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Personnel Investigation Case 2005-043

Mandel: This is Sergeant Sean Mandel of the Colorado Springs Internal Affairs office. Today is Wednesday, July 20th, 2005 at approximately 12:30 p.m. In my office is Officer Jackson Andrews from the Sand Creek Division. I'm going to be interviewing Officer Andrews in regard to Internal Affairs Case Number 05-043. Officer Andrews were you on duty on July 2nd of 2005?

Andrews: Yep. Yes.

Mandel: Why don't you explain to me what your duties were that night and whether you were acting as an Adam car or you were riding with someone else as a Baker car? And explain to me what your tasks were for that night and how you ended up partnered?

Andrews: OK. We were on a gang deployment that was being supervised by Sergeant Jeff Jensen and during the course of the night after a briefing that we had at Sand Creek, we were assigned to specific officers and I was assigned with Officer Ken Hardy as a Baker unit. It was decided that I would take my police vehicle since it's issued to me from NPU and that basically our duties was to be proactive that night, go out, prepare for bar closings because of recent homicides, they thought there might be some retaliation just go make a visible presence, stop as many cars as we can, try to toss the cars if we can, look for guns, contraband, that type of thing so get it known out there to the gang community that we were deployed and kind of stepping up the heat on them.

Mandel: OK. So you had a briefing with Sgt. Jensen prior to you going out on duty that night with Officer Hardy?

Andrews: Yes.

Mandel: Is it safe to say that your awareness was heightened based on this briefing? That you were under the impression that you're going out and making high profile contacts or were you just doing your normal duties plus this other?

Andrews: To me this was an ordinary night because, what we were doing that night is something that I do by myself on occasion and working Sand Creek and working in the gang unit and doing the jobs as an (inaudible) I'm routinely running into gang members and contacting them and so this to me in my opinion was an ordinary night other than having assigned duties.

Mandel: OK. Why don't you go ahead and tell me a little bit about your night with Officer Hardy?

Andrews: We started off just driving around the area. What I distinctly remember stopped a vehicle that was acting kind of suspicious, let information about a possible gang location, they were having a remembrance for the recent

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homicide after Delaney, I can't remember who it's called, who the person was. During that contact, there were some little issues I was having with Officer Hardy, nothing really major or anything like that it just, he's a different type of cop than I am. He kind of comes off a little bit more gruff with people and during this traffic stop that wasn't even related to this, I was interviewing a guy in the back seat of my car who is a habitual traffic offender or a revoked license and we were building a rapport and he's giving information about a GD location and Officer Hardy kind of set him off based on a comment that he made and I've dealt with Officer Hardy in the past and you know he's a fellow cop and I work with him but he's just a different type of cop so. We did, our night was okay, no hard feelings or anything bad about each other, we were doing our normal duties.

Mandel: Safe to say that the two of you have different personalities and different techniques when you're dealing with the people you come in contact with.

Andrews: Absolutely. Absolutely and I actually made a comment to Sergeant Jensen prior to us going on our shift and made a comment that thanks for partnering me up with Hardy and it's, I like the guy personally, but when I received my medal of, or my lifesaving award, there was an incident that I first was exposed with Officer Hardy and that I could tell different techniques, different type of officer, different type of personality, not to say what he is doing was wrong or against policy or anything. It is something that I didn't, I don't do and I'm sure there's things that I do that other officers don't like but it was something that I wasn't very excited about. I'll put it that way.

Mandel: Right so you personally don't have anything against Officer Hardy.

Andrews: No.

Mandel: You just would rather work with someone other than Officer Hardy due to the personality conflicts and the differences in techniques and how he handles people.

Andrews: Yes.

Mandel: So to speak as you would handle someone else.

Andrews: Absolutely. Absolutely.

Mandel: OK. Go ahead and continue, Officer Andrews.

