



**REGULAR MEETING
MINUTES**
for
Wednesday, February 27, 2008
4:00 P.M. – 5th Floor Large Conference Room
and
5:30 P.M. - Art Pick Council Chambers
3900 Main Street, Riverside, CA

CASE REVIEW – 4:00 P.M.

Case Review Roll Call

Brewer	Soubirous	Hubbard	Brandriff	Ward	Pearcy	Corral	Santore	Beeman
✓	✓	✓	✓	✓	✓	A	✓	✓

✓ = Present A = Absent

STAFF: Kevin Rogan, CPRC Manager; Sarah Varela, Executive Assistant

Public Comment

Mr. Jakubowicz spoke regarding his cases.

Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:03 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

<u>CPRC CASE NO.</u>	<u>RPD CASE NO.</u>	<u>CPRC CASE NO.</u>	<u>RPD CASE NO.</u>
1)	06-067	4)	07-017
	PC-06-11-055		PC-07-04-031
2)	06-077	5)	07-018
	PC-07-01-003		PC-07-03-025
3)	07-014	6)	07-021
	PC-07-03-022		PC-07-04-029

The Commission recessed at 5:35 P.M. to reconvene in the Council Chambers.

OPEN SESSION – 5:30 P.M.

Audio for the following proceedings is available on the CPRC website:

www.riversideca.gov/cprc

Copies can also be obtained by calling the CPRC office at (951) 826-5509.

Chairman Percy led in the Pledge of Allegiance. Following the Pledge, he asked Ms. Varela to confirm commissioner attendance.

REGULAR MEETING – ROLL CALL

Brewer	Soubirous	Hubbard	Brandriff	Ward	Pearcy	Corral	Santore	Beeman
✓	✓	✓	✓	✓	✓	L	✓	✓

✓ = Present A = Absent L = Late

STAFF: Kevin Rogan, CPRC Manager; Sarah Varela, Executive Assistant

Presentation to Commissioner Jack Brewer

Chairman Percy presented a plaque to Commissioner Brewer, the last of the original nine CPRC commissioners, thanking him for his eight years of service. Chairman Percy noted that Commissioner Brewer and his knowledge will be missed.

Public Comments

Ms. Teresa Cloud commented on her son's case and pleaded with the Commission to review all of the facts before making their findings.

Mr. Bill Howe congratulated Commissioner Brewer on his eight years of service, noting they had known each other for over forty years and worked together on the Commission for four years.

Ms. Mary Shelton commented on the Cloud Officer-Involved Death case (OID) and asked about the location of the autopsy report.

Cloud Officer-Involved Death Case

CPRC investigator, Mr. Butch Warnberg of Baker Street Group, presented his summary report on the officer-involved death of Douglas Steven Cloud on October 8, 2006. (The summary report is attached to the digital version of these minutes on the CPRC website or is available in hardcopy on request.)

After his presentation, Mr. Warnberg answered commissioner questions.

Commissioner Santore:

- Which way was vehicle sliding?
 - sliding backwards
- As all four officers crossed in front of or behind the vehicle, wouldn't it be considered a deadly weapon in that it could run the officers down?
 - Each recount is different.

Commissioner Ward said he feels that the report doesn't contain pertinent information.

Commissioner Beeman:

- Location of Cloud's parked car in Home Depot
 - Northeast corner of the lot.
- Asked if background information on the officers would be provided to the Commission.
 - Not able to obtain that information
 - CPRC Manager, Kevin Rogan, noted that personnel and training information is confidential and can only be reviewed in closed session.
- How far away was Officer Putnam's car?
 - approximately 75-80 feet away

Commissioner Corral:

- Did Officer Putnam ever explain why his initial radio transmission noted a 211?
 - Putnam apparently associated, in some fashion, the vehicle with the actual robbery.
- There was mention that Mr. Cloud did something threatening.
 - Mr. Cloud made a deliberate and slow movement toward the center console of the vehicle.

