OFFICER INVOLVED SHOOTING
ADMINISTRATIVE
INVESTIGATION

IA # 17-02

NPD CASE # NPD17-001447

NSD CASE # NSD17-001003

CONFIDENTIAL

By:
Gary Pitkin, Lieutenant
Napa Police Department
I. EXECUTIVE SUMMARY

On Monday, March 13th, 2017, at approximately 1822 hours, Sergeant Ryan Cole #79, Officer Jack Thomson #107 and Officer Tom Helfrich #108 with the Napa Police Department (NPD) were on duty working uniformed patrol. At this time, Officers Thomson and Helfrich were dispatched to a report of “male with a knife going after another male” in the parking lot of The Home Depot at 225 Soscol Avenue, Napa. Dispatch requested a 3rd unit respond. Sergeant Cole responded. While en route, responding officers were provided updates on descriptions, locations, advised the suspect was acting “crazy,” yelling and possibly under the influence of controlled substances, and advised the subject was still armed with the knife and making threats.

At approximately 1827 hours, Sergeant Cole and Officer Thomson arrived and contacted the suspect, later identified as S-Noel RUSSELL, near the auxiliary parking lot north of Home Depot. The violent, tense, uncertain and rapidly unfolding nature of this event prevented Sergeant Cole or Officer Thomson from engaging S-RUSSELL in dialogue or employing less lethal force options. The ensuing criminal and administrative investigations showed that within approximately 20–40 seconds of the involved officers’ arrival, S-RUSSELL challenged and, from a distance estimated to be 8’–12’, aggressed on Sergeant Cole while holding a knife with an exposed blade in an offensive manner. S-RUSSELL’s actions caused both Sergeant Cole and Officer Thomson to discharge their service pistols at S-RUSSELL in defense of Sergeant Cole and those around him. S-RUSSELL was pronounced dead at the scene. No one else was injured.

The Napa County Major Crimes Investigation Team (NCMCIT), led by the Napa Sheriff’s Department (NSD), conducted a criminal investigation which was reviewed by the Napa County District Attorney’s Office. Both deemed Sergeant Cole’s and Officer Thomson’s actions lawful.

An NPD administrative investigation determined Sergeant Cole’s and Officer Thomson’s actions were appropriate, lawful and objectively reasonable. Additionally, their actions were determined to be within established Napa Civil City Service Rules and NPD policy.
II. INTRODUCTION

On Monday, March 13, 2017, at approximately 1900 hours, I, Lieutenant Gary Pitkin (NPD), was off-duty and out of county. I learned from a co-worker of a possible officer involved shooting (OIS) near The Home Depot overflow parking lot, also known as the "Labor Lot." The Labor Lot is located on Kansas Avenue, and north of The Home Depot and west of Black Bear Diner. I called Captain Pat Manzer and then made my way to NPD, arriving at approximately 2025 hours. I met with Captain Manzer and Chief Potter. While at NPD, I was assigned to conduct the administrative investigation.

Pursuant to NPD policy § 310.7 - Administrative Investigation, the purpose of this administrative investigation was to determine if the use of deadly force during this incident was in compliance with the Department's use of force policy, NPD policy § 300 and more specifically Sections § 300.3 – Use of Force, § 300.3.1 – Use of Force to Effect an Arrest, § 300.3.2 - Factors Used to Determine the Reasonableness of Force, § 300.4 - Deadly Force Applications, and § 300.6 – Medical Considerations. Additionally, this investigation evaluated whether the involved officers were properly trained and currently qualified to carry their service pistols used in this incident in compliance with § 312.6 – Firearms Training and Qualifications. The specific policies are outlined below:

§ 300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.
Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

§ 300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835).

§ 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:
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(a) Immediacy and severity of the threat to officers or others.
(b) The conduct of the individual being confronted, as reasonably perceived by
the officer at the time.
(c) Officer/subject factors (age, size, relative strength, skill level, injuries
sustained, level of exhaustion or fatigue, the number of officers available vs.
subjects).
(d) The effects of drugs or alcohol.
(e) Subject’s mental state or capacity.
(f) Proximity of weapons or dangerous improvised devices.
(g) The degree to which the subject has been effectively restrained and his/her
ability to resist despite being restrained.
(h) The availability of other options and their possible effectiveness.
(i) Seriousness of the suspected offense or reason for contact with the individual.
(j) Training and experience of the officer.
(k) Potential for injury to officers, suspects and others.
(l) Whether the person appears to be resisting, attempting to evade arrest by
flight or is attacking the officer.
(m) The risk and reasonably foreseeable consequences of escape.
(n) The apparent need for immediate control of the subject or a prompt
resolution of the situation.
(o) Whether the conduct of the individual being confronted no longer reasonably
appears to pose an imminent threat to the officer or others.
(p) Prior contacts with the subject or awareness of any propensity for violence.
(q) Any other exigent circumstances.

§ 300.4 DEADLY FORCE APPLICATIONS
Use of deadly force is justified in the following circumstances:
a) An officer may use deadly force to protect him/herself or others from what
he/she reasonably believes would be an imminent threat of death or serious
bodily injury.
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b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.

2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

§ 300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer
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and/or medical personnel. If a recording is made of the contact or an interview
with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor, or if not available, the primary handling officer shall
ensure that any person providing medical care or receiving custody of a person
following any use of force is informed that the person was subjected to force. This
notification shall include a description of the force used and any other
circumstances the officer reasonably believes would be potential safety or
medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired
respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied
by profuse sweating, extraordinary strength beyond their physical characteristics
and imperviousness to pain (sometimes called “excited delirium”), or who
require a protracted physical encounter with multiple officers to be brought under
control, may be at an increased risk of sudden death. Calls involving these
persons should be considered medical emergencies. Officers who reasonably
suspect a medical emergency should request medical assistance as soon as
practicable and have medical personnel stage away if appropriate.

Additionally, this investigation looked into whether the use of firearms in this incident
was in compliance with the Department’s Firearms policy, NPD policy§ 312.

§ 312.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully
complete training quarterly with their duty firearms. In addition to quarterly
training, all members will qualify at least quarterly with their duty firearms.
Members will qualify with off-duty and secondary firearms at least once a year.
Training and qualifications must be on an approved range course.
At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

NPD policies § 300, § 310 and § 312, along with their respective subsections, are attached and incorporated under tab D. The aforementioned policies were incorporated into NPD’s policy manual on October 5, 2016, and were in effect at the time of this incident.
III. INVOLVED OFFICERS

Ryan Cole, Badge # 79. Police Sergeant, Napa Police Department.
Current Assignment: Patrol, 4/10 Swing shift, 1400-0000 hours, Monday – Thursday

Jack Thompson, Badge # 107. Police Officer, Napa Police Department.
Current assignment: Patrol, 4/10 Graveyard, 2100 – 0700 hours, Monday - Thursday
IV. SUSPECT

Noel Aaron RUSSELL
DOB: 12/25/1993
Black Male Adult
HT: 5'10"  WT: 150 lbs
HAIR: Brown  EYES: Brown
 ADDRESS: Transient, Napa, CA.
PHONE #: None

S-RUSSELL had five (5) prior documented arrests with NPD. NPD arrests occurred between October 2nd, 2016 and March 13th, 2017, and are as follows:

- NPD16-005923  10/02/2016  PC 69, PC 148, PC 647(f)
- NPD17-000011  01/01/2017  H&S 11377, PC 1203.2, CVC 21202(A)
- NPD17-000579  01/29/2017  PC 1203.2
- NPD17-000637  01/31/2017  H&S 11377, PC 1203.2
- NPD17-000701  02/03/2017  PC 594 (fel), H&S 11377, two misd bench warrants

Additionally, on March 8th, 2017, two outstanding misdemeanor arrest warrants were issued for S-RUSSELL which were active at the time of this incident:

1. (CR181142) Violation of probation in violation of PC 1203.2 related to obstructing/resisting an executive officer of PC 69, and battery on a peace officer in violation of PC 243(B), and

2. (CR182559) possession of drug paraphernalia in violation of H&S 11364

Information related to S-RUSSELL’s prior documented incidents with the Napa County Department of Corrections (NCDC), search warrants served on his mental health records and tent, and interviews with [REDACTED] and [REDACTED] are attached and incorporated under NSD17-001003, tabs 8 – 14. Additional reports detailing S-Noel RUSSELL’s prior documented law enforcement contacts with numerous agencies are attached and incorporated under NSD17-001003, tabs 108 - 120.
V. INVESTIGATORS

Gary Pitkin, Badge #170. Lieutenant, Napa Police Department.

Patrick Manzer, Badge #77. Captain, Napa Police Department.

VI. VICTIMS
VII. WITNESSES

OFFICER(S):

W- Thomas Helfrich, Badge #108. Police Officer, Napa Police Department.
Phone # 707-257-9641. 1539 First Street, Napa, CA. 94559.

EMERGENCY RESPONDERS:

W- Dustin Jones. Firefighter, Napa Fire Department.
Phone # 707-257-9641. 1539 First Street, Napa, CA. 94559.

W- Brian Davis. Firefighter/Paramedic, Napa Fire Department.
Phone # 707-257-9641. 1539 First Street, Napa, CA. 94559.

CIVILIANS:
NOTE: Additional witnesses were identified and statements documented in the criminal investigation under NSD17-001003. Witnesses listed in this report were determined to have information relevant to the scope of this administrative investigation.
VIII. SUMMARY OF EVENT

This summary was derived from reviewing the following materials: related Event Chronologies, NSD's criminal investigation documented under NSD17-001003, interviews of involved officers and witnesses, and written and audio-recorded dispatch records.

The following timeline is a summary of events, not all-inclusive, established by reviewing both radio traffic and 911 recordings from Dispatch, and reviewing the Event Chronology related to E170305080, unless otherwise noted:

18:21:53: Event Chronology shows Napa Central Dispatch received the first of several calls reporting a male armed with a knife in the parking lot of The Home Depot at 225 Soscol Avenue.

18:22:31: Dispatch toned out the call and assigned 2Y3 (Officer Helfrich), 2Z3 (Officer Thomson), and requested a 3rd unit, for a Hispanic or Black male suspect, armed with a knife in his left hand, going after another male in the area of The Home Depot or Raley's in the 200 block of Soscol Avenue.

18:23:54: 2Y10 (Sergeant Cole) advised he was clearing the Queen of the Valley Hospital and would respond. Dispatch advised one caller described the responsible male with knife as 20 years, 160 pounds, 5'10", wearing a black jacket, "possibly HBD, or H&S, or both."

18:24:36: Dispatch updated responding units that callers reported the male near Home Depot with a knife was "going crazy, yelling, seems like he is on H&S." Dispatch advised the suspect was possibly headed towards Black Bear Diner, and not currently going after anybody.

18:25:53: Dispatch advised suspect was now possibly with a group of approximately 10 or so in the "Labor Lot."

18:26:14: Sergeant Cole advised "we are coming 97 V," and asked for the suspect's description again. Dispatch described the suspect as a Hispanic or Black male, approximately 20 years of age, slim build, wearing a black baseball cap, black jacket and black pants, last seen with a knife in his left hand.
18:26:45: Dispatch advised another caller reported the suspect as approximately 5'10" and 160 pounds.

18:27:02: Event Chronology reflects an “Officer just went 97.”

18:27:10: Dispatch advised suspect still has the knife and is now in the “parking lot behind the Black Bear Diner and “2Y10 should be out with him.”

18:27:20: Dispatch changed Sergeant Cole’s status to show him on-scene.


18:27:46: Officer Helfrich used his MDC to show himself on-scene.

18:28:11: Napa Fire Department (NFD) Engine 4 was dispatched to the scene (E170305084).

18:28:31: American Medical Response (AMR) Medic 65 was dispatched to the scene (E170305084).

18:28:47: Sergeant Cole requested Dispatch call out Investigations and assistance in securing the scene.

18:28:08: NFD Battalion 1 self-dispatched to the scene (E170305084).

18:32:44: Engine 4 and Battalion 1 (NFD) arrived on-scene (E170305084).

18:32:51: Medic 65 (AMR) arrived on-scene (E170305084).

18:35:56: NFD pronounced S-RUSSELL deceased at the scene (E170305084).

The Audio CD containing the above radio traffic and 911 calls, and Event Chronologies for E170305080 and E170305084, are attached and incorporated under Tab B.

The Event Chronology related to E170305080 was printed and attached under NSD17-001003’s Investigative casefile under Tab 4.
IX. WEAPONS INVOLVED:

Suspect Weapon:

- S-Noel RUSSELL

  - One (1) "DeWalt" brand folding blade knife found with the blade exposed in the open position as depicted below. In her report under NSD17-001003 dated 04/03/2017 at 0956 hours, Evidence Specialist Donna Kimmel-Lake (NSD) estimated the overall length of the knife to be 7 ¼” to include a 3 ¼” blade and 4 ¼” handle.
Officers Weapons:

Sergeant Cole:

Kimber model 1911 .45 caliber semi-automatic pistol. Serial # K138821.

Officer Thompson:

Glock Model 22, .40 caliber semi-automatic pistol. Serial # PHY342.

Firearms Training:

At the time of the shooting both Sergeant Cole and Officer Thompson were in compliance with department firearms training requirements as outlined in Napa Police Department (NPD) policy § 312.6- Firearms Training and Qualifications. NPD Training documents, in the form of “Range Scorecard,” show Sergeant Ryan Cole and Officer Thompson were currently qualified at the time of this incident to carry their respective service pistols.

At the time of this incident, Sergeant Cole served in the capacity of an NPD Range Master. Sergeant Cole completed NPD range qualifications with his department-approved Kimber model 1911 pistol and AR-15 rifle in each of the four quarters in 2016. Specifically, Sergeant Cole qualified on February 19th, April 8th, August 24th, and November 21st, 2016, respectively.

Officer Thompson completed NPD range qualifications with his department-approved Glock 22 pistol and AR-15 rifle in each of the four quarters in 2016. Specifically, Officer Thompson qualified on March 21st, May 23rd, August 8th, and December 14th, 2016, respectively.

Copies of Sergeant Cole and Officer Thompson’s respective range qualification cards, quarterly range training outlines and Peace Officer Standards and Training (POST) records are attached and incorporated for reference under Tab E.
SCENE

This incident occurred immediately north of the annex overflow Home Depot Parking Lot, known locally as the "Labor Lot," in the 200 block of Kansas Avenue, in the City of Napa. The parking lot is located on the north side of Kansas Avenue, bordered to the west by an open field, to the north by open field and the Napa Creek, to the east by the Black Bear Diner located at 303 Soscol Avenue. The South Napa Marketplace is located directly south of Kansas Avenue. The scene is described in detail in the California Highway Patrol's report # GL-017-17, prepared by the Golden Gate Division's Multidisciplinary Accident Investigation Team (MAIT). The MAIT report is incorporated by reference under Tab 121 of NSD's investigative binder related to NSD17-001003.
The annex lot is a paved and striped parking lot. During hours of darkness, the lot is lit with artificial lighting from street lights. On Friday, March 17, 2017, Captain Pat Manzer and I visited this scene and found it as depicted in the above Google images.

The confrontation involving Sergeant Cole, Officer Thomson and S-RUSSELL took place immediately north of the paved annex lot, in an area slightly elevated above the parking lot. This area is comprised of dirt and weeds. A well-traveled pedestrian path is located a short distance to the north of the location of occurrence which is oriented in an east-west direction. Homeless camps and a transient population are known to be fixtures in the area immediately to the north and west, near the Napa River.

An immigrant population seeking daily employment is also known to frequent the annex lot during daytime hours, hence the nickname “Labor Lot.”
XI. STATEMENTS - VICTIMS

Following are summaries or excerpts of victim statements from NSD17-001003’s investigative reports. Full details can be found in the below referenced reports.

VICTIM -

Tab 45: On March 13, 2017, District Attorney Investigator (DAI) Ana Baber (NDA) and Officer Justin Tharp (Saint Helena Police Department – SHPD) interviewed [redacted] The following victim account by [redacted] is a verbatim excerpt of DAI Baber’s report dated March 21, 2017 at 1010 hours:

[redacted] stated he called in (police) the day prior regarding an incident that happened a couple of days ago (03/13/17,) in the afternoon. Per [redacted], he went to Target with his wife and child but had initially started at Home Depot in the same shopping center. [redacted] said they walked to Target from Home Depot, under the breezeway/overhang. As they approached the entrance to Target, [redacted] noticed a male walking in the same direction as he and his wife. At some point the male began walking back and forth (across their path). The male appeared to be looking for cigarette butts on the ground and was mumbling to himself; [redacted] said he could tell the male was "not right." [redacted] described the male as follows:

Hispanic male with a lighter complexion (not dark), 25-26 years old, 5’10”, thin build (pants were falling down and did not fit), curly hair sticking out from under a baseball cap (unknown color), thin mustache extending down to his chin (possibly a goatee and not overgrown), wearing dirty black pants, and a black overcoat with a white t-shirt underneath.

[redacted] wife, [redacted] was pushing their baby in a cart as they were walking. Per [redacted] said something to him similar to, "He has a knife, be careful." [redacted] said it didn’t really register because he was "tripping out on this dude." A couple of seconds later [redacted] noticed the male had a knife in his hand, which was folded and in a closed position. Seeing this, [redacted] took a
position between the male and his wife/child; the male was to the right. said he was not sure if the male took his action as aggressive but when he turned to look at him, the male looked at "weird" and said, "What nigga?" The male then pulled out his knife and opened the blade. described the knife as black in color with a black blade, matt, and with possible serrations. drew a picture of the male's knife during the interview.

pointed to the distance between us (and myself) when referencing how far apart they were (approximately 4 ft.) when the male opened his knife. Per everything happened very fast. said he was right at the entrance to Target and that he pushed his wife and child inside then "squared off" with the male. related he pulled out his own pocket knife, which he always carries in his pocket for work, and opened the blade. said the blade to his knife was "up" and demonstrated the blade pointing toward his forearm in what he called a defensive position. According to he and the male "danced around" for about 10-15 seconds. said the male was not trying to slash at him and was holding his knife in a downward position as well. waited to see if the male was going to advance so he could make a defensive move but he never did. The male would move forward, like a lunge, and would move back then the process would repeat. told the male, "I don't even fucking know you. Why would I stab you?" felt the male did not care and was there to die. The male responded by saying something to the effect of, "That's what I thought, you fucking pussy." The male then put the knife in his jacket pocket and walked away.

said he then went into Target and calmed his wife down because she was very upset by the incident. stated there were people inside putting their phones away and someone was talking on their phone; did not see any employees around. said he told his wife that they (people with phones) had called the cops. and his wife then finished shopping and went home. did not see anything else that afternoon. The following morning,
told his supervisor what happened and his supervisor told him what he had seen on the news. Based on this __________ thought he should call. __________ stated he would be able to recognize the male again if he saw him.

_________ added that from his experience he was 100% sure the male was on "meth". __________ shared that he is a recovering addict and has been clean since 2004; this was not his first "knife fight." __________ told me the male looked "gone". __________ stated the male’s actions were similar to that of someone on meth and that they were quick and sharp; the male knew what he was doing with his moves, they were crisp. __________ did not believe the male was on alcohol or any type of opiate (the male was not acting drunk or falling over); __________ believed he was on some type of speed to make him that fast and sharp. __________ expressed the male had a look in his eye (when he told __________ to go ahead and stab him) like he did not care. __________ said he was familiar with that mindset when he was in the depth of his addition, "When you don’t give a fuck." __________ stated the male’s speech was clear and his tone was aggressive and threatening. The interview ended shortly after.

End of V________ Interview. Reference the full report for details and additional evidence.

VICTIM- __________

Tab 49: On March 13, 2017, Detective Dustin Dodd (NPD), assisted by Supervising District Attorney Investigator (SDAI) Mike Frey contacted and interviewed V________. The following victim account by V________ as interpreted by NPD Records Clerk and certified Spanish Translator Juliana Martinez, is a verbatim excerpt of Detective Dodd’s report dated March 14, 2017 at 1542 hours:

_________ advised that he is currently homeless and between houses. He has family who reside in an apartment at an unknown address near the Chevron gas station at the intersection of Imola and Soscol.
arrived at the parking lot with his friend [redacted] whom was later identified as [redacted] identified [redacted] as the owner of the blue Honda vehicle parked in the crime scene. [redacted] and [redacted] were standing in the grass area near [redacted] car with several other people when (S) Noel RUSSELL approached them.

could tell that Noel was agitated and "angry". Noel approached [redacted] and started screaming. He was yelling and speaking too fast in English for [redacted] to understand what Noel was saying. It was clear and obvious to [redacted] that Noel was angry and aggressive. [redacted] watched Noel approach [redacted] and his friends. Noel was waving and swinging a knife around in the direction of whomever was near him.

described the knife as a pocket knife. The knife had a window punch on one end. He confirmed the blade was approx. three to four inches in length. It was, "long enough to hurt someone". The knife was locked out in the open position. [redacted] saw that the blade had blood on it.

moved away from Noel. Noel approached an unknown, heavier set male who was wearing a black shirt. Noel tried to stab the male in the black shirt. The male moved away and Noel did not stab him.

was approx. five feet away from Noel when he was trying to stab [redacted] and the unknown male. [redacted] was afraid for his life and for the lives of his friends. He picked up a nearby golf club. He held the club up and prepared to hit Noel with it. He told Noel to get back.

Noel closed the knife and put it in his pocket. He walked away from them. Noel remained angry and agitated.
Napa Police Department officers arrived at the scene. was approx. 15-20 yards away from the officers and Noel. The officers were approx. 25 feet away from Noel. had a clear, unobstructed line of sight of both the officers and Noel from where he stood.

They confronted Noel and told him to get on the ground. Noel pulled out the pocket knife. The officers told Noel to drop the knife. Noel refused. Noel slid the knife into his sleeve. heard Noel tell the officers, "Come here motherfucker". The officers told Noel to drop the knife and get on the ground. Noel refused to do either. Noel remained angry and agitated.

Noel approached the officers "step-by-step" in an aggressive manner. He took approx. two strides toward the officers. The officers shot Noel at that time.

was unsure how many shots were fired. He knew that it was more than one shot. He was unsure which officer(s) fired the shots.

The officers told everyone around to stay where they were and get on the ground. Everyone complied with the officers orders. The officers approached Noel to perform first aid and checked Noel's vitals. An unknown time later ambulance and fire personnel arrived and checked Noel as well. He was pronounced dead.

stated that the incident was "done rightly" by the officers, "because he tried to stab people". requested that his opinion of how the officers acted be included in the report.

End of V- interview. Reference the full report for details and additional evidence.

Tab 97: On March 13, 2017, Detective Ryan Woolworth (NSD) and District Attorney Investigator (DAI) Carolina Wiegers (NDA) interviewed V- During the
interview, spoke both English and Spanish, at which time DAI Wiegers provided translation as necessary. The following victim account by is a verbatim excerpt of Detective Woolworth’s report dated April 17, 2017 at 0649 hours:

[Redacted] told me he came to the labor lot to look for two more workers to help him on a job. He said he was talking to a few guys in the grass area north of the parking lot when he saw a guy crossing the street towards the parking lot. He was coming from Home Depot and was acting crazy or something. He said he was yelling and waving his arms around. [Redacted] said he didn’t pay too much attention to him and kept talking to his friend. All of a sudden his friend told him “watch out, watch out” He turned around and he said the guy was behind him with something in his hand and he looked like he was going to do something. He said the guy was talking a lot of "shit", and looked angry, but people always talk "shit" so he didn’t think anything of it. [Redacted] said the police showed up at about the same time and told everyone to get down. [Redacted] said when he got down he looked back up and noticed the guy who was talking "shit" had a knife in his hand and the knife had blood on it. [Redacted] said he didn’t know if the guy had just killed somebody or what. [Redacted] friend pushed [Redacted] out of the way, and grabbed something on the ground. [Redacted] said his friend held it up and yelled at the guy saying, "what do you want?" [Redacted] said his friend’s name was [Redacted] but he didn’t know his last name. [Redacted] told the guy to "just go (away)" [Redacted] said the police came towards them and kept telling them to get down on the ground and told [Redacted] they (the police) would deal with it. He said the police told the guy to put the knife down as the guy was just waving the knife around. He said the guy went towards the police and said "go ahead and shoot, shoot me, I’ve got something too" He said the guy was wearing a jacket and opened it up, made a motion towards his waist area (like he was going to pull out a gun). He said the guy was about ten feet away from the officers. [Redacted] said he looked away cause he thought the guy was going to shoot the officers. [Redacted] said he heard gunfire and thought to himself that the officers had just been shot. Then he thought to himself, no, the officers wouldn’t have let him do that to them. [Redacted] said he
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looked back up and saw the guy fall down and that's when he knew the officers
must have shot him. said he heard about six shots. He said he saw the
officers check the guys pulse. He saw the ambulance show up and try to help the
guy, then he heard somebody say "it's too late (he died)"

End of V- interview. Reference the full report for details and additional evidence.

