



**ALFRED DELATORRE ROMO
OFFICER-INVOLVED DEATH
PUBLIC REPORT**

CPRC Case No. 11-038

RPD Case No. P11169201

Approved on
June 12, 2013

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Date and Time of Incident: November 16, 2012 0717 Hours

Location: 10406 Indiana Street, #Q242 (Tyler Springs Apartments)

Decedent: Alfred Romo

Involved Officer(s): Sergeant Wayne Ramaekers
Detective Laura Ellefson
Detective Phil Fernandez

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 May 22, 2013, by a vote of 6 to 0 (1 absent, 2 abstentions), the Commission found that the officer’s use of deadly force was consistent with 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	Ybarra	Taylor	Ortiz	Jackson	Roberts	Maciel	Adams
✓	✓	Abstain	Abstain	✓	✓	Absent	✓	✓

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 November 16, 2011, at approximately 0707 hours, Sergeant Wayne Ramaekers, Detective Laura Ellefson, Detective Phil Fernandez, Detective Rita Cobb, and Detective Jeff Jones were working plainclothes duty assigned to the Sexual Assault-Child Abuse Unit (SACA). All above personnel were taking part in the service of a search warrant at 10406 Indiana Avenue, Apartment #Q242 (Tyler Springs Apartments), in regard to a child sex abuse investigation. All personnel were wearing police raid vests with a cloth RPD badge and "POLICE" displayed on the front and back of their vests to identify them as police officers. The subject of the investigation was decedent Alfred Romo.

The team of detectives approached the front door of 10406 Indiana Avenue, #Q242, to serve the valid search warrant. Each member of the team had a specific assignment in serving the warrant. Detective Ellefson was assigned as the "knock and notice" officer. Detective Phil Fernandez was to handle the "door breach" (forced entry) in case Romo or anyone else inside did not answer the door. Sgt. Ramaekers was assigned radio duties. Detective Rita Cobb was the arrest team officer and Detective Jones was assigned to a perimeter position towards the rear portion of the apartment.

Detective Ellefson knocked on the door and advised the person(s) on the inside that police were outside the apartment and had a search warrant. Sgt. Ramaekers saw what appeared to be the silhouette of a person inside the apartment and walking toward the front door. The figure then appeared to walk back away from the door and the interior lights went off. No one from inside acknowledged their presence. Detective Ellefson knocked louder on the door and pushed the doorbell button while at the same time announcing RPD presence. There was still no response. Detective Fernandez then used a "metal bang" (breach tool) and struck the apartment door in an attempt to make entry.

It took Detective Fernandez three strikes to the door before it opened, allowing him and Ellefson to get inside. Ellefson and Fernandez found that a sofa had been placed in front of the door, blocking it. Ellefson and Fernandez both pushed on the door, forcing the sofa inward with enough room for them to make entry. Ellefson stepped inside to her left and turned on light. Fernandez remained standing in the threshold of the doorway. Both detectives shouted into the apartment from their position, demanding that whoever was inside show themselves with hands raised up. At this point, Ellefson, Fernandez, and Cobb saw Romo suddenly emerge into a hallway from a back room, carrying a long barrel shotgun. Ellefson immediately ducked down behind the sofa and Fernandez went down into a kneeling position in the threshold.

Alfred Romo continued walking toward the officers with the shotgun pointed in their direction. Detective Fernandez fired his duty weapon at Romo who fired his shotgun at the

door where he and Ellefson were located. Fernandez estimated that Romo was approximately 10' away from them when the gunfire started. Detective Ellefson fired her duty weapon at Romo from her position behind the sofa. When Ellefson fired her duty weapon, she would raise up, then duck down behind the sofa to take cover. During the exchange of gunfire, Fernandez saw Romo continue walking toward the kitchen area in a flanking-type of maneuver and fired through the door in the direction he saw Romo going. Romo fell to the floor and Ellefson and Fernandez backed out of the apartment to take cover.

The RPD SWAT team arrived at the location to assist in another entry in order to check the status of Romo, who was still lying on the floor. It was determined through a robotic device that Romo was not moving. Entry was made and Romo was found deceased.

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. Romo occurred.

VI. Evidence:

The relevant evidence in this case evaluation consisted primarily of testimony, including that of several police detectives and officer witnesses, the involved officers, 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:

On November 16, 2011, Sergeant Ramaekers, Detectives Laura Ellefson, Phil Fernandez, Rita Cobb, and Jeff Jones were working as plainclothes detectives assigned to the Riverside Police Department Sexual Assault/Child Abuse Unit. The officers went to the Tyler Springs Apartments to serve a search warrant regarding a child sexual abuse case concerning Alfred Romo at Apartment #Q242. The officers were wearing police vests with cloth badges affixed and the word "POLICE" on the front and back of the vests to identify them as police officers. The officers positioned themselves near the front door, with Detective Jeff Jones taking up a position to the rear of the apartment to monitor the door to prevent any attempt to escape.

Detective Ellefson knocked on the door and announced the presence of the Riverside Police Department and that they were there with a search warrant. Sgt. Ramaekers was in a position where he could see the silhouette of a person through a window that was inside the apartment. The figure walked toward the front door and then backed away. The interior lights were then turned off. Detective Ellefson then knocked on the door harder and rang the doorbell, once again announcing police presence. There was still no answer. Detective Fernandez then forced the door open with a door breach device. Detectives Ellefson and Fernandez then pushed the door open, but noticed it was blocked by a sofa. Both detectives then pushed the door inward, causing the sofa to move away from the door, allowing them to enter. Detective Ellefson stepped into the apartment to her left and turned the lights on. She remained stationary behind the sofa. Detective Fernandez stood in the threshold of the doorway. Detective Ellefson announced their presence once again and ordered whoever was inside to make themselves visible with hands up in the air.

