



Kitsap County Prosecuting Attorney Chad M. Enright



CRIMINAL DIVISION

Ione George
Chief of Staff

Cami Lewis
Felony & Juvenile
Division Chief

Justin Zaug
District & Municipal
Division Chief

Rebecca Graunke
Criminal Program
Manager

AUGUST 4, 2020 – DEPUTY ANDREW HREN INVESTIGATION

David J. Pruitt was shot and killed by Kitsap County Sheriff's Deputy Andrew Hren on August 4th, 2020. Sheriff's deputies initially responded to calls from witnesses who saw Pruitt sitting on an overpass above State Highway 16. David Pruitt was 36 years old at the time of his death. Witnesses who observed Pruitt while seated on the overpass were concerned that he was suicidal. These witnesses did not know and were unaware that Pruitt had recently sent a text message that his friends considered a "goodbye" message. Multiple witnesses contacted Pruitt along the overpass to see if he was okay or if he needed help. One such witness reported that Pruitt came towards him in an aggressive manner. This witness retreated to his vehicle to secure a baseball bat for his own protection.

Deputy Hren and Deputy Joshua Puckett were the first law enforcement to respond to the scene. Several civilian witnesses reported that Pruitt quickly approached the deputies and appeared to be reaching for an object in his pants. These witnesses believed this object was a weapon. Deputies Hren and Puckett reported that they too believed Mr. Pruitt had a weapon. Witnesses confirmed that Deputies Hren and Puckett commanded Pruitt to stop his approach and show his hands. Pruitt continued towards the deputies and was shot by Hren just as he was approaching the front of the deputies' patrol vehicles. The investigation revealed that Mr. Pruitt was unarmed at the time he was killed. The entire confrontation from the point deputies arrived, to the point Pruitt was shot, was approximately 30 seconds.

An independent investigation into the circumstances of Pruitt's death was conducted by the Kitsap Critical Incident Response Team (KCIRT). KCIRT is a regional investigating team consisting of detectives from several law enforcement agencies in and around Kitsap County. This KCIRT investigation did not include any representatives of the Kitsap County Sheriff's Office. Incident commander for this investigation was Bremerton Police Department Captain Tom Wolfe. Bremerton Detective Corporal Beau Ayers was assigned as the incident supervisor. The KCIRT team included two non-law enforcement community representatives.

In this case, as with every other case our office considers, the analysis starts with the published charging standard of the Kitsap County Prosecutor's Office. This standard was originally created through a demanding critical process that involved extensive public input and has been the standard for charging criminal offenses by this office for two decades.

*"It is the policy of the Office of the Kitsap County Prosecuting Attorney to charge the crime or crimes that accurately reflect the defendant's criminal conduct, taking into account **reasonably foreseeable defenses**, and for which we expect to be able to produce at trial proof **beyond a reasonable doubt.**"*

<https://www.kitsapgov.com/pros/Pages/ChargingSentencingStandards.aspx>

In all cases we review, this standard calls on us to consider reasonable defenses to potential criminal charges. This standard recognizes that all people are presumed innocent and should not be charged with a crime unless those prosecuting the case have a good faith belief that the evidence at trial would produce a unanimous verdict of guilt beyond a reasonable doubt.

BASIC FACTS

The entire KCIRT investigation has previously been made available to the public. Witness statements and evidentiary analysis can be found in their totality within that investigation. The executive summary can be found at the conclusion of this memorandum. The statements below are based upon the investigative reports from KCIRT but should be considered in conjunction with the entire KCIRT investigation.

Kitsap 911 began receiving calls from concerned community members at approximately 7:23 pm on August 4th, reporting a white male who was sitting on the ledge of an overpass on State Highway 16 in the area of Bethel-Burley Road SE and SE Bielmeier Road in Port Orchard. Callers believed this male was potentially looking to commit suicide. The man was later identified as David Pruitte.

Prior to the arrival of law enforcement, witness Jimmy Bennett reported that he saw Pruitte sitting on the overpass. He stopped his truck and contacted Pruitte. He said Pruitte "got off the wall and he started walking to me and I mean, he just did this number, walking like this. Like aggressive. Like he was going to fight me." Jimmy Bennett then ran back to his truck and retrieved a baseball bat in order to protect himself.

Kitsap County Sheriff's Office (KCSO) Deputies Joshua Puckett and Andrew Hren responded to the call in different vehicles. Both arrived at approximately 7:29 pm.

Multiple civilian witnesses at the scene witnessed the interaction between Pruitte and the KCSO deputies. The interaction between Pruitte and the deputies was short. Shots were fired by Deputy Hren within thirty seconds of his arrival at the scene.

WITNESS STATEMENTS

The State must prove every element of the crime charged beyond a reasonable doubt. *State v. Brown* (2002) 147 Wash.2d 330, 58 P.3d 889. Criminal charges will not be filed unless the prosecutor has a good faith belief that the crimes charged can be proven “beyond a reasonable doubt” to an impartial jury. The witnesses at the scene of this shooting would be the same witnesses who would testify at a trial, were a crime to be charged. As such, we must consider whether their statements, alone or in their entirety, would raise reasonable doubt.

A “reasonable doubt” is doubt for which reason based upon evidence exists. *State v. Pam* (1981) 30 Wash.App. 471, 635 P.2d 766, review granted, affirmed 98 Wash.2d 748, 659 P.2d 454. When a reasonable defense exists, the state bears burden of proving beyond a reasonable doubt the absence of that defense. *State v. Fuller* (1984) 39 Wash.App. 104, 692 P.2d 203, review denied, reconsideration granted, reversed in part 42 Wash.App. 53, 708 P.2d 413, reconsideration denied.

Significant weight is given to eyewitnesses who are not associated with Hren, Puckett, or any law enforcement agency. These independent witnesses saw the events leading up to the shooting of Mr. Pruitt and some witnessed the shooting itself. Like many cases we review, it is common for eyewitnesses to have varying statements. This is because witnesses perceived events from different locations, or they were focused on different parts of the event as it occurred. While we don’t expect witness statements to be identical, we do expect to see certain common themes or elements to their statements.

Below are relevant quotes of witnesses who saw the shooting. These quotes are not the entirety of their statements. Each witness’s statement was audio recorded by the interviewing officer or written by the witness. These statements have previously been made available to the public in their entirety as part of the KCIRT investigation.

KAYLA BEERS

“The police pulled over, got out of the car and appeared to be telling him to stop. I couldn’t hear them. He [Pruitt] continued walking toward them and was trying to get something out of his pants pocket that looked like a gun and continued walking toward the police. When he wouldn’t stop, they fired shots that hit him.”

“At one point he reached for something in his pocket, and it appeared to be L shaped; I assumed at the time it was a gun.”

“At the time [I] assumed it was a gun. I can’t say for sure; I didn’t see that it was for sure a gun, but, from what I saw, the L shape, it appeared to be some sort of something like that.”

BRIAN BENNETT

“[Pruitt] turned to his right with both hands on his right hip as if he would, had a firearm, or, or something. That’s what it looked like and um, you could see that they were um, trying to get him to stop advancing and he wasn’t and when he got uh, almost to the front of the uh, the uh, police vehicle, uh, they fired.”

“Both hands were across his body uh, were pretty much on his right hip as if he had a firearm on his hip.”

JIMMY BENNETT

“David got off the wall and he started walking to me and I mean, he just did this number, walking like this, like aggressive. Like he was going to fight me. So, I was like I got [a] baseball bat in the back of my truck.”

“I think he wanted to be shot by the cops.”

“I mean I saw the look in his face, he was going to kill em. He had it in his eyes.”

LORI BENNETT

“I saw the guy go towards the officers. The officers shot him down. The man seemed mad at the world.”

“I told David as I was passing him, thank you for coming off the bridge, you are loved. Didn't faze him. He was already angry and just going, going towards my husband. I thought there was gonna be a fight.”

“I didn't see him do anything intimidating. I don't, I don't, I don't know. I don't know what, what warranted the five shots. I didn't see anything that required that.”

“Pruitt's fists were balled all the time. They never went for his, never went for his shirt, never went for his pockets.”

SAMUEL BENNETT

“We saw this dude in like a white shirt, um, in a crouched position and ah, both hands were on his right hip, it looked like he was gonna draw like a firearm if he had one. Um, then ah, we backed up behind the cars, b- lined up and then ah, I think there was like some words exchanged between the police officer and the, the other dude. And that's when you hear like ah, the three fire, pop, pop, pops.”

“He [Pruitt] didn't fire anything because I think he was still, had his hand on his side when the police officer fired.”

RANDALL KILROY

“As soon as the 2 police cars arrived the white male ran very aggressively at both officers. The white male lifted his shirt with one arm and reached towards his side very fast as if he was going to draw a gun on the officers.”

“The officers pulled over, they got out of their cars, he was so aggressive they drew their weapons and he just ran at the officers again, he pulled up his shirt, he reached and all you heard was a pop!”

BRAYDEN MAYNARD

“I pulled over and watched the man in the camo shorts and white T-shirt stick his hand in his pocket walked slowly towards the officers, both officers yelled ‘stop, get your hands out of your pocket’ and he didn't and still walked closer, moved his hands in his pocket around and the officers then shot approximately six rounds.”

“I just saw the cops, saw the guy in the white T-shirt, camo shorts. Uh, the, the guy um, he put his hands in his pocket, walked slowly towards the uh, cops and the cops were standing behind their doors said um, ‘get, stop. Get your hands out of your pocket.’ And he didn’t. He continued to walk and and then they uh, and then they shot about six shots.”

“His right hand was in his pocket and he was moving it around and I did see that. Um, and definitely, definitely pretending to have something in his pocket. I don’t know if there was but it seemed like it.”

CORY NEUHFEL

“The two deputies that were there identified themselves and, you know, tried to get him to come towards the vehicle, and he – initially was walking normally from my perspective, and then it was like all of a sudden, he kinda almost clinched his fists, and started like coming with a, with purpose.”

“There were several times where you could hear him yell at him to stop, and uh, and that’s when shots were fired.”

CONFLICTING WITNESS STATEMENTS

The KCIRT investigation revealed several instances where eyewitness statements were contradictory. These instances are evidence of the sometimes unreliable memory of witnesses. For example, witnesses Jimmy Bennett and Lori Bennet stated that they saw Deputy Hren’s and Deputy Puckett’s vehicles parked side by side. However, video taken by David Reimer following the shooting shows that the vehicles were parked one in front of the other. Similarly, witness Samuel Bennet recalled only seeing one deputy, while most witnesses saw two deputies, but Jimmy Bennett reported that he saw three deputies. Fortunately, these contradictory facts are not on determinant issues and sufficient evidence exists to clearly establish what actually occurred in each of these instances where the eyewitness statements gave rise to apparent discrepancies.

Witness statements describing Mr. Pruitt’s actions prior to being shot are more critical to the analysis of this case. And in this regard, the witness statements are consistent. Kilroy, Manyard, Beers, Brian Bennett and Samuel Bennett all made statements conveying their belief Pruitte was armed with a gun or other weapon. Despite those similar recollections, witnesses still reported seeing different things. Kilroy saw Mr. Pruitt lift his shirt and reach into his waistband. Both Jimmy Bennett and Lori Bennet saw him with his arms to his sides and neither reported seeing him reach for anything. Manyard and Beers reported that his right hand was in his pocket. Brian Bennett and Samuel Bennett say both hands were on his right hip. Most, however, described Pruitte as being aggressive towards the deputies, and most concluded that he was armed with a gun or other weapon.

The preponderance of the evidence suggests Mr. Pruitte’s hands were placed in a location around his waist such that non-law enforcement witnesses perceived him as reaching for a weapon. Given that multiple witnesses, from multiple locations, reported seeing and perceiving this, their testimony can reasonably be relied upon.

KITSAP COUNTY SHERIFF'S OFFICE DEPUTY STATEMENTS

Both Deputy Hren and Deputy Puckett provided statements to KCIRT. Under the current state of the law that requires an analysis of the subjective belief of the involved officers, statements from law enforcement officers have become increasingly valuable and necessary for a legal analysis of the officer's conduct. However, the timing and method in which Deputies Hren and Puckett provided their statements through their shared attorney is problematic. Their attorney's choice to represent both the suspect deputy (identified as so by the nature of his action as shooter) and witness deputy (non-shooter) raises the issue of the independence of the statements that each deputy provided.

August 4, 2020

Deputy Hren and Puckett cooperated with KCIRT investigators the night of the shooting. Both provided responses to mandatory safety question to ensure that the scene was safe.

However, both declined to provide additional statements that evening. It is not unusual for the law enforcement officer involved in a shooting to decline to make a statement in the immediate aftermath of a shooting. Some researchers have suggested that officer may make more accurate and thorough statements if they are allowed to wait at least 24 hours before questioning, giving the officer time to rest and recuperate before they make a formal declaration.¹ Hren fulfilled his immediate obligation of providing the investigating officers enough information to secure the scene, preserve evidence and ensure the safety of the community. Hren asserted that he had an attorney and declined to make any additional statements that evening, as is his right under the constitution.

Deputy Puckett provided enough information to secure the scene, preserve evidence, and ensure public safety as well. No evidence existed to suggest Puckett had fired his weapon, and it appeared Puckett was only a witness to the shooting. Puckett, however, declined to write a report or provide any further statements to KCIRT that evening. Evidence suggests Puckett understood that he was a witness and not a suspect. KCIRT interviewed Puckett's family and they reported that Puckett was upset by how he was treated by KCIRT since he was merely a witness. Puckett, despite his own belief that he was a witness and not a suspect, declined to provide a thorough statement to investigators or write a report that evening. He did this on the advice of his attorney.

Deputy Hren and Deputy Puckett reported to KCIRT that they had retained the same attorney. It is common for the subject of a criminal investigation to hire an attorney. It is not common, but not unheard of for a witness to a crime to retain an attorney. However, it is unusual for a suspect and a witness to retain the same attorney to represent them both in the same criminal investigation. On the night of the shooting, the attorney for suspect Hren advised critical witness Puckett, who that attorney was also representing, that the witness/client should not give a statement to the investigating agency (KCIRT) or complete the duties of his job and write a report about what had just taken place, i.e. don't give information relating to the actions of her other client. By retaining the same attorney, whose advice, objectively speaking, could not be independent to each client vis-à-vis the particular circumstances, raises questions about the independence of any subsequent statements that were later made by either deputy.

August 5, 2020

KCIRT investigators learned that Deputies Puckett and Hren had exchanged text messages and had a 37-minute telephone conversation on August 5, 2020, the day following the shooting. Puckett reported that conversation to KCIRT on August 7th. Puckett told KCIRT that the conversation was related to their feelings about the investigative process and the personal impact the shooting was having on them. He denied that they discussed the facts of what occurred. It does not appear that either deputy had previously been directed not to speak with one another.

¹ Grossman and Siddle, *Critical Incident Amnesia: The Physiological Basis and the Implications of Memory Loss During Extreme Survival Situations*.

Puckett reported that Hren called him to ask him how he was doing. Puckett said he told Hren that he felt like he was letting Hren go through this alone because he had not been part of the shooting. He felt like Hren saved his life. He explained that he did not fire because he did not have a clear backstop but denied that they discussed any other details of the shooting.

Hren was asked about the conversation he had with Puckett and stated that “we did not have any discussions about the shooting itself and I did not relay any information to him about my actions or what I saw... We checked on each others well being and our families.”

We have no independent record of the content of the deputies’ conversation and must rely on the deputies’ rendition of what they discussed. The decision to speak together about what occurred, prior to making statements to KCIRT, was unwise as it raises additional questions about the independence of their statements.

August 7, 2020

On Friday, August 7th, KCIRT investigators conducted a scene walk-through with Deputy Puckett who was accompanied by his attorney. This is the same attorney who was also representing Deputy Hren and who had ethical obligations to Hren, which directly conflicted with her ethical obligations to Puckett. At the time of Puckett’s walk-through, Hren had not yet provided any statement or information to investigators about the incident. As a result, this attorney was able to hear and see Puckett’s statement and description of what occurred during the walk-through prior to her other client, Deputy Hren, making any statement about the incident. Moreover, this attorney refused to allow audio and/or video recording of the walk-through. It was during this walk through that Puckett reported his conversation with Hren on August 5th.

At the walk-through, KCSO vehicles were parked at the same spots that Hren and Puckett had parked their vehicles at the time of the shooting. Puckett explained to KCIRT investigators what he recalled of the shooting. Puckett reported that Pruitte began running towards the patrol cars when they arrived. Puckett said Pruitte said, “Let’s go,” and, “It’s about time you showed up. Let’s go.” Puckett held his gun in the “low ready” position. Puckett said that he told Pruitt at least once, “to take his hands out of his pocket.” Hren stood to the left of Pucket and gave Pruitte similar commands.

Puckett reports he told Pruitte to “show me your hands” over and over. Puckett says he saw civilians behind Pruitte and felt that it was unsafe for him to point his weapon in Pruitte’s direction. So, he began to change position to a point closer to Hren where he believed he would have a clear backdrop. As he lowered his head to move, he heard Hren fire. He looked up to see Pruitte’s hands fly into the air and Pruitte fall down. Puckett heard Pruitte say, “It’s about time you fucking killed me. About time.” Puckett holstered his weapon and reported that he never fired it. He then began providing aid to Pruitte.

Puckett reported that no weapon was found on Pruitte. However, he had thought Pruitte had a weapon in his pockets because of the way he was holding his hands in his pockets. Puckett said Pruitte had previously plunged his hands deep into his shorts pockets and believed he was gripping something tightly because of the muscles in his forearm flexing. Puckett noted that he believed the weapon was a firearm because a person holding a knife would not have his hand in a fist position in their pocket.

When asked if he would have fired his weapon too, Puckett said, “I would have, potentially.” However, Puckett noted that he did not have a clear backdrop that would have made firing his weapon safe for bystanders.

August 14, 2020

On August 14th, a week after having been present for and providing legal representation to her client, Deputy Puckett, during his scene walk-through with law enforcement, that same attorney provided Hren’s written statement of events to KCIRT.

In the statement submitted by the attorney Deputy Hren shared with Deputy Puckett, Deputy Hren wrote in part:

“The male went from a normal walking pace to an almost sprint towards the front of Deputy Puckett’s patrol vehicle. I had a clear view of him and nothing was obstructing my vision. The male was holding an unknown object in his right hand. I could see something dark in color in his right hand. His right arm was bent at the elbow and his hand was near the center of his waistline. Based on my training and experience this is the position the arm and hand would be in after just pulling something from your waistband or pocket or putting something back into his waistband or pocket.”

...

“Typically, people wait for law enforcement to approach them or, they run in the opposite direction. Instead, this male ran directly at us and he had something in his hand.”

...

“The male screamed things similar to; ‘I’m gonna fucking kill you,’ ‘You better kill me before I kill you mother fuckers,’ fucking shoot me mother fuckers, fucking shoot me.”

...

“I also noted a black holster, with a belt clip, attached to his shorts in the same location where he was hiding his right hand. The holster appeared to be an authentic looking gun holster.”

...

“I gave the male numerous verbal commands in a loud clear voice such as; ‘Drop the weapon!’ ‘Show me your hands! Get your hands in the air!!’ He did not respond to my verbal commands and continued to tell Deputy Puckett and me that he was going to kill us and he was moving towards us.”

