

**SAN MATEO COUNTY  
DISTRICT ATTORNEY'S OFFICE**



**BUREAU OF INVESTIGATION**

**NAME:** [Decedent] Allen, Roger Corneilous  
**INSPECTOR:** Eric Suzuki  
**CASE TYPE:** Officer Involved Critical Incident  
**DATE:** April 7, 2021  
**CASE #:** 21-0407-03

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**21-0407-03 Executive Summary**

**Executive Summary**

The purpose of this Executive Summary is to provide a synopsis of this incident and the subsequent investigation. The Master Investigation Report provides a full unabridged account of this investigation in its entirety and should be referenced for additional information or details not provided in this summary report.

**LISTED PERSONS:**

**Involved Subject** Allen, Roger Corneilous  
[REDACTED]

**Involved Officer** Newton, Cameron, Detective  
Daly City Police Department  
333 90<sup>th</sup> Street  
Daly City, California 94015

**Witness Officer** McCarthy, Nicholas, Officer  
Daly City Police Department  
333 90<sup>th</sup> Street  
Daly City, California 94015

**Witness Officer**

**Brenes, Rosa, Officer**

Daly City Police Department  
333 90<sup>th</sup> Street  
Daly City, California 94015

**Witness Officer**

**Brennan, Michael, Lieutenant**

Daly City Police Department  
333 90<sup>th</sup> Street  
Daly City, California 94015

**Witness Officer/  
Post Incident**

**Bowman, Scott, Sergeant**

Daly City Police Department  
333 90<sup>th</sup> Street  
Daly City, California 94015

**Witness Officer/  
Post Incident**

**McQuade, Joshua, Officer**

Daly City Police Department  
333 90<sup>th</sup> Street  
Daly City, California 94015

**Witness Officer/  
Post Incident**

**Douglas, Karen, Officer**

Daly City Police Department  
333 90<sup>th</sup> Street  
Daly City, California 94015

**Witness Officer/  
Post Incident**

**Martin, Nicholas, Officer**

Daly City Police Department  
333 90<sup>th</sup> Street  
Daly City, California 94015

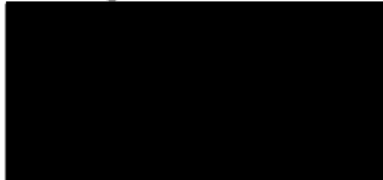
**Witness Officer/  
Post Incident**

**Poti, Isaako, Officer**

Daly City Police Department  
333 90<sup>th</sup> Street  
Daly City, California 94015

**Civilian Witness**

**Colangelo, James Robert**



**Civilian Witness**      **Salama, Amal Aref**



**INCIDENT SUMMARY**

On April 7, 2021 at approximately 1:45 pm, Daly City Police Officer Nicholas McCarthy was parked at the entrance to the Daly City Corporation Yard off Westlake Avenue. (There are two entrance/exits to the Daly City Corporation Yard, one is on Westlake Avenue and the other is on Niantic Avenue). Officer McCarthy was in uniform and driving a marked Daly City Police vehicle. He drove down Westlake Avenue and made a right turn onto Niantic Avenue. Mid-block on Niantic Avenue, Officer McCarthy saw a stopped white GMC 4-door truck. Officer McCarthy saw the truck was parked at an angle, the left rear tire was damaged, and the truck was partially blocking a driveway. Officer McCarthy observed that the windows of the truck had an extremely dark tint. The truck's front driver side door was open, and Officer McCarthy could see the driver (later identified as James Colangelo) seated in a slumped over position. Officer McCarthy drove past the truck, then decided to go back to the truck to check on the welfare of the driver. As Officer McCarthy drove past the truck at about 1:53pm, he did a computer check on the truck's license plate by using his in-vehicle computer. The computer return showed the truck had valid registration and the registered owner of the truck was from San Francisco. Officer McCarthy drove up behind the truck and parked. Officer McCarthy did not turn on any type of vehicle emergency equipment (lights, siren) as his intent was to check on the welfare of the driver of the truck.

Officer McCarthy exited his vehicle and approached the truck. When Officer McCarthy knocked on the front driver side window, Colangelo opened the door. Officer McCarthy asked Colangelo if he was okay. As Officer McCarthy talked to Colangelo, he saw a black male (later identified as decedent Roger Allen) sitting in the front right passenger seat holding what appeared to be a methamphetamine smoking pipe in his right hand. Officer McCarthy saw Allen trying to hide the methamphetamine pipe underneath his right thigh.

Officer McCarthy asked Colangelo if he had any identification and Colangelo said he did not, but Colangelo verbally identified himself. As Officer McCarthy was writing down Colangelo's information, he saw that Allen seemed extremely nervous, saying, "Fuck, fuck, fuck." At this time, Officer McCarthy heard another police vehicle pull up behind him. Officer McCarthy saw it was Officer Rosa Brenes and he asked her if she could stay. Officer Brenes exited her marked patrol vehicle and moved to stand behind and to the left of Officer McCarthy on the driver side of the truck. At about 1:56pm, Officer McCarthy notified San Mateo County Communications via police radio that he was with an occupied suspicious vehicle in front of 750 Niantic Avenue.

When Officer McCarthy asked passenger Allen for his identification, Allen told Officer McCarthy he did not have any. Officer McCarthy saw a Daly City unmarked police vehicle (Ford Explorer) slowly

drive by his location. Officer McCarthy saw the Ford Explorer pull over and Lieutenant Michael Brennan and Detective Cameron Newton exited the vehicle and walked over to the passenger side of the truck. Officer McCarthy said based on the circumstances of him seeing the methamphetamine pipe Allen was trying to conceal, and the movement of Colangelo whom he believed was trying to also conceal something, he asked Colangelo if he would be willing to step out of the truck. Colangelo agreed and stepped out of the truck next to the open driver side door.

Officer McCarthy had Colangelo put his hands behind his back and he grasped Colangelo's hands to conduct a pat search. Officer McCarthy could still see Allen through the open driver door and when he looked back at Allen, he saw Allen had a gun laying on his right thigh that Allen was gripping with his right hand. Officer McCarthy took his gun out of his holster and pointed his gun at Allen. As Officer McCarthy was pointing his gun at Allen, Officer McCarthy yelled out, "Gun, gun, gun!" to warn the other officers. Officer McCarthy saw Allen raise the gun into a shooting position and Allen yelled. Officer McCarthy said Allen then turned his body towards Officer McCarthy and pointed the gun directly at McCarthy's face. Officer McCarthy estimated he was about a foot away from the open driver door and Allen was leaning over the center console of the truck from the passenger side when Allen pointed the gun at him.

In immediate fear for his safety and the safety of others, Officer McCarthy was about to discharge his firearm at Allen when he felt what he described as a "pinch" on his forehead. Officer McCarthy said the "pinch" took him by surprise and distracted him. Due to possible crossfire with other officers, Officer McCarthy decided to crouch down, and then retreated to the rear of the truck.

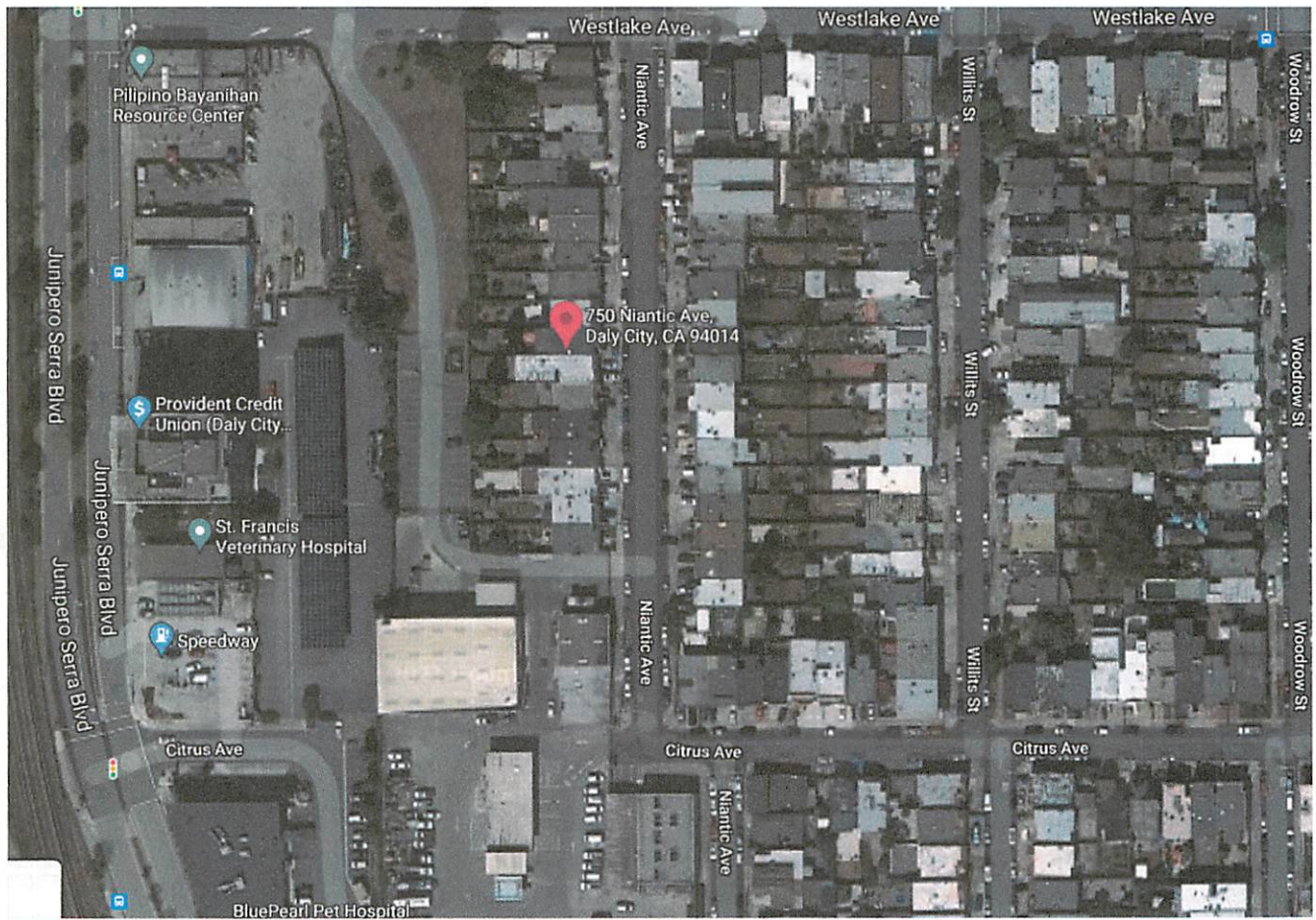
Lieutenant Brennan had started to open the front passenger door because he saw Allen moving his arms down in a manner Lieutenant Brennan recognized as being consistent with retrieving or hiding something. When Lieutenant Brennan opened the front passenger door, he saw Allen had a gun in his hand. Lieutenant Brennan began struggling with Allen for the gun. Lieutenant Brennan yelled commands at Allen to "Drop the gun, drop the gun!" Allen pulled away from Lieutenant Brennan, backing further into the cab of the truck. During the struggle, Lieutenant Brennan said Allen's gun was pointed directly at Brennan. Detective Newton, who had moved into a position next to Lieutenant Brennan at the front passenger door, also recalled the tip of Allen's gun coming down towards him. Detective Newton reached around Lieutenant Brennan and fired two (2) shots at Allen from his department issued duty firearm. Allen was struck once in the chest by Detective Newton's rounds. Officers immediately provided medical attention on scene until relieved by Fire and EMS personnel.

According to computer aided dispatch (CAD) records, AMR Medic Unit #48 arrived at the incident scene at 2:06:33pm. The AMR unit's "at location" time is entered automatically by a GPS trigger on the EMS vehicle. Per CAD records AMR Medic Unit #48 departed the scene to transport Allen to San Francisco General Hospital at 2:10:43pm. Allen was pronounced deceased at San Francisco General Hospital on April 7, 2021, at 3:36pm.

The San Mateo County Officer Involved Critical Incident protocol was enacted and investigators responded to the scene.

## SCENE

This Officer Involved Critical Incident (OICI) took place within the 700 block of Niantic Avenue, a residential street in the City of Daly City, San Mateo County, California. The incident location is approximately 300 feet north of the City of Daly City Corporation Yard located at 792 Niantic Avenue in Daly City. Niantic Avenue runs north and south and intersects with Westlake Avenue to the north and Citrus Avenue to the south.



[Overview of the incident scene]



[Photos of the incident scene]

### **SUMMARY OF DISPATCH RECORDS**

On April 7, 2021 at about 1:53pm, Daly City Police Officer Nicholas McCarthy was in his vehicle and ran a computer check on a white GMC Truck CA License Plate [REDACTED] that was parked near 750 Niantic Avenue. At about 1:56pm Officer McCarthy notified San Mateo County Communications that he was out with an occupied suspicious vehicle, the white GMC Truck CA License Plate [REDACTED] and that Officer Brenes was with him. At about 1:57 pm, radio traffic from an unknown officer declared, "Shots fired". Seconds later Lieutenant. Brennan broadcasted, "Shots fired on Niantic!"

### **Statement of Witness Officer Nicholas McCarthy**

On April 8, 2021 Inspector Suzuki interviewed Daly City Police Officer Nicholas McCarthy at the San Mateo County District Attorney's Office. Officer McCarthy provided a voluntary statement and he was represented by Rains, Lucia, Stern Law Firm Attorney Nicole Pifari.

Officer McCarthy has been a police officer for approximately 6 years and is currently a Canine Handler in the Patrol Division for the Daly City Police Department.

### **Initial Contact with the Truck and its Occupants**

Officer McCarthy said that on April 7, 2021 at approximately 1:45pm, he was in a marked police vehicle and wearing a Daly City Police Department uniform. Officer McCarthy was travelling southbound on Niantic Avenue when he saw a white Chevy or GMC 4-door truck off to his right (facing southbound) which had a silver toolbox in the bed, and the toolbox was flipped open. Officer McCarthy said the driver's door was partially open, and he could see that the left rear tire was flat. The truck was parked at an angle and was partially blocking a driveway. Officer McCarthy said he could see the driver, whom he described as a white male in the driver seat in a slumped-over position. Officer McCarthy said he

drove past the truck then he decided to head back to check on the welfare of the driver. Officer McCarthy said he wanted to check to make sure the driver was not hurt or having a medical emergency.

