

COUNTY OF SANTA CRUZ OFFICE OF THE DISTRICT ATTORNEY
BUREAU OF INVESTIGATION REPORT



BOI CASE NUMBER: 2016-290-001
AGENCY CASE NUMBER: 16S-08694, SCSO # 16-08229
CRIME: OIS SCPD
REQUESTED BY: ADA TARA GEORGE
INSPECTOR ASSIGNED: KATRINA ROGERS
DATE OF REPORT: 10/26/2016

DEFENDANT(S): Sean [REDACTED] ARLT (Deceased 10/16/16)
DOB: 06/25/1984
CDL: D2129951
ADDRESS: [REDACTED] Plateau Avenue (rear unit) Santa Cruz, CA 95060

Synopsis: I interviewed [REDACTED] at the request of his wife [REDACTED]

Persons Involved

Name	Address	Phone
[REDACTED]	[REDACTED] Chace Street	
[REDACTED]	[REDACTED] Chace Street	[REDACTED]

Narrative: On 10/16/16 I interviewed [REDACTED] [REDACTED] at her home located at [REDACTED] Chace Street. During my time in the home I saw her husband, [REDACTED] [REDACTED] at a distance. [REDACTED] stayed occupied in the living room.

At approximately 1731 hours, I received a text from [REDACTED]. The text read as follows:
"Could you please interview my husband [REDACTED]. He has more to tell you about after he was shot, before he died. Thanks, [REDACTED]"

I replied to [REDACTED] via text and set up an appointment for Monday October 17, 2016 at 0900 hours.

On 10/17/16 at approximately 0920 hours I met with [REDACTED] [REDACTED] and [REDACTED] [REDACTED] in the kitchen of their home. This interview was audio recorded. The following is a summary of my interview with [REDACTED] and [REDACTED]. For complete details please refer to the audio recording.

Upon my arrival [REDACTED] told me that he had not come out to talk with Inspector Delfin and I the day before because he thought we were police officers from the Santa Cruz Police Department (SCPD). [REDACTED] stated that once he realized we were not with SCPD he wanted to talk with us to provide us with more information that he had not given during his interview at SCPD. [REDACTED] indicated that one of the Detectives interviewing him was defensive.

I explained the role of the District Attorney's Office (DAO) to [REDACTED]

[REDACTED] began providing me details about the first incident which occurred at their residence on Tuesday October 11, 2016. [REDACTED] stated that he and [REDACTED] were sitting in the living room watching the Giants game. The Giants were up 5-2 when Sean came "crashing" through the front door as if he had been running and ran into the door. Sean came into the kitchen and sat down onto the kitchen floor. Sean's hands were bloody and he was in stocking feet. [REDACTED] described Sean as hyperventilating and "looking terrible."

[REDACTED] began calming Sean down by giving him a towel to clean up with and some water. Once Sean calmed down a little bit Sean asked [REDACTED] and [REDACTED] if he could stay there. [REDACTED] asked Sean 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. [REDACTED] stated that he had heard about these allegations before from [REDACTED] Arlt.

[REDACTED] told Sean that he could not stay there and asked Sean if something had happened tonight. Sean never replied to [REDACTED] question. [REDACTED] began asking Sean basic questions such as "Why are you out running around in your stocking feet?" [REDACTED] also told Sean that he was acting really strange and that he thought Sean needed help. [REDACTED] stated, "And the lack of response or whatever response made it pretty clear that he was somewhere else having some sort of psychotic break."

[REDACTED] stated that Sean calmed down a little bit so [REDACTED] suggested quietly to [REDACTED] that [REDACTED] go over to the Arlt [REDACTED] residence and let them know that Sean was at their residence. Arlt and [REDACTED] advised [REDACTED] that they had already called 911 twice that week and called again that evening after [REDACTED] arrived and advised them what was happening. [REDACTED] hurried back to his residence. [REDACTED] noted that Sean "seemed fine" when he returned and he saw that Sean was eating some soup that [REDACTED] had given him.

