CITY OF RIVERSIDE
COMMUNITY
POLICE REVIEW
COMMISSION

ADOLFO RAMIREZ
OFFICER-INVOLVED DEATH
PUBLIC REPORT

CPRC Case No. 13-039

RPD Case No. P13-169168

Approved on
February 24, 2016

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Date of Incident: November 22, 2013 at 2327 Hours

Location: Poma Automated Fueling
3020 E. La Cadena, Riverside

Decedent: Adolfo Ramirez

Involved Officers: Officer Shadee Hunt, #1680

I. Preamble:

The finding of the Community Police Review Commission ("Commission") as stated in this report is based solely on the information presented to the Commission by the Riverside Police Department ("RPD") criminal investigation case files, and follow-up investigative report submitted by CPRC Independent Investigator, Mike Bumcrot of Bumcrot Consulting, Norco, California. The Commission reserves the ability to render a separate, modified, or additional finding based on its review of the Internal Affairs Administrative Investigation. Since the Administrative Investigation contains peace officer personnel information, it is confidential under State law, pursuant to CPC §832.7. Any additional finding made by the Commission that is based on the administrative investigation is also deemed confidential, and therefore cannot be made public.

II. Finding:

On January 27, 2016, by a vote of 8_ to 0 (1 absence), the Commission found that the officer's use of deadly force was consistent with RPD Policy 4.30, Use of Force, based on the objective facts and circumstances determined through the Commission's review and investigation.

Rotker	Hawkins	Ybarra	Huerta	Smith	Jackson	Roberts	Andres	Adams
✓	✓	✓	✓	✓	✓	✓	A	✓

III. Standard of Proof for Finding:

In coming to a finding, the Commission applies a standard of proof of "Preponderance of Evidence." Preponderance generally means "more likely than not," or may be considered as just the amount necessary to tip a scale. This also means that the Commission is not required to have certainty in their findings, nor are they required to reach a finding as "beyond a reasonable doubt" which is necessary in criminal cases.

The Preponderance of Evidence standard of proof is the same standard applied in most civil court proceedings.

IV. Incident Summary:

On November 22, 2013, at 2327 hours, Officer Hunt was on routine patrol in a marked police vehicle south on La Cadena at Vine Street when he saw a male subject, later identified as Adolfo Ramirez, run eastbound across La Cadena in front of him. As Officer Hunt drove closer, he saw Ramirez walking toward a vehicle parked in the parking lot of a closed business called "Pomo Automated Fueling." Officer Hunt proceeded to investigate Ramirez' activity within the parking lot of a closed business where a vehicle was parked facing in a northbound direction.

Officer Hunt entered the parking lot and stopped his patrol car adjacent to the driver side of the parked vehicle. Hunt's vehicle was facing in the opposite direction of the parked vehicle where both were facing each other's driver side. As Officer Hunt stopped his vehicle, he asked Ramirez what he was doing. Ramirez continued to walk toward the passenger side of the parked vehicle and replied, "I'm good!" Hunt felt Ramirez was acting suspiciously so he exited his police vehicle to investigate further. As Hunt exited his vehicle, he again asked Ramirez what he was doing. Ramirez reached the passenger side front door of the parked vehicle and said, "We're good!" At this moment, Ramirez immediately produced a .38 Cal handgun and fired three rounds at Hunt over the roof of the parked vehicle.

Hunt was not hit by the bullets fired at him. Two of the rounds struck the driver side of Hunt's patrol vehicle. Hunt moved to cover on the passenger side of his patrol vehicle and fired two rounds toward the area of where he saw the muzzle flashes. One of the rounds fired by Hunt struck Ramirez in the chest and as a result, he fell to the ground. At first, Hunt did not know whether or not Ramirez was hit. He thought he heard communication between Ramirez and one of the occupants. It was later learned that after being shot, Ramirez fell to his knees and the upper portion of his torso fell across the front seat of the suspect vehicle. He died in that position.

There were two passengers in the subject vehicle at the time of the shooting. An adult male was in the driver seat and an adult female was in the rear passenger seat. When Officer Hunt fired the fatal shot, it entered the subject vehicle through the driver window, missing the driver, and striking Ramirez in the chest. Neither of the passengers was injured. Although the two passengers were detained, they were later released since they did not commit any criminal violations.

It was later determined that Ramirez had a small quantity of narcotics in his possession at the time of the incident. He had been at the home of a known drug dealer across from where the subject vehicle was parked just prior to Officer Hunt seeing him.

Several witnesses saw Ramirez fire a gun at Officer Hunt. Two witnesses were a cleaning crew at the auto gas business where the subject vehicle was parked.

One of the witnesses saw Ramirez carrying a gun in the parking lot and was afraid that he and his wife were about to be robbed. He did not initially see the police vehicle.

V. CPRC Follow-Up:

The Commission requested a cover-to-cover review of the Criminal Casebook by CPRC Independent Investigator Mike Bumcrot of Bumcrot Consulting, located in Norco, California. Mr. Bumcrot is a nationally recognized expert in homicide and Officer-Involved Death cases. The purpose of this review is for Mr. Bumcrot to provide the Commission with his findings based upon his experience and expertise. Mr. Bumcrot felt that the investigation conducted by the Riverside Police Department was thorough and all evidence collected and preserved was completed accordingly.

VI. Evidence:

The relevant evidence in this case evaluation consisted primarily of testimony and physical evidence. Seven independent witnesses were interviewed which included the two occupants of the subject vehicle. A statement was provided by Officer Hunt where it was determined that it matched the physical evidence. Evidence was also obtained through the work of the Deputy Coroner. Other evidence included police reports and photographs, involved weapons, forensic examination results and a report by the Commission's independent investigator.

VII. Applicable RPD Policies:

All policies are from the RPD Policy & Procedures Manual.

- Use of Force Policy, Section 4.30.

The United States Supreme Court has ruled on one case that has particular relevance to the use of force in this incident. All decisions by the United States Supreme Court are law throughout the United States. The case is incorporated into the Use of Force Policy of the RPD.

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.

VIII. Rationale for Finding – Within Policy:

Officer Shadee Hunt was on routine patrol when he came upon a suspicious vehicle parked in the parking lot of a closed business. At the same time, he saw a male subject, later identified as Adolfo Ramirez, hastily crossing the street in front of Hunt and going toward the parked and occupied vehicle.

Officer Hunt elected to further investigate the activities of Ramirez and his association with the parked and occupied vehicle. When Officer Hunt stopped his patrol vehicle adjacent to the suspicious parked vehicle, he asked Ramirez what he was doing. Ramirez twice said "it's good" as he proceeded to walk over to the front passenger door of the subject vehicle. When Ramirez reached the passenger side of the vehicle, he produced a .38 Cal handgun and fired it at Officer Hunt as he (Hunt) was exiting his vehicle. Officer Hunt took cover on the other side of his patrol vehicle and fired two rounds at Ramirez. Officer Hunt had no choice but to return fire at Ramirez in order to protect himself from death or serious injury.

The Commission found that Ramirez pointed a gun directly at Officer Hunt and fired three rounds at him over the top of the subject vehicle, nearly striking him (Hunt). Officer Hunt returned fire with two rounds and ended the shooting by having struck Ramirez in the chest. Neither of the two occupants in the subject vehicle were injured nor were any other bystanders. The Commission felt that Officer Hunt used exceptional tactics in the manner in which he returned fire and stopping after the threat was gone. Ramirez made the choice to fire his weapon at Hunt that ultimately resulted in his death. Hunt responded as expected.

The Commission concluded that Officer Hunt acted in compliance with the Riverside Police Department's Policy on Use of Force that allows force that "is objectively reasonable, given the facts and circumstances perceived by the officer at the time of the event to defend themselves." Based on the actions of Ramirez, Hunt's use of deadly force was reasonable given the facts and circumstances perceived by him at the time he defended himself from death or injury.

IX. **Dissenting Opinion**:

There were no dissenting opinions.

X. **Recommendations**:

None.

XI. **Closing:**

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

APPENDIX

RPD Press Release / Press-Enterprise Articles	**Section A**
Fact Sheet	**Section B**
Bumcrot Consulting Reports of Investigation	**Section C**
RPD Policy 4.8 (Rev. 6, 5/26/11): Investigations of Officer Involved Shootings and Incidents Where Death or Serious Likelihood of Death Results	**Section D**
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Section A

RPD Press Release

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Press-Enterprise Articles
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PRESS RELEASE

Police Department
SERGIO G. DIAZ
Chief of Police

FOR IMMEDIATE RELEASE

November 23, 2013

Contact:
Daniel Russell
Sergeant
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(951) 353-7106

OFFICER INVOLVED SHOOTING

RIVERSIDE, CA – On Friday, November 22, 2013, at approximately 11:30 PM, a Riverside Police Department patrol officer was checking on an occupied vehicle parked near a closed gas station in the 3000 block of E. La Cadena. The officer exited his vehicle and a subject outside the vehicle produced a handgun. There was an exchange of gunfire between the suspect and the officer. The suspect was struck by gunfire and ultimately detained without further incident. The two occupants inside the vehicle were also detained without any incident.

