



# MEMO

## Police Department

**DATE:** June 21, 2013

**TO:** SERGIO DIAZ, CHIEF OF POLICE  
VIA CHAIN OF COMMAND

**FROM:** Rick Wheeler, Detective  
Investigator Robbery/ Homicide Unit

**RE:** SUMMARY- OFFICER INVOLVED SHOOTING

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**DATE OF INCIDENT:** June 11, 2013

**TIME OF INCIDENT:** 2259 hours

**LOCATION OF INCIDENT:** 3476 Van Buren Boulevard (Chevron Gas Station)  
Riverside CA

**INVOLVED OFFICERS:** Officer Eric Hibbard #1316  
Unit Designator K95  
Field Operations/ K9 Unit

Officer Cedric Disla #1499  
Unit Designator C428  
Field Operations / Watch C

**ADDITIONAL VICTIM OFC:** Officer Joseph Cleary #1683  
Unit Designator A323  
Field Operations / Watch C

**WITNESS OFFICERS:** Sergeant Keenan Lambert #627  
Unit Designator S65  
Field Operations / Watch A

Officer Eric Garcia #1601  
Unit Designator A429  
Field Operations / Watch A

Officer Michael Ritter ID #13910  
California Highway Patrol  
8118 Lincoln Avenue, Riverside  
(951) 529-2219

Officer Eugene Norris  
California Highway Patrol  
8118 Lincoln Avenue, Riverside  
(951) 529-2219

**OFFICER INJURIES:**

None

**CIVILIAN WITNESSES:**

Clifton Carl Chapple DOB: 1/2/1992  
4655 Minnier #35 B  
Riverside, CA 92505  
[REDACTED]

Joseph Barrio DOB: [REDACTED]  
[REDACTED]

**CIVILIAN INJURIES:**

None

**SUSPECT:**

Rashad Jarret Hopes DOB: 8/15/86  
M/B/ 5'9"/140/BLK/BRN  
LKA: 778 Gianni Drive, Corona CA 92879

**SUSPECT CRIMINAL HISTORY:**

S/Hopes had been arrested for the following charges:  
2007: 459 PC, 182 PC, 12020(a) PC  
2009: 243(e)(1) PC  
2010: 242 PC, 243(e)(1) PC  
2011: 23152(a) CVC  
2012: 14601.2(a) CVC  
2013: 23152(a) & (b) CVC

**SUSPECT'S INJURIES:**

Gunshot wound to head (Deceased)  
Blunt impact injury to forehead  
Dog bites to the leg

**SUSPECT VEHICLE:**

2000 Chevy Metro/ 4 door/ Burgundy  
CA License# 5XBU928  
R/O Annette Padilla  
[REDACTED]

**SUSPECT WEAPON:**

Black .38 caliber Smith & Wesson revolver with  
brown grips. Serial # 266205  
Listed as stolen from Wayne County, Georgia  
since January 17, 1992

**PROPERTY DAMAGE:**

None

**CHARGES FILED BY CHP:**

Clifton Chapple was arrested by CHP officers and  
charged with DUI and 20002 CVC. That investigation  
was handled completely by the CHP.

**SUMMARY:**

This incident originated as a CHP call of a hit and run on the 91 freeway near Adams Street. The suspect vehicle in the hit and run was described as a small red sedan. CHP officers responded to the incident occurring on the freeway.

On Tuesday, June 11, 2013, at approximately 2259 hours, Officer Eric Garcia was working a uniformed patrol assignment in a marked City of Riverside police vehicle.

At approximately 2259 hours, Officer Garcia was travelling north on Van Buren at the 91 freeway overpass when he saw a vehicle facing west partially on the center divider blocking lanes. Officer Garcia stopped to investigate and when he exited his police vehicle contacted the driver of the vehicle, Clifton Chapple. While talking with Chapple he noticed a subject standing on the passenger side of the vehicle begin to walk away in a west direction toward the Chevron Gas Station. Officer Garcia advised dispatch of his location and what he had come across. As Officer Garcia was originally driving up and making contact with Chapple, dispatch was receiving phone calls for this incident advising the passenger of the vehicle, later identified as Rashad Hopes, was armed with a handgun. Dispatch advised Officer Garcia of this information and Officer Garcia requested additional units to his location. Officer Garcia last saw Hopes to the front of the Chevron and then turned his attention back to Chapple.