...

“In order to protect my life and Deputy Puckett’s life, I fired my department issued handgun at the male to stop the threat.”

Although it was subsequently discovered that Pruitte was unarmed, he was wearing a dark holster on his belt used to carry a cell phone.

September 23rd, 2020

A walk-through at the scene with Hren occurred on September 23rd. Hren’s and Puckett’s shared attorney was present and witnessed the walk-through.

October 7 and 8, 2020

KCIRT investigators later provided written follow-up questions for Hren and submitted the questions to Hren’s and Puckett’s shared attorney. The attorney provided written answers to the KCIRT follow-up questions on behalf of Hren on October 7th.

KCIRT investigators had additional questions for Deputy Puckett and a second walk-through of the scene with Deputy Puckett occurred on October 8th. Again, Puckett’s and Hren’s attorney was present and declined to audio and visually record the walk-through.

Deputy Puckett's Family

During our initial review of the KCIRT investigation, this office saw that Deputy Puckett had also reported speaking to his family about the shooting. The Kitsap County Prosecutor's Office then asked KCIRT to conduct follow-up investigation of Puckett's family to discover what Puckett told them about the shooting. Puckett's family cooperated with KCIRT and provided statements about what Puckett had told them.

Puckett's mother reported that Puckett generally discussed his feelings about the investigation. He felt like the KCIRT investigators were treating him like a criminal. She said he described them as being rude and abrupt at times. Puckett's mother reported that he said he didn't fire his weapon.

KCIRT also met with Puckett's father. Puckett's father also described how Puckett was upset about how KCIRT investigators had treated him. He noted that Puckett was upset that since he was just a witness, he hadn't expected or understood why he had to turn in his uniform as evidence. He also noted that his son said his attorney advised him to not make a statement until 48 to 72 hours after the incident. He said his son described Pruitte charging at him and that he did not have a clear shot. His father also reported that Puckett told him Pruitte said "why'd it take you so long?"

INDEPENDENCE OF HREN AND PUCKETT STATEMENTS

Hren's and Puckett's decision to speak together and their attorney's decision to provide legal representation to them both are problematic. Although the deputies report that they did not talk about details of the shooting, the mere fact that they spoke to one another shortly after the incident will cause some in the community to question the independence of their statements.

More concerning is the decision each made, along with that of their attorney, to be represented by the same attorney, in the same investigation. The legal arrangement unnecessarily created issues concerning the independence of each deputy's statements to KCIRT investigators. The attorney had individual ethical duties to Hren and to Puckett. But in representing both deputies, she dictated the time and manner in which her suspect client and witness client gave statements to KCIRT. She provided her client Hren's written statement only after she witnessed her client Puckett's walk-through and heard Puckett's version of events. It is quite possible that Deputy Hren's written statement is in the exact words of Deputy Hren, but, to the world at large, it appears the attorney who had the liberty of hearing the statement of an eye-witness pre-screened and filtered the deputy's statement for any possible conflict before releasing it to the scrutinizing eyes of investigators.

Fortunately, independent of complications described above, we have several independent witnesses to the shooting whose statements we can rely on. Had there not been these witnesses, Deputy Hren's and Deputy Puckett's decision to speak about the case with each other and hire the same attorney would have proven to be particularly troublesome to the analysis of this case.

The attorney's decision to represent both suspect and witness in this case reflects poorly on both of her clients, and it undermines the public's faith in the independence of the deputies' statements. To be clear, there is nothing illegal about an attorney representing a suspect and a witness in the same criminal investigation. It is not a violation of state law and is not a subject that would be investigated by KCIRT, or any other law enforcement agency. Instead, this type of conduct is regulated by the Washington State Bar Association. The Washington State Rules of Professional Conduct (RPC) for attorneys outlines the conditions under which an attorney can ethically represent two people in the same matter. These conditions include informed consent and a written waiver from both clients.

Here, we presume that the attorney for Hren and Puckett identified the significant risk of a conflict of interest described in RPC 1.7(a)(2) and that both deputies gave written, informed consent to the potential conflict in compliance with RPC 1.7. If written and informed consent was not given, while not a crime, such conduct could be subject to a complaint with the Washington State Bar Association.

The issue as it relates to this investigation, however, is not whether the same attorney *can* represent a suspect and a witness. That is permissible under the law. The issue is whether an attorney *should* represent

a suspect and a witness in a case involving a law enforcement officer's use of deadly force. Right now, the public and the legislature's faith in investigations of law enforcement is low. And a legal arrangement such as this undermines faith in these investigations further by creating a situation where an attorney could tailor witness testimony or suspect statements in order to match the memory of others.

The continued practice of joint representation of suspects and witnesses further damages the already fragile public faith in law enforcement and confidence in deadly force investigations. This problem is easily avoidable: suspects and witnesses should have their own attorneys dedicated to defending the rights and interests of their individual clients.

SCENE ANALYSIS

KCIRT investigators conducted an initial canvassing of the scene on the night of the shooting. At that time, three .45 caliber shell casings were found. Investigators continued to look for casings and located three additional .45 caliber casings on August 6, 2020. All the casings that were located matched the caliber of ammunition used by Deputy Hren.

Deputy Hren was armed with a .45 caliber Sig Sauer P220. A round count of Hren's firearm was conducted. Hren carried three .45 caliber magazines on his vest, loaded with the maximum 8 round capacity. A fourth magazine was in Hren's firearm. Two of the magazines on his vest were found to be fully loaded with all 8 rounds accounted for. The third magazine contained 2 rounds. The magazine in the firearm was loaded with 8 rounds and another round in the chamber of the firearm. Hren reported at the scene that he re-loaded his weapon at the scene following the shooting. The evidence would suggest that the magazine containing the two rounds was loaded into Hren's firearm at the time of the shooting.

Hren's firearm, the shell casings located at the scene and the bullets recovered during the autopsy were submitted to the Washington State Crime Lab for ballistic analysis. That analysis indicated that the casings and bullets had been fired from Hren's firearm.

Based upon the location of the shell casings and witness statements, Hren was standing on the driver side of Deputy Puckett's vehicle. Pruitte was approaching Puckett's vehicle at the time he was shot but had not yet reached the front of the vehicle. Witness Brian Bennet reported that Pruitte was almost at the front of Puckett's vehicle when he was shot. Witness Samuel Bennett reported that Pruitte was approximately five feet away from Puckett's vehicle. This estimation appears consistent with the evidence from the scene. Witness Brayden Maynard reported Pruitte was approximately 10 feet away from the deputies when Hren fired. Lori Ann Bennet said Pruitte stopped about 10-15 feet from the deputies before he was shot.

Video Evidence

Kitsap County Sheriff's Deputies are not equipped with body cameras. Attempts were made by KCIRT to locate video footage from businesses and homes in the area. The only potentially relevant video was found at the Sentry Self Storage that is located just north of the overpass. The view angles of that camera did not cover the area where Deputies interacted with Mr. Pruitte. Video of the law enforcement response to the shooting exists from witnesses, but that video was taken after the shooting had taken place.

Autopsy

An autopsy was performed by Dr. Lindsey Harle. Dr. Harle noted that Mr. Pruitte showed a total of five gunshot wounds and determined the cause of death was a gunshot wound to the chest. Wounds were also located on Pruitte's left hip, right hip, right leg and left arm.

PRUITTE MENTAL STATE

Generally, the mental state of the victim has little bearing on the potential for criminal charges. However, in this case, a review of Pruitte's mental status may corroborate witness statements that he was suicidal at the time of the shooting. It could also corroborate statements that law enforcement reported they heard Pruitte make before and after he was shot. Multiple witnesses called 911 after seeing Pruitte sit on the overpass because they feared that he was suicidal. Further, witnesses to the shooting said that they believed Pruitte was acting as if he was suicidal. Without knowing about those witness statements, Puckett similarly reported that Pruitte said, "It's about time you fucking killed me." Similarly, Hren reported that Pruitte said, "You better kill me before I kill you mother fuckers," and, "Fucking shoot me mother fuckers."

Other evidence collected by KCIRT corroborates that Pruitt may have been suicidal. As recently as May of 2020, Pruitt was treated at Harrison Medical Center (Now St. Michaels Hospital) where medical reports indicate that Pruitt reported that he had a plan to overdose on methamphetamine. He said he had previously attempted to harm himself and was worried he wouldn't be able to stop himself.

Before that incident, Bremerton Police Department officers contacted Pruitte in October of 2019 when witnesses called 911 to report that they believed Pruitte was going to jump off the Manette Bridge. Pruitte was found on the bridge and cooperated with officers when they contacted him. However, Pruitte would not communicate verbally and would not respond to questions about whether he was suicidal. The officer who contacted him wrote at that time that Pruitte "definitely looked as if he was preparing to jump from the bridge."

Additional instances over the last decade where Pruitte threatened suicide can be found within the KCIRT investigation.

WITNESS SHAWNA FRIETAS

Pruitte's conduct earlier in the day may shed some light on his mental condition at the time of the shooting. Shawna Frietas identified herself as Pruitte's "best friend" to KCIRT. Frietas originally cooperated with investigators and provided information on the night of the shooting. Frietas reported that earlier in the day, Pruitte had been at the house of Amy Sampson. Sampson was a counselor in the Kitsap County Drug Court. Frietas alleges that Sampson told her that Pruitte was upset about a conversation he had with his father. Frietas says that Pruitte became upset and left Sampson's house on a bicycle to go pick up some food.

Pruitte then sent Sampson a text message that Frietas described as a "goodbye" message. Shortly thereafter, Sampson told Frietas that she heard gunshots and feared Pruitte was involved. Frietas told investigators that Pruitte had mental health issues and had a history of suicidal thoughts. When told of Pruitte's death, Frietas said, "He would do something like that. He would go and get himself fucking killed."

WITNESS AMY SAMPSON

KCIRT investigators contacted Sampson and attempted to interview her. She was initially cooperative with investigators and said that Pruitte had arrived at her house around 4:15 pm. She mentioned that Pruitte was upset with his family. She said he was upset when he left her home but sent her a text message at 7:12 pm. Sampson read the message to KCIRT detectives. Detectives recalled parts of the message where Pruitte said, "You can have your life back." They also recalled it saying something about telling Sampson to love her life like he loved his kids. This message was sent approximately 10 minutes before witnesses began reporting Pruitte sitting along the overpass.

Unfortunately, KCIRT was unable to secure a copy of that text message. Frietas interrupted the interview and told Sampson to not cooperate with investigators. Sampson was then unwilling to provide a screen shot of the text. Sampson has remained uncooperative and provided no additional information.

KCIRT collected Pruitte's cell phone and attempted to extract this text message from the phone. The phone was submitted to both NCIS and Cellbrite to attempt to extract the message. Attempts to extract the message have thus far been unsuccessful.

This message appears to be a key piece of evidence that may have resolved the question of whether Pruitte was suicidal that evening. It could corroborate or disprove witnesses who say that they believe Pruitte appeared suicidal. Unfortunately, Ms. Sampson and Ms. Frietas prevented KCIRT from gathering this evidence. As such, we are simply left to speculate based on the limited recollection of investigators who briefly saw the message.

LEGAL STANDARD

It is undisputed that David Pruitte was shot and killed by Deputy Hren. The primary legal issue is whether witness descriptions of the shooting raise a reasonable defense to criminal charges. Multiple witnesses reported that they believed Pruitte was armed at the time he approached the deputies. These witnesses independently reported that Pruitte appeared to be reaching for a weapon or approached deputies in a manner such that they believed he was armed. Deputy Hren's and Deputy Puckett's statements to investigators corroborate the statements of these eyewitnesses. However, despite all these witness statements, Pruitte was unarmed.

Although there may be questions about the independence of Hren's and Puckett's statements, there is no evidence to suggest that all of the eyewitnesses at the scene conspired or collaborated in making their statements and this adds to the reliability of those eyewitnesses. Ultimately, the question is whether the law permits the use of deadly force under a reasonable, but mistaken, belief that one's life is in danger?

A. RCW 9A.16.040 - Justifiable homicide or use of deadly force by public officer, peace officer, person aiding—Good faith standard.

RCW 9A.16.040(1)(c)(i) provides that the use of deadly force is permitted when "necessarily used by a peace officer meeting the good faith standard ... to arrest or apprehend a person who the officer *reasonably believes* has committed, has attempted to commit, is committing, or is attempting to commit a felony" (Emphasis added). This statute codifies the conditions established by voter initiative in I-940.

Here, the statements from deputies Hren and Puckett would establish that they believed Mr. Pruitte was attempting to commit an assault on a law enforcement officer.² This is corroborated by multiple witnesses who reported that they believed Pruitte was armed and moving towards the deputies in an aggressive manner.

Merely investigating a felony assault, however, is insufficient grounds to justify the use of deadly force under 9A.16.040. Further inquiry is required under subsection (2) to determine if the deputy had

² RCW 9A.36.031(1) (g) Assault in the third degree. A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault. The term "assault" is not defined in the criminal code. Courts use common law to define the term. *State v. Krup*, 36 Wn.App. 454, 457, 676 P.2d 507 (1984); *Peasley v. Puget Sound Tug & Barge Co.*, 13 Wn.2d 485, 504, 125 P.2d 681 (1942). Three definitions of assault have been recognized by Washington courts: (1) an attempt, with unlawful force, to inflict bodily injury upon another; (2) an unlawful touching with criminal intent; and (3) putting another in apprehension of harm whether or not the actor actually intends to inflict or is incapable of inflicting that harm. *State v. Hupe*, 50 Wn.App. 277, 282, 748 P.2d 263 (1988), disapproved of on other grounds by *State v. Smith*, 159 Wn.2d 778, 154 P.3d 873 (2007). Accord, *State v. Madarash*, 116 Wn.App. 500, 513, 66 P.3d 682 (2003). *State v. Hupe*, 50 Wn.App. 277, 748 P.2d 263 (1988).

“probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others.”

Subsection (2) provides circumstances that should be considered when determining whether a suspect poses a “threat of serious physical harm.” Specifically, we look at whether the suspect threatened others with a weapon, and if the suspect threatened the law enforcement officer with a weapon. See RCW 9A.16.040(2)(a) and (b).

Here, it is undisputed that Pruitte was not armed. It is also undisputed that multiple witnesses from multiple locations, believed that he was behaving as if he was armed with a weapon. These witnesses, most with no connection to each other and no connection with law enforcement, believed Pruitte was armed and about to use a weapon.

Given so many other witnesses providing similar statements, I don’t believe one can conclude that Hren’s belief that Pruitte was armed was an unreasonable belief. Clearly, Pruitte was positioned in a way that multiple people, from multiple positions, believed he was armed and reaching for a weapon. One witness suggested that Pruitte was intentionally behaving as if he was armed. We cannot draw any conclusions from the evidence about whether Pruitte was intentionally trying to deceive deputies into believing he had a weapon. However, it does appear that, intentional or not, Pruitte’s hands and arms were positioned in a way that multiple people believed he was armed and a threat to the deputies. Further, deputies attempted to de-escalate by giving Pruitte verbal commands that were ignored as he continued to approach them. Given the witness statements about Pruitte, Hren had probable cause to believe Pruitte posed a threat to himself and Puckett.

B. RCW 9A.16.020 Use of force—When lawful.

Washington law has generally approved the use of deadly force in situations where the suspected reasonably believed deadly force was necessary, yet it was later determined such force was not necessary. The law of self-defense in Washington is available to all suspects who use force. It is not simply applicable to law enforcement. RCW 9A.16.020(3) provides that:

“The use, attempt, or offer to use force upon or toward the person of another is not unlawful in the following cases:

...

(3) Whenever used by a party about to be injured, or by another lawfully aiding him or her, in preventing or attempting to prevent an offense against his or her person...”

This statute is further defined by applicable case law. Case law establishes two important principles for the analysis of this case. First, the law allows the use of deadly force based upon the reasonable appearance of danger. Actual danger is not necessary. Second, the law requires the finder of fact to place themselves in the position of the suspect, to determine if the suspect subjectively believed the use of deadly force was necessary and whether that force was objectively reasonable.

ACTUAL DANGER IS NOT REQUIRED TO USE DEADLY FORCE

The law does not require that the person using deadly force was actually in danger. *State v. Ladiges*, 66 Wash.2d 273, 401 P.2d 977 (1965); *State v. Miller*, 141 Wash. 104, 105, 250 P. 645 (1926). The right to kill in self-defense is founded upon the existence of a real or *apparent* necessity. *State v. Wilson*, 26 Wash.2d 468, 480, 174 P.2d 553 (1946) (emphasis added). The defendant must have acted on an honest and reasonable belief that he or she was in imminent danger of great personal injury. RCW 9A.16.050(1); see *State v. Negrin*, 37 Wash.App. 516, 521, 681 P.2d 1287, review denied, 102 Wash.2d 1002 (1984). The defendant's conduct “is to be judged by the condition appearing to [him or her] at the time, not by the condition as it might appear to the jury in the light of testimony before it.” *State v. Miller*, 141 Wash. 104, 105, 250 P. 645 (1926).

This legal standard is the basis for Washington State Pattern Jury Instruction 17.04 which states that:

“A person is entitled to act on appearances in defending [himself] [herself] [another], if [he] [she] believes in good faith and on reasonable grounds that [he] [she] [another] is in actual danger of injury, although it afterwards might develop that the person was mistaken as to the extent of the danger. Actual danger is not necessary for the use of force to be lawful.”

THE CIRCUMSTANCES AS THEY APPEARED TO THE SUSPECT OR DEFENDANT.

The finder of fact must consider the circumstances as they appeared to the defendant, not those that actually existed. *State v. Theroff*, 95 Wash. 2d 385, 390, 622 P.2d 1240, 1244 (1980); *State v. Miller*, 141 Wash. 104, 250 P. 645 (1926). The fact finder must determine whether, under the circumstances as they appeared to the defendant, the belief that he or she was in danger was a reasonable one. *State v. Stockhammer*, 34 Wash. 262, 268, 75 P. 810, 812 (1904).

The definition of “reasonableness” incorporates both subjective and objective characteristics. It is subjective in that the finder of fact is entitled to stand in the shoes of the defendant, considering all the facts and circumstances known to him or her. It is objective in that we must use this information to determine what a reasonably prudent person similarly situated would have done. *State v. Walker*, 136 Wash. 2d 767, 772–73, 966 P.2d 883, 885–86 (1998); *State v. Janes*, 121 Wash. 2d 220, 238, 850 P.2d 495, 504, 22 A.L.R.5th 921 (1993).

A threat or its equivalent can support self-defense when there is a reasonable belief that it will be carried out. The threat does not need to be overt, nor does it need to immediately precede the act of self-defense. Whether the victim's conduct constitutes a threat must be evaluated in light of the defendant's perceptions, based on the entire relationship between the defendant and the victim. *State v. Janes*, 121 Wash. 2d 220, 241–42, 850 P.2d 495, 506, 22 A.L.R.5th 921 (1993).