VICTIM: Tab 56: On March 13, 2017, Detective Dustin Dodd (NPD) and Community Service
Officer Ron Espinoza (NPD) interviewed V-S-RUSSELL reportedly
vandalized vehicle near The Home Depot prior to being shot. The related
vandalism was documented under NPD17-001524. The following victim account by

is a verbatim excerpt from Detective Dodd’s report dated March 15, 2017 at
1213 hours:

stated it was approximately 1750-1800 hours. She was going to Home
Depot. She turned into the Home Depot parking lot from the north/west driveway
(the driveway closest to the Home Depot building). She pulled into the parking
lot and was driving in front of the business in a southern direction. She was
behind two vehicles as she was approaching a stop sign. said she saw a
man walking in a northern direction towards her. He was walking in the middle
of the road between north and southbound traffic. The man had a knife in his
hand and was "walking very close to the driver's side of the traffic traveling south
in front of Home Depot". She said, "I saw him reaching down with the knife trying
to cut the tires of the cars and when he missed he was gouging the sides of them
with his knife." said she watched the man try to cut the tires and gouge
the vehicles in front of her. She recalled there was a car behind her and in front
of her, but she was trying to find a way to avoid the man. She said traffic was
light heading north, so she immediately turned eastbound into the isle before the
stop sign.

stated when she turned, the man was still walking northbound. He hit into
her right front quarter panel of her vehicle. The man fell onto the hood of her
vehicle. As he stood up, he took the knife and "cut" the right quarter panel and headlight of her vehicle.

She described the man as being thin build, approximately 5'5". She did not know ethnicity, but said he looked very tan. He was wearing a dark colored dirty hoodie and dark colored saggy pants. She said the hood was up at the time. She said the man was very weathered and was 35-45 years old. The man was 4-5 day unshaven. His clothing looked to be very dirty and covered with dirt. His dark hooded jacket was zip up a little at the bottom. She said he had a "cadence" to his walk. She said he was walking different than normal. He was limping or leaning as he walked.

said, "Every time he hit a car it looked like he enjoyed it" referring to vandalizing the vehicles.

She said the man was moving the knife from one hand to the other, but believes he was holding the knife in his left hand when he was reaching for the tires and scratching the vehicles in front of her.

She wasn't sure, but believes the cars in front of her were two small sedans. She didn't know or see the driver's reactions to the man's actions. She said once she could she drove away from the man.

described the knife he was carrying as having a 4"-5" blade. She said the knife had sharp edges on both sides of the blade because she saw the pointed tip at the top middle part of the blade.

She said she was approximately 5-7 feet from the car in front of her. The car in front of her was approximately 10 feet behind the vehicle in front of it. She saw the man in total for approximately 15-20 seconds.
She did not see the man puncture the vehicle tires, but saw the knife make contact to both front tires of both vehicles in front of her. She said the man then drug the knife down the body of the vehicles.

described when she turned eastbound into one of the parking isles, the man continued to walk northbound at the pace he was walking. He hit into her vehicle when she turned. She described he fell onto her vehicle’s hood and he had his hands firmly on the hood of her vehicle. She also mentioned the man left some type of bodily fluid on the hood of her car. She didn’t know what the fluid was, but mentioned it could have been vomit. She mentioned she had gotten her car washed earlier that day.

said once the man began to get up off the hood of her car he "scraped it and walked away". She confirmed he used the knife to damage the right front quarter panel and headlight of her car.

felt the man was "mentally unstable". She felt the man was "enjoying vandalism and destruction" he "seemed to be liking it and was not deterred by people with cars". mentioned he would "smile a little bit when he caught a car". She was referring to each time he vandalized a vehicle. She said the man’s "eyes were distant". She said the man seemed to be focused on damaging the vehicles, but not focused on where he was going or walking. She said he had the "look of not all there"

stated she has been to Home Depot often and had never seen the man before.

End of V-interview. Reference the full report for details and additional evidence.
Tab 87: On March 14, 2017, [redacted] was interviewed by District Attorney Investigator (DAI) Leslie Severe (Napa DA). S-RUSSELL reportedly vandalized [redacted] vehicle near The Home Depot prior to being shot. The following victim and witness account by [redacted] is a verbatim excerpt of DAI Severe’s report dated March 21, 2017 at 1010 hours:

On 3/14/2017, at approximately 0930 hours, I received a call from [redacted] who wanted to provide a statement regarding what she witnessed the previous evening near Home Depot in the South Napa Market Place. My conversation with [redacted] was digitally recorded. [redacted] told me the following in summary:

At approximately 1820 hours, she was driving in her charcoal gray four door, Jetta station wagon, CA license plate [redacted] her husband [redacted] was sitting in the front passenger seat, and her stepson [redacted] was sitting in the back on the passenger side of the vehicle. They were stopped near the contractor entrance of Home Depot when she noticed a man walking towards their vehicle with a knife in his hand. They had entered the parking lot from the Black Bear diner side of the shopping plaza.

She described the individual as having a slim build, approximately 5’-7”, tan or brown skin (could not tell nationality), wearing a baseball cap, dark hoodie, t-shirt, dark cargo pants, and holding a knife in his left hand. She observed the man carrying the knife partially tucked up inside of the sleeve of his left arm, his hand was well up on the handle of the knife, and his finger-tips were on the blade itself. She described the knife as being a retractable, 6”-8” blade, and dark in color (thought maybe the blade was silver). She was unsure of the brand.

[redacted] told me as the man was walking towards her vehicle, he was jabbing the knife into the tires of at least two vehicles in front of her. He then approached the driver side of her vehicle and she began hearing what she described as metal. She told me he began running the knife from her front left bumper, continued
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down the driver side of the car to the back wheel well then continued on walking
to the next vehicle. She told me the man appeared to be walking fast, had an
angry look on his face, his eyes were wild, and he looked like someone who was
having a psychotic break.  ■■ also made a comment regarding the man looking
as if he were getting a pleasure out of doing what he was doing from the looks on
his face (referring to his expressions).

■■ told me as soon as the man went past her vehicle and was approximately 20
feet away, her husband ■■■■ exited the passenger side of the vehicle to
keep an eye on where the man was traveling. She told me ■■ had actually
observed the entire incident from beginning to end. She mentioned all of the
vehicles being gridlocked and her trying to find somewhere to park and get out of
the way so she could call 911. She ended up finding a parking space
approximately 10 car lengths from where she was stopped originally and parked
facing the Black Bear Diner. While she called 911, her husband stayed out of the
car. She told me she just wanted to stay away so her step son would remain safe
and so other vehicles would be able to move.

■■ referred to the lot across the street from Home Depot as a homeless camp
and mentioned seeing people scattering and moving around but could not
distinguish anyone from where she was parked. As she was talking with dispatch,
she saw a police car arrive and mentioned hearing shots right away. She
estimated approximately 30 seconds once the police showed up before she heard
shots fired. She estimated hearing approximately eight shots. She told me she
was on the phone with dispatch the entire time but after the shots were fired, she
ended up getting off of the phone with them a short time later. She told me shortly
after getting off of the phone, other law enforcement units began showing up to
the scene.

I asked ■■ if she ever observed anyone else with the man she had described with
the knife or if he was alone and she told me she did not see anyone with him.
provided me with four photographs via email which she took regarding the
damage done to the driver side of her vehicle. See attached photographs. later contacted me via email and told me she was not going to pursue any
damages done to her vehicle. I have attached a copy of her email.

End of V- interview. Reference the full report for details and additional
evidence.

VICTIM-

Tab 88: On March 14, 2017, V- was interviewed by DAI Leslie Severe
(Napa DA). S-RUSSELL reportedly vandalized V- vehicle near The
Home Depot prior to being shot. The following victim and witness account by V- is a verbatim excerpt of DAI Severe’s report dated March 21, 2017 at 1010
hours:

On 3/14/2017, at approximately 0930 hours, I received a call from regarding an incident which took place near Home Depot in the South Napa
Market Place on the evening of 3/13/2017. provided a detailed statement of
her observations and then handed the phone to her husband who observed
the entire incident from beginning to end. My conversation with was
digitally recorded. told me the following in summary about what he observed during the incident:

told me they were on the contractor side of the parking lot facing south
when they saw a guy jabbing the tires of the cars in front of them with a knife.
Next thing he knew, the guy was at the driver side of the car and ran the knife
almost down the entire length of their vehicle. He described the knife as being a
Buck knife (because of the curve in the blade) and approximately 6’ - 8’ long.
described the man as being crazy eyed, having dark hair, wearing a black
cap, white t-shirt, unknown facial hair, and wore a black jacket. As the man
walked past their vehicle and he could no longer see the man, exited the car
so he could keep an eye on him. He told me he figured that was the only way he
would be able to keep his family safe.
observed the man walking down a line of cars and heard people yelling at him. He observed the man cross the street and walk toward the overflow parking lot of what he referred to as where the homeless hang out. He also mentioned seeing a blue tarp used for shade on the left side of the parking lot and mentioned seeing approximately five or six other people standing there at the time.  

could not tell if the man actually scuffled with anyone but could tell they all began standing in a defensive manner which he described as, "Get away from us!" The man with the knife began walking away towards some bamboo towards the right side of the parking lot.

I asked where he was standing and if he knew how far he was from the overflow parking lot.  
told me he remained in the contractor parking lot and did not make it all of the way to the sidewalk next to Kansas Avenue. There was a separate section of parking just to the left of the entrance unless you go past the contractor entrance where he ended up standing. He approximated the distance from where he was standing to be approximately 60-80 feet from the overflow parking lot.

told me he observed a police unit arrive and saw two police officers walk up to the individuals standing over by the blue tarp.  
saw the individuals point to the right towards the man with the knife and the officers turned and began walking towards the man.  
could not hear any words being exchanged due to the distance he was away from them. He described the officers being within approximately 8-12 feet from the man with the knife and thought they seemed to be in very close quarters  
knew it was less than 20 feet).

told me one officer appeared to have a shaved head and was sternly built and the other officer was shorter, had dark hair, wore glasses, and was not as sternly built.  
The officer with darker hair was to the right of the man. From where  
was standing, he described being able to see the back of the officer with the shaved head as well as a small portion of his right side. He thought this
officer was almost directly in front of the man with the knife. Also mentioned seeing about of the left side of the other officer who had dark hair standing to the right of the man with the knife. He thought they all appeared to be very close in proximity.

Told me he observed the man put his right hand with the knife down to his side the way you would if you were brandishing a weapon. He was unable to tell me exactly how the knife was being held (whether it was pointing upward, downward, etc.). He observed what he believed as one of the officers making a gesture with his hand(s) as if he were trying to tell the man to "settle down-settle down". When the officer made the movement with his hands, observed the man's right arm come up and the guy moved forward towards the officers. Referred to the arm being in the threatening zone (between mid-body and neck area). I asked if he was able to see how the knife was being presented and he told me he could not tell. I asked if he could tell if the entire body lunged forward or if it was a portion of his body and he told me it seemed like his whole body moved forward. He told me the whole thing happened so fast and he estimated a maximum of 30 seconds from the time the officers arrived until shots were fired.

In the beginning of our conversation, mentioned the officers drawing their weapons when he thought they were trying to tell the man to settle down but later on he was not exactly sure when the officers actually drew their weapons. He mentioned maybe it was when they initially contacted the group of individuals near the left side of the parking lot but he was not for sure.

told me he believed he heard approximately 5 shots fired and he could tell it was from two different pistols. He believed three shots came from one pistol and two from the other. He told me it could have been six shots but he calculated five in his mind. Once the shots were fired, he saw the man go down on the ground and the officers turned around and began telling a couple of people who were
close to them to get down on the ground. He told me the officers had to tell
people to get on the ground multiple times before they would actually get down.
He told me once the officers appeared to be secure; one of the officers walked
over to the man on the ground and checked him. Shortly after, observed
other law enforcement officers arrive putting on blue gloves and mentioned an
ambulance arriving as well. went back to his vehicle and he and his family
left the area.

End of V- interview. Reference the full report for details and additional
evidence. NOTE: based on the totality of the circumstances outlined in this
investigation, it is believed the length of the knife blade referenced in this interview on
page 31 in line 26 was 6" – 8" in length, not feet.
XII. STATEMENTS – INVOLVED OFFICERS:

On March 14th, 2017, I emailed Sergeant Cole and Officer Thomson separately, Cc’ing their attorney Richard Fisher of Goyette & Associates on each. To each, I emailed a memorandum titled, “Notice of Administrative Investigation & Interview,” and applicable policies and subsections outlined in NPD policy §300 and §312 related to this administrative investigation.

I learned from Criminal Investigators in this matter that both Sergeant Cole and Officer Thomson, in consultation with their legal counsel, wished to provide voluntary statements. In my memorandum to Sergeant Cole, I advised him that his related interview was set for March 15th, 2017, at approximately 0800 hours at Napa Sheriff’s Department (NSD). In my memorandum to Officer Thomson, I advised him that his related interview was set for March 15th, 2017, at approximately 1000 hours at the NSD.

On March 14th, 2017, at approximately 1549 hours, I spoke telephonically with Sergeant Cole and informed him of the aforementioned email. Sergeant Cole confirmed he was scheduled to provide a voluntary statement to criminal investigators the following morning. On the same date, Sergeant Cole replied to my aforementioned email confirming he had received it.

On March 14th, 2017, at approximately 1552 hours, I spoke telephonically with Officer Thomson and informed him of the aforementioned email. Officer Thomson confirmed he was scheduled to provide a voluntary statement to criminal investigators the following morning.

The emails, related read receipt, email reply, “Notice of Administrative Investigation & Interview” for Sergeant Cole and Officer Thomson are attached and incorporated as Tabs F and G, respectively. The applicable policies and subsections outlined in NPD policies §300 and §312 related to this administrative investigation are attached and incorporated by reference as Tab D.
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STATEMENT OF SERGEANT RYAN COLE

Details related to Sergeant Cole’s voluntary statement were documented in Detective Chambers’ report, dated March 22, 2017 at 1623 hours, under NSD17-001003. The report is attached and incorporated by reference in NSD17-001003’s Investigative casefile as tab 6. The audio CD containing the interview is attached and incorporated by reference under tab H.

Following is Detective Chambers’ investigative report verbatim and in its entirety, documenting Sergeant Cole’s voluntary statements provided on March 15, 2017:

SUPPLEMENTAL REPORT

SGT. RYAN COLE INTERVIEW

INVESTIGATION:

On 03-13-17, Sgt. Ryan Cole of the Napa Police Department was reported as being involved in an officer involved shooting. He was subsequently transported to the Napa County Sheriff’s Office by Ofc. Alfonso Ortiz (NPD), where he was provided an office separate from Ofc. Thomson, who was also involved.

Shortly after arriving at the Sheriff’s Office Sgt. Corrigan (NPD) arrived and took the role as Cole’s peer support officer. While waiting to be processed, Cole was also visited by Sgt. Heath Morrison (NPD), Sgt. Nick Dalessi (NPD) and Sgt. Kris Jenny (NPD) for emotional support and replacement gear. Cole was processed by Detective Piersig and Evidence Technician Breedlove, given substitute clothing, and issued new duty gear. At no time during the processing was Cole questioned on the incident he had been involved in.

Prior to being processed, I spoke with Cole and his Legal Representation, Richard P. Fisher of Goyette & Associates. I informed Cole and Fisher that I would not be requesting an interview with him that night, but wished to schedule an interview later in the week, possibly Wednesday. Cole and Fisher were
agreeable to my plan. On Tuesday, 03-14-17, I spoke with Fisher and we were able to agree upon Wednesday, 03-15-17 at 8:00 AM, as the time Cole's interview would be conducted at the Napa Sheriff's Office.

On 03-15-17, at approximately 8:00 AM, I met with Cole and Fisher at the Napa Sheriff's Office. The following is a summary of Cole's statement and the events on 03-13-17. It should be noted the events may be depicted below in a different order than how they were told in the interview. The report does not reflect every detail of Cole's statement in its entirety and for his full statement one should refer to the audio or video recordings. Present at the time of the interview were Napa County District Attorney Investigator Joe Dulworth and Richard Fisher from Goyette & Associates. The interview was remotely viewed by Capt. Manzer (NPD), Lt. Pitkin (NPD), Sgt. Hunter (NPD), Lt. Ortiz (NSO), Sgt. Milat (NSO), Napa County DA Supervising Investigator Mike Frey, and Assistant Napa County District Attorney Paul Gero.

Prior to beginning the interview I gave Cole a Beheler Admonishment. I told him he was there voluntarily, could stop the interview, ask for a break or leave at any point in time and that both doors to the room were unlocked. Both Cole and Fisher stated they understood.

Cole confirmed he was present to provide a voluntary statement and had ample time to prepare, gather his thoughts and consult with his attorney prior to our meeting. I also confirmed that Cole did not have a personal friendship with either DA Investigator Dulworth or me.

During the interview, Cole communicated clearly and was able to provide a clear and concise statement.
**Experience and Duties**

Cole stated he is currently employed as a Sergeant with the Napa Police Department, where he has served as a law enforcement officer for the past 22 years. Prior to his employment with Napa, he was employed by the Fairfield Police Department as a Community Service Officer for 3 years.

Cole currently supervises the 4/10 Swing Shift covering every Monday - Thursday from 2:00 PM - Midnight. He has served as the supervisor on that shift since shift change in late January of 2017. As a shift sergeant, Cole’s responsibilities include handling the daily operations of the shift, staffing issues, managing calls for service, handling complaints and serving as a resource for his patrol officers.

During his tenure as a police officer, Cole served as a Corporal and FTO for approximately 10 years, a K-9 Handler for 10 years and was on the NPD SWAT Team for approximately 16 years, 12 of which were as the Assistant Team Leader (ATL). Cole also serves as the Department Range Master.

In addition to his tactical and firearms training, over the course of his career, Cole has attended Drug Recognition and Enforcement (DRE) courses, as well as trainings related to individuals suffering from mental illness. Most recently, Cole attended the Crisis Intervention Technique (CIT) course, which dealt with individuals who are in crisis and de-escalation techniques that can be used when circumstances allow.

**Uniform**

Cole stated his normal duty uniform consists of a dark blue uniform shirt and pant. A silver NPD badge with his badge number and "Napa PD" are embroidered on the shirt. A NPD patch is affixed to the left and right shoulders along with sergeant chevrons on the sleeves below the patches. Cole stated the described uniform accurately depicted his uniform at the time of the incident on
03-13-17. Cole wears a IIIA rated ballistic vest that offers protection from handgun rounds, but not edged weapons.

Cole carries a Kimber 1911, .45 caliber handgun on duty. The gun is his personal weapon which he is qualified through his department to carry on duty. A Surefire X300 weapon mounted light is attached to the gun. Cole stated the last time he qualified with his handgun was during the last quarter (October - December of 2016). The last time Cole shot his handgun prior to the incident was sometime within the last month. He did not recall cleaning the handgun after shooting it. Cole stated he does not carry a backup firearm on his person while on duty. He does carry in his right cargo pant pocket, a Benchmade folding knife with a 2 and one half - 3 inch long blade.

Starting from the right side of his belt buckle and moving to the right, Cole described his duty belt as follows. Double handcuff pouch, tactical hand held light, Kimber 1911 handgun, key holder, radio, nunchucks, pepper spray, and an open top - vertical magazine pouch (holds 3 magazines). Cole does not carry a Taser.

Cole described the status of his handgun for patrol is to have a fully loaded magazine containing 8 live rounds inserted into the magazine well of the handgun. One additional live round is chambered in the handgun. The hammer is in the back or "Cocked" position. He confirmed his gun was consistent with this configuration at the time of the incident on 03-13-17. His three additional magazines were also each fully loaded with 8 rounds per magazine.

Cole stated he was driving Unit 2262 at the time of the incident. The vehicle, a Chevy Tahoe SUV is black and white with the words "City of Napa Police" and a blue stripe on each side. The vehicle has emergency lights affixed to the roof and an emergency siren. At the time of the incident Cole was not aware of any mechanical defects with the vehicle. He stated it is standard for him to check the
lights, and sirens prior to the start of his shift to ensure they are functioning properly. Cole stated he did check everything on 03-13-17 prior to his shift, and everything appeared to be in good working order.

Unit 2262 is equipped with a Remington 870 shotgun that is locked between the driver and passenger seats. The shotgun is kept with 4 live rounds in the magazine tube. The chamber is forward and empty. An additional 5 rounds are stored in a side saddle affixed to the frame of the shotgun. In the back of the vehicle is a mobile command center containing, an additional radio and command center resources. Also located in the back of the vehicle are two less lethal deployment systems; to include a Sage launcher that fires a rubber projectile and pepper ball system that fires small balls containing powdered oleoresin capsicum (OC). The vehicle is also equipped a ballistic shield.

**Health Information**

Cole stated he was not sick or injured at the time of the incident. He was not injured as a result of the incident. Cole is not diabetic nor have any medical conditions that affected him during the incident. Cole was not taking any prescription medications at the time of the incident. Cole stated he consumed 3-4 beers while attending a baseball game at Boreman Field in Yountville on 03-12-17. He started drinking around noon and stopped by approximately 6:00 PM. Cole stated he did not feel the effects of the alcohol at the time of the incident on 03-13-17.

Cole does not wear glasses or contacts, or have any issues with his hearing.

**Prior to Incident**

Cole described his three sleep cycles prior to the incident as follows. Friday and Saturday nights, he went to bed between 11:00 PM and midnight and woke up each morning between 7:00 and 8:00 AM. Sunday night Cole went to bed
between 9:00 and 9:30 PM and woke up at 5:30 AM, to prepare for an overtime
shift prior to his normal shift. He did not experience any trouble sleeping during
those three sleep cycles.

Cole stated on 03-13-17, he woke up at 5:30 AM, showered and ate breakfast
prior to heading to Napa Police Department to prepare for his dayshift overtime
assignment. Cole held briefing with the dayshift officers and then headed to his
house to take his son to school. After dropping his son off, he got a cup of coffee.
Cole stated the morning briefing was routine.

The first call for service Cole responded to was near the noon hour and involved
an unwanted subject at [redacted] in the City of Napa. Upon arriving
the officers at the scene saw the unwanted subject, [redacted] jumping fences.
Units did not pursue [redacted] due to a lack of any crime being committed.

While at the [redacted] call, Cole heard NPD units being dispatched to prowling
subject on north Newport Drive. The subject had jumped multiple fences and
barricaded himself beneath a boat dock. Multiple units from NPD and NSO
responded to assist in apprehending the subject. After approximately 30 - 45
minutes, Cole deployed his pepper ball system near the suspect leading to his
compliance and apprehension.

Later that afternoon Ofc. Moore and Cole were dispatched to the South Napa
Marketplace for a disturbance. Upon arrival Cole and Moore contacted three
transient subjects who were intoxicated. During their contact, one of the
subjects, [redacted] did not comply with commands and was taken to the
ground at which point her arm broke. [redacted] was transported to QVH for
treatment and Cole followed shortly thereafter pursuant to his supervisory duties.
While enroute to QVH, NPD units were dispatched to a home invasion involving
some sort of sexual assault on Pine Street. Cole diverted from QVH and
responded to that call. The suspect was found and detained near the scene. Cole
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requested Corp. Sedgley stay at the Pine St. call so he could return to QVH to
handle the situation with [REDACTED].

**Incident**

While at QVH, Cole heard alert tones on the radio, related to a male subject
armed with a knife chasing another subject in front of Home Depot (That subject
was later identified as Noel Aaron Russell and will be referred to as Russell from
this point forward). Cole stated he responded Code 3 from QVH to the Home
Depot parking lot. While enroute he recalled hearing multiple updates from
Napa Dispatch describing Russell as being in a rage and having a knife in his left
hand while confronting and threatening people in the area. Cole stated as a
supervisor he began to think about how responding units could attempt to contain
Russell to one area, limiting his access to citizens. He also began to think
through options related to de-escalation if circumstances allowed. Cole
described the use of Designated Apprehension Teams or (DAT's) to serve as the
initial element of officers who would locate and contact Russell.