Chairman Percy:

- Regarding the car moving that Cloud started up with his right hand – did anyone else recount this as well?
 - No, there were no other recounts
- When were you able to inspect the vehicle?
 - Delays were due to question of registration of vehicle due to lack of ownership.

Ms. Mary Shelton said she would like to see the autopsy report. She said she doesn't agree with the tactics of the officers.

Dr. Ron Bailey expressed concern that this case reverberates the Lane case. He asked if it is known what is being done to police the medically impaired. He noted that Mr. Cloud appeared dazed, with a cut above his eye, and that to resist arrest, one has to have conscious motivation.

Chairman Percy asked Dr. Bailey if the autopsy report would show head trauma. Dr. Bailey said the autopsy would be irrelevant.

Ms. Linda Dunn questioned the format of the report. She feels it is difficult to follow.

CPRC Officer Election Procedures

Mr. Rogan advised that nominations and elections of CPRC chair and vice-chair will take place at the first meeting in March.

Commissioner Beeman inquired of officer terms and commissioner interest. Chairman Percy advised that CPRC By-Laws allow for two concurrent terms. He also asked commissioners to state any interest in either position. Vice-Chair Corral expressed interest in her current position; Chairman Percy said he would again hold his current position, if asked.

Staff Report

A) Joe Brann Update

Mr. Rogan advised that Mr. Joe Brann is able to return to answer any and all questions.

Commissioner Beeman asked that Mr. Brann provide, as a follow-up report, a review of how other oversight bodies are provided legal representation. Mr. Rogan advised that he would handle the follow-up.

Commissioner Beeman proposed that

- training for CPRC be expanded to include attorneys who represent complainants, attorneys defending the City in officer-involved shootings and officer-involved deaths, judges who administer civil rights cases, and representatives of community groups.
- CPRC training be open to the community to allow for community participation, which would help develop a pool of knowledgeable citizens interested in serving on the Commission.
- CPRC special meetings for RPD briefings on OIDs be held in the community center nearest the incident as it would provide greater access to community members with incident concerns.
- develop quarterly “hearings” at local churches, allowing community members the opportunity to speak on their concerns.

Commissioner Santore proposed a presentation by RPD on the mental health training officers are currently receiving.

Chairman Percy said he would like the Commission to

- work on quantifying what the Commission does and start formalizing what is done on a routine basis
- develop responses to medical issues relating to injuries or intoxication scenarios

B) Public Service Announcement (PSA)

Mr. Rogan informed the Commission that the City’s Public Information Officer (PIO) is available to assist in the creation of a public service announcement for airing on a local cable channel.

Motion	Motion	Second	Approve	Oppose	Abstain
Approve creation of a CPRC Public Service Announcement for Outreach	Brandriff	Corral	9	0	0

C) Web-Site

Mr. Rogan spoke on the technological update which would give the Commission the ability to have better access to a variety of case materials. He said that he spoke with City Attorney Priamos on the issue and that Mr. Priamos expressed no concerns. Mr. Rogan also advised that, in meeting with Information Technology (IT) personnel, he was informed that a resource for this update already exists.

With this update implemented, all case information given to CPRC by RPD would be in digital format. When ready for review, case information would be placed on a secure site, accessible via password only. Once reviewed, the case would be removed from the site.

Mr. Rogan stated that, should the Commission approve this plan, he would then present the proposal to IT. If IT determines it to be minor work, the new process could begin in a couple months.

Motion	Motion	Second	Approve	Oppose	Abstain
Direct Mr. Rogan to draft a proposal to IT for creation of secure case site	Corral	Soubirous	9	0	0

Mr. Rogan also stated that the CPRC website would be updated to include PowerPoint presentations, the public service announcement, and audio statements by commissioners that would be linked to their photos.

Committee Reports

Outreach Committee Chair Beeman reported that she is in the process of drafting a PowerPoint slide show for presentations to the community.

Commissioner Comments

There were no commissioner comments.

Items for Future Commission Consideration

Chairman Percy requested the following items be agendaized for the next meeting:

- different form of handling the Outreach meeting
- a draft of procedural time line for OID

Adjournment

The Commission adjourned at 7:53 PM.

