



**LORENZO JOSEPH CIARAMELLA
OFFICER-INVOLVED DEATH
PUBLIC REPORT**

CPRC Case No. 13-003

RPD Case No. P13-026517

Approved on
October 22, 2014

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Date of Incident: February 25, 2013 @ 2049 Hours

Location: Peppertree Place Apartments
7911 Arlington Avenue, Riverside

Decedent: Lorenzo Joseph Ciaramella

Involved Officers: Officer Corey Oakes
Officer Brent Fast

I. Preamble:

The finding of the Community Police Review Commission (“Commission”) as stated in this report is based solely on the information presented to the Commission by the Riverside Police Department (“RPD”) criminal investigation case files, and follow-up information from the CPRC independent investigator.

The Commission reserves the ability to render a separate, modified, or additional finding based on its review of the Internal Affairs Administrative Investigation. Because the Administrative Investigation contains peace officer personnel information, it is confidential under State law. Any additional finding made by the Commission that is based on the administrative investigation would also be confidential, and therefore could not be made public.

II. Finding:

On September 24, 2014, by a vote of 7 to 0 (2 vacancies), the Commission found that the officers' use of deadly force was consistent with RPD Policy Section 4.30 – Use of Force Policy, based on the objective facts and circumstances determined through the Commission’s review and investigation.

Rotker	Hawkins	Ybarra	Taylor	VACANT	Jackson	Roberts	VACANT	Adams
✓	✓	✓	✓	X	✓	✓	X	✓

III. Standard of Proof for Finding:

In coming to a finding, the Commission applies a standard of proof known as the “Preponderance of Evidence.” Preponderance generally means “more likely than not,” or in other words, the amount of information and evidence necessary to tip the scale. It also means that the Commission does not need to have certainty in their findings, such as “beyond a reasonable doubt,” which is the standard applied in criminal cases. The Preponderance of Evidence standard of proof is the same standard applied in most civil court proceedings.

IV. Incident Summary:

On Monday, February 25, 2013, at approximately 2049 hours, the Riverside Police Department's 911 Dispatch Center, received notification of a 459 P.C. (Automobile Burglary) in progress at the "Peppertree Apartments" located at 7911 Arlington Avenue in Riverside.

The dispatcher reported that the informant was not providing sufficient information regarding the suspect's location, or information regarding the burglarized vehicle. Riverside Police Officers Disla and Martin were dispatched and arrived within minutes. They parked outside the mechanical entrance gate and walked into the complex. The officers contacted Informant Juan Rodriguez-Rocha in a parking area located on the west side of the apartment complex.

The officers determined that Informant Rodriguez-Rocha had a sister, identified as Antonia Rodriguez-Rocha, whose 1994 Burgundy Honda Accord had been stolen sometime earlier on this date from the parking lot of the Ross Store located at Arlington Avenue and Madison Street in Riverside. A male Hispanic adult (later identified as Lorenzo Ciaramella) had driven Ms. Rodriguez-Rocha's vehicle to the "Peppertree Apartments" and parked it in a parking stall. The officers were also advised that the informant(s) had parked a red-colored Sports Utility Vehicle behind Antonia's Honda to block any movement. The informant(s) told the officers that the suspect was also making attempts to steal another vehicle from the location. The informant(s) directed the officers to the western portion of the apartment complex as they continued to provide additional information regarding the suspect's description.

As the officers were still gathering additional details, they observed a lone male driving a light-colored Honda Civic toward the closed west exit gate. The informant(s) identified the driver of this vehicle as Ciaramella. Before the gate fully opened, Ciaramella accelerated and rammed the gate. It was at this point that Ciaramella apparently noticed the police presence. Officer Disla verbally ordered the suspect to stop. Ignoring the officer, Ciaramella immediately reversed the vehicle, made a U-turn, and drove north toward the rear of the complex. The officers made a radio broadcast of what had just occurred, including the vehicle's license plate information.

The officers had prior knowledge that the "Peppertree Apartments" had two driveway entrances / exits located on the southeast and southwest sides of the complex. Both driveways enter from and exit onto Arlington Avenue. The officers believed Ciaramella was planning on driving to the north side of the apartment complex where he might try and abandon the vehicle and flee on foot.

The officers elected to follow the vehicle on foot while updating their location on their handheld radio. By the time the officers reached the north side of the apartment complex, they briefly lost sight of the vehicle. Suddenly, the officers noticed the vehicle was

accelerating in reverse from the eastern driveway, driving backwards toward the west gate exit. There was a Riverside Police vehicle following the suspect vehicle that continued driving in reverse. Officers Disla and Martin ran back toward the west gate and while doing so, heard eight to ten (8 – 10) gunshots. As they reached the west gate, they saw that the suspect vehicle had collided into the driver's door of a Riverside Police Department patrol vehicle that was positioned to block entry / exit of the west gate.

The suspect was still inside the vehicle and appeared to be suffering from apparent gunshot wounds. Officer Disla helped remove the suspect from the vehicle and secure him. Rescue personnel from the Riverside Fire Department and American Medical Response Ambulance Service arrived and provided emergency medical care. Ciaramella was transported to Parkview Hospital and later expired from his injuries. The location was preserved as a crime / shooting scene and the shooting investigative team was dispatched.

When Officers Disla and Martin made their emergency radio broadcast regarding Ciaramella's actions inside the complex, Officers Brent Fast, Scott Borngrebe, Corey Oakes, and Kyle Wilder responded and arrived within minutes in two separate patrol vehicles. Officers Fast and Borngrebe arrived at the east gate just as Ciaramella pulled up and waited for the mechanical gate to open. While the patrol vehicle was blocking the exit, the officers got out of their vehicle and verbally ordered Ciaramella to exit his vehicle. Instead, Ciaramella put his vehicle in reverse and accelerated backwards (north) on the exit road. Simultaneously, Officers Oakes and Wilder arrived just as the east mechanical gate opened. They navigated their patrol vehicle around Officer Fast and Borngrebe's vehicle and pursued Ciaramella.

A civilian witness (Juan Rodriguez-Rocha) had positioned his red SUV in front of the west exit gate to prevent Ciaramella from escaping. Officer Oakes pursued the suspect vehicle, which continued in reverse as it approached the west gate. Ciaramella navigated his vehicle around the red SUV, but stopped because he saw a police vehicle had also stopped and was blocking the exit. Officer Oakes managed to drive past Ciaramella's vehicle and stopped in front of it. A police vehicle was positioned behind Ciaramella's vehicle so Officer Oakes drove forward to "box in" Ciaramella. Officer Oakes' driver's door was facing the front bumper of Ciaramella's vehicle, which was approximately ten (10) feet away. Officer Oakes remained inside the vehicle, drew his firearm, and pointed it at the Ciaramella, while at the same time ordering him to show his hands. Officer Oakes' partner, Officer Wilder, was scrambling to exit the patrol vehicle via the front passenger's door. Officer Fast had taken a position near a wall, north of Ciaramella's vehicle and Officer Borngrebe was approaching on foot behind Officer Fast. Ciaramella suddenly revved the engine and quickly accelerated toward Officer Oakes' patrol vehicle.

Simultaneously, both Officers Oakes and Fast believed they and / or fellow officers were in danger of being severely injured or killed. They both fired at Ciaramella, whose vehicle collided into the driver's door of Officer Oakes' vehicle; Officer Wilder had left the vehicle

seconds before the collision. Officer Oakes' vehicle was damaged and the driver's door was inoperable. He backed his vehicle away from Ciaramella's vehicle and exited via the passenger's door.