Officer McCarthy said as he drove past the truck the second time, he did a computer check of the truck's license plate (this was done on Officer McCarthy's computer in his vehicle). He also noted the truck had dark tinted windows and the computer return showed the vehicle had valid registration and a registered owner from San Francisco. Officer McCarthy said he drove up behind the truck and parked about one car length behind it, but he did not turn on any type of vehicle emergency equipment.



**[Subject truck at the incident scene]**



**[Truck's driver side rear tire]**

Officer McCarthy said he exited his vehicle and approached the truck from the driver's side and contacted the driver. Officer McCarthy said he knocked on the driver side front window and the driver, James Colangelo, opened the door. Officer McCarthy said he asked the driver if he was okay and the driver responded, "yes." Officer McCarthy said he continued to talk with the driver, telling the driver the reason he was there talking with him was that he saw him with his head slumped over and he wanted to make sure he was not having a medical emergency. Officer McCarthy said he then noticed a black male sitting in the right front passenger seat (the decedent, Roger Allen) who was holding a methamphetamine pipe in his right hand. Officer McCarthy said he did not say anything about seeing the pipe at that moment.



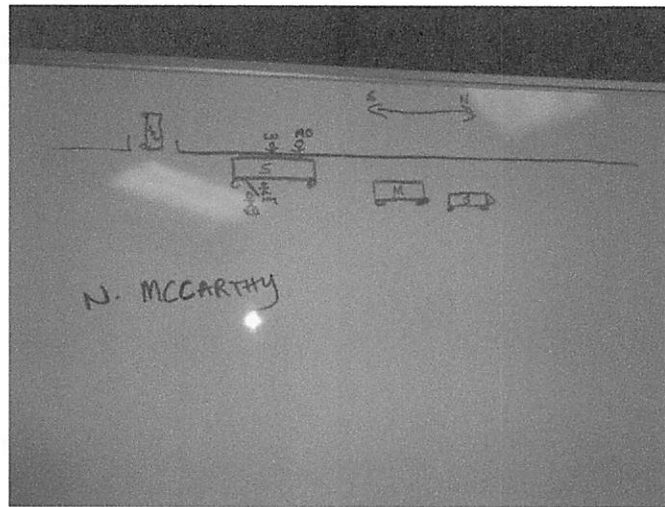
**[View of inside the truck from the open driver side door]**

Officer McCarthy said his attention then turned to a white female later identified as Amal Salama in the rear seat, driver side. Salama was moving around so he asked her to “stop moving around” and she replied, “okay”. Officer McCarthy said he then saw the front passenger (Allen) trying to hide the methamphetamine pipe underneath his right thigh. Officer McCarthy said at that same time, it appeared Colangelo was also attempting to conceal something under his right thigh as well. Officer McCarthy said he told everyone in the truck to stop moving around and to not try to hide any narcotics or paraphernalia, telling them if they were upfront and honest, he would try to “work with them.”

When Officer McCarthy asked Colangelo if he had any identification, Colangelo said he did not. Officer McCarthy said the driver (Colangelo) verbally provided his name and date of birth. Officer McCarthy said passenger Allen seemed extremely nervous, saying, "fuck, fuck, fuck". Allen was grabbing his forehead and pulling his left hand down his face. Officer McCarthy said he thought this was unusual behavior because he had not even directed any questions to Allen at that point.

Officer McCarthy said Officer Brenes arrived to assist him. Officer McCarthy said Officer Brenes stood behind and to the left of him. Officer McCarthy said he now asked the front passenger (Allen) for his identification and Allen told him he did not have any. Officer McCarthy then asked Allen for his name and date of birth, and Allen gave a name but “fumbled” with his date of birth. Officer McCarthy felt Allen appeared to have forgotten the year he was born, providing a different month the second time he was asked. Officer McCarthy said he believed the front passenger was lying about his identity.





**[Diagram of scene by Officer McCarthy]**

Officer McCarthy said Lieutenant Brennan and Detective Newton then arrived in an unmarked police vehicle and walked to the passenger side of the GMC truck.

Officer McCarthy said Lieutenant Brennan opened the passenger side rear door and he heard him explain to the female in the back seat that he was opening the door for officer safety reasons since he could not see inside. Officer McCarthy said the female told Lieutenant Brennan, "Okay no problem." Officer McCarthy said he could see Detective Newton's silhouette through the front passenger's window, and he knew Detective Newton was standing with Lieutenant Brennan.

Officer McCarthy said he then obtained the female rear passenger's identification which she gave to him verbally. Officer McCarthy said she initially gave him a false date of birth, then changed her mind and gave him what she said was her actual date of birth.

Officer McCarthy said based on the circumstances of him seeing Allen trying to conceal a methamphetamine pipe, and the movement of the driver who he believed was trying to also conceal something, he asked the driver, Colangelo, if he would be willing to step out of the truck. Officer McCarthy said Colangelo told him, "Of course, no problem." Officer McCarthy said Colangelo stepped out of the truck and Officer McCarthy could now see Allen moving his hand again towards his right thigh. Officer McCarthy said he told Allen to stop moving and to put his hands on his lap so Officer McCarthy could see them.

Officer McCarthy said Allen did not say anything in response to his directions and kept moving his torso from front to back in a rocking manner. Officer McCarthy told Allen to relax and told him it was "not a big deal." Officer McCarthy reiterated to Allen that if he was worried about the methamphetamine pipe, "don't worry about it, we can work it out."

## **Altercation, Shots Fired**

After Colangelo stepped out of the truck, Officer McCarthy said he had Colangelo put his hands behind his back and Officer McCarthy grasped Colangelo's hands in the small of Colangelo's back with his left hand. Officer McCarthy explained to Colangelo that he was not searching pockets, he was only searching for weapons. Colangelo told him, "Okay, no problem." Officer McCarthy said he then checked Colangelo's waistband for weapons, turning Colangelo slightly to his left in order to walk Colangelo back towards Officer McCarthy's car to conduct an "actual search of his person."

At that moment, Officer McCarthy said he and Colangelo were about a foot away from the truck and he could still see Allen through the open driver's door when he saw Allen now had a gun on his lap. Officer McCarthy said the gun was in Allen's right hand, lying on its left side, atop of Allen's right thigh. Officer McCarthy described the gun as a "black, semi-automatic pistol, it looked to have a different grip, kind of older grip, but the actual slide looked newer than the grip." Officer McCarthy said Allen was looking directly at him as he held the gun.

Officer McCarthy said he took his own gun out of his duty holster, pointed it at Allen, and yelled, "Gun, gun, gun!" Officer McCarthy said Allen then lifted the gun upwards and let out a yell. Officer McCarthy described the yell as "Ahhhhh!" Officer McCarthy said Allen then turned his torso towards the open driver's side door and pointed the gun directly at his (Officer McCarthy's) face. Officer McCarthy said he was about one foot away from the open driver door and Allen was leaning over the center console, from the passenger side of the truck, pointing the gun at Officer McCarthy. Officer McCarthy said he made the decision that he was going to shoot Allen when he then felt what he described as a "pinch" on his forehead. Officer McCarthy said that took him by surprise because he had not heard a gunshot.

Officer McCarthy said at that time, Lieutenant Brennan and Detective Newton had opened the front passenger door and due to their position, Officer McCarthy felt if he fired his duty weapon at Allen, he might risk inadvertently shooting Lieutenant Brennan or Detective Newton. Officer McCarthy decided to let go of Colangelo, and he then crouched down and, retreated to the rear of the truck. He heard Lieutenant Brennan and Detective Newton struggling with Allen in the front seat. Officer McCarthy said he heard either or both Lieutenant Brennan and Detective Newton yelling commands to "drop the gun, drop the gun!" Officer McCarthy said as he came around from the rear of the truck, he saw both Lieutenant Brennan and Detective Newton were at the truck leaning into the front passenger seat. Officer McCarthy said he did not see Allen's gun at that time. Officer McCarthy then heard a single shot. Officer McCarthy said he did not know if the front seat passenger or one of the officers had fired the shot.

## **Decedent Detainment and Medical Aid**

Officer McCarthy said after he heard the gunshot, he watched Detective Newton remove Allen from the truck as Officer McCarthy helped place Allen onto the ground to be handcuffed. Detective Newton and Officer McCarthy pat searched Allen for additional weapons and checked Allen for injuries. Officer

McCarthy said he pulled Allen's shirt up and saw there was one bullet wound. Officer McCarthy said Allen was then taken out of handcuffs so medical aid could be administered.



**[Photo of injury to Officer McCarthy's face]**

**End of statement summary for Officer McCarthy**

**Statement of Witness Officer Rosa Brenes**

On April 9, 2021, Inspector Matt Broad interviewed Daly City Police Officer Rosa Brenes at the San Mateo County District Attorney's Office. Officer Brenes provided a voluntary statement and she was represented by Rains, Lucia, Stern Law Firm Attorney Nicole Pifari.

Officer Brenes has been a police officer for 5 years and works in the Patrol Division.

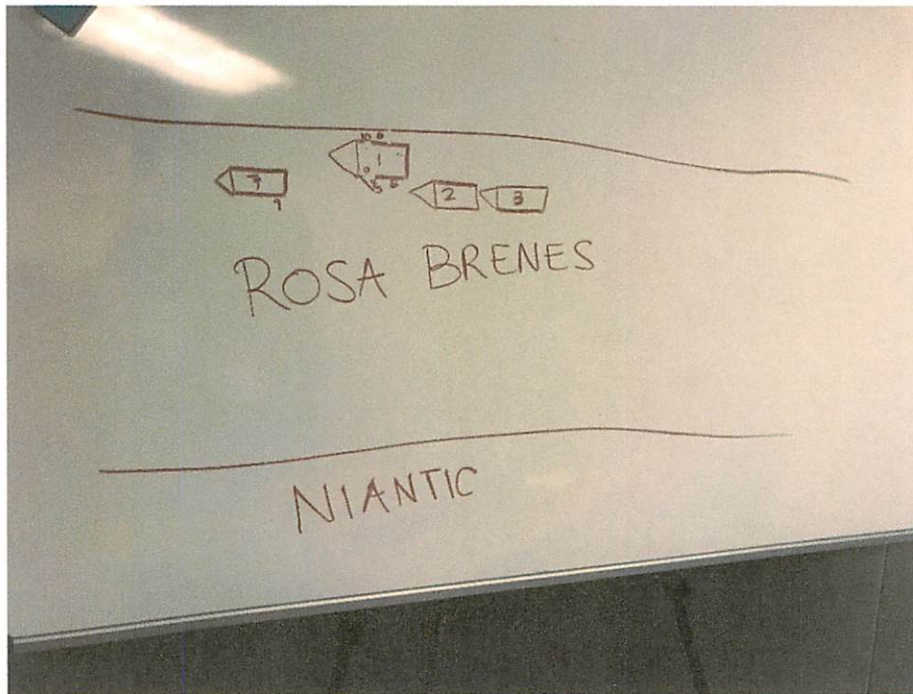
Officer Brenes said on the day of the incident, she was in a Daly City Police Department uniform and driving a marked Daly City Police Department vehicle. She was leaving the city's corporation yard at the south end of the 700 block of Niantic Avenue and immediately saw Canine Officer Nicholas McCarthy in the 700 block of Niantic Avenue. Officer McCarthy was contacting the occupants of a white GMC extended cab pickup truck. Officer Brenes rolled down her window and she asked Officer McCarthy if he needed a cover officer and he asked her to stay.

Officer Brenes exited her car and approached the driver's side of the pickup truck. Officer McCarthy was standing within the threshold of the open driver door and Officer Brenes stood directly next to him.

While Officer McCarthy spoke with the driver, identified as James Colangelo, Lieutenant Michael Brennan and Detective Cameron Newton arrived on scene in an unmarked police vehicle. Lieutenant

Brennan and Detective Newton parked in front of the white pickup truck facing southbound. They exited their vehicle and contacted the other occupants of the white truck on the passenger side. Officer Brenes described the occupants as a black male in the front passenger seat (decedent Roger Allen) and a white female in the rear seat (Amal Salama).

According to Officer Brenes after Detective Newton and Lieutenant Brennan arrived, Officer McCarthy asked the truck's driver, Colangelo, to step out of the vehicle. Officer Brenes saw Allen in the front passenger's seat start to move both his hands around the waistband area of his pants. He also started to rock from side to side in a manner that caused her to believe he was manipulating an object from under his clothing. Officer Brenes warned Allen to stop and to show his hands. She recalled saying loudly, "Hey, hey! Your hands! Stop! Stop reaching! Stop reaching!" Allen did not stop his movements around his waistline. Officer Brenes then drew her firearm and held it at "low ready," which is a commonly referred-to position wherein the weapon is held in front of the torso in a shooting grip but with the gun barrel pointed downward or away from a potential threat.



**[Diagram of scene by Officer Brenes]**

Officer Brenes said Officer McCarthy then moved back to the driver's side door, drew his own firearm, pointed it at Allen and "told [Allen] to stop reaching." Allen then rotated his body 90 degrees to his left, so his back was now against the passenger's door and he was facing Officers Brenes and McCarthy. Allen reached under his clothing and drew a firearm, which Brenes described as a "Glock". She heard an officer, who she believed was Officer McCarthy, yell, "Gun, gun." Officer Brenes saw a gun in Allen's hand. Officer Brenes "ducked" in an attempt to make herself smaller because she believed she

was going to be shot but she was still able to see that Allen then pointed the gun at her and Officer McCarthy.

Officer Brenes started to move to the unmarked police vehicle parked in front of the white pickup truck when she heard a, "pop," that she believed was consistent with a gunshot. Officer Brenes went to the passenger side of the truck to assist Detective Newton and Lieutenant Brennan. When she arrived, she heard Lieutenant Brennan yell that he had the gun in his possession. Officer Brenes saw that Allen had been shot so she assisted Detective Newton in removing Allen from the vehicle. Once Allen's handcuffs were secured, Allen was placed on his stomach. Allen started to complain that he could not breathe and Officer Brenes rolled him onto his side. Lieutenant Brennan then told Brenes to remove Allen's handcuffs and she did so.

Officer Brenes recalled that officers checked Allen for injuries and located a gunshot wound on Allen's torso. Officers then began rendering aid to Allen and placed gauze over the wound.

**End of statement summary for Officer Brenes**

**Statement of Witness Lieutenant Michael Brennan**

On April 8, 2021, Inspector Kevin Raffaelli interviewed Daly City Police Lieutenant Michael Brennan at the San Mateo County District Attorney's Office. Lieutenant Brennan provided a voluntary statement and he was represented by Rains, Lucia, Stern Law Firm Attorney Nicole Pifari.

Lieutenant Brennan has been a police officer for 21 years and is currently assigned to the Investigation Division.

