

ORANGE COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
CASE NUMBER 2010-016715
EID 2685

INVESTIGATIVE DETAILS:

On Thursday, February 24, 2010, at approximately 1337 hours, Sea World security received a call concerning a trainer in the water at the *Dine with Shamu* encounter. At approximately 1404 hours, this information was relayed to the Orange County Sheriff's Office Communications Center.

Deputy Sheriff Christian Vonbargen was working in an off duty capacity at Sea World and was asked to respond to the *Dine with Shamu* area in reference to this call. When he arrived, he observed multiple trainers attempting to corral Tilikum the whale using nets. Deputy Vonbargen observed a trainer was inside Tilikum's mouth when he arrived.

February 24, 2010

At approximately 1520 hours, I arrived on scene at the *Dine with Shamu* area. I immediately noticed a tent had been set up next to the "D" pool. Underneath this tent was the body of Dawn Brancheau, which had been covered with towels or sheets. It was approximately five feet from the side of "D" pool. Tilikum the whale could clearly be seen at the edge of "D" pool. He would periodically lift himself above the pool wall.

Crime Scene Investigator Shary Delgado, Crime Scene Investigator Michael Vincent, and Crime Scene Investigator Ronald Murdock responded to the scene. Crime Scene Investigator Delgado photographed the area. Because of Tilikum's close proximity to Dawn Brancheau's body, Crime Scene Investigator Vincent and Crime Scene Investigator Murdock assisted with

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moving her body against the building wall and away from the pool wall. Dawn Brancheau was lying on a stretcher and the stretcher was simply lifted and moved without handling her body. Crime Scene Investigator Delgado photographed the area before and after Dawn Brancheau was moved.

Detective Kevin Kraubetz and I spoke with Sea World trainer Craig Thomas. Craig Thomas had responded to the alarm call for assistance and was one of the first employees on scene. Craig Thomas agreed to show Detective Kraubetz and me the layout of the pools near *Dine with Shamu*. Craig Thomas was not present when Dawn Brancheau fell in the pool. Because of this, he could not show us the location where she entered the pool with Tilikum.

Detective Kraubetz and I then met with Sea World trainer Jan Topoleski. Jan Topoleski was acting as a sponer for Dawn Brancheau when she entered the pool area with Tilikum. He agreed to show us the locations of himself, Dawn Brancheau, and Lynne Schaber (another Sea World trainer) when Dawn Brancheau entered the pool area. Jan Topoleski also agreed to show us the layout of the pools and the *Dine with Shamu* area. Crime Scene Investigator Delgado responded with us as well to photograph the area.

Jan Topoleski explained the pool Tilikum was currently in ("D" pool) is a medical pool. This pool has a false bottom that can be lifted for medical emergencies. This is designed for veterinarians to be able to better access the whales for medical treatment. While Jan Topoleski showed us the area of the pools, Tilikum was in "D" pool but had access to the adjacent pool which is "E" pool. "E" pool is a larger pool that sits between two medical pools.

Jan Topoleski then showed us the area where Dawn Brancheau had been interacting with Tilikum during the *Dine with Shamu* show. The *Dine with Shamu* show takes places in "G" pool. This pool is surrounded by a rock wall. The dining area for the *Dine with Shamu* encounter is on the north side of the pool. The interaction area for the trainers is on the south side of the pool. There is a cement slab on the south side of the pool that is covered by a small amount of water. Jan Topoleski said this is where Dawn Brancheau was interacting with Tilikum. To the west of this cement slab is a concrete scale and Jan Topoleski was sitting a short distance to the west of the scale on the rocks, monitoring Dawn Brancheau with Tilikum. At the beginning of the *Dine with Shamu* show, Lynne Schaber was a short distance east of Dawn

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Brancheau monitoring her activities.

Jan Topoleski said after the show ended, Lynne Schaber went below to the underwater viewing area of "G" pool, which is located on the north side of the pool. Dawn Brancheau was lying on her stomach in the water covering the cement slab of "G" pool. Tilikum was interacting with her nose to nose. Dawn Brancheau's long hair floated on the water into Tilikum's mouth; Jan Topoleski then saw Dawn Brancheau struggling to free her hair from Tilikum's mouth. He immediately pushed the alarm button and when Jan Topoleski turned back around, Dawn Brancheau was nowhere to be seen.

Jan Topoleski showed us to the underwater viewing area of "G" pool. He also showed us the dining area. Jan Topoleski explained after additional assistance arrived, he and other trainers began utilizing nets to try and redirect Tilikum from "G" pool to the "F" pool, which is a small pool that is also used as a medical pool. Once Tilikum entered "F" pool, while still holding Dawn Brancheau, the staff attempted to extricate Dawn Brancheau from Tilikum. Tilikum was netted in "F" pool and still would not release Dawn Brancheau.

