

SAN DIEGO REGIONAL ADDITIONAL VICTIMS AND/OR WITNESSES

INCIDENT NUMBER 17080009139	
PAGE 1 of 1	CASE NUMBER 17030266

VICTIM / WITNESS										
W		W TYPE 06	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION) [REDACTED]							
RESIDENCE ADDRESS [REDACTED]			CITY [REDACTED]			STATE [REDACTED]		ZIP [REDACTED]		
RACE	SEX	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM	RELATION TO	SUSPECT	V/W ASSIST
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CONTACT CELL PHONE [REDACTED]										
CONTACT HOME EMAIL [REDACTED]										
STATUS	EMPLOYER (RANK IF MILITARY)			BUSINESS ADDRESS			CITY	STATE	ZIP	
[REDACTED]	[REDACTED]			[REDACTED]			[REDACTED]	[REDACTED]	[REDACTED]	
ADDITIONAL INFORMATION										

VICTIM / WITNESS										
W		W TYPE 06	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION) [REDACTED]							
RESIDENCE ADDRESS [REDACTED]			CITY [REDACTED]			STATE [REDACTED]		ZIP [REDACTED]		
RACE	SEX	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM	RELATION TO	SUSPECT	V/W ASSIST
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CONTACT CELL PHONE [REDACTED]										
ID DL [REDACTED]										
STATUS	EMPLOYER (RANK IF MILITARY)			BUSINESS ADDRESS			CITY	STATE	ZIP	
[REDACTED]	[REDACTED]			[REDACTED]			[REDACTED]	[REDACTED]	[REDACTED]	
ADDITIONAL INFORMATION										

REPORTING OFFICER [REDACTED]	I.D. # [REDACTED]	DIVISION E1	AGENCY SDPD	DATE OF REPORT 8/6/2017	TIME 15:17
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SAN DIEGO REGIONAL OFFICER'S REPORT

CONTINUED FROM CRIME			INCIDENT NUMBER 17080009139
CODE SECTION AND DESCRIPTION PC / 69:F / OBSTRUCT/RESIST EXECUTIVE OFFICER	DATE 08/06/2017	PAGE 1 of 2	CASE NUMBER 17030266
LOCATION OF INCIDENT (OR ADDRESS) 6445 LAKE BADIN AV	DAY OF WEEK Sunday	TIME 07:00	
PERSON(S) INVOLVED: VICTIM Romberger, Timothy	CITY SAN DIEGO	BEAT 324	
SUSPECT (IF NAMED) [REDACTED]			
Body Camera: Body Camera Evidence Collected			

Officer Statements:

On 08/06/2017 at approximately 0718 hours I responded to a an urgent cover call put out by Officer T. Romberger #6394, at the San Carlos Rec Center. Officer Romberger and Officer [REDACTED] were dispatched to a call regarding an intoxicated female accompanied by two intoxicated males. The reporting party called police and believed the three may be under age.

Upon my arrival I was in full police uniform driving a marked patrol vehicle and made contact with Officer [REDACTED]. Officer [REDACTED] had [REDACTED] detained in handcuffs and attempting to have him sit on the curb. [REDACTED] was extremely uncooperative and slurring his speech as he spoke. As I went over to assist Officer [REDACTED] I could immediately smell the odor of an alcoholic beverage emitting from his person. [REDACTED] was eventually placed under arrest for being drunk in public and delaying/obstructing a police officer. (See arrest report from Officer [REDACTED])

As I assisted in placing [REDACTED] in the rear of a patrol vehicle, I also noticed [REDACTED] had trouble walking on his own. His steps were choppy, over exaggerated, and could not walk in a straight path without assistance. (All symptoms consistent with excess alcohol consumption)

Prior to leaving, I walked over to the entrance of the rec center and took witness statements form two independent witnesses who were present during the altercation.

Statement of [REDACTED] (Witness):

[REDACTED] essentially told me the following: He observed two unknown males and one female out behind the rec center obviously intoxicated. [REDACTED] stated there had alcoholic beverages around them and were being loud and obnoxious. [REDACTED] and a second witness, [REDACTED] told the group they had to leave. [REDACTED] said a short time later, police showed up and watched the two males start to argue and became combative with the officer. [REDACTED] watched as the female attempted to stand up on her own and was so intoxicated fell back and hit her head. [REDACTED] stated there was no one around the female and she fell over and hit her head on her own. [REDACTED] watched as both males continued to fight with the officer and could hear the officer giving the males lawful commands. [REDACTED] said he told the officer he would stay there if he needed any help. [REDACTED] told me it was obvious we were the police and the males still disregarded what the officer was saying and were willfully trying to get away.

Statement of [REDACTED] (Witness):

Statement of [REDACTED] He was in the back and watched as the two males and one female were extremely drunk and had alcohol cans all around them. [REDACTED] watched as the officers tried to detain the

REPORTING OFFICER [REDACTED]	I.D. # [REDACTED]	DIVISION E1	AGENCY SDPD	DATE OF REPORT 8/6/2017	TIME 10:04
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CONTINUED FROM
CRIME

SAN DIEGO REGIONAL OFFICER'S REPORT

INCIDENT NUMBER 17080009139
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CASE NUMBER 17030266

males and the males began to resist. When asked how they were resisting, [REDACTED] stated one male puffed up his chest and the other male would not sit down when told to do so. [REDACTED] also told Officer Romberger he would assist if needed until his back up arrived.

Approved by: A/Sgt. [REDACTED]

REPORTING OFFICER [REDACTED]	I.D. # [REDACTED]	DIVISION E1	AGENCY SDPD	DATE OF REPORT 8/6/2017	TIME 10:04
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Booking Number: [REDACTED]

SAN DIEGO REGIONAL ARREST/JUVENILE CONTACT REPORT

REPORT TYPE ARREST		INCIDENT NUMBER 17080009139		
WARRANT LOCAL	AGENCY SDPD			
RELATED REPORTS (TYPE & NUMBER)				

ARRESTEE INFORMATION

CHARGE(S) PC 148(A)(1) OBSTRUCT/RESIST/ETC PUBLIC/PEACE OFFICER/EMERGENCY MED TECH									
CHARGE(S) PC 979:M BENCH WARRENT/FAILURE TO APPEAR ON MISDEMEANOR CHARGE									
CHARGE(S) PC 647(F)DK DISORDERLY CONDUCT: ALCOHOL									
PERSON ARRESTED (L, F M Suffix)					NICKNAME			ADULT RELEASES	
RACE	SEX	AGE	DOB	PLACE OF BIRTH	HEIGHT	WEIGHT	BUILD	HAIR	EYES
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
ALIAS/MAIDEN NAME (L, F M Suffix)									
ARRESTEE'S ADDRESS					CITY	STATE	ZIP		
[REDACTED]					[REDACTED]	[REDACTED]	[REDACTED]		
EMPLOYER/SCHOOL	MILITARY	OCCUPATION/RANK	BUS/MILITARY ADDRESS		CITY	STATE	ZIP		
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]		
EMERGENCY CONTACT/NEXT OF KIN(L, F M)					EMERGENCY ADDRESS	CITY	STATE	ZIP	
[REDACTED]					[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
IS SUBJECT A SUSPECTED USER OF NARCOTICS/DRUGS?				INTERPRETER REQUIRED	LANGUAGE	SUSPECT'S RELATION TO VICTIM(S)			
[REDACTED]				[REDACTED]	[REDACTED]	[REDACTED]			

ARREST / OFFENSE

LOCATION OF ARREST 6445 LAKE BADIN AV			CITY SAN DIEGO	BEAT 324
LOCATION OF OFFENSE 6445 LAKE BADIN AV			CITY SAN DIEGO	BEAT 324
OFFENSE DATE 08/06/2017	OFFENSE TIME 07:14	CITIZEN ARREST	ARRESTING OFFICER	I.D.
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?				STATEMENT
HAVING IN MIND AND UNDERSTANDING YOUR RIGHTS AS I HAVE TOLD YOU, ARE YOU WILLING TO TALK WITH US?				[REDACTED]

ARRESTEE DESCRIPTION

HAIR LENGTH/TYPE	HAIR STYLE	FACIAL HAIR	COMPLEXION	SPEECH	VOICE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
ID					
[REDACTED]					
FURTHER SUSPECT DESCRIPTION (I.E., GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, MANNERISMS, ETC.)					UNDOCUMENTED PERSON
[REDACTED]					
CLOTHING DESCRIPTION					
Black jeans, black tennis shoes, green/yellow/blue patterned button up short sleeve shirt.					

EVIDENCE

Body Camera Body Camera Evidence Collected	
PROPERTY TAG NOS. PHOTOS PHOTOS ON A CD 10781330	DISPOSITION OF EVIDENCE IMPOUNDED

COMPANION DATA

COMPANION'S NAME (L, F M Suffix)			
[REDACTED]			
RACE	SEX	DOB	ARRESTED
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

REPORTING OFFICER	I.D. #	DIVISION	AGENCY	DATE OF REPORT	TIME
[REDACTED]	[REDACTED]	E1	SDPD	8/6/2017	09:03

(Revised 09/2013 Electronic)

Booking Number: [REDACTED]

CONTINUED FROM
ARREST

SAN DIEGO REGIONAL
ARREST/JUVENILE CONTACT REPORT

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INCIDENT NUMBER 17080009139

ORIGIN/PROBABLE CAUSE:

While on duty, and in full uniform:

- I stopped (arrestee's name) for a violation of (violation here) of the [Select Code]
- I engaged (arrestee's name) in a consensual conversation.
- See narrative below

During the contact, I conducted a routine records check. The records check revealed and confirmed the following warrant(s).

DISPOSITION:

[REDACTED] was arrested for the below listed warrant(s), transported to Headquarters and booked into San Diego County Jail.

WARRANT INFORMATION:

[Click here to enter warrant information](#)

<u>Warrant Number</u>	<u>Bail Amount</u>	<u>Issue Date</u>	<u>Judge's Name</u>	<u>Issuing Court</u>	<u>Violation Charged</u>
[REDACTED]	\$739.00	12/16/16	[REDACTED]	SD-SD-M-TAB	25662A BP, 853.7 PC

[Narrative Section](#)

NARRATIVE:

On 08-06-17, at approximately 0715 hours, while on duty in full police uniform and driving a marked patrol vehicle, I responded to 6445 Lake Badin Ave (San Carlos Rec. Center) to assist Officers Romberger #6394 and [REDACTED] with subjects reported to be drunk in public.

Upon arrival, Officer Romberger was struggling with [REDACTED] on the ground next to his patrol vehicle. There was loud yelling occurring. [REDACTED] was standing, handcuffed, next to Officer Romberger and [REDACTED] was not being physically controlled. Officer [REDACTED] saw [REDACTED] standing there uncontrolled and grabbed [REDACTED] arm. Officer [REDACTED] walked [REDACTED] to the back of Officer Romberger's patrol vehicle. [REDACTED] was facing the rear lift gate of the patrol vehicle and banged his face and head on the lift gate

REPORTING OFFICER [REDACTED]	I.D. # [REDACTED]	DIVISION E1	AGENCY SDPD	DATE OF REPORT 8/6/2017	TIME 09:03
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(Revised 09/2013 Electronic)

SAN DIEGO REGIONAL
ARREST/JUVENILE CONTACT REPORT

portion of the vehicle. I then grabbed [REDACTED] left arm and walked him away from the patrol vehicle and over near my patrol vehicle. [REDACTED] was being belligerent and yelling. I stood there with [REDACTED] I observed his eyes were blood shot red and glassy. He had a dry cotton mouth. I could smell a strong odor of alcohol coming from his breath and person. I observed [REDACTED] had a swollen lower lip with blood on his lip and inside his mouth. The fire department and paramedics were on scene treating a female prior to being able to tend to [REDACTED] I stood there with [REDACTED] and observed he was swaying as he stood. His gait was unsteady. I had to hold [REDACTED] arm to help him stand. I didn't want [REDACTED] to fall and injure himself so I asked him to sit down on a nearby curb. [REDACTED] started getting angry that I asked him to sit down. I held onto his arm and held him as he lowered his body to sit on the curb. I explained to [REDACTED] the paramedic was going to look at his lip injury. [REDACTED] told me he did not want any medical attention.

After sitting on the curb for a little bit, [REDACTED] retrieved his cell phone from his pocket and started to use it. I told [REDACTED] to not use his phone. He ignored me. I began to reach for [REDACTED] cell phone and he moved his hand holding the phone away from me trying to not let me take possession of his phone. I have had people in the past in my experience, use their phones to call other people to come to the scene and create problems for officers by trying to interfere with our investigation. I then took [REDACTED] cell phone from him. I noticed [REDACTED] cell phone had a cracked screen and had pieces missing from it. I placed [REDACTED] phone on the hood of my patrol vehicle.

I stood next to [REDACTED] while another officer was conducting a record check of [REDACTED] I went over to my patrol vehicle and [REDACTED] cell phone slide off my hood and onto the ground. I picked the phone up and did not observe further damage on it. I placed the phone back on my hood more secure. The record check of [REDACTED] revealed and confirmed he had the above listed active warrant for his arrest.

After speaking with Officers, I placed [REDACTED] under arrest for obstructing an officer, drunk in public disorderly conduct, and the active warrant. I searched [REDACTED] incident to arrest and placed him in the backseat of my patrol vehicle. Officer [REDACTED] seat belted [REDACTED] in. I took photographs of [REDACTED] injury. I asked [REDACTED] if he had any other injuries other than his lip/mouth. [REDACTED] stated he did not.

Officer Romberger told me a beer was on [REDACTED] person during the struggle. I photographed the beer can, which was a 12-ounce Modelo brand beer. The beer was leaking beer out of the top of the can. I observed it appeared to be a brownish carbonated liquid that smelled like beer/alcohol. I disposed of the beer at the scene.

I transported [REDACTED] to SDPD Headquarters for processing. I transported [REDACTED] to San Diego Central Jail and booked him without further incident.

Booking Number: [REDACTED]

CONTINUED FROM
ARREST

SAN DIEGO REGIONAL
ARREST/JUVENILE CONTACT REPORT

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INCIDENT NUMBER
1708009139

EVIDENCE:

1. I impounded the CD-R disc containing photos at the Eastern Division station under bar code #10781330.

RELATED REPORTS:

Officer Romberger completed the arrest report of [REDACTED]
Officer [REDACTED] completed the crime case (Case #17-030266).

Approved by: A/Sgt. [REDACTED]

REPORTING OFFICER [REDACTED]	I.D. # [REDACTED]	DIVISION E1	AGENCY SDPD	DATE OF REPORT 8/6/2017	TIME 09:03
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Booking Number: [REDACTED]

SAN DIEGO REGIONAL ARREST/JUVENILE CONTACT REPORT

INCIDENT NUMBER 17080009139
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REPORT TYPE ARREST

WARRANT LOCAL	AGENCY SDPD	ARREST DATE 8/6/2017	TIME 07:20	BEAT 324
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RELATED REPORTS (TYPE & NUMBER)

ARRESTEE INFORMATION

CHARGE(S) PC 69:F OBSTRUCT/RESIST EXECUTIVE OFFICER										
CHARGE(S) PC 243(C)(2):F BATTERY AGAINST POLICE OFFICER										
CHARGE(S) PC 647(F)DK DISORDERLY CONDUCT: ALCOHOL										
CHARGE(S) PC 979:M BENCH WARRENT/FAILURE TO APPEAR ON MISDEMEANOR CHARGE										
PERSON ARRESTED (L, F, M Suffix)					NICKNAME			ADULT RELEASES		
RACE	SEX	AGE	DOB	PLACE OF BIRTH REFUSED	HEIGHT	WEIGHT	BUILD	HAIR	EYES	
ALIAS/MAIDEN NAME (L, F, M Suffix)										
ARRESTEE'S ADDRESS						CITY		STATE		ZIP
EMPLOYER/SCHOOL			MILITARY	OCCUPATION/RANK		BUS/MILITARY ADDRESS		CITY	STATE	ZIP
EMERGENCY CONTACT/NEXT OF KIN(L, F, M)						EMERGENCY ADDRESS		CITY	STATE	ZIP
IS SUBJECT A SUSPECTED USER OF NARCOTICS/DRUGS?				INTERPRETER REQUIRED		LANGUAGE		SUSPECT'S RELATION TO VICTIM(S)		

ARREST / OFFENSE

LOCATION OF ARREST 6445 LAKE BADIN AV (SAN CARLOS REC CENTER)				CITY SAN DIEGO		BEAT 324		
LOCATION OF OFFENSE 6445 LAKE BADIN AV (SAN CARLOS REC CENTER)				CITY SAN DIEGO		BEAT 324		
OFFENSE DATE 08/06/2017	OFFENSE TIME 07:14	CITIZEN ARREST	ARRESTING OFFICER ROMBERGER, TIM		I.D. 6394	ADMONISHED BY		I.D.
DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?								
HAVING IN MIND AND UNDERSTANDING YOUR RIGHTS AS I HAVE TOLD YOU, ARE YOU WILLING TO TALK WITH US?							STATEMENT	

ARRESTEE DESCRIPTION

HAIR LENGTH/TYPE	HAIR STYLE	FACIAL HAIR	COMPLEXION	SPEECH	VOICE
ID					
FURTHER SUSPECT DESCRIPTION (I.E., GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, MANNERISMS, ETC.)					UNDOCUMENTED PERSON
CLOTHING DESCRIPTION DARK SHIRT/DARK PANTS					

EVIDENCE

Body Camera Body Camera Evidence Collected	
PROPERTY TAG NOS. None	DISPOSITION OF EVIDENCE

COMPANION DATA

COMPANION'S NAME (L, F, M Suffix)			ADDRESS			CITY	STATE	ZIP
RACE	SEX	DOB	ARRESTED					

REPORTING OFFICER TIM ROMBERGER	I.D. # 6394	DIVISION E1	AGENCY SDPD	DATE OF REPORT 8/6/2017	TIME 12:07
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Booking Number: [REDACTED]

SAN DIEGO REGIONAL ARREST/JUVENILE CONTACT REPORT

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ARREST

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VICTIM / WITNESS					
V		W TYPE	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION)		
		06	ROMBERGER, TIM		
RESIDENCE ADDRESS		CITY		STATE	ZIP
RACE	SEX	DATE OF BIRTH			
W	M				
CONTACT					
WORK PHONE (858)495-7900					
STATUS	EMPLOYER (RANK IF MILITARY)	BUSINESS ADDRESS	CITY	STATE	ZIP
EMP	SAN DIEGO POLICE POLICE OFFICER II	9225 AERO DR	SAN DIEGO	CA	92123
ADDITIONAL INFORMATION					

REPORTING OFFICER TIM ROMBERGER	I.D. # 6394	DIVISION E1	AGENCY SDPD	DATE OF REPORT 8/6/2017	TIME 12:07
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Officer's Statement:

On 08/06/17 at 0704 hours I was dispatched to conduct an investigation of three drunken subjects outside of the San Carlos Recreation Center; located at 6445 Lake Badin Avenue. The reporting party, [REDACTED] called police and stated two males and one female were drunk in public behind the recreation center. [REDACTED] described subject number one as a black male juvenile, 17, wearing a black baseball cap with a light shirt and dark pants. Subject number two as an unknown race female, 17, wearing a white shirt with a black backpack. No description was given for subject number 3.

I arrived at 0711 hours in full uniform and in a marked patrol vehicle. Upon my arrival, San Carlos Recreation Center employees advised me the subjects were behind the building (north side of building). I walked around the rear of the building and observed two black males wearing dark clothing stumbling away from the recreation center. One of the subjects was holding a light colored can which appeared to be a beer can. I yelled out to the subjects, later identified as [REDACTED] and [REDACTED] to gain their attention. Both [REDACTED] and [REDACTED] looked at me briefly but continued stumbling northbound through the grass away from me.

[REDACTED] finally stopped as [REDACTED] turned and began walking eastbound. [REDACTED] was holding an unopened 12 ounce can of "Modelo" brand beer. I asked [REDACTED] his age and he advised me he was 20 years old. I advised him he was not free to leave but he refused to walk back towards my patrol vehicle. I grabbed [REDACTED] left arm with my right hand and again told him he was not free to leave. [REDACTED] then began walking southbound towards my patrol vehicle; while stating he was "not resisting."

At this time [REDACTED] was also walking/stumbling southbound through the grass. I verbally advised [REDACTED] he was not free to leave. [REDACTED] ignored my verbal commands to stop and continued walking away from me. I approached [REDACTED] and attempted to reach for his arm with my left hand. Upon touching [REDACTED] shirt with my left hand, he spun around to his left and threw a punch at me with his right hand. The punch was with his closed right fist which struck me on the left arm.

I had already let go of [REDACTED] as [REDACTED] was spinning away from me. After his closed right fist struck my left arm, I tackled [REDACTED] to gain control of him. As I tackled him onto the ground (grassy area), my "back-up" firearm which is secured to my left ankle via an ankle holster, came unfastened from my left ankle (still in the holster). The firearm fell to the ground within "arms reach" of where [REDACTED] and I were laying. I immediately radioed for "Cover Now" as [REDACTED] attempted to shove me off of him.

REPORTING OFFICER TIM ROMBERGER	I.D. # 6394	DIVISION E1	AGENCY SDPD	DATE OF REPORT 8/6/2017	TIME 12:07
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SAN DIEGO REGIONAL
ARREST/JUVENILE CONTACT REPORT

As I continued holding [REDACTED] onto the ground (with my left knee on his back, right knee on his right shoulder and left hand holding his left arm), [REDACTED] walked around us and came back into my view. Unsure if [REDACTED] noticed my firearm on the ground and fearing he may try to pick it up, I removed my X26 Taser (serial number [REDACTED] from my holster and pointed it at [REDACTED]. I gave [REDACTED] verbal commands to sit on the ground on the side of [REDACTED] where my firearm was not located. [REDACTED] obeyed my verbal commands to sit down but would not sit still. [REDACTED] was moving to the left and right as if he may stand back up.

Officer [REDACTED] arrived moments later and took [REDACTED] into custody. I helped [REDACTED] to his feet and advised him he is under arrest. [REDACTED] continued to struggle/stumble as I was escorting him to my patrol vehicle. At one point [REDACTED] lunged forward pulling away from my hands. [REDACTED] fell to the ground; causing him to fall against a small concrete pillar near the recreation center. I helped [REDACTED] to his feet again and continued escorting him to my patrol vehicle.

Once we were at my patrol vehicle I attempted to search him per incident to arrest. [REDACTED] continued to resist and refused to let me search him. I did not locate any weapons or drugs inside [REDACTED] pockets; only an unopened 12 ounce can of "Modelo" brand beer. [REDACTED] continued kicking at me as I placed him into the back seat of my patrol vehicle. I had to use physical force to shove him into my patrol vehicle so I could close the rear door.

Officer [REDACTED] escorted [REDACTED] to my patrol vehicle due to the fact his was located at the bottom of the hill just north of the recreation center. I opened the passenger rear door of my patrol vehicle and advised [REDACTED] I needed to place [REDACTED] into the back seat. [REDACTED] refused to slide over for me to place [REDACTED] beside him. As I attempted to walk [REDACTED] around to the driver side of my patrol vehicle, he began resisting and shoving himself backwards into me. I shoved him against my patrol vehicle and grabbed both of his arms in an attempt to regain control of him. [REDACTED] mouth bumped against my patrol vehicle while he was resisting; causing a minor laceration on his lower lip. [REDACTED] then walked around to the driver's side of my patrol vehicle.

When I opened the driver's side rear door to place [REDACTED] into the back seat, I noticed [REDACTED] had slid over to this side of the vehicle. [REDACTED] refused to slide over for me to place [REDACTED] beside him. As I attempted to slide [REDACTED] over with my hands, he leaned towards me extremely quickly; in an attempt to head butt me. I backed up quickly to avoid being struck by [REDACTED]. I did grab [REDACTED] to keep him from falling out of the patrol vehicle at a fast pace; which potentially could have caused major head trauma if he fell to the gravel with his hands handcuffed behind his back. I help [REDACTED] onto the ground briefly while yelling at him to stop attempting to head butt me. I returned [REDACTED] to the back seat of the vehicle.

REPORTING OFFICER TIM ROMBERGER	I.D. # 6394	DIVISION E1	AGENCY SDPD	DATE OF REPORT 8/6/2017	TIME 12:07
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Booking Number: [REDACTED]

CONTINUED FROM
ARREST

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ARREST/JUVENILE CONTACT REPORT

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Officer [REDACTED] arrived to take custody of [REDACTED]. While I was obtaining information from the officers on the scene, [REDACTED] began kicking the driver's side rear door of my patrol vehicle. Based on how aggressive [REDACTED] had become last time I opened the rear door, I retrieved my OC chemical agent. [REDACTED] was sprayed with OC chemical agent and advised to stop kicking the rear door to my patrol vehicle. I did that to keep him from damaging my patrol vehicle or possibly injuring one of his feet. I monitored [REDACTED] the entire time after he was sprayed with the chemical agent.

[REDACTED] refused to let me seatbelt him into the rear seat of my patrol vehicle prior to transporting him to police headquarters. I transported [REDACTED] to police headquarters to complete my booking paperwork. Officer [REDACTED] transported [REDACTED] to police headquarters. [REDACTED] was then booked into central jail for 69 PC resisting arrest with violence, 243C2 battery on a police officer, 647F PC drunk in public and a misdemeanor warrant. [REDACTED] was booked into central jail for 148A1 PC delaying a police officer, 647F PC drunk in public and a misdemeanor warrant.

[REDACTED] warrant (issued by San Diego Traffic Court/judge [REDACTED])

See Officer [REDACTED] arrest report for further

See Officer [REDACTED] crime report for further

My body worn camera (BWC) was operating during the contact/arrest of [REDACTED] and [REDACTED]. When I tackled [REDACTED] my body worn camera became dislodged from my uniform and fell to the ground. Once that happened only audio can be heard. My body worn camera became dislodged again when [REDACTED] lunged forward and fell against the concrete pillar near the recreation center.

I felt numbness/tingling in my right hand after tackling [REDACTED] and holding him on the ground until other officers arrived on scene to assist. I did NOT need medical treatment at the scene or after booking [REDACTED] into jail. However, I did complete a minor injury report documenting what had happened. I also completed a Use of Force form.

Approved by: A/Sgt. [REDACTED]

REPORTING OFFICER TIM ROMBERGER	I.D. # 6394	DIVISION E1	AGENCY SDPD	DATE OF REPORT 8/6/2017	TIME 12:07
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08/16/17 09:10:53 Message received from CAD

Incident History for: #P17080009139

Case Numbers: \$PR170030266

Entered 08/06/17 07:03:31 BY CT02 [REDACTED]
Dispatched 08/06/17 07:04:05 BY RC03 [REDACTED]
Enroute 08/06/17 07:04:10
Onscene 08/06/17 07:11:10
Closed 08/06/17 13:52:42

Initial Type: 647F

Final Type: 647F (DRUNK - DRUGS/ALCOHOL) Pri: 2 Dispo: A

Police BLK: 0980200100100 FMap: 2531D2 TMap: 1250H5 Group: P3

Beat: 324 Src: T Inc Cmdr:

Loc: 6445 LAKE BADIN AV -- SAN CARLOS REC CENTER btwn LAKE ADLON DR & LAKE CAYU GA DR

Loc Info: SAN CARLOS REC CENTER

Name: [REDACTED] Addr: WALKING BY

Phone: [REDACTED]

/0703 (8651) NBRHD Lake Murray
/0703 ENTRY 3 TRANSIENTS 647F//NO WPNS SEEN//SOUTH SIDE OF BL DG OF REC CENTER//#1 BMJ, 17 YO//WRG BLK BBCAP, LIGHT SHIRT, DRK COLORED PANTS #2 UN K RACE FEM,17 YO, WRG WHT SHIRT, BLK BACKPACK/NFD ON #3 SUBJ//NFI

/0704 (8466) DISP 324J1 #6394 ROMBERGER, TIMOTHY A

/0704 ASST 326J1 [REDACTED]

/0704 (6394) *ENROUT 324J1

/0704 (5572) *ENROUT 326J1

/0711 (6394) *ONSCNE 324J1

/0714 (8466) MISC 324J1 ,COVER NOW

/0715 EMER 324J1 ,Tone Activated

/0715 ASST 325S3 [6445 LAKE BADIN AV]

/0715 (8587) MISC , 07:15:09 TO LDET, PHONE FROM LD01:COVER NOW INCIDENT HISTORY FOR: #P17080009139

/0715 (8466) ASST 2910S1 [6445 LAKE BADIN AV]

/0715 ASST 314G1 [6445 LAKE BADIN AV]

/0715 ASST 311J1 [6445 LAKE BADIN AV]

/0716 ASST 315J1 [6445 LAKE BADIN AV]

/0716 ONSCNE 326J1

/0716 ASST 324K3 [6445 LAKE BADIN AV]

/0716 (6788) *ENROUT 315J1

/0716 (8466) ASST 313J1 [6445 LAKE BADIN AV]

/0716 (6648) *ENROUT 324K3

/0717 (4274) *CLEAR 313J1

/0717 (8466) OK 324J1

/0717 (5005) *CLEAR 2910S1

/0717 (6788) *CLEAR 315J1

/0718 (8587) CHANGE ,PATCHED WITH RCS SDP1 FOR COVER NOW - ECPD/LA MESA P

/0718 (8466) \$PREMPT 314G1

/0718 (8587) CHANGE ,ECPD/LA MESA PD WERE 10-4 ENR, BOTH 10-4 TO 1022 //LD01 MM

/0718 (8466) ASST 320PT1 [6445 LAKE BADIN AV]

/0719 MISC 326J1 , 1141 20YO FEM FELL DOWN AND HIT HER HEAD
 /0719 MISC 326J1 , MEDICS T4 AND ENRT
 /0721 (6033) *ENROUT 311J1
 /0723 *ONSCNE 311J1
 /0724 (8466) ONSCNE 325S3
 /0732 MISC 311J1 , ENG [REDACTED] MED [REDACTED]
 /0745 (6551) *ONSCNE 320PT1
 /0747 (6033) *CHGLOC 311J1 [HQ]
 , W/1
 /0749 (5572) *ONSCNE 326J1
 /0750 (6551) *ENROUT 320PT1
 /0750 (5572) *ASNCAS 326J1 \$PR170030266
 /0750 (6394) *CHGLOC 324J1 [HQ BWC REFUSED SEATBELT]
 /0753 *CHGLOC 324J1 [HQ BWC REFUSED SEATBELT]
 /0755 (6227) *CLEAR 325S3
 /0803 (6033) *ONSCNE 311J1
 /0803 (6648) *CLEAR 324K3
 /0805 (6551) *ONSCNE 320PT1
 /0807 (6394) *ONSCNE 324J1
 /0901 (8466) CALLBK 326J1 , PLEASE GET THE NAMES AND IDS OF MED 2 THAT TRAN
 SPORTED FEM
 /0908 (8651) SUPP TXT: ON CB TO FIRE/[REDACTED] ID [REDACTED] / [REDACTED]
 [REDACTED] ID [REDACTED] /CT 02
 /0922 (8466) CALLBK 326J1 , PLEASE ASK WHAT HOSP MEDICS XPORTED FEM TO
 /0925 (6394) *CHGLOC 324J1 [JAIL]
 /0926 (8440) SUPP TXT: MEDICS ADV PATIENT WAS TAKEN SHARP MEMORIAL
 HOSSP// CT03
 /0926 (6033) *CHGLOC 311J1 [J A I L]
 , W/1
 /0933 *ONSCNE 311J1
 /0934 (6394) *ONSCNE 324J1
 /0936 (5572) *CHGLOC 326J1 [SUB]
 /0939 *ONSCNE 326J1
 /0950 (8466) \$PREMPT 326J1
 /0959 (6551) *CHGLOC 320PT1 [9200 LAKE MURRAY]
 , PPR
 /0959 *ONSCNE 320PT1
 /1019 (8582) \$PREMPT 320PT1
 /1026 (6033) *CHGLOC 311J1 [EASTERN DIV]
 /1026 *CHGLOC 311J1 [EASTERN DIV]
 /1047 *ONSCNE 311J1
 /1108 (6394) *CHGLOC 324J1 [6445 LAKE BADIN AVE]
 , EQUIP
 /1138 *CHGLOC 324J1 [SUB]
 /1157 *ONSCNE 324J1
 /1208 (8582) \$PREMPT 311J1
 /1222 ASST 311J1 [REDACTED]
 /1223 (6033) *CHGLOC 311J1 [EASTERN]
 /1231 *ONSCNE 311J1
 /1329 (8582) CLEAR 311J1 D/A
 /1352 (6394) *CLEAR 324J1 D/A
 /1352 CLOSE 324J1 D/A

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

INCIDENT NUMBER 17080009139	PAGE 1 of 5
CASE NUMBER 17030266	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

CRIME REPORT		BEAT 324	RELATED RPT #S	DATE 08/06/2017	DAY OF WEEK Sunday	TIME 07:15			
CODE SECTION AND DESCRIPTION PC / 69:F / OBSTRUCT/RESIST EXECUTIVE OFFICER									
LOCATION OF INCIDENT (OR ADDRESS) 6445 LAKE BADIN AV							CITY SAN DIEGO		

VICTIM / WITNESS										
V		W TYPE	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION)							
W		01	ROMBERGER, TIMOTHY							
RESIDENCE ADDRESS			CITY			STATE		ZIP		
RACE W	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT	V/W ASSIST N		
CONTACT WORK PHONE (858)495-7900										
STATUS EMP	EMPLOYER (RANK IF MILITARY) S.D.P.D. POLICE OFFICER	BUSINESS ADDRESS 1401 BROADWAY			CITY SAN DIEGO	STATE CA	ZIP 92101			
ADDITIONAL INFORMATION										

M.O. INFORMATION		
TOTAL # OF WITNESSES AT CRIME 1	PLACE OF ATTACK 4. Lot/Park/Yard	SURROUNDING AREA 1. Residential
<input checked="" type="checkbox"/> SPECIFY HANDS	HOW USED HIT	
TYPE OF STRUCTURE NON-RESIDENTIAL 0. N/A		
TARGET(S) 1. Cash Register/Drawer 5. Person		
POINT OF ENTRY 0. N/A		
SECURITY USED 0. N/A		
TYPE LOCK ATTACKED 0. N/A		
SUSPECT ACTIONS 54. Used Right Hand		
VICTIM INJURED	EXTENT OF TREATMENT	SIC Yes ADULT

SUSPECT(S)									
ARRESTED Y	SUSPECT NAME (LAST, FIRST MIDDLE SUFF)					NICKNAME/AKA			
RACE	SEX	AGE	DOB	WEIGHT	BUILD	HAIR COLOR	EYE COLOR		
SUSPECT'S ADDRESS						CITY	STATE	ZIP	
ID									
ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E. GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)									
SUSPECT'S CLOTHING JEANS/ BROWN SHIRT									
HAIR LENGTH/TYPE	HAIR STYLE	FACIAL HAIR	COMPLEXION	GENERAL APPEARANCE	DEMEANOR	SPEECH	VOICE		

REPORTING OFFICER	I.D. #	DIVISION E1	AGENCY SDPD	DATE OF REPORT 8/6/2017	TIME 08:02
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INCIDENT NUMBER 17080009139
CASE NUMBER 17030266

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

CONTINUED FROM CRIME REPORT

PAGE 2 of 5

EVIDENCE

Body Camera Body Camera Evidence Collected	
EVIDENCE OBTAINED	TAG NUMBERS
	None
See Evidence Collection Section for Details	
WITNESS CHECK	

OFFICER ASSAULT (OAK)

VEHICLE TYPE	NUMBER OFFICERS WITH PERSONAL INJURY	ACTIVITY WHEN ASSAULT OCCURRED
	NUMBER OFFICERS WITHOUT PERSONAL INJURY	

ARSON

ARSON TYPE	DESCRIPTION	CONTENT LOSS \$	STRUCT LOSS \$	ABANDONED

EVIDENCE COLLECTION

Officer's Investigation I conducted the following attempts to locate, collect, and preserve evidence from the crime scene at				
6445 LAKE BADIN AV	SAN DIEGO	CA	92119	
LATENT PRINTS: I made attempts to lift latent prints: N If NO, explain:				
OTHER PHYSICAL EVIDENCE: I made attempts to locate other physical evidence at the scene: N If NO, explain:				

REPORTING OFFICER	I.D. #	DIVISION	AGENCY	DATE OF REPORT	TIME
		E1	SDPD	8/6/2017	08:02

(Revised 09/2013 Electronic)

SAN DIEGO REGIONAL
CRIME/INCIDENT REPORT

SYNOPSIS:

██████████ was arrested for 69 PC, for hitting Officer Timothy Romberger # 6394, while Officer Romberger was taking ██████████ into custody for 647(f) pc. Officer Romberger was not injured during the altercation.

ORIGIN:

On 08/06/2017, Officer Romberger and I received a radio call concerning possible drunk teenagers at the San Carlos Recreation Center located at 6445 Lake Badin Ave. Dispatch advised there were two black males and a black female that appeared under the influence of alcohol.

INVESTIGATION:

While enroute to 6445 Lake Badin I heard Officer Romberger put out "Cover Now" over the radio. I activated my overhead lights and siren and responded Code 3 to his location. I could see Officer Romberger in the middle of the park holding a Black male subject down and another black male sitting a few feet away from him. I ran up and Officer Romberger said he was code four with his subject but needed me to detain the second male. I handcuffed the male, later identified as ██████████

I could smell a strong odor of alcohol coming from ██████████ breath and he slurred his speech as I talked to him. Officer Romberger stood his subject up, later identified as ██████████ and started walking him to his Patrol vehicle. I saw ██████████ attempt to pull away several times as Officer Romberger was walking him to the Patrol car. I saw ██████████ fall on the ground and hit a concrete bench and Officer Romberger had to help him up.

While talking to ██████████ I saw a black female stumbling around the recreation center. I saw a citizen trying to assist her and she fell down and hit her head on the concrete floor, I immediately requested medics for her as the citizen assisted her. I walked ██████████ to Officer Romberger's Patrol vehicle. Officer Romberger took custody of ██████████ Officer Romberger was attempting to walk ██████████ to the other side of the Patrol vehicle when ██████████ pulled away and threw his head back at Officer Romberger. Officer Romberger pushed ██████████ up against the Patrol vehicle and ██████████ hit his face on the roof pillar of the Patrol vehicle. ██████████ suffered a cut on his lip.

██████████ declined medics and Officer ██████████ took custody of him. A records check on ██████████ revealed he had an outstanding warrant for his arrest. Officer ██████████ transported ██████████ to Headquarters for the booking process. (See Officer ██████████ arrest report for details).

SAN DIEGO REGIONAL
CRIME/INCIDENT REPORT

Officer [REDACTED] arrived on scene and took witness statements from [REDACTED] and [REDACTED] (See Officer [REDACTED] Arjis 9 for witness statements)

Officer Romberger transported [REDACTED] to Headquarters for the booking process and then to County Jail. (See Officer Rombergers' arrest report for details)

The female only identified at the time of this report as [REDACTED] was transported by Medic [REDACTED] to Sharp Memorial Hospital.

BACKGROUND:

None.

STATEMENT OF Timothy Romberger (Victim):

I received the radio call of the intoxicated kids at the park. I get there and I see the two guys and one is holding a beer. I go up to contact them and they start stumbling away from me. I tell the one guy [REDACTED] to stop and he does. This guy pointing to [REDACTED] keeps walking and I go up to him and he takes a swing at me and hits me in the arm or shoulder. I tackled him and he keeps resisting, so I'm holding him on the ground. I see that my back up weapon is on the ground so I call "Cover Now". I thought maybe the other guy might try to get it. Then you got here pretty quick.

EVIDENCE:

Officer Rombergers' B.W.C. video.

INJURIES:

None.

PROPERTY DAMAGE:

Officer Rombergers' name plate was broken.

REPORTING OFFICER [REDACTED]	I.D. # [REDACTED]	DIVISION E1	AGENCY SDPD	DATE OF REPORT 8/6/2017	TIME 08:02
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CONTINUED FROM
CRIME REPORT

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

INCIDENT NUMBER 17080009139
PAGE 5 of 5
CASE NUMBER 17030266

FOLLOW-UP:

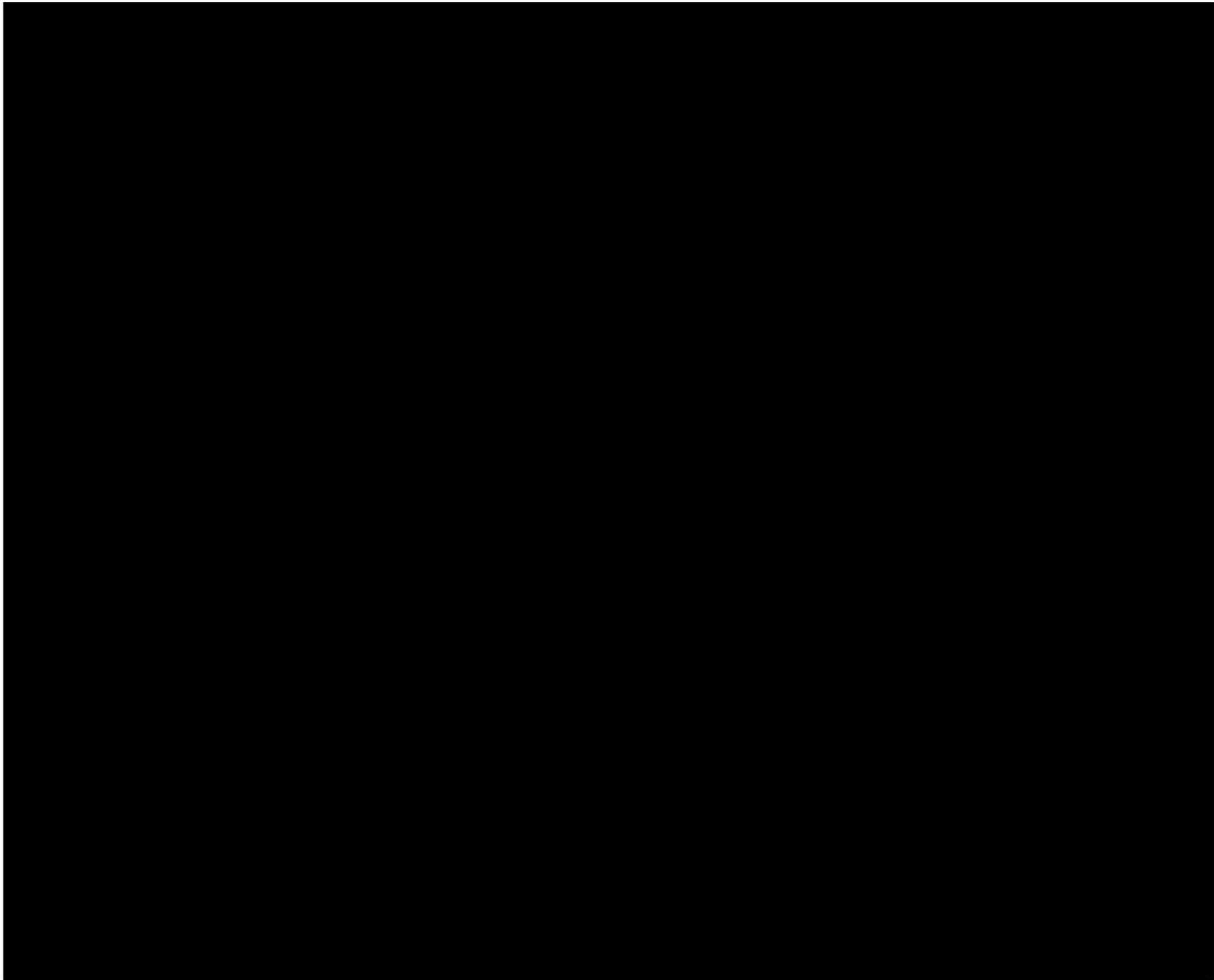
Per Detetives

RELATED REPORTS:

See Officer Romberger's arrest report for details.
See Officer [REDACTED] Arjis 9 for witness statements.
See Officer [REDACTED] arrest report of [REDACTED] for details.

Approved By: A/Sgt. [REDACTED]

REPORTING OFFICER [REDACTED]	I.D. # [REDACTED]	DIVISION E1	AGENCY SDPD	DATE OF REPORT 8/6/2017	TIME 08:02
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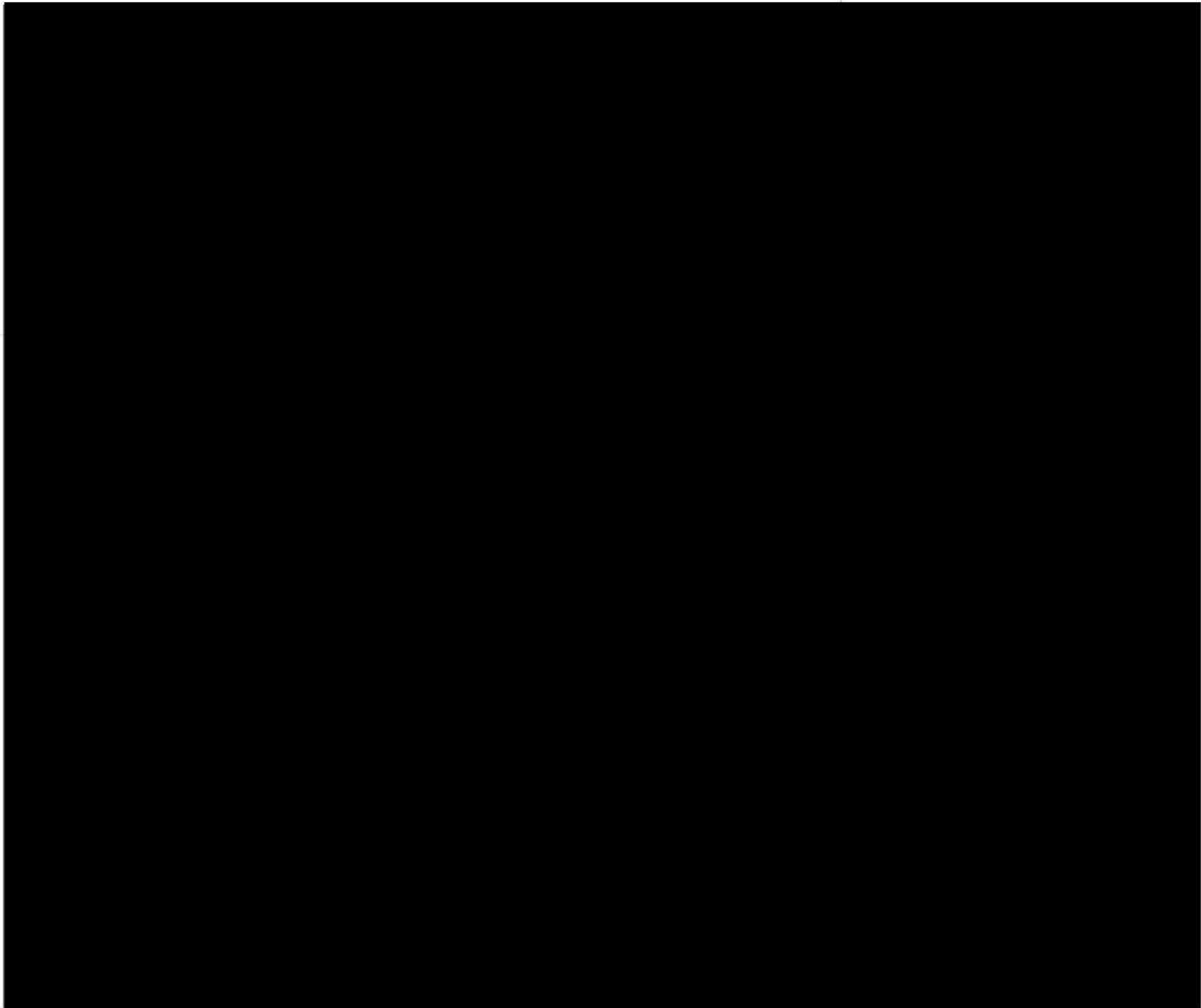


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Reporting Officer: John Levan, Sergeant

ID: 5369 Division

Internal Affairs

Approved by: 

4559

Date of Report:

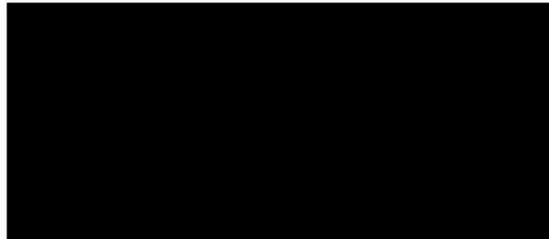
May 16, 2018

**San Diego Police Department
Investigator's Report**

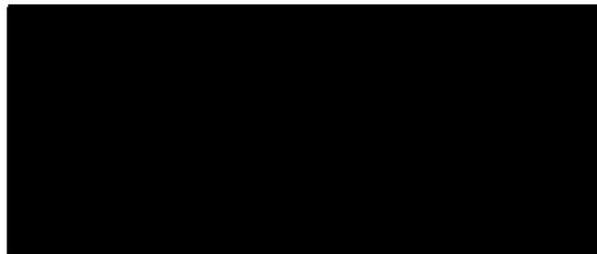
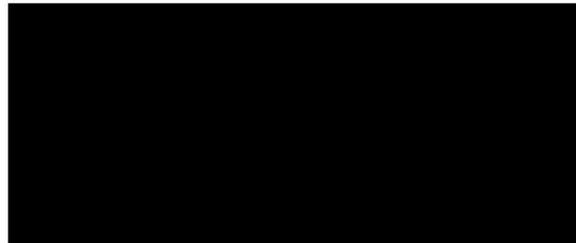
Date of Incident: August 6, 2017
Time of Incident: 0704 Hours
Location of Incident: 6445 Lake Badin Avenue
Subject: Internal Investigation I.A. #2017-0644

CONFIDENTIAL: THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR CITY ATTORNEY.

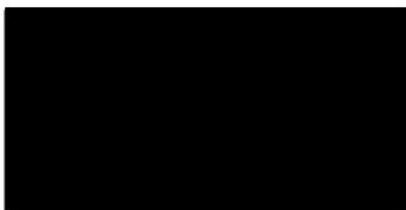
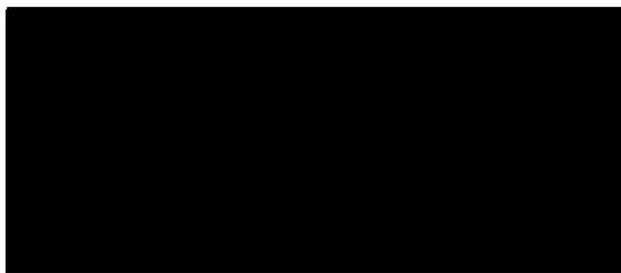
SUBJECT OFFICER: Romberger, Tim A., POII, ID #6394
Date of Hire: 07-20-2007
S.D.P.D., Eastern Division – 1st Watch
(858) 495-7900 (W)
W/M, AGE: [REDACTED]
6'04"/230 lbs.



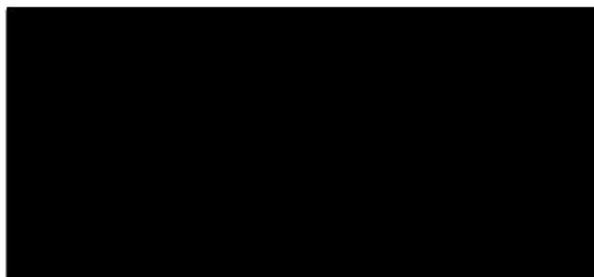
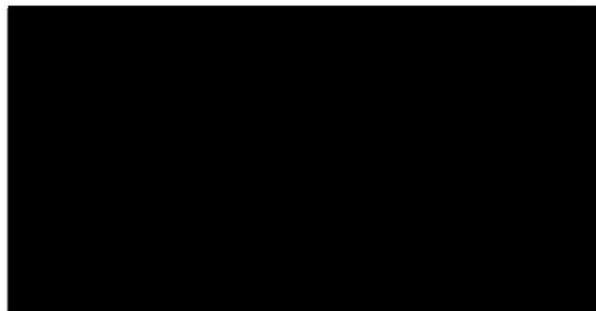
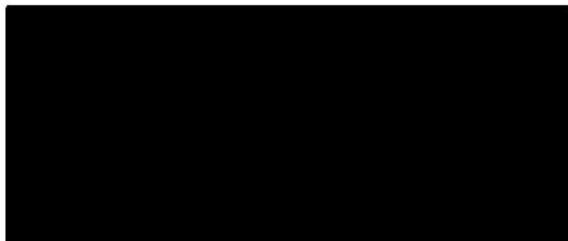
WITNESS OFFICER:

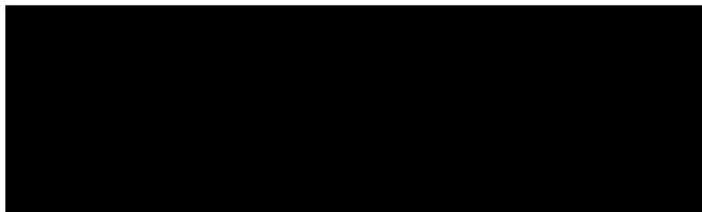
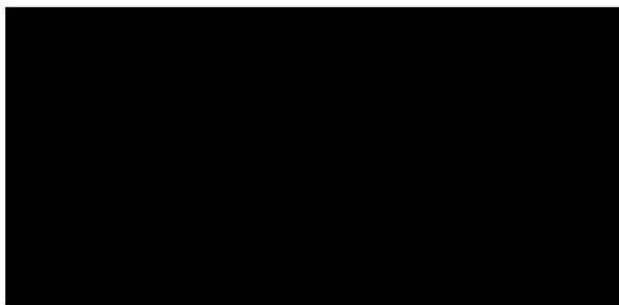
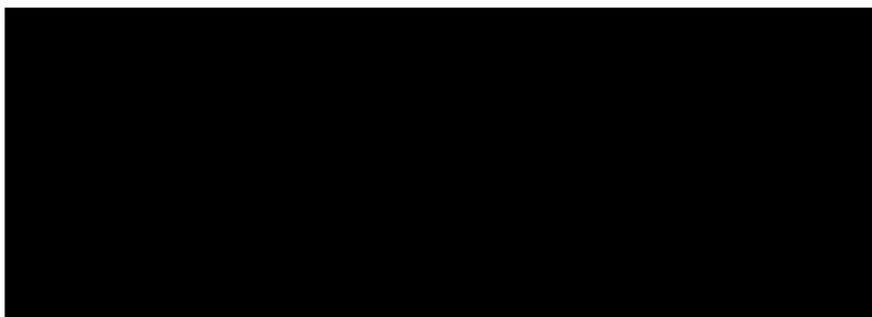
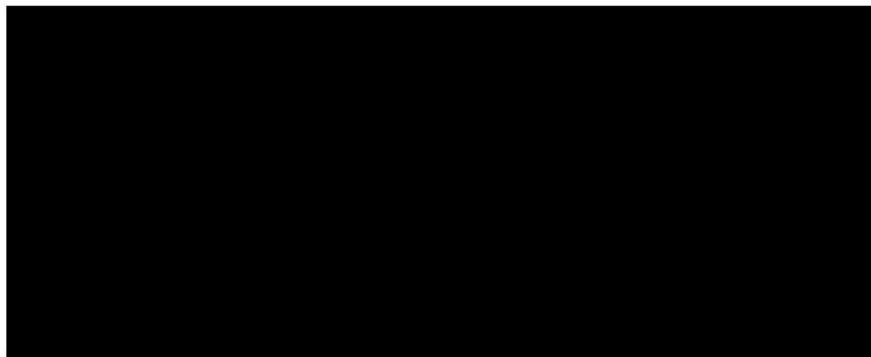


Reporting Officer: John Levan, Sergeant ID: 5369 Division Internal Affairs
Approved by: Mark Bennett, Lieutenant Date of Report: May 16, 2018



CIVILIAN WITNESS:





OTHERS CONTACTED:



Reporting Officer: John Levan, Sergeant ID: 5369 Division Internal Affairs
Approved by: Mark Bennett, Lieutenant Date of Report: May 16, 2018



Reporting Officer: John Levan, Sergeant ID: 5369 Division Internal Affairs
Approved by: Mark Bennett, Lieutenant Date of Report: May 16, 2018

SUMMARY:

On August 6, 2017, at about 0704 hours, Officer Timothy Romberger, ID 6394, responded to a call of three individuals drinking behind the San Carlos Recreation Center. The individuals were identified as [REDACTED] and [REDACTED]

Officer Romberger initiated contact with the individuals without a cover officer. He detained [REDACTED] however [REDACTED] walked away when he was instructed to stop. Officer Romberger followed and attempted to detain [REDACTED]. Officer Romberger struggled with [REDACTED] to gain control of him, at which point his backup service weapon became dislodged and fell to the ground. Officer Romberger pinned [REDACTED] to the ground, ordered [REDACTED] to get on the ground at Taser point and called for expedited cover. Officer [REDACTED] arrived and handcuffed [REDACTED] as Officer Romberger handcuffed [REDACTED]

After being secured in a police vehicle, [REDACTED] began kicking the interior of the vehicle and was pepper sprayed by Officer Romberger.

[REDACTED] and [REDACTED] had outstanding bench warrants for their arrest. [REDACTED] was transported and booked into San Diego County Jail by Officer Romberger. [REDACTED] was transported and booked into San Diego County Jail by Officer [REDACTED]

[REDACTED] was under the influence of alcohol. She injured herself falling to the ground, outside of any interaction with police officers. Officer [REDACTED] requested paramedics for [REDACTED]. She was treated and transported by paramedics as a precaution.

In preparation to submit the case for prosecution, Eastern Division Detective [REDACTED] reviewed the arrest reports of [REDACTED] and [REDACTED] which had been prepared by the officers following the incident. While reviewing related body worn camera footage (incident 17080009139), Detective [REDACTED] became concerned about the officer's conduct and notified Captain [REDACTED]. This Internal investigation was initiated by Captain [REDACTED]

Reporting Officer: John Levan, Sergeant ID: 5369 Division Internal Affairs
Approved by: Mark Bennett, Lieutenant Date of Report: May 16, 2018

ALLEGATIONS:

On August 6, 2017, Officer Tim Romberger arrested [REDACTED] and [REDACTED] for being drunk in public at the San Carlos Recreations Center. Officer Romberger used varying levels of force to maintain control of the incident. Officer [REDACTED] was an acting sergeant at the scene and directed Officer Romberger to pepper spray [REDACTED]

1. FORCE

Officer Romberger used force to arrest [REDACTED]

2. FORCE

After the arrest of [REDACTED] Officer Romberger used force to escort him to his police vehicle.

3. FORCE

Officer Romberger used force to control [REDACTED] at his police vehicle.

4. FORCE

Officer Romberger used force to remove [REDACTED] from his police vehicle.

5. FORCE

Officer Romberger used force to seat [REDACTED] in his police vehicle.

6. FORCE

Officer Romberger used force in the form of Pepper Spray on [REDACTED]

7. FORCE

Acting Sergeant [REDACTED] instructed Officer Romberger to use force, in the form of Pepper Spray, on [REDACTED]

8. COURTESY

Officer Romberger was discourteous to [REDACTED]

Reporting Officer: John Levan, Sergeant ID: 5369 Division Internal Affairs
Approved by: Mark Bennett, Lieutenant Date of Report: May 16, 2018

9. PROCEDURE

Officer Romberger failed to accurately document force used against [REDACTED] and [REDACTED]

10. PROCEDURE

Officer Romberger utilized Oleoresin Capsicum (O.C.) on [REDACTED] and did not provide required medical care.

11. PROCEDURE

Officer Romberger failed to seatbelt [REDACTED] in the police vehicle during transport.

12. PROCEDURE

Acting Sergeant [REDACTED] failed to provide officer names and identification numbers when requested by [REDACTED]

13. CONDUCT

Officer Romberger demonstrated conduct unbecoming a San Diego Police Officer.

Reporting Officer: John Levan, Sergeant ID: 5369 Division Internal Affairs
Approved by: Mark Bennett, Lieutenant Date of Report: May 16, 2018

INVESTIGATION:

On August 16, 2017, Lieutenant J. Weeden, ID 5563, assigned me Internal Affairs Case #2017-0644 for investigation. I was given, and reviewed, a case file containing the following:

- Crime Case 17-030266 by Officer [REDACTED]
- Arrest Report for [REDACTED] by Officer T. Romberger
- Arrest Report for [REDACTED] by Officer [REDACTED]
- Additional Victim / Witness and ARJIS-9 Reports by Officer [REDACTED]
- Investigators Report by Detective [REDACTED]
- SDPD CAD Printout for incident 1708009139
- La Mesa Police Department calls for service (CFS) 254
- SDSO Booking Intake / Property Inventory for [REDACTED]
- SDSO Booking Intake / Property Inventory for [REDACTED]
- SDSP Touch Pay printout for [REDACTED]
- DVD containing seven body worn camera videos for the following SDPD officers:
 - Officer T. Romberger
 - Officer [REDACTED]
 - Officer [REDACTED]

I reviewed all the documents and body worn camera videos pertaining to incident 1708009139, case 17-030266. I also obtained copies of the following documents during the course of the investigation.

- eJIMS printout for [REDACTED]
- eJIMS printout for [REDACTED]
- SDFD CAD Printout for incident FS17111932
- SDPD Case Cancellation for case 17-030266
- SDPD Charge Change Form for [REDACTED]
- Officer Daily Journal for Officer T. Romberger for August 6, 2017
- Ride Along waiver form for [REDACTED]

This incident occurred on August 6, 2017, at about 0703 hours. [REDACTED] called the San Diego Police Department Communications Division to report three individuals under the influence of alcohol behind the San Carlos Recreation Center, 6445 Lake Badin Avenue. [REDACTED] observed the behavior while walking by the center.

[REDACTED] described the individuals as two males and one female, all transients. One of the males was described as a Black juvenile male, possibly seventeen years old, wearing a black baseball cap, a light shirt and dark color pants. The female was described as an unknown race, possibly seventeen years old, wearing a white shirt and a black backpack. [REDACTED] did not describe the other male. A radio call was generated and Eastern Division Patrol Officer(s) Romberger and [REDACTED] were dispatched at about 0704

Reporting Officer: John Levan, Sergeant ID: 5369 Division Internal Affairs
Approved by: Mark Bennett, Lieutenant Date of Report: May 16, 2018

hours. On this day, Officer Romberger had a civilian ride along, [REDACTED] I obtained a copy of the ride along waiver for [REDACTED] from the Eastern Division Ride Along folder.

Officer Romberger was first on scene; arriving at 0711 hours. He was directed to the rear of the building by civilian witnesses [REDACTED] Officer Romberger located two males, later identified as [REDACTED] and [REDACTED] behind the recreation center building. [REDACTED] and [REDACTED] were wearing dark clothing and matched the description given by the reporting party. In his report, Officer Romberger described the males as 'stumbling' away from the building. [REDACTED] was openly carrying a can of Modelo brand beer.

Officer Romberger, who was wearing full police uniform, motioned and called for the males to come to him. [REDACTED] stopped and complied, however [REDACTED] continued walking away. This can be seen on Officer Romberger's body word camera footage (title: 69_PC File 3) at 00:42 into the video.

[REDACTED] told Officer Romberger he was twenty years old; [REDACTED] continued to walk away. Officer Romberger called for [REDACTED] to come to him several more times, however he failed to comply. Officer Romberger walked after [REDACTED] escorting [REDACTED] by the arm. [REDACTED] was detained for being drunk in public and minor in possession of an alcoholic beverage.



Officer Romberger reached for [REDACTED] left arm to stop him from continuing to walk away. As soon as he touched [REDACTED] arm, [REDACTED] turned and assaulted Officer Romberger by punching him in the shoulder with

Reporting Officer: John Levan, Sergeant ID: 5369 Division Internal Affairs
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a closed left fist. This can be seen at 01:14 on Officer Romberger's body worn camera footage (title: 69_PC File 3).

█ actively resisted being taken to the ground by attempting to get up from the officer's control. During the struggle, Officer Romberger's body worn camera became dislodged, landing face up in the grass. It continued to record, both audio and video.

Prior to his contact with █ Officer Romberger's backup handgun had been secured to his left ankle. During the confrontation with █ and the resulting take down, the ankle holster and handgun became separated from Officer Romberger's body. It fell to the ground to the immediate right of █ This can be seen at 04:45 on Officer Romberger's body worn camera footage (title: 69_PC File 3).



The handgun was unsecured and accessible to both █ and █ Using his police radio, Officer Romberger called for emergency expedited cover. He removed his department issued Taser with the intent of ordering █ to the ground at Taser point. Upon removal from his duty belt, the Taser slipped from Officer Romberger's hand. His civilian ride along, █ recovered the Taser and handed it back to Officer Romberger.

Officer Romberger pointed his department issued Taser at █ and ordered him to the ground. █ complied with the order and sat on the ground. At about 0716 hours, Officer █ arrived on scene. He placed █ in handcuffs without incident, while Officer Romberger handcuffed █

After █ and █ were handcuffed, Officer Romberger collected his backup service weapon and his body worn camera. He secured the body worn camera back on his uniform and handed his backup service weapon to his civilian ride along █

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He lifted [REDACTED] to his feet, advised he was under arrest, and began walking him towards his police car. At a point in the walking transport, [REDACTED] stumbled and fell to the ground. Officer Romberger instructed [REDACTED] to stand and lifted him to his feet. [REDACTED] sat down on a nearby concrete barrier and refused to stand and walk.

Officer Romberger lifted [REDACTED] to his feet. As the officer began to place his left arm under [REDACTED] right arm, into a controlling position, [REDACTED] pushed into the officer. Officer Romberger placed his left hand on the back collar of [REDACTED] shirt, near the back of [REDACTED] neck. Officer Romberger's right hand moved to the front of [REDACTED] neck. For approximately 1-2 seconds, Officer Romberger has both hands around [REDACTED] neck. (This can be seen at 06:23 on Officer Romberger's body worn camera footage (title: 69_PC File 3)).



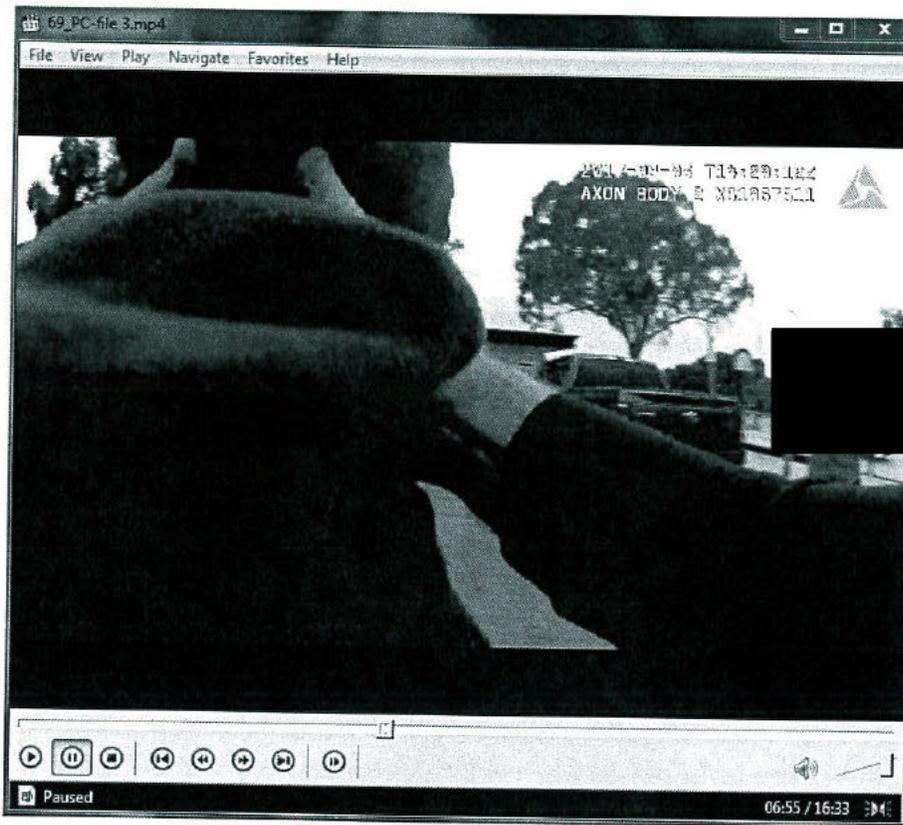
Officer Romberger's left hand remained on the back of [REDACTED] neck at the shirt collar area. Officer Romberger continued escorting [REDACTED] to his police vehicle, which was parked in the recreation center parking lot. As they walk, [REDACTED] attempted to turn to his left and yell to [REDACTED] who was behind them. The officer and [REDACTED] turned 360' and continue walking towards the parking lot.

At that point Officer Romberger placed his right hand on the back of [REDACTED] head. [REDACTED] head was pointed down as if he was looking at the ground. Officer Romberger escorted [REDACTED] with one hand on the back of [REDACTED] neck and one hand on the back of [REDACTED] head. As they continued to walk, Officer Romberger moved his right hand around the back of [REDACTED] neck and right side of his head.

As they walked into the parking lot, [REDACTED] turned to his left again and yelled towards [REDACTED] who was several yards behind them with Officer [REDACTED]. Officer Romberger placed his right hand around the front of [REDACTED] neck momentarily. He transitioned his right hand to the back of [REDACTED] head and neck, then back to the front of [REDACTED] neck. For approximately two seconds, Officer Romberger had both of his

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hands around [REDACTED] neck. This can be seen at 06:55 hours on Officer Romberger's body worn camera footage. (Title: 69_PC-file 3.mp4)



The officer and [REDACTED] make another 360' turn while continuing to walk towards the police vehicle. [REDACTED] was talking during this turn and his voice appeared normal and unstrained.

According to Officer Romberger's arrest report, [REDACTED] was under the influence of alcohol at the time of this contact. Other than his initial refusal to stand and walk when instructed by the officer, [REDACTED] did not appear to actively resist Officer Romberger's effort to walk to the police vehicle. Officer Romberger did not document the force he used during the walking escort. He also failed to document the fact that he placed his hands around [REDACTED] neck.

As they approached Officer Romberger's police vehicle, La Mesa Police Officers [REDACTED] and [REDACTED] arrived on scene. Officer Romberger walked [REDACTED] up to his police vehicle and [REDACTED] body hit the side of the vehicle. [REDACTED] was handcuffed and under the control of Officer Romberger. Officer Romberger immediately stated, "Oh sorry; stay on my car." [REDACTED] asked, "Are you sorry?" Officer Romberger rotated [REDACTED] during which his body worn camera fell off of his uniform.

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The camera landed face up and continued recording video and audio. [REDACTED] was now on the ground laying passively on his right side. Officer Romberger secured his camera to his uniform and was standing approximately two feet from [REDACTED] head. La Mesa Police Officer [REDACTED] was kneeling next to [REDACTED] holding [REDACTED] left hip and leg. [REDACTED] appeared passive and quiet while lying on the ground.

Officer Romberger opened the right rear door on his police vehicle and instructed [REDACTED] to stand up. He took hold of [REDACTED] left arm at the elbow with his left hand and the back of [REDACTED] neck with his right hand. Officer Romberger lifted [REDACTED] from the ground and slid him into the back seat of the police vehicle. Once in the vehicle, [REDACTED] sat upright on his own. Officer Romberger closed the rear door to the police vehicle securing [REDACTED] inside.

Officer Romberger thanked Officer(s) [REDACTED] and [REDACTED] and left the scene. Officer [REDACTED] was on field training at the time and was wearing full police uniform. Officer [REDACTED] was his field training officer. He was wearing plain clothes, dressed in a grey polo shirt and jeans.

Shortly thereafter, Officer [REDACTED] walked [REDACTED] up and began to transfer custody to Officer Romberger. They were standing at the right rear corner of a police vehicle. [REDACTED] moved to the left abruptly. Officer Romberger took hold of [REDACTED] left tricep with his right hand and pulled him back towards the vehicle. He pushed [REDACTED] against the police vehicle to gain control of him.

After pulling [REDACTED] back towards the vehicle and regaining control of him, Officer Romberger sharply pushed [REDACTED] into the police vehicle. [REDACTED] struck his face on the vehicle, resulting in a swollen bloody lip. Officer Romberger's right arm was still on [REDACTED] left tricep and the officer's left arm is up towards the upper front of [REDACTED] chest and neck. This is just out of view of the body worn camera footage. While Officer Romberger was telling [REDACTED] to stand still, [REDACTED] is heard saying, "Why are you choking me? Don't you fucking choke me".

As the officers began to discuss the incident, [REDACTED] turns and says, "Aw yeah, this looks good" referring to his lip. Officer Romberger says, "Aw man you bumped your face". Blood droplets from [REDACTED] lip can be seen on the right 'C' pillar of the police car, against which [REDACTED] is leaning.

Officer [REDACTED] adjusted the handcuffs on [REDACTED] while Officer Romberger asked [REDACTED] for his identification. [REDACTED] stated he did not have an identification. Officer Romberger searched [REDACTED] locating a wallet in his left front pant pocket. Inside the wallet, Officer Romberger located a California identification card.

Officer Romberger explained to Officer [REDACTED] he intended to contact [REDACTED] and [REDACTED] tell them to dump their beer out and leave. He explained, "Then this fool over here wants to fight" referring to [REDACTED]

After a brief discussion, Officer Romberger attempted to seat [REDACTED] into the police vehicle. He opened the right rear door. [REDACTED] was sitting passively on the right rear seat. Officer Romberger instructs [REDACTED] to move over, then stated, "Never mind" and closed the door. He walked [REDACTED] to the left rear door of

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the police car. As Officer Romberger opened the left rear door, [REDACTED] was now sitting passively on the left rear seat.

Officer Romberger moved in to slide [REDACTED] back to the passenger side. As he does so, [REDACTED] upper body falls abruptly towards the officer. Officer Romberger places his left hand around the front of [REDACTED] neck and his right hand around the rear of [REDACTED] neck. This can be seen at 10:52 on Officer Romberger's body worn camera footage (title: 69_PC- file 3.mp4).



A loud thud was heard in the vehicle and Officer Romberger pulled [REDACTED] from the vehicle by his neck. This can be seen at 10:52-10:55 on the officer's body worn camera footage (title: 69_PC-file 3.mp4). Officer [REDACTED] took custody of [REDACTED] and moved him to the rear of the police vehicle.

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On page 4, paragraph 5, of Officer Romberger's arrest report, he states that [REDACTED] refused to slide over. As he attempted to reach in and slide [REDACTED] to the right rear passenger seat, [REDACTED] attempted to head-butt him. Officer Romberger wrote he grabbed [REDACTED] head to keep him from falling out of the patrol vehicle at a fast pace and to prevent head trauma.

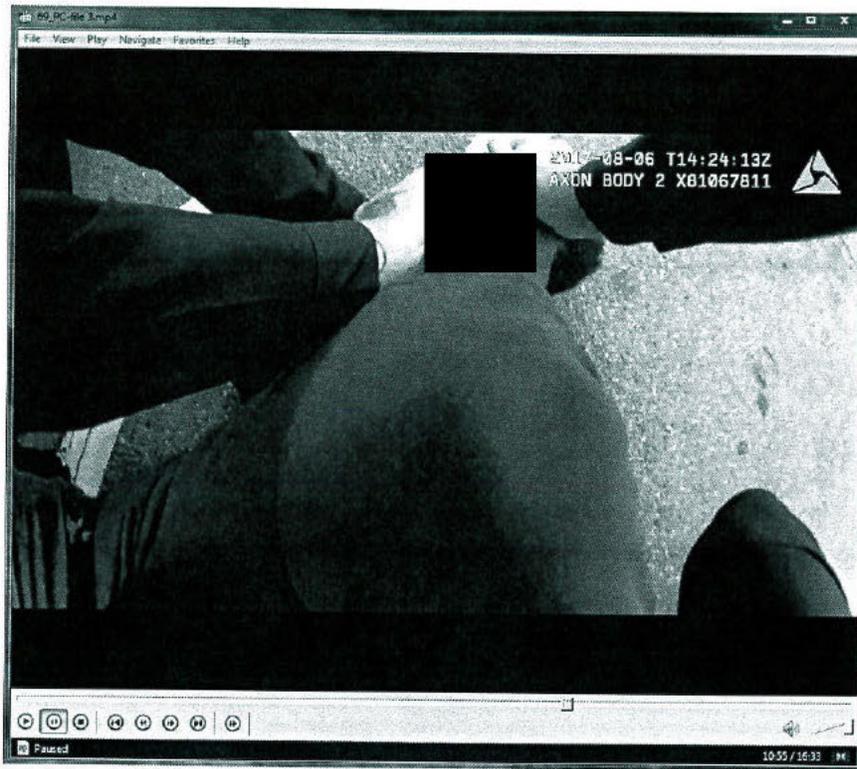
When I opened the driver's side rear door to place [REDACTED] into the back seat, I noticed [REDACTED] had slid over to this side of the vehicle. [REDACTED] refused to slide over for me to place [REDACTED] beside him. As I attempted to slide [REDACTED] over with my hands, he leaned towards me extremely quickly; in an attempt to head butt me. I backed up quickly to avoid being struck by [REDACTED] I did grab [REDACTED] to keep him from falling out of the patrol vehicle at a fast pace; which potentially could have caused major head trauma if he fell to the gravel with his hands handcuffed behind his back. I help [REDACTED] onto the ground briefly while yelling at him to stop attempting to head butt me. I returned [REDACTED] to the back seat of the vehicle.

REPORTING OFFICER	I.D. #	DIVISION	AGENCY	DATE OF REPORT	TIME
TIM ROMBERGER	5364	E1	SDPD	8/6/2017	12:07

(Revised 09/20/13 Electronic)

The officer pulled [REDACTED] from the vehicle by his neck then pushed [REDACTED] head face towards the ground. This can be seen at 10:55 on Officer Romberger's body worn camera footage (title: 69_PC-file 3.mp4).

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██████████ was now handcuffed on the ground, lying on his right side. Officer Romberger squatted over ██████████ with his right knee over ██████████ neck. It is unclear if Officer Romberger's knee was touching ██████████ neck. The officer told ██████████ "I tried to slide you over now you're going to head-butt me. You just head-butt me. Are you serious? I'm going to pick up again, you're going to sit in the car. [Do] you understand? If you head-butt me again, I'm going to smash your face into my vehicle. [Do] you understand?"

Officer Romberger picked ██████████ up by his ██████████ left arm and the back of his neck. He sat ██████████ into the left rear seat. While ██████████ was being placed into the police vehicle, Officer ██████████ arrived on scene. As he walked up, ██████████ intentionally hit his head on the back window of the police vehicle.

Officer ██████████ took control of ██████████ He walked ██████████ to his police vehicle, which was parked approximately twenty five feet away and within the same parking lot. Officer ██████████ arrived and covered him; they sat ██████████ on a curb and began to conduct a field interview of ██████████ P.E.R.T. Clinician ██████████ was working with Officer ██████████ on this date and was present at the scene.

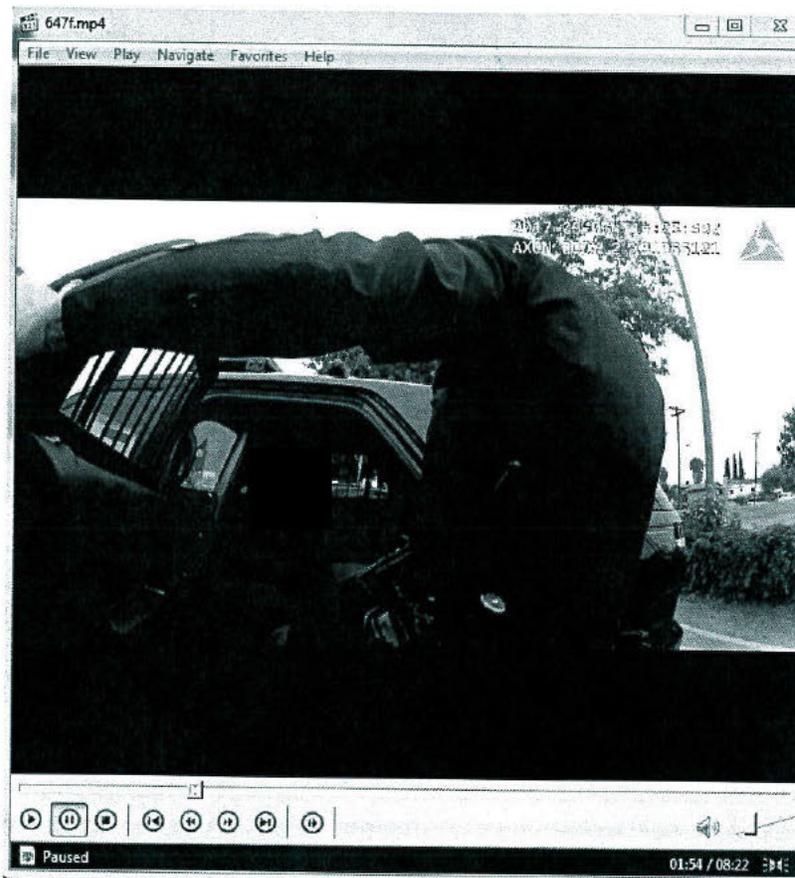
After seating ██████████ on the rear seat of the vehicle Officer Romberger asked, "Where's your I.D. at?" He patted ██████████ left front pocket, then removed an unopened can of Modelo brand beer from his pocket.

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After discovering the beer, Officer Romberger removed [REDACTED] from the police vehicle a second time. He located [REDACTED] wallet in his right rear pant pocket.

Officer Romberger instructed [REDACTED] to sit in the vehicle. As [REDACTED] was getting in, Officer Romberger placed both of his hands on [REDACTED] left shoulder and shoved him into the police vehicle. [REDACTED] was not resisting the officer's instructions. This force was not documented by Officer Romberger.

[REDACTED] was laughing while seated on the left rear seat of the vehicle. His left leg was hanging out of the open doorway. Officer Romberger kicked [REDACTED] left leg with his own left leg. This can be seen on Acting Sergeant [REDACTED] body worn camera footage at 01:50-02:00 (title: 647f.mp4).



Officer Romberger took hold of [REDACTED] left foot, physically moved it into the vehicle and closed the door. [REDACTED] continued to laugh throughout this time. This force was not documented by Officer Romberger. After closing the door on the police vehicle, Officer Romberger's ride along [REDACTED] is seen holding the firearm in her left hand. This can be seen on Officer Romberger's body worn camera footage at 12:31 (title: 69_PC-file 3.mp4).

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Officer Romberger searched [REDACTED] wallet then retrieved disinfectant wipes from his police vehicle. He had a brief discussion with [REDACTED] as he cleaned himself with the wipes. P.E.R.T. Clinician [REDACTED] walked up to [REDACTED] and engaged her in conversation.

Civilian witness [REDACTED] contacted Officer Romberger in the recreation center parking lot. [REDACTED] informed the officer he was witness to the incident. Acting Sergeant [REDACTED] returned from checking on [REDACTED] and was briefed on the incident by Officer Romberger. During this briefing, [REDACTED] kicked or hit the interior of the police vehicle twice.

As both, Officer Romberg and Acting Sergeant [REDACTED] turned towards the vehicle, Acting Sergeant [REDACTED] said, "Pepper spray him". Officer Romberger replied, "Yeah". Acting Sergeant [REDACTED] walked up to the closed left rear door and looked in at [REDACTED] has stopped kicking the vehicle and was sitting passively. Acting Sergeant [REDACTED] walked away from [REDACTED] and to the location where [REDACTED] is being field interviewed.

Officer Romberger entered the police vehicle through the driver's door and activated the rear gate [trunk] release. He walked to his trunk and began going through a gear bag. [REDACTED] was no longer kicking the vehicle at this time.

Officer Romberger retrieved a canister of pepper spray from his gear bag. He closed the trunk door and walked to the closed left rear door of the vehicle. [REDACTED] was not heard kicking the interior of the vehicle on the officer's body worn camera footage.

Officer Romberger opened the left rear door and [REDACTED] was seen on the officer's body worn camera footage. [REDACTED] was sitting passively with his eyes closed. Approximately 32 seconds after [REDACTED] kicked the vehicle, he was pepper sprayed by Officer Romberger.

The officer did not give [REDACTED] instructions or a warning prior to applying the chemical agent. Officer Romberger sprayed the chemical agent directly in [REDACTED] closed eyes from a distance of approximately 12"-18". The officer then told [REDACTED] "Don't kick my seat" and closes the door. This can be seen at 14:38-15:20 on Officer Romberger's body worn camera footage (title: 69_PC-file 3.mp4).

In his arrest report, Officer Romberger articulates he pepper sprayed [REDACTED] to prevent him from injuring himself or damaging the police vehicle.

Acting Sergeant [REDACTED] had walked away from Officer Romberger's vehicle to contact Officer(s) [REDACTED] and [REDACTED] regarding [REDACTED]. The officers were in the process of conducting a field interview on [REDACTED]. During their discussion, [REDACTED] asked Acting Sergeant [REDACTED] for Officer Romberger's name and badge number. Acting Sergeant [REDACTED] instructed [REDACTED] to, "Be quiet". [REDACTED] replied, "I'm not allowed to ask for that?" Acting Sergeant [REDACTED] stated, "No". This can be seen on Acting Sergeant [REDACTED] body worn camera footage at 04:55-05:02. Officer [REDACTED] informed [REDACTED] that Officer

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Romberger's name will be on the report and how to obtain a copy of the report. [REDACTED] can be heard repeating Officer [REDACTED] instructions.

Acting Sergeant [REDACTED] was contacted by Officer [REDACTED] who informed him his body worn camera was not activated. This can be seen at 05:04 hours on Acting Sergeant [REDACTED] body worn camera footage (title: 647f.mp4).

Acting Sergeant [REDACTED] turned his attention back to Officer Romberger, who was now standing next to the open driver's door of his police vehicle. Officer Romberger was going through a wallet that matched the description of [REDACTED] wallet. He asked the officer where [REDACTED] struck him. During this conversation, [REDACTED] can be seen continuing to hold Officer Romberger's firearm. She was standing at the front of his police car.

Acting Sergeant [REDACTED] walked back to where [REDACTED] was being field interviewed. Officer [REDACTED] gave him an update on [REDACTED] status. SDFD Paramedics arrived on scene and provided medical aid to [REDACTED]. She was ultimately transported to Sharp Memorial Hospital for being under the influence of alcohol and as a precautionary measure after falling and hitting her head on the ground.

Acting Sergeant [REDACTED] asked [REDACTED] if the firearm she was holding belonged to an officer. She informed him it belonged to Officer Romberger. He recovered the holstered firearm and returned it to Officer Romberger, who was seated on the front seat of his police vehicle working on the mobile data terminal.

Officer [REDACTED] took custody of [REDACTED] ultimately transporting and booking him into County Jail. Officer [REDACTED] prepared an arrest report for [REDACTED]. Prior to transporting [REDACTED] Officer [REDACTED] offered to have paramedics attend to [REDACTED] injured lower lip. [REDACTED] refused medical attention. He documented and photographed the injuries [REDACTED] sustained to his lower lip during the arrest. The photographs were impounded at Eastern Division on bar code 10781330. [REDACTED] was booked into County Jail on the following charges:

853.7 PC Failure to Appear Warrant
25662(A) BP Minor in Possession of Alcohol
148(A)(1) PC Obstruct / Resist a Police Officer
647(F) PC Disorderly Conduct / Public Intoxication

While at the scene, Officer [REDACTED] identified civilian witnesses, [REDACTED] and [REDACTED]. He obtained their statements. Officer [REDACTED] prepared the appropriate reports documenting the witness statements. Officer [REDACTED] wrote Crime Case 17-030266, documenting an assault on Officer Romberger by [REDACTED].

Officer Romberger transported [REDACTED] to police headquarters for the booking process; his body worn camera was recording during the transport. [REDACTED] had not been seat belted into the vehicle by Officer

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Romberger prior to transport. As they were slowing to a stop in traffic, [redacted] slid off the seat and onto the floor of the police vehicle. Officer Romberger asked [redacted] if he was ok. [redacted] could be heard on the officer's body worn camera footage saying he was ok. Officer Romberger pulled over to check [redacted] condition. He pulled into a gas station parking lot at the corner of Lake Murray Blvd and Navajo Road. The officer exited the driver's seat, looked into the back seat and stated [redacted] was breathing.

Officer Romberger did not attempt to reseat [redacted] or seatbelt him in the vehicle. They continue driving to police headquarters. Officer Romberger explained to his civilian ride along, [redacted] refused to let the officer seatbelt him. He chose to leave [redacted] seated on the floor because it was safer than being unrestrained on the seat.

On page 5, paragraph 2, of his Arrest Report, Officer Romberger wrote [redacted] refused to let the officer seatbelt him into the vehicle.

[redacted] refused to let me seatbelt him into the rear seat of my patrol vehicle prior to transporting him to police headquarters. I transported [redacted] to police headquarters to complete my booking paperwork. Officer [redacted] transported [redacted] to police headquarters. [redacted] was then booked into central jail for 69 PC resisting arrest with violence, 243C2 battery on a police officer, 647F PC drunk in public and a misdemeanor warrant. [redacted] was booked into central jail for 148A1 PC delaying a police officer, 647F PC drunk in public and a misdemeanor warrant.

Officer Romberger ultimately booked [redacted] into County Jail for the following charges:

- 853.7 PC Failure to Appear Warrant
- 25662(A) BP Minor in Possession of Alcohol
- 243(C)(2) PC Battery Against a Police Officer
- 69 PC Obstruct / Resist a Police Officer
- 647(F) PC Disorderly Conduct / Public Intoxication

Officer Romberger did not administer medical aid to [redacted] for the Oleoresin Capsicum [Pepper] spray prior to booking him into County Jail.

While reviewing the details of this case, I identified the following civilian witnesses:

- [redacted] is an employee of the San Diego Parks and Recreation Department and works at the San Carlos Recreation Center. On the morning of this incident, she was the lone employee at the location. Her job was to open the center for Convergence Church, who rents space within the recreation center building. On her arrival at the facility that morning, [redacted] saw [redacted] and a female, later identified as [redacted] loitering near the building. They had a case of beer and appeared to be inebriated.
- [redacted] and [redacted] were at the location to set up for the upcoming church service. They are members of Convergence Church, which rents space at the San Carlos Recreation Center

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on Sundays. [REDACTED] enlisted the help of [REDACTED] and [REDACTED] to ask [REDACTED] and [REDACTED] to leave the recreation center.

- [REDACTED] was on ride along with Officer Romberger at the time of this incident.
- [REDACTED] was the original reporting party.

I identified six officer witnesses:

- La Mesa Police Officer [REDACTED]
- La Mesa Police Officer [REDACTED]
- San Diego Police Acting Sergeant [REDACTED]

On August 29, 2017, at about 1042 hours, Internal Affairs Detective Sergeant J. Pearson, ID 5282, and I interviewed La Mesa Police Officer [REDACTED] (Witness Officer). The interview took place in the Investigations' Interview Room at La Mesa Police Department's Headquarters.

On August 29, 2017, at about 1130 hours, Detective Sergeant Pearson and I went to San Carlos Recreation Center, 6445 Lake Badin Avenue, in an attempt to locate witnesses. We observed two surveillance cameras on the exterior of the building.

I met with the [REDACTED] who informed me the surveillance cameras have been inoperable for over three years. She provided me with two Parks and Recreation Center Incident Reports that had been generated regarding this case. One was written by [REDACTED] and the other by [REDACTED] incident report had a typed statement attached. Key elements in the typed statements are paraphrased below:

- Dated 8/6/17 – 7:00am
- Restroom Sign on Side Entrance Damaged
- There was an open 12 pack of Modelo beer next to a male and female, both of whom were asleep near the water fountain.
- A sign had been ripped from a recreation center door and was laying in the grass.
- The Restroom sign had been damaged and bent.
- [REDACTED] identified the trio [REDACTED] and [REDACTED] to a police officer (Officer Romberger)
- She saw a police officer had one of the males held down on the ground. The other was next to them and female was still asleep near the side door.
- When a second police officer arrived, they handled the males [REDACTED] and [REDACTED]

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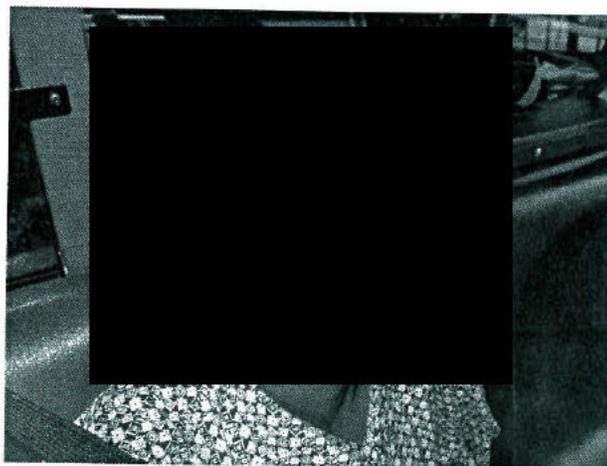
- While the officers were dealing with the males, the female [REDACTED] began walking along the building. She was using the building to assist her walking. When she tried to stand on her own, without the building, she fell backwards and hit her head hard. She appeared to have lost consciousness for a few seconds. [REDACTED] went to assist her until paramedics arrived.
- Police took the males while paramedics took the female to a hospital.
- All were most likely under the influence and may have been the reason the Restroom sign was damaged.
- The female was reported to have been seen squatting atop a water fountain near the restroom door, without pants on around 7:00am.

On September 5, 2017, at about 1610 hours, I interviewed [REDACTED] who was a civilian ride along with Officer Romberger at the time of this incident. [REDACTED] lives outside the State of California, therefore I conducted a telephone interview.

On September 5, 2017, at about 1815 hours, I interviewed La Mesa Police Officer [REDACTED] at the La Mesa Police Headquarters.

Officer [REDACTED] completed an Arrest Report for [REDACTED] on August 6, 2017. He took three digital photographs and impounded them as evidence on Bar Code 10781330. On September 6, 2017, I retrieved Photo Evidence CD 10781330 from Headquarters Impound. I entered the photos into the case file and impounded the photo CD under the same Bar Code number. Two of the photos were of [REDACTED] and his injured lip. The third photo was an unopened 12oz can of Modelo beer.

[REDACTED] sustained a bloody swollen lip after being shoved into the police vehicle by Officer Romberger.



On September 6, 2017, at about 1430 hours, Detective Sergeant K. Moyna, ID 5506, and I interviewed civilian witness [REDACTED]. The interview took place at Starbucks, 8898 Navajo Road, San Diego.

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On September 8, 2017, at about 1032 hours, Detective Sergeant H. Oliver, ID 5492, and I interviewed civilian witness [REDACTED]. The interview took place at Starbucks, 8898 Navajo Road, San Diego. On September 11, 2017, at about 0852 hours, Detective Sergeant J. Pearson, ID 5282, and I interviewed civilian witness [REDACTED]. The interview took place at [REDACTED] San Diego.

On September 12, 2017, I conducted a computer records check of Officer Romberger's firearms qualifications. I confirmed that at the time of this incident Officer Romberger was qualified with his backup firearm, which was a Glock G27. He was authorized to carry the weapon while on duty.

On September 13, 2017, at about 0615 hours, Detective Sergeant J. Pearson, and I interviewed Officer [REDACTED] at the Eastern Division Substation. At about 1114 hours, we interviewed Officer [REDACTED] in the Internal Affairs office at Police Headquarters.

On September 13, 2017, I emailed Officer [REDACTED] and Acting Sergeant [REDACTED] notifying them they were subject officers in this internal investigation. The email notified them of their right to representation and requested they call me to schedule a future date for an interview. At the time of this incident, Officer [REDACTED] was an acting sergeant. When I emailed Officer [REDACTED] notifying him of the investigation, he was no longer in an out of class assignment as an acting sergeant role.

On September 19, 2017, I conducted a telephone interview of [REDACTED] was the original reporting party who called the police to report [REDACTED] and [REDACTED] drinking in the park. He did so via the police non-emergency number. This call resulted in the generation of CAD incident number #17080009139. [REDACTED] did not witness police contact with [REDACTED] or [REDACTED]. He provided the details as to their actions, which prompted him to call the police.

On September 20, 2017, I emailed Officer Timothy Romberger notifying him he was a subject officer in this internal investigation. The email notified him of his right to representation and requested he contact me to schedule a future date for an interview.

On October 18, 2017, I interviewed P.E.R.T. Clinician [REDACTED] at the Internal Affairs office. [REDACTED] was working as a P.E.R.T. Clinician with Officer [REDACTED] at the time of this incident. They responded to Officer Romberger's cover call at the San Carlos Recreation Center.

On October 19, 2017, I was able to locate civilian witness [REDACTED] through a computer search. [REDACTED] is a musician with Convergence Church and was present at the San Carlos Recreation Center at the time of this incident. I emailed him requesting an interview. Almost immediately, I received a return telephone call from [REDACTED]. He consented to an audio recorded telephone interview and I obtained his witness statement.

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On October 19, 2017, at 1307 hours, Detective Sergeant Bret Righthouse, ID 4173, and I interviewed Subject Officer [REDACTED] in the Internal Affairs office. His attorney, [REDACTED] was present during the interview. The interview was audio recorded.

On October 23, 2017, at 0917 hours, Detective Sergeant Righthouse and I interviewed Subject Officer [REDACTED] in the Internal Affairs office. His employee representative, [REDACTED] was present during the interview. The interview was audio recorded.

On October 26, 2017, at 0815 hours, Detective Sergeant Righthouse and I interviewed Witness Officer Timothy Romberger in the Internal Affairs office. His attorney, [REDACTED] was present during the interview. The interview was audio recorded.

On October 30, 2017, I sent the audio files of Officer [REDACTED] Officer [REDACTED] and Officer Romberger's interviews to be transcribed. I received the completed transcriptions on November 6, 2017.

On October 31, 2017, I contacted the San Diego County Jail regarding [REDACTED] booking. I confirmed that at the time of [REDACTED] booking, [REDACTED] notified the intake nurse of the fact he had been pepper sprayed by Officer Romberger. Officer Romberger informed the nurse [REDACTED] refused decontamination.

On November 2, 2017, at about 1230 hours, I conducted a follow up at the San Carlos Recreation Center. I attempted to locate a grounds keeper who witnessed the incident on August 6, 2017. [REDACTED] identified the grounds keeper as [REDACTED]. I was informed [REDACTED] had transferred to another assignment, however the center employees did not know where he was currently assigned. I called Parks and Recreation [REDACTED] who manages San Diego Parks and Recreation employees. I received [REDACTED] voice mail and left a message requesting she call me. [REDACTED] returned my call and provided [REDACTED] city cell phone number and personal cell phone number. I called [REDACTED] however I received his voice mail. I left a voice mail message on [REDACTED] telephone requesting he return my call.

On November 30, 2017, at about 0830 hours, [REDACTED] returned my call and we arranged to meet for an interview later that morning. At about 1027 hours, Detective Sergeant Cesar Jimenez, ID 6593, and I interviewed [REDACTED] in a gas station parking lot at 4505 Clairemont Mesa Boulevard.

On January 3, 2018, at about 1230 hours, Sgt. Pearson and I attempted to interview [REDACTED] at the home address he provided at the time of this incident, [REDACTED]. I spoke with [REDACTED] and [REDACTED] who reside at the location. Neither [REDACTED] nor [REDACTED] knew [REDACTED]. They stated [REDACTED] does not live at the location.

On January 3, 2018, at about 1315 hours, Sgt. Pearson and I attempted to interview [REDACTED] at the home address he provided at the time of this incident, [REDACTED]. We spoke with [REDACTED] at the address, who stated he was [REDACTED]. [REDACTED] stated [REDACTED] uses this address, however he does not live at the location. [REDACTED] stated [REDACTED] phone had been turned off because he was out of

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work and [REDACTED] has no way of contacting [REDACTED]. I explained I wanted to interview [REDACTED] regarding this incident and requested he call me.

On January 3, 2018, at about 1500 hours, Sgt. Pearson and I attempted to contact [REDACTED] at the address she provided at the time of this incident. We spoke with [REDACTED] who identified herself as [REDACTED]. [REDACTED] confirmed [REDACTED] lives at the location, however she was at work while we were there. I provided my card and requested [REDACTED] call me for an interview. I received a voice mail from [REDACTED] at about 1700 hours.

On January 4, 2018, at about 0746 hours, I entered [REDACTED] and [REDACTED] into the Officer Notification System as witnesses. The ONS numbers were:

- [REDACTED]
- [REDACTED]

On January 4, 2018, at about 1315 hours, I called [REDACTED] and received her voice mail. I left a message requesting she call me. I did not received a return call.

On January 20, 2018, at about 1505 hours, I called [REDACTED] and received her voice mail. I left a message requesting she call me.

On February 1, 2018, at about 1100 hours, I interviewed [REDACTED] via telephone.

All interviews were audio recorded, unless otherwise noted, and the recordings will be maintained with the Internal Affairs file. The statements are "in essence" synopses of the interviews. (For exact and complete details of the interviews, refer to the audio recordings.)

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Civilian Witness Interview: [REDACTED] (civilian ride along)

On September 5, 2017, at 1610 hours, I interviewed [REDACTED] via telephone. She lives outside of California and agreed to a telephone interview. [REDACTED] consented to the interview being recorded. The following is a synopsis of [REDACTED] interview.

On August 6, 2017, [REDACTED] was visiting San Diego and participated in a Ride-Along with the San Diego Police Department. She rode with Eastern Division Patrol Officer Romberger during day watch hours. [REDACTED] stated she recollects the radio call at San Carlos Recreation Center.

She and Officer Romberger were the first to arrive at the scene. On arrival, they pulled into the parking lot. [REDACTED] accompanied the officer as he contacted the reporting party. They were informed there were three individuals drinking behind the recreation center and were using the drinking fountain as a bathroom.

They walked around the recreation center. On the back side of the building they saw two males [REDACTED] and [REDACTED] walking away from the building. One of the individuals [REDACTED] was holding a Modelo beer in his hands. [REDACTED] stayed about ten feet back while Officer Romberger attempted to stop the males. When ordered to stop by the officer they ignored him and continued walking away.

Officer Romberger took control of [REDACTED] by holding his arm. Officer Romberger asked [REDACTED] how old he was and began obtaining general information. She remembers both men were under the legal drinking age. [REDACTED] continued walking away. Officer Romberger escorted [REDACTED] up the hill, following [REDACTED]

As Officer Romberger reached for [REDACTED] jumped in an attempt to get out of the way, then spun around and attempted to punch the officer. She could not see if [REDACTED] actually struck the officer. Officer Romberger released [REDACTED] and took [REDACTED] to the ground. The two scuffled on the ground. She later learned Officer Romberger's backup handgun had fallen to the ground during the scuffle with [REDACTED]

[REDACTED] who was unrestrained, was standing behind Officer Romberger as he was on the ground struggling with [REDACTED] began to reach down and touch the officer, while saying, "Hey". He had one hand near the officer's shoulder and one near his back. [REDACTED] became concerned for the officer's safety and told [REDACTED] "Don't touch him, you can't touch him." Officer Romberger pointed his Taser at [REDACTED] and ordered him to the ground then called for backup (from other officers). The officer later told [REDACTED] he knew his firearm was on the ground and feared [REDACTED] would attempt to gain possession of it, which is why he drew his Taser and pointed it at [REDACTED]

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When Officer [REDACTED] arrived, they took the men into custody. Officer Romberger attempted to walk [REDACTED] to the police car. It appeared to [REDACTED] that [REDACTED] was being difficult and resisted. This consisted of [REDACTED] dragging his feet. Officer [REDACTED] had custody of [REDACTED]

As Officer Romberger walked [REDACTED] to the police car, [REDACTED] followed behind. Officer Romberger handed [REDACTED] his holstered backup gun and his body worn camera to carry to the car. She advised she and Officer Romberger know each other. He has knowledge she knows how to safely handle a loaded firearm. He also knows [REDACTED] owns a firearm herself.

As he handed the items to [REDACTED] he stated, "This fell can you hold it for a moment?" She carried it to the parking lot. She later relinquished the firearm to a uniformed officer (Acting Sergeant [REDACTED]). I asked [REDACTED] if she was uncomfortable holding the weapon. She replied she was not. She felt comfortable because she could secure it.

After [REDACTED] was seated in the police vehicle, Officer Romberger attempted to control [REDACTED]. [REDACTED] was being resistive and moved his head in an attempt to head-butt Officer Romberger. The officer was able to push his head forward. When Officer Romberger attempted to put [REDACTED] in the same police vehicle as [REDACTED] slid over blocking the seat to make it difficult for the officer.

At some point, Officer Romberger told [REDACTED] he was going to seat belt him, [REDACTED] refused. While they transported [REDACTED] to police headquarters, [REDACTED] slid off the seat. [REDACTED] stated [REDACTED] was intoxicated. Officer Romberger pulled over stating he needed to check on [REDACTED]. He asked [REDACTED] if he wanted a seatbelt; [REDACTED] declined stating he was fine. There was a female with [REDACTED] and [REDACTED] at the recreation center. During this incident she attempted to walk away and fell to the ground, striking her head. No officers were involved with the female. After she fell, paramedics were called to treat her.

While at police headquarters, Officer Romberger asked [REDACTED] if he needed anything. [REDACTED] was jovial and had a polite conversation with the officer. Officer Romberger informed him he was just going to dump the beer out and send them on their way. [REDACTED] laughed and said he didn't know. [REDACTED] had slid his cuffed hands to the front of his body. Officer Romberger explained they needed to be behind his back. He gave [REDACTED] the option of putting them back himself or the officer could remove the handcuffs and handcuff him with his arms behind his back. [REDACTED] elected to step through the handcuffs on his own, bringing them behind his back.

I asked [REDACTED] if Officer Romberger flushed [REDACTED] eyes with water while at police headquarters. This triggered a memory of [REDACTED] being O.C. sprayed. She stated that while they were still at the recreation center [REDACTED] was kicking the back of the seat and door from inside the police car. Officer Romberger instructed [REDACTED] to stop and Acting Sergeant [REDACTED] told him to pepper spray him.

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While en route police headquarters, Officer Romberger asked [REDACTED] if he wanted his eyes rinsed out. Officer Romberger told [REDACTED] if he applies water it will burn more; it's best to let it air out. [REDACTED] told him he was fine and did not need his eyes flushed.

I concluded the interview at 1635 hours.

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Civilian Witness Interview: [REDACTED]

On September 6, 2017, at 1441 hours, Detective Sergeant K. Moyna, ID 5506, and I interviewed [REDACTED] at a Starbucks, located at 8898 Navajo Road, San Diego. The following is a synopsis of [REDACTED]'s interview.

[REDACTED] had memory of this incident, which occurred on August 6, 2017, at about 0700 hours. He and other members of his church arrived at the recreation center to begin setting up for a function occurring at the location that day. He is an associate pastor for his church. They were notified by a female recreation center employee there were three intoxicated individuals behind the building. The employee asked [REDACTED] and the other church members if they would ask the individuals to leave. They were told there were two males and a female involved. The female was reported to have been using an outdoor drinking fountain as a bathroom.

[REDACTED] and another church member, [REDACTED] found the individuals near the bathroom leaning against the door. They politely asked them to leave the building and move to another area of the park. They told the trio there was a function about to start and there would be families with children attending. The subjects were indifferent, merely asking for 'smokes'. The trio did not move as requested. [REDACTED] and [REDACTED] left them in place and returned to their work setting up for church. He later learned a citizen, unknown to him, called the police to report the individuals.

After the first officer arrived, they heard a commotion outside. [REDACTED] walked outside to find Officer Romberger holding [REDACTED] on the ground in a grassy area. Officer Romberger was atop [REDACTED] holding him down. Officer Romberger was pointing his Taser at [REDACTED] and ordering him to the ground. [REDACTED] was coming towards the officer not heeding his commands. Officer Romberger was telling [REDACTED] not to move and stay where he was. Ultimately, [REDACTED] assumed a half seated, half squatting position nearby.

[REDACTED] believed the trio was intoxicated based on the fact there was a case of beer nearby and they smelled as if they had been drinking. [REDACTED] stood by in case Officer Romberger needed help. [REDACTED] was physically struggling to free himself from Officer Romberger's control. The female [REDACTED] was having difficulty walking, due to intoxication, or the shoes she was wearing or a combination of both. [REDACTED] fell backwards and struck her head on the concrete. She was unconscious for a short time. [REDACTED] walked over to her and attempted to help. No officers were involved with [REDACTED] until after she had fallen and needed medical attention.

The second officer [REDACTED] arrived, he drove through the park to get there faster. [REDACTED] described [REDACTED] and [REDACTED] as being belligerent towards the officers. He believed the female was so intoxicated she probably doesn't even remember this incident.

Several more officers began to arrive. Even with the additional officers, [REDACTED] and [REDACTED] continued being belligerent. When Officer Romberger attempted to walk [REDACTED] to the parked

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police vehicle, [REDACTED] resisted him. I asked how he was resisting, giving the examples of pulling away from and pushing into the officer. [REDACTED] said [REDACTED] was doing it all. I asked [REDACTED] if he saw [REDACTED] taken to the ground by the officer. He said that as they neared a concrete patio area, behind the recreation center, [REDACTED] was not complying with the officer and made a move prompting Officer Romberger to take [REDACTED] to the ground. [REDACTED] could not describe in detail what move [REDACTED] made, prompting the takedown, or what type of takedown was used.

Officer Romberger asked [REDACTED] "Hey are you going to stop resisting?" [REDACTED] perceived this as the officer giving [REDACTED] a chance to straighten up. [REDACTED] watched the officer walk [REDACTED] the rest of the way to the parked police vehicle. [REDACTED] was somewhat resistive, but less than he had been. Officer Romberger had to struggle the whole way. He added [REDACTED] and [REDACTED] were accusing the officers of being racist for contacting them.

I asked [REDACTED] if [REDACTED] was also resistive against the officer [REDACTED] arresting him. He stated he didn't pay as much attention to them because they were in a different area of the park.

[REDACTED] saw one of the males attempt to head-butt Officer Romberger near the parked police vehicle. The suspect who attempted to head-butt Officer Romberger was wearing a shirt that was one solid color. [REDACTED] was wearing a solid color shirt, while [REDACTED] was wearing a patterned shirt.] This occurred on the driver's side of the parked police vehicle. I asked if he saw how the officer handled the head-butt incident. [REDACTED] couldn't remember exactly, however he believes Officer Romberger just pushed him against the police vehicle.

[REDACTED] offered his opinion as to how Officer Romberger handled the situation. He stated the officer used less force than they probably could have. Officer Romberger appeared to be composed and in control during the incident.

I concluded the interview at 1502 hours.

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Civilian Witness Interview: [REDACTED]

On September 8, 2017, at 1032 hours, Detective Sergeant H. Oliver, ID 5492, and I interviewed [REDACTED] at a Starbucks, located at 8898 Navajo Road, San Diego. The following is a synopsis of [REDACTED] interview.

[REDACTED] had memory of this incident, which occurred August 6, 2017, at about 0700 hours. He and [REDACTED] were at the recreation center to begin setting up for church, a function occurring at the location that day. They were notified by [REDACTED] a recreation center employee, there were three intoxicated individuals behind the building. [REDACTED] asked [REDACTED] and [REDACTED] if they would ask the individuals to leave. They were told there were two males and a female involved. [REDACTED] wanted to ask them to leave because they had alcohol with them. Additionally, they were loitering near the locked bathrooms and [REDACTED] didn't want to unlock them with the trio standing nearby.

As they exited the building, [REDACTED] saw an open 18 pack of Modelo [beer] sitting on the ground. A male and a female were asleep on the ground and another male was sitting by the water fountain. He was described as 'out of it'. Half of the 18 pack of beer was gone.

[REDACTED] stated they smelled of alcohol. He explained to the male they were about to hold church and there would be families with kids in attendance. He asked they leave the immediate area of the building. The male asked [REDACTED] for a cigarette. He said, no and asked them to leave a second time. The male then asked [REDACTED] for a cigarette. [REDACTED] asked him a third time to leave. The male said he would wake the others, assuming they would then leave. They did not leave.

[REDACTED] and [REDACTED] returned to the interior of the building and continued setting up for church. When he was in front of the building near the parking lot a police officer [Officer Romberger] arrived on scene. [REDACTED] assumed a passerby, who was walking their dog, or [REDACTED] had called the police. [REDACTED] met with Officer Romberger and explained there were three individuals around the corner who had been drinking beer. He believed they may have ingested something more than beer, but he could not confirm the belief. The officer walked off to contact the trio, leaving [REDACTED] to continue setting up for church.

Suddenly, [REDACTED] heard Officer Romberger yelling for one of the males to get down. [REDACTED] immediately went around the corner to see what was happening. He knew the officer was alone and was concerned for his safety. As [REDACTED] turned the corner, he saw Officer Romberger had one male [REDACTED] pinned to the ground in the grass adjacent to the patio behind the recreation center. The officer was giving commands to the second male [REDACTED] was standing approximately five feet from [REDACTED] and Officer Romberger.

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█████ was face down with Officer Romberger atop of him. The officer's knee was on █████ back and he was holding █████ arms with one hand, while reaching for his Taser with the other. It looked as though Officer Romberger was attempting to handcuff █████ was squatting down and look as if he was going to lunge at the officer. Officer Romberger pulled his Taser out and pointed it at █████ while ordering him to 'be still'. █████ was resisting by actively moving back and forth to avoid being controlled.

