camarillo Patrol Services - 10-03-2017 / 1348</b>	
FTO / PARTNER <b>DESALVO, TJ /4452</b>	APPROVED BY / ID # - APPROVED DATE / TIME <b>ZADEH, CYRUS / 4339 - 10/03/2017 / 1348</b>

**INVOLVED PERSONS**

ROLE <b>ARRESTEE - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) <b>FOGAL , ROBERT BURTON</b>	RACE <b>UNKNOWN</b>	GENDER <b>M</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT <b>6' 1</b>	WEIGHT <b>205</b>	HAIR <b>BROWN</b>	EYE <b>GREEN</b>	E [REDACTED]	
ADDRESS [REDACTED] <b>CAMARILLO , CA , 93012-</b>			HOME PHONE	MOBILE PHONE	

LOCATION BOOKED <b>WEST COUNTY PROPERTY ROOM</b>	PROPERTY ADDRESS
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TAG # <b>1</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>DIGITAL RECORDING OF FOGAL INTERVIEW</b>
DATE RECOVERED# <b>10-02-2017</b>		LOCATION RECOVERED <b>VCMC</b>	
OWNER		RELATED TO	
<b>1</b>	ITEM <b>CD</b>	VALUE <b>0.00</b>	QUANTITY <b>1</b>
RECOVERED			

TAG # <b>2</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>DVD OF FOGAL THREATENING SWAT DEPUTIES/ FOGAL IN ER @ VCMC</b>
DATE RECOVERED# <b>10-02-2017</b>		LOCATION RECOVERED	
OWNER		RELATED TO	
<b>1</b>	ITEM <b>DVD</b>	VALUE <b>0.00</b>	QUANTITY <b>1</b>
RECOVERED			

TAG # <b>3</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>DIGITAL PHOTOGRAPHS UPLOADED TO ISHOT</b>
DATE RECOVERED# <b>10-02-2017</b>		LOCATION RECOVERED	
OWNER		RELATED TO	
<b>1</b>	ITEM <b>PHOTOGRAPHS BY ALVAREZ</b>	VALUE	QUANTITY <b>6</b>
<b>2</b>	ITEM <b>PHOTOGRAPHS BY RODRIGUEZ</b>	VALUE	QUANTITY <b>10</b>
RECOVERED			

**OFFICER'S NARRATIVE**

[Empty space for officer's narrative]

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Issued by: \_\_\_\_\_  
Issued date: \_\_\_\_\_

DATE REPORTED <b>10-03-2017</b>	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME <b>ALVAREZ, DILLAN (3616) / Special Services Major Crimes - 10-03-2017 / 1734</b>
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APPROVED BY / ID # - APPROVED DATE / TIME <b>JENKINS, STEVEN / 3933 - 10/03/2017 / 1734</b>
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**On 10-2-17, I was assigned to the Major Crimes Bureau. On this date, Detective Rodriguez and I assisted with the investigation of (A) Robert Fogal. Fogal was arrested earlier this date on charges of 664/187 PC, 245(a)(1)PC and 69 PC after he threw knives at Ventura County Sheriff's Office SWAT deputies and refused to cooperate and surrender himself, which resulted in the activation of the Ventura County Sheriff's SWAT team. Fogal was eventually arrested and transported to the Ventura County Medical Center (VCMC) for a medical clearance prior to him being booked in the Main Jail.**

**While in VCMC emergency room, Fogal was handcuffed to a hospital bed for safety reasons since he was extremely agitated and displayed violent behavior earlier this date. Fogal continued to curse at deputies and Detective Rodriguez and I while in the emergency room. Fogal yelled and cursed loudly while stating he wanted to go to a "mental facility" because he was "crazy" and has "PTSD." Fogal also yelled he had to "pee" throughout our time in the emergency room. Fogal was given a plastic urination container and allowed one arm free to be able to urinate in this container, which he did. Although Fogal had access to this urination container and successfully urinated in it, he continued to yell he wanted to walk to a restroom to be able to "pee" again. Fogal was denied this due to his aggressive state and unpredictable behavior, and was provided an additional plastic urination container. At times, Fogal threatened to "tip" the hospital bed he was on, and began to rock the bed side to side to the point the hospital bed's wheels were leaving the floor, while continuing to yell he had to "pee" and asking for medication. While making derogatory comments to deputies and detectives, Fogal challenged Deputy Moss to fight and made statements he was going to "find" us when he gets out of custody.**

**After being in the emergency room with Fogal for approximately four hours, Detective Rodriguez and I decided to interview Fogal at a moment he appeared to have calmed, rather than wait to interview him later at the jail. The following is a summary of our interview with Fogal. Refer to digital recording for the interview in full.**

**Detective Rodriguez advised Fogal of the charges he was being arrested, including 664/187 PC, attempt murder. Fogal replied, "What, attempted murder?" Detective Rodriguez began reading Fogal his Miranda rights per his department issued Miranda advisement card and told Fogal he had the right to remain silent. Fogal lowered his head at this time and appeared upset or dejected. When asked if he understood that right, Fogal said, "No." Detective Rodriguez told Fogal anything he says may be used against him in court. When asked if he understood, Fogal said, "No."**

**To ensure Fogal understood the rights being read to him, I explained to Fogal this meant it was his right to not say anything to us. Fogal asked, "Attempted murder on who?" I told Fogal we would get to that, but I first wanted to ensure he understood his rights. I asked Fogal, "Do you understand what it means to have the right to not have to talk to us?" Fogal replied, "No." I told Fogal it is his right to not speak with me if he chose not to. I asked Fogal if he understood this and he said, "No." I asked Fogal to explain what he did not understand and he said, "I don't understand any of it. I don't know why I'm here." I explained to Fogal he knew why he was there, and now I was attempting to speak with him about it. Fogal again asked, "Attempted murder on who?" I replied, "On deputies that were out at your house tonight. Fogal replied, "I didn't touch nobody. You want to claim, put attempted murder on me, get the fuck out. Get the fuck out of here." I told Fogal before we discussed this further I had to read him his rights. Fogal said, "I don't understand my rights." Fogal went on to say, "I didn't hit nobody so I don't see how, look attempted murder is much worse. I would murder someone for it to be attempted murder. So please tell me the charges that I'm being held, I want to know what happened."**

**I again attempted to read Fogal his Miranda rights and he said, "I want to know my charges first, and I'll let you know if I understand that." I again advised Fogal of his charges and he asked, "Attempt homicide? How?" I again explained I had to make sure he understood his rights before we discussed this. Fogal said, "No we don't. The court will say otherwise, no we don't." I again explained to Fogal he has the right to remain silent. Fogal said, "No. I feel like I have to. You're wearing a badge and you ties my feet to the bed, hands to the bed, to me that means I have to talk to you. I again explained this was not the case and Fogal did not have to speak to detectives if he wished not to. Fogal said, "Nope, I was raised otherwise." I again told Fogal he had the right to not speak**

with me. Fogal said, "Ok well I understand that, now I want to talk to you." Fogal then said, "Keep talking but you're contradicting, you know, you're work ethic, because if I were to understand my rights, you can't talk to me can you?" I continued to read Fogal the remainder of the Miranda advisement and Fogal replied, "I don't understand. Who did I try to kill?" After I read Fogal the Miranda advisement he said, "Now that you're satisfied that you did what you had to do, you can tell me who did I try to murder?" I asked, "Does that mean you want to talk to me? After me reading you your rights, does that mean you want to talk to me?" Fogal said, "I asked you a question, so that means I want answers, so yes."

I asked Fogal what his question was. Fogal asked, "Who did I try to murder?" I replied, "Deputies that were on scene." Fogal said, How? I promise you if I wanted to kill someone they'd be dead." I asked Fogal why he refused to come out of his house when deputies asked him to. Fogal said, "Because I don't have to." I explained to Fogal he just told me he was raised to speak to an officer when an officer has questions. Fogal said, "It doesn't mean I have to open my door. Talking is different. So go ahead keep playing that card." I asked Fogal if he recognized officers wearing badges outside of his house asking him to exit his residence. Fogal said, "I did not." I asked Fogal who he thought was outside speaking with him and he said, "No idea. It doesn't matter what I think. What I think is what I think. And anything else you pull out of me is a win for you."

I asked Fogal to tell me what occurred at his residence on this date that caused the police to come out to his house. Fogal said, "I don't know. I really don't know that's why I'm asking. I have no idea." I asked Fogal to tell me where his cell phone currently was. Fogal replied asked, "Why?" I asked Fogal if he knew where his cell phone was. Fogal said, "You're going to say throwing a cell phone is assault and attempted murder?" I asked Fogal to tell me more about throwing his cell phone. Fogal said, "Why don't you tell me because you're asking like you know." I asked Fogal to tell me who he threw his cell phone at and he replied, "At a tree." I asked Fogal why he did this and he said, "Because I didn't want it any more. So that's attempted murder? Because you can try and trump up that charge all you want but it's not gonna stick. So how did I try to murder anyone? Because I guarantee if I tried to murder anyone they'd be cut, stabbed, beat up, they would have some issues."

I told Fogal there were knives on the ground next to his cell phone. Fogal said, "So I was cooking, and?" I asked Fogal what he meant and he said, "I was making a steak mother fucker, so what's up? I'm allowed to cook with knives. I'm allowed to have cell phones. I got frustrated, my steak burnt, and I threw them all out the window, at the tree. I didn't try to hit no one. So if you want to say that's attempted murder, knock yourself out, because I'll beat that charge."

Using my cell phone, I played Fogal a video recorded by SWAT Deputy Douglas during the standoff with Fogal. In this video, Fogal is seen standing on his second story patio yelling and cursing at deputies, challenging them to "come get" him, and making threats to kill anyone who attempted to enter his home. I asked Fogal if that was him yelling in the video and he said, "Yeah." I asked Fogal to tell me who he was yelling at in this video. Fogal replied, "You. You're filming me. I invited you up." I explained to Fogal he was making threats to deputies in this video. Fogal said, "Yeah, because anyone who comes inside my home, they deserve to get hurt. Anyone breaks and enters my home, I'm allowed to defend myself. We have the right to bear arms per our constitution, so what are you saying?" I asked Fogal who he was talking to in this video and he said, "All ya'll. Anyone that's gonna come into my house and break in my door, I'm gonna hurt them."

I asked Fogal what he saw when he stood on his patio looking down at everyone he was yelling at. Fogal said, "Bright lights, all I saw was bright lights, I didn't know who it was." I asked Fogal to tell me what kind of lights he saw and he said, "Fluorescent bright as fuck lights, spotlights." I asked Fogal what color the lights were and he said, "White, like a regular fucking light." I asked Fogal if he saw any other colored lights and he said, "Nope." I told Fogal I saw different colored lights on police vehicles on scene and he said, "Good for you. Maybe I'm color blind. You don't know that but maybe the doctor can help with that."

I asked Fogal to tell me what he heard while he was outside of his residence yelling while he saw bright lights. Fogal said, "Uhm, I heard come outside, put your hands in the air, a lot of authoritative commands, but I didn't hear this is police officer, I'm with the Ventura County police station. I didn't hear CHP, I didn't hear nothing but put your hands in the air. When I hear that, from where I grew up, that means you're getting robbed. So I'm not putting my hands up unless I see a badge or I hear police station. I didn't hear that shit. I heard put your hands up don't move and I saw bright lights. So I don't know if it's a random civilian with fog lights on his car, or if it's the fucking brigade police. So I told them to come on up if they got a problem, we can handle it there, because I'm not gonna go down there I'm not being pro-active in violence. If they want to come up to me, and try to come in my door that's fine, we can fight because they're in my house and I have the right to bear arms. I don't have the right to bear arms in public property, so I didn't go down."

I explained to Fogal deputies in the video can be clearly heard identifying themselves as the sheriff's department. Fogal said, "I didn't hear it. Ok, it can be on the video, it doesn't mean I heard it." I explained to Fogal he heard commands telling him to put his hands up and come outside. Fogal said, "Nope no I didn't, no I didn't, I have the right to remain silent, look I'm talking at voluntary commitment so if you tell me to shut my mouth I will." I said, "So you understood you have the right to remain silent." Fogal said, "I don't understand anything." I explained to Fogal he just told me he had the right to remain silent. Fogal said, "That's not what I said." I asked Fogal if he was speaking with me on his own will and he said, "Not no more, because you're trying to bait me into a fucking scam. You're playing games, you're trying to set yourself up because you guys know didn't announce yourselves and you came after me for no good reason. There is no assault or attempted murder or any of that shit. If there was attempted murder. There would be a murder. Because I guarantee you I could murder you right now and you would never know."

I explained to Fogal that several people called the police on him tonight and there was a good reason for deputies being present outside of his home. Fogal said, "Opinions are like assholes, we all got em and they all stink. So I don't give a fuck what my neighbors think. And I don't give a fuck what they told you." I explained to Fogal it was my opinion he was aware he was dealing with officers because he was face to face with deputies during this incident. Fogal said, No there wasn't show me the video, you don't got it (laughing. The only video you got is to try and incriminate me so, we'll see your video versus my video. My house is surveilled too, so you should be aware of that."

I asked Fogal to explain why he thought anyone would go through the trouble of waking the entire neighborhood up with bright lights, sirens and public address systems to attempt to rob him. Fogal said, "Look I'm not trying to go down this rabbit hole with you. I'm not gonna go down this rabbit hole with you. Because I know a lot of people. I'm sure a lot of people want to come after you, someone like me."

I asked Fogal who he called for help if he thought he was getting robbed and he said, "Girlfriend." I asked why he called his girlfriend and he said, "Because I didn't know who else to call, because I don't trust the cops. Next. What do you got? Come on, fire. Fire em' at me." I asked Fogal if he girlfriend responded to help him and he said, "No she's in France." I asked why he called her for help if she was in France. Fogal said, "All you're doing is interrogating me, trying to clear your name because you fucked up, now get out." I explained to Fogal I was not there. Fogal said, "Then you're trying to clear their names. I don't know what you're trying to do, but it's not gonna happen with me." I told Fogal I was trying to figure out why he did what he did. Fogal interrupted me and yelled angrily, "Because I'm mentally not sane! I'm mentally unstable, so that's why! So if you wanna ask me why I'm nuts, go ahead and ask the government mother fucker!"

I asked Fogal why it took him so long to come outside and he said, "I have the right to remain silent." Fogal went on to say, "I know a lot more psychology than you so stop fucking with me. Stop fucking with me. You're just sitting here pushing pushing, and trying to pull for answers. And you're not gonna get them." I asked Fogal if he wanted to continue to discuss the circumstances of his arrest and he said, "No I don't." Fogal then continued to ask questions creating confusion on whether or not he wished to continue the interview. I again asked Fogal if he

wished to speak with mew and he asked, "Do you have anything of importance to say?" I explained I had a lot of important questions for him and he said, "Yeah all you're doing is asking me questions and you're not answering mine. So no, I don't have any more answers for you. But if you have something for me, I'll take them."

I ended my interview with Fogal with nothing of further significance being discussed. The digital recording of this interview was booked as evidence. The video recorded by Deputy Douglas which was shown to Fogal during this interview was also booked as evidence. Also included on this DVD is a video I recorded while with Fogal in the emergency room, showing Fogal's demeanor and state.

**Note:** While in the emergency room with Fogal, I advised him I obtained a search warrant which permitted me to obtain a DNA sample from him. I advised Fogal this could be done in the form of a blood draw, or a buccal swab. Fogal initially said he would not provide a DNA sample. I explained the search warrant permitted for to be used to obtain this sample. Fogal then said he would allow a buccal swab but not a blood draw. Minutes later, Fogal said he would not allow a buccal swab and requested a blood draw. Fogal was indecisive and changed his mind on this issue several times. RN [REDACTED] eventually requested to draw Fogal's blood as part of his medical clearance. Fogal initially told her he was not going to allow anyone to draw his blood. After further discussing this, Fogal agreed to allow RN [REDACTED] to draw blood as part of his medical clearance as well as per the search warrant. Detective Rodriguez and I later booked this blood sample at the West County Property Room.

# **Miscellaneous Reports**

LOCATION BOOKED	PROPERTY ADDRESS <b>CAMARILLO PROPERTY ROOM, CAMARILLO, VENTURA COUNTY</b>
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TAG # <b>1</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>CRIME SCENE ENTRY LOG</b>		
DATE RECOVERED# <b>10-02-2017</b>					
OWNER			RELATED TO		
<b>1</b>	ITEM <b>CRIME SCENE ENTRY LOG</b>		VALUE	QUANTITY <b>1</b>	RECOVERED

**OFFICER'S NARRATIVE**

**On 10/02/2017,I was working uniformed patrol in the city Camarillo as 8B11. At approximately 1240 hours, I booked the Crime Scene Entry Log into evidence at the Camarillo Property Room.**

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Issued by: \_\_\_\_\_  
Issued date: \_\_\_\_\_

DATE REPORTED <b>10-02-2017</b>	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME <b>BENTRUP, ELYSE (4900) / Camarillo Patrol Services - 10-02-2017 / 1336</b>
APPROVED BY / ID # - APPROVED DATE / TIME <b>MACIAS, GUSTAVO / 2561 - 10/02/2017 / 1336</b>	

**INVOLVED PERSONS**

ROLE <b>WITNESS - #1</b>	NAME - LAST, F [REDACTED], [REDACTED]	LIAS/MONIKER)	RACE <b>WHITE</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE [REDACTED]		
[REDACTED] <b>CAMARILLO, CA, 93010-</b>				HOME PHONE	[REDACTED]	
OCCUPATION <b>NURSE</b>	EMPLOYER	EMPLOYER ADDRESS			BUSINESS PHONE	
ROLE <b>WITNESS - #2</b>	NAME - LAS [REDACTED], [REDACTED]	LIAS/MONIKER)	RACE <b>WHITE</b>	GENDER <b>F</b>	AGE [REDACTED]	D.O.B. [REDACTED]
HEIGHT	WEIGHT	HAIR	EYE	DRIVER'S LICENSE/STATE /		
[REDACTED] <b>AMARILLO, CA, 93010-</b>				HOME PHONE	[REDACTED]	
OCCUPATION <b>STUDENT</b>	EMPLOYER <b>FRONTIER HIGH</b>	EMPLOYER ADDRESS			BUSINESS PHONE	

LOCATION BOOKED <b>WEST COUNTY PROPERTY ROOM</b>	PROPERTY ADDRESS <b>800 S. VICTORIA AVE, VENTURA, VENTURA COUNTY</b>
---	---

TAG # <b>1</b>	EVIDENCE <b>Y</b>	ITEM STATUS <b>SEIZED</b>	DESCRIPTION <b>CONSENT SEARCH FORM SIGNED BY CELL PHONE OWNER</b>			
DATE RECOVERED# <b>10-02-2017</b>		LOCATION RECOVERED				
OWNER			RELATED TO <b>WITNESS - [REDACTED] AND [REDACTED]</b>			
<b>1</b>	ITEM <b>CONSENT SEARCH FORM</b>	VALUE	QUANTITY <b>1</b>	RECOVERED		

**OFFICER'S NARRATIVE**

**On 10/02/17, I was assigned as a Detective in the Investigations Unit at the Camarillo Police Department. At about 0640, I was dispatched to the Avalon apartment complex located in the Mission Oaks area of Camarillo reference an officer involved shooting.**

**When I arrived on scene, I was tasked with canvassing the area for any recorded footage of the incident. I saw Detective Boynton was interviewing a female, [REDACTED], at apartment [REDACTED] reference the incident. Refer to Detective Boynton's report for details of the interview.**

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Issued date: \_\_\_\_\_

DATE REPORTED <b>10-02-2017</b>	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME <b>CRUZ, GERARDO (4727) / Special Services Major Crimes - 10-03-2017 / 1525</b>
APPROVED BY / ID # - APPROVED DATE / TIME <b>MICHALEC, STEVEN / 2967 - 10/03/2017 / 1525</b>	

I asked [REDACTED] if they have any security cameras on in their apartment building. [REDACTED] told me they do not have any security cameras but her daughter, [REDACTED] [REDACTED], recorded the incident on her cell phone.

I asked to speak with [REDACTED]. [REDACTED] told me the following: Last night, as the incident was occurring, she ([REDACTED]) attached her cell phone to a tri-pod and placed it outside on her balcony. [REDACTED] said she recorded about eight hours of video on her cell phone. It should be noted, [REDACTED]'s balcony faces the suspect's apartment building.

[REDACTED] allowed me to view the footage on her cell phone (iPhone 7 plus). I reviewed the footage and saw the officer involved shooting was captured on the cell phone. I asked [REDACTED] and [REDACTED] if they would allow the Sheriff's Office to download the video from her cell phone. Additionally, because of the size of the video files, I told [REDACTED] and [REDACTED] I would have to take the phone to a forensic analyst to download the phones.

[REDACTED] and [REDACTED] consented to a search of the cell phone in order to download the video clips. [REDACTED] signed a Consensual Consent Form and allowed me to take custody of the cell phone. [REDACTED] added we could keep the cell phone overnight if needed.

I asked Senior Deputy Arthur, of the Southern California High Tech Task Force, to analyze the cell phone and extract the video clips. Senior Deputy Arthur said, due the size of the video files, it was going to take longer than expected.

I then transferred custody of the cell phone to Detective Zadeh, of the Major Crimes Unit and later booked the Consensual Search Form into the Camarillo Station Property Room as evidence.

**INVOLVED PERSONS**

ROLE <b>RPT PARTY - #1</b>	(ALIAS/MONIKER)	RACE <b>OTHER</b>	GENDER <b>F</b>	AGE	D.O.B.
HEIGHT <b>5'6</b>	WEIGHT <b>150</b>	HAIR <b>BROWN</b>	EYE <b>BROWN</b>	TE	
AMARILLO , CA , 93012-			HOME PHONE		
EMAIL ADDRESS					
COMPLEXION <b>DARK BROWN</b>	BUILD	HAIR LENGTH/STYLE	GLASSES	HANDED	FACIAL HAIR LENGTH/STYLE

**INVOLVED VEHICLE**

VEHICLE ROLE <b>INVOLVED - #1</b>	MODEL YEAR <b>2017</b>	MAKE <b>TOYOTA</b>	MODEL <b>COROLLA</b>	STYLE <b>4 DOOR</b>	COLOR <b>WHITE</b>
LICENSE STATE <b>CA</b>	ASSOCIATION <b>RPT PARTY #1 - PERSON</b>				TOWED <b>N</b>
VEHICLE USE <b>PARKED AT SCENE UNOCCUPIED</b>		VEHICLE LOCATED <b>LOCATED AT THE SCENE</b>		VEHICLE DISPOSITION	
LOCATION BOOKED <b>ISHOT</b>			PROPERTY ADDRESS		

TAG #	EVIDENCE	ITEM STATUS	DESCRIPTION	
<b>1</b>	<b>N</b>	<b>SEIZED</b>	<b>PHOTOS OF DAMAGE TO VEHICLE</b>	
OWNER <b>BRITNII BOYD</b>		RELATED TO		
1	ITEM	VALUE	QUANTITY	RECOVERED
	<b>PHOTOS OF DAMAGE TO VEHICLE</b>		<b>12</b>	

**OFFICER'S NARRATIVE**

On 10-6-17, I was working the front lobby counter at the Camarillo Police Station. At about 1430 hours, (RP) [REDACTED] ame in to the police station to report her vehicle being damaged during an incident at her apar [REDACTED] on 10-1-17. I asked [REDACTED] to show me where her vehicle was parked in the parking lot of the complex on a satellite image of the parking lot. [REDACTED] instead showed me a picture she took of her vehicle parked within the scene taped off by police.