Personnel from the Riverside Fire Department and American Medical Response responded to the scene and pronounced the suspect deceased. The suspects name is not being released at this time and will be released by the Coroner's office pending notification of next of kin.

Detectives from the Robbery/Homicide Unit responded to the scene and were assisted in their investigation by personnel from the Forensic Evidence Unit. Detectives interviewed the vehicles occupants and released them. Both are considered witnesses at this point in the investigation. Detectives and Forensic Technicians processed the scene and recovered a handgun from the suspect's location.

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

###P13-169168###

RIVERSIDE:
Suspect shot and killed by police identified (UPDATE)

NOVEMBER 23, 2013 BY BRIAN ROKOS

Riverside police early Saturday morning investigate a shooting. A police officer shot a man to death late Friday who had opened fire on him, police said. (Photo: Chris Ercoli/The Press-Enterprise)

What's new: Man killed by officer identified

A Riverside police officer shot and killed a man Friday night, Nov. 22, who had opened fire on the officer, police said.

The man who was shot was identified as Adolfo Ramirez, 37, of Riverside, according to a Riverside County coroner's news release.

The unidentified officer, a four-year veteran, was not injured, Lt. Larry Gonzalez said near the command post on La Cadena Drive. Two other people in the gold-colored car, a man and a woman, were taken in for questioning and then released.

The officer, who was on patrol in his beat near the downtown train station, was checking on the occupied vehicle about 11:30 p.m. near a closed gas station where First Street becomes La Cadena.

The officer exited his vehicle and a subject outside the vehicle produced a handgun. The suspect took up a defensive position at the front of the car, Gonzalez said. The man fired at least three shots. Two bullets struck the officer's driver-side door, one under the American flag decal and one a little farther back under the side-view mirror, Gonzalez said.

A third bullet hit a nearby truck.

The officer put out a radio call that he was taking cover behind his car, Gonzalez said.

The shooter was lying in the road close to 3020 La Cadena.

Police hoped that surveillance cameras on a nearby business taped the incident, and a businessman arrived about 2 a.m. to retrieve the video.

Detectives and forensic technicians processed the scene and a handgun was recovered from the suspect's location.

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

RIVERSIDE:
Officer narrowly avoided death in shootout, official says

DECEMBER 11, 2013 BY BRIAN ROKOS

Riverside Assistant Police Chief Chris Vicino on Wednesday, Dec. 11, briefs the Community Police Review Commission on the Nov. 22 officer-involved shooting that killed Alfredo Ramirez, 37, who had convictions for illegal gun possession and assault on a police officer, among other crimes. The monitor shows the police car that was hit by two bullets fired by Ramirez. BRIAN ROKOS/STAFF PHOTO

The moment a Riverside police officer left his patrol car to question a man who had just run from a house where drugs are known to be sold, that man began firing from eight feet away.

One bullet missed, and then another, both striking the patrol car as the officer ran to the passenger side of his vehicle to take cover. A third bullet hit a nearby pickup.

“He’s tracking him and missing him, three times in a row,” Assistant Police Chief Chris Vicino said Wednesday, Dec. 11, in a briefing on the late-night, Nov. 22 shooting to the Community Police Review Commission.

The shooter, police say, was Alfredo Ramirez, 37, who had convictions for assaulting a peace officer and concealed weapons.

As Ramirez pointed his weapon over the roof of his vehicle, the officer, an Iraq war veteran, returned fire over his hood, aiming through the windows of the gunman’s car.

The first shot struck the car’s hood. The second shot pierced Ramirez’s heart, and the gunfight was over.

“We were very lucky not to lose another officer,” said Vicino, who has attended funerals for Ryan Bonaminio and Michael Crain in the past three years.

The Community Police Review Commission investigates officer-involved deaths and offers opinions on whether the officers’ actions were within department policy. Commissioners also make recommendations on police policy. None of their rulings are binding on the department.

On Wednesday, Vicino showed commissioners the rap sheet of Ramirez, which dates to 1995. It included numerous drug convictions. Vicino showed a photo of Ramirez’s pocket that contained a syringe, and said officers — including the one who was fired upon Nov. 22 — had made many arrests for drug violations at the house in the 3000 block of La Cadena Drive.

Ramirez was on supervised probation after being released from county jail because he was considered a non-violent offender, Vicino said.

“Mr. Ramirez is a poster child for why realignment isn’t working for us,” Vicino said, referring to the state law that has moved control of non-violent criminals from state prisons to county jails.

Vicino declined to reveal the name of the officer involved in the shooting.

“We believe there could be a threat,” he said.

Section B

Fact Sheet

RAMIREZ OID – FACT SHEET
13-039 | P13-169168

Date Occurred: November 22, 2013
Time of Occurrence: 2327 Hours
Decedent: Adolpho Ramirez
Location: "Poma Automated Fueling" 3020 La Cadena, Riverside

Officer(s) Involved: Officer Shadee Hunt, #1680

Officer Witnesses: None

Civilian Witnesses: Stephanie Suarez
Jose De La Luz Estrada
Mauricio Rodriguez
Lorena Rodriguez
Brandon Galicia
Vivian Lucero Hernandez
Irma Hernandez

Officer Injuries: None

Suspect's Injuries:
Ramirez sustained one gunshot wound to the left chest area.

Gunshots Fired by Officer Shadee Hunt:
Officer Hunt's duty weapon was examined by a forensic specialist at the California State Department of Justice. The examiner found that Hunt's weapon functioned properly during the examination. The following evidence is based upon the charting of Officer Hunt's duty weapon by RPD Detective Jim Brandt.

- **Officer Hunt fired (2) rounds**
  Glock .40 Cal Model 22. One round was found in the chamber and 13 rounds were found in the magazine which has a capacity of fifteen rounds. Two additional magazines were found loaded to the capacity of fifteen rounds each. Officer Hunt carried a back-up weapon in an ankle holster. This was a Glock Model 27 .40 Cal semi-auto pistol with one round in the chamber and 10 in the attached magazine. This weapon was filled to capacity and was not used during this incident.

Gunshots Fired by Decedent Ramirez:

- **Adolpho Ramirez fired (3) rounds**
  Smith & Wesson Model 14-3 .38 Cal revolver. The revolver holds six rounds in the cylinder. There were (3) expended shells located in the cylinder indicating that (3) rounds had been fired.

FACT SHEET

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

TAB 1 – OID Summary, Pages 1 – 9: OID Summary by Detective David Smith, Lead Investigator. The summary provides a detailed overview of the incident.

TAB 3 – Original Report, Page 1 Narrative: Detective David Smith. Took the initial crime report listing the crime as PC 664-187, Attempted Murder of a Peace Officer. Officer Shadee Hunt was listed as the victim of the crime. File #P13-169168. Detective Smith wrote in the narrative that Officer Shadee Hunt saw a vehicle parked in a darkened part of a parking lot at a closed business. Hunt saw a subject cross the street and attempt to enter the passenger side of the parked vehicle. Hunt felt that the subject, later identified as Adolpho Ramirez, acted suspicious and attempted to speak to him. Ramirez produced a handgun, pointed it at Hunt and fired the weapon. Hunt took cover and returned fire with his sidearm, striking Ramirez.

TAB 4 – Supplemental Report, Pages 1 – 2 Narrative: Sergeant D. Foy. Upon arrival, she located Officer Hunt taking cover behind a marked police vehicle. Foy asked Hunt if he was injured and he replied no. Hunt told Foy that he believed the suspects fired 2 – 3 shots in his direction. Hunt said he returned fire in an easterly direction at a parked vehicle. Hunt did not know how many suspect(s) were involved. He thought that a subject might be trying to hide on the front passenger seat. Once the scene was rendered safe, Foy transported Hunt to the Magnolia Station where he was later interviewed by detectives.

TAB 5 – Supplemental Report, Pages 1 – 2: Sergeant P. Elliott. Responded to a "shots fired" call. Upon arrival, saw the suspect vehicle with two occupants and one additional subject with his knees on the ground on the passenger side of the vehicle and his upper body lying on the front seat. There was a gun on the ground by the subject's knees. Saw officers taking cover behind police vehicles. Directed and coordinated the removal of the two occupants and requested that the K-9 be deployed to pull the subject on the passenger side away from the vehicle.

