

## EXPERT REPORT OF JEFFREY J. NOBLE

1. My name is Jeffrey J. Noble, and I make this report at the request of the Ramsey County Attorney in St. Paul, Minnesota.
2. I was a police officer for 28 years and retired in July 2012 as the Deputy Chief of Police with the Irvine Police Department, located in southern California. As a Deputy Chief, I was directly responsible for all police operations including Patrol, Traffic, Investigations, Emergency Management, Crime Prevention, DARE, K9s, Training, and SWAT. The City of Irvine encompasses over 70 square miles with a population of over 218,000. I served in a wide range of assignments as an Officer, Senior Officer, Sergeant, Lieutenant, Commander and Deputy Chief, including Patrol, Traffic, Detective, SWAT, Training, Internal Affairs, Emergency Management and Crime Prevention.
3. In April 2014, I was hired by the Westminster, California Police Department as an interim Deputy Chief of Police. My employment with the Westminster Police Department was by means of a temporary contract, and I was asked to review the department's Internal Affairs unit, department policies, conduct department audits and inspections and act as a liaison with a civilian oversight monitor who was hired during the same time period. My employment was at the request of the Chief of Police, was ratified by the City Council and was sought due to the arrest of a police Officer for an off-duty criminal sexual assault, the arrest of an on-duty Officer for extortion and a lawsuit filed by three Latino officers alleging discrimination and retaliation. I concluded this interim position in January 2015.
4. I have a Juris Doctor degree, with honors, from Western State University College of Law and I am admitted to practice law in the State of California. I have a Bachelor's degree in Criminal Justice with an emphasis on Administration from California State University at Long Beach.
5. The Irvine Police Department had over 200 police officers and over 100 civilian employees during my employment with the department. The Westminster Police Department has 87 police officers and 40 civilian employees during my temporary contracted employment. I have extensive experience conducting internal administrative investigations on a wide range of issues including use of force, officer misconduct, sexual harassment and sexual assaults. I have extensive experience as an expert on matters involving police investigative procedures, misconduct and corruption. For example:
  - a. As a consultant, I have reviewed over a thousand use of force investigations to determine the reasonableness and sufficiency of the investigation, including

cases involving then-Commander Jon Burge of the Chicago Police Department and the allegations of widespread police corruption and use of torture to elicit confessions.

- b. In 2007 and again in 2009, I was retained by the City of Austin, Texas to review the police department's internal homicide and Internal Affairs investigation of two Officer involved fatal shootings.
- c. In 2014, I was part of a Carnegie Institute of Peace Think Tank for addressing police use of force in developing countries.
- d. I have consulted with other police organizations on police procedures and investigations. For instance, I was retained in 2004 as an expert to review and evaluate the internal investigation conducted by the San Francisco, California, Office of Community Complaints of the case widely known as "Fajitagate" involving the indictment of seven command staff and three line Officers of the San Francisco Police Department.
- e. I have been retained as both a defense and a plaintiff's expert in over 100 cases and have testified as an expert in state court in California, Washington, Tennessee, Connecticut and New Mexico and in federal court in Illinois, Tennessee, and Georgia. I have prepared expert reports for cases in the states of California, Washington, Pennsylvania, Georgia, Illinois, Tennessee, Idaho, Arkansas, Texas, Colorado, New York, Oklahoma, Connecticut, South Carolina, Florida, New Mexico and Missouri.
- f. I have been retained in criminal cases involving allegation of criminal uses of force against police officers in the states of New Mexico, Delaware, Pennsylvania and Florida.
- g. I served as an independent policy advisor to the Large City Internal Affairs Project, which was funded by the United States Department of Justice. This group consists of the 12 largest police agencies in the United States as well as a select group of independent policy advisors and academics. The project was an effort to develop national best practices in the area of internal investigations for police agencies. I was the chair of a sub-committee whose efforts were focused on the investigation of allegations of officer misconduct. As a result of this project the COPS Office published a document entitled, "Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice."
- h. I have given presentations at the International Association of Chiefs of Police conference in 2004, 2009, 2012, and 2014; the national COPS conference on

Internal Affairs issues and the Academy of Criminal Justice Sciences annual meeting on tactical reckless decision making in 2009; the American Psychological Association annual conference in 2013; and National Tactical Officers' Association annual conference in 2004.

- i. In 2013, I gave a presentation in Mexico at the request of the Mexican government on preventing corruption in police institutions.
  - j. I have published 21 articles on policing which discussed the subject matters of: Internal Affairs, personnel issues, pursuits, use of force issues and investigative procedures. Those articles are listed in my attached resume.
  - k. I have published two chapters for policing textbooks on tactical recklessness and the code of silence.
  - l. I have co-authored, along with Geoffrey Alpert, Ph.D., a textbook on police Internal Affairs investigations titled, "Managing Accountability Systems for Police Conduct: Internal Affairs and External Oversight."
  - m. As evidence that the opinions in our book are accepted by other experts of police administrative investigations, my book was cited extensively in the COPS 2009 publication, "Building Trust Between the Police and the Citizens They Serve: An Internal Affairs Promising Practice Guide for Local Law Enforcement."
  - n. I have used force during my career as a police officer including the use of deadly force.
6. My experience, training and background are more fully described in my attached resume.
7. My areas of expertise in policing include, but are not limited to: police use of force; pursuits; police administration; training; police operations; criminal investigations; interviews and interrogations; civil rights violations and investigations; internal/administrative investigations; criminal investigations; police discipline; citizen complaints; and police policies and procedures.

8. I reviewed the following material in making my opinions:
  - See Exhibit A
9. This is a preliminary expert report and is based on materials reviewed to date. I am aware that investigation is ongoing in this matter and should any subsequent information cause me to expand upon or revise any of my opinions, I will supplement this report.
10. At this point in the development of this case, I do not know whether I will be using any demonstrative aids during my testimony. Should I decide to use any such aid, I will ensure that they are made available for review, if requested, prior to their use.
11. My professional charges for this litigation work is an hourly fee of \$295 plus expenses including all travel time. My fees for deposition and trial testimony are \$2,950 per calendar day or any portion thereof, plus travel time and expenses.
12. The opinions that follow are made within a reasonable degree of certainty within the field of police practices.

#### **Brief Summary of the Incident**

13. On July 6, 2016, at about 9:00 p.m., Officer Yanez was near the Super USA convenience store when he saw Mr. Castile drive by. The Super USA had been robbed four days prior by two black males.
14. Officer Yanez radioed Officer Kauser and said he was following a vehicle that contained a subject whom he believed to match the description of one of the robbers of the Super USA and asked for assistance in making a car stop. This radio transmission occurred over a car-to-car frequency that is not monitored by the dispatchers or recorded by the police. The transmission was recorded by a citizen who happened to be listening to the police radio.
15. Although Officer Yanez claimed he believed Mr. Castile was one of the suspects in the armed robbery, he never notified the dispatcher of his intended car stop, nor did he conduct a high-risk car stop. Instead, Officer Yanez conducted a routine car stop due to a faulty brake light and approached the driver's door of Mr. Castile's vehicle with his handgun holstered.
16. Mr. Castile's girlfriend, Ms. Reynolds, was seated in the front passenger seat of Mr. Castile's vehicle and Ms. Reynolds' young daughter was seated in the rear passenger side seat.

17. Officer Yanez told Mr. Castile he had been stopped due to a faulty brake light and Officer Yanez asked Mr. Castile for his license and insurance. After Mr. Castile handed Officer Yanez his insurance card, Mr. Castile told Officer Yanez he had a firearm. Mr. Castile was licensed to carry a concealed firearm.
18. Officer Yanez told Mr. Castile, "Don't reach for it." According to Officer Yanez, Mr. Castile then either reached toward his pants' pocket or the area between the driver's seat and the center console with his right hand and it "seemed" that Mr. Castile was pulling out a gun, so Officer Yanez shot at Mr. Castile seven times resulting in Mr. Castile's death.
19. The shooting and conversation between Officer Yanez and Mr. Castile was recorded on Officer Yanez's mobile video system. A portion of the incident immediately after the shooting was recorded by Ms. Reynolds on her cellular telephone.
20. Immediately after the shooting the police and paramedics arrived. Officers pulled Mr. Castile from the car and discovered a handgun in his right pants' pocket.

#### **Summary of Conclusions**

21. There is no evidence that either Officer Yanez or Officer Kauser knew Mr. Castile's identity at the time of the shooting.
22. No reasonable police officer would have believed that Mr. Castile matched the description of an armed robbery suspect.
23. Although It is my opinion that no reasonable police officer would have believed Mr. Castile matched the description of one of the armed robbery suspects, the car stop of Mr. Castile was consistent with generally accepted police practices.
24. If a police officer believed that Mr. Castile was a suspect in an armed robbery a reasonable officer would have conducted a high-risk car stop.
25. The weight of the evidence supports a conclusion that the handgun was in Mr. Castile's right front pants' pocket at the time of the shooting.
26. The totality of the facts and circumstances indicate that Officer Yanez's use of deadly force was unnecessary, objectively unreasonable, and inconsistent with generally accepted police practices.

## Summary of Evidence

27. St. Anthony Officer Yanez

a. Interview July 7, 2016 1:42 p.m.

- 1.) Officer Yanez has been a police officer for the city of St. Anthony for approximately 4 ½ years.<sup>1</sup> Officer Yanez has a bachelor of science degree in law enforcement from Minnesota State University and he attends use of force training annually.<sup>2</sup>
- 2.) Officer Yanez works uniformed patrol and said he carries a Taser, OC spray, baton, and his handgun on his gun belt. Officer Yanez said he wears a remote microphone as part of his in-car video system.<sup>3</sup>
- 3.) Officer Yanez said he made two traffic stops prior to the shooting.<sup>4</sup> Officer Yanez said both motorists were speeding and he issued citations on both car stops.<sup>5</sup>
- 4.) Officer Yanez said the city of St. Anthony also provides contract police services for the cities of Falcon Heights and Lauderdale.<sup>6</sup> Officer Yanez said he was assigned to the city of Lauderdale on the date of the shooting.<sup>7</sup>
- 5.) Officer Yanez said the police department was at minimum staffing on the night of the shooting. Officer Kauser was assigned to the city of Falcon Heights and Officer Sunde was assigned to the city of St. Anthony.<sup>8</sup>
- 6.) Officer Yanez said he was “keeping my eye on 2424 Larpenteur which is a convenience store on Larpenteur at the intersection of Larpenteur and Eustice.” Officer Yanez said he was paying attention to that location because there was a “strong-armed”<sup>9</sup> robbery the week prior that

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<sup>1</sup> Yanez interview at 1.

<sup>2</sup> Yanez interview at 2-3.

<sup>3</sup> Yanez interview at 4.

<sup>4</sup> Yanez interview at 5.

<sup>5</sup> Yanez interview at 10.

<sup>6</sup> Yanez interview at 7.

<sup>7</sup> Yanez interview at 8.

<sup>8</sup> Yanez interview at 9.

<sup>9</sup> The term “strong-armed” robbery implies the use, or threatened use, of physical force to accomplish the robbery. In this case, the robbery was an “armed” robbery as both suspects brandished firearms.

involved two African-American males. Officer Yanez said one of the subjects was armed with a firearm and pointed the firearm at the clerk.

- a.) Officer Yanez said he was aware of the robbery because he was dispatched as the second officer on the call and he was provided the description of the suspects by the victim.
  - b.) Officer Yanez said he also set a perimeter with St. Paul and Roseville police officers and provided a description of the suspects to those officers.<sup>10</sup>
  - c.) Officer Yanez said he also knew the suspects' descriptions by watching the security video of the robbery.<sup>11</sup>
- 7.) Officer Yanez said on July 6, 2016 he was sitting at the intersection of Larpenteur and Carl when he saw a white vehicle with two occupants. Officer Yanez said he could not determine if the passenger was a male or a female, as the passenger was wearing a hat. Officer Yanez said both occupants were African-American.
- a.) Officer Yanez said the driver of the vehicle appeared to match physical description of one of the suspects from the robbery that occurred one week prior.
  - b.) Officer Yanez said, "I can't remember the height, weight but I remember that it was, the male had dreadlocks around shoulder length. Or longer hair around shoulder length. And, um it wasn't specified it was corn rows or dreadlocks or straight hair. Um and then just kind of distinct facial features with like a kind of like a wide set nose and uh I saw that in the driver of the vehicle."
  - c.) Officer Yanez said he pulled in behind the vehicle to see if he could observe any "violations," so he could identify the driver. Officer Yanez said he ran the license plate number, but he does not recall the registration information.<sup>12</sup>
  - d.) Officer Yanez said he called out to his partner, Officer Kauser, on his car to car radio and told Officer Kauser he was behind a suspect vehicle traveling eastbound Larpenteur. Officer Yanez said he told Officer Kauser there were two occupants of the

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<sup>10</sup> Yanez interview at 17.

<sup>11</sup> Yanez interview at 17-18.

<sup>12</sup> Yanez interview at 10.

vehicle and he could not make out the passenger. Officer Yanez said the driver appeared to match the physical description from the suspect from the strong-arm robbery and he wanted to wait for a backup officer "just in case" because he did not know who he was pulling over.<sup>13</sup>

- e.) Officer Yanez said, "I just knew that the driver matched the physical description."
  - f.) Officer Yanez said he decided to initiate a traffic stop on Larpenteur west of Fry, because the intersection of Larpenteur and Snelling was a busy intersection, with heavy traffic, heavy foot traffic and people living in the apartments. Officer Yanez said, "just in case anything happened I wanted to make sure that, nobody's lives were in jeopardy and we were out of heavy traffic and innocent bystanders and uh all that. And uh so I initiated the traffic stop. At that point Officer Kauser got behind me."<sup>14</sup>
  - g.) Officer Yanez said he waited for a follow up officer and a safe area to make the traffic stop because the driver fit the description of an individual who had committed an armed robbery the week prior. Officer Yanez said he would normally conduct traffic stops on his own without a follow officer.<sup>15</sup>
  - h.) Officer Yanez said, "I just wanted to be as safe as possible. And have everybody safe as possible."<sup>16</sup>
- 8.) Officer Yanez said as he walked up to the driver's door of Mr. Castile's car, he could smell the odor of burnt marijuana. Officer Yanez said he could see a female child in the backseat and that the passenger in the front passenger seat was an adult female.<sup>17</sup>
- a.) Officer Yanez said the driver, later identified as Mr. Castile, had his seatbelt on, was leaned back in his seat, had his left arm over the steering wheel, and both of his hands were in view.<sup>18</sup>
  - b.) Officer Yanez said he told Mr. Castile the reason for the traffic stop, but he did not mention anything about the marijuana

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<sup>13</sup> Yanez interview at 10-11.

<sup>14</sup> Yanez interview at 11.

<sup>15</sup> Yanez interview at 11.

<sup>16</sup> Yanez interview at 12.

<sup>17</sup> Yanez interview at 12.

<sup>18</sup> Yanez interview at 12.

because he did not want to scare or have Mr. Castile react in a defensive manner.

- c.) Officer Yanez said Mr. Castile did not make direct eye contact with him and he was very hard to hear as he was “almost mumbling” when he was speaking.
- d.) Officer Yanez said he asked Mr. Castile for his license and insurance and he told him the reason he pulled him over was because the only brake light working was the rear passenger side.
- e.) Officer Yanez said Mr. Castile gave him his insurance card.
- f.) Officer Yanez said Mr. Castile told him he had a gun and as he made the statement, Mr. Castile was reaching down between his right thigh area in the center console. Officer Yanez said he told Mr. Castile something along the lines of “don’t reach for it, don’t do it” referring to the firearm.<sup>19</sup>
- g.) Officer Yanez said usually people who carry firearms carry them on their waistband or between the seats of the vehicle. Officer Yanez said because the inside of the vehicle smelled of marijuana, he did not know if Mr. Castile had a firearm for protection from a drug dealer or from someone who may be trying to rob him.<sup>20</sup>
- h.) Officer Yanez said he believed he continued to tell Mr. Castile to “don’t do it or don’t reach for it,” but Mr. Castile continued to move. Officer Yanez said “It appeared to me that he had no regard to what I was saying. He didn’t care what I was saying. He still reached down.”
- i.) Officer Yanez said, “As he was reaching down, um, he, turned his shoulder kept his left hand on the steering wheel and canted his upper body and blocked my view of his right hand.”<sup>21</sup>
- j.) Officer Yanez said at that point he was “scared and I was, in fear for my life and my partner’s life. And for the little girl in the back and the front seat passenger and he dropped his hand down and, can’t remember what I was telling him but I was telling him something as his hand went down I think. And, he put his hand

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<sup>19</sup> Yanez interview at 13.

<sup>20</sup> Yanez interview at 13.

<sup>21</sup> Yanez interview at 13.

around something. And his hand made like a "C" shape type shape and it appeared to me he was wrapping something around his fingers and almost like if I were to put my uh hand around my gun like putting my hand up to the butt of the gun."

- k.) Officer Yanez said, "And then I lost view of it. Cuz he kept hitting his shoulder and then I believe I told him again I can't remember don't do it. And then he still kept moving his hand and at this point I looked and saw something in his hand. It was dark inside the vehicle. I was trying to fumble my way through under stress to look and see what it was to make sure uh what I was seeing. But I wasn't given enough time and like I said he had no regard for what I was saying. Didn't follow my direction. And, uh he started reaching out and then pulling uh away from his uh his right thigh. I don't know if it was in his pocket or in between the seats or the center console. But I, I know he had an object and it was dark. And he was pulling it out with his right hand. And as he was pulling it out I, a million things started going through my head. And I thought I was gonna die. And, I was scared because, I didn't know if he was gonna, I didn't know what he was gonna do. He just had somethin' uh his hands and he, the first words that he said to me were, some of the first words he said is that he had a gun. And I thought he was reaching for the gun. I thought he had the gun in his hand, in his right hand. And I thought he had it enough to where all he had to do is just pull it out, point it at me, move his trigger finger down on the trigger and let off rounds. And I had no other option than, to take out my firearm and, and I shot. Um I shot him. I don't remember the first couple shots. I, believe I remember the last two shots. And I believe one of the shots went into his left arm. Um, as I was shooting uh I, I kept watching him. And I, I remember smelling the gun smoke and the bright flashes from the muzzle. And then I heard, a couple pops uh from my firearm. Um and then my partner was on the opposite side of the vehicle. Uh watch, looking in and I directed my gunfire down as best as I could. Away from, not trying to put the little girl's life at jeopardy or the passenger or my partner because they were, in the line of my fire."<sup>22</sup>

- l.) Officer Yanez said the little girl was seated in the rear passenger side of vehicle.<sup>23</sup> Officer Yanez said the girl was in his line of fire.<sup>24</sup>

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<sup>22</sup> Yanez interview at 14.

