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2 **BERKON, RICHARD DANIEL**

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4 **LEGEND:**

5 YOUNG = SDPD HOMICIDE DETECTIVE J.R. YOUNG

6 BERKON = RICHARD DANIEL BERKON

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8 YOUNG: (Unin) Police Homicide section. Uh, actually the 25th of July now, 1999,
9 approximately 0005 hours. I'm at the officer involved shooting in 3700 block of
10 Mission Bay Boulevard, and I am parked in my police vehicle in the alley just off of
11 that address. And I am with a witness to the shooting. Last name is Berkon, B-e-r-k-
12 o-n. First name of Richard, middle name of Daniel. Date of birth of [Personal data
deleted]

13 YOUNG: Okay. (Unin) ah, we'll start with just what brought you to this area this, this time of
14 night. I know you live right across the street, but you can tell me what, what you
15 were doing out and about, and then actually go into what you saw tonight.

16 BERKON: Okay. Ah, I was, I live [Personal data deleted], and I was sitting there with neighbors
17 and, uh, we had heard the police helicopter, um, and I went next door to my
18 apartment to go to the bathroom. I thought, well, I'll walk outside and see what the
19 helicopter's all about. Ah, I came walking up the sidewalk this way. Ah, I was just
20 looking up at the helicopter circling around, and as I got to about right across the
21 street from us, 'bout that peach building, I saw um, two officers struggling with the
22 suspect coming up that alley, and they came right up in front of the liquor store and
23 all I'm seeing is head and shoulders cause there were some cars there. Um, and it
24 looked like he was trying to pull away. They were struggling and I, I remember
25 seeing one officer trying to hit him with his nunchakus and I just, I ran across the
26 street, and I came to right about here, and when I got here and looked, um both
27 officers had their guns drawn, um, on him, and he had his back to them. He had one
28 of the nunchakus in his hands, and there was another set of the nunchakus on the
ground, he bent down, he picked those up and he turned around, and he was looking
at one, and like swinging it. And that when the shots, they, they fired and he went
down.

1 YOUNG: Okay. Do you remember what time of night this probably started?

2 BERKON: Probably 8:30, 8:45, right in there.

3 YOUNG: And you live right above what now?

4 BERKON: Ah, [Personal data deleted].

5 YOUNG: Just out of our view here?

6 BERKON: Just out of our view, yeah.

7 YOUNG: Okay. And you were with some other friends?

8 BERKON: Yeah, it was just my next door neighbors.

9 YOUNG: Okay. Had you been drink... I don't care, but had you been drinking?

10 BERKON: Yes I had. I had two beers on the beach, I was watching the sunset. Had cracked a
11 third, but hadn't finished it.

12 YOUNG: Okay. And what first brought you attention to what was going on? Was it the
13 helicopter?

14 BERKON: Yes.

15 YOUNG: Police helicopter. And did you see any police cars on the street at that time or...?

16 BERKON: Umm, I'd seen... Oh yeah, I'd seen um... Heard the helicopter and through my
17 neighbor's window, I remember seeing an officer, uh, with the lights going and
18 hearing a siren coming up the alley, and then that's when I got up went to the
19 bathroom. I thought well, I still heard the helicopter, and that's when I came down.
20 So that's the only officer I'd seen was the, ah, one of the, the units with the light bar
21 going up the alley. And at first I thought you know we always look to see if it was a
22 traffic stop whatever, but then he had made a left and out of view.

23 YOUNG: Did, did any of your friends walk up with you?

24 BERKON: No.

25 YOUNG: Okay. So you walk up pretty much towards the peach building and just because I've
26 been over there before, that's 3761, and you, you kind of stop there and then...

27 BERKON: Ah, yeah, and one of the other witnesses, the older gentleman was there, and he said
28 "yeah, I seen, seems like they're focusing over here somewhere, and just... We'd,
the helicopter was right there. And about, you know, I just, it was right about there
and that's when I saw the officers, you know, the officers and the suspect coming up
the alley.

YOUNG: Was it this alley or...?

