



**VIRGIL ANTHONY MILLON
OFFICER-INVOLVED DEATH
PUBLIC REPORT**

CPRC Case No. 11-020

RPD Case No. P11068393

Approved
December 12, 2012

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Date of Incident: May 10, 2011 1800 Hours
Location: 11532 Trailway Drive, Riverside
Decedent: Virgil Anthony Millon
Involved Officers: Zach Fishell, Police Officer

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 “Mike 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. Because 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 November 14, 2012, by a vote of 7 to 0 (2 absent), the Commission found that the officer’s use of deadly force was consistent with policy (RPD Policy 4.30 – Use of Force Policy), based on the objective facts and circumstances determined through the Commission’s review and investigation.

Rotker	Smith	Johnson	Sawyer	Ortiz	Jackson	Roberts	Santore	Adams
✓	✓	✓	✓	✓	✓	✓	A	A

III. Standard of Proof for Finding:

In coming to a finding, the Commission applies a standard of proof known as the “Preponderance of Evidence.” Preponderance generally means “more likely than not,” or may be considered as just the amount necessary to tip the scale. The Commission need not have certainty in their findings, nor do they need to support their finding “beyond a reasonable doubt.”

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

IV. Incident Summary:

On May 10, 2011, at approximately 1757 hours, patrol officers from the Riverside Police Department were dispatched to a radio call of "unknown trouble" in the 11500 block of Trailway Drive.

Before any officers arrived on the scene, additional information came into the dispatch center that someone was firing a handgun in the area. This information was relayed to the responding officers.

Riverside Police Department Officer Zach Fishell was in uniform and on-duty in a marked police unit when the call was dispatched. At the time of the call, Officer Fishell was seated in a marked police vehicle in a parking lot at La Sierra and Collette. The patrol unit windows were down and Officer Fishell heard what sounded like several gunshots being fired from the direction of the subsequent unknown trouble call. Officer Fishell responded to the location, which is in a gated community. He opened the gate and secured it an open position to allow quick access for other units arriving on-scene. Officer Fishell drove into the neighborhood and parked his patrol car a short distance away from the location of the radio call at the corner of Trailway Drive and Countrydale Drive.

Officer Fishell exited his vehicle and began walking through a grassy area in a westerly direction toward 11532, along the south side of Trailway Drive. As Officer Fishell continued his approach, he saw a man looking down the street while hiding behind the corner of a house. Officer Fishell realized that he couldn't see down the street because trees were in the way. He approached 11514 Trailway and was able to find cover behind a rock or cement structure.

After taking cover, Officer Fishell squatted down and was now able to see an adult male standing in front of 11532. This adult male, who matched the description of the suspect that had been provided by Dispatch, (later identified as Virgil Millon) was standing over a female (later identified as Arabella Bradford) who was laying partially on the sidewalk and partially on the street next to a truck. Officer Fishell watched as the suspect fired two to three rounds from a handgun in a downward trajectory at Ms. Bradford. At this point, Officer Fishell was situated approximately 64 yards away from Mr. Millon. Fearing for the life of Ms. Bradford, Officer Fishell drew his duty weapon and fired one round at the suspect. Officer Fishell did not announce his presence due to the immediate deadly threat to Ms. Bradford, and so as not to alert the suspect as to his location.

Mr. Millon turned toward the sound of the gunshot that was fired by Officer Fishell and briefly took cover behind a parked vehicle while attempting to locate the source of the gunshot. Mr. Millon then crossed the street moving in a northerly direction toward 11531 Trailway Drive. Officer Fishell, fearing the suspect was attempting to flank him, fired his duty weapon a second time. This round appeared to have struck Mr. Millon in the lower body or leg because he (Millon) hopped after the shot was fired. Officer Fishell was approximately 30 yards away from Mr. Millon when he fired the second round.

The suspect continued toward 11531 Trailway in a flanking-type maneuver. Fearing for his safety and that of others in the area, Officer Fishell fired once again, striking Mr. Millon in the head. Mr. Millon fell to the ground and was soon taken into custody by assisting officers. Officer Fishell was approximately 37 yards away from Mr. Millon when he fired the final round. The suspect was transported to the Riverside Community Hospital where he succumbed to his injuries.

Upon further investigation, it was determined that Mr. Millon not only shot and killed Ms. Bradford, but also another male subject, later identified as Malvin Conley. Mr. Conley was found lying in the front yard of 11532 Trailway Drive. Both Ms. Bradford and Mr. Conley succumbed to multiple gunshot wounds.

V. CPRC Follow-Up:

The Commission requested a cover-to-cover review of the Criminal Casebook by CPRC Independent Investigator Mike Bumcrot. 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 that any additional interviews would not change how the death of Mr. Millon occurred.

VI. Evidence:

The relevant evidence in this case evaluation consisted primarily of testimony, including that of three civilian witnesses, the involved officer, and a Deputy Coroner. Other evidence included police reports and photographs, involved weapons, forensic examination results, and a report by the CPRC independent investigator.

VII. Applicable RPD Policy(s):

- Use of Force Policy, Section 4.30.

The United States Supreme Court has ruled on one (1) 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:

Detectives interviewed Officer Fishell and numerous eyewitnesses. The testimony of Officer Fishell is corroborated by eyewitness' testimony, as well as the physical evidence gathered from the scene.

The facts indicate that Officer Fishell arrived on the scene with the knowledge that shots had been fired. Upon his arrival on the scene, Officer Fishell saw an active shooter, Mr. Millon, fire two (2) rounds into the victim, Arabella Bradford, who was already lying on the ground partially on the sidewalk and street in a defenseless position.

Officer Fishell quickly assessed the scene and determined that Mr. Millon was clearly a threat to the victim and anyone else that would have come into contact or crossed paths with Mr. Millon.

Officer Fishell feared for his safety and the life of others and fired upon Mr. Millon to eliminate the threat. Officer Fishell was able to eliminate the threat by firing two rounds, striking Mr. Millon in the leg and head. Mr. Millon subsequently succumbed from a fatal gunshot wound to the head.

