



TUSTIN POLICE DEPARTMENT
300 CENTENNIAL WAY
TUSTIN, CA 92780

CRIME/INCIDENT REPORT

TPD #100 (REV 07/10)

- NO SUSPECT INFO
- NO PROSECUTION DESIRED
- INSURANCE REPORT
- COURTESY REPORT
- DOMESTIC VIOLENCE
- BIAS MOTIVATED
- GANG RELATED
- CONFIDENTIAL SEX CRIME

- ACTIVE
- SUSPENDED
- RECORDS
- COURTESY

4 CR#

14-1902

- FEL.
- MISD.

5 REFER OTHER REPORTS

CRIME	8 CODE SECTION	7 CRIME/INCIDENT TYPE	8 PRIMARY-COUNTS	9 SECONDARY-COUNTS	10 OTHER-COUNTS	11 OTHER-COUNTS
	PC 476(a)(1)	BRANDISHING A WEAPON	150102	260700		
VICTIM	12 SPECIFIC LOCATION OF CRIME		13 OCCURRED ON OR BETWEEN	14 DATE	15 DAY	16 TIME
	1602 NISSON RD.		04.10.14	04.10.14	THUR.	0849
VICTIM(S) / WITNESS / RP / SUBJECTS	17 FIRM NAME (at location)	18 DATE RPT'D	19 TIME RPT'D	20 AND	21 DATE	22 DAY
	WESTCHESTER PARK APTS	04/10/14	0849		04.10.14	THUR.
VICTIM(S) / WITNESS / RP / SUBJECTS	24 NAME (LAST, FIRST, MIDDLE)	25 OCCUPATION	26 D.O.B.	27 SEX	28 RACE	29 HGT
	STRAIN, JOHN			M	WHT	
VICTIM(S) / WITNESS / RP / SUBJECTS	29 RESIDENCE ADDRESS	30 CITY	31 STATE	32 ZIP CODE	33 RES. PHONE	34 HT.
		TUSTIN	CA	92780	(714) 573-3255	
VICTIM(S) / WITNESS / RP / SUBJECTS	33 BUSINESS NAME & ADDRESS	34 CITY	35 STATE	36 ZIP CODE	37 BUS. PHONE	38 WT.
	300 CENTENNIAL WY.	TUSTIN	CA	92780		
VICTIM(S) / WITNESS / RP / SUBJECTS	37 E-MAIL	38 CITY	39 STATE	40 ZIP CODE	41 BUS. PHONE	42 HT.

VICTIM(S) / WITNESS / RP / SUBJECTS	39 CODE	40 NAME (LAST, FIRST, MIDDLE)	41 OCCUPATION	42 D.O.B.	43 SEX	44 RACE	45 HGT
					M	WHT	
VICTIM(S) / WITNESS / RP / SUBJECTS	46 RESIDENCE ADDRESS	47 CITY	48 STATE	49 ZIP CODE	50 RES. PHONE	51 HT.	
VICTIM(S) / WITNESS / RP / SUBJECTS	49 BUSINESS NAME & ADDRESS	50 CITY	51 STATE	52 ZIP CODE	53 BUS. PHONE	54 WT.	
VICTIM(S) / WITNESS / RP / SUBJECTS	53 E-MAIL	54 CITY	55 STATE	56 ZIP CODE	57 BUS. PHONE	58 HT.	
VICTIM(S) / WITNESS / RP / SUBJECTS	55 CODE	56 NAME (LAST, FIRST, MIDDLE)	57 OCCUPATION	58 D.O.B.	59 SEX	60 RACE	61 HGT
					M	WHT	
VICTIM(S) / WITNESS / RP / SUBJECTS	61 RESIDENCE ADDRESS	62 CITY	63 STATE	64 ZIP CODE	65 RES. PHONE	66 HT.	
VICTIM(S) / WITNESS / RP / SUBJECTS	66 BUSINESS NAME & ADDRESS	67 CITY	68 STATE	69 ZIP CODE	70 BUS. PHONE	71 WT.	
VICTIM(S) / WITNESS / RP / SUBJECTS	69 E-MAIL	70 CITY	71 STATE	72 ZIP CODE	73 BUS. PHONE	74 HT.	
VICTIM(S) / WITNESS / RP / SUBJECTS	71 CODE	72 NAME (LAST, FIRST, MIDDLE)	73 OCCUPATION	74 D.O.B.	75 SEX	76 RACE	77 HGT
					M	WHT	
VICTIM(S) / WITNESS / RP / SUBJECTS	77 RESIDENCE ADDRESS	78 CITY	79 STATE	80 ZIP CODE	81 RES. PHONE	82 HT.	
VICTIM(S) / WITNESS / RP / SUBJECTS	81 BUSINESS NAME & ADDRESS	82 CITY	83 STATE	84 ZIP CODE	85 BUS. PHONE	86 WT.	
VICTIM(S) / WITNESS / RP / SUBJECTS	85 E-MAIL	86 CITY	87 STATE	88 ZIP CODE	89 BUS. PHONE	90 HT.	

VIC VEH	87 LICENSE #	88 STATE	89 YEAR	90 MAKE	91 MODEL	92 BODY STYLE	93 COLOR/COLOR
						0 UNK 2 4-DR 4 P/U 6 VAN 8 RV 10 OTHER 1 2-DR 3 CONV 5 TRUCK 7 S/W 9 M/C	94 OTHER CHARACTERISTICS
VIC VEH	93 COLOR/COLOR		94 OTHER CHARACTERISTICS			95 DISPOSITION OF VEHICLE	

MAVS	MAVS	BOOK MARKED AS EVIDENCE	RETENTION PERIOD
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> 5 YEARS <input type="checkbox"/> PERMANENT

FACTORS	96 <input type="checkbox"/> 1 THERE IS A WITNESS TO THE CRIME	EVIDENCE	97 <input type="checkbox"/> 1 FINGERPRINTS	DOMESTIC VIOLENCE	99 1. ORDER SERVED AT SCENE BY:
	<input checked="" type="checkbox"/> 2 A SUSPECT WAS ARRESTED		<input checked="" type="checkbox"/> 2 TOOLS		P# _____
FACTORS	<input checked="" type="checkbox"/> 3 A SUSPECT WAS NAMED	EVIDENCE	<input type="checkbox"/> 3 TOOL MARKINGS	CSI	2. ENTRY MADE BY: P# _____
	<input type="checkbox"/> 4 A SUSPECT CAN BE LOCATED		<input type="checkbox"/> 4 GLASS		3. NAME OF PERSON SERVED: _____
FACTORS	<input type="checkbox"/> 5 A SUSPECT CAN BE DESCRIBED	EVIDENCE	<input type="checkbox"/> 5 PAINT	CSI	4. RESPONDENT SIGNATURE: _____
	<input checked="" type="checkbox"/> 6 A SUSPECT CAN BE IDENTIFIED		<input checked="" type="checkbox"/> 6 BULLET CASING		100 CSI PERFORMED BY:
FACTORS	<input type="checkbox"/> 7 A SUSPECT VEHICLE CAN BE IDENTIFIED	EVIDENCE	<input checked="" type="checkbox"/> 7 BULLET	CSI	NAME & P# <u>KEVAN #1235</u>
	<input type="checkbox"/> 8 THERE IS IDENTIFIABLE STOLEN PROPERTY		<input type="checkbox"/> 8 RAPE KIT		<u>GROVER #991, CHAVATTI #1235</u>
FACTORS	<input type="checkbox"/> 9 THERE IS A SIGNIFICANT M.O.	EVIDENCE	<input type="checkbox"/> 9 SEMEN	CSI	NOTES: _____
	<input type="checkbox"/> 10 SIGNIFICANT PHYSICAL EVIDENCE IS PRESENT		<input type="checkbox"/> 10 BLOOD		_____
FACTORS	<input type="checkbox"/> 11 THERE IS A MAJOR INJURY/SEX CRIME INVOLVED	EVIDENCE	<input type="checkbox"/> 11 URINE	CSI	_____
	<input type="checkbox"/> 12 THERE IS A GOOD POSSIBILITY OF A SOLUTION		<input checked="" type="checkbox"/> 12 HAIR		_____
FACTORS	<input type="checkbox"/> 13 FURTHER INVESTIGATION NEEDED	EVIDENCE	<input checked="" type="checkbox"/> 13 FIREARMS	CSI	_____
	<input type="checkbox"/> 14 CRIME IS GANG RELATED		<input checked="" type="checkbox"/> 14 PHOTOGRAPHS		_____
FACTORS	<input type="checkbox"/> 15 HATE CRIME RELATED	EVIDENCE	<input checked="" type="checkbox"/> 15 OTHER (DESCRIBE)	CSI	_____
	<input type="checkbox"/> 16 REPRODUCTIVE HEALTH CRIME		<u>DNA</u>		_____
FACTORS		EVIDENCE	98 TOTAL LOSS / DOLLAR AMOUNT	CSI	_____

101 SUPERVISOR AT SCENE: (RANK, NAME & ID NO.)	102 MARSY'S LAW NOTIFICATION	103 UNIT NUMBER
SGT. PICKNEY #712	<input type="checkbox"/> YES	820
104 REPORTING OFFICER / ID NO.	105 DATE	106 APPROVED BY / ID NO.
M. HOWARD #1071	04.10.14	[Signature] 1085
		107 DATE
		04.13.14

<p>PREMISES 7</p> <p>BUSINESS Q03</p> <p><input type="checkbox"/> 1 BANK/SAV LOAN FINANCE/CREDIT UN</p> <p><input type="checkbox"/> 2 BAR</p> <p><input type="checkbox"/> 3 CLEANERS/LAUNDRY</p> <p><input type="checkbox"/> 4 CONSTRUCTION SITE</p> <p><input type="checkbox"/> 5 THEATER</p> <p><input type="checkbox"/> 6 FAST FOODS</p> <p><input type="checkbox"/> 7 GAS STATION</p> <p><input type="checkbox"/> 8 HOTEL/MOTEL</p> <p><input type="checkbox"/> 9 DEPT./DISCOUNT STORE</p> <p><input type="checkbox"/> 10 GUN/SPORT GOODS</p> <p><input type="checkbox"/> 11 JEWELRY STORE</p> <p><input type="checkbox"/> 12 LIQUOR STORE</p> <p><input type="checkbox"/> 13 PHOTO STAND</p> <p><input type="checkbox"/> 14 CONVENIENCE STORE</p> <p><input type="checkbox"/> 15 RESTAURANT</p> <p><input type="checkbox"/> 16 SUPERMARKET</p> <p><input type="checkbox"/> 17 TV/RADIO</p> <p><input type="checkbox"/> 18 AUTO PARTS</p> <p><input type="checkbox"/> 19 BICYCLE SALES</p> <p><input type="checkbox"/> 20 CAR/MOTORCYCLE SALES</p> <p><input type="checkbox"/> 21 CLOTHING STORE</p> <p><input type="checkbox"/> 22 HARDWARE</p> <p><input type="checkbox"/> 23 MEDICAL</p> <p><input type="checkbox"/> 24 OFFICE BUILDING</p> <p><input type="checkbox"/> 25 SHOE STORE</p> <p><input type="checkbox"/> 26 WAREHOUSE</p> <p><input type="checkbox"/> 27 OTHER _____</p> <p>RESIDENCE Q03</p> <p><input checked="" type="checkbox"/> 28 APARTMENT</p> <p><input type="checkbox"/> 29 CONDOMINIUM</p> <p><input type="checkbox"/> 30 DUPLEX/FOURPLEX</p> <p><input type="checkbox"/> 31 GARAGE ATTACHED</p> <p><input type="checkbox"/> 32 GARAGE DETACHED</p> <p><input type="checkbox"/> 33 HOUSE</p> <p><input type="checkbox"/> 34 MOBILE HOME</p> <p><input type="checkbox"/> 35 OTHER _____</p> <p>PUBLIC Q03</p> <p><input type="checkbox"/> 36 CHURCH</p> <p><input type="checkbox"/> 37 HOSPITAL</p> <p><input type="checkbox"/> 38 PARK/PLAYGROUND</p> <p><input type="checkbox"/> 39 PARKING LOT</p> <p><input type="checkbox"/> 40 PUBLIC BUILDING</p> <p><input type="checkbox"/> 41 SCHOOL</p> <p><input type="checkbox"/> 42 SHOPPING MALL</p> <p><input type="checkbox"/> 43 STREET/HWY/ALLEY</p> <p><input type="checkbox"/> 44 OTHER _____</p> <p>VEHICLE Q03</p> <p><input type="checkbox"/> 45 CAMPER</p> <p><input type="checkbox"/> 46 MOTOR HOME</p> <p><input type="checkbox"/> 47 PASSENGER CAR</p> <p><input type="checkbox"/> 48 PICK-UP</p> <p><input type="checkbox"/> 49 TRAILER</p> <p><input type="checkbox"/> 50 TRUCK</p> <p><input type="checkbox"/> 51 VAN</p> <p><input type="checkbox"/> 52 OTHER _____</p>	<p>POINT OF ENTRY 8 Q04</p> <p><input type="checkbox"/> 1 FRONT</p> <p><input type="checkbox"/> 2 REAR</p> <p><input type="checkbox"/> 3 SIDE</p> <p><input type="checkbox"/> 4 DOOR</p> <p><input type="checkbox"/> 5 WINDOW</p> <p><input type="checkbox"/> 6 SLIDING GLASS DOOR</p> <p><input type="checkbox"/> 7 BASEMENT</p> <p><input type="checkbox"/> 8 ROOF</p> <p><input type="checkbox"/> 9 FLOOR</p> <p><input type="checkbox"/> 10 WALL</p> <p><input type="checkbox"/> 11 DUCT/VENT</p> <p><input type="checkbox"/> 12 GARAGE</p> <p><input type="checkbox"/> 13 ADJ. BUILDING</p> <p><input type="checkbox"/> 14 GROUND LEVEL</p> <p><input type="checkbox"/> 15 UPPER LEVEL</p> <p><input type="checkbox"/> 16 UNKNOWN</p> <p><input type="checkbox"/> 17 OTHER _____</p> <p>METHOD OF ENTRY 9 Q05</p> <p><input type="checkbox"/> 1 NO FORCE USED</p> <p><input type="checkbox"/> 2 WINDOW SMASHED</p> <p><input type="checkbox"/> 3 ATTEMPT ONLY</p> <p><input type="checkbox"/> 4 BODILY FORCE</p> <p><input type="checkbox"/> 5 BOLT CUT / PLIERS</p> <p><input type="checkbox"/> 6 CHANNEL LOCK/PIPE WRENCH/VICE GRIPS</p> <p><input type="checkbox"/> 7 SAW/DRILL/BURN</p> <p><input type="checkbox"/> 8 SCREWDRIVER</p> <p><input type="checkbox"/> 9 TIRE IRON</p> <p><input type="checkbox"/> 10 UNK PRY BAR</p> <p><input type="checkbox"/> 11 COAT HANGER WIRE</p> <p><input type="checkbox"/> 12 KEY SLIP SHIM</p> <p><input type="checkbox"/> 13 PUNCH</p> <p><input type="checkbox"/> 14 REMOVE LOUVERS</p> <p><input type="checkbox"/> 15 BRICK/ROCK</p> <p><input type="checkbox"/> 16 HID IN BUILDING</p> <p><input type="checkbox"/> 17 WALKED IN</p> <p><input type="checkbox"/> 18 UNKNOWN</p> <p><input type="checkbox"/> 19 OTHER _____</p> <p>VEHICLE ENTRY 10 Q06</p> <p><input type="checkbox"/> 1 DOOR/LOCK FORCED</p> <p><input type="checkbox"/> 2 TRUNK FORCED</p> <p><input type="checkbox"/> 3 WINDOW BROKEN</p> <p><input type="checkbox"/> 4 WINDOW FORCED</p> <p><input type="checkbox"/> 5 WINDOW OPEN</p> <p><input type="checkbox"/> 6 UNLOCKED</p> <p><input type="checkbox"/> 7 UNKNOWN</p> <p><input type="checkbox"/> 8 OTHER _____</p>	<p>PROPERTY/ATTACKED 11 Q07</p> <p><input type="checkbox"/> 1 CASH NOTES</p> <p><input type="checkbox"/> 2 CLOTHES/FUR</p> <p><input type="checkbox"/> 3 CONSUMABLE GOODS</p> <p><input type="checkbox"/> 4 FIREARMS</p> <p><input type="checkbox"/> 5 HOUSEHOLD GOODS</p> <p><input type="checkbox"/> 6 JEWELRY METALS</p> <p><input type="checkbox"/> 7 LIVESTOCK</p> <p><input type="checkbox"/> 8 OFFICE EQUIPMENT</p> <p><input type="checkbox"/> 9 TV/RADIO/CAMERA</p> <p><input type="checkbox"/> 10 MISCELLANEOUS</p> <p><input type="checkbox"/> 11 UNKNOWN</p> <p><input type="checkbox"/> 12 OTHER _____</p> <p>SEX CRIMES ONLY 12 Q08</p> <p><input type="checkbox"/> 1 SUSPECT CLIMAXED</p> <p><input type="checkbox"/> 2 UNKNOWN IF CLIMAXED</p> <p><input type="checkbox"/> 3 VICTIM BOUND/TIED</p> <p><input type="checkbox"/> 4 VICTIM INJURED</p> <p><input type="checkbox"/> 5 COVERED VICTIM FACE</p> <p><input type="checkbox"/> 6 PHOTOGRAPHED VICTIM</p> <p><input type="checkbox"/> 7 VIC ORALLY COPULATED SUSP</p> <p><input type="checkbox"/> 8 SUSP ORALLY COPULATED VIC</p> <p><input type="checkbox"/> 9 RAPE BY INSTRUMENT (FOREIGN OBJECTS)</p> <p><input type="checkbox"/> 10 SODOMY</p> <p><input type="checkbox"/> 11 SUGGESTED VIC COMMIT LEWD PERVERTED ACT</p> <p><input type="checkbox"/> 12 INSERTED FINGER INTO VAGINA</p> <p><input type="checkbox"/> 13 FORCED VIC TO FONDLE SUSP</p> <p><input type="checkbox"/> 14 SUSP FONDLED VICTIM</p> <p><input type="checkbox"/> 15 MASTURBATED SELF</p> <p><input type="checkbox"/> 16 OTHER _____</p> <p>BURGLARY ONLY 13 Q09</p> <p>IS MEMBER OF NEIGH WATCH? Q09</p> <p>01 <input type="checkbox"/> YES 02 <input type="checkbox"/> NO</p> <p>IS MEMBER OF OPERATION IDENT?</p> <p>03 <input type="checkbox"/> YES 04 <input type="checkbox"/> NO</p> <p>INTERESTED IN NEIGH WATCH?</p> <p>05 <input type="checkbox"/> YES 06 <input type="checkbox"/> NO</p> <p>HAD HOME BUSINESS INSPECTION?</p> <p>07 <input type="checkbox"/> YES 08 <input type="checkbox"/> NO</p> <p>WHEN? _____</p>	<p>TRADEMARKS 14 Q10</p> <p>SUSPECT(S) ACTIONS Q10</p> <p><input type="checkbox"/> 1 DEMANDED MONEY</p> <p><input type="checkbox"/> 2 INFLECTED INJURIES</p> <p><input type="checkbox"/> 3 SELECTIVE IN LOOT</p> <p><input type="checkbox"/> 4 STRUCK VICTIM</p> <p><input type="checkbox"/> 5 ALARM DISABLED</p> <p><input type="checkbox"/> 6 ARSON</p> <p><input type="checkbox"/> 7 ATE/DRANK ON PREMISES</p> <p><input type="checkbox"/> 8 BLINDFOLDED VICTIM BOUND/GAGGED</p> <p><input type="checkbox"/> 9 CAT BURGLAR</p> <p><input type="checkbox"/> 10 DEFECATED/URINATED</p> <p><input type="checkbox"/> 11 DISROBED VICTIM FULLY</p> <p><input type="checkbox"/> 12 DISROBED VICTIM PARTIALLY</p> <p><input type="checkbox"/> 13 FIRED WEAPON</p> <p><input type="checkbox"/> 14 FORCED VIC TO MOVE</p> <p><input type="checkbox"/> 15 FORCED VIC INTO VEHICLE</p> <p><input type="checkbox"/> 16 HAD BEEN DRINKING</p> <p><input type="checkbox"/> 17 INDICATION MULTI SUSPECTS</p> <p><input type="checkbox"/> 18 KNEW LOC. OF HIDDEN ITEMS</p> <p><input type="checkbox"/> 19 MADE THREATS</p> <p><input type="checkbox"/> 20 PLACED PROPERTY IN SACK/POCKET</p> <p><input type="checkbox"/> 21 PREPARED EXIT</p> <p><input type="checkbox"/> 22 RANSACKED</p> <p><input type="checkbox"/> 23 RIPPED/CUT CLOTHING</p> <p><input type="checkbox"/> 24 SHUT OFF POWER</p> <p><input type="checkbox"/> 25 SMOKED ON PREMISES</p> <p><input type="checkbox"/> 26 SEARCHED VICTIM</p> <p><input type="checkbox"/> 27 SUSPECT ARMED</p> <p><input type="checkbox"/> 28 THREATENED RETALIATION</p> <p><input type="checkbox"/> 29 TOOK ONLY CONSUMABLES</p> <p><input type="checkbox"/> 30 TOOK VICTIM/S VEHICLE</p> <p><input type="checkbox"/> 31 TORTURED</p> <p><input type="checkbox"/> 32 UNDER INFLUENCE DRUGS</p> <p><input type="checkbox"/> 33 USED DEMAND NOTE</p> <p><input type="checkbox"/> 34 USED LOOKOUT</p> <p><input type="checkbox"/> 35 USED DRIVER</p> <p><input type="checkbox"/> 36 USED MATCH/CANDLE</p> <p><input type="checkbox"/> 37 USED VICTIM'S NAME</p> <p><input type="checkbox"/> 38 USED VICTIM'S SUITCASE/PILLOWCASE</p> <p><input type="checkbox"/> 39 USED VICTIM'S TOOLS</p> <p><input type="checkbox"/> 40 VEH NEEDED TO REMOVE PROPERTY</p> <p><input type="checkbox"/> 41 CUT/DISCONNECTED PHONE</p> <p><input type="checkbox"/> 42 CASED LOCATION BEFORE CRIME</p> <p><input type="checkbox"/> 43 FOLLOWED/STALKED VICTIM</p> <p><input checked="" type="checkbox"/> 44 OTHER SEE ATTACHED NARRATIVES</p> <p>SUSP. PRET. TO BE 15 Q11</p> <p><input type="checkbox"/> 1 CONDUCTING SURVEY</p> <p><input type="checkbox"/> 2 CUST./CLIENT</p> <p><input type="checkbox"/> 3 DELIVERY PERSON</p> <p><input type="checkbox"/> 4 DISABLED MOTORIST</p> <p><input type="checkbox"/> 5 DRUNK</p> <p><input type="checkbox"/> 6 EMPLOYEE/EMPLOYER</p> <p><input type="checkbox"/> 7 FRIEND/RELATIVE</p> <p><input type="checkbox"/> 8 ILL/INJURED</p> <p><input type="checkbox"/> 9 NEED PHONE</p> <p><input type="checkbox"/> 10 POLICE/LAW</p> <p><input type="checkbox"/> 11 RENTER</p> <p><input type="checkbox"/> 12 REPAIRMAN</p> <p><input type="checkbox"/> 13 SALE OF ILLICIT GOODS</p> <p><input type="checkbox"/> 14 SALES PERSON</p> <p><input type="checkbox"/> 15 SEEK ASSISTANCE</p> <p><input type="checkbox"/> 16 SEEK DIRECTIONS</p> <p><input type="checkbox"/> 17 SEEKING SOMEONE</p> <p><input type="checkbox"/> 18 SOLICIT FUNDS</p> <p><input type="checkbox"/> 19 OTHER _____</p> <p>PHYSICAL SECURITY 16 Q12</p> <p><input type="checkbox"/> 1 AUDIBLE ALARM</p> <p><input type="checkbox"/> 2 SILENT ALARM</p> <p><input type="checkbox"/> 3 PRIVATE SECURITY PATROL</p> <p><input type="checkbox"/> 4 DOG</p> <p><input type="checkbox"/> 5 STANDARD LOCKS</p> <p><input type="checkbox"/> 6 AUXILIARY LOCKS (DEADBOLT, WINDOWS, ETC)</p> <p><input type="checkbox"/> 7 WINDOW BARS/GRILLS</p> <p><input type="checkbox"/> 8 OUTSIDE LIGHTING ON</p> <p><input type="checkbox"/> 9 INSIDE LIGHTING ON</p> <p><input type="checkbox"/> 10 GARAGE DOOR LOCKED</p> <p><input type="checkbox"/> 11 OBSCURED INTERIOR VIEW (COMMERCIAL/BUSINESS)</p> <p><input type="checkbox"/> 12 SECURITY SIGNING (N.W. ALARM ETC.)</p> <p><input type="checkbox"/> 13 UNKNOWN</p> <p><input type="checkbox"/> 14 OTHER _____</p>
VICTIM PROFILE - DOMESTIC VIOLENCE ONLY			
<p>PHYSICAL CONDITION 17 Q13</p> <p><input type="checkbox"/> 1 UNDER INFL. ALCOHOL/ DRUGS</p> <p><input type="checkbox"/> 2 SICK/INJURED</p> <p><input type="checkbox"/> 3 SENIOR CITIZEN</p> <p><input type="checkbox"/> 4 BLIND</p> <p><input type="checkbox"/> 5 HANDICAPPED</p> <p><input type="checkbox"/> 6 DEAF</p> <p><input type="checkbox"/> 7 MUTE</p> <p><input type="checkbox"/> 8 MENTALLY/EMOTIONALLY IMPAIRED</p> <p><input type="checkbox"/> 9 OTHER _____</p>	<p>RELATIONSHIP TO SUSPECT 18 Q14</p> <p><input type="checkbox"/> 1 HUSBAND</p> <p><input type="checkbox"/> 2 WIFE</p> <p><input type="checkbox"/> 3 MOTHER</p> <p><input type="checkbox"/> 4 FATHER</p> <p><input type="checkbox"/> 5 DAUGHTER</p> <p><input type="checkbox"/> 6 SON</p> <p><input type="checkbox"/> 7 BROTHER</p> <p><input type="checkbox"/> 8 SISTER</p> <p><input type="checkbox"/> 9 OTHER FAMILY</p> <p><input type="checkbox"/> 10 ACQUAINTANCE</p> <p><input type="checkbox"/> 11 FRIEND</p> <p><input type="checkbox"/> 12 BOYFRIEND</p> <p><input type="checkbox"/> 13 GIRLFRIEND</p> <p><input type="checkbox"/> 14 NEIGHBOR</p> <p><input type="checkbox"/> 15 BUSINESS ASSOCIATE</p> <p><input type="checkbox"/> 16 STRANGER</p> <p><input type="checkbox"/> 17 UNKNOWN</p>	<p>MARITAL STATUS 19 Q15</p> <p><input type="checkbox"/> 1 SINGLE</p> <p><input type="checkbox"/> 2 MARRIED</p> <p><input type="checkbox"/> 3 DIVORCED</p> <p><input type="checkbox"/> 4 SEPARATED</p> <p><input type="checkbox"/> 5 ANNULLED</p> <p><input type="checkbox"/> 6 COMMON LAW</p> <p><input type="checkbox"/> 7 WIDOW(ER)</p> <p><input type="checkbox"/> 8 UNKNOWN</p> <p><input type="checkbox"/> 9 OTHER _____</p>	

1	<input type="checkbox"/> GANG RELATED <input checked="" type="checkbox"/> ADULT ARREST <input type="checkbox"/> SUSPECT ONLY <input type="checkbox"/> JUVENILE ARREST <input type="checkbox"/> SUPPLEMENT TO ORG RPT	TUSTIN POLICE DEPARTMENT 300 CENTENNIAL WAY TUSTIN, CA 92780 SUSPECT/ARRESTEE REPORT	2 A <input type="checkbox"/> ACTIVE S <input type="checkbox"/> SUSPENDED R <input type="checkbox"/> RECORDS K <input type="checkbox"/> COURTESY	4 CR# 1A-1902 5 REFER OTHER RPT#
3	<input type="checkbox"/> FEL. <input checked="" type="checkbox"/> MISD.	6 PAGE		

CRIME	7 CODE SECTION PC 417(a)(1)	8 CRIME / INCIDENT TYPE BRANDISHING A WEAPON	9 PRIMARY-COUNTS 150102	10 SECONDARY-COUNTS 260700	11 OTHER-COUNTS	12 OTHER-COUNTS
	13 LOCATION OF CRIME/ARREST 1602 NISSAN RD.			14 DATE OF CRIME / ARREST 4.10.14	15 TIME OF CRIME / ARREST 0849 1327	

VEHICLE	16 LICENSE #	17 STATE	18 VEHYR	19 MAKE	20 MODEL	21 BODY STYLE	0 UNK	1 2-DR	2 4-DR	3 CONV	4 P/U	5 TRUCK	
	22 COLOR/COLOR		23 OTHER CHARACTERISTICS (i.e. T/C Damage, Unique Marks or Paint, etc.)					24 DISPOSITION OF VEH					
	25 REGISTERED OWNER												
	26 NAME (LAST, FIRST, MIDDLE) CARDENAS, HENRY JUSTIN HERRERA												
	27 SEX M												

SUSPECT / JUVENILE	28 NAME (LAST, FIRST, MIDDLE) CARDENAS, HENRY JUSTIN HERRERA			29 RACE	0 WHT	1 HISP	2 BLK									
	30 AKA HERRERA, HENRY JUSTIN CARDENAS			31 POB MISSION VIEJO CA	32 HGT 5.7	33 WGT 160	34 BUILD	0 UNK	1 THIN	2 MED	3 HEAVY	4 MUSCLR				
	35 HAIR			0 UNK	1 BRO	2 BLK	3 BLN	4 RED	36 EYES				0 UNK	1 BRO	2 BLK	3 BLU
	37 DL #			38 STATE												
	39 RESIDENCE ADDRESS															

53	AMOUNT OF HAIR	Q21	56	HAIR STYLE	Q24	57	FACIAL HAIR	Q25	60	COMPLEXION	Q27
<input checked="" type="checkbox"/> 01 FULL HEAD OF HAIR <input type="checkbox"/> 02 THINNING <input type="checkbox"/> 03 RECEDING <input type="checkbox"/> 04 BALD <input type="checkbox"/> 05 UNKNOWN <input type="checkbox"/> 06 OTHER		<input checked="" type="checkbox"/> 01 REGULAR <input type="checkbox"/> 02 PART RIGHT <input type="checkbox"/> 03 PART LEFT <input type="checkbox"/> 04 PART CENTER <input type="checkbox"/> 05 STRAIGHT BACK <input type="checkbox"/> 06 COMBED FORWARD <input type="checkbox"/> 07 BUZZ JOB <input type="checkbox"/> 08 FLAT TOP <input type="checkbox"/> 09 STRAIGHT <input type="checkbox"/> 10 CURLY OR PERMED <input type="checkbox"/> 11 WAVY <input type="checkbox"/> 12 AFRO CLOSE <input type="checkbox"/> 13 AFRO FULL (1 INCH) <input type="checkbox"/> 14 PROCESSED (BLK ONLY) <input type="checkbox"/> 15 IN CORN ROWS <input type="checkbox"/> 16 WITH PONY TAIL <input type="checkbox"/> 17 WITH TAIL <input type="checkbox"/> 18 IN BRAIDS <input type="checkbox"/> 19 NEW WAVE <input type="checkbox"/> 20 PUNK <input type="checkbox"/> 21 UNKNOWN <input type="checkbox"/> 22 OTHER <input type="checkbox"/> 23 SHAVED <input type="checkbox"/> 24 FADE <input type="checkbox"/> 25 MULLET		<input type="checkbox"/> 01 CLEAN SHAVEN <input type="checkbox"/> 02 MUSTACHE-THIN <input type="checkbox"/> 03 MUSTACHE-THICK <input checked="" type="checkbox"/> 04 UNSHAVEN <input type="checkbox"/> 05 FEW DAYS GROWTH <input type="checkbox"/> 06 SHORT BEARD <input type="checkbox"/> 07 LONG BEARD <input type="checkbox"/> 08 UNKEMPT BEARD <input type="checkbox"/> 09 SIDEBURNS <input type="checkbox"/> 10 FUMANCHU <input type="checkbox"/> 11 GOATEE <input type="checkbox"/> 12 UNKNOWN <input type="checkbox"/> 13 OTHER <input type="checkbox"/> 14 VAN DYKE		<input type="checkbox"/> 01 LIGHT / FAIR <input checked="" type="checkbox"/> 02 MEDIUM <input type="checkbox"/> 03 DARK <input type="checkbox"/> 04 TAN <input type="checkbox"/> 05 SUNBURNED <input type="checkbox"/> 06 FRECKLED <input type="checkbox"/> 07 OLIVE <input type="checkbox"/> 08 RUDDY <input type="checkbox"/> 09 ACNE/POCKED <input type="checkbox"/> 10 WEATHERED <input type="checkbox"/> 11 WRINKLED <input type="checkbox"/> 12 ALBINO <input type="checkbox"/> 13 UNKNOWN <input type="checkbox"/> 14 OTHER					
54 HAIR LENGTH		Q22	58 R/L HANDED		Q26	59 MIRANDA ADVISEMENT		61 GLASSES		Q28	
<input type="checkbox"/> 01 VERY SHORT <input type="checkbox"/> 02 SHORT <input checked="" type="checkbox"/> 03 REGULAR <input type="checkbox"/> 04 OVER COLLAR <input type="checkbox"/> 05 OVER SHOULDERS <input type="checkbox"/> 06 LONG <input type="checkbox"/> 07 UNKNOWN <input type="checkbox"/> 08 OTHER		<input checked="" type="checkbox"/> 01 CLEAN <input type="checkbox"/> 02 DIRTY <input type="checkbox"/> 03 GREASY <input type="checkbox"/> 04 MATTED <input type="checkbox"/> 05 ODOR <input type="checkbox"/> 06 OTHER		<input checked="" type="checkbox"/> 01 RIGHT HANDED <input type="checkbox"/> 02 LEFT HANDED <input type="checkbox"/> 03 UNKNOWN		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO DATE/TIME: 041014 @ 1549		<input type="checkbox"/> 01 YES BUT NO DESCR. <input type="checkbox"/> 02 PRESCRIPTION <input type="checkbox"/> 03 SUN GLASSES <input type="checkbox"/> 04 PLASTIC FRAME - COLOR <input type="checkbox"/> 05 WIRE FRAME <input type="checkbox"/> 06 CONTACTS <input checked="" type="checkbox"/> 07 NONE <input type="checkbox"/> 08 UNKNOWN <input type="checkbox"/> 09 OTHER			
62 DISPOSITION: ADULT ARRESTEE						63 MISD. ARR / CITE / RELEASE					
<input type="checkbox"/> 849b1 <input type="checkbox"/> DETOX <input type="checkbox"/> RE LSD O.R. <input checked="" type="checkbox"/> BOOKED OCJ <input type="checkbox"/> BOOKED OTHER						CITATION #					
64 TRANSPORTED BY: M. CARTER			65 DATE/TIME 041014 @ 1920			66 FINGERPRINTED OCJ		67 PHOTOGRAPHED OCJ			
68 REPORTING OFFICER / ID NO. N. NGUYEN 1123			69 DATE 041014		70 APPROVED BY / ID NO. [Signature] 1085		71 DATE 04-13-14				

72 CR # **1A-1902**

<p>73 SPEECH Q29</p> <p><input checked="" type="checkbox"/> 01 NORMAL</p> <p><input type="checkbox"/> 02 LISP</p> <p><input type="checkbox"/> 03 SLURRED</p> <p><input type="checkbox"/> 04 STUTTER</p> <p><input type="checkbox"/> 05 DEEP</p> <p><input type="checkbox"/> 06 HIGH PITCHED</p> <p><input type="checkbox"/> 07 SOFT</p> <p><input type="checkbox"/> 08 UNKNOWN OR NOT HEARD</p> <p><input type="checkbox"/> 09 OTHER _____</p>	<p>76 TEETH Q31</p> <p><input type="checkbox"/> 01 BRACES</p> <p><input type="checkbox"/> 02 BUCKED</p> <p><input type="checkbox"/> 03 CHIPPED</p> <p><input type="checkbox"/> 04 MISSING</p> <p><input type="checkbox"/> 05 CROOKED</p> <p><input type="checkbox"/> 06 GOLD / SILVER CAPPED</p> <p><input type="checkbox"/> 07 STAINED</p> <p><input checked="" type="checkbox"/> 08 NORMAL TEETH</p> <p><input type="checkbox"/> 09 UNKNOWN</p> <p><input type="checkbox"/> 10 OTHER _____</p>	<p>77 UNIQUE CLOTHING Q33</p> <p><input type="checkbox"/> 01 BEACH CLOTHES</p> <p><input type="checkbox"/> 02 TRANSIENT</p> <p><input type="checkbox"/> 03 CONSTRUCTION</p> <p><input type="checkbox"/> 04 GANG STYLE</p> <p><input type="checkbox"/> 05 PUNK</p> <p><input type="checkbox"/> 06 MILITARY</p> <p><input type="checkbox"/> 07 OTHER UNIFORM</p> <p><input type="checkbox"/> 08 WELL DRESSED</p> <p><input checked="" type="checkbox"/> 09 NORMAL DAY CLOTHES</p> <p><input type="checkbox"/> 10 HAT</p> <p><input type="checkbox"/> 11 SKI MASK</p> <p><input type="checkbox"/> 12 STOCKING MASK</p> <p><input type="checkbox"/> 13 UNKNOWN</p> <p><input type="checkbox"/> 14 OTHER _____</p>	<p>78 WEAPON TYPE Q34</p> <p><input type="checkbox"/> 01 HANDS</p> <p><input type="checkbox"/> 02 FEET</p> <p><input type="checkbox"/> 03 CLUB</p> <p><input type="checkbox"/> 04 MARTIAL ARTS</p> <p><input type="checkbox"/> 05 BASEBALL BAT</p> <p><input type="checkbox"/> 06 NUNCHUKU</p> <p><input type="checkbox"/> 07 OTHER STRIKING OBJECT</p> <p><input type="checkbox"/> 08 KNIFE</p> <p><input type="checkbox"/> 09 BOTTLE</p> <p><input type="checkbox"/> 10 SIMULATED FIREARM</p> <p><input type="checkbox"/> 11 TOY GUN</p> <p><input checked="" type="checkbox"/> 12 HANDGUN</p> <p><input type="checkbox"/> 13 RIFLE / SHOTGUN</p> <p><input type="checkbox"/> 14 NONE</p> <p><input type="checkbox"/> 15 UNKNOWN</p> <p><input type="checkbox"/> 16 OTHER _____</p>
<p>74 ACCENT Q30</p> <p><input checked="" type="checkbox"/> 01 US NORMAL</p> <p><input type="checkbox"/> 02 US SOUTHERN</p> <p><input type="checkbox"/> 03 US EAST COAST</p> <p><input type="checkbox"/> 04 BLACK SLANG</p> <p><input type="checkbox"/> 05 SPANISH</p> <p><input type="checkbox"/> 06 ASIAN</p> <p><input type="checkbox"/> 07 EUROPEAN</p> <p><input type="checkbox"/> 08 MIDDLE EAST</p> <p><input type="checkbox"/> 09 JAMAICAN</p> <p><input type="checkbox"/> 10 UNKNOWN OR NOT HEARD</p> <p><input type="checkbox"/> 11 OTHER _____</p>	<p>76 SCARS, MARKS, OR TATTOOS Q32</p> <p><input type="checkbox"/> 01 FACE _____</p> <p><input type="checkbox"/> 02 TEETH _____</p> <p><input type="checkbox"/> 03 NECK _____</p> <p><input checked="" type="checkbox"/> 04 RIGHT ARM <u>ROSE TE AMO JUFITA</u></p> <p><input checked="" type="checkbox"/> 05 LEFT ARM <u>PLUMBET BUNNY</u></p> <p><input checked="" type="checkbox"/> 05 LEFT ARM <u>CALIFORNIA BEAR</u></p> <p><input type="checkbox"/> 06 RIGHT HAND _____</p> <p><input type="checkbox"/> 07 LEFT HAND _____</p> <p><input type="checkbox"/> 08 RIGHT LEG _____</p> <p><input type="checkbox"/> 09 LEFT LEG _____</p> <p><input type="checkbox"/> 10 RIGHT SHOULDER _____</p> <p><input type="checkbox"/> 11 LEFT SHOULDER _____</p> <p><input type="checkbox"/> 12 FRONT TORSO _____</p> <p><input type="checkbox"/> 13 BACK TORSO _____</p> <p><input type="checkbox"/> 14 MISSING FINGERS _____</p> <p><input type="checkbox"/> 15 MISSING LIMBS _____</p> <p><input type="checkbox"/> 16 UNKNOWN _____</p> <p><input type="checkbox"/> 17 OTHER _____</p>	<p>79 FIREARM DETAIL Q35</p> <p><input type="checkbox"/> 01 BLUE STEEL</p> <p><input type="checkbox"/> 02 CHROME / NICKEL</p> <p><input type="checkbox"/> 03 REVOLVER</p> <p><input type="checkbox"/> 04 AUTOMATIC</p> <p><input type="checkbox"/> 05 DERRINGER</p> <p><input type="checkbox"/> 06 PUMP</p> <p><input type="checkbox"/> 07 BOLT ACTION</p> <p><input type="checkbox"/> 08 DOUBLE BARREL</p> <p><input type="checkbox"/> 09 OVER-UNDER</p> <p><input type="checkbox"/> 10 DISGUISED FIREARM</p> <p><input type="checkbox"/> 11 SAWED OFF</p> <p><input type="checkbox"/> 12 ALTERED STOCK</p> <p><input type="checkbox"/> 13 NONE</p> <p><input type="checkbox"/> 14 UNKNOWN</p> <p><input type="checkbox"/> 15 OTHER _____</p>	

- JUVENILES ONLY -

80 FATHER (LAST, FIRST, MIDDLE)	81 OCCUPATION	82 D.O.B.	83 NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	84 DATE	85 TIME
86 RESIDENCE ADDRESS	87 CITY	88 ZIP CODE	89 RES. PHONE ()	90 CELL PHONE ()	
91 BUSINESS ADDRESS	92 CITY	93 ZIP CODE	94 BUS. PHONE ()		
95 MOTHER (LAST, FIRST, MIDDLE)	96 OCCUPATION	97 D.O.B.	98 NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	99 DATE	100 TIME
101 RESIDENCE ADDRESS	102 CITY	103 ZIP CODE	104 RES. PHONE ()	105 CELL PHONE ()	
106 BUSINESS ADDRESS	107 CITY	108 ZIP CODE	109 BUS. PHONE ()		
110 STEP FATHER (LAST, FIRST, MIDDLE)	111 OCCUPATION	112 D.O.B.	113 NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	114 DATE	115 TIME
116 RESIDENCE ADDRESS	117 CITY	118 ZIP CODE	119 RES. PHONE ()	120 CELL. PHONE ()	
121 BUSINESS ADDRESS	122 CITY	123 ZIP CODE	124 BUS. PHONE ()		
125 STEP MOTHER (LAST, FIRST, MIDDLE)	126 OCCUPATION	127 D.O.B.	128 NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	129 DATE	130 TIME
131 RESIDENCE ADDRESS	132 CITY	133 ZIP CODE	134 RES. PHONE ()	135 CELL PHONE ()	
136 BUSINESS ADDRESS	137 CITY	138 ZIP CODE	139 BUS. PHONE ()		
140 LEGAL GUARDIAN (LAST, FIRST, MIDDLE)	141 OCCUPATION	142 D.O.B.	143 NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	144 DATE	145 TIME
146 RESIDENCE ADDRESS	147 CITY	148 ZIP CODE	149 RES. PHONE ()	150 CELL PHONE ()	
151 BUSINESS ADDRESS	152 CITY	153 ZIP CODE	154 BUS. PHONE ()		
155 DISPOSITION: JUVENILE (MUST BE COMPLETED)					
<input type="checkbox"/> RELEASED TO PARENT <input type="checkbox"/> DETAINED JUVENILE HALL-PARENT NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YOUTH SHELTER HOME <input type="checkbox"/> UNABLE TO LOCATE PARENT <input type="checkbox"/> PARENT REFUSED CUSTODY					
156 FOLLOW UP: (MUST BE COMPLETED)					
<input type="checkbox"/> NO FOLLOW UP REQUIRED <input type="checkbox"/> FOLLOW UP REQUIRED <input type="checkbox"/> DIVERSION <input type="checkbox"/> PETITION <input type="checkbox"/> INFORMAL COUNSEL					
157 REPORTING OFFICER / ID NO.	158 DATE	159 APPROVED BY / ID NO.		160 DATE	
N. NGUYEN 1123	041014				

**Tustin Police Department
Narrative Report
CR #14-1902**

Narrative:

On April 10th 2014 at around 0849 hours I responded to the Westchester Park Apartments located at 1602 Nisson Road in reference to a suspicious subject. TPD dispatch advised that Lieutenant Strain was following a male Hispanic with a dark blue hooded sweatshirt near the rear ally of the AA building of the complex. Dispatch advised the subject was possibly armed with a shotgun or rifle. A short time later Dispatch advised me to respond code-3, with lights and sirens. When I arrived on scene Dispatch advised that a caller reported shots fired in the area.

I arrived on scene in the south alley of the complex. I observed Lt. Strain with his handgun drawn next to the T building. I contacted Lt. Strain who said he had fired rounds at a subject who was armed with a shotgun. Lt. Strain said the suspect was last seen running eastbound through the complex from the T building. I requested additional units respond and establish a perimeter around the apartment complex. Lt. Strain gave me a description of the suspect which I relayed to other officers, along with a description of the shotgun.

There was a black hooded sweatshirt on the walkway near the south west corner of the T building. There was a cell phone in the grass near the same walkway. Lt. Strain pointed the objects out to me, and said the suspect had dropped the sweatshirt and the cell phone while fleeing. I cleared the area around the T building, and then secured the area around the discarded items until responding investigators arrived on scene. See attached additional investigative reports for further details.

