

Transcription Jan Topoleski (1247478 1).WMA

KP: This is Detective Kevin Previs in Orange County Sherriff's Office. Today is... February 24th, 2010; the time is 4:39 p.m. We are here in reference to case No. 10-16715. With me in the room is Detective Samara Melieh and also Jan Joseph Topoleski. And, can you spell that for me?

JT: T-O-P-O-L-E-S-K-I

KP: Okay, and if you could Jan, tell us why we are here today?

JT: The reason why you guys are here is in reference to an incident involving one of our supervisors and our killer whale, ultimately ending up in a death. What happened was just like normal after our first show, we go over to do a Dine with Shamu interaction, that's basically a non... a water- work interaction we do for our guests who are paying for a dining experience and also a killer whale experience. So, the show went perfect. No problems at all. I was joined by Dawn Brancheau, supervisor and Lynne Schaber, senior trainer one, and the interaction, like I said, went off beautifully. For about 15 minutes, the interaction is over and guests are then shuffled out of the dining area, and we had to actually do a pho... a photography... or a photo for... a photo tour, uh, at uh underwater viewing. The same whale that we used during our interaction of Dine with Shamu we used for the photo tour. Lynne Schaber... uh...

What whale was that?

JT: Tilikum.

KP: OK.

JT: At that point, I was ... wow... spotting...I want a word for spotting... the interaction between Dawn and Tilikum. Meanwhile, the guests are leaving. Lynne Schaber went downstairs, like all of our other trainers do for the photos and just waits for the photo tour to get ready, in position. At that point, Dawn Brancheau would normally would ask the killer whale to go down to the glass, pose for a picture and come back up and we would end the interaction. What happened was, I was spotting Dawn from my designated location, where my safety equipment is at ...she was laying face to face on our concrete area, between the wall and over a scale... uh... there is about maybe 3 or 4 inches of water, she was face to face with him. Again, nothing out of the ordinary. These interactions occur throughout the day. What happened was, what I observed was (inaudible) a current of water or a rebel of water blow her hair into his mouth.. uh.. and all of the sudden I saw her pulling on her hair and trying to pull out. At that point, I immediately turned around, hit the alarm... which is the first thing to do in case of any emergency. I turned around and then I see Dawn, and then I see Tilikum, the whale, and they were in the pool. All I did see were her sandals in the water floating. At that point, the alarm was sounding. I ran over to get emergency air, which we... somebody just needs it... if we can, we throw it to the trainer in the water. This happened all in a span of seconds. As soon as.. I could not even see Dawn in the water, so I didn't throw anything in there. Immediately, all the trainers came by and we started doing safety protocol - which is putting our net in the pool and try to corral the whale into a smaller pool, more manageable pool. Again, I didn't see Dawn or the whale come up at all for a long time and at that point we had about 40-50 trainers in the area helping out and I was just following directions where needed and just trying to help any way I could.

KP: OK. Once the whale was corralled into the far back pool, at what point did you see Dawn? Where was she at?

JT: Dawn, it appeared that Tilikum had Dawn by the hair still, under the water, was just dragging her around under the water. He may have even had... he may even had an arm at another point... but, uh ... time to time he would come up and surfaced whenever we tried to get Dawn out of the water. Tilikum, he seemed to appear a little more agitated and would not allow anybody to get near her. At this point, by the time we got her into a smaller pool, I didn't see any responsiveness at all with Dawn... so I assumed the worse at that point. Eventually, we were able to get him into another pool and then into a smallest pool which we were able to keep him in there and raised the bottom... uh, eventually retrieving Dawn and Tilikum.

KP: Now, when you got her... and Tilikum into the smaller pool, and you raised it up, at that point, could you see Dawn a little clearer and what position she was? Did he had [sic] her by the side?

JT: I was not face to face with Tilikum in that pool. I did get a little look of Dawn and did see that Tilikum still had her... and as far as where he had her, I don't know if it was either by the arm, I believe it may have been by the arm, but he definitely had her by some extremity of hers and then eventually the other trainers, the supervisor, were able to get Dawn away from Tilikum.