On April 7, 2021, Lieutenant Brennan was the Investigation Division Commander and due to a series of street robberies was tasked with supplementing the Patrol Division by placing additional investigative personnel on patrol. Lieutenant Brennan stated he was wearing a modified uniform, consisting of a dark sweatshirt marked with "Police" on the arms, Daly City Police Department patches in dark grey on each shoulder, a load bearing vest with "Brennan" sewn over the right breast, and a sewn Daly City Police badge over the left breast. In addition, Police was sewn across the back of the vest. Lieutenant Brennan was also wearing a duty belt containing his duty firearm: a Glock 17, 9mm semi-automatic handgun, baton, Taser, extra magazines, radio, handcuffs, and a tourniquet.

Lieutenant Brennan stated he and Detective Cameron Newton were riding together in an unmarked police vehicle. They heard Officer Nicholas McCarthy over the police radio advise he was contacting subjects in a vehicle in the 700 block of Niantic Avenue. Lieutenant Brennan said he started to travel in that direction as a cover officer to confirm the officers were not in need of additional assistance.

When Lieutenant Brennan and Detective Newton arrived in the area, Lieutenant Brennan saw Officer McCarthy and Officer Brenes standing on the driver side of a white GMC pick-up. Lieutenant Brennan

identified the subject vehicle as a white, 4 door truck with darkly tinted windows. As Lieutenant Brennan was slowly pulling alongside of the truck, he saw it contained three occupants. He then stopped his vehicle and both he and Detective Newton approached the truck on foot.

Lieutenant Brennan approached on the passenger side and since the front passenger window was down a bit, he called out to the driver to ask if it was alright to open the right rear passenger door so he could see inside for their safety. The driver said, "No problem." Lieutenant Brennan opened the right rear passenger door and stood back slightly offset a short distance away from the door. Lieutenant Brennan said a white female, identified as Amal Salama was in the rear seat and a black male (decedent Roger Allen) was in the front passenger seat.



**[View of interior of the truck from the open passenger side rear door]**

Lieutenant Brennan heard Officer McCarthy ask the driver to step out of the truck, and the driver complied. As that happened, Lieutenant Brennan saw that Allen appeared to be moving his hands towards his waist band as though he was reaching for something. Lieutenant Brennan said he did not have a clear view of what Allen was doing and he went to open the front passenger door in order to better observe Allen's hands. As he reached for the front passenger door and opened it, he heard someone yell "Gun, gun, gun." Lieutenant Brennan said he was now looking through the open passenger door at Allen and he saw Allen was holding a firearm. Lieutenant Brennan said he was not sure what hand the firearm was in, but Allen was now pointing the firearm at him. Lieutenant Brennan stated, "At that point I am committed, I do not have time to get my gun out, so I get both my hands and I grab onto that gun for dear life."



**[View of interior of the truck from the open passenger front door]**

Lieutenant Brennan tried to push the firearm towards the roof of the truck, and he told Allen several times to drop the gun, stating "I just remember him (Allen) fighting with me." Lieutenant Brennan said Allen tried to pull the gun down to point it at Brennan's head. Lieutenant Brennan said he was "on top of Allen" at that time. Lieutenant Brennan said, "My right hand on the barrel and the slide of the gun, or what felt like a gun, it looked like a Glock, I specifically remember that, and I remember putting my other hand underneath the trigger guard, my thought was if he shot me, if I was holding onto the gun it would malfunction and that he wouldn't be able to shoot anybody else." Lieutenant Brennan said while he was fighting with Allen, he recalled holding onto the gun and he heard two gunshots being discharged. At first Lieutenant Brennan was unsure if he had been shot by Allen because he felt the percussion of the firearm discharge on his side, but then Lieutenant Brennan felt Allen go limp as Lieutenant Brennan pulled the gun out of Allen's hands.

Lieutenant Brennan said Officer Brenes came to the passenger side of the truck and Officer Brenes and Detective Newton removed Allen from the truck. Lieutenant Brennan said he requested medics over the radio and advised the officers on scene were starting life saving measures. Lieutenant Brennan went back to where Allen was lying on the ground and noticed his breathing was labored and he was in handcuffs. Lieutenant Brennan said he told the officers to unhandcuff Allen so they could render first aid.

Lieutenant Brennan said there was no doubt in his mind that the firearm he was struggling over was a real firearm. Lieutenant Brennan said that he carries a Glock handgun and "When I grabbed it (Allen's gun), I felt metal and it was heavy, I remember just grabbing onto that thing and thinking right now I am fighting for my life and I have had some experiences throughout my career but never to the point I thought that this is it." Lieutenant Brennan said he told Allen several times to drop the weapon, but Allen was just "grunting and like, it was a full-on fight, he wanted to get that gun down towards my head."

Lieutenant Brennan said, "I will just tell you, in 20 years of doing this job, by far it was one of the scariest things that I ever dealt with, I honestly thought his intent was to shoot me or one of our fellow officers, I was talking to Nicole about it (referring to Attorney Pifari) being there and grabbing onto that

gun, I felt it was my only option at that point because of the distance I was at and I think, like I said, with his intent of shooting somebody, my thought was to grab that gun and like I said to either hold onto it to disarm him or if he did shoot it to have it malfunction so that it was inoperable and he couldn't shoot anybody else."

### **End of statement summary for Lieutenant Brennan**

### **Statement of Involved Detective Cameron Newton**

On April 9, 2021 Inspector Suzuki interviewed Daly City Police Detective Cameron Newton at the San Mateo County District Attorney's Office. Detective Newton provided a voluntary statement and he was represented by Rains, Lucia, Stern Law Firm Attorney Nicole Pifari.

Detective Newton has been a police officer for 9 years. He is currently assigned to the Investigation Division. Detective Newton has also worked patrol, is on the Daly City SWAT Team, is a member of the County Terrorism Assault Team, is a Firearms Instructor, a Patrol Rifle Instructor, a Taser Instructor, and an Active Shooter Instructor.

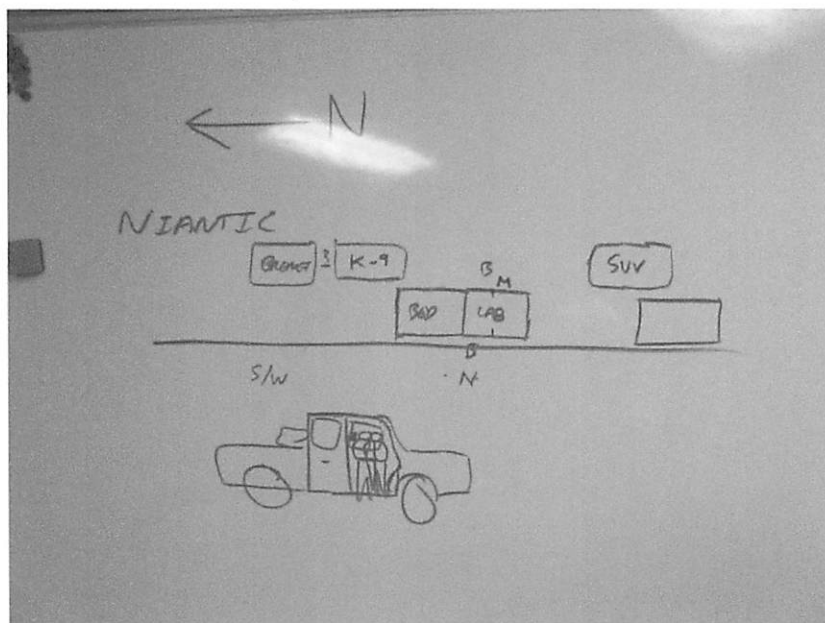
On April 7, 2021, Detective Newton was with Lieutenant Brennan and they were going to conduct surveillance in an unmarked police vehicle due to a series of strong-arm street robberies Daly City had been experiencing. Detective Newton said he was wearing a Daly City Police hat, he had an outer vest on that had a star badge and his name. Detective Newton also said on the outer vest he had an RCB (Rapid Containment Baton) on his left side, his radio on the center of his chest, two magazines for his handgun, a small pouch which had a tourniquet in it, a pry bar, a glass breaking tool, rifle magazine, and a flashlight. Detective Newton had a can of OC spray in the pouch to his right, handcuffs and a flap that said "police" were on the rear of the vest. Detective Newton was wearing a Daly City Detective shirt with Daly City Police written down both sides of the arms, and patches on the left and right shoulders. Detective Newton's belt had a Taser on the left side, his chrome metal badge was on his belt, and he had a drop leg thigh holster containing his department issued firearm and another tourniquet attached to the holster.

### **Notification, and Response**

Detective Newton said he and Lieutenant Brennan left the Daly City Police Department at approximately 1:45 P.M. and heard Officer McCarthy on what sounded to be a traffic stop on Niantic Avenue and that Officer Brenes was with him. Detective Newton said he and Lieutenant Brennan drove to Niantic Avenue and as they slowly passed by, Detective Newton saw Officer McCarthy and Officer Brenes were at the driver side of the stopped vehicle. Lieutenant Brennan stopped and pulled their vehicle over to the front of the stopped vehicle.

Detective Newton said he and Lieutenant Brennan took a position to the passenger side of the vehicle, he described as a white pickup truck, Chevy or GMC style, 4-door, that was parked along a curb.





[Diagram of scene by Detective Newton]

### Physical Confrontation, and Gunfire

Detective Newton said he saw there was a person sitting in the front passenger seat, identified as decedent Roger Allen, so he knew there were at least two occupants in the vehicle. Detective Newton said he saw the passenger side front window was rolled down 6 to 8 inches, but the window was darkly tinted, and he couldn't see much through the small opening. Detective Newton said the passenger rear window was also tinted, and he couldn't see inside. Detective Newton said Lieutenant Brennan approached the rear passenger door and opened the door to see if there was anyone in the backseat. Detective Newton then saw an occupant in the backseat, sitting behind the driver.

Detective Newton said from the open rear passenger door he had a view of the driver and a partial view of Officer McCarthy. Detective Newton said he saw that Officer McCarthy was speaking to the driver at the driver's door. Detective Newton said he could not hear the dialogue between Officer McCarthy and the driver, but he saw the driver exit out of the vehicle. Detective Newton said as the driver exited the vehicle, Lieutenant Brennan made his way to the front passenger side door and opened it. The rear passenger door remained open as well. Detective Newton said at that same moment he heard Officer McCarthy yell either, "Gun, he has a gun", or "Gun, he says he has a gun."

Detective Newton said he saw Officer McCarthy draw his duty firearm. Detective Newton said he also saw Allen raise a firearm upwards. Detective Newton said he could only see the top portion of the firearm. Detective Newton said he did not see where the gun initially came from. Detective Newton said at that moment, he, and Lieutenant Brennan got into a physical confrontation with Allen in the front passenger seat. Detective Newton said Allen turned his body sideways in his seat towards the passenger

door and was now facing Detective Newton and Lieutenant Brennan. Detective Newton said Lieutenant Brennan was in front of him and was grabbing at Allen's arms trying to get the gun away from Allen. Detective Newton said he initially tried to go to the left of Lieutenant Brennan to assist him but there was no space in the opening of the door. Detective Newton said Allen was pulling away from Lieutenant Brennan backing further into the cab of the truck. Detective Newton said with the height of the truck, Lieutenant Brennan was fully extended while trying to reach into the truck while grasping for Allen's hands to try to gain control of the gun. Detective Newton said during the struggle he remembered the tip of Allen's gun coming down towards him and Lieutenant Brennan.

Detective Newton said, "There was a feeling of being terrified that the subject was going to kill the Lieutenant right in front of me, kill me, whoever else was in that vehicle. But, there was an overwhelming feeling of being almost helpless because I couldn't reach further or do anything at that point, I couldn't get around him (Lieutenant Brennan) because of our positioning in the door, I couldn't get around him (Lieutenant Brennan) on the right side because there's nothing over there, the gun's over here (Detective Newton demonstrated that Allen was leaning in the passenger seat to Allen's right holding the gun up on the right side by Allen's temple). I couldn't get on top of him (Allen) and at that point I thought one of us was going to die (Lieutenant Brennan or Detective Newton). I had my gun out at some point near the beginning of the struggle, I was able to, fearing for his (Lieutenant Brennan's) life, my life, I was able to extend my arm and get my handgun from what I thought was hopefully beyond Lieutenant Brennan and around him, and essentially right at the subject's abdomen area and I fired one or two rounds, I'm not positive, one or two rounds."

#### **Detainment of Allen, Medical Aid and Public Safety Statement**

Detective Newton stated next, "There was an immediate change in the subject's demeanor, his body seemed to react to what had just happened. I'm not positive there was any immediate sounds or yelling from him, but his body had reacted with a jolt which is the best way to explain it. And immediately after the jolt, I could see Lieutenant Brennan turning away, maybe not turning away but being able to squeeze out, from between all of us there. I heard him say, I think it was twice, I've got the gun, I've got the gun, or I've got it, something to that effect."

Detective Newton said Allen didn't appear to be resisting at that point and he grabbed Allen from the passenger seat, pulling him onto the sidewalk to put handcuffs on him. Detective Newton said he then ran over to his patrol vehicle and took the medical kit from the backseat and ran back over to Allen. Detective Newton said he lifted Allen's shirt and saw a wound in his abdomen. Detective Newton said he started pulling out some packing gauze so it could be placed on Allen's wound. Detective Newton said Lieutenant Brennan said to un-handcuff Allen and Detective Newton asked Officer Brenes to finish searching Allen as he removed the handcuffs.

Detective Newton said he gave a public safety statement to Sergeant Scott Bowman and then was removed from the scene.

**End of statement summary for Detective Newton**

### **Statement of Post Incident Witness Sergeant Scott Bowman**

On April 7, 2021, Inspector Matt Broad spoke with Sergeant Scott Bowman of the Daly City Police Department.

Sergeant Bowman said he responded to the incident with Daly City Police Department Lieutenant Ed Green after hearing a radio dispatch notice that shots were fired. Sergeant Bowman did not know what time the call occurred.

Upon his arrival, he contacted involved witness Canine Officer "Nick" McCarthy. Officer McCarthy told Sergeant Bowman that initial contact with the occupants of the involved vehicle (white pickup truck) was initiated by him. Officer McCarthy further stated, "A guy pointed a gun at me, and Newton shot."

Sergeant Bowman subsequently spoke with shooting officer Detective Cameron Newton who told Sergeant Bowman he fired one round that struck an occupant of the vehicle in the abdomen. The one fired round did not strike any other persons or objects. Detective Newton said there were no outstanding suspects or vehicles.

