

WITNESS STATEMENT

BG – Lt. Bobby Goggin TM – Sgt. Tim Morgan DH – Deputy David Higgins

Ok the recorder is on. This will be a taped interview reference to RQ-08-017. Today's date is May 12, 2008 and the time is 10 am. The location of this interview is the Admin building 4th floor. Presently being interviewed is Deputy Dave Higgins. Also present is Lt. Goggin with the Volusia County Sheriff's Office Internal Affairs Unit. I am Sgt. Morgan with the Volusia County Sheriff's Office Internal Affairs Unit. Deputy Higgins are you aware that this interview is being recorded?

DH Yes I am.

TM As a Florida Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I would ask you to raise your right hand to be sworn please. Do you swear the statement you are about to give is the truth the whole truth and nothing but the truth so help you God?

DH I do.

TM Deputy Higgins let me bring you back to May 5, 2008 while you were attempting to arrest Ms. Knutson. What occurred on that day?

DH I responded to Feather Dr. in regards to a domestic disturbance. Upon arrival the female Ms. Knutson was speaking with a neighbor. I had been out to this house about three times in the past and it's usually a case of she doesn't like her husband being around, she wants us to take the husband out of the house it's never really been a violent situation over there. That or she has certain crisis' which has led to her being Baker acted in the past but never a real violent situation. I allowed her to talk with her neighbor I contacted the husband inside. Husband started telling me that this time they had actually had a physical altercation where she had shut his head in the car door or the trunk door of her SUV. He explained to me the situation how that came about. I came back outside to re-contact her. Getting ready to contact her now as a suspect and going to make an arrest waiting for my back up to show up which was a little late in coming. I started talking with the female. Now you can picture the area they have a very small driveway that comes in from the street and then comes to the left and the garage comes this way and the house is this way and the neighbors house is right here and there's bushes so the only place to be when you're standing by where their front door is is on their driveway there's no to get to the front yard you'd have to come thru bushes, it's a tight little space there. Her garage door is open where the incident where his head had gotten shut in the SUV in the garage is right near us. Contact her to get her side of it before making my arrest and she tells me she wants to go in the garage. This is a person I've been there when she's been Baker acted before, not going to

go in the garage with her. Certainly by myself so no we're not going in the garage. She turned her back on me to go in the garage. I hadn't even had a chance to begin asking her her side of this, she wanted to be in the garage so I grabbed her arm like no you're not going in the garage. She made an action of flinching the shoulder pulling forward trying to break the grasp of my hand. So I grabbed her with my other hand I'm like, "stop we're not going in" she flinches up again and on instinct I did a quick take down instead of fighting with her on the driveway doing anything else I just brought her into a take down, not hard it was just a simple trip take down and she hit her face right on the pavement. I started securing her right there, that's when Deputy Shirah shows up who was to be my back up, gave her to Deputy Shirah, called for EVAC, contacted my supervisor let him know she had gotten herself hurt, contact the husband let him know hey she got hurt out here we're you know picking it up from there but let him know there's been an injury involved. From there it was just finishing the paperwork for what the arrest was. Went to my sergeant let him know exactly what had happened.

TM Ok. And I know you kind of covered this or touched on it. In your dealings with Ms. Knudson in the past, you referred to you've dealt with her in the past does she have violent tendencies?

