

TAB 51



1 **Interview of Anna Brahs**

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3 **Location: Internal Affairs Office, Room 360, Tacoma Police Headquarters**

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5 **July 20, 2021 – 1101 Hours**

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7 **Internal Affairs Control Number 21COM-0061, 21COM-0069 and 21COM-0071**

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9 **PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs;**  
10 **Detective Randall Frisbie, Local 6, Treasurer;**  
11 **and Officer Anna Brahs**  
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14 Rosenquist: This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of  
15 Officer Anna Brahs. The date is 7/20/2021. The time is 1101 hours. Location is  
16 Internal Affairs office, Room 360, Police Headquarters. This is in reference to IA  
17 Cases 21COM-0061, 21COM-0069, 21COM-0071. Present in the room are myself;  
18 Internal Affairs Sergeant G. J. Roberts; Detective Frisbee, Local 6, what's your  
19 position on eboard?

20 Frisbie: Treasurer.

21 Rosenquist: Treasurer; and Officer Brahs. Uh, Anna, are you aware this interview is being  
22 recorded?

23 Brahs: Yes.

24 Rosenquist: And this interview being recorded with your permission?

25 Brahs: Yes.

26 Rosenquist: Did you read the Compelled Interview Form?

27 Brahs: Yes.

28 Rosenquist: Do you understand the Compelled Interview Form?

29 Brahs: Yes.

30 Rosenquist: Do you understand that you're compelled to answer all questions truthfully?

31 Brahs: Yes.

32 Rosenquist: Alright. Prior to beginning the interview I gave you a copy of your, uh, supplemental  
33 report and you had some time to review that?

1 Brahs: Yes.

2 Rosenquist: Okay. So, Internal Affairs has been tasked to investigate the incident that resulted in  
3 the, uh, in-custody death of Manny Ellis. Um, were you partnered with anybody that  
4 night or were you solo?

5 Brahs: Solo.

6 Rosenquist: Okay. Did you hear any of the mic clicks or the radio traffic that led to the response  
7 at 96<sup>th</sup> and Ainsworth?

8 Brahs: Yes.

9 Rosenquist: Can you tell us about that?

10 Brahs: I don't know exactly what they were but we- I remember hearing mic clips, clicks  
11 and then eventually a location saying 96<sup>th</sup> and Ainsworth.

12 Rosenquist: Do you remember who called out the location?

13 Brahs: I don't remember.

14 Rosenquist: What did the voice sound like when it was called out? Was it normal, was it  
15 stressed?

16 Brahs: Uh, it was stressed.

17 Rosenquist: So I'm gonna refer to your sup report, uh, you arrived, you saw a male subject in  
18 restraints on the ground and you wrote, "the subject was..."  
19 (Background noise: Dispatch radio voice)

20 Rosenquist: Can you turn your radio off, please?

21 Brahs: Yes, I'm sorry.

22 Rosenquist: Uh, you mentioned the subject was still actively fighting against the restraints and  
23 officers had to hold him still so he did not hurt himself. So, let's start with the subject  
24 on the ground, what you recall about the subject on the ground as far as like his  
25 positioning, um, any restraints that were on him?

26 Brahs: I know he was at least in handcuffs and on his side.

1 Rosenquist: Did you see if had a hobble on him?

2 Brahs: I don't recall. I don't remember.

3 Rosenquist: Kay. Um, actively fighting against the restraints. What did you observe when you  
4 wrote that?

5 Brahs: I can't say exactly what I rem-, I j-, I, what I observed, I it's been over a year, I don't  
6 remember exactly what he was doing. I don't.

7 Rosenquist: Okay. So, an- hn-, we understand it's been awhile since this incident occurred, um,  
8 but we have a pretty set list of information we're trying to get from all of our witness  
9 officers so I'm gonna start workin' down that. Uh, do you recall who was already on  
10 scene when you arrived?

11 Brahs: I know Officer Burbank and Officer Collins were already on scene. Ford and  
12 Rankine were on scene. And then there was other officers around Mr. Ellis, I don't  
13 remember who exactly was there.

14 Rosenquist: Okay. When you arrived on scene, where did you park your patrol car?

15 Brahs: Behind the line of other patrol cars, in the middle of 96<sup>th</sup>.

16 Rosenquist: East or west of Ainsworth?

17 Brahs: West of.

18 Rosenquist: When you arrived, do you remember how you arrived? Was it advising Dispatch,  
19 was it doing it yourself through the MDC?

20 Brahs: I don't remember.

21 Rosenquist: Kay. So you arrive, you see Ellis on the ground as you described on his side  
22 handcuffed, uh, once you were on scene did you observe any uh physical, any use of  
23 force against Ellis and what I'm looking for is any, any strikes or counter joint?

24 Brahs: No.

25 Rosenquist: When you arrived did you j- recall whether or not Ellis had a spit hood on?

26 Brahs: No.

1 Rosenquist: And you don't recall or he didn't have one?

2 Brahs: I don't recall a hundred percent. I, I mean I don't.

3 Rosenquist: Okay.

4 Brahs: Yeah.

5 Rosenquist: Do you remember if you ever observed Ellis with a spit hood on that night?

6 Brahs: Yes.

7 Rosenquist: Do you recall who put it on?

8 Brahs: No.

9 Rosenquist: Or who took it off?

10 Brahs: No.

11 Rosenquist: How long i- if you can recall, how long was th- um amount of time between the time  
12 you arrived on scene to when you first saw the spit hood on him?

13 Brahs: I don't recall.

14 Rosenquist: Okay. G.J. do you have anything?

15 Roberts: Yeah. Back to your report, you, you wrote um, uh, "Officer's had to hold him still so  
16 he did not hurt himself." Can you expand on that at all?

17 Brahs: Um, well it says he was actively fighting against the restraints, moving around, um,  
18 his head was going towards the ground and that they had to hold him still so he  
19 wouldn't hit his head on the ground.

20 Roberts: Uh, d- do you remember who they are?

21 Brahs: No.

22 Roberts: You said they?

23 Brahs: No.

24 Roberts: Was anybody in particular there maintaining control, managing Ellis?

25 Brahs: I wasn't, I don't remember that. I don't. I was, I wasn't touching him, I wasn't there  
26 and so I don't know.

1 Roberts: Thank you.

2 Rosenquist: Was Fire on scene when you arrived?

3 Brahs: No.

4 Rosenquist: So, did you observed Fire arrive?

5 Brahs: Yes.

6 Rosenquist: Do you recall if they had, uh, their lights on?

7 Brahs: No.

8 Rosenquist: They responded w-...

9 Brahs: They did not.

10 Rosenquist: Kay. I know per witnesses have said that once Fire arrived there was a conversation  
11 between , uh Fire and our officers about uh getting the restraints removed so that  
12 they could begin to treat Ellis. Do you recall any of that?

13 Brahs: Yes.

14 Rosenquist: W- do you r- what was said?

15 Brahs: Fire asked if we could remove the restraints and we checked with Lim and he said  
16 yes.

17 Rosenquist: Once Fire made the request to have the restraints removed, what period of time  
18 elapsed between the time Fire asked to when Lim approved it and then the restraints  
19 were removed?

20 Brahs: It was very quick. I don't know exactly how long. I don't. It wasn't, I don't know, I  
21 don't know...

22 Rosenquist: Okay.

23 Brahs: ... exactly how long cause I'm not gonna guess a time cause I don't know. I just  
24 remember it was fast.

25 Roberts: H- how would you describe that conversation between the Fire employee or  
26 employees and whoever was makin' the decision, was it argumentative, was it hey

1 can we get the restraints off?

2 Brahs: Was-, wasn't argumentative. Fire was very abrupt with it, saying we need to get  
3 these removed and then it was ask the supervisor cause he was restrained because he  
4 was actively fighting.

5 Rosenquist: When Fire asked for the restraint, restraints to be removed, do you remember what  
6 position Ellis was at the time?

7 Brahs: No.

8 Rosenquist: While you were on scene did you hear Ellis make any statements like, or similar to,  
9 "I can't breathe?"

10 Brahs: No.

11 Rosenquist: When you arrived on scene, do you recall what Ellis' condition was, and by that,  
12 responsive, non-responsive, conscious, non-conscious, was he talking, yelling,  
13 making noises?

14 Brahs: I know he was moving, cause he was actively fighting, I don't remember if I heard  
15 noises, yelling, anything along those lines.

16 Rosenquist: Did you observe any injuries on Ellis?

17 Brahs: Mm, not that I can remember. There might have been some blood on his face, cause  
18 that was, yeah, I think there might've been some blood on his face.

19 Rosenquist: Okay.

20 Brahs: But I don't know where it was from.

21 Rosenquist: Assuming that when he was moving around and struggling, he was breathing?

22 Brahs: Yes.

23 Rosenquist: Did you see whe- while you were on scene prior to Fire arriving, did you know of  
24 any changes in Ellis' condition?

25 Brahs: No.

26 Rosenquist: That he had stopped moving or stopped breathing or, was non-responsive or

1 unconscious?

2 Brahs: I didn't notice anything.

3 Rosenquist: Did you ever take possession of any items of evidence while you were on scene?

4 Brahs: No.

5 Rosenquist: Did you transport any of the involved officers away from the scene?

6 Brahs: No.

7 Rosenquist: Do you contact any citizen witnesses?

8 Brahs: No.

9 Rosenquist: G.J.?

10 Roberts: So, i- if, if I can recall correctly, you said when you initially a- arrived, you see Ellis,  
11 he's on his side...

12 Brahs: Mm-hm.

13 Roberts: ...in what's known as kind of a recovery position...

14 Brahs: Yes.

15 Roberts: ...did you see him moved to his stomach, to a prone position at all and how many  
16 times was he moved back and forth?

17 Brahs: I don't know, I don't recall him, seeing him move until, I mean Fire arrived and  
18 started working on him.

19 Roberts: Thank you.

20 Rosenquist: Uh, in regards to Fire, I know we had some officers assist with CPR, did you assist  
21 Fire at all with treating Ellis with performing CPR on him?

22 Brahs: No.

23 Rosenquist: When you're on scene did you observe anything that you thought was inappropriate  
24 or a violation of policy?

25 Brahs: No.

26 Rosenquist: Anything else that you think we should know about this incident that we haven't

1 talked about?

