



**RASHAD JARRET HOPES
OFFICER-INVOLVED DEATH
PUBLIC REPORT**

CPRC Case No. 13-020

RPD Case No. P13-083040

Approved on
February 25, 2015

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Date of Incident: June 11, 2013
Location: Chevron Service Station
3476 Van Buren, Riverside
Decedent: Rashad Jarret Hopes
Involved Officers: Officer Eric Hibbard
Officer Cedric Disla

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. Since the Administrative Investigation contains peace officer personnel information, it is confidential under State law, pursuant to CPC 832.7. Any additional finding made by the Commission that is based on the administrative investigation is also deemed confidential, and therefore cannot be made public.

II. Finding:

On January 28, 2015, by a vote of 8 to 0 (1 Abstain), 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.

Approve:	Rotker, Hawkins, Ybarra, Taylor, Smith, Jackson, Roberts, Adams
Oppose:	None
Abstain:	Andres

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 Tuesday, June 11, 2013, shortly before 2300 hours, Witness Rae Perry and her child were in a vehicle driven by Witness Perry, headed west on the 91 Freeway from Adams Street in Riverside. Witness Perry's vehicle was struck from behind, causing her vehicle to spin around and come to a stop, facing east in the westbound lanes of traffic.

The driver of the vehicle that hit Witness Perry's vehicle did not stop. The vehicle, which was described as a red 2000 Chevrolet Metro, sped away westbound and exited the freeway onto Van Buren Boulevard. The fleeing vehicle was in violation of 20001, 20002 C.V.C. Hit and Run.

At this same time, Witness Joseph Barrio, who was driving south on Van Buren Boulevard, was stopped at a red traffic signal at the intersection of Van Buren Boulevard and the off ramp for the westbound 91 Freeway. Witness Barrio looked toward his left and observed a vehicle that had just collided into the raised center median as it exited the westbound lanes of the 91 Freeway onto northbound Van Buren Boulevard. There was smoke emitting from the vehicle's hood. He observed a black male exit the driver's seat and walk toward the rear of the vehicle. He observed a second black male exit the front passenger's seat, stumble to the ground, and immediately get up and begin walking toward the Chevron Gas Station, west of the accident scene. Witness Barrio further observed that this male was holding a handgun in his right hand, which he appeared to insert into his front pants pocket.

Witness Barrio described the male with the handgun as a young black male, weighing approximately 150 pounds, wearing a black or navy blue T-Shirt shirt and white shorts. He did not think he could identify the individual's facial features since he did not get a good enough look. Witness Barrio described the handgun as having a long skinny barrel.

Another civilian witness, identified as Carol Lopez, was a passenger in a vehicle driven by her husband. They were westbound on the 91 Freeway near Adams Street when she observed a larger sized black vehicle enter the westbound lanes and merge into traffic. Next, she observed a small red vehicle collide into the rear of the black vehicle. She and her husband continued to the Van Buren Boulevard off-ramp, where they exited the freeway and stopped at the red traffic signal before making a right turn onto Van Buren Boulevard.

As they were waiting at the traffic signal, Mrs. Lopez observed the same small red vehicle she believed was involved in the traffic collision on the freeway, drive past them, through the red traffic signal, and collide into the raised center median of northbound Van Buren Boulevard. Mrs. Lopez saw both the driver and passenger exit the vehicle, stumbling, and begin running north from the vehicle. She saw that the individual that exited the passenger's seat was carrying a handgun in his right hand. Seeing the gun in plain sight, they immediately drove away, passing the suspect without stopping. Witnesses Rae Perry,

Joseph Barrio, and Carol Lopez immediately called 911 and reported their actions and observations to the police dispatcher.

At approximately 2259 hours, Officer Eric Garcia, a uniformed Riverside Police Department patrolman, driving a marked black and white police vehicle, was traveling north on Van Buren Boulevard at the 91 Freeway overpass. He noticed a red 2000 Chevrolet Metro that had apparently exited the westbound lanes of the 91 Freeway and had collided into the raised center median. The vehicle was partially blocking traffic lanes of northbound Van Buren Boulevard. Officer Garcia stopped to investigate and contacted the driver of the vehicle, Clifton Chapple. As Officer Garcia made contact with the driver, he observed another male black subject located on the passenger's side of the vehicle, walk away and head toward the area of the Chevron Gas Station. Officer Garcia immediately notified the police dispatcher(s) of his observations.

The dispatcher(s) acknowledged Officer Garcia advising him of the 911 calls reporting the hit-and-run incident on the 91 Freeway, as well as the reports of a man with a gun who was related to the incident he was reporting. Officer Garcia requested that additional units respond to his location and reported that he had last observed the vehicle's passenger walking toward the front of the Chevron Gas Station. Officer Garcia detained Clifton Chapple pending the arrival of additional RPD units and the California Highway Patrol.

Under the direction of Supervising Patrol Sergeant Robert Tiptre, responding officers J. Mann, R. Macek, Cedric Disla, J. Cleary, Eric Hibbard / K9, and A. Barnhill, arrived on scene and were formed into a "contact team" positioned on Van Buren Boulevard, north of the entrance to the Chevron Gas Station. Since the officers could not see the armed suspect, Sergeant Tiptre directed the dispatchers to call the store's employees and have them immediately exit the location and meet with the officers for an intelligence gathering briefing.

Store employees, Josue Perez Campos and Lorenzo Marquez, exited the store and met with the officers. Both store employees told the officers that they had not seen anyone matching the suspect's description enter the store. Marquez, however, thought he saw an individual possibly matching the suspect's description walk toward the outside rear area behind the store. He was not completely sure because it was dark outside.

At this point, Sergeant Tiptre deployed Officers C. Disla, J. Cleary and E. Hibbard / K9 to take strategic points of cover and concealment at the front of the store. Officer E. Hibbard / K9 and Officer J. Cleary were positioned closest to the front door and covered the store's interior in case the suspect was hiding inside. Sergeant Tiptre, along with Officers J. Mann, R. Macek, and A. Barnhill, walked to the exterior northeast corner of the store and then west to the rear (west) side of the location.

Once Sergeant Tiptre and his team cleared the north side of the location, they proceeded slowly along the west (rear wall) of the location, and saw the suspect, later identified as

Rashad Jarrett Hopes, hiding near the southwest corner of the location. They were obstructed by wrought-iron fencing that blocked the path along the rear portion of the location, which made approaching Hopes difficult.

Officers ordered Hopes to surrender and to show his hands, but he failed to comply. Instead, Hopes quickly moved from his position and headed east along the south side of the Chevron store toward the front of it. When Officer Hibbard heard the verbal commands being issued to the suspect, he and his K9 re-deployed to the north side of the location. As he was moving, he heard a radio broadcast advising that Hopes was headed toward the southeast area of the location. Officer Hibbard and his K9 partner immediately returned to the front of the store where he positioned himself near the southeast corner of the location. Hibbard observed Hopes, armed with a handgun, moving toward his location. Officers C. Disla and J. Cleary had joined Officer E. Hibbard at this location and also saw Hopes moving toward them while pointing a handgun in their direction.

