



**OFFICER-INVOLVED DEATH
DOUGLAS STEVEN CLOUD
PUBLIC REPORT**

CPRC Case No. 06-059

RPD Case No. P0608741

Approved
January 14, 2009

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Date of Incident: October 8, 2006
Location: 7973 Indiana Avenue
Decedent: Douglas Steven Cloud
Involved Officers: Nick Vazquez, Police Officer
David Johansen, Police Officer

I. Preamble:

The finding of the Community Police Review Commission (“Commission”) as stated in this report is based solely on the information presented to the Commission by the CPRC investigator, deposition records from a related civil action, and details obtained from the Riverside Police Department (“RPD”) criminal investigation case files.

The Commission reserves the ability to render a separate, modified, or additional finding based on its review of the Internal Affairs Administrative Investigation. Because the Administrative Investigation contains peace officer personnel information, it is confidential under State law. Any additional finding made by the Commission that is based on the administrative investigation would also, therefore, be confidential and could not be made public.

II. Finding:

By a vote of 7 to 0 (2 absent), the Commission found that the officers’ deadly use of force was consistent with policy (RPD Policy 4.30 – Use of Force Policy), based on the objective facts and circumstances determined through the Commission’s investigation.

III. Incident Summary:

On October 8, 2006, at 4:16 p.m., Officer Putnam was in front of Home Depot at 3323 Madison St., issuing a citation for shoplifting (to a party otherwise unrelated to this incident.) Inside Home Depot, cashier James Blake contacted a customer later identified as Douglas Cloud, scanned the paint sprayer that Cloud had in his cart, and asked Cloud how he intended to pay. Cloud grabbed the box and ran from the store. Blake began to slowly chase Cloud, yelling for him to stop.

Ofcr. Putnam observed a man, later identified as Cloud, carrying a large box, running from the inside of Home Depot out to the parking lot. Ofcr. Putnam saw an apparent Home Depot employee wearing an orange HD apron, apparently cashier James Blake, slowly chasing Cloud and yelling for Cloud to stop.

Additional persons, apparently customers, and Home Depot Loss Prevention employees including Jason Nourse, began to also slowly chase Cloud. Cloud reached his parked car, and placed the box inside the hatchback of his car.

Ofcr. Putnam saw the Loss Prevention employees and customers struggle with Cloud at a car later identified as Cloud's car. The persons appeared to be trying to detain Cloud.

Loss Prevention employee Mike Allan arrived at Cloud's car and attempted to get a Home Depot employee away from the struggle. James Taliaferro, one of the assisting customers, reached Cloud's car. Taliaferro opened the hatchback and removed the paint sprayer box.

Cloud broke free and entered his car. A man later identified as Vincent Taliaferro held onto the top of the driver's door window. As Cloud started backing his vehicle, the window shattered. Home Depot Loss Prevention employee Jason Nourse saw Cloud get punched two or three times in the head or face.

Cloud backed the car out at a high rate of speed. As Cloud's vehicle backed, James Taliaferro either stumbled and fell to the ground, or was knocked to the ground by the vehicle. The vehicle changed direction to forward. James Taliaferro lay on the ground in the direct path of Cloud's vehicle. It is undetermined whether Cloud intended to run over James Taliaferro, as witness observations are in conflict.

HD employee Jason Nourse dragged Taliaferro from in front of Cloud's car. Cloud sped from the parking, almost hitting people as he drove. Cloud left the parking lot northbound, and out onto Indiana.

Ofcr. Putnam broadcast a "211" (robbery) call on the radio, and provided the license plate, and suspect and vehicle description.

Customer Josh Reiff saw the parking lot events, and then followed Cloud as he drove westbound on Indiana. Cloud was driving recklessly and was weaving in and out of traffic. Angel Munoz was driving eastbound on Indiana approaching Jefferson. Munoz saw Cloud's vehicle driving westbound at 55-65 mph. Munoz saw the vehicle swerve out of control, spin at least once, then strike the north curb of Indiana, and ultimately a large red truck parked in front of the Acura dealership.

After striking the curb, Cloud's vehicle travelled over 100 feet, sliding along the curb, and then along the parkway. The vehicle struck a transformer box lid, then sheared off a small palm tree, then struck the pickup truck. The sheared-off tree trunk lodged under the rear of Cloud's car, preventing the rear wheels from gaining full traction. The vehicle was substantially damaged. To witness Angel Munoz, Cloud appeared to be unconscious or disoriented.

Acura employee Fred Cagle ran outside from his office after hearing the crash. Cagle approached the crash and contacted Cloud. Cagle said Cloud appeared drunk or dazed, but Cagle smelled no alcohol. Cagle saw a cut over Cloud's left eye.

Five to ten seconds later, the first RPD officers arrived. Partner Officers Vazquez and Stennett were first to arrive at the collision scene. Ofcr. Vazquez had heard the "211" radio call, so he drew his Glock firearm as he approached the driver's side, behind the door. Ofcr. Stennett first approached the passenger side.

As Ofcr. Vazquez reached the left rear corner of the vehicle, Cloud turned his head toward Vazquez and made eye contact. Ofcr. Vazquez ordered Cloud to put up his hands, and Cloud complied. Ofcr. Stennett came around the rear of Cloud's vehicle to the driver's side, next to Ofcr. Vazquez.

Ofcr. Stennet reached into the car in an attempt to grab Cloud, and to pull him through the open window. Ofcr. Stennet was unable to control Cloud.

It is undetermined if the vehicle was running the entire time, or if Cloud reached down and started the engine during the struggle.

Ofcr. Vazquez saw Cloud turning the steering wheel side to side in attempt to free the car, and Ofcr. Vazquez heard the engine revving loudly. Ofcr. Vazquez perceived the car coming loose from its position would pose a deadly threat to him and his fellow officers. Ofcr. Vazquez also saw Cloud reaching down toward the center area with his right hand, and thought Cloud might be reaching for a gun.

Officer Johansen arrived at the car while Ofcr. Stennet was struggling with Cloud, and while the vehicle was running, with the rear wheels throwing dirt and debris. Ofcr. Johansen attempted to assist Ofcr. Stennet, but could not reach in due to limited room. Ofcr. Vazquez holstered his firearm and also briefly attempted to assist.

Ofcr. Johansen saw Cloud reach down toward the center console area with his right hand, and start to raise the right hand in a deliberate manner. Ofcr. Johansen said he thought Cloud was reaching for a gun.

Ofcr. Vazquez drew his firearm and fired once toward Cloud's upper torso. When Cloud did not react, Ofcr. Vazquez fired three or four more times at the upper torso. Cloud slumped over. At about the same time, Ofcr. Johansen drew his firearm and fired once at Cloud's upper torso. Ofcr. Johansen heard Ofcr. Vazquez also fire, even before Ofcr. Johansen did.

Approximately 20 seconds elapsed from the time the first RPD officer advised "we've got the vehicle," until an officer advised, "Shots fired." No weapon or object was recovered from Cloud or his vehicle. Cloud was subsequently confirmed as deceased by personnel from American Medical Response.

The Riverside County Coroner determined the cause of death to be multiple gunshot wounds. The coroner noted that the lower extremities were "atraumatic" at the time of autopsy, and no wounds consistent with Cloud's legs being stuck in the car were discovered. Five gunshot entrance wounds were identified: left neck, left tip of the shoulder, left lateral neck, left side of larynx, and right chest. Blood toxicology examination revealed the presence of amphetamines (stimulant) and diphenhydramine (antihistamine) in Cloud's blood.

IV. Witness Accounts:

Below is a summary of statements from witnesses who specifically commented on whether the car was running prior to the officers' arrival, or whether Cloud started the car after officers' arrival. The statements are not all in agreement. (Multiple other witnesses commented that the car was running at some point, but did not make a distinction about the car's status when the officers made contact.)

Witness Bryan Stanfill, a Chrysler dealership employee, said he was standing outside and witnessed the vehicle's crash. Stanfill said as officer's arrived, they told him to back away. Stanfill heard the car's engine rev loudly, and then officer's surrounded the vehicle.

Witness Angel Munoz in his vehicle, had, "pulled up to the area of the collision" before police arrived. Witness Angel Munoz stated "the suspect vehicle was turned off, but when the officers approached he heard the suspect vehicle turn on and the motor rev very loudly as if S/Cloud was trying to get away." Munoz, "heard the suspect vehicle starting up and saw the wheels spinning as if the suspect was trying to drive away."

Witness Justin Leutz ran out from the Acura dealership office, and "heard a grinding noise as if the suspect was trying to start the car again and then heard tires screeching."

Witness Juan Dominguez was working in Acura when he heard the collision, and so he approached the scene. Dominguez saw officers approach the car, and push Fred Cagle aside. The "vehicle started up and the tires began squealing."

Witness Danny Lane said the engine was running after the car came to rest from the collision.

The involved police officers also gave varying accounts when interviewed by RPD investigators.

Interview of Officer Vasquez (V) by RPD Investigators (I)

V: I saw the vehicle wasn't off, felt that I had better – a better angle on the suspect.

I: It was – it was running when you got there?

V: It was off.

I: It was off (?)

V: The vehicle was off.

Additionally:

V: And then at that point he, ah – he broke one of his hands free or something." But I – I saw him turn the – turn ignition keys on.

I: Okay

V: And then he – I saw him put his hands on the gear shift, move it down like in reverse.

I: Okay

Interview of Officer Johansen (J) by RPD Investigators (I):

J: And I saw, ah, Officer Stennett, (Brett Stennett) and, ah, (Nick Vasquez) running from their units which were west of the vehicle, towards the vehicle. So, you know, I'm – I'm heading to back them up, and, ah, I run towards the vehicle, from my vehicle. The vehicle's still running. The guy's revving the engine. You can hear it going, "Voom, voom."

Additionally:

I: Okay. Um, I just wanted to step back for a minute, when you – wh – when you came up to the vehicle, did you say that the vehicle was, um, revving the entire time that you were up there?

J: Yes. The entire time.

(Atty): Well, not in his presence, you mean?

I: That – that's what I - - that's what I mean, while – while you were coming up there, as far as you know, the – the vehicle was running the entire time?

J: Running and he was foot on the gas.

Interview of Officer Stennett (S), (partner of Ofcr. Vazquez), by RPD Investigators (I):

S: "Nick Vasquez was driving. He gets out of the car and approaches, um, the driver's side of [Cloud's] car. I'm in the passenger seat and I approached the passenger's side of the car. We both have our guns drawn. Um, look in the car,

see the suspect, on person in the driver's seat. Um, we start giving commands, he's not complying. Um, he starts slamming on, um, the, ah, he tries accelerating his car. It's not going anywhere though, it's stuck."

Additional:

I: Um, when you guys got there and pulled up to the car, do you remember if the car was running, was it off at the time?

S: You know I'm not sure. I think that – (unintelligible) I don't know if he had been, um, pressing on – it had to have been on. I think that – that – I think that it was still running and that, um, and when we approached the car, when Nick Vasquez approached the driver's side and I'm on the passenger's side, I think that just as soon as he saw us he started slamming on the accelerator.

Statements from the Depositions are listed below:

Officer Johansen said he did not know if the car was on at the moment of his arrival to the car. Johansen said at some point shortly thereafter, he knew the car was running. He did not hear the car start up.

Officer Vasquez said that the car was off on his arrival. Vasquez said that after Cloud broke free of Officer Stennett's grasp, Cloud turned the ignition and started the car.

Witness Fred Cagle, who had the first contact with Cloud after the collision, said he did not recall any engine noise when he approached Cloud's car.

Deposition transcript of witness Fred Cagle (C), deposed by attorney Andrew Roth (R):

R: When you got to the car, you were able to have a conversation with the driver; correct?

C: Yes, sir.

R: You could hear him?

C: Yes, sir.

R: And it appeared he could hear you?

C: Yes, sir.

R: Can you recall if there was any engine noise at that time?

C: I can't recall.

Cagle said after the officers lost their grip of Cloud while attempting to pull him from the car, Cloud fell back into the car. Cagle then heard shifting gears, and saw the tires spinning. Cagle did not hear the engine start.

R: Okay. So after this 20- or maybe 25- second period during which they are trying to pull him out of the car, what happened next?

C: They lost their grip, and he fell back into the car.

R: Okay. And then what happened?

C: The back tires started spinning.

R: Okay. Had you noticed before that moment whether the engine was on or off?

C: No, sir.

R: Okay. And when the back tires started spinning, did you hear any noises?

C: Gears changing.

Statements from Baker Street Group Investigation include Danny Lane, an Acura employee, who said he ran out to Cloud's vehicle immediately after the crash, and could hear the engine running. (However, there is no mention of when officers arrived.)

V. Applicable RPD Policy:

RPD Use of Force Policy, RPD Policy & Procedures Manual, Section 4.30, pages 4.30-1 – 4.30-11.

VI. Standard for Commission Finding:

Preponderance of evidence.

VII. Rationale for Finding:

After careful review and deliberation of information provided by the Commission's private investigator, deposition records, and information included in RPD criminal investigation case files, the Commission found that the officers reasonably perceived a threat of death or great bodily harm from Mr. Cloud's actions of revving the engine, and turning the steering wheel from side to side, as the officers believed these actions were an attempt to free the car from the tree, and that the car could swing out and strike them due to their proximity to the vehicle.

VIII. Recommendation:

Use this incident to create a training opportunity.

Although the ultimate actions of the officers were found to be consistent with policy, the Commission expressed concern at the rapid progression of events. The Commission believes it is important that officers be provided additional training and tactics to slow down and better control events, when possible, in order to afford greater protection for all parties involved, and thereby lessen any threat posed by suspects.

This incident appears to offer multiple points of discussion and review for improved tactical response. Discussion points that might be considered to include in training modules include:

- greater use of verbal commands, including directions to remove and toss the vehicle keys;
- maintaining safer distance from the vehicle while it is running;
- identifying the safety risks posed when an officers reaches inside a car window with the driver in place; and,
- exploring whether "best practices" exist in responding to mixed, medical-tactical scenarios, or take a lead in developing such training.

The Commission recommends that RPD use this incident to build a tactical training model for response to similar situations. It might be useful to make a training video of this incident, or to run role-play exercises responding to a similar scene.

Closing:

The Commission offers its empathy to the community members, police officers, and City employees who were impacted by this tragic incident. Further, the Commission hopes that this incident does provide an opportunity to improve the ability of the RPD and the City to respond to similar dangerous and demanding situations, with safer outcome for all.

APPENDIX

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Section A

Baker Street Group Summary Report

RIVERSIDE POLICE REVIEW COMMISSION

DOUGLAS STEVEN CLOUD

OFFICER-INVOLVED DEATH INVESTIGATION SUMMARY REPORT

GURNEY WARNBERG
12/27/2007

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OFFICER-INVOLVED SHOOTING

FINAL SUMMARY REPORT

Deceased: Douglas Steven Cloud
Officer(s): Nick Vazquez
David Johansen
Date / Time of Incident: Sunday, October 8th, 2006, 4:16 PM
Location: In front of Acura of Riverside Used Car Lot
7973 Indiana Avenue, Riverside, CA 92504

DOUGLAS STEVEN CLOUD:

Cloud was a 28-year-old white male resident of Riverside, CA. At the time of his death, Cloud was living at 3738 Harrison Street, # 23, in Riverside California.

Cloud was employed as a painter and was working for a General Contractor in Riverside, CA. He had been trained in residential painting, dry-walling and plastering.

Cloud was single and had no children. He was in a relationship and living with his fiancé and her parents at the time of his death.

Cloud had a moderate criminal record with jail records showing that Cloud had one arrest for DUI (Driving Under the Influence) in 1999 and a recent arrest in 2006 for a charge of 243 (E) (1) PC (Spousal Battery). In each instance, following guilty pleas, Cloud was sentenced to short jail terms, probation and fines.

No evidence of any exceptional medical or mental health issues have been found. Post mortem toxicology evidence would support the conclusion that Cloud's blood contained levels of methamphetamine normally considered within the range of abuse. This same evidence would support a conclusion of recent use of the drug.

Cloud owned a 1984 silver blue Toyota Celica 2-door hatchback #CA 4BLR986. He had purchased the vehicle in September 2006 from his neighbor, Jose Carbajal, although transfer of ownership documents had not been filed with the California Department of Motor Vehicles.

SUMMARY OF EVENTS:

On October 8, 2006 at approximately 4:18 PM, RPD Officer Jeffery Putnam was processing an arrestee in front of the Home Depot store, located at 3323 Madison Street, Riverside, CA 92504 for an unrelated incident. Putnam observed Douglas Steven Cloud running through the parking lot carrying a large box and being chased by Home Depot employees.

At an undetermined time, Cloud entered the Home Depot store. Cloud selected and then shoplifted a \$298.00 paint sprayer. Cloud ran with the merchandise from the building and into the parking lot and was pursued by a Home Depot employee and several customers. From various perspectives and from different locations Putnam and multiple Home Depot employees and customers observed the theft, the fight and the escape that followed.

Cloud ran to his vehicle and entered it. The employee and two customers attempted to detain Cloud, while a third customer removed the stolen property from the back of Cloud's vehicle. As Cloud backed his vehicle out of the parking stall, one of the customers fell to the ground in direct path of Cloud's vehicle. A store employee pulled him to safety and he narrowly escaped being stuck by Cloud's vehicle.

Cloud escaped by driving west-bound on Indiana Avenue at high speed. At Jefferson Street, Cloud lost control of his vehicle, crashing into a Ford truck that was parked on display in front of a car dealership at 7973 Indiana Avenue.

Sales Manager, Fred Cagle, and multiple employees and civilian witnesses observed the crash from various perspectives in different locations on the street and from inside the business premises. Cloud's vehicle sustained severe damage from the collision after shearing off a palm tree and colliding with a pick-up truck. The vehicle was pinned on the palm tree and appeared stuck. Cagle ran to the driver's door of the vehicle, leaned inside the window, and talked to Cloud, attempting to assess his injuries.

Putnam broadcast the theft as a robbery and gave a description of the suspect's vehicle and direction of travel to other officers. Within minutes, Officers Brett Stennett and Nicholas Vazquez arrived at the crash site almost as it occurred. Officer David Johansen also arrived on the scene in a separate police car. Officers Crawford and Meier arrived and ran toward the vehicle. The officers approached and ran towards the driver's door of Cloud's vehicle. Eleven officers arrived on the scene within seconds of each other. Fred Cagle and other witnesses stepped away from the car but continued observing the events from various positions around the scene.

Officers initially ordered Cloud to step out of the vehicle at gun point. When he refused, or was unable to obey, officers reached inside, and in a hands-on manner, attempted to pull Cloud from the vehicle through the driver's window.

A struggle ensued. During the struggle, the vehicle's engine started to accelerate. As the vehicle was in forward gear, the driver's side rear tire began to spin throwing dirt and grass debris to the west.

The struggle with the officers lasted only for seconds. Cloud was released or broke free, the vehicle continued to accelerate, and, unable to move, the wheel continued to spin and throw up debris. Vasquez drew his weapon and fired four times. Johansen fired his weapon one time. Cloud was hit with five rounds and died at the scene.

Home Depot:¹

Home Depot is located at 3323 Madison Street, Riverside, CA 92504. There is vehicular access into the complex from Madison Street on the west and from Indiana Avenue on the north. The Home Depot building is situated on the east end of a rectangular lot. The front entrances and exits face west and provide access to a large parking lot. The store's main entrance is on the north end with a secondary garden entrance and exit toward the south end of the building. A large parking lot extends to the west where there is a McDonald's restaurant at the northwest corner of the complex.²

Alleged Theft Summary:³

On Sunday, October 8, 2006 at an undetermined time, Cloud arrived in the parking lot of the Home Depot. Cloud's vehicle was parked in the north-east section of the parking lot close to the main entrance of the store. The parking space was directly south of a temporary tent structure erected to sell specialty items from the parking lot. The vehicle was parked facing north toward the tent. There were no parking spaces in front of or behind Cloud's vehicle. The driver's door was adjacent to a row of hedges. The hedges were contained in a planter box constructed of a standard-size concrete curb, extending approximately twenty feet long and four feet wide.

At approximately 3:43 pm, Michael Allen (Home Depot Loss Prevention Investigator) telephoned Riverside Police Department Communication Center from the Home Depot to report that a shoplifter had been arrested. Putnam was dispatched to the scene and arrived at 3:53 pm.

Putnam parked his car directly in front of the store near the main entrance to the north of the garden entrance. Putnam went into the business premises and contacted Allen. Putnam, Allen and Jason Nourse (of Home Depot Loss Prevention) escorted the alleged shoplift suspect out of the store and to Putnam's police unit. Putnam began the process of issuing a citation.

¹ Two crime scenes were investigated following this incident. The first was the Home Depot scene of the theft, and the second was the Acura dealership scene of the crash and shooting.

² Witness statements often refer to the McDonalds as a point of reference.

³ The incident grew from a continuation of smaller events that are subtitled in this report.

Meanwhile, Cloud was inside the Home Depot and had selected a Magnum Paint Sprayer contained in a large cardboard box valued at \$298.00. Cloud placed the paint sprayer into a shopping cart and proceeded to a check-out center in the garden shop on the south end of the store.

Home Depot employees Courtney Brandl and James Blake were working at the cash register. Blake was wearing an orange Home Depot apron. Customers, J. Taliaferro and his two sons, Vincent and Nicholas Taliaferro, were in line ahead of Cloud at the check-out stand. The Taliaferros' completed their transaction and walked out through the Garden Center's exit door.