There were additional whales in "E" pool, which is located between "F" pool and "D" pool. Once the other whales were transferred from "E" pool, Tilikum was then given access to "E" pool; however, he would still not release Dawn Brancheau.

Tilikum was finally directed from "E" pool into "D" pool. When inside "D" pool, Tilikum still would not release Dawn Brancheau. Because of this, the bottom of "D" pool was raised which ultimately beached Tilikum. A net was then used in this pool as well which enabled staff members to extract Dawn Brancheau from Tilikum's mouth.

Crime Scene Investigator Michael Vincent met with Julius Sais of Sea World security. Julius Sais provided a copy of surveillance video from a surveillance camera at the underwater viewing area for *Dine with Shamu*. Crime Scene Investigator Vincent also met with Irma Gabriel-O'Neill of Sea World security. Irma Gabriel-O'Neill provided him with a copy of video from the security control tower. This video shows the surface area of the *Dine with Shamu* pool. The camera was manually re-adjusted to this area after the alarm sounded for a problem at *Dine with Shamu*. Prior to this, the security control

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tower camera had been positioned at the front turnstiles. Crime Scene Investigator Vincent turned both of these videos over to me on February 25, 2010.

The video provided by Julius Sais began at 1337 hours on February 24, 2010, and showed the following relevant information:

Time stamp 13:38:10.76, a splash can be seen in the far right corner of the video.

Time stamp 13:38:17.96, Tilikum can be seen swimming into camera view.

Time stamp 13:38:19.83, Dawn Brancheau can be seen underneath Tilikum. She is free from him at this time.

Time stamp 13:38:21.97, Dawn Brancheau can be seen attempting to swim to the surface.

Time stamp 13:38:24.10, Tilikum can be seen striking Dawn Brancheau as she is attempting to swim to the surface.

Time stamp 13:38:26.27, Dawn Brancheau can be seen again attempting to swim to the surface.

Time stamp 13:38:31.08, Tilikum can be seen striking Dawn Brancheau, and he then immediately began swimming underwater with Dawn Brancheau in his mouth. Because of the direction Tilikum was swimming, Dawn Brancheau can not be seen by the underwater camera at this point.

Time stamp 13:43:02:25, Tilikum changes swimming directions and Dawn Brancheau can be seen held in his mouth but she appears lifeless.

A full listing of Tilikum and Dawn Brancheau's movements from a time stamp of 13:38:10.76 until the video ends at a time stamp of 14:01:05.23 is attached to this report.

The video provided by Irma Gabriel-O'Neill is an extremely pixilated video. Individual features of people can not be distinguished. The video is from such

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a far distance from the pool, Dawn Brancheau is never seen in this video. Tilikum can be seen in the video swimming at a great speed in what appears to be an agitated state. Employees and trainers can also be seen in the video attempting the rescue of Dawn Brancheau. The video does show that within less than three minutes, trainers had nets in the water to try and contain Tilikum in "G" pool. Once Tilikum moves to the west side of "E" pool, he can not be seen due to ceiling overhangs covering "E" pool. The video does not show when or how Dawn Brancheau entered the water in "G" pool.

Numerous detectives from the Orange County Sheriff's Office responded to Sea World to assist with interviewing witnesses. The majority of witnesses had been relocated to another area of the park known as "The Terraces." The witnesses at this location were provided with statement affidavits to complete. Sergeant William Hinkey, Corporal Timothy Farmer, Detective Jason Sams, Detective Charity Beasley, and Detective Troy Polk assisted by reviewing statement affidavits for completeness.

The following individuals are employees for Sea World who responded to the pool after the alarm sounded: Megan Kozma, Natalie Ciper, Kathleen Gass, Jodie Tintle, Todd Coffman, Mark Barner, Jerral McCoy, Lynn Kelly-McClish, Kevin Krueger, Shana Groves, Tanner Grogan, Christopher McGuire, Emma Welch, Fran Lawrence, Cameron McDaniel, Brian Faulkner, Robin Morland, Kevin Voigtmann, Nicholas Rubino, and Alex Gonzalez. All of these individuals assisted with the netting procedures after the alarm was sounded. They all completed sworn, written statement affidavits.

Valerie Greene is also an employee with Sea World. She responded after the alarm sounded to assist with netting Tilikum. Valerie Greene said she could see "*a woman's ponytail in the whale's mouth.*" She assisted with netting the whales in "E" pool and with netting Tilikum into "D" pool. Valerie Greene said after Tilikum was netted in the "D" pool, they were able to remove Dawn Brancheau's body from Tilikum's mouth. Tilikum still had Dawn Brancheau's arm and Valerie Greene said he was netted again to retrieve her arm. Valerie Greene completed a sworn, written statement affidavit.