1 BERKON: No, it was the one over.
2 YOUNG: The one on the other side of the liquor store.
3 BERKON: Ah, yes.
4 YOUNG: Oh.
5 BERKON: On this side. And um, and they said it looked like they were just trying to get him to
6 you know, str.. They were just hold him or, and he kept pulling away, and they, you
7 know, turned the corner where they right in front of the liquor store. I remember he
8 was right on the sidewalk kind of against that little parking sign whatever's right
9 there. And I, I ... In between the cars, like I said, I saw one, one or two swings with
10 the nunchakus, and it's about that time he still looked like he was pulling away and I,
11 I just ran across the street to right here.
12 YOUNG: When, when you first saw him coming around the corner, did they actually have
13 hands on him or...?
14 BERKON: It, it looked like it, grappling, you know. . .
15 YOUNG: Yeah.
16 BERKON: You know he's pulling away, they're trying to hang on is what it looked. Like I said,
17 I only saw from about here up, um, you know for... He was a real big guy, so it
18 was...
19 YOUNG: Was he bigger than the officers or...?
20 BERKON: Yeah, he was bigger than both, taller than both of them.
21 YOUNG: Was he, was he actually more buffed out that (unin)?
22 BERKON: Yeah, he, he seemed like he was a big guy. I, I don't... He was...
23 YOUNG: I know it happened . . .
24 BERKON: ...blue clothing, dark...
25 YOUNG: It happened quick
26 BERKON: I think he was wearing a long sleeve shirt. Um, so you know, but he was a big guy all
27 around. Yeah, he was, he wasn't thin.
28 YOUNG: And could, could you hear anything being said.
29 BERKON: You know, when I got here and I saw the officers, I, I thought I might of heard a
30 "Drop it." Ah, nothing loud, it just "Drop it" once or twice you know.
31 YOUNG: That's when you came across the street?
32 BERKON: It, it, after I'd gotten here. Ah...

1 YOUNG: When, when you heard 'em initially, I mean was there any yelling going on...
2 BERKON: Oh, no.
3 YOUNG: ...or were they just trying to take him into control?
4 BERKON: Yeah, I didn't hear any yelling at all.
5 YOUNG: What was it... Would you describe it as a fist fight or was it more of wrestling match
6 or...?
7 BERKON: A wrestling match with him trying to just wrestle away. Um...
8 YOUNG: Did you ever see him go down?
9 BERKON: No. Well, until after he was shot, but not before he was shot.
10 YOUNG: I mean in your opinion, did it look like the officers had control of the situation?
11 BERKON: No.
12 YOUNG: No.
13 BERKON: No.
14 YOUNG: At what point did you cross the street?
15 BERKON: Um, at the point, they had come up the alley, turned and were right in front of
16 remember that parking sign, there was a couple of cars, and he was still struggling,
17 and just, at that point I just ran across.
18 YOUNG: Okay. And had, you'd already seen the, the one officer with his nunchakus up...
19 BERKON: Yeah...
20 YOUNG: ...on the other side of the street?
21 BERKON: ...and I'd seen, I had seen, yeah, as I was, kind of like as I, I don't know if I was still
22 standing or as I was running, I just remember seeing between cars one officer, you
23 know, like once or twice.
24 YOUNG: Okay, and then when you got over here...
25 BERKON: Right.
26 YOUNG: ...the suspect had the nunchakus?
27 BERKON: He had one set in his like right hand, and another set was on the, on the ground, and
28 he bent down and he picked that set up, and then he turned around and he was just
like... It was really weird, he was just like looking at it kind of swinging it, you
know, as he turned around, and um...
YOUNG: Did he look like he knew what he was doing or was he just...?

1 BERKON: No, he's like, like checking 'em, you know just like, what are these. Kind of, he's
2 kind of just checking 'em out. No, he wasn't like a martial artist swinging 'em
3 around at all. Um, you know, like I said, he faced, turned to face the officers.
4 YOUNG: Had, prior to that, was his back turned to the officers?
5 BERKON: Yeah, when I first came across, um, and the officers had you know, drawn down on
6 him, and he had one set in his hand. He was, at that point, his back was to the
7 officers, and to me, and um, that's, still with his back to 'em is when he picked up the
8 other set and then turned around.
9 YOUNG: Did, did he say anything to 'em?
10 BERKON: No, I, I didn't hear 'em say anything.
11 YOUNG: Okay. Did the officer say anything to him?
12 BERKON: Like I said, I, I, I think I remember "Drop it" a couple of times.
13 YOUNG: And when, when, when the, when the guy grabbed it, the nunchakus and actually had
14 'em, what were the officers doing? I mean...
15 BERKON: Ah, one officer was right on the sidewalk, he had his gun drawn, the other officer was
16 kind of by the cars...
17 YOUNG: Um huh.
18 BERKON: ...and he had his gun drawn, and they were just both crouched, you know, with their
19 guns drawn at him, pointed at him, and, uh, like I said, I, I, vaguely remember hearing
20 a "drop it," once or twice.
21 YOUNG: Do you know how many shots were fired?
22 BERKON: Uh, probably 8 to 10.
23 YOUNG: Did both officers fire?
24 BERKON: It looked to me like the both fired, yeah. I didn't see muzzle flashes or anything, I
25 couldn't tell you for sure, but I, I think they both fired.
26 YOUNG: From the time you first saw them coming around the, the corner, how long would you
27 say the whole incident took place before the shots were fired?
28 BERKON: Not more than 30 seconds.
YOUNG: Okay, and they were, up to the point where he grabbed the nunchakus they were
trying to control him that whole time?
BERKON: Yeah, and like I said when I crossed the street there were a few seconds there where I
didn't see anything until, it went from, they both were kind of up against that sign

1 and, and struggling until when I got to right here, and he's got nunchakus and they
2 were drawing down on him.