█████ mind began racing, trying to decide what to do. He was afraid for the officer's safety because he was alone and there were two suspects. In addition, the officer had a ride along with him █████ was yelling at the officer. Officer Romberger gave █████ clear instructions to stop talking and get on the ground. █████ remembers thinking to himself, "Why don't you just shut up and do what the officer is telling you", referencing █████ Officer Romberger ultimately handcuffed █████ while another arriving officer █████ handcuffed █████ █████ felt the officer was in control of his emotions during the contact.

While this was happening, their female companion █████ began walking along the building. She was so intoxicated she had to use the building to help her walk. █████ fell to the ground, hitting her head. █████ was knocked unconscious by the fall. █████ was greatly concerned for █████ because she hit her head so hard the noise startled everyone. He immediately went to see if █████ was ok. █████ attempted to wake █████ but she was unresponsive. He looked at █████ who was continuing to verbally abuse Officer Romberger. █████ yelled for █████ to shut up and tell him █████ name. He saw the officers were still trying to detain █████ and █████

One of the males yelled to █████ "You see brother, this is what I'm talking about". The inference being the officers were arresting them based on race. █████ told them, "No dude, you're in the wrong. You shouldn't have been drinking in public. Secondly, you're resisting arrest and running your mouth and squirming so he's [Officer Romberger] trying to deal with you and your friend."

█████ began to regain consciousness; █████ told her to stay where she was. Officer Romberger attempted to walk █████ to the police car. █████ was resisting by flailing his body and purposely opposing being controlled by the officer. At one point, █████ pulled away and dropped his body weight, causing him to fall to the ground. The officer did not do a takedown maneuver. Officer Romberger picked █████ up and walked him to the parking lot. Officer █████ had control of █████ and walked to █████ location near █████ Officer █████ called for paramedics for █████ then walked █████ towards the parked police cars.

█████ stayed with █████ until paramedics arrived. Officer █████ returned and retrieved █████ identification from her purse for the paramedics. █████ was ultimately transported by paramedics.

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██████████ walked to the recreation center parking lot where he was interview by Officer ██████████

██████████ stated the officers were doing what they were supposed to do and did not act inappropriately. ██████████ and ██████████ were acting inappropriately and resisted the officers. ██████████ and ██████████ stayed with Officer Romberger until other officers arrived because they feared for the officers' safety.

I concluded the interview at 1057 hours.

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Civilian Witness Interview: [REDACTED]

On September 11, 2017, at 0852 hours, Detective Sergeant J. Pearson, ID 5282, and I interviewed San Diego Parks and Recreation employee [REDACTED]

[REDACTED] The following is a synopsis of [REDACTED] interview.

[REDACTED] stated that on August 6, 2017, at about 0700 hours, she arrived to open the San Carlos Recreation Center. As she walked up to the building, she saw a male standing near the building next to the office. The male was holding a can of beer. She then noticed a pair of feet sticking out of an alcove where another door is located. That person was laying on the ground. She later learned there were three individuals in total, two of whom were asleep on the ground. [REDACTED] saw a case of Modelo beer open next to them. She assumed the beer belonged to the individuals.

She opened the building to allow members of the Convergence Church entry. She asked [REDACTED] and [REDACTED] to assist her in asking the three individuals, who had been drinking near the building, to leave. She enlisted their help because she was afraid to confront them alone. [REDACTED] described the three individuals as African American and in their twenties. In addition to drinking alcohol at the recreation center, one of the church members told [REDACTED] the female member of the trio [REDACTED] had been using the drinking fountain as a restroom. [REDACTED] noticed recent damage to the property in the area in which the trio was loitering. She noted a newly installed restroom sign was bent as if someone was trying to pull it off the wall.

[REDACTED] and [REDACTED] exited the building and [REDACTED] asked them to leave. [REDACTED] saw there were two males and a female. One male [REDACTED] and a female [REDACTED] were asleep on the ground; the other male [REDACTED] was standing next to the building. [REDACTED] returned to the office to begin her duties. She saw through the office window that [REDACTED] and [REDACTED] had moved away from the building and were standing in a grassy area near some trees.

She was looking for the police non-emergency number when Officer Romberger arrived. She believed an unknown passerby called the police. She went to her vehicle and retrieved her [REDACTED]

When she returned, Officer Romberger and [REDACTED] were standing up struggling. At one point they went to the ground with [REDACTED] seated almost within arm's reach. It appeared as though [REDACTED] was resisting. He was attempting to get up, while the officer was trying to restrain him on the ground. [REDACTED] was in quasi seated squatting position about three to five feet away from Officer Romberger. [REDACTED] heard Officer Romberger tell [REDACTED] to sit down or he would be Tased. [REDACTED] was yelling, "why are you doing that, he's not resisting" at Officer Romberger.

[REDACTED] stepped out of the building and was standing next to Officer Romberger's ride along [REDACTED] noticed [REDACTED] was holding Officer Romberger's gun and possibly his badge. She didn't know how she came into the possession of them.

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While watching Officer Romberger attempting to control [REDACTED] and [REDACTED] alone, she saw their female companion [REDACTED] come around the corner. [REDACTED] was so intoxicated she was having to hold onto the building to remain standing. As [REDACTED] neared the middle of the concrete patio, behind the recreation center, she lost her balance and fell to the ground. [REDACTED] struck her head on the concrete with considerable force. This drew [REDACTED] and [REDACTED] attention to her. [REDACTED] was initially unconscious, however regained consciousness after approximately ten seconds. [REDACTED] watched as [REDACTED] attempted to talk with [REDACTED]. When [REDACTED] awoke she complained of head pain. [REDACTED] stated no police officers were involved with [REDACTED] prior to her falling to the ground.

As additional police officers arrived, [REDACTED] was taken into custody by one of them. The initial officer on scene [Officer Romberger] had taken [REDACTED] into custody.

Officer Romberger walked [REDACTED] towards the parking lot; [REDACTED] did not notice anything out of the ordinary because her attention was mainly on [REDACTED].

[REDACTED] was later told by a church member an officer had pushed [REDACTED] head into a police vehicle. This resulted in [REDACTED] sustaining a facial injury. [REDACTED] then bled onto a police vehicle. She did not witness the event. She was advised of the event by a Convergence Church member she knows only as [REDACTED].

Based on [REDACTED] observations of the three individuals, she believed they were all intoxicated. She had witnessed the half empty case of beer when she arrived, one of the males had been seen holding a can of beer, initially [REDACTED] and [REDACTED] were passed out next to the building and [REDACTED] was clearly too intoxicated to walk.

I asked [REDACTED] if she felt Officer Romberger was in control of his emotions during the incident. She felt he was in control, but was a little aggressive. She felt he might be on the verge of losing control of his emotions. While he had [REDACTED] on the ground, there were a couple of times the officer pushed [REDACTED] back towards the ground.

She did note [REDACTED] may have taken a punch at Officer Romberger and was actively trying to get back up as the officer was trying to hold him on the ground. [REDACTED] also articulated the officer did the best he could while being alone and trying to control two resistive people.

I concluded the interview at 0926 hours.

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Civilian Witness Interview: [REDACTED]

On September 19, 2017, at 1225 hours, I interviewed [REDACTED] the reporting party for incident 17080009139. The following is a synopsis of [REDACTED] interview.

On the morning of August 6, 2017, between 0600-0630 hours, [REDACTED] was walking his dog through the park at the San Carlos Recreation Center. He saw trash strewn about the baseball fields. The trash consisted of empty beer cans and cases of beer. He also saw what he believed to be fresh graffiti in the park.

He noticed two males and a female who appeared to be intoxicated. The males were staggering around the grassy area of the recreation center building. The males were arguing with one another and the female was laying on the ground. She appeared to be heavily intoxicated. [REDACTED] noted more empty beer cans strewn about and decided to call the police.

He called the San Diego Police non-emergency number and reported the listed information. [REDACTED] described the individuals as African American or dark skinned Latino. One of whom was wearing a hoodie.

As [REDACTED] was leaving the park he saw police begin to arrive. He left the area and did not see any police interaction with the individuals.

I concluded the interview at about 1232 hours.

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Civilian Witness Interview: [REDACTED] (P.E.R.T. Clinician)

On October 18, 2017, at 0856 hours, I interviewed [REDACTED] in the Internal Affairs office, Interview Room 1. [REDACTED] is a P.E.R.T. Clinician with the Psychiatric Emergency Response Team. [REDACTED] was present during the interview. The following is a synopsis of [REDACTED] interview.

[REDACTED] stated she was working as a P.E.R.T. Clinician on August 6, 2017. Her officer partner was Officer [REDACTED]. They were working Eastern Division on this date. After hearing Officer Romberger's call for cover, they responded to the San Carlos Recreation Center. [REDACTED] recollected the radio call.

Upon arrival, the call was under control, "Code 4". Officer [REDACTED] parked their vehicle approximately 200 feet away from Officer Romberger's police vehicle. She saw one male detained, handcuffed and seated on the curb near several police cars. A second individual was detained in the back seat of Officer Romberger's police vehicle and a female was being treated by paramedics at the recreation center.

[REDACTED] saw Officer Romberger's civilian ride along [REDACTED] standing near the front of his police vehicle, she walked over to her to have a conversation and stay out of the way. She described the suspect detained on the curb [REDACTED] as being a Black male, approximately eighteen years of age, and having short hair. There were officers talking with [REDACTED] however she could not recall which officers, nor did she hear their conversation.

[REDACTED] engaged [REDACTED] in a casual conversation about random topics, "Weather" etc. They did not discuss the incident. [REDACTED] was told [REDACTED] was a friend of Romberger's and was from out of town so she engaged her in 'normal chit chat'.

I asked [REDACTED] if she saw [REDACTED] in the possession of any police equipment; she could not recall.

At one point, the suspect detained in the backseat of Officer Romberger's police vehicle [REDACTED] began kicking on the inside of the vehicle, causing the vehicle to shake back and forth. Officer Romberger walked over to the vehicle and fully opened the left rear door. She was standing near the front of the police vehicle and could not see what took place in the back seat. She heard Officer Romberger pepper sprayed [REDACTED] heard Officer Romberger say something to the effect of 'stop kicking my car'. She could not confirm whether he gave the instruction / warning prior to using the pepper spray because she did not witness the application of the chemical agent. She did not see Officer Romberger remove [REDACTED] from the vehicle.

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██████████ stated she did not speak with any other civilian witnesses to the incident while on the scene. She looked around the recreation center building and saw paramedics treating a female ██████████. An unknown person told ██████████ had fallen and hit her head.

I asked ██████████ if she saw any police officers handcuff or use force on anyone. Upon arrival on scene, she saw ██████████ was handcuffed, however she did not witness him being handcuffed. She was told Officer Romberger pepper sprayed ██████████ however she could not see into the vehicle to actually see the application of the chemical agent.

I asked ██████████ for her assessment of Officer Romberger's demeanor while she was on scene. She described Officer Romberger as 'stoic'.

I concluded the interview at 09:10 hours.

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Civilian Witness Interview: [REDACTED]

On October 19, 2017, at 0850 hours, I interviewed [REDACTED] via telephone. [REDACTED] is a musician who was present at the San Carlos Recreation Center at the time of this incident. The following is a synopsis of [REDACTED] interview.

[REDACTED] advised he was at the San Carlos Recreation Center on August 6, 2017. At about 0700 hours, he and other members of the Convergence Church arrived at the facility to setup for church services. A passerby notified them a female had her pants down and was squatting over the outdoor drinking fountain. She was using the drinking fountain to wash herself. Church members [REDACTED] and [REDACTED] went to investigate; [REDACTED] stayed inside the building to continue setting up for church services.

A short time later he was setting up sound equipment inside the recreation center. He looked out the main entrance doors and saw two officers had a handcuffed male, they were standing next to a parked police vehicle. He described the handcuffed male as a Black male. The male attempted to lean over several times, attempting to talk with someone inside the back seat of the police vehicle. Each time the male leaned over to speak with the person in the car, the officers righted him to prevent him from speaking with the other person.

At one point, one of the officers grabbed the prisoner by the back of the head and, "Smashed the guy's head into the back of the [cop] car". The Black male began cursing at the officer and began bleeding from his mouth. [REDACTED] witnessed this while standing near the building entrance, which was approximately 50-100 feet away. When he saw this, [REDACTED] initial reaction was 'why did the officer do that; the guy wasn't trying to hurt anyone'. [REDACTED] felt this was unreasonable.

I asked [REDACTED] if he saw an officer with their hands on a prisoner's throat; he stated he did not witness any such action. I asked [REDACTED] if he saw an officer seat a prisoner into a police car. He stated he was not a witness to anyone being placed into a police vehicle. After witnessing the officer push the male's head into the vehicle [REDACTED] felt he had witnessed enough and walked back into the recreation center.

I concluded our interview at 0904 hours.

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Civilian Witness Interview: [REDACTED]

On November 30, 2017, at about 1027 hours, Sergeant Jimenez and I interviewed [REDACTED] in a gas station parking lot at 4505 Clairemont Mesa Boulevard. [REDACTED] was wearing a [REDACTED]. [REDACTED] speaks English, however found it easier to articulate certain details in Spanish. Sergeant Jimenez translated my questions to [REDACTED] and [REDACTED] answers to me. The interview was a mix of Spanish and English. The following is a synopsis of [REDACTED] interview.

[REDACTED] stated he works for [REDACTED]. On the morning of August 6, 2017, at about 0700 hours, he was working at the San Carlos Recreation Center. [REDACTED]

[REDACTED] stated the uniform he was wearing on the day of the incident consisted of green pants and a tan button down shirt.

He saw two Black males and Black female loitering near the recreation center building. They all appeared to be intoxicated and had closed cans of beer with them. The female was seated on the ground next to the building. She was so intoxicated she could not stand on her own. [REDACTED] told one of the males the group could not be there because there was no drinking allowed in the park. The males did not leave the park when instructed to by [REDACTED].

A White male passerby told [REDACTED] he had called the police about the trio. The passerby also told [REDACTED] that he had witnessed one of the Black males doing graffiti; he did not witness this himself.

[REDACTED] told the trio to leave because someone had called the police and he didn't want them to get in trouble. They refused to leave the park. They sat on ground just outside of the recreation center.

Prior to the police arrival, one of the males placed a beer can in the female's purse. [REDACTED] saw the police arrive and described two officers, one male and one female.

Based on his description of the officers' actions, I deduced [REDACTED] saw Officer Romberger and his female ride along [REDACTED] arrive on scene.

The male officer [Romberger] attempted to contact the Black males. One of the males stopped [REDACTED] however the other [REDACTED] walked away. [REDACTED] saw and heard Officer Romberger tell [REDACTED] to stop multiple times, [REDACTED] refused to stop. When Officer Romberger attempted to grab [REDACTED] turned and punched Officer Romberger. [REDACTED] and Officer Romberger began to struggle in the grass. Officer Romberger gave [REDACTED] commands to stop, however [REDACTED] continued to fight with the officer. [REDACTED] estimated the struggle lasted approximately five minutes. It looked to him as though the officer was defending himself.

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██████ did not fight with the officer. ██████ stood leaning over Officer Romberger and ██████ while they struggled on the ground. At one point ██████ attempted to join the fight, however the female officer ██████ told ██████ not to join the fight and stay still. ██████ was yelling at Officer Romberger; telling to stop fighting ██████

██████ stated he did not see the officers walk ██████ and ██████ to the police car. After they were in custody, ██████ continued on with his business in the park.

At one point, ██████ contacted a police officer and asked if he needed to write a report. The officer told ██████ he did not need to write a report because the incident did not happen in the building.

While ██████ was working near the baseball fields he located a cellular telephone. He pushed a button on the phone and the screen saver was a photo of the female ██████. He gave the phone to an officer at the scene to return it to ██████. The screen on the phone was cracked when ██████ found it.

██████ did not witness ██████ falling to the ground. One of the civilian witnesses told him she attempted to run and fell. He witnessed paramedics at the scene.

I asked ██████ if there was any damage to a city sign on, or near, the building.

██████ stated a bathroom sign on the outside of the building was bent, however he didn't see who did the damage. He stated the sign was not damaged on the day prior to this incident.

I concluded our interview at 1041 hours.

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Civilian Witness Interview: [REDACTED]

On February 1, 2018, at about 1150 hours, I interviewed [REDACTED] via telephone. [REDACTED] consented to the interview being audio recorded. [REDACTED] was the female who was with [REDACTED] and [REDACTED] at the time of this incident. The following is a synopsis of [REDACTED] interview.

[REDACTED] confirmed she was with [REDACTED] and [REDACTED] on August 6, 2017. On the evening of August 5, 2017, [REDACTED] had an argument at her home. She text [REDACTED] and arranged to meet. They met late in the evening. When they met, [REDACTED] was with [REDACTED] [REDACTED] was heavily intoxicated at the time they got together. She stated she did not remember much of the evening due to her intoxication level. She later learned she had fallen, hitting her head on the ground. She awoke in the hospital the next day (August 6, 2017).

[REDACTED] could not provide any details regarding the events that occurred leading to the interaction of members of the San Diego Police Department and [REDACTED] or [REDACTED] on August 6, 2017.

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Witness Officer Interview: Officer [REDACTED]

On August 29, 2017, at 1042 hours, I interviewed La Mesa Police Officer [REDACTED] in the Investigations Interview room at the La Mesa Police Headquarters. The following is a synopsis of Officer [REDACTED] interview.

Officer [REDACTED] stated that the morning of August 6, 2017, at about 725 hours, he and his trainee, Officer [REDACTED] responded to a mutual aid request by the San Diego Police Department. The radio call was a, "cover now" request for urgent cover at the San Carlos Recreation Center, 6445 Lake Badin Avenue. They responded using emergency lights and police sirens. On this day, Officer [REDACTED] was not wearing a police uniform. He was in plain clothes because his trainee was in phase four, which is a shadow phase. He was wearing a polo shirt and blue jeans.

While they were en route, he was informed by the police dispatcher the call was, "code 4". They reduced code and continued to the call. On arrival, he saw Officer Romberger walking [REDACTED] towards a police vehicle in the parking lot. It appeared [REDACTED] was resisting him, and Officer Romberger was having difficulty walking him to the vehicle.

As Officer [REDACTED] and Officer [REDACTED] pulled up he saw Officer Romberger was now standing near his police vehicle with [REDACTED]. Officer [REDACTED] was near the park with [REDACTED] who appeared handcuffed. It appeared to Officer [REDACTED] that [REDACTED] was being uncooperative with Officer Romberger. As they approached he could hear [REDACTED] yelling.

Officer [REDACTED] stood back and allowed his trainee to assist Officer Romberger. [REDACTED] was actively resisting the officer's efforts to seat him in the police car. Officer [REDACTED] could not remember exactly how [REDACTED] was resisting, only that he was not following the officers' commands. The officers had to physically place [REDACTED] into the vehicle.

[REDACTED] tried to get out of the car and Officer Romberger told him to quit playing games and closed the door. Officer [REDACTED] intent was to secure [REDACTED] into the vehicle to free them up to assist Officer [REDACTED] who was dealing with [REDACTED]. While on scene, Officer [REDACTED] did not notice any injuries on [REDACTED] or [REDACTED]. Neither [REDACTED] nor [REDACTED] complained of injuries.

Neither Officer [REDACTED] nor Officer [REDACTED] prepared written reports on this incident and their department did not supply body worn cameras at the time of this incident.

The interview concluded at 1052 hours.

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Witness Officer Interview: Officer [REDACTED]

On September 5, 2017, at 1816 hours, I interviewed La Mesa Police Officer [REDACTED] in the Investigations Interview room at the La Mesa Police Headquarters. The following is a synopsis of Officer [REDACTED] interview.

Officer [REDACTED] stated that on August 6, 2017, he was on duty, wearing a full police uniform and driving a marked police vehicle. His partner was L.M.P.D. Officer [REDACTED] who was his Field Training Officer as he was on training. Officer [REDACTED] was wearing plain clothes. He remembered responding to a mutual aid 'cover now' call at the San Carlos Recreation Center. They were close to the area and responded using emergency lights and sirens. Prior to their arrival on scene, their dispatcher told them the incident was, "code 4" meaning assistance was no longer needed. Officer [REDACTED] deactivated the lights and sirens, but continued to the call.

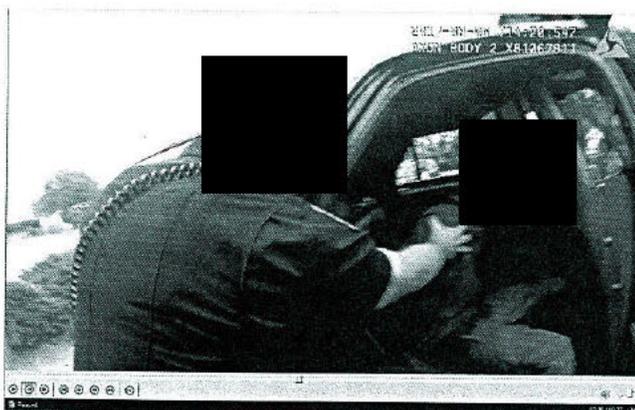
As they pulled into the parking lot of the recreation center, Officer [REDACTED] saw a San Diego Police Officer (Romberger) escorting a handcuffed prisoner [REDACTED]. They were walking from behind the recreation center towards the direction of the parked San Diego Police vehicle. It appeared as though [REDACTED] was actively resisting Officer Romberger's efforts to escort him. Officer Romberger was controlling [REDACTED] by his elbow or wrist in a type of control hold. At some point near the parked vehicle, [REDACTED] began to resist more aggressively and Officer Romberger 'wrapped' him up. It was at this point [REDACTED] was taken to the ground.

Officer [REDACTED] attempted to assist Officer Romberger placing [REDACTED] into a police vehicle. [REDACTED] was [actively] resisting being seated in the vehicle. [REDACTED] was using his legs and thrashing around to avoid being placed in the vehicle.

As they walked up, [REDACTED] was in the process of going to the ground. Officer [REDACTED] did not know if Officer Romberger took [REDACTED] to the ground or if he went down on his own. While [REDACTED] was on the ground he continued to actively resist by struggling. Officer [REDACTED] assisted by controlling [REDACTED] legs, to prevent him from kicking anyone. He described [REDACTED] as intoxicated.

I showed Officer [REDACTED] a screen shot photo taken from Officer Romberger's body worn camera. He confirmed the individual he assisted with was [REDACTED]

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██████████ continued to actively resist being controlled. Officer ██████████ assisted Officer Romberger with placing ██████████ into the police vehicle. Officer Romberger lifted ██████████ off the ground by the shoulders while Officer ██████████ lifted him by the legs. This also allowed him to control the legs to prevent ██████████ from kicking anyone. They put ██████████ into the passenger compartment of the vehicle head first, into a laying position on the seat. While in the vehicle, ██████████ actively resist being seat belted. Officer ██████████ could not recall if ██████████ was ultimately seat belted into the vehicle.

After ██████████ was secured into the vehicle, Officer Romberger told them they no longer needed assistance. Officer ██████████ and Officer ██████████ cleared the scene. Neither prepared reports for the incident, nor were they wearing body worn cameras.

Prior to departing the scene, Officer ██████████ saw a second San Diego Police Officer ██████████ escorting a second handcuffed male suspect ██████████ from behind the recreation center towards the parking lot. It appeared as though ██████████ was compliant with the officer.

Officer ██████████ saw Officer Romberger's civilian ride along, ██████████ walking behind them. It appears as though she was picking up articles of clothing that were left behind.

Prior to concluding the interview, I asked Officer ██████████ if he saw anything that concerned him about how Officer Romberger was controlling and escorting ██████████. Officer ██████████ stated he did not see anything that concerned him with regards to the officer's actions. What did concern him was they responded to a 'cover now' call and were told the incident 'code 4' prior to their arrival. They expected to arrive on scene and find officers talking with individual's restrained and in a controlled position. What they found was a suspect ██████████ who was actively resisting an officer. He did not feel this constituted 'code 4'.

The interview with Officer ██████████ was concluded at 1831 hours.

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Witness Officer Interview: Officer [REDACTED]

On September 13, 2017, at about 0615 hours, Detective Sergeant J.R. Pearson, ID 5282, and I interviewed Officer [REDACTED] in the Eastern Division Community Conference Room, located within the Eastern Division Substation. The following is a synopsis of Officer [REDACTED] interview.

Officer [REDACTED] stated he had recollection of the incident, which occurred at San Carol Recreation Center on August 6, 2017. He was not initially assigned to the incident, he responded to the call for cover from Officer Romberger. He was working as a single officer unit on this day. He responded using lights and siren. Prior to his arrival on scene, an officer advised they no longer needed units to expedite to the scene, however they needed them to continue to the scene.

On arrival, Officer [REDACTED] pulled into the parking lot of the recreation center. He saw Officer Romberger's police vehicle parked in the parking lot. [REDACTED] was standing next to the vehicle, handcuffed, but was not being controlled by any officer.

Officer Romberger was standing in the open left rear door of the police vehicle facing inward. [REDACTED] was seated in the back of Officer Romberger's vehicle. As he exited his police vehicle, Officer [REDACTED] could hear [REDACTED] and [REDACTED] yelling. He could not recall what was being said.

Officer [REDACTED] was standing towards the rear of the vehicle. Officer Romberger began struggling with [REDACTED]. Officer [REDACTED] took control of [REDACTED] and brought him to the back of the police vehicle. Officer [REDACTED] walked over to assist Officer [REDACTED] with [REDACTED]. His attention was focused on [REDACTED]. Officer [REDACTED] did not see how Officer Romberger removed [REDACTED] from the police vehicle.

[REDACTED] began banging his head on the rear of the police vehicle. Officer [REDACTED] took custody of [REDACTED] and walked him to the front of his own police car, which was parked about fifteen or twenty feet away. I asked Officer [REDACTED] if [REDACTED] said anything as he was hitting his head on the police car. He could not remember specifically what was being said, he described both men as being belligerent.

While walking [REDACTED] to his police vehicle, Officer [REDACTED] noted the injury to [REDACTED] lip. He did not know if the injury occurred while he was banging his head on the police car. Officer [REDACTED] later photographed the injury to [REDACTED] lower lip.

As Officer [REDACTED] was standing with [REDACTED] at his police vehicle, he could smell the odor of alcohol coming from his person. He saw [REDACTED] had bloodshot eyes and had difficulty standing on his own.

Based on [REDACTED] intoxication level, Officer [REDACTED] decided to sit him on a curb. While seated, he offered medical attention. Paramedics were at the scene attending to [REDACTED]. Officer [REDACTED]

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had no interaction with [REDACTED] he knew only that she had been with [REDACTED] and [REDACTED] refused medical treatment.

Officer [REDACTED] arrived on scene and assisted Officer [REDACTED] by obtaining [REDACTED] biographical information and conducting a records check. He learned [REDACTED] had an active warrant for his arrest. They stood by, awaiting instructions from Acting Sergeant [REDACTED]

Officer [REDACTED] volunteered to assist. He retained custody of [REDACTED] He sat [REDACTED] in his police vehicle without incident and photographed his injured lip. He transported [REDACTED] to police headquarters, where he met with Officer Romberger in the sally port. Officer Romberger wrote the arrest declaration for both, [REDACTED] and [REDACTED]

I asked Officer [REDACTED] if [REDACTED] had asked for an officer's name and badge number at the scene. He recalled Officer [REDACTED] telling [REDACTED] it would be on the arrest reports.

Prior to being seated in the police vehicle, [REDACTED] retrieved his cellular telephone from his pocket and began manipulating texting or attempting to place a phone call. Officer [REDACTED] removed the phone from [REDACTED] possession for all of their safety. He did not want [REDACTED] to summon other people to the scene and create more issues for the officers to handle.

Officer [REDACTED] stated [REDACTED] was not injured while in his custody. I asked Officer [REDACTED] if he saw Officer Romberger administer first aid to [REDACTED] after he pepper sprayed him. Officer [REDACTED] stated he was unaware [REDACTED] had been pepper sprayed.

While booking [REDACTED] and [REDACTED] into County Jail, Officer [REDACTED] listened to their conversation with each other. They said this incident was a good thing and they were going to post it on the internet to validate them. This will cause them to gain followers and they would become superstars. Officer [REDACTED] was unsure which Internet site they were going to post on.

I concluded the interview at 0631 hours.

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Witness Officer Interview: Officer [REDACTED]

On September 13, 2017, at about 1114 hours, Detective Sergeant J.R. Pearson, ID 5282, and I interviewed Officer [REDACTED] in the Internal Affairs Office, Interview Room 1, at police headquarters. The following is a synopsis of Officer [REDACTED] interview.

Investigator's note: As I begin my interview with Officer [REDACTED] I state the date of the interview was September 12, 2017. This date is incorrect; the interview was conducted on September 13, 2017.

Officer [REDACTED] recollects responding to this incident. He was working as a PERT unit that day; his PERT Clinician was [REDACTED]. They did not respond lights and siren. On arrival, Officer [REDACTED] had [REDACTED] detained. Officer [REDACTED] assisted in seating [REDACTED] on a curb; he was handcuffed prior to Officer [REDACTED] arrival. [REDACTED] was seated in Officer Romberger's police vehicle. Acting Sergeant [REDACTED] was on scene talking with citizens.

Officer [REDACTED] obtained [REDACTED] information and conducted a records check. He discovered [REDACTED] had an outstanding warrant for his arrest. He saw [REDACTED] had a bloody lip and was actively complaining officers had caused the injury. Officer [REDACTED] described the injury to [REDACTED] as a bump and a little blood on his lip. He did not know who allegedly cause [REDACTED] injury.

As they were processing [REDACTED] Officer Romberger's vehicle was about ten feet away from them. [REDACTED] was seated in the rear seat. When [REDACTED] began banging on the inside of the vehicle, Officer [REDACTED] warned him to stop or he would pepper spray him. Officer Romberger went to the trunk of the police vehicle, retrieved pepper spray and used it on [REDACTED].

Officer [REDACTED] assisted Officer [REDACTED] as he walked [REDACTED] to his police vehicle. They sat him in the rear seat without incident. [REDACTED] was intoxicated. He had an unsteady gait and smelled of alcohol. He was not actively resisting, however he was uncooperative.

After seating [REDACTED] into Officer [REDACTED] police vehicle, Officer [REDACTED] conducted a witness check and obtained the statements of [REDACTED] and [REDACTED]. Both [REDACTED] and [REDACTED] described [REDACTED] and [REDACTED] as being drunk and refused to leave when asked.

Officer [REDACTED] was not involved with the transportation or booking process of either [REDACTED] or [REDACTED].

I concluded the interview at 1123 hours.

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Witness Officer Interview: Officer [REDACTED]

On October 23, 2017, at 0917 hours, I interviewed Officer [REDACTED] at the Internal Affairs Office. I read Officer [REDACTED] the Administrative Admonishment and ordered him to answer my questions. Officer [REDACTED] was present as Officer [REDACTED] employee representative.

I recorded our interview and it is included as part of this investigation. In addition to paraphrasing Officer [REDACTED] interview, I have attached the transcription of the interview to this investigation as Attachment 2.

Officer [REDACTED] confirmed he was working in a uniformed capacity on August 6, 2017. He responded to a radio call of two intoxicated males at the San Carlos Recreation Center. Officer Romberger was the other officer assigned to the call. While en route to the recreation center, Officer [REDACTED] heard Officer Romberger call, 'Cover now' over the police radio.

Upon arrival, Officer [REDACTED] saw Officer Romberger struggling with [REDACTED] on the ground 50-60 feet from the recreation center building. [REDACTED] was squatting down approximately five feet away from them. Officer [REDACTED] believed [REDACTED] was fighting with Officer Romberger, which prompted him to call for expedited cover. Officer [REDACTED] drove through the grass and ran up to them. Officer Romberger instructed him to handcuff [REDACTED]. Officer [REDACTED] handcuffed and detained [REDACTED] without incident; [REDACTED] did not resist arrest. Officer Romberger handcuffed [REDACTED].

Officer Romberger began walking [REDACTED] to his parked police vehicle, which had been parked in the parking lot of the recreation center building. [REDACTED] was resisting Officer Romberger's effort to escort him by attempting to pull away from the officer's control. At one point [REDACTED] successfully pulled away from Officer Romberger's control and fell to the ground. This occurred near a concrete pillar in the park. Officer Romberger physically picked [REDACTED] up and continued escorting him to his police vehicle. Officer [REDACTED] did not see how Officer Romberger physically picked [REDACTED] up.

Officer [REDACTED] directed his attention to [REDACTED]. As he was standing [REDACTED] up to escort him to his police vehicle, [REDACTED] walked around the building. She appeared intoxicated and was having difficulty walking on her own. [REDACTED] was using the building to steady herself while walking. At one point [REDACTED] fell to the ground hitting her head on the [concrete] ground. Officer [REDACTED] escorted [REDACTED] over to [REDACTED] and used his police radio to summon paramedics. He described the sound as a pumpkin exploding. Civilian witness [REDACTED] walked over to assist [REDACTED].

I asked Officer [REDACTED] if he saw Officer Romberger place his hands around [REDACTED] neck.

Officer [REDACTED] stated he saw Officer Romberger's hands on [REDACTED] neck when he was trying to hold [REDACTED] on the ground. Officer [REDACTED] saw this upon his arrival on scene. He stated he did not see Officer Romberger strangle [REDACTED] however at one point both of his hands were on [REDACTED] neck.

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Officer [REDACTED] interpreted that as Officer Romberger's attempt to control [REDACTED] Officer [REDACTED] was unable to provide more information on Officer Romberger's hand placement.

Officer [REDACTED] explained that after calling for paramedics he escorted [REDACTED] to Officer Romberger's police vehicle, as it was parked closer. He met with Officer Romberger at the police car and transferred custody of [REDACTED] to Officer Romberger. Officer [REDACTED] saw [REDACTED] move his head backwards as if he was attempting to head-butt Officer Romberger or as if he lost his balance. Officer [REDACTED] was unsure of [REDACTED] actual or intended movement.

Officer Romberger pushed [REDACTED] into the police vehicle resulting in his face coming into contact with the vehicle. [REDACTED] sustained a bloody lip. Officer [REDACTED] stated he was unsure what prompted Officer Romberger to push [REDACTED] into the vehicle, however [REDACTED] offered no resistive behavior while in his [Officer [REDACTED] custody.

Officer Righthouse and I asked Officer [REDACTED] if he saw Officer Romberger place his hands on [REDACTED] neck and / or throat.

Officer [REDACTED] stated he could not recall if he saw Officer Romberger place his hands on [REDACTED] neck and or throat.

At this point, Officer [REDACTED] employee representative, Officer [REDACTED] asked for a break. Officer(s) [REDACTED] and [REDACTED] were given a break and we resumed the interview at 0955 hours.

When we returned from the break, I asked Officer [REDACTED] again, if he witnessed Officer Romberger place his hands on [REDACTED] throat.

Officer [REDACTED] stated, "my independent recollection was no. But after reviewing the video he could have had his hand up around his throat area. If I had saw it I think I would have referred to it in my report".

I asked Officer [REDACTED] if he felt the force Officer Romberger used on [REDACTED] was necessary.

Officer [REDACTED] stated, "Well, like I said I didn't know how much was resistance. I didn't know how much was the alcohol involved or anything. I saw the kid moving around like this [head-butt movement]. I saw his [REDACTED] head hit the window. I know he was handcuffed. So might have been too much force". Officer [REDACTED] stated he did not see how Officer Romberger pushed [REDACTED] into the vehicle.

Officer Romberger took custody of [REDACTED] and was going to seat him in the police vehicle. He opened the right rear door and instructed [REDACTED] to slide over. Officer Romberger then closed the door and walked [REDACTED] around to the left rear door of the vehicle. When he opened the door

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██████████ was sitting in the left rear seat. Officer ██████████ believed ██████████ was playing games with the officer by attempting to block the seat.

I asked Officer ██████████ if it would be reasonable to think ██████████ was complying with the officer's instructions to slide over.

Officer ██████████ stated it would be a reasonable to think ██████████ was complying with Officer Romberger's instructions to slide, however at the time it appeared as though ██████████ was playing a game. Officer Romberger instructed ██████████ now seated in the left rear seat, to slide over. The assumption being ██████████ was being instructed to slide back into the right rear seat.

Officer Romberger physically pulled ██████████ from the police vehicle. He could not recall the manner, in which Officer Romberger pulled ██████████ from the vehicle. Officer Romberger pulled ██████████ from the car and onto the ground.

Sergeant Righthouse asked Officer ██████████ if he knew why Officer Romberger pulled ██████████ from the vehicle. Officer ██████████ stated the following:

"I think he was just you know... ..just fed up. The kid was sliding back and forth in the seat and everything. And I think Timmy [Officer Romberger] just pulled him out, put him on the ground."

Sergeant Righthouse asked Officer ██████████ what Officer Romberger's demeanor was at the point he pulled him out of the police car. Officer ██████████ stated:

"Uh, he was getting upset."

I asked Officer ██████████ if it was reasonable to pull ██████████ from the police vehicle given the circumstances at the time. Officer ██████████ stated the following:

"Thinking about it now - probably not."

Sergeant Righthouse asked Officer ██████████ if he would have pulled ██████████ from the vehicle. Officer ██████████ stated:

"I personally wouldn't have done it."

I asked Officer ██████████ how Officer Romberger physically removed ██████████ from the vehicle. Where were his hands on ██████████ body and did he witness Officer Romberger place his hands around ██████████ neck.

Officer ██████████ stated that at one point Officer Romberger had both of his hands around ██████████ neck. He felt ██████████ was not complying with the officer's instructions and possibly kicked Officer

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Romberger. Officer [REDACTED] stated that when he saw Officer Romberger's hands around [REDACTED] neck he thought to himself, "[that's] something I wouldn't do". He stated, "I've never done that in my career."

I asked Officer [REDACTED] if the force Officer Romberger was using was appropriate for the level of resistance that may or may not have been exhibited by [REDACTED]. Officer [REDACTED] stated:

"No" [meaning the force used was inappropriate]. "It wasn't appropriate because he [REDACTED] was handcuffed."

I asked Officer [REDACTED] to clarify how [REDACTED] was being noncompliant. He stated [REDACTED] was noncompliant to verbal commands to slide over; he was not actively resisting.

Once Officer Romberger removed [REDACTED] from the vehicle, Officer [REDACTED] took control of [REDACTED] and moved him to the back of the police car. While standing next to the police car, [REDACTED] purposely hit his own head against the back of the vehicle.

I asked if Officer [REDACTED] saw how Officer Romberger was holding [REDACTED] on the ground. Did Officer Romberger have his knee on [REDACTED] neck?

Officer [REDACTED] stated he did not recall seeing Officer Romberger place his knee on [REDACTED] neck after pulling him from the vehicle. When he first arrived on scene, Officer [REDACTED] saw Officer Romberger's knee on [REDACTED] neck. He attributed this to the officer's attempt to control a resistive subject. He thought perhaps his knee slid to [REDACTED] neck during a struggle.

I directed the interview back to the point Officer Romberger has [REDACTED] on the ground next to the police vehicle. I asked Officer [REDACTED] if he saw how Officer Romberger returned [REDACTED] to the vehicle.

Officer [REDACTED] stated Officer Romberger physically pushed [REDACTED] into the back seat of the police vehicle. He described the force as a push, as opposed to guiding someone into the vehicle. Officer [REDACTED] conceded it was unnecessary to push [REDACTED] into the vehicle.

I asked Officer [REDACTED] if he notified Officer [REDACTED] who was acting sergeant on this date, of the fact Officer Romberger was exhibiting concerning behavior.

Officer [REDACTED] described Officer Romberger's demeanor and actions as, "maybe a little bit much". Sergeant Righthouse asked if Officer Romberger was a little out of control, to which Officer [REDACTED] replied, "Yeah". Officer [REDACTED] stated he had a conversation with Officer [REDACTED] later that day and expressed his concerns about Officer Romberger's actions during this incident. He stated he wanted the acting sergeant [REDACTED] to be aware of what happened. Officer [REDACTED] described the conversation as, "Hey you know, I think things got out of hand or out of control".

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I asked Officer [REDACTED] to explain his body worn camera not being in 'event mode' during this incident.

Officer [REDACTED] stated he did not place his body worn camera in event mode for this incident. While en route, he heard Officer Romberger call for expedited cover. Officer [REDACTED] activated his emergency lights and siren and could not recall if he, "double tapped" his camera to place it into event mode. He conceded this was a potential enforcement call and his BWC should have been actively recording. Officer [REDACTED] stated his camera was operable on this day; he simply didn't turn it on.

I concluded the interview at 1100 hours.

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Subject Officer Interview: Officer [REDACTED]

On October 19, 2017, at 1307 hours, Detective Sergeant Bret Righthouse, ID 4173, and I interviewed Officer [REDACTED] at the Internal Affairs office, located in Police Headquarters. Present during the interview was Officer [REDACTED] legal representative, Attorney [REDACTED]. I read Officer [REDACTED] the Administrative Admonishment and ordered him to answer my questions. I recorded our interview and it is included as part of this investigation. In addition to paraphrasing Officer [REDACTED] interview, I have attached the transcription of the interview to this investigation as Attachment 1.

Officer [REDACTED] confirmed he was working on August 06, 2017; he was working as an acting sergeant at Eastern Division. As of this date he had been an acting sergeant for approximately three months. He has one prior experience as an acting sergeant for approximately one month during 2015. Officer [REDACTED] had a total of four to six months of acting sergeant time, occurring between 2015-2017. At the time this incident occurred, Officer [REDACTED] was documenting his time as an out of class assignment for sergeant.

On August 06, 2017, while loading his vehicle at the Eastern Division Substation, Officer [REDACTED] heard Officer Romberger call, "cover now" over the police radio. He was unaware of the type of radio call Officer Romberger was assigned. Officer [REDACTED] began driving towards the San Carlos Recreation Center in response to the cover call.

He had yet to log onto the vehicle's Mobile Computer Terminal (MCT). After leaving this incident, he attempted to log on, however another sergeant was logged onto the computer system. As a result, Officer [REDACTED] was not listed on the CAD Incident. The vehicle Officer [REDACTED] was driving had been logged on by Acting Sergeant [REDACTED]. This resulted in Acting Sergeant [REDACTED] being listed on the CAD Incident in error.

During his original response to the scene, Officer [REDACTED] responded using emergency lights and sirens. While en route, the scene was declared safe prompting Officer [REDACTED] to terminate his lights and siren response. He continued to the scene. Officer [REDACTED] body worn camera was active during the incident.

Upon his arrival at the recreation center parking lot, Officer [REDACTED] saw Officer Romberger holding [REDACTED] head down on the ground next to a police SUV and Officer [REDACTED] was holding [REDACTED] against the back of the same police vehicle.

Officer Romberger was on [REDACTED] right side holding him on the ground. Officer Romberger was saying to [REDACTED] "Don't head-butt me, don't head-butt me". [REDACTED] was not fighting with the officer at the time. He did not witness [REDACTED] head-butt Officer Romberger, nor did Officer [REDACTED] witness [REDACTED] being taken to the ground. At this point, Officer [REDACTED] did not notice Officer Romberger's demeanor as a concern.

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As he walked up, [REDACTED] intentionally struck his head against the back of the police SUV. Officer [REDACTED] took custody of [REDACTED] from Officer [REDACTED] and walked him away. Officer [REDACTED] told Officer [REDACTED] there was a female [REDACTED] unconscious behind the recreation center. She had fallen and hit her head on the ground.

As Officer [REDACTED] began to walk away from the parking lot to check on [REDACTED] he heard what sounded like a struggle behind him. Officer [REDACTED] turned around and saw Officer Romberger standing in the doorway of the open left rear door on the police vehicle. [REDACTED] was inside the police vehicle. Officer [REDACTED] interpreted this as [REDACTED] had become resistive again. He returned to the vehicle to observe what was transpiring and assist if necessary.

As Officer [REDACTED] walked up to the police vehicle, Officer Romberger was standing in the open left rear doorway facing inward. [REDACTED] was in the back seat. Officer Romberger's body came backwards, slightly away from the vehicle, as if he was being kicked by the seated suspect. Officer [REDACTED] was standing behind Officer Romberger as he witnessed this. He could not tell what [REDACTED] actions were inside the vehicle.

Officer Romberger pushed [REDACTED] twice, deeper into the vehicle. Officer [REDACTED] interpreted this action as Officer Romberger pushing [REDACTED] to defend himself against more resistive behavior. It appeared to Officer [REDACTED] that [REDACTED] legs were flailing just outside the door opening at the time. After Officer Romberger pushed [REDACTED] deeper into the vehicle, [REDACTED] legs were no longer outside the vehicle.

I asked Officer [REDACTED] if he witnessed Officer Romberger kick [REDACTED] during this confrontation. He stated no; he was unaware Officer Romberger kicked [REDACTED] foot until he reviewed his body worn camera footage of the incident. After being notified of this investigation, Officer [REDACTED] watched his body worn camera footage of the incident multiple times. It was during this process he observed the level of force Officer Romberger used.

I asked Officer [REDACTED] if he heard Officer Romberger tell [REDACTED] "If you try to head-butt me again I'll smash your face into the vehicle." Officer [REDACTED] stated he did not hear this comment. Sergeant Righthouse asked Officer [REDACTED] if he saw any injuries on Officer Romberger that would be consistent with a person having been head-butted. Officer [REDACTED] did not see any injuries on Officer Romberger. Officer Romberger never told Officer [REDACTED] he had been head-butted.

After Officer Romberger closed the door on the police vehicle, securing [REDACTED] inside, Officer [REDACTED] went to the back side of the recreation center to check on the status of [REDACTED]

I asked Officer [REDACTED] if at any point Officer [REDACTED] told him he was concerned about Officer Romberger. Did Officer [REDACTED] infer in any way that Officer Romberger was becoming frustrated?

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Officer [REDACTED] stated that after watching his body worn camera footage he saw Officer [REDACTED] tell him something about, "Tim". He stated that while they walked towards the rear of the building Officer [REDACTED] said, "Tim...", to which he responded, "I know". At the time, he believed Officer [REDACTED] was attempting to tell him Officer Romberger was struggling with [REDACTED] again. His mindset was this had been a cover call and [REDACTED] was continuing to be noncompliant. After watching the body worn camera footage, he believes he misunderstood what Officer [REDACTED] was attempting to convey.

I played a segment of Officer [REDACTED] body worn camera footage (Title: 647f.mp4), beginning at timestamp 01:45. This shows him walking up to Officer Romberger's vehicle as Officer Romberger is pushing [REDACTED] into the vehicle. There is a moment in the video (01:54) where Officer Romberger is seen kicking [REDACTED] left leg with his left leg. Officer [REDACTED] stated he did not observe Officer Romberger kick [REDACTED] at the time of the incident. Approximately 1-2 weeks later, Lieutenant [REDACTED] notified Officer [REDACTED] of this internal investigation. This prompted him to review his body worn camera footage of the incident. It was at this point he realized the level of force used by Officer Romberger.

After Officer Romberger closed the vehicle door, securing [REDACTED] Officer [REDACTED] walked around the recreation center building to check on [REDACTED] status. He found her lying on the ground being treated by paramedics. Prior to paramedics transporting [REDACTED] Officer [REDACTED] checked with them to determine her status. He was informed she was 'fine' and they were going to transport her to the hospital due to her intoxication level.

I asked if, as an acting supervisor, Officer [REDACTED] assigned an officer to follow up with [REDACTED] He hadn't because Officer [REDACTED] told him [REDACTED] fell and hit her head. He assumed paramedics were transporting her because of her self-sustained injuries, plus they told him she was intoxicated. He did not speak with [REDACTED] nor did he witness [REDACTED] speaking with paramedics.

After checking [REDACTED] status behind the recreation center, Officer [REDACTED] walked back to the parking lot where he was briefed by Officer Romberger. During the brief, [REDACTED] kicked the inside of the police vehicle twice. As [REDACTED] was kicking the vehicle, Officer [REDACTED] instructed Officer Romberger to, "Pepper spray him". Officer [REDACTED] walked up, put his hand on the left rear door handle intending to open the door for Officer Romberger to apply the chemical agent. As he did this, [REDACTED] stopped kicking. Officer Romberger walked to the rear of the police vehicle and opened the tail gate. Officer [REDACTED] felt the need for force was no longer present because [REDACTED] had stopped on his own. Officer [REDACTED] attention shifted to [REDACTED]. He walked over to where [REDACTED] was seated on a curb talking with Officer(s) [REDACTED] and [REDACTED].

I asked Officer [REDACTED] to articulate his mindset at the time he instructed Officer Romberger to pepper spray [REDACTED].

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Officer ██████ stated that when he first walked up to be briefed on the incident by Officer Romberger, he noted Officer Romberger's name tag was broken and hanging from his uniform. This told Officer ██████ that Officer Romberger had been in a 'violent struggle / fight'. Officer ██████ also was under the belief Officer Romberger had been head-butted and kicked during the struggle in the car.

In his mind, Officer ██████ considered the use of the WRAP system, however that would require removing ██████ from the vehicle another time. This would expose the officers to more resistive behavior from ██████. He knew they were going to transport ██████ to Police Headquarters and he was concerned ██████ would become violent on the freeway. A stop on the freeway would expose everyone to unnecessary risk.

All things considered, Officer ██████ felt ██████ kicking of the inside of the police vehicle was a continuation of ██████ violent behavior. He instructed Officer Romberger to pepper spray ██████ as ██████ was actively kicking the vehicle.

Officer ██████ looked in the rear window and ██████ stopped kicking. As this happened, Officer Romberger looked into the window at ██████ then walked to the rear of the police vehicle and opened the trunk. In Officer ██████ mind, the need to pepper spray ██████ had passed. The use of a chemical agent was no longer necessary; ██████ had stopped kicking and was passive. Additionally, Officer Romberger opened the trunk of the police vehicle and began looking through a bag. Officer ██████ assumed the moment had passed. He changed his attention to ██████ at that time.

After 30-40 seconds, Officer ██████ heard a door on Officer Romberger's police vehicle open behind him. Officer Romberger was heard saying, "Don't kick my car" then the door closed. Officer ██████ was unaware pepper spray had been used at that time. He later learned ██████ had been pepper sprayed, however Officer ██████ assumed ██████ began kicking again. Officer ██████ didn't hear ██████ kick the vehicle again. He felt Officer Romberger must have heard it because he was in the trunk of the [police] car. During this time, Officer ██████ was approximately 7-10 feet away from the rear bumper of the police car.

When Officer ██████ was being briefed on this investigation by Lieutenant ██████ 1-2 weeks after the incident, he was informed Officer Romberger had pepper sprayed ██████ as he was seated passively in the police car. Officer ██████ stated he was, "Shocked". He was unaware of it at the time of the incident. After leaving the briefing with Lieutenant ██████ Sergeant ██████ told Officer ██████ another issue in the incident was Officer Romberger wasn't carrying pepper spray on his duty belt. He was carrying it in a gear bag, which was in the trunk of the vehicle. It was at that moment Officer ██████ realized Officer Romberger had gone to the trunk of the vehicle at the incident to retrieve his O.C. (pepper spray). Officer ██████ never would have imagined Officer Romberger's pepper spray not being on his belt.

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Sergeant Righthouse asked Officer [REDACTED] if he heard [REDACTED] kicking the police car at the time he turned and focused his attention on [REDACTED]. Officer [REDACTED] stated he did not hear [REDACTED] kicking, nor did he hear [REDACTED] screaming, yelling or being out of control.

Prior to diverting his attention on [REDACTED] Officer [REDACTED] saw [REDACTED] was passive. Sergeant Righthouse referenced this and asked if Officer [REDACTED] would have pepper sprayed [REDACTED] at that point.

Officer [REDACTED] responded, "No sir, absolutely not." [REDACTED] had stopped kicking, there was no reason to use force. The directive Officer [REDACTED] gave was specific to the fact [REDACTED] was 'actively' kicking the vehicle.

Sergeant Righthouse asked Officer [REDACTED] what he expected of Officer Romberger when he instructed Officer Romberger to pepper spray [REDACTED].

Officer [REDACTED] expected Officer Romberger to remove the canister of pepper spray from his belt and apply it to [REDACTED] immediately. This was the reason Officer [REDACTED] reached for the door handle.

Sergeant Righthouse asked if Officer [REDACTED] considered that after he instructed Officer Romberger to pepper spray [REDACTED] Officer Romberger would walk to the trunk, go through his gear bag then return and apply the force.

Officer [REDACTED] stated he never would have assumed Officer Romberger was carrying his pepper spray in his gear bag to begin with. His assumption was Officer Romberger was carrying his pepper spray on his duty belt and would have used the force immediately.

When Officer [REDACTED] looked into the vehicle and saw [REDACTED] sitting passively, no longer kicking the vehicle, he felt the use of pepper spray was unnecessary. When Officer Romberger walked to the trunk of the police vehicle, opened the tail gate and began going through his gear bag, Officer [REDACTED] never imagined he was looking for pepper spray. That never crossed his mind.

Sergeant Righthouse asked Officer [REDACTED] if he considered telling Officer Romberger not to O.C. [pepper spray] [REDACTED].

Officer [REDACTED] stated he didn't consider it because he felt the situation was over. He did not consider telling Officer Romberger not to use the O.C. spray because the threat was no longer present. The assumption was the officer would take it upon himself to see the use of pepper spray was no longer necessary.

Officer [REDACTED] reiterated he thought something happened after he walked away from Officer Romberger's police vehicle, which necessitated the use of pepper spray. When he learned Officer Romberger had pepper sprayed [REDACTED] he attributed the use to a second incident of kicking by

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██████████ He believed Officer Romberger heard ██████████ kicking a second time, while he was going through the trunk of his police vehicle. I asked Officer ██████████ if the reality of how the peppery spray was used was unreasonable. Officer ██████████ stated, "Absolutely, 100%".

I asked Officer ██████████ if he learned who pepper sprayed ██████████ at the scene. He replied, "Officer Romberger". I inquired if he gave Officer Romberger any instructions to render first aid to ██████████ for the chemical agent. Officer ██████████ stated he did not provide any direction to Officer Romberger.

I referenced Officer Romberger's Arrest Report of ██████████ and provided a copy of the report to Officer ██████████. Officer ██████████ working as acting sergeant, approved Officer Romberger's report. There is no mention in the report of medical aid being given to ██████████ for the chemical agent.

Officer ██████████ stated that when he read Officer Romberger's report he missed the fact no medical aid was mentioned.

Earlier in this interview Officer ██████████ stated he believed Officer Romberger had been kicked by ██████████ at the police vehicle and Officer Romberger had to push him deeper into the vehicle. There was no mention of that force in Officer Romberger's report. Officer ██████████ stated he read in Officer Romberger's report force was used to physically shove ██████████ into the police vehicle and he [Officer ██████████ believed this was the force he had witnessed at the scene. Officer ██████████ attorney, ██████████ pointed out Page 4, Paragraph 3, of Officer Romberger's Arrest Report of ██████████. This paragraph states the following:

Once we were at my patrol vehicle I attempted to search him per incident to arrest. ██████████ continued to resist and refused to let me search him. I did not locate any weapons or drugs inside ██████████ pockets; only an unopened 12 ounce can of "Modelo" brand beer. ██████████ continued kicking at me as I placed him into the back seat of my patrol vehicle. I had to use physical force to shove him into my patrol vehicle so I could close the rear door.

I explained this documentation of force referenced when Officer Romberger initially sat ██████████ in the police vehicle, prior to Officer ██████████ arrival. Officer ██████████ stated that due to the description of the force being documented, he believed this was what he had witnessed.

I questioned Officer ██████████ about his interaction with ██████████. When Officer ██████████ walked up to Officer(s) ██████████ and ██████████ was seated on a curb in the recreation center parking lot. As he approached them, ██████████ asked for Officer Romberger's name and identification number.

Officer ██████████ stated he remembers the exchange between the two. As he [Officer ██████████ walked up to them, a Field Interview was still being completed by the officers. ██████████ began yelling something like, "hey I want that officer's badge number". Officer ██████████ felt the scene was still active, it was not the right time at the moment, so he told ██████████ "No, be quiet". In retrospect, Officer ██████████ conceded he could have worded it differently. He should have told ██████████ "Now's not the right time, but I'll make sure you have that information before you take

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off". Officer [REDACTED] became distracted after seeing Officer Romberger's ride along [REDACTED] holding the officer's gun and forgot to provide the requested name and identification number. After Officer [REDACTED] told [REDACTED] to be quiet, [REDACTED] asks, "I'm not allowed to ask for that?" Officer [REDACTED] states, "No". When he watched his body worn camera footage of the incident weeks later, he realized how bad that sounded. Officer [REDACTED] stated he wasn't paying attention to the words [REDACTED] was asking, he [Officer [REDACTED] was more focused on telling him to be quiet. In his mind, this was still an active scene.

I directed the questioning to Officer [REDACTED] body worn camera. I asked Officer [REDACTED] if he remembers Officer [REDACTED] speaking to him about his camera.

He confirmed he remembers the exchange. Officer [REDACTED] told him, he had forgotten to activate his body worn camera. He explained to Officer [REDACTED] while arriving on scene he drove through the grass, parked his car and ran up to help Officer Romberger. In the haste, Officer [REDACTED] forgot to activate his body worn camera.

I asked Officer [REDACTED] if he gave Officer [REDACTED] any follow up instructions reference the body worn camera, i.e. note it in his journal or on the incident. Officer [REDACTED] did not think of that at the time, nor did he consider it at the time he read Officer [REDACTED] report.

I asked if there were injuries as a result of this incident. Officer Romberger submitted a minor injury report, for what Officer [REDACTED] could not remember. [REDACTED] sustained a bloody lip as a result of being pushed against the police SUV by Officer Romberger. I asked how [REDACTED] sustain a bloody lip.

Officer [REDACTED] was unaware of it at the time of the incident, however later in the day, Officer [REDACTED] provided the details of how [REDACTED] sustained a lip injury. At one point during the arrest, [REDACTED] attempted to head-butt Officer Romberger. Officer Romberger pushed [REDACTED] away from him and against the police vehicle. As a result [REDACTED] face hit the police vehicle. Officer [REDACTED] did not witness [REDACTED] being injured.

Prior to concluding the interview, I asked Attorney [REDACTED] if he had any questions or wished to clarify anything. [REDACTED] asked Officer [REDACTED] about Officer Romberger's demeanor after he witnessed [REDACTED] being placed in the police vehicle.

Officer [REDACTED] described Officer Romberger's demeanor as calm. He was not 'raging' or out of control in any way. Officer [REDACTED] has worked around Officer Romberger for many years and he is typically very calm and quiet, just as he was while speaking with him on this incident. There was no indication Officer Romberger was out of control while speaking with him.

[REDACTED] referenced the point [REDACTED] was pepper sprayed by Officer Romberger. At that moment, Officer [REDACTED] had his back to Officer Romberger. [REDACTED] asked if any of the other officers around made any comments or reacted to Officer Romberger's actions.

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Officer [REDACTED] stated none of the officers around him had any reaction or comments about the pepper spray. He could not recall who informed him that [REDACTED] had been pepper sprayed.

I asked Officer [REDACTED] how [REDACTED] came into the possession of Officer Romberger's backup handgun and how that was handled.

Officer [REDACTED] stated he remembers being bothered by the fact [REDACTED] was in the possession of, and for the amount of time, she was holding the gun. He said this was part of the distraction when [REDACTED] was asking for Officer Romberger's name and identification number. [REDACTED] was holding the gun flat on her hand like a platter. He was concerned there had been considerable time, during which Officer Romberger could have secured the weapon and had not. When he [Officer [REDACTED] finally realized it was a gun he walked over to [REDACTED]

He confirmed with [REDACTED] it was Officer Romberger's firearm and returned it to him. At the time, Officer [REDACTED] felt it was reasonable Officer Romberger was managing multiple things and had yet to secure the weapon. Officer [REDACTED] didn't view [REDACTED] still being in the possession of the firearm as a mistake on the officer's part. He viewed it as a need to secure the firearm.

Officer [REDACTED] admitted Officer Romberger reasonably had time to secure the weapon prior to this point. When Officer [REDACTED] returned the firearm to Officer Romberger, the officer was seated in his patrol car. Prior to this point in the incident, there were times Officer Romberger was not dealing with prisoners and could have retrieved the firearm from [REDACTED]. Officer [REDACTED] attributed that to Officer Romberger's mind 'being busy' at the time.

I asked Officer [REDACTED] if he spoke with Officer Romberger about how [REDACTED] came to be in the possession of his firearm.

He did not discuss it with Officer Romberger. Officer [REDACTED] assumed the firearm fell off during the struggle to detain [REDACTED] and [REDACTED] picked it up.

Sergeant Righthouse referenced Page 4, Paragraph 5 of Officer Romberger's report, in which he states the following:

hands handcuffed behind his back. I help [REDACTED] onto the ground briefly while yelling at him to stop attempting to head butt me. I returned [REDACTED] to the back seat of the vehicle.

Sergeant Righthouse asked Officer [REDACTED] if he witnessed [REDACTED] being pushed and kicked into the vehicle.

Officer [REDACTED] stated he didn't know, "to this very" moment the manner, in which, Officer Romberger put [REDACTED] into the police vehicle. Officer [REDACTED] reiterated this is the area of the report that caused confusion when he was approving the report. He read in the previous paragraph where Officer Romberger documented force to push [REDACTED] into the police vehicle. This is where

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Officer Romberger should have documented the force used while Officer [REDACTED] was present.
That force was not documented in Officer Romberger's report.

I concluded the interview at 1408 hours.

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Subject Officer Interview: Officer Timothy Romberger

On October 26, 2017, at 0815 hours, I interviewed Officer Timothy Romberger at the Internal Affairs Office. I read Officer Romberger the Administrative Admonishment and ordered him to answer my questions. Attorney [REDACTED] was present as Officer Romberger's legal representative.

I recorded our interview and it is included as part of this investigation. I have paraphrased Officer Romberger's interview and attached the transcription of the interview to this investigation as **Attachment 3**.

As the interview began, Officer Romberger's attorney, [REDACTED] asked to provide a statement regarding Officer Romberger's life at the time of this incident. Officer Romberger was going through a turbulent personal situation with his wife and mother of his child. This circumstance caused Officer Romberger to lose sleep at the time. As of this interview, he has had to serve his wife with a restraining order and kick-out order. Pinkard explained this may have attributed to Officer Romberger's demeanor at the time of the incident.

Officer Romberger confirmed he was working in full uniform on August 6, 2017. He was driving a marked police car and had a civilian ride along [REDACTED]. He described [REDACTED] as a friend, not a randomly assigned ride along. He provided a safety brief to [REDACTED] explaining the location of his firearms. [REDACTED] told Officer Romberger she owns a firearm, however he does not know her level of proficiency.

At the beginning of the shift he was one of two units assigned to a radio call regarding two to three individuals drinking alcohol at the San Carlos Recreation Center. He and [REDACTED] were the first to arrive on scene. The individuals were reported to have been Black males in their teens or twenty's. Upon arrival, they parked in the parking lot and walked around the building to the back of the recreation center. He saw the males, later identified as [REDACTED] and [REDACTED] stumbling away from the area of the building. He activated his body worn camera prior to contacting anyone.

Officer Romberger called and motioned for the males to stop and come to him. Both males ignored him initially. As he walked closer to the males, [REDACTED] stopped. Officer Romberger could see [REDACTED] was holding a can of beer and both had a youthful appearance. In his mind, Officer Romberger was going to detain them to investigate a violation of drunk in public and possibly minors in the possession of alcohol. [REDACTED] told Officer Romberger he was 20 years old.

Officer Romberger escorted [REDACTED] up the hill towards the recreation center by the elbow. He was walking after the other male [REDACTED] who refused to stop. [REDACTED] was stumbling as he walked. During this time, [REDACTED] was dragging his feet and complaining about police brutality. [REDACTED] continued to refuse to adhere to the officer's instructions to stop.

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As he was close enough to [REDACTED] Officer Romberger reached out and touched his backpack to stop him. As the officer touches [REDACTED] turned and punched Officer Romberger. The punch connected with the officer's left arm. He released control of [REDACTED] and took [REDACTED] to the ground in the grass. He could not recall the manner in which they went to the ground.

As they were going to the ground, Officer Romberger's back up firearm became separated from his body. It had been secured in an ankle holster. Officer Romberger felt it fall to the ground during the struggle with [REDACTED]. In addition, his radio and body worn camera also became dislodged from his body and fell to the ground.

While on the ground, [REDACTED] struggled to push Officer Romberger off of him. He described [REDACTED] resistance as enough to attempt to get free from the officer. Officer Romberger was able to pin [REDACTED] to the ground by placing his knee in [REDACTED] back and his hand near the back of [REDACTED] head. He called for expedited cover via his radio. His safety concerns were there was a loose firearm, two unsecured detainees and a civilian ride along.

Officer Romberger removed his Taser from his duty belt to point it at [REDACTED] in order to gain compliance. As he pulled it from his belt, the Taser slipped from his control and landed on the ground near [REDACTED]. Officer Romberger asked [REDACTED] to return the Taser, which she did. Officer Romberger pointed his Taser at [REDACTED] and instructed him to sit down. [REDACTED] complied with the officer's instructions, however he was argumentative.

Officer [REDACTED] arrived on scene and detained [REDACTED] while Officer Romberger handcuffed [REDACTED]. [REDACTED] used physical strength to resist being handcuffed. Officer Romberger used physical strength to overcome [REDACTED] resistance to being handcuffed.

Sgt. Righthouse asked Officer Romberger if he struck [REDACTED] while handcuffing him.

Officer Romberger stated he didn't recall striking [REDACTED] while they were on the ground. Officer Romberger stated it was during this point that he was able to secure his body worn camera to his uniform.

I asked Officer Romberger if, at any point in the contact, he had his knee on [REDACTED] neck.

Officer Romberger stated, "Not that I recall, no." I explained to Officer Romberger that [REDACTED] can be heard during the contact telling the officer to get his knee off of his friends [REDACTED] neck. Officer Romberger stated it could have appeared he had his knee on [REDACTED] neck from [REDACTED] perspective on the ground. Officer Romberger stated he did not have his knee on [REDACTED] neck. The intent of pinning [REDACTED] to the ground was to prevent him from gaining access to the loose firearm.

I asked Officer Romberger if he struck [REDACTED] while attempting to handcuff him.

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He stated he did not recall striking [REDACTED]. I played Officer Romberger's body worn camera footage [03:44] where the officer says, "Give me your fucking hand" and that is accompanied by two strikes. Officer Romberger stated he didn't recall that at all. While watching the video, Officer Romberger stated the strikes look like he used knee strikes as a distraction technique.

After [REDACTED] was detained and handcuffed, Officer Romberger collected the items that had fallen from his duty belt. This included his backup firearm. He handed the firearm to [REDACTED]. He felt comfortable giving [REDACTED] the firearm because of her stated knowledge and ownership of guns. Additionally, the responding officers knew [REDACTED] because she's a friend of Officer Romberger's and has been on other ride alongs.

Officer Romberger used strength to lift [REDACTED] from the ground and began walking him towards the parking lot, which is where the patrol vehicle was parked. While walking to the parking lot, [REDACTED] flailed into Officer Romberger, knocking his body worn camera from his chest. The officer released his control of [REDACTED] and [REDACTED] fell to the ground. Officer Romberger did not feel as though [REDACTED] backed into him on purpose. [REDACTED] walked over and picked up the body worn camera and handed it to Officer Romberger. In his mind, Officer Romberger considered [REDACTED] under arrest for battery on a police officer.

Officer Romberger assisted [REDACTED] to his feet and began walking him towards the parking lot a second time. [REDACTED] attempted to turn and yell to [REDACTED] who was behind them with Officer [REDACTED]. To guide [REDACTED] towards the vehicle, Officer Romberger employed a control technique. He placed his arm under [REDACTED] handcuffed elbow and place his hand on the collar of [REDACTED] shirt. This was near the base of [REDACTED] neck.

I asked Officer Romberger if he placed his hands on [REDACTED] neck while trying to escort him.

Officer Romberger stated he had his left hand at the base of [REDACTED] neck, grabbing his shirt [collar]. When [REDACTED] would turn to look and yell towards [REDACTED] Officer Romberger used his right hand to turn [REDACTED] chin back towards his vehicle. In his mind, Officer Romberger felt he needed to get [REDACTED] into the back of the vehicle.

Sgt. Righthouse asked Officer Romberger if he had both hands on [REDACTED] neck at any point.

Officer Romberger stated no. His left hand was on the back of [REDACTED] collar and his right hand was guiding [REDACTED] head.

They continued walking towards the recreation center parking lot. While walking, [REDACTED] resisted being guided by the officer by dragging his feet and pulling away. Officer Romberger stated he used physical force to continually shove [REDACTED] towards the vehicle. He described this force having his left hand on the back of [REDACTED] neck, near the collar and his right hand on [REDACTED] head. His right hand position moved around because [REDACTED] was moving his head.

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Sgt. Righthouse asked Officer Romberger if he used his right hand to grab [REDACTED] in his throat area.

Officer Romberger stated he did not remember using [REDACTED] neck as a control hold. He said he would not have intentionally done that because it is not an approved, trained technique. Officer Romberger added that any time his right hand is near the front of [REDACTED] neck, there is no squeezing movement or clamping movement. He was attempting to turn [REDACTED] head to guide him only.

Sgt. Righthouse asked Officer Romberger why he would escort someone by their neck or throat if he knew it was not approved.

Officer Romberger stated that at that point in the contact he was worn out. He had it in his mind that he needed to get [REDACTED] to the police car. Officer Romberger said he was not thinking about anything other than to get [REDACTED] into the police car. He explained he didn't know why his hand was around [REDACTED] neck, he was trying to guide [REDACTED] face. Officer Romberger stated he should not have attempted to grab [REDACTED] by the face.

I asked Officer Romberger why he did not wait for other officers. [REDACTED] was handcuffed, there was no need to move him.

Officer Romberger stated he wanted to secure [REDACTED] in the car to allow him freedom to recover his handgun from [REDACTED]

I asked Officer Romberger if he would consider the techniques he used to attempt to control [REDACTED] as a 'use of force'.

Officer Romberger stated, "Not a good use of force." He stated he should not have attempted to guide [REDACTED] face in the manner in which he did.

I asked Officer Romberger if he documented this use of force in his report.

Officer Romberger looked over his arrest report and stated he did not document this force.

I asked Officer Romberger if he remembers grabbing [REDACTED] neck as they entered into the parking lot of the recreation center.

He stated he did not recall. I showed Officer Romberger a screen capture from his body worn camera (BWC Title: 69_PC File 3.mp4: Time 06:52).

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Officer Romberger stated his intent was to grab [REDACTED] by the chin and turn his face to the direction of the police car. He did not recall if [REDACTED] offered resistance to his attempts to steer or guide him by his face and neck. Officer Romberger stated he did not place clamping or strangulating pressure on [REDACTED] neck. This conversation takes place at 1:17:00 into our interview.

I asked Officer Romberger if this action was necessary.

He restated his intent was to keep [REDACTED] face straight forward and to keep him moving towards the police car. He was not trying to grab him by the throat.

Sgt. Righthouse asked Officer Romberger if he had been trained to walk someone by holding their head in this manner.

Officer Romberger replied, "No". Sgt. Righthouse asked why he did not use an approved method such as a wrist lock or arm bar control. Officer Romberger stated that at that point in the contact he was so tired he could not get anything else to work and his mind was set on simply getting [REDACTED] to the patrol car.

Per Officer Romberger, as he and [REDACTED] approached the parked police vehicle, [REDACTED] bumped into the police car. He was not trying to shove [REDACTED] into the car. This prompted an immediate apology from Officer Romberger. Officer Romberger stated this was a result of him constantly having to nudge [REDACTED] along. Shortly thereafter [REDACTED] bumped into him and ended up on the ground. Officer Romberger stated he did not purposely take [REDACTED] to the ground, nor does he remember how [REDACTED] came to be on the ground.

A La Mesa Police car pulled up and two La Mesa Police Officers assisted him. Officer [REDACTED] helped control [REDACTED] legs on the ground.

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Officer Romberger stated Officer ██████ assisted in picking ██████ up from the ground. ██████ refused to stand up and was kicking at Officer Romberger. They sat ██████ in the vehicle and closed the door.

I asked Officer Romberger if he wrote his report on the same day as this incident.

He confirmed he had.

I asked if he (Officer Romberger) reviewed his body worn camera footage prior to writing his report.

He stated, "Not much of it. I glanced over it then wrote the report." In his report, Officer Romberger wrote he searched ██████ incident to his arrest, when they arrived at the police vehicle. During the search, Officer Romberger recovered a can of beer from ██████ pants pocket. Additionally, Officer Romberger wrote that ██████ refused to allow the officer to search him.

I asked Officer Romberger how ██████ refused to be search as he was handcuffed on the ground.

Officer Romberger stated ██████ was flailing and moving around. He was actively trying to prevent the officer from searching him.

I played a portion of Officer Romberger's body worn camera footage (Time: 06:58-07:52). I referenced his report, page 4 paragraph 3, and the search of ██████

Officer Romberger stated his report was chronologically incorrect. He did not search ██████ nor did he locate a can of beer on ██████ person at this time.

After Officer Romberger secured ██████ in the police vehicle, Officer ██████ walked ██████ to the parking lot. They joined Officer Romberger at the police vehicle. ██████ was handcuffed facing the right rear side of the police car. Officer(s) Romberger and ██████ were standing on either side of ██████ talking to one another. Officer Romberger was going to search ██████ He stated ██████ was fighting with them and was going to head-butt him. Officer Romberger braced ██████ against the side of the vehicle to prevent being head-butt by ██████

I asked Officer Romberger if ██████ attempted to head-butt him.

Officer Romberger stated it felt as if ██████ was going to head-butt him. This action caused ██████ face to hit the back of the police car, resulting in a bloody lip.

I asked Officer Romberger if he placed his hands on ██████ neck at any point while pushing him into the police car.

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Officer Romberger stated he didn't recall putting his hands on [REDACTED] neck. He only recalls pushing him against the vehicle.

Sgt. Righthouse asked Officer Romberger to explain how he pushed [REDACTED] against the vehicle.

Officer Romberger said he just shoved him against it [the vehicle]. His intent was to hold [REDACTED] against the vehicle to prevent him from being head-butted. He could not recall how much force he used to shove [REDACTED]

I explained to Officer Romberger that his body worn camera footage shows [REDACTED] being controlled next to the vehicle, then a distinct sharp shove against the vehicle. I asked if he was the person who made the distinct shove.

Officer Romberger confirmed he was the person who shoved [REDACTED] against the vehicle. He stated [REDACTED] head contacted the 'C' pillar of the vehicle.

I explained [REDACTED] can be heard on his body worn camera say, "Why are choking me? Don't you fucking choke me." I asked Officer Romberger if he placed his hands on [REDACTED] neck at this point in the contact.

Officer Romberger stated he did not recall grabbing [REDACTED] in that manner. He stated [REDACTED] was not attempting to fight with him, therefore Officer Romberger would not have tried to choke him. [REDACTED] was not resisting at that point.

I asked Officer Romberger where his left hand was when [REDACTED] made the choking statement.

Officer Romberger stated he could not recall. He felt he would have grabbed [REDACTED] by the upper chest or shoulder.

Sgt. Righthouse asked Officer Romberger if his hand was on [REDACTED] throat when his voice becomes strained in the video.

Officer Romberger stated he would not have grabbed [REDACTED] by the throat on purpose.

Sgt. Righthouse asked if he grabbed him by the throat on accident.

Officer Romberger stated he believes he had [REDACTED] by the chest or shoulder at that point. He does not recall grabbing [REDACTED] by the throat. He did not purposely grab [REDACTED] by the throat.

I explained to Officer Romberger that after he shoved [REDACTED] against the vehicle, [REDACTED] turned and made the comment, "Yeah this looks good". This was in reference to his bloody lip. I asked Officer Romberger the intent of saying, "Aw you bumped your face".

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Officer Romberger stated this was not meant to be sarcastic. He did realize [REDACTED] had struck the vehicle with his face. When he saw the blood, Officer Romberger then became aware [REDACTED] was injured.

I explained to Officer Romberger that after the exchange with [REDACTED] he began speaking with Officer [REDACTED] again. During that discussion, Officer Romberger refers to [REDACTED] as 'fool'. I asked him to explain his intent of this comment.

Officer Romberger stated that using the term 'fool' was a bad choice of words.

Per Officer Romberger, after this exchange with Officer [REDACTED] he intended to seat [REDACTED] in the right rear seat of the police vehicle. He opened the right rear door and instructed [REDACTED] to slide over. When [REDACTED] didn't move, Officer Romberger closed the door and walked [REDACTED] to the left rear door with the intent of seating him in the left rear seat. Officer Romberger stated he was not sure of these events, however he believes this is what may have occurred.

I asked Officer Romberger if he had done this, would it be reasonable for [REDACTED] to believe he was complying with an order to slide into the left rear seat.

Officer Romberger said that would be a reasonable assumption. Officer Romberger walked [REDACTED] to the driver's side, rear door and saw [REDACTED] was seated in the left rear seat. The officer instructed [REDACTED] to slide back to the right rear seat then leaned in to physically push [REDACTED] to the right.

In his mind, Officer Romberger felt [REDACTED] was intentionally playing games and attempting to slow down the process. Officer Romberger realized, after watching his body worn camera footage, he did not allow [REDACTED] time to comply with the instruction to move on both the right and left side of the vehicle. Officer Romberger stated by this point in the contact he was frustrated and tired. He just wanted this to be over.

Officer Romberger leaned in to physically push [REDACTED] to the right side of the vehicle. As he did this [REDACTED] moved his head in the officer's direction. He could feel [REDACTED] pushing against him. Based on [REDACTED] previous behavior, Officer Romberger believed [REDACTED] was going to attempt to head-butt him.

Officer Romberger was concerned [REDACTED] would fall out of the vehicle and hurt his own head. Officer Romberger grabbed him to prevent [REDACTED] from injuring himself.

I asked Officer Romberger if while grabbing [REDACTED] to prevent him from falling he had his hands around [REDACTED] neck at any point.

Officer Romberger stated he did not remember.

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I asked Officer Romberger if he pushed [REDACTED] into the vehicle prior to pulling him out, or if there would have been a reason to do that.

Officer Romberger stated his natural reaction to someone attempting to head-butt him would be to push them away. He does not remember pushing [REDACTED] into the vehicle prior to pulling him out.

I played a segment of Officer Romberger's body worn camera footage (time: 10:50-11:05 est.). This segment of video depicts him attempting to push [REDACTED] across the back seat, [REDACTED] then slides towards him. Officer Romberger pushed [REDACTED] into the vehicle, grabbed [REDACTED] by the throat with both hands and ultimately pulled [REDACTED] from the vehicle and onto the ground.

Officer Romberger stated he did not remember the incident as portrayed in the video, however after watching the video he knows exactly why he took the actions he did. As he reached in to push [REDACTED] across the seat, [REDACTED] begins to come towards him. Officer Romberger was concerned [REDACTED] would fall and injure himself. He took hold of [REDACTED] head, cradled it like a baby and guided him to the ground. He also took control of [REDACTED] head to prevent him from head-butting the officer. Officer Romberger confirmed both of his hands were on [REDACTED] neck during this time. He stated there was no pressure being placed on [REDACTED] neck; he was not trying to choke [REDACTED]

Sgt. Righthouse asked Officer Romberger why he was pushing [REDACTED] head into the ground if he was concerned about him injuring his head.

Officer Romberger stated that once [REDACTED] was on the ground he wanted to control his head. [REDACTED] had attempted to head-butt him multiple times, so he transitioned from bracing the head while exiting the vehicle to controlling it once on the ground. [REDACTED] head never touches the ground and his head was not injured during the arrest. Officer Romberger stated the need to control [REDACTED] head in such a manner was because [REDACTED] was using his head as a weapon, with which to strike the officer. Officer Romberger was kneeling over [REDACTED] while he was on the ground. His right knee was over [REDACTED] neck, not touching the neck. He was squatting over [REDACTED] to control him. [REDACTED] neck was not injured in the arrest, nor did [REDACTED] complain of being injured.

I asked Officer Romberger to explain how he picked [REDACTED] up from the ground and sat him in the police car.

Officer Romberger stated he picked [REDACTED] up by his arms, however he could not completely recall the manner in which he pick [REDACTED] up.

I asked Officer Romberger if he asked [REDACTED] to stand up prior to picking him up.

Officer Romberger could not recall if he asked [REDACTED] to stand up prior to picking him up.

Sgt. Righthouse asked Officer Romberger what he told [REDACTED] as he lay on the ground.

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Officer Romberger stated he remembers warning [REDACTED] against head-butting him, however he could not remember the exact verbiage used.

I asked Officer Romberger if he threatened [REDACTED] during this warning.

Officer Romberger stated he did not remember threatening [REDACTED]

I asked Officer Romberger how [REDACTED] got back into the vehicle.

Officer Romberger stated he physically picked him up from the ground and sat him in the vehicle. He could not recall how he physically grabbed [REDACTED]. He could not recall if he grabbed [REDACTED] by the back of his neck while picking him up.

I played a segment of Officer Romberger's body worn camera footage (time: 11:01-11:33 est.). This segment of video depicts him telling [REDACTED] if he attempted to head-butt him he would smash [REDACTED] face into the side of the [police] vehicle. Officer Romberger then picks [REDACTED] up and forcefully pushes him into the back seat of the police car.

After watching the video, Officer Romberger recalled making the threatening comment. He stated he didn't want [REDACTED] to attempt to head-butt him again and if [REDACTED] was thinking about the vehicle he wouldn't try to assault the officer. At the time this statement was made, Officer Romberger felt the threat of 'smashing [REDACTED] face in the police car' was appropriate. He stated that watching it during the interview it does not appear appropriate. It was a poor choice of words.

As Officer Romberger picked [REDACTED] up from the ground his right hand was on the back of [REDACTED] neck. He stated this was to control [REDACTED] head and to prevent being head-butt. There was no pressure placed on [REDACTED] neck, Officer Romberger lifted [REDACTED] by his arm.

I asked Officer Romberger if he searched or recovered any property from [REDACTED] during this phase of the contact. Referring to Officer Romberger's report, page 4 paragraph 3, the officer wrote he recovered a can of Modelo beer from [REDACTED] when they initially arrived at the police car. I played a segment of Officer Romberger's body worn camera footage (time: 11:36-12:04 est.). This segment of video depicts Officer Romberger recovering a can of beer from [REDACTED] left front pant pocket.

Sgt. Righthouse stated Officer Romberger wrote in his report [REDACTED] was kicking him during this phase of the contact. He asked Officer Romberger if he saw [REDACTED] kicking in the video. I asked Officer Romberger if his report was accurate after seeing the segment of video.

Officer Romberger stated his report was not accurate with regards to the time and location he found the beer. Additionally, the report was wrong in stating [REDACTED] was kicking Officer Romberger.

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After finding the beer, Officer Romberger realized he hadn't searched [REDACTED] thoroughly. He did not recall removing [REDACTED] from the vehicle again to search him.

I played a segment of Officer Romberger's body worn camera footage (time: 12:07-12:24 est.). This segment of video depicts Officer Romberger removing [REDACTED] from the vehicle and searching him for an identification. After he locates [REDACTED] wallet Officer Romberger forcefully seats [REDACTED] into the back seat. I asked Officer Romberger if he gave [REDACTED] the opportunity to sit in the vehicle willingly after he told him to sit down.

Officer Romberger stated [REDACTED] was not going to sit in the vehicle willingly. Given the resistance [REDACTED] offered during the entire event leading up to this moment he did not feel [REDACTED] would comply with the officer's instructions. Therefore, Officer Romberger 'guided' him into the vehicle.

I questioned Officer Romberger's use of the term 'guiding'.

Officer Romberger stated he did use physical force, via a push, to seat [REDACTED] in the vehicle.

I asked Officer Romberger if, after viewing the event now, pushing [REDACTED] into the vehicle was appropriate.

Officer Romberger stated he should have given [REDACTED] some time to sit in the vehicle on his own prior to pushing him in.

I asked Officer Romberger if [REDACTED] offered any resistance to being sat in the vehicle. At the point Officer Romberger pushes [REDACTED] into the vehicle, [REDACTED] is handcuffed and facing inward. I asked Officer Romberger if pushing [REDACTED] into the vehicle was reasonable.

Officer Romberger stated he felt like [REDACTED] was refusing to sit in the police vehicle. After watching the video, Officer Romberger conceded pushing [REDACTED] into the vehicle was unreasonable.

Sgt. Righthouse asked Officer Romberger if he shoved [REDACTED] into the vehicle because he was frustrated.

Officer Romberger stated he just wanted to get him in the car quicker.

When Officer Romberger pushed [REDACTED] in the vehicle he was facing inward. I asked Officer Romberger if [REDACTED] had a way to protect himself after he pushed him into the vehicle.

Officer Romberger stated [no] I wouldn't think so. He stated the intent of pushing [REDACTED] was not to injure him. Officer Romberger was frustrated and just wanted [REDACTED] in the vehicle.

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I asked Officer Romberger if he kicked [REDACTED] prior to shutting the door to the police car.

Officer Romberger did not remember kicking [REDACTED]

I played a segment of Officer [REDACTED] body worn camera footage (time: 01:38 - 02:00 est.). This segment of video depicts Officer Romberger shove [REDACTED] into the back seat of the police car then kick [REDACTED] left leg. Officer Romberger then physically grabs [REDACTED] left leg and moves it into the vehicle.

Officer Romberger stated he was attempting to 'nudge' [REDACTED] left foot into the vehicle. He did not want to bend down and give [REDACTED] a chance to kick him. Therefore, Officer Romberger used his own foot to nudge [REDACTED] foot into the vehicle.

Sgt. Righthouse asked Officer Romberger if he gave [REDACTED] the opportunity to bring his feet in the vehicle. Did he ask [REDACTED] to bring his feet into the vehicle?

Officer Romberger stated, "No, I was just trying to get him in there [vehicle] quickly". He stated he did not ask [REDACTED] to bring his feet in.

I asked Officer Romberger if he considered enlisting one of the other officers at the scene to pull [REDACTED] into the vehicle from the opposite side.

Officer Romberger stated he could have done that, however he didn't think of it at the time.

I asked Officer Romberger if the use of his foot to move [REDACTED] foot was reasonable, having watched the video.

Officer Romberger stated he believes his actions were reasonable because he was not kicking [REDACTED]. A kick would have been unreasonable. His intent was simply to move [REDACTED] foot into the vehicle. Officer Romberger conceded he did not give [REDACTED] the opportunity to bring his foot in on his own.

I asked Officer Romberger if he documented this use of force in his report.

Officer Romberger stated he did not document the force of pushing [REDACTED] in the vehicle and nudging [REDACTED] foot with his own foot.

After securing [REDACTED] in the vehicle, Officer Romberger began briefing Officer [REDACTED] on the incident. While speaking with Officer [REDACTED] kicked the inside of the police car. They both turned towards the vehicle and Officer [REDACTED] stated, "Pepper spray him".

Officer Romberger said he was not carrying his pepper spray on his person at the time of this incident. It was in a gear bag in his trunk. He stated he forgot to place it on his duty belt at the

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beginning of the shift. Officer Romberger went to his trunk and retrieved the pepper spray canister. He opened the door and applied the chemical agent to [REDACTED]. The chemical agent was applied to [REDACTED] eyes from a distance of approximately six inches.

Officer Romberger stated [REDACTED] was not kicking the vehicle or offering resistance at the time he was pepper sprayed. He was merely sitting in the seat. To his recollection, [REDACTED] had only kicked the interior of the car once.

Officer Romberger applied the chemical agent because he was instructed to by the acting sergeant [REDACTED]. He stated he did not document the acting sergeant's instructions in the report, however that was the reason he utilized the chemical agent.

I asked Officer Romberger if the use of the pepper spray on [REDACTED] was reasonable at the time it was used.

Officer Romberger stated the use of pepper spray on [REDACTED] at the time it was used was not reasonable. He should have reevaluated [REDACTED] actions prior to applying the chemical agent.

I asked Officer Romberger if he rendered medical aid to [REDACTED] for the chemical agent.

While at police headquarters, Officer Romberger asked [REDACTED] if he wanted his eyes flushed with water. He told [REDACTED] that the water may reactivate the chemical agent and his eyes might begin to burn again. [REDACTED] declined to have his eyes rinsed by the officer.

Officer Romberger stated he was familiar with the department policy on the use of chemical agents and the requirement to flush one's eyes with water. He was not attempting to punish [REDACTED] by not flushing his eyes. Officer Romberger simply didn't want them to start burning again. Officer Romberger confirmed he did not flush [REDACTED] eyes with fresh water. While booking [REDACTED] into County Jail, the nurse asked [REDACTED] if he had been pepper sprayed. They were notified of the chemical agent use on Davis.

I asked Officer Romberger if he seat belted [REDACTED] during his transport to police headquarters and to County Jail.

Officer Romberger stated he did not seat belt [REDACTED] from the recreation center to police headquarters because of [REDACTED] previously demonstrated assaultive behavior towards him. He conceded he did not attempt to seat belt [REDACTED] nor did he attempt to have another officer assist him. He could not recall if [REDACTED] refused to be seat belted.

At one point in the transport to police headquarters traffic came to sudden slow down. Officer Romberger had to brake and [REDACTED] fell off the seat and onto the floor. Officer Romberger pulled into a gas station parking lot and checked on [REDACTED] [REDACTED] was seated on the floor of the vehicle in front of the rear seat.

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I directed Officer Romberger's attention to his report, page 5 paragraph 2, in which he wrote [REDACTED] refused to be seat belted. I asked if that was correct.

Officer Romberger confirmed he wrote that in his report, however the report is not accurate. He stated by the time they arrived at police headquarters he no longer believed [REDACTED] would be resistive. Officer Romberger did not seat belt [REDACTED] during the transport from police headquarters to County Jail. He stated he did not think of it when he left police headquarters.

I asked Officer Romberger when he recovered his backup handgun from [REDACTED]

Officer Romberger stated [REDACTED] handed him the firearm after [REDACTED] was pepper sprayed. He stated there were opportunities where he could have recovered the firearm sooner, however his mind was preoccupied with dealing with [REDACTED]

I concluded our interview at 1139 hours.

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CONCLUSIONS:

1. FORCE – EXONERATED

Officer Romberger used force to detain and arrest [REDACTED] for being a minor in the possession of alcohol. This force included physical strength and a takedown.

Under California Business and Professions Code Section 25662(A), Minor in Possession of Alcohol, states:

It is a misdemeanor for any person under 21 years of age who has any alcoholic beverage in her or her possession on any street or highway or in any public place or in any place open to the public.

Reasonable Suspicion as defined by San Diego Police Department Procedure 4.01, Stop/Detention and Pat Down Procedures, dated 12/31/15 states:

2. "Reasonable Suspicion" is a term that is not capable of precise definition; it is more than a hunch or mere speculation on the part of an officer, but less than the probable cause necessary for arrest. It may arise out of a contact, or it may exist prior to a contact.

Officer Romberger was dispatched to a report of three individuals drinking alcohol and under the influence of an alcoholic beverage at the San Carlos Recreation Center. On arrival, he met with witness [REDACTED]

[REDACTED] informed Officer Romberger that [REDACTED] and [REDACTED] were under the influence of alcohol and had an open case of beer with them. [REDACTED] directed the officer to the rear of the recreation center building. Officer Romberger contacted [REDACTED] and [REDACTED] on a grass area of the park as they were walking away from the recreation center building. The officer was wearing full police uniform.

Upon contact, both [REDACTED] and [REDACTED] were openly holding a can of Modelo brand beer. [REDACTED] told Officer Romberger he was twenty years of age. Officer Romberger believed there was reasonable suspicion to detain both, [REDACTED] and [REDACTED] pending further investigation into being minor's in the possession of alcohol.

A stop, as defined in the California Peace Officers Legal Sourcebook, Section 4.01, subsection II states, in pertinent part:

II. DETENTIONS/ STOPS

A. Definition

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A temporary "detention" or vehicle "stop" is a "limited seizure" of the driver, that is, something less than a full arrest but more substantial than a simple "contact" or "consensual encounter." (Wilson (1983) 34 Cal.3d 777.) A detention exists (1) when you assert authority over a person in a way that a reasonable innocent person would feel compelled to submit to and (2) the person in fact submits. (Hodari D. (1991) 499 U.S. 621, 626; Turner (1994) 8 Cal.4th 137, 180.)

Penal Code Section 148(a)(1) states in part:

Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

Penal Code Section 834(a) states:

If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest.

Here, Officer Romberger attempted to detain [REDACTED] and [REDACTED] for being minors in possession of alcohol, in violation of 25662(a) Business and Professions Code. [REDACTED] was verbally compliant with the officer's instruction to stop. [REDACTED] displayed active resistance by walking away from Officer Romberger. [REDACTED] delayed the officer's actions by failing to comply with his commands to stop, instead he walked away.

SDPD Department Procedure 1.04 applies to any officer's use of force. Section III states, in pertinent part:

Only force that is reasonable to overcome resistance may be used to effect a detention or an arrest, or take a mentally ill or emotionally disturbed person into protective custody.

The U.S. Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), acknowledged that the "reasonableness" test in analyzing the use of force is "not capable of precise definition or mechanical application." For that reason, in determining whether an officer's use of force is reasonable in a particular case, it is necessary to evaluate the facts and circumstances confronting the officer at the time that force was used. All of the surrounding circumstances will be considered, including whether the subject posed an imminent threat to the safety of the officer or others, the severity of the crime at issue, and whether the suspect actively resisted arrest or attempted to flee.

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While Officer Romberger was attempting to detain [REDACTED] displayed assaultive behavior towards the officer.

D.P. 1.04, Section IV (B) defines assaultive behavior as follows:

B. Assaultive Behavior - behavior that consists of aggressive physical opposition to being physically controlled and conveys a threat of injury to the officer; or, behavior that consists of a threat of attack conveyed through aggressive physical actions or aggressive physical actions coupled with verbal threats. Verbal threats alone do not constitute assaultive behavior. Assaultive behavior can be directed at the officer or others.

Department Procedure 1.04, IV, H, (Use of Force), defines "Force" as follows:

H. Force – the act of gaining and/or maintaining control of a subject or situation.

D.P. 1.04, Section IV (J) defines "Lesser Controlling Force" as follows:

J. Lesser Controlling Force - the force needed to control a subject who engages in passive resistance. This level of force generally involves use of physical strength, pain compliance defense techniques, and control holds

Penal Code Section 835 states:

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Officer Romberger followed [REDACTED] on foot instructing him to stop. As he did this Officer Romberger escorted [REDACTED] by the elbow. As Officer Romberger attempted to physically stop [REDACTED] he was immediately met with assaultive behavior. [REDACTED] turned and punched Officer Romberger's in the area of his chest and left shoulder with a closed fist.

Officer Romberger released his control of [REDACTED]. He used the lesser controlling force of physical strength to gain control of [REDACTED] by taking him to the ground.

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During this takedown, Officer Romberger's backup service weapon became dislodged and fell to the ground. The holstered weapon landed next to [REDACTED] right shoulder. Officer Romberger was able to pin [REDACTED] to the ground and called for expedited cover.

Fearing [REDACTED] would pick up the loose firearm and use it against him, Officer Romberger pointed his Taser at [REDACTED] and ordered him to the ground. [REDACTED] complied, however continued to complain in a boisterous manner. Officer [REDACTED] was the next officer to arrive on scene. Upon his arrival, Officer [REDACTED] arrested [REDACTED] without incident and Officer Romberger arrested [REDACTED]

When Officer Romberger contacted [REDACTED] to effect a legal detention, [REDACTED] turned and punched him. Officer Romberger used physical strength to defend against [REDACTED] assaultive behavior. Under Penal Code 835, and D.P. 1.04, the objective reasonableness test established by *Graham v. Connor*, Officer Romberger's use of lesser controlling force, in the form of physical strength and takedown, was reasonable. Therefore this allegation is **EXONERATED**.

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2. FORCE – SUSTAINED

Officer Romberger used force while escorting [REDACTED] to his police vehicle.

Department Procedure 1.04, IV, A, (Use of Force), defines “Active Resistance” as follows:

A. Active Resistance - behavior that consists of a refusal to comply with verbal commands and conveys a threat to the officer or another person, or consists of physical opposition to attempts of control by the officer.

Department Procedure 1.04, IV, I, (Use of Force), defines “Greater Controlling Force” as follows:

I. Greater Controlling Force - the force needed to control a subject who engages in active resistance. This level of force may involve the use of techniques such as takedowns, distractions techniques, chemical agents, and the carotid restraint.

[REDACTED] actively resisted Officer Romberger's efforts of being walked to a police vehicle. He pulled away from the officer's control, falling to the ground and demonstrated a physical opposition to being escorted by the officer.

Officer Romberger instructed [REDACTED] to stand up. [REDACTED] sat atop a concrete pillar and refused to stand and walk. Officer Romberger placed his left arm through [REDACTED] cuffed right elbow. He grabbed the back of [REDACTED] neck with his left hand and the front of [REDACTED] neck with his right hand. Officer Romberger lifted [REDACTED] to his feet by his neck.

Officer Romberger escorted [REDACTED] towards the parking lot with his left hand transitioning between the back of [REDACTED] sweater collar and holding the back of [REDACTED] neck. Officer Romberger used his right hand to push [REDACTED] head towards the ground. During his interview, Officer Romberger stated he used this technique to 'guide' [steer] [REDACTED] towards the parked police vehicle.

As they entered into the recreation center parking lot, [REDACTED] turned to the left to yell to [REDACTED] Officer Romberger moved his left hand to the back of [REDACTED] neck in a gripping manner. Officer Romberger encircled the front of [REDACTED] throat with his right hand. They spun to the left in a complete circle and continued walking towards the parked police vehicle.

Officer Romberger stated in his interview he was applying pressure to [REDACTED] neck with his left hand to prevent him from pulling away. His right hand was in the front of [REDACTED] neck to turn his head towards the direction of his police vehicle. Officer Romberger stated his intent was to control [REDACTED] chin; to turn the chin/head towards the direction of his police vehicle. He conceded he missed [REDACTED] chin during each attempt. Officer Romberger admitted he had not been trained to control a person using their head and neck in this manner. He stated he was tired and was focused on getting [REDACTED] to the police car.

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As they walked up to the parked police vehicle, [REDACTED] body slammed into the right side of the vehicle. Officer Romberger immediately apologized. While standing next to the police vehicle, [REDACTED] went to the ground. Officer Romberger stated he could not recall the reason and manner in which [REDACTED] came to be on the ground. This was not documented in Officer Romberger's arrest report. Civilian witness [REDACTED] stated [REDACTED] attempted to head-butt Officer Romberger at the police vehicle.

An officer's use of force must be reasonable given the resistance being met. Again, when evaluating the force used we must apply the Objective Reasonableness test established in *Graham v. Connor*. We must use the information the officer had at the time, not 20/20 hindsight.

While escorting [REDACTED] to the police vehicle, Officer Romberger knew [REDACTED] was handcuffed, controlled and under arrest. He had called for expedited cover from additional units and knew more units were en route to his location.

Officer Romberger chose not to wait for additional units, but rather to employ control techniques not trained or approved by the police department. The use of a subject's neck as a controlling method for a minimally actively resistive subject is unreasonable. This conclusion is supported by body worn camera footage, the officer's statements and the officer's Arrest Report. Therefore, this allegation is **SUSTAINED**.

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3. FORCE – SUSTAINED

Officer Romberger used force to control [REDACTED] at a parked police vehicle.

Here, Officer [REDACTED] arrested [REDACTED] for being a minor in possession of alcohol and outstanding arrest warrants. While standing next to a parked police vehicle, Officer [REDACTED] began to transfer custody of [REDACTED] to Officer Romberger.

[REDACTED] was handcuffed and standing facing the police vehicle. Officer [REDACTED] was holding his right arm and the handcuffs. Without warning, [REDACTED] moved to the left, passed Officer Romberger and away from the officers, as if attempting to break free from their control.

Officer Romberger quickly regained control of [REDACTED]. He did this by placing his right hand on [REDACTED] left tricep and his left hand in the middle of [REDACTED] chest near the base of his throat. Officer Romberger repositioned [REDACTED] next to the police vehicle, adjacent to the 'C' pillar.

After [REDACTED] was under control, Officer Romberger gave him a sharp shove against the police vehicle. This caused [REDACTED] face to make contact with the vehicle, resulting in a bloody swollen lip. During his interview, Officer Romberger stated [REDACTED] was 'flailing' his head around and tried to head-butt him. Officer Romberger pushed [REDACTED] against the police vehicle to prevent [REDACTED] from head-butting him.

Officer Romberger's left hand was in the front of [REDACTED] upper chest near the base of his throat; just out of view of his body worn camera footage. The officer tells [REDACTED] in a forceful manner, to stand still. [REDACTED] states, "Why are you choking me?" During his interview, Officer Romberger stated he would not have 'choked' [REDACTED] because he [REDACTED] was not resisting at the point.

An officer's use of force must be reasonable given the resistance being met. As described above, when evaluating the force used we must apply the Objective Reasonableness test established in *Graham v. Connor*. We must use the information the officer had at the time, not 20/20 hindsight.

[REDACTED] exhibited active resistance to being controlled by the officers by attempting to break free from their grip. He was immediately, and properly, controlled by Officer Romberger with physical strength. Once [REDACTED] was under his control, Officer Romberger unnecessarily pushed [REDACTED] body into the police vehicle causing injury to [REDACTED] lip. This conclusion is supported by body worn camera footage, the officer's statements, witness officer's statements and Officer Romberger's Arrest Report. Therefore, this allegation is **SUSTAINED**.

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4. FORCE – SUSTAINED

Officer Romberger used force to remove [REDACTED] from his police vehicle.

Department Procedure 1.04, IV, F, (Use of Force), defines “Defending Force” as follows:

F. Defending Force - the force needed to stop assaultive behavior against an officer or another person. This level of force generally involves impact strikes by the officer. Impact strikes can be delivered either by personal body weapons (e.g., hands, feet, knees, etc.) or impact weapons (e.g., PR-24, OPN, Baton, Flash light). Due to the potential for serious injury, intentional strikes with an impact weapon are prohibited from being directed at the head, face or throat of the subject unless the subject's actions and behavior pose an imminent threat of death or serious bodily injury to the officer or others.

Officer Romberger chose to seat [REDACTED] in the back seat of his police vehicle with [REDACTED] was seated in the right rear seat of the vehicle. Officer Romberger opened the right rear door and instructed [REDACTED] to slide over. He quickly changed his mind and said, “Nevermind” then closed the door. Officer Romberger walked [REDACTED] around the vehicle to the left rear door.

When Officer Romberger opened the left rear door to seat [REDACTED] he discovered [REDACTED] had slid into the left rear seat. He instructed [REDACTED] to slide to his right then moved to push [REDACTED] across the seat. As Officer Romberger entered the vehicle, [REDACTED] rapidly leaned out towards the officer.

Officer Romberger grabbed [REDACTED] by the neck. His left hand was around the front of [REDACTED] throat, while his right hand was around the back of his neck. Officer Romberger's hands encircled [REDACTED] neck. He pushed [REDACTED] into the vehicle.

Officer Romberger then leaned into the vehicle and grabbed [REDACTED] by his neck a second time in the same manner. Officer Romberger began to pull [REDACTED] from the vehicle by his neck. His right hand remained grasping the back of [REDACTED] neck, while his right hand transitioned to supporting [REDACTED] chin. Officer Romberger removed [REDACTED] from the vehicle and laid him on the ground next to the left rear wheel of the police vehicle. Once on the ground, Officer Romberger pushed [REDACTED] face and head towards the parking lot pavement. He accused [REDACTED] of trying to head-butt him.

As discussed above, an officer's use of force must be reasonable given the resistance being met. When evaluating the force used we must apply the Objective Reasonableness test established in *Graham v. Connor*. We must use the information the officer had at the time, not 20/20 hindsight.

Officer Romberger perceived [REDACTED] was attempting to head-butt him when he quickly leaned out of the vehicle. With that in mind, Officer Romberger reasonably believed [REDACTED] was exhibiting assaultive behavior towards him at that moment. When faced with assaultive behavior, an officer may use force

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ranging from minimal to defending force, however the force used must be reasonable to overcome resistance.

Officer Romberger stated during his interview he had not been trained to control a subject by the throat/neck. He stated he was tired and frustrated with [REDACTED]. As [REDACTED] leaned out of the vehicle into Officer Romberger, he grabbed [REDACTED] by the neck with both hands and pushed him forcefully back into the vehicle. The immediate perceived threat was eliminated.

Unfortunately, Officer Romberger entered the vehicle passenger compartment a second time and grabbed [REDACTED] by the neck with both hands and began pulling him out of the vehicle by his neck. Officer Romberger pulled [REDACTED] to the ground and pushed his head and face towards the ground. [REDACTED] was not assaultive, nor was he resisting. As there was no immediate threat, Officer Romberger's force and the technique used to remove [REDACTED] from the vehicle was unreasonable. Therefore, this allegation is **SUSTAINED.**

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5. FORCE – SUSTAINED

Officer Romberger used force to seat [REDACTED] into his police vehicle.

After Officer Romberger removed [REDACTED] from the vehicle as described in allegation 4, he returned him to the back seat. After seating [REDACTED] in the vehicle, Officer Romberger asked for his identification. He patted [REDACTED] left front pant pocket down and removed an unopened can of Modelo brand beer. Officer Romberger pulled [REDACTED] from the vehicle by his shirt, without giving him instructions. [REDACTED] did not resist being removed from the vehicle. The officer located a wallet in [REDACTED] right rear pant pocket.

Officer Romberger then instructed [REDACTED] to sit back in the police car. While this is happening, [REDACTED] is handcuffed and laughing. As [REDACTED] leans head first into the vehicle, Officer Romberger placed both hands on his left shoulder and pushed him into the vehicle. [REDACTED] was in the process of complying with the officers' instructions to sit in the vehicle. When the officer pushed him into the car, [REDACTED] was handcuffed and had no way to protect himself.

[REDACTED] left leg is hanging out of the open doorway. Officer Romberger kicked [REDACTED] left leg then grabs it with his hand and moves it into the vehicle. [REDACTED] does not attempt to resist or assault Officer Romberger. During his interview, Officer Romberger stated he did not instruct or ask [REDACTED] to bring his leg into the vehicle before he kicked [REDACTED]

Officer Romberger referred to this action of putting [REDACTED] back into the vehicle as a use of force. Officer Romberger stated in retrospect this use of force was unreasonable. This force was not documented in Officer Romberger's Arrest Report of [REDACTED]

An officer's use of force must be reasonable given the resistance being met. When evaluating the force used we must apply the Objective Reasonableness test established in *Graham v. Connor*. We must use the information the officer had at the time, not 20/20 hindsight.

After being instructed to sit in the police vehicle, Officer Romberger did not allow [REDACTED] time to comply with the instructions. [REDACTED] did not offer resistance to being sat in the police vehicle. Officer Romberger's use of physical force and a kick to seat [REDACTED] in the police vehicle was unreasonable. Therefore, this allegation is **SUSTAINED**.

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6. FORCE – SUSTAINED

Officer Romberger used force in the form of Pepper Spray on [REDACTED]

Department Procedure 1.06, (USE OF LIQUID CHEMICAL AGENT), dated March 11, 2014, States, in part:

A. Guidelines for use

1. Oleoresin Capsicum (OC) shall be carried by all uniformed personnel who are authorized to use liquid chemical agents in the performance of their duties.
2. OC may only be used on a person who is engaged in active resistance, assaultive behavior, or life threatening behavior. Department Procedure 1.04, Use of Force, describes the various levels of resistance and assaultive behaviors.
3. OC may only be used on handcuffed prisoners who are violent, are about to cause or are causing injury to themselves or others, or are causing damage to property.

B. Directions for use of the First Defense liquid chemical agent

1. The Def-Tec Mark IV (3 oz. canister), can be used with accuracy and effectiveness from 5 to 20 feet in calm, still air. The Mark IX (12 oz. canister) is generally limited for use in crowd control situations requiring larger amounts of liquid chemical agent.
2. To be effective, the OC stream should be directed across the brow of the subject's face. The spray will cause involuntary closing of the eyes, as well as swelling of the mucous membranes. Effects generally last 20 to 30 minutes.
3. The OC is mixed with a liquid carrier and deployed from a pressurized container. The agent is discharged from the container in a stream and can cause damage to soft tissues of the eye. Generally, officers using OC should not spray the liquid chemical agent at a subject's face from a distance of less than three feet.

Department Procedure 6.01, XII, C, (HANDCUFFING, RESTRAINING, SEARCHING AND TRANSPORTING PROCEDURES) dated July 25, 2017 states:

C. OC spray may be used on a handcuffed prisoner to prevent injury to the officer, the prisoner, or other people and/or property (such as a police vehicle). (Refer to Department Procedure 1.06, Use of Liquid Chemical Agent, for specifics regarding the use of OC spray.)

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Officer Romberger secured [REDACTED] in the backseat of his police vehicle. [REDACTED] was handcuffed, but not seat belted. Officer [REDACTED] was Acting Sergeant on this date. After securing [REDACTED] in the police vehicle, Officer Romberger began to brief Officer [REDACTED]. During this brief [REDACTED] kicked or hit the interior of the vehicle twice.

This action caused both officers to turn and look towards the vehicle. Officer [REDACTED] stated, "Pepper spray him". Officer Romberger replied, "Yeah". After hearing that command, Officer Romberger opened his driver's door, activated the trunk release and walked to the vehicle trunk. He opened the trunk and began searching one of his gear bags. Officer Romberger's body worn camera continued to record, both audio and video during this time. After the two initial hits to the vehicle interior, [REDACTED] remained quiet. He stopped hitting the interior of the vehicle.

Officer Romberger was not carrying pepper spray on his person at the time of this incident. He retrieved a canister of pepper spray from his gear bag, which was in the trunk of his vehicle. Officer Romberger closed his trunk and walked to the left rear passenger door. He opened the door and [REDACTED] is sitting passively in the seat with his eyes closed.

Officer Romberger sprayed pepper spray back and forth over [REDACTED] closed eyelids. He sprayed the chemical agent from an estimated distance of 12"-18" from [REDACTED] face. During his interview, Officer Romberger stated that prior to the use of the chemical agent, he saw [REDACTED] was no longer kicking the vehicle and was passive in the seat. He stated he applied the pepper spray because the acting sergeant [REDACTED] directed him to do so. In retrospect, Officer Romberger stated he should have refrained from pepper spraying [REDACTED] unless he began kicking the vehicle again. I asked Officer Romberger if he felt the use of pepper spray on [REDACTED] was reasonable at the time it was applied. Officer Romberger said it [pepper spray] should not have been used.

Officer Romberger stated he applied the chemical agent to [REDACTED] at the direction of, then acting sergeant, Officer [REDACTED]. I pointed out he documented the use of the pepper spray in his report, however he did not document he did it at the direction of his supervisor. Officer Romberger stated he, "forgot to put that in".

An officer's use of force must be reasonable given the resistance being met. When evaluating the force used we must apply the Objective Reasonableness test established in *Graham v. Connor*. We must use the information the officer had at the time, not 20/20 hindsight.

Officer Romberger applied pepper spray 32 seconds after [REDACTED] ceased kicking / hitting the police vehicle. It was applied while [REDACTED] was sitting passively with his eyes closed. Officer Romberger applied the pepper spray to [REDACTED] face from a distance of approximately 12"-18", which is significantly less than the recommended distance of three feet as suggested in D.P. 1.06, III, B, 3.

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At the time Officer Romberger pepper sprayed [REDACTED] conveyed no threat to the officer(s) or property. After the application of pepper spray, Officer Romberger failed to provide medical treatment to [REDACTED] prior to booking him into County Jail.

This conclusion is supported by body worn camera footage, the officer's statements, witness statements and Officer Romberger's Arrest Report. Therefore, this allegation is **SUSTAINED**.

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7. FORCE – EXONERATED

Acting Sergeant [REDACTED] instructed Officer Romberger to use force, in the form of Pepper Spray, on [REDACTED]

Officer [REDACTED] was Acting Sergeant on this date. After securing [REDACTED] in the police vehicle, Officer Romberger began to brief Officer [REDACTED] on the incident. During this briefing, [REDACTED] kicked or hit the interior of the vehicle twice.

This action caused both officers to turn and look towards the vehicle. Officer [REDACTED] stated, "Pepper spray him". Officer Romberger replied, "Yeah". Officer [REDACTED] walked up to the left rear door of the police car, placed his hand on the door handle and looked into the vehicle. [REDACTED] is seen through the window sitting passively in the seat.

Officer [REDACTED] believed the behavior stopped because the officers walked up to the vehicle. Officer [REDACTED] stated he felt the need for officer intervention was over. He saw Officer Romberger in the open trunk and assumed Officer Romberger observed the same passive behavior he witnessed.

Officer [REDACTED] turned his attention to the field interview of [REDACTED] which was happening in another area of the parking lot. He walked away leaving Officer Romberger at the trunk of the police vehicle. Officer [REDACTED] later learned Officer Romberger pepper sprayed [REDACTED]. He [REDACTED] assumed [REDACTED] began kicking the vehicle at some point after he walked away.

Officer [REDACTED] gave Officer Romberger the instruction to pepper spray [REDACTED] at the time destructive behavior was occurring. Once he observed [REDACTED] cease his behavior and become passive, Officer [REDACTED] felt there was no need to tell Officer Romberger not to pepper spray [REDACTED]. Because no reasonable officer would use the chemical agent on someone exhibiting passive behavior and posing no threat.