We know that Mr. Pruitte was not armed with a weapon. In retrospect, we can conclude that the use of deadly force was not reasonable against an unarmed man. However, that is not the legal standard. The relevant inquiry is not to view these facts in retrospect, but to instead place ourselves in the shoes of Hren when he chose to use deadly force. Part of this analysis must inherently rely on the statements made by Deputy Hren. Had Hren chosen to not make a statement, we would be left to speculate as to his subjective beliefs.

DE-ESCALATION AND LESS LETHAL MEANS

KCIRT investigators sought information on the viability of de-escalation techniques or the use of less lethal means. Prior to using deadly force, the evidence supports the conclusion that both deputies gave verbal commands in an attempt to de-escalate the situation. Pruitte did not respond to the commands to “stop” or to show his hands. Deputy Puckett reported that there was not enough time to use other techniques, since both the deputies and eyewitnesses believed Pruitte was approaching the deputies with a weapon. Puckett reported that the pace of the interaction was controlled by Pruitte. When Pruitte rushed towards their patrol car, took what they perceived to be an aggressive posture and failed to follow any commands he was given, Puckett felt that there was no time to safely use de-escalation techniques as Pruitte was within five feet of the deputies at the time Hren fired. This description of events is corroborated by the eyewitnesses.

ANALYSIS

It is undisputed that David Pruitte was unarmed at the time he was shot and killed by Deputy Hren. The question is whether Hren believed that deadly force was necessary and whether that belief was objectively reasonable. Subjectively, we know from Hren's statements that he believed Pruitte was armed and he believed his life was in danger. Deputy Puckett corroborates those statements. However, given the shared attorney-client relationship in this case, and the taint that relationship paints the deputies' statements with, it is difficult to determine what weight to give those statements.

More importantly, however, multiple independent witnesses reported that they believed Mr. Pruitte was armed and that the lives of the deputies were in danger. These witness statements are compelling because the witnesses do not know any of the involved parties. Although there are discrepancies in these witness statements, the common theme amongst most of them is that the witnesses describe Pruitte as acting as if he had a weapon and was charging towards the deputies. The statements from these witnesses would support the conclusion that Deputy Hren's belief that Pruitte was armed was objectively reasonable given the manner in which Pruitte charged towards the deputies.

Further, multiple independent statements from eyewitnesses, the involved deputies, and Mr. Pruitte's friends support a theory that he was suicidal at the time he was contacted by Hren and Puckett. Had Pruitte been suicidal, it would explain why he was sitting on the overpass, why he charged at deputies while behaving as if he had a weapon, and, finally, it would explain why Pruitte said "it's about time you fucking killed me" that to Deputy Puckett when Puckett began providing aid. This evidence is compelling because these witnesses had no relationship to each other, yet drew similar conclusions about Pruitte's mental state.

CONCLUSION

Although Mr. Pruitte was unarmed, most civilian witnesses to the shooting described him behaving as if he was armed. Witnesses report that Pruitte charged towards deputies Hren and Puckett. Witnesses reported that Pruitte ignored the commands that the deputies gave him. Based on the statements of these eyewitnesses of this shooting, Deputy Hren reasonably believed Mr. Pruitte was armed and that his and Deputy Puckett's lives were in danger. The statements from the witnesses establish that the deadly force used by Deputy Hren was permissible under the law.



CHAD M. ENRIGHT
Prosecuting Attorney

KITSAP CRITICAL INCIDENT RESPONSE TEAM

EXECUTIVE SUMMARY
KITSAP COUNTY SHERIFF'S OFFICE OIS
AUGUST 4, 2020



EXECUTIVE SUMMARY

On August 04, 2020, Kitsap County Sheriff's Office Deputies responded to the area of Bethel-Burley Rd SE and SE Bielmeier Rd, in Port Orchard, for a welfare check on a possible suicidal male sitting on the overpass above State Highway 16. Upon arrival, the deputies were quickly confronted by the male in a manner which led them to believe he was armed with a deadly weapon. During the brief encounter, the male was shot and killed by one of the deputies, resulting in the following investigation.

INCIDENT OVERVIEW

At approximately 7:23 p.m., CenCom (Kitsap 9-1-1 dispatch) started receiving calls from concerned community members traveling on Bethel-Burley Rd SE and on southbound State Highway 16, in Port Orchard, Kitsap County. Several callers reported a white male, wearing a white shirt and camouflage shorts, who appeared to be in his 30's-40's, was sitting on the ledge of the overpass, with his legs dangling over the side, approximately 30 feet above the highway. Callers expressed concern he was contemplating suicide. This man was later identified to be David J. Pruitte.



Southbound Bethel-Burley Rd SE



Southbound State Hwy 16 below Bethel-Burley overpass

When CenCom aired the call for a welfare check on Pruitte at approximately 7:25 p.m., Kitsap County Sheriff's Office deputies Josh Puckett (Unit J141) and Andrew Hren (Unit J078) were in a parking lot near the intersection of Jackson Ave SE and SE Sedgwick Rd, exchanging equipment from an incident they had handled together earlier in the day. Believing Pruitte was possibly suicidal, both deputies responded to the call with their lights and sirens activated, arriving in the area at approximately 7:29 p.m.

Within thirty seconds of the deputies announcing their arrival, CenCom received information from a 9-1-1 caller that shots had been fired. Kitsap County Sheriff's Office Deputies Samuel Carson (Unit J085) and Summer Mayne (Unit J123) were the first assisting units to arrive after the shots fired call was dispatched. Kitsap County Sheriff's Office Sergeant Ken Dickinson was the first supervisor to arrive on the scene while deputies Puckett, Carson, Mayne, and Hren

were rendering aid to Pruitte. After determining Deputy Hren was the only deputy who had fired his weapon, Sergeant Dickinson removed Deputy Hren from the scene.

Kitsap County Sheriff's Office Chief Dave White contacted Bremerton Police Department Captain Tom Wolfe for a Kitsap Critical Incident Response Team (KCIRT) activation.

KCIRT / LETCSA

KCIRT is an independent team of investigators comprised of specially qualified and certified peace officers from law enforcement agencies within Kitsap County and adjacent areas. In addition to law enforcement personnel, the KCIRT Independent Investigation Team (IIT) is made up of civilian crime scene specialists and at least two non-law enforcement community representatives.

One of the functions of KCIRT is to provide participating law enforcement agencies with a multi-agency team available to independently conduct investigations of officer-involved shootings resulting in injury or death. All members of the IIT assigned to an investigation operate completely independent of the agency involved in the deadly force incident.

KCIRT policies were adopted in accordance with recommendations identified through Initiative 940 and Substitute House Bill (SHB) 1064. Investigative criteria for these recommendations are defined in Chapter 139-12 of the Washington Administrative Code (WAC), which covers the Law Enforcement Training and Community Safety Act (LETCSA). The goal of LETCSA criteria is to ensure a comprehensive and unbiased investigation is conducted to enhance accountability and improve the legitimacy of policing by increasing trust in the investigative process.

Incident Command for this investigation was established with Bremerton Police Department Captain Tom Wolfe as the incident commander. Bremerton Police Department Detective Corporal Beau Ayers was assigned as the incident supervisor, and Bremerton Police Department Lieutenant Aaron Elton was the designated Press Information Officer (PIO), assisting Detective Corporal Ayers.

INITIAL WITNESS OBSERVATIONS OF PRUITTE ON THE OVERPASS

KCIRT investigators conducted interviews with witnesses who were at the scene on the night of the shooting. Several witnesses who were driving by when they initially saw Pruitte sitting on the overpass were concerned enough about him possibly being suicidal that they returned to the area after calling 9-1-1. The following accounts are their observations of Pruitte prior to law enforcement arriving on scene.

that was further down the roadway. McCune noticed there were several other bystanders in the area, and she heard someone else calling 9-1-1. Because she had her nephew in the car with her, McCune decided it was best to leave.

Jimmy Bennett

J. Bennett was driving northbound on Bethel-Burley Rd SE, approaching the overpass, when he saw Pruitte sitting on the west ledge of the overpass, dangling his feet over the highway. Believing Pruitte was likely suicidal, J. Bennett pulled over to the east shoulder of the road, between Bielmeier Rd and Ellis Ct, and called 9-1-1. While still on the phone with the Kitsap 9-1-1 dispatch operator, J. Bennett decided to walk over to Pruitte and try to talk him down from the ledge.

J. Bennett recalled Pruitte “... got off the wall and he started walking to me and I mean, he just did this number, walking like this. Like, aggressive. Like he was going to fight me.”⁵ J. Bennett was scared because Pruitte was “a big boy,”⁶ so he ran back towards his truck to grab a baseball bat to defend himself in case Pruitte continued after him.

Lori Ann Bennett

L. Bennett was driving northbound on Bethel-Burley Rd SE with her daughter in the car, when she saw Pruitte sitting on the ledge of the overpass on the east side of the Mullinex exit sign, dangling his legs over Highway 16, with his hands in his lap. L. Bennett thought Pruitte looked like he was upset. She noticed his shoulders were slumped forward, and his eyes were red, as though he had been crying. L. Bennett figured Pruitte just needed some time to get himself together, so she continued driving and didn’t stop to try and talk with him.

Shortly after dropping her daughter off at home, L. Bennett called her husband, J. Bennett, and when he didn’t answer the phone, she became concerned. L. Bennett got back into her car and drove southbound on Bethel-Burley Rd SE towards her husband’s paint shop on Mullinex Rd. As she was approaching the overpass, L. Bennett saw her husband’s truck parked near the intersection of Bethel-Burley Rd SE and SE Ellis Ct, in the area where she had seen Pruitte about 25 minutes earlier.

As she continued driving southbound on Bethel-Burley Rd SE, L. Bennett saw her husband standing in the middle of the road near the overpass. L. Bennett pulled up to him and asked what he was doing. While she was talking with her husband, L. Bennett noticed Pruitte had gotten off the ledge of the overpass and was walking briskly in their direction. J. Bennett told his wife, “...this isn’t gonna end well, I want you to go.”⁷

L. Bennett described Pruitte as looking angry and aggressive, with his jaw clenched, his chest puffed out, and his hands balled into fists. She also noticed Pruitte’s attention seemed to be

⁵ Jimmy Bennett transcript from interview with BPD Detective Ayers, p. 5, lines 10-11 (Tab 15)

⁶ Jimmy Bennett transcript from interview with BPD Detective Ayers, p. 5, line 12 (Tab 15)

⁷ Lori Ann Bennett transcript from interview with BPD Detective Ayers, p. 5, lines 22-23 (Tab 15)

focused only on her husband. L. Bennett continued driving and headed towards the parking lot of the Grace Bible Church at 7070 Bethel Burley Rd SE.

Cory and Jessica Neuhofel

C. Neuhofel was driving northbound on Bethel-Burley Rd SE, with his wife, J. Neuhofel, when they saw Pruitte sitting on the overpass above the highway. The Neuhofels both believed Pruitte was contemplating suicide, as they didn't think "*normal folks*"⁸ would sit on an overpass like that. Cory remembered seeing a bag and a bicycle near the overpass as they continued driving past Pruitte and called 9-1-1.

David Reimer

Reimer was driving southbound Bethel-Burley Rd SE headed towards Mullinex Rd when he noticed a white truck stopped on the north shoulder of the road by the overpass. Reimer also saw Pruitte standing on the overpass above the southbound traffic lanes, leaning on the concrete barrier. Reimer thought this was unusual because people aren't normally stopped on the overpass, and he was concerned about suspicious activity due to recent fires in the area on Highway 16.

As he was driving by, Reimer saw Pruitte focus on the male, later determined to be J. Bennett, as he exited his truck. Pruitte started walking towards J. Bennett in what Reimer thought was a deliberate and somewhat aggressive manner, with his arms slightly raised and his hands clenched into fists. Wanting to get a better look at what was going on, Reimer decided to turn around at the end of the road and drive by them again.

Brayden Maynard

Maynard was driving northbound on Bethel-Burley Rd SE when he saw Pruitte sitting on the ledge of the overpass on the east side of the street, dangling his legs over the highway. Maynard noticed several other vehicles had pulled over to the side of the road, and one of the vehicle occupants, J. Bennett, had gotten out of his truck and was walking towards Pruitte. Maynard decided to turn around because he wanted to know what was going to happen. As he was driving back southbound towards the overpass, Maynard saw Pruitte running across the traffic lanes in "*a quick sprint*"⁹ towards J. Bennett. Maynard continued driving past them and decided to turn around again to get another look at what was happening.

Kayla Beers

Beers was driving northbound on Bethel-Burley Rd SE when she saw Pruitte sitting on the overpass above the eastbound lanes of Highway 16. Although she thought Pruitte looked calm, as he was just sitting there casually with his legs hanging over the side of the overpass, Beers was concerned and decided to call 9-1-1. Beers continued past Pruitte and parked in an area where she could see the overpass while she made the phone call.

⁸ Cory and Jessica Neuhofel transcript from interview with BPD Detective Chapman, p. 4, line 20 (Tab 15)

⁹ Brayden Maynard transcript from interview with WSP Detective Welander, p. 2, lines 20-21 (Tab 15)

INITIAL LAW ENFORCEMENT RESPONSE



Placement of Deputy Puckett's and Deputy Hren's vehicles at the scene

Deputy Puckett

Deputy Puckett was driving southbound on Bethel-Burley Rd SE, approaching the driveway of Sentry Self Storage at 6768 Bethel-Burley Rd SE, just north of the overpass, when he first saw Pruitte on the west shoulder of the road, walking northbound towards his patrol car. Deputy Puckett noticed Pruitte seemed to “perk up”¹⁰ when he arrived. As Deputy Puckett was getting out of his vehicle, Pruitte veered off the shoulder of the road and into the southbound traffic lane of the roadway, puffing out his chest as he began to run towards Deputy Puckett's vehicle.

Deputy Puckett described Pruitte's posture and demeanor as being “pissed off”¹¹ with furrowed brows and his face set in an angry grimace. Pruitte continued to quickly advance towards Deputy Puckett, plunging his right hand into the right front pocket of his shorts and balling his hand up into a fist, as though he was gripping something tightly in his pocket. Deputy Puckett specified he thought Pruitte was *gripping a firearm in his pocket*¹² because he clearly saw definitive muscle striations in Pruitte's right forearm, indicating his arm was tightly flexed.

Deputy Puckett thought to himself, “What is this guy doing... running at my car?”¹³ Alarmed by Pruitte's sudden change in demeanor, and believing Pruitte potentially had a firearm in his pocket, Deputy Puckett put his vehicle in park and opened the driver's side door, while simultaneously removing his duty weapon from his holster. Deputy Puckett stood in the open

¹⁰ BPD Supplemental Report by Detective Garland (10/09/20), second scene walkthrough with Deputy Puckett (not recorded), p. 1, paragraph 3, line 10 (Tab 12)

¹¹ BPD Supplemental Report by Detective Garland (10/09/20), second scene walkthrough with Deputy Puckett (not recorded), p. 2, paragraph 2, line 5 (Tab 12)

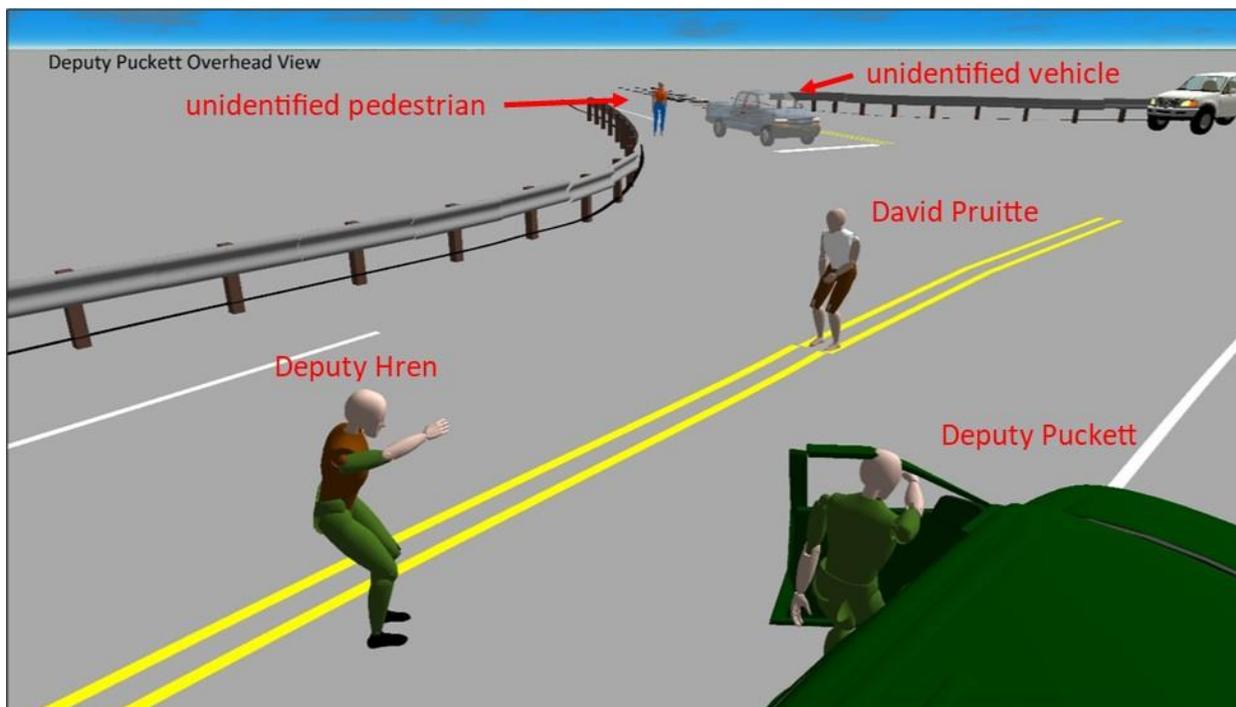
¹² BPD Supplemental Report by Detective Garland (10/09/20), second scene walkthrough with Deputy Puckett (not recorded), description from Deputy Puckett as told to investigators, p. 2, paragraph 3, line 6 (Tab 12)

¹³ BPD Supplemental Report by Detective Munjekovich (11/11/20), second scene walkthrough with Deputy Puckett (not recorded), p. 1, paragraph 5, line 1 (Tab 12)

doorway of his car, in the space between the door and the driver's seat, facing Pruitte. Deputy Puckett held his gun at a "low ready" position, with his hands placed at the center of his chest, and the barrel of the gun pointed down towards the ground by his feet.

Deputy Puckett immediately started giving Pruitte commands, repeatedly yelling, "Show me your hands! Show me your hands!"¹⁴ Although Pruitte did not acknowledge or follow his commands, he stopped near the double yellow center line of the roadway, approximately five feet away from the left front tire of Deputy Puckett's vehicle. When he did so, Deputy Puckett heard Pruitte say, "It's about fucking time you got here. Let's go!"¹⁵

From Deputy Puckett's position behind his car door, Pruitte was standing in an area of the road where there were several vehicles and civilians behind him, at the intersection of Bethel-Burley Rd SE and SE Bielmeier Rd. Deputy Puckett specifically recalled seeing a woman standing by the passenger side of a large vehicle near the stop sign at the bottom of SE Bielmeier Rd, almost directly behind Pruitte. Realizing he was not in a good position if he potentially had to fire his weapon, Deputy Puckett decided to move to a better location.



