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2 INTERVIEW OF ROBERT DOWNING (phonetic)

3 1/7/2011
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5 Questions: Lieutenant Forster

6 Questions: Deputy Chief Ferguson

7 Answers: Lieutenant Robert Downing
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9 LT. FORSTER: Good afternoon. This is
10 Lieutenant Ed Forster with the State Police,
11 assigned to the Middlesex District Attorney's
12 Office.

13 We're here to conduct an interview of
14 Lieutenant Robert Downy.

15 LIEUTENANT DOWNING: Downing.

16 LT. FORSTER: D-O-W-N-I-N-G. Sorry,
17 Lieutenant.

18 Also present is Attorney John Vigliotti,
19 Deputy Chief Kenneth Ferguson from the Framingham
20 Police Department.

21 It's January 7, 2011, at approximately
22 4:55 p.m. in the afternoon.

23 We're here to conduct an interview
24 regarding the homicide investigation, the shooting,
25 of Eurie Stamps, of 26 Fountain Street, that

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2 occurred at 26 Fountain Street, in Framingham, on
3 January 5, 2011, at approximately 12:30 in the
4 morning.

5 We're here to interview Lieutenant
6 Downing. Maybe, Lieutenant, we could start this
7 off by describing your function and what your
8 assignment is with-- I believe you're with the SWAT
9 Team, and then, you know, basically, you know, what
10 your responsibilities are, and then we're going to
11 go into the night of January 4, into January 5,
12 where, you know, your involvement, coming in,
13 setting up a plan and executing the actual warrant.
14 Okay, Lieutenant?

15 LIEUTENANT DOWNING: Yes.

16 Q (Downing) Alright. That night, that Tuesday night,
17 approximately 9:30 at night, that's when I got the
18 page to come in from Deputy Davis, to come in
19 early, and start the pre-planning with-- excuse me.
20 Again, my name's Lieutenant Robert Downing. I'm
21 the XO, second in charge of the SWAT Team, and I do
22 the planning and, you know, the bay planning. I
23 come in early with Deputy Davis, as long as he
24 deems it's a SWAT call-out. So, again, about 9:30,
25 I got the SWAT page to come in. So I came into the

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2 station. I met with Deputy Davis. He basically
3 gave me some basic facts downstairs, and Sergeant
4 Stuart also came in at the same time. Sergeant
5 Stuart and I both got dressed in the locker room.
6 Then, from there, we went to the third floor of the
7 Intel Office and that's when we started our bay
8 planning. From there, Deputy Davis told us it was
9 26 Fountain Street, with the target on the first
10 floor. He had a packet of three potential targets
11 inside the house. Attached to that was the BOPs of
12 each-- [REDACTED]

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED] So, from there, we also
17 learned that there was drugs involved. So, from
18 there, we knew it was going to be a high-risk
19 warrant, with drugs and potentially weapons
20 involved.

21 Q And that's what you do when that type of situation--
22 -- when there's a high-risk warrant. You guys are
23 activated to do the search warrants, you know, in
24 other cases too? I mean, that's your function?
25

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2 A Correct, and we have a check list that deems it a
3 high-risk warrant, as opposed to a patrolman who's
4 not equipped. We have the proper equipment and the
5 training, and that's why we're activated.

6 Q Okay. Thanks.

7 A So, at that time, that's when we began to plan out
8 the mission. The rest of the team was paged out
9 and we get-- we find out who's going to be there
10 for the whole team. And I do believe everyone from
11 the team was there, except for a couple of people.
12 We have one person out injured and another person
13 that was a detective, so he wasn't with us.
14 Basically, we plan out the operations. It's a
15 five-paragraph format, (?) from the Army,
16 situation, mission, execution, (?), command signal
17 and support. We get the intel, also, from the
18 detectives, who were previously working
19 intelligence work on the house that day. And we
20 also get intelligence from Officer Murtaugh, who's
21 our intel officer, and he like got the intel from
22 the computer. He got the layout from the house.
23 We got satellite photos of the house, photographs
24 of the street, you know, easy access points,
25 avenues of approach form the house. And that's how

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2 we determine, how know, how we're going to do the
3 operation. From there, like I said, we discussed
4 it; me, the deputy and Sergeant Stuart. We come up
5 with a plan. We agree on a plan. And as we're
6 planning, the rest of the team is downstairs on the
7 second floor, and they're doing their rehearsals
8 for a potential call-out. They're doing, you know,
9 (?) checks, equipment checks, things of that
10 nature, while we're planning.

