

Case: State of Missouri v. Darren Wilson

Grand Jury Volume XXII

Date: November 11, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

November 11, 2014

VOLUME XXII

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

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12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 11th day of November, 2014,
17 before

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1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

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1 GRAND JURY HEARING VOLUME XXII

2 MS. ALIZADEH: Good morning. It is
3 November 11th, Happy Veterans Day everybody, and it
4 is 8:42 a.m.

5 So we had originally planned we were going
6 to go to 2:30 today. As I've mentioned to you in
7 the past because we are drawing kind of near the
8 end, it is difficult sometimes for me to get enough
9 people to fill your day. Today might be one of
10 those days where we get done early. But originally
11 I had scheduled an officer to come in at 8:30 this
12 morning, he was going to talk to you about he
13 actually measured Darren Wilson's car and so forth
14 and photographed it.

15 He called me on the way to work this
16 morning he said he's a crime scene detective and he
17 is right now at a crime scene. And so he asked if I
18 could push his testimony off three or four hours. I
19 said, well, just text me when you're done and we'll
20 see where we are.

21 I have photographs that he took of the
22 vehicle and then I also have a sheet of paper that
23 actually was, I think, emailed to me quite some time
24 ago with the measurements on it that he had taken.

25 Um, and so what I would propose to do is

1 that I believe it might be helpful for you to have
2 those things prior to going down and looking at the
3 car, just for your own sake.

4 And so if anybody has an objection to
5 that, you know, I would like to hear. My thought
6 was I could give you those photographs and the
7 measurements and then you all can go look at the
8 car. And then when you come back, if you have
9 questions for that officer, you know, we can get him
10 in later this morning and you can ask questions
11 about what he did.

12 You know the only thing he was going to
13 testify to, yeah, I took these photographs and,
14 yeah, I took these measurements. So, you know,
15 unless you had additional questions for him, that's
16 kind of, you know what I mean, it is not like really
17 earth shattering.

18 So that's my proposal that if you are
19 ready, I will get that stuff for you because I
20 didn't bring it in here yet to make a copy of
21 measurements for everybody.

22 Pass the photographs around so you can
23 kind of look at them before you go out there and
24 then you go out and examine the vehicle and you take
25 the time that you need to do that.

1 Our investigator has made, he has a couple
2 of steps that he made so he'll give you those for
3 you to use if you want to do some of your own
4 investigation. And then at 10:30, I have scheduled
5 the field training officer for Darren Wilson when he
6 was an officer at Jennings. You asked about that a
7 little bit ago, I contacted him, he is coming in at
8 10:30.

9 I will probably do a very brief
10 questioning of him and what his duties and
11 responsibilities are, and then you can ask him
12 questions that you think you need to ask.

13 And then I have, we have the physician's
14 assistant coming in. She can't be here till 1:00.
15 Again, we maybe have a gap there and so she will be
16 here at 1:00 and she will be the last witness of the
17 day.

18 Um, in the meantime, while you're gone
19 examining the vehicle, Sheila and I talked about it
20 and we thought we don't have actually the physical
21 evidence over here at our office yet. That is a
22 plan before this is all done you are going to be
23 able to look at things that you want to look at.

24 There's, we're not going to have discs
25 brought over, there is no point in looking at a disc

1 because there are lot of discs in evidence.

2 We do have the clothing of Michael Brown,
3 which is, as you would imagine is bloody, it is
4 dried, but it is still bloody. Those are packaged
5 and in a box. We'll bring that box over for you,
6 but if you all want to open the box and look at it,
7 we're going to have to get you gloves and masks and
8 stuff like that to do that.

9 But everything else that is in evidence
10 like the gun, shell casings, the bullets, things
11 that, you know, the sandals, the bracelets, you
12 know, things that were seized, we're going to have
13 those all in a room for you to examine as much as
14 you want.

15 And then in the meantime, though, I
16 thought Sheila and I had said it might be time, that
17 you could spend working while you are gone examining
18 the vehicle, I could put out a lot of these
19 photographs that we've seen over time, crime scene
20 photographs, and that way, you know, as you are
21 sitting here, if we're waiting for the next witness,
22 you all can kind of pass those around and look at
23 them at your leisure or talk about them just so
24 you're not sitting here twiddling your thumbs.

25 And then have you all thought any more,

1 because like I said, we are nearing the end. Are
2 there any additional witnesses that you think you
3 need to hear from or would like me to try to get in,
4 other than as I mentioned, we're still, there is
5 still about four or five lay people who, you know,
6 have given some kind of statement in the past about
7 having seen something, we are trying to get them in.

8 So we may or may not get all or none of
9 them in before this is over, but is there anyone
10 else that y'all would like to hear from or if you
11 would like to recall a witness, we'll need to know
12 so I can get that scheduled before, you know, we
13 conclude everything.

14 So y'all can talk about that while you are
15 looking at photographs and stuff too. If there is
16 any additional people you like or again, if you want
17 to hear all of the witnesses' testimony is on an
18 audio disc. We have transcripts of that, so if you
19 want to review somebody's testimony while you're
20 here, we can certainly play that for you or just
21 give you a transcript or whatever you need to review
22 things, okay.

23 So with that being said, I guess we'll
24 take a recess or brief break now while everybody
25 gets their coats on and I'll get and and

1 we'll get you over there to look at the vehicle.

2 And just so you all understand for the
3 record, this is not Darren Wilson's vehicle, this is
4 another Tahoe that's the same make, year and model
5 as Darren Wilson's because the door, as I explained,
6 is still not on Darren Wilson's vehicle, but the
7 measurements that I have, actually, don't get your
8 coats on yet. I told you I was going to get you the
9 pictures and the measurements.

10 So we'll take a recess now and I'll go get
11 those and when you are ready to go over and look at
12 the vehicle, we'll get and to take.

13 Okay.

14 (Recess)

15 MS. ALIZADEH: Good morning. This is
16 Kathi Alizadeh, it is November 11th. Sheila Whirley
17 is here, all 12 grand jurors are here and the court
18 reporter is taking down what's being said.

19 So this morning y'all went over, went to
20 look at the police vehicle. That is the same make,
21 year and model as Darren Wilson's vehicle or the
22 vehicle he was driving on August 9th.

23 You all had plenty of time to do that. Is
24 there anybody that felt they didn't get to see what
25 they wanted to see?

1 Also, prior to you all going out there, we
2 had planned for our witness to testify who actually
3 photographed and measured, took certain measurements
4 on Darren Wilson's vehicle. He was going to testify
5 this morning prior to you seeing that, but the crime
6 scene detective was actually called to a crime scene
7 this morning. So it is my understanding that you
8 don't have any questions for him? So I will let him
9 know he doesn't need to come in.

10 Right now we're waiting for our next
11 witness. So in the meantime I passed out some
12 photos that have already been, not introduced, but
13 you all have seen them, but I passed them out so if
14 you all wanted to look at them again.

15 I've also given out a another transcript
16 that contains Darren Wilson's testimony and then
17 there was also a request to hear again Grand Jury
18 Exhibit 59, which is a disc that contains a video
19 audio file that a witness, was
20 actually talking on Glide, an app that allows you to
21 talk in realtime. He inadvertently had recorded
22 some of the gunshots. If you recall, he said there
23 were two shots before he began the recording. So
24 there was a request to play that again.

25 It is in a loop. So if we don't stop it,

1 it will do it all over again. So we'll just let it
2 go and when you all have heard enough, you let us
3 know and we'll just stop it.

4 (Playing of the audio recording.)

5
6 of lawful age, having been first duly sworn to
7 testify the truth, the whole truth, and
8 nothing but the truth in the case aforesaid,
9 deposes and says in reply to oral
10 interrogatories, propounded as follows, to-wit:

11 EXAMINATION

12 BY MS. ALIZADEH:

13 Q Could you state your name and spell it for
14 the court reporter, please?

15 A . ,

16

17 Q Where are you employed, sir?

18 A I'm employed at the City of Jennings as a
19 lieutenant in the corrections department and I'm
20 also employed at Velda City as a police officer.

21 Q And so you a commissioned police officer?

22 A Yes, ma'am.

23 Q How long have you been a police officer?

24 A Since 1997.

25 Q So did you graduate from the St. Louis

1 County Police Academy or from a different police
2 academy?

3 **A** I went to Eastern Missouri, which is in
4 St. Charles County.

5 **Q** Okay. And did you graduate from there in
6 1997?

7 **A** Yes, ma'am, December of 1997.

8 **Q** And what was your first job out of the
9 police academy.

10 **A** Worked at the City of Pine Lawn.

11 **Q** How long were you a Pine Lawn police
12 officer?

13 **A** I worked there on two different occasions.
14 First time I was there approximately a year.

15 **Q** After you were there for a year, were you
16 a police officer in Pine Lawn?

17 **A** Yes, ma'am.

18 **Q** Where did you go after that?

19 **A** City of Normandy.

20 **Q** How long were you a police officer in
21 Normandy?

22 **A** Yes, ma'am.

23 **Q** How long were you a police officer there?

24 **A** Approximately nine years.

25 **Q** Following then did you go back to Pine

1 Lawn at that point?

2 **A** Yes, ma'am.

3 **Q** How long were you with Pine Lawn again?

4 **A** For a year.

5 **Q** And then after that where did you go?

6 **A** The City of Jennings.

7 **Q** And how long did you work as a police
8 officer for the City of Jennings?

9 **A** Approximately three years.

10 **Q** And were you a road officer during that
11 time period?

12 **A** Yes, ma'am.

13 **Q** And when you were with the City of
14 Jennings, were you ever a field training officer?

15 **A** Yes, ma'am.

16 **Q** Prior to the year being a field training
17 officer in the City of Jennings, were you ever a
18 field training officer at any of the other police
19 departments where you were employed?

20 **A** Yes, ma'am.

21 **Q** All right. So when is it that you first
22 became a field training officer?

23 **A** When I worked for the City of Normandy.

24 **Q** Is there any additional training or any
25 tests or any other qualifications that you need to

1 have other than having graduated from the police
2 academy in order to be a field training officer?

3 **A** There's no legal requirements, most
4 departments have policies. There is no testing for
5 it. The academy, the police academy, you go to the
6 police academy, they have the field training course,
7 usually a week long.

8 **Q** So there is a field training course with
9 the police academy?

10 **A** Yes, ma'am.

11 **Q** Did you take that?

12 **A** Yes, ma'am.

13 **Q** All right. And so when you become a field
14 training officer, what are your duties and
15 responsibilities. You are still a police officer,
16 correct?

17 **A** Yes, ma'am.

18 **Q** You still patrol and enforce the laws of
19 your municipality or the community, correct?

20 **A** Yes, ma'am.

21 **Q** But what additional duties and
22 responsibilities does a field training officer have?

23 **A** When you get, a new officer is hired in,
24 you take them and you are responsible for them and
25 instructions on doing the job as a police officer.

1 Also policies and procedures of your agency and to
2 mentor them to become successful police officers.

3 Q All right. How long did you do that for
4 the City of Normandy?

5 A I didn't do it continuously because I went
6 to different positions for about two years though.

7 Q And then after leaving Normandy, you went
8 back to Pine Lawn for about a year. Did you, were
9 you a field training officer in Pine Lawn?

10 A No, ma'am.

11 Q And then after that, you went to Jennings
12 and you said you were a field training officer in
13 Jennings?

14 A Yes, ma'am.

15 Q And so when a new police officer is
16 assigned to you, for you to be his FTO, how long is
17 it that you are training that officer?

