

STATEMENT OF: Karl F. Thompson

RPT: 

Taken By: Detective T. Ferguson
Transcribed from Tape: Betty Bischoff
Date Taken: 3/22/06
Time Taken: 1334 hours
Place Taken:

FERGUSON: Also present is the Spokane Guild Representative Jeff Harvey with the Spokane Police Department and the Spokane Police Guild Attorney Hillary McClure as well as SCSO Major Crimes Detective Bill Frances, myself and Karl Thompson.

Karl, are you aware this is being recorded?

THOMPSON: I am.

FERGUSON: Do we have permission to record?

THOMPSON: Yes.

FERGUSON: As I indicated, we are discussing the situation that occurred at the Zip Trip last Saturday on the 18th and we have already had an opportunity to discuss it. Is that accurate?

THOMPSON: Yes.

FERGUSON: On occasion Detective Francis and myself will be referring to the notes that we took um to make sure we address the same things we did in the pre-interview. Are you aware of that?

THOMPSON: Yes.

FERGUSON: Do we have your permission to do that?

THOMPSON: Yes.

FERGUSON: For the record would you spell your name and uh let me know, let's just start with your name.

THOMPSON: My full name is Karl F. Thompson, Jr., Karl spelled with a K. K.A.R.L. F. T.H.O.M.P.S.O.N. JR.

FERGUSON: Karl, why don't you tell me what your experience is with law enforcement and we can just focus on the years, maybe the different departments uh that you've worked for and then end with your current employment and your status.

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THOMPSON: I have 28 plus years of commissioned uh experience and another 7 years where I worked as an investigator during arson and fraud for insurance companies. I began my career with the Los Angeles Police Dept. between 1969 and 1979. Uh, during those times uh the last 5 ½ years was in a special assignment of SWAT. I was also a hostage negotiator. Moved to Idaho and resumed law enforcement in 1979 with the Kootenai County Sheriff's Dept. I worked in Idaho uh in law enforcement for approximately 10 years and uh worked as a deputy, worked as a State Police detective and also as a Sheriff's Dept. administrator with the rank of Captain for approximately 5 ½ years. I joined the Spokane Police Department in March of 1997 and am just completing 9 years of service here where I've worked Patrol, School Resource Officer. Other specialty assignments have been TAC which is the crowd control unit. Um, Crisis Intervention Team which is advanced training in dealing with the mentally ill. I'm still currently a hostage negotiator and second in charge of that unit. I'm still currently a member of the uh uh Critical Incident Management Team which is a peer support group for officers involved in Critical Incidents. I've worked as a Field Training Officer and uh other specialty uh training uh that are significant. I attended the FBI National Academy and uh, of course, other, many other related in service types of training.

FERGUSON: What is your current assignment with Spokane Patrol?

THOMPSON: I am a Patrol Officer and assigned to Team 5 and the uh hours are from 1100 hours to 2140 hours and our particular, it's a swing shift which is a uh relief, considered a relief shift which means that uh our team works the entire City and my primary uh Patrol beat area would be the north side.

FERGUSON: Who is your sergeant?

THOMPSON: Dan Torok.

FERGUSON: When you talk about some of your special training you had with SWAT and uh TAC Team and I think you talked about getting advanced training with the mentally ill, is that ongoing training?

THOMPSON: I have uh only recently uh left TAC so I have had ongoing continuous training uh with TAC which includes defensive tactics. Within Patrol we have in service um refresher training in defensive tactics and as recently as about a month ago, I attended that. So....

FERGUSON: Was there anything specific during that training for defensive tactics?

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THOMPSON: Yes, it was involved with uh close contact and ground fighting uh as well as refresher on uh, uh lateral neck restraints and some other control holds, but uh geared mainly to uh close physical contact and, and fighting and, and control.

FERGUSON: Have you had baton training?

THOMPSON: I've had extensive baton training.

FERGUSON: When would that have started?

THOMPSON: It began in 1969 at the Los Angeles Police Academy. Uh, the primary baton, the only baton at that time, the 10 years I worked LAPD was a straight baton. At that time it was the only other tool that was a less lethal weapon available. Uh since my time with Spokane Police, the TAC Unit trains both with the side handle as well as a longer straight baton. When I graduated from the uh basic law enforcement training in Spokane, I was certified both in the side handle as well as the straight baton and I've used both. I'm proficient with both. Uh and because of the nature of my training and the length of my experience I am one of the officers who consistently carries his baton uh to have another tool available as an option in use of force.

FERGUSON: When you talk about carrying it, are you speaking of actually having it on your gun belt, in your vehicle?

THOMPSON: Having it, not only having it on my duty belt, but carrying it on most of the calls and contacts that I have.

FERGUSON: I think you had mentioned being certified through the Academy when you came to Spokane PD. Yeah, we'll be going off the air here for just a moment.

This is Detective Ferguson we were off the air for approximately 20 seconds. We are now back on at about 1343 hours.

Officer Thompson I think I could just ask you about uh certification for the straight and side handle baton with the Spokane Police Department. Now that certification requires a proficiency in training?

THOMPSON: That is correct.

FERGUSON: Does that training include uh practice?

THOMPSON: Uh it has with me, certainly.

FERGUSON: And, and at the time, in order to be certified?

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THOMPSON: Yes. That is correct.

FERGUSON: Did that training include use of force uh topics?

THOMPSON: Yes.

FERGUSON: Moving on. I believe I understand that you normally get your straight stick and that's your preferred baton. Is that fair to say? For you?

THOMPSON: That is, that is correct.

FERGUSON: That it would be normal for you to have it?

THOMPSON: Yes.

FERGUSON: When and I don't believe I asked this before, but when were you certified to use the taser? If certified's the right word.

THOMPSON: I was in one of the early groups when our department uh first obtained the taser. I don't remember the exact date, but I believe I was in maybe the second group when the tasers were issued. Um, that also required um a block of instruction as well as physically being exposed to the effects of the taser uh or in other words being shocked by a taser application.

FERGUSON: Tell me about that.

THOMPSON: Part of the training prior to the certification and issuance of that uh less lethal weapon is to uh in a controlled setting to uh physically be shocked by the uh 50,000 volts from the taser so you know what its impact is. And it was very um it was something that was very forceful and very effective on me.

FERGUSON: Have you had occasion to use either the baton or the taser in lawful law enforcement activities?

THOMPSON: I have.

FERGUSON: How many times, if its fair of me to, to try to get you to put into numbers, have you had to use your side handle baton as a law enforcement officer. Not side handle, I'm sorry, straight stick?

THOMPSON: Since I've been at the Spokane Police Department, and we're talking about 9 years, there's only 2 occasions I remember where I uh used the straight baton to strike uh an individual. Uh, this incident that is being investigated, being, being the second. I have used the straight baton on far more occasions to fend off

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aggressive dogs, especially pit bulls. Um, in fact, there have been a number of occasions where had I not had the baton, I would, I would have had to shoot the dog. So I've, I've used it more frequently in that occasion. Um, there in my uh career with uh LAPD there were probably uh 10 or 20 times when I may have used it in 10 years where uh I had to use it as a use of force tool, weapon. Um, for a number of years I have carried it. Uh, there, there aren't all that many times.

FERGUSON: And the other incident in Spokane, do you remember the situation?

THOMPSON: I do. I do. I uh remember it was within uh the first couple of years of uh coming to work here and uh Cpl. Tom Lee and Officer Joe Denton were fighting with a uh suspect in the front yard in the Hillyard area and I believe it was on graveyard. When I responded to assist uh Officer Denton, um he had the subject um in the front yard and I struck the subject in the leg a couple of times with the straight baton and uh that was the only other time that I remember uh that I've used it here. To have to strike someone forcefully.

FERGUSON: Do you recall if those strikes were effective?

THOMPSON: They, they were somewhat effective. In that uh there was, there was pain compliance and I got verbal compliance that the suspect uh recognized the strike the pain from the strike and, and ultimately uh did stop fighting as a result of being struck in the legs.

