



**HECTOR JIMENEZ
OFFICER-INVOLVED DEATH
PUBLIC REPORT**

CPRC Case No. 13-034

RPD Case No. P13-133894

Approved on
February 24, 2016

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Date of Incident: September 13, 2013 at 2108 Hours

Location: 2395 10th Street, Riverside

Decedent: Hector Enrique Jimenez

Involved Officers: Officer Kevin Kauk, #1326
Officer Nick Larkin, #1721
Officer Trevor Childers, #1745
Officer William Outlaw, #1754

I. Preamble:

The finding of the Community Police Review Commission (“Commission”) as stated in this report is based solely on the information presented to the Commission by the Riverside Police Department (“RPD”) criminal investigation case files, and follow-up investigative report submitted by CPRC Independent Investigator, Mike Bumcrot of Bumcrot Consulting, Norco, California. The Commission reserves the ability to render a separate, modified, or additional finding based on its review of the Internal Affairs Administrative Investigation. Since the Administrative Investigation contains peace officer personnel information, it is confidential under State law, pursuant to CPC §832.7. Any additional finding made by the Commission that is based on the administrative investigation is also deemed confidential, and therefore cannot be made public.

II. Finding:

On August 26, 2015, by a vote of 7 to 1 (1 vacancy), the Commission found that the officers' use of deadly force was consistent with RPD Policy 4.30, Use of Force, based on the objective facts and circumstances determined through the Commission’s review and investigation.

Rotker	Hawkins	Ybarra	VACANT	Smith	Jackson	Roberts	Andres	Adams
✓	✓	✓	■	✓	✓	✓	✓	N

III. Standard of Proof for Finding:

In coming to a finding, the Commission applies a standard of proof of “Preponderance of Evidence.” Preponderance generally means “more likely than not,” or may be considered as just the amount necessary to tip a scale. This also means that the Commission is not required to have certainty in their findings, nor are they required to reach a finding as “beyond a reasonable doubt” which is necessary in criminal cases.

The Preponderance of Evidence standard of proof is the same standard applied in most civil court proceedings.

IV. Incident Summary:

On Friday, September 13, 2013, at approximately 2105 Hours, the Riverside Police Communications Bureau received a 911 call regarding a suicidal subject, later identified as Hector Jimenez, at 10th and Sedgewick Avenue. The caller, Thalia Jimenez, the adult daughter of Hector Jimenez, informed the dispatcher that her father had a knife and was attempting to kill himself. She said her father had medical issues and had attempted suicide in the past. She added that Hector was bleeding after having cut his face and legs with the knife.

Maria Jimenez, Hector's wife, then took the phone from Thalia and told the dispatcher that her husband swung the knife at her and told her to get away. All of this information was provided to the responding officers prior to their arrival. Based upon this information, the responding officers were told that not only was there a suicidal subject with a knife, but also that there may have been an assault with a deadly weapon against the subject's wife.

Officers Kauk, Larkin, Quinn, Outlaw and Sgt. Toussaint were the first to arrive and found Hector Jimenez within the chain link fenced yard at 2395 10th Street. Officer Outlaw elected to arm himself with a less-lethal shotgun. Jimenez was initially seen walking around in the yard with a knife in one of his hands and then sat on a wooden bench along the side of the house. Jimenez still had the knife in his hand when he sat at the bench.

Officers Kauk, Quinn and Outlaw jumped the chain link fence in order to enter the yard. Sgt. Toussaint and Officer Larkin entered the yard through an open area of the chain link fence near the driveway. The officers then approached Jimenez and formed a semi-circle around him from a distance of 15' – 20' away. Officer Childers stood to the left and was closest to the front door of the residence. Officer Kauk was positioned to the right of Childers, Outlaw was to the right of Kauk, Larkin to the right of Outlaw, then Sgt. Toussaint and Officer Quinn. Kauk briefly left his position to remove Thalia and her child from the residence and had them move to a safe position north of the residence. Kauk then returned to his original position.

Initially, several officers were commanding Jimenez to drop the knife. Jimenez refused and commented that he wanted to die. Sgt. Toussaint then took over as the primary negotiator with Jimenez and continued with requests for him to drop the knife. Jimenez refused and at one point threw the knife to the ground but then immediately retrieved it as he continued to sit on the bench. Also during this time period, Jimenez made comments about wanting the officers to shoot him. After a few minutes, K-9 Officer Feimer arrived with his K-9 partner. Feimer entered the yard and sought out the officer who had the less-lethal shotgun so that he could initiate a plan with the officer. Feimer learned it was Outlaw so he contacted Outlaw and told him to use the less-lethal if Jimenez tried to get back into the house. He would then deploy his K-9. Feimer then took up a position behind Kauk and Outlaw.

Sgt. Toussaint then inquired with the officers on who had a Taser. Officer O'Farrell claimed he had one and he was then asked to enter the yard to assist.

Officer O'Farrell took up a position next to Sgt. Toussaint. Toussaint continued to negotiate with Jimenez who repeatedly refused to drop the knife. As O'Farrell passed the Taser from his left to his right hand for possible deployment, Jimenez abruptly and quickly stood up and advanced with the knife in his hand toward Officers Kauk and Childers. Some of the officers used the word "lunged" at the officers while others used the term advanced or stepped toward the officers. Fearing for their safety and lives, Officers Kauk, Childers and Larkin fired their handguns at Jimenez while Outlaw utilized the less-lethal shotgun.

Mr. Jimenez fell to the ground with the knife. Officer Kauk immediately approached him and kicked the knife away. Jimenez was subsequently restrained with handcuffs, which is the normal protocol once a subject is down. This is done to maintain safety for the officers and the downed subject.

A couple of the officers commented during their interviews that Jimenez said something about heading toward the officers that were in front of him. He subsequently went in the direction he claimed he would go to.

V. CPRC Follow-Up:

The Commission requested a cover-to-cover review of the Criminal Casebook by CPRC Independent Investigator Mike Bumcrot of Bumcrot Consulting, located in Norco, California. Mr. Bumcrot is a nationally recognized expert in homicide and Officer-Involved Death cases. The purpose of this review is for Mr. Bumcrot to provide the Commission with his findings based upon his experience and expertise. Mr. Bumcrot felt that the investigation conducted by the Riverside Police Department was thorough and all evidence collected and preserved was completed accordingly.

VI. Evidence:

The relevant evidence in this case evaluation consisted primarily of testimony, including that of one civilian witness (Jimenez' daughter), a civilian police ride-along, the involved officers, and a Deputy Coroner. Other evidence included police reports and photographs, involved weapons, physical evidence at the scene, forensic examination results and a report by the Commission's independent investigator.

VII. Applicable RPD Policies:

All policies are from the RPD Policy & Procedures Manual.

- Use of Force Policy, Section 4.30.

The United States Supreme Court has ruled on one case that has particular relevance to the use of force in this incident. All decisions by the United States Supreme Court are law throughout the United States. The case is incorporated into the Use of Force Policy of the RPD.

Graham v. Connor, 490 U.S. 396 (1989), considered the reasonableness of a police officer's use of force, and instructed that the reasonableness must be judged from the perspective of a reasonable officer on scene.

VIII. Rationale for Finding – Within Policy:

The Commission found that Mr. Jimenez, who was suicidal and alleged to have swiped a knife at his wife prior to the officers' arrival, advanced toward officers with a knife in his hand after threatening to kill himself and wanting to die. Sgt. Toussaint and other officers attempted to negotiate with Jimenez to put the knife down. However, he refused to comply after numerous requests. When Jimenez advanced toward the officers, he left them no other choice but to stop the threat of death or injury to the officers by firing their weapons at him.

The Commission concluded that Officers Kauk, Larkin, Childers and Outlaw acted in compliance with the Riverside Police Department's Policy on Use of Force that allows force that "is objectively reasonable, given the facts and circumstances perceived by the officer at the time of the event to defend themselves." During the interviews, all officers said Jimenez had made comments during negotiations to the effect that he wanted to die and / or he wanted the officers to shoot him. Jimenez had also made comments that he had terminal cancer and wanted to die. Jimenez was in possession of a knife and had self-inflicted knife wounds to his arms and hands. At times, he would rub the edge of the knife against his arms and hands as though he were slicing himself.

Sgt. Toussaint negotiated with Jimenez to put the knife down for approximately five minutes before he (Jimenez) commented that he was going to move in the direction of where a couple of the officers were standing. Jimenez then abruptly and quickly stood up and moved toward Officers Kauk and Childers with the knife in his hands. The officers feared that Jimenez posed a threat to their life and safety and therefore fired their weapons at him. Not all officers fired. Some were in a position that they could not fire their weapons due to the backdrop.

IX. Dissenting Opinion:

I have several concerns regarding how this case was handled:

Dispatch: When the 911 call went out several officers responded. Most of them arrived at approximately the same time, but by the time they were all there, eight officers were on

scene. Some even diverted from another call to attend to this one. At some point, it seems that the Sergeant should have told at least half of the officers to leave the scene.

On Scene: Based on the nature of the call, time was taken to determine that a less-lethal weapon was needed.

It was determined that Officer Outlaw would carry the weapon and two officers verified that he was loading it appropriately. Why, at this point in time, could the officers not have taken the time to develop a plan of action? Mr. Jimenez was sitting on the bench. Even if he was cutting himself, which it does not appear that he was, could the officers not have developed a plan of action before approaching him?