Officer Oakes fired eight (8) rounds and Officer Fast fired five (5) rounds. Ciaramella sustained five gunshot wounds which resulted in his death. When Ciaramella was removed from the stolen vehicle, he was clutching a "shaved key." Several additional "shaved keys" were recovered from the vehicle's interior.

After the shooting incident, Officer Disla was able to gather additional information from Witnesses Juan Rodriguez-Rocha, Antonia Rodriguez-Rocha and Aroldo Cisneros-Pinto. Witnesses Rodriguez-Rocha and Cisneros-Pinto saw the suspect enter the complex via the west gate while driving Witness Antonia Rodriguez-Rocha's reported stolen vehicle. The suspect was alone in the vehicle and he parked it in a marked parking stall.

Witness Juan Rodriguez-Rocha parked his vehicle (a red SUV) directly behind the stolen vehicle to prevent further movement. Both the suspect and Witness Juan Rodriguez-Rocha exited their respective vehicles. The witness tried to question the suspect as to what he was doing with the vehicle, but the suspect quickly walked away, claiming the vehicle belonged to "him." Suddenly, the suspect turned and ran back, entered the stolen vehicle, started it, and reversed into the side door of Witness Juan Rodriguez-Rocha's SUV. Then the engine of the stolen vehicle failed and the suspect once again exited, quickly finding another unattended Honda and attempting to force his way into it. The suspect was unsuccessful in stealing this vehicle and fled north on foot into the apartment complex, where he apparently stole another vehicle.

Witness Juan Rodriguez-Rocha said that once the police arrived on scene, he identified Suspect Ciaramella, who was attempting to flee the location. Rodriguez-Rocha heard the police yell at the suspect, telling him to stop his vehicle. He saw the suspect driving in reverse toward the west gate and watched as the suspect once again collided into his SUV. He saw the suspect stop the vehicle he was driving and then he heard between five to ten (5 – 10) gunshots. Prior to the gunshots, he heard the police yelling at the suspect, but because he does not understand fluent English, he could not understand everything that the officers had said.

Witness Antonia Rodriguez-Rocha told the officers that earlier that same afternoon, her vehicle was stolen from the parking lot of the Ross Store located at Arlington Avenue and Madison Street. She called Witness Juan Rodriguez-Rocha for a ride home (The "Peppertree Apartments"). As they arrived home she heard her husband (Aroldo Cisneros-Pinto) say, "There's the car," identifying her stolen vehicle. She saw Witness Juan Rodriguez-Rocha move his SUV and park directly behind her stolen vehicle, blocking its exit. She saw both Witness Juan Rodriguez-Rocha and Suspect Ciaramella exit their perspective vehicles and heard Witness Juan Rodriguez-Rocha tell the suspect, "That's our car, why do you have my car?" She heard the suspect reply, "That's my car, because

I'm driving it," as he quickly walked away toward the front of the complex. Witness Juan Rodriguez-Rocha then called 911 on his cell phone.

Witness Antonia Rodriguez-Rocha said she did not know the suspect, had never seen him before, and had not given him permission to take or drive her vehicle. She saw the suspect stop, turn around, and quickly return to and enter her vehicle. Witness Aroldo Cisneros-Pinto got into the SUV and applied the brakes. The suspect made several attempts to push the SUV backward to flee the area. The vehicle's tires were screeching as the suspect backed into the SUV. Since the SUV did not move, the suspect exited the stolen vehicle and entered the complex on foot via the west gate. She watched as the suspect made two (2) unsuccessful attempts to steal two (2) other Honda vehicles.

Witness Antonia Rodriguez-Rocha said that after the police arrived on scene, she saw the suspect driving toward the gate in a different vehicle. She immediately identified him to the police officers and moved to a location where she felt it was safe for her and her baby. She then saw the suspect make an attempt to exit the west gate a second time. She heard the vehicle's tires screeching and saw the suspect attempting to ram his vehicle into a patrol car. While this was occurring, she heard several police officers yelling commands at the suspect to stop and exit the vehicle. The suspect ignored the officers' commands and rammed his vehicle into the police car. As the collision occurred, she heard approximately six (6) gunshots.

When Witness Aroldo Cisneros-Pinto was interviewed, he told the officers that he watched the suspect make unsuccessful attempts to break into two (2) different Honda vehicles after he was unable to flee the location using Witness Antonia Rodriguez-Rocha's vehicle. Aroldo Cisneros-Pinto told officers that followed the suspect north into the complex and saw Ciaramella make several additional failed attempts to steal vehicles before entering a Honda Civic that started up.

During the post-incident examination and charting of the involved officers' firearms, it was determined that Officer Corey Oakes fired eight (8) rounds and Officer Brent Fast fired five (5) rounds. The aforementioned involved officers fired their Department-issued Glock, Model 22, .40 Caliber Semi-Automatic firearms. The firearms report indicated the aforementioned firearms all functioned properly.

V. Evidence:

The relevant evidence in this case evaluation consisted primarily of testimony, including that of all involved police officers and three independent civilian witnesses. Other evidence included police reports, evidence collected at the scene, photographs, the involved weapons, position of vehicles and forensic examination results.

VI. Applicable RPD Policies:

All policies are from the RPD Policy & Procedures Manual.

- Investigations of Officer Involved Shootings, Section 4.8
- Use of Force Policy, Section 4.30.

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

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

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

VII. Rationale for Finding:

The case review by the Commission consisted of official police reports, photographs, and other documents contained in the case file. Based on the review and analysis of evidence, it was the opinion of the Commission that Officers Corey Oakes and Brent Fast acted in compliance with California State Law and the Riverside Police Department's Policies and Procedures, and that their use of force was not only reasonable, but necessary. Given Suspect Ciaramella's demeanor and actions, the officers reasonably concluded that there was a clear and present threat to their lives, the lives of fellow officers, and the civilian witnesses who were on scene as this incident unfolded.

The Commission believes that had Ciaramella, at any point, obeyed the commands officers gave him to exit the vehicle he was attempting to steal, he would not have been in the situation where he was cornered. Instead, Ciaramella chose to use this vehicle as a weapon. In doing so, Ciaramella left the officers no choice but to use deadly force to stop him.

The Commission also reviewed the contents of the report issued by the Riverside County District Attorney's Office (Paul E. Zellerbach), dated March 20, 2014, wherein after reviewing this case and the actions of Officers Corey Oakes and Brent Fast, they found no evidence of criminal liability on the officers' part. The Commission concluded that the investigation of this Officer-Involved Shooting incident, conducted by the Riverside Police Department and the Riverside County District Attorney's Office, was conducted in a fair and impartial manner and met or exceeded POST standards of practice.

VIII. Recommendations:

None.

IX. Closing:

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

APPENDIX

RPD Press Release / Press-Enterprise Articles	Section A
CPRC Independent Investigator Reports Mike Bumcrot Consulting	Section B
Fact Sheet	Section C
RPD Policy 4.8: Investigations of Officer Involved Shootings and Incidents Where Death or Serious Likelihood of Death Results	Section D
RPD Policy 4.30: Use of Force Policy	Section E

Section A

RPD Press Release

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Press-Enterprise Articles





# PRESS RELEASE

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## FOR IMMEDIATE RELEASE

February 26, 2013

**Contact:** Sergeant David Amador  
Robbery / Homicide Unit  
951.353.7107  
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## OFFICER INVOLVED SHOOTING

Riverside, CA – On February 25, at about 2049 hours, patrol officers responded to a report of a subject in a stolen vehicle at the Peppertree Apartments in the 7900 block of Arlington Ave. The officers were in marked police cars in full police uniform. Witnesses reported that the suspect had just gotten out of a vehicle that had been stolen earlier in the evening. Upon the officers arrival they were directed to the same suspect in a different vehicle that the witnesses indicated the suspect had just stolen after fleeing the first vehicle.