Cole stated the area in which units were dispatched was known to be very
populated throughout the day with patrons and people who would often gather in
a parking lot to the north of Kansas Ave across from Home Depot; commonly
referred to as the labor lot. As Cole neared the intersection of Soscol Ave. and
Third Street, Napa Dispatch updated that Russell described as a male 5'8" -
5'10" tall, wearing all dark clothing had moved north to the labor lot. As he
neared the area of the call, Cole decided to turn into the parking lot behind Black
Bear Diner as Ofc. Thomson approached in his patrol car from Kansas Ave. in an
effort to contain Russell's movement.

Cole parked his patrol vehicle in the back of the Black Bear parking lot, facing
west. As he did so he saw a male subject, believed to be Russell, wearing a hood
or some type of item over his head, standing near an area of vegetation
approximately 30 - 35 yards west of him. The subject matched the description of
Russell provided by Napa Dispatch. Cole saw a group of Hispanic men standing near Russell begin to move away from him as Cole exited his patrol vehicle. Cole described an older Hispanic male with a mustache who standing near a green blanket on the ground pointing at Russell as if to indicate he was the one they (Police) were looking for.

Cole stated he immediately moved west toward the location of Russell after exiting his vehicle. He maintained a position slightly south of where Russell was standing so he could move to a position where he would end up between the group of men and Russell. Based on the totality of the information he had received up until the point of contact with Russell, Cole believed Russell presented a significant threat to the safety of the public, Ofc. Thomson and himself and felt it necessary to create a barrier between Russell and the surrounding men to ensure their safety.

Cole stated after making his way past the group of Hispanic men, he stopped near the corner of the green blanket that was lying on the ground. At that time, Cole recalled both of Russell’s hands were empty. Cole began giving Russell verbal commands to get on the ground, but Russell failed to comply. Cole described Russell as having a 1000 yard stare, fixed pupils and flabby hands. All signs that based on his training and experience are symptomatic of a person who may be under the influence of a controlled substance such as methamphetamine.

As Cole continued to give verbal commands without gaining compliance, he became more concerned with the risk Russell posed to his and everyone else’s safety. In response to the lack of compliance, Cole raised his gun from a position of "Low ready," described as having the gun unholstered, pressed against his chest and pointed at the ground; to aiming "Center mass" at Russell.

As Cole aimed his handgun directly at Russell, Russell yelled, "You want some of this? You want some of this?" repeatedly and took a bladed stance. Again, based
on his training and experience, Cole recognized a bladed stance as one that
people often take prior to an aggressive act such as fighting or punching.
Immediately after blading his stance, Russell took his right hand and dove it into
the pocket of his jacket. Cole responded to his actions by yelling, "Don’t do it,
show me your hands!" He escalated his tone and language and told Russell, "Get
the fuck on the ground!" Instead of complying with Cole’s commands, Russell
responded by again yelling, "You want some of this, you want some of this?"
Russell then pulled a black knife out of his jacket pocket with his right hand. He
proceeded to unfold the knife, exposing the blade to Cole and Thomson (Cole
imitated the motion) while continuing to yell at both Officers. Russell then
extended his right arm with the knife in his hand toward Cole and took an
aggressive step towards him. Fearing that Russell was going to attack him with
the knife, Cole fired his handgun once at Russell. He recalled seeing a reaction
following the first shot, but could not describe what the reaction was. Cole stated
Russell did not fall to the ground after the first shot, so after a slight pause, he
delivered two more shots after which Russell fell to the ground, landing on his
back.

Cole stated his decision to fire his handgun at Russell was due to Russell’s lack of
compliance, the imminent threat to his own safety, Ofc. Thomson’s safety, and the
safety of the group of men still standing directly behind him, when Russell moved
aggressively at them with the exposed knife. Cole explained that Russell’s actions
continued to escalate and present an imminent threat of someone being stabbed
from the time Napa Dispatch began providing updates, to the point Cole and
Thomson made contact and ultimately to the point where lethal force was used.
Cole stated he believed that when Russell made a movement towards him, he had
the intention and present ability to stab him (Cole), Thomson or the other men
behind them. Cole stated he recalled hearing gunshots going off to his left
(Thomson’s shots) while he was firing his handgun.
**Post Shots Fired**

Following the shooting Cole directed Thomson to watch Russell while he turned his attention to the group of men who had spread out behind them. He gave the men orders in English and Spanish to sit and not move.

Cole then holstered his handgun, approached Russell and checked for a radial pulse, but felt none. He did not see Russell's chest rise or fall or any signs of life. Russell's pupils appeared fixed and he saw what appeared to be several gunshot wounds near his chest.

Ofc. Tom Helfrich arrived at the scene within seconds of the shooting and assisted in securing the witnesses and the scene. After checking on Russell, Cole began requesting additional resources through Napa Dispatch to include medical personnel. When Sgt. Hensley (NPD) arrived, he took control of the scene and Cole was transported to the Napa Sheriff's Office by Ofc. Alfonso Ortiz (NPD).

At this point in my interview, a short break was taken.

**Clarification and Follow Up**

Upon returning from the break, I asked Cole some clarifying questions. He stated the Crisis Intervention Training (CIT) he attended was held at the Napa Sheriff's Office. The training included topics such as dealing with individuals who have Autism or suffer from Schizophrenia or have bi-polar disorder. Additionally, the training covered methods for de-escalating a situation with a person in crisis if time and circumstances allow.

I asked Cole to describe to me what was going through his mind when he heard the tones on the radio come out. He explained the tones are used by Napa Dispatch to signal to all listening units that a priority call has come in and is about to be broadcast over the radio. Although NPD does not deal with toned out calls for service on a daily basis, they generally receive multiple toned out calls
per week. Cole explained the best assessment of a call directly relates to the information you are gathering. Cole used as an example a shots fired call that he responded to years ago on Trower Avenue near Vintage High School. As units responded to that call, they received multiple reports from callers regarding the incident, which heightened the officers' response, senses, and validated the seriousness of the call.

Similarly, when Cole first heard the tones related to the subject with the knife his focus turned to responding and listening to the radio. The continued updates from multiple witnesses that were being passed through Napa Dispatch to responding officers, that Russell was attacking people with a knife, acting aggressive and that witnesses were following his movement throughout the parking lot, heightened Cole's senses and belief that he was responding to a dangerous call for service.

Cole recalled a feeling that the call for service had a high potential for some type of lethal engagement based on all the information coming in about Russell's actions. His first thought as he arrived on scene was to gain containment on the subject so he could create space between Russell and others. If he could gain containment and space, he would be able to work towards a less lethal deployment system, but Russell never gave him the time to access or deploy any less lethal options. Cole stated had Russell not charged him with the knife, they could have possibly increased their distance around him and waited until, "The cows come home," for him to calm down.

I asked Cole to describe how he approached Russell after exiting his patrol vehicle. He described a quick walk, not a run or walk that allowed him to get to Russell quickly while still assessing and scanning the situation around him. He stated he unholstered his handgun as he cleared a line of bushes on the western edge of the Black Bear parking lot and proceeded with the his gun at the low ready positon where it was quickly accessible if needed. Cole estimated the time
from when he exited his patrol car to the point in which he engaged Russell with lethal force was between 15 and 30 seconds. He estimated he was within 10-12 feet from Russell at the time of the shooting.

Based on the information communicated about Russell’s actions, Cole believed Russell had the present ability to attack and hurt the people around him. Because of the threat Russell posed, Cole felt he had to get himself between the men standing nearby and Russell to create a barrier to protect them.

Cole recalled hearing Russell saying something as he approached, but did not remember what exactly was said.

I asked Cole to explain what he meant when he said Russell had a "1000 yard stare." He described it as not a concern in the world; looking through you and not taking in information. Cole thought it was consistent with drug use or a mental health issue. He said Russell’s pupils appeared dilated, which seemed odd given the amount of daylight at the time.

Cole stated Russell was not thinking properly and possibly coming up coming up with his own plan of action. When Russell took a bladed stance Cole interpreted his stance as one that a person often takes when preparing to shoot a gun or physically fight. Cole explained even after Russell reached into his pocket and pulled out the knife, they could have still worked to try and get Russell to comply and drop the knife, but when he began moving towards Cole with the knife drawn and aimed at them, it was clear he was not going to comply and was forcing the encounter. Cole stated each time Russell refused to comply with a lawful command, but instead chose to escalate his own behavior, Cole was stacking the information he had previously received with the information he was then processing at that moment, which heightened the danger to himself and others as well as his body’s alertness to the imminent threat.
Cole stated the area in which they contacted Russell borders Tulocay Creek, an area populated by many of Napa's transient population who often have criminal histories and contacts with NPD. He stated Russell had several options to flee and escape from them as many people had done so in the same area before. Cole stated he could have fled to the east or west on a dirt path that ran alongside the Tulocay Creek or to the north across the creek.

Cole stated he did not recognize Russell until after the shooting. He stated a month to month and a half earlier Russell was inside the Raley's grocery store located in the South Napa Marketplace tearing down displays inside the store. During that incident Russell fled on foot to the north, crossing Tulocay Creek and ending up in a vacant lot near the Chrysler lot along Soscol Ave when NPD Officers arrived. When officers caught Russell he exhibited very similar behavior as he did on 03-13-17. Additionally, Cole recalled an incident when Russell was arrested for attacking a car with a hatchet in the River Park shopping center.

A short break was taken at this point in the interview.

Upon returning from the break, I asked Cole if he could place his patrol vehicle, and his path of travel from the vehicle to the location where he engaged Russell on a image I obtained of the scene from Google.

Cole marked the map, documenting the placement of his patrol vehicle, Thomson's patrol car and general path he took on foot after exiting his vehicle. Cole also drew an "N" indicating North on the map.

I ended the interview at this point.

The items listed below were booked as evidence.

EVIDENCE:

BC-03 Copy of video recording of interview

BC-04 Copy of audio recording of interview
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IA17-02
NPD17-001447 / NSD17-001003

BC-05  Map used during interview with Cole

RECOMMENDATIONS:

Case pending further investigation. Attach to report.

This concluded Detective Chambers’ interview report with Sergeant Cole.
STATEMENT OF OFFICER JACK THOMSON

Details related to Officer Thomson’s voluntary statement were documented in Detective Chambers’ report, dated March 22, 2017 at 1627 hours, under NSD17-001003. The report is attached and incorporated by reference in NSD17-001003’s Investigative casefile as tab 7. The audio CD containing the interview is attached and incorporated by reference under tab H.

Following is Detective Chambers’ investigative report verbatim and in its entirety, documenting Officer Thomson’s voluntary statements provided on March 15, 2017:

SUPPLEMENTAL REPORT
OFC. JACK THOMSON INTERVIEW

INVESTIGATION:

On 03-13-17, Ofc. Jack Thomson of the Napa Police Department was reported as being involved in an officer involved shooting. He was subsequently transported to the Napa County Sheriff’s Office by Ofc. Tom Helfrich (NPD), where he was provided an office separate from Sgt. Cole who was also involved in the shooting. Helfrich remained with Thomson as a peer support officer. Also present with Thomson was Chaplain Lee Shaw. Sgt. Heath Morrison (NPD) and Sgt. Nick Dalessi were also present for a short period of time to offer emotional support. Sgt. Kris Jenny was present to provide replacement gear.

Thomson was processed by Detective Piersig and Evidence Technician Breedlove, given substitute clothing, and issued new duty gear. At no time during the processing was Thomson questioned on the incident he had been involved in.

Prior to being processed, I spoke with Thomson and his Legal Representation, Richard P. Fisher of Goyette & Associates. I informed Thomson and Fisher that I would not be requesting an interview with him that night, but wished to schedule an interview later in the week, possibly Wednesday. Thomson and Fisher were
agreeable to my plan. On Tuesday, 03-14-17, I spoke with Fisher and we were able to agree upon Wednesday, 03-15-17 at 10:00 AM, as the time Thomson’s interview would be conducted at the Napa Sheriff’s Office.

On 03-15-17, at approximately 10:00 AM, I met with Thomson and Fisher at the Napa Sheriff’s Office. The following is a summary of Thomson’s statement and the events on 03-13-17. It should be noted the events may be depicted below in a different order than how they were told in the interview. The report does not reflect every detail of Thomson’s statement in its entirety and for his full statement one should refer to the audio or video recordings. Present at the time of the interview were Napa County District Attorney Investigator Joe Dulworth and Richard Fisher from Goyette & Associates. The interview was remotely viewed by Capt. Manzer (NPD), Lt. Pitkin (NPD), Sgt. Hunter (NPD), Lt. Ortiz (NSO), Sgt. Milat (NSO), Napa County DA Supervising Investigator Mike Frey and Assistant Napa County District Attorney Paul Gero.

Prior to beginning the interview I gave Thomson a Beheler Admonishment. I told him he was there voluntarily, could stop the interview, ask for a break or leave at any point in time and that both doors to the room were unlocked. Both Thomson and Fisher stated they understood.

Thomson confirmed he was present to provide a voluntary statement and had ample time to prepare, gather his thoughts, and consult with his attorney prior to our meeting. I also confirmed that Thomson did not have a personal friendship with either DA Investigator Dulworth or me.

During the interview, Thomson communicated clearly and was able to provide a clear and concise statement.
**Experience and Duties**

Thomson stated he is currently employed as a Police Officer with the Napa Police Department, where he has served as a law enforcement officer for the past 17 years. Prior to his employment with Napa, he was employed by the Corning Police Department for 8 1/2 years. During his time with Corning Police Department, Thomson served as a Sergeant for 4 years.

Thomson is currently assigned to Beat 3 of the 4/10 graveyard shift covering every Monday - Thursday from 9:00 PM - 7:00 AM. He has served on that shift since shift change in late January of 2017. Prior to the shift change, Thomson served as a School Resource Officer for 4 years. During that time he dealt with issues at all of the City's Middle Schools. As a patrol officer, Thomson's responsibilities include handling the traffic issues, calls for service, and looking for criminal activity.

During his tenure as a police officer, Thomson served as a Sergeant at the Corning Police Department and a Field Training Officer (FTO). In Napa he has served as a Corporal and FTO, a Crime Scene Specialist and currently serves as a Crisis Negotiator. Thomson served as a Range Master while at Corning PD and spent 3 years in the U.S. Army following high school.

Thomson currently serves as a member of the NPD Crisis Negotiation Team (CNT). He has attended a 40 hour FBI hostage negotiation course that covered active listening and communicating with people in crisis. Thomson stated he has used those skills while on the job in real situations. Additionally, Thomson attended a course at the Napa Sheriff’s Office dealing with individuals experiencing a mental crisis and ways to interact with them.

**Uniform**

Thomson stated his normal duty uniform consists of a dark (LAPD) blue uniform shirt and pant. A silver NPD badge with his badge number and "Napa PD" are
embroidered on the shirt. A NPD patch is affixed to the left and right shoulders. A name patch with Thomson’s first initial and last name is sewn above the right breast pocket.

Thomson stated the described uniform accurately depicted his uniform at the time of the incident on 03-13-17. Thomson wears a IIIA rated ballistic vest that offers protection from handgun rounds, but not edged weapons.

Thomson carries a department issued Glock 22, .40 caliber handgun on duty. He has a Stream Light TL-R weapon light attached to the gun. Thomson stated the last time he qualified with his handgun was during the last quarter (October - December of 2016). The last time he shot and cleaned his handgun prior to the incident was when he last qualified. Thomson stated he does not carry a backup firearm on his person while on duty. He does carry knife in his right cargo pant pocket.

Starting from the right side of his belt buckle and moving to the right, Thomson described his duty belt as follows. Double handcuff pouch, sidearm, ASP (expandable baton), glove pouch, utility pouch, radio, Taser, OC Spray, and a double magazine pouch (each magazine holds 15 rounds).

Thomson described the status of his handgun for patrol is to have a fully loaded magazine containing 15 live rounds inserted into the handgun. One additional live round is chambered in the handgun. To the best of his recollection, his gun was consistent with this configuration at the time of the incident on 03-13-17. His two additional magazines were also each fully loaded with 15 rounds per magazine.

Thomson stated he was driving Unit 2242 at the time of the incident. The vehicle, a Chevy Caprice patrol car is black and white with the words "Napa Police" on it. The patrol car is equipped with emergency lights and a push bumper. Unit
2242 is not equipped with an in car camera. At the time of the incident Thomson was not aware of any mechanical defects with the vehicle. He stated it is standard for him to check the emergency apparatus prior to the start of his shift to ensure everything was working properly. Thomson stated he did check everything on 03-13-17, and everything appeared to be in good working order.

Thomson stated he also had his department issued Colt AR-15 stored in a bag in the trunk of his patrol car. The rifle was in what he referred to as "Car ready," meaning the bolt was forward on an empty chamber, a fully loaded 20 round magazine was inserted into the rifle and the safety was in the off position. Thomson stated prior to the beginning of a shift, he inspects his patrol rifle to ensure it is in proper working order and stored as he described. He stated he conducted a check of the rifle on 03-13-17 as described. Unit 2242 is not equipped with any less lethal weapon deployment systems or a shotgun.

**Health Information**

Thomson stated he was not sick or injured at the time of the incident. He was not injured as a result of the incident. Thomson He does not have any medical conditions that affected him during the incident. At the time of the incident Thomson was taking the following prescription medications: . Thomson stated he has been taking the medications for several years. He took the medicines 4-5 hours prior to starting work and did not feel any effects of the medications at the time of the incident. He did not consume any alcohol in the 24 hours preceding the incident.

Thomson does not wear prescription glasses or contacts, nor does he have any problems with his hearing.

**Prior to Incident**

Thomson described his three sleep cycles prior to the incident as follows. Saturday night he went to bed between 10:00 and 11:00 PM and woke up Sunday
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morning at about 7:00 AM. Sunday night he went to be between midnight and
1:00 AM and woke up at 7:00 AM. He then went back to sleep Monday morning
around 9:30 AM and woke up between 12:30 and 1:00 PM. He did not
experience any trouble sleeping during those three sleep cycles.

Thomson stated on 03-13-17 he had his alarm set to wake him up at 7:00 AM. He
got up, had a protein shake for breakfast and went to an appointment at 8:00 AM.
Following the appointment, he went home and laid back down and slept until
about 12:30 PM. After waking up he ate a protein bar and drove to Napa PD for
a CNT (Crisis Negotiation Team) meeting that was being held before his normal
shift. The meeting ended at about 6:00 PM, at which point he contacted Sgt. Cole
to see if he needed any extra units on patrol. Sgt. Cole requested Thomson gear
up and start early to help cover calls for service since the majority of the NPD
officers already working were tied up on calls.

Thomson stated he was ready by about 6:10 PM. He did not handle any calls for
service prior to responding the subject with the knife call near the Home Depot.

**Incident**

Thomson stated he was sitting in his patrol car at NPD when he heard Napa
Dispatch toned out a call of to a subject with a knife in front of Home Depot.
(That subject was later identified as Noel Aaron Russell and will be referred to as
Russell from this point forward). Ofc. Helfrich (2Y3) was assigned as primary
and Thomson as a cover officer. Thomson stated initially that he wasn’t too
concerned about the call because he has handled many calls where a subject with
a knife has been reported and it ended up not being an issue. As he pulled out of
the NPD parking lot, Napa Dispatch updated that Russell was chasing people
with a knife. Thomson stated with the update, he began to think the call could be
more serious than he initially thought.
Thomson made his way through downtown Napa to the intersection of Third Street and Soscol Avenue. He stated Napa Dispatch continued to provide updates that Russell was moving through the parking lot with the knife threatening people. Thomson stated the updates, "Got the juices flowing" referring to his physiological response to the updated information. Based on the updates, Thomson increased his speed and activated his lights and sirens and responded Code 3 to the scene. Thomson recalled Dispatch updating that Russell had moved to the "Labor Lot" north of Home Depot and still had the knife. Dispatch described Russell as a skinny, Hispanic or white male, wearing a black hat, black top and black pants.

Thomson stated while driving south on Soscol Avenue to the scene, he could see a second NPD Unit, whom he presumed was Cole behind him also responding Code 3. Thomson turned onto Kansas Avenue and entered the labor lot where Russell was last seen with the knife. He recalled seeing homeless people everywhere in the lot, which he found surprising. As Thomson pulled into the lot, he recalled seeing a male wearing a black hat, black jacket, and black pants look at his patrol car and have what Thomson described as an, "Oh crap" reaction. Based on that male's reaction and appearance, Thomson believed he was Russell. Thomson continued through the parking lot, maneuvering around an island in the middle of the lot. As he did so he saw a group of people standing near Russell on a dirt berm next to a walking trail in front of him. As he and parked his patrol car he saw a heavy set, Hispanic male wearing a tan shirt, pointing at Russell (Imitated by Thomson). Thomson stated for a few seconds his vision was obscured by a tree that was between he and Russell, which he recognized could be beneficial if Russell decided to come after him. Thomson felt the tree would keep Russell from having a direct line to him.

Thomson parked, immediately drew his handgun, and kept it at the low ready position based on the seriousness of Russell's actions and info that he had a knife. After exiting his patrol car, Thomson started walking towards Russell's location.
When he got to where the parking lot ended and the dirt berm began, he recalled seeing Cole running from Black Bear Diner through a grassy area towards Russell, yelling, "Show me your hands!" or something similar. At that point Thomson did not run, but increased his pace, attempting to triangulate on Russell who had moved up the berm to the dirt trail that was behind him.

Thomson did not recall saying anything to Russell because Cole was already giving him commands. Thomson stated Russell was focused on Cole who was giving all the commands and who had his handgun pointed at Russell. Thomson stated he was standing to the side of Cole and had his handgun now pointed in the direction of Russell's feet. He recalled being aware of Cole's position in relation to his own in case the situation escalated to a shooting, he wanted to be aware of where Cole was position in he moved towards him into his line of fire.

Thomson stated Russell was not listening to Cole and he figured they were likely going to have to go hands on to gain control of him. At that point Russell reached into his jacket or pant pocket, pulled out a knife and, "Flicked" it open (Imitated by Thomson). Russell with the knife blade exposed, began yelling something at Cole, which Thompson recalled as being, "Shoot me," or "Come get me." Both, statements Thomson stated a normal person would not say in that situation. Russell then started to move towards Cole. Thomson stated he remembered thinking this was as serious as it gets, and bad things are about to happen. Thomson thought Russell was either going to stab Cole or they were going to have to shoot him. Based on Russell's actions and movement at Cole with the knife, Thomson made the decision to shoot. He stated Cole must have made the same decision just a second before him, because he heard Cole's gun firing just before his own. Thomson recalled shooting 2 times and seeing Russell fall to the ground.
**Post Shots Fired**

Thomson kept his gun pointed at Russell as he lay on the ground because the knife was still open and near his left hand. Cole broadcast there had been an officer involved shooting and requested medical. Thomson stated he and Cole commanded the people nearby to sit on the ground in an effort to control their movement and ensure everyone’s safety. Thomson then moved up to where Russell lay and kicked the knife further away from Russell’s left hand. He then stood near Russell and the knife to ensure no one disturbed either. Ofc. Helfrich arrived on scene and per Thomson’s request went back to Thomson’s car to get a pair of rubber gloves, so they could check on Russell. After putting on the gloves, Thomson checked Russell for a pulse, but found none. He stated he saw multiple holes near Russell’s upper torso and neck. He did not see any signs of life. Thomson remained next to Russell and continued to check for a pulse until paramedics arrived. Once medical personnel had arrived, Thomson remained next to the knife to protect it from being moved or picked up.

After some time, Ofc. Alfonso Ortiz and Sgt. Hensley arrived on scene. As additional units arrived and things at the scene began to calm down, Thomson stated he began looking for the shell casings from his fired rounds. He was able to locate one, he believed to be one of his on the ground; so he used a card from his shirt pocket to mark its location. Thomson also instructed Helfrich to get a camera out from Thomson’s patrol car and take pictures of the scene. Thomson was eventually transported to the Napa Sheriff’s Office.

At this point in my interview a break was taken.