As stated, the officers observed Mr. Jimenez sitting on the bench. What was the urgency that required most of them to jump the fence and run into the scene? They had the opportunity to slow the situation down by calmly approaching the subject and having one spokesperson from the start. They knew this was a potential suicide, ramping up the situation only served to exacerbate the problem not help to resolve it.

Officer Kauk had escorted the family members out of the house. When Mr. Jimenez said that he was going to move in the direction of Officers Kauk and Childers, why didn't they move back and give him room to do just that? This would have allowed Officer Outlaw the opportunity to discharge the less-lethal weapon.

When Mr. Jimenez dropped the knife, why didn't Officer Outlaw discharge the less-lethal weapon? If I understand RPD Policy 4.49 correctly, he had the authority to do this without orders from the Sergeant. He just needed to announce that he was doing it.

I understand that a knife is a lethal weapon. However, the officers were given notice both verbally and non-verbally by Mr. Jimenez that he intended to get up and move in the direction he started to move. From 15 – 20 feet away, they could have taken action to avoid any physical confrontation with Mr. Jimenez.

When Mr. Jimenez stood up there was a K-9, a Taser and a less-lethal shotgun on scene. It seems that at some point during this confrontation that one of these could have been used to disarm the subject without having to kill him.

Based on the concerns outlined above, I do not believe that the officers acted within policy when they discharged their weapons.

X. Recommendations:

On June 24, 2015, the Commission began reviewing the Officer-Involved Death case of Mr. Jimenez that occurred on September 13, 2013. The Commission recognized the fact that officers responding that night were dealing with a subject who had already attempted

to slash out at his wife with a knife. After careful review of the case, the majority of Commissioners found the involved officers' actions to be Within Policy.

Although Mr. Jimenez was in possession of a knife as officers interacted with him, they could see he was mentally and medically unstable. Commissioners then began looking at the officers' actions during the approach and contact with Mr. Jimenez. Although no policy violations existed, the Commission feels that for the safety of the officers and others, various aspects could have been handled differently and made several recommendations.

General Recommendations:

- 1) Continue to expand the Department's Mental Health program and if at all possible, that team should be dispatched when appropriate.
- 2) Continue to train all existing and new officers in recognition and proper handling of mentally ill subjects.
- 3) For safety purposes, premise history should be provided on all calls while officers are enroute to the call. This will alert responding officers to the possibility they will be engaging a mentally ill subject and attempt to provide the status of weapons at the location.
- 4) Use all tools available to an officer including a canine. However, if a canine handler cannot calm the dog, it should be removed from the scene.

Recommendations Specific to Mentally Ill or Suicidal Subjects:

- 1) Establish a policy guiding an officer's response to a Mentally Ill or Suicidal Subject. The following should be included in such a policy:
 - a) If call dispatchers or first responding officers believe they are dealing with a mentally ill or suicidal subject, immediately dispatch the County Mental Health Team.
 - b) If the County Mental Health Team is not available, dispatch an officer who has been specifically trained in recognition and handling of a mentally ill or suicidal subject.
 - c) Immediately dispatch two supervisors to all calls involving a mentally ill or suicidal subject. One supervisor should assess and manage the scene and the other should manage the tactical deployment of resources and implementation of an operational plan while maintaining communication with the on-scene or first supervisor
 - d) Upon arrival and when safe to do so, all family and bystanders should be removed from the premises.
 - e) When approaching a mentally ill or suicidal subject, and if safe to do so, officers should slow their approach. They should resist the temptation to move in too quickly. They should attempt to calm the scene using compassion and active listening.

- f) Officers should keep a safe distance from the subject to avoid limiting their options of interaction and safe apprehension.
- g) Officers should have less-lethal weapons available. If deployment becomes necessary, officers should maintain a safe distance from the subject to keep the weapon in its less-lethal status. The distance is negated if the officer or citizen is threatened and lethal use is required.

XI. Closing:

The Commission offers its empathy to the community members, police officers, and City employees who were impacted by the outcome of this incident, as any loss of life is tragic, regardless of the circumstances.

APPENDIX

RPD Press Release / Press-Enterprise Articles	Section A
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Section A

RPD Press Release



Press-Enterprise Articles



PRESS RELEASE

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EXCELLENCE

FOR IMMEDIATE RELEASE

September 13, 2013

Contact: **Dan Russell**
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Man Wielding Knife Results in Officer Involved Shooting

Riverside, CA – On Friday, September 13, 2013, at approximately 2110 hours, the Riverside Police Department Communications Bureau received a 911 call for a subject with a knife that appeared to be suicidal in the front yard of a residence in the 2300 block of 10th Street. Officers from the Department's Patrol Division responded to the location and found a male subject in a front yard of a residence waving a knife frantically and cutting himself.

Officers talked with the subject in an attempt to have him drop the knife, but the subject failed to comply. While talking to the subject, he charged towards officers with the knife still in his hand, and an officer involved shooting occurred. Personnel from the Riverside Fire Department and American Medical Response responded to the location to render aid and ultimately pronounced the subject deceased.

Detectives from the Riverside Police Department Robbery/Homicide Unit and technicians from the Department's Forensic Unit responded to the scene and assumed the investigation.

The identity of the 50 year old male is being withheld pending notification of next of kin. The Riverside County Coroner's Office will release the identity of the subject.

Anyone with information on this case is asked to call Detective Ron Sanfilippo at 951.353.7105 or Detective Mike Medici at 951.353.7104.

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RIVERSIDE: Police shoot, kill man who was holding knife

SEPTEMBER 13, 2013 BY [BRIAN ROKOS](#)



A man who Riverside police say charged at an officer with a knife was shot Friday night, Sept. 13.

A man who Riverside police say charged at officers while holding a knife was shot to death Friday night, Sept. 13.

Three officers fired on the man, who police say was Hispanic and about 50 years old, Lt. Guy Toussaint said. Two officers fired handguns and one shot a beanbag gun simultaneously.

The shooting happened about 9:30 p.m. near the intersection of 10th Street and Sedgwick Avenue. Police responded after receiving a call from the man's children that he was suicidal and cutting himself, said Lt. Larry Gonzalez. Toussaint said police were told that the man was acting bizarre.

Police arrived to find the man in a front yard. They negotiated with him for 3 to 5 minutes, Toussaint said. The negotiations failed, and the man charged the officers.

Toussaint said officers probably considered calling in a mental-health worker and backing off, but it can be difficult to find one at that hour of the night who could arrive within minutes. Plus, the officers likely considered the man a possible threat to others and felt they had to act.

Relatives stood outside the yellow police tape, hugging and sobbing. They declined to speak with a reporter.

No officers were injured, Toussaint said.

Assistant Chief Chris Vicino was among at least two dozen officers on the scene.

Additionally, police detained two people who appeared to be arguing with police. One had been handcuffed on the ground.

Police took one person out of a patrol car and interviewed him on a sidewalk. A bystander identified him as a son of the person shot. Another bystander said a son pedaled his bicycle up to his home and shouted, "They shot my dad," meaning the police.



A man who Riverside police say charged at an officer with a knife was shot Friday night, Sept. 13, 2013, preliminary information indicates.

FILED UNDER: [CRIME BLOTTER](#)CITY: [RIVERSIDE](#)

RIVERSIDE: Man shot dead by police identified (update)

SEPTEMBER 14, 2013 BY [DARRELL R. SANTACHI](#)



A man shot dead Friday night, Sept. 13, after police say he charged them with a knife has been identified as 50-year-old Hector Jimenez, of Riverside.

Jimenez died at 9:26 p.m. in the 2300 block of 10th Street, according to the Riverside County coroner's office.

Riverside police said they were called to the front yard of a residence in that block at 9:10 p.m. after receiving a 911 call reporting someone who appeared to be suicidal.

When officers arrived, according to a police department news release, the man was "waving a knife frantically and cutting himself."

Police tried to persuade the man to put down the knife, but he charged at them while holding it. Police then shot him.

Ambulance and fire paramedics came to the man's aid, but pronounced him dead.



RIVERSIDE: Police review panel disagrees whether fatal shooting was unavoidable

Consultant, two commissioners say suspect wanted to be shot by police; another says the situation could have been handled differently.

BY ALI TADAYON / STAFF WRITER

Published: July 22, 2015 Updated: July 23, 2015 5:03 p.m.

The death of a mentally troubled man who reportedly lunged at Riverside police with a knife was tragic, but likely unavoidable, said two members of a commission that reviews shootings by the Police Department.

However, a third commissioner expressed concerns, saying police could have done more to de-escalate the situation.

The eight-member Community Police Review Commission on Wednesday discussed the 2013 shooting of 50-year-old Hector Eugene Jimenez and reviewed a consultant's report.

Commissioners did not come to a decision about whether the officers involved acted within Riverside Police Department policy. They are expected to do so at their next meeting, Aug. 26.

The volunteer-run commission reviews officer-involved shooting and issues reports on whether it believes they were within department policy. Commissioners also review complaints against officers. Their findings are not binding on the Police Department.

Also Wednesday, the commission also received a consultant's report on the Dec. 31, 2013 shooting death of Donte Hayes, which the report concluded was justified. The commission did not discuss the report in depth, but is scheduled to next month.

Mike Bumcrot, a former Los Angeles homicide detective hired by the commission, classified Jimenez's death on Sept. 13, 2013, as a "a classic example of suicide by cop."

"Suicide by cop occurs when people want to die but can't kill themselves," Bumcrot said in his report. "So they put themselves in a position where a police officer is forced to shoot them."

Jimenez's 20-year-old daughter called police after Jimenez grabbed a kitchen knife and threatened his wife with it. He then went outside and sat on a bench in the small, fenced yard on the corner of 10th Street and Sedgwick Avenue.

