



**MEMORANDUM
POLICE DEPARTMENT**

DATE: December 17, 2018

TO: File

FROM: Sergeant Wes Morey

SUBJECT: Officer Erik Bailey Interview
Internal Affairs Case # 2016-010

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. Dispatched 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.

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 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 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 shot 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 they did. Officer Bailey saw that Mr. Arlt had a wound to his head, but since he fired two round, 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 is 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 13 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.