**Clarification and Follow Up**

Upon returning from the break, I asked Thomson some clarifying questions. I asked Thomson if his thought process changed between when he first heard the dispatch to when he was responding to the scene. Thomson stated his thought process absolutely changed as Napa Dispatch provided more information. He
explained going through a thought process that this call was likely going to be like many other knife calls in that they often end without any issues. Thomson stated as Napa Dispatch updated that Russell had a knife, had an altercation with another person, along with Thomson’s personal knowledge that the area of Home Depot is highly populated at that time of day, led him to believe there was a high potential for someone to get hurt. The totality of the information regarding Russell and the circumstances caused Thomson to take the call more seriously.

Thomson explained calls that are deemed more serious are toned out over the radio. He stated typically when he hears a toned out call, it gets his attention.

I asked Thomson what he was thinking as he pulled into the labor lot. He stated he knew he needed to find Russell, while at the same time, he was surprised by the number of people who were in the labor lot. Thomson clarified that the majority (5-6) of the people he saw in the lot were near Russell along the tree line. Thomson described the older Hispanic male who was pointing a Russell as being, "Wide eyed." Thomson estimated the older Hispanic male was approximately 6 feet from Russell.

I asked Thomson why he unholstered his handgun immediately upon exiting his patrol car. He stated based on the nature of the updates regarding Russell and his erratic behavior he wanted to make sure he was ready. Thomson elaborated on the tree that obscured his view of Russell for a brief moment while driving through the parking lot. He recalled thinking the tree could serve as cover or concealment for him if Russell chose to come at him.

Thomson stated he has worked with Cole for the past 17 years. During that time he has learned that when Cole is excited his voice becomes high pitched. He stated when he saw Cole running from the area of Black Bear Diner yelling commands at Russell, his voice was high pitched. Thomson estimated Cole’s distance from Russell at the time of the shooting was 10 feet or less. He
estimated he was between 6-8 feet behind and to the left of Cole. Thomson was asked if he could estimate his distance to Russell. He stated as he thought about it in the interview it seemed really close, but he could not give an actual distance. The group of males who had been near Russell as they arrived had moved behind them by the time the shooting occurred.

Thomson stated he recalled pointing his handgun from Russell's feet to directly at him when he pulled the knife from his clothing. Thompson stated upon seeing Russell pull the knife out, he thought to himself, "Holy crap" because Russell's behavior was not normal. Thomson stated he thought he recalled Russell yelling, "Shoot me" after he and Cole both pointed their handguns directly at him. Thomson described Russell's knife as similar his own, with a serrated blade.

Thomson was asked if he could clarify what he meant when he described Russell's reaction upon first seeing him pull into the parking lot as, "Oh crap." He stated it has been his experience that when people are doing things they are not supposed to and they see a police officer, they often times have a different reaction than a citizen who is just walking down the street. Thomson said Russell had a physical reaction like, "Oh no" (Thomson imitated Russell) when Russell saw his patrol car pulling in. He agreed that based on his training and experience Russell's reaction was unusual for someone who was not doing anything wrong. Thomson also stated aside from the older Hispanic male pointing Russell out, Russell was the only person who displayed any sort of reaction to Thomson's arrival.

Thomson stated Russell had his hand in front of him (Imitated by Thomson) with the knife exposed and pointing at Cole. He stated Russell had several different avenues of escape available to include to Russell's left, right or through the creek behind him. Rather than attempting to escape or flee, Russell started to lean towards Cole at which point both Officers fired. Thomson vaguely remembered hearing the gunshots.
Thomson specifically stated his thought process in the seconds leading up to the shooting was you don’t do this (act like Russell) in the presence of police unless you are going to use it. Thomson stated at that point the only thing going through his head at that moment was Russell was going to cut or stab Cole.

Thomson stated he evaluated the situation from the time to arrival to the time of the shooting in stages. He explained initially upon contact he thought they would need to use physical force to gain control of Russell, but as Russell’s actions became aggressive and his non-compliance escalated, Thomson believed Russell was going to attempt to hurt Cole with his knife. Thomson stated he had never dealt with Russell prior to the incident on 03-13-17.

A short break was taken at this point in the interview.

Upon returning from the break, I asked Thomson if he could estimate the amount of time between when he exited his patrol car to the time the shooting took place. He could not estimate other than to say it was very fast, seconds, less than a minute.

I asked Thomson to place his patrol vehicle, and his path of travel from the vehicle to the location where he engaged Russell on an image I obtained of the scene from Google.

Thomson marked the map, documenting the placement of his patrol car, Cole’s patrol vehicle and general path he took on foot after exiting his vehicle.

I ended the interview at this point.

EVIDENCE:

BC-06 Copy of video recording of interview

BC-07 Copy of audio recording of interview
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BC-08Map used during interview with Thomson

RECOMMENDATION:

Case pending further investigation. Attach to report.

This concluded Detective Chambers’ interview report with Officer Thomson.
XIII. **STATEMENT - SUSPECT NOEL RUSSELL**

S-RUSSELL was pronounced dead at the scene. No statement was obtained.

XIV. **STATEMENTS - WITNESSES**

During this investigation, I reviewed the interview reports in NSD17-001003. Statements and accounts germane to this administrative investigation are summarized or excerpts quoted below:

**WITNESS- OFFICER THOMAS HELFRICH**

Tab 104: W- Officer Thomas Helfrich was dispatched to this incident, along with Officer Jack Thomson. Below is Officer Helfrich's supplemental report verbatim and in its entirety, dated April 10, 2017 at 1535 hours, documenting information known to him, observations he made and actions he took:

*Supplemental:*

*On 3-13-17, at 1821 hours, I was working for the City of Napa Police Department as a Police Officer. I was wearing a police uniform and driving an unmarked police car, #2263.*

*I was dispatched to a subject with a knife call (via the police radio) occurring at the Home Depot, 225 Soscol Avenue. Dispatch update officers responding to the detail saying the subject carrying the knife was chasing another male around in the parking lot.*

*I was at the Napa Police Department at the time of the call. I left the police department and responded to the Home Depot parking lot code three, emergency lights and siren.*
Prior to my arrival, dispatch updated officers responding to the Home Depot that the subject with the knife was walking toward the Black Bear Diner, 303 Soscol Avenue.

I drove south on Soscol Avenue toward the Black Bear Diner. I heard Napa Police Sergeant Ryan Cole broadcast over the police radio, "Napa, 2Y10, shots fired." When Sergeant Cole broadcasted the "shots fired" I was at Soscol Avenue and Silverado Trail. My patrol car's windows were all rolled up and the police car's siren had been whaling, I could not hear anything outside the police car.

I arrived on scene at 1827 hours. I turned off my police car's siren but kept the emergency lights on. I drove west through the parking lot, north of the Black Bear Diner, toward the "labor lot."

The "labor lot" is located west of the Black Bear Diner, on the north side of Kansas Avenue and across from the Home Depot. The "labor lot" is an overflow, lined and marked, parking lot where people looking for work hang out and wait. North of the parking lot there are several trees, the ground consists of grass, weeds and dirt. There are also several homeless camps north of the parking lot. There is a creek, part of the Napa River, running southwest along the northern most portion of the "labor lot."

As I drove west through the Black Bear Diner parking lot, I saw the back end of Sergeant Cole's police car. Sergeant Cole's police car was facing west toward the "labor lot." Sergeant Cole's police car was approximately 50 yards north of Kansas Avenue. Sergeant Cole's police car's rear yellow emergency amber lights were on. All the doors on Sergeant Cole's police car were closed.

I stopped and parked my police car, facing southwest toward the "labor lot." My police car was just south of Sergeant Cole's police car. Prior to me exiting my police car, I saw Sergeant Cole and Napa Police Officer Jack Thomson standing...
approximately 50 yards northwest of where I had parked my police car. Sergeant Cole and Officer Thomson were approximately 15 to 20 yards north of the "labor lot" parking lot standing on weed/ grass covered ground.

I quickly exited my police car and ran toward Sergeant Cole and Officer Thomson.

*While running toward Sergeant Cole and Officer Thomson, I looked to my left (toward the "labor lot" parking lot area). I saw several cars parked in the parking lot. I also saw Officer Thomson's police car parked facing northeast in the parking lot. Officer Thomson's police car had its forward red emergency light on. Officer Thomson's police car's driver's side door was open. There were several people standing and sitting in and around the "labor lot."

I looked back at Sergeant Cole and Officer Thomson. I saw an unidentified male subject, later identified as S- Noel Russell, lying on the ground. Noel was on his back and facing up. Noel was lying on a dirt walk path near Sergeant Cole and Officer Thomson. Noel was not moving.

*Note: at the time, I observed Sergeant Cole and Officer Thomson wearing full police uniforms. Both Sergeant Cole and Officer Thomson did not have their duty guns out. It appeared their duty guns were holstered.

Officer Thomson requested I grab latex gloves out of his police car. I ran over to Officer Thomson's police car. I heard the engine of the police car running. I opened the trunk of the police car and grabbed several latex gloves from the trunk of the police car. I ran back over to Sergeant Cole and Officer Thomson.

I arrived with Sergeant Cole and Officer Thomson. I gave latex gloves to Sergeant Cole and Officer Thomson. I put latex gloves on my hands.
I stood approximately two feet from Russell's right side. I looked down at Russell and saw the following: Russell was wearing dark colored Nike shoes, black sweat pants, a dark jacket and a white shirt under the jacket. Russell's head was facing southwest, facing up, and his feet were facing northeast. Russell's right arm was extended out away from his right side. Russell's left arm appeared to be tucked under his left side. Russell's right leg was extended out and his right foot was pointed up and slightly to his right. Russell's left leg was bent and his left foot was tilted to his left and pointing northeast. Russell's mouth and eyes were open. Russell appeared to have four injured areas on his body I saw: two wounds to his upper left chest/shoulder area (not able to see the extent of those injuries due to his clothing covering it), an injury to his left neck area below the left side of his chin and a wound to his chin area blow the cheek. Each injury described had a red fluid, suspected blood, coming out of each of them. It also appeared Russell was missing his right middle tooth as well.

I also saw a black hat lying on the ground, approximately three feet away from the right side of Russell's head. Northeast of Russell's right side, approximately three feet away as well, I also saw a black knife lying on the ground. The black knife was folded out and the blade was exposed. Officer Thomson stood by the two items.

I knelt down, on my right knee next to Russell's right side. I reached across Russell's stomach/chest area with my right arm. I placed my right hand over the injuries on Russell's upper left chest/shoulder area. I applied pressure to the wounds. Napa Fire/Paramedics and American Medical Response Paramedics personnel arrived on scene shortly after and took over. I stood up and back away from Russell.

The following Napa Fire/Paramedics arrived on scene and attended to Russell:
IP-Jason Berens, IP-Eli Cronbach, IP-Brian Davis and IP-Dustin Jones.
The following American Medical Response Paramedics also arrived on scene as well: IP- Andrew Saldana and IP- Hattie Berg.

Napa Fire/ Paramedic personnel covered Russell with a yellow blanket.

Other Police, Sheriff and California Highway Patrol personnel arrived on scene and assisted with preserving the crime scene.

I took several photographs of the crime scene, a total of 42.

I saw a WFA, later identified as IP- [REDACTED], standing nearby in the "labor lot." I turned on my body camera and began talking to [REDACTED]. I did not see the incident that occurred in the "labor lot." [REDACTED] had been driving south on Soscol Avenue stopped at Kansas Avenue. The windows in [REDACTED] car were rolled down. [REDACTED] heard gun shots from the west of her location. [REDACTED] turned right onto Kansas Avenue and headed west toward the "labor lot." [REDACTED] parked her car in the Home Depot parking lot across from the "labor lot." [REDACTED] got out of her car and walked over to the "labor lot." [REDACTED] saw the police standing near a person lying on the ground. [REDACTED] is a Social Worker and knows many wayward youths in Napa. [REDACTED] was concerned that one of the wayward youths may have been involved in whatever the police were investigating. [REDACTED] had no idea if the person lying on the ground had been shot. It did appear to [REDACTED] the person lying on the ground had been shot though. [REDACTED] had no other information relevant to the case that was being investigated.

I was informed by Napa Police Sergeant Michael Hensley that the Napa County Sheriff's Department was going to take the investigation over. Refer to Napa County Sheriff's Department case number 17001003.
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Sergeant Michael Hensley approached me and requested I stay with Officer
Thomson for the remainder of the evening and until Napa County Sheriff’s
Department Investigations was through processing evidence from Officer
Thomson. Sergeant Hensley requested I transport Officer Thomson to the Napa
County Sheriff’s Department.

Officer Thomson and I left the crime scene and was logged out by a Deputy
Sheriff. I transported Officer Thomson to the Napa County Sheriff’s Office. The
two of us arrived there a short time later. I stayed with Officer Thomson until the
Sheriff’s Department Detectives was finished with him.

I transported Officer Thomson back to the police department. I arrived there a
short time later.

I downloaded the photographs I took of the crime scene onto the NPD Q drive. I
also downloaded the video of my conversation with [redacted] onto the Q drive,
attached to the crime scene photographs. The photographs and the video were
booked into the Q drive as 17001447HelfrichTH#1.

I downloaded the photographs and the video onto a compact disc. I sealed the
compact disc in a compact disc sleeve. I placed the SD card, containing the
photographs, into a manila envelope. I sealed the manila envelope. I later hand
delivered the compact disc and the SD card to Napa County Sheriff’s Department
Detective Donald Maiden. I turned the compact disc and the SD card over to
Detective Maiden.

End of W-Officer Helfrich’s statement as documented in his report.

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An exhaustive search of the area was conducted for witnesses. Interview reports are incorporated into NSD17-001003’s investigative binder under tabs 40 -98. Interview reports referenced under Tabs 40 – 44 are of Napa Fire Department (NFD) and American Medical Response (AMR) first responders. Interview reports referenced under Tabs 45 – 98 are of civilian witnesses.

WITNESS- FIREFIGHTER DUSTIN JONES
Tab 42: Firefighter Dustin Jones (NFD) told investigators that, on arrival, he saw a black knife with an approximate 3” – 4” blade (in the open position) on the ground approximately 12’ – 18” from S-RUSSELL’s left hand. Firefighter Jones’ then witnessed one of the officer’s (unknown which one) use his foot to move the knife “slightly out of the way.” Reference Detective Thomas Keener’s (NPD) report dated March 14, 2017 at 1811 hours for details and additional evidence.

WITNESS- FIREFIGHTER/PARAMEDIC BRIAN DAVIS
Tab 43: Firefighter/Paramedic Brian Davis (NFD) told investigators as he approached S-RUSSELL he observed a black colored folding knife lying on the ground. The knife was described as being in the open position and within a couple of feet of Russell. He described the blade as significantly large and possibly serrated. Firefighter/Paramedic Davis said he pointed out the weapon to his crew and an officer stood near the knife. Reference Detective Thomas Keener’s (NPD) report dated March 14, 2017 at 1938 hours for details and additional evidence.

WITNESS-
Tab 46: W- provided a similar account to V-. She added that she felt the male was trying to provoke her husband, as if the male wanted someone to do something to him. Reference DAI Ana Baber’s (NDA) report dated March 21, 2017 at 1010 hours for details and additional evidence.
Tab 50: W- was interviewed by Detective Dustin Dodd (NPD), Officer Justin Tharp (SHPD), and Records Clerk Juliana Martinez (NPD, Certified Spanish Translator). The following witness account by W- is a verbatim excerpt from Detective Dodd’s report dated March 15, 2017 at 0853 hours:

On 05/13/17, finished some work he had been hired to perform. He returned to the parking lot north of Home Depot to retrieve his bicycle and to try to find his friend who had information about a new job wished to be hired to perform. He arrived sometime after 1750 hrs.

walked over near a blue Honda vehicle. He was standing near (who was later confirmed to be (V) ) and (who was later identified as (V) ). Shortly after meeting with and , (S) Noel Russell approached them from across the parking lot.

Noel’s body language was exaggerated to such an extent that initially thought that it was some kind of "joke". He quickly realized that Noel was serious and that he was not joking. He was clearly angry and agitated.

Noel approached stood less than twenty feet away from Noel. view was unobstructed and he had a clear line of sight. Noel was holding a knife. thought that the knife had a fixed blade and did not believe that it was a folding knife. The knife was in his right hand and Noel had blood on his left hand.

Noel was "serious and aggressive". He threatened who was "defenseless". told Noel to get back. Noel turned toward a heavy set man (later confirmed to by (V) ) and threatened him with the knife.

asked Noel, "What’s your problem" or something similar.
picking up "a stick". Later stated that it was possible that what he believed to be a "stick" could have been a golf club. Raised the "stick" over his head and Noel backed up. Said that it was a good thing that Noel walked away from his group of friends because he was afraid that someone was about to get stabbed by Noel.

said that, "If it wasn't for [redacted] would be dead." He stated that he could not believe so much had happened. He confirmed that held the golf club aloft and did not swing it at Noel. He only raised it and told Noel to "calm down".

Noel started to walk away. Napa PD officers arrived at the scene. was approx. 15 yards away from the officers and approx. 20-25 yards away from Noel at the time the two officers arrived. had a clear and unobstructed line of sight of the officers and of Noel at the time the officers contacted Noel.

The officers contacted Noel who was holding the knife in plain view. believed that the officers could clearly see the blood on Noel's hand. The officers told Noel to "drop the knife". Noel refused to do so.

The officers repeatedly told Noel to "get on the ground" and to "drop the knife". recognized those English phrases from movies he had previously seen. He knew what the phrases meant and "knew what to do" when ordered to "get on the ground" by a police officer from said movies. He also conveyed that it was clear to everyone there what the officers were telling Noel to do.

Noel remained "very defiant" and "challenged" the officers. described Noel's behavior as, "like he wasn't going to let them catch him alive".
Noel waved the knife around and described it similar to a "standoff like in the movies". The officers then shot Noel. He was able to confirm that several shots were fired but was not sure which officer fired how many shots.

Noel went down to the ground. The officers ordered everyone else in the area to get on the ground. Everyone there complied and laid down on the ground. The officers checked Noel and then started taking down everyone's names. Unknown personnel (Napa Fire, AMR paramedics, etc.) arrived shortly thereafter and provided first aid to Noel. They quickly pronounced Noel dead at the scene.

requested that it be documented that, based upon his observations and close proximity to the incident, that his "friends were in danger" and "that should be known". He said the entire incident "took less than ten minutes" from the time he arrived until the time the officers shot Noel. He said the entire incident was "really unexpected". He also believed that if Noel had got away, based upon his behavior, Noel would have stabbed someone.

End of W- interview. Reference the full report for details and additional evidence.

WITNESS- Tab 52: W- was interviewed by Detective Dustin Dodd (NPD).
The following witness account by W- is a verbatim excerpt from Detective Dodd's report dated March 15, 2017 at 1606 hours:

He was working at the Home Depot on 03/13/17. Part of his assigned duties includes retrieving the shopping carts from the parking lot in front of the store.

was standing outside near the "lumber" exit with "" (later identified as (W) ). They had been retrieving carts in the parking lot.

Customers in the parking lot made comments about a male who had been "keying" cars in the parking lot in front of the Home Depot with a knife. did not see the male using a knife to damage any cars in the parking lot.
saw (S) Noel Russell in the parking lot to the north of the Home Depot.

He had a knife in his hand. was approx. 50 yards away from Noel.

view was unobstructed and he had a clear line of sight of Noel.

estimated that there were "7 or 8" people within close proximity to Noel.

Napa Police Department officers arrived at the scene and confronted Noel. The officers were facing Noel (North). From vantage point, he watched the officers from behind. Noel was facing the officers in direction (South).
estimated that the officers were approx. "7 to 10 feet" away from Noel.

The officers told him to get on the ground. Noel did not drop his knife or get on the ground. Noel moved or bounced "side-to-side" while facing the officers and holding the knife. Noel held the knife in his left hand.

The officers fired their pistols at Noel. They fired "5 to 6 shots". was unsure but believed that both officers fired their weapons.

Noel went down to the ground. Additional personnel arrived and provided Noel medical aid.

was unable to provide any additional information.

End of W- interview. Reference the full report for details and additional evidence.

WITNESS- 
Tab 53: W-was interviewed by Detective Dustin Dodd (NPD).
The following witness account by W- is a verbatim excerpt from Detective Dodd's report dated March 16, 2017 at 0743 hours:

On 03/13/17, was working at the Home Depot. One of his assigned duties was to collect carts in the parking lot. was collecting carts in the
parking lot when he was flagged down by customers. The customers advised him that a male, later identified as (S) Noel Russell, was keying cars in the parking lot. [REDACTED] told the victims to call the police department for assistance. They told him that they were already calling Napa PD.

[REDACTED] stood near (W) [REDACTED] in the parking lot near the lumber exit of Home Depot. He saw Noel in the parking lot north of Home Depot. He had a clear, unobstructed line of sight of Noel and the men in the parking lot.

Noel was "trying to fight the laborers" who were in the parking lot. Noel was "brandishing a knife". [REDACTED] described the knife as "yellow". He confirmed that it was difficult to tell what kind of knife it was due to his distance from Noel. He confirmed that he "knew it was a knife" based upon how Noel held it.

He demonstrated how Noel was holding the knife in his hand. [REDACTED] closed his hand and laid his thumb across his index finger with his palm upward. [REDACTED] demonstrated jabbing motions with his hand in said position consistent with how someone would commonly hold a knife to make a thrusting or stabbing motion.

[REDACTED] watched the victims try to "subdue" Noel. He observed 5 - 6 people within close proximity to Noel. [REDACTED] did not see Noel try to stab anyone specifically but did see one of the individuals pick up a "stick" (later confirmed to be a golf club). The male who held the stick did not hit or swing it at Noel.

[REDACTED] could not hear what Noel was saying during the fight. He confirmed that Noel was angry and was trying to fight the men in the lot.

Two Napa PD officers arrived at the scene. The ordered Noel to drop the knife. He refused to do so. [REDACTED] did not see Noel approach the officers. He was able to see him move "side-to-side". [REDACTED] demonstrated this by taking lateral
steps to his left and his right. [REDACTED] also assumed the aforementioned hand
gesture simulating the holding of a knife while doing so.

The officers fired 4 - 5 shots at Noel. [REDACTED] was unsure which officers fired
how many shots. He saw Noel fall to the ground. [REDACTED] said that the officers
"checked" Noel after he was shot. Shortly thereafter medical personnel arrived at
the scene and rendered aid to Noel.

[REDACTED] was unable to provide any additional information.

End of W-[REDACTED] interview. Reference the full report for details and additional
evidence.

WITNESS- [REDACTED]
Tab 55: W-[REDACTED], AKA [REDACTED], was
interviewed by Detective Dustin Dodd (NPD). The following witness account by W-
[REDACTED] is a verbatim excerpt from Detective Dodd’s report dated March 16, 2017 at
1053 hours:

[REDACTED] wished to provide a statement regarding methamphetamine activity in Napa,
CA as well as to the prior officer involved shooting which occurred on 03/13/17.

[REDACTED] stated that he is homeless. He has abused alcohol and methamphetamine.
He claimed the last time that he consumed alcohol was on 03/13/17 after the
officer involved shooting. The last time he used methamphetamine was on
Tuesday, 03/14/17.

[REDACTED] claimed to be able to slightly feel the residual effects of the
methamphetamine. He was clearly tired. [REDACTED] had some difficulty observing or
describing time accurately.

[REDACTED] said that he believes that there is a different kind of methamphetamine in
Napa, CA currently. He claimed that he recently felt a change in how his
consumption of methamphetamine has affected him. He said that, "They must be cutting it with something different." [redacted] explained that the methamphetamine he has recently obtained from Vallejo has left him feeling "high" while "coming down" from the "high". [redacted] also said that the methamphetamine from Vallejo, "makes my heart pound something fierce". He was unable to elaborate or explain this change further.

He did not know what, if anything, was being used to "cut" the methamphetamine to increase the volume of the output of the product. [redacted] said that "everyone" is talking about needing to go to Vallejo, CA to obtain their methamphetamine now.

[redacted] claimed that he did not know where "everyone" was specifically going in Vallejo to obtain their methamphetamine which was possibly produced using an unknown cutting agent. He also did not know if the methamphetamine was produced in Vallejo or if it was transported to Vallejo. If it was transported to Vallejo, [redacted] claimed that he did not know where it was shipped from.

[redacted] did not state how, or from whom, he obtains his methamphetamine.

[redacted] had met with Noel approx. seven times over the past several weeks. He met him and hung out with him near Noel's camp near the South Napa Market Place and in close proximity to the Home Depot located at 225 Soscol Ave. in the City of Napa.