Nancy Vargas and Amber Weiss are also employees with Sea World. They were both working in the security dispatch center for Sea World. Amber Weiss called 911 after the alarm sounded. They repositioned the camera from

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the security tower in order to see the pools in the *Dine with Shamu* area. They both completed sworn, written statement affidavits.

Joshua Excel is a supervisor at Sea World. He responded to the *Dine with Shamu* area after receiving notice a trainer was in the pool with a whale. He assisted with removing employees under his charge in the dining room to another location. Joshua Excel completed a sworn, written statement affidavit.

Anthony Sharp, Misty Bermudez, and Justin Sparkes were paramedics that responded after the alarm sounded for a problem at the *Dine with Shamu* area. They are all employed as paramedics by Sea World. They all completed sworn, written statement affidavits.

At approximately 1553 hours, Corporal Michael Ruggiero spoke with Lynne Schaber. Lynne Schaber completed a sworn, written statement affidavit. Corporal Ruggiero conducted a sworn, audio recorded interview with Lynne Schaber. This interview took place at "The Terrace." The following is a synopsis of this interview:

Lynne Schaber was acting as a spotter for Dawn Brancheau during the *Dine with Shamu* show. At the end of the show, Lynne Schaber went below to the underwater viewing area of "G" pool. The individuals who watched the *Dine with Shamu* show normally go to this area after the show for photo opportunities with the whales (in this case Tilikum). When Lynne Schaber went below, Jan Topoleski stayed above the surface as a spotter for Dawn Brancheau. Dawn Brancheau was interacting with Tilikum, and Lynne Schaber told her she was ready for Dawn Brancheau to ask Tilikum to come to the window for photographs. Lynne Schaber was waiting for Tilikum to come to the window when she saw "*him pull her in*." Lynne Schaber then saw Dawn Brancheau in the water on top of Tilikum. Lynne Schaber did not see how Dawn Brancheau ended up in the water. Lynne Schaber knew Dawn Brancheau was in trouble as soon as she saw this because Tilikum is a "possessive" animal. He normally keeps things that he has and will not release them. Lynne Schaber did not think Tilikum ever allowed Dawn Brancheau to come to the surface.

At approximately 1558 hours, Detective Dorothy Rivera spoke with Fredy Herrera. Fredy Herrera completed a sworn, written statement affidavit.

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Detective Rivera conducted a sworn, audio recorded interview with Fredy Herrera. This interview took place at "The Terrace." The following is a synopsis of this interview:

Fredy Herrera is employed at Sea World as a security officer. He was working security at the *Dine with Shamu* restaurant on February 24, 2010. The show had just finished and Dawn Brancheau and Jan Topoleski were still across the pool. Dawn Brancheau was interacting with Tilikum. She was on her knees, touching Tilikum's nose. Dawn Brancheau moved to the far left and she was petting Tilikum when he grabbed either her hair or her arm and pulled her into the pool. Tilikum remained underwater with Dawn Brancheau. Jan Topoleski sounded the alarm and other trainers began arriving and using the nets to try and corral Tilikum. Fredy Herrera never saw Dawn Brancheau struggling or moving after she was initially pulled into the pool.

At approximately 1610 hours, Detective Michael Erickson spoke with Thomas Seaner. Thomas Seaner completed a sworn, written statement affidavit. Detective Erickson conducted a sworn, audio recorded interview with Thomas Seaner. This interview took place at "The Terrace." The following is a synopsis of this interview:

Thomas Seaner is employed at Sea World as a table host/server in the *Dine with Shamu* dining room. He was beginning to bus or clear his tables. The *Dine with Shamu* show normally ends around 1330 hours and guests begin to move out of the dining room to the underwater viewing area. Between 1330 hours and 1340 hours, Thomas Seaner saw Dawn Brancheau feeding Tilikum; he believes she was crouched down as she was doing this. When he looked back, Dawn Brancheau was gone. He then heard the alarm sound. Thomas Seaner saw additional trainers arrive and they began bringing nets across into the pool. Thomas Seaner assisted with the nets until additional trainers arrived.