Officer J. Cleary shouted at Hopes several times, ordering him to “drop the gun” and “surrender to officers.” Hopes refused to comply and continued moving east toward the officers. Officer E. Hibbard believed his life, as well as the lives of his fellow officers were in immediate danger. Using his duty weapon, he fired ten (10) rounds at the suspect. Hibbard held his K9’s leash in his opposite hand while firing his weapon at Hopes. Almost simultaneously while hearing the gunfire, Officer C. Disla, believing Hopes had engaged the officers in a gun battle, fired five (5) rounds from his AR-15 patrol rifle at him. Hopes then collapsed in a planter area near the southwest wall of the location. Hopes’ handgun fell to the ground beside him. Officer J. Cleary believed his life, as well as the lives of his fellow officers were in danger at the time gunfire erupted, but did not fire his duty weapon because Officer C. Disla moved into his line of fire.

The officers continued yelling verbal commands at Hopes, directing him to move away from the gun, but he was non-responsive. Fearing that Hopes may still pose a threat to the officers, Hibbard directed his K9 to make contact with Hopes. Once it was determined that Hopes was incapacitated, the officers approached him, handcuffed him, and moved him out of the dirt planter.

Medical aid was summoned and responded. He was pronounced dead at the scene by paramedics. The shooting scene was secured and the investigative units were summoned. RPD Detectives Rick Wheeler and Rick Cobb responded to the shooting scene and were assigned to conduct the investigation of the “officer-involved shooting.” As part of their duties, they insured that proper procedures were followed for interviews, crime scene documentation, evidence collection, photography, and shooting scene sketch preparation.

As this incident was unfolding, several additional Riverside Police Department Officers and California Highway Patrol Officers responded to the radio broadcast. The following is a short synopsis of their observations and actions:

Sergeant K. Lambert was at the Riverside Police Department Lincoln Station, when he monitored the dispatch broadcast regarding the traffic collision and related "man with a gun." Sgt. Lambert responded using the westbound 91 Freeway from Adams Street. He drove past a dark-colored vehicle that was facing east in the westbound traffic lanes against the north freeway embankment. He exited the freeway at Van Buren Boulevard and observed Officer Garcia's police vehicle stopped near a small burgundy colored vehicle that had collided into the center median of Van Buren Boulevard. He saw Officer Garcia detaining the vehicle's driver and heard an additional radio broadcast regarding the vehicle's passenger, who was armed with a handgun, moving toward the Chevron Gas Station.

Sgt. Lambert noted that RPD officers were already deployed at the Chevron station and adjoining Extra Mile Market at the location. Lambert was positioned on the east side of the center median of Van Buren Boulevard. He recognized one of the officers located at the southeast corner of the location as Officer E. Hibbard and his K9. He then saw Hopes moving east along the south side of the location toward Officer Hibbard.

Sgt. Lambert saw that the suspect appeared to be using his hands to hold the waistband of his shorts. He heard the officers yelling commands at Hopes, but could not decipher exactly what they were saying. He saw Hopes lift his right hand and level it towards Hibbard and other officers. From his vantage point, Lambert could not see if Hopes had anything in his hands, but said it appeared that Hopes may have pointed a handgun at the officers based on the manner in which he confronted the officers with his right hand and arm extended forward. Lambert immediately heard between five (5) and eight (8) gunshots and then saw Hopes turn and begin to move away from the officers toward the rear of the location.

California Highway Patrol Officers M. K. Ritter and Eugene Norris were sent to the area in regard to a report of a hit-and-run traffic accident on the 91 Freeway. While responding westbound on the 91 Freeway from Adams Street, they saw the traffic accident on the other side of the freeway. They continued and exited the freeway at Van Buren Boulevard where they immediately saw a small burgundy-colored vehicle that was disabled on the center median of Van Buren Boulevard at the exit lanes of the westbound 91 freeway.

Officer Ritter's attention was immediately focused toward police activity occurring approximately 100 yards west of his location at the Chevron Gas Station across the street. Moments later, Officer Ritter heard the police officers yelling commands of "put the gun down – put the gun down," followed by several gunshots. When he heard the gunfire, he ran toward the location to assist. While he was responding, he saw Hopes emerge from an area between two parked vehicles on the south side of the location. As he neared the officers' location, he saw Hopes collapse and fall into a dirt planter. He did not see if Hopes had a firearm or not.

Officer Norris was the driver of the patrol vehicle in which Officer Ritter was riding. Upon arrival at the accident scene on Van Buren Boulevard and the 91 Freeway off ramp, Officer Norris observed several Riverside Police Department vehicles with their emergency lights activated near the Chevron Gas Station across the street from his location. Almost immediately, he heard four (4) to five (5) gunshots erupt from the area of the Chevron Gas Station. He saw his partner (Officer Ritter) running toward the sound of the gun fire.

Officer Norris described observing a tactical column of officers moving south across the front of the Extra Mile Market to the southeast corner of the location. At the time he heard gunfire, he saw muzzle flashes emitting from the officers' location. He did not know if the officers had fired first or had returned fire in reaction to Hopes firing first. He saw Hopes running south from an area near the south exterior wall of the location where he fell to the ground. He heard the officers yelling at Hopes saying, "Do not move, show me your hands. Put the gun away." After the gunfire subsided, Officer Norris ran across the street and joined Officer Ritter. They cleared the western portion of the location of any additional suspects and once the shooting scene was deemed clear, they both returned to their patrol vehicle on the opposite side of Van Buren Boulevard.

Detective Ron Sanfilippo was assigned to interview the driver of the hit-and-run vehicle, Clifton Chapple. Mr. Chapple waived his Miranda Rights prior to the interview. Mr. Chapple admitted to fleeing the traffic accident in the westbound lanes of the 91 Freeway and colliding into the raised center median as he attempted to exit the freeway onto Van Buren Boulevard. He initially stated he was alone in the vehicle when the accident occurred. When he learned that eyewitnesses to the collision identified Suspect Rashad Hopes as his front seat passenger, he changed his story and stated there was an individual inside his vehicle. He described this individual as a male, black, whom he knew only as "Bro." He picked up "Bro" somewhere on University Avenue and was giving him a ride to an unknown location on Arlington Avenue. He stated that he met "Bro" in the streets about two weeks ago and that he did not know "Bro's" real name.

Mr. Chapple revised his story again, this time stating that he had picked up "Bro" after he left his girlfriend's Moreno Valley residence. When questioned about the identity of his girlfriend, he told the detective he met her at a park on the Eastside, off 14th Street. Mr. Chapple stated that he was surprised that "Bro" got out of his car and ran. He did not know that "Bro" had a gun. A short time after "Bro" ran, Mr. Chapple said he heard gunshots. He did not observe the shooting because he was on the ground being handcuffed by officers. At the conclusion of this interview, Mr. Chapple was booked for impaired driving and hit-and-run violations.

During the post-incident examination and charting of the involved officers' firearms, it was determined that Officer Eric Hibbard fired ten (10) rounds from his department-issued Glock, Model 22, .40 Caliber Semi-Automatic handgun, and Officer Cedric Disla fired five (5) rounds from his department-issued Smith & Wesson, M&P .556 Caliber Patrol Rifle.

The firearms report generated after the firearms inspection indicated the aforementioned firearms all functioned properly.

A Riverside County Coroner's Autopsy Protocol on Hopes, issued June 12, 2013, described the cause of death as a gunshot wound to the head. A Bio-Tox Laboratories toxicology analysis revealed Hopes' blood alcohol levels were at 0.33 W/V and blood Cannabinoids / THC levels at 0.0039 mg / L.

