1 2 3 4 5 ALBUQUERQUE POLICE DEPARTMENT 6 7 8 9 10 11 12 RE: CASE #14-0023683 13 INTERVIEW OF: DET. KEITH SANDY 14 DATE TAKEN: APRIL 7, 2014 1.5 TIME: 10:17 A.M. 16 BY: DET. GEOFFREY STONE UNIDENTIFIED MALE 17 AGT. RAFAEL GOMEZ 18 ALSO PRESENT: MR. LUIS ROBLES 19 20 21 22 23 24 25

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        DET. STONE: Okay. Today's date is Monday,
    April 7th, 2014. It's approximately 1017 hours.
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    This is Detective Geoff Stone with the Albuquerque
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    Police Department. This is in reference to an
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    officer-involved shooting case, Case
    Number 14-0023683. This incident occurred on
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    March 16th, 2014. I am here doing another
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    interview with Detective Keith Sandy. And present
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    in this room, I'm just going to go around the
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    table, is...
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        AGT. GOMEZ: Agent Rafael Gomez, with the New
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    Mexico State Police.
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        UNIDENTIFIED MALE:
                            (Inaudible).
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        MR. ROBLES: And Luis Robles, his attorney.
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        DET. STONE: All right. Keith, just so you
    know, we are back in here, there's a couple things
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    that I just -- I've found out through the
    investigation that I just want to clear up with
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         Again, this is a voluntary statement, you
    don't have to -- you don't have to provide me a
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    statement if you don't want. If at any time you
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    want to stop the interview, just go ahead and let
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    me know. Okay?
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        DET. KEITH SANDY: Yes, sir.
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        DET. STONE: Okay. So specifically what I
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would like to talk about, going back to the day of 1 the incident, March 16th, 2014, right around the 2 time when probably -- before the shooting happens 3 and when you're arriving on scene, I believe you 4 had a conversation with one of the State Police, I 5 6 believe Sergeant Ware? 7 DET. KEITH SANDY: Yes, sir. 8 DET. STONE: I would just like to go over --9 can you tell me what you recall from that 10 conversation with him? 11 DET. KEITH SANDY: I had -- I had just arrived. I was in the process of trying to get my things in 12 13 order. I was putting on a -- a sweatshirt. It was 14 getting afternoon and I knew it was going to get 15 cold, so I put my sweatshirt on, kind of getting my 16 gear in order when Chris Ware arrived. And Chris Ware and I worked together for the better part of 17 18 12 years. I remember him walking up and saying, "I 19 didn't recognize you at first, " and me replying 20 by -- say to saying he's getting fat, you know. 21 And then he came up to my door. I asked him why he was there, and he said he wasn't sure, but 22 23 the guy that they were talking to on the side of the mountain had requested State Police, and so he 24

was dispatched there per that request.

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He asked me what I was doing there, and I told him that they had called me out for a request for a Taser shotgun because he was armed with the knives. There was some other conversation about little small talk in between there and him -- if I remember correctly, it was him and I talking about where it was going, where that situation was going.

And as I was talking to him, I was at my back driver's-side door. I have a four-door pickup. I had the back driver's-side door open.

During that time that I was kind of doing like a function check, I guess, on my Taser shotgun. I was -- put one in the chamber. I checked to see how many other rounds were in the gun. I was getting it ready. And jokingly, just kind of locker room banter, just told him, you know, "Don't worry. I'll shoot him in the pecker with this and call it good."

He giggled about it. I walked around the passenger side back door, and he told me, "I thought you guys got rid of those things."

I said, "No. Tactical got rid of them. We still use them," meaning SID detectives, Special Investigations detectives still utilize them.