TAB 6 – Supplemental Report, Pages 1 – 2: Sgt. M. Cash. Responded to the scene and made contact with Officer Hunt who told him that the subject on the passenger side of the vehicle fired a gun at him and he (Hunt) returned fire. Hunt said he believed that the subject had been hit. Provided cover for officers to remove the vehicle occupants.

TAB 7 – Supplemental Report, Pages 1 – 2 Narrative: Sgt. R. Wilson. Responded to a "shots fired" call. Upon arrival, saw several officers on scene. From radio traffic, had learned that a passenger in the suspect vehicle might have been shot. Learned at the scene that the

occupants of the suspect vehicle fired at Officer Hunt. Directed officers at the scene to conduct a "high risk" stop on the vehicle and remove the occupants. Saw a subject at the open front passenger door with his knees on the ground and upper body hidden from view in the vehicle interior. Observed deployment of the K-9. Directed officers to canvass the neighborhood for witnesses and if anyone else might have been struck by gunfire.

TAB 8 – Supplemental Report, Page 2 Narrative: Officer Feimer. RPD K-9 Officer Feimer responded to the scene to assist. Described his observations of the suspect vehicle and suspect location. Described his K-9 deployment and purpose.

TAB 9 – Supplemental Report, Pages 1 & 3 Narrative: Officer Wilder. Responded to a "shots fired" called. Upon arrival, assisted with a felony car stop on the suspect vehicle. He was tasked with canvassing the neighborhood for witnesses. He interviewed two witnesses, Jon Hyde and Emilio Martinez. Hyde heard gunshots, but did not see what happened. Martinez saw the suspect, Ramirez, shoot at the officer and the officer shoot at him.

TAB 10 – Supplemental Report, Page 2 Narrative: Officer T. Childers. Responded to a "shots fired" call. Upon arrival saw Ramirez on the passenger side of the vehicle and two other occupants inside. Ordered the occupants of the suspect vehicle to exit. Saw the K-9 and other officers approach Ramirez. He was tasked with interviewing witnesses and interviewed two. Witness #1's name was redacted, likely because she was a juvenile. W-1 saw Ramirez holding a gun and fire 2 – 3 shots. W-1 did not see or hear Officer Hunt's response. W-2 Vivian Hernandez saw Ramirez with a gun in his hand on the passenger side of the suspect vehicle. She saw muzzle flashes come from the gun that Ramirez was holding and at the same time heard him (Ramirez) fire 2 – 3 rounds. Hernandez immediately ran into the house she was at and did not see or hear anything else.

TAB 11 – Supplemental Report, Page 1 Narrative: Officer P. Grey. Officer Grey responded to the area and took up a perimeter position. After this assignment, he was tasked with interviewing a witness whose name was redacted from the report, likely due to being a juvenile. Witness saw Ramirez on the passenger side of the suspect vehicle. She saw a police vehicle drive by and the officer shine a spotlight on the suspect vehicle. Witness saw Ramirez shoot toward the police vehicle and an officer jump over the hood of the vehicle. Then ran inside the house she was at and did not see or hear anything else.

TAB 12 – Supplemental Report, Page 2 Narrative: Officer D. Mowery. Responded to the scene of an officer-involved shooting and was directed to locate witnesses. He located one witness that he interviewed. The witness name was redacted, likely due to being a juvenile. The witness was in the front yard of a residence and saw a marked police vehicle stop in front of it. Saw an officer exit the police vehicle and begin to approach a vehicle parked on the east side of La Cadena Street. As the officer approached the parked vehicle, the witness saw a subject start shooting at the officer who then walked backward and took cover behind the police vehicle.

TAB 13 – Supplemental Report, Pages 2 – 3 Narrative: Sgt. P. Elliott. Assisted with scene control when subjects involved in the shooting were still inside the suspect vehicle and preparations being made to remove them. Assisted with canvassing for witnesses. He interviewed Brandon Galicia and another witness whose name was redacted likely due to being a juvenile. Galicia was in the rear yard of a residence and saw the suspect vehicle parked. He did not initially see the police vehicle. He heard gunshots and looked across the street. He saw a male subject standing on the passenger side of the suspect vehicle with the door open. This suspect had a gun and was leaning over the top of the vehicle. The suspect fired 3 – 4 gunshots in the direction of a police vehicle. He did not see or hear anything else since he ran into the house he was at.

The other witness was standing in the front yard of a residence on La Cadena talking with a friend when she saw a police vehicle stop next to a tan color vehicle parked across the street. The driver got out of the vehicle and she then heard three gunshots from the driver side of the suspect vehicle. At the same time, a police officer ducked behind the police vehicle. The witness ran inside the residence and did not see anything further.

TAB 14 – Supplemental Report, Pages 2 – 3: Officer Macias. Macias was working as a METRO SWAT officer when he heard Officer Hunt report via police radio that there were shots fired. Upon arrival, Macias assisted in clearing the suspect vehicle. He observed Suspect Ramirez on his knees on the passenger side of the vehicle with his upper body lying across the front seat. Assisted in canvassing for witnesses. Interviewed a witness whose name was redacted. The witness was in the front yard of a residence when another person in the yard said there was a police vehicle out front. The witness went to look further and saw a male subject shooting at the police vehicle. An officer took cover behind the police vehicle. The witness described the shooter as a male wearing a gray sweater, possibly wearing a hat. The witness ran into the house as the shots were fired.

Officer Macias was familiar with the residence across the street from where the shooting took place and knew it was a problem drug house. He ran a database check on it and learned that Gerald and Paula Galvan, two documented gang members who were on probation, resided at the residence. He and other officers conducted a probation compliance check at the residence. Paula Galvan had an outstanding felony warrant, but she was not at the location. Macias found a video camera system set up at the residence where the camera captured activity in front of the residence with recording equipment located in another room. The system was not operating at the time of the shooting.

TAB 15 – Supplemental Report, Pages 1 – 2: Officer Zuetel. Zuetel responded to a shots fired call and was the 3rd to arrive on the scene. He assisted in covering other officers when the suspect vehicle was cleared. He canvassed the neighborhood for witnesses. He interviewed Irma and Angel Hernandez. Neither saw the shooting, but heard the gunshots. Irma saw the suspect vehicle parked across the street before the shooting occurred. She thought it was suspicious since she had never seen it before. She saw a police vehicle driving down the street

and at the time went back into her home. As she did so, she heard four gunshots. She did not see the shooting.

TAB 17 – Supplemental Report, Page 2: Officer Leyva. Leyva responded to an officer-involved shooting on La Cadena. Assisted in removing suspect vehicle's occupants that included Jose Estrada. Leyva escorted Estrada to his police vehicle and obtained his identifying information.

TAB 19 – Supplemental Report, Page 2 Narrative: Officer M. Cunningham. Responded to an officer-involved shooting on La Cadena involving Officer Hunt. Upon arrival, saw position of the suspect vehicle and Officer Hunt's police vehicle. Assisted in extracting suspects from the suspect vehicle that included a female that she (Cunningham) searched. Cunningham located and marked evidence with evidence placards. She located two shell casings next to Hunt's patrol vehicle. Plastic pieces from the police vehicle's driver side view mirror were lying on the ground below the mirror. Cunningham also located two bullet strikes on the driver's side of Hunt's vehicle just forward of the door.

TAB 21 – Supplemental Report, Page 1 Narrative: Officer S. Weddle. Responded to a shots fired call involving Officer Hunt. Upon arrival, assisted other officers as an arrest team on suspect Ramirez. Weddle was assigned to carry the less lethal shotgun as they approached Ramirez. The less lethal shotgun was not fired.

TAB 22 – Supplemental Report, Page 2: Officer Jerry Post. Post was working as an observer with the RPD air unit when the shots fired call was broadcast by Officer Hunt. The air unit responded to assist. Post was requested to utilize the FLIR equipment on the helicopter to check the area for any potential fleeing suspect and none was found. Used binoculars to check the suspect vehicle and saw a subject seated in the driver seat. He observed another subject at the front passenger door lying halfway inside the vehicle and halfway out. No further actions taken.

TAB 24 – Supplemental Report, Page 2 Narrative: Officer B. Crawford. Responded to a shots fired call by Officer Hunt. After staffing a perimeter post, Crawford responded to the scene and was assigned by a supervisor to check for bullet strikes that were fired at Officer Hunt by Ramirez. Crawford located two bullet strikes on the driver side of Hunt's police vehicle. One was located on the driver side view mirror and another was on the driver door near the "A-Pillar." He also located a bullet strike in a black Toyota pick-up truck that was parked on the west side of La Cadena. Crawford checked the surrounding area for other bullet strikes but none were found.