11 Q I don't know if you can. Is there-- can you
12 remember, without having it in front of you, if
13 not, do you-- the assignments for your officers
14 that night at the house, if you can remember them?
15 If not, that's--

16 A I mean, we make the assignments. I mean, outside,
17 on the A window was Sergeant Scibilio and Officer
18 Riley. On the Bravo side was Officer Casey and
19 Officer Langmeyer. Making the entry was myself,
20 Officer Duncan-- as it was-- it was myself, Officer
21 Sheehan, and Officer O'Toole. And then, Officer
22 Duncan with Officer Scibilio-- I mean, Officer
23 Duncan was with Sergeant Stuart, and Officer
24 Sebastian and Officer Iliardi were responsible for
25

locking down the stairway inside the house, and the hallway, and the (?).

Q So, you know, like for my purposes, the stairway-- you have an entry team that will get to the right in the hallway as you go in--

A Correct.

Q -- as you go in. And then the door's straight ahead, and there's another entry team?

A Say that again.

Q As you go in--

A Yes.

Q As you go in-- this is a reverse-- this is from coming in; is that correct?

A Yes. Yes.

Q So you'll have an entry team outside this door?

A Correct.

Q And an entry team outside the door to the right, as you'd come in?

A Well, no. Actually, we-- as you look at that picture, all seven of us made entry in that front door.

Q No. Right, into the hallway, but then you made stations outside each door?

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A Correct. Three of us stood by this door where I was and Sergeant Stuart made entry through the door that was over here.

Q Okay.

A And then the six of us are here, and Officer Iliardi are responsible for the security of the stairways right here.

Q Okay.

A We knew there was people upstairs.

Q Alright. Since we have that out-- is that familiar, this window over here?

A Officer Casey-- yeah, that's the Bravo side. That's Officer Casey and Officer Langmeyer.

Q Okay. Alright. Do we have to go into writing all this stuff down again?

A I know Deputy Davis reduced all that work (?) assignments.

Q Yeah. Alright. Well, you know what, just put those two officers on that side. You know, put that A and that's the B side, right?-- since you already said it. Okay.

A Like I said, these pictures were what we had in our intelligence report. These weren't the pictures of

1
2 what was inside. These are pictures that you
3 showed me of the house for sale back in '99.

4 Q Correct.

5 A The pictures aren't correct in terms of the
6 furniture, only the layout.

7 Q Alright. Definitely. Alright. Definitely.

8 A So, again, we finished our plan. Then we went
9 downstairs to brief the team.

10 Q Okay. Alright. So you brief everybody?

11 A Yeah. Basically, we went downstairs. Deputy Davis
12 gave the situation mission. Sergeant Stuart gave
13 the execution portion, which means it's a very
14 detailed part. That's where the meats and potatoes
15 of the whole operation. That explains exactly what
16 your responsibilities and where you're going and
17 how you're doing your assignments. So that's--
18 that's the beans and the bullets of the whole plan.
19 Then, from there, I'm not sure who gave the command
20 signal (?) for, but it was given. Like I said, we,
21 from there, everyone was good to go. But,
22 actually, Phil Martinez, a detective who's also on
23 the SWAT Team, also gave further intel of, you
24 know, anymore information that he did possibly have
25 on the house.

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2 Q Do you remember-- if you recall, that he gave
3 information about what was going on there that
4 night, if you remember?

5 A I-- we just know that, actually, he gave further
6 information because what made this even more
7 difficult during the night is it was a very active
8 house. The detectives kept on giving us
9 information. It was real active. There's sales
10 going on continuously. So that's why it was really
11 hard to determine a good avenue of approach,
12 because it was a very active area. Plus, across
13 the street, there was business with some known
14 activity. I was making sure that that was closed.
15 And, like I said, there was a gas station. I
16 didn't want the lights to be on at the gas station
17 either, like I said, because like there was a lot
18 of people coming and going in the information we
19 were getting.