Given the life threatening circumstances that Officer Fishell was confronted with and the immediacy of the threat to Ms. Bradford, himself, and other people in the neighborhood, it is clear that Officer Fishell's actions were reasonable and correct when he elected to use deadly force to stop the threat.

The Riverside Policy and Procedure USE OF FORCE POLICY: 4.30 D, April 12, 2011, states:

"It is the policy [sic] of the 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)."

Several factors in determining objective reasonableness are predicated upon the totality of the circumstances of which the officer is aware when using force. Here, Officer Fishell was faced with 1) imminent threat to self or others, 2) uncertain, tense, and rapidly evolving circumstances, and 3) severity of the crime, all of which required Officer Fishell to make split second decisions.

Officer Fishell saw Mr. Millon fire two (2) rounds into the body of Arabella Bradford. Mr. Millon was advancing upon Officer Fishell in a flanking maneuver armed with a loaded weapon. These two actions alone presented that a serious felony crime was in progress, and that an imminent threat to Officer Fishell and anyone else that could have come in contact with Mr. Millon existed. Further, these two events alone unfolding quickly in front of Officer Fishell were rapidly evolving, creating uncertain circumstances that could result in further harm or in the escape of Mr. Millon.

California Penal Code § 835a states:

"Any peace officer who 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 efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance."

Officer Fishell, when faced with the totality of the circumstances, had reasonable cause to believe that Mr. Millon had committed a public offense when he fired two (2) rounds into Arabella Bradford. In addition, Mr. Millon had the present ability to cause harm to another person. As such, Officer Fishell had a duty to eliminate the threat to himself and others, and used reasonable force under the circumstances.

IX. Recommendations:

None.

X. Closing:

Officer Fishell quickly assessed the scene and determined that Mr. Millon was clearly a threat to the victim, Arabella Bradford, and anyone else that would have come into contact or crossed paths with Mr. Millon. Officer Fishell feared for his safety and the life of others and fired upon Mr. Millon to eliminate the threat. Based on testimonial and physical evidence, Officer Fishell acted reasonably under the circumstances in accordance and within the Riverside Policy and Procedure USE OF FORCE POLICY: 4.30 D., April 12, 2011, and California Penal Code §835a.

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

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RPD Policy 4.8 (Rev. 5, 10/8/08): Investigations of Officer Involved Shootings and Incidents Where Death or Serious Likelihood of Death Results	Section D
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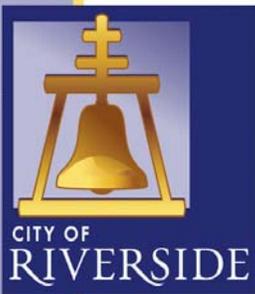
Section A

RPD Press Release

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Press-Enterprise  
Articles





# ***PRESS RELEASE***

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Riverside Police Department • 4102 Orange Street • Riverside, CA 92501  
Phone (951) 826-5900 • Fax (951) 826-2593

## **FOR IMMEDIATE RELEASE**

**Date: Tuesday, May 10, 2011**  
**Contact: Lieutenant Guy Toussaint**  
**Phone: 951-826-5902**

On Tuesday, May 10, 2011, at approximately 558 P.M. the Riverside Police Department's Communications Center received numerous 9-1-1 calls. The callers advised that a Black male adult was shooting at people in the 11500 Block of Trailway Drive.

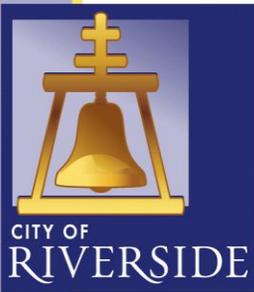
At approximately 6 P.M. the first Riverside Police Officer arrived on scene and confronted the suspect. An officer involved shooting occurred and the suspect was shot. The suspect was transported to a local hospital where he was pronounced deceased.

Upon further investigation at the initial scene, officers located two shooting victims both were deceased at the scene. One was an adult female and the other was an adult male.

The investigation is continuing and anyone with information is asked to call Detective Rick Wheeler @ 951-353-7134 or Detective Rick Cobb @ 951-353-7134, of the Riverside Police Department's Robbery/Homicide Unit.

**P11068393**





# ***PRESS RELEASE***

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Phone (951) 826-5900 • Fax (951) 826-2593

## **FOR IMMEDIATE RELEASE**

**Date:** Wednesday, May 11, 2011  
**Contact:** Lieutenant Guy Toussaint  
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### **Update: Wednesday, May 11, 2011**

The Riverside County Coroner's Office has released the names of the people who were involved in the double homicide – officer involved shooting from Tuesday, May 10, 2011.

The Coroner's Office has identified the victims as Arabella Bradford, 38 years of age, and Malvin Conley, 43 years of age. The suspect has been identified as Virgil Anthony Millon, 46 years of age.

According to the California Department of Corrections and Rehabilitation Office of Public and Employee Communications, Arabella Bradford was a Parole Agent I with the California Department of Corrections and Rehabilitation (CDCR). She began her career with CDCR as a Youth Correctional Counselor on April 1, 1997.

Malvin H. Conley was a CDCR Correctional Officer at California Institution for Men (CIM) in Chino. He began his career with CDCR on July 25, 1993. He worked at California State Prison-Los Angeles County in Lancaster before transferring to CIM on December 6, 2004.

Virgil Anthony Millon, 46, was a lieutenant with CDCR's Division of Juvenile Justice from April 10, 1987 to August 6, 2008. He began his career as a Youth Correctional Officer at the Heman G. Stark Youth Correctional Facility in Chino.



Anyone with information is asked to call Detective Rick Wheeler @ 951-353-7134 or Detective Rick Cobb @ 951-353-7134, of the Riverside Police Department's Robbery/Homicide Unit.

**P11068393**

# Man guns down 2, is killed by police

07:27 AM PDT on Wednesday, May 11, 2011

By STEVEN BARRIE  
The Press-Enterprise

## Two dead, suspect dies in Riverside shootings

Three dead in Riverside shootings

Published: 5/10/2011 10:49 PM

A gunman who fatally shot a man and a woman in a gated Riverwalk neighborhood in western Riverside on Tuesday was shot by a police officer and later died, police said Tuesday evening. The man and woman were shot just before 6 p.m. in the 11500 block of Trailway Drive, said Riverside police Lt. Guy Toussaint.