Officer M. Howard #1071

**TUSTIN
POLICE DEPARTMENT**

ADDITIONAL NAMES
TPD #103A (REV 9/2006)

1 CR# 14-1902

CRIME	2 CODE SECTION OFFICER INVOLVED SHOOTING	3 CRIME	4 REFER OTHER REPORTS
	5 LOCATION 1602 NISSON	6 AREA	

NAME	7 CODE SP	11 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	12 RACE <input checked="" type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH
	[Redacted Name]		

VEH	23 LICENSE #	24 STATE	25 YEAR	26 MAKE	27 MODEL	28 BODY 0 <input type="checkbox"/> UNK 2 <input type="checkbox"/> 4-DR 4 <input type="checkbox"/> P/U 6 <input type="checkbox"/> VAN 8 <input type="checkbox"/> RV 10 <input type="checkbox"/> OTHER STYLE 1 <input type="checkbox"/> 2-DR 3 <input type="checkbox"/> CONV 5 <input type="checkbox"/> TRUCK 7 <input type="checkbox"/> S/W 9 <input type="checkbox"/> M/C
	29 COLOR/COLOR		30 OTHER CHARACTERISTICS			31 DISPOSITION OF VEHICLE

NAME	32 CODE SP	36 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	37 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH
	[Redacted Name]		

VEH	48 LICENSE #	49 STATE	50 YEAR	51 MAKE	52 MODEL	53 BODY 0 <input type="checkbox"/> UNK 2 <input type="checkbox"/> 4-DR 4 <input type="checkbox"/> P/U 6 <input type="checkbox"/> VAN 8 <input type="checkbox"/> RV 10 <input type="checkbox"/> OTHER STYLE 1 <input type="checkbox"/> 2-DR 3 <input type="checkbox"/> CONV 5 <input type="checkbox"/> TRUCK 7 <input type="checkbox"/> S/W 9 <input type="checkbox"/> M/C
	54 COLOR/COLOR		55 OTHER CHARACTERISTICS			56 DISPOSITION OF VEHICLE

NAME	57 CODE SP	61 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	62 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH
	[Redacted Name]		

VEH	73 LICENSE #	74 STATE	75 YEAR	76 MAKE	77 MODEL	78 BODY 0 <input type="checkbox"/> UNK 2 <input type="checkbox"/> 4-DR 4 <input type="checkbox"/> P/U 6 <input type="checkbox"/> VAN 8 <input type="checkbox"/> RV 10 <input type="checkbox"/> OTHER STYLE 1 <input type="checkbox"/> 2-DR 3 <input type="checkbox"/> CONV 5 <input type="checkbox"/> TRUCK 7 <input type="checkbox"/> S/W 9 <input type="checkbox"/> M/C
	79 COLOR/COLOR		80 OTHER CHARACTERISTICS			81 DISPOSITION OF VEHICLE

NAME	82 CODE	83 NAME (LAST, FIRST, MIDDLE)	84 OCCUPATION	85 D.O.B.	86 SEX <input type="checkbox"/> M <input type="checkbox"/> F	87 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH	88 RES. PHONE ()	89 HT:
	88 RESIDENCE ADDRESS		89 CITY	STATE	ZIP CODE	90 BUS. PHONE ()		91 WT:
	92 BUSINESS NAME & ADDRESS		93 CITY	STATE	ZIP CODE	94 BUS. PHONE ()		95 WT:
	96 EMAIL						97 CELL PHONE ()	

VEH	98 LICENSE #	99 STATE	100 YEAR	101 MAKE	102 MODEL	103 BODY 0 <input type="checkbox"/> UNK 2 <input type="checkbox"/> 4-DR 4 <input type="checkbox"/> P/U 6 <input type="checkbox"/> VAN 8 <input type="checkbox"/> RV 10 <input type="checkbox"/> OTHER STYLE 1 <input type="checkbox"/> 2-DR 3 <input type="checkbox"/> CONV 5 <input type="checkbox"/> TRUCK 7 <input type="checkbox"/> S/W 9 <input type="checkbox"/> M/C
	104 COLOR/COLOR		105 OTHER CHARACTERISTICS			106 DISPOSITION OF VEHICLE

NAME	107 CODE	108 NAME (LAST, FIRST, MIDDLE)	109 OCCUPATION	110 D.O.B.	111 SEX <input type="checkbox"/> M <input type="checkbox"/> F	112 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH	115 RES. PHONE ()	116 HT:
	113 RESIDENCE ADDRESS		114 CITY	STATE	ZIP CODE	119 BUS. PHONE ()		120 WT:
	117 BUSINESS NAME & ADDRESS		118 CITY	STATE	ZIP CODE	122 CELL PHONE ()		
	121 EMAIL							

VEH	123 LICENSE #	124 STATE	125 YEAR	126 MAKE	127 MODEL	128 BODY 0 <input type="checkbox"/> UNK 2 <input type="checkbox"/> 4-DR 4 <input type="checkbox"/> P/U 6 <input type="checkbox"/> VAN 8 <input type="checkbox"/> RV 10 <input type="checkbox"/> OTHER STYLE 1 <input type="checkbox"/> 2-DR 3 <input type="checkbox"/> CONV 5 <input type="checkbox"/> TRUCK 7 <input type="checkbox"/> S/W 9 <input type="checkbox"/> M/C
	129 COLOR/COLOR		130 OTHER CHARACTERISTICS			131 DISPOSITION OF VEHICLE

132 REPORTING OFFICER / ID NO Handacre #692	133 DATE 04/11/14	134 APPROVED BY / ID NO [Signature] #1092	135 DATE 04/11/14
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VICTIM(S) / WITNESS / RP / SUBJECTS

TUSTIN POLICE DEPARTMENT
INVESTIGATIVE NARRATIVE

CR 14-1902

Page 1

INVESTIGATIVE NARRATIVE:

I am a Detective with the Tustin Police Department assigned to the Major Crimes Unit within the General Investigations Detail. This case involves an Officer involved shooting investigation that occurred on 04/10/14 at approx. 0849 hours.

I was at my desk at the time the call came out and responded to 1602 Nisson to assist. When I arrived, Sgt. Pickney requested I set up crime scene tape to keep the area free from residents and spectators. I set up the yellow tape in the center around the playground area and near the X building. I also set up the yellow tape in the south alley which is on the south side of building X. The upstairs apartments have windows that face out into the alley where there is resident vehicle parking. Sgt. Pickney requested I remain at the scene until it could be processed.

Within the crime scene was a black cell phone that was continually playing music. The phone was face down on the grass in the area where the 2 shirts and bolt cutters were located. At approx. 1000 hours, I was advised by Sgt. Pickney to have CSI process the phone and then give the phone to Det. Nguyen so she could continue to process the phone to determine who the owner was.

I contacted PSO Kenan and escorted her to the scene as the suspect had still not been located. I stood by while PSO Kenan photographed the phone, dusted the clear front plastic face for possible finger prints and swabbed the case for DNA. Once she was completed with that, she turned the phone over to me. At approx. 1020 hours, I drove the phone over to the command post at the corner of Redhill and Nisson and handed over the phone to Det. Nguyen. Sgt. Pickney remained at the crime scene while I was gone.

The crime scene was later processed and evidence was removed. At approx. 1700 hours, I began to make contact with residents who live in the vicinity of where the shooting occurred. Below is a synopsis of the contacts I made.

██████████ ██████████ ██████████:

This contact was not taped as ██████████ could not provide me with any observable information. ██████████ advised me he left for work at about 0530 this morning and walked to ██████████ where he works. ██████████ worked until about 1530 hours and then returned home. ██████████ stated he saw all of the police and command vehicles in the parking lot of the grocery store but wasn't at his apartment when the shooting occurred.

██████████ told me his mom's boyfriend, possible name of ██████████, was home when the shooting occurred. ██████████ said ██████████ was home at the time and thought he had possibly called the police. ██████████ said ██████████ wasn't home and he didn't have his cell phone number so that I could contact him later. I gave ██████████ my business card and requested ██████████ contact me later so that I could obtain his statement. At the time of this report, I have not received a call from ██████████.

Detective P. Hardacre #692
04/11/2014

Approved



TUSTIN POLICE DEPARTMENT
INVESTIGATIVE NARRATIVE

CR 14-1902

Page 2

RESIDENTS AT APARTMENT [REDACTED]

There was no answer and I left my business card on the door requesting they contact me. At the time of this report, I have not received a phone call from any resident at [REDACTED]

[REDACTED]:

[REDACTED] told me she had been home all day and inside her apartment. [REDACTED] said she was sitting on her couch and was already awake this morning at approx. 0845 hours. [REDACTED] told me she was on the couch in the living room and heard some "shots fired". [REDACTED] said she "peeked" through the window and saw a male in an "orange shirt" that she thought was a Police Officer. [REDACTED] said he was "yelling" and was running towards the laundry room. [REDACTED] thought he was yelling something like "Stop" but wasn't sure.

[REDACTED] thought she heard 3-4 shots but thought it sounded more like "firework type" and didn't think they sounded like actual gun shots. [REDACTED] said she imagined actual gun shots sounding "stronger". I asked [REDACTED] if she saw any badges and she said no.

I asked [REDACTED] what made her think he was a Police Officer and she said she heard him "yelling at the guy" but said she never heard him say he was a Police Officer. [REDACTED] said her downstairs neighbor (possibly [REDACTED]) ran outside and looked around. [REDACTED] said the guy in the yellow shirt told her neighbor to call 9-1-1. [REDACTED] said her neighbor said, "Oh, the Police Officers just told me to call 9-1-1" to some of the maintenance workers who were now walking towards them.

I asked [REDACTED] if she heard anything prior to hearing the shots and she said she wasn't sure if it was an argument but did hear people talking downstairs ([REDACTED] lives on the second floor). [REDACTED] wasn't sure what they were saying and thought it was just people walking by. [REDACTED] then heard the gun shots and stood up. I asked [REDACTED] if the Police officer could have been yelling at the guy and she said yes. [REDACTED] said, "I definitely heard yelling". [REDACTED] said she heard male voices only then heard the shots.

[REDACTED] said when she looked out she saw "the last guy" who she thought was the Police Officer run around the corner and out of sight. [REDACTED] later saw the saw male talking to Police Officers while they were putting cones out and thought he was the Police Officer. At that point, I concluded my interview with [REDACTED] and left.

RESIDENTS AT APARTMENT [REDACTED]

There was no answer and I left my business card on the door requesting they contact me. At the time of this report, I have not received a phone call from any resident at [REDACTED]

Detective P. Hardacre #692
04/11/2014

Approved  #1092

TUSTIN POLICE DEPARTMENT
INVESTIGATIVE NARRATIVE

CR 14-1902

Page 3

██████████ ██████████:

██████████ told me he works graveyards as a nurse at ██████████ care facility. ██████████ returned home this morning at approx. 0800 from work. ██████████ said he then took his son to school and dropped off his wife at work. ██████████ returned home at approx. 1000 and found the entire area had been closed down. ██████████ told me he did not hear or see anything and was not home when the shooting occurred. At that point, I concluded my interview with ██████████.

Detective P. Hardacre #692
04/11/2014

Approved  #1092

**TUSTIN POLICE DEPARTMENT
SUPPLEMENTAL INVESTIGATION REPORT
CR #14-01902
Detective N. Nguyen #1123**

I am currently employed as a sworn peace officer for the Tustin Police Department and am assigned to the Tustin Police Department's General Investigation - Major Crimes Unit. I am the assigned investigator for CR #14-01902.

Response

On Thursday, 04/10/2014, at approximately 0849 hours, I was working a plain clothes investigative detail for the City of Tustin. Sergeant Birozy notified me a shooting had just occurred. I retrieved my duty equipment and responded toward the area of the Westchester Park Apartments located at 1602 Nisson Road in the City of Tustin. Upon my arrival, I immediately contacted Traffic Sergeant B. Greene who was maintaining a perimeter security position on Nisson Road near the northwest corner of the Westchester Park Apartment complex. Traffic Sergeant Greene requested I proceed to Mitchell Avenue and take a perimeter position midway between Red Hill Avenue and [REDACTED] ing Avenue. I proceeded to the area of Mitchell Avenue between the east alley of the Tustin Imperial Apartments and the west alley of Mission Plaza. I maintained this position until I was relieved by two deputies from the Orange County Sheriff's Department.

Suspect Cellular Phone Extraction – Samsung SCH – R360 Free Form 2

After being relieved by OCSD deputies, I proceeded to the front parking lot of the Stater Bros. Supermarket located at (14171 Red Hill Avenue, Tustin, CA 92780) and checked in at the Tustin PD Command Post. At approximately 1020 hours, Detective Hardacre met with me at the Command Post and released the following item into my custody:

- **(1) Black Samsung SCH-R360 Free Form 2 cellular phone (MEID: 268435460108962937, MDN: 9495449265)**

The Samsung cellular phone had been collected from 1602 Nisson Road, as part of the property the suspect discarded as he fled the scene on foot. When I received the Samsung cellular phone from Detective Hardacre, it was packaged within an unmarked, [REDACTED] paper bag and I noticed music was continuously playing from the cellular phone. I transported the Samsung cellular phone back to the Tustin Police Department and completed a forensic data extraction which resulted in the collection of the following supported data:

- Contacts
- SMS – Text Messages
- Call Logs
- Images

During a review of the contacts, I noted the following data of interest:

- [REDACTED]

**TUSTIN POLICE DEPARTMENT
SUPPLEMENTAL INVESTIGATION REPORT
CR #14-01902
Detective N. Nguyen #1123**

- o This phone number was later confirmed to be the phone number belonging to Henry Cardenas' mother, [REDACTED]

- [REDACTED]

- o This phone number was later determined to be registered to [REDACTED]

During a review of the SMS text messages, I noted the following data of interest:

18	[REDACTED]	[REDACTED]	02/23/12 01:47:26	Read	Inbox	Phone	Incoming	(1/2) You know I always got you. I got a lot of love for you henry. Don't forget that. You'll always have a true friend in me. But you have to understand how hu
75	[REDACTED]	N/A	03/28/14 17:49:20	Read	Inbox	Phone	Incoming	Hi henry I can't leave a voicemail this is [REDACTED] at [REDACTED] case please call me back
109	[REDACTED]	* [REDACTED]	03/30/14 19:42:02	Read	Inbox	Phone	Incoming	Henry her phone number is [REDACTED]
183	[REDACTED]	* [REDACTED]	04/04/14 00:31:44	Read	Inbox	Phone	Incoming	Henry
192	[REDACTED]	* [REDACTED]	04/06/14 17:40:03	Sent	Outbox	Phone	Outgoing	Onde esta mi dad apa???
197	[REDACTED]	* [REDACTED]	04/07/14 02:49:22	Sent	Outbox	Phone	Outgoing	Ama
198	[REDACTED]	* [REDACTED]	04/07/14 15:40:10	Sent	Outbox	Phone	Outgoing	[REDACTED] sorry i missed your call last night. What was it about ???
220	[REDACTED]	N/A	04/08/14 14:11:58	Sent	Outbox	Phone	Outgoing	Baby my phone died
232	[REDACTED]	N/A	04/08/14 15:42:10	Sent	Outbox	Phone	Outgoing	Y baby
233	[REDACTED]	N/A	04/08/14 16:20:36	Sent	Outbox	Phone	Outgoing	Wassup baby???
238	[REDACTED]	N/A	04/08/14 17:39:20	Sent	Outbox	Phone	Outgoing	Haha baby im your fat man
243	[REDACTED]	N/A	04/08/14 20:42:18	Sent	Outbox	Phone	Outgoing	Baby
249	[REDACTED]	N/A	04/09/14 11:00:42	Unsent	Drafts	Phone	Outgoing	Que ases bby?

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268	██████████	N/A	04/09/14 23:04:30	Read	Inbox	Phone	Incoming	Are u ok?
269	██████████	N/A	04/09/14 23:04:42	Sent	Outbox	Phone	Outgoing	Yea
270	██████████	N/A	04/09/14 23:35:33	Read	Inbox	Phone	Incoming	Hey henry?
271	██████████	N/A	04/10/14 04:39:29	Sent	Outbox	Phone	Outgoing	Baby <3

- o I noticed the incoming text messages referred to the phone's owner as "Henry" and the outgoing text messages referred to the person using the ██████████ as the phone owner's "baby", possibly a girlfriend.

I relayed my findings to Officer B. Stroud and he told me he had numerous prior contacts with a male subject by the name of "Henry Herrera" (referred to in my report as Henry Cardenas). I recalled Officer Stroud's recent contact with Cardenas because Cardenas had fled from Officer Stroud, on foot, and I responded to the area to assist in an attempt to locate Cardenas.

Photographic Lineup

I obtained a DMV photograph of Henry Justin Herrera Cardenas (DOB: ██████████) and Officer Stroud positively identified him as "Henry Herrera". At approximately 1130 hours, I requested Lieutenant J. Strain read a photographic lineup advisement from my department-issued Photo Lineup form. I then explained the advisement to Lt. Strain and he signed the form indicating he understood the advisement. I showed Lt. Strain photograph #1 through 6 in numerical order. After looking at photograph #6, Lt. Strain circled photograph #5 (Henry Cardenas' booking photograph) and identified the subject in the photograph as the suspect who he saw in possession of the firearm earlier this morning.

I relayed this information to Tustin PD Command Staff who then directed a search for Cardenas in the area bordered by Nissan Road on the north, ██████████ing Avenue on the east, Mitchell Avenue on the south, and Red Hill Avenue on the west. I later released the photographic lineup to Sergeant M. Arzate and requested he book the document into a Tustin PD Property locker as evidence. I attached a copy of the photographic lineup to this report for reference.

On Thursday, 04/10/2014, at approximately 1327 hours, members of the SWAT team located Cardenas in the Tustin Imperial Townhomes (██████████) and detained him for an in-field line up. At approximately 1341 hours, Detective B. Miali transported Lt. Strain to the area of 1777 Mitchell Avenue and completed an in-field line up. Lt. Strain positively identified Cardenas as the suspect who he saw in possession of a firearm earlier in the morning. (See Detective Miali's supplemental report for further details.)

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Victim Statements – John Strain

On Thursday, 04/10/2014, at approximately 1414 hours, I proceeded to the Tustin PD upper level unsecured interview room and completed an interview of Lt. Strain. Also present during the interview were Detective B. Miali and Lt. Strain's attorney. The following is a summary of Lt. Strain's voluntary statements to me:

Lt. Strain was currently assigned to the Tustin Police Department's Special Operations Unit and has been employed as a police officer for approximately 23 years. Lt. Strain drove his personal vehicle to work this morning and was wearing the same clothing he was presently wearing (a yellow short-sleeved t-shirt, shorts, and shoes). Lt. Strain exited the I-5 freeway northbound onto Red Hill Avenue and entered the right turn lane of the off ramp, in the #1 position. As Lt. Strain approached the intersection of the off ramp at Red Hill Avenue, he saw a male suspect walk southbound across the pedestrian crosswalk located directly in front of his vehicle.

Lt. Strain described the suspect as a male Hispanic, approximately 5'9", wearing a royal blue shirt, plaid colored shorts, and a "trucker-style" hat with possible black netting in the back, a black brim, with a white front. Lt. Strain's attention was drawn to the suspect because the suspect appeared to be holding a firearm in his left hand with a black sweatshirt or other piece of clothing covering the firearm. Lt. Strain "distinctively saw a barrel" and a "sight post". Lt. Strain initially thought the firearm was a shotgun, but once he saw the "sight post", he recognized it as being similar to the sight posts mounted to Tustin PD's patrol rifles.

The suspect continued walking passed Lt. Strain's vehicle, in a southbound direction. The suspect did not look at Lt. Strain, but instead had a "thousand yard stare". The suspect looked "intent" and was walking at a "brisk pace". Lt. Strain told me it was approximately 0830 hours and there were a lot of people and traffic in the area. Lt. Strain could not believe what he had just seen and started to reach for his cellular phone but he wanted to take another look to make sure the item he saw actually was a shotgun or rifle. Lt. Strain felt he needed to provide accurate information to responding officers due to recent officer involved shootings within the city.

Lt. Strain was unable to safely follow the suspect from his lane position so he made a right turn onto northbound Red Hill Avenue in order to make a u-turn, southbound onto Red Hill Avenue. Due to the high volume of traffic, it took Lt. Strain approximately "a minute" to execute the u-turn. As Lt. Strain completed his u-turn, he again gained visual contact with the suspect who was now preparing to cross through the pedestrian crosswalk located at the I-5 southbound onramp from Red Hill Avenue.

Lt. Strain drove passed the suspect and momentarily lost sight of him. When Lt. Strain regained visual contact with the suspect, he saw the suspect walking through the Taco Bell Parking lot (14042 Red Hill Avenue, Tustin, CA 92780). The suspect crossed from the northeast corner of Red Hill Avenue and Nissan Road to the southeast corner of

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Red Hill Avenue and Nissan Road. The suspect was still walking in a "direct manner" as he crossed the street. Lt. Strain made a left turn from southbound Red Hill Avenue toward eastbound Nissan Road and followed the suspect as he walked into the west carport area of the Westchester Park Apartment complex.

Lt. Strain drove passed the suspect and verified the object the suspect was holding was "100%" a firearm and continued driving passed the suspect. Lt. Strain glanced at the suspect who still did not appear to notice Lt. Strain was looking at him. Lt. Strain made a left turn into the south carport area of the Westchester park apartments and used his cellular phone to call directly to Tustin PD Dispatch. Lt. Strain spoke to Dispatcher E. Nelson and advised he saw a suspect with a gun and needed assistance because he was going to follow the suspect until additional units arrived on scene. Lt. Strain was very concerned about the high caliber-type of weapon ("long gun" or "shotgun") he thought the suspect had in his possession.

Lt. Strain threw his cellular phone down inside his vehicle, but did not disconnect the line. Lt. Strain said he purposely did not disconnect the line because he did not know if there would be a confrontation near his vehicle or not. Lt. Strain retrieved his off-duty firearm (a "Smith & Wesson 9mm M&P compact"), his "flat badge", exited his vehicle, and walked in a northwest direction toward the area where he had last seen the suspect enter into the apartment complex, leaving his vehicle's engine running and the driver's door open. As Lt. Strain turned from the south carport area to the west carport area, he observed a black female subject loading items into her vehicle. Lt. Strain identified himself as a police officer and told the woman to get into her car and leave the area.

Lt. Strain placed his gun in the front pocket of his shorts and regained visual of the suspect who was approximately 40-50 yards ahead of Lt. Strain. The suspect was walking intently and directly and did not see Lt. Strain. Lt. Strain continued to follow the suspect along the walkway which led through the middle of the apartment complex. Lt. Strain started to jog toward the suspect in order to close the distance between himself and the suspect. As the suspect approached the end of the walkway, Lt. Strain noticed there was a playground nearby but there were no children in or near the playground. Lt. Strain heard voices of people within the complex but did not see anyone standing or walking nearby.

When Lt. Strain heard the faint sound of sirens approaching, he decided to confront the suspect. Lt. Strain was approximately 10-15 yards from the suspect at this point and drew his firearm. Lt. Strain held his firearm in his right hand while he displayed his badge in his left hand. Lt. Strain gave an order to the effect of, "Tustin Police Department. Stop what you're doing. Drop what's in your hands." In response, the suspect slowed his pace of walking and turned to his left. As the suspect did so, Lt. Strain saw the "muzzle of the gun" pointing in a northbound direction and fired "2-3 rounds, rapid succession" toward the suspect's upper torso. Lt. Strain discharged his firearm because had the suspect completed his turn, the muzzle of the suspect's firearm would have been pointed directly at him and he felt the suspect was going to shoot him.

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Lt. Strain thought the suspect sustained an injury to his right shoulder because there was a momentary pause after Lt. Strain discharged his firearm. The suspect then began to turn and pivot toward his right and Lt. Strain again saw the muzzle of the suspect's gun and thought the suspect was going to turn and shoot at him from the right side. Lt. Strain discharged two to three more rounds at the suspect and in response, the suspect ran southbound toward the apartment complex's south alleyway.

Lt. Strain ran toward the suspect's direction and "took a position of cover" near a building where he had last seen the suspect. Lt. Strain saw a black "import-type" vehicle parked nearby and he slowly cleared the area, believing the suspect was "lying in wait" and would engage him in gunfire at any moment. After clearing the area, Lt. Strain noticed a black jacket lying on the ground next to the black "import-type" vehicle. Lt. Strain recognized the jacket to be the same jacket the suspect had been carrying to conceal his firearm. Lt. Strain also heard the sound of music playing near an adjacent dumpster and believed the music was coming from the suspect's location. Lt. Strain heard the sound of police sirens getting closer and closer, so he proceeded to clear the carport area and the direction he believed the suspect had run.

When Lt. Strain saw the source of the music (a cellular phone lying on the ground) he determined the suspect likely ran in an eastbound direction from the location of the jacket and the cellular phone. Lt. Strain did not attempt to follow the suspect any further because he did not have any source of radio communication and he was without his body armor and cellular phone. Lt. Strain heard the sound of police sirens getting closer and he crossed the south alleyway and took cover behind a vehicle. At that moment, Lt. Strain saw a male black subject appear and instructed the subject to call the police to notify them of a shooting which had just occurred. Lt. Strain then maintained a visual observation, eastbound, toward the direction of the suspect's escape.

While waiting in the south alleyway, Lt. Strain heard the sound of a police vehicle (Dodge Charger) approach. Officer M. Howard exited his vehicle with his patrol rifle deployed. Officer Howard asked Lt. Strain what happened and Lt. Strain advised he had just been involved in a shooting and may have injured the suspect who possibly ran eastbound toward the apartment complex's rear "greenbelt". Lt. Strain entered Officer Howard's patrol vehicle and utilized the vehicle's radio to broadcast a message advising he had just been involved in a shooting. Lt. Strain broadcast the suspect's description and waited for additional police personnel to arrive. Lt. Strain was subsequently escorted to the Tustin Police Command Post and then to the Tustin Police Department.

Lt. Strain told me he was in fear for his safety, the safety of members of the community, and felt he needed to act immediately to ensure the suspect did not hurt anyone with the firearm he was holding. Lt. Strain also considered his backdrop when he discharged his firearm and closed his distance to ensure stray rounds would not strike any bystanders.

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I recorded Lt. Strain's statements using my department issued digital audio recorder and later uploaded the audio file into the Tustin PD server as evidence. (*PUMA Job #: 1988*)

Suspect Statements – Henry Justin Herrera Cardenas (AKA: Henry Herrera)

On Thursday, 04/10/2014, at approximately 1549 hours, Gang Unit Detective R. Sandoval and I proceeded to the Tustin PD secured interview room to speak with Cardenas. I read Cardenas his Miranda Rights per my department-issued Miranda Warning card. Cardenas answered, "Yes," to each part of the advisement indicating he understood his rights. The following is a summary of his statements to me under implied waiver:

Cardenas borrowed a pair of bolt cutters from his mother "a couple of days ago". He was going to lend the bolt cutters to his friend, [REDACTED] who lived on "north Nisson" so he stashed the bolt cutters in a bush located near the main driveway of "Creekside...Apartments" off of El Camino Real (otherwise known as the area of 13921 Tustin East Drive, Tustin, CA 92780) so his friend could come by and pick them up. (It should be noted the location of where Cardenas said he stashed the bolt cutters was in the opposite direction of where he stated his friend lived.) Cardenas' told me his friend ended up not borrowing the bolt cutters, so at approximately 0900 hours this morning, Cardenas retrieved the bolt cutters from the bushes so he could return them to his mother's garage.

Cardenas started walking southbound Red Hill Avenue and passed the Taco Bell located on the northeast corner of Nisson Road and Red Hill Avenue. Cardenas was holding his black Nike jacket and the pair of bolt cutters in his right hand. The bolt cutters were approximately 1.5'-2' in length, red in the middle with black handles, with a black metal cutting tip. Cardenas had the black jacket covering the bolt cutters because he did not want to get in trouble for walking around with a pair of bolt cutters. I asked Cardenas if I would have been able to walk up to him and recognize the bolt cutters as being what they were and he said I probably would not have been able to recognize them as being bolt cutters.

Cardenas crossed the street from Taco Bell, southbound toward the west alley of the Westchester Park Apartments, and made a left turn down a walkway which extended through the middle of the apartment complex. As Cardenas was walking, he had headphones inserted into both ears and was listening to music from his cellular phone. Cardenas told me his music was not that loud, because he heard a male subject yell something to the effect of, "Hey!" When Cardenas turned to look, he saw a male subject pointing a handgun at him. The subject was a male white wearing a yellow t-shirt and holding a black handgun in his right hand with the subject's left hand being used as the support hand. Cardenas told me he was wearing a blue shirt with a grey t-shirt on underneath, black jogging pants, black and white shoes, and a black and white baseball cap.

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The male subject shot at Cardenas, but because everything happened so quickly, Cardenas did not know how many shots were fired, but remembered hearing a, "pop, pop, pop". Cardenas told me he just started running and did not know the male subject was a police officer. Cardenas ran toward the rear of the apartment complex and as soon as he turned the corner of the laundry room (which was occupied by an unknown female subject), he bumped into a wall, causing him to drop the black Nike jacket, the grey shirt, and the black and red bolt cutters onto the ground. The items landed near a dumpster located toward the rear of the apartment complex. Cardenas did not immediately realize he had dropped his cellular phone but he did notice once he realized the headphones he was wearing were still in his ears but his cellphone was no longer connected to them. Cardenas described his cellphone as a black Samsung, unknown model with a phone number starting with "949-544-XXXX".

When Cardenas reached the grassy area located to the rear of the Westchester Park Apartment complex, he jumped the perimeter wall over into his mother's apartment complex [REDACTED]. Because the wall had grease on the top of it, he went to the Tustin Imperial Townhomes' pool (1777 Mitchell Avenue, Tustin, CA 92780) to wash his hands off. Cardenas wiped his hands off on his blue shirt and discarded the blue shirt in a nearby dumpster.

Cardenas then crossed Mitchell Avenue and hid in some bushes which were located in the front of the Tustin Place Condominiums (1722 Mitchell Avenue, Tustin, CA 92780). Cardenas hid in the bush for a "couple of hours" and fell asleep. When he woke up, he asked a male juvenile who was passing by if he could borrow the juvenile's cellular phone. The juvenile was a random person who Cardenas described as wearing "burgundy sweats" and an unknown type/color shirt. Cardenas used the juvenile's cellular phone to call his mother who told him she was at the Stater Bros. supermarket with the police. Cardenas' mother urged him to turn himself into the police. After using the juvenile's cellular phone, Cardenas asked the juvenile to go and summon [REDACTED] brother. When Cardenas emerged from the bushes, he saw two officers holding rifles and surrendered to them.

Cardenas told me he was never in possession of a "gun" and he ran after the shooting because he did not know who the person who was shooting at him was. Even though Cardenas claimed a male subject wearing a yellow t-shirt shot at him, he did not report the incident to any of the dozens of uniformed police officers who occupied the area for the next several hours and he did not use the juvenile's cellular phone to call the police, instead he called his mother. When confronted about why Cardenas never contacted the police (who were openly assessable to him) he stated he simply intended on moving out of the area and did not intend on prosecuting the subject who shot at him. Cardenas also told me he thought the police officers were looking for the male subject who shot at him and the reason he was hiding in the bushes was because he just wanted to "chill".

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I questioned Cardenas about his documented gang ties. He stated he used to be a member of the Tiny Rascals Gang (TRG) but he has since dropped out of the gang and does not associate himself with them anymore. Cardenas told me the Playboy Bunny tattoo on the inner surface of his right wrist stood for TRG and that he regretted having the emblem tattooed onto his body. Cardenas told me while he was on the streets of "Standard (and Bishop in the City of Santa Ana)" approximately 1-1.5 years ago, he started hanging out with members of TRG and was subsequently "jumped in" by five members of the gang. Cardenas' moniker at the time was, "Haiku".

I recorded Cardenas' statements using my department-issued digital audio recorder and the Tustin Police Department's internal audio/video recorder. I later uploaded the files into the TPD server as evidence. (**PUMA Job #: 1989, MAVS ID #: 182137**)

I relayed the information regarding the discarded blue shirt to Detective Haug and requested he attempt to locate it, however, after a search of the area, Detective Haug advised me he was unable to locate it.

I photographed Cardenas' overall appearance and noted the clothing he was wearing at the time of his arrest: a grey short-sleeved t-shirt, black jogging-style pants, and black and white sneakers (see attached photograph). I also collected a pair of white headphones and a black and white baseball-type hat with blue detailing on the back from Cardenas' property. Sergeant M. Arzate later assisted me in booking Cardenas' hat, headphones, and cellular phone as evidence. Officer Carter later transported Cardenas to the Orange County jail where he was booked for violations of : CPC 148(a)(1) and CPC 417(a)(1) – Brandishing a Weapon.

On Thursday, 04/10/2014, Detective B. Poling released the following item to me:

- **(1) black Smith & Wesson M&P 9c 9mm handgun**

I later booked the item into a Tustin PD Property locker as evidence.

On Friday, 04/11/2014, Sergeant M. Arzate notified me the following burglary reports had been taken from the area of Tustin East Drive. The area of Tustin East Drive in the City of Tustin is bordered on the north by San Juan Street and on the south by El Camino Real. Tustin East drive is lined by high density apartment complexes and was the area Cardenas stated he had been coming from prior to the shooting. The date and times of occurrences were also within or close to the time Cardenas admitted he had been in the area.

- **Tustin PD CR #14-01913**
 - o Type: Residential Burglary (PC 459)
 - o Location: [REDACTED]
 - o Date/Time of Crime: 04/09/2014 at 2300 hours – 04/10/2014 at 1000 hours

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- MOE: Lock cut from carport storage unit
- Loss: microwave, CD player, cleats, wooden bat, baseball glove (approximate value: \$100.00)

- Tustin PD CR #14-01901

- Type: Residential Burglary (PC 459)
- Location: [REDACTED]
- Date/Time of Crime: 04/09/2014 at 1800 hours – 04/10/2014 at 0545 hours
- MOE: Lock cut from carport storage unit
- Loss: Unknown

On Friday, 04/11/2014, at approximately 1237 hours, Sergeant Arzate and I proceeded to 1602 Nisson Road and conducted a walkthrough of the area. I attempted to contact the resident(s) in unit [REDACTED] per Detective T. Lomeli's request, however, there was no answer at the front door. Detective Lomeli had attempted to contact the residents of this unit on yesterday's date, however, they were not home at that time either.

I attached both burglary reports and Officer Stroud's 03/28/2014 PC 148(a)(1) report involving Henry Cardenas for reference.

I request a copy of this report be forwarded to the Orange County District Attorney's Office for review and the following charges be filed against:

- Henry Justin Herrera Cardenas (DOB: [REDACTED])
 - CPC 148(a)(1) – Resisting/Obstructing a Police Officer
 - CPC 417(a)(1) – Brandishing a Weapon (bolt cutters)

Case Status: Adult Arrest

PROPERTY REPORT

PAGE

TUSTIN
POLICE DEPARTMENT

1 OR# 14-1902
2 REFER OTHER REPORTS

ORIG
 SUPP

SOURCE CODE: "F"=FINDER "O"=OWNER "S"=SUSPECT "V"=VICTIM "W"=WITNESS

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) S CADENAS, HENRY HERFRA

SEARCHED INDEXED SERIALIZED FILED
SEARCH WARRANT FINDER'S CLAIM
INDEXED INDEXED INDEXED INDEXED

ITEM NO. 1
3 TYPE E
4 QTY 1
5 ARTICLE PHOTO LINE UP
6 BRAND -
7 MODEL -
8 SERIAL NO./OAN -
9 VALUE -
10 COLOR(S) WHI/VARIES
11 DESCRIPTION (VIEWED BY JOHN STANTN) PHOTO LINE-UP OF CADENAS, HENRY HERFRA
GUN TYPE Pistol Shotgun Other
 Rifle Combo
CATEGORY Auto Pump Revolver
 Semi Auto Over / Under Other
CALIBER: BARREL LENGTH:
12 PREMISE / AREA / ROOM TAKEN FROM TPD
13 SOURCE: N/A
14 CURRENT LOCATION L-22
15 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO. 2
16 TYPE E
17 QTY 1
18 ARTICLE CELL PHONE
19 BRAND SAMSUNG
20 MODEL SCH-R360
21 SERIAL NO./OAN MF10 PLS - A00002988C379
22 VALUE -
23 COLOR(S) BLACK
24 DESCRIPTION
GUN TYPE Pistol Shotgun Other
 Rifle Combo
CATEGORY Auto Pump Revolver
 Semi Auto Over / Under Other
CALIBER: BARREL LENGTH:
25 PREMISE / AREA / ROOM TAKEN FROM 1602 NISSON
26 SOURCE: S
27 CURRENT LOCATION L-22
28 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO. 3
29 TYPE E
30 QTY 1
31 ARTICLE CD
32 BRAND -
33 MODEL -
34 SERIAL NO./OAN -
35 VALUE -
36 COLOR(S) SILVER
37 DESCRIPTION FORENSIC ANALYSIS OF "S" PHONE
GUN TYPE Pistol Shotgun Other
 Rifle Combo
CATEGORY Auto Pump Revolver
 Semi Auto Over / Under Other
CALIBER: BARREL LENGTH:
38 PREMISE / AREA / ROOM TAKEN FROM TPD
39 SOURCE: N/A
40 CURRENT LOCATION L-22
41 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO. 4
42 TYPE E
43 QTY 1
44 ARTICLE HAT
45 BRAND "W"
46 MODEL "SNAPBACK"
47 SERIAL NO./OAN -
48 VALUE -
49 COLOR(S) GRAY/BLUE/WHITE
50 DESCRIPTION HAT WORN BY "S"
GUN TYPE Pistol Shotgun Other
 Rifle Combo
CATEGORY Auto Pump Revolver
 Semi Auto Over / Under Other
CALIBER: BARREL LENGTH:
51 PREMISE / AREA / ROOM TAKEN FROM 1777 MITCHELL
52 SOURCE: S
53 CURRENT LOCATION L-22
54 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO. 5
55 TYPE E
56 QTY 1
57 ARTICLE HEADPHONES
58 BRAND JVC
59 MODEL -
60 SERIAL NO./OAN -
61 VALUE -
62 COLOR(S) WHITE
63 DESCRIPTION WORN BY SUSPECT
GUN TYPE Pistol Shotgun Other
 Rifle Combo
CATEGORY Auto Pump Revolver
 Semi Auto Over / Under Other
CALIBER: BARREL LENGTH:
64 PREMISE / AREA / ROOM TAKEN FROM 1777 MITCHELL
65 SOURCE: S
66 CURRENT LOCATION L-22
67 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ALL SERIALIZED ITEMS (WITH THE EXCEPTION OF ITEMS FOR IMMEDIATE DESTRUCTION) MUST BE ENTERED INTO DO
COMMENTS
(BOOKED BY ARZATE #1092)

PROPERTY RELEASED BY APPOINTMENT ONLY: Please refer to the back of your property receipt for property release information and instructions.
OFFICER'S NAME NEYEN ID NUMBER 1123 DATE 09/11/14 SIGNATURE FOR RECEIPT RECEIPT MAILED REFUSED PG OF

PROPERTY REPORT

TUSTIN
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ORIG
 SUPP

1 CR# 14-1902
2 REFER OTHER REPORTS

SOURCE CODE: "F"-FINDER "O"-OWNER "S"-SUSPECT "V"-VICTIM "W"-WITNESS

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) S CARDENAS, HENRY
SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)

SEARCHED INDEXED SERIALIZED FILED
MAY 11 2014
TUSTIN POLICE DEPARTMENT

ITEM NO. 1
3 TYPE E 4 QTY 1 5 ARTICLE GUN 6 BRAND SMITH & WESSON 7 MODEL M&P 9C 8 SERIAL NO./OAN HPN0246 9 VALUE
10 COLOR(S) BLACK 11 DESCRIPTION SEMI-AUTO
GUN TYPE Pistol Shotgun Other Rifle Combo CATEGORY Auto Pump Revolver Semi Auto Over / Under Other CALIBER: BARREL LENGTH:
12 PREMISE / AREA / ROOM TAKEN FROM 13 SOURCE: 14 CURRENT LOCATION LIO 15 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO. 2
16 TYPE E 17 QTY 1 18 ARTICLE HOLSTER 19 BRAND BLACKHAWK 20 MODEL 21 SERIAL NO./OAN 22 VALUE
23 COLOR(S) BLACK 24 DESCRIPTION SOFT CASE HOLSTER
GUN TYPE Pistol Shotgun Other Rifle Combo CATEGORY Auto Pump Revolver Semi Auto Over / Under Other CALIBER: BARREL LENGTH:
25 PREMISE / AREA / ROOM TAKEN FROM 26 SOURCE: 27 CURRENT LOCATION LIO 28 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO. 3
29 TYPE E 30 QTY 13 31 ARTICLE 9MM. 32 BRAND 33 MODEL 34 SERIAL NO./OAN 35 VALUE
36 COLOR(S) 37 DESCRIPTION ROUNDS REMOVED FROM CLIP
GUN TYPE Pistol Shotgun Other Rifle Combo CATEGORY Auto Pump Revolver Semi Auto Over / Under Other CALIBER: BARREL LENGTH:
38 PREMISE / AREA / ROOM TAKEN FROM 39 SOURCE: 40 CURRENT LOCATION LIO 41 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO. 4
42 TYPE E 43 QTY 1 44 ARTICLE CLIP 45 BRAND 46 MODEL 47 SERIAL NO./OAN 48 VALUE
49 COLOR(S) 50 DESCRIPTION 17 ROUND CLIP FOR GUN
GUN TYPE Pistol Shotgun Other Rifle Combo CATEGORY Auto Pump Revolver Semi Auto Over / Under Other CALIBER: BARREL LENGTH:
51 PREMISE / AREA / ROOM TAKEN FROM 52 SOURCE: 53 CURRENT LOCATION LIO 54 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO. 55 TYPE 56 QTY 57 ARTICLE 58 BRAND 59 MODEL 60 SERIAL NO./OAN 61 VALUE
62 COLOR(S) 63 DESCRIPTION
GUN TYPE Pistol Shotgun Other Rifle Combo CATEGORY Auto Pump Revolver Semi Auto Over / Under Other CALIBER: BARREL LENGTH:
64 PREMISE / AREA / ROOM TAKEN FROM 65 SOURCE: 66 CURRENT LOCATION 67 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

COMMENTS

PROPERTY RELEASED BY APPOINTMENT ONLY: Please refer to the back of your property receipt for property release information and instructions.

OFFICER'S NAME NGUYEN ID NUMBER 1123 DATE 04/11/14 SIGNATURE FOR RECEIPT RECEIPT MAILED REFUSED PG OF

TUSTIN POLICE DEPARTMENT

PHOTO LINE UP (TPD 5071) REV. 5/02

C.R. #: <u>14-1902</u>		CRIME: <u>PC 148(a)(1), PC 417(a)(1)</u>
VICTIM: <u>STRAIN, JOHN</u>	WITNESS:	INVESTIGATOR: <u>N. NAWYEN 1123</u>

You are requested to view a series of photographs to determine if you can identify anyone as being involved in the offense you witnessed. The person who committed the offense may or may not be among the photographs. You should remember that facial hair, such as a mustache, can be removed or grown, and hair color can be easily changed.

Do not feel obligated to identify anyone, but do so only if you recognize the offender.

DATE: 4-10-14

SIGNED: [Signature] 975

IDENTIFICATION:

POSITIVE POSSIBLE NONE PHOTO NUMBER 5

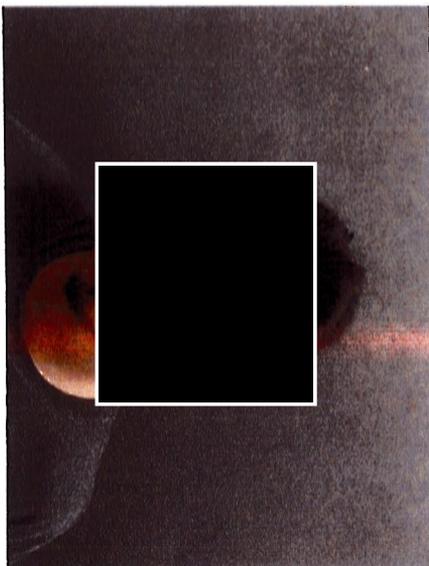
WITNESSING OFFICER'S NAME: N. NAWYEN 1123

PHOTOGRAPHS USED

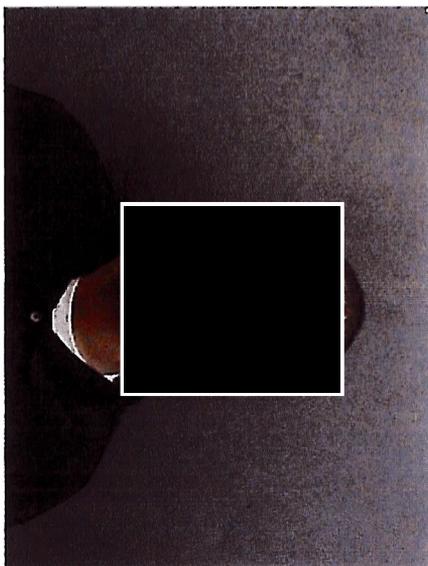
NAME	DATE OF BIRTH	T.P.D. PHOTO NUMBER
1.		1
2.		2
3.		3
4.		4
5. <u>CARDENAS, HENRY</u>		5
6.		6

STATEMENTS MADE BY VICTIM/WITNESS

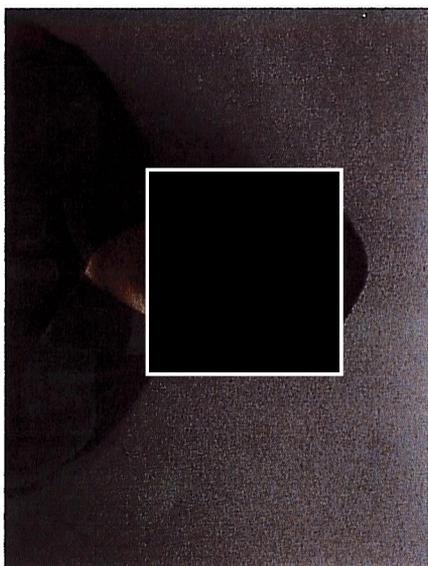
Blank area for statements made by the victim or witness.



