



**Public Report on the Officer-Involved Death
of
Summer Lane**

**CPRC Case No. 04-081
RPD Case No. P3-341-246**

I. CONTENTS OF REPORT

This report is the Community Police Review Commission's analysis of the officer-involved death of Summer Lane. The object of this report is to make public as many facts about the incident that resulted in the death of Ms. Lane as legally possible. The report analyzes the actions of the officer on the scene, the reaction of the department to the calls for help for the officer once a physical altercation began and provides suggestions for possible improvement if a similar situation presents itself in the future.

The sources for this report include the complete criminal investigation conducted by the Riverside Police Department Crimes Against Persons Unit (also referred to as the Officer-Involved Shooting Team) as submitted to the Riverside County District Attorney's Office, witness interviews by the Commission's independent investigator, a written report by the Commission's investigator and newspaper articles. The Officer-Involved Shooting Team interviewed 25 civilian witnesses and 3 sworn officers. The Commission's investigator interviewed 12 civilian witnesses.

The Commission will make a finding on whether the officer acted within policy at a later date. In making that determination, the Commission will consider the contents of the Riverside Police Department's Administrative Review (or Internal Affairs Review) of the incident. That document is considered a personnel record under California law and the Commission cannot disclose its contents. Commissioners have not seen the Administrative Review and will not see it until after this public report is completed and released.

II. FACTUAL SUMMARY

Summary Report as Compiled by the CPRC

On December 6, 2004, at about 8:20 p.m. Officer Ryan Wilson responded to a call at Food-4-Less at 3900 Chicago Avenue (cross of University). A man subsequently identified as Christopher Steven Grottness was allegedly attempting to cash a stolen payroll check using false identification. When the clerk became suspicious, security was called and the police were notified by telephone through a call to the non-emergency police dispatch number.

It should be noted that under existing Riverside Police Department policy, an officer is only required to audio record citizen contacts that are officer-initiated. In that this call was in response to a call for service, Officer Wilson was not required to activate his digital audio recorder.

Store personnel were asked to attempt to stall Mr. Grotness, who was accompanied by Ms. Lane, until an officer could arrive. Prior to arrival of the officer, Ms. Lane left the store. A security guard stood where he could observe Mr. Grotness while the police responded. After approximately 20 minutes, Mr. Grotness indicated he was leaving and asked for his check and identification to be returned. As he was leaving the store, Officer Wilson entered through the front door. The security guard indicated Mr. Grotness was the subject the police had been called for. Officer Wilson contacted Mr. Grotness about 10 feet inside the front door of the store and asked him for identification. Mr. Grotness attempted to run from the store but was tackled by the security guard. As Officer Wilson attempted to handcuff Mr. Grotness the security guard disengaged and backed away. Mr. Grotness broke away from Officer Wilson and ran out of the store. Officer Wilson pursued him yelling commands for him to stop and tackled him just outside the front doors of the store.

As they wrestled on the ground a dark colored 1996 Honda Civic LX 4-door Sedan approached rapidly from the north (which is to the right when one exits the store). The driver, subsequently identified as Summer Lane, knocked down an A-Frame sign on the sidewalk area just in front of the store. Some witnesses indicated the car hit the officer and Mr. Grotness; others thought it only came close to them. Officer Wilson said he did not know if the car struck him at that time.

Ms. Lane yelled for Mr. Grotness to get in the car. As the two men continued their struggle, Ms. Lane backed the car up rapidly. Mr. Grotness broke away again and began to run to the south in a traffic lane of the parking lot. Officer Wilson continued to yell commands to stop and pursued Mr. Grotness. Officer Wilson tackled Mr. Grotness again and the two resumed wrestling on the ground. Once again, Ms. Lane rapidly drove the car toward the officer and Mr. Grotness. At this time Officer Wilson and Mr. Grotness both agree the car hit them, although not hard. Officer Wilson thought the car may have run over his left leg at this point.

Ms. Lane, still yelling for Mr. Grotness to get in the car, again backed up. Mr. Grotness broke free and ran west up a traffic isle toward a Jack-in-the-Box Restaurant. Officer Wilson pursued him and tackled him again. Ms. Lane again drove the car rapidly toward the two men and, according to a witness and Officer Wilson, ran over the officer's left leg.

In all, Mr. Grotness broke away, ran, and was tackled by Officer Wilson at least four times. Each of these times, Ms. Lane drove rapidly toward the two men, yelling for Mr. Grotness to get in the car. Officer Wilson states his leg was probably run over three times. One witness verifies one instance of the car running over Officer Wilson's leg. No other witnesses were in a position to verify whether or not the car ran over the officer's leg. They all agreed the car came close to the two men numerous times. Mr. Grotness stated the car, "hit" both men at least once.

After approximately four minutes of violent and continuous fighting during which blows were struck by both the officer and Mr. Grotness, Ms. Lane drove past the combatants and

stopped her car. Officer Wilson states he was physically exhausted and in danger of losing control of Mr. Grotness.

Some witnesses place the officer and Mr. Grotness directly behind the car, some slightly to the right (passenger side), and some slightly to the left (drivers side). According to Officer Wilson, Ms. Lane looked out the driver's side window back toward himself and Mr. Grotness. Officer Wilson states he believed she was going to back up and continue trying to run over him. (According to Officer Wilson Ms. Lane had already run over his leg at least once and probably three times.) Officer Wilson stated he felt he had to take care of the threat posed by Ms. Lane and the car or he would be killed. Officer Wilson stopped fighting with Mr. Grotness, got up from the ground, walked to the side of Ms. Lane's car, and fired four shots at her from his service pistol. He states he saw Ms. Lane slump in the seat. Ms. Lane's car rolled east until it came to rest against a tree near a Jack-in-the-Box Restaurant. While the car was rolling away, Officer Wilson went back to Mr. Grotness, who was still on the ground, and used several closed-fist blows to the head at which point Mr. Grotness stopped resisting. Officer Wilson then handcuffed Mr. Grotness and took him into custody.

Medical aid arrived shortly after Mr. Grotness was taken into custody. Ms. Lane was treated at the scene by Riverside Fire Department and American Medical Response personnel. She was transported by ambulance to Riverside Community Hospital where attempts to revive her were unsuccessful.

At autopsy, it was determined that Ms. Lane was struck by one bullet which entered her left chest, traversed her heart, and did not exit her body. Of the other three rounds fired by Officer Wilson, two struck the doorpost behind the driver's side door and one passed in front of Ms. Lane, exiting through the passenger door.

As Officer Wilson finished handcuffing Mr. Grotness, the first backup units arrived on scene. The Food-4-Less security guard estimates the fight lasted approximately four minutes.

During the investigation following the incident, marks were found on the pavement where Ms. Lane had spun her vehicle's tires moving both forward and in reverse.

Mr. Grotness was treated for minor injuries and booked into County Jail on a variety of charges. Officer Wilson was treated and released from the hospital that night. He suffered no broken bones and had a slight sprain to his left ankle. He also had bruises and abrasions on other parts of his body from the fight.

For informational purposes only, this is the second fatal shooting in which Officer Ryan Wilson has been involved since he was hired in April 2002. The first officer-involved death incident in which Officer Wilson was involved occurred on January 28, 2003. At this time, he had been with RPD approximately nine (9) months. On December 6, 2004, the date of his second officer-involved death incident, Officer Wilson had been with the Department approximately 22 months.

Initial Riverside Police Department Briefing

On December 22, 2005, about two and one half weeks after the incident, a senior representative of the Riverside Police Department provided a preliminary briefing on the incident to the Commission and the public. During this briefing, it was indicated that the whole event happened in a minute or two and that Officer Wilson and Mr. Grotness were on the ground and Ms. Lane was backing her car toward them at the moment the shots were fired. This proved to be in error.

Every report and witness statement in the Criminal Investigation, as well as the statements taken by the Commission's investigator, show that the car was not moving at the time Officer Wilson fired his weapon and that he was not on the ground, but had stood up and walked to the driver's side of the car before shooting.

This reflects the risks of providing preliminary information versus the advantages of getting timely information. Obviously, the Commission and the public are served by early receipt of information on serious events like an officer-involved citizen death. On the other hand, early release of information raises the probability of mistakes being made.

In this case, it seems the Police Department had a significant amount of time, 17 days from the date of the incident to the date of the briefing, to submit accurate information. They didn't. Moreover, the misstatements were never corrected when it was presumably discovered they were made.

For future such briefings, the Commission suggests an earnest attempt be made to provide the briefing as soon as reasonably possible, recognizing it is a preliminary briefing. We would expect the Police Department to do its best to provide an accurate briefing given the timing and circumstances and would request that if differences or clarifications are later discovered, that information be promptly communicated to the Commission.

IV. INCIDENT CRITIQUE

Looking at the actions of Officer Wilson, it appears there may have been an opportunity for the Officer to utilize less lethal options such as his baton or possibly pepper spray to end the conflict earlier. Not having been actually involved, the Commission does not attempt to determine whether such action would have been appropriate in this instance. We do suggest the event might be the basis of training on possible ways to respond to this type of situation.

Officer Wilson stated he felt his life was in danger and that to protect himself, he shot Ms. Lane. The California Penal Code §196 addresses justifiable homicide as follows:

PC§ 196. Justifiable Homicide by Public Officer

Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either-

1. In obedience to any judgment of a competent Court; or,
 2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty;
- or,

3. When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest.

RPD's policy regarding use of force is as follows:

A. 4.30 USE OF FORCE POLICY

E. USE OF FORCE TECHNIQUES:

Level 6: Lethal Force:

If the situation becomes life threatening, the officer would be compelled to escalate to the ultimate level of force. The use of lethal force is a last resort dictated by the actions of a suspect **where the officer has reasonable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others** (Emphasis added). The weapon of choice in these situations is generally one of the various departmentally approved firearms. However, this does not preclude officers from using any reasonable means to protect themselves or other persons from this immediate and significant threat of death or serious physical injury.

The first basis for consideration in the justifiable use of deadly force is whether the officer reasonably perceived a threat of eminent harm to himself or to another. While it is in dispute whether or how many times the officer's leg was run over by Ms. Lane's car, in such a situation a reasonable person might feel the need to use lethal force to protect himself and form a plan to do so. Here, however, Officer Wilson moved from his vulnerable position on the ground behind Ms. Lane's car to a position where he was standing beside Ms. Lane's car before he fired the shots. While the Commission understands how Officer Wilson could fear for his life while he was on the ground, it is difficult for the Commission to see how his life was threatened at the moment he fired the shots.

A second basis for using lethal force is to stop a fleeing felon. In that case, an officer is to attempt to give verbal commands to stop the felon before using lethal force. In this case, Officer Wilson did not give any verbal commands to Ms. Lane before shooting her. Additionally, no witness, including Officer Wilson, described Ms. Lane's car as moving, either forward or backward, to escape at the time Officer Wilson fired his weapon. Finally, and most importantly, Officer Wilson did not mention this justification as a reason for his use of deadly force.

V. INVESTIGATION CRITIQUE

The fact that Officer Wilson did not suffer any broken bones suggests, but is not conclusive, that he was not run over multiple times. Whether or not Officer Wilson was run over multiple times is not truly relevant except to help understand his thinking that he had to, "take care of" the threat posed by Ms. Lane and her car. From the information presently available to the Commission, it appears that Ms. Lane was not a threat to his life when he was standing beside her car.

In reviewing the transcripts of the post incident interviews of the officer, the Commission observes that the method of interrogation was not handled professionally. An investigation of such a serious nature should be in the form of questions designed to elicit information from the witness (such as his state of mind) in an objective manner. Here, the detectives engaged in the inquiry by asking leading questions. It is clear from the transcripts that there were instances where it would appear the detectives were engaged in the process of giving the officer information on how to answer their questions. Coaching the witness on issues (such as state of mind) would tend to prevent the investigators from getting a true picture of this critically important fact. It appears to the Commission that the investigators were asking questions in a fashion designed to lead the officer away from responses that could expose the officer to allegations of violations of law or policy.

The Commission's independent investigator found no other evidence or witnesses that would differ from that obtained by the RPD.

VI. GENERAL OBSERVATIONS AND RECOMMENDATIONS

The Commission observes that it took a long time for backup to arrive for Officer Wilson. At least one call was made to the non-emergency dispatch line reporting a physical fight between the officer and Mr. Grottness. One cell phone call to 911, via the California Highway Patrol Dispatch system, was made and the Riverside Police Department's helicopter broadcast a call for assistance. Officer Wilson lost his radio early in the fight and could not request assistance himself.

A suggested consideration for the policy makers of this city is an enhanced implementation of two officer patrol units. While the Commission is sensitive to the cost ramifications, additional analysis on this issue as it relates to officer safety, officer conduct, civilian safety, and how it's implementation may reduce civil liability to the city, merits further discussion.

This event highlights insufficient staffing levels in the Department and may reflect a need to reexamine how calls for officer assistance are prioritized. In this case, the call was an, "11-11" for which policy prescribes that a single unit respond Code Three (lights and siren). In retrospect, it might have been more appropriate to dispatch an, "11-99" which is a higher level of 'officer needs assistance' and results in all available units responding Code Three. Regardless of the type of dispatch, if units are not available, they cannot respond. The Riverside Police Department is woefully understaffed.

VII. SUMMARY AND CONCLUSION

It appears to the Commission from the information presently available that, at the moment Officer Wilson used deadly force and shot Ms. Lane, she was not a threat to him or to any member of the public. Neither did she qualify as a fleeing felon. Therefore the legal justification for Officer Wilson's action in shooting Ms. Lane seems to be absent.

VII. APPENDIX

A. Investigator's Report

B. RPD Policy on Use of Lethal Force (Protect life, fleeing felon)

Section A



SUMMER LANE OI

CPRC Case No. 04-081
RPD. P3-04-341-245

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**OFFICER INVOLVED SHOOTING
SUMMARY REPORT / TACTICAL ANALYSIS**

March 26, 2005

Deceased: Summer Marie Lane
Officer: Ryan Wilson
Date/Time of Incident: December 6, 2004 – 8:20 p.m.
Location: Parking lot of Food 4 Less, 3900 Chicago Avenue

REPORTED VERSION OF EVENTS; POLICE AND MEDIA SOURCES:

On December 6, 2004, at about 8:20PM, Officer Ryan Wilson responded to a call to Food 4 Less at 3900 Chicago Avenue (near University). A man subsequently identified as Christopher Steven Grotness was allegedly trying to cash a stolen payroll check, using false identification. When the clerk became suspicious, security guards were summoned and the police were called on the telephone. One, of two, of the security guards stood by waiting for the police. After about 20 minutes, Mr. Grotness said he was leaving and started for the front door. When he was about ten feet away from the door Officer Wilson entered the store and saw the security guard point toward Mr. Grotness, Officer Wilson asked him for his identification. At that time the security guard jumped on Mr. Grotness. Officer Wilson also put his hands on Mr. Grotness to handcuff him.

When Officer Wilson got involved the security guard disengaged.

