



**MEMORANDUM
POLICE DEPARTMENT**

DATE: December 26, 2018
TO: Deputy Chief Martinez
FROM: Sergeant Wes Morey
SUBJECT: Case Summary
Internal Affairs Case # 2016-010

INVOLVED PARTIES:

Investigator: Sergeant Wes Morey #109

Subject Officers: Officer Erik Bailey #146
Officer Adam Baker #159
Officer Denise Cockrum #132
Sergeant William Clayton #119

Complainant: Internal

Involved: Sean Arlt
[REDACTED] Plateau Avenue
Santa Cruz, CA 95060

Civilian Witnesses: [REDACTED]
[REDACTED]
Monterey, CA 93940
[REDACTED]
[REDACTED]
[REDACTED]
Santa Cruz, CA 95060
[REDACTED]

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INCIDENT SUMMARY:

On October 16, 2016 at 0330 hours, Santa Cruz Police Officers were dispatched to ██████ Chace Street in the city of Santa Cruz for a report of a male adult pounding on the front door. ██████ Chace Street is located at the northwest corner of Chase Street and Getchell Street. The front door faces south on to Chace Street, while the back door is accessed via the driveway on Getchell Street. The Reporting Party (████████████████████) knows the subject as a neighbor, who has mental health issues and advised that all of his doors and windows were locked. Mr. ██████ called back and updated Dispatch that the subject had moved to the back door of the residence. Mr. ██████ advised that the subject was yelling that he wanted to “kill everyone”. Mr. ██████ advised that a female tenant lives in their detached garage that is accessed from the Getchell Street side of the property.

Four Santa Cruz Police officers (Officer Bailey, Officer Baker, Officer Cockrum, and Sergeant Clayton) responded to the 200 block of Chase Street to investigate the matter. Upon arrival at 0339 hours, the Santa Cruz Police Officers saw Sean Arlt aggressively yelling and banging on the back door of ██████ Chace Street. The officers congregated near the driver’s side door of a patrol vehicle that was parked on Getchell Street. Officer Bailey gave commands to Mr. Arlt while standing next to the patrol vehicle. He addressed Mr. Arlt as “Sean” and asked him to come out of the backyard to speak with him.

Mr. Arlt went out of view behind the backyard fence. Officer Bailey and the other officers stepped out from behind cover and fanned-out diagonally across Getchell Street-remaining to the left of Officer Bailey’s patrol vehicle-so they could get a better view down the fence line. Officer Bailey was the furthest left away from the house. As soon as they stepped out away from the vehicle, a gate swung open from the backyard fence.

Mr. Arlt came out of the backyard gate holding a metal bow rake over his right shoulder. All officers on scene recognized this rake as a weapon that could cause any of them great bodily injury or even death. Mr. Arlt walked directly towards the officers, holding the rake over his right shoulder, canted, like he was ready to swing the rake. Mr. Arlt walked faster as he got closer to the officers. Officer Bailey repeatedly gave commands, "Sean drop the rake. Sean...stop, drop the rake". Mr. Arlt did not respond to any of his commands and continued advancing at a quick pace.

Sergeant Clayton and Officer Baker deployed their Tasers at Mr. Arlt, however they had no effect on him. Mr. Arlt continued to advance directly towards Officer Bailey, picking up speed. Officer Bailey believed that Mr. Arlt was focused on him. Mr. Arlt then started to run towards Officer Bailey with the rake canted and raised slightly even higher over his right shoulder. Officer Bailey retreated three to five steps back and yelled at Mr. Arlt to "Stop, stop". As Officer Bailey was retreating, he realized that a parked vehicle to his left blocked his path. He also had three officers standing to his right and he believed that moving to his right would have endangered his fellow officers. Officer Bailey believed that he no longer had any avenue of retreat. Mr. Arlt was now approximately ten to twelve feet (possibly even as close as seven feet) from Officer Bailey with the rake still raised above his head, running towards him. Officer Bailey believed that Mr. Arlt was intent on hitting him in the head with the rake, causing great bodily injury or death. Fearing for his life, Officer Bailey shot Mr. Arlt twice with his department issued handgun. Mr. Arlt fell to the ground after the two shots were fired. Officers rendered aid and called for fire and paramedics. Mr. Arlt was pronounced dead at the scene.

The Santa Cruz Police department recently had a prior violent encounter with Mr. Arlt on October 11, 2016. During that incident, Mr. Arlt was carrying two pens in his hand, holding them as if they were stabbing weapons. Mr. Arlt described the pens as, "These are my two keys to heaven". Mr. Arlt turned one of the pens over to his father. Mr. Arlt maintained one of the pens in a grip similar to one might hold a knife or other sharp object. Mr. Arlt refused to follow the orders of the officers on scene who were trying to determine if he was a danger to himself or others. Mr. Arlt said, "This is my key to heaven; I want to go to heaven". It seemed to the officers on scene that all conversations with Mr. Arlt did not register with him. Officers tried to use control holds to restrain Mr. Arlt, but those failed to be effective. One Officer used his Taser on Mr. Arlt. The Taser did not have the desired effect on Mr. Arlt. A second application of the Taser was used on him, but still it did not have the desired effect. The two officers on scene decided the safest approach was to hold Mr. Arlt down on the ground and wait for other officers to arrive to safely detain him. It took six officers to safely secure Mr. Arlt in a patrol vehicle. Mr. Arlt was ultimately delivered to a mental health evaluation unit on a 72 hour 5150 Welfare and Institutions application. Information regarding Mr. Arlt's behavior was shared with all patrol officers for officer safety purposes.

Officer Bailey, Officer Baker, Officer Cockrum, and Sergeant Clayton all had this information and even talked about it that night during roll call. They knew the circumstances of the incident and the potential dangers and officer safety risks that Mr. Arlt posed to them

SUMMARY OF ALLEGATIONS:

This investigation is into the use of lethal force by members of the Santa Cruz Police Department. Santa Cruz Police Department Policy 300 covers the use of force¹.

POLICY 300 - USE OF FORCE

300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 PHILOSOPHY

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and when warranted, may use force in carrying out their duties. Officers must have an understanding of, and true appreciation for, the limitations of their authority. This is especially true with respect to officers overcoming resistance while engaged in the performance of their duties. The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

300.2 POLICY

It is the policy of this department that 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 effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

¹ Exhibit D – Policy 300, Use of Force

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident.

While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

300.2.1 USE OF FORCE TO EFFECT AN ARREST

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

300.2.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
- (f) Seriousness of the suspected offense or reason for contact with the individual.
- (g) Training and experience of the officer.
- (h) Potential for injury to citizens, officers and suspects.
- (i) Risk of escape.
- (j) Other exigent circumstances.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy. It is recognized however, that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practical to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.

300.3 DEADLY FORCE APPLICATIONS

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

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

INVESTIGATION:

After the Officer Involved Shooting, the Santa Cruz County Critical Incident Protocol was initiated and the Santa Cruz County District Attorney's Office completed the investigation into the incident. I obtained all related reports, recordings, photographs, transcripts, and documents from the Santa Cruz County District Attorney's Office. I obtained audio recordings and dispatch logs from SCR-911. I have listened to the recordings of the interviews involving the officers and witnesses. I reviewed the listed documents and conducted my investigation.

Officer Interviews

On October 17, 2016, DA Inspector Ed Delfin interviewed all four officers involved in the incident. The interviews were conducted at the Santa Cruz Police Department in the "soft" interview room, located upstairs in Investigations. The interviews were video and audio recorded. Present during the interviews were DA Inspector Ed Delfin, the officers Attorney Nicole Pifari, and Professional Standards Sergeant Jose Garcia who represented the Santa Cruz Police Department.

I watched each video recorded interview and wrote a summary for each officer interview. For complete details, please refer to the audio and/or video recording of each interview.

Officer Erik Bailey's Statement Summary:²

On October 17, 2016 at approximately 0928 hours, Officer Bailey was interviewed by DA Inspector Edward Delfin at the Santa Cruz Police Department. The following is a summary of the interview.

Officer Bailey has been employed by the Santa Cruz Police Department for four years. At the time of this incident, he was assigned to Operations as an A-side graveyard patrol officer, working the West Beat.

Officer Bailey stated on October 16, 2016 at approximately 0330 hours, he was dispatched to a call on 200 Chace Street (the actual address of the residence that Officer Bailey was dispatched to was [REDACTED] Chace Street). The call was regarding a 5150 W&I subject banging on the reporting party's (RP) door. Dispatch provided the name of the subject and Officer Bailey immediately recognized the name (subject later identified as Sean Arlt). He was aware that SCPD Officers from the other side of the week dealt with Mr. Arlt about a week ago. He remembered hearing that it took eight officers to detain Mr. Arlt for a 5150 W&I hold. He was also aware that officers had to call for "code 3 cover" during that call, because Mr. Arlt was fighting the officers. The details of that call were talked about and passed on by other SCPD officers to Officer Bailey verbally. Additionally, the details of the incident with Mr. Arlt and the other SCPD officers were also discussed in roll call earlier that evening.

Dispatch provided an update that the subject was now at the back door, banging on the door, threatening to kill everyone inside the residence.

Officer Bailey, Officer Baker, Officer Cockrum and Sergeant Clayton responded to the call from the SCPD in their own respective patrol vehicles. They approached the address southbound on Getchell Street and parked about one hundred feet shy of the residence. Officer Bailey's patrol vehicle was closest to [REDACTED] Chace Street.

Officer Bailey immediately saw the RP through a clear window of the back door. Officer Bailey saw Mr. Arlt banging a handle of a rolled-up umbrella on the back door of the residence. Officer Bailey's view was partially blocked by a backyard fence separating the backyard from the rear driveway of the residence. Despite this view being partially blocked, Officer Bailey clearly saw Mr. Arlt's upper torso and the umbrella.