Andrews: So after that contact we did a call for service for a possible vandalism, gang related. Everything was going fine. We're getting along. We're talking and at one point we decided we're going over to A Jazz Affair for

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preparation for closing and I saw a Caprice stopped at a stop light at Fountain and Circle waiting to go westbound. Well I noticed that the Caprice had no front license plate so always an indicator to me that it might be misuse of plates or something bigger so an obvious violation, I decided we're going to stop the car. Drove past it, going eastbound, looked back, saw that it did have a license plate attached to the back. Flipped around it, waited until the light turned green, was going to do the traffic stop. When the light turned green we followed the vehicle, got the license plate, checked it for wants and registration. Everything matched up. Still initiated the traffic stop. We were at Donovan and Fountain when I hit the overheads on. They pulled to the right side of the road and I got out and contacted the driver. Really low keyed it. Explained to them why I stopped them, asked for their information and stuff. He couldn't provide any ID, that kind of stuff. He was real cooperative. Noticed there's two other people in the vehicle. Front passenger later identified as, can I look at this?

Mandel: Yeah, certainly.

Andrews: Was Cory Mitchell, or I mean Armando Spriggs, was a front passenger, a big, big guy and a guy in the back was this Cory Mitchell, I believe.

Mandel: Delvikio, was he in the back?

Andrews: Let's see, yes, yes.

Mandel: The individual that was ultimately arrested?

Andrews: Right. Delvikio Faulkner was the one very in the back. The driver was actually Cory Mitchell. Got that information and as I went back to my car to run Mr. Mitchell, Officer Hardy who also came up to assist in the traffic stop, was contacting both passengers. I ran the license. The information that Mitchell provided and subsequently saw that he had a warrant also didn't have a valid license and stuff. Of course, we're going to possibly do an impound on the vehicle and subsequent incident to arrest, going to pull him out of the car and search the car and stuff like that.

After that, I remember going up to the car and getting him, bringing him back to the car, really low-keying it, patted him down, trying to keep a good rapport with him, put him in the back seat of my car, explained what we were doing and asked permission to search the car and he said yeah, go ahead and then I went up and talked to Officer Hardy, got the information that he wrote down on FIR cards on both Mr. Spriggs and Mr. Faulkner, went back and did warrant checks on them and Mr., at first I couldn't find information on either one of them and thought possibly they might be lying or the information may not be correct but what I was noticing is Mr. Faulkner he was acting a little sketchy, just something wasn't sitting right with him.

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And went back out, asked for their information again and Mr. Spriggs apparently gave a different date of birth to Officer Hardy and when I asked him directly it was just one year off and there was a little bit of comment made that Officer Hardy made to him about that's not the information you gave me and he was talking to him about that. I asked what state Mr. Faulkner's ID was out of, he told me it was Tennessee, with that information, went back to my car, did warrant checks again on them, found identification on Mr. Spriggs but still Mr. Faulkner I didn't, went back up there, they I removed from the vehicle. They were patted down just for weapons and they were able to walk around freely next to the car over on the north side of the roadway and I just started conversing with them and I remember at one point Officer Hardy told me that Mr. Spriggs was wearing a hat talking that said something about Dead Mike and he made a comment about it might be gang related or something, why is he wearing that type of hat saying Dead Mike, that type of thing and I got to talking to him and he turned out to be a rap artist and the hat actually said Dead A Mike or something like that so I really just started talking about rap music and that kind of stuff.

During this time, Mr. Faulkner is really, he's, there's something wrong and I started strongly believing yeah he has to be lying about his name so I talked to Mr. Spriggs about rap music for a while and then I would turn over and talk to Mr. Faulkner and talk to him about what part of Tennessee he's from and trying to get more information from him, asked his social security number again, which matched up to the same number that he gave Officer Hardy so, there was a possibility but I thought either (a) there was something in the car or he had something, something didn't sit right. At one point, Officer Hardy went back and talked to Mr. Mitchell that was in back of my car, came back out after a few seconds or minutes and said hey, we got consent to search the car, started going over and he searched the driver's side area first and...

Mandel: What was Officer Hardy doing while you were conversing with Mr. Spriggs and Mr. Faulkner before you got consent to search the car? Was he just standing in the same general area as you listening to the conversation?