It was at that point that it was kind of the

1 end of our conversation that he just walked off and 2 went through the backyard and up the hill. I 3 didn't -- I hadn't even touched my rifle or -- it was all -- I had my shotgun Taser in my hand during 4 5 that whole time. And I think that's -- that's the gist of our conversation, is just -- it was the 6 7 talk of that Taser shotgun and why he was there and 8 why I was there. 9 DET. STONE: Okav. So you said that you've 10 known Sergeant Chris Ware for how many years? DET. KEITH SANDY: The better part of 12. 11 12 DET. STONE: Twelve years. And is this when 13 you were employed with State Police? 14 DET. KEITH SANDY: Yes. And I know him on a 15 personal level also. We both coached baseball 16 together. He coached a separate team and we played 17 in a (inaudible) travel league. And we -- we're in the -- his son and my son are the same age, they 18 19 play in the same age bracket together, so I would 20 see him every -- every weekend and probably every 21 other weekend, so we would play against one 22 another, and that same banter would go on on the 23 baseball field. DET. STONE: Okay. All right. So in regard to 24 the joking statement, you said that you were -- you 25

1 told him that you were going to shoot him in the 2 pecker with the Taser shotgun? 3 DET. KEITH SANDY: Yes. DET. STONE: Okay. 4 5 DET. KEITH SANDY: And that wasn't my intent. I had no intent of going up the hill and doing 6 7 that. You know, I'm -- I've been trained on the 8 Taser shotgun. I know that's not a target area. And it was said just -- just jokingly, with -- with 9 10 Chris. DET. STONE: Okay. 11 Did you guys talk about 12 anything else after that, I mean, that you can 13 recall? Or was he around your position after that? 14 DET. KEITH SANDY: I made a joke to him on the 15 hill. We were -- the only other conversation we had was on the side of the hill. After we got up 16 17 there, they called Chris Ware back up to where we 18 were at, because he had initially walked away. And 19 as soon as he got up there, the man on the hill 20 became irate, started screaming at Chris. 21 demeanor completely changed once Chris got up 22 there. 23 We were all kind of sitting there, trying to 24 figure out what was next, and Weimerskirch asked 25 all of us, "Does anybody want to give it a shot at

talking to him?"

And Chris, at one point, said, "No. I don't think I'm getting anywhere with him."

And, again, jokingly, I told him, "Must be your personality."

Chris Ware is a real dry, to-the-point person, and he -- if you don't know how to take him or you don't know him, he will instantly hurt your feelings and upset you. And so I joked with him and said, "Must be your personality."

And he kind of looked at me, and I could see him out of the corner of my eye. And then they all agreed that -- everybody agreed that he would -- that he was only upsetting the male. So he walked down to the bike path, or to the running path that was below us, probably 100, 150 yards behind us.

DET. STONE: Okay. All right. Do you know if you were joking around at all with anybody else, or just Sergeant Ware, (inaudible)?

DET. KEITH SANDY: He's the only one I had a conversation with during that time. I had a -- I had a conversation with McFarland when we got there.

24 DET. STONE: Uh-huh.

DET. KEITH SANDY: I didn't have a baseball

cap. I asked -- I borrowed a baseball cap from him. We were talking about getting his stuff together. I was talking about -- I asked him -- we kind of went back and forth, because I was wearing soft armor, and he put on his heavies, his plates, and I asked him about that.

I said, "You're wearing plates up there?" we talked about that. And then that's when I went and put my plates on, right after that. And that was -- then, after that, we stepped off.

(Inaudible) no other -- I didn't -- well, Ken Ronzone showed up and he talked about his dog.

The dog was going crazy, and Ken goes -- Ken said something about, you know, the dog is supposed to get up the hill and get to work, and he's all, "Come on, Dad." He was kind of talking for the dog, saying, "Come on, Dad. Let go get him," stuff like that.

But that -- that's what I recall.

DET. STONE: Okay. All right. So all this conversation then you had with Sergeant Ware specific to the Taser shotgun, that was prior -- you -- prior to you even going up to the hill and involving yourself in what was going on?

DET. KEITH SANDY: Exactly. I -- actually,

when we were talking, I didn't even know what the guy looked like or where he was located, because, now that I think about it, Chris asked me where he was at. And I said, "I don't" -- I said, "I don't even know."