DH No. No she would, she was very verbal but there was never any violence. There was, it was always like a verbal complaint there wasn't a complaint that she had hit her husband she would make accusations that her husband had hit her in some way but upon investigation it wouldn't turn out like that. I don't know what her diagnosis is but she has had problems in the past were she's needed to be Baker acted whether it was not using her medications or getting over excited about a situation or I believe the last time I was out there it was something to do with she thought her husband was trying to steal her kids or something like that and she was having a crisis and the husband had called us to check on her an I know other deputies have had multiple contacts with her. I think one of the first times I contacted her was like two years ago or a year and a half ago and your MDC rings when a familiar address comes up people like hey yeah, I Baker acted her before. I don't know what all the situations there were but it was enough that this is a frequent person that we contact a lot that left an impression on me. From past experiences with her though I had developed somewhat of a rapport because I like dogs and she has this thing where she adopts blind dogs and raises blind I guess they were working dogs or something and they're blind and thru liking dogs I was always able to talk to her you know deescalate any situation I was out there for and I was pretty much expecting much of the same when I went out there this time. There had never been heightened sense of imminent violence but based on her track record of having been Baker acted and her having been in a physical altercation this time I knew I didn't want to go into the garage with her I didn't want to do anything else I wanted someone else to be there and the situation just spun up quick you know from whatever reason why she wanted to be in her garage which shocked me because nothing's been, there's never been a fast

escalation of it. She's told me before and Deputy Maldonado before when I was there with her one time during a Baker act that she doesn't like when we come in she winds up getting Baker acted or we do nothing for her. She always starts off with verbally hostile but after interaction with her for a couple minutes she usually deescalates and everything goes to a semblance of normal and that's pretty much what I was expecting this time I thought it was going to be the same thing it usually is, her arguing with her soon to be ex husband and figuring out what the actual case was. Usually he agrees to leave because I guess he's staying somewhere else now so it's not a major factor.

TM So prior to your arrival you did have information I mean you knew her history, you knew that she had been Baker acted, did you know the reasons why she's been Baker acted in the past?

DH I couldn't, I couldn't articulate it exactly. I believe the last time I was there it had to do with her medication her not taking her medication and then when I got there with Deputy Maldonado it was early in the evening and she was walking around in her underwear so I mean I saw some bizarre behavior but I couldn't articulate, I couldn't tell you exactly.

TM So when you responded over there listening to your last response you pretty much felt in your mind you had a pretty good report with Ms. Knutson?

DH M hm.

TM Is that a yes?

DH Yes it is. Sorry.

TM On how many occasions have you dealt, can you tell me how many times you've dealt with her?

DH I can think of three I can't remember the exact dates. I know twice I've been out there for verbal altercations between her and her husband. One time they were living together another time they weren't and once when Deputy Maldonado Baker acted her. That's three times I can think of that I was at the Knutson's house.

TM Have you, wait let me go back for a second. Prior to the arrest on May 5, 2008 have you ever arrested her for any other reason?

DH No not that I can remember I don't think so I think that'd stick out.

TM Have you ever had to personally Baker act Ms. Knutson?

DH No.

TM Have you been back up to someone who Baker acted Ms. Knutson?

DH Yes.

TM I want to go back to your opening statement. When you said you had to grab her arms...

DH M hm.

TM ...and she was pulling away did you verbalize to her to stop?

DH When I first grabbed her arm like I said we were talking there in the driveway and she had turned to walk to the garage. I grabbed her arm like oh no we're not going in there and started talking she said, "no I want to go in the garage" I was like, "we're not going in there" when she said I want to go in the garage when she had pulled her shoulder forward. When I grabbed the other arm and it just it was like a couple of seconds when I grabbed her other arm and she went like that, "stop" you know put my foot out and put her down that's when she hit her face right on the pavement. I wasn't trying to, it wasn't a body slam it wasn't anything I was trying to just get her to stop and put her down. What do you do with someone that's trying to break hold of your grasp? There was no time to explain to her no I don't want to go into the garage because it's dangerous you know and the time it took me to say that the whole thing was over. It just started with grab her arm no we're not going in there stop and then it was over.

TM And the reason for this was because you knew her past history?

DH Yes (inaudible)

TM People have been, and you've dealt with her on a personal level you felt you had a good rapport with her but at this point you didn't know what her mind set was?

DH No. Saboda thought he had a good rapport with the guy who killed him. I don't, you know no matter how, what kind of interaction I'd had with her before. I wasn't threatened by her at all. She's like 4'10" like 105 pounds it was just I wasn't putting myself in a situation where we're going to be in a garage where if we tussle in there someone's really going to get hurt.