When an officer arrived two minutes later, "an officer-involved shooting occurred, and the suspect was shot," Toussaint said.

The man was taken to a hospital where he died.

"We don't know what caused the shooting," Toussaint said.

One of the victims was found lying in the street and the other in a yard, he said.

Toussaint said the slayings were "out of place for a neighborhood like this, out of place for the Riverwalk area. These are very nice homes; this is a very nice neighborhood."



Stan Lim/The Press-Enterprise

Investigators stand outside the scene where a man and woman were fatally shot just before 6 p.m. in the 11500 block of Trailway Drive, in Riverside.

People congregated on the corners at Collett Avenue and Creekrun Drive, which leads into the gated Palisades community just east of the La Sierra University campus.

Police were only allowing residents past the gates, keeping everyone else, including the media, outside while investigators worked to collect evidence. Television news helicopters circled overhead.

Toussaint said that while investigators believe the killer and the victims knew each other, they were still trying to determine what their relationship was. It was not clear whether any of the dead were residents of the area.

Police found no evidence that the killer targeted anyone else in the neighborhood or that any other crimes were committed in connection with the shootings, he said.

No further details were available late Tuesday.

"We're going to be here for many hours," Toussaint said.

*Reach Steven Barrie at 951-368-9466 or sbarrie@PE.com*



## **RIVERSIDE: Police still on scene where 3 shot to death**

By  
PE News  
on May 11, 2011 7:53 AM

Riverside police investigators remain at the gated community this morning where three people were shot to death Tuesday evening.

The Riverside County coroner has not announced the names of the dead.

Authorities say a gunman shot to death a man and a woman, and then in turn was killed by police.

Police have not described the reason for the gunman's action or the confrontation with the officer.

A resident, Mark Williams, said this morning that he heard four or five shots

— **BRIAN ROKOS**  
*brokos@PE.com*



## **UPDATE: On-site shooting investigation winding down**

By  
PE News  
on May 11, 2011 8:10 AM

The on-site portion of the investigation into a shooting in which a gunman killed a man and a woman, then in turn was shot by police, is wrapping up, a Riverside police officer said.

Police have strung yellow crime-scene tape on either side of Trailway Drive in the gated Palisades community in western Riverside. An unmarked blue police van is sitting in front of the residence.

The Riverside County coroner has not identified the dead.

— **BRIAN ROKOS**  
*brokos@PE.com*

# Turbulent relationship sparked slayings

10:43 PM PDT on Wednesday, May 11, 2011

By **BRIAN ROKOS**  
The Press-Enterprise

## Two dead, suspect dies in Riverside shootings

Three dead in Riverside shootings

Published: 5/10/2011 10:49 PM

The couple at the center of the Riverside shootings that left three people dead had a romantic relationship marked by violence, lies, jealousy and lawsuits, court documents reveal.

On Tuesday evening, Virgil Millon fatally shot his ex-fiancee, Arabella Bradford, and her close friend, Malvin Conley Jr. Police then killed Millon outside the home he and Bradford owned.

All three had worked for the state Department of Corrections. Millon, 46, was a lieutenant in the juvenile justice division; Bradford, 38, was a parole agent; Conley, 43, of Riverside, was a corrections officer at California Institute for Men in Chino.

Less than 24 hours before her death, court documents show, Bradford -- who wrote that her ex-fiance had been stalking her -- had served Millon with a notice that she planned to seek a permanent restraining order that would prohibit him from contacting her.

Millon and Bradford met about 13 years ago at work, according to court records. They moved in together in 2000 in Orange County. In 2005, they purchased the home on Trailway Drive in the upper middle class Riverwalk neighborhood near La Sierra University.



David Bauman/The Press-Enterprise

A police evidence van exits a southwest Riverside neighborhood early Wednesday where a gunman fatally shot a man and a woman Tuesday night. The gunman was later shot and killed by a Riverside police officer.

They became engaged sometime before 2008, but Bradford had doubts. She said in a deposition for a lawsuit filed against her by Millon that she didn't want to get married. "I have anger-management issues," she said.

## **FIANCE SET UP**

That anger boiled over Feb. 12, 2008.

Bradford, under the influence of alcohol and prescription drugs, assaulted Millon in their home. She pointed her service revolver at him and chased him around the house, and she pointed a second gun at him. But Bradford told arriving police that he had actually attacked her and was possibly armed.

"I wanted him (the police officer) to pull out his weapon and shoot (Millon). Riverside is notorious, known for shooting people without weapons," Bradford testified after Millon was arrested.

Because of Bradford's lie, Millon was charged in February 2008 with inflicting corporal injury on a spouse, assault with a gun, making criminal threats, attempting to dissuade a witness, false imprisonment and possession of an assault weapon.

Millon was fired from his job as a lieutenant with the Department of Corrections that August.

In September 2009, as Millon's trial began, Bradford -- given immunity against prosecution -- quickly admitted that she lied about the attack on her fiance in order to avoid going to jail, save her job as a parole agent with the Department of Corrections and to prod police into shooting Millon.

"Everything I did, I just turned it on him," Bradford testified. "Every gun I pointed to him, I just said he did it."

Millon was acquitted and got his job back. He did serve three days in jail for a weapons violation.

In the deposition, Bradford said they "kind of broke up" because she refused to seek counseling for her anger-management issues. Yet they remained living together.

Bradford was being deposed in a lawsuit Millon filed against her in 2010 after his acquittal. He claimed defamation, intentional infliction of emotional distress, assault and negligence. They were due back in court June 9 in that case.

## **SPLIT COMPLETE**

Millon moved into a neighbor's garage across the street at some point in the past two years. In Bradford's request for a temporary restraining order filed April 29, she said Millon jumped out of the bushes in front of where she lived and threatened a visiting co-worker.

In 2010, he tried to run her and a co-worker off the street as they jogged, and he threatened the co-worker, according to the restraining order request. This year, he stalked her at a party for a

co-worker, Bradford wrote, and would park around the corner and watch visitors come and go from the home.

