



**RUSSELL FRANKLIN HYATT
OFFICER-INVOLVED DEATH
PUBLIC REPORT**

CPRC Case No. 09-002

RPD Case No. P09008550

Approved
CPRC Meeting
of
November 9, 2011

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Date of Incident: January 17, 2009

Location: Vacant Lot - South Side of 2855 Mulberry Street, Riverside

Decedent: Russell Franklin Hyatt

Involved Officer: Dave Taylor, Police Officer

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 report submitted by two CPRC Independent Investigators, Mike Bumcrot, Bumcrot Consulting, Norco, California and Ron Martinelli, Martinelli and Associates, Temecula, California.

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 August 24, 2011, by a vote of 5 to 0 (2 absent), the Commission found that the officer’s use of deadly force was consistent with policy (RPD Policy 4.30 – Use of Force Policy), based on the objective facts and circumstances determined through the Commission’s review and investigation.

Rotker	VACANT	Johnson	Brandriff	VACANT	Jackson	Roberts	Santore	Adams
✓		✓	A		✓	A	✓	✓

III. Standard of Proof for Finding:

In coming to a finding, the Commission applies a standard of proof of “Preponderance of Evidence.” Preponderance generally means “more likely than not,” or may be considered as just the amount necessary to tip a scale. This means also that the Commission need not have certainty in their findings, or that the Commission need not reach a finding beyond a reasonable doubt. The Preponderance of Evidence standard of proof is the same standard applied in most civil court proceedings.

IV. Incident Summary:

On Saturday, January 17, 2009, at approximately 1740 hours, Iris Hyatt was at her home, located at 3468 Spruce Street in the city and county of Riverside, with family members and friends. Iris looked outside to the front of her residence and saw a blue pickup truck drop off her husband, Russell Hyatt. She did not recognize the truck or see the driver, but she could plainly see Hyatt was the person who exited the vehicle. The truck then left the area. Iris watched as Hyatt went to their truck, which was parked in the driveway, and began rummaging around inside it. Iris yelled at Hyatt to get out of the truck, which he did. Hyatt then came to the front door of the residence and tried to enter. He was unable to get inside because the security screen door was locked. He stood outside and banged on the screen door, demanding to be allowed inside. Iris refused to let him in.

While he stood on the front porch, Hyatt pulled a handgun from his clothing and put it to his head as he threatened to kill himself if he was not allowed inside. Iris told Hyatt to leave and that she was going to call the police. Hyatt left the front porch and walked around the house to a rear entrance and went inside. Iris' daughter, Marquita Brooks, was near this entrance when Hyatt came inside. Marquita initially tried to keep him out, but she was not successful. Hyatt walked through the house to the bedroom he and Iris shared and began searching for his wallet and car keys. While inside the house, Iris watched Hyatt point the gun to his head and count to three. On three, Hyatt pulled the trigger, but nothing happened. Hyatt continued counting to 10, pulling the trigger of his gun every few seconds. The gun never fired. During this time, Marquita call 911 to get police officers on their way to the residence.

After several minutes, Hyatt decided to leave the house by kicking open the front security scree door, damaging it as he left. Iris and the other occupants of the house followed Hyatt outside to see where he was going. While they stood on the front porch of the residence, Hyatt turned back toward the house and pointed his gun at the group, causing them to go back into the house. Hyatt left the area before police officers arrived.

Officers Russell, Quinn, Miller, and Taylor, along with other officers and sergeants, responded to the 3468 Spruce Street address to handle the 911 call. Officers obtained a description of Hyatt and looked at family photos of him. They also obtained his California driver's license during their investigation. An extensive search of the immediate neighborhood was conducted with the assistance of the San Bernardino Sheriff's Office Air Unit. Hyatt was not located. Sgt. Corbett asked Officers Russell and Quinn to stay on the call in the area in case Hyatt came back to the house.

At 1937 hours, RPD Dispatch got a 911 call from Marquita Brooks stating that Hyatt was now at 2841 Mulberry Street, a residence not far from the Spruce Street home. Officers Russell and Quinn drove from their position near 3468 Spruce Street to the area north of 2841 Mulberry Street. For safety reasons, both officers got out of their unit and approached the residence on foot. As they approached the residence in question, they saw a male subject, matching the photos and description of Hyatt, walking to the front of the residence. The officers had their weapons drawn, identified themselves, and began giving Hyatt commands to stop. Hyatt ignored their commands to stop and instead turned around to face them. While facing them, Hyatt pointed a handgun to the side of his head and told the officers to "do it!" With the gun still to his head, Hyatt started walking backwards, south bound, away from the officers. Both officers took cover and followed Hyatt at a safe distance while they continued to give him commands to stop and put down his gun. Hyatt ignored their commands.

While Officers Russell and Quinn were engaged with Hyatt, Officers Miller and Taylor responded to the area. Officer Taylor arrived and approached the scene on foot, leaving his K-9 unit, with the dog inside, down the street to the north of 2841 Mulberry. Officer Miller arrived in the area and picked up Officer Taylor, who was still on foot, and continued to the area where Officers Russell and Quinn were positioned. Officer Miller stopped his marked unit in the street facing south so as to provide some cover for himself and Officer Taylor as they tried to assist Officers Russell and Quinn. From his vantage point, Officer Taylor could see Hyatt lying on the ground in a vacant field just south of where Officers Russell and Quinn were standing. Officer Taylor could see Hyatt lying down, with his arms outstretched and pointing east, with a gun visible in his hands. Hyatt got up from his prone position and rose up to his knees with the gun still in his hands. Hyatt was pointing his gun directly at Officers Taylor and Miller as they stood behind the marked unit.

Fearing for his life and the lives of the other RPD officers on scene, Officer Taylor fired two (2) rounds at Hyatt from his service pistol. Hyatt fell to the ground after the two (2) shots. The four officers cautiously approached Hyatt as he laid on his stomach on the ground. The officers could not see Hyatt's hands, which were under his stomach, so they rolled him partially to one side to check for the gun he had been holding. They located it on the ground under his body. Officers handcuffed Hyatt and called for medical aid because of visible trauma to Hyatt's head. The scene was secured by RPD officers and patrol supervision to await the arrival of detectives.

V. CPRC Follow-Up:

The Commission requested a cover-to-cover case review of the Criminal Casebook by an independent investigator contracted by the CPRC. There are two separate independent investigative reviews that were conducted regarding this case. The first review was conducted by Ron Martinelli of Martinelli and Associates. Dr. Martinelli's report was submitted to the CPRC on December 12, 2010. The second review was conducted by Mike Bumcrot of Bumcrot Consulting. Mr. Bumcrot's report was submitted to the CPRC on June 9, 2011. Copies of both case review reports are included in the appendix.

VI. Evidence:

The relevant evidence in this case evaluation consisted primarily of testimony, including that of five (5) civilian witnesses, a State Parole Agent, three (3) witness officers, and the involved officer. Other evidence included police reports and photographs, involved weapons, and forensic examination results.

VII. 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 RPD's Use of Force Policy.

Tennessee v. Garner, 47 U.S. 1 (1985), specifically addressed the situation of the use of lethal 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.

VIII. Rationale for Finding:

The question the Community Police Review Commission (CPRC) was to answer in the review of this case is whether or not the deadly force used by Officer Dave Taylor was reasonable and necessary under the circumstances, and in conformance with the established policies and procedures of the Riverside Police Department. After reviewing the criminal casebook, the RPD Use of Deadly Force Policy, independent review by CPRC investigator Mike Bumcrot, training, and CPRC discussion, it is the opinion of this Commission that the deadly force used by Officer Taylor was reasonable, necessary, and consistent with the RPD Use of Deadly Force Policy, Section 4.30.

Hyatt had a history of drug and alcohol use, and a prior arrest for assaulting a police officer. The events leading up to the shooting began at Russell Hyatt's home. Hyatt was seen by his wife rummaging through her truck parked in the driveway. She did not want him to take the vehicle because she was afraid he would drive away to pick up drugs. She told him to get out of the truck. Russell then came to the front door and wanted to go inside. His wife did not want him inside the house and locked the security screen door. Hyatt began banging on the door, demanding that he be let in. His wife still refused. Hyatt then pulled a handgun from his clothing and put it to his head, telling his wife that he would kill himself if she didn't let him in. She still refused.

Hyatt ran around to the rear of the house and was initially stopped by his stepdaughter. He moved past her and went directly to the master bedroom and started rummaging through drawers looking for his wallet and truck keys. Hyatt's wife was in the master bedroom during this time. When Hyatt couldn't find what he was looking for, he again put a handgun to his head and said he would kill himself. He counted to three and pulled the trigger. However, the gun didn't go off. He continued to count to ten and again pulled the trigger. Once again the gun did not fire. Hyatt pulled the trigger several more times, but the gun did not go off.

Hyatt went through the house and kicked open the front door security screen, damaging it in the process. Hyatt's wife and children followed Hyatt out onto the front porch to see where he was going. Hyatt was walking toward the street but looked back at his family on the front porch and pointed the handgun at them. In fear of their lives, they all ran inside the house. A family member then called 911 and requested police assistance.

It is apparent that, at this point, Russell Hyatt had posed a threat to both himself and his family. He left the home pointing the gun at his family. He then went into the neighborhood posing a threat to the neighborhood. Without police intervention, the threat of harm to Hyatt and neighbors existed.

Riverside Police Officers Dave Taylor, Jeremy Miller, Jeremy Russell, and Steve Quinn, along with other officers and a supervisor, were sent to Hyatt's home on Spruce Street. When they arrived, Hyatt was gone. Hyatt's wife and other family members provided details of what had happened. In addition, they provided the officers with a physical description of Hyatt and showed them a photograph of him.

The officers began to check the surrounding neighborhoods in order to locate Hyatt. This would be expected of the officers by members of the community. During this time, the Riverside PD communications center received a 911 call from one of Hyatt's family members who told them that Hyatt was at a house at 2841 Mulberry Street. This was a sober living home owned by Hyatt's wife.

Officers Quinn and Russell arrived at the location and got out on foot. As they approached the house, they saw a male subject, matching both the description and photo of Hyatt, walking into the front yard. Quinn and Russell acted reasonably by drawing their side-arms and pointing them at Hyatt. Hyatt turned toward the officers and put a handgun to his head and yelled, "Do it." Quinn and Russell ordered Hyatt to stop and drop the gun. Hyatt refused and began walking backwards, holding the gun to his head. Quinn and Russell took cover but slowly followed Hyatt as he continued to walk backwards. Quinn and Russell acted appropriately and responsibly by maintaining eye contact with Hyatt with their weapons drawn and repeatedly ordering him to stop and drop the gun. Hyatt refused and ignored the commands.

Officers Taylor and Miller arrived on scene in a marked Riverside PD vehicle. Taylor and Miller saw Hyatt with the gun to his head and walking backwards away from Quinn and Russell. Taylor and Russell positioned the police vehicle to provide cover for themselves as they exited the vehicle. Taylor and Miller acted reasonably and responsibly by pointing their side-arms at Hyatt. The officers had every right to protect themselves and others from death or serious bodily injury since Hyatt was armed and not complying with the commands to stop and drop the gun.

Officers Taylor and Miller saw Hyatt round a corner from where Quinn and Russell were positioned. They saw Hyatt lay down on his stomach in a prone position on a grassy area that provided him with a little cover from Quinn and Russell in case they rounded the same corner. Officers Taylor and Miller feared that Hyatt was now lying in wait for Quinn and Russell to round the corner giving him an opportunity to shoot them.

Seeing that Quinn and Russell were about to turn that corner and be exposed to potential harm by Hyatt, Officer Taylor shouted for them to stop. When he did so, Officer Taylor saw Hyatt direct his attention toward him (Taylor) and point the gun in his direction. Fearing for his life, and that of his fellow officers, Officer Taylor fired two rounds from his service weapon, striking Hyatt. Hyatt later succumbed to his wounds.

The Commission believes that Officer Taylor acted reasonably when he pointed his service weapon at Hyatt in order to protect himself and others from potential harm by an armed individual who had been suicidal in front of family members and officers. Officer Taylor acted reasonably and appropriately when he fired his service weapon at Hyatt after Hyatt, from a prone position, first pointed his gun at Taylor.

Officer Taylor was left with no other choice but to protect himself, his fellow officers, and others in the neighborhood. Officer Taylor fired his weapon twice, once he realized that the threat was

immobilized. All officers acted accordingly in their subsequent response and investigation of this incident.

It is very clear to the Commission that the use of deadly force by Officer Taylor under these circumstances was reasonable, necessary, and appropriate, and in compliance with the RPD Use of Deadly Force Policy.

IX. Recommendations:

None.

X. Closing:

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

APPENDIX

RPD Press Release / Press-Enterprise Articles	Section A
Fact Sheet	Section B
CPRC Independent Investigator Reports: Dr. Ron Martinelli, Martinelli & Associates Mr. Mike Bumcrot, Bumcrot Consulting	Section C
RPD Policy 4.8 (Rev. 5, 10/20/08): Investigations of Officer Involved Shootings and Incidents Where Death or Serious Likelihood of Death Results	Section D
RPD Policy 4.30 (Rev. 7, 11/1/04): Use of Force Policy	Section E

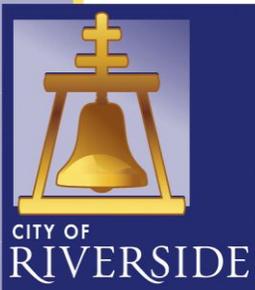
Section A

RPD Press Release

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Press-Enterprise  
Articles





# ***PRESS RELEASE***

Riverside Police Department • 4102 Orange Street • Riverside, CA 92501  
Phone (951) 826-5900 • Fax (951) 826-2593

## **FOR IMMEDIATE RELEASE**

**Date: Sunday, January 18<sup>th</sup>, 2009**  
**Contact: Sergeant Mark Rossi**  
**Phone: (951) 353-7106**  
**File #P09008550**

### **Officer shoots subject who was armed with a handgun**

Riverside, CA – On Saturday, January 17, 2009, at approximately 1756 hrs, officers from the Riverside Police Department responded to a residence in the 3400 blk of Spruce Street in the city of Riverside reference a subject with a gun. Upon arrival to the residence, the officers learned that an adult male subject (38 yrs of Riverside) was involved in a family disturbance with his relatives at that location and threatened to harm them with a loaded handgun he had in his possession. The male subject left the residence with the handgun prior to the officers' arrival and was walking through the neighborhood.

A short time later, the Riverside Police Department Communication's Center received additional calls from the same Spruce Street residence alerting officers to the suspect's location on Mulberry Street in the city of Riverside. Officers responded to the 2800 blk of Mulberry Street where they were contacted by a homeowner who informed the officers that the suspect had just entered their residence with a handgun. As the officers were speaking with the homeowner, the suspect was sighted by the homeowner and identified to the officers. The suspect was holding a handgun when he was contacted by one of the officer's in a vacant dirt lot. The suspect pointed the handgun he was holding at the officer and the officer fired his duty weapon at the suspect. The suspect was struck by the officer's gunfire. Personnel from American Medical Response and the Riverside City Fire Department responded to the scene. The suspect succumbed to his gunshot wound and was pronounced deceased at the scene.

The name of the deceased subject will be released by the Riverside County Coroner's Office. The identity of the officer will not be released at this time. The officer is currently off-duty on his assigned days off.

Anyone with information regarding the incident is asked to contact Detective Rick Wheeler at (951) 353-7134 or Detective Rick Cobb at (951) 353-7135.

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## Gunman killed by police

*DOMESTIC DISPUTE: The dead man pointed a weapon at the officer before he was shot on Mulberry Street, authorities say.*

**08:29 PM PST on Sunday, January 18, 2009**

**By IMRAN VITTACHI**  
**The Press-Enterprise**

RIVERSIDE — A man with a gun who was shot and killed by a Riverside police officer Saturday night aimed the weapon at officers before one of them fired back with a shotgun, police said.

Officers “perceived what was obviously a deadly threat,” said Riverside police Sgt. Mark Rossi.

The Riverside County coroner’s office Sunday identified the dead man as Russell Franklin Hyatt, 48, of Riverside. Hyatt was pronounced dead at the scene at 8:08 p.m. Saturday, according to the coroner.

Police first responded to a call about a man with a gun in the 3400 block of Spruce Street at 5:56 p.m., Rossi said. The man allegedly had been involved in a family disturbance and had threatened to harm relatives with a loaded handgun, according to Rossi.

The man had left the house with the handgun before officers arrived and was walking through the neighborhood, Rossi said.

“It was a righteous shoot. The officer had a right to do what he had to do,” said Dana Derring, who said he witnessed the shooting in a lot in the 2800 block of Mulberry Street, where it runs parallel to the flyway connector joining Highway 60/Interstate 215 to Highway 91.

Neighbors said that Hyatt earlier had gotten into an argument with his wife, from whom he was separated, at her house on nearby Spruce Street.

