



**DANNY JAMES BOND
OFFICER-INVOLVED DEATH
PUBLIC REPORT**

CPRC Case No. 12-007

RPD Case No. P12-024811

Approved on
June 16, 2014

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Date of Incident: February 18, 2012

Location: 5652 Harold Street, Riverside

Decedent: Danny James Bond

Involved Officers: Sergeant Bill McCoy
Sergeant Ron Whitt

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 information from the CPRC independent investigator.

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. Any additional finding made by the Commission that is based on the administrative investigation would also be confidential, and therefore could not be made public.

II. Finding:

On May 28, 2014, by a vote of 8 to 0 (1 vacancy), the Commission found that the officers use of deadly force was consistent with RPD Policy Section 4.30 – Use of Force Policy, based on the objective facts and circumstances determined through the Commission’s review and investigation.

Rotker	Hawkins	Ybarra	Taylor	Ortiz	Jackson	Roberts	VACANT	Adams
✓	✓	✓	✓	✓	✓	✓	X	✓

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 in other words, the amount of information and evidence necessary to tip the scale. It also means that the Commission does not need to have certainty in their findings, such as “beyond a reasonable doubt,” which is the standard applied in criminal cases. The Preponderance of Evidence standard of proof is the same standard applied in most civil court proceedings.

IV. Incident Summary:

On November 7, 2011, RPD officers were sent to the Kaiser Hospital in Riverside in response to a radio call from hospital staff regarding a 39-year-old female. The female was brought into the emergency room suffering from numerous injuries on her body that the staff suspected was from a physical assault. The female, later identified as Elizabeth Gutierrez, refused to say how she received the injuries.

An RPD patrol officer met Ms. Gutierrez at the hospital. She still refused to say what happened to her and declined to allow the officer to take photographs of her injuries. The officer found that Ms. Gutierrez sustained two black eyes and numerous bruises to her face, arms, and legs. She also had a long laceration on her left leg.

The RPD patrol officer spoke with Ms. Gutierrez' sister, Rosemary Chacon, in the lobby of the hospital. Ms. Chacon told the officer that her sister recently started dating a subject by the name of Danny Bond. Ever since they started dating, Ms. Gutierrez' had sustained many bruises to her body. Ms. Chacon said Ms. Gutierrez was a drug addict and had probably been physically abused by Bond.

On November 9, 2011, Ms. Gutierrez contacted RPD and wanted to report the physical abuse she suffered from Danny Bond. A police report was taken and the case was assigned to RPD Detective O'Boyle. When Ms. Gutierrez filed the police report, she told RPD officers that Bond lived at 7680 Gramercy Street in Riverside. She also told the officers that Bond owned a handgun and that he had made numerous statements to her that he would kill himself before going back to jail. Ms. Gutierrez told Detective O'Boyle that Bond had previously assaulted her with a Taser and that as recent as two weeks from the date of her interview with O'Boyle, said she saw Bond with a loaded semi-automatic handgun. Ms. Gutierrez said that Bond carried the pistol with him whenever he left his home on Gramercy Street. She also said that Bond was staying at his mother's home on Knoll Street in San Bernardino.

Detective O'Boyle obtained a felony arrest warrant for Bond as well as a search warrant for the home on Knoll Street in San Bernardino. Since Bond was a violent felon who was suspected of carrying a loaded gun, Detective O'Boyle met with the RPD METRO Unit (SWAT) on February 15, 2012 and briefed them on his case. He asked them to serve the arrest and search warrants on Bond. The METRO officers were provided with a photograph of Bond and a copy of both the arrest and search warrants.

On February 17, 2012, the METRO Team, made up of Sgt. Whitt and Sgt. McCoy, along with Officers Smith, Stennett, Park, Elliott, and Angulo, went to the Knoll Street address and set up a surveillance to see if they could locate Bond. After spending several hours at the location, Bond was not seen and the surveillance was concluded. On February 18, 2012, the same METRO officers went back out to the Knoll Street address to continue their surveillance. Sergeants Whitt and McCoy were in uniform and driving a marked RPD police vehicle during the surveillance. Officer Elliott was also in a marked police vehicle. Whitt, McCoy, and Elliott were tasked as the team that would stop and arrest Bond when he was located. Officers Smith, Stennett, Park, and Angulo were in plainclothes and in an unmarked police vehicle.

On February 18, 2012, at approximately 1300 hours, the surveillance team saw Bond's mother leave her residence in a vehicle. The METRO Team elected to follow Bond's

mother to determine if she would make contact with Bond during her travels that afternoon. She was followed to 7680 Gramercy Street in Riverside. Sergeants Whitt and McCoy recognized the Gramercy residence as a home they had received information about concerning drug sales. They were told by an informant that the subject who sold narcotics at the residence was paranoid and carried a gun. The METRO Team remained at the Gramercy location to continue their surveillance.

On February 18, 2012, at approximately 1400 hours, Officer Smith saw Bond exit the residence and stand on the porch. Bond was wearing a hat, sunglasses, and a large size jacket.

Bond looked up and down the street and then went back into the residence. A few minutes later, Bond exited the residence again, but this time got on a bicycle. He looked up and down the street as he left the residence on the bicycle. Officer Stennett watched Bond ride to Gramercy and Harold, where he stopped and straddled the bicycle. Bond adjusted something in his waistband and then rode off on the bicycle once again.

Sergeants Whitt and McCoy drove their marked unit up to Harold and Gramercy and saw Bond. Bond watched them as they passed him. Sgt. Whitt was driving and McCoy was seated in the front passenger seat. Sgt. Whitt drove past Bond and pulled into a driveway in front of him, blocking his path. Bond skidded to a stop and jumped off of the bicycle. Bond then ran south in a direction away from Whitt and McCoy.

As Bond turned and ran away from Whitt and McCoy, Officers Smith and Stennett, driving in an unmarked police vehicle, stopped in Bond's path, causing him to stumble and stop. At this point, Bond pulled up his jacket with his left hand and, with his right hand, retrieved a handgun from his waistband. Bond turned toward Whitt and McCoy and, at the same time, started to point the handgun in their direction. Officer Smith shouted toward Whitt and McCoy, "Gun! Gun! Gun!" Whitt and McCoy had already started to run after Bond and were approximately 5' – 6' away when Bond turned toward them with his handgun. Whitt and McCoy then fired their weapons at Bond, striking him. Bond fell to the ground and was taken into custody. Sergeant Whitt fired four (4) shots and McCoy fired eight (8). An Officer-Involved Shooting (OIS) investigation then commenced.