Additional units began arriving and Sgt. Tiptre assembled a contact team on Van Buren north of the Chevron. The contact team comprised Officers Barnhill, Mann, Macek, Disla, Cleary and Hibbard. Officers did not see Hopes at the front of the business, so Sgt. Tiptre had dispatch call into the business and direct the employees to exit the store.

Dispatch contacted the employees and told them to exit the business and meet with police. Sgt. Tiptre contacted the employees who advised they were unsure if anyone else was in the business. They added they were the only two employees working at the time. Sgt. Tiptre asked them if someone was standing around to the front of the business and one employee said he saw subject walk toward the rear of the business before their arrival. Sgt. Tiptre decided to split up his contact team, leaving Officers Disla, Cleary and Hibbard to the front portion of the business and taking Officers Mann, Macek, and Barnhill along the north side of the building, walking west to the rear of the business. Officer Hibbard and his K9, along with Officer Cleary, posted near the front door of the main building. They covered the interior of the business in case the suspect was inside. Officer Disla was near the southeast corner of the building covering that portion of the parking lot.

Sgt. Tiptre and his contact team cleared the north side exterior of the building while heading to the rear of the business. Upon arriving at the rear (west side) of the building, they found Hopes hiding on the southwest corner of the building. There were wrought iron fences blocking the walkway that runs along the rear of the building on both the north and south side making it difficult to get to Hopes. Sgt. Tiptre's contact team began yelling commands to Hopes who failed to comply. As the officers were yelling commands, Officer Hibbard heard them and ran with his K9 partner to the rear of the building along the north side. Hopes started walking at a fast pace east along the building on the south side. Officers broadcasted Hopes' movement to officers in the area. Officer Hibbard and his K9 partner turned around and began running back toward the front of the building.

As Officer Hibbard ran south through the parking lot he saw Hopes running in an east to south to southwest direction with a handgun in his hand. Officer Disla was on the sidewalk to the front of the business near the southeast portion of the building and he saw Hopes running as well with the handgun. Officer Cleary was between Officers Hibbard and Disla moving south through the parking lot near the sidewalk when he saw Hopes running with a handgun pointing in the officers direction.

Officer Cleary gave numerous orders for Hopes to drop the handgun but Hopes did not comply. Fearing for his life and the lives of his fellow officers, Officer Hibbard fired his handgun at Hopes who was turning to a southwest direction. Fearing for his life and the lives of his fellow officers and believing that the gunfire he heard was coming from Hopes, Officer Disla fired his AR 15 patrol rifle at Hopes who was struck.

Hopes eventually collapsed in a planter near the southwest portion of the property. Officer Cleary was unable to fire his weapon when he saw Hopes with the handgun. He too was in fear for his life and the lives of his fellow officers but was unable to fire because Officer Disla had moved into his line of sight and he did not want to fire his handgun and risk striking Officer Disla.

Officers moved up toward Hopes' location but then decided to take cover by a parked car and give Hopes commands to place his hands out and to move away from the handgun he had dropped next to him. Hopes did not respond to the commands. Fearing Hopes could still be a threat officers brought up a police vehicle into the parking lot just northeast of Hopes and utilized it as cover while Officer Hibbard released his K9 to contact Hopes. The K9 was called back after deployment and officers approached, handcuffed Hopes and picked him up removed him from the planter area where the handgun was located. Officers placed him down in front of the police vehicle for paramedics to render medical aid. Hopes was pronounced deceased by medical personnel at the scene.

#### **INVESTIGATION:**

At approximately 2330 hours Robbery/Homicide Unit Sergeant Dave Amador was notified of the incident, and initiated a call-out. Within an hour, investigators and forensic technicians were assembled at the Albertos parking lot located at 3410 Van Buren.

Detectives Rick Wheeler and Rick Cobb were assigned as the case agents. Detective Greg Rowe and Forensic Technicians Tim Ellis and Selena McKay Davis investigated the crime scene. Sergeant Dave Amador was the crime scene supervisor.

Officers Hibbard and Disla were transported to the Riverside Police Department Magnolia Avenue Station to be interviewed. The case agents interviewed Officers Disla and Hibbard, separately, at the Magnolia Avenue Station Executive Conference Room. Attorney Jon Bakhit (Lackie, Dammeier, McGill & Ethir) represented both officers.

