



PHOENIX POLICE DEPARTMENT (0723)

Incident Report

Incident Number 20190000055839	CFS Incident # 201900055839
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Date / Time Occurred to	Date / Time Reported 01/11/2019 00:22

Arrested Suspects	Additional Suspects	Unknown Suspects	Victims	Other Persons	Vehicles	Items	Evidence Count	Leoka Count	Related Report #
<input type="checkbox"/> Arson Related Arson Code					Damage Value		<input type="checkbox"/> Bias Crime <input type="checkbox"/> Gang Involved <input type="checkbox"/> Domestic Violence		
Incident Details									
Squad C33	Clearance Disposition EXCEPTION - DEATH OF OFFENDER			Cleared by Exception DEATH OF THE OFFENDER			Exceptional Clearance Date 1/11/2019		
Situation Found BOTH DIGITAL AUDIO RECORD & PHOTOS TAKEN					Status CLOSED - CLEARED				
Location Given By Dispatcher 9200 W CAMELBACK RD						Cargo Theft			
Incident Address									
Street Address 9200 W CAMELBACK RD									
City GLENDALE			State ARIZONA			Zip 85305		Country Code	
Administrative Info									
Reporting Officer WINTER, ANTHONY			Serial # 07952						

Narrative Information

DETECTIVE A. WINTER #7952
VIOLENT CRIMES BUREAU
HOMICIDE UNIT

AUTHORED DATE: JANUARY 13, 2019
AUTHORED TIME: 1203 HOURS

INTERVIEW SUPPLEMENT

INTERVIEW WITH: OFFICER KRISTOPHER BERTZ #9019
INTERVIEW DATE: JANUARY 11, 2019
START TIME: 0416 HOURS
END TIME: 0431 HOURS
INTERVIEW LOCATION: 9200 WEST CAMELBACK ROAD
INTERVIEW CONDUCTED BY: DETECTIVE A. WINTER #7952
FILE NUMBER: 801_0776

NARRATIVE:

ON FRIDAY, JANUARY 11, 2019 AT 0416 HOURS, I CONDUCTED A DIGITALLY RECORDED WALK-THROUGH INTERVIEW WITH OFFICER KRISTOPHER BERTZ #9019 OF THE PHOENIX POLICE DEPARTMENT SPECIAL ASSIGNMENTS UNIT. ALSO PRESENT FOR THE INTERVIEW WERE STEVE SERBALIK REPRESENTING OFFICER BERTZ, DOUG SCHWAB WITH THE MARICOPA COUNTY ATTORNEY'S OFFICE, DETECTIVE DIPONZIO #7777, AND DETECTIVE HAMAS #6851. THE FOLLOWING IS A SUMMARY OF THE INTERVIEW AND IS NOT A VERBATIM TRANSCRIPT. REFER TO THE DIGITALLY RECORDED INTERVIEW FOR FURTHER INFORMATION.

PRIOR TO BEGINNING THE RECORDING, I OBTAINED OFFICER BERTZ'S BIOGRAPHICAL AND WORK INFORMATION. HE WAS EMPLOYED BY THE CITY OF PHOENIX POLICE DEPARTMENT WITH TWELVE (12) YEARS OF SERVICE AND ASSIGNED TO THE SPECIAL ASSIGNMENTS UNIT (SAU). HE WORKED TUESDAY THROUGH FRIDAY FROM 1400 TO 0000 HOURS. HE WORE A GRAY SPECIAL ASSIGNMENTS UNIT TACTICAL UNIFORM CONSISTING OF GRAY PANTS, A BLACK LONG SLEEVE SHIRT, BLACK BOOTS, A BLACK "JUMP" VEST WITH THE "POLICE" ON THE FRONT AND "SPECIAL ASSIGNMENTS UNIT POLICE" AFFIXED TO THE BACK. HIS DUTY WEAPON WAS HOLSTERED ON HIS RIGHT HIP. HE DROVE AN UNMARKED WHITE FORD EXPEDITION AND WAS ARMED WITH A DANIEL DEFENSE CARBINE RIFLE DURING THE INCIDENT.

OFFICER BERTZ BECAME INVOLVED IN THE RELATED INVESTIGATION AFTER HE WAS CONTACTED BY SERGEANT SIETTER AND DIRECTED TO ASSIST THE PHOENIX POLICE DEPARTMENT STREET CRIMES DETAIL WITH ONGOING SURVEILLANCE EFFORTS OF SUSPECTS RELATED TO SEVERAL ARMED ROBBERIES. HE RECEIVED INFORMATION INCLUDING PHOTOGRAPHS OF SUSPECTS AND SUSPECT VEHICLE INFORMATION. AT APPROXIMATELY 1900 HOURS,

PUBLIC RECORDS
Released pursuant to
A.R.S. 39-121, Et. Seq.