Blake removed the paint sprayer from Cloud's shopping cart and scanned the bar code at the same time electronically deactivating the imbedded security device. Blake returned the paint sprayer by placing it back inside the shopping cart. Brandl recorded the purchase on the cash register and asked Cloud how he wanted to pay for the item. Cloud reached for his back pocket as if reaching for his wallet, then removed the paint sprayer from the shopping cart and ran from the store into the parking lot.

[Video Camera Analysis:](#)

The Home Depot surveillance shows Cloud in the Garden Center checkout wearing sunglasses. The paint sprayer was in a white box in his shopping cart. The video shows cashier Blake scanning the sprayer, and placing it back into the shopping cart. The video shows Cloud taking the sprayer out of the cart and running out of the store. Another camera shows Cloud running into the parking lot being followed by Blake. None of the incidents that took place at the vehicle were captured on video.

[Witness Statements:](#)

[James Blake: \(RPD taped interview\)⁴](#)

Blake stated that he scanned the paint sprayer and deactivated the "EAS security tag" for Cloud at the register and returned it to the shopping cart. The item was entered into the register by Brandl, and Blake asked Cloud how he would like to pay for the item. Cloud reached toward his back pocket as though reaching for his wallet, then he suddenly grabbed the paint sprayer from the cart and ran from the store into the parking lot. Blake stated that he "slowly" chased after Cloud yelling for him to stop. Blake stated that he planned on obtaining a vehicle description and license number but never intended to physically confront Cloud.

⁴ Some witnesses have been interviewed by patrol officers and then again by investigators. Some witnesses were interviewed more than once by RPD investigators. Some witnesses have been interviewed by RPD and RPCRC investigators. Witness statements in this report are prepared in summary format taken directly from recorded interviews and subtitled according to event.

Cloud ran to his vehicle and opened the hatchback and put the paint sprayer into the car. Cloud attempted to close the hatchback but as the box was too large it prevented the back from closing. Cloud then opened the driver's door and attempted to enter the car. Blake stated that he grabbed the door of the vehicle, delaying Cloud's entry and his closing the door.

The activity attracted the attention of other Home Depot employees, customers and Putnam. These bystanders and witnesses responded in various ways to the incident.

[Officer Jeffery Putnam: \(RPD Supplemental Report\)](#)

Putnam was standing next to his patrol car and was issuing a prisoner citation for an unrelated shoplifting report. Putnam observed Cloud running from the store with a large box in his hand being chased by store employees and customers. Cloud and the employees ran to a vehicle that was parked out of his line of vision. Putnam secured his prisoner in his patrol unit and made his way towards Cloud's vehicle.

[Michael Allen: \(RCPRC taped interview\)](#)

Allen was standing in front of the Home Depot with Putnam and observed Blake running from the store chasing Cloud. Allen ran after Blake arriving seconds after customers (Vincent and Nicholas Taliaferro) had engaged Cloud at the driver's door of his vehicle in a fight. Allen began ordering Home Depot employee (James Blake) to stop and return to the store.

Allen stated that it is against Home Depot company policy for security employees to chase shoplifters into the parking lot and that company associates do not normally become involved in such situations. Allen stated that it was his intention, for safety purposes, to "deescalate" the event by having employees back away and allowing Cloud to escape.

[J. Taliaferro: \(RCPRC taped interview\)](#)

J. Taliaferro stated that as he and his sons, Vincent and Nicholas, left the Garden Center exit they observed Cloud run from the store and into the parking lot. Cloud was being chased by Home Depot employee who was wearing an orange apron. Cloud was carrying a large box and the employee was shouting for him to stop.

J. Taliaferro told his sons to run ahead to help the employees. J. Taliaferro walked quickly toward the incident and watched Cloud throw the box into the back of his car. J. Taliaferro states that while his sons were engaged with Cloud at the driver's door, he opened the vehicle's hatchback, removed the box, and threw it to the ground towards the bushes.

[Anthony Magdolen: \(RPD taped interview\)](#)

Magdolen was a customer standing outside the Home Depot and observed Cloud run from the store. Magdolen states that he watched a Home Depot employee and customers chase Cloud to his vehicle. Magdolen stated that he initially thought the employee was chasing Cloud because he had possibly forgotten something in the store or because he was a friend. Cloud was running very fast carrying a box and the employee was barely jogging in pace after Cloud, calling for him to stop. Magdolen states that he then observed other employees and customers running very fast toward Cloud.

[Question: Intent to Steal⁵](#)

Did Cloud enter Home Depot with the intent to steal?

Cloud's activities immediately preceding his arrival at the Garden Center cashier point have not been established for purposes of this report. It is uncertain where his trip started; what time he arrived in the Home Depot parking lot; how he selected his parking space or whether he was already present when Putnam arrived. However, evidence would support the following conclusions:

- No attempt was made to conceal the license plate on the vehicle he was driving.
- Cloud parked his vehicle leaving the rear hatchback unlocked.
- Cloud entered the store with keys to the vehicle, 25 cents in cash and a wallet containing two Visa credit cards.⁶
- Cloud did not attempt to use force, to intimidate, cause fear or present a threat to witnesses at the time of the theft. He grabbed the merchandise and ran from the store without saying a word and without showing a weapon.

[Fight Summary:](#)

A fight ensued at the vehicle involving customers attempting to assist and stop Cloud's escape. One of the customers (J. Taliaferro) managed to remove the box from the back of the car and throw it into the bushes. Other customers (Vincent and Nicholas Taliaferro) fought with Cloud at the door of his vehicle. V. Taliaferro grabbed and pulled the driver's window shattering the glass.

Cloud managed to get into the car and start the engine. He put the car into reverse and backed up at high speed turning the vehicle to face west towards the McDonalds restaurant. This maneuver resulted in one of the customers (J. Taliaferro) stumbling between the curb and vehicle and then falling directly in front of the car.

⁵ Periodic questions of intent with statements supporting evidence for conclusions are addressed in this report in order to provide perspective.

⁶ Cloud had 25 cents US in his pants pocket and a wallet that was inventoried on coroner's receipt #38092.

Witness Statements:

Officer Jeffery Putnam: (RPD Supplemental report)

While running toward the vehicle, Putnam observed the fight taking place at Cloud's driver's door. Putnam observed Cloud get into his vehicle and back out of the parking space at high speed. Putnam observed a customer (V. Taliaferro) hold onto the window of the driver's door as the car was reversing. Putnam heard the glass shatter and watched a customer (J. Taliaferro) being partially dragged by the car as it reversed.

Anthony Magdolen: (RPD taped interview)

Magdolen states that he approached the vehicle after seeing several men engage Cloud at the driver's door in a fight. One of the men at the back of the car (J. Taliaferro) opened the hatchback lid and removed the box, throwing it into the bushes. Magdolen states that he thought he may need to intervene to try to stop the men from "beating up" Cloud.

Michael Allen: (RCPRC taped interview)

Allen stated that he was standing behind a hedge, across from the driver's side of the car. Allen states that he began shouting at people to "stop, let him go." Customers (Nicholas and V. Taliaferro) continued struggling with Cloud.

Allen stated that Cloud managed to struggle free, open the car door and get inside. One of the customers (V. Taliaferro) grabbed the car window and the glass shattered. Another customer (J. Taliaferro) opened the hatchback and removed the paint sprayer throwing it into the bushes.

Allen did not hear Cloud make any statements during the struggle.

Allen did not see any weapons displayed during the struggle.

Jason Nourse: (RPD taped interview)

Nourse is a Home Depot Loss Prevention Investigator. Nourse was standing with Putnam and Mike Allen in front of the customer exit, processing a shoplifter's details. He saw Allen start running toward the parking lot in the direction of a crowd. The people were chasing a man (Cloud) who was carrying a large box. Nourse stated that he followed Allen.

When Nourse arrived at Cloud's vehicle, he heard glass shatter and saw glass flying from the area of the driver's window. Several male customers had engaged Cloud at the vehicle and were reaching into the car hitting him in the face. Nourse saw Cloud being hit "really hard" in the face at least three times during the fight. An older male customer (J. Taliaferro) had opened the hatchback lid and removed the box, throwing it into the bushes.

[Nicholas J. Taliaferro: \(RPD taped interview\)](#)

N. Taliaferro was a customer at the Home Depot and was leaving via the Garden Center exit with his father, James, and his brother, Vincent, when Cloud ran from the store being chased by Home Depot employee James Blake.

N. Taliaferro ran after Cloud in order to assist Home Depot employees and to detain the subject for arrest. Nicholas and his brother struggled with Cloud at the driver's door but were not able to stop him from getting into the car and closing the door. Nicholas saw his brother Vincent grab the door window and pull it, causing the glass to shatter. N. Taliaferro said that Cloud was desperate and highly motivated to escape and appeared completely focused on starting the car and leaving as quickly as possible.

Cloud did not make any statements or say anything at all during the struggle.

[V. Taliaferro: \(RPD taped interview\)](#)

V. Taliaferro was just leaving the store and walking into the parking lot with his father (J. Taliaferro) and brother (N. Taliaferro).

V. Taliaferro stated that he saw a customer (Douglas Cloud) run from the store carrying a large box. A store employee was slowly jogging after him and he heard the employee shout "stop." He realized at that point Cloud was a shoplifter and ran to assist the employee.

Cloud ran to his car and opened the hatchback lid putting the box into the trunk. V. Taliaferro ran in an attempt to stop Cloud from getting into the car. Cloud was able to "slip away", and get into the car. V. Taliaferro grabbed the door window and pulled it, shattering the glass.

[Question: Intent during Fight](#)

How did Cloud conduct himself during the fight?

Cloud was engaged hands-on at the driver's door of his vehicle by two customers. Evidence would support the following conclusions:

- Cloud appeared and acted desperate to escape.
- Cloud struggled hard to release himself from the grip of Vincent and Nicholas Taliaferro in order to enter his car.
- Cloud received several blows to the face during the fight.
- Cloud did not say anything or make any threats during the fight.
- Cloud did not arm himself or produce any weapon during the fight.

Escape Summary:

Cloud struggled free and entered his vehicle. Cloud started the engine, shifted into reverse, and backed out of the parking space at a high rate of speed. His backing speed was enough to cause the tires to spin. At this instant Cloud demonstrated no regard for the safety of people around the vehicle.

Cloud maneuvered the vehicle, making a turning to the left. This turning motion resulted in customer J. Taliaferro stumbling between the curbing and the vehicle. J. Taliaferro fell into the parking lot traffic lane directly in front of the vehicle. J. Taliaferro remained on the ground within feet of the vehicle and was unable to move out of the vehicle's path.

Cloud shifted the vehicle into forward gear at the same time as revving the engine. The tires were spinning. Nourse pulled J. Taliaferro from the path of the vehicle. J. Taliaferro narrowly escaped being hit by the car. Other vehicles and pedestrians within the parking lot were at great risk during this escape.

Cloud left the parking lot by traveling west bound on Indiana Avenue accelerating to high speed. Approximately 0.7 miles away, at Jefferson Street, St. Cloud lost control of his vehicle and crashed in front of the Acura Used Car dealership, 7973 Indiana Avenue.

Witness Statements:

Officer Jeffery Putnam: (RPD Supplemental report)

Putnam watched as Cloud sped away west-bound leaving the parking lot through the north entrance near McDonald's restaurant.

Putnam made a radio dispatch requesting backup officers assist regarding "a vehicle that did a 211."⁷ Within seconds of his original broadcast, Putnam provided assisting officers with additional information including suspect description, direction of travel and description of the vehicle.

Putnam returned to his police unit, releasing his original prisoner opting to pursue Cloud.

James Blake: (RPD taped interview)

Blake stated that Cloud hesitated at the wheel for "5 to 7 seconds" until J. Taliaferro was pulled out of the way by other Home Depot employees.

⁷ Quote is taken from radio frequency recording. 211 refers to Code Section 211 in the California Penal Code. This Code Section describes the crime of Robbery.

[Michael Allen: \(RCPRC taped interview\)](#)

Allen stated that Cloud started the vehicle and backed out of the parking space at high speed. J. Taliaferro was pulled and dragged by the vehicle resulting in him falling to the ground and lying in front of the car as it came to a stop and then started forward. Nourse pulled J. Taliaferro from the path of the vehicle as it started forward, spinning and the tires narrowly missing him by several feet.

Allen stated that Cloud left the parking lot toward McDonalds at very high speed and in complete disregard for other customers' safety.

[Jason Nourse: \(RPD taped interview\)](#)

Nourse stated that Cloud started the engine and put the car in reverse, grinding the gears. Cloud accelerated quickly in reverse spinning the tires while at the same time turning to face west over the parking lot toward McDonalds. During this maneuver, J. Taliaferro stumbled between the curb and the car and fell to the ground. Cloud stopped reversing and shifted gears to go forwards. J. Taliaferro was on the ground, directly in front of the car. Nourse could see that J. Taliaferro did not have the strength to get up. He grabbed J. Taliaferro under the arms and slid him across the pavement and into the parking space out of the vehicle's path. Cloud accelerated, spinning the tires and fleeing the parking lot west bound towards McDonalds.

[J. Taliaferro: \(RCPRC taped interview\)](#)

J. Taliaferro states that after throwing the box from the car, he heard Cloud start the engine. He then heard the driver's door window glass shatter and Cloud shift the car into reverse gear. J. Taliaferro was standing between the curb and the vehicle as the car began moving backwards. He used his hands to push himself away, but stumbled on the curbing. The movement of the car backing out of the space and turning to face west threw him to the ground. He landed on his knees in front of, and facing, the car. During this maneuver he made "eye contact" with Cloud and there was "no doubt" that Cloud knew he was on the ground in front of the car.

J. Taliaferro states that Cloud shifted the car into a forward gear, raced the engine and spun the tires. He was pulled away from the path of the vehicle by Home Depot employees.

[Anthony Magdolen: \(RPD taped interview\)](#)

Magdolen stated that Cloud wrestled himself away from several men and managed to get into the car and start the engine. One of the men grabbed the driver's door window, pulling and shattering the glass. Cloud revved the engine putting the car in reverse and spinning the tires. The car raced backwards from the parking space, at the same time turning to face west toward McDonalds.

The man who had removed and thrown the box into the bushes, (J. Taliaferro), was knocked to the ground and fell in front of the vehicle. Magdolen stated that it was at this instant he arrived at the car. The vehicle came to a stop while Cloud was shifting gears. Magdolen reached into the vehicle and grabbed the steering wheel. He made “eye contact” with Cloud and said, “Don’t run him over, you’ll go to jail for sure.” Cloud “paused” and looked directly at him. Cloud then revved the engine putting the car into a forward gear. Cloud left, burning the tires, directly towards J. Taliaferro. Magdolen believed Cloud would have hit the man in order to escape had Home Depot employees not grabbed J. Taliaferro and pulled him from the path of the car.

[V. Taliaferro: \(RPD taped interview\)](#)

V. Taliaferro stated that Cloud started the car and backed up at a speed. He saw his father (J. Taliaferro) fall down in front of the car. Cloud appeared so nervous after reversing that he tried to get the car into gear and it stalled. Cloud again started the car revving the engine and spinning the tires to go forward. V. Taliaferro stated that he saw Jason Nourse pull his father from the path of the car. Cloud escaped, driving at high speed west-bound through the parking lot.

[Nicholas J. Taliaferro: \(RPD taped interview\)](#)

N. Taliaferro stated that Cloud backed out of the parking space at high speed, throwing his father (J. Taliaferro) to the ground and in front of the car. Cloud appeared so worried about the people at the driver’s door he didn’t realize what was happening behind him. Cloud left the parking lot west-bound.

[Josh Reiff: \(RPD taped interview\)](#)

Reiff was a Home Depot customer standing in the parking lot approximately twenty five feet away and observed the incident, including the escape.

Reiff stated that he got into his vehicle and followed Cloud from the parking lot and onto Indiana Avenue, west-bound. Cloud was driving at high speed in a dangerous and erratic manner. Reiff followed until they reached the intersection of Jefferson Street and Indiana Avenue. Reiff stated that Cloud went through the intersection, then suddenly veered to the right, colliding with a parked vehicle.

[Question: Intent at Escape](#)

How did Cloud’s actions apply to Putnam’s determination that the incident was a robbery?

The robbery call had a profound impact on the incident by setting the mental stage for the responding officers.

Evidence would support the following conclusions:

- Cloud demonstrated little regard for the safety of himself or others during the escape.
- Cloud used his vehicle in an aggressive manner to facilitate his escape following a petty theft.
- Putnam never clarified his original dispatch of a robbery to the assisting officers, even after requests were made regarding the use of a weapon. This failure to clarify the incident left the assisting officers at a serious and dangerous disadvantage.

[Acura of Riverside Used Car Dealership:](#)

[Crash Summary:](#)

Approximately .7 miles west of Home Depot at Jefferson Street St., Cloud lost control of his vehicle and crashed in front of 7973 Indiana Avenue. Cloud was traveling west-bound between 56 and 64.8 mph before breaking at the intersection. He swerved around traffic that was stationary at the red light. His vehicle entered the eastbound lanes traveling through the red light. Cloud swerved back into the west-bound lanes to avoid colliding and lost control. The vehicle skidded into the north curb line on the north side of the intersection. The vehicle jumped the curb turning approximately 180 degrees. The vehicle continued sliding backwards on the sidewalk and its adjoining grass parkway, west-bound. The vehicle struck and sheared off a palm tree and collided with the back of a Ford pickup truck that was parked on display in front of the Acura dealership.

The vehicle came to a halt on the parkway between the sidewalk and a wrought iron fence. The vehicle was facing northeast towards the wrought iron fence that was several feet away.

The impact was severe, causing major driver's side structural damage to the vehicle's undercarriage, rear end (hatchback), and door frame along the entire length of the car into the front wheel well.

The vehicle was stuck and pinned on the palm tree. The palm tree was sheared off flat to the ground, eventually pointing in a north – south direction. The trunk and roots of the tree were under the frame of the vehicle, directly behind the front wheel on the driver's side. The tree extended for several feet behind the wheel and under the frame.

After the incident, it was noted the left rear tire was shredded, and a deep rut was dug out of the dirt where the tire had been spinning. The right rear tire was on cement, and appeared low on air had tire and rim damage.

The driver's window, back seat window driver's side, and hatchback window were all broken and open. The driver's door was jammed shut and would not open.

The passenger side of the vehicle remained relatively intact, sustaining primarily wheel and rim damage. The glass in the passenger door window, rear passenger window, and front windshield were all intact and unbroken. The passenger door was locked but operable.

Cloud was not wearing a seat belt restraint and remained inside the vehicle behind the driver's wheel following the collision.

The Ford pickup truck was just west of Cloud's vehicle. It suffered collision damage to the rear bumper and tailgate area.

Officers began arriving at the scene of the accident almost immediately after the collision. Four officers arrived in three police cars and immediately ran to driver's door of Cloud's vehicle.⁸

Witness Statements:

Angel Munoz: (RPD taped interview)

Munoz stated that he was driving his white Mazda van east-bound on Indiana Avenue approaching a red light at Jefferson Street. Munoz saw west-bound cars stationary at the intersection. Munoz saw Cloud's west-bound vehicle swerve around the stationary west-bound traffic at Jefferson Street and run the red light. Cloud's vehicle was now traveling west-bound in the eastbound lanes, directly towards Munoz, and it appeared to be traveling at high speed. Cloud swerved back into the west-bound lanes to avoid a collision with Munoz and lost control. Cloud began skidding out of control and struck a car parked on display in front of the Acura dealership.

Munoz stated that he made a u-turn and drove back to check on the driver. Munoz parked his van at the curb next to the scene of the accident and Cloud's vehicle. Munoz stepped out of his van and started to approach the car. He could see one person in the car in the driver's seat who appeared "dazed" from the accident. One of the dealership employees was standing at the driver's door talking to the driver (Cloud). Cloud's vehicle's engine was switched off.

Munoz stated that officers began arriving immediately. Officers were getting out of their cars with their guns drawn. Munoz did not approach the car, but turned away and crossed Indiana Avenue to stand on the south side.

Munoz stated that he could hear the officers shouting: "Get out of the car." Munoz heard the car engine start up and rev as if Cloud was "trying to get away",

⁸ Tactics are discussed in officer interviews.

but the car was stuck and therefore could not move. The tires were spinning and there was a lot of smoke.

[Frederic Eugene Cagle Jr. \(RCPRC taped interview\)](#)

Cagle is the Used Car Manager for Acura of Riverside used car dealership.

Cagle stated that he was working in his office at his desk and his attention was drawn to the street in front of the dealership by the loud and distinct sound of skidding tires. He looked up and saw a vehicle skidding backwards on the sidewalk in front of the dealership. The vehicle was facing east, sliding west on the south sidewalk directly in front of the dealership. Cagle watched the vehicle collide with one of his pick-up trucks that was on display and parked on the grass inside the parkway next to the sidewalk. The pick-up truck was moved westward approximately six or seven feet by the impact of the collision. The vehicle in question causing the collision was driven by an individual later identified as Douglas Steven Cloud.

Cagle described the vehicle as a Toyota Celica, a mid 80's, two door, hatchback, light green model, with standard transmission, bucket seats and no center console. The steering wheel was intact. Cagle could not recall if the vehicle's engine was running or not. The vehicle came to rest on top of what remained of a palm tree that had been sheered off during the collision. Cagle described the condition of the vehicle as being "high centered" on the palm tree and unable to move. It sustained heavy damage to the rear end, had a jammed and inoperable driver's door, and there was shattered glass everywhere around the site of the crash.