Mr. Romo suddenly emerged in a hallway from another room, holding a long barrel shotgun in a "ready" position, pointed in the direction of the officers at the door. Mr. Romo walked toward the officers with the shotgun still pointed at them. Detective Ellefson ordered Romo to drop the weapon. Romo replied, "No," and continued to advance toward the officers. As Romo came within approximately 10' of the officers, Detective Fernandez fired his duty weapon at him in an attempt to stop the advancing threat. Romo returned fire at the officers with the shotgun. Detectives Ellefson and Fernandez, and Sgt. Ramaekers returned fire in further attempts to stop the threat since Romo was still moving in a possible direction to flank the officers. Romo ultimately fell to the ground and the officers retreated from the apartment and took up positions on the outer perimeter in order to prevent any escape or additional gunfire.

There was initial communication between the detectives and Mr. Romo after he fell to the ground, but it soon ended since Romo no longer responded. Uncertain as to where Romo was inside the apartment and if he still posed a threat, the METRO SWAT team was called in for a tactical entry. Prior to entry, a robotic device with a camera was moved into the apartment in order to determine Romo's status. In doing so, it appeared that Romo was not moving and possibly deceased.

The Commission reviewed all police reports, photographs, coroner's investigative report, and a report submitted by the CPRC independent investigator. Based on the analysis of the case, the Commission found that the officers' use of deadly force was within Departmental policy and procedures.

The Riverside Policy and Procedure USE OF FORCE POLICY: 4.30 D, November 16, 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 that officers consider when using force. Here, Sgt. Ramaekers, Detectives Ellefson and Fernandez were faced with the imminent threat to self or others in an uncertain, tense, and rapidly evolving circumstance, requiring them to make split second decisions. Detectives Ellefson and Fernandez were positioned just inside the front door of Mr. Romo's apartment when he suddenly emerged from a backroom, walking toward the officers with a shotgun pointed in their direction.

Mr. Romo was ordered to stop and drop the shotgun several times. He replied, "No," and continued to advance on the officers, posing an immediate threat to the lives and safety of both Ellefson and Fernandez, along with the remaining officers outside the apartment.

Detective Fernandez fired his duty weapon at Mr. Romo in order to stop the threat of his advance and use of the shotgun. Mr. Romo then fired two rounds from the shotgun in the direction of the two officers, missing them. Detectives Ellefson and Fernandez fired their duty weapons at Mr. Romo in an attempt to stop the threat of harm. Sgt. Ramaekers was in a position to see the threat to the two detectives and also fired his duty weapon at Mr. Romo. Sgt. Ramaekers was standing in the doorway, partially concealed by the wall. Mr. Romo's behavior and conduct was that of a man who intended to kill or be killed, as demonstrated by him pointing the weapon at officers, refusing to put it down, and then firing upon them.

It did not appear that the officers had any other choice or option but to fire their duty weapons at Mr. Romo to stop the threat and acted as any reasonable peace officer would have, given the same set of circumstances.

A search of Mr. Romo's residence revealed a few notes, handwritten by him, that demonstrated his intent to resist efforts to arrest him or search his home. These notes were seized pursuant to the search warrant under the child sexual abuse case. The notes reflected that if the police tried to arrest him, he would not be taken alive. The notes also reflected that he would shoot the police or himself. He made reference to the shotgun and that it was loaded.

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."

When confronted with the totality of the circumstances, Detective Ellefson, Detective Fernandez, and Sgt. Ramaekers had reasonable cause to believe that Mr. Romo committed a public offense and offered resistance to the officers who were at the location serving a valid search warrant. Mr. Romo armed himself with a loaded shotgun and advanced on the officers who ordered him to drop the weapon and raise his hands. Mr. Romo refused by saying, "No," and continued to advance on the officers with the shotgun pointed at them. Given the immediate threat of death or great bodily injury, the officers reacted with reasonable force under the circumstances to overcome resistance.

IX. Recommendations:

None at this time but further consideration will be given during the Administrative Review.

X. Closing:

Detective Ellefson and Detective Fernandez entered Mr. Romo's apartment to serve a valid search warrant regarding a child sexual abuse case involving Romo.

The detectives forced entry into the apartment since Romo refused to answer the door after several verbal notifications and requests. Upon entry, the detectives did not immediately see anyone and once again gave verbal notifications and asked whoever was inside to reveal themselves with hands up. Mr. Romo suddenly emerged in a hallway from a backroom, carrying a long rifle shotgun and advancing on the detectives with the shotgun pointed in their direction. Romo was ordered to drop the shotgun and he replied, "No," and continued to advance. Fearing for their safety and the safety of others, the detectives fired their duty weapons at Romo in an attempt to stop the threat. Romo

returned fire at the detectives with the shotgun. Sgt. Ramaekers saw the threat of death or serious bodily injury by Romo's actions, and also fired his duty weapon at him.

Detectives Ellefson and Fernandez, and Sgt. Ramaekers had no other choice or alternative but to use deadly force to stop Mr. Romo. Based on testimonial and physical evidence, Detectives Ellefson and Fernandez, and Sgt. Ramaekers acted reasonably under the circumstances in accordance and within Riverside Policy and Procedure §4.30 D, Use of Force and California Penal Code §835a.

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

APPENDIX

RPD Press Release / Press-Enterprise Articles	Section A
Fact Sheet	Section B
Mike Bumcrot Consulting Report of Investigation	Section C
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
RPD Policy 4.30, (Rev. 9, 4/5/11): Use of Force Policy	Section E

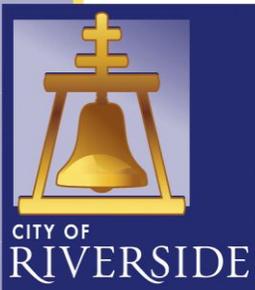
Section A

RPD Press Release

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Press-Enterprise Articles





# ***PRESS RELEASE***

Riverside Police Department • 4102 Orange Street • Riverside, CA 92501

## **FOR IMMEDIATE RELEASE**

**Date: Wednesday, November 16, 2011**  
**Contact: Sergeant Dan Russell**  
**Phone: (951) 353-7106**

### **Officer Involved Shooting**

Riverside, CA -- On Wednesday, November 16, 2011, at approximately 7:15 AM, detectives from the Sexual Assault - Child Abuse (SACA) Unit were serving a search warrant at an apartment in the 10400 block of Indiana Avenue in the City of Riverside.