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DATE REPORTED <b>10-09-2017</b>	REPORTING OFFICER / I.D. # - ORG. UNIT - SUBMIT DATE / TIME <b>JOHNSTON, CHRISTOPHER (4455) / Camarillo Patrol Services - 10-09-2017 / 1404</b>
APPROVED BY / ID # - APPROVED DATE / TIME <b>REYES, EDUARDO / 2160 - 10/09/2017 / 1404</b>	

I looked at her vehicle in the station parking lot and [REDACTED] ere several dents and scuffs on the driver side left front bumper, left front fender and driver side door. [REDACTED] told me the scuffs and dents were not there prior to the incident at her complex. I took 12 digital photographs of the damage and they were uploaded via iShot.

I confirmed with Senior Deputy Dominguez #3386 that [REDACTED] ehicle was inside the scene and parked in a location where it easily could have received damage from the incident.

I asked [REDACTED] if she had provided a statement to anyone regarding the incident and she had not. [REDACTED] stated she heard the commotion and people yelling, as well as, "the gun shots" but she was unable to provide any additional or specific information regarding the incident.

I provided [REDACTED] ith the report number on a business card for her insurance.

**INVOLVED PERSONS**

ROLE <b>INV PARTY - #1</b>	NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) [REDACTED], [REDACTED]			RACE <b>WHITE</b>	GENDER <b>M</b>	AGE [REDACTED]
HEIGHT <b>6'0</b>	WEIGHT <b>240</b>	HAIR <b>BLOND OR STRAWBERRY</b>	EYE <b>BLUE</b>	DRIVER'S LICENSE/STATE [REDACTED]		
[REDACTED] <b>AMARILLO, CA, 93010-</b>				HOME PHONE [REDACTED]	[REDACTED]	
EMAIL ADDRESS <b>UNKNOWN</b>						
OCCUPATION <b>RETIRED</b>	EMPLOYER	EMPLOYER ADDRESS			BUSINESS PHONE	

**INVOLVED VEHICLE**

VEHICLE ROLE <b>INVOLVED - #1</b>	MODEL YEAR <b>1990</b>	MAKE <b>CHEVROLET</b>	MODEL <b>SILVERADO</b>	STYLE <b>PICKUP</b>	COLOR <b>BLUE</b>
LICENSE NUMBER [REDACTED]	LICENSE STATE <b>CA</b>	ASSOCIATION <b>INV PARTY #1 - PERSON</b>			TOWED <b>N</b>
VEHICLE USE <b>PARKED AT SCENE UNOCCUPIED</b>		VEHICLE LOCATED <b>LOCATED AT THE SCENE</b>		VEHICLE DISPOSITION <b>VEHICLE LEFT AT SCENE</b>	

**OFFICER'S NARRATIVE - VEHICLE DAMAGE**

On 10/06/2017, Deputy Burt and I were working in Camarillo as 8H41. At approximately 1518 hours, I was dispatched to [REDACTED] reference a vehicle that was damaged on a call related to RB 17-149849.

Upon arrival I contacted (P) [REDACTED]. Below is a summary of my conversation with [REDACTED]: [REDACTED] stated his vehicle was parked to the front of apartment [REDACTED] where the incident occurred. [REDACTED]'s neighbor informed him the next day his driver side mirror was bent forward with a small circular damage on the bottom of the mirror. The circular damage measured approximately half an inch in diameter. During this time, [REDACTED] walked me over to his car.

[REDACTED] remembered observing multiple SWAT members lined up against the driver side of his car during the incident. [REDACTED] believed they may have accidentally bumped into the driver side mirror when responding to the apartment.

Based on [REDACTED] statements, I took digital images of the damage of his vehicle and gave him the number to risk management. I later uploaded the digital images as evidence via iShot application.

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DATE REPORTED <b>10-06-2017</b>	REPORTING OFFICER / I.D.# - ORG. UNIT - SUBMIT DATE / TIME <b>SONG, SCHAUM (5021) / Camarillo Patrol Services - 10-07-2017 / 1641</b>
APPROVED BY / ID # - APPROVED DATE / TIME <b>MACIAS, GUSTAVO / 2561 - 10/07/2017 / 1641</b>	

INVOLVED PERSONS

Table with columns: ROLE (SUSPECT - #1), NAME - LAST, FIRST, MIDDLE (ALIAS/MONIKER) (FOGAL, ROBERT), RACE (WHITE), GENDER (M), AGE, D.O.B., HEIGHT, WEIGHT, HAIR, EYE, ADDRESS (CAMARILLO, CA, 93012-), OCCUPATION (UNEMPLOYED), EMPLOYER, EMPLOYER ADDRESS, BUSINESS PHONE.

OFFICER'S NARRATIVE - SGT. LUNA'S HANDGUN INSPECTION

17-149849

ATTEMPTED MURDER OF UNIFORMED POLICE OFFICER(S) / OFFICER INVOLVED SHOOTING INVESTIGATION

PURPOSE OF REPORT: Examination of Sergeant M. Luna's duty weapon

During the morning hours of Oct. 2, 2017, I was assigned to the Sheriff's Major Crimes Bur... assisting with an officer involved shooting investigation. The shooting occurred at Apt. in the City of Camarillo in the evening hours of Oct. 1, 2017. Investigation revealed a single deputy (Deputy S. Krupnik) had fired one round from his patrol rifle (AR-15) narrowly missing the suspect, identified as Robert Fogal.

I was inside the Sheriff's Command Post, which was located in the Vons shopping center parking lot on Mission Oaks Blvd. and Wood Creek Dr., assisting with incoming resources and operations. While collaborating with the case agent from Major Crimes, Detective Sergeant S. Jenkins, we elected to have each officer who was on scene at the time of the shooting (with the exception of Deputy Krupnik), provide us with a brief on the circumstances which took place to aid in our investigative efforts. It was also decided that we would inspect each officer's firearm(s) in an effort to further verify that the shooting event did in fact involve only one officer.

Several uniformed sheriff's deputies were on scene during the event, including the patrol supervisor, Sergeant M. Luna. Each deputy at the scene was eventually relieved by additional personnel and later responded to the Command Post for debriefing.

At approximately 0540 hours, while inside the Sheriff's Command Post, Sergeant Luna provided his depar issu for examination. Those in attendance were myself and Field Evidence Technicians (FET's) and from the Ventura County Sheriff's Crime Scene Investigations (CSI) Unit.

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Form with fields: DATE REPORTED (10-04-2017), REPORTING OFFICER / LD.# - ORG. UNIT - SUBMIT DATE / TIME (WORTHY, DEAN (3149) / Special Services Major Crimes - 10-23-2017 / 1632), APPROVED BY / ID # - APPROVED DATE / TIME (ZADEH, CYRUS / 4339 - 10/23/2017 / 1632)

Sergeant Luna carried a Sig Sauer .40 caliber P226 semi-automatic pistol inside a holster affixed to his Sam Browne gun belt. Additionally, he had a magazine holder affixed to the front of his gun belt which held (2) spare magazines. Each magazine held 12 rounds (.40 caliber bullets) at maximum capacity.

Each .40 caliber bullet was removed from Spare Magazine #1. Exactly (12) rounds were in this magazine; indicating it was at maximum capacity. Next, each bullet was removed from Spare Magazine #2. Exactly (12) rounds were in this magazine; indicating it was also at maximum capacity.

Sergeant Luna then removed his [REDACTED] from its holster. Upon examining the firearm we identified the inscribed serial number as being [REDACTED]. Inside the handgun's magazine well was a loaded magazine. After ejecting this magazine all of the bullets inside were removed. Exactly (12) rounds were removed from this magazine. Next, the slide was manipulated (pulled back) exposing and ejecting (1) single round, which was in the chamber of the handgun. Thus, all Sergeant Luna's ammunition had been accounted for and there was no evidence to suggest his weapon had been recently fired.

The above process was chronicled and photographed with the assistance of FET's [REDACTED]

Following the firearm inspection, Sergeant Luna's handgun, magazines and ammunition were returned to him.

# **DA Filed Complaint Against Suspect**

**GREGORY D. TOTTEN**  
District Attorney  
800 S. Victoria Avenue  
Ventura, CA 93009

**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF VENTURA**

<p><b>THE PEOPLE OF THE STATE OF CALIFORNIA,</b></p> <p>vs</p> <p>ROBERT BURTON FOGEL [REDACTED]</p> <p>Defendant(s).</p>
---

VCIJIS Case: 2017035316

Felony Complaint

Complaint Deemed Information

The undersigned is informed and believes that:

**COUNT 1**

On or about October 01, 2017, in the above named Judicial District, the crime of ASSAULT UPON PEACE OFFICER OR FIREFIGHTER, in violation of Penal Code 245(c), a Felony, was committed by ROBERT BURTON FOGEL, who did willfully and unlawfully commit an assault with a deadly weapon and instrument and by force likely to produce great bodily injury upon the person of Richard Maertz &/or Steve Krupnik when said defendant ROBERT BURTON FOGAL knew and should have known that said person was a peace officer then and there engaged in the performance of his/her duties .

NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c).

NOTICE: Pursuant to Penal Code section 1170(h)(3) an executed sentence shall be served in state prison because the charged offense is a serious or violent felony.

**Special Allegation 1**

It is further alleged that at the time of the commission of the above offense, the defendant(s), ROBERT BURTON FOGAL, was released from custody Bail in case number 2017022068 within the meaning of Penal Code section 12022.1(b).

**COUNT 2**

On or about October 01, 2017, in the above named Judicial District, the crime of CRIMINAL THREATS, in violation of Penal Code 422, a Felony, was committed by ROBERT BURTON FOGEL, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Steve Krupnik, with the specific intent that the statement be taken as a threat.

It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to Steve Krupnik a gravity of purpose and an immediate prospect of execution. It is further alleged that the said Steve Krupnik was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

NOTICE: Pursuant to Penal Code section 1170(h)(3) an executed sentence shall be served in state prison because the charged offense is a serious or violent felony.

**Special Allegation 1**

It is further alleged that in the commission and attempted commission of the above offense, the said defendant ROBERT BURTON FOGAL, personally used a deadly and dangerous weapon(s), to wit, Knife, said use not being an element of the above offense, within the meaning of Penal Code Section 12022(b)(2) and causing the above offense to be a serious felony within the meaning of Penal Code section 1192.7(c)(23).

**Special Allegation 2**

It is further alleged that at the time of the commission of the above offense, the defendant(s), ROBERT BURTON FOGAL, was released from custody Bail in case number 2017022068 within the meaning of Penal Code section 12022.1(b).

**COUNT 3**

On or about October 01, 2017, in the above named Judicial District, the crime of CRIMINAL THREATS, in violation of Penal Code 422, a Felony, was committed by ROBERT BURTON FOGEL, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Richard Maertz, with the specific intent that the statement be taken as a threat.

It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to Richard Maertz a gravity of purpose and an immediate prospect of execution. It is further alleged that the said Richard Maertz was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

NOTICE: Pursuant to Penal Code section 1170(h)(3) an executed sentence shall be served in state prison because the charged offense is a serious or violent felony.

**Special Allegation 1**

It is further alleged that in the commission and attempted commission of the above offense, the said defendant ROBERT BURTON FOGAL, personally used a deadly and dangerous weapon(s), to wit, Knife, said use not being an element of the above offense, within the meaning of Penal Code Section 12022(b)(2) and causing the above offense to be a serious felony within the meaning of Penal Code section 1192.7(c)(23).

**Special Allegation 2**

It is further alleged that at the time of the commission of the above offense, the defendant(s), ROBERT BURTON FOGAL, was released from custody Bail in case number 2017022068 within the meaning of Penal Code section 12022.1(b).

**COUNT 4**

On or about October 01, 2017, in the above named Judicial District, the crime of ATTEMPT TO PREVENT AN EXECUTIVE OFFICER FROM PERFORMING DUTY, in violation of Penal Code 69(a), a Felony, was committed by ROBERT BURTON FOGEL, who did unlawfully use violence or threat of violence to try to prevent or deter Richard Maertz, who was then and there an executive officer, from performing a duty imposed upon such officer by law.

**Special Allegation 1**

It is further alleged that in the commission and attempted commission of the above offense, the said defendant ROBERT BURTON FOGAL, personally used a deadly and dangerous weapon(s), to wit, Knife, said use not being an element of the above offense, within the meaning of Penal Code Section 12022(b)(2) and causing the above offense to be a serious felony within the meaning of Penal Code section 1192.7(c)(23).

**Special Allegation 2**

It is further alleged that at the time of the commission of the above offense, the defendant(s), ROBERT BURTON FOGAL, was released from custody Bail in case number 2017022068 within the meaning of Penal Code section 12022.1(b).

**COUNT 5**

On or about October 01, 2017, in the above named Judicial District, the crime of ATTEMPT TO PREVENT AN EXECUTIVE OFFICER FROM PERFORMING DUTY, in violation of Penal Code 69(a), a Felony, was committed by ROBERT BURTON FOGEL, who did unlawfully use violence or threat of violence to try to prevent or deter Steve Krupnik, who was then and there an executive officer, from performing a duty imposed upon such officer by law.

**Special Allegation 1**

It is further alleged that in the commission and attempted commission of the above offense, the said defendant ROBERT BURTON FOGAL, personally used a deadly and dangerous weapon(s), to wit, Knife, said use not being an element of the above offense, within the meaning of Penal Code Section 12022(b)(2) and causing the above offense to be a serious felony within the meaning of Penal Code section 1192.7(c)(23).

**Special Allegation 2**

It is further alleged that at the time of the commission of the above offense, the defendant(s), ROBERT BURTON FOGAL, was released from custody Bail in case number 2017022068 within the meaning of Penal Code section 12022.1(b).

**COUNT 6**

On or about October 01, 2017, in the above named Judicial District, the crime of ASSAULT UPON PEACE OFFICER OR FIREFIGHTER, in violation of Penal Code 245(c), a Felony, was committed by ROBERT BURTON FOGEL, who did willfully and unlawfully commit an assault with a deadly weapon and instrument and by force likely to produce great bodily injury upon the person of Steve Krupnik \$/or Richard Maertz when said defendant ROBERT BURTON FOGAL knew and should have known that said person was a peace officer then and there engaged in the performance of his/her duties .

NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c).

NOTICE: Pursuant to Penal Code section 1170(h)(3) an executed sentence shall be served in state prison because the charged offense is a serious or violent felony.

**Special Allegation 1**

It is further alleged that at the time of the commission of the above offense, the defendant(s), ROBERT BURTON FOGEL, was released from custody Bail in case number 2017022068 within the meaning of Penal Code section 12022.1(b).

**COUNT 7**

On or about October 01, 2017, in the above named Judicial District, the crime of ASSAULT UPON PEACE OFFICER OR FIREFIGHTER, in violation of Penal Code 245(c), a Felony, was committed by ROBERT BURTON FOGEL, who did willfully and unlawfully commit an assault with a deadly weapon and instrument and by force likely to produce great bodily injury upon the person of Richard Maertz when said defendant ROBERT BURTON FOGAL knew and should have known that said person was a peace officer then and there engaged in the performance of his/her duties .

NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c).

NOTICE: Pursuant to Penal Code section 1170(h)(3) an executed sentence shall be served in state prison because the charged offense is a serious or violent felony.

**Special Allegation 1**

It is further alleged that at the time of the commission of the above offense, the defendant(s), ROBERT BURTON FOGAL, was released from custody Bail in case number 2017022068 within the meaning of Penal Code section 12022.1(b).

**COUNT 8**

On or about October 01, 2017, in the above named Judicial District, the crime of ASSAULT UPON PEACE OFFICER OR FIREFIGHTER, in violation of Penal Code 245(c), a Felony, was committed by ROBERT BURTON FOGEL, who did willfully and unlawfully commit an assault with a deadly weapon and instrument and by force likely to produce great bodily injury upon the person of Steve Krupnik when said defendant ROBERT BURTON FOGAL knew and should have known that said person was a peace officer then and there engaged in the performance of his/her duties .

NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c).

NOTICE: Pursuant to Penal Code section 1170(h)(3) an executed sentence shall be served in state prison because the charged offense is a serious or violent felony.

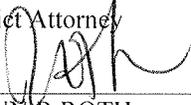
**Special Allegation 1**

It is further alleged that at the time of the commission of the above offense, the defendant(s), ROBERT BURTON FOGAL, was released from custody Bail in case number 2017022068 within the meaning of Penal Code section 12022.1(b).

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 8 COUNTS.

Executed at Ventura, California, on October 04, 2017.

GREGORY D. TOTTEN  
District Attorney

  
\_\_\_\_\_  
JOANN R ROTH  
DECLARANT AND COMPLAINANT

<u>Defendant Name</u>	<u>Agy</u>	<u>Prelim</u>	<u>Bkg #</u>	<u>Next Appearance Date</u>
ROBERT BURTON FOGEL			2025355	ARRAIGNMENT CT13 Oct 04, 2017 01:30 PM

STATE OF CALIFORNIA  
COUNTY OF VENTURA

FELONY COMPLAINT - ORDER HOLDING TO ANSWER - P.C. SECTION 872

\_\_\_ It appears to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit :

\_\_\_ The defendant ROBERT BURTON FOGEL, having waived preliminary hearing to the offense(s) set forth in the complaint.

<u>Count</u>	<u>S/A</u>	<u>Charge</u>	<u>Description</u>
1	0	PC 245(c)	Assault Upon Peace Officer Or Firefighter
1	1	PC 12022.1(b)	S/A - Enh - Commission of a Felony After Release on Bail or Own Recognizance
2	0	PC 422	Criminal Threats
2	1	PC 12022(b)(2)	S/A-Enh - Use Of Deadly Weapon
2	2	PC 12022.1(b)	S/A - Enh - Commission of a Felony After Release on Bail or Own Recognizance
3	0	PC 422	Criminal Threats
3	1	PC 12022(b)(2)	S/A-Enh - Use Of Deadly Weapon
3	2	PC 12022.1(b)	S/A - Enh - Commission of a Felony After Release on Bail or Own Recognizance
4	0	PC 69(a)	Attempt to Prevent an Executive Officer from Performing Duty
4	1	PC 12022(b)(2)	S/A-Enh - Use Of Deadly Weapon
4	2	PC 12022.1(b)	S/A - Enh - Commission of a Felony After Release on Bail or Own Recognizance
5	0	PC 69(a)	Attempt to Prevent an Executive Officer from Performing Duty
5	1	PC 12022(b)(2)	S/A-Enh - Use Of Deadly Weapon
5	2	PC 12022.1(b)	S/A - Enh - Commission of a Felony After Release on Bail or Own Recognizance
6	0	PC 245(c)	Assault Upon Peace Officer Or Firefighter
6	1	PC 12022.1(b)	S/A - Enh - Commission of a Felony After Release on Bail or Own Recognizance
7	0	PC 245(c)	Assault Upon Peace Officer Or Firefighter
7	1	PC 12022.1(b)	S/A - Enh - Commission of a Felony After Release on Bail or Own Recognizance
8	0	PC 245(c)	Assault Upon Peace Officer Or Firefighter
8	1	PC 12022.1(b)	S/A - Enh - Commission of a Felony After Release on Bail or Own Recognizance

Exceptions/ Additions/ Conditions: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I order that defendant(s) be held to answer to same.

I order that defendant(s) be held to answer therefore and be admitted to bail in the sum of:

ROBERT BURTON FOGEL \_\_\_\_\_ Dollars

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court, sitting Magistrate

Defendant	Next Appearance and court room
ROBERT BURTON FOGEL	

In my capacity as Judge of the Superior Court, and pursuant to stipulation by both counsel, I deem the within complaint to be an Information and order it filed in the Superior Court.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court

# **Press Release**



**GREGORY D. TOTTEN**  
**District Attorney**

**NEWS RELEASE**

<http://www.vcdistrictattorney.com>

Twitter: @VenturaDAOoffice

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Contact: Joann Roth  
Senior Deputy District Attorney  
Telephone: (805)654-3940  
E-mail: [Joann.Roth@Ventura.org](mailto:Joann.Roth@Ventura.org)  
Approved: JLM   
Date: Thursday, October 5, 2017  
Release No.: 17-081

**CAMARILLO MAN CHARGED WITH MULTIPLE COUNTS OF ASSAULT WITH A  
DEADLY WEAPON AND CRIMINAL THREATS AGAINST SHERIFF DEPUTIES**

*VENTURA, California* – District Attorney Gregory D. Totten announced today the filing of an eight-count felony complaint against Robert Burton Fogal [REDACTED], of Camarillo. Fogal is charged with four counts of assault with a deadly weapon upon peace officers, two counts of criminal threats, and two counts of resisting officers. The charges arose out of a seven-hour standoff in the 5000 block of Corte Estima in Camarillo that began the evening of October 1, 2017. The complaint alleges that Fogal threw multiple knives at Ventura County Sheriff deputies, and threatened to kill them. In response, one deputy discharged a single round from his firearm. The incident ended with Fogal being taken into custody without any law enforcement officer or Fogal being injured. Fogal is also charged with being out on bail for a separate felony case at the time of this incident.

Fogal has pled not guilty to all charges and special allegations. An early disposition conference has been set for October 16, 2017, at 1:30 p.m. in courtroom 12 of the Ventura Superior Court, County of Ventura. Fogal is currently being held in custody at the Ventura County jail in lieu of \$1 million bail.

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The Ventura County District Attorney's Office is the public prosecutor for the county's 850,000 residents. The office employs approximately 280 employees including attorneys, investigators, victim advocates, and other professional support staff who strive to seek justice, ensure public safety, and protect the rights of crime victims.

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# **Body Camera Transcription**

**Ventura County Sheriff's Office Memorandum**

**To:** Major Crimes                      **Date:** December 7, 2017

**From:** Detective Cyrus Zadeh

**Subject:** Steve Krupnik / OIS

**Re:** 17-149849

**Date of Interview:** October 1, 2017

**Time of Interview:**

**Case Catalyst Operator:** Barbara Kastel

**Legend:** SK = Steve Krupnik  
RM = Richard Maertz  
SE = Sean Eskridge  
RF = Robert Fogal  
= e(s)  
= ey  
MV = Male Voice(s)  
RC = Ron Chips

CONFIDENTIAL

1 SK: What's his name again? Admonition  
2 him, don't approach us.

3 Robert, we see the knife. Do not approach  
4 us, you will be shot. We're aware of that. Make  
5 sure you don't approach us or you will be shot.  
6 I'm telling you right now. You have -- yes, you  
7 have a knife in your hand. If you approach us,  
8 you will be shot. And that's fine. But I'm  
9 telling you, if you do, you will be shot.

10 What'd he say?

11 RM: He said he could sneak up behind us  
12 and kill (INAUDIBLE).

13 SK: No. Do we move up there? I'll cut  
14 across. So see, he's running back.

15 RM: Yeah.

16 SK: Okay. So back up, back up.

17 RM: He's back inside the house. The  
18 door's still open.

19 MV: Coming back out. Back off, back off.  
20 He's still in the (INAUDIBLE).

21 SK: Hey, go inside.

22 I'll go around and check? Door's closed,  
23 all right. Shut the light off? He can hit us.  
24 Hopefully he'll just stay inside at this point.

25 MV: Hey, keep an eye on that door  
26 (INAUDIBLE) left the light on.

27 SK: You what?

CONFIDENTIAL

1 MV: (INAUDIBLE).

2 SK: The problem with that lethal, man, he  
3 said last time he didn't comply with the pain.  
4 I'm just worried that it's not going to bring him  
5 down in time for him to get to us.