V. Evidence:

The relevant evidence in this case evaluation consisted primarily of testimony, including that of the two involved police officers, witness officers, and several independent witnesses. Other evidence included police reports, evidence collected at the scene, photographs, the involved weapons, and forensic examination results.

VI. Applicable RPD Policies:

All policies are from the RPD Policy & Procedures Manual.

- Investigations of Officer-Involved Shootings, Section 4.8
- Use of Force Policy, Section 4.30.

The United States Supreme Court has ruled on two (2) cases that have particular relevance to the use of force in this incident. All decisions by the United States Supreme

Court are law throughout the United States. Both cases are incorporated into RPD's Use of Force Policy.

Tennessee v. Garner, 47 U.S. 1 (1985), specifically addressed the situation of the lethal use of force by police on a fleeing felon. However, the points of law in this case concerning use of lethal force are applicable in all use of force considerations.

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.

VII. Rationale for Finding:

On November 7, 2011, felony arrest and search warrants were issued for Bond for attacking and injuring his girlfriend, Elizabeth Gutierrez.

During the subsequent investigation for Assault with a Deadly Weapon, Detective O'Boyle was informed by Ms. Gutierrez that Bond had a black handgun that he carried whenever he left his residence on Gramercy Street. She also informed O'Boyle that Bond had made numerous statements that he would not return to jail. The METRO Team members also knew that Bond had a criminal history that included gun possession charges, and that Bond knew that he was wanted by the police. These statements, coupled with his criminal history, were sufficient to justifiably cause heightened caution on part of the surveillance / arrest team and to make them believe that Bond was armed and dangerous.

On February 18, 2012, at approximately 1300 hours, the METRO Team, which included Sergeants Whitt and McCoy, encountered Bond during a surveillance of his home at 7680 Gramercy Street in Riverside. Whitt and McCoy were in a marked RPD police vehicle and dressed in uniform. They approached Bond in order to affect an arrest on him subsequent to the arrest warrant issued against him by a magistrate for felony Assault with a Deadly Weapon. The victim of the assault was Bond's girlfriend, Elizabeth Gutierrez. When Whitt and McCoy confronted Bond, he pulled a handgun from his waistband and pointed it at them. In fear of their lives, Whitt and McCoy fired their weapons at Bond.

Both Sergeants Whitt and McCoy had more than ample justification to fear for their lives. They used the only level of force available to them to suppress the immediate lethal threat posed against them and other officers by Bond. Their actions were clearly a matter of self-defense.

It should be noted that the police gave Mr. Bond several orders (opportunities) to surrender peacefully but he refused to comply and instead pulled a handgun and pointed it toward the pursuing officers resulting in his death.

Section 4.30 of the Riverside Police Department's Policy and Procedures Manual regarding "Use of Force," allows use of force that "is objectively reasonable, given the facts and circumstances perceived by the officers at the time of the event to defend themselves." In this case, Bond's actions on the afternoon of Saturday, February 18, 2012, could only reasonably be interpreted by the officers as a direct threat to their lives. Sergeants Whitt and McCoy acted in lawful self-defense and the defense of others at the time each officer fired his weapon.

California law provides that the use of deadly force in self-defense or in defense of others is justifiable if the person claiming the right of self-defense or the defense of others honestly believes that he or others were in imminent danger of great bodily injury or death, and a reasonable person in the same circumstances would also deem it necessary to use deadly force in order to protect themselves or others from deadly peril. California Penal Code Section 197; *People v. Humphrey* (1996) 13 Cal. 4th 1073, 1082; CALCRIM No. 595

An officer is not constitutionally required to wait until he sets eyes upon the weapon before employing deadly force to protect himself against a fleeing suspect, who turns and moves as though to draw a gun. *Thompson v. Hubbard* (2001) 257 F. 3d 896, 899.

Given the facts of this case, it is apparent that Bond was intent on not being arrested and returning to jail. Based on the observations of both Officer Smith and Witness Eliseo Salgado, coupled with the discovery of the weapon after the incident ended, Bond had every intention of shooting Sergeants Whitt and McCoy. They had no option but to defend themselves. It is unfortunate that Mr. Bond would not obey the orders given to him. If he had he would be alive today.

VIII. Recommendations:

None.

IX. Closing:

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

APPENDIX

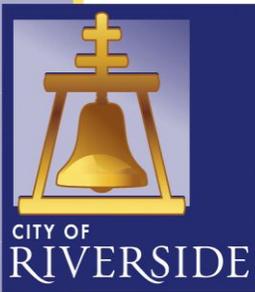
RPD Press Release / Press-Enterprise Articles	Section A
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Section A

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: Saturday, February 18, 2012
Contact: Sergeant Dan Russell
Phone: (951) 353-7106

Officer Involved Shooting

Riverside, CA -- On Saturday, February 18, 2012, at approximately 2:45 PM, officers from the Riverside Police Department METRO Unit were actively seeking a suspect wanted on felony assault charges.

The officers saw the suspect leave a residence on a bicycle and attempted to stop him in the 5600 block of Harold Street. The suspect jumped off his bicycle and attempted to run from the uniformed officers. Additional officers drove up and blocked the suspect's escape. The suspect reached for a handgun, and an officer involved shooting occurred. Personnel from the Riverside Fire Department and American Medical Response responded to the scene and pronounced the suspect deceased.

The suspect is identified as Danny James Bond, 38 years old, from Riverside.

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

Anyone with additional information is asked to contact Detective Dave Smith at (951) 353-7103 or Detective Greg Rowe at (951) 353-7136.

###P12-024-811###

Date: Feb 19, 2012; Section: Front Page; Page: A1

Riverside police shoot, kill fugitive

BY BRIAN ROKOS
STAFF WRITER
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A man wanted on a felony arrest warrant and who told a friend he would rather die than return to jail was shot to death Saturday when, Riverside Police Chief Sergio Diaz said, he pulled a gun on Riverside police officers who were trying to arrest him.



The man's mother, Gramercy Place resident Lorie Rivera, identified him as **Danny James Bond**, 38. His driver's license lists him as a San Bernardino resident.

Rivera said her son had drug and domestic-violence convictions.

Riverside County Superior Court records show Bond was convicted in 1993 of receiving stolen property and importing, selling or distribut-

SEE **FUGITIVE/A12**



FRANK BELLINO/STAFF PHOTOGRAPHER

A Riverside officer puts up barricades to obscure the body in the 5600 block of Harold Street in Riverside on Saturday.

FUGITIVE

CONTINUED FROM A1

ing illegal drugs into the state.

He was convicted of a similar drug charge in 2000.

