



**OFFICE OF THE DISTRICT ATTORNEY
CONTRA COSTA COUNTY**

Diana Becton
DISTRICT ATTORNEY

INVESTIGATIVE REPORT

Type of Investigation: LEIFI – Assauling a Peace Officer, PC 245(c)	Docket / File / Police Report No. Antioch Police Department: 23-7441 CCSO Crime Lab: 23-3800-1 CC District Attorney: 23-12
Subject: MACKIN, Daniel Jackson DOB 08/16/1993	
Inspector Assigned: Barbara #91772	Date: 10/01/2023

LEAD INSPECTOR ASSIGNED:

Senior Inspector K. Sullivan

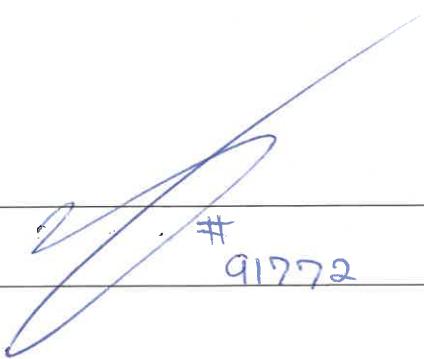
ASSIGNMENT:

I was assigned to conduct a neighborhood check in the immediate area.

INVOLVED LAW ENFORCEMENT PERSONNEL:

Kyle Armstrong
Police Officer
Antioch Police Department
300 L St.
Antioch, CA 94509
(925) 778-2441

Thomas Borg
Police Officer
Antioch Police Department
300 L St.
Antioch, CA 94509
(925) 778-2441

Written By: Sr. Inspector A. Barbara #91772	 # 91772	Date: 11/09/2023
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Approval:

DocuSigned by:

John Conaty

3/21/2024

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**Contra Costa County District Attorney's Office
Investigative Report**

Subject / Defendant: MACKIN, Daniel Jackson DOB 08/16/1993	Docket / Report No. Antioch PD 23-7441
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Dustin Dibble
Police Officer
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300 L St.
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Shawn Marques
Police Officer
Antioch Police Department
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INVESTIGATIVE TEAM:

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Contra Costa District Attorney's Office
100 37th St Room #220
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J. Vanderpool
Detective Corporal
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Antioch, CA 94509
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Written By: Sr. Inspector A. Barbara #91772	Date: 11/09/2023
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**Contra Costa County District Attorney's Office
Investigative Report**

Subject / Defendant: MACKIN, Daniel Jackson DOB 08/16/1993	Docket / Report No. Antioch PD 23-7441
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CIVILIAN WITNESSES:

[REDACTED]
DOB: [REDACTED]
CDL: [REDACTED]
Mobile # [REDACTED]
Address: northeast corner of empty lot at [REDACTED] living in a RV described as white w/red and black stripes, "Diamond" written across the rear, bearing a [REDACTED] license plate:
[REDACTED]

[REDACTED]
DOB: [REDACTED]
CDL: [REDACTED]
Mobile # [REDACTED]
Address: northeast corner of empty lot at W. 2nd St/ W. 3rd St, living in a RV described as white/green, "Discovery" above the windshield, bearing a California license plate: [REDACTED]

Unknown (refused to identify)

[REDACTED]
Antioch, CA
WMA, approx. 5-07, 160lbs, unkempt facial hair, long brown hair, eyeglasses approximately 50 years old

*****INTENTIONALLY LEFT BLANK*****

Written By: Sr. Inspector A. Barbara #91772	Date: 11/09/2023
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Investigative Report**

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INVESTIGATION

On Sunday, October 01, 2023, at approximately 0930 hours, I received a call from Lt. Conaty. Lt. Conaty informed me an officer involved shooting had occurred in the City of Antioch, and requested I respond to the Antioch Police Department to participate in the investigation. I responded to the Antioch Police Department and attended a briefing with personnel from the member agency (APD), Contra Costa District Attorney's Office, and Contra Costa County Crime Lab. All involved investigative personnel were provided with documentation including the call for service log, a roster of involved APD actors, and a brief history of suspect, Daniel MACKIN. We also reviewed the body worn cameras from officers who were on scene at the respective incident.

At the conclusion of the briefing, I was partnered with APD Detective Corporal Vanderpool and APD Detective Gragg. We were instructed to conduct a neighborhood check in the area where the incident occurred.

Upon arrival to the scene, I observed several cameras mounted to the exterior of [REDACTED] Antioch, CA. The cameras were facing north and appeared angled in a position where they would likely have captured the incident. I contacted the occupant who informed me she recently purchased the home, and the cameras were installed by the previous owner. The cameras are now inoperable and did not record the incident.

I observed a few occupied recreational vehicles (RVs) parked in the northeast corner of the empty lot at W. 2nd St./ W. 3rd St. Antioch, CA. I contacted the occupants and learned the following:

[REDACTED]'s statement:

[REDACTED] currently lives at the aforementioned location in his RV. The RV is described as white with red and black stripes, with "Diamond" across the back. [REDACTED] was asleep inside the RV when he was awakened by the sounds of a vehicle crash. He looked outside his RV and observed Daniel's van crashed into the utility box. [REDACTED] observed police officers surrounding the van as Daniel was attempting to exit. Daniel eventually exited the van from the passenger side and ran as his pants were falling. [REDACTED] heard officers shoot at Daniel as he was running away. He did not see Daniel with any weapons during the incident. [REDACTED]'s girlfriend was also in the RV and observed the incident; she expressed she did not want to provide a statement.

Written By:
Sr. Inspector A. Barbara #91772

Date: 11/09/2023

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██████████ does not have a relationship with Daniel, he met him for the first time a few days ago when Daniel was parked nearby. The interaction lasted approximately five seconds long as ██████████ was walking his dog. He has not seen Daniel previously possessing any weapons. ██████████ also informed me he works at ██████████ located in ██████████, CA. This concluded my interview with ██████████. The interview was recorded with APD Detective Gragg's BWC.

I estimated his RV to be parked approximately 50 yards away from the original scene and 100-110 yards from the shooting scene.

██████████ statement:

██████████ currently lives at the aforementioned location in her RV. The RV is described as white and green in color, with "Discovery" above the windshield. This morning, ██████████ heard yelling and she looked out the side window of her RV to investigate. She observed Daniel parked in the stall, with officers yelling at him to stop. ██████████ believed officers were trying to "apprehend" him, but he drove forward, and his vehicle became inoperable. Daniel exited his van and ran away from officers as they continued to tell him to "stop." She recalled officers telling Daniel to stop approximately five times. Daniel did not stop, he continued running. ██████████ observed the police K9 go after Daniel. She then observed officers shooting at him. ██████████ continued her statement and said "But they did try to stop him, and he didn't stop. He kept trying to go. But I don't think that was any reason to get shot in the back though."

██████████ met Daniel a few days ago when he was helping her friend (██████████) work on his vehicle. She referred to Daniel as "Mack." She has had limited and brief interactions with Daniel. ██████████ assumes her 9-year-old nephew (██████████) knows Daniel because she observed them previously greet each other when ██████████ was taking CJ home (██████████). ██████████'s RV has been parked at the location for a few weeks. She's observed Daniel in the area for approximately three days and he slept within his van, in the parking lot where officers initially contacted him. Daniel has regular contact with "██████████" who is homeless and drives a burgundy Chevrolet Tahoe. ██████████ has never observed Daniel possessing any weapons. She described him as being "sweet" and "really nice." This concluded my interview with ██████████. The interview was recorded with APD Detective Gragg's BWC.

I estimated her RV to be parked approximately 60 yards away from the original scene and 90-100 yards from the shooting scene.

Written By: Sr. Inspector A. Barbara #91772	Date: 11/09/2023
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[REDACTED] Antioch, CA statement:

I contacted an occupant at [REDACTED] Antioch, CA who refused to identify himself. I asked the occupant for his identifying information, and he responded, "I would prefer to remain anonymous."

[REDACTED] Antioch, CA is an apartment unit located on the [REDACTED]. The occupant stated at approximately 0730 hours, he was in his kitchen making coffee. The kitchen is located towards the [REDACTED] of the unit and faces [REDACTED]. The occupant observed approximately 2 police officers drive into the area. He heard an engine revving and heard officers yell "Don't do it, don't do it man, it is not worth it." The occupant went up to the 3rd level of the complex to get a better vantage point. The occupant observed Daniel running down the street while being chased by several officers and a police K9. The occupant heard officers ordering Daniel to stop and get on the ground. Daniel did not comply, he continued running. The occupant heard officers begin to shoot at Daniel as he was running away. The occupant estimated the entire incident lasted approximately 10 minutes from when he heard the engine revving until the shots were fired.

The occupant at [REDACTED] CA has no relation to Daniel and has never seen or previously spoken to him. This concluded my interview with the occupant at [REDACTED] Antioch, CA. The interview was digitally recorded.

After the interview concluded, I looked toward the crime scene from the 2nd floor balcony. Although my position was from an elevated perspective, my view was partially obstructed by a garage overhang and another residential structure.

APP Detective Corporal Vanderpool conducted a neighborhood check at the following locations:

[REDACTED]

Refer to Detective Corporal Vanderpool's report for further information.