<sup>23</sup> Yanez interview at 14.

<sup>24</sup> Yanez interview at 15.

- m.) Officer Yanez said, "it just seemed like he was pulling out the gun and the barrel just kept coming. It seemed like something was just coming out and I thought it was a gun and I thought it was a barrel just coming out."<sup>25</sup>
- n.) Officer Yanez said, "I don't remember seeing anything in his hand."<sup>26</sup>
- o.) Officer Yanez said, "he made contact with me, eye contact with me initially but then after that um I do remember distinctly also that he did at least one or two target glances down, down by his uh right thigh area where his right hand was. Um, and to me that's, that's sets off red flags for me that somebody's trying to hide something or somebody's gonna do something to you and there's a weapon or something down there that they don't want you to find and that's what kind of set me off at first and that was actually before um, before he reached down um I was reading his body language and uh he just, he was, its, his body language was, it appeared defensive to me, that I was just pulling him over. He may have thought that I was pulling him over for no reason but I already told him the reason I pulled him over. Um, the way he mumbled things under his breath appeared to me I could barely hear him."<sup>27</sup>
- p.) Officer Yanez said, "I just knew it was dark and I could barely see and I thought it was a firearm and I thought he was gonna shoot and kill me and I thought he was gonna shoot and kill my partner right after that."<sup>28</sup>
- 9.) Officer Yanez said, "I thought if he's, if he has the, the guts and the audacity to smoke marijuana in front of the five-year-old girl and risk her lungs and risk her life by giving her secondhand smoke and the front seat passenger doing the same thing then what, what care does he give about me."
- 10.) Officer Yanez said he does not recall Mr. Castile saying anything, or seeing anything in his hands, after the shooting.<sup>29</sup>

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<sup>25</sup> Yanez interview at 15.

<sup>26</sup> Yanez interview at 15.

<sup>27</sup> Yanez interview at 21.

<sup>28</sup> Yanez interview at 25.

<sup>29</sup> Yanez interview at 15.

- 11.) Officer Yanez said Officer Kauser radioed that shots had been fired.<sup>30</sup>
- 12.) Officer Yanez said he did not discuss the incident with anybody other than his attorneys.<sup>31</sup> Officer Yanez said Officer Kauser took the photograph of his thumb.<sup>32</sup>
- 13.) Officer Yanez said he injured the inside of his thumb and believes it may have been injured by the slide on his handgun.<sup>33</sup>
- 14.) Officer Yanez was asked, "was it hard for you to see because of the lighting conditions inside the passenger compartment" of the vehicle and Officer Yanez replied, "Yes."<sup>34</sup>
- 15.) Officer Yanez said he does not know Mr. Castile's name and he is not aware of any previous dealings he has had with Mr. Castile.<sup>35</sup>
- 16.) Officer Yanez said he does not recall if he used his flashlight.<sup>36</sup>
- 17.) Officer Yanez said, "I know from hundreds of traffic stops that I've done, people with conceal and carries or that are carrying a firearm, even if it's not on their person they tell me that they have a firearm in the vehicle or they tell me that they have it on their person where, where the firearm is located. They keep their hands in view. Some people even take the keys out of the ignition, set 'em on the dash and they keep their hands on top of the steering wheel and they tell me before I even say anything they tell me, officer I'm carrying a firearm or I have a firearm in the vehicle. They tell me where it's at and with that they always tell me that when they're gonna reach for something and where their wallets at or what they're gonna do. It's happened 100 percent of the time. I know that for a fact um when people have firearms and I've been comfortable with that being on a traffic stop with somebody that has firearm in the vehicle or on their person."<sup>37</sup>

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<sup>30</sup> Yanez interview at 16.

<sup>31</sup> Yanez interview at 16.

<sup>32</sup> Yanez interview at 22.

<sup>33</sup> Yanez interviews at 16-17.

<sup>34</sup> Yanez interview at 20.

<sup>35</sup> Yanez interview at 20.

<sup>36</sup> Yanez interview at 22.

<sup>37</sup> Yanez interview at 24.

b. Officer Yanez Training

- 1.) November 21, 2011 - Department Use of Force, 8 hours
- 2.) April 28, 2012 - Use of Force, 8 hours
- 3.) January 2013 - Active Shooter, 1 hour
- 4.) April 30, 2013 - Use of Force, 8 hours
- 5.) August 19 and 20, 2013 - Street Survival, 16 hours
- 6.) March 4, 2014 - Active Shooter, 2 hours
- 7.) April 8, 2014 - Use of Force, 8 hours
- 8.) May 21 and 22, 2014 - Bullet Proof Mind, 20 Hours
- 9.) February 2, 2015 - Active Shooter, 1.5 hours
- 10.) April 28, 2015 - Use of Force, 8 hours
- 11.) January 28, 2016 - Active Shooter, 2 hours
- 12.) May 10, 2016 - Use of Force, 6 hours
- 13.) May 10, 2016 – De-escalation, 2 hours<sup>38</sup>

- c. On November 23, 2011, Mr. Castile was arrested for operating a motor vehicle after his driver's license was revoked. Officer Yanez was one of the officers who transported Mr. Castile to jail for booking.<sup>39</sup>

28. St. Anthony Officer Kauser

- a. Interview of Officer Kauser on July 7, 2016 at 1:10 a.m.

- 1.) Officer Kauser has been employed by the St. Anthony police department for 3 ½ years and is currently assigned to Patrol.<sup>40</sup>

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<sup>38</sup> Report 100397 – Yanez Training Outline.

<sup>39</sup> Report 100428 – Authority to Detain.

<sup>40</sup> Kauser interview at 1.

- 2.) Officer Kauser said his vehicle was equipped with a mobile video camera, but his camera was not activated and did not record the incident.<sup>41</sup> (Officer Kauser was not asked why he did not activate his mobile video camera).
- 3.) Officer Kauser said sometime around 9 PM, Officer Yanez, informed him he was behind a vehicle and he believed the driver of the vehicle physically resembled a robbery suspect from a robbery that had occurred the prior week. Officer Kauser said Officer Yanez told him he was eastbound on Larpenteur. Officer Kauser said he was at Larpenteur and Prior and pulled in behind Officer Yanez as Officer Yanez and the suspect vehicle drove past him.<sup>42</sup>
- 4.) Officer Kauser said Officer Yanez initiated a car stop in the area of Larpenteur and Fry. Officer Kauser said he parked his vehicle behind Officer Yanez's vehicle and Officer Yanez approached the suspect vehicle on the driver's side while he approached on the passenger side. Officer Kauser said he saw a juvenile female in the backseat of the car, an adult female in the front passenger seat and a male driver.
- 5.) Officer Kauser said he could not hear the conversation between Officer Yanez and the occupants of the vehicle, but he could hear what Officer Yanez was saying. Officer Kauser said he does not recall the entire conversation but he knows he heard Officer Yanez say, "Don't reach for it."
- 6.) Officer Kauser said, "the passenger [driver] kinda leaned on his right butt cheek and he put his hand on his right hip. I don't know if he was reaching for a firearm or wallet. I, I couldn't see. I just saw that he had his right hand on his hip. Like I said my partner said don't reach for it. And then there were shots fired."
- 7.) Officer Kauser said at the time of the shooting he "was on the passenger side near the rear passenger door."<sup>43</sup>
- 8.) Officer Kauser said he remembered the description from the robbery that occurred the week prior was that one of the suspects had "long dreads." Officer Kauser said when he arrived at the traffic stop and saw the driver, he believed the driver could be the suspect from the robbery. Officer

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<sup>41</sup> Kauser interview at 2.

<sup>42</sup> Kauser interview at 3.

<sup>43</sup> Kauser interview at 3.

Kauser said the car stop of Mr. Castile was approximately a mile and a half away from the location of the robbery.<sup>44</sup>

- 9.) Officer Kauser said after he heard Officer Yanez say don't reach for it, he heard between three and eight gunshots.<sup>45</sup>
  - 10.) Officer Kauser said he did not know that the Officer Yanez had drawn his firearm until he heard the gunshots and believes the "B" pillar of the vehicle between the front driver's seat and rear driver's side passenger seat blocked his view. Officer Kauser was asked if the shots being fired surprised him and he replied, "Yeah, absolutely."<sup>46</sup>
  - 11.) Officer Kauser said he could not see Mr. Castile's left hand, but when he heard Officer Yanez say don't reach for it, his main focus was on Mr. Castile's right hand. Officer Kauser said when Mr. Castile leaned on to his "right butt cheek he put his right hand down toward his right hip" which was toward the center console. Officer Kauser said, "I don't know if he was reaching, to his hip or down in between the seat and the center console. I just saw his hand go toward his right hip. And, then I heard the, the shots."<sup>47</sup>
  - 12.) Officer Kauser said after Officer Yanez said don't reach for it, Mr. Castile's movement continued. Officer Kauser said, "His hand was still by his right hip. He didn't, I couldn't hear the conversation inside the car so I don't know if he said what he was reaching for."<sup>48</sup>
  - 13.) Officer Kauser said, "I didn't see a, a sss, a sudden movement. But he was reaching on his right side."<sup>49</sup>
  - 14.) Officer Kauser said he does not recall having any prior contacts with Mr. Castile or the passengers in the vehicle.<sup>50</sup>
29. Officer Yanez's Mobile Video (audio compiled from Officer Yanez's mobile video, Officer Sunde's mobile video and Ms. Reynolds' Facebook video)

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<sup>44</sup> Kauser interview at 3-4.

<sup>45</sup> Kauser interview at 4.

<sup>46</sup> Kauser interview at 5

<sup>47</sup> Kauser interview at 6.

<sup>48</sup> Kauser interview at 6.

<sup>49</sup> Kauser interview at 6.

<sup>50</sup> Kauser interview at 7.

- a. 21:04:48 – Officer Yanez activates his overhead lights. Mr. Castile’s vehicle is traveling in front of Officer Yanez’s vehicle at about 35 mph.
- b. 21:05:01 – Mr. Castile pulls to a stop on the right curb. Officer Yanez turns on his driver’s side spot light to illuminate the rear of Mr. Castile’s vehicle. The third brake light of Mr. Castile’s vehicle is not visible and the left brake light does not appear to have the same amount of light as the right brake light (crime scene photographs reveal the left taillight lens was broken and covered with red tape.)
- c. 21:05:16 – Officer Yanez approached the driver’s side of Mr. Castile’s vehicle.
- d. 21:05:18 – Officer Kauser can be seen through the rear window of Officer Yanez’s vehicle.
- e. 21:05: 21 – Officer Yanez is at the driver’s window. It appears Officer Yanez’s right hand is resting on top of his handgun, but his handgun is in his holster.
- f. 21:05:22 – Officer Yanez: “Hello sir,” bends down, places his right hand near his right knee and his left hand near the open window. Mr. Castile: “How are you?” Officer Yanez: “Good.”
- g. 21:05:27 – Officer Yanez: “The reason I pulled you over do you, your brake lights are out, so you only have one activated, active brake light, that’s going to be your passenger side one. Your third brake light which is up here on top, and um this one back here, is going to be out.”
- h. 21:05:34 – Officer Kauser approaches Mr. Castile’s vehicle on the passenger side. Officer Kauser walks up on the sidewalk.
- i. 21:05:38 – Officer Kauser is on the sidewalk, on the passenger side of the vehicle and it appears he is next to the rear passenger door.
- j. 21:05:40 – Officer Yanez: “You have your license and insurance?”
- k. 21:05:49 – Mr. Castile hands Officer Yanez his insurance card. Officer Yanez holds the card in his left hand and his right hand is resting on his gun belt.
- l. 21:05:55 – Mr. Castile: “Sir, I have to tell you I do have a . . .” Officer Yanez: “Okay.” Mr. Castile: “. . . have a firearm on me.” Officer Yanez: “Okay. Don’t reach for it then.” Mr. Castile: “I’m, I’m, reach . . .” Officer Yanez: “ Don’t pull it out.” Mr. Castile: “I’m not pulling it out.” Ms. Reynolds: “He’s not pulling it out.”

- m. 21:05:57 – Officer Yanez begins to draw his handgun and lifts the gun partially out of the holster.
- n. 21:05:58 – Officer Yanez draws his handgun with his right hand, his left arm is inside the driver's window and he points the gun at Mr. Castile.
- o. 21:05:59 – Officer Yanez: "Don't pull it out," and extends his right arm inside the driver's window.
- p. 21:06:00 – Officer Yanez leans back, holds his gun with two hands and shoots at Mr. Castile. Mr. Castile's upper body can be seen moving toward the passenger side of the vehicle.
- q. 21:06:00 to 21:06:02 – Officer Yanez steps toward the front of the vehicle and holding his handgun with one hand, he fires more rounds at Mr. Castile. Officer Yanez fired a total of seven rounds at Mr. Castile.
- r. 21:06:04 – Ms. Reynolds: "You just killed my boyfriend." Mr. Castile: "I wasn't reaching for it." Ms. Reynolds: "He wasn't reaching for it."
- s. 21:06:07 – The front passenger door partially opens. Officer Yanez: "Don't pull it out!" Mr. Castile: "I wasn't."
- t. 21:06:09 – Officer Yanez: "Don't move! Fuck!" Ms. Reynolds: "Oh man, I can't believe you just did that." Officer Yanez: "Fuck! Fuck!" Ms. Reynolds: "Oh my God." Officer Yanez: "Don't move, don't move!" Ms. Reynolds: "Oh my God, I'm shaking." Officer Yanez: "Don't move." Ms. Reynolds: "Don't move baby." Officer Yanez: "Code three. Get the baby girl out of here."
- u. 21:06:24 – Officer Kauser picks up the child who exited the rear passenger door.
- v. 21:06:27 – Officer Yanez: "Oh fuck." Ms. Reynolds: "Don't sir." Officer Yanez: "Don't move." Ms. Reynolds: "Don't move baby please." Officer Yanez: "Fuck." Ms. Reynolds: "Stay with me."
- w. 21:06:33 – Officer Yanez "6921 get medics here code 3. Shots fired. Oh fuck!" Ms. Reynolds: "Stay with me."
- x. 21:06:45 – Officer Yanez: "Medics code 3."
- y. 21:06:45 – Ms. Reynolds: "We got pulled over for a busted tail light in the back. And the police just he's, he's he's covered. He's killed my boyfriend." Officer

Yanez: "Fuck!" Ms. Reynolds: "He's licensed. He carries cuz he's licensed to carry. He was trying to get out his ID in his wallet um, pocket and he let the officer know that he was, reach, he had a firearm and he was reaching for his wallet and the officer just shot him in the arm. We're waiting for back."

- z. 21:07:14 – Officer Yanez: "Ma'am just keep your hands where they are." Ms. Reynolds: "I will sir. No worries, I will." Officer Yanez: "Fuck!" Ms. Reynolds: "He shot his arm off. We got pulled over on Larpenteur and
- aa. 21:07:22 – Officer Yanez: "I told him not to reach for it. I told him to get his hand off of it."
- bb. 21:07:26 – Ms. Reynolds: "He had, you told him to get his ID sir and his driver's license. Oh my God, please don't tell me he's dead."
- cc. 21:07:30 – Officer Yanez: "Fuck."
- dd. 21:07:33 – Ms. Reynolds: "Please don't tell me my boyfriend just went like that."
- ee. 21:07:33 – Officer Yanez: "Keep your hands where they are please."
- ff. 21:07:36 – Ms. Reynolds: "Yes, I will, sir, I'll keep my hands where they are. Please don't tell this Lord, please Jesus don't tell me that he's gone. Please don't tell me he's gone. Please officer don't tell me that you just did this to him."
- gg. 21:07:51 – Ms. Reynolds: "You shot four bullets into him sir. He was just getting his license and registration sir."
- hh. 21:08:00 – Officer Yanez: "Get the female passenger out."
- ii. 21:08:00 – A male officer armed with a rifle arrives at the front driver's side of Officer Yanez's vehicle.
- jj. 21:08:02 – The male officer states, "Ma'am, exit the car right now with your hands up. Exit now." Ms. Reynolds exits the front passenger door with her hands up. Keep 'em up. Keep 'em up."
- kk. 21:08:13 – The officer orders Ms. Reynolds to walk backwards and she complies with his orders.
- ll. 21:08:23 – "Officer Yanez: 6910 one adult, 6921 I'm sorry, one adult female been taken into custody. Driver at gunpoint. Juvenile female, child, is with 6920.

Need . . . couple other squads block off intersections. Get a supervisors here, uh, page them out.”

- mm. 21:08:54 – An officer approaches and said “What do you need Mo?”
- nn. 21:09:02 – A patrol car arrives and parks perpendicular to Mr. Castile’s vehicle.
- oo. 21:09:14 – Officer Yanez: “Do you see both his hands?”
- pp. 21:09:20 – Unknown officer: “Are all officers good?” Officer Yanez: “All officers are good.”
- qq. 21:09:27 – Unknown officer: “I’m going to take your spot. I’ going to take your spot.” Officer Yanez: “Fuck!” Unknown officer: “Listen, listen, I’m going to take your spot buddy, listen. I got your spot okay? I got him, I got him. I got him here.” Officer Yanez: “You got him?” Unknown officer: “I got him, I got him buddy, I got him.”
- rr. 21:09:45 – Officer Yanez walks out of view of the video.
- ss. 29:09:47 – Unknown officer: “You alright? Dude seriously, you alright, you not hit or anything are you?” Officer Yanez: “No, I’m not. Fuckin A.” Unknown Officer: “Let’s walk back here.” Officer Yanez: “Fuck!”
- tt. 21:10:13 – Officers open Mr. Castile’s driver’s door.
- uu. 21:10:14 – Officer Yanez: “Fuckin A dude. I [inaudible] hand out.”
- vv. 21:10:25 – Officer Yanez: “Fuck.”
- ww. 21:10:32 – Officer Yanez: “Fuck, oh my gosh dude.”
- xx. 21:10:33 – An officer is pulling on Mr. Castile’s arm trying to pull him out of the vehicle.
- yy. 21:10:45 – Two officers pull Mr. Castile from his vehicle.
- zz. 21:10:55 – Officer Yanez: “Fuck.”
- aaa. 21:11:00 – An officer starts chest compressions on Mr. Castile.

