

MIKE BUMCROT CONSULTING

REPORT OF INVESTIGATION

DATE: December 7, 2012

SUBJECT: Officer Involved Shooting Death of Alfred Romo, which occurred on November 16, 2011

CASE: Riverside Police Department File #P11169201

LOCATION: The Tyler Springs Apartment Homes for Seniors, 10406 Indiana Ave., Apt.# Q242, Riverside

On December 5, 2012, I was asked by Frank Hauptmann, Manager of the Community Police Review Commission, to review the circumstances surrounding the officer involved shooting death of Alfred Romo. I was also asked to provide my expert opinion in a written report on the manner in which the case was investigated by the Riverside Police Department. I reviewed over 300 pages of police reports, photographs, and other documents contained in the presentation by the Riverside Police Department to the Riverside Police Review Commission. I also researched legal issues and had earlier responded to the location to better understand the reports, as well as canvass the area for witnesses.

CASE SYNOPSIS

On November 16, 2011, Riverside Police Department Detectives Laura Ellefson, Phil Fernandez, Rita Cobb, and Jeff Jones accompanied by their Sergeant, Wayne Ramaekers, responded to the location to serve a search warrant regarding a child molesting investigation. They were dressed in plain clothes and wearing police raid vests with cloth badges and the word "Police" displayed on the front and back. It was pre-determined that Detective Ellefson would knock on the front door of Apartment Q242 and request entry. Detective Fernandez carried a breaching tool in case forced



P.O. Box 5025
Norco, CA 92860
USA

PHONE (951) 733-2062
E-MAIL mbumcrot@sbcglobal.net

PI LICENSE 25403

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entry was necessary, and Detectives Cobb and Jones would act as backup as they were all supervised by Sgt. Ramaekers.

As Detective Ellefson knocked on the front door and announced their presence, a silhouette was observed inside to approach the front door, retreat, and the lights were turned off. In possession of a search warrant ordering the Detectives to search the location, Detective Fernandez struck the door 2 -3 times before the door opened slightly. It was determined that the couch had been placed against the door to prevent entry. Detectives Ellefson and Fernandez pushed the couch away from the door and gained entry to the apartment. Detective Ellefson turned on the lights as both investigators announced their presence and shouted commands for any occupants to come into the living room.

Alfred Romo, the subject of the child molesting investigation, appeared in the hallway, holding a shotgun, and began to walk towards the detectives as they shouted at him to drop his weapon and show his hands.

Fearing for his life, Detective Fernandez began to fire at Mr. Romo who fired the shotgun in the direction of the officers as Detective Ellefson popped up from behind the couch and engaged Mr. Romo with gunfire. Mr. Romo fell to the floor and the detectives were able to back out of the residence and took a position of cover, along with their backup officers. As they set up a perimeter to contain Mr. Romo, they heard a shotgun blast from within the residence.

When assistance arrived, verbal contact was made with Mr. Romo, who advised that he had been shot. He was ordered to crawl out of the front door so that he could be medically treated but he said that he had been shot in the legs and could not, or would not, comply. Fearing that Mr. Romo was attempting to bait police personnel to re-enter the location so he could fire more rounds at them, it was decided that a Special Weapons team would be activated to make a tactical entry.



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When contact was lost with Mr. Romo, a robot known as a remote operated vehicle, entered the location. Real time video being sent from the robot showed that Mr. Romo was lying on the floor, not moving.

A Special Weapons team made entry and discovered Mr. Romo deceased from bullet wounds.

Crime scene investigation revealed two expended shotgun shells and there was a buckshot pattern in the wall above the couch Detective Ellefson was using as cover (see picture BBG57566). There was also a post-it note attached to the shotgun that read "loaded ready to go safety on".

A .25 caliber pistol was found on top of a desk.

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 policeman.

For over 15 years, I have taught "High Profile Murder Investigations", "Homicide Scene Management", and Officer Involved Shooting Investigations" for the Robert Presley



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Institute of Criminal Investigation, police academies, advanced training classes, supervisor training, college classes, Homicide School, and in-service training. I am currently on staff with the Police Policy Studies Council where I teach and consult nationally on officer involved shooting, homicide, and suspicious death investigations. I am currently the investigator for the Riverside Police Review Commission. Although I retired from LASD in 2002, I was immediately signed to a contract to train newly assigned homicide detectives. In 2006, I was also assigned to the LASD Cold Case team where I have reviewed over one thousand unsolved murders and specifically work the unsolved DNA and latent print cases.

INVESTIGATION AND REVIEW

The investigation into the Officer Involved Death of Mr. Romo was conducted by the Riverside Police Department and the Riverside County District Attorney's Office.

I reviewed a the reports submitted to the Community Police Review Commission and researched deadly force legal issues.

CONCLUSION

These child abuse detectives responded to Mr. Romo's residence, with a lawful search warrant, in an attempt to further their investigation into an alleged child molestation. Detective Ellefson said that because Mr. Romo had no record, she thought she could "low key" it when it came time to serve the search warrant.

She knew Mr. Romo had a .25 caliber pistol but was told that his wife carried it in her purse. She knew Mrs. Romo left for work at 0700 so it was decided to serve the warrant after Mrs. Romo left for work to eliminate a possible violent confrontation.

Detective Ellefson completed an operational plan and assigned a task to each of the detectives who assisted her.



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Detective Ellefson stated that after she and Detective Fernandez gained entry to the location, they both shouted for Mr. Romo to come to them. When Mr. Romo appeared in the hallway holding the shotgun, both detectives told him to show his hands and drop his weapon. When Mr. Romo leveled his weapon in their direction, she “fought for her life”. Mr. Romo “stood his ground” and appeared “focused” on killing her. She was “Scared half out of my mind and felt, oh my God, I’m going to die”.

During a search of the location, several notes were located in the office. One said “I’m still here hun. 11-14-11. It’s now 14 days without a warrant for my arrest. I hope it stays that way...Today I cleaned my shotgun. It’s ready to go. My Sterling 300 .25 is next.”

Another note read “...Scared when someone knocking on door to arrest me. At this point they won’t take me alive. My guns are loaded. Both are loaded. Use .25 if I don’t have time to get to the shotgun. For instant they break in. If they knock on door for warning and go away this gives me time to use shotgun on myself. MM cannot be in room with me. She has to warn me and talk to police from window if they try to arrest me that I have loaded gun and will use it”.

Also located was a printed article on the correct area to shoot yourself in the brain and a printout of the 10 commandments. Next to #6, you shall not murder, was written then “kill myself”.

Both State and Federal Courts have been very clear on the use of deadly force by police officers, especially in self defense. Mr Romo’s actions placed all of the detectives in reasonable fear of their lives and caused them to respond with deadly force.

After reviewing the indicated material, it is my opinion that the investigation into the officer involved shooting death of Alfred Romo was completed in a fair and impartial manner and met POST Standards and Practices.



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