FERGUSON: Have you had occasion to discharge your taser while on duty?

THOMPSON: I have.

FERGUSON: And as I've learned, we have 2 possible applications with a taser. One involves probes and one involves a drive stun. Is that accurate?

THOMPSON: That's correct.

FERGUSON: Have you had occasion to discharge probes?

THOMPSON: I have.

FERGUSON: How many times?

THOMPSON: I would say at least a half a dozen times where I've used it and I've also applied the drive stun.

FERGUSON: Taking the probe applications initially, in those situations, what were the reactions of the people that were on the receiving end?

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THOMPSON: I've always had successful incapacitation with using the probes.

FERGUSON: Is that the objective when you, when you let the taser, uh when you apply the taser?

THOMPSON: Yes.

FERGUSON: Incapacitation?

THOMPSON: That is correct.

FERGUSON: And you've had success with that?

THOMPSON: Yes.

FERGUSON: When you've applied the taser as a drive stun, what are the occasions when you do that?

THOMPSON: It's used on a more limited setting because the drive stun does not incapacitate. What it does, in my experience, is create um an, an amount of pain in which you're seeking compliance. I, it comes, we term it a pain compliance method and when I have uh used that in a controlled setting, realizing the limitations of it um, you know, I've had mixed results from that application.

FERGUSON: So your decision about which one to use would be based on what the situation is....

THOMPSON: Absolutely.

FERGUSON: As dictated by the actions of the individual?

THOMPSON: Yes. In using, using the uh, firing the cartridge with the probes is always going to have the greater effect.

FERGUSON: You use and carry the taser with you daily, when you're on Patrol?

THOMPSON: Yes.

FERGUSON: Is it fair for me to say that it is a part of your duty belt?

THOMPSON: Yes.

FERGUSON: And I believe you carry that on a thigh holster?

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THOMPSON: On the left side.

FERGUSON: How many cartridges are you issued for your taser?

THOMPSON: You're issued 2. One is loaded on the taser and the second one is kept in a an external uh attached pouch to the holster.

FERGUSON: Do you know who does any checks on the taser to see if their functioning properly?

THOMPSON: The officers are all required to maintain charging and a daily test to uh verify uh that the weapon is working.

FERGUSON: Do you do this?

THOMPSON: I do. On a daily basis. Every day I'm at work, I put my taser in the charger and after it reflects that its charged, I uh activate it to make sure that the battery is um charged.

FERGUSON: And you did this last Saturday before you actually went out on shift which would be March 18th?

THOMPSON: Yes.

FERGUSON: Moving to that date. What day of your work week would that date have been if we understand a work week to be Monday through Friday?

THOMPSON: For my schedule, that would if, even though on account of today, it was Saturday, it would have been Thursday of my work week.

FERGUSON: Had you worked the 3 nights previously or 3 days, I'm sorry?

THOMPSON: Yes.

FERGUSON: So you would have worked Friday and gotten off work at about what time?

THOMPSON: I'm thinking just to, to verify that I had worked my full, full week and going back to your question, either that, the first day of that week or earlier, I had a sick day, but I had worked a minimum of 2 days prior to that Saturday, the Saturday we're discussing.

FERGUSON: So you would have worked Thursday and Friday with certainty?

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THOMPSON: Yes, yes, yes.

FERGUSON: O.k. Taking us to Saturday, do you remember, did you get a good night's sleep.

THOMPSON: I did.

FERGUSON: And what's a good night sleep for you?

THOMPSON: 8 hours.

FERGUSON: What time do you think you may have awakened?

THOMPSON: I normally go to bed at 11:00 p.m. and get up about 7:30 in the morning, 7:30 a.m.

FERGUSON: And realizing you have a bit of a drive, what time do you need to leave home in order to arrive for work?

THOMPSON: It takes me between 45 minutes and an hour to get to the station. I normally arrive at the station around 10 in the morning, so I would have left about 9 and I come in, dress in my uniform and uh when I have spare time then I usually work on a computer to do department related work.

FERGUSON: Prior to leaving your home for work, if I'm calculating correctly, we're talking pretty limited period of time from when you awakened and came to work. Did you have a work out, anything unusual take place?

THOMPSON: I didn't work out. Um, I, I, got up showered, shaved, dressed um, had several cups of coffee, had breakfast, um talked with my wife and uh if time allows I may watch some of the morning news and then I drive to work.

FERGUSON: Are you taking any medications at all?

THOMPSON: No.

FERGUSON: Getting back to that day, it sounds like you arrived at a routine time for you which is around 10:00, is that accurate?

THOMPSON: Yes.

FERGUSON: And you got in your uniform and maybe did some work. What time does roll call start?

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THOMPSON: 11:00, 11:00 a.m.

FERGUSON: Did you have a full team complement that day?

THOMPSON: We were missing some team members. I believe 2 or 3 team members.

FERGUSON: And the roll call was routine?

THOMPSON: Yes.

FERGUSON: In that you're discussing maybe wanted people, but no specials were set up, anything like that?

THOMPSON: That's correct.

FERGUSON: Do you have a regular assignment as in terms of a, a call, car call or car that you're allowed to use?

THOMPSON: My call sign is issued for the year and it is Edward 252 and my primary Patrol assignment is the north side.

FERGUSON: And that's where you were assigned this day?

THOMPSON: Yes.

FERGUSON: And you were one man, excuse me, one person car?

THOMPSON: Yes.

FERGUSON: And you checked in as usual?

THOMPSON: Yes.

FERGUSON: Once you were in your car, did you answer any calls for service or conduct any self-initiated activities?

THOMPSON: I handled 3 or 4 calls that I remember that day. Um, I investigated a hit and run collision, prepared a report. I assisted other officers in an earlier gun call in which a gun was recovered. I prepared an additional report on that. Um, the, of course, the unit history will show my entire uh log of activities, but there was nothing um else out of the ordinary that, that I remember.

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FERGUSON: Would you list for me the items you normally carry on your duty belt?

THOMPSON: I have my Glock side arm, ammunition, 2 handcuffs, um a flashlight, small flashlight on my belt, my portable radio, my baton, uh I also have a multi-tool uh pliers, knife that's on my belt. Uh, OC or pepper spray and then I normally uh carry an additional sidearm concealed as a backup.

FERGUSON: And this is what you would have had with you on the 18th?

THOMPSON: Yes.

FERGUSON: Easily available?

THOMPSON: Yes.

FERGUSON: After you handled those calls for service, what did you do?

THOMPSON: I, after I prepared my second report, computer report, I uh bought a couple of hamburgers on Division and returned to the North Central COP Shop where I ate my dinner. There were several other officers uh who were also there and it was while there that I heard the first radio traffic concerning this call.

FERGUSON: You still had your portable on?

THOMPSON: Yes.

FERGUSON: And that, was it on the north channel?

THOMPSON: Yes.

FERGUSON: Can you tell me where that COP shop is?

THOMPSON: At Shannon and Wall.

FERGUSON: What is the first radio traffic that you recall reference this incident?

THOMPSON: I heard Adam 325, which I recognized was Steve Braun's call sign. It was uh dispatched to a north side call. Initially I didn't catch the, the nature of the call and the primary reason that I monitor the portable when I'm not in the car, is in case there's any emergency traffic to respond to assist other officers. Shortly after I heard his call sign going on a call, I heard radio broadcast that the suspect was uh running or walking towards the New Harbor Restaurant which I recognized was a restaurant at uh Division and Indiana. Because that's fairly close to where I was at, I walked outside to

uh enter my car, to pull up the call on my computer, my car computer, to read the circumstances and be prepared uh if this was going to be a higher risk call and to find out how many units were being assigned. I knew I was fairly close.

FERGUSON: And you were available?