- bbb. 21:11:05 – Officer Yanez: “Let’s get some more squads here so we can block off fucking everybody over there.”
- ccc. 21:11:34 – Officer Sunde walks up to the scene from the driver’s side of Officer Yanez’s vehicle.
- ddd. 21:11:45 – Officer Sunde walks out of the camera view with another officer.
- eee. 21:11:45 – Officer Adams: “I don’t know anything about this but...So for the officer’s statement or whatever there are going to be a certain amount of questions (inaudible) ask.” Officer Sunde: “Okay.” Officer Adams: “So just ask him if he accounts for everybody, and which direction he fired his weapon, if there’s any outstanding suspects. I wouldn’t ask him anything else.” Officer Sunde: “Okay, where is he now?” Officer Adams: “He’s over there.”
- fff. 21:12:14 – Officer Sunde: “I gotta talk to Mo just quick.”
- ggg. 21:13:30 – Officer Sunde: “Are you okay?”
- hhh. 21:12:31 – Officer Yanez: “I’m fucked up right now.”
- iii. 21:12:34 – Officer Sunde: “Okay. I need you just to breathe, okay breathe. Which direction did you fire?”
- jjj. 21:12:41 – Officer Yanez: “Right at the driver. I had it right out, I had it pointing down. I don’t know how many rounds I let out or anything.”
- kkk. 21:12:47 – Officer Sunde: “Okay so you were? I just need to know which one is your car? Right here?”
- lll. 21:12:50 – Officer Yanez: “Mine is the one pulling him over.”
- mmm. 21:12:52 – Officer Sunde: “So you pointed directly at him?”
- nnn. 21:12:54 – Officer Yanez: “Just directly at him. I had it at my waist”
- ooo. 21:12:57 – Officer Sunde: “Was he sitting in the car? Was he . . .”
- ppp. 21:12:59 – Police vehicle that was parked perpendicular moves to curb.
- qqq. 21:13:00 – Officer Yanez: “He was sitting in the car. Seat belted. I told him, can I see your license, and then, he told me he had a firearm. I told him not to reach

for it. And, he went down to grab. I told him not to reach for it. And then he kept it right there, and I told him to take his hands off of it. And then he, he had his grip a lot wider than a wallet." Officer Sunde: "Okay." Officer Yanez: "and I don't know where the gun was, he didn't tell me where the fucking gun was and then it was just getting hinky, he gave, he was just staring straight ahead, and then I was getting fucking nervous, and then I told him, I know I fucking told him to get his fucking hand off his gun."

rrr. 21:13:14 – Paramedic van parks at scene.

sss. 21:13:45 – Officer Sunde: "Okay, okay, is everybody, is everybody . . ." Officer Yanez: "Fuck!" Officer Sunde: "Is everybody in custody? Do we have everybody?" Officer Yanez: "Yeah."

ttt. 21:13:49 – Backboard is placed on ground next to Mr. Castile.

uuu. 21:13:43 – Officer Sunde: "Were there two people in the car?"

vvv. 21:13:54 – Officer Yanez: "Three people in the car." Officer Sunde: "Three people in the car?" Officer Yanez: "There was a female, the front passenger and the little girl." Officer Sunde: "Breathe, breathe." Officer Yanez: "And the dude."

www. 21:14:30 – Mr. Castile is moved onto backboard.

xxx. 21:15:19 – Paramedics wheel Mr. Castile to the ambulance.

yyy. 21:20:18 – Paramedics and fire truck leave the scene.

zzz. 21:20:40 – Officer Yanez's microphone was turned off.

30. St. Anthony Former Chief John Ohl (Interviewed August 2, 2016)

- a. Chief Ohl said he retired from the St. Anthony Police Department on June 3<sup>rd</sup>, but was still technically active as he was using vacation time. Chief Ohl said he was notified of the shooting by Acting Chief Mangseth and he responded directly to the police department.<sup>51</sup>
- b. Chief Ohl said he spoke with Officer Yanez about his psychological well-being and about the process that was going to be followed during the investigation. Chief

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<sup>51</sup> Ohl interview at 1.

Ohl said he did not have any conversation with Officer Yanez regarding the details of the shooting.<sup>52</sup>

31. St. Anthony Officer Tressa Sunde

a. Officer Sunde's written report (selected portions)

- 1.) "On 07/06/16 at about 2112 hours, I [Sunde] squad 6910 was working routine patrol in St Anthony and was the OIC (Officer-In-Charge).
- 2.) I heard 6921 (Yanez) air on our channel 2 to 6920 (Kauser) that he was going to stop a vehicle and identify the driver because he appeared to look very similar to the suspect from a robbery our department had taken a few days earlier at 2424 Larpenteur Ave (Super USA).
- 3.) A very short time later, I heard Officer Kauser yell "shots fired!" Dispatch asked for clarification whether they were being shot at or were shooting. Officer Yanez began screaming into his radio, "shots fired, shots fired, shots fired!" He then yelled, "Larpenteur and Fry!" I immediately started heading that direction code 3. While enroute, I heard Officer Yanez request medics code 3 to the location. Roseville officers were arriving and I requested updates so I could determine what my next course of action would be.
- 4.) Roseville Sgt. Adams (5180) advised they were code 4 and everyone could slow down. He advised they needed an ambulance code 3 for a gunshot wound. While enroute, I requested dispatch start calling in 6901 (Mangseth) and 6902 (Spiess) and advised them of the incident. Upon arrival, I could see the male (later identified as Philando Castile) from the vehicle was laying outside the driver side of the vehicle where 2 Roseville officers (Turan and Sgt. Adams) were performing CPR on him. I then quickly met with Sgt. Adams after Roseville Officer Datillo took over CPR, so he could update me as to where Officers Yanez and Kauser were. He pointed to the south of the stop location toward the fence surrounding the State Fairgrounds. I went over and spoke with Officer Yanez, who was very visibly upset. He was squatting down next to the fence, he appeared to be stunned and was crying. I knelt down beside him and asked him if he was ok, he stated he was not. He then began to tell me about the traffic stop, I stopped him and advised him I did not need to know about the stop, there would be time for that later. I told him I needed to ask him a couple questions before I could let him leave the scene. I asked him if he was hurt as I could see there was blood on his hands, he stated he

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<sup>52</sup> Ohl interview at 2.

had caught his thumbnail on the slide of this gun but that he was fine. I then asked him what direction he had been standing when he fired his gun. He stated he had fired his gun into the vehicle from the driver side. I then asked him if there was anyone else we needed to be looking for and he stated there was not. I then requested Officer Anderson with the Roseville police department escort Officers Yanez and Kauser to our police department, Sgt. Adams advised me that would be fine.”

5.) “After he had been loaded onto the stretcher, I was advised a gun had fallen out from the males clothing. Roseville Officer Turan was standing over the gun to make sure it was not moved. I observed a dark colored gun that appeared to be a semi-automatic.”

b. The conversation between Officer Sunde and Officer Yanez was recorded on both Officer Yanez’s and Officer Sunde’s mobile video. Officer Sunde’s statement in her report that “He then began to tell me about the traffic stop, I stopped him and advised him I did not need to know about the stop, there would be time for that later” is inaccurate. In fact, Officer Yanez told Officer Sunde, “He was sitting in the car. Seat belted. I told him, see your license, and then he told me he had a firearm. I told him not to reach for it. And, he went down to grab. I told him not to reach for it. And then he kept it right there, and I told him to take his hands off of it. And then he, he had his grip a lot wider than a wallet, and I don’t know where the gun was, he didn’t tell me where the fucking gun was, and then it was just getting hinky, he gave, he was just staring straight at, and I was getting fucking nervous, and then I told him, I know I fucking told him to get his hand off his gun.”

### 32. Anne Chagon-Cicarelli

a. Interview conducted on July 6, 2016 at 11:56 PM.

1.) Ms. Chagon-Cicarelli says she was driving home when she saw a fully marked police car initiated a traffic stop. Ms. Chagon-Cicarelli said she saw a police officer exit the driver’s side of his car and approached the car that had been stopped on the driver’s side.<sup>53</sup>

2.) Ms. Chagon-Cicarelli said she was at 1707 Fry and she saw the car stopped as she was waiting to turn into her apartment complex.<sup>54</sup>

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<sup>53</sup> Chagon-Cicarelli interview at 3-5.

<sup>54</sup> Chagon-Cicarelli interview at 4-5.

- 3.) Ms. Chagon-Cicarelli said she pulled into her apartment complex and backed into her parking space when she heard a couple of noises that sounded like firecrackers.<sup>55</sup>
- 4.) Ms. Chagon-Cicarelli said when she walked back toward the scene she saw two officers giving CPR to the victim.<sup>56</sup>

33. Diamond Reynolds

a. Interview conducted on July 6, 2016 at 11:21 PM.

- 1.) Ms. Reynolds said Mr. Castile is her boyfriend and they live together.<sup>57</sup>
- 2.) Ms. Reynolds said they were driving westbound on Larpenteur. Ms. Reynolds said she did not initially know they were being pulled over because she was looking at her phone, but said she looked up and saw police lights flashing behind them. Ms. Reynolds said Mr. Castile pulled over immediately and one officer approached on the driver's side of the vehicle and the other officer approached on the passenger's side.
- 3.) Ms. Reynolds said the officer on the driver side "seemed very jittery" and asked Mr. Castile, "Hi sir, did you know your back tail light was out?" Ms. Reynolds said Mr. Castile told the officer he was not aware the light was not working and the officer asked for his license and registration. Ms. Reynolds said Mr. Castile told the officer, "Officer, I have a gun on me." Ms. Reynolds said before Mr. Castile could do anything, the officer said, "Don't reach." Ms. Reynolds said Mr. Castile was already supposed to be reaching for his license and registration and in the process of reaching for those documents as he told the officer that he had a gun. Ms. Reynolds said the officer said "Don't move! Don't move!" And began shooting Mr. Castile.<sup>58</sup>
- 4.) Ms. Reynolds said Mr. Castile told the officer he had a gun as his hands were moving to get his license and registration.<sup>59</sup>
- 5.) Ms. Reynolds said all the windows of the vehicle were open including the backseat windows.<sup>60</sup>

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<sup>55</sup> Chagon-Cicarelli interview at 6.

<sup>56</sup> Chagon-Cicarelli interview at 8.

<sup>57</sup> rentals interview at 2.

<sup>58</sup> Reynolds interview at 2.

<sup>59</sup> Reynolds interview at 9.

<sup>60</sup> Reynolds interview at 3.

- 6.) Ms. Reynolds said Mr. Castile keeps his handgun inside his pants and the metal part of the holster hooks over his belt.<sup>61</sup>
- 7.) Ms. Reynolds says she immediately “hopped on Facebook” because she wanted to film the situation live and wanted America to see how police react in situations.<sup>62</sup>
- 8.) Ms. Reynolds said Mr. Castile has a CCW permit, he’s been working for St. Paul public schools for well over 10 years, he’s never been arrested, fingerprinted, or handcuffed and he has no criminal history. Ms. Reynolds said Mr. Castile is not a gang member or gang affiliated.<sup>63</sup>
- 9.) Ms. Reynolds said she and Mr. Castile smoke marijuana and there was marijuana inside the vehicle.<sup>64</sup> Ms. Reynolds said the marijuana belonged to her.<sup>65</sup>
- 10.) Ms. Reynolds said the officer did not see the gun because the gun was not visible.<sup>66</sup>
- 11.) Ms. Reynolds said Mr. Castile carries a gun because they live in a high crime neighborhood. Ms. Reynolds said there has been two murders within the last year and a half that occurred on her street [Rainy]. Ms. Reynolds said Mr. Castile carries a gun for his protection, her protection and the protection of her daughter.<sup>67</sup>
- 12.) Ms. Reynolds said as far as she knows there have been no prior dealings between Mr. Castile and either one of the officers.<sup>68</sup>

34. Dr. Barrett Wagner (Undated interview)

- a. Dr. Wagner is a third-year resident physician for emergency medicine at the Hennepin County Medical Center.<sup>69</sup> Dr. Wagner said he was working on July 6<sup>th</sup>

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<sup>61</sup> Reynolds interview at 3.

<sup>62</sup> Reynolds interview at 3.

<sup>63</sup> Reynolds interview at 4.

<sup>64</sup> Reynolds interview at 4.

<sup>65</sup> Reynolds interview at 8.

<sup>66</sup> Reynolds interview at 10.

<sup>67</sup> Reynolds interview at 11.

<sup>68</sup> Reynolds interview at 14.

<sup>69</sup> Wagner interview at 1.

and assisted with the medical care of Mr. Castile. Dr Wagner said Dr. Logue was the primary physician and Dr. Rivard and Dr. Boland also assisted.<sup>70</sup>

- b. Dr. Wagner said when Mr. Castile arrived at the hospital he was pulseless and CPR was being conducted. Mr. Castile had visible wounds in the right upper arm and the right lateral aspect of the chest.<sup>71</sup>
- c. Dr. Wagner said a thoracotomy was performed and when the ribs were opened he saw there was a 3 cm laceration on the anterior aspect of the left ventricle consistent with a likely entry wound of a bullet. Dr. Wagner said the extent of the wound was identified and further medical intervention was stopped because Mr. Castile's injuries were incompatible with life.<sup>72</sup>

35. Dr. Christopher Logue (Interview August 9, 2016)

- a. Dr. Logue is an emergency room physician at Hennepin County Medical Center and treated Mr. Castile.
- b. Dr. Logue does not recall if Mr. Castile was clothed, but knows he was not wearing a shirt. Dr. Logue said he believes it would be the responsibility of the nursing staff to remove the patient's clothing.<sup>73</sup>

36. Dr. Robert Rivard (Interview on August 8, 2016)

- a. Dr. Rivard is an emergency room physician at Hennepin County Medical Center and was one of the physicians who treated Mr. Castile.
- b. Dr. Rivard said when Mr. Castile arrived at the hospital there was a Lucas device performing mechanical CPR.
- c. Dr. Rivard said he recalls Mr. Castile wearing a white t-shirt that was mostly covered in blood, but he does not recall if Mr. Castile was wearing any other clothing.
- d. Dr. Rivard said removing a patient's clothing would be the responsibility of the nursing staff, health care assistants, or a junior resident.<sup>74</sup>

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<sup>70</sup> Wagner interview at 2.

<sup>71</sup> Wagner interview at 2.

<sup>72</sup> Wagner interview at 3.

<sup>73</sup> Logue interview at 1-2.

<sup>74</sup> Rivard interview at 1-3.

37. Health Care Assistant Nina Fateyenko

a. First Interview July 9, 2016

- 1.) Ms. Fateyenko is a Health Care Assistant who works in the emergency room at Hennepin County Medical Center.<sup>75</sup>
- 2.) Ms. Fateyenko said when Mr. Castile arrived, his shirt and shorts were cut off, but it is hard to tell exactly what clothes he may have still been wearing because the arrival of a patient in Mr. Castile's state is "pretty chaotic." Ms. Fateyenko said whatever the patient has, including their clothes, is thrown into an evidence bag.
- 3.) Ms. Fateyenko said she was the person who placed Mr. Castile's belongings into a bag.<sup>76</sup>
- 4.) Ms. Fateyenko said she believes she found Mr. Castile's wallet in his front left pocket, but she is not certain. Ms. Fateyenko described the wallet as having black and white stripes. Mr. Castile had a school badge that she believes was hooked to his pants. Ms. Fateyenko said she believes the wallet and the holster were in the same pocket and she recalls the pockets being deep and having to reach for the items. Ms. Fateyenko said Mr. Castile did not have a gun, but only a holster.<sup>77</sup>
- 5.) Ms. Fateyenko said she completed a property sheet which lists all the property that she retrieved.<sup>78</sup>

b. Second interview of Ms. Fateyenko August 31, 2016

- 1.) Ms. Fateyenko said she called Detective Henning a short time after her interview and told him that she could not recall which pocket the wallet and holster had been in, but did recall that they were both in the same pocket.<sup>79</sup>
- 2.) Ms. Fateyenko said the items came out of the "long pocket" and she is not certain which pocket the items were in because the pants had been

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<sup>75</sup> Fateyenko interview at 1.

<sup>76</sup> Fateyenko interview at 2.

<sup>77</sup> Fateyenko interview at 3.

<sup>78</sup> Fateyenko interview at 4.

<sup>79</sup> Fateyenko second interview at 2.

cut to the point where they are “just one big sheet with pockets everywhere.”<sup>80</sup>

38. Nurse Florence Johnson (Interviewed July 7, 2016)

- a. Ms. Johnson is a registered nurse who works in the emergency room at Hennepin County Medical Center. Ms. Johnson has been a nurse for 40 years and worked in the emergency room for 23 years.<sup>81</sup>
- b. Ms. Johnson was working in the emergency room on July 6<sup>th</sup>. Ms. Johnson said the doctors performed a thoracotomy and the only other nurse she recalls working on Mr. Castile was Ms. Borchert.<sup>82</sup>
- c. Ms. Johnson said she does not recall if Mr. Castile was clothed when he arrived at the emergency room.<sup>83</sup> Ms. Johnson said normally if the patient is wearing clothes, the clothes will be placed on the floor and a Health Care Assistant would be responsible to collect the items.<sup>84</sup>

39. Nurse Heidi Carter (Interviewed August 9, 2016)

- a. Ms. Carter has been a registered nurse who has worked for Hennepin County Medical Center for 9 years. Ms. Carter was working on July 6<sup>th</sup> and recalls Mr. Castile being brought to the emergency room.<sup>85</sup>
- b. Ms. Carter said she relieved one of the other nurses and believes a Health Care Assistant had already taken Mr. Castile’s clothing before she arrived.<sup>86</sup>

40. Nurse Sara Borchardt (Interviewed July 14, 2016)

- a. Ms. Borchardt has been an emergency room nurse with Hennepin County Medical Center for about 1 ½ years and was working when Mr. Castile was brought to the emergency room.<sup>87</sup>
- b. Ms. Borchardt said she assisted by starting to cut off Mr. Castile’s clothing, but she was called away and did not complete the removal of his clothing.<sup>88</sup>

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<sup>80</sup> Fateyenko second interview at 2.

