



**JOSEPH DARNELL HILL
OFFICER-INVOLVED DEATH
PUBLIC REPORT**

CPRC Case No. 06-060

RPD Case No. P06092770

Approved
August 26, 2009

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Date of Incident: October 19, 2006

Location: 5892 Crest Avenue

Decedent: Joseph Darnell Hill

Involved Officers: Jeffrey Adcox, Police Officer
Giovanni Illi, 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 in the Riverside Police Department (“RPD”) criminal investigation public report, and information received from the Commission’s contract private investigator.

The Commission reserves the ability to render a separate, modified, or additional finding based on its review of the Internal Affairs Administrative Investigation. The Administrative Investigation contains peace officer personnel information and 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:

On May 13, 2009, by a vote of 5 to 1 (2 absent, 1 vacancy), the Commission found that the officer’s use of deadly 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 review and investigation.

Rotker	Slawsby	Hubbard	Brandriff	VACANT	Pearcy	Corral	Santore	Beeman
Yes	Yes	Yes	Absent	X	Absent	Yes	Yes	No

III. Incident Summary:

At about 10:00 a.m. on 10-19-2006, Officer Jeffrey Adcox was on patrol when he first noticed a subject in a vehicle, a red Toyota. The man, later identified as Joseph Darnell Hill, pulled over and stopped.

About 15 minutes later, Ofcr. Adcox said he saw Mr. Hill again driving. Again, the man pulled over. Ofcr. Adcox said he pulled up next to Hill’s parked car, and began a conversation. Ofcr. Adcox said Mr. Hill complained that the officer was “harassing” him. Ofcr. Adcox said he again drove away without taking action.

Ofcr. Adcox said he did not believe Mr. Hill’s explanation, and Ofcr. Adcox remained in the immediate area. Ofcr. Adcox described driving around the block, and then seeing Mr. Hill

driving toward him. Mr. Hill then made a u-turn and drove through two stop signs without stopping.

At approximately 10:17 a.m., Ofcr. Adcox initiated a traffic stop at Crest Avenue and Babb Street on Hill's vehicle. Ofcr. Adcox said the reason for the stop was that Hill failed to come to a complete stop at two intersections.

Witness Quinonez saw a police officer (Adcox) and a driver (Hill) stopped in front of Quinonez' home. Quinonez watched the incident from a distance of about 25-30 feet. Quinonez is primarily conversant in Spanish, but said he understands and speaks some English.

Ofcr. Adcox activated his belt recorder in order to record the contact. Ofcr. Adcox approached the vehicle and talked with Hill, obtaining his driver's license. Ofcr. Adcox said Hill was yelling and his hands were visibly shaking.

Ofcr. Adcox returned to his vehicle and "paused" his belt recorder while requesting backup on his police radio. Ofcr. Adcox broadcast his request for a back-up, "can I get a 11-10," approximately 2 minutes and 15 seconds after the stop was broadcast.

On the radio, Ofcr. Ili asked Dispatch for the location of the unit (officer) requesting back-up. When Dispatch replied with the location of Crest and Babb, Ofcr. Ili responded that he would be enroute from Tyler and Cypress (approximately 0.4 mile).

There is no recorded radio traffic between Adcox and Ili.

Ofcr. Adcox first talked with Ofcr. Ili after he arrived. Ofcr. Adcox said he told Ofcr. Ili that Hill had been avoiding Adcox for an unknown reason, and that something just didn't seem right about the circumstances.

Ofcr. Ili recalled that Ofcr. Adcox said Hill had looked like he was stuffing something inside the car, and so Ofcr. Adcox wanted to get Hill out of the car.

Ofcr. Adcox checked Hill for probation or parole violations, and was advised there were none. Officer Adcox apparently reactivated his recorder, as the second contact with Hill was also recorded.

Both officers approached Hill's vehicle. Ofcr. Adcox asked Hill to step out of the car and he complied.

Ofcr. Ili said he heard Hill use profanity at that point in commenting about the stop, and so Ili activated his recorder. However, Ofcr. Ili's recorder did not activate, and no recording was made by Ili until sometime after the shooting.

Ofcr. Adcox conducted a pat-down search, and detected no weapons. Ofcr. Adcox instructed Hill to sit on the curb with his legs extended in front of him. Hill complied, but argued with the officers and accused them of harassment.

Ofcr. Adcox told Hill 3 consecutive times to straighten his legs and Hill twice replied that his legs were straight. Ofcr. Adcox said at first Hill didn't cross his legs, and then when he did cross them, he did so in such a way that he could still stand up and run.

Ofcr. Adcox said he did not feel comfortable about Hill's behavior. Ofcr. Ili also said he did not feel comfortable about the contact at that point.

Ofcr. Adcox elected to place Hill in the back seat of the police car while he and Ili searched the vehicle. Ofcr. Adcox said he picked Hill up from the seated position, put Hill's hands behind his back and had hold of Hill's fingers, and began to walk Hill to the police car.

When questioned by RPD investigators, Witness Quinonez four times recalled that Hill said, "you're not going to arrest me." When questioned later by CPRC investigators, Witness Quinonez recalled that the one of the officers told Hill that he was going to be arrested. Quinonez then added that Hill said, "you're not going to arrest me for nothing" (disputed fact).

Ofcr. Adcox said he did not tell Hill he was under arrest. Ofcr. Ili said neither he nor Ofcr. Adcox told Hill he was under arrest.

Ofcr. Adcox said that as he grabbed Hill's hand, Hill stated something like, "you're not gonna arrest me."

The digital recording has no record of either officer advising Hill he was under arrest. The digital recording did capture Hill stating, "You're going to arrest me? What the fuck you arrestin' me for?"

Hill spun around and initiated a fight with the officers.

Ofcr. Adcox' recorder ceased recording for an unknown reason.

Hill put his arm around Ofcr. Adcox' neck, and placed Adcox in a headlock.

Witness Quinonez saw Hill spin and grab one police officer, then punch the officer in the head. Witness Navarette saw Hill raise both arms and "attack" one officer.

Hill and Ofcr. Adcox went to the ground. On his way to the ground, Ofcr. Adcox struck his head on the police car passenger side mirror.

Ofcr. Ili also went to the ground in an attempt to aid Ofcr. Adcox. Ofcr. Adcox saw Ofcr. Ili was also on the ground and Ili's back was to Hill.

Officer Ili felt tugging on his holstered firearm, which caused his belt to swivel to the right. Ofcr. Ili believed that Hill was trying to remove the gun from the holster. Ofcr. Adcox saw Hill tugging on Ofcr. Ili's belt.

Ofcr. Ili grabbed his holstered gun with his right hand, then turned onto his right side, causing Hill to release his hold of the holstered gun. Ofcr. Ili then felt tugging on the other (left) side of his belt.

Witness Quinonez said Hill did not grab the taser, but was trying to grab the Taser.

Ofcr. Ili saw Hill holding a Taser, trying to turn the safety off. Ofcr. Ili pulled the cartridge from the front of the Taser to prevent being shot with the taser darts.

Ofcr. Ili grabbed Hill's wrist and tried to turn the Taser from being pointed at him. Ofcr. Ili believed that he would be disabled if he was tased.

Ofcr. Adcox heard the sound of a discharging Taser, then saw Hill holding a Taser with both hands. Ofcr. Adcox heard Ofcr. Ili yelling, and thought Ili was being tased. Ofcr. Adcox believed that if Hill was able to tase the officers, he would disable and kill them.

Ofcr. Adcox pushed away from Hill, pulled his duty weapon, and fired several times at Hill's torso.

As Ofcr. Adcox fired his weapon, Ofcr. Ili and Hill were struggling.

At 10:25, eight (8) minutes after the traffic stop was broadcast, Ofcr. Adcox advised "shots fired." The shooting was broadcast at 10:25:58.

Dispatch alerted AMR and the Fire Department to respond at 10:26. Fire Engine 7 advised it was on-scene 6 minutes later at 10:32, and broadcast that AMR was already on-scene.

Hill was treated at the scene by paramedics, then transported to the hospital. Engine 1 advised that a paramedic and AMR were enroute to community hospital at 10:34, 8 minutes after the initial shooting call went out. Parkview Emergency Room physician Dr. Abdelsheid told RPD Detective Smith that Abdelsheid pronounced Hill deceased at 11:17.

The Riverside County Coroner identified the cause of death as from gunshot wounds. Four gunshot wounds were identified.

Post mortem toxicology examination detected the presence of cannabanoids (marijuana by-product) in Hill's system.

A subsequent search revealed no contraband was found in the car.

The Taser was processed and examined for latent fingerprints, but no identifiable prints were located. The Taser was swabbed for DNA evidence, but the collected sample was insufficient to make a DNA finding.

IV. Follow-Up Witness Contact:

Possibly conflicting statements from witness Jorge Quinonez (see "disputed fact," pg. 3) resulted in an attempt to re-interview Mr. Quinonez for clarification. The Commission used the services of its private investigator, Baker Street Group ("BSG"), to conduct the re-interview.

BSG determined that Mr. Quinonez had moved from his residence of record from the date of the OID. BSG conducted an extensive search of vehicle ownership records, police citation records, and personal contact of persons who knew Mr. Quinonez. Despite these efforts, BSG was unable to locate Mr. Quinonez. He is believed to have moved from California, but his current place of residence is unknown.

V. Evidence

The evidence in this case consists primarily of testimony, including that of the two involved police officers, and the limited statements from two persons who witnessed a portion of the incident.

The physical evidence includes a digital recording of a portion of the incident, and transcript of the download from Officer Ili's taser, confirming that the taser was briefly activated during the time of the incident.

An attempt was made to recover DNA or latent fingerprints from the taser, but neither was recovered.

VI. Applicable Case Law:

The United States Supreme Court has ruled on two (2) cases that have particular relevance to the use of force in this incident. All decisions by the United States Supreme Court are law throughout the United States. Both cases are incorporated into the Use of Force Policy of the RPD.

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

Graham v. Connor, 490 U.S. 396 (1989), considered the reasonableness of a police officer's use of force, and instructed that the reasonableness must be judged from the perspective of a reasonable officer on scene.

VII. Applicable RPD Policies:

All policies from the RPD Policy & Procedures Manual.

- Use of Force Policy, Section 4.30, pages 284-294.
- Searching, Handcuffing and Prisoner Transportation, Section 4.31, pages 295-302.
- Taser Control Device, Section 4.43, pages 350-351.
- Vehicle Stop Procedure, Section 4.56, pages 392-393.
- Audio Recording Policy, Section 4.60, pages 409-411.

VIII. Analysis:

Absent specific information to call into question a person's credibility, statements from persons are accepted as that person's truthful depiction of events. As there is no specific information to question accounts by witnesses and officers, the depiction of events in the "Incident Summary" are accepted as undisputed, except where noted.

RPD Officers are trained to conduct traffic stops when the officer believes a driver has violated traffic law. It is not necessary that the offense actually occurred, or that the driver agrees the offense occurred. It is only necessary that the officer believed the offense occurred. Officer Adcox was acting within his duty authority when he stopped Joseph Hill for a suspected traffic violation, despite Hill's protest that he had not committed a violation.

RPD Officers are trained that the law allows the officer to have a person exit the car during a traffic stop. Officers are trained that having the person sit on the curb with legs extended is an appropriate method to preserve officer safety. It is not necessary that the detained person

agree with the detention itself, or the method of detention. Officer Adcox was acting within his duty authority when he had Joseph Hill exit his car, sit on the curb and extend his legs, despite Hill's protest.

RPD Officers are trained that they have legal authority to place detained persons in the back of police cars, either handcuffed or not handcuffed. There is no policy requirement defining at what moment an officer must give explanation to the detainee, or that any explanation must be given. As field situations vary widely, officers are given discretion as to the point in time they find it most advantageous to provide any explanation to the detainee. Officer Adcox was acting within his trained duty authority in deciding to move Joseph Hill to the police car, without handcuffing Hill, and without first providing explanation to Hill of Adcox' intent.

Although there is only a limited amount of digital recording of the incident, the portion recorded is consistent with the officer and witness accounts. It is reasonable to infer that the recording ceased because some action at the start of the struggle physically turned off the officer's recorder.

RPD Officers are trained that the lethal use of force is proper when an officer reasonably believes that the officer's life, or the life of another, may be in threat of death or serious injury unless the officer acts. Officers are trained that they need not exhaust every possible method of force prior to using lethal force. Officers are trained to assess the situation to seek to minimize injury to others when using lethal force, such as being aware of persons nearby. Officer Adcox was acting within his trained duty authority after being physically attacked and taken to the ground by Joseph Hill, and upon becoming aware that Hill appeared to be using Officer Ili's Taser against Officer Ili, who was also in the fight on the ground, when Adcox determined that it was reasonably necessary to use lethal force against Hill to protect both Officer Ili and Adcox from serious injury or death, as Adcox believed that Hill would use the Taser to incapacitate Ili, and then obtain Ili's handgun.

From training provided, the Commission is aware that the absence of DNA or latent prints on Officer Ili's Taser is not remarkable. Neither latent prints nor DNA are recovered as easily as depicted in television forensic dramas. While any recovery of forensic evidence would be conclusive evidence, the absence of such evidence is not conclusive. In this absence of forensic evidence, the Commission relied upon the testimonial and physical evidence to answer whether Joseph Hill attempted to use Officer Ili's Taser. The physical evidence of Taser use downloaded from Officer Ili's Taser confirmed that the Taser was activated during the time of the incident, consistent with the testimonial evidence from the police officers.

IX. Standard for Commission Finding:

The standard we used in reviewing this case was "preponderance," or is it more likely than not. We don't have to know things to a certainty. We don't even have to know things beyond a reasonable doubt. We are charged to find whether a preponderance of evidence – the standard of more likely than not - supports a finding.

X. Rationale for Finding:

Some people may feel that there are still unanswered questions. We agree. But there may be some points that we just never know for certain, that is not unusual, and it's not a sign that something is wrong in this case. Whether we have many witnesses, like in the Brown case, or a few witnesses, like in the Cloud case, or almost no witnesses, like in this case - - there are always some questions that simply cannot be answered to an absolute certainty.