And so it was at that point that I went into my -- I climbed into the front seat of my pickup, I got a set of binoculars out, and I climbed about -- because I remember there -- now I remember why I was standing in the bed of my truck, because I remember standing in the bed of the truck and I couldn't recall why. But now I remember. I stood in the bed of the truck with my binoculars and began to blast the hill from the top down. And I initially saw a guy in a white T-shirt standing at the very top, and I said, "There he is. He's in the white shirt."

Chris goes, "No." He says, "There's a bunch of onlookers out there, and I don't think that's him."

So as I watched him, another person walked up there, so I ruled that guy out. And so I started coming down the hill, and as I started coming down the hill, I saw the offender standing about midway down. I pointed him out to Chris, I

described him to Chris, what I saw through my
binoculars, I said -- and I remember telling him,

"His hands are free." I said, "He's up there just
talking."

And as I climbed out of my truck and went to the passenger side, that's when Chris walked off and started up to the scene.

DET. STONE: Okay.

DET. KEITH SANDY: So prior -- I mean, during that conversation, I didn't even know where the guy was, what he looked like, what -- what was going on. I couldn't see because we were on a residential street, and when we were standing at ground level, the house that we walked through to access the Open Space --

DET. STONE: Yeah.

DET. KEITH SANDY: -- blocked the view of where he was at and where the other officers were.

DET. STONE: Okay.

DET. KEITH SANDY: I literally had just pulled up and stepped out of my truck and I had no idea what was going on other than the dispatcher said that they had called for a shotgun Taser because the guy had charged the officers with two knives.

So that's all the information I had. And it wasn't

until Chris and I were talking and I timed out and blast the area, so that we kind of had an idea of where he was and what was going on, that I knew what was going on. And when I saw him, like I said, there was cops everywhere and his hands were free, he had his hand out in front of him. He was very animated in his gestures with his hands, he talked with his hands, but I could see through the binoculars. I couldn't hear him. We were too far away. I couldn't hear anything that was going on. And I just told Chris, "His hand are free," and I told him he was wearing a gray shirt and black pants and, "He's up on the hill there, on top, " and that was it. DET. STONE: All right. And prior to I guess when this conversation was going down, had you been briefed by any of the on-scene officers or the sergeant by that time? DET. KEITH SANDY: No. DET. STONE: That happened later? DET. KEITH SANDY: And I was -- I never received a brief from the on-scene supervisors or 22 23 anybody that was there. I immediately stepped to. 24 I did grab my rifle. And when I stepped into the 25 backyard -- because there was two K-9 guys and one

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1 Knowing that, that there would have to SWAT guy. 2 be a lethal cover for each K-9 guy, Rick Ingram wasn't out -- wasn't on scene yet, and those guys 3 4 were wanting to step off right then. So I -- I 5 slung my rifle and I grabbed my Taser shotgun and I slung it as well, and I walked through the gate, 6 7 kind of holding both of them, and once we got 8 through the gate and Weimerskirch called Jason 9 Carpenter down, received a brief from him, and then briefed us that -- it was a short brief, basically, 10 11 that there was felony charges on him, that he was 12 wanted -- or he was wanted in reference to the 13 aggravated assault on a police officer, and that 14 was it. That was the only brief I got. I hadn't -- like I said, I hadn't talked to 15 16 anybody as of yet, and I don't think anybody knew that we were on scene at that point. 17 18 DET. STONE: Okay. I don't have any more 19 questions reference that. Is there anything else 20 that you think is important that I haven't asked 21 that you want to add? 22 DET. KEITH SANDY: No. DET. STONE: Okay. 23 24 (Inaudible), anything? 25 AGT. GOMEZ: No.

DET. STONE: Okay. Let's go ahead and end the interview at 1031 hours.

(Conclusion of recording.)

DET. STONE: Okay. We're back on the record.

It's still Monday, April 7th, 2014. It is now

10:36 hours. We're still here speaking with

Detective Keith Sandy.