TM Ok.

DH Now it was stay here.

TM Referring to Scott Knutson.

DH M hm.

TM Which is Ms. Knutson's husband. Do you know him?

DH Not personally. Only from going to the house, I know that he works for Volusia Fire somewhere I don't know where and I know that it's been a gradual thing. The first time I had contact with them they were living together but arguing and apparently had been a frequently common thing that they were arguing. I believe the second time I had contacted them they were already kind of coming on the outs and were talking to lawyers and I believe he was living somewhere else and obviously this time he was living somewhere else and was coming back to the house to help with like a TV or something like that and so it's been gradual break up thing that each time I've made contact have been another stage I guess in their impending divorce.

TM So you know him but not (inaudible)...

DH Not on any other level besides having responded to calls at the house.

TM So you've never socialized with Scott Knutson outside the scope of your duties?

DH Never.

TM Have you had to return to Mrs. Knutson's residence for any reason since the arrests on May 5, 2008?

DH Nope.

TM Have you attempted to talk to Mrs. Knutson since the arrest on May 5th? Have you talked to Mr. Knutson since the arrest on May 5th? No?

DH Nope, I have no reason to contact them you know it's, my job's done.

TM While you were physically attempting to restrain Mrs. Knutson at any point did you see anybody else outside the residence? Did you see anybody that might have witnessed the incident at all?

DH No. I know that the neighbor immediately next to the house like I was saying the way their house is laid up they were talking and there is a side door there so I imagine she had to have been present at her door or near there. I think talking to a deputy in the driveway would draw attention. I don't know if she was standing in the door or not.

TM Ok...

DH I imagine though that given it was only a couple minutes since they were talking and then I contact her that it's likely she was but my back was to the door so I couldn't tell you for certain.

TM Ok. And you said you went and talked, she was over there talking to that neighbor...

DH M hm.

TM ...and you went to talk to Mr. Knutson?

DH M hm.

TM And you were inside the residence at that point?

DH M hm.

TM Ok so when you came back outside and re-contacted Mrs. Knutson you had to go to the neighbor's house to contact her?

DH Well it's pretty much right at the edge of the driveway there.

TM Ok.

DH It's tight inside there I don't know if you had a chance to go to the house there but the way that side door is where the neighbor was and the way their driveway is laid out it's very close right there.

TM And at no time when you did have to physically restrain her to take her down you didn't fall on top of her? Basically she just...

DH No. Just with the usual way we train to do our restraint when she was down grabbing her arms keeping her from moving about on the ground. There was no like my full weight on her. It was using the flat of my knee going across the lengthwise of her back with my body weight supported by the knee just keeping her still and of course I saw her hit so I already knew she was injured so it was just getting her secured as fast as I could to move her off and take a look at her.

TM So immediately after she went to the ground you did handcuff her?

DH M hm.

TM And at that point when you were going to re-contact her and get her story after you spoke to Mr. Knutson you pretty, at that point...

DH She was already a suspect.