(10) .40 caliber shell casings were located in the parking lot of the Chevron Gas Station east of the southeast corner of the main building. The casings were on the pavement in parking stalls. These rounds are believed to have been fired from Officer Hibbard's handgun.

(5) .223 caliber casings were located on the walkway in front of the main building near the southeast corner. These rounds are believed to have been fired from Officer Disla's rifle.

(1) .38 caliber revolver was located in the southwest portion of the property in the planter where Hopes went to the ground. This is believed to be the suspect's handgun. The suspect was removed from this location and carried approximately ten feet into the parking lot where he was placed on the pavement in front of a police car and paramedics rendered aid. The revolver had six expended shell casings in the cylinder. Detectives conducted a records check of the revolver that day and found it had been reported stolen from Wayne County, GA in 1992. Det. Wheeler contacted Wayne County and confirmed the gun's status with them. The gun was removed from the system as located.

#### INTERVIEWS:

##### Witness Clifton Chapple:

Chapple was interviewed at Magnolia Station by Detective Ron Sanfilippo. Chapple was advised of his Miranda Rights which he waived.

Chapple advised he drove the burgundy vehicle on the center divider and also admitted to being involved in a traffic collision on the freeway prior to exiting on Van Buren. He said he thought the other driver had followed him off the freeway and as he was coming to the intersection was unable to stop causing him to collide with the center divider. Chapple originally said he was alone in the car, until Detective Sanfilippo told him witnesses put Hopes in the car, and then he admitted to Hopes being with him. Chapple said he picked up Hopes somewhere on University Avenue and was giving him a ride to an unknown location off Arlington. He said he met Hopes, "in the streets" about two weeks prior and did not know his name. He just called him "bro."

Chapple said he picked up Hopes a few minutes after leaving his girlfriend's house on the eastside of Riverside. When asked where on the eastside Chapple said Moreno Valley. When confronted about being untruthful, Chapple said he met his girlfriend at a park on the eastside off 14<sup>th</sup> Street. Chapple left his girlfriend to go to a liquor store on University where he was flagged down by Hopes. Chapple said he was surprised Hopes ran from his vehicle and had no idea why he would do that. Chapple said he did not know Hopes had a handgun and said he did not see Hopes with a handgun while he was in the vehicle. He said a short time after Hopes ran he heard gunshots. Chapple said he heard the gunshots the same time he was being placed on the ground by police officers. Chapple showed no emotion during the interview, even after being told Hopes was shot and had died from his wounds. Chapple soiled his pants during the initial incident and appeared to be more concerned about that than Hopes.

##### Witness Joseph Barrio:

On 6/12/13, at approximately 11:00 p.m., Mr. Barrio was driving south on Van Buren Blvd. He was stopped at the red light where Van Buren intersects with the westbound 91 freeway off-ramp. Mr. Barrio looked to his left and saw a car in the center divider and there was smoke coming from under the hood. He assumed the car had crashed. He saw the driver get out of the car and walk to the rear. He then saw another black male get out of the passenger side and stumble to the ground.

Mr. Barrio said the black male passenger stood up from the ground and started walking. He immediately saw the black male passenger was holding a handgun in his right hand. He saw the black male put the gun in the front pocket of his shorts and continue walking towards the Chevron. Mr. Barrio's signal light turned green so he drove off and immediately called 911. He was going to get out and help the people in the car until he saw the man with the gun.

Mr. Barrio described the black male with the gun as young and weighing about 150 pounds. The male was wearing a black or navy blue t-shirt and white shorts. He did not get a good look at his face to identify him. Mr. Barrio described the gun as a handgun, most likely a revolver. He did not know for sure if it was a revolver or semi-automatic, but he said he believed it was a revolver because it had a long skinny barrel.

Witness Sergeant K. Lambert:

Sergeant Lambert was at the Lincoln Station when he heard a radio broadcast that Officer E. Garcia was out on a traffic collision at Van Buren and the 91 freeway where a subject was possibly armed with a handgun. Sergeant Lambert responded to the location by entering the westbound 91 freeway on ramp at Adams Street.

While travelling on the 91 freeway he saw a black vehicle that had spun out and was facing east against the north embankment. Sergeant Lambert continued west and exited the freeway at the Van Buren off-ramp.

At the top of the off-ramp he saw Officer Garcia's police vehicle parked near a small compact burgundy vehicle partially on the center divider. Officer Garcia had a subject detained outside of the burgundy vehicle. Sergeant Lambert was assisting Officer Garcia with the driver when he heard over the police radio that the passenger of the same vehicle was last seen walking towards the Chevron Gas Station.