Also, based on the Case Law training that was sent to us, we should look at this case "from the perspective of a reasonable officer on the scene*," and not based on how we might prefer things to have taken place

In our view, we find that the preponderance of evidence shows that the officer's use of force was consistent with RPD Policy.

1. We've discussed whether or not Mr. Hill actually committed the traffic violation that Officer Adcox described. Maybe Hill didn't actually make an illegal u-turn. Maybe he did, but believed the u-turn was legal. Many people commit traffic violations, but disagree with the officer when cited – just look at traffic court. For us, we have no evidence Officer Adcox was lying, so we'll have to presume they disagreed. And – unless you believe that Adcox WAS a liar, this point really has no bearing on the shooting.
2. Also – there has been some question about whether the stop was a "pretext" stop, and the word has been used like a "dirty" word, or a suggestion that something was bad. We don't find any evidence to show that the stop was a pretext - - but even if it was, there is absolutely nothing bad or wrong about pretext stops. They are legal. The only "bad" thing would be if the stop WAS a pretext, and Adcox lied and said it was simply a traffic violation. Here again, no evidence that Adcox was a liar.
3. There's been some concern about why Adcox' recorder went off as the fight started. Well, whether we believe the officers' account, or that of Mr. Quinonez, we know that Hill attacked Adcox and pulled him to the ground. The recorders are turned on, and off, by pushing a button. They are often in the officer's shirt pocket. Putting the facts together – it's reasonable to think that the struggle is what caused the recorder to turn off. But again this is a side issue, and really doesn't bear on whether the shooting was within policy – unless because it's a fact that we don't know for CERTAIN, that it some how means the police lied. We don't see the evidence of that.
4. There has been some question as to whether weapon retention tactics were proper. We know that officers get a lot of training, both in the academy, and on the job. Still, despite all the training, we understand that they simply cannot be trained in every possible scenario that might ever occur. Here, the officers ended up on the ground, after Hill attacked, fighting over a Taser. In those circumstances, it is reasonable to not necessarily expect that the officers should have a tactic ready for this particular scenario. The tactic became – do whatever is necessary to not get tased, to not have your handgun taken, and to not be shot and killed by an attacker.

When we consider all of the evidence that we DO have, the evidence tells us that Mr. Hill attacked Officer Adcox twisting and grabbing the officer and then put him in a headlock, punched him in the head, and wrestled him to the ground, Officer Ili joined the fight, Mr. Hill

ended up fighting over Ili's Taser, the Taser discharged, Adcox thought Ili had been tased – Officer Adcox' decision to shoot Mr. Hill was consistent with RPD Policy.

The only alternative view that has been suggested is that the police have lied. We simply don't find any actual evidence to support that. There are here, and in every case, some unanswered questions, but that is not evidence of lying.

*(The case law reference on Page 1 is from the Graham case.)

Closing:

This incident was tragic but it could have been avoided. We as a community can not tolerate individuals who disobey police directives and try to take matters into their own hands, just because they don't feel the officer is being fair or just. There is a proper protocol for that. People control their own fate. In this case a bad choice was made, had Mr. Hill simply complied with the officers he would be alive today. Once any individual decides to attack an officer of the law and an officer of our community, they must know that these officers can and will defend themselves against harm. As individuals of the community we ask brave men and women to put their lives on the line everyday that they show up to work. No officer knows in advance who is capable of causing harm to them so they must treat every suspect with the same amount of caution.

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

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Section A

CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

JOSEPH DARNELL HILL

OFFICER-INVOLVED DEATH INVESTIGATION SUMMARY REPORT

GURNEY WARNBERG
May 1, 2008

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OFFICER-INVOLVED SHOOTING

FINAL SUMMARY REPORT

Deceased: Joseph Darnell Hill

Officer(s): Jeffrey Bryon Adcox

Giovanni Ili

Date / Time of Incident: Thursday, October 19th, 2006, 10:17 AM

Location: 5800-block of Babb Avenue and Crest Avenue

JOSEPH DARNELL HILL:

Hill was a 33-year-old African-American male resident of Riverside, CA. Hill's last known address was 10036 Gould Street #A, Riverside, CA 92505.

Hill had a documented criminal record with a conviction for assault in June 2006 in the city of Riverside. Hill was also alleged to have been in possession of marijuana during a warrant arrest in 2006 and alleged to have furnished alcohol to a minor resulting in an arrest in Corona in October 2006.

No evidence of any exceptional medical or mental health issues has been found. Post mortem toxicology evidence would support the conclusion that Hill had Cannabinoids in his system at the time of death.

Hill owned a 1997 red Toyota 4-Door, #CA 5VEE903.

SUMMARY OF EVENTS:

On October 19, 2006, at approximately 10:17 AM, Officer Jeffrey Adcox initiated a traffic stop at Crest Avenue and Babb Avenue on a red Toyota 4-door license

#5VEE903. The vehicle was being driven by a person later identified as Joseph Darnell Hill.

Adcox approached the vehicle and talked with Hill, obtaining his driver's license. Adcox also activated his belt recorder in order to record the contact. Adcox returned to his car and made a radio request for an assisting officer.

Officer Giovanni Ili was in the area and arrived to assist Adcox.

When Ili arrived on the scene, the officers approached the car. Adcox asked Hill to step out of the car and he complied. Adcox conducted a brief pat down search of Hill's person for weapons. Adcox instructed Hill to sit on the curb with his legs extended in front of him. Hill complied, but argued with the officers and accused them of harassment.

Adcox elected to place Hill in the back seat of the police car while he and Ili searched the vehicle. Adcox told Hill to stand up. Hill complied and Adcox told him to put his hands behind his back. Adcox placed his hand on Hill's fingers to control his movements while moving backward toward the police car. As they moved, Hill stated, "You're not going to arrest me," and pulled away. Hill spun around, putting his arm around Adcox's neck in a head lock. Hill and Adcox fell to the ground in a clench. Ili became involved in the struggle and also fell to the ground.

Hill made several attempts to remove Ili's handgun from his belt and was able to remove and gain control of Ili's taser. Ili managed to grab and pull the dart cartridge from the taser during the fight. Although the cartridge was removed, Hill was able to activate the taser for a period of two seconds. The taser was fully functional as a contact weapon at that time.

Adcox ultimately fired four rounds from his duty weapon striking Hill four times. Hill was transported to Riverside Community Hospital where he subsequently died from his injuries.

WITNESS STATEMENTS:

Summary – Officer Jeffrey Adcox:

On October 19, 2006, while patrolling in the area of Cypress and Challen, Adcox made eye contact with another motorist, later identified as Hill. Hill saw Adcox, pulled to the curb, and stopped on Cypress Avenue. Adcox thought the behavior strange, but continued to patrol the area.

About 15 minutes later, Adcox saw Hill again on Cypress near Rutland. Hill again pulled to the curb and stopped when he saw Adcox. On this occasion, Adcox pulled

next to Hill and asked, "How are you doing?" Hill responded angrily, accusing Adcox of harassment. Adcox drove away without further incident.

As Adcox drove away, he noticed Hill in his rear view mirror. Hill was outside and walking away from his car. Hill was walking at first and then suddenly he ran to a point where Adcox could no longer see him. Adcox made a series of right turns, returning to Cypress, seeing Hill driving toward him. Hill, at that instant, made a U-turn and drove in the opposite direction. On this occasion, Hill passed through two stop signs without stopping and Adcox pulled him over in front of 5892 Crest Avenue.

Adcox said he activated his belt recorder prior to making contact with Hill. Adcox said when he approached the driver side, Hill was obviously angry. Hill's hands were visibly shaking. Hill provided Adcox with a valid driver's license, but he did not have proof of insurance. During that initial exchange, Hill told Adcox there was nothing illegal in his car and gave Adcox verbal permission to search the car if he wanted.¹

Adcox returned to his patrol car and made a request for an assisting officer. Hill remained seated in his vehicle. Officer Ili responded to the call and arrived on the scene within several minutes. Adcox briefed Ili concerning Hill's behavior.² Adcox reactivated his recorder and approached Hill again on the driver's side of his vehicle. Ili approached on the passenger side. Adcox asked Hill to step out of the car and Hill complied. Adcox conducted a pat down search of Hill's person for weapons. Adcox instructed Hill to sit on the curb with his legs extended in front of him. Hill complied, but repeated that he was being harassed.

Hill's behavior began to create a safety concern for Adcox. Adcox elected to place Hill in the back of the patrol car during the search of his vehicle. Adcox told Hill to stand up and Hill complied. Adcox stood behind Hill and brought both of Hill's hands behind his back in order to walk him toward the police car. Adcox said he did not intend to arrest Hill at that moment and had not told Hill that he was under arrest. Adcox said he intended to have Hill sit in the back of the police car during the search of the car for safety concerns related to Hill's verbal behavior. The instant Adcox grabbed Hill's hands, Hill said, "You're not fucking going to arrest me." Hill spun around and put his right arm around Adcox's neck, placing him in a head lock. Hill and Adcox fell to the ground in a clench. Adcox hit his head on the passenger side mirror of his patrol car on the way down.

Adcox said that Ili tried to pull Hill away, but ended up wrestling on the ground also. Ili ended up seated on his side with his back facing Hill. Adcox saw Hill tugging on Ili's gun belt and heard the cracking sound of a Taser being activated or deployed. Adcox said he then saw Hill holding a Taser in both his hands. Adcox said he was able to push free, draw his duty weapon, and fire what he believed were two or three

¹ The conversation was recorded on Adcox's digital belt recorder.

² Adcox's recorder was turned off during this briefing.

rounds into the chest and side of Hill. Adcox said that Hill fell back, but was still holding onto the Taser when he hit the ground. Ili moved the Taser away from Hill's reach. Adcox requested medical aid.

Summary – Officer Giovanni Ili:

On October 19, 2006, Ili arrived at the scene after responding to a radio request for assistance by Adcox. Ili said that Adcox briefly explained that he saw the driver at the time of the stop, stuffing something in the car and wanted to get him out of the vehicle. Ili said Adcox contacted Hill at the driver's door while he approached from the passenger side. When Adcox asked Hill to step out of the car, Hill started asking something to the affect of "Why are you guys fucking with me?" Ili said he activated his belt recorder in order to document the contact.³ Ili said that Adcox conducted a cursory pat down search of Hill and then had him sit on the curb with his ankles crossed. Ili said that Hill was clearly agitated and his behavior was cause for concern. Ili said he told Adcox to place Hill in the back of the police car while they searched Hill's vehicle.

Ili said that Adcox told Hill to stand up and put his hands behind his back. Hill complied and had his palms together. Adcox grabbed Hill's fingers for control, telling him to walk back to his (Adcox's) car. Ili said both officers walked back to Adcox's car, at which time Hill said something similar to "You're not taking me to jail." Hill pulled his hands free and began fighting. Ili said they all three fell to the ground. Ili said that, during the fight, he felt something "tugging" on his gun which caused his gun belt to twist around his back. Ili said he grabbed his gun and pushed it down into the holster at the same time turning his body away from Hill to force him to release the gun. Ili said he made an emergency call for assistance on his radio and continued fighting with Hill.

Ili said he felt Hill trying to grab something on the other side of his gun belt. Ili then saw that Hill had his Taser in his left hand and was trying to get the safety off while pointing it at him (Ili). Ili said he continued to fight with Hill, holding his wrist, and turning the Taser away from him. Ili said he then heard two or three gunshots and Hill went limp. Ili said he took the Taser away from Hill and threw it to the ground. Ili said he then requested medical aid.

Summary – Witness Jorge Quinonez:

Quinonez was preparing to leave his residence in his vehicle when a Riverside police officer (Adcox)⁴ conducted a traffic stop, north bound, on Crest Avenue at the intersection of Babb Avenue. The vehicles blocked his driveway.

Quinonez said he watched as (Adcox) exited his car and approached a red Toyota Corolla that was driven by (Hill).⁵ Quinonez said he watched as (Adcox) talked

³ The only transcript of Ili's belt recorder was that portion after the shooting.

⁴ Quinonez described the first officer as a "white male".

to (Hill) and obtained his driver's license and vehicle registration. The officer returned to the passenger side of the police car and talked briefly on the radio. Within several minutes, a second officer (Ili) arrived.⁶

Quinonez said the officers told Hill to "get out of the car." The officers ordered Hill to walk to the back of his Toyota and told him to sit on the curb.

Quinonez said he stepped out of his car and walked to the front yard fence, approximately 20 feet away from the officers. Quinonez said he planned on waiting until the officers moved and he could leave.

Quinonez said he heard the officer keep telling Hill to "sit up straight." Hill kept saying he was sitting straight. Finally the officer told Hill to stand up and that he was going to arrest him. When Hill stood up, the officer told him to put his hands behind his back. The officer did not put handcuffs on the subject. The officer was standing behind Hill and they both began to walk backwards toward the police car.

Quinonez said he heard Hill tell the police officers, "You're not going to arrest me for nothing." Hill then spun around and hit the officer in the face with his right fist. The officer began falling to the ground and the white officer attempted to grab Hill from behind. Both officers and Hill fell to the ground in the driveway between the vehicles. The white officer was trying to hold Hill around the arms, "like a bear hug," from behind. The Hispanic officer had his "electric gun" in his hand but was stunned and looked almost unconscious. Hill grabbed the "electric gun" from the officer. The white officer quickly stood up, drew his gun, and fired three shots downward into the neck area of Hill. Quinonez said two of the shots hit Hill and he fell over onto his back. The third shot missed and was heard "ricocheting" or hitting the dirt.

Quinonez said both officers stood up and looked at one another with a very puzzled expression. They both appeared stunned and not certain what to do next. The white officer was overheard asking the Hispanic officer if he was okay. No other conversations between the officers were heard.

Autopsy Evidence:

The autopsy was performed by Forensic Pathologist Dr. McCormick.

Dr. McCormick reported that Hill sustained four gunshot wounds to his torso. The wounds included one on the right side of his chest near the armpit, one in the right portion of his upper chest, and two in his upper back. Dr. McCormick concluded the cause of death was due to gunshot wounds to the torso.

⁵ Quinonez described the driver as a "black male".

⁶ Quinonez described the second officer as "Hispanic".