20 Q Okay. And the actual location itself, what
21 security is done there for safety when you get to
22 the actual location? Is the street shut down, so
23 to speak, so--

24 A Yeah. Basically, when we went downstairs, we did--
25 when we were outside, we did, like I said-- also

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2 present during that briefing was the detectives, so
3 we like to get them involved so everyone's on the
4 same page. Then, from there, we went downstairs
5 and staged outside again. That's when we did any
6 further rehearsals that we need to do, which was
7 quick and we also-- if anyone has any last second
8 questions. We also do another (?) check, to make
9 sure everyone is up and going in their
10 communications. From there, we got in our
11 vehicles. And that's when we started heading out
12 towards 26 Fountain Street. And then, yes,
13 correct, we were saying, patrol did lock down two
14 sides of-- of Fountain Street.

15 Q Okay. Alright. So, I guess, we might as well just
16 go to the approach. So you saddle up, so to speak,
17 or whatever. What's next?

18 A On the approach, we came up-- we came from the-- I
19 guess from the westerly side of Fountain Street.
20 We came down Waverly Street. And we came up and we
21 made our approach and, like I said, I was in the
22 back of the truck with the rest of the guys, just
23 talking about the missing. And we just made our
24 approach. And then we got out. They said, "We're
25 here." Sergeant Stuart said, "We're here."

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Q Let me just take you back before the approach.

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Before the approach, was there any radio

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communications at all that was given out, if you

5

remember?

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A No.

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Q Okay.

8

A Nope.

9

Q Alright. Did you know anything about an arrest

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that was taking place--

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A No.

12

Q -- on the approach?

13

A Nope. No.

14

Q So you're in there. You're in the back. Good to

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go.

16

A I was in the back.

17

Q And that was it?

18

A That was it.

19

Q And the mission was on. And there was nothing

20

that--

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A That was it.

22

Q Okay. Alright. Go ahead.

23

A And like I said, part of the mission brief was,

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like I said, there was so much activity in the

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house that, as soon as we got out, we needed to

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2 start moving out. Because, like I said, if we do
3 get compromised, we just needed to get in there
4 quickly. So as soon as we got there, we said,
5 "We're here." Our guy was the first one to get
6 out. Everyone got out. We started making our
7 approach towards the Alpha side of the house. And
8 immediately the front guy yelled, "We're
9 compromised," because there was a female right in
10 front of that door.

11 Q Okay. Alright. Did you see her?

12 A I did see her.

13 Q Okay. So just write the Alpha side and you making
14 your approach, and just tell me where you think the
15 female was.

16 A She was-- she was, basically, there's like a--
17 there's a-- right in front of this car, there are
18 concrete stairs. And she was basically--

19 Q And just put an arrow on the female, you know, just
20 so, you know, wherever you could write it down near
21 the end there. And make that the A, the Alpha,
22 side, just so I know. So you're making your
23 approach there. How many officers are making
24 approach to the front, that you remember?

25 A Approximately nine.

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2 Q Nine? Okay.

3 A Because we had two-- we had two guys that knew the
4 team that we put on the Bravo and Charlie side (?)
5 part of the operations. So they were on--

6 Q Do you remember who was on the Bravo Charlie side,
7 if you recall?

8 A Officer Rinn and Officer Curtis.

9 Q Throw it up there, just so I know, BC. Alright so,
10 in the breach, I understand, is made on one of
11 those windows?

12 A Yes, the Alpha, A1, window.

13 Q And who-- put that, the A1 window. I didn't--
14 hadn't heard that one, that acronym, that-- and put
15 who was there at the A1 window, if you remember. I
16 know you haven't got the plan in front of you. If
17 you don't-- if you don't want to, that's alright.

18 A That's fine.

19 Q (Ferguson) Best to your memory.

20 Q (Forster) Alright. And so you go here. Now, this
21 door here's open? These doors are-- if you
22 remember, if not?

23 A I don't know. Because, to be honor with you, I was
24 like fourth in the stack.

25

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2 Q Okay. So the door was open-- by the time you got
3 in, it was open?

4 A We got no resistance.

5 Q Okay. Okay.

6 A That's all I remember. Like I say, we were
7 compromised. The woman was down on the ground.
8 She didn't give us a hard time and we just, like I
9 said, we just went in. We flowed right into the
10 open hallway.

11 Q Just forgive me. I'm not trying to-- but this--
12 when you go in this door, that's not considered
13 execution at that point, when you guys go in that
14 door, right?