TAB 42 – Supplemental Report, Pages 3 – 6: Detective David Smith. Smith was contacted by telephone to respond to an OIS involving Officer Hunt. Smith arrived and was briefed on the incident by Sgt. Cash and informed as to what actions had been taken by patrol officers up to that point. This included a description of the scene, evidence, and witnesses that had been identified. Smith directed Detective Rowe to interview the male occupant of the suspect vehicle,

W-Estrada, and Detective Sanfilippo to interview W-Suarez, the female occupant from the suspect vehicle. Rowe and Sanfilippo submitted reports in regard to their interviews.

Detective Smith interviewed Officer Hunt who related that he fired two rounds in the direction of where he last saw Ramirez at the suspect vehicle after Ramirez had fired rounds at him. Smith also reviewed the COBAN video from Hunt's vehicle. In his report, Smith described the COBAN video information where he reported seeing Hunt run around the front end of his vehicle and then observed two puffs of smoke where Hunt apparently fired his weapon at Ramirez. There is no audio.

TAB 43 – Supplemental Report, Pages 3 – 4 Narrative: Detective Rowe. This tab contains the interview of W-Estrada, the driver of the suspect vehicle. Estrada drove Ramirez to the La Cadena location after a request by Ramirez to drop him off at that location. Estrada and Suarez, the female occupant in the rear seat of the suspect vehicle, never exited the vehicle. Estrada said Ramirez left the vehicle and returned two times. Ramirez asked that they wait for him when he went into a residence. Ramirez was gone for approximately 15 minutes. Saw a police vehicle driving down the street as Ramirez ran across the street back to Estrada's vehicle. The officer shined a spotlight on Ramirez as he ran across the street. Ramirez got to the passenger side of Estrada's vehicle as the police vehicle drove up alongside Estrada's vehicle. Ramirez opened the passenger front door and said to the officer, "It's cool officer. It's cool." Estrada then heard gunshots on both sides of his vehicle. Estrada ducked down. Ramirez was on the ground with his head lying on the front passenger seat. Estrada asked Ramirez if he was okay, but got no response. Estrada was then ordered out of his vehicle by officers.

TAB 44 – Supplemental Report, Pages 2 – 3: Detective Sanfilippo. He was called at home and requested to respond to assist in the investigation of an officer involved shooting. Sanfilippo was tasked with conducting an interview with Stephanie Suarez, the female rear seat passenger from the suspect vehicle. The interview took place at the Police Department. Suarez said she was walking on 10th Street near Kansas when she came across Ramirez. She only knew him as "Angel Boy" or "Smirks." Ramirez told Suarez he was going to Estrada's residence to get a ride and invited her to come along. Estrada drove them to a residence on La Cadena. Estrada first parked on the same side of the street as the residence and Ramirez left for approximately 5 minutes. He returned and told Estrada to park across the street and went back to an unknown residence.

While seated in the rear seat of the suspect vehicle, Suarez noticed another vehicle had arrived and was shining a spotlight at Estrada's vehicle. Suarez then noticed Ramirez open the front passenger door. She then heard 4 – 5 gunshots. She put her head down in her lap. She noticed Ramirez was then lying partially inside the vehicle. Suarez was then removed from the vehicle by responding officers.

TAB 45 – Supplemental Report, Pages 1 – 3 Narrative: Officer N. Nakamura. Nakamura assisted Detective Smith with Spanish translation while interviewing two witnesses, Mauricio and Lorena Rodriguez. Mauricio and Lorena were at the business where the shooting occurred.

They were the cleaning crew that had just completed their work. Mauricio was loading equipment in his work truck when he saw Ramirez running across the street carrying a handgun in his hand. He said Ramirez was running and acted as though he was doing something "bad." Mauricio's wife, Lorena, was seated in the driver's seat of their work vehicle. Mauricio feared that Ramirez was going to come and "rob" him. Mauricio told his wife that if Ramirez continued to come to them, that she was to "speed away" and that he would run through a hole in a chain link fence.

Mauricio saw Ramirez go the passenger side of the suspect vehicle and raise the gun and fire 2 – 3 shots at a police officer. The officer returned fire toward Ramirez. It appeared that Ramirez was struck in the torso and fell to the ground. Mauricio feared for his life and quickly left the location. Lorena said she was seated in the driver's seat of their vehicle while Mauricio loaded equipment into it. She noticed Mauricio with a "frozen" stare as he looked straight ahead. He told her there was going to be a shootout and for her to get down. Lorena took cover and heard up to six gunshots. She saw a police officer take cover behind his police vehicle. She and Mauricio then quickly left the area.

TAB 46 – Supplemental Report, Pages 2 – 8 Narrative plus suspect vehicle impound form: Detective R. Wheeler. In this tab, Detective Wheeler described his assignment, evidence that he observed and collected, a scene description, and scene processing. Wheeler also completed the suspect vehicle impound form.

TAB 47 – Supplemental Report, Pages 1 – 2 Narrative and Property Report: Det. Brandt. Reported on assisting Forensic Tech McKay-Davis on evidence collection and photographs of evidence. Reported on the collection of a Smith & Wesson revolver that was found on the ground just outside the front passenger door of the suspect vehicle. The revolver is a .38 Special, model 143. Brandt also reported his observations of the on-scene death investigation by Deputy Coroners Ferris and Roberts.

TAB 48 – Supplemental Report, Page 1 Narrative: Officer Cavanaugh. Processed the COBAN video footage from Officer Hunt's police vehicle. He cut and imported 38 minutes and 24 seconds of buffered video into the COBAN Back Office Application.

TAB 49 – Supplemental Report, Pages 1 – 2 Narrative, Property Report, Evidence Log, Photo Log, and Crime scene Sketch: Sr. I.D. Tech McKay-Davis. Processed the crime scene for evidence, evidence collection, and charting of a Smith & Wesson .38 cal revolver. The revolver had (2) empty chambers, (1) live round in a chamber and (3) expended shells in three of the chambers.

TAB 50 – Supplemental Report, Pages 1 – 2 Narrative, Charting Log, Evidence Log, Photo Log: Sr. Forensic Tech L. Velin. Took photos and conducted GSR tests on witnesses Jose Estrada and Stephanie Suarez. Took measurements at the crime scene. Took photographs of Officer Hunt and collected his duty weapon, a Glock .40 Cal Model 22 handgun. Charted Officer Hunt's duty weapon, his Glock .40 Cal Model 27 back-up weapon and his long rifle. Officer

Hunt's duty weapon contained one magazine with 13 live rounds with one live round in the chamber. This indicated that two live rounds were missing. If the gun was filled to capacity, this would reflect that Hunt fired two rounds.

TAB 51 – Supplemental Report, Pages 2 – 3 Narrative: Det. M. Medici. Conducted a search of the area for surveillance cameras to determine if the shooting incident was captured on video. Located cameras on two businesses, Eagle Road Service and Poma Fueling. Medici located an employee for Eagle Road Service who allowed Medici to view the video footage. Medici found the footage was distant and distorted. He was able to see Officer Hunt's vehicle as it arrived on scene and that the spotlight illuminated the suspect vehicle. Saw brief flashes of light (possibly gunfire from Hunt) and a figure run or walk around the police vehicle. Medici copied the footage on a flash drive. The video obtained from Poma Fueling was distant and very poor quality. The only thing that Medici claimed could be seen was the police vehicle spotlight. The video footage was loaded onto a flash drive.

Det. Medici located a surveillance camera at a private residence located at 3071 La Cadena. Medici and other officers had attempted to make contact at the residence, but no one would answer the door even though someone could be seen inside. Medici learned that the resident at the location was Gerald Galvan who was on probation for narcotics violations. He also learned that officers have made drug related arrests at the residence. Medici and other RPD officers conducted a probation search at the residence and found Galvan trying to hide in the kitchen. Although the cameras show views from outside of the residence, the footage is not recorded. The cameras and equipment are for viewing only.

TAB 52 – Supplemental Report, Page 2 Narrative: Det. R. Wheeler. Searched and assisted RPD ID Techs in collecting evidence from the suspect vehicle. .3 grams of a brown tar-like substance determined to be heroin through a presumptive test was located in the vehicle. Inspected gunshot holes in the suspect vehicle. The trajectory of two rounds was determined to have been fired in a direction from the driver side of the suspect vehicle to the passenger side. This would be consistent with the rounds being fired from Hunt's position toward the suspect vehicle. One ricochet dent from a bullet was located on the top of the vehicle that appeared to have a trajectory going from the passenger side of the suspect vehicle toward the driver side. The suspect vehicle was a 1997 4-door Nissan Altima, champagne color.

