

# MIKE BUMCROT CONSULTING

## REPORT OF INVESTIGATION

**DATE:** July 29, 2019

**SUBJECT:** Officer Involved Fatal Incident Involving David Eugene Russell, Which Occurred July 22, 2018 1243 hrs.

**CASE:** Riverside Police Department File #P18-136590

**LOCATION:** 2241 University Avenue, Riverside (McDonalds)

On July 24, 2019, I was asked by Carlie Myers, Assistant City Manager for the city of Riverside, to review the circumstances surrounding the Officer Involved Fatal Incident involving David Eugene Russell. I was also asked to provide my expert opinion in a written report on the manner in which the case was investigated by the Riverside Police Department. I received police reports, photographs, audiotapes, and other documents contained in the presentation by the Riverside Police Department to the Riverside Community Police Review Commission. It should be noted that the entire incident was captured on videotape, which I viewed. This video corroborated all statements made by civilian and sworn witnesses. I also reviewed legal and medical issues. To assist me in understanding the police reports, I had previously responded to the location and referred to the excellent crime scene photographs and videotape many times during this review.

The following analysis is based on reports prepared by the Riverside Police Department, statements of witnesses, and the viewing of video recorded during the incident. It should be noted that there were 3 victims who were battered by Mr. Russell. All of their names were redacted from Riverside police reports and, for the purpose of



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my report they will be referred to as Victim 1, the initial victim; Victim 2, a security guard who attempted to intervene; and Victim 3, the McDonalds on duty manager.

## FACTUAL ANALYSIS

On July 22, 2018, at approximately 1243, David Eugene Russell walked in to the McDonalds restaurant located at 2242 University Avenue, Riverside. Mr. Russell looked disheveled and appeared homeless. He stared at Victim 1, who was talking on his cell phone while waiting for his food to be brought to him. Suddenly, Mr. Russell walked straight at Victim 1 and asked, "You want some of this?" Mr. Russell was "acting crazy or on drugs" and had his fists clinched at his side. Mr. Russell kicked Victim 1, a martial artist, who kicked back at Mr. Russell, who then walked to the service counter. Mr. Russell began throwing punches at the employees behind the counter and they retreated in to the kitchen, in fear. Victim 2, a security guard and Victim3, Manager attempted to stop Mr. Russell from striking the employees and both were struck in their arms while trying to fend off blows delivered by Mr. Russell.

Victim 1 realized that no one could control Mr. Russell so he stepped in to protect the employees. He walked behind Mr. Russell and placed his left arm around Mr. Russell's neck in a "carotid hold to put him out". Mr. Russell and Victim 1 went to the ground and Victim 1 counted to five, out loud. Mr. Russell "went out" and Victim 1 released his grip. Victim 1 continued to hold Mr. Russell on the chest while Victim 2 sat on his legs. Mr. Russell began to wake up, tensing his body, and Victim 1 told him if he attempted to get up, he would be choked out again. Mr. Russell grunted, "fuck you" several times but stayed on the ground.

Officer J. Cuevas arrived on scene and observed Mr. Russell being restrained behind the counter by Victims 1 & 2. Officer Cuevas placed Mr. Russell in handcuffs and rolled him on his left side in the recovery position. Officer Cuevas noted that, although Mr. Russell was not unconscious, he would not respond to commands. He continually made noises and his head was raised off the ground. Officer Cuevas attempted to awaken Mr. Russell by rubbing his knuckles on Mr. Russell's chest, causing him to grimace and clench his teeth but he would not open his eyes. Officer Cuevas requested



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medical aid to respond and, while waiting for paramedics to arrive, noticed that Mr. Russell was clearly breathing, evidenced by his chest and stomach rising and falling and his head was not flat on the floor.

When medical aid arrived, it was determined it would be easier to treat Mr. Russell outside. When they tried to get Mr. Russell to stand, he stiffened his body and would not bend at the waist. Officer Cuevas and Sgt. Medici then carried him outside. He was again placed in a recovery position on his right side. He was then placed on a gurney, still breathing, and he did not appear in distress. The handcuffs were removed and soft restraints were placed on his hands and feet.