KP: OK. And at that point she was released and...?

JT: At that point she was released. EMTSA I believe took over the scene. Everything was kind of crazy at the time... I was trying to get everything in that side of the area, put them back... just try to keep a clear path for anybody who might be coming into the area, whether it be the police or the EMTs

DM: What were you guys doing in trying get her... to get Tilikum to release her?

JT: We would normally ask for control... hoping that he would actually release what he had in his mouth, whether it be a play toy or [inaudible – background noise – other people talking] try to ask for control, have him come over to the side of the pool for us that way we could reinforce him and get whoever is in the pool, out of the pool. He was unresponsive to slaps. I don't know what other people there were doing as far as supervisors... if they were asking for any information ... or for control. At that point I know we had two nets [telephone ringing in the background] being deployed in the pool trying to corral Tilikum to the smaller pool. He was unresponsive to a slap in the water or asking for attention...uh... so at that point we had to just back off for a little bit. At this point, this is...a good time had passed and we had to try to find better way to have him release Dawn. The course of action was to move him to our false bottom pool, which is the small him which he was retrieved from to eventually got her out of.

KP: We know that there was an incident with Tilikum years ago... um and, like you were saying, no one gets in the water with him and this is just one of those accidents that happen. Nothing that you saw was...?

JT: Nothing that Dawn did was in my opinion incorrect. I've seen her work, interact with the whales. I have been here for three years now. I have seen her interact with all the whales. She didn't change her behavior... it was nothing that she did that provoked the whale for doing anything that lead to what happened. The interaction prior to was phenomenal. They had a great face to face time with the whale.

Nothing out of the ordinary and again, she didn't do anything just, say like the fluke... it was really odd, how her hair just [snap sound] like that was blew or moved into his mouth and he slashed down on it.

KP: Is there a certain thing with girls when they... if they have longer hair in keeping it back, is it for that reason that it can agitate the animal?

JT: I believe... well, it's not for agitation it's just for like something you don't want them to play with or anything like that.

KP: OK.

JT: So, the females, they do wear their hair tight when they around the whales... uh... whether or not it made their hair even in a ponytail, maybe was too long. I don't know. All I saw was him her grabbing her hair and trying to pull it out of his mouth. But at that point it was too late. I sounded the alarm as soon as I saw it.

KP: Is that alarm... loud?

JT: The alarm is very loud. It's designed so park wide... people can hear it or areas can hear it. When that alarm is sound, everybody knows in the animal trained departments to rush to the stadium because they know that someone... the alarm is specifically is if someone falls into the pool. And people did respond immediately just like they were trained to do, taught to do and everybody in my opinion done everything impossibly and physically could to prevent this... and uh...

KP: Now, if you were you respond like you said, do you have training?

JT: Yes! Absolutely, we go through a monthly training scenario... if not more than that...

KP: So there is a certain protocol that goes on?

JT: Absolutely...

KP: ...you respond? A team of X amount of people runs in there and goes...?

JT: Yes, absolutely.

KP: OK. Uh...

DM: Had there... had you noticed today at all, anything... anything at all that was different in Tilikum's behavior?

JT: There were no pre-cursors at all. Like I said before, the interaction Dine with Shamu's experience. was phenomenal... and Dawn even commented to me how beautiful everything went... which is... you [inaudible] how things can change in the blink of an eye. But there was nothing in my knowledge or experience that would lead me to believe that he would have been provoked...

DM: And if you have a day where one of the whales was not behaving normally, what to do you do in those cases?

JT: We look for an opportunity to reinforce good behavior. Obviously, we will not get in the water but... if we see that the whale is... something is more important in the whales' environment or something else is commanding our whale's attention, we don't want to put ourselves in that predicament just for the... the reason we are at today. So we are really good about observing behavior. We know what to look for. We know the behavior that we are looking for is when it's safe to be in their environment. So again in my opinion I think that we did everything that we were supposed to do. There was nothing... no precursors at all. We never punish the whales or anything like that if they are incorrect. If we see that they don't want to interact with us, we would back off.