During the interview of Officer Romberger, he acknowledged that at the time Officer [REDACTED] gave him the instruction to pepper spray [REDACTED] its use was appropriate. By the time Officer Romberger, who was not carrying pepper spray on his person, retrieved his canister of pepper spray from his gear bag the validity of that order had passed.

This conclusion is supported by body worn camera footage and Officer(s) Romberger and [REDACTED] statements. Therefore, this allegation is **EXHONERATED**.

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8. COURTESY – SUSTAINED

Officer Romberger was discourteous to [REDACTED]

9.20 COURTESY POLICY (Dated 03/20/15)

Members shall be courteous to all persons. Members shall be tactful in the performance of their duties, shall control their tempers, exercise the utmost patience and discretion, and shall not engage in argumentative discussion even in the face of extreme provocation. Except when necessary to establish control during a violent or dangerous situation, no member shall use coarse, profane or violent language. Members shall not use insolent language or gestures in the performance of his or her duties. Members shall not make derogatory comments about or express any prejudice concerning race, religion, politics, national origin, gender (to include gender identity and gender expression), sexual orientation, or similar personal characteristics.

After the arrest of [REDACTED] and [REDACTED] Officer Romberger secured [REDACTED] in the back of a police vehicle. Officer [REDACTED] had custody of [REDACTED] and met Officer Romberger at his parked vehicle. During the process of transferring custody of [REDACTED] from Officer [REDACTED] to Officer Romberger, [REDACTED] attempted to break free from their control. Officer Romberger quickly regained control of [REDACTED]. During the process Officer Romberger pushed [REDACTED] head into the police vehicle resulting in [REDACTED] sustaining a swollen bloody lip.

They stood next to the vehicle and discussed the details of the initial contact. [REDACTED] lip was bleeding onto the vehicle. He turned to the officers and stated 'yeah this looks good' referring to his bloody lip. Officer Romberger said, "Aw, you bumped your face."

Officer Romberger directed his attention back to Officer [REDACTED]. He referenced [REDACTED] by saying, "This fool wants to fight."

During Officer Romberger's interview, he stated using the term 'fool' was a bad choice of words.

When Officer Romberger was going to seat [REDACTED] in the police vehicle [REDACTED] needed to be moved to make room for [REDACTED]. As Officer Romberger reached in to slide [REDACTED] to the opposite side of the vehicle [REDACTED] leaned towards him quickly with his upper body. Officer Romberger perceived this as [REDACTED] attempt to head-butt him. Officer Romberger removed [REDACTED] from the vehicle.

When Officer Romberger was going to seat [REDACTED] back in the police vehicle he gave [REDACTED] a warning. He stated, "I'm gonna sit you up again. You're gonna sit in the car, you understand? If you head-butt me again I'm gonna smash your face into my vehicle. You understand?"

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During Officer Romberger's interview, he stated when he made this statement his intent was to warn [REDACTED] not to attempt to head-butt him again. Upon seeing it on video during the interview he felt it was a poor choice of words.

I asked Officer Romberger if he felt the situation warranted that type of language. Officer Romberger said he should have worded it differently.

Members of the department shall be courteous to all persons and shall exercise the utmost patience. They shall not use insolent comments. Officer Romberger referred to [REDACTED] as a fool while talking with Officer [REDACTED]. After [REDACTED] attempted to assault Officer Romberger by head-butting him, Officer Romberger warned him if he tried it again he would 'smash his face into the vehicle'. At the time both of these statements were made by Officer Romberger there was no immediate threat to any officers necessitating such verbiage. The need for such language was not documented in Officer Romberger's Arrest Report of [REDACTED].

This conclusion is supported by body worn camera footage and Officer(s) Romberger's statement. Therefore, this allegation is **SUSTAINED**.

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9. PROCEDURE – SUSTAINED

Officer Romberger failed to accurately document force used against [REDACTED] and [REDACTED]

Department Procedure 1.04, VI, A, B, C, (Use of Force), dated September 11, 2015 states:

VI. REPORTING THE USE OF FORCE

A. Officers who use force shall ensure that detailed, accurate reports (arrest, detention, or ARJIS-9) describing the force used and all of the circumstances and facts surrounding the use of that force are prepared, including, but not limited to, factors listed in the Force Matrix section of this procedure. In addition, force effectiveness statistical data is also collected whenever force is used. When using the Automated Field Reporting (AFR) application, users will be prompted for the required information. When necessary to complete handwritten reports, officers shall use the Force Effectiveness Application to enter the data.

B. Reportable Force

For reporting purposes, the following are considered use of force incidents requiring a report:

1. Any force option, control hold, or weaponless defense technique applied to a person, or any force that causes injury or complaint of injury to either the officer or the subject being restrained;
2. Discharge of a firearm in an official capacity;
3. Discharge of a Taser;
4. Use of the baton, police nunchaku (OPN), or other impact weapons where the suspect has been struck;
5. Use of any type of chemical agent (mace, OC, etc.);
6. Use of carotid restraint;
7. Use of a police service dog, when a bite or other injury occurs;
8. Use of a cord cuff;
9. Use of a safety control chair, as outlined in Department Procedure 6.01, Handcuffing, Restraining, Searching, and Transporting Procedures;
10. Use of restraint car seats, as outlined in Department Procedure 6.01, Handcuffing, Restraining, Searching, and Transporting Procedures;
11. When the officer overcomes physical resistance to applying the handcuffs;
12. Use of "specialty munitions," as defined in Department Procedure 1.36, Use of Specialty Munitions; and,
13. The pointing of a firearm at a person to gain compliance.

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C. Officers who use a force option shall personally prepare the appropriate report (arrest, detention, ARJIS-9) documenting their use of force. An exception to an officer personally preparing a document (detailing force used) is if an SDPD investigator interviews the officer and his/her statements (regarding the force used) are documented in the investigator's report.

Officer Romberger wrote an Arrest Report for [REDACTED]. On page 4 of 5, paragraph 2 of his report Officer Romberger states that after arresting [REDACTED] he helped him to his feet and escorted him to his police vehicle. At a point in the escort [REDACTED] lunged forward and away from the officer's control. [REDACTED] ultimately fell to the ground.

Officer Romberger stated he helped [REDACTED] to his feet again and continued escorting him to the police vehicle. Page 4 of 5, paragraph 3 begins with, "Once we were at my patrol vehicle...". Officer Romberger did not document any force used while escorting [REDACTED] to the parked patrol vehicle.

During the escort, Officer Romberger grabbed the back of [REDACTED] neck with his left hand and the front of [REDACTED] neck with his right hand. Officer Romberger lifted [REDACTED] to his feet by his neck.

Officer Romberger escorted [REDACTED] to the parking lot with his left hand transitioning between the back of [REDACTED] sweater collar and holding the back of [REDACTED] neck. Officer Romberger used his right hand to push [REDACTED] head towards the ground. During his interview, Officer Romberger stated he used this force to 'guide' [steer] [REDACTED] towards the parked police vehicle.

As they entered into the recreation center parking lot, [REDACTED] turns to the left to yell to [REDACTED]. Officer Romberger moves his left hand to the back of [REDACTED] neck in a gripping manner. Officer Romberger encircles the front of [REDACTED] throat with his right hand. They spin to the left in a complete circle and continue walking towards the parked police vehicle.

Officer Romberger stated in his interview he was applying pressure to [REDACTED] neck with his left hand to prevent him from pulling away. His right hand was in the front of [REDACTED] neck to turn his head towards the direction of his police vehicle. His stated intent was to control [REDACTED] chin; to turn the chin/head towards the direction of his police vehicle. He said this was, "Not a good use of force", acknowledging this was a use of force. This force was not documented in Officer Romberger's report.

On page 4 of 5, paragraph 3, of Officer Romberger's report he documents he searched [REDACTED] incident to arrest. [REDACTED] resisted and refused to let the officer search him. Officer Romberger did not locate any weapons or drugs, however he located a 12 ounce can of Modelo beer in one of [REDACTED] pockets.

Based on video footage from Officer Romberger's body worn camera, this is inaccurate. [REDACTED] did not refuse or resist being searched, nor did Officer Romberger locate the can of beer on [REDACTED] person at that point in the contact.

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As they walked up to the parked police vehicle, [REDACTED] body slams into the right side of the vehicle. Officer Romberger immediately apologized. While standing next to the police vehicle, [REDACTED] goes to the ground. Officer Romberger stated he could not recall the reason and manner in which [REDACTED] came to be on the ground. This was not documented in Officer Romberger's arrest report.

In his report, Officer Romberger documented the details of [REDACTED] lip injury. He stated as he was walking [REDACTED] around the police vehicle, [REDACTED] began to resist and 'shoved himself backwards' into Officer Romberger. Officer Romberger wrote he shoved [REDACTED] against the police vehicle and grabbed his arms in an attempt to regain control of him. During this process, [REDACTED] mouth 'bumped against my patrol vehicle' while he was resisting. Based on video footage from Officer Romberger's body worn camera, this is inaccurate.

Prior to seating [REDACTED] in the police vehicle, Officer Romberger attempted to slide [REDACTED] from the left rear seat to the right rear seat. [REDACTED] attempted to head-butt the officer during this process. Officer Romberger removed [REDACTED] from the vehicle.

He later sat [REDACTED] in the vehicle and removed him a second time to search him for identification. After locating [REDACTED] wallet, Officer Romberger instructed him to sit back in the police vehicle. As [REDACTED] leaned head first into the vehicle, Officer Romberger placed both hands on his left shoulder and pushed him into the vehicle. Officer Romberger used physical strength to push [REDACTED] into the police vehicle. During his interview, Officer Romberger referred to this action as a use of force. This force was not documented in Officer Romberger's report.

[REDACTED] landed on the seat and sat up, his left leg hanging out of the open doorway. Officer Romberger kicked [REDACTED] left leg then grabbed it with his hand and physically moved it into the vehicle. This force was not documented in Officer Romberger's report.

Officer Romberger next began to brief Acting Sergeant [REDACTED] on the incident. They were standing next to the police vehicle in which [REDACTED] was seated. During this briefing, [REDACTED] kicked or hit the interior of the vehicle twice, then stopped.

Officer Romberger opened his driver's door, activated the trunk release and walked to the vehicle trunk. He opened the trunk and began searching one of his gear bags. He retrieved a canister of pepper spray from his gear bag. Officer Romberger closed his trunk and walked to the left rear passenger door. He opened the door and sprayed pepper spray back and forth over [REDACTED] closed eyelids.

In his report (page 5 of 5, paragraph 1), Officer Romberger stated [REDACTED] began kicking the driver's side door of his patrol vehicle. Based on [REDACTED] previously demonstrated aggressive behavior, Officer Romberger retrieved his pepper spray and sprayed [REDACTED]. Based on video from officer's body worn cameras, Officer Romberger's documentation of the use of pepper spray is inaccurate.

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On page 5 of 5, paragraph 2 of Officer Romberger's report he wrote, ██████ refused to let the officer seat belt him in the vehicle prior to transporting him. During his interview, Officer Romberger stated he could not recall if he attempted to seat belt ██████ into the vehicle. He could not recall if ██████ refused to be seat belted. Officer Romberger stated ██████ was calm and cooperative during the transport to jail from police headquarters, however Officer Romberger did not seat belt him into the vehicle. I asked Officer Romberger if his report was accurate with regards to the seat belting of ██████ He stated it was not accurately worded.

Officer Romberger's Arrest Report is inaccurate in numerous locations and he did not document several uses of force. This conclusion is supported by body worn camera footage, the officer's statements, witness statements and Officer Romberger's Arrest Report. Therefore, this allegation is **SUSTAINED**.

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10. PROCEDURE – SUSTAINED

Officer Romberger utilized Oleoresin Capsicum (O.C.) on [REDACTED] and did not provide required medical care.

Department Procedure 1.06, III, D, 1, 2, 3, 4, 5, (USE OF LIQUID CHEMICAL AGENT), dated March 11, 2014, States:

D. Medical treatment

1. Any Department member who uses a liquid chemical agent shall ensure that appropriate treatment is administered.
2. Any member who uses a liquid chemical agent shall render first aid according to the following manufacturer's guidelines:
 - a. Flush the subject's eyes with large amounts of cool water;
 - b. Expose the subject's face and eyes to fresh air;
 - c. If contact lenses are worn, have the subject, or qualified medical personnel remove them. Contacts may be contaminated and require discarding;
 - d. Avoid rubbing the contaminated area; and,
 - e. Do not apply creams, salves, oils or lotions as they may trap the agent on the skin.
3. First aid treatment should be rendered as soon as possible. It must be done within 30 minutes of applying the chemical agent unless exigent circumstances make the treatment impractical. If the subject voices objection or physically resists, the officer shall make a reasonable attempt to persuade the subject to allow decontamination prior to transporting from the scene.
4. Officers shall document, in the appropriate report, the type of first aid given (and/or attempted) and the time it was rendered.
5. The arresting or transporting officer shall inform receiving personnel at County Jail, Juvenile Hall, or the San Diego County Psychiatric Hospital whenever a liquid chemical agent has been used on a subject being admitted. The officer shall also advise whether first aid was administered.

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Officer Romberger applied liquid chemical agent to [REDACTED] during this incident. He transported [REDACTED] to police headquarters for processing then booked him into county jail. Officer Romberger did not follow the appropriate first aid procedures for the use of chemical agent. [REDACTED] eyes were not flushed with water prior to booking. By the time they arrived at police headquarters, Officer Romberger and [REDACTED] were having normal conversations. During his statement, Officer Romberger described [REDACTED] demeanor as calm. He did not feel as though [REDACTED] would fight with him again.

Officer Romberger stated he offered to rinse [REDACTED] eyes out with water. He told [REDACTED] the water would likely reactive the chemical agent and cause his eyes to start burning again. Officer Romberger said [REDACTED] elected to not have his eyes flushed out.

Department Policy 1.06 states any member of the department who uses the chemical agent, Oleoresin Capsicum, shall follow the manufacturer's guidelines for first aid. The guidelines direct a person's eyes be flushed with large amounts of cool water and expose the person's face and eyes to fresh air. Officer Romberger did not follow these guidelines. This conclusion is supported by body worn camera footage, the officer's statements and the officer's Arrest Report. Therefore, this allegation is **SUSTAINED**.

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11. PROCEDURE – SUSTAINED

Officer Romberger failed to seatbelt [REDACTED] into the police vehicle during transport.

Department Procedure 6.01, X, H, (HANDCUFFING, RESTRAINING, SEARCHING AND TRANSPORTING PROCEDURES) dated July 25, 2017 states:

H. When equipped with seatbelts, officers should not transport more prisoners than the vehicle has seatbelts. All transported persons shall be restrained with seatbelts, unless the officer determines doing so would pose a safety risk to the officer. Officers who do not secure a prisoner with a seatbelt should be prepared to clearly and specifically justify their actions.

Officer Romberger transported [REDACTED] to police headquarters and county jail. During the transport to police headquarters from the San Carlos Recreation Center, [REDACTED] fell from the seat and onto the floor. This occurred as they were slowing to a stop in traffic at the intersection of Lake Murray Boulevard and Navajo Road.

On page 5 of 5, paragraph 2, of Officer Romberger's arrest report he wrote [REDACTED] refused to let the officer seatbelt him. During his interview, Officer Romberger stated he, "probably could have worded that better". His mindset was that he had numerous altercations with [REDACTED] during which [REDACTED] attempted to head-butt him. For his own safety, Officer Romberger did not want to lean into the backseat with [REDACTED] and risk being head-butt. He stated he could not recall if he attempted to seatbelt [REDACTED] nor could he recall if [REDACTED] refused to be seat belted. Officer Romberger described [REDACTED] demeanor as calm by the time they reached police headquarters and he did not feel as though [REDACTED] would attempt to fight with him.

Prior to transporting [REDACTED] to county jail from police headquarters, Officer Romberger did not attempt to seatbelt [REDACTED]. During his interview, Officer Romberger said he did not know why he failed to seatbelt [REDACTED] during this transport. He stated he did not consider putting the seat belt on [REDACTED] prior to leaving police headquarters.

Department police 6.01 states all persons transported shall be restrained with seatbelts, unless the officer determines doing so would pose a safety risk to the officer. A review of Officer Romberger's body worn camera footage confirmed he did not make an attempt to seatbelt [REDACTED] into the vehicle, nor did he attempt to make a plan with another officer at the scene to safely attempt to seatbelt [REDACTED]. Officer Romberger did not follow these guidelines. This conclusion is supported by body worn camera footage, the officer's statements and the officer's Arrest Report. Therefore, this allegation is **SUSTAINED**.

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12. PROCEDURE – SUSTAINED

Acting Sergeant [REDACTED] failed to provide officer names and identification numbers when requested by [REDACTED]

Department Policy 9.19 IDENTIFICATION POLICY (Revised 01/13/09) states:

Whether on or off duty, officers and reserve officers shall carry or have in their immediate possession, their Department identification card, except when impractical, dangerous for their safety or when the act would hamper an investigation. The carrying of a badge or firearm shall be at the option of the officer. If an officer chooses to carry a badge, the Department identification card shall also be carried. If an officer chooses to carry a firearm, both the Department identification card **and** badge shall be carried.

Officers shall furnish their names and Department member identification numbers to any person requesting that information when they are on duty or while representing themselves as having official capacities, except when the withholding of such information is necessary for the performance of police duties or is authorized by the proper authority.

Officers [REDACTED] and [REDACTED] were conducting a field interview of [REDACTED] after his arrest. During the field interview, Officer [REDACTED] then acting sergeant, walked up to them. [REDACTED] asked for Officer Romberger's name and identification number. When [REDACTED] asked for the information Officer [REDACTED] politely told him to be quiet. [REDACTED] questioned if he was allowed to ask for that information. Officer [REDACTED] told [REDACTED] flatly, "No."

During his interview, Officer [REDACTED] stated in his mind at the time the scene was still ongoing. As he was telling [REDACTED] to be quiet, Officer [REDACTED] noticed a civilian ride along [REDACTED] was holding a holstered handgun. He stated this distracted him from the questions [REDACTED] was asking. In retrospect, and after watching his body worn camera footage, Officer [REDACTED] conceded he could have worded his answers to [REDACTED] request differently. He offered the example of, "now is not the right time, but I'll make sure you have that information before you take off." Officer [REDACTED] became involved in other parts of the scene and stated he forgot to ensure the requested information was given to [REDACTED] prior to booking.

Officer [REDACTED] was working as an acting sergeant during this incident. The incident had several components requiring his attention. Officer [REDACTED] reasonably believed the scene was still active at the time [REDACTED] requested Officer Romberger's name and identification number, however he failed to provide the information prior to [REDACTED] booking. This conclusion is supported by body worn camera footage and the officer's statements. Therefore, this allegation is **SUSTAINED**.

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13. CONDUCT – SUSTAINED

Officer Romberger demonstrated conduct unbecoming a San Diego Police Officer.

Department Policy 9.06 UNBECOMING CONDUCT POLICY (Revised 01/26/04) states:

Officers shall conduct themselves, both on and off duty, in such a manner as to reflect favorably on the Department. Officers shall not conduct themselves in any manner that could bring the Department into disrepute or reflects discredit upon the officer as a member of the Department, or impairs the operation and efficiency of the Department or officer.

Members shall not engage in any conduct that is unbecoming an employee of the Department, nor which impairs the operation of the Department

Officer Romberger arrested [REDACTED] Officer Romberger knew [REDACTED] was handcuffed, controlled and under arrest. He had previously called for expedited cover from additional units and knew more units were en route to his location. However, he chose not to wait for the additional units, but rather to employ control techniques not trained or approved by the police department to escort [REDACTED] to a parked police vehicle. The use of a subject's neck as a controlling method for a minimally actively resistive subject is unreasonable.

After [REDACTED] was detained, he attempted to break free from officer's control as they stood next to a parked police vehicle. He was immediately controlled by Officer Romberger with physical strength. Once under control, Officer Romberger unnecessarily pushed [REDACTED] body into the police vehicle causing injury to [REDACTED] lip.

When Officer Romberger tried to seat [REDACTED] in a police vehicle he perceived [REDACTED] was attempting to head-butt him. With that in mind, Officer Romberger reasonably believed [REDACTED] was exhibiting assaultive behavior towards him at that moment. When faced with assaultive behavior, an officer may use force ranging from minimal to defending force, however the force used must be reasonable to overcome resistance.

Officer Romberger stated during his interview he had not been trained to control a subject by the throat/neck. He stated he was tired and frustrated with [REDACTED] As [REDACTED] leaned out of the vehicle into Officer Romberger, he grabbed [REDACTED] by the neck with both hands and pushed him forcefully back into the vehicle.

The immediate perceived threat was eliminated. Officer Romberger entered the vehicle passenger compartment a second time and grabbed [REDACTED] by the neck with both hands and began pulling him out of the vehicle by his neck. Officer Romberger pulled [REDACTED] to the ground.

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In his report, Officer Romberger wrote he was concerned [REDACTED] might have injured himself by falling out of the vehicle, yet when he brought [REDACTED] to the ground Officer Romberger pushed [REDACTED] head and face towards the ground. [REDACTED] was not assaultive, nor was he resisting.

Officer Romberger instructed [REDACTED] to sit in the police vehicle. He did not allow [REDACTED] time to comply with the instructions, nor did [REDACTED] offer resistance to being sat in the police vehicle. Officer Romberger used physical force and a kick to seat [REDACTED] in the police vehicle.

After being secured in a parked police vehicle, [REDACTED] kicked the interior of the vehicle twice. Officer Romberger applied pepper spray 32 seconds after [REDACTED] ceased kicking / hitting the police vehicle. It was applied while [REDACTED] was sitting passively with his eyes closed. He conveyed no threat to the officer(s) or property, nor was he given a warning prior to the use of the chemical agent. After the application of pepper spray, Officer Romberger failed to provide medical treatment to [REDACTED] prior to booking him into County Jail.

Members of the department shall be courteous to all persons and shall exercise the utmost patience. They shall not use insolent comments. Officer Romberger referred to [REDACTED] as a fool while talking with Officer [REDACTED]. After [REDACTED] attempted to assault Officer Romberger by head-butting him, Officer Romberger warned him if he tried it again he would 'smash his face into the vehicle'. At the time both of these statements were made by Officer Romberger there was no immediate threat to any officers necessitating such verbiage. The need for such language was not documented in Officer Romberger's Arrest Report of [REDACTED]. Officer Romberger's Arrest Report was inaccurate and several uses of force were not documented.

Officer Romberger did not attempt to seatbelt [REDACTED] prior to transporting him. They established a mild rapport while en route to, police headquarters. Officer Romberger stated he no longer was concerned [REDACTED] would have been assaultive. Officer Romberger failed to seatbelt [REDACTED] prior to his transport from police headquarters to county jail.

Officer Romberger's actions towards [REDACTED] and [REDACTED] potentially opened the department to civil liability and reflected discredit upon the members of the Department. His actions were unbecoming a member of the Department and prevented the prosecution of [REDACTED] and [REDACTED]. The allegation is **SUSTAINED**.

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INVESTIGATOR'S NOTE:

At the time of this incident, Officer [REDACTED] was working as an acting sergeant. He had been in the position for approximately three months prior to this incident. Officer [REDACTED] had one previous opportunity as an acting sergeant in 2015, which lasted for approximately one month. He had cumulatively accrued approximately four months of acting sergeant experience prior to this incident.

On August 6, 2017, upon arrival at the San Carlos Recreation Center, Officer [REDACTED] was confronted with an incident of moderate complexity. A supervisor at this scene would be required to coordinate tasks, multiple prisoners, ensure medical aid and hospital follow up to an injured citizen, take multiple witness statements and monitor and evaluate employee stress.

Officer Romberger had been in a struggle with a prisoner, during which a firearm became loose. After [REDACTED] was arrested, Officer Romberger handed his backup firearm to a civilian ride along. The ride along had possession of the firearm for an extended period of time.

An experienced supervisor would have assigned an officer to relieve Officer Romberger of his prisoner [REDACTED] and allow him time to collect his firearm and decompress after a stressful incident.

Officer [REDACTED] working as acting sergeant, read and approved Officer Romberger's arrest report at the end of the shift. There was documentation of the use of chemical agent on [REDACTED] however no documentation of medical aid being provided. An experienced supervisor would have recognized this and inquired with the employee.

Officer [REDACTED] advised Officer [REDACTED] his body worn camera was not activated during this incident. No direction was given to Officer [REDACTED] for historical documentation or corrective action.

The role of the acting sergeant position gives the Department an opportunity to teach future leaders. Those given the opportunity of acting sergeant should also be given the support of having an actual sergeant available to ask questions of. While supervisory mistakes were made on this incident, Officer [REDACTED] acknowledged those mistakes and demonstrated the maturity and ability to learn from them. This incident should not deter Officer [REDACTED] from future acting sergeant or promotional opportunities.

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DOCUMENTATION:

The results of this investigation are based on the following items:

1. Crime Case 17-030266 by Officer [REDACTED]
2. Arrest Report for [REDACTED] by Officer T. Romberger
3. Arrest Report for [REDACTED] by Officer [REDACTED]
4. Additional Victim / Witness and ARJIS-9 Report by Officer [REDACTED]
5. Investigators Report by Detective [REDACTED]
6. SDPD CAD Printout for incident 1708009139
7. La Mesa Police Department calls for service (CFS) 254
8. SDSO Booking Intake / Property Inventory for [REDACTED]
9. SDSO Booking Intake / Property Inventory for [REDACTED]
10. SDSP Touch Pay printout for [REDACTED]
11. eJIMS printout for [REDACTED]
12. eJIMS printout for [REDACTED]
13. SDFD CAD printout for incident FS17111932
14. SDPD Case Cancellation for case 17-030266
15. SDPD Charge Change Form for [REDACTED]
16. Officer Daily Journal for Officer T. Romberger for August 6, 2017
17. Ride Along waiver form for [REDACTED]
18. Attachment 1: Transcription of Subject Officer [REDACTED] interview.
19. Attachment 2: Transcription of Subject Officer [REDACTED] interview.

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20. Attachment 3: Transcription of Subject Officer Romberger interview.

CONFIDENTIAL: THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR CITY ATTORNEY.

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**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

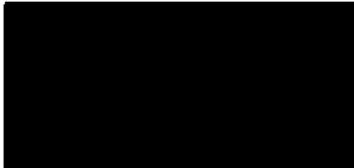
CASE #: 17-030266

DATE: August 6, 2017

TIME: 0714 Hours

LOCATION: 6445 Lake Badin, San Diego

SUSPECT:

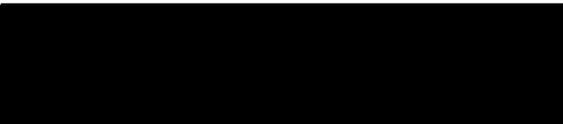


VICTIM: **Romberger, Timothy**
SDPD #6394, Eastern Division
9225 Aero Drive, San Diego, CA 92123

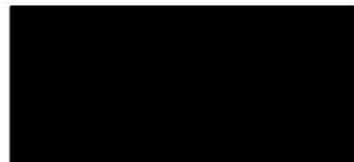
WITNESS:



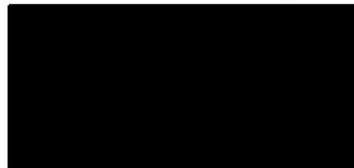
WITNESS:



WITNESS:



WITNESS:



SYNOPSIS:

On August 6, 2017, 20-year old [REDACTED] and his friends were drinking outside the San Carlos recreation center located at 6445 Lake Badin. Officer Romberger was dispatched to the radio call. When Officer Romberger arrived, [REDACTED] began to walk away as he asked him to stop. Officer Romberger tried to detain [REDACTED] by grabbing his arm. [REDACTED] spun around and punched Officer Romberger once in the left arm. Officer Romberger tackled [REDACTED] and after a brief struggle took him into custody. Officer Romberger did not sustain any injury.

FOLLOW-UP INVESTIGATION:

On August 6, 2017, Officer Romberger responded to 6445 Lake Badin on a report of 3 juveniles (2 males and 1 female) drinking and possibly drunk outside the San Carlos recreation center. When he arrived one of the employees directed him to where the subjects were, behind the building. As Officer Romberger approached, he saw two black males, later identified as [REDACTED] and [REDACTED] stumbling away from the building. [REDACTED] was holding what appeared to be a can of beer. Officer Romberger yelled at [REDACTED] and [REDACTED] to stop. [REDACTED] stopped, but [REDACTED] continued walking. [REDACTED] was holding an unopened 12 ounce can of "Modelo" brand beer. [REDACTED] told Officer Romberger he was 20 years old and then walked him towards his patrol vehicle. [REDACTED] continued to stumbling through the grass. Officer Romberger told [REDACTED] to stop and he was not free to leave. [REDACTED] continued to walk away from him. Officer Romberger approached [REDACTED] and reached for his arm to stop him. Officer Romberger was able to get ahold of [REDACTED] t-shirt, and at this time, [REDACTED] spun around and punched Officer Romberger on the left arm. Officer Romberger tackled [REDACTED] to the ground where he continued to struggle. Officer Romberger called for "cover now," asking for immediate assistance from other officers. Officer [REDACTED] arrived and took [REDACTED] into custody. Officer Romberger was able to take control of [REDACTED] and placed him under arrest. [REDACTED] and [REDACTED] witnessed the incident, but did not get involved. See Officer [REDACTED] report for details.

[REDACTED] was uncooperative throughout the contact, refusing to walk, falling down, refusing to get into the police vehicle and sliding around in the back seat. Officer [REDACTED] assisted in taking [REDACTED] into custody. See the officer's reports for details.

On August 7, 2017, I was assigned this case for follow up investigation. I ran [REDACTED] criminal history and found he had one outstanding misdemeanor (cleared) for a previous minor in possession case, but no other local criminal history. [REDACTED] has a prior arrest in Texas in 2014 also for a misdemeanor. Officer Romberger did not sustain any injury to his arm and there are no photographs of Officer Romberger from the day of the incident.

EVIDENCE:

None

CONCLUSIONS AND RECOMMENDATIONS:

[REDACTED] resisted arrest by walking away from Officer Romberger, who in full police uniform, asked him to stop. Instead, [REDACTED] spun around after Officer Romberger tried to stop

him and punched him in the left arm. [REDACTED] was eventually subdued and arrested. [REDACTED] continued to be combative and refusing to follow commands while outside and inside the police car, clearly obstructing Officer Romberger from doing his job. Officer Romberger did not sustain any injury to his person. Based on these facts, I request the City Attorney's Office charge [REDACTED] with (1) count of 69PC Obstruct/Resist Executive Officer and (1) count of 243(b) PC Battery Against a Peace Officer.

Detective [REDACTED]
San Diego Police Department
Eastern Investigations
9225 Aero Drive
San Diego, CA 92123
Telephone: [REDACTED]

Approved By: [REDACTED] Date of Report: August 10, 2017

CFS: 254

Call Type: ASSIST LE	Priority: 2	Caller Phone:	Extension:
Nature of Call: COVER NOW		Primary Unit:	
Location: 6445 LAKE BADIN AV - CROSS OF LAKE ADLON		Venue: San Diego	
Common Name:			
Cross Streets: LAKE CAYUGA DR / LAKE ADLON DR			
Beat:	District:	Quadrant:	Station:
Police ORI:	Fire FDID:	EMS FDID:	
Call Date/Time: 08/06/2017 07:17:20	Dispatch Date/Time:	Arrive Date/Time:	
Report Required: No	Cleared Time:	Fire Controlled Time:	
Dispositions:			

Narratives: 1 rows

Date/Time (All)	Narrative (All)	User
08/06/2017 07:18:07	SDPD / CODE 4	lm8257

Vehicles: 0 rows

Vehicle Role	Type	Make	Model	Plate	State
No data.					

Persons: 0 rows

Role	Name	Address	Primary Caller
No data.			

Incidents: 0 rows

ORI	Incident Number	Incident Type	Case Number
No data.			

Units: 0 rows

ORI	Unit Number	Status	Dispatch Time	En Route Time	Arrived Time	Cleared Time	Incident Number	Staged Time	Transport Time
No data.									

17-0419

SAN DIEGO POLICE DEPARTMENT

RIDE ALONG REQUEST FORM

Date Received 080617 Home Phone [redacted] Work Phone SANZ
Name [redacted] DOB [redacted]
Home Address [redacted] STREET CITY/STATE ZIP
Business Address [redacted] STREET CITY/STATE ZIP
Occupation [redacted] Driver's Lic/ID [redacted] S# [redacted]
Division Assigned EASTERN Shift Desired 1ST First Ride Along: Y/N
Reason LITRIST Request Received by ROMBERGER

AUTHORIZATION FOR MEDICAL TREATMENT

I understand and agree that the City of San Diego does not, and will not, provide medical coverage for me/my child, and I WILL BE RESPONSIBLE FOR ANY MEDICAL COSTS INCURRED as a result of participation in the activity. I give authorization to a physician or surgeon licensed under the provisions of the Medical Practice Act, to give me /my child [redacted], care and/or emergency medical treatment when necessary.

[redacted] Signature [redacted] Date 8/6/17
Participant or Parent (Print Name) Signature Date

COORDINATOR USE

Routed to [redacted] Date [redacted] Watch [redacted]
Ride Along File Checked: [redacted] N Age Waiver: Y / N
Captain Waiver: Y / N Captain's Signature [redacted]
Records Check Results [redacted] Warrant Check Results [redacted]

SUPERVISOR USE

Officer Assigned [redacted] If Ride Along Denied, Why? [redacted]

OFFICER USE

Officer Assigned ROMBERGER 6394 Contact Date 080617 Date of Ride Along 080617
Obtain ID/Log Info. [checked] Complete waiver [checked] Advise Communications [checked]
Advise of Witness Obligation [checked] Advise of Safety Precautions [checked]
Officer's Comments Attached: Y (N)

SAN DIEGO POLICE DEPARTMENT

RIDE-ALONG WAIVER AND RELEASE OF LIABILITY

For and in consideration of the permission granted to me, _____
(or to my child, _____), by the City of San Diego to accompany
officers of the San Diego Police Department while on patrol, on 8/6/17 (date), I agree that:

1. Participation in the Ride-Along program is voluntary and I /my child freely choose to participate;
2. I acknowledge that participation may include inherently dangerous activities. I understand that police patrol involves, on occasion, extraordinary circumstances which may be hazardous to person or property, and I assume and accept all risks associated with participation, including bodily injury or death, or other loss, including damage to property;
3. Understanding that participation in the activity could involve potential risks of harm, not limited to those specified above, **I DO RELEASE, HOLD HARMLESS AND PROMISE NOT TO SUE THE CITY OF SAN DIEGO AND THE SAN DIEGO POLICE DEPARTMENT, ITS OFFICERS, EMPLOYEES, AGENTS, AND VOLUNTEERS, WITH RESPECT TO ANY AND ALL SUCH INJURY OR LOSS**, except that injury or loss which results from the sole gross negligence or willful or wanton misconduct of one of those individuals;
4. I FURTHER AGREE TO INDEMNIFY AND DEFEND THE CITY OF SAN DIEGO AND THE SAN DIEGO POLICE DEPARTMENT, its officers, employees, agents, and volunteers, FROM AND AGAINST ANY AND ALL LIABILITY INCURRED as a result of or in any manner related to participation in this activity.
5. I understand that while on patrol I/my child may become a material witness to incidents or events which form the basis for a criminal or civil proceeding. In this event, I/my child may be required by subpoena to testify as a witness.

I AM AWARE THAT THIS CONTRACT IS LEGALLY BINDING AND THAT I AM RELEASING LEGAL RIGHTS BY SIGNING IT.

I acknowledge by my signature that I have read and understand the terms that are set forth in this agreement. I have entered into this agreement freely and without duress.

Participant or Parent (Print Name)

Signature

8/6/17
Date



MEMORANDUM

RECEIVED
18 DEC 27 AM 10:45
INTERNAL AFFAIRS

DATE: July 11, 2018
TO: [Redacted] A/Captain, Northwestern Division
FROM: Todd Jarvis, Executive Assistant Chief of Police
Via Wes Morris, Captain, Internal Affairs
SUBJECT: Completed Internal Investigation

CONFIDENTIAL: THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR THE CITY ATTORNEY.

IA INDEX FILE NUMBER: 2017-0644

SUBJECT OFFICER: ROMBERGER, Tim A., POII, ID #6394

NATURE OF COMPLAINT: 1. Force 2. Force 3. Force 4. Force 5. Force
6. Force 8. Courtesy 9. Procedure 10. Procedure 11. Procedure
13. Conduct

DISPOSITION: 1. Exonerated 2. Sustained 3. Sustained 4. Sustained 5. Sustained
6. Sustained 8. Sustained 9. Sustained 10. Sustained 11. Sustained
13. Sustained

The above internal investigation has been completed and is attached for your review. Commanding Officers will review the investigation with the subject employee and return the signed package to Internal Affairs within 30 days.

If the employee does not agree with the disposition/findings of this investigation, he/she may file a written rebuttal within 30 days of the date the employee signed below. The rebuttal will be filed with the investigation in Internal Affairs, see D.P. 1.10, VII, E. Employees with sustained findings will be allowed to keep the attached copy of this investigation.

Mark the box if the subject employee retained the attached investigation.

I have read the Internal Affairs investigation reference the above complaint.

Employee [Redacted] Date 080318 Comma [Redacted]
Officer [Redacted]



THE CITY OF SAN DIEGO





CITY OF SAN DIEGO
PARK AND RECREATION DEPARTMENT
INCIDENT REPORT

THE CITY OF SAN DIEGO PARK AND RECREATION DEPARTMENT
"WE ENRICH LIVES THROUGH QUALITY PARKS AND PROGRAMS"

(Do not use this report for accidents.)

- A. This report should be completed when documenting problems encountered at pools, parks and recreation facilities (i.e. complaints, confrontations or patron discipline, police contacts including 911 calls reporting highly unusual circumstances, plus damage or destruction of equipment and/or facilities).
- B. Print or type report in ink completely, accurately and immediately.
- C. Immediately notify your supervisor that the report is forthcoming and submit completed report to Division Headquarters within 24 hours following the incident.

Site: _____ Date of Incident: 8/6/17 Time: 7:20 am/pm
Location (gym, field, etc.): SAN CARLOS Phone: _____ Employee: _____

1. PERSON(S) INVOLVED*

Name: _____ Age: _____ Gender: M F
Parent/Guardian: _____ Phone: _____ If called, time: KNY am/pm
Address: _____ City: _____ State: _____ Zip: _____
Car/Bicycle License # (if applicable): _____ Driver's License/ID #: _____

2. WITNESS(ES)*

Name: _____ Phone: _____ Age: _____ Gender: M F
Address: _____ City: _____ State: _____ Zip: _____

*If more than one person complete the information on the back of this sheet and label with the number of item.

3. NATURE OF PROBLEM/OFFENSE: THERE WAS (3) young Adults who had been drinking sleeping on the back side of the gym. when ask to leave by police they became rowdy and violent and was arrested.

4. STAFF COMMENT REGARDING INCIDENT (Be specific):

5. ACTION TAKEN BY STAFF TO DATE (Be specific.):

6. STAFF RECOMMENDATION(S):

Date report is completed: _____ Employee's Signature: _____

7. SUPERVISOR'S RECOMMENDATION(S):

Date report is received: _____ Supervisor's Signature: _____

8. ACTION RECOMMENDED BY DISTRICT MANAGER/DEPUTY DIRECTOR:

9. FOLLOW UP (999'S, ETC.):



CITY OF SAN DIEGO
 PARK AND RECREATION DEPARTMENT
INCIDENT REPORT

(Do not use this report for accidents.)

THE CITY OF SAN DIEGO PARK AND RECREATION DEPARTMENT
 "WE ENRICH LIVES THROUGH QUALITY PARKS AND PROGRAMS"

- A. This report should be completed when documenting problems encountered at pools, parks and recreation facilities (i.e. complaints, confrontations or patron discipline, police contacts including 911 calls reporting highly unusual circumstances, plus damage or destruction of equipment and/or facilities).
- B. Print or type report in ink completely, accurately and immediately.
- C. Immediately notify your supervisor that the report is forthcoming and submit completed report to Division Headquarters within 24 hours following the incident.

Site: SCRC Date of Incident: 8/6/17 Time: 7 am pm
 Location (gym, field, etc.): Perimeter of Building Phone: [Redacted] Employee: [Redacted]

1. PERSON(S) INVOLVED*

Name: _____ Age: _____ Gender: M F
 Parent/Guardian: _____ Phone: _____ If called, time: _____ am/pm
 Address: _____ City: _____ State: _____ Zip: _____
 Car/Bicycle License # (if applicable): _____ Driver's License/ID #: _____

2. WITNESS(ES)*

Name: Convergence Church members Phone: _____ Age: _____ Gender: M F
 Address: _____ City: _____ State: _____ Zip: _____

*If more than one person complete the information on the back of this sheet and label with the number of item.

3. NATURE OF PROBLEM/OFFENSE:
Intoxicated people (3) loitering

4. STAFF COMMENT REGARDING INCIDENT (Be specific):

5. ACTION TAKEN BY STAFF TO DATE (Be specific.):
Asked the trio to leave the area before police came.

6. STAFF RECOMMENDATION(S): police handled situation.
 Date report is completed: 8/6/17 Employee's Signature: [Redacted]

7. SUPERVISOR'S RECOMMENDATION(S):
 Date report is received: _____ Supervisor's Signature: _____

8. ACTION RECOMMENDED BY DISTRICT MANAGER/DEPUTY DIRECTOR:

9. FOLLOW UP (999'S, ETC.):

8/6/17 [REDACTED]

Restroom Sign on Side Entrance Damaged

7:00am

As I was walking to the Side entrance/restroom door of the building I saw a man looking at his phone nearby toward the corner of the building on the edge of the grass.

Then getting closer to the door i noticed a 12 pack of box open of modelos next to the water fountain along with another male laying on the ground and a female squat sitting beside the door both asleep.

I entered the building and went to the opposite gym door to open for Convergence. I asked [REDACTED] (not & [REDACTED] of Convergence to assist me in asking the trio to move away from the area.

(During this time I was looking for the Non-emergency Police Phone number and a park patron walking by saw the three and called the police. That walker let a Convergence member know that the 3 were by the opposite side of the building.)

A few minutes later, [REDACTED] was driving from the playground side of the building and saw them as he turned the corner toward the restrooms. He told them they have to leave

The 2 males had appeared to move to the tree in the grass area where the path splits. I then went out to get our sign that was ripped off the door from the grass. At this time I also noticed the Restroom sign had been damaged and bent.

As Convergence continued to set up [REDACTED] notified me that a police officer had arrived and had been directed from the parking lot to the area where the 3 were.

Next I saw that the police officer had one of the males held down on the ground. The other male was next to them and the female was still asleep in the same place by the side door.

A second police officer arrived and both males were being handled by the officers. At this point in time [REDACTED] was outside nearby watching the scene. I watched from the game room entrance. Then we saw the female holding onto the building coming from around the corner. She made it to about just past the office windows toward the playground when she tried to stand on her own without the building and she fell backwards and hit her head hard. [REDACTED] went to assist her. It seemed she may have lost consciousness for a few seconds as he tried to wake her and get her attention. She came to and [REDACTED] stayed with her until medics came to assist her.

Police took the males while Medics took the female to a hospital.

All were most likely under the influence and may have been the reason the Restroom sign is bent.

Also, someone told [REDACTED] that there was graffiti down by the snack bar area. Someone else told a Convergence member that they had seen the female earlier in the morning before 7am squatting without pants on top of the water fountain by the restroom door.

Incident Detail Report

Incident Status Closed
Incident Number FS17111932
Incident Date 08/06/2017 07:19:04

Incident Information

Incident Type:	Medical Aid 1	Alarm Level:	1
Priority:	Level 1 Medical	Problem:	Falls / Back Inj (Trauma) (L1)
Determinant:	17B01	Agency:	Fire
Base Response #:	033307	Jurisdiction:	San Diego
Confirmation #:	08062017-0128659	Division:	Zone 4
Taken By:	J 1 R FD451	Battalion:	34
Response Area:	34-NSR-02	Response Plan:	Medical Aid 1
Disposition:	1-CALL COMPLETE	Command Ch:	8G / 8H
Cancel Reason:		Primary TAC:	7E / 7F
Incident Status:	Closed	Alternate TAC:	9G / 9H
Certification:	.BC	Delay Reason:	
Longitude:	117022099	Latitude:	32798917
MGRS:	11SMS9794028993	UTM:	11S 497940 3628994

Incident Location

Location Name:	SAN CARLOS REC CENTER	County:	San Diego
Address:	6445 Lake Badin Av	Location Type:	Location Name
Apartment:		Cross Street:	LAKE ADLON DR/LAKE CAYUGA DR
Building:	1250H5	Tow Provider Area:	
City, State, Zip:	SAN DIEGO, CA 92119	Map Reference:	2531D2

Call Receipt

Caller Name:		Call Back Phone:	
Method Received:	PD San Diego	Caller Location:	
Caller Type:		Caller Apt/Bldg:	/
Caller Address:		Caller County:	
Caller City, State, Zip:			

Time Stamps

Description	Date	Time	User
Phone Pickup	08/06/2017	07:19:03	
1st Key Stroke	08/06/2017	07:19:03	
In Pending Queue	08/06/2017	07:19:24	
Call Taking Complete	08/06/2017	07:20:14	J 1 R FD451
1st Unit Assigned	08/06/2017	07:19:17	
1st Unit Enroute	08/06/2017	07:20:12	
1st Unit Arrived	08/06/2017	07:24:26	
Incident Under Control			
Time Sent to Other CAD	08/06/2017	07:19:25	
Incident Closed	08/06/2017	08:32:09	A X V RM249

Elapsed Times

Description	Time
Received to In Queue	00:00:20
Call Taking	00:01:10
In Queue To 1st Assign	00:00:07
Call Received to 1st Assign	00:00:14
Assigned to 1st Enroute	00:00:55
Enroute to 1st Arrived	00:04:14
Incident Duration	01:13:06

ANI/ALI Calls

No ANI/ALI Calls

Units Assigned

Unit	Assigned	Disposition	Enroute	Staged	At Arrived	Delay Patient Avail	Odm. Complete	Odm. Enroute	Odm. Arrived	Cancel Reason
E34	08/06/2017 07:19:17	1-CALL COMPLETE	08/06/20 17		08/06/201 7 07:24:26		08/06/201 7 07:38:02			
M2	08/06/2017 07:19:17	1-CALL COMPLETE	08/06/20 17		08/06/201 7 07:31:32		08/06/201 1 7 08:32:09		1	

Personnel Assigned

Unit	Name	Role
[REDACTED]	[REDACTED]	Firefighter/Paramedic
[REDACTED]	[REDACTED]	Paramedic
[REDACTED]	[REDACTED]	Firefighter
[REDACTED]	[REDACTED]	Captain
[REDACTED]	[REDACTED]	EMT
[REDACTED]	RIDE ALONG_RM_2 (RAM60)	Administration
[REDACTED]	[REDACTED]	Firefighter

Pre-Scheduled Information

No Pre-Scheduled Information

Special Equipment

No Special Equipment

Transports

Unit	Location/Address City, State, Zip, Phone	Patient	Mode	Protocol	Mileage Start/End/Total	Depart	Arrived	Complete
------	---	---------	------	----------	----------------------------	--------	---------	----------

M2 SHARP MEMORIAL
HOSPITAL / 7901 Frost St

40-BLS Status 8222 - ALS
Transport Non
Emergent

1.0/1.0/0.0

08/06/201 08/06/201 08/06/2017
7 07:36:22 7 07:53:58 08:32:09

SAN DIEGO, CA 92123
[REDACTED]

Transport Legs

No Transport Legs

Comments

Date	Time	User	Type	Confidential	Comment
08/06/2017	07:19:11	Automatic by System	Response		[1] [Geographic Area: 6445 LAKE BADIN AV] [Low] [FD] TRAUMA CATCHMENT AREA - SHARP MEMORIAL
08/06/2017	07:19:11	Automatic by System	Response		[2] [Premise: 6445 LAKE BADIN AV] [Medium] [FD] AED ON PREMISE
08/06/2017	07:19:11	Automatic by System	Response		[3] [Premise: 6445 LAKE BADIN AV] [Medium] [FD] COOL ZONE
08/06/2017	07:19:17	System	Response		[5] Overload Warning in effect for [Zone 8 Single plan]
08/06/2017	07:19:25	RCIP_C2C	Response		[4] This incident FS17111932 has been sent to RCIP via the CAD2CAD Interface.
08/06/2017	07:19:26	RCIP_C2C	Response		[6] Acknowledgement Received from RCIP 37F-17-0213073
08/06/2017	07:19:28	J1R	Response		[7] ** ON THE SOUTH SIDE**
08/06/2017	07:19:32	J1R	Response		[8] PD ATS
08/06/2017	07:19:36	J1R	Response		[9] 20 YO FELL AND INJ HEAD
08/06/2017	07:19:46	J1R	Response		[10] [ProQA: Case Entry Complete] 20-year-old, Female, Conscious, Breathing.
08/06/2017	07:19:59	J1R	Response		[11] [ProQA Dispatch] Dispatch Level: 17B01 Response Text: Bravo
08/06/2017	07:36:29	Automatic by System	Response		[12] [Destination: 7901 FROST ST] [Low] [FD] TRAUMA CATCHMENT AREA - SHARP MEMORIAL
08/06/2017	07:36:29	Automatic by System	Response		[13] [Destination: 7901 FROST ST] [Medium] [FD] KNOX BOX KEY SWITCH - S/E CORNER OF HOSP./VENDORS PARKING LOT
08/06/2017	07:36:29	Automatic by System	Response		[14] [Destination: 7901 FROST ST] [High] [FD] HIGH RISE- 10 STORIES & PENTHOUSE - HAZARDS - PRESSURIZED VESSELS, SPRAY BOOTH & PAINT ROOM IN LOADING DOCK AREA

Address Changes

No Address Changes

Priority Changes

No Priority Changes

Transport Changes

No Transport Changes

Transport Priority Changes

No Transport Priority Changes

Alarm Level Changes

Date	Time	User	Changed to Alarm
08/06/2017	07:19:17	Automatic Dispatch	Alarm

Activity Log

Date	Time	Unit	Activity	Location	Log Entry	User
08/06/2017	07:19:17	E34	Dispatched	6445 Lake Badin Av [SAN CARLOS REC CENTER]	Response Number (033307)	AUTODISP
08/06/2017	07:19:17	M2	Dispatched	6445 Lake Badin Av [SAN CARLOS REC CENTER]	Response Number (033308)	AUTODISP
08/06/2017	07:19:17		Automatic Dispatch		Automatic Dispatch Successful for DYNAMIC-Medical Aid 3 - Alarm level 1	AUTODISP
08/06/2017	07:19:17		Recommended Primary TAC Channel	6445 Lake Badin Av	Primary TAC Channel 7E / 7F in Group SD MED recommended for FS17111932.	AUTODISP
08/06/2017	07:19:17		Incident Primary TAC Channel	6445 Lake Badin Av	Primary TAC Channel 7E / 7F has been added.	AUTODISP
08/06/2017	07:19:24		Incident in Waiting Queue			
08/06/2017	07:19:24		Read Comment		Comment for Incident 897 was Marked as Read.	J1R
08/06/2017	07:19:25		Interface		This incident FS17111932 has been sent to RCIP via the CAD2CAD Interface.	R
08/06/2017	07:19:26	E34	Station Alert		USDD has sent the following message: E34 successfully ACK'd incident <incidentNumber> from <terminalID>	USDD
08/06/2017	07:19:26				Incident ACK received from Remote CAD 37F-17-0213073	RCIP_C2C
08/06/2017	07:19:26		Response Time Warning		Response Time Warning timer expired	
08/06/2017	07:19:48		Read Comment		Comment for Incident 897 was Marked as Read.	BTJ
08/06/2017	07:19:48		Read Comment		Comment for Incident 897 was Marked as Read.	BTJ
08/06/2017	07:19:59		ProQA		ProQA determinant sent	J1R
08/06/2017	07:20:05		UserAction		User clicked Exit/Save	J1R
08/06/2017	07:20:12	E34	Responding	6445 Lake Badin Av [SAN CARLOS REC CENTER]	Responding From = COWLES MTN BLVD\NAVAJO RD	VNMINT
08/06/2017	07:20:14		UserAction		User clicked Exit/Save	J1R

08/06/2017	07:20:34	M2	Responding	6445 Lake Badin Av [SAN CARLOS REC CENTER]	Responding From = DEL CERRO BLVD\COLLEGE AVE	VNMINT
08/06/2017	07:21:44		Response Time Warning		Response Time Warning timer expired	
08/06/2017	07:24:26	E34	At Scene	6445 Lake Badin Av		VNMINT
08/06/2017	07:24:28		Response Time Warning		Response Time Warning timer expired	
08/06/2017	07:26:36		UserAction		User clicked Exit/Save	BTJ
08/06/2017	07:27:54	M2	Route Deviation	COWLES MTN BLVD\LAKE ADLON DR	Unit M2 deviated from original driving directions route	M1
08/06/2017	07:31:04		Incident Late		Active incident marked as late	
08/06/2017	07:31:32	M2	At Scene	6445 Lake Badin Av		AXV
08/06/2017	07:31:42		Response Time Warning		Response Time Warning timer expired	
08/06/2017	07:36:22	M2	Depart Scene	SHARP MEMORIAL HOSPITAL		AXV
08/06/2017	07:36:38		Response Time Warning		Response Time Warning timer expired	
08/06/2017	07:38:02	E34	Available	6445 Lake Badin Av [SAN CARLOS REC CENTER]		VNMINT
08/06/2017	07:38:03		Response Time Warning		Response Time Warning timer expired	
08/06/2017	07:48:49		Read Comment		Comment for Incident 897 was Marked as Read.	J1R
08/06/2017	07:48:50		Read Comment		Comment for Incident 897 was Marked as Read.	J1R
08/06/2017	07:48:54		UserAction		User clicked Exit/Save	J1R
08/06/2017	07:53:58	M2	At Hospital	SHARP MEMORIAL HOSPITAL		AXV
08/06/2017	07:54:07		Response Time Warning		Response Time Warning timer expired	
08/06/2017	08:23:58		Incident Late		Active incident marked as late	
08/06/2017	08:32:09	M2	Available	7901 Frost St [SHARP MEMORIAL HOSPITAL]		AXV
08/06/2017	08:32:09		Response Closed	SAN CARLOS REC CENTER	Response Disposition: 1-CALL COMPLETE	AXV
08/06/2017	08:32:23		Response Time Warning		Response Time Warning timer expired	
08/06/2017	09:07:21		Read Comment		Comment for Incident 897 was Marked as Read.	MLG
08/06/2017	09:07:24		UserAction		User clicked Exit/Save	MLG
08/06/2017	09:25:33		Read Comment		Comment for Incident 897 was Marked as Read.	ADR

08/06/2017 09:25:52 UserAction User clicked Exit/Save ADR

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
08/06/2017	07:19:09	Address	(Blank)	6445 LAKE B	New Entry	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:12	Jurisdiction		San Diego	(Response Viewer)	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:12	Division		Zone 4	(Response Viewer)	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:12	Battalion		34	(Response Viewer)	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:12	Response_Area		34-NSR-02	(Response Viewer)	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:12	Command_Channel		8G / 8H	(Response Viewer)	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:12	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:12	Alternate_TAC_Channel		9G / 9H	(Response Viewer)	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:24	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:24	Problem		Medical Aid	(Response Viewer)	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:24	Pickup_Map_Info		2531D2		Response_Transports	WS3_FIRERA DIO	J1R
08/06/2017	07:19:24	Map_Info		2531D2		Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:24	Building		1250H5	Polygon Lookup	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:30	ProQaCaseNumber		3862897	(Response Viewer)	Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:48	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	WS2_FDS	BTJ
08/06/2017	07:19:48	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	WS2_FDS	BTJ
08/06/2017	07:19:59	Response_Time_Criteria	00:10:30	00:12:00	Updated by ProQA	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:59	Priority_Number	5	1	Updated by ProQA	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:59	Priority_Description	Level 0 Medical	Level 1 Medical	Updated by ProQA	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:59	RespReconfigState	0	1	Response reconfigure needed	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:59	Response_Plan	Medical Aid 3	Medical Aid 1	Updated by ProQA	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:59	Incident_Type	Medical Aid 3	Medical Aid 1	Updated by ProQA	Response_Master_Incident	WS3_FIRERA DIO	J1R

08/06/2017	07:19:59	Certification_Level		.BC	Updated by ProQA	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:59	Problem	Medical Aid	Falls / Back Inj (Trauma) (L1)	Updated by ProQA	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:59	Determinant		17B01	(Response Viewer)	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:59	EMD_Used	0	1	(Response Viewer)	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:19:59	CIS_Used	0	null	(Response Viewer)	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:20:00	CIS_Used	0	null	(Response Viewer)	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:20:00	ProQATerminationS tateCode		C	(Response Viewer)	Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:20:12	MethodOfCallRcvd		PD San Diego	(Response Viewer)	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:48:49	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	07:48:50	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	WS3_FIRERA DIO	J1R
08/06/2017	09:07:21	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	WS16_CALLT AKER	MLG
08/06/2017	09:25:33	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	WS6_MEDRA DIO	ADR

Custom Time Stamps

No Custom Time Stamps

Custom Data Fields

Description	Data	User
01 FS Agency Number	FS 20170098757	RMS

Case Number

No Case Numbers

Attachments

No Attachments

Dispositions

Date	Time	Unit	Disposition	User
08/06/2017	07:38:02	E34	1-CALL COMPLETE	VisiNetMobileInterface
08/06/2017	08:32:09	M2	1-CALL COMPLETE	A X V RM249

Supplemental Person

No Supplemental Persons

Supplemental Property

No Supplemental Property

Supplement Vehicle

No Supplemental Vehicles

Supplemental Weapon

No Supplemental Weapons

San Diego Police Department: Case Cancellation

Type of Crime/Incident

Case # 17030266 Victim Romberger, Timothy

Case Part of Series Occurrence Date 08/06/2017
(Leave blank if no series)

Type of Cancellation Adult Arrest Additional Arrests
Disposition City Attorney
Charge Level Misdemeanor

Persons Arrested				
Last	First	Middle	Date	Booking Number
[REDACTED]	[REDACTED]		08/06/2017	[REDACTED]

Detective Arrest Patrol Arrest Charged Not Charged

Property Recovered

None

Partial Value Recovered _____

Full

Was ARJIS-4 Completed Yes No

Investigator: [REDACTED] Date 08/10/2017 Approved By: [REDACTED] Date 08/10/2017

List Additional Cases to Be Cancelled:

Narrative:

This has been sent to the City Attorney's office for prosecution, as a misdemeanor since there are no injuries and the suspect does not have any criminal history.

TO: SHERIFF, SAN DIEGO COUNTY JAIL

FROM: SAN DIEGO POLICE DEPARTMENT

COUNTY JAIL BOOKING NO.

SUBJECT: CHARGES PERTAINING TO:

Last

First

Middle

THIS AUTHORIZES YOU TO RELEASE THE ABOVE-NAMED PRISONER PER SECTION 849(B)(1) P.C. IN REGARD TO THE CHARGES CONTAINED ON THIS SHEET ONLY. THIS DOES NOT AFFECT ANY OTHER CHARGE ON WHICH THE PRISONER IS CURRENTLY HELD.

LIST ALL CHARGES
DROPPED:

THE CHARGE(S) AGAINST THE ABOVE-NAMED PRISONER HAVE BEEN CHANGED OR PARTIALLY DROPPED.

CHARGES DROPPED: 69:F PC
243(C)(2):F PC

CHARGES ADDED: 243B PC
69:M PC

CHARGES RETAINED: 647(F)DK PC
979:M PC

17(B)(4) TO CA: 69:MPC, 243BPC

EXPLANATION

The officer did not sustain any injuries and the suspect does not have any violent or significant criminal history.

Investigator ID **Investigator Name** **Assignment** **Telephone & Ext.**
INV

Approved By **Approved Date** 8/10/2017 **Authorized By**

ORIGINAL TO SAN DIEGO POLICE DEPARTMENT RECORDS

COPY TO SHERIFF, SAN DIEGO COUNTY JAIL

COPY TO CITY ATTORNEY (IF FELONY REDUCED TO MISDEMEANOR)

COPY TO Records UNIT (SDPD)

COPY TO UNIT (SDPD)

San Diego Police Department: Case Cancellation

Type of Crime/Incident

Case # 17030266 Victim Romberger, Timothy

Case Part of Series Occurrence Date 08/06/2017
(Leave blank if no series)

Type of Cancellation Adult Arrest Additional Arrests
Disposition City Attorney
Charge Level Misdemeanor

Persons Arrested				
Last	First	Middle	Date	Booking Number
<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>		<u>08/06/2017</u>	<input type="text" value="[REDACTED]"/>

Detective Arrest Patrol Arrest Charged Not Charged

Property Recovered
None
Partial Value Recovered _____
Full
Was ARJIS-4 Completed Yes No

Investigator: Date 08/10/2017 Approved By: Date 08/10/2017

List Additional Cases to Be Cancelled:

Narrative:
This has been sent to the City Attorney's office for prosecution, as a misdemeanor since there are no injuries and the suspect does not have any criminal history.



San Diego County SHERIFF'S DEPARTMENT

BOOKING INTAKE / PERSONAL PROPERTY INVENTORY

FIRST TWO BOXES TO BE COMPLETED BY JAIL STAFF		
Jail Booking Number Assigned [REDACTED]	Pre-Intake Clerk ID # [REDACTED]	Agency Case # 17080009139

PERSONAL INFORMATION							PROPER COMPLETION OF THIS FORM WILL EXPEDITE YOUR BOOKING		
Name: Last, First, Middle [REDACTED]				Suffix [REDACTED]	Race [REDACTED]	Sex [REDACTED]	Age [REDACTED]	Date of Birth (mm/dd/yyyy) [REDACTED]	
Alias Names: Last, First, Middle [REDACTED]							Suffix [REDACTED]	Passport # N/A	
Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]	Place of Birth: City / State / Country [REDACTED]			Citizenship (Country) U.S.A.		
Home Address [REDACTED]			Street [REDACTED]	City [REDACTED]	State [REDACTED]	Zip [REDACTED]	Home Phone (619) 251-1234		
Employer Name [REDACTED]			Street [REDACTED]	City [REDACTED]	State [REDACTED]	Zip [REDACTED]	Work Phone () () () () () ()		
Social Security Number [REDACTED]		DL, State ID or Other ID Number [REDACTED]		License State CA	ARREST REMARKS:				

ARREST INFORMATION				
Arresting Agency SDPD	Arrest Date / Time 8-6-17/0733	Billing Agency SDPD	Location of Arrest (Beat # or Street Address and City) 6445 LAKE ADIN AV. / 124	Court Destination: (Circle) SD ELC SBCV NCV
Arresting Officer: Name & ID [REDACTED]		Transporting Officer & ID#: SAME	Vehicle Location: <input type="checkbox"/> Left At Scene <input checked="" type="checkbox"/> Towed By: PD	TOTAL BAIL AMOUNT:

ARREST #1 (Field Charges or Warrant Information)			ARREST #2 (Additional Warrants or Additional Charges)		
Section	Code	Description	Section	Code	Description
1	14181(A)(1)(C)	PC DISTURBANCE	1		
2		WARRANT # 1461575	2		
3	647(F)(1)(C)	PC DRIVE IN PUBLIC	3		
4			4		
5			5		

PERSONAL PROPERTY INVENTORY		HOLDS: <input type="checkbox"/> FEDERAL <input type="checkbox"/> STATE PAROLE <input type="checkbox"/> IMMIGRATION		
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PREBOOK ARJIS		BOOK ARJIS				
Cash Accounting (USA Currency Only)		WALLET: Y <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/>	BELT: Y <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/>	KEYS: Y <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/>	SHOES: Y <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/>	MEDICATIONS: Y <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/>
x \$1 = \$		PURSE: Y <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/>	GLASSES: Y <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/>			
x \$2 = \$		CELL PHONE: Y <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/>				
x \$5 = \$		WATCH: Y <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/>	RING: Y <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/>	NECKLACE: Y <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/>	EARRING: Y <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/>	
x \$10 = \$		___ YM	___ YM	___ YM	___ YM	
x \$20 = \$		___ WM	___ WM	___ WM	___ WM	
x \$50 = \$		___ OTHER	___ OTHER	___ OTHER	___ OTHER	
x \$100 = \$		ADDITIONAL PROPERTY REMARKS: CELL PHONE - JACKED SCREEN, [REDACTED]				
TOTAL \$ 100.00						

Sealed Bag with Inmate Property Delivered to Jail YES <input type="checkbox"/> NO <input type="checkbox"/>	Inmate's Signature [REDACTED]
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14 = 17030009139

San Diego County SHERIFF'S DEPARTMENT

BOOKING INTAKE / PERSONAL PROPERTY INVENTORY

INC# 17080009139

FIRST TWO BOXES TO BE COMPLETED BY JAIL STAFF		
Jail Booking Number Assigned	Pre-Intake Clerk ID #	Agency Case #
	212	17-030206

PERSONAL INFORMATION							PROPER COMPLETION OF THIS FORM WILL EXPEDITE YOUR BOOKING		
Name: Last, First, Middle [REDACTED]				Suffix [REDACTED]	Race [REDACTED]	Sex [REDACTED]	Age [REDACTED]	Date of Birth (mm/dd/yyyy) [REDACTED]	
Alias Names: Last, First, Middle None							Suffix [REDACTED]	Passport # None	
Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]	Place of Birth: City / State / Country [REDACTED]			Citizenship (Country) USA		
Home Address [REDACTED]			Street [REDACTED]		City [REDACTED]	State [REDACTED]	Zip [REDACTED]	Home Phone (262) 500	
Employer Name UNEMPLOYED			Street [REDACTED]		City [REDACTED]	State [REDACTED]	Zip [REDACTED]	Work Phone ()	
Social Security Number [REDACTED]		DL, State ID or Other ID Number [REDACTED]			License State CA	ARREST REMARKS:			

ARREST INFORMATION				
Arresting Agency SDPD	Arrest Date / Time 0730	Billing Agency SDPD	Location of Arrest (Beat # or Street Address and City) SELT 324	Court Destination: (Circle) SD ELC SBCV NCV
Arresting Officer: Name & ID RODRIGUEZ #6394	Transporting Officer & ID#: SAYE	Vehicle Location: <input type="checkbox"/> Left At Scene <input type="checkbox"/> Towed By:		TOTAL BAIL AMOUNT:

ARREST #1 (Field Charges or Warrant Information)			ARREST #2 (Additional Warrants or Additional Charges)		
Section	Code	Description	Section	Code	Description
1	0477	RESIST OFFICER	1		
2	0477	RESIST OFFICER	2		
3	0477	RESIST OFFICER	3		
4	0477	RESIST OFFICER	4		
5			5		

PERSONAL PROPERTY INVENTORY		HOLDS: <input type="checkbox"/> FEDERAL <input type="checkbox"/> STATE PAROLE <input type="checkbox"/> IMMIGRATION		
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PREBOOK ARJIS		BOOK ARJIS		
Cash Accounting (USA Currency Only)		WALLET: Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	BELT: Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	KEYS: Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
x \$1 = \$	PURSE: Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	GLASSES: Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	SHOES: Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	MEDICATIONS: Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
x \$2 = \$	CELL PHONE: Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	WATCH: Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	RING: Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	NECKLACE: Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
x \$5 = \$	_____ YM	_____ WM	_____ OTHER	EARRING: Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
x \$10 = \$	_____ WM	_____ OTHER	_____ OTHER	_____ YM
x \$20 = \$	_____ OTHER	_____ OTHER	_____ OTHER	_____ WM
x \$50 = \$	_____ OTHER	_____ OTHER	_____ OTHER	_____ OTHER
x \$100 = \$	ADDITIONAL PROPERTY REMARKS:			
TOTAL \$ 0				

Sealed Bag w/Inmate Property Delivered to Jail YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Inmate's Signature [REDACTED]	Arr [REDACTED]
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TouchPay

Customer Service: [REDACTED]

Email: [REDACTED]

Transaction #: [REDACTED]

KIOSK	DATE	TIME
TPI-1298	08/06/2017	10:08 AM

Confirmation #: [REDACTED]

Booking Number: [REDACTED]

Offender Name: [REDACTED]

Order Type: Booking

Location: Booking Center

Agency Name: San Diego Police Department

Agency Code: SDPD

Badge Number: 6394

Facility: San Diego County

Bills: 0		Coins: 0	
Ones	0	Pennies	0
Twos	0	Nickels	0
Fives	0	Dimes	0
Tens	0	Quarters	0
Twenties	0	Dollars	0
Fifties	0	Total: \$0.00	
Hundreds	0		

Property Amount: \$0.00

Signature x [REDACTED]

I confirm this deposit.

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INTERVIEW WITH OFFICER [REDACTED]

Q=Sgt. John Levan

Q1=Sgt. Bret A. Righthouse

A=Ofc. [REDACTED]

A1=Ofc. [REDACTED]

Q: Good morning. It is October 23 and the time is, uh, 0917. My name is John Levan ID 5369. I'm a Sergeant with the San Diego Police Department. We're located in the Internal Affairs Interview Room one at the San Diego Police Department Headquarters. In the room with me is subject Officer [REDACTED] - ID?

A: [REDACTED].

Q: And at the time we agreed to the interview, uh, I advised you of your right to representation in the room with us is Officer [REDACTED] - ID?

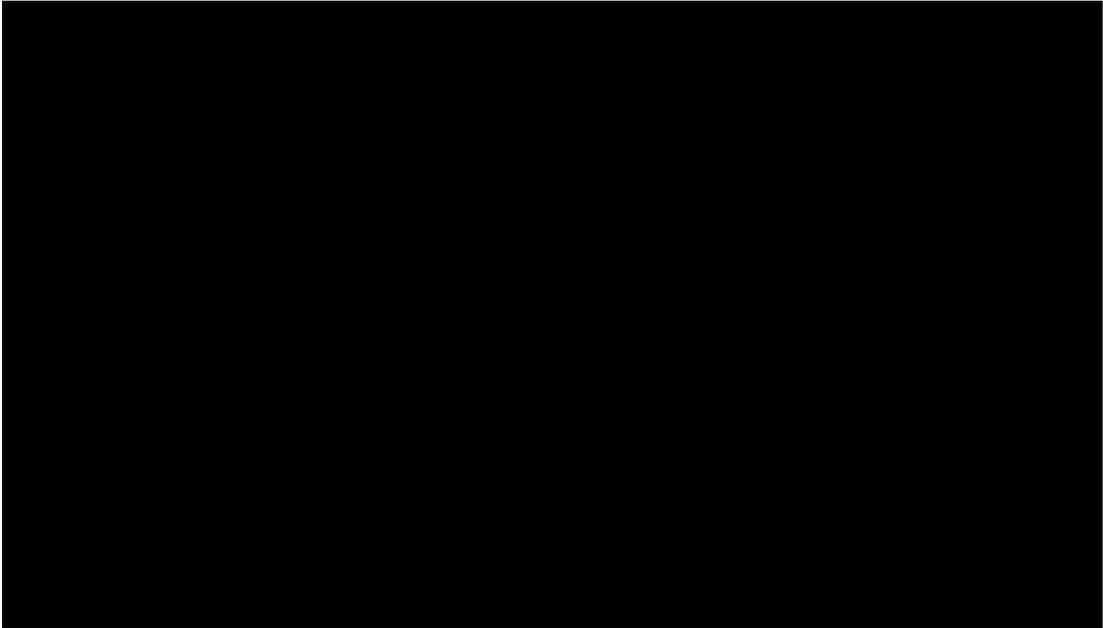
A1: [REDACTED]

Q: Thank you. Also present with us is Detective Sergeant Bret Righthouse - ID?

Q1: 4173.

Q: [REDACTED]

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A: Yes sir.

Q: Thank you. Is there anything that prevents or may prevent you from answering my questions fully and truthfully?

A: No sir.

Q: Do you have any questions concerning what I've explained to you?

A: No sir.

Q: 'Kay. I now order you to answer the following questions as I'm ordering you not - and I also am ordering you not to disclose anything we discuss during this interview or anything regarding this invveg- investigation with anyone other than your employer representative or legal counsel. Doing so would be insubordination and by itself could subject you to disciplinary action up to and including termination. All right - okay so as I said this is regards to IA Case Number 2017-0644. Were you working on August 6?

A: Yes sir.

Q: Uniform?

A: Correct.

Q: Okay. Did you respond to a call at the San Carlos Rec Center at about 7 o'clock in the morning?

A: Yes sir.

91
92 Q: Do you remember the nature of that call?
93
94 A: It was, uh, supposedly two, uh, drunk juveniles at the park.
95
96 Q: Was there a description given?
97
98 A: Uh, two black males I believe.
99
100 Q: Okay - all right and while you were en-route to the call did anything - did you
101 get any updates?
102
103 A: Yeah I was en-route. It was just a normal call, uh, my cover officer never went
104 97 but the next thing I heard on the radio was, "Cover now." And I knew it
105 was Officer Romberger.
106
107 Q: Meaning he didn't go 97 on the air? Or...
108
109 A: Correct.
110
111 Q: Okay.
112
113 A: Yes so I never knew he was there to give my where abouts from where I was.
114 Next thing I knew it was just, "Cover now." So I hit the lights and sirens and
115 took off.
116
117 Q: Okay how did you make your approach to the call?
118
119 A: Uh, street wise?
120
121 Q: Well not necessarily...
122
123 A: I mean...
124
125 Q: ...street by street but when you came on scene...
126
127 A: Um...
128
129 Q: ...how did you get to where he was?
130
131 A: Well I drove past the Rec Center. I saw his patrol vehicle parked there but I
132 didn't see him so I went past the Rec Center. And it's kinda on (Knoll) and
133 the street goes downhill. I saw him up on the hill. It looked like he was on top
134 of a subject so I went up over the curb. I started drivin' up the grass but the
135 sprinklers just came on so the tires spun so I hopped outta my car and ran up

136 to him.

137

138 Q: Okay so when you - when you go on a scene and you see the officer on top of,
139 um, a suspect what was the condition of that suspect? Was he laying on the
140 ground? Were they struggling?

141

142 A: Uh, he was laying on the ground and from where I was it was pretty far
143 distance it looked like they were struggling. It looked (Timmy) was holdin'
144 him down - physically just tryin' to hold him down. The other kid was sitting
145 a few feet away from 'em.

146

147 Q: Do you know the names of the two?

148

149 A: I think mine was, uh, [REDACTED] or somethin' like that and the other one was...

150

151 Q: [REDACTED] was the other guy.

152

153 A: [REDACTED] was [REDACTED] or what was his? [REDACTED]

154

155 Q: [REDACTED]

156

157 A: [REDACTED] - okay. He - so he had [REDACTED] on the ground.

158

159 Q: Okay.

160

161 A: Yes.

162

163 Q: All right and...

164

165 A: He had his knee on his back and he was holdin' him down.

166

167 Q: Okay.

168

169 Q1: Just for the record since we're askin' names and stuff if we don't remember -
170 so we're not guessing we - we do have paperwork...

171

172 A: Okay.

173

174 Q1: ...in front of us...

175

176 A: Okay.

177

178 Q1: ...that we can refresh (unintelligible).

179

180 Q: Absolutely.

181
182 A: Okay - yep.
183
184 Q: Absolutely. Um, so in your mind when you see this situation it - what did you
185 perceive was happening that cause you to drive up on the lawn and...
186
187 A: I thought they were fighting. I didn't know if there was weapons involved or
188 anything else. He just called, "Cover now." And that's our, uh, biggest
189 emergency - so.
190
191 Q: Okay so when you go - uh, when you get through the grass and get there...
192
193 A: Mm-hm.
194
195 Q: ...what did you do?
196
197 A: Uh, well I was s- still parked on the hill. I never made it up to where (Tim)
198 was so I had to get out my car and run to where he was. And I said, "(Tim)
199 what's goin' on?" And he said, "Oh this guy was fightin' with me." Somethin'
200 like that. And I said, "What would you like me to do?" And he said,
201 "Handcuff that guy." Which was [REDACTED] or whatever his name...
202
203 Q: [REDACTED]
204
205 A: [REDACTED] - yeah.
206
207 Q: Okay.
208
209 A: So I handcuffed him.
210
211 Q: Did he offer any resistance - [REDACTED] offer any...
212
213 A: No.
214
215 Q: ...resistance to ya?
216
217 A: Not at all.
218
219 Q: Okay what was his status when you went up to him?
220
221 A: He was sitting there, uh, kinda bein' mouthy. I don't remember what he was
222 sayin' but they were o- both obviously drunk and mouthy and that kinda thing.
223 And then there was another female that I noticed that was walking around that
224 I guess had been with 'em - black female. And she was stumblin' around also
225 - too. But she was probably 40 feet away from us next to the Rec Center.

226
227 Q: Okay. We'll - we'll get...
228
229 A: And there was some...
230
231 Q: ...to her.
232
233 A: Okay.
234
235 Q: We'll get to her...
236
237 A: Okay.
238
239 Q: ...later. Um, so all this is happening what - where in relation to the building?
240
241 A: Probably a good 50 - 60 feet away I'd say - in the grass part of the park.
242
243 Q: Okay. And when approach Officer Romberger and [REDACTED] uh, where is
244 [REDACTED] in relationship to them? How far is he seated...
245
246 A: He's...
247
248 Q: ...away from that?
249
250 A: ...probably - he's not too far away from - he's probably less than five feet
251 away.
252
253 Q: Okay. On which side of - of [REDACTED] ?
254
255 A: On the south side of [REDACTED]
256
257 Q: Well let's say if - if [REDACTED] is - is he face down on the ground?
258
259 A: [REDACTED] is face down on the ground with Officer Romberger got his knee on
260 him holdin' him down.
261
262 Q: Mm-hm.
263
264 A: And then [REDACTED] - the other guy...
265
266 Q: Mm-hm.
267
268 A: ...is about five feet away from 'em.
269
270 Q: On which side of [REDACTED] ? Right side or left side?

271
272 A: Well he was layin' on the ground that would make it his left side. [REDACTED] was
273 on the north side he would have been on the south side.
274
275 Q: How - I don't know directions over there...
276
277 A: Okay.
278
279 Q: ...so what, um, i- is Officer Romberger on his l- on [REDACTED] left side?
280
281 A: He's on top of him - physically on top...
282
283 Q: Straddling him?
284
285 A: ...of him. Uh, kinda, like, knee in the back and holdin' him down.
286
287 Q: So is - is his body - so if this table is [REDACTED]
288
289 A: Right.
290
291 Q: ...face down on the ground.
292
293 A: Right. His head would be right there.
294
295 Q: Right.
296
297 A: His feet down here. O- Officer Romberger is on top of him and the other guy
298 is sitting right there.
299
300 Q: So - so [REDACTED] is actually behind [REDACTED] - um, behind Officer Romberger?
301
302 A: Um, not behind him, I mean, he can see him because he points at him. He just
303 says, "Handcuff him."
304
305 Q: Okay.
306
307 A: Yeah.
308
309 Q: All right. So you said [REDACTED] didn't offer any resistance...
310
311 A: No - uh-uh.
312
313 Q: ...to you handcuffing him?
314
315 A: No - uh-uh.

316
317 Q: Um...
318
319 Q1: What was [REDACTED] sitting on?
320
321 A: Just the grass - yeah we were in the lawn.
322
323 Q: Uh, did you see Officer Romberger handcuff [REDACTED]
324
325 A: Uh, I don't recall if he was handcuffed already or - I don't recall.
326
327 Q: Okay.
328
329 A: Yeah.
330
331 Q: So you've now handcuffed [REDACTED]
332
333 A: Right.
334
335 Q: ...and, um, Officer Romberger, I assume, it - would it be safe to assume that
336 he handcuffed [REDACTED]
337
338 A: Yes - yes - I know he was handcuffed when he was startin' to walk him to his
339 car.
340
341 Q: So as he walking him towards his car...
342
343 A: Mm-hm.
344
345 Q: ...which is parked in the parking lot - you said. Did you see [REDACTED] offer any
346 resistance or any altercation between [REDACTED] and Officer Romberger?
347
348 A: Yeah he was - and I don't know if it was resistance or just being drunk or
349 whatever but he was pullin' away, fallin' down - just - and (Timmy) was
350 pretty much (haftin') to hold his whole weight at times. And one time I did see
351 him fall there was a concrete bench or pillar or whatever. At this time I was
352 probably 60 feet away from 'em - maybe even farther. I saw him fall down
353 and then (Timmy) picked him back up and started walkin' him to (him) car
354 and that's when I started walkin' my guy. But before that - I don't know if
355 you want me to get to that part - the girl fell down...
356
357 Q: Sure.
358
359 A: ...hit her head on the concrete. I mean, it sounded like a pumpkin exploding.
360 So I got on the air and asked for medics for her. There was some citizens there

361 tryin' to help out. So (Timmy) was walkin' his guy there. She was fallin'
362 down crackin' her head and then I started walkin' my guy.
363
364 Q: Okay the - the female - where did she come from? Was she near the building?
365
366 A: She was - I didn't see her at first but I heard the citizen say, "Hey." Somethin'
367 like, "Hey there's another girl over here." Or, "She's drunk." Or, "She's on
368 drugs." Or somethin' like that. And then I saw her and she was just literally
369 barely walkin'. She was staggerin' all over.
370
371 Q: Okay. She fell and you guys were in the lawn - did she fall in the lawn?
372
373 A: No she was on the concrete.
374
375 Q: Next to the building?
376
377 A: Yeah next to the...
378
379 Q: Okay.
380
381 A: ...building. Yeah there's a big concrete area on the, uh, east side of the
382 building.
383
384 Q: Did you have - or did - do you know if police had any interaction with her...
385
386 A: No...
387
388 Q: ...before that?
389
390 A: ...I don't know if (Tim) did or not. When I got there he - like I said, he was on
391 top of [REDACTED]. I was, uh, with the other guy and then I saw her wanderin'
392 around and that's when she fell down. So I hadn't contacted her. I don't know
393 if (Timmy) had before, you know, before he put out the, "Cover now."
394 Because I know they were all together.
395
396 Q: So she looked inebriated to you?
397
398 A: Oh yes.
399
400 Q: How was [REDACTED]? The guy you - you handcuffed. Would you - w- what
401 was his status?
402
403 A: He was drunk too - yeah.
404
405 Q: W- what makes you say he was drunk?

406
407 A: Um, alcoholic breath, slurred speech, unstable gait - the whole - the whole
408 nine yards.
409
410 Q: M'kay. Did - did - you said, um, as he was walking - as - as Officer
411 Romberger was walking [REDACTED] and you - you mentioned (Timmy) - you're
412 referring to Officer Romberger?
413
414 A: Yes sir.
415
416 Q: Okay as you - as he's walking [REDACTED] you said you don't know if it was
417 drunk or if he was resisting. Can you describe what he was doing that makes
418 you say that?
419
420 A: Um, like I said, I was pretty far away and I was lookin' at her but I saw him,
421 like, fall - just fall to the ground.
422
423 Q: Okay.
424
425 A: I mean, (Timmy) was walkin' him tryin' to support him. O- obviously they
426 were intoxicated and stumblin' around. They were - I don't know how much
427 resisting it was bes- also with drunkenness.
428
429 Q: Mm-hm.
430
431 A: I think it was a little bit of both. And they were chippin' away and that kind of
432 stuff and then he fell to the ground and I saw (Timmy) pick him back up.
433
434 Q: Okay.
435
436 A: So between that and lookin' at the girl and talkin' to my guy I was just
437 catchin' - catching bits and pieces of stuff.
438
439 Q: Did you see - and I'm sorry if you said you did, um, did you see Officer
440 Romberger pick [REDACTED] up after he had fallen to the ground?
441
442 A: Yeah.
443
444 Q: How did he do that?
445
446 A: Uh, I don't know if it was by the jeans or what but just kinda picked him up.
447
448 Q: Okay.
449
450 A: Yeah.

451
452 Q: And then...
453
454 A: I don't know if he grabbed him by the jeans or whatever but I know he
455 physically picked him up or helped him up or whatever it is.
456
457 Q: And then did you watch him start to walk, uh, [REDACTED] t- back towards his car?
458
459 A: Yeah.
460
461 Q: The police car.
462
463 A: Mm-hm.
464
465 Q: Okay did you see any force of use in that?
466
467 A: No not then.
468
469 Q1: When you were describing Officer Romberger walking [REDACTED] and...
470
471 A: Mm-hm.
472
473 Q1: .. [REDACTED] was drunk and falling and pulling and whatever.
474
475 A: Right.
476
477 Q1: You were kind of demonstrating with your hands. Do you know...
478
479 A: Yeah, I mean...
480
481 Q1: Do you know where Officer Romberger had his hands on [REDACTED] ?
482
483 A: I wanna say his shoulders and maybe his handcuffs.
484
485 Q1: So kind of a typical...
486
487 A: Right - yeah.
488
489 Q1: ...escort.
490
491 A: Kinda walkin' him like this but the kid was all squirrely and I - like I said, I
492 don't know if it was squirrely and drunkenness all together but, uh, he wasn't
493 just walking like a regular person would. You know? I don't know if it was
494 resistance or drunkenness or both of it but...
495

496 Q1: And for the record you say, "I'm not sure." Meaning you're just guessing
497 you're not sure...
498
499 A: Correct.
500
501 Q1: ...exactly where his hands were?
502
503 A: Right - yes.
504
505 Q: Um, with regards to, uh, the female - was she ever identified?
506
507 A: Um, yes because - at first she wasn't. Medics took her eventually to the
508 hospital. Um, while I was writing my report I think one of the maintenance
509 man flagged me down and said, "Hey I found this phone. I think it was that
510 girl's phone." It was all busted up and everything. So I went to the hospital.
511 Her mom was with her and I gave her the phone. I don't even know if ID'd or
512 not. I can...
513
514 Q: Okay so you...
515
516 A: ...check my - I can check my report but I don't think so
517
518 Q: So you spoke with her mom?
519
520 A: Yes.
521
522 Q: D- do you know her name?
523
524 A: No I don't.
525
526 Q: Okay. Do you know mom's name?
527
528 A: No.
529
530 Q: What - what hospital?
531
532 A: Uh, Sharps.
533
534 Q: Memorial?
535
536 A: Mm-hm.
537
538 Q: What was your conversation with mom?
539
540 A: Um, not much. I walked in I had the phone in my hand and mom saw that I

541 had the phone and she goes, "Oh is that her phone?" "Yeah." "Well she snuck
542 out last out night or somethin' like that. I'm not sure what happened." I said,
543 "Well she was with a couple guys in the park. They'd been drinkin' and, uh,
544 she fell and hit her head." I go, "That's about it." And she took her phone and
545 I left.

546
547 Q: What was mom's demeanor?

548
549 A: Um, mostly just concerned I think - yeah.

550
551 Q: Okay. Um, all right.

552
553 A: But mom did say that, like, sh- thought she snuck outta the house or somethin'
554 like that. I - you know?

555
556 Q: Did she say how old, uh, [REDACTED] - uh, is it - [REDACTED] is - is her name.
557 Is...

558
559 A: Is her name?

560
561 Q: Is the juvenile's name.

562
563 A: Okay.

564
565 Q: Um...

566
567 A: Was she a j- she was a juvenile?

568
569 Q: I, um, that's...

570
571 A: Okay - okay.

572
573 Q: ...what I'm asking.

574
575 A: Okay I - I don't know 'cause I didn't...

576
577 Q: Okay.

578
579 A: ...I didn't ID her or anything like that - so.

580
581 Q: Okay - all right so a lot of moving parts happen when you go on scene.

582
583 A: Right.

584
585 Q: You s- you got the female, um, two 10-16's.

586
587 A: Mm-hm.
588
589 Q: Back to - now Officer Romberger is walking [REDACTED] to the - to the, uh,
590 parking lot.
591
592 A: Mm-hm.
593
594 Q: [REDACTED]'s bein' dealt with, um, by a citizen.
595
596 A: Right.
597
598 Q: And you've called medics for her.
599
600 A: Right.
601
602 Q: You have [REDACTED] in custody.
603
604 A: Right.
605
606 Q: How far did you watch Officer Romberger escort - how far did they get while
607 you were watching them?
608
609 A: Um, pretty much after he picked him up and started walking. Then I was
610 talkin' to [REDACTED] or whatever his name is and that's it.
611
612 Q: Okay. At any point in th- in this time frame when you are watching, um,
613 Officer Romberger deal with [REDACTED] did Officer Rong- Romberger put his
614 hands around [REDACTED] throat?
615
616 A: I know at one time when he was on him - physically on him on the ground...
617
618 Q: Mm-hm.
619
620 A: ...he put his hands on his neck. I don't know if they was around his throat but
621 he was laying face down and he had hands on his neck holding him down.
622
623 Q: Okay, um, so this was, like, as you immediately get on scene...
624
625 A: Yes.
626
627 Q: ...when he's dealing - before he starts walking him?
628
629 A: Right.
630

631 Q: Explain what he's doing, I mean, again just what you observed. You
632 obviously don't know what's going on in his mind but...
633
634 A: Right.
635
636 Q: ...is he telling him anything? Is applying pressure that (unintelligible)?
637
638 A: Um, he's got his knee on his back and he's holdin' him down and at times at
639 the should and then he'd screw around and he'd put it on his neck - head area
640 and h- hold his head against the ground like that. Um, and then (Timmy) had a
641 ride along and she had - her hand was flat out like this - exactly like this with -
642 I wasn't sure what it was at first, I mean, I knew it was a gun but I didn't
643 know who's gun it was. Later I found out it was (Timmy)'s backup weapon.
644
645 Q: Okay so back to Officer Romberger's...
646
647 A: Mm-hm.
648
649 Q: ...hands on [REDACTED] neck.
650
651 A: Right.
652
653 Q: Describe how they were physically on his neck. Were they on the back of his
654 neck? Were they on his head and neck? Was he - were they around his neck?
655
656 A: Um, I never saw 'em around his neck, like, choking him.
657
658 Q: Okay.
659
660 A: But I did see 'em on his - well maybe one hand on his head and one hand on
661 his neck or both hands on his neck or somethin' like that.
662
663 Q: To you did it look it was - he was tryin' to control him?
664
665 A: Yes.
666
667 Q: Okay.
668
669 A: He was just holdin' him down 'cause he was gettin' squirrely and talkin' and
670 chippin' and...
671
672 Q: [REDACTED] ?
673
674 A: ...movin' around - yes.
675

676 Q: Okay - all right at some point they get, um, Officer Romberger gets [REDACTED]
677 out to the parking lot where his car is parked.
678
679 A: Right.
680
681 Q: Did you see any altercation or anything that transpires at th- at Romberger's
682 police car with [REDACTED] ?
683
684 A: No.
685
686 Q: Between those two?
687
688 A: No I - after he got him in the car as I started to walk up I said, "(Tim) do you
689 want me to take him or do you wanna take him?" Talkin' about [REDACTED]
690
691 Q: Okay let's - before we even get to that...
692
693 A: Oh okay - okay.
694
695 Q: Before we even get to that...
696
697 A: Okay.
698
699 Q: ...y- you don't see anything that happens at that police car at that time?
700
701 A: No.
702
703 Q: Right?
704
705 A: Uh-uh.
706
707 Q: Okay.
708
709 Q1: Wait - when Officer Romberger picked [REDACTED] up off the ground and then
710 from there he walked him to the police car. Did you witness Officer
711 Romberger walking [REDACTED] to the police car?
712
713 A: No not after he picked him and started walking him. Then I started talkin' to
714 my guy and so I never saw (Timmy) put his guy in the back of the patrol car.
715
716 Q1: You didn't see him escort him to the car and you didn't see him put him in the
717 car?
718
719 A: No - uh-uh.
720

721 Q: Okay so now you get - you pick [REDACTED] up or - or...
722
723 A: No I didn't - no he...
724
725 Q: ...sit him up - how do you get - how do you stand...
726
727 A: He - yeah he just - I s- I don't know I - I got him to the ground. He - he didn't
728 resist or anything like that. He was - he was fine.
729
730 Q: So you walk him to the parking lot where...
731
732 A: Right.
733
734 Q: ...Officer Romberger is.
735
736 A: Yes.
737
738 Q: No resistance?
739
740 A: No - uh-uh.
741
742 Q: He doesn't offer you any resistance?
743
744 A: No - uh-uh he...
745
746 Q: Does he say anything to you?
747
748 A: No not really. I - not that I recall - nothin' of any importance that I remember.
749
750 Q: So when - when you come around the - the building...
751
752 A: Mm-hm.
753
754 Q: ...from where you start walking him where the female had fallen and where...
755
756 A: Mm-hm.
757
758 Q: ...you took [REDACTED] into custody could you see Officer Romberger's police
759 car?
760
761 A: Yes - yeah there was no building in the way of it.
762
763 Q: Okay. But you didn't see any o- anything that transpired in that time with
764 [REDACTED] at the police car?
765

766 A: No - uh-uh.
767
768 Q: Okay. At some point you walk [REDACTED] over to the police car.
769
770 A: Right.
771
772 Q: Okay do you transfer custody of him to Officer...
773
774 A: Well...
775
776 Q: ...Romberger?
777
778 A: Well what happens, uh, when I'm gettin' close my car is parked way down on
779 the hill and I say, "(Timmy) do you want me to take him? You wanna take
780 him or what?" And he goes, "I'll take him." So I physically give him to
781 Romberger - (Timmy).
782
783 Q: Mm-hm.
784
785 A: And next thing I know the other guy is in the backseat. (Timmy) starts to walk
786 him around the back of the police car and I see outta the corner of my eye the
787 guy, like, go back like this, like, try to head butt him - I don't know if he was
788 head butting - I don't know if he lost balan- I don't know what it was. Then I
789 saw (Tim) push him up against the car and he hit the back pillar between the
790 backside window and the back glass there's that metal part that comes down...
791
792 Q: Mm-hm.
793
794 A: ...and the kid's face hit that and cracked open his lip.
795
796 Q: Okay so you - where are you standing in relation to the car when this
797 happens?
798
799 A: I am standing at the back corner but I'm kinda looking into the window of the
800 back seat where the other 10-16 is.
801
802 Q: Where [REDACTED] is sitting?
803
804 A: Yes.
805
806 Q: Okay. Who physically has control of [REDACTED] at this point?
807
808 A: Officer Romberger.
809
810 Q: Okay so is there anybody else aside from you three outside the car right now?

811
812 A: No.
813
814 Q: All right so i- it's Officer Romberger and [REDACTED]
815
816 A: Right.
817
818 Q: And are they standing - I - I know this from watching the BWC's w- are they
819 standing to your left?
820
821 A: Yes.
822
823 Q: All right so you have Officer Romberger, [REDACTED], and you.
824
825 A: Mm-hm.
826
827 Q: And you're standing basically parallel with the back window - is that what I
828 understand?
829
830 A: Yeah I wanna say - say this was the car 'cause it's pretty much facin' the cri- I
831 would be here. This would be the back. S- this would be the side glass. I'm
832 here and I don't know if I'm standin' here. I don't know if my shoulders are
833 turned to th- I just see this.
834
835 Q: Okay. Did you see what happened before th- bef- what you're referring - just
836 for the record - you're talking about when his head hits the car?
837
838 A: Correct.
839
840 Q: Did you see what happens immediately before that? What prompts all of that?
841
842 A: I just saw the kid - like I said, I don't know if he stumbled. I don't know if he
843 was tryin' to injure Officer Romberger with a head butt or somethin' like that.
844 I just saw - 'cause he never did it with me. He was fine. I walked him over
845 there fine. But, uh...
846
847 Q1: So for the record it looks to me like you're describing upper torso moving
848 backwards along with the head moving backwards and then moving forward
849 striking the vehicle.
850
851 A: Correct.
852
853 Q: Okay.
854
855 A: Tryin' to demonstrate it but I know you can't...

856
857 Q1: I understand.
858
859 A: ...see demonstration on - on tape.
860
861 Q1: Right. That's what (unintelligible).
862
863 Q: So all of this is - is Officer Romberger is pushing him against the car. Is that
864 what I understand?
865
866 A: Right.
867
868 Q: Pushing, um, [REDACTED] - um, [REDACTED] against the car?
869
870 A: I didn't see him - how he did it. I just know that he came and hit his face on
871 the B pillar or whatever pillar it is.
872
873 Q: Were you watching them?
874
875 A: I - I wasn't physically watching that I don't think but I did see it. And I knew
876 obviously it was (Tim) pushing him up against the car.
877
878 Q: Okay - all right. If you got questions...
879
880 Q1: How - how hard...
881
882 Q: ...I'm gonna queue up a video.
883
884 Q1: ...did he - does he hit the car?
885
886 A: How hard? Pretty hard - yeah.
887
888 Q1: And he hit it with his mouth? His face? His head?
889
890 A: Uh...
891
892 Q1: You said he split his lip.
893
894 A: ...his whole face - yeah his whole face kinda hit it but yeah he split his lip.
895
896 Q1: Was Officer Romberger's hand on his head?
897
898 A: I didn't see that.
899
900 Q1: Or did you just see the person hit the car?

901
902 A: I - yeah that - that's what it looked like to me. It just looked like hitting the
903 car.
904
905 Man: I got medics comin'.
906
907 Q: Okay I'm sorry. I didn't mean to interrupt. I thought the sound was off there -
908 all right. What I'm gonna show is a video and, uh, for the record it's, uh, 846
909 through 9 and this is Officer Romberger's BWC at the, uh, vehicle in the
910 parking lot.
911
912 ((RECORDING))
913
914 Man: (Unintelligible). Oh I didn't see her I saw her sittin'.
915
916 Man1: Hey stand here.
917
918 Man: Stand still - stand still.
919
920 Man1: Why are you chokin' me?
921
922 Man: (Unintelligible). When I walked up these two just walked that way. She just
923 stayed there. She just got up (unintelligible).
924
925 ((END RECORDING))
926
927 Q: Okay.
928
929 ((RECORDING))
930
931 Man: (Unintelligible).
932
933 ((END RECORDING))
934
935 Q: Okay so w- this is what we're talkin' about right?
936
937 A: Mm-hm.
938
939 Q: What you're - you're describing is...
940
941 A: Right.
942
943 Q: ...is a- at some point [REDACTED] head and body kinda moves...
944
945 A: So...

946
947 Q: ...Officer Romberger.
948
949 A: ...I didn't see it he - it happens right there because I didn't see it, I mean, it
950 looked like the camera was low or somethin' but yes that's what...
951
952 Q: I'm - I'm not ans- understanding your questions. What do you mean, uh, you
953 didn't see where he - where his head contacts the vehicle or anything?
954
955 A: Right.
956
957 Q: Is that what you're saying?
958
959 A: Right - yeah.
960
961 Q: Okay this is where he gets injured.
962
963 A: Okay - okay.
964
965 Q: Where his - his lip gets bloody.
966
967 A: Okay.
968
969 Q: So I just wanna make sure that this is what you're describing...
970
971 A: Correct.
972
973 Q: ...from your recollection?
974
975 A: Yes.
976
977 Q: Okay - all right.
978
979 Q1: And you said you saw his head hit the vehicle right?
980
981 A: Yes.
982
983 Q1: Yeah you saw his head hit the vehicle you just didn't see how he...
984
985 A: Right.
986
987 Q1: ...moved back.
988
989 A: Right.
990

991 Q: So it looks you - your left hand is - is, uh, still controlling [REDACTED]
992
993 A: Mm-hm.
994
995 Q: When he - when he moves - does whatever move that is where he leans
996 towards Officer Romberger and then Officer Romberger pushes him into the
997 police car. Are you still holding him that whole time?
998
999 A: I don't know - I...
1000
1001 Q: Okay.
1002
1003 A: ...don't know. 'Cause I didn't ev- to be honest I didn't even know I was
1004 holdin' him right there. I thought I handed him off to (Timmy).
1005
1006 Q: Okay. The video - you - you're looking at this whole thing happen.
1007
1008 A: Mm-hm.
1009
1010 Q: And this is Officer Romberger's video. He hits - he pushes Romberger, uh,
1011 excuse me, uh, [REDACTED] into the - the police car...
1012
1013 A: Mm-hm.
1014
1015 Q: ...where he gets the bloody lip. And then Officer Romberger's left hand is up
1016 towards [REDACTED]'s throat. You can hear he says, "Stop choking me. Why you
1017 choking me?" And his voice sounds strange.
1018
1019 A: Mm-hm.
1020
1021 Q: Strained - did you see Officer Romberger strangle him?
1022
1023 A: I did not.
1024
1025 Q: Did you see his hands on his throat?
1026
1027 A: I did not.
1028
1029 Q: 'Kay. You're lookin' right at it though.
1030
1031 A: I - I d- honestly didn't see him have his hands on his throat.
1032
1033 Q: Did you see where his left hand was?
1034
1035 A: Romberger's?

1036
1037 Q: Yes.
1038
1039 A: No.
1040
1041 Q: Okay. Did - did you...
1042
1043 A: Can we play the video...
1044
1045 Q: Yeah.
1046
1047 A: ...back again? Because...
1048
1049 Q: Ab- absolutely - absolutely.
1050
1051 Q1: If I could - just real quick...
1052
1053 Q: Yeah.
1054
1055 Q1: ...for the record. Prior to watching this video do you have access to any other
1056 officer's videos that you can look at in evidence.com? So did - do you...
1057
1058 Q: I'm sorry - are you askin' me? Or are you...
1059
1060 Q1: I'm askin' hi- the officer.
1061
1062 A: Oh I didn't know if I could look at 'em or not.
1063
1064 Q1: Right. So you - as far as you know you don't...
1065
1066 A: Right.
1067
1068 Q1: ...have access to other people's videos to r- to...
1069
1070 A: Right.
1071
1072 Q1: ...refer to prior to coming in - into this interview correct?
1073
1074 A: Yeah I didn't know...
1075
1076 Q1: So d- so you didn't watch any videos prior to coming into this interview?
1077
1078 A: No - no.
1079
1080 Q1: So w- before watching this when we were as- answering questions of Sergeant

1081 Levan it was strictly off independent recollection only.

1082

1083 A: Correct.

1084

1085 Q1: No further questions.

1086

1087 Q: Okay.

1088

1089 ((RECORDING))

1090

1091 Man1: (Unintelligible).

1092

1093 Man: Oh I didn't see her. I saw her...

1094

1095 Man1: (Unintelligible).

1096

1097 Man: Hey stand here - stand still.

1098

1099 ((END RECORDING))

1100

1101 A: Okay see still with the video I can't see where his...

1102

1103 ((RECORDING))

1104

1105 Man: (Unintelligible).

1106

1107 ((END RECORDING))

1108

1109 A: ...hand is.

1110

1111 Q: Well the video...

1112

1113 A: I mean, it could be on his chest. It could...

1114

1115 Q: The video...

1116

1117 A: See - I see his hand up there but I'm...

1118

1119 Q: Well this is...

1120

1121 A: ...on the other side of 'em.

1122

1123 Q: I understand.

1124

1125 A: Okay.

1126
1127 Q: And - and that's why I'm asking you if you - if you...
1128
1129 A: Right.
1130
1131 Q: ...can see it.
1132
1133 A: Right.
1134
1135 Q: The video shows one thing. You're standing behind [REDACTED] and I'm - that's
1136 why I'm asking...
1137
1138 A: Right.
1139
1140 Q: ...what - what you saw.
1141
1142 Q1: Towards the - towards the end as he's facin' the car you can hear the - [REDACTED]
1143 saying - or [REDACTED] saying...
1144
1145 A: I did just hear that - yeah I...
1146
1147 Q1: "Don't choke me."
1148
1149 A: Right.
1150
1151 Q1: Your face is looking to the left. So that's what we're asking. You ca- if you
1152 play to that end part...
1153
1154 A: Okay.
1155
1156 Q1: ...you can see your face looking to the left as if you're looking at the 10-16.
1157
1158 A: Okay.
1159
1160 Q1: And that's when he's saying, "Don't choke me."
1161
1162 A: Okay.
1163
1164 Q1: So we just wanted to know if you saw that or not?
1165
1166 A: I didn't see his hand on his throat.
1167
1168 Q: Or on...
1169
1170 A: Or on the back - I don't know if it was on the front or the back. I mean,

1171 obviously if it's throat it'd be on the front.
1172
1173 ((RECORDING))
1174
1175 Man: Stand still.
1176
1177 Man: Why you (unintelligible)?
1178
1179 Man: Stand still.
1180
1181 Man: Why you chokin' me? (Unintelligible).
1182
1183 Man: Just stand still.
1184
1185 ((END RECORDING))
1186
1187 Q1: See you're lookin' to the left?
1188
1189 A: Yeah.
1190
1191 ((RECORDING))
1192
1193 Man: (Unintelligible). When I walked up...
1194
1195 ((END RECORDING))
1196
1197 Q: So that's what we're referring to right here...
1198
1199 A: Okay - okay.
1200
1201 Q: ...is - is Officer Romberger smacks him into the car and then his left hand goes
1202 up somewhere near [REDACTED] throat. He says - and it sounds like he's
1203 strained, "Why are you choking? Don't...
1204
1205 A: Mm-hm.
1206
1207 Q: ...you fuckin' choke...
1208
1209 A: Mm-hm.
1210
1211 Q: ...me." Um, that's w- so my question is...
1212
1213 A: Right.
1214
1215 Q: ...at any point did you see him with his hands on his throat right there?

1216
1217 A: I - I don't recall (Timmy)'s hand bein' on his throat.
1218
1219 Q: Okay - all right.
1220
1221 Q1: If - if we can take a break? We're 30 minutes into the interview.
1222
1223 Q: Okay. We'll do that. We'll take a break and the time is, um, 0945.
1224
1225 Q1: Off the record.
1226
1227
1228 The transcript has been reviewed with the audio recording submitted and it is an accurate
1229 transcription.
1230 Signed _____

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INTERVIEW WITH OFFICER [REDACTED]

Q=Sgt. John Levan

Q1=Sgt. Bret Righthouse

A=Ofc. [REDACTED]

A1=Rep. [REDACTED]

A1: Back on the record.

Q: Okay. We are live here again. It is, um - what is it? October 23rd and the time is 0955. I'm here with Officer - Officer, uh, [REDACTED] and Detective Sergeant Bret Righthouse. The administrative admonishment I read earlier still applies in the interview.

A: Mm-hm.

Q: It's an administrative interview, uh - uh, investigation. Do you need me to read that again?

A: No.

Q: Okay. All right. So I wanna pick up where we, uh - we left off with, um, we're at the police car. Officer Romberger has just pushed [REDACTED] into the police car.

A: Mm-hm.

Q: He - [REDACTED] gets a bloody lip and we're - we're talking about his, uh - Officer Romberger's left hand...

A: Mm-hm.

Q: ...being up around [REDACTED] throat. And you said that you didn't witness his hand being around his throat.

A: I wrote in re- my report that I saw his head hit the - the police car.

Q: Mm-hm.

46 A: Split his lip. Uh, my independent rel- recollection was no. But after reviewing
47 the video he could have had his hand up around his throat area. Um, if - if I
48 had saw it I think I would have referred to it in my report. But, um...
49
50 Q: Did you - but you - at the time it - it didn't register with you.
51
52 A: No.
53
54 Q: You didn't...
55
56 A: No sir.
57
58 Q: ...observe it. Okay.
59
60 A: No sir.
61
62 Q: At - at some point did you feel - with regards to what we've talked about up to
63 this point - Officer Romberger hit- pushing him into the car. Did you feel that
64 that was necessary force? Was it accidental? Was it...
65
66 A: Well like I said I didn't know how much was resistance. I didn't know how
67 much was the alcohol involved or anything. And I s- I saw the kid moving
68 around like this. I saw his hi- head hit - hit the window. I know he was
69 handcuffed. So might have been too much force.
70
71 Q: Did you report that to anyone?
72
73 A: Uh, I just put it in my report that you know he struck his head on the side of
74 the car. And busted his lip.
75
76 Q: So...
77
78 A: Cut his lip.
79
80 Q: Um, okay so let me back up. So if - if - so do I understand that you're saying
81 that Officer Romberger pushing him into the car may have been too much
82 force? May have been more force than necessary right there?
83
84 A: Correct.
85
86 Q: Did you feel that at the time or are you feeling that now because we just
87 watched it.
88
89 A: Well after watching it yeah.
90

91 Q: Okay I'm - I'm talking about at the scene what you observed. Not right now
92 after hindsight. At the scene did you feel him pushing him into the car was
93 excessive?
94
95 A: At the time it did- it didn't seem excessive.
96
97 Q: Okay. All right. So I'll move on from that.
98
99 A1: If I could interject a couple questions.
100
101 Q: Go ahead.
102
103 A1: Um, after incidents before writing reports since we've gone to body cameras
104 is it your standard practice to review the body camera prior to writing the
105 report?
106
107 A: Yes.
108
109 A1: In this instance did you review your body camera prior to writing the report?
110
111 A: I didn't have my body camera on. So I wasn't able to do that.
112
113 A1: Fair enough. So you wrote this report with independent recollection only from
114 a time after the incident without reviewing any cameras whatsoever.
115
116 A: Correct.
117
118 A1: No further questions.
119
120 Q: Go ahead.
121
122 Q1: And I just wanna clarify when Officer Romberger pushed the 10-16 into the
123 car you did or you did not see how Officer Romberger pushed him into the
124 car?
125
126 A: I did not see that.
127
128 Q1: So you didn't see how he shoved him.
129
130 A: Well I...
131
132 Q1: You just saw....
133
134 A: ...was standing there. I just saw him...
135

136 Q1: Right.
137
138 A: ...I...
139
140 Q1: So you - you didn't see - you didn't see how Officer Romberger shoved the
141 10-16. You just saw that 10-16's head bounce off the window.
142
143 A: Correct.
144
145 Q1: Okay. And then you described that as he hit it pretty hard.
146
147 A: Yes.
148
149 Q1: How hard did he hit his head or his face?
150
151 A: Um, I don't know G-forces or anything. But I know it was pretty hard.
152
153 Q1: It got your attention when you saw it.
154
155 A: Yeah.
156
157 Q1: Seemed like it hit pretty hard.
158
159 A: That's - yeah. I mean...
160
161 Q1: And you saw his lip was split afterwards.
162
163 A: Yeah his lip - yeah. His lip was bleeding yeah.
164
165 Q: Okay. So after all this happens he - he, uh, pushes him against the car. Gets
166 the blood lip what happens then?
167
168 A: Um, he go- walks him around to put him into the side of the car. And [REDACTED]
169 who's in the backseat slides over. So I think (Timmy) tries to walk him to the
170 other side and the kid slides over to that side. So he's kind of playing a game
171 with him. Um...
172
173 Q: When - before you walked...
174
175 A: ...to there.
176
177 Q: ...around the car.
178
179 A: Mm-hm.
180

181 Q: Officer Romberger opens the, uh - the right rear door. And tells [REDACTED] to
182 slide over.
183
184 A: Okay.
185
186 Q: And then shuts the door and then walks [REDACTED] around the other side. Did
187 you witness that or do you remember that?
188
189 A: Yeah.
190
191 Q: It happens rather quickly. Do you - do you feel that, um, [REDACTED] could have
192 interpreted - what he tells him is slide over.
193
194 A: Mm-hm.
195
196 Q: Do you think that [REDACTED] could have interpreted that as, "I'm supposed to
197 slide over."
198
199 A: Yes.
200
201 Q: Would that be reasonable?
202
203 A: Yes.
204
205 Q: Okay. So he now walks [REDACTED] to the other side.
206
207 A: Right.
208
209 Q: Opens the left rear door.
210
211 A: Driver's side.
212
213 Q: Right.
214
215 A: Mm-hm.
216
217 Q: Correct. And then [REDACTED] is sitting there.
218
219 A: Right.
220
221 Q: Isn't that what he just told - Officer Romberger just told [REDACTED] to do on the -
222 when he opened the other door.
223
224 A: Right. Slide over.
225

226 Q: So would it be reasonable that he - he's complying with what the officer told
227 him to do?
228
229 A: Um, I mean from sounding like that yes. But I - it seemed like to me when I
230 was there - it seemed like when (Timmy) started to walk him over then he slid
231 over just so he wouldn't be able to put the other guy in that seat.
232
233 Q: Okay.
234
235 A: Seemed like a game he was playing.
236
237 Q1: But you do recall Officer Romberger opening the door and telling [REDACTED] to
238 slide over.
239
240 A: Yes.
241
242 Q: So...
243
244 Q1: At that - at that point what did you think Romberger was going to do? He's
245 standing at the passenger side of the car with the 10-16.
246
247 A: Mm-hm.
248
249 Q1: And he tells the other 10-16 in the car to slide over.
250
251 A: I thought he was gonna have the guy slide over and sit him - set the other guy
252 right there.
253
254 Q1: So he - so at the time your assumption was Officer Romberger wanted [REDACTED]
255 - the 10-16 in the car to slide over.
256
257 A: To slide over - right.
258
259 Q1: To the driver's side.
260
261 A: So he could sit down.
262
263 Q1: So that he could sit down...
264
265 A: [REDACTED]
266
267 Q1: ...the other 10-16 in the passenger side.
268
269 A: Correct.
270

271 Q1: But then instead what happened?
272
273 A: He didn't slide over right away.
274
275 Q1: What did - what did Officer, uh, Romberger...
276
277 Q: Romberger.
278
279 Q1: ...do with the 10-16 or the door? Do you remember?
280
281 A: I don't recall. I mean I think he shut the door and he started to walk him
282 around to the other side.
283
284 Q1: To the driver's side.
285
286 A: To the driver's side yeah.
287
288 Q1: So he - Officer Romberger told the 10-16 in the car to slide over. Your
289 assumption is he's gonna have him slide over put the 10- the other 10-16 in
290 the car.
291
292 A: Right.
293
294 Q1: But instead Officer Romberger shut the door and then walked the 10-16
295 around the side - the other 10-16 around the car.
296
297 A: Right. Thinking the kid - if he's still sitting there he was gonna put him in -
298 behind the driver's seat.
299
300 Q1: How much time did Romberger give that person to slide over before he shut
301 the door? Do you remember if he said anything else?
302
303 A: I - I don't recall.
304
305 Q1: Did the - did the 10-16 in the car say anything back to Officer Romberger?
306
307 A: I don't recall. I mean...
308
309 Q1: Did he refuse to slide over? Did he say anything about not sliding over?
310
311 A: I - I mean...
312
313 A1: If you don't recall - you don't recall.
314
315 A: Yeah I don't recall. It didn't seem like that big a deal to me at the time or

316 anything like that so...