In January 2011, an attempt by Elizabeth Ruth Gutierrez to get a permanent restraining order against Bond failed when neither party showed up for a court hearing.

On Jan. 4 this year, a warrant was issued for Bond's

arrest after he was charged with assault with a deadly weapon doing great bodily harm.

John Hicks, a family friend for 25 years, stood with Rivera outside the crime-scene tape and talked about Bond.

"He told me they'd have to kill him before he'd go back to jail," Hicks said.

Diaz said his officers had been looking for Bond and found him at his mother's home.

Officers had been watch-

ing the residence, and about 2:45 p.m. Saturday, Bond left on his bicycle.

His mother said he was going to buy cigarettes.

Diaz gave this account of what happened next: Two uniformed officers in a marked patrol car tried to stop Bond, who was riding on the sidewalk on Harold Street. Bond dropped his bicycle and ran.

Uniformed officers in two unmarked cars closed in on Bond, who then turned

back toward the first two officers. Bond pulled out a pistol and those officers shot Bond.

Bond's body lay on the sidewalk while Rivera waited a half block away.

She thought the body might be her son's after he did not return from the store and descriptions of the body and the bicycle sounded familiar.

Police later told Rivera that her son was dead.

Follow Brian Rokos on Twitter: @Brian Rokos



UPDATE:

San Bernardino man shot in Riverside

BY BRIAN ROKOS

STAFF WRITER

brokos@pe.com

Published: 18 February 2012 05:58 PM

More Riverside police detectives have arrived at the scene of an apparent shooting on Harold Street. Police have not made anyone available to provide any details of the incident.

The man shot was identified as Danny James Bond, 38, of San Bernardino.

One officer did say no officers were injured.

Police Chief Sergio Diaz is on the scene. He and other officers, at least a dozen, are talking in a driveway of a house about halfway up Harold from Gramercy Place.

A woman watching said she believes the body, which is still on a sidewalk, might be her son. He left a couple of hours ago on his bicycle to get cigarettes and had not returned.

Police refused to let a resident of Harold Street to drive off the street, which is blocked by yellow crime-scene tape.

Section B

CPRC Independent
Investigator Reports

Mike Bumcrot
Consulting

MIKE BUMCROT CONSULTING

REPORT OF INVESTIGATION

DATE: February 26, 2012

SUBJECT: Officer Involved Shooting Death of Danny James Bond, which occurred on February 18, 2012

CASE: Riverside Police Department File #P12024811

LOCATION: 5600 Block of Harold Street, Riverside

I was asked by Frank Hauptmann, Manager of the Community Police Review Commission to conduct a neighborhood canvass at the location of the officer involved shooting death of Danny James Bond, which occurred on February 18, 2012. The purpose of the canvass 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 my report to Riverside Police Department.

On February 24, 2012, I responded to the location and attempted to contact all of the residents on Harold Street, between Philbin Avenue and Gramercy Place. I found the residents mostly friendly but was unable to locate any witnesses who were not interviewed by Riverside Police Department with the following exceptions: Becky Zuniga, who resides at 5653 Harold Street, said she was in her bedroom at the time of the incident when she heard a man outside shout "Drop it", immediately followed by about four gunshots. She ran outside and observed several police officers attending to someone on the ground. Ms. Zuniga said she later gave her name to a uniformed officer but was never interviewed. She did not see the incident and couldn't provide any



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further information. Raoul Gonzales, who resides at 5673 Harold Street, telephone number 951-224-0483 said he was standing in front of his house when he saw officers chasing a man on foot. Mr Gonzales observed the man reach both hands towards his front waistband and begin to turn towards the officers. He heard several gunshots and he ran into his house, never talking to the police. This story was provided by Mr. Gonzales' niece, who said that Mr. Gonzales can be contacted at the resident in the evening hours. Mr. Gonzales speaks only Spanish.

I left a voicemail on Detective Dave Smith's telephone to call me regarding these witnesses.

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: March 1, 2014

SUBJECT: Officer Involved Shooting Death of Danny James Bond, which occurred on February 18, 2012

CASE: Riverside Police Department File #P12024811, CPRC #12-007

LOCATION: 5600 Block of Harold Street, Riverside

On February 26, 2014, I was asked by Frank Hauptmann, Manager of the Community Police Review Commission to review the circumstances surrounding the officer involved shooting death of Danny James Bond by Riverside Police Department Sergeants William McCoy and Ronald Whitt. 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 Riverside Police Detectives 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.

It is my conclusion that Sergeants McCoy and Whitt acted in lawful self defense and defense of others at the time each fired his weapon. The following analysis is based on reports prepared by the Riverside Police Department. Sergeants McCoy and Whitt each provided a statement to Detectives which were considered as part of the analysis.



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FACTUAL ANALYSIS

On November 7, 2011, Riverside Police Department was called to Kaiser Hospital regarding a 39 year old woman, Elizabeth Gutierrez being treated for two black eyes, bruising to her face, arms and legs. She also had a long cut to her left leg. Ms. Gutierrez was uncooperative and would not say what happened to her, nor would she allow photographs to be taken of her injuries.

Two days later, Ms. Gutierrez contacted the Riverside Police Department and filed a report, stating that her boyfriend, Danny James Bond, was the person who had assaulted her. She said that Bond always had a black handgun with him and had made numerous statements that he would not return to jail.

Riverside Police Detectives obtained an arrest warrant for Danny James Bond, as well as a search warrant for his mother's residence in San Bernardino.

As per Departmental Policy, Riverside Police Detectives met with members of METRO, the departmental tactical team, to assist in searching for Bond.

On February 18, 2012, members of the tactical team placed Bond's mother's house in San Bernardino, under surveillance. When the mother was observed to drive away from the residence, several METRO Officers followed her to an address in Riverside, where another surveillance was begun. The team consisted of several officers in plain clothes and unmarked cars, and Sergeants McCoy and Whitt, in uniform and in a marked police car, to be used in case a uniformed presence was required, and to supervise the operation.

During the surveillance of the Riverside location, Bond was observed to walk out on the front porch and nervously look up and down the street before re-entering the house. A few minutes later, Bond again looked up and down the street, then got on a bicycle and pedaled away. Bond rode his bicycle past a second surveillance officer who positively identified him from photographs provided by Detectives. Bond was observed to stop his bike and while straddling it, adjusted something in his waistband.



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Sergeants McCoy and Whitt were called in to the immediate area to make contact with Bond who looked in the direction of the marked police car, then began to pedal faster. Sergeants McCoy and Whitt drove past Bond into a driveway, blocking his path. Bond skidded to a stop, jumped from his bicycle and ran in the opposite direction.