When the suspect saw the officers, he fled in the stolen vehicle through the parking lot of the apartment complex. Officers pursued the suspect through the complex and the suspect vehicle fled out the west gate but collided with another vehicle. As one of the patrol units exited the west gate, the suspect rammed the driver side of the police vehicle and an officer involved shooting occurred. The suspect was transported to a local hospital but succumbed to his injuries a short time later.

Detectives from the Robbery / Homicide Unit responded along with technicians from the Forensic Evidence Unit to investigate this incident. The Riverside County Sheriff / Coroner will release the name of the suspect after notification of next of kin.

Anyone with information on this case is asked to call Detective Mike Medici at 951.353.7104 or Detective Ron Sanfilippo at 951.353.7105.

###P13-026517###



## RIVERSIDE: Police involved in shooting; 1 hurt



STAFF PHOTO/RICHARD BROOKS

Police investigate an officer-involved shooting that began with a stolen-car investigation at the Peppertree Place Apartments in Riverside on Monday, Feb. 25.

146 1 60

**BY RICHARD BROOKS**

**STAFF WRITER**

**February 25, 2013; 10:08 PM**

One person has been wounded and hospitalized after an officer-involved shooting at an apartment complex in Riverside, police say.

The gunfire erupted at 8:50 p.m. during a stolen-car investigation in the parking lot of the sprawling Peppertree Place Apartments, 7911 Arlington Ave., just west of Van Buren Boulevard.

"I don't know the extent of the injuries," Lt. Guy Toussaint said about the suspect.

No officers were injured.

Officers were summoned by reports of a car theft in progress, said Lt. Chuck Griffiths.

"Witnesses pointed out somebody in a car and said, 'That's the guy who tried to steal our car,' " Griffiths said at the scene. "Officers chase the guy and ended up cornering him ... and an officer-involved shooting occurred."

At about 11 p.m., roughly 20 detectives were preparing to canvass the apartments to interview witnesses to the incident.

The wounded suspect's name, age and hometown were not available.

He'd driven to the apartments in a Honda that police say may have been stolen, police said.

A woman who lives in an apartment near the shooting said she just returned home with her daughter from Walmart and saw a man climb out of an Expedition SUV while talking in Spanish on a cellphone.

Janette Ruiz recalled the man saying he told of using his SUV to block in a vehicle. He then ran into the apartments.

Ruiz doesn't believe that was the man who was shot, and she did not know what role, if any, he played in the incident.

Ruiz and her daughter went inside her home, and heard yelling and gunshots a couple minutes later.

Judging by what she saw after the shooting, she said she believes the suspect was in the Honda when he was wounded. She recalled hearing reports that the Honda had been stolen at the complex before Monday night's incident.

## RIVERSIDE: Auto-theft suspect killed by police



STAFF PHOTO/RICHARD BROOKS

Police investigate an officer-involved shooting that began with a stolen-car investigation at the Peppertree Place Apartments in Riverside on Monday, Feb. 25.

**BY JOHN ASBURY**

**STAFF WRITER**

**February 26, 2013; 08:44 AM**

Police shot and killed an auto theft suspect Monday night, Feb. 26, at a Riverside apartment complex.

Riverside County coroner's officials said a 39-year-old man died at Riverside Community Hospital at 9:38 p.m., about 50 minutes after he was shot by Riverside police at an apartment complex on Arlington Avenue near Van Buren Boulevard.

Coroner's officials have not released the man's identity.

Officers were summoned to the Peppertree Place Apartments parking lot about 8:50 p.m. by reports of a car theft in progress, police said Monday night.

"Witnesses pointed out somebody in a car and said, 'That's the guy who tried to steal our car,' " Lt. Chuck Griffiths said at the scene. "Officers chase the guy and ended up cornering him ... and an officer-involved shooting occurred."

No officers were injured. The officers who fired have not been identified.

Police said when they tried to stop the man, he drove away in the stolen car through the apartment complex. During a short pursuit through the parking complex, the driver tried to speed out a west gate but crashed with another vehicle, Sgt. David Amador said in a written department statement.

When a police officer followed, authorities said the suspect rammed the driver side of the patrol car, prompting two officers to open fire.

The Riverside police Robbery/Homicide Unit is investigating the shooting.

# Section B

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Mike Bumcrot Consulting

Report of  
Investigation



# MIKE BUMCROT CONSULTING

## REPORT OF INVESTIGATION

**DATE:** March 11, 2013

**CASE:** Riverside Police Department File #P130026517

**SUBJECT:** Officer Involved Shooting Death of Lorenzo J. Ciaramella. which occurred on February 25, 2013

**LOCATION:** The Pepper Tree Place Apartments, 7911 Arlington Ave., Riverside

On March 7, 2013, Frank Hauptmann, Manager of the Community Police Review Commission, asked me to conduct a neighborhood canvass at the location of the Officer Involved Shooting death of Lorenzo J. Ciaramella. The purpose of the canvass was to search for potential witnesses who had not been located by Riverside Police Officers at the time of the incident. If any witnesses were identified, I was asked to conduct a thorough interview and provide a copy of said interview to Riverside Police investigators.

On March 11, 2013, I responded to the location, called the Pepper Tree Place Apartments, and contacted the Community Manager, Julio Lopez. Mr. Lopez said that the apartment complex consists of 390 apartments with an unknown number of residents.

Mr. Lopez stated that he did not see the incident but has learned from witnesses that Mr. Ciaramella had driven a stolen car to the location. When he was confronted by the victim of the auto theft, he attempted to steal other vehicles to make good his escape. When confronted by Riverside police officers in the apartment complex parking lot, he



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was able to drive quickly and recklessly through the parking lot with no regard to persons walking around the complex.

Mr. Lopez was quite candid about the incident and said that three vehicles had been stolen from the complex parking lot in the week prior to the incident and none since the shooting. Mr. Lopez pointed out a total of 13 security cameras at the location and then showed me a video tape of the incident. The video depicts Mr. Ciaramella driving a stolen vehicle into the parking lot at 8:40 PM. Within a few minutes, several people are observed confronting the suspect. At 8:46 PM, Mr. Ciaramella is observed entering several parked vehicles, apparently trying to start the cars. At 8:51 PM, a police officer is seen running in the parking lot. A vehicle, apparently being driven by the suspect, is observed backing up in a fast, unsafe manner, just missing a policeman on foot. As the vehicle speeds backwards, two police cars, their emergency lights activated, are observed chasing it through the parking lot.

At 8:54 PM, officers, guns drawn, are seen running between parked cars and out of view of the camera.

Mr. Lopez also said that within a few days of the incident, a woman who identified herself as the wife of Mr. Ciaramella, came to the location and attempted to talk to several residents stating that the police had no right to shoot her husband.

I knocked on the doors of all apartments that overlooked the parking lots and learned that the occupants who hadn't been interviewed by officers were either not at home at the time of the incident or were uncooperative.