At approximately 1616 hours, Detective Scott Bruinsma spoke with Demar Haye. Demar Haye completed a sworn, written statement affidavit. Detective Bruinsma conducted a sworn, audio recorded interview with Demar Haye. This interview took place at "The Terrace." The following is a synopsis of this interview:

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Demar Haye is employed at Sea World as a server in the *Dine with Shamu* dining room. The show had ended and Demar Haye was in the back of the dining area talking with guests when he heard someone say, "Oh no." Demar Haye turned around and saw Dawn Brancheau sliding into the water. He saw Jan Topoleski immediately turn to hit the alarm button and then heard the alarm sound. Demar Haye saw the trainers bringing out nets; Demar Haye helped pull the nets until more help arrived. He saw Tilikum come to the surface at one point and could see Tilikum had possession of Dawn Brancheau. Tilikum immediately took Dawn Brancheau back under the water. Demar Haye saw Tilikum corralled into "F" pool prior to him being escorted to another location.

At approximately 1616 hours, Detective Rivera spoke with Thomas Tobin. Thomas Tobin completed a sworn, written statement affidavit. Detective Rivera conducted a sworn, audio recorded interview with Thomas Tobin. This interview took place at "The Terrace." On March 29, 2010, at approximately 1230 hours, I spoke with him on the telephone and this interview was recorded. The following is a synopsis of these interviews:

Thomas Tobin is employed at Sea World as a paramedic. He received a call for a person in the water and responded to the *Dine with Shamu* area. When he arrived, Thomas Tobin was told someone was in the water. Thomas Tobin was present for three to four minutes and did not see anyone surface. He was present at the pools for thirty minutes or longer before Dawn Brancheau could be extricated from Tilikum. Thomas Tobin realized the call had changed from a rescue call to a recovery call. At one point, he observed Dawn Brancheau had been scalped, but he did not see her bleeding from the injury. He said he knew at that point she was deceased. Thomas Tobin also believed based on how Dawn Brancheau's body was moving she had a broken neck.

At approximately 1616 hours, Detective Darryl Tamash spoke with Chahine Kish. Chahine Kish completed a sworn, written statement affidavit. Detective Tamash conducted a sworn, audio recorded interview with Chahine Kish. This interview took place at "The Terrace." The following is a synopsis of this interview:

Chahine Kish is employed at Sea World in the *Dine with Shamu* dining room. She was cleaning tables and saw Dawn Brancheau interacting with Tilikum.

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Jan Topoleski was sitting near the tone box watching Dawn Brancheau. Chahine Kish heard splashing and saw Dawn Brancheau with a fish in her hand. Chahine Kish looked down and when she looked back up, Dawn Brancheau was gone. She then heard the alarm sound. Chahine Kish did see Tilikum surface at one point and when he did, he had Dawn Brancheau in his mouth possibly by the torso. Chahine Kish noticed Dawn Brancheau's shoes were in the pool. Other trainers arrived and used nets and threw food in the pool to try and distract Tilikum. Chahine Kish saw other servers assist with the nets. Chahine Kish also saw Tilikum become more "frantic"; he was only coming to the surface long enough to breathe. She saw the trainers corral Tilikum into "F" pool before she left the area.

At approximately 1636 hours, Detective Mark Hussey and Detective Scott Lowen spoke with Stacy Nichols. Stacy Nichols completed a sworn, written statement affidavit. Detective Hussey and Detective Lowen conducted a sworn, audio recorded interview with Stacy Nichols. This interview took place at "The Terrace." The following is a synopsis of this interview:

Stacy Nichols is employed at Sea World to assist with the animal shows and photo tours. Stacy Nichols answers questions from guests during the photo sessions. At approximately 1330 hours, she responded to the underwater Shamu viewing area. Stacy Nichols was aware a trainer for the *Dine with Shamu* show would be at the viewing area around 1330 hours. This show takes place once a day every day. At around 1335 hours, Stacy Nichols could see one of the trainers (Dawn Brancheau) working with Tilikum. A person can see the surface of the water from the underwater viewing area, this is simply not captured on camera. She heard Lynne Schaber say, "hey Dawn, we're ready." From the underwater viewing area, Stacy Nichols saw Tilikum doing a deep dive and Dawn Brancheau was in his mouth. Dawn Brancheau's sandals immediately came off. Stacy Nichols then heard the alarm sound and saw Lynne Schaber running to the top of the pool. The show had already ended at this point and only the last photo opportunity needed to be completed.

At approximately 1636 hours, Detective Bruinsma spoke with Susanne DeWit. Susanne DeWit completed a sworn, written statement affidavit. Detective Bruinsma conducted a sworn, audio recorded interview with Susanne DeWit. This interview took place at "The Terrace." The following is

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a synopsis of this interview:

Susanne DeWit is a tourist who was visiting Sea World from the Netherlands. She had booked an animal photo tour for February 24, 2010. Included in this tour was lunch at the *Dine with Shamu* stadium. Lunch finished at approximately 1330 hours and Susanne DeWit went downstairs to the underwater viewing area. A guide in this area asked the guests to move away from the window. The guide told the guests the whale (Tilikum) would be directed to come to the window. Susanne DeWit saw Tilikum swimming down and he had a trainer in his mouth. Tilikum was holding the trainer by her shoulder and neck. Susanne DeWit could see the trainer's legs. Tilikum was shaking the trainer and moving extremely fast. Susanne DeWit then heard an alarm sound and saw nets entering the water. Susanne DeWit was then escorted from the area.