317

318 Q1: So then I guess the question would be if your assumption was that the 10-16
319 in the back of the car was supposed to slide over would it be logical to assume
320 that the 10-16 in the back of the car thought he was supposed to slide over?

321

322 A: Yes. But I mean I think if somebody asked me to slide over right now I slide
323 over. And you know it's over. Not - you know.

324

325 A1: You said you felt that he might be playing games with Officer Romberger.

326

327 A: Right.

328

329 A1: What makes you form that opinion?

330

331 A: Um, 'cause that's kind of the attitude that [REDACTED] had the whole contact. He -
332 when (Timmy) had him down on the ground he was just chipping off and
333 talking and you know I can't recall anything specific, but that was his
334 demeanor.

335

336 A1: Okay.

337

338 Q1: Do you recall how soon Officer Romberger shut the door after he asked the
339 guy to slide over?

340

341 A: I don't.

342

343 Q1: Was there any big conversation between the 10-16 and Officer Romberger?
344 The one in the back of the car - [REDACTED]

345

346 A: I don't - I don't recall that.

347

348 Q: Okay so he - he is now on the driver's side, uh - let me - let me back up.
349 Officer Romberger and [REDACTED] have walked around to the - the driver's
350 side...

351

352 A: Mm-hm.

353

354 Q: ...of the police car. Officer Romberger opens the left rear door and [REDACTED] is
355 now sitting there.

356

357 A: Mm-hm.

358

359 Q: On the left side of the car. What happens then?

360

361 A: Uh, I remember (Timmy) telling him to slide over or something like that. He
362 doesn't. (Timmy) grabs him. Guy starts kind of kicking a little bit. And he
363 pulls him out. Gets him on the ground. Um, I can't really tell you specifics. I
364 didn't have a...

365
366 Q: Where were you when all this was happening?

367
368 A: Uh, on the driver's side of the vehicle.

369
370 Q: So you were right there.

371
372 A: Yes.

373
374 Q: All right. You said Officer Romberger grabbed [REDACTED]

375
376 A: Yes.

377
378 Q: How - explain that.

379
380 A: Um...

381
382 Q: How he did it.

383
384 A: ...I can't remember how he grabbed him. I don't know if it was by the legs or
385 by the shoulder or what. But he physically pulled him out of the vehicle - out
386 of the patrol car.

387
388 Q: Okay. In - into where?

389
390 A: Just to the ground.

391
392 Q: In a - [REDACTED] was in a prone position?

393
394 A: Um, I honestly don't recall. I just - I just remember him pulling out of the car.
395 And I remember [REDACTED] kind of kicking a little bit. I don't...

396
397 Q1: Do you know why Officer Romberger pulled [REDACTED] out of the car?

398
399 A: I think so. He put the other guy in. I think he was just you know...

400
401 Q1: He was just what?

402
403 A: ...just fed up. The kid was sliding back and forth in the seat and everything.
404 And I think (Timmy) just pulled him out, put him on the ground.

405

406 Q1: What was Officer Romberger's demeanor at that point?
407
408 A: Uh, he was getting upset.
409
410 Q1: You think he pulled him out of the car 'cause he was upset with him?
411
412 A: Uh, could have. I don't know his - his mindset. But it could have been.
413
414 Q1: Did you see a need to pull him out of the car - [REDACTED]?
415
416 A: Um, well....
417
418 Q1: He was already in - he was already in the car and he's...
419
420 A: Yeah he was in the car. But he kept sliding back and forth. And just - he was
421 playing games with him.
422
423 Q1: You say sliding back and forth. How many times did he slide over?
424
425 A: I don't know. It seemed like more than once though. I remember him sliding
426 in the seat back and forth.
427
428 Q1: Well we know he slid over when Officer Romberger first asked him to slide
429 over.
430
431 A: Right.
432
433 Q1: And shut the door.
434
435 A: Right.
436
437 Q1: So then when Officer Romberger went to the driver's side he opened the door.
438
439 A: He might have asked him to slide over...
440
441 Q1: And - and asked him to slide over again.
442
443 A: ...again. He - I don't know if he did. He might have.
444
445 Q1: I think you said that.
446
447 A: But I think he did.
448
449 Q1: That he asked him to slide over.
450

451 A: So...

452

453 Q1: So what would your assumption be? Where did he want him to slide to?

454

455 A: Back to the passenger side. And then I don't think he did. And I think that's

456 when (Timmy) pulled him out.

457

458 Q1: And how - how fast do you remember it being between the time Officer

459 Romberger told him to slide over to the time that he pulled [REDACTED] out?

460

461 A: I don't recall that. I don't think it was very long.

462

463 Q1: Fairly immediate.

464

465 A: Um, probably - I - I can't say. I mean I don't know if it was immediately or 30

466 seconds or a minute.

467

468 Q1: Did it seem logical to you to pull a 10-16 back out of the car when your goal

469 was basically to put two 10-16's in the car.

470

471 A: Two s- like I said to me I - I don't know what I would've done. I mean slid the

472 guy over or seat belted him in one and walked around the car and put the other

473 one in or something. I - I don't know what Tim - Tim was thinking.

474

475 Q: I'll change the phrase - the wording there. Was it reasonable to think that

476 pulling him out of the car was the - the correct action there?

477

478 A: Thinking about it now - probably not.

479

480 Q: Okay.

481

482 A: But when we were there and everything was goin', uh, Tim pulled him out of

483 the car. And I don't even know if I saw him put him back in the car. I don't

484 recall him put - being put back into the car 'cause officers were starting to

485 show up. And at one point not far after that I walked over to check on the

486 female.

487

488 Q: Okay. A- and I'm not gonna - we're - we are not asking you...

489

490 A: Mm-hm.

491

492 Q: ...to put yourself in Tim's shoes or - or justify Tim's actions.

493

494 A: Mm-hm.

495

496 Q: We're asking what you saw.
497
498 A: Right.
499
500 Q1: We just wanna know how - how it affected you at the time. What your opinion
501 was. So for instance you said in a very short amount of time he asked him to
502 slide over a second time. Then Officer Romberger grabbed [REDACTED] with both
503 hands and pulled him out of the car.
504
505 A: Pulled him out of the car.
506
507 Q1: Put him on the ground.
508
509 A: Right.
510
511 Q1: And you said you thought Officer Romberger was a little - I don't know if you
512 used the word angry - upset...
513
514 A: I think I said upset.
515
516 Q1: ...I think you said.
517
518 A: Yes. Mm-hm.
519
520 Q1: Was upset and pulled him out of the car. Did that surprise you at the time?
521
522 A: Um...
523
524 Q1: Was it what you expected to see?
525
526 A: Not what I expected to see.
527
528 Q1: And why wasn't it what you expected to see?
529
530 A: Um, I just haven't seen that in the past so...
531
532 Q1: Would you personally have done that.
533
534 A: I personally wouldn't have done it.
535
536 Q1: And why not?
537
538 A: Um, it's just - I don't know it's just not - not the way I am. I mean the guy
539 wasn't complying with him. Um, not at all. But, uh, I don't know if I would
540 have pulled him out and put him on the ground.

541
542 Q: How was he not complying?
543
544 A: Because I think Tim said slide over. And he wasn't sliding over. And like I
545 said I - I felt the kid was playing games with Tim.
546
547 Q: Be that as it may e- even if he was playing games with him what we're talking
548 about is - is the force that you witnessed - did it meet the situation. So I - I'm
549 gonna move forward...
550
551 A: Right. Mm-hm.
552
553 Q: ...just a little bit. So he gets him out of the car. He pulls him out of the car. Do
554 you see how he pulls him out of the car?
555
556 A: I can't remember if it's by his feet or his shoulder. I - I don't recall.
557
558 Q: Do you remember seeing Officer Romberger's hands around, uh, [REDACTED] -
559 uh, excuse me - [REDACTED] neck at that point?
560
561 A: At one point I did.
562
563 Q: Explain that please.
564
565 A: And I - I can't remember how it was. But I think it was both hands.
566
567 Q: So both of Officer Romberger's hands were around [REDACTED] throat.
568
569 A: Yes.
570
571 Q: In - at this point where we're talking about where he takes him out of the car?
572 Is it - where - where did you see that?
573
574 A: I can't remember if it was when he was taking him out of the car or putting
575 him back in the car. 'Cause I can't remember - 'cause I don't remember him
576 putting him back in the car.
577
578 Q: Okay.
579
580 A: So - but I did at one time see Officer Romberger's and I think it was both
581 hands around his neck.
582
583 Q: What was - what was happening there? Was he saying any- did Officer
584 Romberger say anything to him? Did it look like he was applying pressure to
585 his neck?

586
587 A: Um...
588
589 Q1: What was your impression of it?
590
591 A: Um, like I said the guy wasn't being compliant at all. And I don't know if he
592 was kicking at Tim or what. But he reached in. I don't know if he reached in
593 the car and pulled him out or he grabbed him by the feet and started to slide
594 him across the seat and then grabbed him around the neck and set him down. I
595 can't remember.
596
597 Q1: When you - when you saw - no matter where it happened - when you saw
598 Officer Romberger's hands on [REDACTED] neck what was your impression? What
599 did you think?
600
601 A: Um, I think I thought I - it's something I wouldn't do.
602
603 Q1: Why wouldn't you do that?
604
605 A: I just - I never done that in my career. I mean...
606
607 Q1: Have you ever been taught to control somebody by grabbing by the neck with
608 both hands?
609
610 A: Um, no, but I know we're allowed to use pressure on people's neck to comply
611 them if they're, um, fighting with you or something like that. When I first
612 came up and he had him on the ground and - I didn't think that was a big deal.
613 He was physi...
614
615 Q1: When he was holding him down.
616
617 A: Correct.
618
619 Q: This was originally.
620
621 A: Yes.
622
623 Q: Yes.
624
625 A: Yes.
626
627 Q1: But when he pulled him out of the car and at some point you saw both hands
628 around his neck...
629
630 A: Right.

631
632 Q1: ...that's something that...
633
634 A: That I wouldn't...
635
636 Q1: ...you say you would not do.
637
638 A: Right.
639
640 Q1: And why would you not do that?
641
642 A: Um, it's just not the demeanor I use or anything.
643
644 Q: Did it look like it was a - it was a - an a- again an appropriate level of force for
645 what resistance may or may not have been...
646
647 A: Appropriate?
648
649 Q: Mm-hm.
650
651 A: No.
652
653 Q: Okay.
654
655 Q1: And why wasn't it appropriate?
656
657 A: I think...
658
659 Q1: It's your opin- your words...
660
661 A: ...I think...
662
663 A1: I have a question. Did you think that it was not appropriate at the time? And at
664 the time of your report? Or now that you watched the v- the video and - and...
665
666 Q1: Oh we didn't show him the video yet.
667
668 A: Yeah I haven't seen the video of it yet.
669
670 A1: Okay.
671
672 A: But, uh, um, the reason I would think it wasn't appropriate is because he was
673 handcuffed.
674
675 A1: But I think we're trying to get at the question did you feel it was appropriate at

676 the time when it was taking place at the scene and then when you wrote your
677 report? Or - 'cause you - you said a couple times that thinking about it now
678 you think it's not appropriate. So what did you think then? I think he's trying
679 to get what your mindset was then.

680
681 A: I - everything happened so fast. I mean we - like I said e- everything was
682 going. Um, did I think it was appropriate? Is that what you're asking me?

683
684 A1: At the time.

685
686 A: At the time. I don't think I had an opinion on it at the time.

687
688 Q1: That's fair.

689
690 Q: So you had me- you had ma- made mention of, um, [REDACTED] not being
691 compliant. It - I think that was the wording that you used.

692
693 A: Mm-hm.

694
695 Q: And - but there was no - we haven't t- I haven't heard what - how he was not
696 being compliant.

697
698 A: Well I mean verbally. I mean you give somebody a verbal command and
699 they're not responding.

700
701 Q: Okay.

702
703 A: I mean that's what I took.

704
705 Q: What did he say that he - he wasn't - what did - what did - what was he told?
706 What was [REDACTED] told that he didn't comply with?

707
708 A: Slide over.

709
710 Q: Okay. We already established he did slide over from right to left...

711
712 A: Right, but I don't think it was in the amount of time that Officer Romberger
713 thought was appropriate.

714
715 Q: Do you think he gave - hi- Officer Romberger gave [REDACTED] enough time to
716 comply with that? Given the state - we've already established they're
717 probably all - they all been drinking.

718
719 A: Mm-hm.

720

721 Q: Do you think he gave him enough time to comply with the order?
722
723 A: Like I said I don't recall how long a time he gave him to - told him to slide
724 over...
725
726 Q: Mm-hm.
727
728 A: ...before he - you know pulled him out.
729
730 Q: Okay.
731
732 A: I - I don't have that time. I don't think it was very long, but I don't know the
733 estimation of time. I don't know if it was immediately or 30 seconds or a
734 minute.
735
736 Q: All right.
737
738 Q1: And sitting in the back of the car handcuffed refusing to slide over he's being
739 non-compliant.
740
741 A: Well by verbal commands.
742
743 Q1: He's not actively resisting.
744
745 A: No not actively re- resisting.
746
747 Q1: He's just being non-compliant.
748
749 A: Correct.
750
751 Q: So when he pulls - when Officer Romberger pulls [REDACTED] from the car -
752 [REDACTED] is now on the ground in some fashion. Is he face down do you know?
753 Is he on his side?
754
755 A: I don't remember.
756
757 Q: Or he's just on the ground.
758
759 A: I - yeah.
760
761 Q: What do you do then?
762
763 A: I - I don't know. I don't remember.
764
765 Q: Did you take control of [REDACTED] at some point?

766
767 A: At one point I did. I - I think, uh, a training unit Officer [REDACTED] and them
768 were just starting to show up. And I don't think [REDACTED] or anybody had
769 control of him. I know I think I took control of him and I think he walked over
770 to the back window and hit his head on the back window. Or he did something
771 like that.
772
773 Q: You're talking about [REDACTED]
774
775 A: [REDACTED] yeah.
776
777 Q: Okay. So, um - so you - you - are - were you in control of him when he hit his
778 head on the back window?
779
780 A: The first time? Or the second time?
781
782 Q: I'm not talking about when Romberger hits....
783
784 A: No.
785
786 Q: .. [REDACTED]
787
788 A: Oh.
789
790 Q: I'm talking about when - or hits rom- or [REDACTED] I'm talking about they've
791 got [REDACTED] - the names are too close together.
792
793 A: I know.
794
795 Q: Officer Romberger has [REDACTED] on the ground.
796
797 A: Right.
798
799 Q: And you said you - you...
800
801 A: I think I...
802
803 Q: ...bring [REDACTED] to the back of the car.
804
805 A: I think I walked over and took control of [REDACTED]
806
807 Q: Okay. And you said he hit his head on the back of the car.
808
809 A: I think so.
810

811 Q: Okay.
812
813 Q1: Do you remember when Romberger opened the door and asked [REDACTED] to
814 slide over you said he reached in and grabbed him.
815
816 A: Mm-hm.
817
818 Q1: And you couldn't remember exactly where - head, neck, leg whatever.
819
820 A: Right.
821
822 Q1: Shoulder I think you said.
823
824 A: I know at one point yes.
825
826 Q1: Can you describe how Officer Romberger did that? In other words Romberger
827 is standing there holding [REDACTED] He opens the door and tells [REDACTED] slide
828 over.
829
830 A: Right.
831
832 Q1: Within a pretty short amount of time you said Romberger grabbed [REDACTED] and
833 pulled him out of the car.
834
835 A: Correct.
836
837 Q1: Can you just describe that? What did he do with the other 10-16 and how did
838 Romberger go from standing next to an open car door to grabbing [REDACTED] and
839 pulling him out?
840
841 A: Well obviously he let go of [REDACTED]. And I think that's maybe when I went
842 over there and took custody of him - or took control of him or whatever. And
843 that's when (Timmy) grabbed [REDACTED] out of the car. And at one point I know
844 both of his hands were around his neck.
845
846 Q1: Other than sitting in the car - [REDACTED] ...
847
848 A: Mm-hm.
849
850 Q1: Other than sitting in the car handcuffed and not immediately sliding over did
851 you see - see [REDACTED] do anything prior to Officer Romberger reaching down
852 to grab him to pull him out?
853
854 A: At one point I remember kicking. But I don't know if that was before or after
855 when he put him in or...

856
857 Q: Who kicking?
858
859 A: [REDACTED]. Like just kicking his feet or something. Or...
860
861 Q: At anybody or just flailing his feet?
862
863 A: Just flailing his feet yeah. Um, I don't recall. I don't recall anything
864 happening. I...
865
866 Q1: When you say you don't recall do you not remember? Or did you not - you're
867 not - you don't recall as in you don't recall seeing anything?
868
869 A: I don't recall seeing - seeing anything yeah.
870
871 Q1: [REDACTED] was just sitting in the car.
872
873 A: Right.
874
875 Q1: Romberger said, "Slide over."
876
877 A: Right.
878
879 Q1: [REDACTED] didn't immediately...
880
881 A: Slide over.
882
883 Q1: ...slide over.
884
885 A: Romberger...
886
887 Q1: Romberger let go of [REDACTED]
888
889 A: Right.
890
891 Q1: Bent down and grabbed [REDACTED]
892
893 A: Correct.
894
895 Q1: In some fashion.
896
897 A: Right.
898
899 Q1: And pulled him out of the car.
900

901 A: Right.
902
903 Q1: At some point had his hands on his neck.
904
905 A: Right.
906
907 Q1: And then put him down on the ground next to the car?
908
909 A: Yes.
910
911 Q1: Okay.
912
913 Q: So you have [REDACTED] at the back of the car. Uh, Officer Romberger has
914 [REDACTED] down on the ground.
915
916 A: Mm-hm.
917
918 Q: Do you remember how Officer Romberger's, um, standing over or squatting
919 near [REDACTED]?
920
921 A: I - I just knew he was over him in some fashion. I don't...
922
923 Q: Did you see - that's okay.
924
925 A: Yeah.
926
927 Q: That's fair. Do you- did you see, um, Officer Romberger's ne- uh, knee in
928 [REDACTED] neck at any point?
929
930 Q1: Or on [REDACTED] at all.
931
932 A: I don't recall that. I know he had his knee on his neck when he first came up.
933 When I first came up. At one point his knee was on his neck.
934
935 Q: Are we talking about originally when he...
936
937 A: Originally yeah.
938
939 Q: ...went - went on scene?
940
941 A: Yes.
942
943 Q: Okay.
944
945 A: It could have been on his neck when he had him near the car. Um, but right

946 now I can't say that I remember seeing it on his neck.
947
948 Q: When you say on his neck was it - so for example - if I have somebody on the
949 ground I can squat over them.
950
951 A: Mm-hm.
952
953 Q: I'm not actually putting any weight on them. As opposed to I'm kneeling on
954 someone's back or I'm kneeling on their neck.
955
956 A: Right.
957
958 Q: At the car, uh - and we'll get to the earlier part again.
959
960 A: Mm-hm.
961
962 Q: Um, at the car was he kneeling on his neck. Did it look like to you or was he
963 squatting over him.
964
965 A: I don't recall his knee being on his neck. It could have been. He could have
966 been kneeling over him or around him. Or...
967
968 Q1: Do you remember how he - Romberger held him to the ground once you
969 pulled him out of the car?
970
971 A: I don't 'cause I think he was walking towards [REDACTED] or whatever his
972 name is - at the time. I know I sound bad that I didn't see anything. But I
973 mean...
974
975 Q: Well you saw what you saw.
976
977 A: Right.
978
979 Q: So that's - that's all we're trying to - because you're - you're BWC wasn't
980 working. And - and it would have shown that. You know, but and - and we're
981 asking a lot of you for - to recall right now. But it's important.
982
983 A: Mm-hm.
984
985 Q: So when you originally came on scene you said you saw his knee - Officer
986 Romberger's knee in [REDACTED] neck. Explain that.
987
988 A: Well at o- at one point it was.
989
990 Q: Go ahead and explain where - where you saw that.

991
992 A: Um...
993
994 Q: 'Cause I didn't hear that originally.
995
996 A: Well I know at times he had him on the ground with his knee on his back
997 holding his head or neck in place.
998
999 Q: Mm-hm.
1000
1001 A: Uh, and then [REDACTED] would move around - get squirrely and stuff. And Tim
1002 would slide up - his knee slid up so it was near his neck. Maybe it was on his
1003 shoulder. Maybe it was near his neck.
1004
1005 Q: Did anything seem out of the ordinary in that sense to you? What- the original
1006 contact.
1007
1008 A: At that time no. Because I didn't know if he was handcuffed or not.
1009
1010 Q: Okay.
1011
1012 A: And I think I said that I didn't know if he handcuffed him or not.
1013
1014 Q: When- now back to the - we're back at the car.
1015
1016 A: Mm-hm.
1017
1018 Q: He's pulled [REDACTED] out of the car. [REDACTED] is now on the ground. Officer
1019 Romberger is over him. Did you hear Officer Romberger say anything to him
1020 - to [REDACTED]? Give him instructions?
1021
1022 A: I mean I know he said stuff. But I don't know what he said.
1023
1024 Q: Do you remember hearing him say anything about, uh, being head butt or
1025 attempted to be head butt?
1026
1027 A: I heard something like that. Um...
1028
1029 Q: Expand.
1030
1031 A: ...he said something like, "You tried to head butt me." Or "Don't try to head
1032 butt me." Or...
1033
1034 Q: Okay so he's saying that to [REDACTED]
1035

1036 A: Yes.
1037
1038 Q: All right. Meaning Officer Romberger is saying...
1039
1040 A: Saying that to [REDACTED]
1041
1042 Q: Did you see [REDACTED] actually head butt or attempt to head butt Officer
1043 Romberger?
1044
1045 A: I did not see that.
1046
1047 Q: Okay. So you never saw - their heads did not connect at any time.
1048
1049 A: Not that I saw.
1050
1051 Q: All right.
1052
1053 Q1: Standing where you were standing when Officer Romberg told [REDACTED] to
1054 slide over and then Officer Romberg immediately grabbed [REDACTED] and pulled
1055 him out of the car would you have seen [REDACTED] head butt Romberg?
1056
1057 A: I would think I would - yeah.
1058
1059 Q1: I mean Romberg's in the seated position in the car. Officer's standing outside.
1060
1061 A: Um, [REDACTED] is in the seated.
1062
1063 Q1: I mean [REDACTED].
1064
1065 A: Yeah - yeah.
1066
1067 Q1: ...is in the seated position...
1068
1069 A: Right - right.
1070
1071 Q1: ...in the car. Officer Romberger's standing.
1072
1073 A: Right.
1074
1075 Q1: So if [REDACTED] would head butt him and you're standing right there.
1076
1077 A: If I was looking in that direction I would have saw that yes.
1078
1079 Q1: And you were looking that direction apparently.
1080

1081 A: I..
1082
1083 Q1: As you saw Officer Romberger grab [REDACTED] and pull him out of the car.
1084
1085 A: Right. I did see that. But like I'm saying I'm not trying to be anything. But if I
1086 turn my head to see what the medics were doing - 'cause medics were
1087 arriving. Other officers were arriving. So if I'm turning my head here or here
1088 to lookin - you know - but no I did not see him try to head butt Officer
1089 Romberger.
1090
1091 Q: So you - and then you had custody of [REDACTED]. And you said you - let me -
1092 let me rephrase it. Did you see how [REDACTED] got put back in the vehicle?
1093
1094 A: Um, I th- I think (Timmy) just - and I'm going on recollection. I - I think he
1095 just shoved him back in the car. I - you know...
1096
1097 Q: Did you watch - see it?
1098
1099 A: ...was a SUV.
1100
1101 Q: Or are you guessing at that?
1102
1103 A: Well I think in parts of it - I saw parts of it. I don't know if I saw the whole
1104 thing. I wasn't standing there watching the whole thing. But I saw him put
1105 him back in the car. I don't know how he did it. But I know he - I know
1106 there's pushing and you know that kind of stuff.
1107
1108 Q: Okay that - I need you to articulate that kind of stuff though.
1109
1110 Q1: When you say that you demonstrate...
1111
1112 A: Yeah.
1113
1114 Q1: ...with both hands...
1115
1116 A: I..
1117
1118 Q1: ...as if you're pushing somebody.
1119
1120 A: Right. And I'm s- you know I apologize. I mean, but like I said there's a
1121 hundred things going on by this time.
1122
1123 Q: I understand.
1124
1125 A: Um, so I wasn't - wasn't watching every minute what (Timmy) was doing.

1126
1127 Q: Okay.
1128
1129 A: Um...
1130
1131 Q1: When - when he put him in the car. You're demonstrating when you're talking
1132 - you're demonstrating with both hands.
1133
1134 A: Right I think he...
1135
1136 Q1: As if you're pushing him in the car. And then you said pushing.
1137
1138 A: Right - right.
1139
1140 Q1: Just describe what you saw. Did he gently guide him into the car with both
1141 hands?
1142
1143 A: No I - no there was...
1144
1145 Q1: Did he shove him into the back seat?
1146
1147 A: It was sh- yeah it was more shoving. And pushing than guiding him into the
1148 back seat.
1149
1150 Q1: And what was your impression of him putting him in the back seat? The way -
1151 the way in which Romberger put him back in the car did it appear necessary?
1152 Did it appear unnecessary? Did it appear like Romberger was upset again?
1153
1154 A: By this time I know Officer Romberger was upset. I mean, um, but was he
1155 using way extreme force at that time?
1156
1157 Q1: I'm not - not saying that.
1158
1159 A: Or anything like that?
1160
1161 Q1: What I'm asking - what I'm asking is - you're saying he - he shoved him in
1162 the car.
1163
1164 A: Right.
1165
1166 Q1: And you're demonstrating that as you're talking.
1167
1168 A: Right. Right.
1169
1170 Q1: I don't know if you're consciously know that or not.

1171
1172 A: Yeah.
1173
1174 Q1: But you're demonstrating that as you're talking.
1175
1176 A: Right. No I know I did. I know I said he...
1177
1178 Q1: So - so when he pushes him...
1179
1180 A: ...physically pushed him in.
1181
1182 Q1: ...into the car.
1183
1184 A: Right.
1185
1186 Q1: You're watching it. So from your own perspective is that something that
1187 needed to be done? Would you have pushed the person in the car?
1188
1189 A: I would not have.
1190
1191 Q1: And why not?
1192
1193 A: It's just not my demeanor as an officer.
1194
1195 Q1: But would you do it because it's unnecessary? Would you not do it because
1196 it's unnecessary?
1197
1198 A: Yes. Yes.
1199
1200 Q: In this situation.
1201
1202 A: Yes.
1203
1204 Q1: That situation did it look like it was necessary to shove the guy into the car?
1205
1206 A: Probably not. I mean like I said I wasn't watching everything.
1207
1208 Q1: That's okay.
1209
1210 A: I mean I didn't focus on (Timmy) 100% on the time. Um, like I said the
1211 medics were showing up. The other officers were showing up. Everybody's
1212 asking what we can do. And...
1213
1214 Q1: But when you - but when you see the officer push him into the car you still
1215 have to have an opinion on it.

1216
1217 A: Right. Um...
1218
1219 Q1: And if you're saying...
1220
1221 A1: But opinions can differ...
1222
1223 Q1: Well I understand that.
1224
1225 A1: ...now to then.
1226
1227 Q1: Well I'm talking about...
1228
1229 Q: We're talking about...
1230
1231 A1: Right.
1232
1233 Q1: ...then.
1234
1235 A1: Right, but - but he's thinking about - because we're in here and he's - you're -
1236 you're being questioned over and over on the same topic.
1237
1238 A: Mm-hm.
1239
1240 A1: And you're starting to answer like you're thinking about it now. We need you
1241 to answer how it was then. What was your mindset then?
1242
1243 A: Mindset then with everything goin' on I just thought (Timmy) was pushing
1244 him back into the patrol car. Sliding him over. Making sure - so he had
1245 enough room to put the other guy in.
1246
1247 Q1: Was it rougher than what you would have done?
1248
1249 A: Uh, yeah.
1250
1251 Q: Okay so we have - we've established that. And, um, the fact that he pulled
1252 him out of the car. Which he was upset - Officer Romberger was upset with
1253 then. At some point did you notify acting Sergeant - well let me back up. Did
1254 acting Sergeant [REDACTED] come on scene at some point?
1255
1256 A: Yes, but I - I can't tell you exactly when he came on scene.
1257
1258 Q: No problem.
1259
1260 A: And I don't know if he got there first or the training u- got there first. Um...

1261
1262 Q: What training unit?
1263
1264 A: [REDACTED]
1265
1266 Q: He was a training unit?
1267
1268 A: I think he was a training unit. Maybe he wasn't a training unit.
1269
1270 Q: Not that day.
1271
1272 A: Okay. Maybe he was a (unintelligible) unit or I can't - maybe he was...
1273
1274 Q: Other officers showed up.
1275
1276 A: Yes - yes.
1277
1278 Q: Okay. At some point did you notify the acting sergeant that Officer
1279 Romberger was...
1280
1281 Q1: Did you say anything about Officer Romberger to the acting sergeant about
1282 his demeanor?
1283
1284 A: Um, I probably did. I probably said he was upset. And these guys were
1285 chippin' on him. And that - you know.
1286
1287 Q1: You used the word probably. Do you recall saying something?
1288
1289 A: I remember talking to, uh, Sergeant [REDACTED] I don't know our exact
1290 conversation.
1291
1292 Q1: You don't know your exact words. But you did tell him something about
1293 Officer Romberg being upset in some phrase.
1294
1295 A: Yes.
1296
1297 Q1: But not the exact words.
1298
1299 A: Correct.
1300
1301 Q1: And why would you do that?
1302
1303 A: Um, just to let him know what was going on. I kind of just kind of said, "Hey
1304 here's what's going on." You know when you do - you kind of tell your
1305 sergeant what's going on.

1306
1307 Q1: You just letting the sergeant know that Officer Romberg was a little amped
1308 up?
1309
1310 A: Uh, I don't know if I said he was amped up or anything like that.
1311
1312 Q1: Oh I'm not saying exact words.
1313
1314 A: But yeah - yeah I know you're not saying...
1315
1316 Q1: But it sounds like you were trying to convey that "Hey sarg - he's a little..."
1317
1318 A: That this - yeah that this whole thing...
1319
1320 Q1: "...upset."
1321
1322 A: ...you know kind of what led up to everything. I was - you know giving a
1323 synopsis of what - what had happened so far.
1324
1325 Q: Was this just a briefing or were you notifying him that Tim is amped?
1326
1327 A: Well I think he could see Tim was amped.
1328
1329 Q: That's - that's not what I'm asking you.
1330
1331 A: Um...
1332
1333 Q1: Were you - were you concerned about how Tim was - or Officer Romberg...
1334
1335 A: His demeanor?
1336
1337 Q1: ...his demeanor. How he was acting. He seemed upset.
1338
1339 A: Yeah - yeah.
1340
1341 Q1: Were you concerned about it?
1342
1343 A: To be ho- yes.
1344
1345 Q1: And why were you concerned about the officer - Officer Romberg being upset
1346 and acting the way that he was acting?
1347
1348 A: Uh, like I said it's not my demeanor as an officer to act like that. And I
1349 thought it was just a little bit much.
1350

1351 Q1: You think he was a little out of control maybe?
1352
1353 A: Uh, yeah.
1354
1355 Q1: Is that why you told the sergeant so he would know how the officer was
1356 acting?
1357
1358 A: Yeah - I...
1359
1360 Q1: It's his responsibility to (unintelligible).
1361
1362 A: ...but I don't know - I don't know if I told, uh, Sergeant [REDACTED] in that
1363 fashion or not. I mean...
1364
1365 Q1: Yeah the words I don't know.
1366
1367 A: I didn't walk up and say "Hey I'm officially notifying you that" you know it's
1368 just I mean...
1369
1370 Q1: I'm gonna back up one second while he's getting the tape there too. When
1371 Officer Romberger is holding the guy on the ground you said you recalled him
1372 saying something about a head butt.
1373
1374 A: Yeah.
1375
1376 Q1: Do you remember...
1377
1378 A: That you said that it - it clicked in my head that you - "Why'd you try to head
1379 butt me?" Or "Don't try to head butt me." Or - I do recall that.
1380
1381 Q1: Do you remember Officer Romberg saying anything rude or threatening to
1382 [REDACTED] while he was on the ground?
1383
1384 A: I don't recall that.
1385
1386 Q1: I'm gonna - I'm gonna...
1387
1388 A: But I - I do remember the head butt part.
1389
1390 Q1: I'm gonna give you a - a - a statement. Do you remember anything the same
1391 or similar to - from Officer Romberg - saying "If you try to head butt me
1392 again I'm going to smash your face in my car."
1393
1394 A: I don't recall that.
1395

1396 Q1: Don't recall anything like that.
1397
1398 A: No. I remember the head butting stuff, but I don't recall him saying "I'm
1399 gonna smash your..."
1400
1401 Q1: You don't recall him saying that he's gonna smash the guy's face in the car.
1402
1403 A: I don't recall that.
1404
1405 Q: Did you have more that you wanted...
1406
1407 Q1: When Officer Romberg shoved [REDACTED] back into the car did you see [REDACTED]
1408 offer any resistance to getting back into the car?
1409
1410 A: I don't even think I could see that part. I remember at one time he was kicking
1411 or...
1412
1413 Q1: Well that was...
1414
1415 A: Yeah.
1416
1417 Q1: ...on the way out.
1418
1419 A: Yes. But I - I don't know if I had a view of that or not.
1420
1421 Q: Okay. So what - what I was asking you about was did you notify the acting
1422 sergeant of your concerns about Officer Romberger or something along those
1423 lines? And you said you couldn't remember...
1424
1425 A: Right. I...
1426
1427 Q: ...exactly what wording you used.
1428
1429 A: ...I - I told [REDACTED] that you know that I can't - I don't know my exact words.
1430
1431 Q: No problem.
1432
1433 A: But I did.
1434
1435 Q: What I'm gonna show you is, uh, some BWC from acting Sergeant
1436 [REDACTED] And just to clarify the verbiage that you used.
1437
1438 A: Okay.
1439
1440 ((RECORDING))

1441
1442 Man: Where's she at?
1443
1444 Man: She's around here (unintelligible). I see her standing around. She falls
1445 (unintelligible). Tim's about ready to (unintelligible).
1446
1447 Man: I know.
1448
1449 Q: It happens very fast right there.
1450
1451 Man: (Cover) head first.
1452
1453 Man: Tim's about ready to (unintelligible).
1454
1455 Man: I know.
1456
1457 Man: (Cover her first).
1458
1459 ((END RECORDING))
1460
1461 A: I don't know what I said. Or...
1462
1463 Q: Do you remember that exchange?
1464
1465 A: I remember talking to [REDACTED] yes.
1466
1467 Q: Okay.
1468
1469 A: But I - I don't know what I said right there.
1470
1471 Q: Was - as you remember this - this incident was that the point that you told the
1472 acting sergeant that Tim was - was amped up or however it was worded in
1473 there that little inaudible?
1474
1475 A: At one time I - I did say something. But I don't know if it was there or when it
1476 was.
1477
1478 Q: Okay. Is- so is it possible that you and he had or did you and he have a
1479 conversation after the event about Officer Romberger?
1480
1481 A: I know we talked - I just - I don't remember what we talked about. I know we
1482 talked and...
1483
1484 Q: Was it during or was it at some later point though?
1485

1486 A: Uh, I know I talked to him after the event and stuff. And just kind of told him
1487 what happened. And I'm - I...
1488
1489 Q: Do you remember that conversation?
1490
1491 A: Yeah. Well I - little - bits and pieces of it.
1492
1493 Q: Okay.
1494
1495 A: And I think I said you know "(Timmy) was just" - you know - I don't know if
1496 I used out of control or what. But I know I led - led him to believe that I
1497 probably thought it was inappropriate or excessive. Or whatever you guys...
1498
1499 Q: No it's what you...
1500
1501 A: Yeah well what it - you know what - what I saw was that's like I said - that's
1502 not my demeanor in policing. So, um...
1503
1504 Q1: You disagreed with what you saw thinking that Officer Romberg and we don't
1505 know what the words were - you said out of control. But...
1506
1507 A: Right.
1508
1509 Q1: ...you disagreed with those actions. You thought he was a little rough. And
1510 you...
1511
1512 A: Correct.
1513
1514 Q1: ...reported that at some point in time. You talked to the acting sergeant.
1515
1516 A: Sergeant [REDACTED]
1517
1518 Q1: You let him know your feelings.
1519
1520 A: Correct.
1521
1522 Q1: About how Officer Romberg treated the 10-16 [REDACTED]
1523
1524 A: Correct.
1525
1526 Q: That discussion was more than just happened right here. The - the one you're
1527 talking about where you had discussion about Officer Romberger this isn't the
1528 one where - that you...
1529
1530 A: I - I don't know what point I talked to him.

1531
1532 A1: Could - I mean we watched this twice already. What - what is - I can't hear
1533 what's been said. Do you know what you said there?
1534
1535 A: I can't remember what I said there.
1536
1537 Q: Okay.
1538
1539 A: But - go ahead.
1540
1541 Q1: When - when - just backing up a little - when Officer Romberg shoved
1542 [REDACTED] back into the car he was upset. He shoved him pretty hard into the car
1543 basically what you said. Did you see Officer Romberg do anything else other
1544 than shove [REDACTED] into the car?
1545
1546 A: I don't recall seeing him - you know.
1547
1548 Q1: You recall him doing anything else to [REDACTED] ?
1549
1550 A: No. One time like I told you he had his hands around his neck.
1551
1552 Q1: Right.
1553
1554 A: I don't know if it was pulling him out or putting him in or what.
1555
1556 Q1: But when he shoved him in the car. When he pushed him back into the car for
1557 the last time. After he picked him up off the ground....
1558
1559 A: Mm-hm.
1560
1561 Q1: ...somehow he shoved him into the car.
1562
1563 A: Did I see him do anything else?
1564
1565 Q1: Did you see him do anything else?
1566
1567 A: No.
1568
1569 Q1: You recall if Officer Romberg kicked [REDACTED] ?
1570
1571 A: I didn't see him kick him.
1572
1573 Q1: You didn't - you don't see him kick him.
1574
1575 A: No I know at one time I believe he was pepper sprayed. But I - I was with the

1576 medics at that time I believe.
1577
1578 Q1: But you didn't - you didn't - you don't recall or you didn't see Officer
1579 Romberg kick [REDACTED] while he was in the back of the car.
1580
1581 A: I don't recall him kicking him no.
1582
1583 Q: Anything else on that?
1584
1585 Q1: Yeah I don't think so.
1586
1587 Q: So you said you don't remember how he was put back in the car.
1588
1589 A: Mm-hm.
1590
1591 Q: Um - um, I'm gonna move on from that. Uh...
1592
1593 Q1: Do you - do you remember when [REDACTED] was in the back of the car before
1594 Romberg pulled him out he asked him to slide over. And this whole event
1595 kind of started.
1596
1597 A: Mm-hm.
1598
1599 Q1: Do you remember [REDACTED] demeanor? He was sitting in the car handcuffed.
1600
1601 A: Yeah I mean it was nothing that I thought was - you know crazy or anything
1602 like that. He'd been chipping at (Timmy) the whole time and, um, just you
1603 know not - kind of goin' what (Timmy) was saying and that kind of stuff.
1604 Kind of chippin away at (Timmy) the whole time. But...
1605
1606 Q1: You don't remember him doing anything crazy, out of control, screaming,
1607 yelling?
1608
1609 A: Uh, he might have been yelling in the back seat. But, um, nothing that I...
1610
1611 Q1: Do you remember if he - do you remember if he was laughing?
1612
1613 A: I think he was laughing now that you mention it. I think he was laughing. And
1614 kind of mocking him.
1615
1616 Q1: Did you see him do any other behavior than laughing?
1617
1618 A: No.
1619
1620 Q: Okay. Did you speak with a reporting party for this whole thing?

1621
1622 A: No I don't - I - I think, uh, Officer [REDACTED] talked to most the witnesses.
1623
1624 Q: Okay. Do you know if anybody talked to the RP?
1625
1626 A: I don't know.
1627
1628 Q: You wrote the crime case on this.
1629
1630 A: Mm-hm.
1631
1632 Q: Did you talk to any civilian witnesses?
1633
1634 A: No.
1635
1636 Q: When you guys were all in the parking lot aside from the paramedics that
1637 were there that were off dealing with [REDACTED] do- were there any ser- other
1638 civilian witnesses?
1639
1640 A: There was a few yeah.
1641
1642 Q: Do you know if they were contacted?
1643
1644 A: I know a - a - a Officer [REDACTED] took a couple witness statements.
1645
1646 Q: Do know if it was...
1647
1648 A: I think I documented it in my report.
1649
1650 Q: Okay did he - did we talk with everybody that was witness to the events in the
1651 parking lot?
1652
1653 A: I don't know.
1654
1655 Q: To your knowledge.
1656
1657 A: I - I don't know.
1658
1659 Q: Okay.
1660
1661 A: Yeah it says Officer [REDACTED] - for witness statements.
1662
1663 Q: Okay. I wanna clarify some things in your report here. If you can look at, um -
1664 um, the top sheet on - under MO information. And this is just simply for
1665 clarification here. Um, why am I not seeing it?

1666
1667 Q1: It's right here.
1668
1669 Q: Oh you've got noted that, uh, the cash register drawer was the target. Was that
1670 an error?
1671
1672 A: Yes.
1673
1674 Q: All right. So I - I wanna talk about the BWC quickly here or get to that point.
1675 While you were en route to the call, uh, did you activate your BWC?
1676
1677 A: No.
1678
1679 Q: Explain what happened.
1680
1681 A: Um, I was en route to the call. Um, it was a big nothing like I said. (Timmy)
1682 didn't say it was 97. Next thing I heard was cover now. Um, normally I
1683 double tap it and go. I flick my sir- lights and sirens on. Um, I don't recall
1684 whether I tried to activate it or not, but it wasn't on.
1685
1686 Q: Okay. Was this your first call of that day?
1687
1688 A: Yes.
1689
1690 Q: What's your - or - what's your normal routine in terms of - there's two modes
1691 for the BWC...
1692
1693 A: Mm-hm.
1694
1695 Q: ...buffering and event mode.
1696
1697 A: Right.
1698
1699 Q: What's your normal routine in terms of when you go 10-8?
1700
1701 A: Usually I just turn it on. Yeah.
1702
1703 Q: Meaning put it in buffer?
1704
1705 A: Right.
1706
1707 Q: Okay. This day do you know if you did that or not?
1708
1709 A: I don't recall.
1710

1711 Q: All right. At some point, um - well let me back up. Did you- should this have -
1712 sh- should your BWC have been on in this - this call? Did you an- anticipate it
1713 being an enforcement...
1714
1715 A: Yes.
1716
1717 Q: ...excuse me an enforcement call?
1718
1719 A: Yes.
1720
1721 Q: All right. You just don't know whether you double tapped it.
1722
1723 A: Correct.
1724
1725 Q: And put it in event mode or not. When did you noti- or realize that you're, uh
1726 - your BWC wasn't recording?
1727
1728 A: Um, I asked Tim if his was recording I think. I think I asked him if he was
1729 recording. And I think he said it was. Or his camera fell off or something like
1730 that. And, uh, once I handcuffed my 10-16 I - like normal shut off my BWC
1731 so I wouldn't have even a had it on after I handcuffed him. 'Cause usually
1732 after I handcuff him, uh, it goes into the - your name and all that kind of stuff.
1733 And gathering the information and going from there. So normally even after I
1734 handcuffed him I probably would have shut it off.
1735
1736 Q: But did you notice that it wasn't on?
1737
1738 A: I don't recall whether I did or didn't.
1739
1740 Q: Okay.
1741
1742 A: I know one time I knew it wasn't on. But it was - you know after the fact.
1743 After pretty much everything was over.
1744
1745 Q: Did you notify your sergeant or a sergeant?
1746
1747 A: That I didn't have my camera on?
1748
1749 Q: Yes.
1750
1751 A: I think so. I don't know if I did or didn't or put it in report or - but I knew it
1752 wasn't on.
1753
1754 Q: Okay.
1755

1756 Q1: Was your BWC operable?
1757
1758 A: Was it operable that day?
1759
1760 Q1: Yes.
1761
1762 A: I would assume so.
1763
1764 Q1: So - so it didn't not work. It just wasn't...
1765
1766 A: Right.
1767
1768 Q1: ...turned on.
1769
1770 A: I didn't turn it on. Yep.
1771
1772 Q: It's gonna take a second to cue this up so if you have other questions or -
1773 there's a point at which you talk with the acting sergeant about...
1774
1775 A: Mm-hm.
1776
1777 Q: ...BWC. I just wanna...
1778
1779 A: Mm-hm.
1780
1781 Q: ...get the gist of what this is about.
1782
1783 A1: Before we watch that do you recall talking to him about your BWC?
1784
1785 A: I probably - I - I probably said I didn't have it on.
1786
1787 A1: I didn't ask you that.
1788
1789 A: Yeah.
1790
1791 A1: Do you recall the conversation though before we watch it?
1792
1793 A: No.
1794
1795 A1: Okay.
1796
1797 Q1: You said you - you said you talked to a supervisor...
1798
1799 A: Right.
1800

1801 Q1: ...not being on.
1802
1803 A: Right.
1804
1805 Q1: So you do recall doing that?
1806
1807 A: Well I talked to Sergeant [REDACTED] Whether I talk about the BWC being on
1808 or off I don't know if I talked to him whether it was on or off.
1809
1810 Q1: Okay.
1811
1812 A: I don't recall that. I mean...
1813
1814 Q1: It - the BWC...
1815
1816 A: ...after I watch the video yeah I'll be able to tell - say...
1817
1818 Q1: The BWC actually kind of has three modes.
1819
1820 A: Okay.
1821
1822 Q1: 'Cause it has off...
1823
1824 A: Right.
1825
1826 Q1: ...buffering and event.
1827
1828 A: Okay.
1829
1830 Q1: Do you remember if your BWC was off or on buffering.
1831
1832 A: I think mine was just completely off. I don't - I don't recall. I mean it's been a
1833 long time since that happened. I don't know whether I had it in a buffering
1834 position or it was just completely off.
1835
1836 Q1: If it was off and you forgot to put it on buffering 'cause you said you thought
1837 you might have tried to turn it on - if it was off...
1838
1839 A: It wouldn't have turned on.
1840
1841 Q1: ...and you forgot to put it in buffering and you tapped it would it record?
1842
1843 A: If it was off? No.
1844
1845 Q1: Okay so is there a possibility it was off?

1846
1847 A: Yes.
1848
1849 Q1: If you're saying you tried to turn it on.
1850
1851 A: Yes.
1852
1853 Q1: 'Cause you are saying it was operable. It did work.
1854
1855 A: Yes. Yes.
1856
1857 Q1: Is there any reason that you didn't have it in buffering?
1858
1859 A: Just first call of the day. I mean I think - it - it was a big - nothing call that was
1860 supposed to be a big nothing call. Just two drunk teenagers in there. I was
1861 going to it just - you know not a big deal. And then all of a sudden it turned
1862 into a cover now. So I think I just double tapped it - threw my lights and sirens
1863 on and it - it was never even on.
1864
1865 Q1: What's your - what's your standard practice for going into the field? When -
1866 when do you first turn your camera on to buffering on an average day?
1867
1868 A: Well usually - I mean I've been on 18 years. These are new to me. I'm not
1869 used to 'em. Um, and a lot of times I forget to put it in the buffering mode. I
1870 mean sometimes I'll look down I'll go "Oh okay I gotta turn it on." I just -
1871 so...
1872
1873 Q1: So you don't have a standard practice where...
1874
1875 A: I don't.
1876
1877 Q1: ...as you drive out the gate you put it in buffering.
1878
1879 A: I don't.
1880
1881 Q1: Or as you...
1882
1883 A: No.
1884
1885 Q1: ...load your bag you put it in buffering.
1886
1887 A: No.
1888
1889 Q1: So as you just said a lot of times you forget to put it in buffering.
1890

1891 A: Correct.
1892
1893 Q1: So if you forget to put it in buffering and then you try to double tap the
1894 camera it's not going to work.
1895
1896 A: That is correct.
1897
1898 Q1: And that's what you're assuming happened here.
1899
1900 A: Exactly.
1901
1902 Q: So I'm gonna show a video here. This is, um, Officer [REDACTED], um,
1903 BWC. You're gonna come up to him and talk with him. What's the - and
1904 we've already esta- you already said that you don't remember a discussion,
1905 um, in your recollection about the BWC's but it's clear you do say something
1906 to him here.
1907
1908 A: I think I just didn't turn it on.
1909
1910 ((RECORDING))
1911
1912 Man: My camera's (unintelligible) on.
1913
1914 Man: (Unintelligible).
1915
1916 ((END RECORDING))
1917
1918 Q: And so again, you didn't remember that before...
1919
1920 A: Mm-hm.
1921
1922 Q: ...I just showed you that now.
1923
1924 A: No.
1925
1926 Q: But as you see that - this is something you did.
1927
1928 A: Right.
1929
1930 Q: So as you see that are you notifying him?
1931
1932 A: Yes.
1933
1934 Q: On it - on what...
1935

1936 A: Yes told him my camera wasn't on.
1937
1938 Q: Okay. Did he give you any kind of instructions as to what to do at - you - you
1939 say you had a conversation with them later. Did he tell you to note it in your
1940 journal? Note it on the case or anything about that? That you recall?
1941
1942 A: I don't recall that.
1943
1944 Q: Okay. Were you injured in - in the arrest or the event at all?
1945
1946 A: No.
1947
1948 Q: Do you know if any officers were?
1949
1950 A: Um, I think (Timmy) might have said he hurt his hand or something like that.
1951 I...
1952
1953 Q: Do you know if he had to have any - any kind of, uh, medical treatment for it?
1954
1955 A: No I don't think so.
1956
1957 Q: Okay. Do you know if the suspects were injured in this?
1958
1959 A: My guy had a cut lip.
1960
1961 Q: How was that handled?
1962
1963 A: Uh, he refused medics.
1964
1965 Q: Okay. So he was offered...
1966
1967 A: Yes.
1968
1969 Q: ...medics. Do you know who offered medics? Or was it just some - a police
1970 officer offered medics?
1971
1972 A: I - I don't recall who. But I know he declined medics.
1973
1974 Q: Okay. All right. You had mentioned, um, you did a follow-up at the hospital
1975 to bring the phone back to [REDACTED]
1976
1977 A: Mm-hm.
1978
1979 Q: And you talked with her mom. Did you get her status? Did the - did the
1980 hospital say what her condition was?

1981
1982 A: Um, I don't think I talked to a doctor at that time. Um, I don't even think I got
1983 her status or anything like that. I just had her phone and gave the phone to her
1984 mom and...
1985
1986 Q: Okay. Do we know what - what her role in this whole thing was? Do we ever
1987 find out whether she was an associate with these two or was she a victim of -
1988 you know something - do we know her role?
1989
1990 A: No I - I went to the hospital. Talked to the mom for a brief time. Um, mom
1991 said something about her be- leaving the house at night or not coming home.
1992 Or something like that. But nothing really further. Anything like that. Um...
1993
1994 Q: Did you tell the acting sergeant about the fol- the hospital follow-up or the
1995 meeting with mom.
1996
1997 A: I don't recall if I did or not.
1998
1999 Q: Okay.
2000
2001 A: I mean basically a janitor or somebody walked up and said, "Hey I think this
2002 is the girl's phone. Um, she fell - hit her head and medics took her." I never
2003 talked to her. I don't think anybody ever talked to her. And I did- I don't even
2004 think I talked to her at the hospital.
2005
2006 Q: Did you get the guy's name the - the janitor or whoever he was?
2007
2008 A: No.
2009
2010 Q: What'd he look like?
2011
2012 A: I don't even recall.
2013
2014 Q: Okay. But he was an employee.
2015
2016 A: I think he said he was a maintenance man.
2017
2018 Q: At the rec center?
2019
2020 A: Yeah and the phone was all shattered.
2021
2022 Q: All right. So was [REDACTED] injured at all to your knowledge?
2023
2024 A: Not to my knowledge.
2025

2026 Q: So [REDACTED] - the only injury for suspects was [REDACTED] lip from the car.
2027
2028 A: Yes.
2029
2030 Q: All right.
2031
2032 Q1: Back the BWC. Should your BWC have been on in that incident?
2033
2034 A: Yes. I mean...
2035
2036 Q1: And when you talk to the acting sergeant about Officer Romberg's use of
2037 force and his demeanor...
2038
2039 A: Mm-hm.
2040
2041 Q1: ...you thought he was a little out of control. What was the purpose of talking
2042 to the acting sergeant and telling him that information?
2043
2044 A: Um, I just kind a wanted him to be aware what happened. I don't know if I
2045 used out of control. I don't know if I used that word. Maybe I did. I don't
2046 know if I used out of control. I don't think I used excessive. I don't know
2047 what I used, but I did tell him that "Hey you know I think things got out a li-
2048 out of hand." Maybe I used that. Maybe I used out of control. I don't recall.
2049
2050 Q1: And what did you mean by out of hand?
2051
2052 A: Um...
2053
2054 Q1: I know you're - you said - I guess in a nut shell you're concerned about
2055 Officer Romberg, his attitude and the force that he was using on [REDACTED]
2056
2057 A: Correct.
2058
2059 Q1: So in a nutshell just your own words what were you trying to convey to the
2060 acting sergeant? Why was it important to you to tell the acting sergeant to tell
2061 this information about the force and the attitude of Officer Romberg?
2062
2063 A: Well not only [REDACTED] I think al- office- you said [REDACTED] but I think it was
2064 both of them.
2065
2066 Q1: Okay.
2067
2068 A: Uh, [REDACTED] or - is that his name?
2069
2070 Q: [REDACTED]

2071
2072 A: [REDACTED]. Him also, um, I was just letting, uh, [REDACTED] know that - you know
2073 this you know got out of hand or out of control. Or just tryin'- just - you know
2074 - let him know that I felt that...
2075
2076 A1: So in your own - in your - if I can interject a question.
2077
2078 Q1: You basically - you basically said that there was force used that concerned
2079 you.
2080
2081 A: Correct.
2082
2083 Q1: And that you wouldn't have used it.
2084
2085 A: Correct.
2086
2087 Q1: And you were concerned enough that you told the acting sergeant about that.
2088
2089 A: Correct.
2090
2091 Q1: Is that because you were trying to inform the acting sergeant of the situation
2092 of what occurred?
2093
2094 A: Yes.
2095
2096 Q1: And that you were concerned with...
2097
2098 A: Correct.
2099
2100 Q1: ...the demeanor of Officer Romberg and the force that Officer Romberg used
2101 with these 10-16's?
2102
2103 A: Yes sir.
2104
2105 Q1: You saw things that you disagreed with.
2106
2107 A: Yes sir.
2108
2109 Q1: And you wanted to notify the acting sergeant so that he would have that
2110 information.
2111
2112 A: Correct.
2113
2114 Q: When - when did that discussion happen?
2115

2116 A: Um, it was later on I think. Um, I think we were...
2117
2118 Q: Later on in the day?
2119
2120 A: ...I - no I think we were - well I talked to him later that day and I know I said
2121 something then. But I think in the parking lot at some time I think I might
2122 have said something to him.
2123
2124 Q: Okay.
2125
2126 A: And then I think, um, later day - later that day I don't know if it's 10-17 or
2127 something like that that I might have said something.
2128
2129 Q: Okay.
2130
2131 A: You know before there was even...
2132
2133 A1: Do we know what was said? The part that you played. Did we slow it down to
2134 know what was said? 'Cause he...
2135
2136 Q: He says my camera...
2137
2138 A: No he says - I think you're talking about the other part.
2139
2140 Q: Is that what you're talking about?
2141
2142 A1: No prior to that. When he says something to him. You asked him if that's
2143 when he was telling him - notifying him about the behavior.
2144
2145 Q: So are you asking before that?
2146
2147 A1: Yeah.
2148
2149 Q: I can back it up and show it to you.
2150
2151 Q1: The - the - the one statement that he makes.
2152
2153 A1: Yeah 'cause we've played it a couple times and I can't understand it. Can you
2154 guys?
2155
2156 Q1: It's very hard to hear. It sound like he says...
2157
2158 A: Is she still holding the gun?
2159
2160 Q1: ...something like Officer Romberg is spun up.

2161
2162 Q: Yes. Yes.
2163
2164 Q1: Or officer - something like that.
2165
2166 ((RECORDING))
2167
2168 Man: Okay I don't know who the fuck - eh- can I get his bad- can I get his badge.
2169 I'm not - on the (unintelligible).
2170
2171 Man: My camera (unintelligible).
2172
2173 Man: (Unintelligible).
2174
2175 Q: I think it sounds like my camera's not on.
2176
2177 A: No I say my camera's not going. He goes "Oh it's all right." You were
2178 referring to the other part.
2179
2180 A1: I was referring to the other part.
2181
2182 A: Yeah he...
2183
2184 Q: I'm sorry.
2185
2186 A: You know I don't remember. I remember he just started flailing. Like I'm
2187 gonna (unintelligible).
2188
2189 Q: Whi - which part?
2190
2191 A1: The first part.
2192
2193 A: The first part.
2194
2195 Q1: When he walked by the acting sergeant and tells him.
2196
2197 Q: Oh.
2198
2199 Q1: His concerns about Officer Romberg.
2200
2201 Q: Yes okay.
2202
2203 ((RECORDING))
2204
2205 Man: No - no - fuck that man.

2206
2207 Man: I know.
2208
2209 A1: Just before that.
2210
2211 Q: Yep.
2212
2213 A: 'Cause right - basically I'm giving him the synopsis of what's...
2214
2215 Man: Tim's about ready to...
2216
2217 Man: I know. (Unintelligible).
2218
2219 ((END RECORDING))
2220
2221 A1: Sounds like, "Tim's about ready to" and he said, "I know."
2222
2223 A: Yeah.
2224
2225 A1: That's all I heard.
2226
2227 Q1: Yeah.
2228
2229 A: I think I said...
2230
2231 Q1: Sounded like he interrupts you. It's hard to hear.
2232
2233 A: ...outraged or...
2234
2235 A1: Yeah.
2236
2237 A: ...something like that. Yeah.
2238
2239 A1: All right. You don't remember by watching this what he said? Okay.
2240
2241 Q1: Your exact word?
2242
2243 A: I don't remember my exact words.
2244
2245 ((RECORDING))
2246
2247 Man: (Unintelligible).
2248
2249 Man: Tim's about ready to...
2250

2251 Man: I know.
2252
2253 Man: Cover head first.
2254
2255 ((END RECORDING))
2256
2257 Q: The tail end of it is a little inaudible.
2258
2259 A: Mm-hm.
2260
2261 Q: But it's "Tim's about ready to..."
2262
2263 A: Yeah.
2264
2265 A1: Something.
2266
2267 Q: And then something inaudible.
2268
2269 A1: Yeah.
2270
2271 Q: And - and this is not the conversation that you're referring to.
2272
2273 A: No.
2274
2275 Q: (Unintelligible).
2276
2277 A: No.
2278
2279 Q: Okay it's another conversation.
2280
2281 A: Yeah.
2282
2283 Q: Okay. All right. You said at some point [REDACTED] was pepper sprayed OC
2284 sprayed.
2285
2286 A: I never saw any of that.
2287
2288 Q: Did you learn about it?
2289
2290 A: Yes.
2291
2292 Q: How did you hear about it or - how'd you find out about it.
2293
2294 A: I think Sergeant [REDACTED] said he - Tim pepper sprayed him. And then I
2295 think I talked to Tim. And for some reason I think I said, "Hey the medics are

2296 here we wanna get water or something like that.”
2297
2298 Q: What did Tim - Officer Romberger say?
2299
2300 A: I don't recall. I just remember saying like, “Hey pepper spray - medics are
2301 here - we have water - get some water or...”
2302
2303 Q: So you didn't witness any of the pepper spray?
2304
2305 A: No. Uh-uh. Mm-mm. I think I was over a - with the girl.
2306
2307 Q: Okay.
2308
2309 Q1: Did you see Officer Romberger give [REDACTED] any treatment for the OC spray?
2310
2311 A: I didn't see him get - no.
2312
2313 Q1: Did you see anybody else get [REDACTED] any treatment for the OC spray?
2314
2315 A: Not that I recall no.
2316
2317 Q1: Did you go to headquarters with this whole...
2318
2319 A: No I..
2320
2321 Q1: ...incident?
2322
2323 A: ...didn't. I was writing my report. The maintenance guy came up gave me the
2324 phone. I went to the hospital. Got the phone - finished the report. I think I met
2325 up with, uh, Sergeant [REDACTED] and..
2326
2327 Q: Who took [REDACTED]
2328
2329 A: Um, who took [REDACTED]
2330
2331 Q: To your knowledge. If you don't know that's fine.
2332
2333 A: I don't recall. I think [REDACTED] took [REDACTED].
2334
2335 Q: [REDACTED]
2336
2337 A: [REDACTED] Yeah.
2338
2339 Q: Okay so - so, uh, [REDACTED] takes [REDACTED]. Somebody takes [REDACTED] Um,
2340 and you stayed in the parking lot after everyone left writing the report.

2341
2342 A: Mm-hm.
2343
2344 Q: That's when the maintenance man...
2345
2346 A: Well not even in the parking lot. I drove down - there's some baseball fields
2347 down below.
2348
2349 Q: Okay.
2350
2351 A: Yeah.
2352
2353 Q: But that - you're still in the park itself.
2354
2355 A: Yeah - yeah.
2356
2357 Q: ...and somebody came up to you.
2358
2359 A: Mm-hm. Mm-hm.
2360
2361 Q: Okay.
2362
2363 A: Yeah.
2364
2365 Q: Uh, you had mentioned the, um - the ride along. She's a ride along with who?
2366
2367 A: Tim. Officer Romberger.
2368
2369 Q: Do you know how she came into contact with his gun?
2370
2371 A: Uh, (Timmy) told me that - why they were wrestling around it came out. And
2372 I don't know if sh- he told her to pick it up or, um, she...
2373
2374 Q: But you don't - you didn't see...
2375
2376 A: No.
2377
2378 Q: ...how she came in contact.
2379
2380 A: No - no. She - when I got there she already had the gun in her hand. She
2381 walkin around like this the whole time just flat palmed.
2382
2383 Q: Okay. Did - where was she in - when - when you first noticed she was holding
2384 a handgun where was she in relation to Officer Romberger?
2385

2386 A: 10 - 15 feet away.
2387
2388 Q: Was the scene code 4 at that point?
2389
2390 A: No.
2391
2392 Q: Meaning was...
2393
2394 A: No 'cause I - when I - as I was coming up I could see her. I could see him on
2395 the ground with the other guy and the other, uh, [REDACTED] sitting there.
2396
2397 Q: Okay. So once you guys finally get 'em both handcuffed she's still standing
2398 about 10 feet away holding the gun. Is that correct?
2399
2400 A: Yeah and I mean she was walking around and moving around and that kind of
2401 stuff. But yeah.
2402
2403 Q: Could - could officer Romberger at that point have - was the scene code 4
2404 enough to where he could have retrieved that from the ride along and re-
2405 secured it?
2406
2407 A: Um, I don't thi- I wouldn't have done that until a- probably after I put him in
2408 the car or something like that. I mean 'cause he still was kind of being
2409 squirrely.
2410
2411 Q: Did it concern you - or did it seem odd that a ride along was walking around
2412 with an officer's handgun?
2413
2414 A: Yeah.
2415
2416 Q: Did you ever have a conversation with him about that?
2417
2418 Q1: Why - why did it concern you?
2419
2420 A: Um, I mean she's not trained in weaponry or anything like that. So I mean
2421 anybody could have took the gun from her. I mean, uh...
2422
2423 Q: Do you know their relationship - Officer Romberger and - and, uh, the ride
2424 alongs? Are they friends?
2425
2426 A: Uh, I think they're friends yeah. This wasn't her first ride along.
2427
2428 Q: Do you know - do you know if she shoots or has any kind of knowledge in
2429 handguns?
2430

2431 A: I have no idea.
2432
2433 Q: Okay. All right. So you said it concerns you that the ride along has it.
2434
2435 A: Well anybody could take it away from her. I mean when he had [REDACTED] on the
2436 ground before I got there [REDACTED] could a ran over and grabbed the gun from
2437 her easily at any point.
2438
2439 Q: Okay.
2440
2441 Q1: Did you hear Officer Romberg instruct her to secure the gun in any fashion?
2442
2443 A: I don't recall that. I don't know if he did or not.
2444
2445 Q1: Do you remember if he asked her to place it in the police car?
2446
2447 A: I don't know - I don't recall.
2448
2449 Q1: Did Officer Romberg instruct any other officers that were on scene to go
2450 secure the gun from the civilian?
2451
2452 A: He never asked me I know that. I don't recall that he did. But I wasn't around
2453 him if - there were...
2454
2455 Q1: But you don't recall him asking any other officers...
2456
2457 A: No.
2458
2459 Q1: ...to go get the gun.
2460
2461 A: No.
2462
2463 Q1: He didn't ask you.
2464
2465 A: No.
2466
2467 Q1: You don't recall him saying...
2468
2469 A: Go get the gun.
2470
2471 Q1: ...to the civilian to secure it.
2472
2473 A: Right. No.
2474
2475 Q1: Okay.

2476
2477 Q: Anything else?
2478
2479 Q1: Not at...
2480
2481 Q: No all right. Anything you wanna add?
2482
2483 Q1: I got a couple questions. I'm sorry.
2484
2485 Q: Oh - that's - that's fine.
2486
2487 Q1: Um, back to the OC. You did tell Officer Romberg that the medics were there.
2488 You mentioned to him that they had water. And he could...
2489
2490 A: I remember saying something at the back of the patrol car.
2491
2492 Q1: ...treat [REDACTED]
2493
2494 A: Something like that yes.
2495
2496 Q1: Okay. But you don't recall him doing it?
2497
2498 A: No.
2499
2500 Q1: Did any of the 10-16's on scene ask for anyone's ID numbers?
2501
2502 A: Yes, but I can't remember which one did. I - I heard it. I wasn't directly
2503 talking with them. But I did hear 'em say that.
2504
2505 Q1: Did you hear the - the officers reply?
2506
2507 A: At that time no. I didn't hear anybody reply to him. He - I think...
2508
2509 Q1: Did you not...
2510
2511 A: ...he was sitting down on the ground.
2512
2513 Q1: Did you hear an officer give them their ID number and name?
2514
2515 A: I didn't - no.
2516
2517 Q1: You don't recall what the officer said back in response to the 10-16 asking for
2518 the ID number? Did the 10-16's ask you?
2519
2520 A: Nobody asked me directly for their ID number no.

2521
2522 Q1: You just heard them asking.
2523
2524 A: Yes.
2525
2526 Q1: The - one of the other officers.
2527
2528 A: And...
2529
2530 Q1: So the 10-16 I think it was [REDACTED] sitting on the ground.
2531
2532 A: Yes.
2533
2534 Q1: He asked one of the - you heard him ask one of the officers for their ID.
2535
2536 A: Yeah I don't know if it was - I - I felt that at the time when I heard it I don't
2537 know if I was looking at him or what. I thought he wanted (Timmy)'s.
2538
2539 Q1: But they're talking to somebody else not you.
2540
2541 A: Yes - yes.
2542
2543 Q1: But you don't recall what the officers replied?
2544
2545 A: No. And I don't even know which officer I was talking to. Don't know if it
2546 was [REDACTED] or [REDACTED] or...
2547
2548 Q: Which officer you were talking to or...
2549
2550 A: No he was talking to.
2551
2552 Q: ...he okay.
2553
2554 A: Yes.
2555
2556 Q1: Nothing further.
2557
2558 Q: Anything you wanna add?
2559
2560 A1: No.
2561
2562 Q: Okay. So lastly - do you - is there anything that we haven't asked you or we
2563 haven't discussed here that you want to contribute that may be pertinent to the
2564 case that I've forgotten to ask - neglected to ask?
2565

2566 A: No I don't think so.

2567

2568 Q: No okay. Nothing else I'm gonna go ahead and conclude the interview. It is
2569 1100 hours 11:00 straight up.

2570

2571

2572 The transcript has been reviewed with the audio recording submitted and it is an accurate
2573 transcription.

2574 Signed _____

1
2
3
4
5
6
7 **INTERVIEW WITH OFFICER [REDACTED]**

8 **Q=Sgt. John Levan**

9 **Q1=Sgt. Bret A. Righthouse**

10 **Q3=Ofc. Romberger**

11 **A=Ofc. [REDACTED]**

12 **A1=Atty. [REDACTED]**

13 **A2=[REDACTED]**

14 **A3=Woman**

15 **A4=Officer [REDACTED] - Recording**

16 **A5=Man**

17 **A6=Ofc. [REDACTED]**

18
19
20 **Q:** Okay. Good afternoon. It is October 19, 2017, at approximately 1307 hours.
21 This is Sergeant John Levan with the Internal Affairs Office. We are located
22 in the Internal Affairs Interview Room at San Diego Police Department
23 Headquarters. In the room with me is, ah, Officer [REDACTED], ID
24 [REDACTED], is that correct?
25

26 **A:** That's correct, yes.
27

28 **Q:** And at the time of the, um, at the time we arranged this interview, I advised
29 you of your right to have representation. In the room with us is Attorney [REDACTED]
30 [REDACTED]. Correct sir?
31

32 **A1:** Correct.
33

34 **Q:** And also present is Detective Sergeant Bret Right- B- Bret Righthouse, ID
35 4173, correct?
36

37 **Q1:** That's fine.
38

39 **Q:** All right. And let's see. You're currently assigned to eastern patrol is that
40 correct?
41

42 **A:** Yes sir.
43

44 **Q:** Okay. So at this time I'm going to question you about, ah, an incident that
45 happened on, um, August 6 at about 704 hours in the morning. And my

46 questions during this interview concern administrative matters related to the
47 official business of the San Diego Police Department. I'm not requesting - I'm
48 not questioning you for the purpose of a criminal prosecution. In a criminal
49 prosecution, you have a right to remain silent and not incriminate yourself.
50 However, since this is an administrative - not a criminal investigation - your
51 failure to answer my questions could be insubordination, result in discipline
52 up to and including termination. Any statement you make cannot be used
53 against you in any criminal proceeding. Ah, under Penal Code 80, ah, 832.7 a
54 grand jury, Attorney's General Office or District Attorney's Office may have
55 the right to obtain a copy of your statement to me during this interview. Your
56 statements to me cannot be used against you in any - by any agency in any
57 criminal proceeding. You are required to answer my questions fully and
58 truthfully. This requirement is set forth in Sections 9.4 and 9.29 of the San
59 Diego Police Department Policy Manual. 9.4, obedience to lawful orders
60 policy states, "Members shall promptly obey and lawful," I'm sorry. Let me
61 back up. "Members shall promptly obey any lawful orders of superiors. This
62 includes orders relayed from a superior by someone of the same or lesser
63 rank." Policy - question? No? Um, Policy 9.29, truthfulness policy. "Members
64 shall be truthful in all matters related to their duties. Under the order of
65 superior or any officers appointed by the Chief of Police to conduct internal
66 investigation and in accordance with Constitutional and contractual guarantees
67 including a right to representation, members shall truthfully answer all
68 questions specifically directed and narrowly related to the scope of
69 employment and operations of the department." Refusal to answer my
70 questions is and in itself a violation of department policy and will subject you
71 to disciplinary penalties. Do you understand, ah, what I have just explained to
72 you?

73
74 A: Yes sir.

75
76 Q: Is there anything that prevents or may prevent you from answering my
77 questions fully and truthfully?

78
79 A: No sir.

80
81 Q: Okay. Do you have any questions concerning what I've just explained to you?

82
83 A: No sir.

84
85 Q: Ah, anything for you?

86
87 A1: No.

88
89 Q: No? Okay. I now order you to answer the following questions. I am also
90 ordering you not to disclose anything we discuss during this interview or

91 anything regarding this investigation with anyone other than your employer
92 representative or legal rep, ah, legal counsel. Doing so may be insubordination
93 and itself could subject you to disciplinary action up to and including
94 termination. That's a mouthful. So we're - what we're here to discuss is, ah,
95 the allegations, um, this is related to Internal Affairs Case Number 2017-0644
96 and it's related to, ah, concerns of force, procedure, conduct, courtesy and
97 criminal conduct. Now that's the overall investigation with regards to this
98 interview, um, we're looking at force and procedure.
99

100 A: Okay.

101
102 Q: Okay. Anything to add here Bret?

103
104 Q1: No.

105
106 Q: All right. So, ah, on October 6 at about, ah, I'm sorry. Not October. Ah,
107 August 6 at about 704 hours were you working as acting sergeant?
108

109 A: Yes sir.

110
111 Q: Okay. And how long had you been - at this time how long had you been an
112 acting sergeant?
113

114 A: Three months.

115
116 Q: Okay. Was this your first time as an acting sergeant?
117

118 A: No sir. I - I had served a short stint in 2015 or 2015.
119

120 Q: What's a short stint?
121

122 A: I believe it was about a month - maybe slightly longer but I don't believe I
123 made it to two months.
124

125 Q: Okay. So would it be fair to say that your - your cumulative time as an acting
126 supervisor is between four and six months?
127

128 A: Yes sir.
129

130 Q: Okay. And that's over a course of how many years?
131

132 A: Ah, two - 2-1/2 years.
133

134 Q: Okay. So just so I understand it correctly. Three months - you've been about
135 three months at the time the incident occurred you'd been an acting sergeant?

136
137 A: Yes sir.
138
139 Q: Okay. And were you OCA at the time meaning, ah, were you documenting
140 your time for OCA pay?
141
142 A: Yes sir.
143
144 Q: Okay. All right. So this was a long-term acting role?
145
146 A: Yes sir.
147
148 Q: Okay. And on the morning of August 6 did you respond to San Carlos Rec
149 Center located at 6445 (Lakebend) Avenue?
150
151 A: Yes sir.
152
153 Q: Okay. Do you remember what the nature of that call was?
154
155 A: I do. I was at the substation, ah, loading my car when, um, I heard the call for
156 a cover now.
157
158 Q: Okay. Who called cover now?
159
160 A: It was Officer Romberger.
161
162 Q: Did you hear the initial call? Do you know what kind of call he was on?
163
164 A: I did not. That's the first thing I heard was the cover call since I was, you
165 know, submitting the schedules and everything at the station. I was just
166 loading my car and that's the only thing I knew is that somebody needed to
167 cover.
168
169 Q: Okay. Did you do lineup that morning?
170
171 A: I don't recall.
172
173 Q: The only reason I ask you you said you were submitting schedules so.
174
175 A: You're right. Um, I believe I did but, um, just other things - other duties I had
176 to do before hitting the field basically.
177
178 Q: Understood. So you responded out there from the sub?
179
180 A: Yes sir.

181
182 Q: Okay. At - do you remember if you logged on?
183
184 A: I - I did not. What happened was I didn't even realize I didn't log on and the
185 graveyard sergeant was still logged onto that computer.
186
187 Q: Okay.
188
189 A: Um, and I didn't realize that until I was on my way back to the substation
190 after the call.
191
192 Q: Okay.
193
194 A: So I believe it was, um, Acting Sergeant, um, [REDACTED] that was still
195 logged onto the MCT as I drove there and came back.
196
197 Q: Okay. Does - is Officer Romberger is the one that called for cover. Um, does
198 he work for you or did he work for you at the time?
199
200 A: No sir.
201
202 Q: Who - who did he work for?
203
204 A: Sergeant [REDACTED]
205
206 Q: Was he working that day?
207
208 A: No sir.
209
210 Q: So were you the only sergeant working that day?
211
212 A: No sir. Sergeant, ah, [REDACTED] was working on that day as well.
213
214 Q: Okay. Do you know - did he respond out to the scene?
215
216 A: He did not.
217
218 Q: Okay. He was a ten sergeant and you were a 20 sergeant?
219
220 A: Yes sir.
221
222 Q: And this happened in the 20s I assume that's why you responded out there?
223
224 A: Correct.
225

226 Q: Okay. Um, with regards to your BWC do you remember was it on the entire
227 time you were at the call?
228

229 A: Um, it was on up until the time that I left the group where everybody was
230 standing and I went over and spoke with the two civilian witnesses that
231 Officer [REDACTED] was taking statements from. And then after that I went over
232 to the ambulance where one of the - where the female had gone unconscious
233 from hitting her head was to check on her status before she was transported.
234 And then I went to the group again and just make sure every - all the work
235 was delegated before stating my notifications to the lieutenant and taking off.
236

237 Q: Okay. So you made notifications to the lieutenant?
238

239 A: I did.
240

241 Q: Okay. What were those notifications?
242

243 A: I sent a text message that there was a cover now and just basically a synopsis
244 of it and we had two arrests.
245

246 Q: Do you remember what the synopsis was?
247

248 A: That there was a cover call based on two 647 as subjects. Um, and then
249 suspects violently re-, ah, resisted and punched Officer Romberger and the
250 other one resisted as well. They were both taken into custody.
251

252 Q: Which lieutenant was that?
253

254 A: Lieutenant [REDACTED]
255

256 Q: Did he respond to it anything other than acknowledging the text?
257

258 A: No sir. He just 10-4 or okay.
259

260 Q: Okay. All right. So when you arrived on scene, you responded from the sub.
261 Did you respond lights and siren?
262

263 A: I did for half of the drive.
264

265 Q: What made you change?
266

267 A: It went code 4.
268

269 Q: Okay. So you reduced code and continued on?
270

271 A: Yes sir.
272
273 Q: What did you find when you got there?
274
275 A: Um, I exited my car. When I approached I saw Officer Romberger had
276 somebody - one of the suspects on the ground. Um, and then the other suspect
277 was being held by Officer [REDACTED] against the rear of the patrol car. And Officer
278 Romberger was saying, "Don't head butt me - don't head butt me."
279
280 Q: Okay. Let's - let's back up and paint the picture. Where did this happen at?
281 You know, with regards to the rec center building? Was it in the parking lot or
282 was it?
283
284 A: It was the parking lot so I just pulled into the parking lot and stopped my
285 patrol car. At the very end of the parking lot before the park starts was where
286 his, ah, patrol car was perpendicular to the curb or in the middle of the parking
287 lot. Ah, and to the left would be the entrance to the rec center.
288
289 Q: Okay. So you pull up and you're facing them?
290
291 A: Correct.
292
293 Q: You see Officer Romberger has a 1016 on the ground?
294
295 A: Correct.
296
297 Q: And then, um, Officer [REDACTED] has somebody - another 1016 up against the car?
298
299 A: Correct.
300
301 Q: And, um, Officer Romberger is saying something to the effect of don't head
302 butt me?
303
304 A: Correct.
305
306 Q: Did you see this guy head butt him?
307
308 A: No sir.
309
310 Q: Did you see how, ah, the 1016 came to be on the ground?
311
312 A: No sir.
313
314 Q: Okay, all right. So as you walk up then what happens?
315

316 A: Um, the second suspect Officer [REDACTED] had hit his head against or took his own
317 head and hit his head against the back window of the car. Um, so Officer
318 [REDACTED] came up and took him. Um, and then Officer [REDACTED] notified me that
319 there was somebody - the unconscious female over on the other side of the
320 park.
321
322 Q: Okay. So what officers were on scene when you got there?
323
324 A: Um, Officer [REDACTED] Officer [REDACTED] and Officer Romberger I believe.
325
326 Q: Okay, so just those three?
327
328 A: Mm-hm.
329
330 Q: Um, and they had the two 1016s and then the female. Was anyone with the
331 female?
332
333 A: I don't believe there was any officers with the female at that time.
334
335 Q: Okay. You said you went around to check on her. Wh- what was her status?
336
337 A: Ah, well, I initially started to walk over there and then I was distracted again
338 by like a sound of struggle behind me. Um, do you want me to cover that or
339 do you want me to cover the female?
340
341 Q: Yeah. Well, chronologically what happened?
342
343 A: Okay. So started to go check on the fe- female with Officer [REDACTED] and then I
344 hear like a struggle or something behind me from the patrol car.
345
346 Q: Mm-hm.
347
348 A: So as I turn around, I see the passenger or driver's side rear door was open.
349 And I saw Officer Romberger standing there with the suspect and I can see
350 quick movement so I thought that he was resisting again. So I stopped walking
351 towards the female and I went back to help Officer Romberger.
352
353 Q: Which - which 1016 is this? Is this the one that he had on the ground?
354
355 A: Yes.
356
357 Q: Okay. All right. Do you know his name?
358
359 A: I don't.
360

361 Q: Okay. Go ahead.
362
363 A: So I walk over to the back of the car and what I perceived was that Officer
364 Romberger was - was either being kicked or something was happening to him
365 'cause I saw his back come towards me 'cause I was standing right where his
366 back was. And then as that happened I saw him push the suspect into the car
367 and it - when I saw him push him into the car, it looked like his legs were all I
368 know is my perception at the time and then he slid him forward more into the
369 car, ah, before closing the door.
370
371 Q: So you said you got distracted as you were walking. Did you have to turn
372 around and walk back or?
373
374 A: I did.
375
376 Q: So were you walking from the passenger side to the driver's side of Officer
377 Romberger's car?
378
379 A: No. I was - I was standing at the driver's side of Officer Romberger's door
380 when Officer [REDACTED] said, "The downed female is over there." So I walked
381 probably 20 or 30 feet towards the - past the front of the car.
382
383 Q: Mm-hm.
384
385 A: When I heard that behind me.
386
387 Q: So you had to turn around and walk and wh- when you came to where you
388 heard the disturbance - the struggle happening where was that at?
389
390 A: It was in the door jamb of the rear passenger, I'm sorry, rear driver's side, um,
391 of his patrol car.
392
393 Q: Of Officer Romberger's?
394
395 A: Officer Romberger's.
396
397 Q: Okay. So he struggled with his 1016. But for the record that's [REDACTED] is the
398 guy's last name.
399
400 A: Okay.
401
402 Q: Um, he struggled with [REDACTED]. Was [REDACTED] standing in the doorway or was he in
403 the car?
404
405 A: Um, it while I was there on scene and why I say that is because afterwards I

406 had an opportunity watch BWC over and over and over again. Kinda and
407 analyze what I saw but when I was there, I could only see Officer
408 Romberger's back.
409
410 Q: Okay.
411
412 A: And then I saw the guy sit down and then I thought since Officer Romberger's
413 back came towards me that he had gotten kicked.
414
415 Q: Okay.
416
417 A: And then to defend himself in that and to get him in the car he pushed and slid
418 him in while that was occurring.
419
420 Q: That was your perception of wh-?
421
422 A: That was my perception of what happened.
423
424 Q: Okay.
425
426 A: Now after the whole thing when I watched it over and over again I'm not so
427 sure that that's was actually how it occurred.
428
429 Q: We'll get to that when watching the BWC part.
430
431 A: Okay. Okay.
432
433 Q: But at the time the - that the actions were taking place that was your
434 perception?
435
436 A: Yes sir.
437
438 Q: Just so I understand it that, um, something happened and then Romberger is in
439 the doorway of the car.
440
441 A: Mm-hm.
442
443 Q: And you think he gets assaulted in some way from the 1016 and he goes to
444 push the guy deeper into the car?
445
446 A: That's correct.
447
448 Q: Okay. Um, so what force levels or what force did you see being used at that
449 point?
450

451 A: Just a push.
452
453 Q: Okay. Did he use any other - did Officer Romberger use, ah, any other body
454 parts that you saw to get him in the car?
455
456 A: Not that I saw.
457
458 Q: Okay. Did you see him, um, kick the, ah, the prisoner?
459
460 A: No sir.
461
462 Q: Okay. All right. Give me a second to get caught up here.
463
464 Q1: When you - when you first walked up when you arrived on scene, you said
465 Officer Romberger had a suspect on the ground?
466
467 A: Yes sir.
468
469 Q1: And you were saying something about not head butting me?
470
471 A: That's correct.
472
473 Q1: Which side of the car - where was Officer Romberger with that suspect?
474
475 A: He was on the driver's side of the car, um, just underneath or by the left
476 driver's tire on the ground.
477
478 Q1: Front or back?
479
480 A: Back.
481
482 Q1: And what was Officer Romberger's demeanor?
483
484 A: He was - he was yelling, "Don't head butt me - don't head butt me."
485
486 Q1: Did he seem calm, anxious, angry?
487
488 A: My - my perception at the time was that he was - had nothing to say that he
489 was like over angry or anything. I mean, if somebody tried to head butt him
490 and he's yelling at him not to do that again. So I didn't - I didn't see any - I
491 didn't think anything of it.
492
493 Q1: And describe how the suspect - he's on the ground?
494
495 A: Correct.

496
497 Q1: And where is Officer Romberger in relation to the suspect? How are - how are
498 they - how is he laying on the ground and where is the officer?
499
500 A: He was laying on his stomach and Officer Romberger was on [REDACTED] right
501 side and he was looked like he was holding - holding him on the ground.
502
503 Q1: And how - how is Officer Romberger holding the suspect on the ground?
504
505 A: I don't recall. I just remember he was - I don't know where his hands were or
506 if that's what you're...
507
508 Q1: And just like both hands or together?
509
510 A: No, I just...
511
512 Q1: Was he grabbing him or you just...
513
514 A: No, I don't know. I'm just - I know he had at least one hand on him. I
515 remember seeing that but I don't - I don't recall any specific.
516
517 Q1: How he was holding him on the ground?
518
519 A: Correct.
520
521 Q1: Was he on top of the person, did he have knees on him? Do you recall?
522
523 A: I - I don't recall.
524
525 Q1: What was the demeanor of the - the suspect he was holding down? What was
526 he doing?
527
528 A: I - I didn't see him make any movements or anything.
529
530 Q1: You didn't see him fighting or kicking or anything?
531
532 A: Not at that time.
533
534 Q1: Okay. And when you turned to the car, you said that you saw the suspect
535 resisting again. Did you see him resisting the first time or was that just an
536 assumption of the person being on the ground?
537
538 A: An assumption that he was continuing to fight 'cause I knew it was a cover
539 call and they had resisted, you know, the initial officer so I thought it was a
540 continuation of more resistant behavior.

541
542 Q1: 'Cause you didn't see him resisting the first time?
543
544 A: No sir.
545
546 Q1: And I think you answered this question but I just wanna clarify. You said your
547 perception was that when the officer moved back that the suspect might have
548 kicked him. Did you actually see the suspect kick or was that just your
549 perception of the movement that you saw?
550
551 A: That was a perception of my movement because I remember specifically I
552 tried to step forward 'cause I was - I came over there to help him but I didn't
553 realize at the very moment how I was gonna do that but it was very quick. So
554 when I stepped up I remember his back coming towards me and I was staring
555 at the middle of his back as I took a step back and then that's when I saw the
556 push forward in- into the car. So it was my perception that - I did not see a leg
557 kick him but I thought that just based on the struggle that I had heard before I
558 walked over and everything else that had happened before that that's what
559 happened. That was my perception of that.
560
561 Q1: Did you see Officer Romberger pick up the prisoner - the 1016 from the
562 ground?
563
564 A: Mm, no. I don't believe so.
565
566 Q1: And then describe how did Officer Romberger put him in the car?
567
568 A: Well, like I said, he was - he did push him into the car. Um, down into the car
569 and then pushed him further into the car so he can get the door closed so it
570 was a push.
571
572 Q1: You say he pushed him at least into the car and then he pushed him further
573 into the car?
574
575 A: Correct, so he can get the door closed.
576
577 Q1: Do you remember how many times he pushed him?
578
579 A: Not off the top of my head.
580
581 Q1: Do you remember how far into the car Officer Romberger was when he
582 pushed the 1016?
583
584 A: I know that [REDACTED] legs were towards the driver's side door hanging out and
585 so when he pushed him, he pushed him far enough to where his feet were no

586 longer or tried to push him far enough where his feet were no longer in the
587 doorway so he could get it closed.

588
589 Q1: Did you see the suspect fully in the backseat of the car?
590

591 A: By the end of it - by the time he closed door? Um, partially. And then officer -
592 one thing I didn't see until I watched the BWC video was the fact that Officer
593 Romberger like kicked the guy's leg to get into the car. I didn't see that when
594 I was on scene but I did notice it after I watched the BWC video.

595
596 Q1: So at the time you didn't see Officer Romberger kick the guy?
597

598 A: Kick his foot - no, I didn't notice that when I was on scene.
599

600 Q1: Okay.
601

602 Q: Um, when - when he was - when you got 97, you walked up to them and they
603 were in that - that situation where [REDACTED] is on the ground, Officer Romberger
604 is over him and Officer [REDACTED] is back with [REDACTED] is the other gentleman's
605 name. Um, Officer [REDACTED] told you there was somebody down - the female was
606 down in the back.
607

608 A: Yes sir.
609

610 Q: What did you do immediately after that?
611

612 A: After he had said that?
613

614 Q: Yes. After he told you that. Did you leave that area of the police car where all
615 that was happening?
616

617 A: I did.
618

619 Q: Where did you go?
620

621 A: I walked 20 or 30 feet past the front of the car in the direction of where the
622 female was.
623

624 Q: Okay. So at that point, um, [REDACTED] is still laying on the ground. Did you hear
625 Officer Romberger tell [REDACTED] that he was gonna smash his face into the car if
626 he did it again?
627

628 A: No sir.
629

630 Q: Do you remember going back to your car to get rubber gloves?

631
632 A: I do.
633
634 Q: When did that happen?
635
636 A: Um, that's - that's after I initially, ah, came up and saw the suspect on the
637 ground and, ah, the other suspect was by the back of the lift gate of the SUV.
638 Um, I noticed that they probably needed more hands.
639
640 Q: Okay.
641
642 A: So I was like I'm gonna go get some gloves and help you and then I went to
643 the patrol car to get my gloves.
644
645 Q: Now I get it. So you actually had started there and came back and then went
646 back to your car. You had started back behind the building, um, after you got
647 the initial briefing, came back to the back of the car and then went to your
648 police car - is that the way I understand it correctly?
649
650 A: Ah, no. So I arrive on scene, I walk up to the car and notice one person on the
651 ground, another one is up to the back of the car.
652
653 Q: Mm-hm.
654
655 A: And from that point I believe it was that I went to the car and got the gloves
656 and by the time I came back I didn't have a use for them so that's when I
657 walked over to the female.
658
659 Q: Okay. So that's the way I thought I understood it from watching the BWC.
660
661 A: Mm-hm.
662
663 Q: Ah, as you turned and walked towards your police car, did you hear Officer
664 Romberger say anything to anyone over there that was - that was - hear him
665 say anything in general?
666
667 A: No sir.
668
669 Q: Okay.
670
671 Q1: Did you see the suspect head butt Officer Romberger?
672
673 A: No sir.
674
675 Q1: Did you see any injuries on Officer Romberger that appeared like he had been

676 head butted?
677
678 A: No sir.
679
680 Q1: Did Officer Romberger say anything to you about the suspect head butting?
681
682 A: Ah, while the scene was active when I was there?
683
684 Q1: Or afterwards.
685
686 A: I don't recall him saying that to me - no.
687
688 Q1: He never told you he was head butted?
689
690 A: No sir.
691
692 Q: Did Officer [REDACTED] after you returned with the rubber gloves, did you have a
693 conversation with Officer [REDACTED]
694
695 A: Um, yes.
696
697 Q: What was that?
698
699 A: That was him pointing over towards the female saying there's the female that
700 was down was over by the other side of the park and that's when I started to
701 walk over there.
702
703 Q: Did he make - did Officer [REDACTED] say anything to you about (Tim)'s - (Tim
704 Romberger)'s status? His condition?
705
706 A: No sir.
707
708 Q: Did he say anything to the effect of, ah, Officer Romberger is getting loaded?
709 Meaning over spun out or tight or, ah, raise his (unintelligible) up anything
710 like that?
711
712 A: I - I think that when I was watching the BWC video when Officer [REDACTED] and I
713 were walking over towards where the female was, I heard him say (Tim) and
714 then I responded, "I know," as I turned and walked back towards him. But I
715 didn't realize wh- what exactly he was trying to say if - if anything. It was
716 almost as if he was thinking the same thing I was like oh, (Tim)'s struggling
717 with the guy again because my mind was so preoccupied I didn't really hear
718 that. Way later down the line when I turned the volume up on the BWC video
719 when I was watching it, I heard him say, "(Tim) is getting," something but I
720 still couldn't make out what the last word was to that. But I did notice that.

721
722 Q: Okay. So when - when you're again this is at the time it's being said.
723
724 A: Right.
725
726 Q: Your understanding of what he's telling you is (Tim) is struggling with this
727 person?
728
729 A: Right. When he says the word (Tim)'s, I'm thinking he's thinking the same
730 thing I am at the same time as we're turning and looking back towards the car.
731
732 Q: Okay.
733
734 A: And I actually thought he was gonna walk with me but I don't really recall
735 where he went when I walked back.
736
737 Q: So later you - you said you watched your BCW and you - what was your
738 perception of what he told you much after the fact?
739
740 A: It was more in the lines of like (Tim) is getting something like - I perceived it
741 when after I watched the video as like amped up or something like that.
742
743 Q: Totally different than what you understood?
744
745 A: Initially thought at the scene.
746
747 Q: Okay. I'm gonna cue up of the video here of the part you're talking about
748 where, ah, where (Tim) is at -- can you cue it up to, ah, ah, I think 45 please?
749 So what we're gonna look at is the part where you walk up.
750
751 A: Mm-hm.
752
753 Q: And Officer Romberger is dealing with [REDACTED] and the open your door up of
754 the police car the first time.
755
756 A: Okay.
757
758 Q1: Why don't you switch seats with me?
759
760 A: Okay.
761
762 Q: Can you maximize that please?
763
764 ((RECORDING))
765

766 Q3: Open up. (Unintelligible) All right.
767
768 A2: I don't give a shit what the hell.
769
770 Q3: We're going first time.
771
772 A2: I don't wanna (unintelligible)
773
774 ((END RECORDING))
775
776 Q: That's good. Thank you. So I realize that the camera sees things on its own
777 and we see things on our own. At the scene at the time this happened what we
778 just watched here, ah, what part of that do you - did you take in? Meaning did
779 you acknowledge? Um, you said this is the scene that you're talking about
780 where you - you thought (Tim) was being assaulted from inside the car and
781 had to push him in correct?
782
783 A: Mm-hm, that's correct.
784
785 Q: Okay. And you did not perceive any of that when he backed up and kicked
786 [REDACTED] leg into the car when you were on the scene?
787
788 A: I - I did not see him kick - kick the leg or perceive that in any way until I
789 watched the BWC.
790
791 Q: How long later did you watch the BWC?
792
793 A: After the investigation had started.
794
795 Q: What investigation?
796
797 A: Well, when I was notified that (Tim) was removed from the field.
798
799 Q: Okay. Ah, was it the same day?
800
801 A: No sir.
802
803 Q: How long - when was it? A week later or how...
804
805 A: A week - week and a half later after I had gotten back from vacation and
806 spoke to Lieutenant [REDACTED]
807
808 Q: Okay. All right, so that day you did not go back and watch the BWC at all
809 until you were notified that he was under this inves- this current investigation?
810

811 A: That's correct.
812
813 Q: That we're talking about here today. Okay. Okay. Um, so to the female that
814 was down behind the building.
815
816 A: Mm-hm.
817
818 Q: Do you remember what Officer [REDACTED] told you with regards to how she was
819 injured and what her status was?
820
821 A: He told me that, ah, that she was stumbling around and fell and hit her head
822 and was knocked unconscious.
823
824 Q: Okay. And when you went back, obviously you went back to check on her
825 what did you find?
826
827 A: That she was unconscious on the ground.
828
829 Q: Anybody tending to her?
830
831 A: Um, medics were walking up to tend to her.
832
833 Q: Okay. Did you assign any officers to either follow up with paramedics or find
834 out what happened to her and how she was injured?
835
836 A: Ah, do you mean at the hospital later or do you mean on the scene?
837
838 Q: Did we follow up at the hospital with her later?
839
840 A: I - not to my knowledge no.
841
842 Q: So then yes. At any point did you assign an officer to find out what her status
843 was that day we're talking about?
844
845 A: I did that myself.
846
847 Q: What happened?
848
849 A: I walked up to the ambulance, um, prior to leaving and the medic said yes,
850 she's fine. We're taking to the - the hospital so.
851
852 Q: Did they say any - what her injuries were or how she got injured?
853
854 A: Um, no - no sir.
855

856 Q: Okay. Was that something though as again as a supervisor at the scene...
857
858 A: Mm-hm.
859
860 Q: ...we don't know, you know, how she was injured. Um, or at least I haven't.
861
862 Q1: Do you know how she was injured?
863
864 A: Like I said Officer [REDACTED] had told me she had stumbled and fallen and hit her
865 head.
866
867 Q: Okay.
868
869 A: So that's - that's what I thought.
870
871 Q: Okay - okay perfect, thank you. Okay. So we're gonna move along here to the
872 next phase. You - you, in fact, we can go ahead and watch that, um.
873
874 Q1: May I ask what the female when she - did you talk to her in the ambulance or
875 the paramedics?
876
877 A: I didn't speak with her. I spoke with the - I was on the side door of the
878 ambulance, um, before we took off.
879
880 Q1: You weren't able to speak to her?
881
882 A: Ah, I don't recall speaking with her no. I've asked for the medics. I wanted to,
883 you know, see - check on her condition. And they're like, "Yeah, we're just
884 gonna take her to the hospital. She's just weirded out."
885
886 Q1: Was she talking with the paramedics or?
887
888 A: Not that I recall.
889
890 Q1: Did you ask her any questions?
891
892 A: I did not.
893
894 Q: Okay. So just for the audio recording, what we're doing here is watching your
895 BWC as you walk back to check her status. This is the first time you've gone
896 back to her?
897
898 A: That's correct.
899
900 ((RECORDING))

901
902 A3: Yeah, ignore her. Yes she did.
903
904 A4: (unintelligible) Okay.
905
906 A3: Yeah.
907
908 A4: Hello? What's your name? What is your name?
909
910 A5: Her name is (unintelligible).
911
912 A4: Can you get some (unintelligible).
913
914 A5: She's trying to get our attention. (Unintelligible). Sittin' there.
915
916 A4: Okay. Morning. How are you?
917
918 A6: He's not so (unintelligible). So these two are walking or stumbling - so I stop
919 him. He comes across it - he's not.
920
921 A4: Mm-hm.
922
923 A6: So I grab hold of him here he's like blah - blah. So then as he's walking or
924 he's stumbling (unintelligible) stumbling and he starts swinging so.
925
926 A4: Oh, okay.
927
928 A6: So I shoved him down and (unintelligible) he's more I guess he's gonna
929 (unintelligible) I guess.
930
931 A4: If he swung at you, he's gonna go for that right?
932
933 A6: What's that?
934
935 A4: He swung at you right?
936
937 A6: Oh yeah, he got me. I don't know how to got me with his arms out.
938
939 A4: All right. Is he an adult?
940
941 A6: Yeah.
942
943 ((END RECORDING))
944
945 Q: Did you happen to see the gloved hand come up towards the back door?

946
947 A: I did.
948
949 Q: Was that your hand?
950
951 A: It was.
952
953 Q: Okay. Okay. So with regards to this, you checked on the female and, um, tell
954 Officer [REDACTED] that you're gonna go back out in front.
955
956 A: Correct.
957
958 Q: Um, leaving him to handle - handle what's happened there. As, ah, Officer
959 Romberger is briefing you as to what happened, [REDACTED] starts kicking the
960 inside of the police car.
961
962 A: Right.
963
964 Q: And you instruct him to, ah, pepper spray him. Um, explain - please explain
965 your - your - that direction and your mindset at that time.
966
967 A: So when I walked back up to the car at that moment, um, Officer Romberger
968 was explaining everything that happened as far as name tag, falling and
969 everything else. Um...
970
971 Q: What did that mean to you?
972
973 A: That he was in a violent struggle and a violent fight.
974
975 Q: Okay.
976
977 A: I also had the knowledge that I believed he had been head butted, um, that he
978 had been kicked when putting the - putting [REDACTED] back into the car.
979
980 Q: Okay.
981
982 A: Um, when he kicked the car the first thing - I was thinking already this guy is
983 - I was already starting to think about the rap to begin with right? The problem
984 I had with the rap that I thought about was the fact that we would have to
985 remove him from the back of the car again. And I thought that that was more
986 intrusive because somebody - an officer there or even him could get more
987 injured if we had to pull him out of the car and fight him to get him into
988 maximum restraints. I knew we had to take him to HQ and I knew that if he
989 started getting violent in the back of the car while in route, possibly we might
990 have to go cover him on the freeway somewhere. So when he started kicking

991 again for me that was a continuation of Officer Romberger being assaulted
992 and the continuing violent behavior that just wasn't stopping. So as he was
993 actually kicking, I said pepper spray him. However, when - as soon as I said
994 that, he stopped.
995
996 Q1: [REDACTED]
997
998 A: [REDACTED] stopped kicking. I saw Officer Romberger look into the car and then he
999 walked past me. I leaned over inside and looked into the back of the car and I
1000 noticed he had stopped kicking. So I said it's over - it's been handled.
1001
1002 Q1: What was [REDACTED] doing when you looked in the car?
1003
1004 A: Correct. He was just laying there. He was no longer kicking.
1005
1006 Q1: Can you describe how he was sitting there?
1007
1008 A: I - I don't recall exactly how he was sitting.
1009
1010 Q1: Was he moving at all or was he just sitting in the car?
1011
1012 A: At that moment I don't recall exactly how he was seated.
1013
1014 Q1: He wasn't kicking, wasn't thrashing?
1015
1016 A: He was not. He completely stopped. Um, excuse me. I saw Officer Rom-
1017 Romberger walk to the back of the car. I was - after I had looked into the car. I
1018 turned around because I thought it was over. It's over - he's no longer kicking
1019 - it's been handled. It doesn't need to be done. I turned to...
1020
1021 Q1: What doesn't need to be done?
1022
1023 A: The use of OC.
1024
1025 Q1: Okay.
1026
1027 A: So I turned my attention to the group that's sitting over there with the other
1028 suspect. I look and I see Officer Romberger getting something in the trunk of
1029 his car. And I didn't think anything of it. And then while I'm standing there
1030 with the group, 30 seconds, 40 seconds go by. Ah, and then I hear the door
1031 open and I hear, "Don't kick my car." And then I hear it close right after. So at
1032 the time I didn't know that OC was used at that very moment. I did find out
1033 later that it was while I was on scene but I had thought it's because he kicked
1034 again and that I just hadn't heard it and I thought, oh, maybe while he was in
1035 the trunk he heard the kick because he was closer to the car. So I didn't think

1036 anything of it. Ah, and then we went on the rest of the time.
1037
1038 Q1: How far away from the car were you?
1039
1040 A: I was seven to ten feet from the back bumper away from it. Um, once this day
1041 was over, a week or a week and half ahead comes by and I was aware that
1042 Officer Romberger was removed from the field and I sat down with my
1043 lieutenant. Um, I was told that [REDACTED] was just simply seated in the car,
1044 handcuffed, sitting upright and Officer Romberger opened the door and used
1045 OC on him. And I was shocked when I heard that.
1046
1047 Q1: And you didn't know that at the time?
1048
1049 A: No sir. I was shocked. And then I leave Lieutenant [REDACTED] office and I
1050 some - sometime throughout that day I talked to Sergeant [REDACTED] and he
1051 goes, "You know, I guess another issue that came up was that (Tim)'s, um,
1052 OC wasn't on his belt. It was in the trunk of his car." And I thought to myself
1053 trunk of his car? And then within five seconds it hit me that's what he was
1054 doing in the trunk of the car - retrieving his OC which I never even imagined
1055 because why wouldn't it be on his belt. Why is it in the trunk of his car? That
1056 just - my brain wouldn't make that connection while we were on scene or
1057 even after. So a week after this all of this starts coming together in my head of
1058 what actually happened.
1059
1060 Q: So go ahead.
1061
1062 Q1: When you were standing there, you looked at the backseat. You saw [REDACTED] in
1063 the backseat.
1064
1065 A: Correct.
1066
1067 Q1: And at that time he wasn't doing anything.
1068
1069 A: Correct.
1070
1071 Q1: You walked about seven feet away from the car to deal with the other officers.
1072 When you walked away, did you hear any continued kicking?
1073
1074 A: I didn't hear any kicking.
1075
1076 Q1: Did you hear [REDACTED] screaming or yelling...
1077
1078 A: No sir.
1079
1080 Q1: ...out of control or anything like that?

1081
1082 A: No sir.
1083
1084 Q1: When you initially heard the first two kicks, you said to Officer Romberger to
1085 OC [REDACTED]
1086
1087 A: Correct.
1088
1089 Q1: After [REDACTED] walks away, you looked through the back window and you see, I
1090 mean Romberger walks away, you look through the back window and you see
1091 that 1016 [REDACTED] would you have OCed him at that point?
1092
1093 A: No sir, absolutely not.
1094
1095 Q1: And why not?
1096
1097 A: Because he had stopped kicking. There was no - there was no reason to use
1098 that force anymore. That was that - that directive that I gave was specifically
1099 for the fact that he was actively kicking. And I think the reason that I - that
1100 came out of my mouth so quickly is 'cause I was already considering the
1101 transport as we were sitting there talking because I was concerned about it.
1102 Like I said the concern about the transport. Is he gonna be calm now or what's
1103 gonna happen? I was just trying to cover all those grounds so I - I was
1104 thinking of everything in my head.
1105
1106 Q1: When - when you told at the time...
1107
1108 A: Mm-hm.
1109
1110 Q1: ...when you told Officer Romberger to OC the 1016, what did you expect was
1111 gonna happen?
1112
1113 A: If he continued to kick, I expected Officer Romberger to use OC.
1114
1115 Q1: But - but at the time, you basically hear like thunk - thunk and you say OC
1116 him.
1117
1118 A: Mm-hm.
1119
1120 Q1: Is that exact second you say OC him, what did you think Officer Romberger's
1121 actions would be?
1122
1123 A: It - to pull the pepper spray from his belt to use it if that's what was gonna
1124 happen.
1125

1126 Q1: Did you think it was going to be an immediate response when you said...
1127
1128 A: Yeah.
1129
1130 Q1: ...hear this thump - thump you say OC him, did you expect Officer Romberger
1131 to open the door, take out his pepper spray and OC him?
1132
1133 A: I did. That's what I would have expected is for it to come off of his belt but.
1134
1135 Q1: But instead while you're on scene, Officer Romberger walked to the back of
1136 the car.
1137
1138 A: Right.
1139
1140 Q1: And the - and there's a time lapse by the time he goes to the back of the car
1141 and gets in the car...
1142
1143 A: Absolutely.
1144
1145 Q1: ...and goes back.
1146
1147 A: Absolutely.
1148
1149 Q1: 'Cause you even have time to look through the window at [REDACTED] yourself.
1150
1151 A: And - and it sounds loud on the BWC. I understand when I say paper spray
1152 and I know he heard me. But it's almost as if I said, you know, pepper spray
1153 him and then it - and I know now after the BWC he reached up and hit the
1154 trunk button. I know that now but I didn't know that then and then when he
1155 walked past me and my - I lean forward and I go and I see him open the trunk
1156 and I go, oh, it's over. And I turn away and so I didn't even think that, you
1157 know, that direction was no longer good if he wasn't kicking.
1158
1159 Q1: So in this type of a scenario, you would assume that the officer would not
1160 have gone back to pepper spray him however many seconds later if he was not
1161 continuing to kick?
1162
1163 A: Wouldn't even imagine that it was in his trunk to begin with. So yes, I.
1164
1165 Q1: So your assumption was that he was gonna move the pepper spray,
1166 immediately open the door and activate it?
1167
1168 A: If he was going to carry out that directive, yes.
1169
1170 Q1: But that's not what he did?

1171
1172 A: No.
1173
1174 Q1: And again what did he do?
1175
1176 A: He - I know now. I know he went into the driver's side of the car but then he
1177 walked to the trunk and opened the trunk, which I had no issue with because
1178 after I looked into the car and he stopped kicking, I'm like, oh, it's over
1179 anyway so that's it.
1180
1181 Q1: So at that point you're assuming he was looking for OC or were you thinking
1182 he was doing something else?
1183
1184 A: Oh, no sir. Oh, I - something else. Anything over than looking for OC 'cause I
1185 wouldn't imagine that he like I said wouldn't not had it on his belt and had it
1186 in the trunk of his car. It just didn't - it didn't even pop up in my mind.
1187
1188 Q1: Did you ever think about telling Officer Romberger not to OC him?
1189
1190 A: No, because I legitimately thought it was over. I - when he walked away and
1191 did something in the trunk, I didn't - I didn't feel the need to walk up to him
1192 and like hey, by the way when I told you to pepper spray him back there,
1193 don't do it anymore. You see what I'm saying? Like I - I - it wouldn't even
1194 come to my mind to have to do that because my mind it's over.
1195
1196 Q1: So the assumption would be that once you told the officer use the OC if the
1197 officer walked away and...
1198
1199 A: Started doing something else.
1200
1201 Q1: ...time transpired and the action was not taking place anymore your
1202 assumption would be that the officer would take it upon himself to realize that
1203 there was no use of the OC?
1204
1205 A: Absolutely, 100%.
1206
1207 Q: The point at which - back to when you say OC him and (Tim) says yes and
1208 goes to the front door of the police car, your - your gloved hand comes up to
1209 the door handle there. Do you remember what you were gonna do there?
1210
1211 A: I was gonna open the door. I was gonna open the door to address it.
1212
1213 Q: Okay.
1214
1215 A: And literally as I touched the door handle, it stops. And again I'm trying to do

1216 the least intrusive thing so finally I need to open the door to get his foot out
1217 again and maybe having problems getting his foot back in, I'm not going to. If
1218 he stops on his own and two kicks is all he did, fine.

1219
1220 Q: Understood - understood. So when was the first time you became aware that,
1221 ah, [REDACTED] was pepper sprayed?

1222
1223 A: I was still on scene when I became aware of that. Um, that it was used. I don't
1224 recall exactly when I was there.

1225
1226 Q: Right.

1227
1228 A: I was aware on the scene.

1229
1230 Q: When you became aware of it, um, you - I think and I think you had
1231 mentioned this but did you think at - something else had happened that
1232 triggered him to be OCed?

1233
1234 A: Absolutely. I thought - what I had perceived was that he was in the truck of
1235 his car doing whatever it was and heard him kick again.

1236
1237 Q: Okay.

1238
1239 A: And then went back there and addressed it even though I didn't know at the
1240 very moment the OC was used, I thought he was just addressing it again.

1241
1242 Q: Mm-hm.

1243
1244 A: But I was okay with it because I thought after I learned he had OCed him I
1245 was okay with it because I thought he had kicked again. I wouldn't have
1246 imagined that - that that was something he would have done a minute - two
1247 minutes later when the actual act was no longer occurring.

1248
1249 Q: And not to belabor that but what it sounds to me is you're saying in reality
1250 what happened is unreasonable?

1251
1252 A: Absolutely, 100%.

1253
1254 Q: Okay. All right. So when you did find out that, um, that he was - that [REDACTED]
1255 was pepper sprayed did you give, um, did you know who pepper sprayed him?
1256 Did you know at that time I should say?

1257
1258 A: Officer Romberger.