Undercover Officers Smith and Stennent drove up and again blocked Bonds path of escape. Bond stopped, pulled up the front of his jacket with his left hand and drew a large, black, semi automatic handgun with his right hand. As Bond turned toward Sergeants McCoy and Whitt, Officer Smith shouted “gun, gun, gun” and moved to his right to avoid a crossfire. Almost instantly, Sergeants McCoy and Whitt fired their weapons and Bond fell, mortally wounded. Bond was lying on his stomach with his hands underneath him. Officers Smith and Stennent handcuffed Bond, rolled him onto his back, and observed a .45 pistol, loaded, with a round in the chamber, six bullets in the magazine and the hammer cocked, lying underneath him. Detectives would later learn that the weapon was stolen in Pico Rivera on February 5, 1998.

Sergeant McCoy would later tell investigators that he was scared and there was no doubt in his mind that if he had not fired his weapon, Bond would have shot one or both of the Sergeants.

Sergeant Whitt would later tell Detectives that he feared for their lives. He said the look Bond gave him was very cold. “We locked eyes for a moment and I thought, Oh God, here we go. He’s committed to this fight.”

Witness Eliseo Salgado, who watched as Bond ran away from “uniformed officers” said he saw Bond grab something in his waistband with his right hand and he heard 8 - 9 gunshots. He said “The officers gave the suspect a chance but he wouldn’t listen so they had to defend themselves.”

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,



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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 policemen.

For over 15 years, I have taught "High Profile Murder Investigations", "Homicide Scene Management", and Officer Involved Shooting Investigations" for the Robert Presley Institute of Criminal Investigation, police academies, advanced training classes, supervisor training, college classes, Homicide School, and in-service training. I am currently on staff with the Police Policy Studies Council where I teach and consult nationally on officer involved shooting, homicide, and suspicious death investigations. I am currently the investigator for the Riverside Police Review Commission. Although I retired from LASD in 2002, I was immediately signed to a contract to train newly assigned homicide detectives. In 2006, I was also assigned to the LASD Cold Case team where I have reviewed over one thousand unsolved murders and specifically work the unsolved DNA and latent print cases.

INVESTIGATION AND REVIEW

The investigation into the Officer Involved Shooting Death of Danny James Bond was conducted by the Riverside Police Department and the Riverside County District Attorney's Office. I reviewed all the reports submitted to the Community Police Review Commission and researched deadly force legal issues. The District Attorney found there was no criminal liability.



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LEGAL ANALYSIS

California law provides that the use of deadly force in self defense or in defense of others is justifiable if the person claiming the right of self defense or the defense of others honestly believes that he or others were in imminent danger of great bodily injury or death, and a reasonable person in the same circumstances would also deem it necessary to use deadly force in order to protect themselves or others from deadly peril. California Penal Code Section 197; People v. Humphrey (1996) 13 Cal. 4th 1073, 1082; CALCRIM No. 595

An officer is not constitutionally required to wait until he sets eyes upon the weapon before employing deadly force to protect himself against a fleeing suspect who turns and moves as though to draw a gun. Thompson v. Hubbard (2001) 257 F. 3d 896, 899

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 89 Cal. App. 2d 575, 589.

CONCLUSION

The evidence examined shows that Sergeants McCoy and Whitt were in the process of serving an arrest warrant on a potentially violent felon. The Sergeants were in police uniform and driving a marked police car. Bond ran from the police and, when cornered, could have surrendered. Instead, he chose to draw a handgun from his waistband and point it towards the police, causing them to fear for their lives and respond with deadly force.

The actions of Danny James Bond during the foot pursuit in conjunction with the information known to the officers at the time of the shooting reasonably created a fear of imminent death or serious bodily injury. Once the Sergeants perceived that Bond posed a lethal threat, their response with deadly force was justified. I also find that the investigation into the Officer Involved Shooting Death of Danny James Bond was completed in a fair and impartial manner and met POST standards of practice.



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Section C

Fact Sheet

BOND OID – FACT SHEET
12-007 / P12024811

Date of Incident: February 18, 2012
Time of Incident: 1445 Hours
Decedent: Danny James Bond
Location: 5652 Harold Street, Riverside

Officer(s) Involved: Sergeant Bill McCoy, #177
Sergeant Ron Whitt, #346

Officer Witnesses: Officer Dawson Smith, #1275
Officer Brett Stennett, #1374

Civilian Witnesses: Pedro Hernandez
Hugo E. Hernandez Ortega
Marco Palomera Ayon
Eliseo Salgado
Becky Zuniga

Suspect's Injuries:

Bond had (7) entry wounds, (1) exit wound, and (2) grazing wounds to his body. The entry wounds are as follows: (1) left chest, (1) left side of torso, (4) center of back and (1) to the left buttocks. The (2) grazing wounds are as follows: (1) to the left thigh and (1) to the left side of torso. The one exit wound was out his upper right chest. (6) expended projectiles were recovered from Bond's body. The Riverside County Coroner listed the cause of death as "multiple gunshot wounds." The County Coroner's report was redacted in the on-line public version due to confidentiality.

Gunshots Fired by Sergeants McCoy and Whitt:

The following evidence is based upon forensic analysis by the State of California – Department of Justice after examining all casings and projectiles recovered:

- Sergeant McCoy fired (8) of the expended casings found on Harold Street and (5) of the expended projectiles recovered from Bond's body.
- Sergeant Whitt fired (4) of the expended casings found on Harold Street and (1) expended projectile recovered from Bond's body.

BOND OID – FACT SHEET
12-007 / P12024811

FACT SHEET

The fact sheet is numbered and designed to point you to important factual information located in the criminal casebook 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. Each point of reference is preceded by a "TAB" number followed by a page number and paragraph number.

TAB 1 – OID Summary Pages 1 – 14: Detective David Smith, Lead Investigator, provides an overview of the incident.

TAB 2 – Incident Recall Printouts, Pages 1 – 4: The initial crime report face page listing Sergeants McCoy and Whitt, and Officers Dawson Smith and Brett Stennett as the victims of an assault on a peace officer with a firearm, CPC 245(d)(1). Decedent Bond is listed as the suspect in the assault, RPD File #P12-024811.

TAB 4 – Supplemental Report: Lt. Leon Phillips responded to the scene of the shooting and identified the officers involved and obtained “public safety” statements from all four. He gave the involved personnel direction not to discuss the shooting amongst one another and had them separated. He requested that Sgt. Mason transport Sgts. McCoy and Whitt to the Magnolia Station pending further investigation. He later met with the two sergeants and placed them on paid administrative leave pending required counseling.