Riverside Superior Court Judge Irma Poole denied the request until a court hearing could take place, checking a box on a form that said "The facts did not show reasonable proof of a past act or acts of abuse."

On Monday at 7:05 p.m., a process server handed Millon a notice that a hearing on Bradford's request for a permanent restraining order would be held May 19.

On Tuesday about 6 p.m., Millon interrupted a barbecue Bradford was hosting, police said. He grabbed Bradford and pointed a gun at her.

He then exchanged words with Conley, Riverside police Lt. Guy Toussaint said.

Millon fired at Conley, who ran into the front yard. Millon and Bradford wound up in the front yard as well.

"The suspect fired several rounds at the male victim at close range," Toussaint said. "He then turned his rage on the female and shot at her several times at close range" as the woman sought cover under a car. Millon apparently reloaded his gun at some point, Toussaint said.

Police arrived and shot Millon during a confrontation, Toussaint said. He did not have any additional details.

Wednesday morning, Holly Huddleston, who owns five houses in the gated community and who lives in an adjoining neighborhood, said she knew Bradford and Millon, though she did not identify them by name.

She said Bradford had been harassing Millon and that they had been feuding about their house. Huddleston described Millon as "the nicest guy in the world."

"I think she pushed him too far," Huddleston said. "I think he probably snapped."

Staff writers Richard K. DeAtley and Steven Barrie contributed to this report.

*Reach Brian Rokos at 951-368-9660 or brokos@PE.com*

# Section B

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## Fact Sheet



Millon OID Fact Sheet  
CPRC Meeting Date September 26, 2012  
Version 2.0

1. On May 10, 2011, at 1758 hours, RPD Dispatch Operator Tanya Richardson received a call from a citizen who reported gunshots being fired at 11532 Trailway Drive, Riverside. Officer Zacharia Fishell was immediately dispatched at the same time the call was coming in.<sup>1</sup>
2. Officer Fishell was updated via his police radio from RPD dispatch that further information from the calling party was coming in. The calling party, a female, was screaming gun shots! The RPD call taker reported that she heard four gun shots in the background and that she could hear screaming. The calling party also identified the suspect shooting the gun as her sister's ex-boyfriend. Another caller told RPD Dispatch that there were gun shots being fired and that someone was bleeding. This is some of the information that was relayed to Officer Fishell before he arrived at the scene.<sup>2</sup>
3. Officer D. Mercadefe (2<sup>nd</sup> officer on scene) responded to the call. Upon arrival, he heard four gunshots. He located Officer Fishell taking cover. He saw Millon down along with another male and a female. He approached Millon, then the male and female, later determined to be victims #1 and #2.<sup>3</sup>
4. K-9 Officer M. Carroll arrived on scene. For officer safety purposes, he sent the dog up to Millon who was down. Carroll saw a blue steel handgun protruding out from underneath Millon.<sup>4</sup>
5. Witness E. Feimer reported that Long, a passenger in a vehicle, drove into the neighborhood and saw Officer Fishell exit his patrol vehicle and walking with a handgun in his hand. He also saw Millon standing by a white truck. Heard several gunshots and thought someone was shooting at the officer. Ducked down and didn't see anything else at the time.<sup>5</sup>
6. Witness L. White heard gunshots and woman screaming. Heard more gunshots and called 911. Witness White did not see anything. Just heard gunshots.<sup>6</sup>
7. Witness C. Sabbarese heard (9) gunshots coming from the front of his house. Looked out a window and saw a subject (possibly Millon) two houses to the right. Subject was holding a pistol and firing it in the direction of a white pick-up truck parked in front of 11352 Trailway Drive. Sabbarese did not see anyone get shot.<sup>7</sup>
8. Witness Phong heard a woman in the backyard of a house behind where she was. She then heard 6-7 gunshots, a short pause, then heard 6-7 more gunshots. A moment later she heard muffled gunshots that seemed further away.<sup>8</sup>
9. RPD Officer B. Crawford heard over the police radio that an adult female and juvenile were hiding inside the residence in a bathroom and that an ex-boyfriend was shooting at people inside the house. Crawford then heard over the radio there was an officer involved shooting.<sup>9</sup>
10. RPD Officer B. Crawford spoke with a black male in his 40's who did not wish to provide a formal statement but said that Millon had a long history of domestic violence against one of the victims. Millon and she lived together. A year earlier there was a domestic violence incident and Millon was arrested. As a result, Millon lost his job. Said victim and Millon had a volatile relationship and he figured it was only a matter of time when Millon would kill her. Heard 30-35 gunshots but didn't see anything.<sup>10</sup>
11. Witness said he was returning home from work and drove into the neighborhood. Saw a police car parked with door open. He did not see the officer. He drove toward his home and saw his neighbor, Millon, holding a black semi-auto pistol. Millon fired it at something on the ground. Millon then turned and walked east down the sidewalk. Witness turned corner on his street then heard gunshots. Did not see who was shooting at whom.<sup>11</sup>