Andrews: No, I think it was really one event after the other. Soon after we got the information, they were out of the vehicle. He went back and talked to Mr. Mitchell, then went back up and started searching so I mean it was only a few seconds at the most.

Mandel: I understand.

Andrews: As they were getting out and we patted them down and stuff. He found a small bag of marijuana, somewhere in the driver's compartment area, informed me that he located that, started searching around some more again, still talking to these guys. There's no indication that Faulkner was going to run or anything. He was just really, really sketchy.

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Mandel: Other than acting nervous and sketchy, you didn't get any indication that he was going to get aggressive in a physical manner towards you, verbally aggressive, possibly just maybe hiding his identity but nothing more than that at this point?

Andrews: Exactly he was really, he wouldn't talk much and whenever I looked at him, he kind of shied away and he was just, he just had that really passive look to him like he wasn't looking around he would kind of just standing there and at one point Officer Hardy went around and started searching the passenger compartment and I was waiting for Officer Hardy to get done with the search. My intention was and I didn't voice this to Officer Hardy but my intention was something I do routinely, I was going to low key Mr. Faulkner's ID and say you know what do you know what criminal impersonation is and do you know what false reporting is, hit him like that and say you know what if you have a warrant or if you have something we could take care of that but if we find out you're lying about who you are you could face deeper consequences and do it that way and before we can even do that or communicate a technique of this, Officer Hardy must have found, well he did find ID in the backseat where Faulkner was sitting and he made a comment from the backseat about to Mr. Faulkner saying "hey, you're not who you say you are" and that caught me off guard because apparently he knows who he is, he found something so kind of started moving over to his, to Faulkner's position. Officer Hardy got out of the car and started walking up to him too and I was, as he was coming up and he was directing to put his hands behind his back and the guy was complying, he was turning around. I was going around Officer Hardy to his left side I believe and the guy was complying, putting his hands behind his back and then immediately he tried to bust free and start running.

Well I knew he couldn't run hardly anywhere because we were near a dirt median that leads up to a sidewalk probably about five or seven feet away from East Fountain Blvd. and it's a chain, four foot chain fence to a residential house to the north and no matter how he would run, he would have to jump that four foot fence and he didn't have enough space or anything. As he's turning around to flee, he was kind of running right towards that fence. Not, to me it didn't look like he could jump it. There, because we would have been right on top of him and that was my intention right when he was going to flee is I was just going to tackle him and push him down into the fence and Officer Hardy still had his, had a grasp on him and there was a little bit of a struggle, from what I remember, like he was just trying to pull away. Next think I know, I saw Officer Hardy's full size flashlight hit him in the back of the head one time pretty hard and he made a comment and said "don't you fucking run from me" and that kind of shocked me for a second so I just froze and I stood there thinking okay and then there was a couple of additional blows to the back of the head and they were about his shoulder height coming in a downward motion and after that first strike the guy kind of pivoted now more towards the southeast from facing north so he kind of during this altercation, he kind of pivoted around and he just stood there and he

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was kind of like hunched over like he was going to the ground but not like he was falling to the ground or being pushed to the ground it was more like he was just hunched over a little bit and there was additional blows and I know there was three, at least three hits to the back of the head and the reason it distinctly, I could distinctly see the flashlight hitting the back of the head causing it to be snapped forward and then the momentum coming back and just the sound of the flashlight hitting too. It's not like it's hitting soft tissue or anything like that. It was hitting the back of the head and then he was directing him to go down on the ground, which he did, went down on the ground and as he was going down that's when I started seeing blood come in the back of the head. Went down, I removed my handcuffs, went to his right side and I handcuffed him up and I remember telling Hardy, I'm like, "what the fuck". I didn't...

Mandel: You didn't expect that?

Andrews: I didn't expect that at all.

Mandel: After the first hit, Mr. Faulkner stopped fleeing at that point. This is your perception of what's going on.

Andrews: Right.

Mandel: Were the follow up hits, the two or three or four, however many there actually ended up being, were they right after: so it was the first hit and then consecutive hits right after?

Andrews: Exactly. It wasn't, it was like boom, boom, boom, boom, I mean it was, not rheumatic but I mean it wasn't hit, pause, hit, pause, it was kind of like intensive.