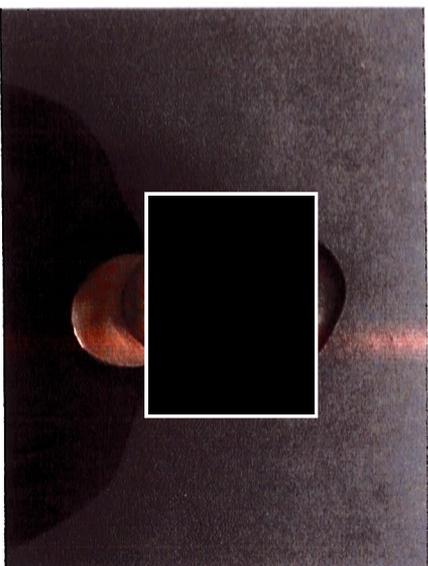
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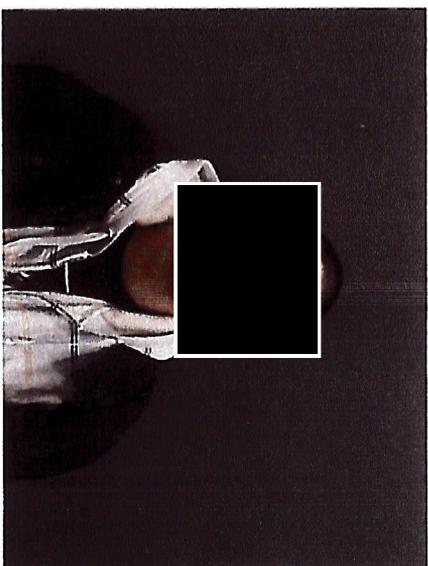
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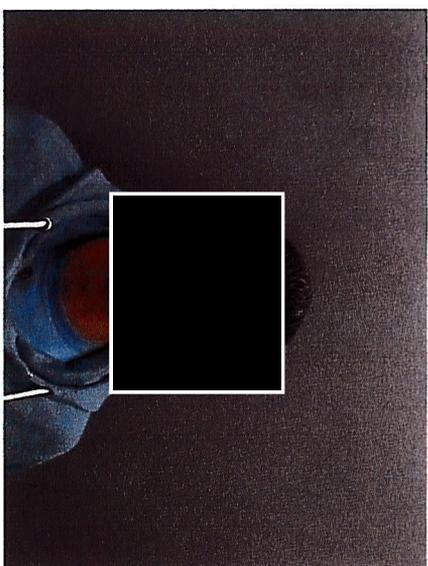
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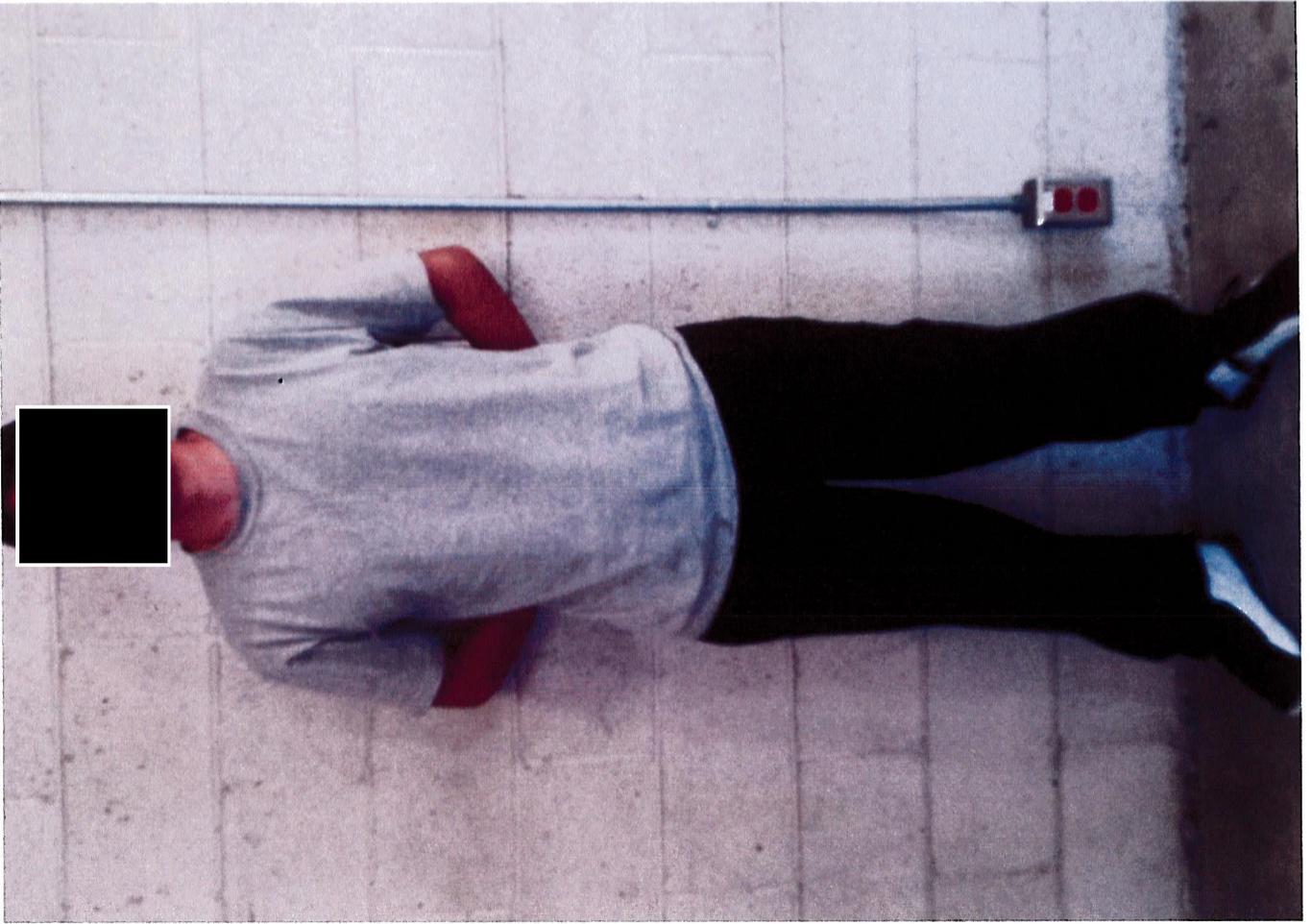
4



5
[Handwritten signature]



6

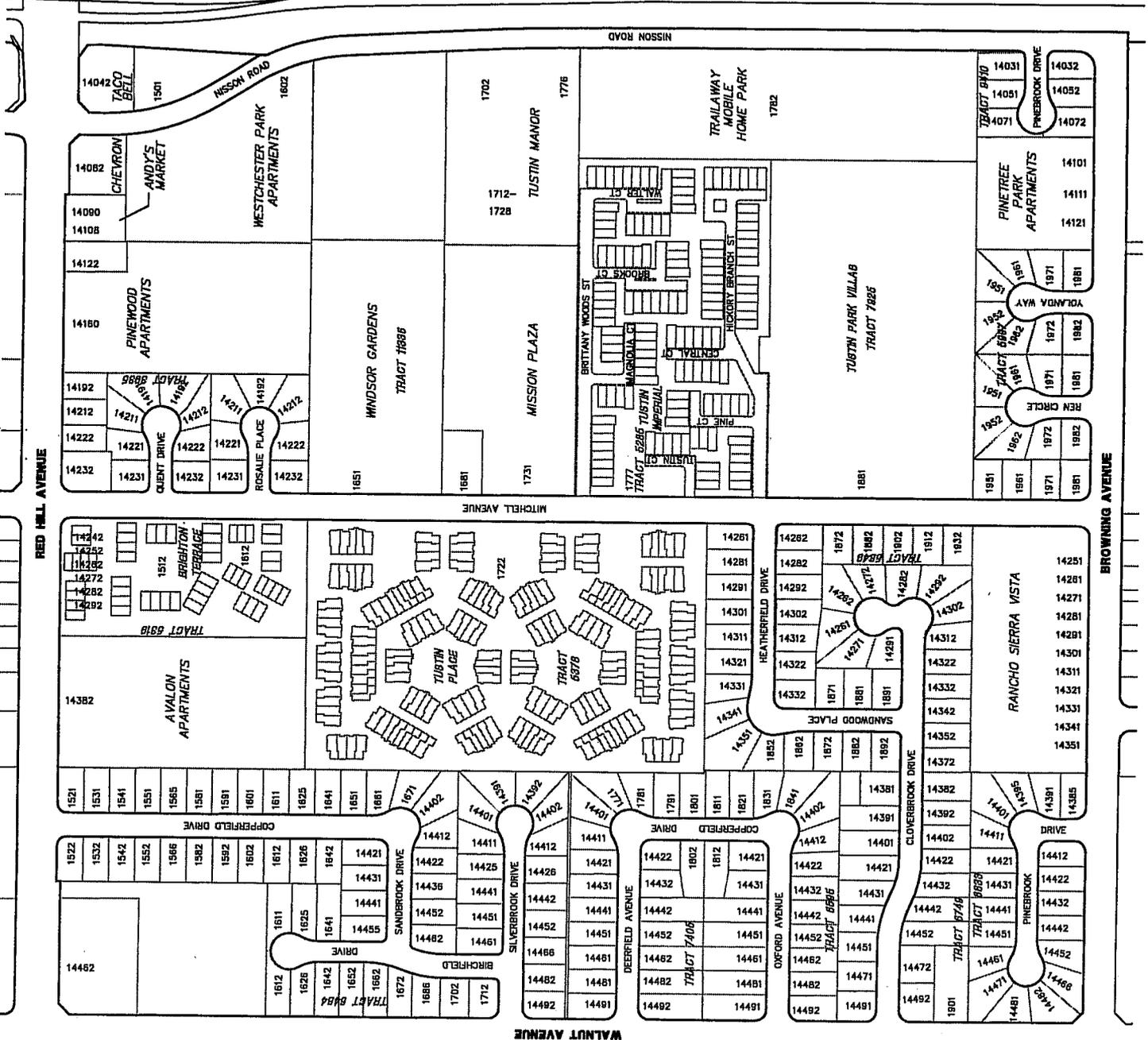




0 75 150 225 300
 SCALE IN FEET
MAP 52

MAP 45

11-61 SANTA ANA FREEWAY



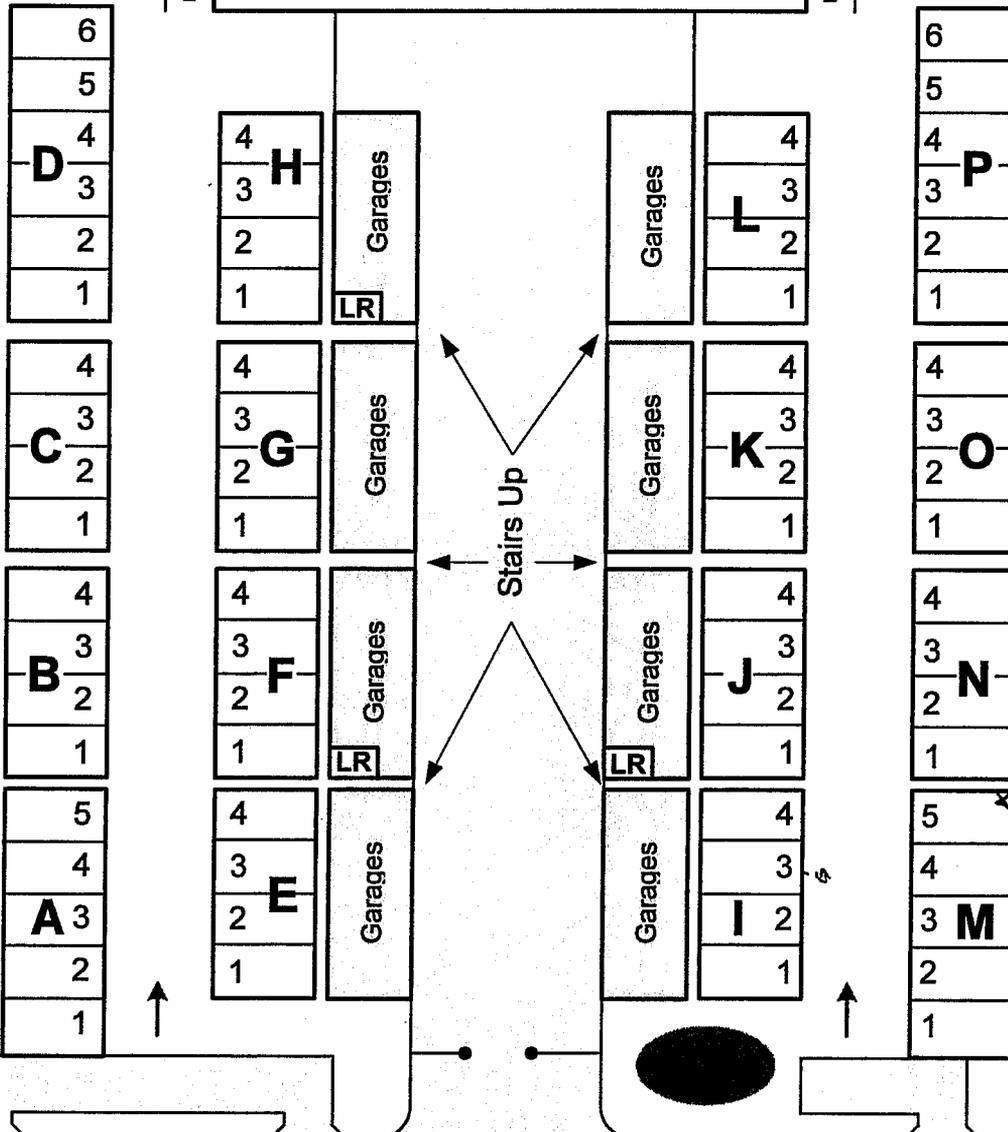
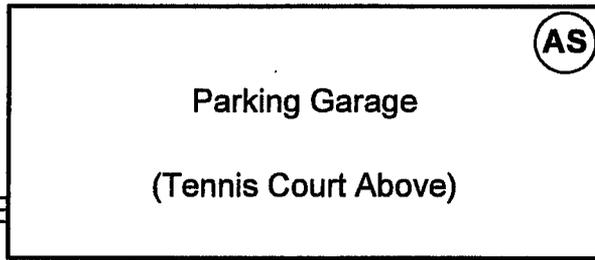
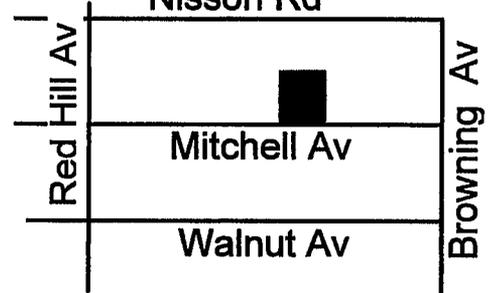
MAP 53

MAP 57

WALNUT WELL



Nisson Rd



Mitchell Av

TUSTIN
POLICE DEPARTMENT

NARRATIVE/SUPPLEMENTAL REPORT

PAGE 1

1 CR # 14-1902	2 SUPPLEMENTAL A
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3 NAME (LAST, FIRST, MIDDLE) HERBERA, HENRY	4 OCCUPATION UNKNOWN	5 D.O.B. [REDACTED]	6 SEX <input checked="" type="checkbox"/> 1 M <input type="checkbox"/> 1 F	7 RACE <input type="checkbox"/> 4 IND <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH	1 WHT <input type="checkbox"/> 5 CHI <input type="checkbox"/> 6 JAPN	2 HISP <input checked="" type="checkbox"/>	3 BLK <input type="checkbox"/>	7 FIL <input type="checkbox"/>
8 F [REDACTED]	9 M [REDACTED]	10 RES. PHONE () UNKNOWN						
11 CODE SECTION CPL 245(a)(1)	12 CRIME FELONY ASSAULT	13 CLASSIFICATION FELONY	14 REFER OTHER REPORTS 14-1651					
15 LOCATION 1777 MITCHELL AVE.	16 RD -	17 DATE 4-10-14	18 TIME 0849					

19 SYNOPSIS REQUIRED ON ORIGINAL REPORT ONLY. THE LISTED CRIMES INCLUDE ATTEMPTS.
SYNOPSIS = MAIN FACTS OF THE CRIME. INCLUDE M.O. TYPE SUSPECT STATEMENT.

SYNOPSIS REQUIRED ON ALL PART 1 OFFENSES

20 TATTOO DESCRIPTION / SYNOPSIS:
TT:

N/A

ATTN: DATA ENTRY CLERK - ENTER DESCRIPTIONS OF SCARS, MARKS, TATTOOS FROM SUSPECT PAGE.

21 NARRATIVE:

SEE ATTACHED NARRATIVE

22 REPORTING OFFICER / ID NO. STROUD #1141	23 DATE 4-10-14	24 APPROVED BY / ID NO. [Signature] #1092	25 DATE 04/11/14
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**TUSTIN
POLICE DEPARTMENT**

ADDITIONAL NAMES
TPD #103A (REV 9/2006)

1 CR# **14-1902**

CRIME	2 CODE SECTION CPL 245(a)(1)		3 CRIME FELONY ASSAULT			4 REFER OTHER REPORTS 14-1651							
	5 LOCATION 1602 NISSAN ROAD			6 AREA TUSTIN									
NAME	7 CODE SB-1		11 SEX <input checked="" type="checkbox"/> 1 M <input type="checkbox"/> 2 F			12 RACE <input checked="" type="checkbox"/> 1 WHT <input type="checkbox"/> 2 HISP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH		16 HT: 5'5"		20 WT: 150			
	23 LICENSE #		24 STATE	25 YEAR	26 MAKE	27 MODEL	28 BODY STYLE <input type="checkbox"/> UNK <input type="checkbox"/> 2-DR <input type="checkbox"/> 4-DR <input type="checkbox"/> CONV <input type="checkbox"/> P/U <input type="checkbox"/> TRUCK <input type="checkbox"/> S/W <input type="checkbox"/> M/C		31 DISPOSITION OF VEHICLE				
NAME	32 CODE SB-2		36 SEX <input checked="" type="checkbox"/> 1 M <input type="checkbox"/> 2 F			37 RACE <input checked="" type="checkbox"/> 1 WHT <input type="checkbox"/> 2 HISP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH		41 HT: 5'11"		46 WT: 135			
	48 LICENSE #		49 STATE	50 YEAR	51 MAKE	52 MODEL	53 BODY STYLE <input type="checkbox"/> UNK <input type="checkbox"/> 2-DR <input type="checkbox"/> 4-DR <input type="checkbox"/> CONV <input type="checkbox"/> P/U <input type="checkbox"/> TRUCK <input type="checkbox"/> S/W <input type="checkbox"/> M/C		58 DISPOSITION OF VEHICLE				
NAME	57 CODE SB-3		61 SEX <input checked="" type="checkbox"/> 1 M <input type="checkbox"/> 2 F			62 RACE <input checked="" type="checkbox"/> 1 WHT <input type="checkbox"/> 2 HISP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH		68 HT: 5'9"		70 WT: 150			
	73 LICENSE #		74 STATE	75 YEAR	76 MAKE	77 MODEL	78 BODY STYLE <input type="checkbox"/> UNK <input type="checkbox"/> 2-DR <input type="checkbox"/> 4-DR <input type="checkbox"/> CONV <input type="checkbox"/> P/U <input type="checkbox"/> TRUCK <input type="checkbox"/> S/W <input type="checkbox"/> M/C		81 DISPOSITION OF VEHICLE				
NAME	82 CODE		83 NAME (LAST, FIRST, MIDDLE)			84 OCCUPATION		85 D.O.B.		86 SEX <input type="checkbox"/> 1 M <input type="checkbox"/> 2 F	87 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 2 HISP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH		91 HT:
	88 RESIDENCE ADDRESS		89 CITY			STATE		ZIP CODE		90 RES. PHONE ()		91 HT:	
	92 BUSINESS NAME & ADDRESS		93 CITY			STATE		ZIP CODE		94 BUS. PHONE ()		95 WT:	
	98 EMAIL									97 CELL PHONE ()			
NAME	98 LICENSE #		99 STATE	100 YEAR	101 MAKE	102 MODEL	103 BODY STYLE <input type="checkbox"/> UNK <input type="checkbox"/> 2-DR <input type="checkbox"/> 4-DR <input type="checkbox"/> CONV <input type="checkbox"/> P/U <input type="checkbox"/> TRUCK <input type="checkbox"/> S/W <input type="checkbox"/> M/C		106 DISPOSITION OF VEHICLE				
	107 CODE		108 NAME (LAST, FIRST, MIDDLE)			109 OCCUPATION		110 D.O.B.		111 SEX <input type="checkbox"/> 1 M <input type="checkbox"/> 2 F	112 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 2 HISP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH		116 HT:
NAME	113 RESIDENCE ADDRESS		114 CITY			STATE		ZIP CODE		115 RES. PHONE ()		116 HT:	
	117 BUSINESS NAME & ADDRESS		118 CITY			STATE		ZIP CODE		119 BUS. PHONE ()		120 WT:	
NAME	121 EMAIL									122 CELL PHONE ()			
	123 LICENSE #		124 STATE	125 YEAR	126 MAKE	127 MODEL	128 BODY STYLE <input type="checkbox"/> UNK <input type="checkbox"/> 2-DR <input type="checkbox"/> 4-DR <input type="checkbox"/> CONV <input type="checkbox"/> P/U <input type="checkbox"/> TRUCK <input type="checkbox"/> S/W <input type="checkbox"/> M/C		131 DISPOSITION OF VEHICLE				
132 REPORTING OFFICER / ID NO. STRAW #1111		133 DATE 11-10-14		134 APPROVED BY / ID NO.				135 DATE					

VICTIM(S) / WITNESS / RP / SUBJECT(S)

**TUSTIN POLICE DEPARTMENT
SUPPLEMENTAL REPORT
CR #14-1902**

Narrative:

On 4-10-14 I was called in to the Tustin Police Department from home to assist with the investigation of this case. For details reference the initial crime refer to Officer Howard and Detective Nguyens reports. At TPD I was advised a cell phone was left at the crime scene by the suspect and was being processed by the TPD general investigations unit to possibly identify the suspect.

While detectives were processing the phone, a text message was found on the phone that stated something similar to "Henry are you ok?" Based on the location where this crime occurred, the suspect description, and the name, I suspected the "Henry" being referred to on the phone was Henry Herrera. It should be noted I have multiple prior contacts with Herrera with the most recent being on 4-01-14 (TPD case #14-1651).

Due to these prior contacts I knew Herrera to be on probation with search and seizure (Orange County court case # 13CM08943) and to be a self admitted member of the criminal street gang TRG (Tiny Rascals Gang). It should be noted I was assigned to the TPD gang unit as a detective from 2007-2012 where I investigated crimes committed by TRG gang members which included a homicide with a firearm, felons in possession of firearms, and felony assaults with firearms.

I gave Herrera's identifying information to TPD detectives who later advised me Herrera had been identified as the suspect. Refer to Detective Nguyen's supplemental report for details reference the identification of Herrera.

Due to my prior contacts with Herrera, I was assigned to respond to the TPD command post at Stater Brothers (14171 Red Hill Avenue, Tustin) to advise the description of Herrera to swat team members and additional officers looking for him within a perimeter set up around the crime scene (1602 Nisson Road, Tustin).

While at the command post, I was ordered to deliver food and water to officers assigned to the perimeter on Mitchell Avenue between Red Hill Avenue and [REDACTED] Avenue. I drove from the command post to the area

**TUSTIN POLICE DEPARTMENT
SUPPLEMENTAL REPORT
CR #14-1902**

of 1777 Mitchell Avenue in an unmarked TPD vehicle while wearing my TPD issued patrol uniform.

I was flagged down by a pedestrian ([REDACTED] [REDACTED]) in front of [REDACTED] [REDACTED]. Due to my training and experience I knew [REDACTED] was a member of the criminal street gang WSTK (Won't Stop Thugging Krew) and on probation with search and seizure. I knew he lived at this location [REDACTED] with his brother, [REDACTED] "Stalker" [REDACTED], who I also had prior contacts with and knew to be a member of the criminal street gang LHT "Laurel Hood Thugs" and also on probation with search and seizure.

I parked my vehicle and asked [REDACTED] what was wrong. [REDACTED] asked me why there were police officers all over the area and wanted to know who they were looking for. I advised [REDACTED] there was an officer involved shooting and we were currently looking for the suspect who I told [REDACTED] I knew he associated with.

[REDACTED] became extremely interested and immediately wanted to know who I was referring to. I advised him "Henry, your boy!" [REDACTED] froze and stated, "That's the guy with the shotgun?", in which I replied yes. He then stated, "That's the guy that shot at a cop!?!", and I again replied yes. He then stated, "Henry Herrera!?!", in which I again verbally confirmed with him. [REDACTED] became extremely nervous and stated, "You know I'm not a rat, but he's at my front door right now asking for a place to hide!"

I immediately advised dispatch over the radio Herrera was possibly at my location ([REDACTED]) and I needed units to respond immediately. While running toward the front door of apt. [REDACTED] I was flagged down by a female (later identified [REDACTED] [REDACTED]). She advised me there was a male subject wearing a black hat and white rim, grey shirt, and black pants near apartment [REDACTED] who was attempting to run and flee police contact.

I immediately advised dispatch of the two witnesses I had contacted, the suspect description, and the last direction he was seen running. Unfortunately someone advised over the radio for all units to "hold their

**TUSTIN POLICE DEPARTMENT
SUPPLEMENTAL REPORT
CR #14-1902**

position” as who ever was on the radio thought someone was trying to “ruse” the police into following a false suspect.

TPD Gang Detective Poling was in the area and immediately ran to the west alley of the apartment complex where I indicated Herrera fled to, and he was able to arrest Herrera without incident. Refer to his supplemental report for further details. Det. Poling also had numerous prior contacts with Herrera and we were both able to immediately identify him when seen.

For additional details reference the investitation of Herrera, his residence, and the charges requested to be filed on Herrera, refer to Ofc. Howard and Det. Nguyen’s reports.

Tustin Police Department
Investigative Narrative
CR#14-1902
Page 1

I am a Detective assigned to the General Investigations Division of the Tustin Police Department. On April 10, 2014, I responded to 1602 Nisson Rd. (Westchester Part Apartments) to assist in the investigation of an officer involved shooting.

Investigative follow up:

Detective Nguyen was assigned as the case agent on this investigation and requested I assist in the in-field lineup to identify the suspect in this case.

I contacted Lieutenant Strain at Tustin PD and requested he accompany me for an in-field lineup to attempt to identify the suspect who pointed a firearm at him. I drove Lieutenant Strain from Tustin PD to the area officers had Henry Herrera detained. Prior to arriving to the location Herrera was detained I provided Lieutenant Strain with an in-field admonishment. Lieutenant Strain said he understood the advisement.

Once on scene, I stopped my vehicle approximately twenty feet from where Officer Turner had Herrera standing. Lieutenant Strain's view was unobstructed and he positively identified Herrera as the suspect who pointed a firearm at him. Lieutenant Strain said he recognized Herrera's face and added Herrera was still wearing the distinctive hat, but had changed his clothing.

**TUSTIN
POLICE DEPARTMENT**

NARRATIVE/SUPPLEMENTAL REPORT

PAGE 1

1 CR # 14-1902	2 SUPPLEMENTAL <input checked="" type="checkbox"/>
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3 NAME (LAST, FIRST, MIDDLE)		4 OCCUPATION	5 D.O.B.	6 SEX <input type="checkbox"/> 1 M <input type="checkbox"/> 2 F	7 RACE <input type="checkbox"/> 3 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 RISP <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH	8 RESIDENCE ADDRESS	9 CITY	STATE	ZIP CODE	10 RES. PHONE ()
11 CODE SECTION	12 CRIME	13 CLASSIFICATION			14 REFER OTHER REPORTS					
15 LOCATION			16 RD	17 DATE		18 TIME				

19 SYNOPSIS REQUIRED ON ORIGINAL REPORT ONLY. THE LISTED CRIMES INCLUDE ATTEMPTS.
SYNOPSIS = MAIN FACTS OF THE CRIME. INCLUDE M.O. TYPE SUSPECT STATEMENT.

SYNOPSIS REQUIRED ON ALL PART 1 OFFENSES

20 TATTOO DESCRIPTION / SYNOPSIS:
TT:

ATTN: DATA ENTRY CLERK - ENTER DESCRIPTIONS OF SCARS, MARKS, TATTOOS FROM SUSPECT PAGE.

21 NARRATIVE:

*** SEE ATTACHED NARRATIVE.**

22 REPORTING OFFICER / ID NO. GERBER #1035	23 DATE 4-10-14	24 APPROVED BY / ID NO.	25 DATE
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**TUSTIN
POLICE DEPARTMENT**

ADDITIONAL NAMES
TPD #103A (REV 9/2008)

1 CR# **14-1902**

CRIME	2 CODE SECTION		3 CRIME		4 REFER OTHER REPORTS				
	5 LOCATION			6 AREA					
NAME	7 CODE SB				11 SEX <input checked="" type="checkbox"/> 1 M <input checked="" type="checkbox"/> 1 F		12 RACE <input type="checkbox"/> 1 WHT <input checked="" type="checkbox"/> 2 HISP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 4 IND <input type="checkbox"/> 6 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH		
					16 HT: 5-2		20 WT: 130		
VEH	23 LICENSE #		24 STATE	25 YEAR	26 MAKE	27 MODEL	28 BODY STYLE <input type="checkbox"/> UNK <input type="checkbox"/> 2-DR <input type="checkbox"/> 4-DR <input type="checkbox"/> P/U <input type="checkbox"/> VAN <input type="checkbox"/> RV <input type="checkbox"/> OTHER		
	29 COLOR/COLOR			30 OTHER CHARACTERISTICS			31 DISPOSITION OF VEHICLE		
NAME	32 CODE SB				36 SEX <input checked="" type="checkbox"/> 1 M <input checked="" type="checkbox"/> 1 F		37 RACE <input type="checkbox"/> 1 WHT <input checked="" type="checkbox"/> 2 HISP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 4 IND <input type="checkbox"/> 6 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH		
					11 HT: 5-1		18 WT: 150		
VEH	48 LIC		49 STATE CA.	50 YEAR 99	51 MAKE TOYOTA	52 MODEL COROLLA	53 BODY STYLE <input type="checkbox"/> UNK <input checked="" type="checkbox"/> 2-DR <input type="checkbox"/> 4-DR <input type="checkbox"/> P/U <input type="checkbox"/> VAN <input type="checkbox"/> RV <input type="checkbox"/> OTHER		
	64 COLOR/COLOR GOLD			65 OTHER CHARACTERISTICS			66 DISPOSITION OF VEHICLE		
NAME	67 CODE SB				61 SEX <input checked="" type="checkbox"/> 1 M <input checked="" type="checkbox"/> 1 F		62 RACE <input type="checkbox"/> 1 WHT <input checked="" type="checkbox"/> 2 HISP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 4 IND <input type="checkbox"/> 6 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH		
					68 HT: 5-6		70 WT: 120		
VEH	73 LICENSE #		74 STATE	75 YEAR	76 MAKE	77 MODEL	78 BODY STYLE <input type="checkbox"/> UNK <input type="checkbox"/> 2-DR <input type="checkbox"/> 4-DR <input type="checkbox"/> P/U <input type="checkbox"/> VAN <input type="checkbox"/> RV <input type="checkbox"/> OTHER		
	79 COLOR/COLOR			80 OTHER CHARACTERISTICS			81 DISPOSITION OF VEHICLE		
NAME	82 CODE		83 NAME (LAST, FIRST, MIDDLE)		84 OCCUPATION		85 D.O.B.		
	88 RESIDENCE ADDRESS				89 CITY		STATE	ZIP CODE	
	92 BUSINESS NAME & ADDRESS				93 CITY		STATE	ZIP CODE	
	96 EMAIL				97 CELL PHONE		91 HT:		
VEH	98 LICENSE #		99 STATE	100 YEAR	101 MAKE	102 MODEL	103 BODY STYLE <input type="checkbox"/> UNK <input type="checkbox"/> 2-DR <input type="checkbox"/> 4-DR <input type="checkbox"/> P/U <input type="checkbox"/> VAN <input type="checkbox"/> RV <input type="checkbox"/> OTHER		
	104 COLOR/COLOR			105 OTHER CHARACTERISTICS			106 DISPOSITION OF VEHICLE		
NAME	107 CODE		108 NAME (LAST, FIRST, MIDDLE)		109 OCCUPATION		110 D.O.B.		
	113 RESIDENCE ADDRESS				114 CITY		STATE	ZIP CODE	
	117 BUSINESS NAME & ADDRESS				118 CITY		STATE	ZIP CODE	
	121 EMAIL				119 BUS. PHONE		116 HT:		
VEH	123 LICENSE #		124 STATE	125 YEAR	126 MAKE	127 MODEL	128 BODY STYLE <input type="checkbox"/> UNK <input type="checkbox"/> 2-DR <input type="checkbox"/> 4-DR <input type="checkbox"/> P/U <input type="checkbox"/> VAN <input type="checkbox"/> RV <input type="checkbox"/> OTHER		
	129 COLOR/COLOR			130 OTHER CHARACTERISTICS			131 DISPOSITION OF VEHICLE		
132 REPORTING OFFICER / ID NO. GERBER #1035			133 DATE 4-10-14		134 APPROVED BY / ID NO.			135 DATE	

VICTIM(S) / WITNESS / RP / SUBJECT(S)

**TUSTIN POLICE DEPARTMENT
SUPPLEMENTAL REPORT NARRATIVE
CR# 14-1902**

NARRATIVE:

On 4-10-14 at approximately 1400 hours, I was assigned to TPD Gang Unit and I assisted on this case investigation. I responded to the police command post located at the intersection of Redhill Ave. and Nisson Rd. in Tustin.

At about 1408 hours I spoke with [REDACTED] [REDACTED] inside the TPD motorhome vehicle. I recorded the interview on my TPD assigned digital recorder. I later uploaded the recording into the TPD data base. The following is a summary of that interview.

[REDACTED] told me she has been dating Henry Cardenas (no relation) for approximately two and a half weeks but has known him for about one month. They met at her work (AM/PM gas station) where she is a cashier and he is a regular customer. [REDACTED] said they have not been intimate and have only "hung out" on occasion.

[REDACTED] described Henry as an alcoholic and a "loaner" saying Henry is "always alone" and that she has never seen him with any friends. [REDACTED] also said she does not believe Henry is a gang member.

[REDACTED] last saw Henry on 4-9-14 at about 10:15 pm. Henry came by her work and waited for her to finish her shift like he normally does every day/night she works. He wanted to "hang out" in her car with her but [REDACTED] told him no because Henry appeared intoxicated. [REDACTED] does not like Henry when he drinks and she has told Henry that several times. She has also told him that they can't be together as a couple if he continues to drink.

[REDACTED] left her work without Henry and went home. About fifteen minutes later, Henry called [REDACTED] and was sad because she would not hang out with him. Henry told her, "I have nothing to live for. I'm a fucking low life, I

**TUSTIN POLICE DEPARTMENT
SUPPLEMENTAL REPORT NARRATIVE
CR# 14-1902**

have no hope.” He also asked her about their relationship saying, “Are you over it? Over me?” [REDACTED] answered, “When you’re drunk.”

Later in the night [REDACTED] had a missed call from Henry at about midnight and a text message from him at 4:00 am on 4-10-14 which said, “Babe.” [REDACTED] did not talk to or text Henry on 4-10-14. [REDACTED] showed me her cell phone and she had no texts from Henry. I did see the call log from the above mentioned conversation.

I ended the interview at about 1433 hours. [REDACTED] walked back to her work and finished her shift.

At about 1500 hours I left the command post and took [REDACTED] (Henry’s mother) and [REDACTED] [REDACTED] (family relative there to support [REDACTED], [REDACTED] was not interviewed) back to the station for an interview. Both [REDACTED] and [REDACTED] agreed to go to the station with me.

At about 1510 hours I spoke with [REDACTED] inside the downstairs unsecured interview room at TPD. I recorded (audio and video) the interview on the “Data 911” system which was automatically uploaded into the TPD data base. The following is a summary of that interview.

[REDACTED] said Henry does not live with her because he uses drugs and alcohol on a regular basis. She does not want that around her other children. Henry also fights with his fifteen year old brother who lives with [REDACTED]. [REDACTED] said it does hurt her to see Henry living on the street; however it hurts more when he tries to live with her and ends up fighting with the other children in the house.

Occasionally [REDACTED] allows Henry to sleep in her car overnight and allows him to come by the house for food and water.

[REDACTED] last saw Henry on 4-9-14 at about 6 or 7 pm. Henry came to her house for some food and also asked [REDACTED] for her “bolt cutters.” Henry wanted them because his friend’s ([REDACTED] did not know who) bicycle was

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locked up somewhere. [REDACTED] said she bought the bolt cutters late last year because she had to cut a lock. She told me Henry knew she still had the bolt cutters. [REDACTED] gave Henry the bolt cutters and some food before he left. [REDACTED] never got the bolt cutters back.

[REDACTED] saw Henry later that night at about 10:30 pm standing outside of the AM/PM waiting for his girlfriend to get off of work. About two hours after that (12:31 am), Henry called [REDACTED]'s cell phone and told her he loved her and he wanted [REDACTED] to send him a kiss over the phone. [REDACTED] said Henry sounded "normal" at that time and did not sound intoxicated. [REDACTED] did not know where he was calling from.

[REDACTED] said she has never seen Henry with a gun or that he ever talked about having or wanting a gun.

On 4-10-14 at about 1216 hours [REDACTED] was sitting with [REDACTED] at the police command post. Henry called her on her cell phone and she asked him what was going on and why all the police were looking for him. Henry told her he did nothing wrong but would not say where he was. Their conversation ended. Henry was later caught and arrested.

After the interview I escorted [REDACTED] and [REDACTED] back to their car at Redhill Ave. and Nissan Rd.

No further details.

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ADDITIONAL NAMES

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1 OR# *14-1902*

CRIME	2 CODE SECTION <i>CPC 417(a)(1)</i>		3 CRIME <i>BRANDISHING A FIREARM</i>			4 REFER OTHER REPORTS																
	5 LOCATION <i>1602 NESSON</i>			6 AREA <i>SOUTH</i>																		
NAME	7 CODE <i>SUB</i>	8 NAME (LAST, FIRST, MIDDLE)		9 OCCUPATION		10 D.O.B.		11 SEX <input type="checkbox"/> 1 M <input checked="" type="checkbox"/> 1 F		12 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 8 RISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH		13 HISP <input type="checkbox"/> 2 HISP <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL		14 HT.								
	15 RES. PHONE ()										16 HT.											
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	21 EMAIL										22 CELL PHONE											
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	46 EMAIL										47 CELL PHONE											
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	129 COLOR/COLOR			130 OTHER CHARACTERISTICS			131 DISPOSITION OF VEHICLE															
132 REPORTING OFFICER / ID NO. <i>LOMELI #1206</i>				133 DATE <i>9.11.14</i>				134 APPROVED BY / ID NO.				135 DATE										

VICTIM(S) / WITNESS / RP / SUBJECTS

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ADDITIONAL NAMES
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1 OR# *14-1902*

VICTIM(S) / WITNESS / RP / SUBJECTS

CRIME	2 CODE SECTION <i>CPC 417(a)(1)</i>			3 CRIME <i>BRANDISHING A FIREARM</i>			4 REFER OTHER REPORTS					
	5 LOCATION <i>1602 NISSON</i>			6 AREA <i>SOUTH</i>								
NAME	7 CODE <i>SUB</i>		OCCUPATION		10 D.O.B.		11 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F		12 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 2 HISP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input checked="" type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH			
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	17 BUSINESS NAME & ADDRESS <i>NONE</i>			18 CITY		STATE		19 BUS. PHONE () -		20 WT: -		
	21 EMAIL											
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	29 COLOR/COLOR			30 OTHER CHARACTERISTICS			31 DISPOSITION OF VEHICLE					
NAME	32 CODE <i>WIT</i>		33 NAME (LAST, FIRST, MIDDLE)		34 OCCUPATION <i>NONE</i>		35 D.O.B.		36 SEX <input type="checkbox"/> M <input checked="" type="checkbox"/> F		37 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 2 HISP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input checked="" type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH	
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	71 EMAIL											
VEH	73 LICENSE #		74 STATE		75 YEAR		76 MAKE		77 MODEL		78 BODY 0 <input type="checkbox"/> UNK 2 <input type="checkbox"/> 4-DR 4 <input type="checkbox"/> P/U 6 <input type="checkbox"/> VAN 8 <input type="checkbox"/> RV 10 <input type="checkbox"/> OTHER STYLE 1 <input type="checkbox"/> 2-DR 3 <input type="checkbox"/> CONV 5 <input type="checkbox"/> TRUCK 7 <input type="checkbox"/> S/W 9 <input type="checkbox"/> M/C	
	79 COLOR/COLOR			80 OTHER CHARACTERISTICS			81 DISPOSITION OF VEHICLE					
NAME	82 CODE <i>W</i>		83 NAME (LAST, FIRST, MIDDLE)		84 OCCUPATION <i>NONE</i>		85 D.O.B.		86 SEX <input type="checkbox"/> M <input checked="" type="checkbox"/> F		87 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 2 HISP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input checked="" type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH	
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	96 EMAIL											
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	117 BUSINESS NAME & ADDRESS			118 CITY		STATE		119 BUS. PHONE () -		120 WT: -		
	121 EMAIL											
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	129 COLOR/COLOR			130 OTHER CHARACTERISTICS			131 DISPOSITION OF VEHICLE					
132 REPORTING OFFICER / ID NO. <i>LOMEVA #1206</i>			133 DATE <i>4/11/14</i>			134 APPROVED BY / ID NO.			135 DATE			

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POLICE DEPARTMENT**

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TPD #103A (REV 9/2008)

1 CR# **14-1902**
4 REFER OTHER REPORTS

2 CODE SECTION **CPC 417(a)(1)** 3 CRIME **BRANDISHING A FIREARM**
8 LOCATION **1602 NISSON RD** 9 AREA **SOUTH**

7 CODE **SUB** 8 NAME (LAST, FIRST, MIDDLE) [REDACTED] 9 OCCUPATION [REDACTED] 10 D.O.B. [REDACTED]
11 SEX 1 M 2 RACE 4 IND 5 CHI 2 HISP 3 BLK 7 FIL
 1 F 8 RIBL 9 VIET 10 OTH
13 RESIDENCE ADDRESS [REDACTED] 16 RES. PHONE () HT: [REDACTED]
17 BUSINESS NAME & ADDRESS [REDACTED] 18 CITY [REDACTED] STATE [REDACTED] ZIP CODE [REDACTED] 19 BUS. PHONE () WT: [REDACTED]
21 EMAIL [REDACTED] 22 CELL PHONE [REDACTED]

23 LICENSE # [REDACTED] 24 STATE [REDACTED] 25 YEAR [REDACTED] 26 MAKE [REDACTED] 27 MODEL [REDACTED] 28 BODY 0 UNK 2 4-DR 4 P/U 6 VAN 8 RV 10 OTHER
STYLE 1 2-DR 3 CONV 5 TRUCK 7 S/W 9 M/C
29 COLOR/COLOR [REDACTED] 30 OTHER CHARACTERISTICS [REDACTED] 31 DISPOSITION OF VEHICLE [REDACTED]

32 CODE **W** 33 NAME (LAST, FIRST, MIDDLE) [REDACTED] 34 OCCUPATION [REDACTED] 35 D.O.B. [REDACTED]
36 SEX 1 M 2 RACE 4 IND 5 CHI 2 HISP 3 BLK 7 FIL
 1 F 8 RIBL 9 VIET 10 OTH
38 RESID [REDACTED] 40 RES. PHONE () HT: [REDACTED]
42 BUSINESS NAME & ADDRESS [REDACTED] 43 CITY [REDACTED] STATE [REDACTED] ZIP CODE [REDACTED] 44 BUS. PHONE () WT: [REDACTED]
46 EMAIL [REDACTED] 47 CELL PHONE [REDACTED]

48 LICENSE # [REDACTED] 49 STATE [REDACTED] 50 YEAR [REDACTED] 51 MAKE [REDACTED] 52 MODEL [REDACTED] 53 BODY 0 UNK 2 4-DR 4 P/U 6 VAN 8 RV 10 OTHER
STYLE 1 2-DR 3 CONV 5 TRUCK 7 S/W 9 M/C
54 COLOR/COLOR [REDACTED] 55 OTHER CHARACTERISTICS [REDACTED] 56 DISPOSITION OF VEHICLE [REDACTED]

57 CODE **W** 58 NAME (LAST, FIRST, MIDDLE) [REDACTED] 59 OCCUPATION [REDACTED] 60 D.O.B. [REDACTED]
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67 BUSINESS NAME & ADDRESS [REDACTED] 68 CITY [REDACTED] STATE [REDACTED] ZIP CODE [REDACTED] 69 BUS. PHONE () WT: [REDACTED]
71 EMAIL [REDACTED] 72 CELL PHONE [REDACTED]

73 LICENSE # [REDACTED] 74 STATE [REDACTED] 75 YEAR [REDACTED] 76 MAKE [REDACTED] 77 MODEL [REDACTED] 78 BODY 0 UNK 2 4-DR 4 P/U 6 VAN 8 RV 10 OTHER
STYLE 1 2-DR 3 CONV 5 TRUCK 7 S/W 9 M/C
79 COLOR/COLOR [REDACTED] 80 OTHER CHARACTERISTICS [REDACTED] 81 DISPOSITION OF VEHICLE [REDACTED]

82 CODE **W** 83 NAME (LAST, FIRST, MIDDLE) [REDACTED] 84 OCCUPATION [REDACTED] 85 D.O.B. [REDACTED]
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96 EMAIL [REDACTED] 97 CELL PHONE [REDACTED]

98 LICENSE # [REDACTED] 99 STATE [REDACTED] 100 YEAR [REDACTED] 101 MAKE [REDACTED] 102 MODEL [REDACTED] 103 BODY 0 UNK 2 4-DR 4 P/U 6 VAN 8 RV 10 OTHER
STYLE 1 2-DR 3 CONV 5 TRUCK 7 S/W 9 M/C
104 COLOR/COLOR [REDACTED] 105 OTHER CHARACTERISTICS [REDACTED] 106 DISPOSITION OF VEHICLE [REDACTED]

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121 EMAIL [REDACTED] 122 CELL PHONE ()

123 LICENSE # [REDACTED] 124 STATE [REDACTED] 125 YEAR [REDACTED] 126 MAKE [REDACTED] 127 MODEL [REDACTED] 128 BODY 0 UNK 2 4-DR 4 P/U 6 VAN 8 RV 10 OTHER
STYLE 1 2-DR 3 CONV 5 TRUCK 7 S/W 9 M/C
129 COLOR/COLOR [REDACTED] 130 OTHER CHARACTERISTICS [REDACTED] 131 DISPOSITION OF VEHICLE [REDACTED]

132 REPORTING OFFICER / ID NO. **LOMELI #1206** 133 DATE **4-11-14** 134 APPROVED BY / ID NO. [REDACTED] 135 DATE [REDACTED]

VICTIM(S) / WITNESS / RP / SUBJECTS

TUSTIN POLICE DEPARTMENT
Investigative Supplemental Report
14-1902

I am a Detective assigned to the Property Crimes Team within the Special Operations Division of the Tustin Police Department.

On 4-10-14 at approximately 0850 hours, I responded to 1602 Nisson reference an Officer Involved Shooting. I initially assisted with a perimeter position midblock Nisson (approximately the 1700 hundred block). I then was assigned to assist Detective Nguyen with controlling the courtyard scene.

Following my completion of interviews, I assisted PSO Supervisor Grover, PSO Kenan and PSO Chiavatti with CSI. See PSO Supervisor Grover and PSO Kenan's supplemental report for further.

Case Background:

Suspect: Herrera, Henry

Scene:

1602 Nisson Rd Westchester Park Apartments

This apartment complex is made up of numerous buildings containing multiple apartments. The apartment buildings are assigned by letters of the alphabet and individual apartments are further identified by numbers.

The area of the incident occurred in a courtyard located in the southern portion of the apartment complex. This courtyard is surrounded by apartment buildings [REDACTED].

I began canvassing the area for any potential witnesses. Detective Hardacre, Investigator Maher and Investigator Zachariah assisted by attempting to contact residents in the above mentioned apartment buildings.

This particular apartment complex has a large Spanish speaking population. Officer Del Merari, a department certified Spanish speaker, assisted me with several interviews. The following is a synopsis of the interviews.

Statements:

I contacted [REDACTED] [REDACTED] at apartment [REDACTED]. Prior to speaking with [REDACTED], I activated my department issued PUMA audio recorder. I later uploaded the interview onto the Tustin PD computer system. [REDACTED] lives at apartment [REDACTED] but her mother, [REDACTED] [REDACTED], lives at [REDACTED] [REDACTED] stated [REDACTED] is 88 years old, and only speaks Russian and is hard of hearing. [REDACTED] stated she spoke to her mother about the incident and she did not witness any shooting.

I contacted [REDACTED] [REDACTED] at apartment [REDACTED]. Prior to contacting [REDACTED], I activated my department issued PUMA audio recorder. I later uploaded the interview into the Tustin PD computer system.

[REDACTED] stated she left her residence at about 0740 hours. When she returned, she was not allowed to reenter the apartment complex due to the police activity.

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I then spoke to [REDACTED] and [REDACTED] who reside in apartment [REDACTED]. Both [REDACTED] and [REDACTED] are Spanish speaking. Officer Del Merari translated during both interviews. Prior to the interview, I activated my department issued PUMA audio recorder. I later uploaded the interview onto the Tustin PD computer system.

[REDACTED] stated at approximately 0930 hours she was preparing breakfast in the kitchen. She then heard at least three gunshots followed by the sound of her sliding glass door shattering. [REDACTED] did not hear any arguing or voices prior or after hearing the gunshots. Following the gunshots she turned the stove off, and hid in the kitchen. She did not look outside to see any persons involved.

[REDACTED] stated she was lying in her bed located upstairs. She had been awake for approximately five minutes, when she heard what sounded like gunshots. [REDACTED]'s bedroom is located on the west side of the apartment and her window that was halfway open, faces west into the courtyard. She heard several gunshots followed by hearing the rear sliding glass door shatter. She did not hear any voices prior or after the gunshots.

I attempted to contact the resident in apartment [REDACTED] several times, but no one answered.

I spoke to [REDACTED] who resides in apartment [REDACTED]. Prior to speaking with [REDACTED], I activated my department issued PUMA audio recorder. I later uploaded the interview onto the Tustin PD computer system.

[REDACTED] stated she was sitting in her living room located on the east side of the apartment. She then heard approximately five to six gunshots coming from the courtyard located west of her apartment. [REDACTED] did not look to investigate. [REDACTED] then heard a male subject (**Strain**) yell, "Get down! Get down!" toward two unknown subjects wearing khaki pants (possibly maintenance workers) who were standing near the front (east side) of her apartment. [REDACTED] took her two children and went upstairs.

I then spoke to [REDACTED] and [REDACTED] who reside in apartment [REDACTED]. Prior to interviewing [REDACTED] and [REDACTED] I activated my department issued PUMA audio recorder. I later uploaded the interviews onto the Tustin PD computer system.

[REDACTED] stated at approximately 0850 hours, she was in her bedroom located upstairs in her apartment. [REDACTED]'s bedroom is located on the west side of the apartment and her window faces west. [REDACTED]'s window was not open. She heard a male subject (**Strain**) yelling unknown statements. [REDACTED] could not understand the statements due to the window being closed.