[redacted] stated that he could tell that Noel was suffering from depression. [redacted] said that, "It takes one to know one" and said that recognized Noel's depression based upon his own long term bout with depression. [redacted] described Noel as a "garbage can" and would consume or abuse whichever substance (legal or illegal) he could to get high or escape his depression.
said that, "he was like if I can't get high I'll just die". confirmed that Noel did not make that statement specifically and advised that this statement was his way of trying to describe Noel's demeanor. could not describe any mannerisms and could not provide any examples of statements that Noel made confirming Noel's depression.

described Noel as a "loaner". He said that he generally got along with the other homeless people in the area during his contacts with Noel. He had not heard nor seen Noel threaten or get into fights with anyone.

On 03/13/17, was hanging out down near the camps near South Napa Market Place. Sometime in the afternoon, Noel arrived. Noel was drinking "a fifth" of hard alcohol. could not recall which kind of alcohol Noel was drinking. He described the bottle as a clear or white bottle which was skinny that had a "fancy label".

described Noel as depressed or "miserable" when he arrived. He smoked methamphetamine with Noel. said that he provided the methamphetamine that they smoked. He confirmed that it was methamphetamine from Vallejo as he previously described.

"packed" Noel's "bowl" for him. He described Noel's pipe as "black" and that it looked like, "he had a week's worth of shit in there". He initially stated that they smoked "half a gram" but quickly realized that a gram was a very small amount. said that they smoked approx. "half an ounce" together. said that they "packed a fat rock" in the pipe. He estimated that they smoked the methamphetamine for "10 - 15 minutes".

initially said that Noel only took a couple of "hits" on the pipe. He later said that Noel took "a few hits" of the methamphetamine. Later in the interview he confirmed that Noel had a minimum of four hits of the methamphetamine. He also
said that Noel was, "raping the crap out of that pipe" even when it had "nothing" in it at all.

Noel wasn't angry or agitated while they smoked the methamphetamine. As they smoked, said that he could see Noel's demeanor improve and he seemed as if he was coming out of his depression as he became "high".

To support this statement, said that at one point, an unknown male transient took Noel's pipe and walked off with it. Per Noel didn't seem to care at all. was upset that the unknown male would do that. got up and retrieved Noel's pipe for him. He returned Noel's pipe to him.

After they smoked methamphetamine, they sat and "played video games" on a handheld device for a short while. He said that Noel was laughing during that time. Shortly thereafter, Noel got up and left the camp. said that he left in the direction of the "two trails" which lead away from the camp and in the general direction of the South Napa Market Place.

said that approx. 30 - 40 minutes later, he heard several gunshots. He later learned that Noel had been shot by officers from the Napa Police Department.

was unable to provide any additional information.

End of W-. interview. Reference the full report for details and additional evidence.

WITNESS- 
Tab 57: Reporting Party (RP) and W- was interviewed by Detective Sharon Fong (NSD) and DAI Leslie Severe (NDA). The following witness account by W- is a verbatim excerpt from Detective Fong's report dated April 13, 2017 at 1429 hours:
On 03/13/17, I was assigned to contact [redacted]. He was the original reporting party who called 911 regarding the subject later identified as Noel Russell.

I was assigned with DA investigator Leslie Severe to interviewed [redacted] via telephone.

The phone conversation was audio recorded. The recording was downloaded onto a CD and a copy was later booked into evidence.

At approximately 2311 hours, we made contact with [redacted] via telephone. [redacted] told us the following in summary. The following my not be written in chronological order as it was told to us. Refer to the audio recording for details.

[redacted] confirmed that he called 911 regarding the incident that occurred by Home Depot and Black Bear Diner. I asked [redacted] what he saw.

[redacted] said "It looked like, you know, the guy had a bad trip. He was on some drugs. I definitely think he was under the influence of something, like an amphetamine or some, something crazy."

He said "I'm pretty sure I saw him holding a knife and it started off with him shouting. That's what first got my attention."

[redacted] stated Russell was in front of Raley's in the parking lot. Russell walked past him and looked at him, but didn't say anything to him.

[redacted] saw another man put a chocolate birthday cake into car. He saw the "crazy guy" (Russell) walk up to the man and start shouting at him.
He couldn't hear what was said between the two, but said Russell chased the man around a car. Russell had a knife in his hand. [Redacted] said it looked like Russell was going to "attempt to stab him or something". [Redacted] told us the man was not stabbed. He didn't know if anyone was injured during the altercation.

[Redacted] said he followed Russell over to the area of Home Depot. [Redacted] followed Russell to the area via his car. Russell was walking. He saw Russell cross the street where he approached a group of people. He said it was where the "homeless have campgrounds" (labor lot).

[Redacted] stated, Russell had the knife out and was holding it in his hand. Russell was "really loud" and then he saw a man pick up a golf club. He said the people Russell walked over to were yelling at him, so Russell walked away.

[Redacted] said he was in the middle of his 911 call at that time. [Redacted] drove over to the Black Bear Diner because he wanted to see what was going on. He said he wanted to see if Russell was going to "be tazed or put in handcuffs and taken away".

He said a "cop" in a Chevy Tahoe showed up in the Black Bear Diner parking lot. The cop got out of the patrol car and ran over to Russell's location. [Redacted] then saw at least two more cops "go into the parking lot". [Redacted] said he heard the police shouting, "Get on the ground!", and "Put the knife down!" [Redacted] said that "lasted less than 20 seconds.", and "They didn't try to convince him".

[Redacted] stated, "He was high. He was crazy, but I feel like, those police officers did not take not even a minute to try to get him to drop the weapon." "That's all I heard is, like, one attempt, one time. That's all they said, drop the knife". "It sounded like he didn't respond well and they shot him." [Redacted] thinks he heard at least six shots.
said the officers had "at least 15 feet space, 20 feet at least space between themselves and the guy with the knife". said "It seemed like he picked up his knife and he put it almost to himself." He said, "I didn't see him charge anybody." said, "All I saw is that, it looked like he almost, it looked like he almost raised his hands with the knife in his hand, but, like, not above his head, but, like, up to his head height". He said Russell was "still screaming, like, he was belligerent, like, drunk or on something".

stated, "That guy was a threat to himself and others.", "I feel like that is true, but I feel like I don't think he, I don't think he needed to die".

I had explain to me again what he saw. stated he was parked in front of Raley's. He was in his car when he first saw Russell. He said Russell was, "shouting just aimlessly", "like, that's what drug addicts act like when they're just like completely out of it". He said Russell, "just sounded like he was pissed off, saying, like, fuck you, to anybody that was looking towards him or anything like that". He said Russell was "definitely not all there".

I asked regarding the altercation Russell had with the man who he saw put the cake into a car.

said the man got out of his car to confront Russell. The man confronted Russell, but Russell had a knife. Russell began chasing the man around his car.

then mentioned a friend, , who was with him at the time heard Russell confront the man for hitting him in the face. was sitting in car, seated in right front passenger seat. I asked if I could have contact information, so I could talk to him about what he saw. He refused to provide me with any information for . He told me would tell me the same as what he told us. I asked if he could contact and provide him with my phone number to call me. He said he would.
said the man with the cake could tell me more about Russell, since he interacted with him. I asked what kind of car the person with the cake had. He said it was a burgundy truck. He described the truck as a two door crew cab, full sized V8 Silverado type truck. He described the man associated with the truck as a white male with a mustache and balding.

said the man and truck should be seen by the Raley's camera footage. He described them as being in the parking lot parked in front of the doors to Raley's. He was parked 75-100 yards away from the front doors. told me he was in his blue 1995 Mercedes sedan.

said Russell chased the man for approximately 10-15 seconds and eventually walked away toward Home Depot.

told me he followed Russell as he continued to walk towards Home Depot.

stated, Russell was holding the knife by the handle. He described the knife as, "a thin, a long, pretty long, thin knife". He estimated the knife to have a 5" blade. said it was "a pretty good-sized knife". He believes Russell was holding the knife in his right hand.

I asked what Russell looked like. said, "He looked like he was a meth head.", "His teeth looked a little bit rotted out in the front. He was missing one. I know that for sure."

He described Russell to have tan skin. He said he looked like he could be black or Mexican. He had a "darker complexion". He had a black baseball cap with Velcro on the back. Russell had short, wavy or curly-ish black hair. He estimated Russell as being in his mid to late 20's. Russell was wearing a white or gray undershirt with a black jacket with a hood, black pants, and black shoes. He was wearing all dark clothing other than the undershirt.
He said Russell was walking in the "middle of the road where people were driving". He said Russell was, "tapping on cars, touching on cars and, like, walking in front of cars, making them stop and just being a weirdo".

confirmed that Russell was touching the cars "With his hand and his knife, like sliding it on the side." He said, "Very, very, like, kind of scary, you know"

could not hear if Russell was saying anything when he was interacting with the vehicles.

He said Russell walk over to the labor lot. Russell approached a group of approximately 10. recalled Russell approached a man in the white tank top. saw the man "pull out a golf club". said when that happened, Russell walked away.

said that was when he drove into the Black Bear Diner's parking lot. It was also the same time the police showed up.

described the man with the golf club as a white male, mid to late 40s, 5'8"-5'9" 225 pounds, heavy set. He wasn't sure on a hair colored, but said "blondish gray if I had to guess".

did not know where the man pulled the golf club from. He said he just saw it on the man's "shoulder ready to be swung".
	said he was approximately 40-50 yards away from Russell when he was interacting with the man in the tank top.
	parked at the far west end of the Black Bear Diner parking lot. He was approximately 35-40 yards from Russell when he was contacted by the police.
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[redacted] stated, "The next thing that happens is the cops get out of their car, run over there quickly and tell him to put the knife down or get down. I guess he didn’t, so they shot him."

I asked if he ever saw Russell put the knife down or get down on the ground. He replied, "No". I asked how many officers where there at the time. [redacted] stated, "I think I saw four". [redacted] confirmed that he could still see the knife in Russell’s hand. I asked if he could hear anything. [redacted] said he heard Russell "acting like a fool, being belligerent. [redacted] said, "it sounded like he didn’t listen". [redacted] said he specifically didn’t understand anything Russell was saying. He said Russell was "still screaming."

[redacted] stated the officers were "at least 20 feet" away from Russell. [redacted] then stated the two officers he saw were 20 feet away from Russell. He said the other officers were out of his sight because his view was obstructed by "a bundle of trees".

I asked [redacted] again about what happened after he heard the officers tell Russell to put the knife down and get on the ground. He said Russell "started yelling and putting his knife up by his--it looked like he put it up by his face". [redacted] told us, "That’s what I think I saw."

[redacted] then stated, "I saw his knife get raised up by his face, like-I don’t know what he was doing, but he didn’t put it down." [redacted] said, "Like, he just looked so high, out of his mind", "looked crazy", and "He looked unable to think at the time."

[redacted] stated from where he was at, it looked like Russell was going to cut himself in the face. He wasn’t sure, but believes Russell had the knife in his right hand. He wasn’t positive, but believes Russell was holding the knife by the handle with the blade facing upwards or coming out of his fist from the area of his thumb.
confirmed that Russell was holding the knife the opposite way of the famous Psycho movie shower scene.

did not know which officers shot Russell. He said he heard six shots. I asked how far around Russell he could see. said there were trees in the way. He stated, "All I could see is, like, behind the man". He stated he saw the open field behind Russell.

confirmed that he believes the officers were in the open, but his vision might have been slightly obscured. He didn't know where the other two officers had positioned at. He again stated he believed there were at least four officers at the time.

I asked him what happened after he heard the six shots. said, "I just was, like, kind of shocked and I was like, what? They just shot him. They shot him and he's dead." He said he left and "I didn't want to hang around".

believes Russell got shot "because he was fucking high and had like a knife in his hand and being crazy". He again stated once he heard the shots he assumed four officers were involved and Russell was dead. He left the scene immediately after the shooting occurred.

I asked if he could contact his friend. He said he would do so.

I provided my information to so he could contact me if he had any further information regarding the incident.

End of W interrogation. Reference the full report for details and additional evidence.
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WITNESS- __________

Tab 59: __________ was interviewed by Detective Sharon Fong (NSD). The following witness account by __________ is a verbatim excerpt from Detective Fong's report dated April 27, 2017 at 1614 hours:

I was asked to contact a __________. She had called the Sheriff's Office advising she witnessed the incident involving Noah Russell.

She told me the following in summary.

__________ was going to Home Depot. She drove into the area from behind Home Depot and turned into the driveway of the parking lot closest to the business. She said she was trying to park her car in a stall close to the lumber area of the business. As she was pulling into a parking stall a "young man" walked in front of her car blocking her from driving into the parking stall.

She said the man, later identified as Russell, walked with his head down as he unwrapped a Reese's peanut butter cup and "shoved" it in his mouth. He dropped the wrapper on the ground in front of her. She said after he "shoved" the peanut butter cup in his mouth he reached back with his right hand and pulled out a knife. She didn't know specifically where he pulled the knife from, but said it came from his right side of his body or possibly his back. She initially didn't realize it was a knife because she didn't know why he would have pulled a knife out.

__________ said she locked the car doors. Russell walked in front of her car. He made eye contact with her. She said she saw, "dark and evil". Russell walked in front of her car by the right headlight area when he looked at her. She said he had a "distant stare". Russell walked passed the driver's side of her vehicle and continued to walk north bound. Russell walked away from her and began walking between parked cars in the parking lot.
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She said she was about to get out of her car when a man approached her and told her to not get out of the car. The man told her Russell had a knife and he attacked someone over by Raley's. She mentioned it was then when she realized it really was a knife she saw Russell pull out.

She described the knife as "not a pocket knife". She said it wasn't small. She estimated the knife blade to be 6"-8".

She watched Russell continue to walk north and then across the street to the day labor lot. She was too far away to see if Russell had the knife in his hand. She said she did not see the knife after Russell walked passed her.

She saw Russell approach a group of 7-8 men in the labor lot.

She saw Russell yell at a "large man" in a white t-shirt. Russell had his back to her, so she said she didn't see what Russell was doing.

The man who told her not to get out of the car said he called 911.

She watched what was going on. She thought he was going to stab someone.

She saw the man in the white t-shirt with his hands up and back away from Russell. She thought Russell might have stabbed the man in the white t-shirt.

She said shortly after she saw the "cops" show up. She saw the Officers move towards Russell. She said she was standing by the Home Depot door by the returns desk.

She said Russell was standing in a grassy area when he was contacted by the Officers. She didn't have clear view from where she was standing. From where she was watching, she said the Officers were approximately 20 feet from Russell.
said she then heard "rapid gun fire" "overlapping gunfire". She believes she heard 6 shots. She then saw Russell fall down. She did not hear anything that was said before or after the gunshots.

She described Russell as being 18-20 years old, a white or light skinned Hispanic male, skinny build with dark colored eyes. He was 5'8"-10" tall and approximately 150-160 pounds. She said he was wearing a black hat, and black clothing.

said she saw the news article from the Napa Register on Facebook. She made a comment after seeing many unkind comments. She said she posted, "I was there and they did the best job under the circumstances". She told me her Facebook user name was [REDACTED].

began crying and said it was upsetting to her because she knew Russell was dangerous. She was upset people who had no knowledge of the circumstances were blaming Law Enforcement for killing Russell.

She wanted me to pass on to the involved Officers that she stood behind them and knew they had to do what they did to protect society.

was advised to call if she had any further details. She agreed to do so. 

End of W- [REDACTED] interview. Reference the full report for details and additional evidence.

WITNESS- [REDACTED]

Tab 62: W- [REDACTED] was interviewed by Detectives Felipe Hernandez (NSD) and Thomas Keener (NPD). The following witness account by W- [REDACTED] is a verbatim excerpt from Detective Hernandez’s report dated March 15, 2017 at 1404 hours:
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On 03/13/17 at approx. 2130 hours, Napa PD Officer Keener and I interviewed [redacted] inside the Napa PD Investigations Interview Room. This interview was video recorded. Most of the interview was conducted in Spanish at [redacted] request. [redacted] was a witness at the scene and agreed to be interviewed at Napa PD. I transported [redacted] from the Black Bear parking lot to Napa PD.

In summary [redacted] stated the following:

[redacted] stated he was driving his vehicle into the parking lot of Home Depot. He indicated he was eastbound on Kansas Ave and turned right into the Home Depot parking lot. As he entered the parking lot, he noticed a vehicle in front of him. At that point he saw a male, later identified as S-Noel Aaron Russell, walking in the middle of the roadway. The vehicle in front of [redacted] vehicle made a left turn into one of the parking aisles and nearly hit Russell. [redacted] believed the driver of the vehicle had not seen Russell because he was in the middle of the road. Russell then began to strike the vehicle. [redacted] initially believed Russell was striking the vehicle because he was upset over nearly getting hit, but then Russell drew his attention to [redacted] vehicle. Russell approached [redacted] vehicle and began to strike the right front passenger side with a knife. Russell stuck [redacted] vehicle three (3) times. [redacted] was afraid Russell would break his windows, so he accelerated and made a left turn towards the parking stalls. [redacted] then parked his vehicle and called the police. He stated there was a couple in a nearby vehicle also calling the police, so he discontinued the phone call. [redacted] indicated he parked his vehicle facing n/b towards Kansas Ave. Russell continued to walk north towards some workers. He indicated this area to be the parking lot known to be referred as the labor lot. He then saw Russell begin to fight them with the knife. [redacted] did not see the entire confrontation with the workers because he was on the cell phone calling the police. After he hung up the cell phone, two officers drove into the area. [redacted] indicated one officer drove in from the Black Bear lot and the other drove into the labor lot from Kansas Ave. The officer that parked near Black Bear ran towards Russell who was fighting with the others. When
Russell saw the officer, he pulled what believed was a knife or a gun. I asked to stand up and demonstrate how Russell had reacted.

stood up and faced me. He reached towards his stomach right above his front waist line with both hands. then placed both of his hand nearly together (palm to palm). His fingers touched crisscrossed and then raised his hands just below his chest area while pointing his fingers toward me. As demonstrated this, he stated he did not know if Russell had pulled a knife or a gun. Without being instructed, then demonstrated how the officer reacted when Russell made his movements. stated the officer took a step back and drew his handgun. stated Russell was facing toward direction. believed Russell was pulling a gun, so he crouched down so he wouldn`t get shot. At that point he heard gunshots. When got up to look, Russell was already on the ground.

I asked if he could describe how Russell was behaving at the time he first saw him hitting the first vehicle. then stated Russell appeared to be under the influence of a drug. I asked him how he knew this and he stated because he was randomly trying to stab vehicles.

described the knife Russell had as a black military type knife.

did not see where the first vehicle that was struck went after it turned left towards the parking stalls. stated he did not know if the vehicle had parked next to him, however there was another driver parked that told him their vehicle had been scratched as well.

stated that after he had driven away from Russell and called the police, Russell walked over to the labor lot and began to fight others that were in this lot. I asked him to describe what he meant by fighting. stated Russell was attacking them with a knife. used his right arm in a forward swinging
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motion to describe what Russell was doing with the knife. stated Russell attacked two individuals. stated he believed others had run off. Shortly thereafter the officers arrived on scene.

indicated that the officer that approached from Black Bear was approx. 10-12 feet away from Russell when the officer took a step back and drew his handgun. later stated the officer was a little closer, but when he stepped back, he was 10-12 feet away from Russell. could not hear what was being said. He stated he heard 3-4 gunshots but did not see the shooting because he was ducked down.

stated he recalled seeing the police vehicles with their emergency lights when arriving at the scene.

End of W- interview. Reference the full report for details and additional evidence.

WITNESS- Tab 63: W- was interviewed by Detectives Felipe Hernandez (NSD) and Thomas Keener (NPD). The following witness account by W- is a verbatim excerpt from Detective Hernandez’s report dated March 16, 2017 at 1910 hours:

On 03/13/17 at approx. 1928 hours, Napa PD Officer Keener and I interviewed in the west parking lot of the Black Bear Diner, 303 Soscol Ave in Napa. I was on scene assisting with this investigation. ACPD Officer O. Hernandez was on scene and informed me that was a witness and needed to be interviewed.

Napa PD Officer Keener and I interviewed . This interview was audio recorded with my department issued recorder. The interview was conducted in Spanish.
stated the following in summary. The following may not be in chronological order. Refer to audio recorded statement for further details.

stated he was driving from Walmart to Home Depot. He drove onto w/b Kansas Ave and made a left into the Home Depot parking lot. He stated his wife, and her nine (9) year old son was with him in the vehicle. He stated her son is autistic and cannot verbally communicate. As was traveling s/b through the Home Depot parking lot, he looked in his rearview mirror and noticed an unknown race male wearing a grey or black sweater. Shortly thereafter, saw a police officer with his lights on drive towards the barbeque grill, indicating the area of the labor lot. He stated he believed the officer was responding to something going on around the barbeque grill. As he said this, pointed to the grass area north of the labor lot. He stated the officer had his lights on when driving into the lot. The Officer then verbally engaged the male, later identified as Noel Russell. stated he could not hear what was said, but assumed the officer was giving Russell commands. He stated the officer did not have his gun drawn. Russell had his hands at his sides, but then reached into the front pockets of his sweater. then showed us how Russell reached with both hands into the front of his sweater. placed both of his hands over his stomach to simulate someone reaching into a sweater pocket. stated he did not see what Russell pulled out of his sweater pocket. During this time, the officer was approx. 20 feet or less from Russell according to . He stated Russell appeared to argue with the officer and reached into his sweater pockets appearing to pull something out. did not see what was pulled out. The officer then drew his gun and shot 4-6 shots. was not certain on the exact number of shots that were fired.

When was telling me about Russell’s movements towards his sweater pocket, stated that as a police officer, he would understand if they instruct him ( ) to stop and he reaches with his hands than it would be a
safety issue. stated an officer has to react and not wait for him to pull out a weapon.

also stated that he heard from others on scene that Russell was under the influence of a drug.

stated he saw the entire incident via his rearview mirror. indicated he was southbound in the Home Depot parking lot south of Kansas Ave at the time of the shooting.

and his wife remained on scene.

End of W- interview. Reference the full report for details and additional evidence.

WITNESS-

Tab 64: was interviewed by Detectives Felipe Hernandez (NSD) and Thomas Keener (NPD). The following witness account by W- is a verbatim excerpt from Detective Hernandez’s report dated March 16, 2017 at 1931 hours:

On 03/13/17 at approx. 2018 hours, I was on scene assisting in this Investigation. I had interviewed and he told me he was with in his vehicle at the time of the officer involved shooting.

Napa PD Officer Keener and I interviewed . This interview was audio recorded with my department issued recorder. The interview was conducted in Spanish at request.

stated the following in summary. The following may not be in chronical order. Refer to audio recorded statement for further details.

We interviewed in the west parking lot of the Black Bear Diner. She was alone when we spoke to her. indicated she and her boyfriend, 
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were driving together from Walmart and drove into
Home Depot parking lot from Kansas Ave. She used her fingers to point at the
street to show me the path that they took. She stated she was the passenger and
was the driver.______ indicated there was a police officer behind
them when they were traveling on Kansas Ave._______ and ______ made a
left turn into the Home Depot parking lot, while the officer behind them made a
right turn into the labor lot.______ stated she looked through the passenger
rearview mirror and noticed three officers on scene. She stated one of the officers
on scene ran from the area of the Black Bear Diner. ______ stated she saw the
officers begin to yell at a male, later identified as Noel Russell. ______ stated
she could not hear what was being yelled. After she heard the officers yelling, she
saw Russell move both of his hands toward his front waistband area or his front
sweater pocket. While ______ said this, she placed both of her hands right above
her front waistband to demonstrate Russell’s actions. She stated she did not see
what Russell was attempting to reach for. At this point she heard 5-6 gun shots
but did not see what officer had shot. She stated she saw Russell drop to the
ground and then she and ______ drove over to the scene.

End of W-_______ interview. Reference the full report for details and additional
evidence.