APP Detective Gragg conducted a neighborhood check at the following location:

[REDACTED]

Written By:
Sr. Inspector A. Barbara #91772

Date: 11/09/2023

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Refer to Detective Gragg's report for further information.

Evidence:

AB-1 Audio of 10/01/2023 interview w/ occupant of [REDACTED]

End of report.

Written By: Sr. Inspector A. Barbara #91772	Date: 11/09/2023
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**OFFICE OF THE DISTRICT ATTORNEY
CONTRA COSTA COUNTY**

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DISTRICT ATTORNEY

INVESTIGATIVE REPORT

Type of Investigation: LEIFI Protocol	Docket / File / Police Report No. Antioch PD Report: 23-7441 CCFDA Report: 23-012
Subject / Defendant: Daniel Jackson Mackin, DOB: 08-16-1993	
Inspector Assigned: Dave Lewellyn	Date Assigned: October 1, 2023

INVESTIGATIVE TEAM:

Contra Costa County DA's Office

1. Senior Inspector Dave Lewellyn

Antioch Police Department

2. Detective Kris Palma

ANTIOCH POLICE DEPARTMENT PERSONNEL INTERVIEWED:

1. CSO Austin Graham
2. Lt. John Fortner
3. Officer Matt Mulholland
4. Officer Justin Posey

INVESTIGATIVE NARRATIVE

On October 1, 2023, at approximately 0930 hours, I was notified by Lt. John Conaty of an officer involved shooting in the City of Antioch. I was directed to go to the Antioch Police Department and participate in the investigation.

I attended a briefing along with other investigative personnel from the Antioch Police Department and the District Attorney's Office. During the briefing body worn camera (BWC) video from the involved officers was shown to the investigators for review. That body worn camera video was consistent with what was learned during the investigation.

Prepared By:
Senior Inspector Dave Lewellyn

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Contra Costa County District Attorney's Office
Continuation/Supplemental Report

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After the briefing, I was teamed with Antioch Police Detective Kris Palma to interview law enforcement personnel who witnessed the incident. Detective Palma and I interviewed two law enforcement witnesses on the day of the incident. The following day we interviewed two additional law enforcement witnesses. All interviews were recorded and took place in a conference room at the Antioch Police Department.

The following is a summary of the interviews conducted by Detective Palma and I:

October 1, 2023, 1342 hours - Community Service Officer (CSO) Austin Graham

He has been with the Antioch Police Department for approximately seven (7) years. He said some of his duties include maintaining the jail and booking prisoners, patrol operations including taking reports with no suspects and registering those convicted of drug, arson and sex offenses.

Today after he attended briefing, he left the police department and drove to the area of 3rd St. He said he noticed a blue panel van backed in the carport of an apartment complex and recognized it from video footage he reviewed during a stolen vehicle report he took from Cube Smart on the prior Tuesday, September 26, 2023.

He notified dispatch that he discovered a suspected vehicle involved in a recent case he worked on. He said he noticed another vehicle parked next to the van that was covered with a tarp. He thought the vehicle looked like a sedan or Monte Carlo type vehicle, which was the vehicle stolen in the original case. He said he drove around and staged on B or C Street and Third St. waiting for officers to arrive.

He reviewed video footage from the business where the vehicle was stolen. He said he reviewed his body worn camera footage from the day he took the stolen vehicle report. He said while taking that report he recorded the video from the business onto his BWC. He said he observed people walking around the yard and the van driving through an open gate on Vineyard Dr., which is the street Cube Smart is on. He said the van is also on the video pushing the stolen vehicle out of the same gate they came in. He was able to make out the van in the business video had similar characteristics compared to the one he saw in the carport and believed it was the same vehicle.

He approached the van and the Monte Carlo with officers after they arrived. He said Officer Marques was first to approach, he followed, followed by Officer Dibble who was behind

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them. He said he was not aware there was anyone in the van until Officer Marques notified him someone was sleeping in the back seat.

He and Officer Dibble checked for a license plate on the Monte Carlo and found there was none. He said he was able to access the VIN and asked dispatch to verify the last four (numbers). He had already run the stolen plate on the car and dispatch told him the last four numbers on the VIN matched. He said it was after he received confirmation from dispatch that the Monte Carlo was stolen that Officer Marques said he saw the person in the van had a gun.

He moved his position and took cover behind Officer Dibble's patrol vehicle. He said Dibble's vehicle was the last to arrive. He said as other units showed up, he continued to back away and take cover. He said he could see the officers had their guns drawn.

He said the first commands he heard the officers give was once the van started. He said it was something to the effect of, "Turn the car off". Graham said he could not see who was operating the van at any time. He estimated to be approximately 40 yards away when he heard the officers begin giving commands.

He said the van began to move forward. He said he thought Officer Marques was briefly in the path of the van. He said Marques had to move out of the way to avoid being hit by the van.

The van continued forward and jumped a curb of the apartment complex parking lot. He said the van became stuck because the tires may have been spinning, and the engine was revving. He could not see what the driver struck, but the van was not moving. He moved further away behind a brick wall near 3rd St. and took cover. He continued hearing the van trying to move and the officers continue to give commands.

The officers were giving commands to turn the van off. He heard them talking about the 40 millimeter and heard them say "40-40", which was their way to let everyone know it was going to be deployed. He heard the 40-millimeter deployed at least three times and heard the impact of the round hitting the van or the window. He heard officers giving commands to "Stop" and "It's not worth it".

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After the 40-millimeter was deployed he heard more yelling from the officers. He said at some point the driver came out of the vehicle. He said he saw officers running through the brush on the passenger side of the van east towards the A Street extension.

He walked out from behind the brick wall and caught a glimpse of three or four officers stopped on the A Street extension facing east. He could see a couple of the officers had their firearms out and then saw a muzzle flash or smoke. He did not know how many weapons he saw, as it was very brief. He did not know which specific officer's firearm had the muzzle flash. He heard approximately seven (7) gunshots. He said he began counting the shots, but stopped after he heard seven. He does not recall hearing any specific commands from the officers during or after the shots.

After the shots were fired, He began securing vehicles until Officer Borg asked him to stand with a firearm that was on the sidewalk. He could see officers working on the suspect in the middle of the street. He said officers were kneeling around the suspect, but he could not tell what they were doing. One officer ran back to get a "med bag" from one of the patrol cars. He said approximately one (1) minute later Lt. Fortner re-assigned him to put up crime scene tape, begin scene security and begin a crime scene log.

He was next assigned by Lt. Fortner to block traffic and relieve a Pittsburg PD unit that arrived to assist. He was relieved by another officer and returned to the station.

The audio file of CSO Graham's interview was later sent out to be transcribed. Refer to the transcript of the interview and audio recording for additional details.

October 1, 2023, 1503 hours – Lt. John Fortner

The audio file of Lt. Fortner's interview was later sent out to be transcribed. Refer to the transcript of the interview and audio recording for additional details.

Refer to Detective Palma's supplemental report for a summary of this interview.

October 2, 2023, 0755 - Officer Matt Muholland

The audio file of Office Mulholland's interview was later sent out to be transcribed. Refer to the transcript of the interview and audio recording for additional details.

Contra Costa County District Attorney's Office
Continuation/Supplemental Report

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Continuation	<input checked="" type="checkbox"/> X

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Refer to Detective Palma's supplemental report for a summary of this interview.

October 2, 2023, 0926 - Officer Justin Posey

He graduated from the Basic Police Academy on September 27, 2023. Yesterday (the day of this incident) was his first day in uniform as a patrol officer. He said he was assigned to patrol with Officer Mulholland as his FTO.

During his academy training he was trained on use of force and de-escalation tactics. He also received medical and first aid training.

On the day of the incident he attended a patrol briefing. Afterwards, he received instruction from Mulholland on his first day assignments to include forms he would need to write reports. He said afterwards he went to the patrol vehicle that they would be driving for that day and conducted a vehicle inspection.

Officer Mulholland instructed him what his role as the trainee would be during the shift. Mulholland would drive the patrol vehicle. Mulholland would primarily handle the calls and that Posey would observe what occurred. He was to be responsible for writing the reports with assistance from Mulholland. Mulholland also told him he was to stay close to him as it was his first day.

As he and Mulholland went over the instructions for the day, he heard a call from CSO Graham that he found someone in a stolen vehicle who had a revolver in his hand. They were pulling out of the gate of the police department when he heard the radio call from Graham. While they were on the way to the call, he heard that Graham and Officer Dibble had approached the vehicle and saw that there was someone asleep inside with a revolver.

When they arrived on scene Mulholland parked their patrol vehicle in the entrance to the apartment complex. He said there were two marked patrol vehicles with their lights on parked in front of theirs. They got out of the patrol car, and he drew his firearm. He and Mulholland walked over towards Officers Dibble and Marques. Both Dibble and Marques were by the open driver's side door of their patrol vehicle.

Officer Dibble was updating Officer Marques with what was happening. He said Dibble said they had not seen any movement, but noted there were two or three dogs inside the van

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with the person they saw. The officers were discussing a plan on what the next step was going to be and how to get the person out of the van.