[REDACTED] stated that he arrived back home prior to the police and Arlt and [REDACTED] arriving. [REDACTED] saw the police arrive and told Sean that the police were there. Sean left at that point and went out the kitchen door and out onto the street. [REDACTED] went out front and Arlt and [REDACTED] showed up at that time. [REDACTED] stayed inside for some time before he finally went outside. At that time Sean was being taken away. An officer contacted [REDACTED] and stated that they would want to take [REDACTED] statement. [REDACTED] stated that he only heard talking going on outside but he did not hear or see Sean being tased that evening.

[REDACTED] stated that he spoke with Arlt and [REDACTED] and told them that if anything happened in the future they would call them. [REDACTED] and [REDACTED] noted that each family had old numbers for each other. Both families had terminated their land line service and now only had cellular phones. The following day [REDACTED] [REDACTED] [REDACTED] and Arlt all exchanged cell phone numbers. The

agreement was that [REDACTED] and [REDACTED] would call [REDACTED] and Arlt first because it was agreed that it was not safe for Sean to be out and about wandering in the state he was in. [REDACTED] then added, "We felt that the police handled everything pretty well the first night."

[REDACTED] then began telling me about the morning of October 16, 2016. [REDACTED] stated that they had locked their front door that evening. [REDACTED] explained that when his children were growing up they had an open door policy. [REDACTED] said that he coached the high school Lacrosse team and that kids were free to come and go from their residence.

Sean was one of the kids who would come and go. I asked [REDACTED] if Sean would come and go when he was in his 20's and 30's. [REDACTED] stated that he did not. [REDACTED] explained that when his boys were home Sean would stop by. [REDACTED] stated that they never had any other incidences of Sean just barreling in the door. [REDACTED] stated that Sean has always "been a little different." [REDACTED] stated that over the years as his kids grew up they would tell [REDACTED] and [REDACTED] about Sean's behavior. Sean's behavior became worse and worse and over the years Sean would stop getting invited to weddings and things like that.

At approximately 0330 hours, [REDACTED] and [REDACTED] were awoken to banging on the front door of their residence. [REDACTED] put on his bathrobe and headed down the stairs which land in the foyer in front of the front door. [REDACTED] could see Sean at the front door. [REDACTED] described Sean, "His face is right in the window and he's got the crazy eyes. And he know's it's me. He's saying [REDACTED] Sean did not ask to come in but was banging and yelling "[REDACTED] [REDACTED] added that Sean was yelling "[REDACTED] several times "and a lot of other stuff that quite frankly I don't remember. You know he was having conversations with himself, with one person, then the other, then back and forth."

[REDACTED] yelled at Sean and told him, "Sean go home it's not safe. Go home." [REDACTED] estimated that he yelled that at Sean at least three or four times to go home and told Sean that he shouldn't be there and that [REDACTED] was not going to let him in.

At this point [REDACTED] called Arlt but Arlt did not answer the phone. [REDACTED] yelled at [REDACTED] and told her to call [REDACTED] [REDACTED] then called 911. [REDACTED] was thinking at this time that he wanted to keep Sean at the front door because it is a very stable door and he didn't think Sean could break that door in. [REDACTED] was worried about Sean going to the back door as he felt that the back door wasn't as stable. During this time [REDACTED] also told [REDACTED] to contact [REDACTED] and advise her of the situation. [REDACTED] stated that he was hoping that Sean would not go to the back door as he was concerned about the strength of the door and also for [REDACTED] safety. [REDACTED] stated that Sean 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.

[REDACTED] asked [REDACTED] how Sean got to the backyard. [REDACTED] described Sean as walking alongside the house in the yard. [REDACTED] could see Sean walking down the side of the house through his bay window. [REDACTED] knew that his backdoor was unlocked so he ran to the back door and locked the door and turned on all of the outdoor lights. [REDACTED] stated that they have a light to the side yard, a back door light, and a spot light in the driveway.