Keith, after I turned off the tape during our first interview, I asked you again if there was anything else you wanted to add. We had a brief conversation. So what I would like to do is I would just like to go over that conversation. Just kind of tell me everything that you just told me a second ago.

DET. KEITH SANDY: I -- when this all came

to -- I guess the video from State Police was

released and watched by State Police and brought to

you, it was -- I received a phone call and asked if

I talked to Chris or anybody -- the first question

that was posed to me was have I talked to anybody

or did I say anything to anybody about shooting the

offender in the -- in the pecker.

My immediate response was, "No, I didn't."

Then the second question posed was, "Did you say anything to Chris Ware about shooting him in

the pecker?"

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And I said, "I don't" -- I said, "No, I don't think I did. I don't recall even saying anything along those lines. I remember talking about the Taser shotgun." I went through the whole thing, and I've been -- but I've heard it from other people saying that I did say that, that that is on the tape. And if it is on the tape, then I said it. And I didn't -- but I don't recall saying that, and pecker is not a word that I use. not a common term that I've ever used, ever. It's -- and I just don't see why I -- that day I would have used that term, and I can't -- I can't recall. I've tried in my head a hundred times. And I can go through that situation (inaudible) just talking to you now, going over it, remembering.

Because I remember I thought that -- when I
was driving over here, I thought that my
conversation with Chris was in the bed of my truck,
because I remember standing in the bed of my truck.
And then now, as I begin to tell the story and go
through it, I remember standing at the door and
then climbing into the bed of the truck to use my
binoculars to blast the guy. But I can't recall in

my mind 100 percent that I said that. And like I 1 2 said, pecker is not a word that I use, you know, 3 but I've heard it from other people, telling me 4 that I did say it. And I figured them having 5 knowledge or having heard or being told directly by someone who did hear it on the tape, that was the 6 7 information I was getting, although that's why I 8 had said that I said it, because I figured it was 9 said. And I don't recall saying, nor do I ever 10 recall using the word pecker. Not only in this 11 situation, but ever. 12 DET. STONE: Okay. So you don't have your own 13 independent recollection of that conversation? 14 DET. KEITH SANDY: Yeah. 15 DET. STONE: You're kind of basing it off --16 are these other people in law enforcement that were calling you? 17 18 DET. KEITH SANDY: Yes. 19 DET. STONE: Okay. And did they make it appear 20 as though they had already heard this audio and that's what they heard, or is that what they were 21 22 told they heard? 23 DET. KEITH SANDY: That they were -- they had 24 received information that that's what was heard on the video. It was never a -- I never got the 25

1 information saying, "Hey, it's on there. I heard 2 it. You said it." It was, you know, "This is 3 what" -- "what was said," that, "it was told to us 4 that is what you said on the video." 5 And, you know what, I've been racking my 6 brain since the day I found out, and I don't recall 7 saying it. But at the same time, I'm not denying 8 that I said it. 9 DET. STONE: Okay. When did you find out, or 10 when did you first get notification by someone that 11 there was a video out there? 12 DET. KEITH SANDY: It was -- it was -- that 13 would be last -- last weekend. 14 DET. STONE: Last weekend. So almost --15 DET. KEITH SANDY: It was about --16 DET. STONE: Over a week ago? 17 DET. KEITH SANDY: It was over a week ago, was 18 my first -- first notification of it. It was on --I'm going to say it was probably a -- somewhere 19 20 like a Sunday morning, the best I recall. It was 21 kind of early. Because I remember I was still -- I 22 had just gotten a cup of coffee and I was just kind 23 of starting to wake up, and I remember sitting on 24 the edge of my bed and having that conversation. 25 And -- and I remember them specifically

asking me what I recalled about the conversation, and I recalled the Taser shotgun, talking about the Taser shotgun. And I remember joking with Chris Ware. And I think if it had been anybody else that was there, I can tell you that I didn't say that, but because it's Chris Ware and because of the way we joke and the way -- you know, I didn't rule out the possibility that I did say it.

DET. STONE: Okay.