Officers Borg and Armstrong arrived on scene. He said at that time the curtain behind the driver and passenger seat started to move. Posey said he did not see who was inside the van. He said at first, he saw a hand. He said then saw a head and heard the van start.

Posey said officers began giving commands to the person in the van to come out. He said the van started and all the officers were telling the person in the van to stop. The officers began to back up as the van started to move. He said it pulled around a police vehicle, hopped a curb and stopped in the shrubs. He saw the van hit a telecommunications box.

The driver tried to get the van out of the planter area by putting the van in reverse and then trying to move forward. Officers were giving him commands to stop as he did this.

Mulholland discharged the 40-millimeter approximately six (6) times to try and break out a window of the van; However, the windows that were targeted did not break. He said he could see the driver moving around the van through an area between the curtains.

Eventually the driver figured out the van was stuck.

The driver (who was identified during this interview as Daniel Mackin) never attempted to communicate with the officers after the officers had given him commands to get out of the car. He said Mackin was trying to get the van unstuck and moved from the front to the back of the van without saying anything. It never appeared that Mackin was attempting to comply with any orders that were being given or to surrender. He said it appeared that Mackin had a level of determination to try and get away. There were multiple times where Mackin was given commands and the officers attempted to establish a dialogue with him. Mackin never responded to any of the commands given.

He did not see the handgun Mackin was in possession of. He said there were curtains throughout the van and there was just a small gap between some curtains that he was able to see when Mackin moved around.

He described Mackin as a white male, shaved head with dirty blonde or brown hair. He said the driver was on the heavier side and was about 5'10" and 6 feet. Mackin was wearing a green shirt. He said Mackin looked to be in his mid 30's or early 40's. He did not see anyone else in the van.

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Continuation	X

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Mackin exited the van and ran south on the A Street extension¹. He said one of Makin's dogs ran after him. Officers chased after Mackin. He said Officers Borg, Dibble, Armstrong and Marques were on the left side of the roadway. He was a little behind and to the right of that group and Officer Mulholland was to his right and a little further ahead.

Officer Marques had a K-9 that was deployed as Mackin ran. The dog belonging to Mackin interfered with the K-9 deployment. The K9 was effective to the point as it got Mackin to slow down. He said Mackin did not surrender or comply and continued to flee.

He could not see the firearm Mackin had but could see him holding something in his right hand as he fled. He said due to the way Mackin was holding the item he thought it was a firearm. He described the item as silver gray and six inches long. It was in Mackin's right hand with the barrel pointing down. Posey said he was about 55 feet away when he made that observation. He said Mackin was turning and looking back as he ran. Mackin turned his upper body to the left two times and looked back. He did not hear Mackin say anything as he was running. He said it appeared Makin was trying to get an idea of where the officers were or he was trying to figure out how many were right behind him on his left side, as he was turning to his left. Officers were giving Mackin commands telling him to stop and to drop the weapon. He thought the officers in front of him were maybe 30 feet or a little more than that from Mackin.

Mackin did not point the gun at him. He said it looked to him when Mackin turned and torqued his body, his right arm was pointed back towards the officers on the left hand side of the roadway. When that occurred shots were fired. He said the shots came from the left of him and that he did not shoot but he had his firearm out. No shots came from his right side.

After the shots were fired, Mackin threw what was in his right hand to the ground, continued to try and run, and eventually fell to the ground. He did not hear any shots fired after Mackin discarded the firearm.

After Makin fell, the officers approached Mackin and handcuffed him. They then began life saving measures. He said he saw blood. Officers Mulholland and Dibble applied gauze to chest wounds. He went to get Mulholland's car to secure Mackin's dog that followed him. He said he went back to where Mackin was and was directed to apply pressure to wounds

¹ The "A Street Extension" runs east and west in this area, however Officer Posey identified it as running south.

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

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on Mackin. He applied pressure to two different areas while Mulholland continued treating larger wounds. He said these life saving measures continued until medical aid arrived and they took over.

He and Mulholland followed the ambulance to John Muir Hospital in Walnut Creek where Mackin was transported for additional medical care. By the time they arrived at the hospital, medical staff was treating Mackin. He said by the time they saw Mackin he was intubated, and they were unable to have any conversation with him.

He believed a multitude of efforts were made to de-escalate the situation in that the 40 millimeter was used, the K-9 was deployed, and multiple commands were given to Mackin in an effort to get him to comply and surrender. He said there were multiple times where Mackin could have surrendered, and he decided not to.

The audio file of Officer Posey's interview was later sent out to be transcribed. Refer to the transcript of the interview and audio recording for additional details.

Refer to other investigative reports for additional information.

END OF SUPPLEMENTAL REPORT



**OFFICE OF THE DISTRICT ATTORNEY
CONTRA COSTA COUNTY**

Diana Becton
DISTRICT ATTORNEY

SUPPLEMENTAL REPORT

Type of Investigation: LEIFI PROTOCOL- Officer Involved Shooting 245PC.	Docket / File / Police Report No. Case # CCCDA-23-012 Antioch Police Department #23-7441
Subject: Daniel Jackson Mackin	DOB: 08/16/1993
Inspector Assigned: Fraser Ritchie #81154	Date: October 1, 2023

LEAD INSPECTOR ASSIGNED:

Sr. Inspector K. Sullivan

TASKS ASSIGNED/ASSIGNMENTS:

Assigned to interview mother and father of suspect.
Assigned to ascertain ownership of suspect vehicle.

INVESTIGATIVE TEAM:

Antioch Police Department
Detective A. Becerra
300 L. Street
Antioch, CA 94509
(925) 779-6900

CIVILIAN WITNESS:

[REDACTED]
Mother of suspect – Daniel Mackin
DOB: [REDACTED]

[REDACTED]
Written By:
Sr. Inspector F. Ritchie
Approval:

Date: 3/18/2024

Date:

**Contra Costa County District Attorney's Office
Supplemental Report**

Subject / Defendant: Daniel Jackson Mackin	Docket / Report No. Antioch Police Department # 23-7441
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(Husband of [REDACTED])

DOB: [REDACTED]

CDL: [REDACTED]

Father of suspect Daniel Mackin

DOB: [REDACTED]

CDL: [REDACTED]

(Wife of [REDACTED])

DOB: [REDACTED]

CDL: [REDACTED]

Registered owner of suspect vehicle

DOB: [REDACTED]

CDL: [REDACTED]

Vehicle involved:

Blue 1990 Dodge Ram Van

CA Lic : [REDACTED]

VIN# [REDACTED]

Written By:

Sr. Inspector F. Ritchie

Date:3/18/2024

**Contra Costa County District Attorney's Office
Supplemental Report**

Subject / Defendant: Daniel Jackson Mackin	Docket / Report No. Antioch Police Department # 23-7441
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INVESTIGATION

October 1, 2023

At approximately 0930 hours I was called by on-call supervisor, Lt Conaty. He advised of a LEIFI protocol that had been invoked by Antioch Police Department, regarding an Officer Involved Shooting. Lt. Conaty advised me to respond to Antioch Police Department for a briefing.

at approximately 1130 hours, I responded to Antioch Police Department for a briefing, led by Sgt Colley. We were advised Daniel Mackin was struck, after several Antioch Officers discharged their firearms at Daniel Mackin, as he ran from a vehicle, with a firearm. We were also advised Daniel Mackin was currently at John Muir Hospital, Walnut Creek, in stable condition and was expected to survive.

Detective Becerra and I were assigned to contact the Daniel Mackin's next of kin. We were also assigned to contact the registered owner of the vehicle, Daniel Mackin, was driving. Detective Becerra conducted a records check for the listed subjects, to get their contact information and addresses, to include the registered owner of the vehicle Daniel Macklin was driving.

at approximately 1330 hours, Detective Becerra and I responded to [REDACTED] [REDACTED], in attempt to contact Daniel Mackin's mother, Ms. [REDACTED] Mr. Craig [REDACTED] answered the door, he appeared visibly angry and hostile. He stated his wife was at the hospital (John Muir). He also stated, "You guys shot him in the back, and an Officer's first day!" "There is video out there!" When we attempted to ask [REDACTED] how he was aware of the incident, he turned and closed the front door, refusing to talk to us.

As we left the residence, we called Ms. [REDACTED] she stated she was leaving John Muir Hospital. We asked if we could meet with her, she stated she would be willing to meet with us; however, she had to speak with [REDACTED] first. I asked Ms. [REDACTED] to call me back, whether she decided to meet with us or not. She stated she would.

Detective Becerra and I responded to [REDACTED] in [REDACTED] to attempt to contact Mr. [REDACTED] as he was the listed as the registered owner, of the vehicle Daniel Mackin was driving. Mr. [REDACTED] was not at home; we called Mr. [REDACTED] and asked him about the listed vehicle. He stated he sold it to a neighbor's friend in 2018, and he filled out a release of liability and sent it to Department of Motor Vehicles. Mr. [REDACTED] said he did not recall the name of the subject he sold

Written By: Sr. Inspector F. Ritchie	Date:3/18/2024
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**Contra Costa County District Attorney's Office
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the vehicle to. Mr. [REDACTED] said the last he heard was that the person he sold the vehicle to, was in prison. Mr. [REDACTED] had no further information about the vehicle, or the new owner. A check of DMV records does not show any release of liability on file.