[REDACTED] saw Sean come to the back door. [REDACTED] grabbed a frying pan. [REDACTED] yelled at Sean, "Do

not come in this house.” ██████ told Sean to go home and again told him not to come in the house or ██████ told Sean he would hit him. Sean then told ██████ “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.”

██████ recalls Sean making that statement while he was at the back door. ██████ stated that Sean may have said something about Jesus Christ Super Star at the front door but that “most of what he said did not even register in my head. But when he said he was going to kill everybody in the house that registered.”

I asked ██████ how he was feeling at that time. ██████ replied, “Scared. I was really scared.” ██████ stated that he knew that if Sean went toward ██████ door that ██████ would have to go outside and confront Sean. ██████ stated that if Sean had come in the back door he would have had to confront Sean in a physical way as best as he could.

██████ stated that when he was in the kitchen area he called 911 again. ██████ was frustrated because the police had not yet arrived. ██████ became even more frustrated when the dispatcher could not understand what street ██████ was saying that he lived on. While ██████ was on the phone with 911 he began hearing a banging noise on the window of the back door. ██████ looked over to see Sean banging on the window with the handle of an umbrella that Sean had gotten out of a basket in ██████ garage.

██████ showed me the glass at the back door. Despite having a divide pane look the glass is actually one solid sheet of glass with faux panes overlaid. ██████ showed me where Sean was beating the umbrella against the glass. ██████ surmised that Sean could have probably broken the glass had he really wanted to. ██████ commented on what a terrible sound the banging made and that she was shocked that the glass had not broken.

During this time Sean was wandering around the back yard. It was at this time that ██████ knew he might have to go outside and confront Sean if Sean ventured toward ██████ door. ██████ stated that Sean never did go to ██████ door and then stated, “Thank god.”

██████ 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. ██████ described seeing three police cars and one female police officer and several male police officers. ██████ described the officers as “just sitting there.” ██████ stated that he was trying to process why the officers were not coming to his door to help him.

██████ told Sean, “Sean the police are here. You have to get out of here.” ██████ stated that he wanted Sean out of his yard. ██████ reasoned that once Sean was with the police everything would be fine. At this point Sean left the back step where he was at the back door and went into ██████ garage and came out with a rake. ██████ stated that Sean then walked out of the gate leaving it ajar.

██████ stated at that point he turned around and walked away from the kitchen door. ██████ stated that he did not watch what happened next with the police. ██████ stated that he then heard, “Sean put down the weapon. Sean put down the weapon.” Followed by “Bang. Bang” ██████ stated that the shooting happened almost as quickly as he had just recited the phrases to me. For complete

details regarding the pace at which [REDACTED] spoke these phrases please refer to the audio recording at minute marker 18:27.

[REDACTED] described in more detail what he saw when the officer's arrived. [REDACTED] stated that when he saw the police they didn't say anything and they didn't have their headlights on. [REDACTED] stated, "It's like they snuck up." [REDACTED] saw the officers wandering around and thought "come on in" although he didn't actually say that.

[REDACTED] described the series of events again with the police arriving. [REDACTED] again described Sean going and getting the rake out of the garage. In retelling the events [REDACTED] was unsure if Sean had gotten the rake prior to the police arriving. [REDACTED] just recalled thinking "Shoot he got something more substantial so he can actually break the window." [REDACTED] stated that he told Sean that the police were here and Sean wandered out of the gate and into the driveway.

[REDACTED] stated that Sean must not have stopped and must have walked immediately to the officers "because it all happened really fast." [REDACTED] 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.

[REDACTED] stated that he didn't see how the police could have tased Sean. [REDACTED] was making the comment based of off news reports that said that Sean had been tased. [REDACTED] further stated, "I can't swear that they didn't but I don't see how that's possible. There wasn't enough time." [REDACTED] stated that this was the first thing he wanted to make sure that our office knew. [REDACTED] reiterated that he just didn't think that there was enough time for the officers to have deployed their tasers.