Paramedic Robert Compton recalled dealing with Mr. Russell on numerous occasions in the last few months, taking him to the hospital for medical reasons such as diabetes. Paramedics placed Mr. Russell in the ambulance and noted that, although he was not unconscious, he was unresponsive. Mr. Russell would not speak and would tense up when treatment was attempted. He also forcefully held his eyelids shut when they tried to look at his pupils.

All police and fire personnel left the location and prior to taking Mr. Russell to the hospital, paramedics decided to perform initial tests such as blood pressure, I.V., breathing, heart monitor, 12 point leads, and blood sugar. Mr. Russell continued to resist and after about 15 minutes, while still in the McDonald's parking lot, he went in to cardiac arrest, stopped breathing, and his heart stopped. Paramedics inserted a breathing tube, began CPR, and rushed to the hospital where Mr. Russell was pronounced dead.

It should be noted that prior to police leaving the scene, all 3 victims refused to sign a citizen's arrest form, stating they were non-desirous of prosecuting Mr. Russell for battery. Also, Victims 2 & 3 advised that a week prior, Mr. Russell had entered the same McDonalds with a knife in each hand, attempting to cause trouble, but was coaxed in to leaving. A record check of Mr. Russell revealed multiple arrests for 5150 WIC, danger to self/others and 242 PC, battery.



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On July 25, 2018, Detective Dave Smith attended the post mortem examination of Mr. Russell and observed no obvious injuries to his head, neck, throat area, hyoid bone, and trachea. There was no petechial hemorrhage of his eyes. The cause of death was listed as pending. The Coroner's report and Toxicology report were both redacted so I can make no finding as to the cause of Mr. Russell's death but the lack of traumatic injuries to his neck would rule out the carotid hold and suggest natural causes.

## EXPERT QUALIFICATIONS

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

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

For over 15 years, I have taught "High Profile Murder Investigations", "Homicide Scene Management", and Officer Involved Shooting Investigations" for the Robert Presley Institute of Criminal Investigation, police academies, advanced training classes, supervisor training, college classes, Homicide School, and in-service training. I am currently on staff with the Police Policy Studies Council where I teach and consult nationally on officer involved shooting, homicide, and suspicious death investigations. I am currently the investigator for the Riverside Police Review Commission. Although I retired from LASD in 2002, I was immediately signed to a contract to train newly assigned homicide detectives. In 2006, I was also assigned to the LASD Cold Case



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team where I have reviewed over one thousand unsolved murders and specifically work the unsolved DNA and latent print cases. In 2014 I wrote the investigative guidelines for officer involved shootings for the LASD Homicide Bureau.

## INVESTIGATION AND REVIEW

The investigation into the in custody death of David Eugene Russell was conducted by the Riverside Police Department, the Riverside County District Attorney's Office, and the Riverside County Medical Examiner's Office. I reviewed all of the reports and photographs submitted to the Community Police Review Commission and researched both legal and medical issues.

## CONCLUSION

The review of reports and videotape examined in this case reveals that Mr. Russell entered McDonalds and for reasons known only to him, began attempting to batter anyone in the restaurant. When he couldn't bully Victim 1, he attempted to strike out at anyone and everyone inside the location. A timeline of the entire incident videotaped inside of McDonalds is as follows:

12:40:13 Mr. Russell enters dining area, approaches Victim 1 sitting at a table, takes a fighting stance and kicks Victim 1. Victim 2 intervenes and Mr. Russell moves to counter, still trying to fight Victim 2 and customers.

12:40:45 Mr. Russell walks around counter and tries to fight employees. Victim 1 follows behind counter.

12:41:04 Mr. Russell swinging at employees when Victim 1 approaches from behind and places him in carotid hold.

12:41:28 Mr. Russell's feet still moving while Victim 1 holds him until police arrive but does not appear to be a carotid hold.



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12:50:30 Officer Cuevas arrives, places handcuffs on Mr. Russell, and rolls him on his left side.

12:52:10 Sgt. Medici arrives.

12:52:49 Officer Gutierrez arrives.

12:57:30 Paramedics arrive.

12:58:30 Mr. Russell carried outside by Officer Cuevas and Sgt. Medici.

I find that the Officer Involved Fatal Incident involving David Eugene Russell was completed in a fair and impartial manner and, based on the material that I reviewed, I can state to a reasonable degree of professional certainty, the investigation was consistent with accepted police standards and practices.



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