TAB 53 – Supplemental Report, Pages 1 & 8 Narrative, Property Report, Evidence Log and Photo Log: ID Tech McKay-Davis. Reported on evidence processing and evidence collection from the suspect vehicle. On Page 8 narrative, McKay-Davis described the retrieval of a bullet fragment from the driver's side window molding of the RPD Unit used by Hunt at the time of the shooting.

TAB 55 – Supplemental Report, Pages 2 & 3 Narrative: Det. J. Brandt. Described the DNA and GSR processing of witnesses Estrada and Suarez. Reported on the charting of Officer Hunt's weapons. His duty weapon, Glock .40 Cal semi-auto Model 22, back-up weapon, Glock .40 Cal Model 27, and Colt 556 mm rifle Model 6940.

TAB 56 – Supplemental Report, Pages 2 – 4 Narrative and Property Report: Det. J. Brandt. Attended the autopsy of Ramirez and described the process and results. The autopsy was performed by Dr. J. Park with the assistance of Coroner Techs C. Willis and P. Salyer. Dr. Park cited the cause of death as a gunshot to the chest. Ramirez was struck once in the chest. The bullet projectile trajectory revealed that it entered the left chest and traveled in a downward trajectory from left to right. The projectile struck the heart, diaphragm and liver. It also bruised a lung. There were several abrasions on Ramirez' body that were likely caused when the K-9 pulled him away from the suspect vehicle. Ramirez also sustained several dog bites.

TAB 57 – Supplemental Report, Page 1, Photo Log and Property Report: ID Tech T. Ellis. Attended the autopsy of Ramirez where photos were taken and property collected and booked.

TAB 58 – Coroner Death Investigation Report, Pages 1-19, Narrative and Lab Reports. Cause of Death reported as Gunshot Wound to the Chest. The lab reports reflect that Ramirez had the following drugs in his system: Amphetamines, Opiates, Cannabinoids, and alcohol.

TAB 59 – Supplemental Report, Pages 2 & 3, Narrative and Property Report: ID Tech S. McKay-Davis. Removed items of evidence from the RPD evidence lockers for further processing. Conducted further processing of the revolver that was used by Ramirez for fingerprints and DNA. ID Tech E. Dorothy test-fired the revolver at the RPD range in order to recover bullets for ballistics analysis.

TAB 60 – Physical Evidence Examination Report: Two-page report submitted by the State of California Department of Justice. The examination and report was prepared by Sr. Criminalist Richard Takenaga.

TAB 61 – Audio Log, 1 page: Log listing information on audios associated with this investigation.

TAB 62 – Photo Logs: P13136168MD and P13169168LV

TAB 64 – Supplemental Report, Page 9, Narrative. Det. Collopy. Based upon his training, education and experience, Det. Collopy provided his expert opinion on the identification of the East Side Riva as a criminal street gang and that Ramirez was an active member of this street gang at the time of his death.

TAB 66 – Riverside County D. A. Staffing Review Letters: Letter from Riverside County DA Michael Hestrin to Chief Sergio Diaz indicating that upon review of the facts of this case, there was no evidence of criminal liability on the part of the officer involved in this case.

TAB 67 – Interview Transcript, Pages 1-29: Interview with Officer Hunt conducted by Det. Smith and Det. Rowe.

TAB 68 – Interview Transcript, Pages 1 – 46: Interview with Witness Jose Estrada conducted by Det. Smith and Det. Rowe.

TAB 69 – Interview Transcript, Pages 1 – 48: Interview with Witness Stephanie Suarez conducted by Det. Sanfilippo.

By Frank Hauptmann, CPRC Manager

Section C

Mike Bumcrot Consulting

Report of Investigation

MIKE BUMCROT CONSULTING

REPORT OF INVESTIGATION

DATE: December 1, 2013

CASE: Riverside Police Department File #P13-169168

SUBJECT: Officer Involved Shooting Death of Adolfo Ramirez which occurred on November 22, 2013

LOCATION: 3020 La Cadena Drive, Riverside

On November 23, 2013, I received information from Frank Hauptmann, Manager of the Community Police Review Commission, that Riverside Police Officers had been involved in a deadly officer involved shooting the previous night. I was asked to conduct a neighborhood canvass in the area of the incident to search for potential witnesses who had not been located by Riverside Police Department at the time of the shooting. If any witnesses were located, I was asked to conduct a fair and impartial interview and provide a copy of said interview to Riverside Police Department investigators.

On November 24, 2013, I responded to the location and observed it to be "Poma" automated gas station on the east side of La Cadena Drive at 1st Street. I observed the entire east side of the street to be commercial buildings. North of the gas station was a large parking lot for the Inland Empire Collision Company and office buildings.

On the west side of La Cadena Drive were several houses and some commercial buildings. I walked north on La Cadena Drive from 1st Street to Malta Place and attempted contact at each residence. I talked with several people but none who admitted to witnessing the incident.

On November 26, 2013, I attended the Executive Briefing of the incident given by the handling Riverside Police Department detectives.

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I will review the circumstances surrounding the officer involved shooting death when Riverside Police Department provides me access to their files.

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REPORT OF INVESTIGATION

DATE: November 6, 2015

SUBJECT: Officer Involved Shooting Death of Adolfo Ramirez, which occurred on November 22, 2013 at 2327 Hours

CASE: Riverside Police Department File #P13-169168, CPRC #13-039

LOCATION: Parking lot located at 3020 E. La Cadena, Riverside, Poma Automatic Self Fueling Station

On October 31, 2015, I was asked by Frank Hauptmann, Manager of the Community Police Review Commission, to review the circumstances surrounding the officer involved shooting death of Adolfo Ramirez by Riverside Police Officer Shadee Hunt. I was also asked to provide my expert opinion in a written report on the manner in which Riverside Police Department Detectives investigated the case. I reviewed several hundred pages of police reports, photographs and other documents contained in the presentation by Riverside Police Detectives to the Community Police Review Commission. It should be noted that I also viewed the COBAN video of the incident during the executive briefing that I attended on November 26, 2013. This video had been removed from Officer Hunt's marked police car after the incident. I also researched legal issues and officer involved shooting incidents involving suspects shooting at police officers. I had earlier responded to the location to canvass the area for possible witnesses and to better understand the police reports. I also took photographs of the scene and surrounding neighborhood, which are included in this report, which will assist the reader.

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It is my conclusion that Officer Hunt acted in lawful self defense at the time he fired his pistol. Officer Hunt provided a detailed statement to investigators, which was considered as part of my analysis.

FACTUAL ANALYSIS

On November 22, 2013, just before 11:30 PM, Riverside Police Officer Shadee Hunt, wearing a complete police uniform and driving a marked police vehicle, was on routine patrol southbound on La Cadena approaching 1st Street. This area has single-family dwellings on the west side of the street (Officer Hunt's right side) and closed businesses on the east side of the street (Officer Hunt's left side). See photo below.

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As Officer Hunt drove south, he observed a male to suddenly run from a residence, directly in front of him. This male ran towards a vehicle that was parked in a darkened parking area for the Poma Automatic Fueling Station. Officer Hunt would later tell detectives that the area is not very well lit and he had made arrests in the vicinity. Officer Hunt said that due to his "Beat Knowledge" and the actions of the male running from a residence into a darkened parking lot, towards a darkened, idling vehicle, it raised his level of suspicion and he thought, "There's some type of criminal activity". Officer Hunt drove his police car towards the male, later identified as Adolfo Ramirez, who was now standing on the passenger side of a vehicle that was parked in the dark lot and facing north. See photo below.

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Officer Hunt turned his police vehicle spotlight on and pointed it at Mr. Ramirez and asked what he was doing. Officer Hunt observed someone sitting in the driver's seat but his attention was drawn to Mr. Ramirez, who appeared to be acting suspiciously. Mr. Ramirez' response to Officer Hunt's query was, "I'm good". Officer Hunt stopped his vehicle and began to exit, once again asking Mr. Ramirez what he was doing. Mr. Ramirez answered, "We're good officer" and suddenly Officer Hunt saw muzzle flashes and heard gunshots coming from the direction of Mr. Ramirez. Officer Hunt would later tell detectives "Instantly, I thought he was trying to kill me". He also said he thought, "Maybe he robbed the house he was running from". Officer Hunt ran around the front of his police vehicle and, while using it for cover, fired two shots towards the area he had last seen Mr. Ramiez. When detectives later asked him why he stopped firing his weapon after only two shots, Officer Hunt responded that the suspect had stopped shooting. This is evidence of gunfire discipline.