I asked [REDACTED] if he would know the sound of a taser and he stated that he would not. I asked [REDACTED] if he heard any other noise preceding the gunshots and he stated that he didn't. [REDACTED] stated that when the incident initially happened he thought he heard two or three shots but now he was certain that he heard two.

[REDACTED] stated that he waited several minutes before he walked outside after hearing the gunshots. [REDACTED] stated that he walked out initially to check on [REDACTED] and to shut the gate. At this time [REDACTED] walked out to the sidewalk and saw officers "standing over Sean." [REDACTED] estimated that he stood on the side walk for approximately 15 minutes although [REDACTED] stated that he did not have a watch and had not checked the clock.

[REDACTED] could see that Sean had a restraining device on his hands. [REDACTED] noted that Sean was "almost naked" with his shirt off and his pants half way down. [REDACTED] remarked that he didn't see any blood. [REDACTED] recalled thinking "I know that is the sound of a gunshot but I don't see any blood." [REDACTED] began thinking that perhaps Sean had been shot in the leg or shot with rubber bullets.

[REDACTED] offered to bring the officers a blanket because Sean was covered with a flimsy blanket. The officers told [REDACTED] that they did not need a blanket. [REDACTED] stated that he stood there and continued to watch. [REDACTED] stated, "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.'" [REDACTED] stated that Sean was still moving and bending his legs. [REDACTED] saw the officers push Sean's legs down. [REDACTED] recalled at

one point Sean was rolled over onto his stomach and was laying face down on the pavement naked. [REDACTED] described that it was "raining like crazy."

[REDACTED] stated that he watched for some time before an officer came over and told [REDACTED] that they would want to take a statement from [REDACTED] told the officers to just come into the house and he would give them a statement. [REDACTED] walked back into his house at this point. [REDACTED] stated that no officer ever came into the house so he walked back outside again. The same officer, who [REDACTED] described as being very polite, again told [REDACTED] that they would need a statement. The officer offered to drive [REDACTED] or follow him down to the police station. [REDACTED] stated that he would just drive himself and agreed to meet the officers in the parking lot of the police station.

[REDACTED] stated that he believed a half an hour had passed and it was now around 0400 hours. [REDACTED] discussed wanting to get changed and make a cup of coffee before heading down to the police department. The officer told [REDACTED] that they were ready for him now. [REDACTED] was concerned about having to wait around at the police station which he says he ultimately had to do anyway.

As [REDACTED] was leaving he noticed that no one was standing over Sean anymore and [REDACTED] believed that Sean must be gone. [REDACTED] recalls seeing "just a pile of clothes" that he thinks in hindsight was a body bag.

[REDACTED] stated that all this time he thought this incident was over. [REDACTED] further stated that he thought Sean was safe and that the police had not shot Sean. [REDACTED] then stated, "No one called an ambulance." [REDACTED] stated that he did ask an officer if they had shot Sean and the officer would not answer. [REDACTED] corrected himself and then stated that he asked the officers if they had tased Sean. [REDACTED] stated that the officer replied something to the effect of "That wasn't enough." or "That wouldn't be enough." [REDACTED] then stated, "I never did ask them if they shot him."

[REDACTED] stated that when he left his house to go to the police department [REDACTED] had no idea that Sean was dead.

[REDACTED] stated that he drove his wife's car to the police department which was parked in his driveway. [REDACTED] recalled the officers lifting the crime scene tape as he drove out. [REDACTED] stated that he waited approximately 15 minutes until a different officer arrived to let him into the police station.

[REDACTED] stated that he was irritated to be made to wait and told the officer that he had explicitly asked if they were ready for him before he left the house. The officer told [REDACTED] that he was going to have to wait longer as the District Attorney was going to be leading the investigation and it might be a couple of hours. [REDACTED] stated that he was confused why the District Attorney's office would be involved. [REDACTED] stated that he then texted [REDACTED] who told [REDACTED] that Sean was dead.