18 A There is different levels of the training.
19 They are under your direct supervision, ride along
20 with you, usually for six weeks and then depending
21 on their performance, you decide whether they are
22 going to be released to a vehicle on their own, but
23 you still shadow them.

24 You are still training the officer,
25 you are still responsible for them. They're on

1 probation for up to a year. You are basically
2 responsible for that officer for that whole time.

3 **Q** And so typically an officer might ride
4 along with you for up to in excess of six weeks?

5 **A** Yes, ma'am.

6 **Q** Now, these officers that are assigned to
7 you, are they commissioned police officers?

8 **A** Yes, ma'am.

9 **Q** So they've already completed their
10 training at a police academy, they've already been
11 hired by the City of Jennings?

12 **A** Yes, ma'am.

13 **Q** How many officers have you mentored or
14 been a field training officer for?

15 **A** I'm guess maybe about ten.

16 **Q** And during that time, have they all been
17 brand new police officers fresh out of the police
18 academy?

19 **A** No, ma'am.

20 **Q** So sometimes are your trainees already
21 experienced police officers, but they may be new to
22 your municipality?

23 **A** Yes, ma'am.

24 **Q** And so you said that they would ride along
25 with you for a minimum of six weeks and then

1 depending on how you felt they were doing, they
2 might then have their own cars?

3 **A** Yes, ma'am.

4 **Q** And then do you always work the same shift
5 as your trainee?

6 **A** Yes, ma'am.

7 **Q** And so if they go on a call, do you go
8 with them on a call?

9 **A** Yes, ma'am.

10 **Q** But in a separate car?

11 **A** Yes, ma'am.

12 **Q** So is it your job then to kind of observe,
13 let them handle the call, but to be there to help
14 them or observe how they are doing?

15 **A** Yes, ma'am.

16 **Q** And were you the field training officer
17 for Darren Wilson when he was a Jennings Police
18 Officer?

19 **A** Yes, ma'am.

20 **Q** And do you remember when he came to
21 Jennings, was this his first job out of the police
22 academy?

23 **A** Yes, ma'am.

24 **Q** So he was a brand new police officer?

25 **A** Yes, ma'am.

1 **Q** And so did he ride along with you for at
2 least six weeks before he then got in a vehicle on
3 his own?

4 **A** Yes, ma'am.

5 **Q** Okay. And just in general, how did you
6 think he did as a trainee during that six weeks?

7 **A** He did very well. Out of the officers I
8 have trained, he was one of those that was probably
9 a better officer.

10 **Q** And then after the six weeks were
11 completed, did he then begin to ride on his own?

12 **A** Yes, ma'am.

13 **Q** And did you continue to train him or be
14 his mentor for that first year that he was a police
15 officer in the City of Jennings?

16 **A** Yes, ma'am.

17 **Q** Okay. Now, when a trainee begins to ride
18 on their own, are they allowed to make their own
19 arrests?

20 **A** Yes, ma'am.

21 **Q** And so they can function in every way as a
22 police officer in the City of Jennings, except for
23 the fact that they have somebody that's watching
24 over them, correct?

25 **A** Yes, ma'am.

1 **Q** Did you ever have any concerns about
2 Officer Wilson having a bad temper?

3 **A** No, ma'am, no.

4 **Q** Did you ever have any concerns about
5 Officer Wilson using excessive force during an
6 arrest?

7 **A** No, ma'am.

8 **Q** How did you feel he worked with the
9 community in the City of Jennings?

10 **A** Um, I thought he did very well. One point
11 that really stands out that I remember distinctly
12 while he was riding with me in the first six weeks,
13 we were having a conversation and he brought up the
14 topic he said, I feel comfortable with the police
15 work side of it, but I have not had much experience
16 in the African-American community, such as the one
17 I'm working in now. I haven't been in that
18 community. Can you help me with that?

19 I really thought that that was,
20 admired him for doing that because it is hard for
21 somebody to admit that. He took a vested interest
22 in learning about the community he was working in.

23 **Q** So at the time that he was in the City of
24 Jennings, would you say that the population of
25 Jennings was, the majority of the population were

1 African-American?

2 **A** It is, as it is today I would say.

3 **Q** Did you ever witness him being what you
4 consider inappropriate as far as anything that you
5 thought was racist that he might do or say?

6 **A** No, ma'am.

7 **Q** Now, I explained to you that there was an
8 interest of the grand jurors coming in and asking
9 you some questions, so I'm done asking questions.

10 Sheila, do you have any questions?

11 MS. WHIRLEY: Yeah, I do have just a few.

12 So tell me how long did you work at
13 Jennings before you became a field training officer?

14 **A** Within my first year they had me start
15 training at the end of my first year.

16 MS. WHIRLEY: Okay. Your first year. Did
17 you have to be on probation for a year.

18 **A** I was still on probation when I started
19 training officers.

20 MS. WHIRLEY: You were on probation, but
21 serving as a field training officer?

22 **A** Yes, ma'am.

23 MS. WHIRLEY: Okay. And you mention that
24 you had been a field training officer at Normandy,
25 which was before you went to Jennings?

1 **A** Yes, ma'am.

2 MS. WHIRLEY: How long did you work at
3 Normandy before becoming a field training officer.

4 **A** Uh, probably about three years.

5 MS. WHIRLEY: Okay. And you were a field
6 training officer at Normandy, I think you said, for
7 two years.

8 **A** Yes, ma'am.

9 MS. WHIRLEY: What was your rank when you
10 field training officer in Normandy?

11 **A** Just patrolman.

12 MS. WHIRLEY: What was your rank as a
13 field straining officer in Jennings?

14 **A** Patrolman.

15 MS. WHIRLEY: What's your rank now?

16 **A** Patrolman.

17 MS. WHIRLEY: How long have you been a
18 police officer?

19 **A** Since '97.

20 MS. WHIRLEY: '97. Okay.

21 **A** I worked last night.

22 MS. WHIRLEY: Okay. What did you teach or
23 verify that Officer Wilson was proficient at? I
24 mean, you were his field training officer for six
25 weeks, how did you verify that he knew what he was

1 doing well enough to let him be on his own?

2 **A** In the City of Jennings as a field
3 training officer it was computer based program, it
4 has specific goals, also specific topics that were
5 covered. You know, like constitutional law, your
6 state law, your policies, your procedures and also
7 went over the reports, like fraud report, so you had
8 all of that. It was already lined out for you.

9 And there was three things that you
10 had to do, you had to explain that to the officer
11 that you were training.

12 The second one was that they had to
13 be able to articulate it back to you and then the
14 third was they I had to actually see them perform
15 that duty.

16 MS. WHIRLEY: A lot of that is done in the
17 police academy, is that not correct? You have
18 constitutional law, criminal law, report writing,
19 same thing you just mentioned?

20 **A** Correct.

21 **Q** Actually happened in the police academy?

22 **A** Correct.

23 **Q** So you're just kind of verifying that he
24 knows how to do it once he hits the streets?

25 **A** Correct.

1 **Q** Now, do you write an assessment or some
2 type of evaluation after the training of the
3 officer?

4 **A** Again, that's all in that computer based
5 program that the City of Jennings has every day.
6 You did a daily observation report and you would go
7 through the list and put the date in what you did
8 that day. I don't remember weekly or monthly, but
9 at the end you signed off on that officer. You
10 signed off after six weeks stating that they are
11 ready to go on to be shadowed, as we call it.

12 MS. WHIRLEY: You did sign off on Officer
13 Wilson?

14 **A** Yes.

15 MS. WHIRLEY: He met every benchmark that
16 he was supposed to meet?

17 **A** Yes, ma'am.

18 MS. WHIRLEY: Did you train more than one
19 trainee at a time when you were training Officer
20 Wilson or did you just train Officer Wilson.

21 **A** No, ma'am, we never train more than one
22 officer.

23 MS. WHIRLEY: Just one at a time?

24 **A** Yes, ma'am.

25 MS. WHIRLEY: And what time period was it

1 that you were field training officer for Officer
2 Wilson.

3 **A** He started with us in 2009, mid 2009.

4 MS. WHIRLEY: Okay. And were there ever
5 any complaints from the residents about him?

6 **A** I never had any issues with him or none
7 were brought to me.

8 MS. WHIRLEY: So it is possible there
9 were, but you don't know?

10 **A** Correct.

11 MS. WHIRLEY: Okay. And you already
12 answered no complaints about excessive use of force,
13 correct?

14 **A** No, ma'am, none.

15 MS. WHIRLEY: What did you teach, is there
16 anything taught about use of force while you're
17 training officers?

18 **A** Yes, ma'am. Two things that are big
19 issues with law enforcement. You go over right away
20 with them pretty much one is use of force. The
21 second is your emergency vehicle operations, those
22 are just two things that officers civil liability
23 affects people's lives. You get your policy out of
24 your agency at the time, you go over it with them,
25 make sure they have that. Make sure that they refer

1 to that any time.

2 Jennings, in our police department,
3 we have mobile data computer terminals. You can
4 always look back and look up the policy while you
5 are on the call or anything of that nature to refer
6 to.

7 So you go over that policy and then
8 for myself, I would go through scenarios like after
9 we have been on a call. I would play the what if
10 game and have him articulate to me what he would
11 have done in this situation. What if this occurred,
12 how would you handle it and play the what if game.

13 MS. WHIRLEY: Okay. So there's written
14 policy and then you kind of do hypotheticals to
15 verify his knowledge of what he knows what he needs
16 to do.

17 What did you or your department do to
18 assist Officer Wilson with working with the
19 African-American community? You said that he
20 actually asked you, told you that he wanted to work
21 with the community or he didn't know much about
22 African-Americans and I guess wanted to be a better
23 officer in the African-American community, what kind
24 of assistance was he given?

25 **A** It wasn't he wasn't familiar with

1 African-Americans, my whole career I have worked in
2 the North County area. I would go over my
3 experiences. I was born and raised in the North
4 County area. Went over, like I say, experiences
5 I've encountered. What is important to the
6 community.

7 MS. WHIRLEY: What is important to the
8 community?

9 **A** One of the biggest issues I've seen with
10 young law enforcement they don't take a vested
11 interest in the community.

12 MS. ALIZADEH: I'm sorry, I couldn't hear
13 the last one?

14 **A** They don't take a vested interest in the
15 community they work in. We go to work every day,
16 the residences are throughout, not usually in the
17 community you work in. And you come there for 12
18 hours a day, you go home.

19 The residents, that's where they
20 live, that's their home base and it is really
21 important you take a vested interest in that. When
22 you do, your job is a lot easier. I think it is
23 better with the relations with the residents and on
24 your calls. You understand things.

25 MS. WHIRLEY: Tell us what that looks like

1 taking a vested interest in the community, what does
2 that look like? I mean, those are words, sounds
3 good, but what does it look like?

4 **A** I'm not understanding your question.

5 MS. WHIRLEY: Like what kind of things are
6 done to take a vested interest in the community.

7 **A** For myself, when I worked in Normandy.

8 MS. WHIRLEY: I want to know about
9 Jennings?

10 **A** I'm just using a example.

11 MS. WHIRLEY: I understand, but this is
12 kind of a specific question because I'm referring to
13 when you mention Officer Wilson wanted to, I guess,
14 be a better officer with the African-American
15 community, right?

16 **A** Uh-huh.

17 MS. WHIRLEY: That was at Jennings?

18 **A** Uh-huh.

19 MS. WHIRLEY: Now Jennings is very heavily
20 populated with African-American; is that right?

21 **A** Uh-huh.