An examination of Hopes' firearm revealed a black, fully-functional, .38 caliber Smith & Wesson, Model 10 revolver with brown wood grips. The firearm contained six (6) expended shell casings that each contained multiple firing pin strike marks on the primer. California Department of Justice reports on this firearm indicated that it was reported stolen on January 17, 1992 from Wayne County, Georgia.

Detectives Rick Wheeler and Rick Cobb reported that there were no officer belt recordings, nor Coban Audio / Video of the actual officer-involved shooting. There were three (3) recorded 911 calls related to the "man with a gun" call. Post-event Coban Video was obtained from the patrol vehicle operated by Officer J. Southard and what was described as "buffered Coban Video" was obtained from patrol vehicle #3603.

Both audio / video recordings were obtained from the California Highway Patrol vehicle on scene, but those recordings did not capture the officer-involved shooting. Video recordings were obtained from the Extra Mile Market covering various camera views. One camera positioned toward the south (shooting scene) captured grainy, blurry video footage.

Officers Eric Hibbard and Cedric Disla, as well as other witness officers, were interviewed by the handling detectives. They provided recorded statements that were consistent with the evidence in this case, as well as corroborated by on scene eyewitnesses. Several additional eyewitnesses to this incident were identified and interviewed by the detectives.

Commissioners also reviewed the contents of the report issued by the Riverside County District Attorney's Office (Paul E. Zellerbach), dated September 11, 2014, wherein; after reviewing this case and the actions of Officers Eric Hibbard and Cedric Disla, they found no evidence of criminal culpability on the part of the officers. The Commission also concluded that the investigation of this Officer-Involved Shooting incident by the Riverside Police Department was conducted in a fair and impartial manner and met or exceeded POST standards of practice.

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, crime scene evaluation and assessment, evidence collected at the scene, photographs, the involved weapons, forensic examination results, and the Coroner's report.

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 the Use of Force Policy of the RPD.

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:**

It is the opinion of the Commission that Officers Eric Hibbard and Cedric Disla acted in compliance with California State Law and the Riverside Police Department's Policies and Procedures, and that their use of force was not only reasonable, but necessary. Given Suspect Hopes' demeanor and actions (pointing a firearm at the officers and failing to comply with verbal commands), the officers reasonably concluded that there was a clear and present threat to their lives, the lives of fellow officers, and the lives of civilian witnesses who were on scene as this incident unfolded.

Section 4.30 of the Riverside Police Department's Policies 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, Hopes pointed a handgun at officers while moving toward them and failed to follow commands to put the gun down. Under these circumstances, it was reasonable for the officers to believe that their lives or the lives of fellow officers were in jeopardy and thus, it was "objectively reasonable" for them to defend themselves.

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 Hopes failed to follow the commands given to him by police officers and instead, elected to engage the officers with his handgun. Based on the observations and statements of Officers Hibbard and Disla, along with the observations and statements of both police officer and civilian witnesses, coupled with the discovery of the weapon after the incident was over, Hopes had every intention to shoot the officers. Although no one saw or heard Hopes' handgun go off, additional strike marks from the firing pin on the empty shell casings in Hopes' handgun would indicate that he (Hopes) or someone had pulled the trigger of the gun multiple times. The officers had no option but to defend themselves. It is unfortunate that Mr. Hopes 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
CPRC Independent Investigator Reports Mike Bumcrot Consulting	Section B
Fact Sheet	Section C
RPD Policy 4.8: Investigations of Officer Involved Shootings and Incidents Where Death or Serious Likelihood of Death Results	Section D
RPD Policy 4.30: Use of Force Policy	Section E

Section A

RPD Press Release

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Press-Enterprise Articles





# PRESS RELEASE

Riverside Police Department • 4102 Orange ST • Riverside CA 92501

Phone 951.826.5902 • FAX 951.826.5939

INTEGRITY



SERVICE



EXCELLENCE

**FOR IMMEDIATE RELEASE**

June 12, 2013

Contact: Dan Russell  
Sergeant- Robbery / Homicide Unit  
951.353.7106  
[drussell@riversideca.gov](mailto:drussell@riversideca.gov)

## Officer Involved Shooting

Riverside, CA – On June 11, 2013, at approximately 11:00 PM, a Riverside Police officer came across a traffic collision blocking the northbound lanes of Van Buren Boulevard at the 91 freeway. When the officer stopped to investigate he contacted the driver of the vehicle and saw the passenger walking away toward a gas station on the west side of Van Buren Boulevard. While the officer was notifying the dispatch center of his findings, citizens driving by the accident were calling into the dispatch center advising that the subject walking away from the vehicle had a gun in his possession.

This information prompted additional officers to arrive at the gas station and search for the subject with a gun. Officers encountered a subject at the rear portion of the building and gave him commands. The subject ran away from the officers and while running encountered additional officers who were at the front of the building. The subject pointed a handgun at those officers and an officer involved shooting occurred. Medical aid was summoned and the subject was pronounced deceased at the scene. The name of this subject will be released by the Coroner's office pending notification to next of kin.

Detectives from the Robbery Homicide Unit responded and were assisted in their investigation by personnel from the Forensic Evidence Unit. Based on the preliminary investigation, it is believed the driver of the vehicle involved in the traffic collision was also involved in a hit and run accident on the westbound 91 freeway near Madison. He exited the freeway at Van Buren Boulevard and collided with the center divider. The driver of the vehicle, Clifton Carl Chapple, a 21 year old Riverside resident was arrested by the California Highway Patrol for hit and run and driving under the influence. Any inquiries regarding Chapple's arrest should be directed to the California Highway Patrol Riverside office.

Anyone with information about this incident is asked to contact Detective Rick Wheeler at (951) 353-7134 or Detective Rick Cobb at (951) 353-7135.





# RIVERSIDE: 1 dead in officer-involved shooting

BY CHRIS ERCOLI AND MICHAEL WATANABE  
STAFF WRITERS  
June 11, 2013; 11:50 PM

**RAW VIDEO:** [Riverside police sergeant describes shooting](#)  
Site of officer-involved shooting in Riverside

A suspected hit-and-run crash on Highway 91 ended in a fatal officer-involved shooting on Tuesday, June 11, Riverside police said.

About 11 p.m., two vehicles collided on the freeway at Madison Avenue, Riverside police Sgt. David Amador said. He wasn't aware of any injuries during the crash.

The vehicle that police say caused the crash exited the freeway at Van Buren Boulevard and smashed into the center divider, he said.

Witnesses to the crash followed the vehicle off the freeway and saw the passenger exit with a handgun. Officers were sent to the scene.

When officers arrived, they were directed to the rear of a nearby Chevron station, where the passenger was found, Amador said. The passenger fled to the front of the station and was confronted by officers.

Amador said the passenger then pointed his handgun and an officer-involved shooting occurred. Medical aid was called, and the man was pronounced dead at the scene. No officers were injured.

The driver who police say caused the freeway crash was arrested by the California Highway Patrol on suspicion of hit-and-run driving under the influence.

Amador did not release the identities of either the dead man or the driver.

He expected to be at the scene throughout the night and into the morning.



## RIVERSIDE: Man shot, killed by police is identified

**BY CHRIS ERCOLI AND MICHAEL WATANABE  
STAFF WRITERS**

**June 11, 2013; 11:50 PM**

Riverside police shot and killed the passenger in a vehicle involved in a hit-and-run crash after the passenger pointed a gun at officers late Tuesday, June 11, police said.