Detective Becerra and I called Daniel Mackin's father, Mr. [REDACTED]. [REDACTED] agreed to come to Antioch Police Department so we could interview him. [REDACTED] and his fiancé' Ms. [REDACTED] arrived at police department at approximately 1530 hours. We interviewed them in an interview room on the first floor.

[REDACTED] stated he has an estranged relationship with Daniel Mackin. [REDACTED] said when Daniel Mackin was 15 years old, he was arrested and sent to Juvenile Hall for assaulting him. [REDACTED] added that he is afraid of Daniel Mackin, due to his violent history. [REDACTED] stated Daniel Mackin is a criminal and is not liked by the rest of his family. [REDACTED] said Daniel Mackin called him on September 15, 2023, to wish him a happy birthday, when [REDACTED] thanked Daniel Mackin for remembering his birthday, Daniel Mackin started an argument with saying "You think I would forget your birthday!?" [REDACTED] said the call ended shortly after that comment.

[REDACTED] stated, "This is hard for a dad to say!" "He is not good to his family or society!" "But I wish you guys were really good shots!" Referring to Daniel Mackin not being deceased.

The interview was recorded with Detective Becerra's Body Worn Camera.

October 2, 2023

[REDACTED] called me to tell me she would not meet with us.

End of report.

**Written By:
Sr. Inspector F. Ritchie**

Date:3/18/2024



OFFICE OF THE DISTRICT ATTORNEY
CONTRA COSTA COUNTY

Diana Becton
DISTRICT ATTORNEY

SUPPLEMENTAL REPORT

Type of Investigation: LEIFI – OFFICER INVOLVED SHOOTING 245 (C) PC – ADW WITH FIREARM	Docket / File / Police Report No. APD 23-007441 (04-23-01676) CCCSO LAB #23-3800 / DA #23-12
Subject: MACKIN, DANIEL JACKSON	
Inspector Assigned: INSPECTOR JOHN GARCIA #84034	Date: 10/17/2023

LEAD INSPECTOR ASSIGNED:

Senior Inspector Kirk Sullivan

TASKS ASSIGNED/ASSIGNMENTS:

Interview Firearms Compliance Manager Smith and Wesson/Gun Dealership

INVESTIGATIVE TEAM:

Name: John Garcia

Title: Senior Inspector

Agency Contra Costa County District Attorney's Office

Agency Address: 900 Ward Street, Martinez, CA. 94553

Phone Number: (925) 957-8675

SUSPECTS HANDGUN:

Smith and Wesson

.38 Caliber Model 64-3 Revolver

Serial # AEP3646

Registered Owner: No record on file

INVESTIGATIVE FOLLOW UP:

On 10/17/2023, at approximately 1000 hrs., I conducted follow-up on the firearm involved in this officer involved shooting in the city of Antioch. The firearm was a Smith and Wesson, .38 Special Model 64-3 revolver, serial #AEP3646.

I was forwarded an email from Lt. Sousa of the Safe Streets Task Force regarding the results of the ATF eTrace request. The eTrace was submitted by FBI Special Agent, Kayla Wieder.

According to the eTrace document, this gun was transferred from the Smith & Wesson factory

Written By:

Senior Inspector John Garcia

LT. *[Signature]* 4/29/24

Date: 10/17/2023

**Contra Costa County District Attorney's Office
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in Springfield, MA, on 7/12/1984. It was shipped to Northern Security Inc. at 4147 Old Seward Highway, Anchorage, AK.

I spoke to Daniel Martin, who is the Firearms Compliance Manager for Smith and Wesson Firearms, and he provided me with the invoice for the purchase to Northern Security Inc. (Please see the attached invoice). Northern Security Inc. is a large firearm dealership in Anchorage that supplies firearms, ammo, and tactical gear to government agencies and the public.

I spoke to Dan Rush, owner of Northern Security Inc., who advised me the firearm was logged into their internal logbook on 3/5/1985, to [REDACTED]. [REDACTED] Rush explained this entry was made before he purchased Northern Security Inc. Rush said his company did not have the ATF form 4473 that was required when a firearm was purchased. Rush said he does not know [REDACTED] nor has he ever heard of him.

I contacted the Anchorage Police Department and Alaska State Trooper's Office, and they had no prior contact with a [REDACTED]. I attempted to TLO his name and received no match for Alaska. I attempted to check for a driver's license status in Alaska with no matches. There was no criminal history match for that name.

End of report

**Written By:
Senior Inspector John Garcia**

Date: 10/17/2023



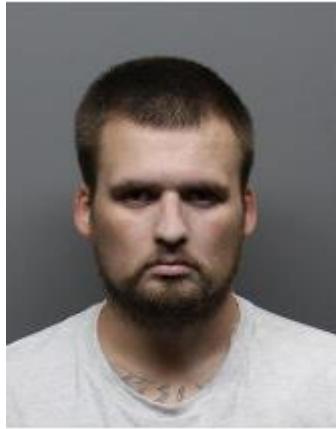
OFFICE OF THE DISTRICT ATTORNEY
CONTRA COSTA COUNTY

Diana Becton
DISTRICT ATTORNEY

INVESTIGATIVE REPORT

Type of Investigation: LEIFI – Officer Involved Shooting PC 245 (c) – Assaulting a Peace Officer PC 29800 (a)(1) – Possession of Firearm by Felon PC 496D(a) – Receiving Stolen Property, Motor Vehicle PC 148 (a) – Resisting, Obstructing Delaying of Peace Officer PC 1203.2 – Violation of Probation	Docket / File / Police Report No. Antioch PD Case #23-007441 Crime Lab Case # 23-3800-1 DA's Office Case #23-012
Subject: Mackin, Daniel Jackson D.O.B. 8/16/1993	
Inspector Assigned: Inspector Kirk Sullivan #214	Date: 10/1/2023

Involved Suspect:



Mackin, Daniel Jackson
DOB: 8/16/1993 (30 years old)
Descriptors: Blond Hair, Blue Eyes, 6'0" tall and 230 lbs.
CDL: [REDACTED]
California State Identification (CII): [REDACTED]
FBI: [REDACTED]
Social: [REDACTED]

Written By:
Inspector Kirk Sullivan #214

Date: 10/1/2023

Approval:

John Conaty

3/21/2024

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DocuSigned by:

Arnold Threats

3/27/2024

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**Contra Costa County District Attorney's Office
Supplemental Report**

Subject / Defendant: Mackin, Daniel Jackson D.O.B. 8/16/1993	Docket / Report No. Antioch PD Case #23-007441 Crime Lab Case # 23-3800-1 DA's Office Case #23-012
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Martinez Detention Facility Booking #2311476
Booked into MDF on 10/16/2023 at approximately 1645 hours.

Suspect Status:

The suspect was shot and wounded. The bullet struck both Mackin's lungs and was a through and through gunshot; however, he is in stable condition and expected to survive. Mackin was later released from the hospital and booked into Martinez Detention Facility on 10/16/2023.

Stolen Vehicle on Scene:

CA. Lic. # [REDACTED] – 1987 – White – Monte Carlo – 2-Door

Registered owner: [REDACTED]
[REDACTED]

New Address: [REDACTED]

Phone: [REDACTED]

Suspect Vehicle:

CA. Lic. # [REDACTED] – 1990 – Blue – Dodge – Ram 250 – Van

Registered Owner: [REDACTED]
[REDACTED]

Suspect Mackin's handgun:

Smith & Wesson – Revolver – Chrome – Model 64-3 – Serial #AEP3646

Fully loaded with 6 live rounds – **WAS NOT FIRED**

LEAD INSPECTOR ASSIGNED:

Senior Inspector Kirk Sullivan #214

INVOLVED ACTOR LAW ENFORCEMENT PERSONNEL:

Name: Shawn Marques #6370

Title: K9 Officer

Written By:

Inspector Kirk Sullivan #214

Date: 10/1/2023

**Contra Costa County District Attorney's Office
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Agency Name: Antioch Police Department
 Agency Address: 300 L Street, Antioch, CA. 94509
 Phone Number: (925) 779-6900
 Pistol: 9mm Staccato Serial #P2115820 – fired 6 rounds.

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Name: Kyle Armstrong #6618
 Title: Trainee Officer
 Agency Name: Antioch Police Department
 Agency Address: 300 L Street, Antioch, CA. 94509
 Phone Number: (925) 779-6900
 Pistol: Glock 17 – 9X19 – 9mm – Gen 5 Serial #BYES956 – fired 8 rounds.

Name: Thomas Borg #6070
 Title: Training Officer
 Agency Name: Antioch Police Department
 Agency Address: 300 L Street, Antioch, CA. 94509
 Phone Number: (925) 779-6900
 Pistol: Glock 17 – 9X19 – 9mm – Gen 4 Serial #BKPG135 – fired 15 rounds and conducted a tactical reload.