Millon OID Fact Sheet  
CPRC Meeting Date September 26, 2012  
Version 2.0

12. Witness Morris Green was in his backyard with witnesses Alexander Villegrena and Marvin Del Cid building a gazebo. Heard people in backyard of victim residence next door and it smelled like they were barbecuing. At 1800 hours, he heard male and female screaming. Then heard 30 gunshots that sounded like they were coming from the backyard.<sup>12</sup>
13. Witness A. Villegrena was in the backyard with witness Green. Heard male and female screaming. Then heard at least 30 gunshots. Majority sounded like they were coming from the victim backyard.<sup>13</sup>
14. Witness Marvin Del Cid was working in witness Green's backyard. Heard people screaming and at least 30 gunshots fired. Majority coming from the victim backyard.<sup>14</sup>
15. RPD Officer E. Angulo #1084 arrived at scene and saw a black male lying face down in a driveway. The subject, Millon, was breathing but bleeding from the head and legs. His hands were tucked under his chest and out of view. Took Millon into custody.<sup>15</sup>
16. RPD Officer Brett Stennett #1374 arrived on scene. Approached the suspect with arrest team. Saw Millon with both of his hands underneath his chest. Millon had an injury to his head. Stennett placed handcuffs on Millon. Saw a handgun under Millon's chest and in his left hand. Stennett removed the gun in order to place handcuffs on Millon. The gun was moved away from Millon and placed a few yards away for safety reasons.<sup>16</sup>
17. RPD Officer Jayson Wood was with Victim Conley when paramedics checked his vitals. A portable EKG unit was used. The paramedics pronounced Conley deceased. Wood retained the EKG printout as evidence.<sup>17</sup>
18. RPD Detective C. Collopy arrived on scene and located two witnesses, Clint Garcia and Marvin Wooten, who were inside the victim's residence when the incident occurred. Both witnesses were asked how many suspects were involved. They pointed at Millon and said he was the only one.<sup>18</sup>
19. RPD Detective C. Williams arrived at the hospital where Millon was taken. Williams was provided a California driver's license by EMT's who found it in Millon's pant pocket. IN addition, he was given a box of .357 magnum cartridges. The pants had been cut off of Millon while he was being treated at the scene. Williams was also given Millon's clothing. Williams took these items as evidence.<sup>19</sup>
20. RPD Detective C. Williams spoke with the attending trauma room physician, Dr. Steven Patterson, who said Millon suffered two through and through gunshot wounds to his leg (thigh area) and one through and through to his head. It appeared to Dr. Patterson that the trajectory of the gunshot wounds to Millon entered from his right side.<sup>20</sup>
21. Dr. Steven Patterson pronounced Millon deceased at 1958 hours. This information was provided to Detective Williams. Williams remained with Millon until Riverside Deputy Coroner Amy Brooks arrived and took custody of the body. Millon's hands were bagged for evidence collection of gunshot residue.<sup>21</sup>
22. Interview of eyewitness Brian Nejedly by RPD Detective M. Medici. Full statement is critical reading.<sup>22</sup>
23. Witness Baldwin drove into the neighborhood on Trailway Drive, where he lives. Saw a white police officer standing by a tree, pointing his gun in a west direction at Millon. Millon was standing over Victim Bradford pointing a black semi-auto pistol at her. Millon then fired two shots into Bradford. Millon then crossed the street walking toward his (Millon's) house.

Millon OID Fact Sheet  
CPRC Meeting Date September 26, 2012  
Version 2.0

Baldwin passed Millon and turned the corner when he (Baldwin) heard approximately three more gunshots. He did not see who fired the last three shots.<sup>23</sup>

24. A search of Millon's bedroom resulted in detectives locating an empty hand gun case for a Ruger P95 pistol. In the bathroom, detectives located an empty soft gun case, a box of live .38 rounds, and a clear plastic baggie with loose live .38 rounds.<sup>24</sup>
25. Officers located a revolver in the backyard of 11532 Trailway Drive and a semi-auto pistol in the front yard of 11531 Trailway Drive.<sup>25</sup>
26. Interview of Witness Marvin Wooten by RPD Detective Rowe. Witness Wooten was friends with both victims Bradford and Conley. Wooten was barbecuing in Bradford's backyard with Victim Conley when Millon showed up.<sup>26</sup>
27. Witness M. Ayers, sister of Victim Bradford, was interviewed by RPD Detective R. Cobb. Ayers was in the kitchen with Victim Bradford when Millon entered the house and kitchen. Millon grabbed Bradford by the hair and dragged her into the backyard with a gun to her head. Millon then fired the gun downward at Bradford.<sup>27</sup>
28. Witness Clint Garcia was interviewed by RPD Detective R. Cobb. Garcia arrived at the victim's residence to fix pool equipment on the side of the house. He saw Witness Marvin Wooten barbecuing in the backyard. After approximately two minutes, Garcia heard two women screaming and Wooten ran toward him and told him to run. He and Wooten jumped over a fence. Garcia heard 16-17 gunshots. He and Wooten ran to the street and then to the right where they hid behind a wall.<sup>28</sup>
29. Witness Clint Garcia saw two people in front of the house he had run away from. Millon walked from the house with a handgun in his hand. Millon was calm. Millon then began firing the gun in the opposite direction from where he (Garcia) was hiding. Millon fired several shots and reloaded because there was a gap in between the gunshots. Garcia could not see who Millon was shooting at.<sup>29</sup>
30. Witness Garcia saw the "cop" arrive. The officer walked on the same side of the street as where Garcia was and where the victim's residence was located. Garcia saw the cop point his gun at Millon. He then heard a gunshot come from Millon. The officer then fired two shots. He knew Millon fired first because the sounds of the guns were different.<sup>30</sup>
31. Witness Luigina Barkley was interviewed by RPD Detective Wheeler. Witness Barkley is Victim Bradford's mother. Barkley was in the kitchen with Bradford when Millon entered with a handgun. Barkley saw Millon grab Bradford by the hair and drag her into the backyard. Barkley saw Millon shoot Bradford in the backyard, then drag her through the house, firing his gun as he moved. Barkley did not see what happened in the front yard.<sup>31</sup>
32. Officer Zach Fishell was interviewed by RPD Detective R. Wheeler. Officer Fishell was sitting in his police unit and was parked in a church parking lot at La Sierra and Collette with the windows open. He heard gunshots in the distance while at the same time being dispatched to a "shots fired" call. Fishell proceeded to the gated neighborhood where he was dispatched. He was updated by Dispatch that the suspect was a black male in his 40's with a bald head.<sup>32</sup>
33. Officer Fishell parked his police unit at a fork in the road on Trailway Drive at Countrydale Drive. He began walking west on the south side of the street. He reached the front of a residence where he could squat down behind an approximately 3' high cement rock structure that was a few feet wide. Fishell saw a black male with a bald head approximately 30 yards west of where he was located. The subject had his back to Fishell and was holding a handgun in his hand. The suspect was standing over a female who was slumped over,

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partially in the street and curb. The suspect was looking down at the female. Fishell thought she was dead because he could see blood on her clothing. The suspect held the gun down at his side like in a "low ready" position. The suspect then fired 2-3 shots at the female. Feeling that he had a good back-drop, Fishell aimed his handgun at the suspect and fired a single round to stop the threat. He was not sure if he hit the suspect.<sup>33</sup>