1259
1260 Q: Did you give him any instructions as to what to do with, okay, now he's been

1261 pepper sprayed. Give him medical aid or flush his eyes or what are you gonna
1262 do - that kind of thing?
1263
1264 A: Ah, no sir.
1265
1266 Q: No? Okay.
1267
1268 Q1: How did you know it was Officer Romberger that used the OC?
1269
1270 A: Ah, because I had realized that when he did open that door is when the OC
1271 was used. You see what I'm saying? So I didn't know when the door was
1272 initially opened and he stopped kicking that he was pepper sprayed but I put
1273 two and two together later when he had been pepper sprayed. That's when it
1274 had occurred.
1275
1276 Q1: But did anybody tell you it was Officer Romberger?
1277
1278 A: No sir.
1279
1280 Q1: So you just - what - how do you find out he was OCed?
1281
1282 A: Again, I don't remember - I don't recall exactly how I found out that he was
1283 but I - but I knew OC was used.
1284
1285 Q1: So the assumption would be you told Officer Romberger to use OC and you
1286 found out that OC was used it would be Officer Romberger that used the OC?
1287 That would be the assumption?
1288
1289 A: Mm-hm. Or the fact that Officer Romberger was the one that was dealing with
1290 [REDACTED] yes.
1291
1292 Q1: Right.
1293
1294 Q: So, ah, ultimately I'll get to this and just a second but I wanted you to have it,
1295 um, ultimately you found out that [REDACTED] was pepper sprayed.
1296
1297 A: Correct.
1298
1299 Q: At the end of the shift it looks like you 1017 and approved, um, Officer
1300 Romberger's report. There's nowhere in that - in the report that said anything
1301 about medical aid given to [REDACTED] for the OC spray. And I'm sorry, ah, I've
1302 used pepper spray - OC spray and sometimes I'll use chemical agent. Let's
1303 just - can we all agree that's all the same? We're - we're - it's all the same
1304 thing.
1305

1306 A: Sure.
1307
1308 Q: Um, did you question him at all about if he was - if [REDACTED] was given any
1309 medical aid for the use of the chemical agent?
1310
1311 A: When I read the report, I completely missed seeing that medical treatment was
1312 given or not. I - my eyes went over the report, I comprehended what I did. For
1313 some reason I never thought hey, it's not written in here and I missed it.
1314
1315 Q: Ah, the part of the force used to get when you initially thought that Officer
1316 Romberger was kicked by [REDACTED]
1317
1318 A: Mm-hm.
1319
1320 Q: ...and he had to push him in the car a couple of times.
1321
1322 A: Mm-hm.
1323
1324 Q: Um, that was not in the report either. Did you catch that or did you notice that,
1325 um, while you were approving the report?
1326
1327 A: There's - there's one part in the report where I think like chronologically I
1328 might have made a mistake while reading it. Um, but you're right. I - I didn't
1329 catch that.
1330
1331 Q: Yeah, I know how 1017s go, you know, I.
1332
1333 A1: Yeah, just, um, I was looking - let's see the fourth page the third paragraph.
1334 Doesn't he write, "[REDACTED] continued kicking me? As I placed him in the
1335 backseat of my patrol vehicle I had to use physical force to shove him into my
1336 patrol vehicle so I could close the rear door." Is that not the part we're talking
1337 about?
1338
1339 Q: I don't know. Well, I'd have to read that. Um, I don't know exactly 'cause he
1340 does this a couple of times. I'm specifically addressing the part where...
1341
1342 A: And I believe that's where chronologically I believe that that was the part he
1343 was covering maybe.
1344
1345 Q: Okay.
1346
1347 A: Yeah.
1348
1349 Q: I'm sorry, where did you read that?
1350

1351 A1: Ah, third and fourth. Third paragraph down. Towards the end.
1352
1353 Q: Yeah, this is - this is actually before.
1354
1355 A: Right. And I think chronologically...
1356
1357 Q: (unintelligible)
1358
1359 A: ...chronologically because I had seen something similar to that I probably
1360 thought that this was what he was covering at the time.
1361
1362 Q: Okay. Okay. So, ah, after do you have any before we move on from that, do
1363 you have any questions?
1364
1365 Q1: No.
1366
1367 Q: I'm sorry? No, okay. So, ah, we're immediately after, ah, you turn away while
1368 Officer Romberger is in his trunk - goes to his trunk. You turn over towards,
1369 ah, Officer [REDACTED] and [REDACTED]
1370
1371 A: Correct.
1372
1373 Q: And you ask - I think you ask how old [REDACTED] is or something along the
1374 lines of..
1375
1376 A: Mm-hm.
1377
1378 Q: ...dealing with [REDACTED]. Ah, [REDACTED] is seated on the ground handcuffed
1379 and he asks you for Officer Romberger's name and ID. Do you remember that
1380 exchange?
1381
1382 A: I do.
1383
1384 Q: Can you tell me what you remember about that?
1385
1386 A: So there was still an FI being completed on - on, ah, I'm sorry what was his
1387 name? [REDACTED]
1388
1389 Q: Yes.
1390
1391 A: On [REDACTED] on the ground. And he started yelling and saying something as,
1392 "Hey, I want that officer's badge number." And I'm like, "No, be quiet."
1393
1394 Q: Mm-hm.
1395

1396 A: It was - it was still an active scene. It wasn't the right time at the moment so
1397 that's why I responded that way. However, I definitely I could have worded it
1398 differently and said, um, "You know, now is not the right time but I'll make
1399 sure you have that information before you take off." And then by the time I
1400 get distracted and I had to deal with Officer Romberger's gun in the ride-
1401 along's hand. I never thought about it again to go back to it to provide him
1402 with that so.
1403
1404 Q: Okay.
1405
1406 A: And when I watch my video you see video a week - week and a half later I
1407 realize how bad that sounded when I said, "No, be quiet."
1408
1409 Q: Immediately after he asked for Officer Romberger's ID number, ah, [REDACTED]
1410 says a question, "I'm not allowed to ask for that?" and you tell him no.
1411 Explain that mindset there.
1412
1413 A: I wasn't paying attention to the words that he was saying. I was more I guess
1414 just saying be quiet, you know, I didn't like comprehend like what that exact
1415 thing he was saying was when I said no you're not. You see what I'm saying?
1416 We still had an active scene going on.
1417
1418 Q: Mm-hm.
1419
1420 A: Whatever was coming out of his mouth, I was telling him no, be quiet for
1421 now. Just basically answer Officer [REDACTED] questions. Get the
1422 (unintelligible) done so we can get the scene racked up.
1423
1424 Q: Okay. At any point before the scene was done, did you direct anyone to give
1425 him - provide that information to him?
1426
1427 A: Again, it never entered my mind again while I was on scene.
1428
1429 Q: Okay. Um, so at - at a point in this, ah, Officer [REDACTED] notifies you his BWC is
1430 not working or he - it wasn't directly put that way was it my BWC and he
1431 shakes his head no.
1432
1433 A: Mm-hm.
1434
1435 Q: How did you - do you remember that?
1436
1437 A: I do.
1438
1439 Q: How do you - how did you perceive that at the time?
1440

1441 A: Um, I really didn't deal with it at the time but Officer [REDACTED] told me later on
1442 that he forgot to turn his camera on. Um, he explained how he responded to
1443 the cover call. When he got there, he was - he tried to get up the - the hill in
1444 the grass to get to where Officer Romberger was and his car was just sliding
1445 in the grass.
1446

1447 Q: Mm-hm.
1448

1449 A: He said he had to throw his car in park and jump out of the car and run up to
1450 his location and he said just while that was going on he, you know, forgot.
1451 Um, I mean, he was honest. He came up to me - he told me that. Um, I
1452 understood because, I mean, the adrenaline is going. You're trying to get to
1453 your partner that's in a fight, um, and, you know, I consider it handled.
1454

1455 Q: Did you give him any instructions like note it in your journal, note it on the
1456 case, turn it on now? Um, any of those types of things?
1457

1458 A: I didn't think about that when I was on scene to - it's almost as if like once he
1459 recognized it wasn't off or wasn't on that he could go like turn it back on. I
1460 know now that he never did. But it's just while that scene was going on I
1461 didn't think of saying that but and when I read his report, I didn't think about
1462 that aspect either when I read his report.
1463

1464 Q: Okay. Do you know, ah, were any officers injured in the, ah, in the overall
1465 incident?
1466

1467 A: Um, I know Officer Romberger put a minor injury report in for something I
1468 don't recall off the top of my head what it was.
1469

1470 Q: A minor injury?
1471

1472 A: Correct.
1473

1474 Q: Were - were any of the 1016s or anybody else injured in the, ah, incident?
1475

1476 A: I know [REDACTED] had a, ah, um, a small cut to his lip.
1477

1478 Q: That's [REDACTED] is the one in the car?
1479

1480 A: Okay.
1481

1482 Q: [REDACTED] is the - the other - the one that was seated on the curb.
1483

1484 A: Okay.
1485

1486 Q: Um, he's, ah, well, he had [REDACTED] may have had a cut on his lip that I'm not
1487 aware of so.
1488
1489 A: Oh, I was only aware of one. I must be confusing the two.
1490
1491 Q: Okay. Do you know, ah, let's see how I want to word this. Do you know, ah,
1492 how he got - this 1016 - got a cut on his lip?
1493
1494 A: I was told that when, um, that suspect tried to head butt Officer Romberger
1495 Officer Romberger pushed him away from him and his face hit the side of the
1496 car.
1497
1498 Q: Who told you that?
1499
1500 A: Um, Officer [REDACTED] and also Officer Romberger later on.
1501
1502 Q: When - when did they tell you that?
1503
1504 A: Um, I don't believe anybody told me that at the scene. It was - it was after
1505 maybe towards 1017 time as I was reading his reports.
1506
1507 Q: Okay. So they both told you that, um, the individual tried to head butt him and
1508 he pushed his head into the car? Is that the way...
1509
1510 A: I don't remember Officer - I don't recall Officer Romberger saying that but I
1511 do recall Officer [REDACTED] telling me that.
1512
1513 Q: Okay. All right. That would be consistent with [REDACTED] injury so just - just
1514 for the record.
1515
1516 A: Okay.
1517
1518 Q: That, um, ah, meaning the lip and how it was injured. So did you witness any
1519 of that how...
1520
1521 A: No sir.
1522
1523 Q: ...when that happened? Okay. Did you scratch that. Anything else? Do you
1524 have any - let me - let me back up. I'll get to you last. Ah, do you have
1525 anything - any questions you wanna have or anything you wanna clarify?
1526
1527 A1: Um, yes, just real briefly. Ah, there's been some questions earlier to
1528 [REDACTED], um, about, ah, Officer Romberger's demeanor at various times.
1529 Ah, when you were speaking with him after he got, ah, [REDACTED] into his car,
1530 what was his demeanor at that point and what - what did you perceive from

1531 that demeanor?
1532
1533 A: He looked very calm. He didn't - he didn't seem like he was raging or out of
1534 control in any way. I mean, I've worked around him for several years and he's
1535 normally very quiet - very calm just like that so I had - I had nothing - no
1536 indication that he was in any way out of control just by speaking with him.
1537
1538 A1: And then, ah, you had also mentioned that at one point while you were
1539 assisting the other officers with the, ah, the suspect who was on the ground on
1540 the curb, um, that you heard the door open, Officer Romberger say, ah, "Stop.
1541 Don't kick my car," and then the door closed.
1542
1543 A: Correct.
1544
1545 A1: And you understood later that was when he used the OC spray?
1546
1547 A: That's correct.
1548
1549 A1: Did any of the other officers on scene react, um, during that point or say
1550 anything about Romberger's deploying his spray - anything along those lines?
1551
1552 A: No sir.
1553
1554 A1: And you don't recall who told you later that the OC was used?
1555
1556 A: I don't.
1557
1558 A1: Okay. That's it for me.
1559
1560 Q: You had mentioned something, thank you. Ah, you had mentioned something
1561 about, ah, Officer Romberger's ride along. Ah, for the record her name is
1562 [REDACTED]
1563
1564 A: Mm-hm.
1565
1566 Q: Ah, was in possession of his gun. Can you explain that part?
1567
1568 A: I remember I was kinda bothered by that. How long she was holding that gun,
1569 ah, and that was part of my distraction away from when was it [REDACTED] that
1570 was on the ground asking for the information?
1571
1572 Q: Yes.
1573
1574 A: I remember that consumed a lot of my mind once I noticed she had the gun. I -
1575 I remember seeing something she was saying but she was holding it oddly like

1576 out in front of her like this. Not like to her side or anything. So once I looked
1577 over and realized what it was I'm like that's a gun in her hand. Why is she
1578 holding the gun? So I walked up to her and I'm like, "Oh, is this Officer
1579 Romberger's gun?" And I'm kinda like, "Hey, (Tim). Do you wanna take this
1580 back?" You know.
1581
1582 Q: Did you ever have a discussion as to how she came into possession of it?
1583
1584 A: Um, yes. So when during the struggle when Officer Romberger's backup gun
1585 fell off.
1586
1587 Q: Mm-hm.
1588
1589 A: Um, I know that she - I don't know if she went and picked it up while the
1590 fight was going on. I don't know that but I just know that she came in
1591 possession of it because it fell from his ankle.
1592
1593 Q: Okay. Ah, did you ever have a discussion with Officer Romberger about it -
1594 how she came into the possession of it or why she had it?
1595
1596 A: I did not. I believe I just assumed that it was because it fell off of his ankle
1597 and she just got possession of it while he was busy dealing with the suspects.
1598
1599 Q: Had you ever met her before this day?
1600
1601 A: No sir.
1602
1603 Q: Do you know, um, if she and Officer Romberger know each other, you know,
1604 are they friends? Is this just some ride along that was assigned to him?
1605
1606 A: No, I believe they were friends.
1607
1608 Q: Okay. You said that it concerned you and that it occupied your mind that she
1609 was standing there holding it. Ex- expound on that. Why did that concern
1610 you?
1611
1612 A: Ah, I just thought that a lot of time had gone by. Um, and that's the first time I
1613 saw it but a lot - a lot of time had gone by before the fact that somebody
1614 would who presumably maybe has no experience with firearms at all, I mean,
1615 just holding it out in front of her. Um, so that - that kinda bothered me a little
1616 bit to the fact of like I need to get this away from her back to where it belongs
1617 so we don't have an accident or something like that. But and again I didn't,
1618 you know, in my mind Officer Romberger had his - had his plate full at the
1619 time so it wasn't necessarily that I thought he did anything wrong by not
1620 taking it from her earlier. It was just that, you know, a lot of time had passed

1621 and I needed to get that back to him.
1622
1623 Q: The totality of the circumstances right?
1624
1625 A: Right.
1626
1627 Q: Question?
1628
1629 Q1: Do you believe Officer Romberger had time to ask her for the gun back?
1630
1631 A: That's an interesting question. I don't know if I know how to answer that
1632 because I know that his mind is - it's kinda asking me to step into his mind for
1633 the moment. I know he was very busy. He dealt with a lot at the scene that I
1634 was aware of. Um, did he physically have time to do that? Yes. I mean, if it
1635 was me, would I have remembered with everything going on? I don't know.
1636 That's why again I wasn't really blaming him for not taking the firearm
1637 because I knew there was a lot going on.
1638
1639 Q1: Okay. When you took the gun from her, you said you gave it back to Officer
1640 Romberger?
1641
1642 A: Yes sir.
1643
1644 Q1: Where was he and what was he doing when you gave the gun back?
1645
1646 A: He was seated in the driver's side of his patrol car.
1647
1648 Q1: Was he dealing with the suspect at that point in time?
1649
1650 A: No sir.
1651
1652 Q1: Were there other times where he was outside the vehicle without dealing with
1653 the suspects?
1654
1655 A: Yes.
1656
1657 Q1: So there was times where he was not dealing with the suspects but she still
1658 had possession of his gun?
1659
1660 A: That is correct.
1661
1662 Q1: And he had not taken the gun from her. You actually had to take the gun from
1663 her?
1664
1665 A: That's correct. And again I just contribute that to his mind being busy at the

1666 time. That's all I attributed it to.
1667
1668 Q1: When - when we look at the report in this paragraph this one talks about
1669 Romberger when he has the person on the ground and he's yelling about the
1670 head butting.
1671
1672 A: Mm-hm.
1673
1674 Q1: And he picked him up from the ground and put him in the car.
1675
1676 A: Right.
1677
1678 Q1: And he pushed him into - through the car and eventually kicked him but you
1679 did not see that at the time?
1680
1681 A: I even to this very moment I did not know that.
1682
1683 Q1: Okay. And then when he documents this he simply writes - he writes about
1684 the incident where he's holding him on the ground. And then he documents
1685 putting him in the car by saying, "I turned [REDACTED] to the backseat of the
1686 vehicle."
1687
1688 A: Right. And - and I guess when we were talking about...
1689
1690 Q1: That's just what I wanted to clarify.
1691
1692 A: Right. So there was confusion with me when I read it that this was - this was
1693 what I had seen versus where it was in the report when he deals with - when it
1694 says he got kicked and - and put him in the car. Just through when I was
1695 reading it at the 1017.
1696
1697 Q1: Okay. So this part is where he shoulda documented...
1698
1699 A: I know this now, yes.
1700
1701 Q1: ...shoving the guy into the car and.
1702
1703 A: Absolutely.
1704
1705 Q1: Should have documented kicking the guy too. Not that you would have known
1706 that but this is the part where he should have documented that.
1707
1708 A: Correct.
1709
1710 Q1: Correct? And he does not - that was not in his report.

1711
1712 A: That's correct.
1713
1714 Q1: And knowing this report did you read anything about the officer kicking [REDACTED]
1715 while in the car?
1716
1717 A: No sir.
1718
1719 Q1: That was not in the report?
1720
1721 A: No sir.
1722
1723 Q1: And the female at that original get-go did you ever ask her how she got
1724 injured?
1725
1726 A: You mean the female that was on...
1727
1728 Q1: Yes.
1729
1730 A: No sir.
1731
1732 Q1: The one that was laying on the ground.
1733
1734 A: No sir. I - I don't ever recall her being like conscious or - or talking. I know
1735 that when I went and checked on her back in the ambulance the medics said
1736 she was, you know, gonna be okay or whatever and they were gonna take her
1737 trans- transport her to the hospital as she was intoxicated.
1738
1739 Q1: Did you ever have any discussion with any of the officers on scene as to what
1740 happened to her - how she got injured?
1741
1742 A: No sir.
1743
1744 Q1: Do we know if there was a crime committed or she just fell on the ground?
1745 Did we ever determine that at the time of the incident?
1746
1747 A: No sir.
1748
1749 Q1: I think that's all.
1750
1751 Q: Any follow-up question?
1752
1753 A1: Ah, I don't believe so no.
1754
1755 Q: Okay. So, ah, Officer [REDACTED], do you have anything to add to

1756 this incident that I've either forgotten to ask you or haven't asked you, um,
1757 that would shed light into this investigation?
1758

1759 A: No sir.

1760
1761 Q: No? Okay. Hearing nothing else I'm going to go ahead and conclude the
1762 interview. It is, ah, looks like 2:08.
1763

1764

1765 The transcript has been reviewed with the audio recording submitted and it is an accurate
1766 transcription.

1767 Signed _____

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INTERVIEW WITH OFFICER [REDACTED]
LEVAN=Sgt. John Levan
RIGHTHOUSE=Sgt. Bret A. Righthouse
Ofc. [REDACTED]
Ofc. [REDACTED]
Ofc. Timothy Romberger

LEVAN: Good morning. It is October 23 and the time is, uh, 0917. My name is John Levan ID 5369. I'm a Sergeant with the San Diego Police Department. We're located in the Internal Affairs Interview Room one at the San Diego Police Department Headquarters. In the room with me is subject Officer [REDACTED] - ID?

[REDACTED]: [REDACTED]

LEVAN: And at the time we agreed to the interview, uh, I advised you of your right to representation in the room with us is Officer [REDACTED] - ID?

[REDACTED]: [REDACTED]

LEVAN: Thank you. Also present with us is Detective Sergeant Bret Righthouse - ID?

RIGHTHOUSE: 4173.

LEVAN: Thank you. Uh, today we're here to discuss allegations of procedure. Uh, the interview is with regards to, uh, IA Case Number 2017-0644 related to concerns about force, procedure, conduct, courtesy, and criminal conduct. Uh, again your allegations that we're gonna discuss today are procedural. And this time we're going to question you about those things. My questions regarding - during this interview concern administrative matters relating to the official business of the police department. I'm not questioning you for the purposes of criminal prosecution. In a criminal investigation you have the right to remain silent and not incriminate yourself. However, since this is administrative not a criminal investigation your failure to answer my question could be insubordination and result in discipline up to and including termination. Any statement you make cannot be used against you in any criminal proceeding. Under penal code 832.7 the Grand Jury, the Attorney General's Office, or District Attorney's Office m- may have the right to obtain a copy of your

46 statement to me during this interview. Your statements to me cannot be used
47 against you by any agency in a criminal proceeding. You are required to
48 answer my questions fully and truthfully. This requirement is set forth in
49 sections 9.4 and 9.29 of the San Diego Police Department, uh, policy manual.
50 DP 9.4 Obedience to Lawful Orders - members shall promptly obey any
51 lawful order of superiors. This includes orders relayed from a superior by
52 someone of the same or lesser rank. DP 9.29 - the Truthfulness Police states
53 members shall be truthful in all matters related to their duties. Upon the order
54 of a superior or any officers appointed by the Chief of Police to conduct
55 internal investigations in accordance with constitutional and contractual
56 guarantees including a right to representation. Members shall truthfully
57 answer all questions spec- specifically directed and narrowly related to the
58 scope of employment and operation of the department. Refusal to answer my
59 questions is itself a violation of department policy and will subject you to
60 disciplinary penalties. Do you understand each, uh - do you understand what
61 I've explained to you?

62 [REDACTED]
63 [REDACTED] Yes sir.

64
65 LEVAN: Thank you. Is there anything that prevents or may prevent you from
66 answering my questions fully and truthfully?

67 [REDACTED]
68 [REDACTED] No sir.

69
70 LEVAN: Do you have any questions concerning what I've explained to you?

71 [REDACTED]
72 [REDACTED] No sir.

73
74 LEVAN: 'Kay. I now order you to answer the following questions as I'm ordering you
75 not - and I also am ordering you not to disclose anything we discuss during
76 this interview or anything regarding this inveg- investigation with anyone
77 other than your employer representative or legal counsel. Doing so would be
78 insubordination and by itself could subject you to disciplinary action up to and
79 including termination. All right - okay so as I said this is regards to IA Case
80 Number 2017-0644. Were you working on August 6?

81 [REDACTED]
82 [REDACTED] Yes sir.

83
84 LEVAN: Uniform?

85 [REDACTED]
86 [REDACTED] Correct.

87
88 LEVAN: Okay. Did you respond to a call at the San Carlos Rec Center at about 7
89 o'clock in the morning?
90

91 [REDACTED]: Yes sir.
92
93 LEVAN: Do you remember the nature of that call?
94
95 [REDACTED]: It was, uh, supposedly two, uh, drunk juveniles at the park.
96
97 LEVAN: Was there a description given?
98
99 [REDACTED]: Uh, two black males I believe.
100
101 LEVAN: Okay - all right and while you were en-route to the call did anything - did you
102 get any updates?
103
104 [REDACTED]: Yeah I was en-route. It was just a normal call, uh, my cover officer never went
105 97 but the next thing I heard on the radio was, "Cover now." And I knew it
106 was Officer Romberger.
107
108 LEVAN: Meaning he didn't go 97 on the air? Or...
109
110 [REDACTED]: Correct.
111
112 LEVAN: Okay.
113
114 [REDACTED]: Yes so I never knew he was there to give my where abouts from where I was.
115 Next thing I knew it was just, "Cover now." So I hit the lights and sirens and
116 took off.
117
118 LEVAN: Okay how did you make your approach to the call?
119
120 [REDACTED]: Uh, street wise?
121
122 LEVAN: Well not necessarily...
123
124 [REDACTED]: I mean...
125
126 LEVAN: ...street by street but when you came on scene...
127
128 [REDACTED]: Um...
129
130 LEVAN: ...how did you get to where he was?
131
132 [REDACTED]: Well I drove past the Rec Center. I saw his patrol vehicle parked there but I
133 didn't see him so I went past the Rec Center. And it's kinda on (Knoll) and
134 the street goes downhill. I saw him up on the hill. It looked like he was on top
135 of a subject so I went up over the curb. I started drivin' up the grass but the

136 sprinklers just came on so the tires spun so I hopped outta my car and ran up
137 to him.
138

139 LEVAN: Okay so when you - when you go on a scene and you see the officer on top of,
140 um, a suspect what was the condition of that suspect? Was he laying on the
141 ground? Were they struggling?
142

143 [REDACTED] Uh, he was laying on the ground and from where I was it was pretty far
144 distance it looked like they were struggling. It looked Timmy [Romberger]
145 was holdin' him down - physically just tryin' to hold him down. The other kid
146 was sitting a few feet away from 'em.
147

148 LEVAN: Do you know the names of the two?
149

150 [REDACTED] I think mine was, uh, [REDACTED]] or somethin' like that and the other
151 one was...
152

153 LEVAN: [REDACTED] was the other guy.
154

155 [REDACTED] was - [REDACTED] or what was his? [REDACTED].
156

157 LEVAN: [REDACTED]
158

159 [REDACTED] - okay. He - so he had [REDACTED] on the ground.
160

161 LEVAN: Okay.
162

163 [REDACTED]: Yes.
164

165 LEVAN: All right and...
166

167 [REDACTED] He had his knee on his back and he was holdin' him down.
168

169 LEVAN: Okay.
170

171 [REDACTED]: Just for the record since we're askin' names and stuff if we don't remember -
172 so we're not guessing we - we do have paperwork...
173

174 [REDACTED] Okay.
175

176 [REDACTED]: ...in front of us...
177

178 [REDACTED]: Okay.
179

180 [REDACTED]: ...that we can refresh our recollection.

181
182 LEVAN: Absolutely.
183
184 [REDACTED]: Okay - yep.
185
186 LEVAN: Absolutely. Um, so in your mind when you see this situation it - what did you
187 perceive was happening that cause you to drive up on the lawn and...
188
189 [REDACTED]: I thought they were fighting. I didn't know if there was weapons involved or
190 anything else. He just called, "Cover now." And that's our, uh, biggest
191 emergency - so.
192
193 LEVAN: Okay so when you go - uh, when you get through the grass and get there...
194
195 [REDACTED]: Mm-hm.
196
197 LEVAN: ...what did you do?
198
199 [REDACTED]: Uh, well I was s- still parked on the hill. I never made it up to where Tim
200 (Romberger) was so I had to get out my car and run to where he was. And I
201 said, "Tim what's goin' on?" And he said, "Oh this guy was fightin' with
202 me." Somethin' like that. And I said, "What would you like me to do?" And
203 he said, "Handcuff that guy." Which was [REDACTED] or whatever his name...
204
205 LEVAN: [REDACTED]
206
207 [REDACTED]: [REDACTED] - yeah.
208
209 LEVAN: Okay.
210
211 [REDACTED]: So I handcuffed him.
212
213 LEVAN: Did he offer any resistance - [REDACTED] offer any...
214
215 [REDACTED]: No.
216
217 LEVAN: ...resistance to ya?
218
219 [REDACTED]: Not at all.
220
221 LEVAN: Okay what was his status when you went up to him?
222
223 [REDACTED]: He was sitting there, uh, kinda bein' mouthy. I don't remember what he was
224 sayin' but they were o- both obviously drunk and mouthy and that kinda thing.
225 And then there was another female that I noticed that was walking around that

226 I guess had been with 'em - black female. And she was stumblin' around also
227 - too. But she was probably 40 feet away from us next to the Rec Center.
228

229 LEVAN: Okay. We'll - we'll get...

230 [REDACTED]
231 [REDACTED] And there was some...

232
233 LEVAN: ...to her.

234 [REDACTED]
235 [REDACTED] Okay.

236
237 LEVAN: We'll get to her...

238
239 [REDACTED] Okay.

240
241 LEVAN: ...later. Um, so all this is happening what - where in relation to the building?

242 [REDACTED]
243 [REDACTED] Probably a good 50 - 60 feet away I'd say - in the grass part of the park.

244
245 LEVAN: Okay. And when approach Officer Romberger and [REDACTED] uh, where is [REDACTED]
246 in relationship to them? How far is he seated...

247 [REDACTED]
248 [REDACTED] He's...

249
250 LEVAN: ...away from that?

251 [REDACTED]
252 [REDACTED] ...probably - he's not too far away from - he's probably less than five feet
253 away.

254
255 LEVAN: Okay. On which side of - of [REDACTED]

256 [REDACTED]
257 [REDACTED] On the south side of [REDACTED].

258
259 LEVAN: Well let's say if - if [REDACTED] is - is he face down on the ground?

260 [REDACTED]
261 [REDACTED] [REDACTED] is face down on the ground with Officer Romberger got his knee on him
262 holdin' him down.

263
264 LEVAN: Mm-hm.

265 [REDACTED]
266 [REDACTED] And then [REDACTED] the other guy...

267
268 LEVAN: Mm-hm.

269 [REDACTED]
270 [REDACTED] ...is about five feet away from 'em.

271
272 LEVAN: On which side of [REDACTED] Right side or left side?
273
274 [REDACTED] Well he was layin' on the ground that would make it his left side. [REDACTED] was
275 on the north side he would have been on the south side.
276
277 LEVAN: How - I don't know directions over there...
278
279 [REDACTED] Okay.
280
281 LEVAN: ...so what, um, i- is Officer Romberger on his l- on [REDACTED] left side?
282
283 [REDACTED] He's on top of him - physically on top...
284
285 LEVAN: Straddling him?
286
287 [REDACTED] ...of him. Uh, kinda, like, knee in the back and holdin' him down.
288
289 LEVAN: So is - is his body - so if this table is [REDACTED]...
290
291 [REDACTED]: Right.
292
293 LEVAN: ...face down on the ground.
294
295 [REDACTED] Right. His head would be right there.
296
297 LEVAN: Right.
298
299 [REDACTED]: His feet down here. O- Officer Romberger is on top of him and the other guy
300 is sitting right there.
301
302 LEVAN: So - so [REDACTED] is actually behind [REDACTED] - um, behind Officer Romberger?
303
304 [REDACTED]: Um, not behind him, I mean, he can see him because he points at him. He just
305 says, "Handcuff him."
306
307 LEVAN: Okay.
308
309 [REDACTED]: Yeah.
310
311 LEVAN: All right. So you said [REDACTED] didn't offer any resistance...
312
313 [REDACTED]: No - uh-uh.
314
315 LEVAN: ...to you handcuffing him?

316
317 [REDACTED] No - uh-uh.
318
319 LEVAN: Um...
320
321 RIGHTHOUSE: What was [REDACTED] sitting on?
322
323 [REDACTED] Just the grass - yeah we were in the lawn.
324
325 LEVAN: Uh, did you see Officer Romberger handcuff [REDACTED]
326
327 [REDACTED] Uh, I don't recall if he was handcuffed already or - I don't recall.
328
329 LEVAN: Okay.
330
331 [REDACTED] Yeah.
332
333 LEVAN: So you've now handcuffed [REDACTED]...
334
335 [REDACTED] Right.
336
337 LEVAN: ...and, um, Officer Romberger, I assume, it - would it be safe to assume that
338 he handcuffed [REDACTED]
339
340 [REDACTED] Yes - yes - I know he was handcuffed when he was startin' to walk him to his
341 car.
342
343 LEVAN: So as he walking him towards his car...
344
345 [REDACTED] Mm-hm.
346
347 LEVAN: ...which is parked in the parking lot - you said. Did you see [REDACTED] offer any
348 resistance or any altercation between [REDACTED] and Officer Romberger?
349
350 [REDACTED] Yeah he was - and I don't know if it was resistance or just being drunk or
351 whatever but he was pullin' away, fallin' down - just - and Timmy
352 [Romberger] was pretty much (haftin') to hold his whole weight at times. And
353 one time I did see him fall there was a concrete bench or pillar or whatever. At
354 this time I was probably 60 feet away from 'em - maybe even farther. I saw
355 him fall down and then (Timmy) picked him back up and started walkin' him
356 to (him) car and that's when I started walkin' my guy. But before that - I don't
357 know if you want me to get to that part - the girl fell down...
358
359 LEVAN: Sure.
360

361 [REDACTED]: ...hit her head on the concrete. I mean, it sounded like a pumpkin exploding.
362 So I got on the air and asked for medics for her. There was some citizens there
363 tryin' to help out. So Timmy was walkin' his guy there. She was fallin' down
364 crackin' her head and then I started walkin' my guy.

365
366 LEVAN: Okay the - the female - where did she come from? Was she near the building?

367 [REDACTED]
368 She was - I didn't see her at first but I heard the citizen say, "Hey." Somethin'
369 like, "Hey there's another girl over here." Or, "She's drunk." Or, "She's on
370 drugs." Or somethin' like that. And then I saw her and she was just literally
371 barely walkin'. She was staggerin' all over.

372
373 LEVAN: Okay. She fell and you guys were in the lawn - did she fall in the lawn?

374 [REDACTED]
375 No she was on the concrete.

376
377 LEVAN: Next to the building?

378 [REDACTED]
379 Yeah next to the building. Yeah there's a big concrete area on the, uh, east
380 side of the building.

381
382 LEVAN: Did you have - or did - do you know if police had any interaction with her...

383 [REDACTED]: No...

384
385
386 LEVAN: ...before that?

387 [REDACTED]
388 ...I don't know if Tim did or not. When I got there he - like I said, he was on
389 top of [REDACTED]. I was, uh, with the other guy and then I saw her wanderin'
390 around and that's when she fell down. So I hadn't contacted her. I don't know
391 if Timmy had before, you know, before he put out the, "Cover now." Because
392 I know they were all together.

393
394 LEVAN: So she looked inebriated to you?

395 [REDACTED]: Oh yes.

396
397
398 LEVAN: How was [REDACTED]? The guy you - you handcuffed. Would you - w- what was
399 his status?

400 [REDACTED]: He was drunk too - yeah.

401
402
403 LEVAN: W- what makes you say he was drunk?

404 [REDACTED]
405 Um, alcoholic breath, slurred speech, unstable gait - the whole - the whole

406 nine yards.

407
408 LEVAN: M'kay. Did - did - you said, um, as he was walking - as - as Officer
409 Romberger was walking [REDACTED] and you - you mentioned Timmy - you're
410 referring to Officer Romberger?

411
412 [REDACTED]: Yes sir.

413
414 LEVAN: Okay as you - as he's walking [REDACTED] you said you don't know if it was drunk
415 or if he was resisting. Can you describe what he was doing that makes you say
416 that?

417
418 [REDACTED]: Um, like I said, I was pretty far away and I was lookin' at her but I saw him,
419 like, fall - just fall to the ground.

420
421 LEVAN: Okay.

422
423 [REDACTED]: I mean, Timmy was walkin' him tryin' to support him. O- obviously they
424 were intoxicated and stumblin' around. They were - I don't know how much
425 resisting it was bes- also with drunkenness.

426
427 LEVAN: Mm-hm.

428
429 [REDACTED]: I think it was a little bit of both. And they were chippin' away and that kind of
430 stuff and then he fell to the ground and I saw Timmy pick him back up.

431
432 LEVAN: Okay.

433
434 [REDACTED]: So between that and lookin' at the girl and talkin' to my guy I was just
435 catchin' - catching bits and pieces of stuff.

436
437 LEVAN: Did you see - and I'm sorry if you said you did, um, did you see Officer
438 Romberger pick [REDACTED] up after he had fallen to the ground?

439
440 [REDACTED]: Yeah.

441
442 LEVAN: How did he do that?

443
444 [REDACTED]: Uh, I don't know if it was by the jeans or what but just kinda picked him up.

445
446 LEVAN: Okay.

447
448 [REDACTED]: Yeah.

449
450 LEVAN: And then...

451
452 [REDACTED] I don't know if he grabbed him by the jeans or whatever but I know he
453 physically picked him up or helped him up or whatever it is.
454
455 LEVAN: And then did you watch him start to walk, uh, [REDACTED] t- back towards his car?
456
457 [REDACTED] Yeah.
458
459 LEVAN: The police car.
460
461 [REDACTED]: Mm-hm.
462
463 LEVAN: Okay did you see any force of use in that?
464
465 [REDACTED]: No not then.
466
467 RIGHTHOUSE: When you were describing Officer Romberger walking [REDACTED] and...
468
469 [REDACTED] Mm-hm.
470
471 RIGHTHOUSE: [REDACTED] was drunk and falling and pulling and whatever.
472
473 [REDACTED] Right.
474
475 RIGHTHOUSE: You were kind of demonstrating with your hands. Do you know...
476
477 [REDACTED] Yeah, I mean...
478
479 RIGHTHOUSE: Do you know where Officer Romberger had his hands on [REDACTED]
480
481 [REDACTED] I wanna say his shoulders and maybe his handcuffs.
482
483 RIGHTHOUSE: So kind of a typical...
484
485 [REDACTED]: Right - yeah.
486
487 RIGHTHOUSE: ...escort.
488
489 [REDACTED]: Kinda walkin' him like this but the kid was all squirrely and I - like I said, I
490 don't know if it was squirrely and drunkenness all together but, uh, he wasn't
491 just walking like a regular person would. You know? I don't know if it was
492 resistance or drunkenness or both of it but...
493
494 [REDACTED]: And for the record you say, "I'm not sure." Meaning you're just guessing
495 you're not sure...

496
497 [REDACTED] Correct.
498
499 [REDACTED]: ...exactly where his hands were?
500
501 [REDACTED]: Right - yes.
502
503 LEVAN: Um, with regards to, uh, the female - was she ever identified?
504
505 [REDACTED] Um, yes because - at first she wasn't. Medics took her eventually to the
506 hospital. Um, while I was writing my report I think one of the maintenance
507 man flagged me down and said, "Hey I found this phone. I think it was that
508 girl's phone." It was all busted up and everything. So I went to the hospital.
509 Her mom was with her and I gave her the phone. I don't even know if ID'd or
510 not. I can...
511
512 LEVAN: Okay so you...
513
514 [REDACTED]: ...check my - I can check my report but I don't think so
515
516 LEVAN: So you spoke with her mom?
517
518 [REDACTED]: Yes.
519
520 LEVAN: D- do you know her name?
521
522 [REDACTED]: No I don't.
523
524 LEVAN: Okay. Do you know mom's name?
525
526 [REDACTED]: No.
527
528 LEVAN: What - what hospital?
529
530 [REDACTED]: Uh, Sharps.
531
532 LEVAN: Memorial?
533
534 [REDACTED] Mm-hm.
535
536 LEVAN: What was your conversation with mom?
537
538 [REDACTED]: Um, not much. I walked in I had the phone in my hand and mom saw that I
539 had the phone and she goes, "Oh is that her phone?" "Yeah." "Well she snuck
540 out last out night or somethin' like that. I'm not sure what happened." I said,

541 "Well she was with a couple guys in the park. They'd been drinkin' and, uh,
542 she fell and hit her head." I go, "That's about it." And she took her phone and
543 I left.
544

545 LEVAN: What was mom's demeanor?

546 [REDACTED]:
547 Um, mostly just concerned I think - yeah.
548

549 LEVAN: Okay. Um, all right.

550 [REDACTED]:
551 But mom did say that, like, sh- thought she snuck outta the house or somethin'
552 like that. I - you know?
553

554 LEVAN: Did she say how old, uh, [REDACTED] - uh, is it - [REDACTED] is - is her name.
555 Is...

556 [REDACTED]:
557 Is her name?
558

559 LEVAN: Is the juvenile's name.

560 [REDACTED]:
561 Okay.
562

563 LEVAN: Um...

564 [REDACTED]:
565 Was she a j- she was a juvenile?
566

567 LEVAN: I, um, that's...

568 [REDACTED]:
569 Okay - okay.
570

571 LEVAN: ...what I'm asking.

572 [REDACTED]:
573 Okay I - I don't know 'cause I didn't...
574

575 LEVAN: Okay.

576 [REDACTED]:
577 ...I didn't ID her or anything like that - so.
578

579 LEVAN: Okay - all right so a lot of moving parts happen when you go on scene.

580 [REDACTED]:
581 Right.
582

583 LEVAN: You s- you got the female, um, two 10-16's.

584 [REDACTED]:
585 Mm-hm.

586
587 LEVAN: Back to - now Officer Romberger is walking [REDACTED] to the - to the, uh, parking
588 lot.
589
590 [REDACTED] Mm-hm.
591
592 LEVAN: [REDACTED] bein' dealt with, um, by a citizen.
593
594 [REDACTED] Right.
595
596 LEVAN: And you've called medics for her.
597
598 [REDACTED] Right.
599
600 LEVAN: You have [REDACTED] in custody.
601
602 [REDACTED] Right.
603
604 LEVAN: How far did you watch Officer Romberger escort - how far did they get while
605 you were watching them?
606
607 [REDACTED] Um, pretty much after he picked him up and started walking. Then I was
608 talkin' to [REDACTED] or whatever his name is and that's it.
609
610 LEVAN: Okay. At any point in th- in this time frame when you are watching, um,
611 Officer Romberger deal with [REDACTED] did Officer Rong- Romberger put his
612 hands around [REDACTED] throat?
613
614 [REDACTED] I know at one time when he was on him - physically on him on the ground...
615
616 LEVAN: Mm-hm.
617
618 [REDACTED]: ...he put his hands on his neck. I don't know if they was around his throat but
619 he was laying face down and he had hands on his neck holding him down.
620
621 LEVAN: Okay, um, so this was, like, as you immediately get on scene...
622
623 [REDACTED] Yes.
624
625 LEVAN: ...when he's dealing - before he starts walking him?
626
627 [REDACTED]: Right.
628
629 LEVAN: Explain what he's doing, I mean, again just what you observed. You
630 obviously don't know what's going on in his mind but...

631
632 [REDACTED] Right.
633
634 LEVAN: ...is he telling him anything? Is applying pressure that (unintelligible)?
635
636 [REDACTED] Um, he's got his knee on his back and he's holdin' him down and at times at
637 the should and then he'd screw around and he'd put it on his neck - head area
638 and h- hold his head against the ground like that. Um, and then Timmy had a
639 ride along and she had - her hand was flat out like this - exactly like this with -
640 I wasn't sure what it was at first, I mean, I knew it was a gun but I didn't
641 know who's gun it was. Later I found out it was Timmy's backup weapon.
642
643 LEVAN: Okay so back to Officer Romberger's...
644
645 [REDACTED] Mm-hm.
646
647 LEVAN: ...hands on [REDACTED] neck.
648
649 [REDACTED] Right.
650
651 LEVAN: Describe how they were physically on his neck. Were they on the back of his
652 neck? Were they on his head and neck? Was he - were they around his neck?
653
654 [REDACTED] Um, I never saw 'em around his neck, like, choking him.
655
656 LEVAN: Okay.
657
658 [REDACTED] But I did see 'em on his - well maybe one hand on his head and one hand on
659 his neck or both hands on his neck or somethin' like that.
660
661 LEVAN: To you did it look it was - he was tryin' to control him?
662
663 [REDACTED] Yes.
664
665 LEVAN: Okay.
666
667 [REDACTED]: He was just holdin' him down 'cause he was gettin' squirrely and talkin' and
668 chippin' and...
669
670 LEVAN: [REDACTED]
671
672 [REDACTED]: ...movin' around - yes.
673
674 LEVAN: Okay - all right at some point they get, um, Officer Romberger gets [REDACTED] out
675 to the parking lot where his car is parked.

676 [REDACTED] Right.
677 [REDACTED]
678
679 LEVAN: Did you see any altercation or anything that transpires at th- at Romberger's
680 police car with [REDACTED]
681 [REDACTED]
682 [REDACTED] No.
683
684 LEVAN: Between those two?
685 [REDACTED]
686 [REDACTED] No I - after he got him in the car as I started to walk up I said, "Tim do you
687 want me to take him or do you wanna take him?" Talkin' about [REDACTED]
688
689 LEVAN: Okay let's - before we even get to that...
690 [REDACTED]
691 [REDACTED] Oh okay - okay.
692
693 LEVAN: Before we even get to that...
694 [REDACTED]
695 [REDACTED]: Okay.
696
697 LEVAN: ...y- you don't see anything that happens at that police car at that time?
698 [REDACTED]
699 [REDACTED] No.
700
701 LEVAN: Right?
702 [REDACTED]
703 [REDACTED] Uh-uh.
704
705 LEVAN: Okay.
706
707 RIGHTHOUSE: Wait - when Officer Romberger picked [REDACTED] up off the ground and then from
708 there he walked him to the police car. Did you witness Officer Romberger
709 walking [REDACTED] to the police car?
710 [REDACTED]
711 [REDACTED] No not after he picked him and started walking him. Then I started talkin' to
712 my guy and so I never saw Timmy put his guy in the back of the patrol car.
713
714 RIGHTHOUSE: You didn't see him escort him to the car and you didn't see him put him in the
715 car?
716 [REDACTED]
717 [REDACTED] No - uh-uh.
718
719 LEVAN: Okay so now you get - you pick [REDACTED] up or - or...
720

721 [REDACTED] No I didn't - no he...
722
723 LEVAN: ...sit him up - how do you get - how do you stand...
724
725 [REDACTED] He - yeah he just - I s- I don't know I - I got him to the ground. He - he didn't
726 resist or anything like that. He was - he was fine.
727
728 LEVAN: So you walk him to the parking lot where...
729
730 [REDACTED]: Right.
731
732 LEVAN: ...Officer Romberger is.
733
734 [REDACTED] Yes.
735
736 LEVAN: No resistance?
737
738 [REDACTED]: No - uh-uh.
739
740 LEVAN: He doesn't offer you any resistance?
741
742 [REDACTED]: No - uh-uh he...
743
744 LEVAN: Does he say anything to you?
745
746 [REDACTED] No not really. I - not that I recall - nothin' of any importance that I remember.
747
748 LEVAN: So when - when you come around the - the building...
749
750 [REDACTED] Mm-hm.
751
752 LEVAN: ...from where you start walking him where the female had fallen and where...
753
754 [REDACTED]: Mm-hm.
755
756 LEVAN: ...you took [REDACTED] into custody could you see Officer Romberger's police car?
757
758 [REDACTED]: Yes - yeah there was no building in the way of it.
759
760 LEVAN: Okay. But you didn't see any o- anything that transpired in that time with
761 [REDACTED] at the police car?
762
763 [REDACTED] No - uh-uh.
764
765 LEVAN: Okay. At some point you walk [REDACTED] over to the police car.

766 [REDACTED]
767 [REDACTED] Right.
768
769 LEVAN: Okay do you transfer custody of him to Officer...
770
771 [REDACTED]: Well...
772
773 LEVAN: ...Romberger?
774
775 [REDACTED] Well what happens, uh, when I'm gettin' close my car is parked way down on
776 the hill and I say, "Timmy do you want me to take him? You wanna take him
777 or what?" And he goes, "I'll take him." So I physically give him to
778 Romberger - Timmy.
779
780 LEVAN: Mm-hm.
781
782 [REDACTED] And next thing I know the other guy is in the backseat. Timmy starts to walk
783 him around the back of the police car and I see outta the corner of my eye the
784 guy, like, go back like this, like, try to head butt him - I don't know if he was
785 head butting - I don't know if he lost balan(ce)- I don't know what it was.
786 Then I saw Tim push him up against the car and he hit the back pillar between
787 the backside window and the back glass there's that metal part that comes
788 down...
789
790 LEVAN: Mm-hm.
791
792 [REDACTED] ...and the kid's face hit that and cracked open his lip.
793
794 LEVAN: Okay so you - where are you standing in relation to the car when this
795 happens?
796
797 [REDACTED] I am standing at the back corner but I'm kinda looking into the window of the
798 back seat where the other 10-16 is.
799
800 LEVAN: Where [REDACTED] is sitting?
801
802 [REDACTED] Yes.
803
804 LEVAN: Okay. Who physically has control of [REDACTED] at this point?
805
806 [REDACTED] Officer Romberger.
807
808 LEVAN: Okay so is there anybody else aside from you three outside the car right now?
809
810 [REDACTED] No.

811
812 LEVAN: All right so i- it's Officer Romberger and [REDACTED]
813
814 [REDACTED] Right.
815
816 LEVAN: And are they standing - I - I know this from watching the BWC's w- are they
817 standing to your left?
818
819 [REDACTED] Yes.
820
821 LEVAN: All right so you have Officer Romberger, [REDACTED], and you.
822
823 [REDACTED] Mm-hm.
824
825 LEVAN: And you're standing basically parallel with the back window - is that what I
826 understand?
827
828 [REDACTED] Yeah I wanna say - say this was the car 'cause it's pretty much facin' the cri- I
829 would be here. This would be the back glass - this would be the side glass. I'm
830 here and I don't know if I'm standin' here. I don't know if my shoulders are
831 turned to th- I just see this.
832
833 LEVAN: Okay. Did you see what happened before th- bef- what you're referring - just
834 for the record - you're talking about when his head hits the car?
835
836 [REDACTED] Correct.
837
838 LEVAN: Did you see what happens immediately before that? What prompts all of that?
839
840 [REDACTED] I just saw the kid - like I said, I don't know if he stumbled. I don't know if he
841 was tryin' to injure Officer Romberger with a head butt or somethin' like that.
842 I just saw - 'cause he never did it with me. He was fine. I walked him over
843 there fine. But, uh...
844
845 RIGHTHOUSE: So for the record it looks to me like you're describing upper torso moving
846 backwards along with the head moving backwards and then moving forward
847 striking the vehicle.
848
849 [REDACTED]: Correct.
850
851 LEVAN: Okay.
852
853 [REDACTED]: Tryin' to demonstrate it but I know you can't...
854
855 RIGHTHOUSE: I understand.

856
857 [REDACTED] ...see demonstration on - on tape.
858
859 [REDACTED] Right. That's what (unintelligible).
860
861 LEVAN: So all of this is - is Officer Romberger is pushing him against the car. Is that
862 what I understand?
863
864 [REDACTED] Right.
865
866 LEVAN: Pushing, um, [REDACTED] against the car?
867
868 [REDACTED]: I didn't see him - how he did it. I just know that he came and hit his face on
869 the B [C] pillar or whatever pillar it is.
870
871 LEVAN: Were you watching them?
872
873 [REDACTED]: I - I wasn't physically watching that I don't think but I did see it. And I knew
874 obviously it was Tim pushing him up against the car.
875
876 LEVAN: Okay - all right. If you got questions...
877
878 RIGHTHOUSE: How - how hard...
879
880 LEVAN: ...I'm gonna queue up a video.
881
882 RIGHTHOUSE: ...did he - does he hit the car?
883
884 [REDACTED] How hard? Pretty hard - yeah.
885
886 RIGHTHOUSE: And he hit it with his mouth? His face? His head?
887
888 [REDACTED] Uh...
889
890 RIGHTHOUSE: You said he split his lip.
891
892 [REDACTED]: ...his whole face - yeah his whole face kinda hit it but yeah he split his lip.
893
894 RIGHTHOUSE: Was Officer Romberger's hand on his head?
895
896 [REDACTED]: I didn't see that.
897
898 RIGHTHOUSE: Or did you just see the person hit the car?
899
900 [REDACTED] I - yeah that - that's what it looked like to me. It just looked like hitting the

901 car.

902 ((RECORDING))

903

904 Officer [REDACTED]: I got medics comin'.

905

906 ((END RECORDING))

907

908 LEVAN: Okay I'm sorry. I didn't mean to interrupt. I thought the sound was off there -
909 all right. What I'm gonna show is a video and, uh, for the record it's, uh, 846
910 through 9 and this is Officer Romberger's BWC at the, uh, vehicle in the
911 parking lot.

912

913 ((RECORDING))

914

915 ROMBERGER: (Unintelligible). Oh I didn't see her I saw her sittin'.

916

917 [REDACTED] Hey stand here.

918

919 ROMBERGER: Stand still - stand still.

920

921 [REDACTED] Why are you chokin' me? Don't you fuckin' choke. Don't you fuckin' choke
922 me.

923

924 ROMBERGER: She never even got up. When I walked up these two just walked that way. She
925 just stayed there.

926

927 ((END RECORDING))

928

929 LEVAN: Okay.

930

931 ((RECORDING))

932

933 Man: (Unintelligible).

934

935 ((END RECORDING))

936

937 LEVAN: Okay so w- this is what we're talkin' about right?

938

939 [REDACTED] Mm-hm.

940

941 LEVAN: What you're - you're describing is...

942

943 [REDACTED] Right.

944

945 LEVAN: ...is a- at some point [REDACTED] head and body kinda moves...

946
947 [REDACTED] So...
948
949 LEVAN: ...Officer Romberger.
950
951 [REDACTED] ...I didn't see it he - it happens right there because I didn't see it, I mean, it
952 looked like the camera was low or somethin' but yes that's what...
953
954 LEVAN: I'm - I'm not ans- understanding your questions. What do you mean, uh, you
955 didn't see where he - where his head contacts the vehicle or anything?
956
957 [REDACTED] Right.
958
959 LEVAN: Is that what you're saying?
960
961 [REDACTED] Right - yeah.
962
963 LEVAN: Okay this is where he gets injured.
964
965 [REDACTED] Okay - okay.
966
967 LEVAN: Where his - his lip gets bloodied.
968
969 [REDACTED]: Okay.
970
971 LEVAN: So I just wanna make sure that this is what you're describing...
972
973 [REDACTED] Correct.
974
975 LEVAN: ...from your recollection?
976
977 [REDACTED]: Yes.
978
979 LEVAN: Okay - all right.
980
981 RIGHTHOUSE: And you said you saw his head hit the vehicle right?
982
983 [REDACTED] Yes.
984
985 RIGHTHOUSE: Yeah you saw his head hit the vehicle you just didn't see how he...
986
987 [REDACTED] Right.
988
989 RIGHTHOUSE: ...moved back.
990

991 [REDACTED]: Right.
992
993 LEVAN: So it looks you - your left hand is - is, uh, still controlling [REDACTED]
994
995 [REDACTED]: Mm-hm.
996
997 LEVAN: When he - when he moves - does whatever move that is where he leans
998 towards Officer Romberger and then Officer Romberger pushes him into the
999 police car. Are you still holding him that whole time?
1000
1001 [REDACTED]: I don't know - I...
1002
1003 LEVAN: Okay.
1004
1005 [REDACTED]: ...don't know. 'Cause I didn't ev- to be honest I didn't even know I was
1006 holdin' him right there. I thought I handed him off to Timmy.
1007
1008 LEVAN: Okay. The video - you - you're looking at this whole thing happen.
1009
1010 [REDACTED]: Mm-hm.
1011
1012 LEVAN: And this is Officer Romberger's video. He hits - he pushes Romberger, uh,
1013 excuse me, uh, [REDACTED] into the - the police car...
1014
1015 [REDACTED]: Mm-hm.
1016
1017 LEVAN: ...where he gets the bloody lip. And then Officer Romberger's left hand is up
1018 towards [REDACTED] throat. You can hear he says, "Stop choking me. Why you
1019 choking me?" And his voice sounds strange.
1020
1021 [REDACTED]: Mm-hm.
1022
1023 LEVAN: Strained - did you see Officer Romberger strangle him?
1024
1025 [REDACTED]: I did not.
1026
1027 LEVAN: Did you see his hands on his throat?
1028
1029 [REDACTED]: I did not.
1030
1031 LEVAN: 'Kay. You're lookin' right at it though.
1032
1033 [REDACTED]: I - I d- honestly didn't see him have his hands on his throat.
1034
1035 LEVAN: Did you see where his left hand was?

1036
1037 [REDACTED] Romberger's?
1038
1039 LEVAN: Yes.
1040
1041 [REDACTED] No.
1042
1043 LEVAN: Okay. Did - did you...
1044
1045 [REDACTED] Can we play the video...
1046
1047 LEVAN: Yeah.
1048
1049 [REDACTED] ...back again? Because...
1050
1051 LEVAN: Ab- absolutely - absolutely.
1052
1053 [REDACTED]: If I could - just real quick...
1054
1055 LEVAN: Yeah.
1056
1057 [REDACTED] ...for the record. Prior to watching this video do you have access to any other
1058 officer's videos that you can look at in evidence.com? So did - do you...
1059
1060 LEVAN: I'm sorry - are you asking me? Or are you...
1061
1062 [REDACTED]: No I'm askin' hi- the officer.
1063
1064 [REDACTED] Oh I didn't know if I could look at 'em or not.
1065
1066 [REDACTED] Right. So you - as far as you know you don't...
1067
1068 [REDACTED] Right.
1069
1070 [REDACTED]: ...have access to other people's videos to r- to...
1071
1072 [REDACTED] Right.
1073
1074 [REDACTED] ...refer to prior to coming in - into this interview correct?
1075
1076 [REDACTED] Yeah I didn't know...
1077
1078 [REDACTED] So d- so you didn't watch any videos prior to coming into this interview?
1079
1080 [REDACTED] No - no.

1081
1082 [REDACTED] So w- before watching this when we were as- answering questions of Sergeant
1083 Levan it was strictly off independent recollection only.
1084
1085 [REDACTED] Correct.
1086
1087 [REDACTED]: No further questions.
1088
1089 LEVAN: Okay.
1090
1091 ((RECORDING))
1092
1093 [REDACTED] (Unintelligible).
1094
1095 ROMBERGER: Oh I didn't see her. I saw her...
1096
1097 [REDACTED] (Unintelligible).
1098
1099 [REDACTED] Hey stand here - stand still.
1100
1101 ((END RECORDING))
1102
1103 [REDACTED]: Okay see still with the video I can't see where his...
1104
1105 ((RECORDING))
1106
1107 Man: (Unintelligible).
1108
1109 ((END RECORDING))
1110
1111 [REDACTED] ...hand is.
1112
1113 LEVAN: Well the video...
1114
1115 [REDACTED] I mean, it could be on his chest. It could...
1116
1117 LEVAN: The video...
1118
1119 [REDACTED] See - I see his hand up there but I'm...
1120
1121 LEVAN: Well this is...
1122
1123 [REDACTED] ...on the other side of 'em.
1124
1125 LEVAN: I understand.

1126
1127 [REDACTED]: Okay.
1128
1129 LEVAN: And - and that's why I'm asking you if you - if you...
1130
1131 [REDACTED]: Right.
1132
1133 LEVAN: ...can see it.
1134
1135 [REDACTED]: Right.
1136
1137 LEVAN: The video shows one thing. You're standing behind [REDACTED] and I'm - that's
1138 why I'm asking...
1139
1140 [REDACTED]: Right.
1141
1142 LEVAN: ...what - what you saw.
1143
1144 RIGHTHOUSE: Towards the - towards the end as he's facin' the car you can hear the - [REDACTED]
1145 saying - or [REDACTED] saying...
1146
1147 [REDACTED]: I did just hear that - yeah I...
1148
1149 RIGHTHOUSE: "Don't choke me."
1150
1151 [REDACTED]: Right.
1152
1153 RIGHTHOUSE: Your face is looking to the left. So that's what we're asking. You ca- if you
1154 play to that end part...
1155
1156 [REDACTED]: Okay.
1157
1158 RIGHTHOUSE: ...you can see your face looking to the left as if you're looking at the 10-16.
1159
1160 [REDACTED]: Okay.
1161
1162 RIGHTHOUSE: And that's when he's saying, "Don't choke me."
1163
1164 [REDACTED]: Okay.
1165
1166 RIGHTHOUSE: So we just wanted to know if you saw that or not?
1167
1168 [REDACTED]: I didn't see his hand on his throat.
1169
1170 LEVAN: Or on...

1171
1172 [REDACTED] Or on the back - I don't know if it was on the front or the back. I mean,
1173 obviously if it's throat it'd be on the front.
1174
1175 ((RECORDING))
1176
1177 ROMBERGER: Stand still.
1178
1179 [REDACTED] Why you chokin' me?
1180
1181 ROMBERGER: Stand still.
1182
1183 [REDACTED] Why you chokin' me? (Unintelligible).
1184
1185 ROMBERGER: Just stand still.
1186
1187 ((END RECORDING))
1188
1189 RIGHTHOUSE: See you're lookin' to the left?
1190
1191 [REDACTED] Yeah.
1192
1193 ((RECORDING))
1194
1195 ROMBERGER: She never even got up. When I walked up...
1196
1197 ((END RECORDING))
1198
1199 LEVAN: So that's what we're referring to right here...
1200
1201 [REDACTED] Okay - okay.
1202
1203 LEVAN: ...is - is Officer Romberger smacks him into the car and then his left hand goes
1204 up somewhere near [REDACTED] throat. He says - and it sounds like he's strained,
1205 "Why are you choking? Don't...
1206
1207 [REDACTED] Mm-hm.
1208
1209 LEVAN: ...you fuckin' choke...
1210
1211 [REDACTED] Mm-hm.
1212
1213 LEVAN: ...me." Um, that's w- so my question is...
1214
1215 [REDACTED] Right.

1216
1217 LEVAN: ...at any point did you see him with his hands on his throat right there?
1218

1219 [REDACTED]: I - I don't recall Timmy's hand bein' on his throat.
1220

1221 LEVAN: Okay - all right.
1222

1223 [REDACTED] If - if we can take a break? We're 30 minutes into the interview.
1224

1225 LEVAN: Okay. We'll do that. We'll take a break and the time is, um, 0945.
1226

1227 [REDACTED] Off the record.
1228

1229
1230 The transcript has been reviewed with the audio recording submitted and it is an accurate
1231 transcription.
1232 Signed _____

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INTERVIEW WITH OFFICER [REDACTED]
Sgt. John Levan
Sgt. Bret Righthouse
Ofc. [REDACTED]
Rep. Ofc. [REDACTED]
Ofc. Romberger – Recording
Ofc. [REDACTED] - Recording
Ofc. [REDACTED] - Recording
Ofc. [REDACTED] Recording
[REDACTED] - Recording
[REDACTED] - Recording
[REDACTED] - Recording

[REDACTED]

Back on the record.

LEVAN:

Okay. We are live here again. It is, um - what is it? October 23rd and the time is 0955. I'm here with Officer - Officer, uh, [REDACTED] and Detective Sergeant Bret Righthouse. The administrative admonishment I read earlier still applies in the interview.

[REDACTED]

Mm-hm.

LEVAN:

It's an administrative interview, uh - uh, investigation. Do you need me to read that again?

[REDACTED]

No.

LEVAN:

Okay. All right. So I wanna pick up where we, uh - we left off with, um, we're at the police car. Officer Romberger has just pushed [REDACTED] into the police car.

[REDACTED]

Mm-hm.

LEVAN:

He - [REDACTED] gets a bloody lip and we're - we're talking about his, uh - Officer Romberger's left hand...

[REDACTED]

Mm-hm.

46
47 LEVAN: ...being up around [REDACTED] throat. And you said that you didn't witness his
48 hand being around his throat.
49
50 [REDACTED] I wrote in re- my report that I saw his head hit the - the police car.
51
52 LEVAN: Mm-hm.
53
54 [REDACTED] Split his lip. Uh, my independent rel- recollection was no. But after reviewing
55 the video he could have had his hand up around his throat area. Um, if - if I
56 had saw it I think I would have referred to it in my report. But, um...
57
58 LEVAN: Did you - but you - at the time it - it didn't register with you.
59
60 [REDACTED] No.
61
62 LEVAN: You didn't...
63
64 [REDACTED]: No sir.
65
66 LEVAN: ...observe it. Okay.
67
68 [REDACTED] No sir.
69
70 LEVAN: At - at some point did you feel - with regards to what we've talked about up to
71 this point - Officer Romberger hit- pushing him into the car. Did you feel that
72 that was necessary force? Was it accidental? Was it...
73
74 [REDACTED] Well like I said I didn't know how much was resistance. I didn't know how
75 much was the alcohol involved or anything. And I s- I saw the kid moving
76 around like this. I saw his hi- head hit - hit the window. I know he was
77 handcuffed. So might have been too much force.
78
79 LEVAN: Did you report that to anyone?
80
81 [REDACTED] Uh, I just put it in my report that you know he struck his head on the side of
82 the car. And busted his lip.
83
84 LEVAN: So...
85
86 [REDACTED] Cut his lip.
87
88 LEVAN: Um, okay so let me back up. So if - if - so do I understand that you're saying
89 that Officer Romberger pushing him into the car may have been too much
90 force? May have been more force than necessary right there?

91
92 [REDACTED] Correct.
93
94 LEVAN: Did you feel that at the time or are you feeling that now because we just
95 watched it.
96
97 [REDACTED] Well after watching it yeah.
98
99 LEVAN: Okay I'm - I'm talking about at the scene what you observed. Not right now
100 after hindsight. At the scene did you feel him pushing him into the car was
101 excessive?
102
103 [REDACTED] At the time it did- it didn't seem excessive- excessive.
104
105 LEVAN: Okay. All right. So I'll move on from that.
106
107 [REDACTED] If I could interject a couple questions.
108
109 LEVAN: Go ahead.
110
111 [REDACTED] Um, after incidents before writing reports since we've gone to body cameras
112 is it your standard practice to review the body camera prior to writing the
113 report?
114
115 [REDACTED] Yes.
116
117 [REDACTED]: In this instance did you review your body camera prior to writing the report?
118
119 [REDACTED]: I didn't have my body camera on. So I wasn't able to do that.
120
121 [REDACTED]: Fair enough. So you wrote this report with independent recollection only from
122 a time after the incident without reviewing any cameras whatsoever.
123
124 [REDACTED] Correct.
125
126 [REDACTED]: No further questions.
127
128 LEVAN: Go ahead.
129
130 RIGHTHOUSE: And I just wanna clarify when Officer Romberger pushed the 10-16 into the
131 car you did or you did not see how Officer Romberger pushed him into the
132 car?
133
134 [REDACTED] I did not see that.
135

136 RIGHTHOUSE: So you didn't see how he shoved him.

137 [REDACTED]
138 [REDACTED] Well I...

139 RIGHTHOUSE: You just saw....

141 [REDACTED]:
142 [REDACTED] ...was standing there. I just saw him...

143 RIGHTHOUSE: Right.

144 [REDACTED]
145 [REDACTED] ...I...

146 RIGHTHOUSE: So you - you didn't see - you didn't see how Officer Romberger shoved the
147 10-16. You just saw that 10-16's head bounce off the window.

148 [REDACTED]
149 [REDACTED] Correct.

150 RIGHTHOUSE: Okay. And then you described that as he hit it pretty hard.

151 [REDACTED]
152 [REDACTED] Yes.

153 RIGHTHOUSE: How hard did he hit his head or his face?

154 [REDACTED]
155 [REDACTED] Um, I don't know G-forces or anything. But I know it was pretty hard.

156 RIGHTHOUSE: It got your attention when you saw it.

157 [REDACTED]
158 [REDACTED] Yeah.

159 RIGHTHOUSE: Seemed like it hit pretty hard.

160 [REDACTED]
161 [REDACTED] That's - yeah. I mean...

162 RIGHTHOUSE: And you saw his lip was split afterwards.

163 [REDACTED]
164 [REDACTED] Yeah his lip - yeah. His lip was bleeding yeah.

165 LEVAN: Okay. So after all this happens he - he, uh, pushes him against the car. Gets
166 the blood lip what happens then?

167 [REDACTED]
168 [REDACTED] Um, he go- walks him around to put him into the side of the car. And [REDACTED]
169 who's in the backseat slides over. So I think Timmy tries to walk him to the
170 other side and the kid slides over to that side. So he's kind of playing a game
171 with him. Um...

172

181 LEVAN: When - before you walked...
182
183 [REDACTED] ...to there.
184
185 LEVAN: ...around the car.
186
187 [REDACTED] Mm-hm.
188
189 LEVAN: Officer Romberger opens the, uh - the right rear door. And tells [REDACTED] to slide
190 over.
191
192 [REDACTED] Okay.
193
194 LEVAN: And then shuts the door and then walks [REDACTED] around the other side. Did you
195 witness that or do you remember that?
196
197 [REDACTED] Yeah.
198
199 LEVAN: It happens rather quickly. Do you - do you feel that, um, [REDACTED] could have
200 interpreted - what he tells him is slide over.
201
202 [REDACTED] Mm-hm.
203
204 LEVAN: Do you think that [REDACTED] could have interpreted that as, "I'm supposed to slide
205 over."
206
207 [REDACTED]: Yes.
208
209 LEVAN: Would that be reasonable?
210
211 [REDACTED] Yes.
212
213 LEVAN: Okay. So he now walks [REDACTED] to the other side.
214
215 [REDACTED] Right.
216
217 LEVAN: Opens the left rear door.
218
219 [REDACTED]: Driver's side.
220
221 LEVAN: Right.
222
223 [REDACTED] Mm-hm.
224
225 LEVAN: Correct. And then [REDACTED] is sitting there.

226
227 [REDACTED] Right.
228
229 LEVAN: Isn't that what he just told - Officer Romberger just told [REDACTED] to do on the -
230 when he opened the other door.
231
232 [REDACTED] Right. Slide over.
233
234 LEVAN: So would it be reasonable that he - he's complying with what the officer told
235 him to do?
236
237 [REDACTED] Um, I mean from sounding like that yes. But I - it seemed like to me when I
238 was there - it seemed like when Timmy started to walk him over then he slid
239 over just so he wouldn't be able to put the other guy in that seat.
240
241 LEVAN: Okay.
242
243 [REDACTED] Seemed like a game he was playing.
244
245 RIGHTHOUSE: But you do recall Officer Romberger opening the door and telling [REDACTED] to
246 slide over.
247
248 [REDACTED] Yes.
249
250 LEVAN: So...
251
252 RIGHTHOUSE: At that - at that point what did you think Romberger was going to do? He's
253 standing at the passenger side of the car with the 10-16.
254
255 [REDACTED] Mm-hm.
256
257 RIGHTHOUSE: And he tells the other 10-16 in the car to slide over.
258
259 [REDACTED] I thought he was gonna have the guy slide over and sit him - set the other guy
260 right there.
261
262 RIGHTHOUSE: So he - so at the time your assumption was Officer Romberger wanted [REDACTED] -
263 the 10-16 in the car to slide over.
264
265 [REDACTED] To slide over - right.
266
267 RIGHTHOUSE: To the driver's side.
268
269 [REDACTED] So he could sit down.
270

271 RIGHTHOUSE: So that he could sit down...

272

273 [REDACTED] [REDACTED]

274

275 RIGHTHOUSE: ...the other 10-16 in the passenger side.

276

277 [REDACTED]: Correct.

278

279 RIGHTHOUSE: But then instead what happened?

280

281 [REDACTED] He didn't slide over right away.

282

283 RIGHTHOUSE: What did - what did Officer, uh, Romberger...

284

285 LEVAN: Romberger.

286

287 RIGHTHOUSE: ...do with the 10-16 or the door? Do you remember?

288

289 [REDACTED] I don't recall. I mean I think he shut the door and he started to walk him
290 around to the other side.

291

292 RIGHTHOUSE: To the driver's side.

293

294 [REDACTED] To the driver's side yeah.

295

296 RIGHTHOUSE: So he - Officer Romberger told the 10-16 in the car to slide over. Your
297 assumption is he's gonna have him slide over put the 10- the other 10-16 in
298 the car.

299

300 [REDACTED] Right.

301

302 RIGHTHOUSE: But instead Officer Romberger shut the door and then walked the 10-16
303 around the side - the other 10-16 around the car.

304

305 [REDACTED]: Right. Thinking the kid - if he's still sitting there he was gonna put him in -
306 behind the driver's seat.

307

308 RIGHTHOUSE: How much time did Romberger give that person to slide over before he shut
309 the door? Do you remember if he said anything else?

310

311 [REDACTED] I - I don't recall.

312

313 RIGHTHOUSE: Did the - did the 10-16 in the car say anything back to Officer Romberger?

314

315 [REDACTED] I don't recall. I mean...

316
317 RIGHTHOUSE: Did he refuse to slide over? Did he say anything about not sliding over?
318
319 [REDACTED] I - I mean...
320
321 [REDACTED] If you don't recall - you don't recall.
322
323 [REDACTED] Yeah I don't recall. It didn't seem like that big a deal to me at the time or
324 anything like that so...
325
326 RIGHTHOUSE: So then I guess the question would be if your assumption was that the 10-16
327 in the back of the car was supposed to slide over would it be logical to assume
328 that the 10-16 in the back of the car thought he was supposed to slide over?
329
330 [REDACTED] Yes. But I mean I think if somebody asked me to slide over right now I slide
331 over. And you know it's over. Not - you know.
332
333 [REDACTED] You said you felt that he might be playing games with Officer Romberger.
334
335 [REDACTED] Right.
336
337 [REDACTED] What makes you form that opinion?
338
339 [REDACTED] Um, 'cause that's kind of the attitude that [REDACTED] had the whole contact. He -
340 when Timmy had him down on the ground he was just chipping off and
341 talking and you know I can't recall anything specific, but that was his
342 demeanor.
343
344 LEVAN: Okay.
345
346 RIGHTHOUSE: Do you recall how soon Officer Romberger shut the door after he asked the
347 guy to slide over?
348
349 [REDACTED] I don't.
350
351 RIGHTHOUSE: Was there any big conversation between the 10-16 and Officer Romberger?
352 The one in the back of the car - [REDACTED]
353
354 [REDACTED] I don't - I don't recall that.
355
356 LEVAN: Okay so he - he is now on the driver's side, uh - let me - let me back up.
357 Officer Romberger and [REDACTED] have walked around to the - the driver's side...
358
359 [REDACTED] Mm-hm.
360

361 LEVAN: ...of the police car. Officer Romberger opens the left rear door and [REDACTED] is
362 now sitting there.
363
364 [REDACTED]: Mm-hm.
365
366 LEVAN: On the left side of the car. What happens then?
367
368 [REDACTED] Uh, I remember Timmy telling him to slide over or something like that. He
369 doesn't. Timmy grabs him. Guy starts kind of kicking a little bit. And he pulls
370 him out. Gets him on the ground. Um, I can't really tell you specifics. I didn't
371 have a...
372
373 LEVAN: Where were you when all this was happening?
374
375 [REDACTED] Uh, on the driver's side of the vehicle.
376
377 LEVAN: So you were right there.
378
379 [REDACTED] Yes.
380
381 LEVAN: All right. You said Officer Romberger grabbed [REDACTED]
382
383 [REDACTED] Yes.
384
385 LEVAN: How - explain that.
386
387 [REDACTED] Um...
388
389 LEVAN: How he did it.
390
391 [REDACTED] ...I can't remember how he grabbed him. I don't know if it was by the legs or
392 by the shoulder or what. But he physically pulled him out of the vehicle - out
393 of the patrol car.
394
395 LEVAN: Okay. In - into where?
396
397 [REDACTED] Just to the ground.
398
399 LEVAN: In a - [REDACTED] was in a prone position?
400
401 [REDACTED]: Um, I honestly don't recall. I just - I just remember him pulling out of the car.
402 And I remember [REDACTED] kind of kicking a little bit. I don't...
403
404 RIGHTHOUSE: Do you know why Officer Romberger pulled [REDACTED] out of the car?
405

406 [REDACTED]: I think so. He put the other guy in. I think he was just you know...
407
408 RIGHTHOUSE: He was just what?
409
410 [REDACTED]: ...just fed up. The kid was sliding back and forth in the seat and everything.
411 And I think Timmy just pulled him out, put him on the ground.
412
413 RIGHTHOUSE: What was Officer Romberger's demeanor at that point?
414
415 [REDACTED]: Uh, he was getting upset.
416
417 RIGHTHOUSE: You think he pulled him out of the car 'cause he was upset with him?
418
419 [REDACTED]: Uh, could have. I don't know his - his mindset. But it could have been.
420
421 RIGHTHOUSE: Did you see a need to pull him out of the car - [REDACTED]?
422
423 [REDACTED]: Um, well....
424
425 RIGHTHOUSE: He was already in - he was already in the car and he's...
426
427 [REDACTED]: Yeah he was in the car. But he kept sliding back and forth. And just - he was
428 playing games with him.
429
430 RIGHTHOUSE: You say sliding back and forth. How many times did he slide over?
431
432 [REDACTED]: I don't know. It seemed like more than once though. I remember him sliding
433 in the seat back and forth.
434
435 RIGHTHOUSE: Well we know he slid over when Officer Romberger first asked him to slide
436 over.
437
438 [REDACTED]: Right.
439
440 RIGHTHOUSE: And shut the door.
441
442 [REDACTED]: Right.
443
444 RIGHTHOUSE: So then when Officer Romberger went to the driver's side he opened the door.
445
446 [REDACTED]: He might have asked him to slide over...
447
448 RIGHTHOUSE: And - and asked him to slide over again.
449
450 [REDACTED]: ...again. He - I don't know if he did. He might have.

451
452 RIGHTHOUSE: I think you said that.
453
454 [REDACTED]: But I think he did.
455
456 RIGHTHOUSE: That he asked him to slide over.
457
458 [REDACTED]: So...
459
460 RIGHTHOUSE: So what would your assumption be? Where did he want him to slide to?
461
462 [REDACTED]: Back to the passenger side. And then I don't think he did. And I think that's
463 when Timmy pulled him out.
464
465 RIGHTHOUSE: And how - how fast do you remember it being between the time Officer
466 Romberger told him to slide over to the time that he pulled [REDACTED] out?
467
468 [REDACTED]: I don't recall that. I don't think it was very long.
469
470 RIGHTHOUSE: Fairly immediate.
471
472 [REDACTED]: Um, probably - I - I can't say. I mean I don't know if it was immediately or 30
473 seconds or a minute.
474
475 RIGHTHOUSE: Did it seem logical to you to pull a 10-16 back out of the car when your goal
476 was basically to put two 10-16's in the car.
477
478 [REDACTED]: Two s- like I said to me I - I don't know what I would've done. I mean slid the
479 guy over or seat belted him in one and walked around the car and put the other
480 one in or something. I - I don't know what Tim - Tim was thinking.
481
482 LEVAN: I'll change the phrase - the wording there. Was it reasonable to think that
483 pulling him out of the car was the - the correct action there?
484
485 [REDACTED]: Thinking about it now - probably not.
486
487 LEVAN: Okay.
488
489 [REDACTED]: But when we were there and everything was goin', uh, Tim pulled him out of
490 the car. And I don't even know if I saw him put him back in the car. I don't
491 recall him put - being put back into the car 'cause officers were starting to
492 show up. And at one point not far after that I walked over to check on the
493 female.
494
495 LEVAN: Okay. A- and I'm not gonna - we're - we are not asking you...

496
497 [REDACTED]: Mm-hm.
498
499 LEVAN: ...to put yourself in Tim's shoes or - or justify Tim's actions.
500
501 [REDACTED]: Mm-hm.
502
503 LEVAN: We're asking what you saw.
504
505 [REDACTED]: Right.
506
507 RIGHTHOUSE: We just wanna know how - how it affected you at the time. What your opinion
508 was. So for instance you said in a very short amount of time he asked him to
509 slide over a second time. Then Officer Romberger grabbed [REDACTED] with both
510 hands and pulled him out of the car.
511
512 [REDACTED]: Pulled him out of the car.
513
514 RIGHTHOUSE: Put him on the ground.
515
516 [REDACTED]: Right.
517
518 RIGHTHOUSE: And you said you thought Officer Romberger was a little - I don't know if you
519 used the word angry - upset...
520
521 [REDACTED]: I think I said upset.
522
523 RIGHTHOUSE: ...I think you said.
524
525 [REDACTED]: Yes. Mm-hm.
526
527 RIGHTHOUSE: Was upset and pulled him out of the car. Did that surprise you at the time?
528
529 [REDACTED]: Um...
530
531 RIGHTHOUSE: Was it what you expected to see?
532
533 [REDACTED]: Not what I expected to see.
534
535 RIGHTHOUSE: And why wasn't it what you expected to see?
536
537 [REDACTED]: Um, I just haven't seen that in the past so...
538
539 RIGHTHOUSE: Would you personally have done that.
540

541 [REDACTED]: I personally wouldn't have done it.

542
543 RIGHTHOUSE: And why not?

544
545 [REDACTED]: Um, it's just - I don't know it's just not - not the way I am. I mean the guy
546 wasn't complying with him. Um, not at all. But, uh, I don't know if I would
547 have pulled him out and put him on the ground.

548
549 LEVAN: How was he not complying?

550
551 [REDACTED]: Because I think Tim said slide over. And he wasn't sliding over. And like I
552 said I - I felt the kid was playing games with Tim.

553
554 LEVAN: Be that as it may e- even if he was playing games with him what we're talking
555 about is - is the force that you witnessed - did it meet the situation. So I - I'm
556 gonna move forward...

557
558 [REDACTED]: Right. Mm-hm.

559
560 LEVAN: ...just a little bit. So he gets him out of the car. He pulls him out of the car. Do
561 you see how he pulls him out of the car?

562
563 [REDACTED]: I can't remember if it's by his feet or his shoulder. I - I don't recall.

564
565 LEVAN: Do you remember seeing Officer Romberger's hands around, uh, [REDACTED] - uh,
566 excuse me - [REDACTED] neck at that point?

567
568 [REDACTED]: At one point I did.

569
570 LEVAN: Explain that please.

571
572 [REDACTED]: And I - I can't remember how it was. But I think it was both hands.

573
574 LEVAN: So both of Officer Romberger's hands were around [REDACTED] throat.

575
576 [REDACTED]: Yes.

577
578 LEVAN: In - at this point where we're talking about where he takes him out of the car?
579 Is it - where - where did you see that?

580
581 [REDACTED]: I can't remember if it was when he was taking him out of the car or putting
582 him back in the car. 'Cause I can't remember - 'cause I don't remember him
583 putting him back in the car.

584
585 LEVAN: Okay.

586
587 [REDACTED]: So - but I did at one time see Officer Romberger's and I think it was both
588 hands around his neck.
589
590 LEVAN: What was - what was happening there? Was he saying any- did Officer
591 Romberger say anything to him? Did it look like he was applying pressure to
592 his neck?
593
594 [REDACTED] Um...
595
596 RIGHTHOUSE: What was your impression of it?
597
598 [REDACTED] Um, like I said the guy wasn't being compliant at all. And I don't know if he
599 was kicking at Tim or what. But he reached in. I don't know if he reached in
600 the car and pulled him out or he grabbed him by the feet and started to slide
601 him across the seat and then grabbed him around the neck and set him down. I
602 can't remember.
603
604 RIGHTHOUSE: When you - when you saw - no matter where it happened - when you saw
605 Officer Romberger's hands on [REDACTED] neck what was your impression? What
606 did you think?
607
608 [REDACTED] Um, I think I thought I - it's something I wouldn't do.
609
610 RIGHTHOUSE: Why wouldn't you do that?
611
612 [REDACTED] I just - I never done that in my career. I mean...
613
614 RIGHTHOUSE: Have you ever been taught to control somebody by grabbing by the neck with
615 both hands?
616
617 [REDACTED] Um, no, but I know we're allowed to use pressure on people's neck to comply
618 them if they're, um, fighting with you or something like that. When I first
619 came up and he had him on the ground and - I didn't think that was a big deal.
620 He was physi...
621
622 RIGHTHOUSE: When he was holding him down.
623
624 [REDACTED] Correct.
625
626 LEVAN: This was originally.
627
628 [REDACTED] Yes.
629
630 LEVAN: Yes.

631
632 [REDACTED] Yes.
633
634 RIGHTHOUSE: But when he pulled him out of the car and at some point you saw both hands
635 around his neck...
636
637 [REDACTED] Right.
638
639 RIGHTHOUSE: ...that's something that...
640
641 [REDACTED] That I wouldn't...
642
643 RIGHTHOUSE: ...you say you would not do.
644
645 [REDACTED]: Right.
646
647 RIGHTHOUSE: And why would you not do that?
648
649 [REDACTED] Um, it's just not the demeanor I use or anything.
650
651 LEVAN: Did it look like it was a - it was a - an a- again an appropriate level of force for
652 what resistance may or may not have been...
653
654 [REDACTED]: Appropriate?
655
656 LEVAN: Mm-hm.
657
658 [REDACTED] No.
659
660 LEVAN: Okay.
661
662 RIGHTHOUSE: And why wasn't it appropriate?
663
664 [REDACTED]: I think...
665
666 RIGHTHOUSE: It's your opin- your words...
667
668 [REDACTED] ...I think...
669
670 [REDACTED]: I have a question. Did you think that it was not appropriate at the time? And at
671 the time of your report? Or now that you watched the v- the video and - and...
672
673 RIGHTHOUSE: Oh we didn't show him the video yet.
674
675 [REDACTED] Yeah I haven't seen the video of it yet.

676
677 [REDACTED] Okay.
678
679 [REDACTED] But, uh, um, the reason I would think it wasn't appropriate is because he was
680 handcuffed.
681
682 [REDACTED] But I think we're trying to get at the question did you feel it was appropriate at
683 the time when it was taking place at the scene and then when you wrote your
684 report? Or - 'cause you - you said a couple times that thinking about it now
685 you think it's not appropriate. So what did you think then? I think he's trying
686 to get what your mindset was then.
687
688 [REDACTED]: I - everything happened so fast. I mean we - like I said e- everything was
689 going. Um, did I think it was appropriate? Is that what you're asking me?
690
691 [REDACTED] At the time.
692
693 [REDACTED]: At the time. I don't think I had an opinion on it at the time.
694
695 RIGHTHOUSE: That's fair.
696
697 LEVAN: So you had me- you had ma- made mention of, um, [REDACTED] not being
698 compliant. It - I think that was the wording that you used.
699
700 [REDACTED] Mm-hm.
701
702 LEVAN: And - but there was no - we haven't t- I haven't heard what - how he was not
703 being compliant.
704
705 [REDACTED] Well I mean verbally. I mean you give somebody a verbal command and
706 they're not responding.
707
708 LEVAN: Okay.
709
710 [REDACTED] I mean that's what I took.
711
712 LEVAN: What did he say that he - he wasn't - what did - what did - what was he told?
713 What was [REDACTED] told that he didn't comply with?
714
715 [REDACTED] Slide over.
716
717 LEVAN: Okay. We already established he did slide over from right to left...
718
719 [REDACTED] Right, but I don't think it was in the amount of time that Officer Romberger
720 thought was appropriate.

721
722 LEVAN: Do you think he gave - hi- Officer Romberger gave [REDACTED] enough time to
723 comply with that? Given the state - we've already established they're
724 probably all - they all been drinking.
725
726 [REDACTED] Mm-hm.
727
728 LEVAN: Do you think he gave him enough time to comply with the order?
729
730 [REDACTED] Like I said I don't recall how long a time he gave him to - told him to slide
731 over...
732
733 LEVAN: Mm-hm.
734
735 [REDACTED] ...before he - you know pulled him out.
736
737 LEVAN: Okay.
738
739 [REDACTED] I - I don't have that time. I don't think it was very long, but I don't know the
740 estimation of time. I don't know if it was immediately or 30 seconds or a
741 minute.
742
743 LEVAN: All right.
744
745 RIGHTHOUSE: And sitting in the back of the car handcuffed refusing to slide over he's being
746 non-compliant.
747
748 [REDACTED]: Well by verbal commands.
749
750 RIGHTHOUSE: He's not actively resisting.
751
752 [REDACTED] No not actively revi- resisting.
753
754 RIGHTHOUSE: He's just being non-compliant.
755
756 [REDACTED] Correct.
757
758 LEVAN: So when he pulls - when Officer Romberger pulls [REDACTED] from the car - [REDACTED]
759 is now on the ground in some fashion. Is he face down do you know? Is he on
760 his side?
761
762 [REDACTED] I don't remember.
763
764 LEVAN: Or he's just on the ground.
765

766 [REDACTED] I - yeah.
767
768 LEVAN: What do you do then?
769
770 [REDACTED] I - I don't know. I don't remember.
771
772 LEVAN: Did you take control of [REDACTED] at some point?
773
774 [REDACTED] At one point I did. I - I think, uh, a training unit Officer [REDACTED] and them
775 were just starting to show up. And I don't think [REDACTED] or anybody had
776 control of him. I know I think I took control of him and I think he walked over
777 to the back window and hit his head on the back window. Or he did something
778 like that.
779
780 LEVAN: You're talking about [REDACTED]
781
782 [REDACTED]: [REDACTED] yeah.
783
784 LEVAN: Okay. So, um - so you - you - are - were you in control of him when he hit his
785 head on the back window?
786
787 [REDACTED] The first time? Or the second time?
788
789 LEVAN: I'm not talking about when Romberger hits....
790
791 [REDACTED] No.
792
793 LEVAN: [REDACTED]
794
795 [REDACTED] Oh.
796
797 LEVAN: I'm talking about when - or hits [REDACTED] - or [REDACTED] I'm talking about they've got
798 [REDACTED] - the names are too close together.
799
800 [REDACTED]: I know.
801
802 LEVAN: Officer Romberger has [REDACTED] on the ground.
803
804 [REDACTED] Right.
805
806 LEVAN: And you said you - you...
807
808 [REDACTED] I think I...
809
810 LEVAN: ...bring [REDACTED] to the back of the car.

811
812 [REDACTED]: I think I walked over and took control of [REDACTED]
813
814 LEVAN: Okay. And you said he hit his head on the back of the car.
815
816 [REDACTED] I think so.
817
818 LEVAN: Okay.
819
820 RIGHTHOUSE: Do you remember when Romberger opened the door and asked [REDACTED] to slide
821 over you said he reached in and grabbed him.
822
823 [REDACTED] Mm-hm.
824
825 RIGHTHOUSE: And you couldn't remember exactly where - head, neck, leg whatever.
826
827 [REDACTED] Right.
828
829 RIGHTHOUSE: Shoulder I think you said.
830
831 [REDACTED] I know at one point yes.
832
833 RIGHTHOUSE: Can you describe how Officer Romberger did that? In other words Romberger
834 is standing there holding [REDACTED]. He opens the door and tells [REDACTED] slide over.
835
836 [REDACTED]: Right.
837
838 RIGHTHOUSE: Within a pretty short amount of time you said Romberger grabbed [REDACTED] and
839 pulled him out of the car.
840
841 [REDACTED] Correct.
842
843 RIGHTHOUSE: Can you just describe that? What did he do with the other 10-16 and how did
844 Romberger go from standing next to an open car door to grabbing [REDACTED] and
845 pulling him out?
846
847 [REDACTED] Well obviously he let go of [REDACTED] And I think that's maybe when I went
848 over there and took custody of him - or took control of him or whatever. And
849 that's when Timmy grabbed [REDACTED] out of the car. And at one point I know
850 both of his hands were around his neck.
851
852 RIGHTHOUSE: Other than sitting in the car - [REDACTED]
853
854 [REDACTED] Mm-hm.
855

856 RIGHTHOUSE: Other than sitting in the car handcuffed and not immediately sliding over did
857 you see - see [REDACTED] do anything prior to Officer Romberger reaching down to
858 grab him to pull him out?

859 [REDACTED]:
860 At one point I remember kicking. But I don't know if that was before or after
861 when he put him in or...

862
863 LEVAN: Who kicking?

864 [REDACTED]:
865 [REDACTED]. Like just kicking his feet or something. Or...

866
867 LEVAN: At anybody or just flailing his feet?

868 [REDACTED]:
869 Just flailing his feet yeah. Um, I don't recall. I don't recall anything
870 happening. I...

871
872 RIGHTHOUSE: When you say you don't recall do you not remember? Or did you not - you're
873 not - you don't recall as in you don't recall seeing anything?

874 [REDACTED]:
875 I don't recall seeing - seeing anything yeah.

876
877 RIGHTHOUSE: [REDACTED] was just sitting in the car.

878 [REDACTED]:
879 Right.

880
881 RIGHTHOUSE: Romberger said, "Slide over."

882 [REDACTED]:
883 Right.

884
885 RIGHTHOUSE: [REDACTED] didn't immediately...

886 [REDACTED]:
887 Slide over.

888
889 RIGHTHOUSE: ...slide over.

890 [REDACTED]:
891 Romberger...

892 RIGHTHOUSE: Romberger let go of [REDACTED].

893 [REDACTED]:
894 Right.

895
896 RIGHTHOUSE: Bent down and grabbed [REDACTED]

897 [REDACTED]:
898 Correct.

900

901 RIGHTHOUSE: In some fashion.
902
903 [REDACTED]: Right.
904
905 RIGHTHOUSE: And pulled him out of the car.
906
907 [REDACTED] Right.
908
909 RIGHTHOUSE: At some point had his hands on his neck.
910
911 [REDACTED] Right.
912
913 RIGHTHOUSE: And then put him down on the ground next to the car?
914
915 [REDACTED] Yes.
916
917 RIGHTHOUSE: Okay.
918
919 LEVAN: So you have [REDACTED] at the back of the car. Uh, Officer Romberger has [REDACTED]
920 down on the ground.
921
922 [REDACTED]: Mm-hm.
923
924 LEVAN: Do you remember how Officer Romberger's, um, standing over or squatting
925 near [REDACTED]
926
927 [REDACTED] I - I just knew he was over him in some fashion. I don't...
928
929 LEVAN: Did you see - that's okay.
930
931 [REDACTED] Yeah.
932
933 LEVAN: That's fair. Do you- did you see, um, Officer Romberger's ne- uh, knee in
934 [REDACTED] neck at any point?
935
936 RIGHTHOUSE: Or on [REDACTED] at all.
937
938 [REDACTED] I don't recall that. I know he had his knee on his neck when he first came up.
939 When I first came up. At one point his knee was on his neck.
940
941 LEVAN: Are we talking about originally when he...
942
943 [REDACTED] Originally yeah.
944
945 LEVAN: ...went - went on scene?

946
947 [REDACTED] Yes.
948
949 LEVAN: Okay.
950
951 [REDACTED]: It could have been on his neck when he had him near the car. Um, but right
952 now I can't say that I remember seeing it on his neck.
953
954 LEVAN: When you say on his neck was it - so for example - if I have somebody on the
955 ground I can squat over them.
956
957 [REDACTED] Mm-hm.
958
959 LEVAN: I'm not actually putting any weight on them. As opposed to I'm kneeling on
960 someone's back or I'm kneeling on their neck.
961
962 [REDACTED] Right.
963
964 LEVAN: At the car, uh - and we'll get to the earlier part again.
965
966 [REDACTED] Mm-hm.
967
968 LEVAN: Um, at the car was he kneeling on his neck. Did it look like to you or was he
969 squatting over him.
970
971 [REDACTED] I don't recall his knee being on his neck. It could have been. He could have
972 been kneeling over him or around him. Or...
973
974 RIGHTHOUSE: Do you remember how he - Romberger held him to the ground once you
975 pulled him out of the car?
976
977 [REDACTED]: I don't 'cause I think he was walking towards [REDACTED] or whatever his
978 name is - at the time. I know I sound bad that I didn't see anything. But I
979 mean...
980
981 LEVAN: Well you saw what you saw.
982
983 [REDACTED] Right.
984
985 LEVAN: So that's - that's all we're trying to - because you're - you're BWC wasn't
986 working. And - and it would have shown that. You know, but and - and we're
987 asking a lot of you for - to recall right now. But it's important.
988
989 [REDACTED] Mm-hm.
990

991 LEVAN: So when you originally came on scene you said you saw his knee - Officer
992 Romberger's knee in [REDACTED] neck. Explain that.
993
994 [REDACTED]: Well at o- at one point it was.
995
996 LEVAN: Go ahead and explain where - where you saw that.
997
998 [REDACTED]: Um...
999
1000 LEVAN: 'Cause I didn't hear that originally.
1001
1002 [REDACTED]: Well I know at times he had him on the ground with his knee on his back
1003 holding his head or neck in place.
1004
1005 LEVAN: Mm-hm.
1006
1007 [REDACTED]: Uh, and then [REDACTED] would move around - get squirrely and stuff. And Tim
1008 would slide up - his knee slid up so it was near his neck. Maybe it was on his
1009 shoulder. Maybe it was near his neck.
1010
1011 LEVAN: Did anything seem out of the ordinary in that sense to you? What- the original
1012 contact.
1013
1014 [REDACTED]: At that time no. Because I didn't know if he was handcuffed or not.
1015
1016 LEVAN: Okay.
1017
1018 [REDACTED]: And I think I said that I didn't know if he handcuffed him or not.
1019
1020 LEVAN: When- now back to the - we're back at the car.
1021
1022 [REDACTED]: Mm-hm.
1023
1024 LEVAN: He's pulled [REDACTED] out of the car. [REDACTED] is now on the ground. Officer
1025 Romberger is over him. Did you hear Officer Romberger say anything to him
1026 - to [REDACTED]? Give him instructions?
1027
1028 [REDACTED]: I mean I know he said stuff. But I don't know what he said.
1029
1030 LEVAN: Do you remember hearing him say anything about, uh, being head butt or
1031 attempted to be head butt?
1032
1033 [REDACTED]: I heard something like that. Um...
1034
1035 LEVAN: Expand.

1036
1037 [REDACTED]: ...he said something like, "You tried to head butt me." Or "Don't try to head
1038 butt me." Or...
1039
1040 LEVAN: Okay so he's saying that to [REDACTED]
1041
1042 [REDACTED]: Yes.
1043
1044 LEVAN: All right. Meaning Officer Romberger is saying...
1045
1046 [REDACTED]: Saying that to [REDACTED]
1047
1048 LEVAN: Did you see [REDACTED] actually head butt or attempt to head butt Officer
1049 Romberger?
1050
1051 [REDACTED]: I did not see that.
1052
1053 LEVAN: Okay. So you never saw - their heads did not connect at any time.
1054
1055 [REDACTED]: Not that I saw.
1056
1057 LEVAN: All right.
1058
1059 RIGHTHOUSE: Standing where you were standing when Officer Romberg[er] told [REDACTED] to
1060 slide over and then Officer Romberg[er] immediately grabbed [REDACTED] and
1061 pulled him out of the car would you have seen [REDACTED] head butt Romberg[er]?
1062
1063 [REDACTED]: I would think I would - yeah.
1064
1065 RIGHTHOUSE: I mean Romberg[er]'s in the seated position in the car. Officer's standing
1066 outside.
1067
1068 [REDACTED]: Um, [REDACTED] is in the seated.
1069
1070 RIGHTHOUSE: I mean [REDACTED]..
1071
1072 [REDACTED]: Yeah - yeah.
1073
1074 RIGHTHOUSE: ...is in the seated position...
1075
1076 [REDACTED]: Right - right.
1077
1078 RIGHTHOUSE: ...in the car. Officer Romberger's standing.
1079
1080 [REDACTED]: Right.

1081
1082 RIGHTHOUSE: So if [REDACTED] would head butt him and you're standing right there.
1083
1084 [REDACTED] If I was looking in that direction I would have saw that yes.
1085
1086 RIGHTHOUSE: And you were looking that direction apparently.
1087
1088 [REDACTED] I...
1089
1090 RIGHTHOUSE: As you saw Officer Romberger grab [REDACTED] and pull him out of the car.
1091
1092 [REDACTED] Right. I did see that. But like I'm saying I'm not trying to be anything. But if I
1093 turn my head to see what the medics were doing - 'cause medics were
1094 arriving. Other officers were arriving. So if I'm turning my head here or here
1095 to lookin - you know - but no I did not see him try to head butt Officer
1096 Romberger.
1097
1098 LEVAN: So you - and then you had custody of [REDACTED]. And you said you - let me - let
1099 me rephrase it. Did you see how [REDACTED] got put back in the vehicle?
1100
1101 [REDACTED] Um, I th- I think Timmy just - and I'm going on recollection. I - I think he just
1102 shoved him back in the car. I - you know...
1103
1104 LEVAN: Did you watch - see it?
1105
1106 [REDACTED]: ...was a SUV.
1107
1108 LEVAN: Or are you guessing at that?
1109
1110 [REDACTED]: Well I think in parts of it - I saw parts of it. I don't know if I saw the whole
1111 thing. I wasn't standing there watching the whole thing. But I saw him put
1112 him back in the car. I don't know how he did it. But I know he - I know
1113 there's pushing and you know that kind of stuff.
1114
1115 LEVAN: Okay that - I need you to articulate that kind of stuff though.
1116
1117 RIGHTHOUSE: When you say that you demonstrate...
1118
1119 [REDACTED] Yeah.
1120
1121 RIGHTHOUSE: ...with both hands...
1122
1123 [REDACTED] I...
1124
1125 RIGHTHOUSE: ...as if you're pushing somebody.

1126
1127 [REDACTED]: Right. And I'm s- you know I apologize. I mean, but like I said there's a
1128 hundred things going on by this time.
1129
1130 LEVAN: I understand.
1131
1132 [REDACTED]: Um, so I wasn't - wasn't watching every minute what Timmy was doing.
1133
1134 LEVAN: Okay.
1135
1136 [REDACTED]: Um...
1137
1138 RIGHTHOUSE: When - when he put him in the car. You're demonstrating when you're talking
1139 - you're demonstrating with both hands.
1140
1141 [REDACTED]: Right I think he...
1142
1143 RIGHTHOUSE: As if you're pushing him in the car. And then you said pushing.
1144
1145 [REDACTED]: Right - right.
1146
1147 RIGHTHOUSE: Just describe what you saw. Did he gently guide him into the car with both
1148 hands?
1149
1150 [REDACTED]: No I - no there was...
1151
1152 RIGHTHOUSE: Did he shove him into the back seat?
1153
1154 [REDACTED]: It was sh- yeah it was more shoving. And pushing than guiding him into the
1155 back seat.
1156
1157 RIGHTHOUSE: And what was your impression of him putting him in the back seat? The way -
1158 the way in which Romberger put him back in the car did it appear necessary?
1159 Did it appear unnecessary? Did it appear like Romberger was upset again?
1160
1161 [REDACTED]: By this time I know Officer Romberger was upset. I mean, um, but was he
1162 using way extreme force at that time?
1163
1164 RIGHTHOUSE: I'm not - not saying that.
1165
1166 [REDACTED]: Or anything like that?
1167
1168 RIGHTHOUSE: What I'm asking - what I'm asking is - you're saying he - he shoved him in
1169 the car.
1170

1171 [REDACTED]: Right.
1172
1173 RIGHTHOUSE: And you're demonstrating that as you're talking.
1174
1175 [REDACTED]: Right. Right.
1176
1177 RIGHTHOUSE: I don't know if you're consciously know that or not.
1178
1179 [REDACTED]: Yeah.
1180
1181 RIGHTHOUSE: But you're demonstrating that as you're talking.
1182
1183 [REDACTED]: Right. No I know I did. I know I said he...
1184
1185 RIGHTHOUSE: So - so when he pushes him...
1186
1187 [REDACTED]: ...physically pushed him in.
1188
1189 RIGHTHOUSE: ...into the car.
1190
1191 [REDACTED]: Right.
1192
1193 RIGHTHOUSE: You're watching it. So from your own perspective is that something that
1194 needed to be done? Would you have pushed the person in the car?
1195
1196 [REDACTED]: I would not have.
1197
1198 RIGHTHOUSE: And why not?
1199
1200 [REDACTED]: It's just not my demeanor as an officer.
1201
1202 RIGHTHOUSE: But would you do it because it's unnecessary? Would you not do it because
1203 it's unnecessary?
1204
1205 [REDACTED]: Yes. Yes.
1206
1207 LEVAN: In this situation.
1208
1209 [REDACTED]: Yes.
1210
1211 RIGHTHOUSE: That situation did it look like it was necessary to shove the guy into the car?
1212
1213 [REDACTED]: Probably not. I mean like I said I wasn't watching everything.
1214
1215 RIGHTHOUSE: That's okay.

1216
1217 [REDACTED]: I mean I didn't focus on Timmy 100% on the time. Um, like I said the medics
1218 were showing up. The other officers were showing up. Everybody's asking
1219 what we can do. And...
1220
1221 RIGHTHOUSE: But when you - but when you see the officer push him into the car you still
1222 have to have an opinion on it.
1223
1224 [REDACTED]: Right. Um...
1225
1226 RIGHTHOUSE: And if you're saying...
1227
1228 [REDACTED]: But opinions can differ...
1229
1230 RIGHTHOUSE: Well I understand that.
1231
1232 [REDACTED]: ...now to then.
1233
1234 RIGHTHOUSE: Well I'm talking about...
1235
1236 LEVAN: We're talking about...
1237
1238 [REDACTED]: Right.
1239
1240 RIGHTHOUSE: ...then.
1241
1242 [REDACTED]: Right, but - but he's thinking about - because we're in here and he's - you're -
1243 you're being questioned over and over on the same topic.
1244
1245 [REDACTED]: Mm-hm.
1246
1247 [REDACTED]: And you're starting to answer like you're thinking about it now. We need you
1248 to answer how it was then. What was your mindset then?
1249
1250 [REDACTED]: Mindset then with everything goin' on I just thought Timmy was pushing him
1251 back into the patrol car. Sliding him over. Making sure - so he had enough
1252 room to put the other guy in.
1253
1254 RIGHTHOUSE: Was it rougher than what you would have done?
1255
1256 [REDACTED]: Uh, yeah.
1257
1258 LEVAN: Okay so we have - we've established that. And, um, the fact that he pulled
1259 him out of the car. Which he was upset - Officer Romberger was upset with
1260 then. At some point did you notify acting Sergeant - well let me back up. Did

1261 Acting Sergeant [REDACTED] come on scene at some point?
1262
1263 [REDACTED]: Yes, but I - I can't tell you exactly when he came on scene.
1264
1265 LEVAN: No problem.
1266
1267 [REDACTED]: And I don't know if he got there first or the training u- got there first. Um...
1268
1269 LEVAN: What training unit?
1270
1271 [REDACTED]: [REDACTED]
1272
1273 LEVAN: He was a training unit?
1274
1275 [REDACTED]: I think he was a training unit. Maybe he wasn't a training unit.
1276
1277 LEVAN: Not that day.
1278
1279 [REDACTED]: Okay. Maybe he was a King unit or I can't - maybe he was...
1280
1281 LEVAN: Other officers showed up.
1282
1283 [REDACTED]: Yes - yes.
1284
1285 LEVAN: Okay. At some point did you notify the acting sergeant that Officer
1286 Romberger was...
1287
1288 RIGHTHOUSE: Did you say anything about Officer Romberger to the acting sergeant about
1289 his demeanor?
1290
1291 [REDACTED]: Um, I probably did. I probably said he was upset. And these guys were
1292 chippin' on him. And that - you know.
1293
1294 RIGHTHOUSE: You used the word probably. Do you recall saying something?
1295
1296 [REDACTED]: I remember talking to, uh, Sergeant [REDACTED] I don't know our exact
1297 conversation.
1298
1299 RIGHTHOUSE: You don't know your exact words. But you did tell him something about
1300 Officer Romberg being upset in some phrase.
1301
1302 [REDACTED]: Yes.
1303
1304 RIGHTHOUSE: But not the exact words.
1305

1306 [REDACTED]: Correct.
1307
1308 RIGHTHOUSE: And why would you do that?
1309
1310 [REDACTED]: Um, just to let him know what was going on. I kind of just kind of said, "Hey
1311 here's what's going on." You know when you do - you kind of tell your
1312 sergeant what's going on.
1313
1314 RIGHTHOUSE: You just letting the sergeant know that Officer Romberg was a little amped
1315 up?
1316
1317 [REDACTED]: Uh, I don't know if I said he was amped up or anything like that.
1318
1319 RIGHTHOUSE: Oh I'm not saying exact words.
1320
1321 [REDACTED]: But yeah - yeah I know you're not saying...
1322
1323 RIGHTHOUSE: But it sounds like you were trying to convey that "Hey sarg - he's a little..."
1324
1325 [REDACTED]: That this - yeah that this whole thing...
1326
1327 RIGHTHOUSE: "...upset."
1328
1329 [REDACTED]: ...you know kind of what led up to everything. I was - you know giving a
1330 synopsis of what - what had happened so far.
1331
1332 LEVAN: Was this just a briefing or were you notifying him that Tim is amped?
1333
1334 [REDACTED]: Well I think he could see Tim was amped.
1335
1336 LEVAN: That's - that's not what I'm asking you.
1337
1338 [REDACTED]: Um...
1339
1340 RIGHTHOUSE: Were you - were you concerned about how Tim was - or Officer
1341 Romberg[er]...
1342
1343 [REDACTED]: His demeanor?
1344
1345 RIGHTHOUSE: ...his demeanor. How he was acting. He seemed upset.
1346
1347 [REDACTED]: Yeah - yeah.
1348
1349 RIGHTHOUSE: Were you concerned about it?
1350

1351 [REDACTED]: To be ho- yes.

1352

1353 RIGHTHOUSE: And why were you concerned about the officer - Officer Romberg[er] being
1354 upset and acting the way that he was acting?

1355

1356 [REDACTED]: Uh, like I said it's not my demeanor as an officer to act like that. And I
1357 thought it was just a little bit much.

1358

1359 RIGHTHOUSE: You think he was a little out of control maybe?

1360

1361 [REDACTED]: Uh, yeah.

1362

1363 RIGHTHOUSE: Is that why you told the sergeant so he would know how the officer was
1364 acting?

1365

1366 [REDACTED]: Yeah - I...

1367

1368 RIGHTHOUSE: It's his responsibility to keep an eye on him.

1369

1370 [REDACTED]: ...but I don't know - I don't know if I told, uh, Sergeant [REDACTED] in that
1371 fashion or not. I mean...

1372

1373 RIGHTHOUSE: Yeah the words I don't know.

1374

1375 [REDACTED]: I didn't walk up and say "Hey I'm officially notifying you that" you know it's
1376 just I mean...

1377

1378 RIGHTHOUSE: I'm gonna back up one second while he's getting the tape there too. When
1379 Officer Romberger is holding the guy on the ground you said you recalled him
1380 saying something about a head butt.

1381

1382 [REDACTED]: Yeah.

1383

1384 RIGHTHOUSE: Do you remember...

1385

1386 [REDACTED]: That you said that it - it clicked in my head that you - "Why'd you try to head
1387 butt me?" Or "Don't try to head butt me." Or - I do recall that.

1388

1389 RIGHTHOUSE: Do you remember Officer Romberg saying anything rude or threatening to
1390 [REDACTED] while he was on the ground?

1391

1392 [REDACTED]: I don't recall that.

1393

1394 RIGHTHOUSE: I'm gonna - I'm gonna...

1395

1396 [REDACTED]: But I - I do remember the head butt part.
1397
1398 RIGHTHOUSE: I'm gonna give you a - a - a statement. Do you remember anything the same
1399 or similar to - from Officer Romberg[er] - saying "If you try to head butt me
1400 again I'm going to smash your face in my car."
1401
1402 [REDACTED]: I don't recall that.
1403
1404 RIGHTHOUSE: Don't recall anything like that.
1405
1406 [REDACTED]: No. I remember the head butting stuff, but I don't recall him saying "I'm
1407 gonna smash your..."
1408
1409 RIGHTHOUSE: You don't recall him saying that he's gonna smash the guy's face in the car.
1410
1411 [REDACTED]: I don't recall that.
1412
1413 LEVAN: Did you have more that you wanted...
1414
1415 RIGHTHOUSE: When Officer Romberg[er] shoved [REDACTED] back into the car did you see [REDACTED]
1416 offer any resistance to getting back into the car?
1417
1418 [REDACTED]: I don't even think I could see that part. I remember at one time he was kicking
1419 or...
1420
1421 RIGHTHOUSE: Well that was...
1422
1423 [REDACTED]: Yeah.
1424
1425 RIGHTHOUSE: ...on the way out.
1426
1427 [REDACTED]: Yes. But I - I don't know if I had a view of that or not.
1428
1429 LEVAN: Okay. So what - what I was asking you about was did you notify the acting
1430 sergeant of your concerns about Officer Romberger or something along those
1431 lines? And you said you couldn't remember...
1432
1433 [REDACTED]: Right. I...
1434
1435 LEVAN: ...exactly what wording you used.
1436
1437 [REDACTED]: ...I - I told [REDACTED] that you know that I can't - I don't know my
1438 exact words.
1439
1440 LEVAN: No problem.