THOMPSON: Even though I was out of duty for what is called code 7; um if there's any call that requires assistance to an officer, then you put yourself back into duty and that was my concern to, to try and assess the level of risk that Braun might uh be responding to on this call. Especially if uh his backup was further away than I was.

FERGUSON: Officer Thompson is there more information available in a CAD uh screen on your mobile computer than there is via the portable radio?

THOMPSON: Oh yes.

FERGUSON: So if I understood correctly, you went to your car to check?

THOMPSON: To find details on the call. Because the call will explain the circumstances and the nature of the call as well as, as the other units involved.

FERGUSON: And you got to your car?

THOMPSON: When I got to my car and pulled up the car and started reading uh, I saw that in CAD, the complainant was at an ATM, I think it was at the bank at Baldwin and Ruby and was starting to use the ATM when she saw a male approaching in a, in a aggressive manner that frightened her to the extent, she had already punched in her pin number, but she was frightened enough that she left the ATM machine to get away from this individual who was coming, walking towards her. Um, it also gave the description of the complainant's car. There was a description of the subject, uh, white male, I believe it said 40's, long reddish hair, black jacket and those circumstances. Uh, there was also that the male she maintained surveillance from a safe distance in her car on her cell phone and the male went to the machine and then left the ATM machine. And the possibility was that he may have withdrawn cash under her pin that was already punched in.

FERGUSON: So what did you understand was the fundamental nature of this call?

THOMPSON: Even though it became, began as it was titled a suspicious person, this information led me to believe that uh, a crime may have been committed either that or uh premature robbery attempt based on the complainants description of the mannerisms of this individual. Uh, at any rate, I believed that it was, it was likely that, that a crime may have been committed based on the description.

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FERGUSON: What was your decision at that point?

THOMPSON: Because I was only about 10 blocks away, I immediately began driving to, in the direction of uh Indiana and Division and as I was driving, and this only took um less than a couple of minutes. The complainant was updating radio of the suspect's walking direction. Said that the person uh went on Ruby, was walking southbound against traffic and then was approaching the White Elephant. When the mention of the White Elephant was broadcast (tape ended).

FERGUSON: This is Detective Ferguson. Uh we went ahead and turned the tape over and were off the air for about 30 seconds. So, Officer Thompson are you aware that we're back recording this statement?

THOMPSON: I am and it is with my permission.

FERGUSON: O.k. I think where we had left off was you had heard they were at the White Elephant or that he was at the White Elephant and I think you were just telling us how close you were, excuse me, were to that.

THOMPSON: I had them eastbound on Indiana and when I heard the White Elephant, I turned uh south on Atlantic, drove to Augusta which allowed me to look directly eastbound and see the White Elephant. I continued to drive approaching Division and as I crossed Division eastbound into the driveway between the White Elephant and Zip Trip, I saw to the east end of the lot a white Dodge Intrepid which was the same description that was in the CAD as, as being the complaint's car. And I also saw a white male, 35 to 40, uh, long reddish hair, uh black leather jacket, dark trousers, coming from the east, from the direction of Ruby and walking um through the lot uh to the Zip Trip, walked to the uh center door which was on the north side and uh entered the store. This person, this male matched the description that had been broadcast by radio and supplied by the complainant as being the person who was approaching her at the ATM machine at the bank.

FERGUSON: Did you have your lights and siren on?

THOMPSON: No. I was in a fully marked police car with the top light bar. My headlights were on, but I did not have my emergency lights on nor siren.

FERGUSON: Were you aware as to whether or not anyone else had checked out in the vicinity or made contact with anyone regarding this incident? By anyone else, I mean a police officer?

THOMPSON: I had not heard anyone else uh checking out with the subject because the complainant had been giving updates and it was evident that I was the first officer who was in a position to actually see the suspect. Um, I knew Braun was

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assigned the call. I didn't know what his location was and I advised radio that the suspect was entering the Zip Trip.

FERGUSON: What did you do then?

THOMPSON: I drove to the gas pumps and immediately got out of the car. Um, grabbing my baton which is normally in a baton holder or along the uh seat uh as I normally do as I get out of the car. I was assuming that the suspect may have seen me drive approaching him uh in my police car as he was walking through the door. There was no one else in the parking lot that I remember. Um aside from the complainant's car, I don't remember any other cars being at the gas pump. Um, I exited my car quickly enough that I left the lights on, the engine may have been running because I left the driver's door open as I got out and ran to the north door. Um,

FERGUSON: Did you have your baton with you at this time?

THOMPSON: I did. I did have my baton.

FERGUSON: Why did you run to the building?

THOMPSON: I was already formulating uh plans as I normally do and as we're trained to do that if the suspect had seen me, I knew from the layout of that business that he had at least 2 other exits, um one facing Division and one facing uh I believe it's Spofford on the south side. So I had to be prepared #1 if he had seen me if he was going to flee from me and we were going to have a foot pursuit. So that's the reason initially I was trying to close distance by catching up to him inside the store.

FERGUSON: And you saw him make entry?

THOMPSON: I did.

FERGUSON: Were you out of your car yet?

THOMPSON: No, no.

FERGUSON: When he walked in?

THOMPSON: No. I was still approaching in my car as he was entering the store.

FERGUSON: Were you able to see where he went in the store?

THOMPSON: I did uh because the store is surrounded by uh glass windows. I could see him uh walking to the west end of the store, turning and walking south uh towards the corner. Now when I got out of my car, I temporarily lost sight of him

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because, in the store, because there are shelves that obscured my vision until I entered the store and and got to the west side.

FERGUSON: Now Officer Thompson in the first interview, did we use a chart that shows the layout of the Zip Trip for reference points?

THOMPSON: Yes.

FERGUSON: And when you're looking at that right now, in order to uh walk or rather describe your route of travel?

THOMPSON: Yes.

FERGUSON: Did you enter through the north door and then why don't you go ahead and tell us again what you saw and where you went after that?

THOMPSON: I entered the north door and immediately uh ran to the um west end of the store and then I went south because the suspect had gone to the very southwest corner of the store. Uh, as I initially entered the store, I, I lost sight of him because of the shelves, but as I went to the west uh side of the store, I picked up visual on him again and I continued south. As I was moving south, suspect initially had his back towards me and appeared to be uh reaching for something off a shelf. He turned around and I, I saw what he was holding.

FERGUSON: O.k. I'm going to back us up for just a second here. When you were still driving up to what ends up being the Zip Trip and were listening to the radio as well as looking at your CAD printout, was there any information from the complainant regarding the behavior of the suspect?

THOMPSON: The CAD read that the uh complainant reported uh she thought the suspect was high. Um, that there was, there was something aggressive in his mannerisms, but I do remember the CAD reading that the complainant characterized him as being high.

FERGUSON: So when you go in, you're still investigating a theft, possible robbery attempt and with the information that there was some behavior there that had at least startled the complainant?

THOMPSON: Yes.

FERGUSON: And, and maybe some information there that he was high?

THOMPSON: Yes.

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FERGUSON: O.k. following what you were doing with the diagram, you moved along the north wall and then moved south which would be along the west wall. You said that the suspect had his back to you. Could you tell me then which direction his face would have been facing?

THOMPSON: When he was facing away from me, uh, he was facing south and in that corner he also could have, you know, momentarily faced to the west, because its at the southwest corner. Um in that corner is a, one, are beverages, in the sizes of, when he turned around he was holding a 2 liter bottle.

FERGUSON: Let's go to when you first saw him when you came around the corner. What was he doing?

THOMPSON: His back was towards me and so he would have been facing to the south uh, uh again facing um the beverage display.

FERGUSON: You had earlier described him.....

THOMPSON: Now that, it, it, again I'm I want to clarify that when I first saw him and his back was towards me, its when I was still after um before closing the distance on the west side, I was still across the store from him. As I started to close distance is when he turned around.

FERGUSON: Was it at that time that he, you thought that he had something in his hand?

THOMPSON: As soon as he turned around, I, I clearly could see that he was holding a large filled 2 liter bottle with a dark liquid.