TAB 5 – Supplemental Report: Sgt. Mason responded to a "shots fired" call. Ensured Sgts. McCoy and Whitt were separated and informed them not to discuss the incident with one another.

TAB 8 – Supplemental Report: Officer Stennett conducted an initial interview with witness Pedro Hernandez. Witness said he saw Bond on a bicycle and officers in a patrol car following him. Bond opened up his jacket and reached into his waistband for something with his right hand. He then heard gunshots.

TAB 9 – Supplemental Report, Page 3, Lines 1 – 38: Officer Runstuck. He arrived on scene to canvass the neighborhood. He spoke to (6) residents. Witnesses Joe Wilson, Harbans Kang, (redacted name), (redacted name), Lori Zuniga, and Becky Zuniga were interviewed. None of the witnesses saw the shooting. One of the six did not see or hear anything. All others heard gunshots only except for one who heard someone say “drop it” and then heard gunshots.

TAB 10 – Supplemental Report, Page 3, Lines 5 – 43: Officer G. Linhart arrived on scene to canvass the neighborhood for witnesses. Witnesses Maria Ceja, Eliana Gallegos, Nancy Marquez, Damien Moreno, Glenda Wilson, and Abigail Cendejas were interviewed. None of the witnesses saw anything, but heard gunshots.

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TAB 11 – Supplemental Report, Page 1, Line 62, & Page 3, Paragraphs 1 & 2: Officer Van Gorder. He arrived on scene to canvass the neighborhood for witnesses. Witnesses Juan Trujillo, (redacted name), and Rene Mora were interviewed. They heard gunshots, but did not witness the shooting.

TAB 23 – Supplemental Report: Detective David Smith. Interview synopsis of Sergeant McCoy's statement and transcript of his interview.

(Page 4, Paragraph 2) Sgt. McCoy was in full police uniform.

(Page 4, Paragraph 4) Sgt. McCoy was briefed on violent domestic violence case involving Bond. He was informed that a felony arrest warrant was issued; was provided with a copy of the arrest warrant; saw a photograph and criminal history of Bond that included gun possession charges; Bond knew he was wanted.

(Page 4, Paragraph 6) Sgt. McCoy was assigned as a "take down" unit with Sgt. Whitt.

(Page 4, Paragraph 7) Sgt. McCoy was on a moving surveillance team that followed Bond's mother from San Bernardino to the Gramercy Place residence.

(Page 4, Paragraph 8) Sgt. McCoy learned that Bond was at the Gramercy Place residence.

(Page 5, Paragraph 1) Sgt. McCoy learned from the surveillance team that Bond exited the Gramercy Street residence. He saw Bond look at him and Whitt.

(Page 5, Paragraph 2) Sgt. McCoy described his approach and that Bond was running away from him and Whitt. Fired his weapon at Bond until it was empty.

(Page 6, Last Paragraph) Charting of Sgt. McCoy's duty weapon, a Springfield Model 1911 .45 cal semi-auto with (8) rounds fired.

(Pages 7 – 38) Transcript of interview with Sgt. William McCoy.

TAB 24 – Supplemental Report: Detective Rick Cobb.

(Page 2, Paragraph 1) Reported the charting of Sgt. McCoy's service weapon.

(Page 2, Paragraph 4) Sgt. McCoy's service weapon is a Springfield .45 cal semi-auto handgun with a magazine that included (6) Winchester .45 cal bullets with (1) in the chamber.

(Page 2, Paragraph 6) (3) extra magazines each containing (7) bullets.

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TAB 25 – Supplemental Report: Detective Rowe. He conducted the interview with Sgt. Whitt and prepared a synopsis.

(Page 2, Paragraph 3) Sgt. Whitt said he was part of the surveillance team to locate Bond. During a briefing prior to the surveillance, he learned of Bond's identifying information, that Bond was a suspect in a felony domestic violence incident, that Bond carries a gun when he is out in public, he is a meth user, paranoid, and said he was not going back to prison. Sgt. Whitt saw a photograph of Bond on the wanted person poster.

(Page 2, Paragraph 4) Sgt. Whitt said he was a METRO team member assigned to assist in a surveillance to locate Bond on February 18, 2012, and was in full police uniform.

(Page 3, Paragraph 2) During the surveillance he was informed via police radio that a subject matching the description of Bond was leaving the Gramercy Place residence riding a bicycle.

(Page 3, Paragraph 6) Sgt. Whitt said as he arrived on Harold Street he saw the subject that was described as the person leaving the residence (Bond) stopped on a bicycle in the middle of the road. Bond turned and looked at him and his partner (McCoy). Whitt said he drove up to Bond and stopped, exited his vehicle, and pointed his sidearm at Bond. He immediately recognized the subject as Bond and ordered him to get off of the bicycle and lay on the ground.

(Page 3, Paragraph 6) Bond peddled his bicycle north on Harold away from Whitt. Whitt then got back into his vehicle, drove past Bond and stopped in a driveway to cut off Bond's path.

(Page 3, Paragraph 7) Sgt. Whitt exited his vehicle and yelled at Bond to get on the ground. Bond jumped off of his bicycle and stumbled as he ran. Whitt said Bond turned toward him with a very deliberate and committed look on his face. Bond then made a deliberate move with his hand toward his waistband. This motion by Bond made Whitt fear for his and McCoy's lives. Whitt drew his service weapon. He was approximately 8' away from Bond. When he saw Bond reach into his waistband, he feared Bond was retrieving a handgun. McCoy then fired his weapon at Bond and Whitt did the same. Whitt said he fired his weapon four times before Bond fell to the ground.

(Pages 5 – 30) Transcript of interview with Sgt. Ron Whitt.

TAB 26 – Supplemental Report: Detective Rowe.

(Page 2) Sgt. Whitt contacted Detective Rowe and stated he wanted to clarify something from his initial interview. In his initial interview, Whitt said that Bond looked at him in a deliberate manner. He wanted to clarify this because he and Bond were both wearing sunglasses. Whitt said that it was Bond's facial expressions that made him (Whitt) feel it was a deliberate look.

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TAB 27 – Supplemental Report, Page 2, Paragraph 4: Officer Jim Simmons. Described the charting of Sgt. Whitt's duty weapon, a Springfield Model 1911 Operator .45 cal semi-auto handgun containing (1) magazine with (3) live rounds in it and 1 in the chamber. (5) additional magazines, each filled to capacity with (7) rounds.

TAB 28 – Supplemental Report: Detective David Smith. He conducted an interview of the incident with Officer Dawson Smith who was listed as a victim in the investigative report.