Weapon Examination:

It was determined that four rounds had been fired from Adcox's duty weapon. Four expended cartridges were recovered. Four expended bullets were recovered. According to a California Department of Justice examination, the four expended cartridges matched the duty weapon of Adcox.

Taser Analysis:

A Taser analysis was conducted by RPD and concluded that Ili's Taser had been activated for approximately two (2) seconds during the fight.

APPENDIX:

RCPRC WITNESS STATEMENTS:

1. Jorge Quinonez
2. David R. Villa
3. Jonathan Solis
4. Leslie Braden

Jorge Quinonez:

On October 21, 2006 at 1:56 PM, I interviewed Jorge Quinonez. Quinonez was advised of the identity of the interviewing investigator and the purpose of the interview. Quinonez was attempting to leave his driveway at the time Riverside Police conducted a traffic stop on Joseph Hill and temporarily blocked the driveway. Quinonez was out of his car and behind the front fence, approximately ten feet away from the officers and Hill, when the shooting occurred. Quinonez told me the following information. The interview was digitally recorded and will be maintained and preserved by Baker Street Group during the course of this investigation.

Quinonez was preparing to leave his residence in his vehicle when a Riverside police officer conducted a traffic stop north bound on Crest Avenue at the intersection of Babb Avenue. The vehicles blocked his driveway.

Quinonez said he watched as a "white police officer" exited his car and approached a red Toyota Corolla that was driven by a "black male" subject, later identified as Joseph Hill. Quinonez said he watched as the officer talked to Hill and obtained his driver's license and vehicle registration. The officer returned to the passenger side of the police car and talked briefly on the radio. Within several minutes, a second officer arrived and parked his police car directly behind the first officer's car. The second officer exited his car and talked briefly with the first officer. Quinonez described the second officer as "Hispanic."

Quinonez said the Hispanic officer approached Hill and told him to "get out of the car." The officer ordered Hill to walk to the back of his Toyota and told him to sit on the curb. Quinonez said he stepped out of his car and walked to the front yard fence where he planned on waiting until the officers moved and he could leave.

Quinonez said he heard the Hispanic officer keep telling Hill to "sit up straight." Hill kept saying he was sitting straight. Finally the Hispanic officer told Hill to stand up and that he was going to arrest him. When Hill stood up, the Hispanic officer told him to put his hands behind his back. The officer did not put handcuffs on the subject. The Hispanic officer was standing behind Hill and they both began to walk backwards toward the police car. The white officer was standing facing Hill at the back of the Toyota's rear quarter panel.

Quinonez said he heard Hill tell the police officers, "You're not going to arrest me for nothing." Hill then spun around and hit the Hispanic officer in the face with his right fist. The officer began falling to the ground and the white officer attempted to grab Hill from behind. Both officers and Hill fell to the ground in the driveway between the vehicles. The white officer was trying to hold Hill around the arms, "like a bear hug," from behind. The Hispanic officer had his "electric gun" in his hand, but was stunned

and looked almost unconscious. Hill grabbed the “electric gun” from the officer. The white officer quickly stood up, drew his gun, and fired three shots downward into the neck area of Hill. Quinonez said two of the shots hit Hill and he fell over onto his back. The third shot missed and was heard “ricocheting” or hitting the dirt.

Quinonez said both officers stood up and looked at one another with a very puzzled expression. They both appeared stunned and not certain what to do next. The white officer was overheard asking the Hispanic officer if he was okay. No other conversations between the officers were heard.

Quinonez said he was interviewed and provided the same statement to the Riverside Police Department.

After the interview and while I was preparing photographs of the scene with Quinonez, the family of Hill arrived in the area and began asking questions. Quinonez expressed his desire not to talk to the family members and also expressed a personal concern for him and his family’s safety.

David R. Villa:

On October 22, 2006 at 10:50 AM, I interviewed David R. Villa at his residence regarding the shooting death of Joseph Hill by Riverside Police. David Villa was advised of the identity of the interviewing investigator and the purpose of the interview. Villa lives in the neighborhood where the shooting death of Joseph Hill by Riverside Police occurred on October 19, 2006. Villa is retired and was in his home at the time of the shooting. Villa told me the following information. The interview was not tape recorded.

Villa was standing at the sink in his kitchen when he heard four gun shots from outside his residence toward the street. Mr. Villa recalls the time as 10:30 AM. Villa said he went outside into his front yard and saw a red Toyota sedan parked facing north on Crest Avenue just past the stop sign at Crest Avenue and Babb Avenue. Villa also observed two Riverside police cars parked facing north directly behind the Toyota. There were two uniformed Riverside police officers standing in the driveway of a residence at 5892 Crest Avenue. Villa saw a black male subject lying in the driveway, motionless, with a dark spot appearing in the center of his chest through his white t-shirt.

Villa remained on his property and did not approach the scene. Villa did not hear any conversations between the officers and did not witness any of the events prior to the shooting.

Jonathan Solis:

On October 22, 2006 at 11:13 AM, I interviewed Jonathan Solis. Solis was advised of the identity of the interviewing investigator and the purpose of the interview. Solis lives in the neighborhood where the incident occurred. Solis was home during the time of the incident and made several observations. Solis told me the following information. The interview was digitally recorded and will be maintained and preserved by Baker Street Group during the course of this investigation.

Solis said he was in his bedroom and watched through the window as a Riverside police officer made a traffic stop close to his residence. The officer was driving a marked Riverside police unit. The civilian car was red in color and driven by a "black male" wearing a white T-shirt, later identified as Joseph Hill. Solis described the officer a "white male."

Solis said that he watched as the officer approached Hill's car. Solis said he watched as Hill stepped out of the car and left the driver's door open. Solis said he walked away from the window after watching this initial contact. Solis did not hear any conversation between the officer and Hill.

Solis said several minutes later he walked outside and onto the front porch. Solis said that, from the porch, he could see that another police car had arrived but could not see what was happening between the officers and Hill. Solis said it appeared the officers had been fighting with Hill, although he did not see any of the fight. Hill was on the ground and both officers were standing up with their guns drawn.

Solis said he heard gun shots and walked toward the officers. Solis said the white officer who made the initial traffic stop was the officer who fired his gun.

Solis said he walked toward the front of his yard and saw Hill lying on the ground in the driveway of the residence next door. Solis said he could not clearly see what had happened until he walked over toward the wall and after he had heard the gun shots.

Leslie Braden:

On October 21, 2006 at 2:20 PM, I interviewed Leslie Braden regarding the shooting death of Joseph Hill by Riverside Police. Braden is the sister of Hill and arrived in area of 5892 Crest Avenue, Riverside, during my interview with Jorge Quinonez. Braden was advised of the identity of the interviewing investigator and the purpose of the interview.

Braden was in the company of Janet Hill, James Hill, Yvonne Hill, and other cousins and younger family members of Joseph Hill. They were attempting to identify the location of the shooting and erecting a temporary memorial with photographs and balloons.

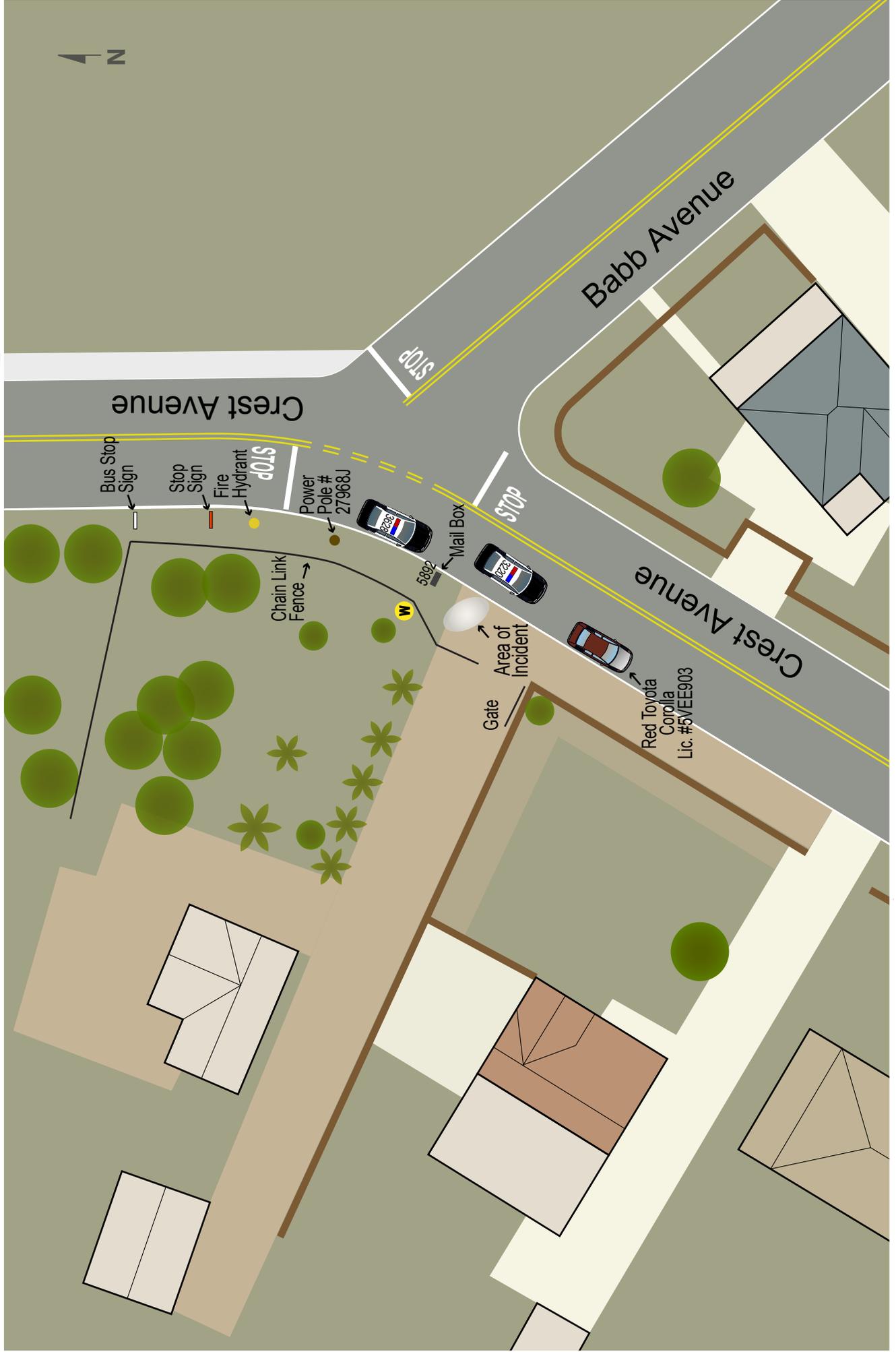
Mrs. Braden told me Joseph Hill was the second member of their family killed by Riverside law enforcement. In April 1992, Charles Hill was shot and killed by Riverside Sheriff's officers during an incident.

Braden told me that Joseph Hill had recently moved to Corona, CA and none of the family members were aware of his address. They also did not know if Joseph Hill was currently employed. Braden told me the family previously lived in some apartments not far from Crest Avenue and Babb Avenue and they believed that Joseph Hill still had friends in the neighborhood that he visited from time to time.

Braden and other identified family members were not willing to discuss the incident further with this investigator at this time.

Section B

10/19/2006 OFFICER INVOLVED SHOOTING 5892 Crest Avenue -- Riverside, CA



Section C

HILL OID FACT SHEET
CPRC MEETING DATE: 03/11/09
VERSION 8.02

Disputed fact (#36) noted in bold italics.

New fact (#62) noted in bold underline.

1. At about 10:00 a.m. on 10-19-2006, Officer Jeffrey Adcox was on patrol when he first noticed a subject in a vehicle, a red Toyota. The man, later identified as Joseph Darnell Hill, pulled over and stopped.¹
2. About 15 minutes later, Ofcr. Adcox said he saw Mr. Hill again driving. Again, the man pulled over. Ofcr. Adcox said he pulled up next to Hill's parked car, and began a conversation. Ofcr. Adcox said Mr. Hill complained that the officer was "harassing" him. Ofcr. Adcox said he again drove away without taking action.²
3. Ofcr. Adcox said he did not believe Mr. Hill's explanation, and Ofcr. Adcox remained in the immediate area.³
4. Ofcr. Adcox described driving around the block, and then seeing Mr. Hill driving toward him. Mr. Hill then made a u-turn and drove through two stop signs without stopping.⁴
5. At approximately 10:17 a.m., Ofcr. Adcox initiated a traffic stop at Crest Avenue and Babb Street on Hill's vehicle.⁵
6. Ofcr. Adcox said the reason for the stop was that Hill failed to come to a complete stop at two intersections.⁶
7. Witness Quinonez saw a police officer (Adcox) and a driver (Hill) stopped in front of Quinonez' home.⁷
8. Quinonez watched the incident from a distance of about 25-30 feet.⁸
9. Quinonez is primarily conversant in Spanish, but said he understands and speaks some English.⁹
10. Ofcr. Adcox activated his belt recorder in order to record the contact.¹⁰
11. Ofcr. Adcox approached the vehicle and talked with Hill, obtaining his driver's license.¹¹
12. Ofcr. Adcox said Hill was yelling and his hands were visibly shaking.¹²
13. Ofcr. Adcox returned to his vehicle and "paused" his belt recorder while requesting backup on his police radio.¹³
14. Ofcr. Adcox broadcast his request for a back-up, "can I get a 11-10," approximately 2 minutes and 15 seconds after the stop was broadcast.¹⁴
15. On the radio, Ofcr. Ili asked Dispatch for the location of the unit (officer) requesting back-up. When Dispatch replied with the location of Crest and Babb, Ofcr. Ili responded that he would be enroute from Tyler and Cypress (approximately 0.4 mile).¹⁵
16. There is no recorded radio traffic between Adcox and Ili.¹⁶