Cagle stated that he ran from his office to the driver's door, a distance he estimated at 25 feet. Cagle stated that he straddled part of the broken palm tree and leaned inside the vehicle through the driver's window. Inside the vehicle he observed several items he believed were associated with construction work, including a white and blue construction type lunch box on the floor board of the front passenger seat. Cagle did not see anything in the vehicle he considered to be a "weapon."

Cloud was in the vehicle alone and in the driver's seat. There was no blood, although Cagle observed a cut above Cloud's left eye. Cloud appeared "dazed" from the collision and spoke in a slurred way and with deliberate speech. He made no attempt to operate the car. Cagle was concerned and believed Cloud was most likely injured. Cagle looked throughout the car and for any possible injuries to Cloud's arms and legs. Cloud was slightly moving "as if he were in pain."

Cagle stated that he watched a white van stop on the street approximately parallel to Cloud's vehicle. It was driven by a male with a mustache wearing

sunglasses. This person appeared to be a concerned citizen. At approximately the same moment he saw the first police car arrive. The police car parked at an angle facing east in the west bound lanes of Indiana Avenue, facing Cloud's vehicle.

[Danny Fred Lane: \(RCPRC taped interview\)](#)

Lane is the Fleet and Internet Manager for Acura of Riverside.

Lane stated that he was seated at his desk in front of the window that faces the parking lot and Indiana Avenue. His attention was drawn to the sound of a car breaking and tires squealing close to the dealership. He watched as a vehicle collided with a pick-up truck parked on display in front of the dealership. The pick-up truck was moved approximately 10 feet by the force of collision and stopped in the dealership driveway.

Lane stated that he initially ran out of the office to check on the driver, (later identified as Douglas Steven Cloud), then returned to call 911. He observed Cloud sitting behind the driver's wheel of the vehicle.

Lane stated that the vehicle was severely damaged. The driver's side trunk and fender were pushed back so far that the undercarriage and the tire were visible. The vehicle had come to rest with its rear end facing west and very close to the pick up truck it had collided with. He could hear that the car's engine was running.

[Theodore Brown: \(RCPRC taped interview\)](#)

Brown is a Salesman for Acura of Riverside.

Brown stated that his attention was drawn to the collision when he heard the initial crash. He ran outside towards the vehicle. Fred Cagle was standing and leaning inside the driver's window. Brown said he could see Cagle's hand on the driver's (later identified as Douglas Steven Cloud) chest and could hear Cagle talking and trying to assure Cloud that everything would be alright.

Brown stated that the vehicle was an older model Toyota and had sustained severe collision damage to the rear end. The vehicle was "lodged" between the palm tree and a telephone pole facing a metal fence and was unable to move.

Brown stated that Cloud appeared "dazed" from the accident and looked as if he did not know where he was or what had happened. Cloud's hands were not visible.

[Juan Manual "Manny" Dominquez: \(RCPRC taped interview\)](#)

Dominquez is a Lot Porter for Acura of Riverside

Dominquez stated that his attention was drawn to the front of the business in the area of Indiana Avenue by the sound of screeching tires and that of a collision. He saw smoke coming from across the street on the north side of Indiana in front of the used car lot.

Dominquez stated that the vehicle was half gone, smashed in the rear, and “totaled.” Fred Cagle was standing and leaning into the driver’s window talking to the driver (later identified as Douglas Steven Cloud). Cloud was “Looking around like he was out of it and didn’t know where he was.”

[Shawn Daskam: \(RCPRC taped interview\)](#)

Daskam is a Salesman for Acura of Riverside.

Daskam stated that he heard a “crash” and saw Fred Cagle run through the doorway. Daskam followed Cagle from the building towards the vehicle. Cagle leaned inside driver’s door window trying to comfort the driver (later identified as Douglas Steven Cloud).

Daskam stated that the vehicle had sustained substantial rear-end damage. It was “high centered” on a portion of a palm tree and wedged against the tail gate of a full size pick-up truck. The windows were out and Cloud was the only person in the car.

Cloud appeared to be in “shock” and “lethargic” while Cagle was attending to him.

[Curtis Neal: \(RCPRC taped interview\)](#)

Neal is the Sales Manager for Riverside Car Store next door to and east of the Acura dealership.

Neal’s attention was drawn to the accident when he heard the crash. He left the building and walked to the west end of the parking lot approximately 225 feet east of accident.

Neal stated that he observed Fred Cagle approach the vehicle at the driver’s door and attempt to administer some type of aid. Neal stated he could not see the driver (later identified as Douglas Steven Cloud), because of the sun reflecting from the windshield.

[Question: Vehicle and Subjects Condition?](#)

1. *What was the operational condition of the vehicle following the accident?*
2. *What were Cloud’s physical injuries and symptoms immediately following the accident?*

Cloud’s vehicle was traveling at speeds calculated between 56 and 64.8 mph before he started to apply the brakes. This is considered the minimum speed and may very well have been much higher. The vehicle spun out of control for approximately 256 feet, striking the north curb line then skidding backward on the sidewalk striking a utility meter cover, a palm tree and ultimately a pick-up truck.

Evidence would support the following conclusions:

- Cloud's vehicle sustained severe damage to the rear and driver's side during the accident.
- The vehicle's engine, transmission, and drive train remained in working order immediately following the accident.
- The vehicle was stuck on the palm tree, pinned, and was not movable.
- The passenger door was locked and the driver's door was jammed shut.
- Cloud was aware he had been involved in an accident and was asking questions.
- Cloud had sustained an injury above his left eye.
- Cloud suffered no broken bones.
- Cloud appeared dazed, talking in a slurred manner, and was showing movements associated with pain immediately following the accident.

Timeline of Events:

Radio broadcast regarding the incident was recorded on RPD radio channel (1) between 3:40 PM and 5:30 PM. There is no time reference for events. The recording was analyzed utilizing transmissions and counter times for approximate time references.

Radio Log Analysis:

Channel 1:

Assisting officers were notified via radio of a robbery (211 PC) at the Home Depot by Putnam's radio transmission.

Putnam stated in his initial transmission: "11:10 Home Depot. I have a vehicle that did a 211 leaving the parking lot towards the McDonalds."

Approximately (25) seconds later, Putnam states in a transmission, "Older Datsun, primer, last seen west-bound Indiana." An unknown officer responds to the transmission and asks what color primer. Putnam responds its "Gray primer" and then describes the suspect as a "Hispanic male, 20 to 25 with dark hair." An unidentified officer asks, "Are there any weapons?" No one answers.

Approximately (39) seconds later, Putnam states in a transmission, "The vehicle license plate is 4BLR986." Seven officers advise they are in the area.

Approximately (45) seconds later, unit C320 (Officers Vazquez and Stennett) says, "We got the vehicle at." Units 130 (Johansen) and S159 (Ramirez) say they are "97" (at the scene). Eleven officers in six units arrive on the scene within seconds of each other.

Approximately (20) seconds later, an unknown officer states in a transmission, "29...shots fired, shots fired." Several different officers get on the

air, stating, “Shots fired.” Several seconds later an unknown officer gives the location as Indiana and Detroit.

Approximately (46) seconds later, Sergeant Ramirez asks for medical aid.

Approximately (73) seconds later, Officer Mears states in a transmission, “Everybody just take cover and just stay there.”

Approximately (2 minutes; 29 seconds) later, Officer Mears relays in a transmission that a team of four officers and a sergeant will be moving up to the vehicle to check on the suspect.

Approximately (1 minute; 16 seconds) later, Officer Mears advises in a transmission the suspect is “Code 8”.⁹

Video Camera Analysis:

The Acura Used Car dealership had surveillance equipment installed and operating during the time of this incident. The system included a recording device and four separate cameras showing various portions of the dealership property from various angles. The camera angles on the recordings are listed as “CAMO1”, “CAMO2”, “CAM3”, and “CAM4”. There is no sound.

Camera 01:

This recording is in black and white, and it is noted on the video that this is the “Side entry” camera. The time stamp notes the date as 10-08-06 and the video time as 04:20:02 PM to 4:40:11 PM. The incident is not captured by this camera and occurs just southeast of the camera angle.

Camera 02:

This camera is color and noted on the video “Main entry.” The time stamp notes the date as 10-08-06 and the times as 04:18:55 to 04:40:55. The video is poor quality and a thick line scrolls vertically up the screen during the entirety of the recording. This is the best camera angle of the incident, and appears the camera is on the roof pointing south towards the main entrance.

- 04:19:55
A truck parked on the sidewalk area is struck by something and moves several feet west.
- 04:20:00

F. Cagle runs out of the building and goes toward the driver’s side of Cloud’s vehicle (Toyota Celica). F. Lane walks toward the Celica, stops prior to reaching the vehicle, turns, and walks back toward the business.

⁹ Code 8 refers to a death.

- 04:20:51

Vazquez and Stennett arrive and park in the west bound lanes of Indiana Avenue, facing northeast several yards behind the Celica that is stationary on the sidewalk facing east. They immediately exit their car.

- 04:20:55

Vazquez and Stennett are approaching the Celica with their weapons drawn. Vazquez passes behind the Celica to the driver's side. Cagle backs away from the driver's door as Vazquez approaches. Vazquez stops just to the rear of the driver's door. Stennett approaches the passenger door.

- 04:21:08

Stennett leaves the passenger side and passes behind the Celica on his way to the driver's side. Cagle is standing approximately (15) feet west of the Celica on the sidewalk.

- 04:21:16

Crawford comes from the east running west along the passenger side of the Celica. Crawford passes behind the Celica on his way to the driver's side. He appears to be shielding his face with his arm. Crawford reaches Vazquez and Stennett and almost immediately backs away. Sergeant Ramirez is arriving in his patrol unit and parks west of Vazquez.

- 04:21:28

Vazquez, Stennett, and Johansen are seen near the driver's door area walking around. Smoke starts billowing from around the Celica.

- 04:22:16

Smoke stops coming from around the Celica.

- 04:22:27

An officer motions, says something to the other officers, and they all move north towards the Acura building next to a white vehicle. Some of them are brushing off their faces and uniforms. They then back out of camera view.

- 04:30:00

A group of (6) officers lead by Mears with a canine form a line near the Acura building and move south from the building toward the rear of the red pick-up truck behind the Celica. The officers split up around the truck and hold. The canine officer and two additional officers move along the driver's side from the rear to the driver's door of the Celica. After several seconds some of the officers move slowly toward the street. They remain around the vehicle until the recording stops.

Camera 3:

This camera is black and white, and noted on the video, "Far lot" camera. The time stamp notes the date as 10-08-06 and the times as 04:29:31 through 04:32:36. This camera is east of the main entrance, and points west toward the main entrance. This camera angle would have captured a portion of the collision; however, the recording does not start until after the accident and the shooting.

Camera 4:

This camera is black and white, and noted on the video, "Mid lot" camera. The time notes the date as 10-08-06 and the time as 04:21:30 through 04:32:20. This camera appears to point west of the main entrance. Nothing of note is observable.

Shooting Summary:

Cloud was being attended too for possible injuries by Fred Cagle who ran to the driver's window of the Toyota Celica immediately following the collision. Officers Vazquez and Stennett first arrived and parked several yards behind the Celica. Vazquez immediately saw Cloud in the driver's seat of the Celica turning to his right and looking back at the officers. Vazquez did not communicate what he observed to Stennett.

Vazquez believed Cloud to be armed. The radio broadcast reported a 211 robbery that had just occurred. Vazquez, in his experience he has learned that suspects who commit robberies are usually armed with a weapon and on many occasions the weapon is a gun. Nevertheless, Vazquez elected to move immediately from his position of cover at his police unit and into the open. Vazquez crossed the sidewalk and traveled behind the Celica toward the driver's door with his weapon drawn and pointed at Cloud. While moving to the driver's side of the vehicle, Cloud appeared to Vazquez that he was then going to attempt to flee by running away. Vazquez then moved closer to the driver's door giving verbal commands to Cloud as he did so.

Stennett did not see anyone in the Celica and elected to move directly to the passenger side and look inside. Stennett had his weapon drawn and pointed toward the Celica. The instant that Stennett saw Cloud in the driver's seat he heard Vazquez shouting commands to Cloud. Stennett attempted to open the passenger door but it was locked. The passenger window was up. Stennett elected to move to the driver's side and passed between the Celica and the pick-up truck. Vazquez told Stennett to pull Cloud out of the vehicle. Stennett also believed Cloud was armed because of the radio broadcast describing a robbery that had just occurred. Nevertheless, Stennett holstered his weapon and reached into the Celica and grabbed Cloud by the shoulders and neck. Stennett then engaged in a hand-to-hand struggle with Cloud who was inside the vehicle. Vazquez continued pointing his weapon at Cloud through the driver's window

while Stennett struggled as he was trying to pull Cloud out of the window. Vazquez considered that he was “lethal cover” for Stennett during the incident.

Johansen arrived and elected to run to the assistance of Vazquez and Stennett at the driver’s door of the Celica. Johansen also believed there was a high probability that Cloud was armed with a weapon, most likely a gun, because of the radio broadcast describing the crime at the Home Depot as a robbery. Nevertheless, Johansen ran directly in front of the Celica even though he could hear the car running and revving at high rpm’s. He arrived at the driver’s door towards the front of the vehicle.

Vazquez at some point elected to now holster his weapon and assist Stennett in pulling Cloud out of the driver’s door window. Vazquez thought it important to remove Cloud from the vehicle so he would not have access to a weapon. During the struggle the vehicle’s engine was running, in gear, and accelerating up and down. The driver’s side rear tire was spinning and throwing debris to the rear of the vehicle. Vazquez realized his efforts to assist Stennett were not working and he elected to disengage. Vazquez stepped back slightly, drew his weapon and told Stennett to back away.

Meier arrived and elected to run to the driver’s door and assist the other officers. He ran between the Celica and pick up truck shielding his face from the flying debris and arrived at the driver’s side toward the back of the vehicle.

Vazquez did not give a verbal warning concerning a weapon when telling Stennett to back off.

Stennett released his grip on Cloud and stepped backwards. Stennett started to draw his weapon when Vazquez fired his first round.

Johansen either had his weapon already pointed at Cloud, or was in the process of drawing his weapon.

There was a pause and then Johansen fired one round and Vazquez fired three additional rounds at the same time. Cloud was hit with five rounds in the neck and upper torso. Cloud died at the scene.

The vehicle’s engine stopped running after several minutes and the tire stopped spinning. A clearance team with a canine unit was formed and briefed. After they had moved in on the vehicle and had inspected the scene, medical emergency personnel were allowed access to the car. A crime scene was established, evidence was collected and witnesses were interviewed.

Witness Statements:

Frederic Eugene Cagle Jr. (RCPRC taped interview)

Cagle stated that he saw two officers get out of the unit and “charge” toward the vehicle with their guns drawn. They approached across the sidewalk, from the rear of the vehicle, and towards the driver’s door.

At approximately the same instant, a second police car arrived and parked facing west bound in the west bound lanes of Indiana Avenue, just slightly east of the first police car and slightly east of the vehicle. Two officers ran towards the vehicle traveling across the sidewalk, in front of the vehicle, to the driver’s door. The officers had their guns drawn.

Cagle stepped away from the car and backed approximately six or seven paces. He was standing to the right of the officers with a clear view of Cloud.

Cagle stated that the officers stood in a crescent pattern at the driver’s door looking down inside the vehicle. Initially, and for several seconds, all of the officers were shouting commands such as “get out of the car” and “put your hands up.” Cloud did not say anything or attempt to get out of the car. An officer attempted to open the driver’s door, but it would not open.

Cagle stated that after failing to open the door and seeing no attempt by Cloud to get out of the car; two or three of the officers reached through the driver’s window and began pulling him through the window. One officer remained in the same position at the driver’s door with his gun in his right hand, in a tactical stance, pointed at Cloud. Cloud’s arms were extended over his head and he was pulled through the window from approximately his chest to his belly button. One officer had him around the neck, and he appeared to be either “struggling against the officers” or “writhing in pain”.

Cagle stated that Cloud fell back into the driver’s seat of the vehicle. The officers then stepped back. Cloud’s hands were not on the top half of the steering wheel and he did not appear to be turning the wheel. The engine began to accelerate and the left rear tire began spinning throwing debris consisting of mud and grass behind the car.

Cagle watched as an officer took “about a half of a step back and to his left, then fired one shot into Cloud’s head between the “base of the chin and forehead.” The officer waited an instant, held his position, pointed his gun at Cloud’s chest, and fired two or three more shots. The sequence of shots were described as 1st shot, (short pause 1 to 1.5 seconds), then 2nd shot, 3rd shot, 4th shot, in quick succession.

Cagle stated that other officers had their weapons out but he did not believe any of them fired.

[Danny Fred Lane: \(RCPRC taped interview\)](#)

Lane stated that officers began arriving while he talked to the emergency dispatcher.

Officers left their cars with their guns drawn and ran toward Cloud's vehicle. Three officers approached the vehicle from the rear and ran immediately to the driver's door. Cagle stepped away from the car and stood a few feet away.

Two officers reached inside the car and grabbed Cloud attempting to pull him through the window. Cloud was struggling slightly and his arms were above his head and crossed as the officers pulled. The officers were able to extract Cloud's arms and head through the window.

Lane briefly looked away to watch other officers arriving in the parking lot and weaving their way through cars to take up positions next to the building and various vehicles. His attention was drawn back to the vehicle when he heard the first gun shot. An officer was pointing his gun into the vehicle in a downward trajectory into the front seat. After the first shot the car began to accelerate. The officer hesitated for an instant and fired three additional rounds. The car continued accelerating but never moved. The tire suddenly blew out and the car's engine stopped.

Lane did not see any other officers fire their weapons and only heard four shots. Following the shooting, the officers stood next to the car with their guns drawn pointed inside the vehicle. The officers remained there for an instant and then slowly moved away.

[Theodore Brown: \(RCPRC taped interview\)](#)

Brown stated that he watched as four officers went directly to the driver's door and were standing facing Cloud. Brown stated that he thought the officers were going to order Cloud to get out of the vehicle and then back away until he complied. However, he was surprised when all the officers reached directly through the vehicle's window. It appeared the officers were attempting to pull Cloud through the front and back windows all at the same time. One officer was pulling on his neck and other officers were pulling his arms. It appeared the officers did not know what they were doing and were uncoordinated in their actions.

Brown stated that he could not recall exactly when the vehicle began revving but believed it when the officers pulled Cloud in different directions, and he fell back into the driver's seat. He did not recall hearing the starter engage the engine. Cloud appeared as though he "was not fighting" and "was not trying to get away." Brown said Cloud's hands were not on the steering wheel.

Brown stated that when Cloud fell back into the seat the vehicle was revving and the officers stepped back "slightly." The officers were standing essentially side-by-side in a slight arch facing the driver's door. The second officer closest to the back of the car fired at Cloud. Four shots were fired with a short pause between the 1st shot and the remaining three rounds that were fired in quick succession.

[Shawn Daskam: \(RCPRC taped interview\)](#)

Daskam stated that he observed approximately six police cars arriving and parking in various locations and directions around the crash. The officers began leaving their cars and “darted” toward the vehicle. Several officers first arrived at the vehicle on the passenger’s side and “commanded” Cloud to put his “hands on his head.” They moved to the rear of the vehicle still issuing commands and then quickly moved to the driver’s side door. The officers did not attempt to take a cover position before advancing on the vehicle.

Daskam stated that three or perhaps four officers grabbed Cloud and attempted to pull him through the open window. One officer had his arm around Cloud’s neck attempting to pull him free from the car. Cloud appeared to be “writhing and struggling a little bit” but was not trying to “get away.” Cloud fell back into the driver’s seat. The car began to accelerate and the rear tires began to spin out of control but did not move. The vehicle continued to accelerate and the officers stepped back and slightly away from the car. One officer had his gun out and pointed at Cloud. He hesitated slightly and fired one shot. Cloud slumped over in the seat and he was no longer visible. The officer hesitated again and fired three additional shots in rapid succession. Daskam believed only one officer fired.

Daskam stated that all the officers remained at the side of the car for a brief period after the shooting. An officer then said something to the effect that the car was going to “blow” and they began moving away.

[Manny Dominguez: \(RCPRC taped interview\)](#)

Dominguez stated that he saw a police car arrive and park facing east in the west bound lanes of Indiana Avenue slightly behind Cloud’s car. The officer had his gun drawn and went directly to the driver’s side door of Cloud’s vehicle. The officer pointed his gun at Cloud and commanded him several times, “Get out of the car.” Very soon, several more officers arrived and went to the driver’s door of Cloud’s vehicle.

Dominguez stated that one of the officers reached inside the car and tried to pull Cloud from the vehicle. Cloud fell back into the driver’s seat and the car engine started. Cloud’s hands were not on the steering wheel or turning the wheel, but the car immediately started revving and accelerating. The acceleration caused the rear tire to spin causing debris to fly into the air and smoke visibly from the back of the vehicle. The car never moved.

Dominguez stated that the vehicle continued to accelerate and the group of three or four officers stepped slightly away from the car. One officer had his gun pointed at Cloud and fired one shot, paused for an instant, and then fired three more times. The vehicle’s engine continued to accelerate and the tire continued spinning creating debris and smoke.