1441
1442 [REDACTED]: But I did.
1443
1444 LEVAN: What I'm gonna show you is, uh, some BWC from Acting Sergeant [REDACTED]
1445 And just to clarify the verbiage that you used.
1446
1447 [REDACTED]: Okay.
1448
1449 ((RECORDING))
1450
1451 [REDACTED]: Where's she at?
1452
1453 [REDACTED]: She's around here (unintelligible). I see her standing around. She falls
1454 (unintelligible). Tim's about ready to (unintelligible).
1455
1456 [REDACTED]: I know.
1457
1458 ((END RECORDING))
1459
1460 LEVAN: It happens very fast right there.
1461
1462 ((RECORDING))
1463
1464 [REDACTED]: Cover him first.
1465
1466 [REDACTED]: Tim's about ready to (unintelligible).
1467
1468 [REDACTED]: I know.
1469
1470 [REDACTED]: Cover him first.
1471
1472 ((END RECORDING))
1473
1474 [REDACTED]: I don't know what I said. Or...
1475
1476 LEVAN: Do you remember that exchange?
1477
1478 [REDACTED]: I remember talking to [REDACTED] yes.
1479
1480 LEVAN: Okay.
1481
1482 [REDACTED]: But I - I don't know what I said right there.
1483
1484 LEVAN: Was - as you remember this - this incident was that the point that you told the
1485 acting sergeant that Tim was - was amped up or however it was worded in

1486 there that little inaudible?
1487
1488 [REDACTED]: At one time I - I did say something. But I don't know if it was there or when it
1489 was.
1490
1491 LEVAN: Okay. Is- so is it possible that you and he had or did you and he have a
1492 conversation after the event about Officer Romberger?
1493
1494 [REDACTED]: I know we talked - I just - I don't remember what we talked about. I know we
1495 talked and...
1496
1497 LEVAN: Was it during or was it at some later point though?
1498
1499 [REDACTED]: Uh, I know I talked to him after the event and stuff. And just kind of told him
1500 what happened. And I'm - I...
1501
1502 LEVAN: Do you remember that conversation?
1503
1504 [REDACTED]: Yeah. Well I - little - bits and pieces of it.
1505
1506 LEVAN: Okay.
1507
1508 [REDACTED]: And I think I said you know "Timmy was just" - you know - I don't know if I
1509 used out of control or what. But I know I led - led him to believe that I
1510 probably thought it was inappropriate or excessive. Or whatever you guys...
1511
1512 LEVAN: No it's what you...
1513
1514 [REDACTED]: Yeah well what it - you know what - what I saw was that's like I said - that's
1515 not my demeanor in policing. So, um...
1516
1517 RIGHTHOUSE: You disagreed with what you saw thinking that Officer Romberg[er] and we
1518 don't know what the words were - you said out of control. But...
1519
1520 [REDACTED]: Right.
1521
1522 RIGHTHOUSE: ...you disagreed with those actions. You thought he was a little rough. And
1523 you...
1524
1525 [REDACTED]: Correct.
1526
1527 RIGHTHOUSE: ...reported that at some point in time. You talked to the acting sergeant.
1528
1529 [REDACTED]: Sergeant [REDACTED].
1530

1531 RIGHTHOUSE: You let him know your feelings.
1532
1533 [REDACTED]: Correct.
1534
1535 RIGHTHOUSE: About how Officer Romberg treated the 10-16 [REDACTED]
1536
1537 [REDACTED]: Correct.
1538
1539 LEVAN: That discussion was more than just happened right here. The - the one you're
1540 talking about where you had discussion about Officer Romberger this isn't the
1541 one where - that you...
1542
1543 [REDACTED]: I - I don't know what point I talked to him.
1544
1545 [REDACTED]: Could - I mean we watched this twice already. What - what is - I can't hear
1546 what's been said. Do you know what you said there?
1547
1548 [REDACTED]: I can't remember what I said there.
1549
1550 LEVAN: Okay.
1551
1552 [REDACTED]: But - go ahead.
1553
1554 RIGHTHOUSE: When - when - just backing up a little - when Officer Romberg[er] shoved
1555 [REDACTED] back into the car he was upset. He shoved him pretty hard into the car
1556 basically what you said. Did you see Officer Romberg do anything else other
1557 than shove [REDACTED] into the car?
1558
1559 [REDACTED]: I don't recall seeing him - you know.
1560
1561 RIGHTHOUSE: You recall him doing anything else to [REDACTED]
1562
1563 [REDACTED]: No. One time like I told you he had his hands around his neck.
1564
1565 RIGHTHOUSE: Right.
1566
1567 [REDACTED]: I don't know if it was pulling him out or putting him in or what.
1568
1569 RIGHTHOUSE: But when he shoved him in the car. When he pushed him back into the car for
1570 the last time. After he picked him up off the ground....
1571
1572 [REDACTED]: Mm-hm.
1573
1574 RIGHTHOUSE: ...somehow he shoved him into the car.
1575

1576 [REDACTED]: Did I see him do anything else?
1577
1578 RIGHTHOUSE: Did you see him do anything else?
1579
1580 [REDACTED]: No.
1581
1582 RIGHTHOUSE: You recall if Officer Romberg kicked [REDACTED]
1583
1584 [REDACTED]: I didn't see him kick him.
1585
1586 RIGHTHOUSE: You didn't - you don't see him kick him.
1587
1588 [REDACTED]: No I know at one time I believe he was pepper sprayed. But I - I was with the
1589 medics at that time I believe.
1590
1591 RIGHTHOUSE: But you didn't - you didn't - you don't recall or you didn't see Officer
1592 Romberg kick [REDACTED] while he was in the back of the car.
1593
1594 [REDACTED]: I don't recall him kicking him no.
1595
1596 LEVAN: Anything else on that?
1597
1598 RIGHTHOUSE: Yeah I don't think so.
1599
1600 LEVAN: So you said you don't remember how he was put back in the car.
1601
1602 [REDACTED]: Mm-hm.
1603
1604 LEVAN: Um - um, I'm gonna move on from that. Uh...
1605
1606 RIGHTHOUSE: Do you - do you remember when [REDACTED] was in the back of the car before
1607 Romberg[er] pulled him out he asked him to slide over. And this whole event
1608 kind of started.
1609
1610 [REDACTED]: Mm-hm.
1611
1612 RIGHTHOUSE: Do you remember [REDACTED] demeanor? He was sitting in the car handcuffed.
1613
1614 [REDACTED]: Yeah I mean it was nothing that I thought was - you know crazy or anything
1615 like that. He'd been chipping at Timmy the whole time and, um, just you
1616 know not - kind of goin' what Timmy was saying and that kind of stuff. Kind
1617 of chippin away at Timmy the whole time. But...
1618
1619 RIGHTHOUSE: You don't remember him doing anything crazy, out of control, screaming,
1620 yelling?

1621
1622 [REDACTED]: Uh, he might have been yelling in the back seat. But, um, nothing that I...
1623
1624 RIGHTHOUSE: Do you remember if he - do you remember if he was laughing?
1625
1626 [REDACTED]: I think he was laughing now that you mention it. I think he was laughing. And
1627 kind of mocking him.
1628
1629 RIGHTHOUSE: Did you see him do any other behavior than laughing?
1630
1631 [REDACTED]: No.
1632
1633 LEVAN: Okay. Did you speak with a reporting party for this whole thing?
1634
1635 [REDACTED]: No I don't - I - I think, uh, Officer [REDACTED] talked to most the witnesses.
1636
1637 LEVAN: Okay. Do you know if anybody talked to the RP?
1638
1639 [REDACTED]: I don't know.
1640
1641 LEVAN: You wrote the crime case on this.
1642
1643 [REDACTED]: Mm-hm.
1644
1645 LEVAN: Did you talk to any civilian witnesses?
1646
1647 [REDACTED]: No.
1648
1649 LEVAN: When you guys were all in the parking lot aside from the paramedics that
1650 were there that were off dealing with [REDACTED] do- were there any ser- other
1651 civilian witnesses?
1652
1653 [REDACTED]: There was a few yeah.
1654
1655 LEVAN: Do you know if they were contacted?
1656
1657 [REDACTED]: I know a - a - a Officer [REDACTED] took a couple witness statements.
1658
1659 LEVAN: Do know if it was...
1660
1661 [REDACTED]: I think I documented it in my report.
1662
1663 LEVAN: Okay did he - did we talk with everybody that was witness to the events in the
1664 parking lot?
1665

1666 [REDACTED]: I don't know.
1667
1668 LEVAN: To your knowledge.
1669
1670 [REDACTED]: I - I don't know.
1671
1672 LEVAN: Okay.
1673
1674 [REDACTED]: Yeah it says Officer [REDACTED] - for witness statements.
1675
1676 LEVAN: Okay. I wanna clarify some things in your report here. If you can look at, um -
1677 um, the top sheet on - under M.O. Information. And this is just simply for
1678 clarification here. Um, why am I not seeing it?
1679
1680 RIGHTHOUSE: It's right here.
1681
1682 LEVAN: Oh you've got noted that, uh, the cash register drawer was the target. Was that
1683 an error?
1684
1685 [REDACTED]: Yes.
1686
1687 LEVAN: All right. So I - I wanna talk about the BWC quickly here or get to that point.
1688 While you were en route to the call, uh, did you activate your BWC?
1689
1690 [REDACTED]: No.
1691
1692 LEVAN: Explain what happened.
1693
1694 [REDACTED]: Um, I was en route to the call. Um, it was a big nothing like I said. (Timmy)
1695 didn't say it was 97. Next thing I heard was cover now. Um, normally I
1696 double tap it and go. I flick my sir- lights and sirens on. Um, I don't recall
1697 whether I tried to activate it or not, but it wasn't on.
1698
1699 LEVAN: Okay. Was this your first call of that day?
1700
1701 [REDACTED]: Yes.
1702
1703 LEVAN: What's your - or - what's your normal routine in terms of - there's two modes
1704 for the BWC...
1705
1706 [REDACTED]: Mm-hm.
1707
1708 LEVAN: ...buffering and event mode.
1709
1710 [REDACTED]: Right.

1711
1712 LEVAN: What's your normal routine in terms of when you go 10-8?
1713
1714 [REDACTED]: Usually I just turn it on. Yeah.
1715
1716 LEVAN: Meaning put it in buffer?
1717
1718 [REDACTED]: Right.
1719
1720 LEVAN: Okay. This day do you know if you did that or not?
1721
1722 [REDACTED]: I don't recall.
1723
1724 LEVAN: All right. At some point, um - well let me back up. Did you- should this have -
1725 sh- should your BWC have been on in this - this call? Did you an- anticipate it
1726 being an enforcement...
1727
1728 [REDACTED]: Yes.
1729
1730 LEVAN: ...excuse me an enforcement call?
1731
1732 [REDACTED]: Yes.
1733
1734 LEVAN: All right. You just don't know whether you double tapped it.
1735
1736 [REDACTED]: Correct.
1737
1738 LEVAN: And put it in event mode or not. When did you noti- or realize that you're, uh
1739 - your BWC wasn't recording?
1740
1741 [REDACTED]: Um, I asked Tim if his was recording I think. I think I asked him if he was
1742 recording. And I think he said it was. Or his camera fell off or something like
1743 that. And, uh, once I handcuffed my 10-16 I - like normal shut off my BWC
1744 so I wouldn't have even a had it on after I handcuffed him. 'Cause usually
1745 after I handcuff him, uh, it goes into the - your name and all that kind of stuff.
1746 And gathering the information and going from there. So normally even after I
1747 handcuffed him I probably would have shut it off.
1748
1749 LEVAN: But did you notice that it wasn't on?
1750
1751 [REDACTED]: I don't recall whether I did or didn't.
1752
1753 LEVAN: Okay.
1754
1755 [REDACTED]: I know one time I knew it wasn't on. But it was - you know after the fact.

1756 After pretty much everything was over.
1757
1758 LEVAN: Did you notify your sergeant or a sergeant?
1759
1760 [REDACTED]: That I didn't have my camera on?
1761
1762 LEVAN: Yes.
1763
1764 [REDACTED]: I think so. I don't know if I did or didn't or put it in report or - but I knew it
1765 wasn't on.
1766
1767 LEVAN: Okay.
1768
1769 RIGHTHOUSE: Was your BWC operable?
1770
1771 [REDACTED]: Was it operable that day?
1772
1773 RIGHTHOUSE: Yes.
1774
1775 [REDACTED]: I would assume so.
1776
1777 RIGHTHOUSE: So - so it didn't not work. It just wasn't...
1778
1779 [REDACTED]: Right.
1780
1781 RIGHTHOUSE: ...turned on.
1782
1783 [REDACTED]: I didn't turn it on. Yep.
1784
1785 LEVAN: It's gonna take a second to cue this up so if you have other questions or -
1786 there's a point at which you talk with the acting sergeant about...
1787
1788 [REDACTED]: Mm-hm.
1789
1790 LEVAN: ...BWC. I just wanna...
1791
1792 [REDACTED]: Mm-hm.
1793
1794 LEVAN: ...get the gist of what this is about.
1795
1796 [REDACTED]: Before we watch that do you recall talking to him about your BWC?
1797
1798 [REDACTED]: I probably - I - I probably said I didn't have it on.
1799
1800 [REDACTED]: I didn't ask you that.

1801
1802 [REDACTED]: Yeah.
1803
1804 [REDACTED]: Do you recall the conversation though before we watch it?
1805
1806 [REDACTED]: No.
1807
1808 [REDACTED]: Okay.
1809
1810 RIGHTHOUSE: You said you - you said you talked to a supervisor...
1811
1812 [REDACTED]: Right.
1813
1814 RIGHTHOUSE: ...not being on.
1815
1816 [REDACTED]: Right.
1817
1818 RIGHTHOUSE: So you do recall doing that?
1819
1820 [REDACTED]: Well I talked to Sergeant [REDACTED]. Whether I talk about the BWC being on
1821 or off I don't know if I talked to him whether it was on or off.
1822
1823 RIGHTHOUSE: Okay.
1824
1825 [REDACTED]: I don't recall that. I mean...
1826
1827 RIGHTHOUSE: It - the BWC...
1828
1829 [REDACTED]: ...after I watch the video yeah I'll be able to tell - say...
1830
1831 RIGHTHOUSE: The BWC actually kind of has three modes.
1832
1833 [REDACTED]: Okay.
1834
1835 RIGHTHOUSE: 'Cause it has off...
1836
1837 [REDACTED]: Right.
1838
1839 RIGHTHOUSE: ...buffering and event.
1840
1841 [REDACTED]: Okay.
1842
1843 RIGHTHOUSE: Do you remember if your BWC was off or on buffering.
1844
1845 [REDACTED]: I think mine was just completely off. I don't - I don't recall. I mean it's been a

1846 long time since that happened. I don't know whether I had it in a buffering
1847 position or it was just completely off.
1848
1849 RIGHTHOUSE: If it was off and you forgot to put it on buffering 'cause you said you thought
1850 you might have tried to turn it on - if it was off...
1851
1852 [REDACTED]: It wouldn't have turned on.
1853
1854 RIGHTHOUSE: ...and you forgot to put it in buffering and you tapped it would it record?
1855
1856 [REDACTED]: If it was off? No.
1857
1858 RIGHTHOUSE: Okay so is there a possibility it was off?
1859
1860 [REDACTED]: Yes.
1861
1862 RIGHTHOUSE: If you're saying you tried to turn it on.
1863
1864 [REDACTED]: Yes.
1865
1866 RIGHTHOUSE: 'Cause you are saying it was operable. It did work.
1867
1868 [REDACTED]: Yes. Yes.
1869
1870 RIGHTHOUSE: Is there any reason that you didn't have it in buffering?
1871
1872 [REDACTED]: Just first call of the day. I mean I think - it - it was a big - nothing call that was
1873 supposed to be a big nothing call. Just two drunk teenagers in there. I was
1874 going to it just - you know not a big deal. And then all of a sudden it turned
1875 into a cover now. So I think I just double tapped it - threw my lights and sirens
1876 on and it - it was never even on.
1877
1878 RIGHTHOUSE: What's your - what's your standard practice for going into the field? When -
1879 when do you first turn your camera on to buffering on an average day?
1880
1881 [REDACTED]: Well usually - I mean I've been on 18 years. These are new to me. I'm not
1882 used to 'em. Um, and a lot of times I forget to put it in the buffering mode. I
1883 mean sometimes I'll look down I'll go "Oh okay I gotta turn it on." I just -
1884 so...
1885
1886 RIGHTHOUSE: So you don't have a standard practice where...
1887
1888 [REDACTED]: I don't.
1889
1890 RIGHTHOUSE: ...as you drive out the gate you put it in buffering.

1891
1892 [REDACTED]: I don't.
1893
1894 RIGHTHOUSE: Or as you...
1895
1896 [REDACTED]: No.
1897
1898 RIGHTHOUSE: ...load your bag you put it in buffering.
1899
1900 [REDACTED]: No.
1901
1902 RIGHTHOUSE: So as you just said a lot of times you forget to put it in buffering.
1903
1904 [REDACTED]: Correct.
1905
1906 RIGHTHOUSE: So if you forget to put it in buffering and then you try to double tap the
1907 camera it's not going to work.
1908
1909 [REDACTED]: That is correct.
1910
1911 RIGHTHOUSE: And that's what you're assuming happened here.
1912
1913 [REDACTED]: Exactly.
1914
1915 LEVAN: So I'm gonna show a video here. This is, um, Officer [REDACTED], um, BWC.
1916 You're gonna come up to him and talk with him. What's the - and we've
1917 already esta- you already said that you don't remember a discussion, um, in
1918 your recollection about the BWC's but it's clear you do say something to him
1919 here.
1920
1921 [REDACTED]: I think I just didn't turn it on.
1922
1923 ((RECORDING))
1924
1925 [REDACTED]: My camera's (unintelligible) on.
1926
1927 [REDACTED]: (Unintelligible).
1928
1929 ((END RECORDING))
1930
1931 LEVAN: And so again, you didn't remember that before...
1932
1933 [REDACTED]: Mm-hm.
1934
1935 LEVAN: ...I just showed you that now.

1936
1937 [REDACTED]: No.
1938
1939 LEVAN: But as you see that - this is something you did.
1940
1941 [REDACTED]: Right.
1942
1943 LEVAN: So as you see that are you notifying him?
1944
1945 [REDACTED]: Yes.
1946
1947 LEVAN: On it - on what...
1948
1949 [REDACTED]: Yes told him my camera wasn't on.
1950
1951 LEVAN: Okay. Did he give you any kind of instructions as to what to do at - you - you
1952 say you had a conversation with them later. Did he tell you to note it in your
1953 journal? Note it on the case or anything about that? That you recall?
1954
1955 [REDACTED]: I don't recall that.
1956
1957 LEVAN: Okay. Were you injured in - in the arrest or the event at all?
1958
1959 [REDACTED]: No.
1960
1961 LEVAN: Do you know if any officers were?
1962
1963 [REDACTED]: Um, I think Timmy might have said he hurt his hand or something like that.
1964 I..
1965
1966 LEVAN: Do you know if he had to have any - any kind of, uh, medical treatment for it?
1967
1968 [REDACTED]: No I don't think so.
1969
1970 LEVAN: Okay. Do you know if the suspects were injured in this?
1971
1972 [REDACTED]: My guy had a cut lip.
1973
1974 LEVAN: How was that handled?
1975
1976 [REDACTED]: Uh, he refused medics.
1977
1978 LEVAN: Okay. So he was offered...
1979
1980 [REDACTED]: Yes.

1981
1982 LEVAN: ...medics. Do you know who offered medics? Or was it just some - a police
1983 officer offered medics?
1984
1985 [REDACTED]: I - I don't recall who. But I know he declined medics.
1986
1987 LEVAN: Okay. All right. You had mentioned, um, you did a follow-up at the hospital
1988 to bring the phone back to [REDACTED]
1989
1990 [REDACTED]: Mm-hm.
1991
1992 LEVAN: And you talked with her mom. Did you get her status? Did the - did the
1993 hospital say what her condition was?
1994
1995 [REDACTED]: Um, I don't think I talked to a doctor at that time. Um, I don't even think I got
1996 her status or anything like that. I just had her phone and gave the phone to her
1997 mom and...
1998
1999 LEVAN: Okay. Do we know what - what her role in this whole thing was? Do we ever
2000 find out whether she was an associate with these two or was she a victim of -
2001 you know something - do we know her role?
2002
2003 [REDACTED]: No I - I went to the hospital. Talked to the mom for a brief time. Um, mom
2004 said something about her be- leaving the house at night or not coming home.
2005 Or something like that. But nothing really further. Anything like that. Um...
2006
2007 LEVAN: Did you tell the acting sergeant about the fol- the hospital follow-up or the
2008 meeting with mom.
2009
2010 [REDACTED]: I don't recall if I did or not.
2011
2012 LEVAN: Okay.
2013
2014 [REDACTED]: I mean basically a janitor or somebody walked up and said, "Hey I think this
2015 is the girl's phone. Um, she fell - hit her head and medics took her." I never
2016 talked to her. I don't think anybody ever talked to her. And I did- I don't even
2017 think I talked to her at the hospital.
2018
2019 LEVAN: Did you get the guy's name the - the janitor or whoever he was?
2020
2021 [REDACTED]: No.
2022
2023 LEVAN: What'd he look like?
2024
2025 [REDACTED]: I don't even recall.

2026
2027 LEVAN: Okay. But he was an employee.
2028
2029 [REDACTED]: I think he said he was a maintenance man.
2030
2031 LEVAN: At the rec center?
2032
2033 [REDACTED]: Yeah and the phone was all shattered.
2034
2035 LEVAN: All right. So was [REDACTED] injured at all to your knowledge?
2036
2037 [REDACTED]: Not to my knowledge.
2038
2039 LEVAN: So [REDACTED] - the only injury for suspects was [REDACTED] lip from the car.
2040
2041 [REDACTED]: Yes.
2042
2043 LEVAN: All right.
2044
2045 RIGHTHOUSE: Back the BWC. Should your BWC have been on in that incident?
2046
2047 [REDACTED]: Yes. I mean...
2048
2049 RIGHTHOUSE: And when you talk to the acting sergeant about Officer Romberg's use of
2050 force and his demeanor...
2051
2052 [REDACTED]: Mm-hm.
2053
2054 RIGHTHOUSE: ...you thought he was a little out of control. What was the purpose of talking
2055 to the acting sergeant and telling him that information?
2056
2057 [REDACTED]: Um, I just kind a wanted him to be aware what happened. I don't know if I
2058 used out of control. I don't know if I used that word. Maybe I did. I don't
2059 know if I used out of control. I don't think I used excessive. I don't know
2060 what I used, but I did tell him that "Hey you know I think things got out a li-
2061 out of hand." Maybe I used that. Maybe I used out of control. I don't recall.
2062
2063 RIGHTHOUSE: And what did you mean by out of hand?
2064
2065 [REDACTED]: Um...
2066
2067 RIGHTHOUSE: I know you're - you said - I guess in a nut shell you're concerned about
2068 Officer Romberg, his attitude and the force that he was using on [REDACTED]
2069
2070 [REDACTED]: Correct.

2071
2072 RIGHTHOUSE: So in a nutshell just your own words what were you trying to convey to the
2073 acting sergeant? Why was it important to you to tell the acting sergeant to tell
2074 this information about the force and the attitude of Officer Romberg?
2075
2076 [REDACTED]: Well not only [REDACTED] I think al- office- you said [REDACTED] but I think it was both
2077 of them.
2078
2079 RIGHTHOUSE: Okay.
2080
2081 [REDACTED]: Uh, [REDACTED] or - is that his name?
2082
2083 LEVAN: [REDACTED]
2084
2085 [REDACTED]: [REDACTED]. Him also, um, I was just letting, uh, [REDACTED] know that - you know
2086 this you know got out of hand or out of control. Or just tryin'- just - you know
2087 - let him know that I felt that..
2088
2089 [REDACTED]: So in your own - in your - if I can interject a question.
2090
2091 RIGHTHOUSE: You basically - you basically said that there was force used that concerned
2092 you.
2093
2094 [REDACTED]: Correct.
2095
2096 RIGHTHOUSE: And that you wouldn't have used it.
2097
2098 [REDACTED]: Correct.
2099
2100 RIGHTHOUSE: And you were concerned enough that you told the acting sergeant about that.
2101
2102 [REDACTED]: Correct.
2103
2104 RIGHTHOUSE: Is that because you were trying to inform the acting sergeant of the situation
2105 of what occurred?
2106
2107 [REDACTED]: Yes.
2108
2109 RIGHTHOUSE: And that you were concerned with...
2110
2111 [REDACTED]: Correct.
2112
2113 RIGHTHOUSE: ...the demeanor of Officer Romberg[er] and the force that Officer
2114 Romberg[er] used with these 10-16's?
2115

2116 [REDACTED]: Yes sir.
2117
2118 RIGHTHOUSE: You saw things that you disagreed with.
2119
2120 [REDACTED]: Yes sir.
2121
2122 RIGHTHOUSE: And you wanted to notify the acting sergeant so that he would have that
2123 information.
2124
2125 [REDACTED]: Correct.
2126
2127 LEVAN: When - when did that discussion happen?
2128
2129 [REDACTED]: Um, it was later on I think. Um, I think we were...
2130
2131 LEVAN: Later on in the day?
2132
2133 [REDACTED]: ...I - no I think we were - well I talked to him later that day and I know I said
2134 something then. But I think in the parking lot at some time I think I might
2135 have said something to him.
2136
2137 LEVAN: Okay.
2138
2139 [REDACTED]: And then I think, um, later day - later that day I don't know if it's 10-17 or
2140 something like that that I might have said something.
2141
2142 LEVAN: Okay.
2143
2144 [REDACTED]: You know before there was even...
2145
2146 [REDACTED]: Do we know what was said? The part that you played. Did we slow it down to
2147 know what was said? 'Cause he...
2148
2149 LEVAN: He says my camera...
2150
2151 [REDACTED]: No he says - I think you're talking about the other part.
2152
2153 LEVAN: Is that what you're talking about?
2154
2155 [REDACTED]: No prior to that. When he says something to him. You asked him if that's
2156 when he was telling him - notifying him about the behavior.
2157
2158 LEVAN: So are you asking before that?
2159
2160 [REDACTED]: Yeah.

2161
2162 LEVAN: I can back it up and show it to you.
2163
2164 RIGHTHOUSE: The - the - the one statement that he makes.
2165
2166 [REDACTED]: Yeah 'cause we've played it a couple times and I can't understand it. Can you
2167 guys?
2168
2169 RIGHTHOUSE: It's very hard to hear. It sound like he says...
2170
2171 [REDACTED]: Is she still holding the gun?
2172
2173 RIGHTHOUSE: ...something like Officer Romberg is spun up.
2174
2175 LEVAN: Yes. Yes.
2176
2177 RIGHTHOUSE: Or officer - something like that.
2178
2179 ((RECORDING))
2180
2181 [REDACTED]: Okay I don't know who the fuck - eh- can I get his bad- can I get his badge.
2182 I'm not - on the (unintelligible).
2183
2184 [REDACTED]: My camera (unintelligible).
2185
2186 [REDACTED]: (Unintelligible).
2187
2188 ((END RECORDING))
2189
2190 LEVAN: I think it sounds like my camera's not on.
2191
2192 [REDACTED]: No I say my camera's not going. He goes "Oh it's all right." You were
2193 referring to the other part.
2194
2195 [REDACTED]: I was referring to the other part.
2196
2197 [REDACTED]: Yeah he...
2198
2199 LEVAN: I'm sorry.
2200
2201 ((RECORDING))
2202
2203 ROMBERGER: You know I don't remember. I remember he just started flailing. Like I'm
2204 gonna (unintelligible).
2205

2206 ((END RECORDING))

2207

2208 LEVAN: Whi - which part?

2209

2210 [REDACTED]: The first part.

2211

2212 [REDACTED]: The first part.

2213

2214 RIGHTHOUSE: When he walked by the acting sergeant and tells him.

2215

2216 LEVAN: Oh.

2217

2218 RIGHTHOUSE: His concerns about Officer Romberg[er].

2219

2220 LEVAN: Yes okay.

2221

2222 ((RECORDING))

2223

2224 [REDACTED]: No - no - fuck that man.

2225

2226 [REDACTED]: I know.

2227

2228 ((END RECORDING))

2229

2230 [REDACTED]: Just before that.

2231

2232 LEVAN: Yep.

2233

2234 [REDACTED]: 'Cause right - basically I'm giving him the synopsis of what's...

2235

2236 ((RECORDING))

2237

2238 [REDACTED]: Tim's about ready to...

2239

2240 [REDACTED]: I know. (Unintelligible).

2241

2242 ((END RECORDING))

2243

2244 [REDACTED]: Sounds like, "Tim's about ready to" and he said, "I know."

2245

2246 [REDACTED]: Yeah.

2247

2248 [REDACTED]: That's all I heard.

2249

2250 RIGHTHOUSE: Yeah.

2251
2252 [REDACTED]: I think I said...
2253
2254 RIGHTHOUSE: Sounded like he interrupts you. It's hard to hear.
2255
2256 [REDACTED]: ...outraged or...
2257
2258 [REDACTED]: Yeah.
2259
2260 [REDACTED]: ...something like that. Yeah.
2261
2262 [REDACTED]: All right. You don't remember by watching this what he said? Okay.
2263
2264 RIGHTHOUSE: Your exact word?
2265
2266 [REDACTED]: I don't remember my exact words.
2267
2268 ((RECORDING))
2269
2270 [REDACTED]: (Unintelligible).
2271
2272 [REDACTED]: Tim's about ready to...
2273
2274 [REDACTED]: I know.
2275
2276 [REDACTED]: Cover him first.
2277
2278 ((END RECORDING))
2279
2280 LEVAN: The tail end of it is a little inaudible.
2281
2282 [REDACTED]: Mm-hm.
2283
2284 LEVAN: But it's "Tim's about ready to..."
2285
2286 [REDACTED]: Yeah.
2287
2288 [REDACTED]: Something.
2289
2290 LEVAN: And then something inaudible.
2291
2292 [REDACTED]: Yeah.
2293
2294 LEVAN: And - and this is not the conversation that you're referring to.
2295

2296 [REDACTED]: No.
2297
2298 LEVAN: (Unintelligible).
2299
2300 [REDACTED]: No.
2301
2302 LEVAN: Okay it's another conversation.
2303
2304 [REDACTED]: Yeah.
2305
2306 LEVAN: Okay. All right. You said at some point [REDACTED] was pepper sprayed OC
2307 sprayed.
2308
2309 [REDACTED]: I never saw any of that.
2310
2311 LEVAN: Did you learn about it?
2312
2313 [REDACTED]: Yes.
2314
2315 LEVAN: How did you hear about it or - how'd you find out about it.
2316
2317 [REDACTED]: I think Sergeant [REDACTED] said he - Tim pepper sprayed him. And then I think
2318 I talked to Tim. And for some reason I think I said, "Hey the medics are here
2319 we wanna get water or something like that."
2320
2321 LEVAN: What did Tim - Officer Romberger say?
2322
2323 [REDACTED]: I don't recall. I just remember saying like, "Hey pepper spray - medics are
2324 here - we have water - get some water or..."
2325
2326 LEVAN: So you didn't witness any of the pepper spray?
2327
2328 [REDACTED]: No. Uh-uh. Mm-mm. I think I was over a - with the girl.
2329
2330 LEVAN: Okay.
2331
2332 RIGHTHOUSE: Did you see Officer Romberger give [REDACTED] any treatment for the OC spray?
2333
2334 [REDACTED]: I didn't see him get - no.
2335
2336 RIGHTHOUSE: Did you see anybody else get [REDACTED] any treatment for the OC spray?
2337
2338 [REDACTED]: Not that I recall no.
2339
2340 LEVAN: Did you go to headquarters with this whole...

2341
2342 [REDACTED]: No I...
2343
2344 LEVAN: ...incident?
2345
2346 [REDACTED]: ...didn't. I was writing my report. The maintenance guy came up gave me the
2347 phone. I went to the hospital. Got the phone - finished the report. I think I met
2348 up with, uh, Sergeant [REDACTED] and...
2349
2350 LEVAN: Who took [REDACTED]
2351
2352 [REDACTED]: Um, who took [REDACTED]
2353
2354 LEVAN: To your knowledge. If you don't know that's fine.
2355
2356 [REDACTED]: I don't recall. I think [REDACTED] took [REDACTED]
2357
2358 LEVAN: [REDACTED]
2359
2360 [REDACTED]: [REDACTED]. Yeah.
2361
2362 LEVAN: Okay so - so, uh, [REDACTED] takes [REDACTED] Somebody takes [REDACTED] Um, and
2363 you stayed in the parking lot after everyone left writing the report.
2364
2365 [REDACTED]: Mm-hm.
2366
2367 LEVAN: That's when the maintenance man...
2368
2369 [REDACTED]: Well not even in the parking lot. I drove down - there's some baseball fields
2370 down below.
2371
2372 LEVAN: Okay.
2373
2374 [REDACTED]: Yeah.
2375
2376 LEVAN: But that - you're still in the park itself.
2377
2378 [REDACTED]: Yeah - yeah.
2379
2380 LEVAN: ...and somebody came up to you.
2381
2382 [REDACTED]: Mm-hm. Mm-hm.
2383
2384 LEVAN: Okay.
2385

2386 [REDACTED]: Yeah.
2387
2388 LEVAN: Uh, you had mentioned the, um - the ride along. She's a ride along with who?
2389
2390 [REDACTED]: Tim. Officer Romberger.
2391
2392 LEVAN: Do you know how she came into contact with his gun?
2393
2394 [REDACTED]: Uh, Timmy told me that - why they were wrestling around it came out. And I
2395 don't know if sh- he told her to pick it up or, um, she...
2396
2397 LEVAN: But you don't - you didn't see...
2398
2399 [REDACTED]: No.
2400
2401 LEVAN: ...how she came in contact.
2402
2403 [REDACTED]: No - no. She - when I got there she already had the gun in her hand. She
2404 walkin around like this the whole time just flat palmed.
2405
2406 LEVAN: Okay. Did - where was she in - when - when you first noticed she was holding
2407 a handgun where was she in relation to Officer Romberger?
2408
2409 [REDACTED]: 10 - 15 feet away.
2410
2411 LEVAN: Was the scene code 4 at that point?
2412
2413 [REDACTED]: No.
2414
2415 LEVAN: Meaning was...
2416
2417 [REDACTED]: No 'cause I - when I - as I was coming up I could see her. I could see him on
2418 the ground with the other guy and the other, uh, [REDACTED] sitting there.
2419
2420 LEVAN: Okay. So once you guys finally get 'em both handcuffed she's still standing
2421 about 10 feet away holding the gun. Is that correct?
2422
2423 [REDACTED]: Yeah and I mean she was walking around and moving around and that kind of
2424 stuff. But yeah.
2425
2426 LEVAN: Could - could officer Romberger at that point have - was the scene code 4
2427 enough to where he could have retrieved that from the ride along and re-
2428 secured it?
2429
2430 [REDACTED]: Um, I don't thi- I wouldn't have done that until a- probably after I put him in

2431 the car or something like that. I mean 'cause he still was kind of being
2432 squirrely.
2433
2434 LEVAN: Did it concern you - or did it seem odd that a ride along was walking around
2435 with an officer's handgun?
2436
2437 [REDACTED]: Yeah.
2438
2439 LEVAN: Did you ever have a conversation with him about that?
2440
2441 RIGHTHOUSE: Why - why did it concern you?
2442
2443 [REDACTED]: Um, I mean she's not trained in weaponry or anything like that. So I mean
2444 anybody could have took the gun from her. I mean, uh...
2445
2446 LEVAN: Do you know their relationship - Officer Romberger and - and, uh, the ride
2447 alongs? Are they friends?
2448
2449 [REDACTED]: Uh, I think they're friends yeah. This wasn't her first ride along.
2450
2451 LEVAN: Do you know - do you know if she shoots or has any kind of knowledge in
2452 handguns?
2453
2454 [REDACTED]: I have no idea.
2455
2456 LEVAN: Okay. All right. So you said it concerns you that the ride along has it.
2457
2458 [REDACTED]: Well anybody could take it away from her. I mean when he had [REDACTED] on the
2459 ground before I got there [REDACTED] could a ran over and grabbed the gun from
2460 her easily at any point.
2461
2462 LEVAN: Okay.
2463
2464 RIGHTHOUSE: Did you hear Officer Romberger instruct her to secure the gun in any fashion?
2465
2466 [REDACTED]: I don't recall that. I don't know if he did or not.
2467
2468 RIGHTHOUSE: Do you remember if he asked her to place it in the police car?
2469
2470 [REDACTED]: I don't know - I don't recall.
2471
2472 RIGHTHOUSE: Did Officer Romberg[er] instruct any other officers that were on scene to go
2473 secure the gun from the civilian?
2474
2475 [REDACTED]: He never asked me I know that. I don't recall that he did. But I wasn't around

2476 him if - there were...
2477
2478 RIGHTHOUSE: But you don't recall him asking any other officers...
2479
2480 [REDACTED]: No.
2481
2482 RIGHTHOUSE: ...to go get the gun.
2483
2484 [REDACTED]: No.
2485
2486 RIGHTHOUSE: He didn't ask you.
2487
2488 [REDACTED]: No.
2489
2490 RIGHTHOUSE: You don't recall him saying...
2491
2492 [REDACTED]: Go get the gun.
2493
2494 RIGHTHOUSE: ...to the civilian to secure it.
2495
2496 [REDACTED]: Right. No.
2497
2498 RIGHTHOUSE: Okay.
2499
2500 LEVAN: Anything else?
2501
2502 RIGHTHOUSE: Not at...
2503
2504 LEVAN: No all right. Anything you wanna add?
2505
2506 RIGHTHOUSE: I got a couple questions. I'm sorry.
2507
2508 LEVAN: Oh - that's - that's fine.
2509
2510 RIGHTHOUSE: Um, back to the OC. You did tell Officer Romberg[er] that the medics were
2511 there. You mentioned to him that they had water. And he could...
2512
2513 [REDACTED]: I remember saying something at the back of the patrol car.
2514
2515 RIGHTHOUSE: ...treat [REDACTED].
2516
2517 [REDACTED]: Something like that yes.
2518
2519 RIGHTHOUSE: Okay. But you don't recall him doing it?
2520

2521 [REDACTED]: No.
2522
2523 RIGHTHOUSE: Did any of the 10-16's on scene ask for anyone's ID numbers?
2524
2525 [REDACTED]: Yes, but I can't remember which one did. I - I heard it. I wasn't directly
2526 talking with them. But I did hear 'em say that.
2527
2528 RIGHTHOUSE: Did you hear the - the officers reply?
2529
2530 [REDACTED]: At that time no. I didn't hear anybody reply to him. He - I think...
2531
2532 RIGHTHOUSE: Did you not...
2533
2534 [REDACTED]: ...he was sitting down on the ground.
2535
2536 RIGHTHOUSE: Did you hear an officer give them their ID number and name?
2537
2538 [REDACTED]: I didn't - no.
2539
2540 RIGHTHOUSE: You don't recall what the officer said back in response to the 10-16 asking for
2541 the ID number? Did the 10-16's ask you?
2542
2543 [REDACTED]: Nobody asked me directly for their ID number no.
2544
2545 RIGHTHOUSE: You just heard them asking.
2546
2547 [REDACTED]: Yes.
2548
2549 RIGHTHOUSE: The - one of the other officers.
2550
2551 [REDACTED]: And...
2552
2553 RIGHTHOUSE: So the 10-16 I think it was [REDACTED] sitting on the ground.
2554
2555 [REDACTED]: Yes.
2556
2557 RIGHTHOUSE: He asked one of the - you heard him ask one of the officers for their ID.
2558
2559 [REDACTED]: Yeah I don't know if it was - I - I felt that at the time when I heard it I don't
2560 know if I was looking at him or what. I thought he wanted Timmy's.
2561
2562 RIGHTHOUSE: But they're talking to somebody else not you.
2563
2564 [REDACTED]: Yes - yes.
2565

2566 RIGHTHOUSE: But you don't recall what the officers replied?

2567

2568 [REDACTED]: No. And I don't even know which officer I was talking to. Don't know if it
2569 was [REDACTED] or [REDACTED] or...

2570

2571 LEVAN: Which officer you were talking to or...

2572

2573 [REDACTED]: No he was talking to.

2574

2575 LEVAN: ...he okay.

2576

2577 [REDACTED]: Yes.

2578

2579 RIGHTHOUSE: Nothing further.

2580

2581 LEVAN: Anything you wanna add?

2582

2583 [REDACTED]: No.

2584

2585 LEVAN: Okay. So lastly - do you - is there anything that we haven't asked you or we
2586 haven't discussed here that you want to contribute that may be pertinent to the
2587 case that I've forgotten to ask - neglected to ask?

2588

2589 [REDACTED]: No I don't think so.

2590

2591 LEVAN: No okay. Nothing else I'm gonna go ahead and conclude the interview. It is
2592 1100 hours 11:00 straight up.

2593

2594

2595 The transcript has been reviewed with the audio recording submitted and it is an accurate
2596 transcription.

2597

Signed _____

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INTERVIEW WITH OFFICER [REDACTED]

- Sgt. John Levan**
- Sgt. Bret A. Righthouse**
- Ofc. [REDACTED]**
- Atty. [REDACTED]**
- Ofc. Romberger – Recording**
- Ofc. [REDACTED] - Recording**
- [REDACTED] - Recording**
- [REDACTED] - Recording**
- [REDACTED] - Recording**

LEVAN: Okay. Good afternoon. It is October 19, 2017, at approximately 1307 hours. This is Sergeant John Levan with the Internal Affairs Office. We are located in the Internal Affairs Interview Room at San Diego Police Department Headquarters. In the room with me is, ah, Officer [REDACTED], ID [REDACTED], is that correct?

[REDACTED]: That's correct, yes.

LEVAN: And at the time of the, um, at the time we arranged this interview, I advised you of your right to have representation. In the room with us is Attorney [REDACTED]. Correct sir?

[REDACTED]

LEVAN: And also present is Detective Sergeant Bret Right- B- Bret Righthouse, ID 4173, correct?

RIGHTHOUSE: That's fine.

LEVAN: All right. And let's see. You're currently assigned to eastern patrol is that correct?

[REDACTED]: Yes sir.

46 LEVAN: So at this time I'm going to question you about, ah, an incident that happened
47 on, um, August 6 at about 0704 hours in the morning. And my questions
48 during this interview concern administrative matters related to the official
49 business of the San Diego Police Department. I'm not requesting - I'm not
50 questioning you for the purpose of a criminal prosecution. In a criminal
51 prosecution, you have a right to remain silent and not incriminate yourself.
52 However, since this is an administrative - not a criminal investigation - your
53 failure to answer my questions could be insubordination, result in discipline
54 up to and including termination. Any statement you make cannot be used
55 against you in any criminal proceeding. Ah, under Penal Code 80, ah, 832.7 a
56 grand jury, Attorney's General Office or District Attorney's Office may have
57 the right to obtain a copy of your statement to me during this interview. Your
58 statements to me cannot be used against you in any - by any agency in any
59 criminal proceeding. You are required to answer my questions fully and
60 truthfully. This requirement is set forth in Sections 9.4 and 9.29 of the San
61 Diego Police Department Policy Manual. 9.4, obedience to lawful orders
62 policy states, "Members shall promptly obey and lawful," I'm sorry. Let me
63 back up. "Members shall promptly obey any lawful orders of superiors. This
64 includes orders relayed from a superior by someone of the same or lesser
65 rank." Policy - question? No? Um, Policy 9.29, truthfulness policy. "Members
66 shall be truthful in all matters related to their duties. Under the order of
67 superior or any officers appointed by the Chief of Police to conduct internal
68 investigation and in accordance with Constitutional and contractual guarantees
69 including a right to representation, members shall truthfully answer all
70 questions specifically directed and narrowly related to the scope of
71 employment and operations of the department." Refusal to answer my
72 questions is and in itself a violation of department policy and will subject you
73 to disciplinary penalties. Do you understand, ah, what I have just explained to
74 you?

75
76 [REDACTED]: Yes sir.

77
78 LEVAN: Is there anything that prevents or may prevent you from answering my
79 questions fully and truthfully?

80
81 [REDACTED]: No sir.

82
83 LEVAN: Okay. Do you have any questions concerning what I've just explained to you?

84
85 [REDACTED]: No sir.

86
87 LEVAN: Anything from you?

88
89 [REDACTED]: No.

90

91 LEVAN: No? Okay. I now order you to answer the following questions. I am also
92 ordering you not to disclose anything we discuss during this interview or
93 anything regarding this investigation with anyone other than your employer
94 representative or legal rep, ah, legal counsel. Doing so may be insubordination
95 and itself could subject you to disciplinary action up to and including
96 termination. That's a mouthful. So we're - what we're here to discuss is, ah,
97 the allegations, um, this is related to Internal Affairs Case Number 2017-0644
98 and it's related to, ah, concerns of force, procedure, conduct, courtesy and
99 criminal conduct. Now that's the overall investigation with regards to this
100 interview, um, we're looking at force and procedure.

101 [REDACTED]:
102 Okay.

103
104 LEVAN: Okay. Anything to add here Bret [Righthouse]?

105
106 RIGHTHOUSE: No.

107
108 LEVAN: All right. So, ah, on October 6 at about, ah, I'm sorry. Not October. Ah,
109 August 6 at about 0704 hours were you working as acting sergeant?

110
111 [REDACTED]: Yes sir.

112
113 LEVAN: Okay. And how long had you been - at this time how long had you been an
114 acting sergeant?

115
116 [REDACTED]: Three months.

117
118 LEVAN: Okay. Was this your first time as an acting sergeant?

119
120 [REDACTED]: No sir. I - I had served a short stint in 2015 or 2015.

121
122 LEVAN: What's a short stint?

123
124 [REDACTED]: I believe it was about a month - maybe slightly longer but I don't believe I
125 made it to two months.

126
127 LEVAN: Okay. So would it be fair to say that your - your cumulative time as an acting
128 supervisor is between four and six months?

129
130 [REDACTED]: Yes sir.

131
132 LEVAN: Okay. And that's over a course of how many years?

133
134 [REDACTED]: Ah, two - 2-1/2 years.

135

136 LEVAN: Okay. So just so I understand it correctly. Three months - you've been about
137 three months at the time the incident occurred you'd been an acting sergeant?
138

139 [REDACTED]: Yes sir.
140

141 LEVAN: Okay. And were you OCA at the time meaning, ah, were you documenting
142 your time for OCA pay?
143

144 [REDACTED]: Yes sir.
145

146 LEVAN: Okay. So this was a long-term acting role?
147

148 [REDACTED]: Yes sir.
149

150 LEVAN: Okay. And on the morning of August 6 did you respond to San Carlos Rec
151 Center located at 6445 Lake Badin Avenue?
152

153 [REDACTED]: Yes sir.
154

155 LEVAN: Okay. Do you remember what the nature of that call was?
156

157 [REDACTED]: I do. I was at the substation, ah, loading my car when, um, I heard the call for
158 a cover now.
159

160 LEVAN: Okay. Who called cover now?
161

162 [REDACTED]: It was Officer Romberger.
163

164 LEVAN: Did you hear the initial call? Do you know what kind of call he was on?
165

166 [REDACTED]: I did not. That's the first thing I heard was the cover call since I was, you
167 know, submitting the schedules and doing everything at the station. I was just
168 loading my car and that's the only thing I knew is that somebody needed to
169 cover.
170

171 LEVAN: Okay. Did you do lineup that morning?
172

173 [REDACTED]: I don't recall.
174

175 LEVAN: The only reason I ask you, you said you were submitting schedules so.
176

177 [REDACTED]: You're right. Um, I believe I did but, um, just other things - other duties I had
178 to do before hitting the field basically.
179

180 LEVAN: Understood. So you responded out there from the sub?

181
182 [REDACTED]: Yes sir.
183
184 LEVAN: Okay. At - do you remember if you logged on?
185
186 [REDACTED]: I - I did not. What happened was I didn't even realize I didn't log on and the
187 graveyard sergeant was still logged onto that computer.
188
189 LEVAN: Okay.
190
191 [REDACTED]: Um, and I didn't realize that until I was on my way back to the substation
192 after the call.
193
194 LEVAN: Okay.
195
196 [REDACTED]: So I believe it was, um, Acting Sergeant, um, [REDACTED] that was still
197 logged onto the MCT as I drove there and came back.
198
199 LEVAN: Okay. Does - is Officer Romberger is the one that called for cover. Um, does
200 he work for you or did he work for you at the time?
201
202 [REDACTED]: No sir.
203
204 LEVAN: Who - who did he work for?
205
206 [REDACTED]: Sergeant [REDACTED]).
207
208 LEVAN: Was he working that day?
209
210 [REDACTED]: No sir.
211
212 LEVAN: So were you the only sergeant working that day?
213
214 [REDACTED]: No sir. Sergeant, ah, [REDACTED] was working on that day as well.
215
216 LEVAN: Okay. Do you know - did he respond out to the scene?
217
218 [REDACTED]: He did not.
219
220 LEVAN: Okay. He was a 10's sergeant and you were a 20' sergeant?
221
222 [REDACTED]: Yes sir.
223
224 LEVAN: And this happened in the 20s I assume that's why you responded out there?
225

226 [REDACTED]: Correct.
227
228 LEVAN: Okay. Um, with regards to your BWC do you remember was it on the entire
229 time you were at the call?
230
231 [REDACTED]: Um, it was on up until the time that I left the group where everybody was
232 standing and I went over and spoke with the two civilian witnesses that
233 Officer [REDACTED] was taking statements from. And then after that I went over
234 to the ambulance where one of the - where the female had gone unconscious
235 from hitting her head was to check on her status before she was transported.
236 And then I went to the group again and just make sure every - all the work
237 was delegated before stating my notifications to the lieutenant and taking off.
238
239 LEVAN: Okay. So you made notifications to the lieutenant?
240
241 [REDACTED]: I did.
242
243 LEVAN: Okay. What were those notifications?
244
245 [REDACTED]: I sent a text message saying that there was a cover now and just basically a
246 synopsis of it and we had two arrests.
247
248 LEVAN: Do you remember what the synopsis was?
249
250 [REDACTED]: That there was a cover call based on two 647 as subjects. Um, and then
251 suspects violently re-, ah, resisted and punched Officer Romberger and the
252 other one resisted as well. They were both taken into custody.
253
254 LEVAN: Which lieutenant was that?
255
256 [REDACTED]: Lieutenant [REDACTED]
257
258 LEVAN: Did he respond to it anything other than acknowledging the text?
259
260 [REDACTED]: No sir. He just 10-4 or okay.
261
262 LEVAN: Okay. All right. So when you arrived on scene, you responded from the sub.
263 Did you respond lights and siren?
264
265 [REDACTED]: I did for half of the drive.
266
267 LEVAN: What made you change?
268
269 [REDACTED]: It went code 4.
270

271 LEVAN: Okay. So you reduced code and continued on?
272
273 [REDACTED]: Yes sir.
274
275 LEVAN: What did you find when you got there?
276
277 [REDACTED]: Um, I exited my car. When I approached I saw Officer Romberger had
278 somebody - one of the suspects on the ground. Um, and then the other suspect
279 was being held by Officer [REDACTED] against the rear of the patrol car. And Officer
280 Romberger was saying, "Don't head butt me - don't head butt me."
281
282 LEVAN: Okay. Let's - let's back up and paint the picture. Where did this happen at?
283 You know, with regards to the rec center building? Was it in the parking lot or
284 was it?
285
286 [REDACTED]: It was the parking lot so I just pulled into the parking lot and stopped my
287 patrol car. At the very end of the parking lot before the park starts was where
288 his, ah, patrol car was perpendicular to the curb or in the middle of the parking
289 lot. Ah, and to the left would be the entrance to the rec center.
290
291 LEVAN: Okay. So you pull up and you're facing them?
292
293 [REDACTED]: Correct.
294
295 LEVAN: You see Officer Romberger has a 1016 on the ground?
296
297 [REDACTED]: Correct.
298
299 LEVAN: And then, um, Officer [REDACTED] has somebody - another 1016 up against the car?
300
301 [REDACTED]: Correct.
302
303 LEVAN: And, um, Officer Romberger is saying something to the effect of don't head
304 butt me?
305
306 [REDACTED]: Correct.
307
308 LEVAN: Did you see this guy head butt him?
309
310 [REDACTED]: No sir.
311
312 LEVAN: Did you see how, ah, the 1016 came to be on the ground?
313
314 [REDACTED]: No sir.
315

316 LEVAN: Okay, all right. So as you walk up then what happens?
317
318 [REDACTED]: Um, the second suspect Officer [REDACTED] had hit his head against or took his own
319 head and hit his head against the back window of the car. Um, so Officer
320 [REDACTED] came up and took him. Um, and then Officer [REDACTED] notified me that
321 there was somebody - the unconscious female over on the other side of the
322 park.
323
324 LEVAN: Okay. So what officers were on scene when you got there?
325
326 [REDACTED]: Um, Officer [REDACTED] Officer [REDACTED] and Officer Romberger I believe.
327
328 LEVAN: Okay, so just those three?
329
330 [REDACTED]: Mm-hm.
331
332 LEVAN: Um, and they had the two 1016s and then the female. Was anyone with the
333 female?
334
335 [REDACTED]: I don't believe there was any officers with the female at that time.
336
337 LEVAN: Okay. You said you went around to check on her. Wh- what was her status?
338
339 [REDACTED]: Ah, well, I initially started to walk over there and then I was distracted again
340 by like a sound of struggle behind me. Um, do you want me to cover that or
341 do you want me to cover the female?
342
343 LEVAN: Yeah. Well, chronologically what happened?
344
345 [REDACTED]: Okay. So started to go check on the fe- female with Officer [REDACTED] and then I
346 hear like a struggle or something behind me from the patrol car.
347
348 LEVAN: Mm-hm.
349
350 [REDACTED]: So as I turn around, I see the passenger or driver's side rear door was open.
351 And I saw Officer Romberger standing there with the suspect and I can see
352 quick movement so I thought that he was resisting again. So I stopped walking
353 towards the female and I went back to help Officer Romberger.
354
355 LEVAN: Which - which 1016 is this? Is this the one that he had on the ground?
356
357 [REDACTED]: Yes.
358
359 LEVAN: Okay. All right. Do you know his name?
360

361 [REDACTED] I don't.

362
363 LEVAN: Okay. Go ahead.

364
365 [REDACTED]: So I walk over to the back of the car and what I perceived was that Officer
366 Romberger was - was either being kicked or something was happening to him
367 'cause I saw his back come towards me 'cause I was standing right where his
368 back was. And then as that happened I saw him push the suspect into the car
369 and it - when I saw him push him into the car, it looked like his legs were all I
370 know is my perception at the time and then he slid him forward more into the
371 car, ah, before closing the door.

372
373 LEVAN: So you said you got distracted as you were walking. Did you have to turn
374 around and walk back or?

375
376 [REDACTED]: I did.

377
378 LEVAN: So were you walking from the passenger side to the driver's side of Officer
379 Romberger's car?

380
381 [REDACTED]: No. I was - I was standing at the driver's side of Officer Romberger's door
382 when Officer [REDACTED] said, "The downed female is over there." So I walked
383 probably 20 or 30 feet towards the - past the front of the car.

384
385 LEVAN: Mm-hm.

386
387 [REDACTED]: When I heard that behind me.

388
389 LEVAN: So you had to turn around and walk and wh- when you came to where you
390 heard the disturbance - the struggle happening where was that at?

391
392 [REDACTED]: It was in the door jamb of the rear passenger, I'm sorry, rear driver's side, um,
393 of his patrol car.

394
395 LEVAN: Of Officer Romberger's?

396
397 [REDACTED]: Officer Romberger's.

398
399 LEVAN: Okay. So he struggled with his 1016. For the record that's [REDACTED] is the guy's
400 last name.

401
402 [REDACTED]: Okay.

403
404 LEVAN: Um, he struggled with [REDACTED]. Was [REDACTED] standing in the doorway or was he in
405 the car?

406
407 [REDACTED]: Um, it while I was there on scene and why I say that is because afterwards I
408 had an opportunity watch BWC over and over and over again. Kinda and
409 analyze what I saw but when I was there, I could only see Officer
410 Romberger's back.
411
412 LEVAN: Okay.
413
414 [REDACTED]: And then I saw the guy sit down and then I thought since Officer Romberger's
415 back came towards me that he had gotten kicked.
416
417 LEVAN: Okay.
418
419 [REDACTED]: And then to defend himself in that and to get him in the car he pushed and slid
420 him in while that was occurring.
421
422 LEVAN: That was your perception of wh-?
423
424 [REDACTED]: That was my perception of what happened.
425
426 LEVAN: Okay.
427
428 [REDACTED]: Now after the whole thing when I watched it over and over again I'm not so
429 sure that that's was actually how it occurred.
430
431 LEVAN: We'll get to that when watching the BWC part.
432
433 [REDACTED]: Okay. Okay.
434
435 LEVAN: But at the time the - that the actions were taking place that was your
436 perception?
437
438 [REDACTED]: Yes sir.
439
440 LEVAN: Just so I understand it that, um, something happened and then Romberger is in
441 the doorframe of the car.
442
443 [REDACTED]: Mm-hm.
444
445 LEVAN: And you think he gets assaulted in some way from the 1016 and he goes to
446 push the guy deeper into the car?
447
448 [REDACTED]: That's correct.
449
450 LEVAN: Okay. Um, so what force levels or what force did you see being used at that

451 point?
452
453 [REDACTED]: Just a push.
454
455 LEVAN: Okay. Did he use any other - did Officer Romberger use, ah, any other body
456 parts that you saw to get him in the car?
457
458 [REDACTED]: Not that I saw.
459
460 LEVAN: Okay. Did you see him, um, kick the, ah, the prisoner?
461
462 [REDACTED]: No sir.
463
464 LEVAN: Okay. All right. Give me a second to get caught up here.
465
466 RIGHTHOUSE: When you - when you first walked up when you arrived on scene, you said
467 Officer Romberger had a suspect on the ground?
468
469 [REDACTED]: Yes sir.
470
471 RIGHTHOUSE: And you were saying something about not head butting me?
472
473 [REDACTED]: That's correct.
474
475 RIGHTHOUSE: Which side of the car - where was Officer Romberger with that suspect?
476
477 [REDACTED]: He was on the driver's side of the car, um, just underneath or by the left
478 driver's tire on the ground.
479
480 RIGHTHOUSE: Front or back?
481
482 [REDACTED]: Back.
483
484 RIGHTHOUSE: And what was Officer Romberger's demeanor?
485
486 [REDACTED]: He was - he was yelling, "Don't head butt me - don't head butt me."
487
488 RIGHTHOUSE: Did he seem calm, anxious, angry?
489
490 [REDACTED]: My - my perception at the time was that he was - had nothing to say that he
491 was like over angry or anything. I mean, if somebody tried to head butt him
492 and he's yelling at him not to do that again. So I didn't - I didn't see any - I
493 didn't think anything of it.
494
495 RIGHTHOUSE: And describe how the suspect - he's on the ground?

496
497 [REDACTED]: Correct.
498
499 RIGHTHOUSE: And where is Officer Romberger in relation to the suspect? How are - how are
500 they - how is he laying on the ground and where is the officer?
501
502 [REDACTED]: He was laying on his stomach and Officer Romberger was on [REDACTED] right
503 side and he was looked like he was holding - holding him on the ground.
504
505 RIGHTHOUSE: And how - how is Officer Romberger holding the suspect on the ground?
506
507 [REDACTED]: I don't recall. I just remember he was - I don't know where his hands were or
508 if that's what you're...
509
510 RIGHTHOUSE: And just like both hands or together?
511
512 [REDACTED]: No, I just...
513
514 RIGHTHOUSE: Was he grabbing him or you just...
515
516 [REDACTED]: No, I don't know. I'm just - I know he had at least one hand on him. I
517 remember seeing that but I don't - I don't recall any specific.
518
519 RIGHTHOUSE: How he was holding him on the ground?
520
521 [REDACTED]: Correct.
522
523 RIGHTHOUSE: Was he on top of the person, did he have knees on him? Do you recall?
524
525 [REDACTED]: I - I don't recall.
526
527 RIGHTHOUSE: What was the demeanor of the - the suspect he was holding down? What was
528 he doing?
529
530 [REDACTED]: I - I didn't see him make any movements or anything.
531
532 RIGHTHOUSE: You didn't see him fighting or kicking or anything?
533
534 [REDACTED]: Not at that time.
535
536 RIGHTHOUSE: Okay. And when you returned to the car, you said that you saw the suspect
537 resisting again. Did you see him resisting the first time or was that just an
538 assumption of the person being on the ground?
539
540 [REDACTED]: An assumption that he was continuing to fight 'cause I knew it was a cover

541 call and they had resisted, you know, the initial officer so I thought it was a
542 continuation of more resistant behavior.

543
544 RIGHTHOUSE: 'Cause you didn't see him resisting the first time?

545
546 [REDACTED]: No sir.

547
548 RIGHTHOUSE: And I think you answered this question but I just wanna clarify. You said your
549 perception was that when the officer moved back that the suspect might have
550 kicked him. Did you actually see the suspect kick or was that just your
551 perception of the movement that you saw?

552
553 [REDACTED]: That was a perception of my movement because I remember specifically I
554 tried to step forward 'cause I was - I came over there to help him but I didn't
555 realize at the very moment how I was gonna do that but it was very quick. So
556 when I stepped up I remember his back coming towards me and I was staring
557 at the middle of his back as I took a step back and then that's when I saw the
558 push forward in- into the car. So it was my perception that - I did not see a leg
559 kick him but I thought that just based on the struggle that I had heard before I
560 walked over and everything else that had happened before that that's what
561 happened. That was my perception of that.

562
563 RIGHTHOUSE: Did you see Officer Romberger pick up the prisoner - the 1016 from the
564 ground?

565
566 [REDACTED]: Mm, no. I don't believe so.

567
568 RIGHTHOUSE: And then describe how did Officer Romberger put him in the car?

569
570 [REDACTED]: Well, like I said, he was - he did push him into the car. Um, down into the car
571 and then pushed him further into the car so he can get the door closed so it
572 was a push.

573
574 RIGHTHOUSE: You say he pushed him at least into the car and then he pushed him further
575 into the car?

576
577 [REDACTED]: Correct, so he can get the door closed.

578
579 RIGHTHOUSE: Do you remember how many times he pushed him?

580
581 [REDACTED]: Not off the top of my head.

582
583 RIGHTHOUSE: Do you remember how far into the car Officer Romberger was when he
584 pushed the 1016?

585

586 [REDACTED]: I know that [REDACTED] legs were towards the driver's side door hanging out and
587 so when he pushed him, he pushed him far enough to where his feet were no
588 longer or tried to push him far enough where his feet were no longer in the
589 doorway so he could get it closed.

590
591 RIGHTHOUSE: Did you see the suspect fully in the backseat of the car?
592

593 [REDACTED]: By the end of it - by the time he closed door? Um, partially. And then officer -
594 one thing I didn't see until I watched the BWC video was the fact that Officer
595 Romberger like kicked the guy's leg to get into the car. I didn't see that when
596 I was on scene but I did notice it after I watched the BWC video.
597

598 RIGHTHOUSE: So at the time you didn't see Officer Romberger kick the guy?
599

600 [REDACTED]: Kick his foot - no, I didn't notice that when I was on scene.
601

602 RIGHTHOUSE: Okay.
603

604 LEVAN: Um, when - when he was - when you got 97, you walked up to them and they
605 were in that - that situation where [REDACTED] is on the ground, Officer Romberger
606 is over him and Officer [REDACTED] is back with [REDACTED] is the other gentleman's
607 name. Um, Officer [REDACTED] told you there was somebody down - the female was
608 down in the back.
609

610 [REDACTED]: Yes sir.
611

612 LEVAN: What did you do immediately after that?
613

614 [REDACTED]: After he had said that?
615

616 LEVAN: Yes. After he told you that. Did you leave that area of the police car where all
617 that was happening?
618

619 [REDACTED]: I did.
620

621 LEVAN: Where did you go?
622

623 [REDACTED]: I walked 20 or 30 feet past the front of the car in the direction of where the
624 female was.
625

626 LEVAN: Okay. So at that point, um, [REDACTED] is still laying on the ground. Did you hear
627 Officer Romberger tell [REDACTED] that he was gonna smash his face into the car if
628 he did it again?
629

630 [REDACTED]: No sir.

631
632 LEVAN: Do you remember going back to your car to get rubber gloves?
633
634 [REDACTED]: I do.
635
636 LEVAN: When did that happen?
637
638 [REDACTED]: Um, that's - that's after I initially, ah, came up and saw the suspect on the
639 ground and, ah, the other suspect was by the back of the lift gate of the SUV.
640 Um, I noticed that they probably needed more hands.
641
642 LEVAN: Okay.
643
644 [REDACTED]: So I was like I'm gonna go get some gloves and help you and then I went to
645 the patrol car to get my gloves.
646
647 LEVAN: Now I get it. So you actually had started there and came back and then went
648 back to your car. You had started back behind the building, um, after you got
649 the initial briefing, came back to the back of the car and then went to your
650 police car - is that the way I understand it correctly?
651
652 [REDACTED]: Ah, no. So I arrive on scene, I walk up to the car and notice one person on the
653 ground, another one is up to the back of the car.
654
655 LEVAN: Mm-hm.
656
657 [REDACTED]: And from that point I believe it was that I went to the car and got the gloves
658 and by the time I came back I didn't have a use for them so that's when I
659 walked over to the female.
660
661 LEVAN: Okay. So that's the way I thought I understood it from watching the BWC.
662
663 [REDACTED]: Mm-hm.
664
665 LEVAN: Ah, as you turned and walked towards your police car, did you hear Officer
666 Romberger say anything to anyone over there that was - that was - hear him
667 say anything in general?
668
669 [REDACTED]: No sir.
670
671 LEVAN: Okay.
672
673 RIGHTHOUSE: Did you see the suspect head butt Officer Romberger?
674
675 [REDACTED]: No sir.

676
677 RIGHTHOUSE: Did you see any injuries on Officer Romberger that appeared like he had been
678 head butted?
679
680 [REDACTED]: No sir.
681
682 RIGHTHOUSE: Did Officer Romberger say anything to you about the suspect head butting?
683
684 [REDACTED]: Ah, while the scene was active when I was there?
685
686 RIGHTHOUSE: Or afterwards.
687
688 [REDACTED]: I don't recall him saying that to me - no.
689
690 RIGHTHOUSE: He never told you he was head butted?
691
692 [REDACTED]: No sir.
693
694 LEVAN: Did Officer [REDACTED] after you returned with the rubber gloves, did you have a
695 conversation with Officer [REDACTED]
696
697 [REDACTED]: Um, yes.
698
699 LEVAN: What was that?
700
701 [REDACTED]: That was him pointing over towards the female saying there's the female that
702 was down was over by the other side of the park and that's when I started to
703 walk over there.
704
705 LEVAN: Did he make - did Officer [REDACTED] say anything to you about (Tim)'s - (Tim
706 Romberger)'s status? His condition?
707
708 [REDACTED]: No sir.
709
710 LEVAN: Did he say anything to the effect of, ah, Officer Romberger is getting loaded?
711 Meaning over spun out or tight or, ah, ready to snap, anything like that?
712
713 [REDACTED]: I - I think that when I was watching the BWC video when Officer [REDACTED] and I
714 were walking over towards where the female was, I heard him say (Tim) and
715 then I responded, "I know," as I turned and walked back towards him. But I
716 didn't realize wh- what exactly he was trying to say if - if anything. It was
717 almost as if he was thinking the same thing I was like oh, (Tim)'s struggling
718 with the guy again because my mind was so preoccupied I didn't really hear
719 that. Way later down the line when I turned the volume up on the BWC video
720 when I was watching it, I heard him say, "(Tim) is getting," something but I

721 still couldn't make out what the last word was to that. But I did notice that.
722
723 LEVAN: Okay. So when - when you're again this is at the time it's being said.
724
725 [REDACTED]: Right.
726
727 LEVAN: Your understanding of what he's telling you is (Tim) is struggling with this
728 person?
729
730 [REDACTED]: Right. When he says the word (Tim)'s, I'm thinking he's thinking the same
731 thing I am at the same time as we're turning and looking back towards the car.
732
733 LEVAN: Okay.
734
735 [REDACTED]: And I actually thought he was gonna walk with me but I don't really recall
736 where he went when I walked back.
737
738 LEVAN: So later you - you said you watched your BCW and you - what was your
739 perception of what he told you much after the fact?
740
741 [REDACTED]: It was more in the lines of like (Tim) is getting something like - I perceived it
742 when after I watched the video as like amped up or something like that.
743
744 LEVAN: Totally different than what you understood at the scene?
745
746 [REDACTED]: Initially thought, yes sir.
747
748 LEVAN: Okay. I'm gonna cue up of the video here of the part you're talking about
749 where, ah, where (Tim) is at -- can you cue it up to, ah, ah, I think 45 please?
750 So what we're gonna look at is the part where you walk up.
751
752 [REDACTED]: Mm-hm.
753
754 LEVAN: And Officer Romberger is dealing with [REDACTED] and the open your door up of
755 the police car the first time.
756
757 [REDACTED]: Okay.
758
759 [REDACTED]: Why don't you switch seats with me?
760
761 [REDACTED]: Okay.
762
763 LEVAN: Can you maximize that please?
764
765 ((RECORDING))

766
767 ROMBERGER: Open up. (Unintelligible) All right.

768
769 [REDACTED]: I don't give a shit what the hell.

770
771 [REDACTED]: We're going first time.

772
773 [REDACTED]: I don't wanna (unintelligible)

774
775 ((END RECORDING))

776
777 LEVAN: That's good. Thank you. So I realize that the camera sees things on its own
778 and we see things on our own. At the scene at the time this happened what we
779 just watched here, ah, what part of that do you - did you take in? Meaning did
780 you acknowledge? Um, you said this is the scene that you're talking about
781 where you - you thought (Tim) was being assaulted from inside the car and
782 had to push him in correct?

783
784 [REDACTED]: Mm-hm, that's correct.

785
786 LEVAN: Okay. And you did not perceive any of that when he backed up and kicked
787 [REDACTED] leg into the car when you were on the scene?

788
789 [REDACTED]: I - I did not see him kick - kick the leg or perceive that in any way until I
790 watched the BWC.

791
792 LEVAN: How long later did you watch the BWC?

793
794 [REDACTED]: After the investigation had started.

795
796 LEVAN: What investigation?

797
798 [REDACTED]: Well, when I was notified that (Tim) was removed from the field.

799
800 LEVAN: Okay. Ah, was it the same day?

801
802 [REDACTED]: No sir.

803
804 LEVAN: How long - when was it? A week later or how...

805
806 [REDACTED]: A week - week and a half later after I had gotten back from vacation and
807 spoke to Lieutenant [REDACTED]

808
809 LEVAN: Okay. All right, so that day you did not go back and watch the BWC at all
810 until you were notified that he was under this inves- this current investigation

811 that we're talking about here today okay?
812
813 [REDACTED]: That's correct.
814
815 LEVAN: Okay. Um, so to the female that was down behind the building.
816
817 [REDACTED]: Mm-hm.
818
819 LEVAN: Do you remember what Officer [REDACTED] told you with regards to how she was
820 injured and what her status was?
821
822 [REDACTED]: He told me that, ah, that she was stumbling around and fell and hit her head
823 and was knocked unconscious.
824
825 LEVAN: Okay. And when you went back, obviously you went back to check on her
826 what did you find?
827
828 [REDACTED]: That she was unconscious on the ground.
829
830 LEVAN: Anybody tending to her?
831
832 [REDACTED]: Um, medics were walking up to tend to her.
833
834 LEVAN: Okay. Did you assign any officers to either follow up with paramedics or find
835 out what happened to her and how she was injured?
836
837 [REDACTED]: Ah, do you mean at the hospital later or do you mean on the scene?
838
839 LEVAN: Did we follow up at the hospital with her later?
840
841 [REDACTED]: I - not to my knowledge no.
842
843 LEVAN: So then yes. At any point did you assign an officer to find out what her status
844 was that day we're talking about?
845
846 [REDACTED]: I did that myself.
847
848 LEVAN: What happened?
849
850 [REDACTED]: I walked up to the ambulance, um, prior to leaving and the medic said yes,
851 she's fine. We're taking to the - the hospital so.
852
853 LEVAN: Did they say any - what her injuries were or how she got injured?
854
855 [REDACTED]: Um, no - no sir.

856
857 LEVAN: Okay. Was that something though as again as a supervisor at the scene...
858
859 [REDACTED]: Mm-hm.
860
861 LEVAN: ...we don't know, you know, how she was injured. Um, or at least I haven't.
862
863 RIGHTHOUSE: Do you know how she was injured?
864
865 [REDACTED]: Like I said Officer [REDACTED] had told me she had stumbled and fallen and hit her
866 head.
867
868 LEVAN: Okay.
869
870 [REDACTED]: So that's - that's what I thought.
871
872 LEVAN: Okay - okay perfect, thank you. Okay. So we're gonna move along here to the
873 next phase. You - you, in fact, we can go ahead and watch that, um.
874
875 RIGHTHOUSE: Let me as real quick, the female when she - did you talk to her in the
876 ambulance or the paramedics?
877
878 [REDACTED]: I didn't speak with her. I spoke with the - I was on the side door of the
879 ambulance, um, before we took off.
880
881 RIGHTHOUSE: Were you able to speak to her?
882
883 [REDACTED]: Ah, I don't recall speaking with her no. I spoke with the medics. I wanted to,
884 you know, see - check on her condition. And they're like, "Yeah, we're just
885 gonna take her to the hospital. She's just really drunk."
886
887 RIGHTHOUSE: Was she talking with the paramedics or?
888
889 [REDACTED]: Not that I recall.
890
891 RIGHTHOUSE: Did you ask her any questions?
892
893 [REDACTED]: I did not.
894
895 LEVAN: Okay. So just for the audio recording, what we're doing here is watching your
896 BWC as you walk back to check her status. This is the first time you've gone
897 back to her?
898
899 [REDACTED]: That's correct.
900

901 ((RECORDING))

902

903 UNKNOWN: Yeah, ignore her. Yes she did.

904

905 UNKNOWN: (unintelligible) Okay.

906

907 UNKNOWN: Yeah.

908

909 PARAMEDIC: Hello? What's your name? What is your name?

910

911 [REDACTED]: Her name is [REDACTED]

912

913 PARAMEDIC: Can you get some (unintelligible).

914

915 PARAMEDIC: I'll be of there [REDACTED]

916

917 [REDACTED]: Okay.

918

919 [REDACTED]: Good morning. How are you?

920

921 ROMBERGER: So as I roll up these two are walking away carrying a beer. So I go to stop
922 him. He kind of cooperative - he's not.

923

924 [REDACTED]: Mm-hm.

925

926 ROMBERGER: So I grab hold of him here he's like blah - blah. So then as he's walking or
927 he's stumbling (unintelligible) stumbling and he starts swinging so.

928

929 [REDACTED]: Oh, okay.

930

931 ROMBERGER: So I shoved him down and and tackle him so he's more 148 I guess.

932

933 [REDACTED]: If he swung at you, he's gonna go for that right?

934

935 ROMBERGER: What's that?

936

937 [REDACTED]: He swung at you right?

938

939 ROMBERGER: Oh he hit me, he got me. I don't know how to got me I remember his arm got
940 me.

941

942 [REDACTED]: Pepper spray him?

943

944 ROMBERGER: Yeah.

945

946 [REDACTED]: Is he an adult?

947

948 [REDACTED]: Yeah.

949

950 ((END RECORDING))

951

952 LEVAN: Did you happen to see the gloved hand come up towards the back door?

953

954 [REDACTED]: I did.

955

956 LEVAN: Was that your hand?

957

958 [REDACTED]: It was.

959

960 LEVAN: Okay. Okay. So with regards to this, you checked on the female and, um, tell
961 Officer [REDACTED] that you're gonna go back out in front.

962

963 [REDACTED]: Correct.

964

965 LEVAN: Um, leaving him to handle - handle what's happened there. As, ah, Officer
966 Romberger is briefing you as to what happened, [REDACTED] starts kicking the
967 inside of the police car.

968

969 [REDACTED]: Right.

970

971 LEVAN: And you instruct him to, ah, pepper spray him. Um, explain - please explain
972 your - your - that direction and your mindset at that time.

973

974 [REDACTED]: So when I walked back up to the car at that moment, um, Officer Romberger
975 was explaining everything that happened as far as name tag, falling and
976 everything else. Um...

977

978 LEVAN: What did that mean to you?

979

980 [REDACTED]: That he was in a violent struggle and a violent fight.

981

982 LEVAN: Okay.

983

984 [REDACTED]: I also had the knowledge that I believed he had been head butted, um, that he
985 had been kicked when putting the - putting [REDACTED] back into the car.

986

987 LEVAN: Okay.

988

989 [REDACTED]: Um, when he kicked the car the first thing - I was thinking already this guy is
990 - I was already starting to think about the rap to begin with right? The problem

991 I had with the rap that I thought about was the fact that we would have to
992 remove him from the back of the car again. And I thought that that was more
993 intrusive because somebody - an officer there or even him could get more
994 injured if we had to pull him out of the car and fight him to get him into
995 maximum restraints. I knew we had to take him to HQ and I knew that if he
996 started getting violent in the back of the car while in route, possibly we might
997 have to go cover him on the freeway somewhere. So when he started kicking
998 again for me that was a continuation of Officer Romberger being assaulted
999 and the continuing violent behavior that just wasn't stopping. So as he was
1000 actually kicking, I said pepper spray him. However, when - as soon as I said
1001 that, he stopped.

1002
1003 LEVAN: [REDACTED]

1004 [REDACTED]: [REDACTED] stopped kicking. I saw Officer Romberger look into the car and then he
1005 walked past me. I leaned over inside and looked into the back of the car and I
1006 noticed he had stopped kicking. So I said it's over - it's been handled.

1007
1008
1009 RIGHTHOUSE: What was [REDACTED] doing when you looked in the car?

1010 [REDACTED]: He was just laying there. He was no longer kicking.

1011
1012 RIGHTHOUSE: Can you describe how he was sitting there?

1013 [REDACTED]: I - I don't recall exactly how he was sitting.

1014
1015 RIGHTHOUSE: Was he moving at all or was he just sitting in the car?

1016 [REDACTED]: At that moment I don't recall exactly how he was seated.

1017
1018 RIGHTHOUSE: He wasn't kicking, he wasn't thrashing?

1019 [REDACTED]: He was not. He completely stopped. Um, excuse me. I saw Officer Rom-
1020 Romberger walk to the back of the car. I was - after I had looked into the car. I
1021 turned around because I thought it was over. It's over - he's no longer kicking
1022 - it's been handled. It doesn't need to be done. I turned to...

1023
1024 LEVAN: What doesn't need to be done?

1025 [REDACTED]: The use of OC.

1026
1027 LEVAN: Okay.

1028 [REDACTED]: So I turned my attention to the group that's sitting over there with the other
1029 suspect. I look and I see Officer Romberger getting something in the trunk of
1030
1031
1032
1033
1034
1035

1036 his car. And I didn't think anything of it. And then while I'm standing there
1037 with the group, 30 seconds, 40 seconds go by. Ah, and then I hear the door
1038 open and I hear, "Don't kick my car." And then I hear it close right after. So at
1039 the time I didn't know that OC was used at that very moment. I did find out
1040 later that it was while I was on scene but I had thought it's because he kicked
1041 again and that I just hadn't heard it and I thought, oh, maybe while he was in
1042 the trunk he heard the kick because he was closer to the car. So I didn't think
1043 anything of it. Ah, and then we went on the rest of the time.
1044

1045 RIGHTHOUSE: How far away from the car were you?
1046

1047 [REDACTED]: I was seven to ten feet from the back bumper away from it. Um, once this day
1048 was over, a week or a week and half ahead comes by and I was aware that
1049 Officer Romberger was removed from the field and I sat down with my
1050 lieutenant. Um, I was told that [REDACTED] was just simply seated in the car,
1051 handcuffed, sitting upright and Officer Romberger opened the door and used
1052 OC on him. And I was shocked when I heard that.
1053

1054 RIGHTHOUSE: And you didn't know that at the time?
1055

1056 [REDACTED]: No sir. I was shocked. And then I leave Lieutenant [REDACTED] office and I
1057 some - sometime throughout that day I talked to Sergeant [REDACTED] and he
1058 goes, "You know, I guess another issue that came up was that (Tim)'s, um,
1059 OC wasn't on his belt. It was in the trunk of his car." And I thought to myself
1060 trunk of his car? And then within five seconds it hit me that's what he was
1061 doing in the trunk of the car - retrieving his OC which I never even imagined
1062 because why wouldn't it be on his belt. Why is it in the trunk of his car? That
1063 just - my brain wouldn't make that connection while we were on scene or
1064 even after. So a week after this all of this starts coming together in my head of
1065 what actually happened.
1066

1067 LEVAN: So, go ahead.
1068

1069 RIGHTHOUSE: When you were standing there, you looked at the backseat. You saw [REDACTED] in
1070 the backseat.
1071

1072 [REDACTED]: Correct.
1073

1074 RIGHTHOUSE: And at that time he wasn't doing anything.
1075

1076 [REDACTED]: Correct.
1077

1078 RIGHTHOUSE: You walked about seven feet away from the car to deal with the other officers.
1079 When you walked away, did you hear any continued kicking?
1080

1081 [REDACTED]: I didn't hear any kicking.

1082

1083 RIGHTHOUSE: Did you hear [REDACTED] screaming or yelling...

1084

1085 [REDACTED]: No sir.

1086

1087 RIGHTHOUSE: ...out of control or anything like that?

1088

1089 [REDACTED]: No sir.

1090

1091 RIGHTHOUSE: When you initially heard the first two kicks, you said to Officer Romberger to
1092 OC [REDACTED]

1093

1094 [REDACTED]: Correct.

1095

1096 RIGHTHOUSE: After [REDACTED] walks away, you looked through the back window and you see, I
1097 mean Romberger walks away, you look through the back window and you see
1098 the 1016 [REDACTED], would you have OC'ed him at that point?

1099

1100 [REDACTED]: No sir, absolutely not.

1101

1102 RIGHTHOUSE: And why not?

1103

1104 [REDACTED]: Because he had stopped kicking. There was no - there was no reason to use
1105 that force anymore. That was that - that directive that I gave was specifically
1106 for the fact that he was actively kicking. And I think the reason that I - that
1107 came out of my mouth so quickly is 'cause I was already considering the
1108 transport as we were sitting there talking because I was concerned about it.
1109 Like I said the concern about the transport. Is he gonna be calm now or what's
1110 gonna happen? I was just trying to cover all those grounds so I - I was
1111 thinking of everything in my head.

1112

1113 RIGHTHOUSE: When - when you told at the time...

1114

1115 [REDACTED]: Mm-hm.

1116

1117 RIGHTHOUSE: ...when you told Officer Romberger to OC the 1016, what did you expect was
1118 gonna happen?

1119

1120 [REDACTED]: If he continued to kick, I expected Officer Romberger to use OC.

1121

1122 RIGHTHOUSE: But - but at the time, you basically hear like thunk - thunk and you say OC
1123 him.

1124

1125 [REDACTED]: Mm-hm.

1126
1127 RIGHTHOUSE: Is that exact second you say OC him, what did you think Officer Romberger's
1128 actions would be?
1129
1130 [REDACTED]: It - to pull the pepper spray from his belt to use it if that's what was gonna
1131 happen.
1132
1133 RIGHTHOUSE: Did you think it was going to be an immediate response when you said...
1134
1135 [REDACTED]: Yeah.
1136
1137 RIGHTHOUSE: ...hear this thump - thump you say OC him, did you expect Officer Romberger
1138 to open the door, take out his pepper spray and OC him?
1139
1140 [REDACTED]: I did. That's what I would have expected is for it to come off of his belt but.
1141
1142 RIGHTHOUSE: But instead while you're on scene, Officer Romberger walked to the back of
1143 the car.
1144
1145 [REDACTED]: Right. That's correct.
1146
1147 RIGHTHOUSE: And the - and there's a time lapse by the time he goes to the back of the car
1148 and gets in the car...
1149
1150 [REDACTED]: Absolutely.
1151
1152 RIGHTHOUSE: ...and goes back to the window.
1153
1154 [REDACTED]: Absolutely.
1155
1156 RIGHTHOUSE: 'Cause you even have time to look through the window at [REDACTED] yourself.
1157
1158 [REDACTED]: And - and it sounds loud on the BWC. I understand when I say pepper spray
1159 and I know he heard me. But it's almost as if I said, you know, pepper spray
1160 him and then it - and I know now after the BWC he reached up and hit the
1161 trunk button. I know that now but I didn't know that then and then when he
1162 walked past me and my - I lean forward and I go and I see him open the trunk
1163 and I go, oh, it's over. And I turn away and so I didn't even think that, you
1164 know, that direction was no longer good if he wasn't kicking.
1165
1166 RIGHTHOUSE: So in this type of a scenario, you would assume that the officer would not
1167 have gone back to pepper spray him however many seconds later if he was not
1168 continuing to kick?
1169
1170 [REDACTED]: Wouldn't even imagine that it was in his trunk to begin with. So yes, I.

1171
1172 RIGHTHOUSE: So your assumption was that he was gonna move the pepper spray,
1173 immediately open the door and activate it?
1174
1175 [REDACTED]: If he was going to carry out that directive, yes.
1176
1177 RIGHTHOUSE: But that's not what he did?
1178
1179 [REDACTED]: No.
1180
1181 RIGHTHOUSE: And again what did he do?
1182
1183 [REDACTED]: He - I know now. I know he went into the driver's side of the car but then he
1184 walked to the trunk and opened the trunk, which I had no issue with because
1185 after I looked into the car and he stopped kicking, I'm like, oh, it's over
1186 anyway so that's it.
1187
1188 RIGHTHOUSE: So at that point you're assuming he was looking for OC or were you thinking
1189 he was doing something else?
1190
1191 [REDACTED]: Oh, no sir. Oh, I - something else. Anything over than looking for OC 'cause I
1192 wouldn't imagine that he like I said wouldn't not had it on his belt and had it
1193 in the trunk of his car. It just didn't - it didn't even pop up in my mind.
1194
1195 RIGHTHOUSE: Did you ever think about telling Officer Romberger not to OC him?
1196
1197 [REDACTED]: No, because I legitimately thought it was over. I - when he walked away and
1198 did something in the trunk, I didn't - I didn't feel the need to walk up to him
1199 and like hey, by the way when I told you to pepper spray him back there,
1200 don't do it anymore. You see what I'm saying? Like I - I - it wouldn't even
1201 come to my mind to have to do that because my mind it's over.
1202
1203 RIGHTHOUSE: So the assumption would be that once you told the officer use the OC if the
1204 officer walked away and...
1205
1206 [REDACTED]: Started doing something else.
1207
1208 RIGHTHOUSE: ...time transpired and the action was not taking place anymore your
1209 assumption would be that the officer would take it upon himself to realize that
1210 there was no use of the OC?
1211
1212 [REDACTED]: Absolutely, 100%.
1213
1214 LEVAN: The point at which - back to when you say OC him and (Tim) says yes and
1215 goes to the front door of the police car, your - your gloved hand comes up to

1216 the door handle there. Do you remember what you were gonna do there?
1217
1218 [REDACTED]: I was gonna open the door. I was gonna open the door to address it.
1219
1220 LEVAN: Okay.
1221
1222 [REDACTED]: And literally as I touched the door handle, it stops. And again I'm trying to do
1223 the least intrusive thing so if I don't even need to open the door to get his foot
1224 out again and maybe having problems getting his foot back in, I'm not going
1225 to. If he stops on his own and two kicks is all he did, fine.
1226
1227 LEVAN: Understood - understood. So when was the first time you became aware that,
1228 ah, [REDACTED] was pepper sprayed?
1229
1230 [REDACTED]: I was still on scene when I became aware of that. Um, that it was used. I don't
1231 recall exactly when I was there. But I was aware at the scene.
1232
1233 LEVAN: When you became aware of it, um, you - I think and I think you had
1234 mentioned this but did you think at - something else had happened that
1235 triggered him to be OC'ed?
1236
1237 [REDACTED]: Absolutely. I thought - what I had perceived was that he was in the truck of
1238 his car doing whatever it was and heard him kick again.
1239
1240 LEVAN: Okay.
1241
1242 [REDACTED]: And then went back there and addressed it even though I didn't know at the
1243 very moment the OC was used, I thought he was just addressing it again.
1244
1245 LEVAN: Mm-hm.
1246
1247 [REDACTED]: But I was okay with it because I thought after I learned he had OC'ed him I
1248 was okay with it because I thought he had kicked again. I wouldn't have
1249 imagined that - that that was something he would have done a minute - two
1250 minutes later when the actual act was no longer occurring.
1251
1252 LEVAN: And not to belabor that but what it sounds to me is you're saying in reality
1253 what happened is unreasonable?
1254
1255 [REDACTED]: Absolutely, 100%.
1256
1257 LEVAN: Okay. All right. So when you did find out that, um, that he was - that [REDACTED]
1258 was pepper sprayed did you give, um, did you know who pepper sprayed him?
1259 Did you know at that time I should say?
1260

1261 [REDACTED]: Officer Romberger.
1262 LEVAN: Did you give him any instructions as to what to do with, okay, now he's been
1263 pepper sprayed. Give him medical aid or flush his eyes or what are you gonna
1264 do - that kind of thing?
1265
1266 [REDACTED]: Ah, no sir.
1267
1268 LEVAN: No? Okay.
1269
1270 RIGHTHOUSE: How did you know it was Officer Romberger that used the OC?
1271
1272 [REDACTED]: Ah, because I had realized that when he did open that door is when the OC
1273 was used. You see what I'm saying? So I didn't know when the door was
1274 initially opened and he stopped kicking that he was pepper sprayed but I put
1275 two and two together later when he had been pepper sprayed. That's when it
1276 had occurred.
1277
1278 RIGHTHOUSE: But did anybody tell you it was Officer Romberger?
1279
1280 [REDACTED]: No sir.
1281
1282 RIGHTHOUSE: So you just - what - how do you find out he was OC'ed?
1283
1284 [REDACTED]: Again, I don't remember - I don't recall exactly how I found out that he was
1285 but I - but I knew OC was used.
1286
1287 RIGHTHOUSE: So the assumption would be you told Officer Romberger to use OC and you
1288 found out that OC was used it would be Officer Romberger that used the OC?
1289 That would be the assumption?
1290
1291 [REDACTED]: Mm-hm. Or the fact that Officer Romberger was the one that was dealing with
1292 [REDACTED] yes.
1293
1294 RIGHTHOUSE: Right.
1295
1296 LEVAN: So, ah, ultimately I'll get to this and just a second but I wanted you to have it,
1297 um, ultimately you found out that [REDACTED] was pepper sprayed.
1298
1299 [REDACTED]: Correct.
1300
1301 LEVAN: At the end of the shift it looks like you 1017 and approved, um, Officer
1302 Romberger's report. There's nowhere in that - in the report that said anything
1303 about medical aid given to [REDACTED] for the OC spray. And I'm sorry, ah, I've
1304 used pepper spray - OC spray and sometimes I'll use chemical agent. Let's
1305 just - can we all agree that's all the same? We're - we're - it's all the same

1306 thing.
1307
1308 [REDACTED]: Sure.
1309
1310 LEVAN: Um, did you question him at all about if he was - if [REDACTED] was given any
1311 medical aid for the use of the chemical agent?
1312
1313 [REDACTED]: When I read the report, I completely missed seeing that medical treatment was
1314 given or not. I - my eyes went over the report, I comprehended what I did. For
1315 some reason I never thought hey, it's not written in here and I missed it.
1316
1317 LEVAN: Ah, the part of the force used to get when you initially thought that Officer
1318 Romberger was kicked by [REDACTED].
1319
1320 [REDACTED]: Mm-hm.
1321
1322 LEVAN: ...and he had to push him in the car a couple of times.
1323
1324 [REDACTED]: Mm-hm.
1325
1326 LEVAN: Um, that was not in the report either. Did you catch that or did you notice that,
1327 um, while you were approving the report?
1328
1329 [REDACTED]: There's - there's one part in the report where I think like chronologically I
1330 might have made a mistake while reading it. Um, but you're right. I - I didn't
1331 catch that.
1332
1333 LEVAN: Yeah, I know how 1017s go, you know, I.
1334
1335 [REDACTED]: Yeah, just, um, I was looking - let's see the fourth page the third paragraph.
1336 Doesn't he write, "[REDACTED] continued kicking me? As I placed him in the
1337 backseat of my patrol vehicle I had to use physical force to shove him into my
1338 patrol vehicle so I could close the rear door." Is that not the part we're talking
1339 about?
1340
1341 LEVAN: I don't know. Well, I'd have to read that. Um, I don't know exactly 'cause he
1342 does this a couple of times. I'm specifically addressing the part where...
1343
1344 [REDACTED]: And I believe that's where chronologically I believed that that was the part he
1345 was covering maybe.
1346
1347 LEVAN: Okay.
1348
1349 [REDACTED]: Yeah.
1350

1351 LEVAN: I'm sorry, where did you read that?
1352
1353 [REDACTED]: Ah, third and fourth. Third paragraph down. Towards the end.
1354
1355 LEVAN: Yeah, this is - this is actually before.
1356
1357 [REDACTED]: Right. And I think chronologically...
1358
1359 LEVAN: Officer [REDACTED] is on scene.
1360
1361 [REDACTED]: ...chronologically because I had seen something similar to that I probably
1362 thought that this was what he was covering at the time.
1363
1364 LEVAN: Okay. Okay. So, ah, after do you have any before we move on from that, do
1365 you have any questions?
1366
1367 RIGHTHOUSE: No.
1368
1369 LEVAN: I'm sorry? No, okay. So, ah, we're immediately after, ah, you turn away while
1370 Officer Romberger is in his trunk - goes to his trunk. You turn over towards,
1371 ah, Officer [REDACTED] and [REDACTED]
1372
1373 [REDACTED]: Correct.
1374
1375 LEVAN: And you ask - I think you ask how old [REDACTED] is or something along the
1376 lines of...
1377
1378 [REDACTED]: Mm-hm.
1379
1380 LEVAN: ...dealing with [REDACTED] Ah, [REDACTED] is seated on the ground handcuffed and
1381 he asks you for Officer Romberger's name and ID. Do you remember that
1382 exchange?
1383
1384 [REDACTED]: I do.
1385
1386 LEVAN: Can you tell me what you remember about that?
1387
1388 [REDACTED]: So there was still an FI being completed on - on, ah, I'm sorry what was his
1389 name? [REDACTED]
1390
1391 LEVAN: Yes.
1392
1393 [REDACTED]: On [REDACTED] on the ground. And he started yelling and saying something as,
1394 "Hey, I want that officer's badge number." And I'm like, "No, be quiet."
1395

1396 LEVAN: Mm-hm.

1397
1398 [REDACTED]: It was - it was still an active scene. It wasn't the right time at the moment so
1399 that's why I responded that way. However, I definitely I could have worded it
1400 differently and said, um, "You know, now is not the right time but I'll make
1401 sure you have that information before you take off." And then by the time I
1402 get distracted and I had to deal with Officer Romberger's gun in the ride-
1403 along's hand. I never thought about it again to go back to it to provide him
1404 with that so.

1405
1406 LEVAN: Okay.

1407
1408 [REDACTED]: And when I watch my video you see video a week - week and a half later I
1409 realize how bad that sounded when I said, "No, be quiet."

1410
1411 LEVAN: Immediately after he asked for Officer Romberger's ID number, ah, [REDACTED]
1412 says a question, "I'm not allowed to ask for that?" and you tell him no.
1413 Explain that mindset there.

1414
1415 [REDACTED]: I wasn't paying attention to the words that he was saying. I was more I guess
1416 just saying be quiet, you know, I didn't like comprehend like what that exact
1417 thing he was saying was when I said no you're not. You see what I'm saying?
1418 We still had an active scene going on.

1419
1420 LEVAN: Mm-hm.

1421
1422 [REDACTED]: Whatever was coming out of his mouth, I was telling him no, be quiet for
1423 now. Just basically answer Officer [REDACTED] questions. Get the FI done so
1424 we can get the scene wrapped up.

1425
1426 LEVAN: Okay. At any point before the scene was done, did you direct anyone to give
1427 him - provide that information to him?

1428
1429 [REDACTED]: Again, it never entered my mind again while I was on scene.

1430
1431 LEVAN: Okay. Um, so at - at a point in this, ah, Officer [REDACTED] notifies you his BWC is
1432 not working or he - it wasn't directly put that way was it my BWC and he
1433 shakes his head no.

1434
1435 [REDACTED]: Mm-hm.

1436
1437 LEVAN: How did you - do you remember that?

1438
1439 [REDACTED]: I do.

1440

1441 LEVAN: How do you - how did you perceive that at the time?
1442
1443 [REDACTED]: Um, I really didn't deal with it at the time but Officer [REDACTED] told me later on
1444 that he forgot to turn his camera on. Um, he explained how he responded to
1445 the cover call. When he got there, he was - he tried to get up the - the hill in
1446 the grass to get to where Officer Romberger was and his car was just sliding
1447 in the grass.
1448
1449 LEVAN: Mm-hm.
1450
1451 [REDACTED]: He said he had to throw his car in park and jump out of the car and run up to
1452 his location and he said just while that was going on he, you know, forgot.
1453 Um, I mean, he was honest. He came up to me - he told me that. Um, I
1454 understood because, I mean, the adrenaline is going. You're trying to get to
1455 your partner that's in a fight, um, and, you know, I consider it handled.
1456
1457 LEVAN: Did you give him any instructions like note it in your journal, note it on the
1458 case, turn it on now? Um, any of those types of things?
1459
1460 [REDACTED]: I didn't think about that when I was on scene to - it's almost as if like once he
1461 recognized it wasn't off or wasn't on that he could go like turn it back on. I
1462 know now that he never did. But it's just while that scene was going on I
1463 didn't think of saying that but and when I read his report, I didn't think about
1464 that aspect either when I read his report.
1465
1466 LEVAN: Okay. Do you know, ah, were any officers injured in the, ah, in the overall
1467 incident?
1468
1469 [REDACTED]: Um, I know Officer Romberger put a minor injury report in for something I
1470 don't recall off the top of my head what it was.
1471
1472 LEVAN: A minor injury?
1473
1474 [REDACTED]: Correct.
1475
1476 LEVAN: Were - were any of the 1016s or anybody else injured in the, ah, incident?
1477
1478 [REDACTED]: I know [REDACTED] had a, ah, um, a small cut to his lip.
1479
1480 LEVAN: That's [REDACTED] is the one in the car?
1481
1482 [REDACTED]: Okay.
1483
1484 LEVAN: [REDACTED] is the - the other - the one that was seated on the curb.
1485

1486 [REDACTED]: Okay.
1487
1488 LEVAN: Um, he's, ah, well, he had [REDACTED] may have had a cut on his lip that I'm not
1489 aware of so.
1490
1491 [REDACTED]: Oh, I was only aware of one. I must be confusing the two.
1492
1493 LEVAN: Okay. Do you know, ah, let's see how I want to word this. Do you know, ah,
1494 how he got - this 1016 - got a cut on his lip?
1495
1496 [REDACTED]: I was told that when, um, that suspect tried to head butt Officer Romberger
1497 Officer Romberger pushed him away from him and his face hit the side of the
1498 car.
1499
1500 LEVAN: Who told you that?
1501
1502 [REDACTED]: Um, Officer [REDACTED] and also Officer Romberger later on.
1503
1504 LEVAN: When - when did they tell you that?
1505
1506 [REDACTED]: Um, I don't believe anybody told me that at the scene. It was - it was after
1507 maybe towards 1017 time as I was reading his reports.
1508
1509 LEVAN: Okay. So they both told you that, um, the individual tried to head butt him and
1510 he pushed his head into the car? Is that the way...
1511
1512 [REDACTED]: I don't remember Officer - I don't recall Officer Romberger saying that but I
1513 do recall Officer [REDACTED] telling me that.
1514
1515 LEVAN: Okay. All right. That would be consistent with [REDACTED] injury so just - just
1516 for the record.
1517
1518 [REDACTED]: Okay.
1519
1520 LEVAN: That, um, ah, meaning the lip and how it was injured. So did you witness any
1521 of that how...
1522
1523 [REDACTED]: No sir.
1524
1525 LEVAN: ...when that happened? Okay. Did you scratch that. Anything else? Do you
1526 have any - let me - let me back up. I'll get to you last. Ah, do you have
1527 anything - any questions you wanna have or anything you wanna clarify?
1528
1529 [REDACTED]: Um, yes, just real briefly. Ah, there's been some questions earlier to
1530 [REDACTED], um, about, ah, Officer Romberger's demeanor at various times.

1531 Ah, when you were speaking with him after he got, ah, [REDACTED] into his car,
1532 what was his demeanor at that point and what - what did you perceive from
1533 that demeanor?
1534
1535 [REDACTED]: He looked very calm. He didn't - he didn't seem like he was raging or out of
1536 control in any way. I mean, I've worked around him for several years and he's
1537 normally very quiet - very calm just like that so I had - I had nothing - no
1538 indication that he was in any way out of control just by speaking with him.
1539
1540 [REDACTED]: And then, ah, you had also mentioned that at one point while you were
1541 assisting the other officers with the, ah, the suspect who was on the ground on
1542 the curb, um, that you heard the door open, Officer Romberger say, ah, "Stop.
1543 Don't kick my car," and then the door closed.
1544
1545 [REDACTED]: Correct.
1546
1547 [REDACTED]: And you understood later that was when he used the OC spray?
1548
1549 [REDACTED]: That's correct.
1550
1551 [REDACTED]: Did any of the other officers on scene react, um, during that point or say
1552 anything about Romberger's deploying his spray - anything along those lines?
1553
1554 [REDACTED]: No sir.
1555
1556 [REDACTED]: And you don't recall who told you later that the OC was used?
1557
1558 [REDACTED]: I don't.
1559
1560 [REDACTED]: Okay. That's it for me.
1561
1562 LEVAN: You had mentioned something, thank you. Ah, you had mentioned something
1563 about, ah, Officer Romberger's ride along. Ah, for the record her name is
1564 [REDACTED]
1565
1566 [REDACTED]: Mm-hm.
1567
1568 LEVAN: Ah, was in possession of his gun. Can you explain that part?
1569
1570 [REDACTED]: I remember I was kinda bothered by that. How long she was holding that gun,
1571 ah, and that was part of my distraction away from when was it [REDACTED] that
1572 was on the ground asking for the information?
1573
1574 LEVAN: Yes.
1575

1576 [REDACTED]: I remember that consumed a lot of my mind once I noticed she had the gun. I -
1577 I remember seeing something she was saying but she was holding it oddly like
1578 out in front of her like this. Not like to her side or anything. So once I looked
1579 over and realized what it was I'm like that's a gun in her hand. Why is she
1580 holding the gun? So I walked up to her and I'm like, "Oh, is this Officer
1581 Romberger's gun?" And I'm kinda like, "Hey, (Tim). Do you wanna take this
1582 back?" You know.

1583
1584 LEVAN: Did you ever have a discussion as to how she came into possession of it?

1585 [REDACTED]: Um, yes. So when during the struggle when Officer Romberger's backup gun
1586 fell off.
1587
1588

1589 LEVAN: Mm-hm.

1590 [REDACTED]: Um, I know that she - I don't know if she went and picked it up while the
1591 fight was going on. I don't know that but I just know that she came in
1592 possession of it because it fell from his ankle.
1593
1594

1595 LEVAN: Okay. Ah, did you ever have a discussion with Officer Romberger about it -
1596 how she came into the possession of it or why she had it?
1597

1598 [REDACTED]: I did not. I believe I just assumed that it was because it fell off of his ankle
1599 and she just got possession of it while he was busy dealing with the suspects.
1600

1601 LEVAN: Had you ever met her before this day?

1602 [REDACTED]: No sir.
1603
1604

1605 LEVAN: Do you know, um, if she and Officer Romberger know each other, you know,
1606 are they friends? Is this just some ride along that was assigned to him?
1607

1608 [REDACTED]: No, I believe they were friends.
1609

1610 LEVAN: Okay. You said that it concerned you and that it occupied your mind that she
1611 was standing there holding it. Ex- expound on that. Why did that concern
1612 you?
1613

1614 [REDACTED]: Ah, I just thought that a lot of time had gone by. Um, and that's the first time I
1615 saw it but a lot - a lot of time had gone by before the fact that somebody
1616 would who presumably maybe has no experience with firearms at all, I mean,
1617 just holding it out in front of her. Um, so that - that kinda bothered me a little
1618 bit to the fact of like I need to get this away from her back to where it belongs
1619 so we don't have an accident or something like that. But and again I didn't,
1620 you know, in my mind Officer Romberger had his - had his plate full at the

1621 time so it wasn't necessarily that I thought he did anything wrong by not
1622 taking it from her earlier. It was just that, you know, a lot of time had passed
1623 and I needed to get that back to him.
1624
1625 LEVAN: The totality of the circumstances right?
1626
1627 [REDACTED]: Right.
1628
1629 LEVAN: Question?
1630
1631 RIGHTHOUSE: Do you believe Officer Romberger had time to ask her for the gun back?
1632
1633 [REDACTED]: That's an interesting question. I don't know if I know how to answer that
1634 because I know that his mind is - it's kinda asking me to step into his mind for
1635 the moment. I know he was very busy. He dealt with a lot at the scene that I
1636 was aware of. Um, did he physically have time to do that? Yes. I mean, if it
1637 was me, would I have remembered with everything going on? I don't know.
1638 That's why again I wasn't really blaming him for not taking the firearm
1639 because I knew there was a lot going on.
1640
1641 RIGHTHOUSE: Okay. When you took the gun from her, you said you gave it back to Officer
1642 Romberger?
1643
1644 [REDACTED]: Yes sir.
1645
1646 RIGHTHOUSE: Where was he and what was he doing when you gave the gun back?
1647
1648 [REDACTED]: He was seated in the driver's side of his patrol car.
1649
1650 RIGHTHOUSE: Was he dealing with the suspect at that point in time?
1651
1652 [REDACTED]: No sir.
1653
1654 RIGHTHOUSE: Were there other times where he was outside the vehicle without dealing with
1655 the suspects?
1656
1657 [REDACTED]: Yes.
1658
1659 RIGHTHOUSE: So there was times where he was not dealing with the suspects but she still
1660 had possession of his gun?
1661
1662 [REDACTED]: That is correct.
1663
1664 RIGHTHOUSE: And he had not taken the gun from her. You actually had to take the gun from
1665 her?

1666
1667 [REDACTED]: That's correct. And again I just attributed that to his mind being busy at the
1668 time. That's all I attributed it to.
1669
1670 RIGHTHOUSE: When - when we look at the report in this paragraph this one talks about
1671 Romberger when he has the person on the ground and he's yelling about the
1672 head butting.
1673
1674 [REDACTED]: Mm-hm.
1675
1676 RIGHTHOUSE: And he picked him up from the ground and put him in the car.
1677
1678 [REDACTED]: Right.
1679
1680 RIGHTHOUSE: And he pushed him into - through the car and eventually kicked him but you
1681 did not see that at the time?
1682
1683 [REDACTED]: I even to this very moment I did not know that.
1684
1685 RIGHTHOUSE: Okay. And then when he documents this he simply writes - he writes about
1686 the incident where he's holding him on the ground. And then he documents
1687 putting him in the car by saying, "I returned [REDACTED] to the backseat of the
1688 vehicle."
1689
1690 [REDACTED]: Right. And - and I guess when we were talking about...
1691
1692 RIGHTHOUSE: That's just what I wanted to clarify.
1693
1694 [REDACTED]: Right. So there was confusion with me when I read it that this was - this was
1695 what I had seen versus where it was in the report when he deals with - when it
1696 says he got kicked and - and put him in the car. Just through when I was
1697 reading it at the 1017.
1698
1699 RIGHTHOUSE: Okay. So this part is where he should've documented...
1700
1701 [REDACTED]: I know this now, yes.
1702
1703 RIGHTHOUSE: ...shoving the guy into the car and.
1704
1705 [REDACTED]: Absolutely.
1706
1707 RIGHTHOUSE: Should have documented kicking the guy too. Not that you would have known
1708 that but this is the part where he should have documented that.
1709
1710 [REDACTED]: Correct.

1711
1712 RIGHTHOUSE: Correct? And he does not - that was not in his report.
1713
1714 [REDACTED]: That's correct.
1715
1716 RIGHTHOUSE: And nowhere this report did you read anything about the officer kicking [REDACTED]
1717 while in the car?
1718
1719 [REDACTED]: No sir.
1720
1721 RIGHTHOUSE: That was not in the report?
1722
1723 [REDACTED]: No sir.
1724
1725 RIGHTHOUSE: And the female at that original get-go did you ever ask her how she got
1726 injured?
1727
1728 [REDACTED]: You mean the female that was on...
1729
1730 RIGHTHOUSE: Yes. The one that was laying on the ground.
1731
1732 [REDACTED]: No sir. I - I don't ever recall her being like conscious or - or talking. I know
1733 that when I went and checked on her back in the ambulance the medics said
1734 she was, you know, gonna be okay or whatever and they were gonna take her
1735 trans- transport her to the hospital as she was intoxicated.
1736
1737 RIGHTHOUSE: Did you ever have any discussion with any of the officers on scene as to what
1738 happened to her - how she got injured?
1739
1740 [REDACTED]: No sir.
1741
1742 RIGHTHOUSE: Do we know if there was a crime committed or she just fell on the ground?
1743 Did we ever determine that at the time of the incident?
1744
1745 [REDACTED]: No sir.
1746
1747 RIGHTHOUSE: I think that's all.
1748
1749 LEVAN: Any follow-up question?
1750
1751 [REDACTED]: Ah, I don't believe so no.
1752
1753 LEVAN: Okay. So, ah, Officer [REDACTED] ah, [REDACTED], do you have anything to add to
1754 this incident that I've either forgotten to ask you or haven't asked you, um,
1755 that would shed light into this investigation?

1756
1757
1758
1759
1760
1761
1762
1763
1764
1765

[REDACTED]: No sir.

LEVAN: No? Okay. Hearing nothing else I'm going to go ahead and conclude the interview. It is, ah, looks like 2:08.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed _____

1
2
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6
7 **INTERVIEW WITH OFFICER TIMOTHY ROMBERGER**

8 **Q=Sgt. John Levan**

9 **Q1=Sgt. Bret A. Righthouse**

10 **A=Officer Timothy Romberger**

11 **A1=**

12 **Officer**

13 **Officer**

14 **Officer**

15
16
17
18
19 **LEVAN** Hey, good morning. This is Sergeant John Levan with the San Diego Police
20 Department, ID 5369. Today's date is October 26, 2017 and the time is 8:15.
21 We're located in the Internal Affairs interview- interview room 1 at the San
22 Diego Police Department Headquarters. In the room with me is subject
23 Timothy Romberger.

24
25 **ROMBERGER** 6394.

26
27 **LEVAN** And at the time we arranged for the interview, I advise - actually I spoke with,
28 uh, [REDACTED]. When we spoke, you were advised that you had, uh, rights
29 representation and you are here with your attorney, [REDACTED], correct?

30
31 [REDACTED] That's correct. I'm here.

32
33 **LEVAN** Okay. And also present with us is Detective Sergeant Bret Righthouse, ID.

34
35 **RIGHTHOUSE** 4173.

36
37 **LEVAN** Thank you. Okay. At this time, I'm going to question you about an incident
38 that happened on August 6, 2017. This interview is in regard to an internal
39 investigation and that's IA case number 2007 - excuse me, 2017-0644, related
40 to concerns about force, procedure, conduct, courtesy and criminal conduct.
41 I'm going to ask you questions in relation to these allegations. My questions
42 during this interview concern administrative matters relate to the official
43 business of the police department. I'm not questioning you for the purpose of
44 criminal prosecution. In a criminal prosecution, you have the right to remain
45 silent and not incriminate yourself. However, since this is an administrative

46 not a criminal investigation, your failure to answer my questions could be
47 insubordination and result in discipline up and including termination. Any
48 statement that you make cannot be used in any criminal proceeding under
49 Penal 832.7, the grand jury, the Attorney General's office or the District
50 Attorney's office, may have the right to obtain a copy of your statement to me
51 during this interview. Your statements to me cannot be used against you by
52 any agency in a criminal proceeding. You are required to answer my questions
53 fully and truthfully. This requirement is set forth in Section 9.4 and 9.29 of the
54 San Diego Police Department Policy Manual. Uh, DP 9.4 Obedience to
55 Lawful Order Policy states "Member shall promptly obey any lawful orders of
56 superiors. This includes orders relating from a superior by someone of the
57 same or lesser rank." Department 9.29, the truthfulness policy states "Member
58 shall be truthful in all manners relating to their duties upon the order of a
59 superior or any officers appointed by the Chief of Police to conduct internal
60 investigations and in accordance with constitutional and contractual
61 guarantees, including a right to representation. Member shall truthfully answer
62 all questions specifically and narrowly related to the scope of employment and
63 operations of the department." Refusal to answer my questions is itself a
64 violation of department policy and will subject you to disciplinary penalties.
65 Do you understand what I've just explained to you?
66

67 ROMBERGER Yes.

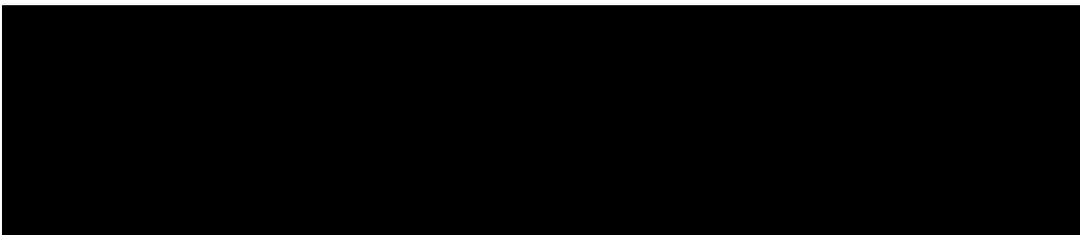
68
69 LEVAN Okay. And is there anything that prevents you or may prevent you from
70 answering my questions fully and truthfully?
71

72 ROMBERGER No.
73

74 LEVAN Do you have any questions concerning what I've explained to you?
75

76 ROMBERGER No.
77

78 LEVAN Okay. I now order you to answer the following questions. I'm also ordering
79 you to not disclose anything we discuss during this interview or anything
80 regarding this investigation with anyone other than your employee or legal
81 counsel. Doing so would be insubordination and by itself, could subject you
82 to disciplinary action up to and including termination. Okay. Through that. So,
83 were you working on August 6, 2017?
84

85  

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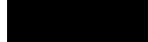
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135



LEVAN Okay. Thank you. And if at any time you need to take a break during this, just let me know. We'll do that.

 Appreciate that...

LEVAN No problem. So, on August 6, uh, 2017, were you working?

ROMBERGER Yes.

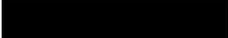
LEVAN Were you full uniform driving in a police, uh - marked police car?

ROMBERGER Yes.

LEVAN Did you have any ride-a-longs that day?

ROMBERGER Yes, I did.

LEVAN Who was that?

ROMBERGER Uh, 

LEVAN Is she a friend of yours or was she somebody that was assigned to you?

ROMBERGER A friend of mine.

LEVAN Okay. Okay. Was this, uh,  first ride-a-long?

ROMBERGER No.

LEVAN Had she- obviously, she's been on other ones. How many other ride-a-longs has she been on?

ROMBERGER Two.

LEVAN Okay. As part of ride-a-longs, Officers will do some kind of safety briefing in, uh, in the vehicle, before they, you know, they go 10-8 for the day. Did you guys have some kind of discussion about that?