Rashad Jarrett Hopes, 26, of Corona, died at 11:21 p.m. on Van Buren Boulevard near Highway 91, the Riverside County coroner said.

The driver, Clifton Carl Chapple, 21, of Riverside, was arrested by the California Highway Patrol on suspicion of hit-and-run driving under the influence.

Riverside police Sgt. David Amador gave this account of the incident: About 11 p.m., two vehicles collided on Highway 91 at Madison Avenue. He wasn't aware of any injuries during the crash.

The vehicle that police say caused the crash left the scene but was followed by witnesses.

That vehicle exited the freeway at Van Buren, where it crashed into the center divider. The passenger got out and walked to a Chevron gas station on the west side of Van Buren. Witnesses told police he was carrying a gun.

When officers arrived, they were directed to the rear of the gas station and found Hopes, who ran to the front of the station and was confronted by officers.

Hopes then pointed his handgun at those officers, who shot him, Amador said. No officers were injured.

Hopes was due to appear in Riverside County Superior Court on July 11 to answer to accusations that he violated his probation from misdemeanor convictions of drunken driving and driving while his license was suspended or revoked, according to court records.

Chapple had a warrant out for his arrest for failing to appear after being cited in 2012 on suspicion of driving at an unsafe speed and not being licensed, court records show.

Anyone with information about the shooting may call Detective Rick Wheeler at 951-353-7134 or Detective Rick Cobb at 951-353-7135.

Contributing to this report: Staff writers John Asbury, [jasbury@pe.com](mailto:jasbury@pe.com), and Michael Watanabe, [mwatanabe@pe.com](mailto:mwatanabe@pe.com)

## RIVERSIDE: Police wrong to shoot man, claim says



2013/STAFF

Riverside police and Highway Patrol officers close down the intersection of Indiana Avenue and Van Buren Boulevard early Wednesday, June 12, 2013 after officers shot a man who they said pointed a gun at them.

**BY BRIAN ROKOS**  
**April 24, 2014; 02:39 PM**

The family of a man shot to death by Riverside police in June 2013 has filed a claim for damages against the city.

“At no time during the course of these events did Rashad J. Hopes pose any reasonable threat of violence to the respondent officers, nor did he justify the force used against him,” said the wrongful-death claim written by Beverly Hills-based attorney Jamon R. Hicks.

The claim, received by the city March 31, seeks at least \$10,000 in compensation.

In a June 2013 briefing to the Community Police Review Commission, Assistant Police Chief Chris Vicino said Hopes, 26, pointed a gun at officers before he was shot to death. Police photos from the scene showed a revolver lying among small pools of blood. Vicino said the revolver belonged to Hopes.

“The city offers its condolences to the family for their loss. The claim, however, is wholly without merit and we look forward to proving that the officers' actions were reasonable and appropriate under the circumstances,” City Attorney Greg Priamos wrote in an email Thursday, April 24.

Such claims are routinely rejected by the City Council and become the precursors for lawsuits. About 11:20 p.m. on June 11, 2013, police were told that a vehicle had crashed onto the center median on Van Buren Boulevard near Highway 91. Dispatchers then received several calls that

a passenger who had been in the car had walked toward the nearby Chevron gas station carrying a gun, Vicino told commissioners.

When officers looked behind the station's store for the man, Hopes emerged out front of the store. He turned toward officers and pointed his gun at them, Vicino said. As Hopes ran, one officer fired his rifle from 45-50 feet away five times, hitting Hopes once, in the back of the head. A second officer, while holding a K-9 on a leash, fired his handgun 10 times, missing Hopes on each shot.

Vicino said police found a revolver with six empty shell casings inside. None of the officers said that Hopes had fired the gun while at the gas station.

The claim said that police fired on Hopes without warning and that officers did not give him timely medical care. Hopes died at the scene.

Contact Brian Rokos at 951-368-9569 or [brokos@pe.com](mailto:brokos@pe.com)

# Section B

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Mike Bumcrot Consulting

Report of  
Investigation



# MIKE BUMCROT CONSULTING

## REPORT OF INVESTIGATION

**DATE:** June 27, 2013

**SUBJECT:** Officer Involved Shooting Death of Rashad Hopes, which occurred on June 11, 2013

**CASE:** Riverside Police Department File #P13083040

**LOCATION:** 3476 Van Buren Boulevard (Chevron Gas Station)

On June 14, 2013, I responded to the vicinity of Van Buren Blvd. and State Route 91 to conduct a neighborhood canvass of the location regarding the Officer Involved Shooting death of Rashad Hopes. The purpose of the canvass was to search for potential witnesses who had not been located by Riverside Police Department at the time of the incident.

I observed the scene to consist of a Chevron gas station on the north side of the 91 freeway, at the Van Buren Blvd. onramp to the west bound 91 freeway. Although I contacted employees and customers at the business, I was unable to locate any witnesses to the incident.

To the north of the gas station, I observed a residence behind a locked gate but was unable to contact anyone. Continuing north on Van Buren Blvd., I found a dentist office and a pizza parlor, both closed at the time of the incident.

On June 19, 2013, I responded to the Magnolia substation to attend the Executive Briefing regarding the officer involved shooting death of Rashad Hopes. After a short wait, I was advised that the briefing had been moved to the Orange substation and had already begun.



P.O. Box 5025  
Norco, CA 92860  
USA

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

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On June 26, 2013, I attended the briefing of the incident to the CPRC conducted by Assistant Chief Vicino. I learned that Mr. Hopes was a passenger in a vehicle that was involved in a hit and run on the 91 freeway and a hand gun was observed. Mr. Hopes vehicle exited the freeway on Van Buren Blvd., where it crashed into the center divider and became stuck. Riverside Police Department began receiving 911 calls that the passenger from the crashed vehicle was armed with a hand gun. Officer Eric Garcia arrived on scene and observed Mr. Hopes walking away from the vehicle holding a hand gun.

Mr. Hopes walked a short distance to a Chevron gas station. Responding police units found Mr. Hopes hiding behind the gas station and ordered him to drop his weapon. Mr. Hopes ran to the front of the gas station where he was confronted by several Riverside police officers who ordered Mr. Hopes to drop his hand gun and surrender.

Mr. Hopes ignored all commands and raised his weapon in the direction of the officers and began to run away. Mr. Hopes was then shot. I will review the facts of this case when Riverside Police Department provides me access to their files.



P.O. Box 5025  
Norco, CA 92860  
USA

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

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## REPORT OF INVESTIGATION

**DATE:** November 14, 2014

**SUBJECT:** Officer Involved Shooting Death of Rashad Jarrett Hopes, which occurred on June 11, 2013 at 2259 hours

**CASE:** Riverside Police Department File #P13083040, CPRC #13-020

**LOCATION:** 3476 Van Buren Boulevard (Chevron Gas Station), Riverside

On November 5, 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 Rashad Hopes by Riverside Police Department Patrol Officers Eric Hibbard and Cedric Disla. I was also asked to provide my expert opinion in a written report on the manner in which detectives of the Riverside Police Department investigated this case.

I reviewed several hundred pages of police reports, photographs, recordings and other documents contained in the presentation by detectives to the Police Review Commission. I also researched legal issues and responded to the location to better understand the police reports and took photographs, some of which are incorporated in this report.