Name: Dustin Dibble #6119
 Title: Officer
 Agency Name: Antioch Police Department
 Agency Address: 300 L Street, Antioch, CA. 94509
 Phone Number: (925) 779-6900
 Pistol: Glock 17 – 9X19 – 9mm – Gen 4 Serial #BKPG192 – fired 4 rounds.

INVESTIGATIVE TEAM:

Team #1:

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**Contra Costa County District Attorney's Office
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Name: Kirk Sullivan
 Title: Senior Inspector
 Agency: Contra Costa District Attorney's Office
 Address: 900 Ward Street, 3rd Floor, Martinez, CA. 94553
 Phone Number: (925) 957-2228

Name: Adam Duffy
 Title: Detective
 Agency Name: Antioch Police Department
 Agency Address: 300 L Street, Antioch, CA. 94509
 Phone Number: (925) 779-6900
 Assignment: Interview actor officers and suspects. Sullivan interviewed Trainee Officer Armstrong, and Training Officer Borg, and conducted the suspect interview. Detective Duffy interviewed Officer Marques and Officer Dibble

Team #2:

Name: Dave Lewellyn
 Title: Senior Inspector
 Agency: Contra Costa District Attorney's Office
 Address: 900 Ward Street, 4th Floor, Martinez, CA. 94553
 Phone Number: (925) 957-8554

Name: Kris Palma
 Title: Detective
 Agency Name: Antioch Police Department
 Agency Address: 300 L Street, Antioch, CA. 94509
 Phone Number: (925) 779-6900

Assignment: Interview witness officers. Inspector Lewellyn interviewed CSO Austin Graham (call sign S22) and Trainee Officer Justin Posey (call sign X3)

Written By: Inspector Kirk Sullivan #214	Date: 10/1/2023
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Detective Palma interviewed Lt. Fortner (call sign A5) and Officer Mulholland (call sign X3)

Team #3:

Name: Fraser Richie
Title: Senior Inspector
Agency: Contra Costa District Attorney's Office
Address: 900 Ward Street, 3rd Floor, Martinez, CA. 94553
Phone Number: (925) 957-8762

Name: Arturo Becerra
Title: Detective
Agency Name: Antioch Police Department
Agency Address: 300 L Street, Antioch, CA. 94509
Phone Number: (925) 779-6900

Assignment: Notification of suspect's family/suspect vehicle and stolen vehicle contacts

Team #4:

Name: Andrew Barbara
Title: Senior Inspector
Agency: Contra Costa District Attorney's Office
Address: 100 37th Street, Richmond, CA. 94805
Phone Number: (925) 536-8967

Name: Randall Gragg
Title: Detective
Agency Name: Antioch Police Department
Agency Address: 300 L Street, Antioch, CA. 94509

Written By:
Inspector Kirk Sullivan #214

Date: 10/1/2023

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Phone Number: (925) 779-6900

Name: Jason Vanderpool
Title: Detective
Agency Name: Antioch Police Department
Agency Address: 300 L Street, Antioch, CA. 94509
Phone Number: (925) 779-6900

Assignment: Neighborhood contacts

Team #5:

Name: John Garcia
Title: Senior Inspector
Agency: Contra Costa District Attorney's Office
Address: 900 Ward Street, 3rd Floor, Martinez, CA. 94553
Phone Number: (925) 957-8676

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Name: Jiseok Jong
Title: Detective
Agency Name: Antioch Police Department
Agency Address: 300 L Street, Antioch, CA. 94509
Phone Number: (925) 779-6900
Assignment: Crime Scene investigation.

Contra Costa Crime Lab Personnel:

Written By: Inspector Kirk Sullivan #214	Date: 10/1/2023
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**Contra Costa County District Attorney's Office
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Name: Stephanie Souza

Title: Criminalist

Agency Name: Forensic Services Division, Contra Costa Office of the Sheriff Muir Lab

Address: 1960 Muir Road, 2nd Floor, Martinez, CA 94553

Phone Number: (925) 313-2800

Name: Brendan Kellmann

Title: Crime Scene Investigator

Agency Name: Forensic Services Division, Contra Costa Office of the Sheriff Summit Lab

Address: 2530 Arnold Dr, 2nd Floor, Martinez, CA 94553

Phone Number: (925) 335-1600

Name: Janine Fong

Title: Fingerprint Technician

Agency Name: Forensic Services Division, Contra Costa Office of the Sheriff Summit Lab

Address: 2530 Arnold Dr, 2nd Floor, Martinez, CA 94553

Phone Number: (925) 335-1600

Assignment: Crime Scene investigation.

Emergency Medical Personnel:

Name: Elizabeth Lewis

Title: EMT

Agency Name: American Medical Response, Rig #55

Agency Address: 2400 Bisso Lane, Concord, CA. 94520

Phone Number: (888) 267-6591

Name: Diane Marroquin

Title: EMT / MEDIC.

Agency Name: American Medical Response, Rig #55

Agency Address: 2400 Bisso Lane, Concord, CA. 94520

Written By:

Inspector Kirk Sullivan #214

Date: 10/1/2023

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Phone Number: (888) 267-6591

Name: Drew Rosten
 Title: Captain
 Agency Name: Contra Costa County Fire, ENGINE 81.
 Agency Address: 315 W. 10th Street, Antioch, CA. 94509.
 Telephone Number: (925) 754-3812

Name: Blane Christianson
 Title: Engineer.
 Agency Name: Contra Costa County Fire, ENGINE 81.
 Agency Address: 315 W. 10th Street, Antioch, CA. 94509.
 Telephone Number: (925) 754-3812

Name: Daniel Sarrasin
 Title: Firefighter
 Agency Name: Contra Costa County Fire, ENGINE 81.
 Agency Address: 315 W. 10th Street, Antioch, CA. 94509.
 Telephone Number: (925) 754-3812

LEGAL COUNSEL FOR INVOLVED OFFICERS:

Attorney's Full Name: Michael L. Rains
 Law Office Name: Rains, Lucia, Stern, St. Phalle & Silver, PC
 Law Office Address: 2300 Contra Costa Boulevard, Suite 500, Pleasant Hill, CA. 94523
 Law Office Phone Number: (925) 609-1699
 Law Office Fax Number: (925) 609-1690

Attorney's Full Name: Justin E. Buffington
 Law Office Name: Rains, Lucia, Stern, St. Phalle & Silver, PC

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CIVILIAN WITNESSES:

[REDACTED]

D.O.B.: [REDACTED]

Unhoused

CDL: [REDACTED]

Cellular Telephone: [REDACTED]

Currently unhoused, and living in his RV parked in an empty lot at the corner of [REDACTED]

[REDACTED] with [REDACTED] Plates of [REDACTED] Interviewed by Inspector Barbara.

[REDACTED]

D.O.B.: [REDACTED]

CDL: [REDACTED]

Cellular Telephone: [REDACTED]

Currently unhoused and living in his RV, parked in an empty lot at the corner of [REDACTED]

[REDACTED] with California plates of # [REDACTED]. Interviewed by Inspector Barbara.

Unknown (refused to Identify himself)

[REDACTED]
WMA, approximately 5'07", 160lbs, scruffy facial hair, long brown hair, eyeglasses, and approximately 50 years old. Interviewed by Inspector Barbara.

[REDACTED]

D.O.B.: [REDACTED]

CDL: [REDACTED]

Address: [REDACTED]

Cellular Telephone: [REDACTED]

Interviewed by Detective Corporal Vanderpool

[REDACTED]

D.O.B.: [REDACTED]

CDL: [REDACTED]

Written By:
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Address: [REDACTED]

Cellular Telephone: [REDACTED]

Interviewed by Detective Corporal Vanderpool

[REDACTED]

D.O.B.: [REDACTED]

CDL: [REDACTED]

Cellular Telephone: [REDACTED]

Address: [REDACTED]

Interviewed by Detective Corporal Vanderpool

[REDACTED]

D.O.B.: [REDACTED]

CDL: [REDACTED]

Cellular Telephone: [REDACTED]

Address: [REDACTED]

Interviewed by Detective Gragg

[REDACTED]

D.O.B.: [REDACTED]

CDL: [REDACTED]

Cellular Telephone: [REDACTED]

Address: [REDACTED]

[REDACTED]

Interviewed by Detective Gragg

[REDACTED]

D.O.B.: [REDACTED]

CDL: [REDACTED]

Cellular Telephone: [REDACTED]

Address: [REDACTED]

(Mackin's biological mother)

**Written By:
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Interviewed by Inspector Richie

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[REDACTED]

D.O.B.: [REDACTED]

CDL: [REDACTED]

Cellular Telephone: [REDACTED]

Address: Address: [REDACTED]

([REDACTED] husband and stepfather to Mackin)

Interviewed by Inspector Richie

[REDACTED]

D.O.B.: [REDACTED]

CDL: [REDACTED]

Cellular Telephone: [REDACTED]

Address: [REDACTED]

(Mackin's biological father)

Interviewed by Inspector Richie.

[REDACTED]

D.O.B.: [REDACTED]

CDL: [REDACTED]

Cellular Telephone: [REDACTED]

Address: [REDACTED]

(Mackin's stepmother)

Interviewed by Inspector Richie.