Respectfully submitted,



PHOEBE SHERRON
Sr. Office Specialist

RIVERSIDE POLICE REVIEW COMMISSION

DOUGLAS STEVEN CLOUD

OFFICER-INVOLVED DEATH INVESTIGATION SUMMARY REPORT

GURNEY WARNBERG
12/27/2007

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OFFICER-INVOLVED SHOOTING

FINAL SUMMARY REPORT

Deceased: Douglas Steven Cloud

Officer(s): Nick Vazquez

David Johansen

Date / Time of Incident: Sunday, October 8th, 2006, 4:16 PM

Location: In front of Acura of Riverside Used Car Lot

7973 Indiana Avenue, Riverside, CA 92504

DOUGLAS STEVEN CLOUD:

Cloud was a 28-year-old white male resident of Riverside, CA. At the time of his death, Cloud was living at 3738 Harrison Street # 23 in Riverside California.

Cloud was employed as a painter and was working for a General Contractor in Riverside CA. He had been trained in residential painting, dry-walling and plastering.

Cloud was single and had no children. He was in a relationship and living with his fiancé and her parents at the time of his death.

Cloud had a moderate criminal record with jail records showing that Cloud had one arrest for DUI (Driving Under the Influence) in 1999 and a recent arrest in 2006 for a charge of 243 (E) (1) PC (Spousal Battery). In each instance, following guilty pleas, Cloud was sentenced to short jail terms, probation and fines.

No evidence of any exceptional medical or mental health issues have been found. Post mortem toxicology evidence would support the conclusion that Cloud's blood contained levels of methamphetamine normally considered within the range of abuse. This same evidence would support a conclusion of recent use of the drug.

Cloud owned a 1984 silver blue Toyota Celica 2 door hatchback #CA 4BLR986. He had purchased the vehicle in September 2006 from his neighbor, Jose Carbajal, although transfer of ownership documents had not been filed with the California Department of Motor Vehicles.

SUMMARY OF EVENTS:

On October 8, 2006 at approximately 4:18 PM, RPD Officer Jeffery Putnam was processing an arrestee in front of the Home Depot store, located at 3323 Madison Street, Riverside, CA 92504 for an unrelated incident. Putnam observed Douglas Steven Cloud running through the parking lot carrying a large box and being chased by Home Depot employees.

At an undetermined time, Cloud entered the Home Depot store. Cloud selected and then shoplifted a \$298.00 paint sprayer. Cloud ran with the merchandise from the building and into the parking lot and was pursued by a Home Depot employee and several customers. From various perspectives and from different locations Putnam and multiple Home Depot employees and customers observed the theft, the fight and the escape that followed.

Cloud ran to his vehicle and entered it. The employee and two customers attempted to detain Cloud, while a third customer removed the stolen property from the back of Cloud's vehicle. As Cloud backed his vehicle out of the parking stall, one of the customers fell to the ground in direct path of Cloud's vehicle. A store employee pulled him to safety and he narrowly escaped being stuck by Cloud's vehicle.

Cloud escaped by driving west-bound on Indiana Avenue at high speed. At Jefferson Street, Cloud lost control of his vehicle, crashing into a Ford truck that was parked on display in front of a car dealership at 7973 Indiana Avenue.

Sales Manager, Fred Cagle, and multiple employees and civilian witnesses observed the crash from various perspectives in different locations on the street and from inside the business premises. Cloud's vehicle sustained severe damage from the collision after shearing off a palm tree and colliding with a pick-up truck. The vehicle was pinned on the palm tree and appeared stuck. Cagle ran to the driver's door of the vehicle, leaned inside the window, and talked to Cloud, attempting to assess his injuries.