FERGUSON: I'm going to back up to the clothing description and specifically the jacket. When you first saw him entering the store, was there anything uh remarkable about the jacket in terms of length or size or type or style?

THOMPSON: I did note that uh it was a heavy black leather jacket and it was waist length, but it, it appeared to be the type of jacket, like a motorcycle jacket that is normally a durable thick leather jacket. The other consideration anytime I see a leather jacket and I'm going to have any contact, is the awareness that leather, that leather jackets uh, uh can afford a person a, a type of soft body armor. If the situation developed and uh an officer had to, had to use force, uh leather is going to protect the, the person wearing it. That's why its used as a motorcycle jacket. It, it also significant in that if there is a taser application uh during the training uh one of the things we were advised of that leather can be somewhat defeating of the electric current um of a tasing situation. So those are things that were in my mind as well as the fact that a coat also conceals what is underneath.

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FERGUSON: And at this point um you're investigating, you know, possible theft, maybe a robbery, but these were observations that you made when you saw him in the store. He's got the jacket on which I think you just described as possibly concealing weapons?

THOMPSON: The fact that he had a jacket on did, allowed if there were weapons, I wouldn't see them because he had something to cover them up.

FERGUSON: O.k. His back is to you and he turns around and he has a 2 liter bottle in his hands. Would you describe how he's holding that bottle?

THOMPSON: He held the bottle with both hands. He had a hand on each end of the bottle and he held the bottle parallel to the floor. In other words, in one hand he had the neck of the bottle grasped and in his other hand, he had the, the bottom of the bottle grasped. Holding it parallel in front of his chest at chest level, his arms were, were back towards his body. His elbows were down in what I would describe as a loaded position or where your muscles are tensed back um. It's the first thing I recognized and #1 is it was a very unusual way in which to hold a bottle. The second thing I recognized is that this person now has the capability of being in a position that can, where he can attack me. His muscles are now tensed. Um, he has positioned this bottle that he can...

FERGUSON: Go ahead it'll pick you up and I want you to be able to show us.

THOMPSON: Where he can either throw the bottle at me with a sudden thrust from both hands from his chest or he can hold it and I, and the distance I closed to was within 4 feet. Um, where he if he wanted to retain the grasp of the bottle he could use it as a blunt uh, essentially a club to try to hit me in the face uh with it uh. I know from just buying beverage bottles when they're full, you know, the weight is almost 4 pounds and it's, it's a, can be a significant blunt trauma weapon if it is used as such.

FERGUSON: Did you have anything in your hands at this time?

THOMPSON: I did. I had my baton in my right hand and....

FERGUSON: Why, why'd you have it in your hand instead of in the holder?

THOMPSON: When I entered the store, there were other considerations that I was making that I normally do from training and experience. Um, one is that I was going inside a store that created some confinement. I was going in a convenient store that had shelves with items I knew that there were canned items, there were glass items as well as all the other soft packaging. There were potential weapons within arms reach and going into that environment. I also realized that I had seen a clerk at the, at his kiosk, at the register as well as what I thought was several patrons on the south side

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of the counter. So there were other people inside as well. Um, I'd seen, I realized that the subject was wearing a leather coat. The, I needed to be prepared #1 on the circumstances in which I was confronting this person that uh I was prepared to defend myself if necessary and also to, to control and subdue. My intent was to um control this person and physically detain them in handcuffs um so we could continue our investigation as to uh whether there was evidence clear evidence of a crime and if he was armed. And I knew that I was alone and um that being said um I wanted to be prepared especially being alone that I had a less lethal weapon available in case I, either I was attacked or I felt that um, an attack was imminent.

FERGUSON: Have you been in situations before where you have uh been solo and confronting a person in suspicious situations?

THOMPSON: Yes.

FERGUSON: Have those contacts always been nonconfrontational?

THOMPSON: No.

FERGUSON: Have there been occasions where a contact has hardly been started when you needed to use some level of force be it verbal or something else?

THOMPSON: Yes.

FERGUSON: So would it then be your experience to be prepared for a confrontation regardless of your intention?

THOMPSON: Yes.

FERGUSON: So you have your side handle baton in your hand?

THOMPSON: Straight baton.

FERGUSON: I'm sorry and you'll probably have to correct me on that throughout. You had your straight baton in your right hand in what position?

THOMPSON: When I stopped and, as I said I believe I was about 4 feet from him, uh the baton would have been in a, in a cocked position, in other words holding it in my right hand, bringing the length of the baton back um parallel to my body standing. In other words, in a, in a loaded position or cocked position that if I do have to strike with the baton, it, it is ready to go and this is also aside from training, this is a ready position. Uh, part of the purpose here is also that when verbal commands are given in a heightened risk situation, that the, the subject receiving the uh commands, also understands your intent is to project force. You want them to know the urgency of your

commands. Um so its visual as well as being tactically prepared in case a strike has to be quickly delivered.

FERGUSON: What made this a heightened risk situation for you at this point?

THOMPSON: Circumstances of the call. The fact that the complainant was so alarmed that not only had they sought safety by leaving the ATM, um and continuing to maintain surveillance of this person. That's unusual in that when we hear someone continuing to follow uh something significant has occurred. Um, the fact that I was alone. There were no other officers present and the fact that I, from experience and training, uh have to be prepared if the person does have a weapon to safely respond and there were bystanders in the store.

FERGUSON: O.k., I think I understand from your description how you were holding the baton as well as how the individual was holding the bottle. Tell me what happens next?

THOMPSON: The individual holding the bottle was holding it uh in a very uh tense uh manner. In other words, he wasn't passively holding it. Um, because of the position of it at his chest, shoulder muscles were also tensed. Uh, we made immediate eye contact when he turned around. We were both staring at each other. When I came to a stop, I immediately told him, I ordered him, in a, in a forceful voice, drop it. He immediately replied, and during this short discourse, we both did not break eye contact. His eyes were wide. He was looking straight at me.

FERGUSON: And you were in full uniform?

THOMPSON: And I was in full uniform. I said the manner in which his first response was, he said "why?" It was a forceful response. Uh, it, he didn't break eye contact and my first impression was, here I am in full uniform. I'm displaying a baton in a manner that shows that I'm prepared to strike. I'm ordering him to drop the bottle which he's holding at chest level in both hands and I he, he tells me why. And I immediately I said "drop it now." I said it twice as loud and he said "no." It was again looking straight at me, clearly without any provocation, that was his response. In my mind at that point, in our proximity, my belief was that he was preparing to assault me. When he turned around and saw me entering, he, he did not immediately flee. He picked up an object and it was held in a manner that I realized was in a position that he could use it as a significant weapon against me.

FERGUSON: If you had to describe either the look on his face or his the way that he spoke, would you be able to do that?

THOMPSON: I think so. The look certainly was a look that did not display any fear. Uh, did not display any confusion. Uh because the eye contact there was no

breaking of eye contact. His eyes did not look down at the floor. He did not look around. He did not appear disoriented in that he was not looking around. His voice didn't waver. He wasn't uh, his, his lips were set, in that he wasn't licking his lips. Um, everything, his facial appearance was to me, was one that was deliberate, that was resolute and, and noncompliant, defiant. I think defiant would be an accurate term. That clearly he was not going to comply with, with my orders. And the way I issued these orders was not in the form of a request. Uh, it was clearly forceful and the second time immediately was twice as loud as the first. It was "drop it now." Uh, I was saying that in a manner to convince the urgency of what he was required to do immediately.

FERGUSON: What happened when he said no?