DET. KEITH SANDY: So I'm not changing my story. I'm not trying to conceal anything. I'm just saying I don't recall it. If it's on the tape, then I said it. But I don't recall from my own recollection in my mind saying that.

DET. STONE: Okay. And has anyone else contacted you reference this video and audio that told you that they heard something different than pecker?

DET. KEITH SANDY: No, I'm not -- that's all been -- I've heard that from -- that's all I've heard since that -- that weekend. That's all I've heard. I've never -- nobody has ever said, "That's not what's on there. That's not what you can hear. That's not" -- anything like that. I've never had anything to, you know -- that -- other than, "Yeah,

that's what you said." And so I -- when I came in 1 2 here today, it was just to fall on my sword because 3 that's what I've been told, but I don't recall. Ι 4 don't remember saying it. 5 DET. STONE: Okay. Going back to the day of 6 the incident, from the start when you first got 7 there, to the end when everything -- when the shooting happened, did you ever have an intent to 8 go up there and shoot Boyd in the genital area? 9 10 DET. KEITH SANDY: No. Absolutely not. 11 Absolutely not. I know it's not a target area. 12 You know, I've been through the Taser training. 13 know I joke around, but when it comes time to --14 for boots to hit the ground, you know, I'm very 15 proud of being a part of the Repeat Offender 16 Project. And it's something that I've wanted 17 for -- even when I was with State Police, I 18 remember meeting guys from the ROP unit in 2004 and 19 helping them out in Los Lunas, and from the day I 20 helped them out, that's all I wanted. 21 When I came to APD, you know, that was --22 they asked me what I wanted, I wanted to go the 23 ROP. I went to vice. 24 They asked me, "Why are you here?" 25 I said, "To go to ROP."

1 There's a tremendous amount of pride in me 2 being in the ROP unit, and I would never do 3 anything to shine a bad light or disgrace that unit or Sergeant Heckroth. Those guys, Lou Heckroth, 4 Zack Stephenson, those guys that have been in ROP 5 6 and -- all the guys that were there long before me, 7 (inaudible) and just -- those guys are always --8 I've looked up to them and idolized them. never do anything because I realize (inaudible). 9 10 But I would never go up with the intent to shoot 11 him in the genital area. 12 I did tell Rick Ingram to shoot him in the 13 legs with the Taser shotgun after he put the hoodie on only because I knew he had -- I could see before 14 15 he put the hoodie on, he had three shirts on. 16 DET. STONE: Okay. 17 DET. KEITH SANDY: He had two T-shirts and a button-down shop shirt, and then he put the hoodie 18 19 on. And I remember telling him, "Shoot him in the 20 legs. He's got too many layers up top. It's not 21 going to" -- "it's not going to be effective." 22 DET. STONE: Okay. 23 DET. KEITH SANDY: But even having been in that situation, where I know that it's not going to be 24 25 effective, I would never -- I didn't even direct

1 Rick to shoot him in the genital areas with the 2 Taser shotgun. I wanted to shoot him in the legs 3 and the -- and the large muscle groups of the 4 thighs. That was never my intention. 5 DET. STONE: Okay. All right. Being in the 6 ROP team, just from what I know about the ROP team, 7 you guys tend to go after some of the more violent 8 offenders within the city? DET. KEITH SANDY: Yes, sir. 9 10 DET. STONE: Okay. Have you found yourself in 11 situations before where, say, these -- the violent 12 guys you go after aren't necessarily wanting to 13 give up right away? DET. KEITH SANDY: No, absolutely not. 14 15 know, and I've been the ROP for a year and a half. 16 In that year and a half, we've had some pretty 17 violent encounters, one of which was last March I 18 drove past an individual to make an ID on him to 19 see if it was the guy we were looking for. After I 20 ID'd him, his passenger leaned out of the truck and 21 began shooting at me and Ken Ronzone. 22 numerous times at us and then went into a pursuit, 23 shooting at other officers, one of which was 24 Weimerskirch, shot the radiator out of 25 Weimerskirch's truck.

We've numerous times done blocking maneuvers on individuals, twice of which -- once the guy started ramming our trucks, trying to get out.