2 Brahs: No.

3 Roberts: I have nothing.

4 Rosenquist: I have nothing else either.

5 Rosenquist: Kay.

6 Frisbie: I have nothin'.

7 Rosenquist: This is Sergeant Rosenquist, it is 1113 and this is the end of the interview.

8 END OF INTERVIEW/ar

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TAB 52



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**Interview of Herbert Chung**

**Location: Internal Affairs Office, Room 360, Tacoma Police Headquarters**

**July 20, 2021 – 1550 Hours**

**Internal Affairs Control Number 21COM-0061, 21COM-0069, 21COM-0071**

**PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs;  
Officer Dave Anderson, Representative, Tacoma Police Union – Local 6;  
and Officer Herbert Chung**

14 Rosenquist: This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of  
15 Officer Herbert Chung. The date is 7/20/2021. The time is 1550 hours. Location is  
16 Internal Affairs Office, Room 360, Police Headquarters. This is in reference to IA  
17 cases 21COM-0061, 21COM-0069, 21COM-0071. Present are myself; Internal  
18 Affairs, Sergeant G.J. Roberts; Officer Dave Anderson, Local 6; and Officer Chung.  
19 Officer Chung, are you aware this interview is being recorded?

20 Chung: Yes.

21 Rosenquist: Is this interview being recorded with your permission?

22 Chung: Yes.

23 Rosenquist: Did you read the Compelled Interview Form?

24 Chung: Yes.

25 Rosenquist: Do you understand the Compelled Interview Form?

26 Chung: Yes.

27 Rosenquist: Do you understand that you're compelled to answer all questions truthfully?

28 Chung: Yes.

29 Rosenquist: Kay. So, a little bit of background, Internal Affairs has been tasked to investigate the  
30 incident, uh that resulted in-custody death of Manny Ellis back on March 3<sup>rd</sup> of 2020  
31 and you wrote the incident report, the dot one, and CAD also indicates that you were  
32 on scene so, um I'm gonna be asking you questions specific to what's in your report  
33 but we also have a list of questions that we're pretty much asking everybody just to

1                   kinda get a bigger picture of what happened. So, we're start off, were you partnered  
2                   with anybody that night, or were you by yourself?

3   Chung:           I was by myself.

4   Rosenquist:     Kay. Did you hear the mic clicks on the radio or dispatch asked Henry 317 which  
5                   was Burbank and Collins if they had traffic?

6   Chung:           I can't remember. I was, uh, on a traffic stop. Just clearing so I probably wasn't  
7                   hearing mic clicks prior.

8   Rosenquist:     Where was the stop at?

9   Chung:           Um, I was at the Country Boy, 56 McKinley.

10   Rosenquist:     And, then you responded to 96<sup>th</sup> and Ainsworth?

11   Chung:           After I heard the shout from Burbank 96 Ainsworth.

12   Rosenquist:     Okay. So you heard Burbank shout that out?

13   Chung:           Yeah, I didn't hear the mic clicks though prior.

14   Rosenquist:     But you did hear him shout out the location?

15   Chung:           Yes.

16   Rosenquist:     How long have you worked around Burbank?

17   Chung:           Um, since 2018, when I was hired, uh, ending of 2018 when I was on graveyards in  
18                   the south end.

19   Rosenquist:     So long enough that you're pretty familiar with Burbank's radio traffic?

20   Chung:           Yes.

21   Rosenquist:     How did he sound that night when he called out 96<sup>th</sup> and Ainsworth?

22   Chung:           Uh, it was like uh, frantic, uh, I mean, speaking for myself Burbank is probably one  
23                   of the more cool, calm and collected guys. So, hearing the way he shouted out 96<sup>th</sup>  
24                   and Ainsworth, you knew something was wrong. And, having just 96<sup>th</sup> and  
25                   Ainsworth out of him and nothing else, uh, it was pretty troubling to hear.

26   Rosenquist:     Okay. So, you respond to that location?

1 Chung: Yes.

2 Rosenquist: And, you arrive, when you arrived, because we're, we're trying to nail down kinda  
3 of a timeline of what happened, do you recall, did you arrive yourself over the radio  
4 or did you do it over MDC?

5 Chung: I'm pretty sure, I'm pretty cognizant of not being on the radio during priority traffic,  
6 so I'm, I'm pretty sure I added myself, I dispatched me and arrived myself.

7 Rosenquist: And, did you do that after you arrived at the location, or as you were coming into the  
8 area?

9 Chung: I'm pretty sure I dispatched myself as I was driving there and I'm pretty sure I  
10 arrived as I arrived.

11 Rosenquist: Okay. On scene or, or close...

12 Chung: Close...

13 Rosenquist: ...to it?

14 Chung: ...right. Yes.

15 Rosenquist: So, you arrive there, where did you park at?

16 Chung: I was on 96<sup>th</sup> Street. There was a plethora of cars, um, going from where, uh Burbank  
17 and Collins car was, going east on 96<sup>th</sup>, there was just a bunch of police cars parked,  
18 so I parked behind someone on 96<sup>th</sup> Street.

19 Rosenquist: East of Ainsworth.

20 Chung: East of Ainsworth.

21 Rosenquist: Okay. You arrive on scene, you get to where the incident with Ellis occurred, just  
22 what were your initial observations?

23 Chung: Uh, so the fight was over with, he was already hand cuffed, um, as I walked up, he  
24 was already in, so, military trains us a recovery position if someone's having a hard  
25 time breathing or if anything like that in a medical situation, you roll them on your  
26 right side. So, at that point he was already rolled on his right side, um, and he was

1 like thrashing around still. Um, I don't know how to describe it, um, I think in my  
2 report I wrote, um...

3 Rosenquist: Well you can re-, you can review your report while we're...

4 Chung: (coughs)...yeah, so he was already on his right side and it, yeah, so he was rocking  
5 back and forth, and uh, it almost appeared to me like he was trying to break free of  
6 his restraints.

7 Rosenquist: Okay. And at that point he had handcuffs and...

8 Chung: I...

9 Rosenquist: ...a hobble on?

10 Chung: ...he did have hobble on, um, and he was handcuffed and he was just thrashing back  
11 and forth.

12 Rosenquist: And the hobble application occurred prior to...

13 Chung: Prior to my...

14 Rosenquist: ...y- you did not...

15 Chung: ...arrival.

16 Rosenquist: ...see it.

17 Chung: I didn't see it get put on.

18 Rosenquist: Okay. So, he's on his side and we, we heard a couple versions of what Ellis was  
19 doing. I, I guess kinda based on those, was he kinda doin' like a, a fish worm thing  
20 on his side, because we've also had a couple people say that he was physically on his  
21 back while handcuffed and hobbled and we're just trying to get a clear picture of, of  
22 his position.

23 Chung: When I got there, and just my perspective, he was already on his right side and like  
24 fish out of water, just that, like vicious, uh rocking back and forth. That's kinda like  
25 what his body was doing at the time.

26 Rosenquist: Did you observe him spitting at all?

1 Chung: He, uh, I don't know if he was spitting, there was fluids coming out of his mouth,  
2 um, that's for sure. Um, I can't remember if I saw him spit or not, but he was just  
3 yelling, I can't remember what he was yelling, but he was yelling.

4 Rosenquist: Words, or just more like sounds, like grunts, groans...

5 Chung: Um, there were words, um angry words, I can't, like I said I can't quote him on what  
6 he was saying but he was yelling.

7 Rosenquist: Okay. G.J. anything?

8 Roberts: Yeah, l-, give us a perspective of what the hobble looked like when it was on. Was it  
9 attached to the handcuff?

10 Chung: I can't remember.

11 Roberts: W- was he, was his, he's on the, on his right side...

12 Chung: Mm-hm.

13 Roberts: ...are his feet drawn up to his wrists...

14 Chung: Uh...

15 Roberts: ...or is he g-...

16 Chung: ...I don't remember if his feet were up to his wrists, his legs were curled, his, from  
17 his knee joint, I guess, his feet were, uh like curled in. I don't know how far up he is  
18 capable of getting his legs up, but I don't know how f-, if it was up to his hands or, as  
19 far as his body allowed him to, um, but I do-, I can't remember the exact position of  
20 the hobble, but I do remember his legs were together. If his ankles were together and  
21 his, uh, legs were curled up a little bit.

22 Roberts: A- and, had you heard somebody ask for hobbles over the radio?

23 Chung: I can't remember, um, I think I did, but I mean it's so long, I can't remember what I  
24 heard on the radio, there was a lot of...

25 Roberts: A- and I only, only say that, that's...

26 Chung: Right.

1 Roberts: ...what's written in your report and I'm...

2 Chung: Right.

3 Roberts: ...I'm just kinda...

4 Chung: Yep, so I, yeah, um I don't remember who requested it but I guess, yeah, someone  
5 must've requested it and I don't remember who answered up that they had it.

6 Roberts: That's all.

7 Rosenquist: You mentioned parking behind several other patrol cars...

8 Chung: Mm-hm.

9 Rosenquist: ...do you remember who was already on scene when you arrived?

10 Chung: Um, Collins, Burbank, Ford, Rankine. I remember seeing deputies, I don't know  
11 who they are, never met them or seen them before. There was a trooper, uh, Sergeant  
12 Lim, think Farinas, can't remember, I don't remember seeing Andy Guiardinu, but I  
13 know him and, uh, Manny are partners, so I'm pretty sure he was around, I can't  
14 remember if he was working that night.

15 Rosenquist: Okay. Um, so you mentioned that he was, Ellis, was handcuffed and hobbled, once  
16 you arrived, did you see any uses of force against Ellis, and what I'm specifically  
17 asking about is, um strikes or counter joint type maneuvers?

18 Chung: Uh, I did not.

19 Rosenquist: Okay. You noted in your report that, uh multiple officers were surrounding him,  
20 referring to Ellis, controlling him so he wouldn't kick anyone. Do you remember  
21 who those officers were?

22 Chung: Um, I believe it was, uh Ford and Rankine. They were the ones on the ground with  
23 him. Um, and then by surrounding, I mean there was like a circle of officers just  
24 kinda making sure he doesn't get up or do anything else.

25 Rosenquist: But as, as far as physically controlling him, it was Ford and Rankine?

26 Chung: Uh, yes. I remember Rankine was towards his back and I think Ford was on his front

1 side.

2 Rosenquist: Did one have upper body and one have legs or how did, were they separating kinda  
3 their responsibilities?