34. Once Officer Fishell fired his gun, the suspect turned toward him and began walking in his direction. After a few steps, the suspect stood between two parked cars and then behind a commercial box truck. Fishell could still see the suspect through the windshield and driver's door window. It appeared the suspect was looking for Fishell. The suspect paused and then began walking across the street. Fearing the suspect was going to flank him, Fishell fired at him a second time. The suspect made a "jumping like" step, but continued walking in a direction to flank him. The suspect did not drop the gun. Fishell fired a third time and this struck the suspect and caused him to fall down. Officer Fishell could see blood coming from his head.<sup>34</sup>
35. After the suspect fell to the ground, assisting Officer Mercadefe arrived. Fishell and Mercadefe then went to secure the suspect. Mercadefe went to the suspect while Officer Fishell went to the two victims in the front yard. Fishell found Victim Bradford unresponsive. He waited with both victims until medical aid arrived.<sup>35</sup>
36. As soon as Officer Fishell saw the suspect, the suspect fired 2-3 rounds at the female on the ground. Fishell did not have the time to announce his presence. Fishell decided to not announce his presence prior to shooting at the suspect because even though he had a position of advantage, he had very limited cover. He did not want the suspect to know where he was in fear the suspect would turn and fire at him.<sup>36</sup>
37. RPD ID Tech Jim Simmons located several projectiles in the kitchen at the victim residence. One projectile was found in the pantry after passing through the pantry door. Another projectile was found in the refrigerator. This projectile passed through the refrigerator door. One projectile was found on a round carpet under the kitchen table.<sup>37</sup>
38. RPD ID Tech Jim Simmons found a projectile under a chair in the dining room. This projectile appear to have struck the drywall of the kitchen, passed through a pillow that was near the dining room table, then struck a chair in north side of the formal dining room, coming to rest under the chair.<sup>38</sup>
39. A piece of copper jacketing from a projectile was located on the carpeted floor of the south west bedroom. This projectile went through two windows located in the south west corner of the southwest bedroom.<sup>39</sup>
40. All bullet strikes were measured and photographed before being retrieved and booked as evidence by RPD ID Tech Jim Simmons.<sup>40</sup>
41. Blood drops were located on the front porch leading from the driveway to the front door. There were other possible blood spots in the driveway and the sidewalk at the edge of the driveway. Another area of blood spots were located in the street below the driver's side fender of a blue Dodge Ram parked against the curb. These areas of blood spots would suggest the injured person was coming out of the front door of the residence, down the driveway between the two parked cars and out in the street.<sup>41</sup>
42. In the street north of the blue Dodge Ram, an empty 9mm magazine was found, along with (4) expended 9mm casings and possible blood. Two more expended 9mm casings were found underneath the blue ram truck.<sup>42</sup>

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43. Four additional empty 9mm casings were located in the street west of the blue Ram truck. Additional blood spots and empty 9mm shell casings were located around and underneath the blue Ram truck.<sup>43</sup>
44. Victim Bradford was deceased on the sidewalk south of and right next to the blue Ram truck. She was lying on her left side with her head to the south and her feet northward. Bradford sustained multiple gunshot wounds and had a laceration on the top of her nose.<sup>44</sup>
45. Victim Conley was deceased next to a tree on the front lawn of 11540 Trailway Drive. Conley was laying on his right side, facing the residence. Conley had two gunshots to the upper left side of his chest. There were two on the upper left side of his back that are consistent with the two on the chest.<sup>45</sup>
46. Blood evidence, guns bullet strikes to a vehicle and the pavement were documented.<sup>46</sup>
47. RPD Detective Rick Cobb attended the autopsy of Millon. The pathologist listed the cause of death to be determined with lab results but stated it is likely as a result of a gunshot wound to the head.<sup>47</sup>
48. Autopsy reports on both Victim Bradford and Conley were conducted. The pathologist determined the cause of death for both victims were due to gunshot wounds.<sup>48</sup>
49. Officer Z. Fishell's duty weapon was charted, photographed and booked as evidence.<sup>49</sup>
50. Officer Fishell's duty weapon was a Glock Model 22 .40 cal semi-auto pistol. There were 11 live rounds found in the gun and loaded magazine. Two additional magazines from Officer Fishell's gun belt were taken as evidence. Each magazine contained 15 live rounds.<sup>50</sup>
51. Officer Fishell's duty weapon was examined by the State Department of Justice. The DOJ report reflected that the duty weapon functioned properly.<sup>51</sup>
52. The State Department of Justice examined Millon's handgun. It was found to be functioning properly.<sup>52</sup>

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<sup>1</sup> RPD Radio Call log, p.1, tab 2.

<sup>2</sup> RPD Radio Call log), p. 1, tab 2.

<sup>3</sup> Supplemental Report, p.2, para 3&4, tab 8.

<sup>4</sup> Supplemental Report, p.2, para 2 & 3, tab 9.

<sup>5</sup> Supplemental Report p. 1 para 2, tab 10.

<sup>6</sup> Supplemental Report, p. 1, para 3, tab 10.

<sup>7</sup> Supplemental Report, p. 1 & 2, tab 13.

<sup>8</sup> Supplemental Report, p. 2, tab 13.

<sup>9</sup> Supplemental Report, p. 2 para 2, tab 16.

<sup>10</sup> Supplemental Report, p. 2, para 5, tab 16.

<sup>11</sup> Supplemental Report, p. 3, para 3, tab 17.

<sup>12</sup> Supplemental Report, p. 3, para 3, tab 19.

<sup>13</sup> Supplemental Report, p. 3, para 4, tab 19.

<sup>14</sup> Supplemental Report, p. 3, para 5, tab 19.

<sup>15</sup> Supplemental Report, p. 1, para 1, tab 20.

<sup>16</sup> Supplemental Report, p. 2, para 3, tab 23

<sup>17</sup> Supplemental Report, p. 2, para 5, tab 28.

<sup>18</sup> Supplemental Report, p. 2, para 3, tab 29.