15 A No.

16 Q Okay. Alright.

17 A No, we just flowed inside the hallway.

18 Q Yeah, okay. Yeah, okay. Go ahead. Take it from
19 there. What goes on next?

20 A So, basically, you could see the hallway and
21 myself--

22 Q Here, write it down there.

23 A You want me to write my name?

24 Q Yeah. Who you know that's-- if you remember who's
25 there or what.

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2 A Downing.

3 Q Yup. And just put that as an A, whatever.

4 A Want me put A right here?

5 Q Or an X, whatever, just so-- that's fine. That's
6 your-- that's the door that you're going into.7 A That's-- we went in on. That side was still-- was
8 on the door over, which you can't see here.9 Q Okay. Alright. Now, what happens next before you
10 go in? What's the procedure? Because you're all
11 outside. What happens next?12 A Well, we were inside the front hall. And it was a
13 search warrant, but we had the knock. Sergeant
14 Stuart pounded on the door and said, "search
15 warrant." He knocked and announced.

16 Q Okay. Okay.

17 A So our presence was definitely in the hallway.

18 Q Okay.

19 A And then, from there, the plan was, once they heard
20 that, the front-- the flash bang went off from this
21 window. But it didn't go off from over that side.
22 And once the flash bang went off, because we didn't
23 run into it, so we waited for the flash bang to go
24 off, that's when we made our entrance.
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2 Q Then it's executed? The command execute, is that
3 given out?

4 A No, because, like I said, it's just-- you can't
5 give a command execute and then walk into the bang.

6 Q Okay. Alright. Okay. Alright. Alright.
7 Alright. Yeah. Yeah.

8 A So we can't-- so--

9 Q So you just wait until it's clear and everybody
10 just goes?

11 A Correct. Well, it was a difficult approach, only
12 because you had two-- you had two breach points.
13 You had the door I was at and then you also had the
14 one with Sergeant Stuart. So we had two breach
15 points. Whoever made it in first, the team would
16 flow. Like if I couldn't get in mine-- because if
17 you could see, the door flows in. That's an
18 unusual approach. So, if I couldn't make entrance,
19 if that was locked, we were going to try to get in.
20 But, if Sergeant Stuart got in first, then we would
21 flow back at him. But both doors-- that door was
22 actually unlocked, and Sergeant Stuart got in
23 faster, so we made entry at the same time.

24 Q Okay. Alright. So what happens next, Lieutenant?
25 You know, you get in there.

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2 A Well, again, like I said, the diversionary device
3 went off. We got in there and-- I mean, Sheehan
4 and O'Toole went forward. There's two doors over
5 here that you can't see. I knew from the intel
6 there was a door immediately to your left, which
7 you can see here. So that immediately tied me up.
8 So I pinned this door with my foot. So that
9 actually locked me down in the area.

10 Q Okay. Well put yourself there. And then put the
11 other two just going forward with an arrow. I know
12 it's not exactly.

13 A To be honest, they went forward to this door, but
14 they realized, I do believe, like I said, I'm not
15 positive with Sheehan and O'Toole, but they
16 realized that that was a door to go to the outside.
17 So, by that time, Sergeant Stuart's team made it
18 around on the door that's over here, and they came
19 in and I know that these two eventually, from here,
20 went over to there.

21 Q Okay.

22 A So they went in.

23 Q Is that through that hallway area?

24 A It's a room, approximately the size of this.

25 Q Okay.

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2 A So, say we're on these two doors, I'm pinned there.
3 And there's two more doors right there.

4 Q Okay.

5 A From there, it just started flowing. I was
6 yelling, you know, "I need bodies," because, like I
7 said, it was just a lot going on.

8 Q Alright. And so you just basically stayed there,
9 covering that door?

10 A Correct.

11 Q Did you eventually have a team that took--

12 A Eventually, correct. Yes.

13 Q Okay.

14 A But I couldn't-- I didn't open the door because,
15 like I said, you don't give out what you have, so I
16 pinned the door and made sure no one was going in
17 or down there.