<sup>81</sup> Johnson interview at 1.

<sup>82</sup> Johnson interview at 2.

<sup>83</sup> Johnson interview at 3.

<sup>84</sup> Johnson interview at 3.

<sup>85</sup> Carter interview at 1.

<sup>86</sup> Carter interview at 2.

<sup>87</sup> Borchardt interview at 1.

<sup>88</sup> Borchardt interview at 2.

41. Nurse Tuladi Ramadit (Interviewed August 26, 2016)
- a. Ms. Ramadit is a registered nurse at Hennepin County Medical Center and has worked there for 15 years.<sup>89</sup>
  - b. Ms. Ramadit said she was working when Mr. Castile was brought to the emergency room. Ms. Ramadit said Mr. Castile's pants were removed and she looked in his wallet for identification.<sup>90</sup> Ms. Ramadit said she believes Mr. Castile had his wallet in his back pants pocket, but she is not certain.<sup>91</sup>
  - c. Ms. Ramadit said she reached into his pocket to retrieve his wallet but does not recall if any other items were in his pocket. Ms. Ramadit said she does not recall if she took Mr. Castile's pants off, or if she retrieved his wallet from his pants when the pants were lying on the floor.<sup>92</sup>
42. Nurse Whitney Power (Undated interview)
- a. Ms. Power said she is a nurse at Hennepin County Medical Center and was assigned to the emergency room stabilization room when Mr. Castile was brought to the hospital.<sup>93</sup>
  - b. Ms. Power said as one of the doctors was putting a chest tube into Mr. Castile someone removed Mr. Castile's pants. Ms. Power said she does not recall if she assisted in removing Mr. Castile's pants. Ms. Power said she believes his pants were jeans, but she is not certain and she does not recall if she ever touched the pants.<sup>94</sup>
43. Health Care Assistant Sara Fagerness (Interviewed September 1, 2016)
- a. Ms. Fagerness is a Health Care Assistant who works in the emergency room who was in training on July 6<sup>th</sup>. Ms. Fagerness said she was working when Mr. Castile was brought into the emergency room and recalls Mr. Castile's property being on the ground.

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<sup>89</sup> Ramadit interview at 1.

<sup>90</sup> Ramadit interview at 2.

<sup>91</sup> Ramadit interview at 3.

<sup>92</sup> Ramadit interview at 4.

<sup>93</sup> Power interview at 1.

<sup>94</sup> Power interview at 2.

- b. Ms. Fagerness says she recalls a pair of dark jeans that were “pretty bloodied” and a school employee ID badge with Mr. Castile’s photograph. Ms. Fagerness said either she or Ms. Fateyenko removed the holster from the pants pocket.<sup>95</sup>

44. Roseville Officer Bryan Andersen (Interviewed July 29, 2016)

- a. Officer Andersen said he is a police officer for the city of Roseville and he responded to the shooting scene. Officer Andersen said he was asked to “shadow” Officer Yanez.<sup>96</sup>
- b. Officer Andersen said he has worked with both Officer Yanez and Officer Kauser in the past.
- c. Officer Andersen said he was instructed to stay with Officer Yanez by Sergeant Adams. Officer Andersen said he drove Officer Yanez to the St. Anthony Police Department. Officer Andersen said they did not discuss any of the details of the shooting.<sup>97</sup>
- d. Officer Andersen said as he was driving Officer Yanez, he saw Officer Yanez had cut his finger. Once they were at the St. Anthony Police Department, he asked Officer Kauser to photograph Officer Yanez’s finger. Officer Andersen said there was no communication between Officer Yanez and Officer Kauser regarding the shooting and he was present the entire time.<sup>98</sup>
- e. Officer Andersen said he stayed with Officer Yanez until he was relieved by detectives from BCA.<sup>99</sup>

45. Roseville Officer Juan Toran (Interviewed July 14, 2016)

- a. Officer Toran has been employed by the Roseville police department for just under 3 years.<sup>100</sup>
- b. Officer Toran said the Roseville police department shares the same radio frequency as the St. Anthony police department.<sup>101</sup>

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<sup>95</sup> Fagerness interview at 3.

<sup>96</sup> Andersen interview at 1-2.

<sup>97</sup> Andersen interview at 2.

<sup>98</sup> Andersen interview at 3.

<sup>99</sup> Andersen interview at 5.

<sup>100</sup> Toran interview at 1.

<sup>101</sup> Toran interview at 4.

- c. Officer Toran said he was working patrol on July 6 and was in the 2400 block of Fairview facing southbound when he heard a St. Anthony officer radio shots had been fired at Larpenteur and Fry. Officer Toran said almost immediately there was a second radio transmission where the dispatcher asked for clarification of whether the officer heard the shots or whether the officer was involved in shooting. Officer Toran said there was a lot of yelling on the radio and all he could make out was "code 3."<sup>102</sup>
- d. Officer Toran said he began responding code 3 (lights and siren) and as he was responding he saw another Roseville police car in front of him which he later discovered was Officer Anderson. Officer Toran said there were also other Roseville officers responding to the scene who were behind him.<sup>103</sup>
- e. Officer Toran said when he arrived he saw two St. Anthony patrol cars with their overhead lights on. Officer Toran said Officer Kauser was holding a little girl on the sidewalk and Officer Yanez was on the driver's side of the white sedan near the engine block. Officer Yanez was pointing his gun inside the vehicle. Officer Toran said officers called the female passenger out of the vehicle and she was compliant with all their commands. Officer Toran said he handcuffed the passenger, quickly patted her down for weapons, and then placed her in the backseat of a St. Anthony patrol car.<sup>104</sup>
- f. Officer Toran said as he was securing the passenger, other Roseville officers were arriving. Officer Toran said he, Sergeant Adams, and Officer Dattilo pulled Mr. Castile out of the vehicle and Sergeant Adams began chest compressions. Officer Toran said Sergeant Adams asked him to take over chest compressions. Officer Toran said Officer Wiesner brought the AED and another officer brought oxygen. Officer Toran said the officers attached the AED to Mr. Castile and continued with chest compressions until they were relieved by the fire department.<sup>105</sup>
- g. Officer Toran said as they were placing Mr. Castile on the backboard, Mr. Castile's body was tilted toward him and he saw a black handgun start to slide out of Mr. Castile's right front pocket. Officer Toran said he does not recall exactly what he said, but he said something to the effect of "Stop, gun or gun or oh gun." Officer Toran said he held the gun with two fingers on the butt of the gun and slid the magazine out. Officer Toran said Officer Dattilo told him to just leave the gun on the ground.<sup>106</sup>

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<sup>102</sup> Toran interview at 4.

<sup>103</sup> Toran interview at 5.

<sup>104</sup> Toran interview at 6.

<sup>105</sup> Toran interview at 6.

<sup>106</sup> Toran interview at 7.

h. Officer Toran said he did not see a wallet or a holster.<sup>107</sup>

46. Roseville Officer Zachary Wiesner (Interviewed July 14, 2016)

a. Officer Wiesner said he has been with the Roseville Police Department for two years.<sup>108</sup>

b. Officer Wiesner said he was working patrol in uniform driving a marked vehicle on July 6<sup>th</sup>. Officer Wiesner said he had responded to assist on the robbery that had occurred one week prior and two male suspects were both described as male Blacks, who both had "dreads" and he believes one was described as having some sort of a beard. Officer Wiesner said he heard Officer Yanez on the car-to-car radio channel to say he thought he recognized someone matching the description and he was going to make a car stop.<sup>109</sup>

c. Officer Wiesner said he heard an officer radio shots fired and he instantly began to respond code 3.<sup>110</sup> Officer Wiesner said he arrived shortly after Officer Toran and he believes he arrived within 30 seconds to a minute. Officer Wiesner said he saw Officer Yanez with a subject at gunpoint and he went to assist Officer Yanez while Officer Toran and Officer Anderson assisted Officer Kauser with the female passenger.<sup>111</sup>

d. Officer Wiesner said the officers removed Mr. Castile from the vehicle and he went to Officer Kauser's vehicle to retrieve a medical bag. Officer Wiesner said he did not see an AED in Officer Kauser's vehicle so he ran back to his vehicle to retrieve an AED. Officer Wiesner said when he returned, officers were performing CPR and he attached the AED to Mr. Castile.<sup>112</sup>

e. Officer Wiesner said when the fire department arrived, they rolled Mr. Castile onto his side and as they did, he heard Officer Toran yell, "Gun." Officer Wiesner said he looked down and saw the back strap of a black handgun sliding out of Mr. Castile's right front pants pocket. Officer Wiesner said the handgun was not in a holster<sup>113</sup> and he did not see a holster.<sup>114</sup> Officer Wiesner said he is positive the gun was in Mr. Castile's pocket not in his waistband as Mr. Castile's pants

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<sup>107</sup> Toran interview at 8.

<sup>108</sup> Wiesner interview at 1.

<sup>109</sup> Wiesner interview at 4.

<sup>110</sup> Wiesner interview at 4.

<sup>111</sup> Wiesner interview at 5.

<sup>112</sup> Wiesner interview at 5-6.

<sup>113</sup> Wiesner interview at 6.

<sup>114</sup> Wiesner interview at 7.

were sagging down 7-8 inches and if the gun had been in his waistband he would have seen it right away.<sup>115</sup>

47. SPFD Eric Torgerson (Interviewed July 8, 2016)

- a. Firefighter Torgerson said he responded with his engine crew to a shooting victim. Firefighter Torgerson said when he arrived he saw the officer was performing CPR on the victim. Firefighter Torgerson said he saw two gunshot wounds to the victim's left arm and at least two wounds to the left side of his chest.
- b. Firefighter Torgerson said as they were loading the victim onto a backboard he heard an officer say, "Gun, we have a gun" and the officer pulled out what appeared to be a black, full-size pistol. Firefighter Torgerson said the gun was pretty deep in the victim's pocket and he knows the officer had to put his hand "quite a ways down" in order to pull the gun out.<sup>116</sup>
- c. Firefighter Torgerson said he did not know which officer removed the handgun, but he believes the officer was wearing a gray uniform not a navy-blue uniform.<sup>117</sup>

48. SPFD Joseph Bales (Interviewed July 8, 2016)

- a. Firefighter Bales said he responded to a call of a shooting.<sup>118</sup>
- b. Firefighter Bales said at some point somebody asked what happened and he heard one of the officer say Mr. Castile was not cooperating and he wasn't following police instructions.<sup>119</sup>
- c. Firefighter Bales said he was told by Firefighter Paider that when they were loading the victim onto the backboard, a gun became visible in the victim's pocket. One of the officer said, "Gun" and then reached into the victim's pocket, took the gun out of his pocket, and laid it aside.<sup>120</sup>

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<sup>115</sup> Wiesner interview at 8.

<sup>116</sup> Torgerson interview at 1-2.

<sup>117</sup> Torgerson interview at 4.

<sup>118</sup> Bales interview at 2.

<sup>119</sup> Bales interview at 3.

<sup>120</sup> Bales interview at 6.

49. SPFD Juan Cortez (Interviewed July 8, 2016)

- a. Firefighter Cortez said he responded on a shots fired call. Firefighter Cortez said as they arrived he saw officers were doing CPR on the victim.<sup>121</sup>
- b. Firefighter Cortez said as they were maneuvering the patient to get the backboard underneath him, a pistol fell out of his pants. Firefighter Cortez said it looked like the gun was not in Mr. Castile's right side pocket, but lower, mid area of his right side. Firefighter Cortez said one officer yelled, "Gun" and the gun was already on the ground.<sup>122</sup>
- c. Firefighter Cortez said he did not cut the victim's clothes off of his body.<sup>123</sup>

50. SPFD Larry Goodman (Interviewed July 8, 2016)

- a. Captain Goodman said he was one of the firefighters who responded to the shots fired call.<sup>124</sup>
- b. Captain Goodman said when he arrived he saw the officer doing chest compressions on the victim.
- c. Captain Goodman said as they were placing the victim on a backboard, they rolled him over and an officer stated there was a handgun in the person's right front pocket. Captain Goodman said he saw the officer pulled the gun out of the victim's pocket and place it on the ground.<sup>125</sup>
- d. Captain Goodman said they did not remove the victim's clothing, but he did cut the victim's white T-shirt so they could expose his chest.<sup>126</sup>
- e. Captain Goodman said he does not recall anything else being removed from the victim's pockets.<sup>127</sup>

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<sup>121</sup> Cortez interview at 4.

<sup>122</sup> Cortez interview at 7.

<sup>123</sup> Cortez interview at 10.

<sup>124</sup> Goodman interview at 1.

<sup>125</sup> Goodman interview at 2.

<sup>126</sup> Goodman interview at 2.

<sup>127</sup> Goodman interview at 3.

51. SPFD Michael Paidar (Interviewed July 8, 2016)

- a. Firefighter Paidar said he responded on the shooting call. Firefighter Paidar said as he arrived he saw two officers doing CPR on a victim lying on the ground next to a car.<sup>128</sup>
- b. Firefighter Paidar said as they were getting ready to move the victim and as they started rolling him, one of the officer yelled, "Gun." Firefighter Paidar said he believes one of the Roseville police officers secured the handgun. Firefighter Paidar said if he "remembers correctly," the officers took the gun out of the victim's right pants pocket and the officer placed the gun on the ground out of the way.<sup>129</sup>
- c. Firefighter Paidar said when he was in the ambulance he removed the victim's t-shirt to better control the victim's bleeding.<sup>130</sup> Firefighter Paidar said when they arrived at the hospital he believes the victim was still wearing his pants.<sup>131</sup>

52. SPFD Zachary Johnson (Interviewed July 8, 2016)

- a. Firefighter Johnson said he responded on the shooting victim call. Firefighter Johnson said when he arrived he saw one of the officers was doing CPR.<sup>132</sup>
- b. Firefighter Johnson said as they were rolling the victim onto the backboard, a pistol was exposed. Firefighter Johnson said one of the officers took the pistol out of the victim's right side and then set the pistol on the ground.<sup>133</sup>
- c. Firefighter Johnson said that the pistol was on the victim's right side, right pocket or right thigh.<sup>134</sup>

53. Eric Winter (Interviewed August 31, 2016)

- a. Mr. Winter resides at 1683 Larpenteur and said on July 6<sup>th</sup> he and his wife were watching a TV show in the front of their home when he heard a noise that he later determined to be gunshots.

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<sup>128</sup> Paidar interview at 1.

<sup>129</sup> Paidar interview at 2.

<sup>130</sup> Paidar interview at 3.

<sup>131</sup> Paidar interview at 4.

<sup>132</sup> Firefighter Johnson interview at 1.

<sup>133</sup> Firefighter Johnson interview at 2.

<sup>134</sup> Firefighter Johnson interview at 3-4.

- b. Mr. Winter went outside and saw officer performing CPR and heard an officer yelling. Mr. Winter said he later saw the video of the shooting posted online and recognized the voice as belonging to the officer involved in the shooting. Mr. Winter said the officer was yelling something like "Oh shit."<sup>135</sup>

54. Randi Winter (Interviewed August 22, 2016)

- a. Ms. Winter says she and her husband were watching television in the front of their home on July 6<sup>th</sup> at about 9 PM when she heard a loud noise. Ms. Winter said within a few minutes she realized they were allow sirens and a lot of police cars in front of her house, so she began to watch from her front window.<sup>136</sup>
- b. Ms. Winter says she began to take a video of the scene and saw that officers were doing chest compressions on a person. Ms. Winter said that is when she realized there may have been a shooting.
- c. Ms. Winter said she heard a person shouting expletives and the only words she specifically recalls is "fuck."<sup>137</sup>
- d. Ms. Winter said she made two recordings of the scene, one was 34 seconds in length and the other was 10 seconds.<sup>138</sup>

55. Bryan Thomas Hooshangh Darouie (Interviewed September 16, 2016)

- a. Mr. Darouie said he was at his girlfriend's apartment and he stepped outside to have a cigarette and sat inside his sister's car which was parked in the space closest to the street when he saw the car stop.
- b. Mr. Darouie said as the officer walked up to the car he saw the officer had his hand on his gun and he thought that was odd. Mr. Darouie said about 20 seconds later he heard yelling then gunshots. After the gunshots, the officer seemed panicked and was yelling, "fuck" over and over and then said "I told him not to go for it once or twice."<sup>139</sup>

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<sup>135</sup> Winter interview at 1-2.

<sup>136</sup> Ms. Winter interview at 1-2.

<sup>137</sup> Ms. Winter interview at 2.

<sup>138</sup> Ms. Winter interview at 4.

<sup>139</sup> Darouie interview at 1.

56. Medical Examiner's Report – Dr. Andrew M. Baker

- a. The Medical Examiner found the following:
- b. Four gunshot wounds to the left arm. Three of the wounds were perforating in one penetrating (incomplete exit) wound pathways to soft-tissue of left arm, with fracture of distal left humerus. The wound directions were back to front, left to right, and you are slightly upward (three pathways) or slightly downward (one pathway).
- c. One gunshot wound to the left forearm. The wound direction was back to front, left to right, and slightly downward.
- d. One gunshot wound to the chest. The pathway of the wound was through the anterior left fifth rib and soft tissue of the left chest wall. The wound direction was slightly back to front, left to right, and downward.
- e. One gunshot wound to the chest. The pathway was through the 7<sup>th</sup> intercostal space, lower lobe of left lung, diaphragm, stomach, heart, liver, lower lobe of lung, right 4<sup>th</sup> rib, and soft-tissue right chest wall. The wound direction was slightly back to front, left to right and slightly upward.
- f. One gunshot wound to the chest. The pathway was to the 7<sup>th</sup> intercostal space, heart, and soft-tissue of left anterior chest wall. The direction was left to right, slightly upward, in coronal plane.
- g. Gunshot wound of the abdomen. The wound direction was slightly back to front, left to right and slightly upward.
- h. Gunshot wound of right second finger. The wound direction was upward, slightly right to left.
- i. The Medical Examiner found Mr. Castile's wounds to be consistent with 7 gunshots.