Jimenez had attempted suicide in the past, and had been released from the hospital earlier that day after being treated for health complications. His daughter said he could become confused.

Multiple officers were sent to Jimenez's house. One had a less-lethal shotgun that fired "bean bags," and one had a Taser.

According to Bumcrot's report, the officers surrounded Jimenez and pleaded with him to drop the knife, to no avail. After about five minutes, the report said, Jimenez lunged at one of the officers, knife in hand.

Four officers opened fire: The one with the less-lethal shotgun fired four bean bags, while the others shot eight, four and three rounds from their pistols.

Bumcrot, in his report, said the officers acted "in lawful self defense of and defense of others."

The Riverside County District Attorney's Office came to the same conclusion.

Section B

Fact Sheet

JIMENEZ OID FACT SHEET
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Date Occurred: September 13, 2013
Time of Occurrence: 2108 Hours
Decedent: Hector Enrique Jimenez
Location: 2395 10th Street, Riverside

Officer(s) Involved: Officer Kevin Kauk #1326
Officer Nick Larkin #1721
Officer Trevor Childers #1745
Officer William Outlaw #1754

Officer Witness(s): Sergeant Gary Toussaint #0471
Officer Kevin Feimer #1001
Officer Jarod O'Farrell #1749

Civilian Witnesses: Steven Johnson (Civilian Ride-Along with Officer Childers)

Officer Injuries: None

Suspect's Injuries:

Decedent Hector Jimenez sustained nine gunshot wounds to the body. Jimenez also had marks on his body from the use of a less lethal "bean-bag" shotgun.

Gunshots Fired by Officers Kauk, Larkin, Childers and Outlaw:

The duty weapons of each officer were examined by a forensic specialist at the California State Department of Justice. The examiner found that all weapons functioned properly during the examination. The following evidence is based upon the charting of each officer's duty weapon by RPD Detective Rob Wheeler.

A total of 15 rounds were fired between three officers and four less lethal rounds were fired by one officer.

- **Officer Kevin Kauk fired (8) rounds**
Glock 22 .40 Cal. Seven rounds found in the magazine and one in the chamber. Two additional magazines were loaded to the full capacity of 15 rounds.
- **Officer Nick Larkin fired (3) rounds**
Glock 22 .40 Cal w/tactical light (twelve rounds found in the magazine and one in the chamber. Three additional magazines were loaded to the full capacity of 15 rounds
- **Officer Trevor Childers fired (4) rounds**
Glock 22 .40 Cal with tactical light. Eleven rounds found in the magazine and one in the chamber. Three additional magazines were loaded to the full capacity of 15 rounds.

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- **Officer William Outlaw fired (4) “less lethal” bean bag rounds**

Glock 22 .40 Cal with tactical light. Fifteen rounds found in the magazine and one in the chamber. Three additional magazines were loaded to the full capacity of 15 rounds.

NOTE: Did not fire his duty weapon. The less lethal shotgun had two rounds on the side saddle and no rounds in the magazine tube.

Decedent Jimenez:

- **Hector Enrique Jimenez:**

Black handled knife with 6” blade

FACT SHEET

The fact sheet is numbered and designed to point you to important factual information located in the criminal case book that will help guide you in your review process. It is not designed to take the place of a cover to cover review. It is up to you to review the “fact sheet” data before or after a cover to cover review. Each point of reference is preceded by a TAB number followed by a page number and paragraph number.

TAB 1 – OID Summary, Pages 1 – 15: OID Summary by Detective Ron Sanfilippo, Lead Investigator. The summary provides a detailed overview of the incident.

TAB 2, Pages 1 – 2: Call ticket printout listing the type of call officers are being sent to. On the call ticket, Page 1, 2nd entry, “RP’s dad has a knife and is att to kill himself – Dad outside at the corner of 10th and Sedgwick.” Additional information concerning the call was provided to the responding officers. The information was, “Already cut his face and legs – is bleeding.”

TAB 3 – Original Report, Page 1 Narrative: Detective Sanfilippo. Took the initial crime report listing PC 245 (C) Assault with a Deadly Weapon on a Peace Officer. File #P13-133894. Sanfilippo wrote a brief summary on the incident highlighting the crime where “officers were dispatched to 2395 10th Street at 2108 hours reference a suicidal subject cutting himself with a knife. Officers made contact with Jimenez who was uncooperative and would not comply with commands to drop the knife. When Jimenez became aggressive and moved toward the officers with the knife he was shot and killed.”

TAB 6 – Supplemental Report, Page 1 Narrative: Sgt. Cash. Organized the transportation of the four involved officers to the Magnolia Station and ensured that they remained separate pending interviews and further investigation.

TAB 8 – Supplemental Report, Pages 1 – 2: Officer McMillan. Responded to assist with the investigation. Tasked to canvass the neighborhood for possible witnesses. Officer McMillan spoke to three residents, none of which saw the shooting. Two reported hearing 6 gunshots.

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The other did not see or hear anything. One of the three stated that Jimenez was an alcoholic who gets into 2 – 3 fights each week.

TAB 9 – Supplemental Report, Page 1 Narrative: Officer Mercadefe. He arrived at the scene of the shooting and sealed off the crime scene with “caution tape.” Maintained scene security until relieved by another officer.

TAB 11 – Supplemental Report, Page 2, Paragraphs 5 – 6: Riverside County Sr. D.A. Investigator Robert Kwan. Kwan and a Parole Officer were riding together and working a gang task force assignment in Riverside. Heard the radio call and responded to assist. Upon arrival, he saw several RPD officers in the front yard within a chain link fence with guns drawn and pointed at a subject sitting in a chair holding an unknown object in one of his hands. Kwan changed direction and suddenly heard gunshots. He did not witness the shooting, but saw that Jimenez was no longer on the porch but lying on the ground.

TAB 13 – Supplemental Report, Pages 1 – 3: Officer Hoyos. Interviewed two neighbors as potential witnesses. Neither saw the shooting nor did they hear any conversation between officers and Jimenez. Only heard shots.

TABS 15 & 16: Tab 15 Supplemental Report, Page 1 Narrative & Tab 16 Supplemental Report, Pages 1 – 2: Officer Sears (Tab 15) and Officer Boulerice (Tab 16). Officers Sears and Boulerice responded to the scene and assisted in securing the crime scene. They were also tasked with canvassing the neighborhood. Sears interviewed one person who did not see the shooting. Only heard gunshots. Boulerice interviewed a resident who did not witness the shooting, only heard what sounded like firecrackers.

TAB 17 – Supplemental Report, Page 3: Officer Macias. Tasked with canvassing the neighborhood. Interviewed two residents and neither witnessed the shooting. Gunshots heard by both. One of the residents heard yelling just prior to the gunshots going off, but could not understand what was being said.

TAB 26 – Supplemental Report, Page 3: Officer Stennet. Assigned to the Metro Team and responded to the scene to assist. Was tasked with perimeter security and spoke with four residents. Three heard gunshots only. Two heard someone say “Get down” followed by 5 – 6 gunshots. One did not see or hear anything.

TAB 27 – Supplemental Report, Page 1 Narrative: Officer Smith. Assisted in placing yellow caution tape around the perimeter and spoke with a resident across the street. The resident heard “gunshots,” but did not see or hear anything else. Looked out the window and saw officers in the yard across the street, but nothing else.

TAB 31 – Supplemental Report, Page 2: Officer Crawford. Arrived at the scene and was tasked with contacting a potential witness that may have seen the shooting. Crawford contacted the potential witness, Cindy Covington, who told him that he was only a “pee-on” [sic] and

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wanted to give a statement to a sergeant or captain. Crawford was unable to interview Covington and left.

TAB 40 – Supplemental Report, Pages 2 – 3: Detective Wood. Responded to the scene to assist with the investigation. Wood was accompanied by fellow detectives Collopy and Levesque. Wood was tasked with interviewing family members, but none of them wished to be interviewed since they were upset that the police shot Jimenez. Thalia, the decedent's daughter, initially agreed to speak with Wood although she was visibly upset. Thalia said that Jimenez came home after a stay at Parkview Hospital. Once home, Jimenez began drinking beer and taking his medications. Jimenez then "started going crazy" and began to cut himself with a knife in front of family members. Jimenez went outside and Thalia called the police. After seven minutes of interview time, Thalia said she could not continue and the interview was concluded. Wood recorded the interview. Wood also interviewed the paramedic, Anthony Knittel, who was the first to examine Jimenez and found no signs of life. Knittel pronounced him deceased at the scene.

TAB 41 – Supplemental Report, Pages 2 – 3: Detective Medici. Responded to the location to assist with the investigation. Medici interviewed Carolina Perez whose family rents the apartment next to Jimenez. Carolina's parents, Hector and Rogelia Perez, were present during the interview, but spoke very little English so they were not interviewed at the time. The Perez family members were home when the shooting occurred, but did not witness it. Carolina saw the officers in front of Jimenez' apartment, but she could not see Jimenez or what he was doing. Carolina said police have been to the Jimenez home several times.

TAB 42 – Supplemental Report, Pages 2 – 3: Detective Levesque. Responded to the location to assist with the investigation and was tasked with interviewing family members. Levesque interviewed Hermilo Melendrez-Sigala, the son-in-law of decedent Jimenez. Hermilo is married to Thalia, Jimenez' daughter. Hermilo said Thalia and their son had been staying at the decedent's home for the past couple of days. Thalia called him earlier, before the shooting, and asked Hermilo to pick her and their son up because Jimenez was drunk and she did not want a scene in front of their son. He arrived when officers were at the location. Hermilo said Jimenez had been stressed since they had no money and he was being evicted. Another potential witness, Jasmine Robles, was not at the location but arrived after she learned about the shooting. She did not witness the shooting and was not interviewed.