(Page 3, Paragraph 2) Smith is assigned full time to the METRO Team, but was on the surveillance team concerning Bond. He was dressed in plain clothes at the time of the incident; a black short-sleeved T-shirt and blue jeans. Armed with a .45 cal semi-auto pistol worn under his T-shirt.

(Page 3, Paragraph 3) He was briefed on Detective O'Boyle's domestic violence case where Bond assaulted his girlfriend at 7680 Gramercy Place. It was a felonious physical assault where the female suffered severe injuries. During the surveillance briefing, he was told that according to Bond's girlfriend, he (Bond) always carries a .45 cal semi-auto pistol and made statements he would rather die than go back to prison. Smith was also informed that there was a felony warrant out for Bond.

(Page 4, Paragraph 3) Smith said he was driving an unmarked undercover vehicle in the surveillance of Bond.

(Page 4, Paragraph 5) He described where he was parked during the surveillance of the Gramercy Place residence.

(Page 4, Paragraph 6) He said during the surveillance, he saw Bond exit the front door of the Gramercy Place residence dressed in a hat, sunglasses, and large jacket. Bond was seen looking up and down the street after exiting the residence.

(Page 4, Paragraph 7) Smith said he saw Bond exit the residence on Gramercy Place, get onto a bicycle and look up and down the street before proceeding. He provided this information to the surveillance team members that included McCoy and Whitt. He provided direction of travel and description. Once Bond left his sight, he heard Officer Stennett state on the radio that he saw Bond and then gave direction of travel.

(Page 4, Paragraph 8) Smith said he heard one of the surveillance team members state over the radio that Bond was running north on Harold Street. Smith proceeded to Harold Street where he saw Bond on his bicycle on the west side of the street. He saw Sergeants Whitt and McCoy in their marked police vehicle stop and cut off Bond's path. Bond jumped off of his bicycle and ran south on Harold. Smith said he then drove south of Bond and cut off his direction of travel with his police vehicle. Smith exited his vehicle and drew his sidearm, yelling at Bond "Police." Bond looked at him and turned away looking toward Sergeants Whitt and McCoy.

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(Page 5, Paragraph 2) Smith saw Bond run toward him and stumble. Bond then pulled up his jacket with his left hand and pulled out a .45 semi auto handgun from his waistband. Bond stopped and looked back and forth. Bond then ran toward Smith and twisted his body backward toward Whitt and McCoy, and pointed a handgun at them. Smith yelled to Whitt and McCoy, “gun, gun, gun” and moved to his right in order to get out of the line of fire. Whitt and McCoy were running after Bond at this time and were approximately 6’ away when Smith heard Whitt and McCoy fire their weapons at Bond. Bond then fell to the ground.

(Page 5, Paragraph 3) Smith said he ran to where Bond was lying on the ground. He rolled Bond over and saw a handgun underneath him.

(Page 5, Charting) The charting of Detective Smith’s sidearm, a Springfield Model 1911 .45 cal semi-auto handgun. Weapon was found loaded to capacity with no expended rounds.

(Pages 6 – 30) Transcript of interview with Officer Dawson Smith.

TAB 29 – Supplemental Report: Detective Rowe. Interview with Officer Brett Stennett.

(Page 3, Paragraph 3) Detective Rowe conducted a tape-recorded interview with Officer Brett Stennett at the Magnolia Station and informed him that he was considered a victim of an assault against a peace officer with a firearm as a result of this incident. Stennett said that he did not fire his weapon. His weapon was charted and it was confirmed that all rounds carried were accounted for.

(Page 3, Paragraph 4) Officer Stennett said he was assigned to the RPD METRO Unit and gave details as to what he does in this assignment which includes serving search warrants and arrest warrants.

(Page 3, Paragraph 5) Prior to the surveillance, Officer Stennett was informed that Bond had a felony warrant out on him for domestic violence. Smith was provided with a wanted person poster that included a description and photographs of Bond. Stennett was told that information obtained in the domestic violence case indicated that Bond was always armed with a gun and that he was not going to let police arrest him again. He and the METRO Team members were given an address in San Bernardino on February 17, 2012 where Bond’s mother apparently resided and requested to begin surveillance at that location to locate Bond. Bond was not found on that date and the surveillance concluded.

(Page 4, Paragraph 1) On February 18, 2012, Stennett and his METRO Team members set up surveillance on Bond’s mother’s residence in San Bernardino. Bond’s mother left the location in a vehicle and the METRO Team followed her until she arrived at the Gramercy Place residence. Stennett and his team members then established a surveillance of the Gramercy Place residence.

(Page 4, Paragraph 2) Stennett said that while on the surveillance he and the other METRO Team members were informed over the police radio that Bond just left the Gramercy Place

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residence riding a bicycle and that Bond was looking up and down the street. Stennett was seated in his vehicle at a stationary post when he saw Bond ride his bicycle past him. Stennett recognized the subject on the bicycle as Bond based upon the photos he saw of him. Stennett described to the others what Bond was wearing. Stennett said when Bond rode past him he (Stennett) had a very intense and serious look on his face.

(Page 4, Paragraph 3) Stennett said Bond rode approximately 20' - 30' past his vehicle and stopped to adjust his pants and jacket. Stennett said, in retrospect, he believed Bond was adjusting the gun in his waistband so that it would not fall out. Stennett saw McCoy and Whitt enter Harold Street in their marked police vehicle. Bond looked at the unit and fled northbound on his bicycle. He saw McCoy and Whitt drive after Bond, north on Harold Street.

(Page 4, Paragraph 4) Stennett saw McCoy and Whitt drive past Bond and pull into a driveway to cut off his escape path. Stennett drove toward McCoy and Whitt at which time he saw Bond pull his jacket away from his waistband and remove a black colored handgun with his right hand. Bond looked to his left with the gun in his hand at chest level. It looked like Bond was going to engage McCoy and Whitt. He saw McCoy and Whitt exit their police vehicle and giving commands to Bond. Stennett could not hear exactly what was being said. Bond turned left with his gun in hand and McCoy and Whitt "engaged him." He does not believe that Bond ever fired his gun at McCoy and Whitt. Stennett said the shooting occurred so quickly that he never had the opportunity to exit his unit.

(Page 5, Paragraph 1) Stennett saw Bond fall to the ground and then Smith approached him (Bond). He saw Bond's hands underneath him as he was lying on the ground. He assisted Smith in handcuffing Bond and when pulling Bond's right hand to put it behind his back he felt something heavy and noticed the metal of the gun in Bond's hand scrape against the concrete.

(Page 5, Paragraph 2) When Stennett rolled Bond over, he noticed that he (Bond) had injuries on his back and side.