57. St. Paul Fire Department Run Report

- a. Narrative History Text:
- b. "CALLED FOR SHOOTING. UPON ARRIVAL, SAPD ON SCENE. CPR IN PROGRESS. SAPD STATES PT WAS SHOT IN CHEST.PD PLACED AED STATES NO SHOCK ADVISED. **PT HAS HAND GUN IN PT R PANTS POCKET. GUN SECURED BY POLICE.**

[emphasis added] PT FITTED WITH C COLLAR. ATTEMPT MADE TO CONTROL BLEEDING. PT HAS GSW X2 TO L ARM, PT HAS GSW X2 TO UPPER L CHEST, NO EXIT WOUND FOUND. PT HAS GSW TO ABD - LLQ. PT PLACED ON LBB. PT TAKEN TO AMBULANCE. TTA CALLED. KING AIRWAY PLACED. COMPLIANCE DIFFICULT. 10 PLACED IN L LEG. LUCAS DEVICE FIT TO PT. 10 PLACED IN R LEG. ATTEMPT TO STOP BLEEDING. SUCTION USED. CHEST DECOMPRESSION TO BOTH SIDES, BLOOD RAN FROM BOTH DECOMPRESSION NEEDLES. LUNG SOUNDS ABSENT. PT CO2=3. PUPILS UNREACTIVE. NO OTHER INJURY NOTICED. PT UNABLE TO SIGN CHART DUE TO CONDITION. PT CARE TRANSFERRED TO HCMC ER STAFF."

58. Officer Yanez FTO Manual

- a. Officer Yanez's FTO manual includes a section on "High Risk Vehicle Stops" and the proper mechanics for making a high risk stop.<sup>140</sup>
- b. Officer Yanez and his Field Training Officer signed the form indicating that Officer Yanez had been trained in High Risk Vehicle Stops on December 17, 2011.<sup>141</sup>

59. Crime Scene report

- a. The crime scene report indicates that both brake lights were working, but the third brake light was inoperable.<sup>142</sup>
- b. The crime scene report includes a bullet path reconstruction.

60. Mr. Castile's CCW Permit

- a. Mr. Castile was issued a permit to carry a concealed firearm on June 4, 2015 by Sheriff Richard W. Stanek.<sup>143</sup>
- b. Mr. Castile's CCW permit was in his wallet.<sup>144</sup>
- c. Dan Wellman
  - 1.) Interview conducted on July 19, 2016 at 3:10 PM.

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<sup>140</sup> Report 100139 at 44.

<sup>141</sup> Report 100139 at 45.

<sup>142</sup> Report 100386 – Lab report #5 at 5.

<sup>143</sup> Report 99938.

<sup>144</sup> PJH\_3758processed.JPG

- a.) Mr. Wellman is the owner of Total Defense that among other things conducts Concealed Carry Weapon (CCW) classes.<sup>145</sup>
- b.) Mr. Wellman said Mr. Castile and his sister, Allysa, attended a CCW class on May 2, 2015. Mr. Wellman said the classes generally start at about 9 AM and are normally completed by 2:30 to 3 PM and the class sizes normally between 30 and 50 students.<sup>146</sup>
- c.) Mr. Wellman said according to his records, both Mr. Castile and his sister passed the class and received a certificate that they are then required to take to the Sheriff to make the application for a permit to carry.<sup>147</sup>
- d.) Mr. Wellman said part of the CCW instruction is a PowerPoint slide entitled, "Interacting with Law Enforcement." Mr. Wellman said his instructors tell students when they are stopped on a traffic stop to roll down the window and tell the officer they have a gun and to hand over their permit along with their driver's license. Mr. Wellman said students are taught to keep their hands in sight, move slowly and announce their movements.<sup>148</sup>
- e.) Mr. Wellman said he instructs his students to comply with the officer's direction.<sup>149</sup>
- f.) Mr. Wellman said state law requires that if a person is carrying a firearm they must have their permit with them along with a photo identification. Mr. Wellman said he instructs his students regarding this requirement during his classes.<sup>150</sup>
- g.) Mr. Wellman said the instructor for the class attended by Mr. Castile was Jim Diehl.<sup>151</sup>

d. Powerpoint Slide

- 1.) "Interacting with Law Enforcement"

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<sup>145</sup> Wellman interview at 1.

<sup>146</sup> Wellman interview at 2.

<sup>147</sup> Wellman interview at 2-3.

<sup>148</sup> Wellman interview at 3-4.

<sup>149</sup> Wellman interview at 4.

<sup>150</sup> Wellman interview at 5.

<sup>151</sup> Wellman interview at 6.

- 2.) "Traffic Stop"
  - 3.) "Give both permit and license/insurance card"
  - 4.) "Keep interior light on"
  - 5.) "Car off (if safe to do so)"
  - 6.) "Be up front, honest"
  - 7.) "Keep hands in sight and move slowly"
  - 8.) "Announce your movements"<sup>152</sup>
- e. Total Defense – Minnesota Basic Concealed Carry Permit Class
- 1.) Interacting with the Police
  - 2.) "You may at some point have to deal with the police while you are caring your hand. Remember police are very cautious when it comes to people with guns. Think of their safety as well as your own."
  - 3.) "Move slowly and cautiously - Tell the officer what you are going to do before you do it."
  - 4.) "Always keep your hands in the officer's site [sic] (he fears what he can't see just like you do)"
  - 5.) "Inform him/her that you have a CCW and are caring a handgun and where it is."
  - 6.) "Follow the commands you are given - he may ask you to hand over your gun, do it, is for their safety as well as yours. When you do all your gun out to give to him/her, move very slowly and carefully. Use two fingers to grip the gun and do not touch the trigger!"
  - 7.) "If you are pulled over, keep your hands on the wheel and inform the officer that you have a CCW and are caring/not carrying a weapon. Let them tell you what to do from there."<sup>153</sup>

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<sup>152</sup> Report 100177 – CCW Class Ppt Slide for contacts with Law Enforcement.

<sup>153</sup> Report 100177 – 2016-433 Total Defense scan at 5.

f. James Diehl

- 1.) Interviewed on September 6,2016
- 2.) Mr. Diehl is a CCW instructor for Total Defense.
- 3.) Mr. Diehl said he does not recall teaching Mr. Castile and said the classes are large and he does not recall individual students.<sup>154</sup>
- 4.) Mr. Diehl said he created the Powerpoint presentation for the CCW to standardize the classes.<sup>155</sup>
- 5.) Mr. Diehl said he provides three examples of interacting with law enforcement. The first example involves a person stopped with a burnt out headlight and the driver immediately provides his driver's license, carry permit and insurance card. When the officer asked where the firearm is located, the driver lets the officer know and there is no issue. The second example is very similar, but in that case the officer returns to his car and then returns the driver giving a warning. In the third example, the driver tells the officer they have a concealed carry permit and tells the officer the firearms is located in the center console and asked permission to pull out their wallet.<sup>156</sup>

61. The pants worn by Mr. Castile were Polo navy blue short pants size 38. The front of the pants were cut from the waistband to the seam on both the left and right sides.<sup>157</sup> The pants were oversized as Mr. Castile was 5'9" and weighed 167 pounds.

62. CAD Report

- a. The first entry on CAD Incident report is "SHOTS HEARD BY 6920."<sup>158</sup>
- b. Unit 6920 is Officer Kauser.<sup>159</sup>

63. Radio Recordings

- a. Ramsey County Dispatch

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<sup>154</sup> Diehl interview at 1.

<sup>155</sup> Diehl interview at 3.

<sup>156</sup> Diehl interview at 4.

<sup>157</sup> Photos – BCA – BCA(Wallet-Firearm-Holster) -KAN\_7713.jpg

<sup>158</sup> CAD Incident report at 4.

<sup>159</sup> CAD Incident report at 3.

- 1.) The first radio transmission to the dispatcher regarding the car stop of Mr. Castile was made By Officer Kauser.
- 2.) Officer Kauser radioed in a calm voice, "6920 Shots fired, Larpenteur and Fry."
- 3.) The dispatcher responded, "Copy, you just heard it?" Then "6920, you just heard the shots fired?"
- 4.) Officer Yanez then radios in an excited voice asking for a code 3 follow up and "Shots fired."
- 5.) There is no evidence that the dispatcher was aware of the car stop prior to the shooting.

b. Private Citizen Radio Traffic Recordings

- 1.) Officer Yanez: "21 to 20, What's your location?"
- 2.) Officer Kauser: [inaudible]
- 3.) Officer Yanez: "Copy, I'm going to stop a car 203 Tom, Tom, Mary, [inaudible] I have reason to pull it over, two occupants, just look like a, people that were involved in our robbery, at 24 24."
- 4.) Officer Kauser: "Copy, where are you at?"
- 5.) Officer Yanez: "Larp and [inaudible]."
- 6.) Officer Kauser: "Copy."
- 7.) Officer Yanez: "The driver looks more like one of our suspects, just 'cuz of the wide set nose[inaudible] got a look at the passenger and I'll wait for you."

64. July 2, 2016 robbery at Super USA Convenience Store

a. Officer Sunde's report

- 1.) Officer Sunde said on July 2, 2016 at about 7:37 PM, she was dispatched to the Super USA convenience store for a robbery that had just occurred.

- 2.) Officer Sunde said she contacted the storeowner and reviewed the video footage of the robbery. Officer Sunde said two black males entered the store, the first wearing blue jeans, a green clad long-sleeved shirt, a baseball hat with marijuana leaves on it, longer than shoulder length dreadlocks, dark color shoes with white on the shoes, and he was wearing glasses. Officer Sunde describe the second male as wearing tan pants, tennis shoes, a green long-sleeved jacket, a green baseball cap, and he had shoulder length dreadlocks. Both subjects were armed with handguns.
- 3.) Officer Sunde's report did not provide any additional description, including height and weight, of the suspects.

b. Officer Yanez's report

- 1.) Officer Yanez said he responded to the Super USA convenience store regarding the robbery.
- 2.) Officer Yanez Said the victim, Mr. Beyene, provided him a description of the two suspects and said both suspects were African-American males, in the mid to late 20s, and both had dreadlocks. Mr. Beyene said both subjects were armed with handguns. Officer Yanez said he radioed the suspects' descriptions to other units who were responding into the area.
- 3.) Officer Yanez said, "I went inside of the business to review video to give information about the crime scene to Ramsey County Crime Lab before requesting them. I observed four females (1 Caucasian and 3 African-American female) and one Caucasian male at the register counter. It was difficult to tell if any of them made contact with the register counter. These customers arrived after the robbery happened and they were not witnesses.)"

c. Officer Huddle's report

- 1.) Officer Huddle said he contacted the owner of the Super USA on July 5, 2016 and was able to download a copy of the store surveillance video.
- 2.) Officer Huddle viewed the video and described both suspects as African-American males with thin builds and both suspects had braided or dreadlocked hair.

## Opinions

### **There is No Evidence That Either Officer Yanez or Officer Kauser Knew Mr. Castile's Identity at the Time of the Shooting**

65. State records indicate that Mr. Castile's vehicle's license plate (203TTM) was queried 27 times between February 2, 2016 and July 7, 2016.
  - a. Records indicate there were no queries between July 1, 2015 and December 31, 2015.
  - b. 4 of the queries of the license plate occurred on July 7, 2016, after Mr. Castile's death (3 by the St. Anthony police department and once by BCA).
  - c. Of the remaining queries, only Officer Yanez's query on July 6, 2016 at 9:02 PM was conducted by a member of the St. Anthony police department. All of the other 22 queries were conducted by other agencies (9 by Minneapolis PD; 6 by St. Paul PD; 2 by Maplewood PD; 2 by Metro Transit Police; and 1 by each by Robbinsdale, Hennepin County Sheriff's department, and Crystal PD).
  
66. Mr. Castile had a second vehicle registered in his name (393PMT) and the license plate of that vehicle was queried 22 times between July 3, 2015 and January 7, 2016.
  - a. Mr. Castile's vehicle was queried four times by the Lauderdale Police Department (the St. Anthony Police Department provides policing services for the city of Lauderdale). Those queries were made on August 2, 2015 and on January 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> of 2016.
  - b. The remaining 18 queries were made by the State Patrol (1); Arden Hills (2); Robbinsdale (1); St. Paul (6); Roseville (2); Maplewood (2); Metro Transit (1); Orono (2); and New Hope (1).
  
67. Simply because a license plate number was queried does not mean the vehicle was stopped and a list of the queries of a license plate number does not provide driver information. Indeed, these queries may have been stops of Mr. Castile, stops of other individuals who may have been driving Mr. Castile's vehicles, administrative actions, parking citations, random license plate queries with no contact, or for some other reason. The records do list different query and device codes for the queries for both vehicles and that information may shed some light on the reasons for each query and that information has been requested.

68. There is no evidence that Officer Yanez or Officer Kauser were aware of any prior contacts they, or other law enforcement personnel, may have had with Mr. Castile prior to the car stop on July 6, 2012. Moreover, there is no evidence that Officer Yanez's or Officer Kauser's actions were based in any part on any specific knowledge of Mr. Castile.
- a. Officer Yanez said he does not know Mr. Castile's name and he is not aware of any previous dealings he has had with Mr. Castile.
  - b. Officer Kauser said he does not recall having any prior contacts with Mr. Castile or the passengers in the vehicle.
  - c. There is a police record that on November 23, 2011, Mr. Castile was arrested for operating a motor vehicle after his driver's license was revoked and Officer Yanez was one of the officers who transported Mr. Castile to jail for booking.
  - d. Police officers frequently transport subjects who have been arrested and this incident occurred over 4 ½ years prior to the shooting. There is no evidence that a reasonable police officer would have recalled this single incident or that it had some impact on Officer Yanez's decision making process.

**No Reasonable Police Officer Would Have Believed that Mr. Castile Matched the Description of an Armed Robbery Suspect**

69. Officer Yanez radioed Officer Kauser and told him that he believed he was following a vehicle and intended to stop the vehicle because the driver matched the description of a subject who had committed an armed robbery at a nearby business four days prior.
- a. Officer Yanez radioed to Officer Kauser, "... two occupants, just look like a, people that were involved in our robbery ..."
  - b. Officer Yanez then radioed, "The driver looks more like one of our suspects, just 'cuz of the wide set nose [inaudible] got a look at the passenger and I'll wait for you."
70. There was a robbery that occurred at the USA convenience store on July 2, 2016 at about 7:37 PM. Officer Yanez responded to the robbery and spoke with a witness who provided him with a description of the suspects. Officer Yanez also said he watched a video surveillance recording of the robbery where he observed the suspects.
- a. In his report, Officer Yanez described the suspects as two African-American males, both of whom were armed with handguns. The extent of the description he provided in his report was the suspects were in their mid to late 20s, and both had dreadlocks.

- b. Officer Sunde wrote the primary report and she described the suspects as two black males and both had shoulder length dreadlocks.
- c. Officer Huddle conducted follow up investigation on July 5, 2016 and Officer Huddle collected a copy of the surveillance video. After watching the surveillance video, Officer Huddle said the suspects were African-American males, both of whom had a "thin build" and one either had braided or dreadlock hair without specifying a length, and the second suspect had either braided or dreadlock hair that was shoulder length.
- d. There was no additional description of either subject (e.g., height, weight, or other unique identifiers) in any of the police reports.

71. In his interview, Officer Yanez said the driver appeared to match the description of one of the robbery suspects.

- a. Officer Yanez said, "I couldn't make out the passenger. But I knew the passenger had a hat on. And I couldn't make out if it was a guy or girl I just knew that they were both African American and the driver uh appeared to me that he appeared to match the uh physical description of the one of our suspects from the strong-arm robbery, gunpoint."<sup>160</sup>
- b. Officer Yanez said, "I can't remember the height, weight but I remember that it was, the male had dreadlocks around shoulder length. Or longer hair around shoulder length. And, um it wasn't specified it was corn rows or dreadlocks or straight hair. Um and then just kind of distinct facial features with like a kind of like a wide set nose and uh I saw that in the driver of the vehicle."<sup>161</sup>
- c. Officer Yanez said he radioed Officer Kauser and "told him that the driver appeared to, match the physical description of our suspect from the strong-arm robbery and I told him that I wanted to wait for Officer, I told Officer Kauser that I wanted to wait for him um for backup. Uh just in case cuz I didn't know who I was pulling over."<sup>162</sup>

72. No reasonable police officer would have believed that Mr. Castile matched the description of one of the robbery suspect.

- a. Officer Yanez's only opportunity to observe Mr. Castile was while Mr. Castile was driving his vehicle which limited Officer Yanez's ability to observe more than Mr.

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<sup>160</sup> Yanez interview at 10.

<sup>161</sup> Yanez interview at 10.

<sup>162</sup> Yanez interview at 11.

Castile's upper shoulders and head and limited the amount of time that he had to observe Mr. Castile as Mr. Castile's vehicle was driving past him.

- b. Officer Yanez acknowledged at the time of the stop, he did not know the suspect's height, weight, whether the suspect had dreadlocks, corn row or straight hair.
- c. Indeed, the only possible means of identification that Officer Yanez could have relied upon was that:
  - 1.) Mr. Castile was black.
  - 2.) Mr. Castile was a male.
  - 3.) Mr. Castile was driving near the Super USA convenience store. (Officer Yanez said he was near the intersection of Larpenteur and Carl.<sup>163</sup> The intersection of Larpenteur and Carl is one block east of the Super USA which is located on Larpenteur. The final car stop at Larpenteur and Fry, is approximately 1.5 miles from the Super USA).
  - 4.) Mr. Castile was observed four days after the robbery. (The fact that the tie frame of the robbery was stale, weighs against a reasonable belief that Mr. Castile was involved in the robbery).
  - 5.) Mr. Castile "had a wide set nose." (A descriptive factor that was never mentioned in any of the reports and lacks uniqueness in making an identification.)
- d. The belief that Mr. Castile matched the description of an armed robbery suspect, from a crime that occurred four days prior, under these circumstances is unreasonable and inconsistent with generally accepted police practices. The reality is that Mr. Castile unfortunately happened to be driving by the Super USA convenience store four days after a robbery, where the only factors that could have reasonably been used to identify Mr. Castile was that he was a black male and any belief that he may somehow be related to the robbery is nothing more than an unreasonable guess.