It is my conclusion that both Officers Hibbard and Disla acted in lawful self defense and defense of others at the time they fired their weapons at Mr. Hope, who was pointing a revolver at them.



P.O. Box 5025  
Norco, CA 92860  
USA

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

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The following analysis is based upon investigative reports, analyzed evidence reports, audio recordings, video recordings and statements taken during the investigation.

## FACTUAL ANALYSIS

On June 11, 2013, just before 2300, Rae Perry was driving with her child, west bound on the 91 Freeway from Adams Street, when her car was struck from behind. This collision caused Ms. Perry's car to spin out, coming to rest facing east in the west bound lanes. The vehicle that struck Ms. Perry was a 2000 Chevrolet Metro, driven by Clifton Chappel. The sole passenger in Mr. Chapple's vehicle was Rashad Hopes. In an attempt to flee the scene of the traffic collision, Mr. Chapple sped west and exited the next off ramp, Van Buren Boulevard.

As the Chevrolet sped up the off ramp, see photo below, it failed to stop at the traffic signal at the end of the ramp and turned right (north). The vehicle was unable to make the turn and struck the raised center divider and was unable to proceed.



P.O. Box 5025  
Norco, CA 92860  
USA

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

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A very short time later, see picture below, Riverside Police Officer Eric Garcia was on routine patrol on Van Buren Boulevard at the 91 Freeway when he observed a vehicle partially on the center divider blocking lanes. See photo below taken from Chevron station parking lot.



Officer Garcia radioed his desk that he was stopped to investigate a traffic accident and contacted the driver, Curtis Chappel. He was also aware of a male walking away from the vehicle, towards a Chevron gas station across the street.

Riverside Police dispatchers advised Officer Garcia that they had received 911 calls that the passenger in Mr. Chapple's vehicle was observed holding a revolver and placed it in his front pocket as he walked towards the Chevron station.



P.O. Box 5025  
Norco, CA 92860  
USA

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

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Additional police units responded under the supervision of Sgt. Robert Tipre, who asked his dispatch to make a telephone call to the business and ask all occupants to exit the building to avoid a hostage situation.

Two employees came out of the location and advised that no one else was believed to be inside, but they had just observed a male walking outside towards the rear of the business.

Sgt. Tipre split his team up, telling Officers Cleary, Disla and Hibbard, along with his K-9 partner Billy, to remain in front of the building, see photo below. Sgt. Tipre took 3 officers with him to attempt to contact the possible suspect (Mr. Hopes) behind the business.



P.O. Box 5025  
Norco, CA 92860  
USA

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

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Sgt. Tiptre team cleared the north side of the building but when they turned onto the west side (rear) of the building, they saw Mr. Hopes standing on a walkway. Several commands were shouted at Mr. Hopes to get down and show his hands but he refused to comply. The contact team advised all officers on scene that they had made contact and were holding a possible suspect at gunpoint. Officer Hibbard along with his K-9 Billy, began to run towards Sgt. Tiptre's location to assist in contacting Mr. Hopes when Sgt. Tiptre shouted that the suspect had ran around the building and was headed toward the front, see photo below.



P.O. Box 5025  
Norco, CA 92860  
USA

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

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Officer Hibbard and Billy turned back and ran towards the front where they rejoined Officers Cleary and Disla. The officers positioned in front of the business saw Mr. Hopes running along the side of the building, towards them. Mr. Hopes was holding a handgun and pointing it in their direction.

Fearing for his life, Officer Hibbard fired his handgun at Mr. Hopes. Believing that the gunfire was coming from Mr. Hopes' weapon Officer Disla fired his patrol rifle at Mr. Hopes, who fell to the ground, see photo below.



P.O. Box 5025  
Norco, CA 92860  
USA

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

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All of the officers took cover behind parked cars and ordered Mr. Hopes to move away from his handgun. When there was no response, K-9 Billy was released to drag Mr. Hopes away from his weapon. Medical aid was then rendered to Mr. Hopes but he was pronounced dead at the scene from a gunshot wound to the head. When interviewed by detectives, Officer Hibbard stated that Mr. Hopes raised his gun towards him so quickly that there was no time to give any commands. He said that he held his dog with his left hand and began firing his weapon as Mr. Hopes turned and began to run away, still holding his revolver. He said he continued to shoot out of fear that Mr. Hopes was a danger to the officers and anyone else he came in contact with.

Officer Disla told detectives that when he saw Mr. Hopes running towards him, he (Hopes) was pointing a handgun in the direction of Officer Hibbard. Officer Disla said he raised his patrol rifle into a shooting position when he heard a gunshot that he thought came from Mr. Hopes' weapon. Officer Disla then began firing until Mr. Hopes fell.

## WITNESSES

Joseph Barrio observed Mr. Chapple's car straddling the center divider on Van Buren Boulevard, smoke coming from under the hood. He saw the driver get out and walk to the rear of his vehicle. He saw the passenger (Hopes) stumble out of the car and fall to the ground. When he got up, he was holding a handgun in his right hand, which he placed in the right front pocket of his shorts. He then called 911.

Carol Lopez witnessed the hit and run on the west bound 91 Freeway and she exited at Van Buren Boulevard. While stopped at the signal at the end of the off ramp, she saw a small, red vehicle that may have been involved in the hit and run, drive past her on the ramp and run the red traffic signal as it turned north onto Van Buren Boulevard. The small, red car drove atop the center divider and struck a sign. She saw two males get out of the vehicle and begin to stumble around before running north on Van Buren. She saw that the passenger was a black male, carrying a handgun in his right hand. She then called 911.



P.O. Box 5025  
Norco, CA 92860  
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E-mail [mbumcrot@sbcglobal.net](mailto:mbumcrot@sbcglobal.net)

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Clifton Chapple was uncooperative and continued to change his story. He admitted to the hit and run on the 91 Freeway. He stated that he drove off the freeway because he thought the vehicle he had struck was following him. He said he lost control of his vehicle because his car would not shift. He first denied that he had a passenger in his car but when confronted with witness statements, admitted that he had given someone a ride that he knows only as “Bro” and didn’t know he had a gun. Detectives noted that Mr. Chapple had soiled his pants and was more concerned about that than his friend being dead.

Officer Garcia remained at the scene of the traffic accident throughout the incident. He was approximately 100 yards away from the Chevron station. He heard Sgt. Tiple broadcast that the suspect was moving towards the front of the location. He looked in that direction and observed the same male he had seen earlier walking away from the crash site, walking towards three police officers. He could see that the suspect had something in his hand. Although he didn’t see a gun, he believed the suspect was holding a gun by the way he was holding it. The suspect brought his right hand up and out towards the officers. He heard gunshots and thought the suspect had fired on officers. He then heard 3 – 5 shots in quick succession.

Sgt. Keenan Lambert was assisting Officer Garcia at the scene of the traffic accident. He heard officers shouting commands and saw Mr. Hopes raise his right hand, pointing it at officers. Although he couldn’t see anything in Mr. Hopes’ hand, he believed it was a handgun based on the way he was pointing his hand at the officers. He then heard multiple gunshots.

Officer Joseph Cleary, who was in front of the location along with Officers Hibbard and Disla said that when Mr. Hopes began walking towards the officers, he saw him pointing a handgun in front of him towards Officer Hibbard. Several officers shouted, “drop the gun” with no compliance. He heard gunshots and raised his weapon to fire but feared striking other officers between him and his target.