Mandel: Was Officer Hardy giving Mr. Faulkner any verbal commands that you heard after the original "don't you fucking run from me"? Where there any other verbal commands telling Mr. Faulkner get on the ground or stop fleeing or anything like that?

Andrews: Right after that there might have been maybe a half second to a second pause and then he was telling him get to the ground, go to the ground or something like that and he went down to the ground and subsequently detained or arrested.

Mandel: How close were you to Mr. Faulkner when he began to flee?

Andrews: Maybe three feet.

Mandel: Three feet?

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Andrews: Enough where I could almost put my hand out on him but not touch him and right when he was fleeing the way his body was positioned it looked like he was going to kind of run northwest, maybe he knew there was a fence, I don't know what his intention was, but all I knew was my focus was I was just going to just tackle him against the fence and so there, it wasn't that great of a distance. I knew that if I leaped, I would be tackling him so that would be about the distance I was away from him.

Mandel: And did Officer Hardy know, was he aware that you were that close to Mr. Faulkner?

Andrews: I don't know. Yeah, I don't know.

Mandel: OK. And I think we may have covered this before but how many steps did Mr. Faulkner get away from Officer Hardy before Officer Hardy shot him with the flashlight?

Andrews: I don't, I wouldn't say any completed steps, it was more of a he turned to, kind of a shuffle step to, to position his body, like I said to go like northwest and it was more like stutter steps it wasn't no gigantic steps or no gigantic lunge. He didn't get I would say more than one or two, one and a half steps away.

Mandel: Now, Mr. Faulkner was ultimately arrested for resisting arrest so based on what you saw, the actions of Mr. Faulkner, do you think he resisted arrest other than trying to escape?

Andrews: In my opinion and this is why I feel like a complete ass because it puts me in a situation of where I know what I saw and there is times people might get a little extra arm twist or, or get taken down to the ground a little harder than then should, this type of thing, with both of his buddies witnessing all this, it kind of puts me in a situation now that you know what Officer Hardy did his actions for whatever his reason is and I ask myself you know a guy's trying to get away. He has a warrant. He has something. He's trying to get away. I know for certain he didn't have a gun, he didn't have a weapon. He wasn't trying to attack us. He's just trying to escape. He was ultimately arrested for the false reporting type thing but I, I just looked at it like I personally wouldn't have gone to that extreme.

Mandel: You didn't witness Mr. Faulkner do anything combative or aggressive towards you or Officer Hardy?

Andrews: Not, no, not on me he was just trying...

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Mandel: What about when Officer Hardy had his hands behind, Mr. Faulkner's hands behind Mr. Faulkner's back, did he flail his hands at any point as he was trying to get away? Did he maybe give the indication that he was going to strike Officer Hardy or did you just see him attempt to pull away and run?

Andrews: He pulled away. He pulled away, no intention of trying to strike him or push him. It was that flight or fight and he was choosing to flee. He was just trying to get away.

Mandel: Now did you see Officer Hardy with the flashlight? He was probably using the flashlight to search the car.

Andrews: Right.

Mandel: Did you see him put the flashlight back in the holster, on his duty belt or do you know where he had the flashlight at the time he was arresting Mr. Faulkner?

Andrews: I don't, I don't know exactly where it was. No.

Mandel: Do you think there was time for Officer Hardy to draw his flashlight out and use it as a weapon or did he seem to have it at his disposal?

Andrews: I think he had it still in his hand, possibly under his arm or somewhere tucked away when he was trying to put the handcuffs on, that's what, I think it was easily accessible to him. I don't think it was on his belt at all.

Mandel: Now, I'm just strictly asking for your opinion, obviously you can't give to the state of mind of what Officer Hardy, was acting and why he was doing what he doing, what is your impression of Officer Hardy's actions as he's hitting Mr. Faulkner over the head. Is your impression that he's trying to get Mr. Faulkner to stop running, to stop fleeing or do you actually think he's trying to injure Mr. Faulkner?