4 Chung: I, I can't remember what exactly they were doin' I just vividly remember, uh  
5 Rankine was behind him, so Rankine would be on the west side of him, so he,  
6 Manny was north south and Rankine was on the west side, Ford was on the east side  
7 of him.

8 Rosenquist: Okay and I think you indicated in your report that, that Ellis was facing east.

9 Chung: So he w-, his body was north south...

10 Rosenquist: Right.

11 Chung: ...and he was facing the east...

12 Rosenquist: Alright.

13 Chung: ...because he was already on his side.

14 Rosenquist: Okay.

15 Chung: So he was looking east.

16 Roberts: And...

17 Rosenquist: Sorry, go ahead Gary.

18 Roberts: W- when, when you say Rankine and Ford are there with him...

19 Chung: Mm-hm.

20 Roberts: ...are they physically on, on the str-, a-, are their knees on the ground, or where are  
21 their knees?

22 Chung: Um, to my recollection, I believe both of their knees are on the ground and not on  
23 him.

24 Roberts: Kay. They're support...

25 Chung: I think...

26 Roberts: ...ing them-

1 Chung: ...they were just supporting him in that position, um being on his side.

2 Roberts: Thank you.

3 Rosenquist: When you arrived do you recall if there was a spit hood or spit mask on Ellis?

4 Chung: Um, yeah. I remember that being put on after I was there. So, I, I can't remember  
5 who put it on, but I remember, um like I said there was fluids coming out of his  
6 mouth. I can't remember, if he attempted to spit at someone, but someone requested  
7 it, I don't know who and then I remember one being put on him.

8 Rosenquist: Okay, but you don't recall who did it?

9 Chung: I don't recall who did it.

10 Rosenquist: Did you see the spit hood go on him?

11 Chung: Uh, I can't remember if I did or not. Um, my attention was kinda split.

12 Rosenquist: Okay. So, Ellis' condition when you arrive, um he's obviously conscious, he's  
13 thrashing around as you described, between the time you arrived on scene to when  
14 Fire arrived, were you close enough to Ellis to where you could see any changes in  
15 his condition, responsive to non-responsive, conscious to unconscious?

16 Chung: So he was conscious, I remember he was conscious when Fire arrived. Um, cause I  
17 remember seeing their truck. Um...

18 Rosenquist: And what, sorry, what indicators did you have that he was still conscious when Fire  
19 arrived?

20 Chung: Um, I believe he still was breathing, um I don't know if he was saying words, I can't  
21 remember that, um but I do believe he was still breathing and his eyes were open.

22 Rosenquist: Were they moving around or...

23 Chung: I, I...

24 Rosenquist: ...was he closing them?

25 Chung: ...wasn't looking to th-, I just remember he was still, la- last time I remember  
26 looking at the fire truck, seeing how far away it parked and then, um, looking back,

1                   uh he was, I think s- was still breathing and his eyes were still open.

2   Rosenquist:   Okay.

3   Roberts:       L- a moment ago you said that your, your attention was split and we were talking

4                   about the spit hood...

5   Chung:         Mm-hm.

6   Roberts:       ...and you didn't, we asked if you had an appl-, if you saw the application of it, you

7                   said your atten-, what was your attention split at, what were you doing?

8   Chung:         Uh, I believe I was asking, um Matt and Shane if they were okay. Just to see if they

9                   needed any injuries treated.

10   Roberts:       So, it wasn't like the entire time you were standing over Manny Ellis?

11   Chung:         Right. I was, I was, I was looking, making sure, cause, uh, um to my knowledge it

12                   was Ford and Rankine making sh-, kinda supporting him, making sure he didn't like

13                   fall over or anything while on the ground. Um, and then, um I was also like um

14                   making sure Matt and Shane were okay.

15   Unknown:      (clearing throat)

16   Rosenquist:    So, Burbank and Collins, how were they, what were, what was their appearance to

17                   you when you were to talking to 'em?

18   Chung:         I mean, so when I arrived and when I got to them they were out of breath, um and

19                   just kinda, i- it looked like they were like completely drained. Um, I, I re-, I think I

20                   remember Matt saying his watch broke, I don't know why I remember that but I

21                   remember he mentioned something about his watch being broken from it, the

22                   incident. Um, but yeah they were both, uh out of breath, um I think I remember

23                   Shane was like taking some deep breaths cause he was, was like he was just gas-,

24                   gassed out.

25   Rosenquist:    Did they tell you, or did you ask them what led to the contact with Ellis?

26   Chung:         Um, I didn't ask them. Um, I can't remember what they were saying.

1 Rosenquist: They were talking to somebody about...

2 Chung: Um...

3 Rosenquist: ...the reason?

4 Chung: ...Sergeant Lim was there, so I, I wasn't gonna talk over a Sergeant and try to talk to  
5 them while a Sergeant was talking to them so I, I was just, like I said my attention  
6 split to kinda watch them, make sure they were okay, and then, um keep an eye on  
7 uh Fork or Rankine with uh Ellis on the ground. Making sure that they weren't  
8 gonna, end up in another confrontation.

9 Rosenquist: So Fire arrives on scene, do you recall if they had their emergency equipment on or  
10 if they came in quiet?

11 Chung: I don't, I know I didn't hear lights and si-, I, I kn-, I can't hear lights, but I know I  
12 didn't hear sirens. Um, I can't remember if, I'm sure their lights were on but I can't  
13 remember. Um, but I know I didn't hear sirens, I just remember see them make the  
14 turn from, it might have been Yakima, um I mean, I think that's the only arterial  
15 before Ainsworth. So they mighta turned on Yakima, so I remember s-, looking  
16 down cause we re-, requested them so we were kinda all on the lookout, like where is  
17 Fire, w- are they gonna come yet and then I remember seeing them turn the corner.  
18 So, yeah, I don't remember hearing, uh sirens.

19 Rosenquist: You saw Ellis on his right side, and I e-, and I know you said your attention was  
20 divided, do you see him put back on his stomach at all or then back up onto his side,  
21 or do you believe he stayed on his side the entire time?

22 Chung: So, I only saw him in two positions. One was on his side when I got there and then  
23 the next position was when he went on his back for Fire to treat him.

24 Rosenquist: And did he still have the cuffs and hobble on when he was on his back or had they  
25 been removed?

26 Chung: They were requested to be removed and then they were removed.

1 Rosenquist: Kay. So, did, was he physically on his back while handcuffed and hobbled?

2 Chung: I don't remember seeing if he was on his back while he was handcuffed or hobbled. I

3 d-, I don't remember, I just remember him being on his side, handcuffs came off at

4 some point, um and then he went on his back.

5 Rosenquist: Did you see who, or do you know who took the restraints off?

6 Chung: I don't.

7 Rosenquist: Hobble, handcuffs?

8 Chung: I do-, I, yeah, I can't remember who took them off.

9 Rosenquist: Or the spit hood?

10 Chung: Uh, I don't know, no. I don't, I can't remember. I'm trying to remember, but yeah I

11 can't remember who took it off.

12 Rosenquist: There was a discussion or when Fire gets there and they say we need to take the

13 restraints off, um was there any discussion between our officers and TFD or was

14 there any kind of delay between Fire's request to when the restraints were actually

15 removed?

16 Chung: I can't remember, I, I think at that point, um I had already been tasked to keep an

17 eye, on uh Matt because I was gonna transport him.

18 Rosenquist: Okay.

19 Roberts: Referring back to your report, um you say TFD was requested to conduct an

20 evaluation on Ellis due to a taser being deployed during the original fight with

21 officers, how were you aware that, that's why they were, were you there when Fire

22 was requested?

23 Chung: I believe so.

24 Roberts: And, was that why they were requesting Fire, was just for the taser application?

25 Chung: I think, I can't remember who requested it, or why. But, I think I somehow came

26 upon the knowledge that it was requested because of the taser.

1 Roberts: Thank you.

2 Rosenquist: While you were on scene, did you ever hear Ellis make the statement that, "I can't  
3 breathe," or anything similar to that.

4 Chung: Uh, I didn't hear any of that.

5 Rosenquist: Did you have any contact with Ellis as far as verbal, having the conversation with  
6 him or physical contact?

7 Chung: I did not.

8 Roberts: Would, would you have heard anything in the background over the radio? Of, to the  
9 effect I can't breathe?

10 Chung: I, I didn't hear that.

11 Rosenquist: While on scene were you in possession of any items that might have eventually made  
12 their way to evidence, like a cell phone?

13 Chung: Me, no.

14 Rosenquist: Did you see anybody in possession of a phone?

15 Chung: Um, I can't remember.

16 Rosenquist: Okay. The only reason I ask we- Ellis' cell phone made it into property, and we think  
17 it passed through like three or four sets of hands, and we're just trying to, trying to  
18 nail down that chain.

19 Chung: Yeah. I didn't touch the cell phone...  
20 (sound of something slamming/banging)

21 Chung: ...I don't remember, I think I remember hearing someone having to transport it back,  
22 but I don't remember who it was or who had possession of it.

23 Rosenquist: Okay. So you were directed by Sergeant Lim to transport Officer Collins to the  
24 county substation?

25 Chung: Yes.

26 Rosenquist: Did you have any conversation with Officer Collins during that transport?

1 Chung: Uh, I don't remember. Um, I might've asked him if he was alright, but I don't  
2 remember discussing the situation with him because I knew this, it was, we already  
3 knew he was, he was already, um going through CPR, it was unsure if he was gonna  
4 survive it or not, so I just, I, I don't remember asking Matt any questions.

5 Rosenquist: Okay. Did you have contact with any witnesses that night?

6 Chung: Mm, not me. No.

7 Rosenquist: Did you any-, see anything while you were on scene that you were concerned about  
8 that you thought were either inappropriate and or potential policy violations from  
9 anybody?

10 Chung: I didn't.

11 Rosenquist: Anything else that you can think of in regards to this incident that I haven't asked  
12 you about, or that we haven't discussed already?

13 Chung: Mm, not that I can think of.

14 Roberts: A- and, I just have one more question from your report, um and you say from TFD's  
15 walk from their engine located at east of Ainsworth to Ellis' location, Ellis suddenly  
16 went unconscious, can you describe that to me a little bit?