Hyatt’s wife Iris said Sunday that three separate times during Saturday’s domestic dispute he threatened to commit suicide in front of her, their 13-month-old son and her 23-year-old daughter from a previous relationship. He pointed the gun at his temple, she said.

Hyatt’s wife also said he did not aim it at any of the house’s occupants.

She said he was a two-time ex-convict, with drug and alcohol problems, who had been kicked out of a rehabilitation facility in Indio on Saturday.

Riverside County Superior Court records show Hyatt was previously convicted of felony charges of petty theft and throwing acid and a flammable substance with intent to injure.

Someone driving a blue truck dropped him off near the house about 5:30 p.m., his wife said.

She said he came by Saturday because he wanted them to get back together. She refused because she said he hadn't cleaned himself up. They had known each other for two years, she said.

"I was hoping that he would get his life back together because we had a child," said his wife, who appeared distraught.

Derring said he was inside his house in the 2800 block of Mulberry when Hyatt entered it about 7:30 p.m., asking to use a phone so he could call his wife and demand that she return his wallet and some keys. A handgun was in his back pocket, said Derring, who eventually followed Hyatt out as he ran into the street.

Derring's account differed from police. He said two shots were fired, one by the suspect and the other by police.

"I was telling my husband we could have worked through this," Hyatt's wife said. "Now my baby has no father."

The name of the officer who shot Hyatt was not released.



## Riverside police review panel hears details about officer-involved shooting death

10:00 PM PST on Wednesday, January 28, 2009

By SONJA BJELLAND  
The Press-Enterprise

A man shot by Riverside police this month pointed a gun at his head and said, "Do you want to do this?"

Riverside police Capt. Mark Boyer addressed the Community Police Review Commission on Wednesday night with information on the Jan. 18 fatal shooting of Russell Hyatt.

In the briefing, Boyer said Hyatt's family first called police about 8 p.m. because he had threatened to shoot them or himself.

Hyatt was gone by the time police arrived at the Spruce Street home.

His wife previously had said he was kicked out of a rehabilitation halfway house in Indio on Jan. 17.

About an hour later, a family member called police again to report that Hyatt was on Mulberry Street walking through the neighborhood with a gun.

Boyer said officers called out to him.

"Mr. Hyatt responded to these demands by pointing the gun to his head," Boyer told the panel.

Hyatt said, "Do you want to do this?"

Then Hyatt turned and walked away.

Officers took cover and began following Hyatt from a distance.

At one point, Hyatt was in the street on his stomach pointing the gun up, Boyer said.

Another set of officers drove up the street. They saw Hyatt on his knees pointing a .32-caliber semiautomatic at the officers.

Using the car for cover, one officer fired two times. One bullet hit Hyatt, and the second hit a garage, Boyer said.

Paramedics pronounced Hyatt dead at the scene.

Boyer did not release the names of the officers involved, citing safety concerns.

This marked the fourth officer-involved death in the city since a September directive that the city would not fund the commission's independent investigations until the law enforcement portion concluded. None of the investigations has begun, commission Manager Kevin Rogan said.

The city is also in the process of filling one seat on the nine-member commission since Linda Soubirous resigned.

Panelists are appointed by the City Council.

The four slated to be interviewed are David Baker, Robert Garafalo, Allison Merrihew and Robert Slawsby.

*Reach Sonja Bjelland at 951-368- 9642 or [sbjelland@PE.com](mailto:sbjelland@PE.com)*

# Section B

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## Fact Sheet



## Hyatt OID Fact Sheet

Version 1.0

1. On Saturday, January 17, 2009, shortly before 6:00 PM, Russell Franklin Hyatt (“Hyatt”) is observed by Iris Hyatt (“Iris”) to be in a truck that was parked in front of her residence at 3468 Spruce Street.<sup>1</sup>
2. Russell Hyatt and Iris Hyatt are married.<sup>2</sup>
3. Iris tells Hyatt to get out of the truck.<sup>3</sup>
4. Hyatt asks Iris to give him the keys for the truck and his wallet.<sup>4</sup>
5. Iris thinks Hyatt is going to use his keys and wallet to “trade them for dope.”<sup>5</sup>
6. Iris refuses to give Hyatt the keys for the truck or his wallet<sup>6</sup>
7. Hyatt moves from the truck toward, approaches the front door of the residence and pulls a gun out of his pocket.<sup>7</sup>
8. Iris, upon seeing that Hyatt has a gun, slams the front door.<sup>8</sup>
9. Iris says, “Oh my God he has a gun.”<sup>9</sup>
10. Hyatt goes around the back to gain entry into the house.<sup>10</sup>
11. Iris’ daughter, Marquita Brooks (“Brooks”), attempts to stop Hyatt from entering the house.<sup>11</sup>
12. Brooks sees Hyatt put a gun to his head, tells her that he is going to kill himself, and that she [Brooks] was going to watch him die.<sup>12</sup>
13. Hyatt says to Brooks, “I’m going to kill myself today.”<sup>13</sup>
14. Hyatt struggles past Brooks and enters the house through a back door.<sup>14</sup>
15. Iris’ son (name withheld) says, “Watch out he has a gun.”<sup>15</sup>
16. Hyatt goes into Iris’ room and starts rummaging through some drawers.<sup>16</sup>
17. Hyatt says, “Give me my fuckin’ wallet and my keys, and my rings.”<sup>17</sup>
18. Iris tells Hyatt that she is not going to give him his keys or wallet and that he should return to the [substance abuse] recovery center.<sup>18</sup>
19. Hyatt points the gun at his head and tells Iris that if she did not give him his vehicle keys, he is going to kill himself and she is going to watch him die.<sup>19</sup>
20. Iris asks Hyatt to leave and tells him that she has already called the cops.<sup>20</sup>
21. Iris indicates that Brooks is the one who actually made the 911 call.<sup>21</sup>

## Hyatt OID Fact Sheet

Version 1.0

22. State parole agent Doug Johnson (“Johnson”) receives a call from Iris at approximately 5:50 PM during which Iris informs Johnson that Hyatt is at the house and has a gun and is threatening to shoot himself.<sup>22</sup>
23. Johnson calls Riverside Police Department (RPD) Dispatch at 5:59 PM and reports that Hyatt, who is on parole for assaulting a peace officer, has a gun and is at the residence on Spruce Street.<sup>23</sup>
24. Hyatt enters the living room from Iris’ bedroom and again demands his vehicle keys. Hyatt points a gun to his head and says that everyone is going to watch him die.<sup>24</sup>
25. At 1740 hours, Brooks sees Iris standing at the front door looking outside. Iris tells Brooks that Hyatt has a gun.<sup>25</sup>
26. Brooks is at the rear door of the house that is unlocked. Brooks sees Hyatt trying to enter and tells him he is not welcome in the house and that he needs to leave.<sup>26</sup>
27. Brooks struggles with Hyatt while trying to prevent him from entering the house. Hyatt puts a gun to his head and tells Brooks she is going to watch him die. Brooks allows Hyatt to enter because she is scared.<sup>27</sup>
28. Brooks sees Hyatt enter Iris’ bedroom and she can hear him rummaging through drawers. Hyatt then enters the living room demanding his keys and points a gun to his head and says that everyone is going to watch him die.<sup>28</sup>
29. Brooks watches Hyatt kick open the front door, damaging it, and walk out of the house. Brooks goes to the front door and looks out where she sees Hyatt approximately 20’ west of the residence.<sup>29</sup>
30. Hyatt points a gun in the direction of Brooks. This frightens Brooks and she steps back into the house.<sup>30</sup>
31. Iris’ son (name withheld due to age) sees Hyatt standing outside the front door talking to Iris, who is standing inside the door.<sup>31</sup>
32. Iris’ son (witness) hears Iris tell him (son) that Hyatt has a gun.<sup>32</sup>
33. Iris’ son (witness) sees struggle at back door between Brooks and Hyatt. Hyatt continues forward and into Iris’ bedroom where he can be heard “tearing things apart” looking for something.<sup>33</sup>
34. Iris’ son (witness) sees Hyatt enter the living room carrying a silver colored gun with black handles. Hyatt points the gun at his own head and says that he is going to kill himself so everyone can watch him die.<sup>34</sup>
35. Iris’ son (witness) watches Hyatt kick open the front door, damaging it, and walk outside.<sup>35</sup>
36. Iris’ son (witness) looks out the front door and sees Hyatt standing just west of the house. Hyatt points a gun at the son (witness). The son goes back inside.<sup>36</sup>

## Hyatt OID Fact Sheet

Version 1.0

37. Witness Dana Derring is sitting at the dining room table at the home where he lives at 2841 Mulberry, talking with the "house manager," Leon, when he sees Hyatt walk in. Hyatt sits at the dining room table with Derring and "Leon."<sup>37</sup>
38. Derring says Hyatt uses "Leon's" cell phone to call his wife. Hyatt is heard asking for his wallet and truck keys. In addition, he says that he will file for divorce and to take proper care of their son.<sup>38</sup>
39. Derring says that while Hyatt is on the phone, he (Hyatt) tells the person on the other end of the line that if she doesn't do what he wants, he will kill himself, will commit suicide.<sup>39</sup>
40. Derring sees Hyatt stand up and hand the cell phone back to "Leon." Hyatt turns away from Derring. Derring sees Hyatt pull a handgun out of his right rear pant pocket with his right hand. Derring describes the handgun as a silver plated .22 cal.<sup>40</sup>
41. Derring sees Hyatt lower the gun to his right side, pointing it downward. Hyatt then walks out the door, carrying the gun at his side.<sup>41</sup>
42. Derring grabs the cell phone from "Leon" and attempts to call 911 while at the same time walking outside to see where Hyatt is going. Hyatt walks down the driveway and then turns south on Mulberry Street. Hyatt still has the gun at his right side as he is walking.<sup>42</sup>
43. Derring walks to the end of the driveway to see where Hyatt is going. Derring then sees two officers standing on the driver side of a police vehicle with their weapons pointed at a large bush on the south side of Derring's residence.<sup>43</sup>
44. Derring loses sight of Hyatt at the large bush and believes he (Hyatt) is on the other side of it.<sup>44</sup>
45. Derring hears a gunshot from what he believes is the large bush area. He did not see it, but only heard it. In response, he sees one officer fire two shots in the direction of the large bush.<sup>45</sup>
46. After the shooting, Derring tells Officer Barretta that the shooting was a "righteous shoot" and the officers were justified in their actions.<sup>46</sup>
47. Derring tells Officer Barretta that he has 20/20 vision and does not wear corrective lenses.<sup>47</sup>
48. Derring does not know Hyatt personally but knows he is married to Iris.<sup>48</sup>
49. Iris Hyatt tells Detective O'Boyle in an interview that when Hyatt pointed a gun to his head and said he was going to kill himself, he began to count. Iris said she closed her eyes because she thought Hyatt would shoot himself when he got to three. When he got to six or seven, she knew he wouldn't do it himself, but would make the cops do it.<sup>49</sup>

## Hyatt OID Fact Sheet

Version 1.0

50. Iris watched Hyatt kick the front security screen door open and walk, westbound, on Spruce Street. Iris was holding her baby. Iris saw Hyatt point a gun at their house while she was holding the baby. Iris said Hyatt was being desperate.<sup>50</sup>
51. Half hour after the above incident (#50), Iris says Hyatt arrived at the Sober Living Home she operates on Mulberry Street. Hyatt phoned her from that location using a cell phone belonging to a subject there named Leon. (See #42 above for corroborating information.)<sup>51</sup>
52. While Iris was on the phone with Leon (above), Hyatt left the Sober Living House. Leon then told Iris over the phone that he heard gunshots outside. Iris then left her house and drove to Mulberry Street where she learned Hyatt was deceased.<sup>52</sup>
53. Iris said Hyatt was a coward and could not kill himself. She said, "He used you guys to do it."<sup>53</sup>
54. Iris said Hyatt tried to kill himself four times in the past. Iris said Hyatt was a "two striker" and pointed a gun at police many years ago. Iris said Hyatt had several prior arrests for assaulting police officers.<sup>54</sup>
55. Iris said Hyatt once threw bleach onto police officers and was arrested.<sup>55</sup>
56. Patrol Officers Steve Quinn and Jeremy Russell are working a 2-man patrol unit during the time of the incident. Officer Russell is the driver and Quinn the passenger.<sup>56</sup>
57. Officers Russell and Quinn respond to a radio call of a man with a gun at 3468 Spruce Street, Riverside.<sup>57</sup>
58. Officers Russell and Quinn arrive on scene and contact Iris Hyatt. Iris tells them that her husband is at the home and has a gun. He threatens to shoot himself if she doesn't give him his wallet and keys. Iris refuses because he has been drinking.<sup>58</sup>
59. Iris Hyatt tells Officers Russell and Quinn that her husband left the house on foot five minutes earlier. Officer Quinn obtains a physical description.<sup>59</sup>
60. While Officers Quinn and Russell are speaking to Iris, they hear Iris' step-daughter say that the suspect pointed a gun at the home when he left. This action frightened the family members and they retreated into the house for safety.<sup>60</sup>
61. Officers Quinn and Russell are checking the area for Suspect Hyatt when they hear, via police radio, that Suspect Hyatt is at 2841 Mulberry Street and entering the residence there.<sup>61</sup>
62. Officers Quinn and Russell arrive in the area of 2841 Mulberry Street. They get out on foot to check the location in a safe manner. They are met by a male subject who told them that an unknown male entered their home and his mother called the police.<sup>62</sup>

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63. The male subject (in #62) doesn't finish telling the officers what he wanted to because he sees the suspect exiting a nearby house and points him out to the officers. The subject tells the officers this is the suspect that entered his home.<sup>63</sup>
64. Officers Quinn and Russell locate and identify Suspect Hyatt walking toward the sidewalk. Officer Quinn tries to get Suspect Hyatt's attention by calling out to him and illuminating him with his flashlight. Suspect Hyatt does not respond to this request and continues to walk away from the officers. They follow him on foot using various items to conceal themselves for safety.<sup>64</sup>
65. Suspect Hyatt turns and faces Officers Quinn and Russell. Hyatt removes a pistol from his clothing and points it to his own head. At the same time, Hyatt says, "You gonna make me do this?" The officers give Hyatt commands to put the gun down. Hyatt refuses and begins to walk backward away from the officers, still holding the pistol to his own head.<sup>65</sup>
66. Officers Quinn and Russell continue to walk toward Suspect Hyatt while maintaining cover along the way. Hyatt then turns away from the officers and runs south on Mulberry and out of their sight.<sup>66</sup>
67. Officer Quinn and Russell see a marked unit pull up near them. It is driven by Officer Miller. Another officer, Taylor, is on foot and gets into the passenger side of Miller's police vehicle. The unit then drives south on Mulberry.<sup>67</sup>
68. Officer Quinn and Russell round a corner and see Suspect Hyatt lying on the ground, pointing a handgun at Officer Quinn. Both Quinn and Russell jump behind a fence for cover. At the same time, they see Miller and Taylor stop their vehicle. Quinn and Russell then hear a single gunshot, but are unaware of where it comes from.<sup>68</sup>
69. Officer Quinn and Russell look around the fence again and see Miller and Taylor standing behind the rear driver side of their police vehicle. Officer Quinn is concerned that one of the officers (Miller or Taylor) was hit by gunfire.<sup>69</sup>
70. Officer Quinn steps back and hears another single gunshot. It sounds like the first and it is unknown where it comes from.<sup>70</sup>
71. Officer Quinn looks around the corner from his cover again and sees Suspect Hyatt lying on the ground with his hands underneath his body. Officers Quinn, Russell, Taylor, and Miller then walk up to Hyatt and see a pool of blood around his head. Hyatt is handcuffed for safety purposes. Neither Quinn nor Russell fired their weapons. Officers Quinn and Russell did not see who fired a weapon since they were concealed behind a fence for safety.<sup>71</sup>
72. Officer Taylor responds to assist on a radio call regarding a man with a gun at an address on Spruce Street. Information over the police radio informs officers that the suspect in this incident has been arrested in the past for attempted murder of a police officer.<sup>72</sup>
73. Officer Taylor arrives on Spruce Street and learns that the suspect has left the location. Taylor is given a description of the suspect and is asked by Sgt. Corbett to stay in the area in case the suspect returns. Thus, Taylor remains on the call.<sup>73</sup>