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<sup>163</sup> Yanez interview at 10. Officer Yanez also said he was "sitting at a intersection" and "I can't remember exactly where I was but I was keeping my eye on 2424 Larpenteur (interview at 10).

**Although It is my Opinion that No Reasonable Police Officer Would Have Believed Mr. Castile Matched the Description of One of the Armed Robbery Suspects, the Car Stop of Mr. Castile was Consistent with Generally Accepted Police Practices**

73. Police officers are trained that they may conduct a traffic stop of a motorist if they have an independent Vehicle Code violation regardless of the reasonableness of their subjective belief that the motorist may be involved in criminal activity.<sup>164</sup>
74. In this case, Officer Yanez told Mr. Castile that he stopped him because his left and third brake lights were not working. The video shows that the third brake light was inoperable. The left brake light was working, but the lens was covered with red tape which is also a Vehicle Code violation.
75. Because there was a Vehicle Code violation, Officer Yanez's traffic stop of Mr. Castile was consistent with generally accepted police practices.

**If a Police Officer Believed That Mr. Castile was a Suspect in an Armed Robbery a Reasonable Officer Would Have Conducted a High-Risk Car Stop**

76. Police officers are trained how to evaluate and manage potentially violent field situations and how to apply tactics to minimize the danger of risk to themselves and others. Officers are trained to formulate a plan whenever possible by gathering information, considering risk factors, assembling sufficient resources, communicating with other officers, and using available time to their advantage. Officers understand the value of cover and concealment, contact and cover strategies, and calm and effective negotiation skills. They are well-versed in containing scenes, setting perimeters, isolating suspects, and evacuating those in harm's way. Modern police officers are also provided a wide range of tools (including less lethal options like pepper spray, Tasers, and impact projectiles) to minimize the necessity of using serious or deadly force. Police officers are taught tactics in the police academy and through continuing professional training throughout their careers. Supervisors debrief tactical situations with their officers and apply lessons to real-life situations. Police tactics are routinely discussed, emphasized, and reviewed at all levels of a police organization. This focus on officer safety stems from the recognition that when officers perform poorly an officer, a community member, or a suspect may suffer a severe or fatal injury.<sup>165</sup>
77. Officer Yanez radioed Officer Kauser, "I'm going to stop a car 203 Tom, Tom, Mary, [inaudible] I have reason to pull it over, two occupants, just look like a, people that were involved in our robbery, at 24 24." Officer Yanez radioed, "The driver looks more like

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<sup>164</sup> *Whren v. United States*

<sup>165</sup> "State-Created Danger: Should Police Officers be Accountable for Reckless Tactical Decision Making?" Noble, Jeffrey J. and Geoffrey P. Alpert (2009).

one of our suspects, just 'cuz of the wide set nose[inaudible] got a look at the passenger and I'll wait for you."

- a. Officer Yanez said he decided to initiate a traffic stop on Larpenteur west of Fry, because the intersection of Larpenteur and Snelling was a busy intersection, with heavy traffic, heavy foot traffic and people living in the apartments. Officer Yanez said, "just in case anything happened I wanted to make sure that, nobody's lives were in jeopardy and we were out of heavy traffic and innocent bystanders and uh all that. And uh so I initiated the traffic stop. At that point Officer Kauser got behind me."<sup>166</sup>
- b. Officer Yanez said he waited for a follow up officer and a safe area to make the traffic stop because the driver fit the description of an individual who had committed an armed robbery the week prior. Officer Yanez said he would normally conduct traffic stops on his own without a follow up officer.<sup>167</sup>
- c. Officer Yanez said, "I just wanted to be as safe as possible. And have everybody safe as possible."<sup>168</sup>

78. Although Officer Yanez told Officer Kauser that he was going to stop Mr. Castile because he believed Mr. Castile matched the description of an armed robbery suspect, Officer Yanez's actions were inconsistent with such a belief.

- a. Officer Yanez did not advise the dispatcher that he was stopping Mr. Castile.
  - 1.) Officer Yanez radioed Officer Kauser on a car-to-car radio frequency that is not monitored by the dispatchers. Indeed, that frequency is not recorded and the only reason there is a recording is because a private citizen was recording police frequencies due to their personal interests.
  - 2.) Police officers are trained that, if possible, they should notify the dispatcher of the license plate number and location of their car stops for officer safety reasons. Advising the dispatcher allows the dispatcher to send other officers should the officer call for help and not be able to provide their location; if the officer does not clear the stop in a reasonable time the dispatcher will send another officer to the location; if the dispatcher runs the plate and discovers information about the vehicle; it allows other officers to monitor that stop; and it allows supervisors to monitor the officer's location and activity.

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<sup>166</sup> Yanez interview at 11.

<sup>167</sup> Yanez interview at 11.

<sup>168</sup> Yanez interview at 12.

- 3.) While some officers may not alert dispatchers of a routine stop, officers are trained to always alert the dispatcher when making a high-risk stop. This allows other officers to respond to the location and the dispatcher will "hold the air" preventing other officers from making radio transmissions in the case of an emergency so the officer making the high-risk stop will have radio priority.
  - 4.) Officer Yanez did not alert the dispatchers that he was making the car stop of Mr. Castile even though he believed Mr. Castile had been involved in an armed robbery. The failure to alert the dispatcher when an officer is making a stop of what he believes is a suspect in an armed robbery is inconsistent with generally accepted police practices.
- b. Officer Yanez did not conduct a high-risk car stop of Mr. Castile.
- 1.) Police officers are trained when making a car stop of a subject who is potentially armed that they should conduct a high-risk car stop. A high-risk car is a technique where the officers will use the cover of their car doors and call to the driver and passengers of a vehicle ordering them to exit the vehicle individually and will then order the subjects to a prone position on the ground. The officers will then approach the subjects, handcuff and detain them until they can investigate to determine if they have stopped the correct subjects and if the subjects are armed.
  - 2.) High-risk car stop training is basic police training throughout the country. Indeed, Officer Yanez's Field Training manual indicates he was trained on the procedure for high-risk car stops.
  - 3.) If Officer Yanez had a reasonable belief that Mr. Castile was a suspect in an armed robbery, he should have employed a high-risk car stop and to do otherwise would be inconsistent with generally accepted police practices.
79. Officer Yanez's failure to employ the tactics as he had been trained, by notifying the dispatcher, requesting sufficient additional officers, and using high-risk car procedures, created a situation where he perceived a danger, that otherwise would not have existed, that led to his use of deadly force. Had Officer Yanez followed his training, the danger that he perceived by confronting Mr. Castile who was seated in the driver's seat of his vehicle and in a darkened area where it was difficult to see would have been eliminated.

### **The Weight of the Evidence Supports a Conclusion that the Handgun was in Mr. Castile's Right Front Pants' Pocket at the Time of the Shooting**

80. Officer Toran said as they were placing Mr. Castile on the backboard, Mr. Castile's body was tilted toward him and he saw a black handgun start to slide out of Mr. Castile's right front pocket. Officer Toran said he does not recall exactly what he said, but he said something to the effect of "Stop gun, or gun, or oh gun." Officer Toran said he held the gun with two fingers on the butt of the gun and slid the magazine out. Officer Toran said Officer Dattilo told him to just leave the gun on the ground.<sup>169</sup> Officer Toran said he did not see a wallet or a holster.<sup>170</sup>
- a. Officer Wiesner said when the fire department arrived they rolled Mr. Castile onto his side and as they did, he heard Officer Toran yell, "Gun." Officer Wiesner said he looked down and saw the back strap of a black handgun sliding out of Mr. Castile's right front pants pocket. Officer Wiesner said the handgun was not in a holster<sup>171</sup> and he did not see a holster.<sup>172</sup> Officer Wiesner said he is positive the gun was in Mr. Castile's pocket and not in his waistband as Mr. Castile's pants were sagging down 7-8 inches and if the gun had been in Mr. Castile's waistband he would have seen it right away.<sup>173</sup>
  - b. Firefighter Torgersen said as they were loading the victim onto a backboard he heard an officer say, "Gun, we have a gun" and the officer pulled out what appeared to be a black full-size pistol. Firefighter Torgersen said the gun was pretty deep in the victim's pocket and he knows the officer had to put his hand "quite a ways down" into the victim's pocket in order to pull the gun out.<sup>174</sup>
  - c. Firefighter Bales said he was told by Firefighter Paider that when they were loading the victim onto the backboard a gun became visible in the victim's pocket. One of the officer said, "Gun" and then reached into the victim's pocket, took the gun out of his pocket, and laid it aside.<sup>175</sup>
  - d. Firefighter Cortez said as they were maneuvering the patient to get the backboard underneath him, a pistol fell out of his pants. Firefighter Cortez said it looked like the gun was not on Mr. Castile's right side pocket, but his lower, mid

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<sup>169</sup> Toran interview at 7.

<sup>170</sup> Toran interview at 8.

<sup>171</sup> Wiesner interview at 6.

<sup>172</sup> Wiesner interview at 7.

<sup>173</sup> Wiesner interview at 8.

<sup>174</sup> Torgerson interview at 1-2.

<sup>175</sup> Bales interview at 6.

area. Firefighter Cortez said one officer yelled, "Gun" and the gun was already on the ground.<sup>176</sup>

- e. Captain Goodman said as they were placing the victim on a backboard, they rolled him over and an officer stated there was a handgun in the person's right front pocket. Captain Goodman said the gun was pulled out of his pocket and the gun was placed off to the side. Captain Goodman said he saw the officer pull the gun out of the victim's pocket and place it on the ground.<sup>177</sup>
- f. Firefighter Paidar said as they were getting ready to move the victim and as they started rolling him, one of the officers yelled, "Gun." Firefighter Paidar said he believes one of the Roseville police officers secured the handgun. Firefighter Paidar said if he remembers correctly, the officers took the gun out of the victim's right pants pocket and the officer placed the gun on the ground out of the way.<sup>178</sup>
- g. Firefighter Johnson said as they were rolling the victim onto the backboard, a pistol was exposed. Firefighter Johnson said one of the officers took the pistol out of the victim's right side and then set the pistol on the ground.<sup>179</sup>
- h. Officer Yanez's mobile video shows that there were eight uniformed personnel (firefighters and police officers) who were in Mr. Castile's immediate area when Mr. Castile was rolled onto the backboard.<sup>180</sup> Due to some of the personnel obstructing the view of the video, the recovery of the handgun cannot be seen on the video.

81. At the hospital, there are conflicting reports of where Mr. Castile's holster and wallet were located.

- a. Health Care Assistant Fateyenko said she placed Mr. Castile's belongings into a bag. Ms. Fateyenko said she recalls Mr. Castile pockets were deep and that that the wallet and holster were in the same pocket, but she does not recall which pocket that the wallet and badge were located.<sup>181</sup>
- b. Nurse Ramadit said Mr. Castile's pants were removed in the emergency room and she looked in his wallet for identification. Ms. Ramadit said she believes the wallet was in Mr. Castile's back pocket, but she is not certain.<sup>182</sup>

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<sup>176</sup> Cortez interview at 7.

<sup>177</sup> Goodman interview at 2.

<sup>178</sup> Paidar interview at 2.

<sup>179</sup> Firefighter Johnson interview at 2.

<sup>180</sup> Yanez mobile video at 21:14:30.

<sup>181</sup> Fateyenko interview at 3 and second interview at 2.

<sup>182</sup> Ramadit interview at 2-3.

- c. The emergency room video shows staff cutting what appears to be consistent with Mr. Castile's underwear (See, PJH\_3771 processed.JPG – Photos).<sup>183</sup> It does not appear that Mr. Castile was wearing his short pants when he entered the emergency room.
82. Ms. Reynolds said Mr. Castile keeps his handgun inside his pants and the metal part of the holster hooks over his belt.<sup>184</sup> Ms. Reynolds was not asked if she ever saw the handgun on the date of the shooting or if that was how Mr. Castile would normally carry the gun.
83. I am of the opinion that Mr. Castile was in possession of a handgun as he told Officer Yanez that he possessed a firearm; Ms. Reynolds said Mr. Castile normally carries a handgun; and the statements of the officers and firefighters who stated a handgun was in Mr. Castile's pants' pocket or on his body as he was being placed onto a backboard.
84. Mr. Castile was pulled by his arms from the driver's seat onto the ground after he was shot and this action could have moved the gun from its location inside the vehicle. Officers Toran and Wiesner said the gun was in Mr. Castile's right pocket. Firefighters Torgersen, Bales and Goodman were not asked if they saw where the gun was located; Firefighter Paidar said if he remembers correctly the gun was in Mr. Castile's right pocket; Firefighter Johnson said the gun was on Mr. Castile's right side; Firefighter Cortez said the gun was not in Mr. Cortez's right pocket, but it was on his right side. The emergency room video reveals that Mr. Castile's pants were removed from his body prior to his arrival at the emergency room. The location of Mr. Castile's wallet and holster cannot be determined due to conflicting statements and no video evidence.
85. The weight of the evidence supports a conclusion that the handgun was in Mr. Castile's right front pants' pocket at the time of the shooting. There is no evidence to support a conclusion that the gun was between the driver's seat and the front console as the officers had a view of Mr. Castile the entire time after the shooting and none of the officers claim that Mr. Castile placed the gun in his pocket.

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<sup>183</sup> 2016-07-06-21-4 6-13 Trauma Bay at 6:26.

<sup>184</sup> Reynolds interview at 3.

**The Totality of the Facts and Circumstances Indicate that Officer Yanez’s Use of Deadly Force was Not Necessary, Objectively Unreasonable, and Inconsistent with Generally Accepted Police Practices.**

86. In the state of Minnesota, the standard for a police officer to use deadly force is “only when necessary . . . to protect the peace officer or another from apparent death or great bodily harm.”<sup>185</sup>
87. The U.S. Supreme Court in its landmark decision *Graham v. Conner* held that to determine whether the force used to affect a particular seizure is reasonable, one must balance the nature and quality of the intrusion on the individual’s rights against the countervailing government interests at stake. This balancing test is achieved by the application of what the Court labeled the objective reasonableness test. The factors to be considered include: 1.) The severity of the crime, 2.) Whether the suspect poses an immediate threat to the safety of the officers or others, and 3.) Whether the suspect is actively resisting or attempting to evade arrest by flight.
88. Whether one’s actions were objectively reasonable cannot be considered in a vacuum, but must be considered in relation to the totality of the circumstances. The standard for evaluating the unreasonable use of force reflects deference to the fact that peace officers are often forced to make split-second judgments in tense circumstances concerning the amount of force required. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.
89. Police officers are trained and prepared to assess dangerous situations and respond accordingly. Police officers are trained that for their force to be reasonable the level and manner of force must be proportional to the level of resistance and threat with which they are confronted. Proportionality is best understood as a range of permissible conduct based on the totality of the circumstances, rather than a set of specific, sequential, predefined force tactics arbitrarily paired to specified types or levels of resistance or threat.
90. Police officers are trained that specific facts help an officer to determine if a subject is an immediate threat, the type of type, and how the officer should respond. These factors include:
  - a. The conduct of the individual being confronted as reasonably perceived by the officer at the time.

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<sup>185</sup> Minn. Stat. 609.066, subd. 2.

- b. Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).
- c. Influence of drugs/alcohol (mental capacity).
- d. Proximity of weapons.
- e. Proximity of suspect.
- f. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- g. Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
- h. Seriousness of the suspected offense or reason for contact with the individual.
- i. Training and experience of the officer.
- j. Potential for injury to citizens, officers and suspects.
- k. The apparent need for immediate control of the subject or a prompt resolution of the situation.
- l. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- m. Prior contacts with the subject or awareness of any propensity for violence.
- n. Other exigent circumstances.

91. Severity of the Crime

- a. Any reliance that Officer Yanez places on his belief that Mr. Castile was involved in the armed robbery of the Super USA Convenience store four days earlier or Mr. Castile's involvement with marijuana are unreasonable and no reasonable police officer would rely on these facts to make a use of deadly force decision in these circumstances.
  - 1.) As discussed above, Officer Yanez said he believed that Mr. Castile matched the description of a subject who had committed an armed robbery at the Super USA Convenience store four days earlier.

- 2.) Yet, the only possible factors that Officer Yanez could have relied upon to decide that Mr. Castile matched the description of the subject was that Mr. Castile was male, he was black, and he drove past the Super USA four days after the robbery. While Officer Yanez claims one of the suspects had a “wide-set” nose, I have not seen any evidence to date to support the conclusion that either of the suspects or Mr. Castile had a “wide-set” nose.
  - 3.) Officer Yanez could have only observed Mr. Castile’s upper body as Mr. Castile was seated in a vehicle and Officer Yanez’s opportunity to observe Mr. Castile was limited as Mr. Castile drove past Officer Yanez.
  - 4.) Moreover, Officer Yanez did not act consistently with a reasonable belief that Mr. Castile was a suspect in an armed robbery. Officer Yanez did not notify the dispatcher of the stop, nor did he use high-risk car stop tactics to detain Mr. Castile.
- b. Officer Yanez said because the inside of the vehicle smelled of marijuana, he did not know if Mr. Castile had a firearm for protection from a drug dealer or from someone who may be trying to rob him.<sup>186</sup>
- 1.) Officer Yanez claimed he smelled burnt marijuana inside Mr. Castile’s vehicle and officers did locate 6.1 grams<sup>187</sup> of marijuana inside Mr. Castile’s vehicle that Ms. Reynolds claimed belonged to her. Police officer frequently interact with individuals who are in possession of small quantities of marijuana for personal use. No reasonable police officer would believe that because they could smell burnt marijuana from inside the vehicle that the occupant of the vehicle was engaged in transportation or sales of marijuana, or that they possessed a firearm for protection from their criminal enterprises. Indeed, based on the circumstances of this case, it would be very unusual for a subject who was transporting marijuana for sale to advise a police officer that they had a firearm, particularly after they had been told they were only stopped for a minor fix-it infraction.
  - 2.) A simple statement by an officer that he fears for his safety or the safety of others is not enough; there must be objective factors to justify such a concern. There are always generalized risks in policing, but police officers are taught they must have specific articulable facts rather than to focus on worst-case “might haves.” There must be some evidence or facts that

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<sup>186</sup> Yanez interview at 13.