22 MS. WHIRLEY: Before I go back to that
23 question, do you know how many African-American
24 officers were working at Jennings at that time in
25 2009 when you worked there as field training

1 officer?

2 **A** Two officers.

3 MS. WHIRLEY: Out of how many officers?

4 **A** I don't remember the total number, I think
5 it is 40.

6 MS. WHIRLEY: I'm sorry?

7 **A** I think it was in 40.

8 MS. WHIRLEY: Out of 40 something
9 officers, two were African-American?

10 **A** Correct.

11 MS. WHIRLEY: Were there any
12 African-American field training officers?

13 **A** No, ma'am.

14 MS. WHIRLEY: Okay. So now going back to
15 the question. What kind of things did you do to
16 help Officer Wilson understand how to work better
17 with the African-American community?

18 **A** I know you don't want to talk about
19 Normandy, but I was a school resource officer there.
20 In Jennings a lot of the residents that I had as a
21 school resource officer in Normandy were now
22 residents of Jennings. I would go to those
23 communities on a call.

24 One example is female, she has mental
25 health issues. And she's fine when she's on her

1 medications, but at times she's not. I would go and
2 check on her once a week after I had been on a call
3 there. How you doing. I was able to when she was
4 not on her medication talk to her and get her back
5 on medication. That's taking a vested interest in
6 the community. It is not just going to the call and
7 answering it and writing the report and leaving.

8 It is going back on a stolen car, did
9 you get your car back, you know, did you get it
10 fixed, things of that nature. That's taking a
11 vested interest in the community.

12 MS. WHIRLEY: Okay.

13 **A** As a school resource officer I was able to
14 show him that he was always teased, everybody knows
15 you. When I was a school resource officer, I did
16 the adopt a student. I would take them to the
17 basketball games. I took them to those things when
18 they came up. That's taking a vested interest in
19 the community.

20 MS. WHIRLEY: This is during your period
21 as field training officer at Jennings with Officer
22 Wilson?

23 **A** Correct, and showing him that and those
24 things.

25 MS. WHIRLEY: Did you ever see Officer

1 Wilson do some of those things with the
2 African-American community?

3 **A** Yeah, I've seen him buy meals for the
4 youth, I've seen him follow-up on calls, go and talk
5 to the residents, you know. He wasn't encompassed
6 in that police car, he was out and about in the
7 community.

8 MS. WHIRLEY: Okay. Questions?

9 What type of behavioral
10 screening is there in the academy or maybe you as a
11 trainer, are there warning signs, certain
12 personality types that you would fail them from
13 becoming an officer just because of behavioral
14 issues, you understand?

15 **A** We have, I know for the City of Jennings
16 you have to go through a psych evaluation before you
17 can even be hired on the department, and that's
18 where that is determined.

19 As far as myself, of course, if you
20 have anger issues. The person's mental state is not
21 stable, they can't control their emotions or things
22 of that nature. That's the concern. That's where
23 you address those issues. That's in your
24 evaluations and you try to see what the remedy would
25 be for that. Sometimes there's not.

1 take them on follow-up calls even though your job as
2 police officer is over, they see you going back and
3 making sure that she's taking her meds or whatever.

4 **A** For me I believe that's still our job as a
5 police officer, I don't think it is over.

6 Your call is over, I'm
7 sorry, I didn't mean to talk over you. And then out
8 of my, where did you grow up, in North County?

9 **A** Florissant area, in St. Louis County area.

10 That's it.

11 You know the reason why
12 Officer Wilson left Jennings?

13 **A** Because County got the contract with
14 police services, we were all laid off.

15 : You were all laid off?

16 **A** Every officer there was laid off. They
17 disbanded the police department.

18 : Once Officer Wilson left
19 your field training supervision, did you ever hear
20 of Officer Wilson's behavior among the community in
21 a harsh way or anything, his behavior?

22 **A** Witness it or hear of it?

23 Yes.

24 **A** I've never heard anything negative on that
25 and I worked with him after he was, we still stayed

1 on the same shift.

2 Are you familiar with a term
3 that was used, use of force triangle, or use of
4 force continuum?

5 **A** Yes, sir.

6 Can you describe what that
7 means?

8 **A** Basically it is teaching the officers a
9 suspect can, basically what level of force do you
10 need to use to control the situation. Not using the
11 least amount, but to get it done effectively and get
12 compliance.

13 To simplify it, you have your just
14 compliance, officer present, they're compliant.
15 That was in the triangle, you have that in the
16 center. And you have threatening resistant, which
17 will be physically attack. Nonthreatening, which
18 would be noncompliance. I'm not moving, I'm staying
19 here. Then you have deadly force, but all goes back
20 to the center of that triangle to where compliance
21 is.

22 You teach the officer, the suspect is
23 who decides what happens. They're the one who makes
24 the decision. Everything within the force continuum
25 is reactive on our part. It is a delicate equation,

1 though, you have to decide what force do I need to
2 use, but I don't want to use excessive force, but I
3 don't want to use too little force to where someone
4 gets hurt also.

5 Sometimes if you use too less of a
6 force, then you have to use another avenue, say
7 mace, you use that. You should have used something
8 more forceful. You have to go to the time that's
9 two encounters, two uses of force. Basically where
10 you used your baton from the beginning that would
11 have gotten the compliance.

12 This is something that is
13 taught to the officers in all of their training,
14 academy type of training?

15 **A** That's taught in the academy, there's also
16 continued training. Any time that you go to the
17 academy in the State of Missouri you have to do 48
18 hours of continuing training every three years. Any
19 time you have any class using your firearm. Any
20 defensive tactics or anything, that's brought back
21 up, force continuum, it's also in your policy.

22 The force continuum?

23 **A** Yes, it is ongoing. It is an ongoing
24 process.

25 Sure, sure. In your

1 experience would it be your opinion to say that in a
2 very tight compressed time situation that that was
3 something that an officer would instinctively fall
4 back onto?

5 **A** Yes.

6 Thank you.

7 MS. ALIZADEH: I have a question for you.
8 In either the police academy training or in what you
9 might train as being a field training officer, if an
10 officer is faced, finds himself in a situation and
11 he makes a decision to use deadly force to react to
12 something that he sees is a threat to himself or the
13 community, is there any training in the police
14 academy or in field training where you, the officer,
15 is taught or instructed to, for example, if you are
16 going to use your firearm to like shoot at their
17 legs or shoot at an area of their body that might
18 not be a fatal shot?

19 In other words --

20 **A** All training you are taught to in your
21 firearms training to aim towards center mass to stop
22 the threat. Your goal, again, is compliance, stop
23 the threat. It is not to aim for the leg in high
24 stress situation, you're not able to do that
25 physically.

1 the academy, what was the dynamics?

2 **A** We had no African-American officers in my
3 academy class.

4 You said that you were
5 trained to hit at center mass, okay. And I've heard
6 a lot of people in the media talk about why didn't
7 the police officer just let him run away and put an
8 all points bulletin on him. Can you tell me about
9 your training as far as not just your safety, but as
10 far as the community, would that be against what you
11 would be taught in the academy, just let a suspect
12 go and get him later?

13 **A** No, ma'am. That's our job as a police
14 officer to apprehend suspects. Whenever somebody
15 has a crime committed or anything, they call us, we
16 are the ones that have to respond while everybody
17 else is trying to get away from the area. It is our
18 duty to protect the community. That's what we swear
19 to when we we're hired. And in doing so, you have
20 to prevent a suspect from fleeing, then they can do
21 further harm to the community.

22 No, you're not taught to shy away
23 from that. We always respond, that's our job and we
24 know that getting into the profession.

25 Can you walk us through the

1 protocol, kind of step by step protocol of making an
2 arrest?

3 **A** From what part?

4 I guess the point at which
5 an officer determines there is a cause for arrest
6 and then what kind of protocol is going forth?

7 **A** Each agency has their own policy. I can
8 give you a general rundown. As an officer you
9 observe or probable cause to believe that a crime
10 has been committed. And in doing so for speeding,
11 you write them a ticket. Some agencies have
12 policies that you have to arrest people for certain
13 offenses, which even could be something to write a
14 ticket for driving while suspended. If you observe
15 the crime, you take your enforcement action. You
16 write your report to articulate everything about
17 that incident, the elements of the crime.

18 So as far as the arrest part, that's
19 where that comes in when you apprehend the suspect.

20 From there most agencies you go to
21 the station, complete the booking process. Usually
22 in the municipalities the judges have a bond
23 schedule, who has to post bond. Some are released
24 on a summons after they are processed and you see if
25 they have warrants, if they have to go to another

1 agency or anything of that nature.

2 MS. ALIZADEH: Officer , let me
3 ask you a question. When an officer in your
4 training, an officer, once the officer makes a
5 determination that he is going to place the suspect
6 under arrest, is he taught to use whatever means is
7 necessary to affect that arrest given whatever
8 circumstances he may be presented with.

9 A Yes, ma'am.

10 Q (By Ms. Alizadeh) So, for example, if you
11 have a fleeing suspect.

12 A Yes, ma'am.

13 Q Is there any training based on either
14 police academy training or training under a field
15 officer, field training officer where you would give
16 that suspect commands to stop and desist, get down,
17 freeze, you know, phrases like that. And then if
18 the suspect does not, would that, do you have any
19 training on do you then pursue that suspect or do
20 you just let them run away?

21 A You have to look at the totality of the
22 circumstances of that particular incident.

23 You have to weigh the safety of the
24 community, the safety of the officer. For example,
25 in a vehicle, if their crime doesn't outweigh them

1 running and taking off in the vehicle and us
2 pursuing them and we hit an innocent victim and
3 they're killed, does their crime outweigh that? No,
4 we don't. If the danger that they could cause the
5 community is greater, then yes, you will pursue.

6 **Q** So someone who is speeding and won't pull
7 over, you're not going to engage them in a high
8 speed pursuit?

9 **A** No, ma'am.

10 **Q** But the suspect that you are attempting to
11 pull over, if he has a warrant for murder in the
12 first degree, a violent offense such as an assault
13 or a sexual crime, you might under the circumstances
14 make a determination to pursue that suspect?

15 **A** Yes, ma'am.

16 **Q** So it is all dependent upon the
17 circumstances, correct?

18 **A** Correct.

19 **Q** And officers are trained and taught that
20 they have to very quickly assess the circumstances
21 and use their best discretion and their decision
22 making on whether you pursue that suspect, allow
23 that suspect to get away. And what means you need
24 to take in order to affect an arrest if you
25 determine to pursue the suspect?

1 **A** Yes, ma'am.

2 **Q** Did you ever have any question about
3 Officer Wilson's ability to quickly assess a
4 situation, like was he overly, you know, some people
5 are over thinkers, they want to really sit back and
6 decide, to have time to examine all possibilities
7 and some people react too quickly without really
8 giving thought to what they're doing. Were you ever
9 concerned that Darren Wilson was either over
10 thinking and might not react appropriately in time
11 or that he was too quick to react without thinking
12 things through?

13 **A** I thought his judgment, he always made
14 sound judgments on his decisions. Of course, we
15 always go back and look how could we have done it
16 better the next time. At the time when he is
17 handling things, he always had good judgment.

18 **Q** Did you ever observe him to be a bully?

19 **A** No.

20 **Q** Or abuse his authority?

21 **A** No, ma'am.

22 **Q** Disrespectful to people?

23 **A** No, ma'am.

24 MS. ALIZADEH: Anything else.

25 In that same vein where you

1 say you may have like, I guess, someone speeding
2 away from you, you may say, hey, it is not worth it.