Andrews: I personally don't think he was trying to hurt the guy. I think, I think the heat of the moment, him trying to get away, maybe it aggravated him, maybe Officer Hardy thought that you know what he's not going to get away from me. I don't think he was trying to hurt the guy but I think it was more of trying to stun the guy and maybe he was a little upset, maybe he was a little flabbergasted.

Mandel: That was my follow up question do you think he took Mr. Faulkner's actions trying to get away personal? Do you think he was upset because a lot of guys out there take things personal, don't you try to run from me, do you know who I am, that kind of stuff, did you get that impression or do you think the

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striking on the head was more hey, it was just a reaction by Officer Hardy to keep the guy from running and getting away?

Andrews: From what I know of Officer Hardy, I don't know him personally, just times I've worked with him, and that's why I said we have different personalities, differences, different techniques, just as earlier when we made that first traffic stop, he has the, he could turn a very simple traffic stop into something where people would get upset or even get mad at the police or even mad at him and I think that's his personality. I think it was as is you know what I'm the police, don't run from me and I don't, I wouldn't say it was personal, I think it was more of you're not going to get away, I'm the police, you know, you're going to listen to me type thing, respect my authority type attitude.

Mandel: And this strike with the flashlight that happened fairly quickly, so to speak, after Mr. Faulkner took off running?

Andrews: Yeah.

Mandel: So there wasn't a time delay where he, Officer Hardy had time to think about what he was doing, not saying that he didn't but it was a fairly quick reaction to Mr. Faulkner running?

Andrews: I believe it was an impulse.

Mandel: OK. You said before that Officer Hardy made the statement, "don't you fucking run from me". Did you hear any other statements, profanity used by Officer Hardy during this arrest, follow up statements, you know, I told you not to run from me, anything like that?

Andrews: You know, I can't remember any. That was the only thing that stood out. It really stood out in my mind.

Mandel: Going back to the striking with the flashlight, you indicated that he struck Mr. Faulkner one time. Mr. Faulkner basically came to rest at that point although he was still on his feet.

Andrews: Right.

Mandel: The additional strikes came fairly quickly after the first strike and it wasn't until Mr. Faulkner, he was still on his feet when the additional strikes took place correct?

Andrews: Right. And this is something that I've played out in my head over and over because to be in the situation I want to make sure I'm 100% right on what I saw, I mean, this is, this is bad enough but I distinctly remember and I remember

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seeing him hit the guy with the flashlight and it looked like he was completely dazed like what the hell just happened to me and he was just he just froze and, and this is a bad analogy but close to something I could do it's like when you discipline a dog and you, you hit a dog and it automatically cowers down and the fight is completely out of the person that's the closest analogy I could give to that because once that first hit, it was very apparent that every intention of this guy was out the window because I think his thought was what just hit me, what happened and then the additional blows was just nothing, I mean, the guy was just standing there taking it and then brought down to the ground and handcuffed, I mean that's when I made the statement that I did because I was just taken aback.

Mandel: There were no strikes with the flashlight once Mr. Faulkner was on the ground?

Andrews: No. No.

Mandel: When you made that statement to Officer Hardy something like what the fuck did you just do or what just happened, did he answer your question?

Andrews: No.

Mandel: How would you describe Officer Hardy's demeanor or the way he was acting after everything kind of settled down? Did you have any contact with him afterwards?

Andrews: Yeah, I, after all of this, first thing I did was I went to my cruiser and I just sat in there, Sergeant Jensen and Sergeant Dehart showed up on scene. Hardy went over and spoke with both the sergeants for a little while and Sergeant Jensen came up and started talking to me and based on the conversation that we were having and how Sergeant Jensen was describing what course of action needs to take place, I didn't think he had the full information. So I asked him, can you just tell me what he told you, make sure it jives and he started telling me, then I realized I don't think there's all the whole story is out there and I shook my head and I told Sergeant Jensen I says you might need to go back out again and have him close his eyes and think about this really hard because if I recall right he said that he hit him one time and it was on accident as he was trying to deliver a strike to the back and looking at it, it was on the top portion of the head, you know, up here a ways so I'm thinking you know what maybe just the heat of the moment maybe he really thought he was doing this but let him really think about this again and go at him again.