THOMPSON: I believe that he was preparing to um strike me and the recognition there is that normally there is about $\frac{3}{4}$ of a second reaction time. The person who decides to act first had the advantage whether uh in whatever offensive action they take. The normal reaction time is about $\frac{3}{4}$ of a second for the officer to react. Within that distance, I knew that he had the advantage and that he had a potential weapon that he could reach me either by swinging or throwing and if it were to hit me in the face, that um he would achieve a, a huge tactical advantage. Realizing that, I decided to strike his leg with my baton to preempt what I believed was about to happen. And uh recognizing also that the target I was swinging at was his upper left leg, which has a large muscle mass in the thigh. There is a nerve there that we're trained to try and hit to cause temporary disruption. My hope was to be able to buckle his leg and, and put him down on the ground there. There was some tactics or other options that I had already considered and going quickly through my mind. One is I had a taser, but I was already at a fairly close um distance and he had a leather jacket on. So I recognized that it is possible that if I use the taser first and if the probes hit the leather, the taser might not be effective. I had OC, but I was in a confined area and its not, does not work immediately and the other thing is it works, its, its nondiscriminatory, so it would work on me as well. So that, I eliminated that. Uh, I had deadly force available, but I did not perceive this as a deadly threat. Um, could have evolved to that, yeah, but the actions had not occurred at that point in my mind to make it a deadly threat.

FERGUSON: What was the strike meant to do?

THOMPSON: The strike was meant to uh try and uh incapacitate him uh to subdue him and to drop him down to the floor, where I could continue verbal instructions with him to lie on the floor, put his hands behind his back, where I would have uh maintained distance, a guarding position, uh and advising radio that I had one that I was guarding and maybe for a unit to step it up. In other words to get there quickly. As quickly as they could.

FERGUSON: Had you had a chance to get on the radio other than to check out?

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THOMPSON: No. Checking out and then telling radio that I saw him going into the Zip Trip is the last time I had a chance to get on the radio.

FERGUSON: O.k. You deliver one baton strike to the left thigh area?

THOMPSON: Yes.

FERGUSON: What happened?

THOMPSON: He immediately pivoted to his right. He didn't drop the bottle because I could see that he hadn't dropped the bottle and he was turning away from me. I grabbed the back, probably the collar of his jacket, which was the easiest thing to grab and, and pulled myself in closer and at this point he is already moving. He is pivoting to the right and moving. I delivered another strike to his right leg.

FERGUSON: We're going to go ahead and change the tape. It is 1434 hours. (tape ends.)

This is Detective Ferguson and we are back being recorded at approximately 1435 hours. Officer Thompson you are aware this is being recorded?

THOMPSON: Yes.

FERGUSON: And do I have your permission?

THOMPSON: Yes.

FERGUSON: Prior to turning over the tape, you were describing uh the subject reactions/actions to the grabbing of his jacket. Was there anything else that occurred just prior to that?

THOMPSON: Yes, one thing that I um, that I, I don't believe I had yet described in addition to the position he was holding the bottle in uh was the stance that he uh he held that was again, I believe I did say it was not a passive stance. It was a very resolute stance. Um, the left leg was slightly in front of his other leg which is again typical. His whole body suggested um that it was tensed and prepared to respond either by pushing uh, throwing or charging me. That, that's the interpretation that I recognized. The snapshot that I had from, from a lot of experience and training. The other thing was that as soon as I saw him from the distinctive impression also seeing the described uh description of the complainants vehicle and him being the only person in the lot that entered that store, it's clearly my intention to physically detain him uh when I made contact with him in the store, uh to continue the investigation.

At this point where after the first strike and he pivoted to his right, um, I closed the remaining distance to grab his collar. Again my point here was to get him subdued and on the ground as quickly as possible. Uh, I struck again with the right leg because I am still concerned at this point. He is holding the bottle even though the bottle is in one hand at this point. Um, he's holding it by the neck which still allows enough of a grip that he could swing that with a lot of force and uh hit me. Um,

FERGUSON: Are you saying anything to him....

THOMPSON: I, I'm

FERGUSON: at this point?

THOMPSON: yelling at him to drop it, drop it. I'm, it's, once this, once I had engaged and I struck him, I started yelling uh orders that, you know, drop it, um, stop fighting, get down, uh continually ordering him to cease and, and to obey what I directed him to do.

FERGUSON: Are you getting any verbal response from him?

THOMPSON: He after, on the second strike and I'm again yelling at him drop it, he says no, one more time. That's the last time that I remember hearing him tell me anything. Beyond that there were a lot of growls and, and, and roars, and, and screams and um the majority being just guttural loud growls and roars of somebody who is typifying a high level of commitment to, to resisting or attacking.

FERGUSON: After the second strike and you still have a hold of his jacket, what takes place then?

THOMPSON: We start thrashing off both shelves in the aisle. Um, we're moving towards the uh center of the store, towards the customer kiosk and we are spinning, thrashing, um, slamming my back into shelves. Items are falling off the uh shelves. I'm yelling commands. Um, he's, still got, as we're traveling toward the end of the aisle, it's not until he gets to the end of the aisle, that he drops the bottle. So I am still striking him with the baton using one hand, holding him with another, holding the back of his jacket as we're now spinning. At a point here, and again I'm not clear as to, to the sequence, but at one point in this first aisle, while he is on his feet, his fists are clenched and he starts boxing me. And he starts swinging both of his fists and I do feel blows on my, on my upper chest area. While he's doing this, I'm responding by, again striking with the baton, but at this time, my strikes are coming up and hitting on the shoulder, on the torso and he's still got, he still wearing his leather jacket. I'm hitting him wherever I can except the head. Clearly being aware to try and do everything to avoid that area. Because um my training we recognize that uh if, if the intent is to strike the head, that is only in the event of you're now using deadly force. So....

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FERGUSON: And you were not at a deadly force situation

THOMPSON: No.

FERGUSON: in your mind at this time?

THOMPSON: I had not reached that level, no.

FERGUSON: For clarification purposes, you are not sure exactly when that, that first uh punching event happened, but its safe for us to say that he didn't have the bottle in his hand at that time?

THOMPSON: That is correct.

FERGUSON: It is, it is still, in your, in that first aisle near the south door?

THOMPSON: That, that's correct. And what you just reminded me of would, would uh clarify that it would have had to have been after he went down and after he got back up on his feet. So thank you for that clarification. When we get to the end of that aisle, and, and again the distance of this aisle, I'm guessing maybe 20, 25 feet, um, I am able to get him, to knock him down. He goes down on his back and I go down on top of him. He clearly at that point is swinging both his fists at me. I remember pulling back away to get some distance to get away from his punches and I was on my feet and I also realized that I had just moments if I was going to be able to tase him. Uh and his jacket was not zipped so in that position, uh the leather jacket was not covering his torso. I drew my taser and probably from about 3 feet. I fired into his taser with my left hand with my taser. Uh, I heard the taser activate and uh looking at him, he's still swinging his fists. I hear growling. Um, I'm not seeing the normal reaction I get when, when I've had to use the taser. In other words, I'm not seeing that uh freezing of the body where the muscles are locked up by the electric charge. He's still moving. Because he's still moving, he's roll, he rolls and gets to his feet and I don't remember again at that point if I just dropped the taser realizing that he may have broken a wire, dislodged a probe, but it's clearly not effective at this point. And the taser um, I don't remember if I reholstered or just dropped it, but I still had the baton in my right hand.

FERGUSON: Did you see any of the probes enter him?

THOMPSON: I saw, I believe I saw one probe because, I mean I just had that microsecond to scan for that particular thing and I thought I saw one in his torso. I couldn't tell you where the other one was.

FERGUSON: I'm going to back you up for just a second. I, I know you were, you were active down the hallway, for lack of a better word, do you know how he ended up on the ground?

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THOMPSON: Yeah, I knocked and/or pushed him to the ground, because with his momentum going forward whether it was a combination of him losing balance and, and, and my, my continued effort was to get him down, which is why I also, had a grip on his jacket. Was uh everything I was doing was to try and get him down on the ground.

FERGUSON: And he ended up on his back.

THOMPSON: Yes.

FERGUSON: Is that correct?

THOMPSON: Yes.

FERGUSON: And I think you said that you were on top of him?