Sergeant Bowman said the weapon possessed by the occupant of the white pickup truck was left in the crime scene on the hood of Officer McCarthy's patrol vehicle. Sergeant Bowman believed the weapon was a "realistic looking Airsoft-type pistol."

Sergeant Bowman stated the Daly City Police Department currently does not utilize either body worn cameras and/or vehicle mounted cameras. Therefore, there was no video of the incident that was recorded by any member of the Daly City Police Department.

### **End of statement summary for Sergeant Bowman**

### **Statement of Post Incident Witness Officer Joshua McQuade**

On May 11, 2021, Inspector Lydia Cardoza and Inspector Eric Suzuki interviewed Daly City Police Officer Joshua McQuade at the Daly City Police Department. Officer McQuade provided a voluntary statement.

On April 7, 2021, Officer McQuade was working patrol and heard Officer McCarthy over the police radio advise he was contacting an occupied suspicious vehicle in the 700 block of Niantic Avenue. Officer McQuade began driving towards Niantic Avenue to respond as a backup officer but heard Officer Brenes was on scene so he canceled his response.

Officer McQuade was on another call nearby when he heard what sounded like a "muffled" sound over his police radio. The next transmission he heard over the radio was Lieutenant Brennan saying, "Shots fired." Officer McQuade immediately returned to his patrol vehicle and responded to the 700 block of

Niantic Avenue. As he arrived, he approached the passenger side of a white GMC pick-up truck and saw a subject (later identified as decedent Roger Allen) laying on his back on the sidewalk. Officer McQuade said it was clear Allen needed medical assistance and that became his primary focus. Officer McQuade began rendering medical aid to Allen.

Officer McQuade said he checked Allen's upper torso and saw what appeared to be a gunshot wound. Officer McQuade stated he placed manual pressure on the wound, but the wound was not bleeding. He turned Allen on his side to examine his back for a possible exit wound. There was no obvious exit wound, so he rolled Allen back onto his back and was assisted by Officer Karen Douglas in placing an occlusive dressing on the wound. Officer McQuade advised he remained with Allen until Fire and Medics took over Allen's care.

**End of statement summary for Officer McQuade**

**Statement of Witness Post Incident Officer Karen Douglas**

On May 20, 2021, Inspector Cardoza interviewed Daly City Police Officer Karen Douglas at the Daly City Police Department. Officer Douglas provided a voluntary statement.

On April 7, 2021 Officer Douglas said she was at the Daly City Police Department and responded to the scene after hearing "shots fired" broadcast over the police radio. Once Officer Douglas arrived on scene, she noticed a subject (later identified as decedent Roger Allen) lying in a supine position on the west sidewalk of Niantic Avenue near a pickup truck. Officer Douglas returned to her patrol vehicle and retrieved her medical pack. Officer Douglas then ran to Allen's location and saw Officer McQuade begin to provide medical aid to Allen by lifting his clothing up towards his chest area. Officer Douglas saw what appeared to be a single gunshot wound between Allen's belly button and chest bone area. Officer Douglas said Allen was "conscious and breathing" and Allen's eyes were open at that point.

Officer Douglas reassured Allen that medical help was on the way and she subsequently opened a pack of gauze and placed it on the wound. Officer Douglas also opened a chest seal and placed it on top of the gauze while continuing to reassure Allen that help was on the way. Officer Douglas said she heard Allen complain of the pain and say that he could not breathe. Officer Douglas believed Allen needed supplemental oxygen, so she retrieved her resuscitator bag. Officer Douglas placed the resuscitator bag over Allen's mouth and began providing manual supplemental oxygen. She stated that Allen would turn his head to either side and push the resuscitator bag away with his arm.

**End of statement summary for Officer Douglas**

## **Statement of Post Incident Witness Officers Nicholas Martin and Isaako Poti**

On April 7, 2021, Inspector James Haggarty responded to San Francisco General Hospital (SFGH) and contacted two Daly City Police Officers who were standing outside of an operating room called "O.R. #1." The officers identified themselves as Isaako Poti and Nicholas Martin.

Officer Poti informed Inspector Haggarty that he and Officer Martin arrived at SFGH at approximately 2:43 pm inside of AMR Ambulance Unit #48, along with the patient later identified as Roger Allen. The medical staff at SFGH began life saving measures on Allen but at 3:36 pm, Officer Poti said Doctor Deborah Stein informed him that Allen had died.

Officer Martin said he and Officer Poti were at the Daly City Police Department when they responded together to the "shots fired" call. As they arrived and exited their patrol vehicle, they ran towards Allen who was laying on the ground and receiving medical aid from other Daly City Police Officers. Officer Martin said he saw Officers Douglas and McQuade applying a "chest seal" to Allen's abdomen as Allen was laying on the ground. Paramedics arrived on-scene and they placed Allen into an ambulance. Officer Martin and Officer Poti were assigned to accompany Allen in the ambulance to San Francisco General Hospital.

Officer Martin said when they arrived at San Francisco General Hospital, Allen was brought to a trauma room where he was attended to by medical staff. Officer Martin said Allen was later pronounced deceased by medical staff.

Officer Martin and Officer Poti stated they used their department issued cellular telephone, Axon application, to video record the transport of Allen to SFGH.

### **End of statement summary for Officer Martin and Officer Poti**

## **SUMMARY OF CIVILIAN WITNESS STATEMENTS**

### **Statement of Civilian Witness James Colangelo**

On April 7, 2021 at about 5:00 pm, Inspector Cardoza and Daly City Police Detective Soyangco interviewed Civilian Witness James Colangelo at the Colma Police Department. Colangelo provided a voluntary statement.

Colangelo said he only knew the decedent, Roger Allen, as "Cutty." Colangelo believed Cutty's first name was "Roger," but he was not sure. Colangelo stated he had known the decedent for more than eight years and had only ever known him as "Cutty." Colangelo became aware the decedent was on parole after he (Cutty) told Colangelo he failed to report to Cutty's female parole officer and had a warrant out for his arrest. A photograph of Allen from the Parole LEADS law enforcement database was obtained. When Colangelo was shown the LEADS photograph of Roger Allen by Daly City Police Detective Soyangco, Colangelo positively identified him as "Cutty" (Roger Allen).

Colangelo said he saw Allen earlier on the day of the incident at approximately 9:30am outside Colangelo's RV, which was parked in San Francisco. Colangelo said he and his friend "Mimi" spent the night together in the RV. "Mimi" was identified as witness Amal Salama. When Colangelo stepped outside of the RV, Allen approached and asked Colangelo about the \$50.00 Colangelo owed Allen. Colangelo said he explained to Allen he had to cash a check at the Money Mart in Daly City because he did not have a bank account. Colangelo suggested that Allen come with him to the check cashing place so Colangelo could pay Allen. Allen agreed and sat in the front passenger seat of Colangelo's truck with Salama sitting in the rear passenger seat.

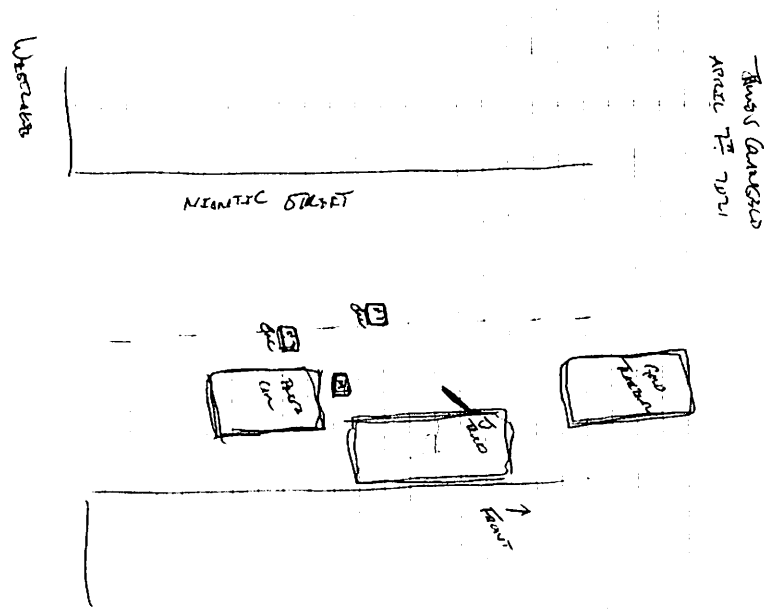
Colangelo drove to the Money Mart, located at 7400 Mission Street in Daly City. Colangelo was not able to cash the check and told Allen he had to find another check cashing location to hopefully cash the check. Colangelo said his plan was to return to San Francisco but upon merging onto Highway 280 north, he immediately heard the steel belt of one of his tires hitting the rear of his truck. Colangelo immediately took the John Daly Boulevard exit and "limped" over to the neighborhood where he ended up parking on Niantic Avenue.

Colangelo said a police officer knocked on the driver's side window (Officer Nicholas McCarthy). Colangelo rolled down his window and the officer asked him what he was doing there. The officer also requested Colangelo's identification. Colangelo explained to the officer he had a "blown tire" and was waiting for someone to help him fix it. Colangelo told the officer he did not have his physical identification with him but had a picture of it on his cell phone. Colangelo saw a "gold 4-door Chevy Trailblazer" (later determined to contain Lieutenant Brennan and Newton) which he believed to be an unmarked police vehicle arrive and park in front of his truck. Colangelo said once the contact with the primary officer (Officer McCarthy) began he did not look over at Allen because he was focused on the officer the entire time. Colangelo did not know what Allen was doing if anything. The primary officer asked everyone in the vehicle for their identification and the officer specifically asked Allen, "What's wrong?" Colangelo said Allen's response was, "I'm a little nervous." The officer then told Allen there was no need to be nervous and that if he had a "meth pipe" all he had to do was show it to him, throw it on the ground or "crush it out" and everyone would be on their way.

Colangelo said the primary officer asked him (Colangelo) to step out of the vehicle. Colangelo said that as soon as his second foot touched the ground, the primary officer asked him to turn around. Colangelo was in the process of turning around when the primary officer drew his gun and pointed it at Allen. Colangelo said the primary officer was so close to him that he had to reach around to point the gun at Allen. At the point when the primary officer drew his gun, Colangelo heard the officer tell Allen, "Don't move." Subsequently Colangelo heard the officer say, "He's moving, he's moving." Colangelo was not able to see what if any movements Allen was making. The primary officer also told Colangelo, "Back up, back up" and Colangelo began to slowly retreat. While Colangelo was retreating, he maintained a partial visual of the interior of his truck. Colangelo was able to see the steering wheel, Allen's arms, knees, and the backpack that was on Allen's lap. Colangelo was not able to see Allen's face because it was obstructed by the driver's seat headrest.

Colangelo said he saw Allen pull out a gun from his lap/waistband area. Once Allen pulled the gun out, the primary officer said, "He's got a gun! He's got a gun!" Colangelo estimated 15 to 20 seconds passed between the primary officer drawing his gun and the officer calling out that Allen had a gun. Colangelo said that a "split second" before the primary officer called out Allen had a gun, he heard Allen say something along the lines of, "Hey look man, check this out, look, you're not going to point a gun at me" Allen then appeared to turn the gun and point it in the direction of the primary officer who was still standing at the driver's door. Colangelo said it sounded like Allen's words were "aggressive".

Once the primary officer called out that Allen had a gun, Colangelo saw the primary officer "jump in the driver's side" and "wrestle" with Allen for the gun. Colangelo said he was still looking up towards the truck when he heard two shots go off. Colangelo said that the primary officer's body and the driver's seat both blocked his view of the inside of the truck almost entirely at this point. However, because Colangelo saw "hands came up" during the struggle, he was able to see the struggle for the gun between Allen and all three officers. Colangelo said the struggle for the gun went on for approximately 30 to 40 seconds before the first round went off. Colangelo explained "struggle" as hearing the officers and Allen "wrestling" and he saw "hands struggling" while Allen's gun was in the air pointed towards the roof of the inside of the truck. When the first round went off, Colangelo saw a silver casing "go off" and "bounce off" somewhere within the truck. Colangelo subsequently heard a second shot fired immediately after the first one. Colangelo believed both rounds were fired from Allen's gun. Colangelo did not see any of the officers return fire. After the second round was fired, Colangelo said he did not hear anyone make any noises or moaning sounds and the struggle continued for approximately 2 to 4 minutes. After the two shots were fired, Colangelo heard one of the officers yell, "Shots fired, shots fired!" He then heard Allen moaning like he was in pain.



[Colangelo's diagram of the scene]

End of statement summary for James Colangelo

## Statement of Civilian Witness Amal Salma

On April 7, 2021 at about 7:45 pm, Inspector Cardoza and Daly City Police Detective Soyangco interviewed Civilian Witness Amal Salma at the Colma Police Department. Salma provided a voluntary statement.

Salama confirmed she went by the name "Mimi". Salama stated she saw James Colangelo the day before the incident for the first time in six years. Salama spent the night with Colangelo in Colangelo's RV in San Francisco and then woke up shortly after 9:00am. Salama asked Colangelo if he could go buy her coffee and he agreed. When Colangelo left, Salama noticed people around Colangelo's RV. Salama walked outside and saw "the guy with the tattoos" waiting for Colangelo. Salama said she did not know his name but knew he went by the nickname "Cutty" (decedent Roger Allen).

Salama said Colangelo eventually returned and she thought they were going to leave to get something to eat, but then she saw Allen sitting in the front passenger seat of Colangelo's truck. Salama got in the rear seat of the truck and the three went straight to Daly City so Colangelo could cash a check to pay Allen money he owed Allen. Salama said there was a problem and Colangelo was not able to cash the check. Colangelo drove away from the area but then had a problem with his tire and that was how they ended up on the street (Niantic Avenue) where the incident occurred.

Salama then saw a police vehicle drive by and they were eventually contacted by a male police officer. When the officer initiated the contact, Colangelo was in the driver's seat, Allen in the front passenger seat, and Salama was in the rear passenger seat behind Colangelo. The officer asked everyone if they were on probation or parole and everyone responded "no." The officer then asked for everyone's date of birth and then asked Colangelo to exit the vehicle.

Salama said after Colangelo was out of the vehicle, Allen "pulled the gun at the officer." When Salama made this statement during the interview she said, "oh my god" and placed her hand on her mouth momentarily. Salama said only seconds went by between Allen "pulling the gun" and her hearing gunfire. When Salama heard the gunfire, she immediately opened the right rear passenger door, went to the rear of the truck, and got on her knees. Salama was not aware Allen had a gun until he pulled it out during the contact.