WSP 3D diagram of Deputy Puckett's perspective of contact with Pruitte. The unidentified pedestrian and vehicle depict the female and vehicle Deputy Puckett saw in the background behind Pruitte when he decided to change his position. Neither the female nor the vehicle were identified during the investigation. It is possible the individual left the scene without providing a witness statement.

¹⁴ BPD Supplemental Report by Detective Munjekovich (11/11/20), second scene walkthrough with Deputy Puckett (not recorded), p. 2, paragraph 1, line 3 (Tab 12)

¹⁵ BPD Supplemental Report by Detective Munjekovich (11/11/20), second scene walkthrough with Deputy Puckett (not recorded), p. 2, paragraph 1, line 4 (Tab 12)

Out of the corner of his left eye, Deputy Puckett saw Deputy Hren approaching from behind and to his left. Although he did not look directly at Deputy Hren, Deputy Puckett was able to see in his peripheral vision that Deputy Hren stood to his left, near the double yellow center line in the roadway, with his gun extended and pointed at Pruitte. Deputy Puckett also heard Deputy Hren repeatedly *“screaming show me your hands.”*¹⁶

Deciding to re-position himself near Deputy Hren to avoid the risk of having civilian bystanders in the background if he had to use his weapon, Deputy Puckett turned to his left to step away from his vehicle door and move closer to Deputy Hren. As he did so, his eyes were briefly cast downward, and he lost sight of both Pruitte and Deputy Hren. In that quick moment, Deputy Puckett heard Deputy Hren fire several shots.

Deputy Puckett immediately looked up to see Pruitte staggering backwards and falling towards the ground with his hands in the air. As he was falling, Deputy Puckett heard Pruitte say, *“it’s about time you fucking killed me.”*¹⁷ Deputy Puckett did not see any weapons in Pruitte’s hands. When Pruitte fell to the ground, he was lying face up, near the double yellow center line of the road, with his head facing south.

As he saw Deputy Hren approach Pruitte with his gun still pointed at Pruitte on the ground, Deputy Puckett holstered his gun and grabbed the IFAK (Individual First Aid Kit) that was on the front passenger side headrest of his patrol vehicle. Deputy Puckett knelt down on the ground near the top of Pruitte’s head and began checking him for weapons. Deputy Puckett did not find any weapons. The only item he found on Pruitte was a cell phone. Deputy Puckett described the phone as a *“silver smartphone,”*¹⁸ which he located in the right front pocket of Pruitte’s shorts. Deputy Puckett removed the cell phone from Pruitte’s pocket and placed it on the ground.

Deputy Hren

Deputy Hren was driving southbound on Bethel-Burley Rd SE, just behind Deputy Puckett, as they responded to the call. When Deputy Puckett pulled his vehicle over to the west shoulder of the road, Deputy Hren parked behind him. Pruitte was walking northbound on the shoulder, approaching Deputy Puckett’s vehicle. Almost immediately, Pruitte transitioned from *“a normal walking pace to an almost sprint towards the front of Deputy Puckett’s patrol vehicle.”*¹⁹ Deputy Hren noticed Pruitte was holding *“something dark in color in his right hand,”*²⁰ near the center of his waistline.

¹⁶ BPD Supplemental Report by Detective Garland (10/09/20), second scene walkthrough with Deputy Puckett (not recorded), p. 3, paragraph 3, line 5 (Tab 12)

¹⁷ BPD Supplemental Report by Detective Garland 10/09/20, second scene walkthrough with Deputy Puckett (not recorded), p. 3, paragraph 5, line 2 (Tab 12)

¹⁸ BPD Supplemental Report by Detective Garland (10/09/20), second scene walkthrough with Deputy Puckett (not recorded), description from Deputy Puckett as told to investigators, p. 4, paragraph 2, line 8 (Tab 12)

¹⁹ Deputy Hren’s initial written statement provided through his attorney, p. 2, paragraph 2, lines 4-5 (Tab 22)

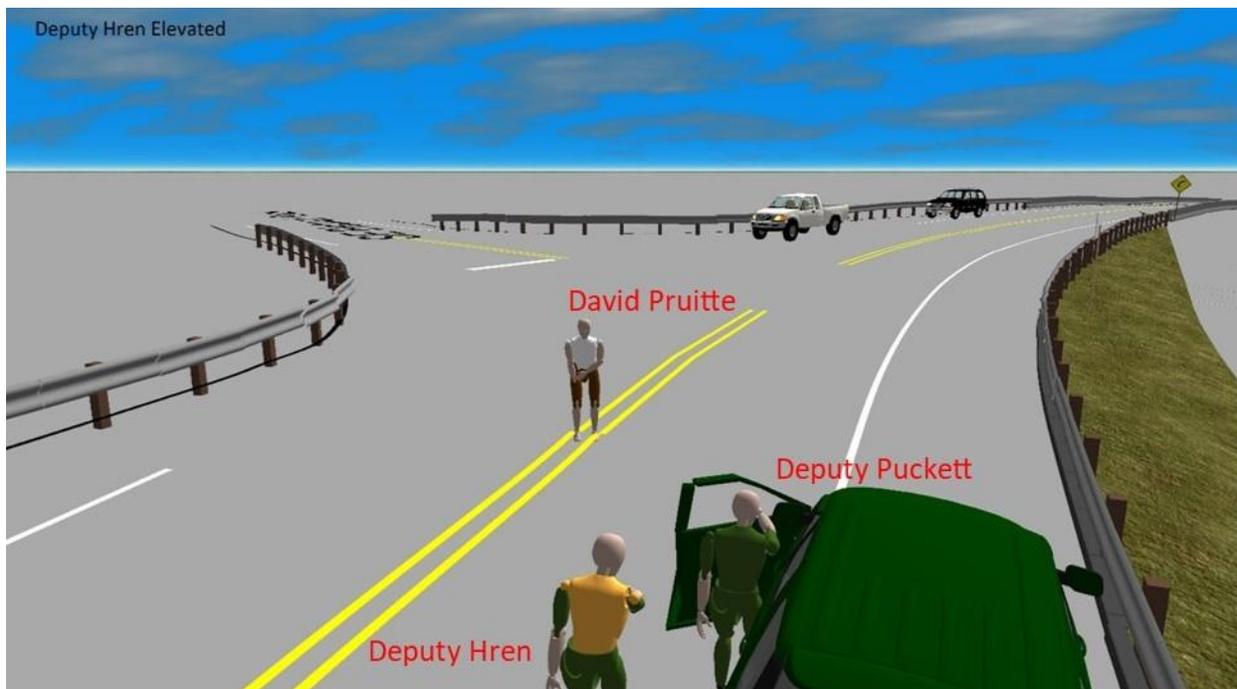
²⁰ Deputy Hren’s initial written statement provided through his attorney, p. 2, paragraph 2, lines 6-7 (Tab 22)

Deputy Hren recalled,

“I immediately became concerned for Deputy Puckett’s safety because he was parked in front of me and the male (Pruitte) was rapidly approaching his patrol vehicle and had an unknown object in his right hand.

The incident instantly became much different than any routine law enforcement contact. Typically, people wait for law enforcement to approach them, or they run in the opposite direction. Instead, this male (Pruitte) ran directly at us and he had something in his hand. I was afraid he was running at Deputy Puckett to hurt or kill him and I moved quickly to exit my car and ran forward toward the threat to Deputy Puckett’s left.”²¹

At one point, Deputy Hren briefly lost sight of Pruitte as Pruitte crossed in front of Deputy Puckett’s patrol vehicle. When Pruitte reappeared in Deputy Hren’s view, he had his right hand tucked into his waistband or the pocket of his shorts. Deputy Hren saw *“a black holster, with a belt clip, attached to his shorts, in the same location where he was hiding his right hand.”²²* Deputy Hren believed Pruitte *“was armed with a gun or a deadly weapon that he was intending on using against us,”²³* and he also believed Pruitte *“was intentionally concealing the gun.”²⁴*



WSP 3D diagram of Deputy Hren’s perspective of contact with Pruitte

²¹ Deputy Hren’s initial written statement provided through his attorney, p. 2, paragraphs 3-4, all lines (Tab 22)

²² Deputy Hren’s initial written statement provided through his attorney, p. 2, paragraph 8, lines 1-2 (Tab 22)

²³ Deputy Hren’s initial written statement provided through his attorney, p. 3, paragraph 2, lines 1-2 (Tab 22)

²⁴ Deputy Hren’s initial written statement provided through his attorney, p. 3, paragraph 2, line 2 (Tab 22)

Deputy Hren continually gave Pruitte verbal commands such as, *“Drop the weapon! Show me your hands! Get your hands in the air!”*²⁵ Pruitte did not respond, and Deputy Hren recalled Pruitte *“took a fighting / shooting stance. He squared up to us, with broadened shoulders, bent knees and a widened stance.”*²⁶

Deputy Hren observed,

*“He (Pruitte) did not follow any commands. His voice was angry and aggressive and he was yelling ‘I’m going to fucking kill you’ and ‘You better kill me before I kill you mother fuckers’ and ‘Fucking shoot me mother fuckers.’ His voice was angry, hostile, and aggressive.”*²⁷

Deputy Hren explained,

“I was scared that he was going to shoot me. I was scared he was going to shoot Deputy Puckett. It was a short distance between the male (Pruitte) and us and we had absolutely no cover to get behind if the male began shooting at us. He was very close in proximity to both of us and I believed that the male (Pruitte) was going to fire on us with a weapon in his waistband and it would have certainly resulted in my death and/or Deputy Puckett’s death.

*I did not have time to employ any other means of force or to transition to non-lethal weapon. The suspect (Pruitte) stopped running and based on my training and experience took a stance that appeared he was going to engage us. I believed that any hesitation on my part would allow the suspect (Pruitte) to lift the firearm from his waistband and fire on us. The movement of the suspect (Pruitte) was fast paced and everything I am explaining happened in a split second and in one fluid ongoing motion. There were no breaks and no time to hesitate without risking our lives.”*²⁸

Deputy Hren continued,

*“In order to protect my life and Deputy Puckett’s life, I fired my department issued handgun at the male (Pruitte) to stop the threat. The suspect (Pruitte) fell backwards onto the ground. I maintained cover on the suspect and scanned the area looking for a weapon. I could now see both of his hands and I did a tactical reload, holstered my weapon and approached the suspect to begin rendering aid.”*²⁹

²⁵ Deputy Hren’s initial written response provided through his attorney, p. 3, paragraph 3, lines 1-2 (Tab 22)

²⁶ Deputy Hren’s response to Statement Follow-up Questions provided through his attorney, p. 2, answer to question 12, lines 3-4 (Tab 22)

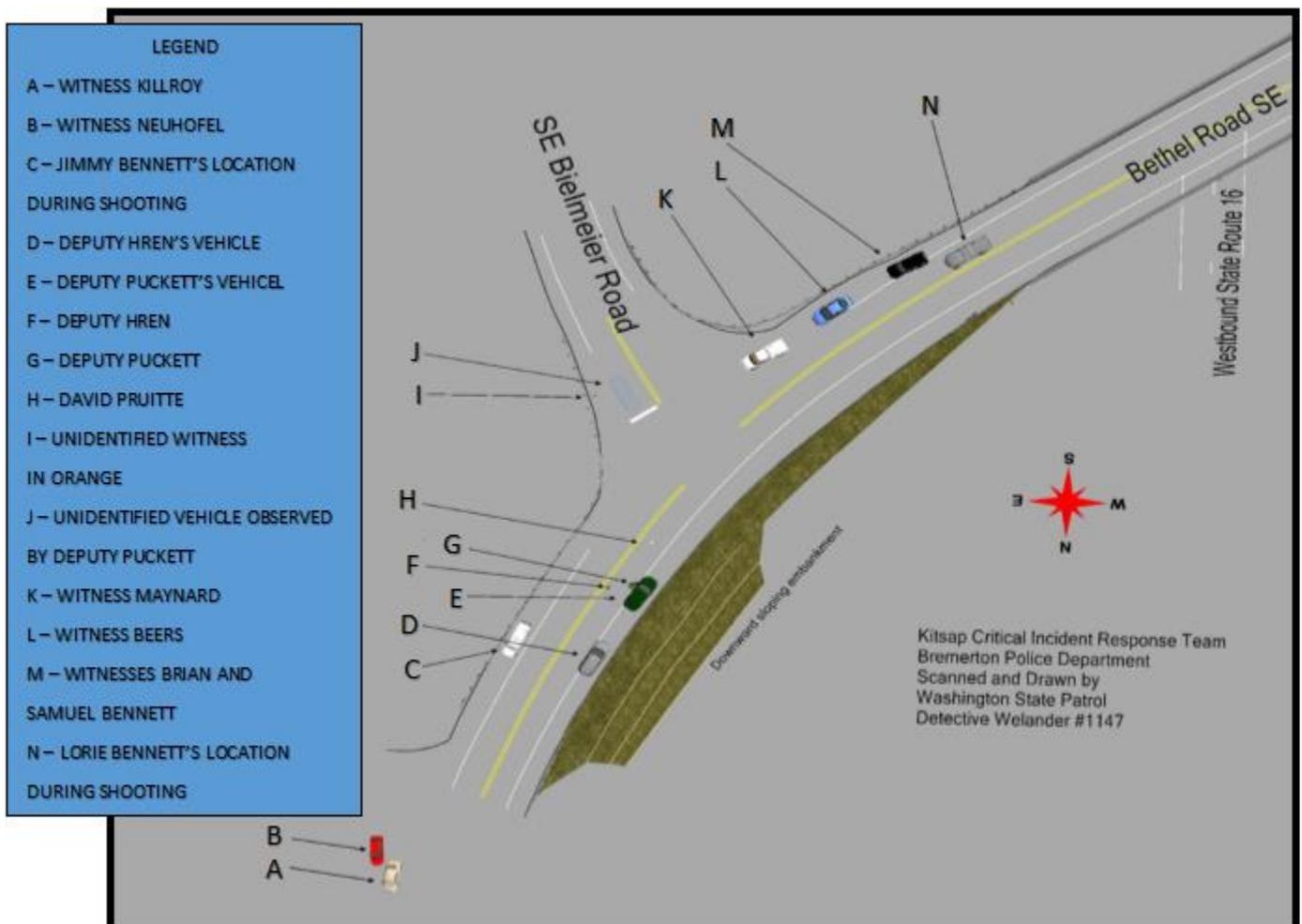
²⁷ Deputy Hren’s response to Statement Follow-up Questions provided through his attorney, p. 2, answer to question 18, line 9, continued on p. 3, lines 1-2 (Tab 22)

²⁸ Deputy Hren’s initial written statement provided through his attorney, p.3, paragraphs 4-5, all lines (Tab 22)

²⁹ Deputy Hren’s initial written statement provided through his attorney, p. 3, paragraph 7, lines 1-4, continued on p. 4, line 1 (Tab 22)

WITNESS OBSERVATIONS OF LAW ENFORCEMENT CONTACT WITH PRUITTE

The diagram below represents an overview of the area where witnesses were located when they observed the confrontation between Pruittte and the deputies. Data for the diagram was collected at the scene by Washington State Patrol (WSP) investigators, using a Trimble X7 3D scanner. Information from the scanned images was later processed through Realworks software and the Reveal program. Placement of avatars (people) and vehicles seen in WSP diagrams throughout this investigation are based on statements made by witnesses and the involved deputies.



Compilation of locations for all identified witnesses, the involved deputies, and Pruittte

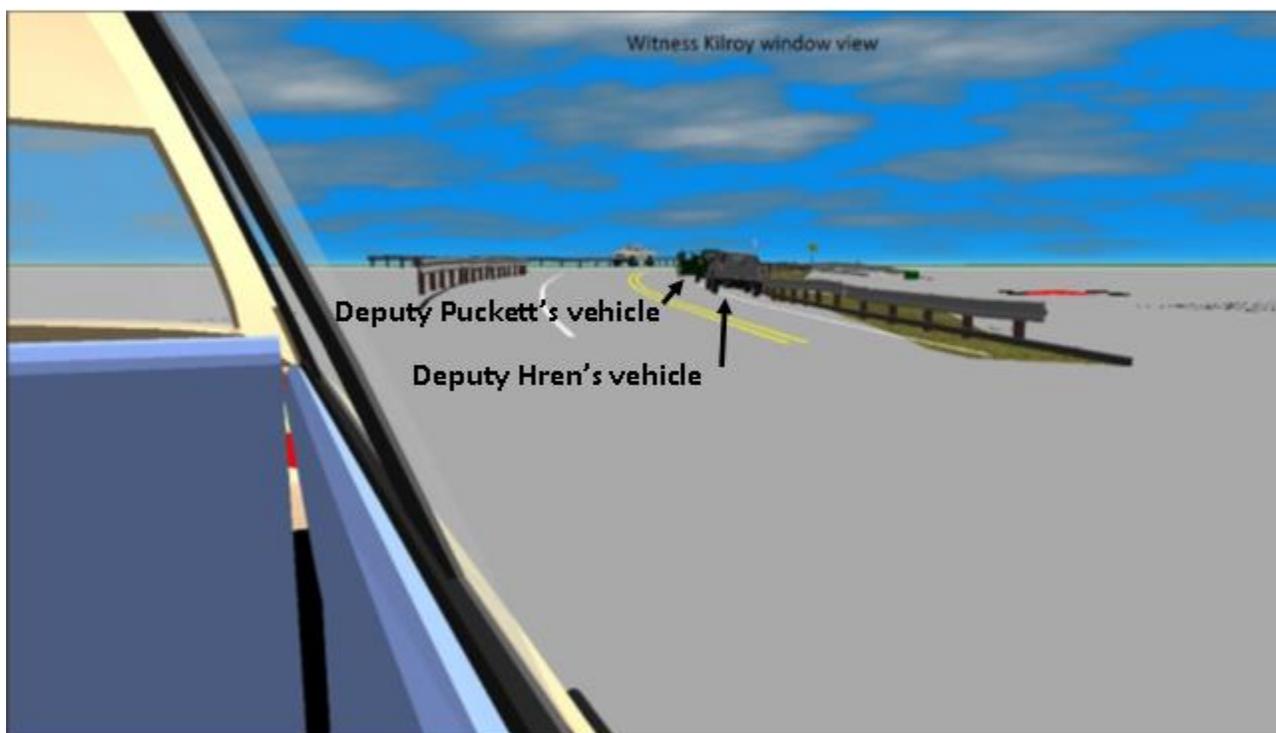
Randall Kilroy

Kilroy was sitting in his car, parked at the northeast corner of Bethel-Burley Rd SE and Ellis Ct, after calling 9-1-1. He twisted his body around in the driver's seat so he could see what was happening. Pruittte got off the overpass and started walking northbound on Bethel-Burley Rd SE, as approaching police sirens could be heard in the area. Two patrol vehicles arrived and

pulled over to the west side of the road, one behind the other, facing southbound, just north of the overpass.

Kilroy observed, "As soon as he (Pruitte) saw those officers, as fast as he could he ran at the officers. I watch him lift his shirt and reach, and then all you heard was a pop."³⁰ Kilroy thought Pruitte was "makin' it appear that he was pulling a piece. That's exactly what it looked like."³¹ Kilroy later wrote in his sworn statement, Pruitte looked "as if he was going to draw a gun on the officers."³²

When the deputy from the rear vehicle (Deputy Hren) got out of his car, Kilroy thought he walked over to the passenger side of the front vehicle (Deputy Puckett's vehicle), after which Kilroy could no longer see him. Kilroy thought the shot was fired by Deputy Hren because he didn't see Deputy Puckett's gun move. Kilroy was unable to hear what the deputies or Pruitte were saying, due to the excessive noise of the highway traffic.