<sup>19</sup> Supplemental Report, p. 2, para 2, tab 30.

<sup>20</sup> Supplemental Report, p. 2, para 4, tab 30.

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- <sup>21</sup> Supplemental Report, p. 2, para 4 & 5, tab 30.
- <sup>22</sup> Supplemental Report, p. 2-3, tab 33.
- <sup>23</sup> Supplemental Report, p. 3, para 3, tab 34.
- <sup>24</sup> Supplemental Report, p. 4, para 5, tab 34.
- <sup>25</sup> Supplemental Report, p. 3, para 1, tab 35.
- <sup>26</sup> Supplemental Report, p. 3, para 1-4 and p. 4, para 1-3, tab 36.
- <sup>27</sup> Supplemental Report, p. 2, para 6 & 7, tab 37.
- <sup>28</sup> Supplemental Report, p. 2, para 3, tab 38.
- <sup>29</sup> Supplemental Report, p. 2, para 4, tab 38.
- <sup>30</sup> Supplemental Report, p. 2, para 5, tab 38.
- <sup>31</sup> Supplemental Report, p. 3, para 2, tab 39.
- <sup>32</sup> Supplemental Report, p. 2, para 3, tab 40.
- <sup>33</sup> Supplemental Report, p. 2, para 4-5, tab 40.
- <sup>34</sup> Supplemental Report, p. 3, para 1, tab 40.
- <sup>35</sup> Supplemental Report, p. 3, para 1, tab 40.
- <sup>36</sup> Supplemental Report, p. 3, para 3, tab 40.
- <sup>37</sup> Supplemental Report, p. 5, para 1, tab 41.
- <sup>38</sup> Supplemental Report, p. 5, para 2, tab 41.
- <sup>39</sup> Supplemental Report, p. 5, para 3, tab 41.
- <sup>40</sup> Supplemental Report, p. 5, para 4, tab 41.
- <sup>41</sup> Supplemental Report, p. 4, para 1, tab 42.
- <sup>42</sup> Supplemental Report, p. 4, para 2, tab 42.
- <sup>43</sup> Supplemental Report, p. 4, para 4-5, tab 42.
- <sup>44</sup> Supplemental Report, p. 4-5, para 6 and top of p. 5, tab 42.
- <sup>45</sup> Supplemental Report, p. 5, para 1, tab 42.
- <sup>46</sup> Supplemental Report, p. 1-3, all narratives, tab 43.
- <sup>47</sup> Supplemental Report, p. 2-3, all narratives, tab 44.
- <sup>48</sup> Supplemental Report, all narratives, tab 45 & 46.
- <sup>49</sup> Supplemental Report, p.2, para 2, tab 52.
- <sup>50</sup> Supplemental Report, p. 5 and p. 10, tab 52.
- <sup>51</sup> Supplemental Report, p. 1-2, tab 54.
- <sup>52</sup> Supplemental Report, p. 1-2, tab 55.

# Section C

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Mike Bumcrot Consulting  
Report of  
Investigation



# MIKE BUMCROT CONSULTING

## REPORT OF INVESTIGATION

**DATE:** June 21, 2012

**SUBJECT:** Officer Involved Shooting Death of Virgil Millon, which occurred on May 10, 2011

**CASE:** Riverside Police Department File #P11068393

**LOCATION:** 11532 Trailway Dr., Riverside

On June 15, 2012, Frank Hauptmann, Manager of the Community Police Review Commission, asked me to review the circumstances surrounding the officer involved shooting death of Virgil Millon, which occurred on May 10, 2011. I was provided with hundreds of pages of police reports, crime scene photographs and other documents contained in the presentation by the Riverside Police Department to the Community Police Review Commission. 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.

It should be noted that on July 2, 2011, I responded to the location to conduct a neighborhood canvas and I also researched legal issues.

### **CASE SYNOPSIS**

On May 10, 2011, at 5:57 PM, Riverside Police Officer Zach Fishell was parked in a church parking lot on La Sierra Ave., conducting police business. He heard several gunshots in the vicinity and immediately received a radio call of unknown trouble on Trailway Dr. The call was then upgraded to "shots fired". Officer Fishell responded to the location, inside a gated community, and parked at the corner of Trailway Dr. and Countrydale Dr. Officer Fishell began to walk westbound on the south sidewalk. As he



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reached 11514 Trailway Dr., he observed Virgil Millon, armed with a handgun, standing over victim Bradford, who was lying on the ground in front of her residence at 11532 Trailway Dr. Virgil Millon suddenly fired two rounds into her lifeless body. Officer Fishell drew his duty weapon and fired one shot at Millon from 64 yards.

Mr. Millon turned towards the officer and moved behind a car, parked at the curb. While using parked cars as cover, Millon began a flanking maneuver towards Officer Fishell. When Millon had closed the distance to 30 yards, Officer Fishell fired one round, striking Millon in the upper leg. Mr. Millon continued to aggress Officer Fishell, who again fired one round, striking Millon in the head, knocking him to the ground. It should be noted that Officer Fishell had no time to announce his presence before Millon shot victim Bradford. After that, he chose not to announce himself for safety reasons.

When assistance arrived, it was discovered that Mr. Millon was alive and was transported to the hospital where he died from his head wound. Victims Arabella Bradford and Malvin Conley were found lying on the front yard, dead from multiple gun shot wounds.

## **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



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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.

## **INVESTIGATION AND REVIEW**

The investigation into the Officer Involved Death of Mr. Millon 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.

## **CONCLUSION**

Detectives learned that Mr. Millon and victim Bradford had been in a relationship and Millon had moved out of the location, moving in with friends across the street. The day before the incident, victim Bradford had caused a restraining order to be served on Millon.

The day of the incident, several people were attending a barbeque at the location. Marvin Wooton said he was standing at the barbeque, in the backyard, cooking. He



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was also talking to victim Conley who suddenly said “What the fuck”. Mr. Wooten looked up and saw Mr. Millon dragging victim Bradford out of the kitchen by her hair, and he had a handgun in his other hand. Millon was saying “I’m tired of this shit, bitch. This has got to end.”