I left a business card with Mr. Lopez with instructions to ask any resident with information, to call me. I will review the Officer Involved Shooting Death when Riverside Police Department provides me access to their files.



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## REPORT OF INVESTIGATION

**DATE:** May 6, 2014

**CASE:** Riverside Police Department File #P130026517, CPRC# 13-003

**SUBJECT:** Officer Involved Shooting Death of Lorenzo J. Ciaramella, Which Occurred on February 25, 2013

**LOCATION:** The Pepper Tree Place Apartments, 7911 Arlington Ave., Riverside

On April 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 Lorenzo Ciaramella by Riverside Police Department Patrol Officers Brent Fast and Cory Oakes. I was also asked to provide my expert opinion in a written report on the manner in which the case was investigated by Riverside Police Department Detectives. I reviewed several hundred pages of police reports, photographs, and other documents contained in the presentation by Riverside Police Detectives to the Community Police Review Commission. I also researched legal issues and officer involved shootings involving suspects using an automobile as a weapon. I had earlier responded to the location to canvass the apartment complex for possible witnesses and to better understand the police reports.

It is my conclusion that Officers Oakes and Fast acted in lawful self defense and defense of others at the time each fired his weapon. Both Officers provided a statement to detectives, which were considered as part of my analysis.



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## FACTUAL ANALYSIS

At approximately 2049 on February 25, 2013, the Riverside Police Department received a telephone call from a man who stated that, earlier in the day, his sister's automobile had been stolen from the parking lot of the Ross store in Riverside. The informant drove to the store to pick up his sister and transported her home to the Pepper Tree Place Apartments located at 7911 Arlington Ave., Riverside. Upon arrival at the apartment complex, they observed the recently stolen vehicle, drive into the parking lot of the apartments, driven by Lorenzo Ciaramella, who parked in the main parking lot. The informant quickly blocked in the stolen car and demanded to know why Mr. Ciaramella was driving his sister's vehicle. Mr. Ciaramella stated that since he was driving the vehicle, it belonged to him. Ciaramella began attempting to enter several other vehicles parked in the parking lot and then ran into the apartment complex through a pedestrian gate. All of this information was provided to the Riverside Police Department and several patrol officers, in full police uniform, driving marked police cars, responded to the location regarding an auto theft call.

As officers spoke with the auto theft victim, Mr. Ciaramella, having apparently stolen another car from inside the gated area of the complex, appeared at the electronic gate and appeared to ram it in an attempt to escape. Officer Disla ordered Ciaramella to exit the vehicle, but instead, he made a u turn and drove back inside the gated complex. Officer Disla chased Ciaramella on foot and radioed assisting units that he was in pursuit.

Mr. Ciaramella drove completely around the large apartment complex to the only other electronic gate. As the gate opened, two Riverside Police cars blocked Ciaramella's path. Again, Mr. Ciaramella was ordered to exit his vehicle. Instead, Ciaramella placed his vehicle in reverse and sped backwards into the complex at a speed ranged by both police officers and civilian witnesses at 30-50 MPH, in complete disregard for the safety of everyone inside the gated apartments. Mr. Ciaramella raced backwards the entire



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length of the complex and as the electronic gate opened, police vehicles, as well as civilian vehicles quickly boxed him in.

Officer Oakes, who had driven his police car completely through the complex in pursuit of Ciaramella, suddenly found himself stopped, facing head on with Ciaramella. Officer Oakes also observed several officers approaching Ciaramella's vehicle on foot. Suddenly the stolen vehicle's engine revved and sped towards Officer Oakes' police vehicle. Fearing for his life, Officer Oakes fired from a seated position, at Ciaramella, as the vehicles collided. The suspect's vehicle struck the driver's door of Officer Oakes police car, trapping Officer Oakes inside of his unit.

Officer Fast, who was one of the officers approaching Ciaramella on foot, saw the stolen vehicle suddenly accelerate towards Officer Oakes police car. He would later tell detectives that he knew Officer Oakes and his partner, Officer Wilder, had not gotten out of their vehicle, and he 'feared for their safety' and fired 3 shots through the right, front door of Ciaramella's vehicle. He also told detectives that the collision into the driver's door of the police car was an "intentional act".

Mr. Ciaramella was struck by gunfire, removed from the stolen vehicle, and transported to the hospital where he died. Crime scene photographs reveal considerable collision damage to the stolen vehicle driven by Ciaramella including the front bumper hanging off and the left, front tire being flat. The police car had damage to the driver's door.

## **EVIDENCE**

Charting of Officer Oakes' pistol revealed that he fired a total of 8 gunshots. Charting of Officer Fast's pistol revealed that he fired a total of 5 gunshots. Recovered in Ciaramella's hand, as well as within the stolen vehicle, were shaved keys, used by car thieves to steal motor vehicles.



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



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## INVESTIGATION AND REVIEW

The investigation into the Officer Involved Shooting Death of Lorenzo Ciaramella 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 as well as cases where a vehicle was used as a weapon to instigate an officer involved shooting. The District Attorney found there was no criminal liability.

## LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code Section 197; People v. Randle (2005) 35 Cal.4<sup>th</sup> 987, 994; People v Humphrey (1996) 13 Cal.4<sup>th</sup> 1073, 1082; California Criminal Jury Instructions (CALCRIM) No. 505.

In protecting himself or another, a person may use all force, which he believes reasonably necessary and which would appear to a reasonable person in the same or similar circumstances, to be necessary to prevent the injury, which appears to be imminent. (CALCRIM) No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed.

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



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“The reasonableness of a particular use of force must be judged from a perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split second judgments-in circumstances that are tense, uncertain, and rapidly evolving-about the amount of force that is necessary in a particular situation”.  
Graham v. Conner (1989) 490 U.S. 386, 396, 397.

The test for whether an officer’s actions were objectively reasonable is “highly deferential to the police officer’s need to protect himself and others”. Munoz v. City of Union City 16 Cal.Rptr 3d 521, 540 (Ct. App.1<sup>st</sup> Dist. 2004)

## **CONCLUSION**

The evidence examined in this investigation suggests that Mr. Ciaramella was a prolific car thief. He drove a stolen car to the Pepper Tree Apartments, and when confronted by the victim of his most recent car theft, his reaction was to attempt to steal yet another car, by producing multiple “shaved car keys”, and trying to start several cars that were parked at the location.

After successfully stealing another vehicle, Mr. Ciaramella sped through the very large apartment complex with no regards to the residents in the area. He was in complete control of the situation from the time he arrived at the location until the shooting incident. When confronted by the car theft victim, Mr. Ciaramella could have run from the scene but it was his decision to steal another vehicle. When Riverside Police Officers arrived at the scene, he was ordered out of his vehicle. His response to these lawful commands was to speed backwards, at speeds estimated to be between 30 -50 MPH, until he was blocked by both civilian and police cars. Once again, Mr. Ciaramella was ordered to show his hands and exit his vehicle. Once again, his response was to ignore these lawful commands and his decision was to accelerate his vehicle and intentionally strike an occupied police vehicle in an obvious attempt to injure Officer Oakes.



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I find that the actions of Mr. Ciaramella, the evidence recovered at the scene, and the statements of civilian witnesses, as well as all Riverside Police Officers at the scene, suggests that Officer Oakes had a reasonable fear of imminent death or serious bodily injury and Officer Fast reasonably feared for Officer Oakes safety and both believed Mr. Ciaramella posed a lethal threat and their response with deadly force was justified.