² Section 9 – Officer Bailey's Statement

Mr. Arlt was aggressively yelling something, but Officer Bailey could not understand what Mr. Arlt was saying. Between all four officers, they collectively designated two officers to have a non-lethal force option and two officers to have a lethal force option. Officer Bailey and Officer Cockrum were both designated to have the lethal force while Officer Baker and Sergeant Clayton were designated to have non-lethal force should they need to use them. Officer Bailey took the lead in talking to Mr. Arlt. Officer Bailey gave commands to Mr. Arlt while standing next to the driver's side of his patrol vehicle. He addressed Mr. Arlt as "Sean" and asked him to come out of the backyard to speak with him.

Mr. Arlt went out of view behind the backyard fence. Officer Bailey was not sure where Mr. Arlt had gone. Officer Cockrum suggested that they needed to see where Mr. Arlt was at. Officer Bailey and the other officers stepped out from behind cover and fanned-out diagonally across Getchell Street-remaining to the left of Officer Bailey's patrol vehicle-so they could get a better view down the fence line. Officer Bailey was the furthest left away from the house. As soon as they stepped out away from the vehicle, a gate swung open from the backyard fence. Up to that point, Officer Bailey did not know that there was a gate on the backyard fence.

Mr. Arlt came out of the backyard gate holding a metal bow rake over his right shoulder. Officer Bailey described Mr. Arlt as a male adult, approximately 5'9" – 5'10" in height, medium build. Officer Bailey described Mr. Arlt being bigger than him (Officer Bailey described himself as 5'7" in height, weighing 170 pounds). There was enough lighting for Officer Bailey to recognize that the rake had a wooden or metal handle that was approximately five feet long and a fixed metal "T" bar on the top. The "T" bar was approximately two feet wide and had several three to five inch sharp metal spikes spread across the bar. Officer Bailey recognized the rake as the type used for moving gravel or hard dirt-distinct from a plastic rake used for leaves. Officer Bailey owned a similar rake and recognized that if used against him and the other officers as a weapon, it would have caused serious bodily injury.

Mr. Arlt walked directly towards the officers, holding the rake over his right shoulder, canted, like he was ready to swing the rake. Mr. Arlt walked faster as he got closer to the officers. Officer Bailey repeatedly gave commands, "Sean drop the rake. Sean...stop, drop the rake". Mr. Arlt did not respond to any of his commands and Mr. Arlt was directly in front of the officers standing to Officer Bailey's right hand side. Officer Bailey yelled at the officer to his right, "Tase him. Tase him now". He then heard two Tasers deployments. Mr. Arlt momentarily shrugged, but continued to advance directly towards Officer Bailey, picking up speed. Officer Bailey believed that Mr. Arlt was focused on him. Mr. Arlt then started to run towards Officer Bailey with the rake canted and raised slightly even higher over his right shoulder. Officer Bailey retreated three to five steps back and yelled at Mr. Arlt to "Stop, stop". As Officer Bailey was retreating, he realized that a parked vehicle to his left blocked his path. He also had three officers standing to

his right and he believed that moving to his right would have endangered his follow officers. Officer Bailey believed that he no longer had any avenue of retreat. Mr. Arlt was now approximately ten to twelve feet (possibly even as close as seven feet) from Officer Bailey with the rake still raised above his head, running towards him. Officer Bailey believed that Mr. Arlt was intent in hitting him in the head with the rake. Officer Bailey stated, "He was coming at me with the rake, trying to hit me, so fearing for my life I shot twice to stop the threat". Officer Bailey shot Mr. Arlt twice with his department issued handgun. Officer Bailey believed that three seconds had lapsed from the first Taser deployment to when he fired the two shots.

Mr. Arlt fell forward after the two shots were fired. Officer Bailey immediately stopped and reassessed the situation. Officer Bailey remembered thinking, "Oh shit... that just happened". Officer Bailey described being in a momentary state of shock, hoping that Mr. Arlt was going to be okay. Officer Bailey quickly thought and hoped that he did everything that he was supposed to, evaluating whether he made the "right choice" and "did the right thing".

An officer prompted Officer Bailey to cuff Mr. Arlt, which he did. Officer Bailey saw that Mr. Arlt had a wound to his head, but since he fired two rounds, he believed that Mr. Arlt should have another wound somewhere in his body. They started cutting Mr. Arlt's shirt to find the second entrance wound. Mr. Arlt was kicking and pushing himself up as the officers were trying to render aid. Officer Baker went back to his vehicle and got leg restraints. They placed the leg restraints on Mr. Arlt's feet and held his feet down so they could administer aid.

Officer Bailey continued to look for the other entrance wound on Mr. Arlt until fire personnel arrived on scene. At that point, somebody notified Officer Bailey that he had to leave the scene. Officer Baker transported Officer Bailey from the scene to the SCPD.

Officer Bailey used his department issued firearm: Glock 22, Gen 4, .40 caliber. He had a fully loaded magazine in the firearm (15 round) and one round in the chamber. The ammunition in the handgun were department issued ammunition. Officer Bailey has not modified the firearm. The last time he fired the firearm was on October 12, 2016 during a department-wide training.

During the course of the interview, DA Inspector Delfin had Officer Bailey draw a diagram depicting the area where the OIS occurred. The diagram is located in section 10 of this report. The following is a reference guide of the notation on the diagram:

- Officer Bailey depicted the intersection of Getchell Street and Chase Street
- A black dot as the location where he initially saw Mr. Arlt
- Line from the dot as Mr. Arlt's direction of travel
- A – Where Officer Bailey parked his vehicle

- B – Where Officer Baker parked his vehicle
- C – Where Officer Bailey believed Officer Cockrum parked her vehicle
- Four circles across Getchell Street depicting the officers’ positions when Mr. Arlt came out of the backyard gate. The last circle on the left is Officer Bailey. The smaller circle in front of Officer Bailey is where Mr. Arlt was when Officer Bailey fired his handgun.

End of interview.

Officer Adam Baker’s Statement Summary:³

On October 17, 2016 at approximately 1117 hours, Officer Baker was interviewed by DA Inspector Edward Delfin at the Santa Cruz Police Department. The following is a summary of the interview.

Officer Baker has been employed by the Santa Cruz Police Department for eight years, four years as a Police Officer. At the time of this incident, he was assigned to Operations as an A-side graveyard patrol officer.

On October 15, 2016 at 2230 hours, Officer Baker attended roll call briefing with the rest of his team. During roll call that evening, his team discussed an incident involving Sean Arlt from October 11, 2016. They discussed that several SCPD patrol officers had a “knock-out drag-out fight” with Mr. Arlt and that a Taser was deployed to subdue him. In addition to the information disseminated during the roll call, Officer Baker also heard about the incident from October 11, 2016 during a department-wide training on October 12, 2016. One of the officers involved in the incident was present during the training and briefed Officer Baker and other SCPD officers.

Officer Baker had a ride along during his shift ([REDACTED]) Officer Baker along with other SCPD officers were dispatched to a call of a violent 5150 W&I subject banging on a neighbor’s doors and window, threatening to harm the people inside the house. Dispatch updated that the subject had moved from the front yard of the residence to the backyard. Dispatch provided Arlt’s name and Officer Baker immediately recognized the name from their discussion in roll call. Officer Baker along with Officer Bailey, Officer Cockrum and Sergeant Clayton all responded to the address from the police department.

They arrived on scene and parked about fifty yards away from the address. Officer Baker parked directly behind Officer Bailey. Officer Baker instructed his ride along to stay in the car, because of the volatile nature of the call. Officer Baker walked up next to Officer Bailey’s patrol vehicle. Officer Baker activated his in-dash vehicle audio/video recorder with his remote mic.

³ Section 10 – Officer Baker’s Statement

From Officer Baker's viewpoint, he could see Mr. Arlt's head behind the fence. He saw Mr. Arlt banging an umbrella or a cane at the window of the back door of the residence. All the officers initially gathered at the driver's side of Officer Bailey's patrol vehicle. They designated Officer Baker and Sergeant Clayton to have the less-lethal force option. Officer Baker could not remember who was designated as lethal force. He did not think Officer Cockrum nor Officer Bailey had their firearms out initially. The four officers fanned across Getchell Street between the two front patrol vehicles in the following order from left to right: Officer Cockrum, Officer Bailey, Officer Baker and then Sergeant Clayton.

Officer Bailey illuminated Mr. Arlt using his flashlight and instructed Mr. Arlt to come out and talk to them. Officer Bailey addressed Mr. Arlt by his first name. Mr. Arlt briefly went out of view. At that time, Officer Bailey did not have his gun out yet.

Moments later, the gate to the backyard fence opened and Mr. Arlt walked out of the gate. Officer Baker described Mr. Arlt as a White male adult, in his 30's, 5'8" – 6'0" tall, medium build, wearing a white short-sleeve shirt and light colored sweat pants. Mr. Arlt no longer had the first item he had in his hand (a cane or an umbrella) but instead Mr. Arlt was now holding a bow rake over his right shoulder. Officer Baker described the rake as follows: it had a wooden handle that was approximately three feet long. On top of the handle was a metal bar that had several sharp "teeth" on it.