3 Let's give an example, let's say you were
4 in a residential area and there's cars going in both
5 directions, people taking their garbage out, be
6 people walking their dogs and the suspect is running
7 away. How would that kind of situation be handled
8 if you know there is other people around and other
9 people could get hurt?

10 **A** In a vehicle, the suspect is in a vehicle?

11 No, the suspect is walking?

12 **A** What am I stopping them for?

13 : Jaywalking.

14 MS. ALIZADEH: For jaywalking, is that
15 what you said?

16 Yeah.

17 **A** And they take off on foot?

18 Yes.

19 **A** I would pursue them, if I'm taking
20 enforcement action and take off on foot, yeah, I
21 would. It also depends. I've been in foot pursuits
22 where someone has jumped off a high concrete wall on
23 the entrance ramp to a highway, I'm not going to put
24 myself in danger to do that for a jaywalking.

25 At some point you'll say

1 well, I mean, I see people here, people on their
2 balcony, people here, maybe I shouldn't shoot in
3 this situation?

4 **A** I don't know where we got to the shooting
5 part on this. You said simply jaywalking. You said
6 fled on foot.

7 Fled on foot.

8 **A** What actions?

9 You had a confrontation and
10 he runs away on foot?

11 **A** I can't play the what if thing game, it
12 has to be the totality of the circumstances.

13 : I'm getting to the part
14 where you have the suspect and you notice that their
15 are traffic, cars, you know this is residential area
16 and there is people on balconies, people could be
17 walking their dog, and people taking their trash
18 out. And this person is unarmed, would you decide
19 maybe this is not the best way to pull my gun out or
20 somebody else could get hurt?

21 : Does he know the person is
22 unarmed?

23 **A** I can't answer your question not with what
24 you're saying.

25 Maybe I can rephrase it a

1 little bit. Did you ever teach officer Darren
2 Wilson when to or when not to open fire in a
3 residential, to have a different response?

4 **A** When you decide to use deadly force, it is
5 the threat that you perceive at the time. If it is
6 in a residential area, at times you will have to
7 fire in a residential area.

8 Okay.

9 **A** Again, these are vague, you are asking
10 vague when you have a situation. You are asking me
11 to make a determination on something that you can't
12 do, you have the totality of the circumstances.

13 Okay.

14 **A** Just for jaywalking, would I pull a gun?
15 No. If I stop somebody for jaywalking and it turns
16 into a physical altercation, it is not a jaywalking
17 any more. We've gotten beyond that.

18 The thing also you have to look at
19 is, what I perceive that I stop somebody for may not
20 be what that suspect perceives.

21 I know when an officer stopped
22 somebody for a simple speeding, little did he know
23 that guy had just committed an armed robbery at a
24 7-Eleven. So the officer think's he's just going to
25 a speeding enforcement, but the suspect in his mind

1 thought he was being stopped for the robbery. So
2 that decides the suspects, but for a simple
3 jaywalking, no, you don't pull your weapon. But
4 when the assault occurred, we are not talking about
5 jaywalking, jaywalking is irrelevant at that point.

6 And we both, two people have
7 used that speeding example. So if you try to pull
8 somebody over who is speeding and they refuse to
9 stop, would you take, what would happen, would you
10 just let them go or would you try another means to
11 have them pull over? Not necessarily going on a
12 high speed chase, but would you like try to get in
13 front of them or call somebody else to try to help
14 you or would you just let them go?

15 **A** You use your radio, you put radio traffic
16 out there. You never would put your vehicle in
17 front of another vehicle for speeding.

18 Okay.

19 **A** Your decision to pursue that person for
20 speeding, a lot of times to continue to drive in
21 traffic, you back off, get a license plate or
22 something to go and follow-up on. But you use your
23 other agencies, if you have a helicopter above,
24 things of that nature.

25 When you got to determine

1 whether or not you want to go on a high speed chase,
2 that doesn't mean you are going to let that person
3 get away with it?

4 **A** I will not go on a high speed chase just
5 for speeding, I will tell you that.

6 **Q** (By Ms. Alizadeh) I have a question,
7 Officer . We know a little bit about your
8 walkie-talkie and the mobile radios in cars, and
9 does your walkie-talkie have an alert button?

10 **A** Yes, ours do with our agency, yes.

11 **Q** And did your walkie-talkie have an alert
12 button when you were training Officer Wilson?

13 **A** Yes.

14 **Q** And is there any instruction or what do
15 you train your officers to do as far as when it is
16 appropriate to use that alert button or not
17 appropriate, or is it just the officer's discretion
18 or what?

19 **A** The alert tone on your radio is used for
20 when you need assistance. If you feel that you need
21 officers to respond, you need aid, that is when you
22 use your alert tone.

23 **Q** If, for example, you have already used
24 your radio to call for assistance, you already
25 verbally said I need an assist car, can you send

1 somebody right to my location or whatever, so let me
2 ask you. Would you say that the alert tone is more
3 for something that's a lot more serious than, hey,
4 send another car to assist me on a stop?

5 **A** Alert tone is I need help, get here as
6 fast as you can. That's when you would use the
7 alert.

8 **Q** Maybe life or death or very serious
9 situation?

10 **A** I'm under attack.

11 **Q** And maybe the officer can't get to his
12 radio to call out on his mike?

13 **A** Correct.

14 **Q** Okay.

15 **A** With our radios, they don't get out
16 everywhere, even the alert tone doesn't get out.
17 The radio gives confirmation that it did get
18 received actually, but it doesn't get out. There's
19 some buildings that I was involved in a situation
20 where I was being assaulted and my radio I couldn't
21 get out and transmit and my alert tone would not get
22 out of the building.

23 **Q** You head the alert button and dispatch
24 does not get that alert tone?

25 **A** Correct. You know, if the radio frequency

1 that's what it is transmitted on as well.

2 For a scenario, just a
3 scenario, if you had already called something in on
4 your radio, and something escalates, you wouldn't
5 necessarily, or you would maybe necessarily use your
6 alert button because you already know, either you
7 knew or that's a backup way to get here more
8 quickly.

9 **A** You asked me to assist, things are under
10 control. It gets to where it is volatile, I can't
11 concentrate on transmitting on my radio, I can hit
12 my button.

13 MS. ALIZADEH: But you have to have a free
14 hand to hit the button?

15 **A** Correct.

16 You know what Officer
17 Wilson's range for proficiency was?

18 **A** No, sir.

19 MS. ALIZADEH: Officers that are
20 commissioned police officer have to qualify on a
21 regular basis. In other words, they have to show
22 that they're proficient in firearms?

23 **A** Correct.

24 MS. ALIZADEH: On a regular basis?

25 **A** Correct.

1 MS. ALIZADEH: How often do you have to
2 qualify?

3 **A** We do it there every six months.

4 MS. ALIZADEH: So that means going to a
5 range, you have to hit the target in a certain area
6 a certain number of times in order to be able to
7 continue to be an armed officer?

8 **A** Correct. It is pass or fail.

9 When you say feel, that you
10 have to hit your alert button and you say you feel
11 that you are under attack, what's your under attack,
12 what's your definition of it?

13 **A** At the time I've used my alert I'm
14 physically involved in an altercation with a suspect
15 or if I'm having several approach me, anywhere where
16 I feel a threat is, it is imminent for somebody to
17 get there to help me.

18 Suspect is running way from
19 you, and then right in front of you would you still
20 consider that you are under attack.

21 **A** Somebody running away from me?

22 Yes, sir.

23 **A** No.

24 MS. WHIRLEY: Have you ever been involved
25 in a shooting?

1 **A** Yes, ma'am.

2 MS. WHIRLEY: Tell us about it, I mean,
3 was it a shooting where it was a suspect?

4 **A** Yes, ma'am.

5 MS. WHIRLEY: Go ahead.

6 **A** It happened a month after this whole
7 ordeal, it just happened. My situation I was on a
8 service call --

9 MS. ALIZADEH: Okay, wait a minute. If
10 this is still under investigation, I'd rather you
11 not.

12 MS. WHIRLEY: I would agree, it is
13 something still pending; is that right?

14 MS. ALIZADEH: Let's not talk about it.

15 MS. WHIRLEY: I would agree with that. I
16 was thinking something earlier.

17 **A** No.

18 MS. WHIRLEY: Okay.

19 If a suspect is fleeing from
20 you, what the other juror said, and you didn't
21 really feel under attack, that would not keep you
22 from trying to get him still?

23 **A** Oh, not at all. I would still go after
24 him.

25 : You are still going to

1 pursue him?

2 **A** Correct.

3 : And that can be in second's
4 notice?

5 **A** It depends on the attack on myself.
6 That's where you weigh the circumstances. The
7 attack on myself is him getting away a danger to the
8 community --

9 When he's running away you
10 wouldn't necessarily feel like you're under attack,
11 so the need for an alert button wouldn't be there at
12 that time, maybe not?

13 **A** I won't say that, no, I'm not saying that.
14 You wouldn't feel under
15 attack, running away?

16 **A** No.
17 So I can understand it, when
18 a suspect after they've had an altercation with you,
19 okay, for example, and they're running away, you
20 would still consider them to be a threat possibly to
21 the community because, or yourself, and I'm just
22 thinking is it because maybe they could get a weapon
23 somewhere, maybe they could take someone hostage,
24 you don't know if they're armed or not or whatever,
25 is that the mindset to this where you would still

1 pursue them, decide it being your job to pursue and
2 capture a suspect that's done something, you know,
3 broken the law or whatever?

4 **A** If somebody has assaulted me personally as
5 a police officer, they can assault anyone out there.
6 I mean, someone who assaults a police officer or
7 someone in authority, what would prevent them from
8 assaulting anyone else.

9 Suspects know we are trained, know we
10 have weapons of that nature, you know. If they are
11 willing to attack us knowing that we have that, what
12 would prevent them from attacking a citizen who
13 doesn't have that, those tools.

14 How have you been taught to
15 utilize your vehicle's lights and siren
16 appropriately? I guess, what would cause you to use
17 those?

18 **A** In the State of Missouri state law, if
19 you're going to violate any traffic laws or anything
20 be consider an emergency room vehicle, your use of
21 lights and audible signal, doesn't specify siren,
22 audible signal must be used. In the State of
23 Missouri at least one flashing red signal. You use
24 those when you are responding to calls and on the
25 severity of the call. Crime in progress or

1 something of that nature and if you want to stop a
2 traffic violater then you use it, things of that
3 nature.

4 You wouldn't use it, for
5 instance, like you were stopping someone on foot?

6 **A** No.

7 MS. ALIZADEH: Like a pedestrian check.

8 **A** You might use it if, you know, you are
9 stopping somebody on the side of the highway,
10 walking on the side of the highway, I'm going to
11 turn my warning lights for warning purposes, but no,
12 it is not required to stop that person.

13 Thank you.

14 If you were blocking traffic
15 kind of, you would turn just your lights on, but not
16 the sirens to signify that this is a police matter
17 or something?

18 **A** It depends on the roadway. I've pulled
19 over onto the shoulder many times without turning
20 any of my emergency equipment on. In residential
21 areas, you park on the side of street just like cars
22 do.

23 You are not parked, you are
24 catty-corner, you are in the roadway of the driving
25 of the other drivers.

1 **A** You would try to do that, yeah. You don't
2 always have the opportunity.

3 : I don't think you want to
4 leave it out there.

5 **A** You don't always have that opportunity.

6 I'm trying to place a
7 scenario more kind of what you are taught thing,
8 trying to phrase this scenario, we are just trying
9 to learn to understand also.