After hearing the subject yell, she looked outside her window and saw a male subject (**Strain**) fire two shots from a small black semi-automatic handgun. [REDACTED] did not know who **Strain** was firing at. After hearing the gunshots, she went to her mother's bedroom located on the east side of the apartment and dialed "911" on her cell phone and reported the incident. She looked out the window and saw **Strain** yelling at two maintenance workers. She then saw **Strain** speaking with Tustin Police Officers out in the courtyard.

[REDACTED] is a Spanish speaker. Officer Del Merari translated during this interview.

[REDACTED] stated she was in her bedroom when she heard three gunshots. After hearing [REDACTED] scream, [REDACTED] went into [REDACTED]'s bedroom. Looking out the bedroom window, she saw **Strain** in the courtyard wearing a bright orange or yellow T-Shirt holding a black gun. She could hear **Strain** yell

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Investigative Supplemental Report
14-1902

unknown statements as he ran toward the west alley. She further described **Strain** as a white male, in his 30's (NFD). She later saw **Strain** talking with Tustin Police Officers after the incident.

I contacted Witness- [REDACTED] [REDACTED]. Prior to speaking with [REDACTED], I activated my department issued PUMA audio recorder. I later uploaded the interview onto the Tustin PD computer system.

[REDACTED] is an employed maintenance worker for the apartment complex. At approximately 0848 hours, he was walking toward the laundry room located in the southwest area of the complex. [REDACTED] recalled walking west bound as he passed by a male subject (**Suspect-Herrera**) walking east bound. [REDACTED] did not recognize the subject as a resident. He further described **Herrera** as a male Hispanic wearing a baseball cap (unknown color) jacket and (NFD). [REDACTED] then saw another subject (**Strain**) walking north bound into the complex from the south alley. **Strain** also turned to walk east bound and appeared to be following **Herrera**. [REDACTED] further described **Strain** as a male White wearing a yellow shirt, shorts and sneakers. As **Strain** passed by, [REDACTED] witnessed **Strain** draw his side arm and yell, "Stop, Stop, Police Stop!" **Herrera** then started running away from **Strain**. As **Herrera** began running, **Herrera** turned back toward **Strain**. **Herrera** then turned back toward the front and began running south bound toward the parking lot, when **Strain** fired three to four shots. **Herrera** disappeared behind building "X" (containing apartments X-1 through X-4). **Strain** also ran around the building, causing [REDACTED] to lose sight of both subjects.

[REDACTED] could not recall if **Herrera** had anything in his hands at the time **Strain** discharged his weapon. He might have been carrying a blue sweatshirt, but he was not sure. [REDACTED] recalled he was mainly focused on both subject's faces, everything happened so fast and was not expecting to witness this incident.

[REDACTED] stated he made a written statement of what he saw and turned the statement into TPD. I later obtained [REDACTED]'s written statement from Detective Nguyen who originally received the written statement from Sergeant Pickney. I made a photocopy of the written statement and later booked the original into evidence (see attached copy).

[REDACTED] stated there is a laundry room located at the bottom of building "X" located on the east side of the building. Additionally, [REDACTED] reported a female resident who lives in apartment [REDACTED] later identified as [REDACTED], was inside the laundry room at the time of the incident.

I then contacted [REDACTED] at [REDACTED] who is a Spanish speaker. Officer Del Merari had cleared the scene by this time. I called Officer Del Merari who agreed to conduct a speaker phone interview using my cell phone. Prior to the interview, I activated my department issued PUMA audio recorder. I later uploaded the interview onto the Tustin PD computer system. See Officer Del Merari's supplemental report for this interview.

I contacted the resident, [REDACTED] [REDACTED], who resides in apartment [REDACTED]

[REDACTED]' stated at approximately 0840-0845 hours, she heard three or four gun shots. She was in her bedroom at the time she heard the shots. [REDACTED] bedroom is located on the south side of the apartment. The courtyard is north of the building. [REDACTED] was able to hear the gunshots because her bedroom window was open. Immediately following the gunshots she ran to the front door and locked it. She then went to the kitchen and looked out the open window. She could hear the "Call the Police I'm an officer!" [REDACTED] stated **Strain** was yelling this statement out loud for anyone to call.

TUSTIN POLICE DEPARTMENT
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█████ could see Strain holding a black handgun in his right hand and a police badge in the other. At the time Strain was yelling, a marked police vehicle drove to Strain's position. She could not recall hearing any voices prior to the gunshots.

I attempted to speak with the residents in apartment █████ but no one answered the door. I left my issued Tustin PD business card next to the front door.

I spoke to █████ █████ who lives at █████

█████ stated at about 0830-0840 hours she heard approximately four to five gun shots coming from the courtyard. About twenty seconds later, she heard a male subject (**Strain**) yelling, "Call the cops!" approximately two or three times. █████ called Tustin PD to report the incident. █████ did not look out her window until approximately five to six minutes later and saw a white unmarked police vehicle.

I spoke to █████ █████ who lives in apartment █████

█████ stated he left his residence at approximately 0630 hours and did not return until approximately 1500 hours.

I spoke to █████ █████ who lives in apartment █████

█████ stated at approximately 0850 hours he woke up to hearing five gunshots. He looked out his bedroom window which faces east into the courtyard and saw a light skinned male subject (**Strain**) about 5'9" tall, approximately 200-225 lbs with short light hair wearing a blue shirt and beige shorts. **Strain** was in plain view standing on the north side of the north east corner of building X. He was "taking cover" and looking south bound with his gun drawn.

█████ never saw **Strain** discharge the weapon.

Detective T. Lomeli #1206
Special Operations Division
General Investigations Unit
Property Crimes Team

PROPERTY REPORT

TUSTIN
POLICE DEPARTMENT

1 CR# **14-1902**
2 REFER OTHER REPORTS

ORIG
 SUPP

SOURCE CODE: "F"=FINDER "O"=OWNER "S"=SUSPECT "V"=VICTIM "W"=WITNESS

SOURCE	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	SOURCE	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)
W	[REDACTED]		
S	HERREIRA, HENRY		

PROPERTY CODES	PERSONAL REC	SK STATEKEEPING	RECOVERED	SEARCH WARRANT	FINDER'S CLAIM	LOG CODES	GAGE	REFRIGERATOR
	EVIDENCE	INVEST	STOLEN	STOLEN/RECOVER	STOLEN/RECOVER		FREEZER	HAZMAT
	FOUND						LOGGERS	VICTIM RETAINED

ITEM NO.	3 TYPE	4 QTY	5 ARTICLE	6 BRAND	7 MODEL	8 SERIAL NO./OAN	9 VALUE
	E	3	DOCUMENT	-	-	-	Ø
	10 COLOR(S)		11 DESCRIPTION				
	WHITE		WRITTEN STATEMENT BY W				
GUN	TYPE <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other			CATEGORY <input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver			CALIBER:
	<input type="checkbox"/> Rifle <input type="checkbox"/> Combo			<input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other			BARREL LENGTH:
12 PREMISE / AREA / ROOM TAKEN FROM			13 SOURCE:	14 CURRENT LOCATION	15 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		
W			W	L-22	-		

ITEM NO.	16 TYPE	17 QTY	18 ARTICLE	19 BRAND	20 MODEL	21 SERIAL NO./OAN	22 VALUE
	23 COLOR(S)		24 DESCRIPTION				
GUN	TYPE <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other			CATEGORY <input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver			CALIBER:
	<input type="checkbox"/> Rifle <input type="checkbox"/> Combo			<input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other			BARREL LENGTH:
25 PREMISE / AREA / ROOM TAKEN FROM			26 SOURCE:	27 CURRENT LOCATION	28 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ITEM NO.	29 TYPE	30 QTY	31 ARTICLE	32 BRAND	33 MODEL	34 SERIAL NO./OAN	35 VALUE
	36 COLOR(S)		37 DESCRIPTION				
GUN	TYPE <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other			CATEGORY <input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver			CALIBER:
	<input type="checkbox"/> Rifle <input type="checkbox"/> Combo			<input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other			BARREL LENGTH:
38 PREMISE / AREA / ROOM TAKEN FROM			39 SOURCE:	40 CURRENT LOCATION	41 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ITEM NO.	42 TYPE	43 QTY	44 ARTICLE	45 BRAND	46 MODEL	47 SERIAL NO./OAN	48 VALUE
	49 COLOR(S)		50 DESCRIPTION				
GUN	TYPE <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other			CATEGORY <input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver			CALIBER:
	<input type="checkbox"/> Rifle <input type="checkbox"/> Combo			<input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other			BARREL LENGTH:
51 PREMISE / AREA / ROOM TAKEN FROM			52 SOURCE:	53 CURRENT LOCATION	54 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ITEM NO.	55 TYPE	56 QTY	57 ARTICLE	58 BRAND	59 MODEL	60 SERIAL NO./OAN	61 VALUE
	62 COLOR(S)		63 DESCRIPTION				
GUN	TYPE <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other			CATEGORY <input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver			CALIBER:
	<input type="checkbox"/> Rifle <input type="checkbox"/> Combo			<input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other			BARREL LENGTH:
64 PREMISE / AREA / ROOM TAKEN FROM			65 SOURCE:	66 CURRENT LOCATION	67 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ALL SERIALIZED ITEMS (WITH THE EXCEPTION OF ITEMS FOR IMMEDIATE DESTRUCTION) MUST BE ENTERED INTO DOJ

COMMENTS

PROPERTY RELEASED BY APPOINTMENT ONLY: Please refer to the back of your property receipt for property release information and instructions.

OFFICER'S NAME	ID NUMBER	DATE	SIGNATURE FOR RECEIPT	<input type="checkbox"/> RECEIPT MAILED	<input type="checkbox"/> REFUSED	PG	OF
LUMELI	1206	4-11-14					

8⁴⁸
AM

walking towards Laundry Rm #1
I saw a Hispanic Male unfamiliar
walking towards me at a medium
pace w/baseball cap I said good
Morning he just nodded and past
then I see a white guy shorts
yellow T come in through the
court yard heading the same
way, he was also unfamiliar. Said
good morning ~~and~~ as he passed

I thought where are they going,
turned around to see
by this time I hear
and see the white guy
announcing himself as
a police officer and he
has his gun drawn now
running saying stop stop
the kid turned around and
looked for a min then

Kept running, the OFFICE
fired 3 or 4 shots. Looked
like they hit him

**Tustin Police Department
Supplemental Narrative
CR# 14-1902**

NARRATIVE

On 04/10/14 at approximately 0930 hours, I was dispatched to 1602 Nisson Rd to assist Detective Lomeli with his investigation. While assisting, I conducted a witness interview of [REDACTED] [REDACTED]. The interview was conducted in Spanish.

[REDACTED] stated at approximately 0810 hours she was washing clothes in the laundry room adjacent to the children's playground, within the complex. She was in the process of loading her wet clothes into the dryer when she heard multiple loud bangs. She told me the bangs were gun shots. [REDACTED] said she heard approximately 6-7 gun shots.

[REDACTED] hid behind the machines in the laundry room after hearing the gun shots. After a few moments, she looked out the laundry room door and saw a skinny Hispanic male wearing a backpack. She said he looked young, and appeared to be running from a medium height Caucasian male with short [REDACTED] hair, wearing street clothes. The Caucasian male yelled, "Hey" multiple times as he chased after the Hispanic male. Both males ran toward the east alley of the complex and disappeared out of sight.

[REDACTED] told me she saw the Caucasian male holding a black handgun. She said the handgun looked square and small. She did not know if it was a revolver or semi-automatic handgun. [REDACTED] had no further details.

Refer to original report for further details.

No further details.

TUSTIN
POLICE DEPARTMENT

NARRATIVE/SUPPLEMENTAL REPORT

PAGE _____

1 CR # 14-1902	2 SUPPLEMENTAL <input checked="" type="checkbox"/>
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3 NAME (LAST, FIRST, MIDDLE) /	4 OCCUPATION	5 D.O.B. /	6 SEX <input type="checkbox"/> 1 M <input type="checkbox"/> 1 F	7 RACE <input type="checkbox"/> 4 IND <input type="checkbox"/> 8 PISL <input type="checkbox"/> 5 CHI <input type="checkbox"/> 9 MET	<input type="checkbox"/> 1 WHT <input type="checkbox"/> 2 HISP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL <input type="checkbox"/> 10 OTH
8 RESIDENCE ADDRESS /	9 CITY	STATE	ZIP CODE	10 RES. PHONE ()	
11 CODE SECTION	12 CRIME	13 CLASSIFICATION		14 REFER OTHER REPORTS	
15 LOCATION 1602 NISSUN RD			16 RD	17 DATE 4-10-14	18 TIME

19 SYNOPSIS REQUIRED ON ORIGINAL REPORT ONLY. THE LISTED CRIMES INCLUDE ATTEMPTS.
SYNOPSIS = MAIN FACTS OF THE CRIME. INCLUDE M.O. TYPE SUSPECT STATEMENT.

SYNOPSIS REQUIRED ON ALL PART 1 OFFENSES

20 TATTOO DESCRIPTION / SYNOPSIS:
TT:

N
A

ATTN: DATA ENTRY CLERK - ENTER DESCRIPTIONS OF SCARS, MARKS, TATTOOS FROM SUSPECT PAGE.

21 NARRATIVE:

* SEE ATTACHED

22 REPORTING OFFICER / ID NO. E. HAUG #1124	23 DATE 4-12-14	24 APPROVED BY / ID NO.	25 DATE
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**TUSTIN
POLICE DEPARTMENT**

ADDITIONAL NAMES
TPD #103A (REV 9/2008)

1 CR# **14-1902**

VICTIM(S) / WITNESS / HP / SUBJECT(S)

CRIME	2 CODE SECTION		3 CRIME		4 REFER OTHER REPORTS				
	5 LOCATION 1602 NISSON RD.			6 AREA SOUTH					
NAME	7 CODE W	8 NAME (LAST, FIRST, MIDDLE)		9 OCCUPATION	10 D.O.B.	11 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	12 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 8 PISL. <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH.	<input type="checkbox"/> 2 HISP <input type="checkbox"/> 6 JAPN	<input checked="" type="checkbox"/> 3 BLK <input type="checkbox"/> 7 FIL
	13 RESIDENCE ADDRESS			14 CITY	STATE	ZIP CODE	15 RES. PHONE ()		16 HT.
	17 BUSINESS NAME & ADDRESS			18 CITY	STATE	ZIP CODE	19 BUS. PHONE ()		20 WT.
	21 EMAIL			22 CELL PHONE					
VEH	23 LICENSE #	24 STATE	25 YEAR	26 MAKE	27 MODEL	28 BODY STYLE 0 <input type="checkbox"/> UNK 2 <input type="checkbox"/> 4-DR 4 <input type="checkbox"/> P/U 6 <input type="checkbox"/> VAN 8 <input type="checkbox"/> RV 10 <input type="checkbox"/> OTHER 1 <input type="checkbox"/> 2-DR 3 <input type="checkbox"/> CONV 5 <input type="checkbox"/> TRUCK 7 <input type="checkbox"/> S/W 9 <input type="checkbox"/> M/C			
	29 COLOR/COLOR		30 OTHER CHARACTERISTICS			31 DISPOSITION OF VEHICLE			
NAME	32 CODE	33 NAME (LAST, FIRST, MIDDLE)		34 OCCUPATION	35 D.O.B.	36 SEX <input type="checkbox"/> M <input type="checkbox"/> F	37 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 8 PISL. <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH.	<input type="checkbox"/> 2 HISP <input type="checkbox"/> 6 JAPN	<input type="checkbox"/> 3 BLK <input type="checkbox"/> 7 FIL
	38 RESIDENCE ADDRESS			39 CITY	STATE	ZIP CODE	40 RES. PHONE ()		41 HT.
	42 BUSINESS NAME & ADDRESS			43 CITY	STATE	ZIP CODE	44 BUS. PHONE ()		46 WT.
	45 EMAIL			47 CELL PHONE					
VEH	48 LICENSE #	49 STATE	50 YEAR	51 MAKE	52 MODEL	53 BODY STYLE 0 <input type="checkbox"/> UNK 2 <input type="checkbox"/> 4-DR 4 <input type="checkbox"/> P/U 6 <input type="checkbox"/> VAN 8 <input type="checkbox"/> RV 10 <input type="checkbox"/> OTHER 1 <input type="checkbox"/> 2-DR 3 <input type="checkbox"/> CONV 5 <input type="checkbox"/> TRUCK 7 <input type="checkbox"/> S/W 9 <input type="checkbox"/> M/C			
	54 COLOR/COLOR		55 OTHER CHARACTERISTICS			56 DISPOSITION OF VEHICLE			
NAME	57 CODE	58 NAME (LAST, FIRST, MIDDLE)		59 OCCUPATION	60 D.O.B.	61 SEX <input type="checkbox"/> M <input type="checkbox"/> F	62 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 8 PISL. <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH.	<input type="checkbox"/> 2 HISP <input type="checkbox"/> 6 JAPN	<input type="checkbox"/> 3 BLK <input type="checkbox"/> 7 FIL
	63 RESIDENCE ADDRESS			64 CITY	STATE	ZIP CODE	65 RES. PHONE ()		66 HT.
	67 BUSINESS NAME & ADDRESS			68 CITY	STATE	ZIP CODE	69 BUS. PHONE ()		70 WT.
	71 EMAIL			72 CELL PHONE					
VEH	73 LICENSE #	74 STATE	75 YEAR	76 MAKE	77 MODEL	78 BODY STYLE 0 <input type="checkbox"/> UNK 2 <input type="checkbox"/> 4-DR 4 <input type="checkbox"/> P/U 6 <input type="checkbox"/> VAN 8 <input type="checkbox"/> RV 10 <input type="checkbox"/> OTHER 1 <input type="checkbox"/> 2-DR 3 <input type="checkbox"/> CONV 5 <input type="checkbox"/> TRUCK 7 <input type="checkbox"/> S/W 9 <input type="checkbox"/> M/C			
	79 COLOR/COLOR		80 OTHER CHARACTERISTICS			81 DISPOSITION OF VEHICLE			
NAME	82 CODE	83 NAME (LAST, FIRST, MIDDLE)		84 OCCUPATION	85 D.O.B.	86 SEX <input type="checkbox"/> M <input type="checkbox"/> F	87 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 8 PISL. <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH.	<input type="checkbox"/> 2 HISP <input type="checkbox"/> 6 JAPN	<input type="checkbox"/> 3 BLK <input type="checkbox"/> 7 FIL
	88 RESIDENCE ADDRESS			89 CITY	STATE	ZIP CODE	90 RES. PHONE ()		91 HT.
	92 BUSINESS NAME & ADDRESS			93 CITY	STATE	ZIP CODE	94 BUS. PHONE ()		95 WT.
	96 EMAIL			97 CELL PHONE					
VEH	98 LICENSE #	99 STATE	100 YEAR	101 MAKE	102 MODEL	103 BODY STYLE 0 <input type="checkbox"/> UNK 2 <input type="checkbox"/> 4-DR 4 <input type="checkbox"/> P/U 6 <input type="checkbox"/> VAN 8 <input type="checkbox"/> RV 10 <input type="checkbox"/> OTHER 1 <input type="checkbox"/> 2-DR 3 <input type="checkbox"/> CONV 5 <input type="checkbox"/> TRUCK 7 <input type="checkbox"/> S/W 9 <input type="checkbox"/> M/C			
	104 COLOR/COLOR		105 OTHER CHARACTERISTICS			106 DISPOSITION OF VEHICLE			
NAME	107 CODE	108 NAME (LAST, FIRST, MIDDLE)		109 OCCUPATION	110 D.O.B.	111 SEX <input type="checkbox"/> M <input type="checkbox"/> F	112 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 8 PISL. <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH.	<input type="checkbox"/> 2 HISP <input type="checkbox"/> 6 JAPN	<input type="checkbox"/> 3 BLK <input type="checkbox"/> 7 FIL
	113 RESIDENCE ADDRESS			114 CITY	STATE	ZIP CODE	115 RES. PHONE ()		116 HT.
	117 BUSINESS NAME & ADDRESS			118 CITY	STATE	ZIP CODE	119 BUS. PHONE ()		120 WT.
	121 EMAIL			122 CELL PHONE					
VEH	123 LICENSE #	124 STATE	125 YEAR	126 MAKE	127 MODEL	128 BODY STYLE 0 <input type="checkbox"/> UNK 2 <input type="checkbox"/> 4-DR 4 <input type="checkbox"/> P/U 6 <input type="checkbox"/> VAN 8 <input type="checkbox"/> RV 10 <input type="checkbox"/> OTHER 1 <input type="checkbox"/> 2-DR 3 <input type="checkbox"/> CONV 5 <input type="checkbox"/> TRUCK 7 <input type="checkbox"/> S/W 9 <input type="checkbox"/> M/C			
	129 COLOR/COLOR		130 OTHER CHARACTERISTICS			131 DISPOSITION OF VEHICLE			
132 REPORTING OFFICER / ID NO. E HAUG 1124			133 DATE 4-12-14	134 APPROVED BY / ID NO.			135 DATE		

**TUSTIN POLICE DEPARTMENT
INVESTIGATIVE SUPPLEMENTAL REPORT
CR# 14-1902**

I am a Detective with the Tustin Police Department and assigned to the General Investigations Property Crimes Team.

Case Summary:

On 04/10/2014, I responded to 1602 Nissan Road in response to an officer involved shooting. Upon arrival, I was advised the suspect, later identified as Henry Cardenas, had fled from the area and Cardenas was possibly armed with a shotgun. I assisted at the scene by assuming a perimeter position which covered the area where Cardenas was last seen running. Upon the area being cleared by SWAT officers, I returned to TPD.

While at TPD, I was advised a witness (████████, ██████████) had come forward and he wanted to speak to a detective. ██████████ was transported to TPD where I met with him in a private interview room. Below is a summary of my conversation with ██████████.

████████ Interview:

████████ is currently staying at the Key Inn Hotel (1611 El Camino Real #431). On 04/10/2014 at approximately 0900 hours, ██████████ was returning to his hotel after purchasing some grocery items from nearby stores. ██████████ returned to his hotel by traveling N/B Red Hill Ave to E/B El Camino Real.

████████ stated he was walking east-bound El Camino Real on the south side of the street in the Wendy's restaurant parking lot. While walking through the parking lot, ██████████ saw a male subject carrying what he believed to be a sawed-off shotgun hidden under a jacket. ██████████ described the item as being possibly two feet long. ██████████ said, "He must have a gun or something, he's got something up under his shirt." ██████████ said he was about twenty feet from the subject.

████████ said while the subject was walking, the subject was carrying the object in front of him and was trying to conceal the item under a jacket. ██████████ stood up and mimicked the way the subject was carrying the item. ██████████ had his arms extended

TUSTIN POLICE DEPARTMENT
INVESTIGATIVE SUPPLEMENTAL REPORT
CR# 14-1902

down in front of his body in a manner in which one would carry a rifle or shotgun.

████████ described the subject as a male Hispanic or Caucasian (tan skin). ██████████ stated he did not get close enough to the subject to get a good description of his face. I showed ██████████ a DMV photograph of Cardenas and ██████████ said Cardenas had the same complexion as the subject he saw. ██████████ said the subject was wearing "solid" colored clothing and a black hat.

████████ said he initially observed the subject walking west bound El Camino Real on the north side of the street. The subject then crossed the street around the area of Key Lodge. While walking, the subject was continually trying to conceal the "butt" of the potential weapon. I asked ██████████ if the gun barrel was sticking out and ██████████ replied, "It was short, if it was a shotgun, it must have been sawed-off." ██████████ said the subject was nervous and did not appear comfortable walking. ██████████ said the subject appeared to be trying to avoid surveillance cameras by changing his direction of travel.

████████ was later watching the news and saw there was a shooting incident in Tustin. It was at that time ██████████ believed the subject he observed was the person involved.

I asked ██████████ if he had ever seen the subject before; possibly over at the hotel. ██████████ then asked to look at Cardenas' DMV photograph again. After reviewing the photograph, ██████████ said he remembered seeing Cardenas walking through the Key Lodge late last night. ██████████ said Cardenas appeared to be high (under the influence) or something by the way Cardenas was acting. I concluded my interview with ██████████ and gave ██████████ a ride back to his hotel.

Wendy's Follow Up:

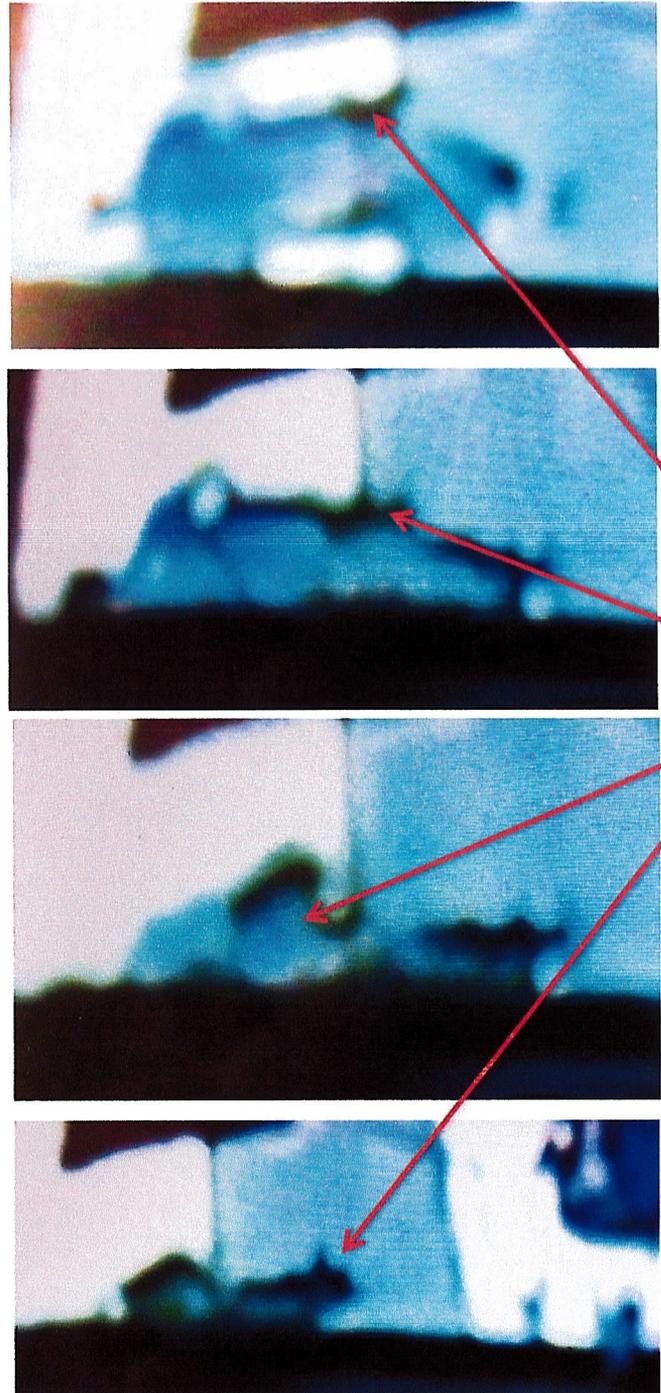
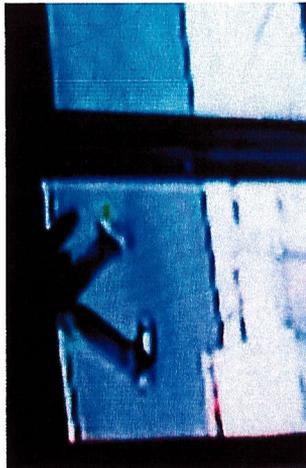
I then responded to Wendy's (13922 Red Hill Ave) to inquire if they had any surveillance cameras. I was allowed access to their office to review their surveillance footage. Upon reviewing the

**TUSTIN POLICE DEPARTMENT
INVESTIGATIVE SUPPLEMENTAL REPORT
CR# 14-1902**

footage, I saw at 08:46:13 hours, Cardenas walks west bound along the south side of Wendy's (drive-thru area). The camera angle shows Cardenas walk past the drive-thru window. This camera angle only shows the lower half of Cardenas' legs. I could see Cardenas is wearing long pants with black and white shoes. Cardenas' can also be observed through a second window where a full body image can be seen. Only able to see Cardenas' back; I observed he was wearing a black hat, long pants, and a light blue shirt. It also shows Cardenas is carrying an unknown item in his arms; which appears to be covered by a dark colored sweat shirt or jacket. At 08:46:20 hours, Cardenas leaves camera view and continues west towards the N/B I-5 off-ramp to Red Hill Ave.

Wendy's DVR camera system does not have the ability to download the video onto a media storage device.

*Detective E. Haug
General Investigations
Property Crimes Team*

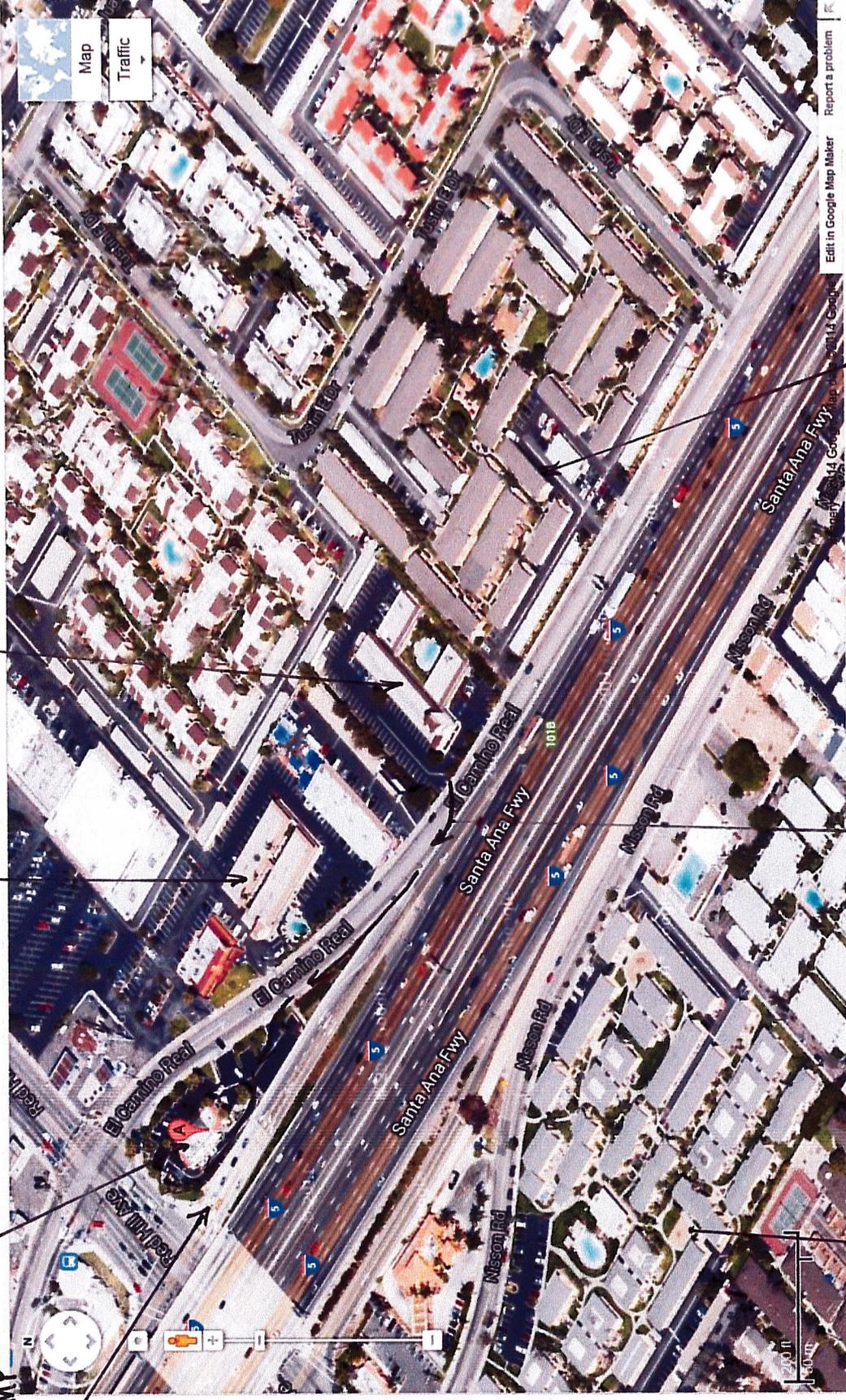


Dark colored jacket / sweater

Images of Cardenas walking W/B through Wendy's Drive-thru. Wearing long pants, black & white shoes, blue shirt, carrying sweater/jacket in front of his body.

WENDY'S
KEY INN
KEY LODGE

I-5 OFF RAMP



1602 NIKSON RD INCIDENT
CARMENAS TRAVEL PATH
CREEKSIDE MEADOWS APARTMENTS

DRIVE THRU

TRAVEL PATH



CARDENAS' TRAVEL PATH

TUSTIN
POLICE DEPARTMENT

NARRATIVE/SUPPLEMENTAL REPORT

PAGE 1

1 CR #	14-1902	2 SUPPLEMENTAL
		<input checked="" type="checkbox"/>

3 NAME (LAST, FIRST, MIDDLE) HERRERA, HENRY	4 OCCUPATION [REDACTED]	6 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	7 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 5 CHI <input type="checkbox"/> 8 RIBL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH	<input checked="" type="checkbox"/> 2 HISP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 7 FIL
------------------------------------------------	----------------------------	------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------

11 CODE SECTION P.C. 417	12 OFFENSE PISTOL IN HAND A WEAPON	13 CLASSIFICATION FELONY	14 REFER OTHER REPORTS
-----------------------------	------------------------------------------	-----------------------------	------------------------

15 LOCATION 300 CENTENNIAL WAY, TUSTIN	16 RD	17 DATE 4-11-14	18 TIME 1100
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19 SYNOPSIS REQUIRED ON ORIGINAL REPORT ONLY. THE LISTED CRIMES INCLUDE ATTEMPTS.
SYNOPSIS = MAIN FACTS OF THE CRIME. INCLUDE M.O. TYPE SUSPECT STATEMENT.
SYNOPSIS REQUIRED ON ALL PART 1 OFFENSES

20 TATTOO DESCRIPTION / SYNOPSIS:
TT:

ATTN: DATA ENTRY CLERK - ENTER DESCRIPTIONS OF SCARS, MARKS, TATTOOS FROM SUSPECT PAGE.

21 NARRATIVE:
* PLEASE SEE ATTACHED NARRATIVE *

22 REPORTING OFFICER / ID NO. D. MATTER #1038	23 DATE 4-11-14	24 APPROVED BY / ID NO.	25 DATE
--------------------------------------------------	--------------------	-------------------------	---------

ADDITIONAL NAMES / LAW ENFORCEMENT PERSONNEL ONLY

**A- ASSISTED AT SCENE C- CRIME SCENE INVESTIGATION F- ASSIGNED FOLLOW-UP OFFICER
P- PERIMETER ASSIST W- WITNESS**

136 CR# 14-1902

137 CODE	138 NAME (LAST, FIRST NAME)	139 ID NO.	140 AGENCY NAME TUSTIN POLICE DEPARTMENT		
141 AGENCY ADDRESS 300 CENTENNIAL WAY		CITY TUSTIN	STATE CA	ZIP 92780	142 AGENCY PHONE (714) 573-3200
143 CAN TESTIFY TO:					
144 CODE	145 NAME (LAST, FIRST NAME)	146 ID NO.	147 AGENCY NAME TUSTIN POLICE DEPARTMENT		
148 AGENCY ADDRESS 300 CENTENNIAL WAY		CITY TUSTIN	STATE CA	ZIP 92780	149 AGENCY PHONE (714) 573-3200
150 CAN TESTIFY TO:					
151 CODE	152 NAME (LAST, FIRST NAME)	153 ID NO.	154 AGENCY NAME TUSTIN POLICE DEPARTMENT		
155 AGENCY ADDRESS 300 CENTENNIAL WAY		CITY TUSTIN	STATE CA	ZIP 92780	156 AGENCY PHONE (714) 573-3200
157 CAN TESTIFY TO:					
158 CODE	159 NAME (LAST, FIRST NAME)	160 ID NO.	161 AGENCY NAME TUSTIN POLICE DEPARTMENT		
162 AGENCY ADDRESS 300 CENTENNIAL WAY		CITY TUSTIN	STATE CA	ZIP 92780	163 AGENCY PHONE (714) 573-3200
164 CAN TESTIFY TO:					
165 CODE	166 NAME (LAST, FIRST NAME)	167 ID NO.	168 AGENCY NAME TUSTIN POLICE DEPARTMENT		
169 AGENCY ADDRESS 300 CENTENNIAL WAY		CITY TUSTIN	STATE CA	ZIP 92780	170 AGENCY PHONE (714) 573-3200
171 CAN TESTIFY TO:					
172 CODE	173 NAME (LAST, FIRST NAME)	174 ID NO.	175 AGENCY NAME TUSTIN POLICE DEPARTMENT		
176 AGENCY ADDRESS 300 CENTENNIAL WAY		CITY TUSTIN	STATE CA	ZIP 92780	177 AGENCY PHONE (714) 573-3200
178 CAN TESTIFY TO:					
179 CODE	180 NAME (LAST, FIRST INITIAL)	181 ID NO.	182 AGENCY NAME		
<i>W</i>	<i>WINDSEY, J</i>	<i>411</i>	<i>IRVINE POLICE DEPARTMENT</i>		
183 AGENCY ADDRESS <i>ONE CIVIC CENTER PLAZA IRVINE CALIF. 92623</i>		CITY <i>IRVINE</i>	STATE <i>CALIF.</i>	ZIP <i>92623</i>	184 AGENCY PHONE <i>949-724-7000</i>
185 CAN TESTIFY TO: <i>PROVIDES SPANISH TRANSLATION DURING INTERVIEW</i>					
186 CODE	187 NAME (LAST, FIRST NAME)	188 ID NO.	189 AGENCY NAME		
190 AGENCY ADDRESS		CITY	STATE	ZIP	191 AGENCY PHONE
192 CAN TESTIFY TO:					
193 CODE	194 NAME (LAST, FIRST NAME)	195 ID NO.	196 AGENCY NAME		
197 AGENCY ADDRESS		CITY	STATE	ZIP	198 AGENCY PHONE
199 CAN TESTIFY TO:					
200 CODE	201 NAME (LAST, FIRST NAME)	202 ID NO.	203 AGENCY NAME		
204 AGENCY ADDRESS		CITY	STATE	ZIP	205 AGENCY PHONE
206 CAN TESTIFY TO:					
207 REPORTING OFFICER / ID NO. <i>D. MAHER #1038</i>		208 DATE <i>4-11-14</i>	209 APPROVED BY / ID NO.		210 DATE

Tustin Police Department
Investigative Supplemental Report
CR 14-1902

I am a Civilian Investigator assigned to the Major Crimes Team within the Special Operations Division of the Tustin Police Department. My primary responsibility is to investigate many types of crimes ranging from domestic violence, child and elder abuse to misdemeanor assaults and property crimes. On 04-10-14, I was asked to assist in an officer involved shooting investigation.

NARRATIVE: On 04-10-15, an officer involved shooting occurred at 1602 Nisson Road, Tustin (Westchester Park Apartments). Please see Officer M. Howard (#1071) original report and Detective N. Nguyen (#1123) supplemental reports for further information.

During this investigation, I was contacted by Detective Nguyen and asked to assist in documenting text messages from suspect Henry Herrera's cell phone, a black and silver Samsung Metro PCS cell phone (HEX #26843546010896). Using my department issued digital camera, I took photographs of 175 text messages which were contained on the cellular phone. Once this was completed, the digital photographic images along with an identifying case slide were downloaded onto the secure department computer server as evidence. The cell phone was then returned to Detective Nguyen for further investigation.

I was asked by Detective Nguyen to contact the suspect's mother, [REDACTED], and obtain written consent to search her apartment ([REDACTED]). I responded to the unified command post set up at 14171 Red Hill Avenue (Stater Brothers Market) and met with Irvine Police Officer J. Lindsey (#411) who was with [REDACTED] and a friend by the name of [REDACTED]. [REDACTED] spoke Spanish and some English. Officer J. Lindsey is a certified Spanish interpreter with the Irvine Police Department and she provided translation service during this interview. I introduced and identified myself to [REDACTED] and her friend. I explained to [REDACTED] that as part of this investigation, we were asking permission to search in her apartment and the garage where suspect, Henry Herrera had been. I explained we would like her written permission to complete this task, but if we did not receive it we would pursue obtaining a search warrant for the apartment and garage to complete this task. During my explanation, [REDACTED] was nodding her head yes. Officer Lindsey explained in Spanish what I had told her in English and at the end [REDACTED] responded in English saying we could search her apartment and garage. I completed the Authority Form Search, Seizure & Physical Examination of Property form with [REDACTED] information. I then read out loud the information on the form to [REDACTED] in English with Officer Lindsey translating the same information into Spanish as we went along. At the completion, I asked [REDACTED] if she understood and she said "Yes." I also asked if she had any questions regarding the form. Both of these questions were verbally translated

Tustin Police Department
Investigative Supplemental Report
CR 14-1902

into Spanish by Officer Lindsey and explained to [REDACTED] [REDACTED] said she had no questions and signed the authorization to search form at approximately 1405 hours. Please see the attached form which is included in this supplemental report. This interview was recorded on a digital recorder by Officer Lindsey. The interview will be downloaded at the Irvine Police Department. A copy can be requested from the Records Department by reference to recorder CNT2 9992.

Please forward this supplemental report to General Investigations for review.



Tustin Police Department

DR NUMBER	14-1902
DATE	4-10-14
TIME	1405

AUTHORITY FOR SEARCH, SEIZURE & PHYSICAL EXAMINATION OF PROPERTY

I/We, [redacted] hereby grant officers of the TUSTIN POLICE DEPARTMENT, or their agents, permission to search, seize and remove any property or other item they believe to be of value as evidence pertaining to TUSTIN POLICE DEPARTMENT report number # 14-1902.

TUSTIN POLICE officers are specifically permitted to search the following location(s) which are owned by and/or under the lawful control of [redacted].

- Structures/Residences, and contents thereof: APARTMENT AND GARAGE [redacted]
- Auto/Other Vehicles, and contents thereof: _____
- Misc. luggage, containers, clothing: _____

I understand that I may refuse permission to search, but if I do refuse permission, the TUSTIN POLICE and/or their agents may apply for a search warrant.

Signature: _____ (OWNER OF PROPERTY) (DATE)

Signature: _____ (DATE)

XSignature: [redacted] (PERSON IN LAWFUL CONTROL) (DATE) 4-10-14

Signature: _____ (PERSON IN LAWFUL CONTROL) (DATE)

Signature: _____ (PERSON IN LAWFUL CONTROL) (DATE)

Signature: D. MAHER #1038 (WITNESS/OFFICER) (DATE) 4-10-14

Tustin Police Department Supplemental Evidence Report

Offense: Officer Involved Shooting	Date: 04-10-14	Time: 0900
Location of Incident: Westchester Park 1602 Nisson Road [REDACTED]		
Where Performed: Westchester Park 1602 Nisson Road [REDACTED]	Requested by: Det. P. HARDACRE #692	
Victim:	Suspect: HERRERA, Henry	

NARRATIVE

On 04-10-14 at approximately 0900 hours I responded to the area of Nisson Road and Redhill Avenue reference an officer involved shooting in the Westchester Park apartment complex located at 1602 Nisson Road.

Upon my arrival I was requested by Detective P. HARDACRE #692 to respond to the south alley of the complex reference CSI needed. I responded to the south alley and was requested to process the suspect's cell phone which was left on the grass, near the dumpster.

I began by photographing the immediate area leading up to the cell phone. Next, using black dusting powder, I processed the cell phone for possible latent fingerprints with positive results. I located several latent fingerprints along the screen of the cell phone (Item #1). I then swabbed the cell phone for possible DNA (Item #2). When I finished processing the cell phone, Detective N. NGUYEN #1123 took possession of the phone.

Once the suspect was detained by SWAT personnel, I began processing the scene with Supervisor C. GROVER #991 and PSO J. CHIAVATTI #1236 assisted with scribing.

Westchester Park is located on the south side of Nisson Road, east of Redhill Avenue. I was advised by Detective P. HARDACRE #692 two casings were located on the ground between buildings U and X and one slug in front of building T. Additionally three entry holes were located on the wood fence of

Police Services Officer: S. Kenan



ID Number: 1235

Approved by:



Tustin Police Department Supplemental Evidence Report

apartment [REDACTED] In the south alley near the recovered cell phone, a black hooded sweatshirt was located on the sidewalk and a gray t-shirt was located in the alley near the dumpster which had a pair of bolt cutters underneath it. Lastly, a Tustin Police Department badge #975 inside a leather wallet was located on top of the hood of a maroon Chevy Blazer in the south alley.

I began by taking overall photographs of the complex panning from left to right, leading up to the south side, between buildings U and X. I took overall, intermediate and close-up photographs of each of the following and marked as follows (for the collection of items, refer to Supervisor C. GROVER'S supplemental):

- Marker #1-Shell casing on cement walkway near building X (Item #3)
- Marker #2-Shell casing on grass in front of building X (Item #4)
- Marker #3-Bullet lodged inside laundry room door
- Marker #4-Shell casing on ground in front of building T (Item #5)
- Marker #5-Entry to wood fence of apartment [REDACTED]
- Marker #6- Entry to wood fence of apartment [REDACTED]
- Marker #7-Entry to wood fence between apartment [REDACTED]
- Marker #8-Black sweatshirt on sidewalk (Item #6)
- Marker #9-Gray T-shirt on ground in front of dumpster (Item #7)
- Marker #10-Bolt cutters under dumpster (Item #8)
- Marker #11-Grass area where cell phone was found
- Marker #12-TPD Badge on vehicle (Item #9)

Next, we responded to apartment [REDACTED] to process the interior of that unit and the adjoining patio. The front door of the apartment was located on the east side of building T. Upon entering the front door there was a living room with stairs on the north side. On the west side was the kitchen with a small dining room. The living room had a couch along the east wall with a side table and a television on the

Tustin Police Department Supplemental Evidence Report

south wall. Just below the table was a bullet found on the carpet. Inside the dining room was the sliding glass door leading to the patio. The sliding glass door was shattered and there was glass on the floor. There appeared to be an entry hole on the lower right hand corner of the stationary door. The patio was enclosed by a wood fence. There was a small table in the center with several plants framing the patio. Along the west side of the fence, the bullet entries were located for markers #6 and #7.

I began by taking exterior photographs of the apartment leading to the interior. I took overall photographs of the apartment panning from left to right. I marked the following items and PSO C. GROVER #991 collected the following items:

- Marker #13-Bullet found in apartment [REDACTED] southeast corner (Item #10)
- Marker #14-Entry of bullet into patio sliding glass door of apartment [REDACTED]
- Marker #15-Entry of bullet into wood fence
- Marker #16-Bullet lodged into support beam of wood fence [REDACTED] (Item #11)

The bullet of Marker #5 was lodged inside the wood fence 2x4 panels (Item #12). Supervisor C. GROVER #991 removed a piece of the panel (for further details please refer to his supplemental).

Prior to leaving the scene, we had the maintenance department from Westchester Park remove the laundry room door containing the bullet (Item #14).

Once we concluded our investigation at the scene, all items of evidence were transported back to TPD. Supervisor C. GROVER #991 photographed each casing and bullet (for further details refer to his supplemental).

Due to the sensitive nature of this case, all photographs were uploaded onto a CD (Item #13).

Tustin Police Department
Supplemental Evidence Report

All items of evidence, including the CD of photographs were booked into TPD Property as evidence.

Using the Tustin Police Department issued map book, I prepared two maps of the designated crime scene area (see attached).