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74. Officer Taylor hears officers dispatched to Mulberry Street regarding the suspect being there. Taylor responds and upon arrival, exits his police vehicle when he sees an empty parked police vehicle. He also sees Officers Quinn and Russell talking with some people.<sup>74</sup>
75. Officer Taylor begins to walk up to Officers Quinn and Russell when he spots a subject matching that of Suspect Hyatt further south of where Quinn and Russell are standing. Taylor sees this subject, later identified as Suspect Hyatt, holding a handgun in one of his hands.<sup>75</sup>
76. Officer Taylor hears Officers Quinn and Russell giving Suspect Hyatt multiple verbal commands to put the gun down. Hyatt refuses. Hyatt turns around and runs south. Quinn and Russell proceed to follow Hyatt on foot.<sup>76</sup>
77. Officer Taylor sees Officer Miller drive up in a marked police vehicle. Taylor gets into the passenger seat and he and Miller then drive south to find Suspect Hyatt.<sup>77</sup>
78. Officers Miller and Taylor proceed south to where they momentarily lose sight of Hyatt as he rounds the corner of a fence. Taylor can see Officers Quinn and Russell approaching the same corner where Hyatt had just turned.<sup>78</sup>
79. Officer Miller stops the police vehicle so as not to pass the corner. Taylor gets out of the vehicle and takes a position of cover behind the police vehicle. From this position, Officer Taylor can see Suspect Hyatt lying on his stomach, slightly on a downhill slope, facing the corner where Quinn and Russell are about to turn.<sup>79</sup>
80. Officer Taylor can see Suspect Hyatt with a gun in his hands, pointing it at the corner that Quinn and Russell are approaching. Officer Taylor said it looked to him like Suspect Hyatt was “lying in wait” for the officers to turn the corner. Taylor fears Quinn and Russell will be shot if they turn the corner so he shouts for them to stop.<sup>80</sup>
81. When Taylor shouts for Quinn and Russell to stop, Suspect Hyatt raises up onto his knees and adjusts his aim at Taylor. Taylor expects Suspect Hyatt to fire his weapon at him (Taylor) at any moment.<sup>81</sup>
82. Officer Taylor fears that he is going to be shot by Suspect Hyatt so he fires two rounds at Hyatt from his service pistol.<sup>82</sup>
83. Officer Taylor sees Suspect Hyatt fall to the ground after the second shot. Officer Taylor notices that after firing the second round, his weapon malfunctioned due to a “stove-pipe” round which Taylor was able to clear right away. He did not fire any more rounds.<sup>83</sup>
84. Officer Taylor, along with Officers Miller, Quinn, and Russell, walks up to where Hyatt was lying. Taylor handcuffs Hyatt for safety purposes and searches underneath him for any weapons. Taylor feels the butt of a handgun but leaves it lying in the same position while medical personnel check Hyatt's vitals. The medical team pronounces Hyatt dead at the scene.<sup>84</sup>

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85. Officer Taylor could see that Suspect Hyatt suffered a gunshot wound to the head.<sup>85</sup>
86. Officer Taylor did not know if Suspect Hyatt fired his weapon at him. Taylor did not reload his weapon after the shooting and gave it up as evidence for inspection.<sup>86</sup>
87. Officer Taylor estimated the distance from Suspect Hyatt in his prone position to the fence corner where Officers Quinn and Russell were standing was approximately 20'.<sup>87</sup>
88. Officer Jeremy Russell, while working a 2-man car with Officer Quinn, was dispatched to a 'man with a gun' call on Spruce Street. Additional information from the dispatcher was that the suspect was on parole for assault with a deadly weapon against a police officer and was in the front yard of the residence.<sup>88</sup>
89. Officer Russell said that during the initial contact he had with Iris Hyatt, she told officers that Suspect Hyatt had pointed a handgun at her and her family. Iris Hyatt also told them to shoot Suspect Hyatt, but not kill him.<sup>89</sup>
90. Officer Russell said he and Quinn arrived on Mulberry Street after being given an update that Suspect Hyatt was there. Upon arrival, Russell and Quinn saw some people pointing down the street and at the same time, told them that the suspect was inside a house on Mulberry. Russell said they were approximately ten houses from the primary residence.<sup>90</sup>
91. Officer Russell said that as they approached the primary residence, they saw Suspect Hyatt on the west sidewalk of Mulberry Street, walking away from them. Officer Russell approached Hyatt and told him to show his hands. Russell repeated this three times before Hyatt turned toward him and Quinn with a handgun in his hand. Hyatt immediately pointed the gun at his own head and said, "You wanna see my fucking hands! Do it!"<sup>91</sup>
92. Officer Russell said Suspect Hyatt started walking backwards away from them while still holding the gun to his own head. Russell told Hyatt twice to drop the gun, but Hyatt refused.<sup>92</sup>
93. Officer Russell then saw Hyatt turn away from him and Quinn, and run until they lost sight of him as he rounded a fence with shrubs in front of it. This was about a 30-yard run. Russell said he and Quinn did not round the corner because they could not see Hyatt and knew he had a gun.<sup>93</sup>
94. As Officer Russell reached the fence corner, he stopped, but also noticed a police vehicle had pulled up near him. He saw an officer exit and take cover behind the patrol car. Russell then heard someone yell, "He's proned out!"<sup>94</sup>
95. When Officer Russell heard someone yell, "He's proned out!" Russell looked around the corner of the fence and saw Suspect Hyatt lying on his stomach, facing him. Hyatt had the gun in both hands and was pointing it at him. Russell immediately ducked back around the corner so as not to get shot.<sup>95</sup>
96. Officer Russell heard one gun shot as he (Russell) ducked back behind the fence. Russell looked toward Officer Taylor and saw him (Taylor) lying across the trunk of his car,

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pointing his gun at Hyatt. Russell then saw Officer Taylor fire one shot from his weapon towards Hyatt.<sup>96</sup>

97. Officer Russell looked around the fence corner after he saw Taylor fire his weapon at Hyatt. Russell saw Hyatt lying on the ground with his feet facing toward him (Russell). At this point, Officer Russell believed Suspect Hyatt had been shot.<sup>97</sup>
98. Officer Russell approached Suspect Hyatt along with other officers. Russell saw that Hyatt was lying on his hands and was bleeding from a head wound. It appeared to Russell that Hyatt was dead.<sup>98</sup>
99. Officer Russell saw Officer Taylor handcuff Hyatt. Russell called for paramedics.<sup>99</sup>
100. Officer Russell said he did not fire his weapon. He only saw Officer Taylor fire his weapon. Russell did not see Suspect Hyatt fire his weapon. Officer Russell said the area of the incident was illuminated by street lights.<sup>100</sup>
101. Officer Jeremy Miller responds to Spruce Street concerning a man with a gun call. At the time of his interview, Miller could not recall the address numbers on Spruce Street. He hears Officers Quinn and Russell also acknowledge they are responding to the call.<sup>101</sup>
102. After arriving on the call, Officer Miller speaks with Suspect Hyatt's daughter who tells him that she saw her father with a possible .25 cal. Handgun that was silver or chrome.<sup>102</sup>
103. Officer Miller is told by other officers on scene that according to family members, Suspect Hyatt was feeling suicidal, threatened suicide by cop, and that he didn't want to go back to jail. Suspect Hyatt has already left the Spruce Street address at this time.<sup>103</sup>
104. Officer Miller responds to Mulberry Street when he hears Dispatch update information that Suspect Hyatt is now there. Officer Miller learns that Suspect Hyatt is also in possession of a handgun.<sup>104</sup>
105. When Officer Miller arrives on Mulberry Street, he sees Officer Taylor in the middle of the street. Officers Quinn and Russell are on the west side of the street. Suspect Hyatt is also on the west side of the street south of the officers. Suspect Hyatt has a handgun in his hand, holding it to his own head. Miller hears officers ordering Hyatt to put the gun down, which he refuses to do.<sup>105</sup>
106. Officer Miller stops his police vehicle in front of Officer Taylor to provide him with cover. Miller also illuminates Suspect Hyatt with his police unit spotlight. When he does this, Suspect Hyatt turns away and runs in the opposite direction.<sup>106</sup>
107. Officer Miller said that when Suspect Hyatt ran, he got back into his patrol car to drive in the direction he was running. Officer Taylor gets into the right front passenger seat. Hyatt runs out of Miller's sight as he rounds a fence corner. Miller sees Quinn and Russell move toward the fence corner, but does not go around it.<sup>107</sup>
108. Officer Miller drives his police unit to the fence corner and stops. He shines his spotlight into an open field where Hyatt had run to. When Miller illuminates the field, he sees

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Suspect Hyatt lying on his stomach on a downward slope facing the officers. Being on this slope offers Hyatt some concealment. Hyatt has a handgun in his hands and is pointing it at the officers.<sup>108</sup>

109. Officer Miller requests an officer with a rifle and moves to the rear of his police vehicle. When he looks in Hyatt's direction again, Miller sees Hyatt on his knees, pointing a handgun in the direction of the officers. Miller said he raised his shotgun in order to engage Hyatt. At this time, Miller observes a "muzzle flash" to his right where Officer Taylor was standing. Miller then sees Suspect Hyatt fall onto the ground on his chest.<sup>109</sup>
110. Officer Miller approaches Suspect Hyatt along with Officers Taylor, Quinn, and Russell. Officers are yelling commands at Hyatt as they approach, but there is no response from Hyatt. Miller assists Taylor in handcuffing Hyatt. While doing so, Miller sees a handgun lying underneath Hyatt. Miller notices that Hyatt has a wound to his head.<sup>110</sup>
111. Officer Miller said that Suspect Hyatt could have kept on running but instead he positioned himself on a slope in a field facing the officers. Miller said he felt that Suspect Hyatt was going to shoot or kill one of them. Miller said he was in fear at the time.<sup>111</sup>
112. Witness Jeff Bruce resides at the home of Iris Hyatt. Jeff Bruce was once incarcerated with Suspect Hyatt and felt he was acting out of character when he came to the home and held a gun to his head, threatening to shoot himself.<sup>112</sup>
113. Witness Jeff Bruce thought that Suspect Hyatt was going to shoot himself or someone else in the house so he tried to talk with him, but Hyatt wouldn't listen.<sup>113</sup>
114. Witness Jeff Bruce said that when Suspect Hyatt left the residence on Spruce Street, he (Witness Bruce) walked outside along with Iris and others from the house. When they did so, Suspect Hyatt pointed the gun at all of them. Fearing that Suspect Hyatt was going to shoot them, Witness Bruce and the others went back inside the house.<sup>114</sup>
115. After the shooting, the deceased body of Suspect Hyatt was found with him lying on his stomach near a chain-link fence on a dirt shoulder of Mulberry Street. Hyatt had an obvious head wound. His head was pointing in an east direction and his feet in a north direction. His hands were cuffed behind his back.<sup>115</sup>
116. A Beretta "Tom Cat" .32 cal. semi-automatic handgun was located underneath the stomach area of Suspect Hyatt when his body was moved by the County Coroner investigator.<sup>116</sup>
117. The pistol found underneath Suspect Hyatt's body is described as follows: a Beretta "Tom Cat" .32 cal. semi-automatic handgun with one (1) live .32 cal. round misfed into the firing chamber, leaving the slide slightly open. Three (3) live rounds were found in the inserted magazine. The safety was off and the hammer was slightly cocked back.<sup>117</sup>
118. An autopsy was performed on Suspect Hyatt by County of Riverside pathologist, Dr. McCormick.<sup>118</sup>

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119. Dr. McCormick found Suspect Hyatt had a gunshot wound to the left side of the head, just behind the left ear. There was also a gunshot wound to the orbital bone area of the right eye.<sup>119</sup>
120. Dr. McCormick reported that the two gunshot wounds sustained by Suspect Hyatt were caused by one bullet. The entry wound is the left side of the head. The exit wound is the right eye.<sup>120</sup>
121. Dr. McCormick said one bullet caused the injuries to Suspect Hyatt.<sup>121</sup>
122. Dr. McCormick declared the cause of death was a gunshot wound to the head.<sup>122</sup>
123. Detective Cobb took custody of Officer Taylor's handgun used in the incident.<sup>123</sup>
124. Detective Cobb witnessed Officer Taylor remove his sidearm from his holster and clear the ammunition from it to render it safe. Taylor then handed it to Police Tech. Sue Lane. (This was in the presence of Detective Cobb.)<sup>124</sup>
125. Officer Taylor's handgun is a Glock Model 22 .40 cal. that holds fifteen (15) live rounds.<sup>125</sup>
126. One (1) live round was removed from the chamber of the handgun. Twelve (12) live rounds were taken from the magazine that was in the gun.<sup>126</sup>
127. The maximum number of live rounds that could be in Officer Taylor's handgun would be sixteen (16), with one (1) in the chamber and fifteen (15) in the inserted magazine. Thirteen (13) total rounds were removed from Officer Taylor's gun.<sup>127</sup>
128. Officer Taylor said that he remembered firing two (2) rounds. Only two (2) casings were found at the scene. Officer Taylor said he may have only loaded the magazine with fourteen (14) rounds and had one (1) in the chamber.<sup>128</sup>
129. Officer Miller's handgun on the date of the incident was a Glock Model 22 .40 cal. semi-automatic pistol with one (1) live round in the chamber and fifteen (15) live rounds in the inserted magazine. There were fifteen (15) live rounds located in a second magazine and another fifteen (15) in a third magazine.<sup>129</sup>
130. Officer Russell's handgun on the date of the incident was a Glock Model 22 40 cal. semi-automatic pistol with one (1) live round in the chamber and fifteen (15) live rounds in the inserted magazine. There were fifteen (15) live rounds located in a second magazine and another fifteen (15) in a third magazine.<sup>130</sup>
131. Officer Quinn's handgun on the date of the incident was a Glock Model 22 40 cal. semi-automatic pistol with one (1) live round in the chamber and fifteen (15) live rounds in the inserted magazine. There were fifteen (15) live rounds located in a second magazine and another fifteen (15) in a third magazine.<sup>131</sup>

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- 1 Supplemental Report (Interview by Det. O'Boyle of Iris Hyatt), Tab 15, P. 8.
- 2 Supplemental Report (Interview by Detective O'Boyle of Iris Hyatt), Tab 6, P. 3, Line 6 – 7.
- 3 Supplemental Report (Interview by Det. O'Boyle of Iris Hyatt), Tab 15, P. 8.
- 4 Supplemental Report (Interview by Det. O'Boyle of Iris Hyatt), Tab 15, P. 8.
- 5 Supplemental Report (Interview by Det. Wheeler of Hyatt, Bruce, Blakeman), Tab 25, P. 10, Line 434.
- 6 Supplemental Report (Interview by Det. O'Boyle of Iris Hyatt), Tab 15, P. 8.
- 7 Supplemental Report (Interview by Det. O'Boyle of Iris Hyatt), Tab 15, P. 8.
- 8 Supplemental Report (Interview by Det. O'Boyle of Iris Hyatt), Tab 15, P. 8.
- 9 Supplemental Report (Interview by Det. Wheeler of Hyatt, Bruce, Blakeman), Tab 25, P. 11, Line 468, and Supplemental Report (Interview by Det. O'Boyle of Iris Hyatt), Tab 15, P. 13, Line 559.
- 10 Supplemental Report (Interview by Det. O'Boyle of Iris Hyatt), Tab 15, P. 9.
- 11 Initial Report, Tab 3, P. 5, Line 39.
- 12 Supplemental Report (Interview by Det. O'Boyle of Iris Hyatt), Tab 15, P. 9, and Initial Report, Tab 3, P. 5, Lines 40 – 41.
- 13 Supplemental Report (Interview by Det. O'Boyle of Iris Hyatt), Tab 15, P. 9.
- 14 Supplemental Report (Interview by Det. Wheeler of Hyatt, Bruce, Blakeman), Tab 25, P. 11, Lines 506 – 507, and Supplemental Report (Interview of witness by Det. Banks), Tab 16, P. 1, Line 25.
- 15 Supplemental Report (Interview of witness by Det. Banks), Tab 16, P. 1, Lines 25 – 26.
- 16 Supplemental Report (Interview by Det. Wheeler of Hyatt, Bruce, Blakeman), Tab 25, P. 12, Line 514.
- 17 Supplemental Report (Interview by Det. Wheeler of Hyatt, Bruce, Blakeman), Tab 25, P. 12, Lines 514-515, and Supplemental Report (Interview by Det. O'Boyle of Iris Hyatt), Tab 15, P. 15.
- 18 Supplemental Report (Interview by Det. O'Boyle of Iris Hyatt), p. 15, tab 15 and Supplemental Report (Interview by Det. Wheeler of Hyatt, Bruce, Blakeman), Tab 25, P. 12, Line 516.
- 19 Initial Report, lines 16-17, p. 5, tab 3 and Supplemental Report (Interview by Det. O'Boyle of Iris Hyatt), Tab 15, P. 15.
- 20 Supplemental Report (Interview by Det. O'Boyle of Iris Hyatt), Tab 15, P. 15, Line 648.
- 21 Supplemental Report (Interview by Det. O'Boyle of Iris Hyatt), Tab 15, P. 15, Line 648.
- 22 Supplemental Report (Interview of A. Hyatt, W. Debelling, Agt. Johnson Int.), Tab 24, P. 3.
- 23 Supplemental Report, Tab 24, P. 3; Tab 2, CAD printout.
- 24 Initial Report (Interview by Officer M. Boulерice of Iris Hyatt, Tab 3, P. 5, Lines 19 – 21
- 25 *Ibid*, (Interview by Officer M. Boulерice of Marquita Brooks) Line 33 – 34
- 26 *Ibid*, Lines 35 – 37
- 27 *Ibid*, Lines 39 – 42
- 28 *Ibid*, P. 5, Line 45 and P. 6, Lines 1 – 2
- 29 *Ibid*, P. 6, Lines 3 – 4
- 30 *Ibid*, Lines 5 – 6
- 31 *Ibid*, (Interview by Officer M. Boulерice of witness (Iris' son), P. 6, Lines 10 – 11
- 32 *Ibid*, Line 11
- 33 *Ibid*, Lines 12 – 13
- 34 *Ibid*, Lines 13 – 17
- 35 *Ibid*, Line 18
- 36 *Ibid*, Lines 21 – 22
- 37 Supplemental Report (Interview by Officer P. Barretta of Witness Dana Derring), Tab 4, P. 2
- 38 *Ibid*.
- 39 *Ibid*.
- 40 *Ibid*.
- 41 *Ibid*.
- 42 *Ibid*.
- 43 *Ibid*.
- 44 *Ibid*, P. 2, last paragraph and P. 3, first paragraph
- 45 *Ibid*, P. 3, first paragraph
- 46 *Ibid*.