WITNESS-_______

Tab 65: W-_______ was interviewed by Detectives
Felipe Hernandez (NSD) and Thomas Keener (NPD). The following witness account by
W-_______ is a verbatim excerpt from Detective Hernandez’s report dated March 20,
2017 at 1700 hours:

On 03/13/17 at approx. 2030 hours, I, along with Napa PD Officer Keener, was
in the parking lot located west of the Black Bear Diner conducting interviews
related to this case. During this time we interviewed ________ after he was
identified as a potential witness. At the scene _______ told me his last name was
_______, but local records showed he also went by the last name of _________.
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The entire interview was conducted in Spanish and was audio recorded with my department issued audio recorder.

stated the following in summary. The following may not be in chronological order. Refer to audio recorded statement for further details.

stated he parked his vehicle in the labor lot after work. He pointed to a red 1989 Toyota Corolla (red) which was parked in the labor lot facing north and indicated this was his vehicle. When he arrived, he noticed a male, later identified as Noel Russell, threatening two males with a black knife. He stated one of the males that was being threatened by Russell was a male that goes by the nickname of "". described the knife to be approx. 10-12 inches in length. could not tell me what Russell was saying to the males because it was all in English. stated Russell had the knife in his right hand when he was making threats. He stated others were there attempting to calm Russell down.

indicated that during this time, two officers arrived on scene. One of the officers approached from the area of the Black Bear Diner and the other drove in from Kansas Ave and into the labor lot. He stated the officer that came in from direction of Black Bear Diner, instructed to leave the area. During this time, was on the grass north of his vehicle. stated he went in a northwestern direction, away from Russell and the officers. I asked him what was doing at this point and he stated he was threatening everyone including the officers. He stated the officers had their guns drawn while Russell was armed with the knife. stated Russell had the knife in his right hand and moved it towards the front of his sweater. As did this, he demonstrated this action by moving his right hand into the area above his front waistband. Russell then displayed the knife again. stated it looked like Russell moved towards the officers. He stated this is when the officers shot him, however he stated he did not see the shooting. stated he he walked away
and heard gunshots after he had turned his back on the officers and Russell.

When [redacted] looked back, Russell was already on the ground. [redacted] did not recall how many shots were fired. [redacted] stated that prior to the shooting, Russell was saying things to the officers that he could not understand because it was in English.

[redacted] stated he is a transient and lives out of his vehicle. A registration check revealed his vehicle is registered to [redacted]. [redacted] His vehicle was left at the scene until the crime scene had been processed.

End of W- [redacted] interview. Reference the full report for details and additional evidence.

WITNESS- [redacted]

Tab 66: W- [redacted], an employee of the Black Bear Diner, was interviewed by Detectives Felipe Hernandez (NSD) and DAI Caroline Wiegers (NDA). The following witness account by W- [redacted] is a verbatim excerpt from Detective Hernandez’s report dated March 22, 2017 at 0805 hours:

On 03/14/17 at approx. 1630 hours, Napa DA Investigator C. Wiegers and I arrived to the Black Bear Diner, 303 Soscol Ave, to interview, W- [redacted]. Earlier in the day we had checked with employees of the Black Bear Diner and we were informed that [redacted] was a possible witness in this case. The restaurant manager told us [redacted] would be working at the restaurant on this date starting at 1630 hours.

When I drove into the parking lot of the Black Bear Diner, I noticed a male parking his vehicle in the west parking lot of the Black Bear Diner. I asked him his name and he told me he was [redacted]. I informed him who I was and asked him if we could speak to him. [redacted] agreed to speak to us after he made a quick money deposit at the Umpqua Bank which is located next to the Black Bear Diner.
Most of the interview was in English. I recorded the interview with my department issued audio recorder.

stated the following in summary. The following may not be in chronological order. Refer to audio recorded statement for further details.

works for Black Bear Diner. Yesterday (03/13/17) at around 1635 hours, went to work and parked in the west Black Bear Diner parking lot. He indicated he parked his vehicle behind the garbage storage which is a storage built by concrete blocks. When he parked he noticed an unknown male looking in some bushes. could not tell what the male was looking for. He stated the male looked homeless and high or intoxicated. He described the male to be a skinny white male that appeared "dirty." He stated the male looked to be around 23 years old and was wearing a light brown "hoodie." The male was west of his location and walked over to and his vehicle. asked the male if he was okay. stated he asked the male this because he was worried about the male's welfare and also thought he might be hungry. Another reason he asked the male if he was okay was because he did not want his vehicle broken into. When he asked the male if he was okay the male replied by stating "yea." The male then told he had a knife for sale. The male then reached in his front waistband and showed what he believed was the handle of a knife. believed the male pulled his sweater up and displayed the knife but was not completely sure. He indicated the handle was black and it contained yellow writing that could have been a logo. was not sure if it was in fact a logo or some sort of symbol. I asked how big the logo was, and he attempted to show me the length using his fingers. I estimated the size he was demonstrating to be 1-2 inches in length. After the male tried to sell him the knife, replied, "Come on man." The male then began to walk away but stopped. As he stopped, the male told that he also had a flashlight for sale as well. then asked the male if he wanted some chips to eat which the male declined.
The male then walked away towards a brown van that was occupied by a female. This van was parked west of the vehicle. Stated this van is always parked in this lot. He did not know if the male and the occupant knew each other.

End of W- interview. Reference the full report for details and additional evidence.

WITNESS-

Tab 68: W- , an Asset Protection Associate with Target, was interviewed by Detective Sergeant Amy Hunter (NPD) and Detective Pete Piersig (NPD). The following account of their review of surveillance footage from Target at 205 Soscol Avenue, is a verbatim excerpt from Detective Sergeant Hunter's report dated April 28, 2017 at 1724 hours:

On 3-17-2017 at about 1130 hours, Detective Pete Piersig and I met with Assets Protection Team Leader for Target, 205 Soscol Ave. reviewed store surveillance video from the day of the shooting with us. The videos were later placed on a thumb drive which Detective Chambers picked up.

At 18:11:15 on 03-13-2017 the Entrance Vestibule #2 camera footage shows a small section of the exterior vestibule of Target through the glass doors. The footage depicts V- , his wife, who is pushing their daughter in a shopping cart. The family is walking toward the front of the store coming from the north and walking south. Noel Russell can be seen coming up behind and looking backwards over his shoulder. can be seen immediately hurrying toward the entrance doors with her child looking over her shoulder as turns around to face Russell. starts to walk backwards and then almost starts running backwards as Russell advances toward him. It is unclear what if anything he has in his hands. A few seconds later on PV Entrance #1 footage you can see Russell slowly taking a few steps backwards and then you see Victim coming through the front doors looking over his shoulder once.
The video surveillance is consistent with the statement given to DA Investigator Ana Baber by blank and blank regarding the assault by Russell.

Additionally, on Exterior- PL Front #2 Front #3, Front #5, and PTZ- Exterior you can see Russell interact with a female just south of the entrance vestibule to Target on the sidewalk and then walk with her in an easterly/southeasterly direction through the parking lot towards the Shetler/Soscol intersection. The cameras lose sight of Russell and the female toward the eastern end of the parking lot and they do not reappear.

Det. Piersig and I checked for exterior cameras at the following locations; Applebee’s, IHOP, Jamba Juice, GameStop, Togo’s/Baskin Robbins, and El Pollo Loco. The only business that had any camera that was outside on the west side of those businesses was El Pollo Loco, but no pedestrians could be seen during the time frame of 18:12 and 18:20.

Napa Police Officers Kyle Upchurch, Brandon Smith, and Curtis Madrigal all identified the female who was seen on the Target video walking with Russell as blank blank.

Reference the full report for details and additional evidence.

WITNESS- blank
Tab 69: W- blank was interviewed by Detective Thomas Keener (NPD). The following witness account by W- blank is a verbatim excerpt from Detective Keener’s report dated March 15, 2017 at 1402 hours:

On 3/15/17 I was assigned to interview W- blank. At approximately 1320 hours I spoke with blank via telephone. My conversation with blank was audio recorded.

blank told me the following in summary:
said he was making a right into the Home Depot parking lot and parked.
did damage to her car. looked to where the police were and saw them
did not see a weapon in his hand. said he was approximately 50 yards away
and has bad eyes. later said he heard the police yell don’t move or
something of that nature.

said the shots went off and he heard 5 to 6 shots. then observed
the suspect laying on the ground. He also observed officers begin to take photos
of the area.

told me he saw very little of the incident and it was not clear enough to
give detail. told me he was more concerned with buying fast drying spray
paint for his daughter’s desk.

then went off on a tangent regarding police use of force and why tasers
were not used. did not provide any further pertinent information
regarding this incident.

End of W- interview. Reference the full report for details and additional
evidence.

WITNESS-

Tab 71: RP and W- was interviewed by Detectives Curtis Madrigal
(NPD) and Felipe Hernandez (NSD). The following witness account by W- is
a verbatim excerpt from Detective Madrigal’s report dated March 15, 2017 at 1457 hours:

On 03/13/2017 at about 2240hrs, Napa Sheriff’s Detective Felipe Hernandez and
I called (RP) on his cell phone at 707-666-1233. had
previously called Napa Dispatch at about 1828hrs to report hearing several gun
shots coming from the area of Home Depot.
We identified ourselves to [redacted] and asked if he could tell us about his observations he had reported to Napa Dispatch. [redacted] told us the following in summary:

[redacted] works at Togo’s/Baskin Robbins, which is located in the same shopping center as Raley’s and Home Depot.

About 10 minutes prior to calling the police, he was on a break and was seated inside of his vehicle. His vehicle was parked in the parking lot west of Togo’s and his vehicle windows were rolled down.

He heard a lot of yelling and cursing coming from the parking lot area in front of Raley’s. He looked in that direction and saw a younger Hispanic or Black male in his 20’s, in some sort of altercation with an older white male. He heard the younger male tell the older male something similar to “you just sucker punched me” as well as “fight me” and “lay me out”.

[redacted] stated the younger male was trying to fight with the older male. The older male appeared to be trying to avoid the younger male and calm him down. [redacted] believes the older male left the area in a vehicle.

The younger male left the area on foot and approached an older lady who was walking through the parking lot and holding groceries. The younger male cocked his arm back as if he was going to punch the older lady, but stopped prior to delivering the punch. [redacted] described it as “a fake backhand”. The older lady “cowered” and the younger male left the area on foot towards Black Bear Diner. He last saw the younger male walking through the parking lot in front of The Home Depot.

About 10 minutes later [redacted] said he heard about "6 shots" coming from the area of either The Home Depot of Black Bear Diner. He was not sure if it was related.
described the older male as being 5’11" - 6’-00", average build with white hair. He described him as an average Joe that looked like somebody’s grandfather.

described the younger male as being very thin and "scrawny". said he was of average height and could not remember what type of clothing he was wearing.

advised the younger male appeared to be the aggressor.

End of W- interview. Reference the full report for details and additional evidence.

WITNESS-

Tab 73: RP and W- was interviewed by Detectives Curtis Madrigal (NPD) and Felipe Hernandez (NSD). The following witness account by W- is a verbatim excerpt from Detective Madrigal’s report dated March 15, 2017 at 1505 hours:

On 03/13/17 at approximately 2313 hours, Napa Sheriff’s Detective Felipe Hernandez and I called W- on her cell phone at called Napa Dispatch earlier in the day to report a male subject walking around the parking of The Home Depot, "attacking people" and "going crazy". She further described the male subject as possibly on drugs.

We identified ourselves to and asked her about her observations she had earlier reported to Napa Dispatch. told us the following in summary.

Shortly after 1800hrs, she drove into the parking lot of Raley’s. She parked her vehicle approximately 30 to 40 feet away from the main driveway in front of the business. She parked in a stall located closest to the produce aisle entrance of Raley’s. She pulled alongside of an unknown colored truck. As she was getting out of her car she saw what she described as "some guy with a knife" chasing
another man around several parked vehicles. The man being chased by the man with the knife asked her to call 9-1-1. That man told her that the person chasing him had a knife.

saw what she believed to be a knife, or a sharp object, in the hand of the man chasing the other man. She said the man being chased looked as though he was in the process of loading groceries into his vehicle. She said the man with the knife seemed as though he was either drunk or on drugs. She overheard him mumbling under his breath as he chased after the other man. During our interview, described the man with the knife as "going crazy" and "definitely out of control."

She described the man with the knife as being in his early 20s or younger, with dark skin and possibly Hispanic. She remembered him wearing dark colored clothing, (either a black colored shirt or black colored hoodie).

She described the male subject who was being chased by the man with the knife as an older white male adult with white hair, beard and moustache.

said she distanced herself from the man with the knife and walked towards Raley's. The man with the knife was last seen running through the parking lot north towards The Home Depot and Black Bear Diner. She stated that he was still holding the knife in his hand as he was running through the parking lot.

She believes that the man who was chased by the man with the knife may have driven away in his vehicle. She was uncertain of the make/model but believed he left in a truck.

She believes there are several other witnesses observed the same incident since she described there being a lot of people in that area during this time.
End of W- [redacted] interview. Reference the full report for details and additional evidence.

WITNESS- [redacted]

Tab 76: W- [redacted] was interviewed by Detectives Ryan Woolworth (NSD) and Pete Piersig (NPD). The following witness account by W- [redacted] is a verbatim excerpt from Detective Piersig's report dated March 17, 2017 at 0943 hours:

On 3/12/17 at approximately 1832 hours, Napa Police Investigations Sergeant Amy Hunter notified me of an officer-involved shooting and requested I respond. I was assigned to the Investigations Division as a detective. I responded and went to the scene, which was located just north of Home Depot (225 Soscol Avenue, Napa).

When I arrived, the auxiliary parking lot, commonly referred to as the "labor lot," was cordoned off with police crime scene tape. I saw several citizens within the labor lot and numerous law enforcement personnel in the area. Beyond the north edge of the lot, I saw a yellow tarp, which I later learned was covering the body of the suspect, Noel Russell. I was asked to go to the Napa Sheriff's Department and assist the detectives there.

Once at the Napa Sheriff's Department, I met with the lead detective, Napa Sheriff's Detective Brad Chambers. Detective Chambers asked that I assist Napa Sheriff's Detective Ryan Woolworth in interviewing a possible witness.


[redacted] indicated he had been driving southbound on Soscol Avenue, near the Chevy dealership (583 Soscol Avenue). [redacted] was passed by two Napa Police vehicles, driving with their emergency lights on. [redacted] continued south on
Soscol Avenue and turned onto westbound Kansas Avenue. Made a right-hand turn into the labor lot. Around the same time that pulled in and parked facing northbound, his attention was drawn to the two police vehicles that had previously passed him, as well as the two uniformed officers who were directly ahead of him.

said just after he parked, he focused his attention on the two officers, as well as a man who was several feet from them. indicated that the man, later determined to be Russell, was just east of the two officers within the area of the trees. said both officers were pointing their handguns at the man. said it appeared the man raised one of his hands toward the officers, at which time he believed both officers fired their handguns at the man. said as soon as the officers fired their handguns, the man immediately collapsed to the ground.

continued to watch and remained in his vehicle, as he knew he had been a witness to the incident. previously worked for the Sonoma County Sheriff’s Department as a jailor.

estimated Russell had been six feet from the officers and he fell approximately five feet from where the officers were standing. had not seen what had transpired prior to pulling in and parking in the labor lot. believed the involved officers were the ones who passed him, based on the proximity from where he first saw them to where they were parked. also said that it appeared the officers were being threatened by Russell. Detective Woolworth asked what he thought would happened had the officers not fired. responded that he believed the officers would have been attacked by Russell. (Refer to the audio recording and Detective Woolworth’s report for full details of our conversation with)

End of W- interview. Reference Detectives Piersig and Woolworth’s full interview reports, under tabs 76 and 96 respectively, for details and additional evidence.
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WITNESS- [REDACTED]

Tab 77: W-[REDACTED], was re-interviewed by Detective Pete Piersig (NPD). The following witness account by W-[REDACTED] is a verbatim excerpt from Detective Piersig's report dated April 04, 2017 at 0737 hours:

On 3/20/2017, I was working as a detective at the Napa Police Department. At approximately 1430 hours, Napa Police Investigations Lieutenant Brian Campagna told me that [REDACTED] was at the station and had more information. Lieutenant Campagna asked if I could meet with him.

I went to a room adjacent to the lobby—where [REDACTED] was. [REDACTED] appeared very tired. I asked [REDACTED] if he would meet with me. [REDACTED] said he would as long as he went back out the same door. [REDACTED] was concerned with being labelled a "snitch" even though he was.

I brought [REDACTED] to a recorded interview room (PP-1). I spoke with [REDACTED] about his current situation. [REDACTED] was cooperative, but difficult to understand at times. [REDACTED] told me a few times that he was loaded and not making as much sense as he wanted to. I continued to talk with [REDACTED] to determine what else he had to add.

[REDACTED] told me he had smoked methamphetamine with Noel Russell and some other people a short time before the shooting. [REDACTED] said he had only known Russell for a short time and he estimated he had only met him eight times prior.

[REDACTED] said he had guilt because he had gotten high with Russell right before he died. [REDACTED] said he and Russell shared a pipe (unspecified who's) and Russell had taken 8 or 9 hits. [REDACTED] said that was the last time he had used methamphetamine. [REDACTED] said he was done using meth, but was substituting his addition with pills. I asked [REDACTED] about the methamphetamine he and Russell had used, but he seemed reluctant to provide specific details. [REDACTED] said the methamphetamine had come directly from Vallejo and was sold by
Hispanics. [redacted] did not provide any further useful information as to how we could identify the source.

[redacted] began to complain of chest pains. I asked [redacted] several times if he wanted medical assistance, but he said he was okay. [redacted] continued to complain about his heart and symptoms that would require medical attention. I tried to clarify what [redacted] had to add, but he became agitated. [redacted] said he had told the other officer everything he had seen and heard. [redacted] seemed upset by Russell’s death. [redacted] commented that he heard the officers yelling and he knew something bad was going to happen right before he heard the gunshots.

[redacted] went between complaining about his heart, that he had already told everything, and he was upset at what happened to Russell. [redacted] said he had encountered Chief Steve Potter on Saturday night and told him he would come in and talk to him. [redacted] said he was just keeping his commitment to come in and meet with the Chief. [redacted] said he would come back when he felt better. [redacted] said he was done talking with me. Refer to the video for full details of our conversation.

I walked [redacted] back to the room where I first met him. [redacted] continued to say his chest hurt and he did not feel well. I told [redacted] that I was going to summon medical aide and he was finally agreeable.

I requested medical assistance and they arrived within minutes. They determined [redacted] needed to go to the hospital. [redacted] was transported by ambulance.

End of W- [redacted] second interview. Reference the full report for details and additional evidence.
WITNESS-  

Tab 79: RP and  was interviewed by Detective Charlie Sarnik (NSD). The following witness account by  is a verbatim excerpt from Detective Sarnik’s report dated March 20, 2017 at 0909 hours:

I recorded this interview with my body camera. It should be noted the camera time reflects one hour earlier than the actual time due to the time change the night prior.

On 3/13/17 at 1950 hours I spoke with on scene inside the labor lot. He told me he drove into the lot right after it happened. said he first encountered the guy over near Raley’s. told me he came out of Raley’s, right around 1820 hours, he remembered because he looked at his receipt and it was time stamped 6:20 pm. He walked to his car and heard screaming going on. He saw a guy in a black outfit, black baseball cap, who looked Hispanic but he couldn’t get a really good look at him. He was chasing another guy, in a blue shirt, around his car. He did not remember what kind of car, but the guy was defensively backing away. The guy in black then "started coming toward me, calling everybody Nigga this, Nigga that". started getting into his car and the subject started coming towards him, and "Every time I’d look at him he’d charge me, so I just kept backing away from him". He got about one to two feet away and the subject took a swing at him the minute he looked away and "He was demanding I take a swing at him". flinched and the subject missed his punch. He did not see anything in his hand at that time. He was yelling as he left me, all the way across the lot. I asked if he would be able to recognize the subject, facial-wise, if he saw him again and he said, "I doubt it, not enough to, I caught a glimpse of his profile a couple times". The subject then began walking fast northbound, weaving around. He lost sight of the subject about then and that’s when he got on his phone and called 911.

was parked directly in front of Raley’s about a half a dozen cars out. He got into his Honda accord and drove towards the Home Depot Exit. As he got in
front of Home Depot he heard shots, so he drove into the labor lot out of curiosity. He heard at least six, possibly eight shots. It took him a second or so to recognize what he was hearing, and then he saw two officers with their weapons out. He did not hear any words exchanged, he was in his car. He asked me if "they'll check his blood to see if he was on Meth or anything, he was so crazy". "He was so angry, he just wanted to hurt something, and he was just really fired up" (End of statement).

End of W- interview. Reference the full report for details and additional evidence.

WITNESS-

Tab 80: W- was interviewed by Detective Charlie Sarnik (NSD). The following witness account by W- is a verbatim excerpt from Detective Sarnik’s report dated March 20, 2017 at 1054 hours:

I recorded this interview with my body camera. It should be noted the camera time reflects one hour earlier than the actual time due to the time change the night prior.

On 3/13/17 at about 2005 hours I spoke with in the labor lot north of Home Depot. She told me she was leaving Raley’s with her groceries and she heard a whole bunch of cussing and someone saying "Fuck this and fuck you", she was walking down the car isle directly across from Raley’s when she saw "this man over here" and she pointed towards the subject now covered with a blanket on the grassy knoll area. I clarified if she meant the man that is dead now, and she said, "Yah". He had just attacked another gentleman. She did not see the actual interaction, but heard this guy (Motioning towards the grassy knoll again) screaming at him "saying all sorts of things like F you Nigga, blah blah blah, I’ll stab you, I’ll kill you, how dare you punch me", in the face he said. I asked if he said "I’ll stab you and she stated, "Yah". She stated the guy he was attacking was running around a vehicle pointing at him (The subject) like to
alert others to call the cops cause he was going crazy. I don’t know if he punched him (the subject) or not, he might have, I didn’t see that part.

Then the subject approached her and said something like, "What are you looking at bitch, I’ll stab you in the throat". She doesn’t know if he was talking to her or if there were any other women around but "then he continued onto this gentleman" and she pointed to [redacted], the witness I interviewed just prior to [redacted], who was now standing several yards behind us. She saw the subject take a swing at [redacted] and was yelling at [redacted] to hit or punch him.

The subject continued on thru the parking lot and she got in her car. He was running north thru the parking lot. She stated she didn’t see the subject actually stab the vehicles, but she saw the people out with their cars taking pictures and talking about it. She drove over to the labor lot because she saw him running and she wanted to get a good description of the man. The cops had just pulled up and she was parked near the center of the labor lot, facing north, and she saw the whole situation. Her vehicle is the grey Ford Fusion, which was photographed and later released to her from the scene.

She saw the police with their guns drawn at him and he was not complying. I asked her what she heard regarding that and she stated they said, "Put your hands up". She had her windows up at the time but could hear them yelling. She then rolled down her windows and heard them say, "Put your hands up" and their guns were already drawn. She stated she heard each of them (Police officers) say it once or twice, "There were two police officers". The subject was five feet from the officers.

I asked [redacted] if the guy put his hands up. She told me he did not put his hands up, and then he went and put his hands in his pockets, while he was saying profane things, calling the police names. At that point he pulled something out of his pocket, looked like it was a knife or something. He held it like if it was a gun
and he was still saying things to them and that's when they shot him. I asked her
to show me again how he was holding it and she demonstrated pointing a knife
chest level out in front of her. She told me he retrieved the knife from his right
pocket. She then said she was not sure what it was he had in his hands, some kind
of object, she doesn't think it was a gun but could not describe it further. It was
something small that she could tell was a little knife or something. He at first
charged the officers, and got close, then backed up and appeared to be mocking
them. At that point that's when they shot, four to five times. Four to five total.
She described the subject was on the grassy knoll facing south and the officers
were south of him. The officers were about two feet away from each other and
about five feet away from the subject. It could have been ten at that point, five to
ten feet away. He definitely looked like he was on something. I asked her what
she meant by that and she said, "I mean just his actions were just insane, he was
looking for trouble the whole time I watched him in the parking lot". [REDACTED] said
she got a good look at him, he was super skinny and he just looked like he was on
something that was taking over. She didn't think it was meth but something more
intense.

I asked her how long the whole interaction between the subject and the police
lasted. She told me thirty seconds or a minute, not even, it was really fast. She
described their being lots of other citizens or laborers around, and some of them
very close to the situation. I asked her how many are lots and she described
there being ten or twelve, and a lot of them sitting close to where the situation
happened. After the police shot the subject they continued to have their weapons
drawn and told the people standing around to get down and to sit. Within thirty
more seconds multiple other officers arrived on scene. Then at that point they
checked his pulse. She then waited around and identified herself as a witness to
the other officers arriving (END OF STATEMENT).