Sergeant Lambert looked toward the Chevron gas Station and saw two groups of police officers to the front of the gas station building, one group on the northeast corner and one group on the southeast corner. Sergeant Lambert recognized one of the officers on the southeast corner as K9 Officer Hibbard. Sergeant Lambert said he saw the suspect walking east on the south side of the main building. Lambert said the suspect appeared to be holding up his shorts near his waistband. Lambert heard officers yelling commands at the suspect, but could not hear what those commands were. Lambert saw the suspect raise his right hand up and point it at the officers. He could not see what was in the suspect's hand, but believed it was a handgun based on the way he was pointing his hand at the officers. At that point, Sergeant Lambert heard multiple gunshots. He does not know which officers fired their weapons. He heard approximately 5-8 gunshots. Lambert last saw the suspect turn and start walking away from the officers toward the rear of the building.

Officer E. Garcia:

While dealing with Chapple, Officer Garcia said he could see Hopes walk around near the south side of the gas stations main building. He saw something in Hopes hand, but was unsure what it was. Officer Garcia believed Hopes had a handgun in his hand because of the way Hopes was holding the object. Officer Garcia saw Hopes raise the object in his hand up towards the officers in the parking lot. He identified the officers as Officers Cleary, Disla and Hibbard. Upon seeing the officers, Officer Garcia heard one gunshot followed by 3-5 additional shots. Officer Garcia believed Hopes had fired his weapon and then the 3-5 additional shots came next.

CHP Officer Ritter

Officer Ritter started his shift on 6/11/13 at 2200 hours and was working with partner Officer Eugene Norris. They received a call of a hit and run traffic collision on the eastbound 91 freeway east of Adams. The officers entered the westbound 91 freeway from Adams and saw a disabled vehicle on the westbound side.

Not knowing this was the victim of the hit and run, they passed this vehicle and exited at Van Buren. When they exited the freeway Officer Ritter saw a small burgundy colored Chevrolet with a license plate of 5XBU928, disabled on the center median of northbound Van Buren. As Officer Ritter exited his patrol car, near where the burgundy vehicle was stopped, he saw 4-5 officers at the Chevron Gas Station across the street. He estimated the officers were approximately 100 yards from his location.

Moments later, Officer Ritter heard several commands of "Put the gun down, put the gun down." The commands were followed by gunshots. While the shots were being fired, Officer Ritter said he ran towards the gas station. While running over, he saw Hopes running from an area where two cars were parked on the south side of the main building. Officer Ritter continued running through the parking lot to assist the other officers.

As he got closer, he saw Hopes walking toward the far south portion of the business and collapse in a planter. Officer Ritter and his partner cleared the west portion of the business for any other suspects. He said RPD held the suspect at gunpoint until a canine was deployed. Officer Ritter said the suspect was no longer moving. Officers approached the suspect, located a handgun and then rendered the scene safe.

Officer Ritter did not see the driver of the vehicle, Clifton Chapple, when he initially arrived. He first saw Chapple when he was returning to his police car after the scene was rendered safe.

#### CHP Officer Norris

Officer Norris started his shift on 6/11/13 at approximately 2300 hours. He was riding in a partner car with Officer Ritter. Right away, Officer Ritter was dispatched to a hit and run accident on the 91 freeway. He said the call initially came out as the eastbound 91 freeway east of Adams, but the accident actually occurred on the westbound 91 freeway west of Adams. He said they entered the freeway going west from Adams and passed the accident because they were looking on the east side of the freeway. They exited at Van Buren and he saw a burgundy colored vehicle had crashed onto the center median on Van Buren. Officer Norris said the car appeared to be unoccupied and he did not know where the driver was. As he was putting his car into park, Officer Norris saw RPD patrol cars, with their emergency lights activated, near the Chevron Gas Station. Moments later, he heard 4-5 gunshots and saw his partner running towards the gas station.