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17. Ofcr. Adcox first talked with Ofcr. Ili after he arrived.
18. Ofcr. Adcox said he told Ofcr. Ili that Hill had been avoiding Adcox for an unknown reason, and that something just didn't seem right about the circumstances.¹⁷
19. Ofcr. Ili recalled that Ofcr. Adcox said Hill had looked like he was stuffing something inside the car, and so Ofcr. Adcox wanted to get Hill out of the car.¹⁸
20. Ofcr. Adcox checked Hill for probation or parole violations, and was advised there were none.¹⁹
21. Officer Adcox apparently reactivated his recorder, as the second contact with Hill was also recorded.²⁰
22. Both officers approached Hill's vehicle.²¹
23. Ofcr. Adcox asked Hill to step out of the car and he complied.²²
24. Ofcr. Ili said he heard Hill use profanity at that point in commenting about the stop, and so Ili activated his recorder.²³
25. However, Ofcr. Ili's recorder did not activate, and no recording was made by Ili until sometime after the shooting.²⁴
26. Ofcr. Adcox conducted a pat-down search, and detected no weapons.²⁵
27. Ofcr. Adcox instructed Hill to sit on the curb with his legs extended in front of him.²⁶
28. Hill complied, but argued with the officers and accused them of harassment.²⁷
29. Ofcr. Adcox told Hill 3 consecutive times to straighten his legs and Hill twice replied that his legs were straight.²⁸
30. Ofcr. Adcox said at first Hill didn't cross his legs, and then when he did cross them, he did so in such a way that he could still stand up and run.²⁹
31. Ofcr. Adcox said he did not feel comfortable about Hill's behavior.³⁰
32. Ofcr. Ili also said he did not feel comfortable about the contact at that point.³¹
33. Ofcr. Adcox elected to place Hill in the back seat of the police car while he and Ili searched the vehicle.³²
34. Ofcr. Adcox said he picked Hill up from the seated position, put Hill's hands behind his back and had hold of Hill's fingers, and began to walk Hill to the police car.³³
35. When questioned by RPD investigators, Witness Quinonez four times recalled that Hill said, "you're not going to arrest me."³⁴

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36. When questioned later by CPRC investigators, Witness Quinonez recalled that the one of the officers told Hill that he was going to be arrested. Quinonez then added that Hill said, “you’re not going to arrest me for nothing.”³⁵

37. Ofcr. Adcox said he did not tell Hill he was under arrest. ³⁶

38. Ofcr. Ili said neither he nor Ofcr. Adcox told Hill he was under arrest.³⁷

39. Ofcr. Adcox said that as he grabbed Hill’s hand, Hill stated something like, “you’re not gonna arrest me”³⁸

40. The digital recording has no record of either officer advising Hill he was under arrest.

41. The digital recording did capture Hill stating, “You’re going to arrest me? What the fuck you arrestin’ me for?”³⁹

42. Hill spun around and initiated a fight with the officers.⁴⁰

43. Ofcr. Adcox’ recorder ceased recording for an unknown reason.

44. Hill put his arm around Ofcr. Adcox’ neck, and placed Adcox in a headlock.⁴¹

45. Witness Quinonez saw Hill spin and grab one police officer, then punch the officer in the head.⁴²

46. Witness Navarette saw Hill raise both arms and “attack” one officer.⁴³

47. Hill and Ofcr. Adcox went to the ground.⁴⁴

48. On his way to the ground, Ofcr. Adcox struck his head on the police car passenger side mirror.⁴⁵

49. Ofcr. Ili also went to the ground in an attempt to aid Ofcr. Adcox.⁴⁶

50. Ofcr. Adcox saw Ofcr. Ili was also on the ground and Ili’s back was to Hill.⁴⁷

51. Officer Ili felt tugging on his holstered firearm, which caused his belt to swivel to the right.⁴⁸

52. Ofcr. Ili believed that Hill was trying to remove the gun from the holster.⁴⁹

53. Ofcr. Adcox saw Hill tugging on Ofcr. Ili’s belt.⁵⁰

54. Ofcr. Ili grabbed his holstered gun with his right hand, then turned onto his right side, causing Hill to release his hold of the holstered gun.⁵¹

55. Ofcr. Ili then felt tugging on the other (left) side of his belt.⁵²

56. Witness Quinonez said Hill did not grab the taser, but was trying to grab the Taser.⁵³

57. Ofcr. Ili saw Hill holding a Taser, trying to turn the safety off.⁵⁴

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58. Ofcr. Ili pulled the cartridge from the front of the Taser to prevent being shot with the taser darts.⁵⁵
59. Ofcr. Ili grabbed Hill's wrist and tried to turn the Taser from being pointed at him.⁵⁶
60. Ofcr Ili believed that he would be disabled if he was tased.⁵⁷
61. Ofcr. Adcox heard the sound of a discharging Taser, then saw Hill holding a Taser with both hands.⁵⁸
- 62. The computer download from Ofcr. Ili's taser showed the taser was fired once for two (2) seconds on 10-19-2006 at 10:20:06 hours.**⁵⁹
63. Ofcr. Adcox heard Ofcr. Ili yelling, and thought Ili was being tased.⁶⁰
64. Ofcr. Adcox believed that if Hill was able to tase the officers, he would disable and kill them.⁶¹
65. Ofcr. Adcox pushed away from Hill, pulled his duty weapon, and fired several times at Hill's torso.⁶²
66. As Ofcr. Adcox fired his weapon, Ofcr. Ili and Hill were struggling.
67. At 10:25, eight (8) minutes after the traffic stop was broadcast, Ofcr. Adcox advised "shots fired."⁶³
68. The shooting was broadcast at 10:25:58.⁶⁴
69. Dispatch alerted AMR and the Fire Department to respond at 10:26.⁶⁵
70. Fire Engine 7 advised it was on-scene 6 minutes later at 10:32, and broadcast that AMR was already on-scene.⁶⁶
71. Hill was treated at the scene by paramedics, then transported to the hospital.⁶⁷
72. Engine 1 advised that a paramedic and AMR were enroute to community hospital at 10:34, 8 minutes after the initial shooting call went out.⁶⁸
73. Parkview Emergency Room physician Dr. Abdelsheid told RPD Detective Smith that Abdelsheid pronounced Hill deceased at 11:17.⁶⁹
74. The Riverside County Coroner identified the cause of death as from gunshot wounds. Four gunshot wounds were identified.⁷⁰
75. Post mortem toxicology examination detected the presence of cannabanoids (marijuana by-product) in Hill's system.⁷¹
76. A subsequent search revealed no contraband was found in the car.⁷²

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77. The Taser was processed and examined for latent fingerprints, but no identifiable prints were located.⁷³

78. The Taser was swabbed for DNA evidence, but the collected sample was insufficient to make a DNA finding.⁷⁴

¹ Officer Adcox interview, by Detective Medici. Criminal Investigation Book, tab 55, pg 3, lines 95-101.

² Ibid, lines 102-14.

³ Ibid, lines 114-21.

⁴ Ibid, lines 121-29.

⁵ RPD Initial Report, P06092770, Detective Mike Medici, pg. 1, CIB (Criminal Investigation Book), (tab 3).

⁶ Adcox interview, pg 3, lines 122-32 (tab 55).

⁷ Witness Quinonez interview, Officer Nelson and Detective Shumway, pgs 2-3, lines 88-100 (tab 24).

⁸ Ibid, pg 9, line 375.

⁹ Quinonez interview, pg 2, line 58-61 (tab 24).

¹⁰ Officer Adcox interview, pg 3, (tab 55); Adcox belt recorder transcription, (CIB, tab 73)

¹¹ Ofcr. Adcox interview, pg 3 (tab 55); Adcox belt recorder transcription, (tab 73); Interview report, Warnberg, witness Quinonez pg 1 (RCPRC)

¹² Ofcr. Adcox interview, pg 4 (tab 55).

¹³ Ofcr. Adcox interview, pg 25, (tab 55).

¹⁴ Police radio main channel transcript, pg 2 (tab 74); CD of police radio main channel, approx 2:50 mark.

¹⁵ Ibid, pg 2.

¹⁶ Ibid.

¹⁷ Ibid, pg 4, line 152-53.

¹⁸ Officer Ili interview, Det, Medici, pg 2, line 89; pg 5, line 197 (tab 56).

¹⁹ Ofcr. Adcox interview, pg 4, lines 153-54 (tab 55).

²⁰ Recorder transcript (tab 73).

²¹ Interview report, Warnberg, witness Quinonez pg 1 (RCPRC)

²² Adcox belt recorder transcription (tab 73)

²³ Ili interview, pg 3, lines 66-69 (tab 56).

²⁴ Transcript of Ili's interview of unknown man (tab 75).

²⁵ Adcox interview, pg 4, lines 167-71; pg 8, lines 338-46 (tab 55). Ili interview, pg 3, lines 103-04 (tab 56).

²⁶ Interview report, Warnberg, witness Quinonez pg 1 (RCPRC)

²⁷ Adcox belt recorder transcription (tab 73)

²⁸ Ibid, pgs 2-3, lines 88-98.

²⁹ Adcox interview, pgs 8-9, lines 359-62 (tab 55).

³⁰ Ibid, pg 10.

³¹ Ili interview, pg 3, lines 110-11; pgs 6-7 (tab 56).

³² Adcox interview, pg 5 (tab 55); Ili interview, pg 3 (tab 56); Interview report, Warnberg, witness Quinonez pg 1 (RCPRC)

³³ Adcox interview, pgs 11-12, lines 493-533 (tab 55).

³⁴ Quinonez interviews: (1) pg 2, line 45-46 (tab 23); (2) pg 4, line 159-61 (tab 24); (3) pg 8, line 317-18 (tab 24); (4) pg 8, line 352-53 (tab 24)..

³⁵ Quinonez interview, RCPRC, page 10, paragraphs 5 & 6..

³⁶ Adcox interview, pgs 11-12, lines 480-97 (tab 55).

³⁷ Ili interview, pg 7, lines 276-88 (tab 56).

³⁸ Adcox interview, pg 11-12, lines 493-97 (tab 55).

³⁹ Digital recording transcript, pg 3 (tab 73).

⁴⁰ Adcox interview, pg 6 (tab 55); Ili interview, pg 3 (tab 56) ; Interview report, Warnberg, witness Quinonez pg 2 (RCPRC);

⁴¹ Adcox interview (tab 55).

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- 42 Interview of Witness Quinonez (tab 24).
- 43 Interview of Witness Navarette (tab 25).
- 44 Adcox interview.
- 45 Ibid.
- 46 Ili interview (tab 56).
- 47 Adcox interview.
- 48 Ili interview, page 9 (tab 56).
- 49 Ili interview.
- 50 Adcox interview.
- 51 Ili interview, pg 10, lines 424-44 (tab 56).
- 52 Ibid.
- 53 Quinonez interview, pg 12-13 (tab 24).
- 54 Ili interview (tab 56).
- 55 Ibid.
- 56 Ibid.
- 57 Ibid.
- 58 Ibid.
- 59 Supplemental Report, Det. Cobb, pg. 2 (tab 59).
- 60 Ili interview.
- 61 Adcox interview.
- 62 Ibid.
- 63 Synopsis, and CAD records (tab 3).
- 64 CAD Fire broadcast.
- 65 Ibid.
- 66 Ibid.
- 67 Coroner's report (tab 10).
- 68 CAD Fire broadcast (tab 77).
- 69 Supplemental Report, Det. D. Smith, pg 3 (tab 18).
- 70 OID Summary, coroner, pg 13 (tab3).
- 71 OID Summary, toxicology, pg 13 (tab 3).
- 72 Supplemental Report, Det. Cobb, pg 3 (tab 53).
- 73 Supplemental Report, RPD Tech Fuller (tab 68).
- 74 Supplemental Report, RPD Tech Lujan (tab 69).

Section D

Effective Date: 4/23/2002
Revision 1 Date: 8/16/2002
Approval:

Russ Leach
Chief of Police

4.60 **AUDIO RECORDING POLICY:**

A. POLICY:

It is the policy of the Department to record officer-initiated traffic stops, pedestrian stops and contacts with the public made by officers, detectives and sergeants assigned to the Field Operations Division and by those employees assigned to field enforcement duties in the Special Operations Division. Employees may record contacts with other person(s), as needed, to provide a record of the encounter. Employees shall not record personal contacts not related to their duties, nor shall they record other police personnel except when such recording is incidental to a recording otherwise required or permitted by this policy. All audio recordings are the property of the City of Riverside and are subject to review, reproduction and distribution as deemed necessary and may be done without prior knowledge or authorization of the employee(s) involved.

B. PURPOSE:

To establish a procedure by which Department personnel record officer-initiated contacts and store those recordings for official use. Recordings provide an accurate, unbiased audio record, which may be useful for investigation of complaints and lawsuits, evaluation of an employee's performance, as a training aid and as evidence for court purposes.

C. OPERATING PROCEDURE:

1. The Department will issue a recorder to each officer, detective and supervisor assigned to the Field Operations Division and to employees assigned to field enforcement duties in the Special Operations Division. Recorders may be issued to other employees of those Divisions at the discretion of the commander or his designee. Personally owned recorders shall not be used to comply with this policy.
2. The employee will be responsible for the use, care and serviceability of his/her assigned recorder. The employee shall notify their supervisor if their assigned recorder is not serviceable. A replacement recorder will be provided.
3. Employees shall record all officer-initiated traffic stops, pedestrian stops, and contacts with the public. Employees may record other contacts, not otherwise prohibited by law or this policy, to provide a record of the conversation for police purposes. Employees should not record conversations with witnesses where their identity would otherwise be unknown and recognition of the person would compromise an investigation or subject the person to unreasonable personal risk.
4. Whenever possible, the recorder shall be started just prior to the contact. If confronted with an unexpected event, employees should react to any potential threats and activate their recorder as soon as safely possible.
5. Officer-initiated contacts should be recorded in their entirety. If the contact is interrupted for an extended period of time (employee returning to their vehicle to write a citation, conducting a records check, etc.), the recorder may be turned off to preserve digital memory and battery life. The recorder shall be restarted just prior to re-contact.
6. Where multiple employees are present at an incident and recording is required, all

employees shall record the incident regardless of their responsibilities.

7. In the event an employee fails to record an incident as required by this policy, fails to record a controversial incident or the recorder malfunctions, he or she shall immediately notify their supervisor of the circumstances surrounding the incident.
8. Employees shall note the existence of any related audio recording(s) in any police report, including citations and FI cards, they make of an incident and/or shall report the existence of any related audio recording(s) in any internal Department investigation.