Salama said Allen pointed the gun at the direction of the first male officer (Officer McCarthy) and Colangelo who were both standing near the driver's side door. Salama initially said the officer was standing approximately three feet away from the driver's side door, however, later in the interview she said he was standing at the edge of the outer frame when Allen extended his right arm across his body. Salama was only able to describe the gun as "black", but said she was sure it was a gun.

Salama said she was sitting in the rear passenger seat directly behind the driver's seat when the shooting occurred but did not see how or where Allen pulled the gun out from. Salama said part of the reason she was not able to see where Allen pulled the gun out from was because Allen had a "big bag



of clothes" on his lap. She also indicated she was paying more attention to Officer McCarthy because she wanted to know what was going on.

Salama said she heard officers telling Allen to "put the gun down." Salama did not know which officer was telling Allen to put the gun down but said that command was given two or three times.

Salama said she did not see who shot first, but she did see that Allen had pointed his gun at the officer on the driver side first. After the shooting Salama saw Allen laying on the ground near the rear bumper of the truck. Salama only had a partial view but saw Allen by the right front tire of the truck and one of the officers turned him around as if they were trying to handcuff him. Salama saw Allen was turned around again and one of the officers "opened his shirt." Salama saw what appeared to be blood near Allen's chest area. Salama said it appeared to her like the officers wanted Allen to "breathe."

**End of statement summary for Amal Salma**

**TRANSCRIPTION OF DALY CITY POLICE RADIO TRAFFIC:**

The following is a transcription of radio traffic from the date of the incident. All efforts have been made to ensure accuracy of the transcription, but the transcript may not be verbatim.

<u>Unit ID</u>	<u>Name</u>
King 227 -	Officer Nicholas McCarthy
246 -	Officer Rosa Brenes
212 -	Officer Karen Douglas
106 -	Lieutenant Michael Brennan
County Comm-	County Communications/Dispatch

**Starting April 7<sup>th</sup>, 2021 at 13:56:24:**

King 227: King 227, occupied 11-54 in front of 750 Niantic.

County Comm: 750 Niantic. Go ahead.

King 227: [REDACTED] it's a white Chevy with 3. I got 246 with me.

County Comm: I copy and I'm sorry, just confirm your plate please.

246: [REDACTED]

County Comm: 10-4. Thank you.

County Comm: King 227, I do show it coming back as a recently recovered stolen.

246: 246, I copy.

106: 106 on scene, Niantic.

County Comm: 106, 10-4.

*Time 3:06: Unknown officer transmitting. Possible declaration of "shots fired". Radio traffic is broken and sounds frantic.*

County Comm: Report of shots fired. Location?

*Time 3:16: Unknown officers transmitting. Continued broken and frantic transmissions. Recordings sounds like multiple officers are attempting to transmit at the same time.*

County Comm: David-246, you're unreadable.

106: 106, we got shots fired on Niantic.

County Comm: Shots fired to Niantic. Units respond.

*No ID given: We're all going.*

106: 106, shots fired on Niantic.

County Comm: 106, I copy shots fired on Niantic.

212: 212, confirming medics are started?

County Comm: Affirm. They are.

*No ID given: (sounded cut off at start) start a 10-42. We had a subject, subject shot, I don't, I don't know how many times. I'll find out.*

County Comm: I copy. Fire and medics are responding and staging.

*No ID given: Yea. Have 'em come in. We're rendering aid on the, on our subject.*

County Comm: I copy fire and medics come in.

212: Nick, is there anyone outstanding?

*No ID given:* Everybody is detained. The driver, the passenger, and our subject.

County Comm: I copy subject detained. Driver, passenger, and subject.

212: Nick, confirming no one outstanding?

*No ID given:* No, nobody's outstanding. (Time 5:00)

*Recording continues for over 9 hours as officers secure and maintain the scene.*

**CAD Record printout (police):**

13:57:45: Incident was initiated by 35K227 at 750 Niantic with an involved vehicle bearing license plate [REDACTED]. The vehicle registration information follows the entry along with data indicating the vehicle was previously stolen and recovered.

13:59:32: Notation, "Shots fired."

13:59:59: Notation, "Shots fired on Niantic."

14:00:09: Notation, "Calling fire/medics to stage."

14:00:29: Notation, "Fire/medics enrt C3 to stage."

14:00:44: Notation, "Have fire/med come in."

14:00:55: Notation, "Rendering aid."

14:01:07: Notation, "Subj detained driver/pass & subj."

14:01:12: Notation, "No outstanding 3."

14:01:24: Notation, "No one outstanding."

14:03:34: Notation, "Subject shot in the chest."

14:08:50: Notation, "35X236.. Going to the hospital with subj."

### **Emergency Medical Services CAD history:**

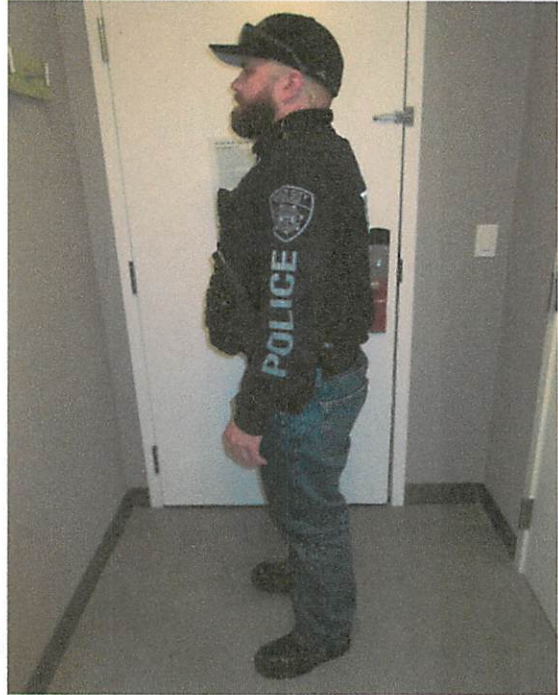
- 14:01:16: The EMS call was initiated.
- 14:02:27 Medic 48 (Ambulance) was listed as ER (En-Route to scene)
- 14:06:33: Medic 48 was listed AL (Arrival at scene). Per County Communications, the AL code is entered automatically by a GPS trigger on the EMS vehicle.
- 14:10:10: Medic 48 was listed as OS (On Scene). Per County Communications, the OS code is manually entered by EMS personnel via their vehicle CAD and might have a delayed entry if personnel do not mark the notification immediately upon arrival.
- 14:10:43: Medic 48 was listed as TR (Transport) with the notation, "San Francisco General, 1 patient (priority 1) to SFG. Per County Communications, this was the time the ambulance departed for the listed hospital.

### **FIRE DEPARTMENT AND EMERGENCY MEDICAL SERVICES INTERVIEWS**

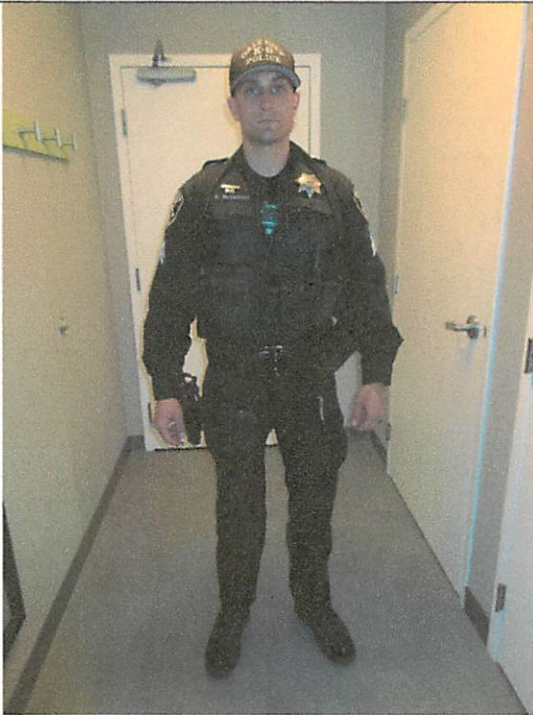
Brisbane Fire Engine #81 and AMR Medic Unit #48 responded to the incident scene. Personnel assigned to Brisbane Fire Engine #81 were Craig Briscoe, Marco Seropian, and Lindsey Stratton. Personnel assigned to AMR Medic Unit #48 were Mandy Dale, Quinn Washburn, and Amanda Pannu. The above personnel were interviewed. In summary, all stated they responded to the scene of a shooting. Upon arrival law enforcement was rendering first aid to the patient, identified as decedent Roger Allen. According to fire personnel Allen was alert but in obvious pain, a gunshot type wound was located on his upper front torso and there was no obvious exit wound. The wound had been dressed with a chest seal bandage by law enforcement. Fire advised they provided oxygen to Allen until paramedics arrived. Paramedics took over rendering aid and immediately placed Allen in the ambulance and transported him to San Francisco General Hospital. The fire and medic personnel did not receive any information as to what happened at the scene or who shot Allen.

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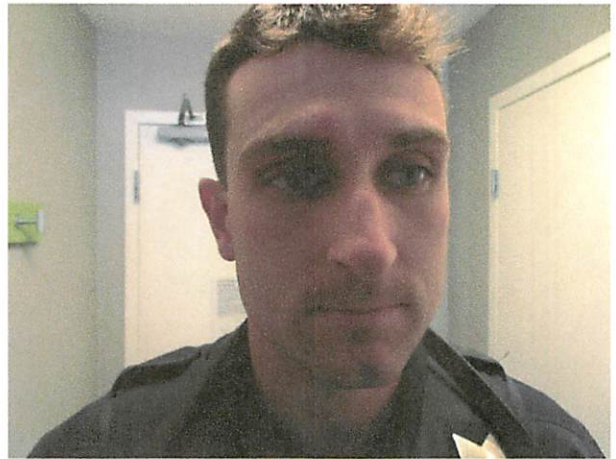
PHOTOGRAPHS OF INVOLVED DETECTIVE CAMERON NEWTON



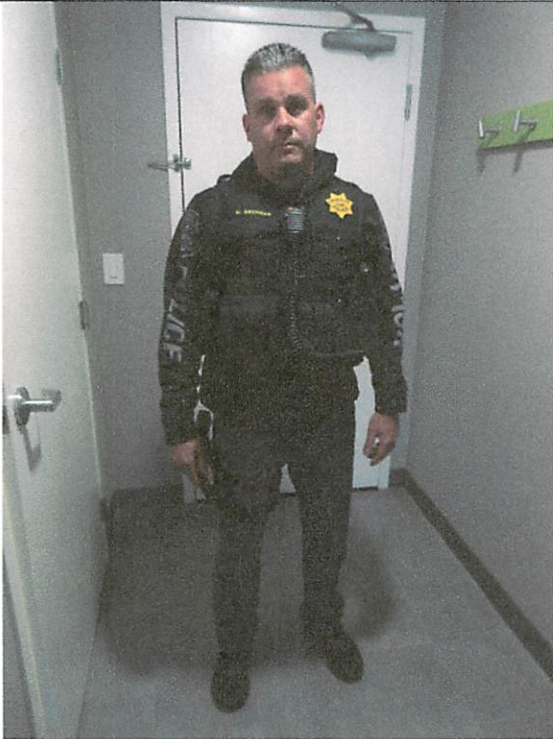
**PHOTOGRAPHS OF WITNESS OFFICERS**



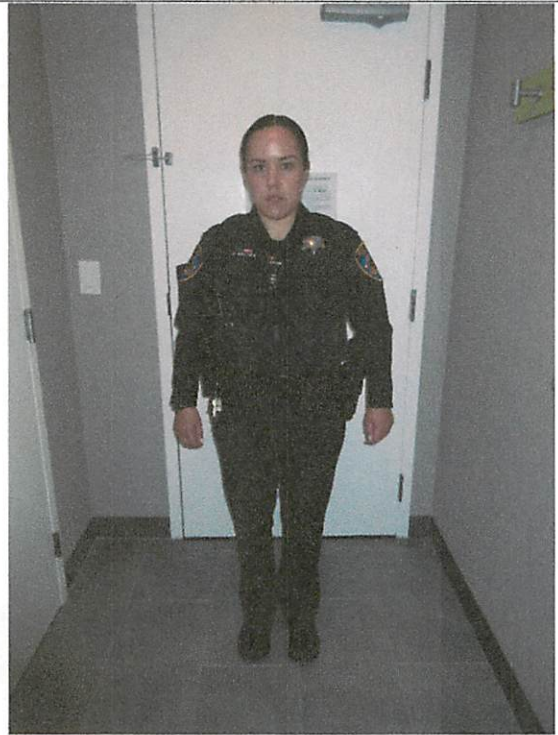
**[Officer McCarthy]**



**[Injury to Officer McCarthy's face]**



**[Lieutenant Brennan]**



**[Officer Brenes]**

**INVOLVED POLICE DUTY FIREARM**



**[Detective Newton's firearm (Glock 17 Generation 5, 9MM, Serial # BGMM169)]**



**[Detective Newton's firearm Glock 17, magazine from firearm, and ammunition 9mm]**

## SURVEILLANCE FOOTAGE

Inspector Haggarty completed an extensive search for pertinent surveillance footage from the area of the incident. Surveillance footage was obtained and collected from several Ring or Nest Camera systems on Niantic Avenue. There was no actual footage of the incident captured, but on one Nest video there is audio where it sounds like noises can be heard, possibly someone yelling, followed by what sounds like one gunshot, followed by a second gunshot. This footage was obtained from 767 Niantic Avenue. A more comprehensive review for all the footage obtained is included in Inspector Haggarty's Audio and Video Evidence Review report. The Daly City Police Department did not have body worn cameras or vehicle dash cameras at the time of the officer involved critical incident that took place in Daly City on April 7, 2021.

## CRIME SCENE

The crime scene was processed by the San Mateo County Sheriff's Office Crime Laboratory personnel specifically; Criminalist Annie Hoang and Criminalist Eugene Banga-an. A replica firearm similar to a Glock was secured by the Daly City Police Department and placed on the hood of Officer Nicholas McCarthy's marked patrol vehicle. The replica firearm was collected as evidence by Crime Lab personnel.

The subject vehicle, a white GMC Truck with a California license plate of [REDACTED] was towed from the scene and processed at the San Mateo County Sheriff's Office Crime Laboratory on April 8, 2021 pursuant to a search warrant.