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47 Ibid, Paragraph 3  
48 Ibid, Paragraph 5  
49 Supplemental Report (Interview of Iris Hyatt by Detective O'Boyle), Tab 15, P. 2  
50 Ibid, P. 2, Paragraph 7  
51 Ibid, P. 3, Paragraph 1  
52 Ibid, P. 3, Paragraph 2  
53 Ibid, P. 3, Paragraph 3  
54 Ibid, P. 3, Paragraph 5  
55 Ibid, P. 3, Paragraph 6  
56 Supplemental Report, (Interview by Detective Wheeler of Officers Quinn and Taylor), Tab 18, P. 3,  
Lines 22 – 24  
57 Ibid, Lines 29 – 30  
58 Ibid, Lines 33 – 35  
59 Ibid, Lines 35 – 37  
60 Ibid, Lines 39 – 41  
61 Ibid, P. 4, Lines 6 – 8  
62 Ibid, Lines 9 – 12  
63 Ibid, Lines 14 – 16  
64 Ibid, Lines 16 – 19  
65 Ibid, Paragraph 3  
66 Ibid.  
67 Ibid, Paragraph 4  
68 Ibid.  
69 Ibid.  
70 Ibid, P. 5, Paragraph 1  
71 Ibid, P. 5, Paragraph 2  
72 Ibid, P. 5, Paragraph 6  
73 Ibid.  
74 Ibid, P. 5, Paragraph 7  
75 Ibid.  
76 Ibid, P. 6, Paragraph 1  
77 Ibid.  
78 Ibid.  
79 Ibid.  
80 Ibid, P. 6, Paragraph 2  
81 Ibid.  
82 Ibid.  
83 Ibid.  
84 Ibid.  
85 Ibid.  
86 Ibid, P. 6, Paragraph 4  
87 Interview transcript of Officer Taylor by Detective Wheeler, Tab 20, P. 42, Lines 235 – 237  
88 Supplemental Report, (Interview of Officer Jeremy Russell by Detective Rick Cobb), Tab 19, P. 2  
89 Ibid, Paragraph 4  
90 Ibid, Paragraph 7  
91 Ibid, Paragraphs 9 – 10  
92 Ibid, Paragraph 11  
93 Ibid, Paragraphs 29 – 30  
94 Ibid, P. 3, Paragraphs 1 – 2  
95 Ibid.  
96 Ibid, Paragraphs 3 – 4  
97 Ibid.

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- 98 Ibid, Paragraph 5  
99 Ibid.  
100 Ibid, Paragraphs 6 – 7  
101 Supplemental Report (Interview of Officer Jeremy Miller by Detective Sanfilippo), Tab 20, P. 2,  
Paragraph 1  
102 Ibid, P. 2, Paragraph 1  
103 Ibid, Paragraph 2  
104 Ibid, Paragraph 3  
105 Ibid.  
106 Ibid.  
107 Ibid, Paragraph 4  
108 Ibid.  
109 Ibid, Paragraph 5  
110 Ibid, Paragraph 6  
111 Ibid, P. 3, Paragraph 1  
112 Supplemental Report (Interview of Witness Jeff Bruce by Detective Smith), Tab 25, P. 3, Paragraph 4  
113 Ibid.  
114 Ibid, Paragraph 5  
115 Supplemental Report (Scene recording by Detective Smith), Tab 17, P. 3, Paragraph 3  
116 Ibid, Paragraph 4  
117 Ibid.  
118 Supplemental Report (Autopsy Report by Detective Cobb), Tab 23, P. 2, Paragraph 2  
119 Ibid, Paragraph 4  
120 Ibid, Paragraph 5  
121 Ibid, Paragraph 7  
122 Ibid, Paragraph 9  
123 Supplemental Report (Charting of Officer Taylor’s handgun by Detective Cobb), Tab 22, P. 2,  
Paragraph 1  
124 Ibid, Paragraph 2  
125 Ibid, Paragraph 3  
126 Ibid, Paragraph 4  
127 Ibid, Paragraph 5  
128 Ibid, Paragraph 6  
129 Supplemental Report (Charting of Officers Miller, Russell, and Quinn’s duty sidearms by Detective  
Sanfilippo), Tab 21, P. 1, Box 62 cover page, Paragraph 3  
130 Ibid, P. 2, Paragraph 1  
131 Ibid, Paragraph 2



# Section C

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CPRC Independent  
Investigator Reports:

Dr. Ron Martinelli  
Martinelli & Associates

Mr. Mike Bumcrot  
Bumcrot Consulting



## **INVESTIGATION ANALYSIS**

**Riverside Police Department Officer-Involved Shooting (OIS)**

**Subject: Russell Franklin Hyatt**

**Date: 01-27-09 RPD Case No. P09008550**

**Investigator: Ron Martinelli, Ph.D., BCFT, CFA, CLS**

### **Scope of Work:**

CPRC Interim Director Mario Lara requested an analysis and a written report of findings to CPRC regarding the OIS/death of subject Russell Franklin Hyatt on January 27, 2009. The scope of work was to review the case packet received by CPRC in its entirety to determine whether there were any gaps in the police department's investigation that could be reasonably be addressed through further investigative effort.

### **Documents Received:**

*Martinelli & Associates, Inc.* received a Criminal Casebook for review from CPRC divided into forty-four tabs containing the substance of the Riverside Police Department's (RPD) OIS investigation. The RPD investigation included a Crime Report, Supplementary Reports, crime scene diagrams and photographs.

### **Forensic Expert/Investigator's Determinations:**

All determinations, findings and opinions of the investigator are limited to a review of the documents received from CPRC. The standard used for all determinations, findings and opinions is "preponderance of evidence," or that something more likely occurred than not. It is not the assignment of the investigator to determine whether or not any use of force or a police practice used was reasonable or justified. Said determinations are made by the authorized Trier of Fact.

### **Synopsis of Incident:**

The incident in question involves a "Suicide by Cop" (SBC) scenario. Suicide by Cop is defined as a suicidal intent subject choreographing a scenario whereby they force police to kill them.

On 01-27-09 at 5:59 PM, RPD officers were dispatched to 3468 Spruce Street regarding a 9-1-1 call initiated by (W) Iris Hyatt that her husband (subsequently identified as Russell Hyatt) was holding her in the home a gunpoint. At the time of the call, Mrs. Hyatt informed RPD dispatch

that (S) Hyatt was on parole for a prior armed assault on a peace officer. This information was imparted to the responding officers. While inside the residence (S) Hyatt had demonstrated suicidal behavior by verbally threatening to kill himself and by repeatedly pointing a pistol up to his head and pulling the trigger. (S) Hyatt then left the residence with his pistol prior to the arrival of RPD officers.

At approximately 7:37 PM, RPD dispatch received another call by a witness stating that (S) was now near another residence located at 2841 Mulberry. This home was nearby the Spruce Street residence. RPD officers responded to the Mulberry address and observed (S) Hyatt walking in front of the home. RPD identified themselves and attempted to contain (S) Hyatt without success. The involved officers state that while contacting (S) Hyatt, the subject brandished a pistol and pointed it at his own head and encouraged the officers to kill him. The officers state that (S) Hyatt ignored their repeated commands to stop and put his gun down. RPD officers attempted to isolate and contain (S) Hyatt in a nearby field. The involved officers report that while they were establishing a perimeter, (S) Hyatt suddenly pointed his pistol directly at two officers and was subsequently shot and killed by a third officer in defense of their lives.

#### **Analysis, Findings and Opinions:**

Sergeant Corbett who was the initial supervisor on-scene did a good job of handling the initial crime scene. The sergeant asked proper questions of the involved officers including proper “safety” questions. He used the information gathered to help secure the scene and checking for other bullet strikes. Sergeant Corbett properly separated and arranged for the transport of all involved officers for interviews.

It appears that all involved officers documented their activities including:

1. Perimeter positions
2. Crime scene management
3. Transportation of involved officers
4. Area canvass

It is hard to determine if there was truly a need to have medical personnel enter the crime scene to assess and run EKG strip in order to pronounce the suspect dead. This may be a standard practice of the agency but they should be cautioned that this could lead to undue contamination of the scene. If the suspect can be pronounced dead by the officers, they should do so and keep the scene secure for the investigators.

The crime scene investigators did a good job following sound crime scene investigation techniques and “best” police practices.

Officer Quinn did not activate his in-car video or his on-person audio. Although this may not have produced compelling evidence, it is important for the officers to practice using these tools during low stress incidents so that during high stress incidents such as this event the response will be automatic. By engaging the recording equipment it would also prevent any claims that the officers attempted to hide facts from being discovered.

Detective Wheeler's interview of PO Quinn: Det. Wheeler used a two-part interview where he allowed Quinn to "run" with the details mostly uninterrupted by questions. In the first part, Det. Wheeler used a lot of "okay" type statements to encourage Quinn to continue. Without being able to hear the audio tapes to examine the pace of the conversation it is impossible to determine if these encouraging statements were well timed or more interrupting. Det. Wheeler then uses the second part of the interview to ask clarifying questions appropriately. I would suggest that Det. Wheeler expand his interview to include a third part used to narrate the story back to involved officers to insure that the detective has the chronology and facts accurate and a fourth part to allow involved officers to edit the final version.

Detective Wheeler's interview of PO Taylor (shooting officer): Det. Wheeler used the same two part interview technique listed in the interview of Quinn. I have the same comments regarding this interview. I found it odd that PO Taylor was not expressly advised of his Miranda rights on the record and that he was not given a full Lybarger warning prior to giving his statement. The attorney present during the interview makes a statement to the effect that PO Taylor's statement was being given as part of the investigation because the officer had to and that PO Taylor was not waiving his rights. I would think it was better to have the full warning(s) on the record. PO Taylor's articulation of fear and the facts leading up to the shooting was appropriate and well articulated.

Detective Cobb interview of Russell: Det. Cobb used the same two part interview technique listed in the interviews by Det. Wheeler. The same comments I discussed above apply to Det. Cobb's interview as well.

Detective San Filippo interview of PO Miller: Det. San Filippo did not allow Miller to "run" during the first part of the interview. The detective asked several questions that could derail PO Miller's ability to cleanly run through the incident for the first part. Det. San Filippo asked a few leading questions that could have not only derailed the thought process of PO Miller, but might have caused confusion since it was information PO Miller did not have (see status of suspect and wife questions, p. 5 for example). The detective finally let PO Miller "run" around page 10 and the officer's articulation of the incident posed no problems.

**Analysis, Findings and Opinions, Continued:**

An appropriate articulation of the physical, psychological, behavioral and communicative “cues” displayed by (S) Hyatt that would have identified this incident as a “Suicide by Cop” (SBC) scenario would have been helpful. It is always difficult for first responding officers to successfully isolate, control and capture without injury a subject who has demonstrated that they are determined to choreograph their suicidal “death act” by forcing police to kill them.

No further follow-up investigation is necessary in the immediate case.

Respectfully Submitted,

Report Date: December 12, 2010

*R. Martinelli* (Electronically Signed)

Ron Martinelli, Ph.D., BCFT, CFA, CLS  
Special Investigator  
Forensic Criminologist/Police Practices Expert





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# MIKE BUMCROT CONSULTING

## REPORT OF INVESTIGATION

**DATE:** June 8, 2011

**CASE:** Riverside Police Department File #P09008550

**SUBJECT:** Officer Involved Shooting Death of Russell Franklin Hyatt, which occurred on January 17, 2009 @ 1943

**LOCATION:** Vacant field South of 2855 Mulberry St., Riverside

On June 1, 2011, I received a written request from Frank Hauptmann, Manager of the Community Police Review Commission, to review the circumstances surrounding the officer involved shooting death investigation of Russell Hyatt. 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 500 pages of police reports, photographs, and other documents contained in the presentation by the Riverside Police Department to the Riverside Police Review Commission. I also researched legal issues and drove to the scene to better understand the reports.

### CASE SYNOPSIS

On January 17, 2009 @1740, Iris Hyatt was inside her residence, located at 3468 Spruce St., Riverside, when she observed her husband, Russell Hyatt, exit the passenger side of a blue pickup truck, that was parked at the curb. Mr. Hyatt walked to their vehicle and began to search the interior. He then walked to the front door and attempted to enter the residence but the security screen was locked. Mrs. Hyatt would later tell police that her husband had been on parole for assaulting a police officer with a firearm. When he had been released from prison, he began to use drugs, specifically heroin and methamphetamine. She had notified his parole officer, who revoked Mr. Hyatt's parole and sent him back



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# **MIKE BUMCROT CONSULTING**

to prison. Mr. Hyatt had been released to a treatment facility in Indio and today, Mrs. Hyatt had received a phone call from her husband, saying he had been banished from the facility for drinking alcohol. She then refused to pick him up.

As Mr. Hyatt demanded entry into his home, he pulled a handgun from his clothing, pointing it at his head, and threatened to kill himself, if he was not allowed in. He was denied entry and told the police were being notified. Mrs. Hyatt knew her husband wouldn't commit suicide because he had tried it on four occasions.

Mr. Hyatt walked around the house, to the back door, where he was met by his step-daughter, Marquita Brooks, who tried to block his path. Mr. Hyatt placed his handgun to his head and said she would watch him die if he could not enter. Mr. Hyatt then retrieved his wallet and keys and exited the location by kicking open the locked front security screen, breaking it. When his family followed him out to the front yard, Mr. Hyatt pointed his weapon at them. In fear, they all returned the inside. Marquita Brooks notified the Riverside Police Department and several police officers responded. Mr. Hyatt was gone from the location so the officers obtained a photograph of him and remained in the area.

At 1937, Marquita Brooks again called the Riverside Police Department and reported that Mr. Hyatt was at a nearby residence on Mulberry St. Officers responded and observed Mr. Hyatt walking in a front yard. Mr. Hyatt was ordered to stop but ignored commands. He turned to face the officers, placed his gun to the side of his head and said "Do it!". Mr. Hyatt continued walking backwards, away from the officers who continued ordering him to stop and put down his gun.

Suddenly, Mr. Hyatt turned and ran around a corner, into a vacant lot. Officers Jeremy Russell and Steven Quinn began to give chase but stopped when Officer Dave Taylor, who, along with Officer Jeremy Miller, had just driven up, shouted that Mr. Hyatt had "proned out" in the field. When Officer Taylor shouted to his fellow officers, Mr. Hyatt looked at him, raised to his knees, and pointed his pistol at Officer Taylor. Fearing for his life, Officer Taylor fired two shots at Mr. Hyatt, striking him in the head, killing him. Mr. Hyatt's handgun, which had been stolen



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from a residence in Palmdale, was found, loaded with 4 rounds, beneath his body.

A toxicology test at the time of the post mortem examination, revealed alcohol in Mr. Hyatt's system.

## **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



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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 Mr. Hyatt 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. I also researched deadly force legal issues and suicide by cop which is also referred to as death by defiance.

## CONCLUSION

As this incident began to unfold, Riverside police officers were faced with a subject who was not only armed, he had also been to prison for assaulting a police officer with a firearm in the past.

Mrs. Hyatt, in a later interview, described her husband's demeanor as "desperate". She told Detective O'Boyle that, "she knew he was going to make the police do it for him" and "he brought it on himself, he made you guys do it".

Anita Hyatt, step-mother to Mr. Hyatt, told Detective Wheeler that Mr. Hyatt was "in trouble his whole life" and in jail many times. In fact, Mr. Hyatt had told her that he wanted to die by "having a cop shoot him". He knew if he pointed a gun at a cop, they would have to shoot him. She said she was not surprised when it happened.

Rebecca Stincelli, a recognized expert in suicide by cop writes that the criteria for qualifying a death as a suicide by cop, or victim precipitated homicide you must have the following criteria:

- The subject must demonstrate the intent to die;

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- The subject must have a clear understanding of the finality of the act;
- The subject must confront a law enforcement officer to the degree that it compels that officer to act with deadly force;
- The subject actually dies.