Mr. Grotness broke away and went out the door and during that time Officer Wilson was yelling commands at him. Just outside the door a small blue compact car approached from the north (which is to the right, as one faces away from the Food 4 Less). The driver, subsequently identified as Summer Lane, knocked down an "A-frame" sign between her car and the two men. Some witnesses said her car then hit both men. When asked if she did so, Officer Wilson said he didn't know. Ms. Lane screamed for Mr. Grotness to get in the car, and she backed it up. Officer Wilson had been wrestling with Mr. Grotness in that area and again he broke away. Officer Wilson tackled him, and again they went to the ground. Summer Lane drove the car up again and "touched" Officer Wilson. She again yelled for Mr. Grotness to get in. He broke away again and went toward the compact car, and at that time the car hit Mr. Grotness

and ran over Officer Wilson's left leg. The car then turned (right) and headed a short distance west down the driveway toward the Jack in the Box Restaurant.

At about this time Riverside Air 1 saw the situation and called for more units.

Ms. Lane continued screaming for Mr. Grotness to come to the car, but Officer Wilson had tackled him again (this was about the fourth or fifth time). At this time Officer Wilson fired his weapon and Summer Lane was hit once. Her car rolled forward and came to rest against a tree at the west end of the driveway.

The crime scene team observed acceleration skid marks going both forward and backward in the area of the activity.

Officer Wilson was in uniform. He fired three or four rounds. All have been accounted for. His leg was not broken. When he fired there were still no other officers on the scene.

The security guard witnessed the entire incident. There were other customers and citizens who also witnessed the events.

The officer who briefed CPRC indicated Summer Lane may have been backing up when the shots were fired, but he could not say for certain. The shots were fired from a very close distance to the car, and one round (at least) penetrated the vehicle. He said that when the shots were fired Officer Wilson was on the ground, as was Mr. Grotness. He also said that everything happened in rapid sequence. From the time the officer confronted Mr. Grotness until he fired, "in excess of four minutes had passed".

Each time Summer Lane would hit one, or both of the men, she would stop and then back up.

The case is still under investigation by the police department.

CRIME SCENE INVESTIGATION

Four shell casings were recovered. Two apparent hits were in the area of the driver's side door post, behind the window, one was through and through near the driver's side door pop-up locking mechanism, and one was found through and through in the front passenger's door.

SUMMER MARIE LANE

Ms. Lane was 25 years of age, 5' 3" tall, had brown hair and brown eyes. She was married to Michael Lane, although it appears divorce papers had been filed. She had two children. She had no criminal history.

Michael Lane was interviewed by police and said his wife had been using methamphetamines (which were found in her system by the medical examiner).

Ms. Lane had an entry wound on her left side. There was no exit wound.

OFFICER RYAN WILSON¹

Officer Wilson was interviewed by detectives on the morning of Tuesday, December 7, 2004. He furnished the following information:

He graduated from the academy in September 2002.

He detailed the struggle between him and the male suspect, and stated that the female in the vehicle ran over his left leg with both her front and rear tires on one occasion, and then over his left leg again on another occasion. He and the male suspect were behind the vehicle and he believed his life was in imminent danger and abandoned the male suspect and approached the vehicle and fired his handgun at the female inside. After he fired she went limp.

After more fighting Officer Wilson was able to handcuff the male suspect.

Officer Wilson declined to provide a blood sample in connection with the investigation.

The medical report of Officer Wilson was not provided in the report furnished by the Riverside Police Department.

INTERVIEWS BY CPRC INVESTIGATOR²:

HARVEY A. BOWIE, January 3, 2005

Mr. Bowie is employed by Classified Private Security, Inc., and was on duty as the only inside security officer at Food 4 Less on the evening of the shooting. He was notified of the man (Mr. Grotness) attempting to cash a check using a false identity, so he went to the area of the check-stands and watched. He saw a man and a woman at Alicia's check-stand, and after a few minutes observed the female (Ms. Lane) walk out. Later, when a police officer walked into the store the male tried to run, so Mr. Bowie grabbed him around the waist and they fell to the ground. When the officer got involved Mr. Bowie backed off. The officer got on the man's back, but the man managed to get away from him after a struggle. The male suspect got outside and the officer caught

¹ Officer Wilson was involved in another fatal shooting on January 28, 2003 on Indiana Avenue in Riverside.

² Only a summary of significant information given by the witness is listed in this document. A complete interview report of each witness is in their "Report of Interview", and their recorded interview tape, if made.

him, and again, they were on the ground struggling in the area of the front doors of the store. The female who had been in the store with the man drove a vehicle onto the concrete apron at the store front from the asphalt, coming close to the two men on the ground. She backed up and then drove toward them again, this time hitting two signs that were standing in front of the store. She was close to the two men on the ground, but Mr. Bowie does not know whether she hit them or not.

The male escaped again and moved in a westerly direction into the parking lot. Again the officer tackled him and they ended up on the ground. The female approached them in her vehicle, going forward, from the east, and went past them, and she then backed up toward them. Mr. Bowie does not know if she hit them or not. At some point she yelled for the man to get in the car. She ended up to the west of them, pointed toward Jack in the Box. Mr. Bowie saw the male suspect try to get up but his right ankle was turned out (apparently injured), and he couldn't.

The police officer got up and walked to the driver's side door of the car, drew his pistol, pointed it in the window and shot four or five times in rapid succession. The car rolled forward and came to rest against a tree at Jack in the Box.

He was surprised the officer did not give any warnings or commands to the woman, because the woman was not threatening anyone at the time of the shooting.

Mr. Bowie did see the officer walking after the shooting as well, and did not see him limp. He saw no other signs of injury to the policeman.

ALICIA M. PINCKARD, January 3, 2005

On the night of the shooting she was the cashier who dealt with the man and woman who tried to cash the check using a false identification card. She notified Maria Ledbetter, the manager, and delayed the customers for 20 to 30 minutes, waiting for the police to show up. While they were waiting the female customer walked out, and about five minutes later the male customer asked for the return of his check and identification. Ms. Pinckard went into the office where Maria was, and was followed by the man. At that time a police officer walked into the store and she saw either him, and possibly also Harvey, the security officer, struggling with the man on the floor in the store. The man was on all fours and one of the other men was on top of him. He freed himself and got out the door and the officer caught him and they started wrestling on the ground in front of the doors of the store. Ms. Pinckard went just outside the exit door, and was standing near Harvey Bowie, watching. The lady who had been with the male customer drove in on the concrete area in front of the store toward Harvey, who had to step out of the way to avoid being hit. At that time Ms. Pinckard started writing down the license number of the car and when the female driver saw her doing that she backed up and then started forward toward Ms. Pinckard, who stepped back into the store. The car had not hit either of the men fighting on the ground during this time.

The two men had moved out onto the asphalt (to the west) about five to seven feet from the concrete, and the woman backed up. She pointed the car toward them, and slowly moved forward. Ms. Pinckard did not see whether the woman hit them or not, because she looked away, and then when she looked back the woman was close to the men, but going in reverse. The woman then drove the car toward Jack in the Box, to the west, and stopped. Her lights, brake lights and engine were all on.

The male got free again and ran toward her car, but was tackled by the police officer. Once again the man got free and ran toward the passenger's door of the car, and the officer walked toward the driver's side door, pulling his gun as he walked, and fired. He did not say anything before he shot.

Ms. Pinckard did not see the car hit anyone. She did not see the officer limping when he walked.

She believes the shooting was justified because the woman's actions were life-threatening.

STEPHEN EJUKWA, January 3, 2005

Mr. Ejukwa is employed by Food 4 Less. He heard a commotion and saw Alicia (Pinckard) run out the exit door, so he followed, and ended up beside her just outside the exit door. A car pulled up and hit two signs close to the entrance door, then backed up in a northerly direction and then pulled forward to its right, in the lane that goes toward Jack in the Box. It stopped in the area of the shopping cart rack, which is on the left side of the lane. After the car backed up, after hitting the signs, Mr. Ejukwa saw that there were a policeman and a man on the ground, near where the car had been, in the vicinity of the signs. The male got up and ran toward the vehicle and but the policeman caught him again and they ended up wrestling on the ground, about 10 to 20 feet behind the car. The officer got up and walked quickly to the driver's side door, drawing his gun as he walked, and shot the female driver about five times through the window. Mr. Ejukwa stated that the officer did not give the woman any warnings or commands. He said the gun was about six inches to a foot away from her window when the officer fired.

He said no one was being threatened by the female in the vehicle at the time the officer fired.

The officer was not limping when he walked up to the car.

MARIA LEDBETTER, January 3, 2005

Ms. Ledbetter was the night supervisor at Food 4 Less on the night of the shooting on December 6th. She was notified of the man and woman attempting to cash a check at Alicia's check-stand using false identification, and it was she who called the

police. She saw Henry Bowie and the police officer struggling with the man in the store, and she heard the officer say, "Stop resisting." Later when she looked outside she saw a car in front of the door, and heard two metal signs being knocked down, very near where the officer and the male were fighting on the ground.

She stayed inside the store, and did hear shots, but did not witness the shooting.

BRYAN L. SIMS, January 3, 2005

Mr. Sims is an employee of Food 4 Less and was on duty the night of the shooting. He saw Alicia and the security guard exit the store, and saw a woman in a car trying to run over Alicia and the security guard. He observed them back up in order to avoid her. The driver backed the car up and went forward on more occasions, and she appeared to target two other people on the ground, one of whom he later learned was a police officer.

Then he saw the car in the lane going toward Jack in the Box and the officer pointing his gun in the driver's side window. He could see the female driver inside. He looked away, heard tire screeches, and heard shots. He never heard the officer, or anyone else yelling, except Alicia, who was screaming.

MIYA HENDERSON, January 3, 2005

Ms. Henderson is an employee of Food 4 Less and was on her break, in the computer room and heard a commotion. She went and looked out the door and saw a man whom she thought was Harvey Bowie, but later learned was a policeman, wrestling with a man in the parking lot, about half-way down to Jack in the Box. She saw the police officer stand up and then she heard two shots. She did not see a car, and did not see what the officer was shooting at.

CAROLINA PEREZ, January 21, 2005

Ms. Perez is the manager of Subway Sandwiches, which is to the south of Jack in the Box restaurant. On the night of the shooting she was outside on the walkway, a little to the east of her restaurant and saw, and heard, a car hit a sign in front of the door of Food 4 Less. She looked over and saw two people, one of whom was wearing a uniform, fighting, in an upright position, in the area of the exit door of the grocery store. She saw the car back up and then pull into the driveway toward Jack in the Box, and then stop. Then the driver put the car in reverse, and it backed up a short distance and then it started forward again, and within a couple of seconds after that she heard three or four shots. She did not see who was shooting. She also saw the man in uniform strike the car, in the area of the driver's side door, with what appeared to be a flashlight, which was just before the car backed up prior to the shooting.

GEORGE MICHAEL GONZALEZ, January 29, 2005

George Gonzalez is 17 years of age, and is employed at Jack in the Box. On the night of the shooting he had taken an order out the east door of the restaurant, to give it to a drive-up customer, and heard a voice yell, "Stop! Hold it!", so he looked toward Food 4 Less and saw, in the driving lane that is straight out from the front door of the grocery store, near where the shopping cart racks are, there was a car sitting, pointed toward Jack in the Box, with a female in the driver's seat. A man in a uniform was near the driver's side door, and simultaneously, took one step back, drew his pistol, and fired as the car started forward. He shot four or five rounds in rapid succession. At about the time of the last shot, a man got out of the passenger's side door of the car and started running away to the north. Initially, the car accelerated, and then slowed down, and then accelerated again, and hit the palm tree on the east side of the restaurant.

The man in uniform ran over and tackled the man who had been in the passenger's seat.

About a minute later Mr. Gonzalez looked in the car and saw blood on the front of the lady's torso. He saw no wounds to her head. She was not moving.

There were no pedestrians in front of the car when it initially started forward.

GREGORY RAMIREZ, December 27, 2004

Mr. Ramirez was the guard on duty with CSC Security³ on the night of the shooting. CSC handles outside security matters in the shopping center. He did hear four or five shots and responded to the area, and saw a police officer handcuffing a man who was face down in the parking lot. The arrestee had no shirt.

Neither the officer nor the male suspect appeared to be injured.

DAVID MORENO, March 15, 2005

After ordering food at Jack in the Box he was sitting in his car, west of Food 4 Less and saw a man chased, then tackled by a police officer. He believed the officer was struck by a female in a vehicle because he saw her approach, heard a "thud" and saw the officer fall down. This occurred when the policeman was struggling with the male suspect in the traffic lane between Food 4 Less and Jack in the Box. Then he saw her back the car up, and right after that heard gunshots.

³ Two other employees of CSC Security have been contacted to determine whether they might have knowledge of other witnesses. They did not.

TRAVIS D. CHESHER, March 15, 2005

He had just been dropped off at the "island", a little north and west of the front door of Food 4 Less (Mr. Cheshher says he had been drinking, but was not drunk), and saw an officer fighting with a man at the doorway of the store. He saw a woman in a vehicle crash a car into the front of the building, near the two men. She came at them again after the struggle had moved to the north/south traffic lane in front of the store. After they had moved further westward in the traffic lane that goes westward toward Jack in the Box she came at them again and ran over the officer's leg.

He saw both men strike blows on each other on several occasions, using fists.

Mr. Cheshher saw the officer limp up to the driver's side of the car, drawing his pistol as he walked up to the window, and from a distance of about three feet of the car, started shooting. After the last shot he could hear the car accelerating and then it appeared that she stopped the acceleration and coasted forward to the tree on the east side of Jack in the Box.

VINICIO A. MENDEZ, March 15, 2005

Mr. Mendez was in his truck in the parking lot of Food 4 Less and saw the policeman stop his car just north of the doors. He got out and walked into the store, and a short time later escorted a male out of the store. At that time a female in a car pulled in toward them and it looked as if she were trying to hit them. She hit a sign at the front of the store. The men started fighting and fell to the ground. She backed up and waited, and the fight continued out into the traffic lane in front of the store. She went toward them again and Mr. Mendez thought she may have hit them, but not extremely hard. She then backed up and then pulled forward into the traffic lane that goes west from the front door of Food 4 Less. There, her car was stopped and the engine was running. The fight worked its way further west and they ended up behind her car. The officer got the male suspect under control and then walked over to the driver's side of the lady's car and fired three or four rounds. He heard no warnings or commands by the officer prior to the shooting. The car rolled forward and hit the tree by Jack in the Box.

Blows were struck by both the officer and the male suspect.

Mr. Mendez looked in the car and the woman was shaking and her eyes were rolled back. He tried to talk to her but she was unable to.

OTHER INVESTIGATION:

Every establishment in the shopping center was canvassed for witnesses, at least once. Employees were asked if they saw anything, or if they know of any customers or others who may have.

Surveillance camera videos from Jack in the Box and Food 4 Less, provided by the Riverside Police Department, were reviewed and no information of value was seen.