17 Chung: So, when like I said they arrived on scene, they parked, um they didn't drive right up  
18 to us, um it might've been because the police cars were parked, I'm not sure, um but  
19 from wherever they parked to their walk up, I remember looking, seeing okay TFD is  
20 here, I remember seeing that he was still breathing, um and his eyes were open and  
21 then maybe the next time I looked back and, uh I looked back to see where Fire is,  
22 they're still walking up, I looked back again and, I think that's when, um I don't, I  
23 don't remember who said it but they're said oh, I think he stopped breathing now.

24 Roberts: Was there any discussion, (coughing) 'scuse me, about excited delirium at the scene?

25 Chung: Uh, I can't remember.

26 Roberts: Thanks.

1 Rosenquist: You commented that somebody said, "I think he stopped breathing," was that a TFD  
2 personnel or a Tacoma officer that said that?  
3 Chung: Uh, I can't remember who it was, um there was Tacoma, County and a Trooper there  
4 so I don't know who might've said it but I think, I remember someone saying, "I  
5 think he stopped breathing now."  
6 Rosenquist: What amount of time are we looking at, from the time that when TFD physically  
7 arrived on scene and, and parked their vehicle to when they made it to Ellis'  
8 location?  
9 Chung: Uh, I can't estimate a time. Uh.  
10 Rosenquist: Did they run there, did they...  
11 Chung: They weren't...  
12 Rosenquist: ...walk?  
13 Chung: ...they weren't running, they were just casually walking, just normal whatever your,  
14 uh your normal pace of walk is, that's how they came to us.  
15 Rosenquist: Okay.  
16 Roberts: Nothing.  
17 Rosenquist: I have nothing else. Union?  
18 Anderson: No. nope.  
19 Rosenquist: Kay. This is Sergeant Rosenquist, it is s- 1614 and this is the end of the interview.  
20 END OF INTERVIEW/ar  
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TAB 53



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**Interview of Andy Guiardinu**

**Location: Internal Affairs Office, Room 360, Tacoma Police Headquarters**

**July 21, 2021 – 1101 Hours**

**Internal Affairs Control Number 21COM-0061, 21COM-0069, 21COM-0071**

**PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs;  
Detective Henry Betts, Vice President, Tacoma Police Union – Local 6;  
and Officer Andy Guiardinu**

14 Rosenquist: We are on. This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs  
15 interview of Officer Andy Guiardinu. The date is July 21<sup>st</sup> 2021. The time is 1101  
16 hours. Location is Internal Affairs Office, Room 360, Police Headquarters. This is  
17 in reference to Internal Affairs case numbers 21COM-0061, 21COM-0069, 21COM-  
18 0071. Present in the room are myself; Internal Affairs, Sergeant G.J. Roberts;  
19 Officer Guiardinu, sorry, and Detective Betts, un, Vice President of Local 6. This  
20 interview is being recorded with your permission?

21 Guiardinu: Yep.

22 Rosenquist: Did you read the Compelled Interview Form?

23 Guiardinu: Yes.

24 Rosenquist: Do you understand the Compelled Interview Form?

25 Guiardinu: Yes.

26 Rosenquist: Do you understand that you're compelled to answer all questions truthfully?

27 Guiardinu: Yes.

28 Roberts: And you may need to speak up, just a little more.

29 Guiardinu: Okay.

30 Roberts: Normal voice.

31 Guiardinu: Yeah. (laughs)

32 Rosenquist: Alright. So, Internal Affairs has been tasked to investigate, uh the incident that  
33 resulted in the in-custody death of Manny Ellis. So, we're gonna be asking you some

1 questions specific to what is in your supplemental report, which we provided you a  
2 copy of and you can refer to during the interview. But we also have a list of  
3 questions that we're asking everybody, just trying to get kind of a better idea of what  
4 happened that night.

5 Guiardinu: Kay.

6 Rosenquist: So, let's start with, were you partnered with anybody that night?

7 Guiardinu: Yes.

8 Rosenquist: Who were you partnered with?

9 Guiardinu: Um, Armando Farinas.

10 Rosenquist: Kay. Did you hear the initial mic clicks and Dispatch asking, uh Burbank and Collins  
11 if they had radio traffic?

12 Guiardinu: Yes.

13 Rosenquist: Can you just describe that?

14 Guiardinu: I mean, it was just that it, they'd just recently came off a traffic stop and, and nothing  
15 was coming through. It was just um, it sounded like someone was like touching the  
16 mic rather than speaking to it. Um, but that's it, that's all that came out so initially  
17 we thought it was related to the traffic stop.

18 Rosenquist: Did you hear Officer Burbank call out 96<sup>th</sup> and Ainsworth?

19 Guiardinu: Well, not initially. He'd, the first few, um mic clicks, if I remember right, there was  
20 no, nothing coming out and then eventually, u- um we knew the general area of what  
21 they were at because they'd just got done with a traffic stop. So we started going that  
22 way and, and then eventually he was able to kind of scream a little bit and put that  
23 96<sup>th</sup> and Ainsworth.

24 Rosenquist: Kay. You said...

25 Guiardinu: ...that said 96.

26 Rosenquist: ...you said, scream. So, the way he transmitted the location was different than how

1 he normally transmits on the radio?

2 Guiardinu: Right. Yeah, right. It was very quick and, and kind of like out of breath, yeah.

3 Rosenquist: Okay. Where did you respond from?

4 Guiardinu: I think if I remember right we were either at 38 and Pacific or 34 and Pacific, as, as  
5 far as possible.

6 Rosenquist: Okay. (laughing)

7 Guiardinu: Pretty much, yeah.

8 Rosenquist: Alright. So, you arrive on scene...

9 Guiardinu: Mm-hm.

10 Rosenquist: ...do you recall where you initially parked your patrol car in relationship to 96<sup>th</sup> and  
11 Ainsworth and where the incident with Ellis occurred?

12 Guiardinu: To the east, yeah.

13 Rosenquist: On 96<sup>th</sup>?

14 Guiardinu: On 96<sup>th</sup>, yeah.

15 Rosenquist: How far away, do you remember?

16 Guiardinu: Um, I don't, I don't, I mean, yeah, I don't. Yeah, I do not, no.

17 Rosenquist: When you arrived, do you recall if that was done, if you put yourself arriving over  
18 the radio to Dispatch or if you used the MDC?

19 Guiardinu: Probably not the radio, but I don't remember cause obviously we have a priority, um  
20 radio traffic going but I don't remember I was too moving the MDC.

21 Rosenquist: Were you passenger or driver that night?

22 Guiardinu: I believe I was passenger, but I don't know if I put it in my report. Yeah, I didn't.

23 Roberts: In your report, you say, "I stationed my patrol vehicle westbound from the  
24 intersection to block," I'm, disregard.

25 Guiardinu: Okay, yeah, no.

26 Roberts: Disregard.

1     Guiardinu:     Okay, I'm sorry.

2     Rosenquist:    So, you arrive on scene.

3     Guiardinu:     Mm-hm.

4     Rosenquist:    You get out of your patrol car, what's your initial observations as you're

5                    approaching the location where Ellis was?

6     Guiardinu:     Um, there were already officers that beat us there, um on the scene. He was already

7                    detained, um and then I didn't, I, I just kinda check on, on M- um Shane and Matt.

8                    Make sure they were okay and then immediately like a few seconds after Lim was on

9                    the scene and, and then he told us to do something else.

10    Rosenquist:    Okay. So obviously Burbank, Collins, Rankine and Ford were already there.

11    Guiardinu:     Yeah.

12    Rosenquist:    Do you remember who else was there when you arrived?

13    Guiardinu:     S- I don't, I mean, it was, we were either the third or fourth car on scene, me and

14                    Farinas.

15    Rosenquist:    Okay.

16    Guiardinu:     Yeah, so it's either those four, maybe someone else but I don't remember.

17    Rosenquist:    Um, you said you'd, you'd contacted Shane and Matt, wh- Burbank, Officers

18                    Burbank and Collins...

19    Guiardinu:     Mm-hm.

20    Rosenquist:    ...how were they?

21    Guiardinu:     Um, well out of breath, but nothing that I can remember was like just didn't know or

22                    ya know seemed like they were in a struggle as some, ya know, but that's it.

23    Rosenquist:    Did you recall if either one of them had any injuries?

24    Guiardinu:     I think, y- I remember Matt complaining about his elbow, maybe, yeah his elbow I

25                    think, yeah.

26    Rosenquist:    So you arrive and Ellis is on the ground detained...

1     Guiardinu:     Mm-hm.

2     Rosenquist:    ...do you remember how he was restrained?

3     Guiardinu:     He was face down. And, I don't remember who was holding him down, um but I

4                    remember he was still like spittin' at whoever was there and that's why, ya know, the

5                    spit hood was put on him afterwards, or few seconds later.

6     Rosenquist:    So, did he have handcuffs on?

7     Guiardinu:     Yeah, yeah.

8     Rosenquist:    Did you observe the hobble?

9     Guiardinu:     I, right when we showed up, when we got on scene, I did not. No. There, I don't

10                   think there was hobble. I don't think so.

11    Rosenquist:    Eventually, one was applied then...

12    Guiardinu:     Right.

13    Rosenquist:    ...did you s-, did you see the hobble application?

14    Guiardinu:     I did not.

15    Rosenquist:    Kay. What was his, how was he resisting or what was his level of resistance at that

16                   point? Ellis'.

17    Guiardinu:     I just remember him, still but kinda like pushing people off of him and the spit, I

18                   remember the spittin' cause he kept spittin on people.

19    Rosenquist:    So he was handcuffed, how w-, how was he able to push people off of him or away

20                   from him.

21    Guiardinu:     W- A- I mean, like ya know when you hold someone down right and...

22    Rosenquist:    Yeah,

23    Guiardinu:     ...I mean...

24    Rosenquist:    ...b-, was he twisting, is he using his shoulders, over

25    Guiardinu:     ...yeah, twisting legs, flip ya know kinda like fish out of the water type. Yeah.

26    Rosenquist:    Okay.

1    Guiardinu:    Yeah just pushing off the ground with his knee or, yeah...

2    Rosenquist:    And he was spitting at the officers?

3    Guiardinu:    Yeah, I jus-, I, I do remember that the whole spittin' and ya know..

4    Rosenquist:    Okay.

5    Guiardinu:    ...I almost feel like flopping around.

6    Rosenquist:    Gary?

7    Roberts:       No.

8    Rosenquist:    So, the spit hood, per your sup report, a preness is the one you put it on...

9    Guiardinu:    Mm-hm.

10   Rosenquist:    ...you observed the application?

11   Guiardinu:    Uh-uh. No.

12   Rosenquist:    While you were on scene did you hear Ellis make any comments like, "I can't

13                 breathe," or anything similar to that?

