



**STEVEN ROBERT LEWIS  
OFFICER-INVOLVED DEATH  
PUBLIC REPORT**

CPRC Case No. 15-006

RPD Case No. P15-028755

Approved on  
April 26, 2017

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**Date of Incident:** February 23, 2015 at 2128 Hours

**Location:** 2700 Block Pleasant Street, Riverside, CA

**Decedent:** Steven Robert Lewis

**Involved Officer(s):** Officer Daniel Macias, #1736  
 Officer Spencer Weddle, #1718  
 Officer Edwin Romero, #1720 (Non-shooter during the incident).

**I. Preamble:**

The finding of the Community Police Review Commission (“Commission”) as stated in this report is based solely on the information presented to the Commission by the Riverside Police Department (“RPD”) criminal investigation case files, and follow-up investigative report submitted by CPRC Independent Investigator Mike Bumcrot of “Mike Bumcrot Consulting,” Norco, 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, pursuant to CPC §832.7. Any additional finding made by the Commission that is based on the administrative investigation is also deemed confidential, and therefore cannot be made public.

**II. Finding:**

On March 22, 2017, by a vote of 7 to 0 (1 absent; 1 abstention), the Commission found that the use of deadly force by the involved officers was consistent with RPD Policy 4.30, Use of Force, based on the objective facts and circumstances determined through the Commission’s review and investigation.

| Adams | Smith | Jackson | Ybarra | Huerta | Ortiz | Evans | Kurkoske | Timmons |
|-------|-------|---------|--------|--------|-------|-------|----------|---------|
| ✓     | ✓     | ✓       | Absent | ✓      | ✓     | ✓     | ✓        | Abstain |

**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 also means that the Commission is not required to have certainty in their findings, nor are they required to reach a finding as “beyond a reasonable doubt” which is necessary in criminal cases.

The Preponderance of Evidence standard of proof is the same standard applied in most civil court proceedings.

#### **IV. Incident Summary:**

On February 23, 2015, at approximately 2128 Hours, Officers Macias and Weddle were dispatched to the residence of Steven Lewis, 2865 Prospect Avenue, Riverside, concerning an argument between two males and a female with possible shots fired. The officers were familiar with this family as they had handled a loud music call at the same residence the night before.

When the officers arrived on scene, Officer Weddle knocked on the front metal security door and then looked through the open door of the residence where he saw Steven Lewis with one hand in his pocket. Steven Lewis saw Officer Weddle and quickly turned off the lights. Lewis then exited the rear of the house walking toward a metal shed in the backyard. As Lewis entered the shed, Officer Macias shouted at him to show his hands, which he failed to do, and proceeded into the shed. Officer Macias heard metal on metal sound coming from within the shed. Both officers took up positions outside the shed and heard the racking of a shotgun. Lewis emerged from the shed holding a shotgun at waist level and fired one round at the officers who then returned fire from their weapons.

Steven Lewis took cover behind the metal shed and fired two more rounds at Officers Weddle and Macias who did not return fire a second time due to darkness, and because they could not see where he was. Lewis then moved into the alley behind his residence where Officer Edwin Romero drove up and saw Lewis walking toward him with a shotgun. Steven Lewis fired once at Officer Romero, but did not hit him. Officer Romero then saw Steven Lewis climb a fence into a backyard and saw him enter the residence at 2786 Pleasant Avenue. As officers began taking up positions around the house, the occupants of that house ran outside and said that Steven Lewis had shot himself – which proved to be true.

The officers entered the residence to further investigate and found Mr. Lewis in a back bedroom with the shotgun next to his body and a self-inflicted shotgun wound to the head. The shotgun had one expended shell in the chamber and no shells in the magazine tube. Three live shotgun shells were found in a sleeve attached to the butt of the shotgun.

The Coroner reported that Mr. Lewis sustained a gunshot entry wound to the left lower abdomen with an exit wound to the right buttocks cheek. This wound was a result of a gunshot fired by the officers. The fatal wound was described as “a contact wound under the chin, with shooting upwards, right to left, and front to back.” Lewis also had a blood alcohol level of .20 and had methamphetamine in his system.