Tustin PD Special Area Map

Apt. Complex

District

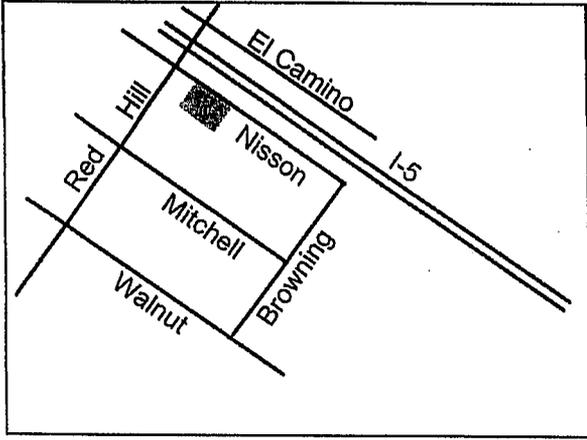
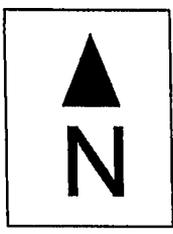
Westchester Park Apts
1602 Nisson Rd

Lock Box
None

Beat 3

Pg 1 of 1

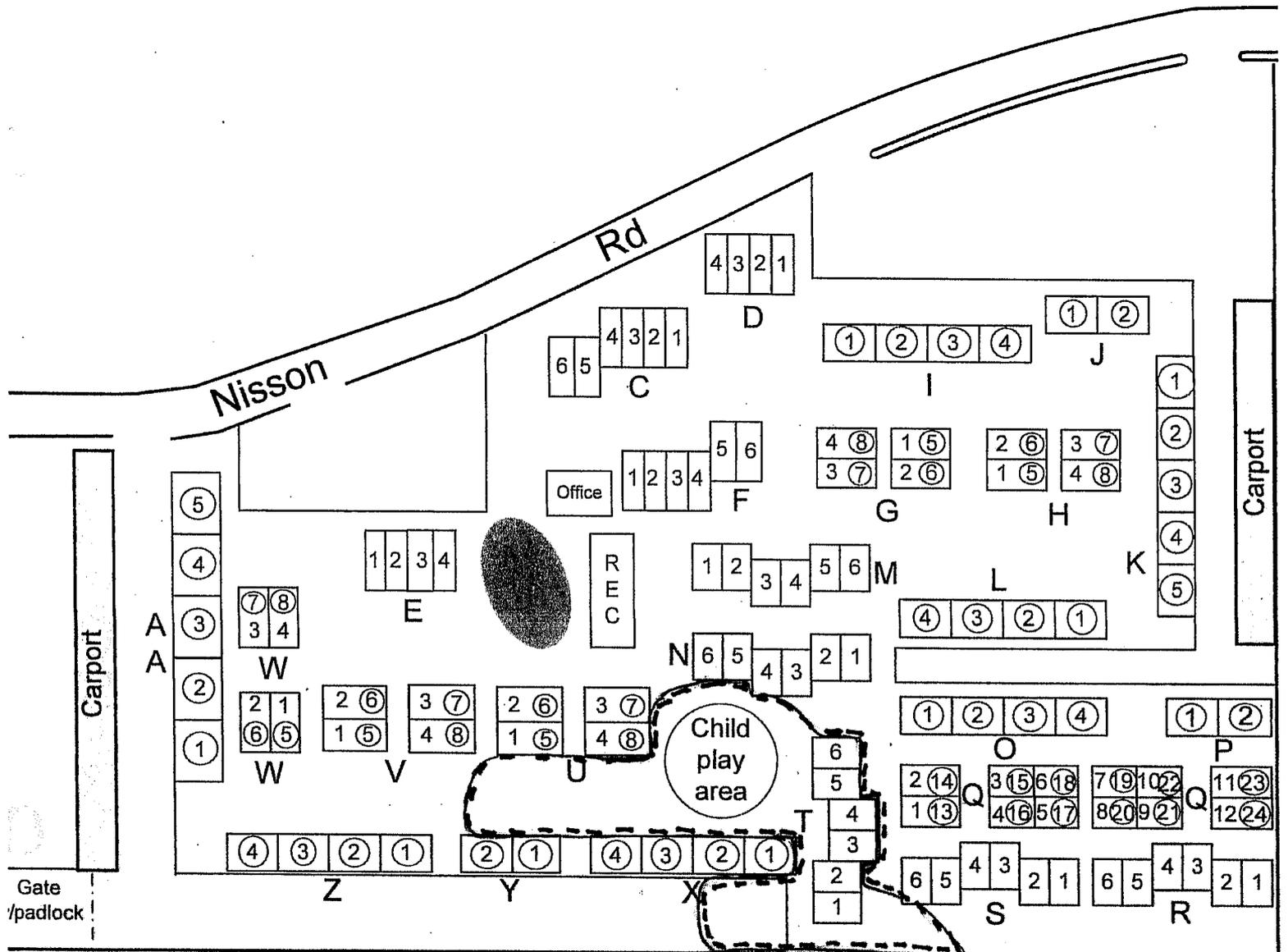
Rev. 3/01



DEDICATED CRIME SCENE AREA
WITHIN WESTCHESTER PARK

○ = Upstairs Apt

Laundry rooms under units
AA1, X1, P1, & J1



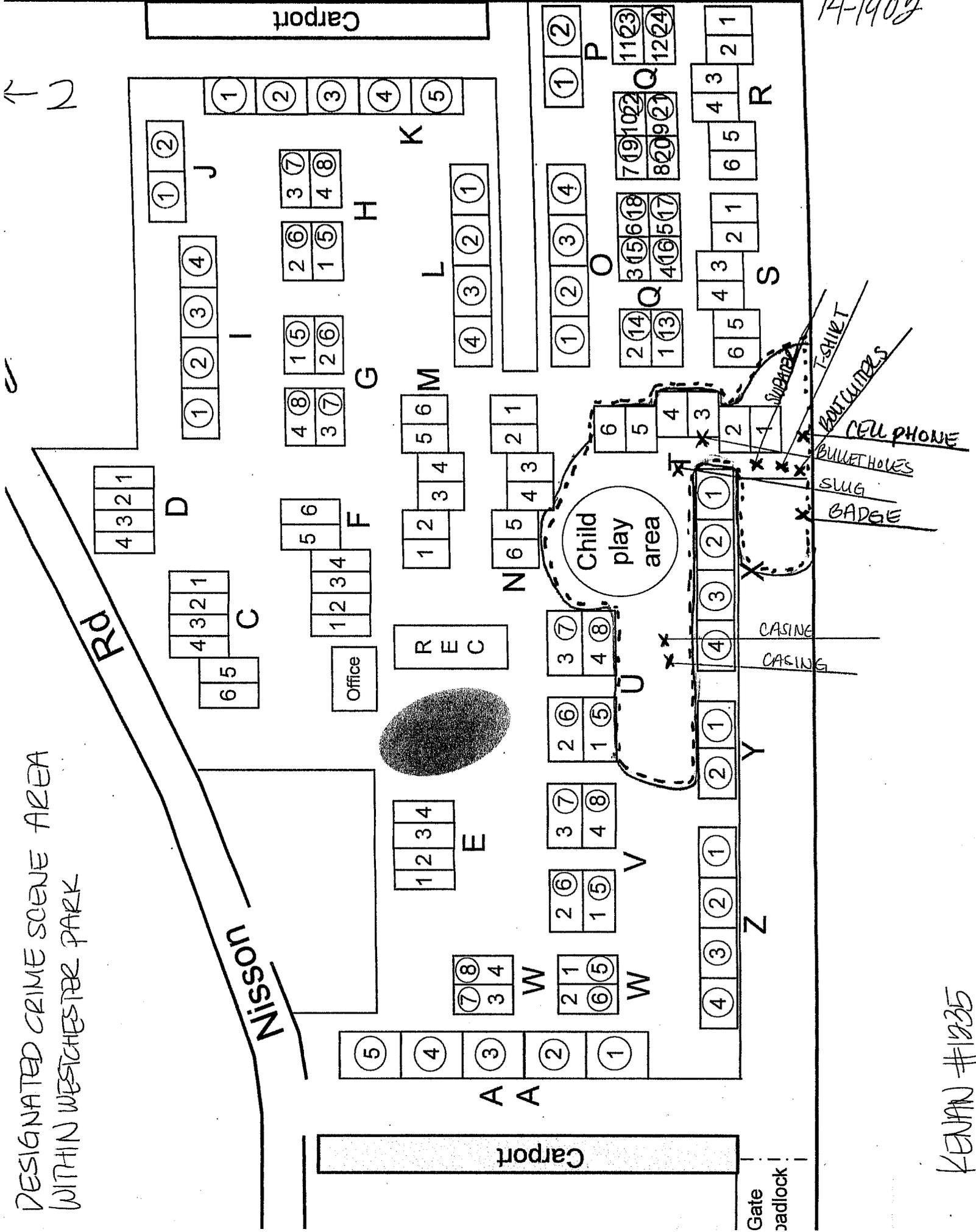
8061-11

KENAN #1835

14-1909

N ↑

DESIGNATED CRIME SCENE AREA
WITHIN WESTCHESTER PARK



KENAN #1235

Gate
padlock

PROPERTY REPORT

TUSTIN POLICE DEPARTMENT

1 CR#	K-1902
2 REFER OTHER REPORTS	

ORIG X SUPP

SOURCE CODE: "F"=FINDER "O"=OWNER "S"=SUSPECT "V"=VICTIM "W"=WITNESS

SOURCE	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	SOURCE	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)
V	CITY OF TUSTIN		

PROPERTY CODES	D - DISCREET REF. E - EVIDENCE IF FOUND	OK - SAFEKEEPING	R - RECEIVED IS - INCIDENT IS - ISOLATED	SEARCH WARRANT	FINGERPRINTS CLAIM	LOG CODES	G - GAGE P - FREEZER L - LOCKER	R - REFRIGERATOR H - HAZMAT V - VICTIM RETAINED
----------------	-----------------------------------------	------------------	------------------------------------------	----------------	--------------------	-----------	---------------------------------	-------------------------------------------------

ITEM NO.	3 TYPE	4 QTY	5 ARTICLE	6 BRAND	7 MODEL	8 SERIAL NO./OAN	9 VALUE
1	E	1	LATENTPRINT				
	10 COLOR(S)		11 DESCRIPTION				
			FROM CELL PHONE SCREEN				

GUN TYPE	Pistol Rifle Shotgun Combo Other	CATEGORY	Auto Semi Auto Pump Over / Under Revolver Other	CALIBER: BARREL LENGTH:
12 PREMISE / AREA / ROOM TAKEN FROM	13 SOURCE:	14 CURRENT LOCATION	15 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM	
1000 NISSON	UNK	JK		

ITEM NO.	16 TYPE	17 QTY	18 ARTICLE	19 BRAND	20 MODEL	21 SERIAL NO./OAN	22 VALUE
2	E	1	SWAB				
	23 COLOR(S)		24 DESCRIPTION				
			FROM CELL PHONE				

GUN TYPE	Pistol Rifle Shotgun Combo Other	CATEGORY	Auto Semi Auto Pump Over / Under Revolver Other	CALIBER: BARREL LENGTH:
25 PREMISE / AREA / ROOM TAKEN FROM	26 SOURCE:	27 CURRENT LOCATION	28 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM	
#12	UNK	JK		

ITEM NO.	29 TYPE	30 QTY	31 ARTICLE	32 BRAND	33 MODEL	34 SERIAL NO./OAN	35 VALUE
	36 COLOR(S)		37 DESCRIPTION				

GUN TYPE	Pistol Rifle Shotgun Combo Other	CATEGORY	Auto Semi Auto Pump Over / Under Revolver Other	CALIBER: BARREL LENGTH:
38 PREMISE / AREA / ROOM TAKEN FROM	39 SOURCE:	40 CURRENT LOCATION	41 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM	

ITEM NO.	42 TYPE	43 QTY	44 ARTICLE	45 BRAND	46 MODEL	47 SERIAL NO./OAN	48 VALUE
	49 COLOR(S)		50 DESCRIPTION				

GUN TYPE	Pistol Rifle Shotgun Combo Other	CATEGORY	Auto Semi Auto Pump Over / Under Revolver Other	CALIBER: BARREL LENGTH:
51 PREMISE / AREA / ROOM TAKEN FROM	52 SOURCE:	53 CURRENT LOCATION	54 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM	

ITEM NO.	55 TYPE	56 QTY	57 ARTICLE	58 BRAND	59 MODEL	60 SERIAL NO./OAN	61 VALUE
	62 COLOR(S)		63 DESCRIPTION				

GUN TYPE	Pistol Rifle Shotgun Combo Other	CATEGORY	Auto Semi Auto Pump Over / Under Revolver Other	CALIBER: BARREL LENGTH:
64 PREMISE / AREA / ROOM TAKEN FROM	65 SOURCE:	66 CURRENT LOCATION	67 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM	

ALL SERIALIZED ITEMS (WITH THE EXCEPTION OF ITEMS FOR IMMEDIATE DESTRUCTION) MUST BE ENTERED INTO DOJ

COMMENTS

PROPERTY RELEASED BY APPOINTMENT ONLY: Please refer to the back of your property receipt for property release information and instructions.

OFFICER'S NAME	ID NUMBER	DATE	SIGNATURE FOR RECEIPT	RECEIPT MAILED	REFUSED	PG	OF
KENAN	1235	04/19/14					

PROPERTY REPORT

TUSTIN
POLICE DEPARTMENT

1 CR# 14-1902
2 REFER OTHER REPORTS

ORIG
SUPP

SOURCE CODE: "F"=FINDER "O"=OWNER "S"=SUSPECT "V"=VICTIM "W"=WITNESS

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)
V CIVIL OF TUSTIN
S HENRY A. HENRY

PROPERTY CODES: D-DISPOSAL REQ, E-EVIDENCE, F-FOUND, R-RECOVERED, S-SEMI, SWR-SWORN/RECOVER, SEARCH WARRANT, FINDER'S CLAIM, G-GAGE, R-REFRIGERATOR, P-FREEZER, L-LOCKER, W-VICTIM RETAINED

ITEM NO. 3
3 TYPE E 4 QTY 1 5 ARTICLE CASING 6 BRAND - 7 MODEL - 8 SERIAL NO./OAN - 9 VALUE -
10 COLOR(S) STAINLESS STEEL 11 DESCRIPTION SHELL CASING ON CEMENT WALKWAY - MARKER #1
GUN TYPE Pistol Shotgun Other Rifle Combo CATEGORY Auto Semi Auto Pump Over / Under Revolver Other CALIBER: BARREL LENGTH:

12 PREMISE / AREA / ROOM TAKEN FROM 13 SOURCE: 14 CURRENT LOCATION 15 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM
1902 WILSON 0 21

ITEM NO. 4
18 TYPE E 17 QTY 1 18 ARTICLE CASING 19 BRAND - 20 MODEL - 21 SERIAL NO./OAN - 22 VALUE -
23 COLOR(S) STAINLESS STEEL 24 DESCRIPTION SHELL CASING ON BRASS - MARKER #2
GUN TYPE Pistol Shotgun Other Rifle Combo CATEGORY Auto Semi Auto Pump Over / Under Revolver Other CALIBER: BARREL LENGTH:

25 PREMISE / AREA / ROOM TAKEN FROM 26 SOURCE: 27 CURRENT LOCATION 28 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM
#12 0 21

ITEM NO. 5
29 TYPE E 30 QTY 1 31 ARTICLE ROUND 32 BRAND - 33 MODEL - 34 SERIAL NO./OAN - 35 VALUE -
36 COLOR(S) STAINLESS STEEL 37 DESCRIPTION BULLET FOUND ON CEMENT WALKWAY NEAR LAUNDRY
GUN TYPE Pistol Shotgun Other Rifle Combo CATEGORY Auto Semi Auto Pump Over / Under Revolver Other CALIBER: BARREL LENGTH:

38 PREMISE / AREA / ROOM TAKEN FROM 39 SOURCE: 40 CURRENT LOCATION 41 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM
#12 0 21 MARKER #3

ITEM NO. 6
42 TYPE E 43 QTY 1 44 ARTICLE SWEATER 45 BRAND NIKE 46 MODEL XL 47 SERIAL NO./OAN - 48 VALUE -
49 COLOR(S) B/W 50 DESCRIPTION HOODED SWEATER ON GROUND S/E CORNER BY DUMPSTER
GUN TYPE Pistol Shotgun Other Rifle Combo CATEGORY Auto Semi Auto Pump Over / Under Revolver Other CALIBER: BARREL LENGTH:

51 PREMISE / AREA / ROOM TAKEN FROM 52 SOURCE: 53 CURRENT LOCATION 54 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM
#12 S 21 MARKER #8

ITEM NO. 7
55 TYPE E 56 QTY 1 57 ARTICLE SHIRT 58 BRAND FRUIT OF LOM 59 MODEL XL 60 SERIAL NO./OAN - 61 VALUE -
62 COLOR(S) GRAY 63 DESCRIPTION T-SHIRT ON GROUND S/E CORNER BY DUMPSTER
GUN TYPE Pistol Shotgun Other Rifle Combo CATEGORY Auto Semi Auto Pump Over / Under Revolver Other CALIBER: BARREL LENGTH:

64 PREMISE / AREA / ROOM TAKEN FROM 65 SOURCE: 66 CURRENT LOCATION 67 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM
#12 S 21 MARKER #9

ALL SERIALIZED ITEMS (WITH THE EXCEPTION OF ITEMS FOR IMMEDIATE DESTRUCTION) MUST BE ENTERED INTO DO
COMMENTS

PROPERTY RELEASED BY APPOINTMENT ONLY: Please refer to the back of your property receipt for property release information and instructions.
OFFICER'S NAME ID NUMBER DATE SIGNATURE FOR RECEIPT RECEIPT MAILED REFUSED PG OF
KENAN 1035 041014

PROPERTY REPORT

TUSTIN
POLICE DEPARTMENT

1 OR# **14-1908**
2 REFER OTHER REPORTS

ORIG
SUPP

SOURCE CODE: "F"-FINDER "O"-OWNER "S"-SUSPECT "V"-VICTIM "W"-WITNESS

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) **CITY OF TUSTIN**
SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) **HERERA, HENRY**

PROPERTY CODES: D-PROPERTY REQ, E-EVIDENCE, F-FOUND, SK-SAFERKEEPING, L-LOCK, R-RECOVERED, S-SEARCHED, W-WARRANT, F-FINDERS CLAIM, G-GAGE, F-FREEZER, R-REFRIGERATOR, H-HAZMAT, V-VICTIM RETAINED

ITEM NO. **8**
3 TYPE **E** 4 QTY **1** 5 ARTICLE **TOOL** 6 BRAND **UNK** 7 MODEL **---** 8 SERIAL NO./OAN **---** 9 VALUE **---**
10 COLOR(S) **RED/BLK** 11 DESCRIPTION **BOLT CUTTERS FOUND UNDER DUMPSTER S/E CORNER**

GUN TYPE: Pistol, Rifle, Shotgun, Combo, Other
CATEGORY: Auto, Semi Auto, Pump, Over/Under, Revolver, Other
CALIBER: BARREL LENGTH:

12 PREMISE / AREA / ROOM TAKEN FROM **1008 NISSON** 13 SOURCE: **J** 14 CURRENT LOCATION **21** 15 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM **MARKER #10**

ITEM NO. **9**
16 TYPE **E** 17 QTY **1** 18 ARTICLE **BADGE** 19 BRAND **TPD** 20 MODEL **---** 21 SERIAL NO./OAN **---** 22 VALUE **---**
23 COLOR(S) **GLD** 24 DESCRIPTION **BADGE #975 IN LEATHER CASE MARKER #10**

GUN TYPE: Pistol, Rifle, Shotgun, Combo, Other
CATEGORY: Auto, Semi Auto, Pump, Over/Under, Revolver, Other
CALIBER: BARREL LENGTH:

25 PREMISE / AREA / ROOM TAKEN FROM **#12** 26 SOURCE: **0** 27 CURRENT LOCATION **21** 28 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO. **10**
29 TYPE **E** 30 QTY **1** 31 ARTICLE **CASING** 32 BRAND **---** 33 MODEL **---** 34 SERIAL NO./OAN **---** 35 VALUE **---**
36 COLOR(S) **BRASS/GLD** 37 DESCRIPTION **INSIDE T3 ON GROUND BEHIND COFFEE TABLE**

GUN TYPE: Pistol, Rifle, Shotgun, Combo, Other
CATEGORY: Auto, Semi Auto, Pump, Over/Under, Revolver, Other
CALIBER: BARREL LENGTH:

38 PREMISE / AREA / ROOM TAKEN FROM **1008 NISSON #T3** 39 SOURCE: **0** 40 CURRENT LOCATION **21** 41 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM **MARKER #13**

ITEM NO. **11**
42 TYPE **E** 43 QTY **1** 44 ARTICLE **BULLET** 45 BRAND **---** 46 MODEL **---** 47 SERIAL NO./OAN **---** 48 VALUE **---**
49 COLOR(S) **GLD** 50 DESCRIPTION **OUTSIDE PATIO S/E CORNER LODGED INSIDE CEMENT WALL**

GUN TYPE: Pistol, Rifle, Shotgun, Combo, Other
CATEGORY: Auto, Semi Auto, Pump, Over/Under, Revolver, Other
CALIBER: BARREL LENGTH:

51 PREMISE / AREA / ROOM TAKEN FROM **#38** 52 SOURCE: **0** 53 CURRENT LOCATION **21** 54 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM **MARKER #16**

ITEM NO. **12**
55 TYPE **E** 56 QTY **1** 57 ARTICLE **BULLET** 58 BRAND **---** 59 MODEL **---** 60 SERIAL NO./OAN **---** 61 VALUE **---**
62 COLOR(S) **GLD** 63 DESCRIPTION **WOOD FENCE ON EXTERIOR OF [REDACTED]**

GUN TYPE: Pistol, Rifle, Shotgun, Combo, Other
CATEGORY: Auto, Semi Auto, Pump, Over/Under, Revolver, Other
CALIBER: BARREL LENGTH:

64 PREMISE / AREA / ROOM TAKEN FROM **#38** 65 SOURCE: **0** 66 CURRENT LOCATION **21** 67 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM **MARKER #15**

ALL SERIALIZED ITEMS (WITH THE EXCEPTION OF ITEMS FOR IMMEDIATE DESTRUCTION) MUST BE ENTERED INTO DCJ

COMMENTS

PROPERTY RELEASED BY APPOINTMENT ONLY: Please refer to the back of your property receipt for property release information and instructions.

OFFICER'S NAME **KENAN** ID NUMBER **1935** DATE **04/04** SIGNATURE FOR RECEIPT **[REDACTED]** RECEIPT MAILED **---** REFUSED **---** PG OF **---**

PROPERTY REPORT

TUSTIN
POLICE DEPARTMENT

ORIG
VSUPP

1 CR# 14-1902
2 REFER OTHER REPORTS

SOURCE CODE: "F"=FINDER "O"=OWNER "S"=SUSPECT "V"=VICTIM "W"=WITNESS
SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) CITY OF TUSTIN
SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) HERRERA, HENRI

PROF. CODES: D. DISPOSED (EFC) E. EVIDENCE (F. FOUND) H. HARBORING (I. ILL-ILL) J. JUVENILE (K. KIDNAP) L. LOST (M. MISSING) N. NARCOTICS (O. OTHER) P. PHOTOGRAPHY (R. RECEIVED) S. SEARCH WARRANT (T. TRAFFIC) U. UNIDENTIFIED (V. VEHICLE) W. WITNESS (X. X-RAY) Y. YOUTH (Z. ZOOLOGICAL)

ITEM NO. 13
3 TYPE E 4 QTY 2 5 ARTICLE CD 6 BRAND DVD 7 MODEL
10 COLOR(S) SIL 11 DESCRIPTION PHOTOS TAKEN @ SCENE (8 DISCS)
GUN TYPE Pistol Shotgun Other Rifle Combo
CATEGORY Auto Semi Auto Pump Over / Under Revolver Other
12 PREMISE / AREA / ROOM TAKEN FROM 300 CENTENNIAL 13 SOURCE: 0 14 CURRENT LOCATION 21 15 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO. 14
16 TYPE E 17 QTY 1 18 ARTICLE DOOR 19 BRAND
23 COLOR(S) 24 DESCRIPTION W/ ITEM # 3 WEDGED INSIDE
GUN TYPE Pistol Shotgun Other Rifle Combo
CATEGORY Auto Semi Auto Pump Over / Under Revolver Other
25 PREMISE / AREA / ROOM TAKEN FROM 11009 NILSSON 26 SOURCE: 0 27 CURRENT LOCATION 28 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO.
29 TYPE 30 QTY 31 ARTICLE 32 BRAND 33 MODEL 34 SERIAL NO./OAN 35 VALUE
36 COLOR(S) 37 DESCRIPTION
GUN TYPE Pistol Shotgun Other Rifle Combo
CATEGORY Auto Semi Auto Pump Over / Under Revolver Other
38 PREMISE / AREA / ROOM TAKEN FROM 39 SOURCE: 40 CURRENT LOCATION 41 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO.
42 TYPE 43 QTY 44 ARTICLE 45 BRAND 46 MODEL 47 SERIAL NO./OAN 48 VALUE
49 COLOR(S) 50 DESCRIPTION
GUN TYPE Pistol Shotgun Other Rifle Combo
CATEGORY Auto Semi Auto Pump Over / Under Revolver Other
51 PREMISE / AREA / ROOM TAKEN FROM 52 SOURCE: 53 CURRENT LOCATION 54 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO.
55 TYPE 56 QTY 57 ARTICLE 58 BRAND 59 MODEL 60 SERIAL NO./OAN 61 VALUE
62 COLOR(S) 63 DESCRIPTION
GUN TYPE Pistol Shotgun Other Rifle Combo
CATEGORY Auto Semi Auto Pump Over / Under Revolver Other
64 PREMISE / AREA / ROOM TAKEN FROM 65 SOURCE: 66 CURRENT LOCATION 67 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ALL SERIALIZED ITEMS (WITH THE EXCEPTION OF ITEMS FOR IMMEDIATE DESTRUCTION) MUST BE ENTERED INTO DO.
COMMENTS

PROPERTY RELEASED BY APPOINTMENT ONLY: Please refer to the back of your property receipt for property release information and instructions.
OFFICER'S NAME KENTAN ID NUMBER 1235 DATE 04/10/14 SIGNATURE FOR RECEIPT RECEIPT MAILED REFUSED PG OF

PROPERTY REPORT

TUSTIN
POLICE DEPARTMENT

ORIG
X SUPP

1 CR# 14-1902
2 REFER OTHER REPORTS

SOURCE CODE: "F"-FINDER "O"-OWNER "S"-SUSPECT "V"-VICTIM "W"-WITNESS

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) S HERBERA, HENRY

PROPERTY CODES: D-PROPERTY, E-EVIDENCE, F-FOUND, G-RECEIVED, H-RECOVERED, I-RECOVERED, J-RECOVERED, K-RECOVERED, L-RECOVERED, M-RECOVERED, N-RECOVERED, O-RECOVERED, P-RECOVERED, Q-RECOVERED, R-RECOVERED, S-RECOVERED, T-RECOVERED, U-RECOVERED, V-RECOVERED, W-RECOVERED, X-RECOVERED, Y-RECOVERED, Z-RECOVERED

ITEM NO. 16
3 TYPE E
4 QTY 2
5 ARTICLE MAP
6 BRAND TPD
7 MODEL
8 SERIAL NO./OAN
9 VALUE
10 COLOR(S) BLK/WHIT
11 DESCRIPTION DESIGNATED CRIME SCENE AREA

GUN TYPE Pistol Shotgun Other
Rifle Combo
CATEGORY Auto Semi Auto Pump Over / Under Revolver Other
CALIBER: BARREL LENGTH:
12 PREMISE / AREA / ROOM TAKEN FROM 300 CENTENNIAL
13 SOURCE
14 CURRENT LOCATION
15 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO.
16 TYPE
17 QTY
18 ARTICLE
19 BRAND
20 MODEL
21 SERIAL NO./OAN
22 VALUE
23 COLOR(S)
24 DESCRIPTION

GUN TYPE Pistol Shotgun Other
Rifle Combo
CATEGORY Auto Semi Auto Pump Over / Under Revolver Other
CALIBER: BARREL LENGTH:
25 PREMISE / AREA / ROOM TAKEN FROM
26 SOURCE:
27 CURRENT LOCATION
28 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO.
29 TYPE
30 QTY
31 ARTICLE
32 BRAND
33 MODEL
34 SERIAL NO./OAN
35 VALUE
36 COLOR(S)
37 DESCRIPTION

GUN TYPE Pistol Shotgun Other
Rifle Combo
CATEGORY Auto Semi Auto Pump Over / Under Revolver Other
CALIBER: BARREL LENGTH:
38 PREMISE / AREA / ROOM TAKEN FROM
39 SOURCE:
40 CURRENT LOCATION
41 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO.
42 TYPE
43 QTY
44 ARTICLE
45 BRAND
46 MODEL
47 SERIAL NO./OAN
48 VALUE
49 COLOR(S)
50 DESCRIPTION

GUN TYPE Pistol Shotgun Other
Rifle Combo
CATEGORY Auto Semi Auto Pump Over / Under Revolver Other
CALIBER: BARREL LENGTH:
51 PREMISE / AREA / ROOM TAKEN FROM
52 SOURCE:
53 CURRENT LOCATION
54 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ITEM NO.
55 TYPE
56 QTY
57 ARTICLE
58 BRAND
59 MODEL
60 SERIAL NO./OAN
61 VALUE
62 COLOR(S)
63 DESCRIPTION

GUN TYPE Pistol Shotgun Other
Rifle Combo
CATEGORY Auto Semi Auto Pump Over / Under Revolver Other
CALIBER: BARREL LENGTH:
64 PREMISE / AREA / ROOM TAKEN FROM
65 SOURCE:
66 CURRENT LOCATION
67 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM

ALL SERIALIZED ITEMS (WITH THE EXCEPTION OF ITEMS FOR IMMEDIATE DESTRUCTION) MUST BE ENTERED INTO DOI

COMMENTS

PROPERTY RELEASED BY APPOINTMENT ONLY: Please refer to the back of your property receipt for property release information and instructions.

OFFICER'S NAME KENAN ID NUMBER 1235 DATE 04/14 SIGNATURE FOR RECEIPT RECEIPT MAILED REFUSED PG OF

CASE NUMBER
14-1902

Tustin Police Department
Supplemental Evidence Report

SUPPLEMENTAL
APR 15 2014

Offense:	Date: 4-10-2014	Time: 0849
Location of Incident: 1602 Nisson Rd		
Where Performed: 1651 Mitchell Av [REDACTED]	Requested by: Lt J. Blair	
Victim: State of CA	Suspect:	

NARRATIVE

On 4-10-14 Lt J. Blair requested I respond to 1651 Mitchell Av to document the damage caused to the residence. I walked through the residence with the apartment management and took photographs of each room. I documented a hole in the ceiling in the hallway in front of a bedroom. I did not locate any other damage inside the residence.

I uploaded the photographs onto TPD server as evidence. I request this report be forwarded to Investigations:

Police Services Officer: **S. GIDDINGS**

S. Giddings

ID Number: **1109**

Approved by:

OSB 4/15/14

Medical Temp. No: T1014980

Tracking # 22293

ORANGE COUNTY JAIL
Santa Ana, California

- EXPEDITE BOOKING
 - MEDICAL BOOKING
 - NORMAL BOOKING
- PRE-BOOKING RECORD

FOR JAIL USE ONLY

PLEASE PRINT OR TYPE

BOOKING NUMBER 2820482	RECEIVING OFFICER Hampson #601	DATE 4-10-14 / 1947	SUPPLEMENTAL WARRANTS	HOW MANY
<input checked="" type="checkbox"/> STREET BOOKING	<input type="checkbox"/> WARRANT	<input type="checkbox"/> COURT ORDER	<input type="checkbox"/> OTHER (SPECIFY)	
<input type="checkbox"/> COMMITMENT				

TO BE COMPLETED BY ARRESTING OR TRANSPORTING OFFICER
PLEASE FILL IN ALL OF THE BOXES BELOW THIS LINE PRIOR TO SUBMITTING TO THE RECEIVING GUARD STATION

ARRESTING AGENCY TUSTIN P.D.	OCSD AREA OR CONTRACT CITY -	AGENCY CASE 14-1902	DATE & TIME ARRESTED 4.10.14 / 1327
NAME: LAST CARDENAS HENRY		FIRST JUSTIN	MIDDLE HERRERA
BIRTHDATE [REDACTED]	SEX M	RACE H	HEIGHT 5-10
WEIGHT 160	HAIR BRN	EYES BRN	STATE & COUNTRY OF BIRTH CA / ORANGE
AKA			CITIZENSHIP USA

JURISDICTION COA	WARRANT OR CASE NUMBER	BAIL 500-
CHARGE 1 PC 148(a)(1) - A POLICE OFFICER	CHARGE 4	OR
CHARGE 2 PC 417(a)(1) - WEAPON	CHARGE 5	
CHARGE 3	CHARGE 6	
RESISTING / OBSTRUCTION		

DNA

DNA COLLECTED BY OFFICER PREVIOUSLY COLLECTED NOT COLLECTED (EXPLAIN BELOW)

EXPLAIN WHY DNA WAS NOT COLLECTED

OCCUPATION LANDSCAPING	MARITAL STATUS SINGLE	TELEPHONE NO.
----------------------------------	---------------------------------	---------------

SCARS, MARKS, TATTOOS, AMPS
LT ARM CALIFORNIA BEAR RT ARM PLAYBOY BUNNY, ROSE "TE AMO JUFITA"

ADDRESS TRANSIENT	CITY TUSTIN	STATE CA	ZIP 92780
-----------------------------	-----------------------	--------------------	---------------------

ADDRESS UNK MITCHELL "UNK"	CITY TUSTIN	STATE CA	ZIP 92780
--------------------------------------	-----------------------	--------------------	---------------------

ARRESTEE EMPLOYER NAME NONE	BUSINESS ADDRESS N/A
---------------------------------------	--------------------------------

OFFICER'S ADDITIONAL INFORMATION - CHECK BOS IF YOU BELIEVE THE ARRESTEE WILL REQUIRE MEDICAL ATTENTION OR SPECIAL MANAGEMENT.

MEDICAL (ILL OR INJURED) MENTAL INTOXICATED PROTECTIVE CUSTODY HIGH SECURITY

EXPLAIN

ARRESTING OFFICER N. NGUYEN	ID # 1123	MANDATORY FOREIGN CONSULAR NOTIFICATION MADE PER CRC 834c <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
---------------------------------------	------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------

PERMISSION TO USE TELEPHONE AFTER ARREST (Pursuant to Penal code Section 851.5)
I have been given the opportunity to make three (3) FREE telephone calls within the LOCAL DIALING area, or at MY OWN EXPENSE IF OUTSIDE the Local dialing area. If I am a custodial parent with responsibility for a minor child, I have been given the opportunity to make two (2) additional FREE telephone calls within the local dialing area, or at MY OWN EXPENSE IF OUTSIDE the local dialing area, for the purpose of arranging for the care of my minor child(ren) in my absence.

Telephone calls DESIRED **3** RECORD OF TELEPHONE CALLS: Telephone calls COMPLETED **1**

CUSTODIAL PARENT Telephone calls DESIRED _____ CUSTODIAL PARENT Telephone calls COMPLETED _____

Location **TUSTIN PD** Date **041014** Time **1910**

Witnessing Officer **N. NGUYEN** ID # **1123** Agency **TUSTIN PD**

SIGNATURE **4/C**

F0680-195 (J) (R12/12)

**CRIME SUMMARY INFORMATION,
PROBABLE CAUSE DECLARATION AND BAIL SETTING INFORMATION**

STATUS: **APPROVED**

TRACKING NO.: 22293

IRC BOOKING NO.:

ARRESTEE (LAST, FIRST, MIDDLE) CARDENAS, HENRY, JUSTIN		AGENCY BOOKING NO.	DR NO. 14-1902
ADDRESS (RESIDENCE) , CA, USA		DOB [REDACTED]	AGE 20 SEX M
BOOKING CHARGE(S) PC 148(A)(1) - OBSTRUCTING/RESISTING A POLICE OFFICER, PC 417(A)(1) - BRANDISHING A WEAPON		SUPPLEMENTARY HOLDS <input type="checkbox"/> PAROLE HOLD <input type="checkbox"/> PROBATION HOLD <input type="checkbox"/> OUTSTANDING WARRANT <input type="checkbox"/> INS HOLD <input type="checkbox"/> OTHER	
DATE/TIME OF ARREST 2014-04-10 14:32:00	EXPIRY 48 HR-EXP	EXPIRY DATE/TIME 2014-04-12 14:32:00	
ARRESTING AGENCY TUPD	STATION 34	ARRESTING OFFICER(S) NGUYEN, N., 1123	
<p>FACTS ESTABLISHING ELEMENTS OF CRIME AND IDENTIFICATION OF ARRESTEE ON 04/10/2014, AT APPROXIMATELY 0849 HOURS, A REPORTING PARTY (TUSTIN POLICE LIEUTENANT) SAW CARDENAS WALKING SOUTHBOUND ON RED HILL AVENUE IN THE CITY OF TUSTIN AVENUE TOWARD NISSON ROAD WITH WHAT APPEARED TO BE A CONCEALED SHOT GUN. THE REPORTING PARTY FOLLOWED CARDENAS TO FURTHER CONFIRM CARDENAS' PHYSICAL DESCRIPTION, THE WEAPON DESCRIPTION, AND CARDENAS' DIRECTION OF TRAVEL. CARDENAS BEGAN WALKING THROUGH A HIGH DENSITY APARTMENT COMPLEX WITH THE WEAPON. FEARING CARDENAS WOULD BE A DANGER TO OTHERS, THE REPORTING PARTY IDENTIFIED HIMSELF AS A POLICE OFFICER, DISPLAYED HIS POLICE BADGE, AND HIS FIREARM. CARDENAS TURNED TOWARD THE REPORTING PARTY WITH THE WEAPON DIRECTED IN THE REPORTING PARTY'S DIRECTION. BELIEVING CARDENAS WAS TURNING TO SHOOT AT HIM, THE REPORTING PARTY FIRED HIS FIREARM AT CARDENAS. AFTER THE REPORTING FIRED HIS WEAPON, CARDENAS FLED THE SCENE ON FOOT, AND DISCARDED THE WEAPON IN A NEARBY ALLEY. WHEN OFFICERS ARRIVED ON SCENE TO COLLECT CARDENAS' DISCARDED ITEMS, THEY DISCOVERED THE ITEMS INCLUDED A PAIR OF 1.5"-2" LONG BOLT CUTTERS, A CELLULAR PHONE, BLACK SWEATSHIRT, A GREY TSHIRT.</p> <p>CARDENAS WAS LOCATED AND ARRESTED SEVERAL HOURS LATER. UNDER MIRANDA, HE STATED HE WAS IN POSSESSION OF A PAIR OF BOLT CUTTERS BUT DENIED BEING IN POSSESSION OF A FIREARM OF ANY KIND. A FIREARM HAS NOT YET BEEN LOCATED.</p>			
<input type="checkbox"/> PAS/BREATH SCREEN	1) WEAPON DESCRIPTION BOLT CUTTERS		
2) VICTIM'S AGE	VICTIM'S INJURIES		
3) VALUE OF PROPERTY LOSS \$	TYPE OF PROPERTY		
4) NARCOTIC TYPE AND QUANTITY	5) NARCOTIC WHOLESALE VALUE	NARCOTIC STREET VALUE	
6) PRESUMPTIVE TEST FOR: (POSITIVE.Y/N)			
I DECLARE UNDER PENALTY OF PERJURY, UNDER THE LAWS OF THE STATE OF CALIFORNIA, THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY INFORMATION AND BELIEF.			
EXECUTED ON DATE/TIME 2014-04-10 18:52:11	AT ORANGE COUNTY, CALIFORNIA BY NGUYEN, N	BADGE # 1123	
ON THE BASIS OF <input checked="" type="checkbox"/> THE OFFICER'S DECLARATION <input type="checkbox"/> REPORTS REVIEWED, I HEREBY DETERMINE THAT THERE <input checked="" type="checkbox"/> IS <input type="checkbox"/> IS NOT PROBABLE CAUSE TO BELIEVE THIS ARRESTEE HAS COMITTED A CRIME			
DATE/TIME 2014-04-11 11:19:59	SIGNATURE OF HEARING OFFICER MOORHEAD, GARY		

TUSTIN
POLICE DEPARTMENT

NARRATIVE/SUPPLEMENTAL REPORT
SUPPLEMENTAL

PAGE _____

CR # 14-1902
2 SUPPLEMENTAL

APR 17 2014

4 OCCUPATION NONE	5 DOB [REDACTED]	6 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	7 RACE <input type="checkbox"/> 4 IND <input type="checkbox"/> 8 PISL	<input type="checkbox"/> 1 WHT <input type="checkbox"/> 5 CHI <input type="checkbox"/> 9 VIET	<input checked="" type="checkbox"/> 2 HISP <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 10 OTH	<input type="checkbox"/> 3 BLK <input type="checkbox"/> 7 FIL
----------------------	---------------------	------------------------------------------------------------------------------	-----------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------

10 RES. PHONE None

11 CODE SECTION CPC 417	12 CRIME BRANDISHING A FIREARM	13 CLASSIFICATION	14 REFER OTHER REPORTS
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15 LOCATION 1602 NISSON RD.	16 RD	17 DATE 4-10-14	18 TIME 0849
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19 SYNOPSIS REQUIRED ON ORIGINAL REPORT ONLY. THE LISTED CRIMES INCLUDE ATTEMPTS.
SYNOPSIS = MAIN FACTS OF THE CRIME. INCLUDE M.O. TYPE SUSPECT STATEMENT.
SYNOPSIS REQUIRED ON ALL PART 1 OFFENSES

20 TATTOO DESCRIPTION / SYNOPSIS:
TT:
N/A

ATTN: DATA ENTRY CLERK - ENTER DESCRIPTIONS OF SCARS, MARKS, TATTOOS FROM SUSPECT PAGE.

21 NARRATIVE:
SEE ATTACHED

22 REPORTING OFFICER / ID NO. MIALI 1189	23 DATE 4-17-14	24 APPROVED BY / ID NO. [Signature] #1092	25 DATE 041714
---------------------------------------------	--------------------	----------------------------------------------	-------------------

Tustin Police Department
Investigative Narrative
CR#14-1902
Page 1

SUPPLEMENTAL

APR 17 2014

I am a Detective assigned to the General Investigations Division of the Tustin Police Department. On April 10, 2014 I assisted Detective Nguyen with an officer involved shooting.

Investigative follow up:

On April 10, 2014, during Lieutenant Strain's interview with Detective Nguyen and myself, he described seeing a sawed off shotgun being carried by a subject later identified as Henry Herrera. Lieutenant Strain also added that when he later saw Herrera turn toward him that he saw what he recognized as the front sights to an AR-15 rifle. Lieutenant Strain said that he recalled seeing this which made him fear for his safety as he is familiar with this type of weapon.

On Monday, April 14, 2014, I responded to a radio call to [REDACTED] reference a suspicious subject inside the residence. This location is where [REDACTED] lives. It was determined [REDACTED] room is located in the back yard and is a separate building not connected to the main house, which is where the suspicious subject was. This room has two windows and a single door to enter and exit the room. The room is a small single room approximately 10'X10' in dimensions.

Once Officers made contact with [REDACTED] and the other people who lived in the house, officers determined the suspicious subject was Henry Herrera. [REDACTED] told officers on the scene that Herrera broke into his bedroom at 0300 hours that morning and slept there. When asked if [REDACTED] wanted Herrera arrested [REDACTED] said he did not and alluded to Herrera actually being a friend of his and that Herrera was there visiting his friend ([REDACTED]). [REDACTED] was later arrested for possession of methamphetamine and a zip gun. See Tustin PD case 14-1977 for more details.

Officer Del Merari said we had consent from [REDACTED] to search his room and that [REDACTED] was on probation. During the probation/consent search of [REDACTED] room, officers found several items which resembled homemade firearms (zip guns). When I walked in the room I saw what appeared to be two 1" steel gas pipes, approximately three to four feet in length taped together. One of the pipes was approximately one foot longer than the other. I also noticed outside the room a longer one inch metal pipe with an AR-15 style front sight affixed to the pipe. It appeared this front sight post was clamped on to the pipe as if it was an aftermarket front sight for a firearm.

After searching [REDACTED] room I asked Herrera if he would be willing to go to Tustin PD and discuss the items I saw in [REDACTED] room, Herrera agreed to go to Tustin PD voluntarily to speak to me. While at Tustin PD I recorded my conversation

Detective B. Miali #1189

Approved by: MIA-#1092

**Tustin Police Department
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APR 17 2014

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with Herrera with my department issued PUMA digital recorder and later downloaded it as evidence to the Tustin PD PUMA system.

When I contacted Herrera at Tustin PD I told him he was not under arrest, Herrera told me he understood.

I asked Herrera if he was friends with [REDACTED] he said he was. Herrera told me he was with [REDACTED] this morning in [REDACTED] room. I told Herrera that [REDACTED] said he (Herrera) broke into his [REDACTED] room without permission. Herrera told me this was not true and that [REDACTED] invited him over to eat this morning at approximately 0845 hours. Herrera said [REDACTED] provided him with food and Herrera ate that food while sitting inside [REDACTED] room. Herrera said he contacted [REDACTED] by chance as he was walking around Tustin, Herrera was not clear on where they contacted each other.

Herrera told me that he has not been staying with [REDACTED] and that the bed made up on the floor by [REDACTED] bed was not used by him. Herrera said he did not break into [REDACTED] room, nor did he sleep there the night prior. Herrera said he arrived at approximately 0845 hours that morning. Herrera told me prior to this morning he has not seen [REDACTED] for approximately six months. I asked Herrera if he saw [REDACTED] on Thursday, April 10, 2014, Herrera said he did not.

I told Herrera that I saw several items in [REDACTED] room that concerned me. Herrera told me he did not know what I was talking about. I told Herrera that I located two steel pipes taped together with duct tape. Herrera said he did not know anything about these pipes. I gave Herrera the size and dimensions of what I was talking about and he said he did not see this inside [REDACTED] room. I told Herrera that this was sitting in plain view on the bed located inside this very small room. Herrera continued to say he did not see the steel pipes inside the room as he was left alone in there while [REDACTED] was inside the residence. I told Herrera that I also noticed a metal pipe with what appeared to be an AR-15 front sight post. Herrera also said he did not see this item, even though it was right next to the door to the room and he walked by it every time he entered the room. Herrera said he "Didn't touch" these items and "Never seen" the pipes.

I explained to Herrera that these items matched the description of what he was seen carrying on Thursday, April 10, 2014. Herrera told me he has never seen these items and did not have them last Thursday. I asked Herrera if his DNA would be on these items and he told me it would not be. I asked Herrera if I could have a sample of his DNA so I can confirm this and eliminate him from having anything to do with the items located inside [REDACTED] room. Herrera refused giving me his DNA and told me he wanted to leave. The interview with Herrera concluded at this point and he left Tustin PD.

Detective B. Miali #1189

Approved by: NA #1092

Tustin Police Department
Investigative Narrative
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SUPPLEMENTAL

APR 17 2014

Statements of [REDACTED]

On Monday, April 14, 2014, Officer Del Merari arrested [REDACTED] I assisted Officer Del Merari with his interview with [REDACTED] At approximately 1308 hours Officer Del Merari read [REDACTED] his Miranda rights and [REDACTED] said "Yes" he understood his rights. This interview took place at Tustin PD.

Under Miranda, [REDACTED] acknowledged he gave consent to search his room and that he is on probation with search and seizure terms. During the interview, [REDACTED] was inconsistent with his statements and timelines.

When asked, [REDACTED] said the pipes we located in his room belonged to him and that he found them in an abandoned residence in old town Tustin. Officer Del Merari asked if [REDACTED] taped the pipes together and [REDACTED] said "Maybe" and eventually said he did in fact tape the pipes together.

[REDACTED] denied using the pipes as a zip gun. Officer Del Merari pointed out how we located two expended .22 cal. rim fire casings and one live .22 cal. round. [REDACTED] denied knowing those were in his room and told us that they did not belong to him.

When asked, [REDACTED] said the AR-15 front sight we located was his and belonged to his paintball gun that he no longer has. [REDACTED] said he put this on a pipe simply because it fit. [REDACTED] said these sights belonged to him and Herrera did not have possession of them.

Officer Del Merari discussed how [REDACTED] made a silencer which [REDACTED] initially denied, but ultimately said he had made said silencer prior to his going on probation and kept it because he was proud of it.