D. AUTOMATED DIGITAL RECORDING STORAGE PROCEDURE:

1. The employee will download their audio recordings to a designated Department computer workstation or their assigned Mobile Data Computer (M.D.C.) at least once daily at the end of each shift.
2. After completing the download, the employee will identify each recording with the incident number assigned to that incident. Employees shall move their recordings to the secure server by using one of the following processes:
 - a. When utilizing a designated Department computer workstation, by “clicking” on the “Audio Server Transfer” icon displayed on the desktop.
 - b. When using an M.D.C., the employee docks the M.D.C. to a Local Area Network (LAN) docking station, logs on, and “clicks” on the “Audio Server Transfer” icon displayed on the desktop.
3. Employees are prohibited from any attempt to delete, alter, edit, or otherwise change a recording of a field encounter.
4. Except when directed by a supervisor, employees shall not make copies of any recording.

E. RECORDING CONTROL AND MANAGEMENT PROCEDURE:

1. Except as described in paragraph 3 below, audio recordings will be maintained by the Records Bureau for two years, or as otherwise prescribed by law.
2. Requests for copies of recordings will be routed to the Records Bureau, utilizing the Digital Recording(s) Request Form. Copies of digital recordings received from the Records Bureau are considered certified and shall not be released to other than the intended person or entity.

As a part of a personnel investigation, Internal Affairs may move an original recording, or recordings, to a secure folder under their control. Internal Affairs may copy files from the secure folder and distribute those files as necessary to complete the investigative and/or disciplinary process.

3. Recordings will be preserved as evidence based upon receipt of written direction from Department managers, supervisors, case agents or other authorized personnel. Such written direction must specify the recording(s) to be preserved.
4. Upon receipt of a request to preserve a recording as evidence, Records Bureau personnel shall move the recording to a separate location on a designated secure server. The recording shall not be disposed of thereafter without authorization from the case agent, or a supervisor or manager in the case agent’s chain of command.
5. Copies of recordings will not be made for personal use.

F. SUPERVISORY RESPONSIBILITIES:

1. Supervisors may direct officers to provide a copy of an audio recording in limited instances when it serves to immediately assess an internal or citizen's complaint, promote public safety, or for other exigent purposes.
2. It is the duty of supervisors to inspect and audit audio recording equipment and procedures. Upon notification from an employee that a recorder is not serviceable, the supervisor shall provide a replacement recorder from Department inventory.

4.31 SEARCHING, HANDCUFFING AND PRISONER TRANSPORTATION:

A. PURPOSE:

Officers of the Police Department are required to arrest and restrain persons in a safe and lawful manner. The purpose of this policy is to provide guidelines on the transportation of all persons in the custody of law enforcement officers. These guidelines are not intended to cover every situation presented to officers. Therefore, officers must always use good judgement and be reasonable in their actions.

B. POLICY:

The responsibility for the safety and well-being of a prisoner, once taken into custody, rests upon the officer and the Department. It is the officer's duty to keep the prisoner safe from harm, protect others, and prevent escape.

The officer's life or the life of a fellow officer may be jeopardized if reasonable precautions are not taken. Proper and reasonable techniques shall be utilized while searching persons, handcuffing, and transporting prisoners.

C. SEARCHING PERSONS:

Even though the circumstances and techniques of each search are different, there are several principles which are common to all searches.

1. Common Principles:

- a. Constant alertness on the part of the officer.
- b. Proper balance on the part of the officer.
- c. Self-control on the part of the officer.
- d. Maintaining control of the suspect and position of advantage.
- e. Thoroughness of the search.
- f. Safeguarding of weapons (officer's/suspect's)
- g. Always search from the rear, never the front.
- h. Search with one hand. Other hand should be in contact with the suspect.
- i. Control of the officer's weapon by keeping his/her gun out of the suspect's reach.
- j. Always search systematically.
- k. If a weapon is found, tell assisting officers (where/what) immediately.

- I. If a weapon is found, maintain control of suspect/weapon. Continue searching for additional weapons. Never assume suspect carries only one weapon.
2. Suspects may conceal weapons or contraband anywhere on their bodies, therefore, an officer's search must be systematic and thorough. There are several common locations in which weapons and contraband may be carried. These include but are not limited to: hair, waistband, pockets, groin area, small of back, ankles, pocket books, purses, wallets, underarm area, jewelry designed to be used as weapons (i.e., necklaces, belt buckles, etc.), clothing, and under hats.
3. The decision of whether or not to search first and then handcuff or handcuff first and then search depends on what is safe and reasonable under the circumstances.
4. Searching of the opposite sex.
 - a. If the opposite sex suspect is an immediate threat to the arresting officer's safety, the suspect should be searched immediately.
 - b. If the opposite sex suspect is not an immediate threat to the arresting officer's safety and a same sex officer is available, the same sex officer should search the suspect.
 - c. If the opposite sex suspect is not an immediate threat to the arresting officer and a same sex officer cannot be located, the suspect should be searched by the arresting officer. A search under these circumstances should be witnessed by another officer or reliable person and should be limited to searching for weapons.
5. Strip and body cavity searches shall be conducted in accordance with Department policy 4.35 L (see section 4.35L - 3).

D. HANDCUFFING:

1. Purposes for Handcuffing:

The handcuff can be thought of as a safety device both for the officer and the prisoner. The handcuff is used for **temporary** restraint to minimize attack, escape, the destruction or concealment of evidence or contraband, and self-inflicted injury.

2. Control over a Handcuffed Prisoner:

- a. The officer must maintain control over a handcuffed prisoner keeping in mind that handcuffs are merely a **temporary restraining device**. Handcuffs do not immobilize a suspect.
- b. Control must be maintained in order to minimize the suspect's opportunity for action which produces injuries or affords an opportunity for escape.
- c. This control should especially be adhered to while escorting prisoners, for example, to and from a police vehicle, or while walking suspects in police buildings, where many officers carry exposed weapons.

1. Officers shall not permit unattended prisoners to walk or stand behind them, whether handcuffed or not.

3. Handcuffing Techniques:

- a. The Department currently instructs in two methods of handcuffing.
 - 1. The "quick-cuff" has the officer using his strong hand to control and use the handcuffs while maintaining a control hold on both of the arrestee's hands with the offhand.
 - 2. The "rear wristlock" has the officer using his strong hand to control and use the handcuffs while maintaining a rear wristlock control hold on the arrestee.
 - b. The Department instructs in two levels of risk involved in making arrests.
 - 1. Low-risk: Both methods of handcuffing can be used as instructed with the arrestee remaining in a standing position.
 - 2. High-risk: Both methods of handcuffing can be used as instructed with the arrestee in either a kneeling or prone position.
 - c. Any suspect within the lawful custody of any officer shall be adequately searched and handcuffed with the hands behind the back whenever possible.
 - d. Handcuffs should be applied on the wrist between the hand and the protruding base of the ulnar bone.
 - e. Handcuffs should be properly fitted as instructed and **double-locked**.
 - 1. When double-locked, the possibility of inflicting injury to the suspect, or the possibility of picking or slipping the locking mechanism is reduced.
 - f. An attempt should be made to avoid applying the handcuffs over bulky fitting garments since this can restrict the free movement or pivoting of the single bar of the handcuffs.
 - g. In order to reduce a suspect's potential to be aggressive, both hands should be cuffed behind the back.
 - h. If it becomes necessary to handcuff multiple suspects, additional handcuffs should be used to restrain the suspects temporarily.
4. **Removal/Exchange of Handcuffs:**
- a. Once properly applied, care should be taken before handcuffs are removed and exchanged.
 - b. In situations where handcuffs need to be exchanged, officers should place the handcuffs on in such a manner that the keyholes are not facing each other.
5. **Temporary Securing of Arrestee:**
- a. Officers should be aware of the potential hazards when handcuffing prisoners to stationary objects, leaving them unattended in police vehicles, or losing visual contact with a prisoner. The prisoner is the officer's responsibility.
6. **Exception to the Handcuffing Procedure:**

a. Mentally ill persons:

1. Officers may handcuff a mentally ill person in the absence of other restraints.
2. When a mentally ill person whose age or physical condition is such that the personal safety of the mentally ill person and officer clearly will not be jeopardized, the use of handcuffs shall be the discretion of the officer.

b. Multiple prisoners:

1. Normally, a female should not be handcuffed to a male.
2. Normally, a juvenile should not be handcuffed to an adult.
3. A violent arrestee should not be handcuffed to another arrestee.

c. Officers may handcuff a prisoner with his/her hands in front or utilize other appropriate devices when the prisoner:

1. Is in an obvious state of pregnancy.
2. Has a physical handicap, is unable to put their hands behind his/her back or has injuries that could be aggravated.

7. Alternate Restraint Devices:

The Department currently authorizes the use of plastic restraining devices and leg restraints (Ripp Hobble). Plastic flex cuffs can be used for multiple arrest situations and the leg restraints should be used on violent and resistant suspects.

E. TRANSPORTING OF PRISONERS:

While transporting prisoners the officer should expect the unexpected. The unpredictable nature of an arrestee creates a serious threat to officers removing a suspect from the scene of an arrest. The fact that an arrestee submits peacefully will not guarantee that they will not resort to violence or trickery to escape custody. Any arrestee may be an escape risk or a potential threat.

1. Search the prisoner prior to transporting. Searching a prisoner is the first of many precautionary measures.
 - a. An officer should not depend on another officer to search a prisoner for him/her.
 - b. An officer should personally search each person they will transport.
 - c. An officer shall confiscate any article that can be used for a weapon.
2. Any prisoner, whether male, female, adult, or juvenile should be handcuffed prior to transporting.
 - a. Normally, prisoners should be handcuffed with their hands behind them.
 - b. Violent prisoners should be handcuffed and transported separately.

1. Consideration should be given to transporting them in an ambulance, restrained to a gurney.
 - c. Prisoners SHALL NOT be handcuffed to any portion of the police vehicle.
 - d. If practical, prisoners should be secured in the vehicle by proper use of a seat belt.
3. **The Guidelines for Proper Positioning of Prisoner and Officer in a Vehicle are as Follows:**
 - a. An officer shall not transport an **unattended** prisoner in the back seat of any vehicle not equipped with a prisoner cage.
 - b. When it is necessary to transport prisoners in a vehicle not equipped with a prisoner cage, the prisoner should be placed in the rear seat on the passenger side and kept under constant observation by another officer riding in the rear seat to the left of the prisoner.
 - c. When transporting prisoners in a vehicle equipped with a prisoner cage, officers shall position the prisoner(s) in the right-hand rear seat or middle where the prisoner can be observed through the rear view mirror.
 - d. The decision to transport without the benefit of a prisoner cage should be made only after careful considerations of factors such as:
 1. Type of crime
 2. Number of prisoners
 3. Level of experience of transporting officers
 4. Familiarity with the prisoner(s)
4. **Transporting Opposite Sex Prisoners:**
 - a. When transporting an opposite sex prisoner, the officer should notify the radio dispatcher of their unit mileage upon departure and arrival, the exact times of which will be automatically recorded in the computer and on tape.
 - b. Generally, opposite sex prisoners will not be transported together unless they were arrested together and are not combative.
5. **Area-Vehicle Search Relative to Transporting:**
 - a. Although the interior of the transporting vehicle is searched for possible weapons or evidence after a prisoner has been delivered, it is also a good practice to search the vehicle before transporting prisoners.
 - b. A search conducted immediately after a prisoner is transported, makes it easier to establish that contraband (weapons or evidence) was hidden by that prisoner.
6. **Prisoner Control in Police Facilities:**

- a. Officers escorting prisoners in a police facility shall use unoccupied elevators when possible.
- b. The escorting officer shall notify other persons entering the elevator that prisoners are present.
- c. Prisoners will remain handcuffed while in common areas of any building, including elevators.
- d. Prisoners being escorted in elevators should be instructed to face one of the walls.

7. Controlling Violent Prisoners:

- a. Officers transporting prisoners suspected of being under the influence of P.C.P., L.S.D. or any other hallucinogen, or while transporting mentally disturbed persons shall be accompanied by at least one other officer. These prisoners should be watched at all times.
- b. Good judgement must be exercised in controlling a prisoner who continues to resist, (e.g., yelling, spitting, banging his/her head on prisoner cage, or attempting to kick out the vehicle windows).
- c. Placing adhesive tape or any other type of restraint over or across a prisoner's mouth to prevent yelling or spitting is forbidden. This does not preclude the use of a disposable surgical mask.
- d. Any use of force upon a prisoner shall be reasonable and comply with the Department's Use of Force Guidelines.
- e. When a leg restraint is used in conjunction with handcuffs, the prisoner should be placed on his/her side on the back seat, with the face pointing toward the screen. A second officer will ride in the front passenger seat and will be responsible for watching the prisoner at all times.
 - 1. Frequent checks should be made to insure adequate breathing and unrestricted circulation of blood to the prisoner's hands and feet.

8. Additional Transporting Guidelines:

- a. Prisoners SHALL NOT be left in vehicles for extended periods in hot weather. Windows will be rolled down for ventilation and/or the vehicle's air conditioner will be turned on when prisoners are left in vehicles for short periods in hot weather.
- b. While transporting prisoners by vehicle officers must obey all traffic regulations. Officers SHALL NOT engage in a code-three response while transporting prisoner(s).
- c. When it is necessary for an officer to conduct business away from a prisoner, the officer shall instruct another officer to watch his/her prisoner.
- d. Injured or unconscious persons should be examined by a physician and be given first aid before booking. The officer should be alert for medical conditions such as shock, brain injury, and diabetic coma.
- e. Unnecessary conversation with a prisoner should be avoided.

F. TOTAL APPENDAGE RESTRAINT METHODS AND EQUIPMENT:

1. PURPOSE:

The purpose of this policy is to provide police officers with guidelines in the use of total appendage restraining methods. Total appendage restraining methods are designed to be used in various situations that require the restraint of a violent or uncooperative suspect, preventing or limiting injury to officers and/or the suspect and/or damage to property.