- TM She was a suspect?
- DH She was most likely going to go, going to be arrested but given the history between them I wanted to talk to her I wanted to give her a chance to give her side of it because there had been many times where she had said that he had hit her and it wound up not being the case. I wanted to make sure that he wasn't trying to say that that was, you know trying to flip things around on her and saying that she had hit him this time so I wanted to give her the chance (unintelligible) supposed to do investigate it but she was already suspect now given from what he had said already and said this time you know what I want to press charges. Usually that's and indicative that probably something did happen and they're tired of it for whatever reason so when I went to contact her it was, your side of the story waiting to see if anything you know set off the alarm saying that you know the BS alert ??? but we never even really got a chance to get up to that point because of the way things transpired when I went to contact her.
- TM And again you said soon after you take her down and secured her you knew she was injured.
- DH M hm.
- TM You had EVAC respond immediately and you contacted the supervisor immediately?
- DH M hm.
- TM Ok to get her treated for her injuries.
- DH Right, right. She's not a big person. 99.999% of the time when people just react in a way to try and protect themselves coming down in some way, I wasn't body slamming her it shouldn't have been a big surprise she was going down. Feeling my leg coming up and bringing her down. It wasn't like it was a violence of action thing it was a control thing, she should've known it just I don't why she bobbed her head forward and it went right into the pavement. It looked pretty bad at first when I saw her so it was like this isn't a small injury lets hurry up and get someone here. From there I contacted my sergeant immediately afterwards to get the ball rolling and make sure that everything that needed to happen photographs the injury all the rest the part of the investigation was gonna take off right from there.
- TM And was she verbally resisting and physically resisting when you physically grabbed her and told her we're not going in there?
- DH Yeah she, when I told her we're not going in there she had said, "I wanna go into the garage" and it was, "we're not going in there" you know it was one move of

the shoulder forward to break the grasp of my hand, grabbed with the other one, "I wanna go in there" move the other shoulder and before it turned into her trying to use her full body weight with me holding on to both her arms and having to like squeeze or bruise her in some way she's a small dainty person I was just ok let's just bring her down and secure her we just end it all right here before she can escalate it further. Like I said the only words that really came out of my mouth were, "no we're not going in there, hey stop" and we both went down.

TM And the reason why you did that was you felt comfortable in the environment you were dealing with her then and you didn't want her to switch venues to go to a different environment?

DH Right, right in an enclosed because it's a garage with a car in it, they had locked items inside the garage and if anything escalated in that there was any number of things that could've been a real threat to me regardless of her size or a threat to her if I needed to restrain her in there and the moving around would've caused more injury to her. No matter what I mean it's just you don't want to go into a garage with someone I already know is unstable so.

TM Well that's all I really have, maybe Lt. Goggin might have a couple questions for you.

BG Deputy Higgins is the zone in which this house is located is that your normal operating zone down there?

DH It used to be. I work on the other side of the city now but it's 44 zone.

BG But at the time?

DH Nope, at the time I was in 48 zone.

BG Ok.

DH I don't remember exactly I think it was a pretty busy day and that zone unit was busy on another call so it was myself and our X401 unit was a transport unit was my back up on the call.

BG Ok but you were the primary unit dispatched?

DH Yep.

BG And do you remember which one of the parties called in the 911 call that day?

DH No I can't, I would imagine it would've been Mrs. Knutson but that's just an opinion based upon former calls. I think she's usually the one that calls.

BG Ok. On the day of the incident were you aware of any restraining orders against either party?

DH No.

BG And I believe you stated earlier you've had three contacts with in the past, is that including this incident or three prior to?

DH That's three including this incident...

BG Ok.

DH ...that I can remember firmly it may even be more but from my independent recollection (inaudible).

BG Ok and all your contacts with those parties occurred at the [REDACTED] address?

DH At their home yeah that's what [REDACTED]?

BG Was the husband, was he there all the contacts each time you responded to the residence?

DH One time when I was there with Deputy Maldonado and she got Baker acted he wasn't. I believe that call was called in my him as a well being check on her for some interaction she had with the children they have in common.

BG Ok.

DH He wasn't there for that incident, she was there alone at the time.

BG Ok and just off hand do you recall what that Baker act involved?

DH Like I said all I can remember was that it had something to do with Mr. Knutson calling asking for a well being check on her, I guess he had the kids and there was some interaction that she had had with their children that led him to think that she might be having another crisis so we went over there to contact Ms. Knutson. The particulars of Deputy Maldonado doing the Baker act I don't have off hand I'd have to read Deputy Maldonado's report again. I remember she was in her small clothes when we got there like bra and panties.

BG Ok. Do you feel that you used any unnecessary force to affect the arrest?