WSP 3D diagram of Kilroy's perspective while sitting inside his vehicle

Jimmy Bennett

J. Bennett was sitting in the driver's seat of his truck on the east shoulder of the road, between Bielmeier Rd and Ellis Ct, after his near-altercation with Pruitte. Hearing sirens in the distance, J. Bennett turned to his left and looked behind him to see two patrol vehicles approaching with their lights and sirens activated. J. Bennett watched as the vehicles pulled up side-by-side,

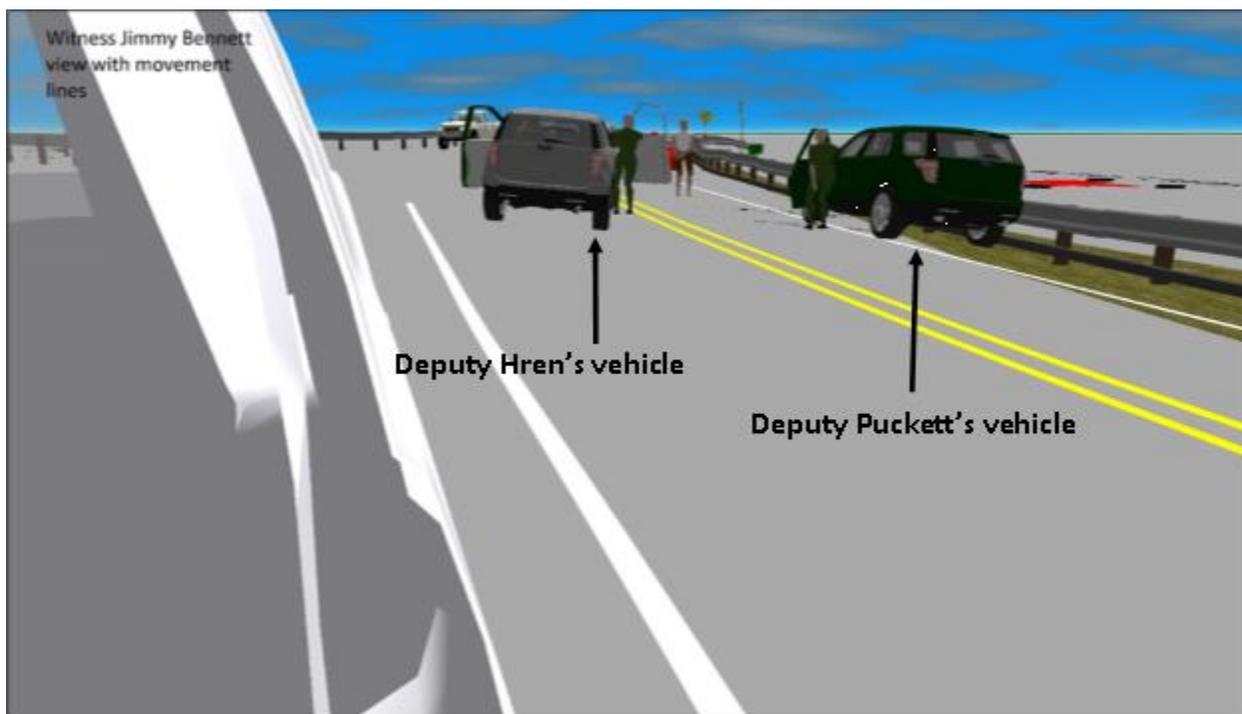
³⁰ Randall Kilroy transcript from interview with BPD Detective Chapman, p. 3, lines 2-3 (Tab 15)

³¹ Randall Kilroy transcript from interview with BPD Detective Chapman, p. 3, line 17 (Tab 15)

³² Randall Kilroy's Sworn Statement, line 13 (Tab 15)

facing southbound, and Pruitte started walking towards them. J. Bennett thought the deputies had very little time to exit their vehicles because Pruitte was *“right on the deputies.”*³³ J. Bennett explained Pruitte was standing in front of the patrol vehicles before the deputies had time to react.

The deputy in the green vehicle closest to the guardrail (Deputy Puckett) got out of the car and stood behind the open driver’s side door with his gun drawn and pointed at Pruitte. The deputy in the silver vehicle to the left of Deputy Puckett’s vehicle exited the front passenger side, closed the car door, and stood next to the passenger side of the car, to the left of Deputy Puckett. J. Bennett watched this deputy (presumably Deputy Hren) point his gun at Pruitte while telling him to *“get on the ground.”*³⁴ J. Bennett saw a third deputy exit the driver’s side of the silver SUV, stand by the open driver’s side door, and also point his gun at Pruitte. The investigation later determined there was not a third deputy involved during the initial contact with Pruitte. Additional deputies did not arrive on scene until after the shooting when aid was being rendered.



WSP 3D diagram of J. Bennett’s perspective while sitting inside his vehicle

J. Bennett believed the interaction between Pruitte and the deputies happened very quickly. Within five seconds of the deputies arriving on scene, getting out of their vehicles, and ordering Pruitte to the ground, J. Bennett heard five gunshots being fired in quick succession. J. Bennett

³³ BPD Supplemental Report by Detective Davis, interview with Jimmy Bennett (not recorded), p. 1, paragraph 3, lines 4-5 (Tab 12)

³⁴ BPD Supplemental Report by Detective Davis, interview with Jimmy Bennett (not recorded), p. 2, paragraph 1, line 1 (Tab 12)

recalled Pruitte was about five feet away from the deputies when he was shot, and he immediately fell to the ground.

Prior to Pruitte being shot, J. Bennett did not see him reach for anything in his shorts pocket or waistband, but he noticed Pruitte got into a *“tackling position”*³⁵ and took *“a stance like he was ready to attack”*³⁶ the deputies. J. Bennett described Pruitte’s body posture as being in a semi-squat position, flexing his chest and clenching his hands into fists, with his arms out to his sides, like someone who wanted to fight. Pruitte ignored the deputies’ commands to get down on the ground. J. Bennett felt Pruitte’s demeanor was indicative of him wanting to die, and he believed Pruitte *“wanted to be shot by the cops.”*³⁷ J. Bennett thought he heard Pruitte say something similar to, *“I’m ready for you.”*³⁸ Because the deputies’ backs were to him, J. Bennett was unable to see which deputy had fired at Pruitte, but after Pruitte was shot, the deputies started to render aid to him.

Lori Ann Bennett

Prior to the deputies arriving on scene, L. Bennett had left the church parking lot and was driving northbound on Bethel-Burley Rd SE. As she approached the overpass, her husband was running across the road, back towards his truck, and Pruitte was still walking in the middle of the roadway.

Although her attention was mostly on Pruitte and her husband, L. Bennett noticed two patrol cars pull up and park side-by-side, in a similar manner as described by her husband. From an unobstructed vantage point, about 30-50 feet away, L. Bennett saw two deputies standing approximately 5 feet apart from each other, with their guns drawn and pointed at Pruitte.

L. Bennett had the windows rolled down in her car, and she heard the deputies telling Pruitte to stop and get on the ground. Pruitte ignored them and picked up his stride, continuing to walk towards the deputies at a faster pace, stopping when he was about 10-15 feet away from them. Pruitte took an aggressive stance, with his shoulders rolled forward, his arms flexed out to his sides, and his hands balled up into fists. L. Bennett described Pruitte’s posture as looking *“like a wrestler gettin’ ready to go into match.”*³⁹ L. Bennett did not see Pruitte place his hands in his pockets or his waistband area during his confrontation with the deputies, and she believed his hands were visibly clenched into fists the entire time.

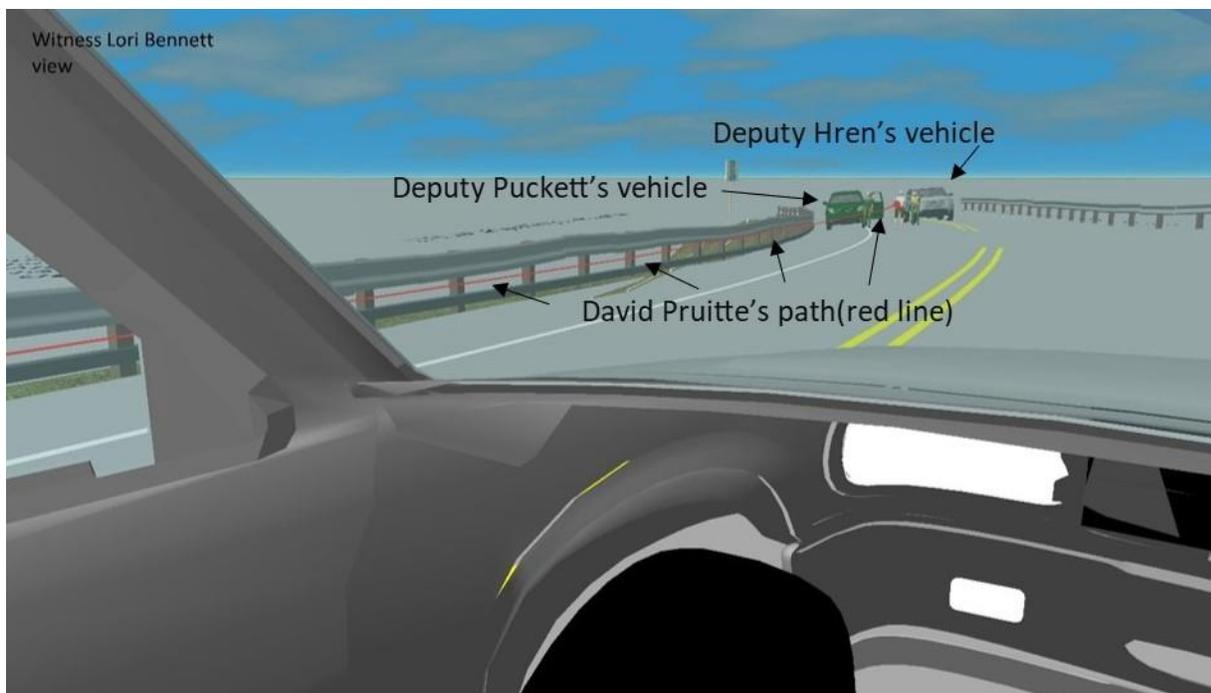
³⁵ BPD Supplemental Report by Detective Davis, interview with Jimmy Bennett (not recorded), p. 2, paragraph 1, line 2 (Tab 12)

³⁶ KCSO Supplemental Report by Deputy Gray, interview with Jimmy Bennett (not recorded), page 7 (2), paragraph 4, line 2 (Tab 12)

³⁷ Jimmy Bennett transcript from interview with BPD Detective Ayers, p. 10, line 22 (Tab 15)

³⁸ BPD Supplemental Report by Detective Davis, interview with Jimmy Bennett (not recorded), p. 2, paragraph 1, line 5 (Tab 12)

³⁹ Lori Ann Bennett transcript from interview with BPD Detective Ayers, p. 8, line 11 (Tab 15)



WSP 3D diagram of L. Bennett's perspective while sitting in her vehicle

Almost immediately after Pruitte assumed a fighting stance with the deputies, L. Bennett heard five gunshots and Pruitte fell backwards to the ground. One of the deputies walked towards Pruitte with his gun still drawn and pointed at Pruitte. The second deputy came up with first aid supplies, and both deputies started rendering aid to Pruitte.

Cory and Jessica Neuhofel

After calling 9-1-1, the Neuhofels saw two patrol vehicles arriving from the north. Wanting to know what was going to happen, C. Neuhofel pulled into the driveway of Rusty Rides Autos at 6791 Bethel-Burley Rd SE. The Neuhofels watched as a green SUV (Deputy Puckett's vehicle) parked on the west side of the road, and a silver SUV (Deputy Hren's vehicle) parked just behind the green one.

From their position to the north of where the deputies had parked, the Neuhofels were able to see Pruitte through Deputy Puckett's open driver's side door window when Deputy Puckett got out of his vehicle and stood in the space between the open door and the driver's seat. The Neuhofels believed Deputy Hren exited his vehicle and walked over to the passenger side of Deputy Puckett's car, after which they were unable to see him.

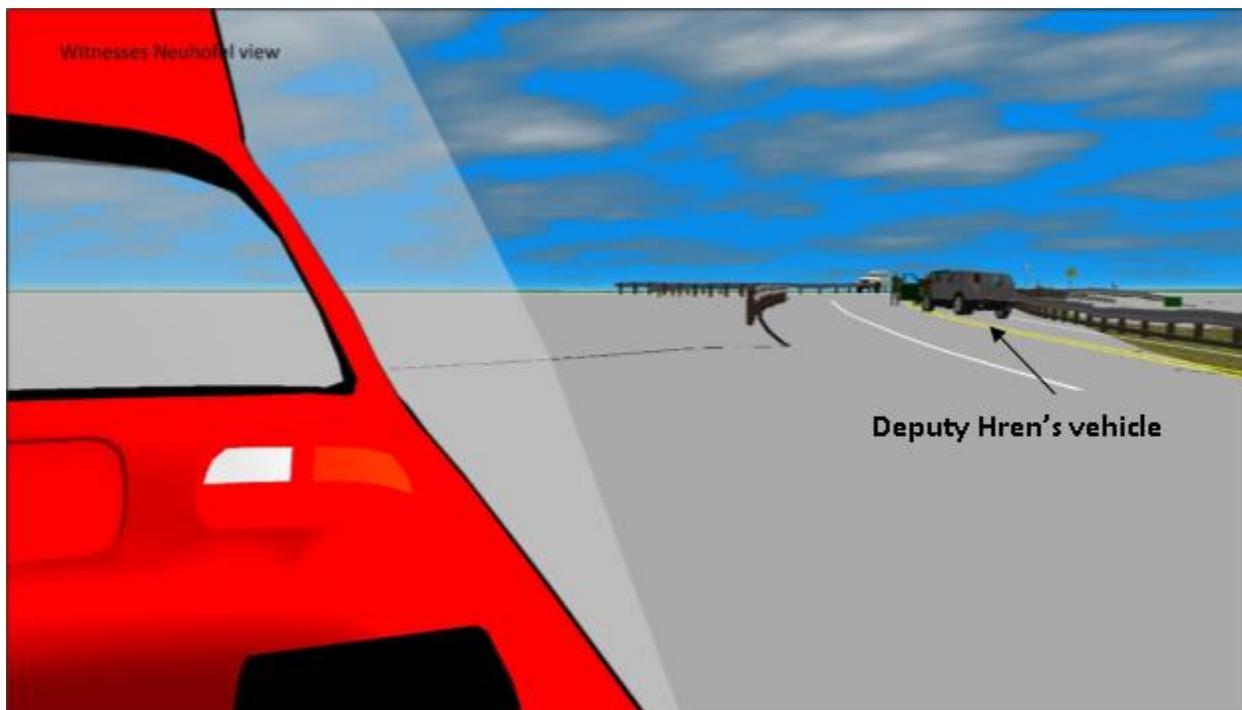
As Pruitte walked from the overpass towards the deputies, C. Neuhofel thought he was initially walking at a normal pace, but Pruitte's demeanor changed and he started walking "with purpose,"⁴⁰ clenching his fists. C. Neuhofel heard Deputy Puckett tell Pruitte, "Stop, get down,"⁴¹ several times, but Pruitte kept advancing towards the deputies. J. Neuhofel thought

⁴⁰ Cory and Jessica Neuhofel transcript from interview with Detective Chapman, p. 12, line 15 (Tab 15)

⁴¹ Cory and Jessica Neuhofel transcript from interview with Detective Chapman, p. 14, line 11 (Tab 15)

Pruitte was “charging”⁴² at the deputies as soon as he got off the overpass, and she heard one of the deputies saying, “Stop! Stop... you need to back up.”⁴³

The Neuhofels did not see Pruitte get shot because they lost sight of him when he walked in front of Deputy Puckett’s vehicle, but they heard between three and five gunshots, in rapid succession. The Neuhofels believed the entire confrontation between Pruitte and the deputies transpired very quickly.



WSP 3D diagram of the Neuhofels' perspective while sitting inside their vehicle

David Reimer

Reimer was driving back northbound on Bethel-Burley Rd SE, approaching the driveway of Sentry Storage at 6867 Bethel-Burley Rd SE, when he heard gunshots. Reimer parked his vehicle on Ellis Ct and started talking with other bystanders who told him Pruitte had been shot by the deputies. Reimer looked over and saw Pruitte laying in the street, while several deputies were trying to give him medical care. Reimer recalled, “There were probably one, two, three, and a fourth guy standing, in an effort to resuscitate.”⁴⁴

Although Reimer did not see the shooting occur, he used his cell phone to take a video of the scene after Pruitte was shot. The video is one minute and six seconds long. At about the 56 second mark, Reimer moves his phone away from the window and leaves the scene. The remaining seconds of the video capture the interior of Reimer’s car.

⁴² Cory and Jessica Neuhofel transcript from interview with Detective Chapman, p. 12, line 15 (Tab 15)

⁴³ Cory and Jessica Neuhofel transcript from interview with Detective Chapman, p. 18, line 2 (Tab 15)

⁴⁴ David Reimer transcript from interview with BPD Detective Chapman, p. 6, line 21 (Tab 15)



Still shot from Reimer's cell phone video

The camera view of the video is from the inside of Reimer's vehicle, while he's sitting in the driver's seat with his phone aimed through the open front passenger side window.

Reimer's video was recorded in "portrait" mode (vertical), as opposed to "landscape" mode (horizontal), which provides a narrower field of vision. The camera doesn't capture anything north of the rear of Deputy Puckett's vehicle.

The first half of the video involves Reimer talking with other bystanders at the scene. At about the 40 second mark, Reimer zooms in on the deputies providing medical aid to Pruitte.

Although the video footage is grainy, two, or possibly three, deputies can be seen kneeling on the ground to the south of Deputy Puckett's green SUV, actively engaged in CPR on Pruitte. It appears as though one deputy stands up and walks from the area of Pruitte's head over by his feet, but the camera is partially obstructed for several seconds by a male in white jeans with no shirt on. Two additional deputies, later determined to be Sergeant Dickinson and Deputy Hren, can be seen standing behind Deputy Puckett's vehicle talking.

Brayden Maynard

Maynard was driving back northbound on Bethel-Burley Rd SE when he saw both patrol cars arriving with their lights and sirens on. Maynard pulled over to the side of the road, near Bielmeier Rd. Sitting in the driver's seat of his vehicle, facing northbound, with his windows rolled up, Maynard had a view of the backside of Pruitte as he walked toward the deputies, who were standing behind their vehicle doors.

Maynard heard the deputies continually yelling at Pruitte, *"Stop. Get your hands out of your pocket!"*⁴⁵ Pruitte appeared not to listen and instead continued to walk towards the deputies. When Pruitte was within about ten feet of the deputies, he had *"his right hand in his pocket and he was moving it around... definitely pretending to have something in his pocket."*⁴⁶ Maynard believed the deputies fired six shots at Pruitte.