THOMPSON: Yes.

FERGUSON: Were you sitting on him?

THOMPSON: No.

FERGUSON: Straddling him?

THOMPSON: At this first time, I went, I, I, I didn't have a straddle position because I wasn't stationary. This happened very quickly. When I went down and he was swinging, I immediately came back away from him.

FERGUSON: Why?

THOMPSON: To escape getting hit in the face with his fists.

FERGUSON: Was he connecting with any of the punches?

THOMPSON: I don't think he was hitting me in the face, but I was close enough that easily he could have been body punching me.

FERGUSON: And if I understand correctly, when you move back and stood up...
Is that right?

THOMPSON: Yes.

FERGUSON: And considered your options?

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THOMPSON: Yes. And, and, and again I do remember yelling at him "stop resisting, stop fighting" because now he was on the ground. He didn't have the bottle in his hand and my intent here is for him to comply um so he could be handcuffed and uh there was never any uh compliance.

FERGUSON: Did he continue to move?

THOMPSON: Yes. He, he, there, there was a period maybe of several seconds when he was lying on the ground. I had moved out of his fist range that he was stationery. That was the opportunity I used to shoot the taser. When I hit him with the taser, he was moving, he was uh, um, moving on the ground, he was uh, you know, moving his fists,. His fists were moving. Again, I'm expecting to see maybe him go into a fetal position um or or just kind of a frozen position based on my fire, use of this, this weapon and that didn't happen.

FERGUSON: In the past, have you ever seen a taser be ineffective with the probes, the taser with the probes.

THOMPSON: Not with me personally, but I am aware of other officers who have had some exceptions. Uh,

FERGUSON: But you have not?

THOMPSON: No, I, I've been fortunate whenever I've had to use it uh with the probes, it's been effective.

FERGUSON: What was your expectation when you discharged the taser?

THOMPSON: I thought that the fight was over as soon as I, I fired the tasers into him. I thought this is what, the point I needed to get to, to tase him. It, it, it'd be over now. I can control him physically with the taser.

FERGUSON: And what happened?

THOMPSON: It didn't work. He kept moving and uh he started getting up.

FERGUSON: Do you still have your baton in your hand?

THOMPSON: Yes.

FERGUSON: What happened as he started to get up?

THOMPSON: I started striking him again and I also know that I didn't have the taser in my hand and when he started to get up, this would have been as I'm, and, and

he's moving away from me, as I'm closing distance, he turns around and this would have been where he uh, was standing, started swinging at me. As I approached to get close enough again to try and push him or knock him down to the floor, he's standing, standing there boxing with both fists, throwing punches.

FERGUSON: And this would have been the second time that he was throwing punches?

THOMPSON: Yes. That would have been the second time. And it was in this, I clearly remember it was in this first aisle way.

FERGUSON: Did he actually hit you?

THOMPSON: Yep, he hit me. He hit me because uh, again I was trying to get a grasp on him to be able to spin him or force him down as I'm striking him with the baton. And at this point uh, you know, I would have been striking his torso and, and any uh legs or torso or arms as an available target. Realizing that again the strikes while he's got that leather jacket on are not going to be all that effective. Because I'm swinging, I'm not using jabs which would have then required 2 hands. Uh, I was using 1 hand swings.

FERGUSON: How did you end up moving back down and/or around to the center aisle?

THOMPSON: We wound up on the next aisle uh to the north. What I don't clearly remember is, is the direction we took to get around to that next aisle. I just don't, I don't remember. I do know that I, I grabbed a hair hold, which is how I was able to stay with him as he's writhing, you know, spinning, and swinging and, and again we're banging into the shelves and I'm still yelling at him and striking him trying to get his legs to buckle. We wind up in the next aisle. He goes down. I knock him down, push him down. He loses his balance and using me, any advantage that I can to get him back on the floor. He goes back down on his back and his head now is oriented somewhat toward that Division St. door, entrance/exit. At this point, I realize that uh I've weakened, the suspect and I have both been going at it full bore and to me it seemed like about a minute and I realize that I've expended a lot of energy and I'm starting to get tired. I get um on top of him and, and essentially I'm straddling him and I, I sit on him. Actually I'm on my knees initially, but I'm also trying to use my weight and still be in a position that I can, I've got some flexibility to move. I'm using my body weight to try and hold him down. Um, I grabbed his right wrist and try and move it. He's got both fists clenched up, his fists are still clenched. They're in front of his chest and I cannot move his, his hand off his chest.

FERGUSON: How are you trying to do that?

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THOMPSON: I only had 1 hand. I was using my left hand to try and pull his arm down. To see if I could start as I'm still commanding him to start getting it down for a handcuffing position. Uh, I couldn't. He, his hand returned. At this point he's not, he's no longer flailing at me or striking or punching at me. There's a couple of seconds there where I was able to get on my shoulder mic. I put out a code 6. That was the first time I was able to get on the radio during, from the time the fight started. Um, I knew that Braun would be the closest unit and hopefully very quickly he would get there and, and he did arrive quickly.

FERGUSON: Why, excuse me, why did you only have 1 hand available to try and straighten out his arm?

THOMPSON: Because I still had my right hand on my baton.

FERGUSON: So you are sitting on him with your full weight?

THOMPSON: Yes.

FERGUSON: And what is, what is your intention at this point?

THOMPSON: Keep him on the ground. Keep him on the ground.

FERGUSON: Had you abandoned trying to handcuff him at this point?

THOMPSON: When I realized that I couldn't pull his hand off of his chest and that he was not going to respond to verbal commands, then I knew that I, alone, was not going to be able to handcuff him.

FERGUSON: Did you see Officer Braun come in?

THOMPSON: I did.

FERGUSON: Do you know which direction he came from?

THOMPSON: Yes. He came in through the uh, uh would be the west door which faces Division St. and as he was coming through the front door he would have been able to see us in that aisle, that, that faces the door. Uh, he came in and I told him, 'cause I saw he had his baton with him. Again, when I have the suspect down, the suspect, you know, I had that momentary uh quiet time to get on the radio, he still was kicking and trying to roll out from underneath me. And when Braun came in, first thing he tried to do was grab his, the suspect's left hand, pull it back for handcuffing, well he couldn't get his hand off of his chest either. And, and he had just come into the fight. And Steve Braun, I, I trained with him. Um, in TAC and I know he has considerable strength, so I told him "use your baton, start hitting him." He started making power jabs

in the suspects, would have been his shoulder area, uh back area, side area, on the left hand side. He tried. He did a number of those. I don't know how many, but then he tried the hand again. Uh there's still no compliance. I told him "use your taser."

FERGUSON: Tell me what you were thinking at that time?

THOMPSON: Well, we've got to do something to be able to handcuff this person. We still don't know if he has any weapons. I haven't searched him. Um, we, we have to absolutely get him handcuffed. That is the next step. Steve stood up, drew his taser and I could see the muzzle, he was trying to track the suspect because again the suspect is kicking, he is writhing on the floor. Um, trying to spin out from underneath me and Steve's trying not to hit me with the taser because he's going to fire the probes. He fires, he hits. I hear the taser activated, but the suspect, there's, there's absolutely no effect on the suspect. Where his probes hit, I don't know. I saw him strip the cartridge and as soon as he did that, I know he's preparing to do a drive stun and he comes down and I said "Hit him in the neck with it." And I do see him put it in, in the suspect's, would have been on the left side of his neck and I hear the suspect roar. Uh, but again he's, he's not, he's continuing to resist. Nothing has changed. At this point, I tell Steve. Excuse me, I think before we went to the tasing, after the baton strikes by Steve, I, I told Steve see if you can get a choke on him. See if you can get a carotid on him. And he tried, but he couldn't. With the position uh and, and with us again moving. Then I believe he went to the taser and after that was unsuccessful, um, I was again still astride of the suspect. And I told Steve I said "get your knees on him. Just, just get him pinned." Uh, I got back on the radio. I said we need another unit inside and I said the best thing we can do is, is to, just, just keep our body weight, keep him pinned on the floor until we get some assistance here.

