

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)

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