As the detectives were making entry into the location they encountered a male subject armed with a shotgun. The subject fired at the detectives, who in turn returned fire. During the gun battle, detectives were able to exit the apartment and additional officers were summoned to assist. The Riverside Police Department Metro Team (SWAT) and police negotiators responded to the scene to assist with the now barricaded suspect. During the next two hours officers tried to get the suspect to exit his apartment. The SWAT team eventually entered the apartment and discovered a male subject, inside, deceased.

Detectives from the Robbery/Homicide Unit and technicians from the Forensic Unit of the Centralized Investigations Bureau responded and are currently investigating this incident.

The name of the deceased will be released by the Coroner's Office pending notification to next of kin. Anyone with additional information about this incident is asked to contact Detective Ron Sanfilippo at (951) 353-7105 or Detective Mike Medici at (951) 353-7104.

##P11-169-228##





## RIVERSIDE: Man dead after arrest attempt prompts gunfire

BY RICHARD BROOKS

STAFF WRITER

[rbrooks@pe.com](mailto:rbrooks@pe.com)

Published: 16 November 2011 07:54  
AM

A man is dead at a Riverside apartment complex where officers tried to make a child molestation arrest this morning but ended up having to open fire on a gunman, police say.



DARRELL SANTOSCHI / STAFF PHOTO  
Police block the street in the 10400 block of Indiana Avenue in Riverside Wednesday after reports of shots fired at an apartment complex.

“It appears he sustained gunshot wounds,” Lt. Guy Toussaint said soon after SWAT officers found the body at the Tyler Springs Apartments along the 10400 block of Indiana Avenue.

The gunfire erupted about 7:30 a.m. when detectives from the Sexual Assault and Child Abuse Unit tried to serve an arrest warrant on a man wanted for several counts of child molestation, Toussaint said.

A man believed to be the suspect – whose name has not been released -- pulled a gun, prompting the officers to open fire, said Toussaint.

One of the officers immediately radioed an emergency request for backup. A SWAT team soon surrounded the suspect’s home, believing he was barricaded inside. But it wasn’t immediately clear whether the man had been hit by the police gunfire, Toussaint said.

One detective suffered an apparently minor leg injury during the initial confrontation.

“He basically rolled his ankle ... getting out of the line of fire,” said Toussaint.

At the height of the standoff, a police helicopter circled overhead, officers maintained a cordon around the complex, and at least three ambulances and several fire trucks were parked nearby.

Shortly before 10 a.m., SWAT officers found the body – and a shotgun.

Police have not conclusively determined that the dead man is the child molestation suspect. But they believe that's the case.

“All indications make it apparent this is the ... same man,” Toussaint said.

Staff writer Darrell Santschi contributed to this report

# Section B

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## Fact Sheet



**ROMO OID Fact Sheet**  
CPRC Meeting Date of January 23, 2013  
Version 1

**Date Occurred:** November 16, 2011  
**Time of Occurrence:** 0717 Hours  
**Decedent:** Alfred Delatorre Romo  
**Location:** Tyler Springs Apartments, 10406 Indiana Ave., Apt. #Q242, Riverside

**Officer(s) Involved:** Detective Laura Ellefson #1080  
Detective Phil Fernandez #618  
Sergeant Wayne Ramaekers #301

**Witness Officer(s):** Detective Rita Cobb #484  
Detective Jeff Jones #1340

The fact sheet is numbered and designed to point you to important factual information located in the criminal case book that will help guide you in your review process. It is not designed to take the place of a cover to cover review. It is up to you to review the "fact sheet" data before or after a cover to cover review. The endnotes will direct you to a specific "Tab," page, paragraph and/or "line number" on reports that have each line of the narrative numbered.

1. Sgt. Ramaekers, Detectives Phil Fernandez, Laura Ellefson, Rita Cobb, and Jeff Jones were working as plainclothes detectives assigned to the RPD Sexual Assault/Child Abuse Unit.<sup>1</sup>
2. Sergeant Ramaekers, Detectives Phil Fernandez, Laura Ellefson, Rita Cobb, and Jeff Jones were at the Tyler Springs Apartments, 10406 Indiana Ave., #Q242, to serve a search warrant regarding a 288PC investigation (Child Sex Abuse). All five personnel were wearing police radio vests with RPD badges and the word "police" on the front and back of the vests to identify them as police officers.<sup>2</sup>
3. Detective S. Christianson canvassed several apartments. Witness Tim McClenaghan was in his apartment and heard five gunshots, one gunshot, then 3-5 rapid gunshots and then one more. He did not see anything.<sup>3</sup>
4. Detective S. Christianson canvassed several apartments. Witness Cornelia Clomera was in her apartment when she heard 9-12 "bangs" she felt were gunshots. She did not see anything.<sup>4</sup>
5. Detective S. Christianson canvassed several apartments. Eight apartments were checked for witnesses. Only two, McClenaghan and Clomera, heard shots. The others did not see or hear anything.<sup>5</sup>
6. Detective Dodson canvassed apartments and evacuated tenants. Six tenants were contacted. Three heard what sounded like gunshots. Karen Simpson heard 15-20 "pops." Alta Langsdorf heard 3-4 "pops." Margie Swan heard 5-6 loud "pops." The other three tenants neither heard nor saw anything.<sup>6</sup>
7. Detective Ryder canvassed apartments. Located one witness that heard what sounded like gunshots. Witness Gloria Engebretson stepped out of her apartment at approximately 7 AM and saw three police officers wearing vests standing in front of the