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HE ARRIVED IN THE AREA OF NORTH 67TH AVENUE AND WEST BUTLER DRIVE IN THE AREA OF AN APARTMENT COMPLEX OR TOWN HOME.

OFFICER BERTZ OBTAINED A POSITION IN THE "SOFT PERIMETER" TO SUPPORT THE STREET CRIME DETAIL WITH THE GOAL OF OBSERVING THE SUSPECTS COMMIT A ROBBERY, THEN DEVELOP AN APPREHENSION PLAN. HE MAINTAINED THE SUPPORT AND FOLLOWED THE SUSPECTS TO SEVERAL LOCATIONS, EVENTUALLY TO A SHOPPING CENTER AT NORTH DYSART ROAD AND WEST VAN BUREN STREET WHERE A WHATABURGER RESTAURANT WAS LOCATED. HE DROVE NORTH ON NORTH DYSART ROAD, AND FROM A DISTANCE OBSERVED SUBJECTS CLIMB THROUGH THE DRIVE THRU WINDOW. HE KNEW THREE SUBJECTS WITH HOODS WERE INVOLVED, BUT WAS UNABLE TO IDENTIFY A SPECIFIC SUSPECT. HE WAS ADVISED A ROBBERY TOOK PLACE, AND AS THE SUSPECTS EXITED THE RESTAURANT AND ENTERED A VEHICLE AND FLED NORTHBOUND, HE ABANDONED HIS "SOFT PERIMETER" POSITION NORTH OF THE INTERSECTION AND BEGAN FOLLOWING THE VEHICLE TO THE LOCATION WHERE THE VEHICLE CAME TO REST AT 9200 WEST CAMELBACK ROAD.

OFFICER BERTZ FOLLOWED THE VEHICLE ON INTERSTATE 10 EAST, TRANSITIONED TO THE LOOP 101 NORTH AS THE PRIMARY VEHICLE WITH SUPPORT FROM THE PHOENIX POLICE DEPARTMENT AIR UNIT FIXED WING. HE CONTINUED ON THE LOOP 101 AND WAS ADVISED BY SERGEANT SIETTER AND SERGEANT CLEMENT OF AUTHORIZATION TO DEPLOY THE "GRAPPLER" VEHICLE IMMOBILIZATION DEVICE TO APPREHEND AND CAPTURE THE VEHICLE.

OFFICER BERTZ CONTINUED TO FOLLOW THE SUSPECT VEHICLE, EXITING AT WEST CAMELBACK ROAD. HE MAINTAINED HIS POSITION BEHIND THE SUSPECT VEHICLE, WHILE OFFICER NORMAN OBTAINED A POSITION BEHIND HIM. HE KNEW OFFICER NORMAN WOULD BE RESPONSIBLE FOR DEPLOYING THE "GRAPPLER" AS IT WAS EQUIPPED ON HIS UNMARKED VEHICLE. HE MAINTAINED HIS POSITION BETWEEN THE MAROON SUSPECT VEHICLE AND OFFICER NORMAN TO CONCEAL OFFICER NORMAN'S PRESENCE BASED ON HIS TRAINING AND EXPERIENCE. HE ADVISED OFFICER NORMAN OF ANY ITEMS LOCATED ON THE REAR OF THE SUSPECT VEHICLE WHICH WOULD INTERFERE WITH THE "GRAPPLER" DEPLOYMENT, AND UPON BEING NOTIFIED BY OFFICER NORMAN HE WAS READY, HE CHANGED LANES TO THE CURB LANE. HE OBSERVED OFFICER NORMAN SUCCESSFULLY CAPTURE THE LEFT REAR DRIVER'S SIDE TIRE OF THE SUSPECT VEHICLE, CAUSING THE SUSPECT VEHICLE TO STOP.

OFFICER BERTZ OBSERVED THE EFFECTIVE CAPTURE OF THE SUSPECT VEHICLE AS IT JOLTED THE REAR END OF THE SUSPECT VEHICLE, CAUSING THE SUSPECT VEHICLE TO TURN SLIGHTLY TO THE SIDE. HE DEPLOYED A DISTRACTION DIVERSION DEVICE, "FLASH BANG" INTO THE ROADWAY SOUTH OF THE VEHICLE ON THE PASSENGER SIDE ALLOWING HIM TIME TO PLACE HIS VEHICLE IN PARK, OPEN HIS DRIVER'S DOOR AND PROVIDE LETHAL COVERAGE. HE OBSERVED THE RIGHT REAR PASSENGER DOOR OPEN AND A BLACK MALE EXIT WITH A GUN IN HIS RIGHT HAND. HE OBSERVED THE BLACK MALE IMMEDIATELY LOOK AT HIM, THEN BEGIN RUNNING SOUTHEAST TOWARDS THE CIRCLE K. HE GAVE COMMANDS FOR THE BLACK MALE TO "STOP" AT WHICH TIME HE OBSERVED THE BLACK MALE TURN SLIGHTLY TO HIS RIGHT, MAKING A DELIBERATE MANNER WITH THE HANDGUN, IN HIS RIGHT HAND, TOWARD HIM.