At approximately 1639 hours, Detective Kraubetz and I spoke with Jan Topoleski. Jan Topoleski completed a sworn, written statement affidavit. Detective Kraubetz and I conducted a sworn, audio recorded interview. This interview took place in the offices by the trainer's locker room at "D" pool. The following is a synopsis of this interview:

Jan Topoleski is employed at Sea World as an animal trainer. He was working in the position of a spotter for Dawn Brancheau during the *Dine with Shamu* show on February 24, 2010. Jan Topoleski and Dawn Brancheau discussed how smoothly the show had gone. The show had no problems and the interaction had concluded. A photo tour was at the underwater viewing area and Dawn Brancheau needed to direct Tilikum to the window for the photo tour. Lynne Schaber had acted as a second spotter during the show but changed location to the underwater viewing area for the final photo opportunity.

Dawn Brancheau was lying on her stomach, face to face with Tilikum in the concrete area between the wall and the scale of "G" pool. She was lying in three to four inches of water. Jan Topoleski observed a current of water blow Dawn Brancheau's long ponytail into Tilikum's mouth. Dawn Brancheau began trying to pull her hair out of Tilikum's mouth. Jan Topoleski then turned around to hit the alarm button. When he turned back around, Jan Topoleski could not see Dawn Brancheau or Tilikum. He did see Dawn

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Brancheau's sandals floating on top of the water. Jan Topoleski then grabbed the emergency air to throw to Dawn Brancheau but he was unable to do this since he could not see her under the water. When other trainers arrived, they all began using the nets to corral Tilikum.

Jan Topoleski said it appeared Tilikum was holding Dawn Brancheau by her hair and maybe her arm as well. Throughout the ordeal, Tilikum changed the positions in which he held Dawn Brancheau. Whenever the trainers attempted to retrieve Dawn Brancheau, Tilikum became more agitated and he would not allow anyone near her. Jan Topoleski and other trainers "*asked for control.*" This is done by slapping the water. They did this in order to try and get Tilikum to focus on them and release Dawn Brancheau. Tilikum was unresponsive to "*slaps.*"

Jan Topoleski did not see anything incorrect or out of the ordinary that Dawn Brancheau did to agitate Tilikum. The face to face time between Dawn Brancheau and Tilikum seemed to be going well until this occurred. There were no precursors during the day on February 24, 2010, to indicate Tilikum would have reacted this way. Jan Topoleski said Tilikum does not have any toys that are similar to hair which would cause Tilikum to mistake Dawn Brancheau's hair for a toy. All of his toys are large plastic objects. He also verified no one ever goes in the pool with Tilikum because of his past history.

At approximately 1642 hours, Detective Tara Evans spoke with Jeremy Rippy. Jeremy Rippy completed a sworn, written statement affidavit. Detective Tara Evans conducted a sworn, audio recorded interview with Jeremy Rippy. This interview took place at "The Terrace." The following is a synopsis of this interview:

Jeremy Rippy is employed at Sea World as an animal trainer. He was working inside the fish house when he heard the "G" pool alarm. Jeremy Rippy immediately responded to "G" pool. He began assisting with the net reels. Four people are needed to work one net reel. Jeremy Rippy and the other people there began using the net to try and move Tilikum to the smaller pool ("F" pool). The net kept snagging on the rocks and Tilikum was able to get behind the net. He could see Tilikum was holding Dawn Brancheau in his mouth by her neck and shoulder. Jeremy Rippy continued to assist with the rescue operations until Dawn Brancheau was extricated from Tilikum.

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At approximately 1647 hours, Detective Tarnash spoke with Phyllis Manning. Phyllis Manning completed a sworn, written statement affidavit. Detective Tarnash conducted a sworn, audio recorded interview with Phyllis Manning. This interview took place at "The Terrace." The following is a synopsis of this interview:

Phyllis Manning is employed at Sea World as a photographer. She was at the underwater viewing area of *Dine with Shamu* waiting for a photo tour to arrive. Lynne Schaber was at the underwater viewing area as well. Lynne Schaber tapped on the glass to get Tilikum's attention but he remained at the surface with Dawn Brancheau. Lynne Schaber then told Dawn Brancheau she was ready for Tilikum to come to the window for photographs. Phyllis Manning then saw Tilikum swimming extremely fast. Dawn Brancheau was in the water with Tilikum and Phyllis Manning is aware trainers do not get into the water with Tilikum. Phyllis Manning knew at this point something was wrong. She then began ushering guests out of the area. Phyllis Manning had not yet taken any photographs when this occurred.