P.O. Box 5025  
Norco, CA 92860  
USA

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

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## EVIDENCE

Charting of Officer Hibbard's weapon revealed that he fired a total of 10 rounds.  
Charting of Officer Disla's patrol rifle revealed that he fired a total of 5 rounds.

Charting of Mr. Hopes' revolver revealed that it was loaded with 6 expended casings. Examination by Department of Justice Criminalists revealed that the weapon was in working order and all of the empty casings had multiple firing pin strikes, evidence of the trigger being pulled multiple times, although the gun was empty. It should also be noted that his revolver was reported stolen in January 1992, during a home burglary in Georgia.

## EXPERT QUALIFICATIONS

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

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



P.O. Box 5025  
Norco, CA 92860  
USA

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

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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 Rashad Hopes 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.

## **LEGAL ANALYSIS**

California law permits the use of deadly force in self-defense if it reasonable appears to the person claiming the right of self-defense that he actually and reasonably believed he was in imminent danger of great bodily injury or death. The belief in the need to defend oneself must be both actual and reasonable.

"The rule is well established that one who, without fault, is placed under circumstances sufficient to excite the fears of a reasonable man that another designs to commit a felony or some great bodily injury and to afford grounds for a reasonable belief of imminent danger, may act upon those fears alone and may slay his assailant and be justified by appearances." People v. Mercer (1962) 210 Cal.App.2<sup>nd</sup> 153, 161

"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) 189 Cal.App.2<sup>nd</sup> 575



P.O. Box 5025  
Norco, CA 92860  
USA

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

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The test of whether the officer's actions were objectively reasonable is "highly deferential to the police officer's need to protect himself and others." *Mundz v. City of Union City* (2004) 120 Cal.App. 4<sup>th</sup> 1077, 1102

The Fourth Amendment reasonable test is, "An objective one: the question is whether the officer's actions are objectively reasonable in light of the facts and circumstances confronting them." *Graham v. Conner* (1989) 490 U.S. 396.

## CONCLUSION

The evidence examined in this investigation reveals that Rashad Hopes was a passenger in a vehicle that was involved in a hit and run traffic accident that luckily caused no injuries. Mr. Hope and his driver, Clifton Chapple, fled from the scene only to be involved in a single car accident. Mr. Hopes' armed himself with a .38 revolver and once again, fled the scene, this time on foot. When several Riverside Police Officers arrived on the scene, Mr. Hopes attempted to evade them. Due to excellent tactics by Sgt. Tipre, Mr. Hopes was located and ordered to show his hands and lay on the ground. His response once again, was to ignore officer's commands and flee once again. When confronted again, officers ordered him to drop his gun but his response was to aim his revolver at the officers, resulting in his death.

The actions of Rashad Hopes and the fact that he pointed his weapon at police officers reasonably created a fear of imminent death or serious bodily injury. Once Officers Disla and Hibbard perceived that Mr. Hopes posed an apparent lethal threat their response with deadly force was justified.

It should not go unnoticed that, although Mr. Hopes revolver was technically out of ammunition, the fact that each empty casing had multiple firing pin strikes is evidence that he continually pulled the trigger in the belief that he may have a live round left in the weapon.

Something else that cannot be ignored is the fact that Clifton Chapple, driver of Mr. Hopes' vehicle, was arrested for drunk driving and was found to be carrying marijuana.



P.O. Box 5025  
Norco, CA 92860  
USA

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

PI LICENSE 25403

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Mr. Hopes Coroner's toxicology report indicates that he had marijuana in his system and his blood alcohol level was between .33 – .39 in different parts of his body, four times the legal limit.

I find that the investigation into the officer involved shooting death of Rashad Hopes was completed in a fair and impartial manner and met or exceeded POST Standards of Practice.



P.O. Box 5025  
Norco, CA 92860  
USA

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

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# Section C

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## Fact Sheet



HOPES OID – FACT SHEET  
13-020 | P13-083040

**Date Occurred:** June 11, 2013  
**Time of Occurrence:** 2259 Hours  
**Decedent:** Rashad Jarret Hopes  
**Location:** 3476 Van Buren Blvd., Riverside

**Officer(s) Involved:** Officer Eric Hibbard #1316  
Officer Cedric Disla #1499

**Officer Witnesses:** Officer Joseph Cleary #1683  
Officer Keenan Lambert #627  
Officer Eric Garcia #1601  
Officer Michael Ritter, California Highway Patrol  
Officer Eugene Norris, California Highway Patrol

**Civilian Witnesses:** Clifton Carl Chapple  
Joseph Barrio

**Officer Injuries:** None

**Suspect Vehicle:** 2000 Chevrolet Metro 4-door Burgundy in color,  
CA License #5XBU928

**Suspect's Injuries:**

Decedent Rashad Hopes sustained one gunshot wound to the head causing a blunt impact injury to the forehead. Hopes also sustained dog bites to the leg.

**Gunshots Fired by Officers Hibbard and Disla:**

The duty weapons of each officer were examined by a forensic specialist at the State of California Department of Justice. The examiner found that all weapons functioned properly during the examination. The following evidence is based upon the charting of each officer's duty weapon.

A total of 15 rounds were fired by the two officers.

- **Officer Eric Hibbard fired ten (10) rounds**  
Glock .40 cal. Model 22. Five (5) rounds found in the magazine and one (1) in the chamber. Three (3) additional magazines were loaded to the full capacity of 15 rounds.
- **Officer Cedric Disla fired five (5) rounds**  
Smith & Wesson .556mm M&P Rifle. Magazine in weapon had 21 rounds in it and one (1) in the chamber. Disla stated that the rifle was loaded with 27 rounds prior to the shooting. The other magazine had 28 rounds in it.

# HOPES OID – FACT SHEET

## 13-020 | P13-083040

- **Rashad Hopes' Weapon:**

.38 Cal revolver that holds six (6) total rounds. Each cylinder had an expended shell casing in it. The primers on all six (6) shell casings had been struck by a firing pin. Five (5) of the six (6) had multiple strikes by the weapon firing pin. This would indicate that the trigger was pulled several times and the firing pin struck the primers, but since the shells were expended, the gun did not go off or all rounds had been fired at another time.

### FACT SHEET

The fact sheet is numbered and designed to point you to important factual information located in the criminal case book that will help guide you in your review process. It is not designed to take the place of a cover to cover review. It is up to you to review the “fact sheet” data before or after a cover to cover review. Each point of reference is preceded by a TAB number followed by a page number and paragraph number.

**TAB 1 – OID Summary, Pages 1 – 12:** Detective Rick Wheeler, Lead Investigator. Provides a detailed overview of the incident.

**TAB 3 – Original Report, Page 2 Narrative:** Officer Southard. Took the initial crime report. File #P13-083040. Officer Southard responded to the Chevron Service Station, 3476 Van Buren Blvd., reference a man with a gun call. Upon arrival, was directed to park his vehicle in a position to provide cover for officers who were going to approach a male subject, later identified as Hopes, who had been shot and was lying on the ground in the parking lot. Once the officers took Hopes into custody, Southard remained in the inner perimeter to await the arrival of ID Techs, coroner, detectives, and supervisors to process the scene. Southard saw that Hopes was lying on top of a handgun.