[Officer Nick Vazquez: \(RPD taped interview\)](#)

Vazquez was working a two-man unit with Stennett. Vazquez was driving.

Vazquez stated that they were on routine patrol at Magnolia and Jackson when they heard Putnam on the radio request assistance at the Home Depot for a 211 PC (Robbery) that had just occurred. Putnam then provided a vehicle description and last known direction of travel. He later provided a suspect description. There was no mention of any weapons being used in the robbery.

Vazquez drove to the area traveling east on Indiana Avenue. They encountered civilians attempting to flag them down close to the intersection of Detroit Street. They noticed a vehicle had been involved in a traffic collision on the sidewalk in front of the Acura Used Car dealership. The vehicle was a blue Toyota Celica and generally matched the description of the robbery vehicle. Vazquez parked in the west bound lanes of Indiana facing northeast approximately seven yards behind the crashed vehicle.

Vazquez stated that when he parked he could see the suspect (Douglas Cloud) in the driver's seat through the back window of the Celica. Cloud was looking back at them over his right shoulder. As Vazquez exited the patrol car, Cloud looked back at them again, but this time over his left shoulder, sticking his head out of the driver's window. Vazquez thought that Cloud was getting ready to exit the vehicle and run, so he drew his handgun and ran up to the driver's side, rear corner, of the Celica. When he got there he shouted commands to Cloud to put his "hands up" and said, "don't go anywhere." Cloud was now looking down toward the center console. Cloud initially put his hands up but then put them back down. Cloud appeared to be reaching for something in the center console area. Stennett then came around from the other side of the car and together they moved closer to the driver's window. "The car was not running."

Vazquez said he believed Cloud had a weapon in the car because of the robbery information provided by Putnam. Even though there wasn't any information concerning the use of a weapon he "assumed" a weapon had been used. In his experience, weapons are commonly used in robberies. Vazquez had been a police officer for three years.

Vazquez stated that he was the "lethal cover unit" and told Stennett, "Pull him out, Pull him out of there." Vazquez said he wanted Cloud pulled out of the vehicle so "he wouldn't get his weapon." Stennett reached inside the open window and tried to "pull" Cloud out of the vehicle. Johansen came up and tried to assist Stennett in pulling Cloud out of the window. Cloud was "actively resisting" both officers by moving his arms and pulling his body away.

Although Vazquez considered his job as the "lethal cover officer" he holstered his weapon and reached inside the vehicle to assist Stennett and Johansen. Vazquez said, "It wasn't working." They could not pull Cloud through the window.

Vazquez stated that while fighting the officers, and using his right hand, Cloud started the vehicle by turning on the key. The vehicle had an automatic

transmission. While still fighting, Cloud used his right hand to put the cars gear shift into reverse, and began pressing on the accelerator with his foot. The engine began revving and the tires began spinning throwing mud and debris into the air. While continuing to fight, Cloud moved his right hand between the center console and the seat as if searching for a weapon to “attack.” The center console was lower than the seat and had the “E-break and gear shift.” At the same time, with his left hand, Cloud began moving the steering wheel in a back and forth fashion attempting to free the car from its stuck position. Vazquez said, by attempting to maneuver the car he thought Cloud was going to “run us over.”

Vazquez stated that there was nothing about Cloud’s facial appearance or his actions to make him believe Cloud did not understand what was happening or the commands the officers were giving him. Cloud did not appear to be under the influence. There was no manner of alcohol around the car. Cloud never spoke at all during the incident.

Vazquez stated that he stepped away from the car, drew his weapon again and fired four or five shots at Cloud. The first round was aimed into the upper torso. Cloud “did not move” and there was not much reaction. In order to stop the threat he then fired three or four more rounds, aiming at the upper torso. Johansen then fired several rounds after Vazquez had fired his first round.

Vazquez stated that officers all backed away from the car approximately fifteen yards north into the car lot, using the cars for cover. The engine on Cloud’s vehicle continued revving while the wheels threw debris into the air. Eventually the tire blew out and the engine stopped revving.

Vazquez stated that officers had a briefing in order to set up a containment team. Vazquez told the team it was a “possible 211 vehicle with a possible weapon.” The containment team had officers Vazquez, Johansen, K-9 unit Mears and perhaps two others. The teams plan was to approach the vehicle, check to make sure the subject was dead, and then back off and set up a crime scene. When they approached the vehicle, Mears announced that Cloud was dead.

[Officer Brett Stennett: \(RPD taped interviews\)](#)

Stennett was working a two-man unit with Officer Nick Vazquez. Vazquez was driving.

Stennett and Vazquez were in the area of Magnolia and Adams when they heard over the radio that a 211 PC (Robbery) had just occurred at the Home Depot on Madison. The transmission provided only a description of the suspect vehicle and direction of travel. Nothing was said about a weapon.

Stennett stated that they traveled east on Indiana from Adams and saw citizens flagging them down in front of the Acura Used Car dealership. The

citizens were pointing to a car that had just crashed and they recognized it as the suspect vehicle described in the robbery.

Stennett stated that they exited the car and he approached the passenger door and “peeked” in while Vazquez went behind the vehicle and approached the driver’s door. Stennett said he approached the vehicle because he could not see anyone in the car. He initially thought that the driver may have escaped or was injured inside the vehicle. Stennett is a certified EMT (Emergency Medical Technician) with three years of medical training in the military. Stennett said he was also concerned about the safety of the several civilians standing next to the car.

Vazquez began giving verbal commands once he reached the driver’s side of the car. Stennett saw one person (Douglas Cloud) in the driver’s seat. Vazquez was shouting basic commands, “Show me your hands,” “Stop hitting the accelerator.” Cloud’s hands were in his lap. The passenger window was up and the door was locked. Stennett said, “The vehicle was running and when the driver (Cloud) saw us he started slamming on the accelerator..” The vehicle was “Not going anywhere” and appeared to be “stuck.”¹⁰ Stennett waited an instant before running to the driver’s side because he wanted to make sure he was not going to be “run over..”

Stennett stated that the reason he ran to the driver’s side of the vehicle was to assist Vazquez. Vazquez told Stennett to “grab his [Cloud’s] hands.” Stennett reached into the car and attempted to control Cloud’s hands and pull him out of the vehicle through the window. Stennett said that he tried to get him around the neck. Stennett said that because it was a robbery, “I completely believed that this guy had a weapon..” Stennett said, “When I reached in there to grab his hands he was staring at me in the eyes as he was fighting me..” “He looked like he was under the influence of something and had a glazed look and wasn’t talking..” Stennett said that Cloud appeared sweaty with a blank look on his face. He was non-compliant and struggled with his hands moving them toward the center console at the same time as revving the engine accelerating the car in gear. Cloud did not speak at all during the incident.

The struggle with Cloud lasted approximately 15 seconds. Stennett said that Vazquez told him to “get back..” Stennett started to draw his weapon and Vazquez fired three times and Johansen fired twice.

Stennett stated that he believed Cloud had a weapon based on the robbery broadcast and believed he was in “mortal danger” while he fought with Cloud at the driver’s door of the vehicle. Stennett said he never saw a weapon.

¹⁰ Stennett changed these two statements from his original interview on 10/8/2006 during a subsequent interview on 7/5/2007. During the 7/5/2007 interview Stennett stated the vehicle was “not running” when they approached and he did not believe it was “stuck” or “high-centered”.

Stennett stated that after the shooting he went into the dealership for cover. Another group of officers formed a clearing team and approached the vehicle.

[Officer David Johansen: \(RPD taped interviews\)](#)

Johansen was working alone. Johansen has been a police officer for six years. He was a SWAT (Special Weapons And Tactics) team member for six months, recently resigned.

Johansen was in the area of Madison and Garden when he heard a radio transmission regarding a 211 PC (Robbery) at the Home Depot. Johansen started towards the Home Depot when a second broadcast stated that assisting officers of a vehicle description and last known direction of travel. There was no information broadcast concerning a weapon used in the robbery.

Johansen traveled west on Indiana Avenue toward Jefferson Street. He noticed other police vehicles close to the intersection at Jefferson Street. There was another radio transmission from a unit advising that they had the vehicle. Johansen saw a vehicle (Toyota Celica) generally matching the description broadcast that had just had a traffic collision with a telephone pole and was on the sidewalk in front of the Acura Used Car dealership. Dust from the accident was still in the air. It had clearly only just occurred. Johansen saw Vazquez and Stennett running toward the Celica. Johansen parked east of the Celica and exited his car.

Johansen saw Vazquez and Stennett running toward the Celica. Vazquez and Stennett ran to the driver's side by going behind the car. Johansen began running toward the Celica to assist Vazquez and Stennett. Johansen said as he ran toward the car, he could see one person (Douglas Cloud) in the drivers seat. No one else appeared to be in the car. The Celica "was still running." He could hear the engine revving up and down. Johansen crossed in front of the Celica in order to reach the driver's side.

Johansen reached the driver's side and Stennett was reaching through the driver's window grabbing Cloud's shoulders. The vehicle was "high-centered" and somehow "stuck." The rear wheels were spinning kicking mud all over and Cloud was trying to "take off" in the vehicle.

Johansen said he saw Stennett trying to pull on Cloud. Vazquez was standing to the left of Stennett and Johansen was to the left of Vazquez. They were all facing the driver's door, pretty much shoulder-to-shoulder. The engine was revving up and down. Stennett was pulling on Cloud but could not get him free and through the window. Stennett would get him part way out of the seat and he would pull himself back down. Johansen said Cloud may have had his legs braced under the steering wheel. At some point Cloud fell back into the seat. Cloud never spoke during the incident.

Johansen said he did not try to assist Stennett pulling Cloud from the vehicle. There was not enough room to maneuver. Johansen did not know if Vazquez reached inside the vehicle.

Johansen said he saw Cloud reach down between the seat and center console area with his right hand. When he brought his hand out it was “very deliberate.” Cloud’s left hand was free. Johansen said because the radio call was a robbery he thought, “the chances were pretty darn high” that Cloud was coming up with a weapon. Johansen said it happened so fast, “he was not willing to wait to see a weapon.” Johansen said, “If I would have waited, I would have been shot.” Johansen said his primary concern was a gun and not the vehicle hitting anyone. He said, “I drew my weapon and fired one round.”¹¹ Johansen thought the round hit Cloud in the upper torso. Johansen stopped firing because Cloud’s hand stopped moving. Johansen said he heard Vazquez fire his gun and thought Vazquez had probably fired first. Stennett was not in the way when they fired. Johansen did not hear anyone tell Stennett to disengage.

Johansen said that everyone took take a few steps back and held their weapons on Cloud for a few seconds. Meier showed up and was the senior officer. Meier told everyone to back off and take cover because the car was still revving with the wheels spinning. The car sounded as if it was going to blow up.

When the car stopped running and the tires stopped spinning, officers formed a team to check the vehicle. The team members were Johansen, Vazquez, Stennett, K-9 unit Mears and perhaps one other officer, probably Meier. Johansen and the team followed Mears as he checked the car with his canine. Mears announced that Cloud was dead.

[Officer Brian Crawford: \(RPD taped interviews\)](#)

Crawford was working with trainee Mann in a two man unit. Crawford was driving. Crawford is a FTO (Field Training Officer) and SWAT (Special Weapons Assault Team) officer specifically trained in high risk situations.

Officers Crawford and Mann were at the RPD Lincoln substation when they heard over the radio that a 211 PC (Robbery) had just occurred at the Home Depot on Madison. The transmission did not include information regarding a weapon. Assisting officers were asking but the radio signals were congested. The information only included a description of the vehicle and direction of travel.

Crawford turned west on Indiana from Jefferson Street when he heard on the radio that an officer had the suspect vehicle. He could see a vehicle crashed on the sidewalk, and a police unit parked near it in front of the Acura Used Car dealership.

¹¹ Johansen said later in the interview that his gun was out when he observed these actions.

Crawford saw two officers running to the driver's side of the vehicle. Crawford parked his unit and when he exited the vehicle he saw Vazquez and Johansen at the driver's door.

Crawford stated that the vehicle's engine was running, the engine was revving, and the wheels were spinning. Before running behind the vehicle to get to the driver's door, he looked under the car and saw it was "high centered" stuck and couldn't move. Debris from the spinning wheel was being thrown backwards behind the car.

Crawford stated that he ran down the passenger side of the vehicle and around the rear of the car to the driver's window, shielding his face from the flying debris.

Crawford stated that when he reached the driver's side of the vehicle he heard a single gunshot, followed by four or five a second or so later. He saw Vazquez with his gun in his hand, and saw the gun recoiling as the shots were fired. He didn't notice if anyone else had fired. No warnings concerning a weapon were heard and no weapon was seen.

Crawford stated that he saw the suspect (Cloud) fall back into the seat and the vehicle began revving and accelerating faster. Officers stepped away from the car and remained for several seconds eventually retreating to the parking lot and a position of cover.

Crawford stated that three tactical teams were formed after the shooting. There were officers east and west of the location formed up and prepared to clear the vehicle. Following tactical discussions it was decided that officers at the Acura lot would best be suited to approach the car. Ramirez, Officers, Mears, Johansen, Stennett and Crawford approached and cleared the car from the rear. Officer Mears with his dog led the team.

Crawford was asked to describe his tactical approach to the vehicle if he had been the first officer on the scene. Crawford stated that if he had known a suspect was in the car he would have approached as a "high risk stop".¹²

[Officer Eric Meier: \(RPD taped interview\)](#)

Meier was working alone in the area of Madison and Garden. He heard Putnam's radio transmission that a 211 PC (Robbery) had just occurred at the Home Depot. The transmission did not include information regarding a weapon, and did not specify if it was a robbery of a business or a person. The transmission provided a description of the vehicle and direction of travel.

¹² A high risk stop is a tactical method trained upon and utilized by police officers to enhance safety for themselves and the public during the stopping, approaching, removing and disarming of suspects in vehicles. A high risk stop is normally used when there is an implied presence of a weapon.

Meier stated that he drove west on Indiana Avenue and saw a crashed vehicle and police units in front of the Acura Used Car dealership. He exited his car and observed Officers Vazquez and Johansen standing outside the driver's window of the crashed vehicle. Both officers had their guns drawn and pointed at the driver (Cloud).

Meier stated that he ran toward the vehicle but could not see anyone in the car. He reached a distance of approximately 60 feet from the vehicle when he heard three or four gunshots. He could see Officer's Vazquez and Johansen holding their guns on the car. The vehicle's engine was revving and the rear wheels were spinning, but the car was not moving.

Meier stated he was on the clearing team that approached the vehicle following the shooting. Officers Vazquez and Johansen were present while the team was being formed. Both officers were "shaking" and appeared traumatized. No warnings concerning a weapon were given and no weapon was seen.

[Sergeant Rene Ramirez: \(RPD taped interviews\)](#)

Ramirez was working alone as the North Precinct Patrol Supervisor.

Ramirez stated that he was in the area of RPD Lincoln substation when he heard an officer broadcast that a 211 PC (Robbery) had just occurred at the Home Depot on Madison and request an "11-10" (Routine Backup). The transmission did not include information regarding a weapon. The transmission provided a vehicle description and last known direction of travel.

Ramirez stated that he drove north on Adams from Lincoln toward Indiana. He heard an officer broadcast that he had the suspect vehicle but no location was provided. At Indiana Avenue he saw police cars parked in front of the Acura Used Car dealership and a vehicle crashed on the sidewalk.

Ramirez parked approximately four car lengths behind the crashed vehicle facing east bound in the west bound lanes of Indiana Avenue. He could see the vehicle had struck a palm tree, and it appeared to be stuck. He could hear the engine revving, and could see the rear wheels spinning and throwing debris behind the car to the west.

Ramirez exited his vehicle and could see Officer's Vazquez, Johansen, Stennett, and Crawford standing on the driver's side of the vehicle. The officers were facing the driver's door and some of them had their guns drawn. He heard two shots, and believed that Vazquez had fired.

Ramirez moved to the rear of his vehicle, and requested medical aid. The officers moved away from the car and stood several feet away in the open. After several seconds they moved to a position of cover inside the parking lot and behind a white sedan. He moved toward the officers passing behind the suspect vehicle. When he reached the group, one of the officers stated that the suspect

(Cloud) was “Code 8”. The vehicle was running at full acceleration with the tires spinning and continued for several minutes.

Once the vehicle stopped running Officer Mears advised via radio that they needed to form a team and “clear” the vehicle. Mears had a dog and agreed to lead the team. The team included Officers Vazquez, Johansen, Crawford, Stennett, Mears, and Ramirez and was lead by Mears. The team’s approach to the car was discussed and Mears agreed to approach the vehicle from the rear with the dog. There were no warnings or discussions concerning a weapon. The team formed in single file and moved on the car with Mears leading. When they arrived at the door, Mears advised that the subject was Code 8.

Ramirez stated that he did not conduct public safety or tactical interviews with the officers.

[Officer Jeff Derouin: \(RPD taped interview\)](#)

Derouin is a Field Training Officer, and was working with a phase one trainee, Navar. Derouin was driving.

Derouin stated that they were in the area of the RPD Lincoln substation when they heard over the police radio a broadcast of a 211 PC (Robbery) that just occurred at the Home Depot. The broadcast did not include information regarding a weapon; it provided a vehicle description and that the last known direction of travel was west-bound on Indiana Avenue.

Derouin stated that they arrived in the area traveling north on Jefferson Street at Indiana Avenue. There were several other police units in front of them trying to clear the intersection and get to the scene in front of the Acura Used Car dealership.

Derouin exited his car and saw a vehicle that had been involved in a traffic collision on the sidewalk in front of the dealership. The vehicle was a “tangled mess.” The engine was revving loudly and the tires were spinning throwing debris. He could not see anyone inside the car. He saw three or four officers on the driver’s side at the window. The officers had their weapons drawn and appeared to be struggling and trying to “pull” someone out of the car. He could not hear anything above the roar of the engine and the spinning of the tires.

Derouin stated that because the officers were involved in a struggle he was “racing” toward the car on foot. When he got to within 10 to 15 feet of the vehicle he heard four gun shots. There was a slight pause between the first two shots and the second two shots. It sounded as if two officers fired.

Derouin stated that a K-9 arrest team was formed very quickly and approached the vehicle after the engine stopped running. He went inside the business and talked with Acura employees and did not approach the vehicle.

Derouin stated that several of the employees were upset following the shooting and he turned on his belt recorder during those conversations. One employee, Fred Cagle, was especially upset; he had been at the car trying to assist the suspect (Cloud).

[Officer Phillip Sears: \(RPD taped interview\)](#)

Sears was working alone.

Sears stated that he was driving south on Madison at Lincoln when he heard Putnam on the radio put out that a 211 PC (Robbery) had just occurred at the Home Depot.

Sears stated that he heard other officers had found the car at Indiana Avenue and Detroit. When he arrived at the scene of the crash he exited his car and began running toward the officers. As he ran past the suspect vehicle on the passenger side he saw three officers standing on the driver's side of the vehicle at the driver's door. Some of the officers appeared to be trying to "pull" the suspect (Cloud) out of the car. He could not identify the officers.

Sears stated that the vehicle's engine was revving loudly, as if it would soon "blow up." The rear wheels were spinning throwing debris and creating a lot of smoke. Sears took cover behind a red pick-up truck behind the suspect vehicle and waited. He heard three gun shots. When the engine stopped running, he saw other officers arriving with their guns drawn and pointed toward the suspect's car. Sears retreated into the dealership building to avoid a cross-fire situation.

[Officer Alfonso Navar: \(RPD taped interview\)](#)

Navar is a phase-one trainee, and it was his second day on the job. His training officer was Derouin.

Navar stated that they were west-bound to Lincoln from Madison when the robbery call went out over the radio. He did not hear the broadcast, but Derouin did.

Navar stated that when they arrived at the scene he could see a vehicle had been involved in a traffic collision and was on the sidewalk in front of the Acura Used Car dealership. He got out of the car and began to approach the suspect vehicle from the front. He saw several officers with their weapons drawn and struggling with the driver (Cloud) attempting to "pull" him out of the car. The vehicle's engine was revving very high.

Navar stated that he got within 10 to 15 feet of the vehicle when he heard gun shots. He saw an officer who had been struggling with the driver lean back away from the car and fire a single gunshot at the driver. He believed the fired round hit the driver in the upper body, possibly the head.

Navar took cover and heard two more gunshots. The suspect vehicle's engine noise dropped initially, and then returned to a high rev.

[Officer Nay Mann: \(RPD taped interview\)](#)

Mann was working his first day as an officer, riding with Crawford.

Mann stated that they heard a 211 PC (Robbery) call over the radio. When they arrived at Indiana Avenue, they saw a vehicle crashed on the sidewalk in front of the Acura Used Car dealership. The vehicle's engine was running and the tires were spinning, throwing debris and creating smoke.

Mann stated that he could see three officers shouting at the driver (Cloud) and trying to pull him out of the car. He took cover behind a parked police car. Two or three seconds later he saw an officer fire three or four rounds at Cloud.

[Vehicle Search Summary:](#)

Officer Shumway searched the entire interior of the Toyota Celica following the incident. Shumway reported the vehicle contained numerous tools and items that were consistent with construction work. A glass pipe that is used to smoke narcotics was found wrapped in a white towel inside the driver's door panel where a speaker would normally be placed. The pipe appeared not to have been used. A Nokia Cell Phone was found on the left rear passenger floorboard. The phone had been dropped by a witness at the Home Depot. No firearms were found inside the vehicle. A utility knife was found near the center console; however, none of the blades were exposed.