I also find that the investigation into the Officer Involved Shooting Death of Lorenzo Ciaramella was completed in a fair and impartial manner and met or exceeded POST standards of practice.



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# Section C

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## Fact Sheet



**CIARAMELLA OID – FACT SHEET**  
**13-003 / P13-026517**

**Date of Incident:** February 25, 2013  
**Time of Incident:** 2049 Hours  
**Decedent:** Lorenzo Joseph Ciaramella  
**Location:** Peppertree Apartments, 7911 Arlington, Riverside

**Officer(s) Involved:** Officer Brent Fast #1384  
Officer Corey Oakes #1570

**Officer Witnesses:** Officer Scott Borngrebe #0634  
Officer Kyle Wilder #1629

**Civilian Witnesses:** David Allen Van-Rood  
Felisha Marie Paschal  
Leslie Negron

**Officer Injuries:** None

**Suspect's Injuries:**

Decedent Ciaramella sustained five gunshot wounds to the body: (1) left side of head, (1) left side of chest, (1) right side of abdomen, and (2) to each forearm. (1) projectile was recovered from the heart, another from the colon and projectile fragments were located in the brain. Cause of death was listed in the investigative report as "Pending Coroner's Review." The County Coroner's report was redacted in the on-line public version due to confidentiality.

**Gunshots Fired by Officers Fast and Oakes:**

The duty weapons of each officer were examined by a forensic specialist at the California State Department of Justice. The examiner found that all handguns functioned properly during the examination. The following evidence is based upon the charting of each officer's duty weapon.

- Officer Brent Fast fired (5) rounds
- Officer Corey Oakes fired (8) rounds

CIARAMELLA OID – FACT SHEET  
13-003 / P13-026517

**FACT SHEET**

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

**TAB 1 – OID Summary, Pages 1 – 20:** Detective Mike Medici, Lead Investigator, provides an overview of the incident.

**TAB 3 – Original Report, Pages 3 of 5:** Officer Disla. The initial crime report face page listing Officers Oakes and Wilder as the victims of an assault on a peace officer with a vehicle, CPC 245. Decedent Ciaramella is listed as the suspect in the assault. File #P13-026517. Officer Disla was the initial responding officer to the location concerning a vehicle burglary call in progress. He made contact with witnesses who directed him to where Suspect Ciaramella was located. Disla saw Ciaramella flee in a vehicle and collide into a police vehicle.

**TAB 4 – Supplemental Report, Pages 1-2:** Officer Griffiths. Responded to assist on the call. He did not see the shooting but observed the resting positions of the suspect and officer vehicles. Assisted in approaching and securing Ciaramella.

**TAB 5 – Supplemental Report, Page 1, Paragraphs 2 - 3:** Sgt. Toussaint. Made initial contact with Officer Fast who identified himself as one of the “shooter” officers. Toussaint obtained a safety brief from Fast and arranged for him to be transported to the Orange Street Station. Toussaint located shell casings at the scene and coordinated scene security.

**TAB 6 – Supplemental Report, Page 1, 1<sup>st</sup> Paragraph:** Officer McCarthy. He arrived at the scene of the shooting and was tasked to stand-by with Ciaramella who was located in the suspect vehicle pending arrival of medical aid.

**TAB 11 – Supplemental Report, Page 1, 1<sup>st</sup> Paragraph:** Officer Parrish. Assigned to transport Officer Fast to RPD and remain with him pending an interview. This was done for witness integrity.

**TAB 13 – Supplemental Report, Page 1 1<sup>st</sup> Paragraph:** Detective Brad Smith. Responded to Parkview hospital and remain with Ciaramella pending further actions and instructions. Smith made contact with treating physician Dr. Silva who said he pronounced Ciaramella deceased at 2138 hours. Smith was relieved at the hospital by Detective Rowe at 2305 hours.

**CIARAMELLA OID – FACT SHEET**  
**13-003 / P13-026517**

**TAB 15 – Supplemental Report, Page 1, 1<sup>st</sup> Paragraph:** Officer Hibbard. Arrived on the scene and was tasked with marking shell casings at the shooting site. tenant reported hearing someone say, “we are here to help you,” before the actual shooting occurred.

**TAB 22 – Supplemental Report, Pages 1 & 2:** Officer Jose Loera. Assisted with Spanish translation for two witness interviews.

**TAB 23 – Supplemental Report, Page 1 & 2:** Officer E. Wright. Contacted and conducted initial interviews Paschal and Negrón. The two witnesses were seated in a vehicle in the complex and observed Ciaramella driving, but did not see actual shooting. They heard the gunshots.

**TAB 24 – Supplemental Report, Pages 2 & 3:** Officer R. Kerr. Obtained a copy of a surveillance video of the complex from the complex manager. Kerr watched the video in the presence of the manager (Lopez) and said she recognized Ciaramella, who frequents the complex and was suspected as the one who has been breaking into or stealing vehicles. The manager said Ciaramella had contact with one of the tenants who was suspected of giving Ciaramella access through the security gates.

**TAB 26 – Supplemental Report, Pages 2 & 3:** Detective Jim Simons. Conducted an interview with eye-witness David Van-Rood. Van-Rood saw the suspect driving a vehicle and trying to evade officers. Van-Rood tried to block the gates to prevent Ciaramella from escaping, however Ciaramella drove around his vehicle.

**TAB 27 – Supplemental Report, Pages 2 & 3:** Detective J. Brandt. Interviewed witness Felisha Paschal. Paschal said she arrived at the complex where she lives with her sister, Leslie Negrón; Negrón was a passenger. Upon arrival, she saw a police officer near the gate who told her to stay out. She then saw the suspect vehicle driving backwards toward her direction near the west gate. Paschal saw the suspect vehicle crash into a red SUV. Paschal backed into a parking space in an attempt to get out of the way. She could not see what happened next, but heard gunshots. A hand-written diagram is included.

**TAB 28 – Supplemental Report, Pages 2 & 3:** Detective Rick Cobb. Conducted an interview with Witness Leslie Negrón who was a passenger in Witness Paschal’s vehicle. Negrón’s statement was very similar to that of Paschal. A hand-written diagram was included.

**TAB 29 – Supplemental Report, Pages 2 & 3:** Detective Rick Cobb. Conducted an interview with Witness Officer Pap. Pap saw the suspect vehicle when the driver, Ciaramella, “gunned” the vehicle toward the driver side of Officer Oakes’ vehicle and crashed into the driver's door. Pap saw Oakes fire his weapon at the windshield of the suspect vehicle as it was driving toward him (Oakes). (Transcripts included.)

**CIARAMELLA OID – FACT SHEET**  
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**TAB 30 – Supplemental Report, Pages 2 & 3:** Detective Medici. Conducted an interview with Officer Borngrebe. Borngrebe saw the suspect vehicle accelerate toward the driver's side of Officer Oakes' vehicle and slam into the driver door. He saw Officer Oakes fire approximately (6) rounds from his duty weapon, striking the suspect vehicle's windshield. Borngrebe was out of his police vehicle and on foot when the shooting occurred. When he saw the suspect vehicle accelerating toward Oakes' vehicle, Borngrebe drew his weapon with the intent to fire it. However, Officer Fast stepped into his line of fire. He saw Fast fire his weapon in the direction of the suspect. (Transcripts included.)