[Crime scene]



## SUMMARY OF CRIME LAB REPORTS

### Report M21-01430-1

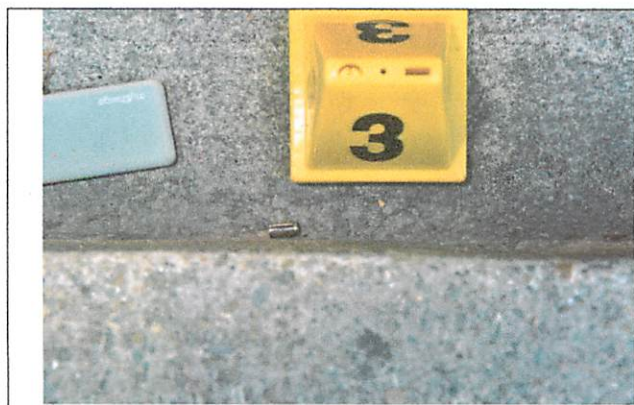
#### Crime Scene Investigation Report:

The purpose of this examination was to photograph, document, search, and collect evidence from the crime scene. The crime scene was made up of the area around the GMC truck, which was the vehicle the shooting took place in.



[GMC truck at the incident scene]

Located under the GMC truck was one (1) casing with the head stamp of "WIN 9MM LUGER". Located inside of the GMC on the front passenger seat were: a black glove, a charger with an attached cord, a lighter, a glass pipe and a second 9mm casing on the driver side floor area. A "Glock BB gun" was collected from on top of Officer McCarthy's vehicle hood. The Crime Lab searched for possible BB's outside of the truck at the scene; however, none were located.



[Casing on street]



[Casing on floorboard]



**[Methamphetamine Pipe recovered on the pavement just outside the front passenger door]**



**[Allen's replica Glock firearm on Officer McCarthy's patrol vehicle]**

Criminalist Eugene Banga-an documented the scene: A total of one hundred fifty-three (153) digital photographs were taken and the scene was scanned using the Leica RTC360 (3D Laser Scanner).

#### **Report M21-01430-2**

##### Evidence Examination Report:

The purpose of this examination was to sample the ".177 caliber Glock Model 19 BB air pistol and BB air pistol magazine" for biological material and to examine the items for latent impressions.

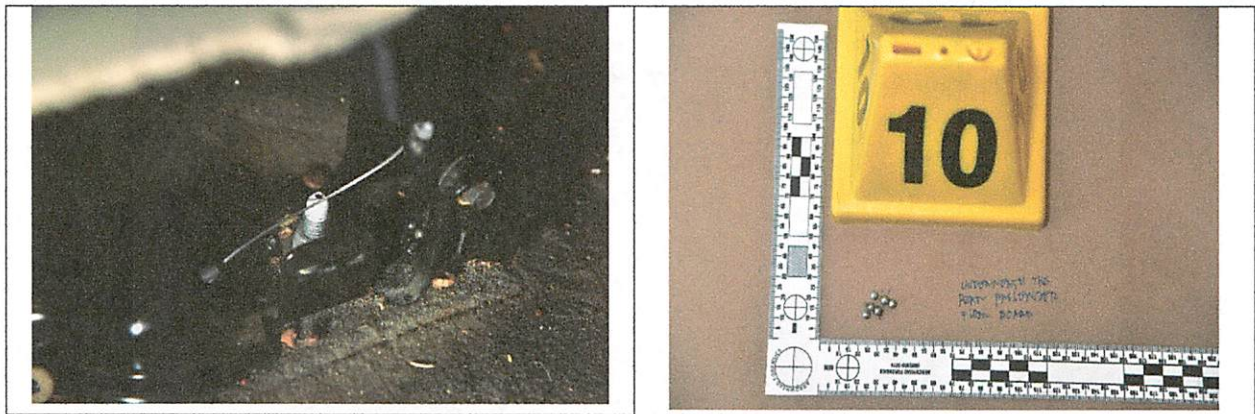
Results: No latent impressions suitable for comparison or searching in the AFIS database.

## Report M21-01430-3

### Crime Scene Investigation Report:

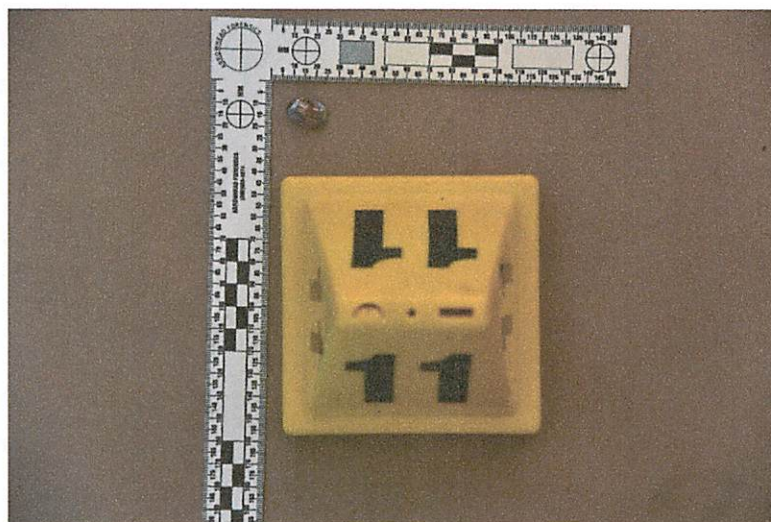
The purpose of this examination was to process the subject vehicle for firearms related evidence including replica firearms, ammunition, pellets, and to determine trajectory.

Results: Six (6) BB pellets were collected from "under the passenger rear floorboard." Photographs show the recovered BB pellets appear to be on the floorboard under the rear passenger seat. The steel pellets were determined by the Crime Laboratory to be consistent in size and weight with ".177" diameter BB pellets."



[BB's located in truck and recovered by Crime Lab]

The Crime Laboratory observed an apparent defect on the interior panel of the front driver side door when the inside panel of the driver side door was removed. The Crime Laboratory observed and collected one bullet from the inside bottom of the driver side door.



[Bullet recovered from driver side door of GMC truck]

**Report M21-01430-4**

Evidence Examination Report:

The purpose of the examination was to weigh and photographically document decedent Allen's Glock 19 BB air pistol, and an unrelated but similar real Glock Model 19 9mm firearm and magazine from the San Mateo County Sheriff's Forensic Laboratory gun reference collection.

Results: "The BB air pistol" with tape, internal C02 cartridge, and "BB air pistol magazine" were weighed. **Gross weight: 0.671kg** (Threshold: +/- 0.003kg) (Balance: 20921)

Gun Reference Collection #046042: The Glock Model 19 - 9mm pistol and magazine were weighed. **Gross weight: 0.644kg** (Threshold: +/- 0.003kg) (Balance: 20921)



[Glock Model 19 Firearm]



[Decedent Allen's Glock Model 19 Air-BB firearm replica]



[Glock Model 19 barrel view]



[Decedent Allen's Glock Model 19 Air-BB barrel view replica]

## Report M21-01430-5

### Firearm and Ballistics Report:

The purpose of the Crime Laboratory examination was to determine the operability of the submitted firearm / compare submitted items / determine the muzzle to target distance.

Results: The "Glock replica BB pistol" was determined to not be functional as received due to an empty C02 canister. A laboratory supplied C02 canister and 4.5mm (.177") BB steel pellets were loaded into the pistol and a test fire was conducted. The pistol was able to fire the first pellet, but it failed to fire the subsequent pellet(s) due to a defective magazine spring.

Further examination and comparison revealed that the "Glock replica BB pistol" was similar in color, type, shape, size, and design as a 9mm Luger caliber Glock Model 19 pistol.

Using the submitted (Detective Newton's) Glock pistol and similar cartridges as the submitted evidence cartridges, test shots were made at different known distances. A pattern of residues similar to those noted on the jersey shirt worn by the decedent could be reproduced at distances greater than 1 inch and less than 9 inches. (At the time of the shooting Allen was wearing several shirt type items, including t-shirts and jerseys. The outer most piece of clothing was a white San Francisco 49er jersey with the number 42 sewn on. This item was collected at the crime scene by the Crime Lab).



**[Residue pattern on outer clothing of decedent]**

The 9mm Luger caliber Winchester cartridge cases; (1) cartridge case recovered outside the truck and (1) cartridge case recovered from inside the truck were identified as having been fired in the submitted (Detective Newton's) Glock firearm.

The “copper jacketed hollow-point bullets”; one (1) bullet recovered from decedent Allen’s body at the autopsy (Inspector Giguiere collected the bullet at the autopsy and submitted it to the Crime Lab) and one (1) bullet recovered from the inside bottom of the driver’s side door of the GMC truck) were identified as having been fired in the submitted (Detective Newton's) Glock firearm.

Detective Newton's firearm was examined, test fired, and determined to be functional as received.

### **Report M21-01430-6**

#### **Evidence Examination Report:**

The purpose of this examination was to perform PCR DNA typing on the swab of the "BB gun" and magazine, and on the reference sample from decedent Roger Allen.

**Results:** Due to the low-level nature of the mixture profile no conclusions can be drawn, and this profile will be deemed inconclusive for comparison purposes. This DNA profile does not qualify for entry into the Combined DNA Index System (CODIS).

### **SUMMARY OF OFFICER PERSONNEL RECORDS**

#### **Detective Cameron Newton**

#### **Daly City Police Department**

The Daly City Police Department provided a letter outlining Detective Newton’s records. An in person review was also conducted by Inspector Kevin Raffaelli.

The records below are the most recent and relevant training related to this incident.

#### **Training Record Summary:**

- POST Instructor Certificates: Firearm Instructor, Taser Instructor, Realistic De-Escalation Instructor, Chemical Agent Instructor.
- POST Courses: Crisis Intervention Techniques (CIT), Trauma Medicine, Special Weapons and Tactics Operator, Tactics for Critical Incidents, Tactical Communications.
- Firearm Qualifications: Handgun, Glock 17, #BGMM169, January 26, 2021.
- POST Certificates: Basic, Intermediate, and Advanced.

#### **Personnel Record Summary:**

- Hired as a Daly City Police Officer in 2013. Previous law enforcement experience with the San Jose Police Department from 2009 to 2011, and the Fremont Police Department from 2011 to 2012.
- During his career, Newton has been assigned as a Patrol Officer, SWAT Officer, Detective, and Member of a Federal Task Force.

- Evaluations: All evaluation ratings were meets or exceeds standards.
- Several letters of commendation for outstanding police work as well as citizen appreciation letters.
- Internal Affairs Complaints/ Investigations: None

**SUMMARY OF DECEDENT BACKGROUND**

Decedent Identifying Information

**ROGER CORNEILOUS ALLEN**

**AKA            ROGER ALLEN COLLINS  
                  ROGER ALLEN**

*For clarification, the [REDACTED] in the State of California are in the name Roger Collins including his parole violations, [REDACTED] in San Mateo County. His California Driver's License is issued in the name Roger Corneilous Allen, which is consistent with his father's surname.*

**DOB  
BIRTH:  
SS#  
CDL  
CII  
FBI**

[REDACTED]

**DESC.**            Black made adult      6'0"    236lbs

**TATTOOS**      Cross between eyes  
                      Tear drops under both eyes  
                      Cross on back  
                      "Young Cutty" Right arm  
                      "Island" Right arm  
                      "Boy" Left arm  
                      Lips silhouette on neck