Assisting officers arrived and it was determined that Mr. Ramirez was on his knees, next to his vehicle, and his upper body was lying inside the car. Officers ordered the driver, Jose De La Luz Estrada, and rear passenger Stephanie Suarez, out of the vehicle and they were detained. Mr. Ramirez was given commands to show his hands and when there was no response, K-9 "Sando" was deployed. Sando pulled Mr. Ramirez, by his jacket, completely out of the vehicle. As Mr. Ramirez was pulled from the vehicle, a revolver fell to the ground.

Mr. Estrada and Ms. Suarez were interviewed and it was determined that they were witnesses only. Although they told differing accounts of how they had earlier met up with Mr. Ramirez, both of them stated that Mr. Estrada was asked by Mr. Ramirez to drive him to an address on E. La Cadena and wait for him while he visited someone. Ms. Suarez went along just for the ride. Both denied any knowledge of Mr. Ramirez being armed. Investigators received information that one of the houses on E. La Cadena was a known drug-dealing house and a small amount of heroin was recovered under the front passenger seat of the suspect vehicle. A hypodermic syringe was also found in a pants pocket of Mr. Ramirez. Investigators interviewed the occupants of the known drug selling house and they were uncooperative and denied knowing Mr. Ramirez.

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Investigators interviewed numerous witnesses who were in a front yard across from the incident. Many of these witnesses saw Mr. Ramirez fire a weapon at a police officer. Investigators also interviewed the cleaning crew at Poma Fuel Station, Mauricio and Lorena Rodriguez. Mr. Rodriguez stated that they had just completed cleaning the location offices and were putting supplies in the back of their truck. He saw a male walk across E. La Cadena towards a car that was parked in the darkened lot. Mauricio said he could clearly see this male carrying a handgun along his right leg and feared they were about to get robbed. He told his wife that if the suspect approached them she was to speed away in the truck and he would run east towards the railroad tracks. Mr. Rodriguez then saw a police car driving south on E. La Cadena, which stopped next to the car the male had walked to. This male was then illuminated with a spot light and he saw a uniformed police officer begin to exit the police car. He saw the male raise his handgun and fire 2–3 gunshots at the policeman. The policeman ran around to the other side of the police car and returned fire, apparently striking the suspect who then slumped over.

EVIDENCE

Charting of Officer Hunt's pistol revealed he had fired two gunshots. One shot entered the driver's door window of the suspect's vehicle and exited the passenger door window. When assisting officers arrived on scene, they ordered Mr. Estrada to roll down the driver's window and throw out his keys. This action caused the driver's door window to shatter inside the door. The second shot entered the left rear door window and exited the right rear door window. One of these bullets also struck Mr. Ramirez in the left chest, just above the nipple. The bullet traveled front to back, left to right, and downward. The projectile struck the suspects heart, diaphragm and liver. Mr. Ramirez' toxicological results at the time of autopsy was positive for the presence of alcohol, amphetamine, methamphetamine, opiates and marijuana.

Charting of Mr. Ramirez' .38 revolver revealed three empty casings, one live round, and two empty cylinders. It is evident that the three empty casings were fired at Officer Hunt because two bullets struck the driver's door of the police unit as the officer got out of his car, and one round struck the roof of the suspect car as Mr. Ramirez leaned across the

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roof, using it as a rest. This round ricocheted off the roof and struck a parked pickup truck behind and south of Officer Hunt.

Gang expert Officer C. Collopy stated that Mr. Ramirez was an active eastside Riva Gang member based on his association with other Eastside Riva Gang members, being contacted by police in areas claimed by Eastside Riva, his tattoo's, his arrests for crimes other Eastside Riva members were involved in, Eastside Riva Gang members held a car wash to pay for Mr. Ramirez' funeral, and Eastside Riva Gang members attended his funeral. It should also be noted that at the time of the incident, Mr. Ramirez was being sought for a parole violation.

EXPERT QUALIFICATIONS

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

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

For over 15 years, I have taught "High Profile Murder Investigations", "Homicide Scene Management", and Officer Involved Shooting Investigations" for the Robert Presley Institute of Criminal Investigation, police academies, advanced training classes, supervisor training, college classes, Homicide School, and in-service training. I am currently on staff with the Police Policy Studies Council where I teach and consult

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nationally on officer involved shooting, homicide, and suspicious death investigations. I am currently the investigator for the Riverside Police Review Commission. Although I retired from LASD in 2002, I was immediately signed to a contract to train newly assigned homicide detectives. In 2006, I was also assigned to the LASD Cold Case team where I have reviewed over one thousand unsolved murders and specifically work the unsolved DNA and latent print cases.

INVESTIGATION AND REVIEW

The investigation into the officer involved shooting death of Adolfo Ramirez was conducted by the Riverside Police Department and the Riverside County District Attorney's Office. I reviewed all the reports submitted to the Community Police Review Commission and researched deadly force legal issues. The District Attorney found there was no criminal liability.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense if it reasonable appears to the person claiming the right of self-defense that he actually and reasonably believed he was in imminent danger of great bodily injury or death. (Penal Code Section 197; People v. Randle (2005) 35 Cal. 4th 987, 994; People v. Humphrey (1996) 13 Cal. 4th1073, 1082; CALCRIM No. 505.

In protecting himself or another, a person may use all the force, which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury, which appears to be imminent. CALCRIM No. 3470.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal. App.2nd 575, 589.

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California Penal code Section 3067(a) requires every prisoner eligible for release on state parole "Shall agree in writing to be subject to search and seizure by a parole officer or other peace officer at any time of the night or day, with or without a search warrant or with or without cause".

Officers do not need probable cause nor reasonable suspicion to conduct a parole search. This type of search is not a violation of the parolee's Fourth Amendment rights. Samson v. California (2006) 547 U.S. 843 and People v. Reyes (1998) 19 Cal. 4th 743, 753.

CONCLUSION

The evidence examined in this investigation reveals that Mr. Ramirez, a wanted parole violator, was obviously armed when he encountered Officer Hunt. His choices were to submit to questioning by the officer and perhaps being released or even running from the location. Mr. Ramirez chose to attempt to murder a police officer in the performance of his duties.

I find that the actions of Mr. Ramirez, the evidence found at the scene, and the statements of civilian witnesses, as well as Officer Hunt, strongly suggest that Officer Hunt had a reasonable fear of imminent death and feared Mr. Ramirez posed a lethal threat and his response with deadly force was justified. I conclude that Officer Hunt acted lawfully in self-defense. The fact that Mr. Ramirez fired 3 shots at Officer Hunt, two striking the police car door that the officer was exiting from, and a parked vehicle behind the officer's position, leaves little doubt of Mr. Ramirez' intentions.

I find that the investigation into the officer involved shooting death of Alfonso Ramirez by Riverside Police Detectives was completed in a fair and impartial manner and met or exceeded POST standards of practice.

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Section D

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

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

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

Sergio G. Diaz
Chief of Police

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

A. POLICY:

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

1. Intentional and accidental shootings;

2. Intentional and accidental use of any other deadly or dangerous weapon;

3. Attempts to affect an arrest or otherwise gain physical control over a person for a law enforcement purpose; and,

4. Deaths of persons while in police custody or under police control following a use of force.

B. PROCEDURES:

1. Whenever an employee of this Department uses, or attempts to use, deadly force through the intentional or accidental use of a firearm or any other instrument in the performance of his/her duties, or is otherwise involved in an incident where death or serious likelihood of death results as defined above, he/she shall immediately notify his/her supervising officer.

2. The supervisor shall notify the Watch Commander without unreasonable delay.

3. The Watch Commander shall notify the on-call Centralized Investigations Sergeant. The on-call Centralized Investigations Sergeant shall notify the Centralized Investigations Lieutenant (or Captain in his/her absence). The Centralized Investigations Lieutenant will determine if a response by the Officer Involved Shooting Team (OIS Team) is necessary. If so, the Centralized I Investigations Lieutenant will notify the Robbery/Homicide Sergeant who will respond the OIS Team.