6 MV: If the door opens, let me know. All  
7 right?

8 SK: Will do. Door's open.

9 RF: What's up? You got something to say?  
10 The door's open, come on up, motherfucker. You  
11 got shit to say.

12 SK: Closed. No, a window's open.

13 RF: Yo, what?

14 SK: I hear -- I hear --

15 RF: You got to say? Come on. Come on in,  
16 you stupid motherfucker.

17 SK: Can't see 'cause of that light.

18 RF: (INAUDIBLE) you with a fuckin' handle.  
19 Come on in. (INAUDIBLE).

20 SK: Door's open.

21 RF: I'll kill all y'all.

22 SK: That's not what we want, man. We  
23 don't want you to get hurt.

24 RF: Is that what you want?

25 SK: We do not want you to get hurt.

26 RF: Come on up, motherfucker.

27 SK: We're not coming up to you, man.

CONFIDENTIAL

1 RF: Well, I'm not coming down to you,  
2 piece of shit.

3 SK: All we want you to do is go inside and  
4 go to sleep.

5 RF: (INAUDIBLE). I'll fuckin' hurt you,  
6 dog.

7 SK: Go inside and go to sleep.

8 RF: I'm going to fuckin' kill you. Don't  
9 fuckin' come near me. I didn't call you out. You  
10 want to play some shit, I'll fuckin' cut your  
11 throat, motherfucker.

12 SK: Just --

13 RF: Don't come at me again.

14 SK: Just go inside and go to -- I'm going  
15 to shoot, dude.

16 RM: No, no, no.

17 SK: That --

18 RM: No.

19 SK: Was that a knife?

20 RM: Yeah. We need to back off. The  
21 sergeant told me to back off. Get him on the  
22 phone and tell him we're not backing off from  
23 here. He's been throwing knives at us.

24 MV: (INAUDIBLE).

25 RM: Got it.

26 SK: You good? I'm holding on the door.

27 MV: Huh?

CONFIDENTIAL

1 SK: I'm holding on the door. I said  
2 negative. A AR?

3 MV: Yeah.

4 SK: Can you grab mine? Or --

5 MV: Yeah. Let me just hold the door.

6 MV: Can you get behind some sort of cover?  
7 Last night (INAUDIBLE).

8 SK: What's the plan if we see him drop --  
9 throwing something again?

10 MV: No, we --

11 AK: Just right now.

12 MV: Huh?

13 AK: Just want to clarify.

14 MV: We got to freakin' -- we got to get a  
15 dialogue going with him. (INAUDIBLE). 'Cause we  
16 can't back off.

17 SK: No.

18 RF: Want to play games? I'll fuckin' kill  
19 you. Fuck you.

20 MV: You see him?

21 SK: No.

22 MV: (INAUDIBLE) position I can't see.

23 SK: Fifteen. If he throws again, what do  
24 you say?

25 Maertz, you want the light on or off?

26 RF: Get off my porch or you're dead. Get  
27 the fuck off my porch.

CONFIDENTIAL

1 SK: (INAUDIBLE).

2 RF: (INAUDIBLE) dead, come on. All you  
3 all. (INAUDIBLE).

4 SK: We don't want to shoot you.

5 RF: I want you to shoot, go ahead.

6 SK: We do not want to shoot you.

7 RF: No? Well, then why are you  
8 surrounding me like I'm some sort of fuckin' thug?  
9 I'm not hurting nobody. I want to go to bed.

10 SK: Then go to bed.

11 RF: You can go ahead and shoot me.

12 SK: That's all we want, we want you to go  
13 to bed.

14 RF: Shoot me out of this fuckin'  
15 (INAUDIBLE). No one's going nowhere. You all are  
16 going to jail. I didn't do anything wrong. I'm  
17 not hurting nobody.

18 SK: We just want you to go to bed.

19 RF: (INAUDIBLE) you want to come at me,  
20 you still want to come at me, fine, shoot me and  
21 let's see what happens because I'm not shooting.  
22 I don't have a fucking gun.

23 MV: Hey, listen.

24 RF: I don't give a fuck about what you got  
25 to say. Fuck you.

26 MV: I don't think you want -- for you to  
27 get hurt or anyone else to get hurt.

CONFIDENTIAL

1           RF: All right. Then shoot me,  
2 motherfucker.

3           MV: (INAUDIBLE).

4           RF: Then what the fuck do you want?

5           MV: Just put your knives away and go to  
6 bed, man.

7           RF: All right. I was going to bed. So  
8 what do you want now? I'm going to jump down,  
9 man, and we'll see what happens. What do you want  
10 from me now?

11          MV: Just go inside, man.

12          RF: I was going to bed. You want to put  
13 this motherfucker on your own, he's got some shit.  
14 Well, fine. Shoot me and see if I don't kill you.

15          MV: Don't yell at me.

16          RF: I know. Because he can't hear me from  
17 here. He's (INAUDIBLE) can't fuckin' hit me. Go  
18 ahead. You can shoot me all you want. Go ahead,  
19 shoot at me. Shoot at me, you motherfucker and  
20 see if other people don't die. Get the fuck off  
21 my lawn or you're all fucked. Get the fuck off my  
22 lawn. Go ahead, my girl's (INAUDIBLE) in this.  
23 Shoot me. I'm not hurting nobody. Shoot me. Go  
24 ahead.

25          SK: We just want you to go to bed, man.  
26 Put the knives down.

27          RF: (INAUDIBLE) I'm not doing shit.

CONFIDENTIAL

1 MV: Quiet down and go to bed.  
2 RF: No. You're not going to shoot.  
3 (INAUDIBLE) fuckin' (INAUDIBLE). Understand that,  
4 shit.  
5 MV: (INAUDIBLE).  
6 SK: Yeah. That'd be hard.  
7 RF: All right. You can't stop me. What  
8 are you going to do now? I'm going to get that  
9 motherfucker. (INAUDIBLE) wants to pull up on me  
10 and give me a fuckin' beanbag ultimatum, that's  
11 fine. I got a (INAUDIBLE) beanbag and I'm fucking  
12 shooting it up, that's fine. No big deal. No big  
13 deal. You want something to throw at me, then I'm  
14 going to fuckin' throw at you. That's how it  
15 happened. You don't get that, motherfucker, at  
16 all. Come on, we're doing it up. You can't drop  
17 me.  
18 MV: I've already told you, we don't want  
19 to go in your house, man.  
20 SK: Door's opening.  
21 RF: Come on, stupid. What do you got?  
22 You got shit.  
23 SK: We don't want to shoot you.  
24 RF: Come on, what's up?  
25 SK: Is that a rack?  
26 MV: No.  
27 RF: Come on, you dumb motherfuckers. You

CONFIDENTIAL

1 got shit to say or do, then (INAUDIBLE).

2 SK: Well, how -- how far would you say it  
3 is, twenty-five?

4 MV: It's about thirty.

5 SK: Thirty?

6 MV: Maybe thirty.

7 RF: Hey (INAUDIBLE) fuck you, bitch. Hey,  
8 I can't see you (INAUDIBLE) the door, I'll come  
9 out the door and I'll kill him.

10 MV: We've already told you plenty of  
11 times, we don't want to come in --

12 RF: You want to come up to my door?

13 MV: -- your house.

14 RF: Or do you want to leave me alone? You  
15 want your boys to live or die?

16 SK: We don't want anyone to die.

17 RF: All right. They're going to die.

18 MV: Can you grab the keys (INAUDIBLE).

19 SK: Why? The beanbag?

20 MV: No. He said that --

21 RF: Come on, play games with me.

22 MV: He said (INAUDIBLE).

23 SK: All right. What did he say his name  
24 was? I mean, I know it's not Jo- -- but it's  
25 Josh, right?

26 RM: Hey, so your name's Josh?

27 RF: I will kill him, all (INAUDIBLE)

CONFIDENTIAL

1 fuckin' (INAUDIBLE).

2 MV: (INAUDIBLE).

3 SK: Where's our line, dude?

4 RF: (INAUDIBLE) fuckin' (INAUDIBLE).

5 MV: Well, so far he's only had knives  
6 unless we see something else. (INAUDIBLE).

7 SK: Which one?

8 MV: Huh?

9 SK: Which one?

10 MV: Figure out who his girlfriend is  
11 (INAUDIBLE). Maybe then she'll talk to him.

12 RF: Come on.

13 SK: We're not going up there, dude.

14 RF: Yeah. Well, I can hear you and you're  
15 can't fuck with me, so what's up, bitch? Come on,  
16 you can't stop me. What's up? Come at me, homie.

17 SK: You see him?

18 MV: Yeah.

19 SK: Cool.

20 RF: (SCREAM).

21 MV: I don't know what that was.  
22 (INAUDIBLE).

23 SK: We can't just leave.

24 MV: Well, I know that.

25 SK: I don't think he's going to come out  
26 any further.

27 MV: Huh?

1 SK: I don't think he's going to come out  
2 any further.

3 MV: I don't know.

4 SK: Unless there's something in there we  
5 don't know about.

6 MV: Yeah, but we can't -- like you said,  
7 we can't leave. I'm not leaving any further than  
8 the cars. We can't protect anybody (INAUDIBLE).

9 SK: I mean, unless we see something  
10 that -- other than a knife. I mean from here,  
11 hard to tell but I don't see something other than  
12 a knife. I'm -- we're just kind of at the  
13 standstill.

14 MV: Yeah. (INAUDIBLE) we can't --

15 SK: Huh?

16 MV: (INAUDIBLE).

17 SK: Yeah. They said no firearms  
18 registered to the residence?

19 MV: No.

20 SK: I mean, at least that we know of?

21 MV: Yeah.

22 SK: I imagine being semi-military, he  
23 has -- might have something. Did say he has a --  
24 a beanbag gun.

25 MV: Yeah.

26 SK: And then whatever use -- I forgot  
27 exactly what you said, but --

CONFIDENTIAL

1 MV: (INAUDIBLE). Hey, don't let any cars  
2 come down this way.  
3 SK: I had no idea.  
4 FV: Excuse me, what are you doing?  
5 What -- who are you?  
6 SK: We're the police, ma'am. Go back in  
7 your house.  
8 MV: Go back in your house.  
9 FV: Tell me who you are. That's all I  
10 asked.  
11 MV: I'm with the Sheriff's Office.  
12 FV: Okay.  
13 MV: You can call --  
14 FV: Okay.  
15 MV: -- the dispatcher and figure that out.  
16 Get back in your --  
17 SK: He's coming out the front door.  
18 MV: (INAUDIBLE).  
19 SK: No.  
20 MV: He's got something (INAUDIBLE). Walk  
21 around, there's people walking around all over.  
22 SK: Front door. He's reaching for his  
23 waistband.  
24 RM: Don't pull anything out, man.  
25 RF: I'm aware.  
26 SK: He's reaching for his waistband.  
27 Let me see your hands.

CONFIDENTIAL

1           RF: What the fuck do you got to say, you  
2 piece of shit? (INAUDIBLE) go ahead and shoot,  
3 motherfucker.

4           SK: When you come out, we need to see your  
5 hands.

6           RM: Nobody wants to shoot you, man.

7           RF: Go ahead, shoot. Shoot me. I don't  
8 got a gun.

9           SK: We don't know that.

10          RF: Shoot an innocent person, go ahead. I  
11 don't give a fuck. I don't have a gun. You want  
12 to shoot me, knock yourself out. I don't care.

13          SK: Again, we don't want to shoot you,  
14 sir.

15          RF: Or anybody else. Come on.

16          MV: Look, nobody wants to hurt you.

17          RF: (INAUDIBLE).

18          MV: We're only here because you keep  
19 coming out of your residence with knives.

20          RF: I -- well, look, this is my residence,  
21 right? So I'm entitled to my residence. I'm not  
22 stepping outside trying to attack you. But if you  
23 want to attack me for coming outside of my  
24 residence, that's on you.

25          SK: What's in his hand?

26          RF: And that's --

27          MV: I don't know, that's --

CONFIDENTIAL

1 RF: -- the only thing there's going on.

2 MV: Do you have a brighter light?

3 RF: I have no guns. I have no guns. If  
4 you want to shoot me, go ahead. Go ahead, shoot  
5 me.

6 SK: I don't like it.

7 RF: I have no weapon.

8 RM: Look --

9 SK: Just keep your hands up.

10 RM: -- no one wants to shoot you, man.

11 RF: I have no weapons. If you want to  
12 shoot me, you'll all are going to be dead.

13 SK: If he reaches for his waistband, dude,  
14 I --

15 RF: Go ahead. I got my whole fuckin'  
16 family --

17 RM: I can see his --

18 RF: -- in here (INAUDIBLE) shit.

19 RM: -- right waistband, only the front.

20 RF: Shoot me.

21 SK: I -- I can't see the left.

22 RF: Shoot me.

23 RM: Left is clear. Once he's got it  
24 behind him.

25 RF: You got (INAUDIBLE).

26 SK: Do not reach for your waistband.

27 RF: (INAUDIBLE).

CONFIDENTIAL

1 MV: He's back inside.

2 RF: What the fuck?

3 RM: Do you have a bigger flashlight?

4 RF: You're all going to jail --

5 SK: Huh?

6 RM: Do you have a big flashlight?

7 RF: -- on a big-ass conspiracy, you  
8 fuckin' faggot.

9 SK: Yeah.

10 RM: Put it right on this car and train it  
11 right down in that --

12 RF: No matter what you see me, go ahead.  
13 Shoot at me, motherfucker. Shoot at me. Come on.  
14 You can't hit me. If it was dependent on it.  
15 Shit. You can't touch me. Come on. Come on,  
16 shoot me. Shoot me in the face, you fuckin'  
17 faggot. You faggot-ass piece of shit. You can't  
18 shoot nobody because you're a fuckin' loser,  
19 you're a fuckin' faggot-ass piece of piece of  
20 shit, motherfucker. And you can't touch nobody.  
21 You can't touch nobody. Come on.

22 MV: (INAUDIBLE) he's staying inside.

23 SK: He's not going to stay inside.

24 MV: He's already (INAUDIBLE).

25 RF: Get me. Come on.

26 SK: He comes out with his hands up, Sarge,  
27 but we can't clear his waistband.

CONFIDENTIAL

1 RF: Something to say? Touch me. Touch  
2 me, you faggot. Touch me, you fuckin' loser.

3 SK: Front door.

4 RF: Come on.

5 SK: Front door.

6 RF: You got nothing to do with  
7 (INAUDIBLE). Now come hit me.

8 SK: We don't want to shoot you, sir.

9 RF: Fuck you and your shot.

10 MV: He's insistent that it's not Robert  
11 Fogal. He's insisting that -- is that Robert  
12 Fogal?

13 RF: And you know it.

14 SK: Yeah.

15 RF: So don't play games.

16 MV: Okay.

17 SK: Yeah, I saw him.

18 MV: Are you sure?

19 SK: I saw him.

20 RF: I can have an opportunity to fuckin'  
21 hit me.

22 MV: He looks different than when I  
23 (INAUDIBLE).

24 SK: Yeah. He looked like the -- he looked  
25 like the booking photo.

26 MV: Okay. (INAUDIBLE).

27 RF: (INAUDIBLE). Now come at me and

1 (INAUDIBLE) motherfucker.

2 SK: No one's coming at you, man. We don't  
3 want to shoot you.

4 RF: (INAUDIBLE) again. Come to my  
5 doorstep and see if you won't die. Come to my  
6 doorstep now and see if you don't get hurt. Come  
7 on. I'm right here waiting for you, you fuckin'  
8 selfish piece of shit. Faggot motherfucking piece  
9 of shit. Piece of fuckin' shit.

10 SK: Like a beer can or --

11 MV: Huh?

12 SK: What was that?

13 MV: I don't know.

14 RF: Come up.

15 MV: Wasn't too heavy.

16 SK: No.

17 RF: Piece of shit. Come on. What do you  
18 got? What do you got? You got --

19 MV: I think he's just hitting the blinds.

20 SK: Yeah. He's just hitting blinds.

21 RF: Faggot.

22 SK: I mean, it's good for us 'cause he's  
23 making it clearer sight.

24 RF: (INAUDIBLE).

25 SK: There goes the shirt.

26 RF: Fuckin' do it.

27 SK: Still wearing a shirt, it looks like.

CONFIDENTIAL

1 RF: Come on, shoot at me.

2 MV: That's good.

3 RF: Shoot at me and see if I don't kill  
4 you.

5 SK: We don't want to shoot at you.

6 RF: Shoot at me.

7 SK: I don't like the silence.

8 MV: (INAUDIBLE).

9 SK: Front door.

10 RF: Get the fuck in my house or get the  
11 fuck out. You'll never touch me, do you  
12 understand? Never.

13 SK: He's throwing trash.

14 RF: Never.

15 MV: Trash you said?

16 RF: Go ahead. What do you (INAUDIBLE).  
17 Shoot at my door. Come on.

18 SK: We don't want to shoot you.

19 RF: Shoot at me, motherfucker. See what  
20 happened. Shoot at me. You got some shit to say?  
21 Well, I got some shit to say to you and your  
22 fucking commanding officer. So if you got nothing  
23 to take me, then fine. I'm going to fuck you and  
24 your family over. Come on. What do you got?  
25 What do you got? Either you get the fuck off my  
26 stoop or you fucking come at me.

27 SK: We're not at your stoop.

1 He's got something in his hand.  
2 RF: Then come at me or get the fuck off of  
3 my porch.  
4 SE: Hey Mr. -- Mr. Fogal?  
5 RF: Yeah, come on up.  
6 SE: Mr. Fogal?  
7 SK: Yeah.  
8 SE: We got [REDACTED] here.  
9 RF: I can't [REDACTED] you, motherfucker.  
10 SE: We got [REDACTED] here.  
11 RF: Come on [REDACTED] ou asshole. You want to  
12 fuckin' fight, let's do it.  
13 SK: Something in his hand, Maertz.  
14 RF: Okay, let's go.  
15 RM: What does it look like?  
16 RF: Get up here right now --  
17 SK: Black.  
18 RF: -- and let's see how you handle  
19 yourself.  
20 RM: Black?  
21 RF: You fuckin' piece of shit.  
22 SK: Yeah. I can't tell what it is.  
23 RF: 'Cause you can't handle what I got  
24 coming for you.  
25 SK: We can't handle what he's got coming  
26 for us.  
27 RF: Oh. Let's play. Let's go. Let's

1 play some games. Whoo, let's play some fuckin'  
2 games.

3 MV: (INAUDIBLE).

4 RF: Come on up.

5 SK: Looks like he's grabbing something in  
6 his left.

7 RF: You can't come up here without a  
8 fuckin' --

9 MV: He's got something big that has some  
10 sort of like -- it looked like it had a sling on  
11 it (INAUDIBLE). It's really hard to tell  
12 (INAUDIBLE).

13 RF: Come on up here. You can't come up  
14 here unless I invite you.

15 SK: We're not trying to force the issue.  
16 We don't want to hurt you. We just want this to  
17 end peacefully.

18 RF: Fuck off. Fuck off. You fuckin'  
19 loser. Come up to my establishment and try and  
20 fight me.

21 SE: Hey, Robert.

22 RF: What?

23 SE: We have [REDACTED] e.

24 RF: Come on [REDACTED]. What's up?  
25 You're going to shoot me [REDACTED] ead, shoot me and  
26 see what happens.

27 RW: Robert, nobody's going to shoot you.

CONFIDENTIAL

1 RF: I'll fuckin' hurt you. Go ahead and  
2 shoot me. Shoot me.

3 SK: We don't want to shoot you.

4 RW: Robert, we want you safe.

5 RF: Shoot me, motherfucker. You want to  
6 (INAUDIBLE).

7 RM: Do we have a AMR staged?

8 SK: No, we -- we should.

9 RF: Yeah. Well, all this is happening.

10 RM: What's that school right there?

11 SK: The what?

12 RF: How does anyone get -- trust me. It  
13 doesn't.

14 RM: That's the school right there.

15 SK: Oh.

16 RF: I'm in control.

17 RM: Is there a unit?

18 MV: Yeah.

19 RF: It's my house, my redemption. It's my  
20 everything.

21 SK: You're on 5 still?

22 RF: No one can come in here.

23 MV: We better call the watch commander.

24 RM: Huh? Do you want me to have them  
25 staged or no?

26 MV: Hold -- hold on for a second.

27 RM: All right.

CONFIDENTIAL

1 MV: Hey, Robert?  
2 RF: what?  
3 MV: [REDACTED] wants to go home.  
4 RF: well, so she can. Come on.  
5 MV: But --  
6 RF: Are you going to shoot guys  
7 (INAUDIBLE).  
8 MV: She's a little bit nervous.  
9 RF: Pieces of shit. So if you got  
10 something to say, bring it on up.  
11 SK: Just keep your hands up, Robert.  
12 RF: Yeah. Bring it on up. Whoo. Bring  
13 it on up.  
14 SK: Don't reach for your waistband. Just  
15 keep your hands up.  
16 RF: Nope. You want my hands up, fuck you.  
17 Whoo.  
18 MV: Hey, Robert, answer your phone.  
19 RF: Sorry, you said something?  
20 SK: Left window. Okay, thanks.  
21 MV: Hey, answer your phone, Robert.  
22 RF: I can't hear you.  
23 MV: Answer your phone.  
24 RF: I don't have my phone, motherfucker.  
25 So if you got something to say, say it. Otherwise  
26 (INAUDIBLE).  
27 SK: He's going to the ground.

CONFIDENTIAL

1 MV: I see him.  
2 RF: And it's gone.  
3 RM: Do you hear a phone ringing in there?  
4 SK: No.  
5 MV: No.  
6 RF: And all this shit. So if you've got  
7 something to say, you better say it otherwise I'm  
8 on the fuckin' cold hard floor.  
9 MV: I don't know what to -- I don't --  
10 SK: Is he -- is he outside the window?  
11 MV: He's like halfway.  
12 RF: So if you got something good to say,  
13 say it. 'Cause I'm going to fuck off, I'll kill  
14 you.  
15 SK: We don't want anybody to die.  
16 RF: What?  
17 SK: We don't.  
18 RF: You got something to say?  
19 SK: I said we don't want anyone to die.  
20 RF: What do you got to say? Say something  
21 reasonable and I won't hurt nobody.  
22 SK: It's quiet.  
23 RF: All right. When you want to play  
24 games? Whoever's coming in the door is going to  
25 get fuckin' hurt. Who's coming in the door?  
26 SK: We're not coming in.  
27 RF: Whoever's coming in my door is getting

1 fucked.

2 SK: We're not coming in.

3 RF: I don't fucking don't care. You get  
4 it?

5 SK: Front door.

6 MV: He's crawling down the --

7 SK: He's at the bottom right where my  
8 light is.

9 MV: Gotcha, I see him.

10 SK: You behind cover? You good?

11 MV: Yeah.

12 SK: All right.

13 MV: I can't see him though. He  
14 disappeared (INAUDIBLE). I think --

15 SK: Clothes, trash.

16 MV: (INAUDIBLE) this guy this guy  
17 (INAUDIBLE) the same spot (INAUDIBLE).

18 SK: He's on, looks like all fours, poking  
19 his head, out, spitting.

20 RF: What? What'd you saying?

21 (INAUDIBLE). Oh, what's that, you can't bribe me?  
22 Oh, no. What's going to happen? I can't  
23 (INAUDIBLE) fuckin' (INAUDIBLE) fuckin'  
24 (INAUDIBLE).

