

# MIKE BUMCROT CONSULTING

## REPORT OF INVESTIGATION

**DATE:** November 28, 2016

**SUBJECT:** Officer Involved Shooting/Suicide of Steven Lewis, which occurred on February 23, 2015

**CASE:** Riverside Police Department File #P15-028755, CPRC #15-006

**LOCATION:** 2865 Prospect Avenue, Riverside – Scene of Officer Involved Shooting  
2786 Pleasant Avenue, Riverside – Scene of Suicide

On November 21, 2016, I was asked by Frank Hauptmann, Manager of the Community Police Review Commission, to review the circumstances surrounding the officer involved shooting of Steven Lewis by members of the Riverside Police Department, as well as the self inflicted shotgun wound fired by Mr. Lewis. I reviewed several hundred pages of police reports, photographs, Coroners Protocol, audio and video recordings, and other documents contained in the presentation by the Riverside Police Department to the Community Police Review Commission. I also reviewed legal issues regarding the use of deadly force.

I was also asked to provide my expert opinion in a written report on the manner in which detectives of the Riverside Police Department investigated this case.

I also responded to the location to better understand the police reports. Crime scene photographs taken by Riverside Police Department lab technicians were excellent and I referred to them many times during this review. I have added several of these crime scene photographs in this report to assist the readers.



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It is my conclusion that Officers Daniel Macias and Spencer Weddle acted in lawful self-defense and in defense of each other at the time they fired their semi-automatic pistols at Mr. Lewis, who actually fired several shotgun blasts at the uniformed officers. See Conclusion Section. The following analysis is based on reports prepared by the Riverside Police Department, as well as the compelled statements of Officers Macias and Weddle.

## **FACTUAL ANALYSIS**

On February 22, 2015, at 1805, Officers Macias and Weddle, working a two-man patrol car, received a call for service regarding loud music, at 2865 Prospect Avenue. They learned that earlier in the day, Officers had responded to the same location regarding a family disturbance. When Officers Macias and Weddle arrived on scene, they contacted Steven and Isabel Lewis, who were apologetic and cooperative, and the music was turned down. The officers left on good terms after about ten minutes and the Lewis couple wished them a good night and told them to be safe. The following night, February 23, 2015, Officers Macias and Weddle were again dispatched to the same location regarding an argument between two males and female with possible shots fired.

Officers Macias and Weddle arrived on scene and as Officer Weddle knocked on the front metal security screen door, Officer Macias positioned himself on the left, front corner of the residence, due to the nature of the call. See photos below:

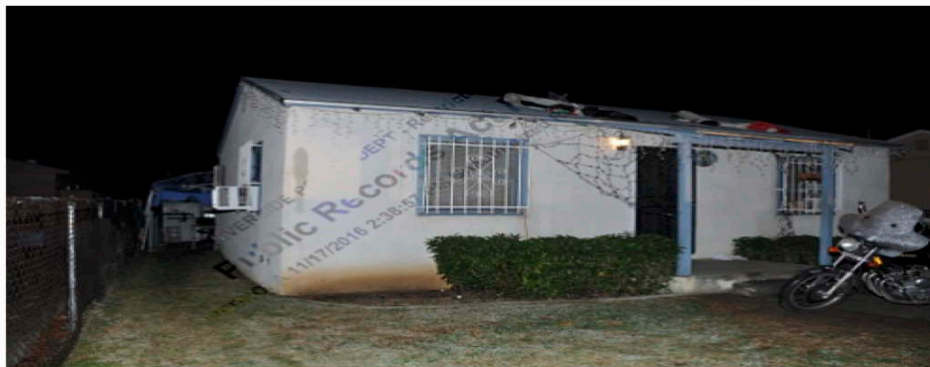


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P15028755SMD: F2O53117



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Officer Weddle glanced through the open front door, through the closed screen door, and noted an interior light was turned on. After receiving no response to his knocking, Officer Weddle met Officer Macias at the front left corner of the house, allowing themselves a view down the side of the house, into the backyard. The officers could hear a male voice, inside the rear of the interior of the residence, shouting, "I've worked my whole life and you guys are fucking it up".

Officer Weddle returned to the front door and when he looked inside, he saw Mr. Lewis standing towards the rear of the house with his right hand in his pants pocket. Officer



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Weddle asked Mr. Lewis what was going on and Mr. Lewis looked at him and reached out to turn the lights off.

Officer Weddle advised Officer Macias of his observations and Macias began to walk along the side of the house towards the backyard. Officer Macias heard the back door close and he saw Mr. Lewis walking from the house towards a metal storage shed located on the left side of the backyard. Officer Macias shouted, "Show me your hands. Let me see your hands", and he advised his partner that Mr. Lewis had a gun.

Mr. Lewis entered the shed and Officer Macias heard what sounded like metal on metal hitting inside the shed. Mr. Lewis walked out of the shed in the direction of the residence's back door and the officers began to shout commands to Mr. Lewis, who retreated back inside the shed.