I explained to [REDACTED] that Herrera had told me that the pipes located in his room belonged to [REDACTED] and Herrera did not know anything about them. [REDACTED] paused and then told me that Herrera was not telling the truth. [REDACTED] said Herrera had "Dumped" the pipes off at [REDACTED] residence approximately two to three weeks ago and they were already taped together.

I asked [REDACTED] if he had seen Herrera on Thursday, April 10, 2014, [REDACTED] said he did. [REDACTED] said he saw Herrera that day at approximately 1800 hours at Frontier park, which was not possible. [REDACTED] later said he wasn't sure what day he saw Herrera. [REDACTED] was sure he did not see Herrera the day the police helicopters were circling Tustin (Thursday, April 10, 2014). [REDACTED] said he did not see Herrera with any pipes the last time he saw him.

Detective B. Miali #1189

Approved by: NA #1092

**Tustin Police Department
Investigative Narrative
CR#14-1902**

SUPPLEMENTAL

APR 17 2014

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I asked [REDACTED] why Herrera dropped the pipes off at his [REDACTED] residence, [REDACTED] said Herrera didn't want his mother to see the pipes because he would get in trouble. [REDACTED] said he did not know what Herrera was doing with the pipes.

Officer Del Merari asked [REDACTED] about the discharged round located in his room, [REDACTED] admitted to firing a round from his grandfather's handgun while he was in Arizona prior to being on probation. [REDACTED] still denied knowledge of the other ammunition located. Officer Del Merari asked about the other PVC pipes located which was set up as a zip gun also along with a striking mechanism located. [REDACTED] denied any knowledge of these items.

I asked [REDACTED] if he knew anything about Herrera being chased by Tustin PD on Thursday, April 10, 2014, [REDACTED] said he heard Herrera was running around with a pistol grip sawed off shotgun. I thought that was a specific description and asked [REDACTED] where he came up with this description. [REDACTED] said this is what he imagined Herrera had, but gave me no reason why he thought this. [REDACTED] said he did not hear this description on television, just thought this was what happened.

I asked [REDACTED] if he knew where the shotgun was, [REDACTED] said Herrera must have hidden it, but [REDACTED] did not know where. I asked [REDACTED] if Herrera told him anything about the incident, [REDACTED] said Herrera was bragging about being chased by the SWAT team and being on the news. [REDACTED] said he told Herrera that he (Herrera) should have borrowed a duffle bag if he was going to walk around with something like this. [REDACTED] would not say what Herrera was carrying even when pointed out that he offered a duffle bag. [REDACTED] said Herrera never told him what he was carrying that day, which seemed odd considering [REDACTED] offered a duffle bag to carry an item he didn't know about.

I asked [REDACTED] if Herrera ever dropped off a green satchel or pillow case with pipes inside. [REDACTED] said Herrera had a few weeks ago, but was not very clear on the date, or even if it was a green pillow case.

I asked [REDACTED] if I showed witnesses his picture, would they say he was with Herrera on Thursday, April 10, 2014, [REDACTED] said they would not. I asked who's DNA would be on the pipes we located in his room, [REDACTED] said his and Herrera's DNA will probably be on them. I later submitted the pipes located at [REDACTED] residence to the Orange County Crime Lab for latent finger print analysis and DNA analysis. I requested the duct tape be processed to where we will possibly locate a latent finger print on the inside of the wrapping of the tape to see who actually taped the pipes together.

The last point [REDACTED] made before Officer Del Merari completed the other aspects of his investigation was that [REDACTED] heard Herrera say he was looking to purchase

**Tustin Police Department
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CR#14-1902**

SUPPLEMENTAL

APR 17 2014

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a chrome .22 Cal. handgun. [REDACTED] said he did not know any information on whom or where Herrera was going to purchase the gun.

See Officer Del Merari's crime report for details of [REDACTED] arrest, Tustin PD case 14-1977.

Conclusion:

Based on the inconsistencies of [REDACTED] statement it appeared he was not telling me everything he knew about the incident on Thursday, April 10, 2014. It is clear that he is friends with Herrera and it is possible Herrera had an actual shotgun, or was possibly carrying the zip gun pipes located in [REDACTED] room.

When speaking to Herrera, he denied any knowledge of the items located in [REDACTED] room. Herrera said he was not carrying these items on Thursday, April 10, 2014, nor has he ever touched these items. These statements indicate that if we located his DNA or latent finger prints on the pipes then Herrera was being deceitful during his interview.

The last point to be made is that both [REDACTED] and Herrera said they did not see each other on Thursday, April 10, 2014. Witness said they saw Herrera with a subject that matched [REDACTED] description, coupled with the fact we located items in [REDACTED] residence that matched the description of what Lieutenant Strain saw Herrera carrying. It is possible that [REDACTED] met up with Herrera that day and took the items from him to conceal from police. When we show [REDACTED] photograph to witnesses we will be able to determine they were telling the truth about this.

Please forward to Detective Nguyen for review.

Detective B. Miali #1189

Approved by: NA #1092

APR 17 2014

Agency Item #	Description	Biography	Requested Work	Status
	Fingerprint Processing		Why is it likely suspect's DNA will be recovered from this sample Which Items should be processed for prints	recovered at the scene. Need to check item for prints and possible suspect DNA. PVC pipe
Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.				
18	2 galvanized pipe taped together with white tape		DNA, Fingerprint Processing	Submitted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	Pipes
Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.				
20	Sil/blk pipe with rifle sights		DNA, Fingerprint Processing	Submitted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	Pipe

SUPPLEMENTAL

APR 22 2014

**Tustin Police Department
Supplemental Evidence Report**

Offense: Officer Involved Shooting	Date: 04-11-14	Time: 1015
Location of Incident: 1602 Nisson Rd. (Westchester Park)		
Where Performed: 1602 Nisson Rd. (Westchester Park)	Requested by: Sgt. Pickney #712	
Victim:	Suspect: Herrera, Henry	

NARRATIVE

On 04-11-14 at approx. 1015 hours, I responded to the Westchester Park apartment community located at 1602 Nisson Rd. to assist with an ongoing officer involved shooting investigation. Upon arrival, I met with PSO S. Kenan #1235 who drove me into the scene via the south alleyway of the complex. At the police tape line, I checked in with Detective T. Lomeli #1206 who was in control of the crime scene log. Sgt. Pickney #712 briefed me on the incident and accompanied me on a preliminary walk-through of the dedicated crime scene area(s).

Sergeant Pickney explained that Lieutenant J. Strain #975 confronted the suspect, who was later identified as 20 year-old Henry Herrera, in the southernmost courtyard of the complex, near the open-air playground. The suspect was standing directly behind unit [REDACTED] at the time of the contact. Lieutenant Strain was walking eastbound through the courtyard, along the north side of the "X" building (each individual apartment building is assigned a letter of the alphabet, and each apartment within that building is labeled with a single digit number). Lieutenant Strain made verbal contact with Herrera and Herrera produced an object resembling a firearm. During the contact, Lieutenant Strain fired upon Herrera from a distance of approx. 100 feet and Herrera fled southbound along the pedestrian walkway that connects the playground area to the south alleyway, on foot. Herrera rounded the corner at the southernmost edge of the "T" building and continued running east bound from the shooting scene.

Two, empty Winchester 9mm shell casings were found in the common area located directly in front of apartment [REDACTED]. A spent bullet fragment (slug) was found on the cement pedestrian walkway located behind apartment [REDACTED]. Three separate bullet holes were found in the vertical planks of the wooden fence that borders the rear patio for unit [REDACTED]. An additional bullet hole was found along the inside edge of the laundry room entry/exit door. The door was standing open when the shooting occurred and a spent round subsequently penetrated the exposed edge of the hollow steel door (an edge that would not be visible when the door is closed). The round/slug completely penetrated the metal

surfaces of the laundry room door. However, no exit hole could be found which suggested the round/slug was still be lodged inside of the door.

The fifth and final bullet strike was found on the stucco, exterior surfaces of the west structural wall of apartment [REDACTED]. The round/slug did not penetrate the apartment wall and was instead deflected away from [REDACTED]. I believe the round that struck the exterior apartment wall at this location (above the sliding glass door for [REDACTED], and the bullet fragment/slug found on the cement walkway at forensic marker #4, are on in the same.

A black, hooded sweatshirt and a grey t-shirt were found along the suspect's know path of travel, on the west side of the "T" building. A pair of bolt cutters were lying beneath a nearby trash dumpster in plain view. The trash dumpster itself was housed in a gated containment area dedicated for dumpster storage. The wooden gate for the containment area was standing open when I arrived and the bolt cutters were subsequently in plain view.

Sergeant Pickney directed me to a grassy area located next to the aforementioned dumpster area, near the southwest corner of the "T" building, where a cellular phone belonging to Herrera had already been recovered. That cellular phone was collected by PSO Kenan prior to my arrival and Tustin PD Detectives were using information contained in the phone to locate Herrera. Sergeant Pickney also directed me to a Tustin PD Lieutenant badge in a bi-fold wallet that was lying on the hood of an uninvolved parked vehicle in the south alleyway of the complex. Sergeant Pickney explained that the badge belonged to Lieutenant Strain.

Orange traffic cones were positioned at the above described locations by Tustin PD patrol personnel for the purpose of marking evidence related to the shooting investigation. The traffic cones were left in the scene during the crime scene investigation and would later appear in the CSI photographs as a result.

PSO Kenan used forensic markers to label the crime scene evidence. She then photographed the scene for documentation purposes (please refer to PSO Kenan's report for details).

I swept the area with a metal detector in an effort to locate additional shell casings. I also conducted a physical search of the various green belts, planter boxes and walkways located within the crime scene (between the "X," "U," and "T" buildings) for shell casings and ballistic evidence. Secondary article searches were then performed by OCSD K-9's who swept the entire crime scene for undiscovered evidence. However, no additional shell casings were found during the investigation.

PSO J. Chiavatti #1236 joined me at the scene and assisted me with evidence collection. I collected the items labeled by forensic markers #1-4, #8-10 and #12. The items were packaged for transport to Tustin PD.

I walked to apartment [REDACTED] and obtained keys for the front door of [REDACTED] from the occupants. PSO Kenan, PSO Chiavatti, Detective Lomeli and I entered [REDACTED] and conducted a visual examination of the first floor for evidence related to the shooting. The left side of the living room slider (the fixed

glass portion of the slider) had been completely shattered. A small hole, resembling a bullet hole, was visible at the lower right corner of the shattered glass pane (right corner from interior). A disfigured round/slug was lying on the living room carpet, directly beneath a small lamp table that was located at the opposite side of the apartment. The lamp table was positioned at the left side of a sofa, in the southeast corner of the apartment unit. The slug was lying inches away from the east interior wall and I was unable to locate any obvious strike marks or related holes inside of the apartment. There were no marks on the interior walls, or on any of the nearby furniture items, and I subsequently formed the opinion that the bullet tumbled into a position of rest on the living room carpet after it penetrated the wooden fence plank and the glass slider of [REDACTED]. The slug was labeled with forensic marker #13. The entry hole in the lower right corner of the fixed glass slider pane was labeled with marker #14.

I found two additional spent rounds/slugs inside of the wooden patio fence for [REDACTED]. The first slug was found in the wooden fence post located at the southernmost edge of the patio fence for [REDACTED]. It appears the slug, labeled marker #15, penetrated a wooden fence plank before lodging itself inside of the vertical fence post. I carved the slug out of the fence post and packaged it as evidence at the scene.

The second slug penetrated a vertical fence plank and lodged itself inside of a 2"X4" horizontal support beam. The horizontal beam was attached to the affected fence plank (the plank with the entry hole at marker #5). I was unable to cut the slug out of the 2"X4" beam and the decision was made to remove a small portion of the beam from the patio fence. Detectives Lomeli and Haug cut the beam on either side of the bullet hole and removed a 6" long block containing the spent slug. I collected the block and packaged it as evidence at the scene.

The bullet strike on the stucco exterior wall of apartment [REDACTED] was photographed for documentation purposes. The laundry room door containing the remaining round/slug was removed from its hinges by maintenance personnel. I collected the entire door and loaded it into an unmarked city vehicle for transport back to Tustin PD. The laundry room door was later booked into the Tustin PD Evidence cage as evidence.

Upon returning to Tustin PD, I photographed the firearms evidence for documentation purposes. I photographed two shell casings three jacketed slugs with a macro lens. I downloaded the digital photographs onto a CD-R disc, and later booked the disc into the Tustin PD Evidence room.

While I was photographing the firearms evidence at Tustin PD, I realized that we had neglected to collect the slug located at marker #13 (beneath the lamp table in the living room area of apartment #T-3). On 04-10-14 at approx. 2055 hours, Sergeant S. Whiteley #1039 and I returned to 1602 Nissan Rd. [REDACTED] to collect the slug from marker #13. When we arrived, the occupants allowed us to enter the apartment for the purpose of further evidence collection. The slug and the plastic forensic marker were still lying in their original locations beneath the lamp table. I collected the slug and transported it directly back to Tustin PD where it was booked as evidence.

PSO Kenan booked all of the crime scene evidence into a secure Tustin PD evidence lockers (please see PSO Kenan's report for the related Property Reports and evidence inventories).

I request a copy of this report be forwarded to Detective N. Nguyen for review.

**TUSTIN
POLICE DEPARTMENT**

ADDITIONAL NAMES
TPD #103A (REV 9/2006)

1 CR# 14-1902
SUPPLEMENTAL
REFER OTHER REPORTS
APR 22 2014

CRIME	2 CODE SECTION CPC 417	3 CRIME BRANDISHING A WEAPON
	5 LOCATION 1602 NISSON	6 AREA

NAME	7 CODE SB	8 N	11 SEX <input type="checkbox"/> M <input checked="" type="checkbox"/> F	12 RACE <input type="checkbox"/> 1 M <input type="checkbox"/> 4 IND <input type="checkbox"/> 8 P.ISL <input checked="" type="checkbox"/> 1 WHT <input type="checkbox"/> 5 CHI <input type="checkbox"/> 9 VIET <input type="checkbox"/> 2 HISP <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 10 OTH	13 BLK <input type="checkbox"/> 3 BLK <input type="checkbox"/> 7 FIL	16 HT:
	17 BUSINESS NAME & ADDRESS		18 CITY	STATE	ZIP CODE	19 BUS. PHONE ()
21 EMAIL						22 CEL ()

VEH	23 LICENSE #	24 STATE	25 YEAR	26 MAKE	27 MODEL	28 BODY 0 <input type="checkbox"/> UNK 1 <input type="checkbox"/> 2-DR 2 <input type="checkbox"/> 4-DR 3 <input type="checkbox"/> CONV 4 <input type="checkbox"/> P/U 5 <input type="checkbox"/> TRUCK 6 <input type="checkbox"/> S/W 7 <input type="checkbox"/> M/C	29 COLOR/COLOR	30 OTHER CHARACTERISTICS	31 DISPOSITION OF VEHICLE
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NAME	32 CODE SB	33 N	36 SEX <input type="checkbox"/> M <input checked="" type="checkbox"/> F	37 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 8 P.ISL <input checked="" type="checkbox"/> 2 HISP <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 10 OTH	38 BLK <input type="checkbox"/> 3 BLK <input type="checkbox"/> 7 FIL	41 HT:
	42 BUSINESS NAME & ADDRESS		43 CITY	STATE	ZIP CODE	44 BUS. PHONE ()
46 EMAIL						

VEH	48 LICENSE #	49 STATE	50 YEAR	51 MAKE	52 MODEL	53 BODY 0 <input type="checkbox"/> UNK 1 <input type="checkbox"/> 2-DR 2 <input type="checkbox"/> 4-DR 3 <input type="checkbox"/> CONV 4 <input type="checkbox"/> P/U 5 <input type="checkbox"/> TRUCK 6 <input type="checkbox"/> S/W 7 <input type="checkbox"/> M/C	54 COLOR/COLOR	55 OTHER CHARACTERISTICS	56 DISPOSITION OF VEHICLE
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NAME	57 CODE SB	58 N	61 SEX <input type="checkbox"/> M <input checked="" type="checkbox"/> F	62 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 8 P.ISL <input checked="" type="checkbox"/> 2 HISP <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 10 OTH	63 BLK <input type="checkbox"/> 3 BLK <input type="checkbox"/> 7 FIL	66 HT:
	67 BUSINESS NAME & ADDRESS		68 CITY	STATE	ZIP CODE	69 BUS. PHONE ()
71 EMAIL						

VEH	73 LICENSE #	74 STATE	75 YEAR	76 MAKE	77 MODEL	78 BODY 0 <input type="checkbox"/> UNK 1 <input type="checkbox"/> 2-DR 2 <input type="checkbox"/> 4-DR 3 <input type="checkbox"/> CONV 4 <input type="checkbox"/> P/U 5 <input type="checkbox"/> TRUCK 6 <input type="checkbox"/> S/W 7 <input type="checkbox"/> M/C	79 COLOR/COLOR	80 OTHER CHARACTERISTICS	81 DISPOSITION OF VEHICLE
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NAME	82 CODE	83 NAME (LAST, FIRST, MIDDLE)	84 OCCUPATION	85 D.O.B.	86 SEX <input type="checkbox"/> 1 M <input type="checkbox"/> 1 F	87 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 8 P.ISL <input type="checkbox"/> 2 HISP <input type="checkbox"/> 5 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH	88 BLK <input type="checkbox"/> 3 BLK <input type="checkbox"/> 7 FIL	91 HT:
	88 RESIDENCE ADDRESS		89 CITY	STATE	ZIP CODE	90 RES. PHONE ()		
	92 BUSINESS NAME & ADDRESS		93 CITY	STATE	ZIP CODE	94 BUS. PHONE ()		95 WT:
	96 EMAIL						97 CELL PHONE ()	

VEH	98 LICENSE #	99 STATE	100 YEAR	101 MAKE	102 MODEL	103 BODY 0 <input type="checkbox"/> UNK 1 <input type="checkbox"/> 2-DR 2 <input type="checkbox"/> 4-DR 3 <input type="checkbox"/> CONV 4 <input type="checkbox"/> P/U 5 <input type="checkbox"/> TRUCK 6 <input type="checkbox"/> S/W 7 <input type="checkbox"/> M/C	104 COLOR/COLOR	105 OTHER CHARACTERISTICS	106 DISPOSITION OF VEHICLE
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NAME	107 CODE	108 NAME (LAST, FIRST, MIDDLE)	109 OCCUPATION	110 D.O.B.	111 SEX <input type="checkbox"/> 1 M <input type="checkbox"/> 1 F	112 RACE <input type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 8 P.ISL <input type="checkbox"/> 2 HISP <input type="checkbox"/> 5 CHI <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH	113 BLK <input type="checkbox"/> 3 BLK <input type="checkbox"/> 7 FIL	116 HT:
	113 RESIDENCE ADDRESS		114 CITY	STATE	ZIP CODE	115 RES. PHONE ()		
	117 BUSINESS NAME & ADDRESS		118 CITY	STATE	ZIP CODE	119 BUS. PHONE ()		120 WT:
	121 EMAIL						122 CELL PHONE ()	

VEH	123 LICENSE #	124 STATE	125 YEAR	126 MAKE	127 MODEL	128 BODY 0 <input type="checkbox"/> UNK 1 <input type="checkbox"/> 2-DR 2 <input type="checkbox"/> 4-DR 3 <input type="checkbox"/> CONV 4 <input type="checkbox"/> P/U 5 <input type="checkbox"/> TRUCK 6 <input type="checkbox"/> S/W 7 <input type="checkbox"/> M/C	129 COLOR/COLOR	130 OTHER CHARACTERISTICS	131 DISPOSITION OF VEHICLE
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VICTIM(S) / WITNESS / RP / SUBJECT(S)

132 REPORTING OFFICER / ID NO. Hundace 682	133 DATE 04/18/14	134 APPROVED BY / ID NO. (Signature)	135 DATE 04/18/14
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TUSTIN POLICE DEPARTMENT
INVESTIGATIVE NARRATIVE
CR 14-1902
Page 1

SUPPLEMENTAL
APR 22 2014

INVESTIGATIVE NARRATIVE:

I am a Detective with the Tustin Police Department assigned to the Major Crimes Unit within the General Investigations Detail. This case involves an Officer involved shooting investigation that occurred on 04/10/14 at approx. 0849 hours.

On 04/15/14, Detective Lomeli and I went back out to 1602 Nisson to make contact with residents where we had left business cards at on 04/10/14. I had left a business card at 1602 Nisson [REDACTED] and [REDACTED] requesting the residents contact me but had not received any phone calls. Below is a synopsis of the contact that was made at the residences.

INTERVIEW WITH [REDACTED] [REDACTED]:

[REDACTED] told me she was home last Thursday at about 0845 hours and heard the shots then some yelling. [REDACTED] said it happened so fast and she didn't call me back was because she didn't feel she had any information.

[REDACTED] thought she had heard about 6 shots but wasn't positive. [REDACTED] said she then heard some male voices "yelling". [REDACTED] said she tried to call 9-1-1 but the line was busy. [REDACTED] then heard "a whole bunch of sirens" and knew the Police were coming.

I asked [REDACTED] to tell me what she heard when she heard, "Yelling". [REDACTED] told me she couldn't make out any specific words but knew it was male voices. [REDACTED] then said she wasn't sure if it was 1, 2 or 3 voices that she heard and said the voices were "undecipherable". [REDACTED] said her sliding door was open but she didn't hear anything prior to the shooting.

[REDACTED] said her son had taken out the trash to the bin about 10-15 minutes prior to the shooting but didn't see or hear anything. [REDACTED] said about 1100 hours, her husband was able to have an Officer escort her out of the complex and she left in her vehicle with her children.

[REDACTED] stated after the shots were fired, it sounded as if something was being dragged and sounded very close. I asked her if it could have been some of her neighbors coming outside and she said yes. [REDACTED] said her son had told her it sounded like a screen was being ripped but she did not see that any of her neighbors had ripped screens. [REDACTED] thought it sounded as if someone was dragging something heavy and she thought someone had taken one of her kid's bicycles that they leave out on their upstairs landing in front of their apartment. At that point, I concluded my interview with [REDACTED] and left.

TUSTIN POLICE DEPARTMENT
INVESTIGATIVE NARRATIVE
CR 14-1902
Page 2

SUPPLEMENTAL
APR 22 2014

INTERVIEW WITH [REDACTED]:

I spoke to [REDACTED] inside her residence after she invited Detective Lomeli and me inside. [REDACTED] told me she was home last Thursday, 04/10/14. [REDACTED] told me she normally wakes up about 0600 hours. [REDACTED] said her kids start school at 0745 hours so she takes them to school and comes back home.

[REDACTED] said she was inside when she heard 3 shots but didn't see anything that might have happened. [REDACTED] said she was too scared to look outside and then heard sirens and the Police arrive.

[REDACTED] said her windows were opened at the time of the shooting but denied hearing anyone yelling or saying anything prior to the shots. I asked [REDACTED] if she heard any voices after the shots and she said yes but thought it was her neighbor's voices she heard. [REDACTED] heard people asking, "What happened?" and "The Police are coming". [REDACTED] didn't hear any arguing or yelling prior to the shooting or after. [REDACTED] could not provide any additional information and I concluded my interview with her and left.

INTERVIEW WITH [REDACTED]:

Later that day, I received a phone call from [REDACTED]. I had originally left a business card at the residence requesting he contact me. I explained to him that I had been out there previously because of what occurred on 04/10/14. I asked him if he had called the police that day and he said no.

I asked [REDACTED] if he was home at approx. 0845 hours that day and he said he was. I asked [REDACTED] if he heard any "loud noises" that morning and he said yes but denied hearing any arguing. [REDACTED] told me he heard, "the shots" and thought he heard about 7 shots. [REDACTED] said he did not hear any noises prior to the shots.

[REDACTED] told me he was awake when he heard the shots and had his windows closed at the time. I asked [REDACTED] if he heard any noises after the shots or if he heard any screaming or arguing and he said no and that all he heard were the sirens.

[REDACTED] denied going outside after he heard the shots. I told [REDACTED] one of the neighbors had mentioned that he had gone outside and had been told to call the Police. [REDACTED] told me after the Police were there; he went outside and saw some of the employees who work in the complex. [REDACTED] said they were telling everyone to go back inside so he did.

I asked [REDACTED] if he ever looked out his windows or if he saw anything. [REDACTED] said he looked out his windows and saw yellow tape had been put up. [REDACTED] denied seeing anyone running and only saw that the Police were the ones putting up the yellow tape. Shortly after hearing the shots, [REDACTED] left the apartment. [REDACTED] said he left before the entire block had been blocked off. [REDACTED] could not provide any additional information and I concluded my interview with him.

TUSTIN POLICE DEPARTMENT
INVESTIGATIVE NARRATIVE
CR 14-1902
Page 3

SUPPLEMENTAL
APR 22 2014

I request this supplemental report be included in the original case and request this report be forwarded to the OCDA's office.

Detective P. Hardacre #692
04/18/2014

Approved _____







PROPERTY REPORT

**TUSTIN
POLICE DEPARTMENT**

ORIG
 SUPP

1 CR# 14-1902
2 REFER OTHER REPORTS

SOURCE CODE: "F"=FINDER "O"=OWNER "S"=SUSPECT "V"=VICTIM "W"=WITNESS

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)

PROP CODES D=DISPOSAL REQ. E=EVIDENCE F=FOUND	SK=SAFEKEEPING L=LOST	R=RECOVERED S=STOLEN S/R=STOLEN/RECOV.	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> 5150 / 8102 W&I	<input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> D.V./12028.5 PC	LOC CODES C=CAGE F=FREEZER L=LOCKER #	R=REFRIGERATOR H=HAZ.MAT. V=VICTIM RETAINED
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ITEM NO. 27	3 TYPE EVIDENCE	4 QTY	5 ARTICLE BULLETS	6 BRAND	7 MODEL	8 SERIAL NO./OAN	9 VALUE
10 COLOR(S)	11 DESCRIPTION BARREL PATCH & TEST FIRES FROM S&W						
GUN	TYPE <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other _____ <input type="checkbox"/> Rifle <input type="checkbox"/> Combo			CATEGORY <input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver <input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other _____			CALIBER: BARREL LENGTH:
12 PREMISE / AREA / ROOM TAKEN FROM OCCL		13 SOURCE:	14 CURRENT LOCATION		15 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ITEM NO. 28	16 TYPE EVIDENCE	17 QTY 13	18 ARTICLE BULLETS	19 BRAND	20 MODEL	21 SERIAL NO./OAN	22 VALUE
23 COLOR(S)	24 DESCRIPTION CARTRIDGES FROM MAGAZINE						
GUN	TYPE <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other _____ <input type="checkbox"/> Rifle <input type="checkbox"/> Combo			CATEGORY <input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver <input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other _____			CALIBER: BARREL LENGTH:
25 PREMISE / AREA / ROOM TAKEN FROM OCCL		26 SOURCE:	27 CURRENT LOCATION		28 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ITEM NO.	29 TYPE	30 QTY	31 ARTICLE	32 BRAND	33 MODEL	34 SERIAL NO./OAN	35 VALUE
36 COLOR(S)	37 DESCRIPTION						
GUN	TYPE <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other _____ <input type="checkbox"/> Rifle <input type="checkbox"/> Combo			CATEGORY <input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver <input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other _____			CALIBER: BARREL LENGTH:
38 PREMISE / AREA / ROOM TAKEN FROM		39 SOURCE:	40 CURRENT LOCATION		41 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ITEM NO.	42 TYPE	43 QTY	44 ARTICLE	45 BRAND	46 MODEL	47 SERIAL NO./OAN	48 VALUE
49 COLOR(S)	50 DESCRIPTION						
GUN	TYPE <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other _____ <input type="checkbox"/> Rifle <input type="checkbox"/> Combo			CATEGORY <input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver <input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other _____			CALIBER: BARREL LENGTH:
51 PREMISE / AREA / ROOM TAKEN FROM		52 SOURCE:	53 CURRENT LOCATION		54 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ITEM NO.	55 TYPE	56 QTY	57 ARTICLE	58 BRAND	59 MODEL	60 SERIAL NO./OAN	61 VALUE
62 COLOR(S)	63 DESCRIPTION						
GUN	TYPE <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Other _____ <input type="checkbox"/> Rifle <input type="checkbox"/> Combo			CATEGORY <input type="checkbox"/> Auto <input type="checkbox"/> Pump <input type="checkbox"/> Revolver <input type="checkbox"/> Semi Auto <input type="checkbox"/> Over / Under <input type="checkbox"/> Other _____			CALIBER: BARREL LENGTH:
64 PREMISE / AREA / ROOM TAKEN FROM		65 SOURCE:	66 CURRENT LOCATION		67 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ALL SERIALIZED ITEMS (WITH THE EXCEPTION OF ITEMS FOR IMMEDIATE DESTRUCTION) MUST BE ENTERED INTO DOJ

COMMENTS

PROPERTY RELEASED BY APPOINTMENT ONLY: Please refer to the back of your property receipt for property release information and instructions.

OFFICER'S NAME B. JEHOICH	ID NUMBER 1244	DATE 053014	SIGNATURE FOR RECEIPT	<input type="checkbox"/> RECEIPT MAILED	<input type="checkbox"/> REFUSED	PG OF
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**TUSTIN POLICE DEPARTMENT
SUPPLEMENTAL INVESTIGATION REPORT
CR #14-01902
Detective N. Nguyen #1123**

SUPPLEMENTAL

JUN 18 2014

I am currently employed as a sworn peace officer for the Tustin Police Department and am assigned to the Tustin Police Department's General Investigation - Major Crimes Unit. I am the assigned investigator for CR #14-01902.

INVESTIGATIVE FOLLOW-UP

On 04/25/2014, I completed an Orange County Crime Laboratory (OCCL) work request to have the following items submitted for analysis:

- Item #6 – Smith and Wesson M&P 9c pistol
- Item #14 – Shell casing on grass – marker #2
- Item #18 – Bolt cutter found under dumpster s/e corner

On 05/12/2014, at approximately 1530 hours, I proceeded to the OCCL and retrieved the Smith and Wesson M&P 9c pistol which I previously submitted for firearms analysis. I subsequently released the firearm to Detective Haug and requested he forward it to Chief Celano for further disposition.

On or about 05/23/2014, I received an OCCL Report of Evidence Examination which provided the following results and interpretations (see attached report):

Both fired cartridge cases from the scene (M#1, TPD#0013 and M#2, TPD#0014) were determined to have been fired in the S&W pistol, S/N HPN0246)

The bullet from the wood fence inside the patio (M#16, TPD#0021) was determined to have been fired from the S&W pistol, S/N HPN0246.

The bullets from the cement walkway (M#4, TPD#0015) and from the living room carpet (M#13, TPD#0020) have the same class characteristics as test fired bullets from the S&W pistol but they have sustained too much impact damage and are not suitable for microscopic comparison.

The semiautomatic S&W pistol fired without malfunction.

I request this report be forwarded to the Orange County District Attorney's Office for review.

SUPPLEMENTAL

JUN 18 2014



14-01902

Created by GLazaro@tustinca.org on 4/17/2014

FR # 14-45302 Agency TPD Case # 14-01902 Priority Normal

Offense **417(A)(1)** Offense Date **4/10/2014** Investigator **Detective Miall** **Associated documents available**
 Email bmiall@tustinca.org Unit **General Invest** Phone **714-573-3251**
 Note **Officer Involved Shooting occurred in the city of Tustin. Suspect was taken into custody and denied having touched any of the items recovered at the crime scene. See attached supplemental report for details.**
 Related Cases **TPD(14-01977), TPD(14-01901)**

V/S	Last Name, First Name	Gender	DOB	OC#	CII#	Remarks
Suspect	Herrera, Henry	Male	[REDACTED]			
Officer	Strain, John	Male				

Agency Item #	Description	Biography	Requested Work	Status
Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.				
13	Hammer with white tape surrounding		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	Hammer with white tape surrounding

Created by: NNguyen@tustinca.org on 04/25/2014, Suspect Is Flight Risk: Y, Case circumstances: Officer involved shooting. Casing likely from Officer's gun.

14	shell casing on grass - marker #2	Strain, John (Officer)	Firearms/Toolmarks	Submitted
	Section	Sub Section	Question	Answer
	Firearms/Toolmarks	Firearm	Comparison	Y

Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.

15	Single PVC pipe with pictures taped on it		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	Single PVC pipe

Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.

16	White PVC pipe		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	White PVC pipe

Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.

JUN 18 2014

Agency Item #	Description	Biography	Requested Work	Status
17	PVC pipe taped together with black tape		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	PVC pipe

Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.

18	2 galvanized pipe taped together with white tape		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	Pipes

Created by: NNguyen@tustinca.org on 04/25/2014, Suspect Is Flight Risk: Y, Case circumstances: Following the OIS investigation, Tustin PD discovered two burglaries which had occurred in the area of Tustin East Drive in the City of Tustin. The date and time of occurrences were close to the date and time the suspect said he was in the area (of Tustin East) with the bolt cutter. The MOE at the two burglaries was a lock cut to carport storage units. Considering the suspect was in possession of a pair of bolt cutters, it is possible the suspect was involved with the burglaries., Assign to OCCL staff: TSM

18	Bolt Cutter found under dumpster s/e corner	Herrera, Henry (Suspect)	Firearms/Toolmarks	Accepted
	Section	Sub Section	Question	Answer
	Firearms/Toolmarks	Miscellaneous	Toolmark - Comparison	Y
	Firearms/Toolmarks		Comments	Bolt cutter was booked under Tustin PD CR #14-01902 (OIS), the cut lock was booked under Tustin PD CR #14-01901 (Burglary).

Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.

20	Sil/blk pipe with rifle sights		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	Pipe

Created by: NNguyen@tustinca.org on 04/25/2014, Suspect Is Flight Risk: Y, Case circumstances: Officer's gun. Fired during the incident.

6	Smith and Wesson M&P 9c pistol	Strain, John (Officer)	Firearms/Toolmarks	Submitted
	Section	Sub Section	Question	Answer
	Firearms/Toolmarks	Firearm	Function	Y
	Firearms/Toolmarks	Firearm	Comparison	Y
	Firearms/Toolmarks	Fired Cartridge Case	Comparison	Y

Batch Evidence Move

Printed: May 12 2014 3:31 PM (Moved By: GLL) [Most Recent Move Updated 1 Items]

PCN	FR	Item No.	Evidence Description	DR (Agency)
	14-45302	2	Smith and Wesson M&P 9c pistol	14-01902 (TPD)



REPORT OF EVIDENCE EXAMINATION JUN 18 2014

Name: HERRERA, Henry (s)

FR #: 14-45302

Crime: OIS

Date: 04/10/14

Dept: Tustin P.D.

Case#: 14-01902

Table with 3 columns: Agency Item#, OCCL Item#, Description of Evidence to be Examined. Row 1: 6 to 9, 2, Smith and Wesson Model M&P 9c pistol... Row 2: 13-15, 20 & 21, 1, 2 fired cartridge cases and 3 projectiles...

Requestor: Det. Miali

Phone: (714) 573-3251

By: Nguyen

Date: 04/25/14

Type of Examination Requested: Function exam and comparison of cartridge cases and bullets from scene.

RESULTS and INTERPRETATIONS:

Both fired cartridge cases from the scene (M#1, TPD#0013 and M#2, TPD# 0014) were determined to have been fired in the S&W pistol, S/N HPN0246.

The bullet from the wood fence inside the patio (M#16, TPD#0021) was determined to have been fired from the S&W pistol, S/N HPN0246.

The bullets from the cement walkway (M#4, TPD#0015) and from the living room carpet (M#13, TPD#0020) have the same class characteristics as test fired bullets from the S&W pistol but they have sustained too much impact damage and are not suitable for microscopic comparison.

The semiautomatic S&W pistol fired without malfunction.

EXAMINATION:

The two fired cartridge cases are 9mm Luger caliber Winchester brand. The two fired cartridge cases were microscopically compared to test fired cartridges cases from the S&W pistol.

The projectile from the wood fence inside the patio (M#16, TPD#0021) is an impact damaged 9mm Luger caliber Winchester brand SXT® or T-Series® jacketed hollow point bullet weighing approximately 146 grains. The bullet has marks from five lands and grooves of rifling with a right twist. Land impression widths measure .098 to .099 inch and groove impression widths measure .117 to .118 inch. The bullet was microscopically compared to test fired bullets from the S&W pistol.

The projectiles from the cement walkway (M#4, TPD#0015) and from the living room carpet (M#13, TPD#0020) are both impact damaged 9mm Luger caliber Winchester brand SXT® or T-Series® jacketed hollow point bullets weighing approximately 147 and 145 grains respectively. Both bullets have marks from five lands and grooves of rifling with a right twist. Land impression widths measure .096 to .099 inch and groove impression widths measure .115 to .117 inch.



A-1



REPORT OF EVIDENCE EXAMINATION JUN 18 2014

Name: HERRERA, Henry (s)

FR #: 14-45302

The S&W pistol was received unloaded with its empty S&W brand 17 cartridge capacity magazine removed. Thirteen cartridges submitted with the pistol are Winchester brand 9mm Luger caliber, each loaded with either an SXT® or T-Series® jacketed hollow point bullet. A cloth patch for collecting residue was pulled through the barrel. The pistol is equipped with a functional disconnecter and trigger safety. Trigger pull was measured to be 6 1/2 to 6 3/4 pounds.

Using the magazine submitted with the pistol and ammunition from the laboratory collection, the pistol was test fired. The barrel of the pistol has five lands and grooves of rifling with a right twist. Land impression widths on the test fired bullets measure .097 to .099 inch and groove impression widths measure .116 to .118 inch. The thirteen cartridges packaged with the pistol were repackaged and submitted as a new sub-item.

Copies To:

- 1. Miali, TPD By: mez Date: 5-23-14
- 2. _____ By: _____ Date: _____

Robert L. Reckers
Robert L. Reckers
Forensic Scientist III

05/22/14
Date
(714) 834-4510

TR: MM 5/22/14

AR: TX 5/23/14

LIMS By: MAY 23 2014 MEZ



42

SEP 24 2014

**TUSTIN POLICE DEPARTMENT
SUPPLEMENTAL INVESTIGATION REPORT
CR #14-01902
Detective N. Nguyen #1123**

I am currently employed as a sworn peace officer for the Tustin Police Department and am assigned to the Tustin Police Department's General Investigation - Major Crimes Unit. I am the assigned investigator for CR #14-01902.

INVESTIGATIVE FOLLOW-UP

On 09/22/2014, I conducted a probation search for Henry Cardenas and confirmed he was on formal probation with search and seizure. On the same date, at approximately 1100 hours, I proceeded to the Theo Lacy Jail and collected a sample of Henry Cardenas' DNA for comparison. I subsequently updated the Orange County Crime Laboratory work request to have Cardenas' DNA sample forwarded to the lab for analysis (see attached).

I request a copy of this report be forwarded to the Orange County District Attorney's Office for review.

SN #1047
09.24.14

PROPERTY REPORT

**TUSTIN
POLICE DEPARTMENT**

ORIG
X SUPP

1 CR# 14-1902
2 REFER OTHER REPORTS
SUPPLEMENTAL

SOURCE CODE: "F"=FINDER "O"=OWNER "S"=SUSPECT "V"=VICTIM "W"=WITNESS	
SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) S CARDENAS, HENRY	SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) SEP 24 2014

PROP. CODES D=DISPOSAL REQ. E=EVIDENCE F=FOUND	SK=SAFEKEEPING L=LOST	R=RECOVERED S=STOLEN S/R=STOLEN/RECOV.	SEARCH WARRANT 5150 / 8102 W& I	FINDER'S CLAIM D.V./12028.5 PC	LOC. CODES C=CAGE F=FREEZER L=LOCKER #	R=REFRIGERATOR H=HAZ.MAT. V=VICTIM RETAINED
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ITEM NO.	3 TYPE E	4 QTY 2	5 ARTICLE SWAB	6 BRAND	7 MODEL	8 SERIAL NO./OAN	9 VALUE
10 COLOR(S)			11 DESCRIPTION DNA STANDARD - HENRY CARDENAS				

GUN	TYPE Pistol Rifle Shotgun Combo Other _____	CATEGORY Auto Semi Auto Pump Over / Under Revolver Other _____	CALIBER: BARREL LENGTH:
12 PREMISE / AREA / ROOM TAKEN FROM THE LOCAL JAIL		13 SOURCE: S	14 CURRENT LOCATION L22
15 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM			

ITEM NO.	16 TYPE	17 QTY	18 ARTICLE	19 BRAND	20 MODEL	21 SERIAL NO./OAN	22 VALUE
23 COLOR(S)			24 DESCRIPTION				

GUN	TYPE Pistol Rifle Shotgun Combo Other _____	CATEGORY Auto Semi Auto Pump Over / Under Revolver Other _____	CALIBER: BARREL LENGTH:
25 PREMISE / AREA / ROOM TAKEN FROM		26 SOURCE:	27 CURRENT LOCATION
28 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM			

ITEM NO.	29 TYPE	30 QTY	31 ARTICLE	32 BRAND	33 MODEL	34 SERIAL NO./OAN	35 VALUE
36 COLOR(S)			37 DESCRIPTION				

GUN	TYPE Pistol Rifle Shotgun Combo Other _____	CATEGORY Auto Semi Auto Pump Over / Under Revolver Other _____	CALIBER: BARREL LENGTH:
38 PREMISE / AREA / ROOM TAKEN FROM		39 SOURCE:	40 CURRENT LOCATION
41 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM			

ITEM NO.	42 TYPE	43 QTY	44 ARTICLE	45 BRAND	46 MODEL	47 SERIAL NO./OAN	48 VALUE
49 COLOR(S)			50 DESCRIPTION				

GUN	TYPE Pistol Rifle Shotgun Combo Other _____	CATEGORY Auto Semi Auto Pump Over / Under Revolver Other _____	CALIBER: BARREL LENGTH:
51 PREMISE / AREA / ROOM TAKEN FROM		52 SOURCE:	53 CURRENT LOCATION
54 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM			

ITEM NO.	55 TYPE	56 QTY	57 ARTICLE	58 BRAND	59 MODEL	60 SERIAL NO./OAN	61 VALUE
62 COLOR(S)			63 DESCRIPTION				

GUN	TYPE Pistol Rifle Shotgun Combo Other _____	CATEGORY Auto Semi Auto Pump Over / Under Revolver Other _____	CALIBER: BARREL LENGTH:
64 PREMISE / AREA / ROOM TAKEN FROM		65 SOURCE:	66 CURRENT LOCATION
67 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM			

ALL SERIALIZED ITEMS (WITH THE EXCEPTION OF ITEMS FOR IMMEDIATE DESTRUCTION) MUST BE ENTERED INTO DOJ

COMMENTS

PROPERTY RELEASED BY APPOINTMENT ONLY: Please refer to the back of your property receipt for property release information and instructions.

OFFICER'S NAME N. NGUYEN	ID NUMBER 1123	DATE 092214	SIGNATURE FOR RECEIPT	RECEIPT MAILED	REFUSED	PG OF
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SUPPLEMENTAL

SEP 24 2014



14-01902

Created by GLazaro@tustinca.org on 4/17/2014

FR # **14-45302** **Agency** **TPD** **Case #** **14-01902** **Priority** **Normal**

Offense 417(A)(1) Offense Date 4/10/2014 Investigator Detective Miall **Associated documents available**
 Email bmiall@tustinca.org Unit General Invest Phone 714-573-3251
 Note Officer Involved Shooting occurred in the city of Tustin. Suspect was taken into custody and denied having touched any of the items recovered at the crime scene. See attached supplemental report for details.
 Related Cases TPD(14-01977), TPD(14-01901)

V/S	Last Name, First Name	Gender	DOR	OC#	CII#	Remarks
Suspect	Herrera, Henry	Male	[REDACTED]			
Officer	Strain, John	Male				

Agency Item #	Description	Biography	Requested Work	Status
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Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.

13	Hammer with white tape surrounding		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	Hammer with white tape surrounding

Created by: NNguyen@tustinca.org on 04/25/2014, Suspect Is Flight Risk: Y, Case circumstances: Officer involved shooting. Casing likely from Officer's gun.

14	shell casing on grass - marker #2	Strain, John (Officer)	Firearms/Toolmarks	Accepted
	Section	Sub Section	Question	Answer
	Firearms/Toolmarks	Fired Cartridge Case	Comparison	Y

Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.

15	Single PVC pipe with pictures taped on it		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	Single PVC pipe

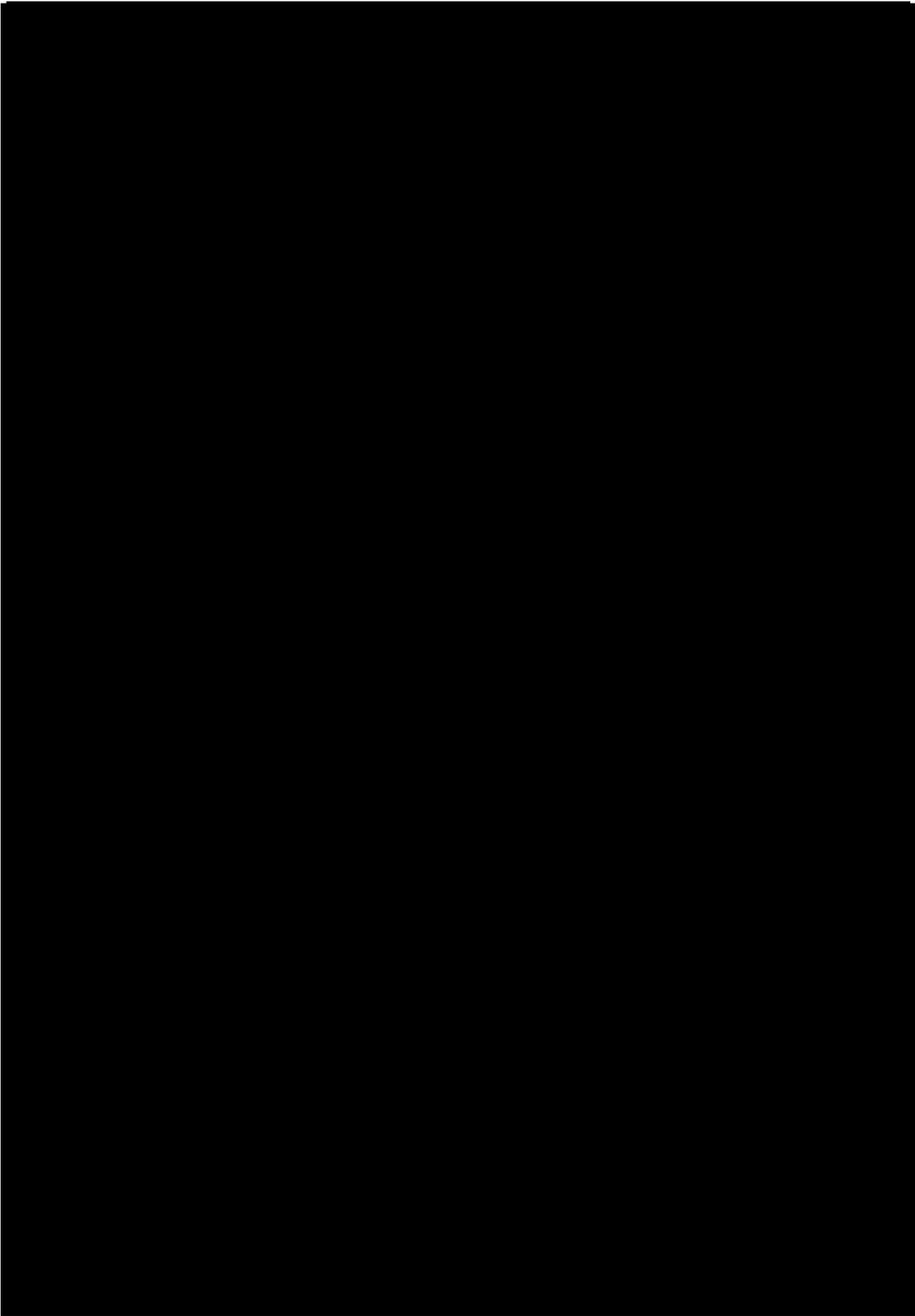
Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.