TAB 43 – Supplemental Report, Pages 2 – 3 (attached search warrant): Detective Collopy. Responded to the location to assist with the investigation and was initially tasked to conduct interviews. He spoke with Anavel Gomez who resides down the street from Jimenez and is a friend of Thalia Jimenez. She did not witness the shooting. She was contacted by Thalia after the shooting. Gomez commented that Jimenez had medical and alcohol problems. Collopy interviewed AMR paramedic Joel Niehuus who was called in to treat Jimenez. He and his partner found that Jimenez had no signs of life and they pronounced him deceased with the assistance of RPD Fire personnel. Collopy was then tasked with obtaining a search warrant for evidence collection at the crime scene. A copy of the search warrant and affidavit for search warrant is included in this tab.

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TAB 44 – Supplemental Report, Pages 1 Narrative; Pages 2 – 6 Transcript of Thalia Jimenez' 911 call: Detective Sanfilippo.

TAB 45 – Supplemental Report, Pages 2 – 5: Detective David Smith. Conducted recorded interviews with witness officers and police ride-along, Steve Johnson. Pages 2 – 5 provide summaries of the three interviews. The interview summaries are followed by transcripts of each interview.

TAB 46 – Supplemental Report, Pages 2 – 4: Detective Jim Simons. Conducted recorded interviews with Sgt. Gary Toussaint and Parole Agent Steve Webber who was working on a gang task force at the time. Toussaint was the on-scene supervisor. He saw Jimenez sitting in a chair holding a knife. Toussaint maintained negotiations with Jimenez in order to calm him down and get him to drop the knife so he could be helped. Toussaint was not holding his sidearm while speaking with Jimenez so he would not agitate Jimenez. Toussaint directed Officer O'Farrell to get into a position to utilize a Taser. As O'Farrell began to aim the Taser at Jimenez, he (Jimenez) got up from the chair and lunged toward Officers Larkin, Kauk, Outlaw, and Childers. As Jimenez advanced toward the officers with his knife in hand, the officers fired their weapons at him. Outlaw was using a less lethal shotgun.

Agent Webber was standing to the left of the four shooter officers. He saw Jimenez seated in a chair holding a knife. At one point, Jimenez got up and lunged toward officers with a knife in his hand. The officers fired their weapons at Jimenez, who fell to the ground. The interview summaries of Toussaint and Webber were followed by interview transcripts.

TAB 47 – Supplemental Report, Pages 2 – 3: Detective Wheeler. Conducted interview with Officer Jared O'Farrell. O'Farrell responded to the call to assist. While at the scene, he saw Sgt. Toussaint speaking to Jimenez who was sitting in a chair on the porch. Toussaint was trying to calm Jimenez down. At one point, Toussaint asked O'Farrell to come to where he (Toussaint) was at so that O'Farrell could deploy his Taser. O'Farrell was standing next to Toussaint and removed his Taser from its holster and was moving it from his left hand to his right hand when Jimenez suddenly stood up and lunged toward Officers Larkin and Kauk. Jimenez had a knife in his hand at hip level. He was approximately 15' away from Jimenez. O'Farrell suddenly heard shots ring out and Jimenez fell to the ground. The summary of O'Farrell's interview was followed by transcripts.

TAB 48 – Supplemental Report, Pages 2 – 3: Detective Sanfilippo. Conducted a recorded interview with Officer Kauk and wrote a summary of the interview. The summary is followed by a transcript of the interview.

TAB 49 – Supplemental Report, Pages 2 – 3: Detective Medici. Conducted a recorded interview with Officer Trevor Childers and wrote a summary of the interview. The summary is followed by a transcript of the interview.

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TAB 50 – Supplemental Report, Page 2: Detective Sanfilippo. Conducted a recorded interview with Officer William Outlaw and wrote a summary of the interview. The summary is followed by a transcript of the interview.

TAB 51 – Supplemental Report, Pages 2 – 3: Detective Medici. Conducted a recorded interview with Officer Larkin and wrote a summary of the interview. The summary is followed by a transcript of the interview. Larkin said he saw Jimenez walking around in the front yard within a chain link fence carrying a knife. Larkin jumped over the chain link fence and ordered Jimenez to drop the knife. Jimenez did not comply and walked to the south side of the residence and sat down on a bench. Toussaint began to negotiate with Jimenez, trying to get him to drop the knife and comply. Larkin heard Jimenez repeatedly telling the officers he wanted them to kill him. Officer Larkin said he saw a red laser dot from a Taser on Jimenez' torso. Larkin was not aware that there was a Taser deployment requested. At that time, Jimenez told everyone that he was going to walk in a southerly direction. Larkin noticed that officers Kauk and Childers were in the path of where Jimenez wanted to go. Jimenez suddenly stood up and began walking toward Officers Kauk and Childers. Larkin feared for the safety of the officers and the safety of family members in the home and fired his weapon approximately 3 times until he saw Jimenez fall to the ground.

TAB 52 – Supplemental Report, Pages 2 – 6: Detective Rowe. Service of search warrant, processing of the crime scene and photographs. The crime scene was described and photographed. Evidence was located, identified, and photographed. Rowe was assisted in the service of the search warrant and processing of the crime scene by the following personnel: Sgt. Spencer, Sgt. Toussaint, Detective Sanfilippo, Detective Medici, Detective Simons, ID Tech Fuller, ID Tech Susan Lane, ID Tech Selena McKay-Davis, DDA Michelle Paradise, DA Investigator Paul Edwards, Deputy Coroner Denise Ferris, and Coroner Transport personnel Ron and Quincy Moore. The Deputy Coroner processed Jimenez' body for transportation to the Coroner's office pending an autopsy. Deputy Coroner Ferris noted several gunshot wounds to Jimenez' torso and head.

TAB 53 – Supplemental Report, Pages 1 – 7: Supervising ID Tech Fuller. Fuller assigned Sr. ID Techs Selena McKay-Davis and Susan Lane to process the scene by locating and labeling evidence, taking measurements, and completing a rough sketch. Fuller assigned Sr. Tech Liane Velin to process and chart the officers involved in the shooting. This tab includes all evidence seized and the crime scene sketch.

TAB 54 – Supplemental Report, Pages 1 – 7: Sr. Tech Lane. Evidence collection, charting and processing. Aerial photographs taken.

TAB 55 – Supplemental Report, Pages 1 – 18: Sr. Tech McKay-Davis. Processing of crime scene, evidence collection and photographs, including photographs of Jimenez' body. Took 344 digital photographs. Measured bullet trajectories and booked evidence into evidence storage.

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TAB 57 – Supplemental Report, Pages 1 – 11: Detective R. Wheeler & Sr. Tech Liane Velin. Charting of the officers weapons. The officers that fired weapons in this incident are Kauk, Larkin, and Childers. Officer Outlaw fired a less lethal shotgun. Velin took overall photographs of the officers involved.

Officer Kauk: Fired (8) rounds
Officer Larkin: Fired (3) rounds
Officer Childers: Fired (4) rounds
Officer Outlaw: Fired (4) less lethal rounds from a less lethal shotgun

Sgt. Toussaint and Officers Feimer, O’Farrell, and Quinn had their weapons charted. It was determined that none of them fired weapons during this incident.

TAB 58 – Supplemental Report, Pages 1 – 20: Sr. Tech Velin. Provided her report on evidence collection, booking and processing evidence, and charting of officers weapons. Submitted all photographs that she took.

TAB 59 – Department of Justice Examination Report, Pages 1 – 2: Sr. Criminalist Richard Takenaga. Takenaga examined the weapons of all four officers involved in the shooting. He found that all weapons functioned properly.

TAB 60 – Supplemental Report, Pages 1 – 3: Detective Sanfilippo. Sanfilippo attended the autopsy of Jimenez. The pathologist was Dr. J. Park. RPD ID Techs and a Coroner’s Office Tech were present as well. Photographs were taken. Sanfilippo reported on several gunshot wounds sustained by Jimenez. Less lethal strikes to the body were documented. One of the less lethal bean bag rounds penetrated Jimenez’ body.

TAB 61 – Supplemental Report, Pages 1 – 7: Sr. ID Tech T. Ellis. Ellis reported on all digital photographs that he took. This tab contains Ellis’ photo log.

TAB 62 – Riverside County Coroner’s Report, Pages 1 – 10: Dr. Park. This tab contains the pathologist’s report on the autopsy of Jimenez. Cause of Death: Multiple Gunshot Wounds

- I. Shotgun wound of left upper chest
- II. Four entrance type gunshot wounds on top of left shoulder
- III. Gunshot wound of left posterior neck
- IV. Gunshot wound of right anterior thigh
- V. Gunshot wound of right proximal lower leg
- VI. Gunshot wound of left upper back
- VII. Gunshot wound of right mid-back
- VIII. Graze gunshot wound of occipital scalp
- IX. Blunt force trauma
- X. Cardiomegaly (440 grams)
- XI. Cirrhosis of the liver

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TAB 64 – Crime Scene Photographs, Pages 1 – 151

TAB 65 – Search Warrant Photographs, Pages 1 – 31

TAB 66 – Aerial Photographs, Pages 1 – 22

TAB 68 – Audio logs: COBAN audio and radio traffic audio

TAB 73 – Riverside County D. A. Staffing Review Letters: Letters from the Office of the District Attorney, Riverside County, to RPD Chief Sergio Diaz, dated May 6, 2015, reporting that upon review of this officer-involved shooting, there is no criminal culpability on behalf of any of the four officers involved.