#### **V. CPRC Follow-Up:**

The Commission requested a cover-to-cover review of the Criminal Casebook by CPRC Independent Investigator Mike Bumcrot of Bumcrot Consulting, located in Norco, California. Mr. Bumcrot is a nationally-recognized expert in homicide and officer-involved death cases. The purpose of this review is for Mr. Bumcrot to provide the CPRC with his findings based

upon his experience and expertise. Mr. Bumcrot felt that the investigation conducted by the Riverside Police Department was thorough and all evidence collected and preserved was completed accordingly.

**VI. Evidence:**

The relevant evidence in this case evaluation consisted primarily of testimony of the three involved officers and witnesses from the residence where Mr. Lewis shot himself.

In addition, a Deputy Coroner investigation and report, along with police reports and photographs, involved weapons, forensic examination results and a report by the independent CPRC investigator.

**VII. Applicable RPD Policy(s); Penal Codes and Case Law:**

All policies are from the RPD Policy & Procedures Manual.

- Use of Force Policy, Section 4.30.

The United States Supreme Court has ruled on one case that has particular relevance to the use of force in this incident. All decisions by the United States Supreme Court are law throughout the United States. The case is incorporated into RPD's Use of Force Policy.

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 – Within Policy:**

Pursuant to RPD Policy 4.30, Use of Deadly Force, an officer is authorized the use of deadly force to: a) protect themselves or others from an immediate threat of death or serious bodily injury; b) prevent a crime where the suspect's actions place persons in jeopardy of death or serious bodily injury; c) to apprehend a fleeing felon for a crime involving serious bodily injury or the use of deadly force where there is a substantial risk that the person whose arrest is sought will cause death or serious bodily injury to others if apprehension is delayed.

Here, officers had responded to a domestic violence call that quickly turned into encountering an armed and hostile suspect. Mr. Lewis chose to initiate a fire fight with the officers who had no alternative other than to address the immediate threat by returning fire in order to protect themselves and others. It is clear that Mr. Lewis continued to pose a threat to the officers and others as he attempted an armed escape on foot, randomly firing a shotgun at pursuing officers several times.

While searching for Mr. Lewis, officers were alerted to a residence at 2786 Pleasant. The residents had run out of the house and told responding officers that Mr. Lewis was inside and that he had just shot himself. Officers entered the residence and located Mr. Lewis in a bedroom, deceased from an apparent self-inflicted gunshot wound from the shotgun. An autopsy confirmed that Lewis' injury from the previous gun fight with officers was not a fatal wound, and that Lewis had died from the self-inflicted gunshot wound from the shotgun.

Based on the totality of the circumstances, including witness statements, statements by the officers; and physical evidence, we conclude that the officers acted in compliance with Riverside Police Department's Policies and that their use of force was reasonable. The policies, as written, do not require that the officers jeopardize their own lives in order to protect the life of an aggressor. Given Lewis' demeanor and actions, the officers reasonably concluded that that they were under threat and they reacted accordingly. The officers' actions were Within Policy.

**IX. Dissenting Opinion:**

There were no dissenting opinions.

**X. Recommendations:**

None.

**XI. 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**

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| <b>RPD Press Release / Press-Enterprise Articles</b>   | <b>Section A</b> |
| <b>Fact Sheet</b>  | <b>Section B</b> |
| <b>Mike Bumcrot Consulting Report of Investigation</b>   | <b>Section C</b> |
| <b>RPD Policy 4.8 (Rev. 5, 10/8/08):<br/>Investigations of Officer Involved Shootings and Incidents<br/>Where Death or Serious Likelihood of Death Results</b> | <b>Section D</b> |
| <b>RPD Policy 4.30, (Rev. 9, 4/5/11): Use of Force Policy</b>  | <b>Section E</b> |