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Romo apartment. The front door of Romo's apartment was open. She went back inside. She heard at least 15 gunshots that sounded like "pops."<sup>7</sup>

8. Detective Crutchfield canvassed apartments and located two tenants that were home, but neither saw nor heard anything.<sup>8</sup>
9. Detective Arnold canvassed apartments. Checked eight apartments and located only three tenants that heard anything. Ida Watkins heard 6-10 noises that sounded like someone banging the trash dumpster doors. Saw nothing. Doris Ruby heard several popping sounds. Saw nothing. Barbara Williams hear five gunshots, a pause, then one shot, a pause, then one more shot.<sup>9</sup>
10. Detective Dehdashtian canvassed apartments. Checked several apartments but only located two tenants that lived in the same apartment together. Witnesses Alonzo and Graciela Barraza did not see or hear anything.<sup>10</sup>
11. Detective Nelson canvassed apartments. Checked four apartments and located only one tenant that heard something. Edmundo Rebagay was in his apartment when he heard five gunshots. He looked out a window and saw several police officers running toward apartment building Q. He did not see anything.<sup>11</sup>
12. Detective Soria canvassed apartments. Checked four apartments and located only two tenants that heard something. Witness Gloria Stuart did not see or hear anything, but received a phone call from family member who told her someone was running around the complex with a gun. Witness Curtis Green heard "a bunch of fireworks" and afterward saw police officers running through the complex.<sup>12</sup>
13. Detective Wheeler canvassed apartments. Contacted two tenants that heard something. Witness Wortness Atkins heard 5-6 bangs, then saw officers arrive at the downstairs apartment. Witness Joyce Atkins was asleep and awakened by banging noises. She got up and heard 15 gunshots coming from the downstairs apartment. She went out to her balcony and saw several people in civilian clothes by the downstairs apartment. She then went back inside.<sup>13</sup>
14. Detective James Dana of the Technical Support Unit arrived on scene to deploy and operate a Remote Operational Vehicle (ROV) inside Romo's apartment. In doing so, evidence was observed on the floor as well as Mr. Romo's body.<sup>14</sup>
15. Detective Aaron Brandt of the Technical Support Unit arrived on the scene to assist in the deployment and operation of an ROV. Noted that the time and date stamp on the DVR that records this information was not properly timed. He did not reset the time and date stamp in order to maintain accurate elapsed time on the video.<sup>15</sup>
16. Detective Hopewell interviewed M. Romo, the wife of decedent. Det. Hopewell requested permission of M. Romo to search the apartment and her vehicle. Although there was a search warrant for the apartment concerning the alleged molest, another search warrant or permission to search was necessary in regarding to the shooting incident. M. Romo signed a permission to search document.<sup>16</sup> M. Romo informed Det. Hopewell that she and decedent owned a .25 cal semi-auto pistol and shotgun that were inside the apartment. She did not know whether or not they were loaded.<sup>17</sup>

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17. Detective Medici's interview of Detective Ellefson. Det. Ellefson described the entry to the apartment. She saw decedent Romo come forward holding a shotgun with both of his hands. Det. Fernandez ordered him to raise his hands and put down the shotgun. She heard Romo say, "No." Ellefson heard a shot go off. Ellefson said she perceived a clear and obvious threat to her life. Ellefson returned fire and ducked behind a couch. Romo was approximately 7'-10' away from her at the time. Ellefson continued to fire at Romo and ducked behind the couch until her magazine was empty. She exited the apartment and at the same time saw Romo fall to the ground.<sup>18</sup>
18. Detective Sanfilippo's interview of Detective Fernandez. Det. Fernandez said he and Det. Ellefson were at the front door, Detective Cobb and Sgt. Ramaekers were behind them as the "knock and notice" to enter was made.<sup>19</sup>
19. Detective Sanfilippo's interview of Detective Fernandez. Det. Fernandez saw the interior light on upon their arrival, but after the knock and notice, it went off. Det. Fernandez heard Sgt. Ramaekers state that someone (silhouette) had approached the door after the knock and notice was made, but moved away when the light went out. After there was no response by the occupant, Det. Fernandez used a "door bang" device to force the door open. Det. Fernandez noticed there was a couch in front of the door, preventing it from opening.<sup>20</sup>
20. Detective Sanfilippo's interview of Detective Fernandez. Det. Fernandez pushed the door open that moved the couch inward. Det. Fernandez and Det. Ellefson entered the apartment. Det. Fernandez could see the living room, dining room and kitchen. He could not see Romo. Det. Fernandez and Ellefson yelled out for Romo to come out and show his hands. Det. Fernandez had his handgun pointing in the direction of the hallway that leads to the rear of the apartment.<sup>21</sup>
21. Detective Sanfilippo's interview with Detective Fernandez. Det. Fernandez saw Romo appear in the hallway holding a rifle or shotgun and walking in his (Fernandez') direction. Fernandez said he knew at this point he had to fire at the suspect because he wasn't following commands. Fernandez felt he had no cover and was exposed at the threshold of the door. Fernandez said he was scared for Det. Ellefson's and his own safety. There was an exchange of gunfire. Fernandez fired rounds through the open door in the direction of Romo. Fernandez heard another shotgun round fired from within the apartment.<sup>22</sup>
22. Detective Sanfilippo's interview of Detective Fernandez. Det. Fernandez was not sure how many rounds he fired at the time, but knew he fired 3-4 through the open front door. Fernandez couldn't tell the difference in the caliber of the guns at the time the shooting took place. Fernandez did not see Romo's face because his attention was focused on the barrel of the rifle.<sup>23</sup>
23. Detective Brandt's crime scene investigation. Located two (2) S/W Winchester .40 cal. shell casings lying along the north / south sidewalk by the north east corner of Romo's apartment.<sup>24</sup>