⁴⁵ Brayden Maynard transcript from interview with WSP Detective Welander, p. 2, line 29 (Tab 15)

⁴⁶ Brayden Maynard transcript from interview with WSP Detective Welander, p.6, lines 15-18 (Tab 15)

Maynard got out of his car and walked over to where the deputies were to see if he could help. He was told to stay back, so he stood by the railing and watched as several deputies cut away Pruitte's shorts, bandaged the gunshot wounds, checked his body for additional injuries, performed CPR, and applied the AED (Automatic External Defibrillator). Maynard believed the deputies acted quickly when they started first aid on Pruitte.

Investigators attempted a follow-up interview with Maynard to conduct a 3D scene rendering indicating his observations and viewpoint related to the shooting. Maynard was unwilling to cooperate and did not want to answer any further questions.

Kayla Beers

After calling 9-1-1, Beers started driving northbound on Bethel Burley Rd SE, back towards the overpass. As she was approaching Bielmeier Rd, Pruitte was walking northbound along the road, just as two patrol cars were approaching southbound, with their lights activated. The patrol vehicles pulled to the west side of the road, one behind the other.

The deputy in the front vehicle (Deputy Puckett), exited the driver's side of the vehicle and stood between the open door and the car, with his arms extended out in front of him, and his gun held over the car door. The deputy from the second vehicle (Deputy Hren), got out of his car and walked over to the front passenger side of Deputy Puckett's vehicle.

Beers recalled,

"...I could see they were indicating for him (Pruitte) to stop, and he didn't stop, he just kept walking toward em... and at one point he reached for something in his pocket, and it appeared to be L shaped; I assumed at the time it was a gun... at that point, I was kinda like oh crap, this is gonna get bad."⁴⁷

Beers was making her observations from a distance of approximately 80-100 feet away, and Pruitte's back was to her, so she didn't see the actual item in his pocket, but she recalled seeing something "tube-shaped"⁴⁸ "in the outline of his pants."⁴⁹ Beers was unable to hear anything the deputies were saying to Pruitte because her car windows were rolled up. Beers described Pruitte's demeanor as calm, but with a "funny sort of walk,"⁵⁰ as though he may have been limping, and he continued approaching the deputies when they motioned for him to stop. After Pruitte was shot, the deputies "went over and appeared to be checking on him... and then they started performing CPR."⁵¹

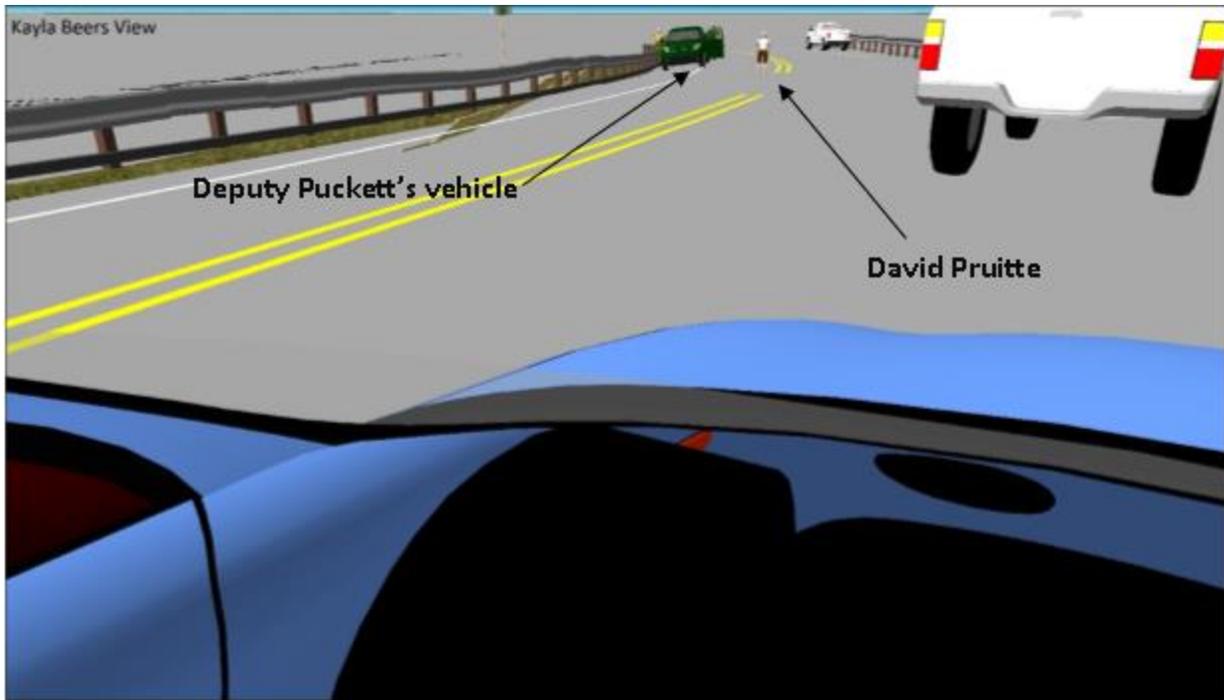
⁴⁷ Kayla Beers transcript from interview with BPD Detective Corn, p. 4, lines 7-11 (Tab 15)

⁴⁸ Kayla Beers transcript from interview with BPD Detective Corn, p. 9, line 22 (Tab 15)

⁴⁹ Kayla Beers transcript from interview with BPD Detective Corn, p. 9, line 12 (Tab 15)

⁵⁰ Kayla Beers transcript from interview with BPD Detective Corn, p. 5, line 22 (Tab 15)

⁵¹ Kayla Beers transcript from interview with BPD Detective Corn, p. 12, lines 8-9 (Tab 15)



WSP 3D diagram of Beers' perspective from inside her vehicle

Brian Bennett

B. Bennett was driving northbound on Bethel-Burley Rd SE, and his son, Samuel Bennett, was sitting next to him in the front passenger seat. As he was crossing the overpass, B. Bennett saw two patrol cars had pulled over to the west side of the road, facing southbound. Not wanting to be in the way of whatever was going on, B. Bennett pulled over to the east shoulder of the road, where several other cars had also stopped.

While sitting in the driver's seat of his vehicle, approximately forty feet away, B. Bennett had a view of Pruitte from behind. B. Bennett recalled Pruitte walked towards the deputies *"in a crouched position... turned to his right with both hands on his right hip as if he would – had a firearm or – or something. That's what it looked like and um, you could see that they were uh, trying to get him to stop advancing and he wasn't..."*⁵²

B. Bennett thought he heard someone yelling, *"Stop!"*⁵³ but Pruitte kept on walking. When Pruitte was almost at the front of the first deputy's car (Deputy Puckett's vehicle), B. Bennett heard two or three gunshots. B. Bennett watched the deputies retrieve their first aid equipment and perform CPR on Pruitte.

⁵² Brian Bennett transcript from interview with WSP Detective Welander, p. 3, lines 1-5 (Tab 15)

⁵³ Brian Bennett transcript from interview with WSP Detective Welander, p. 4, line 7 (Tab 15)



WSP 3D diagram of B. Bennett's and S. Bennett's perspectives from inside their vehicle

Samuel Bennett

Sitting in the passenger side of his dad's vehicle, S. Bennett also described Pruitte approaching Deputy Puckett's vehicle *"in a crouched position and... both hands were on his right hip, it looked like he was gonna draw like a firearm if he had one."*⁵⁴ S. Bennett did not see Pruitte with anything in his hands.

S. Bennett could only remember one deputy by the patrol car, and he thought the deputy was positioned behind his car door. When Pruitte was about five feet away from the deputy's vehicle, S. Bennett heard three shots being fired. S. Bennett watched the deputy go back to his car, grab a medical kit, and start doing CPR on Pruitte. Several other deputies arrived and *"they were switching off doing the CPR."*⁵⁵

⁵⁴ Samuel Bennett transcript from interview with WSP Detective Hedstrom, p. 2, lines 13-15 (Tab 15)

⁵⁵ Samuel Bennett transcript from interview with WSP Detective Hedstrom, p. 4, line 27 (Tab 15)

ADDITIONAL LAW ENFORCEMENT INVOLVEMENT:

Deputy Carson

Deputy Carson was on duty and assigned to the “South John” area in Port Orchard when he heard CenCom broadcast radio traffic advising *“of a possible suicidal subject... somewhere in the area of Bethel and Bielmeier... Reporting parties claimed that the individual was sitting on the overpass over... Highway 16... dangling his legs over the overpass.”*⁵⁶

Deputy Carson was responding to the call, headed eastbound on SW Lider Rd, about halfway between Sidney Rd SW and Bethel-Burley Rd SE, when he heard Deputy Puckett and Deputy Hren arrive on scene. Deputy Carson recalled, *“... shortly thereafter, I heard priority detail over the radio... CenCom advised... the RP who was on the phone advised shots were fired... so I went code and en route. I was there within a minute.”*⁵⁷

When Deputy Carson arrived, he saw Pruitte was lying face up on the ground, and deputies Puckett and Hren were *“rushing over to the male (Pruitte) with what appeared to be their IFAK... first aid kits.”*⁵⁸ Deputy Carson advised dispatch he was on scene, grabbed the IFAK from his vehicle, and went to help them.

Deputy Mayne

Deputy Mayne was also on duty and assigned to the “South John” area in Port Orchard. She was typing reports in her patrol vehicle, in the area of Colony Ave SE and SE Pine Rd, near Bethel-Burley Rd SE, when she heard CenCom dispatch a welfare check for multiple reports of people seeing a male sitting on the edge of the overpass of Bethel-Burley Rd SE, above Highway 16. Deputy Mayne decided to head in that direction. While en route, she looked at the computer terminal in her patrol vehicle and saw that deputies Puckett and Hren had already arrived in the area.

Deputy Mayne recalled, *“... as I was kinda listening I realized that all of a sudden I could hear something along the lines of shots.”*⁵⁹ Deputy Mayne elaborated, *“So, over the radio I was hearing shots, so I’m gonna assume that’s shots fired...”*⁶⁰ Deputy Mayne picked up her speed to get there, arriving within seconds of Deputy Carson. Deputy Mayne saw Pruitte lying on the ground, while deputies Puckett and Hren were starting first aid measures. Deputy Mayne grabbed the IFAK from her vehicle and ran over to assist.

⁵⁶ Deputy Carson transcript from interview with BPD Detective Munjekovich and POPD Detective Deatherage, p. 2, lines 1-3 (Tab 15)

⁵⁷ Deputy Carson transcript from interview with BPD Detective Munjekovich and POPD Detective Deatherage, p. 2, lines 7-9 (Tab 15)

⁵⁸ Deputy Carson transcript from interview with BPD Detective Munjekovich and POPD Detective Deatherage, p. 2, lines 12-13 (Tab 15)

⁵⁹ Deputy Mayne transcript from interview with BPD Detective Munjekovich and POPD Detective Deatherage, p. 3, lines 3-4 (Tab 15)

⁶⁰ Deputy Mayne transcript from interview with BPD Detective Munjekovich and POPD Detective Deatherage, p. 3, line 12 (Tab 15)

POST-SHOOTING ACTIONS – IMMEDIATE FIRST AID MEASURES

After quickly confirming Pruitte did not have any weapons, Deputy Puckett and Deputy Hren immediately started assessing Pruitte's injuries and administering first aid. Deputy Puckett noticed Pruitte's breathing was labored, and he was wheezing. When he lifted up Pruitte's shirt, Pruitte was bleeding from a wound to the left side of his chest.

Deputy Hren handed Deputy Puckett a chest seal, which Deputy Puckett applied over Pruitte's chest wound. Deputy Puckett also applied a tourniquet to Pruitte's left arm, which was bleeding from a gunshot wound. Simultaneously, Deputy Hren applied a pressure bandage to a gunshot wound on Pruitte's lower right leg, after which he cut Pruitte's shorts to check for additional wounds.

When Deputy Mayne ran up with her IFAK, Deputy Puckett was putting a tourniquet on Pruitte's left arm while Deputy Hren was bandaging Pruitte's right calf. Deputy Mayne noticed Pruitte *"was audibly gasping."*⁶¹ She assisted with turning Pruitte over to look for any possible exit wounds on his back. After seeing a gunshot wound on the right side of Pruitte's hip / buttocks area, Deputy Mayne bandaged the wound with dressing from her IFAK.

While waiting for fire department paramedics to arrive, Deputy Mayne noticed that Pruitte stopped breathing. Deputy Mayne checked Pruitte's carotid pulse, on the side of his neck, and discovered he no longer had a perceptible pulse. Deputy Mayne advised CenCom she wasn't feeling a pulse, and Deputy Hren instructed the other deputies to start CPR compressions while he went to his vehicle to retrieve an AED (Automated External Defibrillator, a portable medical device used to analyze the heart rhythm in a person experiencing sudden cardiac arrest).

Deputy Puckett started chest compressions on Pruitte, while Deputy Mayne and Deputy Carson helped to keep Pruitte's head supported to prevent further injury, since he was lying on asphalt. When Deputy Puckett became exhausted from giving compressions, he was relieved by Deputy Carson. Deputy Mayne obtained the AED from Sergeant Dickinson, applied the pads to Pruitte's chest, and waited for the machine to analyze Pruitte's heart rhythm.

Deputy Carson recalled, *"I continued compressions until AED advised to stop compressions... or no shock advised, continue CPR. I continued CPR... up until aid (fire department paramedics) got there."*⁶² Deputy Mayne believed the paramedics left the AED on Pruitte when they loaded him into the back of the rescue ambulance.

⁶¹ Deputy Mayne transcript from interview with BPD Detective Munjekovich and POPD Detective Deatherage, p. 4, line 21 (Tab 15)

⁶² Deputy Carson transcript from interview with BPD Detective Munjekovich and POPD Detective Deatherage, p. 3, lines 7-9 (Tab 15)

FIRE DEPARTMENT RESPONSE / HOSPITAL

Firefighter EMT (Emergency Medical Technician) Mitchell Thorsen and Firefighter Paramedic Brian Dyste were on duty at South Kitsap Fire and Rescue Station 8, located at 1974 Fircrest Drive SE in Port Orchard, when they *“were toned to a gun injury... and as we got into our rig, we saw that it was an officer-involved shooting.”*⁶³ Thorsen and Dyste were assigned to Medic 8 that shift. Although they were some distance from the area where the incident occurred, they were the closest responding unit, due to other units in the district being assigned to several large brush fires in the area.

Thorsen recalled,

*“I think we were one of the only remaining units at that time available in the district... so we had some distance to cover from our headquarters station to the, to the scene... it probably took us five to eight minutes to get there... once we got on the scene... saw CPR was already in progress by the law enforcement officers that were there... we did pretty much just a scoop and run, where we stopped, pulled out the gurney, and I think we were on scene for a maximum of maybe two minutes... other units pulled up shortly after we did. We grabbed their personnel and then headed straight to the hospital (St. Joseph’s Medical Center) in Tacoma.”*⁶⁴

Thorsen added, *“It was CPR in progress the whole time.”*⁶⁵

Kitsap County Sheriff’s Office Deputy William Jenkins was assigned to follow Medic 8 to St. Joseph’s Medical Center in Tacoma. He arrived at the hospital at approximately 8:03 p.m. and was directed to room 2. Deputy Jenkins waited outside room 2 in the hallway until he was relieved by Washington State Patrol Trooper K. Dahl at around 8:16 p.m. Trooper Dahl remained on scene at the hospital until Kitsap County Coroner’s Office took possession of Pruitt, who was pronounced deceased at St. Joseph’s Medical Center at 9:29 p.m.

SCENE INVESTIGATION

Prior to KCIRT investigators arriving, Kitsap County Sheriff’s Deputies and responding Washington State Patrol Troopers shut down the roadways, and the scene was secured with crime scene tape. A crime scene log was started, and security of the scene was maintained throughout the investigation. The deputies who were involved in the incident were moved from the scene to the Kitsap Community Resources (KCR) center, located at 3200 Rainshadow Ct, Port Orchard. Investigators scanned the scene with a Trimble X5 3D scanner and placed markers where evidence was located.

⁶³ Firefighter EMT Thorsen transcript from interview with WSP Detective Hedstrom, p. 2, lines 24-25 (Tab 15)

⁶⁴ Firefighter EMT Thorsen transcript from interview with WSP Detective Hedstrom, p. 2, lines 28-35, continued on p. 3, lines 2-5 (Tab 15)

⁶⁵ Firefighter EMT Thorsen transcript from interview with WSP Detective Hedstrom, p. 3, line 21 (Tab 15)



Investigator photo of hat, shorts, cell phone, and cell phone case in Pruitt's possession, along with first aid supplies used at scene

Investigators later collected the cell phone and cell phone case that had been removed from Pruitt's pockets by Deputy Puckett. Investigators obtained a search warrant for Pruitt's cell phone from Kitsap County Superior Court on August 26, 2020. The cell phone was submitted to Naval Criminal Investigative Service (NCIS) for Cellebrite extraction.



Zoomed-in image of the cell phone and cell phone case in the previous photo

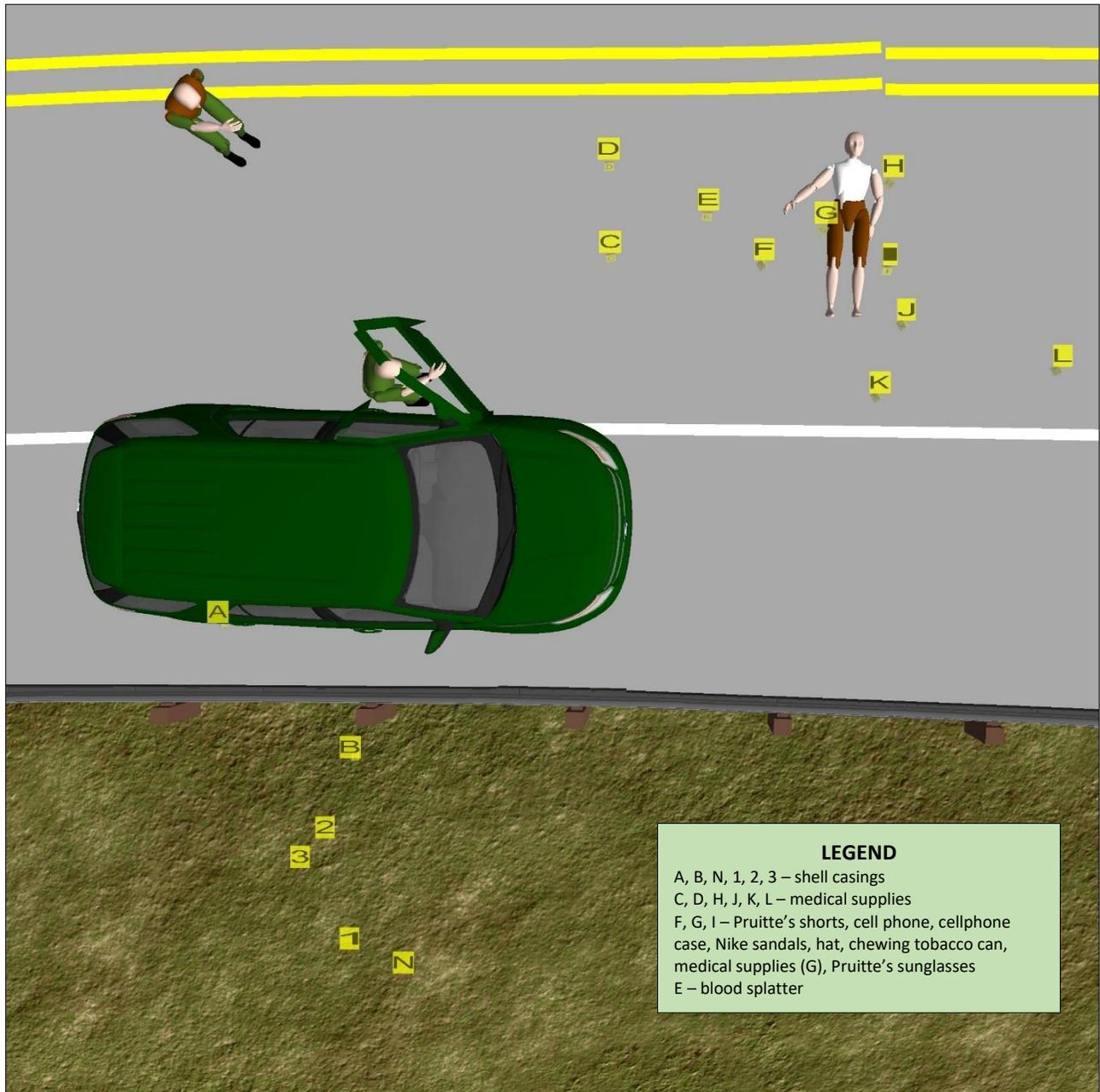
When investigators canvassed the crime scene on the night of the incident, Deputy Puckett's green SUV (lic plate #A4897C) was parked on the west shoulder of Bethel Burley Rd SE, north of SE Bielmeier Rd, facing south. Deputy Hren's silver SUV (lic plate #B6622C) was parked a few feet behind Deputy Puckett's vehicle, also facing south.