End of W- [REDACTED] interview. Reference the full report for details and additional
evidence.
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WITNESS- [REDACTED]

Tab 81: W- [REDACTED] was interviewed by Detective Charlie Sarnik (NSD) and Officer Jose Peralez (NPD) who served as a Spanish translator during the interview.

The following witness account by W- [REDACTED] is a verbatim excerpt from Detective Sarnik’s report dated March 20, 2017 at 1229 hours:

I recorded this interview with my body camera. It should be noted the camera time reflects one hour earlier than the actual time due to the time change the night prior.

This interview was translated by Napa Police Officer Jose Peralez due to the witness’ primary language being Spanish.

On 3/13/17 at about 2023 hours I spoke with [REDACTED] in the labor lot. He told me he was sitting in his car, by himself, parked in the labor lot, facing south, talking on the phone with his wife. He pointed out his car to me which was a green Honda and I saw it parked facing south towards Home Depot, just west of the entrance to the labor lot. He saw the subject crossing the street to the lot here, he approached their car yelling and speaking English and kept saying "What are you guys looking at me, bitches".

The guy crossed the street, with the knife, the blade, he threatened another guy that was sitting outside by the curb and he saw that guy just move around when the subject threatened him with the knife. [REDACTED] exited his car and walked around the car because he got scared then the subject kept walking north towards some other guys standing near the north side of the labor lot. There were other guys standing their talking to each other and the subject rushed at them.

I asked [REDACTED] how close the subject got to the first guy (sitting on the curb by his car) with the knife. He said he got about four feet from him and said, "why you looking at me bitches, and motioned to holding the knife with his right hand out to his side. I asked [REDACTED] if he was holding the knife aggressively and he said, "Oh
"yah". He said the subject was coming and he was fighting. Once got out of his car and backed away, the subject kept walking, running, acting crazy. The subject headed toward six other people in the north side of the lot that were just there talking.

stated it was one of his friends the subject tried to stab first, and then he went to the other guy. The second subject actually found a stick on the ground to defend himself. The first guy, the friend, he only knows as . He knows him from here, but does not know his true name or telephone number. is about 40 years old. The man who picked up the stick is known as , but he does not have his full name or phone number. The subject got four to five feet from and with the knife. Both and ran away from the subject with the knife, in opposite directions. After that the subject went after a third subject who was laying on the ground. He pointed out that this occurred to the grass area a little west of the center of the lot on the north side. After that the subject walked eastbound towards where he is now on the ground.

He saw the police officers show up, and when they arrived they told everybody not to move so they decided to stay here: At this time was near the northwest part of the lot. From what he understood, he heard the officers tell the subject to drop the knife, or drop the weapon, and get on the ground. From there he didn’t see anything else just heard the gunshots go off, three or four gunshots. He did not see this happen because the officers told him to get on the ground and he did. He heard the officers tell the subject to put the weapon down two to three times. He stayed around because officers arriving told him just to sit and stay here. stated the last time he saw the subject he still had the knife out on him. He described the knife as eight to ten inches long opened. He didn’t notice a color of the knife but it was definitely a knife and the motion of a knife. He remembers the subject saying, "attack me, attack me" and the officers kept telling the subject, "drop the weapon and get on the ground" (END OF STATEMENT).
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End of W- interview. Reference the full report for details and additional evidence.

WITNESS-

Tab 82: W- was interviewed by Detective Charlie Sarnik (NSD) and Officer Jose Peralez (NPD) who served as a Spanish translator during the interview. The following witness account by W- is a verbatim excerpt from Detective Sarnik’s report dated March 20, 2017 at 1357 hours:

I recorded this interview with my body camera. It should be noted the camera time reflects one hour earlier than the actual time due to the time change the night prior.

This interview was translated by Napa Police Officer Jose Peralez due to the witness’ primary language being Spanish; however, his English was decent.

On 3/13/17 at about 2045 hours, I spoke with in the labor lot on scene. He told me during the start of the incident he was lying down on the grass area near the blue jacket, where his belongings currently are, about 15 feet away from where the subject’s body is now (His belongings were kept on scene to be documented by the evidence team). Suddenly he heard a verbal argument going on somebody starting a fight, and this subject actually had a knife. He woke up and got scared, felt the need to go pee, grabbed his cane and started walking east, but he saw a guy got close to him, and stopped because, “He was right in front of me with a knife”.

So then he saw an officer that came up from the center, one from the east side and one from the west side. The subject told the officers, "Come on fight me", with the knife. The subject tried to attack the officers, but then the officer in the center shot him three or four times, is all he heard. I asked him to describe what he meant that the subject tried to attack the officer with the knife. described and mimicked that the subject holding the knife in his right hand, to his side,
waving the knife side to side, moving forward to attack, like he was trying to attack or rush a little bit. The officer in the center was the one who shot him. stated, "I’ve never seen anything like this in my life".

stated that’s why we’re all here, still here, because of him, he tried to attack everybody here. I asked if he heard what the officers were saying during this time. He said he didn’t pay attention to what the officers said. stated "when the officer feared for his safety, or his life, that’s when he pulled out a gun. stated all three officers had their guns out because he was a dangerous subject.

stated they put the yellow tape up all around and asked for everyone to stay here. stated from when the officers contacted the subject it all lasted pretty quick, about ten seconds, he (The subject) was just acting crazy.

Prior to the confrontation with the officers, the subject attacked two other guys near the "grill", further west on the grassy area and he remembers one of the guys was holding something similar to a cane, holding him back, keeping him back.

He stated he saw the subject get as close to six to eight feet from the officers as he was holding the knife (END OF STATEMENT).

End of W- interview. Reference the full report for details and additional evidence.

WITNESS- Tab 83: W- was interviewed by Detective Charlie Sarnik (NSD). The following witness account by W- is a verbatim excerpt from Detective Sarnik’s report dated March 20, 2017 at 1525 hours:
I recorded this interview with my body camera. It should be noted the camera
time reflects one hour earlier than the actual time due to the time change the
night prior.

This interview was translated by Napa Police Officer Jose Peralez due to the
witness' primary language being Spanish. [Name] speaks English but prefers
Spanish.

On 3/13/17 at about 2110 hours I spoke with [Name] in the labor lot on scene.
[Name] saw the subject come up here, referring to the north part of the labor lot,
and started a fight with two subjects near the west end of the lot. The subject then
he came over to the east side and he was holding a knife.

When he started a fight with the two subjects near the west side he was holding a
knife, about five inches long and it was in his right hand. The two guys were
trying to get away from him, they told him to stay away cause they didn’t want to
hurt him. He didn’t know what the subject told them (the two guys) but the
subject was acting aggressively towards them.

The subject then walked eastbound on the grass area, then the police got here and
he threatened the police. The police kept giving him commands to get on the
ground, and he wasn’t complying or following directions. He heard the officers
giving commands two or three times. The subject was holding the knife at the
time. The subject was swinging the knife back and forth, but then again he didn’t
follow commands to get on the ground or to drop it. The subject was eight to ten
feet away from the officers at this time.

He saw two officers in front of the subject in the beginning facing north, then
another approach from the east. [Name] then stated the subject was not
complying and then one of the officers shot him, I don’t know which officer did.
He heard three or four shots and the subject went to the ground and I think he passed away.

[Person] described the subject's behavior as "acting crazy, and he just wanted to fight, and wanted to fight with the police". [Person] stated that's all he can remember right now.

[Person] stated, "He also scared me", the subject got about thirty feet away from him and [Person] walked south thru the lot to get away from him (END OF STATEMENT).

End of W- [redacted] interview. Reference the full report for details and additional evidence.

WITNESS- [redacted]

Tab 86: W- [redacted] was interviewed by DAI Leslie Severe (NDA). The following witness account by W- [redacted] is a verbatim excerpt from DAI Severe's report dated March 21, 2017 at 1010 hours:

On 3/14/2017, I was contacted by [redacted] who returned my phone call from a message Detective Fong and I had left her the night before regarding an incident which took place over by the Home Depot at South Market Shopping Plaza in Napa. My conversation with [redacted] was digitally recorded. [redacted] told me the following in summary about what she observed:

told me at approximately 1800-1815 hours, she had pulled into the Raley's parking lot, exited her vehicle and heard yelling. She was driving a white Range Rover Evoque. [redacted] told me she parked her vehicle approximately 1/3 of the way down the row of parking spaces and her vehicle was facing Raley's. She could not see anything because of the other cars parked in the row. She turned around and went to get the grocery bags from her backseat and when she shut the door, she noticed two men coming towards her direction. She approximated the men to
be 15 feet (at the closest) from where she was standing. She told me the one man, who she referred to as the suspect, seemed agitated and was yelling profanities.

She told me one man had his arm stretched out (unknown which arm) and the other man had both of his hands out in a defensive position. She described the men as facing one another. She heard the man with both hands up saying, "Drop the knife; drop the knife." She told me the man even seemed calm when he asked the other man to drop the knife. She described the man (she referred to as suspect) with one arm straight out as being unstable, high, and there seemed to be no reasoning with him.

I asked if she could describe the individuals and she told me the sun was setting at the time so it was tough to see but she could tell the guy with his arm extended had on a baseball cap, was not a large build and had a darker skin tone (but was not sure because of the sun). The other man she believed was Caucasian but had no other details. She did not see a knife.

She told me she bolted and started weaving in and out of cars and heard the guy with his hands up say, "Somebody call 911; this guy has got a knife." She went up to the front of the entrance and called 911 to give the information. She told me she lost track of both individuals once she reached the front entrance. She did not see either of them again.

She ended up going into the store and finished her shopping because she figured it was probably the safest place for her to be at the time. When she came out of the store she did not notice anything else going on and was surprised when she got home and saw the news on television. She thought she left Raley's around 1840-1845 hours and exited the parking lot towards the Target side of the plaza.

End of W- interview. Reference the full report for details and additional evidence.
WITNESS-

Tab 89: W-__________, an employee at Raley's, 217 Soscol Avenue, was interviewed by Detectives Kevin Skillings (NPD) and Ryan Woolworth (NSD). The following witness account by W-__________ is a verbatim except from Detective Skillings' report dated March 14, 2017 at 2115 hours:

On 03/14/2017, I (Detective Skillings), was partnered with Sheriff's Deputy Detective Woolworth to conduct follow up interviews with employees at Raley's Supermarket.

At approximately 1100 hours, we contacted employee _______and interviewed her in the security office. The interview was recorded with my department issued digital recorder and later booked into evidence. _______stated the following in summary:

On 03/13/2017 at approximately 1815 hours, _______was taking a break outside the south entry/exit doors of Raley's. While on break she saw a subject who she described as a "kid" walking around the front of the business talking to himself.

_______could hear the subject repeatedly saying something to the effect of, "If you don't like niggers, shoot them in the head." _______believes the subject was talking to himself and did not appear to be talking to anyone.

_______had not seen the subject before and believed the subject was possibly under the influence of something or possibly had mental health problems.

_______described the subject as being in his 20's, under 6 ft. tall, wearing a black sweatshirt, black pants and a black hat.

As the subject was talking to himself a white male exited the south exit doors of Raley's with a cake in his hands. The white make heard the subject talking and said, "What, are you talking to me?"
The white male was approximately in his 40’s wearing a blue shirt, black hat and sunglasses.

The white male put his cake on an outside table and approached the subject near the potted plants area in front of Raley’s. [Redacted] did not see the white male assault the subject but saw the white male restraining the subject. She described the white male as having his arms straight out in front of his body and holding the subjects upper body and shoulder area.

The subject then yelled, "He just punched me in the face." They then separated and the subject started walking east through the parking lot repeatedly saying, "If you don't like niggers, shoot them in the head."

[Redacted] watched the subject walking east in the parking lot and saw him hit a parked car causing the car alarm to go off.

[Redacted] began following the subject and saw the white male and the subject confront each other again.

An unknown female walked by [Redacted] and told her to not go any further because the subject had a knife.

[Redacted] could see the subject had something in his hands but could not see what he was holding.

[Redacted] told the subject to just leave and told him to walk away. The subject then stated something to the effect of, "he punched me in the face." [Redacted] told him to just walk away and call the police.

The subject then started walking north through the parking lot towards the Home Depot Labor Lot.
walked back into Raley’s and was later told that the subject who was involved in the incident in front of Raley’s was shot by the Police.

End of W- interview. Reference the full report for details and additional evidence.

WITNESS- 
Tab 92: W- was interviewed by Detectives Kevin Skillings (NPD) and Ryan Woolworth (NSD). The following witness account by W- is a verbatim excerpt from Detective Skillings’ report dated March 14, 2017 at 2200 hours:

On 03/14/2017, I (Detective Skillings), was partnered with Sheriff’s Deputy Detective Woolworth to conduct follow up interviews with employees at Raley’s supermarket.

At approximately 1419 hours, we contacted employee and interviewed him in the security office. The interview was recorded with my department issued digital recorder and later booked into evidence. stated the following in summary:

stated on 03/13/2017 at approximately 1800 hours, he was working at Raley’s and was tasked with collecting the shopping carts between 1800-1900 hours.

At approximately 1825 hours, while collecting the carts near Home Depot, he saw a white male push then punch another subject in the face in front of Raley’s.

The subject told the white male to stop and said something to the effect of, “That was a solid punch.”

The white male was approximately in his 30’s or 40’s, wearing a blue shirt and a hat and the other male was approximately in his 20’s, possibly Asian and was wearing all black clothing.
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When he went back outside the two subjects were now in the parking lot running on the sides of a parked car. The car was parked directly east of the south entry/exit door near the cart "corral" where shopping carts are left by customers.

The subject wearing all black then ran north through the parking lot and went back to collecting the carts.

End of W- interview. Reference the full report for details and additional evidence.

WITNESS-
Tab 98: W- was interviewed by Detective Ryan Woolworth (NSD) and DAI Carolina Wiegers (NDA). The following witness account by W-

is a verbatim excerpt from Detective Woolworth's report dated April 17, 2017 at 1007 hours:

On March 13, 2017 Investigator Carolina Wiegers and I interviewed at the Napa Sheriff's Office. This interview was audio and video recorded. A copy of the interview was retained as evidence at the Napa Sheriff's Office under Item#DM3.

told us he was at the labor lot, in the grass, by the barbeque area when he saw two people arguing. He said one of them is known as "" (later identified as ) and he didn’t know who the other one was, but they were arguing about a guy who just came by with a knife. He said the guy who had the knife, was holding it in his hand. He said the guy with the knife came from the area of the Home Depot. He said he couldn't describe what the guy was wearing.

said when the guy got closer, he got up from where he was sitting and walked away.

He said the cops arrived and told everyone to sit down. He said the guy had a knife out in front of him and he saw the cops shooting at him. said everything happened really fast and he couldn’t really explain much more.
said he did not know who the guy was, and had no further information.

End of W- interview. Reference the full report for details and additional evidence.
XV. INJURIES

SERGEANT RYAN COLE

Sergeant Cole did not report sustaining any injuries during this incident.

OFFICER JACK THOMSON

Officer Thomson did not report sustaining any injuries during this incident.

SUSPECT - NOEL RUSSELL

S-RUSSELL was shot and killed during this incident. The Napa County Sheriff-
Coroner’s Autopsy Protocol, authored by Doctor Joseph Cohen under NSD Coroner’s
File # C17-073 and dated August 03, 2017, is incorporated in its entirety under tab 99 in
NSD17-001003’s investigative binder. The Autopsy Protocol diagnosed four (4) gunshot
wounds. Specifically, the report noted one (1) perforating gunshot wound to S-
RUSSELL’s left neck, one (1) penetrating gunshot wound to S-RUSSELL’s left neck,
and two (2) penetrating gunshot wounds to S-RUSSELL’s left axillary area.

Doctor Cohen’s report identified S-RUSSELL’s “Cause of Death” as “gunshot wounds to
the neck and torso.” Additional injuries including abrasions and incised wounds were
documented, as was acute alcohol and methamphetamine intoxication. Details related to
the injuries and examination are contained in Doctor Cohen’s report located under tab 99
in NSD’s investigation binder.

Additional details related to S-RUSSELL’s injuries are outlined in the “Evidence”
section of this report.

/
XVI. EVIDENCE

The shooting scene was processed by members assigned to the Napa County Major Crimes Investigation Team (NCMCIT). Evidence collected from the scene included, but was not limited to, a folding blade knife found locked in the open position recovered several feet from S-RUSSELL’s deceased body. The recovery and processing of the knife (evidence item # DKA-4) was documented by Evidence Specialist Donna Kimmel-Lake (NSD) under NSD17-001003, Tabs 27 and 29. The knife was photographed by Evidence Assistant Vanessa Hohreiter (NPD) and documented under NSD17-001003, Tab 31. Photographs of the scene, decedent and knife can be viewed under NSD17-001003, “SCENE AND EVIDENCE” tab. The knife can be seen in the below evidence photograph adjacent to evidence placard 4. Using the mapping scale provide in the crime scene diagram prepared by the California Highway Patrol’s Multidisciplinary Accident Investigation Team (CHP/MAIT) under MAIT case # GL-017-17, attached and incorporated in NSD17-001003 under tab 121, the knife was located on the ground approximately 4' north of S-RUSSELL’s left hand.
DNA profiles collected from swabs of possible blood on the knife blade, knife blade and
knife handle (evidence items DKA-4A, DKA-4C, and DKA-4D, respectively) matched a
DNA reference sample from S- RUSSELL. These findings were documented under
NSD17-001003 by Detective Chambers (NSD) in his report dated April 25, 2017 at 1523
hours, under tab 39.

Three bullets and one bullet fragment were recovered from S- RUSSELL during his
autopsy, as noted in Evidence Specialist Brianne Breedlove’s (NSD) evidence report
dated March 16, 2017 at 0738 hours and incorporated under tab 101. Specifically, the
following excerpt from Evidence Specialist Breedlove’s report articulates the description
and positioning of recovered bullets and bullet fragment:

Dr. Cohen located one bullet fragment and three bullets during the course of his
examination. The one bullet fragment and the three bullets were removed by Dr.
Cohen and were turned over to me. The one bullet fragment and the three bullets
were located in the following approximate locations -
- One bullet fragment from the jaw area (BBE-5)
- One bullet from the right shoulder and neck area (BBE-6)
- One bullet from the right side area of the torso (BBE-7)
- One bullet from the area of the spine (BBE-8)
Refer to Dr. Cohen’s report for further details regarding the originating location
of these items.

In Detective Pete Piersig’s (NPD) evidence report dated March 17, 2017 at 1418 hours
and incorporated under tab 102, he describes the recovery of three (3) bullets from S-
RUSSELL’s body during the autopsy as being consistent with .45 caliber bullets. NOTE:
Sergeant Cole’s service pistol fired during this incident was a .45 caliber handgun.
Detective Piersig noted in the same report that Doctor Cohen did not recover any
evidence or injuries consistent with .40 caliber bullets. NOTE: Officer Thomson’s
service pistol fired during this incident was a .40 caliber handgun. Reference Detective
Piersig’s report for further details.
Evidence Specialist Brianne Breedlove (NSD) processed the methamphetamine smoking pipe (evidence item BBE-9) recovered from S-RUSSELL and submitted its contents for analysis by the California Department of Justice, Bureau of Forensic Services (CA DOJ/BFS), Santa Rosa Crime Lab. CA DOJ identified the presence of methamphetamine residue in the pipe. Evidence Specialist Breedlove’s (NSD) report dated March 28, 2017 at 1705 hours documenting the above processing, and CA DOJ’s case # SR-17-000705-0002 documenting the analysis, can both be found in NSD17-001003, under Tab 39.

Central Valley Toxicology’s (CVT) report # CVT-17-3512 identified the presence of blood ethyl alcohol and methamphetamine in S-RUSSELL’s blood sample. These findings were addressed and incorporated in Detective Brad Chambers’ (NSD) evidence report dated April 27, 2017 at 1649 hours, under tab 103. Following is a excerpt from Detective Chambers’ report related to the analysis of S-RUSSELL’s blood sample:

> It was positive for Blood Ethyl Alcohol @ .26 grams %, Vitreous Ethyl Alcohol @ .11 grams %, methamphetamine @ .65 mg/L and amphetamine @.17 mg/L.

> According to the results, he had a potentially toxic level of methamphetamine in his system and an effective level of amphetamine.

The CVT report noted negative results for the presence of synthetic cathinones (“bath salts”) and synthetic cannabinoids (“spice”).

EVIDENCE COLLECTED IN CRIMINAL INVESTIGATION:

Additional evidence was collected and processed in this investigation by members of the NCMCIT under NSD17-001003 (incorporated under tab J of this administrative report). Reports related to the collection of evidence can be found as outlined below:

FIREARMS: All reports related to the collection of firearm evidence in this investigation, including CA DOJ’s firearms report # SR-17-000705-0001, are found under tabs 15 – 20.
INVOLVED OFFICERS: All reports related to the collection of evidence from the involved officers are found under tabs 21 – 26.

SCENE: All reports related to the collection of evidence from the scene are found under tabs 27 – 33.

INVOLVED VEHICLES: All reports related to the processing and collection of evidence from the involved vehicles are found under tabs 34 – 37.

S-NOEL RUSSELL: All reports related to the processing and collection of evidence related to S-RUSSELL (deceased) are found under tabs 38 -39.

AUTOPSY: The autopsy, and all reports and attachments related to the collection of evidence during the autopsy are found under tabs 99 – 103.

SCENE DIAGRAM - MAIT: The California Highway Patrol (CHP), Golden Gate Division's Multidisciplinary Accident Investigation Team (MAIT) report and diagrams under CHP report # GL-017-17 can be found under tab 121.

EVIDENCE COLLECTED IN ADMINISTRATIVE INVESTIGATION:
On March 13th, 2017, at approximately 1959 hours, Detective Don Maiden (NSD) called Napa Central Dispatch and requested American Medical Response (AMR) respond to NSD to draw blood from the involved officers.

On the same date, at approximately 2147 hours, Captain Manzer and I met with Sergeant Cole, his attorney Richard Fisher with Goyette & Associates, and his companion officer, Sergeant John Corrigan, at NSD. I explained that I wanted to know whether Sergeant Cole would voluntarily consent to providing an administrative blood sample to be retained at NPD for later testing, if necessary. In the presence of the aforementioned personnel Sergeant Cole responded, "Yes Sir." At 2156 hours, I watched as AMR Paramedic Supervisor Jim Armstrong #P30958 collected the blood sample from Sergeant
CONFIDENTIAL ADMINISTRATIVE REPORT
IA17-02
NPD17-001447 / NSD17-001003

Cole. I packaged and retained the blood sample. I completed the related paperwork with
Paramedic Supervisor Armstrong and retained a copy.

On March 13th, 2017, at approximately 2205 hours, Captain Manzer and I met with
Officer Thomson, his attorney Richard Fisher with Goyette & Associates, companion
officer Tom Helfrich, and Chaplin Lee Shaw at NSD. I explained that I wanted to know
whether Officer Thomson would voluntarily consent to providing an administrative blood
sample to be retained at NPD for later testing, if necessary. In the presence of the
aforementioned personnel Officer Thomson affirmed he would by acknowledging,
“Yes.” At approximately 2211 hours, I watched as AMR Paramedic Supervisor Jim
Armstrong #P30958 collected the blood sample from Officer Thomson. I packaged and
retained the blood sample. I completed the related paperwork with Paramedic Supervisor
Armstrong and retained a copy.

On the same date, at approximately 2300 hours, I booked Sergeant Cole and Officer
Thomson’s voluntarily blood samples into Napa Special Investigations Bureau (NSIB)
Temporary Evidence Locker #2. On March 14th, 2017, at 1730 hours, I booked Sergeant
Cole and Officer Thomson’s voluntary blood samples into NPD Evidence under NPD
case # NPD17-001462 as evidence items IA17-02 Admin Blood Sample – Cole and
IA17-02 Admin Blood Sample - Thomson, respectively.

At the time of this investigation, no requests have been made to analyze either Sergeant
Cole’s or Officer Thomson’s blood samples.
XVII. COMMUNICATIONS

Communications related to this event including recorded calls to Napa Central Dispatch via 911 or other recorded telephone lines, recorded radio traffic between Dispatch and involved law enforcement personnel, Officer and Dispatcher-generated comments via computer, were captured under event E170305080. Other NFD and AMR-related communications were captured under event E170305084. These event chronologies are incorporated and attached under tab B.