25 SK: The in box, what's that? The in box?

26 RF: I'm not hurting anyone.

27 SK: That's all we want. We don't want you

1 to hurt us, we don't want to hurt you.

2 RF: Well, I'll make sure you get fucked  
3 up. Whatever you've got going on --

4 SK: Left hand is clear.

5 RF: -- I will -- the left hand, what?  
6 Motherfucker, bullshit. I don't have anything in  
7 my hand. You want to shoot me, go ahead.

8 SK: I -- I --

9 RF: (INAUDIBLE).

10 SK: I told you, I don't want to shoot you.

11 RF: If you want to do some shady shit,  
12 then do it. I didn't do nothing to you and I have  
13 no weapons against you, so if you want to shoot  
14 me, that's on you, motherfucker. I didn't do  
15 nothing to you.

16 SK: I don't want to shoot you.

17 RF: I didn't do nothing to you. You want  
18 to come at me, shoot me. I promise you, you'll go  
19 to jail for the rest of your fuckin' life if you  
20 do. All right? I didn't do nothing wrong. I'm  
21 not trying to hurt you or anyone else. I'm not  
22 trying to harm anyone. Leave me the fuck alone or  
23 you're going to be hurt. That's it.

24 MV: Robert Fogal.

25 RF: And clearly I know how to get away  
26 from this shit. I -- I can see you standing up on  
27 me. If you want to try and aim at me, go ahead

1 and shoot at me, motherfucker. I guarantee you  
2 won't hit me. I'll get away from your shit and  
3 I'll fuckin' kill you. So play this game,  
4 motherfucker. Ask my girl if she thinks  
5 (INAUDIBLE).

6 SK: We don't want to play any games, man.  
7 We just want to go, make sure you're okay.

8 RF: Yeah (INAUDIBLE). Leave me the fuck  
9 alone. I'm not trying to hurt you. I have no  
10 weapon. I have no weapon. Hey, everyone, I have  
11 no weapons. They've -- got to try and shoot me,  
12 okay? So go ahead and do what you got to do.  
13 Shoot me where the fuck you got to shoot me. But  
14 I don't have any (INAUDIBLE) drop on me  
15 (INAUDIBLE). I'm not trying to hurt you. If I  
16 wanted to hurt you --

17 SK: We don't want to shoot you.

18 RF: (INAUDIBLE) if I wanted to hurt you,  
19 you'd be dead. Okay? So I don't want to hurt  
20 you. Otherwise you'd be dead, motherfucker. You  
21 want to play games, fine. I'll hurt you right now  
22 and I'll show up right behind you and I'll fuckin'  
23 kill you, bitch. Whoo. I ran into my domicile,  
24 motherfucker. I know how to run and fuckin' hide,  
25 bitch.

26 SK: Okay, cool. Front door handle.

27 RF: (INAUDIBLE).

CONFIDENTIAL

1 SK: I don't hear him moving. Why don't  
2 you guys both -- either at the right window.

3 MV: Yeah, I could see with the light on  
4 (INAUDIBLE).

5 SK: I see his hand, something. He's going  
6 towards this door, it looks like.

7 MV: Let's (INAUDIBLE) ground.

8 MV: We -- we tried that earlier  
9 (INAUDIBLE).

10 RM: Hey, Robert. Robert.

11 MV: He closed all the windows (INAUDIBLE).

12 RM: Robert. All the window's closed?

13 SK: Yeah. Maybe he passed out?

14 RM: If you see him, tell him to answer the  
15 phone, the captain wants to talk to him. He  
16 closed the -- okay.

17 MV: He said he doesn't have his phone.  
18 Is -- I can see him in the left window. He's kind  
19 of bouncing up and down, bounce his legs, sitting  
20 (INAUDIBLE).

21 RM: Hey, Robert. Our captain wants to  
22 talk to you. Can you answer the phone, please?  
23 (INAUDIBLE) window.

24 SK: Front door, front door. Let me see  
25 your hands. Let me see your hands. He's reaching  
26 for his waistband.

27 MV: Let me see your hands.

CONFIDENTIAL

1 SK: Let me see your hands, Robert.

2 RF: Hey, fuck you. Hey, what the fuck?

3 RM: Hey, Sarge. What's our plan if he  
4 starts to leave? He said he's packing a backpack.

5 MV: (INAUDIBLE) trying to leave.

6 MV: Because what would happen if we kill  
7 that light, the flashlight on him?

8 MV: Huh? We can't see him.

9 SK: No, we can't see, Sarge. It's -- the  
10 problem is, we won't be able to see anything in  
11 his hand 'cause it gets really dark up there.

12 MV: Yeah, yeah. I realize that.

13 SK: I hear something metal.

14 MV: Hey Sergeant, it looks like he's  
15 trying to pack up a backpack.

16 MV: (INAUDIBLE) try to get extra resources  
17 out here. (INAUDIBLE) themselves.

18 MV: Roger. If he tries to leave yet?  
19 (INAUDIBLE) rifle (INAUDIBLE).

20 SK: Correct. I'll be right by you.

21 MV: Yeah. But we're going to have to  
22 contact him.

23 MV: Hey, hey, Robert. Can you answer the  
24 phone? Captain wants to talk to you.

25 RF: No, dude. (INAUDIBLE).

26 MV: How about [REDACTED]? Can [REDACTED] talk to  
27 you?

1 RF: Yeah. Tell her to call my cellphone.

2 MV: All right. She's going to do that  
3 right now.

4 RF: (INAUDIBLE).

5 MV: She's going to do that right now.

6 RF: (INAUDIBLE).

7 MV: Said he's going to get us.

8 (INAUDIBLE).

9 SK: I heard it. Hopefully he's not still  
10 drinking. He's in the right window. Maybe he'll  
11 start sobering up.

12 MV: (INAUDIBLE).

13 SK: Yeah. Front door handle just turned.

14 RF: I'm right here, motherfucker. I'm  
15 right here and you can't do shit to me.

16 SK: Yeah. Got the less lethal?

17 RF: You guys got to go or I'm going to  
18 make you go. That's about a (INAUDIBLE). I don't  
19 care who's calling them. I don't give a shit.  
20 (INAUDIBLE). You can't come at me at my house. I  
21 hope one of you (INAUDIBLE) talking. Go ahead.  
22 Go ahead, get the hell up. (INAUDIBLE). You  
23 can't touch me because I'm untouchable. I hear  
24 your shitty footsteps, motherfucker. Just, you  
25 come and get me, let me know. If not, I will  
26 cancel you out always forever and I will hurt you.  
27 All right. Well --

CONFIDENTIAL

1 SK: Uh-huh.

2 RF: -- I dare you. All right?

3 SK: I don't see the backpack on him.

4 RF: I'm not playing no games. Whoever  
5 comes up to my doorstep is going to get hurt.  
6 (INAUDIBLE).

7 SK: Right. Through the pillar, right?  
8 Yeah.

9 RF: Leave me alone. I'll make sure I'm  
10 left alone (INAUDIBLE).

11 SK: See, I don't know if it's like the  
12 blinds or something, but it sounds like something  
13 racked, just fyi.

14 MV: (INAUDIBLE).

15 SK: Or maybe it was A-David.

16 MV: Maybe.

17 SK: On -- on the right side?

18 MV: Huh?

19 SK: On the right side?

20 MV: On the left side.

21 SK: Okay. Oh, I see him. Oh, never mind,  
22 that's something else. Window, window, window.

23 MV: Is there a bunch of (INAUDIBLE).

24 SK: I don't know.

25 MV: (INAUDIBLE).

26 SK: Yes.

27 MV: (INAUDIBLE).

CONFIDENTIAL

1 MV: I think he's on the phone with  
2 somebody (INAUDIBLE).

3 MV: All right.

4 SK: See, I hear something in there, dude.

5 MV: (INAUDIBLE).

6 SK: Oh, you do? No, no, okay.

7 MV: (INAUDIBLE). I don't know where he's  
8 going when he does this. (INAUDIBLE) or  
9 something, man. (INAUDIBLE).

10 SK: That's not good.

11 MV: (INAUDIBLE).

12 SK: I'll just curl up next to you.

13 MV: (INAUDIBLE) on that. (INAUDIBLE).

14 SK: No visual and he stopped yelling.

15 MV: Okay. I -- I'm pretty sure he's  
16 talking to someone on the phone. The phone's  
17 (INAUDIBLE).

18 RF: What's up? You guys up for the set?  
19 Blast your fuckin' light on me, homie.

20 SK: What's he reaching for? Oh.

21 RF: Blast it on me. What do you got?

22 SK: Make sure you keep your hands up.

23 RF: No. I'm not doing shit. Get the  
24 light off of me or I'm going to fuckin' hurt you.  
25 Or come to my door, let's see who hurts who.

26 SK: We're good.

27 RM: We don't want anybody to hurt anybody,

1 Robert.

2 RF: (INAUDIBLE).

3 SK: Front door, front door.

4 RF: Come up. Come up, you fuckin'  
5 faggots. You think you got something, come on.  
6 Come up. You got shit. You're going to get hurt.

7 SK: On the positive note, I think he's  
8 realized it's a little more serious than earlier  
9 and he doesn't come out with the knives anymore it  
10 looks like.

11 MV: True. Maybe he threw them all at us  
12 already.

13 SK: His -- I don't like --

14 RF: Come on. We got this to end. You  
15 can't come near me (INAUDIBLE) fuck you.

16 MV: What's our plan with him, you're  
17 trying to take him 5150 now?

18 RM: More than likely.

19 SK: Hey, the wall -- if it came down to  
20 it, Maertz, the wall would -- go through the wall  
21 too, right?

22 RM: Uh-huh.

23 MV: The only thing that might --

24 RM: The rail?

25 MV: -- stop it is the top of the railing.

26 RF: Yeah.

27 MV: The bottoms and the -- and the sides

1 are still (INAUDIBLE).

2 SK: What's that?

3 RF: Who's coming after me? Go ahead.

4 Who's coming at me? I'll get them first.

5 MV: (INAUDIBLE).

6 SK: Yeah.

7 RF: Come on. Come on over to my fucking  
8 house. Come on over.

9 SK: We don't want to shoot you. But we  
10 will if we have to.

11 RF: Yeah. Well, you're fuck, the fucking  
12 white trash piece of shit motherfucking degenerate  
13 faggots, fuckin' white trash loser.

14 MV: Can we get another unit out here with  
15 less -- less lethal?

16 SK: We got Pallotto.

17 RM: Pallotto has got less lethal, sir.

18 RF: Come on. Play some games, bitch.

19 MV: (INAUDIBLE).

20 MV: We have time obviously (INAUDIBLE).

21 SK: The window's closed.

22 MV: What?

23 SK: Yeah, knife. Window's closed.

24 MV: Yeah.

25 SK: He's -- he's just taunting us. He --

26 MV: Yeah.

27 SK: He knows -- he knows our rules of

1 engagement.

2 MV: Probably.

3 RF: (INAUDIBLE) that shit.

4 MV: Got anything?

5 SK: No.

6 MV: Are the other two cars here, Maertz?

7 SK: Pallotto is, front door.

8 RM: Pallotto's --

9 MV: Where is he?

10 RM: Pallotto, on the other side  
11 supposedly. He's got the weapon right hand.

12 RF: Who's got what? Come on up.

13 RM: Look man, we don't want to hurt you.

14 RF: Yeah. You got something to say?

15 RM: I've already told you, we don't want  
16 to hurt you.

17 RF: Yeah. Well, I'm right here. Come on  
18 up. I haven't seen you undercover.

19 RM: We're just concerned.

20 RF: You want to play games, you're going  
21 to lose. Let's go (INAUDIBLE).

22 RM: Like I said, we're concerned --

23 RF: Who's coming?

24 RM: -- about you continually coming out of  
25 your house --

26 RF: Yeah.

27 RM: -- with knives.

CONFIDENTIAL

1 RF: Well, no one's coming.

2 MV: Okay. We're trying to talk him out.  
3 All right.

4 RM: Don't come down the stairs with that  
5 knife.

6 SK: And don't throw the knife either.  
7 You'll be shot.

8 RF: I'll throw whatever the fuck I want.  
9 I'm going to bed. If you want to come up into my  
10 house and hurt yourselves, then that's fine.

11 SK: Does he have two or just one?

12 RM: Just one. Two weapons I think.

13 MV: Where's -- where's Pallotto right now?

14 SK: The -- to our right, Sarge.

15 RF: I didn't do nothing to hurt you at  
16 all.

17 MV: Is he the less lethal?

18 SK: Yeah.

19 MV: Okay.

20 RF: You want to come to my house, I'll  
21 kill you.

22 MV: Window.

23 RF: Come on. Who's there? (INAUDIBLE).

24 SK: You got a lock in the door?

25 RM: Yeah. That's him locking and  
26 unlocking the door (INAUDIBLE).

27 SK: Front door, front door, knife.

1 RM: He still has a knife you said?  
2 SK: Yeah. I saw the -- he held it up.  
3 RM: Gotcha.  
4 RF: Hey, I'm allowed to have my own  
5 fuckin' protection.  
6 SK: That's true. You can't walk around  
7 outside with it.  
8 RF: (INAUDIBLE) property (INAUDIBLE)  
9 that's all good. I'm allowed to secure myself.  
10 So whoever wants to come at me, come on.  
11 MV: I think he might have two.  
12 RF: But I got a knife.  
13 SK: Yeah. I think when he -- last time he  
14 came out, he had two.  
15 RF: Fuckin' --  
16 SK: 'Cause when he went for the door, he  
17 stumbled for it.  
18 RM: Robert.  
19 RF: No. I don't even know who Robert is.  
20 So if you got some s say --  
21 RM: We have [REDACTED] out here, wants to talk  
22 to you.  
23 RF: -- then come in  
24 RM: Robert, we have [REDACTED] out here who  
25 wants to talk to you.  
26 RF: (INAUDIBLE) fucker. What you got to  
27 say? (INAUDIBLE).

CONFIDENTIAL

1 RM: [REDACTED] -- [REDACTED] wants to talk to you.

2 RF: n. . Come on. What do  
3 you got to s

4 RM: [REDACTED] would like to talk to you.

5 RF: Well, if you get the fuck off  
6 of my property or I'm going to hurt you. All  
7 right, that's fine. (INAUDIBLE). I'm going to  
8 hurt your brother and (INAUDIBLE). So whoever's  
9 coming at me is going to get fuckin' cut.

10 SK: We're not coming after you.

11 RF: Yeah? Well, you're fucked. You got  
12 what you want. I'm not doing anything to hurt any  
13 of you.

14 RM: Hey, Robert, what was -- is it exactly  
15 that you want?

16 MV: He locked it.

17 SK: Front door.

18 MV: Locked.

19 SK: Locked, locked. He'll get impatient,  
20 he'll come back out.

21 MV: Yeah.

22 SK: He -- he's just waiting for us to go  
23 up there.

24 MV: Pretty much. Window.

25 RF: Come on, wake up.

26 RM: Robert.

27 RF: Come on in.

1 RM: Robert.  
2 RF: I'm right here.  
3 RM: I see you.  
4 RF: I know who you are. I'm going to hurt  
5 you. Come up. How do you know my name,  
6 motherfucker? Right here, you got the whole  
7 fuckin' (INAUDIBLE) but come on in. Come on in,  
8 see if you don't get hurt.  
9 RM: Robert, we don't want to hurt you.  
10 RF: Fuck you. (INAUDIBLE).  
11 RM: Robert.  
12 RF: Come on in, motherfucker.  
13 RM: I heard you. We don't want to hurt  
14 you.  
15 RF: You want to play games, I'm going to  
16 fuck -- you lose your life. You invited yourself  
17 here. Not me. So you're the one who's going to  
18 fuckin' suffer. You want to play games, go ahead.  
19 I know I didn't do shit wrong. I didn't hurt  
20 nobody. Come on in, fucker. You're done, not me.  
21 You're done. Come on (INAUDIBLE). Come on, wake  
22 up. Come up.  
23 RF: All right. That's fun and games,  
24 right? You're all -- you're all going to go to  
25 jail.  
26 RM: Hey, Robert, do you want to talk to  
27 ?

1 RF: Yeah. Well, what? Fuck you.  
2 RM: You want to talk to [REDACTED] right now?  
3 RF: No. You're all going to jail  
4 (INAUDIBLE) fuck (INAUDIBLE) bitch.  
5 RM: [REDACTED]'s right here with me.  
6 RF: I don't want to know something, I don't  
7 know what you're talking about.  
8 RM: You want to talk to [REDACTED]?  
9 RF: You're all going to jail. I'm not  
10 going anywhere. Wake up.  
11 RW: Robert.  
12 RF: Wake up.  
13 RW: Robert, it's [REDACTED].  
14 RF: I've done nothing wrong.  
15 RW: Robert, it's --  
16 RF: Fuck you.  
17 RM: [REDACTED]'s trying to talk to you.  
18 RF: What does [REDACTED] have to say?  
19 RM: What? She wants me to put the  
20 weapons down.  
21 RF: Yeah. Well, it's not going to happen.  
22 RM: I would like to talk to you.  
23 RF: Yeah. Well, that sucks. You don't  
24 talk to me, motherfucker.  
25 RM: Put down the knife or you're going  
26 (INAUDIBLE).  
27 RF: No. Fuck you. How about fuck you?

1 I'm not stepping outside. How about fuck you and  
2 I'll fuckin' kill you.

3 SK: That was sharp.

4 MV: No visual at all.

5 SK: Yeah, no visual. That made my stomach  
6 drop.

7 MV: Huh?

8 SK: That made my stomach drop. What's in  
9 his hand? What's in his hand? Both of them? Let  
10 me see your hand, man. Looks like you have a gun.

11 RF: Fuck you.

12 SK: All right. Knife, knife, knife,  
13 knife.

14 MV: Is there anything --

15 SK: Is there anything besides knives?

16 RW: Those are my steak knives. That's all  
17 I know. I mean, that's -- unless he brought  
18 something in that --

19 SK: How long ago did you leave?

20 RW: I left about -- let's see, what time  
21 is it now? (INAUDIB left around 7:30 or --  
22 yeah. Robert, it's [REDACTED].

23 MV: Knife.

24 SK: Knife. Oh, it's a phone. Okay.

25 RW: I just answered the phone and I was  
26 standing down here. Nobody wants you to get --  
27 can you please put the knives away?

CONFIDENTIAL

1 RF: (INAUDIBLE) why don't you come at me?  
2 Fuck you.

3 MV: Get that knife too.

4 SK: Well, that's the last knives.

5 RW: Robert, nobody wants to hurt you.  
6 Nobody wants to fight you. You need to calm down.

7 RF: I'm not doing anything wrong.

8 RW: You're not doing anything wrong, but  
9 you need to calm down.

10 RF: Fuck you.

11 RW: You're --

12 MV: Left window.

13 SK: Front door.

14 RF: What? Turn your fuckin' beacon off,  
15 motherfucker.

16 SK: The good thing is he thinks that  
17 we're -- that the flashlights are where we are.

18 MV: That's kind of why I do that.

19 SK: Smart.

20 MV: Plus, then I don't have to hold the  
21 light.

22 SK: That's also a smart thing.

23 MV: (INAUDIBLE). Flashlight (INAUDIBLE).  
24 He's on the floor on the left.

25 SK: I see him.

26 MV: He's like bouncing up and down or is  
27 that his legs? But he had -- that's his legs.

1 SK: Backpack or something?

2 MV: Yeah, that's the backpack he keeps in  
3 here. I don't know --

4 SK: Looks like he tossed it though.

5 MV: Putting on a jacket right now.

6 (INAUDIBLE).

7 SK: He broke the door?

8 MV: Blanket.

9 SK: Cheetah blanket? Something light?

10 MV: Oh, yeah.

11 SK: Like paper towel or something?

12 Something light.

13 MV: Nothing.

14 SK: Nothing over here either.

15 MV: (INAUDIBLE).

16 SK: Eskridge?

17 MV: Yeah. 8C. 8C is north (INAUDIBLE).

18 SK: Front door. Don't see any --

19 MV: I got nothing (INAUDIBLE).

20 RF: You guys home sick?

21 RM: Robert, yes we do.

22 RF: Yeah, come on up, motherfucker. What  
23 do you got to say? Ain't shit to me 'cause I'm  
24 living in my own fucking domicile. You can't pull  
25 me out of my own home. I don't do shit wrong to  
26 you. So if you want to come at me, then fine,  
27 come at me. But I guarantee, you're going to get

1 fucked, not me. So come on up. Come on up,  
2 motherfucker. Come on up, all of you.

3 RM: Robert?

4 RF: Come on up. See what happens,  
5 motherfucker. Come on up. Let's see. Let's see,  
6 come on. Come on, you're a big man, right?  
7 You're a big man. Come on.

8 MV: (INAUDIBLE) pants or what.

9 RF: And let's see how can handle this  
10 shit. You --

11 SK: Something's shiny on the pant.

12 RF: -- do, motherfucker. Don't put your  
13 fuckin' lights on me unless you --

14 MV: This time I think he has reflective  
15 shirt on.

16 RF: -- got something to say.

17 SK: Yeah, I think it's a reflector.

18 RF: Are you going to show me or you're  
19 going to fuckin' go down? So fuckin' shoot me or  
20 fuckin' leave me alone. I'm not doing shit wrong.  
21 Yeah, come on. Come on, bring it on. Bring it  
22 on, bring it on. Come on. Come on. You got some  
23 shit to shoot at me, let's go. Let's go. Let's  
24 see if you can hit my target. Come on. Come on.  
25 You got shit to do, motherfucker. You're all  
26 losers. Hit me up. You can't. 'Cause you're  
27 fuckin' faggots and I fuckin' win.

CONFIDENTIAL

1 MV: (INAUDIBLE) visual on his --  
2 SK: No visual. I got --  
3 RF: And you don't think I can hear your  
4 shit? I hear your bullshit. But I'm  
5 motherfuckin' --  
6 RM: Hey, Robert, what do you want?  
7 RF: (INAUDIBLE) at me. Hit me. Hit me.  
8 What?  
9 RM: I want -- I want to help you.  
10 RF: Go ahead, hit me. If you don't want  
11 to help me, hit me. Hit me with --  
12 RM: We want to help you.  
13 RF: tever the fuck you got.  
14 RM: [REDACTED]'s here. She wants to help.  
15 RF: Go ahead, hit me.  
16 MV: (INAUDIBLE).  
17 RW: Robert, we want to help.  
18 SK: At least the front, right?  
19 RF: You can't hit me.  
20 MV: Huh?  
21 SK: Front's clear.  
22 RF: You can't, go ahead.  
23 MV: Front, yeah.  
24 SK: Okay.  
25 RM: Robert.  
26 RF: Go ahead, hit me, motherfucker.  
27 RM: Robert, what do you want?

CONFIDENTIAL

1 RF: I want you to get the fuck off my  
2 property or I'm going to fuckin' hurt you, that's  
3 what I want. Get the fuck off my property. You  
4 don't belong here.

5 SK: Neither of those are going to happen.

6 RF: You weren't invited. You weren't  
7 invited. You don't belong here. Get the fuck off  
8 the property or I'll make sure you get off the  
9 property. I'll come down right now.