Three .45 caliber casings were found at the scene during the initial investigation. These were determined to be from Deputy Hren's duty weapon. One casing was located on the shoulder of the roadway just northwest of the rear passenger tire of Deputy Puckett's vehicle (placard marker "A"). A second casing was located in the dirt / gravel area to the west of the guardrail between the front and rear passenger tires of Deputy Puckett's vehicle (placard marker "B"). The third casing was located to the west of the guardrail, in the grass embankment (placard marker "N").

Three additional .45 caliber casings were found on the morning of August 06, 2020, during a second canvassing of the area during daylight, at approximately 1045 hrs. One casing was found using a Garrett AT-Pro metal detector. This casing was located on the grass embankment, approximately 1-2 inches under the tall grass / dirt, indicating it was likely stepped on and unknowingly partially buried in the ground during the search the previous night (placard marker

“1”). This casing was discovered a couple feet to the northeast of where casing placard marker “N” was found the night before.

The other two casings were located without the use of the metal detector, observed almost side-by-side in the grass area of the embankment closer to the guardrail (placard markers “2” and “3”), just to the west of where casing placard marker “B” had been found during the initial scene investigation. All of the casings located were a match to the caliber of ammunition used by Deputy Hren.



WSP 3D diagram of evidence of found at the scene

Attempts were made to locate video footage of the incident from businesses and residences in the surrounding area. The only location with an operable surveillance camera actively recording at the time of the incident was determined to be Sentry Self Storage, located at 6768 Bethel-Burley Rd SE, just north of the overpass. Investigators reviewed the recorded surveillance footage and observed the camera angles did not cover the area of the street where the interaction between Pruitte and the deputies took place. Aside from the cell phone footage provided by Reimer, no other recorded evidence of the incident was located.

INVOLVED DEPUTY PROCESSING

Deputy Hren and Deputy Puckett both declined to be interviewed or provide statements on the night of the incident, and they both retained Lisa Elliott as their attorney.



Deputy Hren

Photographs taken by Investigators at KCR during Deputy processing.



Deputy Puckett

Investigators conducted inspections and round counts of Deputy Hren's duty firearm, backup firearm and extra magazines, as well as Deputy Puckett's duty firearm and extra magazines. Ballistic vests, uniforms, duty belts, and firearms were collected as evidence from both deputies Hren and Puckett.

Deputy Hren's firearm, a .45 caliber Sig Sauer P220, was submitted to the Washington State Patrol Crime Lab for ballistic analysis, along with .45 caliber casings recovered the scene and two bullets recovered from Pruitte's body at the autopsy.⁶⁶ The lab results indicated "*The three*

⁶⁶ Washington State Patrol Crime Laboratory Request for Laboratory Examination Form (Tab 18)

fired .45 caliber cartridge cases submitted... were identified as having been fired in the same firearm based on sufficient agreement of individualized characteristics.”⁶⁷

During the round count of Deputy Puckett’s duty firearm, it was discovered the magazine in his duty weapon contained 14 rounds, with one additional round in the chamber of his gun, for a total of 15 rounds. Deputy Puckett also had two fully loaded 9mm magazines on his gun belt, containing 15 rounds each.⁶⁸

When asked about why the magazine in his duty weapon only held 14 rounds, Deputy Puckett explained he always loads his magazines to full capacity at 15 rounds each. After he inserts the magazine into his firearm, he cycles one round into the chamber, leaving 14 rounds remaining in the magazine. Although it is common practice in law enforcement to “top off” the magazine by adding an additional round so the magazine is at full capacity, Deputy Puckett does not do this. Deputy Puckett stated he did not fire his weapon on the night of the shooting, and the investigation confirmed this was accurate.

During the round count of Deputy Hren’s duty firearm and magazines, investigators determined Deputy Hren carries three magazines loaded with duty ammunition on the lower right side of his external vest carrier. All of Deputy Hren’s magazines were noted to be .45 caliber magazines with a maximum 8-round capacity. Two of the magazines were fully loaded with 8 rounds, and one magazine was loaded with 2 rounds. The magazine in Deputy Hren’s duty weapon was fully loaded with 8 rounds, and there was a round in the chamber of the firearm.

In his initial written statement, Deputy Hren stated after he shot Pruitte, he did a tactical reload before re-holstering his weapon (A tactical reload involves removing a partially spent magazine from the chamber of the weapon and replacing it with a loaded magazine, while still retaining the original magazine with the few remaining rounds). Based on Deputy Hren’s statement and the overall round count, as well as the shell casings located at the scene, investigators determined Deputy Hren fired six shots.

EXAMINING CONFLICTING WITNESS STATEMENTS

Witnesses who were present at the scene relayed varying accounts of what they saw and heard. This is not uncommon. Witness accounts may be different depending on several factors, including their viewing angle, distance from the scene, events they saw preceding the incident, particular things they may have been focusing on, how much of the overall incident they were present for, and cognitive recall factors.⁶⁹

⁶⁷ Washington State Patrol Crime Laboratory Report, p. 1, paragraph 2 (Tab 18)

⁶⁸ BPD Weapon Charting Reports for Deputy Hren’s Sig Sauer .45, 4 pages (Tab 24)

⁶⁹ Attempting to accurately reconstruct any rapidly evolving incident from the recall of the participants can be challenging, especially the timing and sequencing of all the individual actions which comprised the entire event. Such events also impose considerable stress, especially on those who are closest to the action. When this stress is combined with the cognitive demands imposed on the participants as a function of their active role, impairment to subsequent recall should be anticipated. Those evaluating the incident after the fact should be mindful of the

J. Bennett and L. Bennett both stated they saw the two deputy vehicles parked side-by-side in the roadway, facing southbound. However, in the cell phone video taken by Reimer, this appears not to be the case, as there is no vehicle visible in the roadway to the left of Deputy Puckett's vehicle. Only Deputy Puckett's green SUV can be seen parked on the west shoulder of the road, facing southbound, with the emergency lights activated. The portion of the roadway to the north of Deputy Puckett's vehicle is initially obscured by a white pick-up truck and later not visible at all when Reimer zooms in on the deputies performing CPR on Pruitte.

Witnesses had varying accounts of Pruitte's demeanor and movement when he was confronting the deputies. Kilroy saw Pruitte lift his shirt and reach into his waistband. J. Bennett and L. Bennett both saw Pruitte with his arms flexed out to his sides, and neither of them reported Pruitte reaching for anything in his pockets or waistband. Maynard and Beers saw Pruitte with his right hand in his right shorts pocket. B. Bennett and S. Bennett saw Pruitte with both of his hands on his right hip. Despite their varying accounts of Pruitte's hand placement, all of the witnesses made similar statements about Pruitte's aggressive, confrontational demeanor towards the deputies. Kilroy, Maynard, Beers, B. Bennett, and S. Bennett further made statements about believing Pruitte likely had a firearm or other unidentified item in his pocket.

Witness statements also placed the deputies in different locations at the scene. J. Bennett saw two additional deputies to the left of Deputy Puckett. L. Bennett saw Deputy Puckett and Deputy Hren standing side-by-side, approximately 5 feet apart. S. Bennett could only remember seeing one deputy standing behind his patrol car door. Although J. Bennett indicated he saw a third deputy at the scene when deputies Puckett and Hren made initial contact with Pruitte, investigators determined there was no third deputy involved.

Kilroy, Beers, and the Neuhofels all saw Deputy Hren exit his vehicle and walk to the passenger side of Deputy Puckett's vehicle, at which point Deputy Hren was reportedly no longer visible. When investigators conducted walk-throughs of the scene, and placed the same make and model law enforcement SUV in the location where Deputy Puckett's vehicle was at the time of the incident, it was observed the space between the passenger side of Deputy Puckett's vehicle and the guardrail on the west shoulder of the road was relatively narrow. When measured, the space was approximately 20", indicating Deputy Hren would have had to squeeze himself into an area less than two feet wide if he was on the right side of Deputy Puckett's vehicle, where several witnesses had placed him on the night of the shooting.

Taking into account Deputy Hren was wearing an external vest carrier with pouches on the exterior of the front and sides of his vest for his radio, extra handgun and rifle magazines, handcuffs, and other equipment, investigators came to the conclusion it was unlikely Deputy Hren would have been able to acquire a good shooting position from the passenger side of Deputy Puckett's vehicle. Investigators determined Deputy Hren was on or near the double

potential for naturally-occurring memory gaps and inconsistencies among all of the witnesses, particularly for those who were immersed in the incident.

center yellow line when he shot Pruitte, not on the passenger side of Deputy Puckett's vehicle, as described by Kilroy, the Neuhofels, and Beers.

SCENE WALKTHROUGHS WITH DEPUTY HREN AND DEPUTY PUCKETT

Investigators conducted a series of scene walkthroughs with both Deputy Hren and Deputy Puckett. The purpose of a walkthrough is to allow the involved officer or deputy to re-visit the scene and provide investigators with a step-by-step explanation of their actions and thought process at the time of the incident. Although one walkthrough with each involved party is often sufficient for investigative purposes, follow-up interviews and walkthroughs with Deputy Puckett and Deputy Hren were conducted in this investigation. This was due to conflicting witness statements and the need to clarify details of initial statements made by both deputies. The walkthroughs took place over a two-month timeframe, as the progress of the investigation was dependent on receiving requested information from both deputies' attorney.

On Friday, August 07, 2020, Investigators conducted the first scene walkthrough with Deputy Puckett and his attorney. Deputy Puckett declined to be audio or video recorded. A vehicle was placed at the scene in the same location Deputy Puckett had stopped his vehicle on the night of the shooting. During the walkthrough, Deputy Puckett recalled Deputy Hren had parked behind him. Deputy Puckett also recalled seeing Deputy Hren standing to his left, and just south of him, near the double-yellow center line of the roadway, when Pruitte was aggressively confronting them.

During the walkthrough, Deputy Puckett disclosed he and Deputy Hren had exchanged text messages and engaged in a 37-minute phone conversation on Wednesday, August 05, 2020, the day after the shooting. Kitsap County Sheriff's Office does not generally order involved deputies not to discuss the details of an officer-involved shooting, so their actions were not a policy violation.

When asked what he and Deputy Hren had talked about during the phone call, Deputy Puckett stated they did not discuss any details of the shooting, other than Deputy Puckett telling Deputy Hren, *"I had to move to get a better shot."*⁷⁰ Deputy Puckett explained the rest of their conversation was related to Deputy Puckett's personal feelings about having a hard time with his decision not to shoot and Deputy Hren having to go through the process alone. Deputy Puckett stated he told Deputy Hren he felt like Deputy Hren had saved his life that night.

On Friday, August 14, 2020, a week after the walkthrough with Deputy Puckett, investigators received an e-mail from Deputy Hren's attorney, with an attachment containing Deputy Hren's written statement of his recollection of events of the incident. Regarding his arrival on scene, Deputy Hren wrote, *"Deputy Puckett pulled onto the S/B shoulder and I began to park behind*

⁷⁰ BPD Supplemental Report by Detective Ayers (09/09/20), first scene walkthrough with Deputy Puckett (not recorded), p. 3, paragraph 2, lines 5-6 (Tab 12)

him.”⁷¹ Concerning his position when he and Deputy Puckett were confronted by Pruitte, Deputy Hren wrote, “...I moved quickly to exit my car and ran forward towards the threat (Pruitte) to Deputy Puckett’s left.”⁷² Deputy Hren’s statements about where he parked his vehicle and where he was standing when he engaged with Pruitte are relevant in the context of differing statements made by witnesses, as addressed in the preceding section.

On Wednesday, September 09, 2020, investigators sent Deputy Hren’s attorney a document containing fifty-seven follow-up questions pertaining to Deputy Hren’s initial statement. Two weeks later, on Wednesday, September 23, 2020, investigators conducted a walkthrough of the scene with Deputy Hren and his attorney. Deputy Hren declined to be audio or video recorded, and he did not address any of the follow-up questions during the walkthrough.

Consistent with the walkthrough conducted with Deputy Puckett, a vehicle was placed at the scene in the same location Deputy Puckett’s vehicle was parked on the night of the incident. Deputy Hren placed himself approximately three feet to the left of the patrol vehicle representing Deputy Puckett’s vehicle.

On Wednesday, October 07, 2020, Investigators received an e-mail from Deputy Hren’s attorney containing Deputy Hren’s responses to the fifty-seven follow-up questions. Deputy Hren’s answers to questions forty-five and fifty-three clarified the following information:

In Question 45, Deputy Hren was asked how many rounds he fired. Deputy Hren responded,

*“At the time of the shooting I did not know how many times I fired. I had done a tactical reload and when I handed KCIRT my gun there was a fully loaded magazine and one in the chamber. When I handed the partially full magazine to detectives it only had 2 rounds. Based on that I surmised that I shot 6 times.”*⁷³

In Question 53, Deputy Hren was asked if he spoke with anyone else about the shooting prior to submitting his written statement. Deputy Hren wrote,

*“A day or two after the incident, I spoke with Deputy Puckett by telephone. We did not have any discussions about the shooting itself and I did not relay any information to him about my actions or what I saw. Deputy Puckett did not provide details about what he perceived. We checked on each others well being and our families. Deputy Puckett told me he felt obligated to tell me why he did not shoot. He told me he didn’t shoot because he did not have a shot. We did not discuss anything else about the incident.”*⁷⁴

⁷¹ Deputy Hren’s initial written statement provided through his attorney, p.2, paragraph 2, line 1 (Tab 22)

⁷² Deputy Hren’s initial written statement provided through his attorney, p.2, paragraph 4, lines 4-5 (Tab 22)

⁷³ Deputy Hren’s response to Statement Follow-up Questions provided through his attorney, p. 5, answer to question 45, lines 1-4 (Tab 22)

⁷⁴ Deputy Hren’s response to Statement Follow-up Questions provided through his attorney, p. 5, answer to question 53, lines 3-7, continued on page 6, line 1 (Tab 22)

On Thursday, October 08, 2020, Investigators followed up with a second walk-through at the scene with Deputy Puckett. Deputy Puckett was accompanied by his attorney, and he declined to be audio or video recorded. Consistent with the previous walk-through, a patrol vehicle was placed in the location where Deputy Puckett had stopped his vehicle on the night of the incident. Deputy Puckett's statements during this second walk-through were consistent with his initial statements made two months earlier on August 07th.

When Investigators asked where Deputy Hren had been standing during the confrontation with Pruitte, Deputy Puckett stated he didn't initially see Deputy Hren when he first got out of his vehicle because his focus was on Pruitte. However, Deputy Puckett could hear Deputy Hren *"screaming at the top of his lungs 'Show me your hands! Show me your hands!'"*⁷⁵

When Deputy Puckett realized his backdrop was poor and made the decision to change his location, he saw Deputy Hren in his peripheral vision, to his left. Deputy Puckett elaborated he vividly remembered Deputy Hren was standing slightly north of his left, by the double-yellow centerline of the roadway, near the front of Deputy Puckett's left rear vehicle tire. Deputy Puckett also recalled peripherally seeing Deputy Hren had his gun drawn and pointed at Pruitte.

Deputy Puckett was asked if he had contemplated shooting Pruitte at the scene, and Deputy Puckett stated yes. Deputy Puckett explained he truly believed Pruitte was concealing a firearm because a person who was holding another weapon, such as a knife, wouldn't have their hand in a fist position in their pocket the way Pruitte did. Deputy Puckett also reiterated the background behind Pruitte was the reason he changed positions and did not fire his weapon. Deputy Puckett stated, *"I felt if this turned to a lethal situation, I wanted to have a better backdrop."*⁷⁶

Deputy Puckett didn't see anything in Pruitte's hands or on his belt at any time during the incident. When asked if he had seen Deputy Hren shoot Pruitte, Deputy Puckett stated no, adding he had been in the process of moving away from his vehicle door when Deputy Hren started shooting.

Investigators asked Deputy Puckett if he considered de-escalation tactics or the use of less lethal options when contacting Pruitte. Deputy Puckett responded, *"He (Pruitte) set the pace. We were playing catch-up. There was no time for de-escalation tactics."*⁷⁷ Deputy Puckett elaborated Pruitte had dictated the pace of their interaction by rushing towards their patrol vehicles, ignoring their commands, and assuming a fighting stance in the road with his right hand in his right pocket while verbally challenging them.

⁷⁵ BPD Supplemental Report by Detective Munjekovich (11/11/20), second scene walkthrough with Deputy Puckett (not recorded), p. 2, paragraph 5, lines 1-2 (Tab 12)

⁷⁶ BPD Supplemental Report by Detective Ayers (09/09/20), first scene walkthrough with Deputy Puckett (not recorded), p. 2, paragraph 4, lines 2-3 (Tab 12)

⁷⁷ BPD Supplemental Report by Detective Munjekovich (11/11/20), second scene walkthrough with Deputy Puckett (not recorded), p. 4, paragraph 6, line 2 (Tab 12)

SHELL CASING DISPERSAL ANALYSIS

Due to the variation in witness statements, investigators conducted a re-enactment of the shooting scene, based on estimate measurements. The goal of this process was to attempt to determine the likely location of where Deputy Hren had been standing when he shot Pruitte, based on the trajectory of where the six casings were found at the scene. For safety purposes, the re-enactment was conducted at the Bremerton Police Department shooting range on September 17, 2020.