ANALYSIS:

The following observations are made based on the information provided by the Riverside Police Department and witnesses I interviewed:

- Only one witness, Michael Gonzalez, heard voice commands in the parking lot by Officer Wilson prior to the shooting. It is possible others could not hear the commands because of the persistent screaming of one of the employees of Food 4 Less, which was recalled by most of the witnesses.
- In the police briefing it was stated that it appeared the fight between Officer Wilson and Mr. Grotness lasted at least four minutes. That is longer than would normally be advisable under the circumstances, namely his continued and combative resistance and Ms Lane's persistent efforts to free him. Unless it was somehow not available, Officer Wilson should have deployed equipment such as a baton, or pepper spray to end the struggle.
- All witnesses were asked if the vehicle was moving at the time Officer Wilson shot Ms. Lane. Some witnesses say it was, and others say it was not. If he was shooting her as a fleeing felon it is a different use of force category than if he was not. In his interview Officer Wilson did not say the vehicle was moving when he shot.
- The preponderance of evidence is that Officer Wilson did not give any commands or warnings to Ms. Lane before he shot her.
- There is no evidence that anyone was immediately threatened when Officer Ryan Wilson shot Summer Lane. There is no convincing evidence she was a fleeing felon when he shot.

7-13-05

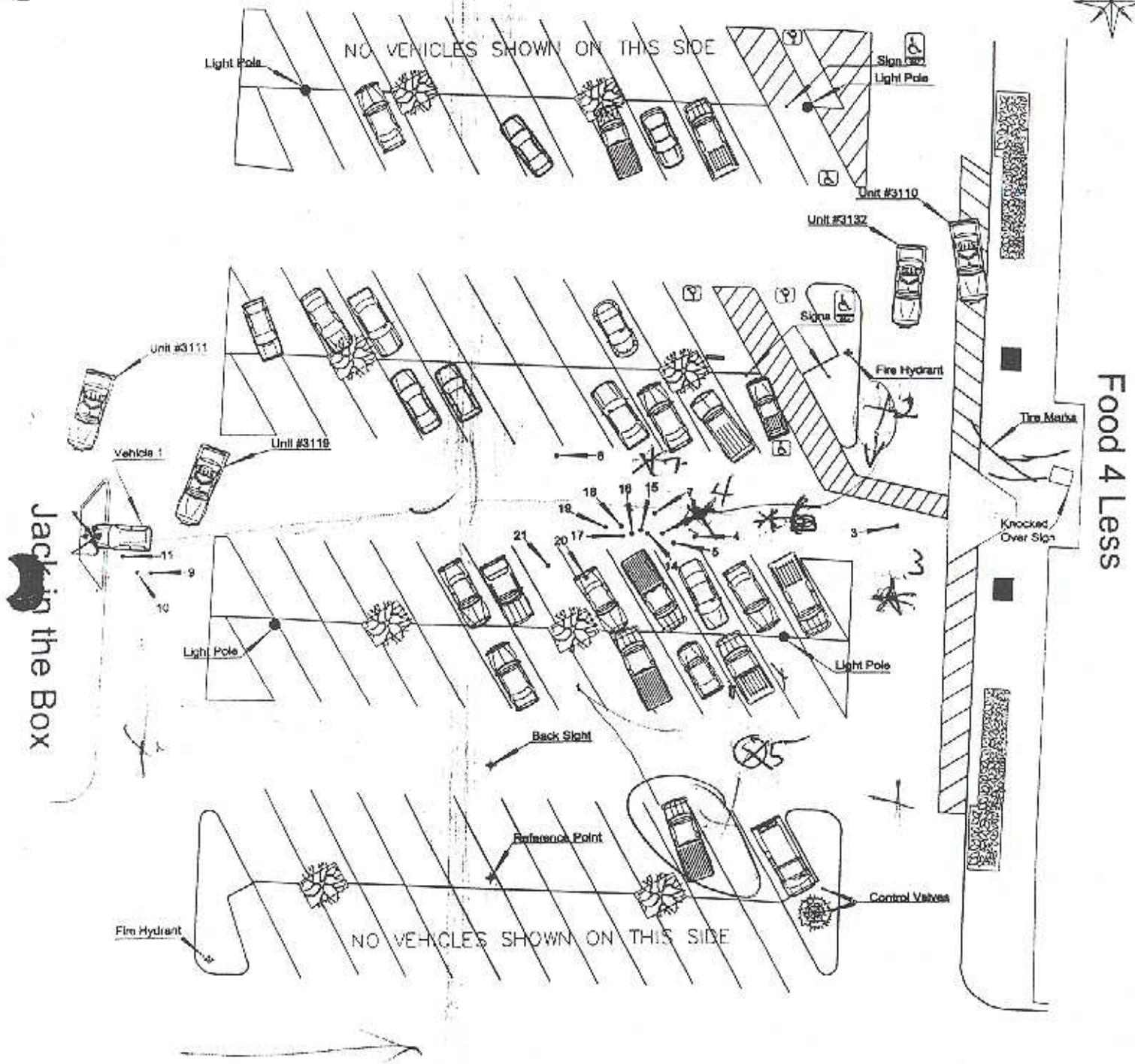
VINIS Mendez

CALIFORNIA TRAFFIC COLLISION DIAGRAM

COLLISION NO. DAY YEAR: 12/06/2004	TIME (2400): 2020	ACC #: CA03313	OFFICER I.D. #: 0109	NUMBER: P3-04-341-246
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =

CPRC No.
04-081



Point #'s 3-21 are evidence points - See Evidence report for descriptions

Point #20 was located under the vehicle shown

No shopping carts or cart holders were drawn

PREPARED BY: Carla Hardin	I.D. NUMBER: 0109	MO. DAY YEAR: 12/28/2004	REVIEWER'S NAME:	MO. DAY YEAR:
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SCENE DIAGRAM

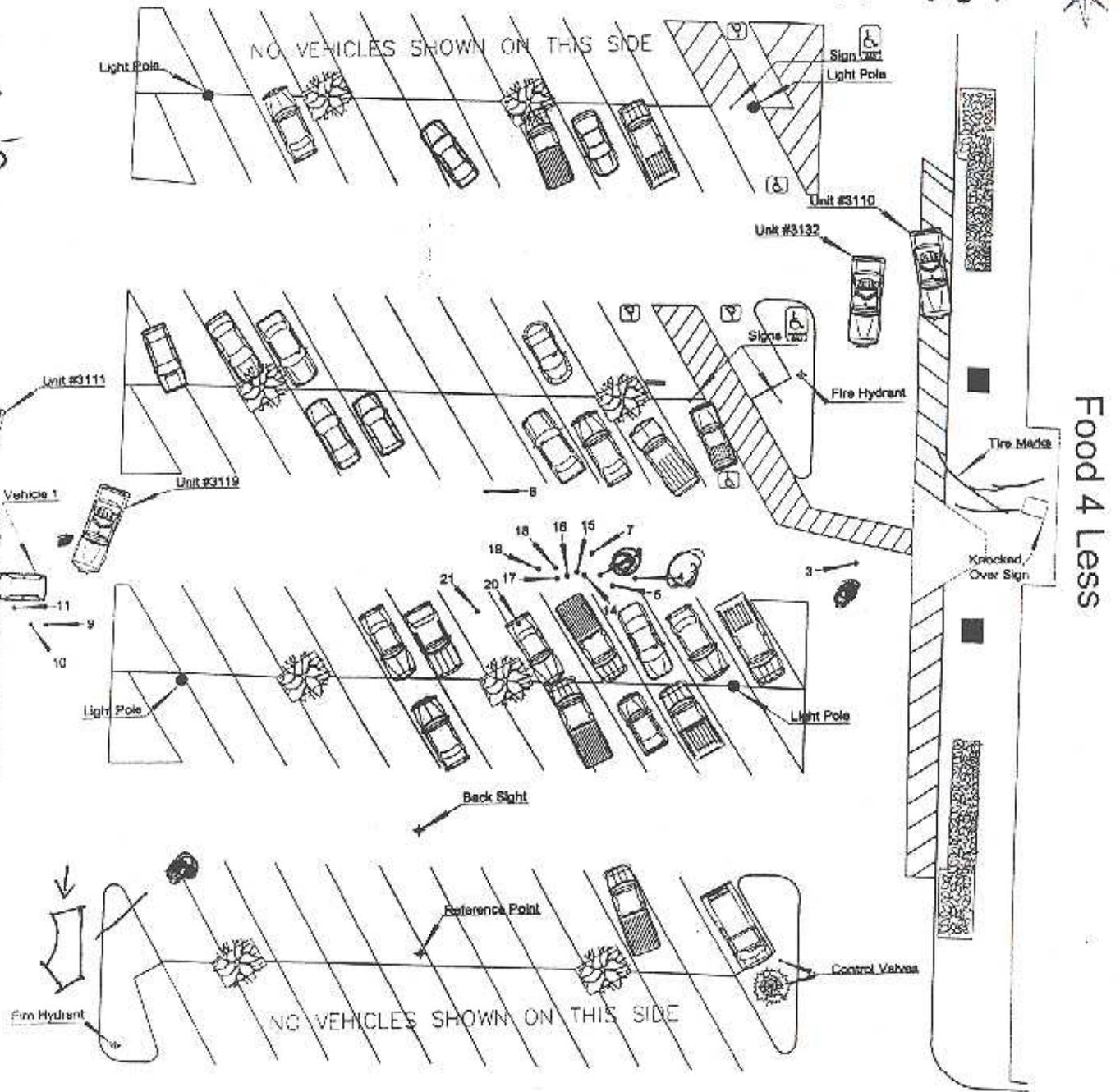
COLLISION (MO. DAY YEAR)	TIME (24HR)	NCIC #	OFFICER I.D.	NUMBER
12/06/2004	2020	CA03313	0109	P3-04-341-246

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)

CPRC No. 04-081



*David
Morano
3/15/05
[Signature]*



Point #'s 3-21 are evidence points - See Evidence report for descriptions
 Point #20 was located under the vehicle shown
 No shopping carts or cart holders were drawn

PREPARED BY	I.D. NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
Carla Hardin	0109	12/28/2004		

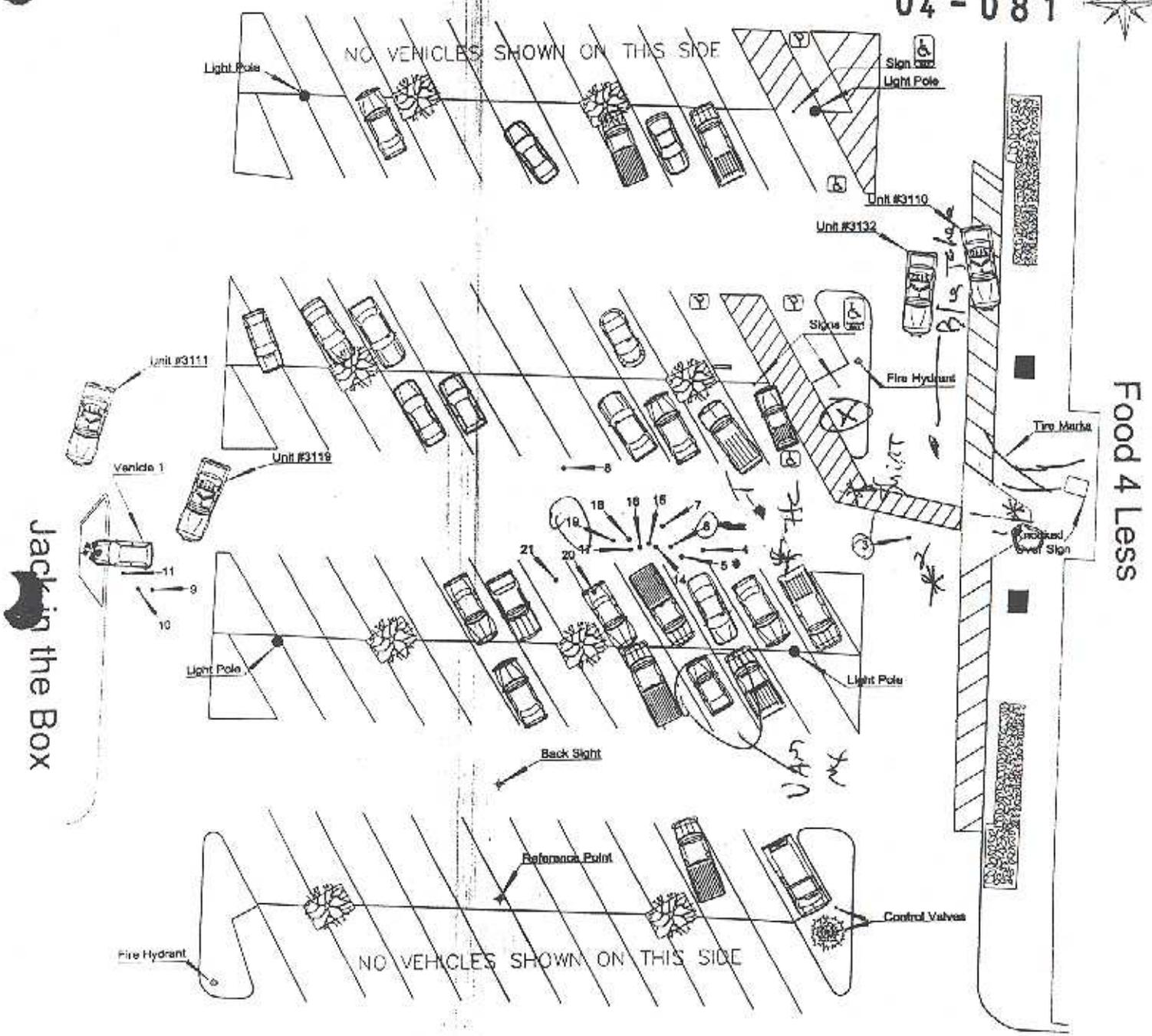
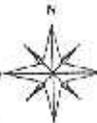
SCENE DIAGRAM

Mikes checker
3-15-05

COLLISION (MO., DAY, YEAR) 12/06/2004	TIME (MM:SS) 2020	NCIC # CA03313	OFFICER I.D. 0109	NUMBER P3-04-341-246
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)

CPRC No.
04-081



Point #'s 3-21 are evidence points - See Evidence report for descriptions

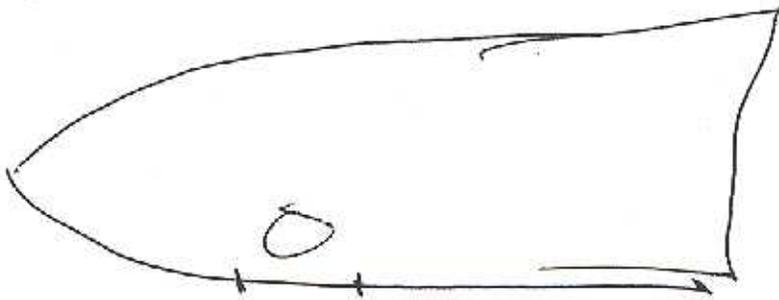
Point #20 was located under the vehicle shown

No shopping carts or cart holders were drawn

PREPARED BY Carla Hardin	I.D. NUMBER 0109	MO., DAY YEAR 12/28/2004	REVIEWER'S NAME	MO., DAY YEAR
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Travis Chasler

CPRC No.
04-081



POLICE VERSION OF EVENTS
Briefing of December 22, 2004
RPD file: P3-04-341-246

On December 6, 2004 at about 8:20PM Officer Ryan Wilson responded to Food 4 Less at 3900 Chicago Avenue (near University). A man subsequently identified as Christopher Steven Grotness was allegedly trying to cash a stolen payroll check, using false identification. When the clerk became suspicious security guards were summoned and the police were called on the telephone. One, of two, of the security guards stood by waiting for the police. After about 20 minutes Mr. Grotness said he was leaving and started for the front door. When he was about ten feet from the front door Officer Wilson entered the store and saw the security guard point toward Mr. Grotness. Officer Wilson asked him for his identification and at that time the security guard jumped on Mr. Grotness. Officer Wilson put his hands on Mr. Grotness to handcuff him.