Putnam broadcast the theft as a robbery and gave a description of the suspect's vehicle and direction of travel to other officers. Within minutes, Officers Brett Stennett and Nicholas Vazquez arrived at the crash site almost as it occurred. Officer David Johansen also arrived on the scene in a separate police car. Officers Crawford and Meier arrived and ran toward the vehicle. The officers approached and ran towards the driver's door of Cloud's vehicle. Eleven officers arrived on the scene within seconds of each other. Fred Cagle and other witnesses

stepped away from the car but continued observing the events from various positions around the scene.

Officers initially ordered Cloud to step out of the vehicle at gun point. When he refused, or was unable to obey, officers reached inside, and in a hands-on manner, attempted to pull Cloud from the vehicle through the driver's window. A struggle ensued. During the struggle, the vehicle's engine started to accelerate. As the vehicle was in forward gear, the driver's side rear tire began to spin throwing dirt and grass debris to the west.

The struggle with the officers lasted only for seconds. Cloud was released or broke free, the vehicle continued to accelerate, and, unable to move, the wheel continued to spin and throw up debris. Vasquez drew his weapon and fired four times. Johansen fired his weapon one time. Cloud was hit with five rounds and died at the scene.

Home Depot:¹

Home Depot is located at 3323 Madison Street, Riverside, CA 92504. There is vehicular access into the complex from Madison Street on the west and from Indiana Avenue on the north. The Home Depot building is situated on the east end of a rectangular lot. The front entrances and exits face west and provide access to a large parking lot. The store's main entrance is on the north end with a secondary garden entrance and exit toward the south end of the building. A large parking lot extends to the west where there is a McDonald's restaurant at the northwest corner of the complex.²

Alleged Theft Summary:³

On Sunday, October 8, 2006 at an undetermined time, Cloud arrived in the parking lot of the Home Depot. Cloud's vehicle was parked in the north-east section of the parking lot close to the main entrance of the store. The parking space was directly south of a temporary tent structure erected to sell specialty items from the parking lot. The vehicle was parked facing north toward the tent. There were no parking spaces in front of or behind Cloud's vehicle. The driver's door was adjacent to a row of hedges. The hedges were contained in a planter box constructed of a standard-size concrete curb, extending approximately twenty feet long and four feet wide.

At approximately 3:43 pm, Michael Allen (Home Depot Loss Prevention Investigator) telephoned Riverside Police Department Communication Center from the Home Depot to report that a shoplifter had been arrested. Putnam was dispatched to the scene and arrived at 3:53 pm.

¹ Two crime scenes were investigated following this incident. The first was the Home Depot scene of the theft, and the second was the Acura dealership scene of the crash and shooting.

² Witness statements often refer to the McDonalds as a point of reference.

³ The incident grew from a continuation of smaller events that are subtitled in this report.

Putnam parked his car directly in front of the store near the main entrance to the north of the garden entrance. Putnam went into the business premises and contacted Allen. Putnam, Allen and Jason Nourse (of Home Depot Loss Prevention) escorted the alleged shoplift suspect out of the store and to Putnam's police unit. Putnam began the process of issuing a citation.

Meanwhile, Cloud was inside the Home Depot and had selected a Magnum Paint Sprayer contained in a large cardboard box valued at \$298.00. Cloud placed the paint sprayer into a shopping cart and proceeded to a check-out center in the garden shop on the south end of the store.

Home Depot employees Courtney Brandl and James Blake were working at the cash register. Blake was wearing an orange Home Depot apron. Customers, J. Taliaferro and his two sons, Vincent and Nicholas Taliaferro, were in line ahead of Cloud at the check-out stand. The Taliaferros' completed their transaction and walked out through the Garden Center's exit door.

Blake removed the paint sprayer from Cloud's shopping cart and scanned the bar code at the same time electronically deactivating the imbedded security device. Blake returned the paint sprayer by placing it back inside the shopping cart. Brandl recorded the purchase on the cash register and asked Cloud how he wanted to pay for the item. Cloud reached for his back pocket as if reaching for his wallet, then removed the paint sprayer from the shopping cart and ran from the store into the parking lot.