10 Again, you're doing a stop where you are
11 in your vehicle and there's a pedestrian, a
12 pedestrian stop. Would you or would you teach
13 someone to use their vehicle as a device to impede
14 someone's course of walk or the direction they are
15 headed, would you take your vehicle and block it in
16 their path to address that?

17 **A** At certain times you would.

18 : Do you think that could be
19 seen as aggressive?

20 **A** By the suspect?

21 : Yes.

22 **A** Of course, yeah, people see a lot of
23 things that we do as aggressive just the way we are
24 trained. Yeah, you could use your vehicle to block
25 the path of someone.

1 : Thank you.

2 You would need a reason to
3 block that path so at that point if you've asked
4 somebody to do something and they haven't done that,
5 then you would need to use aggression, wouldn't you,
6 if you are trying to get them to do what you told
7 them to do they haven't done it.

8 **A** They're not in compliance.

9 : It is not really aggressive,
10 it is taking the necessary steps to do what you
11 asked them to do.

12 **A** Correct.

13 : Okay.

14 MS. ALIZADEH: Any other questions?

15 (End of the testimony of

16 .)

17 ,
18 of lawful age, having been first duly sworn to
19 testify the truth, the whole truth, and
20 nothing but the truth in the case aforesaid,
21 deposes and says in reply to oral
22 interrogatories, propounded as follows, to-wit:

23 EXAMINATION

24 BY MS. ALIZADEH:

25 **Q** Just for introductory purposes, it is till

1 November 11th, it is about ten after 1:00. This is
2 Kathi Alizadeh, Sheila Whirley is present, all 12
3 grand jurors are present, as is the court reporter
4 taking down what's being said. And this afternoon
5 we're starting the afternoon with a witness and
6 ma'am, can you tell the court reporter your name and
7 spell it for him?

8 **A** . First, , last
9 name,

10 **Q** How are you employed?

11 **A** I am a physician assistant with the North
12 County Emergency Physicians Group.

13 **Q** How long have you been a physician's
14 assistant?

15 **A** Seven years.

16 **Q** Can you describe for the either grand
17 jurors what is a physician's assistant, how is that
18 different from maybe a nurse or a physician?

19 **A** So we are considered midlevel providers.
20 So we have master's level degree training. We
21 practice medicine under the supervision of a
22 physician. So in our particular practice we would
23 practice in the same manner that a physician would.
24 Our charts are reviewed at the end of the day by the
25 physician.

1 **Q** Okay. And, ma'am, I'm going to stand back
2 here because the microphones that are in front of
3 you they don't amplify your voice.

4 **A** Okay.

5 **Q** If you can make sure you keep your voice
6 up so everybody back here can hear you.

7 **A** Okay.

8 **Q** So as a physician's assistant, can you
9 examine patients and diagnose patients?

10 **A** Yes.

11 **Q** And are your findings reviewed later by a
12 physician?

13 **A** Yes.

14 **Q** Would there be times when you might
15 examine a patient and feel that you would need to
16 call in a physician to assess a patient?

17 **A** Yes.

18 **Q** Okay. And so, for example, minor injuries
19 or things that don't appear to be emergent in
20 nature, that's something that you can handle without
21 a physician being at your elbow?

22 **A** Correct.

23 **Q** Can you prescribe medication?

24 **A** Yes.

25 **Q** Can you prescribe controlled substances?

1 **A** No. In the State of Missouri midlevels do
2 the have the option to obtain a controlled substance
3 license as well as DEA number. Most of the
4 midlevels in our facility do not because it is
5 unnecessary. We don't prescribe a lot of narcotics
6 and the little times we do, a physician is always
7 on-site to cosign our prescription.

8 I'm sorry, can you prescribe
9 medication?

10 **A** Yes.

11 : A license in Missouri?

12 **A** Yes.

13 : I can go to you and you can
14 prescribe that?

15 **A** Yes.

16 **Q** (By Ms. Alizadeh) If you were to
17 prescribe, for example, a nonnarcotic medication or
18 something that's not a controlled substance like
19 Naprosyn, is it Naprosyn or Naproxen?

20 **A** Naprosyn is a brand name and Naproxen is
21 the generic.

22 **Q** If you were to prescribe that, that's not
23 a control; is that correct?

24 **A** Yes.

25 **Q** I can get the equivalent if I take enough

1 Advil or Aleve?

2 **A** Correct.

3 **Q** To be prescription strength Naprosyn,
4 correct?

5 **A** Yes.

6 **Q** You would, but actually, I can't go to the
7 store and buy Naprosyn?

8 **A** Correct.

9 **Q** So if I get that, it has to be prescribed?

10 **A** Correct.

11 **Q** But being nonnarcotic, you can write the
12 prescription for me?

13 **A** Yes.

14 **Q** And then if you were to have a DEA number
15 and have obtained the ability to prescribe
16 controlled substances, and that's an option for a
17 midlevel care physician's assistant, correct?

18 **A** Yes.

19 **Q** Would you be able to prescribe controlled
20 substances without a co-signature of an attending
21 physician?

22 **A** Yes.

23 **Q** But you don't have that?

24 **A** Correct.

25 **Q** And so in this particular, well, let me

1 ask you this then. Can you describe for the grand
2 jurors what your training and background is in order
3 to be a physician's assistant?

4 **A** So I have my undergraduate degree, my
5 bachelor of science in athletic training. And then
6 I went on to graduate school where I got my master's
7 of science in physician assistant studies. So in
8 total with the 2 degrees it was about seven years of
9 training.

10 **Q** And then when you, do you have to pass any
11 board examinations in order to be a physician
12 assistant?

13 **A** Yes. We have a national certified board
14 that we have to certify initially and then every six
15 years after that.

16 **Q** And so a physician's assistant would not
17 be considered, obviously, you are not a medical
18 doctor, correct?

19 **A** Correct.

20 **Q** But a physician's assistant has more
21 education and training than, for example, a
22 registered nurse or a practical nurse?

23 **A** Correct.

24 **Q** Okay. And so when you are working, and
25 where do you work?

1 **A** Northwest Health Care Emergency

2 Department.

3 **Q** Is that affiliated with any hospital?

4 **A** Christian Northeast.

5 **Q** Is it a part of Christian Northeast?

6 **A** Yes.

7 **Q** So if somebody has an emergent situation,
8 they are going to go to Christian Northeast, would
9 they come into your department?

10 **A** They may. It just depends on their
11 location. The two emergency rooms are about 7 miles
12 apart. It depends on where they're located.

13 **Q** On August 9th, where was your department
14 located?

15 **A** At Northwest Health Care.

16 **Q** Okay. And is your department attached to
17 a hospital?

18 **A** No.

19 **Q** So if a patient walked in and there was
20 some acute injury that needed more, needed something
21 more than what you are equipped to handle in that
22 facility, you would then send them by ambulance or
23 refer them to the hospital?

24 **A** Correct.

25 **Q** Were you working on August 9th of 2014?

1 **A** Yes.

2 **Q** And when you work, is it an urgent care or
3 is it an emergency department?

4 **A** It is an emergency department.

5 **Q** When you work in the emergency department,
6 do you work like 12 hour shifts?

7 **A** Yes, 12 hours.

8 **Q** Do you remember that day what was your
9 hours of working?

10 **A** I was working noon to midnight.

11 **Q** So somewhere around 2:00 or so in the
12 afternoon, you were fairly new on your shift that
13 day?

14 **A** Yes.

15 **Q** And when you are in the emergency
16 department, and there's an attending physician who
17 you work under, correct?

18 **A** Yes.

19 **Q** Is he physically on the premises?

20 **A** Yes.

21 **Q** And so is it required that after you see a
22 patient or examine a patient, is it required that
23 the attending then come in and look at that patient
24 with his own eyes?

25 **A** No, only if we request.

1 **Q** Okay. But is it required that at some
2 point he needs to sign off on your charts on your
3 evaluation?

4 **A** Yes.

5 **Q** And now in this case, you know that you're
6 here because you were the attending, the nurse's,
7 I'm sorry, physician's assistant who evaluated
8 Darren Wilson on August 9th?

9 **A** Yes.

10 **Q** At the time that Darren Wilson came in,
11 had you ever met him before that day?

12 **A** No.

13 **Q** Didn't know who he was?

14 **A** Right.

15 **Q** Were you aware that he was a police
16 officer?

17 **A** Yes.

18 **Q** Was he in uniform when he came in?

19 **A** No.

20 **Q** Now, a patient initially comes into the
21 emergency department, are you the first person
22 they're going to see?

23 **A** No. They will see our triage nurse.

24 **Q** So that's the person who is going to say,
25 oh, we need to see you right away or you can sit for

1 four hours like everybody has to before a doctor can
2 see you?

3 **A** Correct.

4 **Q** Sorry, I couldn't resist that jab. We've
5 all been there. So a nurse will do an initial
6 assessment to do how quickly this patient needs to
7 be seen?

8 **A** Right.

9 **Q** Does that nurse take some basic
10 information from the patient?

11 **A** Yes.

12 **Q** And then after that nurse, for example, if
13 that nurse determines that this is not a patient
14 that needs to be seen like, you know, ASAP or stat,
15 or whatever your language is, then who would the
16 next person be that that patient will see?

17 **A** The patient would then likely see one of
18 our techs who would bring the patient back to a room
19 whenever it became available.

20 They would take vital signs for the
21 patient and then the person after that would
22 actually be the nurse that would be caring for the
23 patient while they were in the exam room.

24 **Q** Okay. Now, I didn't know if you skipped a
25 part because we were talking about a patient seeing

1 an admission's person.

2 **A** So at some point once they are brought
3 back to the examine room, whether it be before they
4 are seen by the nurse or after they're seen by me.
5 A registration person will see the patient and then
6 primarily for insurance purposes.

7 **Q** Okay. Now, I passed out what should.
8 (Grand Jury Exhibit Number 93
9 marked for identification.)

10 **Q** (By Ms. Alizadeh) I'm going to hand you
11 what I've marked as Grand Jury Exhibit Number 93.
12 Prior to coming in today, when I contacted you, did
13 you pull up the medical records for Darren Wilson
14 for that day and review them?

15 **A** No, I reviewed this morning with my
16 attorney.

17 **Q** You reviewed them though prior to coming
18 here?

19 **A** Yes.

20 **Q** And so do those look like the records that
21 you reviewed?

22 **A** Yes.

23 **Q** And I've given a copy of those records to
24 the grand jurors. So we can go page by page just
25 really quickly. So the first page that we're

1 looking at this, this is an admission form?

2 **A** Correct, this is something that
3 registration would fill out.

4 **Q** So this has to do with insurance and just
5 basic pedigree information, address and so forth?

6 **A** Correct.

7 **Q** So then the next page is an abstract
8 summary. Now you and I talked about this and what
9 is, what we call coders. There are people in the
10 hospital that have to at some point put codes into
11 these records so that the insurance gets billed for
12 the right procedure for what was done, correct?

13 **A** Correct.

14 **Q** So these codes on here for the diagnosis,
15 reason for and then there's primary diagnosis and
16 then secondary diagnosis, it is difficult to see
17 because they are in those black bars. Those are all
18 things that a coder selects based upon what they
19 read in the records was the diagnosis, correct?

20 **A** Correct.

21 **Q** And they have to select from a finite
22 number of options to put a code in, correct?

23 **A** Yes.

24 **Q** All right. So this is mainly for
25 insurance reasons?

1 **A** Yes.

2 **Q** Okay. And then the next page, deals with
3 at the top it says, chief complaint, alleged assault
4 and then physicians caring for patient, it has your
5 name?

6 **A** Yes.