When Officer Wilson got involved the security guard disengaged.

Mr. Grotness broke away and went out the door and during that time Officer Wilson was yelling commands. Just outside the door a small blue compact car approached from the north (which is to the right, as one faces away from the Food 4 Less). The driver, subsequently identified as Summer Lane, knocked down an "A-frame" sign between her and the two men. Some witnesses said her car then hit both men. Officer Wilson was asked if she did so, and said he didn't know. Ms. Lane screamed for Mr. Grotness to get in the car, and she backed it up. Officer Wilson had been wrestling with Mr. Grotness in that area, and he again broke away, but Officer Wilson tackled him again, and they went to the ground. Summer Lane drove the car up again and "touched" Officer Wilson and she again yelled for Mr. Grotness to get in. He broke away again and went toward the compact car and at that time it hit Mr. Grotness and ran over Officer Wilson's left leg. The car then turned (right) and headed a short distance west down the driveway toward the Jack in the Box Restaurant.

At about this time Riverside Air 1 saw the situation and called for more units.

Ms. Lane was screaming for Mr. Grotness to come to the car, but Officer Wilson had tackled him again (this was about the fourth or fifth time). At this time Officer Wilson fired his weapon and Summer Lane was hit once. Her car rolled forward and came to rest against a tree at the west end of the driveway.

The crime scene team observed acceleration skid marks going both forward and backward in the area of the activity.

Officer Wilson was in uniform. He fired three or four rounds. All have been accounted for. His leg was not broken. When he fired there were still no other officers on the scene.

The security guard witnessed the whole thing. There were other customers and citizens who also witnessed the events. Neither the, nor anyone else tried to intervene or assist, after the security guard jumped on Mr. Grotness initially.

The briefing officer indicated Summer Lane may have been backing up when the shots were fired, but he could not say for certain. The shots were fired from a very close distance to the car, and one round (at least) penetrated the vehicle. When the shots were fired Officer Wilson was on the ground, as was Mr. Grotness. He said that everything happened in rapid sequence. From the time the officer confronted Mr. Grotness until he fired "in excess of four minutes had passed".

Each time Summer Lane would hit one, or both of the men she would stop and then back up.

The case is still under investigation.

**CONFIDENTIAL
ATTORNEY/CLIENT PRIVILEGE**

Report of Interview

Person Interviewed: George Michael Gonzalez

Address: 204 N Celeste Drive, Riverside, CA 92507

Telephone: (951) 328-9434

Date of Interview: January 29, 2005

Place of Interview: Jack in the Box Restaurant

Interviewed By: Norman I. Wight, Baker Street Group, Inc.

Recorded: No

Interview Topic: Shooting death of Summer Marie Lane on December 6, 2004.

George Michael Gonzalez was advised of the identity of the interviewing investigator and the purpose of the interview. He is 17 years of age, and was accompanied by his father, George Gonzalez. He advised as follows:

On the night of the incident he was working a shift at Jack in the Box, which was supposed to end at 9:00 p.m. Sometime before that, he is not certain of the time, Annabelle, the manager, asked him to take an order out the back (east) door for a customer. He explained that people come to the drive-up and order, and then when their food is ready an employee takes it out the back door (which faces the Food 4 Less) and gives it to them.

When he got outside he heard a voice yell, "Stop. Hold it", so he looked over, and in the driving lane that is straight out from the front door of Food 4 Less, about in the area where the shopping cart racks are on the south side of the driving lane he saw a car driven by a female with long hair. The car was pointed toward Jack in the Box to the west, and five to six feet away from the driver's side door, was a man in uniform. The man was straight out from the door, and not at an angle either toward the front or toward the rear of the car. Simultaneously, the man in the uniform took one step back, drew his pistol, and shot as the car started forward. He fired four or five rounds in rapid succession, without a pause between rounds. He had two hands on his pistol, and was aiming down toward the lady's torso.

Toward the time of his last shot, the passenger's side door of the car opened up and a man got out and started running to the north, away from the officer.

After he fired the car went about two car widths and then it seemed the lady's foot came off the gas and the car slowed down. It was traveling toward Jack in the Box. Then, just before it got to the last (angle) parking space before the driving lane that goes (north/south) by Jack in the Box, the car increased speed and then hit the palm tree on the east side of the restaurant. As George watched all this he was standing on the sidewalk on the east side of Jack in the Box, at approximately the north end of the yellow line painted on the curb, which is an estimated 15 feet away from the palm tree.

When the car started forward there were no pedestrians in front of the car that might have been in danger. The headlights of the car were off and the driver's side window was rolled down.

George was asked if he saw the car back up before it started forward, and he said he did not see it do that.

After the shooting the officer immediately ran toward the male who was fleeing from the car and tackled him. He caught the man very quickly, and they were north of where the car had been stopped, and a little bit east, generally in the center of where the front of the cars would be that angle park there, and about four or five parking spaces from the east end of the parking line. When the officer grabbed the man it was by the back of his shirt and around the waist. The man went down to his knees onto the ground, while the officer held him there. George did not know whether the officer holstered his gun or not when he grabbed this man. The man was struggling, trying to get away, but George was unable to see if the man struck the officer or not. He looked like he was trying to get up and escape.

After the woman hit the tree George ran back into the restaurant through the back (east) door and told other employees there'd been a shooting. He and Juan and two other female employees came back out the east door and walked over and looked in the car. The woman had blood on the front of her, and she was not moving. She was wearing a sweater. George did not see any wounds to her head. The officer and the male were in the same place they had been when he went in the restaurant. He estimated he was not inside longer than a minute before he came out with Juan and the two females.

When they looked inside the car the police officer yelled at them to, "Back up. Get back inside". After he said that he walked from the male suspect over to the car at the palm tree and looked in the driver's side door. Then he went right

back to the male suspect. George did not see whether the male suspect was handcuffed or somehow restrained when the officer left him.

At that time three police cars came into the parking lot from Chicago Avenue, from the entrance on the south side of Hollywood Video. George then went back inside Jack in the Box and a little while later, through the window, saw an ambulance come to the car.

He estimated that about five to seven minutes had passed from the time he initially went out until the other police cars arrived.

George never heard the female driver of the car or the male suspect, say anything. He did not recognize her, and the male suspect was too far away to see.

The officer did appear to be talking on the radio, either as he was walking from the male suspect to the car at the palm tree, or after he checked the car and was going back to the male suspect. George could see him with his hand to his shoulder, and talking toward his shoulder. He did not recall which shoulder. He could not hear what the officer was saying.

The only other people he saw were two or three people from Food 4 Less. They were standing right by the front entrance of that store.

The lighting in the parking lot is fair. The overhead parking lot lights are yellow. He estimated the parking lot was about half full of cars in that area. None obstructed his view.

George could not tell whether or not the police officer was limping, or whether he might have had other injuries or torn clothing. The male suspect was not limping.

He never did find the person for whom he had the food order.

The police took his statement that night at the station. He saw about 12 other people there waiting to be interviewed.

**CONFIDENTIAL
ATTORNEY/CLIENT PRIVILEGE**

Report of Interview

Person Interviewed: Carolina Perez

Address: 2395 10th Street, Riverside, CA 92507

Telephone: (951) 218-8099

Date of Interview: January 21, 2005

Place of Interview: Subway Sandwiches, 4010 Chicago Avenue,
Riverside, CA

Interviewed By: Norman I. Wight, Baker Street Group, Inc.

Recorded: Yes

Interview Topic: Shooting death of Summer Marie Lane on December
6, 2004.

Carolina Perez was advised of the identity of the interviewing investigator and the purpose of the interview and advised as follows:

She was the manager on duty at the Subway restaurant on the evening of December 6, 2004, a Monday, and she thinks it was around 8:00 p.m. when the incident occurred. Shortly before the shooting she took out the garbage. This required her to walk to the east end of the building (subway is at the west end of the long building, oriented east/west). On her second trip she was outside on the walkway by the Cybrary (4016 Chicago, and to the east of Subway), and she saw a dark colored car, possibly green or black, apparently trying to ram somebody at Food 4 Less. It hit the white sign right in front of the door of Food 4 Less. She heard the collision and saw the sign go into the air. The car was pointed straight in, directly from the parking lot, and not angled from the north or south. The sign the car hit originally had been right between the entry door and the exit door of the grocery store. She saw what she thought was the security officer and an employee from Food 4 Less, standing next to him, by the exit door. She estimated they were about five feet away from the car, just north of it.

Before the car drove up and hit the sign she saw two people fighting, also in the area of the exit door, near the other two people, described above. One of the people fighting was wearing a uniform, so she thought it was a security

guard. They were fighting upright and not down on the ground. A lady was screaming at the time.

One of the individuals who was fighting tried to get away and get into the car.

When the car was by the door of Food 4 Less she did not hear any tires squealing, because the noise of the crashing of the sign would have masked any noise from the car.

All that time Ms. Perez was in the walkway behind a post. Visibility was good.

She was asked how many times the car went toward Food 4 Less, and she said it was only one time.

After ramming the sign the car backed out and then pulled forward, pointed towards Jack in the Box (to the west). Then the person in the car put it in reverse one more time. It did not back up very far, probably just a couple of feet, and not more than five feet. Then it started forward again and within a couple of seconds after that is when she heard the shots. It was not going forward very fast when the shots were fired. There were about three or four shots in rapid succession, without a pause in between.

Ms. Perez was asked if the car backed up fast or slowly, right before the shooting, and she said it was "pretty fast", but she did not hear the tires squealing.

When she heard the shots she ran back into the restaurant and locked the door, because she had customers inside.

She never did see who was shooting, or where that person was standing.

She was asked if she heard any voices during the incident, and she said, in addition to the girl screaming (as mentioned above) she also heard a female voice say a female name, and then something to the effect, "She has it". That's the only thing she could make out. She did not know who said that. This occurred after the car had hit Food 4 Less, but before it had pulled out and pointed toward Jack in the Box. She believes it had hit the store, then backed up some, and stopped. That's when she heard the female yelling. Then, the car backed up again and turned toward Jack in the Box.

She did hear a male voice also, but she couldn't make out what he said. She says she also saw a man strike the car with what seemed to be a flashlight. (After thinking about it) Ms. Perez said she believes the man hit the car with the flashlight after it had turned and stopped, pointed toward Jack in the Box.

Since she saw him strike the car it must have been the driver's side (the Subway is to the south, left, of where the car was sitting, as it was pointed toward Jack in the Box). He hit the car twice, and it seemed to be above the window.

She thought it might have been the security guard who hit the car, because they carry flashlights. That happened just before the car backed up, just prior to the shooting.

After the shooting, the car rolled forward, not fast, and hit the palm tree by Jack in the Box (on the east side of Jack in the Box). She could see only one person in the car, and could not see if the person was slumped over or not, and could not see if that person was moving. She believes the window of the vehicle was closed. She does not recall the car lights being on.

Between the time the car hit the sign and the time the shots were fired, she estimated no more than 40 seconds had passed. It all happened quickly.

Within, "No more than a minute" after the shooting other police cars were on the scene, and surrounded the car. She was still in the restaurant and the police came and told her and the others inside that no one could leave, or come in. She stayed in the restaurant for about 15 minutes, and that's when a couple of officers came and started taking everyone's names, phone numbers and addresses.

None of the other people in Subway at the time of the shooting saw or heard anything. None of her delivery people saw anything either. She was the only one outside, in the area, that she knows of.

The visibility was pretty good. Many of the businesses were closed by then, so there were hardly any cars in the parking lot.

She never went over to look in the car. The police had the area controlled.

Ms. Perez believes there were two male witnesses who were told they couldn't leave, so they sat in her restaurant for about an hour, waiting. They said they were by Jack in the Box when they saw it. One of the guys supposedly saw "everything".

She was asked if someone went to the car immediately after the shots were fired, and she said they did not.

Ms. Perez was interviewed by the police.

**CONFIDENTIAL
ATTORNEY/CLIENT PRIVILEGE**

Report of Interview

Person Interviewed: Stephen Ejukwa
Address: 6047 Allwood Street, Riverside, CA 92509
Telephone: (951) 786-0822
Date of Interview: January 3, 2005
Place of Interview: Food 4 Less , 3900 Chicago Avenue, Riverside, CA
Interviewed By: Norman I. Wight, Baker Street Group, Inc.
Recorded: Yes
Interview Topic: Shooting death of Summer Marie Lane on December 6, 2004.

Stephen Ejukwa was advised of the identity of the interviewing investigator and the purpose of the interview and advised as follows:

He is a Utility Clerk here and was on duty the night of the shooting. He has worked here three to four months.

The first thing he noticed was that the register, number 4, was shut down, and the customers were just standing there. The customers, a man and a woman were waiting, were calm, and there was nothing that looked particularly unusual. Alicia was the cashier.

The man was dark skinned, and could have been either white or Mexican, about late 20s to mid 30s in age. He may have been wearing a hat. He was about 5'10" to 6' 1", and had a medium build. He was dressed casually, and may have been wearing a jacket. He did not get a good look at the female.

Mr. Ejukwa first saw them as he was walking near the cigarette display between register 4 and register 5, toward the front door. He went up to them, as if to return the groceries to the shelves, because it had appeared to him at that time that the groceries had been left there by someone else who had departed. They stopped him, and said they were going to pay for them. He thinks the

woman spoke to him. Then he just walked away. Alicia was just standing at the check stand as he did so.

After that he went back to the vicinity of aisle 9, putting things away, and about five or ten minutes later he heard a lot of commotion, and saw Alicia run out the front exit door, and he no longer saw the customers that had been standing there. He thought maybe they had tried to steal something so he followed Alicia outside to see what was going on. He observed a lot of commotion, and heard customers saying, "Stop" and things like that.

He ended up standing right beside Alicia just outside the exit door. At that point a car pulled up, from a northerly direction, angling in toward the store (easterly), and it hit two signs that were sitting there, just to the left of Stephen and Alicia, close to the entrance door. It knocked the signs over. He described the movement of the car as coming in from the northwest, but curving to the right in an arc, when the signs were hit. Then the car backed up almost straight north, and then it pulled to the right, out into the lane going toward the west, toward Jack in the Box. It went three or four parking spaces (there is angle parking) down and stopped. The car ended up just this side (east) of the basket holder in the parking lot. He did not see who was driving, but was later told it was the female. He believes the driver's window was down and the car lights on.