Officer Norris saw what he described as a tactical column of officers walking from the front portion of the gas station towards the south side of the building. He then saw muzzle flashes come from where the officers were standing, but did not see muzzle flashes come from the south. Officer Norris could not say if the officers had been fired upon. He next saw Hopes run from an area south of the main building, continue further south, and then fall to the ground. He then heard RPD officers yelling commands "Do not move," "Show me your hands," and "Put the gun away." At this point Officer Norris ran into the gas station parking lot and saw Hopes on the lying face down at the far southern portion of the gas station parking lot. Officer Norris and his partner cleared the west portion of the business for any additional suspects. Officer Norris stood by for the canine deployment and once the scene was secured, he and his partner returned to their patrol car parked on Van Buren.

Officer Cleary:

Ofc. Cleary was assigned to a single officer unit in the central beat and his call sign was "A323". Ofc Cleary drove marked unit #3932 during his shift. Ofc. Cleary was dressed in an RPD uniform at the time of this incident.

Ofc. Cleary was just clearing a radio call in the area of Jackson & Van Buren when he heard Ofc. Garcia broadcast a non-injury traffic collision in the area of Van Buren and the 91 freeway. Approximately 45 seconds after Ofc. Garcia broadcast his traffic, dispatch notified him that they were getting calls of a man with a gun in relation to the traffic collision he was investigating. Dispatch described the suspect as a black male wearing tan shorts and possibly a white t-shirt.

Ofc. Cleary drove to the area of Van Buren & the 91 freeway and stopped his unit along the west curb of Van Buren, just north of the Chevron. He saw a burgundy vehicle stopped in the southbound lanes of Van Buren, an on the center median. Ofc. Garcia was detaining a subject near that vehicle. Sgt. Tipre and several other officers were already on scene by the time he arrived. The clerks from the gas station were called out of the business and asked if anyone was inside their building. The clerks did not think anyone was inside but they were not sure. They added that they may have seen someone recently go around to the back side of the building.

The officers deployed to the gas station in two teams. Officers Cleary, Hibbard and Disla went to the front of the store while Sgt. Tipre took his team around to the north side of the business to check the perimeter. Moments later, the other team broadcast that they had 'one at gun point'. Ofc. Hibbard headed toward the other team with his K9. Seconds later, the other team broadcast that the suspect was running south from the back of the building so, Ofc. Hibbard and his K9 turned around and headed south through the parking lot toward the south side of the building. Ofc. Cleary stayed to the front of the store to keep it secured as Ofc. Hibbard ran past. Just prior to the shooting, Ofc. Hibbard was with his K9 to the east of the business in the parking lot, Ofc. Cleary was still near the front of the store and Ofc. Disla was just to the east of Ofc. Cleary between him and Ofc. Hibbard.

Ofc. Cleary looked to the south side of the building and saw the suspect jog into view holding a handgun in one of his hands, with the arm extended, as he headed west to east through the south parking lot. The person Ofc. Cleary saw with the gun, appeared to match the description of the armed suspect dispatch had broadcast minutes before. The suspect pointed his black handgun toward Ofc. Hibbard.

Ofc. Cleary yelled "Drop the gun!" at the suspect two times. Ofc. Cleary also heard Officers Hibbard and Disla yell the same command multiple times. The suspect did not follow their commands. The suspect never spoke to officers or responded to their presence other than to point his handgun at Ofc. Hibbard.

Moments later, Ofc. Cleary heard shots being fired and brought his handgun up to fire at the suspect. Before he could fire his weapon, Ofc. Disla moved into his line of sight so Ofc. Cleary did not shoot for fear of hitting Ofc. Disla. Ofc. Cleary would have fired his weapon at the suspect if he had had a clear line of sight. He watched as the suspect turned and headed southwest once the gunshots started. The gunfire continued until the suspect fell into a planter on the south side of the property. The weapon was later found underneath the suspect when he was moved. Ofc. Cleary was not sure if the suspect ever fired his weapon at officers.

Once the gunshots rang out, the other team of officers came back around to the southeast side of the building and met up with Officers Cleary, Hibbard and Disla. A plan was created to use a marked police car (Ofc. Southard's unit) as cover to move up and take the suspect into custody. Before the officers moved up, Ofc. Hibbard deployed his K9 to bite the suspect to make sure he was non-responsive. The officers then moved up and Ofc. Cleary put handcuffs on the suspect and helped move the suspect away from where his gun was located. Medical aid was then called in and the scene was secured.

Officer Hibbard:

Ofc. Hibbard is a K9 officer and was with his RPD issued K9 for this shift. Ofc. Hibbard is K9-5 and was a driving marked K9 unit #3603. He was dressed in his RPD K9 uniform at the time of this incident.