4. If an employee discharges a firearm, or uses other deadly force, or is otherwise involved in an incident where death or serious likelihood of death results outside the Riverside City limits, the employee shall immediately notify the local law enforcement agency having jurisdiction where the incident occurred. As soon as

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

C. ROLES AND RESPONSIBILITIES

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

1. Roles:

a. The Centralized Investigations Bureau will focus on all criminal aspects of the incident.

b. The Riverside County District Attorney may be present to oversee the focus on all criminal aspects of the investigation and may conduct a parallel investigation.

c. The Riverside Police Office of Internal Affairs may be present to review training, procedural, and policy matters connected with the incident.

d. The Riverside City Attorney may respond to the scene to review the case with regard to any potential civil liability to the City of Riverside and its officers.

e. Peer Support Officers shall be called to provide employee(s) support and assistance in understanding the investigative process and to attend to the officer(s)' personal needs. The Watch Commander or Centralized Investigations Lieutenant will determine the appropriate time and place for peer support to respond. Although confidentiality within the Peer Support Program is provided under the Evidence Code, and the Riverside Police Department will not require Peer Support Officers to reveal confidential conversations with involved employees, Peer Support Officers are cautioned that a court may determine no privilege exists regarding immunity or communication between the Peer Support Counselor and the involved employee(s).

f. Psychological Services shall be called to assist the employee(s) involved with information on coping with psychological changes which can occur as a result of being involved in a critical incident. A licensed mental health professional afforded psychotherapist-patient privilege under the Evidence Code shall interview the officers involved. The Watch Commander or Centralized Investigations Lieutenant will determine the appropriate time and place for post-incident psychological counseling.

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

g. The Press Information Officer shall be summoned to the scene if necessary to act as a single source of information to the news media. The Investigations Lieutenant or his/her designee will brief the PIO as to information deemed appropriate for release. The PIO shall provide regular updates and a written press release to the news media when appropriate.

h. The Riverside Police Officers Association (RPOA) shall be notified of the critical incident whenever the ensuing investigation is handled by this department and the incident involves a member of the RPOA. In such cases, notification will be made by the Centralized Investigations Sergeant at the following RPOA telephone number: (951) 403-4657. Representative(s) of the RPOA will be permitted access to the involved officers at the scene and at the Centralized Investigations Bureau. RPOA will designate which representative(s) will respond. RPOA Representatives on duty shall be relieved of further duty with pay unless they are witnesses to or directly involved in the critical incident. RPOA Representatives will not unreasonably be denied access to the officers they are representing. No report will be required of RPOA Representatives. While the Police Department will not require RPOA Representatives to reveal communications with member officers they are representing, a court may determine that no privilege exists in criminal matters. Accordingly, officers are encouraged to obtain legal representation.

2. <u>Responsibilities</u>:

a. <u>Involved/Witnessing Employee Shall</u>:

1. Provide care for all injured persons.

2. Request supervision and suitable assistance.

3. Secure the scene of the incident and protect it from alteration and contamination.

4. Apprehend offenders.

5. Brief the responding supervisor, providing a public safety statement to assist in identifying and/or locating the suspect, number of rounds fired, trajectory of rounds fired, information necessary to protect the crime scene, or information to protect the public and other officers from continuing harm of a fleeing suspect.

6. Ensure witnesses and/or other involved persons (including police personnel) do not discuss the incident prior to being interviewed by the OIS Team.

7. Prepare an accurate and complete police report of the incident and have it approved by a supervisor. The report may be prepared by the involved employee(s) by dictating the report for transcription, furnishing a complete and accurate statement to police investigators, or by submitting a complete and accurate written report. Such report should be prepared as soon as possible after the incident unless the employee is injured or emotionally unable to promptly make a police report. The Investigations Lieutenant will determine when the report will be prepared or the employee interviewed. When making their reports, involved officers shall not be considered as having waived their rights under the Public Safety Officers Procedural Bill of Rights Act, the federal and California Constitutions, and other relevant statutory protections.

8. Unless approval is granted by the Chief of Police or his/her designee, the involved employee(s) shall not talk to the news media or anyone else regarding the incident or investigation until the entire criminal investigation is completed. Exceptions are: the interviewing detective and/or supervision from the OIS Team, legal representatives, RPOA representative, Peer Counselor, a member of the clergy, or a psychological services provider.

9. Involved employee(s) will provide a blood sample, when in accordance with law, when administratively compelled, or when in compliance with the department's alcohol and drug testing policy.

b. **<u>Field Supervision Shall:</u>**

1. Provide medical aid to any injured parties.

2. Take immediate charge of the scene. Establish a crime scene perimeter with a single point of entry and exit. Assign an officer to restrict access only to necessary police and/or medical personnel and to maintain a log of persons entering and exiting the crime scene.

3. Ensure preservation of the scene for investigators. Supervise Field Operations personnel and ensure they carry out assigned duties.

4. Make immediate inquiry into issues of public safety and scene security, i.e., including number of rounds fired, trajectories of rounds after discharge, and the description, location, or direction of travel of any outstanding suspects. No further questions will be asked of the involved employee(s).

5. Ensure that no items of evidence are handled or moved unless contamination or loss of evidence is imminent. If contamination or loss of evidence is likely, notation (or preferably a photograph) must be made of its location and condition before it is moved. Photographs will only be taken upon the express direction of a member of the shooting team or the Field Supervisor.

6. Assign an officer to accompany any injured persons to the hospital to:

a. Recover and secure any item of physical evidence.

b. Place suspect in custody if appropriate.

c. Record any spontaneous or other unsolicited statements.

d. Record information regarding medical condition and personnel treating the injured person.

7. Notify the Watch Commander.

8. Establish an appropriate command post.

9. Ensure that the weapons used are not handled by anyone at the scene. Safety should be paramount. Weapons in possession of the involved employee(s) should be left with the employee(s) until requested by the OIS Team.

10. Transportation of the involved employee(s) from the scene to the Investigations station shall be arranged using uninvolved, on-duty personnel or peer counselors.

11. Assign an on-duty, non-involved officer to accompany the involved and/or witness employee(s) to the station to ensure that they are not allowed to discuss the incident with other officers or employees. Involved officer(s) shall be sequestered until such time as they meet with the assigned detectives and/or supervisors assigned to the OIS Team for the purposes of providing an interview. Exceptions are: legal representatives, RPOA representative, Peer Counselor, a member of the clergy, or a psychological services provider.

12. All witnesses should be located and documented, including hostile witnesses.

13. Ensure that each employee present, <u>excluding</u> those directly involved in the incident, peer officers and RPOA representatives, completes a supplemental report before the end of shift. The report should include the employee's name, identification number, unit number, and specific actions at the scene. The completed report is to be submitted directly to the Officer Involved Shooting Team Supervisor.

14. Brief the responding OIS Team.

15. Notify the Press Information Officer if necessary. Provide an initial press release to the news media present if necessary. The information released shall be brief and generalized with absolutely no names released or confirmed. The PIO shall also prepare a written press release covering the same information previously

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

c. <u>Watch Commander Shall</u>:

1. Notify the Centralized Investigations on-call Sergeant.

2. Notify the employee's Division Commander.

3. Notify the Deputy Chief of Operations

4. Notify on-call Peer Support personnel and RPOA representative, and coordinate the response of the Psychological Services provider with the Centralized Investigations Lieutenant.

5. Ensure the presence of sufficient personnel to control the scene and to allow adequate police services for the remainder of the city.

6. Maintain or cause to be maintained an accurate account of police personnel involved in the incident and any employee(s) called to assist in providing basic police services.

7. Unless directed otherwise, conduct a debriefing of the incident and prepare the after action report as required by Riverside Police Department Manual of Policy and Procedures Section 4.58, <u>Debriefing of Critical Incidents</u>.

8. Ensure that the necessary reports are completed in compliance with Riverside Police Department Manual of Policy and Procedures Section 4.30, <u>Use of Force</u>.

d. <u>Centralized Investigations Lieutenant Shall</u>:

1. Notify and assign Robbery/Homicide Sergeant(s) to the investigation.

2. Notify the Investigations Division Commander of the investigation.

3. Notify the City Attorney.

4. Notify the Internal Affairs Lieutenant or appropriate Internal Affairs Sergeant in his/her absence.

5. Respond to the scene to assume command of the investigation and serve as liaison with Area Commanders, Division Commanders, Office of Internal Affairs, City Attorney, and the District Attorney’s Office.

6. Provide the Press Information Officer with updated information that can be released to the media. In the absence of the PIO, the Investigations Lieutenant or his/her designee shall be the single

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

7. Ensure that public information concerning the findings and conclusions of the criminal investigation are not disclosed until the involved employee(s) have been first notified.

8. Schedule a debriefing at the conclusion of the initial investigation to ensure all aspects have been covered and to discuss considerations for improvement.

9. Submit the completed investigation to the District Attorney's Office and attend the DA staffing of the investigation with the OIS Sergeant and the case agent.

10. Ensure that the involved employee(s) meets with the Psychological Services provider.

11. Ensure that the OIS Team, including supervisors, complies with this Policy and that involved officers are afforded their procedural rights under the Public Safety Officers Procedural Bill of Rights and related laws.