7 **Q** So is this the information that the triage
8 nurse would have taken or the triage person as you
9 said?

10 **A** Yes.

11 **Q** Okay. And so down in the paragraph it
12 says triage, it says chief complaint quote, and then
13 in quotes it says, he needs x-rays he was hit in the
14 face a couple of times.

15 You're not the person who entered
16 that into that paragraph, correct?

17 **A** No, that was our triage nurse who sits out
18 front in our waiting room.

19 **Q** Do you know if the triage nurse got that
20 information from the patient or could it have been
21 from somebody with the patient?

22 **A** I believe it was somebody with the
23 patient, specifically his supervisor.

24 **Q** Okay. The patient's supervisor, the
25 police officer's supervisor?

1 **A** Yes.

2 **Q** And then also down it says here that on
3 the next line, the patient presented with St. Louis
4 County Police to the emergency room for evaluation.

5 So that means he was with police
6 officers, correct?

7 **A** Correct.

8 **Q** And then it says from home?

9 **A** Right. So, yeah, usually the nurse, the
10 triage nurse will ask, you know, did they come from,
11 say if they were in a car accident, did they come
12 straight from the car accident or did they go home
13 first and then come from home.

14 At some point he must have said that
15 he came from home. Now whether or not he did or
16 not, that's not something I discussed with him.

17 **Q** Okay. So that's a note that's put in by
18 the triage nurse?

19 **A** Yes.

20 **Q** And whether or not Darren Wilson said that
21 or one of the people with him told her that, or
22 whether or not that's even accurate, we don't know?

23 **A** Correct.

24 **Q** And then also in the next paragraph where
25 it says neuro, alert and oriented three times, skin

1 warm and dry.

2 So what is the triage nurse assessing
3 when she's looking at someone's skin?

4 **A** Just that he's not, that he's not pale or
5 sweating excessively or blue or red or having any
6 obvious issues with circulation or difficulty
7 breathing, which may change their skin color.

8 **Q** This is part of a neurologic examine. Not
9 like you are noticing that he has redness to his
10 forehead?

11 **A** Correct. Just very initial exam. Is the
12 patient upright, is he aware what's going on, is he
13 able to speak.

14 **Q** And, again, downward in the medical
15 screening continued, the note is that the skin is
16 pink, warm and dry. Is that just in general the
17 skin on his body appears to be normal?

18 **A** Just in general, yes.

19 **Q** And then patient denies physical or
20 emotional abuse. Is the patient asked if he was
21 abused?

22 **A** This is a question that every patient gets
23 asked when they come into our department and it is
24 referring to domestic abuse at home.

25 **Q** Now, was there suspected domestic abuse

1 involving this patient?

2 **A** No.

3 **Q** So every patient, and I think you said
4 even if they came in for a sore throat or cold is
5 asked that question?

6 **A** Correct.

7 **Q** And then on the next page, also down where
8 it says abuse screening, it says patient states that
9 he or she is not a victim of violence. Is that
10 domestic violence specifically?

11 **A** Yes, domestic.

12 **Q** He's not asked if somebody hurt you, he's
13 asked if anybody had any domestic assault or
14 domestic violence?

15 **A** Correct, in the home.

16 **Q** In the home?

17 **A** Uh-huh.

18 **Q** And then on the following page it says
19 here on the flow sheet, you prescribe Naprosyn 500
20 milligrams for him; is that right?

21 **A** Yes, and that was the dose that was given
22 to him while he was in the department.

23 **Q** And it says here _____ was his
24 treating nurse?

25 **A** Yes.

1 **Q** So that would be the person, as you said,
2 that once they got in the exam room might then
3 continue an assessment and take vital signs and so
4 forth?

5 **A** Yes.

6 **Q** In reading his charts and what did,
7 his vital signs all appeared to be normal?

8 **A** Correct.

9 **Q** And on the following page then there's, I
10 don't know, I'm going to call it a pain chart or
11 pain assessment?

12 **A** Pain scale.

13 **Q** Pain scale, okay. And it indicates here,
14 this is that took this information, correct?

15 **A** Correct.

16 **Q** And that's that would be
17 that's his code?

18 **A** His log in.

19 **Q** And so for pain index, I imagine you are
20 giving the patient some options. Rate your pain
21 between one and ten?

22 **A** Correct.

23 **Q** Ten being excruciating, one being?

24 **A** Very little.

25 **Q** Very low?

1 **A** Yeah.

2 **Q** And so the patient on those particular
3 times graded his pain consistently on those four
4 occasions a six out of ten?

5 **A** Correct.

6 **Q** And then where it says description, it
7 says aching. Is that something the patient provided
8 or would the nurse put that in there?

9 **A** The nurse would have given him some
10 options for description, such as sharp, or stabbing
11 or aching or throbbing. And then the patient would
12 pick the one that most fits it.

13 **Q** So Darren Wilson on that day said my pain
14 is aching and it is six out of ten?

15 **A** Correct.

16 **Q** Okay. And then on the next page under
17 nursing notes, and these again are 's notes;
18 is that correct?

19 **A** Correct.

20 **Q** Says, patient to ED with complaint of
21 bilateral jaw pain. Patient states he's a police
22 officer and was struck twice in the face by a
23 suspect. Patient denies LOC and NV.

24 That's an entry made by
25 the nurse, correct?

1 **A** Yes.

2 **Q** Is that information he would have gotten
3 from the patient?

4 **A** Yes.

5 **Q** So this is information that he read on
6 this chart that might have been put there by the
7 triage nurse?

8 **A** This is what the patient told him
9 directly.

10 **Q** Okay. And so the patient said he was
11 struck in the face twice by a suspect?

12 **A** Yes.

13 **Q** And then denies LOC?

14 **A** Lost of consciousness.

15 **Q** What is NV?

16 **A** Nausea or vomiting.

17 **Q** It says that he had no difficulty moving
18 his jaw and no obvious deformities were noted?

19 **A** Correct.

20 **Q** And then where it says history of present
21 illness, is that still taking those notes?

22 **A** That is me.

23 **Q** So from that point this information is
24 what information you gather and put in the charts?

25 **A** Yes.

1 **Q** And when it says HPI tech, what does HPI
2 mean?

3 **A** History of present illness.

4 **Q** Patient presents with CO bilateral jaw
5 pain.

6 **A** Complaint of bilateral jaw pain.

7 **Q** Okay. So now when you are taking a
8 history of present illness, what is the purpose to
9 do that?

10 **A** This is basically just what the patient
11 tells us directly. It is not what I see or what I
12 find on examine, it is just the incident that
13 occurred, the information that was provided directly
14 from the patient, and then what their specific
15 complaint is as far as the injury.

16 **Q** All right. So the patient may say, I fell
17 down the stairs and hit my head on the concrete
18 floor?

19 **A** Yes.

20 **Q** And that's what goes in there then?

21 **A** Yes.

22 **Q** Are you going to ask the patient well, did
23 someone trip you or push you down the stairs, or
24 were you drinking alcohol that caused you to fall
25 down the stairs or you just trying to find out how

1 the incident occurred?

2 **A** We might ask what, you know, as far as
3 falling down the stairs, what made them fall and
4 they can say oh, I tripped, I slipped, I passed out
5 and then I fell down the stairs.

6 **Q** Okay. And in this case, someone who says
7 I have bilateral joint pain after being punched in
8 the face while attempting to detain a suspect, he
9 was also scratched in the neck. Again, that's stuff
10 that Darren Wilson told you?

11 **A** Correct.

12 **Q** Did you then inquire about what were you
13 going to try to arrest the suspect for, what
14 happened immediately prior to being punched in the
15 face?

16 **A** No, no, that's not stuff we would go into.

17 **Q** Okay. And let me ask you to clarify. You
18 know that this examine you did was in relation to
19 Officer Wilson and his involvement that culminated
20 in the shooting of Mike Brown, right?

21 **A** I do now, we were unaware of the event at
22 the time.

23 **Q** Okay. So when you were treating Darren
24 Wilson, you didn't know anything about Mike Brown
25 having been shot?

1 **A** Correct.

2 **Q** Would you have treated him any differently
3 or is there something that now you look back I wish
4 I would have done had I known?

5 **A** No, basically because his complaint was
6 jaw pain, our focus is, you know, how did the jaw
7 pain occur. He got punched. What, who punched him,
8 you know, and then what his complaint is as far as
9 pain or any complications from that.

10 But from a medical standpoint it is
11 not going to change how we treat him or what we do
12 based on what led up to that event.

13 **Q** Okay. And ultimately, you know, after you
14 having reviewed this record, you diagnosed him with
15 contusion of the mandibular joint area?

16 **A** Yes.

17 **Q** And so your mandible is your jaw, correct?

18 **A** Correct.

19 **Q** So what is a contusion?

20 **A** Contusion is basically a bruise,
21 inflammation, irritation to the soft tissue.

22 **Q** And we talked about that a little bit ago
23 about bruising and we all have had bruises, we've
24 had kids that had bruises, do people bruise
25 differently?

1 **A** Yes.

2 **Q** And do different areas of the body bruise
3 differently?

4 **A** Yes.

5 **Q** We've also talked about that bruises can
6 go through like a continuum, almost like a color
7 spectrum from deep purposedly to blue to greenish
8 color to a yellow issue color, correct?

9 **A** Yes.

10 **Q** Do all bruises go through that continuum?

11 **A** No, it really depends on the area. It
12 also depends on the severity of the initial injury.
13 So sometimes it can start as just a mild redness and
14 then it resolves or it can go through the color
15 stages of red to purple, blue and then fading to
16 green and yellow.

17 **Q** Did you notice any swelling to Darren
18 Wilson face?

19 **A** Nothing significant, no.

20 **Q** Okay. And, obviously, probably we've all
21 seen pictures and you've probably seen in real life
22 when someone, like the entire side of their face is
23 swollen, that would be something very evident and
24 apparent, correct?

25 **A** Correct.

1 **Q** Are there times when people may have some
2 slight swelling, but you can't tell if that might,
3 they have a chubby face or that's just the way their
4 face looks normally, for example?

5 **A** Correct. Several times patients will come
6 in complaining of swelling and it is just not
7 evident to us because we don't see what their normal
8 tissue looks like on a normal day. So if he
9 complained of any swelling, it wasn't noticeable
10 enough that I could tell.

11 **Q** So you didn't notice any obvious swelling?

12 **A** Correct.

13 **Q** But did you notice a contusion?

14 **A** Some redness, yes.

15 **Q** And what causes a contusion or what can
16 cause a contusion?

17 **A** Any type of trauma really to the soft
18 tissue.

19 **Q** Okay. So can a punch to your face cause a
20 contusion on your face?

21 **A** Yes.

22 **Q** You also put in your records that he
23 complains of having been scratched on the back of
24 his neck?

25 **A** Yes.

1 **Q** And did you examine, look at the back of
2 his neck?

3 **A** Yes.

4 **Q** Did you observe anything that looked
5 consistent with having been scratched?

6 **A** Yes, there were several linear marks,
7 slight puffiness that were consistent with what he
8 described as fingernail scratch marks.

9 **Q** Now, did you, yourself, photograph any of
10 his injuries?

11 **A** I did not photograph anything, no.

12 **Q** Okay. And were you present when his
13 injuries were photographed?

14 **A** I was not present in the examine room, no.

15 **Q** Okay. When you examine Darren Wilson,
16 were there any other people besides yourself and the
17 patient present?

18 **A** Two St. Louis County detectives were
19 present.

20 **Q** Did they question him in your presence?

21 **A** No.

22 **Q** Were they present when you asked him what
23 happened, what happened to your face or anything
24 like that?