FERGUSON: Did you tell Officer Braun where to drive stun him?

THOMPSON: Yes, I said hit him in the neck.

FERGUSON: How come?

THOMPSON: For me, personally, that's been an area, the drive stun is, is for pain, is a pain compliance technique. It's not going to incapacitate the person. Um, I've had success in that area. He may have tried a couple of areas before that, but I know that he did and I said that and, and he did apply it to his neck.

FERGUSON: Do you know if he applied it anywhere else?

THOMPSON: He may have, but um, not being the person that's directing it and trying to also focus on the suspect, I don't, I think he may have tried the torso or maybe underneath the arm, but I'm not, I'm not real clear. As I, I wasn't focusing on his part. I just wanted to make sure I was trying to control the hand that I had.

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FERGUSON: Did you maintain control of it until other officers arrived.

THOMPSON: Yeah, I was hanging onto his left hand. Once, once Steve, we just went to the pinning mode, Steve again grabbed the suspect's, it would have been his left hand, because I had his right hand and we both just held his wrists until units came in there and uh joined in.

FERGUSON: Did you make any observations about Officer Braun prior to help arriving?

THOMPSON: Officer Braun is a, is a very strong young officer. Again, we've trained together in TAC. Uh, he's very competent. Uh, uh as far as physical control. Um, competent in that he's efficient and uh I was very happy that he was my immediate backup. I knew he was capable and competent.

FERGUSON: How about physiologically?

THOMPSON: He's, he's a large officer and I think he probably weighs about 250 and again I know just from training with him that he has a lot of upper body strength. He is a very strong person.

FERGUSON: By the time you guys were, were pinning, uh the suspect, did you know, did you make any observations about Officer Braun?

THOMPSON: Well, I could see that, that, that he was using a lot of energy too. I mean uh, he had delivered forceful uh power jabs with the baton. He had tried to pull the suspect's left hand away for handcuffing and couldn't. Uh, he was, it appeared to me he was doing everything within his power to try and physically control this person and we were still having the same results. That person was still resisting and we were not able to get his hands away from, barely pull them away from his chest, but we could not get them any further than that.

FERGUSON: When other officers arrived, what happened?

THOMPSON: There must have been at least 3 to 4 officers come through the west door at the same time. I know Torok was there, I think Uberuaga was there. I saw McIntyre coming through. I think Raleigh may have been one of them. When they came in, all I could see were arms coming down. They could see that we were in a, in a static position of just trying to keep this man pinned.

FERGUSON: What did you do?

THOMPSON: I stayed. I kept my weight on until I was told to start moving, start moving back. Um, because I saw arms grabbing the suspect's arms and start forcefully

pulling them back, pulling the suspect's arms off his chest and they started rolling him, which meant I had to get off of him. And when they rolled him over, I was still in a position where um, um, someone handed handcuffs and I put the first cuff on his right wrist and then handed the other cuff to another officer because I couldn't even see his left arm. There were at least 4 officers uh towering over me and again all I could see were arms and blue uniforms. I couldn't even tell you who was where. Once I knew that second cuff was on, then I, I kind of pushed myself away uh from the suspect and from them and got up and realized that the fight was over at this point and went outside to catch my breath.

FERGUSON: How were you feeling?

THOMPSON: Exhausted.

FERGUSON: Was there a point prior to other officers arriving when being surprised aside by some of the reactions to some the deployments you were using, was there a time when you were concerned for your own welfare? Other than the initial uh...

THOMPSON: Yes. Yes.

FERGUSON: incident with the pop bottle.

THOMPSON: I knew, I knew it was starting to expend my energy and my stamina, and, and uh strength that I was becoming uh at a serious disadvantage. That all it would take, if the suspect started grabbing for my weapon, then now I probably had half the strength than before entering the fight. That anytime we engage physically with a suspect, we always have a gun that can become a target for them that they can try and fight us over. Uh which in, in the blink of an eye can become a deadly force situation. So yes, I, I was becoming concerned and I was also running out of options. And uh that certainly heightened uh my sense of concern.

FERGUSON: What's the difference between a code 6 and a 99?

THOMPSON: Technically the code 6 would uh would be a step under a 99 which is the ultimate help call. Officer needs help, officer needs assistance. However, in practice more officers tend, the code 6 has almost replaced the 99. Um, and all officers will gage their response. They'll all respond to, make a minimal response, but many, many of us will recognize that when, when a code 6 is in effect, is the same as a 99 response but inflection of the officer, by who the officer is, what their experience is, what their competence is and the circumstances.

FERGUSON: In terminology that's been around for a long time in the police department, in this situation, is the code 6 a 99?

THOMPSON: Oh yes. This was a, this was, I should have put out a 99 on this uh, not that it would have changed the response because my fellow officers responded. We're a close team and they know me well and I have no doubt they responded uh knowing that, that this probably was a 99 and it, and it, in fact, was every bit of an extreme officer needs help.

FERGUSON: Once you were extracted from being physically involved with the suspect, I think you said you went outside to get some air? (tape ended) This is Detective Ferguson. I had to turn the tape over and we are back being recorded. Officer Thompson are you aware of that?

THOMPSON: Yes.

FERGUSON: It is noted we were off the recording for about 5 seconds. Go ahead.

THOMPSON: I went to my car which was still parked in front of the gas pumps with the driver's door on and headlights on. The engine may have been running. Um, I moved my car out of the gas pump area, closer to the White Elephant in that lot. Um, also used that opportunity to uh, uh drink some water and kind of hydrate. Uh, I washed my mouth out and uh again took advantage of the night air to do some, some breathing, deep breathing and, and try to get my pulse down. I realized I was experiencing the effects of a major adrenaline dump. I could feel that in my body. Um, and then, then I re-entered the store.

FERGUSON: When were, er, strike that. Where did you find your straight baton?

THOMPSON: Before, excuse me, at some point, I don't remember if its before I walked out the first time, at any rate, I do remember walking around the aisles, seems like 3 times, looking on the floor, looking for my baton. I thought I had discarded my baton and I wanted to recover it because I knew that uh #1 it's a piece of important equipment. Well, I couldn't find it. And I started asking. I said every keep an eye out for my baton on the floor. And then someone pointed out that it was in my baton ring on my belt. So I had not remembered at some point I had reholstered my baton and I had it on.

FERGUSON: When you came back in and were looking at different things, uh reference, especially looking for your baton, what were the other officers doing?

THOMPSON: When I came back in, the suspect had been leg restrained and he was still uh, he was yelling, uh he was I could see his hands and his legs, he was still, he was resisting extremely forcefully. And I heard one officer say "he is stretching the leg restraints." And uh, he was, I heard this guttural growling and the medics, as soon

as he was handcuffed, I, I and at least one other officer said "get medics, get on the air, get medics. We've done a taser application, impact weapons have been involved." So soon as he was handcuffed, someone got on the air and requested medics. And they did arrive and uh I went in and out of the store several times. But when medics did arrive, I know that they uh withdrew the probes because I saw that there were probes on the floor. Um, the medics gathered their equipment and left the store and I remember hearing an officer say "he's not breathing." I walked over by his head and bent over and um someone, one of the other officers moved the subject on his side and I could see that the, the discoloration in the face was a dark purple. Uh, another officer uh said. I said and I think someone else said as well "get the leg restraints off of him." And uh an officer actually cut the leg restraints. Another officer went out into the parking lot, retrieved the medics before they left, got them back inside and then started the resuscitation attempt.

FERGUSON: When you looked at the suspect when someone told you that he wasn't breathing, um and with the experiences you've had and the training you had, did anything, was anything suggested to you in terms of what had happened....

THOMPSON: Yes.

FERGUSON: with him?

