

Transcript of Second Taped Interview - David Benson
2/18/2003
12:41 PM

This is detective Karen Smith, Kern Count Sheriff's Department, present with me is deputy David Benson and detective John Soliz, today's date is February 18, 2003, it's 12:41 hours. This is the investigation of case number SR03-04636. Thank you for coming down, I'm gonna ask that you speak up so the tape recorder could pick up our voices.

Benson: Okay.

Smith: Basically I had a few questions that we need to clarify regarding the incident of the shooting up on Piru Way. And I will go over those questions and have you tell me what you remember seeing or hearing at that time. One of the questions was did you happen to grab the suspect's hand at any point?

Benson: The only time I touched him was when he was on the ground, went up to his feet area, just to see if I could feel a pulse and I couldn't feel one and that's when I called in the medical staff, and that's the only time I touched him.

Smith: Now, were the suspect's hands ever raised at any point or were they down along side his side?

Benson: When he was running at me they were in a fighting position and both fists were closed.

Smith: On the ground?

Benson: Oh, on the ground? Uh, you know I believe, when I grabbed his hand, his hand was open, so I would think possibly both hands were open.

Smith: Okay.

Benson: But his hands were, I mean they were laying, when I grabbed his hand they were next to him.

Smith: Okay. Now getting back to the person you heard say the suspect “may have a gun”, and I’d like you to think about that and tell me what you remember hearing.

Benson: I remember I heard a voice in the far distance, um, said “suspect may have a gun”, and it was, it was from where the, uh, from the general area of where the Toyota was, it came beyond the suspect at the time and my vehicle, it was down the road a little ways.

Smith: And, could you tell if that was a male or female voice?

Benson: You know, it sounded like a male, but truthfully, I would not, I’m not sure if it was a male or a female.

Smith: Okay. And, did it sound as if the voice was speaking to you directly or to someone else?

Benson: I think it was talking to me, that was my impression.

Smith: Was it just a normal voice or was the subject yelling?

Benson: It was, it was loud. I don’t know if it was yelling, but it carried all the way down to me, so I would say it was loud.

Smith: And, can you remember exactly what was said?

Benson: “The person may have a gun”.

Smith: And the direction came from the Toyota vehicle which was what direction from you?

Benson: It would have been north of me.

Smith: Okay.

Benson: It didn’t come from, from the people in the Toyota but it was off in the distance, and their, the Toyota was parked here and it came from an area next to them.

Smith: Okay, that still would have been north from you?

Benson: Yes, yes.

Smith: You don't know if it came from the Toyota, or you didn't think it came from the Toyota?

Benson: I didn't think it came from the Toyota.

Smith: Okay. Somebody possibly by the Toyota?

Benson: Or, in the general vicinity.

Smith: Okay. Now when the subject was running at you, did you ever see him when he reached your patrol car, did he act as if he was going to try to get inside of it?

Benson: No, because he ran past it.

Smith: Okay. And, can you tell me what speed the suspect was going towards you when you had fired your second shot?

Benson: He was still coming at me very rapidly. Speed? I don't, running, I don't know how you judge speed on that, but very, he was coming on me very rapidly.

Smith: Okay. Do you remember at what time exactly you drew your weapon when you were on scene?

Benson: Um, from the point that he picked up his head next to the 4-wheel drive, he rolled underneath, my gun was still holstered at the time. I didn't draw my weapon until he was maybe, maybe halfway between the time he got up off the ground and then started to my patrol car.

Smith: He was coming at you at that point?

Benson: Yeah, and I was telling him to "stop, stop, stop", he wasn't gonna stop, and that's when I drew my weapon.

Smith: Did you ever hear anybody or do you remember anyone yelling at you that the suspect was under the truck, or did you find him yet?

Benson: No, the only time he popped his head up on the driver's side of the truck, went down, he was screaming, and as he was screaming he was rolling underneath the truck, and I didn't hear anybody say that. And when he was on the ground laying face up, he wasn't saying anything. No longer was screaming or doing anything, just laying there.

Smith: Okay, so you don't remember anybody yelling at you that the location of the suspect when he was by the truck?

Benson: No.

Smith: And you don't remember anybody saying "did you get him yet?"

Benson: No.

Smith: Okay. Now, did you have an opportunity to meet with some of the CHP officers Saturday night in the Lebec area for coffee?

Benson: Yeah, we usually have coffee every night and just talk about things going on. Um, you know, make sure we're all careful and that, you know, if you need anything call us, cuz they know that after 2 o'clock that I'm by myself.

Smith: Okay. Did you have a discussion, or can you tell me who the officers were that were present?

Benson: I don't know their names. I know Bey was one of them, um, John Navarez, (inaudible), you know, I cannot remember his name, he's a, wears glasses, he's...

Smith: Fessia?

Benson: Fessia, yeah, yes. Yeah, we were talking about, they were saying they were on 12-hour shifts cuz of the heightened security alert, I said yeah, (inaudible), we need more people up here, too, but being the small

sub-station that we are, you know, it's just something we have to work with.

Smith: Do you remember speaking with them about some of our radio calls, what we would put out, specifically 998 or 999 calls?

Benson: One of them asked what, if we needed assistance, what would my call be and I (inaudible)...999.

Smith: Did you, did you volunteer that information, or did they ask you that?

Benson: No, they told me what theirs was and I believe it's 1199, and I said ours is 999 if we're in desperate need for help.

Smith: And what other conversations did you have about working up in the Frazier Park area?

Benson: Oh, just that, you know, just that I'm by myself after 2 o'clock. You know, they were talking about, well you know, it would be nice if you had another unit with you. I said, yeah, I said (inaudible)...being small, and with our manpower, as far as the population and the deputies goes, you know, what we have right now is what is supposedly (inaudible)...to us.

Smith: Okay. Were you discussing with them the possibility of putting in for another shift because of being up there alone?

Benson: Oh, I, I said that I've been working graveyard since I've been there, and my wife asked me if I could go to afternoons to where I'm home with her at night, and I was thinking I'd go 2:00 - 10:00. The way our scenario goes, that would be the only shift unless I wanted to work days, and I really don't want to work days, and it just works out better for the family if I possibly work 2:00 - 10:00.

Smith: Detective Soliz, do you have anything?

Soliz: The only question I have is, uh, (next 2 or 3 sentences inaudible)...

...the only question I have, after you heard the voice say “he may have a gun” or something similar to that, did you immediately put that information over the radio or did you pause for awhile?

Benson: No, I, I believe I put it out pretty fast, as fast as I could.

Soliz: And do you remember how many times you put it out over the radio?

Benson: I know I did it once, but I know, that when, when I put it over the radio they came back with “the suspect’s inside the house with a gun”, I believe it was, and I said “negative, the suspect may be armed with a gun.” I believe I said it twice.

Soliz: So, from that I gather that when you put it out the first time, that the dispatch (inaudible)...probably misunderstood you?

Benson: Right.

Soliz: And, (inaudible)...she relayed that information to eventually the other units, you heard it and you said negative to that?

Benson: Right.

Soliz: (inaudible) That’s all I have.

Smith: That’s all I have.

Benson: Okay.

Smith: The time is 12, my watch is correct, 54 hours.