Mr. Arlt was "walking with a purpose" straight towards the officers. Mr. Arlt walked steadily at a "brisk pace" without any expression or emotion on his face. Mr. Arlt had the rake over his right shoulder the entire time, but as he got closer to the officers, he lifted the rake even higher. Officer Baker was afraid that Mr. Arlt was about to hurt them with the rake. When Mr. Arlt got within twenty feet of Officer Baker, he deployed his Taser at Mr. Arlt. The Taser did not have any effect on Mr. Arlt. Mr. Arlt's facial expression or demeanor did not change and he continued to advance towards the officers. Officer Baker's Taser (Model X2) is capable of firing two consecutive shots without having to manually reload. Officer Baker immediately fired a second Taser round. The second Taser round did not have any effect either. Mr. Arlt was now about fifteen feet away from them. Officer Baker also heard Sergeant Clayton deploy his Taser and it did not have any effect on Mr. Arlt. Mr. Arlt continued to advance towards the officers. Mr. Arlt had the rake raised over his right shoulder with the sharp metal portion on top, slightly canted like he was ready to swing the rake down at the officers. Mr. Arlt was headed directly towards Officer Bailey.

At that point, Officer Baker attempted to transition to his handgun, because the Tasers were ineffective and Mr. Arlt was still continuing to advance towards them. Before he could transition

to his firearm, Officer Baker saw and heard Officer Bailey, who was standing to Officer's Baker's left side, fire two handgun rounds at Mr. Arlt.

Mr. Arlt fell forward. All of the officers went to Mr. Arlt to render medical aid. Officer Cockrum kicked the rake away from Mr. Arlt and they cuffed him with his hands to his back. Mr. Arlt continued to kick and fight the officers. Officer Baker applied a dressing on Mr. Arlt's head wound, but he continued to move around. Fire personnel arrived after a few minutes. Officer Baker was eventually asked to drive Officer Bailey from the scene to the SCPD.

During the course of the interview, DA Inspector Delfin had Officer Baker draw a diagram depicting the area where the OIS occurred. The diagram is located in section 10 of this report. The following is a reference guide of the notation on the diagram:

- Officer Baker diagramed the intersection of Getchell Street and Chase Street, but it appeared that he had the two streets inverted.
- The vehicles marked "P" are the patrol vehicle with the corresponding badge numbers next to them.
- "X" to indicate ■ Chase Street
- The side yard and driveway of the residence were both labeled as such
- Rectangles on both sides of Getchell Street indicating parked vehicles
- A line to indicate Mr. Arlt's path travel
- A – Officer Baker's first Taser deployment
- B – Officer Baker's second Taser deployment
- Four small circles to indicate where the four officers were standing when Mr. Arlt walked out of the backyard gate

End of interview.

Sergeant William Clayton's Statement Summary:⁴

On October 17, 2016 at approximately 1250 hours, Sergeant Clayton was interviewed by DA Inspector Edward Delfin at the Santa Cruz Police Department. The following is a summary of the interview.

Sergeant Clayton has been employed by the Santa Cruz Police Department for fifteen years. At the time of this incident, he was assigned to Operations as the A-side graveyard field supervisor.

⁴ Section 11 – Sergeant Clayton's Statement

Sergeant Clayton stated on October 16, 2016 at approximately 0330 hours, Officer Bailey was dispatched to [REDACTED] Chace Street for a subject pounding on the door, causing a disturbance. The reporting party (RP) provided the name of the responsible as Sean Arlt. Sergeant Clayton immediately recognized the name. During a department-wide training on October 12, 2016, the arrest of Mr. Arlt on October 11, 2016 was discussed among the police officers present at the training. The incident was discussed in the context of Taser training – How Mr. Arlt got into a physical confrontation with officers, exhibited exceptional strength and the Taser was ineffective in subduing him. During Sergeant Clayton’s roll call briefing earlier in the evening, he again discussed the details of the same incident from October 11, 2016 as it was written on a probable cause to arrest form. He reiterated that if they were to encounter Mr. Arlt, the entire shift would respond.

When the call for service was dispatched, the following officers responded from the police station: Sergeant Clayton, Officer Bailey, Officer Baker and Officer Cockrum. These were all the available officers at the time. While they were on their way to the residence, dispatch provided an update that the subject was now at the back door of the house, screaming that he was going to kill somebody. They approached the residence from Delaware Avenue and then southbound on Getchell Street. The units parked on Getchell Street a few houses from [REDACTED] Chace Street. Sergeant Clayton expected that because the number of the residence was [REDACTED] the residence would be a few houses from the intersection of Chase Street and Getchell Street, not right at the intersection.

When Sergeant Clayton got out of his patrol vehicle, he saw Mr. Arlt at the back door of the residence holding something in his hand. He notified the rest of the officers that Mr. Arlt was armed. Sergeant Clayton thought that Mr. Arlt may have been holding an ax handle or something similar. Sergeant Clayton assigned roles to the officers. He designated himself to have the Taser along with Officer Baker while Officer Cockrum and Officer Bailey were designated to have lethal force available. Sergeant Clayton added that ideally, he wanted to also have another set of officers designated as the “hands team” to affect the arrest, but he did not have any more officers available at that time.

Officer Bailey engaged Mr. Arlt in a conversation, asking him to come out and talk with the officers. Sergeant Clayton briefly lost sight of Mr. Arlt behind the backyard fence. Within a few moments, Mr. Arlt came out of the backyard fence gate wielding a metal bow rake. Sergeant Clayton described the rake as having a five to six foot handle, a fixed metal head that was approximately two feet wide. There were four-inch fixed metal tip blades spread across the metal head. Mr. Arlt had the rake in a “port arms... swinging position” over his right shoulder as

he walked on to the driveway. Sergeant Clayton was slightly in front of the other officers so he was not sure what their exact positions were behind him.

Sergeant Clayton commanded Mr. Arlt, "Drop the weapon", at least four to five times. Sergeant Clayton believed that Mr. Arlt was intent to use the rake against them. He did not observe Mr. Arlt show any indication that he was going to drop the rake or stop advancing. Mr. Arlt walked on to Getchell Street advancing towards the officers. Sergeant Clayton aimed his Taser at Mr. Arlt and saw his red laser beam on his shoulder. He also saw another set of red laser beams on him. Mr. Arlt continued to get closer to the officers and got within twenty to twenty-five feet. As he got closer, Mr. Arlt raised the rake even higher like he was ready to swing the rake down. Sergeant Clayton believed that Mr. Arlt was not going to stop and comply with his commands. Sergeant Clayton said, "Taser, Taser" and then fired a Taser round at Mr. Arlt. Sergeant Clayton heard another Taser deployed. The Tasers did not have any effect on Mr. Arlt.

As the Tasers were still cycling through, Mr. Arlt "charged" towards the officers. Sergeant Clayton described Mr. Arlt's actions to that of a running back in a football game charging ahead after getting the football. Sergeant Clayton said that Mr. Arlt continued past him and was fixated on someone to Sergeant Clayton's left hand side. Sergeant Clayton at that point was "frightened" because he did not have any time to transition to lethal force to stop Mr. Arlt. While Sergeant Clayton's Taser was still cycling, he heard two gunshots. Sergeant Clayton was "very relieved" when he heard the shots. Sergeant Clayton said he was the closest to Mr. Arlt and felt defenseless. Without the shots being fired, he was certain that Mr. Arlt was going to try to kill him or the other officers. Sergeant Clayton added, "I wished I would have had a gun in my hand instead of a Taser at the point he started charging... I felt vulnerable".

Mr. Arlt immediately fell forwards. Sergeant Clayton and the other officers rendered aid to Mr. Arlt and noticed that he was still holding on to the rake. Sergeant Clayton kicked the rake away from Mr. Arlt. As they were rendering aid, Mr. Arlt was still "thrashing around" and trying to kick the officers. They were eventually able to cuff him. As the officers rendered aid on Mr. Arlt, Sergeant Clayton called for additional resources to the scene.

Sergeant Clayton expressed that despite his specific training and experience as a member of the Hostage Negotiations Team, he was unable to apply his training to this situation, because he never had an opportunity to even get into a dialogue with Mr. Arlt. Although Sergeant Clayton specifically trained for crisis where somebody may harm themselves or some else, the opportunity to apply his skills never presented itself in this incident, because there was never a pause for them to start a conversation with him.

It should be noted, Sergeant Clayton had activated his digital audio recorder during the call.

During the course of the interview, DA Inspector Delfin had Sergeant Clayton draw a diagram depicting the area where the OIS occurred. The diagram is located in section 10 of this report. The following is a reference guide of the notation on the diagram:

- Sergeant Clayton marked the intersection of Getchell Street and Chase Street
- He marked a rectangle “█ Chase”
- X and labeled “Subject” to depict Mr. Arlt’s initial location
- X with a circle around it as Sergeant Clayton’s position
- Four vehicles parked facing south indicating the patrol vehicles
- A dashed line to indicate Mr. Arlt’s path of travel
- B – where Mr. Arlt was standing when Sergeant Clayton deployed his Taser
- Rectangle labeled as possible vehicle parked in front of █ Getchell Street

End of interview.

Officer Denise Cockrum’s Statement Summary:⁵

On October 17, 2016 at approximately 1438 hours, Officer Cockrum was interviewed by DA Inspector Edward Delfin at the Santa Cruz Police Department. The following is a summary of the interview.

Officer Cockrum has been employed by the Santa Cruz Police Department since 2006. At the time of this incident, she normally worked in Operations as a B-side graveyard patrol officer, however she was covering for another officer that night, so she was working as an A-side graveyard patrol officer.

Officer Cockrum stated on October 16, 2016 at approximately 0330 hours, she heard officers being dispatched to █ Chace Street. She immediately recognized the address and the name of the subject because of an “officer safety risk” discussion during the roll call. She also heard about the incident involving Sean Arlt from a roll call earlier in the week. Because of the safety concerns about the subject, she responded from the police station along with Officer Bailey, Officer Baker and Sergeant Clayton. Dispatch updated that the subject moved to the backyard and was threatening to kill everyone in the house.