APPENDIX:

RCPRC Witness Statements:

1. Frederick Eugene Cagle Jr.
2. Danny Fred Lane
3. Theodore A. Brown
4. Shawn Daskam
5. Juan Manual Dominquez
6. Angel Munoz
7. Curtis Neal
8. James Taliaferro
9. Michael Allen
10. Dalyn Backes
11. Ola Bawardi

Report of Interview

Person Interviewed: Frederic Eugene Cagle Jr.
Date of Interview: October 11, 2006
Recorded: Yes
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside
Police

Frederic Eugene Cagle Jr. was advised on the identity of the interviewing investigator and the purpose of the interview. Cagle is the Used Car Manager for Acura of Riverside car dealership. Cagle witnessed the car accident and the subsequent death by shooting of Douglas Steven Cloud by Riverside Police Officers on October 8, 2006. Cagle did not know Cloud prior to the incident. The interview was conducted at the dealership, 7973 Indiana Ave, Riverside, CA between 11:46 AM and 12:40 PM. The interview was recorded. Cagle told the interviewing investigator the following information.

Cagle stated that he was working in his office on October 8, 2006 at approximately 4:15 PM. The used car dealership is located on the north side of 7900 Indiana Avenue directly across from the new car dealership. Cagle's office has a large window on the east end of the building. His desk is arranged in front of the window and his chair faces Indiana Avenue allowing full view of the dealership's driveways and parking lot. Cagle stated that the weather was clear and sunny and described it as a "nice day." Cagle's daughter was seated at his desk, playing a game on his computer.

Cagle stated that his attention was drawn to the street in front of the dealership by the loud and distinct sound of skidding tires. Cagle stated that he looked up and saw a vehicle skidding backwards on the sidewalk in front of the dealership. The vehicle was facing east, sliding west on the south sidewalk directly in front of the dealership. Cagle watched the vehicle collide with one of his displayed pick-up trucks parked on the grass inside the parkway next to the sidewalk. The pick-up truck was moved westward approximately six or seven feet by the impact of the collision. The vehicle that was being driven by Cloud came to rest on top of what remained of a palm tree that had been sheered off during the collision. Cagle described the condition of Cloud's vehicle as being "high centered" on the palm tree and unable to move. It sustained heavy damage to the rear end, had a jammed and inoperable driver's door, and there was shattered glass everywhere around the crash site.

Cagle stated that at the instant of impact he was standing at his desk watching the collision. Cagle ran from his office to the driver's door of Cloud's vehicle, a distance he estimated at 25 feet. He described the vehicle as a two-door, mid 80s, Toyota Celica hatchback, light green in color, with standard transmission, bucket seats and no center console. The steering wheel was intact. Cagle could not recall if the vehicle's engine was running or not. Cagle

said he closely looked inside the vehicle and observed several items he believed were associated with construction work, and a white and blue construction type lunch box on the floor-board of the front passenger seat. Cagle stated that he did not see anything in the vehicle he considered to be a “weapon.”

Cagle stated that he straddled part of the broken palm tree and leaned inside the vehicle through the driver’s window. Cagle stated that Cloud was in the vehicle alone and seated in the driver’s seat. There was no blood, although he observed a cut near Cloud’s left eye. Cagle described Cloud as being a white male adult in his mid 20s with brown hair and blue eyes. Cloud was small in build with a tanned complexion. Cagle stated that Cloud appeared “dazed” from the collision and made no attempt to operate the car.

Cagle stated that he initially asked Cloud if he was alright and told him to remain still and to try not to move. Cagle said he put his hand on Cloud’s chest and tried to assure him that everything would be alright. Cagle said he was concerned because he knew it was a very bad accident and that Cloud was most likely injured. Cagle said that Cloud also knew it was a bad accident and asked what he hit or if he had hit Cagle. Cagle said he noted a slight speech distortion and asked Cloud if he had been drinking. Cagle stated that he had not smelled or seen any evidence of alcohol and then realized that Cloud’s “bell had been rung” from the accident which was affecting his speech. Cloud responded to the question and said “no” he had not been drinking.

Cagle stated that he began to inspect Cloud’s arms, legs and feet to make sure they were all “pointed in the right direction.” Cagle stated that that Cloud began to move around a little, “as if he were in pain.” Cagle said Cloud’s right hand was on the edge of the passenger seat and his left hand was on the steering wheel for an instant and then dropped into his lap. Cagle stated that that Cloud did not attempt to operate or get out of the vehicle during this time. Cagle stated that he briefly turned and shouted at salesman (Shawn Daskam) to call 911. Mr. Daskam was standing at the rear of Cloud’s car.

Cagle stated that he watched a white van stop on the street approximately parallel to Cloud’s vehicle. It was driven by a male with a mustache wearing sunglasses. This person appeared to be a concerned citizen. Cagle said he did not see this man get out of the van. Cagle stated that at approximately the same moment he saw the first police car arrive. The police car parked at an angle facing east in the west-bound lanes of Indiana Avenue facing Cloud’s vehicle. Cagle stated that he saw two officers get out of the unit and “charge” toward Cloud’s vehicle from the rear, across the sidewalk, and to the driver’s door of Cloud’s vehicle. Cagle stated that he saw the driver (officer #1) leave his car with his gun drawn. An instant later, Cagle saw the passenger (Officer #2) with his gun drawn approaching Cloud’s vehicle. At approximately the same instant, a second police car arrived and parked facing west in the west-bound lanes of Indiana Avenue, just slightly east of the first police car and slightly east of Cloud’s vehicle. Cagle stated that two officers (officers #3 and #4) approached Cloud’s vehicle from the front, across the sidewalk and onto the parkway directly to the driver’s door of the car. All four officers arrived at the driver’s door of Cloud’s vehicle at about the same time. All four officers had their guns drawn and were

pointing them at Cloud. Cagle stated he stepped away from the car and towards the back of the vehicle approximately six or seven paces and was standing to the right of the officers. Cagle estimated his distance from the officer sat seven to ten feet with a clear view of Cloud.

Cagle stated that the officers were all standing in a crescent pattern at the driver's door looking down into the vehicle. Initially, and for several seconds, all of the officers were shouting at Cloud to "get out of the car" and "put your hands up." Cagle stated that Cloud was looking and the officers and still appeared "dazed" and in a "state of confusion from the accident." Cagle stated that he did not hear Cloud say anything to the officers. Cagle stated that after several seconds Officer #2, who was standing toward the middle of the car and by the back door post of the vehicle, attempted to open the driver's door. The door would not open and the officers again shouted to Cloud to get out of the car.

Cagle stated that after failing to open the door and seeing no attempt by Cloud to get out of the car, two or three of the officers reached through the driver's window and began an attempt to pull him through the window. None of the officers moved to other positions around the car. Cagle stated that Officer #1 remained in the same position at the driver's door in a tactical stance with his gun in his right hand pointed at Cloud. Cloud's arms were extended over his head and the officers had pulled him out of the window from approximately his chest to his belly button. One of the officers had him around the neck. Cagle stated that Cloud appeared to be moving around while the Officer pulled him. Cagle stated that he did not know if Cloud was "struggling against the officers" or "if he was just writhing in pain."

Cagle stated that the officers appeared to lose their grip on Cloud and he fell back into the driver's seat of the vehicle. Cloud had not been wearing a seat belt. The officers then stepped back and Cagle stated that he could clearly see the top half of the steering wheel. Cloud's hands were not on the top half of the steering wheel and he did not appear to be turning the wheel. Cagle stated that when Cloud fell back into the vehicle the engine began to accelerate and the left rear tire began spinning throwing up mud and grass. Cagle stated that he did not hear the vehicle start up and did not see movement suggesting Cloud was manipulating the gear shift. Cagle said he knew the vehicle was "high center", restricting the rear tire traction. Cagle said even with the tire spinning he believed the vehicle would not have been able to move without a "wrecker."

Cagle stated that he watched as Officer #1 took "about a half of a step back and to his left, then fire one shot into Cloud's head between the "base of the chin and forehead." Cagle stated that Officer #1 waited an instant, held his position, pointed his gun at Cloud's chest, and fired two or three more shots. The sequence of shots were described as 1st shot, (short pause 1 to 1.5 seconds), then 2nd shot, 3rd shot, 4th shot, in quick succession. Cagle stated that officer's #2, #3, and #4 had their weapons out but he did not believe any of them fired.

Cagle stated that he instantly yelled at the Officer, "Oh my god, you guys just killed this guy"; "I can't believe you killed him." Cagle said he then turned and ordered Shawn Daskam to use his truck, leave the lot, and take his daughter home. Cagle said he was then quickly escorted into the building with another

salesman, (Ted Brown) by other the officers who had arrived at the scene. Cagle stated that he saw approximately four or five additional the officers inside the building with their guns drawn and pointing toward Cloud's vehicle. Cagle stated that by this time the tire of Cloud's car was spinning out of control and smoke was billowing from the rear of the vehicle. Cagle said he continued shouting at the officers that "they didn't have to kill him." Cagle stated that one of the officers then yelled back at him that "he (Cagle) did not know the whole story."

Cagle stated to this investigator that he has several personal concerns regarding the shooting. Cagle said he believes some police statements as reported in the newspaper were intentionally inaccurate. Cagle cited an example where it was reported by the police that Cloud reached for the center console and from his observation there was no center console. It was also reported by the police that Cloud grabbed and was moving the steering wheel. Cagle said he never saw Cloud either grab the steering wheel nor did he see the steering wheel move during the incident. Cagle stated that he is also concerned for his personal safety and believes he may become the target of police harassment because he has stated openly the shooting was not justified in his judgment.

Cagle assisted in preparing a diagram of the vehicle, and the officer and witness positions following the taped interview.

Report of Interview

Person Interviewed: Danny Fred Lane
Date of Interview: October 11, 2006
Recorded: Yes
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

Danny Fred Lane was advised on the identity of the interviewing investigator and the purpose of the interview. Lane is the Fleet and Internet Manager for Acura of Riverside. Lane witnessed the car accident and subsequent shooting death of Douglas Steven Cloud by Riverside Police Officers on October 8, 2006. Lane did not know Mr. Cloud prior to this incident. The interview was conducted in the offices of Acura of Riverside, 7973 Indiana Avenue between 1:10 PM and 1:48 PM on October 11, 2006. The interview was recorded. Lane told the interviewing investigator the following information.

Lane stated that he was working on the afternoon of October 8, 2006. Lane and Mr. Cagle share weekend supervisory duties at the dealership. Mr. Cagle works the Saturday shift and Lane works the Sunday shift. Lane stated that Mr. Cagle also just happened to be in the office at the time of the incident despite it being his day off. Lane stated that he was seated at his desk in front of the window that faces the parking lot and Indiana Avenue. He just happened to be looking outside. The weather was clear and sunny. Lane estimated the time at 4:20 PM.

Lane stated that his attention was drawn to the sound of a car breaking and tires squealing close to the dealership. As is often common, he paused and then began to anticipate the sound of a collision. Lane said he then realized there had been a collision when he watched as a pick-up truck moved approximately 10 feet then stopped in the driveway. The pick-up truck had been on display. It had been parked on the parkway grass between the sidewalk and the dealerships fence.

Lane stated that he ran out of the office to check on the driver, (Douglas Cloud), and began yelling for someone to call 911. Lane said that as he left the building after Mr. Cagle, he realized all the employees were outside. Lane ran back into the office and called 911. Lane said that he talked briefly with a dispatcher who asked him if there were any injuries and the condition of the vehicle. Lane said that he told the dispatcher he was uncertain about injuries but the vehicle was badly damaged and missing its entire rear end. Lane stated that while he talked to the dispatcher he saw police cars arrive. The officers got out of their cars with their guns drawn. Lane told the dispatcher that officers had

arrived and had their guns drawn. The dispatcher told Lane, "Yes, that is our suspect." Lane said he then hung up the telephone.

Lane stated that when he initially ran toward the vehicle, he observed Mr. Cloud sitting behind the driver's wheel. He estimated that he was approximately 35 feet away. Mr. Cloud appeared to be in his early 20's, very thin, perhaps 140 pounds. His hands were placed on the steering wheel and he appeared "stunned" from the accident. The back end of the car was "completely wiped out." The driver's side trunk and fender were pushed back so far the undercarriage and the tire were visible. The vehicle had come to rest with its rear end facing west and very close to the pick-up truck with which it had collided. Lane said that he could hear the car still running and idling. Lane said the damage was so severe he did not think the car would be able to be driven from that position.

Lane said that he watched from the office as the arriving officers left their cars with their guns drawn and ran toward Mr. Cloud's vehicle. Lane said that he recalls three officers approaching Mr. Cloud's vehicle from the rear and running immediately to the driver's door. Lane said he could not hear any of their commands or conversations. Lane said that he watched Mr. Cagle step away from the car as the officers arrived and then watched them stand a few feet away. Lane said there were no officers in front of or behind the vehicle.

Lane said that two officers reached inside the car and grabbed Mr. Cloud. Lane said that the officers were attempting to pull Mr. Cloud through the window. Mr. Cloud was struggling slightly and his arms were above his head and crossed as the officers pulled. Lane said he watched as the officers were able to extract Mr. Cloud's arms and head through the window. Lane believed that the officers were going to be successful.

Lane briefly looked away to watch other officers arriving in the parking lot and weaving their way through cars to take up positions next to the building and various vehicles. Lane said one of the officers had a dog and took up position in front of the window of the building.

Lane said his attention was drawn back to Mr. Cloud's vehicle when he heard the first gun shot. Lane looked back towards the car and realized that Mr. Cloud had not been pulled from the vehicle. One Officer was pointing his gun into the vehicle in a downward trajectory into the front seat. Lane said immediately after the first shot, the car began to accelerate and rev up. The Officer hesitated for an instant and fired three additional rounds. Lane said he could not see Mr. Cloud's position in the car at that instant. The car continued accelerating and screeching to a point at which Lane thought the car was going "blow up". Lane said the car never moved. The tire suddenly blew out and the car engine stopped.

Lane stated that he not see any other officers fire their weapons and only heard four shots. Lane said that after the shooting the officers stood next to the car with their guns drawn and pointing inside the vehicle. The officers remained there for an instant and then slowly moved away.

Report of Interview

Person Interviewed: Theodore A Brown
Date of Interview: October 12, 2006
Recorded: Yes
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

Theodore A. Brown was advised on the identity of the interviewing investigator and the purpose of the interview. Brown is a Salesman for Acura of Riverside. Brown witnessed the car accident and subsequent shooting death of Douglas Steven Cloud by Riverside Police Officers on October 8, 2006. Brown did not know Cloud prior to this incident. The interview was conducted at a location away from Acura of Riverside between 12:15 PM and 12:51 PM on October 12, 2006. The interview was recorded. Brown told the interviewing investigator the following information.

Brown stated that he was working at his desk on the afternoon of October 8, 2006. His desk is located inside the building of the used car dealership for Acura of Riverside, 7973 Indiana Avenue. Brown stated that his desk is arranged in front of a window and that his chair faces the Indiana Avenue almost in a direct line from where Cloud's vehicle stopped following the collision.

Brown stated that he looked up from his desk when he heard the initial crash. Brown stated that Cloud's vehicle was traveling backwards, west-bound on the south sidewalk of Indiana Avenue, directly in front of the dealership. Brown stated that Cloud's vehicle collided with a palm tree and then hit a displayed pick-up truck on the parkway between the sidewalk and the metal fence.

Brown stated that he picked up his telephone and dialed 911 to report the accident. After dialing the number and speaking with the operator, Brown said that he ran outside toward Cloud's car. Brown advised that Fred Cagle was standing and leaning inside the driver's window. Brown said that he could see Cagle's hand on Cloud's chest and could hear Cagle talking and trying to assure Cloud that everything would be alright. Brown said that he could see Cloud's facial expressions and inside the vehicle including the steering wheel. Brown estimated that he was standing about ten feet from Cagle when he saw the police cars arriving.

Brown stated that the vehicle was an older model Toyota and had sustained collision damage to the rear end of the vehicle. He said that the vehicle was "lodged" between the palm tree and a telephone pole facing a metal fence. Brown said that in his opinion Cloud's vehicle could not have moved from its location. It was not removable from its stationary position and was pointing

directly towards the fence. Brown stated that he did not know if the vehicle was running or if the driver's door would open.

Brown stated that Cloud appeared "dazed" from the accident and looked as if he did not know where he was or what happened. Cloud's hands were not visible.

Brown stated that he watched as four officers go directly to the driver's door and were standing facing Cloud. Brown stated that he thought the officer's were going to order Cloud to get out of the vehicle and then back away until he complied. However, Brown said that he was surprised when all the officers reached through the windows of the vehicle and began pulling Cloud. Brown said it appeared that the officer's were attempting to pull Cloud through the front, back and driver's windows all at the same time. One officer had Cloud by the neck and other officers were pulling his arms. Brown said the officers: "didn't know which way they were going". At the same time, the officers were shouting at Cloud to get out of the car.

Brown stated that he could not recall exactly when the vehicle began revving, but believed it began as the officers pulled on Cloud from different angles. Brown said he did not recall ever hearing the starter engage and then hear the engine start. Brown theorized that when the officers pulled Cloud's head, arms and chest from the window, his legs began to straighten beneath the steering wheel, forcing his foot upon the accelerator. Brown said that when the vehicle began revving, the officers lost their grip and Cloud fell back into the driver's seat. Brown said that Cloud "was not fighting" and "was not trying to get away." Brown said that Cloud's hands were not on the steering wheel.

Brown stated that when Cloud fell back into the seat, the vehicle was revving and the officers stepped back "slightly." The officers were standing essentially side-by-side in a slight arch facing the driver's door. The second officer closest to the back of the car fired at Cloud. Brown described the officer as a male with Asian features and short black hair. Brown said he could not describe any of the other officers. Brown said four shots were fired with a short pause between the 1st shot and the remaining three rounds that were fired in quick succession. Brown stated that he saw Cloud's body first go "up" and then "over" toward the passenger seat.

Brown stated that immediately after the shooting, the officers just stood there. The Asian officer looked very pale and the other officers were looking at him in a way that Brown believed suggested the shooting was not right. Brown said he initially thought the officers must have seen a gun. Brown said he and Fred Cagle began asking the Officers why they had shot him.

Brown stated that that he never witnessed anything he believed to be of any danger to the Officers. Brown questioned why the officers approached the car in the fashion they did and why they initially attempted to pull Cloud through the window. Brown said that he believed the officers "over reacted" and they "had no right to shoot that guy."

Brown assisted in preparing a diagram of the vehicle, officer, and witness positions during the taped interview.

The interview was concluded at 12:51 PM.

Report of Interview

Person Interviewed: Shawn Daskam
Date of Interview: October 13, 2006
Recorded: Yes
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

Shawn Daskam was advised on the identity of the interviewing investigator and the purpose of the interview. Daskam is a Salesman for Acura of Riverside. Daskam witnessed the car accident and subsequent shooting and death of Douglas Steven Cloud by Riverside Police Officers on October 8, 2006. Daskam did not know Cloud prior to this incident. The interview was conducted at a location away from Acura of Riverside between 12:20 PM and 12:55 PM on October 13, 2006. The interview was recorded. Daskam told the interviewing investigator the following information.

Daskam stated that he was working at 4:00 PM on October 8, 2006, and was standing inside the building next to the outside doorway of the used car dealership's sales office located at 7973 Indiana Avenue. Daskam stated that he heard a "crash" and saw Fred Cagle run through the doorway. Daskam said he followed Cagle from the building and into the parking lot. Cagle told Daskam to call an ambulance and Daskam said that he ran back into the building. Daskam said that he instructed another employee to call the ambulance and he ran back outside to attempt to assist Cagle. Daskam stated that he saw Cagle standing at the driver's door, leaning inside the car and trying to comfort the driver, identified as Cloud.

Daskam stated that Cloud's vehicle had sustained rear end damage, was "high centered" on a portion of a palm tree and wedged against the tail gate of a full size pick-up truck. The windows were out and Cloud was the only person in the car. Daskam stated that he did not know if the vehicle was running. Daskam said that when he saw the condition and position of the vehicle he did not think it could not be driven away.

Daskam stated that Cagle told him to check on the ambulance. Daskam said that he ran back into the offices and was advised that the ambulance was on its way. As he returned, he observed approximately six police cars arriving from different directions and parking in various locations around the crash.

Daskam stated that he was standing towards the rear of Cloud's vehicle on the driver's side, approximately ten feet from the driver's door. Daskam stated that Cloud appeared to be in "shock and lethargic" while Cagle attended to him.

Daskam stated that the officers began leaving their cars and “darted” toward Cloud’s vehicle. Several officers first arrived at the vehicle on the passenger’s side and “commanded” Cloud to put his “hands on his head”. They moved to the rear of the vehicle still issuing commands and then quickly moved to the driver’s side next to the door. Daskam stated that Cloud still appeared to be in shock and lethargic, he was making no attempts to struggle or escape.

Daskam stated that three, or perhaps four, officers grabbed Cloud and attempted to pull him through the open window of the driver’s door. One of the officers had his arm around Cloud’s neck in an attempt to pull him free from the car. Daskam stated that Cloud was “writhing and struggling a little bit” but was not trying to “get away”. The officers were unsuccessful in lifting Cloud from the vehicle and he fell back into the driver’s seat. Daskam stated that, at that instant, the car began to accelerate and the rear tires began to spin out of control. The car did not move from its high centered position. Daskam said he did not know if the car engine was running during the struggle.

