

Involved Officers

Sgt. Chad Milby #1336
Sgt. Edward Collins #574
Officer Kevin Feimer #1001
Officer Shadee Hunt #1680
Officer Vicente De La Tore #1222
Officer Chris Tonetti #1334

Assisting Investigators

Sgt. B. Dodson – CIB Supervisor
Det. M. O'Boyle – CIB Scene and interview
Det. R. Wheeler – CIB Interviews

Evidence Tech Sue Lane – Scene and officer photographs
Reuel Hinojales – Information and Tech Dept.

Narrative

On 12-29-16 at approximately 1945 hrs I was called by Sgt. A. Levesque and told to respond to Washington Park at 2769 Mary Street in Riverside for an Officer Involved Fatal Incident. I arrived at 2050 hrs and saw that the parking lot of the park was taped off with yellow crime scene tape and uniformed officers were standing on the perimeter.

When the listed assisting Investigators arrived we attended a briefing given by the Watch Commander, Lt. Mark Rossi. Lt. Rossi told us that the listed Involved Officers responded to the Stater Bros Market at 2861 Mary Street, which is next door to the park, in response to a call from a security guard there. The security guard reported a white male, later identified as S-Dominic Smith, was in the parking lot of the Stater Bros swinging a pair of nunchucks and acting strangely.

When the officers arrived the security guard pointed out the subject, who he had followed next door to the park, laying on the grass. The officers saw S-Smith had a fairly large, fixed blade, knife on his belt and but did not see any nunchucks. The officers ordered S-Smith to prone out face down on the ground and he complied. Sgt. Collins, Officer Feimer, Officer Hunt and Officer De La Torre approached S-Smith and handcuffed him without incident. The officers began asking him questions and S-Smith identified himself and admitted he had used methamphetamine earlier that day. Sgt. Milby and Officer Tonetti arrived at about this time.

S-Smith appeared to be under the influence of a stimulant and was acting bizarre so Sgt. Collins requested medical aid. Within a few minutes S-Smith began to struggle and the officers restrained him in the shoulder and leg area. S-Smith struggled again briefly and then went limp. The officers checked his breathing and pulse and saw that he was unconscious and began CPR. RFD arrived and took over lifesaving efforts. S-Smith was transported to Riverside Community Hospital (RCH) where he was later pronounced deceased.

Riverside Police Department
Continuation Sheet

Page 3
01-31-17

5150 / 11550 HS

File #P16237976
Det David Smith #0444

The area in the park the incident occurred in was secured and the involved officers were taken to the Magnolia Police Station for follow-up. Officer Tonetti went to the hospital where they took S-Smith.

Lt. Rossi informed me that three of the police cars on-scene were equipped with COBAN recording devices, so I requested that Reuel Hinojosa respond to download any video of the incident from those cars.

After a brief walk through of the scene I went over to the Stater Bros to contact the security guard who originally reported S-Smith to police dispatch. I was directed to W1 Brown. The interview was recorded.

W1 Doug Brown's Statement

W-Brown told me he is a uniformed security guard assigned to work at the Stator Bros several days a week. On this date he was approached at the store by an elderly male customer about 70 years old who told him that a man was in the parking lot on the west side of the store acting strangely, talking to himself and hitting himself with nunchucks. W-Brown said he walked over to the west parking lot and saw S-Smith. S-Smith was flailing his arms, talking to himself and had a metal object in his hand that appeared to be nunchucks.

I had a CDL photo of S-Smith and I showed it to W-Brown. He identified S-Smith as the subject we were talking about.

W-Brown said he knew he should be careful and he stayed back and called police. He accidentally called the Riverside Sheriff's Dispatch at first because he had the number in his phone from one of the other properties he patrols. As he hung up and called Riverside PD he followed S-Smith over towards the loading docks on southwest side of the business. S-Smith approached a planter and began pulling up the plants in it and throwing them over his shoulder. W-Brown showed me the time he called Riverside Police dispatch on his cell phone and it was 1852 hrs.

W-Brown said he watched S-Smith as he then walked off the Stater Bros property and into Washington Park next door. S-Smith walked over to an area in the grass near the south side of the Park parking lot, lay down on the grass and started rolling around. Shortly after this uniformed officers began to arrive and W-Brown waived them over to the Park and pointed out S-Smith to them.

W-Brown said he stayed there until he saw the officers slowly approaching S-Smith and then he left the Park and walked back to the Stater Bros. He did not see or hear what happened after that because he returned to the store.

W-Brown said he has never seen S-Smith before.

After this interview I went back to the Park. I contacted Reuele Hinojales there and he told me that he was able to retrieve buffered video from three of the police cars on scene and he was able to play some of it for me on a lap top. I briefly watched one of the videos. The video of the incident was consistent with what I heard had happened in the briefing by Lt. Rossi. I would later watch all three videos in their entirety.