Mr. Millon began firing at both victims and Mr. Wooten grabbed a pool repairman and they ran down the side of the house and hid several residences away. He heard shooting continue inside of the house and out into the front yard. He saw both victims on the ground suffering from gunshot wounds. He saw Millon reload his handgun and continue shooting both victims. He saw police arrive but did not see Millon shot by officers.

Marilisa Ayers, sister of victim Bradford said she was cooking in the kitchen when she saw Mr. Millon walk in the back door. He immediately grabbed victim Bradford by the hair and dragged her into the backyard. He had a handgun in his other hand and started shooting down at her. Ms. Ayers ran into a bedroom and grabbed her son and they both hid in the bathroom. She thought she heard 25 - 30 gunshots in the backyard, through the house and the front yard.

Luigina Barkley, mother of victim Bradford said she was cooking in the kitchen when she saw Mr. Millon appear at the back door. Ms. Bradford asked what he was doing at her house. Mr. Millon grabbed her by the hair and pulled her outside. He had a handgun in his other hand and he shot into the air once and then began to shoot at victim Bradford as he continued to hold her by the hair. He emptied his handgun and he dropped it in the back yard, producing another handgun from his clothing. Mr. Millon then dragged Ms. Bradford back into the house and out into the front yard. Ms. Barkley did not go into the front yard.

Brian Nedely, a local realtor, was working several houses away when he saw two black males in the front yard, and one shot the other. A female ran out of the house and the male began shooting at her from five feet. She began to stagger around a truck parked



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in the street. The female crawled under the truck and the male leaned down and continued shooting at her. The witness shouted at Mr. Millon “Give up, the police are on their way”. Mr. Millon shouted back that he was “defending himself” and then shot the female twice at point blank range” Witness Nedely saw a police car arrive and saw Mr. Millon point his weapon in that direction. He heard more gunshots and Mr. Millon went down.

Physical evidence at the scene revealed an empty revolver in the back yard and an empty pistol magazine in the front yard, corroborating the observations of witnesses Wooten and Barkley. Two separate blood trails led from the back yard, through the house, to the bodies of both victims, suggesting that both victims were shot at the beginning of the incident.

Over the years, the courts have been clear on the use of deadly force by police officers. In *People v. Williams*, *People v. Glover*, and *People v. Ortiz*, the court ruled the use of deadly force is permitted in self defense or in defense of others if it reasonably appears to the person claiming that right actually and reasonably believed that he or others were in imminent danger.

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

In *Munoz v. Union City*, the court ruled that the test of whether the actions were objectionably reasonable is “highly deferential to the police officers need to protect himself and others.”

The California Criminal Jury Instructions state that the use of deadly force in self defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed (1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury, (2) that the immediate use of force was necessary to defend against that danger, and (3) that he used no more force than was reasonably necessary to defend against that danger.



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Officer Fishell was dispatched to a dangerous, stressful call. Upon arrival he found a police officer's nightmare; an active shooter with multiple victims. His main concern was the safety of the neighborhood. I conclude that he acted lawfully in defense of himself and others and was nothing less than heroic.

After reviewing the indicated material, it is my opinion that the investigation into the officer involved shooting death of Mr. Millon was completed in a fair and impartial manner and exceeded POST Standards of Practice.



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# Section D

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RPD Policy 4.8  
(Rev. 5, 10/8/08)

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



Effective Date: 10/84  
Revision 1 Date: 10/6/97  
Revision 2 Date: 1/30/2002  
Revision 3 Date: 4/5/2002  
Revision 4 Date: 5/9/2005  
**Revision 5 Date: 10/20/2008**  
Approval:  
  
Russ Leach  
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 General Investigations Sergeant. The on-call General Investigations Sergeant shall notify the General Investigations Lieutenant (or Captain in his/her absence). The General Investigations Lieutenant will determine if a response by the Officer Involved Shooting Team (OIS Team) is necessary. If so, the General Investigations Lieutenant will notify the Crimes Against Persons 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 General

Investigations Sergeant and other personnel as designated in this policy. The on-call General 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 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 General 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 General 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 and its Representative(s) permitted access to the involved officers at the scene and at the General 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 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. Provide a blood or urine sample as appropriate pursuant to this 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. 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.
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 General Investigations on-call Sergeant.
2. Notify the employee's Division Commander.
3. Notify the Deputy Chief of Police.

4. Notify on-call Peer Support personnel and RPOA representative, and coordinate the response of the Psychological Services provider with the General 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. **General investigations Lieutenant Shall:**

1. Notify and assign Crimes Against Persons 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 review or 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, unless the OIS Team supervisor determines that ordering the employee to answer questions or write/dictate a report is necessary to complete the investigation. Otherwise, the investigation will continue without the employee's statements.
  - 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 member of the Officer Involved Shooting Team shall order, or in any way compel an involved employee to make a statement, unless approved by the OIS Team supervisor.

- g.** The involved employee(s) will be requested by the Investigation Team to voluntarily provide up to two (2) samples of his/her blood or urine when such sample request is permitted under department policy or law. If the request is refused, and no probable cause exists to seize the samples for criminal evidence, and when sample collection is permissible under department policy or law, the involved employee(s) will be administratively ordered to provide a sample by the representative from the Office of Internal Affairs. If so ordered, the employee shall provide a sample in conformance with the Alcohol and Drug Testing Policy and Procedures. The sample may then only be utilized in an administrative action. An employee who refuses to provide a sample when lawfully ordered or otherwise refuses to comply with the Alcohol and Drug Testing Policy and Procedures may be disciplined for misconduct or unsatisfactory job performance, up to and including termination.
- 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 General Investigations Lieutenant for review.
- o.** Attend the District Attorney's Office staffing of the investigation with the OIS Sergeant and General Investigations Lieutenant. Staffing to be arranged by the Lieutenant.

p. The 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 General 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 General Investigations Lieutenant.

2. The OIS Sergeant and team members, including their supervisors, shall never 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.

- 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.

# Section E

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RPD Policy 4.30  
(Rev. 9, 4/5/11)

Use of Force Policy



Effective Date: 8/93  
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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.