**TAB 31 – Supplemental Report, Pages 2 & 3:** Detective Sanfilippo. Conducted an interview with Officer Fast. Fast observed Ciaramella ram into Officer Oakes' vehicle. He saw Oakes fire his weapon as the suspect vehicle was about to ram his vehicle. Fast feared for Oakes' life and also fired his weapon at the same time. (Transcripts included.)

**TAB 32 – Supplemental Report, Pages 2 & 3:** Detective Sanfilippo. Conducted an interview of Witness Officer Wilder. Wilder was seated in the passenger side of Oakes' vehicle. He saw the suspect vehicle driving backwards and stop. He thought the suspect was going to jump from the vehicle and run so he began to exit the police vehicle. As he did so, he looked over his shoulder and saw the suspect vehicle drive forward toward the driver's side of his police vehicle. When Wilder stepped from the police vehicle, he felt it "jolt." He then heard gunfire and took cover behind his police vehicle. Wilder was unaware who was firing the shots at that moment. He drew his weapon and raised upward with it, pointing it at Ciaramella. He did not fire his weapon since it appeared to him that Oakes had fired his weapon. Wilder could tell the suspect was motionless.

**TAB 33 – Supplemental Report, Pages 2 & 3:** Detective Medici. Conducted an interview with Officer Corey Oakes. Oakes said he was seated in the driver's seat of his police vehicle and stopped. The suspect vehicle was also stopped approximately 20' away with the front end facing his driver's side. Ciaramella revved the engine of his vehicle and accelerated toward Oakes' police vehicle as he (Oakes) was still sitting in the driver's seat. As Ciaramella accelerated towards him, Oakes feared for his life and fired his weapon at Ciaramella until the suspect vehicle collided into his driver door. Oakes said he was trapped in his vehicle, so he let other officers know he was going to back up and get out of his unit. (Transcripts included.)

**TAB 34 – Supplemental Report, Page 2:** Detective Rowe. He went to Parkview hospital to relieve Detective Smith who was with Ciaramella. He was informed that Ciaramella was deceased and waited for the Riverside County Coroner to arrive. When the coroner investigator examined Ciaramella's body in the hospital, Rowe noted that he had multiple gunshot wounds.

**TAB 35 – Supplemental Report, Page 2:** Detective Sanfilippo. Attended the autopsy. He noted (5) gunshot wounds to Ciaramella's body: (1) left side of head (left to right trajectory), (1) left side of the chest (front to back straight trajectory), (1) right side of the abdomen (slightly right to left / front to back), (1) inside the right forearm (slight upward trajectory), and (1) outside the left forearm (upward trajectory), exiting the triceps of that arm. The gunshot wound to the chest

CIARAMELLA OID – FACT SHEET  
13-003 / P13-026517

penetrated the heart where a projectile was located. A projectile was located on the left side of the colon and there were also projectile fragments in the brain.

**TAB 40 – Supplemental Report, Pages 2 – 7:** Sr. Forensic Tech T. Ellis. Photo log of crime scene. Included downloading of COBAN video.

**TAB 41 – Supplemental Report:** ID Tech S. McKay-Davis. Assisted Sr. Forensic Tech T. Ellis with photos and photo log of the scene and evidence. Downloaded COBAN video.

**TAB 42 – Supplemental Report, Page 2 & 3:** Detective Smith. Charted the weapons of Oakes and Fast's weapons. Both officers used Glock Model 22 .40 Cal firearms.

**TAB 43 – Supplemental Report, Pages 1 – 17:** Tech C. Fuller. Took photographs of the suspect at the hospital, photos of the officers, and charted the officers' weapons.

**TAB 45 – Supplemental Report, Pages 1 & 2:** Report submitted by Brian L. Rienarz, California Department of Justice, Forensic Sciences Unit. Conducted the forensic analysis of Officer Fast's and Officer Oakes' weapons. Provided a report of the results of the analysis.

**TAB 46 – Supplemental Report, Pages 1 – 14:** Processed the stolen vehicle driven by Ciaramella for evidence. Also took photographs.

**TAB 49 – Supplemental Report, Page 2:** Officer N. Larkin. Took a stolen vehicle report from Victim Maria Rico who resided at the Peppertree Apartments. This is the vehicle that Ciaramella had stolen.

**TAB 50 – Supplemental Report, Page 2:** Officer Pap took a report of a vehicle (burgundy color 1994 Honda Accord) stolen from the parking lot of Chase Bank at 1952 hours, February 25, 2013. This vehicle was recovered at the Peppertree Apartments when the OIS investigation was underway.

**TAB 53 –** Casebook photographs of the incident. Includes aerials, crime scene and vehicles.

**TAB 56 – DA's Letters:** Letters from the Riverside County District Attorney's Office concerning their review of the shooting. Assistant DA Craig Datig found there was no criminal culpability on behalf of Officers Oakes and Fast.

By Frank Hauptmann



# Section D

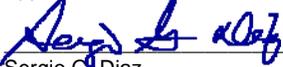
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RPD Policy 4.8  
(Rev. 6, 5/26/11)

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



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

  
Sergio G. Diaz  
Chief of Police

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

**A. POLICY:**

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

1. Intentional and accidental shootings;
2. Intentional and accidental use of any other deadly or dangerous weapon;
3. Attempts to affect an arrest or otherwise gain physical control over a person for a law enforcement purpose; and,
4. Deaths of persons while in police custody or under police control following a use of force.

**B. PROCEDURES:**

1. Whenever an employee of this Department uses, or attempts to use, deadly force through the intentional or accidental use of a firearm or any other instrument in the performance of his/her duties, or is otherwise involved in an incident where death or serious likelihood of death results as defined above, he/she shall immediately notify his/her supervising officer.
2. The supervisor shall notify the Watch Commander without unreasonable delay.
3. The Watch Commander shall notify the on-call Centralized Investigations Sergeant. The on-call Centralized Investigations Sergeant shall notify the Centralized Investigations Lieutenant (or Captain in his/her absence). The Centralized Investigations Lieutenant will determine if a response by the Officer Involved Shooting Team (OIS Team) is necessary. If so, the Centralized Investigations Lieutenant will notify the Robbery/Homicide Sergeant who will respond the OIS Team.
4. If an employee discharges a firearm, or uses other deadly force, or is otherwise involved in an incident where death or serious likelihood of death results outside the Riverside City limits, the employee shall immediately notify the local law enforcement agency having jurisdiction where the incident occurred. As soon as

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

### **C. ROLES AND RESPONSIBILITIES**

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

#### **1. Roles:**

- a. The Centralized Investigations Bureau will focus on all criminal aspects of the incident.
- b. The Riverside County District Attorney may be present to oversee the focus on all criminal aspects of the investigation and may conduct a parallel investigation.
- c. The Riverside Police Office of Internal Affairs may be present to review training, procedural, and policy matters connected with the incident.
- d. The Riverside City Attorney may respond to the scene to review the case with regard to any potential civil liability to the City of Riverside and its officers.
- e. Peer Support Officers shall be called to provide employee(s) support and assistance in understanding the investigative process and to attend to the officer(s)' personal needs. The Watch Commander or Centralized Investigations Lieutenant will determine the appropriate time and place for peer support to respond. Although confidentiality within the Peer Support Program is provided under the Evidence Code, and the Riverside Police Department will not require Peer Support Officers to reveal confidential conversations with involved employees, Peer Support Officers are cautioned that a court may determine no privilege exists regarding immunity or communication between the Peer Support Counselor and the involved employee(s).
- f. Psychological Services shall be called to assist the employee(s) involved with information on coping with psychological changes which can occur as a result of being involved in a critical incident. A licensed mental health professional afforded psychotherapist-patient privilege under the Evidence Code shall interview the officers involved. The Watch Commander or Centralized Investigations Lieutenant will determine the appropriate time and place for post-incident psychological counseling.