After all this, this is kind of when the ball started rolling, we got back to Sand Creek and I actually pulled him into my NPU, the area, and I just told him I says you know what I want our paper to be very tight here and this is something serious that I think and I, and I asked him I says how many times do you think

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you hit him and I told him how many times I saw him hit him and I brought up the fact that I don't know if you remember telling him "don't you fucking run from me" and he goes no I didn't say that. I'm like you did say that, you know. I'm in this situation now, you know, I want to write my paper as it exactly does because two of his buddies are there and then months down the road if they decide you know what this is what happened and they come in to file a complaint, I don't want to be the guy sitting in IA and saying you know what Andrews why didn't your paper read that? This is not how this has occurred. Now you remember? The next thing I know I'm getting fired for departing from the truth. So that's why I brought it to Hardy. I'm like you know what, the paper needs to read right so it was away from everybody, I was just trying to help him refresh his memory before he wrote his supplement and the next thing I saw, Officer Hardy was in the report room handwriting a supplement and he was almost done. It was like a page and a half. I'm like that's it. And I brought that up. I'm like a page and a half. You're not going to dictate? You're not going to type it or anything? And he goes ah, no, I'm just putting the straight facts into it or something to that effect and I'm like dude.

Mandel: Do you think he felt that he did anything wrong on scene?

Andrews: I truly think he thinks everything was absolutely justified and...

Mandel: Do you think he legitimately did not recall making that statement "don't you fucking run from me" because a lot of times in the heat of the moment or the heat of the battle you'll say something and someone will tell you what you said...

Andrews: Absolutely.

Mandel: ...and you're like man did I really say that?

Andrews: I mean I've been there too. I've made things where I'm like did I do that, did I say that?

Mandel: Correct. Did you get that impression that that's or by this time were things so convoluted that...

Andrews: Well, I mean after I brought him in and we talked about this, it was, I was sure that the thought everything was absolutely justified.

Mandel: Let's go to the second side here.

(End of Side A)

(Side B of tape)

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Mandel: OK. This is Sergeant Mandel continuing on the second side of the interview with Officer Jackson Andrews.

Andrews: After doing, after bringing him in and talking to him, telling him how, you know, about the paper, you know, supplements need to read exactly. It needs to be a tight supplement because this has a potential of going somewhere. But just how he was acting and speaking with the other officers and stuff, I got the opinion that he didn't think it was really a big deal and then that really put that back on me to think did I actually see, I mean, am I just blowing this out of proportion, am I just out of it, what. And I was going on vacation and for the next couple of nights, you know, doing this job 13 years, this was actually really the first time besides my shooting and stuff, where I actually started losing sleep and I kept thinking about it and I kept replaying it in my mind. I'm like could this guy have done this, I mean, this, this could really hurt Officer Hardy and I know that and that's what I feel such like an ass but it's, it's something that 100% I know what I saw. And it's hard to say what his thought was, what his intention was and it just goes back to me, you know, doing the job for this amount of time would I have done this on that kind of circumstances and other officers, could I see Sergeant Jensen doing this, could I, you know I've worked in the gun unit, never, never in my career have ever seen anything remotely to something that would be that justified and that's, that's all I can really say.

Mandel: I understand. Like we talked about before, other than Mr. Faulkner trying to flee, there were no indications that you got from him, his actions, verbally, physically, that he was being aggressive or that he was trying to resist arrest, assault or cause harm to you or Officer Hardy other than just him trying to run.

Andrews: In my opinion, he was just trying to run. He was just trying to get away.

Mandel: Did you report to Sergeant Jensen that night that you felt Officer Hardy's actions were inappropriate?

Andrews: Yes.

Mandel: And did you do that based on what you believed, what was your intention, what was your intention on reporting to Sergeant Jensen? So he could get the full story?