Another one, he was -- he drug two ROP detectives through the Walgreens parking lot, and they were trying to get him into custody, with his vehicle.

So yes, we've gone after numerous violate, very motivated and aggressive criminals.

DET. STONE: All right. So when the team is together, even when you're working like, say, with the K-9 guys or the SWAT guys, when you guys have like some down time, is it typical to joke around to like, I don't know, relieve stress or anything like that?

DET. KEITH SANDY: Oh, it's -- it's funny,
because that's -- that all we do, is -- outside
of -- when we're not working, when we're not on a
(inaudible), it's constant banter, constant joking,
to the point where we even have a -- we call it a
safe word, where if it gets to be much, somebody -our safe word is China. So if you say China,
everybody stops making fun of you. Because if it
gets to the point where the banter gets to where -if you have thin skin, it's going to hurt your
feelings, so we actually had to come up with a safe

word in ROP because of that.

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And so that's -- it's because -- and especially after an incident like that, when it's all over with, we do joke or we do make fun of one another, talk garbage to one another, talk -- just that's what we do.

DET. STONE: How does it make you feel when you guys joke around, given that high-stress job and everything?

DET. KEITH SANDY: It takes your mind off a lot. It -- it's calming. Before we -- before incidents, too, we joke like that about things. even do it on ROP air since it's not a monitored air (inaudible) the air, once in a while, will come over the radio. And it's -- it's kind of calming. It kind of breaks your -- your tunnel vision, if you will. Not that you're going have tunnel vision in that -- that -- during that time, but it kind of breaks the thought and a better focus to where you're able to come down to a level where you're able to see the whole picture instead of just on one level where you're focused in on something and you're going to miss something and make a mistake. Because there's not room for mistakes in ROP, especially in blocks and things like that.

1 DET. STONE: And why is that? 2 DET. KEITH SANDY: Because if you make a mistake in a block, somebody is going to get hurt, 3 4 the offender is going to get out of it and -- where way we do our blocks, we do it in the middle of the 5 city, and somebody is going to get hurt, a civilian 6 7 is going to get hurt. And that's unacceptable in 8 It's, I mean, unacceptable. When I first 9 came to ROP I made a mistake in a block and the guy qot out and he was -- it was huge, it was a big 10 11 deal. And I took a lot of beating up over it from 12 most of the guys on the team. And so I -- I kind 13 of thought I'd never do it again. And that's 14 just -- we just don't, you know. When I came to ROP, it was -- the first 15 16 thing was, "Welcome to ROP. Mistakes now cease to 17 exist." That's the rule the very first day, that's 18 the very first thing that was told to me. And 19 that's something that's been told to ROP guys 20 for -- since the beginning. 21 DET. STONE: Uh-huh. 22 DET. KEITH SANDY: So, yeah, the joking -- the 23 joking and the banter takes away from the stress.

DET. STONE: Okay. All right. Makes sense.

Anything else that you think is important that I

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    need to know about?
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         DET. KEITH SANDY:
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         DET. STONE: Okay.
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            Any other questions?
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         AGT. GOMEZ: No.
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         DET. STONE: All right. Let's go ahead and end
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    it at 1051 hours.
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            (Conclusion of recording.)
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1 RE: CASE NUMBER 14-0023683 INTERVIEW OF DET. KEITH SANDY 2 2 3 4 TRANSCRIPTIONIST'S AFFIRMATION I HEREBY STATE AND AFFIRM that the foregoing is 5 6 a correct transcript of an audio recording provided 7 to me and that the transcription contains only the 8 material audible to me from the recording and was 9 transcribed by me to the best of my ability. 10 IT IS ALSO STATED AND AFFIRMED that I am 11 neither employed by nor related to any of the 12 parties involved in this matter other than being 13 compensated to transcribe said recording and that I 14 have no personal interest in the final disposition 15 of this matter. 16 DATED this 17th day of April 2014. 17 18 Kelli A. Gallegos 19 20 21 22 23 24 25