14   Guiardinu:    Nope, I did not.

15   Rosenquist:    So you said initially Ellis was on his stomach?

16   Guiardinu:    Yes.

17   Rosenquist:    During the time that you were on scene did you ever see his position change?

18   Guiardinu:    No cause it was briefly for me cause I arrive ya know and as soon as like few

19                 seconds later I was kinda standing not doing anything and ya know things needs to

20                 be done, right. So I immediately start looking for cameras, I remember looking for

21                 houses with maybe camera that could capture the incident and it's kinda like spread

22                 out intersection so there's houses on both north and south so I remember just

23                 walking away and started looking, checking cameras.

24   Rosenquist:    Okay, so you weren't with the group that was around Ellis the entire...

25   Guiardinu:    No, no,...

26   Rosenquist:    ...time?

1 Guiardinu: ...I just, arrived saw the initial, um ya know take of it, he's detained, there's people  
2 with him, and I look around, think what's next for me to do...

3 Rosenquist: Okay.

4 Guiardinu: ...well, maybe this, started looking for cameras and um, cause this, but this point, I  
5 mean, the whole street was already blocked, kay so we're ya know it's a border line  
6 essentially with all agencies so they were, you can see the lights coming from all  
7 directions.

8 Rosenquist: After you arrived on scene when Ellis was handcuffed, were there any additional  
9 uses of force, applied against Ellis, and I'm talking specifically to strikes, either  
10 punches or elbows or anything like that?

11 Guiardinu: I didn't see any.

12 Rosenquist: Was Fire on scene when you arrived?

13 Guiardinu: Uh-uh.

14 Rosenquist: Did you observe Fire arrive?

15 Guiardinu: Yeah.

16 Rosenquist: Was their response, did it appear to be routine or priority and by that, did they have  
17 their siren and lights on or were they running routine?

18 Guiardinu: They, they did have the siren but I remember Lim had it, or someone got on the  
19 radio, multiple times asking hey is priority coming, I mean is Fire coming, cause we  
20 needed him, we needed, we need them priority. So it was a, it was a i- a fair amount  
21 of time that we waited for them to show up.

22 Rosenquist: Do you know why they needed Fire priority?

23 Guiardinu: I think it w-, I mean I d-, s-...

24 Rosenquist: Let me, let me re-ask...

25 Guiardinu: ...yeah, yeah.

26 Rosenquist: Were you in proximity to Ellis or did you observe his condition worsen or degrade

1 from the time that you arrived on scene?

2 Guiardinu: No, I did not. I went and like I said checked for cameras...

3 Rosenquist: Okay.

4 Guiardinu: ...and when I came back he was, um he was unconscious, I would assume ya know  
5 and, and, and then priority, I mean, Fire was called priority. Fire has been called  
6 probably already at this point because ya know y- y- you got injuries, um from  
7 probably both Matt and I know, I remember Matt was complaining about his elbow  
8 and um but yeah they'd it, it was a ya know decent amount of time I would say, from  
9 the time that um whoever called for Fire until they showed up, but they did, they did  
10 show up with lights and sirens.

11 Rosenquist: Okay. Gary?

12 Roberts: I- go back to the spit hood for me. Do you know where your partner, Farinas,  
13 obtained the spit hood? Does he carry one in his pocket?

14 Guiardinu: I- in the car.

15 Roberts: So it would have been in the car. So he would've, you made some initial  
16 observations of...

17 Guiardinu: Mm-hm.

18 Roberts: ...Ellis...

19 Guiardinu: Mm-hm.

20 Roberts: ...and were you with Farinas when he goes back to the car for a spit hood?

21 Guiardinu: I did not go back to his car, to the, the spit hood.

22 Roberts: W- was that, did he, d- e- explain to me h- how long he was there before he went  
23 back to the spit hood?

24 Guiardinu: It was very quick, as soon as we get there, he's already detained, and, and I  
25 remember initially seeing him like spittin' stealing, flopping and spittin', pushing  
26 people off of him and someone yell, "I need a spit hood," so I think Manny ran back

1 to the car got the spit hood. I, I know I don't carry a spit, I didn't carry a spit hood  
2 other-...

3 Roberts: But it would have been some time after you arrived, it wasn't initially when you  
4 arrived...

5 Guiardinu: No.

6 Roberts: ...it would've been...

7 Guiardinu: No.

8 Roberts: ...going forward an- and again you didn't recall how far back you parked from the  
9 intersection?

10 Guiardinu: I don't recall, but can't, I mean, wasn't that far.

11 Roberts: Wasn't that far, but...

12 Guiardinu: Yeah.

13 Roberts: ...you guys weren't the first cars at the scene?

14 Guiardinu: We were the first car, we were, we were the second car from the we- from the east.

15 Roberts: Okay.

16 Guiardinu: So, essentially we were the first car besides Matt and Shane coming from the east. I  
17 do remember that cause, Ford and Rankine, they came from the west on 96<sup>th</sup>.

18 Roberts: And that's your recollection?

19 Guiardinu: Yeah, that's what I remember, so.

20 Rosenquist: So Fire arrives and then they asked for the restrains to be removed, did you, were  
21 you near Ellis at all or were you still looking at houses when Fire arrived and that  
22 conversation occurred?

23 Guiardinu: I don't, I don't remember that conversation.

24 Rosenquist: Okay. Did you see the restraints being removed from Ellis?

25 Guiardinu: I didn't no, yeah.

26 Rosenquist: Did you have any contact with Ellis?

1     Guiardinu:     Uh-uh.

2     Rosenquist:    You assist Fire at all with the treatment of Ellis? I know we had some guys...

3     Guiardinu:     Yeah, no...

4     Rosenquist:    ...do some CPR?

5     Guiardinu:     ...no.

6     Rosenquist:    So I do, I wanna go back to your report real quick, uh second paragraph, where you

7                    wrote, "the subject," referring to Ellis, "was alert and breathing," um what were your

8                    observations that you based that on?

9     Guiardinu:    Well, I mean by his movement. Ya know he was still pushing people off of him...

10    Rosenquist:    Active...

11    Guiardinu:     ...and spittin' yeah...

12    Rosenquist:    ...resistant and assaultive...

13    Guiardinu:     ...and right, right.

14    Rosenquist:    ...okay. While you were on scene did you ever, um come into possession of any

15                    items of evidence like uh taser cartridge, taser wires, cell phone?

16    Guiardinu:     I don't remember.

17    Rosenquist:    So your report indicates that you transported Officer Burbank to the Sheriff's

18                    Department station, um at the direction of Sergeant Lim.

19    Guiardinu:     Mm-hm.

20    Rosenquist:    Did you have any conversations with Officer Burbank during that transport?

21    Guiardinu:     About?

22    Rosenquist:    The incident, what had occurred, or what led up to it?

23    Guiardinu:     Uh, yeah, of course.

24    Rosenquist:    What were their conversations?

25    Guiardinu:     Well, I mean, just kinda described what happened. The, ya know, we they were just

26                    sitting at the light and, and the guy just approaches them and start banging on the

1 window and then they open the door and then immediately the fights on.

2 Rosenquist: Was he specific as to what he meant by the fight was on?

3 Guiardinu: No, it was kind of ya know it was, it was just kinda like that's what happened.

4 Rosenquist: Did they, did he discuss at all, um what led up to the contact?

5 Guiardinu: He said something a- about a, um he was in the middle of the road maybe and then

6 he saw them and ran towards the police officer or the police car.

7 Rosenquist: Okay.

8 A Mm-hm.

9 Roberts: So, I- I back to, uh uh when you're here, uh the initial radio sounds, eh, I, I believe

10 earlier you just said he was on the radio and, and do you remember he who he is

11 when you heard somebody yell 96 and Ainsworth?

12 Guiardinu: Right, yeah well I mean yeah it's only a few of us per squad so you, you get to..

13 Roberts: Wh- who...

14 Guiardinu: ... recognize people's ha- I mean people's voice...

15 Roberts: So so..

16 Guiardinu: ...or I...

17 Roberts: ...who was it?

18 Guiardinu: Shane. Burbank.

19 Roberts: Thank you.

20 Guiardinu: Yeah. Yeah.

21 Rosenquist: You mentioned earlier that, um because there was this group around Ellis, you went

22 and looked for cameras...

23 Guiardinu: Mm-hm.

24 Rosenquist: ...did you actually make contact with any witnesses or residences...

25 Guiardinu: I knocked...

26 Rosenquist: ...residents in the area?

1     Guiardinu:     ...on a couple. I remember knocking on doors, no one opened, no one um opening a  
2                     door and but I didn't see any cameras so I only knock on a few doors.

3     Rosenquist:    Okay.

4     Guiardinu:     Yeah, like I never found any cameras or anything so.  
5                     (sound of a clunk)

6     Rosenquist:    While you were on scene, did you observe anything by any of our officers that you  
7                     felt were inappropriate or violations of policy?

8     Guiardinu:     Not that I can, not that I can think of or remember.

9     Roberts:        A- and if we didn't, did you ever at any time hear anybody say to the effect of that  
10                    Manny has said he couldn't breathe?

11    Guiardinu:     I did not.

12    Roberts:        That's all.

13    Rosenquist:    Anything else about this incident that you think we should know about that we  
14                    haven't asked you about or discussed here today?

15    Guiardinu:     I mean, ya know my, uh involvement was pretty limited, uh we were very far away  
16                    like I said, we were either ya know three four or three eight and Pacific which is ya  
17                    know so many blocks away, um yeah so by the time I get it, I, we got there he was  
18                    already detained and, and then that was it.

19    Rosenquist:    Okay.

20    Guiardinu:     Yeah.

21    Rosenquist:    I asked you earlier, if you'd re-, um witnessed the restraints, like the handcuffs and  
22                    hobbles being removed, did you see who removed the spit hood from Ellis?