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

- g.** The Press Information Officer shall be summoned to the scene if necessary to act as a single source of information to the news media. The Investigations Lieutenant or his/her designee will brief the PIO as to information deemed appropriate for release. The PIO shall provide regular updates and a written press release to the news media when appropriate.
- h.** The Riverside Police Officers Association (RPOA) shall be notified of the critical incident whenever the ensuing investigation is handled by this department and the incident involves a member of the RPOA. In such cases, notification will be made by the Centralized Investigations Sergeant at the following RPOA telephone number: (951) 403-4657. Representative(s) of the RPOA will be permitted access to the involved officers at the scene and at the Centralized Investigations Bureau. RPOA will designate which representative(s) will respond. RPOA Representatives on duty shall be relieved of further duty with pay unless they are witnesses to or directly involved in the critical incident. RPOA Representatives will not unreasonably be denied access to the officers they are representing. No report will be required of RPOA Representatives. While the Police Department will not require RPOA Representatives to reveal communications with member officers they are representing, a court may determine that no privilege exists in criminal matters. Accordingly, officers are encouraged to obtain legal representation.

**2. Responsibilities:**

**a. Involved/Witnessing Employee Shall:**

- 1.** Provide care for all injured persons.
- 2.** Request supervision and suitable assistance.
- 3.** Secure the scene of the incident and protect it from alteration and contamination.
- 4.** Apprehend offenders.
- 5.** Brief the responding supervisor, providing a public safety statement to assist in identifying and/or locating the suspect, number of rounds fired, trajectory of rounds fired, information necessary to protect the crime scene, or information to protect the public and other officers from continuing harm of a fleeing suspect.
- 6.** Ensure witnesses and/or other involved persons (including police personnel) do not discuss the incident prior to being interviewed by the OIS Team.

7. Prepare an accurate and complete police report of the incident and have it approved by a supervisor. The report may be prepared by the involved employee(s) by dictating the report for transcription, furnishing a complete and accurate statement to police investigators, or by submitting a complete and accurate written report. Such report should be prepared as soon as possible after the incident unless the employee is injured or emotionally unable to promptly make a police report. The Investigations Lieutenant will determine when the report will be prepared or the employee interviewed. When making their reports, involved officers shall not be considered as having waived their rights under the Public Safety Officers Procedural Bill of Rights Act, the federal and California Constitutions, and other relevant statutory protections.
8. Unless approval is granted by the Chief of Police or his/her designee, the involved employee(s) shall not talk to the news media or anyone else regarding the incident or investigation until the entire criminal investigation is completed. Exceptions are: the interviewing detective and/or supervision from the OIS Team, legal representatives, RPOA representative, Peer Counselor, a member of the clergy, or a psychological services provider.
9. Involved employee(s) will provide a blood sample, when in accordance with law, when administratively compelled, or when in compliance with the department's alcohol and drug testing policy.

**b. Field Supervision Shall:**

1. Provide medical aid to any injured parties.
2. Take immediate charge of the scene. Establish a crime scene perimeter with a single point of entry and exit. Assign an officer to restrict access only to necessary police and/or medical personnel and to maintain a log of persons entering and exiting the crime scene.
3. Ensure preservation of the scene for investigators. Supervise Field Operations personnel and ensure they carry out assigned duties.
4. Make immediate inquiry into issues of public safety and scene security, i.e., including number of rounds fired, trajectories of rounds after discharge, and the description, location, or direction of travel of any outstanding suspects. No further questions will be asked of the involved employee(s).
5. Ensure that no items of evidence are handled or moved unless contamination or loss of evidence is imminent. If contamination or loss of evidence is likely, notation (or preferably a photograph) must be made of its location and condition before it is moved. Photographs will only be taken upon the express direction of a member of the shooting team or the Field Supervisor.

6. Assign an officer to accompany any injured persons to the hospital to:
  - a. Recover and secure any item of physical evidence.
  - b. Place suspect in custody if appropriate.
  - c. Record any spontaneous or other unsolicited statements.
  - d. Record information regarding medical condition and personnel treating the injured person.
7. Notify the Watch Commander.
8. Establish an appropriate command post.
9. Ensure that the weapons used are not handled by anyone at the scene. Safety should be paramount. Weapons in possession of the involved employee(s) should be left with the employee(s) until requested by the OIS Team.
10. Transportation of the involved employee(s) from the scene to the Investigations station shall be arranged using uninvolved, on-duty personnel or peer counselors.
11. Assign an on-duty, non-involved officer to accompany the involved and/or witness employee(s) to the station to ensure that they are not allowed to discuss the incident with other officers or employees. Involved officer(s) shall be sequestered until such time as they meet with the assigned detectives and/or supervisors assigned to the OIS Team for the purposes of providing an interview. Exceptions are: legal representatives, RPOA representative, Peer Counselor, a member of the clergy, or a psychological services provider.
12. All witnesses should be located and documented, including hostile witnesses.
13. Ensure that each employee present, excluding those directly involved in the incident, peer officers and RPOA representatives, completes a supplemental report before the end of shift. The report should include the employee's name, identification number, unit number, and specific actions at the scene. The completed report is to be submitted directly to the Officer Involved Shooting Team Supervisor.
14. Brief the responding OIS Team.
15. Notify the Press Information Officer if necessary. Provide an initial press release to the news media present if necessary. The information released shall be brief and generalized with absolutely no names released or confirmed. The PIO shall also prepare a written press release covering the same information previously

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

**c. Watch Commander Shall:**

1. Notify the Centralized Investigations on-call Sergeant.
2. Notify the employee's Division Commander.
3. Notify the Deputy Chief of Operations
4. Notify on-call Peer Support personnel and RPOA representative, and coordinate the response of the Psychological Services provider with the Centralized Investigations Lieutenant.
5. Ensure the presence of sufficient personnel to control the scene and to allow adequate police services for the remainder of the city.
6. Maintain or cause to be maintained an accurate account of police personnel involved in the incident and any employee(s) called to assist in providing basic police services.
7. Unless directed otherwise, conduct a debriefing of the incident and prepare the after action report as required by Riverside Police Department Manual of Policy and Procedures Section 4.58, Debriefing of Critical Incidents.
8. Ensure that the necessary reports are completed in compliance with Riverside Police Department Manual of Policy and Procedures Section 4.30, Use of Force.

**d. Centralized Investigations Lieutenant Shall:**

1. Notify and assign Robbery/Homicide Sergeant(s) to the investigation.
2. Notify the Investigations Division Commander of the investigation.
3. Notify the City Attorney.
4. Notify the Internal Affairs Lieutenant or appropriate Internal Affairs Sergeant in his/her absence.
5. Respond to the scene to assume command of the investigation and serve as liaison with Area Commanders, Division Commanders, Office of Internal Affairs, City Attorney, and the District Attorney's Office.
6. Provide the Press Information Officer with updated information that can be released to the media. In the absence of the PIO, the Investigations Lieutenant or his/her designee shall be the single

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

7. Ensure that public information concerning the findings and conclusions of the criminal investigation are not disclosed until the involved employee(s) have been first notified.
8. Schedule a debriefing at the conclusion of the initial investigation to ensure all aspects have been covered and to discuss considerations for improvement.
9. Submit the completed investigation to the District Attorney's Office and attend the DA staffing of the investigation with the OIS Sergeant and the case agent.
10. Ensure that the involved employee(s) meets with the Psychological Services provider.
11. Ensure that the OIS Team, including supervisors, complies with this Policy and that involved officers are afforded their procedural rights under the Public Safety Officers Procedural Bill of Rights and related laws.