By Frank Hauptmann

Section C

Mike Bumcrot Consulting

Report of
Investigation

MIKE BUMCROT CONSULTING

REPORT OF INVESTIGATION

DATE: September 19, 2013

CASE: Riverside Police Department File #P13133894

SUBJECT: Officer Involved Shooting Death of Hector Jimenez which occurred on September 13, 2013

LOCATION: 2395 Tenth Street, Riverside

On September 13, 2013, around 2300, I received information that members of the Riverside Police Department had been involved in an officer involved shooting that resulted in the death of Hector Jimenez.

On September 19, 2013, I attended the Riverside Police Department Executive Summary of the shooting along with Frank Hauptmann, Manager of the Community Police Review Commission.

We were briefed by investigators regarding the circumstances surrounding the officer involved shooting, observed crime scene photographs, listened to a 911 call from Mr. Jimenez' family, listened to a COBAN audio tape which included negotiations with Mr. Jimenez and the actual shooting, and watched a YouTube video of Thalia Jimenez discussing the incident.

I was asked by Frank Hauptmann to conduct a neighborhood canvass of the location to search for potential witnesses who had not been located by Riverside Police Officers on the night of the incident. If any witnesses were identified, I was asked to conduct a thorough interview and provide a copy of my report to Riverside Police investigators.



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I responded to the location which was on the North/East corner of Tenth Street and Sedgwick Avenue. Although the location has a Tenth Street address, the front of the house actually faces Sedgwick Avenue. However, the shooting occurred on the south side of the house, facing Tenth Street.

I observed several apparent bullet strikes in the stucco, which coincided with crime scene photographs I had been shown. Since the location of the shooting was on the Tenth Street side of the house, I concentrated my search for potential witnesses from Sedgwick Avenue, east to Eucalyptus Avenue.

Although I visited all 18 houses between Sedgwick Avenue and Eucalyptus Avenue, I was unable to locate any witnesses to the shooting. However, it should be noted that while I was walking along Tenth Street, I was approached by two Hispanic young men who appeared to be gang members, and demanded to know the reason for my visit. I provided them with a CPRC business card and explained the purpose for my being there. They advised me that the neighborhood was very unhappy with the Riverside Police Department and assured me that they would locate witnesses and have them call me.

I will review the officer involved shooting death of Hector Jimenez when the Riverside Police Department provides me access to their files.



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REPORT OF INVESTIGATION

DATE: June 18, 2015

SUBJECT: Officer Involved Shooting Death of Hector Jimenez which occurred on September 13, 2013

CASE: Riverside Police Department File #P13133894, CPRC #13-034

LOCATION: 2395 10th Street, Riverside

On June 15, 2015, I was asked by Frank Hauptmann, Manager of the Community Police Review Commission, to review the circumstances surrounding the officer involved shooting death of Hector Jimenez by members of the Riverside Police Department. 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 several hundred pages of police reports, photographs, audio recordings, and other documents contained in the presentation by Riverside Police Department to the Riverside Community Police Review Commission. I also researched legal issues and the phenomenon known as "Suicide by Cop".

It is my conclusion that the four Riverside Police Officers who fired their weapons in this incident, all acted in lawful self defense and defense of others at the time each fired his weapon. It is also my expert opinion that this was a classic example of "Suicide by Cop". See Conclusion Section.



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The following analysis is based on reports prepared by the Riverside Police Department and all officers who fired their weapons as well as several witness officers and civilians who provided statements to detectives which were considered as part of the analysis.

FACTUAL ANALYSIS

On September 13, 2013, 911 Operators received an emergency call from Thalia Jimenez who stated that her father, Hector Jimenez, was in possession of a knife and was attempting to kill himself. Ms. Jimenez said that her father had some medical issues and had attempted suicide in the past. She also said her father had already cut his face and legs and was bleeding. Hector's wife, Maria, came on the telephone and stated that her husband had swung the knife toward her and told her to get away.

As patrol officers began to arrive at the location, it was determined that Officer William Outlaw would utilize the less lethal beanbag shotgun if needed. Mr. Jimenez was observed holding a knife while sitting on a bench, inside the yard, against the south wall of the residence. Several officers climbed over a short chain link fence and, while being supervised by Sgt. Gary Toussaint, formed a semi circle around Mr. Jimenez about twenty feet away.

See below photograph depicting location of incident.



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As Sgt. Toussaint gave verbal commands to Mr. Jimenez to drop his knife, assisting officers began to evacuate the occupants of the house. Sgt. Toussaint and several officers directed Mr. Jimenez to drop the knife on several occasions. Mr. Jimenez refused, stating that he wanted to die as he ran the knife over his face and arms. Several times he said that he wanted the officers to shoot him. It was determined that if Mr. Jimenez attempted to enter the residence, Officer Outlaw would deploy the less lethal bean bag shotgun followed immediately by take down using a police K-9 that had just arrived.

As Sgt. Toussaint continued negotiating with Mr. Jimenez, the Sgt. asked Officer O'Farrell, who was equipped with a Taser but was still on the street side of the chain link fence, to re-position himself next to Sgt. Toussaint.



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As Officer O'Farrell positioned himself next to Sgt. Toussaint, he withdrew his Taser from its holster on his left (off) hand and began to transfer it to his right (strong) hand. Suddenly, Mr. Jimenez stood up and, while holding the knife in his right hand, lunged towards the officers. Fearing an officer was about to be stabbed, Officer Kevin Kauk fired eight rounds from his sidearm, Officer Trevor Childers fired four rounds from his sidearm, Officer Nick Larkin fired three rounds from his sidearm, and Officer William Outlaw fired four bean bags from his less lethal shotgun. Mr. Jimenez went down and medical aid was brought to the scene.

Officer Kauk would later tell detectives that when Mr. Jimenez suddenly stood up, "He charged in my direction" in an aggressive manner with the knife extended from his hand. For his own safety, he fired his handgun because he felt Mr. Jimenez' intentions were to kill the officers or have the officers kill him.

Officer Trevor Childers would later tell detectives that when Mr. Jimenez suddenly stood up, he moved towards Officers Kauk and Childers while holding a knife in his right hand. Fearing Mr. Jimenez was about to stab him, Officer Childers fired his handgun towards Mr. Jimenez.

Officer Nick Larkin would later tell detectives that when Mr. Jimenez suddenly stood up, he said he was going to "walk this way", pointing in the direction of Officers Kauk and Childers. Fearing Mr. Jimenez was going to harm one of the officers, or perhaps a family member if he made it into the house, he fired his handgun and Mr. Jimenez fell to the ground.

Officer William Outlaw would later tell detectives that he was designated as the less lethal shooter. When Mr. Jimenez suddenly stood and lunged to his right, towards officers, while holding a knife in his right hand, he feared for all officers' safety and fired four less lethal rounds at Mr. Jimenez. Simultaneously, he heard several gunshots and Mr. Jimenez fell to the ground.



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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.

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.



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INVESTIGATION AND REVIEW

The investigation into the officer involved shooting death of Hector Jimenez was conducted by the Riverside Police Department and the Riverside County District Attorney's Office. I reviewed all the reports submitted to the Community Police Review Commission and researched deadly force legal issues. The District Attorney found there was no criminal liability.

LEGAL ANALYSIS

California law provides that the use of deadly force in self defense and defense of another if it reasonably appears to the person claiming the right to use such force that he actually and reasonably believed that he or another person was in imminent danger of great bodily injury or death. CALCRIM No. 3470.

The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. This analysis must also allow for the fact that officers are often forced to make split second judgments about the amount of force that is necessary in circumstances that are tense, uncertain, and rapidly evolving. *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

California law provides that the use of deadly force in self defense or in defense of others is justifiable if the person claiming the right of self defense or the defense of others honestly believes that he or others were in imminent danger of great bodily injury or death, and a reasonable person in the same circumstances would also deem it necessary to use deadly force in order to protect themselves or others from deadly peril. California Penal Code Section 197; *People v. Humphrey* (1996) 13 Cal. 4th 1073, 1082; CALCRIM No. 595

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. *People v. Collins* (1961) 89 Cal. App. 2d 575, 589.



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In *Martinez v. Los Angeles County*, the Court ruled an officer may reasonably use deadly force when confronting a suspect whose actions indicate intent to attack.

CONCLUSION

The evidence examined in this investigation suggests that Mr. Jimenez was facing multiple crises in his life. Not only was he suffering from a serious health problem, his family was due to be evicted from their residence within days of this incident.

The review of documents in this case reveal that Mr. Jimenez' daughter, Thalia, called 911 after her father became despondent and threatened his family with a knife. Transcripts of the call reveal she said, "My dad is outside with a knife trying to kill himself". "He just got out of the hospital but they said he's going crazy because he has Ammonia (sic) in his brain". "He swung the knife at me so I came inside".