The car was moving quickly when it went back and forward. Her tires were squealing a little bit. When the car hit the sign, Alicia, who had moved up a little bit, was five to ten feet away from it. Stephen was a little bit farther back. He told Alicia to move back. Then when the car moved toward Jack in the Box Stephen could see the policeman and the male customer from the store, on the ground very near where the signs were, and within a very close distance of where the car had been. He did not see the car hit them, however. They were wrestling with each other on the ground, and then the male suspect got up and ran out into the middle of the lane that goes toward Jack in the Box, toward the vehicle that had pulled up there. It looked to Stephen like the man was trying to get to the passenger's side of the car, because he was moving in that direction. The policeman caught him again and they were wrestling on the ground in that area then. At that time they were about 10 to 20 feet from the car. They were behind the car, and if she'd backed up she could have hit them, because they were pretty much directly behind the car.

After this struggle, the male suspect did not get up again.

Then the officer got up, and walked in a clockwise circular motion toward the driver's side area of the car. He was walking quickly. As he walked up to her he drew his gun. He went up to the area straight out from the center of the door.

Mr. Ejukwa was asked if the officer said anything to her and replied, "He didn't say a word to her". "He just shot her". He shot about five times right through the window. He gave no commands or other warnings to the woman. If the officer had said something Mr. Ejukwa would have been able to hear it, because he could hear the moans and groans as the men were wrestling. Mr. Ejukwa said, "He just walked up and shot her five times". He said it was "point blank range". He described that as the gun being about six inches to a foot away from the window.

He was asked if the officer paused between the time he walked up and he shot, and Mr. Ejukwa said he looked into the window and shot about five times.

Mr. Ejukwa had moved a little to the left so he could see what was going on, and moved out a little toward the vehicle. He guessed he was 35 or 40 feet away when the shooting occurred. The lighting was good outside. There was not a lot of noise prior to the shooting. Afterward there was a lot of screaming and it was like people were shocked.

The male suspect was just lying on the ground during this time, possibly on his stomach. He was an estimated 17 feet away from the back of the car when the shooting occurred, not directly behind the car, but possibly a little over toward Mr. Ejukwa's right (north). The officer did walk generally behind her car to get to the driver's side door. If she were to back up quickly he could have been in danger. She did not do so, however, she didn't move the car. He didn't see any back-up lights come on, and he believes he would have seen them, had they come on.

When the shooting happened Alicia got hysterical so he pushed her inside the store. He went in with her. He did not see what happened to the car at that time.

When the car was sitting there before the shooting he does not recall whether the car lights were on or not.

He stayed in the store 10 to 15 seconds, getting Alicia into a room, and making sure she was alright, and then came back outside and he saw that the car had rolled forward and run in to a palm tree at Jack in the Box. He thinks the car door was still shut. At that time a few squad cars pulled up, and the officers were getting everybody back inside the store. He did not see at that time where the police officer who'd done the shooting was, and he does not recall for sure where the male suspect was.

During the incident Mr. Ejukwa never heard the male suspect say anything, and he never heard the female suspect say anything. He did not hear the policeman say anything or see or hear him talk on the radio. The officer did not appear to be injured, and he wasn't limping. He later read in the newspaper

that they said the officer had a broken ankle, and he thought to himself that it didn't look like he had a broken ankle when he walked up and shot her. He did not appear injured. He did not see the officer after the shooting.

He saw a jacket lying on the ground that looked like the suspect's, which the officer must have pulled off. It was near where they were struggling the first time.

During the struggle between the male suspect and the police officer there was a lot of grabbing and wrestling, but he never saw any blows struck.

The car was a dark colored Honda Civic. He thinks it was a newer car.

When they were fighting outside the door Henry was nearby, just to Mr. Ejukwa's left, watching, but he did not get involved. He thinks Henry was near Mr. Ejukwa as the struggle continued in the direction of Jack in the Box. After the shooting Henry said, "Man, he shot her!"

There were some customers outside at the time, and the outside security officer, from CSC Security, showed up after other police officers arrived.

He never saw the female hit anyone with the vehicle, but did see her come close to the male suspect and police officer (as described above).

Mr. Ejukwa was asked if he thought anyone's life was in danger at the time the officer shot, and he said no one was being threatened by her at that time. It was dangerous when she was near the store running into the signs. People could have gotten hurt or killed during that time. If the officer had shot her then, it would have been when it was life threatening for everybody nearby.

He was not interviewed by the police. They did take his name and address.

He was asked if he wanted to add anything to his statement, and he said he wanted to add that the officer never said anything to her when he shot. He doesn't know the law, and if they are supposed to say anything, but the officer did not give any such commands, and Mr. Ejukwa would have heard it if he did.

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Report of Interview

Person Interviewed: Henry A. Bowie

Address: Classified Private Security, Inc. 114 Airport Dr., San Bernardino, CA

Telephone: (909) 890-0064 (office)

Date of Interview: January 3, 2005

Place of Interview: Food 4 Less, 3900 Chicago Avenue, Riverside, CA

Interviewed By: Norman I. Wight, Baker Street Group, Inc.

Recorded: No

Interview Topic: Shooting death of Summer Marie Lane on December 6, 2004.

Henry A. Bowie was advised of the identity of the interviewing investigator and the purpose of the interview and advised as follows:

He was on duty as the security guard at Food 4 Less on the evening of December 6, 2004, employed by Classified Private Security, Inc. He was wearing his blue blazer and baseball cap that say "security" on them.

He was walking around the store when they paged him, by name, "Henry", which indicated to him there was a problem, so he went forward to the check-stands and Alicia, a cashier, turned and faced him and discretely motioned to the man and woman behind her, so he just stayed in the general area. Then Maria called him from the manager's office and said the two people had a phony identification card and were trying to cash a check, and that she'd called the police department, and she asked him to try and get their car license number if they left. Within 10 to 15 minutes after Alicia paged him the female at the check-stand walked out. He does not remember her saying anything prior to leaving. The male stayed and talked to Alicia.

A short time later a police officer walked in, and at that time the male tried to run, so Mr. Bowie grabbed him around the waist and they fell to the ground.

Then the officer approached so Mr. Bowie backed off and the officer got on the man's back. He, Mr. Bowie, noted that he is bigger than the male suspect, who was about 5'8" to 5'9", and medium weight, and he is also bigger than the police officer, who is average size. Then the male suspect wriggled away and started toward the door, followed by the policeman. He is not sure whether they went out the entry door or the exit door, but they ended up on the ground, wrestling again, and at this time they were just outside the doors, on the concrete, between the entry door and the exit door. Mr. Bowie followed them out, and stood nearby, a few feet away to the southwest of where the men were struggling. He mentioned that the two men were not fighting so much as the male suspect was struggling to get away and the officer was trying to subdue him. A short time later the female who had been in the store and left, drove in a vehicle toward the store front, onto the concrete from the asphalt. She basically drove in from the west, but may have been angled a little bit from the northwest. She drove close to the front of the store, and toward the two men on the ground, then backed up, and then drove in toward the store and the men again. This time she hit two signs that were standing in front of the store, and pushed them against the storefront glass with her bumper. He does not know if she bumped the men on the ground or not, but she could have. She was close to them. He does not recall making eye contact with her, and did not see her make eye contact with the men on the ground. He does not remember her tires squealing, but did see tire tracks on the concrete later.

All this time Mr. Bowie did not hear either the officer or the male suspect communicate. The officer did not say anything nor did the suspect. If either did, it was not very loud, because he was close enough to hear any loud commands or voices. He noted he is nearly deaf in one ear, but he was very close to the action all the time.

The suspect escaped again and went west into the parking lot, going toward the Jack in the Box Restaurant, and again the officer tackled him and they ended up on the ground. They were about two or three parking spaces to the west of where the parking spaces start past the driveway that runs north/south in front of the Food 4 Less store. He noted there is angle parking there. As they were on the ground the female came forward again in the vehicle, from the east, up that lane, and went toward the men on the ground. Then she backed up, and may have gone toward them once more. Again, he does not know if she hit the men or not. At some point she yelled for the man to get in the car.

The two struggling men worked their way from the south side of the traffic lane, toward the north side of the lane, still on the ground, and then she passed them and ended up three or four parking spaces away, toward Jack in the Box, to the west. He recalls the male suspect trying to get up at this point and was face down on the ground, and his right ankle was turned out, and he yelled, "Oh, shit!"

After the woman had been sitting there two to three minutes, or less, the police officer got up and walked in a straight line toward the driver's side door of the vehicle. He did not walk directly behind the car, but did pass generally behind it a few feet away. He went up to the driver's side door, drew his pistol and pointed it in the window and shot four or five shots in rapid succession.

Mr. Bowie was asked if the officer had run or walked fast, and he responded that he had done neither, he just walked. It was not a fast pace. He was not limping. He did not draw his pistol until he got there and then when he drew it he just aimed and shot. His point of aim was in her window, head level. At the time he fired he was standing a few feet out from her door, possible about four or five. He was straight out from the door, that is, not at an angle toward the rear or the front. Mr. Bowie does not remember whether the officer held his pistol with one or two hands.

He recalled that as the officer was walking up to the woman's window, it looked like the male suspect was trying to get up, but couldn't because his leg was injured.

After the shooting the woman's car rolled forward and came to rest at the west end of the driveway at a tree near the Jack in the Box Restaurant.

It is possible that after he shot the female, the officer went back and handcuffed the male suspect, Mr. Bowie is not sure. He does remember seeing the man handcuffed and on the ground in the general area where they had last struggled.

The officer did ask Mr. Bowie where his two-way radio was, and Mr. Bowie went back to the area where they'd been struggling in front of the store and found the officer's radio, a wallet, and a magazine for the officer's pistol, which did have bullets in it. He brought them all back and gave them to the officer.

Then other police units started coming. The officer went back toward the store and some other officers went to him. At some point Mr. Bowie asked him if he was alright and he said he'd been "bumped" three times. He saw no signs of injury to the police officer. He did not limp, was not bleeding that Mr. Bowie could see, and his clothing was not torn. The male suspect did have a little blood in the corner of his mouth. Mr. Bowie did see a non-uniform shirt or a jacket on the ground in front of the Food 4 Less, near where the men were struggling the second time.

Mr. Bowie did not look in the female's car, so did not see her injuries. There were some employees who came out of the Jack in the Box who walked up to the car, and he told them to get away, so they did.

He was asked if the officer gave any warnings or commands to the woman in the car, and he said the officer did not. He just pulled out his gun and shot. He was surprised that the policeman didn't give her some sort of a warning or command, because she was not threatening anyone at that moment. He had plenty of opportunity to tell her to get out of the car, but didn't do so. The officer was not threatened, unless she had a gun or something, because he was off to the side of the car. Mr. Bowie did not hear the woman say anything to the officer, and did not see any movement from her.

Mr. Bowie's visibility was OK and there was no rain. There was not a great deal of extraneous noise until after the shooting.

Mr. Bowie was asked if the woman's vehicle lights were on, and he said he does not know if her regular lights were on or not, but he believes her back-up lights were not on. He does not know if her car window was up or down, but he did see glass on the asphalt the next day.

Neither the officer nor the male suspect ever spoke, that he heard. He thought that unusual.

He was asked if the officer ever talked on the radio, and he said he did not. He does not think he saw the officer reach for any other equipment on his belt, but at one point during the struggle when the two men were directly in front of the store, by the doors, he saw a hand going toward the officer's gun, and it worried him, at the time, that the suspect may have been going for the officer's gun. He does not know which person's hand was reaching toward the gun, however.

He believes that if the officer had shot the woman as she'd been driving toward the two men it would have been justified. As it was, he believes the officer should have given her a warning and given her a chance to comply.

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Report of Interview

Person Interviewed: Miya Henderson
Address: 4460 Dwight Avenue, Riverside, CA 92507
Telephone: (951) 788-4834
Date of Interview: January 3, 2005
Place of Interview: Food 4 Less, 3900 Chicago Avenue, Riverside, CA
Interviewed By: Norman I. Wight, Baker Street Group, Inc.
Recorded: Yes
Interview Topic: Shooting death of Summer Marie Lane on December 6, 2004.

Miya Henderson was advised of the identity of the interviewing investigator and the purpose of the interview and advised as follows:

She has worked here about two and a half years, and is a cashier.

At the time the incident began she was on her break, in the computer room which is the last office from the main door (to the north). She thinks this was around 8:00PM. She heard a lot of commotion, and customers running toward the front door.

Ms. Henderson went out of the computer room, toward the front exit, and saw who she initially thought was the security guard, but later learned was a police officer, wrestling with a man. They were in the parking lot, in the middle of the lane that goes west toward Jack in the Box, about half way down. There were two of them, on the ground, wrestling.

Then, right away, she saw the man she thought was Henry, stand up, and then she heard two shots. The other man stayed on the ground. She does not remember seeing a car. She saw him stand up and reach for his gun and when she heard the shots she just ran further back into the store. The shots happened "Right away" after he drew his gun. The two shots were in rapid succession.

She was never outside the door, but observed the above from the vicinity of the door.

She did not see what he was shooting at.

Lighting outside was OK.

She went back into the computer room, and after that she heard Alicia crying and she came out and Alicia said she saw the lady get shot. Everyone was trying to calm her down. She took care of the rest of Alicia's customers. Alicia went into the computer room and either Stephen or Bryan went in there to be with her, trying to calm her down.

She saw customers outside but doesn't know any of their names.

The police took her name, but did not interview her.

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Report of Interview

Person Interviewed: Maria Ledbetter
Address: 250 North Linden Avenue, #2, Riverside, CA
Telephone: (909) 829-9325
Date of Interview: January 3, 2005
Place of Interview: Food 4 Less, 3900 Chicago Avenue, Riverside, CA
Interviewed By: Norman I. Wight, Baker Street Group, Inc.
Recorded: Yes
Interview Topic: Shooting death of Summer Marie Lane on December 6, 2004.

Maria Ledbetter was advised of the identity of the interviewing investigator and the purpose of the interview and advised as follows:

She is the "Customer Service Manager", and acts as the night supervisor and has worked here about four years.

She was on duty the night of the shooting, and sometime after 7:00PM she got a "code 33" page from Alicia on cash register #4. That code meant there was manager's assistance needed with respect to a check being presented, so Ms. Ledbetter went there from a display she was working on in the store, and looked at the man's identity card and saw that it was obviously fake. It was blurry and looked like he had taped it over a woman's identification card. The name on the ID card was Hispanic and the customer was white. The check was a payroll check from some Riverside company, and was in the amount of \$680.00 or something similar. She asked the man if this is the first time he'd cashed his check here and he said "No". She said she had to get more information, and that's when she went inside the bookkeeping office, taking the ID card and the check, and called a check control hotline for Ralph's (of which Food 4 Less is a part). She told the man the ID card was fake. He told her they had no record of the payroll check, and at that time he told her to call the police. He also said to try and keep the man who was trying to cash the check in the store, and if the man leaves, to try to get his license number.

Then she called Alicia and told her to try and keep the man in the store and then she paged Henry, the security guard, by name (not as the security guard) and when he called she briefed him. She told him to just observe the man in Alicia's lane, without making it too obvious. She told Henry that if he leaves to try to get a car license number.

The customer had been calm before she went into the office, and said he would wait while she verified the check, and when she was in the office she looked out through a one-way mirror and he still appeared to be calm. She stayed in the office, as suggested by the man at the check control hotline.

All this time there had been a woman with the customer. She bagged the groceries and then waited with him. Ms. Ledbetter never heard the woman talk.