All radio traffic and calls to Dispatch related to E170305080 are memorialized on a CD, incorporated and attached under tab B.
XVIII. PHOTOGRAPHS

Evidence photographs were taken by Napa Police and Sheriff's Office personnel. CD's containing the evidence photographs have been incorporated in NSD's Investigation binder (tab J) as a thumb drive. Additionally, relevant photographs can be found under the following tabs:

- Crime scene photographs are incorporated under the “Scene and Evidence” tab.
- Autopsy photographs are incorporated under tab 100
XIX. ANALYSIS

NPD policies identified as relevant and applicable in this matter include:

§ 300.3 – Use of Force

§ 300.3.1 – Use of Force to Effect an Arrest

§ 300.3.2 – Factors Used to Determine the Reasonableness of Force

§ 300.4 – Deadly Force Applications

§ 300.6 – Medical Consideration

§ 312.6 – Firearms Qualification

All analysis was conducted using NPD policies implemented on October 5, 2016, and in place at the time of the incident. Applicable policies are attached and incorporated for reference under tab D.

As of March 13, 2017, Sergeant Ryan Cole was an experienced law enforcement officer with approximately 22 years of service with NPD. During his tenure with NPD, Sergeant Cole served as a Field Training Officer (FTO), Corporal and K-9 handler for approximately 10 years, a member of NPD’s SWAT team for approximately 16 years, 12 of which were as the Assistant Team Leader. Additionally, Sergeant Cole currently serves as NPD’s Range Master. As a part of NPD Range Master duties, Sergeant Cole is responsible for instructing NPD personnel on the development and use of Designated Apprehension Teams (DATs). DATs are designed to bring use of force options to dynamic and potentially violent situations in an effort to resolve the encounters using only the force reasonably necessary to effect the arrest and render the situation safe. Levels of force often incorporated into DATs include, but are not limited to, verbal commands, arrest & control techniques, less lethal and lethal force options. Related training noted in both Sergeant Cole’s voluntary interview and POST training records, attached and incorporated under tab E, include a 24-hour Crisis Intervention Training (CIT) instructed by NSD in 2015. The Crisis Intervention Training related to interacting with individuals who are in crisis and de-escalation techniques that can be used as when circumstances allow. Additional related training noted in both Sergeant Cole’s voluntary interview and training records include a 24-hour Drug Influence Course attended in 1998.
At the time of the incident, Sergeant Cole was qualified to carry his Kimber .45 caliber model 1911 service pistol as evidenced by NPD range cards (tab E) and NPD policy § 312.6 (tab D), last qualifying on November 21, 2016 (4th quarter).

At the time of the incident, Officer Jack Thomson was an experienced law enforcement officer with over 25 years of experience. Included in his experience is approximately 8 ½ years with the Corning Police Department where he served as a patrol officer, FTO, Range Master and Sergeant. In his 17 years with NPD, Officer Thomson has served as a School Resource Officer (SRO), FTO and Corporal. Officer Thomson currently serves as a patrol officer and member of NPD’s Crisis Negotiations Team (CNT). Related training, according to Officer Thomson’s POST training records attached and incorporated under tab E, show he completed a 40-hour Crisis Negotiation course instructed by the Federal Bureau of Investigation (FBI) in 2010, 24-hour Crisis Intervention Training (CIT) instructed by NSD in 2015, and 8-hours of training related to Critical Incident for Patrol Officers in 2016. As reported in his voluntary interview, Officer Thomson described his specialized training as active listening and communicating with people in crisis. The Crisis Intervention Training attended by Officer Thomson in 2015 related to interacting with individuals who are in crisis and de-escalation techniques that can be used as when circumstances allow. On the day of this incident, Officer Thomson participated in CNT training at NPD immediately prior to starting his shift.

At the time of the incident, Officer Thomson was qualified to carry his Glock model 22 .40 caliber service pistol as evidenced by NPD range cards (tab E) and NPD policy § 312.6 (tab D), last qualifying on December 14, 2016 (4th quarter).

On Monday, March 13, 2017, at approximately 1821 hours, Napa Central Dispatch began receiving calls related to S-Noel RUSSELL threatening people with a knife in the area of the Home Depot at 225 Soscol Avenue, Napa. At the time of the call, Sergeant Ryan Cole, Officer Jack Thomson and Officer Thomas Helfrich were on duty, uniformed
police officers assigned to the Patrol Bureau and driving fully marked NPD patrol
vehicles.

At approximately 1823 hours, Officers Thomson and Helfrich were dispatched to this
incident. Because it was an in-progress priority 2 call, Dispatch "toned" out the call
using a series of beeps, alerting all officers of a priority call and requesting an additional
police unit respond to assist. Officers Thomson and Helfrich responded from NPD.
Sergeant Cole heard the call and responded to assist from the Queen of the Valley
Medical Center (QVMC).

As Officer Thomson, Officer Helfrich and Sergeant Cole responded to the area of the
Home Depot, Dispatch broadcast updated information including a detailed description of
the suspect, later identified as S-Noel RUSSELL, and reported callers described S-
RUSSELL as "going crazy yelling" and "seems like he is on H&S."

Sergeant Cole articulated in his voluntary interview that while en route he thought
through options to de-escalate the situation and establish a Designated Apprehension
Team (DAT) for initial contact with responding officers, if given the opportunity.

Officer Thomson articulated in his voluntary interview that as he responded to this call,
and received radio updates, he began to think the call may be more serious than first
thought.

Dispatch continued updating responding officers, advising them S-RUSSELL was
possibly in the auxiliary parking lot, known by locals as the "Labor Lot," in a group of
approximately 10 people. Just prior to arriving Sergeant Cole asked for the suspect’s
description again. Dispatch advised the suspect was a Hispanic or black male,
approximately 20 years of age, slim build, described by one caller as approximately
5’10" and 160 pounds., wearing a black hat, black jacket, black pants, and last seen with
the knife in his left hand.
At approximately 1827 hours, as Sergeant Cole arrived and attempted to contact S-RUSSELL, Dispatch advised a caller reported S-RUSSELL was in the parking lot behind the Black Bear Diner, and still had the knife with him. In reviewing time stamps on radio transmissions, approximately 9 seconds after Dispatch finished transmitting this update, Sergeant Cole is heard announcing over the air in a calm voice, “Napa – Y10. Shots fired. Male subject down. Start medical.”

Accounts given by Sergeant Cole and Officer Thomson are consistent in their description of the tense, uncertain and rapidly unfolding event. In separate interviews, both Sergeant Cole and Officer Thomson describe their understanding of the severity of the crime alleged, the continuing threat to public safety and themselves, the ability of S-RUSSELL to inflict serious injury or death while armed with the knife, and the speed with which the event unfolded. Specifically, Sergeant Cole and Officer Thomson described hearing the updates concerning S-RUSSELL moving through the parking lot armed with a knife and threatening victims. Both were familiar with the setting and knew it to be a populated commercial area.

Sergeant Cole noted his first thought on arrival was to gain containment of the suspect in an effort to create distance between S-RUSSELL and others. Sergeant Cole reported that if he could gain containment and create distance, they could give him time to calm down. Additionally, Sergeant Cole noted that if he had time he would have been able to work toward the use of less lethal force options.

Sergeant Cole estimated the time between exiting his patrol vehicle and engaging S-RUSSELL with lethal force to be between 15 – 30 seconds. Based upon the totality of the information known, Detective Chambers estimated this timeframe at 20 – 40 seconds.

Sergeant Cole articulated his belief that S-RUSSELL presented a significant threat to public safety and the safety of Officer Thomson and himself. Sergeant Cole further articulated that, based upon the totality of the circumstances and information known to him, on arrival he felt he needed to step between S-RUSSELL and bystanders to protect
them while keeping his service pistol in the low ready position wherein his firearm was unholstered and pointed at the ground.

Sergeant Cole described confronting S-RUSSELL on arrival, and noting he did not initially have a weapon in his hands. Sergeant Cole described giving commands to S-RUSSELL who refused to comply. Sergeant Cole described S-RUSSELL as having a 1,000-yard stare (described as someone looking through you and not taking in information), fixed and dilated pupils, and fidgety hands. Sergeant Cole said he recognized these symptoms as being consistent with someone under the influence of a controlled substance such as methamphetamine.

Officer Thomson reported that when he arrived on scene a witness pointed S-RUSSELL out to him. Officer Thomson approached on foot and took up a position with his service pistol in the low ready position, approximately 6’ - 8’ behind and to the left of Sergeant Cole, in an effort to triangulate on S-RUSSELL. He confirmed Sergeant Cole was yelling commands at S-RUSSELL and S-RUSSELL was not complying with those commands. Because of S-RUSSELL’s non-compliance, Officer Thomson believed he and Sergeant Cole would have to physically restrain S-RUSSELL.

As S-RUSSELL continued to disregard Sergeant Cole’s commands, Sergeant Cole grew more concerned about S-RUSSELL’s behavior and raised his service pistol from a low-ready position to a position aligned with S-RUSSELL’s center mass. In response to Sergeant Cole’s commands, Sergeant Cole said S-RUSSELL repeatedly challenged him by yelling something similar to, “You want some of this?” and moving into a bladed stance. Sergeant Cole recognized the stance as one used by people planning on attacking or assaulting others. Sergeant Cole reported that immediately after taking a bladed stance, he saw S-RUSSELL forcefully drive his hand into his jacket pocket. At seeing this, Sergeant Cole reportedly yelled at S-RUSSELL, “Don’t do it, show me your hands!” and, escalating his tone and language in an effort to gain compliance told S-RUSSELL to “Get the fuck on the ground!” Instead of complying, Sergeant Cole reported S-RUSSELL repeatedly yelled something similar to “You want some of this?” and then
pulled a black knife out of his jacket pocket with his right hand. Sergeant Cole reported that S-RUSSELL proceeded to unfold the knife, exposing the blade while continuing to yell at Sergeant Cole. Sergeant Cole reported S-RUSSELL then extended his right arm with knife in hand toward Sergeant Cole, at which time S-RUSSELL stepped toward him.

Officer Thomson’s statement corroborated Sergeant Cole’s account. Officer Thomson recounted that he believed S-RUSSELL was either going to cut or stab Sergeant Cole, or they were going to have to shoot S-RUSSELL to stop his attack. Officer Thomson reported that he recalled S-RUSSELL saying something to the effect of “Shoot me” or “Come get me” just prior to aggressing on Sergeant Cole while holding the knife in front of him pointed at Sergeant Cole.

W- was reportedly present during this incident and stated he recalled S-RUSSELL yell, “Come on fight me” while holding the knife.

Sergeant Cole estimated he was approximately 10’ - 12’ from S-RUSSELL when S-RUSSELL stepped aggressively toward him with the knife extended and pointed at him. Sergeant Cole articulated S-RUSSELL’s aggressive actions demonstrated both his intent and ability to harm Sergeant Cole. Fearing for his safety, the safety of Officer Thomson and the other men in the immediate area, Sergeant Cole reported that he fired his service pistol at S-RUSSELL. Sergeant Cole reported seeing S-RUSSELL react, but not stop, after firing the first round. Seeing that S-RUSSELL remained a threat and on his feet, Sergeant Cole reported that he fired two more rounds at S-RUSSELL, resulting in S-RUSSELL falling to the ground on his back.

Officer Thomson reported seeing S-RUSSELL aggress on Sergeant Cole from a distance of approximately 10’ with the knife in hand extended toward Sergeant Cole. Officer Thomson said he feared for Sergeant Cole’s safety. In an effort to save Sergeant Cole’s life, Officer Thomson reported that he fired two rounds from his service pistol at S-
RUSSELL. Officer Thomson reported Sergeant Cole must have made the same decision because he fired his service pistol just before Officer Thomson.

Based upon witness statements, officer statements and physical evidence, Detective Chambers (NSD) believed Sergeant Cole was between 8’ – 12’ from S-RUSSELL during the confrontation. Those same factors led Detective Chambers to estimate Officer Thomson’s was positioned a few feet to the left (west) and behind Sergeant Cole during this incident.

Almost immediately after firing shots from his service pistol, Sergeant Cole advised Dispatch of the shooting, reported the suspect was down, and requested medical aid.

Physical evidence collected during this investigation show Sergeant Cole fired four (4) .45 caliber rounds from his service pistol. Three (3) bullets consistent with the brand and caliber fired by Sergeant Cole were recovered from S-RUSSELL’s body.

Physical evidence collected during this investigation show Officer Thomson fired two (2) .40 caliber rounds from his service pistol. No bullets consistent with the brand and caliber fired by Officer Thomson were recovered from S-RUSSELL’s body.

During the autopsy, fragments of a fourth bullet were recovered from S-RUSSELL’s jaw. The brand and caliber were not determined.

The autopsy report noted S-RUSSELL sustained four (4) gunshot wounds – 2 near his left shoulder and 2 to the left side of his neck. The report noted no stippling or fouling of the skin, suggesting the firearms were not in close proximity to S-RUSSELL when fired, consistent with Sergeant Cole and Officer Thomson’s statements.

Based upon the totality of the circumstances, to include but not limited to officer interviews, witness interviews and physical evidence, both Sergeant Cole and Officer
Thomson arrived at a tense, uncertain and rapidly evolving scene involving a violent and aggressive suspect who:

- was found to be under the influence of a potentially lethal amount of methamphetamine
- was found to be under the influence of alcohol
- was armed with a knife
- demonstrated an understanding of the English language
- refused repeated clear commands to get on the ground
- when given commands, verbally challenged officers according to officer and witness accounts yelling something similar to, “You want some of this?” , “Come get me”, “Shoot me”, or Come on fight me” while holding the knife
- despite having at least three (3) avenues of escape, chose to stand and challenge responding officers
- despite not having a weapon in his hands when initially contacted by Sergeant Cole and Officer Thomson, chose to intentionally arm himself with a knife
  - raised the knife toward Sergeant Cole
  - stepped toward Sergeant Cole, from a distance of approximately 8'-12', while holding the knife in an extended and offensive fashion

As a result of the above identified factors, both Sergeant Cole and Officer Thomson independently articulated:

- their immediate concern for the safety of Sergeant Cole and community members based upon the clear and present threat posed by S-RUSSELL
- they each believed S-RUSSELL possessed the intent, ability and means to immediately inflict serious injury or death to Sergeant Cole
- they discharged their service pistols in an effort to neutralize the immediate threat posed by S-RUSSELL to Sergeant Cole and the community members. Additionally, Sergeant Cole articulated his concern for the safety of Officer Thomson related to the immediate threat posed by S-RUSSELL.
Radio communications reflect Sergeant Cole's radio transmission requesting medical aid for S-RUSSELL almost immediately after he and Officer Thomson fired their service pistols at the suspect, effectively neutralizing the threat. Officer Helfrich arrived on scene within seconds of the shooting and rendered medical aid. Officer Helfrich applied direct pressure to S-RUSSELL’s wounds on his upper left chest and shoulder area while Officer Thomson checked for a pulse until relieved by paramedics with the Napa Fire Department (NFD) and American Medical Response (AMR).
XX. FINDINGS

The following findings were reached based upon the totality of information known to include, but not limited to:

- a review of written reports
- review of involved officer, witness officer and civilian witness statements
- a review of physical evidence

A review of the totality of the information and evidence documented in this investigation show while en route to this incident, responding officers were informed a suspect, later identified as S-RUSSELL, with a particular physical description and clothing description was in a particular geographic area, armed with a knife and threatening individuals. Updates related to S-RUSSELL’s criminal behavior and specific location were provided to responding officers including Sergeant Cole and Officer Thomson. Based on the totality of the information broadcast to the responding officers, including Sergeant Cole and Officer Thomson, they had reasonable suspicion to detain as well as probable cause to arrest S-RUSSELL for violent crimes including:

- PC 245 (a)(1) – (Felony) Assault with a deadly weapon other than a firearm
- PC 422 (a) – (Felony/Misdemeanor) Criminal threats
- PC 417 (a)(1) – (Misdemeanor) Brandishing a deadly weapon

Approximately 20 – 40 seconds after arriving on scene and confronted by Sergeant Cole and Officer Thomson, S-RUSSELL challenged Sergeant Cole, drew a knife, held it in an offensive manner and aggressed on Sergeant Cole. Such actions give rise to probable cause to arrest S-RUSSELL for:

- PC 245 (c) – (Felony) Assault with a deadly weapon other than firearm on a peace officer
- PC 69 (a) – (Felony/Misdemeanor) Resist an executive officer by threat or violence
- PC 417 (a) (1) – (Misdemeanor) Brandishing a deadly weapon at a peace officer
SERGEANT COLE

§300.3 – Use of Force

Given the totality of the circumstances articulated in the administrative and criminal investigations, Sergeant Cole’s discharge of each of the four (4) rounds from his service pistol at S-RUSSELL in defense of his life and those around him, was an appropriate use of force, objectively reasonable, lawful, and in compliance with NPD Policy § 300.3.

§ 300.3.1 – Use of Force to Effect an Arrest

Given the totality of the circumstances articulated in this investigation, each of the four (4) rounds Sergeant Cole discharged from his service pistol at S-RUSSELL was an appropriate use of force, objectively reasonable, lawful, and in compliance with NPD Policy § 300.3.1.

§ 300.3.2 – Factors Used to Determine the Reasonableness of Force

Sergeant Cole faced a tense, uncertain and rapidly evolving situation. Specifically, he faced a suspect armed with a knife who had reportedly already assaulted a victim or victims, demonstrated objective symptoms of drug impairment, willfully disobeyed Sergeant Cole’s lawful commands, and refused to flee in any of at least three avenues of escape. Instead, the armed suspect stood and challenged Sergeant Cole before assaulting him with the knife within seconds of being contacted. The facts known in this case show S-RUSSELL aggressed on Sergeant Cole with the knife extended in an offensive fashion within 15 - 30 seconds of being contacted. The rapidity with which the events unfolded precluded Sergeant Cole from implementing any of the plans for containing and de-escalating the situation he described thinking about while en route to the call. Failure to immediately take defensive action with the application of lethal force would likely have resulted in Sergeant Cole, Officer Thomson and/or nearby community members being gravely injured or killed.

Based upon the factors outlined in both this administrative and the criminal investigations, Sergeant Cole’s use of lethal force was appropriate, objectively reasonable, lawful, and in compliance with NPD Policy § 300.3.2.
§ 300.4 – Deadly Force Applications

Given the totality of the circumstances articulated in both this administrative and the
criminal investigations, Sergeant Cole’s use of lethal force, specifically the discharge of
each of four (4) rounds from his service pistol at S-RUSSELL in defense of his life and
those around him, was appropriate, objectively reasonable, lawful, and in compliance with
NPD Policy § 300.4(a).

§ 300.6 – Medical Consideration

Sergeant Cole requested medical aid for S-RUSSELL within seconds of discharging his
service pistol. Immediately after Sergeant Cole discharged his service pistol neutralizing the
immediate threat S-RUSSELL posed, the chaotic scene was not secure. A number of
witnesses, victims and/or involved parties were still present in the immediate area preventing
Sergeant Cole from completely focusing on rendering aid to S-RUSSELL. Officer Helfrich
arrived on scene moments later and applied direct pressure to S-RUSSELL’s wounds on his
left chest and shoulder area until relieved by a higher standard of care provided by NFD and
AMR. Accordingly, Sergeant Cole’s actions were appropriate, objectively reasonable,
lawful and in compliance with NPD Policy § 300.6.

§ 312.6 – Firearms Training and Qualifications

At the time of this incident, Sergeant Cole was qualified to carry his Kimber model 1911 .45
caliber service pistol. His last NPD qualification with his service pistol was on November
21, 2016 (4th quarter). Sergeant Cole was in compliance with the quarterly firearm training
and qualification requirements outlined in NPD Policy § 312.6.
OFFICER THOMSON

§300.3 – Deadly Force Applications:
Given the totality of the circumstances articulated in both this administrative and the
criminal investigations, Officer Thomson’s discharge of each of the two (2) rounds from his
service pistol at S-RUSSELL in defense of Sergeant Cole’s life, and those around him, was
an appropriate use of force, objectively reasonable, lawful, and in compliance with NPD
Policy § 300.3.

§ 300.3.1 – Use of Force to Effect an Arrest
Given the totality of the circumstances articulated in both this administrative and the
criminal investigations, each of the two (2) rounds Officer Thomson discharged from his
service pistol at S-RUSSELL was an appropriate use of force, objectively reasonable,
lawful, and in compliance with NPD Policy § 300.3.1.

§ 300.3.2 – Factors Used to Determine the Reasonableness of Force
Officer Thomson faced a tense, uncertain and rapidly evolving situation. Specifically, he
faced a suspect armed with a knife who had reportedly already assaulted a victim or victims,
demonstrating objective symptoms of drug impairment, willfully disobeying Sergeant Cole’s
lawful commands, and refused to flee in any of at least three avenues of escape. Instead, the
armed suspect stood and challenged Sergeant Cole before assaulting him with the knife
within seconds of being contacted. The facts known in this case show S-RUSSELL
aggressed on Sergeant Cole with the knife extended in an offensive fashion within 15 - 30
seconds of being contacted. The rapidity with which the events unfolded precluded Sergeant
Cole or Officer Thomson from attempting to de-escalate the situation. Officer Thomson’s
failure to immediately take defensive action with the application of lethal force would likely
have resulted in Sergeant Cole, Officer Thomson and/or nearby community members being
gravely injured or killed.

Based upon the factors outlined in both this administrative and the criminal investigations,
Officer Thomson’s use of lethal force was appropriate, objectively reasonable, lawful, and in
compliance with NPD Policy § 300.3.2.
§ 300.4 – Deadly Force Applications

Given the totality of the circumstances articulated in both this administrative and the
criminal investigations, Officer Thomson’s use of lethal force, specifically the discharge of
each of two (2) rounds from his service pistol at S-RUSSELL in defense of Sergeant Cole’s
life and those around him, was appropriate, objectively reasonable, lawful, and in
compliance with NPD Policy § 300.4(a).

§ 300.6 – Medical Consideration

After discharging their service pistols at S-RUSSELL, Officer Thomson said Sergeant Cole
broadcast the shooting and believed he asked for paramedics. In the moments immediately
following the shooting, Officer Thomson said he continued to cover S-RUSSELL with his
firearm because S-RUSSELL still posed a threat since his immediate condition was
unknown, the knife was still next to him, and the chaotic scene was not secure.

Additionally, a number of witnesses, victims and/or involved parties were still present in the
immediate area preventing Officer Thomson and Sergeant Cole from completely focusing on
rendering aid to S-RUSSELL. After assessing the scene, Officer Thomson moved around S-
RUSSELL, kicked the knife away from the suspect’s left hand and continued to monitor him
for a threat. Officer Helfrich arrived on scene moments later. Officer Thomson felt the
immediacy of the threat had diminished to the point where he could render aid. Officer
Thomson checked his glove pouch and found it was empty. Officer Thomson directed
Officer Helfrich to retrieve gloves from the trunk of Officer Thomson’s patrol car. Officer
Thomson then put gloves on and checked for a pulse but found none. At approximately the
same time, Officer Helfrich reported he applied direct pressure to S-RUSSELL’s wounds on
his left chest and shoulder areas. Officers Thomson and Helfrich stayed with, checked on,
and rendered aid to S-RUSSELL until relieved by arriving NPD and AMR personnel who
provided a higher standard of care. Accordingly, Officer Thomson’s actions were
appropriate, objectively reasonable, lawful and in compliance with NPD Policy § 300.6.

§ 312.6 – Firearms Training and Qualifications

At the time of this incident, Officer Thomson was qualified to carry his Glock model 22 .40
caliber service pistol. His last NPD qualification with his service pistol was on December 4,
2016 (4th quarter). Officer Thomson was in compliance with the quarterly firearm training and qualification requirements outlined in NPD Policy § 312.6.
XXI. ATTACHMENTS

CD of Dispatch Transmissions and 911 Calls and Event Chronologies B
for E170305080 and E170305084; TeleStaff report for March 14, 2017

CD containing evidence photographs C

Applicable Napa Police Department Policies – “2016/10/05” version of D
NPD policies §300, §310 and §312 to include subsections

Range and Training Records – Sergeant Cole and Officer Thomson E

Misc. Communications – Sergeant Cole F

Misc. Communications – Officer Thomson G

CD of Interviews with Sergeant Cole and Officer Thomson H

Napa County District Attorney’s Office Report I

Napa County Sheriff’s Department Criminal Investigation J (Tabs 1 – 122)

Signed: [Signature]  Date: 02/16/2018