⁵ Section 12 – Officer Cockrum’s Statement

Officer Cockrum observed Officer Bailey and Officer Baker park their vehicles on the right hand side (when facing the ocean) of Getchell Street. When Officer Cockrum got out of her vehicle, she immediately saw and heard Mr. Arlt banging on the back door of the residence with the curved handle portion of an umbrella. Mr. Arlt was behind the backyard fence of the residence. She also heard Mr. Arlt yelling something but was not sure what he was saying.

All four officers gathered by the first parked vehicle (Officer Bailey's vehicle) which was parked in front of the residence just north of [REDACTED] Chase Street (presumably [REDACTED] Getchell Street). They briefly discussed their roles and determined that Officer Bailey and Officer Cockrum would have lethal force available while Officer Baker and Sergeant Clayton would have less-lethal force available.

Officer Bailey commanded Mr. Arlt to come out towards them. Officer Cockrum was not sure if there was a gate on the backyard fence. She briefly lost sight of Mr. Arlt. Within a few moments, a gate on the backyard fence opened and Mr. Arlt stepped out. She used her flashlight to illuminate Mr. Arlt. She described Mr. Arlt was a male adult, 5'10" – 6'0", medium build, wearing a light shirt and dark pants. When Mr. Arlt stepped out of the gate, he was no longer holding an umbrella but instead wielded a rake over his right shoulder. She described the rake as having a four to five foot wooden handle, twelve to eighteen inches metal bracket attached on the top, with several two to three inch metal tines stemming from the bracket.

Mr. Arlt walked "with a purpose" towards the officers. Officer Cockrum described Mr. Arlt's gait as "aggressive" and "fairly rapid". Because of the rate that Mr. Arlt was advancing towards the officers, they fanned-out across Getchell Street. Officer Cockrum remembered the sequence of the officers from left to right: Officer Bailey, Officer Baker, Sergeant Clayton and Officer Cockrum. Mr. Arlt continued to advance towards the officers – raising the rake even higher over his right shoulder. She believed at that point that Mr. Arlt was intent in harming them with the rake. When Mr. Arlt got to the middle of the street, Officer Cockrum heard Sergeant Clayton deploy his Taser at Mr. Arlt. She saw the Taser probe strike Mr. Arlt's chest area. The Taser deployment did not have any effect on Mr. Arlt. Mr. Arlt started to advance towards Officer Bailey. Officer Cockrum had her handgun aimed at Mr. Arlt, but as he continued to quickly advance towards Officer Bailey, she realized that the officers on her left were in danger of being struck if she were to fire her weapon. Additionally, because of Mr. Arlt's rapid advancement, the backdrop from where she was standing were now the homes on Getchell Street. She was adamant that if crossfire and the backdrop were not an issue, she would have "absolutely" fired her handgun. Mr. Arlt got within ten feet of Officer Bailey when she heard two gun shots. Someone then announced, "Shots fired, shots fired".

Officer Cockrum observed Mr. Arlt fall forward. The rake was still under his body. Mr. Arlt tried to push himself up. She grabbed Mr. Arlt's right arm and she and Officer Bailey cuffed him. She saw that Mr. Arlt had a wound on his head. They attempted to find another entrance wound. Mr. Arlt continued to "thrash around" and kick the officers. Officer Baker got leg shackles from his patrol vehicle and bound Mr. Arlt's feet. They continued to provide medical aid on Mr. Arlt until fire personnel arrived on scene. The fire personnel continued to render medical aid on Mr. Arlt. As some point, one of the medics told Officer Cockrum that he was pronouncing Mr. Arlt deceased at the scene. Officer Cockrum recalled logging the time as 0400 hours.

Officer Cockrum said that part of her specialized training as a member of the Hostage Negotiations Team is to de-escalate a volatile situation. Mr. Arlt, however, was not responding to any of their commands at all. The entire incident also unfolded rapidly, precluding her from engaging Mr. Arlt in a dialogue.

During the course of the interview, DA Inspector Delfin had Officer Cockrum draw a diagram depicting the area where the OIS occurred. The diagram is located in section 10 of this report. The following is a reference guide of the notation on the diagram:

- Officer Cockrum marked the intersection of Getchell Street and Chase Street
- A rectangle to depict ██████ Chase Street
- X to indicate Mr. Arlt's initial location
- A line from X to depict Mr. Arlt's path of travel
- Badge numbers 146, 159, 119 and 132 to indicate their positions while standing across Getchell Street
- Vehicles labelled "P" for patrol vehicles
- Unlabeled vehicles for parked vehicles

End of interview.

Witness Interviews

██████████ Statement Summary:⁶

On October 16, 2016 at approximately 0716 hours, ██████████ was interviewed by DA Inspector Patrick Murray at the Santa Cruz Police Department. Mr. ██████████ was on a ride along that evening with Officer Baker. The interview was conducted in the "soft" room, located

⁶ Section 14 – ██████████ Statement

upstairs in the Investigations Bureau. The interview was video and audio recorded. The following is a summary of the interview.

Mr. [REDACTED] stated on the afternoon of October 15, 2016, he showed up to the SCPD for his scheduled ride along during swing shift. He was placed with several different officers throughout the shift, but ended up wanting to stay later than the swing shift hours (1630-0230 hours).

Mr. [REDACTED] was placed with graveyard patrol officer Adam Baker and was with him during the incident. Mr. [REDACTED] and Officer Baker were in the rear parking lot of the SCPD eating sandwiches when the call came out. He couldn't understand all of the radio traffic, but said the call was for a male named Sean who was beating on the reporting party's windows and was threatening to kill people.

Mr. [REDACTED] said that all four patrol units left the SCPD rear parking lot together and "caravanned" to the call. While driving to the call, Officer Baker said he had knowledge of the suspect and that SCPD had dealt with him before and that he suspected was a subject who would fight. Officer Baker told him to stay in the patrol vehicle during the call and to be a good witness.

Mr. [REDACTED] said when they arrived, Officer Baker's vehicle was the second car in line and he could see the house that the suspect was at. The house was on a corner lot, so he could not tell if it was the side or front of the house that the suspect was at. Mr. [REDACTED] could see the suspect banging on a window with what appeared to be a closed umbrella.

Mr. [REDACTED] said the officers exited their cars and congregated at the first car and looked like they were formulating a plan to handle the situation. Mr. [REDACTED] rolled down his passenger side window, so he could hear what was happening. The officers called out to the suspect who was now coming out quickly from the house towards the officers. The suspect had a large (6-7 foot) concrete rake. He further described it as a wooden handled, 6-7 foot long with a wide steel end. The suspect was holding the rake with both hands over one of his shoulders in an aggressive manner.

Mr. ██████ said that he heard the officers give clear multiple commands for the suspect to, “drop the weapon” and “drop the rake”. The suspect did not comply with the officer’s commands and continued advancing quickly towards the officers. Mr. ██████ saw red dots on the suspect and heard the officers say they were deploying Tasers. One officer deployed the Taser, but there was no effect and a second officer deployed a Taser, but there was no effect either. He could not tell which officers deployed the Tasers and could not see if the Taser darts made contact with the suspect.

Mr. ██████ said the suspect continued advancing with the rake above his head in an aggressive manner. He felt the suspect was intending to strike the officers. The officers were in front of the driver’s side of the first patrol car and were now backing up quickly as the suspect advanced on them from the house. He estimated the suspect advanced to within ten feet of the officers when he heard two gun shots. He said the suspect fell to the ground and the officers handcuffed the suspect and started to render aid. He could not tell where the suspect was hit, but that he saw blood on the suspect’s head and upper chest area once the officers removed his shirt. He said the suspect was still resisting the officers and he saw the suspect kicking at the officers.

Mr. ██████ said the officers looked like they were having a hard time finding the bullet holes and the suspect kept resisting the officers. Even when the fire fighters arrived on scene, the suspect was still resisting. He saw the suspect sit up two times after the fire fighters arrived on scene, with one time falling back to the ground. After a while, the fire fighters covered the suspect with a blanket and he believed the fire fighters had determined the suspect had died.

Mr. ██████ said he was brought back to the SCPD and was advised he would be interviewed.

End of interview.

██████████ Statement Summary:⁷

On October 16, 2016, ██████████ was interviewed by DA Inspector Katrina Rogers at her residence, located at ██████ Chase Street. Ms. ██████ lives at ██████ Chase Street and her husband, ██████████ was the person who called 911 to report Sean Arlt was banging on their door

⁷ Section 15 – ██████ ██████ Statement

and threatening to kill them. The interview was audio recorded. The following is a summary of the interview.

Ms. [REDACTED] said that her family first met Mr. Arlt when he was in Kindergarten. Her son and Mr. Arlt went to Kindergarten together and then attended high school together. Ms. [REDACTED] said Mr. Arlt has suffered from mental illness and that he had deteriorated over the years. Mr. Arlt's parents told her that his mental illness had gotten much worse and that he would suffer from psychotic episodes.

Ms. [REDACTED] began providing details about the first incident which occurred at their residence on Tuesday October 11, 2016. Ms. [REDACTED] stated Mr. Arlt barged through the front door of their residence and was agitated and breathing very hard. They had Mr. Arlt sit down and tried to calm him down. She gave him soup and water and he began to relax. She noticed bloody abrasions on his hands and guessed he must have fallen either jumping over their fence or coming up their stairs. She treated his abrasions with Neosporin and bandages.

Ms. [REDACTED] said Mr. Arlt didn't say much but was acting more like he was frightened. It appeared to her that he was hearing voices and seeing something. At one point he began saying that his father molested him.

Mr. Arlt began to get agitated again and grabbed two pens from the kitchen counter and ran out of the house. By this time Mr. Arlt's parents and the police had arrived. She asked Mr. Arlt to give her husband back his pens. Mr. Arlt gave her husband one of the pens before the officers took action by placing him in a "hold" and Tasing him. She kept telling the officers that Mr. Arlt was a danger to himself and others and that they needed to hold him.