Responding patrol officers located Mr. Jimenez seated on a bench out in the yard. Sgt. Toussaint took immediate charge of the incident and began negotiating with Mr. Jimenez. I listened to a tape recording of these negotiations and made note that Mr. Jimenez was asked over a dozen times to drop his knife. Sgt. Toussaint literally begged Mr. Jimenez to surrender. I heard statements such as "Put the knife down sir"; "This is not the way to do this"; "We're here to help you"; "We're not going to kill you"; "Think about this". In an effort to de-escalate the situation, Sgt. Toussaint did not draw his weapon, relying on his officers to protect him from a deadly encounter. Officer Quinn heard Mr. Jimenez say he had terminal cancer and had nothing to live for. It should be noted that the Coroner's Report revealed that Mr. Jimenez was suffering from an enlarged heart as well as cirrhosis of the liver. An important portion of the Coroner's Report, the toxicology section, was not included. Family members told officers that Mr. Jimenez had been drinking beer while ingesting unknown medication. Mr. Jimenez' voice on the tape-recorded negotiations was extremely slurred and it would be important for an investigator to know his blood alcohol level as well as what type of drugs he was taking.



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Officer Outlaw heard Mr. Jimenez continually say, “I want you guys to kill me”. He immediately thought of suicide by cop and thought Mr. Jimenez was building up his courage by reading his body movements.

Officer Larkin heard Mr. Jimenez make several statements that he wanted the officers to kill him. He even pointed in the direction of two officers and made the announcement “I’m going to walk that way”, at which time he lunged towards the officers while holding a knife.

Ballistic evidence revealed that most of the bullets that struck Mr. Jimenez, as well as bullet strikes in the wall behind him, were in a downward trajectory. This supports the officers’ contention that Mr. Jimenez lunged at them. See scene photographs in Tab 64.

Sgt. Toussaint had complete control of the situation. Not only did he confront an armed suspect without drawing his weapon, he made sure that he had an officer on scene in possession of a less lethal weapon. When it became apparent that the beanbag shotgun might be too close, he re-positioned an officer armed with a Taser. Unfortunately, Mr. Jimenez attacked the officers with a knife before the Taser could be deployed.

It is very apparent that Hector Jimenez, who, according to family members, had attempted suicide in the past, was unable, or unwilling to commit the violent act to end his life, and therefore created a deadly situation, relying on the police.

I have worked on or reviewed over one thousand officer involved shootings and have studied the dilemma known as “Suicide By Cop”, or police assisted suicide. A 1998 report by the American College of Emergency Physicians examined all officer involved shootings involving the Los Angeles County Sheriff’s Department and found that suicide by cop incidents accounted for 11% of all deputy involved shootings and 13% of all deputy involved justifiable homicides.

Suicide by cop occurs when people want to die but can’t kill themselves. So they put themselves in a position where a police officer is forced to shoot them.



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In the above mentioned study of shootings involving the Los Angeles Sheriff's Department, researchers found that in the 11% of suicide by cop officer involved shootings, 98% were male; 39% had a history of domestic violence (Jimenez had previously been arrested for spousal abuse); many individuals had a prior history of suicide attempts (Jimenez reportedly had previous suicide attempts); 17% used a toy or replica gun.

Rebecca Stincelli is a recognized expert in the field of Suicide By Cop. She writes that to qualify as a Suicide By Cop, the following criteria must be met:

- The suicidal subject must demonstrate the intent to die
- The suicidal subject must have a clear understanding of the finality of the act
- The suicidal subject must confront an officer to the degree that it compels the officer to act with deadly force
- The suicidal subject actually dies.

Rick Parent, a Canadian police-shooting expert and on staff with the Police Policy Studies Council, wrote an article for Police Magazine in October 2000, titled "When Police Shoot". He writes of several key factors being present in fatal police shootings. One is titled "mental disorder" and reads "mental disorders, or characteristics consistent with that of a deranged and irrational person, were displayed by roughly half of the individuals who were shot and killed by police. These findings are based upon the actions and behavior of the suspect during his/her encounter with the police. Also noteworthy is that, in roughly one third of these instances, the deceased had a recorded history of mental disorder.

The evidence examined shows, with little doubt, Hector Jimenez armed himself with a knife intent on provoking a police officer to shoot him. Mr. Jimenez ignored multiple commands to drop his weapon and lunged at officers while armed with a knife. His actions placed the officers in fear for their lives, the lives of their fellow officers, and they responded with deadly force. Given the rapidly evolving and life-threatening situation that the officers faced, I conclude that they acted lawfully in self-defense.



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I also find that the investigation into the officer involved shooting death of Hector Jimenez was completed in a fair and impartial manner and met or exceeded POST standards of practice.



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Section D

RPD Policy 4.8
(Rev. 6, 5/26/11)

Investigations of
Officer-Involved Shootings
& Incidents Where Death
or Serious Likelihood of
Death Results

Effective Date: 10/84
Revision 1 Date: 10/06/97
Revision 2 Date: 01/30/02
Revision 3 Date: 04/05/02
Revision 4 Date: 05/09/05
Revision 5 Date: 10/20/08
Revision 6 Date: 05/26/11
Approval:


Sergio G. Diaz
Chief of Police

4.8 INVESTIGATIONS OF OFFICER INVOLVED SHOOTINGS AND INCIDENTS WHERE DEATH OR SERIOUS LIKELIHOOD OF DEATH RESULTS:

A. POLICY:

The following procedures shall be followed when a member of this Department, whether on or off duty, or any member of any law enforcement agency, uses, or attempts to use, deadly force through the intentional or accidental use of a firearm or any other instrument in the performance of his/her duties or is otherwise involved as a principal in an incident where death or serious likelihood of death results. A member is considered a principal for the purposes of this policy if he/she participates in and/or is otherwise physically involved in the incident. Such incidents include, but are not limited to:

1. Intentional and accidental shootings;
2. Intentional and accidental use of any other deadly or dangerous weapon;
3. Attempts to affect an arrest or otherwise gain physical control over a person for a law enforcement purpose; and,
4. Deaths of persons while in police custody or under police control following a use of force.

B. PROCEDURES:

1. Whenever an employee of this Department uses, or attempts to use, deadly force through the intentional or accidental use of a firearm or any other instrument in the performance of his/her duties, or is otherwise involved in an incident where death or serious likelihood of death results as defined above, he/she shall immediately notify his/her supervising officer.
2. The supervisor shall notify the Watch Commander without unreasonable delay.
3. The Watch Commander shall notify the on-call Centralized Investigations Sergeant. The on-call Centralized Investigations Sergeant shall notify the Centralized Investigations Lieutenant (or Captain in his/her absence). The Centralized Investigations Lieutenant will determine if a response by the Officer Involved Shooting Team (OIS Team) is necessary. If so, the Centralized Investigations Lieutenant will notify the Robbery/Homicide Sergeant who will respond the OIS Team.
4. If an employee discharges a firearm, or uses other deadly force, or is otherwise involved in an incident where death or serious likelihood of death results outside the Riverside City limits, the employee shall immediately notify the local law enforcement agency having jurisdiction where the incident occurred. As soon as

possible, the employee shall notify the Riverside Police Department Watch Commander. The Watch Commander will notify the on-call Centralized Investigations Sergeant and other personnel as designated in this policy. The on-call Centralized Investigations Sergeant shall make the notification as above in B3. If the incident occurs within Riverside County, the use of deadly force shall be investigated pursuant to the Riverside County Law Enforcement Administrator's protocol. In those cases outside the City of Riverside, the involved employee shall notify the Riverside Police Department Watch Commander as soon as possible and a written memorandum shall be filed with the Watch Commander without delay.

C. ROLES AND RESPONSIBILITIES

Personnel responding to an officer involved shooting or other deadly use of force incident or officer involved incident where death or serious likelihood of death results should recognize and adhere to the roles and responsibilities as listed below.

1. Roles:

- a.** The Centralized Investigations Bureau will focus on all criminal aspects of the incident.
- b.** The Riverside County District Attorney may be present to oversee the focus on all criminal aspects of the investigation and may conduct a parallel investigation.
- c.** The Riverside Police Office of Internal Affairs may be present to review training, procedural, and policy matters connected with the incident.
- d.** The Riverside City Attorney may respond to the scene to review the case with regard to any potential civil liability to the City of Riverside and its officers.
- e.** Peer Support Officers shall be called to provide employee(s) support and assistance in understanding the investigative process and to attend to the officer(s)' personal needs. The Watch Commander or Centralized Investigations Lieutenant will determine the appropriate time and place for peer support to respond. Although confidentiality within the Peer Support Program is provided under the Evidence Code, and the Riverside Police Department will not require Peer Support Officers to reveal confidential conversations with involved employees, Peer Support Officers are cautioned that a court may determine no privilege exists regarding immunity or communication between the Peer Support Counselor and the involved employee(s).
- f.** Psychological Services shall be called to assist the employee(s) involved with information on coping with psychological changes which can occur as a result of being involved in a critical incident. A licensed mental health professional afforded psychotherapist-patient privilege under the Evidence Code shall interview the officers involved. The Watch Commander or Centralized Investigations Lieutenant will determine the appropriate time and place for post-incident psychological counseling.

Involved employees may decline to discuss the specific facts of the critical incident with the psychological counselor.

- g.** The Press Information Officer shall be summoned to the scene if necessary to act as a single source of information to the news media. The Investigations Lieutenant or his/her designee will brief the PIO as to information deemed appropriate for release. The PIO shall provide regular updates and a written press release to the news media when appropriate.
- h.** The Riverside Police Officers Association (RPOA) shall be notified of the critical incident whenever the ensuing investigation is handled by this department and the incident involves a member of the RPOA. In such cases, notification will be made by the Centralized Investigations Sergeant at the following RPOA telephone number: (951) 403-4657. Representative(s) of the RPOA will be permitted access to the involved officers at the scene and at the Centralized Investigations Bureau. RPOA will designate which representative(s) will respond. RPOA Representatives on duty shall be relieved of further duty with pay unless they are witnesses to or directly involved in the critical incident. RPOA Representatives will not unreasonably be denied access to the officers they are representing. No report will be required of RPOA Representatives. While the Police Department will not require RPOA Representatives to reveal communications with member officers they are representing, a court may determine that no privilege exists in criminal matters. Accordingly, officers are encouraged to obtain legal representation.