OFFICER BERTZ OBSERVED THIS MOVEMENT, AND WITH HIS RIFLE ALREADY RAISED, THINKING HE WAS GOING TO GET SHOT BY THE BLACK MALE HE FIRED AT LEAST TWO (2) ROUNDS FROM HIS CARBINE RIFLE. HE OBSERVED THE BLACK MALE SUSPECT CONTINUE TO RUN AND FALL INTO THE BUSHES ON THE SOUTH SIDE OF THE ROADWAY. HE HEARD ADDITIONAL OFFICERS CHALLENGE AND ADDRESS THE OTHER OCCUPANTS OF THE SUSPECT VEHICLE. HE KNEW ADDITIONAL OFFICERS WERE MOVING UP TO SUPPORT AND HE MOVED TO THE REAR OF HIS UNMARKED VEHICLE BECAUSE HE WAS BETWEEN HIS VEHICLE AND THE SUSPECT VEHICLE.

OFFICER BERTZ MOVED TO THE PASSENGER SIDE AT THE REAR OF HIS VEHICLE AND COVERED THE SUSPECT DOWN ON THE SIDE OF THE ROADWAY WHILE ADDITIONAL OFFICERS ADDRESSED THE SUSPECT VEHICLE. HE WAS SUPPORTED BY OFFICER BANGERTER AT THE REAR OF HIS VEHICLE, AND COMMUNICATED HE WOULD BACK OUT OF THE INCIDENT AS A RESULT OF HIS SHOOTING THE SUSPECT, REMOVING HIMSELF FROM ANY ADDITIONAL DUTIES.

OFFICER BERTZ DESCRIBED THE LIGHTING CONDITIONS AT THE TIME HE SHOT THE SUSPECT AS ROADWAY LIGHTING AND VEHICLE HEADLIGHTS. HIS BACKDROP AT THE TIME OF THE SHOOTING WAS TO THE SOUTHEAST IN A DOWNWARD ANGLE OVER THE HOOD OF HIS VEHICLE AS THE SUSPECT WAS SHORTER AND HE WAS ELEVATED



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OVER THE TOP OF THE "A" PILLAR AND ENGINE COMPARTMENT HOOD. HE APPROXIMATED THE DISTANCE OF THE SUSPECT TO HIM AT THE TIME HE SHOT AS A VEHICLE LENGTH. HE EXPLAINED HE SHOT THE SUSPECT BECAUSE HE WAS IN FEAR HE WAS GOING TO GET SHOT WHEN HE MADE THE DELIBERATE MOVEMENT AFTER THE SUSPECT BEGAN TO RUN.

OFFICER BERTZ OBSERVED A VEHICLE AT THE GAS PUMPS OF THE CIRCLE K LOCATED ON THE SOUTHWEST CORNER OF NORTH 91ST AVENUE AND WEST CAMELBACK ROAD, HE KNEW HE HAD DISTANCE BETWEEN HIS LOCATION AND THE CIRCLE K. HE KNEW THERE WAS NO CONTAINMENT BETWEEN THE SUSPECT VEHICLE AND THE CIRCLE K, HOWEVER, WHEN THE SUSPECT MADE THE DELIBERATE MOVEMENT HE WAS IN FEAR AND SHOT THE SUSPECT.

OFFICER BERTZ WAS PROVIDED A GREEN CONE, WHICH HE PLACED ON THE ROADWAY OUTSIDE THE DRIVER'S DOOR OF HIS VEHICLE DENOTING HIS APPROXIMATE POSITION AT THE TIME HE FIRED HIS CARBINE RIFLE AT THE SUSPECT. HE DIRECTED DETECTIVE DIPONZIO TO A POSITION EAST AND SOUTH OF HIS DRIVER'S DOOR DENOTING THE APPROXIMATE POSITION OF THE SUSPECT WHEN THE TURNING MOVEMENT TOOK PLACE AND HE FIRED HIS WEAPON AT THE SUSPECT.

THIS CONCLUDED THE WALK-THROUGH INTERVIEW WITH OFFICER BERTZ.

FOR ADDITIONAL DETAILS, REFER TO THE ARCHIVED RECORDING.

AW7952/1303/01132019

Public Narrative