I find this criteria has been met. Rick Parent, a police deadly force expert, in his article "When Police Shoot", calls the shooting a victim -precipitated homicide when the victim, is a direct, positive precipitator of the incident.

Although this case may very well be a suicide by cop, there is one thing that is glaring. Mr. Hyatt was armed with a handgun that was loaded and functioned properly during test firing and examination by the Department of Justice after the incident. When he turned and ran from Officers Russell and Quinn, he could have kept running in an attempt to escape. Instead, he dropped to the ground, in an attempt to ambush them, as they rounded a corner. If not for the warning shouts of Officer Taylor, this could have been a bigger tragedy.

I have attached handouts from Rebecca Stincelli, Rick Parent, and an article entitled "Suicide by Cop" written by several doctors. California law permits the use of deadly force in self defense or in defense of others. In *People v. Mercer*, the Court writes, "The rule is well established that one who, without fault, is placed under circumstances sufficient to excite the fears of a reasonable man that another designs to commit a felony or some great bodily injury and to afford grounds for a reasonable belief of imminent danger, may act upon those fears alone and may slay his assailant and be justified by appearances."

In *People v. Collins*, the Court writes, "When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into 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."

Riverside patrol officers were dispatched to a dangerous, stressful call. Upon arrival, their major concern was the safety of the neighborhood. After reviewing the indicated material, it is my opinion that the investigation into the officer



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involved shooting death of Mr. Hyatt was completed in a fair and impartial manner and exceeded POST Standards of Practice.

Given the rapidly evolving, life threatening situation that confronted the patrol officers, I conclude they acted lawfully in self defense and defense of other people in the area.

*Rec'd - 06/08/11*  
*[Signature]*  
*CPRC Manager - 6*



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## Suicide by Cop

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**Study objective:** "Suicide by cop" is a term used by law enforcement officers to describe an incident in which a suicidal individual intentionally engages in life-threatening and criminal behavior with a lethal weapon or what appears to be a lethal weapon toward law enforcement officers or civilians to specifically provoke officers to shoot the suicidal individual in self-defense or to protect civilians. The objective of this study was to investigate the phenomenon that some individuals attempt or commit suicide by intentionally provoking law enforcement officers to shoot them.

**Methods:** We reviewed all files of officer-involved shootings investigated by the Los Angeles County Sheriff's Department from 1987 to 1997. Cases met the following criteria: (1) evidence of the individual's suicidal intent, (2) evidence they specifically wanted officers to shoot them, (3) evidence they possessed a lethal weapon or what appeared to be a lethal weapon, and (4) evidence they intentionally escalated the encounter and provoked officers to shoot them.

**Results:** Suicide by cop accounted for 11% (n=46) of all officer-involved shootings and 13% of all officer-involved justifiable homicides. Ages of suicidal individuals ranged from 18 to 54 years; 98% were male. Forty-eight percent of weapons possessed by suicidal individuals were firearms, 17% replica firearms. The median time from arrival of officers at the scene to the time of the shooting was 15 minutes with 70% of shootings occurring within 30 minutes of arrival of officers. Thirty-nine percent of cases involved domestic violence. Fifty-four percent of suicidal individuals sustained fatal gunshot wounds. All deaths were classified by the coroner as homicides, as opposed to suicides.

**Conclusion:** Suicide by cop is an actual form of suicide. The most appropriate term for this phenomenon is law enforcement–forced-assisted suicide. Law enforcement agencies may be able to develop strategies for early recognition and handling of law enforcement–forced-assisted suicide (suicide by cop). Health care providers involved in the evaluation of potentially

suicidal individuals and in the resuscitation of officer-involved shootings should be aware of law enforcement–forced-assisted suicide as a form of suicide.

[Hutson HR, Anglin D, Yarbrough J, Hardaway K, Russell M, Strote J, Canter M, Blum B: *Suicide by cop*. *Ann Emerg Med* December 1998;32:665-669.]

## INTRODUCTION

Throughout the United States, on average 1 person per day is killed by law enforcement officers.<sup>1</sup> Some individuals who are shot or killed by law enforcement officers during an officer-involved shooting are actually attempting or committing suicide.<sup>1,2</sup> Initially, these suicidal individuals, in an attempt to achieve their suicidal goal, intentionally engage in life-threatening and criminal behavior with a lethal weapon or what appears to be a lethal weapon to gain the attention of law enforcement officers (ie, committing a robbery, a high-speed car chase, or committing a domestic assault). Once officers arrive to the scene, the suicidal individual purposely disobeys the commands by officers to lay down their weapon. These suicidal individuals then intentionally escalate the potential for a lethal encounter by threatening officers or members of the civilian population with a deadly weapon, commonly a firearm. This forces officers to use deadly force by shooting the suicidal individual in self-defense or to protect civilians.

The term used by law enforcement officers for this phenomenon is "suicide by cop."<sup>2,3</sup> In many instances officers are unaware they have participated in a suicide by cop phenomenon until after the encounter has been resolved by deadly force or during the departmental investigation of the officer-involved shooting. Law enforcement officers are likely selected and forced to participate in a suicide by cop phenomenon because the suicidal individual is imminently intent on dying and it is common knowledge that officers are trained in the use of deadly force; they consistently carry firearms and will deploy deadly force with reasonable certainty when confronted by a life-threatening situation.<sup>2</sup> The purpose of this study is to investigate the phenomenon that some individuals attempt or commit suicide by provoking law enforcement officers to shoot them.

## MATERIALS AND METHODS

This was a retrospective review of files of all officer-involved shootings investigated by the Los Angeles County Sheriff's Department (LASD) Homicide Bureau from January 1, 1987, through December 31, 1997. LASD, which is the largest

sheriff's department in the nation with approximately 12,000 law enforcement officers, investigates officer-involved shootings in areas of Los Angeles County populated by 47% (4.1 million) of the county's population (includes 35 municipalities and unincorporated areas of Los Angeles County).<sup>4</sup> An officer-involved shooting was defined as a shooting in which an individual was shot by law enforcement officers resulting in a firearm injury or death to the individual.

Files were reviewed to determine whether they met the definition of a suicide by cop phenomenon. To be included in the study, all cases met the following criteria: (1) evidence of suicidal intent, (2) evidence the individuals specifically wanted officers to shoot them, (3) evidence they all possessed a lethal weapon or what appeared to be a lethal weapon, and (4) evidence they intentionally escalated the encounter and provoked officers to shoot them in self-defense or to protect civilians. Cases not meeting the 4 criteria were excluded. An attempted suicide by cop phenomenon is one in which the suicidal individual sustained a nonlethal firearm injury during the officer-involved shooting. The term suicide by cop was not mentioned in any of the LASD files reviewed.

Suicidal intent was determined by a written note stating a wish to die, recent verbal communication of a desire to die to friends or family and at times to officers, or exhibiting suicidal characteristics or behavior indicative of suicidal intent (ie, holding a firearm to one's head). Evidence that suicidal individuals specifically wanted officers to shoot them was determined by the individuals stating outright they wanted officers to shoot them, written or verbal communication to family or friends stating they wanted officers to shoot them, or not dropping their weapon when advised by officers to do so and then aiming their weapon at officers or civilians.

All files were independently reviewed and agreed on by the primary investigators that included: 2 emergency physicians, a forensic psychiatrist, and a homicide detective with 30 years' experience in law enforcement. Reviewers used a standard abstract form. All reviewers were coinvestigators and were trained in completing the forms. Missing data were coded as "unknown." All files and abstracted data were independently reviewed by 3 reviewers to ensure consistency of coding.

Files of officer-involved shootings were reviewed for demographics of the suicidal individual, past psychiatric illness or suicide attempts, history of alcohol or drug abuse, type of weapon used to threaten officers, whether firearms used to threaten officers were operative and loaded, whether less lethal uses of force were attempted before the officer-involved shooting (ie, Taser, chemical irritant spray [Mace], bean bag gun), the duration of incident from time of arrival

of the officers until the officer-involved shooting, and if the firearm injury was fatal. All deceased individuals were autopsied by the Los Angeles County Department of the Coroner and these reports were reviewed for mode of death and toxicologic findings. The sum of the percentages for evidence of suicidal intent is greater than 100% because some individuals demonstrated suicidal intent by more than 1 method. This study received institutional review board approval. Data were compiled and analysis performed with the Epi Info (version 5) software program.<sup>5</sup>

RESULTS

From January 1, 1987, through December 31, 1997, there were a total of 437 officer-involved shootings investigated by LASD; 237 (54.2%) individuals sustained nonfatal gunshot wounds and 200 (45.8%) had fatal gunshot wounds. Of the 437 officer-involved shootings, 46 (10.5%) met the case definition of suicide by cop. Twenty-five (54.3%) suicidal individuals sustained fatal gunshot wounds, and 21 (45.7%) sustained nonfatal gunshot wounds. All cases were separate incidents. A suicide by cop phenomenon accounted for 25 (12.5%) of the 200 officer-involved justifiable homicides. There was a mean of 4.2 cases of suicide by cop or attempted suicide by cop each year. The largest number of cases (n=13, 28.3%) occurred in 1997. Ages of suicidal individuals ranged from 18 to 54 years (median age 34 years; mean age 35 years). The race of suicidal individuals was white (n=24, 52.2%), Hispanic (n=17, 37.0%), and black (n=5, 10.9%). There were 45 (97.8%) males and 1 (2.2%) female involved in a suicide by cop or attempted suicide by cop phenomenon.

Evidence of suicidal intent for all suicide by cop individuals consisted of verbal communication to family or

friends in 30 (65.2%) cases, exhibiting suicidal characteristics or behavior in 20 (43.5%) cases, verbal communication to officers in 10 (21.7%) cases, and written communication in 2 (4.3%) cases. All cases demonstrated suicidal intent by 1 or more of the above listed methods. In all 46 suicide by cop cases, there was evidence that suicidal individuals specifically wanted law enforcement officers to shoot them (Table 1).

All 46 suicidal individuals displayed a lethal weapon or what appeared to be a lethal weapon during their confrontation with law enforcement officers; weapons consisted of firearms in 22 (47.8%) cases, firearm replicas in 8 (17.4%), knives in 15 (32.6%), and blunt objects in 1 (2.2%). During the investigation of the officer-involved shooting, 21 (95.5%) firearms were operative, with 17 (77.3%) operative and loaded and 4 (18.2%) operative and unloaded. The 8 firearm replicas used by suicidal individuals to simulate a firearm were nonpowdered firearms (BB/pellet guns) in 3 cases, toy gun, pliers, a pager, metal pipe, and a hammer. Thirteen of the 22 firearms (59.1%) were semiautomatic or automatic weapons.

The locations of the officer-involved shootings for the suicide by cop scenarios varied, with 23 (50.0%) occurring at the suicidal individual's place of residence, 10 (21.7%) occurring at a residence other than their own, and 13 (28.3%) occurring at large in the community (ie, street, schoolyard, workplace). Twenty-six (56.5%) cases occurred out in the open (ie, in full public view).

Of the 46 suicide by cop cases, 30 (65.2%) involved threats with a lethal weapon or what appeared to be a lethal weapon toward law enforcement officers only, 2 (4.3%) involved threats with a lethal weapon toward civilians only, and 14 (30.4%) involved threats to both officers and civilians with a lethal weapon or what appeared to be a lethal weapon.

Table 1.

Evidence that suicidal individuals specifically wanted law enforcement officers to shoot them during the suicide by cop phenomenon.

| Types of Evidence                                                                                                                    | Individuals No. (%) |
|--------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Total cases                                                                                                                          | 46 (100)            |
| Asked officers to shoot/kill them                                                                                                    | 27 (58.7)           |
| Continued to point firearm or apparent firearm at officers after being told they would be shot if they did not put down their weapon | 7 (15.2)            |
| Told family/friends they would have officers kill them                                                                               | 3 (6.5)             |
| Lunged at officers with knife knowing they would be shot                                                                             | 3 (6.5)             |
| Told officers they intentionally pointed a firearm at them knowing officers would shoot (survivors of suicide by cop phenomenon)     | 3 (6.5)             |
| Thanked officers for shooting them                                                                                                   | 1 (2.2)             |
| Written note stating they specifically wanted officers to kill them                                                                  | 1 (2.2)             |
| Called law enforcement officers stating they wanted to commit suicide                                                                | 1 (2.2)             |

Verbal dissuasion, consisting of demands to lay down their weapon, was used by officers in 44 (95.7%) cases of suicide by cop with no effect. In the other 2 (4.3%) cases, the lethal confrontation was so immediate that verbal dissuasion was not possible. In 11 (23.9%) cases officers initially used less lethal uses of force in an attempt to subdue and apprehend the armed suicidal individual. These less lethal uses of force included Arwen rifle (rubber bullets), bean bag gun, pepper spray, police dogs, Taser, tear gas, and in 1 case officers attempted to physically disarm the suicidal individual. In all 11 cases, less lethal uses of force were unsuccessful.

To provoke officers to shoot them, all suicidal individuals intentionally escalated the potential for a lethal encounter in the following ways: pointing a firearm or what appeared to be a firearm at officers in 23 (50%) cases, lunging at officers with a knife or cutting instrument in 12 (26.1%) cases, shooting at officers in 7 (15.2%) cases, throwing a knife at officers in 2 (4.3%) cases, or continuing to assault civilians with a lethal weapon after being ordered to drop the weapon in 2 (4.3%) cases. Because of life-threatening behavior toward officers or civilians, all 46 suicidal individuals were shot by officers. No officer fatalities occurred; however, 3 officers sustained gunshot wounds from suicidal individuals in separate incidents.

The time from arrival of officers at the scene to the time of the officer-involved shooting ranged from 1 minute (n=4)

to 6 hours 25 minutes (n=1), with a median time of 15 minutes. Sixteen (37.2%) shootings occurred within 5 minutes of arrival of officers at the scene, and 30 (69.8%) occurred within 30 minutes of arrival of officers at the scene. After the officer-involved shooting, 11 (23.9%) suicidal individuals were pronounced dead at the scene, 35 (76.1%) were transported to emergency departments for resuscitation. Fifteen (30.4%) individuals died during ED resuscitation or during the course of hospitalization. All 25 deaths from suicide by cop phenomena were classified by the coroner as homicides as opposed to suicides.

Other associated characteristics of individuals involved in suicide by cop phenomena are listed in Table 2. Etiologic factors precipitating the suicide by cop phenomena included: domestic violence in 18 (39.1%) cases, despondence over a relationship breakup in 9 (19.6%), imminent incarceration for third felony conviction ("3 strikes" law in California) in 4 (8.7%), loss of employment in 2 (4.3%), and unknown reasons in 13 (28.3%) cases.

**Table 2.**

*Characteristics of suicidal individuals involved in a suicide by cop phenomenon (N=46).*

| Characteristics                           | Individuals<br>No. (%) |
|-------------------------------------------|------------------------|
| <b>Homeless/transient</b>                 |                        |
| Yes                                       | 2 (4.3)                |
| No                                        | 41 (89.1)              |
| Unknown                                   | 3 (6.5)                |
| <b>Prior arrest/conviction</b>            |                        |
| Yes                                       | 32 (69.6)              |
| No                                        | 8 (17.4)               |
| Unknown                                   | 6 (13.0)               |
| <b>Alcohol/drug abuse</b>                 |                        |
| Yes                                       | 30 (65.2)              |
| No                                        | 9 (19.6)               |
| Unknown                                   | 7 (15.2)               |
| <b>Domestic violence/domestic dispute</b> |                        |
| Yes                                       | 18 (39.1)              |
| No                                        | 16 (34.8)              |
| Unknown                                   | 12 (26.1)              |
| <b>Psychiatric history</b>                |                        |
| Yes                                       | 29 (63.0)              |
| No                                        | 3 (6.5)                |
| Unknown                                   | 14 (30.4)              |

**DISCUSSION**

This study shows that suicide by cop is an actual form of suicide and makes up a larger proportion of officer-involved shootings and officer-involved justifiable homicides than was previously recognized. The phenomenon of committing suicide through another person was characterized by Wolfgang<sup>6</sup> as a victim-precipitated homicide. Wolfgang defined a victim-precipitated homicide as a "criminal homicide in which the victim is a direct positive precipitator in the crime. The role of the victim is characterized by his having been the first in the homicide drama to use physical force directed against his subsequent slayer."<sup>6</sup> Wolfgang further stated that "these are cases in which the victim was the first to show and to use a deadly weapon to strike a blow in an altercation to commence the interplay or resort to physical violence."<sup>6</sup> Although not all victim-precipitated homicides are suicides, all suicide by cop phenomena meet Wolfgang's definition of a victim-precipitated homicide.

Individuals who commit suicide by means of a suicide by cop phenomenon may not be included in the number of suicides or the number of suicide attempts that occur annually in the United States. This is exemplified in this study where all 25 deaths related to a suicide by cop phenomenon were classified as homicides by the coroner. The actual number of cases of suicide by cop in the area of Los Angeles County patrolled or investigated by LASD is likely higher. Some individuals attempting suicide by means of suicide by cop may have surrendered before an officer-involved shooting occurred and therefore would not have been included in this study.