23    Guiardinu:     I did not.

24    Rosenquist:    Okay. Gary?

25    Roberts:        That's all.

26    Rosenquist:    Kay. I don't have anything else.

1 B: Andy, do you speak another language?

2 Guiardinu: I do.

3 B: What's the other language you speak?

4 Guiardinu: Spanish.

5 B: Little bit of an accent.

6 Guiardinu: Oh, yeah of course.

7 B: Your English is great, but...

8 Guiardinu: Yeah, yeah.

9 B: Was English your primary language?

10 Guiardinu: No, no I came, I came here in, I was in sixth.

11 B: Okay. Um, just th- the accents a little bit there but it's really clear and...

12 Guiardinu: Yeah.

13 B: ...I just wanted to, for the record...

14 Guiardinu: Yeah.

15 B: ...put it on there so that people if they review this later they know that.

16 Guiardinu: Okay. Yeah.

17 B: Yeah.

18 Guiardinu: Yeah, absolutely.

19 B: Yep.

20 Rosenquist: Union's good?

21 B: Yeah, we're good.

22 Rosenquist: Kay. This is Sergeant Rosenquist, it is 1121 and this is the end of the interview.

23 END OF INTERVIEW/ar

24

25

TAB 54



1 **Interview of Daniel Derr**

2 **Location: Internal Affairs Office, Room 360, Tacoma Police Headquarters**

3 **July 21, 2021 – 1354 Hours**

4 **Internal Affairs Control Number 21COM-0061, 21COM-0069, 21COM-0071**

5 **PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs;**  
6 **Officer Dave Anderson, Representative, Tacoma Police Union – Local 6;**  
7 **and Officer Daniel Derr**

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14 Rosenquist: This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of  
15 Officer Daniel Derr. The date is July 21<sup>st</sup> 2021. The time is 1354 hours. Location is  
16 Internal Affairs Office, Room 360, Police Headquarters. This is in reference to  
17 Internal Affairs cases 21COM-0061, 21COM-0069, 21COM-0071. Present in the  
18 room are myself; Internal Affairs, Sergeant G.J. Roberts; Officer Derr; and Officer  
19 Dave Anderson, Representative for Local 6. Are you aware this interview is being  
20 recorded?

21 Derr: Yes sir.

22 Rosenquist: Is this interview being recorded with your permission?

23 Derr: Yes.

24 Rosenquist: Did you read the Compelled Interview Form?

25 Derr: Yes.

26 Rosenquist: Do you understand the Compelled Interview Form?

27 Derr: Yes.

28 Rosenquist: Do you understand that you're compelled to answer all questions truthfully?

29 Derr: Yes.

30 Rosenquist: Okay. Uh, Internal Affairs has been tasked to investigate the incident that resulted in  
31 the in-custody death of Manny Ellis back on March 3<sup>rd</sup> of 2020 and you, you were on  
32 scene for that?

33 Derr: Yes I was.

1 Rosenquist: Were you working by yourself or were you partnered with somebody?

2 Derr: I was partnered with, uh Officer Schneider.

3 Rosenquist: Who was driving and who was passenger?

4 Derr: I was passenger and Officer Schneider was driving.

5 Rosenquist: Kay. So this thing, this incident kinda began with, uh some radio traffic, some mic  
6 clicks, and Dispatch asking, um Henry 317 if they had traffic. Do you remember  
7 hearing any of that?

8 Derr: I do, yeah. All I remember, I don't know how many times Dispatch asked, or called  
9 for them and then I recognized Officer Burbank get on the radio and just say 96 and  
10 Ainsworth. Then that was the only transmission.

11 Rosenquist: What was, how did Burbank sound on the radio during that transmission?

12 Derr: Uh, well I know he-, him and Officer Collins rode together a lot and they were a very  
13 reliable car so it was very out of the ordinary, just to hear a location and w- mic  
14 clicks. Uh, without them being on an assigned call, and it was just very fast, the  
15 transmission was just the location and then seemed kinda desperate, I guess. W-

16 Rosenquist: A- abnormal from his usual re-...

17 Derr: Very abnormal from that car, yes.

18 Rosenquist: Okay. Do you recall where you were at when you started responding to 96<sup>th</sup> and  
19 Ainsworth?

20 Derr: I think we were in the area of five six and Portland.

21 Rosenquist: Okay. So you respond then you arrive, do you remember where you initially parked  
22 the patrol car at?

23 Derr: I wanna say we were on the west side of the incident, the intersection. Cause I  
24 remember, uh walking past, um Manny Ellis when he was handcuffed on the ground.

25 Rosenquist: Okay.

26 Derr: But, I remember we took up the east side of the intersection for a perimeter after but

1 I, I'm pretty sure we parked on the west side.

2 Rosenquist: There's no arrival time listed for you in CAD. Did you try to arrive over the, arrive  
3 over the air or?

4 Derr: I don't remember.

5 Rosenquist: Okay. So you arrive on scene. Other than Burbank, Collins, Rankine and Ford which  
6 we know were already there...

7 Derr: Mm-hm.

8 Rosenquist: ...was there any other officers on scene?

9 Derr: I don't remember at this time.

10 Rosenquist: So you arrive, y- you already mentioned earlier that you'd walked past Ellis who was  
11 on the ground, so le-, let's get kinda specific with, to your observations of Ellis. He's  
12 on the ground, what's his position on the ground?

13 Derr: I think he was on his stomach at the time.

14 Rosenquist: And was he restrained?

15 Derr: He was, he was in handcuffs.

16 Rosenquist: Do you recall if he was in a hobble as well?

17 Derr: I don't recall.

18 Rosenquist: We know that a hobble was eventually applied on him, did you s- see a hobble  
19 application, just not recall seeing a hobble on...?

20 Derr: I remember somebody called for one on the radio and...

21 Rosenquist: And would that have been while you were still enroute to the call?

22 Derr: I th-, I don't remember.

23 Rosenquist: Okay.

24 Derr: I just remember hearing on the radio, if someone has hobble, can they bring it.  
25 Something along those lines.

26 Rosenquist: So, Ellis is on his stomach...

1 Derr: Mm-hm.

2 Rosenquist: ...handcuffed.

3 Derr: Mm-hm.

4 Rosenquist: Uh, is he moving around at all, is he resisting at all?

5 Derr: I remember when I looked down at him I, there were a couple officers with him. I

6 don't remember what they were doing, er, er what officers were cause I went to, um

7 Officer Collins and Burbank right away to see they needed anything. I remember

8 him making like a growling noise and kinda spitting blood. I don't know if that was a

9 result of him growling or what, but I, I do remember that.

10 Rosenquist: You don't recall who was with Ellis at that time?

11 Derr: I don't, no.

12 Rosenquist: Was he spitting blood, just to spit blood or did it appear that he was trying to spit at

13 people that were around him?

14 Derr: I don't remember, I just remember he was on his stomach, and he was, he was

15 looking to the side and he was making growling noises and just, it sounded like he's

16 spitting and there was liquid coming out of his mouth that looked dark.

17 Rosenquist: Like blood?

18 Derr: Mm-hm.

19 Rosenquist: Could you tell how much blood it was?

20 Derr: It didn't look like a real lot. It just looked like it, ya get a bloody lip or tongue or

21 something and you're spittin' out some blood from it.

22 Rosenquist: Okay. Um, you said you contacted Burbank and Collins, how were they?

23 Derr: I remember going to Officer Collins and he looked exhausted and I've never seen

24 Matt like that, um and as I walked up to him, he just sat on the bumper of his car and

25 just, was just trying to catch his breath and he was just, I remember him being red in

26 the face like he was exhausted. Um, and I remember Officer Burbank, he, he looked

1 tired, he didn't look as tired as Officer Collins and he was kinda just pacin' around  
2 the front of the car.

3 Rosenquist: Did you observe any injuries on either of them?

4 Derr: No, not anything obvious.

5 Rosenquist: Did they discuss the incident with you at that time, about what had led to their  
6 contact with Ellis, or what had happened prior to the other officers arriving?

7 Derr: I remember them saying he attacked the car or something along those lines, I don't  
8 remember the exact quote, but they, it was something of that nature that he attacked  
9 the car, and then they started fighting with him.

10 Rosenquist: Okay. So, y- y- you contacted Burbank and Collins, did you go back to Ellis'  
11 location after that?

12 Derr: I didn't, no.

13 Rosenquist: What did you do after that while you were on scene?

14 Derr: I just stayed over by the car with, with Matt and Shane. And then I think as the Fire  
15 Department came in we started to, um, we started to block 96<sup>th</sup> and then after that I  
16 started going to, um houses in the area to see if there were any Ring cam or anybody  
17 had witnessed anything.

18 Rosenquist: So you, Fire hadn't arrived yet when you arrived?

19 Derr: They didn't.

20 Rosenquist: When they were coming into the area, did you notice if they were responding  
21 priority, which would be lights and sirens or routine without anything on?

22 Derr: I don't remember, I feel like I remember 'em, they stopped at the intersection of 96<sup>th</sup>  
23 and McKinley to go through the lights. That's all I remember.

24 Rosenquist: McKinley?

25 Derr: Er, I'm sorry, it would be 96<sup>th</sup> and Yakima.

26 Rosenquist: Okay.

1 Derr: Yep. Sorry.

2 Rosenquist: Cause they came from their station at like 74<sup>th</sup> and Yakima, so.

3 Rosenquist: While Ellis was on the ground handcuffed, did you see any uses of force, uses of  
4 force against him and, uh I'm speaking specifically to any, um strikes or punches?

5 Derr: No.

6 Rosenquist: Okay. Did you ever observe Ellis in a position other than being on his stomach?

7 Derr: Yes. I do remember, I think it was Officer Burbank w-, instructed the officers over  
8 there to roll him to his side. And I remember him just saying roll him to his side to a  
9 recovery position.

10 Rosenquist: Do you remember who those officers were that moved him to the recovery position?

11 Derr: I don't remember, no.

12 Rosenquist: Okay.

13 Roberts: Y- you said that, uh, uh you were with Officer Collins and Burbank and Collins, I  
14 believe, was sittin' on the bumper...

15 Derr: Mm-hm.

16 Roberts: ...the push-bar of his, of his vehicle?

17 Derr: Yes sir.

18 Roberts: How far is that away from where Ellis is lying in the street?

19 Derr: I would estimate 25 to 38 feet.

20 Roberts: And are there, is there any obstructions there other than people standing in the way,  
21 is, uh there's no other cars in front of that is there?

22 Derr: Not that I remember.

23 Roberts: Thank you.

24 Rosenquist: Did you ever see a spit hood on Ellis?

25 Derr: No.

26 Rosenquist: You never saw one applied or taken off?

1 Derr: Nope, none.

2 Rosenquist: So Fire arrives and other witnesses said there was a conversation between Fire and  
3 the TPD Officers about needing to get Ellis' restraints removed for treatment.