**Written By:
Inspector Kirk Sullivan #214**

Date: 10/1/2023

**Contra Costa County District Attorney's Office
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[REDACTED]

D.O.B.: [REDACTED]

CDL: [REDACTED]

Possible Cellular Telephone: [REDACTED]

Address: [REDACTED]

(Registered owner of the blue van Mackin was driving)

Interviewed by Inspector Richie

Intentionally left blank

INVESTIGATION:

Notification:

On Sunday, October 1, 2023, at 0930 hours, I received a telephone call at my residence from Lieutenant Conaty. Lieutenant Conaty informed me there had been an officer involved shooting in the city of Antioch, which involved four actor officers, and several witnessing officers. Lieutenant Conaty advised the suspect had been transported to the hospital and was in critical condition.

At approximately 1000 hours, I arrived at the Antioch Police Department. Upon arrival, I met with additional Inspectors from the District Attorney's Office, and Detectives from the Antioch Police Department.

At approximately 1200 hours, I attended a briefing conducted by Antioch Police Detective Sergeant Colley regarding the shooting and what led up to it. During the briefing, I learned the following information:

On Thursday, September 26, 2023, at approximately 1418 hours, Community Service Officer Graham responded to the Cube Smart Self Storage located at 1790 Vineyard Drive in the city of Antioch. CSO Graham was responding to the onsite manager, [REDACTED]

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[REDACTED], who was reporting a vehicle theft from the location. At this time, CSO Graham reviewed surveillance footage of the vehicle theft, which occurred earlier the same day. While reviewing the surveillance footage, CSO Graham saw that on Thursday, September 26, 2023, at approximately 0130 hours, two unknown male subjects were walking around inside the storage yard. At approximately 0152 hours, a blue or purple panel van is seen entering the storage yard via the rear gate, located at the end of Vineyard Drive. The panel van then can be seen pushing a white 1987 Chevrolet Monte Carlo (Cal. License Plate # [REDACTED]) out of the south gate of the storage yard onto E. 18th Street. Once the panel van and the Monte Carlo exited the south gate, CSO Graham was unable to see them because it was out of the surveillance camera's view.

[REDACTED] advised that nobody had permission to be at the storage yard, at that time. [REDACTED] then provided CSO Graham with the owner of the Monte Carlo personal information. CSO Graham made telephone contact with the owner of the Monte Carlo, ([REDACTED] who currently resides in Florida, and he advised that he did not give anyone permission to have his vehicle. CSO Graham completed a stolen vehicle report, and requested the surveillance footage of the incident from Cube Smart Self Storage, as evidence of the theft. CSO Graham later entered the stolen Monte Carlo into the Stolen Vehicle System (SVS) and returned to his duties.

On Sunday, October 1, 2023, at approximately 0741 hours, CSO Graham was conducting his patrol duties, when he noticed a white Chevrolet Monte Carlo backed into the carport of [REDACTED]. The Monte Carlo was covered with a tarp. CSO Graham noticed a blue panel van backed into the carport next to the Monte Carlo. CSO Graham believed the blue panel van was similar to the one he saw involved with the theft of the Monte Carlo on Thursday, September 26, 2023. Based on this, CSO Graham contacted dispatch, and requested assistance from patrol. K-9 Officer Marques responded to assist CSO Graham, as did Officer Dibble, Officer Mulholland, and his Trainee Officer Posey.

Officer Marques arrived on the scene followed by Officer Dibble. The officers approached the suspected stolen Monte Carlo, pulled back the tarp, and discovered it

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was unoccupied. Officer Marques confirmed the Monte Carlo was the stolen vehicle CSO Graham had been investigating on Thursday, September 26, 2023. Officer Marques then conducted a record check of the blue panel van which had a license plate of [REDACTED]. This vehicle returned with an expired registration in 2018. Officer Marques began looking into the interior of the blue panel van through the side cargo door windows on the passenger side. As Officer Marques did this, he noticed someone (later identified as suspect Daniel Mackin) was sleeping in the rear cargo area of the vehicle with a handgun lying next to him in plain view.

Officer Marques advised dispatch of this observation, and the officers quickly backed away from the suspect vehicle and took cover near their patrol vehicles. At this point, Officer Mulholland and his trainee, Officer Posey arrived on the scene. Hearing this information over the radio, Officer Borg, and his trainee, Officer Armstrong responded as well. Officers noticed that Mackin was now awake, and looking out the front windshield at the Antioch Police Officers surrounding the van. Officers began giving Mackin orders to step out of the van with his hands up, however, he did not comply. Officers Borg and Officer Armstrong arrived on the scene and took a position near Officer Marques' patrol vehicle.

At this time, Mackin got into the driver's seat of the van and started it. Mackin then attempted to flee, by driving the van through the apartment building's parking lot over a curb/green belt area, and onto A Street. The van then hit a utility box, and a street sign pole, at which time it became stuck. Officers continued to give Mackin orders to come out of the van, but Mackin refused. Mackin began to back up and drive forward several times, in an attempt to free the van and escape. At this time, Officer Mulholland utilized a 40mm less lethal weapon to break out the driver's side window of the van. After four unsuccessful attempts to break the van's driver's side window, Mackin fled on foot out the side cargo doors of the van.

As Mackin fled from the van he was holding something in his waistband or hooded sweatshirt front pocket with his left hand. As Mackin fled eastbound on A Street, Officer Marques deployed his police K-9 to apprehend him. As Mackin fled he was followed by

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a small dog that had been inside the van. The small dog distracted the police K-9, which prevented the K-9 from apprehending Mackin. As Mackin ran, the officers could now see a chrome handgun in his right hand.

As Mackin continued to run east, he turned several times toward the police officers pursuing him, and was now pointing the handgun in their direction. The pursuing officers, then fired several times at Mackin as he fled. At one point Mackin fell to the ground and came to rest in a seated position on the north curbline, still pointing the handgun at the officers. Officers then fired additional shots at Mackin as he got to his feet, still pointing the handgun in the direction of pursuing officers. Mackin continued to run eastbound on A Street, with the handgun in his right hand. As Mackin ran, he threw the handgun, over his head in a northern direction. The handgun landed on the north sidewalk of A Street, where it was later recovered fully, loaded with six live rounds.

Once the handgun was discarded, officers verbally announced Mackin had discarded it, and no other shots were fired. Mackin ran approximately another 10-15 yards until he came to a stop, went to his knees, and laid down on the ground in the middle of A street. Officers approached Mackin who had sustained one through and through gunshot wound to his torso. Mackin was immediately handcuffed, and emergency medical personnel were requested. Officers obtained a medical kit from a patrol vehicle, and began administering first aid. Fire and ambulance personnel arrived and Mackin was transported to John Muir Hospital, Walnut Creek Campus. Per medical staff at John Muir Hospital, Mackin had sustained injuries to both lungs as a result of being shot. Mackin was intubated and was being treated for his injuries.

After Sergeant Colley's briefing, we reviewed the body-worn camera footage of the involved officers. Sergeant Colley advised that Mackin was currently listed in critical condition, but was expected to survive.

Evidence Recovery:

Media (body-worn camera footage):

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After the briefing by Sergeant Colley, all the investigators reviewed the body-worn camera footage from the involved officers. The information provided in the briefing was consistent with the content of the video provided in body-worn camera footage.

After reviewing the body-worn camera footage, teams were established pursuant to the Protocol. The teams consisted of representatives of the Contra Costa County District Attorney's Office and the Antioch Police Department. The investigative teams and their specific tasks were as follows:

Team #1:

Inspector Kirk Sullivan & Detective Adam Duffy lead investigators:
Conducted actor officer interviews and suspect interview.

Team #2:

Inspector Dave Lewellyn & Detective Kris Palma – Witness officer interviews.

Team #3:

Inspector Fraser Richie & Detective Arturo Becerra – Notification of suspect's family/suspect vehicle and stolen vehicle contacts.

Team #4:

Inspector Andrew Barbara & Detective Randall Gragg – Neighborhood canvass.

Team #5:

Inspector John Garcia & Detective Jiseok Jong – Crime Scene

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ADDITIONAL INVESTIGATIVE DUTIES CONDUCTED:

Contra Costa Crime Lab Personnel:

Criminalist, Stephanie Souza, Crime Scene Investigator, Brendan Kellmann, and Fingerprint Technician, Janine Fong – Crime Scene.

Crime Scene Description:

At approximately 1300 hours, Detective Duffy and I responded to [REDACTED] to assess the crime scene. The scene was cordoned off by crime scene tape, and Antioch Police personnel were providing scene security and maintaining a crime scene log. The Contra Costa Crime Lab, Contra Costa District Attorney's Office, and Antioch PD Crime Scene Investigators were also on the scene conducting their duties. I could see the blue van Mackin attempted to flee in, had struck a utility box and a street sign pole from driving over the curbed parking lot and into the vegetation between the parking lot and A Street. In an easterly direction on A Street, I could see several crime scene plaques marking numerous expended shell casings. Further east on the north sidewalk of A Street, I saw another crime scene plaque that marked a chrome revolver. A short distance further east was clothing and blood in the middle of the street.