Although suicide by cop accounted for 2% of suicides in the region of Los Angeles County patrolled or investigated by LASD in 1997, suicide by cop phenomena accounted for 25% of all officer-involved shootings and 27% of all officer-involved justifiable homicides in 1997. Why suicide by cop was more frequent in 1997 than previous years is unknown. It could represent a trend toward an increase in this phenomenon as a means of suicide, or improved documentation by officers.

Suicide by cop is a rapidly evolving phenomenon—70% of cases occurred within 30 minutes following officers' arrival at the scene. This clearly offers minimal time for prevention or interventions, such as less lethal use of force methods or the involvement of law enforcement crisis negotiating teams.

Thirty-nine percent of suicide by cop phenomena involved domestic violence incidents. In 15 anecdotal cases by Wilson et al,<sup>7</sup> 33% involved domestic violence. A stressed intimate relationship leading to separation, divorce, or family violence is known to be a significant risk factor for suicide.<sup>8</sup> The threat of incarceration may also be associated with suicide. In fact, 10% of individuals in this study who committed suicide were facing the possibility of 25 years to life in prison ("third strike"). A substantial proportion of cases involved a history of alcohol or drug abuse, as well as past psychiatric histories or suicide attempts, all of which have been associated with suicide.<sup>7-9</sup>

Law enforcement officers are at high risk for occupational homicide.<sup>10</sup> Every third day an officer is killed in the line of duty, in some instances with the officer's own firearm.<sup>10</sup> Contrary to popular belief, officers are not trained to shoot to wound an individual. Those suicidal individuals who survived their suicide by cop phenomenon did so inadvertently because of a nonlethal firearm injury. Nearly half of suicidal individuals in this study survived their officer-involved shooting, which is similar to the overall survival rate of officer-involved shootings during the study period. In fact, the majority of individuals shot in officer-involved shootings nationwide do not succumb to their firearm injuries. Even if law enforcement officers recognize a situation as being a suicide by cop phenomenon, in this study 3 officers sustained nonfatal gunshot wounds and the majority of firearms used by suicidal individuals were operative and loaded. Therefore a life-threatening situation to officers continues to exist. The psychologic sequelae of an officer forced to shoot in a suicide by cop phenomenon may be profound.<sup>2</sup> Many officers second-guess their response to shoot in such incidents.<sup>2</sup> The officer is often regarded as the "perpetrator," while the suicidal individual is seen as the "victim".<sup>6</sup>

As with any retrospective study analyzing previously compiled information, inherent biases may exist. An

additional 15 officer-involved shootings had the potential to be suicide by cop phenomena but lacked documented evidence of suicidal intent or a specific desire for officers to shoot them.

Although the colloquial term for these suicide attempts and suicides is suicide by cop, the most appropriate term for these events is law enforcement–forced-assisted suicide, because law enforcement officers are "forced" to "assist" these suicidal individuals in attempting or committing suicide. Criteria for the determination of suicide should be expanded to include law enforcement–forced-assisted suicide. All officer-involved shootings should be examined to determine whether they are actually a law enforcement–forced-assisted suicide, and deaths related to this phenomenon should be recorded as suicide by coroners and medical examiners.

On the basis of this study, law enforcement agencies may be able to develop strategies for early recognition of law enforcement–forced-assisted suicide (suicide by cop). Health care providers involved in the evaluation of potentially suicidal individuals should be aware of law enforcement–forced-assisted suicide as a form of suicide. When individuals who have been shot in an officer-involved shooting are brought to the ED for medical care, both the officer and the patient should be questioned about the circumstances of the incident to determine whether the patient exhibited suicidal characteristics or behavior indicative of suicidal intent. More research should be undertaken to further assess officer-involved shootings involving law enforcement–forced-assisted suicide, in particular with individuals who survived this phenomenon.

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# Clinical and Forensic Indicators of "Suicide by Cop"\*

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**ABSTRACT:** This paper reviews the literature pertaining to the phenomenon of "suicide by cop"—any incident in which a suicidal individual attempts to get law enforcement to kill him. This article defines the term "suicide by cop," discusses the various motivations of individuals who engage in this type of behavior, presents the risk factors and indicators for suicide and violence, and describes specific indicators for suicide by cop. Proper recognition of these events, prior and subsequent to their occurrence, has important implications for prevention, officer safety, equivocal death analysis and psychological autopsy, civil litigation, criminal justice proceedings, and community stability. This paper presents seven case studies which demonstrate the clinical and forensic indicators of this phenomenon.

**KEYWORDS:** forensic science, suicide by cop, victim-precipitated homicide, police-assisted suicide, suicide, homicide, police, violence risk, equivocal death analysis

In the United States the suicide rate for all ages in the general population has remained between 11 and 12 suicides per 100 000 population. More than 31 000 people take their own lives each year, and suicide is one of the leading causes of death (1). Attention has recently begun to focus upon incidents in which a suicidal individual engages in conspicuous and threatening behavior in an attempt to get law enforcement to kill him, a phenomenon known as "suicide by cop." Proper recognition and understanding of these events, prior and subsequent to their occurrence, has critical implications for prevention, officer safety, equivocal death analysis, and psychological autopsy, civil litigation, criminal justice proceedings, and community stability (2-4). This paper defines the phrase "suicide by cop," discusses the various motivations of individuals who engage in this type of behavior, presents an overview of the limited research as it relates to the prevalence and dynamics of this problem, presents the risk factors for suicide and violence, describes generic suicide and violence indicators, and discusses specific indicators for suicide by cop.

## Definition

According to the Police Officer Standards and Training (5), "suicide by cop" is a term used by law enforcement and others to de-

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scribe an incident in which an individual engages in behavior which poses an apparent risk of serious injury or death, with the intent to precipitate the use of deadly force by law enforcement personnel towards that individual.

There are a variety of terms which are used synonymously with the term suicide by cop, including "police-assisted suicide," "victim-precipitated homicide," and "hetero-suicide" (5,6). "Police-assisted suicide" is preferred by some because it clarifies that the incident involves police action in the death of another, and avoids confusing the event with "police suicide" which refers to the suicide of a law enforcement officer. The generic "victim-precipitated homicide" (VPH) describes those victims who somehow initiate or contribute to the sequence of events that results in their deaths (6,7). This term has been criticized because it is too general and applies to other unrelated situations, and it places the involved law enforcement personnel in the position of being labeled suspect(s) and the suicidal person being viewed as the "victim" (5). "Hetero-suicide," a subcategory of VPH in one classification system, has been coined to describe situations whereby one commits suicide by causing another person to perform the act, usually by entering into confrontations with opponents who are bigger, have more fighting experience, or are better armed than the potential VPH victim (6).

We adopt the term "suicide by cop" since it is a more commonly used and universally understood expression for these types of events, embraced by law enforcement, public and the media (5).

## Motivations

All suicidal behavior is goal-directed behavior, with some goals appearing to be more instrumental and others more expressive (8). Instrumental goals might include avoidance of consequences such as incarceration or reconciliation of a failed love relationship, while expressive goals might include venting hopelessness or rage about the individual's life, or proving some emotional point. These categories help to focus investigations or review these events, but it is important to note that both motivations are usually present in any given situation, as suicide by cop is usually overdetermined. There are also three common "meta" or ultimate goals, at least one of which is present in every "suicide by cop" situation: suicide, homicide-suicide, or attention or "cry for help."

## Instrumental Goals

In the instrumental category, individuals are: (1) attempting to escape or avoid the consequences of criminal or shameful actions; (2) using a forced confrontation with police to reconcile a failed relationship; (3) hoping to avoid the exclusion clauses of life insurance policies; (4) rationalizing that while it may be morally wrong to commit suicide, being killed resolves the spiritual problem of

suicide; or (5) seeking what they believe to be a very effective and lethal means of accomplishing death.

The first type of situation is illustrated by an incident which took place in February 1996, in Honolulu, Hawaii. This event ended when the suspect was shot to death by police after he threatened to kill his hostage. The suspect had killed his girlfriend several days prior to returning to his former workplace and shooting a co-worker, and had made it known in conversations with witnesses that he "would not go back to jail" (personal communication, Captain K. Kaniho, Sept. 1996). In his wallet was a news account of his father's death at the hands of police prior to the suspect's birth. Homicide-suicide appeared to be his ultimate goal, interrupted by the escape of his prospective victims. He paraded his remaining hostage in front of police officers, taunting them, and was in the midst of a 60-second countdown to kill his hostage when he was killed by the officers.

The second type of incident is exemplified by an event that occurred in Southern California in August 1998. In this incident, a civilian police department employee was attempting to reconcile with his estranged wife and showed up at her house drunk, begging her to let him in to discuss their relationship. When she refused, he asked to use the bathroom and she then allowed him in the residence. An argument ensued with the husband refusing to leave. When the wife threatened to call the police, the husband said "I'll call them for you" and proceeded to call the local police and hang up on the dispatcher, resulting in a police response. The husband grabbed a replica pistol and opened the door, apparently waiting for the police to arrive. He was talked out of this suicide attempt by his son, and taken for psychological evaluation, admitting that he was "trying to get sympathy from my wife . . . make her take me back" (first author's field observation). It would appear that attention, rather than suicide, was the individual's ultimate goal in this circumstance.

In an example of the other types of instrumental motivation, a depressed and suicidal man in Los Angeles during the 1980s threatened to kill himself with a recently purchased handgun, and negotiations were begun to dissuade him from committing suicide. During the negotiation process, the man indicated that he was going to force the police to kill him, as he was worth "more to my children dead than alive" (personal communication, Lieutenant M. Albanese, Jan. 1999). He also stated that he was afraid of simply wounding himself and becoming more of a burden to the world. He had lost his job, recently separated from his wife, and had only minimal custody of his children. He also believed that if he killed himself, he would disqualify his life insurance policy, while if the police killed him, his children would receive the benefits. Furthermore, he believed that it was wrong within his spiritual belief system to commit suicide, but rationalized that if someone else did it, this would not bar him from the spiritual afterlife. After several hours of negotiations, the man surrendered without harming himself. In this example, suicide appeared to be the ultimate or meta-goal, with the instrumental sub-goals readily apparent.

### *Expressive Goals*

In the expressive category, individuals are communicating: (1) hopelessness, depression, and desperation; (2) a statement about their ultimate identification as victims; (3) their need to save face by dying or being forcibly overwhelmed rather than surrendering; (4) their intense power needs; (5) rage and revenge; or (6) their need to draw attention to an important personal issue (9).

On November 23, 1998, in Orange County, CA, a father who was angry over the special schooling for his disabled son, was shot to death by a police sniper after taking several school officials hostage at gunpoint and claiming to have explosive devices (10). He had recently lost custody of his children and was embroiled in court battles with his estranged wife and the school district over the care of his disabled child. He told one of his hostages, "I came here today to get myself killed, because I don't have the guts to kill myself" (10). Throughout hours of negotiation, he ranted and raved about the inadequate education that the school district was providing for his 16-year-old deaf son. At the end of the ordeal, he paraded a hostage at gunpoint in front of police, who shot him. Later it was determined that while the gun was operative, the apparent explosive devices were fake. In this case, several expressive needs are apparent. This man was hopeless and desperate in his own perception of life circumstances, desired attention for an important personal issue, and saw himself as a victim, creating the circumstances to fulfill that role even in the manner of his death. He also sought to punish and intimidate those whom he perceived had caused him to suffer, and inflict revenge and rage against those in positions of authority by overpowering the school administrators with force, and by cajoling the police to kill him so that it would be their fault. As noted by statements attributed to this man, an instrumental goal was also present in this situation: setting up circumstances so that someone who was capable of completing his suicide would do so. The meta-goal here was suicide.

Also on November 23, 1998, a trespasser was shot to death by Los Angeles police officers who found him armed with a rifle upon their arrival (11). He shouted "just shoot me, just shoot me," then pointed his rifle at the police (11). The man had been evicted from the house, was still staying there, and was reported to have been "kind of down in the dumps." He had a history of sporadic employment, alcohol abuse, recently lost both parents to cancer, and one of his sons had just died. One year prior, he had threatened a neighbor's children with a rifle, stating "don't walk in front of my house or I'll blow you away." In this case, the suicide by cop behavior appeared to fulfill the expression of hopelessness and depression, as well as his acceptance of the victim role. Saving face by dying, rather than suffering further shame and defeat, may also have been a goal. Again, the instrumentality of avoiding consequences and utilizing an effective means of death is apparent. Ultimately, this situation may have been an attempted homicide-suicide.

In 1994, Los Angeles police responded to a domestic dispute with shots fired. When officers arrived, family members who had escaped the wrath of the gunman told the police that he was heavily armed, homicidal, and suicidal. Several years prior, he had been suspected and acquitted in a murder case. When the gunman became aware that police were at the location, he immediately fired over 50 rounds from an AK 47, shot and killed his horse, and shot his favorite vehicle. In the ensuing gunfight, he refused to stop shooting and was ultimately killed by police. Hopelessness and tremendous rage appeared to be the expressive goals, with homicide-suicide being the meta-goal.

On February 28, 1997, two heavily armed and vested gunmen engaged in one of the deadliest shootouts in modern United States history during a bank robbery gone awry. This shootout, which was broadcast on live television, ended with nine police officers and three citizens wounded, nearly 2000 rounds fired, one of the suspects committing suicide when his assault weapon became inoperative, and the second suspect being shot to death by Special Weapons and Tactics team members. These suspects were extremely violent during past crimes, possessed automatic weapons

and armor piercing ammunition, and trained extensively. A search warrant found the movies "Heat" and "Navy Seals," as well as books about close-quarters combat and police tactics in their safe house. While suspect number one took his own life, the second suspect continued to engage in gunfire with the police when it was clear that he could not escape. After he was incapacitated by the police gunfire and safety taken into custody, he told the arresting officers, "why don't you just put a bullet in my head" and, "why don't you just kill me. I'm not telling you a fucking thing" prior to dying (personal communication, Officer R. Massa, Jan. 1999). It is probable that these suspects decided that they would never be taken alive and would take as many law enforcement officers and others with them in the event they ever faced capture, dying in a blaze of antisocial glory. This fulfills the expressive goal of face saving, and especially speaks to the power needs of these individuals—"I am too powerful to be taken alive" and "I am so powerful that I died in a blaze of glory." While one may consider this to be speculation, it certainly is supported by the father of one of the deceased suspects who stated proudly "everything my son did, he did all the homework. . . any crime that you could put out there, he could show you a better way to do it. . . all the way up to bank robbery" (12). He added, "Larry told me that if it ever came down to him getting busted—going to jail for the rest of his life—he'd rather die" (12). Clearly, in this case there were also the instrumental goals of escape and avoidance of punishment present. The meta-goal in this situation was homicide-suicide.

Many mass murderers reflect a similar expressive dynamic. For example, Charles Whitman killed 16 people and wounded at least 31 others on August 1, 1966 in the Texas Tower incident (13). Heavily armed and purposeful, he left suicide notes and diary entries with the bodies of his mother and wife whom he killed before embarking on his murderous spree. These communications and behaviors made it clear that he did not intend to survive the incident, and that he wanted to die while engaged in the mass murder. Hempel, Meloy, and Richards (14) in a nonrandom study of 30 mass murderers over the past 50 years, found that death by suicide or at the hands of others is the usual outcome for the mass murderer. Hopelessness, a "warrior identity," rage, and intense power needs merge into a yearning for homicidal achievement, during which the perpetrator plans on being killed by police at some point. Cases such as these, with a meta-goal of homicide-suicide, represent the most lethal of suicide by cop scenarios because of this grandiose and overwhelming expressive need to achieve by killing and then dying at the hands of others. Table 1 lists a comparison of instrumental and expressive motives in suicide by cop situations. This table presents actual verbalizations, derived from the first author's experience in field response to hostage and barricade situations and psychological autopsy investigations, by individuals who have attempted or completed suicide by cop. These utterances are

strikingly similar to the concept of "psychological abstract" developed by Hempel et al. (14) to describe verbalizations immediately prior to, or during mass murder, which give insight into the perpetrator's intent and motivation.

### Overview of Research

The research on suicide by cop is limited. In an early study which looked at 3282 homicides from 1956 through 1975 in Dade County, Florida, Wright and Davis (7) found the largest category of murders to be victim-participated homicide, a general category that includes situations where there was any participation by the victim in the incident, close enough to be considered an integral part of the act, thus a more inclusive category than "suicide by cop." These cases accounted for approximately 10% of all of the examined homicides between 1966 and 1975. They concluded that the difference between firearms and other weapons was most important in the victim-participated homicide category, with these homicides most frequently involving firearms (71%). They argued that in the heat of passion, the presence of a firearm can turn a fight into a killing, a fact that suicidal individuals in the 1990s seem well aware. They noted a 240% increase in violent situations involving firearms over other weapons, a finding of researchers examining this issue in other contexts (15,16).