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24. Detective Brandt's crime scene investigation. Located a black metal "door bang" (for purposes of forced entry to breach the front door). Two (2) additional S/W Winchester .40 cal. shell casings were found on the sidewalk between Romo's apartment and apartment #243.<sup>25</sup>
25. Detective Sanfilippo's interview with Sergeant Ramaekers. Sgt. Ramaekers took up a position by the sliding glass door of Romo's apartment so he could see inside while Det. Ellefson knocked on the apartment door and announced their presence. Sgt. Ramaekers saw the silhouette of a person move toward the door and then back away out of sight. An interior light was on upon arrival, but it went off as the person inside moved away from the door.<sup>26</sup>
26. Detective Sanfilippo interview with Sergeant Ramaekers. Watched Det. Ellefson continue knocking on the apartment door with no response. Det. Fernandez used a "bang" on the door to open it. It opened slightly. There was a sofa in front of the door that prevented the door from opening all the way. Detectives Ellefson and Fernandez entered the apartment by a few steps and called out to someone inside. Sgt. Ramaekers then heard Ellefson and Fernandez yelling "see your hands, see your hands." Sgt. Ramaekers then heard a lot of gunshots. Fearing for Ellefson's safety, Sgt. Ramaekers pointed his gun into the apartment and pulled the trigger. He could not tell whether or not his gun fired. Prior to pulling the trigger, Sgt. Ramaekers "racked" his gun. This was to ensure there was a round in the chamber.<sup>27</sup>
27. Detective Sanfilippo's interview of Sergeant Ramaekers. Sergeant Ramaekers saw Detectives Ellefson and Fernandez firing their guns into the apartment, but never saw Romo or anyone. The room was too dark. Sgt. Ramaekers could not decipher the difference between the gunfire from Romo and the detectives.<sup>28</sup>
28. Detective Wheeler's interview of Detective R. Cobb. Detective Cobb approached the front door of Romo's apartment behind Detectives Ellefson and Fernandez. Ellefson knocked on the door and did not announce who it was in order to try a low key approach. There was no answer. Ellefson knocked again loudly and rang the doorbell. No response. Ellefson knocked loudly and in a clear and distinctive voice announced, "Riverside Police Department. We have a search warrant." This was done twice with no response. Detective Fernandez then used a door bang to breach the door. He did this 2-3 times before it opened.<sup>29</sup>
29. Detective Wheeler's interview of Detective R. Cobb. Detective Cobb could see the door open and Detective Ellefson entered the apartment. Ellefson had to push a large couch out of the doorway to get in. Detective Ellefson and Fernandez both entered the apartment and both were heard calling out to whoever was inside to come out into the open with hands visible. Detective Cobb said it was very dark inside the apartment. Detective Cobb could see around Detective Fernandez and toward a hallway leading to the southern part of the apartment. Detective Cobb then saw what she thought was the barrel of a long gun (rifle) being held in a "high carry" position. She could not see who was holding the rifle. She could see the barrel leveled toward the front door where Ellefson and Fernandez were located. Detective Cobb then heard several gunshots fired

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by both Ellefson and Fernandez. Detective Cobb could also hear gunfire coming from within the apartment. An exchange of gunfire occurred 2-3 times between the person inside and Ellefson and Fernandez. At one point, Ellefson, Fernandez, and the person inside fired at the same time.<sup>30</sup>

30. Detective Brandt's crime scene investigation. The front door had bullet strikes on it. One projectile was removed from the front door.<sup>31</sup>
31. Detective Brandt's crime scene investigation. Walls, furniture and appliances within the apartment had bullet holes in them. Particles of wood, paint, etc., littered the floor. Blood was located on the carpet and there was a hole and black soot near the barrel of the shotgun where it appeared the shotgun had been fired close to the carpet. (Romo's shotgun).<sup>32</sup>
32. Detective Brandt's crime scene investigation. Evidentiary items were located inside Romo's Apartment. Living room – shells casings, bullet strikes (Page 3, Paragraphs 2 & 3). Dining Room – bullet strikes on furniture, bullet casings, projectiles, and a shotgun (Page 4, Paragraphs 1 – 4). Location of Romo's body (Page 5, Paragraphs 1 – 4). Office – Located a loaded Sterling .25 cal. semi-automatic pistol and loaded magazine.<sup>33</sup>
33. Evidence Log – Tab 105, Pages 2 – 21. Submitted by Crime Scene Technician S. Lane. Logging, tracking, and photographing evidence is critical in a shooting case. The specific locations of shell casings, bullet strikes, and blood are important because it helps determine where participants in the shooting were standing and / or moving to. This information is used to corroborate statements by the officers as to where they were when they fired their firearms.
34. Charting of handgun used by Detective Ellefson. Carrying Department-issued .40 cal. Glock Model 23 semi-auto pistol, loaded with (13) .40 cal. live rounds in magazine and none in the chamber. She had no spare magazines. Also had a "Airlight" .357 magnum revolver fully loaded with (5) live .38 rounds. This gun was carried as "back-up" and worn on the left ankle in an ankle holster.<sup>34</sup>
35. Charting of handgun used by Detective Fernandez. Carrying a Department-issued .40 cal. Glock, Model 23, fully loaded with (13) live .40 cal. rounds in the magazine and one in the firing chamber. One spare magazine that contained (4) live .40 cal. rounds.<sup>35</sup>
36. Charting of handgun used by Sergeant Ramaekers. Carrying a Department-issued .40 cal. Glock, Model 23 with (13) live .40 cal. rounds in the magazine and one in the firing chamber. Two (2) spare magazines on his belt which were fully loaded with (15) live .40 cal. rounds.<sup>36</sup>
37. Autopsy. Detective Rick Cobb attended the autopsy and documented the wounds sustained by Romo. Romo had (11) bullet wounds and appeared to have been shot (4) times. Romo sustained one graze wound. Wounds were sustained to the shoulder, hip, and legs.<sup>37</sup>
38. Autopsy. Detective Rick Cobb attended the autopsy. The coroner did not list a cause of death at the autopsy, but did state that Romo likely bled to death.<sup>38</sup>

ROMO OID Fact Sheet  
CPRC Meeting Date of January 23, 2013  
Version 1

- 39. Tab 112 – California Department of Justice – Forensic Unit. Independent examination of firearms from Romo and Detectives Ellefson and Fernandez.<sup>39</sup>
- 40. Tab 114 – Search Warrant affidavit for Romo’s apartment. Obtained by Detective Ellefson.