Andrews: That's, like earlier, when he spoke with Officer Hardy and then he came back and we got to talking about he was assigning people to go to jail, do the paperwork, this kind of stuff, it, it started, I started getting the impression that Sergeant Jensen didn't know the whole thing of it because I know Sergeant Jensen and he would have taken it a lot more serious if he saw anything remotely of excessive force but it just seemed to me that he didn't fully know the

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story, that's why I asked him to tell me exactly what Officer Hardy said to make sure the stories kind of jived and then once he said that, if I recall that, he hit him one time and it was by accident, that he hit him in the head and I told Sergeant Jensen to go back at him again, you know, have him think clearly. My intention was right when this was going on, things going through my mind was there are his two friends are witnessing all of this. When this guy goes to the hospital, the doctor will be able to tell where his injuries were exactly. That puts me in a situation of now I'm going to have to do a supplement to all this. I know this. And my supplement's going to read exactly how it, how it happened, how I perceived everything to happen. In addition, we were taught in the Academy if we believe there's any excessive force, we're required to report it or we face a misdemeanor charge. I mean so all these things are just inundating me at once and that's why I made that comment when we got to the ground, I'm like "what the fuck", because I'm kind of upset, I'm like I saw no justification of hitting him over the head with a flashlight. I mean unless he has a knife or he's trying to hurt me or if he's trying to hit Hardy, I consider that deadly force so that's why I'm thinking I need to get this off me. I need to at least report this to Sergeant Jensen. Tell him what I see, what I experienced, let him go from there.

Mandel: Same scenario but it's just you, Officer Hardy and Mr. Faulkner present on scene. No witnesses. He doesn't have any friends. No citizens around. Would you have handled this situation the same way?

Andrews: Absolutely. And the only reason is, is just because I wear a badge doesn't mean that I'm a better person than them and I'm more mightier than thou. It's, it's, right is right and that's something I always believe. I'm the type of person if there's something wrong, I'm going to speak my mind and it's gotten me in trouble in the past but with this, that guy, when I saw the blood coming from his head, I thought actually his skull was cracked and I'm thinking for a guy that's just trying to run away and if there was no witnesses and it was just me and him, or it was one of my best friends out there, you know, I think any of my good friends or any of the other officers that I work closely with, would have never put me in that situation. They would have stepped forward and said you know what either (a) I lost control or did I actually do that and they would have taken what I said to them about supplement and all these things, all the factors, I think they would have come forward and did the stand up thing and it was just the whole total circumstances of this that you know, I know what I'm doing is hard and it potentially could hurt Officer Hardy but you know it's...

Mandel: It's the right thing to do.

Andrews: ...I'm required to, it's the right thing to do, morally and ethically I feel.

Mandel: Absolutely. We've hit on this earlier in the interview but I want to touch on it one more time. Based on Officer Hardy's actions before him striking Mr. Faulkner with the, with the flashlight, during the actual flashlight strike and

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afterwards, his demeanor, his actions, is it in your impression that he struck Mr. Faulkner with the flashlight on top of the head to subdue him, to get him from fleeing, to keep him from escaping or did he have other reasons or motives for striking him on the head with a flashlight or intentions, so to speak, to injure him, to hurt him, to show him who's boss, things of that nature, and that's a little tough to kind of grasp because you don't know Officer Hardy's state of mind but based on his, the way he was handling the call prior, his actions of actually using the flashlight and the way he handled it after, what is your impression of the situation?

Andrews: I mean he, that is very hard to go in another man's mind and say what he's thinking or feeling. The only thing I feel is, knowing what kind of officer he is, working with him, having previous experience with him, I think it was not, I don't think it was deliberate to hurt him. I don't think it was like I'm going to teach you a lesson. I'm going to break your skull open. I think it was more as respect me, at the same time subdue him but also show him I'm the police and don't jack with the police and that comes just solely on my opinion because there's times just from the previous traffic stop, there's no need to go at a person so hard and make them so angry at you and start hating the police and making comments that they shut down, won't give information or they walk away from that contact with a negative respect on police and just how he contacts people, it always almost a negative basis because when people are mad at him and then they turn around and then they're mad at me because I'm partnered with him so I think it was just partially subdue him, partially to show him you know I'm the police, partially to...