Haruff, Llewellyn, Clark et al. (17) examined the related issue of firearm suicides during confrontations with police, what they termed "police associated deaths," in which an armed suspect being pursued, apprehended, or otherwise confronted by police suddenly turns the gun on himself. They examined 14 cases which qualified out of a total of 1203 suicides that occurred between 1984 and 1992 in Marion County, Indiana. This represented 1% of all suicides, and 2% of firearm suicides. They found that all of the subjects were male and 72% were in the 20- to 39-year-old range. Fifty-seven percent of the cases originated as a marital or relationship disturbance, and in 29% of the cases, the subject was wanted for a crime. All of the suicides were committed with handguns. Fifty percent of the cases where data were available (10 cases) tested positive for alcohol and/or drugs. While this study did not look specifically at the issue of suicide by cop, the presence of suicidal ideation among subjects during police intervention can be serious and lethal.

In a recent study conducted on all shooting cases handled by the LA County Sheriff's Department between 1987 and 1997 ( $n = 437$ ), it was determined that 13% of all fatal officer-involved shootings and 11% of all officer-involved shootings, fatal and nonfatal, were suicide by cop situations (18). In addition, data for 1997 indicated that these cases accounted for 25% of all officer-involved shootings, and 27% of all officer-involved justifiable homicides, a significant increase over previous years. They found that 98% of the suspects were male, 70% had a criminal record, 65% had drug or alcohol problems, 63% had a known psychiatric history, 39% had a history of domestic violence, and 65% had verbally communicated their suicidal intent. In addition, 48% had guns, most of which were loaded and operative, while others had what appeared to be a lethal weapon (replica pistol, knives, or blunt objects) during the confrontation with police. In 39% of the cases domestic violence was the precipitating cause for police response, 20% of the cases involved despondence over a relationship breakup, while 9% of the cases involved a "three strikes" individual facing capture.

To provoke officers to shoot them, 50% pointed their firearm at officers, 26% lunged at officers with a knife, 15% fired their weapons at officers, 4% threw a knife at officers, and 4% contin-

TABLE 1—Instrumental versus expressive motivations in suicide by cop.

| Instrumental                                             | Expressive                                   |
|----------------------------------------------------------|----------------------------------------------|
| "I'm not going back to jail"                             | "My life is hopeless"                        |
| "I wanted her to come back to me"                        | "I am the ultimate victim"                   |
| "God won't forgive me if I do it, but He will if you do" | "Soldiers never surrender"                   |
| "Make sure my kids get the insurance money"              | "I am important enough to be killed by cops" |
| "I can't do it myself"                                   | "I'll teach you a lesson"                    |
|                                                          | "This is worth dying for"                    |

ued to assault civilians with a lethal weapon after being ordered to drop their weapon. Seventy-eight percent of the suspects verbally indicated that they wanted to commit suicide by cop: 58% asked officers to shoot them, 6.5% told someone else they would have officers shoot them, 6.5% told officers afterwards that suicide by cop was why they continued to point their weapon, 2.2% thanked officers for shooting them, 2.2% left a written note, and 2.2% called law enforcement officers prior to the event stating they wanted to commit suicide. Twenty-two percent indicated their suicidal intentions through demonstrative behavior: 15.2% continued to point their weapon after being told they would be shot, and 6.5% lunged at officers with a knife, knowing they would be shot. Seventy percent of the shootings took place within 30 min of the arrival of officers (18).

In another non-random study of suicide by cop cases, Kennedy et al. (2) reviewed an electronic library containing the full text from 22 newspapers, representing 18 metropolitan areas in the United States, to obtain a broad sample of accounts of police shootings in which potential cases of suicide by cop could be found. They analyzed a total of 240 articles from the years 1980 to 1995, and using two independent raters, catalogued the incidents into one of five categories: (1) probable suicide; (2) possible suicide; (3) uncertain; (4) suicide improbable; and (5) no suicidal evidence. They obtained 74% inter-rater agreement on categorization. They found probable or possible suicidal motivation in 16% of the 240 incidents. However, when they identified 80 cases with sufficient detail to classify, they found that 46% of these cases contained some evidence of possible or probable suicidal motivation. They then examined a new sample of 33 usable incidents taken from the *Detroit Free Press* files from 1992 to 1993 and determined that 47% of the cases with enough detail to classify had possible suicidal motivation. These data, while not rigorously collected and subject to reporting biases, indicate that anywhere from 16 to 46% of police shootings may be precipitated by suicidal motivation on behalf of the suspect.

Kennedy et al. (2) also found that demonstrative behavior on the part of the suspect was present in 89% of the cases. These behaviors included pointing or firing a gun at an officer, and reaching for a weapon. They also found that armed robbery was the most frequent reason for officer intervention; however, they noted a slight trend for suicidal incidents to involve the triad of general disturbance, domestic disturbance, and person with a weapon calls. They speculated that armed robbery often signifies a desperate crime in which many offenders, while much preferring to get away, would rather be killed than captured. Similar to the Hutson et al. (18) study, they found that 97% of the suspects were male. They concluded that these events require greater law enforcement attention due to the number of police shootings that involve these types of individuals and because of the impact that they can have upon community police relations. The weakness of this study is that news reports are an unreliable source of data. Data collection is not scientifically rigorous, tends to reflect local biases, and many events fail to be included.

A study reported by Parent (19) examined the frequency and degree of victim-precipitated acts that have constituted lethal threats to police officers in British Columbia municipal departments and the Royal Canadian Mounted Police between 1980 and 1997. He found that characteristics associated with victim-precipitated homicide appear to be a significant factor in 48% of the 58 cases that were analyzed. In these cases, the individuals' statements and actions clearly reflected their intent to commit suicide. He noted that in several cases the perpetrator of the lethal threat had a docu-

mented history of mental illness and/or suicidal behavior, and several had a high blood-alcohol level at the time of death. He concluded that in some instances, alcohol, substance abuse, and mental illness were added to the complex picture of suicidal tendencies. A significant weakness of this particular study is the failure to report methodology and statistics on these variables; however, the study does offer some insight into the possible international significance of this issue.

The issue of suicide by cop, while not a new phenomenon, is a relatively new area for scientific study. While the preliminary data reviewed here indicate that it is a significant problem, and there is some indication that the problem is increasing, this may be a reflection of better reporting and documentation. At the same time, if there is an actual increase, the change may be a function of changes in the criminal justice system (three strikes laws and tougher sentencing) and problems in the mental health system. Clearly, more research is needed.

### Generic Suicide and Violence Risk Factors

There are generic suicide and violence risk factors which are provided by mental health researchers. Monahan (20) reported that (a) the prevalence of violence is more than five times higher among people who meet criteria for a DSM-III Axis I diagnosis than those who are not diagnosable; (b) the prevalence of violence among people who meet criteria for a diagnosis of schizophrenia, major depression, or mania/bipolar disorder are remarkably similar; and (c) the prevalence of violence among persons who meet criteria for a diagnosis of alcoholism is 12 times that of persons who receive no diagnosis, and the prevalence of violence among persons who meet criteria for being diagnosed as abusing drugs is 16 times that of persons who receive no diagnosis. Meloy (21) has identified individual and situational factors that may suggest increased violence potential: individual factors include past crime or violence, aged 15 to 24, male gender, lower intelligence, and alcohol and psychostimulant use; while situational factors include violent family background, a peer system that provides pressure to be violent, lack of employment or unsatisfactory employment, victim availability (affects frequency, severity, and lethality), weapon availability, and availability of alcohol. Weapon availability in the home has been identified as a strong risk factor for suicide and homicide (15,16). Other factors include family history of mental illness and alcohol abuse, family history of violence and child abuse, and seizure disorders or brain dysfunction (22). The general trend in violence research is to categorize factors as either dispositional (static) or clinical-situational (dynamic) to assess a real threat. Overprediction is still the major problem, primarily due to low base rates in most samples of "violent" individuals and clinical fears of false negatives.

Studies conducted by Shneidman (23) indicate that in 90% of actual suicide cases, people had given verbal or behavioral clues within the week or so before they committed suicide. He notes, however, that most individuals who threaten suicide do not attempt or commit suicide, a finding that parallels those of other violence researchers; that is, most individuals who threaten violence do not carry out their threats or pose a threat (24). He distinguishes between the *prospective* view of violence threats which focuses on the reality of how very few people who make threats or generate behavioral clues suggestive of a problem actually carry out the threat or do something violent. However, it is his opinion that, in practice, common sense dictates the wisdom of adopting a conservative or *retrospective* view, taking seriously any talk or indicators of violence potential (23).

TABLE 2—Verbal clues to suicide.

1. Direct threats—"maybe I should kill myself," "maybe I should kill \_\_\_\_" (25).
2. Veiled threats—"my life is over," "thanks for everything, you've been a good friend," "I know where s/he lives!," "I can't go on without \_\_\_\_" (25).
3. Hopeless and helpless statements—"there's no way out," "I'll never have a family" (25).
4. Statement of worthlessness, self-hate, and intense guilt—"I don't deserve to live."
5. Complaints about depression, great emotional pain, physical pain, distress, crying spells, or sleeplessness (25).
6. Angry statements such as "If I can't have him or her, then no one can," "they'll be sorry."
7. Statements that suggest over identifying with someone who committed suicide or another act of violence—"I wish it were me," "I know why he killed all those people, they just can't keep treating people bad," "I tell you I think a lot of how gratifying it would be to hurt people and sometimes I dream about it."
8. Verbal wills—"will you take care of my pets?," "tell Joe how much I care" (25).
9. Bizarre thoughts—"these people are not who they say they are and they are stealing my thoughts and poisoning me," "the end of the world is coming and I have a special mission to complete before it happens." Evidence of delusions (fixed and false beliefs).
10. Obsessions—"I can't get her or what she might be doing with him off of my mind," "It's wrong what the boss did to me and I'm NOT going to let it go." Grievances, lawsuits, multiple complaints.

TABLE 3—Behavioral clues to suicide.

1. Any overt act of violence such as suicide attempt or gesture, or assault of another.
2. Recklessness, putting self in harm's way or being provocative, and "I don't care what happens to me attitude" displayed in behavior.
3. Giving away personal possessions, getting affairs in order (25).
4. Suicide or violence rituals: writing a note, diary entries, dressing up for the assault, rehearsal. Acquiring a method for suicide attempt. Precautions taken to avoid rescue (25).
5. Pathological attachment: repeatedly pursuing, reuniting, and failing with love interest. Following, stalking, surveilling of another as a response to loss (26).
6. Drinking, drug use, or failure to take prescribed medication or treatment.
7. Restlessness or agitation indicative of major depression.
8. Deteriorating personal appearance, evidence of lack of sleep, poor personal hygiene.
9. Inappropriate displays of emotion, tearfulness, angry outbursts related to depression.
10. Social withdrawal and isolation as a result of depression.

### Generic Suicide Indicators

In practical terms, there are two categories of clues, verbal and behavioral, that are reflective of some of the documented risk factors for suicide and violence risk, which may be observed by a loved one, friend, co-worker, or supervisor. Verbal clues to suicide risk are presented in Table 2, while behavioral clues to suicide risk are presented in Table 3.

### Suicide by Cop Indicators

#### Verbal and Behavioral Clues

There are also multiple categories of clues that are indicative of suicide by cop. These data points are derived from the literature and the authors' experience with these situations. While certain clues may be more indicative of elevated risk in a given situation, the cur-

TABLE 4—Verbal clues to suicide-by-cop risk.

1. Demands that authorities kill him/her (9).
2. Sets a deadline for authorities to kill him/her (3,9).
3. Threatening to kill or harm others (27).
4. Wants to "go out in a blaze of glory" and/or indicates he "won't be taken alive" (7,9).
5. Gives a verbal will (27).
6. Tells hostages and others s/he wants to die (3).
7. Looking for a "macho" way out (9).
8. Offers to surrender to person in charge (9).
9. Indicates elaborate plans for his/her own death (9).
10. Expresses feeling of hopelessness/helplessness (9).
11. Emphatic that "jail is not an option" (27).
12. Biblical references, specifically the Book of Revelations and resurrection (3).

TABLE 5—Behavioral clues to suicide-by-cop risk.

1. Demonstrative with weapon (2).
2. Points loaded or unloaded weapon or apparent weapon at police (2).
3. Clears a threshold in a barricade situation in order to fire weapon (27).
4. Shooting at the police (2).
5. Reaching for a weapon or apparent weapon with police present (2).
6. Attaches weapon to body (27).
7. Countdown to kill hostage or others with police present (27).
8. Assaulting or harming hostages or others with police present (27).
9. Forces confrontation with police (2,3).
10. Advances on police when told to stop (5).
11. Suspect calls the police him/herself to report crime in progress (28).
12. Continues hopeless acts of aggression even after incapacitation by gunfire (28).
13. Self-mutilation with police present (5).
14. Pointing weapon at self with police present (5).
15. Refuses to negotiate (9).
16. No escape demands (27).
17. No demands (9).
18. Getting intoxicated with "chemical courage" (27).

rent state of the research does not allow for any predictive equations to express probabilities or degrees of certainty. Therefore, each situation must be assessed by its own unique elements, taking into account these guidelines for identification. Verbal clues are presented in Table 4 and behavioral clues are presented in Table 5.

### Suicide by Cop Risk Factors

From our review of the research and actual case experience, it is apparent that there are risk factors in the recent history or circumstances of the subject, and other key life events that are indicative of suicide by cop. Behavior of the subject in recent history, the presence of unusual circumstances, and certain key life events from the more distant past, may contribute to understanding the subject's motivation and intent. (See Table 6 for the historical and situational indicators of suicide by cop risk and Table 7 for key life events noted in suicide by cop cases.)

#### Type of Call for Police Service

From our review of the literature and experience, certain types of calls for police service appear to have an elevated risk for escalating into suicide by cop situations. The presence of these specific circumstances may increase the likelihood that a given situation is a suicide by cop situation. These types of calls are presented in Table 8.

TABLE 6—Historical or situational indicators of suicide-by-cop risk.

1. Has killed a significant person in their life (9).
2. Has killed a prized pet or destroyed valued possessions (27).
3. Has recently disposed of money/property (3,9).
4. Faces an arrest or criminal justice situation perceived as serious (27).
5. Faces a life situation perceived as embarrassing or shameful (27).
6. Has left a suicide note (23).
7. Clinical depression (27).
8. Terminal diagnosis (9).
9. Two or more traumatic losses (9).
10. Previous police contact around suicide or violence risk issues (27).

TABLE 7—Key life events noted in suicide-by-cop cases.

1. Poor socioeconomic background (9).
2. Criminal record that includes assaultive behavior (9).
3. Family member killed in shootout with police (27).
4. Seeking attention for an issue (27).
5. Past and/or unsuccessful treatment for clinical depression and other mental health issues involving self-destructive and violent impulses (27).
6. Previous psychiatric hospitalization for danger to self and/or others (27).
7. Identification with others who have committed suicide by cop (27).
8. Religious beliefs and rationalization that makes it wrong to commit suicide but okay if someone does it for them (27).

TABLE 8—Police service calls associated with elevated suicide-by-cop risk.

1. Domestic violence or domestic disturbance calls (18).
2. Armed robbery (2).
3. Person with a gun (2).
4. General disturbance (2).
5. Mentally disturbed citizen (27).
6. Suicidal citizen (27).
7. Barricaded suspect, hostage, or "jumper" situations (27).
8. "Three strikes" criminal facing apprehension (18).
9. Police pursuit of wanted criminal (17).
10. Shots fired (27).

**Conclusions**

Suicide by cop is an important contemporary criminal justice issue. Research indicates that it is apparent in many violent confrontations between citizens and police. There are multiple motivations for those who attempt or complete suicide by cop, and degrees of intent and lethality include "cry for help" or attention, suicide only, and homicide-suicide. Research and the authors' experience indicate that it is a frequently considered alternative among suspects encountered by law enforcement.

We have identified the verbal and behavioral clues, recent history and circumstances, key life events, and type of police service calls indicative of suicide by cop situations. However, there are currently no correlational, comparative, or predictive studies available to assist in determining the degree and intent that suicide by cop may be a factor in any given situation. Similarly, these indicators are not meant to be counted to arrive at a quantitative index of risk or a probability statement; rather, degree and intent must be defined by behavior and individual circumstances. One variable in a particular case may be more significant and therefore weighed more heavily than another. At present, these variables have not been subjected to any tests of validity or reliability, but do appear to have strong face validity.

Research efforts in the future should examine the relative significance of these indicators, and determine the weighting of factors

which are comparably more relevant to identify suicide-by-cop situations. Law enforcement organizations need to continue and expand their documentation related to this phenomenon. Prevention and intervention models are dependent upon such data collection, so that additional approaches to safely resolve these destructive situations may be further developed, implemented, and assessed for efficacy.