18 Q Okay.

19 A We wanted to clear that floor before we went to
20 another floor.

21 Q Okay. Go ahead.

22 A And from there, at some point, you heard a bang and
23 I wasn't sure what it was. I thought it was
24 actually-- my first initial thought was a
25 diversionary device going off, or a handgun,

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2 because it didn't sound that loud. And everyone
3 just, like I said, kind of drove on and just
4 carried on with the mission. And eventually--
5 eventually, over here, like I said, I-- I don't
6 even know-- like I said, because I knew there was
7 an officer right here, but his back was towards me,
8 so I didn't know who it was. And again, I didn't
9 know-- I didn't know what the noise was. So I had
10 no clue what it was, whether a handgun or a
11 diversionary device.

12 Q When you heard the noise, were you facing-- or were
13 you facing the door? What--

14 A I don't recall. Like I said, I just-- because, as
15 a team leader, I had to worry about this door. I
16 was worried about--

17 Q Everybody else.

18 A -- the security of the whole place, I had men in
19 there. I had to do communications with the command
20 post. So I got like four or five responsibilities
21 going on at once.

22 Q Yeah. Alright. When you heard the bang, did you
23 look in the direction you heard it?

24 A I had no idea where it came from.

25 Q Okay.

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2 A I had no clue. Because, like I said, it's an open
3 room. If you-- there's no furniture in it. So we
4 just like-- you had no idea what it was or where it
5 came from. But it was a low-sounding noise, so I
6 didn't think of it being a rifle round.

7 Q After-- after-- I have to ask you, after you hear
8 the noise, do you hear any talk from any of the
9 officers?

10 A I, eventually-- I, eventually, did hear talk, "Man
11 down. A man down. Somebody's hurt. A man down."
12 I did, eventually, hear that. But I didn't know
13 who was down or I didn't know the circumstances. I
14 didn't know it was one of our guys or who it was,
15 to be honest with you.

16 Q Alright. Just tell me, you know, what you remember
17 after that.

18 A I don't really-- I mean, like I said, we realized,
19 eventually, over in this corner, like I said, they
20 were still working this-- they were still working
21 the house. Like I said, my main concern was, at
22 that time, again, there was a man down. So I was
23 trying to communicate to the command post, you
24 know, if the medics were (?) or wanted to make
25 sure, you know, that the place was locked down, we

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2 had security, before we sent anyone else inside the
3 place. Like I said, so I was trying to get bodies.
4 I was yelling, "I need some bodies." And like I
5 said, I wanted to make sure the place was totally
6 secure. So, eventually, and I don't know when it
7 was, that's when I realized that I saw Officer
8 Duncan, and he looked perturbed, and I don't know
9 how but, eventually, realized that something
10 happened with him. And that's when I basically
11 grabbed him and placed him a room with Sergeant
12 Scibilio. I grabbed Sergeant Scibilio and I said,
13 "Hey, basically, I got a lot going on. Can you
14 just talk to Duncan and make sure he's okay,"
15 because he was visibly upset.

16 Q When you saw him, was he standing down?

17 A No. No.

18 Q Well, was he standing?

19 A He was basically walking back towards me,
20 basically, with this (?).

21 Q Right there, he was walking towards you?

22 A Yes.

23 Q Okay.

24 A That's where I physically grabbed him and put him
25 in that room and said, "Hey,"-- and that's where I

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2 grabbed Sergeant Scibilio. From there, I grabbed--
3 because I know Officer Iliardi is a good friend of
4 his on the team. And I grabbed him, once I
5 realized (?) had security and I had him going the
6 opposite, inside that room. And that's when Duncan
7 and Officer (?)-- that's when I had Officer Duncan
8 and Officer Iliardi go outside and deal with what
9 he was dealing with.

10 Q When you like, you know, grabbed him--

11 A I physically grabbed him.

12 Q Did you ask him anything (?)--

13 A No, I really didn't. Like I said, to be honest
14 with you, I had a lot going on. I was really
15 concerned about security because, like I said, I
16 heard that bang. I wasn't one hundred percent what
17 was going on. Like I said, I wasn't completely
18 confident that we had a hundred percent security.
19 Because, like I said, up to the whole area and,
20 like I said, I was trying to deal with the
21 communications issues, talking to the command post.
22 And like I said, I still had this door.

23 Q Okay. And I got to ask you. I know you got a lot
24 going-- when you saw Duncan, did you-- did you--
25

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2 did he-- did he still have his weapon on him, if
3 you recall?