**Relatives**

Joyce Ann Allen (Jones)      Mother (Deceased 2/2015)  
San Francisco, CA

Bedford Allen                      Father  
Gatesville, TX

Talika Fletcher                      Sister  
San Francisco, CA

Cheryl Tablit                      Child in common (Daylen Tablit)  
Vallejo, CA

Daylen Tablit                      Son  
Vallejo, CA

**Prior Employment (PER CII)**

- Carpet installer
- Construction
- Delivery person
- Laborer
- Shipping

**Medical History / Well Being**

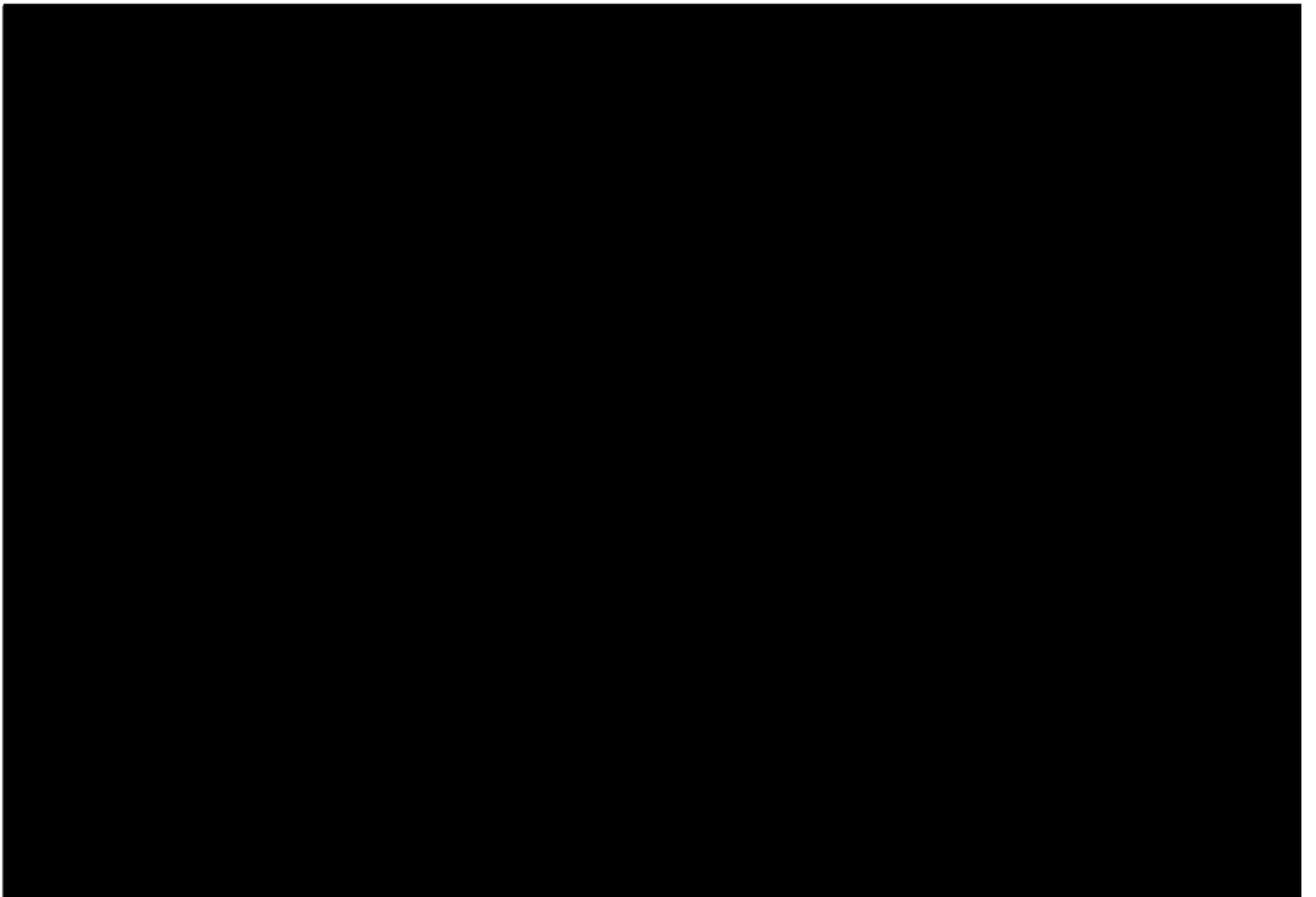
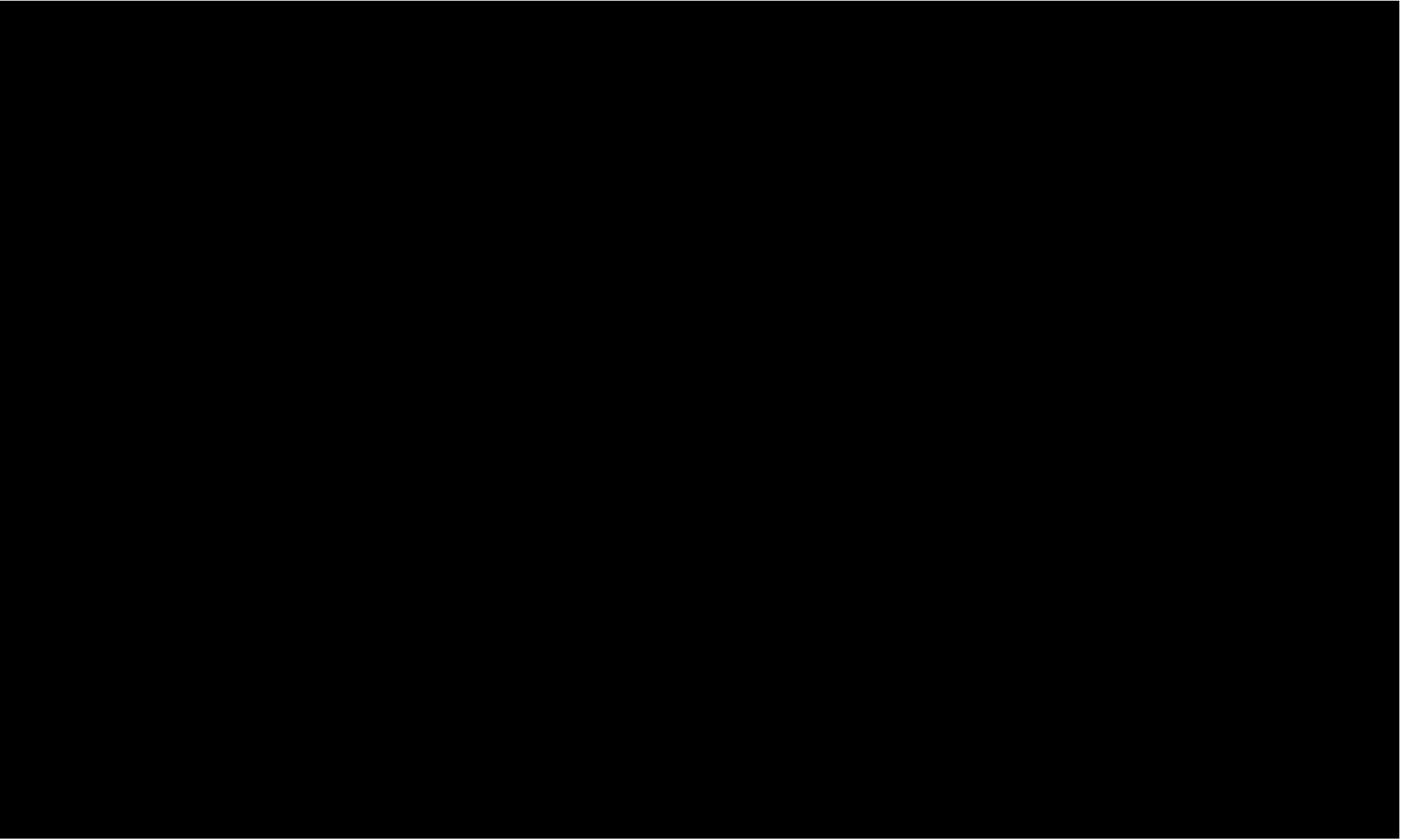
[REDACTED]

**Criminal Convictions/CII Summary ( [REDACTED] )**

[REDACTED]

[REDACTED]

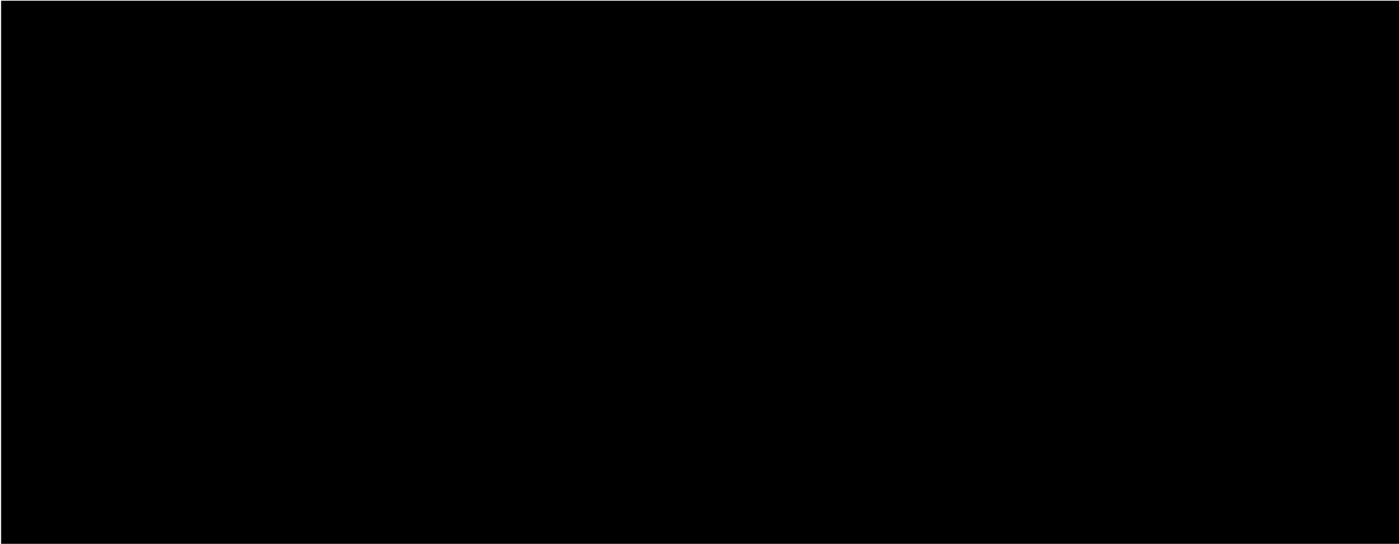






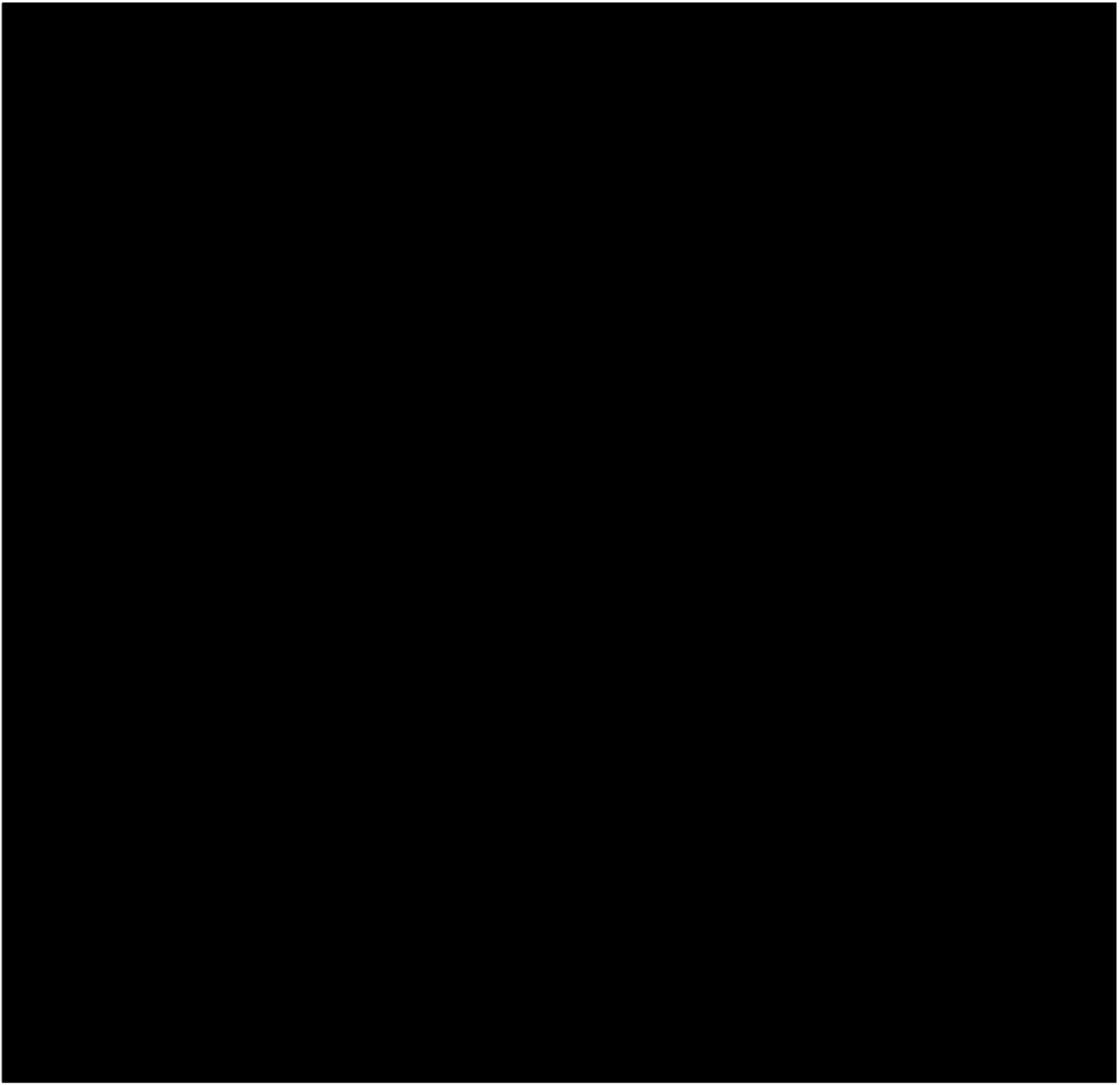
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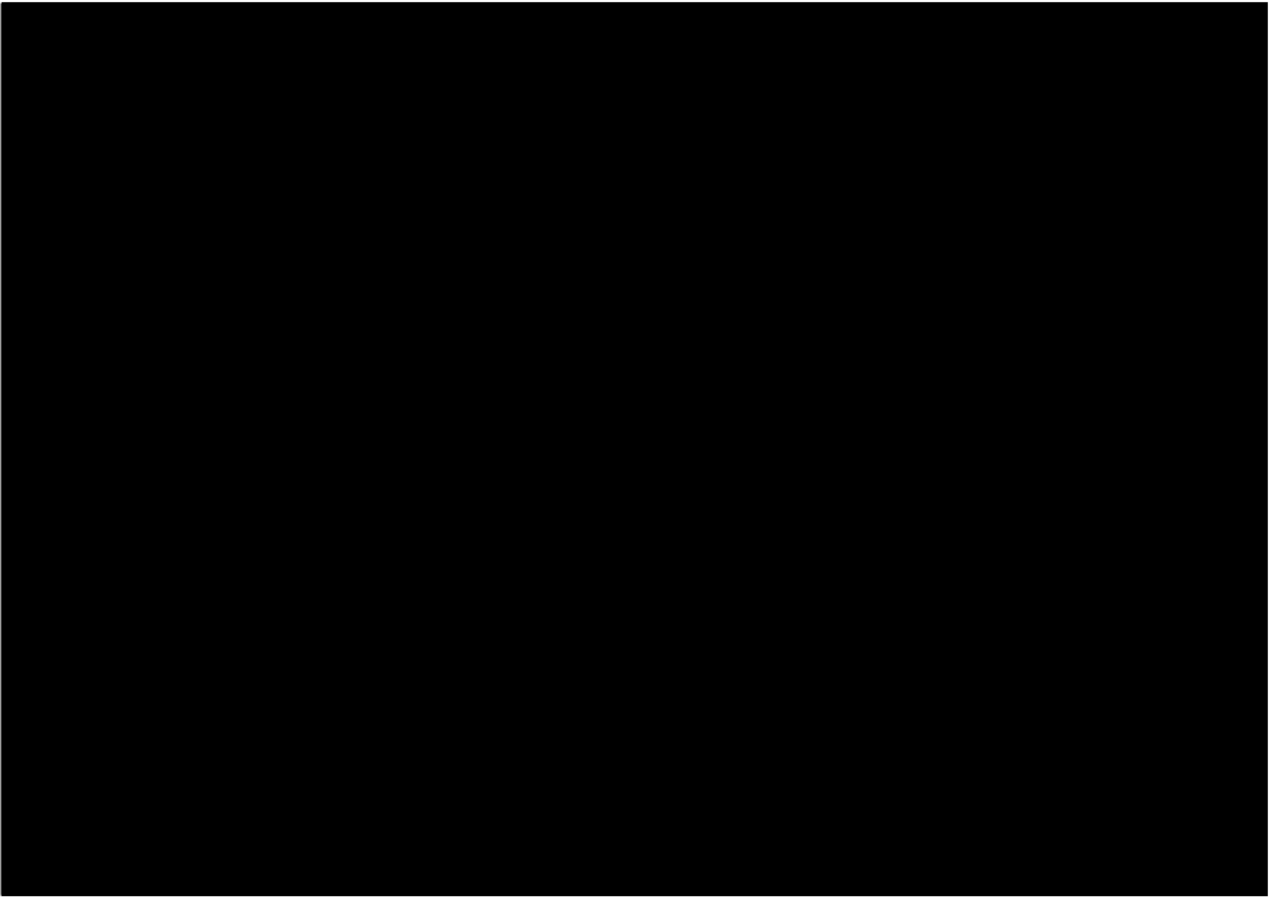
Parolee at Large