25 **A** Yes. They were present the entire time

1 that I was in the room.

2 **Q** I'm going to hand you some photographs
3 that are contained in a packet marked as Grand Jury
4 Exhibit Number 10, and these are images Number 2
5 through 19. And just looking at Image Number 2, for
6 example, does that look like the patient you
7 examined that day?

8 **A** Yes.

9 **Q** Is that how he appeared when you saw him?

10 **A** Yes.

11 **Q** Did you seize any specimens from him by
12 any chance or take anything from him?

13 **A** He submitted a urine drug screen, not to
14 us, but to an outside company called Guardian that
15 we contact for work related injuries.

16 **Q** And you learned that this happened while
17 he was on duty, correct?

18 **A** Yeah.

19 **Q** And so that's considered a work related
20 injury?

21 **A** Yes.

22 **Q** And then is it required that he submit a
23 urine sample for drug testing?

24 **A** It is based on each company's policy and
25 for his department that was required.

1 **Q** Okay. And so did you or another nurse
2 take his urine sample when he was there?

3 **A** No. A representative from the company
4 Guardian comes into the department and handles that
5 full aspect of it.

6 **Q** And the testing of the urine sample is
7 done by that company?

8 **A** Yes.

9 **Q** And then I'm just going to show you some
10 pictures that have been taken while he was at the
11 hospital, do you note any of the redness in any of
12 these pictures in particular that help to
13 demonstrate what you saw that day?

14 **A** Yeah, his primary complaint was to the
15 right side of the jaw, and so you can see a little
16 bit of redness there and a little bit of redness
17 there. We didn't notice any issues to the left side
18 of the jaw.

19 **Q** Did he complain of pain to the left side
20 of the jaw?

21 **A** Very, very mild pain to the left side of
22 the jaw.

23 **Q** Okay. You pointed at an image, which is
24 Image Number 9, showing the redness that you saw on
25 that day?

1 **A** Yes.

2 **Q** And then regarding the back of his neck,
3 and again, these were photos taken by police not by
4 you?

5 **A** Correct.

6 **Q** Are there any of these images where they
7 depict the injuries that you describe or that are
8 shown that we might use?

9 **A** A little bit of redness here at the
10 hairline. It is a little difficult to see in the
11 photograph the actual kind of linear marks that I
12 saw during the examine, but you can kind of see some
13 lines developing with the redness.

14 **Q** Okay. And so you were pointing out Image
15 Number 12 as showing the redness of the hairline?

16 **A** Correct.

17 **Q** And was it in this area that you saw the
18 linear marks?

19 **A** Yes.

20 **Q** Now, just for sake of clarity, this mark
21 that goes like horizontal across at his hairline,
22 that's not a scratch, is it?

23 **A** That's just normal skin fold.

24 **Q** A skin fold?

25 **A** Yes.

1 **Q** At my age we call them wrinkles?

2 **A** Right.

3 **Q** Okay. So the redness to the back of the
4 neck you were describing is this area here, along
5 the hairline, right?

6 **A** Yes.

7 **Q** Did you notice any swelling in that area?

8 **A** No.

9 **Q** Did he talk about any pain in that area?

10 **A** Nothing of significance, no.

11 **Q** Now, and I talked to you just briefly
12 before this and I told you that Officer Wilson was
13 photographed, similar photographs were taken of him,
14 I believe, on the 13th, which would have been
15 actually on the 12th. And I asked you, we talked
16 about bruising and how bruises appear and how long
17 it takes bruises to appear.

18 In these photographs do you see any
19 apparent bruising that might demonstrate that is
20 consistent with your diagnosis of a contusion?

21 **A** It appears the redness that he had
22 initially has resolved. I don't see any of the
23 purple discoloration that sometimes follows
24 contusions.

25 **Q** So the fact that you do not see any of the

1 redness three days, I'm not sure what time those
2 pictures were taken, but let's just say roughly
3 three days after the injury resulted or occurred,
4 does that change your opinion as to the diagnosis?

5 **A** No, because it will not always progress to
6 that point that it turns into that distinctive
7 purple bruising that we are used to seeing.

8 **Q** You still, in your opinion, is the same
9 that you've diagnosed Darren Wilson with a contusion
10 of his mandible?

11 **A** Yes.

12 **Q** And he was x-rayed and there is no
13 fracture or any other injuries to his jaw or face;
14 is that right?

15 **A** Right, yes.

16 MS. ALIZADEH: Sheila, do you have
17 anything?

18 MS. WHIRLEY: Um, yes. Progressing from
19 redness to the face to bruising, which you looked at
20 the photos of him a couple of days later and there
21 was no bruising according to the photos, and you
22 only saw redness on the face, correct, no bruising?

23 **A** Correct.

24 MS. WHIRLEY: Progressing from the redness
25 of the face to a bruise, would that depend on the

1 impact, how hard a person is struck?

2 **A** Yes. You know, generally the harder the
3 impact, the more blood vessel involvement. So a
4 bruise is caused by broken blood vessel. So the
5 harder the punch, the harder the impact, the more
6 likely you are to have more blood vessels being
7 broken. And that's when those blood vessels start
8 to bleed, that's what creates that purple
9 discoloration as that blood kind of seeps out
10 underneath the layer.

11 MS. WHIRLEY: If the face is red, but
12 never turns purple, does that mean that the impact
13 was not hard enough to break any blood vessels?

14 **A** It was likely that the impact just
15 involved the very superficial capillary layers, as
16 opposed to deeper tissue which would result in the
17 deeper purple bruising.

18 MS. WHIRLEY: Okay. I don't think I heard
19 this asked, he did not require any hospitalization,
20 did he?

21 **A** No.

22 MS. WHIRLEY: So he was treated and
23 released?

24 **A** Yes.

25 MS. WHIRLEY: Did he have any injuries to

1 his eyes at all?

2 **A** No, he did not complain of any eye pain or
3 nose pain or tooth pain or any head pain.

4 MS. WHIRLEY: Head pain you said.

5 **A** No head pain. There was no evidence of
6 any injury to these areas.

7 MS. WHIRLEY: So in your opinion there are
8 no permanent injuries?

9 **A** Correct.

10 MS. WHIRLEY: And you said there were no
11 fractures. Would he have needed to take time off
12 because of the injury that he was treated for?

13 **A** No.

14 MS. WHIRLEY: No. And as far as the
15 document saying that he was injured by being
16 stricken or however it is phrased, that is his
17 self-reporting, correct?

18 **A** Correct.

19 MS. WHIRLEY: You could see redness to the
20 face and nobody was even struck; is that correct?

21 **A** Could you see redness of the face?

22 MS. WHIRLEY: Yes.

23 **A** If he had redness to the face, there was
24 obviously some sort of trauma to the soft tissue.
25 But we gather that it was from a punch to the face

1 based on his account.

2 MS. WHIRLEY: Based on what he told you,
3 self-reporting?

4 **A** Yes.

5 MS. WHIRLEY: I could get redness to the
6 face from several different ways or mechanism?

7 **A** Yes. If you rub your face too hard with
8 your hand, you could get redness to it.

9 MS. WHIRLEY: And not have a broken blood
10 vessels to give me a bruise?

11 **A** Yes, right.

12 MS. WHIRLEY: That's all I have, thank
13 you.

14 MS. ALIZADEH: Just real quickly. The
15 injury that you saw, is it consistent with what he
16 reported?

17 **A** Yes.

18 MS. ALIZADEH: Any questions?

19 Where is your place located
20 because I'm trying to determine how far, I'm
21 concerned about that home answer on the application.

22 **A** Okay.

23 : Where is your place located?

24 **A** So we are in Florissant. We are right off
25 of Graham Road. Hanley and 270.

1 : Hanley and 270 on Graham
2 Road.

3 **A** On Graham Road, yes.

4 : So you are right across the
5 street from the physician building?

6 **A** Yes, yeah.

7 : You said the area and the
8 severity of the injury can be affected by how the
9 bruise continues to manifest itself, correct?

10 **A** Yes, a worsening, a deeper bruise
11 typically indicates a more severe injury.

12 : And Naprosyn is an
13 anti-inflammatory drug.

14 **A** Yes.

15 : So with the application of
16 ice, what you told him to do, apply ice.

17 **A** Yes.

18 : And consumption of an
19 anti-inflammatory also have an affect on how the
20 bruising would manifest itself?

21 **A** Yes. So the sooner ice is applied, the
22 sooner anti-inflammatory medicines are taken, the
23 more likely that a bruise or injury would resolve
24 sooner than if no treatment were taken.

25 : Was he given any

1 anti-inflammatory drug while he was there?

2 **A** Yes, he was given a single dose of
3 Naprosyn.

4 : And a single dose is 500
5 milligrams?

6 **A** Yes.

7 And that's stronger than
8 anything you can buy, you can't buy Naprosyn over
9 the counter?

10 **A** No.

11 That's very close to
12 Ibuprofen?

13 **A** It is. It was Aleve, so basically
14 prescription strength Aleve.

15 Okay. You mention that you
16 saw no swelling, but prescribed this Naprosyn; is
17 that correct?

18 **A** Yes, there was no swelling that was seen.

19 Just the redness.

20 **A** Just the redness. Naprosyn is also a pain
21 reliever. So even without any evidence with his
22 complaint of pain, we would have prescribed
23 something similar.

24 : Could you explain a little
25 bit to us how that pain portion of that. So when

1 you ask a patient for pain, kind of how that relates
2 to what they feel versus what you as a professional
3 can evaluate?

4 **A** The pain scale, is that what you mean?

5 Yes.

6 **A** That is very subjective. So that the way
7 that it is worded generally is, rate your pain on a
8 scale of one to ten, ten being the worse pain that
9 you've ever experienced or could ever imagine
10 experiencing. So for someone who has never
11 experienced much pain in their life may have what
12 others would call relatively mild pain, but still
13 may be the worst pain that they personally ever
14 experienced. They may rate it on a higher scale.

15 So it very much differs from
16 person to person.

17 **A** Yes.

18 Nothing that a doctor or
19 nurse no matter their education or training could
20 disagree with or agree with?

21 **A** It is not, there's no set guidelines as
22 far as a three is this degree and a seven is this
23 degree, it is very subjective.

24 Thank you.

25 What are some of the side

1 effects of the Naprosyn, is there any warning on
2 there do not operate machinery while taking this
3 drug?

4 **A** No, it is generally well tolerated. If
5 anyone is going to experience anything it may be a
6 little bit of stomach upset, but because it is
7 nonnarcotic, there should not be any interference
8 with operating machinery or driving a car or
9 anything like that.

10 : I'm looking on page eight of
11 11.

12 MS. ALIZADEH: Can you speak up a little
13 bit?

14 I'm sorry, on page eight of
15 11, where it says transcriptionist, was it
16 transcribed date and time August the 9th, 2014 at
17 10:18 p.m.

18 **A** Uh-huh.

19 : Are you saying this
20 radiologist was reading the report?

21 **A** The radiologist reads the report, and then
22 a transcriptionist, someone that -- so a radiologist
23 will read a report and dictate it into a phone. And
24 then someone outside of the building, outside of the
25 practice will then type it out at a later time.

1 He didn't read the report
2 until like --

3 **A** It was read on August 9th at 4:00.

4 But the transcriber didn't
5 do it until 10:00 p.m. that night, 10:18?

6 **A** Correct.

7 : I was going to ask who was
8 I thought that was you?

9 **A** That is me, yes.

10 So you have two last names?

11 **A** That is my maiden name.