4 Derr: Mm-hm.

5 Rosenquist: Would you have been within ear shot of that conversation or do you recall hearing it?

6 Derr: I remember hearing it. Um, I, I, I don't n- remember the conversation between the  
7 officers and the Fire Department though.

8 Rosenquist: How, ya know, a time frame or was it quick between the time when Fire requested  
9 the restraints to be removed to when they were actually removed, if you saw them  
10 being removed?

11 Derr: I don't remember.

12 Rosenquist: Okay.

13 Roberts: A- and you described it as conversation, I mean I, you're within ear shot of it, is that  
14 what it sounds like, a discussion, conversation or is it an argument?

15 Derr: Uh, I, I really can't remember, I remember Fire, uh one of the firefighters said, "we  
16 need him outta restraints," and I, I really wasn't paying attention to much so what  
17 was goin' on 'cause there were, there was a group of people around him at that time  
18 and I just didn't go back over there.

19 Roberts: But it wasn't a long lengthy length of time?

20 Derr: No, it didn't seem like.

21 Roberts: Before the Fire says hey we need him outta restraints and th- th- th- there's no  
22 delay...

23 Derr: No, I mean I didn't...

24 Roberts: ...other than our...

25 Derr: ...hear any arguing about it or anything, um, no.

26 Roberts: Thanks.

1 Rosenquist: Did you anyone from Fire make a comment that he's gonna code soon or he's gonna  
2 code?  
3 Derr: No.  
4 Rosenquist: Okay. While you were there, did you ever hear Ellis make a statement of, "I can't  
5 breathe," or anything similar to that?  
6 Derr: No.  
7 Rosenquist: Did you ever hear any officers comment to anybody else on scene that Ellis had  
8 complained of having breathing issues?  
9 Derr: No.  
10 Rosenquist: So you arrive there, he, he's on his stomach, he's moving around, and I know you  
11 were with Collins and Burbank, you were able to, Ellis' condition when you arrived?  
12 Responsive, non-responsive, conscious, not conscious?  
13 Derr: He was conscious, or appeared to be, and i-, he was just growling and tha-, that was  
14 it. I didn't, I didn't hear him say anything else.  
15 Rosenquist: Okay. Did you notice whether or not there was a, a decline in his condition between  
16 when you arrived to when Fire arrived on scene?  
17 Derr: No but I, I also don't think I was close enough to him.  
18 Rosenquist: Okay. Yeah, some of these questions we're asking everybody so...  
19 Derr: Okay.  
20 Rosenquist: ...ya know, did you have any contact with Ellis either verbally or physically?  
21 Derr: No, I didn't.  
22 Rosenquist: While you were on scene did you, um take possession of any items that eventually  
23 made it into evidence, like taser cartridge, taser wires, a cell phone?  
24 Derr: Mm-hm. Both of those.  
25 Rosenquist: Okay. Can you explain that?  
26 Derr: Yep. So, somebody had placed it in a Ziploc bag, the, the taser prongs in a, in a

1 Ziploc bag and Ellis' cell phone, I they were on the hood of, uh Schneider's car and  
2 when we moved his car to block the street we threw them up on the dash of the car.  
3 Um, and then I later turned them over to, to the Sheriff's Department when they were  
4 holding perimeter.

5 Rosenquist: Do you know who put them in the bag?

6 Derr: I don't.

7 Rosenquist: And, or who put them on the patrol car?

8 Derr: Uh-uh. (indicating negative response)

9 Rosenquist: You just found 'em there?

10 Derr: Yep.

11 Rosenquist: Okay.

12 Derr: Yeah, when I, I don't know if it was when I got there or when I was just off to the  
13 side, somebody put 'em in a bag. They were all bundled up already and everything.

14 Rosenquist: Okay.

15 Roberts: Th- the taser wires?

16 Derr: The taser wires.

17 Roberts: How 'bout the cell phone? Is that separate?

18 Derr: Mm. I think it was just on top of the bag with it.

19 Rosenquist: Ya good for now?

20 Roberts: Yeah.

21 Rosenquist: Okay. Did you transport any of the involved officers away from the scene?

22 Derr: Nope.

23 Rosenquist: You note in your report that you, you contacted a witness with, last name is  
24 Seaman...

25 Derr: Mm-hm.

26 Rosenquist: ...um, they heard sounds of an argument and heard a popping sound. So, whatever

1                   they witnessed, was it only audible, they didn't visually see anything?

2   Derr:           Correct.

3   Rosenquist:    Kay. Did they say anything else about what they heard?

4   Derr:           Nope. That was, I remember I think Seaman was Gary's daughter, or some

5                   relation...

6   Rosenquist:    Okay.

7   Derr:           ...and that was the house directly in front of, um where this went down.

8   Rosenquist:    To the north?

9   Derr:           To the north. Yep. And, uh I remember I knocked on the front door, there's a sign or

10                  something out on the front so you can't go to the front door, so I went around to the

11                  sliding glass, and that's when, I believe it was the male, Gary, came out and said that

12                  he didn't hear anything 'cause I, I, I forget if he was sleeping or what and then

13                  Seaman came out and she I, I think she said she had headphones on her, she was

14                  watching TV or something and she heard arguing and the popping sound.

15   Rosenquist:    What did you think the popping sound was?

16   Derr:           Me?

17   Rosenquist:    Yes.

18   Derr:           I don't know.

19   Rosenquist:    Just wondering if maybe the ECT...

20   Derr:           Possibly the taser..

21   Rosenquist:    ...I'm just, I'm just...

22   Derr:           ...was my thought...

23   Rosenquist:    ...asking.

24   Derr:           ...yeah, but.

25   Rosenquist:    Any other observations, um while you were on scene that we haven't talked to you

26                  about, you thinks relevant to what we're looking at?

1 Derr: No. I mean it, the whole, the whole call was, was odd to me. Uh, coming from those  
2 two officers. Just the, how desperate everything sounded and how quick the radio  
3 transmissions were and they just weren't typically a, a two officer car that just went  
4 out on stuff without calling out or anything, so.

5 Rosenquist: Uh, any concerns or observations of our officers on scene that where you thought  
6 you saw something that you felt was maybe inappropriate or a policy violation?

7 Derr: No.

8 Rosenquist: Overall, did, there was a, I don't know if treatments the right word, a monitoring of  
9 Ellis while he was detained?

10 Derr: Yeah, from what I saw.

11 Rosenquist: Okay.

12 Roberts: And, did you see him being moved to the recovery position and back to his prone or  
13 just the one time?

14 Derr: I remember that moving to the s-, moving him to his side and I, I'm not a hundred  
15 percent certain but I thought he was still in that position when Fire arrived.

16 Rosenquist: In the recovery position?

17 Derr: Mm-hm. On his side.

18 Rosenquist: Kay.

19 Roberts: And, and more administratively, so you're, the first report you wrote was a dot six...

20 Derr: Yep.

21 Roberts: ...and then you wrote a dot forty-eight is what it turned up to be.

22 Derr: Mm-hm.

23 Roberts: A- and I don't have with the, it real access, but what's, there's big date difference in  
24 that, why would there be a big date difference?

25 Derr: Uh, Chief Wade told me to write it.

26 Roberts: And was that specific to the cell phone and...

1 Derr: To the property.  
2 Roberts: ...some of the property? Thanks.  
3 Rosenquist: Do you know if that request came from Pierce County?  
4 Derr: I don't know. He called me at home and told me to write it when I come to work.  
5 Rosenquist: Okay.  
6 Roberts: That's all I have.  
7 Rosenquist: I don't have anything else.  
8 Anderson: Awesome.  
9 Rosenquist: Union? Officer Derr do you have anything else.  
10 Derr: I don't have anything.  
11 Rosenquist: Okay. This is Sergeant Rosenquist, it is 1412 and this is the end of the interview.  
12 END OF INTERVIEW/ar  
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# TAB 55

**INTERNAL AFFAIRS COMPELLED INTERVIEW**

**I/A CONTROL NUMBER: 21COM-0061, 21COM-0069, 21COM-0071**

Employee/Witness: Officer Ron Komarovsky

1. You are about to be questioned as part of an Internal Affairs investigation being conducted by the Tacoma Police Department.
2. You are hereby **ordered** to answer the questions, which are put to you, which relate to your conduct and/or job performance, and to cooperate with this investigation.
3. Your failure to cooperate with this investigation can be the subject of **disciplinary action** in and of itself including dismissal.
4. The statements you make or evidence gained as a result of this required cooperation may be used for administrative purposes but will not be introduced into evidence in a criminal proceeding.
5. You are further **ordered not to discuss** this matter or interview with any other parties (except those with a **legally recognized privilege or union representatives**) until the conclusion of this investigation.

I have read and understand the above explanation of my rights as an employee of the Tacoma Police Department.

Komarovsky                      7-28-2021  
Employee                              Date

11483                                      7/28/21  
Witness                                      Date

Sgt J. Roberts 5313                      7/28/21  
Witness                                      Date

1 Interview of Ron Komarovsky

2  
3 Location: Internal Affairs Office, Room 360, Tacoma Police Headquarters

4  
5 July 28, 2021 – 1404 Hours

6  
7 Internal Affairs Control Number 21COM-0061, 21COM-0069, 21COM-0071

8  
9 PARTICIPANTS: Sergeant John Rosenquist and Sergeant Gary J. Roberts, Internal Affairs;  
10 Detective Randall Frisbie, Representative, Tacoma Police Union – Local 6;  
11 and Officer Ron Komarovsky  
12  
13

14 Rosenquist: This is Internal Affairs Sergeant Rosenquist. This is the Internal Affairs interview of  
15 Officer Ron Komarovsky. Date is July 28<sup>th</sup> 2021. Time is 1404 hours. Location is  
16 Internal Affairs Office, Room 360, Police Headquarters. This is in reference to IA  
17 cases 21COM-0061, 21COM-0069, 21COM-0071. Present in the room are myself;  
18 Internal Affairs, Sergeant G.J. Roberts; Detective Frisbee, Local 6, and Officer  
19 Komarovsky. Ron, are you aware this interview is being recorded?