3 YOUNG: Where cars coming, going back and forth, I mean was it busy up here?

4 BERKON: No, huh uh.

5 YOUNG: No.

6 BERKON: No.

7 YOUNG: Was he actually throwing officers off him as they tried to grab him, or . . .?

8 BERKON: I don't recall seeing that, he was just kind of pulling away, and they were staying on
9 him, uh, . . .

10 YOUNG: Did you ever see the officers with their mace out?

11 BERKON: No.

12 YOUNG: Did you ever see them with their handcuffs out?

13 BERKON: No.

14 YOUNG: Pretty much it went from grabbing him, to them with their nunchakus, to him with
15 their nunchakus . . .

16 BERKON: Right.

17 YOUNG: To shooting.

18 BERKON: To shooting.

19 YOUNG: All within 30 seconds, at the most.

20 BERKON: Yeah, yeah . . .

21 YOUNG: Pretty much?

22 BERKON: Yeah.

23 YOUNG: Have you talked to anybody else besides, I mean I besides police officers, have you
24 talked to anybody else about it?

25 BERKON: Uh, yeah, I mean I talked to people who came up, hey, what happened, uh, the media,
26 at one point, said "hey did you," you know, so I said "yeah," and they started putting
27 the camera on me, and one of the officers said "hey, it's your choice, but" so I started
28 to tell the media.

29 YOUNG: So were you on the 11:00 o'clock news tonight, were you?

30 BERKON: I don't know, uh, it was early, it was only, at that point, 9:30, so . . .

31 YOUNG: (unintel.) was it channel 8, was it . . .?

1 BERKON: Uh, I think the guy said he was from 10, but he doesn't understand he's like "you
2 mean nunchakus? You mean night sticks?" "No, nunchakus.' So I don't know.
3 YOUNG: And were the officers like these guys here, were they in, uhm . . .
4 BERKON: They were in shorts.
5 YOUNG: Shorts?
6 BERKON: Yeah.
7 YOUNG: Do you remember what the, do you remember what the suspect was wearing?
8 BERKON: Dark, like I said I think he had a dark blue long-sleeved shirt, and like (unintel.)
9 Levi's, but . . .
10 YOUNG: And he was definitely taller than the officers?
11 BERKON: Yeah.
12 YOUNG: And you, you witnessed personally when you came up here, I mean what else could
13 the officers have done?
14 BERKON: Gosh I don't know, I mean he had . . .
15 YOUNG: There, were any other police officers arrived yet?
16 BERKON: Uhm, I don't, I, there was one officer that was in the street, I just saw it, I mean right
17 as they shot and he went down, I went "oh my God," and I looked up and there was
18 another officer and it kind, in the middle of the street, looked, facing me, uhm, and
19 that's the only officer I saw right at that second, at that point, and, uhm, then after that
20 yeah, I looked around, and I saw the lights and stuff coming, uhm . . .
21 YOUNG: Have you had any other experience with violent, witnessing violent crime?
22 BERKON: Uh . . .
23 YOUNG: Or a violent incident?
24 BERKON: Now, I, I was a reserve at SDPD in college back in 1990, so I done a couple things,
25 uh, but I, witness something like, not a shooting . . .
26 YOUNG: Yeah.
27 BERKON: I mean, yeah, I've seen fights, uhm, never a shooting. That's about it.
28 YOUNG: Let me, let me just walk it through you and see, go to your viewpoint, see what you
saw . . .
BERKON: Yeah.
YOUNG: We'll be off the tape for just a second.
DET. ?: No problem.

1 YOUNG: Okay, he's showing me through his viewpoint, it probably started about a block up
2 the road where he lives, and he came down in front of 3761, and pretty much had an,
3 an unobstructed view to the market, there is about 15 feet between the two trucks, the
4 trucks were blocking partially of his view, it's a clear night, the moon's out and it's
5 well lit here, and he recalls not a lot of traffic, vehicle traffic coming up and down.
6 From where we're standing it's probably a good 30 yards to the crime scene. And
7 then, uh, as the officer's got over in front of the store we walked, you went across the
8 street . . .

9 BERKON: I saw, and I ran right, right across.

10 YOUNG: Again, we just crossing Mission Boulevard over to, basically in the alley where my
11 vehicle was parked, just, uh, south of Suskies, Saska's.

12 BERKON: Right, right about here.

13 YOUNG: And standing, uh, right at the corner, probably 30 feet from where the shooting
14 occurred.

15 END OF TAPE
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