4 A I don't-- I don't-- I don't recall that at all, to
5 be honest with you.

6 Q Okay.

7 A No, I don't recall that.

8 Q Alright.

9 A But, eventually, like I said, I know that this--
10 one we felt that this was secure, our team went
11 downstairs. I (?) team. I don't know who else
12 went downstairs.

13 Q Alright. So you take him over to that-- to that--
14 near that bureau, and was it (?), you said?

15 A Scibilio, Sergeant Scibilio.

16 Q Him and another officer or just him--

17 A Iliardi-- Sergeant Scibilio was in there first. He
18 was the first person I could see to get him. And
19 then, after that, I went to-- I got Iliardi,
20 because I wanted to make sure he was good.
21 Iliardi's a good friend.

22 Q Okay. And that's when you left Duncan with him and
23 they brought him into the other room?

24 A No. I had him in the other room.

25 Q You had-- he was already in that room. Okay.

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2 A With Scibilio.

3 Q Okay. But you brought him over to that room?

4 A I brought Duncan in that room, correct.

5 Q Okay. Alright. Alright. And-- okay, and what
6 happens next, after you do that?7 A I mean, that's when we determined a person was down
8 and we immediately got the medics in there, and the
9 medics were working on the subject. Like I said,
10 we were still trying to-- you know, I just-- you
11 know, I just know, then I do a recheck of the
12 house. And I think I was-- I don't-- I'm not
13 positive. I think I was with Sergeant Stuart.
14 Like I said, I just did a secondary and third check
15 while, you know, things were going on. But the
16 medics were already inside. I just remember the
17 medics trying to drag the subject out. But I think
18 he was too heavy. They were having a hard time
19 getting him out.20 Q Alright. So he goes out and you guys just finish
21 securing the house?22 A Yeah. We, basically, yes-- but, yes, it took a
23 little-- normally, how it works, once we control
24 the area, then we turn it over to detectives. But
25 there was people in the second floor that kept on

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2 trying to come out-- come out, so that was a
3 concern. But, like I said, so we, basically, went
4 outside and then we were told to standby outside.

5 Q Okay. When you were outside standing by, was there
6 any conversation about what happened in there at
7 all with anybody?

8 A Well, yeah, I don't-- I mean, eventually, we
9 realized that there was an accident-- there was an
10 accident inside of some sort. But I didn't have
11 the facts. All I knew was that a subject was shot,
12 but I didn't know the detail information. I knew
13 that Officer Duncan was involved in an incident.
14 But, like I said, I didn't know what the incident
15 was. I mean, I just know he basically shot
16 someone, but I didn't have the details of what
17 happened and the exact location where he was.

18 Q Did you ever talk to him in the course of that
19 night about had happened?

20 A That night?

21 Q Yeah.

22 A No, because I got him out of there fast.

23 Q Yeah.
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A And like I said, I had Sergeant Stuart and Officer Iliardi go back to the station. So he was immediately extracted from the location.

Q Okay. Did you ever have any conversation with him at all? I know you're a supervisor-- about it at all, if you-- about what had happened?

A That night, about what happened, no.

Q Okay.

A He was-- I can't--

Q Did you ever have any conversation with him about it?

A No. I mean, no, no.

Q Alright.

A I've called him the last few days and asked him how he's doing, but I--

Q That's fine. Yeah. No.

A -- didn't ask him no facts.

Q Yup, I just-- questions I have to ask you as a supervisor, so-- Kenny, anything?

Q (Ferguson) Just how soon after you head that pop do you think the TEMS were in there?

A They were in fast. I mean, I got the information they were in there, because I got it after the fact. But they said, once they heard, "Medic up,"

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2 they were inside within four minutes and had him
3 out within four minutes. They went to the
4 hospital. I mean, it was like a super, super-- I
5 mean, they were in there fast. I mean, it was
6 quick. I do believe the time was four minutes.
7 It's on the incident report, because I read the
8 incident report, which is really fast for
9 extraction. Like I said, it seems a little vague
10 here but, like I said, I just had like four or five
11 things going on at once, so, you know, maintaining
12 control and talking to command post, making sure
13 you got a hundred percent security.

14 Q Yup.

15 A And like I said, I had that-- doing that's what
16 kind of bogged me down, being in that danger area.

17 Q Alright. So, then, after that, you guys, outside,
18 and then you just go to the truck and you secure
19 and went back?