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

1. Conduct a thorough and accurate criminal investigation of the incident, including:
  - a. Documenting, photographing, and collecting all evidence at the scene. Photographs taken after the arrival of the shooting team will be at their direction only.
  - b. Interviewing all victims, witnesses, suspects, or other involved persons. All interviews will be tape recorded unless impractical or the circumstances prevent it.
  - c. Advise the involved employee(s) of their Constitutional rights if there is a possibility of a criminal violation on the part of the employee(s) and when it is anticipated the case will be submitted to the District Attorney's Office for filing. Rights advisals are not required for employees who are solely witnesses and criminal prosecution will not occur.
  - d. If the involved employee(s) is advised of his/her Constitutional rights prior to writing or dictating a report or being questioned, and the employee declines to waive those rights, no further questioning will occur.
  - e. Advise the involved or witness employee(s) that they may consult with a department representative or attorney prior to the interview taking place, and this department representative or attorney may be present during the interview.

- f.** No administratively compelled statement(s) will be provided to any criminal investigators.
- g.** Involved employee(s) may be ordered to provide samples of blood when objective symptoms consistent with the use of alcohol, a drug or narcotic are exhibited by the involved employee(s), or when reasonable suspicion exists to believe an employee(s) is under the influence of alcohol, a drug or narcotic. All blood samples will be retained by the Riverside Police Department. All blood results will be sent directly to the Centralized Investigations Sergeant overseeing the OIS Team. Blood results will then be forwarded to the OIS case agent.
- h.** Interviews or questioning of involved officers shall whenever possible take place in an office or room not regularly used to interview suspects or civilian witnesses. Officers shall not be interviewed in a suspect interview room or a room equipped to remotely monitor (audio and/or video) interviews. Injured officers shall not be interviewed at a hospital or medical care center unless circumstances require an emergency interview before the officer is released.
- i.** Notify and consult with the Deputy District Attorney concerning legal issues connected to the investigation.
- j.** Ensure all reports have been written and submitted in a timely manner.
- k.** Take custody of involved employee's weapon(s) for submission to DOJ and range inspection.
- l.** Ensure involved employee(s) have replacement weapons.
- m.** The Officer Involved Shooting Team Sergeant will complete a synopsis of the incident, forwarding a copy to the affected Division Commander and Chief of Police within twenty-four hours of the incident.
- n.** Ensure the investigation is completed in a timely manner and submitted to the Centralized Investigations Lieutenant for review.
- o.** Attend the District Attorney's Office staffing of the investigation with the OIS Sergeant and Centralized Investigations Lieutenant. Staffing to be arranged by the Lieutenant.
- p.** The OIS case agent and investigations supervisor will be responsible for the collection of all police reports and related documents. These documents will remain under

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

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

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

f. **Internal Affairs Shall:**

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

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

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

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

g. **Public Information Officer and Press Releases:**

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

D. **RELIEF FROM DUTY**

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

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

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

# Section E

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RPD Policy 4.30  
(Rev. 9, 4/5/11)

Use of Force Policy



Effective Date: 8/93  
Revision 1 Date: 07/26/96  
Revision 2 Date: 05/21/97  
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Revision 5 Date: 05/09/02  
Revision 6 Date: 02/02/04  
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Revision 8 Date: 04/16/09  
Revision 9 Date: 04/08/11  
Approval:

  
Sergio G. Diaz  
Chief of Police

#### **4.30 USE OF FORCE POLICY:**

##### **A. PURPOSE:**

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

##### **B. PHILOSOPHY:**

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

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

##### **C. SERIOUS BODILY INJURY:**

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

##### **D. POLICY:**

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

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

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

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

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

**E. FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE:**

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

1. The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
2. Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).
3. Influence of drugs/alcohol (mental capacity).
4. Proximity of weapons.
5. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
6. Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
7. Seriousness of the suspected offense or reason for contact with the individual.
8. Training and experience of the officer.
9. Potential for injury to citizens, officers and suspects.
10. Risk of escape.
11. Other exigent circumstances.

**F. USE OF FORCE TO EFFECT AN ARREST:**

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

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

**G. COMPLIANCE TECHNIQUES:**

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

**H. LESS LETHAL FORCE:**

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

**I. CAROTID RESTRAINT:**

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

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

1. Any individual who has had the carotid restraint hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel.
2. The officer shall inform any person receiving custody of, or any person placed in apposition of providing care for, that the individual has been subjected to the carotid restraint hold and whether the subject lost consciousness as a result.
3. Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such a hold.
4. The use or attempted use of the carotid restraint shall be thoroughly documented by the officer in the related criminal report.

**J. DEADLY FORCE:**

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

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

2. Discharge of Firearm: In addition to life-threatening situations as described, officers may discharge a firearm or use any other type of deadly force in the performance of their duties, under the following circumstances:
  - a. To kill a dangerous animal that is attacking the officer or another person(s), or which if allowed to escape, presents a danger to the public.
  - b. When humanity requires the destruction of an animal to save it from further suffering, and other disposition is not possible.
  - c. To give an alarm or call assistance for an important purpose when no other means are available.
  - d. Generally, a member of the Department shall not discharge a firearm as a warning shot.
  - e. Generally, a member of the Department should not discharge a firearm at or from a moving vehicle unless in the necessary defense of human life in accordance with this policy.

**K. REPORTING USE OF FORCE INCIDENTS:**

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

1. The application of force by the officer appears to have caused physical injury to the suspect or required medical assistance.
2. The application of force by the officer included a chemical irritant, electronic control device, carotid restraint, baton, or firearm.
3. The application of force by the officer appears to have rendered the suspect unconscious.

**L. EMPLOYEE RESPONSIBILITIES:**

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

1. Summon medical aid, as needed.
2. Immediately notify a supervisor.
3. Adhere to the provisions of section 4.8 of the Riverside Police Department Policy and Procedure Manual if the application of force caused serious bodily injury or death.
4. Report the full details of the application of force in the related Department criminal report.
5. If off duty, notify the on duty Watch Commander immediately.

**M. SUPERVISOR RESPONSIBILITIES:**

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

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

2. Obtain the basic facts from the involved officer(s). Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
3. Ensure proper documentation of statements made by the suspect(s) upon whom force was applied under the following guidelines:
  - a. Spontaneous statements by the suspect(s) should be incorporated into the related criminal report.
  - b. Supervisors may use their discretion when deciding whether or not to interview the suspect(s) or a witness.
  - c. If a Supervisor decides to interview the suspect(s), a voluntarily Miranda waiver must be obtained and the suspect(s) statement shall be included in the related criminal report.
4. Ensure that photographs have been taken of any areas involving visible injury and complaint of pain as well as overall photographs of uninjured areas.
5. Identify witnesses not already included in related criminal reports.
6. Review and/or approve all related criminal reports, video and audio recordings.
7. Complete and submit the Supervisor Administrative Review/Investigation Report and the related criminal reports within 5-days via the chain of command.

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

The Internal Affairs Unit shall be responsible for conducting all administrative investigations involving the application of force.