[REDACTED] is a three story apartment complex comprised of the first floor being eight storage units and a carport. The second and third floors consist of four, two bedroom

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apartments on each floor. The apartments all face north with a common parking lot that is accessible from a W. 3rd Street entry/exit point.

After assessing the crime scene, Detective Duffy and I responded back to the Antioch Police Department. Upon our arrival, we were advised that the actor officers were not going to provide statements that day, and those interviews were scheduled for Tuesday, October 3, 2023, at 1000 hours, at the Antioch Police Department.

In preparation for the interviews of the officers, Detective Duffy and I conducted a further review of the body-worn camera footage of the incident. This was done in an attempt to determine when the last shot was fired, relative to when Mackin discarded the handgun. At 08:05:51 hours the last shot was fired and at 08:05:54 hours, Mackin discards the handgun. This was confirmed by the Antioch Police Department's shot spotter system and the officers' body-worn cameras.

On Tuesday, October 3, 2023, at 1011 hours, Detective Duffy and I met with Officer Armstrong and his attorney, Michael Rains of Rains, Lucia, Stern, St. Phalle & Silver, PC. We met in the second floor conference room of the administrative wing of the Antioch Police Department. This interview was digitally recorded with Officer Armstrong's knowledge. After introducing ourselves, I initiated the interview by explaining to Officer Armstrong that the purpose of the interview was to determine the facts and circumstances that surround this incident.

I also told Officer Armstrong this was a voluntary statement, and that he could stop at any time if he needed to take a break or speak with his attorney. Officer Armstrong told me he understood. I then asked Officer Armstrong to tell me about his background, including his training and experience. Officer Armstrong in substance told us the following:

Officer Kyle Armstrong Training and Experience:

He attended the basic police academy and was hired by the Antioch Police Department. He has been in orientation training for approximately a week, and Sunday, October 1, 2023, was his first day on patrol. He spent 10 years in the military, and reached the rank of Sergeant in the U.S. Army, in a communications unit. He deployed once to

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Afghanistan and once to Somalia. He does not have any prior law enforcement experience and has a high school diploma and some college; however, he does not have a degree.

After Officer Armstrong provided his training and experience, I asked him to explain what happened that led to the officer involved shooting. Officer Armstrong in substance told us the following:

Officer Kyle Armstrong Statement:

Sunday, October 1, 2023, was his first day in the field training program. He works from 0630 hours until 1900 hours, which is a red day's schedule. He had a good night's sleep and was well rested and ready for his day. He was dressed in the Antioch Police Uniform, with visible A.P.D. patches on his shoulders and an embroidered badge as well as a duty belt with his department issued firearm. His firearm is a 9mm, Glock 17, Gen 5 department issued handgun, which can carry a standard 17-round magazine plus one additional round in the chamber. He was loaded with 16 rounds in the magazine and one in the chamber. He also had two additional magazines with him. One had 16 rounds and the other had 17 rounds. He was short 2 rounds of duty ammunition, because while he was at the range the week before he dropped two rounds on the ground and never found them. He was wearing a department issued body camera, which was activated during this incident.

He attended a briefing with his Training Officer, Officer Borg. After the briefing, they collected paperwork he would need in preparation for his day. As they did this, there was a call over the police radio of a subject sleeping in a vehicle with a firearm in his hand. Officer Borg told him they were going to respond to the call, so they headed to their fully marked A.P.D. patrol vehicle. Once at their patrol vehicle, they responded to the detail. As they responded, Officer Borg had him read the details of the call from the computer (Mobil Data Terminal, M.D.T.). The details of this call were that officers had located a possible stolen vehicle, and next to the vehicle a subject was sleeping in a van with a firearm in his lap.

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They drove down 2nd Street to respond to the call, and did not turn on any emergency lights or siren to get there. Upon arrival, they parked their patrol vehicle, and he could see Training Officer Mulholland and his trainee, Officer Posey. He also saw Officer Dibble and K9 Officer Marques. He could see two patrol vehicles facing a blue panel van with their overhead emergency lights on. He also could see officers pointing their firearms at the van and giving commands to a subject inside the van (later identified as Daniel Mackin). He and Officer Borg drew their firearms, and took a position to assist.

He could not see anyone in the van at this time; however, he was told Mackin was in the back of the van, and he could see some movement inside. There was a curtain between the front compartment of the van and the cargo area in the back, which prevented him from clearly seeing into the van. From this vantage point, he could see the curtains dividing the front and the back of the van shift as if someone had crawled underneath them to move to the front of the cabin. Suddenly he could see Mackin in the driver's seat, as the van's engine started.

Numerous commands were given to Mackin to get out of the van; however, Mackin did not comply. Mackin put the van in drive, and started to pull out of the parking stall he was backed into. Mackin attempted to drive over the curb bordering the parking lot and onto A Street; however, the van became stuck or high-sided in the vegetation between the parking lot and A Street. Mackin also hit a utility box and a street sign pole with the front of the van.

At this point, Officer Borg ran back to their patrol vehicle and turned it around. Officer Borg positioned the vehicle facing northbound on 3rd Street in the event Mackin was able to drive away and a vehicle pursuit ensued. Officers continued to give Mackin verbal commands to surrender. He noticed that K9 Officer Marques had retrieved his K9 from his patrol vehicle. At this point, they all had taken cover near their patrol vehicles in the area behind the van. Officer Mulholland utilized a 40mm less lethal gun in an attempt to break out the driver's side window of the van. This was not effective as the rubber rounds ricocheted off the van. Officer Mulholland continued to fire several

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rounds at the van, but he was uncertain how many. The rounds just kept ricocheting off the van, which he believed was due to the angle Officer Mulholland was firing from.

He could see Mackin moved out of the driver's compartment area and back into the rear cargo area of the van. He could no longer see Mackin, and they were aware he was still in possession of the handgun. Officer Mulholland ran out of ammunition for the 40mm, so Mulholland moved to another vehicle to retrieve more. During this time, Mackin continued to try and free the van by backing up and driving forward. The tires of the van were just spinning, and he was unable to free the van. Officer Borg requested Officer Mulholland attempt to shoot out the back window of the van with the 40mm less lethal weapon. As Officer Mulholland was repositioning himself to take a shot with the 40mm, the right side cargo door of the van opened and Mackin stepped out of the van. Officer Borg and Officer Mulholland both gave Mackin commands to get down on the ground, but he did not comply.

Mackin pulled the hood of his hooded sweatshirt up over his head. As Mackin did this, he had a small dog in the van with him that jumped out as well. Mackin looked like he was holding the handgun in his front sweatshirt pocket with his left hand as he began to flee eastbound on A Street. He could see what appeared to be the handle of the handgun sticking out of the sweatshirt pocket. K9 Officer Marques deployed his K9 and began to pursue Mackin. He and Officer Borg both gave chase as well. As they pursued Mackin, Officer Marques, and Officer Borg were to his left. He was not sure where Officer Mulholland, Officer Dibble, or Officer Posey were exactly; however, he knew they were somewhere around him.

As Mackin fled on foot, Mackin fell near a light pole. When Mackin fell to the ground, Mackin took a seated position along the curb line. He could now see Mackin holding the silver or chrome firearm in his right hand and pointing it in the direction of Officer Marques and Officer Borg. He could not tell if the handgun was a revolver or a semi-automatic. He could only see the barrel of the handgun. He feared for the lives of his fellow officers, at which time he felt deadly force was necessary. He then heard a shot fired by one of the officers near him, possibly to his left. He then stopped running, took

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aim, and fired approximately 2 rounds at Mackin. He estimated he was approximately 20 to 25 feet away from Mackin when he fired his first shots.

At this time, he heard several rounds being fired by his fellow officers to his left. However, Mackin did not appear to be hurt or hit, at which time Mackin got back up and continued running eastbound on A Street. As Mackin was fleeing eastbound, Mackin continually turned, looking back at the officers pursuing him. He wasn't sure if Mackin was turning to shoot at them while fleeing, so each time Mackin turned towards them with the handgun in his hand, he and the other officers would fire at Mackin. He fired approximately 6 more rounds at Mackin and each time he fired, he reassessed the situation.

As Mackin fled, Mackin did what he described as a "Kareem Abdul-Jabbar hook shot" and threw the handgun with his right hand over his head in a northern direction. Once Mackin discarded the handgun, he yelled out to everyone, "he dropped the gun." Once he yelled out that Mackin no longer had the handgun in his possession, no other shots were fired. It was unclear if Mackin was merely discarding the handgun or trying to throw it into the adjacent river. The handgun came to rest on the north sidewalk of A Street. Moments later, Mackin collapsed and fell to the ground where he was handcuffed and taken into custody. Once Mackin was safely in custody, they began administering first aid. Mackin had sustained an apparent gunshot wound to his torso during the incident.

They immediately requested emergency medical personnel to their location. He quickly ran back to his patrol vehicle and brought it to the location to get medical supplies out of the rear. CSO Graham had also brought his car up. At that point, he began blocking off the crime scene and preventing traffic from coming through.