**TAB 4 – Supplemental Report, Pages 2 – 4:** Sgt. Tipre. Responded to the Chevron Service Station after hearing information from dispatch that a male black subject had been seen fleeing from a traffic collision was armed with a handgun. Suspect was last seen heading to the Chevron station. Directed seven (7) officers to assist in establishing a perimeter around the gas station and search for the suspect. Had all employees exit the Chevron station. Sent Officers Hibbard, Disla, and Cleary to the south side of the building. Saw the suspect standing along the side of the building. Ordered him to show his hands. The suspect fled in the direction where Hibbard and Disla were located. Heard several gunshots, but did not see the shooting. Found the suspect lying on the ground. A gun could be seen in suspect's hand. It was unknown if the suspect was still conscious. Tipre directed Officer Hibbard to send his K-9 partner, Billy, to the suspect in order to secure him so that the officers could approach. The suspect was found unconscious. Medical assistance was requested.

## HOPES OID – FACT SHEET

### 13-020 | P13-083040

**TAB 5 – Supplemental Report, Pages 1 – 2:** Officer Mann. Responded to assist Officer Garcia at the scene of a traffic collision involving an armed subject who had fled from the accident on foot and was last seen in the rear of the Chevron gas station on Van Buren. He met up with Sgt. Tiptre and was with Tiptre when they saw the suspect standing against the wall of the building. Tiptre ordered the suspect to show his hands several times. The suspect then fled on foot around the corner of the building and out of his sight. Heard several gunshots and learned that officers Hibbard and Disla had shot the suspect. A handgun could be seen in the suspect's hand as he lay on the ground. Assisted in taking the suspect into custody. He did not witness that actual shooting.

**TAB 6 – Supplemental Report, Pages 1 – 2:** Officer Barnhill. He arrived at the scene of the shooting with Officer Mann. Assisted Sgt. Tiptre in an area search. Suddenly heard Tiptre shouting at someone to show their hands. He ran to Tiptre's location and saw the suspect standing near the southwest corner of the Chevron building. Tiptre repeatedly ordered the suspect to show his hands. The suspect refused to comply before fleeing around the corner of the building and out of sight. Barnhill then heard gunshots. Assisted in taking the suspect into custody.

**TAB 7 – Supplemental Report, Pages 1 – 2:** Officer Macek. Responded to the Chevron gas station and assisted Sgt. Tiptre. Heard Sgt. Tiptre shout 3 – 4 commands at the suspect who was standing at the southwest corner of the building. Suspect did not comply, but ran around the corner and out of sight. Macek heard officers shouting and then gunfire. Responded to assist in taking the subject into custody. Conducted initial interviews with the two store employees, Josue Campos and Lorenzo Marquez. One saw the suspect walk to the rear of the building. Heard officers shouting and then gunfire. Witnesses did not see the shooting.

**TAB 8 – Supplemental Report, Page 1:** Officer Escobar. Responded to the area of the Chevron gas station as a result of an officer involved shooting. Located a potential witness, Roger Lambe, sitting on the curb on Van Buren. Lambe was at the USA gas station on Van Buren. Saw RPD helicopter circling the area. He went to look further and saw a vehicle had crashed into the center median and a black male lying next to it. He heard gunshots, but did not see who fired them.

**TAB 25 – Supplemental Report, Page 1, Paragraph 1:** Officer Levesque. Arrived on the scene and was tasked with checking for bullet strikes on the south side of the 91 Freeway at Van Buren. None were found.

**TAB 35 – Supplemental Report, Pages 2 – 3:** Detective Cobb. Conducted an interview with Officer Garcia who had rolled up on the single vehicle traffic accident involving Hopes. Saw a male subject, later identified as Hopes, walking toward the Chevron station. It appeared to him that Hopes was walking away from the crashed vehicle. Garcia, however, dealt with the driver. While doing so, he heard dispatch advise that there was a man with a gun who had walked away from the crashed vehicle. The description matched the subject Garcia saw walking toward the Chevron station. He stayed with the driver of the vehicle and saw Hopes on the south side of the business. Hopes had something in his hand and held it in the manner of holding a gun.

## HOPES OID – FACT SHEET

### 13-020 | P13-083040

Garcia saw Hopes walk toward officers while raising his hand with the apparent gun in it. He then heard gunshots. He did not hear voices.

**TAB 36 – Supplemental Report, Pages 2 – 3:** Detective Cobb. Conducted an interview with witness Joseph Barrio. Witness Barrio was driving his vehicle when he came upon a single vehicle traffic collision on the center median. Saw a male black subject, later identified as Hopes, exit the passenger side and walk toward the Chevron Station with a gun in his hand. He saw Hopes then place the gun into the front pants pocket of his shorts as he proceeded toward the Chevron station. He did not witness the shooting.

**TAB 37 – Supplemental Report, Page 2:** Detective Wheeler. Witness Carol Lopez was a passenger in an uninvolved vehicle on the 91 Freeway and saw a traffic collision occur. She saw one of the involved vehicles flee the scene. The driver of Witness Lopez' vehicle exited the 91 Freeway at Van Buren and stopped for a red light. A red vehicle passed her vehicle and the driver failed to stop for the red light and then crashed into the center median. The red vehicle was the hit-and-run vehicle from the freeway. She saw two (2) male subjects stumble out of the vehicle. The passenger, a male black wearing a red and white shirt, began walking away from the accident carrying a handgun in one of his hands. She was afraid and called 911. She and her driver did not stay at the scene due to seeing one of the subjects carrying a gun.

**TAB 38 – Supplemental Report, Pages 1 – 2:** Detective Sanfillipo. Conducted an interview with Clifton Chapple, the driver of the vehicle containing Hopes. Chapple admitted to the hit-and-run on the freeway and that he collided with the center median. Chapple initially claimed he was alone in the vehicle. When confronted with witness statements, however, he changed his story and admitted that Hopes was in the vehicle with him. Chapple claimed he only knew Hopes by the name, "Bro." He said he did not know that Hopes was armed with a handgun while in his vehicle. Chapple did not see the shooting, but heard gunshots.

**TAB 39 – Supplemental Report, Pages 2 & 4:** Detective Medici. Interviewed two (2) CHP officers who had arrived in the area while responding to a hit-and-run traffic accident on the 91 Freeway. They came upon a red vehicle that had crashed into the center median on Van Buren and stopped to investigate. Both officers, Ritter and Norris, saw RPD officers and police vehicles at the Chevron station. Ritter and Norris both heard gunshots and ran to the Chevron station to assist. Ritter saw Hopes walk to a grassy area on the south side of the gas station and fall to the ground. Norris said he saw muzzle flashes from where the officers were located and none from Hopes. He saw Hopes run in a south direction and fall to the ground.

**TAB 40 – Supplemental Report, Pages 2 – 3:** Detective Simons. Conducted an interview with Sgt. Keenan Lambert who witnessed the shooting. Lambert responded to the area of Van Buren and the 91 to assist Officer Garcia, who was handling a traffic collision with a possible man with a gun. Upon arrival, he saw several RPD officers at the Chevron station. There was one set of officers on the northeast side of the station and another set on the southeast. Hopes was standing on the south side of the station, holding his shorts up by the waistband. Garcia heard officers yelling commands. He then saw Hopes raise his hand in an upward motion and point it

## HOPES OID – FACT SHEET

### 13-020 | P13-083040

in the direction of the officers closest to him. Lambert could not see what Hopes had in his hand. He then heard 5 – 8 gunshots. Hopes turned to walk away and fell to the ground.