[Video Camera Analysis:](#)

The Home Depot surveillance shows Cloud in the Garden Center checkout wearing sunglasses. The paint sprayer was in a white box in his shopping cart. The video shows cashier Blake scanning the sprayer, and placing it back into the shopping cart. The video shows Cloud taking the sprayer out of the cart and running out of the store. Another camera shows Cloud running into the parking lot being followed by Blake. None of the incidents that took place at the vehicle were captured on video.

[Witness Statements:](#)

[James Blake: \(RPD taped interview\)⁴](#)

Blake stated that he scanned the paint sprayer and deactivated the "EAS security tag" for Cloud at the register and returned it to the shopping cart. The item was entered into the register by Brandl, and Blake asked Cloud how he would like to pay for the item. Cloud reached toward his back pocket as though reaching for his wallet, then he suddenly grabbed the paint sprayer from the cart and ran from the store into the parking lot. Blake stated that he "slowly"

⁴ Some witnesses have been interviewed by patrol officers and then again by investigators. Some witnesses were interviewed more than once by RPD investigators. Some witnesses have been interviewed by RPD and RPCRC investigators. Witness statements in this report are prepared in summary format taken directly from recorded interviews and subtitled according to event.

chased after Cloud yelling for him to stop. Blake stated that he planned on obtaining a vehicle description and license number but never intended to physically confront Cloud.

Cloud ran to his vehicle and opened the hatchback and put the paint sprayer into the car. Cloud attempted to close the hatchback but as the box was too large it prevented the back from closing. Cloud then opened the driver's door and attempted to enter the car. Blake stated that he grabbed the door of the vehicle, delaying Cloud's entry and his closing the door.

The activity attracted the attention of other Home Depot employees, customers and Putnam. These bystanders and witnesses responded in various ways to the incident.

[Officer Jeffery Putnam: \(RPD Supplemental Report\)](#)

Putnam was standing next to his patrol car and was issuing a prisoner citation for an unrelated shoplifting report. Putnam observed Cloud running from the store with a large box in his hand being chased by store employees and customers. Cloud and the employees ran to a vehicle that was parked out of his line of vision. Putnam secured his prisoner in his patrol unit and made his way towards Cloud's vehicle.

[Michael Allen; \(RCPRC taped interview\)](#)

Allen was standing in front of the Home Depot with Putnam and observed Blake running from the store chasing Cloud. Allen ran after Blake arriving seconds after customers (Vincent and Nicholas Taliaferro) had engaged Cloud at the driver's door of his vehicle in a fight. Allen began ordering Home Depot employee (James Blake) to stop and return to the store.

Allen stated that it is against Home Depot company policy for security employees to chase shoplifters into the parking lot and that company associates do not normally become involved in such situations. Allen stated that it was his intention, for safety purposes, to "deescalate" the event by having employees back away and allowing Cloud to escape.

[J. Taliaferro; \(RCPRC taped interview\)](#)

J. Taliaferro stated that as he and his sons, Vincent and Nicholas, left the Garden Center exit they observed Cloud run from the store and into the parking lot. Cloud was being chased by Home Depot employee who was wearing an orange apron. Cloud was carrying a large box and the employee was shouting for him to stop.

J. Taliaferro told his sons to run ahead to help the employees. J. Taliaferro walked quickly toward the incident and watched Cloud throw the box into the back of his car. J. Taliaferro states that while his sons were engaged with Cloud at the driver's door, he opened the vehicle's hatchback, removed the box, and threw it to the ground towards the bushes.

[Anthony Magdolen: \(RPD taped interview\)](#)

Magdolen was a customer standing outside the Home Depot and observed Cloud run from the store. Magdolen states that he watched a Home Depot employee and customers chase Cloud to his vehicle. Magdolen stated that he initially thought the employee was chasing Cloud because he had possibly forgotten something in the store or because he was a friend. Cloud was running very fast carrying a box and the employee was barely jogging in pace after Cloud, calling for him to stop. Magdolen states that he then observed other employees and customers running very fast toward Cloud.

Question: Intent to Steal⁵

Did Cloud enter Home Depot with the intent to steal?