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

1. Conduct a thorough and accurate criminal investigation of the incident, including:

a. Documenting, photographing, and collecting all evidence at the scene. Photographs taken after the arrival of the shooting team will be at their direction only.

b. Interviewing all victims, witnesses, suspects, or other involved persons. All interviews will be tape recorded unless impractical or the circumstances prevent it.

c. Advise the involved employee(s) of their Constitutional rights if there is a possibility of a criminal violation on the part of the employee(s) and when it is anticipated the case will be submitted to the District Attorney’s Office for filing. Rights advisals are not required for employees who are solely witnesses and criminal prosecution will not occur.

d. If the involved employee(s) is advised of his/her Constitutional rights prior to writing or dictating a report or being questioned, and the employee declines to waive those rights, no further questioning will occur.

e. Advise the involved or witness employee(s) that they may consult with a department representative or attorney prior to the interview taking place, and this department representative or attorney may be present during the interview.

f. No administratively compelled statement(s) will be provided to any criminal investigators.

g. Involved employee(s) may be ordered to provide samples of blood when objective symptoms consistent with the use of alcohol, a drug or narcotic are exhibited by the involved employee(s), or when reasonable suspicion exists to believe an employee(s) is under the influence of alcohol, a drug or narcotic. All blood samples will be retained by the Riverside Police Department. All blood results will be sent directly to the Centralized Investigations Sergeant overseeing the OIS Team. Blood results will then be forwarded to the OIS case agent.

h. Interviews or questioning of involved officers shall whenever possible take place in an office or room not regularly used to interview suspects or civilian witnesses. Officers shall not be interviewed in a suspect interview room or a room equipped to remotely monitor (audio and/or video) interviews. Injured officers shall not be interviewed at a hospital or medical care center unless circumstances require an emergency interview before the officer is released.

i. Notify and consult with the Deputy District Attorney concerning legal issues connected to the investigation.

j. Ensure all reports have been written and submitted in a timely manner.

k. Take custody of involved employee's weapon(s) for submission to DOJ and range inspection.

l. Ensure involved employee(s) have replacement weapons.

m. The Officer Involved Shooting Team Sergeant will complete a synopsis of the incident, forwarding a copy to the affected Division Commander and Chief of Police within twenty-four hours of the incident.

n. Ensure the investigation is completed in a timely manner and submitted to the Centralized Investigations Lieutenant for review.

o. Attend the District Attorney's Office staffing of the investigation with the OIS Sergeant and Centralized Investigations Lieutenant. Staffing to be arranged by the Lieutenant.

p. The OIS case agent and investigations supervisor will be responsible for the collection of all police reports and related documents. These documents will remain under

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

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

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

f. <u>Internal Affairs Shall:</u>

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

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

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

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

g. <u>Public Information Officer and Press Releases</u>:

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

D. <u>RELIEF FROM DUTY</u>

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

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

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

Section E

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

Use of Force Policy

Effective Date: 8/93
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Revision 7 Date: 11/01/04
Revision 8 Date: 04/16/09
Revision 9 Date: 04/08/11
Approval:
Sergio G. Diaz
Chief of Police

4.30 USE OF FORCE POLICY:

A. PURPOSE:

The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

B. PHILOSOPHY:

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and when warranted, may use force that is objectively reasonable to defend themselves; defend others; effect an arrest or detention; prevent escape; or, overcome resistance in order to carry out their duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use objectively reasonable force to protect the public welfare requires a careful balance of all interests.

C. SERIOUS BODILY INJURY:

For the purposes of this policy, the definition for serious bodily injury shall coincide with California Penal Code Section 243(f)(4) as including, but not limited to: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and, serious disfigurement.

D. POLICY:

It is the policy of this Department that officers shall use only that amount of force that is objectively reasonable, given the facts and circumstances perceived by the officer at the time of the event to defend themselves; defend others; effect an arrest or detention; prevent escape; or, overcome resistance. Objective reasonableness must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions about the amount of force that is necessary in a particular situation in circumstances that are tense, uncertain and rapidly evolving (Tennessee v. Garner, 471 U.S. 1 (1985); Graham v. Connor, 490 U.S. 386, 397 (1989); and, Scott v. Harris, 550 U.S. 372 (2007).

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved,

nothing in this policy requires an officer to sustain or risk physical injury before applying reasonable force.

It is recognized that officers are expected to make split-second decisions and that the amount of time an officer has available to evaluate and respond to changing circumstances may impact his/her decision. While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

Circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practical to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.

E. FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE:

When determining whether or not to apply force and/or evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

1. The conduct of the individual being confronted (as reasonably perceived by the officer at the time).

2. Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).

3. Influence of drugs/alcohol (mental capacity).

4. Proximity of weapons.

5. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

6. Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).

7. Seriousness of the suspected offense or reason for contact with the individual.

8. Training and experience of the officer.

9. Potential for injury to citizens, officers and suspects.

10. Risk of escape.

11. Other exigent circumstances.

F. USE OF FORCE TO EFFECT AN ARREST:

Any peace officer that has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape

or to overcome resistance (California Penal Code § 835a).

G. COMPLIANCE TECHNIQUES:

Compliance techniques may be very effective in controlling a passive or an actively resisting individual. Officers should only apply those compliance techniques for which they reasonably believe the use of such a technique appears necessary to further a legitimate law enforcement purpose. The application of any compliance technique shall be discontinued once the officer determines that compliance has been achieved.

H. LESS LETHAL FORCE:

Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. To do this, non-deadly force applications should be considered by officers. These may include, but are not limited to, chemical irritants, electronic control devices, less lethal munitions, and canine deployment as described in the Riverside Police Department Policy Manual §§ 3.23, 4.43, 4.49, and 8.1 respectively.

I. CAROTID RESTRAINT:

Only officers who have successfully completed Department approved training on the use of the carotid restraint hold and the Department Use of Force Policy are authorized to use this technique. After initial training, officers shall complete periodic training on the use of the carotid restraint hold as prescribed by the Training Unit. Newly hired police officers are restricted from the use of this technique until successfully completing this training.

After the application of any carotid restraint hold, the officer shall ensure the following steps occur:

1. Any individual who has had the carotid restraint hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel.

2. The officer shall inform any person receiving custody of, or any person placed in a position of providing care for, that the individual has been subjected to the carotid restraint hold and whether the subject lost consciousness as a result.

3. Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such a hold.

4. The use or attempted use of the carotid restraint shall be thoroughly documented by the officer in the related criminal report.

J. DEADLY FORCE:

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

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

2. Discharge of Firearm: In addition to life-threatening situations as described, officers may discharge a firearm or use any other type of deadly force in the performance of their duties, under the following circumstances:

a. To kill a dangerous animal that is attacking the officer or another person(s), or which if allowed to escape, presents a danger to the public.

b. When humanity requires the destruction of an animal to save it from further suffering, and other disposition is not possible.

c. To give an alarm or call assistance for an important purpose when no other means are available.

d. Generally, a member of the Department shall not discharge a firearm as a warning shot.

e. Generally, a member of the Department should not discharge a firearm at or from a moving vehicle unless in the necessary defense of human life in accordance with this policy.

K. REPORTING USE OF FORCE INCIDENTS:

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

1. The application of force by the officer appears to have caused physical injury to the suspect or required medical assistance.

2. The application of force by the officer included personal body weapons, a chemical irritant, electronic control device, carotid restraint, baton, or firearm.

3. The application of force by the officer appears to have rendered the suspect unconscious.

L. EMPLOYEE RESPONSIBILITIES:

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

1. Summon medical aid, as needed.

2. Immediately notify a supervisor.

3. Adhere to the provisions of section 4.8 of the Riverside Police Department Policy and Procedure Manual if the application of force caused serious bodily injury or death.

4. Report the full details of the application of force in the related Department criminal report.

5. If off duty, notify the on duty Watch Commander immediately.

M. SUPERVISOR RESPONSIBILITIES:

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

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

2. Obtain the basic facts from the involved officer(s). Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

3. Ensure proper documentation of statements made by the suspect(s) upon whom force was applied under the following guidelines:

a. Spontaneous statements by the suspect(s) should be incorporated into the related criminal report.

b. Supervisors may use their discretion when deciding whether or not to interview the suspect(s) or a witness.

c. If a Supervisor decides to interview the suspect(s), a voluntary Miranda waiver must be obtained and the suspect(s) statement shall be included in the related criminal report.

4. Ensure that photographs have been taken of any areas involving visible injury and complaint of pain as well as overall photographs of uninjured areas.

5. Identify witnesses not already included in related criminal reports.

6. Review and/or approve all related criminal reports, video and audio recordings.

7. Complete and submit the Supervisor Administrative Review/Investigation Report and the related criminal reports within 5-days via the chain of command.

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

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