136 ROMBERGER Yes.
137
138 LEVAN Can you explain that?
139
140 ROMBERGER Well, I mean, I just told her obviously to wear her seatbelt. I showed her
141 where my firearms are in case something bad were to happen, where my
142 backup gun in case something bad were to happen. I didn't have a shot gun, so
143 I didn't have to go over that but I just went over where things were just in
144 case.
145
146 LEVAN Did she- did she say anything about firearms? Do you know does she have
147 any firearms experience?
148
149 ROMBERGER Yes. She owns one, so she said she knows how to use em' if she had to.
150
151 LEVAN Did you know she owned one or did she divulge that she owned one?
152
153 ROMBERGER She told me that. I've never seen the gun she has but she's told me that, yeah.
154
155 LEVAN Okay. All right. Do you know what her skill level is with a loaded firearm or?
156
157 ROMBERGER No.
158
159 LEVAN ...did she mention anything about that?
160
161 ROMBERGER No.
162
163 LEVAN Okay. So, on that morning- so, we're talking August 6 at about 7 o'clock,
164 were you dispatched to the call at San Carlos Recreation Center which is, uh,
165 6445 Lake Badin Avenue.
166
167 ROMBERGER Yes.
168
169 LEVAN Okay. And for the record, that incident number is 1708009139. Do you
170 remember the nature of the call?
171
172 ROMBERGER Yes. It was a 647f. They said there was two to three subjects be-behind the
173 recreation center and they were intoxicated.
174
175 LEVAN Who is the RP, do you know?
176
177 ROMBERGER I believe it was a city worker or someone that worked at the rec center.
178
179 LEVAN Did they say- did they give a description of what these three looked like?
180

181 ROMBERGER Yeah, they said two black males. They said it looked like - I remember they
182 said late teens, early twenties but they gave a description.
183

184 LEVAN Okay. So, you responded there and, um, were you the first officer to arrive?
185

186 ROMBERGER Yes.
187

188 LEVAN Do you remember what happened then?
189

190 ROMBERGER Yeah. I just parked the vehicle. Um, the ride-a-longs and we started walking
191 around the backside of the Rec center, because we parked on the front side of
192 it. That's when I - I saw two subjects kind of tumbling away from the Rec
193 center.
194

195 LEVAN Did you talk with anyone prior to contacting the individuals?
196

197 ROMBERGER No, I just saw them stumbling away. I mean, 7 o'clock in the morning, on the
198 - on that day, it was not many people there. So, them stumbling away, I was
199 pretty confident that those were the ones I need to speak with.
200

201 LEVAN Okay. So, my- my question would be then, nobody pointed them out to you.
202

203 ROMBERGER No, no.
204

205 LEVAN You just saw them based on the, um, their original description in the, uh, the
206 incident.
207

208 ROMBERGER And the location they were, yes.
209

210 LEVAN Okay...
211

212 ROMBERGER Where they were walking away from.
213

214 LEVAN Okay. Um, you said you were parked, oh, no on the front side. So, you parked
215 in the parking lot of the Rec center?
216

217 ROMBERGER Yes.
218

219 LEVAN And you walked around the building?
220

221 ROMBERGER Yes.
222

223 LEVAN Did [REDACTED] follow you?
224

225 ROMBERGER Yes.

226
227 LEVAN Was she with you or did she kind of?
228
229 ROMBERGER She may have been a few feet back. Uh, I think she initially started besides me
230 and I'm like I think they are the ones. And then as I walked towards them, she
231 kind of hung back a bit.
232
233 LEVAN Okay. And was your body worn camera active at this time?
234
235 ROMBERGER Yes.
236
237 LEVAN At what point did you activate your body worn camera?
238
239 ROMBERGER I think it was right after I got out and started walking round the building there.
240 Then I activated it.
241
242 LEVAN Prior to any contact with anyone?
243
244 ROMBERGER Yes.
245
246 LEVAN So, when you first, uh, you said you came around the building and you saw a
247 couple of guys walking away.
248
249 ROMBERGER Yeah.
250
251 LEVAN Describe the whole scenario.
252
253 ROMBERGER They were just - like I said, they were kind of stumbling away. I think one
254 kind of looked over at me and I yelled out "Hey, come here."
255
256 LEVAN Mm-hm.
257
258 ROMBERGER "You were walking away from the Rec center, I wanna talk to you." They
259 ignored them. They kind of continue walking. As I walked up closer and
260 approached them, that's when I saw one was holding a beer in his hand.
261
262 LEVAN When you initially called out for them and they looked at you, what kind of
263 distance are we talking there?
264
265 ROMBERGER Maybe twenty feet or so.
266
267 LEVAN Oh, so it was actually pretty close.
268
269 ROMBERGER Yeah.
270

271 LEVAN And you were in full uniform, you said?
272
273 ROMBERGER Yes.
274
275 LEVAN Was it daylight?
276
277 ROMBERGER Yes.
278
279 LEVAN Should they have known you were a police officer?
280
281 ROMBERGER I think they would have looked over and seen me, yeah. By appearance, they
282 would have known I was a police officer.
283
284 LEVAN Okay. So, um, for the record here, uh, actually strike that. So, you walk up and
285 at about twenty feet, you call them to come here. What happened then?
286
287 ROMBERGER Well they - they actually did stop, initially.
288
289 LEVAN Mm-hm.
290
291 ROMBERGER And the one looked at me. And again, I could see that he was holding a beer.
292 He did have a very young appearance to him. Um, I was like "Hey, you're not
293 free- neither one of you are free to leave" at that point.
294
295 LEVAN Okay. Do you know their names?
296
297 ROMBERGER I would have to look at the report.
298
299 LEVAN Go ahead...
300
301 ROMBERGER I don't know. I know the one is [REDACTED] and I don't know if the
302 second one is in here.
303
304 LEVAN [REDACTED] uh, is the other individual that was arrested that day. His last name is
305 [REDACTED].
306
307 ROMBERGER The first name to me rings a bell.
308
309 LEVAN Okay. Um, so did you remember which one of them was holding the beer?
310
311 ROMBERGER Not off hand. I would say it was- it wasn't the one that I arrested, I know that.
312
313 LEVAN Okay. So, the other individual was holding the beer.
314
315 ROMBERGER Yes.

316
317 LEVAN Um, did you tell him to stop? Or what was the verbiage?
318
319 ROMBERGER I don't recall exactly what I said but I-I know I made it clear that they couldn't
320 walk away from me.
321
322 LEVAN Okay. Let's talk your mindset at that time. Were you - what was your intent?
323
324 ROMBERGER At that point, I was gonna keep them there until the other officer got there and
325 we could get all their information, see exactly how old they were.
326
327 LEVAN Okay.
328
329 ROMBERGER Pour out their beer like we always do and at that point, if they were able to,
330 send them on their way.
331
332 LEVAN Were you detaining them?
333
334 ROMBERGER Yes.
335
336 LEVAN Okay. And so, this was an official detention in your mind...
337
338 ROMBERGER Yes.
339
340 LEVAN ...at this time. Explain the detention.
341
342 ROMBERGER Well, at that point, I wanted them to walk up the hill, cause I assumed the
343 other officer was gonna park besides mine, so rather than stand in the middle
344 of the wet field, let's walk back up to the top- the top of the hill there to Rec
345 center. So, I, you know, grab a hold to one guy's arm, to let them know he
346 wasn't free to walk...
347
348 LEVAN Before we get into that. I just mean, what would- what were they being
349 detained for?
350
351 ROMBERGER For - they looked 647f to me.
352
353 LEVAN Okay.
354
355 ██████████ When you said that one of them had a youthful appearance, uh, did you
356 believe that, uh, the person that was holding the beer with the youthful
357 appearance was, uh, a minor in possession or could be a minor in possession?
358
359 ROMBERGER Yeah, I believe he was probably 20 or under. I don't think - he didn't look- he
360 didn't look old to me at all. Neither one of them looked of age to be drinking.

361
362 [REDACTED] Did that factor into your determination that you were going to detain them?
363
364 ROMBERGER Yes.
365
366 LEVAN So now - so we have detention for, uh, the 647f in your mind.
367
368 ROMBERGER Yes.
369
370 LEVAN Did one of them tell you their age.
371
372 ROMBERGER Yeah, I think I asked one guy how old he was and the one that handed me the
373 beer which wasn't the one I arrested. He's like "I'm 20."
374
375 LEVAN Okay.
376
377 ROMBERGER And that's when he was holding the beer. I'm like "Okay."
378
379 LEVAN Okay. Were - were they - were you - were both of them with you at this time?
380
381 ROMBERGER Yes.
382
383 LEVAN Okay. And then what happened?
384
385 ROMBERGER Well, I-I again, I think he handed me the- I don't remember- recall if he
386 handed me the beer. I think he handed me the beer and as we turned to walk
387 up on top of the hill, he didn't wanna walk with me, he didn't want to come
388 with me. So, I placed my hand on his arm. I- so, I worked with him up the hill,
389 the first one- the first one made eye contact at me. The second one kind of
390 walked away from me, stumbled away from me and didn't want to cooperate
391 at all. He was the one- he kind of just blew me off and went stumbling up the
392 hill, the same direction I was going with the person had my - my hand on.
393
394 LEVAN Okay. So, again just for clarification. The one that walked away from you is
395 the one you ultimately arrested? That's [REDACTED] right? Well, I'm telling you, the
396 guy that you arrested, his name is [REDACTED]
397
398 ROMBERGER Okay.
399
400 LEVAN Just so you know cause we're taking about this guy and that guy.
401
402 ROMBERGER Okay.
403
404 LEVAN Just so we're using, um- so [REDACTED] initially stops for you but then walks away.
405

406 ROMBERGER Yes.
407
408 LEVAN [REDACTED] stops for you and you get the beer from him. He tells you he's 20.
409
410 ROMBERGER Yes.
411
412 LEVAN Okay. And he's the one that you started walking with?
413
414 ROMBERGER Yeah. He was the one that I started walking up the hill. Yes.
415
416 LEVAN Okay. In your mind, was he free to leave?
417
418 ROMBERGER No.
419
420 LEVAN And why was that?
421
422 ROMBERGER Cause he actually was holding the beer and said he was 20. I'm like "Okay".
423
424 LEVAN So, he was detained.
425
426 ROMBERGER Yes. Definitely detained.
427
428 LEVAN Where was [REDACTED] when all this was going on?
429
430 ROMBERGER I believe she still kind of on top of the hill. I really wasn't looking to see
431 where she went at that point, cause she knew and- not to go back to a - the
432 safety thing where I discussed with her. I'm like "Don't walk up on anybody.
433 Stay a good distant, you know. You can get out of the car but stay away from
434 people." So, she was up - probably far enough on top of the hill. At that
435 moment, where - she wasn't in any danger.
436
437 LEVAN Okay. And if at any point- and this- if you have to go back to something, don't
438 hesitate.
439
440 ROMBERGER Okay.
441
442 LEVAN Just feel free to go back and clarify...
443
444 ROMBERGER Okay.
445
446 LEVAN ...something if you need to. That's no problem at all. Um, with relation to the
447 building, the actual Rec center building, where was this happening?
448
449 ROMBERGER I guess it would be north of the building in a- in a grass area.
450

451 LEVAN Okay. And [REDACTED] turns and walks away from you. Where was- which
452 direction was he walking?
453

454 ROMBERGER He was walking southbound, kind of up the hill, back in the direction where
455 the building was.
456

457 LEVAN Okay. So, you- you, uh, I think you said you put your hand on, uh, [REDACTED]
458 elbow and started escorting him.
459

460 ROMBERGER Yes.
461

462 LEVAN Can you explain that?
463

464 ROMBERGER Yeah...
465

466 LEVAN How that happened.
467

468 ROMBERGER Yeah, I mean, he was reluctant to wanna walk back up to the top of the hill.
469 He immediately started with police brutality or something and all I was doing
470 was guiding him up the hill at that point. He was dragging his feet like he
471 wasn't able to walk properly. So, again, I was just kinda walking up the hill
472 and that's when I yelled out to [REDACTED] "Don't go anywhere. You're not free to
473 leave either, cause the way he's kind of stumbling at an angle up the hill. Get
474 away from me."
475

476 LEVAN Okay, you said [REDACTED] was dragging his feet.
477

478 ROMBERGER Yeah.
479

480 LEVAN What did you mean by that...
481

482 ROMBERGER He's just not wanting to walk. He's walking- he's walking very slowly.
483

484 LEVAN So, was he resistive? Was he under the influence?
485

486 ROMBERGER I don't know if he was resist- I mean, he wasn't moving fast enough. He was
487 definitely trying to slow me down.
488

489 LEVAN Okay.
490

491 ROMBERGER And not wanting to walk up the hill. He didn't wanna- he didn't wanna- he
492 didn't wanna be detained at that point.
493

494 LEVAN Okay.
495

496 ROMBERGER So, he was making it clear.
497

498 LEVAN All right. Did you see if [REDACTED] the guy you arrested, when you initially
499 contacted him, did you see if he was holding a beer also?
500

501 ROMBERGER I didn't see a beer in his hand, no.
502

503 LEVAN Okay. Okay, so at some point, you're now escorting [REDACTED], the other guy,
504 um. You said you had your hand on his elbow. Um, I think that's what you...
505

506 ROMBERGER I don't know where his arm - I know I got his left - his left...
507

508 LEVAN Yeah.
509

510 ROMBERGER His left arm somewhere.
511

512 LEVAN Was he handcuffed at that time?
513

514 ROMBERGER No.
515

516 LEVAN Okay. You esc - you're following [REDACTED] up the hill.
517

518 ROMBERGER Yes.
519

520 LEVAN What happens then?
521

522 ROMBERGER He's kinda - he's ignoring me. I'm like, "Hey, you're not- you're not free to
523 leave." I got the other guy- I'm sorry, I don't remember his name. He's
524 dragging his feet, while [REDACTED] is kinda stumbling up the hill away from me.
525 So, as we're making our way up the hill, they- they kind of close the distance
526 were [REDACTED] was. So, he starts wanting to walk, you know, further east. So, at
527 that point, I tried to- I tried to just reach out to grab a hold of him, so he didn't
528 walk away from me either. And that's when he spins around and throws-
529 throws a shot- throws a fist at me.
530

531 LEVAN We're talking about [REDACTED].
532

533 ROMBERGER Yes.
534

535 LEVAN Okay. So, you said you reached out - at a certain point, you were close enough
536 to where you could reach out and touch him.
537

538 ROMBERGER Yes.
539

540 LEVAN Explain that.

541
542 ROMBERGER Well, I let go of.
543
544 LEVAN [REDACTED]
545
546 ROMBERGER The one I was holding - there you go. And I went to reach out for [REDACTED] and
547 say "Hey, don't walk that way." I went kind of guided them both up the hill
548 with me. And as I went out to reach out to grab a hold of him there, that's
549 when he spun around and hit me in my left arm.
550
551 LEVAN Did you actually touch him before that?
552
553 ROMBERGER I think I caught his backpack and I think that's when- why he stopped and
554 spin around me.
555
556 LEVAN Okay. And you said he threw a punch at you.
557
558 ROMBERGER Yeah. His right hand came around and got my left arm.
559
560 LEVAN Okay. So, he did actually punch you?
561
562 ROMBERGER I felt him hit my arm, yes.
563
564 LEVAN Okay. And then what happened?
565
566 ROMBERGER That's when I let- I'm sorry- I already let go of the other guy, so at that point
567 now, I grabbed a hold of him. Were on the grassy area, so we somehow ended
568 up slide- or falling down in the grassy area at that time.
569
570 LEVAN Did you do a takedown on him or?
571
572 ROMBERGER I don't remember if I was trying to at that point. I think I was just trying to
573 grab him cause- cause he hit me.
574
575 LEVAN Mm-hm.
576
577 ROMBERGER And we ended up falling to the ground.
578
579 LEVAN Okay. So, at this point, are either free to leave?
580
581 ROMBERGER No.
582
583 LEVAN All right. What are they detained for?
584
585 ROMBERGER Well, the one being 20 in possession of alcohol. The other one, I don't know

586 his age. I don't know if he provided the alcohol. He was stumbling, so at least
587 he was possibly 647f now. So, neither one was free to leave at that point.
588

589 LEVAN Okay. And then what about him hitting you?

590

591 ROMBERGER Well, then once he hit me, then he's definitely not free to leave, so.
592

593 LEVAN Okay.

594

595 ROMBERGER And that's when I knew it was - I was gonna be hands on with him because he
596 turned around and hit me right then.
597

598 LEVAN Okay. So, once you're on the ground now, um, what happens once you guys
599 hit the ground?

600

601 ROMBERGER Well, I think before we even hit the ground, I felt my backup gun, which is
602 always on my left ankle. I felt the strap, cause it's in a -it's in a holster. I felt
603 that let loose. So, I immediately I knew my gun was on the ground
604 somewhere.
605

606 LEVAN Okay.

607

608 ROMBERGER I couldn't see exactly where it was at that second, cause I'm looking at him,
609 not looking on the ground. But if it came loose, I knew it was within inches or
610 feet of wherever we fell onto the ground. So, at that point, I'm trying to figure
611 out where my backup gun is at.
612

613 LEVAN Where was [REDACTED] when all this was happening?

614

615 ROMBERGER Initially, I don't know.

616

617 LEVAN Okay.

618

619 ROMBERGER So, as I take [REDACTED] to the ground, I'm holding on to him. My microphone of
620 course, cause it just hooks on the front there, that pops loose. My bodycam
621 goes flying onto the ground. My gun's on the ground at this point. So.
622

623 LEVAN Everything you need is now - everything is...

624

625 ROMBERGER All on the ground.

626

627 LEVAN Okay.

628

629 ROMBERGER So, at that point, um, I'm holding him onto the ground and I'm trying to figure
630 out exactly where number 2 went because my gun's on the ground.

631
632 LEVAN Did [REDACTED], the guy you're now on the ground, was he face down on the
633 ground?
634
635 ROMBERGER I don't - I wanna say he kind of went down onto his right side.
636
637 LEVAN Okay.
638
639 ROMBERGER And there's where I was trying to hold him onto the ground at that point.
640
641 LEVAN Did he at all attempt to get up?
642
643 ROMBERGER He was definitely trying to get me off of him. He- he didn't wanna on the
644 ground. He was trying to nudge me off of him as best as he could and I was
645 doing everything I could to hold him on the ground, cause again I didn't know
646 where my gun was.
647
648 LEVAN Okay. Um, how did he try to nudge you off of him?
649
650 ROMBERGER He was definitely failing his - failing around, trying to get - shimmy around,
651 trying to get me to let go or push me off, push me off of him at that point.
652
653 LEVAN Okay.
654
655 ROMBERGER So, he was - he definitely was putting up enough of a struggle that he wanted
656 to get up.
657
658 LEVAN Did you - what type of resistance would you or- or behavior was he
659 exhibiting?
660
661 ROMBERGER Just enough to try to get me off. I mean, I don't recall if he was saying
662 anything I know his friend started screaming, so what he was saying, I
663 couldn't tell you exactly. But I know he was definitely trying to roll- either
664 roll away from me, roll around to get me off of him or, you know, get me to
665 let loose.
666
667 LEVAN Do you know if it - where your gun was at this point?
668
669 ROMBERGER Exactly where, no. But I know it was...
670
671 LEVAN In that area.
672
673 ROMBERGER Yeah. It didn't go far, cause my leg didn't- didn't kick. My leg was on the
674 ground, so if it came loose, it was on the ground there.
675

676 LEVAN So, you - at a certain point, were you able to stabilize your control of [REDACTED]
677
678 ROMBERGER I was able to get him to the point where he wasn't able to move. Yeah, I was
679 able to hold him on the ground.
680
681 LEVAN Okay. How did you do that?
682
683 ROMBERGER Well, I had- at one point, I'm pretty sure I had his left arm and I was bracing
684 him down either I think I had my- I probably my knee in his back at that point
685 and my head by his head at one point to try to keep him from- from moving at
686 all.
687
688 LEVAN Okay. Uh, and then- what happened then?
689
690 ROMBERGER That's whenever the other subject finally came back around in my view. So, I
691 pulled my taser out and I'm like giving him verbal commands to sit down
692 where I can see him and hold this one at the same time.
693
694 LEVAN You said he came into your view.
695
696 ROMBERGER Yeah.
697
698 LEVAN Was he behind you?
699
700 ROMBERGER I-I don't- He must have been at one point or far along off to the side where I
701 couldn't - again, cause I'm focusing on this one and I'm still trying to figure
702 out where my gun went. So, but he did eventually come back into my view
703 which would have been south of us and that's when he starts, you know,
704 chipping way at me.
705
706 LEVAN [REDACTED] ?
707
708 ROMBERGER Yes.
709
710 LEVAN Okay. Uh, how far away was he from you and [REDACTED] at this point?
711
712 ROMBERGER Maybe five feet. From where - what it seemed to be, from what it looked - he
713 was close enough to me to where, you know, if he charged at me, I was gonna
714 have to tase him.
715
716 LEVAN Okay. Um, I just need to, you know, paint this picture for me here. Uh, so
717 [REDACTED] face down or on his right side...
718
719 ROMBERGER Yeah.
720

721 LEVAN ...on the ground. Uh, which side of him are you on?
722

723 ROMBERGER I'm on his backside. So, he's actually laying, I guess where he would of kinda
724 been facing towards where his- the other subject was.
725

726 LEVAN Okay. But let me rephrase it. Is- are you on- I know you're on him.
727

728 ROMBERGER Yeah.
729

730 LEVAN Holding him down. Are you facing towards his left side or you facing his right
731 side?
732

733 ROMBERGER I would say I would have been looking at his left side.
734

735 LEVAN Okay. So [REDACTED] - uh, yes, [REDACTED] is on [REDACTED] left side as well at the point
736 you...
737

738 ROMBERGER Yeah, he's in front. So, if I have him laying on his - kind of down or up on his
739 side here, his friend is right here...
740

741 LEVAN Okay...
742

743 ROMBERGER And I'm right behind here, kind of holding him down.
744

745 LEVAN Okay. And you said he was about five feet away from you?
746

747 ROMBERGER I- yeah, it looked like about five feet.
748

749 LEVAN And at a certain point here, you fire- you said your firearm is loose. Did you
750 request for cover?
751

752 ROMBERGER Yeah, I did reach up. I was able to find my mic just dangling there and put out
753 cover now, yes.
754

755 LEVAN Okay. Explain your mindset with the cover now.
756

757 ROMBERGER At that point, my gun is- who knows where. I got one on the ground and I got
758 one that I didn't know where he was. So.
759

760 LEVAN One person?
761

762 ROMBERGER The other subject...
763

764 LEVAN Okay...
765

766 ROMBERGER Um, somewhere- somewhere. I don't know. So, I don't know where my gun is
767 at this point. I'm weighing the pros and cons of pulling my other gun out, but
768 now I'm wrestling with one and I don't want him trying to grab that. But
769 again, the other guy is somewhere around there, so in my mind, all I'm
770 thinking is "Where's my other gun at?"

771
772 LEVAN Okay...

774 ROMBERGER And am I gonna have to do at this point?

775
776 LEVAN Okay. Um, I'm gonna pause that- that. So, where we're at right now is, um,
777 you've called for cover. You've got [REDACTED], um, prone out and the other guy
778 is in front of you about five feet. I just wanna ask about your backup firearm.
779 Um, what kind of gun is it?

780
781 ROMBERGER It's a Glock 27.

782
783 LEVAN What type of holster are you carrying it in?

784
785 ROMBERGER [REDACTED]

786
787
788
789 LEVAN [REDACTED]

790 ROMBERGER Yes.

791
792
793 LEVAN [REDACTED]

794 ROMBERGER Yes.

795
796
797 LEVAN [REDACTED]

798
799 ROMBERGER [REDACTED].

800
801 LEVAN Okay. All right. Do you know the name of that?

802
803 ROMBERGER No, I brought that thing years ago.

804
805 LEVAN Yeah, no problem. Okay. Um, so back to where we're at in the situation.
806 You're on top of [REDACTED] holding him down. You've called for cover, uh,
807 [REDACTED] is about five feet in front of you. What you do then?

808
809 ROMBERGER At that point, I pulled my taser out, which unluckily, uh, unlucky for me, the
810 taser didn't stay in my hand. So, I kind of went to pull it out while he's

811 shaking around on me, so of course when my taser comes out, it kinds of
812 slides off to- to the right of us.
813
814 LEVAN Okay.
815
816 ROMBERGER Over towards - at that point, I can see my ride-a-long was standing at. So, it-
817 it- it was on my left side, so I pulled out my right and kind of just didn't stay
818 in my hand. It kind of just went along.
819
820 LEVAN Where did it end...
821
822 ROMBERGER It ended up towards [REDACTED]. Luckily enough.
823
824 LEVAN Okay.
825
826 ROMBERGER So, I was gonna pick it back up and hang it back to me quick.
827
828 LEVAN Okay. So, you asked her that to bring...
829
830 ROMBERGER Yes.
831
832 LEVAN Bring that to you, so you...
833
834 ROMBERGER And I don't remember if it was her or if there was a, um, a Rec - a city worker
835 there. One of the - I wanna - I'm pretty sure it was her that picked it up and
836 handed it back.
837
838 LEVAN Do you remember what the city worker looked like?
839
840 ROMBERGER I wanna say he was just a black male wearing a city or some kind of Rec
841 center. He was wearing some uniform, yeah.
842
843 LEVAN He have a beard?
844
845 ROMBERGER That I couldn't remember.
846
847 LEVAN Okay. All right. So, um, he's standing there and [REDACTED] standing here
848 and one of them handed you.
849
850 ROMBERGER My taser back, yeah.
851
852 LEVAN But you think it was.
853
854 ROMBERGER I'm pretty sure it was [REDACTED] who handed it back, yes.
855

856 LEVAN Okay. And then what did you do?
857
858 ROMBERGER Then I turned it on, and then I like, really told the guy on the ground, don't
859 move cause I got my taser out and then I -I focused more on the second one
860 because he's the - at that point, I felt more of a threat cause if he gets up and
861 comes towards me, I gotta deal with him now.
862
863 LEVAN Okay. I'm gonna delve a lot into, you know, your mindset, uh, as well
864 throughout this, um- so, your mindset at that time, you're pointing your taser
865 at, uh, [REDACTED] Did you tell him you were gonna tase him?
866
867 ROMBERGER I- yes, I did.
868
869 LEVAN What were the instructions that you gave him?
870
871 ROMBERGER I'm pretty sure I told him stay on the ground, if he comes towards me, I will
872 tase him.
873
874 LEVAN Did he comply?
875
876 ROMBERGER Yeah, he sat down. He started just yelling but he for the most part just stayed
877 pretty calm and that where he was at- he was kind of- if I remember correctly,
878 he was kind of moving a little bit but nothing I felt was a threat at that point.
879
880 LEVAN Okay. Um.
881
882 ROMBERGER But I made it very clear not- not to move and you can hear in my voice, do not
883 move.
884
885 LEVAN So, what were your overall concerns at this point?
886
887 ROMBERGER My- just where's my gun at and is anybody gonna go for it at that point, cause
888 then I had my ride-a-long, I have my safety, I have a city worker there.
889
890 LEVAN Okay. So, you still at this point didn't know where your handgun was?
891
892 ROMBERGER I don't recall seeing it at that point because I know I'm trying to hold him
893 down.
894
895 LEVAN Okay.
896
897 ROMBERGER On the ground, yeah.
898
899 LEVAN Uh, was that about the time a cover unit came or - or what happens next?
900

901 ROMBERGER Yeah. I mean, what felt like forever holding him down, I did finally see [REDACTED]
902 [REDACTED] come walking up the hill. And he took care of subject number 2 there,
903 that I wasn't - you know, using force or hands - on at that point. So, he came
904 over and took care of him while I was dealing with [REDACTED]
905
906 LEVAN Okay. Um, so would it be safe to say - actually let me reword - let me word
907 this a different way. Um, you have [REDACTED] on the ground and you said you had
908 your knee in his back and you were holding his.
909
910 ROMBERGER Yeah.
911
912 LEVAN Somewhere your other hand was around his head?
913
914 ROMBERGER Yeah.
915
916 LEVAN Do you remember where it was around his head?
917
918 ROMBERGER No, I think just probably up towards the back of his head to hold him and try
919 to keep- if I got his arm, my knee and my hand on his head, he's not gonna
920 move at that point.
921
922 LEVAN Mm-hm.
923
924 ROMBERGER So, that was my initial- where I had him at that point, yes.
925
926 LEVAN Okay. And then [REDACTED] and ultimately complied with you.
927
928 ROMBERGER Yes.
929
930 LEVAN At taser point to sit down, so.
931
932 ROMBERGER Yes.
933
934 LEVAN Are we now in a holding pattern until another officer arrives?
935
936 ROMBERGER Yes.
937
938 LEVAN Was there any- did- did either of them in this- in this time frame, um, attempt
939 to do anything that you had to counter - any kind of resistance you had to
940 counter?
941
942 ROMBERGER No. If I remember, [REDACTED] was still trying to move around me a little bit but I
943 think he kind of calmed down a bit once he realized that - that, you know, I
944 had like 50 pounds more on him and he wasn't gonna move. So, he- he kind
945 of - if I remember correctly, he kind of calmed down a little bit.

946
947 LEVAN Mm-hm.
948
949 ROMBERGER As he heard me, you know, yelling at his, uh, buddy there.
950
951 LEVAN What was their demeanor individually?
952
953 ROMBERGER Well this number- number 2 there, he was definitely screaming and saying
954 something about letting go of his friend or- I mean, he was raising his voice
955 yelling at me.
956
957 LEVAN This is [REDACTED]
958
959 ROMBERGER Yes.
960
961 LEVAN Okay. And what about [REDACTED]
962
963 ROMBERGER I don't remember- recall if he was saying anything at that point.
964
965 LEVAN Okay. And how about you?
966
967 ROMBERGER I was just very forceful and was like do not move.
968
969 LEVAN Forceful in what?
970
971 ROMBERGER With my voice, with my level of voice. I just did not want either one of them
972 to move.
973
974 LEVAN Okay. Uh, at a certain point, Officer [REDACTED] gets there and you said took care of
975 the other guy. What- what do you mean by that?
976
977 ROMBERGER He came there and I heard him say "Don't move" or "Put your hands behind
978 your back" or something- something along those lines. I knew [REDACTED] - I could -
979 I [REDACTED] - I could see him walking in front and that's when I knew he was
980 gonna take care - of of, you said [REDACTED]
981
982 LEVAN [REDACTED]
983
984 ROMBERGER There you go.
985
986 LEVAN In fact, if you wanna write that down on there.
987
988 ROMBERGER No problem.
989
990 LEVAN So, [REDACTED], Officer [REDACTED] arrested [REDACTED].

991
992 ROMBERGER Yes.
993
994 LEVAN Or at least detained him.
995
996 ROMBERGER Yes.
997
998 LEVAN And once he goes on the scene, did you then finish detaining, um, um, [REDACTED]
999
1000 ROMBERGER Yes. That's whenever I was able to get handcuffs on him at that point. I
1001 placed handcuffs on him. I was able to his arm behind - both arms behind his
1002 back and I put handcuffs on him.
1003
1004 LEVAN Did he offer any resistance getting his arms behind his back?
1005
1006 ROMBERGER Yeah. It was a struggle. I think because his right arm was still underneath, so I
1007 had to really force that thing back- back around him. He also had his backpack
1008 still, so it was kind of - getting those two hands together wasn't- wasn't easy.
1009
1010 LEVAN Okay. How did you- how did you deal with that? You said getting his hands
1011 wasn't easy...
1012
1013 ROMBERGER I was just able forcefully to get his arms behind his back and handcuff him.
1014
1015 LEVAN Okay. So, using physical strength?
1016
1017 ROMBERGER Yes.
1018
1019 LEVAN All right.
1020
1021 RIGHTHOUSE Could you describe what you mean by forcefully? What did you do to get his
1022 hands behind his back?
1023
1024 ROMBERGER I just kind of reached around and grabbed it and yeah, used strength to just
1025 pull it or pry it around and get it behind his back.
1026
1027 LEVAN Let me get caught up here to where we're at.
1028
1029 RIGHTHOUSE Did you strike [REDACTED] at any time while he was on the ground?
1030
1031 ROMBERGER I don't remember. I don't remember. I don't think so. I don't remember. I
1032 know I was still - at that point, I still didn't know where my gun was, so I
1033 didn't wanna let loose too much. You know, I didn't wanna try to roll him too
1034 far cause again, I didn't know where my gun was.
1035

1036 [REDACTED] Had you been able to reposition your camera, because you said your camera
1037 flew off at one point?
1038

1039 ROMBERGER Yeah, at one point, my camera was on the ground and I know- as soon as I
1040 safely could, I picked that thing up and, you know, things are magnetic now,
1041 so I just stuck it back on my chest as quick as I could.
1042

1043 LEVAN Prior to, um, Officer [REDACTED] getting there and, uh, securing [REDACTED], do you
1044 know did - did, uh, uh, did [REDACTED] intervene at all or say anything to
1045 these guys?
1046

1047 ROMBERGER I didn't hear her say anything, no. I think with my voice level being where it
1048 was, I-I probably wouldn't of heard her.
1049

1050 LEVAN Okay. At a- at a point in that holding period while you're waiting on Officer
1051 [REDACTED] to arrive, you said you had a knee in, uh, in [REDACTED] back. Where in his
1052 back?
1053

1054 ROMBERGER Maybe towards the middle of his back or- or closer to maybe his upper back at
1055 that point. I couldn't tell you exactly. I didn't look down and.
1056

1057 LEVAN At any point, was your knee on [REDACTED] neck?
1058

1059 ROMBERGER Not that I recall, no.
1060

1061 LEVAN Okay. There's a point in the video where [REDACTED] the other guy is heard
1062 saying, uh, and he says it multiple times, "Get your knee of my friend's neck."
1063 I'll be happy to play that for you.
1064

1065 ROMBERGER I think where I was laying on him, I probably had it towards his upper back to
1066 knee him down and then the way I'm holding his head, it may have looked
1067 like I had my knee in his neck, yeah.
1068

1069 LEVAN From [REDACTED] perspective...
1070

1071 ROMBERGER Yeah.
1072

1073 LEVAN It looked that way.
1074

1075 ROMBERGER Yeah.
1076

1077 LEVAN Okay. But you're saying it was not.
1078

1079 ROMBERGER I don't think so, no.
1080

1081 LEVAN Why would [REDACTED] say you had your knee in his neck?
1082
1083 [REDACTED] We can't speculate on that.
1084
1085 LEVAN I understand that. My point is, you- both guys are now saying that you've had
1086 your knee in his neck. I just want to verify that your knee was not or at least
1087 intentionally.
1088
1089 ROMBERGER It wouldn't of been intentionally at all, cause I know if you go towards the
1090 center of the back, that's gonna be more pressure on him.
1091
1092 LEVAN Mm-hm.
1093
1094 ROMBERGER If I'm up too high, you know, down too low. You know, he could move
1095 around easier.
1096
1097 LEVAN Okay. What was- let me ask you this, what was the intent of the way you were
1098 holding him?
1099
1100 ROMBERGER To keep him from going to wherever my gun was at.
1101
1102 LEVAN Okay. And you said what type of resistance was he giving you at that point?
1103
1104 ROMBERGER He was definitely trying to roll and get me off of him, yes.
1105
1106 LEVAN Okay.
1107
1108 [REDACTED] And just to answer that, you know, why would [REDACTED] say that. I mean, there's
1109 multiple options. One is that from his perspective, and paralyx and the view
1110 that he had, that's what it looked like to him. Another is that he is lying
1111 through his teeth and another is that he really didn't know where it was but he
1112 was acting a fool and shouting out, you know, something inflammatory.
1113
1114 LEVAN Mm-hm.
1115
1116 [REDACTED] We don't- we don't know. But given the benefit of the doubt, it may have
1117 appeared from his perspective that that's where his knee was.
1118
1119 LEVAN That's reasonable- that perspective. So, um, but when [REDACTED] says it, why does
1120 [REDACTED] say it? You know, I just wanna make sure that's that- that was not what.
1121
1122 [REDACTED] Was [REDACTED] saying it at the scene or is that something he said?
1123
1124 LEVAN He says it one time and like I said, I would be happy to play the video. Um, he
1125 says it one time at 4:11, he says, um, something to the effect of - here, I'll play

1126 it real quick.

1127

1128 [REDACTED] No, we'll take your word for it Sarge.

1129

1130 LEVAN Okay.

1131

1132 [REDACTED] I know you're gonna play the video at some point.

1133

1134 LEVAN Yeah. Well, you're saying it wasn't in the neck.

1135

1136 ROMBERGER The way he ended up moving, I-I - it's not like I was - it's not like my knees

1137 would have been stationary. If he's moving and flailing, I'm moving with him

1138 to try to keep him on the ground.

1139

1140 LEVAN Well, was he putting up-I mean we've all had people that are resistive where

1141 we've had to pin them to the ground. I mean, you get to a point where you've

1142 got a pretty good control of them at least.

1143

1144 ROMBERGER Yeah.

1145

1146 LEVAN ...to hold...

1147

1148 ROMBERGER Yeah.

1149

1150 LEVAN ...until somebody else gets there. Was he giving you enough, um, uh,

1151 resistance that, where you weren't stationary...

1152

1153 ROMBERGER At that point- at that point my taser's out and I only have now one hand on

1154 him and my knees to hold him down, I- I mean, he's moving, he's able to

1155 move. When I had him by his head, he wasn't able to move as he- now, with

1156 only one hand on him and my knees on him, he could move a lot more freely

1157 because that's one less hand on him.

1158

1159 LEVAN Okay. At some point, your hand comes away from his head?

1160

1161 ROMBERGER My hand came off for my taser, yes. So, I let loose to grab my taser and he's

1162 definitely moving around on me. He can move around a little more on me.

1163

1164 LEVAN Do you remember where your left hand was?

1165

1166 ROMBERGER I believe I still had his left- I was still holding his arm trying to get him under

1167 control.

1168

1169 LEVAN All right.

1170

1171 RIGHTHOUSE [REDACTED] was on the ground struggling when you had your knee on him. Do you
1172 know exactly where your knee was the whole time that he's struggling and
1173 rolling on the ground?
1174
1175 ROMBERGER No. No.
1176
1177 RIGHTHOUSE So, your knee can move around.
1178
1179 ROMBERGER It could yes, definitely move around on me, yes...
1180
1181 RIGHTHOUSE On [REDACTED] back.
1182
1183 ROMBERGER Yes.
1184
1185 RIGHTHOUSE And the purpose of your knee being on [REDACTED]
1186
1187 ROMBERGER Was to keep - try to keep him on the ground, yes.
1188
1189 RIGHTHOUSE And that - for what purpose, to keep him on the ground?
1190
1191 ROMBERGER To keep him - because I don't know where my gun is at. I don't need two- two
1192 people up moving around with a gun on the ground. I figure if I can hold one
1193 on the ground and see the other one, I'm-I'm better odds saying I'm okay until
1194 the officer gets there.
1195
1196 [REDACTED] Had you recovered your taser by that point?
1197
1198 ROMBERGER Yes.
1199
1200 [REDACTED] Do you know?
1201
1202 ROMBERGER Yes.
1203
1204 LEVAN So, Officer [REDACTED] and, um, he starts dealing with, uh, detaining [REDACTED] and
1205 then it looks - with your cam came off of you landing face up, so it's still
1206 recording. Um, you said you started to, uh, your goal is to handcuff - I don't
1207 remember the exact wording you used but you handcuffed [REDACTED]
1208
1209 ROMBERGER Yes.
1210
1211 LEVAN One his hands was under his, uh, his body and you used physical strength to
1212 get him there.
1213
1214 ROMBERGER Yes.
1215

1216 LEVAN It looks in the video like there's too punches that are given to him. Do you
1217 remember that?
1218

1219 ROMBERGER Actually, I do not remember those.
1220

1221 LEVAN Okay. Let me briefly play the video here. So, right at - so, what we're looking
1222 at here for the record. This is, uh, your body worn camera footage. And the
1223 title is that File 3-69-PC-File 3 and we're between 03:36 time stamp and 4:30.
1224 The actual punches are 03:44. So, if you look right here, um, you'll see when
1225 you get to about forty, uh, four, you'll see a couple of quick punches or what
1226 it looks like.
1227

1228 ((RECORDING))
1229

1230 [REDACTED] Ya'll see me not resisting right?
1231

1232 ((END RECORDING))
1233

1234 LEVAN Right there. Do you remember that?
1235

1236 [REDACTED] It looks he's wrestling with his hands, trying to get them cuffed up.
1237

1238 LEVAN And you say, "Give me your fucking hand." So that- that action, it looks like
1239 the punches are accompanied with that comment.
1240

1241 RIGHTHOUSE You recall what that was or what you were doing?
1242

1243 ROMBERGER I don't recall that at all. From- from right there, it almost looks like my knee
1244 came over and got him down. I don't even know if that was a punch. That
1245 may have- I think- I would- I would say at that point, with me trying to get his
1246 hand behind his back.
1247

1248 LEVAN I can kind of hear - I don't - we don't know what it is.
1249

1250 ((RECORDING))
1251

1252 [REDACTED] Hey, Hey.
1253

1254 [REDACTED] Ya'll see me not resisting right?
1255

1256 ((END RECORDING))
1257

1258 LEVAN That looks like I probably kneed right here on the side, a distraction blow so I
1259 can try to get that hand behind his back. I don't - that doesn't look like a
1260 punch to me. That almost looks like my knee.

1261
1262 [REDACTED] What is that piece of cloth? Is that- that a backpack?
1263
1264 ROMBERGER He had a backpack or something on there that was.
1265
1266 [REDACTED] So, that's slapping around too.
1267
1268 LEVAN So, you'll see your elbow come up here a couple of times. So, we'll look at
1269 two different things then. So, let's talk about that elbow. And again, this is if
1270 you can recall, you know, what happened there. And then, here, whatever this
1271 is
1272
1273 ROMBERGER Yeah you can hear that, yeah.
1274
1275 LEVAN Or whatever.
1276
1277 ROMBERGER You can hear that, yeah.
1278
1279 LEVAN Those two- those two- so, let's separate those - let's separate those two.
1280
1281 ((RECORDING))
1282
1283 [REDACTED]: On your belly. Roll over. Roll over.
1284
1285 ROMBERGER: Give me your fuckin hand.
1286
1287 [REDACTED]: Brah, he's not doin..
1288
1289 ((END RECORDING))
1290
1291 LEVAN Okay, so it looks like that punching motion right there.
1292
1293 ROMBERGER Okay.
1294
1295 LEVAN Lets talk about that first. Do you remember that?
1296
1297 ROMBERGER I do not remember that.
1298
1299 LEVAN Overall, in this video that we've showed, this clip between 3:36 and 4:30,
1300 what was happening there?
1301
1302 ROMBERGER Right there, I was trying to get both hands behind his back and handcuff him.
1303
1304 LEVAN Okay. Where were his hands?
1305

1306 ROMBERGER The left one - the left one I had, I'm pretty sure I had a hold of. And the right
1307 one was still wrapped- wrapped around underneath. So, I'm trying to bring
1308 that thing around back.
1309

1310 LEVAN What - and you were standing on his right side, right? Or you were on his
1311 right, not standing but, um, you were on his right side?
1312

1313 ROMBERGER Yeah.
1314

1315 LEVAN Okay. So, how did you have his left arm?
1316

1317 ROMBERGER So, at that point, I was trying to hold on to it, cause I don't want him reaching
1318 around or trying to elbow me or nothing like that. So, I'm trying to hold on to
1319 that. Then once Officer [REDACTED] took care of [REDACTED] that's when I roll him over
1320 and that's when I'm trying to swing both arms around his back.
1321

1322 LEVAN Okay. So, was- was his left arm behind his back or was it to the side?
1323

1324 ROMBERGER He was flailing, so I don't remember where it was at that point.
1325

1326 LEVAN Okay.
1327

1328 ROMBERGER Once you see me in that position there where I'm up, kind of up and I can see.
1329

1330 LEVAN Mm-hm.
1331

1332 ROMBERGER That's where my gun is, right there.
1333

1334 LEVAN So, you can actually see your gun now.
1335

1336 ROMBERGER Yes. Within, he could, reach over and grab that thing, yes.
1337

1338 LEVAN Where was it in relation to him?
1339

1340 ROMBERGER Where if he's laying down, it's off to the right side of there somewhere. I
1341 couldn't tell you exactly how close but close enough if he gets his arms loose.
1342

1343 LEVAN Okay.
1344

1345 ROMBERGER The gun is right there.
1346

1347 LEVAN Okay. So, we see that arm action and it looks like a punch but you don't know
1348 what's happening right there. And then when the- where the camera stopped
1349 right now, it looks like there's a bag - half the screen is kind of shaded.
1350

1351 ROMBERGER Yes.
1352
1353 LEVAN I believe that's his backpack.
1354
1355 ROMBERGER Yeah.
1356
1357 LEVAN Or whatever he had on.
1358
1359 ROMBERGER Whatever, something he had on.
1360
1361 LEVAN The sound that we hear, that looks like or that makes two kind of distinct
1362 sounds, what do you think that is?
1363
1364 ROMBERGER That probably - what I believe, I believe I knee'd him right there as a
1365 distraction to get that arm behind his back.
1366
1367 LEVAN Okay, so...
1368
1369 ROMBERGER When- when - right before that, you can kind of see my right leg is off to the
1370 side there.
1371
1372 LEVAN Mm-hm.
1373
1374 ROMBERGER So, I-I've used distraction blows before to try to handcuff somebody when
1375 they're that- resisting like that.
1376
1377 LEVAN So, do you remember- now, again, this is about what you remember or recall
1378 from the incident. Do you remember actually using distraction blows?
1379
1380 ROMBERGER I don't - in my mind, I do not. Seeing right there, it looks like that's what I
1381 did.
1382
1383 [REDACTED] Well, I don't- I don't know that it's, uh, a good thing for you to guess on- on
1384 what you're doing. The video - there's a lot of activity going on. The view of
1385 what's going on is partially obscured by this flapping piece of material. Uh, if
1386 you have an independent recollection of using a knee to his side as a
1387 distraction blow to assist in handcuffing him, then that's your recollection. If
1388 you don't, then anything beyond that is- is speculation.
1389
1390 ROMBERGER Yeah. I don't know exactly what I was doing on there.
1391
1392 LEVAN Okay.
1393
1394 ROMBERGER I know I was trying to get his hands behind his back.
1395

1396 [REDACTED] I mean, we hear sounds in that material but the sounds could have been the
1397 suspects.
1398
1399 LEVAN That's exactly right.
1400
1401 [REDACTED] Elbow, arm, hand, wrist, uh, hitting that- slapping that material too. So, it's.
1402
1403 LEVAN I - and if you don't know, you don't know. If you don't remember, you don't
1404 remember but, um, that's why I waited until after to show the video. I'd rather
1405 not show the video - you tell me what you remember and then we can- we
1406 can.
1407
1408 [REDACTED] That's fine.
1409
1410 LEVAN Detail it a little bit more. Um, let's see. So, you ultimately get [REDACTED] uh,
1411 handcuffed.
1412
1413 ROMBERGER Yes.
1414
1415 LEVAN So, when you roll him over, you see your handgun.
1416
1417 ROMBERGER Yes.
1418
1419 LEVAN And you're able to - how do you get his right arm behind his back?
1420
1421 ROMBERGER Just - I was able to physically pull around his back and get him handcuffed.
1422
1423 LEVAN Did he resist you at all?
1424
1425 ROMBERGER Yeah, he didn't wanna be- he didn't wanna be handcuffed. He was definitely
1426 trying to still pull his hands and keep them in front of me.
1427
1428 LEVAN Did he say anything in this time frame?
1429
1430 ROMBERGER I don't remember.
1431
1432 LEVAN Okay. And you said you saw - that's when you saw your handgun, um, next to
1433 him. It was, where was it?
1434
1435 ROMBERGER It was close enough- it was - if he's laying down, it would have been off to
1436 our right side there.
1437
1438 LEVAN All right. At this point, you've got - I know - it seems like everything is on
1439 your belt is a yard sale there. Um, you said your radio clip came off. Your
1440 taser came out of your hand- your backup handgun came out. Your BWC

1441 came off. At a certain point, do you collect these items?
1442

1443 ROMBERGER Yeah. I put my - I put my taser back in before I tried to handcuff him. Um, I
1444 know I got him handcuffed and then I pulled- I'm pretty sure I picked up my
1445 camera first besides my gun, which is weird to my why I would do that. I
1446 remember putting my camera back on and then that's when I retrieved my-
1447 my backup gun.
1448

1449 LEVAN And what did you do with that?
1450

1451 ROMBERGER I handed it to my ride-a-long to hold it because I wasn't gonna let go of [REDACTED]
1452 to try to strap my - my gun back on my - and I had nowhere else to put it. I
1453 couldn't fit it in my pocket.
1454

1455 LEVAN Did it- did it- was it damaged when it came off? Did the holster...
1456

1457 ROMBERGER No...
1458

1459 LEVAN ...break in some way?
1460

1461 ROMBERGER No.
1462

1463 LEVAN [REDACTED] is now handcuffed, you couldn't re-secure it at this point?
1464

1465 ROMBERGER I didn't- I didn't think to, he was still very, uh, um, actively resisting. He
1466 didn't wanna be handcuffed, he didn't wanna move. He didn't wanna stand up
1467 on his own, so now. Putting my gun back on my ankle wasn't the highest
1468 priority since I had a ride-a-long there.
1469

1470 LEVAN Okay. And you- so, you handed her your ri - your backup firearm?
1471

1472 ROMBERGER Yes.
1473

1474 LEVAN Did - were you concerned about this or comfortable with this if, why?
1475

1476 ROMBERGER I was very comfortable. I mean, I'm really good friends with her. I knew she
1477 wasn't gonna hold it in any weird way. She- the way she held it was in my
1478 mind, exactly how she should of held it especially with other cops that were
1479 gonna show up. She had her sticker on that she was a ride-a-long. Everyone
1480 knew that she was on a ride-a-long with me, had met her before. So, no, I
1481 didn't- I wasn't concerned with her holding my gun for me.
1482

1483 LEVAN When they meet her before?
1484

1485 ROMBERGER Uh, on the previous ride-a-longs.

1486
1487 LEVAN Okay. Was she in lineup that morning?
1488
1489 ROMBERGER She was not that morning, no.
1490
1491 LEVAN Okay.
1492
1493 ROMBERGER But I did let everyone know that I had a ride-a-long.
1494
1495 LEVAN That morning?
1496
1497 ROMBERGER Yes.
1498
1499 LEVAN There were other people. Let me back up. Were there other people. You said
1500 there was a black male, uh, that may have worked there or not.
1501
1502 ROMBERGER Yeah, there was a city worker there I believe. (Uniform), I believe. He worked
1503 at the Rec center. But yeah, he was there as well.
1504
1505 LEVAN Okay. Okay. Did that concern you at all, that her ability to retain that firearm.
1506 Because we don't know the other person's involvement?
1507
1508 ROMBERGER No. He- he was definitely wearing some kind of uniform. I felt confident that
1509 he- he was- he worked there or was the RP, I wasn't concerned with her
1510 holding that gun, no.
1511
1512 LEVAN At this point, how many officers were on scene?
1513
1514 ROMBERGER I believe it was still just me and Officer [REDACTED] at that point.
1515
1516 LEVAN Okay, so there - was there another officer you could have handed your firearm
1517 to?
1518
1519 ROMBERGER That was close? No.
1520
1521 LEVAN So, we're at the point now where [REDACTED] and [REDACTED] are both handcuffed.
1522 You've put your BWC back on. Um, [REDACTED] hands you your firearm. And
1523 then what happens next?
1524
1525 ROMBERGER At that point, I was able to get him off the ground. And my - right away, I just
1526 want to get him in the back of my patrol vehicle, secure him in there and then
1527 deal with my- my firearm then.
1528
1529 LEVAN Okay.
1530

1531 ROMBERGER She had.
1532
1533 LEVAN How far was your patrol vehicle from where all this happened?
1534
1535 ROMBERGER We were probably still 50 or 60 yards. Because the parking lot is at the top.
1536 We were still on downhill slope there. Um, you got the Rec center, some
1537 basketball courts, a play area.
1538
1539 LEVAN Mm-hm.
1540
1541 ROMBERGER So, we're kind of still down there in that grassy area that point.
1542
1543 LEVAN Okay. Um, at a certain point- well, does [REDACTED] stand up on his own?
1544
1545 ROMBERGER Yeah I was able to - he didn't do it on his own but I was able to pull him up to
1546 his feet, yes.
1547
1548 LEVAN But did you instruct him to stand up once he was handcuffed?
1549
1550 ROMBERGER Yes.
1551
1552 LEVAN What did he do?
1553
1554 ROMBERGER I don't- I don't recall if he - if he was helping me at- at first. I know I had use
1555 some strength to kind of pick him up or pull him up but then it could have
1556 been the way he was laying too. He just didn't wanna move.
1557
1558 LEVAN Okay. And did he walk with you, compliant?
1559
1560 ROMBERGER Not willingly, no. He was the same as the first- same as [REDACTED]. He was
1561 dragging his feet. He didn't wanna walk. He was trying to - trying to- what I
1562 felt like- it felt like he was trying to drop himself on the ground. So, at one
1563 point, I had to try to put my arm of underneath and guide him to the patrol
1564 vehicle.
1565
1566 LEVAN Okay. At a certain point, does he end up on the ground.
1567
1568 ROMBERGER Yeah. He started flailing with me again. At one point, my camera gets - he
1569 bumps into me again and my camera goes flying again on to the ground. Um,
1570 he- as we're walking up, there's these, I want to say post or something right
1571 there, um, by the sidewalk. He starts flailing at me again. He knocks my
1572 camera off my chest. At that point, I let loose, so I'm not going to fall to the
1573 ground with him and he falls into the ground. My camera is on the ground
1574 again at this point.
1575

1576 LEVAN Okay, I'm going to show you a video. Actually, I took a screen capture
1577 through your BWC. It's, uh, photo number 11. Here for the record and it's at
1578 05:45 hours on the time stamp. Is this what you're referring to?
1579

1580 ROMBERGER Yeah, that little post right there, yes.
1581

1582 LEVAN Okay. So, let's paint this picture. You're walking with him. Which side is he
1583 on.
1584

1585 ROMBERGER Uh, he's on my left side. So, I got my left arm under him.
1586

1587 LEVAN Okay. And he's handcuffed and you're walking with him and you said he's
1588 kind of dragging his feet like [REDACTED] had been.
1589

1590 ROMBERGER Yes.
1591

1592 LEVAN Um, you said he knocks - or you said at one point, your BWC gets knocked
1593 off. Can you explain how that happened?
1594

1595 ROMBERGER I have no idea. I felt a bump onto my chest and next thing you know, I- I felt it
1596 come off and I heard it off. I looked down and it's not there anymore. It's on
1597 the ground. And he- I don't recall if he spun around or pulled away but at that
1598 point, I'm not going on the ground with you again, so I let loose and he falls
1599 on the ground.
1600

1601 LEVAN Okay. So.
1602

1603 ROMBERGER Or falls again, I'm sorry. He fell towards the pillar. I don't know if he hit it or
1604 not. I didn't- I wasn't able to catch him.
1605

1606 LEVAN So, you don't know- if I understand you correctly, you don't know - well, let
1607 me rephrase that. Did he intentionally back into you? Did he pull away from
1608 you prior to him falling on the ground here?
1609

1610 ROMBERGER At that point, I- I don't think he backed into me on purpose but something
1611 knocked my camera off and then I let- I let loose.
1612

1613 LEVAN Okay. All right. And if either of you want to see this video? Section of it, just
1614 say, that's fine. So, what happens then? He's on the ground now. Your
1615 camera's on the ground.
1616

1617 ROMBERGER Uh, at that point, he's on the ground for a moment. Um, [REDACTED] picked
1618 up my camera for me. She walks over and my initial reaction was "Put that
1619 thing back on my chest right away." You know how camera works now, it's
1620 magnetic on one side and the magnetic piece, if it comes loose, that thing

1621 slides down. So, I'm like shimmying, so I can clip it back on. So, both of my
1622 hands are- one's on my camera and one's putting that stupid magnetic thing
1623 back on there.
1624
1625 LEVAN The back plate you're talking about right...
1626
1627 ROMBERGER Yes, there you go.
1628
1629 LEVAN So, so again for the audio recording, what you're-you're showing me here is
1630 when you put the camera back on, you have to use one hand to slide the back
1631 plate underneath your shirt.
1632
1633 ROMBERGER Yes.
1634
1635 LEVAN Into position so you could attach this...
1636
1637 ROMBERGER Yes.
1638
1639 LEVAN The camera to it. All right. At- at this point, um, [REDACTED] is on the ground and
1640 your camera shows that you kind of, um, feel the bag, the little, uh, nylon
1641 backpack that he's wearing.
1642
1643 ROMBERGER Yeah, I wasn't sure if he had anything in there but I was feeling anything-
1644 cause I couldn't get it off him cause he was handcuffed. I think it had straps
1645 kind of wrapped around him weird, so I wasn't able to get that off of him right
1646 away. So, my initial reaction- let me just make sure he has nothing in there,
1647 any weapons in there before I get into my vehicle.
1648
1649 LEVAN Is he under arrest right now?
1650
1651 ROMBERGER Yes.
1652
1653 LEVAN What's he under arrest for?
1654
1655 ROMBERGER At that point, he's under arrest for battery on an officer.
1656
1657 LEVAN Okay.
1658
1659 ROMBERGER As well as the 647f.
1660
1661 LEVAN Do you know at what point he was search incident of the arrest.
1662
1663 ROMBERGER I do not recall at this moment.
1664
1665 LEVAN All right. So, you tell him now to stand up. Does he comply with you?

1666
1667 ROMBERGER Slowly but yeah, he finally got up to his feet and I was able to get him to his
1668 feet and start back for the vehicle.
1669
1670 LEVAN Did he start walking back towards the vehicle, right?
1671
1672 ROMBERGER Very slowly but he was dragging his feet and then from this point, he's trying
1673 to turn around and yell at us or find out wherever, [REDACTED] is at.
1674
1675 LEVAN Okay. Um. Before he makes that turn, so you get him to his feet and, um,
1676 you're gonna start walking with him. Um, how are you gonna walk him? Are
1677 you gonna use any kind of control holds or anything? Is he compliant?
1678
1679 ROMBERGER At that point, since I already to hook my arm underneath, I knew he wasn't
1680 gonna willing walk towards my vehicle.
1681
1682 LEVAN Explain the hookup underneath.
1683
1684 ROMBERGER Well, underneath because he was trying to pull back or pull away from me.
1685 So, just come up underneath his right arm and hook it up on his shoulder so he
1686 has to walk with me. That's how I had him the first time before he fell to the
1687 ground again.
1688
1689 LEVAN Were you successful in putting him into that position?
1690
1691 ROMBERGER I was able to get it underneath. Yeah.
1692
1693 LEVAN Okay. Um, at any point in this little - in this phase right here, we're talking
1694 about when you stand him up, you're gonna hook your arm, um, so he's
1695 handcuffed, you're gonna go under his elbow.
1696
1697 ROMBERGER Yeah.
1698
1699 LEVAN This is what you're showing me here. You're gonna go under his elbow and
1700 put his hand on his- his, uh, shoulder.
1701
1702 ROMBERGER Yes.
1703
1704 LEVAN And that's for what purpose?
1705
1706 ROMBERGER That's to guide him towards the vehicle and get a better - get a better control
1707 hold of him because again, just having his hand on my arm wasn't - wasn't
1708 gonna do it.
1709
1710 LEVAN And - and why do you say that?

1711
1712 ROMBERGER Because he already went okay the ground once with the way I was guiding
1713 him the first time. I didn't think just holding his arm was gonna get him to my
1714 vehicle willingly. He was going to pull, flail again, fall again. I'm just trying
1715 to get him to my vehicle.
1716
1717 LEVAN Okay. So, you were saying based on his previously demonstrated behavior?
1718
1719 ROMBERGER Yes. He was not going to willingly go with me.
1720
1721 LEVAN Okay. At any point in this phase we're talking about here, when you're
1722 hooking his hand up under his or on to his shoulder, threw his elbow on to his
1723 shoulder. Um, do you put a hand on his neck?
1724
1725 ROMBERGER At one point, once I get him up- get it up underneath, I think I ended up
1726 grabbing his- the back of his collar. I was trying to- to push him with his
1727 shoulder or with his upper back. I think at one point I got his collar and then I
1728 came up around and was gonna guide his head towards the car as well.
1729 Because he keeps trying to turn and look at his buddy and yell at his buddy.
1730 I'm like "No, look this way. Walk this way. This is the way we're going."
1731
1732 LEVAN Okay. I'm going to show you a, uh, a still capture and it says, 6:27 on your-
1733 the same BWC file. 'file_3', we're talking about when you hook your hand
1734 through his elbow or through his handcuffed elbow and then up to his
1735 shoulders. This is the point that you're doing that. And if you want, I'd be
1736 happy to show the video.
1737
1738 ROMBERGER Yeah, I think that's where I would have been trying to get it back underneath
1739 there.
1740
1741 ██████████ So, that's your left hand in the...
1742
1743 ROMBERGER Yeah, it's my left hand.
1744
1745 ██████████ Okay.
1746
1747 ROMBERGER ...there.
1748
1749 ██████████ So, you're on his right. you're offset slightly behind and to the right.
1750
1751 ROMBERGER On the right, yes.
1752
1753 ██████████ And you've got your arm hooked through. And is that the hand that you reach
1754 up and.
1755

1756 ROMBERGER No, I think that was the hand I was trying to reach up and hook underneath
1757 him again.
1758
1759 ██████████ Okay. So, when the sergeant asking you about at some point, did you have a
1760 hand, uh, up around or at his neck, would that have been your right hand?
1761
1762 ROMBERGER At this point, I do not recall that.
1763
1764 ██████████ Okay.
1765
1766 LEVAN Okay. So, you get into that position. You said you got into that position. Were
1767 you able to successfully put his hand on your shoulder?
1768
1769 ROMBERGER The first time I was. I don't recall if I was able to get it that second time.
1770
1771 LEVAN Okay. So, just for clarification. The first time is from where he was on the
1772 ground and he walked him the pillar and the second time is now.
1773
1774 ROMBERGER Yeah, the second time.
1775
1776 LEVAN Okay.
1777
1778 ROMBERGER Yes.
1779
1780 LEVAN All right. So, at this point, you don't remember whether you successfully
1781 totally or not?
1782
1783 ROMBERGER No, I don't think so. I don't recall.
1784
1785 LEVAN Okay. Um, then what did you do?
1786
1787 ROMBERGER At that point, I think I grabbed the back of his shirt and I'm still trying to
1788 guide like, "Hey, walk with me. I gotta get you to my car. My car is" you
1789 know, right across the parking lot. I just wanna get him into my car.
1790
1791 LEVAN Okay.
1792
1793 RIGHTHOUSE Did you ever place both hands near his neck area?
1794
1795 ROMBERGER I'm sorry?
1796
1797 RIGHTHOUSE Did you ever place both hands on his neck area?
1798
1799 ROMBERGER No. I think that's when I had the back of his collar and then again, I tried to
1800 reach up and guide his head towards the car. So, both my hands were probably

1801 up higher at that point, cause I know I had a good grip on his shirt when I tried
1802 the second time to get him to the car, yes.
1803

1804 LEVAN Okay. So, were you successful in getting him to the parking lot?
1805

1806 ROMBERGER Yeah, after, uh, a struggle cause again, he didn't wanna walk. I was able to
1807 finally get him over to - to my vehicle.
1808

1809 LEVAN You said struggle. Explain that.
1810

1811 ROMBERGER He's still dragging his feet, still trying to turn his head and yell to [REDACTED]. It
1812 was the entire walk over to there. He did not- it was a struggle just to get him
1813 to my vehicle. Dragging his feet, walking slow. I think you can hear him slow
1814 slapping his feet as he's walking slow or trying to pull back from me.
1815

1816 LEVAN Um. Did - how did you handle that?
1817

1818 ROMBERGER Well, I still was using physical force to- to nudge him or to guide him towards
1819 the car. I'm trying to more or less shove him over to my vehicle.
1820

1821 LEVAN Okay. Explain that for us though. How its used - how did you physically...
1822

1823 ROMBERGER I'm holding on to him. I'm like physically shoving with two hands to walk
1824 that way and to keep him, uh, one step at a time cause he wasn't- he wasn't
1825 walking willingly. So, I'm like, "Let's keep walking. Keep your feet, you
1826 know, keep moving. The car's right there. We just gotta get you into that car."
1827

1828 LEVAN So, I understand you're intent of, you know...
1829

1830 ROMBERGER Yeah.
1831

1832 LEVAN ...of getting him in there. Um, where was your hands on his body?
1833

1834 ROMBERGER I think I had one hand by his collar or the top of shirt and the other one I had it
1835 - I was trying to get one on his head, to guide it towards the car.
1836

1837 LEVAN Where - okay, left hand on the collar?
1838

1839 ROMBERGER The left hand would have been by the collar, yeah and then my right hand
1840 came up- it was bebopping on his head there cause he's moving on me.
1841

1842 LEVAN Okay. Explain what type of force you're using there and- and the...
1843

1844 ROMBERGER I'm just trying to hold him with my left hand. Hold on to him in my right
1845 hand. My mind is on I'm gonna guide him. Hold his head, like here's my car.

1846 You see it? Walk to it. That's where we're going.
1847
1848 LEVAN Okay.
1849
1850 ROMBERGER "Don't flip your head about or look behind you. Don't drag, you know, drag
1851 your feet cause you can't go back to where [REDACTED] is. You've gotta go this
1852 way to my car."
1853
1854 LEVAN So, if I understand you correctly, you're- you're left hand is holding his- his,
1855 uh, shirt area and, um, or around.
1856
1857 ROMBERGER Yeah.
1858
1859 LEVAN His collar. And you're using your right hand on top of his head or on his head
1860 at some- somewhere.
1861
1862 ROMBERGER Yeah.
1863
1864 LEVAN To guide his body.
1865
1866 ROMBERGER I'm trying to control his head to keep him from walking straight, yes.
1867
1868 LEVAN Okay.
1869
1870 [REDACTED] So, you're basically steering him by using his head as a steering wheel.
1871
1872 ROMBERGER Yes, I figure if he's looking at the car, he's gonna walk towards the car. If
1873 he's looking back at [REDACTED], he's gonna try to walk back that way.
1874
1875 RIGHTHOUSE Did you use your hand to grab him in the throat area?
1876
1877 ROMBERGER I don't remember doing that but he
1878
1879 [REDACTED] At which point?
1880
1881 RIGHTHOUSE While he's walking him to the car. You picked him up off the ground and you
1882 had your left hand kind of at the nape of his neck, grabbing him by his collar,
1883 did you use your right hand to grab him, by the throat?
1884
1885 ROMBERGER I don't recall trying to grab his neck. I know- in my mindset was he's looking
1886 that way, he's gonna go that way. I don't- I mean, he was moving around on
1887 me a lot. But I wouldn't try and grab his neck. That's a- that's not control that
1888 they teach us. I'm not gonna try and grab somebody's throat, no.
1889
1890 RIGHTHOUSE So, you having one hand on the back of his neck, one hand on the front of his

1891 neck or throat isn't something you would do?
1892
1893 ROMBERGER I wasn't trying to do that, no.
1894
1895 RIGHTHOUSE And that's not a control hold.
1896
1897 ROMBERGER No, that's not. I wouldn't try to grab somebody that way to - to guide them.
1898
1899 LEVAN Okay. I'm gonna show you two screen captures here. Um, the first one I
1900 showed you were your - we talked about his elbow, where you were putting
1901 arm through the crook of his elbow, So, immediately after is 06:28 and 29. So,
1902 we're at the same- same point that we're talking about.
1903
1904 ROMBERGER Okay.
1905
1906 LEVAN Do you remember these?
1907
1908 ROMBERGER I do now.
1909
1910 LEVAN Okay. Explain.
1911
1912 ROMBERGER At that point, I was trying for the collar here. And in this one.
1913
1914 LEVAN I'm sorry. For the reason, we're on 28, 6:28, yes.
1915
1916 ROMBERGER His face is turning and that's when he is continually trying to look back- look
1917 back at like, you know, turn your face this way dude we're walking this way.
1918 But yes at that point, he's still actively trying to turn around or trying to pull
1919 away from me. I'm like look this way. We're walking towards the car this
1920 way.
1921
1922 [REDACTED] All right. Just so our record is clear, when we're looking at what is, uh, 6:28.
1923 The hand that's at the back of the shirt area, is that your right or your left
1924 hand?
1925
1926 ROMBERGER That's my left hand.
1927
1928 [REDACTED] All right. The hand that appears to be, uh, on or against the, uh, the front of his
1929 neck and underneath his jawline. That's your right hand, correct?
1930
1931 ROMBERGER Yes.
1932
1933 [REDACTED] All right. Now, are you squeezing the hands together for the purpose of
1934 picking him up off the ground or are you using this right hand to turn his head
1935 away from the direction of where his friend is still trying to engage.

1936
1937 ROMBERGER Yes. I'm trying to turn his face to look- look at my patrol vehicle, that's the
1938 way that we're going. Yes.
1939
1940 ██████████ All right. So.
1941
1942 ROMBERGER There's no squeezing there. It's just holding and guiding.
1943
1944 ██████████ The question that Sergeant Righthouse asked you, did you have both of your
1945 hands around his neck for the purpose of like picking him up off the ground.
1946 Do you have a recollection of putting - positioning your hands the way they
1947 appear in 6:28 for the purpose of picking him up off the ground basically by
1948 his neck or his head?
1949
1950 ROMBERGER No, I wouldn't of picked him up that way.
1951
1952 ██████████ Okay.
1953
1954 RIGHTHOUSE Are you escorting him to the car that way?
1955
1956 ROMBERGER I just wanted to turn his face and like, "Hey, once we get walking that way,
1957 walk that way and then still hold the back. Let go. Let go of his face." There
1958 I'm trying- seeing that, I was going for his face, turning his face. Not treat him
1959 like a child but hey turn your face that way, that's the way I wanna walk.
1960
1961 ██████████ Did you believe that the other individual, ██████████, uh, was he - when he's
1962 trying to interact with ██████████ is he interacting with him in a way to agitate him
1963 or is he interacting in a way to get him to go along with the program?
1964
1965 ROMBERGER I don't recall how far back ██████████ was. Um, I know Officer ██████████ was
1966 bringing him up towards my patrol vehicle, so I don't know close they were at
1967 that time. But yeah, he's still turning. Cause if at that point where we are, we-
1968 we should have been a good distance but if Officer ██████████ is bringing him up,
1969 then he's close enough to where he can turn and shout to him.
1970
1971 LEVAN And would he have been to ██████████ right or to his left?
1972
1973 ROMBERGER Back off his left side there.
1974
1975 ██████████ Okay, so what we see in 6:28, what appears to be ██████████ looking towards the
1976 left, is it your recollection that that's when ██████████ is off to his left agitating
1977 him?
1978
1979 ROMBERGER Yes, back off to our left.
1980

1981 LEVAN Okay. Okay, I'm gonna cut to the chase.
1982

1983 RIGHTHOUSE Not being an approved control hold, why would you escort him in that
1984 manner? With both hands.
1985

1986 ROMBERGER At that point, I was...
1987

1988 RIGHTHOUSE Around his neck.
1989

1990 ROMBERGER I was worn out. I was - it was just- at that point, I just needed him in my
1991 vehicle. I'm tired, there's no other officers at that point. I wanted to get him in
1992 the back of my patrol vehicle.
1993

1994 RIGHTHOUSE But why by the neck?
1995

1996 ROMBERGER I-I don't know why my hand went there. I wasn't trying to do his neck, I was
1997 trying to guide his face. I shouldn't of grabbed - tried for his face but I think in
1998 my mindset, I'm just look at my car, dude and let's walk to my car. I just
1999 wanna get you in my car.
2000

2001 LEVAN Why not - even when he was on the ground, why not just wait until another
2002 officers get there?
2003

2004 ROMBERGER Because at that point, I'm still thinking "Get him in my car. Get that gun out
2005 of [REDACTED] hands." I just, you know, you get that mindset. It's like you need
2006 to be in the back of my- you're handcuffed, you just need to be sitting in the
2007 back of my patrol vehicle.
2008

2009 [REDACTED] So, you're not focusing on options like waiting for cover or waiting for
2010 assistance. You're focusing on what your original goal was which is to get the
2011 gun in the car...
2012

2013 ROMBERGER Yes. Get him in the back of my- my vehicle cause once you get him in your
2014 vehicle, that's when you take that deep breath and you fix whatever uniform is
2015 messed up, get him in my patrol vehicle.
2016

2017 RIGHTHOUSE Is there a reason you would of grabbed him with both hands in the neck area
2018 instead of using like an approved wrist lock or something to talk him to the
2019 car?
2020

2021 ROMBERGER I think the answer to that, uh.
2022

2023 RIGHTHOUSE No he said he doesn't know why he grabbed him by the neck.
2024

2025 [REDACTED] He did say that he - and I'm not sure if you're talking about right hand or left

2026 hand.
2027
2028 RIGHTHOUSE Well, he's got his left on the back and his right in the front.
2029
2030 [REDACTED] He's got his left hand on the back and he's already said, that was at the collar
2031 to push.
2032
2033 RIGHTHOUSE Right.
2034
2035 [REDACTED] And then he's got his right hand at the front and that wasn't for purposes of a
2036 come-a-long, that was for purposes of getting him to turn his head away from
2037 the left where, uh, [REDACTED] is still agitating him.
2038
2039 LEVAN If I can interject here, my issue that I want clarification on, we've established
2040 [REDACTED] is off to the left and behind. You're standing on [REDACTED] right, but your
2041 hand is facing downward. You were talking about your right hand here. Your
2042 hand is facing downward. And if you're trying to turn someone's face to the
2043 right away from where he's trying to talk to [REDACTED] your- your palm would be
2044 facing up to pull him back in that direction. What we're seeing here is your
2045 hand is down. You couldn't move his head.
2046
2047 [REDACTED] Which photo are you looking at?
2048
2049 RIGHTHOUSE Both of them.
2050
2051 [REDACTED] Okay. 6:29, his palm is...
2052
2053 LEVAN Twenty-eight.
2054
2055 [REDACTED] Or 28. His palm is up
2056
2057 RIGHTHOUSE His palm is towards his throat.
2058
2059 [REDACTED] he's got his hand around his chin and he's trying to turn his head back.
2060
2061 LEVAN I see, your - okay.
2062
2063 RIGHTHOUSE That's what he's grabbing at.
2064
2065 ROMBERGER I'm trying - I have my thumb under there just to pull it out.
2066
2067 LEVAN Okay.
2068
2069 ROMBERGER It's not- I'm not going to choke him. I'm gonna pull it, just yank that face up.
2070

2071 RIGHTHOUSE My question would be and that's where I'm trying to get at- is you're saying
2072 you're trying to walk him to the car, your intent was just to get him to the car
2073 and get this over with.
2074

2075 ROMBERGER Yes.
2076

2077 RIGHTHOUSE So, you stated yourself this is not an approved hold.
2078

2079 ROMBERGER Yes.
2080

2081 RIGHTHOUSE What prompted you to use this?
2082

2083 ROMBERGER I.
2084

2085 RIGHTHOUSE Instead of something using like a wrist lock and forcing him into your car?
2086

2087 ROMBERGER My mind was just- I- my mind was "hey, look at my car. That's where we're
2088 going."
2089

2090 LEVAN Okay. So, ultimately, while this is happening, um, I think even at one point,
2091 you make a complete 360 with him, you know, he's trying to look back at
2092 [REDACTED] and you go with him, you make that 360 and continue on to your car.
2093 You had already- you had mentioned earlier or articulated earlier how you're-
2094 you're, um, left hand was at his collar and your right hand was on his head.
2095 And I think [REDACTED] mentioned steering him.
2096

2097 ROMBERGER Yeah.
2098

2099 LEVAN So, I'm going to show you screen capture at 6:39. Is that what you're talking
2100 about?
2101

2102 ROMBERGER Yes.
2103

2104 LEVAN Okay. So, while you're doing other things at 6:28 and 29, is this what you're
2105 trying to get him to the position of?
2106

2107 ROMBERGER I'm just trying - yeah. Hold his head up, I don't want him face down. I wasn't
2108 trying for that. I'm trying to get him face to vehicle, because that's where I
2109 want him to walk.
2110

2111 LEVAN Okay. And it looks like your left hand that's, um, that's on the back of his
2112 neck. Your thumb looks like it's kind of got pressure there. Is there- are you
2113 applying pressure to his neck?
2114

2115 ROMBERGER I'm just trying to hold my hand there, so he doesn't pull away from me. Cause

2116 he's- he's trying to come up backward and I'm just trying to nudge him
2117 forward towards the vehicle.
2118
2119 LEVAN Would you consider all these three photos that I've showed you here, would
2120 you consider that a use of force?
2121
2122 ROMBERGER Not a good use of force, no. I mean, in hindsight, I shouldn't of tried to guide
2123 his face that way. I know that.
2124
2125 LEVAN Okay.
2126
2127 [REDACTED] And I think that the - I don't even wanna call it a dispute, cause I don't think
2128 it's a dispute. The characterization that Sergeant Righthouse is asking about
2129 is, I think it's different than what Tim is explaining and Sergeant Righthouse
2130 is asking, uh, from a context of positioning the hands for the specific purpose
2131 of moving the 10-16 as opposed to a come-along hold or some other
2132 authorized, uh, use of guidance. What Tim is saying is that there are two
2133 different things going on. I've got a hand on-my left hand is on the back of
2134 his, uh, body.
2135
2136 LEVAN Mm-hm.
2137
2138 [REDACTED] Up around his collar. That's the hand I'm using for purposes of directing his
2139 movement.
2140
2141 LEVAN I understand that.
2142
2143 ROMBERGER And then my right hand comes around, not to complete a single hold, but my
2144 right hand comes along to basically turn his head in the direction of my
2145 vehicle and away from, uh, the other 10-16 who's agitating him. It's not two
2146 hands acting in a single move for the purpose of completing a single technique
2147 to move this 10-16. It's one hand doing one thing and the other hand doing
2148 another thing, but they're not acting as a single, uh, hold. They're not
2149 grabbing this guy by the front and back of his neck together for the singular
2150 purpose of moving him to my vehicle.
2151
2152 LEVAN I understand how they're acting in concert. I understand what Tim's trying to
2153 say there.
2154
2155 [REDACTED] That was, there. I got the impression from the questions that Sgt. Righthouse
2156 was asking that he - that there was - the question was more, hey have you ever
2157 been taught a technique rather than using an armed bar or a come-along hold,
2158 you- you put your hands around a guy's neck.
2159
2160 LEVAN Mm-hm.

2161
2162 [REDACTED] And you use that was a force option or a guidance option to move the suspect
2163 Um, and Tim answered, no, that's - that would not an appropriate, uh,
2164 guidance option but I don't want the record to be confused that he's
2165 acknowledging that's what he was doing.
2166

2167 LEVAN Understood. Understood. And- and because I'm the one writing it, I'm just
2168 gonna regurgitate that back to you. Just so we - you guys are assured that I
2169 have it right, so. At the point that [REDACTED] continuing to look back towards
2170 [REDACTED], your left hand is on his collar up on his, uh, the back of his neck and
2171 his shirt collar. With your right hand, you're pulling on his chin to turn his
2172 face back towards the parking lot or your car.
2173

2174 ROMBERGER Yes.
2175

2176 LEVAN Okay. So, at no point in that, you're putting a clamping or vice type pressure
2177 or are you putting a clamp or vice type pressure on his throat?
2178

2179 ROMBERGER I wasn't trying to, no. I don't recall doing that. I remember spinning his face
2180 around.
2181

2182 LEVAN Okay.
2183

2184 ROMBERGER I could not get him to turn any other way at that point.
2185

2186 LEVAN Okay. And I know ultimately, in this, like this time frame we're looking at
2187 here, you make a complete 360 with him. So, you don't - don't get his face
2188 back, you actually just turn with him...
2189

2190 ROMBERGER Yeah.
2191

2192 LEVAN And continue on.
2193

2194 ROMBERGER Yes.
2195

2196 LEVAN All right.
2197

2198 RIGHTHOUSE If your intent is to walk him to the car, is it necessary to turn his face?
2199

2200 ROMBERGER I figure if he's looking that way, he might walk a little easier that way because
2201 I've tried different ways to get him to walk with me. And he resisted on every
2202 - everything that I was trying to do. So, I - I was tired to the point where, my
2203 mindset was, spin your face, look on that way.
2204

2205 RIGHTHOUSE After- after grabbing him to the front of the neck like that, you eventually put

2206 your hands on top of his head. That's this other the photo you showed me.
2207

2208 ROMBERGER Yeah. Yeah, this one here, that would have been initially, like spin your head,
2209 look at my vehicle and that's good that way.
2210

2211 RIGHTHOUSE And what was the purpose of walking [REDACTED] in that manner?
2212

2213 ROMBERGER Just to...

2214

2215 RIGHTHOUSE With your left hand on the back of his neck, your right hand pushing the top.
2216

2217 ROMBERGER If I- if his head is not moving and it's not turning, cause once his head started
2218 turning to the left towards [REDACTED] then his body starts going with it. So, if
2219 he's looking at my vehicle or looking straight in a straight line, he's gonna
2220 walk that way. Everytime I let loose and he starts turning to the left, that's
2221 where his body just follows along and he kept trying to turn around and see
2222 where [REDACTED] was at.
2223

2224 RIGHTHOUSE Did you ever reposition your hands again around his throat?
2225

2226 ROMBERGER I'm sorry did I?
2227

2228 RIGHTHOUSE Did you reposition your hands again to the front of his throat?
2229

2230 ROMBERGER I wasn't trying to. I was going for his chin at that point. Again, not the
2231 smartest choice but being [REDACTED].
2232

2233 RIGHTHOUSE At which point?
2234

2235 [REDACTED] This is- this is what happened first. The two photos here.
2236

2237 LEVAN We'll get to that. We're not there yet. Um, so you had said this is - you said it
2238 was a use of force but you said it's not the best use of force in retrospect.
2239

2240 ROMBERGER I acknowledge it wasn't the best way to try to get him to walk straight.
2241

2242 LEVAN Did you document this as force in your report?
2243

2244 ROMBERGER I don't recall if I got every single- I don't recall that part...
2245

2246 LEVAN I already gave...
2247

2248 ROMBERGER I remember.
2249

2250 LEVAN I already gave you a copy of the report. Go ahead and, uh, um, look at it. Feel

2251 free to look at it.
2252
2253 ROMBERGER No, I didn't document that at all. I was guiding his face.
2254
2255 LEVAN Okay. So, um, we've done the first 360. We've talked about, uh, 6:28 and 29
2256 here. Um, we're now back walking towards the police car. As you guys enter,
2257 uh, get about to the end of the sidewalk, the, um, uh, the entry to the parking
2258 lot area, do you remember that?
2259
2260 ROMBERGER I think that's right when - once we hit the pavement, I think it was La Mesa
2261 Police or somebody - somebody went 97 there to help me, um, put him in the
2262 back of the vehicle. I didn't- I didn't catch the officer's name. He helped me
2263 put him in the vehicle.
2264
2265 LEVAN I got it. I talked with him. Okay. We'll get to that point. Um, what I was
2266 getting at is, um, as you guys are in transition between the sidewalk and the
2267 parking lot, [REDACTED] turns again to look at - or excuse me, [REDACTED] turns again to
2268 look back at [REDACTED] and says something to the effect of , uh, the effect of
2269 "Hey, yo." I think is what he says. Um, at that point, you put your hands on
2270 his neck again. You remember that?
2271
2272 ROMBERGER I don't remember him turning again once we hit the pavement, no.
2273
2274 LEVAN Okay, so now we're- we're, um, 6:43 this is you again. And it looks like, uh,
2275 you've got a hand on the back of his neck still. Um, then we get to, uh, the
2276 point, this is, I'm sorry did I say 6:49 or 43. 6:43. So, at 6:52 is when you
2277 guys transition in the parking lot. He turns back towards [REDACTED] again and
2278 says "Yo", and then, um, both hands go to his neck.
2279
2280 ROMBERGER I don't remember grabbing him like that. I think if I would of done it again, it
2281 would have been the same initial, you know, turn your face, let's go this way.
2282
2283 LEVAN What is the times stamp on that? Okay, so you don't remember doing this
2284 again? You remember having to move his head, guide his head.
2285
2286 ROMBERGER Looking at it now, I do. Yeah. Every time he turned, my initial "Just keep
2287 your face, cause once his face was going that way, he would take some steps,
2288 take some steps. So, if he turned on me again, it was, "Hey, keep your face
2289 going this way."
2290
2291 LEVAN Okay. I'm gonna show you a screen capture that's - sorry- one second after
2292 this. So, your hands in similar fashion as they were on the first- the 28 and 27.
2293 Is this the same technique that you used?
2294
2295 ROMBERGER Yeah.

2296
2297 LEVAN The previous time?
2298
2299 ROMBERGER Yeah, trying to grab his chin and walk him towards the car.
2300
2301 LEVAN Okay.
2302
2303 ROMBERGER Or I'm sorry - turn his face towards my car and hey, let's walk that way
2304 towards my vehicle.
2305
2306 LEVAN Okay. One second later, his hand- your hand, both your hands look- you can
2307 see your thumbs are, um, close, it looks like the back side maybe near his right
2308 ear or something like that in that area. But it looks like both of your hands are
2309 around his neck.
2310
2311 ROMBERGER Okay.
2312
2313 LEVAN In that photo. Do you remember what's happening right there?
2314
2315 ROMBERGER Right there, I'm still trying to hold his face straight. I was not trying to choke
2316 him in anyway. Hold your face straight. Keep walking towards the vehicle.
2317
2318 LEVAN I understand how you articulate or what your intent was on the first time you
2319 said to move his, direct his head towards the parking lot to keep him walking
2320 that way.
2321
2322 ROMBERGER Yes.
2323
2324 LEVAN There's- there's a second time now, we've got both of your hands around his
2325 neck. You know, you've put both of his hands around his neck.
2326
2327 ROMBERGER Yeah.
2328
2329 LEVAN Is this necessary?
2330
2331 ROMBERGER I felt to keep his face looking straight, I was trying to get his chin. I wasn't
2332 trying for his neck, but being his neck and his chin is right there, it's like if I
2333 can just hold your face straight towards the vehicle, just keep walking straight.
2334
2335 LEVAN When you put your - so, I'm ignoring your - your right hand for a second
2336 cause I understand why you have that on the back of his collar. You've said
2337 you used your right hand as kind of the steering, you know.
2338
2339 ROMBERGER Yeah.
2340

2341 LEVAN Pointing his head in that direction. Um, did he resist that at all?
2342

2343 ROMBERGER I don't remember he tried to pull away. The whole time, I just felt like he was
2344 trying to look to the left, turn around. Because if I'm on his right, he's gonna
2345 wanna look to the left to see where [REDACTED] is. I felt like if I was left, he would
2346 be trying to turn to my right, so it would have been my hands positioned
2347 otherwise. So, but he- he continued non-stop to wanna look back and see
2348 where [REDACTED] was.
2349

2350 LEVAN Okay.
2351

2352 RIGHTHOUSE Have you been trained to walk somebody by holding their head and neck that
2353 way?
2354

2355 ROMBERGER No.
2356

2357 RIGHTHOUSE And again, why would you just not...
2358

2359 ROMBERGER I think at that point.
2360

2361 RIGHTHOUSE Use wrist lock over the arm bar and just walk him straight regardless of where
2362 he's looking.
2363

2364 ROMBERGER At that point, I was so tired, I couldn't get anything else to work in my mind,
2365 I'm just like "look at my car and walk this way."
2366

2367 LEVAN Where's photo 19 here. I wanted to ask one question about that. Photo 19,
2368 we're looking at here. And again, I may have asked this and I apologize if I
2369 did. Um, looking at your left thumb, it looks like you got pressure on that
2370 way. At any point, was there pressure.
2371

2372 ROMBERGER I-I would of not put pressure on his- on his neck in any way. I think I'm just
2373 trying to keep my hand there cause the more he's trying- so, I'm gonna guide
2374 him but not like locked in. I'm not trying to choke someone.
2375

2376 LEVAN Okay.
2377

2378 ROMBERGER Just trying to keep my hand positioned where it was.
2379

2380 LEVAN Okay. And at this point, um, after this, you ultimately get him successfully to
2381 the police car. Can you talk about the remaining walk to the police car?
2382

2383 ROMBERGER The entire time he's still slowly dragging his feet. Still trying to turn left on
2384 me. Still not wanting to walk towards my vehicle. Like I said, it was a
2385 struggle. It was non-stop, hey come with me, go with, you know, walk

2386 straight. We gotta get to that vehicle.
2387
2388 LEVAN Are you having to put your left hand on his back, using.
2389
2390 ROMBERGER It's kind of using it to keep him from turning. I'm trying to keep him from
2391 moving around on me, so if I'm guiding somebody by their back and he's- his
2392 feet was slapping against the ground, it's like keep moving. Look and walk,
2393 look and walk, that's what in my mind I'm thinking.
2394
2395 LEVAN Okay. When you get to the police car.
2396
2397 RIGHTHOUSE Do you want to show him the segment before he gets to the car?
2398
2399 LEVAN What number are we looking at?
2400
2401 RIGHTHOUSE The actual video.
2402
2403 LEVAN Yeah, I'm sorry. What, where are we at here?
2404
2405 RIGHTHOUSE Where he picks him up.
2406
2407 LEVAN So, 28 to, uh, 6:28. Yeah. 27.
2408
2409 RIGHTHOUSE Probably from here.
2410
2411 LEVAN 27, okay
2412
2413 RIGHTHOUSE Where were walking him to the car
2414
2415 [REDACTED] Were we looking at 6:28, starting?
2416
2417 LEVAN uh, 6:22.
2418
2419 [REDACTED]: 6:22, okay.
2420
2421 LEVAN Real close there, I'm going to try to get it.
2422
2423 RIGHTHOUSE Just the walk to the car.
2424
2425 ((RECORDING))
2426
2427 ROMBERGER: Sit there.
2428
2429 ((END RECORDING))
2430

2431 LEVAN So, we'll start at 6:20.

2432

2433 ((RECORDING))

2434

2435 ROMBERGER: Stand up.

2436

2437 [REDACTED]: Yo you good bro. Naw trust me I'm straight.

2438

2439 [REDACTED]: Yo! Hear me out, bro. u good, bro. Trust me.

2440

2441 LEVAN: See, I'm going to walk back that.

2442

2443 ((END RECORDING))

2444

2445

2446 LEVAN So, as your right hand comes up on those two occasions, I don't see that
2447 rotating motion where his head's being turned at all.

2448

2449 ROMBERGER Yeah.

2450

2451 LEVAN Let's look at that one more time.

2452

2453 RIGHTHOUSE Leave the grab the (unintelligible)

2454

2455 ((RECORDING))

2456

2457 [REDACTED]: Yo you good bro. Naw trust me I'm straight.

2458

2459 [REDACTED]: Yo! Hear me out, bro. u good, bro. Trust me.

2460

2461 ((END RECORDING))

2462

2463 ROMBERGER See, right there in my mind, the last time he tries to turn, my thought was "get
2464 him up and look his face straight" He turns sort of quick. I'm sure I missed his
2465 chin entirely right there by looking at it. But in my mind, I'm still, we're feet
2466 from my vehicle, just walk towards the car.

2467

2468 LEVAN You said...

2469

2470 ROMBERGER And I did have my hand looking at there. I actually did get it up under the arm
2471 there.

2472

2473 LEVAN Mm-hm.

2474

2475 ROMBERGER So, I think I just went up to high, cause that's where I had him by the neck. I

2476 was trying to go up underneath and hold the- towards his back.
2477
2478 LEVAN You took it off with your left hand?
2479
2480 ROMBERGER Yeah. Just with the way he struggled, my hand just came up a little too high.
2481 But that last time, my thought was, look at my car, we're feet away, and he
2482 spun so quick, I don't think I was able to get his chin. I just got up underneath.
2483
2484 LEVAN With that, when you said you missed it- I think you said you missed it the first
2485 time. Now, you're saying you didn't get it. What was your intent about the
2486 chin.
2487
2488 ROMBERGER Just to hold his chin, like "Here's my car, walk right to it."
2489
2490 LEVAN So, as your right hand comes up. We're talking about your right hand now
2491 with the chin. As your right hand comes up, where's your target?
2492
2493 ROMBERGER His chin, just keep looking straight, cause he- he was walking along so close
2494 and then like he tries to turn again, just like walk to the car.
2495
2496 LEVAN Okay. At any point, did you actually get his chin?
2497
2498 ROMBERGER I don't think so.
2499
2500 LEVAN Okay. So, you tried two or three times here and at no point, were you able to
2501 get his chin.
2502
2503 ROMBERGER I don't think I got his chin at all.
2504
2505 LEVAN Okay. Anything from you [REDACTED]? So, you get- we're at the police car right
2506 here. What happens, um, at the police car?
2507
2508 ROMBERGER That's - That's when I think La Mesa rolled up. An officer and I found out
2509 after the fact it was one officer and one plain clothes detective.
2510
2511 LEVAN He surprised you, didn't he?
2512
2513 ROMBERGER Yeah. He tried to climb in my vehicle and I think you hear in the video. I'm
2514 like, dude get outta my like. I don't know who you are. Get out of my car."
2515
2516 LEVAN You- I think you, uh, "Who are you" and, uh, he tells you he's the FTO and
2517 you go "Sorry."
2518
2519 ROMBERGER When you get someone in your car and a random plain clothes dude pops their
2520 head in, you're like hold on, man.

2521
2522 LEVAN So, but when you actually walk up to [REDACTED] - excuse me walk up to the vehicle
2523 with [REDACTED], they're not there yet or at least they're not hands on yet.
2524
2525 ROMBERGER No.
2526
2527 LEVAN [REDACTED] thumps into the police car.
2528
2529 ROMBERGER Yeah.
2530
2531 LEVAN Can you explain what happened there?
2532
2533 ROMBERGER All right. there were - once we get there. I pulled on my door, of course it was
2534 locked. So, I'm trying to unlock it, get that door open, so I can get him into
2535 the car.
2536
2537 LEVAN Before that. Before you even get to trying to open the door, [REDACTED] thumps
2538 against the police car and you immediately say I'm sorry or oh, sorry. What
2539 happened.
2540
2541 ROMBERGER At that point, because I had been nudging him the whole way up to the car.
2542 When we got to it, he bumped into the car. I was trying to brace him. I was
2543 trying to- let me rephrase that, I wasn't trying to shove him into the car. I'm
2544 like stand here against my car, cause now I gotta let lose my right hand, to
2545 unlock the door, pull the child lock and get that door open. So, I'm holding
2546 him up against the car, he bumped into it and yeah, I'm like, I'm not trying to
2547 shove you into my car, just stand- stand at it.
2548
2549 LEVAN That was the intent of your oh, sorry?
2550
2551 ROMBERGER Yeah. He missed it. He may have bumped in it.
2552
2553 LEVAN So, you did not and I think you said this...
2554
2555 ROMBERGER (Unintelligible).
2556
2557 LEVAN Just to clarify, you did not shove him.
2558
2559 ROMBERGER I wasn't trying to shove me into the car, no. Just brace him up against it.
2560
2561 LEVAN Okay so, now we're at the point where you're going to open the car or open
2562 the door, and it was locked or there was some fumbling there. Is there an
2563 altercation that happens?
2564
2565 ROMBERGER I think he was still resisting at that point. I don't recall exactly, but I know he

2566 didn't wanna stand there willingly. He was still trying to see where his- where
2567 [REDACTED] was at. I don't remember exactly what we did at the car there. I know
2568 he was still moving around on me. Didn't wanna stand there against it, so.
2569
2570 LEVAN Did he push back against you? Did he pull away from you or anything like
2571 that?
2572
2573 ROMBERGER He was still - I think he was still trying to spin away from me because I'm still
2574 trying to keep hold of him. Yes.
2575
2576 LEVAN Did he go to the ground at some point there?
2577
2578 ROMBERGER I don't remember. I vaguely remember La Mesa, yeah, helping me pick him
2579 up. I don't know how he would of ended up on the ground though.
2580
2581 LEVAN You don't remember doing a take down on him?
2582
2583 ROMBERGER No, I don't recall that.
2584
2585 LEVAN Or like the first time letting him go and letting him fall to the ground?
2586
2587 ROMBERGER Yes.
2588
2589 LEVAN You do not remember that?
2590
2591 ROMBERGER I don't remember how he got on the ground.
2592
2593 LEVAN Okay. In your report, at that point, I'm gonna refer to - let's see, I believe it's
2594 page four. Yeah, third paragraph. Page four. Um, "once we're at my patrol
2595 vehicle, I attempted to search him, per incident to arrest. [REDACTED] continued to
2596 resist and refused to let me search him. I did not locate any weapons or drugs
2597 inside [REDACTED] pockets only an unopened 12 oz. can of Modelo brand beer." Do
2598 you remember is that accurate?
2599
2600 ROMBERGER Yeah. I remember finding a can of beer on him, yes.
2601
2602 LEVAN Did you find it at that time though? So, we just got to the police car. He's - he,
2603 um, you said you searched him incident to arrest. Right there.
2604
2605 ROMBERGER Yeah. I started picking- again, making sure he had nothing in his bag or in his
2606 pockets. Um, I recall- I think that's when La Mesa -- the officer was there to
2607 help me and we were trying to shove him in there, yes.
2608
2609 LEVAN Okay. Um, so La Mesa officers as you had mentioned, uh, [REDACTED] and
2610 [REDACTED] arrived on scene there. Um, Officer [REDACTED] was the

2611 trainee in uniform and Officer [REDACTED] was the plain clothes officer that assisted.
2612 So, [REDACTED] is on the ground now. Do you remember how you get him into the
2613 police car.
2614

2615 ROMBERGER I think we kind of picked him up together and I think he went in, uh, with his
2616 backside first. We kind of tried to send him in backwards like that.

2617
2618 LEVAN Did he refuse to stand up?

2619
2620 ROMBERGER Yeah, he was kind of back and forth sitting up. I remember he was trying to
2621 kick at me. We were able to slide him over and get the door shut.

2622
2623 LEVAN I'm gonna show a photo here. Again, same- same, uh, BWC file 3 and this is
2624 right as you're about to pick him up. Your back, your, uh, excuse me, your
2625 right hand is on the back of his neck again. Do you lift him by his neck?
2626

2627 ROMBERGER Wasn't trying to lift him by his neck. I think I was just trying to grab a hold of
2628 him to guide him up. I wasn't trying to grab him by his neck right there. I
2629 don't know how I got his neck.
2630

2631 LEVAN Did you write your report on the same day of this incident?

2632
2633 ROMBERGER Uh, yes.

2634
2635 LEVAN Did you review your BWC prior to?

2636
2637 ROMBERGER Not much of it. I just- I glanced over it and then wrote my report.
2638

2639 LEVAN Okay.

2640
2641 RIGHTHOUSE Is there a reason you didn't review it? Before writing your report?
2642

2643 ROMBERGER I'm sorry?

2644
2645 RIGHTHOUSE Is there a reason you didn't thoroughly review it before you wrote the report?
2646

2647 ROMBERGER Yeah, sometimes I review it and- and while I'm writing it. I didn't- I didn't
2648 review it that day to document very specifics. I was just writing- you know, I
2649 documented we got him in there. I didn't- I didn't document every detail. I
2650 don't think I've ever done every little detail with my report on these. I just- I
2651 glance through it for the key points I need to remember and then I type my
2652 report.
2653

2654 LEVAN Okay. You said, um, you wrote in your report, the paragraph I pointed out,
2655 that you refused to let you search him.

2656
2657 ROMBERGER Yeah.
2658
2659 LEVAN How did he do that? He's handcuffed on the ground.
2660
2661 ROMBERGER He's still flailing around and he's still moving on me. He didn't want me to-
2662 he didn't want me to reach in his pockets. He didn't want me to search any
2663 part of him. He's still rolling around and just actively trying to keep me from
2664 doing my job.
2665
2666 LEVAN Okay. Uh, I'm gonna show, um, the same video 07:25 through 7:52 real quick
2667 here.
2668
2669 RIGHTHOUSE You can just roll it here, probably.
2670
2671 LEVAN I'm sorry.
2672
2673 RIGHTHOUSE You can just it roll from here, probably.
2674
2675 LEVAN Okay.
2676
2677 RIGHTHOUSE You get the whole picture.
2678
2679 LEVAN So, we'll start at 06:58.
2680
2681 ((RECORDING))
2682
2683 ROMBERGER: Sorry. You bumped into the car. Stay on my car
2684
2685 [REDACTED]: Are you sorry?
2686
2687 ROMBERGER: There you go. Stay still. Thank you, ok come dude on, stand up.
2688
2689 Man: (Unintelligible)
2690
2691 ROMBERGER: No. Who are you?
2692
2693 [REDACTED]: FTO.
2694
2695 ROMBERGER: Sorry. Stay back, stay back.
2696
2697 ((END RECORDING))
2698
2699 ROMBERGER I did apologize to the FTO. I don't know if I called him like "Dude, I'm sorry,
2700 you were like."

2701
2702 LEVAN He knew. He understood. So, again, back to that part of your- your report and
2703 it's page 4, um, excuse me, page 4 paragraph 3 where, Once at the vehicle,
2704 you attempted to search incident to arrest. He continued to resist and he
2705 refused to let you search him. In this section, I didn't see you try to search him
2706 at all. Am I missing it there?
2707
2708 ROMBERGER No. I don't know - I don't know where I put- where I would of put that in my
2709 report. I remember at some point trying to search him but at point, in that
2710 chronological order, I don't know why I put that paragraph in there.
2711
2712 LEVAN Okay and I don't see a can of beer being recovered.
2713
2714 ROMBERGER Yeah. I don't know. I guess I didn't try to search him at that point. I don't
2715 know when- at what point I searched him.
2716
2717 LEVAN So, do you know up to this point- cause he's now in the police car, did you
2718 search him incident to arrest?
2719
2720 ROMBERGER At that point, I don't remember but when he would have been on the ground
2721 initially, I would of patted him, just at that point before I picked him back up.
2722
2723 LEVAN Okay.
2724
2725 ROMBERGER I would of patted him just make sure he had nothing. It didn't feel like weapon
2726 or anything inside that backpack he had on.
2727
2728 [REDACTED] How fast would pat action have been? A second, two seconds?
2729
2730 ROMBERGER Just quick enough to fill his pockets, front and back pockets make sure he had
2731 nothing in his waistband or nothing like that.
2732
2733 [REDACTED] At some point, I see your camera's off.
2734
2735 LEVAN Um, what you're talking about, pat down right?
2736
2737 ROMBERGER Yeah.
2738
2739 LEVAN Yeah. That's no problem. So, back again to this paragraph I pointed out here.
2740
2741 [REDACTED] Maybe even a search. Now, if I'm reaching down and I'm grabbing at the
2742 backpack, cameras off for a couple or three seconds. Um.
2743
2744 LEVAN When the cameras placed back on here, he's still on the ground.
2745

2746 [REDACTED] Right.
2747
2748 LEVAN And, uh.
2749
2750 [REDACTED] But the camera is off as soon as he goes to the ground, the camera comes off.
2751
2752 LEVAN mm-hm.
2753
2754 [REDACTED] And it comes off for - I don't know how many seconds it's off but it's off and
2755 the question illuminating around in my head is, is that when he's reaching
2756 down and grabbing at the pockets, grabbing at the backpack.
2757
2758 LEVAN mm-hm.
2759
2760 [REDACTED] While this guy still doing whatever he's doing.
2761
2762 LEVAN Okay. Would you say that your- your report is accurate in this sense?
2763
2764 ROMBERGER Yes.
2765
2766 LEVAN Okay. Again, you get to the car and you say this is where you recover that can
2767 of beer.
2768
2769 ROMBERGER Yes.
2770
2771 LEVAN Do you remember if that's the case?
2772
2773 ROMBERGER I believe that's when I found the beer, yes, because he- again, he did go down.
2774 I didn't find the beer with the initial - when we were on the ground the first
2775 time down the hill. I didn't find the beer then, no. I found the beer after the
2776 fact. It could have been right there after he was laying there. Cause again, I
2777 wanted to just get him in the car. Make sure he had nothing in pockets, which
2778 I wouldn't of put him in back without knowing that he had no weapons on
2779 him. So, yeah. I reached- I checked the pockets. I didn't reach in em', I
2780 grabbed him. He was wearing jeans that was easily to grab the pockets, make
2781 sure nothing was in there.
2782
2783 LEVAN Okay.
2784
2785 ROMBERGER The way they're falling off of him, you can tell he didn't have anything in his
2786 waistband cause his waistband is falling.
2787
2788 LEVAN Okay.
2789
2790 ROMBERGER No problem.

2791
2792 RIGHTHOUSE Stating he refused to let you search him at this point. Is that accurate?
2793
2794 ROMBERGER Did he?
2795
2796 RIGHTHOUSE You did not search him at this point.
2797
2798 ROMBERGER I don't think I searched him fully like I didn't pull his pockets out or nothing
2799 like that, no. And now we're watching it, I remember he did - obviously was
2800 flailing on me there cause my camera went to the ground for a third time. He
2801 came back into me which is why my camera was on the ground.
2802
2803 LEVAN You weren't try to pat him down. You were trying to open the car.
2804
2805 ROMBERGER I was still trying to get- yeah.
2806
2807 LEVAN So, it wasn't like you were trying to pat him down and he refused to let you
2808 pat him down and that struggle happens.
2809
2810 ROMBERGER No, he was just struggling in general and that's how he came back in my chest
2811 and knocked it off.
2812
2813 LEVAN Okay. So, the refusal to let him to allow you to search him. I'm not...
2814
2815 ROMBERGER In my mindset, it was get him there, search him, get him in the car. He's
2816 struggling with me. I don't- I probably didn't even say I'm going to search
2817 you but my mindset was, search him, put him in the car because that's how I
2818 do it. But he starts spinning around, comes into me, knocks my camera down
2819 and he's on the ground. Okay. I feel there's nothing there, so I'm not gonna
2820 pick through his pockets. I want this thing over with. I don't wanna keep
2821 playing with him, I want to get it over with.
2822
2823 LEVAN Okay, I get that. I understand your mindset there. But in your report, you
2824 wrote he refused to allow you to search him.
2825
2826 ROMBERGER Yeah.
2827
2828 LEVAN Is that accurate?
2829
2830 ROMBERGER In my mind? Yes. That - when I wrote it in my mind, he didn't want me to
2831 search him. He just wanted to keep resisting and up until...
2832
2833 RIGHTHOUSE Wanting this to be over as you say, this only happens in a couple of seconds.
2834 Wanting this to be over..
2835

2836 ROMBERGER (Unintelligible).
2837
2838 [REDACTED] If you put him in the car, you're gonna have to take him back out of the car.
2839
2840 ROMBERGER Yeah.
2841
2842 RIGHTHOUSE So, you can actually search him. Correct?
2843
2844 ROMBERGER Yeah. But at that point, I'm so out of breath, I wanted it over and I wanted- I
2845 wanted to take a breather cause I'm- you can hear, you know. I'm very
2846 winded. I just want to get him in that vehicle. And then deal with him.
2847
2848 RIGHTHOUSE Did he actually refuse to let you search him or did you just not search him?
2849
2850 ROMBERGER I just didn't - I wasn't able to search him because of the way he was flailing.
2851 The way he's- the way he's flailing.
2852
2853 RIGHTHOUSE So, you elected not to search him?
2854
2855 ROMBERGER I would have - yes, I would have tried to search before putting him in the
2856 vehicle. So, if I'm trying to reach anywhere on him and he comes into me. I'm
2857 trying to search him. I mean I told him that, but I'm like, let me see, you
2858 know, I gotta feel around and see if there's anything on him. So, did I tell him
2859 that I'm searching him, no. My mindset, am I gonna search him? I'm going to
2860 make sure he has no weapons, yes.
2861
2862 RIGHTHOUSE Can we watch that again?
2863
2864 LEVAN The same one or further down the line?
2865
2866 RIGHTHOUSE The same one.
2867
2868 ((RECORDING))
2869
2870 ROMBERGER Sorry, stay on my car.
2871
2872 [REDACTED] Are you sorry?
2873
2874 ROMBERGER There you go. Stay still. Thank you. Ok, come on dude stand up.
2875
2876 RIGHTHOUSE: (Unintelligible).
2877
2878 ROMBERGER: No.
2879
2880 ROMBERGER There you go. Stay still.

2881
2882 LEVAN You had mentioned flailing, him flailing around? I'm going to point
2883 something out here, when he's on the ground, I don't see him moving at all.
2884
2885 ROMBERGER Come on dude stand up.
2886
2887 ((END RECORDING))
2888
2889 LEVAN I understand wanting to get it over with and get that breather, if that what it is,
2890 that's what it is.
2891
2892 ROMBERGER No, that's what that is. You know, in this part right here.
2893
2894 RIGHTHOUSE The question would be, in that circumstance, what you just saw, did you
2895 actually attempt to search him incident to arrest.
2896
2897 ROMBERGER Right there, I didn't try to search him then no. So, I put that- that must have
2898 been put in my report at the wrong spot. Cause right there.
2899
2900 RIGHTHOUSE At that point, you did not...
2901
2902 ROMBERGER At that point, no I wouldn't of been...
2903
2904 ██████████ Even while the camera is static, that's you weren't grabbing his pockets
2905
2906 ROMBERGER I don't..
2907
2908 ██████████ ...or anything?
2909
2910 ROMBERGER I wouldn't of been trying to search him at that point, no.
2911
2912 LEVAN Okay. This is actually a good time to take a break. If you guys wanna take a
2913 break or we can power through.
2914
2915 ██████████ Are you good?
2916
2917 ROMBERGER I'm good.
2918
2919 ██████████ Keep going.
2920
2921 LEVAN Okay. So, um, so you've closed and secured ██████████ in the back of the car, at
2922 least temporarily here. Um, the La Mesa officers, there's an exchange, you
2923 said you apologize to them. Um, then he completely understood where you
2924 coming from with that and you said you guys are Code 4.
2925

2926 ROMBERGER Yeah.
2927
2928 LEVAN So, they leave. At this point, in fact, you can see where I have the screen
2929 stopped right here. Officer [REDACTED] is bringing [REDACTED] over. Can you explain that
2930 what happen once he brings [REDACTED] over to the car?
2931
2932 ROMBERGER Once he brought him over, there were no - I don't recall seeing other of our
2933 units there. So, we're like - [REDACTED] car is still at the bottom of the hill in the
2934 grass, so we're like let's just put both of them in the back of my vehicle and
2935 then we'll sort through what we're gonna do with them at that point.
2936
2937 LEVAN Okay. Go head.
2938
2939 ROMBERGER So, [REDACTED] brings me over. We're trying to search [REDACTED] and see what we're
2940 gonna do with him. We were at the passenger ride rear end, we're gonna
2941 search him first. Walk him around, put him on the driver's side since [REDACTED] is
2942 on the passenger side.
2943
2944 LEVAN Okay.
2945
2946 ROMBERGER That doesn't go as planned cause as we - first of all, when we're at that
2947 passenger rear end, we're trying to search and make he has nothing on him
2948 cause now with Officer [REDACTED], I can search him. He's fighting with us. He's
2949 swinging his head around. I thought he was gonna try to headbutt me, so I
2950 brace him up against my vehicle and then once we're down patting him down,
2951 we're gonna put him in the driver's side or rear seat behind the driver's seat.
2952 So, we walk him around or I walk around and then what's when [REDACTED] has slid
2953 - slid around that side of the car.
2954
2955 LEVAN Okay. So, you and Officer [REDACTED] and [REDACTED] are standing at the right rear end
2956 of the police car.
2957
2958 ROMBERGER Yes.
2959
2960 LEVAN You said he was flailing around.
2961
2962 ROMBERGER Yes.
2963
2964 LEVAN Uh, or moving his head around.
2965
2966 ROMBERGER Yeah.
2967
2968 LEVAN And he tried to - he tried to headbutt you or was that your concern?
2969
2970 ROMBERGER I'm standing right behind him. It felt like he swung his head back and I push

2971 him forward, brace him into the car, stay against the car while we search you,
2972 while we're doing what we're doing with you.
2973
2974 LEVAN Is that when he, uh, sustained the bloody lip?
2975
2976 ROMBERGER Yeah. That's he bumped the back of the vehicle there, yes.
2977
2978 LEVAN Okay. Explain him how you pushed him against the car.
2979
2980 ROMBERGER I shoved. I pushed him against his back to brace him up against the car. So, if
2981 his head is swinging around, I didn't- I wasn't trying to do anything with his
2982 head. I just pushed his head- oh, I'm sorry, his back into the vehicle.
2983
2984 LEVAN So, you're demonstrating with your right hand.
2985
2986 ROMBERGER Yes.
2987
2988 LEVAN Where was your left hand?
2989
2990 ROMBERGER It was my - sorry. It was my right or my left hand. I don't know- at that point,
2991 I don't know which hand was on him. I just know I'm trying to brace him up
2992 against the vehicle.
2993
2994 LEVAN Okay. And where was Officer [REDACTED] when all this was happening?
2995
2996 ROMBERGER He would have been, I believe he was off- just off to the right because he just
2997 had walked him up. So, I'm standing here, Officer [REDACTED] here. I'm here,
2998 Officer [REDACTED] here. And then [REDACTED] is right in front of me.
2999
3000 LEVAN All right. So, you - did he- did he headbutt you?
3001
3002 ROMBERGER He never made contact with me, no.
3003
3004 LEVAN Okay, but you felt that he was.
3005
3006 ROMBERGER I believe that he was trying to headbutt me, yes.
3007
3008 LEVAN Okay. And you pushed him into the car. Um, in any point in that when you
3009 were pushing him into the car, did you put your hands on his neck?
3010
3011 ROMBERGER I don't recall grabbing him in any way. Just shoving him forward.
3012
3013 LEVAN Okay. Um.
3014
3015 [REDACTED] This is the skirmish back by the C pillar?