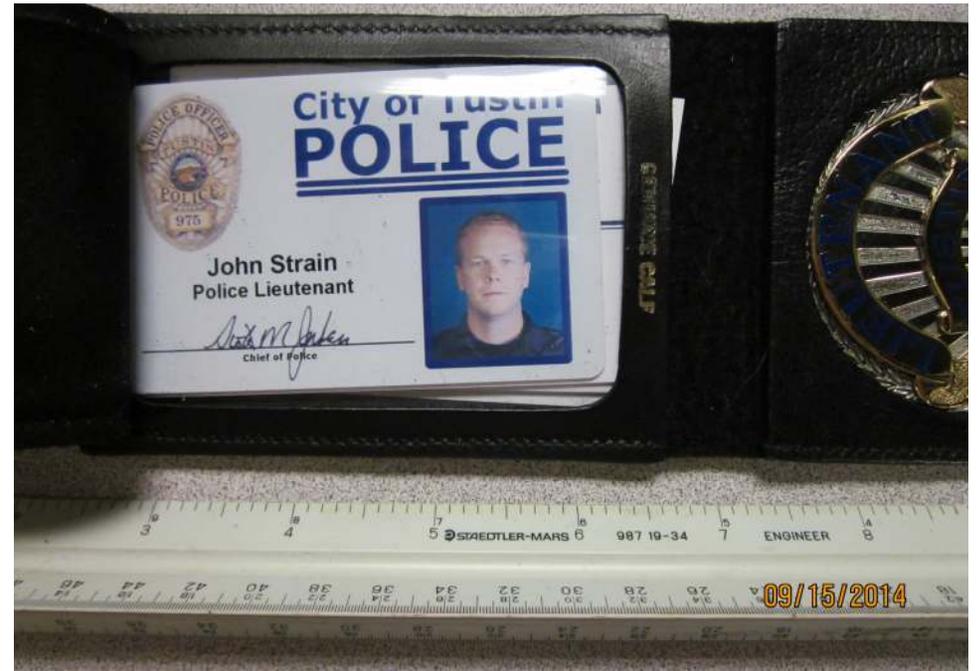
16	White PVC pipe		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	White PVC pipe

Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.

SEP 24 2014

Agency Item #	Description	Biography	Requested Work	Status
17	PVC pipe taped together with black tape		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which Items should be processed for prints	PVC pipe
Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.				
18	2 galvanized pipe taped together with white tape		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	Pipes
Created by: NNguyen@tustinca.org on 04/25/2014, Suspect Is Flight Risk: Y, Case circumstances: Following the OIS investigation, Tustin PD discovered two burglaries which had occurred in the area of Tustin East Drive in the City of Tustin. The date and time of occurrences were close to the date and time the suspect said he was in the area (of Tustin East) with the bolt cutter. The MOE at the two burglaries was a lock cut to carport storage units. Considering the suspect was in possession of a pair of bolt cutters, it is possible the suspect was involved with the burglaries., Assign to OCCL staff: TSM				
18	Bolt Cutter found under dumpster s/e corner	Herrera, Henry (Suspect)	Firearms/Toolmarks	Accepted
	Section	Sub Section	Question	Answer
	Firearms/Toolmarks	Miscellaneous	Toolmark - Comparison	Y
	Firearms/Toolmarks		Comments	Bolt cutter was booked under Tustin PD CR #14-01902 (OIS), the cut lock was booked under Tustin PD CR #14-01901 (Burglary).
Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.				
20	Sil/blk pipe with rifle sights		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	Pipe
Created by: NNguyen@tustinca.org on 09/22/2014, Suspect In Custody: Y, Case circumstances: For comparison to the bolt cutter booked under 14-01902 and for DNA comparison to the shackle and padlock booked under 14-01901.				
29	DNA Standard - Henry Cardenas (aka: Herrera)	Herrera, Henry (Suspect)	DNA	Submitted
	Section	Sub Section	Question	Answer
	DNA		Category	DNA Reference
	DNA	DNA Reference	Suspect	Y
	DNA	DNA Reference->Suspect	Biographies	Herrera, Henry;
Created by: NNguyen@tustinca.org on 04/25/2014, Suspect Is Flight Risk: Y, Case circumstances: Officer's gun. Fired during the incident.				
6	Smith and Wesson M&P 9c pistol	Strain, John (Officer)	Firearms/Toolmarks	Accepted
	Section	Sub Section	Question	Answer
	Firearms/Toolmarks	Firearm	Function	Y
	Firearms/Toolmarks	Firearm	Comparison	Y
	Firearms/Toolmarks	Fired Cartridge Case	Comparison	Y





TUSTIN
POLICE DEPARTMENT

NARRATIVE/SUPPLEMENTAL REPORT

OCT 08 2014

PAGE _____

1 CR # 14-1902	2 SUPPLEMENTAL <input checked="" type="checkbox"/>
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3 NAME (LAST, FIRST, MIDDLE) [REDACTED]	4 OCCUPATION None	5 D.O.B. [REDACTED]	6 SEX <input checked="" type="checkbox"/> 1 M <input type="checkbox"/> 1 F	7 RACE <input checked="" type="checkbox"/> 1 WHT <input type="checkbox"/> 4 IND <input type="checkbox"/> 6 CHI <input type="checkbox"/> 8 PISL <input type="checkbox"/> 9 VIET <input type="checkbox"/> 10 OTH	8 HISP <input type="checkbox"/> 2 HISP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 6 JAPN <input type="checkbox"/> 7 FIL
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9 RES. PHONE ()

11 CODE SECTION PC 417(a)(1)	12 CRIME BRANDISH WEAPON	13 CLASSIFICATION MISD	14 REFER OTHER REPORTS 14-1977, 14-1901
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15 LOCATION 1602 NISSON RD,	16 RD	17 DATE 041014	18 TIME 0849
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19 SYNOPSIS REQUIRED ON ORIGINAL REPORT ONLY. THE LISTED CRIMES INCLUDE ATTEMPTS.
SYNOPSIS = MAIN FACTS OF THE CRIME. INCLUDE M.O. TYPE SUSPECT STATEMENT.

SYNOPSIS REQUIRED ON ALL PART 1 OFFENSES

20 TATTOO DESCRIPTION / SYNOPSIS:
TT:

ATTN: DATA ENTRY CLERK - ENTER DESCRIPTIONS OF SCARS, MARKS, TATTOOS FROM SUSPECT PAGE.

21 NARRATIVE:

ON THURSDAY, 10/02/2014, AT APPROXIMATELY 1230 HOURS, DETECTIVE HARDACME AND I PROCEEDED TO [REDACTED] RESIDENCE, [REDACTED] AND OBTAINED A SAMPLE OF HIS DNA FOR ELIMINATION IN CR # 14-1902. [REDACTED] IS CURRENTLY ON FORMAL PROBATION WITH SEARCH AND SEIZURE AND HE ALSO CONSENTED TO THE COLLECTION OF THE DNA.

I LATER UPDATED THE ORANGE COUNTY CRIME LAB WORK REQUEST TO HAVE [REDACTED] DNA STANDARD SUBMITTED FOR ANALYSIS. (SEE ATTACHED WORK REQUEST.)

22 REPORTING OFFICER / ID NO. N. NGUYEN 1123	23 DATE 100214	24 APPROVED BY / ID NO. SN # 1090	25 DATE 10.02.14
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OCT 08 2014



14-01902

Created by GLazaro@tustinca.org on 4/17/2014

FR # 14-45302 **Agency** TPD **Case #** 14-01902 **Priority** Normal

Offense 417(A)(1) Offense Date 4/10/2014 Investigator Detective Miall **Associated documents available**
 Email bmjali@tustinca.org Unit General Invest Phone 714-573-3251
 Note Officer Involved Shooting occurred in the city of Tustin. Suspect was taken into custody and denied having touched any of the items recovered at the crime scene. See attached supplemental report for details.
 Related Cases TPD(14-01977), TPD(14-01901)

V/S	Last Name, First Name	Gender	DOB	OC#	CII#	Remarks
Suspect	Herrera, Henry	Male	[REDACTED]			
Officer	Strain, John	Male				
Related Person	[REDACTED]	Male	[REDACTED]			

Agency Item #	Description	Biography	Requested Work	Status
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Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.

13	Hammer with white tape surrounding		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	Hammer with white tape surrounding

Created by: NNuyen@tustinca.org on 04/25/2014, Suspect Is Flight Risk: Y, Case circumstances: Officer involved shooting. Casing likely from Officer's gun.

14	shell casing on grass - marker #2	Strain, John (Officer)	Firearms/Toolmarks	Accepted
	Section	Sub Section	Question	Answer
	Firearms/Toolmarks	Fired Cartridge Case	Comparison	Y

Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.

15	Single PVC pipe with pictures taped on it		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	Single PVC pipe

Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.

16	White PVC pipe		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	White PVC pipe

OCT 08 2014

Agency Item #	Description	Biography	Requested Work	Status
Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.				
17	PVC pipe taped together with black tape		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which Items should be processed for prints	PVC pipe
Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.				
18	2 galvanized pipe taped together with white tape		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	Pipes
Created by: NNguyen@tustinca.org on 04/25/2014, Suspect Is Flight Risk: Y, Case circumstances: Following the OIS investigation, Tustin PD discovered two burglaries which had occurred in the area of Tustin East Drive in the City of Tustin. The date and time of occurrences were close to the date and time the suspect said he was in the area (of Tustin East) with the bolt cutter. The MOE at the two burglaries was a lock cut to carport storage units. Considering the suspect was in possession of a pair of bolt cutters, it is possible the suspect was involved with the burglaries., Assign to OCCL staff: TSM				
18	Bolt Cutter found under dumpster s/e corner	Herrera, Henry (Suspect)	Firearms/Toolmarks	Accepted
	Section	Sub Section	Question	Answer
	Firearms/Toolmarks	Miscellaneous	Toolmark - Comparison	Y
	Firearms/Toolmarks		Comments	Bolt cutter was booked under Tustin PD CR #14-01902 (OIS), the cut lock was booked under Tustin PD CR #14-01901 (Burglary).
Created by: GLazaro@tustinca.org on 04/17/2014, Case circumstances: Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.				
20	Sil/blk pipe with rifle sights		DNA, Fingerprint Processing	Accepted
	Section	Sub Section	Question	Answer
	DNA		Category	Evidence
	DNA	Sample details	Item left behind	Y
	DNA	Sample details	Item touched	Y
	DNA		Why is it likely suspect's DNA will be recovered from this sample	Suspect stated he never touched the items recovered at the scene. Need to check item for prints and possible suspect DNA.
	Fingerprint Processing		Which items should be processed for prints	Pipe
Created by: NNguyen@tustinca.org on 09/22/2014, Suspect In Custody: Y, Case circumstances: For comparison to the bolt cutter booked under 14-01902 and for DNA comparison to the shackle and padlock booked under 14-01901.				
29	DNA Standard - Henry Cardenas (aka: Herrera)	Herrera, Henry (Suspect)	DNA	Accepted
	Section	Sub Section	Question	Answer
	DNA		Category	DNA Reference
	DNA	DNA Reference	Suspect	Y
	DNA	DNA Reference->Suspect	Biographies	Herrera, Henry;
Created by: NNguyen@tustinca.org on 10/02/2014				
30	Swah - DNA standard from [REDACTED]	[REDACTED] (Related Person)	DNA	Submitted
	Section	Sub Section	Question	Answer
	DNA		Category	DNA Reference
	DNA	DNA Reference	Other	Y
	DNA	DNA Reference->Other	Biographies	[REDACTED]

Agency Item #	Description	Biography	Requested Work	Status
Created by: NNguyen@tustinca.org on 04/25/2014, Suspect Is Flight Risk: Y, Case circumstances: Officer's gun. Fired during the incident.				
6	Smith and Wesson M&P 9c pistol	Strain, John (Officer)	Firearms/Toolmarks	Accepted
	Section	Sub Section	Question	Answer
	Firearms/Toolmarks	Firearm	Function	Y
	Firearms/Toolmarks	Firearm	Comparison	Y
	Firearms/Toolmarks	Fired Cartridge Case	Comparison	Y

PROPERTY REPORT

TUSTIN POLICE DEPARTMENT

1 CR#	14-1902
2 REFER OTHER REPORTS	
SUPPLEMENTAL	

ORIG SUPP

SOURCE CODE: "F"=FINDER "O"=OWNER "S"=SUSPECT "V"=VICTIM "W"=WITNESS	
SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)
0 [REDACTED]	
OCT 08 2014	

PROP. CODES D=DISPOSAL REQ. E=EVIDENCE F=FOUND	SK=SAFEKEEPING L=LOST	R=RECOVERED S=STOLEN S/R=STOLEN/RECOV.	SEARCH WARRANT 5150 / 8102 W& I	FINDER'S CLAIM D.V./12028.5 PC	LOC. CODES C=CAGE F=FREEZER L=LOCKER #	R=REFRIGERATOR H=HAZ.MAT. V=VICTIM RETAINED
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ITEM NO.	3 TYPE	4 QTY	5 ARTICLE	6 BRAND	7 MODEL	8 SERIAL NO./OAN	9 VALUE	
	E	2	SWAB					
10 COLOR(S)				11 DESCRIPTION				
				DNA STANDARD - [REDACTED]				
GUN TYPE	Pistol Rifle	Shotgun Combo	Other	CATEGORY	Auto Semi Auto	Pump Over / Under	Revolver Other	BARREL LENGTH:

13 SOURCE:			14 CURRENT LOCATION		15 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		
0			L22				
ITEM NO.	16 TYPE	17 QTY	18 ARTICLE	19 BRAND	20 MODEL	21 SERIAL NO./OAN	22 VALUE
23 COLOR(S)				24 DESCRIPTION			

GUN TYPE	Pistol Rifle	Shotgun Combo	Other	CATEGORY	Auto Semi Auto	Pump Over / Under	Revolver Other	CALIBER: BARREL LENGTH:
25 PREMISE / AREA / ROOM TAKEN FROM		26 SOURCE:		27 CURRENT LOCATION		28 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ITEM NO.	29 TYPE	30 QTY	31 ARTICLE	32 BRAND	33 MODEL	34 SERIAL NO./OAN	35 VALUE
36 COLOR(S)				37 DESCRIPTION			

GUN TYPE	Pistol Rifle	Shotgun Combo	Other	CATEGORY	Auto Semi Auto	Pump Over / Under	Revolver Other	CALIBER: BARREL LENGTH:
38 PREMISE / AREA / ROOM TAKEN FROM		39 SOURCE:		40 CURRENT LOCATION		41 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ITEM NO.	42 TYPE	43 QTY	44 ARTICLE	45 BRAND	46 MODEL	47 SERIAL NO./OAN	48 VALUE
49 COLOR(S)				50 DESCRIPTION			

GUN TYPE	Pistol Rifle	Shotgun Combo	Other	CATEGORY	Auto Semi Auto	Pump Over / Under	Revolver Other	CALIBER: BARREL LENGTH:
51 PREMISE / AREA / ROOM TAKEN FROM		52 SOURCE:		53 CURRENT LOCATION		54 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ITEM NO.	55 TYPE	56 QTY	57 ARTICLE	58 BRAND	59 MODEL	60 SERIAL NO./OAN	61 VALUE
62 COLOR(S)				63 DESCRIPTION			

GUN TYPE	Pistol Rifle	Shotgun Combo	Other	CATEGORY	Auto Semi Auto	Pump Over / Under	Revolver Other	CALIBER: BARREL LENGTH:
64 PREMISE / AREA / ROOM TAKEN FROM		65 SOURCE:		66 CURRENT LOCATION		67 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ALL SERIALIZED ITEMS (WITH THE EXCEPTION OF ITEMS FOR IMMEDIATE DESTRUCTION) MUST BE ENTERED INTO DOJ

COMMENTS

PROPERTY RELEASED BY APPOINTMENT ONLY: Please refer to the back of your property receipt for property release information and instructions.

OFFICER'S NAME	ID NUMBER	DATE	SIGNATURE FOR RECEIPT	RECEIPT MAILED	REFUSED	PG	OF
N. NGUYEN	1123	100214					

PROPERTY REPORT

1 CR#	14-1902
2 REFER OTHER REPORTS	

TUSTIN POLICE DEPARTMENT

ORIG SUPP

SOURCE CODE: "F"=FINDER "O"=OWNER "S"=SUSPECT "V"=VICTIM "W"=WITNESS

SOURCE	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	SOURCE	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)
	OCCU		

PROP. CODES	D=DISPOSAL REQ. E=EVIDENCE F=FOUND	SK=SAFEKEEPING L=LOST	R=RECOVERED S=STOLEN S/R=STOLEN/RECOV.	SEARCH WARRANT 5150 / 8102 W& I	FINDER'S CLAIM D.V./12028.5 PC	LOC. CODES	C=CAGE F=FREEZER L=LOCKER #	R=REFRIGERATOR H=HAZ.MAT. V=VICTIM RETAINED
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ITEM NO.	3 TYPE	4 QTY	5 ARTICLE	6 BRAND	7 MODEL	8 SERIAL NO./OAN	9 VALUE
31	E	1	SWAB	UNK	-	-	-
	10 COLOR(S)		11 DESCRIPTION				
	-		(2) SWABS FROM BOLT CUTTERS				

GUN TYPE	Pistol Rifle	Shotgun Combo	Other	CATEGORY	Auto Semi Auto	Pump Over / Under	Revolver Other	CALIBER: BARREL LENGTH:
12 PREMISE / AREA / ROOM TAKEN FROM		13 SOURCE:		14 CURRENT LOCATION		15 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		
OCCU		OCCU		SWAB SHELF				

ITEM NO.	16 TYPE	17 QTY	18 ARTICLE	19 BRAND	20 MODEL	21 SERIAL NO./OAN	22 VALUE
	23 COLOR(S)		24 DESCRIPTION				

GUN TYPE	Pistol Rifle	Shotgun Combo	Other	CATEGORY	Auto Semi Auto	Pump Over / Under	Revolver Other	CALIBER: BARREL LENGTH:
25 PREMISE / AREA / ROOM TAKEN FROM		26 SOURCE:		27 CURRENT LOCATION		28 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ITEM NO.	29 TYPE	30 QTY	31 ARTICLE	32 BRAND	33 MODEL	34 SERIAL NO./OAN	35 VALUE
	36 COLOR(S)		37 DESCRIPTION				

GUN TYPE	Pistol Rifle	Shotgun Combo	Other	CATEGORY	Auto Semi Auto	Pump Over / Under	Revolver Other	CALIBER: BARREL LENGTH:
38 PREMISE / AREA / ROOM TAKEN FROM		39 SOURCE:		40 CURRENT LOCATION		41 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ITEM NO.	42 TYPE	43 QTY	44 ARTICLE	45 BRAND	46 MODEL	47 SERIAL NO./OAN	48 VALUE
	49 COLOR(S)		50 DESCRIPTION				

GUN TYPE	Pistol Rifle	Shotgun Combo	Other	CATEGORY	Auto Semi Auto	Pump Over / Under	Revolver Other	CALIBER: BARREL LENGTH:
51 PREMISE / AREA / ROOM TAKEN FROM		52 SOURCE:		53 CURRENT LOCATION		54 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ITEM NO.	55 TYPE	56 QTY	57 ARTICLE	58 BRAND	59 MODEL	60 SERIAL NO./OAN	61 VALUE
	62 COLOR(S)		63 DESCRIPTION				

GUN TYPE	Pistol Rifle	Shotgun Combo	Other	CATEGORY	Auto Semi Auto	Pump Over / Under	Revolver Other	CALIBER: BARREL LENGTH:
64 PREMISE / AREA / ROOM TAKEN FROM		65 SOURCE:		66 CURRENT LOCATION		67 ADDITIONAL NOTES / SIGNATURE FOR RELEASED ITEM		

ALL SERIALIZED ITEMS (WITH THE EXCEPTION OF ITEMS FOR IMMEDIATE DESTRUCTION) MUST BE ENTERED INTO DOJ

COMMENTS

PROPERTY RELEASED BY APPOINTMENT ONLY: Please refer to the back of your property receipt for property release information and instructions.

OFFICER'S NAME	ID NUMBER	DATE	SIGNATURE FOR RECEIPT	RECEIPT MAILED	REFUSED	PG OF
SCHLESINGER	1271	3-4-15				



OC CRIME LAB
County Executive Office - District Attorney - Sheriff



REPORT OF EVIDENCE EXAMINATION AND DNA TYPING

SUSPECT: CARDENAS and [REDACTED] FR#: 14-45302

CRIME: 417(A)(1) DATE: 04/10/2014 DEPT: TPD DR#: 14-01902

Results and Interpretations

The profiles of Henry CARDENAS and [REDACTED] have been entered into and searched against the OC Crime Lab local database and no matches were obtained. These profiles will be forwarded to the CA Department of Justice DNA laboratory for entry into and comparison to the state database (CODIS). The agency will be notified of any findings.

Items Examined

<u>OCCL Item</u>	<u>Description</u>
4	DNA Standard - Henry CARDENAS (aka: Herrera)
5	Swab - DNA standard from [REDACTED]

Examinations

- Item 4 DNA was extracted from a portion of the oral swab standard from Henry CARDENAS and typing was performed using the Identifiler Plus system. See the table on page 2 for results.
- Item 5 DNA was extracted from the oral swab standard from [REDACTED] and typing was performed using the Identifiler Plus system. See the table on page 2 for results.

Disposition of Evidence

The evidence has been released to the OC Crime Lab Evidence Control Unit for return to the agency.

Jaleh A. Mazaheri
Jaleh A. Mazaheri, Forensic Scientist III

12/8/14
Date

cc: TPD Detective Miali 12/16/14 [REDACTED]

TR SW 12/11/14 AR SH 12/16/14





OC CRIME LAB
County Executive Office - District Attorney - Sheriff



REPORT OF EVIDENCE EXAMINATION AND DNA TYPING

SUSPECT: CARDENAS and ELGIN

FR#: 14-45302

DNA Typing Results and Interpretations

Item	Description DNA#	D8S1179	D21S11	D7S820	CSF1PO	D3S1358	TH01	D13S317	D16S539	D2S1338	D19S433	VWA	TPOX	D18S51	Amel	D5S818	FGA
4	Henry CARDENAS GH-20P	13,14	31,2,32,2	11,12	10,11	15,16	6,7	12	12,14	18,19	13,15,2	16,17	8	14	X,Y	12,13	21,26
5	[REDACTED] GH-20K / GH-20S	11,13	30,32,2	10,11	10,11	17,18	9,9,3	11,13	9,11	20,24	13	14	10,11	13	X,Y	10,12	20,26





Inter-Com

DATE: SEPTEMBER 15, 2014

TO: [REDACTED]

FROM: PAUL GARAVEN, COMMUNITY POLICING BUREAU COMMANDER

SUBJECT: LIEUTENANT JOHN STRAIN – LEAVE WITHOUT PAY

The purpose of this memorandum is to officially notify you of the need to reduce Lt. Strain's general leave account by 10.0 hours, pursuant to a recent suspension from duty. In lieu of a one day suspension, Lt. Strain was given the option of forfeiting the equivalent in general leave. The reduction in General Leave is a direct result of discipline imposed on August 22, 2014, resulting from an administrative investigation. The details of the investigation are confidential pursuant to Police Department policy.

Please arrange for the reduction in general in the current pay period. If you have any questions or concerns, please call me at X3308.

- COPY FOR PST, FILE. ORIGINAL SENT TO FINANCE 9-15-14.

Attachment #5 (1 of 3), (2 of 3), and (3 of 3) are attached as hard copies.



Inter-Com

DATE: AUGUST 22, 2014

TO: JOHN P. STRAIN, SPECIAL OPERATIONS COMMANDER

FROM: CHARLES F. CELANO JR., CHIEF OF POLICE

SUBJECT: NOTICE OF DISCIPLINE – SUSPENSION (IA2014-010)

On July 31, 2014, you were served with a Notice of Disciplinary Proceedings, authored by Captain Paul Garaven, based on your decision to intervene while off-duty, resulting in the use of deadly force. You exercised your right to attend a pre-disciplinary meeting with me. At approximately 0900 hours on August 13, 2014, I provided you with the opportunity to respond to the charges and recommended discipline as outlined in the Skelly Notice. You attended the meeting without a representative.

I want to let you know how much I appreciate you accepting full responsibility for your actions. Although your intentions that day were pure in nature, I believe you now realize that there were other options available to you that may have prevented the use of deadly force.

After my review of this matter, I concur with the findings regarding a **sustained** violation of the following General Order:

“340.3.5 PERFORMANCE

m) Any knowing or negligent violation of the provisions of the Department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with each of the policies contained herein.”

As it pertains to:

“386.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects;

- b) The inability to communicate with responding units;
- c) The lack of equipment, such as handcuffs, OC or baton;
- d) The lack of cover;
- e) The potential for increased risk to bystanders if the off-duty officer were to intervene;
- f) Unfamiliarity with the surroundings;
- g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public."

As a final action in this matter, I am sustaining the recommended discipline of suspension from duty for 10 hours. You indicated the loss of 10 hours of pay could be a financial hardship for you and requested the use of General Leave in lieu of. I am approving that request and allowing the use of GL for the 10 hours.

Right to Appeal

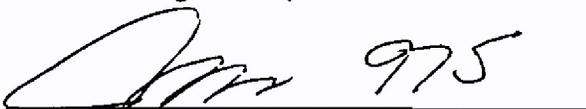
If you disagree with this action, you have the right to appeal its imposition by filing a written notice of your intent to appeal with Derick Yasuda, Human Resources Manager, within 10 days. A copy of the TPOA Article 36 – Third Party Advisory Process for Disciplinary Appeals is attached.

CHARLES F. CELANO, JR.
Chief of Police

Cc Personnel File
Professional Standards File
Derick Yasuda

Acknowledgement

I acknowledge receipt of this Notice of Discipline.



John Strain #975
Police Lieutenant

09/15/14
Date

Article 36. Third Party Advisory Process for Disciplinary Appeals

- A. Disciplinary actions, which may move beyond the department head's decision, include the actions of termination, suspension, reduction of salary, and demotion. The "third party" advisory process is the step between the department head's action and the City Manager's final decision. In the department head's notice of final disciplinary action (which should be served by registered mail or personal delivery) shall be a statement which clearly informs the employee that he/she has the right, within ten (10) working days after receipt of the response, to request the next level of appeal. The day the employee receives the department head's final notice shall not count as one of the ten (10) days.
- B. The employee's request for the next level of appeal must be addressed to the Director of Human Resources and received in the Human Resources Department so that same is date stamped by the Human Resources Department with the ten (10) day period.
- C. If, within the ten (10) day appeal period, the employee involved does not file said appeal, unless good cause for the failure is shown, the action of the department head shall be considered conclusive and shall take effect as prescribed. If within the ten (10) day appeal period, the employee involved files such notice of appeal by giving written notice of appeal to the Director of Human Resources, an appeal hearing shall be established as follows:
 - 1. If a single third party hearing officer cannot be agreed upon by the Director of Human Resources and the employee's representative (or employee alone if unrepresented), the American Arbitration Association shall be requested to submit a list of seven (7) persons qualified to act as arbiters to the City and employee. Within ten (10) days following receipt of the list of arbiters, the parties shall meet to select the arbiter. The parties shall alternately strike one (1) name from the list of arbiters (the right to strike the first name to be determined by lot) until one (1) name remains, and that person shall be the arbiter.
 - 2. Where practicable, the date for the hearing shall not be less than twenty (20) days, nor more than sixty (60) days, from the date of the filing of the appeal with the Director of Human Resources. The parties may stipulate to a longer or shorter period of time in which to hear the appeal. All interested parties shall be notified in writing of the date, time, and place of hearing.
 - 3. All hearings shall be private, provided, however, that the arbiter shall, at the request of the employee, open the hearing to the public.
 - 4. Subpoenas and subpoenas duces tecums pertaining to a hearing shall be issued at the request of either party, not less than five (5) working days, prior

to the commencement of such hearing. After the commencement of such hearing, subpoenas shall be issued only at the discretion of the arbiter.

5. The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules, which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil and criminal actions, and irrelevant and unduly repetitious evidence shall be excluded. The arbiter shall not be bound by technical rules of evidence. The arbiter shall rule on the admission or exclusion of evidence.
6. Each party shall have these rights: to be represented by legal counsel or other person of his/her choice; to call and examine witnesses; to introduce evidence; to cross-examine opposing witnesses or any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him/her to testify; and to rebut the evidence against him/her. If the respondent does not testify in his/her own behalf, he/she may be called and examined as if under cross-examination. Oral evidence shall be taken only on oath or affirmation. A court reporter will be engaged to record the hearing, unless the parties (City, arbiter, employee/employee representative) mutually agree that same is not necessary.
7. The hearing shall proceed in the following order, unless the arbiter, for special reason, otherwise directs:
 - a. The party imposing discipline shall be permitted to make an opening statement.
 - b. The appealing party shall then be permitted to make an opening statement.
 - c. The party imposing disciplinary action shall produce the evidence on his/her part; the City bears the burden of proof and burden of producing evidence.
 - d. The party appealing from such disciplinary action may then open his/her defense and offer his/her evidence in support thereof; the

employee bears the burden of proof and the burden of producing evidence for any affirmative defenses asserted.

- e. The parties may then, in order, respectively offer rebutting evidence only, unless the arbiter for good reason permits them to offer evidence upon their original case.
 - f. Closing arguments shall be permitted and written briefs may be permitted at the discretion of the arbiter.
8. The arbiter shall determine relevancy, weight, and credibility of testimony and evidence. He/she shall base his/her findings on the preponderance of evidence. During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing unless the arbiter, in his/her discretion, for good cause, otherwise directs. No still photographs, moving pictures, or television pictures shall be taken in the hearing chamber during a hearing. The arbiter, prior to or during a hearing, may grant a continuance for any reasons he/she believes to be important to reaching a fair and proper decision. The arbiter shall render his/her judgment as soon after the conclusion of the hearing as possible and in no event later than thirty (30) days after conducting a hearing. His/her decision shall set forth findings of fact and conclusions. The opinion shall be advisory only.
9. The arbiter may recommend sustaining or rejecting any or all of the charges files against the employee. He/she may recommend sustaining, rejecting, or modifying the disciplinary action invoked against the employee. He/she may not recommend for discipline more stringent than that invoked by the department head.

The arbiter's opinion and recommendation shall be filed with the City Manager, with a copy sent to the charged employee, and the Director of Human Resources and shall set forth his/her findings and recommendations. If it is a dismissal hearing and a dismissal is not the arbiter's recommendation, the opinion shall set forth the recommended date the employee is recommended to be reinstated and/or other recommended action. The reinstatement date, if appropriate, may be an time on or after the date of disciplinary action.

10. Within thirty (30) days of the receipt of the arbiter's findings and recommendations, and transcript (which is optional only in certain cases), whichever date is later, the City Manager shall adopt, amend, modify or reject the recommended findings, conclusions, and/or opinions of the arbiter. Prior to making a decision, which modifies or rejects the recommendation of the arbitrator, the City Manager shall order and read the transcript of the Third Party Advisory Process. Prior to making a decision which supports the arbiter, the City Manager may order and read the subject transcript, at his/her option, allow

limited oral arguments and/or may request and review written statements from either side. The decision of the City Manager shall be final and conclusive. Copies of the City Manager's decision, including the arbiter's recommendations(s) shall be filed where appropriate, including the employee's personnel file, unless no discipline is upheld by the City Manager. Each party shall bear equally the cost of facilities, fees and expenses of the arbiter, including the court reporter and transcripts. If the City Manager orders a transcript for his/her review, the City shall bear the cost of providing the transcript. Each party shall bear its own witness and attorney fees. If either party unilaterally cancels or postpones a scheduled arbitration, thereby resulting in a fee charged by the arbiter or court reporter, then the party responsible for the cancellation or postponement shall be solely responsible for the payment of that fee. This process shall not apply to mutual settlements by the parties, which result in an arbitration fee.

11. In the case of suspension, demotion, reduction in salary, or dismissal prescribed by the City Manager, the time of such suspension, demotion or dismissal shall be effective from the first day after such delivery of said decision or shall relate back to be effective as of the date the employee was suspended from duty pending hearing before and decision by the City Manager, whichever is applicable. If discipline imposed resulted in loss of pay, the pay loss shall be restored to the employee based on the number of standard work hours lost computed at his/her then base hourly rate. The provision of Section 1094.6 of the Code of Civil Procedure shall be applicable to proceedings under this Article.

TUSTIN POLICE DEPARTMENT
CRITICAL INCIDENT REVIEW BOARD
USE OF DEADLY FORCE REPORT OF FINDINGS

SUMMARY: On April 10, 2014 at approximately 0849 Lieutenant John Strain was driving to work in his personal vehicle and while exiting the I-5 freeway at Red Hill ave., saw a subject (later identified as Henry Cardenas) carrying what he thought was either a shotgun or rifle. He followed Cardenas in his vehicle as he walked southbound on Red Hill on the East side of the street. At some point Cardenas entered the West alley of the Winchester Park Apts. and Lieutenant Strain followed him still driving his vehicle. Lieutenant Strain exited his vehicle and an officer involved shooting took place. Cardenas fled on foot and was located and arrested several hours later in another location. Neither Cardenas or Lieutenant Strain were injured during this incident.

This board met on Tuesday, June 17, 2014, at 1500 hours in the Chief's conference room. The mission of this board was to determine whether or not the employees' actions were within departmental policy and procedures, or a violation of those same policies and procedures.

Involved Employee: Lieutenant John Strain
Date of Hire: 11/26/1990
Current Assignment: Special Operation Commander
Shift/Days off: Tuesday-Friday; 0700-1700; days off, Saturday-Monday
Working Status: Full Duty

Employees Interviewed: None

Weapon Involved: Off duty Smith & Wesson 9mm M&P compact Handgun

SYNOPSIS: On April 10, 2014, at about 0849 hours, Lt. Strain exited the I-5 freeway at Red Hill in preparation of driving to work at the Police department. He was in his personal vehicle wearing shorts and a yellow T-shirt. He was armed and had his police ID with him. While stopped in the right turn lane he saw Cardenas walking directly in front of him carrying what appeared to be either a shotgun or rifle in his left hand. The weapon was covered by a black piece of clothing. Lt. Strain did not immediately call in his observations as he wanted to confirm what he saw was actually a firearm. His

Use of Deadly Force Review Board Report of Findings
Page 3 of 4

The board reviewed Lt. Strain's initial decision to act on his observation of seeing Cardenas walking in public with what appeared to be a rifle or shotgun. His decision to follow him as he walked, confirm his observations and call it in via his cell phone was a sound decision and within policy.

The board next considered Lt. Strain's decision to actually engage Cardenas. Significant discussion ensued as to whether or not Lt. Strain should have confronted Cardenas or wait for uniformed officers which were on the way. Policy language regarding an off duty officers decision to intervene and the things he/she "should vs. shall" take into consideration prior to doing so were discussed at length.

It is clear from Lt. Strain's own comments he did consider many of the things our policy states an officer "should" consider; he knew he was alone (but heard sirens and knew the officers were responding), lacked communication abilities, knew his cover was minimal at best, was unfamiliar with the area and didn't have any body armor on. Knowing this, he still chose to confront Cardenas because he felt Cardenas might fire on the responding officers as they arrived. During his interview with the PSD, he was asked if he thought the responding officers would have better safety equipment allowing them to better deal with Cardenas and he replied yes, but his visual observation of Cardenas was an advantage.

Most if not all of the board felt they would have "probably" waited for responding officers given the facts as presented. Tactically, it was a poor decision by Lt. Strain which put him at a distinct disadvantage. However, none of us were there making that split-second decision and could not say for sure what we would have done.

Although Lt. Strain's decision making was poor and his tactics weak the board did not feel his actions rose to the level of an actual policy violation regarding his choice to intervene. Of note, one member of the board, who could not be present during the review, submitted in writing their comments in this area. They felt Lt. Strain's actions in this area to be out of policy for the following reasons; Lt. Strain has no means to communicate, was at a tactical disadvantage by being alone, lacked safety equipment, lack of cover, was unfamiliar with the area, his actions posed an increased risk to bystanders and was at risk of being misidentified by members of the public or other officers.

Lastly, the board determined the use of deadly force was within policy based on the US Supreme courts standards of what a "reasonable officer" would do under these same circumstances. Lt. Strain believed Cardenas was armed with either a shotgun or rifle (he saw the muzzle and a sight post) and he was in fear Cardenas was going to shoot at him and possibly kill him when he turned towards him. His decision to fire his weapon was justified as he feared for his life.

Recommendations;

The board discussed the overall lack of training when it comes to off duty actions by officers. Other than initial training provided by an FTO, very little if any formal training has been provided to officers. Considering the many incidents being publicized involving

Use of Deadly Force Review Board Report of Findings

Page 4 of 4

off duty officers throughout the country, the need for more formalized training is clearly called for. Dynamic interactive training from those officers having experienced off duty incidents would be highly beneficial. With that in mind, the board would highly recommend Lt. Strain conduct a debriefing (provided he is willing) of his incident in the form of a training class during the departments quarterly training days. The board feels this would be very impactful on a department wide level. Additionally, the board recommends the PSD research and finds other training applicable to off duty incidents and make it available to the department.

S. Lewis 7-29-14
Captain Steve Lewis Date

LT. R. Wright 07/29/14
Lieutenant Robert Wright Date

TB 072914
Lieutenant Todd Bullock Date

Duane Havourd 07/29/14
Sergeant Duane Havourd Date

SQ 072914
Sergeant Sean Quinn Date

JM 7-29-14
Lieutenant Jeff Blair Date

Chief Charlie Celano, Jr. Date

John Strain 975 0804/14
Lieutenant John Strain Date



DATE: JULY 31, 2014

Inter-Com

TO: CHIEF CHARLES CELANO, VIA CHAIN OF COMMAND

FROM: CAPTAIN PAUL GARAVEN, COMMUNITY POLICING BUREAU COMMANDER

SUBJECT: ADMINISTRATIVE REPORT- # 14-16-I

Handwritten signature and date:
C. CELANO
7.31.14

CONCLUSION AND REASONING

Based on my review of this investigation, my finding regarding the alleged violation of the Tustin Police General Orders is as follows:

Violation of Tustin Police Department Policy Manual:

"340.3.5 PERFORMANCE

u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct."

As it pertains to:

"300.3 DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury. Use of deadly force is justified in the following circumstances:

- a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury;
- b) An officer may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction of threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to any other person if the suspect is not immediately apprehended. Under such circumstances a verbal warning should precede the use of deadly force, where feasible."

FINDING: EXONERATED

"340.3.5 PERFORMANCE

m) Any knowing or negligent violation of the provisions of the Department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with each of the policies contained herein."

As it pertains to:

"386.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects;
- b) The inability to communicate with responding units;
- c) The lack of equipment, such as handcuffs, OC or baton;
- d) The lack of cover;
- e) The potential for increased risk to bystanders if the off-duty officer were to intervene;
- f) Unfamiliarity with the surroundings;
- g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public."

FINDING: SUSTAINED.

On April 10, 2014, Lieutenant Strain was on his way to work when he observed Cardenas, who appeared to be carrying a shotgun or rifle covered by a jacket. Lieutenant Strain was not in uniform and was driving his personal vehicle. Lieutenant Strain followed Cardenas as he walked into the west alley of 1602 Nisson Rd. As Cardenas walked into the apartment complex, Lieutenant Strain exited his vehicle and followed Cardenas. Before exiting his vehicle, Lieutenant Strain called TPD Dispatch and advised he was following a subject he believed to be armed with a shotgun or rifle and requested patrol units respond to 1602 Nisson Rd.

After advising his activity, Lieutenant Strain, wearing a T-Shirt and shorts, entered the complex to follow Cardenas. Aside from an off duty handgun and his badge, Lieutenant Strain did not possess any other police equipment or means of communication. Lieutenant Strain continued to follow Cardenas in the complex. As Cardenas was walking toward the east area of the complex, Lieutenant Strain confronted him by

ordering him to stop. The suspect turned toward Lieutenant Strain and it appeared the possible firearm he was carrying was now directed at Lieutenant Strain and he fired his off-duty weapon at Cardenas.

In reviewing this investigation and all attachments, to include the Critical Incident Review Board (CIRB) Report, I find that Lieutenant Strain decision to use deadly force was within policy. Based on Lieutenant Strain's statements, it appears as though when he confronted Cardenas, he was confronted by what he perceived as an imminent threat to his life; Cardenas pointing a shotgun or rifle at him. The discovery of the bolt cutters and jacket at the scene, and Cardenas' statements as to being in possession of each, corroborates Lieutenant Strain's statements and observations.

Where I diverge from the opinion of the CIRB is in their finding that Lieutenant Strain's actions leading up to the use of force were within policy. The CIRB spent a considerable amount of time discussing Lieutenant Strain's tactics and even though it is noted that some members of the CIRB "probably" would not have engaged Cardenas, the board felt the policy wording as to "should" and not "shall" left room for an in policy finding. I think their review focused too narrowly on the "should" verbiage in the policy and not on the intent of the policy.

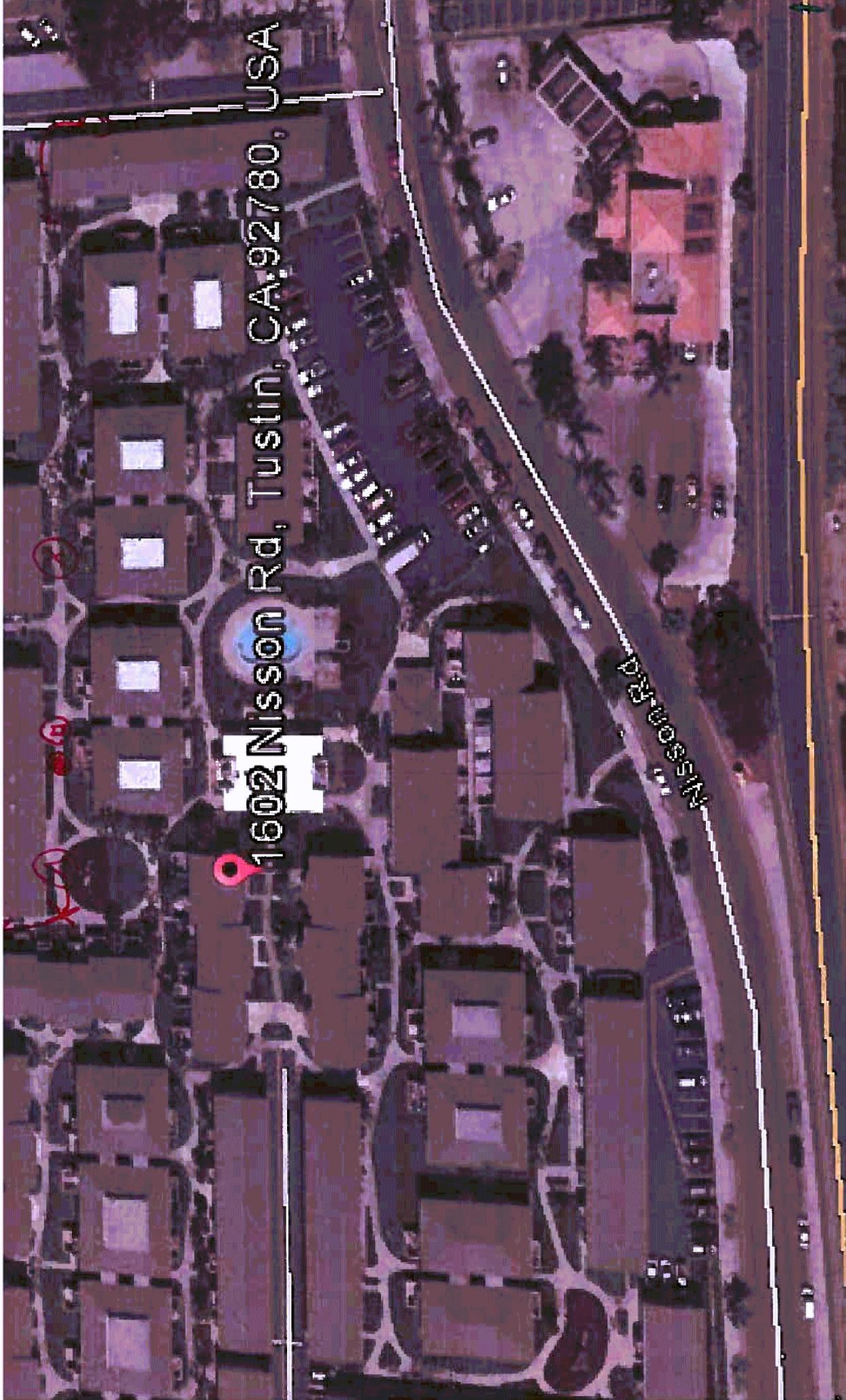
Lieutenant Strain said he considered the factors listed in the policy as he watched and then pursued Cardenas, but chose to engage him anyway. In my opinion, Lieutenant Strain's assessment should have been to disengage rather than just acknowledge the "red flags" and move forward regardless. While I can understand Lieutenant Strain's feeling of "duty" to engage Cardenas and prevent a potentially violent incident, the risk outweighed the reward when considering all the factors in this incident. Lieutenant Strain's status as a tenured police manager with a strong background in risk management and liability makes this point even more evident.

PRIOR ACTIONS

None

RECOMMENDATION

Based on my review of this incident, it is my recommendation that Lieutenant Strain receive a **one day suspension (10 hours)** for violation of the Decision to Intervene Policy.





DATE: JULY 31, 2014

Inter-Com

TO: LIEUTENANT JOHN STRAIN, SPECIAL OPERATION DIVISION COMMANDER

FROM: CAPTAIN PAUL GARAVEN, COMMUNITY POLICING BUREAU COMMANDER

SUBJECT: NOTICE OF DISCIPLINARY PROCEEDINGS AI #14-16-I

PD
C. Garaven
7-31-14

The Chief of Police has delegated me the authority to notify you of the department initiating disciplinary proceedings against you. Disciplinary proceedings are defined as allegations that, if validated, will likely result in negative disciplinary action of a written reprimand, **suspension without pay**, demotion in rank, punitive transfer, reduction in salary, or termination.

FORMAL CHARGES

Based on my review of the investigation, my findings regarding the alleged violations to the Tustin Police Department General Orders are as follows:

"340.3.5 PERFORMANCE

u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct."

As it pertains to:

"300.3 DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury. Use of deadly force is justified in the following circumstances:

- a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury;
- b) An officer may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction of threatened infliction of serious bodily injury or death, and the officer reasonably

believes that there is an imminent or future potential risk of serious bodily injury or death to any other person if the suspect is not immediately apprehended. Under such circumstances a verbal warning should precede the use of deadly force, where feasible."

FINDING: EXONERATED

"340.3.5 PERFORMANCE

m) Any knowing or negligent violation of the provisions of the Department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with each of the policies contained herein."

As it pertains to:

"386.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects;
- b) The inability to communicate with responding units;
- c) The lack of equipment, such as handcuffs, OC or baton;
- d) The lack of cover;
- e) The potential for increased risk to bystanders if the off-duty officer were to intervene;
- f) Unfamiliarity with the surroundings;
- g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public."

FINDING: SUSTAINED.

On April 10, 2014, you were involved in an off-duty officer involved shooting. An administrative investigation was conducted regarding the use of force and your off-duty decision to intervene. The investigation resulted in a finding that the use of force was in policy but that your decision to intervene was not.

When you made the decision to follow Cardenas, you were wearing a T-Shirt and shorts. Aside from an off duty handgun and badge, you did not possess any other police equipment or means of communication.

Although you said that you considered the factors listed in the policy as you watched and then pursued Cardenas, you chose to engage him anyway. In my opinion, your assessment should have been to disengage rather than just acknowledge the "red flags" and move forward regardless. Your evaluation as to whether the action was necessary or desirable fell short considering the following factors:

- The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects;
- The inability to communicate with responding units;
- The lack of equipment, such as handcuffs, OC or baton;
- The lack of cover;
- Unfamiliarity with the surroundings;
- The potential for the off-duty officer to be misidentified by other peace officers or members of the public."