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<sup>1</sup> Memorandum By Detective Sanfilippo – Tab1, P.2, para1  
<sup>2</sup> Memorandum By Detective Sanfilippo – Tab1, P.2, para1  
<sup>3</sup> Supplemental Report, Det. Christianson - Tab 84, p2 narr., 3<sup>rd</sup> para  
<sup>4</sup> Supplemental Report, Det. Christianson - Tab 84, p.2 narr., 4<sup>th</sup> para  
<sup>5</sup> Supplemental Report, Det. Christianson - Tab 84, p.3 narr.  
<sup>6</sup> Supplemental Report, Det. Dodson – Tab 85, p.4  
<sup>7</sup> Supplemental Report, Det. Ryder – Tab 86, p.2, para.2  
<sup>8</sup> Supplemental report, Det. Crutchfield – Tab 87, p.2, para. 2&3  
<sup>9</sup> Supplemental Report, Det. Arnold – Tab 88, p.1 para. 2, p.2 para 4, p.3 para 1  
<sup>10</sup> Supplemental Report, Det. Dehdashtian – Tab 89, p.3 lines 13-19  
<sup>11</sup> Supplemental Report, Det. Nelson – Tab 90, p.2, para 3  
<sup>12</sup> Supplemental Report, Det Soria – Tab 91, p.2, para 2&3  
<sup>13</sup> Supplemental Report, Det. Wheeler – Tab 92, p.2 lines 13-18 & 23-29  
<sup>14</sup> Supplemental Report, Det. Dana – Tab 93, p.2, narr. 2<sup>nd</sup> para  
<sup>15</sup> Supplemental Report, Det. Brandt – Tab 95, p.1 narr, last line and continued onto top of p.2  
<sup>16</sup> Supplemental Report, Det. Hopewell – Tab 96, p.3, para 2 under “interview of M. Romo  
<sup>17</sup> Supplemental Report, Det. Hopewell – Tab 96, p.5, para 8 and p.8  
<sup>18</sup> Supplemental Report, Det. Medici – Tab 97, p.3, last para, cont’d on p.4 and then para 2 and 3  
<sup>19</sup> Supplemental Report, Det. Sanfilippo – Tab 99, p.2, 3<sup>rd</sup> para, last sentence  
<sup>20</sup> Supplemental Report, Det. Sanfilippo – Tab 99, p.2, 4th para  
<sup>21</sup> Supplemental Report, Det. Sanfilippo – Tab 99, p.2, 5th para  
<sup>22</sup> Supplemental Report, Det. Sanfilippo – Tab 99, p.2, 6<sup>th</sup> para and continued top of p.3  
<sup>23</sup> Supplemental Report, Det. Sanfilippo – Tab 99, p.3, 1<sup>st</sup> para  
<sup>24</sup> Supplemental Report, Det. Brandt – Tab 104, p.3, 1<sup>st</sup> para  
<sup>25</sup> Supplemental Report, Det. Brandt – Tab 104, p.3, 2<sup>nd</sup> para  
<sup>26</sup> Supplemental Report, Det. Sanfilippo – Tab 100, p.2, para 3  
<sup>27</sup> Supplemental Report, Det. Sanfilippo – Tab 100, p2, para 4-5  
<sup>28</sup> Supplemental Report, Det. Sanfilippo – Tab 100, p.3, para 3  
<sup>29</sup> Supplemental Report, Det. Wheeler – Tab 101, p.2, para 4  
<sup>30</sup> Supplemental Report, Det. Wheeler – Tab 101, p.2 lines 30-44 and p.3 lines 1-8  
<sup>31</sup> Supplemental Report, Det. Brandt – Tab 104, p.3, 4<sup>th</sup> para, last sentence  
<sup>32</sup> Supplemental Report, Det. Brandt – Tab 104, p.3, para 5  
<sup>33</sup> Supplemental Report, Det. Brandt – Tab 104, p. 4-5  
<sup>34</sup> Supplemental Report, Detective David Smith - Tab 107, p.2, para3 (under “Narrative”).  
<sup>35</sup> Supplemental Report, Detective David Smith - Tab 107, p.2, para 4 (under “Narrative”).  
<sup>36</sup> Supplemental Report, Detective David Smith - Tab 107, p.3, para 5 (under “Narrative”).  
<sup>37</sup> Supplemental Report, Det. R. Cobb – Tab 109, p.2  
<sup>38</sup> Supplemental Report, Det. R. Cobb – Tab 109, p.3  
<sup>39</sup> Supplemental Report, DOJ Senior Criminalist Michele Nichols – Tab 112, two 2-page reports

# Section C

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Mike Bumcrot Consulting

Report of  
Investigation



# MIKE BUMCROT CONSULTING

## REPORT OF INVESTIGATION

**DATE:** November 28, 2011

**SUBJECT:** Officer Involved Shooting Death of Alfred Romo, which occurred on November 16, 2011

**CASE:** Riverside Police Department File #P11169201

**LOCATION:** 10406 Indiana Ave. Apt. #Q242, Riverside

On November 22, 2011, I received a written request from Frank Hauptmann, Manager of the Community Police Review Commission to conduct a neighborhood canvas at the location of the officer involved shooting death of Alfred Romo. The purpose of the canvas was to search for potential witnesses who had not been located by Riverside Police Department on the day of the incident. If any witnesses were identified, I was asked to conduct a thorough interview and provide a copy of said interview to Riverside Police Department.