**TAB 41 – Supplemental Report, Pages 3 & 6:** Detective Wheeler. Conducted interviews with Witness Officer Cleary, and Hibbard and Disla, the two (2) officers who fired their weapons. Cleary was with Hibbard and Disla when the shooting occurred. He saw both officers fire their weapons at Hopes, who was pointing a gun at them. Cleary could not fire his weapon since Disla was in his line of fire. Hibbard said he fired his weapon at Hopes, who had pointed a gun at him. Hibbard feared for his life and therefore fired his weapon.

Disla said he rounded a corner of the Chevron station when Hopes came around the south side, running toward him and Hibbard. Disla saw a gun in Hopes' hand. Hopes pointed the gun at him, Hibbard, and other officers. Disla raised his duty rifle and pointed it at Hopes. Disla heard a single gunshot and thought Hopes had fired his weapon. He feared for his safety and the safety of other officers and fired his rifle at Hopes. Hopes turned and began to run in the opposite direction. Disla was still firing his rifle until Hopes dropped to the ground. He estimated the distance between him and Hopes as approximately 10'. Disla thought he fired three (3) rounds, but later learned it was five (5). (Transcripts of all three interviews follow the narrative portion of the supplemental report).

**TAB 42 – Supplemental Report, Pages 1 – 8:** Detective Rowe. This supplemental report documents observations of the overall crime scene, description and collection of evidence, and processing the scene. Rowe also documented his observations of the actions taken by the coroner investigator at the scene.

**TAB 43 – Supplemental Report, Pages 1 – 8:** CSI Tech. Ellis. Ellis was tasked with taking all crime scene photographs and completing a sketch of the scene. This report shows documentation on items photographed. The crime scene sketch is on Page 8. The photographs are located in Tab 54.

**TAB 44 – Supplemental Report, Page 1, Paragraph 1:** CSI Tech. Ellis. Ellis' documentation of 31 aerial photographs he took of the crime scene. The photographs are located in Tab 54.

**TAB 45 – Supplemental Report, Pages 2 – 3:** Detective Brandt. Charted Hibbard's and Disla's duty weapons.

#### **Hibbard:**

Glock .40 cal. Model 22. One (1) round in the chamber and five (5) rounds in the magazine. He had three (3) extra magazines each loaded to max capacity of 15 rounds. Hibbard fired ten (10) rounds.

#### **Disla:**

Smith & Wesson .556mm Model M & P. One (1) round in the chamber and an additional 21 rounds in the magazine. One (1) additional magazine was loaded with 28 rounds. This

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weapon has a maximum capacity of 30 rounds. Disla, however, only loads them up to 28. Disla fired (5) rounds.

**TAB 46 – Supplemental Report, Pages 1 – 13:** ID Tech. Fuller. Includes the Photo Logs, State of California Dept. of Justice submission to examine weapons form, Evidence Logs, Property Report, and the Weapons Charting report.

**TAB 47 – Supplemental Report, Pages 1 – 2:** Detective Wheeler. Provided a brief summary on the DOJ weapon analysis report of the shooting officers' weapons. The DOJ weapons analysis report is also included in this Tab. The analysis was conducted on June 13, 2013. The weapons functioned properly.

**TAB 48 – Supplemental Report, Pages 1 – 2:** Detective Wheeler. Provided a brief summary on the DOJ weapons analysis report of Hopes' handgun. The DOJ weapon analysis report by Sr. Criminalist Richard Takenaga is also included in this Tab. The analysis was conducted on August, 29, 2013. The report reflected that the weapon functioned properly. The analysis of the five (5) shell casings revealed that three (3) of the casings had 1 – 2 firing pin strikes on them. Two (2) of the casings had multiple (3 or more) firing pin strikes on them.

**(NOTE:** If there is more than one (1) firing pin strike on a shell casing, it would indicate that the trigger was pulled multiple times allowing the firing pin to strike the empty casing over and over. This information offered by Frank Hauptmann.)

**TAB 49 – Supplemental Report, Pages 1 – 2:** Detective Cobb. Documented the autopsy of Hopes' body by Dr. McCormick. Hopes had a single gunshot entry wound to the rear of his head and an exit wound on the left side just behind the left ear. A projectile was found in his skull. Numerous dog bites were identified on the upper right leg.

**TAB 50 – Supplemental Report, Pages 1 – 7:** CSI Tech. Velin. Tab includes the photo and evidence collection logs taken at the autopsy.

**TAB 51 – Coroner's Report, Pages 1 – 12:** Dr. M. Scott McCormick, M.D., Forensic Pathologist. Full autopsy report by Dr. McCormick. Cause of Death – Gunshot Wound to the Head. Penetration of skull, penetration of brain, and bullet and jacket recovered.

**TAB 52 – Coroner Lab Reports, Pages 1 & 6:** BIO-TOX Labs. The urine analysis revealed Hopes had a .39% blood / alcohol level combined with the detection of Cannabinoids (marijuana). Different lab tests showed varying results of THC and alcohol levels.

**TAB 53 – Supplemental Report, Pages 2 – 3:** Detective Wheeler. Documentation on securing the security camera video from the Chevron station and a written breakdown of what is seen in the video.

**TAB 54 – Disc Table of Contents, Page 1:** Table of Contents of discs included in the investigation. Includes COBAN audios and 911 calls.

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**TAB 55** – Mug shot photos of Hopes and Chapple.

**TAB 62 – Supplemental Report, Pages 2, and 4 – 5:** Detective Wheeler. Documented the fact that the .38 cal. revolver in Hopes' possession was stolen during a burglary out of Wayne County, Georgia, on January 17, 1992. Pages 4 – 5 is the 1992 burglary report.

**TAB 64 – Riverside County D. A. Staffing Review Letters:** Riverside County D.A. letters of review and disposition on the investigation of the shooting. The D.A. determined that there was no evidence of criminal culpability regarding the actions of either Officer Hibbard or Officer Disla.

Prepared by Frank Hauptmann, CPRC Manager



# Section D

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

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



Effective Date: 10/84  
Revision 1 Date: 10/06/97  
Revision 2 Date: 01/30/02  
Revision 3 Date: 04/05/02  
Revision 4 Date: 05/09/05  
Revision 5 Date: 10/20/08  
Revision 6 Date: 05/26/11  
Approval:

  
Sergio G. Diaz  
Chief of Police

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

**A. POLICY:**

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

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

**B. PROCEDURES:**

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

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

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

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

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

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

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

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

**2. Responsibilities:**

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

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

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

**b. Field Supervision Shall:**

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

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

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

**c. Watch Commander Shall:**

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

**d. Centralized Investigations Lieutenant Shall:**

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

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

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

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

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

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

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

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

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

f. **Internal Affairs Shall:**

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

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

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

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

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

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

D. **RELIEF FROM DUTY**

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

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

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

# Section E

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

Use of Force Policy



Effective Date: 8/93  
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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 apposition of providing care for, that the individual has been subjected to the carotid restraint hold and whether the subject lost consciousness as a result.
3. Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such a hold.
4. The use or attempted use of the carotid restraint shall be thoroughly documented by the officer in the related criminal report.

**J. DEADLY FORCE:**

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

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

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

**K. REPORTING USE OF FORCE INCIDENTS:**

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

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

**L. EMPLOYEE RESPONSIBILITIES:**

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

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

**M. SUPERVISOR RESPONSIBILITIES:**

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

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

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

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

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