While I can understand your feeling of "duty" to engage Cardenas and prevent a potentially violent incident, the risk outweighed the reward when considering all the factors in this incident. Your status as a tenured police manager, with a strong background in risk management and liability, makes this point even more evident.

RECOMMENDATION:

All written material pertaining to this matter, as well as contents of your personnel file and division file, has been reviewed. My decision is that sufficient grounds exist for the department to proceed with disciplinary charges against you, according to the disciplinary policy described in General Order 340, specifically section 340.3.5(m). My recommendation is that you be **suspended from duty for 10 hours.**

RESPONSE:

You have the right to respond, verbally and/or in writing, to these charges and my recommended discipline. If you choose to respond verbally, you may do so at the date and time stated below for the disciplinary meeting. Please confirm with me, or Executive Secretary, Shannon Aitken, no less than twenty-four hours prior to the meeting, whether or not you will be responding verbally at the disciplinary meeting. If you choose to respond in writing, either in lieu of or in addition to a verbal response, please submit your written response no less than twenty-four hours prior to the meeting.

Your failure to make a verbal or written response as set forth above will constitute a waiver of your right to respond to these charges and proposed discipline.

DISCIPLINARY MEETING:

Chief Celano will conduct the disciplinary meeting. He will meet you in his office on **August 13, 2014 at 1000 hours**. You have the right to be represented by counsel or another person of your choosing during the disciplinary meeting.

You may waive your right to a disciplinary meeting by so stating on this memo and returning it to me. Your waiver of the disciplinary meeting signifies your acceptance of the charges and disciplinary action. You may also submit a written response with your waiver, if you desire.

DUTY STATUS:

You are to remain on duty pending the outcome of these proceedings.

Captain Paul Garaven
Community Policing Bureau Commander

Attachments:

1. CAD printout of CR 14-01902
2. TPD CR 14-01902
3. TPD Dispatch phone recording with Lieutenant Strain
4. CD containing interviews of:
 - a. Lieutenant Strain by Det. N. Nguyen
 - b. Suspect Cardenas by Det. N. Nguyen
 - c. Witness [REDACTED] by Det. Haug
 - d. Other misc interviews
5. 3 discs containing CSI Photos
6. PSD Interview with Lieutenant Strain
7. Satellite map of 1602 Nissan Rd.
8. Satellite map of area of I-5 freeway at Red Hill Ave
9. TPD apartment complex map #52 of Westchester Park Apts.

ACKNOWLEDGEMENT

I acknowledge receipt of this **Notice of Disciplinary Proceedings**



Lieutenant John Strain

080414

Date



Inter-Com

DATE: MAY 19, 2014

TO: CHIEF CHARLIE CELANO VIA CHAIN OF COMMAND

FROM: LIEUTENANT ROBERT WRIGHT, PROFESSIONAL STANDARDS DIVISION *R&W*

SUBJECT: ADMINISTRATIVE INVESTIGATION-IA#14-16I

*C. CELANO
7-31-14*

SUMMARY

On April 10, 2014, Henry Cardenas was arrested for CPC 417(a)(1) – Brandishing a Weapon. Prior to his arrest Lieutenant J. Strain had observed Cardenas walking on Red Hill Ave and into the Westchester Park Apts 1602 Nisson Rd, carrying what Lieutenant Strain believed to be a firearm. Lieutenant Strain believed the suspect, later identified as Cardenas, was armed with a shotgun or rifle, which was partially covered with a black jacket.

Lieutenant Strain was on his way to work when he observed Cardenas. Lieutenant Strain was not in uniform and was driving his personal vehicle. Lieutenant Strain followed Cardenas as he walked into the west alley of 1602 Nisson Rd. As Cardenas walked into the apartment complex, Lieutenant Strain exited his vehicle and followed Cardenas. Before exiting his vehicle, Lieutenant Strain called TPD Dispatch and advised he was following a subject he believed to be armed with a shotgun or rifle and requested patrol units respond to 1602 Nisson Rd.

After advising his activity, Lieutenant Strain, wearing a T-Shirt and shorts, entered the complex to follow Cardenas. Lieutenant Strain continued to follow Cardenas in the complex. As Cardenas was walking toward the east area of the complex, Lieutenant Strain confronted him by ordering him to stop. The suspect turned toward Lieutenant Strain and it appeared the possible firearm he was carrying was now directed at Lieutenant Strain, so Lieutenant Strain fired his off-duty weapon at Cardenas. Lieutenant Strain fired five (5) times and the suspect fled on foot.

Shortly after Lieutenant Strain fired his weapon TPD Patrol Officers arrived. A suspect description and direction of travel was broadcast over the police radio and a perimeter was established. Additional tactical resources were summoned; including Tustin/Irvine SWAT, Orange County Sheriff Department (OCSD) SWAT, OCSD and California Highway Patrol (CHP) helicopters, additional manpower support from Irvine PD, FBI, OCSD, CHP, as well as additional TPD personnel. Additionally the Tustin Unified School District (TUSD) was notified. All TUSD schools were put on lock-down and TUSD representatives responded to the TPD Command Post.

TPD Detectives conducted their criminal investigation into Cardenas' actions. During the investigation, a set of bolt cutters, a black-hoodie, and a cell phone, which was playing music, were located in the area of 1602 Nisson Rd. where Lieutenant Strain saw

Cardenas flee. The recovered cell phone was used in developing information regarding the suspect's identity.

After approximately four (4) hours Cardenas was located in the center of the Tustin Imperials Townhomes Complex, 1777 Mitchell Ave. This complex was inside the established perimeter. Cardenas was uninjured and was taken into custody without incident.

TPD Detectives interviewed Cardenas. Cardenas told detectives he had been carrying bolt cutters while walking in the complex at 1602 Nisson Rd. Cardenas said he was wearing headphones and was listening to music on his cell phone as he was walking. He said although he was wearing headphones, the music was not overly loud, when he heard someone yell behind him. When he turned he saw a male/white wearing a yellow T-shirt pointing a handgun at him. Cardenas said the male with the gun was holding it in his right hand and was supporting it with his left hand. He did not see any badge or other form of identification indicating the subject was a police officer. Cardenas said as he turned the person with the gun began shooting at him so he ran away. Cardenas said as he ran he bumped into a wall which caused him to drop the jacket and bolt cutters.

Cardenas told detectives he was never in possession of any type of firearm and had fled the area and remained in hiding for over four (4) hours because he did not know who was shooting at him and he was frightened for his safety.

Cardenas was booked into OC Jail for CPC 417(a)(1).

GENERAL ORDERS APPLICATION(S)

Violation of Tustin Police Department Policy Manual:

"340.3.5 PERFORMANCE

u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct."

As it pertains to:

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- c) The lack of equipment, such as handcuffs, OC or baton;
- d) The lack of cover;
- e) The potential for increased risk to bystanders if the off-duty officer were to intervene;
- f) Unfamiliarity with the surroundings;
- g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public."

INVOLVED PARTIES

Lieutenant J. Strain #975

Special Operations Division

Supervisor: Captain Paul Garaven

Days Off: Friday-Sunday

Hours: 0800-1800

Sergeant Andy Birozy #914

Professional Standards Division

Supervisor: Lieutenant Robert Wright

Days Off: Saturday-Monday

Hours: 0600-1600

Detective Natalie Nguyen #1123

General Investigations

Supervisor: Sergeant Stephanie Nichols

Days Off: Wednesday, Saturday-Sunday

Hours: 0800-1800

Detective Eric Haug #1124

General Investigations

Supervisor: Sergeant Stephanie Nichols

Days Off: Friday-Sunday

Hours: 0700-1700

Detective Tommy Lomeli #1206

General Investigations

Supervisor: Sergeant Stephanie Nichols

Days Off: Friday-Sunday

Hours: 0800-1800

Henry Justin Herrera Cardenas (aka Henry Herrera)

Transient, Tustin, CA

[REDACTED]

[REDACTED]

[REDACTED]



ATTACHMENTS

1. CAD printout of CR 14-01902
2. TPD CR 14-01902
3. TPD Dispatch phone recording with Lieutenant Strain
4. CD containing interviews of:
 - a. Lieutenant Strain by Det. N. Nguyen
 - b. Suspect Cardenas by Det. N. Nguyen
 - c. Witness [REDACTED] by Det. Haug
 - d. Other misc interviews
5. 3 discs containing CSI Photos
6. PSD Interview with Lieutenant Strain
7. Satellite map of 1602 Nissan Rd.
8. Satellite map of area of I-5 freeway at Red Hill Ave
9. TPD apartment complex map #52 of Westchester Park Apts.

INVESTIGATION

The case was initiated as a result of a self-initiated contact of a possibly armed suspect by Lieutenant John Strain. This self-initiated contact resulted in an officer involved shooting.

This investigation will include interviews with Lieutenant Strain, the suspect and witness. Some of the interviews included in this investigation were conducted, and recorded, by other TPD sworn personal.

Lieutenant Strain's Investigation Interview:

Lieutenant Strain was initially interviewed by Detectives Nguyen and Miali on April 10, 2014. That interview was a voluntary statement and was conducted at the Tustin Police Department as part of the criminal investigation.

During the interview with Detective Nguyen, Lieutenant Strain said he was on his way to work on Thursday, April 10, 2014 at approximately 0830 hrs. Lieutenant Strain was driving his personal vehicle and was wearing civilian clothing, which consisted of a yellow T-shirt and brown shorts.

Lieutenant Strain exited the N/B I-5 freeway at Red Hill Ave. and was the first vehicle in the right turn lane from the off-ramp to N/B Red Hill Ave. While stopped in that position he noticed a subject, later identified as Henry Cardenas, walking S/B on the east side of Red Hill Ave. Cardenas crossed directly in front of Lieutenant Strain's vehicle and appeared to be carrying a firearm in his left hand; either a shotgun or rifle. The firearm was covered by a black piece of clothing. Lieutenant Strain stated he "distinctively saw a barrel and I saw a sight post." Lieutenant Strain said the sight post was similar to those on the AR-15 rifles used by police officers.

Lieutenant Strain said he was going to call in his observations but first wanted to confirm what he was seeing was actually a firearm. He stated due to recent officer involved shootings in the area he wanted to make sure the officers that would have to respond had the proper information. In order to verify what the subject was carrying Lieutenant Strain made a right turn onto Red Hill Ave then made a U-turn at the intersection of Red Hill Ave and El Camino Real.

After making the U-turn, Lieutenant Strain regained observation of Cardenas. Cardenas continued walking S/B on the east sidewalk of Red Hill Ave. Lieutenant Strain noticed Cardenas was still carrying the object which he suspected to be a firearm. Cardenas entered the west driveway of 1602 Nissan Rd. and Lieutenant Strain stated he drove past him and "verified 100% sure he was carrying some sort of firearm."

Lieutenant Strain parked his personal vehicle in the south driveway of 1602 Nissan and called TPD Dispatch to report his observations. Lieutenant Strain said he told Dispatcher Eric Nelson "Hey I got a guy, I think he's got a gun and I need some units to help me out." Lieutenant Strain said he decided to exit his vehicle and follow Cardenas. Lieutenant Strain said he purposely left his cell phone in his vehicle with an open line to dispatch. Lieutenant Strain exited his vehicle and walked into the complex; Lieutenant Strain said he did not have sight of Cardenas at this time. As he exited his vehicle he retrieved his off duty weapon, a Smith & Wesson 9mm handgun.

While entering the complex looking for Cardenas, Lieutenant Strain said he encountered other non-involved civilians who were likely residents of the complex. Lieutenant Strain said he identified himself as a police officer to one of the residents and ordered them to leave the area. Lieutenant Strain continued to walk through the complex looking for Cardenas.

After entering the complex on foot, Lieutenant Strain located Cardenas walking in the complex, he estimated Cardenas was "maybe 40-50 yards ahead of me." Lieutenant Strain continued to follow Cardenas and then began to jog towards Cardenas "to close the gap." Lieutenant Strain said Cardenas was getting towards the end of the walkway of the complex. Lieutenant Strain noticed there was a playground nearby; he checked the playground and did not see any children, but Lieutenant Strain did say he heard voices in the complex. He also stated he could "hear the faint sounds of sirens coming

my way." Lieutenant Strain believed he would soon have back-up officers on scene so he decided to confront Cardenas.

Lieutenant Strain said he had his off-duty gun in his right hand and had his badge visible when he confronted Cardenas, who was still walking away. Lieutenant Strain said something to the effect of "Police Department, Tustin Police Department. Stop what you're doing, drop what's in your hand." After Lieutenant Strain gave Cardenas orders, Cardenas slowed his forward pace and turned towards his left, at which point it appeared the muzzle of the possible firearm he was carrying was pointed at Lieutenant Strain. Lieutenant Strain said he "fired 2-3 rounds, rapid succession towards his upper torso." After the first round of shots were fired, Cardenas turned towards his right, Lieutenant Strain stated he believed Cardenas was going to engage in a gunfight so he "fired another 2-3 rounds at him." Cardenas then ran away from this scene.

When Cardenas ran away, Lieutenant Strain chased after him. Lieutenant Strain took up a position of cover next to a building where he last saw Cardenas. Lieutenant Strain began to check vehicles in the south alley, believing Cardenas may be "lying in wait." Lieutenant Strain said he "cleared that area" and discovered a jacket which he recognized as the item covering the firearm Cardenas was carrying. Lieutenant Strain said he heard music coming from a dumpster area and believed the music may be coming from the suspect. Lieutenant Strain said he heard sirens getting closer, but he continued to clear the carport area with his off-duty gun in his hand. While checking the area, Lieutenant Strain discovered a cell phone on the ground which was the source of the music. Lieutenant Strain deduced the cell phone was discarded by the suspect as he fled the complex.

Lieutenant Strain said he believed the suspect was "probably hit" but stopped his pursuit of him because he was "concerned I didn't have body armor, communications, I didn't have my cell phone. So...and I heard the sirens getting closer." Lieutenant Strain walked across the driveway and took a position of cover. As he did so Lieutenant Strain contacted a resident and identified himself as a Tustin Police Officer, told the citizen there was a police shooting and instructed him to call 9-1-1.

After advising the resident to call 9-1-1, Lieutenant Strain said Officer Howard arrived on scene. Officer Howard was on-duty in his marked police unit. Officer Howard exited his vehicle, armed with the Department issued AR-15 rifle. Officer Howard contacted Lieutenant Strain and asked what happened. Lieutenant Strain briefed Officer Howard of the incident and instructed him to take up a tactical position where he believed Cardenas had fled.

Lieutenant Strain entered Officer Howard's vehicle and used the police radio to broadcast he had been involved in a shooting and provided Cardenas' description.

Detective Nguyen asked Lieutenant Strain some clarifying statements about the incident. When she asked Lieutenant Strain how far from Cardenas he was while walking in the complex, he responded "Originally, probably 30-40 yards maybe. So I

closed...about halfway through I could see he was walking at a little bit more of a deliberate pace than I was, so I was intending on just kind of, you know, just following this dude a little bit and hopefully the troops would get there. And then when he started getting towards the end I said hey, I got to figure out what's...I got to stop this dude now. So I jogged, closed the gap a little bit to approximately 10-15 yards." Lieutenant Strain said once he got closer to Cardenas he confirmed his belief the suspect was carrying a firearm, because when he turned he saw the muzzle and sight post. Lieutenant Strain said based on what he saw he believed Cardenas was turning towards him with the firearm and was going to shoot at him and possibly kill him.

Lieutenant Strain Phone Call to TPD Dispatch:

Lieutenant Strain called TPD Dispatch to report his observation of Cardenas. This phone call was made to the non-emergency business line. When Lieutenant Strain called he spoke with TPD Communications Officer Eric Nelson. Lieutenant Strain told Communications Officer Nelson he was driving to work and was at "Westchester Park" near the AA building, he provided a description of Cardenas and said "he looks like he may be 417. He's got a jacket covering the gun and I'm gonna figure out what's going on with him." Communications Officer Nelson confirmed the location with Lieutenant Strain. Lieutenant Strain left his cell phone in his vehicle with an open line to TPD Dispatch. When Communications Officer Nelson realized there was an open line on the phone he upgraded the responding units to Code 3.

After a few moments the sound of five (5) gunshots are heard over the open cell phone line. Communications Officer Nelson is heard trying to call out to Lieutenant Strain.

The Dispatch recording also includes incoming phone calls from residents at Westchester Park (1602 Nisson Rd.) calling to report the shooting.

One phone call was from the resident at [REDACTED]. That resident indicated she heard two (2) shots and the shooter was a "Caucasian male, wearing a yellow T-Shirt with PJs."

Witness Interviews:

[REDACTED]

[REDACTED] was interviewed by Detective Haug. [REDACTED] said he saw Cardenas walking in the Wendy's parking lot. He believed Cardenas was carrying a "sawed-off shotgun" which was covered by a jacket. The location where [REDACTED] saw Cardenas was just north of where Lieutenant Strain made his initial observation of Cardenas. [REDACTED] did not see any of the interaction between Lieutenant Strain and Cardenas.

[REDACTED]

[REDACTED] was interviewed by Detective Lomeli. [REDACTED] lives at [REDACTED]. She said she was inside her apartment when she heard a male subject yelling outside her

apartment, she could not understand what was being yelled by the subject. She looked out her bedroom window and saw a "man with a yellow T-shirt shooting." She said the man in the yellow T-shirt was holding a gun and she heard two shots. She said the person in the yellow T-shirt was holding a black semi-automatic handgun in his right hand, but she did not see the person in the yellow T-shirt holding anything else.

██████████ was interviewed by Detective Lomeli. ██████████ is a maintenance person at 1602 Nisson. He was working in the complex when he saw Cardenas walking in the complex. ██████████ did not notice if Cardenas was carrying anything. ██████████ then saw Lieutenant Strain walking to the complex, ██████████ describes Lieutenant Strain as wearing a yellow T-shirt and shorts. ██████████ said "good morning" to both Cardenas and Lieutenant Strain, but neither responded. ██████████ did not recognize Cardenas or Lieutenant Strain as residents of the complex.

██████████ said he saw Lieutenant Strain quicken his pace, then "draw his sidearm." After displaying his weapon ██████████ said he heard Lieutenant Strain say "Stop, stop, Police, stop" ██████████ said after Lieutenant Strain gave the verbal order, "The kid started running and he turned around to look for a second, then he turned his head back forward; that's when the officer fired off...I'd say three or four shots."

██████████ again said he made eye contact with Cardenas when he passed by, but did not see him carrying any weapon. ██████████ did say Cardenas was possibly carrying a sweatshirt, but was certain he did not see any weapon in his possession.

██████████ was interviewed by Detective Lomeli. ██████████ lives at ██████████. She was inside her apartment when she heard "4 or 3 shots." After hearing the shots she looked out her kitchen window and saw Lieutenant Strain running outside. She heard Lieutenant Strain yell "call the police, I'm an officer", Detective Lomeli asked if Lieutenant Strain said that directly to her and she said "no, he screamed that." She saw Lieutenant Strain holding a black gun in his right hand. She said a marked patrol car was also in the driveway behind Lieutenant Strain when he yelled for someone to call the police. ██████████ saw Lieutenant Strain holding a badge which he placed on the police car. ██████████ did not see Cardenas or any of the incident before the shooting.

Interview with Henry Cardenas

The interview with Cardenas was conducted by Detective Nguyen. Cardenas was in custody, and the interview took place in the secured interview room at the Tustin Police Station.

Cardenas said he was walking in the courtyard area of 1602 Nisson. He said he was carrying bolt cutters as he was walking. Cardenas was listening to music on his cell

phone and had ear bud headphones in both ears. He said although he was wearing earphones, the music was not overly loud and he could still hear sounds around him.

As Cardenas was walking in 1602 Nisson he heard someone behind him yell "hey." When Cardenas turned around he saw an unknown subject pointing a gun at him. Cardenas said the subject was wearing a yellow T-shirt and was holding a handgun in his right hand and using his left hand as support. Cardenas said as he turned toward this unknown subject, the subject began shooting at him. Cardenas became very frightened and ran from the scene. Cardenas did not know the subject shooting at him was a police officer. He did not hear the subject identify himself as police and did not see anything other than the handgun, which was pointed at him.

As he ran from the scene, Cardenas ran into a building wall which caused him to drop the bolt cutters he was carrying along with the jacket which was covering the bolt cutters; he also dropped his cell phone, which was playing music.

Cardenas scaled the wall of 1602 Nisson into a neighboring complex and remained hiding in the area for several hours.

Cardenas was asked if he had a gun at anytime during the day, he said no. He never had any type of firearm and was only carrying bolt cutters.

Lieutenant Strain Administrative Interview

On May 9, 2014 I, along with Sergeant Andy Birozy, conducted an interview with Lieutenant Strain regarding this incident. I advised Lieutenant Strain of his AB301 rights and read him his Miranda Rights. Lieutenant Strain waived his Miranda Rights.

Lieutenant Strain was asked to describe the incident on April 10, 2014 which resulted in an officer involved shooting.

Lieutenant Strain again stated he was off-duty, on his way to work, on that day. He was wearing a yellow T-shirt and shorts and was driving his personal vehicle, a black jeep. Lieutenant Strain had exited the N/B I-5 freeway at Red Hill Ave. and was stopped in the first position of the right turn lane for N/B Red Hill Ave. As he was waiting at that intersection he saw Cardenas walk across the street directly in front of him. Lieutenant Strain said it appeared Cardenas was carrying a sawed-off shotgun in his left hand, which was covered with a black sweater.

Lieutenant Strain said his first instinct was to grab his phone, but instead he wanted to confirm the subject was carrying a gun before calling it into dispatch. He also said he wanted to provide an accurate description for responding officers. In order to get a better look at Cardenas, Lieutenant Strain turned right onto Red Hill Ave, then had to make a U-turn at El Camino Real. After making the U-turn, he again saw Cardenas walking S/B at the Taco Bell on the corner of Red Hill Ave and Nisson Rd.

Lieutenant Strain followed Cardenas as he walked into the driveway of 1602 Nisson Rd. Lieutenant Strain drove past Cardenas and said he could "clearly see what appeared to be the barrel of a gun; and again I thought it was a shotgun." Lieutenant Strain added the item Cardenas was carrying had a "front sight post of the gun appeared to be that of an AR-15 or a long gun would have."

Lieutenant Strain said Cardenas walked into the complex, so he called TPD Dispatch via the business line and advised them of the situation. Lieutenant Strain spoke with TPD Communications Officer Nelson and said "I got a 417 suspect, can you start rolling me some follows."

Lieutenant Strain said he then left his phone with an open line on the seat of his unlocked vehicle. His concern was "I didn't know the complex that well... that the suspect was going to come up behind me somehow so I wanted to get eyes on him as soon as possible."

While Lieutenant Strain was walking in the complex looking for the suspect, he encountered a female resident. Lieutenant Strain said he identified himself as a police officer to this female and told her to leave the area.

Lieutenant Strain observed Cardenas in the courtyard area of the complex. He estimates Cardenas was 40-50 yards ahead. Lieutenant Strain said he started to jog in order to catch up to Cardenas. Lieutenant Strain said there were not many people in the open area of the complex, but he did see two subjects, one whom he believed to be a resident and the other a complex maintenance worker.

While in the complex, Lieutenant Strain said he could hear the faint sound of sirens which he believed were police units responding to his location. However, he continued to pursue Cardenas.

Lieutenant Strain closed the distance with Cardenas to approximately 10-15 yards. At that distance Lieutenant Strain said he could still hear the sirens coming and although "I wasn't that familiar with the complex" he decided to confront Cardenas. Lieutenant Strain said he considered several factors before confronting Cardenas; **He did not have any form of communications, he was not wearing body armor, and he knew follow officers were responding.** However, Lieutenant Strain said he believed Cardenas might have fired upon responding officers when they arrived. So with those thoughts in mind, Lieutenant Strain decided to intervene and confront Cardenas.

Lieutenant Strain said he drew his off-duty firearm, pointed it at Cardenas, and ordered him to drop whatever he had in his hand. He identified himself as a police officer and ordered Cardenas to stop. Lieutenant Strain had his firearm in his right hand and his flat-badge in his left hand, both displayed at Cardenas.

Lieutenant Strain said after giving Cardenas commands, Cardenas turned toward him. As he turned, Cardenas pointed what Lieutenant Strain believed to be the muzzle of the

possible firearm directly at Lieutenant Strain. Lieutenant Strain believed Cardenas was going to fire a weapon at him so he fired his off-duty weapon at Cardenas. Lieutenant Strain believed he fired 2-3 rounds. Lieutenant Strain believed he hit Cardenas because he slightly "buckled" but then instantly turned to his right. When he turned, Lieutenant Strain believed Cardenas was attempting to get a better aim at him so he fired 2-3 additional rounds. Cardenas then fled the area.

When Cardenas ran from the scene of the shooting, Lieutenant Strain pursued after him on foot. Lieutenant Strain ran toward the south alley and took a position of cover against a wall, he did not see Cardenas and believed he was possibly lying in wait somewhere in the surrounding area and would either "shoot me or shoot the cops when they show up." Lieutenant Strain decided to clear the area near this carport. As he was "clearing the area" he noticed a black sweatshirt, which he believed had been covering Cardenas' weapon. He also discovered a cell phone which was playing music.

Lieutenant Strain then ran across the driveway and took a position of cover on the opposite side. While in that position the first patrol unit arrived on scene, Officer Matt Howard. Lieutenant Strain advised Officer Howard he was involved in a shooting, gave him a suspect description and possible direction where he fled. Lieutenant Strain used Officer Howard's unit radio and advised he was in an officer involved shooting.

I asked Lieutenant Strain if he was under the influence of any alcohol, illegal drugs or medication which would impair his decision making at the time of this incident; he said no.

I asked him how Cardenas was carrying the possible weapon. He said he was carrying it out in front of him, as if he was pointing it. Lieutenant Strain described it as "our number 2 position."

I asked Lieutenant Strain if he believed Cardenas was armed with a firearm when he first saw him why not call TPD Dispatch to report this observation at that time. Lieutenant Strain said he had never seen a subject carry a gun out in the open in such a manner so he wanted to verify what he was seeing before calling TPD Dispatch. Lieutenant Strain did state **"I saw an immediate threat, but I wanted to make sure exactly what I knew what I was dealing with before I sent cops into that situation."**

I again asked Lieutenant Strain if at this point he believed the Cardenas did have a weapon on him, he said "yes."

I asked Lieutenant Strain if he thought Cardenas was a danger to the public when he first saw him carrying what he believed to be a firearm; Lieutenant Strain said "Potentially yes. Yes I did." I confirmed that he did not contact TPD Dispatch at this time; he said "I did not."

I confirmed with Lieutenant Strain his first call to TPD Dispatch was when he was already in the driveway of 1602 Nisson Rd., which was well after his first initial observation of Cardenas.

I asked Lieutenant Strain when he contacted TPD Dispatch if he requested units to respond to his area. He said "I don't know if I specifically said hey I need units, I figured by me saying I got a 417 suspect that units would come." I asked if he remembered asking for units to respond Code 3? Lieutenant Strain said "I don't recall, I don't believe I said hey I need units Code 3."

I asked Lieutenant Strain if he believed seeing someone walking around with a weapon, would be a situation in which asking for emergency units to respond would be a good request prior to going out and initiating an investigation on your own. Lieutenant Strain said yes, but he assumed the units would be responding Code 3.

I asked Lieutenant Strain if the suspect did anything which caused him to intervene rather than continuing to observe him. He said "no."

I asked Lieutenant Strain if the suspect had threatened any citizens before Lieutenant Strain choose to intervene. He said "no."

I asked Lieutenant Strain if Cardenas had threatened him. He said "When I confront...when I told him to turn around he did. Not until I...until I introduced my stimulus, he was walking straight ahead."

I asked Lieutenant Strain if there was an immediate threat or danger to the public, which differed from when he first saw Cardenas while exiting the freeway. Lieutenant Strain said he felt there would be a threat to the public if Cardenas left his eyesight. I asked Lieutenant Strain if Cardenas was out of his eyesight when he had to make the U-turn, he said "briefly."

I asked Lieutenant Strain if he believed follow officers were responding to his location when he decided to exit his vehicle and follow the suspect on foot. He said "yes." I asked him why he did not wait for those responding officers to arrive. He said he felt it was important to keep an eye on the subject.

Lieutenant Strain confirmed when he went on foot after Cardenas, he did not have his cell phone, police radio or any form of communication with him. I asked Lieutenant Strain why he left his cell phone in his vehicle instead of taking it with him when we went on foot after Cardenas. **Lieutenant Strain said it was a tactical decision but in thinking about it the proper decision would be to take the phone with him.** Lieutenant Strain described his decision as "...rash, very quick, decision that I made in the heat of the moment."

I asked Lieutenant Strain how he identified himself when he confronted Cardenas. He said he had his department issued "flat badge" and his firearm and gave verbal

commands. I asked if he had a TPD ID card with him. He said yes, but it was likely covered by a flap in this badge wallet.

I asked Lieutenant Strain what Cardenas' reaction was to his commands. He said Cardenas turned and held the possible firearm at a low ready position. Lieutenant Strain believed Cardenas was going to shoot him, so he fired at Cardenas.

I asked Lieutenant Strain if he intended to detain and/or arrest Cardenas when he decided to intervene and confront him. Lieutenant Strain said he had hoped Cardenas would have dropped the weapon and surrender at which point he would detain him and hand him over to the responding units.

I asked Lieutenant Strain if he had any handcuffs, or any items which would assist him in detaining a suspect, with him when he confronted Cardenas. He said "no." He did say he had a set of handcuffs in his bag which he left in his vehicle.

I asked Lieutenant Strain his familiarity with this complex. Lieutenant Strain said he was "Somewhat. I'm not very familiar...I'm more familiar with the front, I wasn't very familiar with the south part of it." I asked when the last time he was in this complex, Lieutenant Strain replied "**at least 2-3 years.**"

I asked Lieutenant Strain if he knew where he was in the complex when he confronted Cardenas. He said he was familiar with the location and he advised TPD Dispatch he was at the AA Building. I showed Lieutenant Strain a map and confirmed he did enter at the AA Building, but he confronted Cardenas at Y or X building. **I asked him if he knew his location when he confronted Cardenas; he said "no."**

I asked Lieutenant Strain if he knew Cardenas before this encounter; he said no. I asked if it was possible Cardenas lived in this complex and might have had allies who would come to assist Cardenas, there by outnumbering Lieutenant Strain. He said that was possible.

I asked Lieutenant Strain if he was wearing any body armor when he confronted Cardenas, he said "no." I asked if he was at a disadvantage with regards to his safety, he said "yes, I did not have any safety equipment other than a firearm."

I asked Lieutenant Strain if one of the reason for contacting Cardenas was a concern the responding units would be ambushed, he said that was one of his concerns. I asked if he thought the responding units would have safety equipment which would put them in a better position to deal with the suspect then himself. He said yes, but his visual observation of the suspect was an advantage.

I again asked Lieutenant Strain, knowing officers were responding why he chose to intervene rather than waiting for the responding officers to arrive and provide them with a direction of travel, particular since Cardenas has not threatened the public or himself.

Lieutenant Strain said "that's one option...option A, I choose option B and confronted him."

I asked Lieutenant Strain if he had a position of cover when he confronted Cardenas, he said "no."

I asked Lieutenant Strain if he noticed Cardenas was wearing headphone or earphones when he confronted him, he said no.

I confirmed with Lieutenant Strain he heard the sound of Officers responding when he elected to confront Cardenas, he said yes. I again asked why, knowing officers were enroute, he decided to intervene and confront Cardenas. He said he "decided to confront the suspect where I saw him."

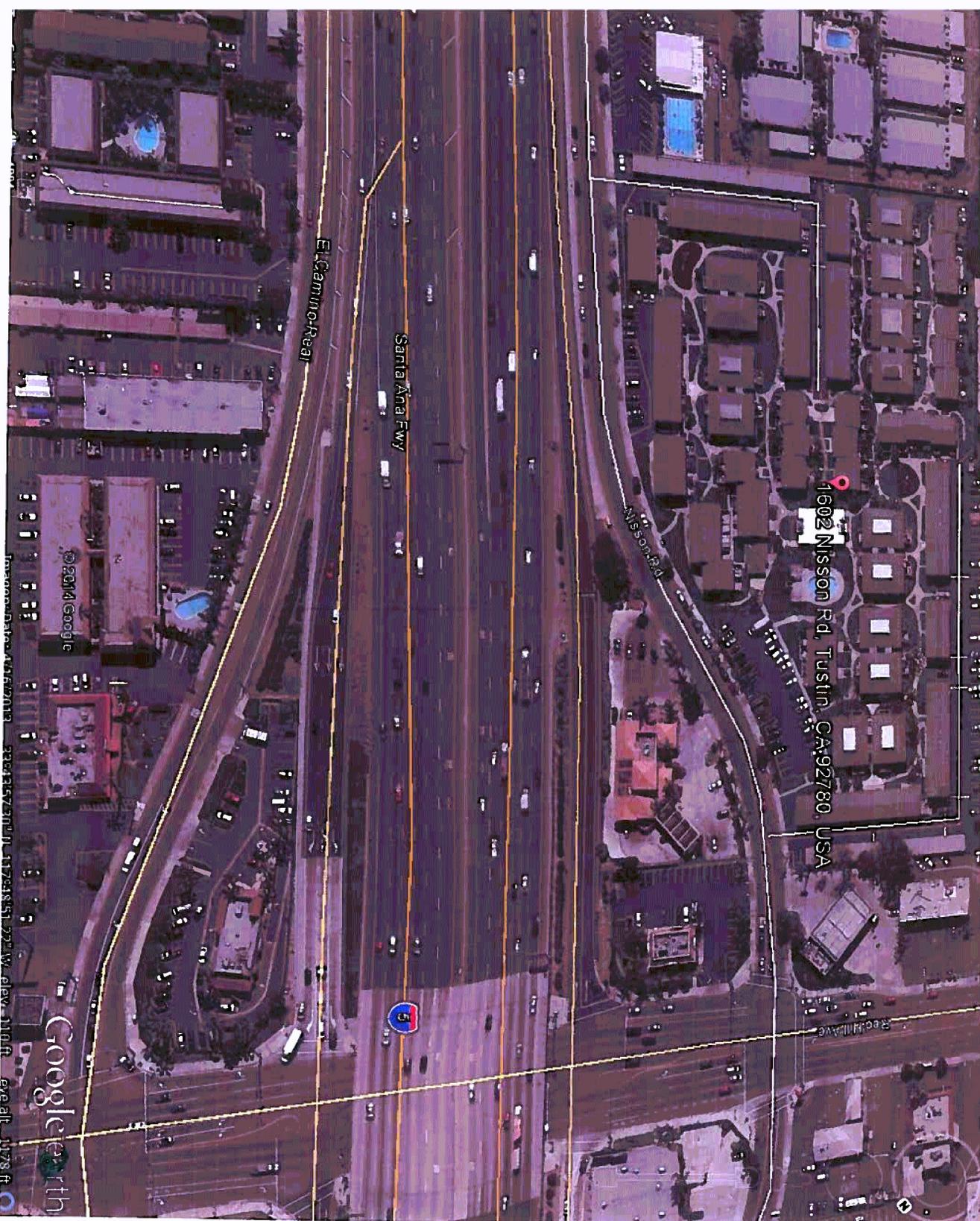
I asked Lieutenant Strain if he had any First Aid equipment with him in the event either he or Cardenas was injured. Lieutenant Strain said he had a small first aid kit in his car, but none at the scene.

Sergeant Birozy asked Lieutenant Strain if there were any other factors which caused him concern about Cardenas. Lieutenant Strain said Cardenas had a "1000 yard stare" and he appeared to be a gang member. I asked Lieutenant Strain if he had ever confronted a gang member alone in the past; he said "no."

I asked Lieutenant Strain if Cardenas continued walking could he have continued following him, he said "yes." I again asked why he decided to intervene rather than continuing to observe and follow. Lieutenant Strain said "I made a decision to engage him...at the time that's the decision I made."

I asked Lieutenant Strain if he believed his decision in taking intervention action and confronting the suspect while not in uniform was appropriate. He said "I think that there's obviously some concerns. One, obviously we talked about not having the phone...umm you know...I made a decision that I thought was the best decision at the time, given the circumstances. I think I had...I don't know how much time it took for me to confront or see the suspect to make that decision, but uhh, umm there's definitely other options out there. The decision I made, I think could have potentially saved people's lives"

I asked if he thought the decision he made potentially put himself in harm's way; he said "Absolutely, Police Officers make decisions all the time that put themselves in harm's way."



1602 Nisson Rd, Tustin, CA 92780, USA

Nisson Rd

Santa Ana Fwy

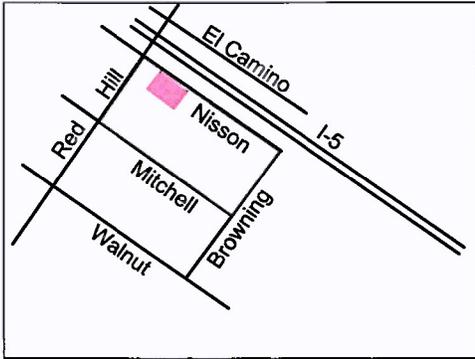
El Camino Real

Regent Ave



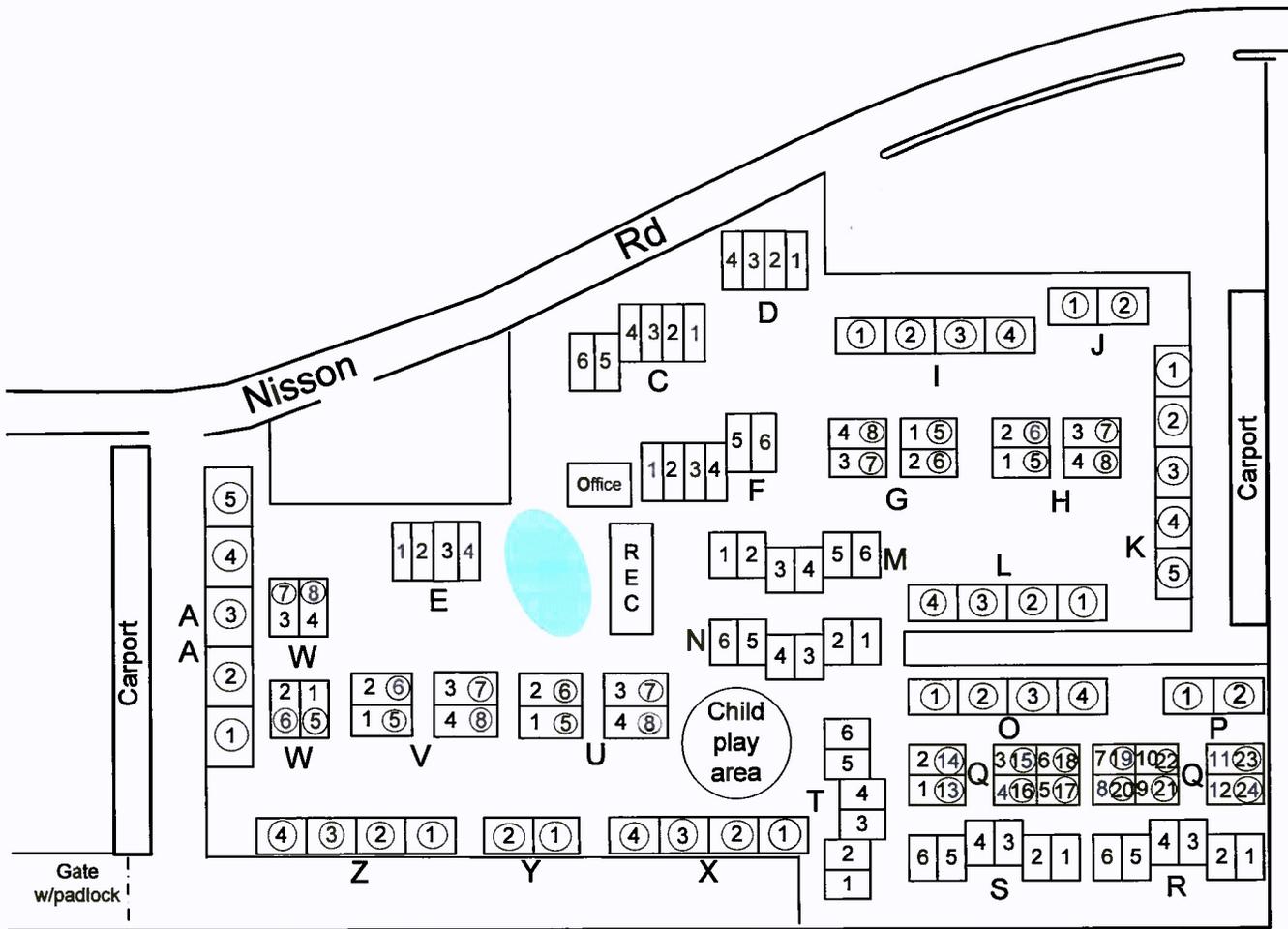
Google Earth

©2014 Google
39°41'57.30"N, 117°51'51.72"W, elev: 110 ft, eye alt: 1028 ft



○ = Upstairs Apt

Laundry rooms under units
AA1, X1, P1, & J1





DATE: APRIL 25, 2014

Inter-Com

TO: JOHN STRAIN, SPECIAL OPERATIONS DIVISION COMMANDER

FROM: ROBERT WRIGHT, PROFESSIONAL STANDARDS DIVISION COMMANDER *RSW*

SUBJECT: ADMINISTRATIVE INVESTIGATION 14-161

An Administrative Investigation is currently being conducted into the events which occurred on April 10, 2014. This investigation is as a result of an Officer Involved Shooting which you were involved in on that date at 1602 Nisson Rd.

You are to report to the Professional Standards Division on Tuesday, May 6, 2014 at 1400 hours to answer questions relative to this Administrative Investigation. Lt. Wright will be the officer in charge of the interrogation. The following officers will also be present during the interrogation: Sgt. Birozy. All questions during the interrogation shall be asked by and through no more than two interrogators at one time.

The complete interrogation will be recorded. You will have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. You have the right to bring your own recording device and record any and all aspects of the interrogation. You will be entitled to all reports and/or complaints made by investigators or other persons, except those which are deemed by the Department to be confidential. No notes or reports which are deemed to be confidential by the Department will be entered into your personnel file.

You have the right to be represented by a representative of your choice who may be present at all times during the interrogation. This representative shall not be a person subject to the same investigation. Your representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from you while under investigation in non-criminal matters.

The employer shall not cause the public safety officer under interrogation to be subjected to visits by the press, (nor will your home address or photograph be given to the press or news media) without your expressed consent.

If prior to or during the interrogation it is deemed that you may be charged with a criminal offense, you shall be immediately informed of your constitutional rights. You are advised that your rights are fully outlined in the Public Safety Officers Procedural Bill of Rights Act, Government Code Sections 3300 – 3311.

If you have any questions prior to the investigation, please do not hesitate to call. My phone number is: (714) 573-3282.

RSW 975 4-25-14

Tustin Police Department

Use of Force Administrative Review

This report is prepared as an internal administrative instrument for Tustin Police Department
It shall not be released to persons or agencies outside the department without prior approval from the Chief of Police.

Date of Occurrence: 04/10/14

Time of Occurrence: 0849 hours

TPD Report No.: 14-1902

Location of Incident: 1602 Nisson

IN POLICY (No further action) RECOMMEND ADMINISTRATIVE INVESTIGATION

SUSPECT INFORMATION

Name (Last, First, MI): Herrera, Henry Cardenas
Weight: 150

DOB: 12/21/1990

Race: Hispanic Sex: M F

Height: 5'07"

Charges: PC 417(a)(1)

Nature of Initial Contact/Code Section if any (check one)

- | | | |
|-----------------------------------------------|--------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Felony Arrest | <input type="checkbox"/> Car Check | <input checked="" type="checkbox"/> Call: Armed Person |
| <input type="checkbox"/> Felony Warrant | <input type="checkbox"/> Pedestrian Check | <input type="checkbox"/> Call: Domestic Violence |
| <input type="checkbox"/> Misdemeanor Arrest | <input type="checkbox"/> Search Warrant | <input type="checkbox"/> Occupied Stolen Vehicle |
| <input type="checkbox"/> Misdemeanor Warrant | <input type="checkbox"/> Call: Suspicious Person | <input type="checkbox"/> Consensual Encounter |
| <input type="checkbox"/> Traffic Violation | <input type="checkbox"/> Call: Disturbance | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Alcohol/Drug Related | <input type="checkbox"/> Call: 5150 | |

Force Used Against Officer(s) (Check all that apply)

- Lethal Force or Threatened Lethal Force:
 Rifle Handgun Shotgun Knife Club Other Brandished shotgun or rifle in threatening manner.
 Less Than Lethal Hands Feet Teeth Combative Other _____

Force Used by Officer(s) (Check all that apply)

- Handgun Shotgun Rifle Carotid Restraint
 Less Than Lethal Force: Physical Force (Hands) Baton/PR24 EMDT - Cartridge Number _____
 Leg Restraints Capsicum or Chemical Agent Less Lethal Projectile Other: _____

Injuries to Suspect(s):

- Death Minor Visible Injury Serious Visible Injury Complaint of Injury No Injury Observed
 Loss of Consciousness Description of Injuries: _____

Treatment:

- Admitted to Hospital No Treatment Required Treated and Released Refused Treatment
 Location of Treatment or Hospitalization: N/A Physician: N/A Other: N/A
 Evaluated by OCFA Paramedics on scene
 Were Injuries Photographed: Yes No By Whom: N/A

Injuries to Officer(s)

- Death Minor Visible Injury No Injury Complaint of Injury (No injury observed)
 Description of injuries: N/A

Treatment:

- Admitted to Hospital No Treatment Required Treated and Released Refused Treatment
 Location of Treatment or Hospitalization: N/A Physician: N/A
 Were Injuries Photographed: Yes No By Whom: N/A

Officers Involved:

Name/P#	Use of Force	Type of Force Used	Injured	Witness Only	MAVS
1. <u>John Strain</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Deadly force</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

- | | | | |
|-----------|----------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 7. _____ | <input type="checkbox"/> Yes <input type="checkbox"/> No _____ | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 8. _____ | <input type="checkbox"/> Yes <input type="checkbox"/> No _____ | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 9. _____ | <input type="checkbox"/> Yes <input type="checkbox"/> No _____ | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 10. _____ | <input type="checkbox"/> Yes <input type="checkbox"/> No _____ | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> |

Tustin Police Use of Force Statement Form

Witness Information

Name: (See Det. N. Nguyen's investigative report for details) DOB: _____ CDL: _____
 Home Address/Telephone: _____
 Work Address/Telephone: _____
 Statement Summary: _____

Name: _____ DOB: _____ CDL: _____
 Home Address/Telephone: _____
 Work Address/Telephone: _____
 Statement Summary: _____

Name: _____ DOB: _____ CDL: _____
 Home Address/Telephone: _____
 Work Address/Telephone: _____
 Statement Summary: _____

Attachments:

1. None
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Brief Summary of Incident (Attach additional pages if necessary)

Lt. Strain saw Herrera carrying what appeared to be a firearm concealed within a fabric covering. Lt. Strain engaged the suspect, who brandished what he perceived as a weapon (Shotgun or Rifle), resulting in the officer discharging his firearm. The suspect fled the scene and was later located. The officer and suspect did not sustain any injuries as a result of the incident.

Supervisor Completing Report:

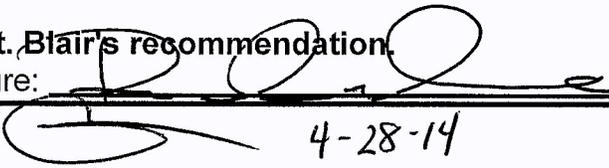
Name: Manuel Arzate Signature: _____ Date: _____

Review/Comments:

Lieutenant/Manager: **Based on the application of deadly force (firearm) I recommend an administrative investigation**

Name: Lt. Blair #716 Signature: _____ Date: _____

Bureau Commander: **Concur with Lt. Blair's recommendation.**

Name: Capt. Garaven #704 Signature:  Date: 04-22-14

4-28-14