Ms. [REDACTED] said she was angry at the system because Mr. Arlt was not held on a 5150 W&I hold. She believed Mr. Arlt should have been held and had a toxicology test run on him. She knew that Mr. Arlt was supposed to be taking psychotropic medication, but she didn't know if he was actually taking it. Mr. Arlt's parents told her that he had been self-medicating with marijuana and alcohol.

Ms. [REDACTED] then spoke about the morning of October 16, 2016. She and Mr. [REDACTED] were upstairs in bed when they were awoken by pounding on the front door. She said, "The front door was locked, he was pounding on the door, he was screaming". She told Mr. [REDACTED] "Oh my God [REDACTED] I think Sean is back".

Ms. [REDACTED] said Mr. [REDACTED] heard more of what Mr. Arlt was yelling than she did. She didn't hear him say anything specific, just screaming and yelling. She heard Mr. [REDACTED] tell him, "Go home. Sean you have to go home. You're not safe. Go home".

Mr. Arlt left the front door and went around to the back door. She knew the back door was unlocked, so she yelled down to Mr. [REDACTED] to lock the back door. She said she stayed upstairs with the dogs during the incident.

Ms. [REDACTED] said she saw Mr. Arlt walk out of their back yard and into the driveway carrying what she thought was a Lacrosse stick "in his hand holding it up high". Mr. Arlt was walking down the driveway when she heard a male police officer say very clearly, "Sean, drop the weapon. Sean, drop the weapon". She then heard two gunshots and saw Mr. Arlt fall to the ground. She said, "It really went fast".

From Ms. [REDACTED] bedroom window upstairs, she could see the officers, she could see Mr. Arlt with something in his hand that she thought was a Lacrosse stick, and she could see Mr. Arlt walking towards the officers. She did not see what officer shot Mr. Arlt. She was later told by her husband that Mr. Arlt was dead.

End of interview.

[REDACTED] [REDACTED] Statement Summary:⁸

On October 17, 2016 at approximately 0920 hours, [REDACTED] [REDACTED] was interviewed by DA Inspector Katrina Rogers at his residence, located at 206 Chase Street. Mr. [REDACTED] lives at [REDACTED] Chase Street and was the person who called 911 to report Sean Arlt was banging on his door and

⁸ Section 16 – [REDACTED] [REDACTED] Statement

threatening to kill them. The interview was audio recorded. The following is a summary of the interview.

Mr. [REDACTED] began providing details about the first incident which occurred at their residence on Tuesday October 11, 2016. Mr. [REDACTED] stated that he and his wife [REDACTED] [REDACTED] were sitting in the living room watching the Giants game. The Giants were up 5-2 when Mr. Arlt came “crashing” through the front door as if he had been running and ran into the door. Mr. Arlt came into the kitchen and sat down onto the kitchen floor. His hands were bloody and he was in stocking feet.

Mr. [REDACTED] described Mr. Arlt as hyperventilating and “looking terrible.” He eventually calmed down a little bit and asked if he could stay there. Mr. [REDACTED] asked him why he wanted to stay with them and Sean replied that his father had been raping him since he was a child and was trying to kill him. Mr. [REDACTED] told him that he could not stay there and began asking him questions about why he was running around in socks. Mr. Arlt wasn’t answering the questions and Mr. [REDACTED] said his lack of response “made it pretty clear that he was somewhere else having some sort of psychotic break.”

Mr. [REDACTED] called 911 for assistance with Mr. Arlt. He also walked over to Mr. Arlt’s residence on Plateau Avenue and asked his parents to come help him. When the police arrived, Mr. Arlt left the residence. Mr. [REDACTED] stayed inside the residence and didn’t hear or see his interaction with the police. He eventually heard that Mr. Arlt had been Tased and taken away by the police. Mr. [REDACTED] added, “We felt that the police handled everything pretty well the first night.”

Mr. [REDACTED] then spoke about the morning of October 16, 2016. Mr. [REDACTED] said they had locked their front door that evening before they went to bed. At approximately 0330 hours, Mr. [REDACTED] and Ms. [REDACTED] were awoken by banging on the front door of their residence. He put on his bathrobe and headed down the stairs which land in the foyer in front of the front door. He could see Mr. Arlt at the front door and said, “His face is right in the window and he’s got the crazy eyes. And he knows it’s me. He’s saying [REDACTED] Mr. Arlt was yelling [REDACTED] several times and several other things that he can’t remember. Mr. [REDACTED] told Mr. Arlt several times, “Sean go home it’s not safe. Go home.”

Mr. █████ called Mr. Arlt's father, but he did not answer the phone. He then called 911. Mr. █████ tried to keep Mr. Arlt at the front door, because it is a very stable door and he didn't think Mr. Arlt could break through it. He was worried about Mr. Arlt going to the back door, which isn't a very stable door.

Mr. █████ said that Mr. Arlt would bang on the front door and then wander away and then come back to the front door and bang on the door and wander away again. He then watched as Mr. Arlt walked alongside the house to the backyard. He knew that his backdoor was unlocked so he ran to the back door and locked it and turned on all of the outdoor lights. When Mr. Arlt came to the back door, Mr. █████ grabbed a frying pan and yelled, "Do not come in this house." or he was going to hit him with the frying pan. He heard Mr. Arlt say, "I'm Jesus Christ Super Star. I've killed thousands of people and I'm going to kill everybody in your house. And I don't care if I die."

Mr. █████ said he was, "Scared. I was really scared." He knew if Mr. Arlt had come into the residence he would have had to confront him in a physical way as best as he could. Mr. █████ called 911 again and became frustrated because the police had not yet arrived. While on the phone with dispatch, he looked over and saw Mr. Arlt banging on the window with the handle of an umbrella that he had gotten out of a basket from the garage. Mr. Arlt then began wandering around the back yard.

Mr. █████ stated that a few minutes after he called 911 for the second time he looked out to the street and saw police officers standing out in the street. He described seeing three police cars, one female police officer and several male police officers.

Mr. █████ told Mr. Arlt, "Sean the police are here. You have to get out of here." He reasoned that once Mr. Arlt was with the police everything would be fine. At this point, Mr. Arlt left the back step where he was at the back door and went into the garage and came out with a rake. He then walked out of the gate leaving it ajar. Mr. █████ stated at that point he turned around and walked away from the kitchen door and didn't watch what happened next with the police.

Mr. █████ said he then heard, "Sean put down the weapon. Sean put down the weapon." Followed by "Bang, Bang". He said it happened very quickly. He said Mr. Arlt must not have stopped and must have walked immediately to the officers, "because it all happened really fast."

He guessed that it was possibly 5-10 seconds before he heard the officers calling out “Sean put down the weapon. Sean put down the weapon.” Followed by two gunshots.

Mr. [REDACTED] said he saw news reports that the officer Tased Mr. Arlt, however he didn’t see how the police could have Tased him, because “There wasn’t enough time.”

Mr. [REDACTED] waited several minutes before he walked outside after hearing the gunshots. He walked out to the sidewalk and saw officers “standing over Sean.” He noticed Mr. Arlt had a restraining device on his hands and that he was “almost naked” with his shirt off and his pants half way down.

Mr. [REDACTED] stated that he stood there and continued to watch. He said, “I’m not a trained medical but I didn’t see any assistance to him at all. I saw zero concern. Other than ‘Stop trying to kick us.’” He said Mr. Arlt was still moving and bending his legs. He saw the officers push Mr. Arlt’s legs down. He said that he watched for some time before an officer came over and told him that they would like to take a statement from him. He told the officer to come into his house and he would give them a statement. He walked back into his house at this point.

End of interview.

[REDACTED] Statement Summary:⁹

On October 16, 2016, [REDACTED] was interviewed by DA Inspector Katrina Rogers at her residence, located at [REDACTED] Chase Street. Ms. [REDACTED] is an 18 year old female tenant who lives in a garage unit on the property. The interview was audio recorded. The following is a summary of the interview.

Ms. [REDACTED] said this morning she was awoken by the sounds of “screaming, and yelling and banging”. She initially thought she was having a bad dream and then though maybe it was stupid college kids. She soon realized it was neither and she heard someone yelling “gross terrible things”.

⁹ Section 17 – [REDACTED] Statement

Ms. [REDACTED] said she heard banging and she heard someone say something to the effect of, "I want to kill everybody in the house", which was followed by more banging and high pitched yelling.

Ms. [REDACTED] said she received a text message from Ms. [REDACTED] telling her that it was someone they knew who was mentally ill. She said it made her feel somewhat better to know that whomever was making this commotion was someone Ms. [REDACTED] knew. She was also aware of the incident that occurred on Tuesday night although she was not present.

Ms. [REDACTED] said Ms. [REDACTED] texted her to lock her door. She said her door doesn't lock, so she knelt by the door and held the handle. She said she wasn't terrified at that point, but she was generally scared because there was some person outside screaming.

Ms. [REDACTED] said she continued to hear banging and yelling. Ms. [REDACTED] sent her a text message that the police had arrived. She said the yelling stopped and approximately 1-2 minutes later she heard two gunshots.

End of interview.

Area Canvas

On October 16, 2016 at approximately 0700 hours, Officer David Albert was sent to assist with scene processing. Part of his duties were to contact any surrounding residents who came outside while he was there. He spoke with several residents and obtained statements from those that saw or heard any of the incident.

[REDACTED] Getchell Street: [REDACTED] stated at about 0330 hours this morning, she heard a commotion that included someone yelling and what she thought was fireworks. She was awoken by the noise and checked her clock to see the time. She heard the yelling first but she could not make out what was being said. She then heard two banging sounds that she assumed was fireworks, and then it got quiet.