Mandel: But you didn't get the impression that he was trying injure this guy?

Andrews: I would hate to think intentional. I really...

Mandel: But there was nothing that he said afterwards or before that he was...

Andrews: No, I mean, he didn't make any comments to say you know what I taught him a lesson or I did this, he was just, I don't know what kind of person would actually just keep delivering strikes on a person's head for just trying to, trying to run from the police.

Mandel: Did you see any remorse from Officer Hardy regarding how he handled the call?

Andrews: None.

Mandel: Do you recall, I'm sure you recall the time of night, it was probably close to bar closing time?

Andrews: Yeah.

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Mandel: Do you recall if the area which the incident took place, where you guys were, was it well lit or was it fairly dark?

Andrews: I remember, I think there was a street lamp right on the northwest corner. I took digital photographs of the area and I think it's right on the corner area so it's somewhat lit.

Mandel: Do you recall making any apologies or any comments to Mr. Faulkner's friends as to what happened?

Andrews: Yeah.

Mandel: Could you tell me about that?

Andrews: With Mr. Mitchell in the back, when I got back in the car, he, he was pretty much calm and I said I don't know what happened and he goes, he made some comment like yeah, I don't know. He started making comments about I can't believe and putting it back on Mr. Faulkner saying you know why did he try to run or whatever he tried to do. So with that I started thinking he didn't see all of it so I got in there because I didn't want him starting to get on me to say you know what you guys just beat people, you do this, so I kind of like, I don't know what just happened there. I made some comment about that and we didn't talk much all the way down to the jail or into the jail and that was basically it, nothing in specific details.

Mandel: Did you, have you had contact with Officer Hardy since this tour of duty?

Andrews: No. No.

Mandel: Do you have any questions or anything to add?

Andrews: No.

Mandel: OK. I'll just remind you that this is a confidential investigation so keep our interview to yourself.

Andrews: OK.

Mandel: I wouldn't even discuss it with your sergeants. You could let them know that you came down here and gave me a statement.

Andrews: OK.

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Mandel: But they have no need to know what the context of our statement was or our interview was and if there's something that they need to know, I will pass it on to them.

Andrews: OK.

Mandel: If you have any questions at all, if you think you remember something that occurred, you know, while you're at home or later on, feel free to give me a call and we'll have you in a second time.

Andrews: OK. I just do want to note that night, that was the end of my vacation so I did a dictated supplement and did a priority one on this. There were so many different logs or tapes in the priority one section. Sergeant Jensen requested that it get, that I have all my paperwork in before he returned, I believe on Tuesday. Apparently what happened was when I was on days off, I kept calling because I got a draft copy on it but they never typed it so on one night I did my own dictation at home and this is the one I did here but in the computer before I could hand this in, they didn't send the dictation...

Mandel: They didn't distribute it?

Andrews: They didn't do the dictation but there is one in the computer that I didn't have them purge or anything. I just had them write something up to say that the final copy was completed by me but there are two kind of different supplements.

Mandel: So the one that I have in my possession now is the one that is the final copy?

Andrews: The final copy. That I say is a final copy.

Mandel: And if it's in CRIS, this will be the one that's in CRIS?

Andrews: Yes but I just wanted to make sure that that was noted.

Mandel: OK. Well I appreciate you coming in and I appreciate you being honest and by all means, we are not out to get anybody in trouble.

Andrews: I know.

Mandel: You know let the chips fall where they may but like you said we have a job to do, you have a job to do and our job is to protect and make sure things are done right and Officer Hardy can come in and give him version of what took place.

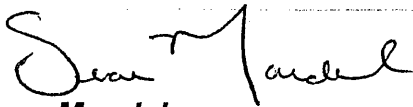
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Andrews: OK.

Mandel: All right.

Andrews: Thank you.

Mandel: Thank you. It is 7/20/05 at approximately 1:11 p.m. This will be the end of the interview.

A handwritten signature in cursive script that reads "Sean Mandel". The signature is written in black ink and is positioned above the printed name and title.

Sean Mandel
Sergeant
Internal Affairs