2. DEFINITIONS:

- a. **HOBBLE** - A restraining device used primarily to secure the legs and ankles of a subject.
- b. **“RIPP” HOBBLE** - A restraining device made of one-inch wide polypropylene webbed belting with a tested strength of 700 pounds, equipped with a one-inch wide steel, alligator-jawed, friction-locking clip, and bronze swivel.
- c. **“TARP” - Total Appendage Restraint Position** - The method employed by officers to restrain handcuffed suspects in a seated position, using RIPP or similar type equipment.

3. POLICY:

- a. Officers shall only use department approved restraining methods, when such use appears warranted under the circumstances. Currently, only restraining hobbles that are of the “RIPP” design or similar are approved. This does not preclude officers from using other restraining devices if the “RIPP” or similar type hobbles are not immediately available. However, the use of other devices or systems is discouraged, unless absolutely necessary.
- b. Officers shall not restrain or transport suspects in a “Hog-Tied” position. For the purpose of this policy, Hog-Tied refers to the method of restraining the hands and feet together behind the suspects back while the suspect is lying in a face down position. The T.A.R.P. is not a hog-tie position. If it is necessary to control and restrain a suspect by the use of two or more officers transferring their body weight onto the suspect while the suspect is positioned face down on the ground, officers shall immediately, upon restraining the suspect, reposition the suspect into a sitting or face-up position. Officers shall continually monitor the suspect for signs of Cocaine Psychosis (Cocaine Overdose) or Excited Delirium (“Other” Drugs Overdose). If in doubt, officers should arrange to have the suspect transported to the hospital prior to booking. (Refer to training bulletin 96-02.)

4. APPROVED USES OF THE RIPP HOBBLE:

- a. To secure the feet and legs of a suspect to control running, kicking, and fighting.
- b. To prevent a suspect from standing.
- c. To secure a violent and/or uncooperative suspect in a total appendage restraint (T.A.R.P.) position.
- d. To secure a suspect’s feet in the police unit to prevent self injury, injury to

officers, and/or damage to police units.

- e. As approved by a supervisory officer.

5. **PROCEDURE:**

When the hobble is used on a suspect who meets the listed criteria for use, the following procedures will be employed as they apply:

- a. When transporting a suspect in the rear of the unit with the suspect's ankles secured with the hobble, officers will attempt to seat suspect in an upright position in the passenger side, back seat. After seat belting the suspect, the loose end of the hobble will be secured to the front seat area in a manner which prevents the suspect from kicking. In no circumstances will the loose end of the hobble be left outside of the back or front door.
- b. A suspect who is continually combative and/or uncooperative may be restrained in the T.A.R.P. position. **A suspect restrained in this position shall not be transported face down on their chest.** The suspect can be placed on his/her side and his/her feet secured as above. When a suspect is transported in this position, the transporting unit will consist of two officers. The second officer will continuously monitor the suspect's condition. Medical attention shall be sought if the suspect appears to be having difficulties in breathing, lapse in consciousness, or other medical problems.
- c. A suspect may be kept in the T.A.R.P. position for as long as it appears necessary under the circumstances of each particular situation. The suspect should be released from the feet to handcuff (T.A.R.P.) position when it reasonably appears that the suspect is cooperative and non-combative.
- d. The use of the "RIPP" or other approved hobble devices shall be fully documented in the arrest reports. This documentation shall include the observable symptoms and specific actions of the suspect which required the use of a restraint device.
- e. Officers who use the hobble restraint on a suspect, shall immediately notify a supervisory officer when the hobble restraint device is used in incidents as outlined in the Use of Force Guidelines, Section 4.30 (I).

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Approval:

Russ Leach
Chief of Police

4.43 **TASER CONTROL DEVICE:**

A. POLICY:

The Taser device shall be deployed pursuant to the Departmental Use of Force Policy enumerated in Manual Section 4.30.

B. DEFINITION:

The Taser is a non-lethal hand held electronic immobilization device that propels a pair of tiny dart contacts into the skin or clothing of a noncompliant, violent, or physically combative subject. An electrical current passes through these contacts into the body of the subject causing instantaneous muscle spasm and loss of balance.

C. PROCEDURES:

1. Operation:

The Taser may be used to take a noncompliant, violent, or physically combative subject into custody in order to reduce or minimize the chance of injury to the subject and arresting officer(s).

The effective range of the Taser is from two to fifteen feet. The Taser should be used when the Taser Operator can approach within five to fifteen feet of the subject with reasonable safety.

2. Restrictions:

No member of this Department will be authorized to carry or use the Taser without proper certification. An exception would be when an authorized person is prevented from using the Taser due to an emergency situation.

The Taser shall not be used on individuals who are passively resisting arrest, and generally shall not be aimed at the head, neck, or genital areas.

The Taser shall **not** be used in the apprehension of the following individuals:

- a. People in control of vehicles.
- b. Women known to be pregnant.
- c. People known to have diseased or weak hearts.
- d. Obviously debilitated people or elderly people who are known to be at greater risk under all circumstances, especially from medical injuries.
- e. Children under age 12.
- f. People with obvious or known neuromuscular disorders, i.e., Multiple Sclerosis,

Muscular Dystrophy, Epilepsy.

- g.** People known to be wearing pacemakers or other biomedical devices.
- h.** People known to be in danger of falling to their death or being caught in dangerous equipment or machinery.
- i.** Person who are known to be in close proximity to flammable liquids, gases, or any substance or object that could be ignited or exploded by a spark.

3. Medical Treatment:

Any person subjected to immobilization by the use of the Taser device **shall**, as soon as practicable and prior to booking, be transported to Riverside Regional Medical Center or, in an emergency, to the nearest hospital emergency room for examination and a medical release to book.

Only medical personnel will remove Taser darts which have or are believed to have penetrated the skin. Officers should disconnect the cartridge and wires from the Taser weapon and secure them in a manner which prevents the darts from being accidentally removed from the person.

Photographs **shall** be taken of the suspect's Taser dart puncture wound(s) as soon as practicable, and shall be placed into evidence. The photographs should show the location of the wound(s) clearly and should be taken after the wound(s) is cleaned by medical personnel and before any treatment, if applicable.

The expended darts and cartridge shall be sealed in an envelope and placed into evidence.

4. Training:

Training and certification in the use and care of the Taser shall be the responsibility of the Department's Force Training Unit supervisor or other qualified Taser trainers. Taser operators must be recertified bi-yearly.

5. Inspection:

The department's Force Training Unit Supervisor shall conduct bi-yearly inspections and audits of all Department's Tasers and cartridges.

6. Reporting:

All discharges of the Taser and the circumstances surrounding its use shall be documented in the Initial Police Report. A supervisor shall complete a Use of Force Investigation pursuant to 4.30 of this Manual.

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Approval:

Russ Leach
Chief of Police

4.30 USE OF FORCE POLICY:

A. PURPOSE:

The Police Department's primary function is to protect the rights of all persons within its jurisdiction to be free from criminal attack, secure in their possessions, and to live in a peaceful atmosphere. In order for the Department to carry out this function, police officers may be required to use physical force. **It is in the public interest that this Department's officers be guided by a Use of Force Policy which is fair, appropriate, and creates public confidence in the law enforcement profession.** The application of physical force, and the type of force employed, depends on the situation as perceived by the officer. The purpose of this policy is to provide guidance as to when physical force may be employed, and the type of physical force that the law will permit. However, policy cannot cover every possible situation presented to officers. Therefore, officers must be reasonable in their actions.

B. PHILOSOPHY:

The use of force by law enforcement personnel is a matter of critical concern both to the public and the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters, and when warranted to do so, may use force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, the limitations on their authority, particularly with respect to overcoming resistance from those with whom they come in official contact.

This Department recognizes and respects the sanctity of human life and dignity. Vesting officers with authority to use force to protect the public welfare requires a very careful balancing of the rights of all human beings and the interests involved in a particular situation.

C. POLICY:

The Department's Use of Force Policy is as follows:

In a complex urban society, officers are confronted daily with situations where control must be exercised to effect arrests and to protect the public safety. Control may be achieved through verbalization techniques such as advice, warnings, and persuasion, or by the use of physical force. Officers are permitted to use whatever force that is reasonable to protect others or themselves from bodily harm. The Department's Use of Force Policy must comply with applicable California and federal law. California Penal Code Section 835a states that an officer who has reasonable cause to believe that a person to be arrested has committed a public offense may use reasonable force to effect the arrest, prevent escape, or overcome resistance. **A peace officer who makes or attempts to make an arrest need not retreat or desist from his or her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his or her right to self-**

defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Each situation explicitly requires the use of force to be reasonable and only that force which reasonably appears to be necessary may be used to gain control or resist attack. Mere verbal threats of violence, verbal abuse, or hesitancy by the suspect in following commands do not, in and of themselves, justify the use of physical force **without** additional facts or circumstances which, taken together, pose a threat of harm to the officer or others. Officers must be prudent when applying any of the use of force techniques. **Unreasonable** application of physical force is a violation of California and federal law which may result in criminal prosecution and/or civil liability for the officer. A violation of the Department's use of force policy may also subject the officer to Departmental discipline. Officers should clearly understand that the standard for determining whether or not the force applied was reasonable is that conduct which a reasonable peace officer would exercise based upon the information the officer had when the conduct occurred. Officers must pay careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he/she is actively resisting arrest or attempting to evade arrest by flight.

Furthermore, the Department expects officer(s) to use the most appropriate force option given the circumstances. The decision should take into account the situation facing the officer as well as his/her training and experience.

D. ESCALATION/DE-ESCALATION OF FORCE:

The primary objective of the application of force is to ensure the control of a suspect with such force as is objectively reasonable under the circumstances. Ideally, officers should attempt to control a suspect through advice, warning, or persuasion, but be prepared for the use of physical force. The types of force an officer may utilize will vary, depending on the aggressive behavior or degree of resistance used by a suspect and the tactical practicability of a particular use of force technique. In situations when physical force is applied, an officer must escalate or de-escalate to the amount of force which reasonably appears to be necessary to overcome the suspect's resistance and to gain control.

The concept of escalation and de-escalation of physical force must be put into a proper perspective so that officers can effectively handle all types of resistant suspects. There are three key points regarding the concept of escalation and de-escalation of physical force.

1. Physical force is used to control a suspect;
2. Whenever force is used, the officer's defensive reactions must be in response to the suspect's actions;

NOTE: This does not mean that an officer has to wait until a suspect attacks. Based on the circumstances, an officer may be justified in using reasonable force to prevent an attack.

3. An officer may use only the amount of force which reasonably appears to be necessary to control the suspect. **The Fourth Amendment of the United States Constitution requires that police officers use only such force as is objectively reasonable under the circumstances. Officers need not avail themselves of the least intrusive means of responding to an exigent situation; they need only act within that range of conduct identified as reasonable.**

E. USE OF FORCE TECHNIQUES:

The ability to successfully execute the proper control technique when attempting to control a suspect is essential for officer safety. The following use of force techniques are described in general indicating the six (6) approved levels of force to control suspects under increasing resistant actions. Each technique is fully described in a separate training bulletin.

Level 1: Presence:

California Penal Code Section 834a states that if a person has knowledge, or by the exercise of reasonable care, should have knowledge that they are being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest. In addition, Section 148 makes it a crime to willfully resist, delay, or obstruct a peace officer in the performance of their duties.

Consequently, the mere presence of a uniformed or other appropriately identified officer, coupled with good verbal communication, will generally gain the willful submission necessary to avoid a further escalation of force.

Level 2: Verbalization:

Verbalization, "talking a suspect to jail," is the most commonly used technique to effect the arrest of a suspect. Verbalization may be advising, warning, or persuading. Actual field experience demonstrates that certain techniques of verbalization, coupled with an advantageous position, and a mature, professional attitude can prevent further escalation of a situation. These techniques include:

- ! explaining any actions about to be taken;
- ! allowing a suspect to save face in front of his/her peers;
- ! recognizing a suspect's remarks are not a personal attack against the officer; and
- ! allowing a suspect to retain dignity whenever possible.

Officers should attempt to de-escalate confrontations by utilizing verbalization techniques prior to, during, and after any use of physical force.

Level 3: Empty Hand Control:

Empty hand control is generally used to counter a weaponless suspect's passive or active resistance to an officer's verbal commands. Firm grip and control techniques were designed to safely initiate physical contact and gain control of an uncooperative suspect. When verbalization proves ineffective, a firm grip may be all that is necessary to overcome resistance. If the use of a firm grip is unsuccessful, an officer may decide to utilize a control technique as a restraint or come-a-long hold.

When the suspect's physical actions become actively resistant to a point which prevents the officer from gaining control or effecting an arrest, more aggressive countermeasures may become necessary. At this level of force, these techniques consist of:

- ! avoidance,
- ! blocks,

- ! empty hand control holds such as: wrist lock, twist lock, finger flex, arm bar and escort position,
- ! pressure points,
- ! controlled take downs such as: leg sweep, hip throw, front leg wrap, front and rear take downs, figure four and wrist turn-out,
- ! and ground tactics (using the officer's body weight and/or any combination of empty hand control holds to control the subject),

and are designed to create a temporary dysfunction of the suspect and allow the officer the opportunity to gain the advantage.

Level 4: Chemical Irritant/Electrical Control Devices/Team Take Down/ Carotid Restraint:

Officers should remain mindful that the use of force options described in Level 4, below, are described in order of preference where time and circumstances allow the officer to consider various options. This is based on the affected officer(s) having the time and ability to weigh the circumstances and avoid direct physical engagement (team take downs and carotid restraints.) Whenever possible and where practical, officers are encouraged to employ those techniques that do not require them to directly physically engage the subject so as to minimize risk to both the officer and the subject.

Chemical irritant may be used to overcome and control a suspect's aggressive actions when verbalization is unsuccessful. Verbal threats of violence by a suspect do not alone justify the use of chemical irritants. Chemical irritant may be used if the officer reasonably believes that it would be unsafe to approach and control the suspect. When it is tactically unwise to entangle with the suspect, and it is desirable to maintain a distance, chemical irritant may prove to be useful.

Currently, the only Electrical Control Device which is departmentally approved is the Taser. The Taser is a non-lethal control device which may be used to control violent or potentially violent suspects when an officer reasonably believes the following conditions exist:

- ! Deadly force does not appear to be justifiable and/or necessary, and
- ! There is a reasonable expectation that it will be unsafe for officers to approach and place themselves within range of the suspect.