Ofc. Hibbard heard Ofc. Garcia broadcast that he had come upon a traffic collision near Van Buren and the 91 freeway. Soon after his broadcast, dispatch advised him they were receiving calls from citizens who saw a man with a gun near the car he was investigating. Ofc. Garcia broadcast that the suspect with the gun may have gone into the Chevron gas station located across the street from his location. Hearing the radio traffic, Ofc. Hibbard drove to the area from Central and 91 freeway, west on the 91 and arrived on scene as the officers already in the area were getting the clerks from the Chevron to exit the business. As he exited the freeway at Van Buren, Ofc. Hibbard noticed skid marks coming from the west bound lanes on the Van Buren off ramp and extending into traffic.

At the end of the marks was a car stopped in lanes of traffic with Ofc. Garcia detaining a subject. Ofc. Hibbard continued on and stopped his unit just north of the Chevron. Both he and his K9 met with the other officers, devised a plan and began moving up to the business.

Once at the front entrance to the business, Ofc. Hibbard put his dog down in the doorway of the business while Sgt. Tipre and his team went around the north side of the building heading toward the back. Seconds later, he heard officers from the other team broadcast they had one person 'at gunpoint'. Hearing this, Ofc. Hibbard and his K9 headed toward the other team to assist them. Before he could reach them, the team yelled out that the suspect was now running south along the side of the building, away from them. Ofc. Hibbard changed direction and ran south across the front of the business and toward the area the suspect would be heading.

Ofc. Hibbard was rounding the farthest edge of a parking lot planter that extended from the business east into the parking lot, as he headed south, when he saw the suspect. Officers Cleary and Disla were behind Ofc. Hibbard when he saw the suspect. Ofc. Hibbard saw that the suspect had a gun in his right hand and drew his weapon at the same time the suspect was raising his gun (a black revolver) toward Ofc. Hibbard. The two men were running at each other and closing the distance. The incident happened so quickly that Ofc. Hibbard did not have time to give commands before the suspect pointed his gun at him. Ofc. Hibbard thought the suspect was going to shoot him.

While holding his dog with one hand, Ofc. Hibbard began firing his handgun at the suspect. The suspect, who was still holding onto his own gun, turned and began running south away from Ofc. Hibbard and toward a perimeter fence that borders the 91 freeway. Ofc. Hibbard continued to shoot at the suspect out of fear that he was still a danger to him, other officers and anyone else with whom he would come in contact.

Ofc. Hibbard continued to fire as the suspect turned southwest and then fell into a planter in the southwestern portion of the parking lot. Ofc. Hibbard thought that he had fired nine rounds at the suspect. Ofc. Hibbard did not know if the suspect fired his gun during the incident. The suspect did not speak to any of the officers before or during the shooting.

Sgt. Tipre called for a marked unit to pull into the parking lot so the officers could move up and contact the suspect. The officers were giving the suspect commands to show his hands but he would not respond. Once the officers were close enough, Ofc. Hibbard sent his K9 out on a long leash to bite the suspect. The suspect did not react to the bite. Ofc. Hibbard gave his K9 the command to pull the suspect backwards so the gun was exposed. The gun was on the ground, near the suspect's right hand and head. Officers moved in and contacted the suspect while Ofc. Hibbard removed his K9.

Officer Disla:

Ofc. Disla was assigned as a single officer unit on June 11<sup>th</sup>. He was dressed in an RPD uniform and was driving a marked unit, #3124. Ofc. Disla was assigned to the west patrol area and was designator "C428".

Ofc. Disla first became aware of a subject with a gun call when it was broadcasted by dispatch in connection to a traffic stop Ofc. Garcia had made in the area of Van Buren & the 91 freeway. Ofc. Disla drove from somewhere near River Walk & Cochran, to the area and met with other officers who were already on scene near the Chevron located at that intersection.

Ofc. Disla passed by a small, red car in the center divider of Van Buren, as he arrived on scene. He assumed this was the stop Ofc. Garcia had been out on when the man with a gun call was broadcast. Ofc. Disla was part of two teams of officers, led by Sgt. Tipre, who devised a plan to search for the armed suspect at the Chevron station. Ofc. Disla brought his patrol rifle with him for the search.

