

MIKE BUMCROT CONSULTING

REPORT OF INVESTIGATION

DATE: March 1, 2014

SUBJECT: Officer Involved Shooting Death of Danny James Bond, which occurred on February 18, 2012

CASE: Riverside Police Department File #P12024811, CPRC #12-007

LOCATION: 5600 Block of Harold Street, Riverside

On February 26, 2014, I was asked by Frank Hauptmann, Manager of the Community Police Review Commission to review the circumstances surrounding the officer involved shooting death of Danny James Bond by Riverside Police Department Sergeants William McCoy and Ronald Whitt. 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 reviewed over 300 pages of police reports, photographs, and other documents contained in the presentation by Riverside Police Detectives to the Riverside Police Review Commission. I also researched legal issues and had earlier responded to the location to better understand the reports, as well as canvass the area for witnesses.

It is my conclusion that Sergeants McCoy and Whitt acted in lawful self defense and defense of others at the time each fired his weapon. The following analysis is based on reports prepared by the Riverside Police Department. Sergeants McCoy and Whitt each provided a statement to Detectives which were considered as part of the analysis.



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FACTUAL ANALYSIS

On November 7, 2011, Riverside Police Department was called to Kaiser Hospital regarding a 39 year old woman, Elizabeth Gutierrez being treated for two black eyes, bruising to her face, arms and legs. She also had a long cut to her left leg. Ms. Gutierrez was uncooperative and would not say what happened to her, nor would she allow photographs to be taken of her injuries.

Two days later, Ms. Gutierrez contacted the Riverside Police Department and filed a report, stating that her boyfriend, Danny James Bond, was the person who had assaulted her. She said that Bond always had a black handgun with him and had made numerous statements that he would not return to jail.

Riverside Police Detectives obtained an arrest warrant for Danny James Bond, as well as a search warrant for his mother's residence in San Bernardino.

As per Departmental Policy, Riverside Police Detectives met with members of METRO, the departmental tactical team, to assist in searching for Bond.

On February 18, 2012, members of the tactical team placed Bond's mother's house in San Bernardino, under surveillance. When the mother was observed to drive away from the residence, several METRO Officers followed her to an address in Riverside, where another surveillance was begun. The team consisted of several officers in plain clothes and unmarked cars, and Sergeants McCoy and Whitt, in uniform and in a marked police car, to be used in case a uniformed presence was required, and to supervise the operation.

During the surveillance of the Riverside location, Bond was observed to walk out on the front porch and nervously look up and down the street before re-entering the house. A few minutes later, Bond again looked up and down the street, then got on a bicycle and pedaled away. Bond rode his bicycle past a second surveillance officer who positively identified him from photographs provided by Detectives. Bond was observed to stop his bike and while straddling it, adjusted something in his waistband.



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Sergeants McCoy and Whitt were called in to the immediate area to make contact with Bond who looked in the direction of the marked police car, then began to pedal faster. Sergeants McCoy and Whitt drove past Bond into a driveway, blocking his path. Bond skidded to a stop, jumped from his bicycle and ran in the opposite direction.

Undercover Officers Smith and Stennent drove up and again blocked Bonds path of escape. Bond stopped, pulled up the front of his jacket with his left hand and drew a large, black, semi automatic handgun with his right hand. As Bond turned toward Sergeants McCoy and Whitt, Officer Smith shouted “gun, gun, gun” and moved to his right to avoid a crossfire. Almost instantly, Sergeants McCoy and Whitt fired their weapons and Bond fell, mortally wounded. Bond was lying on his stomach with his hands underneath him. Officers Smith and Stennent handcuffed Bond, rolled him onto his back, and observed a .45 pistol, loaded, with a round in the chamber, six bullets in the magazine and the hammer cocked, lying underneath him. Detectives would later learn that the weapon was stolen in Pico Rivera on February 5, 1998.

Sergeant McCoy would later tell investigators that he was scared and there was no doubt in his mind that if he had not fired his weapon, Bond would have shot one or both of the Sergeants.

Sergeant Whitt would later tell Detectives that he feared for their lives. He said the look Bond gave him was very cold. “We locked eyes for a moment and I thought, Oh God, here we go. He’s committed to this fight.”

Witness Eliseo Salgado, who watched as Bond ran away from “uniformed officers” said he saw Bond grab something in his waistband with his right hand and he heard 8 - 9 gunshots. He said “The officers gave the suspect a chance but he wouldn’t listen so they had to defend themselves.”

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,



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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 team where I have reviewed over one thousand unsolved murders and specifically work the unsolved DNA and latent print cases.

INVESTIGATION AND REVIEW

The investigation into the Officer Involved Shooting Death of Danny James Bond was conducted by the Riverside Police Department and the Riverside County District Attorney's Office. I reviewed all the reports submitted to the Community Police Review Commission and researched deadly force legal issues. The District Attorney found there was no criminal liability.



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LEGAL ANALYSIS

California law provides that the use of deadly force in self defense or in defense of others is justifiable if the person claiming the right of self defense or the defense of others honestly believes that he or others were in imminent danger of great bodily injury or death, and a reasonable person in the same circumstances would also deem it necessary to use deadly force in order to protect themselves or others from deadly peril. California Penal Code Section 197; People v. Humphrey (1996) 13 Cal. 4th 1073, 1082; CALCRIM No. 595

An officer is not constitutionally required to wait until he sets eyes upon the weapon before employing deadly force to protect himself against a fleeing suspect who turns and moves as though to draw a gun. Thompson v. Hubbard (2001) 257 F. 3d 896, 899

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 89 Cal. App. 2d 575, 589.

CONCLUSION

The evidence examined shows that Sergeants McCoy and Whitt were in the process of serving an arrest warrant on a potentially violent felon. The Sergeants were in police uniform and driving a marked police car. Bond ran from the police and, when cornered, could have surrendered. Instead, he chose to draw a handgun from his waistband and point it towards the police, causing them to fear for their lives and respond with deadly force.

The actions of Danny James Bond during the foot pursuit in conjunction with the information known to the officers at the time of the shooting reasonably created a fear of imminent death or serious bodily injury. Once the Sergeants perceived that Bond posed a lethal threat, their response with deadly force was justified. I also find that the investigation into the Officer Involved Shooting Death of Danny James Bond was completed in a fair and impartial manner and met POST standards of practice.



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