10 MV: All right, guys.

11 RF: Either you're going to blast me.

12 MV: (INAUDIBLE).

13 RF: I'm going to make sure you get off the  
14 fuckin' property.

15 MV: Eskridge.

16 RF: So what do you got to say?

17 MV: (INAUDIBLE).

18 RF: You want to get off the property  
19 (INAUDIBLE).

20 SK: I don't see anything in his hands.

21 RF: You want to fight?

22 SK: No, we don't want to fight.

23 RF: No?

24 SK: Just keep your hands up.

25 RF: No. No. I'm -- I'm calling a fuckin'  
26 air strike.

27 SK: Okay.

1 RF: Yeah. I'm a part of US Air Force,  
2 motherfucker.

3 SK: You're part of the Coast Guard, man.

4 RF: You -- hellfire missiles. You ever  
5 heard of hellfire? 'Cause you're about to get  
6 hellfired on.

7 SK: What is --

8 RF: (INAUDIBLE).

9 SK: What does that mean?

10 RF: Yeah. It -- it's called a hellfire  
11 missile because they fuckin' just rain storm on  
12 you. There's one target. Like this guy, come --  
13 come on. Come on over, motherfucker. Let's see  
14 if we can't fight.

15 SK: You want to spread?

16 RF: And you, you're going to get fuckin'  
17 stormed on by a fuckin' hellfire.

18 MV: All right.

19 SK: He's not coming down.

20 RF: Come on. Where's he at? Where's he  
21 at? Come on. Where's he at? Who wants to fight?  
22 Yeah, you want to -- you want to bounce around and  
23 play fuckin' stupid, that's fine.

24 SK: Dude, no one wants to shoot you, man.  
25 Just relax.

26 RF: You play stupid and you play your  
27 fuckin' games and you're not going nowhere.

1 You're all going to go, you're all going to suffer  
2 a fuckin' horrible death.

3 SK: No one wants to die and we don't want  
4 you to die.

5 RF: I'm not dying.

6 SK: Good.

7 RF: You're dying. You. You, you, you,  
8 all of you are going to die. You can say whatever  
9 you want, I don't care (INAUDIBLE). I don't care.  
10 You're still going to die. Come on. What do you  
11 got, what do you got, what do you got? Let's do  
12 it. What do you got for me? What do you got for  
13 me? Other than you're going to fucking die a  
14 horrible death, you motherfuck. You too, and you.

15 SK: No one's dying tonight.

16 RF: And who else, you're all going to die.  
17 How can you tell me otherwise? Tell me otherwise.

18 SK: No one's dying tonight.

19 RF: Tell me otherwise.

20 SK: We don't want you to die either.

21 RF: Tell me otherwise. Tell me otherwise  
22 'cause I guarantee you're going to die. Come on.  
23 What do you got?

24 SK: Do you have any weapons on you?

25 RF: I got a lot. I'll fuckin' kill you.  
26 Come near me and I'll fuckin' murder you. Come  
27 near me and you're all dead. What's up? You got

1 something else? You want to come up to my house?

2 SK: Hands are clear.

3 RF: Tell me I don't got shit. But come on  
4 up. Come on and tell me I can't hurt you. Come  
5 on and tell me. I'll be the one to put you in the  
6 grave 'cause I guarantee I will put you in the  
7 fucking dirt. And I seen you, motherfucker.

8 SK: That's fine.

9 RF: I see you. Play these games. Play  
10 these games and you're going to fuckin' die. Come  
11 on. I'm right here. I'm right here. Here's my  
12 face. You got it? This is the face that's going  
13 to kill you. This is the face that's going to  
14 do -- ruin your life. It doesn't hurt me. No,  
15 okay. Fuck you. Yeah, fuck you. Fuck all you  
16 all. You want to play this game.

17 MV: We don't want any problems tonight,  
18 Robert.

19 RF: I'm going to kill all you all. Come  
20 get me.

21 MV: What started this tonight?

22 RF: Come get me.

23 SK: Moving back, moving back. Where --  
24 you all right?

25 MV: Yeah, I'm --

26 SK: Did you drop something?

27 MV: I was getting this (INAUDIBLE) out of

CONFIDENTIAL

1 the way (INAUDIBLE).

2 SK: Good call. What's that?

3 MV: No visual.

4 SK: No visual.

5 MV: Do you have a visual on him?

6 SK: Negative. All right.

7 MV: I feel like you have a good visual on  
8 him.

9 SK: He's opening it?

10 MV: (INAUDIBLE) left hand (INAUDIBLE).

11 RM: Let me see your hands, Robert.

12 SK: All right, good.

13 RM: Thank you.

14 SK: Thank you.

15 MV: Going back inside. Empty hands, back  
16 inside. (INAUDIBLE).

17 SK: Empty hands are good hands.

18 RF: (INAUDIBLE).

19 SK: We're not trying to shoot you, Robert.

20 RF: Go ahead, shoot me.

21 SK: We're not trying to.

22 RF: Go ahead. Go ahead. What'd I do?

23 SK: We don't want to shoot you.

24 RF: I didn't do shit to you.

25 SK: Okay.

26 RF: I want to be left alone.

27 MV: (INAUDIBLE).

CONFIDENTIAL

1 SK: Empty hands, right?

2 MV: Empty hands.

3 RF: (INAUDIBLE) I'm sorry, I'm upset.

4 Well, go ahead and shoot me. You're the fuckin'  
5 (INAUDIBLE). I don't get it. If you want to  
6 shoot me, shoot me. I don't care.

7 RM: Robert, we've already told you, nobody  
8 wants to shoot you, man.

9 SK: Like we said earlier --

10 RF: (INAUDIBLE) if I come after you,  
11 you're going to shoot me, right?

12 SK: If you come after us with a weapon, we  
13 will shoot you.

14 RF: (INAUDIBLE).

15 SK: I'm telling you that right now.

16 RF: I don't have a weapon, but I'll come  
17 after you all the same so you'll still shoot me.

18 SK: What's he climbing over?

19 RF: This is how shooting (INAUDIBLE). I  
20 don't have (INAUDIBLE).

21 MV: He's out in the front (INAUDIBLE).

22 SK: We don't know if he left anything.

23 RF: Okay? Okay? I don't have a weapon.  
24 If you want to shoot me, just shoot me.

25 MV: (INAUDIBLE).

26 SK: We don't want to shoot you.

27 RF: I'm not trying to fight anymore.

1       Okay? All right. You want to play this game.

2               SK: We don't want to play games, man.

3               RF: Yeah. The game's already over.

4 Homeboy down there already cocked his fuckin'  
5 rifle. And you guys said you were going to shoot  
6 me, so it's fine. I'm not trying to hurt nobody.  
7 If you want to shoot me, go ahead and do what you  
8 got to do. But (INAUDIBLE).

9               MV: No one wants to shoot you. What we  
10 want to do --

11              RF: He knows it. He knows it. He knows  
12 that I want to back off and I know he knows it  
13 because he's the only one not anything at me to  
14 kill me. You are.

15              MV: Not here to kill you, Robert.

16              RF: (INAUDIBLE).

17              SK: Hey, don't reach for anything.

18              RM: Back inside.

19              SK: Back inside. I don't know if he  
20 picked up anything on the floor.

21              RF: Let's play some games.

22              SK: We don't want to play a game. We just  
23 want you to come out.

24              RF: You guys, fuck that. Come to my door  
25 and see what happens. See if I don't hurt you  
26 all.

27              MV: He's still standing near left window.

CONFIDENTIAL

1 SK: All right.

2 MV: In view. He's at the door.

3 SK: Front door, looks like his left hand's  
4 empty but I can't confirm.

5 MV: He just left the door -- he just left  
6 it open.

7 SK: No, he just left it open.

8 RF: Hey, you all --

9 SK: Knife, knife, knife.

10 RF: -- can play these games.

11 MV: Two knives.

12 SK: Two knives.

13 RF: I haven't done anything wrong. I --

14 RM: Robert, why don't you put the knives  
15 down.

16 RF: No. I'm not doing anything wrong.

17 RM: We still need to talk to you, man.

18 RF: You want to play games, fine. I'll  
19 fuck you over.

20 SK: We don't want to play games.

21 RF: Dude, you're playing games,  
22 motherfucker. You want to play games, let's  
23 (INAUDIBLE).

24 RM: Robert. Who fired?

25 SK: I did, I did.

26 MV: It looked like he was about to maybe  
27 throw the knife.

CONFIDENTIAL

1 MV: Who fired?  
2 SK: I did, I did.  
3 MV: Where to?  
4 SK: He threw -- through the -- through the  
5 pillar. He threw the knife.  
6 RF: (INAUDIBLE) faggots.  
7 MV: What'd you hit?  
8 SK: The -- the pillar.  
9 RM: Robert, are you hit? Robert, are you  
10 hit?  
11 MV: Did they copy that, that shot fired?  
12 MV: I don't think so.  
13 SK: Station 1, 8A21, shot fired. Did you  
14 copy? Affirmative, unknown if subject's hit.  
15 MV: Robert? Robert?  
16 SK: Affirmative, single shot fired.  
17 Unknown if subject is hit and he's gone inside the  
18 residence and is not answering, he threw a knife.  
19 MR: Robert? If you're hit, we want to get  
20 you some help, man. Let us know. Robert?  
21 SK: He threw his cellphone.  
22 MV: Cellphone over here.  
23 MV: No, the -- the landline (INAUDIBLE).  
24 MV: Copy. Over here.  
25 Robert?  
26 SK: Robert, we want make sure you're okay.  
27 I don't see any blood on the wall.

CONFIDENTIAL

1 MV: (INAUDIBLE). Robert?

2 SK: We got -- we got movement in the right  
3 bedroom window.

4 RM: Robert, answer, man.

5 MV: That window?

6 SK: Right here.

7 MV: Closed his blinds.

8 RM: Robert, talk to me. Are you hit?

9 MV: He must have frickin' metal in his  
10 doors.

11 SK: Barricade or reinforced?

12 MV: Right.

13 SK: I don't think it did 'cause if it  
14 didn't hit him, it would've hit the wall.

15 MV: Yeah, but if it hit him, it may have  
16 stopped inside. (INAUDIBLE) I don't see  
17 (INAUDIBLE).

18 SK: We got movement in the right window.

19 MV: Again?

20 SK: Movement in the right bedroom window.

21 10-9. You're what?

22 RM: Robert, talk to me, man.

23 SK: He said negative.

24 RM: Robert?

25 MV: I would have thought for sure it would  
26 have gone through that thing.

27 SK: Well, it's better that he doesn't get

1 hurt, but --

2 RM: Left window.

3 SK: Left -- left window, left window.

4 RM: Robert, talk to me.

5 SK: Robert, are you hit?

6 RM: He's down low, he's still there.

7 Robert?

8 SK: He's like --

9 RM: He's sitting again.

10 Robert, talk to me, man.

11 SK: If you need help, we want to get you  
12 help.

13 RM: But you got to have your hands empty.

14 MV: He might be like all -- he's hunched  
15 over.

16 RM: Robert. Robert, talk to me. Robert.

17 SK: He's slight -- at what point do we --

18 MV: Like move him?

19 SK: They don't go through, Sarge. He's in  
20 the bedroom.

21 RM: We have no -- we have no impact beyond  
22 the pillar. We can see behind it.

23 Robert, talk to me, man.

24 RF: What?

25 RM: Are you okay? Were you hit?

26 Well, he's still talking.

27 SK: It -- he doesn't sound like he's in

1 pain.

2 MV: No. But he's also --

3 SK: Amped up.

4 MV: What's up?

5 SK: Yeah, he just answered. Doesn't look  
6 like he's in pain.

7 MV: You have visual on him?

8 SK: We did for a second.

9 MV: Inside. Front door.

10 SK: Front (INAUDIBLE).

11 MV: They're doing it front door, Sarge.  
12 Front door.

13 SK: Right window, right window.

14 MV: See it. Robert, talk to me, man.  
15 Front door.

16 MV: (INAUDIBLE).

17 SK: Doesn't look like it did.

18 MV: It did not go through. Robert?

19 RF: What?

20 MV: Front door. Talk to me, man. We're  
21 trying to take care of the situation. You're not  
22 helping yourself.

23 RF: You got something to say?

24 MV: Yeah, talk to me.

25 RF: What's up?

26 SK: Are you hit?

27 RF: I'm not going to tell you.

1 MV: Huh?  
2 RF: Yeah, I've been hit. Why?  
3 SK: I don't think he's been hit.  
4 RF: I'm not trying to hurt nobody.  
5 SK: I think it stopped in the pillar.  
6 MV: Robert, we don't want to hurt anybody  
7 either.  
8 RF: Well, I'm not hurting anybody.  
9 MV: One person can be talking to him.  
10 RF: Look, if you want to say I'm hurting  
11 somebody, then fine. Bring them on up.  
12 SK: I think you got the best.  
13 RF: 'Cause otherwise I'm not trying to  
14 hurt nobody (INAUDIBLE).  
15 MV: Robert, help me.  
16 MV: Then come out to the balcony.  
17 RF: All right. No, I'm not coming out on  
18 the balcony. I'm not hurting nobody. If anyone  
19 wants to come at me, they're going to get hurt and  
20 that's it, bye-bye.  
21 MV: Robert.  
22 RF: I didn't do nothing to nobody. I  
23 haven't hurt anybody.  
24 MV: Robert, you're scaring a lot of people  
25 out here, man.  
26 RF: (INAUDIBLE) I haven't hurt anybody. I  
27 want to go to bed. Why (INAUDIBLE).

1 MV: Robert, you're scaring a lot of people  
2 out here with the knives.

3 RF: I don't have any knives.

4 MV: You've been throwing them off the  
5 balcony all night long.

6 RF: I don't. I -- I don't have any  
7 knives. Look, I don't have any. I'm not going to  
8 stick myself out there so that you can shoot me.  
9 But look, I don't have any knives.

10 MV: He just threw more knives on the  
11 balcony.

12 RF: I promise, look.

13 MV: Robert, stop bending down and picking  
14 stuff up.

15 RF: I don't have any knives.

16 SK: Stop picking stuff up. Just keep  
17 showing us your hands.

18 RF: I don't have any knives.

19 MV: Let me -- let me have verbal contact  
20 with him (INAUDIBLE).

21 Hey, Robert.

22 RF: Yeah.

23 MV: We need to talk to you, man.

24 RF: I don't have any knives.

25 MV: Well, that's a good sign.

26 RF: Okay.

27 MV: Come out to the balcony, please.

1           RF: No, I'm not going to come to the  
2 balcony.

3           MV: How come?

4           RF: If you want to come up to my balcony,  
5 I'll hurt you.

6           MV: Say again.

7           RF: I said if you want to come up to my  
8 balcony where I said I won't do anything to you,  
9 then I'm going to hurt you. If you're going to  
10 come up to my balcony, then threaten me, then yes,  
11 I will defend myself.

12           MV: There's no reason to defend yourself.  
13 My job, I just want to talk.

14           RF: (INAUDIBLE) hurt you.

15           MV: I don't want to hurt you either  
16 (INAUDIBLE).

17           RF: All right. Well, I got nothing in my  
18 hands.

19           MV: Come to the balcony.

20           RF: Okay? I got nothing. You guys are  
21 shooting (INAUDIBLE) you know what I'm saying,  
22 then I'll fuckin' hurt you 'cause I got  
23 (INAUDIBLE) I'm not hurting nobody. And if you  
24 can't see that, then you're the one to shame.  
25 Then you're the one to blame and you're the one to  
26 go down. Not me.

27           MV: Robert.

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1 RF: I've been hurting a lot.

2 MV: We don't want to hurt you.

3 RF: I didn't hurt nobody. Go ahead and  
4 shoot me.

5 MV: Robert, we don't want to do that.

6 RF: Yeah, I know 'cause you can't do that  
7 'cause you can't hit me.

8 MV: Come to the balcony so we can talk.  
9 (INAUDIBLE).

10 RF: I'm not going to (INAUDIBLE).

11 MV: He's bent down.

12 SK: He's bending down.

13 MV: (INAUDIBLE).

14 RF: (INAUDIBLE) you're (INAUDIBLE) a bad  
15 person and I'm not.

16 MV: I didn't say you were a bad person.

17 RF: I didn't do anything wrong. I didn't  
18 try to hurt anyone.

19 MV: I didn't say you did anything wrong,  
20 just want to talk.

21 RF: I didn't hurt anyone.

22 MV: You need some help. I want to get you  
23 some help, Robert.

24 RF: Okay. Just help.

25 MV: Come out to the balcony.

26 RF: No.

27 MV: So we can --

CONFIDENTIAL

1 RF: What's the help?

2 MV: Well, we want to help you out.

3 RF: Tell me what the help is or go the  
4 fuck away.

5 MV: I would like to help.

6 RF: Because you don't have any way to  
7 bring on my domicile. You can't come in to my  
8 fuckin' home (INAUDIBLE) and do shit without my  
9 consent. So without me, you can't do a goddamn  
10 thing. So if you got nothing nice to say, get the  
11 fuck off my porch and get the fuck out of my  
12 (INAUDIBLE). 'Cause I'll fuckin' hurt you. Do  
13 you understand that? What do you have to say?

14 MV: Robert.

15 RF: What?

16 MV: Come to the balcony, let's talk.

17 RF: What? Let's go. What? What do you  
18 have to say? Say what you have to say.

19 MV: He's on the floor of the balcony and  
20 he's got two knives down there.

21 RF: I'm not coming out.

22 MV: I want to get you some help.

23 RF: I'm not coming out. You say what you  
24 got to say or I'll fuckin' sneak up on you and  
25 kill you. Now say what you got to say before I  
26 hurt you.

27 MV: Robert, you need some help, man.

CONFIDENTIAL

1           RF: Say what you have to say, bitch. You  
2 can't touch me. You see me? I'm going to hurt  
3 you.

4           MV: He's got something in his hand, I  
5 don't know it is.

6           SK: Looks like -- like a paper towel or  
7 something.

8           RF: Say what you got to say or get going  
9 then. I'm not trying to be -- be -- I just want  
10 to know what you got to say before I kill you.  
11 Yeah, what? You can tell whoever the fuck you  
12 want tell, don't fuckin' harass me.

13          MV: Okay.

14          SK: Tracking.

15          RF: But I guarantee, your fuckin' idiot  
16 come to my door and try to fuckin' (INAUDIBLE).

17          MV: What's the plan? He's down low, I  
18 can't see him.

19          RF: Yeah. Come on, homeboy. Do you think  
20 you can feel (INAUDIBLE) porch? Come on up.

21          MV: He's got two knives where he is,  
22 Sarge.

23          SK: He's got two knives where he's at, but  
24 we don't know if he's holding them or not.

25          MV: I see two, two on the floor.

26          MS: Robert.

27          MV: Went back inside.

1 RF: Fuck all y'all.

2 MS: Robert. Hey Robert, my name is  
3 Meagan. Will you talk to me?

4 RF: (INAUDIBLE).

5 MS: (INAUDIBLE).

6 MV: No, no.

7 SK: Throw it into your direction?

8 MV: Okay.

9 SK: So --

10 MV: Just want (INAUDIBLE).

11 MS: Robert?

12 RF: What?

13 MS: Robert, my name is Meagan. Will you  
14 talk to me?

15 RF: I don't know who the fuck you are,  
16 Meagan.

17 MS: Okay.

18 RF: So whoever the fuck's at my door's  
19 going to die.

20 MS: Well, will you talk to --

21 RF: So unless you can tell me who the fuck  
22 you are, Meagan, I don't give a fuck and I'm going  
23 to ruin your life. So --

24 MS: I didn't --

25 RF: -- let me know who the fuck you are.

26 MS: Robert, Robert, my name is Meagan. I  
27 work --

CONFIDENTIAL

1 RF: Or else good-bye, bitch.  
2 MS: -- for the Sheriff's Office. Robert?  
3 MV: He's still at the left, left window.  
4 RF: Hey. I don't need your shifty ass.  
5 MS: Robert.  
6 RF: Fuck you.  
7 MS: Please come out (INAUDIBLE).  
8 MV: Yeah.  
9 SK: Yeah, trash. Or --  
10 MS: I just want to get to know you.  
11 RF: Yeah. I don't know you so why the  
12 fuck do you want to get to know me?  
13 MS: Do you want to get to know me?  
14 RF: What?  
15 MS: Do you want to get to --  
16 RF: You don't know me.  
17 MS: Do you want to get to know me?  
18 RF: No, I don't.  
19 MS: If you don't want to --  
20 RF: I don't know who the fuck you are.  
21 MS: We -- I --  
22 RF: So why the fuck do you want to know  
23 me?  
24 MS: Because I'm concerned.  
25 RF: Before I fuckin' trash your shit.  
26 MS: I'm concerned for your safety right  
27 now.

CONFIDENTIAL

1 RF: Yeah. Well, I'm concerned for your  
2 safety, bitch.

3 MS: Okay.

4 RF: So who the fuck do you --

5 SK: Doesn't look -- I don't see anything  
6 in his right, but I --

7 MS: (INAUDIBLE) everywhere.

8 MV: He took something inside, I don't know  
9 what it was. It looked like (INAUDIBLE). Inside  
10 door locked, no visual.

11 MS: I wish I could go get him (INAUDIBLE).

12 MV: Front door.

13 SK: Front door.

14 RF: Come on, what's up?

15 MV: (INAUDIBLE).

16 SK: Yeah, the right hand's empty.

17 RF: What's up? What do you got? You got  
18 something to say? Huh? What's up? You got a  
19 shit to say, right?

20 SK: Looks like both -- well, both of them  
21 are empty.

22 RF: (INAUDIBLE).

23 MV: Just hold him right there. SWAT's  
24 coming out and TNU.

25 RF: Yo, here's the homegirls fuckin'  
26 (INAUDIBLE).

27 MV: (INAUDIBLE).

1           RF:    Come on.  Come on in.  All's you get  
2 is (INAUDIBLE) fuckin' faggot, right?

3           MV:    Although I'm probably not a good  
4 person to talk to him 'cause I was involved in an  
5 issue (INAUDIBLE).

6           RF:    Yeah, what's up?  Yeah, over here.  
7 Come on.

8           MV:    Both empty.

9           RF:    Come on.

10          MS:    Robert?

11          RF:    What do you got?

12          MS:    Will you talk to me?

13          RF:    I don't know who the fuck you are --

14          MS:    What's going on?

15          RF:    -- you bitch.

16          MS:    Okay.  I may be a bitch but I'm still  
17 here trying to talk to you.

18          RF:    Yeah.  Well, I don't know who you are,  
19 so fuck off.

20          MS:    Okay.  Well, I can't see you, so --

21          RF:    Yeah.  Well, that sucks.  Kick rocks  
22 and so can all these other motherfuckers.  Is  
23 anyone coming into my house, can kick rocks 'cause  
24 I own the shit.  This is my place of domicile, you  
25 can't fuckin' do anything to me.  If you want to  
26 fuckin' do anything, you're fucked.  This is where  
27 I live.  If you want to come in here and try and

1 start some shit, you die (INAUDIBLE) it's not my  
2 fault.

3 MS: Robert?

4 RF: I didn't do anything wrong. I don't  
5 know who you are.

6 MS: I -- I'm trying to get to know you  
7 though.

8 RF: What? Who are you?

9 MS: My name is Meagan. I work for the  
10 Sheriff's Office.

11 RF: Huh? Okay.

12 MS: Can you -- can you --

13 RF: You look like you're built.

14 MS: -- let me help you?

15 RN: No. You're not going to help me.

16 MS: Okay. Well, I came here as a  
17 (INAUDIBLE) right now.

18 RF: Okay. Well, I want you all to go  
19 away.

20 MS: But we're not going to go away.

21 RF: Okay.

22 MS: But we need to make sure that you're  
23 safe.

24 RF: Okay. Well, that's fine.

25 MS: Okay?

26 RF: I'm going to make sure you all go  
27 away.

1 MS: Okay. Well, how are you going to make  
2 sure we all go away? Nobody wants you to get  
3 hurt. Nobody wants to be standing here with  
4 (INAUDIBLE).