THOMPSON: Based on the extreme physical resistance and uh efforts and the body size of the suspect was he was, he was stocky in his build. Um, he had just undergone the same effort as I think I had only more so in his physical exhaustion uh in fighting and resisting and we've been trained to recognize the potential for what's called uh manic exhaustive syndrome. That especially if drugs are on board. It's also been my experience that this is applied as well to people who are experiencing a psychotic episode. Who, their body uh through whether it's through paranoia or delusions or hallucinations, uh their body undergoes such physical duress. Uh, in this case it was resisting and fighting and especially after he was handcuffed. Um, that it puts a body into shock and uh maybe cardiac arrest or you know, something stops the person's heart. Uh, I mean I had seen, I had seen at least one situation 20 years before the title even came out of what this phenomena is that to be aware of. So yeah, several of us looked at it and said looks like the effects of Manic Exhaustive Syndrome here.

FERGUSON: With the training that you've had, especially withy the advanced training dealing with uh mentally incapacitated people, I think you had mentioned that in the beginning....?

THOMPSON: Yeah.

FERGUSON: Uh, was there anything throughout this incident uh that suggested uh an incapacitation on the part of the suspect?

THOMPSON: No, nothing I saw nothing that I've ever picked up on during leading up to and during the confrontation, uh gave me any indication that there was any incapacitation there. As I said before, at the point we locked eyes, um, there was, there was no appearance of confusion. There was, he was, gave me the impression of being resolute, forceful, both in his reply and in his actions and uh, I saw, I had nothing ever to suggest um until he was handcuffed and leg restrained, when he continued acting that violently, I mean I've seen people who are not on drugs and they're not mental and they're so angry that they'll still fight to that degree, but uh, with the complainant's description of, of this behavior that she made the comment that she thought he was high, I had none of those, no indicators to go on, that there was an incapacitation there. Had I done that, I have the training to adjust accordingly and I still would have to control the person. Still have to subdue the person. Uh it wouldn't have changed the tactics, the physical tactics, because you still have to do what you have to do and that means physical control in some form. Um, but I never saw any of that. It just wasn't there for me.

FERGUSON: When you first saw him, what, to the best of your recollection um, how tall is this guy, guess amount of weight....?

THOMPSON: What I remember is that he was taller than me, I'm 5'9", um that he was quite a bit heavier than me? Um, that's my perception, that's my recollection. Um, and in going in there, I, it looked to me like he was going to have a considerable weight advantage over me.

FERGUSON: If he had not had something in his hand and still did not comply with your initial verbal commands, which of course addressed that, would you have used your side, excuse me, straight baton?

THOMPSON: No. The appearance and the way he was holding, the appearance of that bottle and how he held the bottle was the very reason that suggested to me that he is in a position and then gauging his responses from the 2 commands, that's how I came to that conclusion. I expected to be attacked. If he hadn't had that in his hands, I could see his hands, it's not the same scenario. I would continue my dialog and continue to react to his actions, but I wouldn't have hit him with the stick. The single reason I hit him with the stick is I could very, I thought I was about to be attacked and I was going to preempt that and try to gain some tactical advantage because I had several disadvantages. The size difference was one. Action vs. reaction and when I made my decision to engage, that gives me that reaction time advantage. That's the one advantage I have at that point. Realizing I'm not going to shoot this person.

FERGUSON: Why not?

STATEMENT OF: Karl F. Thompson

RPT:

06-79962

THOMPSON: Because I'm not receiving, I'm not seeing a deadly threat and I'm expected and, and being trained and the expectation is that you're going to have to physically control people using levels of force that are appropriate. So even though I have a deadly weapon, I can't use it. Now at some point, again the taser, may have come into play had he started walking away and he had nothing in his hand, but then I'm held to same level, if I deploy the barbs, he has to be assaultive or combative. If he were to walk away with, from me, I can't arbitrarily shoot him with the taser. Not having a weapon in his hand.

FERGUSON: Did this incident ever arise to the point where deadly force crossed your mind?

THOMPSON: Had he grabbed for my holster in the condition, uh at the last when I had him pinned and where I was starting to feel exhausted. Had he grabbed, had he tried to get my gun, that clearly would have been a deadly force issue to me. That would have been an unequivocal, clear deadly threat if he had grabbed my gun.

FERGUSON: But he did not.

THOMPSON: He did not.

FERGUSON: Therefore, you did not.

THOMPSON: That is correct.

FERGUSON: Were you injured?

THOMPSON: My right elbow uh was, was hurting at the end of this. Um, I don't, I didn't see, you know, aside from a scuff on my knuckle and I had some scuffs on my knees, uh I didn't have any serious or treatable injuries.

FERGUSON: Those were photographed, were they not?

THOMPSON: Yes.

FERGUSON: Detective Francis, do you have any questions?

FRANCIS: Uh, no I don't. I think we've covered it.

THOMPSON: Oh, and I did, I think I did have a contusion or abrasion over my right uh eye or cheek that's also photographed.

FERGUSON: I think Cpl. Johnson may have done that....

THOMPSON: Yes.

STATEMENT OF: Karl F. Thompson

RPT:

06-79962

FERGUSON: or we got it when you were back here?

THOMPSON: Yes, yes he did.

FERGUSON: For the time we are going to stop the recording and it will be re-engaged to end the interview. It is 1520 hours.

O.k. this is Detective Ferguson. We are back on the record. It is 1522 hours. A couple of areas I wanted to go over with you again Officer Thompson. When the suspect was down the first time near the south door and he had punched you, at which point you were able to move yourself back and stood up, why did you continue to engage?

THOMPSON: I still had other bystanders in the store. I, I hadn't searched him to know if he had other, had weapons concealed and we still had to detain this person because there, the very basis of the contact was that the belief that a crime may have occurred.

FERGUSON: Had a crime occurred independent of the original complaint to this point?

THOMPSON: My only knowledge it was, it was connected to the complaint. That was, that was my only reason for contact was based on the caller's information.

FERGUSON: Had there been anything else that had occurred since you made contact with this gentleman?

THOMPSON: Oh yeah, yeah, once I engaged and he refused lawful commands, uh and then he, he during uh my attempt to subdue him, he assaulted me. Uh, at that point certainly. We uh, uh we had at the very least felony assault on an officer. The other considerations were as to why I continued to engage was that tactically even if I were to allow him to run out of the store, the, my obligation is at the very least, uh to, to pursue and maintain sight of him. However, that, a foot pursuit is, is a, goes without any guarantees. It requires, it's hazardous in the least. You have 2 major arterials bordering the location of the store which means you're running into traffic and I'm, I'm still required at some point, we have to subdue, control and detain this person. So I felt tactically that my best chances were to stay with him, maintain that close contact, keep, I'd been able to get him down once. My efforts were to get him down again which is what resulted and not let him get out of that store. Uh, at least I had some degree of confinement that also worked for me. Um, um as well as in some cases against me by banging against the shelves.

FERGUSON: When the other officers arrived after you and Officer Braun had him pinned, I think was your word, uh for detainment purposes. Did you tell them anything?

THOMPSON: I said make sure you check him for weapons. We have not searched him for weapons. I'm like, I still had a real concern that there might be an edged weapon which is so common, whether it's a pocket knife or or anything that will cut or stab. Uh, not to mention any other types of firearms, but I wanted to make sure they understood clearly, we have not searched him. There may still be some dangers there.

FERGUSON: Officer Thompson, are there any points that I failed to address. Is there any additional information you would like reference this interview?

THOMPSON: I believe we've been very thorough in covering it, certainly to the best of my, my memory and explaining, you know, my mind set uh and what I was seeing and responding to so I think it's been very thorough.

FERGUSON: And you will have the opportunity to review the transcript.

THOMPSON: Thank you.

FERGUSON: This interview is then terminated at 1527 hours on 3/22/06.

DETECTIVE T. FERGUSON #153
MAJOR CRIMES UNIT
BB 3/23/06

Reviewed by:
Karl Thompson 3-27-06