Investigators reconstructed the crime scene using a 2017 Ford police SUV, which was the same make and model as Deputy Puckett's vehicle on the night of the shooting. A leveling device was used to compensate for the grade in the roadway where Deputy Puckett had parked, and general measurements from the actual scene related to the roadway width and distance from the guardrail were applied at the range.

An investigator who was close to Deputy Hren's size and height was the designated shooter. Deputy Hren's duty firearm that he shot on the night of the incident was used during the re-enactment, along with .45 caliber duty ammunition issued to deputies by the Kitsap County Sheriff's Office (Federal Premium Law Enforcement .45 Auto 230 Grain HST).

Investigators conducted several variations of shooting scenarios, taking into account statements from witnesses and the deputies themselves. Multiple rounds were fired from different positions and distances on the driver's side of the vehicle, as well as from the passenger side of the vehicle. Of the 24 rounds that were fired, the results of the re-enactments consistently showed the casings ejected back and to the right, traveling at an average distance of 25-35 feet. This would suggest Deputy Hren was likely close to the position where both he and Deputy Puckett said he was when Deputy Hren shot Pruitte.

PRUITTE'S HISTORY

On the night of the shooting, after Pruitte was transported to St. Joseph's Medical Center, but before he was positively identified, Shawna Frietas showed up at the scene, identifying herself as Pruitte's best friend. Frietas was frantic and distraught, asking investigators if Pruitte was dead.

Frietas informed investigators Pruitte had been at the nearby home of their drug court counselor, Amy Sampson,



when he became upset and left Sampson's house on a bicycle, headed in the direction of the overpass on Bethel Burley Rd SE. Shortly thereafter, Sampson told Frietas she heard gunshots coming from the same direction and feared Pruitte was involved.

Sampson had told Frietas Pruitte was very upset about a conversation he had with his father regarding unknown family issues, and he was going to take a bike ride down to a local store to pick up some food. While he was gone, Pruitte sent Sampson a concerning text message, which Frietas believed was a "goodbye"⁷⁸ note indicating Pruitte was going to commit suicide.

Frietas mentioned Pruitte had mental health problems and a history of experiencing suicidal thoughts. She did not think he had recently used any illicit drugs, but she was aware he had a history of past narcotics use, and she believed he was currently taking Suboxone, a medication used in the treatment of opiate addiction. Frietas told investigators, "*He would do something like that. He would go and get himself fucking killed!*"⁷⁹

Investigators conducted a follow-up to Sampson's residence on the night of the shooting and attempted an interview with her. Although she was emotionally distraught and distracted, Sampson was initially cooperative and told investigators she had come home from work at around 1815 hrs that evening, and Pruitte was at her house. Sampson could see Pruitte was upset, and she believed it had something to do with him being angry at his parents for saying no when he asked to borrow money from them. Sampson mentioned Pruitte had made comments to her about hating his father and hating God.

Sampson told investigators Pruitte had a history of anger and mental health issues. She mentioned she was familiar with Pruitte's episodes of "*psychosis*,"⁸⁰ and she had seen him in a suicidal state before, but recently he had seemed to be doing well. Sampson didn't think Pruitte had used narcotics for several months, but she thought he may have been drinking because she believed she smelled alcohol on him.

After Pruitte left the house upset, Sampson received a text message from him at 1912 hrs. Sampson quickly read the message to investigators during the interview, which stated something to the effect of, "*You can have your life back...*"⁸¹ along with a comment at the end of the message telling Sampson to love her life like Pruitte loved his kids.

Investigators were unable to recount the specific message, as Sampson was not willing to provide a screen shot of the text message, and the interview was abruptly interrupted by

⁷⁸ BPD Supplemental Report by Officer Butler, interview with Shawna Frietas (not recorded), p. 2, paragraph 4, lines 3 (Tab 12)

⁷⁹ BPD Supplemental Report by Detective Corn, interview with Shawna Frietas (not recorded), p. 3, paragraph 5, lines 6-7 (Tab 12)

⁸⁰ BPD Supplemental Report by Detective Munjekovich, interview with Amy Sampson (not recorded), p. 2, paragraph 3, line 1 (Tab 12)

⁸¹ BPD Supplemental Report by Detective Munjekovich, interview with Amy Sampson (not recorded), p. 2, paragraph 5, line 4 (Tab 12)

Frietas and an unidentified male entering the room excitedly and yelling, *“The fucking cops shot David.”*⁸² The unidentified male instructed Sampson not to speak with the investigators anymore, after which Sampson no longer wanted to continue the interview. Subsequent attempts were made to interview Sampson, but she was uncooperative and told investigators, *“I will decline to interview... I don’t have anything to say.”*⁸³

On August 05, 2020, investigators interviewed Pruitte’s father, David Pruitte Sr. During the interview, Pruitte Sr. acknowledged Pruitte had a history of mental health issues and drug addiction to *“crack,”*⁸⁴ but he believed his son hadn’t been using drugs for several months.

Pruitte Sr. also mentioned Pruitte had some *“quirky anxiety issues”*⁸⁵ and a temper, but he didn’t believe his son had any history of violence. Pruitte Sr. talked about how Pruitte *“always had a struggle with authority”*⁸⁶ and did not like law enforcement officers. He believed his son had argued with law enforcement officers in the past because he was afraid of going to jail.

Investigators searched Pruitte’s name through ILEADS, the Kitsap County Record Management System. ILEADS is currently utilized as the records management system for all law enforcement agencies in the Kitsap County area, with the exception of tribal police. Sixty-three reports related to Pruitte have been entered into ILEADS since 2002.

Each report was reviewed, and it was noted in five separate instances, Pruitte’s demeanor with law enforcement was similar to what was witnessed by bystanders and involved deputies during this incident. Three of the five incidents occurred in Kitsap County Sheriff’s Office jurisdiction, and the other two occurred in the city of Bremerton. The following is a summary of Pruitte’s five prior contacts with law enforcement:

- On July 02, 2012, Kitsap County Sheriff’s Office Deputy Wheeler made contact with Pruitte in the parking lot of a retail store while investigating a disturbance call related to Pruitte’s behavior inside the store. Deputy Wheeler wrote,

*“I asked him what was going on tonight and he ignored me and I asked him again and he turned toward me and postured with his chest out arms tensed and squinting at me... he put his hand in his pocket of his shorts as I got close to him. I asked him to take his hand out and he started to then put them back in.”*⁸⁷

⁸² POPD Supplemental Report by Detective Deatherage, interview with Amy Sampson (not recorded), p. 4, paragraph 2, line 4 (Tab 12)

⁸³ BPD Supplemental Report by Detective Chapman, phone conversation with Amy Sampson (not recorded), p. 1, last paragraph, lines 2-3 (Tab 12)

⁸⁴ David Pruitte Sr. transcript from interview with BPD Detective Chapman, p. 13, line 23 (Tab 15)

⁸⁵ David Pruitte Sr. transcript from interview with BPD Detective Chapman, p. 18, line 12 (Tab 15)

⁸⁶ David Pruitte Sr. transcript from interview with BPD Detective Chapman, p. 20, line 17 (Tab 15)

⁸⁷ All quoted descriptions are from KCSO Report by Deputy Wheeler (K12-006864)

- On October 14, 2016, Bremerton Police Department Officer D. Ejde responded to Harrison Medical Center for a trespass investigation where Pruitte was reportedly climbing on the roof and the walls of the building after being discharged from the hospital. Pruitte was uncooperative during the investigation and believed Officer D. Ejde was *“going to release a K9 on him”* and arrest him for stealing a police car. Officer D. Ejde wrote, *“David (Pruitte) admitted to using meth and confirmed he was possibly having a paranoid delusion associated with the meth use.”*⁸⁸
- On October 19, 2016, Bremerton Police Department Officer (Sergeant) Roessel was dispatched to a call for a male (Pruitte) about to jump off the Manette Bridge. When Officer Roessel made contact with Pruitte, he was cooperative in eventually getting off the bridge and returning to the pedestrian walkway, but he would not communicate verbally and only shrugged his shoulders in response when asked if he was suicidal or intending to jump off the bridge. Officer Roessel described Pruitte’s demeanor as *“odd, bordering on self-destructive”* and Pruitte *“definitely looked as if he was preparing to jump from the bridge.”*⁸⁹
- On May 1, 2018, Kitsap County Sheriff’s Office Deputy Jinks conducted a welfare check on Pruitte after seeing him *“pacing in circles and pounding on the traffic light pole”* on the corner of Central Valley Rd NE and NE Fairgrounds Rd. When Deputy Jinks approached Pruitte, *“he (Pruitte) instantly became paranoid, agitated, and fidgety... David (Pruitte) was wearing loose fitting clothing and continued to posture with his hands in his jacket pockets.”* Pruitte was uncooperative throughout the investigation, refusing to identify himself to Deputies and trying to leave the scene. When paramedics arrived, Pruitte admitted to using *“a couple grams of meth in the last couple days”* and commented *“I didn’t give my name because I’m in drug court.”*⁹⁰
- Most recently, on May 08, 2020, Kitsap County Sheriff’s Office Deputy Miller was dispatched to a call for suicidal threats involving Pruitte. The reporting party was Pruitte’s mother, Cheryl Pruitte, who stated Pruitte had called her and told her he was going to kill himself. C. Pruitte told Deputy Miller that Pruitte *“does not like the police and will not cooperate with the police.”* After it was determined that C. Pruitte was comfortable enough to take Pruitte to the hospital by herself, Deputies who were standing by saw Pruitte *“jumped out of the car and began screaming at her”* when he saw a patrol vehicle parked down the street from the house. After deputies calmed Pruitte down, he told them he was not planning to kill himself, elaborating he was *“trying to come off narcotics and was upset.”*⁹¹

⁸⁸ All quoted descriptions are from BPD Report by Officer D. Ejde (B16-008233)

⁸⁹ All quoted descriptions are from BPD Report by Officer Roessel (B16-008375)

⁹⁰ All quoted descriptions are from KCSO Report by Deputy Jinks (K18-004528)

⁹¹ All quoted descriptions are from KCSO Report by Deputy Miller (K20-003882)

Investigators did not locate any documented prior contact between Pruitte and either Deputy Hren or Deputy Puckett. Both deputies gave statements confirming they did not have any contact with Pruitte prior to the night of the shooting.

DEPUTY HREN'S LAW ENFORCEMENT HISTORY

Deputy Hren has been a sworn law enforcement officer for over seven years. Prior to being hired as a deputy by the Kitsap County Sheriff's Office on January 11, 2016, Deputy Hren was employed by the Jefferson County Sheriff's Office as a corrections officer on May 06, 2013, and he completed the Washington State Criminal Justice Training Commission (WSCJTC) Corrections Officer Academy the same year. Deputy Hren left Corrections and became a deputy with Jefferson County Sheriff's Office on March 25, 2014, graduating from the WSCJTC Basic Law Enforcement Academy on July 30, 2014.

Deputy Hren's law enforcement certifications are current, including his firearms qualifications. In addition to required annual law enforcement training, Deputy Hren has been a certified Firearms Instructor (Handgun Training) since June 21, 2019 (80 hours of instruction) and a certified Less Lethal Instructor since May 10, 2019 (40 hours of instruction). Deputy Hren's training records indicate he has completed training in first aid and CPR, as well as Crisis Intervention Training (CIT), with his most recent CIT refresher course having been completed on March 08, 2020.

Deputy Hren started training with Kitsap County SWAT (Special Weapons and Tactics) in March 2017, and he completed SWAT School Basic Training on October 06, 2017. While operating in a SWAT capacity, Deputy Hren was identified as one of the shooters in two officer-involved shootings:

- The first incident occurred on July 8, 2017, during a SWAT operation at Eagle Harbor on Bainbridge Island.
- The second incident occurred on September 23, 2017, during a SWAT operation on Shorewood Drive in Bremerton.

There are no records of discipline on file for Deputy Hren with either Jefferson County Sheriff's Office or Kitsap County Sheriff's Office.

DEPUTY PUCKETT'S LAW ENFORCEMENT HISTORY

Deputy Puckett has been a sworn law enforcement officer for over four years. He was hired as a deputy by the Kitsap County Sheriff's Office on May 16, 2016, and he completed the WSCJTC Basic Law Enforcement Academy on December 16, 2016. Deputy Puckett also completed a CIT course on September 28, 2018 (40 hours of instruction).

On May 27, 2019, Deputy Puckett took Military Leave for deployment, returning to work on April 21, 2020. Prior to returning to the field, Deputy Puckett attended a WSCJTC Firearms Skills / Refresher course on April 15, 2020. Deputy Puckett's training records indicate he is current in his firearms qualifications for handgun and rifle, and he does not appear to have any record of disciplinary action.

During the scene walk-through with KCIRT investigators on August 7th, Deputy Puckett stated after he returning from his 11-month military deployment, he worked with a field training officer for approximately a month before resuming duty as a single-man unit on patrol.

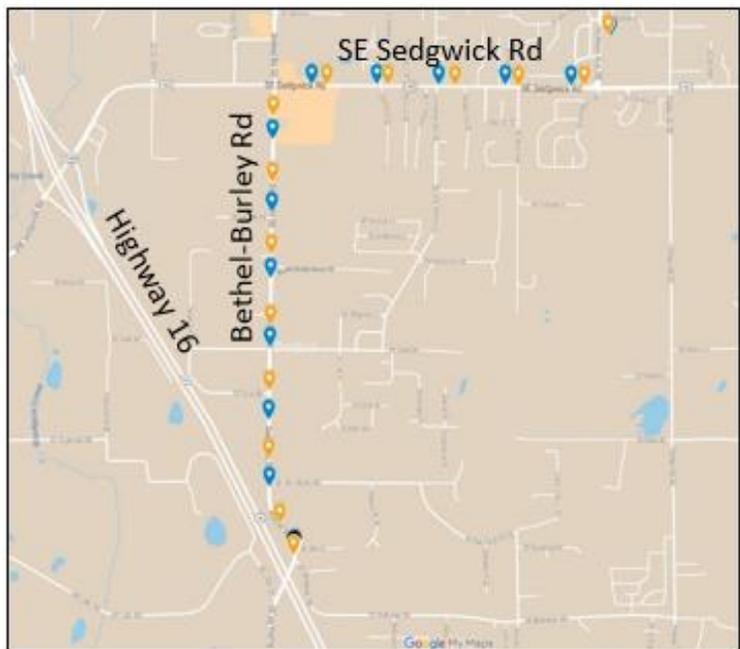
CENCOM TIMELINE

CenCom records indicate call receivers began getting calls about Pruitte sitting on the overpass at 19:23:00 (7:23 p.m. and 0 seconds).

The information was transferred to a dispatcher, who broadcast a call for service at 19:25:37 (7:25 p.m. and 37 seconds).

Deputy Hren self-attached to the call on his MCT at 19:26:19 (7:26 p.m. and 19 seconds).

Deputy Puckett verbally attached to the call through CenCom at 19:26:23 (7:26 p.m. and 23 seconds).



Deputy Puckett's and Deputy Hren's route of travel (AVL plot)

Deputy Carson verbally attached to the call through CenCom at 19:26:27 (7:26 p.m. and 27 seconds).

Deputy Mayne self-attached to the call on her MCT at 19:26:43 (7:26 p.m. and 43 seconds).

Deputy Puckett and Deputy Hren arrived in the area at 19:29:05 (7:29 p.m. and 05 seconds).

Approximately 10 seconds later, at 19:29:15 (7:29 p.m. and 15 seconds), it can be heard on the CenCom recordings that while J. Bennett was on the phone with the dispatcher, he indicated he could see the deputies arriving. J. Bennet can be heard stating, "Ahhh, there they are."

A little over 15 seconds later, at 19:29:36 (7:29 p.m. and 36 seconds), J. Bennett can be heard saying, "Aw, he's (Pruitte) takin' em on." Shots can then immediately be heard in the

background of the phone call, and three seconds later, at 19:29:39 (7:29 p.m. and 39 seconds), J. Bennett can be heard saying, *"They're shootin' him."*

This timeline would indicate it was approximately thirty seconds or less between the time deputies Puckett and Hren arrived on scene and Pruitte was shot. CenCom toned out an emergency alert and broadcast *"SHOTS FIRED"* at 19:29:54 (7:29 p.m. and 54 seconds). The broadcast was done on South radio by the dispatcher who was concurrently talking with J. Bennett on the phone.

Deputy Puckett requested aid approximately a minute after Pruitte was shot, advising CenCom to *"Send Aid priority"* at 19:30:41 (7:30 p.m. and 41 seconds). CenCom added Aid to the call at 19:30:57 (7:30 p.m. and 57 seconds), and South Kitsap Fire dispatched the call at 19:31:39 (7:31 p.m. and 39 seconds). Medic 8 started en route to the call at 19:32:19 (7:32 p.m. and 19 seconds).

Approximately a minute and a half after CenCom broadcast shots were fired, Deputy Carson arrived on scene at 19:31:20 (7:31 p.m. and 20 seconds), followed immediately by Deputy Mayne five seconds later at 19:31:25 (7:31 p.m. and 25 seconds).

At 19:33:55 (7:33 p.m. and 55 seconds), Deputy Hren asked CenCom, *"Where's fire?"* Approximately ten seconds later, at 19:34:04 (7:34 p.m. and 04 seconds), Deputy Mayne advised CenCom, *"Not feeling a pulse,"* and twelve seconds later, at 19:34:16 (7:34 p.m. and 16 seconds), Deputy Hren advised CenCom, *"CPR in progress."* The Deputies continued CPR efforts for approximately five minutes or more.

South Kitsap Fire Engine 16 arrived on scene at 19:39:04 (7:39 p.m. and 04 seconds), and Medic 8 advised they were transporting Pruitte to St. Joseph's Medical Center at 19:40:45 (7:40 p.m. and 45 seconds)⁹²

AUTOPSY RESULTS

On Saturday, August 08, 2020, Pruitte's autopsy was performed at the Kitsap County Coroner's Office, located at 5010 Linden St., in Bremerton. The autopsy report was submitted to investigators on November 17, 2020.

Toxicology test results in the autopsy report indicated Pruitte's blood ethanol concentration was 0.053g/100mL. The presence of ethanol in blood at concentrations of over 0.03% generally indicates consumption of beverages containing alcohol. The investigation conducted by the Coroner's Office determined *"He (Pruitte) had a history significant for prior suicidal ideation, substance abuse, and psychosis."*⁹³ The cause of death was identified to be a gunshot wound to the chest, and the manner of death was declared a homicide.

⁹² All information in this section is derived from CenCom recordings (Tab 27)

⁹³ Kitsap County Coroner's Office Autopsy Report (Tab 20)

On November 16, 2020, investigators received the WSP Toxicology Test Report, which also showed Pruitte's blood alcohol level was 0.053g/100mL. The report further indicated Pruitte's drug analysis test was negative.

PENDING INVESTIGATIVE RESULTS

Pruitte's cell phone was collected at the scene on the night of the shooting and submitted to NCIS for Cellebrite extraction. When NCIS resources were unable to successfully extract information from the phone, it was sent to Cellebrite for extraction with more specialized software. As of December 10, 2020, results of the extraction are still pending.