5 RF: Yeah. Well, you're having --

6 MS: (INAUDIBLE).

7 RF: -- a good time, aren't you, baby?

8 MS: No, I'm not at all.

9 RF: So I'm going to make sure you have a  
10 great time.

11 MS: I know --

12 RF: You'll all fucked.

13 MS: Robert, I know --

14 RF: Get the fuck out of my life or I'll  
15 make sure you get out of my life. I've done  
16 nothing wrong to hurt you or have me come out.

17 MS: You have not. You have not done  
18 anything wrong.

19 RF: So if you want to deal with me and  
20 come at me, then fine.

21 MS: Nobody wants to come at you.

22 RF: Come at me, bitch. And I'll come to  
23 you and ruin your day. I've done nothing wrong.  
24 You and your Mexican ass beaner bitch faggot,  
25 fuck. I've done nothing wrong.

26 MS: Robert.

27 RF: You want to come at me, I'll fuckin'

1 hurt you.

2 MS: Nobody is coming at you right now.

3 RF: Then leave me the fuck alone or I will  
4 fucking hurt you.

5 MS: Well, we can't leave you like this.

6 RF: That's it. That's it. Get the fuck  
7 out of my life or I'll make sure you get out of my  
8 life. If you don't want to do that, that's fine.  
9 I don't give a fuck. But I wanna let you know  
10 that I will not -- let you know that you're going  
11 fucking something.

12 SK: Think mine might -- 'cause we've  
13 been --

14 RF: And stop --

15 SK: -- here a while and might be running  
16 out of battery.

17 RF: -- putting your lights on me, you  
18 faggot.

19 MS: Robert.

20 RF: What? What, he's a piece of shit.  
21 They want to put their lights on me? I didn't do  
22 shit wrong.

23 MS: Nobody wants to do anything.

24 RF: I'm not doing anything. Come at me.  
25 Come at me. I'm not doing a goddamn thing wrong.  
26 This bitch wants to fuckin' harass me.

27 MS: No.

1 RF: And say (INAUDIBLE) a piece of shit.  
2 Fine.

3 MS: I never said that.

4 RF: She'll fuckin' get her ass hurt. It's  
5 all (INAUDIBLE). Well, keep fucking with me, see  
6 if you don't get fucked with back.

7 MV: So, yeah.

8 MS: Robert, I know --

9 RF: See if you don't fucking lose.

10 MS: I know you don't like to talk to women  
11 that way.

12 RF: I love to talk to women this way  
13 because you're a dirty bitch.

14 MS: Okay.

15 RF: Come at me again and I'll kill you.  
16 Don't fuck with my house, any of you. I will hurt  
17 you.

18 RM: Front door, empty hand.

19 SK: Empty hands.

20 RF: What?

21 SK: He's picking up something. It's a --

22 RM: Looks like a piece of wood or --

23 KS: -- blind or something.

24 RM: I don't know.

25 MV: (INAUDIBLE) be careful, he's been  
26 throwing stuff.

27 MV: Hey, why don't you guys come over here

1 by me, it's better vantage point.

2 RF: Yeah. Come get me. Come on.

3 MV: Yeah, I think you're right. It's a  
4 piece of the blind, not a piece of wood.

5 RF: Come on. No one's going to come and  
6 get me, right? I wonder why not.

7 MV: He's coming down.

8 SK: He's unarmed.

9 MS: He's coming down.

10 SK: He's --

11 MV: Get down, guys. Get down.

12 RF: Come down 'cause I'm coming down.

13 RM: Keep your hands up, Robert.

14 SK: Keep your hands where we can see them,  
15 man.

16 MV: Come on down, man.

17 MV: Come on down.

18 MV: Hey, only one talk to him. Only one  
19 guy talk to him.

20 RF: (INAUDIBLE) fuck you.

21 MV: As --

22 SK: I --

23 MV: As -- if he comes down (INAUDIBLE) at  
24 him.

25 RF: Didn't do shit. Come to my doorstep  
26 and see if you don't get killed. Fuck you.

27 MV: Let one guy talk to him. More than

1 (INAUDIBLE).

2 MV: Left window.

3 SK: Right window, right window. He's got  
4 a knife in his hand in the right window.

5 MV: Knife?

6 SK: Knife in his hand, right window. But  
7 it's closed.

8 MV: He's inside.

9 SK: He's inside, yeah.

10 MV: Eskridge, don't go forward. He's got  
11 a knife in his hand.

12 SK: He has a knife.

13 MS: He's got a knife so don't go forward.

14 MV: It's hard to hear with the AC going on  
15 here.

16 MS: Yeah.

17 MV: I -- I sound like I'm talking really  
18 loud in my head, but I can't hear.

19 MV: He has an AC next to him (INAUDIBLE)  
20 hard to hear here too.

21 MV: (INAUDIBLE).

22 MV: My other phone. They're going to be  
23 staging at Tierra Linda parking lot.

24 MV: Okay.

25 MV: It's where fire (INAUDIBLE).

26 MV: Hey, Smiley.

27 Vasquez, you have a better vantage point

1 over here.

2 MV: Left window (INAUDIBLE).

3 RF: What's up? (INAUDIBLE).

4 MV: (INAUDIBLE).

5 SK: Front door, left hand's clear, right  
6 hand's clear.

7 MV: Right hand.

8 SK: Something's in a -- looks like  
9 something's on his right side.

10 MV: Copy.

11 SK: It's kind of shiny, but I can't tell  
12 what it was.

13 MV: It's all right. He's got something in  
14 his hand. He's been throwing knives. I can't see  
15 him behind that pillar.

16 SK: Right hand's clear, left hand's clear.  
17 Left window.

18 RF: Whoo. Fuck you. Fucking faggots,  
19 fucking loser.

20 SK: Front door.

21 RF: Come on. What do you got, you faggot?  
22 Hit the door. Do what you got to do,  
23 motherfucker. You can't hit shit (INAUDIBLE).

24

25 MV: I see something.

26 MV: Left window.

27 SK: Left window.

1 RF: Shut up.

2 MS: (INAUDIBLE).

3 RF: Fucking losers, let's go. You got  
4 some shit to say? Huh?

5 SK: Front door, right hand's clear. Left  
6 hand's clear.

7 RF: Let's go. That's your (INAUDIBLE).  
8 Come on. What do you got? Yeah, fuck. Not going  
9 to happen.

10 SK: Reaching for his pocket.

11 MV: Yeah. His hand's in his pocket.  
12 Right hand's in the pocket.

13 SK: No visual on left.

14 MV: Robert, take your hands out of your  
15 pockets and put them up.

16 RF: Yeah. Then fuck you and fuck you.  
17 I'll fuck your whole world up. Yeah, come on.  
18 What do you got? What do you got? Hit me. Yeah,  
19 you can't, fuckin' bastards. What do you got?  
20 What do you got to hit me with? Come on. Shoot  
21 me with some shit. Come on. I got me and my  
22 family and my brother and I got so many people  
23 that are fuckin' (INAUDIBLE). Like fuck, dude. I  
24 don't even think (INAUDIBLE).

25 MS: Robert?

26 RF: What?

27 MS: Why are you playing games?

CONFIDENTIAL

1 RF: What? Why am I games? Come on up.

2 MS: We don't want to be standing here  
3 pointing our guns at you.

4 RF: (INAUDIBLE) some shit, what's up?

5 MS: Why don't you just talk to me?

6 RF: (INAUDIBLE) these fuckin' assholes  
7 want to play games, let's do it. I'm not trying  
8 to hurt nobody, but if anybody wants to get hurt,  
9 I'll hurt them.

10 MS: Nobody wants to get hurt.

11 RF: Yeah. What?

12 MS: We especially don't want you --

13 RF: (INAUDIBLE).

14 MS: -- to get hurt.

15 RF: (INAUDIBLE) they're going to come at  
16 me, I'm going to come at you. I'm not doing  
17 nothing to hurt nobody. So if you're not there  
18 with it, then get the fuck off my property  
19 (INAUDIBLE) and let me handle what I got to handle  
20 and I'm going to fuck shit up.

21 MS: What do you have to handle?

22 RF: So if you don't have any say in my  
23 shit, get the fuck off my table.

24 MS: We're not going to leave.

25 RF: Get it? Get the fuck off my table.

26 MS: We're not leaving.

27 RF: If you aren't, then I'm going come to

1 you.

2 MS: Why don't we just make this peaceful?

3 RF: I'm going to come to you. I'll meet  
4 you in the middle of the fuckin' parking lot. And  
5 whoever wants to come to me, can come to me. I'm  
6 not trying to hurt nobody, but if someone's going  
7 to hurt me (INAUDIBLE).

8 MS: Why don't you come on down then?

9 RF: All right. I'm coming on down.

10 MS: All right.

11 RF: (INAUDIBLE) 'cause here I go. I  
12 promise you, I ain't -- nobody going to come  
13 (INAUDIBLE). Come on. I'll show you down. Yeah.

14 SK: Show your hands.

15 RF: (INAUDIBLE).

16 MV: Show them where we could see them.

17 MV: Coming down. He's coming down.

18 RF: Nope, nope. You're a piece of shit.  
19 Fuck you. Faggot fuckin' loser piece of shit.  
20 Fuckin' ass trash. (INAUDIBLE). You want to come  
21 at me, I still see you. I'll see you, bury you.  
22 You're all going to die. Fuck you.

23 MS: Stand back, stand back.

24 RF: Come on. What do you got?

25 SK: Right hand's clear.

26 RF: (INAUDIBLE) I'll kill all y'all.

27 Let's do it. Come get me, motherfucker.

CONFIDENTIAL

1 MV: Left hand's clear.

2 RF: You can't come at me.

3 SK: Left hand's clear? Okay.

4 RF: What?

5 MV: (INAUDIBLE).

6 RF: Come on.

7 SK: He's got -- no, it's like a wallet or  
8 something.

9 RF: What do you got? I'm not doing shit  
10 to hurt nobody.

11 MS: Then come down here.

12 RF: You want to come at me, give me a  
13 fight, I'll fucking kill all y'all.

14 MS: Robert, come down.

15 RF: God, come on. Come up. Come up to me  
16 and see what you got to say. Let's go. I'm right  
17 here. You want to come up and fuckin' play some  
18 games, I'll fuckin' murder all you all. And I  
19 ain't done shit to nobody (INAUDIBLE).

20 MS: Robert, you said you didn't want to  
21 hurt anybody.

22 RF: I'm not trying to hurt nobody. But  
23 (INAUDIBLE).

24 MS: Okay. Then just come down.

25 RF: I'm not hurting nobody. Come up after  
26 me.

27 MS: We're not going to come up after you.

CONFIDENTIAL

1 I don't trust that situation right there.

2 RF: Yeah, what do you want? Hey, let  
3 those fuckin' lights out of my face.

4 MS: Hey, when you come down, we'll get  
5 those lights out of your face.

6 RF: Unless you want to shoot me in the  
7 face. Unless you want to shoot me in the fuckin'  
8 face --

9 MS: We're not going to shoot you in the  
10 face.

11 RF: -- get the fuck out of my -- fuckin'  
12 (INAUDIBLE).

13 MV: Don't -- don't move forward. Just --

14 MS: If you come down peacefully -- just  
15 come down.

16 MV: -- hold the (INAUDIBLE). When he  
17 comes down the steps --

18 MV: Uh-huh.

19 MV: -- and again if he doesn't --

20 MS: Just end this peacefully.

21 MV: -- Eskridge and Gorin will engage him  
22 there.

23 MV: Okay, cool.

24 RF: You want to end shit peacefully?

25 MS: Yeah.

26 RF: Okay.

27 MS: I don't want you to get hurt. I don't

1 want to get hurt.

2 RF: Then put me down. Put me down.

3 MS: No.

4 RF: No. Yes.

5 MS: That's not what we want.

6 RF: Put me down.

7 MS: That's not what we want.

8 RF: I didn't do nothing to anybody.

9 MS: Then come down here and talk to us.

10 RF: Yeah. Well, these motherfuckers want  
11 to play some games and I'm going to step up to the  
12 fucking hand railing and they want to shoot me.  
13 And then go ahead and shoot me, motherfucker.

14 MS: No. That's not what we're trying to  
15 do.

16 RF: Shoot me, you fuckin' white trash  
17 piece of shit, motherfucking bastard. Go ahead  
18 and shoot me.

19 MV: Gorin, just be aware, he has -- he has  
20 knives like that all over the ground.

21 RF: You want to play a fuckin' white trash  
22 piece of shit cop, go ahead.

23 MV: He's got --

24 MV: Hey.

25 MV: -- two of (INAUDIBLE).

26 MV: He's throwing them far, dude, so --

27 RF: It's growing family.

1 MV: Let you know, we're going to go, we're  
2 going to come on the other side of the  
3 (INAUDIBLE). That way, if he -- if I can get him  
4 on that (INAUDIBLE).

5 MS: Robert Fogal.

6 RF: Then go ahead and do it.

7 MV: Okay.

8 RF: Go ahead.

9 MS: Robert, how -- how do we make this  
10 end?

11 RF: Go ahead, shoot me.

12 MS: That's not what we want.

13 RF: Go ahead, shoot me. I -- I'm not  
14 doing nothing to nobody.

15 MS: Were you ever in the military?

16 RF: (INAUDIBLE) shoot me.

17 MS: Were you in the military?

18 RF: Yeah, I was in the military.

19 MS: Okay. So I have --

20 RF: (INAUDIBLE) military.

21 MS: I have a level of respect for you.

22 RF: You got something to say, just fucking  
23 shoot me, you faggot fuck.

24 MS: I respect you for what you did.

25 RF: I don't give a shit. I'm going to  
26 throw this chair at you. Don't talk to me about  
27 the military.

CONFIDENTIAL

1 MS: Okay. I won't talk to you about it.

2 RF: (INAUDIBLE) shoots me or I'm going to  
3 kill him.

4 MS: Talk to me about what's going on with  
5 you.

6 RF: Shoot me.

7 MS: We don't want to do that.

8 RF: I'll jump.

9 MS: No, you won't. I don't want you to.

10 MV: Don't -- don't challenge him.

11 MS: I don't want you to. I don't want you  
12 to, Robert.

13 MV: Come on, Robert.

14 MS: Get down.

15 RF: You don't think so?

16 MS: No. I don't want you to do that.

17 RF: You don't think I will?

18 MS: You don't want to get hurt.

19 RF: You want to play games?

20 MS: I'm not playing games with you.

21 RF: This is my game, bitch.

22 MS: I don't want you to do that.

23 RF: You think it's a game to me?

24 MS: It's not a game.

25 RF: I don't fuckin' care, you fuckin' ho.

26 MS: This is serious to me.

27 RF: This isn't serious to me. This

1 doesn't matter.

2 MS: Can you please get down?

3 RF: Call it. What are you going to do?

4 What are you going to do, shoot me?

5 MS: No.

6 RF: What, are you going to kill me? I'm

7 killing myself, go ahead. I didn't do nothing

8 wrong. If you want to kill me, then that's fine.

9 MS: Nobody wants to hurt you, man.

10 RF: (INAUDIBLE) fuckin' (INAUDIBLE).

11 MS: Nobody wants to hurt you.

12 RF: I have so many people here.

13 MS: This whole situation makes me sad.

14 RF: It doesn't matter. It doesn't matter,  
15 go ahead. Shoot me.

16 MS: No.

17 RF: Go ahead, shoot me (INAUDIBLE).

18 MS: You're a human being and I don't want  
19 you to get hurt.

20 RF: Do what you got to do. I don't give a  
21 fuck.

22 MS: Well, I care.

23 RF: 'Cause you can't hurt me.

24 MS: I care. Can you please get down?

25 RF: Shoot me.

26 MS: I'm literally asking you please to get  
27 down. Robert, can you please get down?

1 MV: So what's the plan if he jumps off  
2 that?

3 MV: No.

4 MV: Got a straight shot left.

5 MV: (INAUDIBLE).

6 MS: Robert, you're important to me.

7 SK: Good thing, it looks like he's  
8 unarmed.

9 RF: I'm not important to you.

10 MS: Yeah, you are.

11 RF: I don't even know your fuckin' name,  
12 so fuck all you.

13 MS: You know my name.

14 RF: What are you talking about, I'm  
15 important to you?

16 MS: You're important to me.

17 RF: I don't even know your goddamn name.  
18 How am I important to you?

19 MS: Because you're a human being.

20 RF: You tell me I'm a -- I'm important to  
21 you.

22 MS: Because you're a human being and I'm  
23 concerned for you.

24 RF: Yeah? Well, watch me kill myself.

25 MS: No, I don't want that to happen.

26 RF: And you tell me how important I am.

27 MS: I care about you.

CONFIDENTIAL

1 RF: Motherfucker.

2 MS: I do.

3 RF: You watch me die.

4 MS: I would not be standing here if I  
5 didn't care.

6 RF: And you tell me how important I am.

7 MS: I wouldn't be standing here if I  
8 didn't care.

9 RF: (INAUDIBLE) shit when I'm dead. Do  
10 you understand?

11 MS: I don't want that to happen.

12 RF: You want to play these games, that's  
13 fine. I don't fuckin' care.

14 MS: We're not playing games.

15 RF: (INAUDIBLE). I'm going to let you  
16 know right here, right now, my death is your  
17 fault.

18 RM: Come on, Robert, we don't want anyone  
19 to get hurt today.

20 SK: He's reaching for --

21 RF: Shut the fuck up.

22 RM: We don't want anyone hurt today,  
23 Robert. Not you --

24 RF: Then come on up, motherfucker.

25 RM: -- and not us.

26 RF: Come on up.

27 RM: We don't want to get hurt either.

CONFIDENTIAL

1 RF: Come on. What do you got to say?  
2 What's up?

3 MS: Come down.

4 RM: Come on, Robert. Nobody needs to get  
5 hurt.

6 RF: Anyone coming up?

7 SK: I don't know if he has anything over  
8 there.

9 MV: Yeah.

10 SK: He's not bending down though, so --

11 RF: You think I'm stupid, you dumb  
12 motherfuck?

13 MV: (INAUDIBLE) hands still.

14 SK: Empty hands.

15 RF: Come on.

16 MV: I believe so.

17 RF: What do you got to say? What do you  
18 got? What do you got?

19 SK: I can't see him. He's picking  
20 something up, shirt.

21 MS: Shirt.

22 RF: Out. What's up?

23 MS: Robert, come down here.

24 RF: I'll fuck you and your girlfriend.  
25 I'm not coming down nowhere. Look, either  
26 (INAUDIBLE) respect me or they don't. I'm not  
27 coming down.

1 MS: I respect you.

2 RF: All right. Well, tell these  
3 motherfuckers to respect me too.

4 MS: Do you understand that -- do you  
5 understand we have these lights on you 'cause  
6 we're afraid?

7 RF: (INAUDIBLE). Come on up,  
8 motherfuckers.

9 MS: Robert.

10 RF: Let's go. Let's go. I'm right here.  
11 You guys are fuckin' real big men. Let's go.  
12 Come on up. Let's see what happens.

13 MS: You know we have to have these lights  
14 on you.

15 RF: Yeah, let's go. Let's go, let's go.  
16 Stop playing games.

17 MS: You're the one playing games.

18 RF: Come on up. Come on up.

19 MS: Come down here.

20 RF: I'm not playing any of your shit.

21 MS: I'm not playing games with you.

22 RF: You could come up to me on my level  
23 (INAUDIBLE) or that's it. I'm not going to come  
24 down there. That's a dumb motherfuckin'  
25 (INAUDIBLE). I'm not coming down. So, if you  
26 want to come up and fight me and that, fuck. If  
27 not, then you can say you suck dick (INAUDIBLE).

1 I'll kick your ass. Come on, come on. Come on  
2 over. Oh, I hear you coming. Let's go. Where  
3 you at? Come on.

4 SK: I don't see anything in his waistband.

5 MV: (INAUDIBLE) if he hits that balcony  
6 where he just was, my backdrop is the next house  
7 over, so it's going to be hard.

8 SK: Okay.

9 MV: (INAUDIBLE).

10 SK: Okay.

11 RF: Come on. Stop flashing your fuckin'  
12 light at me. It sucks.

13 MS: Will you come down if we put the light  
14 down a little bit?

15 RF: What?

16 MS: Will you come down if we put the light  
17 down a little bit?

18 RF: No, I -- I'll come down, but I  
19 ain't --

20 MS: Come down.

21 RF: Faggots to come over here. Look --

22 SK: All right. Nothing in the waistband,  
23 nothing in the waistband.

24 RF: Come on over. Let's go, come on.

25 MS: Here he comes.

26 RF: Come on. It's me compared to what,  
27 three, four, five. How many of you guys you got?

1 Let's go.

2 MS: Got them right here.

3 RF: I'm by myself, but --

4 MV: (INAUDIBLE) to hear that. Let's go.

5 RF: (INAUDIBLE).

6 MV: Come on, Robert. Come on Robert, look  
7 down here.

8 RF: No. You can kiss my ass.

9 MV: No.

10 RF: Yeah. (INAUDIBLE) sucks dick. If you  
11 want to come up into my house, come on up 'cause  
12 I'm going to hurt you. Come on.

13 MV: Come on out, Robert.

14 RF: No.

15 MV: Time for you (INAUDIBLE).

16 RF: I haven't done shit wrong. What do  
17 you got? I haven't done shit to you. Come on.

18 MV: (INAUDIBLE).

19 RF: Come on, you faggot, come on. You  
20 have something to say to me? Come on.

21 SK: It's the reflector I think.

22 RM: Okay.

23 RF: I'll hurt you, you fuckin' loser.

24 SK: I can't -- yeah, it's the reflectors.

25 RF: All right. Then come on, bitch. Come  
26 on. Who wants to fuckin' --

27 MS: I could stay here.

CONFIDENTIAL

1 RF: Come on.

2 MS: (INAUDIBLE).

3 RF: Let's go. You got some shit to say?  
4 I'm right here. Hey, I'm right here down on the  
5 fuckin' pedestal right here.

6 MS: (INAUDIBLE).

7 RF: I'm right here. You got some shit to  
8 say, I fuckin' heard you. Let's go. Come on up.  
9 You even have some shit to say, do it. Otherwise,  
10 fuck off. (INAUDIBLE).

11 MS: I'm still (INAUDIBLE).

12 RF: Come on. Who's going to come get me?  
13 Come on. Y'all want to call me out, right? Do  
14 it. I'm right here. You can't handle your own  
15 shit? Yeah, apparently not. I'm right here. You  
16 can't anger me, that's fine. Come on. Come on.  
17 (INAUDIBLE). All right, what? What do you got?  
18 What do you got? Come on, faggot. Hey, you shit  
19 bag. Hey (INAUDIBLE) your boy over here in the  
20 corner against the wall fuckin' (INAUDIBLE) 'cause  
21 he's piece of shit. (INAUDIBLE).

22 MV: Do we know if anyone's home in that  
23 lower apartment? Hey, Sarge.

24 MV: Yeah.

25 MV: Can we get someone to evacuate that  
26 apartment right there on the right with the lights  
27 on? I know there's someone in there because she

CONFIDENTIAL

1 came out to bring trash out. We told her to go  
2 back in a while ago. I just don't want him to  
3 charge with the knife that way and not be able to  
4 take the shot. Left window.