Daskam stated that as the vehicle continued to accelerate the officers stepped backwards and slightly away from the car. One of the officers had his gun out and it was pointing at Cloud. Daskam said his attention became focused on that Officer. He described the Officer as slightly shorter than the others, clean-shaven and with dark hair. Daskam said he could also see Cloud’s head and upper body. Daskam said he could not see Cloud’s hands. Cloud’s hands were not on the steering wheel and the steering wheel was not moving.

Daskam stated that once the officers had stepped away from the car, the one Officer directly in-line with the driver’s door, hesitated slightly and fired one shot. Daskam said that Cloud slumped over in the seat and he was no longer visible. The Officer hesitated again and fired three additional shots in rapid succession. Daskam said that he believed only one Officer fired.

Daskam stated that all the officers remained at the side of the car for a brief period after the shooting, and then one of the officers said something to the effect that the car was going to “blow” and they began to move away.

Daskam said that Fred Cagle was very excited and angry following the shooting and began yelling and asking the officers why they had needed to kill the guy.

Daskam said that he did not see any threat to the officers and never felt as though he was in danger from Cloud’s vehicle. Although the cars tires were spinning, throwing debris, and creating smoke and noise, Daskam said he did not believe this was a threat to the officers or to civilians.

Daskam said that he did not witness any “justification” for the shooting and said that he believes that the officers “assassinated the guy”.

Report of Interview

Person Interviewed: Juan Manual "Manny" Dominguez
Date of Interview: October 11, 2006
Recorded: Yes
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

Juan Manual Dominguez was advised on the identity of the interviewing investigator and the purpose of the interview. Dominguez is a Lot Porter for Acura of Riverside, 8001 Auto Drive, Riverside, CA 92504. Dominguez witnessed the car accident and the subsequent death by of Douglas Steven Cloud by Riverside Police Officers on October 8, 2006. Dominguez did not know Cloud prior to this incident. The interview was conducted at the dealership between 12:15 PM and 12:51 PM on October 12, 2006. The interview was recorded. Dominguez told the interviewing investigator the following information.

Dominguez stated that he was working on the afternoon of October 8, 2006 in the afternoon at around 4:00 PM. Dominguez is a Lot Porter for the dealership and his duties include the detailing and waxing of vehicles. Dominguez was working in the area of the "back lot" of the new car dealership on the south side of Indiana Avenue. Dominguez said his co-worker, Justin, was also present.

Dominguez said his attention was drawn to the front of the business in the area of Indiana Avenue by the sound of screeching tires and a collision. Dominguez said he told Justin that someone had had an accident and suggested that they go to the front to see if they could assist. Dominguez said that they could tell the accident had happened at the dealership because they could see smoke coming from across the street on the north side of Indiana in front of the used car lot. Dominguez stated that they ran to the sidewalk on the north side of Indiana, almost in line with the vehicle involved in the accident and slightly to the east. Dominguez said they were going to cross the street but because the traffic was so heavy, they could not cross safely, and so remained on the sidewalk. Dominguez estimated their distance from the wrecked vehicle at approximately sixty feet or slightly fewer.

Dominguez stated that the vehicle involved in the accident was an old model Toyota. The car had stopped on the parkway of the south sidewalk of Indiana Avenue pointing in a northeasterly direction. The car was half gone, smashed in the rear, and "totaled." Dominguez initially stated that he did not think the car was running when he first saw it, but later stated, "It was difficult to tell" and said that he seemed to recall hearing the ignition start prior to the car revving out of control and prior to the shooting.

Dominquez stated that Fred Cagle was standing and leaning into the driver's window talking with the driver (Douglas Steven Cloud). Dominquez said he could see the back of the Cloud's head. Dominquez said it appeared as though the Cloud was "Looking around like he was out of it and didn't know where he was." Cloud had one hand on the steering wheel but he was not moving and did not appear to be trying to get away. Dominquez said he could not hear any of the conversation between Cloud and Mr. Cagle.

Dominquez stated that before he and Justin could cross the street he saw a police car arrive and park facing east in the west-bound lanes of Indiana Avenue, slightly behind Cloud's car. Dominquez recalls seeing only one officer step out of the police car. The officer had his gun drawn and went directly to the driver's door side of Cloud's vehicle. The officer pointed his gun at Cloud and commanded him several times to "Get out of the car." Dominquez said that Cloud was not paying any attention to the Officer but was moving his head around inside the car. Dominquez stated that several additional police cars arrived and at least four or five more officers ran to the driver's side of the car next to the door. Dominquez said he saw Mr. Cagle move several steps away from the door and towards the back of Cloud's vehicle.

Dominquez stated that he watched as at least one of the officers reached inside the car and tried to pull Cloud from the vehicle through the window but this did not work and Mr Cloud fell back inside. Dominquez stated that it was at that instant he believes he heard the ignition and the car start. Dominquez said he could see the steering wheel. Cloud's hands were not on the wheel or turning the wheel, but the car immediately started revving and accelerating. Dominquez said that as the car began to accelerate, he believed that Cloud was trying to get away. The acceleration caused the rear tire to spin causing debris to fly into the air and smoke was visibly emitting from the back of the vehicle. Dominquez said that the car did not move at all.

Dominquez stated that the vehicle continued to accelerate and the entire group of officers stepped slightly away from the car. One Officer had his gun pointed at Cloud and fired one shot, paused for an instant, and then fired three more times. Cloud's foot remained on the accelerator and the tire continued to spin throwing debris and creating smoke. Dominquez said that after the shooting, he backed away and took cover. Dominquez said that he believed only one officer fired and described the officer as possibly Hispanic and as wearing sunglasses.

Angel Munoz

Report of Interview

Person Interviewed: Angel Munoz
Date of Interview: October 20, 2006
Recorded: No
Interview Topic: Shooting death of Douglas Steven Cloud

On October 20, 2006 I contacted Angel Munoz by telephone. I identified myself and told Mr. Munoz the purpose of my telephone call.

Mr. Munoz told me that he was at the scene when Douglas Cloud was shot by Riverside Police Officers. Mr. Munoz initially stated that he would meet with me and agreed to be interviewed on October 21, 2006.

Mr. Munoz later called back and explained that he had thought about it and no longer would agree to an interview. Mr. Munoz said he was in the wrong place at the wrong time. He said he had already told everything he had witnessed to the Police Department.

Report of Interview

Person Interviewed: Curtis Neal
Date of Interview: October 13, 2006
Recorded: Yes
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside
Police

Curtis Neal was advised on the identity of the interviewing investigator and the purpose of the interview. Neal is the Sales Manager for Riverside Car Store. Neal witnessed the car accident and subsequent shooting death of Douglas Steven Cloud by Riverside Police officers on October 8, 2006. Neal did not know Cloud prior to this incident. The interview was conducted at the Riverside Car Store, 7925 Indiana Avenue between 1:30 PM and 1:43 PM on October 13, 2006. The interview was recorded. Neal told the interviewing investigator the following information.

Neal was working in his office on the afternoon of October 8, 2006 and heard the car accident involving Cloud in front of the Acura dealership. The Car Store is located next door to the Acura used car dealership on the north side of 7900 Indiana Avenue.

Neal stated that he left the building and walked to the west end of the parking lot. Neal said he stood approximately 225 feet east of Cloud's car and watched the events immediately following the accident.

Neal described the day as clear. The sun was in the west and created a glare from the windshield of Cloud's vehicle. The vehicle had spun out during the accident and was turned to face east on the south sidewalk of Indiana Avenue in front of the Acura store. Neal stated that he did not know if Cloud's vehicle was running immediately following the accident. Neal stated that he later recalled the tires on the car spinning, throwing debris, and creating a lot of smoke although he did not recall if that happened before or after the shooting.

Neal stated that he initially observed "a gentleman" (Fred Cagle) from the Acura dealership approach Cloud's vehicle from the driver's door and attempt to administer some type of aid. Neal stated that he could not see Cloud inside the car because of the glare upon the windshield. Shortly after, the first officer arrived and approached the car from the rear with his gun drawn. Neal said the civilian moved slightly away and towards the rear of the car. Additional officers then began arriving and searching for a second suspect. Neal stated that he went back inside and locked the dealership doors. Neal said he remained there for several minutes and then went back outside.

Neal stated that initially officers were on both sides of Cloud's car. At least three or four officers were on the driver's side of the car and were

attempting to get Cloud out of the vehicle. Neal said he did not see any of the officers pulling on Cloud but reasoned they had at least attempted to open the doors. Neal said he could not hear any of the commands or conversations between the officers and Cloud.

Neal stated that the officers had spent “many minutes” attempting to get Cloud out of the car and then one of the officers towards the rear of the car fired several shots. Neal said he initially thought it was eight or nine shots but then said that some of the sounds may have been echoes from the buildings. Neal said the shots sounded like there was a short pause between the first round and subsequent rounds that came in quick succession. Neal said once the shooting started he “took cover” and did not see the events that followed the shooting.

Neal concluded that in his opinion the officers did “everything right other than shooting the guy.” Neal said the officers made numerous attempts for a long period of time to get Cloud out of the car. Neal said he could not see if Cloud had made any sudden moves but he clearly was not getting out of the car. Neal said, “If the guy (Cloud) had a gun or had gone for a weapon then I would say it was justified.”

Report of Interview

Person Interviewed: James Taliaferro
Date of Interview: October 21, 2006
Recorded: Yes
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

James Taliaferro was advised on the identity of the interviewing investigator and the purpose of the interview. J. Taliaferro was a customer at the Home Depot on October 8, 2006. J. Taliaferro witnessed the theft of property and assisted in the attempted arrest of a person later identified as, Douglas Steven Cloud, by Home Depot employees. J. Taliaferro did not know Cloud prior to this incident. The interview was conducted at J. Taliaferro's residence between 3:35 PM and 4:01 PM on October 21, 2006. The interview was recorded. J. Taliaferro told the interviewing investigator the following information.

On October 8, 2006, J. Taliaferro was a customer at the Home Depot Store, 3323 Madison Street, Riverside, CA 92504. J. Taliaferro had just completed his shopping with his two sons, Vincent and Nicholas Taliaferro. J. Taliaferro was leaving the store through the garden exit and noticed a Riverside Police car parked in front of the store along the sidewalk. It appeared to J. Taliaferro that the officer had arrested a person who was seated in the back seat of the police car. J. Taliaferro said he commented to his sons that it looked as though the officer had arrested a shoplifter.

J. Taliaferro stated that as soon as he made the comment to his sons, a person (Cloud) ran past him carrying a large box. Cloud was running from the store's cash register area in the garden shop where J. Taliaferro had just completed his purchases.

J. Taliaferro stated that he saw two Home Depot security employees chasing Cloud and shouting for him to stop. J. Taliaferro said he told his two sons to help the security officers "catch the guy" (Cloud). J. Taliaferro stated that he followed his sons through the parking lot to Cloud's vehicle. Cloud had opened the back of his Toyota hatchback and had put the box inside his vehicle. The box was large enough to prevent the vehicle's lid from closing and it remained partially open. J. Taliaferro stated that everyone was struggling and he initially thought Cloud had been restrained. However, Cloud managed to struggle free, unlock the driver's door, enter the car and then lock the door. J. Taliaferro stated that he opened the vehicle's hatchback lid, removed the box from the car, and threw it onto the ground toward the bushes on his left.

J. Taliaferro stated that after he threw the box to the ground, he heard Cloud start the engine. J. Taliaferro stated that he watched as Vincent Taliaferro grabbed the partially open driver's window. J. Taliaferro said the window

shattered as his son pulled on it, creating the sound of shattering glass. J. Taliaferro stated that he heard Cloud shifting the car into reverse gear. J. Taliaferro said he believed that the vehicle had a manual transmission by the sound of the car being manipulated by Cloud.

J. Taliaferro stated that he could not hear any of the conversation or comments made by Cloud during the struggle at the car. J. Taliaferro said he was later told by his sons that Cloud was telling them to “leave him alone.” J. Taliaferro said he did not believe that Cloud made any verbal threats and did not see any weapons displayed during the struggle. J. Taliaferro stated that he was later told during an interview by Riverside Police Detectives that Cloud “pulled a shotgun and is now under a sheet.” J. Taliaferro said he and his sons did not see a shotgun.

J. Taliaferro stated that he was surprised his sons and the security officers were unable to restrain Cloud at the car. J. Taliaferro said his sons told him that Cloud struggled hard, was “very slippery” and difficult to hold onto.

J. Taliaferro stated that he realized he needed to move free of the vehicle when the car began to move in reverse out of the parking space. J. Taliaferro stated that he was between the car, the curb and hedges as the car started moving. J. Taliaferro said he used his hands to push away from the car and stumbled while moving backwards. J. Taliaferro said he fell to his knees and made “eye contact” with Cloud. Cloud backed out of the parking space turning the vehicle toward the exit and pointed directly at J. Taliaferro at a distance estimated at eight to ten feet. J. Taliaferro said there was no doubt that Cloud saw him on the ground in front of the vehicle. J. Taliaferro said that he believed Cloud was “desperate” to get away and would have “run over him” had he not got out of the way. J. Taliaferro stated that he heard the engine of the car begin to rev and the tires squeal on the pavement while he was looking at Cloud. J. Taliaferro stated that he was just preparing to “roll” to his left to avoid the car when he felt hands grab him by the shirt and trousers. J. Taliaferro stated that the two Home Depot security officers grabbed him and pulled him from the path of the car. J. Taliaferro said the vehicle missed hitting him by only one or two feet. J. Taliaferro stated that he sustained an abrasion to his left knee during the incident.

J. Taliaferro stated that Cloud left the parking lot at high speed towards Indiana Avenue.

Report of Interview

Person Interviewed: Michael Allen
Date of Interview: October 21, 2006
Recorded: Yes
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

Michael Allen was advised on the identity of the interviewing investigator and the purpose of the interview. Allen is an Investigator with Home Depot Loss Prevention. Allen witnessed the theft of property and assisted in the attempted arrest of Douglas Steven Cloud by Home Depot employees on October 8, 2006. Allen did not know Cloud prior to this incident. The interview was conducted at Home Depot, 3323 Madison Street, Riverside, CA between 11:35 AM and 12:06 PM on October 21, 2006. The interview was recorded. Allen told the interviewing investigator the following information.

On October 8, 2006, at approximately 3:55 PM Allen and his partner, Jason Nourse, were outside the Home Depot processing a shoplift suspect arrested earlier. Riverside Police Officer Putnam had arrived to take custody of the suspect.

Allen stated that he saw Cloud, running from the garden store exit and into the parking lot being chased by Home Depot Associate / Head Cashier James Blake. Cloud was carrying a large box containing a paint sprayer.

Allen stated that he began chasing after Blake and Nourse followed him. Allen stated that it is against company policy for security employees to chase shoplifters into the parking lot and that company associates are not normally supposed to become involved in such situations. Allen stated it was his original intention, for safety purposes, to "deescalate" the event by having employees back away and let Cloud escape.

Allen stated that by the time he reached the vehicle the situation was chaotic. There were four or five people including several customers and Blake gathered around the driver's side of the vehicle struggling with Cloud. They were all grabbing and pulling attempting to stop Cloud from getting into the car. Cloud had already managed to put the box containing the paint sprayer into the back of his vehicle and was attempting to get into the car.

Allen described the vehicle as a 1980's Toyota, Celica, hatchback, bluish-silver in color.

Allen stated that he was standing behind a hedge and across from the driver's side of the car. Allen stated that he began shouting at people to "stop, let him go". Allen stated that at some point Blake stopped, left the area, and went back into the store. Several customers continued struggling with Cloud and

Nourse remained in the parking lot away from the car. Allen stated that from his position behind the hedge he could see Cloud but could not see items that may have been in the car. Allen said he did not see any weapons or hear anything that Cloud may have said during the struggle.

Allen stated that Cloud managed to struggle free, open the car door and get inside. While Cloud attempted to pull the car door closed, one of the customers grabbed the door window attempting to pull it open. Allen stated the window shattered and he (Allen) was cut on the cheek from the flying glass. Allen stated that at about the same time, another customer, later identified as James Taliaferro, opened the hatchback and removed the paint sprayer throwing it into the bushes next to the car.

Allen stated that Cloud started the car and put it reverse. As the car began to move, James Taliaferro was pulled and dragged by the car. Cloud backed out of the parking space and Mr. Taliaferro fell to the ground on the pavement in front of the car. Allen stated that Cloud put the car into a forward gear at the same time accelerating causing the tires to spin. Allen stated that Jason Nourse was in a position to reach down and pull J. Taliaferro out of the path of the car, missing him by several feet.

Allen stated that Cloud left the parking lot towards McDonalds at high speed. Cloud drove in complete disregard for the safety of other customers and traffic in the parking lot

Allen stated that he ran toward the exit on foot and observed Officer Putnam leaving the parking lot at high speed. Putnam was using his red lights and siren while leaving. Allen stated did not know in which direction Cloud drove after leaving the parking lot.

Report of Interview

Person Interviewed: Dalyn Backes
Date of Interview: January 16, 2008
Recorded: No
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

On January 16, 2008, Dalyn Backes was interviewed by telephone regarding Douglas Steven Cloud. Ms. Backes was advised on the identity of the interviewing investigator and the purpose of the interview. Ms. Backes is a Supervising Clerk for the Riverside County Coroner's Office, 800 S. Redlands Ave, Perris, CA 92570. During the interview Ms. Backes reviewed internal documents associated with Douglas Steven Cloud and provided the following information to the interviewing investigator.

The contents of Mr. Cloud's wallet were inventoried and recorded on Personal Property Inventory tag #38092. (Copy attached to this report)

The contents included the following:

1. CDL #B6862529 (Returned to DMV)
2. Miscellaneous cards and papers.
3. (1) Visa card xxxx5368 (keychain)
4. (1) Visa card xxxx5368
5. (1) Visa card xxxx5288
6. (1) yellow metal token.
7. (1) book of matches

Report of Interview

Person Interviewed: Ola Bawardi
Date of Interview: January 15, 2008
Recorded: No
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

On January 15, 2008 Ola Bawardi was interviewed by telephone regarding Douglas Steven Cloud. Bawardi was advised on the identity of the interviewing investigator and the purpose of the interview. Bawardi is a Toxicologist with Bio-Tox Laboratories, 3357 Chicago Ave, Riverside, California 92507. During the interview Bawardi reviewed toxicology reports submitted in the Cloud case and provided the following information.

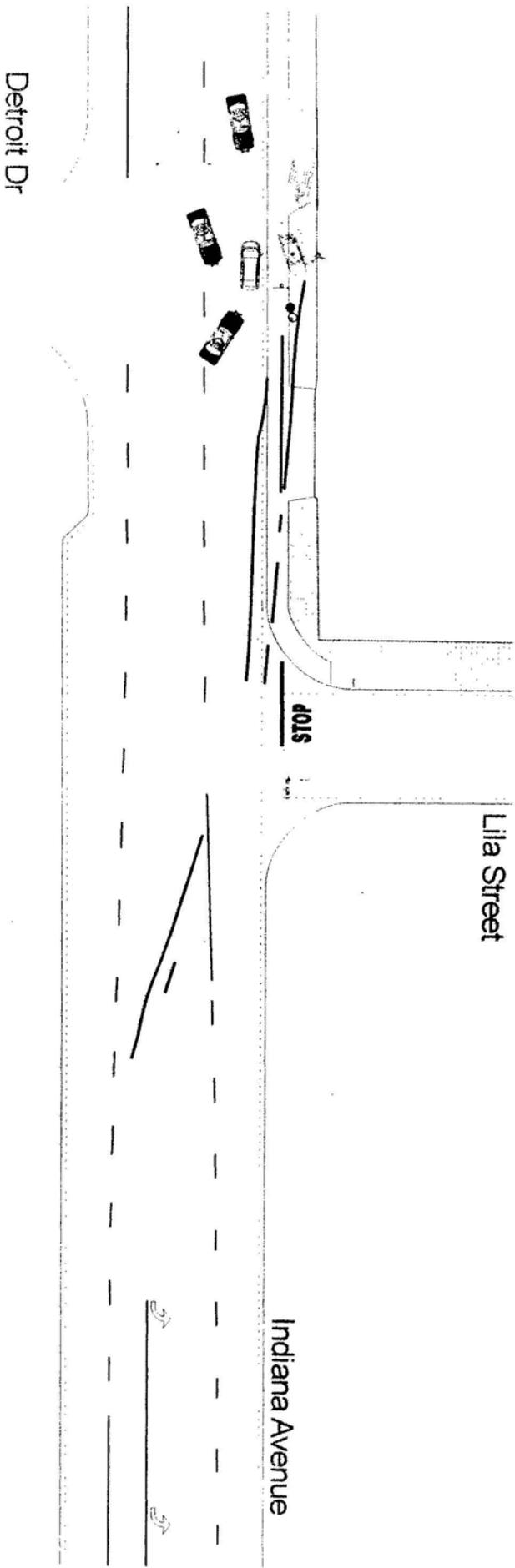
The best indicators for methamphetamine levels in Cloud's system are recorded in report 6-80348-7 (FEM BLD) collected on 10/9/2006. This was the earliest blood sample collected following his death and was less susceptible to the effects of post mortem redistribution. The subsequent tests performed with blood, urine, vitreous and brain samples collected on 10/10/2006 appear to demonstrate some of the effects of post mortem redistribution.