2. Responsibilities:

a. Involved/Witnessing Employee Shall:

- 1.** Provide care for all injured persons.
- 2.** Request supervision and suitable assistance.
- 3.** Secure the scene of the incident and protect it from alteration and contamination.
- 4.** Apprehend offenders.
- 5.** Brief the responding supervisor, providing a public safety statement to assist in identifying and/or locating the suspect, number of rounds fired, trajectory of rounds fired, information necessary to protect the crime scene, or information to protect the public and other officers from continuing harm of a fleeing suspect.
- 6.** Ensure witnesses and/or other involved persons (including police personnel) do not discuss the incident prior to being interviewed by the OIS Team.

7. Prepare an accurate and complete police report of the incident and have it approved by a supervisor. The report may be prepared by the involved employee(s) by dictating the report for transcription, furnishing a complete and accurate statement to police investigators, or by submitting a complete and accurate written report. Such report should be prepared as soon as possible after the incident unless the employee is injured or emotionally unable to promptly make a police report. The Investigations Lieutenant will determine when the report will be prepared or the employee interviewed. When making their reports, involved officers shall not be considered as having waived their rights under the Public Safety Officers Procedural Bill of Rights Act, the federal and California Constitutions, and other relevant statutory protections.
8. Unless approval is granted by the Chief of Police or his/her designee, the involved employee(s) shall not talk to the news media or anyone else regarding the incident or investigation until the entire criminal investigation is completed. Exceptions are: the interviewing detective and/or supervision from the OIS Team, legal representatives, RPOA representative, Peer Counselor, a member of the clergy, or a psychological services provider.
9. Involved employee(s) will provide a blood sample, when in accordance with law, when administratively compelled, or when in compliance with the department's alcohol and drug testing policy.

b. Field Supervision Shall:

1. Provide medical aid to any injured parties.
2. Take immediate charge of the scene. Establish a crime scene perimeter with a single point of entry and exit. Assign an officer to restrict access only to necessary police and/or medical personnel and to maintain a log of persons entering and exiting the crime scene.
3. Ensure preservation of the scene for investigators. Supervise Field Operations personnel and ensure they carry out assigned duties.
4. Make immediate inquiry into issues of public safety and scene security, i.e., including number of rounds fired, trajectories of rounds after discharge, and the description, location, or direction of travel of any outstanding suspects. No further questions will be asked of the involved employee(s).
5. Ensure that no items of evidence are handled or moved unless contamination or loss of evidence is imminent. If contamination or loss of evidence is likely, notation (or preferably a photograph) must be made of its location and condition before it is moved. Photographs will only be taken upon the express direction of a member of the shooting team or the Field Supervisor.

6. Assign an officer to accompany any injured persons to the hospital to:
 - a. Recover and secure any item of physical evidence.
 - b. Place suspect in custody if appropriate.
 - c. Record any spontaneous or other unsolicited statements.
 - d. Record information regarding medical condition and personnel treating the injured person.
7. Notify the Watch Commander.
8. Establish an appropriate command post.
9. Ensure that the weapons used are not handled by anyone at the scene. Safety should be paramount. Weapons in possession of the involved employee(s) should be left with the employee(s) until requested by the OIS Team.
10. Transportation of the involved employee(s) from the scene to the Investigations station shall be arranged using uninvolved, on-duty personnel or peer counselors.
11. Assign an on-duty, non-involved officer to accompany the involved and/or witness employee(s) to the station to ensure that they are not allowed to discuss the incident with other officers or employees. Involved officer(s) shall be sequestered until such time as they meet with the assigned detectives and/or supervisors assigned to the OIS Team for the purposes of providing an interview. Exceptions are: legal representatives, RPOA representative, Peer Counselor, a member of the clergy, or a psychological services provider.
12. All witnesses should be located and documented, including hostile witnesses.
13. Ensure that each employee present, excluding those directly involved in the incident, peer officers and RPOA representatives, completes a supplemental report before the end of shift. The report should include the employee's name, identification number, unit number, and specific actions at the scene. The completed report is to be submitted directly to the Officer Involved Shooting Team Supervisor.
14. Brief the responding OIS Team.
15. Notify the Press Information Officer if necessary. Provide an initial press release to the news media present if necessary. The information released shall be brief and generalized with absolutely no names released or confirmed. The PIO shall also prepare a written press release covering the same information previously

released. Any subsequent media contact shall be the responsibility of the PIO or Investigations Lieutenant or his/her designee.

c. Watch Commander Shall:

1. Notify the Centralized Investigations on-call Sergeant.
2. Notify the employee's Division Commander.
3. Notify the Deputy Chief of Operations
4. Notify on-call Peer Support personnel and RPOA representative, and coordinate the response of the Psychological Services provider with the Centralized Investigations Lieutenant.
5. Ensure the presence of sufficient personnel to control the scene and to allow adequate police services for the remainder of the city.
6. Maintain or cause to be maintained an accurate account of police personnel involved in the incident and any employee(s) called to assist in providing basic police services.
7. Unless directed otherwise, conduct a debriefing of the incident and prepare the after action report as required by Riverside Police Department Manual of Policy and Procedures Section 4.58, Debriefing of Critical Incidents.
8. Ensure that the necessary reports are completed in compliance with Riverside Police Department Manual of Policy and Procedures Section 4.30, Use of Force.

d. Centralized Investigations Lieutenant Shall:

1. Notify and assign Robbery/Homicide Sergeant(s) to the investigation.
2. Notify the Investigations Division Commander of the investigation.
3. Notify the City Attorney.
4. Notify the Internal Affairs Lieutenant or appropriate Internal Affairs Sergeant in his/her absence.
5. Respond to the scene to assume command of the investigation and serve as liaison with Area Commanders, Division Commanders, Office of Internal Affairs, City Attorney, and the District Attorney's Office.
6. Provide the Press Information Officer with updated information that can be released to the media. In the absence of the PIO, the Investigations Lieutenant or his/her designee shall be the single

release point for all press information and be responsible for preparing and distributing the written press release.

7. Ensure that public information concerning the findings and conclusions of the criminal investigation are not disclosed until the involved employee(s) have been first notified.
8. Schedule a debriefing at the conclusion of the initial investigation to ensure all aspects have been covered and to discuss considerations for improvement.
9. Submit the completed investigation to the District Attorney's Office and attend the DA staffing of the investigation with the OIS Sergeant and the case agent.
10. Ensure that the involved employee(s) meets with the Psychological Services provider.
11. Ensure that the OIS Team, including supervisors, complies with this Policy and that involved officers are afforded their procedural rights under the Public Safety Officers Procedural Bill of Rights and related laws.

e. Officer Involved Shooting Team Shall:

1. Conduct a thorough and accurate criminal investigation of the incident, including:
 - a. Documenting, photographing, and collecting all evidence at the scene. Photographs taken after the arrival of the shooting team will be at their direction only.
 - b. Interviewing all victims, witnesses, suspects, or other involved persons. All interviews will be tape recorded unless impractical or the circumstances prevent it.
 - c. Advise the involved employee(s) of their Constitutional rights if there is a possibility of a criminal violation on the part of the employee(s) and when it is anticipated the case will be submitted to the District Attorney's Office for filing. Rights advisals are not required for employees who are solely witnesses and criminal prosecution will not occur.
 - d. If the involved employee(s) is advised of his/her Constitutional rights prior to writing or dictating a report or being questioned, and the employee declines to waive those rights, no further questioning will occur.
 - e. Advise the involved or witness employee(s) that they may consult with a department representative or attorney prior to the interview taking place, and this department representative or attorney may be present during the interview.

- f.** No administratively compelled statement(s) will be provided to any criminal investigators.
- g.** Involved employee(s) may be ordered to provide samples of blood when objective symptoms consistent with the use of alcohol, a drug or narcotic are exhibited by the involved employee(s), or when reasonable suspicion exists to believe an employee(s) is under the influence of alcohol, a drug or narcotic. All blood samples will be retained by the Riverside Police Department. All blood results will be sent directly to the Centralized Investigations Sergeant overseeing the OIS Team. Blood results will then be forwarded to the OIS case agent.
- h.** Interviews or questioning of involved officers shall whenever possible take place in an office or room not regularly used to interview suspects or civilian witnesses. Officers shall not be interviewed in a suspect interview room or a room equipped to remotely monitor (audio and/or video) interviews. Injured officers shall not be interviewed at a hospital or medical care center unless circumstances require an emergency interview before the officer is released.
- i.** Notify and consult with the Deputy District Attorney concerning legal issues connected to the investigation.
- j.** Ensure all reports have been written and submitted in a timely manner.
- k.** Take custody of involved employee's weapon(s) for submission to DOJ and range inspection.
- l.** Ensure involved employee(s) have replacement weapons.
- m.** The Officer Involved Shooting Team Sergeant will complete a synopsis of the incident, forwarding a copy to the affected Division Commander and Chief of Police within twenty-four hours of the incident.
- n.** Ensure the investigation is completed in a timely manner and submitted to the Centralized Investigations Lieutenant for review.
- o.** Attend the District Attorney's Office staffing of the investigation with the OIS Sergeant and Centralized Investigations Lieutenant. Staffing to be arranged by the Lieutenant.
- p.** The OIS case agent and investigations supervisor will be responsible for the collection of all police reports and related documents. These documents will remain under

their control until the investigation concludes and is submitted to the Centralized Investigations Lieutenant.

q. Prior to the conclusion of the investigation, police reports, photographs, and other related documents will be released only with the approval of the Centralized Investigations Lieutenant.