Ms. Ledbetter next called the police dispatcher, through the regular number, not through "911", and gave details to her, including the man's description, and then about five minutes after she went in the bookkeeping office she saw the male and female customers talking, and then the female walked out of the store. About a minute or two later Alicia called Ms. Ledbetter and said the man wanted his stuff back. Alicia came into the office, and the man tried to follow her in the door, but it was locked. She could hear him trying to get in. Alicia said he was getting mad and wanted his stuff back, and Ms. Ledbetter said she would give it back, but that's when the policeman walked in. She could see him through the camera monitor in the office. She estimated he arrived less than ten minutes after she'd called the police.

Later the police took the tapes made by the camera.

When she'd spoken to the dispatcher she'd given a description of the man. She saw the officer talking to the male customer about halfway between the office and the store's exit door. Ms. Ledbetter went out of the office and then she then saw the customer try and run past the officer toward the exit door. The officer, assisted by Henry, grabbed the man and they all ended up on the floor. The man was strong and was pushing the police officer and security officer away. She believes when the man ran the officer was trying to grab him and that's when Henry jumped on him. She did not see any blows struck. When they were struggling the officer was yelling at the man to "Stop resisting". The customer was using "bad language".

She went back into the office and called the police dispatcher again, and again she used the regular number, and not "911", and told the dispatcher that they were fighting and that they should send assistance. She estimates she was in the office for about a minute this time. Then she went back into the store lobby and saw that Alicia was crying and screaming, and saw that the officer and the male customer were now just outside the exit door, on the ground, still fighting. The exit door was open.

She never saw the customer reach for any the equipment on the officer's belt, but at one point saw the officer reaching for something, probably his handcuffs, but she is not sure. She did not see him talking on the radio.

While they were outside the door struggling Ms. Ledbetter was inside trying to calm customers down. She guessed there may have been up to 100 people in the store at that time, and she kept any of them from going outside.

When she looked toward the door again saw a car in front of the door, pointed generally to the left, south, but right in front of the doors, (on the concrete area under the canopy). She heard saw the woman knock down two big metal signs, which were right in front of the doors. She looked when she heard it and that's when she saw the car there, stopped. The two men were still on the ground, just to the left (south) of the two signs that had been knocked down, and "right next" to the car, within a foot or two. She thinks they were probably to the side of the car. Her car was generally facing south, but angled in (east) a little, toward the entrance door. She did not see the woman move the car backwards, and did not hear the tires squeal at that time.

Alicia had gone outside. She believes Alicia went out when Ms. Ledbetter went in to call the police the second time. Henry was also outside and he was helping the police officer.

Then, within a minute after they went outside, people came in crying and screaming, and Alicia came in and said, "She's dead", or, "He's killed her", or something like that. She was screaming and panicky.

Ms. Ledbetter did hear shots. She remembered two. They were in rapid succession. She was asked if she heard tires screeching, and said she did hear that, immediately before the gunshots. She did not hear tires screeching after the shots were fired. It was within a few seconds after that Alicia came in, as described above. Stephen, another employee, had apparently also gone outside, because he came in right after Alicia. He said, "That girl is dead".

She did not hear any yelling from outside at about the time of the shooting.

She was asked again if any blows were ever struck, and she said there were none from Henry or the police officer, but the male suspect was punching Henry with his fists and backwards with his elbow. She does not know if he actually hit Henry, or the police officer.

The woman's car lights were off and her window was up. She could see that when the woman knocked the sign over. The driver was looking through the windshield when Ms. Ledbetter saw her. The vehicle was a dark green Honda Civic. She never saw or heard the woman yell anything.

There are cameras in the store and also out in the parking lot. The lighting outside is pretty good.

After the police arrived they kept everybody in the store and then spoke to them.

About five minutes later, or less, she looked through the window and saw that around five parking spaces down from the driveway in front of the store, in the lane that goes (west) toward Jack in the Box is where they finally took the man into custody. She saw the man on the ground on his stomach, handcuffed, and the police officer kneeling on his back on his right knee. Henry was there too. The officer had his head turned toward his shoulder, but she doesn't know for sure whether he was talking on his radio or not. She did not see any blood or other signs of injury. That's when a lot of other police cars were arriving. Two other officers took the man away. When she looked out and saw that, the Honda was stopped down at the end of the lane. The motor was running and the left door was open. She could not see the woman.

She described the male suspect as white, 35 to 40 years of age, light brown short hair, 5' 6" to 5' 7", medium build, and wearing casual clothing.

The female was white, 20 to 25 years of age, 5' 2" to 5' 3" brown hair down to the middle of her back, with a thin build.

She had never seen either of them before, as far as she knows.

Ms. Ledbetter was interviewed by the police that night.

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Report of Interview

Person Interviewed: Bryan L. Sims

Address: 4634 Windsor Road, Riverside, CA 92507

Telephone: (951) 784-3879

Date of Interview: January 3, 2005

Place of Interview: Food 4 Less, 3900 Chicago Avenue, Riverside

Interviewed By: Norman I. Wight, Baker Street Group, Inc.

Recorded: Yes

Interview Topic: Shooting death of Summer Marie Lane on December 6, 2004.

Bryan L. Sims was advised of the identity of the interviewing investigator and the purpose of the interview and advised as follows:

He is a Utility Clerk here and was on duty the night of the shooting. It all started at around 8:00PM. He saw Alicia walk out of the exit door, behind the security guard, who was running, and a blue or green car came up to the door and the driver was trying to run Alicia and the security guard over. He did not see the man they were chasing. At that time he was at aisle 12, near where the frozen section is. He had to look over registers 7, 6, and 5 to see what was going on, but he could see pretty well. He saw a woman in a car try and hit Alicia and Henry. Her car was near the door, and had come generally from the north, but was angled a bit from the west. He saw Alicia and Henry back up to the exit door to avoid her, which was the indication to him that she was trying to hit them. He could tell that it was a female driver. She kept backing up and stopping, and then driving forward again. She was going back and forth fast, and once, when she was backing up, he heard her tires squeal. After she went toward Alicia and Henry and backed up, then she started going toward something else, but he does not remember what. Alicia and Henry were looking down, so it looked like she was aiming at someone else. He was asked (by investigator Wight) if it could have been the officer and the other man, and said yes, because right after that is when he started walking toward the door, and he could see "feet rolling on the ground".

Mr. Sims explained that when he was just outside the exit door Henry was a few feet to his left and toward the parking lot (southwest of Mr. Sims), and Alicia was a few feet toward the parking lot (west) of Henry. Stephen was right next to Alicia. He was confused at first, because he thought it was Henry who was on the ground with a man, but learned it was actually a police officer. As he was walking toward the door he could see the two people on the ground. They were straight out from the entrance, just off the concrete, on the asphalt. Then when he went outside was when he saw Stephen and Alicia.

He was asked where the car was when he got outside, and he said it was in the lane pointed toward Jack in the Box (west) and generally between two trees that are in the area. He guessed it was over 20 feet from the door of Food 4 Less to the car. The lighting was not good, and he could not see well. He was very confused.

Then the car was pointed toward Jack in the Box and he saw the officer standing by the driver's side door. He saw the gun, and it was pointed it in the driver's side window, which he thinks was down. From where he was standing Mr. Sims could see the female driver. The officer was very close to the car and his gun was maybe a foot away from the window. He was aiming it toward her head or shoulder area. He doesn't know if the officer was talking to the woman or not. Mr. Sims didn't hear anything. Neither her backup lights, nor her brake lights were on, as far as he knows, but he can't really remember one way or the other for sure. He does not think her regular running lights were on, but it is possible. He did not see her move inside the car.

He looked away and that's when he heard the shots. He thinks there were two or three, in rapid succession. Then he looked back. When he'd turned his head away he heard tire screeches.

He never heard the officer yell at anyone. He never heard the woman or the man on the ground yell or say anything. Alicia was screaming and yelling a lot during the entire ordeal.

There was a lot of noise and then a short time later he came back inside.

He said everything happened very fast, and he does not remember if the man was on the ground when the shooting happened.

It was a dark colored car.

There were customers coming and going all this time.

He went right back inside after the shooting, and tried to help keep the customers calm. Some were crying.

He never saw the police officer walk. He thinks he saw a jacket on the ground in the area where the men were struggling on the asphalt, just off the brick walkway.

He felt the officer was in danger because he later learned that the female in the car was trying to hit him. Alicia and Henry were in danger as well when she drove toward them.

He was not interviewed by the police. They did not take his name.

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Report of Interview

Person Interviewed: Alicia M. Pinckard

Address: 6944 Javalina Court, Riverside, CA 92509

Telephone: (951) 684-9732

Date of Interview: January 3, 2005

Place of Interview: Food 4 Less, 3900 Chicago Avenue, Riverside, CA

Interviewed By: Norman I. Wight, Baker Street Group, Inc.

Recorded: Yes

Interview Topic: Shooting death of Summer Marie Lane on December 6, 2004.

Alicia M. Pinckard was advised of the identity of the interviewing investigator and the purpose of the interview and advised as follows:

She is a cashier and has worked here two years, and was on duty on check stand #4 on the night of the shooting.

A man and a woman put their groceries on the conveyer belt so she could scan them and check them out. After she was done scanning the items and getting a total, and asking how they were going to pay the man handed her a payroll check. Their policy is to get a California identification card, and he flipped open his ID from his wallet, but it was in a clear plastic envelope, and he didn't take it out and hand it to her. She recognized it as a fake ID because the lettering of the ID was a little too big, the cursive was not correct, and the colors were off, and she has experience at spotting fake IDs.

She called her manager, which was a code "33" which is just a request for manager's assistance. She told Maria (the night manager) over the telephone she has a problem. She then told the man to take the ID out of his wallet, and Maria came up to the check stand, and Ms. Pinckard handed both the ID and the payroll check to her, and sort of indicated to her that it's fake. Maria went into bookkeeping and Ms. Pinckard told the customers that this is their procedure and told them the date of the check was about a month prior to that date. She does

not now remember the name on the check, or the company it was drawn on. While she was standing with them, Maria called her and said she had called the check control service and they told her to call the police, and they, in turn, asked them to stall the customers, if possible. Ms. Pinckard stalled them for probably a good 20 to 30 minutes, and during that time they were both cooperative, but the girl casually walked out after about 15 minutes. She did not talk to the man or Ms. Pinckard before walking out.

Then about five minutes after the woman left the man asked for his check back. At that time Ms. Pinckard went in to the bookkeeping office, through what she described as the "side door", as opposed to the main door, because she had a key for that door. She added that she had gone to bookkeeping about three times during the time the man was waiting, each time asking Maria what was taking so long. Then the last time, Maria was apparently looking through the camera and she told Ms. Pinckard to get in and shut the door, and explained that the man was right behind her. She told Maria he wanted his check back, and then Maria called the police again. By then a police officer was already in the door (of the store). Maria told Ms. Pinckard she saw him through the camera monitor.

About a minute later Ms. Pinckard walked out of bookkeeping. She is not certain how it happened, but she remembers seeing either their security guard or the police officer, or possibly both of them, on the ground with the man. The suspect was on the ground on "all fours" and one of the other men was on top of him, and the suspect lifted the person on top of him up, and he was just crawling toward the entrance door to get away. When he started he was right between the entrance door and exit door and about five feet away from the doors. Then he broke away and ran out the entrance door, and that's when their security guard, Henry, backed off. Just outside the door the officer caught him and they started wrestling again, on the ground, and it appeared the officer was trying to control him.

At this time Ms. Pinckard went out the exit door, and that's when she saw the lady in her car on the concrete entrance to the store, between the two pillars on either side of the concrete entrance. She was driving a green Honda four-door. It was Ms. Pinckard's goal to get a license number, which Maria had told her to try and get the security guard to do earlier, but she never got the opportunity to tell him. When she got out she saw the two men still rolling on the ground, as previously described. She thinks Henry was outside, as well, just a little over toward the entrance door (south) from her, a few feet away. As she got outside the lady was on the concrete, as she mentioned, above, and approaching from an angle from the northwest, and heading right toward Henry, who had to step out of the way.

At that time Ms. Pinckard grabbed a pen and started writing down the lady's license plate number. When the woman saw her doing that she reversed the vehicle and then corrected the car in Ms. Pinckard's direction. They made eye contact as the woman was coming toward her, and the woman's window was down. Instead of hitting Ms. Pinckard the woman hit the metal display signs, which were just to Ms. Pinckard's left (south). As the car was coming toward Ms. Pinckard she moved back inside the store through the exit door. The Honda had not hit either of the men on the ground during this time. They were slightly to the south, in the area of the entrance door (according to her diagram).

Then the officer and the man moved out onto the asphalt. She estimated they were five to seven feet out onto the asphalt from the (west) edge of the concrete, and were straight out from the entrance. The woman backed her car up again, an estimated 20 feet, and pointed the car to where the men were, and Ms. Pinckard could see her looking toward them, and she slowly moved the car toward the men, and Ms. Pinckard felt squeamish at this time and turned her head, so she did not see if the woman hit them or not. When she looked back she thinks the woman was close to them, but already going in reverse. When she backed up she does not remember if the tires squealed or not, but every other time the woman went forward or back, she was squealing her tires and brakes. She does not remember any yelling from the men, and she said there was so too much commotion at the time she couldn't hear whether they were saying anything or not. There were also a lot of other people out there yelling as well.

After the woman had backed up again, she turned right, and passed the two struggling men on the ground, and was sitting in her car in the left (south) side of the lane that goes Jack in the Box, to the west. She estimated the back end of her car was two car parking spaces¹ down (west) from the driveway (that runs north/south) in front of Food 4 Less. Her lights and engine were on and her brake-lights were on. Her backup lights were not on. The male suspect got free again and proceeded to run down the lane going toward her car, and was tackled again by the police officer. They were about one parking space to the east of the lady's car at this time.

After a minute or two on the ground in that location the man got free again, and ran to the passenger's side of the woman's car. The officer got up off the ground and walked about two feet, straight toward the driver's side, pulled his gun out as he was walking, and fired. She guessed he was about five feet, and possible up to ten feet away from the driver's side door when he shot. He shot in the window. He was somewhat to the south of her car, but if she'd have backed up she wouldn't have hit him (from where he fired). When he fired he brought the pistol up to eye level. She does not remember if he held the pistol with one hand or two. She remembers him firing two shots, in rapid succession. He did not say anything before he shot, that she heard. She only thing she saw the woman do

¹ There is angle parking at that parking lot, so a "parking space" is a little wider than a car width.

was, "go down". She does not remember where the male suspect was at this time.

Before the officer shot Ms. Pinckard did not see the female make any movements in the car. She was close enough to have seen that, if it had happened, but she was not focusing on the woman. By then Ms. Pinckard had moved up to about the center of the lane that goes toward Jack in the Box, where it intersects with the lane that goes north/south in front of the store.

She does not know what the officer did after he shot, because Stephen, another employee came and told her to go back inside the store.

Ms. Pinckard never saw the officer limping. She did not see any blood or torn clothing on either of the men.

When they were on the ground Ms. Pinckard remembers them wrestling around, but does not recall any blows struck, although there could have been without her seeing it. The police officer was trying to get hold of the man.

She never heard the female suspect say anything outside the store.