At approximately 1651 hours, Medicolegal Investigator Bill Stratton with the District Nine Medical Examiner's Office arrived at the scene. Investigator Stratton photographed and documented the scene on behalf of the District Nine Medical Examiner's Office. Dawn Brancheau's body was turned over to Investigator Stratton and transported to the District Nine Medical Examiner's Office.

After Medicolegal Investigator Stratton arrived, Crime Scene Investigator Murdock responded with him and unknown Sea World employees to search the area for Dawn Brancheau's hair, scalp, and whistle. These items were located in the bottom of "F" pool. Crime Scene Investigator Murdock utilized a net to retrieve Dawn Brancheau's hair and scalp. Crime Scene Investigator Murdock then observed an unknown Sea World employee dive to the bottom of the "F" pool and recover her whistle. These items were turned over to Medicolegal Investigator Stratton.

At approximately 1657 hours, Detective Hussey and Detective Lowen conducted a sworn, audio recorded interview with Scott Brancheau. This interview took place at "The Terrace." The following is a synopsis of this

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interview:

Scott Brancheau is the spouse of Dawn Brancheau. He was contacted by Laura Surovik and told Dawn Brancheau had been injured. Scott Brancheau is not employed by Sea World. He had no additional information concerning this incident.

At approximately 1657 hours, Detective Kraubetz and I spoke with Craig Thomas. We conducted a sworn, audio recorded interview with Craig Thomas. This interview took place in the offices by the trainer's locker room at "D" pool. The following is a synopsis of this interview:

Craig Thomas is employed at Sea World as an animal trainer. He heard the alarm sound for "G" pool and immediately responded to that area. Craig Thomas assisted with deploying the nets and began slapping the water for Tilikum to respond. Tilikum did not respond to slaps on the water or the nets. A second net was deployed and Tilikum finally responded by entering "F" pool. Craig Thomas could see Tilikum was holding Dawn Brancheau by her hair, but he periodically changed this position to holding her by the arms and legs. When Tilikum was in the medical pool ("D" pool) he was holding Dawn Brancheau by her arm.

Craig Thomas worked with Tilikum in 1995 and 1996 and returned to work with him again in 2008. Tilikum was acquired because of an incident in Canada and because of this there has never been any intention by any trainers of getting in the water with Tilikum. He has been deemed to have tendencies that make him unsafe. Craig Thomas worked with Tilikum earlier in the day and did not notice any issues. Tilikum showed no precursors of being agitated or unwilling to perform.

At approximately 1658 hours, Detective Dorothy Rivera spoke with Laura Surovik. Detective Rivera conducted a sworn, audio recorded interview with Laura Surovik. This interview took place at "The Terrace." The following is a synopsis of this interview:

Laura Surovik is employed at Sea World as the assistant curator of animal training. She has worked at Shamu stadium for twenty-four years and was present when Tilikum arrived at Sea World. Laura Surovik was also best

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friends with Dawn Brancheau. She was on the telephone in her office when she found out the alarm had been sounded at *Dine with Shamu*. Laura Surovik told her husband, Michael Surovik, she needed to go to Shamu stadium. When she arrived, Tilikum was in "G" pool and moving into "F" pool. Laura Surovik could see Tilikum was holding Dawn Brancheau in his mouth (possibly by her torso). The trainers had netted Tilikum to try and get him to release Dawn Brancheau. He was becoming more agitated and Laura Surovik assisted as Tilikum was moved to "E" pool and finally to "D" pool. Laura Surovik said Tilikum was holding Dawn Brancheau as if she was his possession. Tilikum's past history is that when he obtains a person, he does not let them go.

At approximately 1700 hours, Detective Erickson spoke with Michael Surovik. He conducted a sworn, audio recorded interview with Michael Surovik. This interview took place at "The Terrace." The following is a synopsis of this interview:

Michael Surovik is employed at Sea World. He was working in his office on February 24, 2010, when he received information from Laura Surovik there was a problem at Shamu stadium. He drove through the park with his wife to *Dine with Shamu*. When Michael Surovik arrived, he observed around forty people near the medical pool ("F" pool). Michael Surovik also observed Tilikum was in "F" pool with a trainer. He had no additional information about this incident.