Riverside Police Department
Continuation Sheet

Page 4
01-31-17

5150 / 11550 HS

File #P16237976
Det David Smith #0444

While Det. O'Boyle and Evidence Tech Lane processed the scene I responded to the Magnolia Police Station for follow-up. When Evidence Tech Lane and Det. O'Boyle were finished at the scene they responded to the Magnolia Station to assist.

Evidence Tech Lane photograph all of the involved officers. None of them were injured in any way and all were in Riverside Police Uniforms.

Prior to any interviews all (6) Involved Officers spoke to the Riverside Police Officers Association Attorney, Saku Ethir, who had responded to the station. As per Riverside Police Department Policy the Involved Officers were allowed to view all of the recovered COBAN video of the incident with the Attorney. Also as per policy, officers involved in these types of incidents may elect to write their own report, or be interviewed by an investigator. Officer Tonetti chose to prepare his own report and Sgt. Milby, Sgt. Collins, Officer De La Torre, Officer Feimer and Officer Hunt chose to be interviewed. Attorney Ethir was present for all (5) interviews.

I was present for all (5) officer interviews. Det. O'Boyle assisted me with the interviews of Officer De La Torre and Officer Feimer and Det. Wheeler assisted me with the interviews of Officer Hunt, Sgt. Milby and Sgt. Collins. See Det. Wheeler's supplemental report for details of our interviews with Sgt. Milby and Sgt. Collins.

All of these interviews were recorded. The following is a summary of the interviews with Officer De La Torre, Officer Feimer and Officer Hunt.

Officer De La Torre

Officer De La Torre said he is assigned to the traffic division as a motor officer and rides a marked police motorcycle. His designator is Motor 36. He was working this evening when he heard a radio call of a 5150 (WIC) over at the Stater Bros at Mary and Lincoln. He decided to respond since he was going that way. On the way there he was passed by a marked canine unit (Officers Feimer and Hunt riding together) that had been dispatched to assist on the call. They both stopped at a stop sign and Officer De La Torre said he spoke to the officers in the canine unit about the circumstances of the call and told them he would assist them.

Officer De La Torre said he got to the Stater Bros parking lot and spoke to a male in a long sleeve shirt and tie that appeared to work there. He asked him if he had seen anyone in the parking lot with nunchucks. The man replied that he was told about him, but he hadn't seen anyone. At this time the canine unit pulled up and they decided to split up and look for the subject.

Officer De La Torre said that the canine officers informed him on the radio that they were being flagged down reference the subject to the rear of the business, so he rode over there. When he got there the officers were talking to a security guard but he couldn't hear what they were saying because his helmet was on. One of the officers in the canine unit then activated their spotlight, shining it into Washington Park. Officer De La Torre said he then saw the subject, S-Smith, in the park on the grass on his hands and knees.

The security guard left them and they drove over to the Park. Officer De La Torre said he parked on the left of the parking lot (facing where S-Smith was) and Officers Feimer and Hunt

Riverside Police Department
Continuation Sheet

Page 5
01-31-17

5150 / 11550 HS

File #P16237976
Det David Smith #0444

parked to the right. Officer De La Torre said he made announcements from his motorcycle P.A system (loud speaker) for S-Smith to lie down on the ground and put his arms out to his sides. S-Smith complied but he continued "flopping around on the ground."

Officer De La Torre got off of his motorcycle and Officers Feimer and Hunt exited their police car. Officer De La Torre told them that he would be responsible for the Taser deployment if it became necessary and he took his Taser out. They then approached S-Smith, Officer De La Torre to the left and Officers Feimer and Hunt to his right. As they approached they gave S-Smith more verbal commands to stay on the ground. S-Smith rolled over onto his back, so they instructed him to roll onto his stomach and cross his legs, which he did. Officer De La Torre said he told S-Smith to put his arms out to his side like a cross, but S-Smith put them down by his sides, and then behind his back.

Officer De La Torre said that as S-Smith was rolling around they saw a large knife in a sheath attached to his belt. The officers reached S-Smith and Officers Feimer and Hunt handcuffed him while Officer De La Torre removed the knife from the sheath and walked away a short distance and dropped it in the grass. When he returned to S-Smith Officers Feimer and Hunt had S-Smith handcuffed and seated on the ground leaning up against Officer Feimer's leg.

They asked S-Smith his name and date of birth and confirmed it with a social security card they found in his wallet. They asked him where the nunchucks were and he told them they were at home. S-Smith also told them that he had used methamphetamine earlier.