The male customer was white, with some Hispanic features. He had a goatee, brown eyes, short black or brown hair, medium build, and was about 5' 9" tall. He was wearing blue jeans, possibly a short sleeve white shirt. He had no accent.

The female was white, had burgundy/brownish colored hair, fairly long and in a pony tail. She was wearing light gray sweats. She was about 5' 6" tall, and was thin. She had no accent. She did talk to Ms. Pinckard at one time, and they were joking about how she was a bad bagger. That was about it.

Neither of them seemed to be under the influence.

There were a lot of customers outside, and inside, generally walking around while this was going on. Visibility was good.

She was asked about the demeanor of the female when they made eye contact, and said she looked "pissed off", at Ms. Pinckard, because she could see that she was writing down the license plate number. She never heard the woman scream at the man to get in the car.

The driver's side window of the vehicle was down, and she knows that the back window on the driver's side was not. She never saw the other side of the car. She saw no one else in the car.

Ms. Pinckard never saw the car hit anyone, or heard anyone scream that they'd been hit.

She never heard the officer shout any commands, but if he did, it was way too loud for her to hear them, and there was too much commotion, with all the people around, and even cars driving through the area. The parking lot was very full. She does not recall the officer or the suspect reach for anything on the officer's belt. Nor did she see the officer talking on his radio.

About 20 minutes later she went back outside, and the helicopter was there and a number of other police officers as well. They had the parking lot taped off, and Honda was at the Jack in the Box building.

The woman driving the Honda, while they were on the concrete in front of the store, was life threatening in Ms. Pinckard's opinion. At the moment she was shot she believes the woman's actions were still life threatening, because if the policeman had not shot her she would have taken off in the car, and there were so many people around that somebody could have been hit easily. There were a lot of people walking around and watching, some not even knowing what was going on. She believes the shooting was justified.

**CONFIDENTIAL
ATTORNEY/CLIENT PRIVILEGE**

Report of Interview

Person Interviewed: Gregory Ramirez

Address: 10600 Poplar Street, Apartment 16, Loma Linda, CA
92354

Telephone: (909) 586-4119

Date of Interview: December 27, 2004

Place of Interview: Telephonic

Interviewed By: Norman I. Wight, Baker Street Group, Inc.

Recorded: No

Interview Topic: Shooting death of Summer Marie Lane on December
6, 2004.

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Gregory Ramirez was advised of the identity of the interviewing investigator and the purpose of the interview and advised as follows:

He was on duty as a security guard for CSC Security on December 6, 2004 at the shopping center at 3900 Chicago Avenue. He was working the 2:00PM to 10:00PM shift, and was the only guard from CSC on duty at that time. Prior to the shooting he was at Hollywood Video, talking to an employee there, and as he was walking toward the 99 cent store he hears shots. There were four or five shots, and they were in fairly rapid succession, and there was no pause between shots, that he can recall. He guesses he was at least 20 to 30 yards from the shooting when he heard the shots. From where he was standing at the time of the shooting he still couldn't see the scene, because there were cars in the way. Lighting in the parking lot is good.

Mr. Ramirez said that by piecing things together he believes the fighting was taking place while he was at the Hollywood Video store.

After he heard the shots he ran over to the area where the policeman was, and observed that the officer had a man on the ground and was handcuffing him. The suspect was face down on the asphalt and his shirt was off. The officer and

the arrestee were in the middle aisle that leads from Food 4 Less to the Jack in the Box. He went up to the officer and asked him if he could help and he told Mr. Ramirez to just stay out of the immediate area.

He and other witnesses were kept in Food 4 Less for a long time so they could be interviewed by police. He said everyone was "shook up". He estimated there were 20 to 30 witnesses waiting. He did not know any of them, but he did listen while the police interviewed the female cashier who had dealt with the suspect. By listening to that and talking to other witnesses he learned generally that the man was fighting and trying to escape and they ended up outside and the officer shot a female in a car. He did not know what car was involved until someone pointed it out to him.

He never saw the man being handcuffed before, to the best of his knowledge.

Neither the officer nor the suspect appeared to be injured. He saw no blood, and he saw no one limping.

He noted that Food 4 Less has their own security service. CSC only covers the parking lot. He could not remember the name of the service, or provide the names of their employees. Mr. Ramirez is no longer employed by CSC.

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Report of Interview

Person Interviewed: Travis D. Chesher

Address: 3862 Ogden Way, Riverside, CA 92501

Telephone: (909) 788-0634
(909) 953-7126 - cellular

Date of Interview: March 15, 2005

Place of Interview: Residence

Interviewed By: Norman I. Wight, Baker Street Group, Inc.

Recorded: Yes

Interview Topic: Shooting death of Summer Marie Lane on December 6, 2004.

Travis D. Chesher was advised of the identity of the interviewing investigator and the purpose of the interview. Present was his father, Steven Chapman. Mr. Chesher advised as follows:

It was around 8:00 PM and he was driven in to the parking lot by a friend, Chris House, and he got out and was dropped at a little "island" that is north and west of the front door of Food 4 Less. Chris drove off after dropping him off. No one else was in the car. He was going to get some liquor in Food 4 Less and then walk to Chris' girl friend's apartment. He had had a little bit to drink before that, but was not drunk.

When he got out of the car he saw a police officer fighting with a man on the ground, in the doorway of the entrance door of Food 4 Less. The officer was on top, initially, and the male was on his back on the ground, and no blows were being struck at that time, but the male was trying to get away. The officer was trying to control the man, but was not hitting him. Then they rolled around, and the other man got on top, and was hitting the officer, who was now on his back. A couple of punches landed on the officer's face, with the male using both fists. He said they were in that location fighting for about five minutes. Mr. Chesher just stayed in the same location during that time. He noted that there was a security guard standing there, right by the exit door, a couple of feet to the north

of where they were fighting, and he did nothing to help. A female employee was standing by the security guard.

As they were fighting there a car came and crashed in to the building. He did not see where it started from, but it came right past him from a northerly direction, and turned in and hit the building. It was going pretty fast, but he didn't hear any tires squealing, but he did hear the front doors of Food 4 Less being hit. It hit the store hard, right between the entrance door and the exit door, and he could see the window shake. The car was a four-door, dark colored, and it was driven by a female. There was nobody else in the car. It did not hit either of the two men. He estimated it had to be going at least about 15 miles an hour. She hit a Food 4 Less sign there, and crashed into the building too.

When the car hit the building the security officer ran in a northerly direction and the suspect ran west and a little bit south into about the middle of the traffic lane that goes north/south in front of the store, followed by the officer, who jumped on him. They were only there, on the ground, a few seconds, and the officer was on the man's back, and the man was on his hands and knees still trying to get away, with the officer still trying to restrain him.

The female backed up towards the north, screeching her tires a little bit, just far enough to get pointed south, and then headed to where the men were on the ground, and then they rolled out of the way to the west, toward Jack in the Box, and she passed between them and Food 4 Less. He thinks she was probably going about 20 miles per hour at that point, and then she backed up again. During this time the suspect had run to a position right behind the eastern-most car on the south side of the lane that goes from Food 4 Less and Jack in the Box. The officer followed and got him down and handcuffed him. The officer's legs were sticking out, toward the north, a little bit. The lady turned right, west, in that lane, and ran over the officer's leg, and broke his ankle, and that's when he got up and shot her. During this time Mr. Chesher had moved a little closer, to a position on the walkway (on the diagram), where it makes a right-hand turn. Then he moved back over toward the island again, because she was coming toward him as she went past to where she ran over the officer's leg.

He actually saw the lady's car rise up as the back tire went over the officer's leg. He estimated her car was going 25 to 30 miles an hour when it ran over the policeman. Then she stopped, almost in the north/south center of the lane, straight behind the second car on the south side of the traffic lane (right where there is a number "6" on the diagram). That's when Mr. Chesher moved up to a position right behind her car, about five feet behind it, near the right rear corner.

The officer got up, and limped over toward the driver's side of the car. He was not straight out from the driver's side window, but was back toward the rear a little ways. Mr. Chesher estimated the officer was three feet away from the car

when he shot. He drew his pistol, with his right hand, when he got up from the ground. He thinks he pointed the gun with one hand. He didn't say anything to the woman, and she didn't say anything. Her window was up. He just walked up, stopped, and started shooting. After he stopped he did not pause before firing. Mr. Chesher did not see the woman turn her head or anything before the shooting, and did not see anything in her hand. Most of his attention was focused on the officer, however. There were about five shots, and they were in rapid succession. He could see muzzle flashes. It looked like the officer was aiming, "Right by her head".

As soon as the policeman shot his last shot Mr. Chesher could hear the engine rev, and the car accelerated, and when she got a short distance to the west (in the vicinity of number 19 on the diagram) it looked like she took her foot off the gas and just coasted forward, all the way to Jack in the Box, where she ran into a tree. After the officer fired he holstered his gun. Then he looked back at the male suspect, and just stood there until another policeman came up.

The officer was yelling at the male suspect all the time. He never yelled at the woman, and if he had Mr. Chesher would have heard it, because at that time he was near the right rear corner of her car. From there he had a clear view of the officer when he shot.

When the officer left the man on the ground to go up and shoot, the man just laid there. He was all scratched up, and his shirt was back in the traffic lane in front of the store.

With respect to other persons in the area, he said there were some Hispanics in a van, about the third parking stall in from the east side, on the north side of the lane that is south of the lane the shooting occurred in. The security guard stayed right in front of the store in the traffic lane. When the officer shot the woman the security guard yelled, "Fuck. Fuck." Then he went inside.

While they were fighting he is sure there were no pedestrians in front of the woman's car to the west toward Jack in the Box. There were some cars driving around in the area. After the car ran into the tree some people came from Dominoes and Subway and ran up to the car, and the officer yelled at them to get away. They actually looked in the window. They also opened the car door.

Her car lights were on. He does not remember whether or not her back-up lights were ever on or not. He does remember that after she hit the tree her brake lights were on. Her brake lights were also on before the officer started shooting.

The male suspect never said anything.

He was asked if he might have told the police when they interviewed him that the female was yelling at the officer to leave the man alone, and he said he did not remember, and said it was a long time ago that it happened.

After the shooting Mr. Chesher, walked over to the entrance of Food 4 Less and as he walked is when he called "911". He told them an officer was shooting and a suspect is on the ground, and they need backup.

Mr. Chesher never saw the officer hit the man with his fists, but did see the man hit the officer twice, in the face, using both hands. He never saw the officer reach for any equipment on his belt, but the suspect was trying to reach for equipment on the officer's belt, and the officer was trying to keep him from getting it. That was when they were in the doorway. When the suspect was on his back it looked like the suspect was trying to grab things, and that's when he started hitting the officer in the face. He did not grab for equipment after that, and it looked like the only thing the suspect wanted to do was get away.

Other than limping, he did not see any other injuries to the officer, or see his clothing torn.

At some point after other officers arrived and took control of the male suspect the officer who did the shooting walked up and looked in the car, and he did not have his gun out. Other officers had checked it first. That's the last time Mr. Chesher saw him.

He did see glass on the ground, from the car window, but did not see any blood.

Mr. Chesher could see the woman's hands on the steering wheel, so she didn't have any weapons. She did hit the officer with the car. He felt the officer had the right to shoot her, because she tried to run him over a couple of times. He didn't want anyone else getting hurt.

**CONFIDENTIAL
ATTORNEY/CLIENT PRIVILEGE**

Report of Interview

Person Interviewed: David Moreno

Address: 2495 Pleasant Street, Riverside, CA 92507

Telephone: (951) 276-7165

Date of Interview: March 15, 2005

Place of Interview: His residence

Interviewed By: Norman I. Wight, Baker Street Group, Inc.

Recorded: Yes

Interview Topic: Shooting death of Summer Marie Lane on December 6, 2004.

David Moreno advised that on the night of the shooting, at about 8:00 PM he went to the drive-up window of Jack in the Box, across from Food 4 Less, in his Toyota Camry, and ordered some food, and they told him to drive around and wait on the other side of the restaurant for his order. He turned left and went up the west side of Jack in the Box, and then turned left again, and stopped, in a position just north of the restaurant, pointed west. His driver's side car window was down.

In his outside rear view mirror, on the left side, he saw a man running out of Food 4 Less and he was being chased, and then tackled by a police officer. He described their location as being about in the middle of the north/south lane of traffic that runs in front of the Food 4 Less. They struggled there for about ten seconds, rolling around on the ground, with the male suspect trying to get up. It appeared the man was trying to get away from the police officer, but he couldn't because the officer was grabbing him. He saw no blows struck at that time. Mr. Moreno got out of his car when he saw the man run out of Food 4 Less, and he started walking toward the grocery store. He never got very far in that direction, because there was traffic going north and south in the lane to the east of Jack in the box. He estimated he only got out into the middle of that lane. The lighting was good, and he could see well, except when there were people or cars in the way.

The man got away from the officer, briefly, and tried to run, but the officer grabbed him again, and again they went down on the ground, and this time he could see the officer, who was on top, striking the man, who was on his back, with his fists. They had worked their way westward, and were in the traffic lane that goes from the front of Food 4 Less to Jack in the Box, somewhat in the south side of the lane, and about two parking spaces from the east end.

The men continued to struggle, and had moved a few feet further toward Mr. Moreno, to the west, and then he saw a female driving a car in that traffic lane, coming from the direction of Food 4 Less, and it hit one, or both of the men. He could hear a "thud" and saw the officer fall down. He estimated she was traveling somewhere between five and fifteen miles per hour when she hit them. He didn't actually see the car hit them, but he heard a thud, and saw the police officer fall down. He couldn't hear any tires or brakes squealing when she approached. She then backed up, possibly five to ten feet, and Mr. Moreno figured she was going to try to hit the officer again. At that time the officer was trying to hold the male suspect, who had started running again, so they ended up just a little bit farther to the west. He could not tell whether or not they were down on the ground again at this point or not. Right after he saw her back up is when he heard the gunshots. He did not see her come forward before the shooting started. There were four or five shots in rapid succession. He was asked if she might have come forward and he just couldn't see it, and said he couldn't see very well at that point, and assumes she came forward. From the time she backed up until he heard the shots, about three seconds had passed. She had time to pull forward, but he just didn't see it. He explained that at about the time she hit the officer with her car he, Mr. Moreno, turned and started back for his car, so he did not see the shooting. He never saw the officer draw his gun, and could not describe that part of the event any further.

Mr. Moreno made a right-hand turn, with the idea of driving to the south side of Jack in the Box, and exiting onto Chicago, and he almost got hit by the lady's car. It passed right in front of him, and lodged against a tree on the east side of Jack in the Box. After she passed by he continued south and tried to leave, but was stopped by a police officer, and then he went back and parked in an area southeast of Jack in the Box, in the parking lot. He did get out of his car for a while, and saw some officers handcuffing the male suspect. About 20 minutes later he went in to the Subway and waited. Later he went to the police station to give a statement.

When the woman passed in front of him, before it hit the tree, her car was just coasting, and did not appear to be accelerating or slowing down. All he could see was the top of the woman's head. Her car was possibly a Honda Civic, light blue in color. He does not recall whether her lights were on or not. He does not remember if her driver's side window was open or not.