(Page 6) Copy of wanted person poster depicting Bond. This poster was distributed to all surveillance team members.

(Pages 7 – 33) Transcript of interview with Officer Brett Stennett.

TAB 30 – Supplemental Report: Detective Jim Simons. He conducted witness interviews.

(Page 2, Paragraph 3) Interview of Harold Street resident, Pedro Hernandez. He was sitting in his garage with his brother-in-law, Hugo Ortega, neighbor Marco Palomera, and Eliseo Salgado. Preparing for a party when he saw a male subject riding a bicycle north on Harold Street from Gramercy Place. The subject was on the west side of the street wearing a beige jacket.

(Page 2, Paragraph 4) Pedro Hernandez saw a black and white police vehicle pull in front of the subject on the bicycle, blocking his path. Two police officers exited their vehicle and Bond then

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jumped off of his bicycle allowing it to fall to the ground. Bond took 5 - 6 steps backward and continued to face the officers.

(Page 2, Paragraph 5) Pedro Hernandez saw Bond step behind a neighbor's tree. He could still see most of his (Bond's) body, but not his face. He heard officers yelling, "stop, stop," several times. He saw Bond open up his jacket with both hands and reach into his front waistband. Hernandez said he got scared because he believed the subject was going to pull a weapon out. He never saw what it was. He heard another officer yell, "gun!"

(Page 2, Paragraph 6) Pedro Hernandez said that the two officers that exited the black and white police vehicle began firing their guns at the subject who then fell to the ground. When this occurred, Hernandez, his family and friends left the garage and went inside their residence.

(Page 2, Paragraph 7) The officers who fired their weapons at the subject were wearing police uniforms.

(Page 3, Paragraph 1) Interview with Witness Hugo Ortega. He was sitting in the garage facing Harold Street. *(Page 3, Paragraph 2)* Ortega heard someone yelling "Stop...Stop" numerous times. He turned around and saw police officers stepping out of a black and white police vehicle. The officers were wearing uniforms. His view of the subject (Bond) was initially obstructed because of a neighbor's trees. He saw the subject drop a bicycle and run south on the sidewalk of Harold Street. He then lost sight of the subject because of the trees obstructing his view.

(Page 3, Paragraph 3) Hugo Ortega saw the two officers that exited the police vehicle walk in the direction of the subject. He heard the officers yelling "Stop!" several times. He heard (6) gunshots fired by the officers.

(Page 3, Paragraph 4) Ortega did not see the subject at the time of the shooting because his view was blocked by the trees.

(Page 3, Paragraph 8) Interview with Witness Marco Palomera. He said he was sitting in the driveway of Hernandez' residence, just outside the open garage. His back was turned to Harold Street. He first heard 5 - 6 gunshots coming from the front of Hernandez' residence. He said while the shots were being fired, he saw a black and white police vehicle and two uniformed officers with pistols in their hands. He could not see the subject due to trees that blocked his view.

TAB 31 – Supplemental Report: Detective Rick Cobb. Interview with Witness Eliseo Salgado.

(Page 2, Paragraph 2) Salgado was sitting in Hernandez' garage at 5664 Harold Street when he saw the officers shoot the subject (Bond).

(Page 2, Paragraph 3) Salgado saw a black and white police vehicle drive up into the driveway where he was sitting. Two uniformed police officers exited the police vehicle and looked in a southern direction on Harold Street. He saw Bond on a bicycle. Bond dropped the bicycle and

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started running away from the two officers. He heard the officers yelling for Bond to “Stop” three times. He saw when Bond started to run. A plain color vehicle stopped in front of Bond, blocking his path. An officer exited the plain color vehicle and Bond stopped, then lifted up his shirt and reached into his waistband with his right hand. He saw Bond pull something out of his waistband. The officers then fired their guns 8 - 9 times.

(Page 2, Paragraph 4) Salgado described where the officers were when the shooting occurred. He said the officers fired their weapons in self-defense. Also, that Bond did not want to listen to anyone and could very well have shot anyone.

TAB 32 – Supplemental Report: Detective Rick Cobb. Interview with John Hicks who is friends with Bond and has known him since they were “kids.”

(Page 2, Paragraph 3) Hicks spoke to Bond (2) days prior to the shooting. He said Bond’s girlfriend climbed out a window of the Gramercy Place residence in order to get away from Bond after he beat her. Hicks saw she had a bruised face and black eye. Bond said he beat her while interrogating her about cheating on him.

(Page 2, Paragraph 4) Bond told Hicks he was wanted by the police but that he did not know why. Hicks felt Bond did in fact no why. Bond told Hicks he would take a bullet before going back to jail. Hicks knew that Bond carried a .45 cal semi-automatic handgun. He did not know Bond had it the day of the shooting.

(Page 2, Paragraph 5) Hicks said he would never “fuck with Bond because he was a bad motherfucker.”

TAB 33 – Supplemental Report: Detective Rick Cobb. Interview with Lorie Rivera, suspect Bond’s mother.

(Page 2, Paragraph 2) She was informed that Bond was shot and killed by police. She was upset, but agreed to talk with detectives.

(Page 2, Paragraph 3) She said that Bond was in the residence prior to the shooting incident and that there was nothing wrong with him. She knew he was wanted by the police but, did not know the reason. Bond left to buy cigarettes at the store. After he left, she heard gunshots.

(Page 2, Paragraph 4) Rivera said Bond was having problems with his girlfriend and did not appear to want to talk about anything else.

(Page 2, Paragraph 5) Rivera said she never saw Bond with a gun and that he never had one. She has never had a gun in her home.

(Page 2, Paragraph 6) Rivera was told that Bond had a gun with him when he was shot. Rivera got upset with the interviewing detective and said that Bond should not have been shot so many times. The interview was then concluded.

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TAB 34 – Supplemental Report, Crime Scene Investigation Report: Detective Medici.

(Page 2, Paragraphs 4 & 5) A brief description of the scene including the street, weather, time of day, etc. Condition of scene upon arrival of CSI team including crime scene tape placement and barrier placed in a position around Bond's body to prevent onlookers from seeing the body.

(Page 3, Paragraph 1) Provides a description of the position Bond's body was in on the sidewalk, a clothing description, the condition and location of his weapon, and where blood was located.

(Page 3, Paragraph 2) Described the location of the police unit driven by McCoy and Whitt and the location of the bicycle that Bond was riding.

(Page 3, Paragraph 3) Location of .45 cal shell casings and Bond's weapon. Items were photographed and retained as evidence. Bond's handgun was identified as a stolen weapon from 1998.