The team takedown is another intermediate force tool utilized to reduce risk of injury to officers and arrestees while achieving maximum control. Two or three man takedown teams under the direction of one leader move as a unit and make contact with the arrestee simultaneously. Contact should not be made until all other lesser levels of control have been exhausted and sufficient officers are present to minimize risk of injury to the officers and arrestee.

The Carotid Restraint Control Hold offers peace officers a method for controlling violently resisting suspects when higher levels of force may not be justified.

The Carotid Restraint Control Hold should not be confused with the bar-arm choke hold or any other form of choke hold where pressure is applied to restrict the flow of air into the body by compression of the airway at the front of the throat.

Choke holds are considered ineffective and create the potential for a suspect to panic and react with greater resistance when pressure is applied in this manner by a peace officer. Also, there

is greater risk of serious injury to the suspect. Choke holds shall not be used by any member of this department.

The carotid restraint may be utilized to control a violently resisting suspect, and allows for control against varying degrees of resistance. Once the technique is applied, the officer has the capability of restraining the subject by using only that degree of force **which is reasonable** to control the suspect. Caution should be exercised to prevent a disadvantageous position which might expose the officer's baton and/or firearm to the suspect. Any time a carotid restraint is applied, whether or not the suspect is rendered unconscious, an O.K. to Book shall be obtained as soon as practical and prior to booking.

Level 5: Intermediate Weapons:

Intermediate weapons are utilized to immediately impede the threatening actions of an **aggressive** suspect. They consist of:

- ! personal body weapons such as palm heel strike, common fist, bottom fist strike, elbow strike, knee strike, front kick, side kick, roundhouse kick,
- ! impact weapons such as PR-24, expandable baton, mid-range baton, short billy, riot baton and flashlight,
- ! less lethal munitions
- ! improvised weapons
- ! and other self-defense techniques designed to protect the officer and/or innocent citizens from bodily harm.

These weapons are generally used when lethal force is not justified and lesser levels of force have been, or will likely be, ineffective in the situation.

The baton may be appropriately displayed as a show of force if verbalization techniques appear to be ineffective when used on an aggressive suspect. A decision to draw or exhibit a baton must be based on the tactical situation. For example, the drawing of a baton may be reasonable in a situation of an officer entering a bar or other location of prior disturbance calls, or exhibiting the baton in a situation where there is an escalating risk to the officer's safety. If the situation continues to escalate, the baton can provide a viable method of controlling the suspect. The baton was designed as an impact weapon and should be used for striking movements and blocks. **Caution shall be used to avoid striking those areas such as the head, throat, neck, spine or groin which may cause serious injury to the suspect.**

In situations when use of the baton is applicable, the front, side, rear, and round house kicks can be applied as alternate use of force techniques when attempting control of **an aggressive** suspect.

Another alternative to the use of the baton as an impact weapon is the flashlight. While certainly not preferred over the baton in most situations, the flashlight is usually readily available, especially at night, and may be appropriate at times when the baton is not accessible or too cumbersome. Nevertheless, should this choice be made within an intermediate use of force situation, caution shall be used to avoid striking those areas such as the **head, throat, neck**, spine or groin which may cause serious injury to the suspect.

Generally, the deployment of less lethal munitions should have the goal to restore order and/or reduce the risk of more serious injury. Incidents where deployment may be an option include, but are not limited to, the following:

- ! Restoration or maintenance of order during a jail or civil disturbance.
- ! Safely controlling violent persons.
- ! Subduing vicious animals.
- ! Situations wherein the authorizing person deems their use necessary to safely resolve the incident.

Depending on circumstances, less lethal weapons can be used to safely control violent or potentially violent suspects when the officer reasonably believes the following conditions exist:

- ! Attempts to control the incident with lesser force options have been, or will likely be ineffective in the situation, and
- ! There is a reasonable expectation that it would be tactically unwise for officers to approach or place themselves in range of the suspect.

Level 6: Lethal Force:

If the situation becomes life threatening, the officer would be compelled to escalate to the ultimate level of force. The use of lethal force is a last resort dictated by the actions of a suspect **where the officer has reasonable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.** The weapon of choice in these situations is generally one of the various departmentally approved firearms. However, this does not preclude officers from using **any reasonable means** to protect themselves or other persons from this immediate and significant threat of **death or serious physical injury.** Furthermore, where the officer has reasonable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is reasonable to prevent escape by using lethal force. Thus, if the suspect threatens the officer with a weapon or there is reasonable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm, lethal force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.

The use of less lethal munitions is neither encouraged nor discouraged in deadly force situations. Officers must evaluate each situation by the facts and circumstances confronting them. Less lethal force should not be considered a substitute for deadly force in lethal situations.

USE OF FIREARMS

Firearms shall be used only when an officer believes his/her life or the life of another is in imminent danger, or in danger of great bodily harm, or when all other reasonable means of apprehension have failed to prevent the escape of a felony suspect whom the officer has reason to believe presents a serious danger to others where the felonious conduct includes the use or threatened use of deadly force.

1. **Drawing Firearm:** Officers shall only draw their sidearm or shotgun when there is likelihood of danger to the officer or other persons.
2. **Discharge of Firearm:** An officer of this Department shall not discharge a firearm or use any other type of deadly force in the performance of his/her duties, except under the following circumstances:
 - a. In the necessary defense of himself/herself or any other person who is in imminent danger of death or great bodily harm.

- b. Where the officer has reasonable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is reasonable to prevent escape by using lethal force. Thus, if the suspect threatens the officer with a weapon or there is reasonable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm, lethal force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.
- c. To kill a dangerous animal that is attacking the officer or another person or persons, or which if allowed to escape, presents a danger to the public.
- d. When humanity requires the destruction of an animal to save it from further suffering, and other disposition is not possible.
- e. For target practice at an approved range or in unrestricted areas.
- f. To give an alarm or call assistance for an important purpose when no other means are available.

3. Display and Discharge of Firearms Prohibited:

- a. Officers shall not display their firearms or draw them in any public place except for inspection or use, nor shall officers handle their weapons in a careless manner which could result in an accidental discharge of the firearm.
- b. A member of the Department shall not discharge a firearm as a warning shot.
- c. Generally, a member of the department should not discharge a firearm at or from a moving vehicle unless in the necessary defense of himself/herself or any other person who is in imminent danger of death or great bodily harm. If an officer has reasonable cause to believe the suspect poses a threat of serious physical harm, either to the officer or to others, it is reasonable to prevent escape by using lethal force. If the suspect threatens the officer with a weapon or there is reasonable cause to believe that the suspect has committed a serious crime involving the infliction or threatened infliction of serious physical harm, lethal force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.

4. Juvenile Felony Suspects: An officer generally should not shoot at a fleeing felon whom he has reasonable grounds to believe is a juvenile.

This section does not limit an officer's right of self-defense or his defense of others whose lives he reasonably believes are in imminent peril, except as provided in paragraph 2 a or b above.

5. Acting as a Peace Officer While Off Duty or in Other Jurisdictions: Officers are reminded that as employees of this Department, the policies set forth here are in force whether or not officers are on duty in this City or on special or casual assignment in another legal jurisdiction or when off duty, but acting as a police officer.

F. OVERVIEW OF TECHNIQUES:

When a suspect physically attacks an officer, the officer must act in self defense using one or more of the previously mentioned control techniques within approved use of force standards. Consider a situation wherein a suspect assumes a clenched fists fighting stance some distance

from the officer. The officer counters by drawing his baton as a show of force. At this time, the suspect drops his hands, resumes a normal posture, and submits to arrest. Although an officer must proceed with extreme caution, maintaining an advantageous position and ensuring that no additional threat exists, they should de-escalate all the way back to verbalization. Therefore, since the suspect is now cooperating, the officer reacts accordingly by advising, warning, and persuading.

The increased amount of force used by a suspect requires an officer to escalate the degree of force needed to maintain control of the situation. **Note, however, that an officer is permitted by law to not only use the level of force used by the suspect but to use reasonable force to overcome the resistance.** As a suspect's use of force declines, the officer's reaction must also decline. The reasonable amount of force needed to control a suspect may vary from one officer to another.

G. SITUATION-BASED USE OF FORCE CONTINUUM:

The Department recognizes that building flexibility into an officer's determination of the appropriate use of force is advisable and acceptable - if not essential - given that the standard for evaluating an officer's use of force claims is reasonableness under the facts and circumstances known to the officer at the time. This is an affirmative stance by the Department designed to provide additional confidence and needed support to officers in making their decisions regarding use of force in the field.

A number of factors are taken into consideration when an officer selects force options, and when evaluating whether an officer has used reasonable force. The Department recognizes that officers are expected to make split-second decisions and that the amount of time available to evaluate and respond to a situation may impact the officer's decisions. By establishing a policy that includes a use of force continuum the Department hopes to provide additional guidance to officers in making those split-second decision. Examples of facts which may affect an officer's force option selection include, but are not limited to:

- ! Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion, number of officers versus number of subjects)
- ! Influence of drugs or alcohol
- ! Proximity to weapons
- ! Availability of other options
- ! Seriousness of the offense in question
- ! Other exigent circumstances

Finally, it is important to note that an officer need not attempt to gain control over an individual by use of the lowest level of force on the continuum when reason dictates and the officer can articulate that a higher level of force is reasonable. Likewise, the skipping of steps may be appropriate given the resistance encountered.

Simply put, this continuum should be viewed as an elevator, not a ladder - an officer may go directly to any level of the continuum provided that the force selected is reasonable.

H. MENTAL ATTITUDE:

Officers must realize that emotional involvement is also a factor in the escalation or de-escalation of force. In order to react to every situation with the **reasonable** amount of force, an

officer must be in good physical condition, possess self defense and verbalization skills, and have a mature, professional attitude. Additionally, officers must have self confidence in their training and ability to control the situation.

I. REPORTABLE USE OF FORCE INCIDENTS:

1. A reportable use of force incident is defined as an incident in which any on-duty Department employee, or off duty employee whose occupation as a Department employee is a factor, uses a less lethal control device or any physical force to:

- ! Compel a person to comply with the employee's directions; or
- ! Overcome resistance by a suspect during an arrest or a detention; or
- ! Defend themselves or any person from an aggressive action by a suspect.

Reportable Use of Force does not include:

- ! The mere presence and identification of police officer status; or
- ! The use of a firm grip hold which does not result in an injury, complaint of injury, or complaint of pain; or
- ! That force necessary to overcome passive resistance due to physical disability or intoxication which does not result in injury, complaint of injury, or complaint of pain; or
- ! Control holds utilized in conjunction with handcuffing and searching techniques which do not result in injury, complaint of injury, or complaint of pain, and did not require any other reportable use of force; or
- ! Injuries sustained by a subject as a sole consequence of his/her actions such as, but not limited to, falling while fleeing from officer(s); or
- ! Shooting of an animal as otherwise permitted by the Riverside Police Department Policy and Procedures Manual; or
- ! Use of Departmentally approved diversion or entry devices, deployed to gain entry into a structure.

2. Employee Responsibilities:

Any member who becomes involved in a reportable use of force incident or discharges a firearm, Taser, or chemical irritant control device for any reason, other than an approved training exercise, shall:

- a. Summon medical aid, as needed;
- b. Immediately notify a supervisor that they have been involved in a use of force incident;
- c. If the force used falls within Level 6 and/or results in death or serious likelihood of death, the employee shall adhere to the provisions of Section 4.8 of the Riverside Police Department Policy and Procedures Manual.
- d. Report the full details of the use of force incident in the related Department arrest or crime report;

- e. Use a Department "memorandum" form to report the full details of the use of force incident when a crime or arrest report is not required;
- f. When off duty, notify the Watch Commander immediately.

3. Supervisor Responsibilities:

The notified or designated supervisor shall:

- a. Confirm medical aid has been summoned, as needed.
- b. Respond to the scene, independently investigate the use of force and make a report of the incident.
- c. If the force used falls within Level 6 and/or results in death or serious likelihood of death, the supervisor shall notify the Watch Commander immediately and adhere to the provisions of Section 4.8 of the Riverside Police Department Policy and Procedures Manual. The Watch Commander shall make additional notifications in accordance with Section 4.8.
- d. Photographs shall be taken in all reportable use of force incidents that result in an injury, or a complaint of injury. If practicable, photographs of the subject and the injury should be taken after the injury or wound is cleansed by medical personnel and before medical treatment, if any is necessary. Care should be taken to protect the subject's personal privacy interests. Any possible concerns should be discussed with a field supervisor prior to taking the photographs.
- e. The investigating supervisor shall report the incident as follows:
 - 1. A "Supervisor Use of Force Report" form shall be completed within twenty four (24) hours and forwarded to the Office of Internal Affairs, when the force used was within Level 3, 4, or 5 of this policy.
 - ! The "Supervisor Use of Force Report" form shall be sufficient documentation of a Use of Force incident when the force used did not result in an injury or complaint of injury. A simple complaint of pain, without evidence of underlying injury, may properly be documented on the "Supervisor Use of Force Report" form.
 - ! The supervisor shall complete a separate "Supervisor Use of Force Report" form for each subject upon whom force was used. Each report shall include the force levels used by each officer involved in the incident.
 - 2. A "Use of Force Investigation Memorandum" shall be completed within ten (10) days to supplement the "Supervisor Use of Force Report" form and forwarded to the Office of Internal Affairs when:
 - ! The force used was the direct cause of injury or complaint of injury, beyond a simple complaint of pain.
 - ! The force used involved the application of a carotid restraint, chemical irritant, electrical control device or similar control technique/device.

! The force used falls within Level 5.

- f. Internal Affairs shall have the responsibility to prepare all administrative reports of incidents wherein the force used falls within Level 6 and/or death or serious likelihood of death results. Field supervisors shall not prepare any administrative reports of such incidents unless directed by Internal Affairs.
- g. Use of force reports will be designated for inclusion into the Early Warning System (EWS) in accordance with the provisions of section 4.55 of the Riverside Police Department Policy and Procedures Manual.
- h. Alternative methods of reporting uses of force may be utilized during incidents of civil unrest. The incident commander shall make this determination and specify the reporting method to be utilized.