█ Getchell Street: █. █ stated he heard two gunshots this morning following what he thought was the sounds of a dispute between people yelling at each other. He heard "scuffling" prior to the shots and, after the shots he heard "moaning and groaning." Wardein looked out the window and saw police vehicles and officers in the street, but he could not tell what they were doing. He estimated this happened at about 0330 hrs.

█ Getchell Street: █ █ stated he heard someone screaming and yelling by himself for "quite a while." His wife (█) looked out the window and saw police cars. He then heard what he believed were commands given by the police to the effect of "Don't do that," "No," or "Stop." He then heard "one or two shots" and then people talking, but he couldn't tell what they were saying.

█ Getchell Street: █ █ said she heard the officers giving commands. She believed the command was "Stop," but she wasn't sure. She also heard two shots but did not hear anything happening afterwards, so she did not think anything actually happened. She said this happened at about 0330 hrs.

Officer Albert also spoke to the following residents who said they did not see or hear anything:

█ Getchell Street: █

█ Getchell Street: █

█ Getchell Street: █

█ Getchell Street: █

█ Getchell Street: █

█ Getchell Street: █

On October 18, 2016 at approximately 1200 hours, DA Inspector Aaron Tripp and DA Inspector Katrina Rogers did a canvass of the neighborhood around █ Chace Street. The purpose of this canvass was to locate any independent video of the events that occurred on Sunday October 16, 2016 as well as locate any potential witnesses to those same events. The following is a list of addresses and the summary of contact at each address:

█ Getchell Street: █ █ stated that he had a guest that left his house around 2330 hours. █ went to bed and did not hear anything during the evening. Mylls awoke on Sunday morning around 0830 hours and took a few pictures of the police activity across the street. █'s home does not have surveillance equipment.

█ Getchell Street: No answer. Left business card on the door.

█ Chace Street: █ █ was out of town during the incident.

█ Chace Street: █ █ stated that she has difficulty hearing and as such wears a hearing aid. █ stated that on the evening of 10/15/16 she took her hearing aid out prior to going to bed. █ stated that she was woke from a deep sleep by the sound of shouting. █ stated that the shouting seemed to go on and not stop. █ stated that the tone of the shouting was extremely loud and sounded "kind of threatening". █ stated that she believes she fell back asleep and was awoken again by shouting. █ could not make out any words but knew it was a male voice. █ did not hear anyone shouting back. Shikuma commented that because her hearing is so poor the shouting had to be very loud for it to wake her. █ further described the shouting as having an "insistent quality". █ recalled wondering what language the man was shouting in because the words were almost unintelligible. █ stated that she knows the Spanish language and knew that the man wasn't yelling in Spanish. █ further described the shouting as being "pretty close to a rage" and "over the top". █ stated that she never heard gunshots. █ did speak with officers briefly Sunday morning as she saw them walking around her house. █ asked if she could help and she was advised that they were looking for a bullet. █ stated that she does not have any video surveillance.

█ Chace Street: No answer. Left business card on the door.

█ Chace Street: █ █ stated that she was asleep when she heard "pop, pop". █ did not hear anything prior to hearing what she believed was two gunshots. █ went to the front window of her residence where she could see the flashing of emergency lights. █ was unable to see the actual emergency vehicles. █ stated that she does not have any video surveillance and did not take any video that morning.

█ Getchell Street: █ █ stated that she woke up hearing yelling. █ began processing the yelling and whether the person sounded happy, sad or other. █ opened her window so as to be able to hear the yelling more clearly. █ described the yelling as being "loud" and sounding like "someone who is angry or crazy." As █ processed what she was hearing she realized that she could call the police. █

looked out her window however and saw one or two police cars pulling up outside her residence. It should be noted that [REDACTED] bedroom is on the north side of her residence with her window facing toward Mission Street. [REDACTED] estimated that it couldn't have been more than a couple of minutes after the police cars arrived when she heard two shots. [REDACTED] did not hear any sirens either before or after the two shots. [REDACTED] stated that she stayed inside after hearing the gunshots. [REDACTED] stated that she had witnessed the fire department and police cars on Tuesday evening but did not see the actual event. [REDACTED] stated that her home does not have any surveillance cameras. [REDACTED] stated that she has a tenant, [REDACTED] who lives in her converted garage who told her that he woke up when he heard the gunshots. [REDACTED] told [REDACTED] that he saw a body lying in the street near his vehicle.

[REDACTED] Getchell Street: [REDACTED] stated that he did not see or hear anything. [REDACTED] is extremely hard of hearing even with his hearing aids in. [REDACTED] stated that his wife did not see anything either. [REDACTED] stated that his home does not have any surveillance cameras. [REDACTED] had a commentary that the police department should hire more police officers that are 230 lbs versus 130 lbs. [REDACTED] reasoning was the 130 lb police officers are more likely to be afraid and shoot people unnecessarily. [REDACTED] inquired as to what had happened to the days when a big officer would simply tackle a man with a rake instead of shooting him.

[REDACTED] Getchell Street: No answer. This property appears to be vacant and possibly a rental of [REDACTED] as his name is on the mail box and he had just exited the property prior to speaking with us at [REDACTED] Getchell Street.

[REDACTED] Getchell Street: [REDACTED]. [REDACTED] stated that he was in Paso Robles Saturday evening and did not return home until approximately noon on Sunday. [REDACTED] stated that there was no one else home at his residence during this time period. [REDACTED] stated that his home does not have any surveillance cameras.

[REDACTED] Getchell Street: No answer. Left business car on the door.

[REDACTED] Getchell Street: [REDACTED] [REDACTED] stated that she slept through everything. [REDACTED] stated that her home does not have any video surveillance cameras.

[REDACTED] Getchell Street: [REDACTED] Mrs. [REDACTED] stated that she slept through everything. She stated that her husband was getting ready for work and may have heard something. I then spoke with Mark [REDACTED] stated that he was getting ready for work when he heard a guy yelling. [REDACTED] stated that by listening to the yelling he realized whoever was doing the yelling was "messed up." [REDACTED] recalled hearing two distinct yelling episodes although he did not

hear any of the words being yelled. [REDACTED] stated that he was considering calling the police when he looked outside his front gate in time to see two police cars and a police SUV driving southbound on Getchell Street. At this time [REDACTED] walked back inside his residence figuring that the police would take care of whatever was going on down the street. [REDACTED] stated that he did not hear any of the interaction between the police and the man yelling. [REDACTED] recalled hearing two shots at approximately 0336 hours. [REDACTED] thought at the time that the man must not have shot at the police because there were enough police on scene that there would have been more than two shots fired. [REDACTED] further commented that the man had to have been confronted by a number of officers before being shot. [REDACTED] stated that his father worked for Suffolk County as a police officer in New York. [REDACTED] stated that he does not have any surveillance cameras on his residence.

[REDACTED] Getchell Street: [REDACTED] stated that he did not hear anything during the night of October 15 or the morning th of October 16th. [REDACTED] spoke with his wife later in the morning on the 16th and she mentioned that she heard what she believed to be two gunshots early in the morning on Sunday. [REDACTED] wife described the sounds as "pop, pop." [REDACTED] wife did not hear anything before or after the gunshots and went back to sleep. It was not until later in the morning when the [REDACTED] looked outside that they saw the police activity which they related to the gunshots that they heard.

[REDACTED] Getchell Street: [REDACTED]. [REDACTED] stated that he went to bed at approximately 0300 hours and took his hearing aids out. [REDACTED] stated that neither he nor his wife heard anything that morning. [REDACTED] stated that he doesn't know any of the parties involved in the incident. [REDACTED] read about what occurred in the newspaper. [REDACTED] stated that he does not have any video surveillance at his residence.

[REDACTED] Getchell Street: [REDACTED] [REDACTED] stated that he heard gunfire and shouting. [REDACTED] stated that he heard "pop, pop". When I asked [REDACTED] how many gunshots he heard he replied "Four or five." I asked [REDACTED] if he could tell a difference between the sound of gunshots and he stated that he could not. [REDACTED] did not look outside of his residence. [REDACTED] woke at approximately 0800 hours. [REDACTED] stated that he does not have video surveillance at his residence.

[REDACTED] Getchell Street: [REDACTED] stated that she woke up at approximately 0258 hours and went outside to get some paper towels from her vehicle. At this time [REDACTED] noticed that two of her garden planters had fallen over in the storm. [REDACTED] went back into her house to work on a project. At 0400 hours [REDACTED] exited her house and saw crime scene tape. [REDACTED] stated that she never heard any sirens and she never saw an ambulance, fire truck or emergency lights. [REDACTED] stated that she hears everything from inside her house even when people are talking out front as a result of some large windows on the roofline of her house.

██████████ stated that the officer's cars were backed up in the street and that officers "didn't want us in there" referring to that area of the street. ██████████ stated that she felt it was very odd how the tent went up and yet she never heard or saw an ambulance. ██████████ commented that she communicated with a UCSC officer that was stationed at the end of her driveway. ██████████ also thought it was odd that UCSC police officers were on scene. ██████████ stated that her residence does not have video surveillance.

██████████ Getchell Street: ██████████ ██████████ stated that she did not hear or see anything. ██████████ stated that she woke up at 0800 hours and saw the police cars and crime scene tape. ██████████ stated that she does not have any video surveillance at her residence. ██████████ stated that her son, ██████████, told her that he was sitting in the living room when he heard gunshots and then heard someone moaning. ██████████ stated that she would ask ██████████ to call me to provide a statement.

██████████ Getchell Street: ██████████ ██████████ stated that he went to be around 0200 hours and his roommate, ██████████, went to bed around 0300 hours on Sunday morning. Neither ██████████ nor ██████████ heard anything that morning. ██████████ stated that he was unaware of what had happened until approximately noon on Sunday. ██████████ stated that he does not have any video surveillance at his residence.