KP: So you believe it was just the fact that her hair was ... [inaudible – both KP and JT talking at the same time]...

JT: that was the only...

KP: ...grabbed her...

JT: That was the only reason I believe... yeah.

KP: Does he have toys that are similar to...?

JT: No.

KP: Strings or anything like that?

JT: No. All his toys are large plastic objects, for the most part. Barrels, balls, disks. That's about it. We really don't want him associating... playing with something that could be similar to like our hair or wet suit or what not. So, that's why our wetsuits don't have strings on the back or anything like that, like normally wetsuits do.

DM: All right so, normally, so in a normal situation if you come out to do the show and the whale is not being normally or is acting like he's not interested in doing what you guys want to do, and at that point, normally, what would your reaction be?

JT: Depending on the situation, every scenario is a little bit different. Sometimes we have the option, some whales are correct. For example, we have three whales in one pool and say one whale doesn't really want to interact with us, we have the option to go on with the show. Obviously, not getting wet because we don't want to jump in the water or anything else... unless we have our whales' total attention or they seem to be wanting to interact with us. So, in that instance, if one whale does not wish to participate, we go on with the show, stay dry of course, and for the most part, the other whales, they really want to interact...

KP: In this particular show, how many whales are there?

JT: The one that we perform or the one for the guests?

KP: The one that you perform for the guests?

JT: It can vary. Usually, Tilikum does a lot of the Dine with Shamu's. So, it's just one whale.

KP: OK. He's never with another whale?

JT: Sometimes [inaudible. Both talking at the same time]

KP: OK.

DM: So, if you guys had noticed that there is something wrong with him today, then you would have either just call one... of the other whales if they wanted to do the Dine with Shamu...or... you would have...

JT: Absolutely.

DM: ... just not done the show, period? Is that...?

JT: Yeah... that very rarely happens where we can't get any whales to perform the Dine with Shamu interaction but...sure, it is a possibility. But we have time to time used other whales, absolutely.

KP: The other whales, do trainers actually get in the water with them?

JT: Some, yes.

KP: So in this type of show, if there were... let's say Shamu...

JT: Shamu is just like a stage name, like a last name A lot of people consider Tilikum to be Shamu.

KP: OK

JT: In reality there are all part of our Shamu family. So they all have individual names. But there are some whales we do interactions back there when in the water.

KP: So you are actually in the water with them and it's okay? Tilikum here... is just ...you don't get in the water with Tilikum?

JT: We don't get there with Tilikum. No.

KP: OK

DM: OK

KP: Is there anything else you can think of that...?

JT: No. Everybody responded exactly in the way there were trained to, and as fast as they could and as best as they could and there is nothing I believe in my opinion that we could have done any differently.

DM: And so, then, just to kind of make sure that we have a good understanding in the recording. When this happened, the only trainers that were actually present in the pool or at the pool, were you, Lynne and Dawn, is that correct?

JT: Actually, it's me and Dawn. Lynne was underneath... the underwater viewing...

DM: Underneath... OK

JT: ...which is not near the pool. It's just near where the area...

DM: Yeah...

JT: Yes... so...

DM: But there were any other trainers that were actually in the vicinity of the pool at point of time. All the other trainers had to come after you sounded the alarm"

JT: Absolutely.

DM: OK

KP: What is the command for Dawn to send Tilikum down?

JT: If you could take your two fingers and draw a rectangle and just point down, that simulate the glass, the window, and he's trained just to go right down to the window and normally you will have a trainer down there... maybe put her hand out against the glass so he knows..... and he's pretty trained to look at our wetsuits too and he knows who the trainer is... and is really simple.

KP: OK

DM: I don't have anything else right now.

KP: Jan, can you raise your right hand for me? Do you swear from the information you stated today is true?

JT: I do.

KP: This concludes the interview. The time is 4:53 p.m.