Officer De La Torre said he then went back to his motorcycle to retrieve his flashlight so he could start looking around for the nunchucks. He began checking nearby trashcans and the area. While he was doing this he looked back to where S-Smith was seated and he saw S-Smith was now struggling with the officers. S-Smith was still handcuffed and was on the ground on his stomach. Officer Feimer had S-Smith's legs in a "figure four" and Officer Hunt was trying to control his upper body. Officer De La Torre said he returned to the officers and S-Smith to assist and saw S-Smith kick his legs free from Officer Feimer. Officer Feimer was able to reapply the "figure four" lock on his legs and Officer De La Torre knelt down with his left knee on S-Smith's left shoulder blade to help restrain his movement. S-Smith kept struggling for a little bit and then relaxed. While they tried to calm S-Smith down Officer De La Torre said he noticed that S-Smith's left triceps was "fluttering really bad." After a few minutes they noticed S-Smith did not appear to be conscious so they rolled him over and Officer Hunt began to do "sternum rubs" on his chest to see if he would wake up. S-Smith was not responding so the handcuffs were taken off of him and Officer Feimer and Hunt began CPR chest compressions in an attempt to revive him. While the chest compressions were being done Officer Tonetti had arrived and was positioning S-Smith's head to open his airway. The Riverside Fire Department arrived shortly after that and took over.

Officer De La Torre said at no time did he or anyone else strike S-Smith with anything nor constrict his airway in anyway.

Officer Feimer

Officer Feimer told us that he is a canine handler but he did not have his police canine with him this evening. He was riding partners with Officer Hunt and Officer Hunt's police dog (Arrow)

Riverside Police Department
Continuation Sheet

Page 6
01-31-17

5150 / 11550 HS

File #P16237976
Det David Smith #0444

since Officer Hunt is new to the canine unit. They were in police unit 3517 and Officer Hunt was driving.

Officer Feimer said that they were dispatched to the Stater Bros at Lincoln and Mary for a subject swinging nunchucks and yelling in the parking lot.

They ended up behind Officer De La Torre (on his motorcycle) and followed him to the scene. When they arrived they contacted a guy in the parking lot who appeared to be a Stater Bros employee and asked him if he'd seen the subject with the nunchucks. The employee said he was told about it but he hadn't seen the guy.

Officer Feimer said they then split up from Officer De La Torre and began driving around the area looking for the subject. They were waived down by a security guard who was standing in a small driveway that went from the Stater Bros property over into Washington Park next door. As they pulled up to the security guard Officer Feimer said he could see a subject in the grass in the park at the far end of the parking lot. The subject looked like he was doing push-ups, then he stood up and was moving around erratically.

The security guard pointed to the subject and told them that he (S-Smith) was the subject that he had called about. The security guard told them that S-Smith had been swinging nunchucks around and acting bizarre and crazy and they did not want him back on the property. At this time Officer De La Torre had pulled up with them and they pointed S-Smith out to him. They all then decided to go contact S-Smith in the park.

Officer Feimer said that they drove into the park parking lot and stopped about 20 yards from S-Smith. They put their spotlights on S-Smith and exited their police car. S-Smith was up on his knees and then he lay down on the ground. Officer De La Torre then gave S-Smith commands over his PA to lie down and put his hands out to his sides. S-Smith did lie down on his stomach, but then he flipped over onto his back. They decided to approach S-Smith and as they did they noticed S-Smith had a knife on his belt. They didn't see the nunchucks anywhere.

Officer Hunt told Officer Feimer and Officer De La Torre that he had gloves, so he would be responsible for any "hands on" with S-Smith. Officer De La Torre volunteered to have his Taser ready should it be necessary and Officer Feimer would be lethal cover as they approached. As they moved in S-Smith put his hands behind his back, in a handcuffing position, on his own. Officer Feimer said he then moved in on S-Smith's right side and put one knee on S-Smith's back and one on his shoulder to control him until they could secure the knife. Officer Hunt went around on S-Smith's left side to control his left arm. Officer De La Torre was somewhere near his feet. Officer Feimer then attempted to place handcuffs on S-Smith as S-Smith tried to straighten his arms out and roll back and forth. Officer Feimer was able to handcuff him in spite of it.

Officer De La Torre then removed the knife from the sheath on S-Smith's belt and backed away with it. Officer Feimer and Officer Hunt then searched S-Smith for any other weapons and sat him upright with his back leaning up against Officer Feimer's legs. During this time S-Smith was talking "gibberish" and going back and forth from loud to quiet. Officer Feimer asked S-Smith his name and if he had used any drugs. S-Smith gave them his name and said he had used "meth". S-Smith was answering their questions but he was also staring off and asking, "Who was that" and "Where are they going". Officer Feimer said that S-Smith was sweating profusely the whole time.

Riverside Police Department
Continuation Sheet

Page 7
01-31-17

5150 / 11550 HS

File #P16237976
Det David Smith #0444

While they were running his information with dispatch they asked S-Smith where his nunchucks were and he told them they were at home.