DH No, no not at all. I didn't intend for anyone to get hurt I mean she's 104 pounds. I mean I felt bad when she got hurt but I didn't do anything that I haven't done 100 times before and that I won't do again so.

BG Ok, and you touched on this a little bit before but what immediate steps did you take after you noticed the injury?

DH I called EVAC right away. I called and I can't remember my exact words I'm pretty sure it was something one secure and roll EVAC I'm pretty sure it says if we pull up the tapes it's probably what it'll come up being.

BG Ok and one other thing I think I have. Besides the, you're describing where there was another female standing from the directional stand point would that be east, west of the house?

DH I couldn't tell you. I know it's if you're looking at the front of the house it's the house immediately to the right.

BG Ok. Could you describe...

DH If I remember hold on I'm trying to think of the map of the area in my mind and I imagine it would be the house to the east.

BG Ok and can you describe that woman?

DH No.

BG Ok.

DH Not at all. I think she was an older woman but.

BG Ok. Besides her and while you were waiting around for EVAC or rescue to arrive did you notice any other witnesses in the immediate area? Someone for us to speak to give us more information on this?

DH Like I was saying it's, where the whole thing happened we had bushes between us and the road, the garage between us and the house immediately to the left the house here between us and the back and the driveway which moved in an L so the only house that was there was that one right there.

BG Ok.

DH I can't.

BG Deputy Higgins that's all I have.


TM That's all I have. Do you wish to add or delete anything from your statement?

DH No that's literally everything I know of the incident so.

TM That concludes the interview we appreciate you coming in. The time is 10:23.

I, Sgt. Tim Morgan, swear that the forgoing is an accurate transcription of the sworn recorded statement of Dep. David Higgins, taken by me on May 12, 2008.

(Signed)

Sgt. T. Morgan 
Sworn to and subscribed before me this 24th
Day of June, 2008.

Cathy Clay
Signature of Notary Public-State of Florida



(Print, type or Stamp Commissioned Name of Notary Public)

My Commission Expires:

My Commission Number is:

Personally Known

Produced identification

Type of Identification Produced

FOR WITNESS OR COMPLAINTS

THIS WILL BE A TAPED INTERVIEW REFERENCE TO ^{RA} ~~IA~~ # 08-017. TODAY'S DATE IS MAY 12 08, AND THE TIME IS 1000 AM HOURS. THE LOCATION OF THE INTERVIEW IS

7th ADIM Building 4th Floor. PRESENTLY BEING INTERVIEWED IS Deputy Christopher Higgins ~~Dave~~. ALSO PRESENT

IS LT. [Redacted] Goggin WITH THE VOLUSIA COUNTY SHERIFF'S OFFICE INTERNAL AFFAIRS

UNIT. I'M SGT Morgan WITH THE VOLUSIA COUNTY SHERIFF'S OFFICE

INTERNAL AFFAIRS UNIT. Deputy Higgins ARE YOU AWARE THAT THIS INTERVIEW IS

BEING RECORDED? yes

AS A FLORIDA LAW ENFORCEMENT OFFICER AND NOTARY PUBLIC OF THE STATE OF FLORIDA I AM EMPOWERED TO TAKE SWORN STATEMENTS. AT THIS TIME I WOULD ASK THAT YOU RAISE YOUR RIGHT HAND TO BE SWORN.

DO YOU SWEAR THAT THE STATEMENTS YOU ARE ABOUT TO GIVE IS THE TRUTH THE WHOLE TRUTH AND NOTHING BUT THE TRUTH SO HELP YOU GOD? EDD

[Handwritten scribble] CAN YOU BRIEFLY DESCRIBE THE EVENTS THAT OCCURRED ON

AT THE END OF STATEMENT ASK: DO YOU WISH TO ADD OR DELETE ANYTHING FROM THIS STATEMENT?

THIS NOW CONCLUDES THE INTERVIEW.