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BAKER STREET GROUP, INC.
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Report of Investigation

Date: October 14, 2010

Client: Community Police Review Commission
Mario Lara
Interim CPRC Manager
City of Riverside
3900 Main Street
Riverside, CA 92522

Case: GI-10-3969

Report Matter: OID: Marlon Oliver Acevedo

Investigator: G. Warnberg

This investigation was initiated following a written request by CPRC Manager Kevin Rogan on September 4, 2010. Baker Street Group Inc, (BSG) was asked to review the "on line" Officer Involved Death (OID) case book recently provided the Commission by Riverside Police Department (RPD) pertaining to the death of Marlon Oliver Acevedo on 10/31/2008. Following the review, BSG was asked to provide a written opinion based upon our professional judgment as to whether there would be any substantial benefit, to the Commission, from additional investigative work regarding the incident.

It needs to be noted early in this report that investigations of this nature; upon which the primary evidence available to investigators is dependant upon eye witness accounting of circumstances and events, is ideally obtained as soon as possible following the incident. Early witness interviews and accurate reporting is advantageous in order to minimize witness memory fade, or perhaps witness memory contamination by other witnesses, events, or media coverage.

This incident occurred two years ago on 10/31/2008 and the investigation presented to BSG for review is the RPD OID formatted investigation. The OID case book available for this review is a redacted "on line" version of the investigation as presented by RPD to CPRC. Several tabbed sections are fully redacted as well as other isolated details in various reports and interview transcriptions. The book contains (50) tabbed sections that include witness statements, scene evidence, and investigative details. Included, in the case book is a section containing copies of (4) newspaper articles. However, due to the

redactions of this report it must be considered incomplete for purposes of the review but not for purposes of the overall investigation.

Event:

Marlon Oliver Acevedo died in the early evening hours on 10/31/2008 during a fight with RPD Officers Koehler and Ratkovich in the 7800 block of Cypress Avenue Riverside, CA.

Officers Koehler and Ratkovich were dispatched to the scene following witness complaints to the Police Department's dispatch office about Acevedo's unusual, threatening and dangerous behavior. When the Officer's arrived they contacted Acevedo standing in the street.

Acevedo refused to comply with the officer's commands and a fight ensued resulting in the applied use of force by the officers that included baton strikes, wrestling techniques and the deployment of a taser weapon several times. Restraining techniques used by the officers to end the fight included the use of handcuffs, additional wrestling techniques and a hobbling device used to control Acevedo's legs.

When the fight ended, Acevedo was restrained. Officer Koehler requested medical support via RPD dispatch. AMR and FD Medical were dispatched to the scene by RPD dispatch. AMR and FD Medical personnel arrived on the scene at the same time. Within seconds of initial contact with the officer's and patient, medical personnel recognized that Acevedo was in medical distress, no pulse and not breathing. They ordered the removal of restraints and initiated treatment and transport. Acevedo was pronounced dead at Parkview Community Hospital.

Investigation:

The OID investigation was conducted by Riverside Police Department. The RPD OID case book is the only material presented to BSG for this review.

Review:

The review has consisted of a detailed review and analysis of the entire RPD OID case book as presented.

Conclusion:

Under more timely circumstances a neighborhood investigation to identify other witnesses would be recommended. Additional interviews and follow up interviews would have been recommended with the following known civilian witnesses:

- Elizabeth Lomeli: Lomeli was Acevedo's girlfriend. Lomeli called 911.
- Melissa Herrera: Neighbor who called 911.

- Anthony Herrera: Neighbor who's wife called 911 and witnessed event.
- Unidentified: Acevedo's mother who was at the scene.
- Unidentified: Acevedo's brother who was at the scene.

However, it is considered unlikely, given that 2 years has elapsed from the date of the incident, additional witnesses would be located and known witnesses would be able to provide any spontaneous and objective information that would assist in clarity and detail to the investigation.

The physical evidence is well documented in the investigation. It is of limited value to the overall understanding of the events. However, some video and audio evidence does exist and should be reviewed.

If officer training records, including class outlines for taser weapon instruction, are available for review they should be analyzed.

The medical history of the event and autopsy information should be fully reviewed and analyzed.