Officer Feimer then stepped away from S-Smith causing S-Smith to lie down on his back. S-Smith immediately started kicking, rolling over and yelling. In an attempt to restrain him Officer Feimer put S-Smith's legs into a "figure four" while Officer De La Torre and Officer Hunt tried to pin his upper body with their knees on his shoulders and upper back area. S-Smith managed to kick out of Officer Feimer's hold, but he was able to re-apply it again and gain control his legs. S-Smith struggled and yelled for a little more and then went "passive". Officer Feimer said that even though S-Smith had stopped struggling he could see S-Smith arms "pulsating".

Since S-Smith had stopped struggling Sgt. Collins told them to check his vital signs. They rolled him on his side and started calling to him. S-Smith appeared to be unconscious so Officer Hunt began to rub his sternum with his knuckles. S-Smith did not respond so they rolled him onto his back and checked his pulse. They didn't feel a pulse so they un-handcuffed him. Officer Tonetti had now arrived so he held S-Smith's head to open his airway while Officer Hunt and Officer Feimer took turns doing CPR chest compressions. Officer Tonetti told them that he had a pocket mask (for rescue breathing) in his car so Officer De La Torre went to get it. Before they could utilize it the fire department arrived and took over.

Officer Feimer said that S-Smith never said anything to them about being in medical distress prior to going unconscious. He was just acting very erratic. Officer Feimer said none of the officers present ever struck S-Smith or used any force weapons on him. Officer Feimer said that he was trained in the figure four hold in CIT training at RPD. He has used this hold before successfully and without any injury to the person it was applied to.

When I asked Officer Feimer why he handcuffed S-Smith he said he detained S-Smith with handcuffs because S-Smith was armed, and acting very strangely, and he felt that should S-Smith get away he was a danger to the community.

Officer Hunt

Officer Hunt told me that Officer Feimer and he were riding together because he was new to the canine unit. They were in Officer Hunt's police unit #3517 which is equipped with COBAN video and audio. Officer Hunt was driving.

Officer Hunt said that they were dispatched to the Stater Bros to assist on a 5150 subject that was twirling nunchucks in the parking lot and appeared to be a danger to customers.

When they got to the area they contacted a man who appeared to be a Stater Bros employee in the parking lot. The guy told them that he had been told about the subject but he had not seen him.

Officer Feimer and Officer Hunt decided to drive around the area to see if they could locate the subject. While they were driving around the parking lot they were flagged down by a security guard who pointed over to Washington Park. The security guard told them that the guy with the nunchucks was in the park over by a tree and he didn't want him back on Stater Bros property

Riverside Police Department
Continuation Sheet

Page 8
01-31-17

5150 / 11550 HS

File #P16237976
Det David Smith #0444

scaring customers away. They told the security guard that they would go see what was going on with the guy.

As they drove over into the park Officer Hunt said he could see the subject, S-Smith, on the grass. He was lying down on the ground yelling something. Officer De La Torre was with them and they came up with a plan to approach S-Smith. Officer Hunt said he was designated as the hands on person. As they approached S-Smith on foot they saw that he had a large knife in a sheath on the right side of his belt. They told S-Smith to keep his hands up and get down on the ground. S-Smith was mumbling something and went down to one knee, but then stood up again. They again told him to get down on the ground and he complied. They then told him to put his hands out to his sides, but instead he put them down next to his sides. They told him again to put his hands straight out and he did.

Officer Hunt said that when S-Smith was finally proned out they walked up to him. Officer Hunt said he grabbed S-Smith's left arm, someone else grabbed his right arm, and Officer Feimer placed him in handcuffs. They then started asking him for identifying information which he provided. S-Smith admitted to them he recently used methamphetamine. Officer De La Torre removed the knife from the sheath and took it away from the immediate area.

Officer Hunt said that they did a quick search of S-Smith, rolled him on his side and then sat him up. A short time later S-Smith fell backwards and starting thrashing around, kicking his legs and yelling. To gain control of him they rolled him over (on his stomach). Officer Hunt said he was on S-Smith's right side and tried to control his upper body by placing one of his knees on his upper body and his other knee on the ground. Officer Hunt said he could feel S-Smith's heartbeat with his hand and his heart was "racing".

After a while S-Smith calmed down. They decided to roll him on his side to check on him. Officer Hunt said he could still feel S-Smith's heart beating but it didn't look like he was breathing so he started doing sternum rubs on him to see if there was a reaction. S-Smith wasn't reacting so they decided to take the handcuffs off and start CPR. Officer Hunt said he began chest compressions and continued until he was tired, then Officer Feimer took over. They continued switching off until the medical aid arrived and took over.

Officer Hunt told me that S-Smith was sweating profusely and his breathing was rapid during their contact with him. Officer Hunt said that none of the officers ever struck S-Smith with any weapons or applied any neck holds. The only force used to detain him was what he described in our interview.

NFD.