<sup>187</sup> Report 100385.

would lead an objectively reasonable officer to believe the fear claimed by the officer and that fear is combined with an immediate threat. Of course, many things may be “possible,” but in this case a reasonable officer would only conclude that there may be marijuana inside the vehicle not that Mr. Castile was a drug dealer who was protecting themselves with a firearm from being robbed.

c. Officer Yanez said, “I thought if he’s, if he has the, the guts and the audacity to smoke marijuana in front of the five-year-old girl and risk her lungs and risk her life by giving her secondhand smoke and the front seat passenger doing the same thing then what, what care does he give about me.”

1.) No reasonable police officer would believe that a person would attempt to kill a police officer because that person subjected a child to second hand marijuana smoke.

2.) In the state of Minnesota, possession of more than 1.4 grams of marijuana in a vehicle is a misdemeanor<sup>188</sup> and general possession of a small amount of marijuana is a petty misdemeanor.<sup>189</sup>

d. A reasonable police officer would believe, based on these circumstances, the Mr. Castile had been stopped for a minor Vehicle Code violation and there was an odor of marijuana inside Mr. Castile’s vehicle that may justify a detention for a misdemeanor marijuana investigation. There is no evidence that would cause a reasonable officer to believe Mr. Castile was a threat based on the severity of the crime.

92. There is no evidence that Mr. Castile was actively resisting or attempting to flee. Mr. Castile immediately stopped his vehicle when signaled by Officer Yanez, he presented his insurance card, spoke in a calm voice and voluntarily informed Officer Yanez that he had a firearm.

93. Immediate Threat of Death or Serious Bodily Injury

a. Whether the suspect poses an immediate threat to the safety of the officer or others is the most important of the *Graham* factors. There must be objective factors to justify an immediate threat, as a simple statement by an officer that he fears for his safety or the safety of others is insufficient. There is no requirement that a police officer wait until a suspect shoots to confirm that a

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<sup>188</sup> Minnesota Statutes § 152.027, Subd. 3.

<sup>189</sup> Minnesota Statutes § 152.027, Subd. 4.

serious threat of harm exists, but merely a subjective fear or a hunch will not justify the use of force by police.

- b. To assess the immediacy of the threat one must review the totality of the circumstance known to the officer at the time.
- c. Officer Yanez's Statements
  - 1.) Statements at the Scene
    - a.) 21:05:40 – Officer Yanez: "You have your license and insurance?"
    - b.) 21:05:49 – Mr. Castile hands Officer Yanez his insurance card. Officer Yanez holds the card in his left hand and his right hand is resting on his gun belt.
    - c.) 21:05:55 – Mr. Castile: "Sir, I have to tell you I do have a . . ." Officer Yanez: "Okay." Mr. Castile: ". . . have a firearm on me." Officer Yanez: "Okay. **Don't reach for it then.**" Mr. Castile: "I'm, I'm, reach . . ." Officer Yanez: "**Don't pull it out.**" Mr. Castile: "I'm not pulling it out." Ms. Reynolds: "He's not pulling it out."
    - d.) 21:05:57 – Officer Yanez begins to draw his handgun and lifts the gun partially out of the holster.
    - e.) 21:05:58 – Officer Yanez draws his handgun with his right hand, his left arm is inside the driver's window and he points the gun at Mr. Castile.
    - f.) 21:05:59 – Officer Yanez: "**Don't pull it out,**" and extends his right arm inside the driver's window.
    - g.) 21:06:00 – Officer Yanez leans back, holds his gun with two hands and shoots at Mr. Castile. Mr. Castile's upper body can be seen moving toward the passenger side of the vehicle.
    - h.) 21:06:00 to 21:06:02 – Officer Yanez steps toward the front of the vehicle and holding his handgun with one hand, his fires more rounds at Mr. Castile. Officer Yanez fired a total of seven rounds at Mr. Castile.

2.) Officer Yanez Statement to Officer Sunde at the Scene

- a.) "He was sitting in the car. Seat belted. I told him, can I see your license, and then, he told me he had a firearm. I told him not to reach for it. And, he went down to grab. I told him not to reach for it. And then he kept it right there, and I told him to take his hands off of it. And then he, he had his grip a lot wider than a wallet."
- b.) Officer Sunde: "Okay."
- c.) Officer Yanez: "and I don't know where the gun was, he didn't tell me where the fucking gun was and then it was just getting hinky, he gave, he was just staring straight ahead, and then I was getting fucking nervous, and then I told him, I know I fucking told him to get his fucking hand off his gun."

3.) Interview to BCA Investigators

- a.) Officer Yanez said, "As he was reaching down, um, he, turned his shoulder kept his left hand on the steering wheel and canted his upper body and blocked my view of his right hand."<sup>190</sup>
- b.) Officer Yanez said at that point he was "scared and I was, in fear for my life and my partner's life. And for the little girl in the back and the front seat passenger and he dropped his hand down and, can't remember what I was telling him but I was telling him something as his hand went down I think. And, he put his hand around something. And his hand made like a "C" shape type shape and it appeared to me he was wrapping something around his fingers and almost like if I were to put my uh hand around my gun like putting my hand up to the butt of the gun."
- c.) Officer Yanez said, "And then I lost view of it. Cuz he kept hitting his shoulder and then I believe I told him again I can't remember don't do it. And then he still kept moving his hand and at this point I looked and saw something in his hand. It was dark inside the vehicle. I was trying to fumble my way through under stress to look and see what it was to make sure uh what I was seeing. But I wasn't given enough time and like I said he had no regard for what I was saying. Didn't follow my direction. And, uh he started

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<sup>190</sup> Yanez interview at 13.

reaching out and then pulling uh away from his uh his right thigh. I don't know if it was in his pocket or in between the seats or the center console. But I, I know he had an object and it was dark. And he was pulling it out with his right hand."

- d.) Officer Yanez said the little girl was seated in the rear passenger side of vehicle.<sup>191</sup> Officer Yanez said the girl was in his line of fire.<sup>192</sup>
- e.) Officer Yanez said, "it just seemed like he was pulling out the gun and the barrel just kept coming. It seemed like something was just coming out and I thought it was a gun and I thought it was a barrel just coming out."<sup>193</sup>
- f.) Officer Yanez said, "I just knew it was dark and I could barely see and I thought it was a firearm and I thought he was gonna shoot and kill me and I thought he was gonna shoot and kill my partner right after that."<sup>194</sup>
- g.) Officer Yanez was asked, "was it hard for you to see because of the lighting conditions inside the passenger compartment" of the vehicle and Officer Yanez replied, "Yes."<sup>195</sup>
- h.) Officer Yanez said he knew Mr. Castile was wearing his seatbelt.<sup>196</sup>

d. Officer Kauser's Statement

- 1.) Officer Kauser said, "the passenger [driver] kinda leaned on his right butt cheek and he put his hand on his right hip. I don't know if he was reaching for a firearm or wallet. I, I couldn't see. I just saw that he had his right hand on his hip. Like I said my partner said don't reach for it. And then there were shots fired."
- 2.) Officer Kauser was asked if the shots being fired surprised him and he replied, "Yeah, absolutely."<sup>197</sup>

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<sup>191</sup> Yanez interview at 14.

<sup>192</sup> Yanez interview at 15.

<sup>193</sup> Yanez interview at 15.

<sup>194</sup> Yanez interview at 25.

<sup>195</sup> Yanez interview at 20.

<sup>196</sup> Yanez interview at 12 and at 21:13:00 in statement to Officer Sunde, "He was sitting in the car. Seat belted."

<sup>197</sup> Kauser interview at 5

- 3.) Officer Kauser said he could not see Mr. Castile's left hand, but when he heard Officer Yanez say don't reach for it, his "main focus" was on Mr. Castile's right hand. Officer Kauser said when Mr. Castile leaned on to his "right butt cheek he put his right hand down toward his right hip" which was toward the center console. Officer Kauser said, "I don't know if he was reaching, to his hip or down in between the seat and the center console. I just saw his hand go toward his right hip. And, then I heard the, the shots."<sup>198</sup>
- 4.) Officer Kauser said, "I didn't see a, a sss, a sudden movement. But he was reaching on his right side."<sup>199</sup>

e. Ms. Reynolds' Statements

1.) Statements During Incident

- a.) 21:05:55 - Ms. Reynolds: "He's not pulling it out."
- b.) 21:06:04 – Ms. Reynolds: "You just killed my boyfriend." Mr. Castile: "I wasn't reaching for it." Ms. Reynolds: "He wasn't reaching for it."
- c.) 21:06:45 – Ms. Reynolds: "We got pulled over for a busted tail light in the back. And the police just he's, he's he's covered. He's killed my boyfriend." Officer Yanez: "Fuck!" Ms. Reynolds: "He's licensed. He carries cuz he's licensed to carry. He was trying to get out his ID in his wallet um, pocket and he let the officer know that he was, reach, he had a firearm and he was reaching for his wallet and the officer just shot him in the arm. We're waiting for back."
- d.) 21:07:26 – Ms. Reynolds: "He had, you told him to get his ID sir and his driver's license. Oh my God, please don't tell me he's dead."
- e.) 21:07:51 – Ms. Reynolds: "You shot four bullets into him sir. He was just getting his license and registration sir."

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<sup>198</sup> Kauser interview at 6.

<sup>199</sup> Kauser interview at 6.

2.) Statement to BCA Investigators

- a.) Ms. Reynolds said the officer on the driver side “seemed very jittery” and asked Mr. Castile, “Hi sir, did you know your back-tail light was out?” Ms. Reynolds said Mr. Castile told the officer he was not aware the light was not working and the officer asked for his license and registration. Ms. Reynolds said Mr. Castile told the officer, “Officer, I have a gun on me.” Ms. Reynolds said before Mr. Castile could do anything, the officer said, “Don’t reach.” Ms. Reynolds said Mr. Castile was already supposed to be reaching for his license and registration and in the process of reaching for those documents as he told the officer that he had a gun. Ms. Reynolds said the officer said “Don’t move! Don’t move!” And began shooting Mr. Castile.<sup>200</sup>
- b.) Ms. Reynolds said Mr. Castile told the officer he had a gun as his hands were moving to get his license and registration.<sup>201</sup>
- c.) Ms. Reynolds said the officer did not see the gun because the gun was not visible.<sup>202</sup>

f. Mr. Castile’s Statements

- 1.) 21:05:55 - **Mr. Castile: “Sir, I have to tell you I do have a . . .”** Officer Yanez: “Okay.” **Mr. Castile: “. . . have a firearm on me.”** Officer Yanez: “Okay. Don’t reach for it then.” **Mr. Castile: “I’m, I’m, reach . . .”** Officer Yanez: “Don’t pull it out.” **Mr. Castile: “I’m not pulling it out.”** Ms. Reynolds: “He’s not pulling it out.”
- 2.) 21:06:04 – Ms. Reynolds: “You just killed my boyfriend.” **Mr. Castile: “I wasn’t reaching for it.”** Ms. Reynolds: “He wasn’t reaching for it.”
- 3.) 21:06:07 – The front passenger door partially opens. Officer Yanez: “Don’t pull it out!” **Mr. Castile: “I wasn’t.”**

94. In this case, the totality of the circumstances reveal the following:

- a. Mr. Castile did not match the description of either of the armed robbery suspects;

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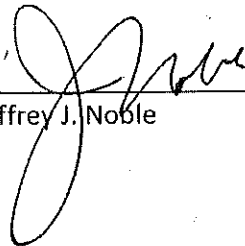
<sup>200</sup> Reynolds interview at 2.

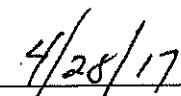
<sup>201</sup> Reynolds interview at 9.

<sup>202</sup> Reynolds interview at 10.

- b. Officer Yanez did not act consistently with a belief that Mr. Castile had been involved in an armed robbery by failing to notify the dispatcher and failing to conduct a high-risk car stop;
- c. The odor of burnt marijuana would be cause to investigate, but a reasonable police officer would not have believed that Mr. Castile was a drug dealer or that he was armed to protect his illicit activity;
- d. The odor of burnt marijuana in a car would not lead a reasonable police officer to believe they were at some heightened level of risk because a child was endangered due to second hand smoke;
- e. The only crimes being investigated were faulty brake lights and the possible possession of marijuana;
- f. People in the state of Minnesota are entitled to carry a concealed firearm if they are licensed and Mr. Castile was licensed;
- g. Mr. Castile had been cooperative, he stopped immediately when signaled, did not resist Officer Yanez in any way, and did not try to flee;
- h. Mr. Castile volunteered information in a calm manner that he possessed a firearm;
- i. Officer Yanez said he had difficulty seeing into the vehicle due to the darkness, yet he did not use his flashlight at any point;
- j. Officer Yanez said he could not see Mr. Castile's right hand because Mr. Castile canted his body, but told investigators that he saw Mr. Castile grab an object in a "C" shape that was "almost" like grabbing a gun;
- k. Officer Yanez said it "seemed" like Mr. Castile was pulling out a gun;
- l. Officer Yanez did not provide clear unambiguous direction to Mr. Castile and said "Don't reach for it," and "Don't pull it out," instead of directing Mr. Castile to raise his hands or place his hands on the steering wheel;
- m. Officer Yanez told Officer Sunde he did not know where the gun was;
- n. Officer Yanez had just asked Mr. Castile to produce his driver's license;
- o. Officer Yanez never alerted Officer Kauser of the presence of a gun;

- p. Officer Yanez knew Mr. Castile was seat-belted making his movements more difficult and if Officer Yanez believed Mr. Castile was a threat with a firearm he did not retreat to the "B" pillar of the vehicle to create time;
  - q. Officer Kauser did not behave in a manner in his approach and positioning at the passenger side of the vehicle that would be consistent with a belief that he was contacting a possibly armed subject and Officer Yanez did not correct Officer Kauser in any way;
  - r. Officer Kauser said the shots surprised him and that he did not see Mr. Castile make a sudden movement;
  - s. After Officer Yanez said "Don't pull it out," Mr. Castile replied, "I'm not pulling it out" and Ms. Reynolds said, "He's not pulling it out."
  - t. After he had been shot, Mr. Castile said he did not reach for the gun;
  - u. Ms. Reynolds said Mr. Castile was trying to take out his identification;
  - v. Ms. Reynolds said the officer could not have seen a gun because it was never visible.
95. The totality of the facts and circumstances indicate that Officer Yanez's use of deadly force was not necessary, objectively unreasonable, and inconsistent with generally accepted police practices.

  
\_\_\_\_\_  
Jeffrey J. Noble

  
\_\_\_\_\_  
Date

## Exhibit A

- Interview Transcripts
  - St. Anthony Officer Yanez
  - St. Anthony Officer Kauser
  - St. Anthony Former Chief John Ohl
  - Anne Chagon-Cicarelli
  - Dan Wellman
  - Diamond Reynolds
  - Dr. Barrett Wagner
  - Dr. Christopher Logue
  - Dr. Robert Rivard
  - Health Care Assistant Nina Fateyenko
  - Nurse Florence Johnson
  - Nurse Heidi Carter
  - Nurse Sara Borchardt
  - Nurse Tuladi Ramadit
  - Nurse Whitney Power
  - Roseville Officer Bryan Andersen
  - Roseville Officer Juan Toran
  - Roseville Officer Zachary Wiesner
  - SPFD Eric Torgerson
  - SPFD Joseph Bales
  - SPFD Juan Cortez
  - SPFD Larry Goodman
  - SPFD Michael Paidar
  - SPFD Zachary Johnson
- BCA Reports
  - 99858
    - Aciss Transfer to Henning (Property release)
    - BCA Evidence sheet for Castile iPhone
    - BCA Evidence sheet for Reynolds iPhone
    - Lab receipt for Castile Car pt 2
    - Lab receipt for Castile car SW
    - Lab release of shoes to Phil
    - Lab release to Phil and to Twin Cities towing
    - SW return for Castile car
  - 99859
    - Olson-2016-433-A02 (Transcription of Reynolds interview)
  - 99860
    - Olson-2016-433-A01 (Transcription of Chagon-Cicarelli interview)

- 99888
  - IMG\_20160708\_0001 (Evidence receipt)
- 99905
  - 2016-433.9 Property receipt – Goodman (CD of interview)
  - Frascone-2016-433 Cpt. Larry Goodman transcription
- 99906
  - 2016-433.10 Property receipt
  - Frascone-2016-433-Torgerson interview
- 99907
  - 2016-433.11 Property receipt-Paidar
  - Frascone-2016-433-Michael Paidar transcript
- 99908
  - Henning-2016-433-A02 (Transcript of Yanez interview)
  - Yanez criminal investigation warning
  - Yanez scene diagram (Hand drawn diagram)
- 99910
  - Henning-2016-433-A01 (Transcript of Kauser interview)
  - Scene diagram by Officer Kauser
- 99911
  - 2016-433.14 Property receipt
  - FRascone-2016-433-Zachary Johnson interview
- 99914
  - 2016-433.15 Property receipt (CD dispatch audio files)
- 99916
  - Henning 2016-433-A04 (Transcript of Cortez interview)
  - Scene diagram by SPFD Juan Cortez (Hand drawn)
- 99917
  - ME 16-3828 Castile Autopsy (Medical Examiner’s report)
- 99929
  - Area Canvass report
  - Property transfer form (CD with surveillance video from the Good Acre)
- 99931
  - 16019838 Report (Roseville PD incident report – supplemental reports by Toran, Anderson, Vang, Wiesner, Dattilo, and Adams)
  - Aciss transfer to Henning2 (Property transfer – flash drive)
  - SA CN 16001237 Larpenteur and Fry SHF (CAD report)
- 99935
  - BCA Property Release 433 21 (flash drive)
- 99938
  - HCSO Permit to Carry (Castile)
- 99945

