

MIKE BUMCROT CONSULTING

REPORT OF INVESTIGATION

DATE: March 30, 2018

SUBJECT: In Custody Death of Edward Hayes III, Which Occurred October 31, 2016
at 0012 Hours

CASE: Riverside Police Department File #P16-200713

LOCATION: 8138 Mar Vista Court, Riverside

On March 18, 2018, I was asked by Frank Hauptmann, Manager of the Community Police Review Commission, to review the circumstances surrounding the in custody death of Edward Hayes III. I was also asked to provide my expert opinion in a written report on the manner in which the case was investigated by the Riverside Police Department. I received police reports, photographs, audio and video recordings, and other documents contained in the presentation by Riverside Police Department to the Riverside Community Police Review Commission. I also reviewed legal and medical issues. To assist me in understanding the police reports, I also responded to the location. Photographs taken by lab technicians on the date of the incident were helpful and I referred to them many times during this review. I have added some of the scene photographs to assist the readers of this report.

It is my opinion that Edward Hayes III died from a drug overdose, as well as natural causes (See Conclusion Section).



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The following analysis is based on reports prepared by the Riverside Police Department, statements of witness officers, and the Coroner's Protocol regarding Mr. Hayes death.

FACTUAL ANALYSIS

On October 30, 2016, just before midnight, Riverside Police Officers Brandt and Cuevas backed their marked patrol car in to a parking lot of a closed business, located on Saint Lawrence Street, to write a report. A male, later identified as Adam Adamiczka, drove up and advised the officers that someone was stealing wooden pallets from a business around the corner on Mar Vista Court. The officers drove west on Mar Vista Court, checking all of the businesses. The officers observed a white pick up truck in the rear lot of California Interfil, backed against a block wall. The bed of the truck was stacked full of wooden pallets and they saw several 20' to 30' stacks of wooden pallets on the other side of the wall, which was a business named Arc of Riverside County (See below photographs).



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The officers shouted in the direction of the truck and Mr. Hayes shouted back “OK, OK”. He was ordered to walk to them but Mr. Hayes refused to comply with commands, running from them and jumping over a block wall in an attempt to allude capture. Mr. Hayes hid amongst property stored on the property and was again ordered to come out and raise his hands. Instead, Mr. Hayes ran to the rear wall of the property, jumped up on a large bin, and hoisted himself over the block wall. The officers gave chase, never losing sight of Mr. Hayes, who slowed to a pace just faster than a normal walk. He was ordered to his knees and he complied. Mr. Hayes began looking around and suddenly got back on his feet and, again fled from the officers, who described his pace as not



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very fast and he appeared out of breath. The officers ordered him to stop but he continued to walk, stating “No”.

Mr. Hayes came to a 6 feet chain link fence, which he climbed, followed by the officers, and they were now on Saint Lawrence Street. He crossed the street and walked in to an orange grove, walking at a brisk pace. Assisting officers began to arrive and Mr. Hayes lay on the ground, placing his hands behind his back. As Officer Brandt began to handcuff him, Mr. Hayes arms became rigid and he stated, “I can’t breathe”. Officer Brandt rolled Mr. Hayes onto his side and it appeared that he was unconscious, although he had a pulse and was sweating profusely. Medical personnel were summoned but Mr. Hayes went into full cardiac arrest. He was transported to the hospital where he was pronounced dead at 0054.

On October 31, 2016, Doctor Allison Hunt, from the Office of the Chief Medical Examiner-Coroner, conducted an autopsy on the body of Mr. Hayes. It was determined that Mr. Hayes was suffering from an enlarged heart, diseased liver, hypertensive and atherosclerotic cardiovascular disease and recent intense physical exertion. The toxicology report showed both marijuana and methamphetamine in his system and the cause of death was listed as acute methamphetamine intoxication along with the above listed significant conditions. The manner of death was listed as accidental and the mode of death was illicit drug intoxication while fleeing from law enforcement. I noted that Mr. Hayes also had 3 broken ribs, which were attributed to CPR.

EXPERT QUALIFICATIONS

I was employed as a peace officer for the Los Angeles Sheriff’s Department for 34 years. I worked as a jail deputy, 18 months as a patrol officer, and four years assigned to the Special Enforcement Bureau (SWAT team). My last 27 years on the department, I was assigned to the Detective Division, including over 22 years assigned to the Homicide Bureau. I investigated over 450 homicides and suspicious deaths and over 100 Officer Involved Shootings, including the murders of ten police officers.