Cloud's activities immediately preceding his arrival at the Garden Center cashier point have not been established for purposes of this report. It is uncertain where his trip started; what time he arrived in the Home Depot parking lot; how he selected his parking space or whether he was already present when Putnam arrived. However, evidence would support the following conclusions:

- No attempt was made to conceal the license plate on the vehicle he was driving.
- Cloud parked his vehicle leaving the rear hatchback unlocked.
- Cloud entered the store with keys to the vehicle, 25 cents in cash and a wallet containing two Visa credit cards.⁶
- Cloud did not attempt to use force, to intimidate, cause fear or present a threat to witnesses at the time of the theft. He grabbed the merchandise and ran from the store without saying a word and without showing a weapon.

Fight Summary:

A fight ensued at the vehicle involving customers attempting to assist and stop Cloud's escape. One of the customers (J. Taliaferro) managed to remove the box from the back of the car and throw it into the bushes. Other customers (Vincent and Nicholas Taliaferro) fought with Cloud at the door of his vehicle. V. Taliaferro grabbed and pulled the driver's window shattering the glass.

Cloud managed to get into the car and start the engine. He put the car into reverse and backed up at high speed turning the vehicle to face west towards the McDonalds restaurant. This maneuver resulted in one of the customers (J. Taliaferro) stumbling between the curb and vehicle and then falling directly in front of the car.

⁵ Periodic questions of intent with statements supporting evidence for conclusions are addressed in this report in order to provide perspective.

⁶ Cloud had 25 cents US in his pants pocket and a wallet that was inventoried on coroner's receipt #38092.

Witness Statements:

Officer Jeffery Putnam: (RPD Supplemental report)

While running toward the vehicle, Putnam observed the fight taking place at Cloud's driver's door. Putnam observed Cloud get into his vehicle and back out of the parking space at high speed. Putnam observed a customer (V. Taliaferro) hold onto the window of the driver's door as the car was reversing. Putnam heard the glass shatter and watched a customer (J. Taliaferro) being partially dragged by the car as it reversed.

Anthony Magdolen: (RPD taped interview)

Magdolen states that he approached the vehicle after seeing several men engage Cloud at the driver's door in a fight. One of the men at the back of the car (J. Taliaferro) opened the hatchback lid and removed the box, throwing it into the bushes. Magdolen states that he thought he may need to intervene to try to stop the men from "beating up" Cloud.

Michael Allen: (RCPRC taped interview)

Allen stated that he was standing behind a hedge, across from the driver's side of the car. Allen states that he began shouting at people to "stop, let him go." Customers (Nicholas and V. Taliaferro) continued struggling with Cloud.

Allen stated that Cloud managed to struggle free, open the car door and get inside. One of the customers (V. Taliaferro) grabbed the car window and the glass shattered. Another customer (J. Taliaferro) opened the hatchback and removed the paint sprayer throwing it into the bushes.

Allen did not hear Cloud make any statements during the struggle.

Allen did not see any weapons displayed during the struggle.

Jason Nourse: (RPD taped interview)

Nourse is a Home Depot Loss Prevention Investigator. Nourse was standing with Putnam and Mike Allen in front of the customer exit, processing a shoplifter's details. He saw Allen start running toward the parking lot in the direction of a crowd. The people were chasing a man (Cloud) who was carrying a large box. Nourse stated that he followed Allen.

When Nourse arrived at Cloud's vehicle, he heard glass shatter and saw glass flying from the area of the driver's window. Several male customers had engaged Cloud at the vehicle and were reaching into the car hitting him in the face. Nourse saw Cloud being hit "really hard" in the face at least three times during the fight. An older male customer (J. Taliaferro) had opened the hatchback lid and removed the box, throwing it into the bushes.

[Nicholas J. Taliaferro: \(RPD taped interview\)](#)

N. Taliaferro was a customer at the Home Depot and was leaving via the Garden Center exit with his father, James, and his brother, Vincent, when Cloud ran from the store being chased by Home Depot employee James Blake.