██████████ Getchell Street: ██████████ stated that he did not hear or see anything. ██████████ stated that he does not have video surveillance at his residence. ██████████ stated that his wife, Janet ██████████ did hear gunshots and screaming. ██████████ stated that he would have ██████████ call me. On 10/19/16 I received a call from ██████████ stated that she was woken by the sound of "really loud crazy yelling". ██████████ could not hear the specific words. ██████████ further described the yelling as sounding "frantic" and "crazed". ██████████ then heard "boom, boom" which ██████████ stated was two gunshots. ██████████ did not see anything.

██████████ Getchell Street: ██████████. ██████████ refused to answer questions.

911 Calls¹⁰

██████████ ██████████ called 911 twice that morning. The following is a transcript of the two 911 calls between Mr. ██████████ and dispatch.

SCR911 RECORDINGS

¹⁰ Exhibit A – Digital Case File

██████████ calls to 9-1-1

D = DISPATCHER

S = ██████████ '██████████ ██████████

INITIAL CALL TO 9-1-1

D: 9-1-1 this is ██████████ What is the location of your emergency?

S: It's ██████████ Chace Street.

D: ██████████ Kaye Street?

S: Yeah. Someone is trying to break into my house.

D: (Crosstalk)

S: Yeah.

D: How are they trying to break into the house?

S: He's poundin' on the front door. He's a crazy kid from next door. You had to come get him the other day. He's from across - from about a block away. And he's got a psychological problem. His name is Sean Arlt.

D: Uh, what's his last name?

S: A-R-L-T

D: How old is John?

S: About 30.

D: Does he have any weapons?

S: I don't know. I'm not goin' out there.

D: Okay. I'm just asking. I don't know what you've seen so far.

S: No. I guess he's sittin' there screamin'. He's been here the other day. He's got psychological problems. He's had a psychotic break and he just poundin' on the door screamin'.

D: Are all your doors and windows locked?

S: Yeah! But I want somebody here in a hurry. I've got a k - I got a wife here and everyone's scared.

D: No, I understand. And I just want to confirm, you're [REDACTED] Kaye Street? Is that a house?

S: Yeah, corner of Chace and Getchell. There was 10 cars here the other night. [REDACTED] Chace Street at the corner of Getchell.

D: Ok. 'Cause I'm hearing Kay Street in the Beach Flats

S: C-H-A-C-E, C-H-A-C-E (Crosstalk)

D: That's why I wanted to confirm, 'cause I was hearing Kaye Street. So I wanted to make sure, Okay? I'm updating the call here and we'll have officers there as soon as we can. Okay?

S: Thank you.

D: Do you know if he appeared to be white, black, Hispanic or Asian?

S: I'm gonna call his parents.

D: Okay. We'll be there as soon as we can.

CALL ENDS

[REDACTED] SECOND CALL TO 9-1-1

D: 9-1-1 This Gemma, what's your emergency?

S: Yeah, where are you? There's somebody at my door screaming about killing us. I called you about five minutes ago; at 905 - or [REDACTED] Chace Street, Santa Cruz.

D: [REDACTED] J Street?

S: Chace! C-H-A-C-E! Chace, Chace.

D: Okay. Okay, hold on one second for me. I wasn't the one who spoke to you before. One second.

S: I know you weren't.

D: Okay. So it looks like the officers are on the way. So, they're trying to get there as fast as they can. Has anything changed since you last called us?

S: Yeah. He went to the back door. There's a young lady in the back, um - in the garage who's our tenant, and this guy, he's now starting talking about killing everyone in the house.

D: So, is he still near the garage, or is he back at the front door now?

S: He's at the back door. (Crosstalk)

D: Okay. So he's at the back door.

S: He's - I know the kid. He's psychotic. Okay?

D: Okay. So, he's just yelling in general that he wants to kill everyone?

S: No. He's just - no. He's just crazy. He needs to be taken away. What? (Voice in background) I know. I know. If he goes near there, I'm gonna go outside.

D: And you said that you have a tenant in your garage?

S: Yeah. Can you just send someone over here in a hurry? (Crosstalk)

D: We have officers on the way. Okay?

S: Alright.

D: You have several officers on the way. Has your tenant been advised to stay in the garage?

S: I know.

D: I'm asking you. Did you advise them?

S: Thank you.

D: Hello?

CALL ENDS

CAD Report¹¹

According to the CAD Report, the call for service was generated on October 16, 2016 at 0330 hours. The reporting party was [REDACTED] [REDACTED]. The CAD Report read as follows:

“MALE POUNDING ON FRONT DOOR, IS A NABOR KNOWN TO HAVE MENTAL HEALTH ISSUES. ARLT, JOHN 30’S FTF”

“UNK HBD/DRUGS, UNK WEPS. ALL RPS DOORS AND WINDOWS ARE LOCKED”

“RP UPDATED ADDRESS. RP HUNG UP, SAID HE IS CALLING SUBJS PARENTS. SUBJ IF RPS NABOR. NFI/NFD”

“RECENT PRIOR – ARLT, SEAN 062584 – C3 COVER NEEDED FOR UNCOOPERATIVE SUBJ 10/11/16”

“RP CALLING BACK. THE SUBJ WAS AT THE BACK DOOR. HE IS YELLING THAT HE WANTS TO KILL EVERYONE FTF”

“THERE IS A TENNANT WHO LIVES IN THE GARAGE. UNK IF HE ADV’D HER TO STAY INSIDE. RP HUNGUP ON ME”

“146 – EYES ON HIM FRM GETCHELL ST SIDE / CARRYING AN UMBRELLA”

¹¹ Exhibit B – CAD Report

“SHOTS FIRED C3 FIRE AMR”

Radio Traffic¹²

The following is a transcript of the radio traffic that morning between dispatch and the responding officers. The transcript ends shortly after the Officer Involved Shooting.

RADIO TRAFFIC

Q=Dispatch

Q: 1 William 1-4-6 Santa Cruz 1 Boy 1-5-9 if you could cover a 5150 at [REDACTED] Chace Street.

146: 1-4-6.

159: 1-5-9.

Q: 1 William 1-4-6, 1 Boy 1-5-9, 5150 [REDACTED] Chace Street cross is Getchell and John Street. For a (John Alt) who has a 5150 history is pounding on his neighbor's door. Uh, per one of my partners since we have some violent history with this subject. Unknown HBD or drugs unknown weapons. Doors and windows are all locked to the RP's home. We're still looking further.

146: 1-4-6.

159: 1-5-9. Break, Sam, 1-1-9 isn't that the guy on roll call you were talkin' about earlier?

119: I don't recall, let me check

159: Copy.

Woman: 1-5 (unintelligible).

159: A, uh, (unintelligible) something like that.

Woman: 1-80 and 1-4-2 were physically fighting (unintelligible)...

¹² Exhibit A – Digital Case File

Q: Affirm – from priors we had a call with him involving some Code 3 cover and uncooperative October 11 of this year.

119: 1-1-9 attach me. Let's have, uh, the whole team go.

Q: 1-1-9 – copy break. One other 1-3-2 – or correction – yeah, 1 Edward 1-3-2 I'll show you medical.

132: Affirm, from the PD.

146: Santa Cruz 1-William-1-4-6, what was the address again? My computer's not workin'.

Q: ■ Chace. Cross of Getchell.

146: Copy.

Q: 3-35.

119: Santa Cruz 1 Sam 1-1-9. What address is this gentleman associated with?

Q: Ah, (Sean's) home address is ■ Plateau Avenue.

119: Copy.

Q: 3-36.

146: Santa Cruz 1-William-1-4-6. Do we have any type of description?

Q: 1 William 1-4-6 Santa Cruz. The RP is very uncooperative. He just called back a second time advising that the suspect was at the back door. He's yelling that he wants to kill everyone. The RP again is very uncooperative. Disconnected.

146: Copy. Can we look up the suspect in Alliance and find out his descriptors?

Q: Affirm. In Alliance, uh, stand by just one. 1 William 1-46. His DL puts him 5-10-170 blond and blue? I'm looking for the most recent contact in a line.

146: Copy. Thank you.

146: 1-4-6. We are all on scene.

Q: (Unintelligible).

Man: (Unintelligible).

Q: Negative. He hung up on us.

Man: Copy. I think we have eyes on him. (Unintelligible).

Q: Uh, your radio has static only.

146: Copy. We've got eyes on him right now. Uh, we're on the Getchell Street side.

Q: Copy. Eyes on him from the Getchell Street side.

146: 1-4-6 back. He's got an umbrella with him as well.

Q: Uh, copy. He's carrying an umbrella.

159: Shots fired - shots fired.

Q: Copy. Shots fired. [REDACTED] Chace Street.

146: Santa Cruz 1 William 1-4-6 shots fired. Can you, uh, send Fire and Medic? Code 3 please.

Q: Starting Fire and AMR Code 3.

Woman: Sam 1-1-9. (Unintelligible) describe (unintelligible).

119: Affirm. (Unintelligible) 1-7-6-1-1-9.

119: Santa Cruz 1 Sam 1-1-9 clear the tones, break.

Q: Go ahead.

119: I need you to hold the watch commander for me. Uh, have him call me on my, uh, cell.

Q: Copy.

119: And just confirm Fire and Paramedics are Code 3 to the scene?

Q: Affirm.