20 A Yeah, we were told to standby, so we were outside.
21 I don't know the exact time, but it seemed like
22 forever. I mean, it's over an hour. And everyone
23 was just, you know-- stood by in the trucks until
24 we were able to leave.

25 Q Yeah. Did I talk to you that night?

1

2 A No. No. Lieutenant--

3 Q Whatever, I just-- I was just talking with (?) and
4 all that, you know, just, you know.

5 A We had to-- we were locked down at the scene. We
6 had to get released by CPAC.

7 Q Oh, yeah, correct, yeah. You guys stayed around
8 until then. Yes, okay. Yeah, because we did a
9 weapons check. It wasn't me. It was ballistics--
10 do all the weapons checks. That's just a routine
11 thing.

12 Q (Ferguson) So what was Duncan's job on the
13 search warrant again?

14 A He was-- he was going to-- he was going to breach
15 the door for Sergeant Stuart's team.

16 Q Okay. So that door that's just outside the--

17 A Yes. If you made entry on the Alpha side, there
18 was a door to the immediate right.

19 Q So his job was to breach that?

20 A To breach that door, correct. And like I said, the
21 apartment was pretty small, so their team got
22 around pretty fast.

23 Q (Forster) Did you ever see the victim, other than
24 when they were dragging him out? Did you see him?

25 A No, I never knew there was a victim there.

1
2 Q So you didn't even know there was someone lying in
3 the hallway there?

4 A No, I had no idea. Because, like I said, because
5 it turned out to be Officer Duncan but, at the
6 time, I saw an operator. But when you have that
7 gear on, no one looks the same because everyone's
8 got the big gear and the helmet. So I just saw
9 someone's back. I had no idea, like I said, when I
10 heard that noise, I had no idea where it came from
11 because the room was empty.

12 Q So your function as a supervisor-- I mean,
13 obviously, I know you're the team leader, but
14 you're floating, just checking everything out,
15 radio communications?

16 A Yeah. I'm supposed to float. Unfortunately, like
17 I said, I got tied down--

18 Q Yeah, because of the door there. Yeah.

19 A -- but you can't just blow by a danger point, so
20 that's why I got stuck. And that's why, when it
21 was going on, you know, I was yelling, "I need some
22 bodies. I need some help. I need some help." So
23 that's when the guys outside came in to help out do
24 the detail work.
25

1
2 Q Do you recall somebody assisting you in securing
3 that door?

4 A Eventually, a team came. Like I said, I mean,
5 Officer Sebastian and I do believe two others. I'm
6 not sure who the other two-- eventually--

7 Q Before you heard the bang, do you remember somebody
8 else securing--

9 A No, I was-- no, no, because I knew this door was
10 here from this intel. I had this photo right here.
11 I had it. And I knew this door was here. So I--
12 the other two went and no one else took the door,
13 so I knew there was a danger area there, so I had
14 to secure that door. So, like I said, I had to put
15 my foot in it so no one could come up. That kind
16 of put me in the middle.

17 Q I'm all set. You have anything you want to add
18 that we didn't ask that you think that might be,
19 you know-- you know, sometimes I can't think of
20 every question? If there's anything you want to
21 add?

22 A No, I mean, the only thing I said is, I mean, the
23 plan, the operations plan itself that we planned,
24 went as we planned. I mean, there was-- there was--
25 -

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2 Q It seemed like it did to me, yeah. (?) talk to
3 everybody, you know.

4 A The whole plan went the way we wanted it. Everyone
5 ended up where they were supposed to be, and it
6 went as planned, except for that one awful
7 incident. But, other than that, it was, like I
8 said, everything went as planned. And that was,
9 like I said, not an easy house to do because you
10 had two breach points, and you also had-- actually,
11 technically, three breach points with the front
12 door on the Alpha side, and the two windows at the
13 Alpha and the Bravo side, that are the break-- the
14 break and rake teams.

15 Q Alright, Lieutenant, before we go off-tape, just
16 sign-- if you could just sign and date that that
17 that's yours because I had all the guys do that.
18 Today's the 7th.

19 LT. FORSTER: It's 5:25 p.m. We're
20 going to go off-tape. Thank you, Lieutenant.
21
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25