5 MS: Robert.

6 SK: Right window. The knife in the right  
7 window, but he's inside. Looks like he's going  
8 deep in the room. Front door. Can't see his  
9 hands.

10 MV: Left window.

11 SK: Left window. Closed, right?

12 MV: Yes.

13 SK: Front door. Door.

14 RF: Come up. Come on up. You want to  
15 stay in the front door (INAUDIBLE) fuckin' cop,  
16 all right?

17 MS: Robert, come out.

18 RF: Fuck you. I'm going to hurt everyone  
19 if they come near me. If they come up, then it's  
20 open. (INAUDIBLE).

21 MS: Robert, come out.

22 MV: Front door.

23 SK: Knife, front door.

24 MS: Robert, will you talk to me, please?

25 Are you okay? He's in that right (INAUDIBLE).

26 Robert, are you okay? Robert, come down here and  
27 talk to us. Robert, we're not leaving. I don't

1 want you to get hurt and I don't want to force a  
2 situation. Robert, you're done talking? You're  
3 done talking to us? Robert, it hurts my feelings  
4 you won't talk to me. Why won't you come back out  
5 and talk?

6 SK: I don't hear him.

7 MV: No, I think something coming from that  
8 direction. A little (INAUDIBLE).

9 MS: Robert, who do you want to talk to?  
10 Who do you want here right now?

11 MV: (INAUDIBLE) let's go. I'll back up.  
12 (INAUDIBLE).

13 MS: I wonder if he'll come out if you  
14 shined a light on it again.

15 MV: Hey, he's got like PTSD I'm sure.

16 SK: Right on.

17 MV: (INAUDIBLE).

18 MS: Does he know who we are (INAUDIBLE) of  
19 this?

20 MV: What?

21 MS: Is that the kitchen right there?

22 MV: Huh?

23 SK: I don't think we -- I don't think  
24 we've ever been inside.

25 MS: (INAUDIBLE).

26 SK: I think it's the bedroom on the right.

27 MV: Bedroom there, directly behind the

1 front door. All the way in the back is the  
2 kitchen and then there's like a living room with a  
3 sliding glass door on the left.

4 SK: Is that one of us?

5 MV: (INAUDIBLE). Is that the door?

6 SK: I can't tell if it was that one or  
7 another one, but I heard it too.

8 MV: Or was it blinds?

9 SK: You think he's sobering up and  
10 realizing what's going on?

11 MV: No, not yet. He might be crashing  
12 (INAUDIBLE).

13 MS: Robert. Robert, will you come out?  
14 Are you okay? Robert, I'm concerned. You've been  
15 quiet for a long time. Will you come talk to us?  
16 Robert, are you hurt? Can you tell me that you're  
17 not hurt? Robert, can you tell me if you're hurt  
18 so we can help you? Will you say something?

19 MV: Are you going this way? Why don't you  
20 just go around?

21 MS: Robert, can you tell us if you're  
22 hurt? I just want to make sure you're okay. Just  
23 say something. Move the shades or something so I  
24 know that you're alive. I'm concerned as to why  
25 you're so quiet.

26 MV: (INAUDIBLE).

27 SK: Huh?

CONFIDENTIAL

1 MV: Is that the door?

2 SK: I think it was from over here.

3 MV: (INAUDIBLE).

4 MS: Robert, how do I help you? How can I  
5 help you?

6 MV: I think we got him. The CVS on  
7 Mission Oaks (INAUDIBLE). Or -- or Santa Rosa.

8 MV: (INAUDIBLE) the Von's.

9 MV: Got it right there.

10 SK: Thank you.

11 MS: (INAUDIBLE). Thank you. Sorry.

12 MV: He's turning lights off. Huh? He  
13 turned -- he's turned off exterior lights.

14 MS: Robert.

15 MV: Unless they're automated, but I don't  
16 think so.

17 MS: Robert, will you talk to me so I know  
18 you're okay?

19 MV: (INAUDIBLE) just -- patrol car, I want  
20 you to pull up, where the spotlight's up there,  
21 the front door, face it up towards the parking  
22 lot. Light it up with the BearCat lights.

23 MV: (INAUDIBLE).

24 MV: Right there.

25 MV: That's good, that's good. (INAUDIBLE)  
26 turn that light off (INAUDIBLE).

27 MV: When he comes out -- when he comes out

1 (INAUDIBLE) this one right now?

2 MV: (INAUDIBLE).

3 MV: (INAUDIBLE) going to light him up.

4 MV: (INAUDIBLE).

5 MV: Hey, Ryan. Or, Tommy, see this one  
6 right here? (INAUDIBLE) it up. Yeah. It helps.

7 MV: There you go.

8 MV: (INAUDIBLE).

9 RC: Moving up.

10 MV: (INAUDIBLE) BearCat (INAUDIBLE). Hey,  
11 you guys. Hey, you guys (INAUDIBLE) coming down  
12 here, I'm going to go talk to (INAUDIBLE).

13 MV: Hey, man. What's up? (INAUDIBLE).

14 MV: Hey, Tommy, where's (INAUDIBLE).

15 MV: Hey, Krup?

16 SK: Yes.

17 MV: That back patio.

18 SK: That's -- that's -- what?

19 MV: Is there a back patio?

20 SK: No, the only entrance is from the  
21 front.

22 MV: Okay. Krupnik, Krupnik?

23 SK: Yes.

24 MV: Come here.

25 RC: Okay. I know somebody probably  
26 already asked you this, but I'm going to ask you  
27 again. How many rounds did you fire?

CONFIDENTIAL

1 SK: One.  
2 RC: What direction were your rounds?  
3 SK: Towards the house.  
4 RC: Okay.  
5 SK: The --  
6 RC: Upstairs or downstairs?  
7 SK: Upstairs.  
8 RC: Okay. Did you see where it impacted?  
9 SK: Yes.  
10 RC: Okay. Was it on the house up there?  
11 SK: Yes.  
12 RC: All right.  
13 Do we know -- okay. Let's get him back to  
14 the command post.

15  
16 (PART TWO)  
17

18 RM: Okay.  
19 RF: And you want to call me out, going are  
20 you hurting anybody? Who's your girlfriend? What  
21 are you doing in there?  
22 RM: I didn't say --  
23 RF: Well, fuck you.  
24 RM: I never said --  
25 RF: If you think I'm hurting somebody,  
26 come get me then, motherfucker.  
27 RM: Josh.

CONFIDENTIAL

1 RF: I'm not hurting anybody.

2 RM: I didn't say any of that stuff.

3 RF: I'm not a violent person. You're an  
4 asshole.

5 RM: Josh.

6 RF: You're trying to call me an asshole.

7 RM: Hey.

8 RF: You're an asshole.

9 RM: I'm not --

10 RF: Fuck you.

11 RM: -- calling you anything, Josh.

12 RF: Then come get me or go away.

13 RM: We just want to talk to you and make  
14 sure you're all right.

15 RF: You don't want to talk to me. I'll  
16 come outside and talk to you, but you won't talk  
17 to me, I guarantee it.

18 RM: I'm trying to talk to you right now.

19 RF: And you're going to throw a punch at  
20 me and I'm going to beat the shit out of you.

21 RM: Josh.

22 RF: So don't do it.

23 RM: I'm just trying to talk to you right  
24 now.

25 RF: All right. Well, I'm trying to talk  
26 to you. So if you want to talk, then talk.

27 RM: I am talking to you.

CONFIDENTIAL

1 RF: If you want to walk, then walk, and if  
2 you want to fight, let's do it.

3 RM: Josh.

4 RF: So fuck off.

5 RM: Josh, you're talking over me. I can't  
6 talk to you when you're talking over me.

7 RF: Yeah. Well, you can't do shit to me  
8 because I'm in my home where I pay rent. So you  
9 come in here and I have legal right to fuckin'  
10 murder you. Fuck you.

11 RM: I'm not asking you to come down.

12 RF: Come in my home, come in my domicile  
13 and see if I don't end your shit.

14 RM: Josh.

15 RF: Motherfucker.

16 RM: I don't want to come in your house.

17 RF: Yeah. So don't come in my house.

18 RM: I don't want to arrest you.

19 RF: Don't request to come in my house.  
20 And don't ask your superior officer if you can  
21 come in my house, 'cause you can't. Now get the  
22 fuck off my porch before I make you.

23 RM: I'm not on your porch, Josh.

24 RF: Get the fuck off my porch.

25 RM: I see that went well.

26 SK: I think you did a good job.

27 RM: It's not Fogal.

1 SK: It's a start.  
2 RM: Yeah.  
3 SK: Does it sounds like him? It doesn't.  
4 RM: No, it's not him.  
5 SK: Oh, cool.  
6 RM: The guy's half the size of Fogal.  
7 SK: It's a start, yeah. Positive  
8 direction.  
9 RM: It is. I don't know who Josh is. I  
10 mean, that's Josh, but --  
11 is -- that's the same address,  
12 [REDACTED].  
13 (DIBLE).  
14 RM: Well, that wasn't Fogal, I don't  
15 think. Unless he's --  
16 MV: That's his address.  
17 RM: ce.  
18 MV: [REDACTED].  
19 RM: him though. Maybe  
20 he redid his hair or something. Gained a little  
21 bit of weight.  
22 SK: I mean, it's not really our problem if  
23 he damages --  
24 MV: No, just --  
25 SK: -- his own screen.  
26 MV: The -- I mean, he's --  
27 RM: The people he rents from screen.

1 But --

2 SK: Door.

3 RF: You think I can't hear you. That  
4 shit's funny.

5 RM: What?

6 RF: Get the fuck off my porch.

7 RM: I'm not on your porch.

8 RF: Or I'm calling your commanding  
9 officer.

10 RM: You can call him if you want.

11 MV: It's him.

12 RM: He's right over there.

13 RF: Get the fuck off my porch. You don't  
14 have any legal right to be here.

15 SK: Yeah, that's him, dude.

16 RF: So if you want to play games --

17 RM: That's him?

18 SK: Yeah.

19 RF: -- let's play games. But you're going  
20 to lose your job, motherfucker.

21 RM: Okay.

22 MV: So --

23 RF: You have no reason to be here. I'm  
24 not doing anything to hurt the community.

25 SE: He lives with the girlfriend.

26 RF: Leave me alone.

27 SE: Girlfriend left and that's why she was

1 out here. That's why he's out here, so --

2 RF: Get off my porch or I will make you  
3 get off my porch by calling your supervisor  
4 officer.

5 RM: All right, Robert. So you're going to  
6 bed?

7 RF: Yeah, I'm going to bed.

8 MV: Goodnight.

9 RF: If you get off my front porch.

10 MV: You have a good night then, okay?

11 RF: All right. Thank you. I'll see you  
12 around.

13 MV: Okay.

14 RF: I'm not --

15

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VENTURA COUNTY SHERIFF'S OFFICE  
SUPPORT SERVICES DIVISION

MEMORANDUM



3-11-19  
TV

**DATE:** February 25, 2019  
**TO:** Commander Rob Davidson  
**FROM:** Captain Ian Laughlin  
**SUBJECT:** Complaint Review and Determination – Formal IA #17-099

**Complainant** Department Initiated  
**Named** Deputy Steve Krupnick #4906  
Hired November 7, 2010  
Currently Assigned to Patrol Services, Camarillo  
**Allegations** Officer Involved Shooting  
**Supervisor** Sergeant Marty Luna  
**BWC** Recorded Event  
**CPRA Disclosure (1421)** Discharge of a firearm at a person

**Background**

On October 2, 2017, around 8:00 p.m., deputies responded to a subject disturbing call at an apartment complex in Camarillo. During the call, [REDACTED] [REDACTED] barricaded himself in his apartment. Deputy Krupnik was one of the deputies who responded and was on the perimeter.

During the stand-off, [REDACTED] would come out of his apartment onto his second story balcony and throw items, including knives, off his apartment balcony. At one point, [REDACTED] came out of his apartment with knives and motioned as if he were going to throw them toward the deputies in the parking area and Krupnik fired his rifle at [REDACTED]. [REDACTED] was not hit and later surrendered to SWAT team members. [REDACTED] was arrested for 664/187 P.C., 245 P.C. and 69(a) P.C. ([REDACTED] 17-1188-19). As of the authoring of this memorandum, [REDACTED] remained in-custody pending a jury trial (VCIJIS [REDACTED]).

## **Use of Force Review**

This use of force review included review of the criminal case file, body worn camera video, citizen video, witness deputy statements, review of crime scene diagrams, photos, current policies and procedures, and common training and tactics employed by members of the Ventura County Sheriff's Office.

In this case, deputies responded to a subject disturbing in an apartment complex in Camarillo. Body worn camera video, citizen video, and physical evidence collected at the scene support [REDACTED] had thrown items at deputies, made statements toward deputies about harming or killing deputies, continued to throw objects and knives from his apartment toward the area of deputies and generally acted in a threatening and irrational manner.

As the event unfolded, Deputy Krupnick fired one round from his assigned assault rifle at [REDACTED]. During his voluntary interview and scene walk through, Krupnick explained his intent was to incapacitate [REDACTED] because he believed [REDACTED] was going to throw a knife toward his sergeant and another deputy and they would be killed. Krupnick explained that when [REDACTED] came out of his apartment and made a statement about a deputy going to die as he looked at the deputy. Krupnick saw [REDACTED] raise a knife above his head in a throwing manner. Krupnick believed he did not have time to warn his partner's and he fired his weapon. Crime scene photos and diagrams support [REDACTED] had the ability to throw knives a significant distance as there were knives found in the carport and sidewalk area.

A review of scene evidence, [REDACTED]'s actions and statements, and Krupnick's observations and belief his partners could be gravely injured by [REDACTED] and that he did not have time to warn them support Krupnick's actions. Krupnick's actions were reasonable based on the increased and irrational criminal conduct by [REDACTED].

## **Prior Discipline/Performance Issues**

- [REDACTED]

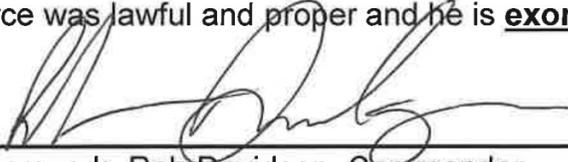
## **Annual Performance Appraisal Review**

- [REDACTED]

## **Determination**

After a review of physical evidence, digital images, body worn camera video, citizen video and statements, Deputy Krupnick's actions were determined to be reasonable and lawful and there was no evidence to show and support he violated any Sheriff's Office policy, procedure or current training and tactical standards.

In this case, there is no evidence to show and support Deputy Krupnick's use of force against [REDACTED] [REDACTED] was unreasonable and unnecessary. Deputy Krupnick's use of force was lawful and proper and he is exonerated.

  
Approved: Rob Davidson, Commander

3-6-19  
Date:

*PM*  
*2016*



Ventura County Sheriff's Office  
Special Services – Major Crimes

**Case Summary**

**Report Number:** 17-149849

**Investigators:** Sergeant Steven Jenkins - *55*  
Detective Cyrus Zadeh  
Detective Steve Michalec

**Subject:** Attempted Murder of a Police Officer / Officer-Involved Shooting

**Date Occurred:** October 1, 2017 @ 10:36 p.m.

**Location:** [REDACTED]

**Victims:** Deputy Steven Krupnik and Deputy Richard Maertz - VCSO

**Suspect:** [REDACTED]

**Summary of Incident**

On 10-01-17, at about 2003 hours, Sheriff's Dispatch received two 911 calls reporting a male (later identified as [REDACTED]) was starting fights and threatening people at the apartment complex at [REDACTED], Camarillo, CA. One of the reporting parties (RP-1) [REDACTED] believed a male ([REDACTED]) threw a kitchen knife at [REDACTED]'s front door while angrily yelling at [REDACTED]. [REDACTED] told Sheriff's Dispatch, "Please send help immediately before somebody gets killed." (RP-2) [REDACTED] reported hearing a male ([REDACTED]) yelling at other residents. [REDACTED] saw a kitchen knife on her neighbor's ([REDACTED]'s) door step.

At about 2007 hours, Sergeant Luna, Deputy Maertz, Deputy Krupnik, Deputy Pallotto, and Deputy Eskridge arrived at the [REDACTED] Apartment complex and learned [REDACTED] was inside apartment [REDACTED]. Apartment [REDACTED] was located on the second-story of the complex with an exterior staircase leading from the parking lot to the apartment balcony. The deputies parked in

front of ██████'s residence and they were in uniform. The patrol vehicle overhead lights were on. The deputies contacted witnesses and found a knife at the door step of ██████'s residence. The deputies collected the knife as evidence. As the deputies investigated the incident, ██████ came out of the second-story apartment at ██████ and became verbally aggressive with the deputies. The deputies could not establish a crime at that time so they chose to back out and take a covert position out of ██████'s line of sight. The deputies were attempting to de-escalate the situation in hopes that ██████ would go inside the residence and fall asleep. The deputies moved the patrol vehicles to the south parking lot and out of ██████'s line of sight.

At about 2100 hours, Deputy Krupnik, Deputy Maertz, and Deputy Pallotto were in the south parking lot and out of ██████'s direct line of sight when they heard and saw a window screen fall from the top balcony to the parking lot. The deputies monitored the situation.

At about 2110 hours, ██████ exited the residence and possessed a knife in each hand. ██████ was verbally aggressive with the deputies. ██████ threatened to kill the deputies. ██████ went back inside the residence. Deputies Krupnik, Maertz, and Pallotto were in the parking lot and moved into position to visually monitor ██████.

At about 2127 hours, ██████ walked outside onto the balcony and threatened to kill Deputy Maertz and Deputy Krupnik. Deputy Krupnik gave ██████ several warnings not to come downstairs and not to approach the deputies while holding the knives or he would be shot.

Between 2130 and 2236 hours, ██████ threw four knives along with multiple miscellaneous items at the deputies and threatened to kill them. The following list details each knife assault:

First knife assault – While ██████ stood on the stair landing just below the balcony, ██████ threw a serrated steak knife toward the deputies' (Deputy Krupnik, Maertz, and Pallotto) direction. The knife hit a tree which was located in between the stair landing and the deputies. The knife fell to the ground near the base of the tree. The knife landed approximately 20 feet from the landing and about 40 feet away from the deputies.

Second knife assault – Immediately after throwing the first knife, ██████ threw a second kitchen knife while standing on the stair landing. The knife was thrown toward Deputy Krupnik, Maertz, and Pallotto. The knife landed on the sidewalk about 35 feet southeast of the landing and about 30 feet from the deputies. The deputies were on the sidewalk at the time of the assault.

Third knife assault - As Deputy Krupnik and Maertz moved northwest through the parking lot and hid behind a vehicle to get a better visual of the suspect, ██████ threw a third knife (serrated steak knife) at the deputies new location in the parking lot. The knife traveled about 50 feet from the balcony and landed about 18 feet from the deputies' location.

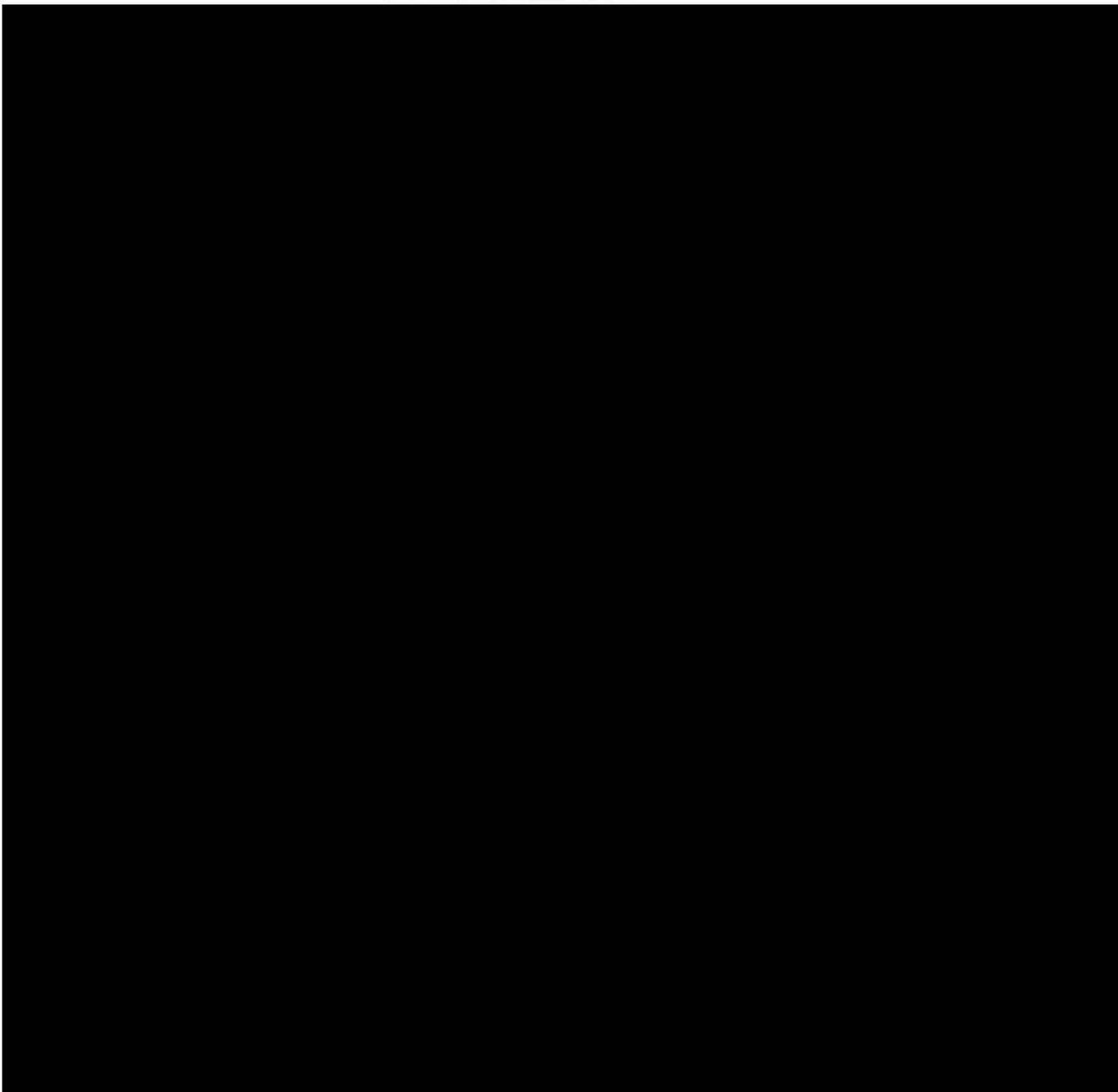
Deputy Krupnik and Maertz moved south (further away from the balcony) to a position underneath a carport overhang. The deputies used vehicles and the carport roof as cover.



█████ was found to have no injuries. █████ was medically cleared for jail booking. █████ was booked into jail.

**\*For complete details, refer to the associated reports; attached and incorporated herein to the digitized Adobe Acrobat Pro Case File. The entire incident was captured on body camera video which is available to view.**

### **Suspect's Background**



## Scene

The incident occurred on the balcony at [REDACTED]. The residence was located in the [REDACTED] complex in the city of Camarillo. [REDACTED] was located in the center of the complex. [REDACTED] was a two story building with [REDACTED] 4 located on the second story. [REDACTED] was on the west side of [REDACTED] and the front door faced west. The front door to [REDACTED] opened up to a small parking lot on the west side of [REDACTED]. Access to the small parking lot was from the south side of [REDACTED]. Both [REDACTED] and this small parking lot were on private property and within the boundaries of the [REDACTED] apartment complex. It was night time and dark during the incident, but the balcony (location of the shooting) was well lit with porch lights, parking lot lights, and back lighting from the residence.