N. Taliaferro ran after Cloud in order to assist Home Depot employees and to detain the subject for arrest. Nicholas and his brother struggled with Cloud at the driver's door but were not able to stop him from getting into the car and closing the door. Nicholas saw his brother Vincent grab the door window and pull it, causing the glass to shatter. N. Taliaferro said that Cloud was desperate and highly motivated to escape and appeared completely focused on starting the car and leaving as quickly as possible.

Cloud did not make any statements or say anything at all during the struggle.

[V. Taliaferro: \(RPD taped interview\)](#)

V. Taliaferro was just leaving the store and walking into the parking lot with his father (J. Taliaferro) and brother (N. Taliaferro).

V. Taliaferro stated that he saw a customer (Douglas Cloud) run from the store carrying a large box. A store employee was slowly jogging after him and he heard the employee shout "stop." He realized at that point Cloud was a shoplifter and ran to assist the employee.

Cloud ran to his car and opened the hatchback lid putting the box into the trunk. V. Taliaferro ran in an attempt to stop Cloud from getting into the car. Cloud was able to "slip away", and get into the car. V. Taliaferro grabbed the door window and pulled it, shattering the glass.

[Question: Intent during Fight](#)

How did Cloud conduct himself during the fight?

Cloud was engaged hands-on at the driver's door of his vehicle by two customers. Evidence would support the following conclusions:

- Cloud appeared and acted desperate to escape.
- Cloud struggled hard to release himself from the grip of Vincent and Nicholas Taliaferro in order to enter his car.
- Cloud received several blows to the face during the fight.
- Cloud did not say anything or make any threats during the fight.
- Cloud did not arm himself or produce any weapon during the fight.

Escape Summary:

Cloud struggled free and entered his vehicle. Cloud started the engine, shifted into reverse, and backed out of the parking space at a high rate of speed. His backing speed was enough to cause the tires to spin. At this instant Cloud demonstrated no regard for the safety of people around the vehicle.

Cloud maneuvered the vehicle, making a turning to the left. This turning motion resulted in customer J. Taliaferro stumbling between the curbing and the vehicle. J. Taliaferro fell into the parking lot traffic lane directly in front of the vehicle. J. Taliaferro remained on the ground within feet of the vehicle and was unable to move out of the vehicle's path.

Cloud shifted the vehicle into forward gear at the same time as revving the engine. The tires were spinning. Nourse pulled J. Taliaferro from the path of the vehicle. J. Taliaferro narrowly escaped being hit by the car. Other vehicles and pedestrians within the parking lot were at great risk during this escape.

Cloud left the parking lot by traveling west bound on Indiana Avenue accelerating to high speed. Approximately 0.7 miles away, at Jefferson Street, St. Cloud lost control of his vehicle and crashed in front of the Acura Used Car dealership, 7973 Indiana Avenue.

Witness Statements:

Officer Jeffery Putnam: (RPD Supplemental report)

Putnam watched as Cloud sped away west-bound leaving the parking lot through the north entrance near McDonalds restaurant.

Putnam made a radio dispatch requesting backup officers assist regarding "a vehicle that did a 211."⁷ Within seconds of his original broadcast, Putnam provided assisting officers with additional information including suspect description, direction of travel and description of the vehicle.

Putnam returned to his police unit, releasing his original prisoner opting to pursue Cloud.

James Blake: (RPD taped interview)

Blake stated that Cloud hesitated at the wheel for "5 to 7 seconds" until J. Taliaferro was pulled out of the way by other Home Depot employees.

Michael Allen: (RCPRC taped interview)

Allen stated that Cloud started the vehicle and backed out of the parking space at high speed. J. Taliaferro was pulled and dragged by the vehicle resulting in him falling to the ground

⁷ Quote is taken from radio frequency recording. 211 refers to Code Section 211 in the California Penal Code. This Code Section describes the crime of Robbery.

and lying in front of the car as it came to a stop and then started forward. Nourse pulled J. Taliaferro from the path of the vehicle as it started forward, spinning and the tires narrowly missing him by several feet.