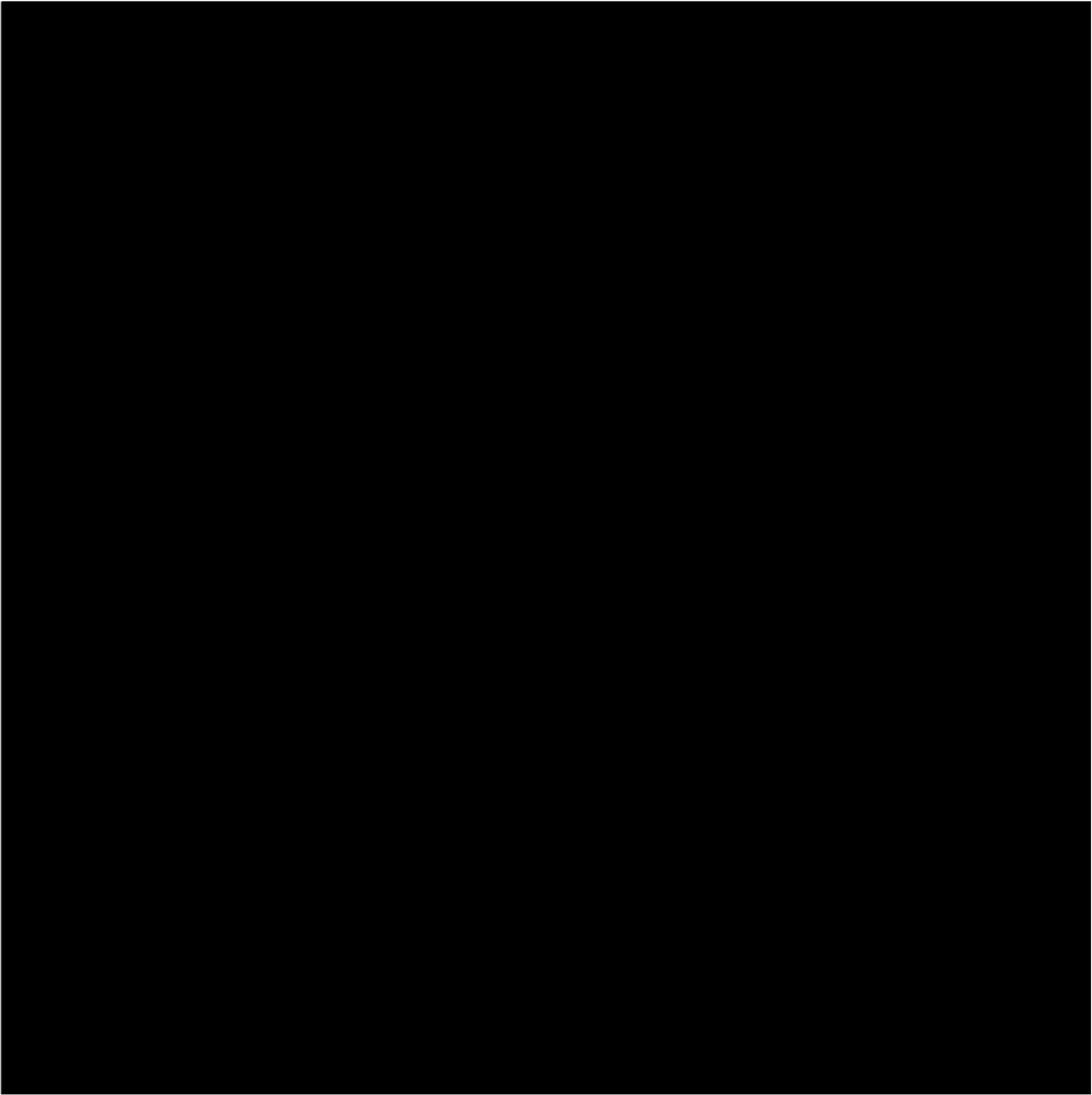
**Prior San Mateo County Law Enforcement Noteworthy Contacts**



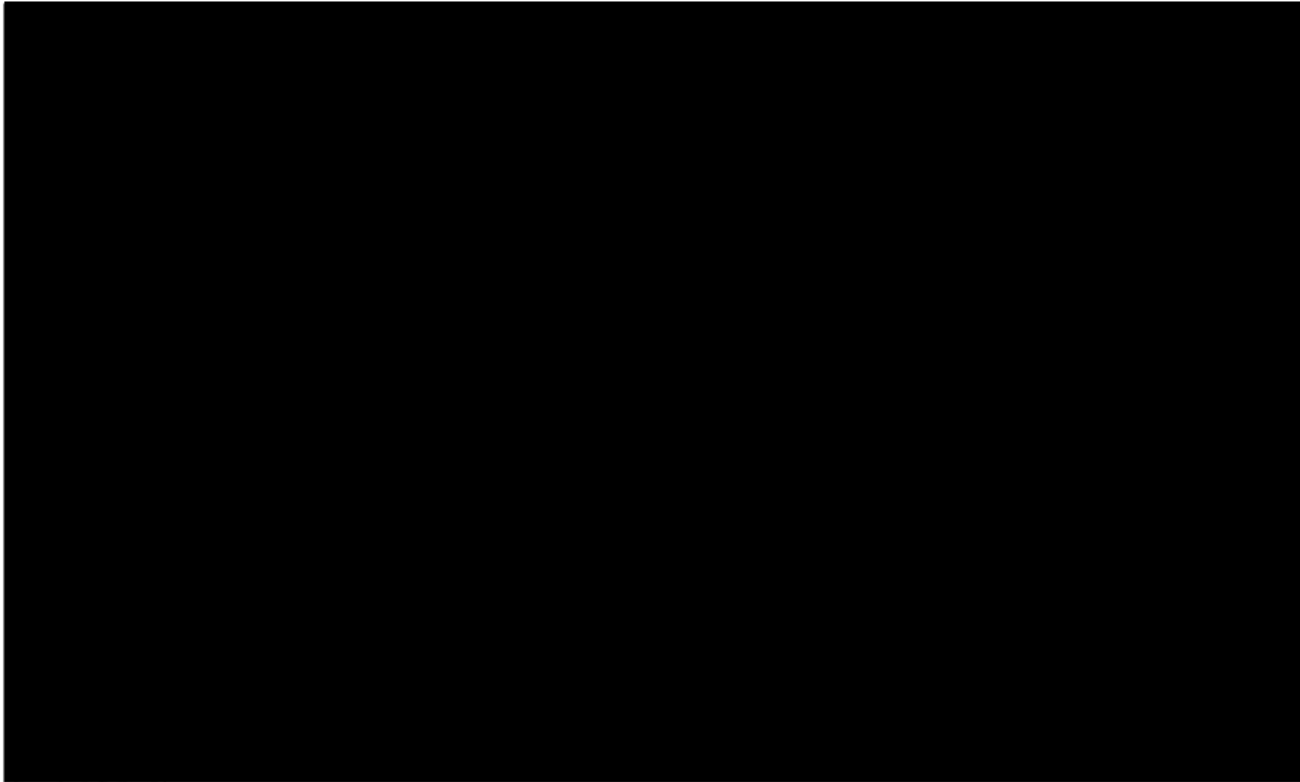




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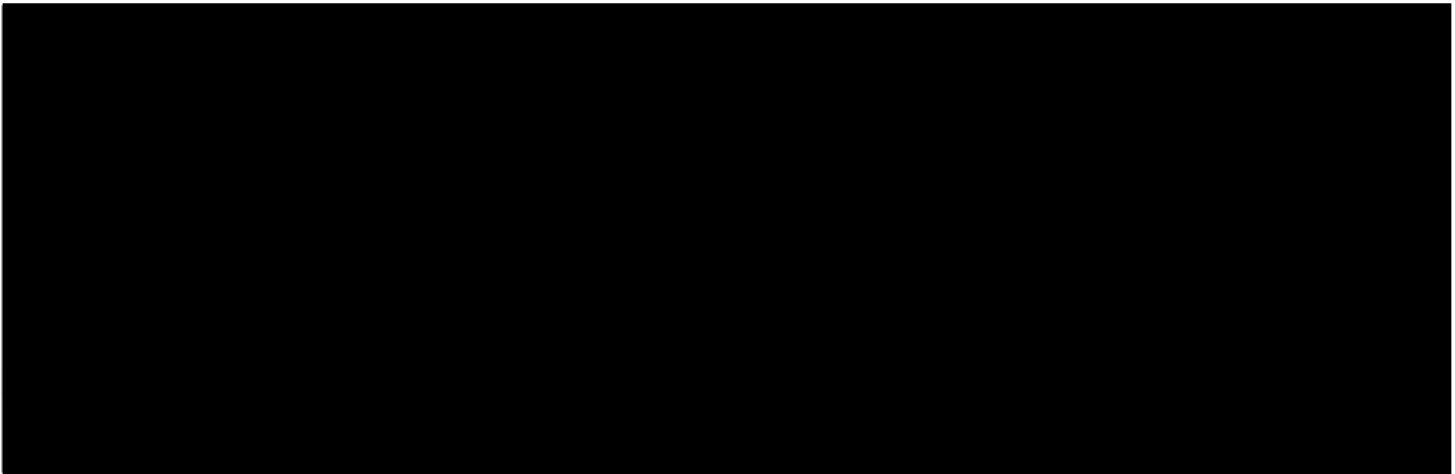


**Social Media**

Facebook:



**Reports reviewed/obtained for this background:**





  
 **Family Interviews**

Inspector Lydia Cardoza interviewed ALLEN'S father, Bedford Allen, on April 9, 2021 for the purpose of this investigation (See supplemental report). Bedford had minimal contact with his son and described their relationship as estranged, with his son refusing contact for several years.

Inspector Cardoza tried to speak with ALLEN's lone surviving sibling, Talika Fletcher, and the mother of his child, Cheryl Tablit, but both parties refused to provide any information for the purpose of this investigation.


**The preceding portion of the background report was documented by Senior Inspector Rick Decker #2.**

**The California Department of Corrections and Rehabilitation (CDCR) records reviewed and documented below were by Senior Inspector Kevin Raffaelli #3.**

  
 **Medical History/Well Being (Incarceration Documents):**  
**Rules Violations While Incarcerated:**  
  


## **AUTOPSY**




Forensic Pathologist Doctor Hunter and Pathologist Assistant Montesano conducted the autopsy. Photographs of the autopsy were taken by Dr. Hunter. Dr. Hunter did not have the ability to photograph the wound to Decedent Allen's torso prior to the medical therapy received at San Francisco General Hospital.

At the conclusion of the autopsy, Dr. Hunter said his preliminary findings were that there was one gunshot wound and one projectile located. The entry wound was located on the front of the decedent's chest. There were no exit wounds. A single projectile was removed from Allen's back. According to Dr. Hunter, the projectile pierced Allen's vena cava, which is a large vein in the heart, and appeared to be the cause of the fatality.

## **CORONER'S REPORTS**

Toxicology Report by Ascertain Forensics in reference to decedent Roger Allen. AF# 2021-001368. *The full report is attached to the case file.*

The toxicology test produced the following positive results, which showed decedent Roger Allen had the following substances in his blood:

- 
- \* 623 ng/mL of methamphetamine
  - \* 107 ng/mL of amphetamine
  - \* 25 ng/mL of morphine
  - \* 22 ng/mL midazolam



- \* 55 ng/mL 11-nor-THC-9-carboxylic acid (THC-COOH) (cannabis)
- \* Less than 0.02 grams % of ethanol (alcoholic beverage)
- \* Positive- delta 9- tetrahydrocannabinol THC (cannabis)
- \* Positive- 11-hydroxy-THC (11-OH-THC) (cannabis)
- \* Presumptive ID lidocaine

For reference:

Supervising Deputy Coroner Elizabeth Ortiz furnished the below reference range as provided by Ascertain Forensics at Redwood Toxicology Laboratory:

#### **d-methamphetamine**

Therapeutic (in life) concentration range: 10-300 ng/ml

Median PM femoral blood concentration (likely not related to death): 180 ng/ml

PM femoral blood concentration at 90th percentile (possibly related to death): 1,200 ng/ml

PM peripheral blood concentration in fatalities (contributory) literature compilation: 90-52,000 ng/ml

Typically, PM blood concentration associated with death from casework: >1,000 ng/ml

#### **amphetamine**

Therapeutic (in life) concentration range: 20-100 ng/ml

Median PM femoral blood concentration (likely not related to death): 280 ng/ml

PM femoral blood concentration at 90th percentile (possibly related to death): 2,100 ng/ml

PM peripheral blood concentration in fatalities (contributory) literature compilation: 500-4,100 ng/ml

Typically, PM blood concentration associated with death from casework: >2,000 ng/ml

The Coroner's Investigation Report was authored by Deputy Coroner Danielle Montesano #16. The Autopsy Report was authored by Forensic Pathologist Doctor Michael Hunter. The full reports are attached to the case file. A summary of both reports is featured below:

#### Autopsy Report:

Per Doctor Hunter's report: The cause of death was determined to be "Gunshot Wound of the Torso."

\* Gunshot Wound of the Torso: An entrance gunshot wound is on the midline of the mid to upper abdomen. The projectile perforates the anterior abdominal wall, a segment of colon, portion of the medial aspect of the stomach, the duodenum, the inferior edge of the liver, the intrahepatic segment of the vena cava and hepatic vein, the right hemidiaphragm, the lower lobe of the right lung, the intercostal space between the right posterior 9th and 10th ribs, the soft tissues of the right back. The deformed medium caliber projectile was recovered in the subcutaneous tissue of the mid-right back. The wound path with the body in the anatomic position is from front to back, below to above, and left to right.

Per Deputy Coroner Danielle Montesano's report:

"Based on the information contained in the Coroner's Investigation Report, the Autopsy Report, and the Toxicology Report, I determined the manner of death to be homicide."



**Disposition:**

This investigation in its entirety should be forwarded to the San Mateo County District Attorney's Office Executive Staff for complete review and final determination.

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Signature Page

Inspector   
Inspector Eric Suzuki

Date: 6-4-2021

Approved by:   
Chief Inspector Bill Massey

Date: 6-4-2021

Approved by:   
Senior Inspector Kevin Raffaelli

Date: 6/4/2021

Approved by:   
Senior Inspector Rick Decker

Date: 6/4/21