J. CONCLUSION:

The decision to use physical force places a tremendous responsibility on the officer. There is no one capable of advising an officer on how to react in every situation that may occur. Ideally, all situations would require only verbalization. While the control of a suspect through advice, warning, or persuasion is preferable, the use of physical force to control a suspect is sometimes unavoidable. Officers must be able to escalate or de-escalate the amount of force which reasonably appears to be necessary to control a situation as the suspect's resistance increases or decreases. Force should only be used as a **reasonable** means to secure control of a suspect.

4.56 VEHICLE STOP PROCEDURE:

A. PURPOSE:

To establish policy and procedure guidelines for the advisement and clearing of all traffic stops made by Officers of the Riverside Police Department.

B. POLICY:

It is Department policy that all traffic stops made by sworn members of the Department be documented as to date, time, and location of the stop, reason for the stop, disposition of the stop, and the race, gender, age group of the driver, whether or not the vehicle was searched, and if contraband was found.

C. DEFINITION:

A Traffic Stop is an action taken by a sworn member of this Department, while on duty in an authorized emergency vehicle, that results in the lawful detention of a motorist.

D. PROCEDURES:

1. When an officer makes a vehicle stop, the officer will advise a Public Safety Communications Dispatcher that a stop is being made. The officer will do this by either voice via a police radio or by typing the same information into the unit's mobile data computer (MDC). Information to be provided by the officers shall include the location of the vehicle stop and the license of the vehicle if a license is on the vehicle. A record of the traffic stop will be made into the Computer-aided Dispatch (CAD) System .
2. When an officer completes a traffic stop, the officer will advise a Public Safety Communications Dispatcher that the traffic stop is clear by indicating the reason for the stop, the disposition of the stop, the race, gender and age group of the driver, and whether or not the vehicle was searched, and if so, whether or not contraband was found. The officer will do this by either voice, via the police radio, or by typing the same information into the unit mobile data computer using a five digit numeric code. The disposition notification to communications shall be made for every traffic stop.
3. The disposition of a traffic stop will be made by the officer stating a five (5) digit numeric code over the police radio or by entering the same disposition code into the (MDC). Clearance of traffic stops will use the following numeric codes.

Reason for Traffic Stop Codes:

- | | |
|----------|---------------------------------|
| 6 | APR, APB, BOLO |
| 7 | Municipal Code Violation |
| 8 | Penal Code Violation |
| 9 | Vehicle Violation |

Disposition Code:

- 1 Arrest
- 2 Citation Issued
- 3 Field Interview completed
- 4 No Action Taken - Released
- 5 Report Taken
- 6 Supplemental

Race of Driver Code:

- 1 Asian
- 2 African American
- 3 Hispanic
- 4 Native American
- 5 East Indian/Pakistani
- 6 Other/Unclassified
- 7 Pacific Islander
- 8 White/European/Caucasian

Gender/Age Code:

- 6 Adult Male
- 7 Adult Female
- 8 Juvenile Male
- 9 Juvenile Female

Search/No Search:

- 1 Search, Nothing Found
- 2 No Search
- 3 Search, Weapons Found
- 4 Search, Illegal Drugs and/or Paraphernalia Found
- 5 Search, Other (Stolen Property, Evidence of Other Crime, Etc.) Found

Example: Clear -92871 means the officer has cleared the stop for a Vehicle Code Violation (9) a Citation was issued (2) to a white (8) female adult (7) and the vehicle was searched but nothing was found (1).

- 4. All traffic stop clearances entered via MDC must start with a dash (-), followed by the numeric code relating to that stop. Officers clearing a stop over the radio do not need to indicate the dash.

Dispatchers will enter verbal dispositions of traffic stops into CAD by starting the numeric code clearance with a dash (-).

- 5. Officers should use the MDC Clear Command Format to clear traffic stops whenever possible. **DO NOT USE THE CLEAR (10-8) KEY ON TRAFFIC STOPS.**

Section E

Chapter 6

Firearm Retention and Takeaways

Overview

Learning need Peace officers must maintain control of their firearm(s) and when appropriate, be physically capable of disarming a subject.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none">• describe factors involved in retaining a peace officer's firearm.	33.06.EO1
<ul style="list-style-type: none">• demonstrate the basic techniques for peace officers to safely maintain control of their firearm in a physical conflict.	33.06.EO2
<ul style="list-style-type: none">• discuss a peace officer's tactical considerations when confronted by an armed subject.	33.06.EO3
<ul style="list-style-type: none">• discuss tactical considerations to take upon disarming a subject.	33.06.EO4
<ul style="list-style-type: none">• discuss a peace officer's justification to retain their firearm or disarm a subject.	33.06.EO5

Continued on next page

Overview, Continued

In this chapter This chapter focuses on handgun retention and takeaway principles. Refer to the following chart for specific topics.

Topic	See Page
Officer Awareness	6-3
General Principles of Firearm Retention	6-6
General Principles of Firearm Takeaways	6-7
Chapter Synopsis	6-10
Workbook Learning Activities	6-12
Student Performance Criteria	6-14

Officer Awareness

[33.06.EO1]

Introduction

From 1995 through 1999 6% of all officers in California slain in the line of duty were killed with their own weapons. Additionally, firearm assaults represented almost 5% of the total number of reported (over 34,000) assaults during this period.

On average nationwide, about one out of every six times a criminal manages to take a handgun away from an officer, it results in the death of the officer or the officer's partner.

Source: U.S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Report, POST: Law Enforcement Officers Killed and Assaulted in the Line of Duty Report (LEOKA).

Increased officer awareness

Increased awareness, along with improved training and better equipment can avert tragedy.

- From 1990 through 1994, no officers were killed in struggles to retain their own weapons.
 - From 1995 through 1999, two officers were killed by subjects who took and used the officer's firearm.
 - Prisoners or convicts practice weapon takeaway in prison.
 - More than two-thirds, or 24 of the 33 peace officers killed in California from 1995 through 1999, were attacked on approach, were set up and deliberately attacked, or were attacked while distracted.
 - Loss of peace officer's firearm may place the officer and others in imminent danger.
 - 15 of 29 on-duty officers were attacked within two minutes of making contact with the suspect.
-

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Officer Awareness, Continued

Factors of weapon retention

There are three factors peace officers must recognize and understand in order to safely safeguard their firearm.

- Opportunity
 - Equipment
 - Training
-

Opportunity

Peace officers must always be aware of the location of their own firearm and be conscious of the opportunity it presents to those people around them.

Officers must be continually focused on:

- what they are doing,
 - why they are doing it, and
 - what is happening around them.
-

Equipment

Peace officers must know and understand what their equipment is capable of doing and not doing.

A peace officer's holster has several functions. It must:

- securely hold the officer's firearm in the same position at all times.
 - withstand the stress of someone pulling on it violently.
 - allow the officer to draw the firearm quickly and safely.
 - hold the firearm firmly and prevent it from falling out of the holster even when the thumb snap is released and during vigorous body movement.
-

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Officer Awareness, Continued

Equipment (continued)

At the same time, the officer's holster may have limitations the officer must be conscious of. The officer should be aware that:

- with some styles of holsters, a downward grabbing action by a subject's hand from the front could cause the holster to unsnap.
 - holsters must be maintained in good condition and at all times be mechanically sound. Peace officers are responsible for inspecting and replacing worn straps and snaps when needed.
 - the holster should have reinforced safety construction features to hold it securely and allow the officer to maintain control of the firearm.
-

Training

Peace officers must maintain a high level of skill in reacting to a subject's attempt to take their firearm.

No matter the type or condition of equipment an officer uses, there is still no guarantee that the weapon cannot be removed from the holster by a subject. Officers must hone their skill level with continuous firearm retention training.

General Principles of Firearm Retention

[33.06.EO2]

Introduction

In a physical conflict when a subject may have access to a peace officer's firearm, officers must be able to respond quickly and decisively to maintain control of their firearm and repel the attack.

General principles

There are a variety of acceptable techniques in the area of firearm retention. No matter which technique is applied, there are a number of common basic principles to retaining control of a firearm if the officer is assaulted by a subject. The following chart illustrates these principles:

Principle	Description
Secure weapon	Secure the firearm in the holster. This is done by trapping the subject's hand onto the firearm and forcing the firearm down into the holster.
Distraction/ Response	The officer's response should: <ul style="list-style-type: none">• distract the subject from the objective of obtaining the firearm.
Gain position	<ul style="list-style-type: none">• The officer should be in a position that:• offers the greatest opportunity to exert maximum leverage,• places the subject off balance and provides the officer with a position of advantage and strength, and• protects the officer against additional assault.
Effect release	To ensure the release of the firearm, the officer should gain complete control of the subject and the situation.

General Principles of Firearm Takeaways

[33.06.EO3, 33.06.EO4, 33.06.EO5]

Introduction

The danger of injury or death is often determined in a fraction of a second. It takes only a fraction of a second for a subject to physically pull the trigger. Selecting the appropriate time to move can be the peace officer's most critical decision.

Tactical considerations: confronting an armed subject

There are a number of tactical considerations peace officers should take into account when confronting or attempting to disarm a subject. The following chart illustrates a number of these considerations to include, but not limited to:

Before attempting to disarm a subject, peace officers should consider...	Rationale
the danger of injury to themselves and to others.	An officer's first consideration must be their own safety and the safety of innocent bystanders. NOTE: If a subject's behavior has caused or imminently threatens to cause death or great bodily harm to peace officers or other persons, peace officers are justified in using deadly force.
the type of firearm the subject is holding.	The technique to be used to disarm a subject will depend on whether the firearm is a handgun or a long gun.

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General Principles of Firearm Takeaways, Continued

Tactical considerations: confronting an armed subject
(continued)

Before attempting to disarm a subject, peace officers should consider...	Rationale
the distance between the officer and the subject.	In order to disarm a subject, the peace officer must get as close to the weapon as possible to employ a disarming technique.
their own level of skill, physical conditioning, and training.	<p>Peace officers must constantly train to maintain their own skills in order to:</p> <ul style="list-style-type: none"> • be aware of their surroundings and critically evaluate the perceived skill and physical condition of the subject. • maintain their own balance and be ready and able to respond quickly. • use a firearm takeaway technique that is appropriate for the situation.

Moving out of the line of fire

One principle of taking a firearm away from a subject is to move out of the subject's line of fire. As long as the subject has a gun aimed at the peace officer, the subject has the advantage. By moving out of the way, the subject has lost that advantage.

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General Principles of Firearm Takeaways, Continued

Distracting the subject

As quickly as possible move out of the line of fire or gain the advantage over a subject while the subject is distracted. There are two times when a subject may be easily distracted, as explained in the following chart.

Subjects may be distracted...	because...
while they are talking	their thoughts may be focused on what they are saying rather than the movements of the officer.
while listening to questions directed to them by an officer	they may have to refocus their own thoughts in order to answer.

Justification to retain firearm/disarm subject

From 1995 through 1999, all thirty three (33) peace officers killed in the line of duty were murdered with firearms (handguns, high powered rifles/assault type weapons).

Two of the officers were overpowered, their firearms taken away and used to kill them. This supports justification that peace officers continually train in arrest methods, weapon retention and takeaway.

Source: Law Enforcement Officers Killed and Assaulted in the Line of Duty (LEOKA) Report. (2001) California Commission on Peace Officers Standards and Training (POST).

Chapter Synopsis

Learning need Peace officers must maintain control of their firearm(s), and when appropriate be physically capable of disarming a subject.

Factors in retaining a peace officer's firearm [33.06.EO1] There are three factors peace officers must recognize and understand in order to safely safeguard their firearm. These factors are opportunity, equipment, and training.

Techniques for safely regaining control of peace officer's firearm [33.06.EO2] There are a variety of acceptable techniques in the area of firearm retention. No matter which technique is applied, there are a number of common basic principles to regaining control of a firearm if the officer is assaulted by a subject.

Tactical considerations when confronting a subject [33.06.EO3] There are a number of considerations peace officers should take into account when confronting or attempting to disarm a subject who is armed. Before attempting to disarm a subject, peace officers should consider the danger of injury to themselves and to others in the area, the type of firearm the subject is holding, the distance between the officer and the subject, and their own level of skill, physical conditioning, and training.

Tactical considerations: disarming an armed subject [33.06.EO4] There are a number of tactical considerations peace officers should take into account when confronting or attempting to disarm a subject.

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Chapter Synopsis, Continued

**Justification
to retain
firearm/
disarm
subject
[33.06.E05]**

From 1995 through 1999, all thirty-three (33) peace officers killed in the line of duty were murdered with firearms. Two officers were killed with their own firearm. This suggests continuous training in firearms retention/takeaway.

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. Peace officers should check equipment to ensure that it is properly maintained. What aspects of a holster should be considered in determining whether it can adequately perform its function?

Student Performance Criteria

Introduction

There are a variety of acceptable techniques peace officers may use for retaining their handgun or taking a handgun away from a subject. The instructor will discuss and demonstrate these techniques during class. Students will have the opportunity to practice each technique and develop their own level of skill.

Evaluation criteria

As part of the classroom activities, students will be evaluated by their instructor on their ability to retain their handgun and perform handgun takeaway techniques under different conditions.

Handgun takeaway techniques

Exercise tests to demonstrate handgun takeaway techniques may include:

- front handgun takeaway techniques, and
- rear handgun takeaway techniques.

The testing criteria to minimally include:

- assuming a position of advantage and control,
 - applying of controlling force
 - maintaining proper balance and control,
 - maintaining awareness of environment and subject(s) actions,
 - proper foot movements, and
 - proper mechanics of the technique.
-

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Student Performance Criteria, Continued

Handgun retention techniques

Exercise tests to demonstrate handgun retention techniques may include:

- a holstered handgun (front and rear) technique, and
- an unholstered handgun technique.

The testing criteria to minimally include:

- assuming a position of advantage and control,
 - applying controlling force.
 - maintaining proper balance and control,
 - maintaining awareness of environment and subject(s) actions,
 - proper foot movements, and
 - proper mechanics of the technique.
-

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Student Performance Criteria, Continued

Student notes