Bawardi advised that the (FEM BLD) levels in this case of 0.103 mg/L would generally be considered to be within an "abuse range". Bawardi advised that levels above 0.100 mg/L and up to 0.500 mg/L are considered within abuse range.

Bawardi advised methamphetamine breaks down in the system over time into amphetamine. The amphetamine level recorded in this case as 0.012 mg/L would suggest a recent use of the drug.

Section B

Scene Diagrams



Scene Diagram

RIVERSIDE POLICE DEPARTMENT

CASE No. P06087041

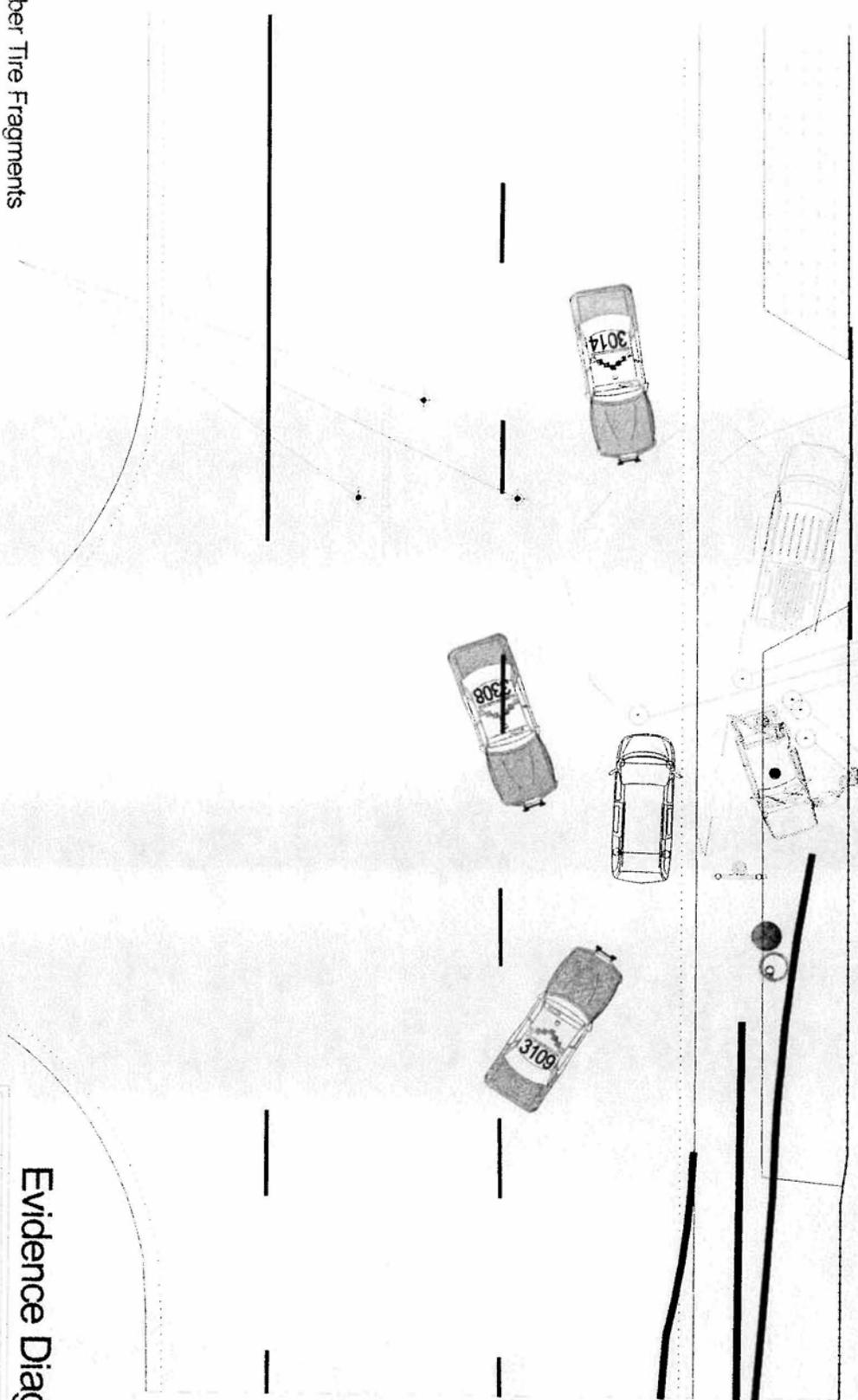
LOCATION Indiana Ave and Detroit Dr

CITY Riverside, California

DRAWN BY Officer Greg Athews

SE-5
SE-1
SE-2
SE-3
SE-4

Debris Field



Rubber Tire Fragments

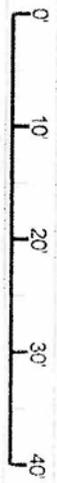
Evidence Diagram

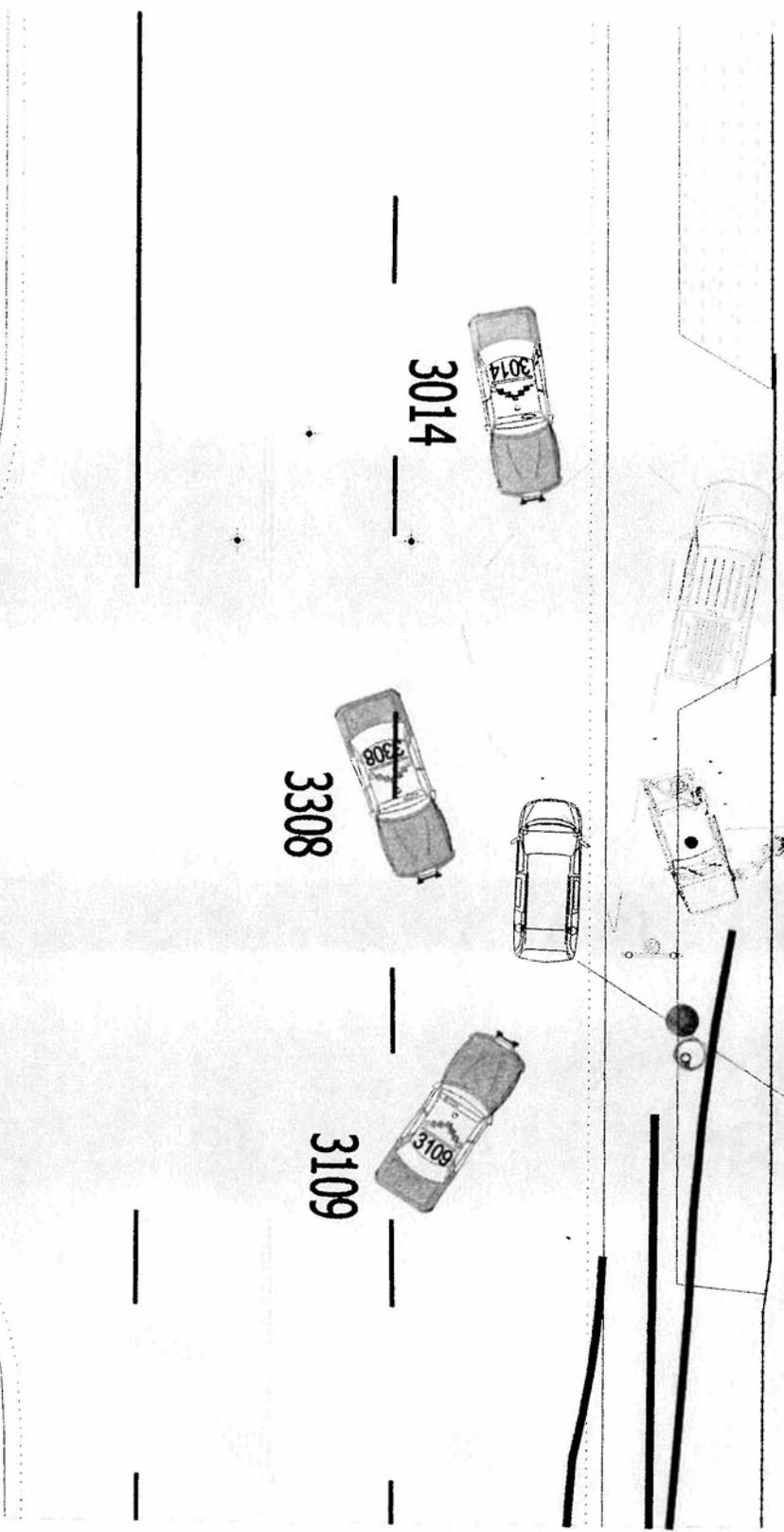
RIVERSIDE POLICE DEPARTMENT

CASE NO. P06087041

LOCATION: Indiana Ave and Detroit Dr
CITY: Riverside, California

DRAWN BY: Officer Greg Matthews





Vehicle Identification

RIVERSIDE POLICE DEPARTMENT

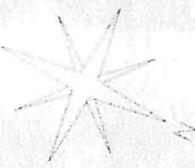
0 10' 20' 30' 40'

CASE No. P06087041

LOCATION Indiana Ave and Detroit Dr

CITY Riverside, California

DRAWN BY Officer Greg Matthews



Raised Concrete Curb
 Concrete Sidewalk
 Grass Easement
 Wrought Iron Fence
 Wrought Iron Sliding Gate

Felled Palm Tree
 Utility Pole
 Electric Vault and Cover
 Edge of Pavement

Wrought Iron Sliding Gate

Stop Sign

STOP

Reference Point

Lila Street

Indiana Avenue

Detroit Dr

4" White Painted Lines
 Double Yellow Lines
 4" White Painted Lines

Roadway Description

RIVERSIDE POLICE DEPARTMENT

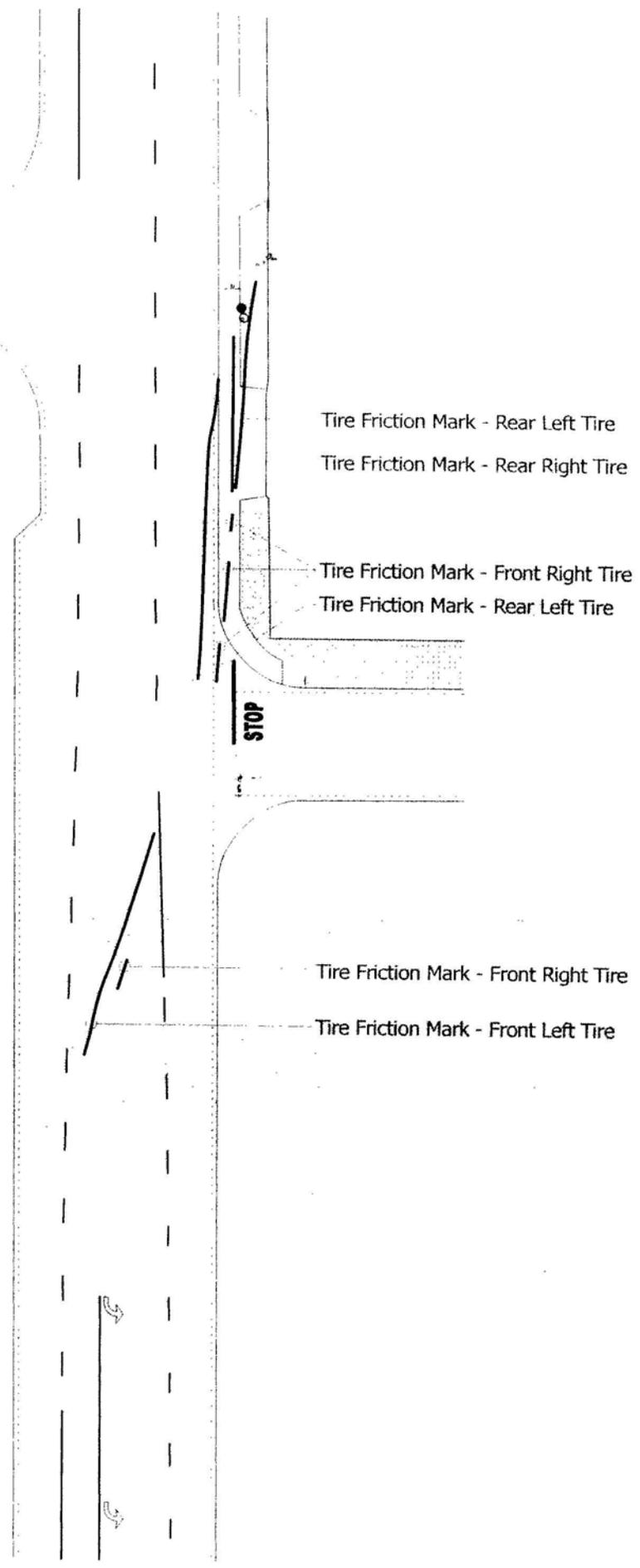
CASE NO. P06087041

LOCATION: Indiana Ave and Detroit Dr

CITY: Riverside, California

DESIGNED BY: Officer Grifiths





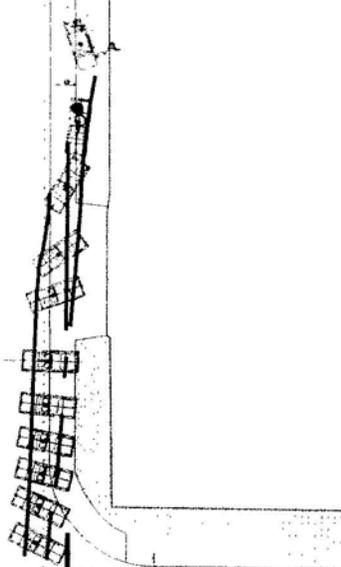
Tire Friction Mark Identification

RIVERSIDE POLICE DEPARTMENT

CASE NO. P06087041

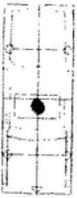
LOCATION: Indiana Ave and Detroit Dr
 CITY: Riverside, California
 DRAWN BY: Officer Gre Athews

Detroit Dr



Lila Street

Indiana Avenue



Front

Dynamics Diagram

RIVERSIDE POLICE DEPARTMENT

CASE NO. P06087041

LOCATION Indiana Ave and Detroit Dr

CITY Riverside, California

DRAWN BY Officer Gfr

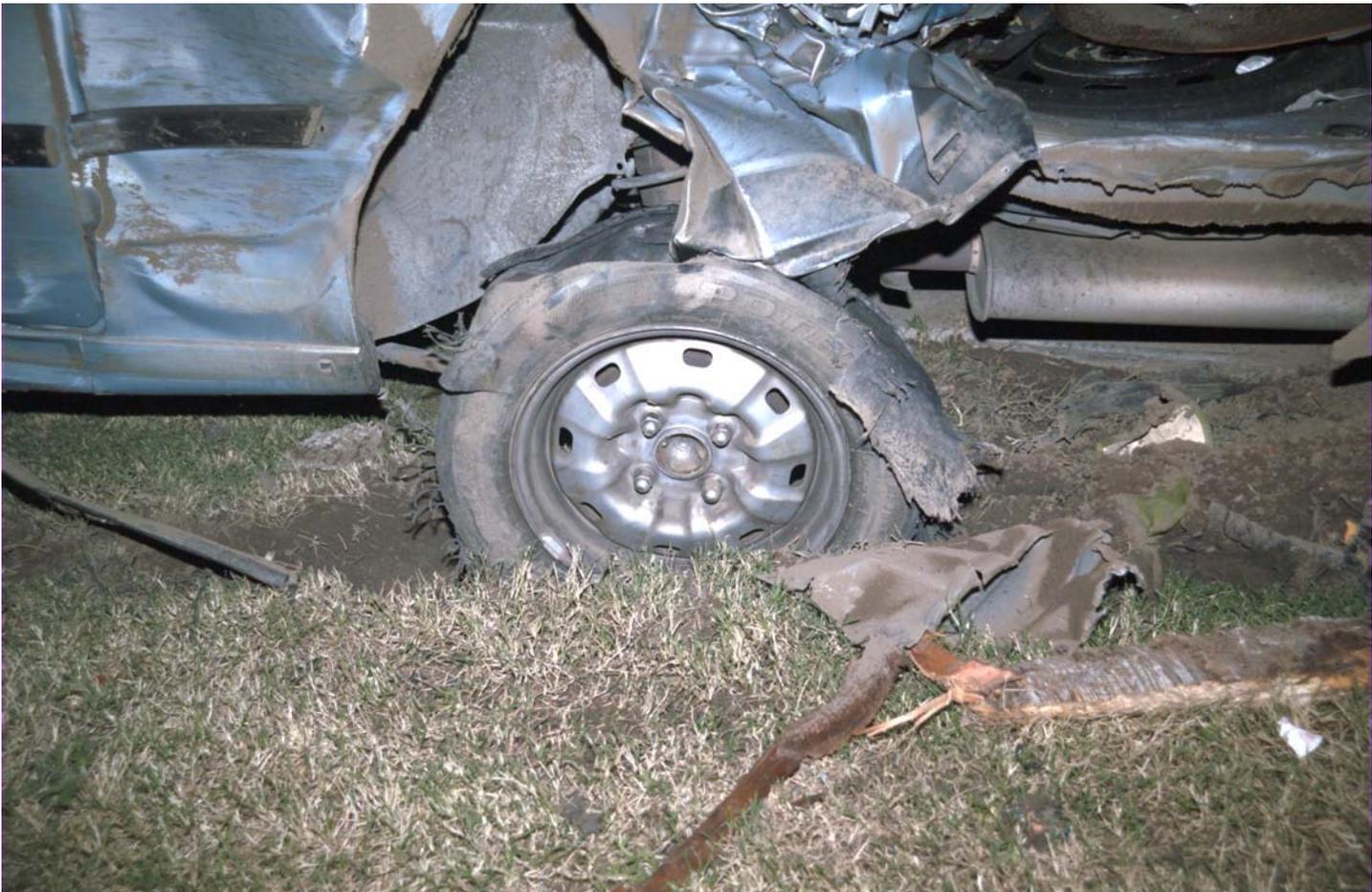
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Section C

Photos









Section D

Learning Domain #22

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**Basic Peace Officer Academy
Expanded Course Outline
Regular Basic Course – Intensive Format
P.O.S.T. Learning Domains**

LEARNING DOMAIN # 22 VEHICLE PULLOVERS

I. INTRODUCTION TO VEHICLE PULLOVERS

A. Three basic categories of vehicle pullovers, to include:

1. Traffic enforcement pullover

- a) Reason to believe the driver has committed a traffic infraction
- b) No object reason to believe that the vehicle's occupants represent an unusual risk
- c) An expectation that the pullover would result in a citation

Example:

- (1) Pulling over a vehicle after witnessing the driver's failure to stop at a stop sign

2. Investigative pullover

- a) An expectation that the pullover involves less risk than a high risk pullover but more than a traffic enforcement pullover
- b) Reason to believe that one or more of the vehicle's occupants has engaged or is about to engage in criminal activity
- c) An expectation that the pullover would involve an investigation that might lead to a custodial arrest for a violation of the Vehicle Code, the Penal Code or other statute

Examples:

- (1) Officer suspects driver is drunk
- (2) Officer observes occupant(s) smoking marijuana
- (3) Officer observes a blacked out vehicle in a high crime area at night

3. High-risk pullover

- a) Reason to believe that one or more of the occupants of the car may be
 - (1) Armed
 - (2) Represent a serious threat to the officer, or

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- (3) Have committed a felony
 - b) An expectation that the pullover could result in an arrest
Examples:
 - (1) Occupants involved in a drive-by shooting
 - (2) Occupant in possession of a firearm
- B. Inherent risks to officer safety that are associated with conducting a vehicle pullover
- 1. Safety hazards that are inherent with vehicle pullovers include, but are not limited to:
 - a) Unpredictable aggressive actions by the violator/suspect or bystanders
 - b) Unknown identity of the violator/suspect (e.g., dangerous felon wanted for a crime not associated with the traffic stop)
 - c) Dangerous environmental conditions (e.g., fog, ice, bright sunshine, etc.)
 - d) Varying road conditions (e.g., multiple lane traffic, narrow or no shoulder, etc.)
 - e) The existence of other vehicular traffic on the same roadway
- C. Appropriate actions officers can take to maintain their own safety and the safety of others while conducting a vehicle pullover
- 1. Developing a plan of action prior to initiating the pullover
 - 2. Requesting and using backup assistance when necessary
 - 3. Appropriately using communication/notification resources, and
 - 4. Applying safe and sound tactics when:
 - a) Initiating the pullover
 - b) Approaching the vehicle, and
 - c) Making contact with the vehicle occupants
- D. Most common errors made by officers that place them at risk during vehicle pullovers:
- 1. “Tombstone Courage”
 - a) Overly anxious to show courage
 - b) Trying to handle dangerous situations beyond officer’s ability or experience

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- c) Failure to call for back up when necessary
- 2. Poor positioning
 - a) Failure to exercise caution in positioning of officer and/or patrol vehicle
 - b) Rushing into a situation without planning the pullover
- 3. Physical and mental fatigue
 - a) Failure to get adequate rest
 - b) Attention and reflexes are compromised
- 4. Failure to watch a suspect's hands
 - a) Officer misses occupant(s) reaching for a firearm or other deadly weapon
 - b) Officer fails to notice suspect disposing of evidence
- 5. Complacency
 - a) Process becomes routine
 - b) Ignoring signs occupant(s) are an immediate threat
- 6. Bad attitude
 - a) Treating vehicle occupant disrespectfully
- 7. Relaxing too soon
 - a) Uneventful vehicle pullovers
 - b) Becoming careless
- 8. Not using available equipment properly
 - a) Failure to cuff or use other restraints when necessary
 - b) Improperly cuffing a prisoner
- 9. Failure to search or conducting a poor search
 - a) Cursory search of the occupant(s) or vehicle
 - b) Failure to locate firearms, other deadly weapons or contraband

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10. Inadequate communication

- a) Not communication with partner and/or other assisting officers
- b) Not establishing roles (contact, cover, etc.)