At approximately 1710 hours, Detective Tamash spoke with Angela Casagrande. Angela Casagrande completed a sworn, written statement affidavit. Detective Tamash conducted a sworn, audio recorded interview with Angela Casagrande. This interview took place at "The Terrace." The following is a synopsis of this interview:

Angela Casagrande is employed at Sea World as a guide for the animal show and photo tour. She was working at the underwater viewing area on February 24, 2010 and preparing for a photo session with Tilikum. Lynne Schaber was in the underwater viewing area as well. Angela Casagrande had her back to the window when she heard the alarm sound. She turned around and saw Tilikum with a trainer in his mouth. Tilikum was swimming faster than normal. Angela Casagrande began ushering out the guests and called 911.

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This 911 call goes to Sea World dispatch. Angela Casagrande said prior to this, the show appeared to be normal. Everything had gone as planned during the show itself.

At approximately 1720 hours, I spoke with Linda Simons. Linda Simons is employed at Sea World as the Director of Health and Safety. She provided background information on Dawn Brancheau, Jan Topoleski, and Lynne Schaber. Dawn Brancheau was employed in a supervisor position. She was hired on February 7, 1994 and had been working with Tilikum since this date. Jan Topoleski was employed as a senior trainer in the water. He was hired on June 15, 2004 and had been working at Shamu stadium from January 7, 2008 until the present date. Lynne Schaber was employed as a senior trainer one in the water. She was hired on February 9, 1998, and had been working at Shamu stadium from April 25, 2005, until the present date. Linda Simons also provided me with a copy of a statement written on a Sea World Health Services Memo by Misty Bermudez.

At approximately 1727 hours, Detective Kraubetz and I spoke with Deputy Christian Voubargen. We conducted a sworn, audio recorded interview with Deputy Vonbargen. This interview took place in the offices by the trainer's locker room at "D" pool. The following is a synopsis of this interview:

Deputy Vonbargen was working in an off-duty capacity at Sea World. He is required to carry a Sea World radio when working this particular detail. He heard a commotion on the Sea World radio and began heading towards Shamu stadium. When Deputy Vonbargen arrived on scene, fire rescue personnel were already present. Employees on scene told Deputy Vonbargen Tilikum had pulled a trainer into the water. Deputy Vonbargen could see Tilikum still had Dawn Brancheau in his mouth. He was holding her by the arm and thrashing violently back and forth. He was already in the forward pool ("F" pool) when Deputy Vonbargen arrived.

February 25, 2010

At approximately 0900 hours, Doctor Joshua Stephany of the District Nine Medical Examiner's Office conducted an examination of Dawn Brancheau. He ruled the cause of death drowning and traumatic injuries and the manner of death an accident.

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At approximately 0930 hours, I received information a guest of Sea World had provided a video tape to Channel 35 news. I spoke with Public Information Officer Jim Solomon, who attempted to obtain the video tape directly from Channel 35 news without success. However, Public Information Officer Jim Solomon was able to provide me with a copy of the news footage itself when it was aired on Channel 35 news. The male guest on the news coverage (using the name of Todd Connell) stated he turned his personal video camera off just before Dawn Brancheau ended up in the water with Tilikum. The video footage (no date or time stamp) showed Dawn Brancheau lying in the water face to face with Tilikum. It also showed her hair very close to Tilikum's mouth. The male guest was not positively identified, located, or interviewed during this investigation.

At approximately 1454 hours, I received an electronic mail from Public Information Officer Jim Solomons. The electronic mail stated a phone call was received by the Orange County Sheriff's Office Public Information Office from a female named "Jessica," who was a witness to the incident on February 24, 2010.

At approximately 1550 hours, I called the phone number provided for "Jessica." I received no answer and left a message.

At approximately 1730 hours, I received a call back from "Jessica." She identified herself as Jessica Wilder, a guest visiting from Vermont. I scheduled to conduct a telephone interview with her on February 26, 2010, between 0930 hours and 1000 hours.

February 26, 2010

At approximately 0951 hours, I spoke with Jessica Wilder. This conversation took place over the telephone. I conducted a sworn, audio recorded interview with Jessica Wilder. The following is a synopsis of the interview with Jessica Wilder:

She was a guest at the 12:30 show for *Dine with Shamu* on February 24, 2010. Jessica Wilder had attended two previous *Dine with Shamu* shows. During the show on February 24, 2010, Jessica Wilder saw nothing out of the ordinary or different from the two previous shows she attended. She observed a female

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trainer (Dawn Brancheau) interacting with Tilikum. Dawn Brancheau was lying on the platform and hugging Tilikum. Dawn Brancheau was also feeding Tilikum fish. Jessica Wilder went to the underwater viewing area with her family. When she looked up from the underwater viewing area, Jessica Wilder saw Dawn Brancheau in the water. Dawn Brancheau was "scrambling" to get out of the water. Jessica Wilder then saw Tilikum approaching Dawn Brancheau and he "impacted her squarely in the chest." Jessica Wilder watched as Tilikum looped around and came back towards Dawn Brancheau with his mouth open. Jessica Wilder was then escorted out of the area.