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## PPSC Staff Profile

### Rick Parent



Rick Parent is a 25-year serving police officer in the Vancouver area and a former instructor at the Justice Institute of British Columbia - Police Academy. Rick holds a Masters degree and a Doctoral degree (Ph.D.) from Simon Fraser University, School of Criminology. His academic training and research has focused upon police use of deadly force including the phenomenon of "victim-precipitated homicide" and "suicide by cop".

In September 1999, Rick provided a brief account of his research at the FBI Academy in Quantico, Virginia. In November 1999, Rick was awarded the Lieutenant Governor's Award for Meritorious Service in recognition of the academic research that he has conducted in relation to police use of deadly force.

Rick has testified in court, as an *expert witness* in the area of police shootings. He has also provided expert opinion to attorneys in the United States and Canada in regards to fatal police shootings within their jurisdiction. In addition, he has provided assistance to police personnel investigating fatal and non-fatal police shootings in Australia, Canada, and the United States.

**E-Mail Rick Parent**

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# When Police Shoot

Police Magazine, October 2000

By Rick Parent

By the very nature of their profession, police may at times be confronted with a potentially lethal threat. In most of these instances, police personnel will have no other option but to discharge their firearm in order to protect their life or, the life of others. A recent study of police shootings in the Canadian province of British Columbia revealed that several factors have played a significant role in the outcome of a shooting incident. At times these factors have resulted in both the police and the offender, becoming unintentional victims of police firearm discharges.

For police personnel, this study revealed that in several instances, officers have been the victim of their own weapons. Accidental discharges, cross-fire situations and intentional discharges, resulting in bullet and concrete fragment ricochets, have resulted in several police officer woundings.

For example, in some instances police personnel were forced to discharge their firearms at offenders while they were located inside concrete buildings. Occasionally this would result in a 'spray' of concrete fragments, causing unintentional injuries to both police and the public. While the vast majority of these incidents resulted in minor police woundings to the face and outer extremities they nonetheless underscore the possibility for more serious injuries.

One of the more frequent police injuries appears to be caused when officers attempt to 'shoot out the tires' of suspect vehicles. The automobile and the wheels that it rests upon are largely made of steel. The concrete or asphalt roadway that the vehicle rests upon serve to further compound the situation. When a high speed lead bullet is discharged in the general area of a vehicle, ricochets and metal fragments abound. Unlike the scenes depicted by 'Hollywood', the 'shooting out of a tire' can be a precarious and dangerous event.

## FATAL POLICE SHOOTINGS

An in-depth analysis of fatal police shootings revealed that five key factors were apparent during shootings incidents the resulted in death. These five factors include:

### 1. The Commission Of A Serious Criminal Offence

During five fatal shootings, the deceased had just committed a serious criminal offence. In one additional incident, the deceased was wanted by the police as he had recently committed several serious criminal offences. These offences include murder, attempted murder, robbery, aggravated assault and drug trafficking.

- In the majority of these cases, members of the public had been victimized and had requested that the police attend to deal with the perpetrator of the crime. On occasion, the suspected individual(s) had completed their criminal activity and were fleeing from the scene when police officers arrived. In all of these instances, the police officers were required by law and profession to arrest and detain the suspected individual for court purposes as well as to ensure that the offence would not be re-committed. However, upon recognizing the interveners as police officers, the suspect(s) reacted with a lethal threat to the officer(s) or innocent bystanders.
- During one incident, two plain-clothes police officers were engaged in a stake-out, attempting to locate an individual who had committed several serious crimes. As a result of the individual's criminal activities, there was an outstanding nation-wide warrant issued for his arrest. Upon locating the wanted individual, the police officers identified themselves. This immediately prompted the suspect to produce a loaded hand gun and level it at one of the officers. The two police officers responded this deadly force as they feared that their lives were in imminent danger.
- During another incident, the attending police officer observed what appeared to be a hostage taking that took place after the commission of a serious criminal offence. The suspect had committed a robbery and had escaped from police officers at the scene. While being pursued on foot by a police officer, the suspect was observed by a second officer. The second police officer observed what appeared to be a weapon in the possession of the fleeing suspect and believed that the suspect was about to take a hostage. In response, the officer discharged his firearm owing to the perception that an innocent bystander was about to face a lethal threat.
- In another case, the Emergency Response Team was summoned to deal with an armed drug trafficker who had barricaded himself in his residence. As the team members attempted entry to the suspect's fortified residence, a gunfight ensued. The suspect had responded to the intervention by shooting and killing a police officer. After the incident was over, the suspect also succumbed to a fatal wound.
- During two incidents, uniformed police officers were routinely patrolling their respective areas when they were suddenly dispatched to a reported crime in progress. Shortly after arriving at the designated location, the officers faced a perceived lethal threat. Upon suddenly confronted by the police, during the commission of a crime, the suspect(s) responded by threatening the lives of the police officers or an innocent bystander. During both of these incidents, the

suspect(s) were in possession of loaded hand-guns while committing their crimes.

- Two police officers were summoned to deal with three suspicious males. One of the three appeared intoxicated and as a result was arrested. During the arrest, the two police officers were overpowered. The suspect took each of the officers' guns and began shooting at the police officers. One of the officers was able to obtain a shot gun from his vehicle. The police officer, fearing for his life, shot and killed the suspect before the latter could discharge any further rounds at him and his partner.

In summary, during five of these six incidents, the suspect(s) had attempted to kill the apprehending police officer(s). The deceased individuals either levelled a gun at the officers or had actually fired their weapon at the police. In one of these incidents, a police officer was killed. In another incident, a police officer was hit and wounded by the assailant's bullet.

## **2. Alcohol/Drugs**

In addition to the commission of a serious criminal offence, the significant consumption of alcohol and or drugs by the deceased suspect is believed to be present in over half of those cases involving the police use of deadly force. It was frequently reported that the deceased had a very high level of impairment at the time of his or her death.

## **3. Mental Disorder/Irrational Behaviour**

Mental disorder, or characteristics consistent with that of a deranged and irrational person, were displayed by roughly half of the individuals who were shot and killed by the police. These findings are based upon the actions and behaviour of the suspect during his/her encounter with the police. Also noteworthy is that, in roughly one third of these instances, the deceased had a recorded history of mental disorder. Most frequently, schizophrenia was cited as the primary condition in the deceased's documented history of mental disorder.

## **4. Mistaken Facts**

During one incident, police officers entered a residence during the execution of a search warrant for narcotics. Upon entering the residence they were suddenly confronted by an individual pointing a rifle. In response one officer fired a single shot, killing the individual. It was later learned that the firearm was in fact a non-lethal pellet rifle and that the individual had been target practising inside his residence moments before the police unexpectedly entered.

A subsequent police investigation and a Coroner's Inquest determined that, although the shooting was an unfortunate incident, it was legally justified due to the circumstances. The evidence indicated that the police officer who fired the fatal shot feared that his partner was going to be shot by the deceased. It was only after the fact that it was possible to determine

that the rifle was a pellet gun.

### **5. Victim-Precipitated Homicide**

The term victim-precipitated homicide refers to those killings in which the victim is a direct, positive precipitator of the incident. Victim-precipitated homicide, that is essentially an act of suicide refers to those incidents in which an individual, determined on self-destruction, engages in a calculated life-threatening criminal incident in order to force a police officer or another individual to kill him or her. The characteristics associated with victim-precipitated homicide include the existence in the individual of a desire to die that is accompanied by a direct and conscious role in his or her own death and the fact that the death was primarily a consequence of the decedent's own actions.

In eight separate cases, individuals displaying irrational or bizarre behaviour had engaged the police in a life-threatening manner, prior to being shot and killed. In addition to their bizarre behaviour, these suspects often displayed several of the characteristics associated with a disposition towards taking one's own life. These suicidal characteristics were readily apparent in the suspect's actions, statements and demeanour immediately prior to his/her death.

#### **Training Needs**

This study suggests that police should give serious consideration to establishing rigorous training in regards to firearm deployment and in dealing with mentally deranged individuals. One of the significant findings of this study is the frequency of injuries that have occurred to police personnel as a result of discharging their firearm during the apprehension of a suspect. In addition, this study also documented two incidents in which a police officer's firearm was taken away by a suspect. Once in possession of the firearm, the suspect used it on the police.



In addition to firearm deployment and retention training, police officers require training that will allow them to identify irrational cues when confronting an individual who is armed and dangerous. By identifying these cues, the police officer may be able to assess which strategic option is appropriate for the circumstances at hand. Significantly, the option of retreat or 'tactical withdrawal' should be included within the police response. If possible, police officers should physically distance themselves from individuals who are bent on forcing a victim-precipitated homicide. For example, a tactical withdrawal by the police may serve to neutralize the actions and intentions of the suicidal individual. It may also allow the police to formulate a plan of action that will involve a calculated response with the application of less-lethal force.

In this regard, police managers must recognize the need for further

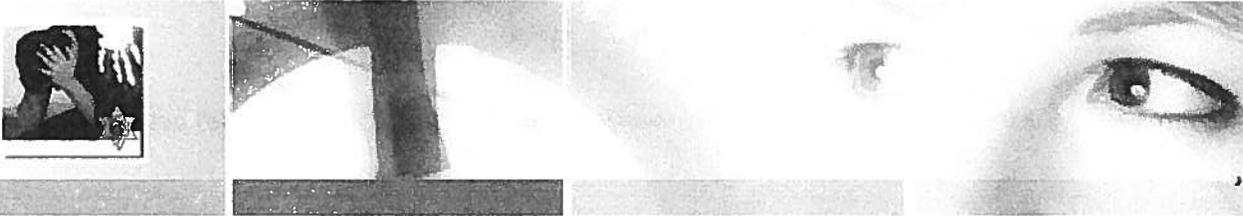
research and the development of less-lethal force options. Less-lethal weapons provide police personnel with further force options that can be utilized to subdue a violent individual. Importantly, these less-lethal force options inflict less severe injuries to both the suspect and the police officers.

Alternate weaponry, such as the less-lethal Taser, typically does not require a hit to a critical area such as the heart or brain in order to cause immobilization (Law & Order, 1992:112). As this study has demonstrated, in situations where the suspect is behaving irrationally, the threat of using a firearm is frequently ineffective and costly - to both the officer and the victim. There is a need to look beyond the present limits that have been set regarding force options and firearm deployment if law enforcement agencies are to effectively deal with the societies that they police.

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## Suicide By Cop: Victims from BOTH sides of the Badge



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### Biographical

Rebecca Stincelli is a recognized expert in the area of Suicide By Cop. She began researching "suicide by cop" in 1986 while working with the deputies of the Sacramento County (CA) Sheriff's Department as a crisis interventionist and post trauma liaison for victims of violent crimes. During the next decade, Rebecca became a law enforcement instructor where she was given the opportunity to present the perspectives of both the loved ones of the decedent and the officers involved.



Rebecca is a national award recipient and published author of articles and training manuals on victim trauma and law enforcement contacts with victims of violent crimes. She is a former field advocate with the Sacramento County Sheriff's Department with over 20 years of front-line experience. She currently holds a Bachelor of Science Degree in Criminal Justice from the California State University in Sacramento (CA) and an Associate Degree in the Behavioral Sciences. She is a retired member of the adjunct faculty for the Los Rios Community College District and held membership in the American Academy of Experts in Traumatic Stress, a part of the National Center for Crisis Management.

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### Suicide By Cop Defined

After a long battle with ridiculous euphemisms, I have come to define and classify suicide by cop as clearly and distinctly as that written below. I must have hit the mark since editors of Black's Law Dictionary contacted me requesting permission to use these definitions in their next updated edition. Of course I was honored to oblige.

**Suicide-by-cop:** A colloquial term used to describe a suicidal incident whereby the suicidal subject engages in a consciously, life-threatening behavior to the degree that it compels a police officer to respond with deadly force.

**Police-assisted suicide:** A term used by some researchers to describe a suicide whereby the suicidal subject completes the act with the assistance of a police officer.

**Victim-precipitated homicide:** A term which implies a shared responsibility between two (or more parties) whereby a suicidal subject provokes his or her own death by means of another.

### Classification Criteria.

Although simplified, the criteria below may be used to qualify the suicide

- The suicidal subject must demonstrate the intent to die
- The suicidal subject must have a clear understanding of the finality of the act.
- The suicidal subject must confront a law enforcement official to the degree that it compels that officer to act with deadly force.
- The suicidal subject actually dies - otherwise it is an attempted suicide by cop.

The ongoing debate centers around the argument that suicidal subjects may not be in a "knowing" state of mind during the event to understand the outcome. Since most who choose this method of suicide are generally "under the influence," I can understand that. However, interviews I've conducted indicate that while these individuals are in a high emotional state, the majority consciously chose this method due to their belief that the officer will indeed act with deadly force.

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# Section D

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RPD Policy & Procedure 4.8  
(Rev. 5, 10/20/08)

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



Effective Date: 10/84  
Revision 1 Date: 10/6/97  
Revision 2 Date: 1/30/2002  
Revision 3 Date: 4/5/2002  
Revision 4 Date: 5/9/2005  
**Revision 5 Date: 10/20/2008**  
Approval:  
  
Russ Leach  
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 General Investigations Sergeant. The on-call General Investigations Sergeant shall notify the General Investigations Lieutenant (or Captain in his/her absence). The General Investigations Lieutenant will determine if a response by the Officer Involved Shooting Team (OIS Team) is necessary. If so, the General Investigations Lieutenant will notify the Crimes Against Persons 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 General

Investigations Sergeant and other personnel as designated in this policy. The on-call General 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 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 General 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 General 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 and its Representative(s) permitted access to the involved officers at the scene and at the General 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 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. Provide a blood or urine sample as appropriate pursuant to this 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. 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.
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 General Investigations on-call Sergeant.
2. Notify the employee's Division Commander.
3. Notify the Deputy Chief of Police.

4. Notify on-call Peer Support personnel and RPOA representative, and coordinate the response of the Psychological Services provider with the General 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. **General investigations Lieutenant Shall:**

1. Notify and assign Crimes Against Persons 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 review or 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, unless the OIS Team supervisor determines that ordering the employee to answer questions or write/dictate a report is necessary to complete the investigation. Otherwise, the investigation will continue without the employee's statements.
  - 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 member of the Officer Involved Shooting Team shall order, or in any way compel an involved employee to make a statement, unless approved by the OIS Team supervisor.

- g.** The involved employee(s) will be requested by the Investigation Team to voluntarily provide up to two (2) samples of his/her blood or urine when such sample request is permitted under department policy or law. If the request is refused, and no probable cause exists to seize the samples for criminal evidence, and when sample collection is permissible under department policy or law, the involved employee(s) will be administratively ordered to provide a sample by the representative from the Office of Internal Affairs. If so ordered, the employee shall provide a sample in conformance with the Alcohol and Drug Testing Policy and Procedures. The sample may then only be utilized in an administrative action. An employee who refuses to provide a sample when lawfully ordered or otherwise refuses to comply with the Alcohol and Drug Testing Policy and Procedures may be disciplined for misconduct or unsatisfactory job performance, up to and including termination.
- 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 General Investigations Lieutenant for review.
- o.** Attend the District Attorney's Office staffing of the investigation with the OIS Sergeant and General Investigations Lieutenant. Staffing to be arranged by the Lieutenant.

p. The 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 General 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 General Investigations Lieutenant.

2. The OIS Sergeant and team members, including their supervisors, shall never 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.

- 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.

# Section E

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RPD Policy & Procedure 4.30  
(Rev. 7, 11/1/04)

Use of Force Policy



Effective Date: 8/93  
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Approval:

\_\_\_\_\_  
Russ Leach  
Chief of Police

#### 4.30 USE OF FORCE POLICY:

##### A. PURPOSE:

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

##### B. PHILOSOPHY:

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

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

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

##### C. POLICY:

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

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

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

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

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

**D. ESCALATION/DE-ESCALATION OF FORCE:**

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

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

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

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

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

## **E. USE OF FORCE TECHNIQUES:**

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

### **Level 1: Presence:**

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

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

### **Level 2: Verbalization:**

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

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

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

### **Level 3: Empty Hand Control:**

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

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

- ! avoidance,
- ! blocks,

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

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

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

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

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

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

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

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

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

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

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

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

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

**Level 5:        Intermediate Weapons:**

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

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

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

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

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

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

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

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

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

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

**Level 6:        Lethal Force:**

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

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

**USE OF FIREARMS**

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

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

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

**3. Display and Discharge of Firearms Prohibited:**

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

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

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

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

**F. OVERVIEW OF TECHNIQUES:**

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

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

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

#### **G. SITUATION-BASED USE OF FORCE CONTINUUM:**

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

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

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

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

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

#### **H. MENTAL ATTITUDE:**

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

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

**I. REPORTABLE USE OF FORCE INCIDENTS:**

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

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

Reportable Use of Force does not include:

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

**2. Employee Responsibilities:**

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

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

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

**3. Supervisor Responsibilities:**

The notified or designated supervisor shall:

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

! The force used falls within Level 5.

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

**J. CONCLUSION:**

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