12 Okay. So you order it up
13 under your maiden name, then your order the medicine
14 in your --

15 **A** Yeah, my last name is , but our
16 computers have not been 100 percent updated with my
17 married last name.

18 : Okay. I have a question. I
19 thought that number seven question about the
20 swelling, how long does it take someone to swell?

21 **A** Really varies from person to person. It
22 really depends on the injury and location of the
23 injury. Someone may develop swelling within
24 minutes, some may develop swelling within 24 hours.
25 It really depends on each person and the location.

1 MS. WHIRLEY: Did he tell you anything
2 else?

3 **A** No.

4 MS. WHIRLEY: Okay.

5 Could an arm keep rubbing on
6 a face, could that have made the face red?

7 **A** Yes.

8 : Injuries like this, is that
9 something typically you would see on a day-to-day
10 just because the incident happened, we have to make
11 sure we get this documented?

12 **A** This is something that we would typically
13 see day-to-day. We see a lot of assault victims,
14 not necessarily always regarding a police officer at
15 work, but just anyone in general. But we do see a
16 lot of our local police department coming in with
17 various injuries that they sustain on-the-job. This
18 was by no means out of the ordinary what we do see
19 day-to-day.

20 MS. WHIRLEY: Do you see regular people,
21 lay people come in with a red face looking for
22 treatment?

23 **A** Yes.

24 MS. ALIZADEH: Ma'am, would you also,
25 someone who maybe reports being struck twice in the

1 face who has that type of injury that you observed.
2 You might, you actually in this case decided to do
3 x-rays to see if he had a fracture, correct?

4 **A** Yes.

5 MS. ALIZADEH: If he had a fracture, there
6 would be possibly other treatment involved?

7 **A** Yes.

8 MS. ALIZADEH: So I guess what I'm trying
9 to get at is obviously there's potential that this,
10 somebody wanted to document this because obviously
11 work related injuries, people want documented, and
12 in the event that this was, you know, again
13 investigated in a criminal nature or to maybe
14 ascertain whether or not there was a more severe
15 injury than simply my jaw hurts and it's red?

16 **A** Right.

17 MS. ALIZADEH: Okay.

18 I have a question.
19 Considering that you did give Naprosyn, did you feel
20 that there was a need to prescribe an
21 anti-inflammatory instead of just a pain killer, did
22 you feel that the injuries looked like, you know, an
23 anti-inflammatory was needed?

24 **A** Yeah, given the injury. Usually, whether
25 it be a contusion or a sprain or a strain, we do try

1 to do anti-inflammatory medicines versus like a
2 narcotic pain reliever. Simply because it does have
3 that anti-inflammatory effect, which generally helps
4 with the pain and helps resolve the injury a little
5 bit more.

6 I kind of secondarily prescribe
7 Naprosyn versus a narcotic because I knew that he
8 was going to be submitting a urine drug screen and I
9 did not want something that I gave him to interfere
10 with that.

11 Did you feel his injuries
12 were consistent with the need to have an
13 anti-inflammatory drug?

14 **A** Yes.

15 : At any time did Darren
16 Wilson mention he had already seen an EMT?

17 **A** No, he did not.

18 MS. ALIZADEH: Anyone else?

19 (End of the testimony of .)

20 MS. ALIZADEH: So Kathi Alizadeh, it is
21 about two minutes after 2:00. We just finished with
22 the last witness of the day and you were scheduled
23 to be here till 2:30. I think it is a good idea if
24 you want to cut out now.

25 We talked off the record earlier today

1 about scheduling and things that you might need
2 because as we all have said, we're getting close to
3 the end. Did you have a chance to talk during your
4 lunch hour about whether or not you thought you
5 might want some additional evidence or witnesses
6 that you haven't heard yet or seen yet or whether or
7 not you want to recall any witnesses that you've
8 already heard from that you now have questions for?
9 Did you all talk about that at all?

10 : We haven't talked about, I
11 don't think there is anybody at this point. It is
12 possible when we start getting into the
13 deliberations that, you know, if there is a
14 controversy, we may want to recall somebody. I
15 would not expect that to be the case.

16 MS. ALIZADEH: Here is our plan. Y'all
17 are here Thursday till 5:00. As I mentioned
18 previously, Dr. is going to be here and I
19 think he's going to be here at 8:30. He will be the
20 first witness of the day. We still are trying to
21 track down up to five lay people that may or may not
22 show up on Thursday.

23 And then, of course, we talked about
24 Detective being kind of the last witness who
25 would wrap things up and kind of summarize and

1 answer any leftover questions that you might have
2 about the investigation.

3 I didn't realize when we started up that
4 we didn't have all 12 grand jurors, we weren't
5 hearing evidence, we were just talking about the end
6 of the day has come and that if any additional
7 witness or evidence I need you to get that to me as
8 soon as possible.

9 Thursday at 8:30 we are going to start
10 with Dr. . We may have some lay witnesses if I
11 can find them, then may be testifying if
12 we have the time, he's going to be the last witness
13 of the grand jury.

14 And then you may or may not if Thursday is
15 our last day, you may or may not begin your
16 deliberations then. And as I said before, you know,
17 the end of the day is at 5:00. You want to keep
18 going until 6:00, 7:00, 8:00, 9:00, it doesn't
19 matter to us. We're here, be here as long as you
20 need.

21 If you do not begin deliberations that day
22 or if you don't complete your deliberations that
23 day, the next day you have scheduled is the
24 following Friday, a week, a little more than a week
25 after that. So that would be right now the plan is

1 that if we don't finish the evidence, we will see
2 you on that following Friday.

3 If we do finish the evidence, it will
4 begin deliberations and continue or you'll come back
5 the following Friday. Is that a plan that everybody
6 is okay with? Okay.

7 In the meantime, I know you have asked for
8 someone to help you in your deliberations.
9 Obviously, things to write with and things to put on
10 the wall. Did they show you the thing we are going
11 to put on the wall?

12 It is a like this, it is big enough to
13 push pins into, but it is bigger than that. I think
14 we might try to put a couple of these two things
15 right here. And then if you need more, we'll get
16 more.

17 We're going to have a flip chart, we have
18 the easel which is excellent and then we'll give
19 you, you know, Posted Notes, push pins, everything
20 else. If you want different color highlighters
21 because you are doing that, we'll get you whatever
22 you need.

23 And with that, any questions at the end of
24 the day as we are coming to a close?

25 Also the charges, what do

1 you call them?

2 MS. ALIZADEH: We're going to do that
3 tomorrow, because we didn't have time last night and
4 today we started up with this. Either the rest of
5 today or by tomorrow we will give to you for
6 indictments for you to consider and then we'll give
7 you the law on self-defense because we've already
8 given you the excessive force or the use of force
9 statute.

10 Anything else?

11 MS. WHIRLEY: We still talking about the
12 probable cause and that standard.

13 MS. ALIZADEH: We had a conversation with
14 that even last night and we still have to kind of
15 work that out, we're not really sure.

16 : Probable cause, you are
17 still looking at?

18 MS. ALIZADEH: We both agree that you
19 can't return an indictment unless you believe there
20 is probable cause to believe that a crime occurred
21 and that the defendant or suspect or the person
22 you're considering committed it. But the question
23 is, if you're going to consider self-defense and use
24 of lawful use of force to affect an arrest are
25 affirmative defenses and they're what we call

1 complete defenses.

2 And so if you believe that the person
3 acted in lawful self-defense or if you believe the
4 person was justified in the use of force as a law
5 enforcement officer, then it is a complete defense,
6 there would be no indictment on any charge.

7 The question we don't really know is that
8 beyond a reasonable doubt, what is the standard by
9 which you have to consider that.

10 MS. WHIRLEY: Those two issues.

11 Will that be outlined in
12 writing for us as well?

13 MS. ALIZADEH: I don't know because we
14 don't know. If this matter were a trial, it would
15 be different because, obviously, in trial it is
16 beyond a reasonable doubt. And in trial it is the
17 obligation of the defense to raise the issue, and if
18 the issue is raised, it becomes the obligation of
19 the State to prove beyond a reasonable doubt that
20 the person did not act in lawful self-defense or was
21 not justified in the use of force, but that's in a
22 trial setting.

23 So we don't know how this, this
24 investigation was, we talked about yesterday, is not
25 typical on how we would present cases to the grand

1 jury. This is an investigation and I believe, and I
2 think Sheila agrees, I don't want to speak for you,
3 that your determination of whether or not force was
4 justified either as self-defense or use of force to
5 affect an arrest is a part of your decision process.

6 So that's something for you to consider.
7 I don't think the answer is simply, well, we believe
8 that a crime was committed, you know, probable cause
9 to believe a crime was committed and he did it and
10 not at all talk about those defenses.

11 But I don't know, we don't know what kind
12 of instruction to give you on, do you have to
13 believe that there's probable cause to believe that
14 he used excessive force. I don't know, we don't
15 know that. We don't want to tell you the wrong
16 thing. So we're still trying to work that out.

17 Okay. I hope I haven't said too much. We
18 want you to make the right decision, we want your
19 decision to be based on the law. And given that
20 neither Sheila nor I have ever had this experience
21 before and actually, we talked, there's only been
22 one grand jury investigation on officer's use of
23 force in the past 15 years that anybody can
24 remember, so we're kind of not sure how to proceed.

25 MS. WHIRLEY: We'll get it.

1 MS. ALIZADEH: We'll get you that
2 instruction. It will be up to us whether we are
3 right or wrong, but we will give you that guidance.

4 We are your legal advisers under the law,
5 that's what our job is to tell you what the law is.
6 Of course, presenting all the evidence that we can
7 present for you and then you all are going to have
8 to make of that what you will.

9 All right. So at this point, we will
10 conclude the day and we will see everybody on
11 Thursday at 8:30.

12 (End of the grand jury hearing Volume
13 XXII.)

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2 State of Missouri
3 SS.
4 County of St. Louis
5 I, a Licensed Certified Court
6 Reporter by the Supreme Court in and for the State
7 of Missouri, duly commissioned, qualified and
8 authorized to administer oaths and to certify to
9 depositions, do hereby certify that pursuant to
10 Notice in the civil cause now pending and
11 undetermined in the County of St. Louis, State of
12 Missouri.

13 The said witness, being of sound mind and being
14 by the grand jury first carefully examined and duly
15 cautioned and sworn to testify to the truth, the
16 whole truth, and nothing but the truth in the case
17 aforesaid, thereupon testified as is shown in the
18 foregoing transcript, said testimony being by me
19 reported in shorthand and caused to be transcribed
20 into typewriting, and that the foregoing page
21 correctly sets forth the testimony of the
22 aforementioned witness, together with the questions
23 propounded by counsel and grand jurors thereto, and
24 is in all respects a full, true, correct and
25 complete transcript of the questions propounded to

1 and the answers given by said witness.

2 I further certify that the foregoing pages
3 contain a true and accurate reproduction of the
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5 I further certify that I am not of counsel or
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7 related to nor interested in any of the parties or
8 their attorneys.



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1 COURT MEMO
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5 State of Missouri v. Darren Wilson
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7
8 CERTIFICATE OF OFFICER AND
9 STATEMENT OF DEPOSITION CHARGES
10
11 DEPOSITION OF Grand Jury, Volume XXII
12
13 11/11/2014
14 Name and address of person or firm having custody of
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17 St. Louis County Prosecuting Office
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1 Upon delivery of transcripts, the above
 2 charges had not been paid. It is anticipated
 3 that all charges will be paid in the normal course
 4 of business.

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8 IN WITNESS WHEREOF, I have hereunto set
 9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

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