Both officers took up positions along side the shed and they heard the racking of a shotgun. Suddenly, Mr. Lewis walked out, this time holding a shotgun at waist level. Mr. Lewis fired one shotgun blast at the officers who returned fire. See photos below:



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P15028755SMD: F2O53139



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Mr. Lewis took cover behind the shed and made his way to the back fence where he fired two more shotgun blasts in the direction of the officers. The officers were unable to return fire, because of the darkness, and the fact that they did not know his exact location. Officer Weddle advised dispatch that Mr. Lewis was now in the alley, behind



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the residence. Officer Edwin Romero arrived on scene and began to drive his marked police car into the alley with his spotlight illuminated. Officer Romero observed Mr. Lewis walking toward him, armed with a shotgun. Mr. Lewis fired one shotgun blast in the direction of Officer Romero, who ducked down in his front seat and slid out of this police car. The shot caused pellets to strike a wooden fence and metal box attached to a utility pole, near Officer Romero's police vehicle. See photos below:



P15028755SMD: F2O53221



P15028755SMD: F2O53222



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P15028755SMD: F2O53237



P15028755SMD: F2O53238



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Officer Romero looked up and saw Mr. Lewis, climbing a fence, into a back yard, on Pleasant Avenue, the next street north of the alley. Detectives would later find blood drops in the alley and blood smears on the fence, indicating Mr. Lewis had been injured, perhaps by return fire from Officers Weddle and Macias. See photos below:



P15028755SMD: F2O53323



P15028755SMD: F2O53324



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Officer Romero ran towards Pleasant Avenue and saw Mr. Lewis enter the residence at 2786 Pleasant Avenue. As officers began taking up positions around the residence, the occupants ran out and advised everyone that Mr. Lewis had just shot himself.

An entry team was formed and several officers entered the residence and found Mr. Lewis in a back bedroom, suffering from a contact shotgun wound, under his chin. A .12 gauge shotgun was found lying next to him with an expended shotgun shell in the chamber and no live shells in the tube. Three live shotgun shells were found in a sleeve, attached to the butt of the weapon. See photos below:



P15028755SL: F2O53050



P15028755SL: F2P53531



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Officer Weddle fired 1 round from his pistol during the entire incident. Officer Macias fired 3 shots from his pistol during the entire incident. All shots fired by the officers were directed at Mr. Lewis near the shed.

## **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/suicide of Steven Lewis 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 permits the use of deadly force in self-defense if it reasonable appears to the person claiming the right of self-defense that he actually and reasonably believed he was in imminent danger of great bodily injury or death. The belief in the need to defend oneself must be both actual and reasonable.

"The rule is well established that one who, without fault, is placed under circumstances sufficient to excite the fears of a reasonable man that another designs to commit a felony or some great bodily injury and to afford grounds for a reasonable belief of imminent danger, may act upon those fears alone and may slay his assailant and be justified by appearances." People v. Mercer (1962) 210 Cal.App.2<sup>nd</sup> 153, 161

The test of whether the officer's actions were objectively reasonable is "highly deferential to the police officer's need to protect himself and others." Muniz v. City of Union City (2004) 120 Cal.App. 4<sup>th</sup> 1077, 1102

The Fourth Amendment reasonable test is, "An objective one: the question is whether the officer's actions are objectively reasonable in light of the facts and circumstances confronting them." Graham v. Conner (1989) 490 U.S. 396.

## CONCLUSION

The review of reports and the evidence examined in this investigation reveals that unknown persons inside the Lewis residence were involved in some type of disturbance. A neighbor, who heard the disturbance, called the police and reported



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hearing a small caliber gunshot, followed by silence. Officers Daniel Macias and Spencer Waddle were dispatched to investigate the suspicious circumstances. Upon arrival, the officers were met by an uncooperative Mr. Lewis, who refused to follow the commands of both officers as he ran from the back door of his residence to a metal shed in the backyard.

Based on the information that the officers received that shots had possibly been fired, the sound of metal on metal inside of the shed, and the obvious racking of a shotgun inside the shed, led both officers to suspect Mr. Lewis was armed. The actions of Steven Lewis and the fact that he exited the shed holding a shotgun and fired multiple shotgun rounds at the officers, created a fear of imminent death or serious bodily injury and their response with deadly force was justified. It appears that Mr. Lewis was struck by one of the officers' gunfire as he left a blood trail from his backyard to his final resting place. When Mr. Lewis ran into the residence located at 2786 Pleasant Avenue, the occupants said they all knew "Steve" who was holding his butt and saying, "They got me". They then heard him "racking" a shotgun and then he told them to leave because they wouldn't want to see what he was about to do. They then ran from their house as they heard a shotgun blast, and advised officers who were surrounding their house. I reviewed the autopsy protocol, which listed the trauma as a gunshot entry wound to the left lower abdomen with an exit wound to the right butt cheek. This wound did not strike any vital organs. The fatal wound was described as a contact wound under the chin, with sooting, upwards, right to left, and front to back. Non-traumatic findings were liver and cardiovascular disease. The toxicology report states that Mr. Lewis had a blood alcohol level of .20%, 2 ½ times the legal limit. Methamphetamine was also detected. The Coroner ruled that the cause of death was a shotgun wound to the head and neck, the mode of death was determined to be "shot self" and the manner of death was listed as "suicide".

It should be noted that the only witnesses to the disturbance, the officers arrival, and subsequent officer involved shooting, was Mr. Lewis' wife and 3 adult children who were all uncooperative and stated that they knew nothing of an argument.



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I find that this officer involved shooting was in lawful self defense and the investigation into the shooting and subsequent suicide of Steven Lewis was completed in a fair and impartial manner and met or exceeded POST standards of practice.



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