20 Komarovsky: Yes sir.

21 Rosenquist: Is this interview being recorded with your permission?

22 Komarovsky: It is.

23 Rosenquist: Did you read the Compelled Interview Form?

24 Komarovsky: I did.

25 Rosenquist: Do you understand the Compelled Interview Form?

26 Komarovsky: Yes sir.

27 Rosenquist: Do you understand that you're compelled to answer all questions truthfully?

28 Komarovsky: Yes sir.

29 Rosenquist: Kay. So, Internal Affairs has been tasked to investigate the incident that resulted in  
30 the in-custody death of Manny Ellis, um, we're gonna be asking you questions  
31 specific to the supplemental report that you wrote but we also have kind of a general  
32 list of questions that we're asking everybody to just try to get as much information  
33 we can and get a better picture of kinda what happened that night.

1 Komarovsky: Understood.

2 Rosenquist: So, prior to you responding to 96<sup>th</sup> and Ainsworth, did you hear the mic clicks or the  
3 radio traffic that led to the response at 96<sup>th</sup> and Ainsworth?

4 Komarovsky: Yes, sir.

5 Rosenquist: Can you just tell me what you heard?

6 Komarovsky: Uh, as my report states, I, uh, heard that unit the Henry H-317 which is Officers  
7 Burbank and Collins yell out 96 and Ainsworth and then heard the radio microphone  
8 clicks and further unreadable yelling.

9 Rosenquist: Do you know which officer yelled 96<sup>th</sup> and Ainsworth?

10 Komarovsky: I, I couldn't tell ya.

11 Rosenquist: You're swing shift, right?

12 Komarovsky: Correct.

13 Rosenquist: And they're graveyard?

14 Komarovsky: Correct.

15 Rosenquist: Okay. Do you remember where you were at when you heard it?

16 Komarovsky: Yeah, I was uh, parked at the, uh, three sector substation.

17 Rosenquist: So, you go enroute from the sub, you arrive at the location, do you remember where  
18 you parked at in relation to the intersection?

19 Komarovsky: Uh, I was parked just, uh, west on 96<sup>th</sup> Street just west of Ainsworth.

20 Rosenquist: Kay. You arrive on scene, what were your initial observations? And again, you can  
21 refer to your report.

22 Komarovsky: I don't really have a personal recollection, it's been about 17 months, but I can read  
23 my report. I observed that the, uh, subject or Mr. Ellis was on the ground, on his  
24 back/his side, uh, the subject was already handcuffed and his legs were also  
25 restrained behind his back. I observed that another officer was trying to keep him on  
26 the ground as he was very tensed up and it appeared he was trying to move. I assisted

1 an officer by placing my knees, hands, and body weight on the subjects legs and held  
2 'em there to prevent the subject from further moving, injuring himself and or other  
3 officers.

4 Rosenquist: Do you recall if the leg restraint hobble was attached to the handcuffs?

5 Komarovsky: I don't recall.

6 Rosenquist: Do you know who the officers were that were trying to keep him on the ground?

7 Komarovsky: I don't remember.

8 Rosenquist: So, in your report you note that you assisted an officer by placing your, uh, knees,  
9 hands, body weight on Ellis' legs and held them there, do you know how long you  
10 were on Ellis' legs for?

11 Komarovsky: I don't have a specific time frame but to the best of my recollection it was a very  
12 short period of time.

13 Rosenquist: Okay.

14 Roberts: And d- during that time Ron, is he, is Ellis on his back, side? Yeah, I know you have  
15 back slash slide, side in your report, h- how are, d- explain to me how that would,  
16 what that looks like?

17 Komarovsky: Yeah, I don't recall whether he was specifically on his back or the side, I, I can only  
18 reference my report. It's been 17 months, so.

19 Roberts: A-, and as you're on his legs, do you recall i-, in what position he's in?

20 Komarovsky: I don't remember, I just recall putting my body weight on his legs near his knee area  
21 and just holding him there.

22 Roberts: Knees down to the ankle or knees?

23 Komarovsky: Just around the knee area to the best of my recollection. It could be a little above,  
24 could be a little below, I just don't specifically recall.

25 Roberts: And, and it can you describe his moving at all?

26 Komarovsky: Uh, to the best of my recollection, I recall that he was kicking, ya know tensing up

1 his muscles, actively kicking, uh, that's really the only thing I recall.

2 Roberts: Thank you.

3 Rosenquist: After you arrived on scene, did you see any, um, uses of force against Ellis,  
4 specifically, uh, any strikes?

5 Komarovsky: No. Not to my recollection.

6 Rosenquist: So th-, there was handcuffs on Ellis, there was a hobble, do you recall seeing a spit  
7 hood on him?

8 Komarovsky: I don't recall.

9 Rosenquist: When you arrived? Do, or do you not recall seeing a spit hood on him at all during  
10 the entire incident?

11 Komarovsky: I, I don't recall. I can't say I paid attention to his head, I was really focused on his  
12 legs when I was there.

13 Rosenquist: When you were on his legs, do you remember who else was helping pin him to the  
14 ground or restrain him?

15 Komarovsky: I do not.

16 Rosenquist: Do you recall what the position of his legs were when the hobble was on?

17 Komarovsky: I don't recall.

18 Rosenquist: Fire was uh, not on scene yet when you arrived?

19 Komarovsky: No.

20 Rosenquist: Did you observed Fire arrive?

21 Komarovsky: Uh, I, I left and then when I came back like 30 minutes later, they were there.

22 Rosenquist: Okay.

23 Komarovsky: And it could be a little more than 30 minutes but a significant period of time later.

24 Rosenquist: So, Fire hadn't arrived y-, yet when you left the first time?

25 Komarovsky: Correct.

26 Rosenquist: So you didn't, did you see, you didn't see the removal of the handcuffs or the hobble

1 or this, this...

2 Komarovsky: Did not.

3 Rosenquist: ...the spit mask? Okay.

4 Roberts: So, so take me back to you're on his legs, somebody else you're, y-, kinda holding  
5 him down, what makes you get up and leave? You ultimately, you leave the scene?

6 Komarovsky: Correct. Uh, I observed that there were many officers on scene already and uh, I  
7 believe somebody actually relieved me, I don't remember who it was, and this is  
8 already after my shift, and so I went back home.

9 Roberts: A-, a-, and real quick you're at the three sector substation, would you have taken  
10 South Hosmer there?

11 Komarovsky: I took Alaska.

12 Roberts: You took Alaska. But Alaska doesn't go through to 96<sup>th</sup>.

13 Komarovsky: No, we took some, uh, turns, I don't recall wh-, the specific route, I recall taking  
14 Alaska as far as possible.

15 Roberts: Okay.

16 Komarovsky: And I was following Sergeant, uh, G. Rock.

17 Roberts: Okay. Cause you don't ha-, a-, and I guess I'm gettin' to you don't have a arrival  
18 time in dispatch on the CAD? U-, uh, ya covered it in your report.

19 Komarovsky: Yeah, and, and it may be because I, uh, I just, I was really trying to get there really  
20 fast and they were actively fighting with one I wouldn't be going to the area and  
21 trying to disrupt their priority traffic.

22 Roberts: But, eh, best to your re-, recollection you arrived right behind Sergeant Rock?

23 Komarovsky: Correct.

24 Roberts: Thank you.

25 Rosenquist: While you were on scene did you hear Ellis say, "I can't breathe," or anything  
26 similar to that?

1 Komarovsky: No, not to recollection.

2 Rosenquist: What was his condition when you were relieved and you left? Was he still thrashing  
3 around or moving or had he had calmed down?

4 Komarovsky: I don't specifically recall, uh, but he was alive and appeared well.

5 Rosenquist: Other than putting your weight on his legs, did you have any other contact with him?

6 Komarovsky: No.

7 Rosenquist: And...

8 Komarovsky: Jus-, just my body weight.

9 Rosenquist: Any communications with him?

10 Komarovsky: No.

11 Rosenquist: Okay.

12 Komarovsky: Or not to my recollection, maybe I, I usually tell suspects like this to hey take it easy,  
13 try to de-escalate, but I don't specifically recall if I had said anything to him.

14 Roberts: Were you there for a rather short period of time?

15 Komarovsky: Correct.

16 Roberts: I mean, can you put a number to it?

17 Komarovsky: Ya know I don't know. Usually hectic scenes like this things feel like forever so I, i-  
18 it was a very short period of time.

19 Roberts: How long do you think you stayed, uh, assisting keep M-, e-, Ellis down?

20 Komarovsky: Uh, I, I would say probably less than ten minutes.

21 Roberts: Less than ten minutes, and...

22 Komarovsky: And again that's just an estimate, I.

23 Roberts: U-, understood. And then as you're done with that period of time, do you leave or do  
24 you go about any tasks?

25 Komarovsky: Uh, one second. So, as my report says I cleared the scene and responded back to the  
26 three sector substation, finished my report and then I, I went home.

1 Roberts: Cause, cause your shift ends at 2300?

2 Komarovsky: Correct.

3 Roberts: And this was just before or just after?

4 Komarovsky: It was just after and if, if you want me to tell ya, I'll tell you why I was there a l-

5 little longer is, uh, I was, uh, stopped at 74 and TMB and a guy was doing burnouts

6 so I stopped him and gave him a reckless driving citation and so that I submit and

7 write my arrest report. That's why I was there past my shift.

8 Roberts: Thank you.

9 Rosenquist: Your report, you wrote, "I assisted other officers with rolling the subject Ellis onto

10 his stomach," do you recall why the, his position was changed?

11 Komarovsky: I do not.

12 Roberts: D- do you recall his condition when he was rolled onto his stomach?

13 Komarovsky: I do not.

14 Rosenquist: Was he still on his stomach when you left?

15 Komarovsky: I don't recall.

16 Rosenquist: Were you in possession of any items of evidence, like the taser cartridge or wires or

17 a cell phone while you were on scene?

18 Komarovsky: No.

19 Rosenquist: While you were on scene did you have any concerns about anything you observed,

20 anything you thought was inappropriate or a policy violation?

21 Komarovsky: Not to my recollection.

22 Roberts: I have nothing.

23 Rosenquist: You observe any injuries?

24 Komarovsky: I don't recall.

25 Rosenquist: Did you see any blood coming from Ellis' mouth at all.

26 Komarovsky: I don't remember, again, my attention was focused on his legs and what I was doing.

1 Rosenquist: Okay. I don't have anything else. Okay

2 Unknown: Nothing.

3 Rosenquist: Uh, it's Sergeant Rosenquist, it is 1416 and this is the end of the interview.

4

5 END OF INTERVIEW/ar