March 4, 2010

At approximately 0900 hours, I called Stuart Deridder with Sea World security. I asked if there was any additional video that showed the *Dine with Shamu* area on February 24, 2010. Stuart Deridder told me there were only two video angles of that particular area and both of those had been provided to me.

March 8, 2010

At approximately 1131 hours, I received an electronic mail from Public Information Officer Jim Solomons. He had forwarded an electronic mail to me from an individual named John Kielty. The following is a synopsis of this electronic mail:

John Kielty said he was a guest at Sea World on February 24, 2010. He attended the 12:30 "Believe" show. During this show, he believed the whales were behaving abnormally. John Kielty said at the end of the show, a second whale somehow entered the stadium with the whale who was performing the splash portion of the show. The two whales began aggressively chasing each other and the trainers were finally able to separate them. They waited five to ten minutes for the whale (believed to be Tilikum) to "cool down." After the cool down period, they resumed the "splash" portion of the show but the whale did not want to participate. The complete electronic mail from John Kielty is attached.

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March 29, 2010

At approximately 1307 hours, I called the work telephone number for Lynne Schaber in order to get clarification on several details from her original interview. I received no answer and so left a message on her answering machine.

March 31, 2010

At approximately 1034 hours, I again called the home telephone number for Lynne Schaber. I received no answer and so left a message on her answering machine. I then called the number she had provided as an alternate number. This number is a cellular phone. I received no answer and so left a message.

At approximately 1343 hours, I received a call from Stuart Deritter with Sea World Security. He told me someone had relayed to him I wanted to speak with a trainer. Stuart Deritter asked for the trainer's name and said he would provide her with my cellular phone number to call me.

April 6, 2010

As of this date, I still had received no response from Lynne Schaber. I called Jan Topoleski in order to try and obtain information as to how Lynne Schaber would have relayed to Dawn Brancheau that she was ready for Tilikum to be sent to the underwater viewing area window. I received no answer and so left a message on the answering machine. A short time later, I received a call from a female (she did not identify herself). The female stated the phone number I had called for Jan Topoleski was incorrect.

April 14, 2010

At approximately 1154 hours, I received a voice message from Lynne Schaber. I called her back and received no answer. I left a message.

At approximately 1310 hours, I received a call from Lynne Schaber. This phone conversation was sworn and audio recorded. Lynne Schaber explained in her first interview, when she described Dawn Brancheau was on top of Tilikum, she meant Dawn Brancheau was actually positioned to Tilikum's

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side, but he was rolling in the water and so appeared slightly above him. Dawn Brancheau was not positioned on his dorsal area. Lynne Schaber could not advise whether Tilikum had a hold of Dawn Brancheau's body at this time.

In addition, Lynne Schaber explained how she called to Dawn Brancheau. There is a position in the underwater viewing area where there is a slight gap in the roof and so voices can be projected to the platform where Dawn Brancheau was working with Tilikum. Lynne Schaber simply yelled to Dawn Brancheau from this area. She said she could not see Dawn Brancheau at that time because of Tilikum's position in front of Dawn Brancheau.

There is no additional information concerning this case at this time.

ATTACHMENTS:

- Log of Tilikum and Dawn Brancheau's movements in the pool from a time stamp of 13:38:10.76 until a time stamp of 14:01:05.23
- District Nine Medical Examiner's Office Case Synopsis
- Map of Shamu stadium pools
- Thirty-Nine Statement Affidavits
- Crime Scene Contamination Sheets
- Orange County Sheriff's Office Computer Aided Dispatch sheet
- Orange County Fire Rescue Computer Aided Dispatch sheet
- Sea World statement by Misty Bermudez
- Electronic mail from Public Information Officer Jim Solomons in reference to Jessica Wilder
- Electronic mail from Public Information Officer Jim Solomons in reference to John Kielty

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DISPOSITION:

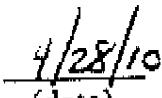
This case is closed as an accidental death.

REFERRED TO:

Orange County Sheriff's Office Records Section



Detective Samara Melich, EID 2685
Homicide Squad

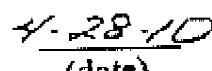


4/28/10
(date)

Sworn to and subscribed before me, the undersigned Authority, this
28 day of April, 2010.



Sergeant Daniel Gutierrez
Supervisor, Homicide Squad



4-28-10
(date)

In compliance with Orange County Sheriff's Office Written Directives, and Florida Statute 119, the completed investigative report becomes public record unless exempt from disclosure by law. Requests for review and/or copies of completed investigations are granted in accordance with applicable law.