On November 28, 2011, I responded to the location and contacted Ruben Hernandez, Leasing Consultant for the Tyler Springs Apartment Homes for seniors. Mr. Hernandez provided me with a parcel map of the complex and introduced me to several residents who were seated in the television room and library. None of these residents actually witnessed the shooting, but all were complimentary towards the Riverside Police Department in general and the Swat Team in particular. Mr. Dean Davis, who lives in apartment #96, on the opposite side of the complex, said that he was extremely impressed by the professionalism of the Police Department.

I was then taken to the shooting scene by Service Manager Robert Gravett, who was also very upbeat towards the Riverside Police Department. I approached the front door of Q242 and observed several bullet strikes, traveling right to left, as if the door had been open when shots were fired into the interior.

I knocked on the doors of all residents in Buildings Q, K, & L and learned that all occupants had either been interviewed by Riverside Police Department or were not at

## **MIKE BUMCROT CONSULTING**

home at the time of the incident. One exception was Beatriz Lopez, who resides in apartment #Q247, immediately behind Mr. Ramos' residence. Ms. Lopez stated that just prior to hearing gunshots, she heard shouting through the common wall and thought her neighbors were just arguing until she heard a female shout "Put it down". She was appreciative of the way Riverside Police Department showed concern for all the residents and complimented the Swat Team, stating "Those boys are very good at their job". All of the residents I interviewed were extremely friendly and talkative. With the exception of Ms. Lopez, I was unable to locate anyone who had not been interviewed by police.

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

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## REPORT OF INVESTIGATION

**DATE:** December 7, 2012

**SUBJECT:** Officer Involved Shooting Death of Alfred Romo, which occurred on November 16, 2011

**CASE:** Riverside Police Department File #P11169201

**LOCATION:** The Tyler Springs Apartment Homes for Seniors, 10406 Indiana Ave., Apt.# Q242, Riverside

On December 5, 2012, I was asked by Frank Hauptmann, Manager of the Community Police Review Commission, to review the circumstances surrounding the officer involved shooting death of Alfred Romo. I was also asked to provide my expert opinion in a written report on the manner in which the case was investigated by the Riverside Police Department. I reviewed over 300 pages of police reports, photographs, and other documents contained in the presentation by the Riverside Police Department to the Riverside Police Review Commission. I also researched legal issues and had earlier responded to the location to better understand the reports, as well as canvass the area for witnesses.

### **CASE SYNOPSIS**

On November 16, 2011, Riverside Police Department Detectives Laura Ellefson, Phil Fernandez, Rita Cobb, and Jeff Jones accompanied by their Sergeant, Wayne Ramaekers, responded to the location to serve a search warrant regarding a child molesting investigation. They were dressed in plain clothes and wearing police raid vests with cloth badges and the word "Police" displayed on the front and back. It was pre-determined that Detective Ellefson would knock on the front door of Apartment Q242 and request entry. Detective Fernandez carried a breaching tool in case forced



P.O. Box 5025  
Norco, CA 92860  
USA

PHONE (951) 733-2062  
E-MAIL [mbumcrot@sbcglobal.net](mailto:mbumcrot@sbcglobal.net)

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entry was necessary, and Detectives Cobb and Jones would act as backup as they were all supervised by Sgt. Ramaekers.

As Detective Ellefson knocked on the front door and announced their presence, a silhouette was observed inside to approach the front door, retreat, and the lights were turned off. In possession of a search warrant ordering the Detectives to search the location, Detective Fernandez struck the door 2 -3 times before the door opened slightly. It was determined that the couch had been placed against the door to prevent entry. Detectives Ellefson and Fernandez pushed the couch away from the door and gained entry to the apartment. Detective Ellefson turned on the lights as both investigators announced their presence and shouted commands for any occupants to come into the living room.

Alfred Romo, the subject of the child molesting investigation, appeared in the hallway, holding a shotgun, and began to walk towards the detectives as they shouted at him to drop his weapon and show his hands.

Fearing for his life, Detective Fernandez began to fire at Mr. Romo who fired the shotgun in the direction of the officers as Detective Ellefson popped up from behind the couch and engaged Mr. Romo with gunfire. Mr. Romo fell to the floor and the detectives were able to back out of the residence and took a position of cover, along with their backup officers. As they set up a perimeter to contain Mr. Romo, they heard a shotgun blast from within the residence.

When assistance arrived, verbal contact was made with Mr. Romo, who advised that he had been shot. He was ordered to crawl out of the front door so that he could be medically treated but he said that he had been shot in the legs and could not, or would not, comply. Fearing that Mr. Romo was attempting to bait police personnel to re-enter the location so he could fire more rounds at them, it was decided that a Special Weapons team would be activated to make a tactical entry.



P.O. Box 5025  
Norco, CA 92860  
USA

PHONE (951) 733-2062  
E-MAIL [mbumcrot@sbcglobal.net](mailto:mbumcrot@sbcglobal.net)

PI LICENSE 25403

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When contact was lost with Mr. Romo, a robot known as a remote operated vehicle, entered the location. Real time video being sent from the robot showed that Mr. Romo was lying on the floor, not moving.

A Special Weapons team made entry and discovered Mr. Romo deceased from bullet wounds.

Crime scene investigation revealed two expended shotgun shells and there was a buckshot pattern in the wall above the couch Detective Ellefson was using as cover (see picture BBG57566). There was also a post-it note attached to the shotgun that read "loaded ready to go safety on".