[REDACTED] stated that another officer came in and told [REDACTED] that they would appreciate it if he "kept a lid on it" with regards to what happened because they didn't want things "blowing up" all over social media. [REDACTED] interjected at this point and stated, "Oh, I had already done that." [REDACTED] explained to the officer that he was just texting [REDACTED] to make sure she was ok.

█████ stated that approximately 20-30 minutes later an officer came in and advised █████ that they were going to have to do the interview. █████ stated that he asked that officer, "Why didn't they come in?" █████ told the officer that the officers were "milling around the street" and that "we were obviously having a crisis. It's like they were afraid to come in." The officer suggested to █████ that maybe the officers were making a plan. █████ admitted that could possibly be true.

█████ stated that the officers never came in his yard and that he didn't hear the officers call Sean to come out of the yard. █████ stated that he had read that in the paper. █████ stated that he heard everything else because he heard them tell Sean to "put down the weapon." █████ then stated, "If they asked him to come out, they whispered it."

I asked █████ if he had read in the paper that the officer's called Sean out. █████ stated that he had and then chuckled as he related what he read about the officer's calling Sean out and then Sean attacking the officers with a rake. █████ remarked, "That's not how it happened."

█████ stated that he asked the officer during his interview why no ambulance had been called. █████ stated that the officer replied that a "medic" had been called. █████ stated that if he had known that Sean had been shot in the chest he would have been screaming to call an ambulance. █████ reiterated that he had really just "thought the thing was done" and commented again that he thought Sean had been shot in the leg or been shot with rubber bullets. █████ then laughed and said "Maybe the taser sounded like a gunshot, I don't know."

█████ told me that he wanted to make it really clear "That one good cop or two lousy cops could have solved that situation by tackling him, or one going in front or one going behind." █████ commented that if Sean was black, Obama would be in town right now.

█████ reiterated that he couldn't understand why an ambulance was not called. █████ stated that Sean was alive for at least 15 minutes because █████ had stood there watching him. I asked █████ if he saw a fire engine. █████ stated that the road had been blocked off for or by the fire engine to begin with. █████ stated that the timing of that is foggy in his mind.

█████ stated that there was definitely a gap in time when █████ was not watching Sean. █████ stated that at the beginning of the gap Sean was moving around and when he began watching again there was a bag over Sean. █████ stated that he did see someone looking at one of Sean's knees at one point. █████ reiterated that he didn't see any blood and didn't even think that Sean had been shot in a way that it would have killed him.

█████ commented that she felt that they were both just in shock and denial. █████ stated "You call the police and they come help. That's the way we were raised."

I asked █████ to describe what he saw the officers doing after the gun shots. █████ stated that after he heard the gunshots there was a gap between the gunshots and when he went outside. █████ stated that he had determined in his own mind that things must have settled down. █████ stated that he may have been able to see the officers standing around from the back door. █████ explained that the fence is so high that he could not see the shooting but he could see people standing up later. █████ estimated that it was 3-4 minutes after the gunshots before he went outside and walked to the sidewalk. █████ stated that he saw the officers standing around and

saw one officer, "not in a rough way", telling Sean to "stop kicking." I asked [REDACTED] if he could tell if that was an officer or a paramedic. [REDACTED] replied that he never remembered seeing a paramedic at all. [REDACTED] stated that in his mind it was an officer but there was a possibility he could have been mistaken.

I asked [REDACTED] what he saw the officers doing as they stood there. [REDACTED] replied, "Nothing, they were just standing there." [REDACTED] stated that during the break of standing on the sidewalk and watching the officers he went and talked with [REDACTED] to let her know that it was safe and that she could come in the house if she wanted to.

I asked [REDACTED] if anything that [REDACTED] had said jogged her memory and if she had anything to add. [REDACTED] stated that she did not. I asked [REDACTED] if she came downstairs after she heard the gunshots and she stated that she did not. [REDACTED] stated that she was "freaked out"

I asked [REDACTED] if there was anything else he wanted to add. [REDACTED] stated that when he left to go to the police station he was feeling good about the way the police had handled the situation because he thought Sean was safe.