2. No employee shall ever threaten, coerce, intimidate, or harass an involved officer or his representative for: 1) exercising their rights under this Policy, the Public Safety Officers Procedural Bill of Rights Act, and any other protections afforded peace officers under the law; or 2) choosing to write or dictate a report rather than being interviewed. Violations of such rights or failing to comply with or afford the officer his rights and elections under this Policy shall be grounds for disciplinary action.

f. **Internal Affairs Shall:**

1. The Internal Affairs Lieutenant shall be responsible for conducting an independent administrative investigation.

2. Inform the Chief of Police or his/her designee with regard to the information obtained in the course of their investigation.

3. All Internal Affairs Investigations shall be separate from the investigation conducted by the Officer Involved Shooting Team. Information obtained from the Officer Involved Shooting Team will be used to aid the Internal Affairs investigation. No information obtained from a compelled interview will be disclosed to the Officer Involved Shooting Team.

4. Interviews with witnesses, suspect(s) or involved employee(s) will not be conducted until after they have been interviewed by the Officer Involved Shooting Team, or a determination made that the officer will not be interviewed, or the officer declines to make a voluntary statement.

g. **Public Information Officer and Press Releases:**

1. Refer to the Riverside Police Department Policy and Procedures Manual Section 5.4, News Release and Media Relations and Access Policy.

D. **RELIEF FROM DUTY**

1. In the best interest of the community, the Department and the involved employee(s), the employee(s) shall, as soon as practical, be relieved from active duty by the Watch or Division Commander. The involved employee(s) may be placed on paid Administrative Leave status for a minimum of one day, during which time he/she shall be provided full salary and benefits. The involved employee(s) shall not be returned to full duty until such time as the Personnel Services Bureau has received a "clearance for return to full duty" from the

department's contracted psychological services provider. Once the clearance notification is received, the Personnel Services Bureau Lieutenant shall communicate this information to the Bureau Commander overseeing the employee's bureau or assignment.

- 2.** At the discretion of the Chief of Police or his/her designee, those employees who witnessed the traumatic incident or otherwise assisted the involved employee(s) may also be placed on paid Administrative Leave status as described above.

Section E

RPD Policy 4.30
(Rev. 9, 4/8/11)

Use of Force Policy

Effective Date: 8/93
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Revision 9 Date: 04/08/11
Approval:


Sergio G. Diaz
Chief of Police

4.30 USE OF FORCE POLICY:

A. PURPOSE:

The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

B. PHILOSOPHY:

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and when warranted, may use force that is objectively reasonable to defend themselves; defend others; effect an arrest or detention; prevent escape; or, overcome resistance in order to carry out their duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use objectively reasonable force to protect the public welfare requires a careful balance of all interests.

C. SERIOUS BODILY INJURY:

For the purposes of this policy, the definition for serious bodily injury shall coincide with California Penal Code Section 243(f)(4) as including, but not limited to: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and, serious disfigurement.

D. POLICY:

It is the policy of this Department that officers shall use only that amount of force that is objectively reasonable, given the facts and circumstances perceived by the officer at the time of the event to defend themselves; defend others; effect an arrest or detention; prevent escape; or, overcome resistance. Objective reasonableness must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions about the amount of force that is necessary in a particular situation in circumstances that are tense, uncertain and rapidly evolving (Tennessee v. Garner, 471 U.S. 1 (1985); Graham v. Connor, 490 U.S. 386, 397 (1989); and, Scott v. Harris, 550 U.S. 372 (2007).

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved,

nothing in this policy requires an officer to sustain or risk physical injury before applying reasonable force.

It is recognized that officers are expected to make split-second decisions and that the amount of time an officer has available to evaluate and respond to changing circumstances may impact his/her decision. While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

Circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practical to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.

E. FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE:

When determining whether or not to apply force and/or evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

1. The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
2. Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).
3. Influence of drugs/alcohol (mental capacity).
4. Proximity of weapons.
5. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
6. Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
7. Seriousness of the suspected offense or reason for contact with the individual.
8. Training and experience of the officer.
9. Potential for injury to citizens, officers and suspects.
10. Risk of escape.
11. Other exigent circumstances.

F. USE OF FORCE TO EFFECT AN ARREST:

Any peace officer that has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape

or to overcome resistance (California Penal Code § 835a).

G. COMPLIANCE TECHNIQUES:

Compliance techniques may be very effective in controlling a passive or an actively resisting individual. Officers should only apply those compliance techniques for which they reasonably believe the use of such a technique appears necessary to further a legitimate law enforcement purpose. The application of any compliance technique shall be discontinued once the officer determines that compliance has been achieved.

H. LESS LETHAL FORCE:

Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. To do this, non-deadly force applications should be considered by officers. These may include, but are not limited to, chemical irritants, electronic control devices, less lethal munitions, and canine deployment as described in the Riverside Police Department Policy Manual §§ 3.23, 4.43, 4.49, and 8.1 respectively.

I. CAROTID RESTRAINT:

Only officers who have successfully completed Department approved training on the use of the carotid restraint hold and the Department Use of Force Policy are authorized to use this technique. After initial training, officers shall complete periodic training on the use of the carotid restraint hold as prescribed by the Training Unit. Newly hired police officers are restricted from the use of this technique until successfully completing this training.

After the application of any carotid restraint hold, the officer shall ensure the following steps occur:

1. Any individual who has had the carotid restraint hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel.
2. The officer shall inform any person receiving custody of, or any person placed in a position of providing care for, that the individual has been subjected to the carotid restraint hold and whether the subject lost consciousness as a result.
3. Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such a hold.
4. The use or attempted use of the carotid restraint shall be thoroughly documented by the officer in the related criminal report.

J. DEADLY FORCE:

Officers are authorized the use of deadly force to: protect themselves or others from an immediate threat of death or serious bodily injury; or prevent a crime where the suspect's actions place persons in jeopardy of death or serious bodily injury; or, to apprehend a fleeing felon for a crime involving serious bodily injury or the use of deadly force where there is a substantial risk that the person whose arrest is sought will cause death or serious bodily injury to others if apprehension is delayed. Officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

1. Drawing or exhibiting Firearm: Officers shall only draw or exhibit a firearm when there is a reasonable likelihood of danger to the officer or other persons.

2. Discharge of Firearm: In addition to life-threatening situations as described, officers may discharge a firearm or use any other type of deadly force in the performance of their duties, under the following circumstances:
 - a. To kill a dangerous animal that is attacking the officer or another person(s), or which if allowed to escape, presents a danger to the public.
 - b. When humanity requires the destruction of an animal to save it from further suffering, and other disposition is not possible.
 - c. To give an alarm or call assistance for an important purpose when no other means are available.
 - d. Generally, a member of the Department shall not discharge a firearm as a warning shot.
 - e. Generally, a member of the Department should not discharge a firearm at or from a moving vehicle unless in the necessary defense of human life in accordance with this policy.

K. REPORTING USE OF FORCE INCIDENTS:

Any use of force shall be reported to a supervisor as soon as practical if any of the following conditions exist:

1. The application of force by the officer appears to have caused physical injury to the suspect or required medical assistance.
2. The application of force by the officer included personal body weapons, a chemical irritant, electronic control device, carotid restraint, baton, or firearm.
3. The application of force by the officer appears to have rendered the suspect unconscious.

L. EMPLOYEE RESPONSIBILITIES:

Any member of the Department involved in reporting a use of force application shall:

1. Summon medical aid, as needed.
2. Immediately notify a supervisor.
3. Adhere to the provisions of section 4.8 of the Riverside Police Department Policy and Procedure Manual if the application of force caused serious bodily injury or death.
4. Report the full details of the application of force in the related Department criminal report.
5. If off duty, notify the on duty Watch Commander immediately.

M. SUPERVISOR RESPONSIBILITIES:

A supervisor shall respond to an incident in which there has been a reported application of force. The supervisor is expected to:

1. Ensure that any injured parties are examined and treated.

2. Obtain the basic facts from the involved officer(s). Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
3. Ensure proper documentation of statements made by the suspect(s) upon whom force was applied under the following guidelines:
 - a. Spontaneous statements by the suspect(s) should be incorporated into the related criminal report.
 - b. Supervisors may use their discretion when deciding whether or not to interview the suspect(s) or a witness.
 - c. If a Supervisor decides to interview the suspect(s), a voluntary Miranda waiver must be obtained and the suspect(s) statement shall be included in the related criminal report.
4. Ensure that photographs have been taken of any areas involving visible injury and complaint of pain as well as overall photographs of uninjured areas.
5. Identify witnesses not already included in related criminal reports.
6. Review and/or approve all related criminal reports, video and audio recordings.
7. Complete and submit the Supervisor Administrative Review/Investigation Report and the related criminal reports within 5-days via the chain of command.

The Watch Commander, after reviewing all available information, shall make appropriate notification to the Internal Affairs Unit as soon as practical, if he or she believes an application of force has violated department policy.

In such cases, the Internal Affairs Unit shall be responsible for conducting all administrative investigations involving the application of force.