Sgt. Tipre's team went to the north side of the business while Ofc. Disla, Ofc. Hibbard and Ofc. Cleary went to the front of the business to stand by while Sgt. Tipre's team search the perimeter. Ofc. Disla was looking into the business from his position to the front and kept eyes on the interior bathroom door. While at the front door, Ofc. Disla heard Sgt. Tipre's team broadcast they had the suspect to the rear of the building. Ofc. Hibbard and his K9 went to assist Sgt. Tipre's team. Ofc. Disla and Ofc. Cleary stayed where they were.

Seconds later, Ofc. Disla heard officers yelling that the suspect was running from the back of the building. Ofc. Hibbard and his dog ran back toward the front of the business heading south. Ofc. Disla and Ofc. Cleary also began heading south. Ofc. Disla reached the southeast corner of the business and saw the suspect run into view from the south side of the building heading east. The suspect was a black male. The suspect had a gun in one of his hands and he pointed it in the direction of Ofc. Disla and the other officers. Seeing this, Ofc. Disla raised his rifle and pointed it toward the suspect.

Ofc. Disla then heard a single gunshot that he believed came from the suspect. Hearing this and being afraid the suspect would shoot either him or his fellow officers, Ofc. Disla began firing at the suspect. He estimated he was 10 yards from the suspect while he fired his rifle. The suspect then turned back southwest away from the officers, continuing to run, until he was struck by gunfire and fell into a planter on the business property.

Ofc. Disla did not recall if any of the officers on scene was able to give verbal commands to the suspect prior to the shooting.

Ofc. Disla initially thought he had fired three rounds at the suspect but later saw that there were five rifle casing on the ground where he had been standing. Ofc. Disla felt that he had struck the suspect with the final round her fired, causing the suspect to fall into the planter.

Ofc. Disla met with the other officers in the area and kept watch on the suspect while a marked police car was brought up for cover as they approached the downed suspect. Officers made their approach and Ofc. Hibbard deployed his dog and it bit the suspect. The suspect did not react to the dog bit so officers continued to move up and handcuffed the suspect. A black handgun was located very near to the suspect when they approached.

**Audio/ Video Recordings:**

There were no officer belt or Coban audio recordings for the actual OIS.  
There were three 911 calls to RPD dispatch related to the man with a gun call.  
Real time Channel 1 RPD radio traffic was obtained.

Coban video was obtained from Unit #3131 (Ofc. Southard's unit) related to after the OIS.  
Buffered Coban video was obtained from Unit #3603 but was pertinent to the case.  
Audio/ video from a responding CHP unit was obtained but did not capture the shooting.  
Video was obtained from the Chevron gas station covering various camera views. One camera was pointed toward the shooting scene but was very blurry and hard to see details.

**Duty Weapons Charting:**

Officer Hibbard

Duty Handgun:	Glock 22 Serial # FFY802 .40 Cal
Magazines:	Total of (4) magazines
Inventory:	Magazine in the weapon had (5) rounds in it and (1) round in the chamber. The (3) other magazines were full with (15) rounds each.
Results:	A total of (10) rounds were fired from this weapon
DOJ Function Check:	Works properly

Officer Disla

Duty Rifle:	Smith & Wesson M&P Serial #05402 .556 Cal
Magazines:	A total of (2) magazines
Inventory:	Magazine in the weapon had (21) rounds in it and (1) round in the chamber. Per Ofc. Disla, prior to the shooting, the magazine in the weapon had (27) rounds

in it. The other magazine had (28) rounds in it. Ofc. Disla usually only loads his rifle magazines to (28) total.

Results: (5) rounds were fired from this weapon

DOJ Function Check: Works properly

Duty Handgun: HK USP  
Serial #22-104656  
.40 Cal

Magazines: A total of (3) magazines

Inventory: The magazine in the weapon had (13) rounds and (1) round in the chamber. The other magazines had (13) and (12) rounds each. The (12) round magazine had not been loaded to capacity by Ofc. Disla after his last weapons qualification.

Results: No rounds were fired from this weapon

Back-up Weapon: Smith & Wesson .38 340PD  
Serial #DAV3887  
.38 Cal

Inventory: (5) rounds in the cylinder

Result: No rounds were fired from this weapon

**Suspect Weapon Analysis:**

S/Hope's weapon had six chambers for rounds in the cylinder. There was an expended casing in each of the six cylinders. All six primers on the casings had been struck by a firing pin. During a check on five of the six expended casings, DOJ concluded that five the casings had been struck multiples times by the firing pin in the weapon.