[REDACTED] stated that while [REDACTED] was gone at the police station it started to sink in. [REDACTED] went outside and began talking to a man she described as a District Attorney. Based on the description I believe [REDACTED] was talking with ADA Rob Wade. [REDACTED] stated that he lost it a little bit when she learned that Sean was dead. [REDACTED] stated that she was yelling that an ambulance had never been called and she was upset because they had told the police that Sean was mentally ill.

I asked [REDACTED] if it was raining during this incident. [REDACTED] replied that it was raining the whole time. [REDACTED] interjected and stated, "It was so dark, you really couldn't see."

[REDACTED] commented that she felt the media needed to do an investigative report about mental illness and the police. [REDACTED] state that the San Antonio Police Department has a model program for dealing with mental health in policing.

I apologized to [REDACTED] for him having to wait around to be interviewed and explained to him that it takes time to mobilize people. We got into a discussion about setting expectation levels. [REDACTED] stated that all of the police he interacted with her very polite and real professional although [REDACTED] thought that "they were trying to cover for each other a little bit with all the comments or not sharing information." [REDACTED] then stated that he understood why.

[REDACTED] stated that one of the other things she would like looked into is that Sean was killed between 0330 and 0400 hours and he laid on the street until 1100 or 1200 hours. [REDACTED] stated that it was heartbreaking to see him lay there like that.

[REDACTED] asked why [REDACTED] and Arlt hadn't been allowed to see Sean as he laid in the street. [REDACTED] and [REDACTED] also commented that [REDACTED] and Arlt had been to their house last night and told them that the police had not told them anything about what had occurred.

[REDACTED] commented that he felt the police did a very thorough investigation after the shooting but

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that he hoped "it was for the right purpose and not to try and get someone off who might have probably done something wrong in my mind." [REDACTED] interjected and stated, "Or to make the system work better." [REDACTED] was hopeful that this investigation would help improve communication between the hospital, mental health and law enforcement. [REDACTED] asked me why the psychologist wasn't called when the call came into dispatch.

[REDACTED] and [REDACTED] began thinking about what they could have done different. [REDACTED] hypothesized about maybe she should have gone outside and spoken with Sean. [REDACTED] commented however that she was "frozen" and that Sean was "scary and so unpredictable." [REDACTED] hypothesized that he should have gone outside when he saw Sean with the rake. [REDACTED] then stated, "I don't think that interaction with him in that state would have been wise. We could have gotten hurt. Truthfully we felt threatened. That's real. I'm not going to deny that."

[REDACTED] commented that it was probably these police officers first time ever being put in a situation like this and that these police officers were not the same officers that they read about in the newspaper. [REDACTED] explained that it wasn't like these officers have had the experience of going through something like this as many times as they have read about it in the media. [REDACTED] said he had to give them a little slack as to how they were going to react when somebody comes at them with a rake in the air.

[REDACTED] suggested that the police officers should have someone neutral that they could call who was not on scene to run the scenario by them. [REDACTED] stated that was better than trusting your own instincts in that tense type of situation because you're not thinking straight. [REDACTED] summarized that they needed a consultant to call. I explained to [REDACTED] that there wasn't any time to do anything of that nature as the officers were responding to [REDACTED] call of Sean trying to get into the house.

[REDACTED] then hypothesized that the officers needed riot gear so that even if Sean had swung at them with the rake it wouldn't hurt. [REDACTED] also suggested they could have tackled Sean. [REDACTED] then stated, "I don't think he would have hit anybody with that, who knows." As [REDACTED] said this [REDACTED] interjected, "You don't know"

[REDACTED] and [REDACTED] then commented that Sean must have had some different scenario playing in his head that morning and that Sean was "totally out of it."

I took several photographs of the inside of the [REDACTED] residence depicting the area of the foyer, front door, bay window, living room, kitchen, and back door. I later saved these to a secure drive at the District Attorney's Office.

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REPORT CONTINUED:



KATRINA ROGERS, Inspector

REVIEWED BY: Patrick Murray