He was asked about any yelling by anyone, and he said that when the officer and the man were fighting out in front of Food 4 Less, when he first saw them, he heard a woman screaming. He said it was not a single scream, but a series of screams. He couldn't tell what woman it was. After that a helicopter was overhead, and it is possible they could have been yelling, but he just couldn't hear it. At any rate, he did not hear the policeman or anyone else say or yell anything, other than the woman screaming.

He was also asked if he ever saw the male suspect hit the officer, and he said that after the officer fell down after being hit by the car he was still trying to hold onto the male suspect, and the male suspect started hitting him. The blows were with his fists, and he believes there was more than one blow, but he does not know how many.

The man fighting with the policeman was a white male, with blond hair, no shirt, and wearing jeans.

He never saw the officer reach for any other equipment on his belt.

Other officers started arriving within seconds after the shooting.

There were about ten bystanders around in the area. He does not remember if there was anyone in front of her car or not, when the shooting occurred.

From the time he first saw the men on the ground until her car hit the palm tree he estimated about two minutes had passed.

After the car lodged against the tree some people from Jack in the Box had come out and were looking in it and an officer approaching from the east told them to get away. That officer approached the car up to about five feet from the driver's side window and looked in, with his gun drawn.

Mr. Moreno never saw any officers limping.

**CONFIDENTIAL
ATTORNEY/CLIENT PRIVILEGE**

Report of Interview

Person Interviewed: Vinicio Aroldo Mendez

Address: 2932 Pleasant Street, Riverside, CA 92507

Telephone: (951) 536-9494

Date of Interview: March 15, 2005

Place of Interview: Outside his residence

Interviewed By: Norman I. Wight, Baker Street Group, Inc.

Recorded: Yes

Interview Topic: Shooting death of Summer Marie Lane on December 6, 2004.

Vinicio Aroldo Mendez was advised of the identity of the interviewing investigator and the purpose of the interview and advised as follows:

On the night of the shooting at a little after 8:00 PM he and his father, Santiago Mendez, pulled into the parking lot of Food 4 Less, from the south entrance off Chicago in their 1997 Chevrolet pickup truck, with his father driving. They drove past Subway Sandwiches and a pizza shop, to the end of the lane, and then turned left, north, and then left again, into the next lane south of the entrance to Food 4 Less, proceeding west in that lane, and then his father pulled into one of the parking stalls on the right, north side, and then backed into a slot, the third one from the east end, on the south side of that lane. He noted that the diagram I exhibited to him, for reference purposes, did show his truck in that parking stall.

Just before they turned left into that lane, he saw a police car stop next to the Food 4 Less building, just north of the doors (where it is shown on the diagram). A policeman got out and walked in to Food 4 Less, as Vinicio and his father were parking. He did not see the police officer talk to anyone before going in. They were in the truck talking for a short time, possibly a minute or so, and then he saw the police officer coming out the exit door with a male individual. As they were exiting, just walking, there was another car, parked just across from the entrance, a little to the north, right next to an island, but in the traffic lane that

goes north/south in front of the store, and it was pointed south. It was a little dark green car; he thinks a four-door, possibly a Toyota Corolla. A female, who looked Causasian, was driving. She was already sitting there when they walked out. They took three or four steps out from the door, and that's when the lady pulled the car in toward them. She pulled in quickly, and it looked like she was trying to hurt the officer, and in fact, "she went for both of them". She came in to the middle of the entryway, right between the entry and the exit doors. Vinicio believes the two men were more on her left (north) side, and he does not know if she hit the men or not when she pulled in. She backed out immediately, and at that time he could see that the police officer and the man had started fighting and had fallen to the ground. By that time he thinks he had gotten out of his truck, but he might have still been sitting in it. He could see what was going on, his view was unobstructed. At the time he saw them fighting, the male suspect was on top of the officer, and the officer was on his back. Blows were being struck. The man hit the officer, "More than once", with his fists, in the face, but he could not say how many times, for sure. After that the officer was able to gain the advantage and he was hitting the suspect. The officer was a tall man.

When the woman pulled in to the front of the store, it was sort of fast. He heard her tires, he thinks from her hitting the brakes, and he thinks she hit a sign there. Then when she backed out, it was "casually", as if she were not even in a hurry. She backed out to the same place she had been sitting before, right by the little island, pointed south.

Next, the two men got up, and he thinks the officer was controlling the male, and they were walking west, and a little south, into the traffic lane that goes in front of Food 4 Less. When they were in the lane she went towards them again. She was not going "that fast", and had to travel about 30 feet, or so from where she was parked. By that time Vinicio was out of the truck, within five to ten feet of it, in the direction of the men fighting. He's thinks she hit them this time, but it was not extremely hard. He does think they fell down because the car hit them. They were on the ground again, fighting, and again blows were being struck by both men. Everything was happening very quickly.

The woman's car backed up and then turned right, going west in the traffic lane that goes from the front door of Food 4 Less to Jack in the Box. She stopped at a position about due north of the third car stall on the south side of that parking lane. She was slightly south in the traffic lane. By then Vinicio thinks he had moved a few feet further toward them (which is north from his truck).

The woman's car was stopped and the engine was running. Her car lights were on.

Then the two men somehow moved west from where they had been, and ended up right behind her car. He does not remember whether they walked over

or whether the man was trying to run in that direction, but they ended up within ten feet of her car, at the most. There they started fighting again, and were once again on the ground. The officer was on top, and got the suspect under control, and at that point, the officer walked, "very casually", to the driver's side of the woman's car, and fired three or four rounds. By that time Vinicio had moved even closer, to the north, and possible a little more to the west, and he could see clearly.

He is not sure when the officer drew his gun, but it might have been when he was walking towards the car. He thinks the gun was in the officer's left hand. The shots were in fairly rapid succession, and there was no pause between them. The policeman was standing right by her door, and as he remembers it, the gun was actually in the car when he fired. He did not hesitate after walking up to the car before shooting.

Vinicio did not hear the officer say or yell anything before shooting. He was asked if he thinks he would have heard it if the officer had said or yelled, and he said, "Probably".

He does not know what the male suspect was doing on the ground while the officer was walking up to the car window. Vinicio's attention was on the car.

After the officer shot, the car rolled forward and hit a tree by Jack in the Box. It did not accelerate forward, it was as if the car was in gear and she let off the brake. He could not see the woman inside during that time. After the car hit the tree he saw the male suspect and the police officer a few feet to the north and west from where they had been fighting on the ground behind the car. He remembers them fighting again for a few seconds, and then the policeman controlled the suspect again, and at that point the suspect was done fighting. He does not remember if the officer handcuffed the suspect at that time or not, and does not remember when the handcuffing happened. He thinks the officer had pulled his gun out again, or possibly he never holstered after shooting in the car. Within seconds more police came on the scene.

He was asked if he remembers the officer yelling anything at any time. He remembers him yelling at the male suspect after they had moved to their final location. He does not remember what the officer was saying. He doesn't remember the policeman saying or yelling anything before that. The woman in the car never said or yelled anything that he heard. The male suspect didn't yell or say anything either, that he remembers. Vinicio never heard anyone else yelling or screaming anything.

After the car hit the tree Vinicio walked west in the traffic lane he was in (the one south of the lane where the shooting took place), to the end, and walked up to the car the lady was in, and walked up to her window, and she was shaking, and her eyes were rolled back. He does not know if she was breathing

or not. He might have asked her, "Are you alright?" and a security person yelled at him from way over in front of the store, so he just backed off and the police took over. While he was next to the car, he reached in the window, which was open and touched her shoulder. He did not see any blood on her. He tried to talk to her, but she couldn't talk. He does not know if the car was in gear and running when he looked in. He does not remember anyone else looking in the car before the police got there. They got there about the time he walked up to the car.

When the officer walked up and shot the woman there were no pedestrians in front of her car that he can recall. No one was behind her car either, except the male suspect.

He then walked back to his truck.

Vinicio was asked whether he thought the shooting was appropriate, and he said he thought the woman was trying to scare the policeman rather than trying to run him over, but he thinks that in a situation like that the officer was scared. He said, "Trying to run over someone with a car is like trying to shoot somebody with a gun".

The officer was not limping when he walked up to the car that Vinicio remembers.

Vinicio said that if he remembers correctly, blows were being struck every time the men were fighting, at every location. They were both on the ground, and were both fighting.

The security guard just stayed by the Food 4 Less door.

There were other people around the shopping center, especially afterward. His father, Santiago, stayed in the truck the entire time (he said his father declined to be interviewed).

A police helicopter was overhead, but that was after everything had happened.

He saw the police officer who was fighting afterward, but only briefly. He never saw him limping, but he was not looking for that, and he said there was a lot going on. He did see the officer take some hits to the face, but did not see any blood or torn clothing or other signs of injury.

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BAKER STREET GROUP, INC.

*originals in
case file*

March 18, 2005

Dr. Pedro Payne
Community Police Review Commission
City of Riverside
3900 Main Street
Riverside, CA 92522

CPRC No.
04 - 081

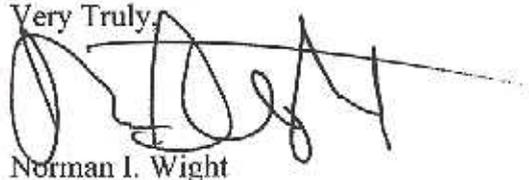
Re: Summer Lane

Dear Dr. Payne:

Enclosed are interview tapes and diagrams used during interviews of the following persons:

Vinicio Mendez
Travis Chesher
David Moreno

Very Truly,



Norman I. Wight

RECEIVED

MAR 22 2005

COMMUNITY POLICE
REVIEW COMMISSION

From: "Norman I Wight" <niwbsg@cox.net>
To: "Pedro Payne" <ppayne@riversideca.gov>
Date: 02/16/2005 4:35:57 PM
Subject: Interviews

*copy in case
file*

Pedro,

Those people I contacted who were interviewed by the police are:

Henry Bowie ✓
George Gonzalez ✓
Maria Ledbetter ✓
Carolina Perez ✓
Alicia Pinckard ✓

Those people I contacted who were not interviewed by the police:

- ✓ Stephen Ejukwa - Witnessed the entire incident. The police took his name but had not interviewed him by 1/3/05
- ✓ Miya Henderson - Saw very little. Police took her name.
- ✓ Bryan Sims - Saw most of the events leading up to the shooting, but not the shooting itself. Police did not interview him or take his name

I also interviewed Gregory Ramirez, but he came along after the shooting. I didn't ask him if he was interviewed by the police.

Norm Wight

From: Russ Leach
To: Dominguez, Dave; Payne, Pedro
Date: 03/02/2005 12:14:51 PM
Subject: Re: Summer Lang P3-04-341-246

*copy in case
file*

This has been assigned out for further. We will report back soon.

>>> Pedro Payne 03/01/2005 5:24:50 PM >>>
Russ,

After discussing the preliminary information about this case with Jim Smith and Bill Howe, we all agreed that I should contact you concerning the eye witnesses associated with this case. We just want to make sure that, where possible, the RPD investigation and the CPRC investigation into this case are consistent in terms of the witnesses that were/should be interviewed. Our CPRC investigator (Norman Wight) is still currently investigating this case. However, I have received the OIS investigation as of the 24th. Upon preliminary observation it appears that there are some crucial witnesses that are missing from both witness lists (OIS vis-a-vis CPRC).

Russ, would you consider interviewing additional eye witnesses in this case? If so, our CPRC investigator has procured significant testimony from the following individuals who were first hand eyewitnesses to the incident. These are:

- 1) Alicia Pinckard - Cashier at Food-4-Less
- 2) Stephen Ejukwa - Employee at Food-4-Less
- 3) Bryan Sims - Employee at Food-4-Less

I will also instruct our CPRC investigator to interview Mendez and Chesher who appear in the OIS report but that apparently were not interviewed by our investigator. Again, I am doing this in an effort to have some consistency in this case in terms of getting at the 'facts' of what occurred on December 6th, 2004. Please let me know if you have any questions. Thank you.

Pedro

Dr. Pedro R. Payne
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Community Police Review Commission
Human Relations Commission
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BAKER STREET GROUP, INC.

February 9, 2005

CPRC No.
04 - 081

Dr. Pedro R. Payne
Executive Director
Community Police Review Commission
Human Relations Commission
3900 Main St. 6th Floor
Riverside, CA. 92522

Dear Dr. Payne:

Re: Summer Lane shooting of December 6, 2004

Enclosed are six photographs of the area where the shooting occurred.

Although I am continuing to look for witnesses, there is no investigation remaining that looks productive. Hopefully, if we can place an article in the newspaper something may develop from that.

Very Truly,

A handwritten signature in black ink, appearing to read 'Norman I. Wight', with a long horizontal line extending to the right.

Norman I. Wight

RECEIVED

FEB 11 2005

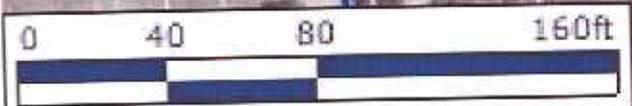
COMMUNITY POLICE
REVIEW COMMISSION

Original in case file

CHICAGO

3900 Chicago Ave

CPRC No.
04-081



Powered by GeoSmart.net

CPRE No.
04-081

Traffic Lane Where Shooting Occurred

CPRE No.
04-081

Jack in the Box - Palm Tree

Food 4 Less



GPFC No.
04-081

ENTRANCE

ENTRANCE

Front of Food 4 Less

CPRC No.
04-081



Food4Less from the West



GBRC No.
04-081

Food 4 Less Entryway

Section B

Effective Date: 8/93
Revision 1 Date: 7/26/96
Revision 2 Date: 5/21/97
Revision 3 Date: 6/1/99
Revision 4 Date: 1/5/00
Revision 5 Date: 5/9/2002
Revision 6 Date: 2/2/04
Revision 7 Date: 11/1/04
Approval:

Russ Leach
Chief of Police

4.30 USE OF FORCE POLICY:

A. PURPOSE:

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

B. PHILOSOPHY:

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

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

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

C. POLICY:

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

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

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

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

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

D. ESCALATION/DE-ESCALATION OF FORCE:

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

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

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

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

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

E. USE OF FORCE TECHNIQUES:

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

Level 1: Presence:

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

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

Level 2: Verbalization:

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

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

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

Level 3: Empty Hand Control:

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

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

- ! avoidance,
- ! blocks,

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

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

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

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

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

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

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

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

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

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

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

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

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

Level 5: Intermediate Weapons:

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

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

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

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

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

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

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

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

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

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

Level 6: Lethal Force:

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

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

USE OF FIREARMS

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

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

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

3. Display and Discharge of Firearms Prohibited:

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

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

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

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

F. OVERVIEW OF TECHNIQUES:

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

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

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

G. SITUATION-BASED USE OF FORCE CONTINUUM:

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

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

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

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

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

H. MENTAL ATTITUDE:

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

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

I. REPORTABLE USE OF FORCE INCIDENTS:

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

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

Reportable Use of Force does not include:

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

2. Employee Responsibilities:

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

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

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

3. Supervisor Responsibilities:

The notified or designated supervisor shall:

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

! The force used falls within Level 5.

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

J. CONCLUSION:

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