Audio from Scene¹³

Sergeant Clayton activated his audio recorder just before the Officer Involved Shooting occurred. As you begin listening to the recording, you immediately hears sounds of rustling, as if he is putting the audio recorder back in his shirt pocket. I transcribed the following audio from the recording:

(Inaudible talk)

Officer Bailey: Hey Sean

Sergeant Clayton: Alright, he's got a weapon

Officer Bailey: Hey, hey drop the rake

Sergeant Clayton: Drop, drop the weapon Sir

Sergeant Clayton: Drop the weapon Sir

(Inaudible between officers)

Sergeant Clayton: Drop the weapon

Sergeant Clayton: Drop the weapon

Officer Bailey: Drop the weapon

Sergeant Clayton: Ok, we're gonna deploy a Taser here

Officer Bailey: Drop the weapon

Officer Baker: Drop the weapon

Officer Baker: Drop it

Sergeant Clayton: Drop the weapon

¹³ Exhibit A – Digital Case File

Officer Bailey: Tase him, Tase him, Tase him

Sergeant Clayton: Taser, Taser, Taser, Taser, Taser

(Sound of two Tasers being deployed within one second of each other)

Officer Cockrum: Oh shit

Sergeant Clayton: Taser, Taser

Officer Bailey: Hey, hey stop, stop, stop

(Sound of two gun shots)

Unknown Officer: Shit

Sergeant Clayton: Ok

Officer Baker: Shots fired, shots fired

Sergeant Clayton: Ok

Officer Cockrum: Grab that, grab that

Officer Cockrum: Stay down, stay down, stay down

Officer Cockrum: Hey, I need some help here guys

MAV Video¹⁴

The patrol vehicle MAV that captured the incident was from vehicle number 144 and was assigned to Officer Baker that shift. I viewed the video and authored the following summary.

The video starts at 03:39:25 and shows Officer Baker following Officer Bailey to the scene of the call.

At 03:39:40, Officer Bailey parks and gets out of the patrol vehicle. Officer Baker pulls up directly behind Officer Bailey's patrol vehicle and parks it.

An unknown number of officers congregate at the front driver's side door of Officer Bailey's patrol vehicle.

¹⁴ Exhibit A – Digital Case File

At this point, it starts to rain and water begins to accumulate on the windshield.

There is a very bright house light that shines in the direction of the patrol vehicles.

Between the water on the windshield and the glare from the house light, it is difficult to see out the front window in the video.

Officers begin shining their flashlights at the house and fence.

At 03:41:29, Mr. Arlt comes out of the gate and onto the driveway.

Mr. Arlt walks down the driveway towards the street, where the officers are located.

Due to the rain and glare, I can't see anything in Mr. Arlt's hands at that point.

At 03:41:39, Mr. Arlt has walked into the street and is moving quickly towards the officers. I can see he has both hands on an object and is holding it as if it's a bat and he's getting ready to swing it at something.

At 03:41:45, I heard two gun shots.

At 03:41:48, I heard "shots fired, shots fired" on the radio in the patrol car.

It should be noted, the vehicle doors were closed, so you couldn't hear anybody talking or giving commands outside of the vehicle.

It begins to rain harder and all you can see at this point are silhouettes walking around with flashes of lights.

In regards to Body Worn Cameras, in 2016, the department had not invested in BWC's yet, so none of the officers had one.

Photographs¹⁵:

Crime scene photographs were taken at the scene. Refer to the digital case file in Exhibit A for the photographs.

Scene Video¹⁶:

A crime scene video was taken at the scene. Refer to the digital case file in Exhibit A for the video.

¹⁵ Exhibit A – Digital Case File

¹⁶ Exhibit A – Digital Case File

Autopsy Report¹⁷:

On October 18, 2016, Forensic Pathologist Doctor Stephany Fiore performed an autopsy examination on the body of Sean Arlt.

According to the autopsy report, Mr. Arlt sustained a gunshot wound to his head. The bullet entered above his left ear. Mr. Arlt sustained a second gunshot wound to the left side of his torso. The bullet entered under his left arm, about one inch down and one inch to the left of his arm pit.

According to the toxicology report, Mr. Arlt had the following positive findings:

- Ethanol (Ethyl Alcohol) – drinking alcohol
- Cotinine – Nicotine
- Bupropion – Anti-depressant drug
- Hydroxybupropion – Anti-depressant drug
- 11-Hydroxy Delta 9 THC – Active Metabolite
- Delta 9 Carboxy THC – Inactive Metabolite
- Delta 9 THC – Active ingredient of Marijuana
- Blood Alcohol Concentration (BAC) – 0.047

On October 19, 2016, The Santa Cruz County Sheriff-Coroner issued the following press release regarding the autopsy findings:

“On October 16th the Santa Cruz Sheriff’s Office initiated a death investigation concerning the death of Sean Arlt. On October 18th a forensic autopsy was conducted by the Sheriff’s Officer Forensic Pathologist. The Forensic Pathologist determined Sean Arlt’s cause of death to be Gunshot Wounds of the Head and Chest and classified the death as a homicide. Toxicology results from biological samples obtained from Sean Arlt were submitted to a toxicology lab for analysis and are pending return”.

A copy of the autopsy report is attached to this investigation.

¹⁷ Exhibit G – Autopsy Report

CONCLUSION & FINDINGS:

In determining whether the officers used the appropriate amount of force, in this case deadly force, I explored several factors. An officer's use of force is governed by the reasonableness standard set forth in *Graham v. Connor*, 490 U.S. 386, 395, 109 S. Ct. 1865, 104 L. Ed. 2d 443 (1989).

The fact-specific nature of whether an officer's use of force is reasonable, unreasonable, or excessive depends on the totality of the circumstances surrounding the encounter. The question is whether the officers' actions were "objectively reasonable" in light of the facts and circumstances confronting them. Courts determine the reasonableness of the officer's actions based upon whether another officer standing in this officer's shoes, reasonably perceived there was a need to use the amount of force used in the given situation.

The courts have held that any person, including a peace officer, may use deadly force against another when the circumstances reasonably create a fear of imminent death or serious bodily harm to the person, and the use of deadly force reasonably appears necessary to resist the threat. (*People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *People v. Hardin* (2000) 85 Cal.App.4th 625, 629-630; *People v. Harris* (1971) 20 Cal.App.3rd 534, 537.)

Penal Code Section 835a. States,

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

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

Penal Code Section 196 States,

Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either—

1. In obedience to any judgment of a competent Court; or,
2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or,
3. When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest.

Santa Cruz Police Department Policy 300 – Use of Force states:

300.3 DEADLY FORCE APPLICATIONS

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

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

In this investigation, Santa Cruz Police Officers were dispatched to [REDACTED] Chase Street, regarding a subject pounding on the front and back doors and yelling that he wanted to “kill everyone”. The Reporting Party knew the subject as Sean Arlt and advised he had mental health issues.

Upon the officer’s arrival, they found Mr. Arlt aggressively yelling and banging on the back door of [REDACTED] Chace Street. The officers asked Mr. Arlt to come out of the backyard to speak with them.

Mr. Arlt abruptly swung open the backyard gate and quickly walked towards the officers. Mr. Arlt was holding a metal bow rake over his right shoulder in a “ready to swing” position. All officers on scene recognized this rake as a weapon that could cause any of them great bodily injury or even death. Mr. Arlt continued to quickly walk towards the officers even after several commands to “stop” and “put down the weapon”.

Two officers deployed their Tasers, however they had no effect on him. Mr. Arlt continued to advance directly towards Officer Bailey, picking up speed. Officer Bailey believed that Mr. Arlt was focused on him and was intent on hitting him in the head with the rake, causing great bodily injury or death. Fearing for his life, Officer Bailey shot Mr. Arlt twice with his department issued handgun. Mr. Arlt fell to the ground after the two shots were fired and was pronounced dead at the scene.

Findings:

Finding for Officer Erik Bailey: **EXONERATED**

I found that Officer Bailey acted within department policy and guidelines. Officer Bailey feared for his own safety and the safety of other officers in the area. Officer Bailey stated in his interview that Mr. Arlt was, “Aggressively moving forward on me with the rake” and “I thought he was going to hit me with that rake”. Officer Bailey stated, “I felt fear that he was going to hurt me” and “I had to shoot to stop the threat”. Officer Bailey feared for his life that morning and said, “He was coming at me with the rake, trying to hit me, so fearing for my life I shot twice to stop the threat”. Officer Bailey knew Mr. Arlt was a threat to the public and a threat to life.

Finding for Officer Adam Baker: **EXONERATED**

I found that Officer Baker acted within department policy and guidelines. Officer Baker feared for his own safety and the safety of other officers in the area. Officer Baker saw Mr. Arlt advancing on them with a raised metal rake in a position to attack. Officer Baker said he felt, “he was going to start attacking us with the rake”, so he deployed his Taser, however it had no effect on Mr. Arlt. Officer Baker knew Mr. Arlt was a threat to the public and a threat to life.

Finding for Sergeant William Clayton: **EXORNERATED**

I found that Sergeant Clayton acted within department policy and guidelines. Sergeant Clayton feared for his safety and the safety of other officers in the area. Sergeant Clayton saw Mr. Arlt advancing on them with a raised metal rake in a “swinging position”. Sergeant Clayton said “I thought he was going to try and hurt one of us”, so he deployed his Taser, however it had no effect on Mr. Arlt. Sergeant Clayton knew Mr. Arlt was a threat to the public and a threat to life.

Finding for Officer Denise Cockrum: **EXONERATED**

I found that Officer Cockrum acted within department policy and guidelines. Officer Cockrum feared for her own safety and the safety of others in the area. Officer Cockrum saw Mr. Arlt advancing on them with a raised metal rake and said, “He was gonna inflict some sort of harm” and “he was a threat to us”. Officer Cockrum was designated as lethal coverage, however her backdrop was homes on Getchell Street. Had here backdrop been clear, she “absolutely” would have fired her handgun upon Mr. Arlt. Officer Cockrum knew Mr. Arlt was a threat to the public and a threat to life.

I forwarded this investigation to Deputy Chief Martinez for review on December 26, 2018.