A .25 caliber pistol was found on top of a desk.

## **EXPERT QUALIFICATIONS**

I was employed as a peace officer for the Los Angeles Sheriff's Department for 34 years. I worked as a jail deputy, 18 months as a patrol officer, and four years assigned to the Special Enforcement Bureau (SWAT team). My last 27 years on the department, I was assigned to the Detective Division, including over 22 years assigned to the Homicide Bureau. I investigated over 450 homicides and suspicious deaths and over 100 Officer Involved Shootings, including the murders of ten police officers.

In 1994, I assisted in writing the LASD Homicide Bureau Investigative Manual. I was also selected to be a member of the Joint LASD/LAPD Crime Lab Development Committee as well as the JET Committee to develop Homicide Bureau job standards and selection criteria. In 1995, I was selected as California's Deputy Sheriff of the year by the California Organization of Police and Sheriffs (COPS) for the investigation, arrest, and conviction of a suspect in the murders of two local policeman.

For over 15 years, I have taught "High Profile Murder Investigations", "Homicide Scene Management", and Officer Involved Shooting Investigations" for the Robert Presley



P.O. Box 5025  
Norco, CA 92860  
USA

PHONE (951) 733-2062  
E-MAIL [mbumcrot@sbcglobal.net](mailto:mbumcrot@sbcglobal.net)

PI LICENSE 25403

# MIKE BUMCROT CONSULTING

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. Romo was conducted by the Riverside Police Department and the Riverside County District Attorney's Office.

I reviewed a the reports submitted to the Community Police Review Commission and researched deadly force legal issues.

## **CONCLUSION**

These child abuse detectives responded to Mr. Romo's residence, with a lawful search warrant, in an attempt to further their investigation into an alleged child molestation. Detective Ellefson said that because Mr. Romo had no record, she thought she could "low key" it when it came time to serve the search warrant.

She knew Mr. Romo had a .25 caliber pistol but was told that his wife carried it in her purse. She knew Mrs. Romo left for work at 0700 so it was decided to serve the warrant after Mrs. Romo left for work to eliminate a possible violent confrontation.

Detective Ellefson completed an operational plan and assigned a task to each of the detectives who assisted her.



P.O. Box 5025  
Norco, CA 92860  
USA

PHONE (951) 733-2062  
E-MAIL [mbumcrot@sbcglobal.net](mailto:mbumcrot@sbcglobal.net)

PI LICENSE 25403

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Detective Ellefson stated that after she and Detective Fernandez gained entry to the location, they both shouted for Mr. Romo to come to them. When Mr. Romo appeared in the hallway holding the shotgun, both detectives told him to show his hands and drop his weapon. When Mr. Romo leveled his weapon in their direction, she “fought for her life”. Mr. Romo “stood his ground” and appeared “focused” on killing her. She was “Scared half out of my mind and felt, oh my God, I’m going to die”.

During a search of the location, several notes were located in the office. One said “I’m still here hun. 11-14-11. It’s now 14 days without a warrant for my arrest. I hope it stays that way...Today I cleaned my shotgun. It’s ready to go. My Sterling 300 .25 is next.”

Another note read “...Scared when someone knocking on door to arrest me. At this point they won’t take me alive. My guns are loaded. Both are loaded. Use .25 if I don’t have time to get to the shotgun. For instant they break in. If they knock on door for warning and go away this gives me time to use shotgun on myself. MM cannot be in room with me. She has to warn me and talk to police from window if they try to arrest me that I have loaded gun and will use it”.

Also located was a printed article on the correct area to shoot yourself in the brain and a printout of the 10 commandments. Next to #6, you shall not murder, was written then “kill myself”.

Both State and Federal Courts have been very clear on the use of deadly force by police officers, especially in self defense. Mr Romo’s actions placed all of the detectives in reasonable fear of their lives and caused them to respond with deadly force.

After reviewing the indicated material, it is my opinion that the investigation into the officer involved shooting death of Alfred Romo was completed in a fair and impartial manner and met POST Standards and Practices.



P.O. Box 5025  
Norco, CA 92860  
USA

PHONE (951) 733-2062  
E-MAIL [mbumcrot@sbcglobal.net](mailto:mbumcrot@sbcglobal.net)

PI LICENSE 25403



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

  
Sergio G. Diaz  
Chief of Police

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

**A. POLICY:**

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

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

**B. PROCEDURES:**

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

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

### **C. ROLES AND RESPONSIBILITIES**

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

#### **1. Roles:**

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

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

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

**2. Responsibilities:**

**a. Involved/Witnessing Employee Shall:**

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

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

**b. Field Supervision Shall:**

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

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

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

**c. Watch Commander Shall:**

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

**d. Centralized Investigations Lieutenant Shall:**

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

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

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

**e. Officer Involved Shooting Team Shall:**

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

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

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

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

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

f. **Internal Affairs Shall:**

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

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

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

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

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

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

D. **RELIEF FROM DUTY**

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

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

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

# Section E

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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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Revision 9 Date: 04/08/11  
Approval:

  
Sergio G. Diaz  
Chief of Police

#### **4.30 USE OF FORCE POLICY:**

##### **A. PURPOSE:**

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

##### **B. PHILOSOPHY:**

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

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

##### **C. SERIOUS BODILY INJURY:**

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

##### **D. POLICY:**

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

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

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

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

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

**E. FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE:**

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

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

**F. USE OF FORCE TO EFFECT AN ARREST:**

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

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

**G. COMPLIANCE TECHNIQUES:**

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

**H. LESS LETHAL FORCE:**

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

**I. CAROTID RESTRAINT:**

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

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

1. Any individual who has had the carotid restraint hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel.
2. The officer shall inform any person receiving custody of, or any person placed in apposition 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 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 voluntarily 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.

The Internal Affairs Unit shall be responsible for conducting all administrative investigations involving the application of force.