He is uncertain if Mackin fired his gun. He believes he fired approximately 8 rounds at Mackin during this incident. There were several minutes between the time Mackin was first confronted and ordered out of the van, and when Mackin high sided the van, and orders were given for him to surrender. Mackin never complied with any of the orders

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given to him to surrender. Mackin was noncompliant throughout this incident and never gave any indication he was going to surrender. A concern of his during this incident was not being able to see what Mackin was doing, and being unable to determine if Mackin was pointing the handgun at them while Mackin was moving around in the van.

During this incident, he never had any reason to believe the handgun Mackin had was anything other than a real firearm, which could cause death or serious bodily harm. He believed that when Mackin was raising the handgun toward officers, Mackin had the ability, intent, and opportunity to gravely harm or kill him and his fellow officers.

After our interview, Officer Armstrong indicated that he had not spoken with anyone about the incident other than his attorney and had not viewed body-worn camera footage before the interview. Officer Armstrong was offered an opportunity to review his body-worn camera footage; however, he declined. Officer Armstrong had nothing further to add, so we ended our interview.

On Tuesday, October 3, 2023, at 1115 hours, Detective Duffy and I met with Officer Borg and his attorney, Michael Rains of Rains, Lucia, Stern, St. Phalle & Silver, PC. We met in the second floor conference room of the administrative wing of the Antioch Police Department. This interview was digitally recorded with Officer Borg's knowledge. After introducing ourselves, I initiated the interview by explaining to Officer Borg that the purpose of the interview was to determine the facts and circumstances that surround this incident.

I also told Officer Borg that this is a voluntary statement, and he could stop at any time if he needed to take a break or speak with his attorney. Officer Borg told me he understood. I then asked Officer Borg to tell me about his background, including his training and experience. Officer Borg in substance told us the following:

Officer Borg's Training and Experience:

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He attended a basic police academy and worked for the Alameda County Sheriff's Department as a Deputy Sheriff for 12 ½ years. He has been a police officer for the Antioch Police Department for 4 ½ years and has attended several P.O.S.T. certified trainings in his career. He is currently enrolled in Cal Coast College for his bachelor's degree.

After Officer Borg provided his training and experience, I asked him to explain what happened that led to the officer involved shooting. Officer Borg in substance told us the following:

Officer Borg's Interview:

He had a full night's sleep the night before this incident and was well rested. He was dressed in the APD class "C" uniform, which is their BDU uniform. He was wearing an outer load vest cover with APD patches on each shoulder and an embroidered star on his left chest. He was wearing his duty belt, and carrying his department issued firearm. His firearm is a 9mm, Glock 17, Gen 5 department issued firearm, which was fully loaded and has a capacity of 17 rounds in the magazine. He had one round in the chamber which gave him a total of 18 rounds, which is how he was carrying it on the day of the incident. He also had two additional magazines with him that were both loaded to a capacity of 17 rounds each. He was wearing a department issued body camera, which was activated during the incident.

He is a training officer and Officer Armstrong is his trainee. After the briefing on Sunday, October 1, 2023, he gave Officer Armstrong a tour of the department, as this was Officer Armstrong's first day on patrol. While touring the police department, he heard the details of Officer Marques' call with a possible stolen vehicle and an unresponsive man sleeping in a different vehicle, with a gun in plain view. He and Officer Armstrong respond to the location in their fully marked patrol vehicle.

Upon arrival at A Street and W. 3rd Street, he parked their patrol vehicle on W. 3rd Street. He could see 2-3 patrol vehicles with their emergency lights on, parked in the driveway facing the carport area of the apartments. The officers were conducting a high-risk stop and ordering a person out of a van. He and Officer Armstrong

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immediately got out of their patrol vehicle and took cover behind the patrol vehicles in the driveway area. He spoke with Officer Dibble who confirmed that the van was the involved vehicle.

At this point, he took a position on the passenger side of a patrol vehicle, and directed Officer Armstrong to stay with him. Both he and Officer Armstrong drew their sidearms and pointed them at the blue van. Officers began giving orders to the person in the blue van to surrender and come out with his hands up (this person was later identified as Mackin). After a few moments, he saw Mackin move into the driver's seat of the blue van. It was difficult to see into the van because there was a curtain dividing the front seat and the rear cargo area. The side windows of the van were also tinted, making it difficult to see into the van. Mackin did not comply with their orders to give up during the 2-3 minutes Mackin was being ordered out of the van. All the officers were in full uniform, and the patrol vehicles were fully marked, with the emergency lights on.

At this point, Mackin moved into the driver's seat, and he could hear Mackin trying to start the van. Officers gave Mackin orders to not start the van and to come out with his hands up; however, Mackin did not comply. Mackin put the van into drive and accelerated, driving towards the officers. Mackin then veered away from the officers and tried to drive over the curbed parking lot and through the vegetation in an attempt to drive onto A Street. Mackin hit a metal utility box and got the van stuck in a grassy area. Mackin began to reverse the van and drive it forward in an attempt to free it.

At this point, things became chaotic with officers talking over each other and giving Mackin commands to surrender. He quickly returned to his patrol vehicle, in the event Mackin was able to free the van and a vehicle pursuit ensued. Once he realized Mackin was unable to free the van, he returned to his position of cover at the patrol vehicle parked in the driveway. He noticed that Officer Marques had his police K9 out. At this point, they all had taken cover near their patrol vehicles in the area behind the van. Officer Mulholland had the 40mm less lethal deployed. They were trying to deescalate the situation by shooting out the driver's side window in an attempt to gain Mackin's compliance with their orders to surrender.

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He yelled out to Officer Mulholland to have one person give commands, so it wouldn't be so chaotic and Mackin could understand. He was at the rear of the van; unfortunately, the rear windows were tinted, and he could not see where Mackin was. He requested dispatch contact the Brentwood Police Department to see if they had stop sticks available in the event Mackin was able to get the van free.

After 2-3 minutes, he saw the side passenger door open and Mackin jumped out of the van. Mackin was wearing a hooded sweatshirt and shorts with the hood up over his head. He could see that Mackin had his left hand in the front pocket of the sweatshirt or the front of his waistband. He started yelling orders for Mackin to surrender and to put his hands up. He yelled out that Mackin had exited the van, and he was now reaching for something. He and Mackin made eye contact and Mackin fled eastbound across the curbline of the parking lot and onto A Street.

He gave chase and took an angle to the right in an attempt to cut Mackin off. As he ran up a dirt embankment, he tripped and fell to the ground. He quickly got up and continued to pursue Mackin. He could now see Mackin was running with a handgun in his left hand. As Mackin fled from him, Mackin turned and looked at him while holding the handgun in his left hand. He believed that Mackin was attempting to gain a sight picture of the pursuing officers. At this time, he felt he needed to use lethal force to stop Mackin and prevent him from shooting any officers. He believed Mackin had the intention to harm someone, and Mackin could cause death or harm to officers or citizens. He then fired at least one round at Mackin. He estimates he was 15-20 feet away from Mackin at the time he initially engaged him.

Mackin ran a short distance and then collapsed on the sidewalk on the north side of A Street. When Mackin fell to the ground, he fell in a seated position on the sidewalk. Mackin was facing him and his fellow officers. He recalled Officer Marques was to his immediate left and they were close together. Mackin was now holding the handgun in his right hand and began raising it, at which time he could see the silver barrel of the gun pointed at him. He thought Mackin fired a shot at him because he heard a shot come

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from Mackin's direction, but he did not see a muzzle flash or see the handgun recoil. Based on this, he fired several rounds at Mackin.

After firing at Mackin, Mackin got onto his feet again, and was still holding the handgun in his right hand. He conducted a tactical reload, to make sure he had a fully loaded firearm. After the tactical reload, he pointed his handgun at Mackin, however, he does not recall if he fired any more shots. Within seconds, Mackin started to flee from officers again. Mackin then threw the handgun over his head in a northern direction. He could see that Mackin was no longer armed or had anything in his hands, so he transitioned to his taser and holstered his firearm. He could see Mackin was slowing down, and he began giving Mackin commands to get onto the ground. After Mackin discarded the handgun, there were no additional shots fired by officers.

He could see Officer Marques' K9 run passed him. The K9 began circling Mackin; however, the K9 never engaged Mackin because of the distraction of Mackin's dog. At this point, Mackin slowed down and collapsed onto the ground. Mackin was handcuffed, and officers began requesting a medical bag, and emergency medical personnel to respond. They also began securing the crime scene.

After our interview, Officer Borg indicated that he had not spoken with anyone about this incident other than his attorney and had not viewed body-worn camera footage before the interview. Officer Borg was offered an opportunity to review his body-worn camera footage; however, he declined. Officer Borg had nothing further to add, so we ended our interview.

At 1219 hours, Detective Duffy and I met with Officer Marques and his attorney, Justin Buffington of Rains, Lucia, Stern, St. Phalle & Silver, PC. We met in the second floor conference room of the administrative wing of the Antioch Police Department. Please refer to Detective Duffy's supplemental report for further details relative to Officer Marques' statement.

At 1331 hours, Detective Duffy and I met with Officer Dibble and his attorney, Justin Buffington of Rains, Lucia, Stern, St. Phalle & Silver, PC. We met in the second floor conference room of the

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administrative wing of the Antioch Police Department. Please refer to Detective Duffy's supplemental report for further details relative to Officer Dibble's statement.

End of Report.

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