## Evidence

### **Officer Body Worn Camera Footage**

All the deputies involved in the incident before and after the shooting were wearing department issued body worn cameras (BWC). The BWC footage was downloaded and submitted as evidence. The following deputies were wearing BWC and turned it on to capture their role in the incident: Deputy Krupnik, Deputy Maertz, Deputy Pallotto, and Deputy Eskridge.

### **Neighbor's Cell Phone Video**

Detective Cruz obtained a cell phone video from (W) [REDACTED] [REDACTED] was at her residence at [REDACTED] #100 when she began capturing the confrontation between [REDACTED] and the deputies. The video captured the incident from about 150 feet away and did not add any additional evidence compared to the body worn camera footage.

### **Kitchen Knives**

There were a total of six kitchen knives found in the parking lot and sidewalk areas that had been thrown at the deputies by [REDACTED].

- Knife #1 – boning knife with black handle and approximate 7-inch metal blade
- Knife #2 - steak knife with black handle and approximate 4-inch metal blade
- Knife #3 – carver's kitchen knife with black handle and approximate 7-inch metal blade
- Knife #4 - steak knife with black handle and approximate 4-inch metal blade
- Knife #5 - steak knife with black handle and approximate 4-inch metal blade
- Knife #6 - metal butter knife with approximate 3-inch blade

### **Miscellaneous Items Found Outside**

Miscellaneous items were found in the parking lot and sidewalk areas that were also thrown at the deputies such as a cell phone, hair brush, cordless phone, vertical blinds, tan women's purse, two outside patio chairs, folding patio chair, white framed screen door, wood handled broom, potted plant (red pot with small fake tree), two outdoor chairs, clothes, white framed window screen, brown curtain with curtain rod, decorative door wreath and a craftsmen hammer.

### **Miscellaneous Items Found Inside Residence**

Multiple kitchen knives were found throughout the inside of the residence. One knife with a broken metal blade was found in the living area. The type of knives (Farberware) matched the knives that were found outside. Two glass marijuana pipes with residue were found on the front porch area and the bedroom. Open and empty beer containers were found throughout the residence. Bottles of [REDACTED] with pill inside were found in the bedroom.

### **Bullet Hole**

A bullet hole was found in the stucco of the pillar near the front door of [REDACTED]'s apartment. The bullet was not recovered due to the amount of destruction to the apartment stairway it would have taken to recover the bullet.

### **Officer's Firearm and Spent Casing**

Deputy Krupnik's patrol rifle was identified as a Colt M4 5.56 NATO [REDACTED] with a mounted TLR-1 light and Aimpoint M2 optic. Forensic Scientist Firearms Examiner [REDACTED] examined the rifle and found the firearm to be in good working order. Based on witness statements, body worn camera footage, and evidence at the scene, investigators determined only one round had been shot from the rifle. The spent cartridge was recovered and the ammunition used was a department issued Speer .223 round.

## **Video Summary**

The incident was captured on BWC footage by cameras worn by Deputy Krupnik, Deputy Maertz, Deputy Pallotto, and Deputy Eskridge. Also, a neighbor captured a majority of the incident on video from a cellular phone. NOTE: The first and second knife assaults occurred prior to the BWC cameras being turned on. The following is a summary of what the videos captured: Deputy Krupnik and Deputy Maertz stood to the south of [REDACTED]'s residence, in the parking lot, in between two vehicles. The deputies were about 80 feet south of the balcony. Deputy Krupnik told [REDACTED] that the deputies saw the knife in his hand. Deputy Krupnik told [REDACTED] not to approach the deputies or he would be shot. [REDACTED] yelled something at the deputies that could not be understood. Deputy Krupnik and Deputy Maertz walked a few feet toward the balcony and stopped at the edge of the sidewalk / parking lot. Deputy Krupnik and Deputy

Maertz spoke to each other about deploying less lethal. Deputy Krupnik stated he worried less lethal would not work on █████ because the last time it was used on him, it had no effect.

Deputy Krupnik and Deputy Maertz waited in the parking lot. █████ occasionally stepped onto the balcony and challenged Deputy Krupnik to fight. Deputy Krupnik told █████ that the deputies wanted him to go inside the residence and to go to sleep. █████ said, "I'm going to fucking kill you, I'll gut your throat motherfucker." A loud noise was heard hitting a nearby vehicle. Deputy Krupnik ducked behind a vehicle and asked Deputy Maertz, "Was that a knife." Deputy Maertz said yes. Deputy Krupnik and Deputy Maertz backed up and took a position of cover under the carport area. Deputy Krupnik used a vehicle as cover and kept an eye on █████. Deputy Maertz and Deputy Krupnik took turns retrieving their AR-15 rifles from their patrol vehicles as they traded off and watched █████. Both Deputy Krupnik and Deputy Maertz returned to the carport area and stood near each other. Deputy Maertz told Deputy Krupnik that they could not leave with █████ throwing knives at them. Deputy Maertz stated he wanted to start a dialogue with █████. █████ again stated he wanted to kill the deputies. █████ told the deputies to shoot him. Deputy Krupnik told █████ that he did not want to shoot him and he would rather have █████ go to bed. Deputy Krupnik and Deputy Maertz moved north underneath the parking lot with a more direct view of █████'s front door and balcony. Deputy Krupnik used a vehicle as cover. Deputy Krupnik asked █████ not to reach into his waistband. █████ stated he did not have a firearm. █████ repeatedly yelled he wanted the deputies to shoot him. Deputy Krupnik repeatedly stated the deputies did not want to shoot him.

Sergeant Luna and Deputy Eskridge arrived and went to the north side of the balcony. Sergeant Luna attempted to talk to █████, but █████ kept telling the deputies to shoot him.

█████ went inside the residence. █████ stepped back outside on the balcony and possessed a knife in his right hand. █████ raised his right arm and appeared to be throwing the knife. Deputy Krupnik used his AR-15 to shoot one round at █████. The round hit a pillar near █████. After the shot, █████ ran inside the residence. The deputies were relieved by SWAT personnel.

### Witness Interviews

█████ was a neighbor and saw the deputies contact █████. █████ said █████ "went off", screamed at the deputies, and threw things off the balcony. He heard the deputies offer to get █████ help for his issues. █████ saw an unknown object in █████'s hand and then he heard a shot. █████ went into the apartment. █████ came back outside and stated he was going to kick the deputies' asses. █████ described █████'s behavior as "really out there". Zeise did not understand police procedures and he wondered why the deputies did not allow █████ to fall asleep.

██████████ was a neighbor and heard ██████ screaming at random people earlier in the night. When deputies arrived, she heard ██████ yell that he wanted the deputies to shoot and kill him. ██████ heard a gunshot. She did not believe ██████ was hit because he kept going in and out of the residence.

██████████ was a neighbor and heard ██████ yelling obscenities at the police. ██████ heard ██████ yell that he had power over the police and he was going to kill them. He heard ██████ yell that he had a knife and he could do this.

██████████ was a neighbor and heard ██████ threatening to kill the police. ██████ dared the police to come upstairs. ██████ said, "Come up here or I will kill you." ██████ began pin pointing deputies on scene. ██████ began throwing things off the balcony. ██████ heard a deputy tell ██████ to keep his hands up and then she heard a gunshot.

## Officer Statements

### **Deputy Steven Krupnik**

On 10-02-17, Major Crime Detective Michalec conducted an audio recorded walk-thru interview with Deputy Krupnik at the apartment complex. Deputy Krupnik confirmed he had spoken to legal counsel and he had time to review the body worn camera from the incident. Deputy Krupnik agreed to give a voluntary statement. Deputy Krupnik provided the following statement: After responding to a disturbance at ██████, Deputy Krupnik learned ██████ was agitated and had thrown a knife at a neighbor's door. After conducting an investigation, Sgt. Luna decided they would allow ██████ to stay in his residence, but Sgt. Luna wanted Deputy Maertz, Deputy Krupnik, and Deputy Pallotto to stay in the area just in case ██████ came outside with knives. The deputies decided to move the patrol vehicles out of sight to de-escalate the situation. Deputy Krupnik stood to the west of the residence and out of view. ██████ walked onto the balcony. ██████ walked down the stairs and yelled obscenities. ██████ had a large kitchen knife in his hand. Deputy Maertz told everyone that ██████ had a knife. Deputy Krupnik told ██████ not to approach them with the knife or he would be shot. Deputy Krupnik gave ██████ several commands to drop the knife and he did not comply. While ██████ stood on the stair landing, ██████ threw two knives toward Deputy Krupnik, Deputy Maertz, and Deputy Pallotto (knife assaults #1 and #2). One knife hit a tree and fell near the base of the tree. The other knife landed about thirty feet from Deputy Krupnik. Deputy Krupnik and Deputy Maertz lost visual of ██████ so they moved northwest into the parking lot. They used parked vehicles as cover. Deputy Krupnik heard something hit the ground next to them and Deputy Maertz told him that

█████ had thrown another knife (third knife assault) at them (Deputy Maertz and Deputy Krupnik). Deputy Krupnik believed the knife landed near them and had skidded next to their feet.

Deputy Krupnik worried █████ was going to throw another knife and hit them. He believed a knife thrown with that strength and velocity would cause great bodily injury or death. Deputy Maertz and Deputy Krupnik took turns retrieving their AR-15 rifles from their patrol vehicles.

Deputy Krupnik and Deputy Maertz moved to a better position of cover near the carport area. Deputy Krupnik explained their new position would give them clear visibility of █████, but the risk was less from being hit by a thrown knife. The carport had a roof and parked vehicles as cover. Deputy Krupnik monitored █████ while he paced back and forth on the balcony. Deputy Krupnik heard █████ say he wanted to kill the deputies. █████ told the deputies they were going to die and █████ was going to slit their throats. █████ repeatedly stated he wanted to kill the deputies. Multiple warnings were given to █████ to surrender and comply or force would be used against him. █████ ignored the warnings.

█████ threw another knife (knife assault #4) toward Deputy Krupnik's direction and the knife landed in the middle of the parking lot. █████ threw a cell phone in their direction and it landed near them.

Deputy Krupnik saw Sgt. Luna and Deputy Eskridge standing on the sidewalk just north of the balcony (30 feet). █████ began pointing at each deputy. Deputy Krupnik saw █████ point at Deputy Eskridge and Sgt. Luna. █████ said he was going to call down hellfire missiles and the deputies were going to die. █████ said, "You're gonna die, you're all gonna die." █████ looked at Deputy Krupnik and told him that his (█████'s) face was going to kill him and ruin his life. █████ repeatedly said the deputies were going to die.

█████ went inside the house and reappeared. █████ was holding a knife in his right hand. Deputy Krupnik believed █████ was going to throw the knife at Sgt. Luna and Deputy Eskridge. Deputy Krupnik believed █████ had been throwing the knives with such force that would cause serious bodily injury to the deputies. Deputy Krupnik feared for the safety of Sgt. Luna and Deputy Eskridge. Deputy Krupnik believed Sgt. Luna and Deputy Eskridge were not in a position to see █████ throw the knife. Deputy Krupnik believed he did not have time to warn Sgt. Luna and Deputy Eskridge if █████ threw the knife at them until it was too late. Deputy Krupnik aimed at the pillar and believed the round would go through the pillar and incapacitate █████. Deputy Krupnik shot one round from his AR-15 rifle as █████ was in the act of throwing a knife toward Sgt. Luna and Deputy Eskridge. Deputy Krupnik believed █████ was going to kill his partners. The round hit the pillar and did not hit █████. █████ went inside the residence. Deputy Krupnik only shot one round. Deputy Krupnik told Sgt. Luna that he had fired the round. █████ came outside and yelled at deputies again. Based on █████'s actions, Deputy

Krupnik believed [REDACTED] had not been injured. After a stand-off, Deputy Krupnik was relieved by SWAT personnel and he was taken to the Camarillo Police Station.

Deputy Krupnik had seven years of law enforcement experience and had attended the 24-hour Tactical Rifle Training course. Refer to Detective Michalec's supplemental report narrative for further details.

### **Deputy Richard Maertz**

After responding to a disturbance at [REDACTED], the deputies contacted [REDACTED]. [REDACTED] stood on the balcony and yelled obscenities at them. After evaluating the incident, Sgt. Luna decided the deputies should leave. Deputy Maertz lingered in the area to make sure there was no public safety issue. Deputy Maertz stayed with Deputy Krupnik in the parking lot as [REDACTED] came out on the balcony and yelled obscenities at the deputies. Deputy Maertz saw [REDACTED] holding two knives while standing on the balcony. Deputy Maertz told [REDACTED] that he had seen the knives and warned him not to approach them with the knives or he would be shot. Deputy Maertz was about 75 feet away from [REDACTED] when [REDACTED] threw the first two knives toward the deputies. Both knives hit a tree and fell onto the walkway. One of the knives landed close to them. Deputy Maertz collected one of the knives as evidence.

Additional patrol personnel were requested. Deputy Maertz and Deputy Krupnik moved to take a position in the parking lot to observe [REDACTED]. [REDACTED] threw another knife that hit a vehicle located directly in front of the deputies. Deputy Maertz and Deputy Krupnik moved to a position near the carport that had more cover for them. [REDACTED] threw a large patio chair toward them and an additional knife that landed near them. At that point, [REDACTED] had thrown four large kitchen knives toward the deputies' direction. While [REDACTED] was in the act of throwing the fifth knife, Deputy Maertz heard one rifle round and saw the bullet strike the pillar near [REDACTED] on the balcony. [REDACTED] went into the residence and returned. [REDACTED] kept yelling at them. Deputy Maertz was relieved from the scene by SWAT personnel.

### **Sergeant Marty Luna**

Sgt. Luna responded to a disturbance at [REDACTED] and heard [REDACTED] yelling obscenities. Sgt. Luna learned [REDACTED] was upset at his girlfriend, but his girlfriend was not at the location. Sgt. Luna learned no one else was inside the residence. Sgt. Luna felt confronting [REDACTED] would aggravate the problem so he had the deputies stay out of [REDACTED]'s direct line of sight. Sgt. Luna left and then returned after hearing [REDACTED] was throwing knives. Sgt. Luna heard [REDACTED] state that he was going to kill the deputies if they went to the apartment. Sgt. Luna attempted to speak to [REDACTED], but he refused to talk with Sgt. Luna. [REDACTED] began throwing miscellaneous items such as a camping chair and vertical blinds into the parking lot. [REDACTED] was throwing the items from the balcony of the residence.

Sgt. Luna and Deputy Eskridge positioned themselves on a sidewalk about 15 yards away from [REDACTED]. Sgt. Luna believed a tree and the darkness would conceal their whereabouts. Sgt. Luna had a limited view of [REDACTED] through the tree branches. Sgt. Luna told [REDACTED] to comply and he refused. While talking to [REDACTED], Sgt. Luna heard a shot. Sgt. Luna could not see [REDACTED]s during the shot. After the shot, [REDACTED] went into the residence. Sgt. Luna determined Deputy Krupnik fired one round that hit a pillar. Sgt. Luna asked Deputy Krupnik if he accidentally fired the round and he said no. No one else fired a round. [REDACTED] came outside and Sgt. Luna determined [REDACTED] was not injured. SWAT relieved Sgt. Luna and the other deputies.

### **Deputy Sean Eskridge**

Deputy Eskridge responded to a disturbance at [REDACTED]. Deputy Eskridge contacted Michael [REDACTED] and he identified [REDACTED] as the disturbing party who had challenged him to fight in the parking lot of the apartment complex. [REDACTED] got away from [REDACTED] and went into his apartment. A few minutes later, he heard a loud bang at the door. [REDACTED] opened the door and saw a large butcher knife at the threshold. Deputy Eskridge collected the knife as evidence. After talking to Sgt. Luna, Deputy Eskridge left the area. A few minutes later, Deputy Eskridge heard a broadcast that [REDACTED] was throwing knives at the deputies. Deputy Eskridge returned to the complex. Deputy Eskridge heard [REDACTED] threaten the deputies that he was going to kill anyone who came to his house.

Deputy Eskridge retrieved a less lethal shotgun and took a position with Sgt. Luna just north of the residence. Deputy Eskridge explained they were attempting to be concealed from [REDACTED]s view, but still be close enough to use a less lethal force option if [REDACTED] came downstairs. While listening to Deputy Maertz and Deputy Krupnik talk to [REDACTED], he heard one shot. Deputy Eskridge did not see [REDACTED]s movements when he heard the shot. He learned Deputy Krupnik shot the pillar next to [REDACTED]. [REDACTED] went into the residence and then returned. [REDACTED] began yelling obscenities and threatening the deputies again. The SWAT team arrived and relieved Deputy Eskridge.

### **Deputy Jason Pallotto**

Deputy Pallotto responded to a disturbance at [REDACTED] a. He learned [REDACTED] was challenging neighbors to fight and he had thrown a knife at a neighbor's door. After Sgt. Luna left the scene, Deputy Krupnik, Deputy Maertz, and Deputy Pallotto stayed out of sight and monitored the incident. Deputy Pallotto stayed on the south end of the building adjacent to the sidewalk and parking lot. Deputy Pallotto provided containment on the south side of the building during the entire incident. Deputy Pallotto saw [REDACTED] step outside onto the balcony and he heard [REDACTED] threaten the deputies. [REDACTED] threw a kitchen knife toward them and Deputy Pallotto saw the knife land about 10 feet away from him on the south sidewalk. Deputy Pallotto saw Deputy Maertz collect the knife as evidence. Deputy Pallotto saw Deputy Krupnik retrieve his AR-15. [REDACTED] yelled at them, challenged them to fight, and began throwing miscellaneous items into the

parking lot from the balcony. ██████ stated he would kill anyone who came to his apartment. ██████ threw a patio chair onto the hood of a vehicle. During the disturbance, Deputy Pallotto saw ██████ near the rail of the balcony. Deputy Pallotto saw ██████ lunge forward and then he heard one shot. Due to Deputy Pallotto's limited view, he was unable to see the knife in ██████'s hand when he lunged forward. Deputy Pallotto learned Deputy Krupnik had fired at ██████. ██████ was not hit and went into the residence. ██████ returned and yelled at the deputies again. Deputy Pallotto was relieved by SWAT personnel.

### **District Attorney's Review and Filed Complaint**

The District Attorney's Office reviewed the case and filed the below listed criminal charges against ██████ ██████:

- Two counts of PC 664/187(a) – attempted murder of a peace officer
- Two counts of PC 245(c) – assault upon a peace officer
- Two counts of PC 422 – criminal threats against a police officer
- Two counts of PC 69 – attempt to prevent an executive officer from performing duty

Along with filing the case against ██████, the District Attorney's Office relayed the belief that Deputy Krupnik's use of force was reasonable. ██████ is currently in custody and awaiting jury trial.

### **Conclusion**

After Deputy Krupnik, Deputy Maertz, and the other personnel arrived on scene, they established ██████ had challenged neighbors to fight in a threatening manner. The deputies could not prove ██████ threw a knife at the neighbor's door because no one witnessed the incident. The deputies believed ██████ was in a drunken state and acting belligerent. Sgt. Luna developed a plan to have the deputies leave in an attempt to de-escalate the incident. Sgt. Luna hoped ██████ would go inside the residence and go to sleep. The deputies moved their patrol vehicles to the south parking lot and out of ██████'s direct line of sight. The deputies stood by in the south parking lot to monitor the situation to ensure ██████ did not harm anyone in the area.

As Deputy Krupnik and Deputy Maertz covertly monitored the situation, ██████ made an overt attempt to walk onto the balcony and partially walk down the stairs in order to visually see the deputies. ██████ engaged the deputies by threatening them, challenging them to fight, and throwing miscellaneous items at them. ██████ threw a total of four knives toward Deputy Krupnik and Deputy Maertz prior to the shooting. ██████ threw the knives in a position of advantage from a second-story balcony to the parking lot below (where the deputies were

located). The knives of each assault traveled a good distance and landed near the deputies. Knife assault #1 was thrown about 20 feet after hitting a tree and landed about 40 feet from the deputies. Knife assault #2 was thrown about 35 feet and landed about 30 feet away from the deputies. Knife assault #3 was thrown about 50 feet and landed about 18 feet from the deputies. Knife assault #4 was thrown about 68 feet and landed about 20 feet away from the deputies. ██████ demonstrated his strength and ability to throw the knives.

At that point, ██████ had committed felonious crimes against Deputy Krupnik and Deputy Maertz. ██████'s statements and actions posed a significant threat to public safety and the citizens that lived in the area. Deputy Krupnik and Deputy Maertz had an obligation to engage ██████ and to resolve the incident.

The deputies were in uniform and they were clearly visible. Deputies gave clear announcements that they were with the Sheriff's Office and they were giving lawful orders. Identification of the deputies was not an issue.

Based on circumstances surrounding the incident and information obtained through this investigation, ██████ willfully displayed non-compliant behavior with uniformed officers, repeatedly threatened to harm or kill the deputies, ignored use of force warnings, threw multiple items toward the deputies, and willfully attempted to kill the deputies by throwing large kitchen knives at them. ██████ appeared physically fit and strong. With the weight of the kitchen knives and the force they were being thrown, the deputies' safety from great bodily injury and / or death was real. ██████ previously displayed his ability of strength and power by throwing other items such as a patio chair and a cell phone.

Deputy Krupnik saw ██████ pointing in the direction of Sgt. Luna and Deputy Eskridge whom were about 30 feet away from ██████. ██████ repeatedly said the deputies were going to die. Deputy Krupnik believed ██████ was about to assault Sgt. Luna and Deputy Eskridge by throwing a large kitchen knife at them. Deputy Krupnik shot at ██████ just as he was bringing the knife back in preparation to throw it.

I believe Deputy Krupnik's use of force was objectively reasonable under the circumstances as ██████ ██████ posed a significant threat to seriously injure or kill Sgt. Luna and Deputy Eskridge.

VENTURA COUNTY SHERIFF'S OFFICE  
SUPPORT SERVICES DIVISION

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**M E M O R A N D U M**

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17-099  
5/14/18  
TK

**DATE:** May 4, 2018  
**TO:** Commander Chris Dunn  
**FROM:** Captain Ian Laughlin  
**SUBJECT:** Complaint Initiation – Formal I/A #17-099

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**Complainant**

- Department Initiated

**Named**

- Deputy Steve Krupnik #4906
  - Hired November 7, 2010
  - Currently Assigned to Patrol Services, Camarillo

**Nature of Allegations**

- Officer Involved Shooting
- 

**BWC**

- Recorded Event

**Supervisor**

- Sergeant Marty Luna

## Complaint Background

On October 2, 2017, deputies responded to a subject disturbing call at an apartment complex in Camarillo. During the call, [REDACTED] [REDACTED] barricaded himself in his apartment. Deputy Krupnik was one of the deputies who responded and was on the perimeter.

During the stand-off, [REDACTED] threw items off his apartment balcony. At one point, [REDACTED] came out of his apartment with knives and threw them toward the deputies in the parking area near his apartment. Krupnik fired his rifle at [REDACTED]. [REDACTED] was not hit and later surrendered to SWAT team members. [REDACTED] was arrested for 664/187 P.C., 245 P.C. and 69(a) P.C. ([REDACTED]). [REDACTED] remains in-custody pending a jury trial ([REDACTED]).

## Recommendation

I recommend that this matter be assigned to the Sheriff's Internal Affairs Unit for further investigation.



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Approved: Chris Dunn, Commander

5-7-18

Date