- 2016-433-BCA Evidence receipt (Castile property – no detailed inventory)
  - 2016-433-HCMC property receipt (Castile property – no detailed inventory)
  - 2016-433-Lab receipt (Bag containing property of Castile – no detailed inventory)
- 99947
  - BCA Property release 433 24 (CD video from Cub Foods)
  - Arcade Club transaction search (email)
  - Video assistance Police case (email)
- 99949
  - BCA lab analysis request (projectiles and samples from Castile)
  - BCA Property Release Receipt (transfer from lab to BCA)
  - HCME Evidence Receipt (transfer from hospital to BCA)
- 100039
  - Blood draw form from Yanez
  - Consent to collect DNA from Yanez
  - Consent to provide blood or urine Officer Yanez
  - Lab receipt for item from Yanez
- 100045
  - Interview of Whitney Power (Transcription)
- 100046
  - Interview of Officer Toran (Transcription)
  - Transfer of Toran CD to Henning
- 100047
  - Interview of Officer Wiesner (Transcription)
  - Transfer of Wiesner CD to Henning
- 100048
  - 2016-433.30 Property Release Receipt (CD of interview)
  - Frascone-2016-433-RN Sara Borchardt transcription
- 100057
  - Consent to search for uniform and gun belt
  - Lab receipt for intake of Yanez uniform
- 100058
  - APL0000001\_APPLE CONFIDENTIAL (Account details)
  - APL0000002\_APPLE CONFIDENTIAL
  - Business Records Certification\_1607317 (Apple custodian of records)
  - SW with attached sealing order for iCloud of Castile
- 100059
  - Business Records Certification
  - iCloud subscriber information or Diamond Reynolds
  - SW and sealing order for Reynolds iCloud

- 100060
  - Interview of Nina Fateyenko (Transcription)
- 100083
  - Ltr to olson muehler7-11 (Jul 11, 2016 letter from Reynolds' attorney regarding iPhone)
- 100090
  - HCMC SW (seeking video Castile at hospital)
  - Protective Order HCMC
  - Sealing Order for HACMC warrant
- 100099
  - Diagram by SPFD Joe Balazs
  - Interview of Joseph Balazs (Transcription)
- 100100
  - 2016-433.38.1 Transfer of Evidence (radio traffic received from anonymous source)
  - 2016-433.38.107192016 (redacted) (email)
- 100104
  - 2016-433-St. Paul Fire Department Run Report
  - 216-433-St. Paul Fire Department Search Warrant
- 100134
  - CAD record 16005868
  - DSCN2941 (Photo bloody hand – Yanez)
  - DSCN2942 (Photo hand)
  - DSCN2943 (Photo hand)
  - DSCN2944 (Photo hand)
  - Incident report 16005868-MN0272000 (St. Anthony Incident Report)
- 100139
  - Yanez FTO Manual
- 100177
  - 2016-433 Total Defense Inc. scan
  - AP article with Dan Wellman quoted
  - CCW Class Ppt Slide for Contacts with LE
  - Class Sign in
  - Interview of Dan Wellman (Transcribed)
- 100289
  - Ramsey County Sheriff's Office Report (CAD report)
- 100294
  - Interview of Florence Johnson (Transcription)
- 100298
  - Hatchett Firm July 19 2016 (Retention notice)
- 100306
  - Transfer of Total Defense items to Henning (Property receipt)

- 100335
  - Henning 2016-433 Interview of Dr. Barrett Wagner (Transcription)
- 100344
  - IMG\_20160729\_0001 (St. Anthony Incident report – Robbery Super USA))
- 100350
  - 2016-433.51 Incident Detail Report (Incident dated 5-22-16)
  - 2016-433.51 Mpls Traffic Stop (CD of video of stop)
- 100372
  - Interview of Officer Bryan Anderson (Transcription)
- 100382
  - Lab Report #1 DNA (DNA collection from different evidence items)
- 100383
  - Lab Report #2 Toxicology (Yanez blood test no ethyl alcohol detected)
- 100384
  - Lab Report #3 Toxicology (Yanez blood test nothing detected)
- 100385
  - Report Lab #4 drugs (6.168 grams of marijuana)
- 100386
  - Lab Report #5 CST (Crime Scene report)
- 100387
  - Lab report #6 latent print (no match for prints on the gun or baggie of marijuana)
- 100388
  - Lab report #7 DNA (blood collected from Streamlight lens and front sights)
- 100390
  - Lab report #8 DNA (Grip, slide and trigger of gun matches Castile; baggie matches Castile)
- 100395
  - 7-2-2016 map (location of robbery and location of Castile phone on 7-2-2016 at 1930 and 1944 hours)
  - 7-6-2016 phone loc (phone locations 7-6-16)
  - Aff sw castil phone
  - Evid rcpt
  - Signed aff for cell phone seal-notarized
  - Signed sw castile phone
  - Tower map for 8361-7-2-2016 a
- 100397
  - Officer Yanez Training Outline
- 100398
  - 2011 Use of Force records (training outline)

- 2012 Use of Force records (training outline)
  - 2013 Use of Force records (training outline)
  - 2014 Use of Force records (training outline)
  - 2015 Use of Force records (training outline)
  - 2016 Use of Force records (training outline)
- 100424
  - IMG\_20160802\_0001 (Yanez cited driver for speeding 7/6/16 8:12 pm)
  - IMG\_20160802\_0002 (Yanez cited driver for speeding 7/6/16 8:23 pm)
- 100427
  - IMG\_20160802\_0001 (Letters of recognition for Yanez)
- 100428
  - Authority to Detain 11-10888 (2011 arrest of Castile for suspended license – transported to jail by Yanez)
  - Citation-Complete-911565657-DOKKEN-11232011-081011hours
  - Incident Report 11010888-MN0272000
- 100429
  - Cell Phone Chain of Custody
- 100432
  - Ramsey Co POST Firearms Rosters
  - Ramsey Co POST Shoot Lesson Plan – April 2015
  - Ramsey Co POST Shoot Lesson Plan - April 2016
  - Ramsey Co POST Shoot Lesson Plan - December 2014
  - Ramsey Co POST Shoot Lesson Plan - December 2015
  - Ramsey Co POST Shoot Lesson Plan – January 2011
  - Ramsey Co POST Shoot Lesson Plan - January 2012
  - Ramsey Co POST Shoot Lesson Plan - January 2013
  - Ramsey Co POST Shoot Lesson Plan - January 2013 - Course for use in 2014
  - Ramsey Co POST Shoot Lesson Plan – June 2011
  - Ramsey Co POST Shoot Lesson Plan - June 2014
  - Ramsey Co POST Shoot Lesson Plan - June 2015
  - Ramsey Co POST Shoot Lesson Plan - March 2012
  - Ramsey Co POST Shoot Lesson Plan – May 2012
  - Ramsey Co POST Shoot Lesson Plan - May 2013
  - Ramsey Co POST Shoot Lesson Plan - May 2016
  - Ramsey Co POST Shoot Lesson Plan - November 2011
  - Ramsey Co POST Shoot Lesson Plan – November 2012
  - Ramsey Co POST Shoot Lesson Plan - November 2013
  - Ramsey Co POST Shoot Lesson Plan - September 2015
  - St. Anthony PD Firearms Outline
  - St. Anthony PD Firearms Qualification Records 2011

- St. Anthony PD Firearms Qualification Records 2012
  - St. Anthony PD Firearms Qualification Records 2013
  - St. Anthony PD Firearms Qualification Records 2014
  - St. Anthony PD Firearms Qualification Records 2015
  - St. Anthony PD Firearms Qualification Records 2016
  - Yanez St. Anthony Department Firearms Records
- 100433
  - Officer Yanez – Arrests
  - Officer Yanez – Traffic Stop Citations
  - Officer Yanez – Traffic Stop Warnings
- 100448
  - 2016 433 Interview of John Ohl (Transcription)
- 100458
  - Verizon Payment 2016 433
- 100489
  - IMG\_20160804\_0001 (Audio CD Reynolds interview)
- 100537
  - 2016-433.73 2014-Yanez-4<sup>th</sup> Degree Assault (Subject tried to take Yanez's gun on 8/6/14 and was arrested after a struggle)
- 100546
  - 2016-433.74 Property receipt
  - Frascone-2016-433-Heidi Carter (Transcribed interview)
- 100563
  - Interview of Dr. Robert Rivard (Transcription)
- 100565
  - Transcript of interview of Dr. Christopher Logue
- 100588
  - Diamond Reynolds FB SW (Facebook search warrant)
  - Email correspondence with FB
  - Receipt 433-77
  - Sealing order for Diamonds FB SW
- 100612
  - Castile FB SW (Facebook search warrant)
  - Email correspondence with FB
  - Receipt 433-78
- 100614
  - 2016-154917-2199895 (call information)
  - 2016-154917-2208320 (call information)
  - 2016-154917-2208337 (call information)
  - 2016-154917-2213264 (call information)
  - Change of custody
  - Diamond Reynolds cell SW
  - Receipt 433-79

- 100624
  - IMG\_20160811\_0001 (CAD report Minnesota State Police – no report did not go to scene)
  - IMG\_20160811\_00011 (Evidence receipt)
  - IMG\_20160815-0001 (Property receipt CD squad video)
- 100704
  - 2016-433 Dorsey Whitney letter (Search for emails from Yanez and Kauser)
  - Dorsey Whitney email with password
- 100707
  - Lab report #9 firearms (firearm examination of both guns)
- 100738
  - 433\_StAnthony\_Ramsey\_07062016 Final (Scene diagram)
  - 433\_StAnthony\_Ramsey\_07062016-Final (Scene diagram)
- 100911
  - IMG\_20160829\_0001 (Evidence receipt)
- 100941
  - 2016-433.86 Property Receipt
  - Frascone-2016-433 Tuladi Ramodit (transcribed interview)
- 101020
  - IMG\_20160830\_0002 (Evidence receipt)
- 101071
  - 2016-433 interview of Eric Winter (transcribed interview)
- 101072
  - Henning-2016-433-A17 (Transcribed interview of Randi Winter)
- 101086
  - Henning-2016-433-A18 (Transcribed interview of Sara Fagerness)
- 101087
  - Second interview with Nina Fateyenko (Transcription)
- 101159
  - Interview with James Diehl (Transcription)
- 101206
  - Castile citation 7.3.2015 (seat belt citation)
  - Olson-2016-433-A03 (Interview of Trooper Renee Adrian. The stop was recorded on her mobile video, but no sound. She states she does not recall the stop or if Castile had a firearm at that time)
- 101227
  - 70.197.238.70 (IP data)
  - 70.197.238.70\_SW
  - 2016-433 Verizon IP SW
  - FDR\_IP\_Detail\_Explanation\_Form
  - Verizon SW for IP sealing order

- 101254
  - IMG\_20160912\_0001 (11/1/15 no proof of insurance citation)
  - Olson-2016-433-A04 (Interview of Officer Persell, Orono police department. Does not recall stop or if Castile was armed)
- 101295
  - 2016-443-98 (Receipt – Polo men’s shorts, navy blue, size 38)
  - Replica receipts (Receipt Bud’s Gun Shop)
- 101300
  - IMG\_20160913\_0001 (Audio CD – Trooper Renee Adrian)
- 101384
  - CCW Basic Presentation
- 101397
  - IMG\_20190915\_0003 (Washington Post article)
- 101472
  - 2016-444.102 Property Receipt-Darouie
  - Frascone-2016-433-Darouie Transcript
- 101570
  - COC of replica holster (Property receipt)
- 101580
  - FI (Field Interview identifies Castile as member of “Selby Side gang” associated with Crips dated July 30, 2008)
- 101582
  - B3ac7403-2947-4185-8dd5-8ca38ff9aba3 (Subpoena T-Mobile)
  - CDR\_Mediations\_6518006089\_2519691 (T-Mobile call log)
  - SUB\_Tibco\_6518006089\_2519692 (T-Mobile)
- 101587
  - 90f8baa0-3ed2-488c-a291-134c04cba6b8 (T-Mobile subpoena)
  - CDR\_Mediations\_6513541772\_2604572 (T-Mobile call log)
  - Fcf432cb-3aa6-47c8-be67-284e16d948ca (T-Mobile subpoena)
  - SUB\_Tbco\_6513541772\_2604573 (T-Mobile)
- 101588
  - 2016-433 ATT Kauser sub list
  - ATT Subpoena Response (Subpoena)
  - ReportAU\_2065408 (Call history)
  - ReportCT\_2065408 (Subscriber information)
- Tip\_14745
  - Email of video allegedly video of Diamond smoking marijuana
- Tip\_14749
  - Email tip Roy Whaley (references Reynolds statement in video)
- Tip\_14751
  - Email tip PJ Kessler (link to video allegedly of Castile smoking marijuana)
- Tip\_14752

- Email tip Dan (article claiming Castile gang member)
  - 66778 (Master Report)
- St. Anthony Reports
  - Incident Report 14007497 – MN0272000 (St. Anthony August 6, 2014 report of 4<sup>th</sup> degree assault on Yanez)
  - Incident Report 14020091 – MN0620800 (Roseville August 6, 2014 report on assault)
- Photographs
  - BCA
    - BCA (Castile Wallet-firearm-holster)
      - 30 Photographs
    - BCA Processed LP Photos
      - 11 Photographs (blood stains)
    - BCA Processed Photos of Lab item 16
      - 37 Photographs (clothing, wallet, holster)
    - BCA Processed Scene Photos
      - 218 Photographs(Scene)
    - BCA Processed Vehicle Photos
      - 341 Photographs (Castile's vehicle)
    - SA Henning Officer Yanez Photographs
      - 10 Photographs of Officer Yanez
  - Cub Foods Surveillance
    - 3 photographs
    - Emails between Henning and Jon McKenzie
  - Hennepin County Medical Examiner
    - ME Photos and radiographs (entire set)
      - 167 Photographs
    - ME 16-3838 Castile autopsy (report)
    - PowerPoint to accompany autopsy report (62 slides – autopsy photographs – no text)
  - Officer Yanez Injury Photos
    - 4 Photographs of hand
- Phones
  - Castile Cell Phone Information
  - Cell Phone Preservation Letters
  - Cell Phone Search Warrants
  - Diamond-Lavish Reynolds Cell Phone Records Ph 651-529-4475
  - iCloud Search Warrants
  - Officer Kauser Personal Cell Phone Records AT-T Ph 952-237-2187
  - Officer Yanez Personal Cell Phone Records T-Mobile Ph 651-354-1772 #1
  - Officer Yanez Personal Cell Phone Records T-Mobile Ph 651-800-6089 #2
- CAD Information Related to the St. Anthony OIS
  - CAD Record 1605868 (Incident Detail Report)

- BCA Offline Searches
  - Offline Results – MN LIC 203TTM (Registered owner Philando Castile)
  - Offline Results – Philando Castile
  - Officer Vehicle Query Summaries
- St. Anthony – Officer Yanez Training Records
  - Officer Yanez Use of Force 2011 Use of Force Records
  - Officer Yanez Use of Force 2012 Use of Force Records
  - Officer Yanez Use of Force 2013 Use of Force Records
  - Officer Yanez Use of Force 2014 Use of Force Records
  - Officer Yanez Use of Force 2015 Use of Force Records
  - Officer Yanez Use of Force 2016 Use of Force Records
- Audio
  - Audio Extracted from Squad Video
    - Officer Sunde Squad Video
    - Officer Yanez Squad Video (enhanced)
    - Officer Yanez Squad Video
  - Interviews
  - Radio Traffic
    - Private Citizen Radio Traffic Recordings
      - Reason\_for\_stop
      - Shooting\_fire\_ems
      - Shots\_fired
    - Ramsey County Dispatch (10:39)
- Video
  - BCA Dual Facebook-Yanez Squad Video
  - Cub Foods video
  - Diamond Reynolds Facebook video (9:46)
  - DOT Camera Footage
  - Eric-Randy Winter Video
    - 34 second video post shooting from across the street
    - 9 second video post shooting from across the street
  - FBI Enhanced Yanez Squad Video
  - HCMC Trauma Bay Video
    - 6-13 Trauma bay (45:21)
    - 6-44 Trauma bay (15:35)
    - 0-29 Trauma bay (8:38)
  - Minneapolis PD Traffic Stop
    - Car stop video female stopped, male walk by with pistol in holster on right hip
  - Roseville PD Interview Room
    - Interview Room 1 (2) Diamond Reynolds & Juvenile (8:43)
    - Interview Room 1 (3) Diamond Reynolds & Juvenile (1:25:29)
    - Interview Room 1 Diamond Reynolds & Juvenile (8 seconds)

- Interview room 2 BCA Interview of Diamond Reynolds
  - Roseville PD Squad video
    - Roseville Officer Adams Squad video
    - Roseville Officer Anderson Squad Video
    - Roseville Officer Dattilo Squad video
    - Roseville Officer Toran Squad Video
    - Roseville Officer Vang Squad Video
    - Roseville Officer Wiesner Squad Video
  - St. Anthony Squad video
    - Original Incident St. Anthony Squad Video
    - St. Anthony Sunde Squad video
    - St. Anthony Kauser Squad video
    - St. Anthony Yanez Squad video
    - Yanez Previous Traffic Stop on 7-6-16
- Training Materials
  - 2011-11-21 Use of Force Training
  - 2012-4-24 and 2015-5-1 Use of Force Training
  - 2013-4-23 and 2013-4-30 Use of Force Training
  - 2014-4-8 and 2014-4-10 Use of Force Training
  - 2015-4-28 and 2015-4-30 Use of Force Training
  - 2016-5-10 and 2016-5-12 Use of Force Training
  - Email re Taser PP presentation
  - St. Anthony Police Training Summary of Officer Jeronimo Yanez
- Site Visit (March 22, 2017)
- Drove Route Along Which Officer Yanez Followed Mr. Castile Prior to the Stop (March 22, 2017)
- Viewed Mr. Castile's Vehicle (March 22, 2017)