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In 1994, I assisted in writing the LASD Homicide Bureau Investigative Manual. I was also selected to be a member of the Joint LASD/LAPD Crime Lab Development Committee as well as the JET Committee to develop Homicide Bureau job standards and selection criteria. In 1995, I was selected as California's Deputy Sheriff of the Year by the California Organization of Police and Sheriffs (COPS) for the investigation, arrest, and conviction of a suspect in the murders of two local policemen.

For over 15 years, I have taught "High Profile Murder Investigations", "Homicide Scene Management", and Officer Involved Shooting Investigations" for the Robert Presley Institute of Criminal Investigation, police academies, advanced training classes, supervisor training, college classes, Homicide School, and in-service training. I am currently on staff with the Police Policy Studies Council where I teach and consult nationally on officer involved shooting, homicide, and suspicious death investigations. I am currently the investigator for the Riverside Police Review Commission. Although I retired from LASD in 2002, I was immediately signed to a contract to train newly assigned homicide detectives. In 2006, I was also assigned to the LASD Cold Case team where I have reviewed over one thousand unsolved murders and specifically work the unsolved DNA and latent print cases. In 2014 I wrote the investigative guidelines for officer involved shootings for the LASD Homicide Bureau.

INVESTIGATION AND REVIEW

The investigation into the in custody death of Edward Hayes III was conducted by the Riverside Police Department, the Riverside County District Attorney's Office, and the Riverside County Medical Examiner's Office. I reviewed all of the reports and photographs submitted to the Community Police Review Commission and researched both legal and medical issues.

CONCLUSION

The review of reports and the evidence examined in this case reveals that Edward Hayes III was involved in the theft of wooden pallets, possibly involving another



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unknown person. Videotape from the rear lot of California Interfil, located next door to Arc of Riverside County revealed Mr. Hayes backing his white pick up truck against a block wall. An unknown person on the Arc business side of the block wall began to hand wooden pallets over the fence to Mr. Hayes, who would then stack the pallets in the bed of his truck. When Riverside Police officers arrived on scene, they confronted Mr. Hayes. Instead of complying with instructions, Mr. Hayes chose to flee from officers by jumping over fences in an attempt to escape detection. As noted in the initial crime report of this incident, Mr. Hayes was only involved in a misdemeanor, petty theft. It is probable, had he not ran from the officers, he would have received nothing but a citation.

A timeline of the entire incident, by using the COBAN video and audio equipment in Officer Brandt's police car, is as follows:

10-30-16 at 2349-The police car backs in to a driveway on Saint Lawrence Street and Mar Vista Court;

10-31-16 at 0001-A silver vehicle approaches the police car (Adam Adamicska);

10-31-16 at 0002-Police car drives to California Interfil and its spotlights are trained on a white pick up truck, loaded with wooden pallets. Mr. Hayes' feet are visible under the driver's side of the truck. Mr. Hayes is seen jumping over a wall;

10-31-16 at 0007-Officer Cuevas shines his flashlight at a wall and orders Mr. Hayes to show his hands;

10-31-16 at 0009-Officer Brandt tells dispatch that he is following the suspect, who is not stopping, and provided a description;

10-31-16 at 0011- Sergeant McCoy advised dispatch that he is with Officer Brandt and they are taking the suspect into custody;

10-31-16 at 0012-Sergeant McCoy asked for medical aid to respond;



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10-31-16 at 0017-Riverside Fire Department arrived on scene;

10-31-16 at 0022-Riverside Fire Department advised that Mr. Hayes is in full cardiac arrest;

10-31-16 at 0034-Officer Brandt advised that he is in the ambulance with Mr. Hayes, en route to the hospital;

10-31-16 at 0054-Mr. Hayes is pronounced dead at the hospital.

I reviewed the autopsy protocol that described Mr. Hayes as a 52 years old man, six feet tall and 250 pounds. Non-traumatic findings were liver and heart disease and the toxicology report listed marijuana and methamphetamine were detected. The Coroner attributed the cause of death as acute methamphetamine intoxication in conjunction with his other significant medical conditions.

I find that the in custody death of Edward Hayes III was completed in a fair and impartial manner and, based on the material that I reviewed, I can state to a reasonable degree of professional certainty, the investigation was consistent with accepted police standards and practices.



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