3016
3017 LEVAN Yes. Um, okay what was your intent of pushing him up against the car?
3018
3019 ROMBERGER Just hold him against the vehicle so he's not able to move.
3020
3021 LEVAN Okay, so you're using the car.
3022
3023 ROMBERGER To brace him, yes.
3024
3025 LEVAN Okay.
3026
3027 RIGHTHOUSE Can you describe how you pushed him into the car?
3028
3029 ROMBERGER Use what sir?
3030
3031 RIGHTHOUSE Can you describe how you pushed him into the car?
3032
3033 ROMBERGER I just shoved him up against it. If he's coming back towards me where my
3034 body's at, I'm like, if you just stand- if I can brace you against my vehicle,
3035 just to keep you from- you can't go forward at that point. So, if you're just
3036 held against it, you're not gonna go forward left or right, the only way to go is
3037 backwards. But if I'm holding you, you're not gonna come backwards against
3038 me.
3039
3040 RIGHTHOUSE One hand, two hands, body weight?
3041
3042 ROMBERGER I don't recall at all at that point.
3043
3044 RIGHTHOUSE (Unintelligible).
3045
3046 ROMBERGER I didn't want to have my face anywhere near him, so I'm sure I'm just bracing
3047 him with I assume two hands but again, I don't remember how many hands I
3048 had on him. Cause [REDACTED] was also- [REDACTED] had a hold on him as well. I'm sorry,
3049 Officer [REDACTED], so.
3050
3051 RIGHTHOUSE You recall how you pushed him into the car?
3052
3053 ROMBERGER Did I what?
3054
3055 RIGHTHOUSE How much force did you use to push him into the car?
3056
3057 ROMBERGER I don't recall. Just enough to try to get him up against it and away from- away
3058 from me. So, stand against it. We weren't three feet back, we were up against
3059 enough, so just nudge him enough to, that, couple of inches, just to stay
3060 against it.

3061
3062 LEVAN So, um, it looks like - again, you're wearing your BWC at this point. Uh,
3063 [REDACTED] kind of moves to the left of the screen and then, moves you know,
3064 centers. So, he comes back and then there's a distinct sharp shove into the car.
3065
3066 ROMBERGER Okay.
3067
3068 LEVAN Was that you that did that shove?
3069
3070 ROMBERGER I believe so, yeah. He's trying to move around on me, yes.
3071
3072 LEVAN Okay. Where does his head contact the- the, uh, vehicle?
3073
3074 ROMBERGER I would assume on the rear - I guess the rear corner there of the.
3075
3076 LEVAN There's a spoiler that comes out...
3077
3078 ROMBERGER Yeah, and I think...
3079
3080 LEVAN actually and there's whole pillar.
3081
3082 ROMBERGER I think it's right on the pillar there.
3083
3084 LEVAN Okay.
3085
3086 ROMBERGER I think he may have..
3087
3088 LEVAN Um, I'm gonna show the video of that section here and it's, uh, the same
3089 video BWC file 3, uh 08:50 to 08:53. Actually, I start at 08:40.
3090
3091 ((RECORDING))
3092
3093 [REDACTED] I got medics coming for the girl, she fell and hit her head hard.
3094
3095 [REDACTED] Huh?
3096
3097 ROMBERGER Oh, I didn't see her, I saw her sitting..
3098
3099 [REDACTED]: Hey stand here.
3100
3101 ROMBERGER Stand still. Stand still.
3102
3103 [REDACTED] Why are you choking me? Don't you fucking choke me.
3104
3105 ROMBERGER She never even got up.

3106 ((END RECORDING))

3107

3108 LEVAN Okay. So, a couple of things to clarify there. It looks like you move him back.
3109 He's moving to your left and you center him.

3110

3111 ROMBERGER Yeah.

3112

3113 LEVAN And there's a second distinct shove.

3114

3115 ROMBERGER I think I just try to brace him up against it, because he started walking. I didn't
3116 want him to walk away from us or pull away from us. [REDACTED] barely- sorry,
3117 Officer [REDACTED] barely had control of him. I mean, he- he has just his left hand
3118 on him, so if he starts flailing, he's gonna - now, we're gonna have to deal
3119 with that. So, my mindset was, just hold him there till we're ready to walk him
3120 around. Just brace him against the vehicle.

3121

3122 LEVAN He's handcuffed right here, right?

3123

3124 ROMBERGER Yes.

3125

3126 LEVAN So, when you say flailing, what do you mean by that?

3127

3128 ROMBERGER I didn't want him trying to- like I didn't want him to be like [REDACTED] where he
3129 was handcuffed for a good portion of the struggle there to. I mean he keeps
3130 throwing himself around and trying to drag his feet, so I didn't want him to
3131 start walking away and us have to deal with that and use.

3132

3133 LEVAN So, it's not flailing in terms of punching, it's just moving his body around.

3134

3135 ROMBERGER Just moving his body to try to walk away from us.

3136

3137 LEVAN All right. In that and I'm going to show you, um, a screenshot of that. Um,
3138 this is at 08:51. So, this is the point just after his head comes in contact with
3139 the car. You've got it looks like your right hand is in his back or maybe
3140 somewhere but on your left hand, it looks like it's up towards his face. And he
3141 says, "Why are you choking me? Don't you fucking choke me."

3142

3143 ROMBERGER I don't recall grabbing him that way. I wouldn't of tried to choke him. He
3144 wasn't fighting with me or resisting at that point enough. I'm just trying to
3145 hold him there against the vehicle.

3146

3147 LEVAN Okay. That's, uh 08:51. Here's 8:54. Um, again and you can kind of see the-
3148 the reflection in the car.

3149

3150 ROMBERGER Mm-hm.

3151
3152 LEVAN That's what I'm looking at. Your left hand is up backwards his upper torso
3153 somewhere out of the picture of you there. Was your hand on his neck there?
3154
3155 ROMBERGER I don't remember. I think at that point, I was trying to hold his back to keep
3156 him from walking. Here, I would try and go- in my mind, I'm trying to go for
3157 his shoulder. Hey, back shoulder, don't go anywhere.
3158
3159 LEVAN This is your right hand though.
3160
3161 ROMBERGER Yes.
3162
3163 LEVAN Okay. Yeah, that's where you're trying to, you know, where you have to
3164 control of him or controlling hand.
3165
3166 ROMBERGER Yes.
3167
3168 LEVAN Um. What my concern is, the left hand there.
3169
3170 ROMBERGER I don't know exactly where my left hand was. I.
3171
3172 LEVAN Okay.
3173
3174 ROMBERGER I would of tried to grab his - again, grab his shoulder, keep him braced against
3175 it.
3176
3177 LEVAN Now, [REDACTED] is secured in the car. And I know we talked about earlier, um,
3178 when he was back- before they were both handcuffed. He was saying get your
3179 knee off my friend's neck and I asked you, uh, why would he say that? And
3180 you know, speculation or to agitate [REDACTED]. You know, was one of the terms
3181 that was brought up. In this case, [REDACTED] isn't even in the picture. Why would
3182 you think he would say stop choking me?
3183
3184 ROMBERGER I have no idea.
3185
3186 RIGHTHOUSE Can you play it again?
3187
3188 LEVAN Say it again?
3189
3190 RIGHTHOUSE Can you play it again? At this point, you grab [REDACTED] neck probably three or
3191 four times. Now, you're doing it with [REDACTED]. And you can see your left hand
3192 there come to the front.
3193
3194 ROMBERGER That right there?
3195

3196 RIGHTHOUSE No. You see your left hand going up towards the front of him.
3197
3198 ROMBERGER That right there. The way he's walking.
3199
3200 LEVAN Mm-hm.
3201
3202 ROMBERGER I mean, there's no way to my left, so, you know, grab him, don't walk away,
3203 don't walk that way. Just grab him and brace him and keep him right there.
3204
3205 LEVAN Where is your hand right here...
3206
3207 ROMBERGER Right there, it would have been on up on his chest right there. Maybe it's not
3208 the upper chest, but he got one right by his shoulder and one by his chest.
3209 Don't walk away.
3210
3211 [REDACTED] The problem is, you got a fish eye lens.
3212
3213 LEVAN I understand.
3214
3215 [REDACTED] So, we've got a little distortion and the distortion is mostly pronounced at the
3216 outer edges of the image, so it's difficult to tell. I mean, we could speculate
3217 that that hand is up at his neck.
3218
3219 RIGHTHOUSE We're not speculating it. We're just asking. So, if you play it, you can hear his
3220 voice change and then he tells you not to choke him.
3221
3222 LEVAN And when he says, listen to when he says why are you choking me. His voice
3223 sounds strange, strained as opposed to the rest of the time when he's clearly
3224 yelling, cause he's been yelling this whole time. So. Or yelling this whole
3225 time.
3226
3227 ((RECORDING))
3228
3229 ROMBERGER: Stand still, stand still.
3230
3231 Man: Why you choking me? Don't you fucking choking me?
3232
3233 Man: She never even got up. When I walked up.
3234
3235 ((END RECORDING))
3236
3237 RIGHTHOUSE Is your hand on his throat at that point?
3238
3239 ROMBERGER I don't- I don't believe so, no. I wouldn't grab him by the throat on purpose,
3240 no.

3241
3242 RIGHTHOUSE Did you grab him by the throat on accident?
3243
3244 ROMBERGER No, I think I had him by the chest. I had him up high and I'm trying to brace
3245 him. I got his shoulder there and his chest. I'm just "Don't walk away. Don't
3246 walk to the left right there."
3247
3248 RIGHTHOUSE The change in his voice, and again this speculation, uh, he's got his head
3249 turned all the way over- over to the
3250
3251 LEVAN Extremity.
3252
3253 RIGHTHOUSE to the left.
3254
3255 LEVAN The extreme.
3256
3257 ██████████ And whether that is, I don't know.
3258
3259 RIGHTHOUSE I don't wanna speculate, cause we could also speculate that he could also be
3260 choking him.
3261
3262 ██████████ Oh, he could be, yeah.
3263
3264 RIGHTHOUSE I don't wanna speculate. I'm asking the question. I'm asking a question. At
3265 this point in time, you grab ██████████ in a very similar manner like three times
3266 and now you're dealing with another person who's turning into the same kind
3267 of manner.
3268
3269 ROMBERGER No, I don't believe I would do that.
3270
3271 RIGHTHOUSE And what I'm asking is, could you have grabbed him by the front of the
3272 throat...
3273
3274 ROMBERGER I don't believe so. I believe I was just grabbing him by the arm and the
3275 shoulder and his chest holding him there, yes.
3276
3277 RIGHTHOUSE So, you don't recall grabbing him by the throat?
3278
3279 ROMBERGER I do not recall, no.
3280
3281 RIGHTHOUSE Could you have grabbed him by the throat the same manner you did to ██████████
3282 or you do not know?
3283
3284 ROMBERGER I don't- I don't remember. I mean, my hand could of slid up but I don't recall
3285 that no.

3286
3287 RIGHTHOUSE Did you purposefully try to grab him by his throat?
3288
3289 ROMBERGER Absolutely not.
3290
3291 ██████████ I think the difference also is, when he's dealing with ██████████, it's not his left
3292 hand that's up around the front, it's his right hand and he's trying to turn his
3293 head from the left to the right. In this case, it looks like, uh, ██████████ head is to
3294 the left. He's got his left arm up in the upper part of his body not the right
3295 hand pulling it.
3296
3297 RIGHTHOUSE And I would agree it's different hand. That's why I'm asking. With ██████████ if
3298 he's trying to turn his head, and you use your right hand to try to turn his head
3299 to the right, in this case, he's turning his head to the left and you're saying
3300 there's nobody on the left side of you, would you be using your left hand to
3301 turn his head back to the car.
3302
3303 ROMBERGER No, we're at my car at that point. I'm not trying to guide him anywhere. I'm
3304 just trying to hold him at that point.
3305
3306 LEVAN Anything else on this? Okay. All right, so after this, you guys are in the same
3307 situation or same position here where Officer ██████████ is on your right, ██████████ is
3308 pushed up the car. Uh, at a certain point, he turns and says, "Uh, yeah. This
3309 looks good." And looks back at you and refers to his lip bleeding. Then you
3310 can kind of see it that he is bleeding. Um, you make the comment, uh, and I'll
3311 quote it "Ah, man you bumped your face." What was your intent there?
3312
3313 ROMBERGER Right there I didn't, I don't remember him even bumping his face, so when I
3314 seen the blood, I was like "Ah, man you bumped your face." Cause I don't
3315 remember at any time, him, his face going against my vehicle. I wouldn't of
3316 tried to smash his face into my vehicle. That's not.
3317
3318 LEVAN So, you didn't hear that when you pushed him against the car? You didn't
3319 hear that thud?
3320
3321 ROMBERGER I pushed him up against, I felt his body nudge against but that was bracing his-
3322 bracing him against it. But I wouldn't of tried to brace his face against my
3323 vehicle. His body, yes. But not his face.
3324
3325 LEVAN I'm not saying brace, I'm talking about the actual physical contact when you
3326 hear that the- you make that sudden push.
3327
3328 ROMBERGER Yeah.
3329
3330 LEVAN Into the car and you hear a hard thud.

3331
3332 ROMBERGER Yeah.
3333
3334 LEVAN You didn't know he bumped his head on the car.
3335
3336 ROMBERGER At that point, no.
3337
3338 LEVAN Okay. So, when you say to him, "Ah, you bumped your face." That wasn't
3339 sarcasm?
3340
3341 ROMBERGER No. I just realized at that point when I saw the blood that he did in fact bump
3342 his face.
3343
3344 LEVAN As you go on, just after this, you're explaining to Officer [REDACTED] what- what
3345 happened.
3346
3347 ROMBERGER Yes.
3348
3349 LEVAN Basically, and you refer to either of them, I don't remember either [REDACTED] or
3350 [REDACTED], I don't remember which but you're explaining something and you say
3351 "This fool wants to fight." Explain that. You refer to either one of them as a
3352 fool.
3353
3354 ROMBERGER I don't recall making that- I said that statement to Officer [REDACTED]
3355
3356 LEVAN Yeah. I'll play it for ya.
3357
3358 ROMBERGER Oh.
3359
3360 RIGHTHOUSE If you stop it there, you can also hear the, uh.
3361
3362 ROMBERGER I said.
3363
3364 RIGHTHOUSE The response about the bumped lip.
3365
3366 LEVAN Gotcha.
3367
3368 ((RECORDING))
3369
3370 ROMBERGER Where's your ID at?
3371
3372 [REDACTED]: I don't have one.
3373
3374 [REDACTED]: Don't you fucking choke me
3375

3376 ROMBERGER She never even go up. When I walked up, these two just walked that way.
3377 She just stayed there.
3378
3379 [REDACTED]: She just got up while were doing this and staggered around the front.
3380
3381 [REDACTED] Ah, yeah. This looks good, thanks.
3382
3383 ROMBERGER Ah, man. You bumped your face.
3384
3385 [REDACTED] I didn't bump my face, yeah.
3386
3387 ROMBERGER Yeah.
3388
3389 [REDACTED] Thanks for slamming my face into a fucking windshield. Look at my fucking
3390 blood.
3391
3392 ROMBERGER I know, look at that. I'll take a picture.
3393
3394 [REDACTED]: Please do, can I take a picture.
3395
3396 ((END RECORDING))
3397
3398 LEVAN Your question and I said.
3399
3400 RIGHTHOUSE I'm sorry.
3401
3402 LEVAN That's okay. Your question was I said.
3403
3404 ROMBERGER I said to officer [REDACTED] he wanted to fight, I was referring to when I number,
3405 [REDACTED] in, he started kicking at us. Because at that point, I don't think Officer
3406 [REDACTED] saw the scuffle with me and the La Mesa guy, so I would have been
3407 letting Officer [REDACTED] know, he wants to fight if I open that door.
3408
3409 LEVAN You know what, actually I didn't even question that. So, I'm a little behind
3410 the curve.
3411
3412 ROMBERGER Oh, I thought that was the question.
3413
3414 [REDACTED] No, the question was about something about referring to one or both of these
3415 guys as fools.
3416
3417 ROMBERGER Oh.
3418
3419 RIGHTHOUSE Who wanted to fight.
3420

3421 ((RECORDING))

3422

3423 [REDACTED] Ah, yeah. This looks good, thanks.

3424

3425 ROMBERGER Ah, man. You bumped your face.

3426

3427 [REDACTED]: I bumped my face, yeah.

3428

3429 ROMBERGER Yeah.

3430

3431 [REDACTED] Thanks for slamming my face into a fucking windshield. Look at my fucking
3432 blood.

3433

3434 ROMBERGER Yeah, look at that. I'll take a picture.

3435

3436 [REDACTED] Please do, can I take a picture.

3437

3438 ((END RECORDING))

3439

3440 LEVAN Did I not go far back enough?

3441

3442 ROMBERGER I thought that's what your question was, my mistake.

3443

3444 ((RECORDING))

3445

3446 ROMBERGER Where's your ID at?

3447

3448 [REDACTED]: I don't have one.

3449

3450 ROMBERGER Oh, okay. That's okay, I can put you in jail without one.

3451

3452 [REDACTED] I didn't ask. I have an old ass ID.

3453

3454 [REDACTED] Just relax.

3455

3456 ROMBERGER I thought you said you didn't have one.

3457

3458 [REDACTED] I don't even know what I look like.

3459

3460 [REDACTED] You look fine. Oh, he does have ID?

3461

3462 ROMBERGER Is that you?

3463

3464 [REDACTED]: Fuck. I didn't even do anything. I'm already in restraints. That's fucking
3465 really.

3466
3467 ROMBERGER My bodycam pops off. My backup pops off.
3468
3469 ██████: I saw that. I saw that.
3470
3471 ROMBERGER Cover now, cause I didn't even know what him over here was gonna do. You
3472 already had two on me.
3473
3474 ROMBERGER I just rolled up, the guys
3475
3476 ((Crosstalk))
3477
3478 ROMBERGER I just rolled up the guys like hey go walk around the corner. Eh, I'll go tell
3479 them to leave. He's carrying a beer. I'm just gonna tell him to leave and then
3480 this fool over here wants to fight. I was like.
3481
3482 ██████: Oh, I'm a fool.
3483
3484 ((END RECORDING))
3485
3486 LEVAN And there was a point real early in the contact, um, the same kind of
3487 conversation with another officer. So, again, back to that, what's the intent
3488 there?
3489
3490 ROMBERGER Bad choice of words.
3491
3492 ██████ Well, it's better than saying fuckhead.
3493
3494 LEVAN Yeah, I'll agree with that. I agree with that. Okay, so after this, you've got his
3495 ID and you're gonna seat him in the car. You had mentioned that ██████ car
3496 was way down there.
3497
3498 ROMBERGER Yes.
3499
3500 LEVAN So, you're gonna put them both in the - that's why you choose to put them
3501 both in the car. Explain what happens there.
3502
3503 ROMBERGER Well, at that point then, we walk around to the driver's side, open that door
3504 there. And that's- that's when I realize ██████ had slid over.
3505
3506 LEVAN Do you remember before you walked around the car, opening the door and
3507 telling ██████ to slid over?
3508
3509 ROMBERGER I don't remember if I did that, no.
3510

3511 LEVAN Okay.
3512
3513 ROMBERGER I think it would have been kind of weird to tell him to slid over. Okay. I
3514 believe because we had him on the right side, initially, I was like [REDACTED] slid
3515 over.” So, we put him in. But [REDACTED] didn’t move, he “I’m gonna stay there.”
3516 And so then, fine, I just walked this dude over and put him on the other side.
3517
3518 LEVAN Do you remember telling [REDACTED] to move, uh, slid over?
3519
3520 ROMBERGER I would of told - I would of asked him to slide over so I can put number, yeah,
3521 [REDACTED] in there, yes. That’s probably what my initial thing was, rather than
3522 walking him around. Hey, here’s the door, stick him in. So, I probably without
3523 watching it, I probably said [REDACTED] slid over so we can put him in.
3524
3525 LEVAN Okay. And that’s reasonable. I understand what you’re saying. Um, but I want
3526 to, uh, I don’t want you to speculate. Just tell me what - if you remember
3527 doing it or you know not. So, do you remember opening the car and
3528 instructing [REDACTED] to slid over?
3529
3530 ROMBERGER At this moment, no I don’t remember that.
3531
3532 LEVAN Okay. All right. So, okay. When you walk him around to the other side of the
3533 car, you had [REDACTED] had slid over.
3534
3535 ROMBERGER Yes.
3536
3537 LEVAN If you had opened that door, the right rear door and told him to slide over and
3538 then walked around and he’s now on the left hand side, would it be reasonable
3539 that he was complying within order?
3540
3541 ROMBERGER Yes.
3542
3543 LEVAN Okay. Okay, so I’m gonna watch, I’m gonna play here.
3544
3545 ((RECORDING))
3546
3547 [REDACTED] You want to sit him in your car or what?
3548
3549 ROMBERGER Yeah, we’ll put him in the car for now.
3550
3551 ROMBERGER Slide over, your boy, no, nevermind.
3552
3553 [REDACTED]: Hey, can you please not grab me by my collar.
3554
3555 ROMBERGER: Shut up.

3556

3557 ROMBERGER Here sit in there with your boy, dude slide over

3558

3559 ((END RECORDING))

3560

3561 ROMBERGER That makes sense.

3562

3563 LEVAN So, we're talking reasonableness here. You open the door and tell him to slide
3564 over and when you go around to the other side, I understand watching this that
3565 - cause you say, oh, never mind. In your mind, you- if this isn't worth the
3566 effort here, I'm just gonna walk him around.

3567

3568 ROMBERGER Yeah.

3569

3570 LEVAN [REDACTED] mind. He's sitting in the back of the police car, the door opens and the
3571 cops says slide over. He slides over. Is that reasonable to believe that he's
3572 complying with you?

3573

3574 ROMBERGER Yes.

3575

3576 LEVAN All right. How did you handle that? What happens right here?

3577

3578 ROMBERGER Well, I think right there is when I first opened it, it happens quick. I'm like
3579 "Hey, slide over." But the way he like didn't look like he even acknowledge
3580 me and in my mind I remember he did not acknowledge me. So, I'm like fine,
3581 I'll just walk around the other side rather than wait for you to slowly shimmy
3582 over. So, in my mind I'm like, you know what, you're not gonna move, I'm
3583 just gonna put him in on the driver's side.

3584

3585 LEVAN I'm sorry. Let's clarify that. That's where I was talking about. So, you're on
3586 the driver's side with [REDACTED]

3587

3588 ROMBERGER Yeah.

3589

3590 LEVAN You open the door and [REDACTED] is there. What happens then?

3591

3592 ROMBERGER In my mind, I figure - I interpreted that as he didn't wanna slide at first and
3593 now he just did because he saw us walking over here. Now, he's just trying to
3594 play games where we can't get them both in there. So, in my mind, I'm like
3595 okay, he slid over now just to slow down the process of getting [REDACTED] in the
3596 car.

3597

3598 LEVAN Okay.

3599

3600 RIGHTHOUSE Where you agitated with him?

3601 ROMBERGER I'm sorry?
3602
3603 RIGHTHOUSE What is your demeanor with him?
3604
3605 ROMBERGER Right there, I'm just like - now I'm just like I wanna get this other guy in the
3606 car. It's.
3607
3608 RIGHTHOUSE I mean, are you upset? Are you agitated?
3609
3610 ROMBERGER No, I'm just like slide back over cause I'm trying to get number - [REDACTED] in
3611 the car.
3612
3613 RIGHTHOUSE Can you show that again real quick?
3614
3615 LEVAN Which part?
3616
3617 RIGHTHOUSE When the he asks him to slide over.
3618
3619 LEVAN First time.
3620
3621 [REDACTED] Passenger side in the driver's seat.
3622
3623 ((RECORDING))
3624
3625 RIGHTHOUSE You said he refuses I just want you to see how much time he has here.
3626
3627 ROMBERGER Slide over, your boy, no nevermind.
3628
3629 [REDACTED] Hey can you please not call- grab me by my ?
3630
3631 ROMBERGER: Here sit in the, with your boy, dude slide over. What's your
3632
3633 ((END RECORDING))
3634
3635 ROMBERGER So, that initial - when I open the passenger door.
3636
3637 [REDACTED] No, hold on a second.
3638
3639 ROMBERGER The initial - when I open the door and I'm like slide over, the way he just
3640 turns and he like doesn't acknowledge me, in my mind that felt like I'm sitting
3641 there like dude, you know, I'm waiting and he doesn't acknowledge me. So,
3642 right away, when he comes around with that look like he's probably not even
3643 going to look for me. So, rather than argue, I just put him on the driver's side.
3644
3645 RIGHTHOUSE Was he seatbelted? Was [REDACTED] seatbelted at the time?

3646
3647 ROMBERGER At that point, no.
3648
3649 LEVAN Okay. I get that. I get your decision to bring him to the - I'm not even going to
3650 deal with this drunk guy in the backseat, I'll just go over to the other side.
3651 that's a logical.
3652
3653 ROMBERGER Yeah.
3654
3655 LEVAN Decision. When you get to the other side, you tell him "Dude, slide over."
3656
3657 ROMBERGER Yeah.
3658
3659 RIGHTHOUSE It is just like 10th's of a second..
3660
3661 LEVAN And you don't give him a chance to slide over.
3662
3663 ROMBERGER Cause then I'm thinking in my mind he didn't wanna move for me the first
3664 time, now he's trying to delay me by sliding over. Now, he does slide over in
3665 that short time that we're walking over. So, I'm just gonna slide over here
3666 now. He can't put him on that side. So, in my mind, I'm thinking, now you're
3667 playing around, you're delaying us from getting [REDACTED] in there. Just slide
3668 back there where you didn't wanna move there from the beginning.
3669
3670 LEVAN Yeah, but you didn't give him any time to comply with the order. You say,
3671 dude slide over.
3672
3673 RIGHTHOUSE The first or the second time.
3674
3675 LEVAN Right.
3676
3677 ROMBERGER Either time, I obviously didn't give them enough time by the first time my
3678 mindset was he wasn't gonna move. I didn't stand there and wait. I was just
3679 like, hey slide over for me.
3680
3681 RIGHTHOUSE Your assumption was he wasn't gonna move but in reality, he did move.
3682
3683 ROMBERGER yeah.
3684
3685 RIGHTHOUSE So, when he did move, surprise there he is.
3686
3687 ROMBERGER Yeah.
3688
3689 [REDACTED] And that's a good move. What Sergeant Righthouse was saying. When you
3690 bring your number 2 around to the driver's side, you open up that back door,

3691 were you surprised to see [REDACTED] sitting on that side of the car?

3692

3693 ROMBERGER Yeah. I didn't expect him to come over on that side if we were walking on
3694 that side.

3695

3696 [REDACTED] And at that point, did you even remember that you had giving him a specific
3697 direction two or three seconds earlier and Dude, slide over before you say
3698 never mind and shut the door.

3699

3700 ROMBERGER No. At that point I'm like, I remember putting him on the passenger side in
3701 my mind, so now I'm like well, then it means the driver's side up and I'm just
3702 gonna walk him around and put him on that side of it.

3703

3704 [REDACTED] So, at that point, your thought is, he's just basically screwing around in the
3705 same obstructive resistive manner that he been?

3706

3707 ROMBERGER Yes.

3708

3709 [REDACTED] Before.

3710

3711 ROMBERGER That is exactly how I took it. I just thought now, he's just gonna bebop around
3712 in that car and we can't put [REDACTED] in there.

3713

3714 [REDACTED] Okay. And let me follow up on what Righthouse asked ya. You've had to
3715 physically struggle with this guy from the time you first encountered him, all
3716 the way up to the car, getting him into the car. Now you open that driver's
3717 side door and you see something that leads you to believe that he's just
3718 screwing around. Was that frustrating, irritating to you?

3719

3720 ROMBERGER It was frustrating that he was slowing us down, yes. I wanted to.

3721

3722 [REDACTED] And all along especially towards the end of this encounter, your thought
3723 process from the questions that were asked and the answers you gave earlier,
3724 you just want this to be over.

3725

3726 ROMBERGER Yes.

3727

3728 [REDACTED] So, it's frustrating to you that this guy is still screwing around and still making
3729 this more prolonged and more difficult than it needed to be.

3730

3731 ROMBERGER Yes.

3732

3733 [REDACTED] All right. And is it fair to say, and you choose the word you want, but is it fair
3734 to say that that's irritating.

3735

3736 ROMBERGER Yes.
3737
3738 RIGHTHOUSE Okay.
3739
3740 LEVAN So, again, I wanna be real - real clear on this. At this point in time, um, when
3741 you open the door and now [REDACTED] is behind the driver's seat, are you
3742 frustrated?
3743
3744 ROMBERGER Frustrated, yes.
3745
3746 LEVAN Okay. Are you angry?
3747
3748 ROMBERGER I wouldn't say I was angry. Frustrated, tired. Absolutely tired. I mean, I'm
3749 still.
3750
3751 LEVAN I could hear you breathing.
3752
3753 ROMBERGER So, the door he's right there. I'm frustrated he's just- he's just playing games.
3754
3755 LEVAN Okay. All right. So, what happens at that point?
3756
3757 ROMBERGER At that point, I'm like I'm just gonna slide him across that smooth plastic seat
3758 and put [REDACTED] right beside him.
3759
3760 LEVAN Okay and then, go on.
3761
3762 ROMBERGER That scuffle there? It felt like he's- he didn't wanna move, so I'm tryna- I'm
3763 tryna slide. He's trying to resist and at one point it feels like he's trying to
3764 swing out into me again. Like he did previous when he bumped into me
3765 numerous times and knocked my camera off. In my mind, he's very- he's
3766 coming right at me. So, he's coming, he's gonna headbutt me, he's gonna
3767 swing into me, swing his body into me or something like that. And that's
3768 when I'm like, I'm not gonna - I'm not gonna keep fighting with him. If he's
3769 gonna come out, he's fall out, I gotta grab him because he's handcuffed. If I-
3770 If I back away again and he comes out and face plants or straight down on his
3771 head, that's my fault because I opened the door. So, I'm like, he's coming out-
3772 he's swinging his head towards me, I gotta grab him some way to break that
3773 fall, so he's not- he doesn't faceplant on the pavement.
3774
3775 LEVAN How did you grab him?
3776
3777 ROMBERGER Tried to stop his head. In my mind, if I tried to grab any other part of his body,
3778 he might smack his face, smack his head on the ground. Last thing I want him
3779 to do is bust his head wide open.
3780

3781 [REDACTED] Or headbutt you.
3782
3783 ROMBERGER Brace- brace his head as he's coming down. Grab it the best way I can.
3784
3785 LEVAN Okay. Let's back up just a second. On [REDACTED]. Did he headbutt or
3786 did he attempt to headbutt you?
3787
3788 ROMBERGER I believe he was attempting to headbutt me and swinging his head towards me,
3789 yes.
3790
3791 LEVAN Okay. So, there was no physical contact between the two- between his head
3792 and your head?
3793
3794 ROMBERGER No.
3795
3796 LEVAN Okay. Um, so you said you're now gonna - your gonna grab him to...
3797
3798 RIGHTHOUSE Did [REDACTED] move in the car before you bend down and take hold of him?
3799
3800 ROMBERGER I'm sorry.
3801
3802 RIGHTHOUSE [REDACTED] is sitting in the backseat of the car seatbelted.
3803
3804 ROMBERGER No, he wasn't belted.
3805
3806 RIGHTHOUSE or handcuffed. He's seating in the back of the car, handcuffed. You open the
3807 door and the driver's side door, now he's sitting there cause you asked him to
3808 slide over. So, he's sitting in the backseat of the car in handcuffs. Does he
3809 move at all before you reach in and grab him.
3810
3811 [REDACTED] Let me see if I can get you clarify that question, Sarge. Cause I understand
3812 what you're asking but when you're asking that question, when you're asking
3813 what he sees today when he looks at that video.
3814
3815 RIGHTHOUSE I'm asking what he remembers.
3816
3817 [REDACTED] Or what his, or what his thought process was.
3818
3819 RIGHTHOUSE [REDACTED] was sitting in the car. You open the door and there he is. You tell him to
3820 slide over.
3821
3822 ROMBERGER In my mind, I actually tell him to slide over.
3823
3824 RIGHTHOUSE And then you take ahold of him. What happens and why do you take ahold of
3825 him?

3826
3827 ROMBERGER At that point, I'm gonna slide across the seat. I'm just gonna push him across,
3828 just nudge him far enough to where I can the other guy in the backseat.
3829
3830 RIGHTHOUSE And why are you going to push him over?
3831
3832 ROMBERGER Cause at that point, I remember in my mind, I'm like he slide over here to
3833 prevent me from putting [REDACTED] in the backseat. It's like- so, I'm weighing the
3834 options. Do I walk back around this side and then now he's back on that side
3835 and then try to move him over? Or do I just deal with it now? The door's
3836 already open, just slide him back over to the other side. So, I can put [REDACTED] in
3837 there.
3838
3839 RIGHTHOUSE All right. Then what occurred? What do you remember occurring?
3840
3841 ROMBERGER I remember trying to slide him over.
3842
3843 RIGHTHOUSE And then what you remember occurring when you tried to slide him over?
3844
3845 ROMBERGER When I tried - is I'm trying to push him. I remember he kind of motions over
3846 to the right.
3847
3848 RIGHTHOUSE How does he motion over to the right?
3849
3850 ROMBERGER Falls over to the right. Cause I'm pushing him to his right. I'm pushing his left
3851 side to the right. So, it looks like he kind of falls over. And I don't know if
3852 he's trying to sit up fast. I don't know if he's trying to bring his head up to
3853 headbutt me.
3854
3855 RIGHTHOUSE Which way does he fall over?
3856
3857 ROMBERGER He comes- he starts - first he goes to the right, cause that's the way I'm
3858 shoving. Cause he's.
3859
3860 RIGHTHOUSE So, he's falling into the car?
3861
3862 ROMBERGER Yeah, into the car. And then it feels like to me, he's coming up fast again to
3863 either headbutt me or just sit up but he came up quick enough to where he's
3864 gonna come into me and I'm not gonna let him - I'm not gonna let him get me
3865 in the mouth, so I'm gonna back up. But now...
3866
3867 RIGHTHOUSE So, he's following you into the car cause you're pushing him to the right?
3868
3869 ROMBERGER Initially. And then.
3870

3871 RIGHTHOUSE When you say, he comes up, he comes up forward or to the left?
3872
3873 ROMBERGER He comes up to his left, like he's trying to sit himself back up.
3874
3875 [REDACTED] Can you feel the pressure of him pushing against your hands as your...
3876
3877 ROMBERGER Yeah.
3878
3879 RIGHTHOUSE As he's pushing to the right?
3880
3881 ROMBERGER I'm pushing one way and he's pushing the other way.
3882
3883 LEVAN Against you?
3884
3885 ROMBERGER Yes, against me. So it feels like he's come back up. I don't know if he's trying
3886 to hit me. I don't know if he's trying to sit back up. But I'm going to back up,
3887 cause I'm not getting hit in the face.
3888
3889 RIGHTHOUSE And where are your hands when your pushing him to the right.
3890
3891 ROMBERGER I'm trying to grab him or get his shoulder or his shoulder, maybe his hip right
3892 there. Cause again if I got the hip, I can just slide it across the seat easier.
3893
3894 RIGHTHOUSE Okay. So, you're pushing on his shoulder and his hip to the right?
3895
3896 ROMBERGER Yes. I'm trying to shove him over back into the passenger side.
3897
3898 RIGHTHOUSE And then he pushes back to the left.
3899
3900 ROMBERGER Yes.
3901
3902 RIGHTHOUSE And when he goes out, what do you do?
3903
3904 ROMBERGER I felt like he was trying to, uh, headbutt me or sit up straight but either way, he
3905 was head was coming quickly enough at me where I'm not gonna let it hit me.
3906 That's why, you can see that I back up. If he's gonna fall, I'm gonna catch
3907 him. I'm not gonna let him fall face plant. So, as he's coming up that quick
3908 and I realize we're coming back out of the car, now it's a matter of stopping
3909 him from hitting.
3910
3911 RIGHTHOUSE Are you catching [REDACTED] falling out the car or you are you pulling him from it?
3912
3913 ROMBERGER I'm trying to keep him from falling hard, so I got a grab a hold of him
3914 somehow. But I'm not gonna- in my mind is he's gonna come down one way
3915 or the other, so, I don't wanna let him fall hard. I don't wanna yank him hard,

3916 but I'm not gonna- I'm not gonna- I'm not gonna try pushing upwards. If he's
3917 gonna fall, he's gonna fall. Or he's gonna come out, he's gonna come out.
3918
3919 RIGHTHOUSE Did you pull him out of the car?
3920
3921 ROMBERGER I don't feel like I was pulling him. I feel like I was trying to brace him, so he
3922 didn't head.
3923
3924 RIGHTHOUSE Show him that video.
3925
3926 LEVAN Before we get into - before we get into the video, um, your reports states that
3927 you, uh, and I'll read it verbatim here, uh, "I opened the driver's side rear door
3928 to place ██████ in the back seat. I noticed ██████ had slide over to the slide of
3929 the vehicle. ██████ refused to slide over for me to place ██████ beside him."
3930 You say, "Dude, slide over." Did he slide over for you?
3931
3932 RIGHTHOUSE On the second time or the first time?
3933
3934 LEVAN The second time.
3935
3936 ROMBERGER The second time.
3937
3938 LEVAN When he was on the driver's side.
3939
3940 ROMBERGER No.
3941
3942 LEVAN Because this is what we're referring to, the report now. The report is about the
3943 driver's side. So, um, he did not slide over for you. Did you give him time to
3944 slide over?
3945
3946 ROMBERGER I felt like I gave him a few seconds to acknowledge me or move.
3947
3948 LEVAN And that's before you go in to try and slide him over?
3949
3950 ROMBERGER Yes.
3951
3952 LEVAN Okay. So, what you guy were just talking about here about how- and as you
3953 start to pull him, he goes into the car a little bit and upright you and you
3954 mention he either sat- brought his head upright or brought- or was going to
3955 bring it over your- your mindset was one of those two things, but you didn't -
3956 defensively, you're not gonna allow yourself to be headbutt.
3957
3958 ROMBERGER Yes.
3959
3960 LEVAN So, you - said you - I believe you said you lean back but supported his way so

3961 that he didn't come out.
3962
3963 ROMBERGER Yeah.
3964
3965 LEVAN Okay. I think you even mention that in your report, um, "I did grab [REDACTED] to
3966 keep him from falling out of the patrol car or the patrol vehicle at a fast pace,
3967 which could of caused head trauma."
3968
3969 ROMBERGER Yes.
3970
3971 LEVAN Right. At any point in this, did you have both hands around his neck?
3972
3973 ROMBERGER I don't remember. I know I was trying to get his head because my initial
3974 thought was, if he comes down hard, grabbing his shoulders, grabbing his
3975 back ain't gonna prevent his head from smacking the ground. Cause he's not
3976 gonna put his hands up, obviously.
3977
3978 LEVAN Right.
3979
3980 ROMBERGER Get under his head. Keep that thing from hitting the ground.
3981
3982 LEVAN Okay. Do you remember pushing him back into the car before you pulled him
3983 out or before you- like you said, you supported him coming out...
3984
3985 ROMBERGER I only remember the initial, trying to get him over to slide him over. That's the
3986 only part I remember when I pushed on him, yes.
3987
3988 LEVAN Would there have been a reason that you pushed him into the car before he
3989 came out of the car?
3990
3991 ROMBERGER If, uh, if I felt he was trying to headbutt me, I might try to stop it. I- maybe my
3992 natural reaction would have been, you're not, you know. Don't head me. Just
3993 to try to keep him from doing that.
3994
3995 LEVAN Okay. Um, let me be clear here though. You don't remember doing it.
3996
3997 ROMBERGER I don't remember doing that, no.
3998
3999 LEVAN Okay.
4000
4001 ((RECORDING))
4002
4003 [REDACTED] (Unintelligible). That's fucking (unintelligible). I told you why.
4004
4005 ROMBERGER Put em both in the car for now. Slide over your boy, no never mind.

4006 ((END RECORDING))

4007

4008 LEVAN So, for the video, I'm going to show you the video right here of where you're
4009 - again, this is just articulating it for the audio. Um, you're gonna walk with
4010 [REDACTED] around to the driver's side

4011

4012 ROMBERGER Yes.

4013

4014 LEVAN And you're going to open that door. That segment.

4015

4016 ((RECORDING))

4017

4018 [REDACTED] Grab me by my (unintelligible).

4019

4020 ROMBERGER Shut up. Here sit in there with your boy, dude, slide over. What's your beef,
4021 man?

4022

4023 [REDACTED] Bro, can you please get off of me. Bruh, I'm not even doing anything.

4024

4025 [REDACTED] Grab me by (unintelligible).

4026

4027 ROMBERGER Shut up. Here sit in there with your boy, dude, slide over. What's your beef,
4028 man?

4029

4030 [REDACTED] Bro, can you please get off of my.

4031

4032 ((END RECORDING))

4033

4034 LEVAN Is that how you recall it?

4035

4036 ROMBERGER Did I recall it, no. Seeing it now, I know exactly why I did what I did, yes.

4037

4038 LEVAN Okay. Go head.

4039

4040 ROMBERGER Right there, I mean I can see where he's leaning into me. And he was gonna
4041 fall out. I wasn't grabbing his - right there, it almost look like I'm cradling a
4042 baby's head cause he's coming down. If I let go of his head, he's going
4043 straight back and it will smack his head. And the last thing I wanna do is have
4044 one of my 10-16 swing their head out on the pavement and now they're going
4045 to the hospital with a skull fracture, cause I did not catch them.

4046

4047 LEVAN I understand that. What about the part where he's still in the car. You grab
4048 him by the throat, bring him back into the car and it sounds like some part of
4049 his body hits the car. You have both of his hands around his throat and then.

4050

4051 ROMBERGER It felt like at that point...
4052
4053 LEVAN ...he starts coming down.
4054
4055 ROMBERGER I believed he was trying to headbutt me or come back into me and my initial
4056 reaction was to hold on to him because he's going to come out. I wasn't trying
4057 to yank him out of the car. I didn't want him out of the car at that point. After
4058 all the fighting that he and I did, or scuffling, rather. Slide him over, get the
4059 other guy in there.
4060
4061 RIGHTHOUSE You did not pull him out the car?
4062
4063 ROMBERGER I didn't - I wasn't trying to pull him out the car in anyway. I just felt like he
4064 was swinging backwards. My mindset was, he's trying to headbutt me. I'm
4065 just gonna make sure he doesn't land too hard.
4066
4067 ██████████ So, you're doing - you got two thoughts going. One is to defend against or
4068 prevent him from headbutting ya and the other is to control his head so that it
4069 doesn't hit the pavement when he falls out of the car.
4070
4071 ROMBERGER Yes. I did not want him to get injured or come back down on the- on the
4072 pavement.
4073
4074 LEVAN I see where you're supporting his head as he's coming out of the car. You're-
4075 you're- I believe you're left hand is, um, behind his head. But what we're
4076 actually referring to - I take that back. Yeah, I will. This is, um, what you're
4077 referring to is you're supporting his head when he comes out of the car.
4078
4079 ROMBERGER Yeah.
4080
4081 LEVAN And that is, um, the still shot at 10:53. Where my focus is before he actually
4082 comes out of the car. I'll show it one more time.
4083
4084 ((RECORDING))
4085
4086 ROMBERGER Here sit in the with your boy
4087
4088 LEVAN It looks like you actually go in and then out.
4089
4090 ROMBERGER: What's your beef, man?
4091
4092 ██████████: Bro, can you please get off of my...
4093
4094 ((END RECORDING))
4095

4096 LEVAN It looks like you're pulling out by his neck.
4097
4098 ROMBERGER Because right there, I felt like I was - I got too close because right before
4099 anything happened with the head, like I was initially down low trying to get
4100 him to slide over.
4101
4102 LEVAN Mm-hm.
4103
4104 ROMBERGER And right away, all I see is his large head coming towards me. So, I let go - let
4105 go of his hip, let go of anything else and right there, all I see is the head
4106 coming at me.
4107
4108 RIGHTHOUSE You did not try to pull him out the car by his head?
4109
4110 ROMBERGER I was not trying to pull him out the car at any point.
4111
4112 RIGHTHOUSE You said you were trying to pull his head up, so it wouldn't hit the ground.
4113
4114 ROMBERGER So, it would not hit. So, initially.
4115
4116 RIGHTHOUSE Could we see just the end part again. Cause the end of this video I'd like he
4117 had both hands on his head and I just want you to see where you're pushing
4118 his head.
4119
4120 ((RECORDING))
4121
4122 ROMBERGER Slide over.
4123
4124 ((END RECORDING))
4125
4126 ROMBERGER Cause initially right there, you could see when I first tried to - right before that
4127 part. Right as I was trying to.
4128
4129 RIGHTHOUSE Go to the part right when he's on the ground. A little bit further. Keep going.
4130 Now which way are you pushing his head.
4131
4132 ROMBERGER Right there?
4133
4134 RIGHTHOUSE Are you holding it up?
4135
4136 ROMBERGER Right there with my left hand, I'm still trying to hold on to him.
4137
4138 RIGHTHOUSE: Right.
4139
4140 ROMBERGER I'm not trying to shove me down on the ground.

4141
4142 RIGHTHOUSE: Watch the video.
4143
4144 ROMBERGER I'm sorry.
4145
4146 RIGHTHOUSE: Watch the video.
4147
4148 ((RECORDING))
4149
4150 ROMBERGER Here sit in the with your boy, dude, slide over. What's your beef, man?
4151
4152 [REDACTED]: Bro, can you please get off my?
4153
4154 ((END RECORDING))
4155
4156 RIGHTHOUSE It looks like your pushing his head down towards the ground.
4157
4158 ROMBERGER At that point, he was - his shoulder's on the ground.
4159
4160 RIGHTHOUSE That's I want you to explain though. You saying you're holding his head up.
4161
4162 ROMBERGER Well, at that point now, he's not...
4163
4164 RIGHTHOUSE As he strikes the ground, you're actually pushing his head towards the ground.
4165
4166 ROMBERGER At that point, now his right shoulder is on the ground. He's braced. He's not
4167 going anywhere.
4168
4169 [REDACTED] That's a controlled movement.
4170
4171 RIGHTHOUSE Well I want him to answer.
4172
4173 ROMBERGER Now, I'm trying to control his head because throughout this entire thing, what
4174 I saw, as soon as that door's open, as I soon I go to slightly push him over, I
4175 shouldn't say slightly, as soon as I went to push him over, when you watch the
4176 video, you can see, he right into my chest right there. So, I'm trying to go
4177 down low and right away, he's- his head slams into me. So, I'm thinking he's
4178 gonna headbutt me. So, when I realize at that point that he's gonna fall out,
4179 Yes then, I'm grabbing his head. Once he hits and I know his shoulder's solid
4180 on the ground, I'm just gonna control his head because at that point, he's
4181 handcuffed. His feet are away from me. They're like over by the vehicle. So,
4182 he can't kick me. I'm just gonna control his head. So, holding it, I'm not
4183 trying to shove it into the pavement, I'm just trying to hold it. He's already
4184 laying there on his right side. Hold his head, don't move. And that's when I
4185 ask him.

4186
4187 RIGHTHOUSE So, you're transitioning from bracing his head to.
4188
4189 ROMBERGER To holding him..
4190
4191 RIGHTHOUSE To controlling his head.
4192
4193 ROMBERGER Because I felt at that point, his shoulder was on the ground. He wasn't falling
4194 at that point. He was on the ground at that point.
4195
4196 LEVAN In my experience with dealing with resistive 10-16 that are already in the car,
4197 whether they're spitting at you or what have you, if they're in the backseat,
4198 normal reaction in this- in this scenario would be push him deeper in the car
4199 and control him that way. Their head's way from you, they can't spit at you,
4200 they can't bite at you, whatever the case may be. That almost looks like what
4201 you're doing here initially, is you push him back into the car and then you
4202 transition to his throat and there's some upward movement and then outward
4203 movement. And then once he's almost three quarters away out of the car is
4204 when we see your hands in that supportive role that you're talking about. But
4205 it's before that we're- concerned with.
4206
4207 ROMBERGER It's that split second there.
4208
4209 LEVAN Mm-hm.
4210
4211 ROMBERGER Where he's - he's coming into me, initially. Before I even start to push, when
4212 you watch it, you can see his movement.
4213
4214 LEVAN I see that.
4215
4216 ROMBERGER He's into my chest.
4217
4218 LEVAN Mm-hm.
4219
4220 ROMBERGER So, that's like- I'm taking that as right way, he just wanted to head butt me, or
4221 put his shoulder into me. And right away, that's where I'm like, get that head
4222 away from me. Cause I'm looking at a giant head in front of me. Shove him
4223 over.
4224
4225 LEVAN Let's- let's go with that. So, if he's trying- let's assume he's trying to headbutt
4226 you. What type of behavior is that?
4227
4228 ROMBERGER Well that's assaulted behavior right there.
4229
4230 LEVAN Okay. And with assaulted behavior, what type of force can you use?

4231
4232 ROMBERGER I can use - I can use force to push him back in. I can use physical force to keep
4233 him away from me and keep him from assaulting me. That wasn't my
4234 intention, was more or less to just keep from getting hit.
4235
4236 LEVAN So, what was your intent there?
4237
4238 ROMBERGER I just wanted to push his head away from my...
4239
4240 LEVAN Okay.
4241
4242 ROMBERGER I didn't wanna get hit in the head.
4243
4244 LEVAN So, you do that? Okay and you have articulated that. You push his head away
4245 from you. I can see that movement you're- you're talking about. That's not in
4246 dispute here. He's- you've pushed him back deeper into the car, granted it's
4247 very quick but then your hands go to his throat. There's an upward movement
4248 and then you pull him out the car. That's what we're talking about.
4249
4250 ROMBERGER At that moment, the weapon he's using to try to hit me with is his head.
4251
4252 RIGHTHOUSE And you're saying you didn't pull him out of the car, you said he falls out the
4253 car. So did he fall out the car or did you pull him out of the car?
4254
4255 ROMBERGER I felt like he was leaning back into me and I went right into keep him from
4256 falling. So, in my mind, as quick as it happens, I'm seeing that his weapon is
4257 his head, keep it away from me. But right away then, I'm like he's coming
4258 regardless. In my mind, as this is going- unfolding, he's gonna come
4259 regardless. So, that's why I just brace it for the fall. Initially, keep that weapon
4260 away from me which was his head and it went straight into he's falling down,
4261 I just- just keep him from falling.
4262
4263 LEVAN Okay. Was there- was there any - do you agree that both of your hands was on
4264 his neck there at that point in the car?
4265
4266 ROMBERGER Yes.
4267
4268 LEVAN Was there any compression with your hands?
4269
4270 ROMBERGER Absolutely not. I was not trying to choke him in any way.
4271
4272 LEVAN All right. So, do you pull him out of the car? Does he come out of the car of
4273 his own?
4274
4275 ROMBERGER He was coming but in my mind, I felt like he was coming regardless. I wasn't

4276 trying to yank him out. I'm not trying to keep him from coming out but at the
4277 same time, if he's coming backwards, his upper torso is coming back, I'm not
4278 gonna keep fighting to try to shove him back in. I'm going to break his fall.
4279

4280 LEVAN So, did he put pressure to come back.

4281
4282 ROMBERGER I felt him pressing back into me, yes.

4283
4284 LEVAN All right. So, as he comes out of the car and you get to this position where
4285 you're seeing the screenshot, he's just out of the car and he's on the ground.
4286 Um, is, uh, as Sergeant Righthouse said, it looks like you - once you go from
4287 that supportive role, you go to a controlling role on his head where you're
4288 pushing his head toward the ground. Does his head ever contact the ground?
4289

4290 ROMBERGER I don't think so, no.

4291
4292 LEVAN Does he ever sustained any head injuries.

4293
4294 ROMBERGER I don't recall, no.

4295
4296 LEVAN You don't recall?

4297
4298 ROMBERGER I don't recall him saying anything.

4299
4300 LEVAN Okay.

4301
4302 ROMBERGER No.

4303
4304 LEVAN All right. How did you - once he's on the ground here, how did you control
4305 him?
4306

4307 ROMBERGER I was just trying to hold his head to keep from moving around because in my
4308 mind, he just tried to headbutt to me, hold on to his head, don't let him keep
4309 swinging that thing around. Cause he's handcuffed, he's not going anywhere.

4310
4311 LEVAN Do you remember what you did with your knees?

4312
4313 ROMBERGER I think I was had, my knee was probably right on top of him cause if I'm
4314 holding his head and I don't want his body moving, so.

4315
4316 LEVAN Okay, not speculating. Do you remember where your knees were?

4317
4318 ROMBERGER My knees were - I don't remember where they were no.

4319
4320 LEVAN All right. So, with that, I'm gonna show you a screenshot and this is, um,

4321 where we stopped the video is 10:59. This is 11:05. So, if I have six seconds,
4322 basically later, you say and you saw in the video that we ran a couple of times,
4323 what's your beef, man? That's about where I'm talking about here. It looks
4324 like your right knee is over his neck.
4325
4326 ROMBERGER Okay.
4327
4328 LEVAN Are you squatting over him or are you?
4329
4330 ROMBERGER I think I'm just - yeah, I'm squatting down low with him, so I can keep a hold
4331 of him.
4332
4333 LEVAN Is there any pressure being placed on his neck right there?
4334
4335 ROMBERGER I don't think so, no.
4336
4337 ██████████ Was it your intent to use your knee to apply pressure to his neck and
4338 immobilize?
4339
4340 ROMBERGER I think I'm just squatting to stay down low with him because I had my left
4341 hand on his shoulder. I don't want him moving.
4342
4343 LEVAN Did he sustain a neck injury of any kind?
4344
4345 ROMBERGER He didn't complain of any pain whatsoever.
4346
4347 LEVAN Okay. And I'm sorry, I asked you this but I don't remember the, uh, the
4348 answer. While in this situation when he's on the ground at this point, does his
4349 head ever come in contact with...
4350
4351 ROMBERGER I don't remember his head touching it no.
4352
4353 LEVAN The ground?
4354
4355 ROMBERGER Yes.
4356
4357 LEVAN So, at this point Officer ██████████ takes control of ██████████ and they're at the police
4358 car out of play. Um, you tell, um, actually, scratch that. Explain to me what
4359 happens after this.
4360
4361 ROMBERGER At this point, I just pick him back up and put him back in the car again.
4362
4363 ██████████ Can we take just a quick break.
4364
4365 LEVAN Absolutely.

4366

4367

4368

4369

4370

4371

4372

4373

4374

4375

[REDACTED]

I have to go to the men's room.

LEVAN

Absolutely. Okay. At this time we're going to take a break here. The time is, uh, 10:57.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed _____

1
2
3
4
5
6
7 **INTERVIEW WITH OFFICER TIM ROMBERGER**

8 **Q=Sgt. John Levan**

9 **Q1=Sgt. Bret Righthouse**

10 **A=Ofc. Tim Romberger**

11 **A1=**

12 **Officer**

13 **Officer**

14 **Officer**

15 **Officer**

16 **Officer**

17
18
19
20
21
22 **LEVAN:** Okay we're back here, uh, interview with Officer Romberger and it is, uh,
23 10:50 - actually 10:51. The same administrative admonishment, uh, applies
24 here. Do you need me to read it again?
25

26 **ROMBERGER:** No sir.
27

28 **LEVAN:** No okay. All right. So we left off, um, [REDACTED] is on the ground after having
29 been taken out of the car. You're over him, [REDACTED] at the rear of the car with
30 Officer [REDACTED]. Explain how we get him up into the car again - [REDACTED].
31

32 **ROMBERGER:** I was just trying to lift him back up. It - and - sit him back in the car. I grabbed
33 his arms or grab his shoulders or however I have to sit him back up or pull
34 him up to get him back in the vehicle.
35

36 **LEVAN:** Did you ask him to get back into the car?
37

38 **ROMBERGER:** I - I believe I would have yes.
39

40 **LEVAN:** Okay. Again, I don't - I - I just wanna deal with what you remember.
41

42 **ROMBERGER:** I don't remember what exactly I said to him at - at this point no.
43

44 **LEVAN:** Okay. Um, what - what you actually say to him while he's on the ground you
45 give an admonishment quote - um, actually I don't wanna quote there. You

46 tell him...
47
48 RIGHTHOUSE: Do you remember saying anything to [REDACTED] while he's on the ground?
49
50 ROMBERGER: Other than wh- asking him what his beef was I don't remember our - I - I
51 think I yelled at him about trying to head butt me again. 'Cause I felt like
52 that's what he tried to do. So I i- I addressed that like, "Don't try to head butt
53 me. Just get back in." You know "I just want you back in the car."
54
55 LEVAN: I know that's your intent. What did you tell him?
56
57 ROMBERGER: I think I told him "Hey don't - don't head butt me."
58
59 LEVAN: Anything else?
60
61 ROMBERGER: Not that I remember.
62
63 LEVAN: Did you threaten him?
64
65 ROMBERGER: Not that I remember.
66
67 LEVAN: Okay. So do you know how he - he got back into the back of the car? Did you
68 physically lift him?
69
70 ROMBERGER: I think I had to - yeah I definitely had to assist him back up to get him back in.
71
72 LEVAN: And how did you do that?
73
74 ROMBERGER: Just using physical force just to try to sit him up - stand him up and get him
75 back in the car.
76
77 LEVAN: So did you - where did you lift on his body? Where were your hands we...
78
79 ROMBERGER: I don't re- I don't recall exactly where.
80
81 LEVAN: Okay. Do you remember if you had a hand on the back of his neck dur- while
82 lifting up to put him back in the car?
83
84 ROMBERGER: I don't remember that.
85
86 LEVAN: All right. I'm gonna go ahead and play the section of video here - 12.
87
88 ((RECORDING))
89
90 ROMBERGER: I tried to slide you over now you go to head butt me. You just head butt me.

91 Are you serious?

92
93 [REDACTED] Bruh, I'm just trying to (unintelligible).

94
95 ROMBERGER: I'm gonna sit you up again. You're gonna sit in the car. Do you understand. If
96 you head butt me again I'm gonna smash your face into my vehicle. You
97 understand? Get up. Sit down.

98
99 [REDACTED] (Unintelligible).

100
101 ((END RECORDING))

102
103 LEVAN: Okay. So, um, first thing is, um, you tell him you're gonna - if he tries to head
104 butt you - you're gonna smash his...

105
106 ROMBERGER: Yes.

107
108 LEVAN: Do you remember that comment now?

109
110 ROMBERGER: Yep.

111
112 LEVAN: Seeing it? Explain that.

113
114 ROMBERGER: I just didn't want him try to head butt me again. I thought up the thought of
115 hitting my vehicle is - was there he might think twice to do it.

116
117 LEVAN: So was that specific statement - or di- or was it - did you think it was....

118
119 ROMBERGER: That was more with just don't try to head butt me. I was trying to get my point
120 across.

121
122 LEVAN: You think it was appropriate?

123
124 ROMBERGER: At the time I felt like it was. Yes.

125
126 LEVAN: Okay.

127
128 ROMBERGER: Sitting here right now? No.

129
130 LEVAN: Why?

131
132 ROMBERGER: I just - poor choice of words.

133
134 LEVAN: Okay. Um, so you don't - looking at it now you don't think the situation calls
135 for that type of language?

136
137 ROMBERGER: I should have worded it - I could have worded it differently, but get my point
138 across - the same point - "Don't try to head butt me" but probably shouldn't
139 have said, "Hey you're gonna hit my vehicle" or anything like that.
140
141 LEVAN: Okay. Um, when you go to pick him up it looks like your left hand grabs his
142 left arm. And then the back of - or your right hand grabs the back of his neck.
143
144 ROMBERGER: Yes.
145
146 LEVAN: Again, we're up to his neck again.
147
148 ROMBERGER: Yes.
149
150 LEVAN: Explain that.
151
152 ROMBERGER: Because that was the weapon that he's been - that he tried to use initially is - if
153 I can keep that head from moving it's less likely to hit me.
154
155 LEVAN: So did you apply pressure to his neck?
156
157 ROMBERGER: No it was just there to let him know my hand's on your head. Don't try to
158 move it.
159
160 LEVAN: Okay. So there was no pressure on his neck at that point. All right. Did you
161 lift him by his neck?
162
163 ROMBERGER: No. I believe I lifted him up by his arm. But I made - again, the hand there
164 was just to let him know that if you try to swing it towards me I - my hand's
165 right there. You're not gonna be able to get me with it.
166
167 LEVAN: Okay. Um, and how does he go into the vehicle?
168
169 ROMBERGER: That point then I just shove him back into the vehicle. You - I got the left arm
170 there. So I just shoved that part of his torso to get him into the vehicle.
171
172 LEVAN: Okay. And then he's in the vehicle. What happens then?
173
174 ROMBERGER: Then once I get him in I just try to close the door. I don't remember if he
175 resisted anymore at that point. I'm pretty sure I just closed the door.
176
177 LEVAN: Did you, uh, recover any property from him at this point?
178
179 ROMBERGER: I don't recall at that point.
180

181 LEVAN: Do you know if - if at this point he had been searched thoroughly?
182
183 ROMBERGER: I don't - no I don't think he was searched thoroughly no.
184
185 LEVAN: Okay. Okay I'm gonna refer to your report here. Um, that same paragraph that
186 I pointed out before - page four. Um, paragraph three. "Once we were at my
187 patrol vehicle - vehicle I attempted to search him incident per - per incident to
188 arrest. [REDACTED] continued to resist and refused to let me search him. I did not
189 locate any weapons or drugs inside [REDACTED] pockets only a 12 ounce can of
190 Modelo". So in reading your report you fo- you found this when you initially
191 got to the car. Am I interpreting that correctly?
192
193 ROMBERGER: Yes.
194
195 LEVAN: Okay. What we're gonna see here is, um, you recover the beer from him here.
196
197 ((RECORDING))
198
199 ROMBERGER: Where's your ID at?
200
201 [REDACTED] Come on over here and sit down.
202
203 ROMBERGER: Slide over here. Where's your ID at?
204
205 [REDACTED] Laughing
206
207 [REDACTED] Stop moving.
208
209 ((END RECORDING))
210
211 LEVAN: Okay. So after seeing this now is your report accurate?
212
213 ROMBERGER: Not entirely no. When I typed it I'm thinking to myself - I remembering as
214 I'm typing this at some point he was refusing. Which he was. And that's when
215 I found the beer. So that's - that's how I remembered it as I was typing the
216 report.
217
218 LEVAN: What do you mean he was refusing?
219
220 ROMBERGER: Just the fact - it was - in my mind with refusing the entire struggle to get him
221 into the car. The struggle out of the car back into the car. When I typed it up I
222 was just thinking he was refusing the entire time he didn't want me to search
223 him. So that's why it was worded that way. I think had I watched the video I
224 would have worded my report slightly different that after the scuffle then I
225 found the beer, but I didn't - I didn't watch it thoroughly so that's why I

226 worded it that way.
227
228 LEVAN: Okay. So after this, um, what hap- after you found the beer here do you
229 remember what happens next?
230
231 ROMBERGER: Close the door. That's when the acting Sergeant [REDACTED] came up to me and
232 asked me what happened. I told him what had happened. Some point we heard
233 it - what sounded like [REDACTED] in the back kicking - kicking my doors.
234
235 LEVAN: Before you- that even happens do you remember getting, uh, [REDACTED] wallet
236 ID?
237
238 ROMBERGER: Yes I found - he - I believe he had an old military ID or dependent ID. He had
239 some kind of ID on him that I found his name yes.
240
241 LEVAN: Do you remember when you found it?
242
243 ROMBERGER: It's probably right before he - he kicked the seat. 'Cause I - at some point I did
244 get back into my vehicle to run the name that I saw on it. But it was - it was an
245 old ID. Almost - almost like a - like a child's dependent ID.
246
247 LEVAN: Mm-hm.
248
249 ROMBERGER: 'Cause the picture looked slightly older. So, but I'm looking at it like this
250 looks like - you know this is him. So, but that's when I ran the information
251 yes.
252
253 LEVAN: Okay.
254
255 RIGHTHOUSE: When you wrote about the 12 ounce can of beer that you found you also write
256 that [REDACTED] continued kicking at you. Did you see him kicking in this video? Is
257 that accurate?
258
259 ROMBERGER: No at that point no it's not accurate.
260
261 LEVAN: Anything else on that? No okay. So right here after you found the beer, um,
262 you reach into the car and bring him out again. Do you remember that? So this
263 a third time actually in, uh - and second time he's being pulled from the car.
264 Do you...
265
266 ROMBERGER: I think after finding the beer that's when I'm like there - what else is in his
267 pockets at that point. 'Cause then - that's when it - it hit me at that point I
268 didn't search him thoroughly enough. And I think at that point he still has that
269 bag on him. So what else is in his back at that point? I didn't believe there was
270 any weapons in there. But what else is in that bag?

271
272 LEVAN: So do you remember pulling him out of the car again and searching him?
273
274 ROMBERGER: The third time no.
275
276 LEVAN: Okay. That's - do you remember the time you found his ID?
277
278 ROMBERGER: No.
279
280 LEVAN: Okay. I queue the video then.
281
282 ((RECORDING))
283
284 ROMBERGER Turn around and face my vehicle. All right here's your ID. Sit back down. Sit
285 back down. Sit back down.
286
287 [REDACTED] Laughing
288
289 ((END RECORDING))
290
291 LEVAN: Okay. Can you hear what he's doing?
292
293 ROMBERGER: Laughing?
294
295 LEVAN: He's laughing. We've already established, um, earlier that you said you were
296 frustrated by the whole thing.
297
298 ROMBERGER: Mm-hm.
299
300 LEVAN: Okay. You get him out. You get his ID and you tell him to sit back in the car.
301 Do you give him the opportunity to sit in the car?
302
303 ROMBERGER: I felt like I - he was trying to not sit back in the car. At the time I felt like he
304 wasn't gonna sit back in the car. And after what - after the entire incident that
305 led up to that I didn't think he was gonna sit back in the car. So I guided him
306 into the car.
307
308 LEVAN: You call that guiding him into the car?
309
310 ROMBERGER: Used a little force yeah, but I would - just to try to get him back in the car.
311
312 LEVAN: Okay you just watched it though. How would you describe what you just...
313
314 ROMBERGER: That right there is using force to get him back in the car. Yes.
315

316 LEVAN: Okay. Do you think...
317
318 [REDACTED]: Just to clarify - using force are you - are you talking him about beating him
319 into the car? Pushing him into the car?
320
321 ROMBERGER: No I - that's why I'm trying to say guiding. It's more leading him into the car
322 making sure he's gonna go the way I want him to go. So it doesn't escalate
323 again.
324
325 RIGHTHOUSE: When you say leading...
326
327 [REDACTED]: Pushing him into the car.
328
329 RIGHTHOUSE: ...were you leading him or pushing him?
330
331 ROMBERGER: Well pushing him yes.
332
333 LEVAN: Do you think - looking at it now - do you think that's appropriate?
334
335 ROMBERGER: Right now I probably should have given him a few seconds to - to get in on
336 his own yes.
337
338 LEVAN: Did he try to - before you pushed him into the car did he try to - did he offer
339 any resistance?
340
341 ROMBERGER: He felt like he was trying to - 'cause you see the way I had to physically spin
342 him around. Didn't feel like he wanted to sit back in there.
343
344 LEVAN: Okay.
345
346 ROMBERGER: I took that as he wasn't gonna sit back in the car.
347
348 LEVAN: Let's watch that one more time.
349
350 ((RECORDING))
351
352 [REDACTED] Stop moving!
353
354 ROMBERGER: Turning around face my vehicle. All right here's your ID. Sit back down. Sit
355 back down. Sit back down.
356
357 ((END RECORDING))
358
359 LEVAN: So he's actually head down going into the car when you give that shove to
360 push him into the car.

361
362 ROMBERGER: Yeah.
363
364 LEVAN: And he's laughing at you at the same time.
365
366 ROMBERGER: Yeah.
367
368 LEVAN: So ag- looking at this is that reasonable?
369
370 ROMBERGER: Probably not.
371
372 LEVAN: Okay. So when he gets into the car after he's shoved into the car his - his...
373
374 RIGHTHOUSE: Did you...
375
376 LEVAN: ...left - go ahead.
377
378 RIGHTHOUSE: Did you do anything else to him when he sat in the back of the car? You
379 shoved him in.
380
381 ROMBERGER: No I think once in he brought his foot in or I - I don't think I had to help him
382 get his foot in. But he did end up sitting down at that - that point. I don't
383 remember doing anything else at that point.
384
385 LEVAN: Okay. Did you have to use any more force i- aft- right after this - with him in
386 the car?
387
388 ROMBERGER: With this right here? I don't think so. I think he just sat in, I closed the door on
389 him.
390
391 RIGHTHOUSE: You think you shoved him into the car because you were frustrated?
392
393 ROMBERGER: No I shoved him in the car to get him in the car.
394
395 RIGHTHOUSE: I know you shoved him to get him in, but why was it necessary to shove him
396 with both hands in the back seat of the car?
397
398 ROMBERGER: I think I - again, I wanted him back in there and close that door on him again.
399 Because it felt like every time I dealt with him it was - it was a struggle. So...
400
401 RIGHTHOUSE: At this - at this point he's not struggling. He's bent over. He's getting in the
402 car and you shoved him. Why do you think you shoved him at that point?
403
404 ROMBERGER: I think it was...
405

406 RIGHTHOUSE: I know you wanted to get him in the car.
407
408 ROMBERGER: ...I think it was to get him in there quicker.
409
410 RIGHTHOUSE: But why the shove?
411
412 ROMBERGER: To get him in there quicker.
413
414 RIGHTHOUSE: Out of frustration?
415
416 ROMBERGER: I wouldn't think - I don't think I was that frustrated. They - I could have been.
417 I could still...
418
419 [REDACTED]: Well you're still breathing awful hard.
420
421 ROMBERGER: I was still tired. Still worn down. And it's get him in there quickly.
422
423 LEVAN: He's handcuffed. And he's facing into the car. So he's bent over actually
424 facing into the car when you shove him into it. Does he have any way to
425 protect himself from being injured?
426
427 ROMBERGER: I wouldn't think so no - if he goes forward.
428
429 LEVAN: Okay. So you were concerned about his head when he came - when he was
430 coming out of the car. But you've - you're now shoving him into the car and
431 he has no way to protect himself.
432
433 ROMBERGER: Yeah.
434
435 RIGHTHOUSE: So you're shoving him into the car - are you shoving him in the car in attempt
436 to injure him? You're mad at him. Or are you shoving him in the car because
437 you're trying to get him in the car maybe you're a little frustrated.
438
439 ROMBERGER: I wa...
440
441 RIGHTHOUSE: You give him a little push. I'm asking you to tell me - obviously we saw it and
442 we agree.
443
444 ROMBERGER: Yeah.
445
446 RIGHTHOUSE: He's bent over. He's going into the car on his own. You give him a shove. To
447 plant him into the car to get him in a little quicker. But I'm asking is why did
448 you do that? Why is it necessary to give him the shove?
449
450 ROMBERGER: I don't - I was- I don't know why. I didn't try to injure him. I'm not trying to

451 injure him. I mean - I - I tried to keep him from getting injured initially. So it
452 wasn't to injure him. It was just "Hey get back in the car."
453
454 RIGHTHOUSE: You frustrated with the fact that he's not cooperating? At that point he's
455 laughing at you.
456
457 ROMBERGER: Yes.
458
459 RIGHTHOUSE: He's giggling.
460
461 ROMBERGER: Yes I just need...
462
463 RIGHTHOUSE: So you just pushed him in.
464
465 ROMBERGER: I'm just frustrated. I want to get him back in the car so I can do what I need to
466 do with him yes.
467
468 LEVAN: So was - with that frustration - was your intent to - let me rephrase that. I'm
469 sorry. Were you punishing him by throw- by pushing him in there?
470
471 ROMBERGER: No.
472
473 LEVAN: Or were you frustrated and - I think your words and I wanna use your words -
474 you're frustrated and wanted it over.
475
476 ROMBERGER: Yes.
477
478 LEVAN: So that - okay. All right.
479
480 ROMBERGER: I was frustrated and definitely - definitely running out of energy.
481
482 LEVAN: So that - that's - I just wanna make sure I understand it correctly.
483
484 ROMBERGER: Yes.
485
486 LEVAN: So - okay. So you believe - or your recollection of the incident at this point is
487 after this it's over and you shut the door on him.
488
489 ROMBERGER: Yes.
490
491 LEVAN: All right. Do you remember kicking him?
492
493 ROMBERGER: No.
494
495 LEVAN: All right. What I'm gonna show here is - this is actually, um, Officer

496 [REDACTED] video. And, uh, the start of the time will be, uh, 1:38.

497

498 ((RECORDING))

499

500 [REDACTED] Tim's about ready to.

501

502 [REDACTED]: I know. I'll cover him first.

503

504 LEVAN: Just to sync the two videos so you guys know - uh, this is the point that we're
505 talking about where you've just put him back in the car. You've retrieved his
506 ID and he's back in the car.

507

508 ROMBERGER: Ok here's your ID. Sit back down. Sit back down. Sit back down.

509

510 [REDACTED] Laughing

511

512 ROMBERGER: Sit back down.

513

514 Man: (Unintelligible).

515

516 ROMBERGER: All right. Sit back down. Sit back down.

517

518 [REDACTED]: Evaluate me.

519

520 ROMBERGER: Sit back down.

521

522 [REDACTED]: (Unintelligible). No - no.

523

524 ((END RECORDING))

525

526 LEVAN: Okay. Having seen that do you remember that now?

527

528 ROMBERGER: Yeah right there I was trying to nudge his foot back in. I wasn't gonna bend
529 down and try to grab his foot where he could try to kick me. So I'm gonna
530 nudge his foot back in with my foot is what that looked like.

531

532 LEVAN: Okay. Let me show you one other video.

533

534 ((RECORDING))

535

536 ROMBERGER: (Unintelligible) 'cause I tell him to leave. An...

537

538 ((END RECORDING))

539

540 LEVAN: Okay. So you - you just said that you - you don't wanna bend down and touch

541 his foot for fear of being kicked.

542

543 --VIDEO--

544

545 ROMBERGER: Yeah I think at that point initially I'm like if I can get his foot in with my foot
546 I don't have to - I don't have to bend down. So I don't re- even recall doing
547 that. But my - knowing that I don't wanna get kicked I probably tried to shove
548 it in with my foot. I wasn't trying to - I don't believe I was trying to kick him.
549 I'm just trying to get his foot back in.

550

551 LEVAN: Had he tried to kick you any time up to this point?

552

553 ROMBERGER: Just when initially - when the La Mesa guy and I tried to get him in. It felt like
554 he was kicking at us because the way we pushed him in backwards yes.

555

556 LEVAN: Okay. At - at this point...

557

558 RIGHTHOUSE: Did you give him an opportunity to bring his feet inside?

559

560 ROMBERGER: No I think I just tried to get him in there quickly.

561

562 RIGHTHOUSE: Did you ask him to put his feet inside?

563

564 ROMBERGER: I don't remember asking him to no. But I know if I'm like get him- if I'm like,
565 "Hey get inside my vehicle" obviously get your feet in there too.

566

567 RIGHTHOUSE: Do you think it's proper to kick somebody in the leg to get their feet in the
568 car?

569

570 ROMBERGER: I don't remember telling him to no.

571

572 RIGHTHOUSE: You think it's proper to do that? To kick somebody to get their feet in the car?

573

574 [REDACTED] Well I - I think - the question assumes that he's kicking him as opposed to
575 using his foot to move the leg. A kick is a strike. So I - I guess that's really
576 two questions. A: Were you kicking him? And...

577

578 RIGHTHOUSE: Do you - do you remember it? You say you don't remember kicking him I
579 guess.

580

581 ROMBERGER: No, but watching it right there I wasn't trying to kick him. I was trying to
582 nudge his foot in. Which is why my foot was right by his foot to - to push his
583 foot in. I wasn't trying to kick him. No.

584

585 LEVAN: Were there other officers not occupied there right now - like not doing

586 something?
587
588 ROMBERGER: Looking now? Yeah I think there was - I think the acting sergeant was there. I
589 saw another patrol unit pull up. Yes there were other people there.
590
591 LEVAN: So could we have had somebody go to the other side and pull him over totally
592 in the vehicle?
593
594 ROMBERGER: Probably. Or yes.
595
596 LEVAN: Would that be reasonable?
597
598 ROMBERGER: Yes.
599
600 LEVAN: Okay. Is what you just saw reasonable?
601
602 ROMBERGER: With trying to nudge his foot with mine? I would think so 'cause again I
603 wasn't trying to - kicking him I - that wouldn't be reasonable at all. But
604 nudging him in or trying to get his foot in with mine - I felt would have been
605 reasonable.
606
607 RIGHTHOUSE: But again you're also saying that you were rushing him in the car. You didn't
608 give him the opportunity to slide over.
609
610 ROMBERGER: Yeah.
611
612 RIGHTHOUSE: Nor did you ask him to move his feet.
613
614 ROMBERGER: I don't recall asking him - no.
615
616 [REDACTED] I'm not...
617
618 LEVAN: I just want you to - to look at that one more time from the perspective of the
619 acting sergeant. Because he's - he - his camera you can see more of what your
620 action is.
621
622 ROMBERGER: Yeah.
623
624 ((RECORDING))
625
626 ROMBERGER: Sit back down. Sit back down.
627
628 [REDACTED] Evaluate me.
629
630 ROMBERGER: Sit back down

631 ((END RECORDING))

632

633 LEVAN: So with that view you're not taking a running kick at a person. However,
634 you're using your fo- force with your foot.

635

636 ROMBERGER: Yeah.

637

638 LEVAN: I just need you to articulate that.

639

640 ROMBERGER: I'm just trying to get his foot in with my foot.

641

642 LEVAN: Is there - is he offering any kind of resistive behavior to you?

643

644 ROMBERGER: I think he just wasn't bringing his feet in. From what I'm remembering he's
645 just not bringing his feet in. And I just wanna get his foot in so I can close that
646 door. Everything else is in there, but his foot. So his foot was what was
647 keeping me from closing the door.

648

649 LEVAN: I understand.

650

651 ROMBERGER: Nudge his foot in with mine and shut that door quickly.

652

653 LEVAN: I - I understand what you're saying. But did you ever ask him to pull - bring
654 his foot in the car?

655

656 ROMBERGER: I don't think so - no.

657

658 LEVAN: Okay. So with that knowledge that you didn't ask him to is the force
659 reasonable?

660

661 ROMBERGER: Looking back I probably should have asked him. But with his lack of wanting
662 to cooperate with me up to that point I don't think I was - I stopped to think
663 that "Hey I should just ask him to do it." My mindset was just nudge that foot
664 in and close the door.

665

666 LEVAN: So it - with 1.04 our use of force policy every time we use force we have to
667 articulate that force right?

668

669 ROMBERGER: Yes.

670

671 LEVAN: Okay. Obviously it's a to- totality of the circumstances plays a part in that. So
672 you're - what you're articulating is his actions up to this point. Did you
673 articulate in your report this - this action here - you pushing him in the car?

674

675 ROMBERGER: No I did not.

676
677 LEVAN: Um - okay. So is that undocumented force?
678
679 ROMBERGER: I should have documented yes. But I didn't document it no.
680
681 LEVAN: Okay. Anything more on this before I move on from this?
682
683 RIGHTHOUSE: Did you document the use of your foot as a kick or a nudge?
684
685 ROMBERGER: No.
686
687 RIGHTHOUSE: And why not?
688
689 ROMBERGER: I just forgot about it. I actually forgot about it till I just watched it right now.
690
691 LEVAN: Anything on this? Okay. So after this you close the door. And what happens
692 then to your recollection?
693
694 ROMBERGER: I think I was talking to my - I think I was letting, um, [REDACTED] know wh- what
695 happened.
696
697 LEVAN: Okay.
698
699 ROMBERGER: And then that's when we hear him kick - kick the seat. And then...
700
701 LEVAN: Him who? [REDACTED]
702
703 ROMBERGER: I'm sorry [REDACTED] kick - kick the back seat or the door. He kicked something in
704 there 'cause you could hear it. And that's when I was told by, um, [REDACTED]
705 he's like, "Just pepper spray him." I don't - I don't - I had - didn't have it on
706 me at that time that day. It was in - it was in the trunk of my vehicle. So he
707 was like, "Just pepper spray him." I remember reach- 'cause I used- I usually
708 put it in my pocket 'cause it's just a little one with the clip. He said, "Pepper
709 spray him." So I reached. I was like, "Oh it's not in my pocket."
710
711 LEVAN: Uh - uh - Officer [REDACTED] said that?
712
713 ROMBERGER: Yes.
714
715 LEVAN: Okay.
716
717 ROMBERGER: So I was - once he gave me that order to do that I'm like - that's what I'm
718 gonna do. So I went into the trunk of my vehicle, pulled it out of my - my gear
719 bag. Went back up opened the door and pepper sprayed him.
720

721 LEVAN: Okay. In your report you don't write that Officer [REDACTED] ordered you to
722 pepper spray him.
723
724 ROMBERGER: Kind of surprised I did not document that.
725
726 LEVAN: It's, a, page five top paragraph.
727
728 ROMBERGER: Yeah I don't know why I wouldn't have documented that - that he said that.
729
730 LEVAN: Okay. So how many times did [REDACTED] uh, kick your car?
731
732 ROMBERGER: Just one time I believe.
733
734 LEVAN: Okay. So, um, where are you and Officer [REDACTED] - and I know he was acting
735 sergeant that day - but where are you guys standing in relation to the car?
736
737 ROMBERGER: We were just - just off the driver's side of the vehicle so we heard it.
738
739 LEVAN: Okay so you're stand- right next to the vehicle or you...
740
741 ROMBERGER: Yes.
742
743 LEVAN: Okay.
744
745 ROMBERGER: Right beside it.
746
747 LEVAN: You're right next to it. And, um, [REDACTED] kicks the car you said one time.
748
749 ROMBERGER: Yes.
750
751 LEVAN: Is - then Officer [REDACTED] says pepper spray him?
752
753 ROMBERGER: Yes.
754
755 LEVAN: Okay. Does [REDACTED] continue kicking the car?
756
757 ROMBERGER: No.
758
759 LEVAN: All right. You said you weren't carrying your - your pepper spray. Where was
760 it?
761
762 ROMBERGER: It was in the trunk of my vehicle in my gear bag.
763
764 RIGHTHOUSE: Was - was [REDACTED] doing anything else while he was in the back of the car?
765

766 ROMBERGER: I don't think so.
767
768 RIGHTHOUSE: Do you hear him...
769
770 ROMBERGER: I don't...
771
772 RIGHTHOUSE: ...screaming.
773
774 ROMBERGER: No. I don't recall.
775
776 RIGHTHOUSE: Yelling?
777
778 ROMBERGER: No I don't recall.
779
780 RIGHTHOUSE: Thrashing.
781
782 ROMBERGER: No.
783
784 LEVAN: So you - you walk back to your car. You're - the - yo- the trunk of your car.
785 Um, how did you get into the trunk of your car?
786
787 ROMBERGER: I think I reached into the driver's side and hit the - the trunk button. Walked
788 back. Opened the trunk up. Grabbed - grabbed it right out of my bag. It's right
789 on top there. And that's when I walked back over opened the door and pepper
790 sprayed him.
791
792 LEVAN: When you opened the door what was [REDACTED] doing?
793
794 ROMBERGER: Sitting there.
795
796 LEVAN: Passively? Was he still kicking?
797
798 ROMBERGER: No he had - he had - he stopped kicking at that point. He was just sitting there.
799
800 LEVAN: Did he say anything to you?
801
802 ROMBERGER: No.
803
804 LEVAN: Did you say anything to him before you pepper sprayed?
805
806 ROMBERGER: I think I told him to stop kicking my seat. And then I sprayed him.
807
808 RIGHTHOUSE: You say he stopped kicking he only kicked one time correct?
809
810 ROMBERGER: Yes.

811
812 [REDACTED] That's what you heard was one time.
813
814 ROMBERGER: Yes.
815
816 RIGHTHOUSE: That's what you're acting on right?
817
818 ROMBERGER: I heard one time yes.
819
820 LEVAN: So from the time that you guys were standing there talking and, um, he kicks
821 the car you hear that. The time it takes you to go into the front seat hit the
822 button - go back - open your trunk - grab - retrieve your pepper spray - go
823 back open the door and then ultimately apply the pepper spray how much time
824 do you think that is?
825
826 ROMBERGER: Thirty seconds maybe - 30 seconds to a minute.
827
828 LEVAN: And in that timeframe did you hear any kicking of the car?
829
830 ROMBERGER: I don't remember hearing any other noises no.
831
832 LEVAN: Okay. You said Sergeant [REDACTED] or Officer [REDACTED] acting sergeant that day
833 ordered you to pepper spray him.
834
835 ROMBERGER: Yes.
836
837 LEVAN: Do you think in that timeframe that - now that distance - that's still a valid
838 ord...
839
840 RIGHTHOUSE: How about this: Wh- why did you OC him?
841
842 ROMBERGER: I'm sorry?
843
844 RIGHTHOUSE: Once you retrieved your OC you - you went back to the car to get it correct?
845
846 ROMBERGER: Yeah.
847
848 RIGHTHOUSE: In the hatchback or whatever it's called. And then you came up and did you
849 OC [REDACTED]
850
851 ROMBERGER: Yes.
852
853 RIGHTHOUSE: And why did you OC [REDACTED]
854
855 ROMBERGER: I did that - I was told by the acting sergeant to pepper spray him. So my mind

856 at that time I was said - I was told to pepper spray him. So I was following a
857 direct order to pepper spray him. I didn't hear him kick again. Looking back I
858 probably should have paused for a moment - thought to myself "Well he's just
859 sitting there now. I'll just keep my pepper spray in my pocket in case he does
860 it again." I didn't do that. But that's looking at it from hindsight. But in my
861 mindset at that time my supervisor at - that day said, "Pepper spray him." So I
862 did. I followed what I was told to do. And I pepper sprayed him.
863

864 RIGHTHOUSE: And kind of same fashion what you just said - did you think to evaluate the
865 situation prior to actually deploying of the OC?
866

867 ROMBERGER: At the time no. I did not. I just followed - I did exactly was I was told. But I
868 should have - I should have paused. I - I get that now. I should have paused
869 and been like, "Okay he stopped kicking." But when - when your - when your
870 sergeant says hey do something - I did it. I didn't have any other interactions.
871 It was a very quick hit the button - get it out - walk back up and spray him.
872 My mindset was focused. I was told to do that. That's what I did.
873

874 LEVAN: Thank you - I - I thought we had covered that. Um, let me ask you this:
875 What's your - i- if a sergeant came up to you and told you to strike someone
876 with a baton is that a lawful order? Well if a person's sitting there passive.
877 Thank you.
878

879 ROMBERGER: No. I - I mean at this point I - I felt like with what - what he did - I should
880 have - if I had the spray on me right away I would have done it right away.
881 Um, but again, my mindset just went straight till you know follow that order.
882 If he would have told me do you know something different I think my mind
883 would have stopped. Like if ser- the sergeant would be like, "Oh strike him
884 that way" I think probably would have thought "That doesn't seem right. Why
885 would I do that?" But in this case it was - it was a simple just pepper spray
886 him and get him to stop kicking the seat.
887

888 LEVAN: But he wasn't kicking the seat.
889

890 ROMBERGER: At the - when I sprayed him - no he was not.
891

892 LEVAN: Okay. So was the use of the pepper spray, uh, reasonable?
893

894 ROMBERGER: At that second no.
895

896 LEVAN: Should it have been used?
897

898 ROMBERGER: At that moment no.
899

900 LEVAN: Okay. Why was it used?

901
902 ROMBERGER: I was given a direct order to use it.
903
904 LEVAN: And so...
905
906 ROMBERGER: And in my mind all I remember was just pepper spray him.
907
908 LEVAN: Okay.
909
910 [REDACTED]: So you're focused on the - on the goal which is pepper spraying and - and not
911 taking the time to evaluate whether that's still a valid response.
912
913 ROMBERGER: Yes.
914
915 [REDACTED] When you watch that video right now is it a valid response on your part to
916 pepper spray, uh, that 10-16 in the back seat?
917
918 ROMBERGER: At that very moment no. I - I should have stopped and - and thought about it.
919 And I - I - if - if I would have thought to myself to pepper spray him once I
920 heard the kick and then it stopped I think my mind would have gone a
921 different direction. But when you're told to do something again, in my mind
922 was just "He said spray him. I'm gonna spray him."
923
924 LEVAN: Um...
925
926 ROMBERGER: That's not a knock on you know [REDACTED]. I think he probably thought I was
927 gonna pull mine out of my pocket and do it. I - I don't think he was expecting
928 me to get it out and spray him 30 seconds later. But that's just how it
929 happened.
930
931 LEVAN: Okay. So in your mind you were following the - the order.
932
933 ROMBERGER: Yes.
934
935 LEVAN: In your report though you don't mention the order at all.
936
937 ROMBERGER: No I - I f- completely forgot to put that part in.
938
939 LEVAN: Okay, but that was the whole point of you pepper spray him is - is what you're
940 articulating now.
941
942 ROMBERGER: Yes.
943
944 LEVAN: So we have a contradiction.
945

946 ROMBERGER: I think I sai- I - I know what I was told to do. I just didn't - it - my report just
947 didn't reflect exactly what I - what I remembered happening. And that was
948 again, fault on my part. Had I watched the video it would have absolutely
949 been in there. "Hey I was told to do this."

950 RIGHTHOUSE: Is that an important thing that should have been included in the report?
951

952 ROMBERGER: Yes.
953

954 [REDACTED]:
955 And I wanna make it clear that we're not bagging on [REDACTED] or the active
956 sergeant. I mean the bottom line on this is at the time that that acting sergeant
957 gave that direction it was an appropriate direction to give.
958

959 LEVAN: Mm-hm.
960

961 [REDACTED]:
962 But by the time Tim had gone through the motion of walking over to the
963 vehicle - hit the unlock button - going to the rear - pull the hatch up - dig
964 around in my bag - pull out my spray - walk to the driver's back door and
965 spray.
966

967 RIGHTHOUSE: Carry out the function.
968

969 [REDACTED]:
970 The - to carry out the function the validity of that order had basically long
971 since...

972 LEVAN: Yes.
973

974 [REDACTED]:
975 ...expired. And Tim - Tim understands that.
976

977 LEVAN: Okay.
978

979 [REDACTED]:
980 His - his explanation is that it's almost like a trail horse mentality. I'm - I'm
981 set in that direction. And I'm just gonna continue until I accomplish that. In
982 hindsight and certainly having the opportunity to watch this video in - in a
983 nice controlled environment, uh, wa- was that an appropriate use of force?
984 Absolutely not.
985

986 LEVAN: Okay.
987

988 [REDACTED]:
989 And Tim knows that.
990

991 LEVAN: Okay.
992

993 [REDACTED]:
994 Uh, but you know what you're asking him is - is two-fold. You know 1: Did
995 you do it? Yes I did. You know 2: Was it - was it appropriate? Well no it

991 wasn't, but here's the explanation. The explanation is I was just - I was
992 carrying out what I had set in motion to accomplish.
993
994 RIGHTHOUSE: All right.
995
996 ██████████: Without taking the appropriate time...
997
998 RIGHTHOUSE: Time - time to reevaluate...
999
1000 ██████████ ...to reevaluate.
1001
1002 RIGHTHOUSE: ...the situation.
1003
1004 ██████████: Yeah. So there's no - we're not in - in any way trying to indicate that when he
1005 opened that back door - reached in to spray that there was a valid reason to do
1006 that.
1007
1008 RIGHTHOUSE: Correct.
1009
1010 ██████████: There - there was not by that point. It had expired.
1011
1012 LEVAN: Thank you for that.
1013
1014 RIGHTHOUSE: Now why did you not have the OC on your person?
1015
1016 ROMBERGER: You know that day 'cause I keep it in my - my gear bag - I think I forgot to
1017 pull it out. Talking with my ride along and going over the important aspects of
1018 you know where my gun is and stuff I just didn't think to pull it out. 'Cause
1019 again, I keep it in my back pocket when I'm driving around. I know where it
1020 is. I don't like the - the big one that they give us 'cause it's - I just don't like it
1021 on my - my belt. So I always keep that smaller one with the clip. I just put it in
1022 my back pocket that day.
1023
1024 RIGHTHOUSE: So that day you just forgot to put it...
1025
1026 ROMBERGER: I forgot to put it in my back pocket.
1027
1028 RIGHTHOUSE: ...on your person.
1029
1030 ROMBERGER: Yes.
1031
1032 LEVAN: Where do you normally carry it?
1033
1034 ROMBERGER: In my - my right rear pocket.
1035

1036 LEVAN: Okay.
1037
1038 ROMBERGER: Right beside my keys.
1039
1040 [REDACTED] And we're not - we're not blaming the acting sergeant you know in - in saying
1041 well...
1042
1043 LEVAN: Sure.
1044
1045 [REDACTED]: ...I - because the acting sergeant told me to. We're - we're saying that is just
1046 simply explaining how I got my mind or how he got his mind...
1047
1048 LEVAN: Sure.
1049
1050 [REDACTED]: ...set in that direction.
1051
1052 LEVAN: I understand. I understand.
1053
1054 RIGHTHOUSE: Understand.
1055
1056 LEVAN: So with the use of the - the chemical agent, uh, the pepper spray at some point
1057 did you render medical aid for it?
1058
1059 ROMBERGER: When I got him down to the Sally port 'cause I know we set him in the chair
1060 and - and hose their face down I did ask him. I'm like, "Do you want me to -
1061 to rinse your eyes out now at this point?" 'Cause he wasn't - oddly enough he
1062 wasn't screaming about it - wasn't complai- he complained initially about it,
1063 but by the time we got down there with the air flow he didn't - he wasn't
1064 complaining. So I'm like, "Hey do you want me to rinse your eyes out? If I do
1065 I'm just letting you know ahead of time with personal experience" I'm like it -
1066 "If I hit you with the water it might reactivate it or start burning again." He
1067 was like, "No don't worry about it. I'm fine." He - and again at the Sally port
1068 he wasn't complaining at all. So if he didn't want it I didn't bother taking him
1069 out of the vehicle to - to rinse his eyes out.
1070
1071 LEVAN: In the transport while you guys were driving downtown did you have
1072 conversation with him? What was his demeanor with you then? Did he...
1073
1074 ROMBERGER: He was - he calmed down after the fact. And he was calm when we got to HQ
1075 he was calm. He was calm when we got to the jail.
1076
1077 LEVAN: Any reason to think at that point once you were at HQ that he was gonna fight
1078 with you?
1079
1080 ROMBERGER: I didn't think he was gonna fight with me at all.

1081
1082 LEVAN: Okay.
1083
1084 ROMBERGER: I just figured I's - I was very honest. I'm like, "This could start burning again
1085 if I rinse your eyes out." And he said, "Don't worry about it."
1086
1087 LEVAN: In polic- uh, .106 of the - the department policy .106 chemical agents is it an
1088 option to your knowledge to use water or give - give them an option?
1089
1090 ROMBERGER: I think in reading - I did glance over the policy again. I think it's - we're
1091 supposed to do it. Um, but I was just - in my mind I thought hey - I - I wasn't
1092 angry with him. I'm like, "I don't want your eyes to burn more. So this is
1093 what could happen. And that's when he said no.
1094
1095 LEVAN: Okay. So you offer that - you gave him the offer of water.
1096
1097 ROMBERGER: Yes.
1098
1099 LEVAN: And he elected not to do it.
1100
1101 ROMBERGER: Yes.
1102
1103 LEVAN: Because you said it would reactivate it I think was your term. Did you
1104 document that in the report?
1105
1106 ROMBERGER: I did not.
1107
1108 RIGHTHOUSE: And did you ever spray him down with water?
1109
1110 ROMBERGER: I'm sorry?
1111
1112 RIGHTHOUSE: Did you ever spray him down with water?
1113
1114 ROMBERGER: No.
1115
1116 LEVAN: Did you let sheriff's intake know that he had been chem- uh, pepper sprayed?
1117
1118 ROMBERGER: Think when he was booked in. He asked if he had been, uh, pepper sprayed or
1119 - or injured any way and he said, "Yes this is what happened."
1120
1121 LEVAN: They - they actually asked if he had been pepper sprayed?
1122
1123 ROMBERGER: I'm pretty sure the - the intake nurse asked - yes.
1124
1125 LEVAN: Is that a standard question or...

1126
1127 ROMBERGER: I believe is - if you - were you injured in this - were you restrained in anything
1128 other than handcuffs? Were you pepper sprayed? And he said yes.
1129
1130 LEVAN: Okay. Was there - and what was their response? Do you remember?
1131
1132 ROMBERGER: I - I - I think 'cause he had the normal look on his face - 'cause he was very
1133 calm when I got him into jail.
1134
1135 LEVAN: Okay.
1136
1137 ROMBERGER: When I initially got him to, um - to the jail I was explaining what happened -
1138 you know things to him. And he was calm. And very, uh - kind of apologetic
1139 about the whole thing.
1140
1141 LEVAN: Mm-hm.
1142
1143 ROMBERGER: I explained "Look I was just gonna pour your beer out and send you on your -
1144 your way." And he was like, "Yeah looking back on it I should have just
1145 given it to you."
1146
1147 LEVAN: So, um, after the scene is over you have [REDACTED] in the backseat and you're
1148 gonna - you transport him to HQ. Is he seatbelted during the transport?
1149
1150 ROMBERGER: He was not seat belted in no.
1151
1152 LEVAN: Why not?
1153
1154 ROMBERGER: After the numerous altercations with him inside the back seat I didn't feel -
1155 after what I believed - he was trying to head butt me - like I'm not gonna put
1156 my head in there. I'm not gonna reach in there or try to seatbelt him in there.
1157
1158 LEVAN: Did you attempt to?
1159
1160 ROMBERGER: I don't recall no.
1161
1162 LEVAN: Did he refuse?
1163
1164 ROMBERGER: I don't remember. I - I wanted to have him seat-belted in. I don't like
1165 transporting anybody without, but I don't remember if he refused or not.
1166
1167 LEVAN: Okay.
1168
1169 RIGHTHOUSE: You just said he was fairly calm and cooperative on the way to jail.
1170

1171 ROMBERGER: He was from HQ to the jail yes.
1172
1173 RIGHTHOUSE: Did you try to seatbelt him at that point?
1174
1175 ROMBERGER: No not at that point.
1176
1177 RIGHTHOUSE: Why not?
1178
1179 ROMBERGER: I don't remember why. I don't know why I wouldn't have at that point. I think
1180 with my mindset was I got him down there without it. I don't even think I
1181 thought to ask him "Hey we're - now we're going to the jail let's put this on
1182 you."
1183
1184 LEVAN: So page 5 of 5 on your report - second paragraph. Um, uh, "[REDACTED] refused to
1185 let me seatbelt him into the rear seat, uh - of the vehicle prior to transporting
1186 him to police headquarters." Is that correct?
1187
1188 ROMBERGER: I re- I re- I typed that in there yes. I think in my mind I re- I took that as he
1189 didn't wanna be seatbelted in. Probably could have worded that better. But I
1190 didn't wanna risk putting myself in harm's way. That's how I should have
1191 worded it. But I didn't word it that way.
1192
1193 LEVAN: Okay. So the reports not correct. It - it shouldn't be that he refused.
1194
1195 ROMBERGER: It's - it's not accurately worded.
1196
1197 LEVAN: Okay.
1198
1199 ROMBERGER: No.
1200
1201 LEVAN: Okay. At a point in - during the transport - and I wanna say from looking at
1202 the video it was Lake Murray and Navajo.
1203
1204 ROMBERGER: Yes.
1205
1206 LEVAN: Um, as you're slowing to a stoplight what happens there?
1207
1208 ROMBERGER: At one point there was a car - it looked like it was gonna - 'cause Lake
1209 Murray and Navajo is numerous lanes and numerous directions. We were
1210 going eastbound and the car looked like it was gonna just jerk over. It was like
1211 - whoa. So I tried to like swerve a little and hit the brakes. And he was laying
1212 at that point in the back. So I think whenever I slowed down he rolled forward
1213 into the...
1214
1215 LEVAN: So he was laying across the seat.

1216
1217 ROMBERGER: Yeah he was laying - he was laying back there. And at that point he just rolled
1218 forward into the - into the foot - foot rest area.
1219
1220 LEVAN: Okay and...
1221
1222 ROMBERGER: So I stopped at the - I went through the intersection - stopped at the light.
1223 Like, "Hey are you okay? Do you wanna sit back up in there?" He didn't - he
1224 didn't - barely acknowledged me. He's like, "No I'm fine." He didn't - I - and
1225 - I didn't wanna start another physical altercation being I'm just - just me
1226 there. I'm like, "All right if you wanna sit right there I'm not gonna force you
1227 to get back up onto the seat."
1228
1229 LEVAN: So I'm - I'm sorry. I got confused. Is this - is this when you asked him
1230 through the divider or is this when you actually pulled over?
1231
1232 ROMBERGER: This when I di- pulled over and I looked at him. I'm like, "Are you okay? Do
1233 you want me to set you - get - get you back into that seat?"
1234
1235 LEVAN: When you pulled over and got out and looked at him what - what can you
1236 show me - is he...
1237
1238 ROMBERGER: He was kind of laying like - kind - he was laying - but kind of laying like his
1239 feet were like dangling off. Or he was kind of in the little area between the
1240 seat and the - and the backrest there.
1241
1242 LEVAN: U- sitting upright? Face down?
1243
1244 ROMBERGER: No he wasn't upright. He was kind of laying on his side a little bit. Like he
1245 was up against it.
1246
1247 LEVAN: Did you have a discussion with him?
1248
1249 ROMBERGER: Yeah, I asked him if he wanted to sit back up in the seat or if he wanted me to
1250 move him. Something along those lines. I don't remember what he said to me.
1251 I know he didn't wanna be moved.
1252
1253 LEVAN: Why?
1254
1255 ROMBERGER: I - I think he was just laying the way he was laying. And wasn't concerned
1256 with it.
1257
1258 LEVAN: Well you said you know he didn't want to be moved. What makes you say
1259 that?
1260

1261 ROMBERGER: I think he - I think he responded in - in a way that he didn't wanna be moved.
1262 I - I know I - I pretty sure I said, "Hey do you want me to sit you back up in
1263 the seat?" And I heard mumbling. The window was down 'cause I was airing
1264 out his eyes the whole way we were driving down there. And yet he didn't
1265 make any indication that he wanted to be moved or...
1266
1267 LEVAN: Did he complain at any time after that, um, to - while you were en route to
1268 HQ? Did he complain about the way he was seated?
1269
1270 ROMBERGER: No - not at all.
1271
1272 LEVAN: Okay. So were you injured during the arrest?
1273
1274 ROMBERGER: I just had some tingling in my hand after the fact. But it was - it was my right
1275 hand which was a - um, previously broken anyway. So I don't - I think it just
1276 aggravated the - the previous injury.
1277
1278 LEVAN: So you're - you're right hand you said.
1279
1280 ROMBERGER: Yes.
1281
1282 LEVAN: Okay. Any lingering injuries...
1283
1284 ROMBERGER: No it's...
1285
1286 LEVAN: ...that needed medical treatment or anything?
1287
1288 ROMBERGER: No my hands fine.
1289
1290 LEVAN: Okay. Um, were either of the suspects injured?
1291
1292 ROMBERGER: Just, um - just the su- the suspect that - that his face hit the back of the vehicle.
1293 He - but I don't think he got medical treatment. But Officer, uh, [REDACTED]
1294 arrested him. I don't think he got treatment at all - no.
1295
1296 LEVAN: So just [REDACTED] and the bloody lip.
1297
1298 ROMBERGER: Yes [REDACTED].
1299
1300 LEVAN: Okay. Was [REDACTED] at all injured?
1301
1302 ROMBERGER: He wasn't complaining. He didn't say he was injured in any way. And again,
1303 when I got him to the jail he was calm as can be.
1304
1305 LEVAN: Um, what about [REDACTED] Was she injured at all? Or anybody else? Any other

1306 civilians that were standing around?
1307
1308 ROMBERGER: No - nobody was injured.
1309
1310 LEVAN: At what point did you get your handgun back from...
1311
1312 ROMBERGER: It was right after I think it may have been bef- before he was pepper sprayed
1313 or after. But that's when [REDACTED] came over and - I'm sorry [REDACTED] came
1314 over and was like, "You might wanna take this back." 'Cause at that point we
1315 had 10 officers there and she's carrying this thing around like it's a platter.
1316 And I'm like, "Yeah maybe I better take that from you."
1317
1318 LEVAN: Okay, uh, was - was there any point prior to that? 'Cause that's a lot of time
1319 between when you gave it to her to when he was pepper sprayed.
1320
1321 ROMBERGER: Think my mindset was dealing with what I was dealing with. Um, yeah I - I
1322 should have walked over and - and taken it from her. Um, but my mindset was
1323 strictly deal with what I'm dealing with. Um, again, everyone that was there
1324 that day recognized her from the previous ride along. So she was standing
1325 there...
1326
1327 RIGHTHOUSE: Excuse me.
1328
1329 ROMBERGER: ...talking to, um, the - uh, PERT unit.
1330
1331 LEVAN: Mm-hm.
1332
1333 ROMBERGER: The - the - I don't wanna say doctor - but she was talking to [REDACTED]
1334
1335 LEVAN: Okay.
1336
1337 ROMBERGER: So those two - those two gals were just chit chatting. So I'm like - you know
1338 she's - she's fine holding that while I'm dealing with what I'm doing.
1339
1340 LEVAN: You said she was holding it like a platter.
1341
1342 ROMBERGER: Yeah she was kind of holding it like this. Carrying it around. Where you could
1343 see it was still in the holster. She's just carrying it like that.
1344
1345 RIGHTHOUSE: You're demonstrating like a flat hand out in front of you.
1346
1347 ROMBERGER: Yes. Almost as if she was afraid to - like she's never held a gun before. So I
1348 was like, "Okay." That's probably the safest way because if somebody looks
1349 at you and you're holding it like that - they're not gonna take that as
1350 threatening because the way she's holding it.

1351
1352 LEVAN: You said she looked afraid. Did she make any comment?
1353
1354 ROMBERGER: No - no - no I meant the way she was holding it.
1355
1356 LEVAN: Oh.
1357
1358 ROMBERGER: Is like - you see people that don't know what they're do...
1359
1360 LEVAN: It appears as though...
1361
1362 ROMBERGER: Yeah. They're like, "What is this thing." But she was just doing that for the
1363 sake of - there's cops around.
1364
1365 LEVAN: Okay.
1366
1367 ROMBERGER: I don't want them to think it's mine. Or - I'm sorry her's. She's just holding it
1368 up like that.
1369
1370 LEVAN: Did she make any comment after this whole thing was done that she was
1371 uncomfortable with that?
1372
1373 ROMBERGER: No I - I was chatting with her about it. You know - said this is - this is what
1374 happened - things like that. But no she didn't say anything about being
1375 uncomfortable.
1376
1377 LEVAN: Okay. Clarifications.
1378
1379 RIGHTHOUSE: Uh, not on that.
1380
1381 LEVAN: Anything?
1382
1383 RIGHTHOUSE: Now, uh, when you sprayed [REDACTED] with the OC and he was in the back of the
1384 car where on his body did you spray the OC?
1385
1386 ROMBERGER: I think I sprayed him right across that - I think I got him right in the eyes or
1387 maybe it was just his left eye at that point.
1388
1389 RIGHTHOUSE: And how close were you?
1390
1391 ROMBERGER: A few, uh...
1392
1393 RIGHTHOUSE: With the OC from his face?
1394
1395 ROMBERGER: I no- I felt like I was probably 6" away or something. I didn't wanna get too

1396 close. But I know it's just enough where I could get the target that I was
1397 aiming at.
1398
1399 RIGHTHOUSE: Nothing.
1400
1401 ROMBERGER: I've had that stuff spray in the back of my car before and I do not like using it.
1402 Trust me.
1403
1404 LEVAN: Counselor anything you would like to clarify?
1405
1406 [REDACTED]: Uh, I think, uh, in the transport video from the scene it appears that you're
1407 uniform is torn and your nametag is broken. Uh, was that as a result of your
1408 interaction with [REDACTED]?
1409
1410 ROMBERGER: Yes. He just broke the clamp on - on my nametag there.
1411
1412 [REDACTED]: Would you, uh, describe this as a physically exerting encounter?
1413
1414 ROMBERGER: I was very surprised at how tired I was after the whole thing. I - I - I cannot
1415 believe how out of breath I was. That really surprised me.
1416
1417 [REDACTED]: Even at 1625 in the video you're still breathing heavily and that's toward the
1418 end of the incident.
1419
1420 ROMBERGER: Yeah I was very surprised how worn out I was from just fighting with him for
1421 that short amount of ti- well what I know is a short amount of time now. But
1422 ti- at the time it felt like awhile. But yeah I was very surprised how I - I can't
1423 remember the last time I was that out of energy and out of breath from - from
1424 anything.
1425
1426 [REDACTED]: [REDACTED]
1427 [REDACTED]
1428
1429 ROMBERGER: Yes.
1430
1431 [REDACTED]: Were you getting a lot of rest at - at that point?
1432
1433 ROMBERGER: Yes.
1434
1435 [REDACTED]: You were getting a lot of rest?
1436
1437 ROMBERGER: Well back and forth. I mean- I'm more write a bunch of tickets, but you know
1438 I've - I can't remember the last time I got into a fight with somebody.
1439
1440 [REDACTED]: Okay. Um, okay. That's...

1441
1442 LEVAN: So - so we've gone over, uh, a lot of things here. Is there anything that you
1443 can think of with regard to this incident, um, to the investigation of this
1444 incident, uh, anything that I may have missed or did not ask you that you think
1445 might be relevant?
1446
1447 ROMBERGER: No I don't think so. I think we covered it very - very thoroughly.
1448
1449 [REDACTED]: When you - when you watch this video today is your, uh - when you watch
1450 the video is - is the - is the - is the incident that you see on the video - let's see
1451 if I ask this the right way - well we'll just leave it alone.
1452
1453 LEVAN: Okay. With nothing else - if nobody has anything else I'm gonna go ahead
1454 and conclude the interview. It is 1139.
1455
1456
1457 The transcript has been reviewed with the audio recording submitted and it is an accurate
1458 transcription.
1459 Signed _____

[REDACTED]

From: Levan, John
Sent: Monday, August 28, 2017 8:02 AM
To: [REDACTED]
Cc: Levan, John
Subject: SDPD Internal Affairs Interview Request

Good morning Officer [REDACTED]

On August 6, 2017, at about 0720 hours, you responded to a mutual aid cover call for SDPD at the San Carlos Recreation Center, 6445 Lake Badin Avenue. Your CAD / LOG number is 254. I would like to interview you as a WITNESS on this case. At your convenience, can you please call me to arrange an interview. I will come to your department and it should only take 30 minutes. I was told you are currently on graveyards. Please pick a day and time that works best for you in the 1800-1900 hour range.

Thank you,

John Levan, Sergeant
San Diego Police Department, City of San Diego
Internal Affairs Unit
Office [REDACTED]
Desk [REDACTED]

[REDACTED]



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[REDACTED]

From: SDFD Paramedic Records [REDACTED]
Sent: Tuesday, August 29, 2017 9:42 AM
To: Levan, John
Subject: RE: Information needed

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Here is the info you needed...

[REDACTED]

DOB: [REDACTED]

No phone number was listed.

Thanks,

[REDACTED]

From: Levan, John [REDACTED]
Sent: Monday, August 28, 2017 9:07 AM
To: SDFD Paramedic Records [REDACTED]
Cc: Levan, John [REDACTED]
Subject: Information needed

Good morning,

On August 6, 2017, 0730 hours, Medic 2 transported a female who had been drinking, then fell and hit her head. Can you provide the patients name and contact information? The Fire CAD incident is FS17111932. Feel free to call me with any questions.

John Levan, Sergeant
San Diego Police Department, City of San Diego
Internal Affairs Unit
Office [REDACTED]
Desk [REDACTED]

[REDACTED]



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John Levan, Sergeant

San Diego Police Department, City of San Diego

Internal Affairs Unit

Office

Desk

Cell



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[REDACTED]

From: Levan, John
Sent: Monday, August 28, 2017 7:59 AM
To: [REDACTED]
Cc: Levan, John
Subject: SDPD Internal Affairs Interview Request

Good morning Officer [REDACTED]

On August 6, 2017, at about 0720 hours, you responded to a mutual aid cover call for SDPD at the San Carlos Recreation Center, 6445 Lake Badin Avenue. Your CAD / LOG number is 254. I would like to interview you as a WITNESS on this case. At your convenience, can you please call me to arrange an interview. I will come to your department and it should only take 30 minutes.

Thank you,

John Levan, Sergeant
San Diego Police Department, City of San Diego
Internal Affairs Unit
Office [REDACTED]
Desk [REDACTED]
[REDACTED]



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