(Page 3, Paragraph 4) Processing of Bond's body at the scene by a Deputy Coroner. The detective described wounds on Bond's body while at the scene. The description is continued on Page 4, Paragraph 1.

TAB 35 – Supplemental Report, Pages 1 – 12: CSI Officer T. Ellis. A photo log for all photographs taken at the scene.

TAB 36 – Supplemental Report: Detective Medici and CSI Officer T. Ellis. Retrieved the weapon that Bond was in possession of. Identified as a stolen firearm out of Pico Rivera reported by the Los Angeles County Sheriff's Department. A Colt Model M19991A1 Series 80 .45 Cal semi-auto.

TAB 37 – Supplemental Report, Pages 1 – 11: CSI Officer S. Lane. Charting of Sgt. McCoy's and Sgt. Whitt's weapons, as well as Officer Smith's and Officer Stennett's.

TAB 38 – Supplemental Report, Pages 1 – 4: CSI Officer S. Lane. Took blood swabs from the handgun used by Bond.

TAB 39 – Physical Evidence Examination Report: Report submitted by Brian L. Rienarz, California Department of Justice, Forensic Sciences Unit. Conducted the forensic analysis of Sgt. McCoy's and Sgt. Whitt's weapons. Provided a report of the results of the analysis.

TAB 40 – Supplemental Report: Detective Medici. Medici attended the autopsy of Bond and reported information obtained from the pathologist as the exam was underway. Took place on February 22, 2012.

(Page 3 narrative, Paragraph 1) Describes the clothing worn by Bond and tattoos on his body.

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(Page 3, Paragraph 2) Described the examination of Bond's outer body by the pathologist. (10) gunshot wounds were identified. (7) entry wounds and (1) exit wound. The location of all gunshot wounds were described.

(Page 3, Paragraph 4) Describes the internal examination of Bond's body that identifies organs that were struck with bullet projectiles. (1) bullet struck his kidney, both lungs were hit, and 2 - 3 hit his heart.

TAB 41 – Supplemental Report, Pages 1 – 10: CSI Photographer SM Kay-Davis. Photo logs of all autopsy photographs.

TAB 45 Wanted poster on Bond that was used by the surveillance team.

TAB 48 – DA's Letters: Letters from the Riverside County District Attorney's Office concerning their review of the shooting. Assistant DA Craig Datig found there was no criminal culpability on behalf of Sgts. McCoy and Whitt.

Section D

RPD Policy 4.8
(Rev. 6, 5/26/11)

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

RPD Policy 4.30
(Rev. 9, 4/8/11)

Effective Date: 8/93
Revision 1 Date: 07/26/96
Revision 2 Date: 05/21/97
Revision 3 Date: 06/01/99
Revision 4 Date: 01/05/2000
Revision 5 Date: 05/09/02
Revision 6 Date: 02/02/04
Revision 7 Date: 11/01/04
Revision 8 Date: 04/16/09
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 a position of providing care for, that the individual has been subjected to the carotid restraint hold and whether the subject lost consciousness as a result.
3. Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such a hold.
4. The use or attempted use of the carotid restraint shall be thoroughly documented by the officer in the related criminal report.

J. DEADLY FORCE:

Officers are authorized the use of deadly force to: protect themselves or others from an immediate threat of death or serious bodily injury; or prevent a crime where the suspect's actions place persons in jeopardy of death or serious bodily injury; or, to apprehend a fleeing felon for a crime involving serious bodily injury or the use of deadly force where there is a substantial risk that the person whose arrest is sought will cause death or serious bodily injury to others if apprehension is delayed. Officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

1. Drawing or exhibiting Firearm: Officers shall only draw or exhibit a firearm when there is a reasonable likelihood of danger to the officer or other persons.

2. Discharge of Firearm: In addition to life-threatening situations as described, officers may discharge a firearm or use any other type of deadly force in the performance of their duties, under the following circumstances:
 - a. To kill a dangerous animal that is attacking the officer or another person(s), or which if allowed to escape, presents a danger to the public.
 - b. When humanity requires the destruction of an animal to save it from further suffering, and other disposition is not possible.
 - c. To give an alarm or call assistance for an important purpose when no other means are available.
 - d. Generally, a member of the Department shall not discharge a firearm as a warning shot.
 - e. Generally, a member of the Department should not discharge a firearm at or from a moving vehicle unless in the necessary defense of human life in accordance with this policy.

K. REPORTING USE OF FORCE INCIDENTS:

Any use of force shall be reported to a supervisor as soon as practical if any of the following conditions exist:

1. The application of force by the officer appears to have caused physical injury to the suspect or required medical assistance.
2. The application of force by the officer included personal body weapons, a chemical irritant, electronic control device, carotid restraint, baton, or firearm.
3. The application of force by the officer appears to have rendered the suspect unconscious.

L. EMPLOYEE RESPONSIBILITIES:

Any member of the Department involved in reporting a use of force application shall:

1. Summon medical aid, as needed.
2. Immediately notify a supervisor.
3. Adhere to the provisions of section 4.8 of the Riverside Police Department Policy and Procedure Manual if the application of force caused serious bodily injury or death.
4. Report the full details of the application of force in the related Department criminal report.
5. If off duty, notify the on duty Watch Commander immediately.

M. SUPERVISOR RESPONSIBILITIES:

A supervisor shall respond to an incident in which there has been a reported application of force. The supervisor is expected to:

1. Ensure that any injured parties are examined and treated.

- 2.** Obtain the basic facts from the involved officer(s). Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- 3.** Ensure proper documentation of statements made by the suspect(s) upon whom force was applied under the following guidelines:
 - a.** Spontaneous statements by the suspect(s) should be incorporated into the related criminal report.
 - b.** Supervisors may use their discretion when deciding whether or not to interview the suspect(s) or a witness.
 - c.** If a Supervisor decides to interview the suspect(s), a voluntary Miranda waiver must be obtained and the suspect(s) statement shall be included in the related criminal report.
- 4.** Ensure that photographs have been taken of any areas involving visible injury and complaint of pain as well as overall photographs of uninjured areas.
- 5.** Identify witnesses not already included in related criminal reports.
- 6.** Review and/or approve all related criminal reports, video and audio recordings.
- 7.** Complete and submit the Supervisor Administrative Review/Investigation Report and the related criminal reports within 5-days via the chain of command.

The Watch Commander, after reviewing all available information, shall make appropriate notification to the Internal Affairs Unit as soon as practical, if he or she believes an application of force has violated department policy.

In such cases, the Internal Affairs Unit shall be responsible for conducting all administrative investigations involving the application of force.