11. Poor weapon maintenance

- a) Undependable weapons resulting in injury or death to officer

II. BASIC TACTICAL CONSIDERATIONS FOR VEHICLE PULLOVERS

A. Safety considerations when initiating a vehicle pullover, including:

1. Selection of an appropriate location

- a) Safety factors (e.g., out flow of traffic)
- b) Visibility to passing traffic
- c) Avoidance of potentially hostile environments
- d) Lighting/illumination
- e) Possible escape routes
- f) Availability of cover and concealment

2. Communication with dispatch

- a) The anticipated location of the pullover and direction of travel
- b) A license number and vehicle description of the target vehicle
- c) The legal justification or nature of pullover (e.g. stopping a suspected DUI or stopping a stolen vehicle)
- d) Any other information pertinent to the pullover (e.g., information on weapons, number of occupants, etc.)

3. Getting the attention of the driver of the target vehicle

- a) Lights (e.g., emergency lights, headlights, spotlights)
- b) Hand gestures
- c) Horn/audible devices
- d) Siren
- e) Maintaining appropriate distance from target vehicle prior to initiating the pullover

B. Appropriate actions for the safe and tactical placement of the patrol unit

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1. Patrol officers must select a safe and tactical position for the placement of the patrol unit. The actual distance from the patrol unit to the target vehicle will depend on a variety of factors, including but not limited to:
 - a) The type of pullover
 - b) The type of vehicle being stopped
 - c) Available space
 - d) Environment/topography
2. Offset position
 - a) Stop behind and slightly to the right or left of the target vehicle
 - b) With the center of the patrol vehicle in line with the right or left bumper of the target vehicle (whichever is the most appropriate)

NOTE: Placing the patrol unit in an offset position may not be appropriate for pullovers involving some types of non-conventional vehicles (e.g., motor homes, RVs)

C. Appropriate procedures for exiting the patrol unit

1. Have all radio transmissions complete prior to activating emergency lights
2. Undo and clear the seat belt prior to coming to a complete stop
3. Place the patrol vehicle transmission in park
4. Set the parking brake
5. Switch on the portable radio (if the radio is not available, the officer should activate the outside speaker and position the microphone for ready access.
6. Check approaching traffic and open the door only if the path is clear
7. Consider lowering the driver and passenger front door windows
8. Unlock the doors
9. Quickly exit the vehicle and after exiting, momentarily pause to observe the target vehicle

D. Appropriate safety precautions patrol officers should take when approaching a target vehicle on foot

1. Stay close to the patrol vehicle to minimize any hazard from passing traffic
2. Continuously observe the occupants of the target vehicle
3. Maintain an awareness of the surrounding and other hazards
4. Keep gun hand free during the approach
5. Use a flashlight sparingly to avoid the potential of vehicle occupants being able to track the officer's movement

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E. Advantages and disadvantages of a driver side approach, a passenger side approach and a non-approach to a target vehicle

1. Driver Side Approach

a) Advantages

- (1) Most direct and quickest path the violator
- (2) Provides direct contact with the driver (e.g. can detect a possible DUI, etc.)
- (3) Enables officer to better see the Vehicle Identification Number (VIN) on the front windshield

b) Disadvantages

- (1) More vulnerable to passing traffic
- (2) Places officer in “kill zone” on approach (e.g., officer is in the direct line of fire of the driver of the target vehicle)
- (3) Allows fewer escape routes/minimal cover for the officer

2. Passenger Side Approach

a) Advantages

- (1) Keeps officers away from passing traffic
- (2) Provides an element of surprise because most violators expect officer to approach on the left
- (3) If a tactical retreat becomes necessary allows more options for cover and concealment
- (4) Allows more opportunities to adjust and modify position as needed upon approach
- (5) The angled approach enhances observation of the rear seat and other parts of the target vehicle

b) Disadvantages

- (1) Officer will need to speak across the passenger if there is a passenger in the target vehicle
- (2) Pedestrian traffic may pose a potential threat to the officer
- (3) Environment may not allow this approach (e.g., ravines, leaves, ditches, etc.)
- (4) Officer not able to easily detect objective signs of intoxication

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3. Non approach

a) Advantages

- (1) If the driver exits immediately, the officer may choose to remain behind the cover/concealment of the patrol vehicle
- (2) May allow the officer to direct the driver out of the vehicle to the curb while the officer maintains a position of safety
- (3) Violator's action can be constantly monitored, especially hand movements
- (4) During the contact, the occupants remain in the officer's field of vision (directly or peripherally)
- (5) Violator is positioned between officer and target vehicle, helping prevent interference by violator/occupants during the pullover
- (6) If vehicle has tinted windows, officer avoids visibility issues

b) Disadvantages

- (1) Exposes the violator to the hazards of passing traffic
- (2) Officer loses containment of occupants
- (3) Increases the potential for assaults on the officer
- (4) Hinders the officer's ability to observe the interior of the vehicle upon approach

NOTE: Officer conducting the pullover is responsible for the violator's safety.

F. Appropriate positioning for patrol officers when making face to face contact with the driver of a target vehicle

1. Initial contact

- a) Officer should be behind the trailing edge of the driver side/passenger side front door (depending on approach method used)
- b) Assuming such as position
 - (1) Forces the person to look back toward the officer in a position of disadvantages
 - (2) Makes it more difficult to point a weapon at the officer

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- (3) Prevents the officer from being knocked down if the door is suddenly opened
2. While conducting the business of the contact
 - a) After the initial contact and a visual check of the vehicle interior, it may be necessary or desirable for the officer to change position
 - b) Depending on agency policies and guidelines, officer may choose to
 - (1) Pivot to face oncoming traffic while maintaining a position in front of the leading edge of the door
 - (2) Remain behind the trailing edge of the door with their back to approaching traffic
- G. Appropriate procedures and tactical communication techniques for directing the driver and occupants out of a target vehicle
 1. Direct the driver/occupant(s) to exit one at a time
 - a) Constantly monitor each person's movements
 - b) Advise person(s) to keep their hands in view
 - c) Consider opening and maintaining control of the vehicle door as the person exits the vehicle
 - d) This allows the officer to view the person's hand and use the door as a defensive tool to prevent an assault on the officer
 2. Conduct a lawful search
 - a) As soon as practical, conduct a lawful search of each individual for weapons
 3. Maintain control of driver/occupant(s)
 - a) Direct person(s) to a position which allows officer to keep the target vehicle and anymore remaining in the vehicle, in view at all times
 - b) Consider lawful option to control and/or prevent interference by driver/occupants while the officer is conducting the business of the pullover (e.g., placing persons in the back seat of a partitioned patrol unit, use of handcuffs, etc.)
- H. Appropriate procedures for checking the validity and authenticity of a driver's license or other form of personal identification

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1. A driver's license is one of the most common forms of identification. It is important that officers take appropriate actions to check both the validity and authenticity of the license and to establish the identity of the individual

- a) Confirm that the driver is authorized to operate a specific type of motor vehicle
- b) Enforce the provisions of the Vehicle Code which require possession of a valid driver's license
- c) Verify that the driver is complying with any restriction on the driver's license
- d) Confirm the driver's identity so that the driver can be cited and released
- e) Verify that the address is correct

(1) Running a driver's license check may also provide the officer's with information such as any history of the violations, the existence of wants or warrants related to the individual

(2) For additional information on accessing law enforcement databases and information systems, and procedures for conducting a driver's license check (refer to *Learning Domain #36: Information Systems*)

I. Tactical considerations for safely completing the enforcement document

1. Patrol officers should move to a safe and tactically appropriate location when conducting the business of the pullover (running a license check, writing a citation, etc.)

- a) Depending on the specific situation, officers should select a location which:
 - (1) Provides cover and/or concealment
 - (2) Permits them to maintain visual contact with the target vehicle, and
 - (3) Permits them to observe the occupants of the target vehicle

J. Tactical considerations for re-approaching and re-contacting the suspect(s)/violator(s)

1. Officers should not become complacent in their second approach to the target vehicle. The same principles discussed in the initial approach and contact apply when re-contacting the driver. Be aware of:

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- a) Possible escape routes for the occupants of the target vehicle
- b) Possible tactical retreat routes for the officer's
- c) Availability of cover and concealment
- d) Avoid of potentially hostile environment (e.g., angry crowd, unruly groups.)

III. HIGH RISK VEHICLE PULLOVERS

A. Officer safety precautions that should be taken during any high-risk vehicle pullover

- 1. High-risk pullovers are conducted in any situation where patrol officers perceive greater level of risk. Such perceptions may be based on the officer's observation information received through communication with dispatch, other officers, or other reliable means.
- 2. High risk pullover are generally made when patrol officers have
 - a) Reasons to believe that one or more of the occupants of the target vehicle may:
 - (1) Be armed
 - (2) Represent a serious threat to the officer or
 - (3) Has committed felony
- 3. Utilize appropriate resources/ equipment
 - a) Request sufficient personnel and equipment to perform any necessary actions safety and effectively and achieve a psychological advantage over the vehicle's occupants
 - b) Use marked patrol vehicles to effect the vehicle pullover, if possible, to prevent recognition problems and to ensure necessary equipment is available within the vehicle
- 4. Rely on basic training and known tactics
 - a) Use available cover and concealment
 - b) Maintain visual contact with vehicle occupant(s) at all times
 - c) Always maintain a position of advantage
- 5. Maintain personal control professional attitude
 - a) Do not rush

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- b) Guard against becoming impatient (time is usually on the officer's side)
 - c) Wait for requested backup/assistance to arrive before taking action
- B. Appropriate actions for cover officers who are called to assist the primary officer during a high-risk vehicle pullover
- 1. Cover Officers
 - a) It is the general responsibility of any cover officers called to assist the primary officer at the scene of a high risk vehicle pullover
 - b) Protect the primary officer who is conducting the business of the pullover
 - c) Place their own patrol vehicles in a proper position to avoid silhouetting other officers with the vehicle's headlights or other lighting equipment
 - d) Take and maintain proper positions of cover concealment
 - e) Maintain their firearms at the ready
 - f) Maintain visual contact with the vehicle occupant(s) at all times
 - 2. Primary Officers
 - a) Conducts the business of the pullover
 - b) Directs the driver and occupants(s) of the target vehicle
 - c) Takes necessary actions related to the investigation (e.g., obtaining identification searching suspects, etc.
 - (1) For additional information regarding the roles and responsibilities of contact or primary officers and cover officers (refer to *Learning Domain # 21 Patrol Techniques* and *Learning Domain #23 Crimes in Progress*)
- C. Tactical considerations for conducting a safe and effective high-risk pullover
- 1. Develop a plan of action
 - a) Develop a plan of action with
 - (1) That officer's partner
 - (2) Involved assisting cover units, and dispatch

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- b) The plan should clearly identify the tactics that will be employed when initiating the pullover as well as throughout the pullover
2. Initiate the pullover
- a) Prepare for the pullover by
 - (1) Rolling down patrol vehicle windows
 - (2) Unlocking the vehicle's doors
 - b) Properly position the patrol vehicle and appropriate from the target vehicle (Two to three car lengths or 20 to 30 feet)
 - c) Employ appropriate lighting equipment such as
 - (1) Emergency lights
 - (2) Headlights
 - (3) Spotlights
 - (4) Takedown lights
 - d) Deploy firearms (i.e., handgun, shotgun) at the ready
3. Direct action of vehicle occupant(s)
- a) Utilize available cover and concealment
 - b) Use clear, audible, and direct commands
 - c) Identify your law enforcement agency ("Riverside Sheriff's Department")
 - d) Direct the occupant(s) to
 - (1) Keep hands in sight at all times (e.g., against the windshield, window, on their head etc.)
 - (2) Not to move unless instructed to do so
 - e) Give the vehicle's driver specific instructions to
 - (1) Turn off the vehicle's engine
 - (2) Remove the keys from the ignition
 - (3) Place the keys in a designated location (e.g., atop the car, dropped out the window, etc)
 - (4) Return hands to a position where they can be clearly seen
4. Order occupant(s) from the target vehicle

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- a) If multiple occupants, have each person exit the vehicle one at a time
 - b) Direct the suspect(s)
 - (1) Move slowly
 - (2) Keep hands above their heads
 - (3) Visually check the suspect(s) for weapons as they exit the vehicle
5. Establish physical control of occupant(s)
- a) Primary and cover officers must be aware of possible cross fire situations and position themselves accordingly
 - b) Maintain visual contact with the suspect(s) at all times
 - c) Direct occupant(s) to move, one at a time, toward officers (rather than officers moving toward suspects)
 - d) Have suspect(s) assume a position of tactical advantage for the officer (e.g., prone, kneeling, etc.)
 - e) Handcuff suspect(s)
 - f) Conduct a thorough search of each suspects before placing the person into patrol vehicle
 - g) Obtain intelligence information from suspects
6. Clear the target vehicle of any additional occupants
- a) Until otherwise proven, assume additional occupants are hiding in the target vehicle
 - b) Call out a bluff for hiding individual(s) to exit the vehicle (e.g., “You in the car get out!”)
 - c) Approach vehicle in a low profile (crouch) position
 - d) If hidden suspect is located in the vehicle, retreat to a position of cover
 - e) Feel for vibrations or movements within the vehicle by placing a hand on the trunk lid.
 - f) If necessary, use flashlights to cautiously illuminate the vehicle interior
 - g) After checking the vehicle’s interior, consider other area of possible concealment
 - h) If appropriate, consider use of a canine to clear the vehicle
- D. Officer safety considerations when searching the target vehicle during a high-risk pullover, including:

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1. Use of available cover officer(s)
 - a) Officer must maintain control of the situation at all times
 - b) The use of back up assistance officers when available is strongly recommended
 - c) Additional officers may be required to:
 - (1) Properly remove occupant(s) from the target vehicle
 - (2) Maintain control of the occupant(s) while the contact officer is conducting the search, and
 - (3) Prevent interference by other persons (e.g., witnesses, victims, onlookers, other officer, etc.)

2. Types of objects sought and likely locations
 - a) Types of objects
 - (1) Weapons
 - (2) Contraband
 - (3) Instruments of criminal activity

 - b) Locations
 - (1) Interior
 - (a) Front panel
 - (b) Seats
 - (c) Throughout

 - (2) Exterior
 - (a) Trunk
 - (b) Front
 - (c) Rear

3. Potential hazards
 - a) Dangerous weapons (e.g., edged weapons, loaded firearms, etc.)
 - b) Biological hazards (e.g., hypodermic needles, etc.)
 - c) Chemicals (e.g., dangerous drugs such as PCP, drug lab materials, etc.)
 - d) Booby traps (e.g., explosives)
 - e) Animals

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4. A systematic search process

a) Plan the search. Officers should consider:

- (1) Nature of the area to be searched
- (2) Type and size of objects being sought (e.g., drugs that can be hidden in small areas, weapons, ammunition, etc.)
- (3) Specific circumstances of the pullover
- (4) Time limitations
- (5) Legal restrictions based on the type of search being conducted

b) Search systematically

- (1) Cover the area in a systematic manner in order to prevent missing any possible locations where items could be located
- (2) Possible systematic patterns may include, but are not limited to:
 - (a) Starting at the top of the target vehicle and working down
 - (b) Searching from the front of the target vehicle to rear, or
 - (c) Searching the interior first and then the exterior

E. Areas that should be searched during a search of a vehicle's:

1. Interior

a) Front panel

- (1) Glove compartment
- (2) Under the dashboard (e.g., the maze of wiring under the dashboard to see if anything is attached to it)
- (3) Back of the ignition (e.g., to determine if it is being operated properly or by some means of jumper wiring")
- (4) Back of the rubber cover of the brake pedal, clutch pedal and accelerator pedal
- (5) Fire wall area
- (6) Steering column (for anything that may be taped to it.)
- (7) Cigarette lighter and the housing into which it fits
- (8) Knobs on the dashboard to determine if they might operate a hidden compartment located in the vehicle

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- (9) Courtesy lights on the dashboard or roof, especially if they do not light
- (10) Both sides of the sun visors for anything that may be attached (Many items can be hidden between a mirror and the sun visors or registration and the sun visors (e.g., checks, money, narcotics, etc.)
- (11) Air bag compartments

b) Seats

- (1) Floor under the seats
- (2) Underside of the seats for anything that might be attached
- (3) Between the seat and the kick panel located on the sides of the seat
- (4) Crevice area down between the seat cushion and the back of the seat
- (5) Upholstery of both seats for any tears or seams that have been opened and re-sewn
- (6) Seat covers to make sure that nothing is concealed between the seat and the seat cover

c) Throughout

- (1) Under speaker covers
- (2) Door panels and side kick panels
- (3) Air ducts of the ventilation systems
- (4) Ashtrays (If there is anything in the ash trays, empty the contents on a sheet of paper and examine them carefully.)
- (5) Under the floor carpet and floor mats
- (6) Surface of the door and window handles for anything that might be attached to them (Narcotics may be hidden inside a handle.)
- (7) Arm rest
- (8) Any trash containers or litter bags found in the car, attached to the door, dashboard, etc.
- (9) Any miscellaneous items or containers found inside the vehicle (each item should be examined as it is removed.)
- (10) All clothing, blankets, check books, etc., found in the vehicle

2. Exterior

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- a) Trunk
 - (1) Inside spare tire covings, boxes, bags, or other containers
 - (2) Any clothing found in the trunk
 - (3) Tail light assemblies

- b) Front
 - (1) Area between the radiator and grill and lower portion of the hood
 - (2) Engine compartment and motor accessories

- c) Rear
 - (1) Behind the rear bumper and the rear license plate

- d) Sides
 - (1) Surface of fenders for anything that might be hidden or attached there
 - (2) Area where the neck of the gas tank is location
 - (3) Center post (to make certain that the center post is stationary)
 - (4) Hub caps (for anything hidden behind them)

- e) Other exterior areas
 - (1) All outside accessories that are false or ornaments
 - (2) Fresh or excessive weld marks

IV. NONCONVENTIONAL VEHICLE PULLOVERS

A. Appropriate safety and tactical considerations when conducting vehicle pullovers involving:

- 1. Vans, campers, and motor homes
 - a) Position of patrol vehicle related to target vehicle locations, use of lights etc, may need to be modified
 - b) Officer is at greater vulnerability when approaching the vehicle
 - c) Direct driver to turn off ignition, exit vehicle, and bring keys to rear of vehicle
 - d) Direct driver to open door(s) so officer can check inside vehicle

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- e) Direct occupants out of vehicle one at a time
- f) Clear vehicle
- g) Take any necessary actions related to the pullover

2. Motorcycles

a) Direct operator to:

- (1) Shut off engine
- (2) Remove keys
- (3) Take off helmet
- (4) Step away from motorcycle

3. Buses and semi-trucks

a) Buses

- (1) Location for pullover should allow for safe exit of passengers, if necessary
- (2) Driver should be directed to exit the bus and approach the officer
- (3) Passengers should be directed to exit bus one at a time and moved to a safe location

b) Semi-trucks

- (1) Do not stop on a grade, as it may be difficult to restart
- (2) Do not require driver to turn off ignition due to potential engine damage
- (3) Instruct the driver to leave the truck rather than attempting to climb up on the tractor

V. REQUIRED TESTS

A. A scenario test that requires the student to make a simulated traffic enforcement vehicle pullover during the hours of darkness which minimally include:

- 1. Signaling the violator from behind and does not pull alongside target vehicle
- 2. Continuously observe the movements of the driver and any passengers
- 3. Maintaining a safe distance between the patrol vehicle and the target vehicle
- 4. Offsetting the patrol vehicle to the left or right of the target vehicle
- 5. Continuously observing the pedestrian and vehicular traffic

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6. Keep gun-hand free during approaches to target vehicle and when in direct contact with the driver/passenger(s)
7. Establishing initial violator contact in a safe and tactically sound manner
8. Safely obtaining and determining the validity, authenticity, and legal acceptability of identification
9. Safely returning to the patrol vehicle
10. Maintaining a safe position with a view of the target vehicle and traffic during the detention
11. Safely re-approaching the target vehicle and re-contacting the driver/passenger(s)
12. Safely returning to the patrol vehicle and, if appropriate, assisting the driver to safely reenter traffic

B. A scenario test that requires the student to make a simulated high-risk vehicle pullover which minimally includes:

1. Notifying communications and following the target vehicle until assistance/backup is on the scene
2. Demonstrating the ability to stop the vehicle using proper position, distance, and lighting
3. Watching for movements inside the target vehicle
4. Taking proper position of cover/concealment
5. Maintaining firearm at ready
6. Using clear, audible, and direct commands
7. Directing suspect(s) out of the target vehicle and into a position of disadvantage
8. Visually searching the vehicle for additional suspects

VI. REQUIRED INSTRUCTIONAL ACTIVITIES

None