Allen stated that Cloud left the parking lot toward McDonalds at very high speed and in complete disregard for other customers' safety.

[Jason Nourse: \(RPD taped interview\)](#)

Nourse stated that Cloud started the engine and put the car in reverse, grinding the gears. Cloud accelerated quickly in reverse spinning the tires while at the same time turning to face west over the parking lot toward McDonalds. During this maneuver, J. Taliaferro stumbled between the curb and the car and fell to the ground. Cloud stopped reversing and shifted gears to go forwards. J. Taliaferro was on the ground, directly in front of the car. Nourse could see that J. Taliaferro did not have the strength to get up. He grabbed J. Taliaferro under the arms and slid him across the pavement and into the parking space out of the vehicle's path. Cloud accelerated, spinning the tires and fleeing the parking lot west bound towards McDonalds.

[J. Taliaferro: \(RCPRC taped interview\)](#)

J. Taliaferro states that after throwing the box from the car, he heard Cloud start the engine. He then heard the driver's door window glass shatter and Cloud shift the car into reverse gear. J. Taliaferro was standing between the curb and the vehicle as the car began moving backwards. He used his hands to push himself away, but stumbled on the curbing. The movement of the car backing out of the space and turning to face west threw him to the ground. He landed on his knees in front of, and facing, the car. During this maneuver he made "eye contact" with Cloud and there was "no doubt" that Cloud knew he was on the ground in front of the car.

J. Taliaferro states that Cloud shifted the car into a forward gear, raced the engine and spun the tires. He was pulled away from the path of the vehicle by Home Depot employees.

[Anthony Magdolen: \(RPD taped interview\)](#)

Magdolen stated that Cloud wrestled himself away from several men and managed to get into the car and start the engine. One of the men grabbed the driver's door window, pulling and shattering the glass. Cloud revved the engine putting the car in reverse and spinning the tires. The car raced backwards from the parking space, at the same time turning to face west toward McDonalds.

The man who had removed and thrown the box into the bushes, (J. Taliaferro), was knocked to the ground and fell in front of the vehicle. Magdolen stated that it was at this instant he arrived at the car. The vehicle came to a stop while Cloud was shifting gears. Magdolen reached into the vehicle and grabbed the steering wheel. He made "eye contact" with Cloud and said, "Don't run him over, you'll go to jail for sure." Cloud "paused" and looked directly at him. Cloud then revved the engine putting the car into a forward gear. Cloud left, burning the

tires, directly towards J. Taliaferro. Magdolen believed Cloud would have hit the man in order to escape had Home Depot employees not grabbed J. Taliaferro and pulled him from the path of the car.

[V. Taliaferro: \(RPD taped interview\)](#)

V. Taliaferro stated that Cloud started the car and backed up at a speed. He saw his father (J. Taliaferro) fall down in front of the car. Cloud appeared so nervous after reversing that he tried to get the car into gear and it stalled. Cloud again started the car revving the engine and spinning the tires to go forward. V. Taliaferro stated that he saw Jason Nourse pull his father from the path of the car. Cloud escaped, driving at high speed west-bound through the parking lot.

[Nicholas J. Taliaferro: \(RPD taped interview\)](#)

N. Taliaferro stated that Cloud backed out of the parking space at high speed, throwing his father (J. Taliaferro) to the ground and in front of the car. Cloud appeared so worried about the people at the driver's door he didn't realize what was happening behind him. Cloud left the parking lot west-bound.

[Josh Reiff: \(RPD taped interview\)](#)

Reiff was a Home Depot customer standing in the parking lot approximately twenty five feet away and observed the incident, including the escape.

Reiff stated that he got into his vehicle and followed Cloud from the parking lot and onto Indiana Avenue, west-bound. Cloud was driving at high speed in a dangerous and erratic manner. Reiff followed until they reached the intersection of Jefferson Street and Indiana Avenue. Reiff stated that Cloud went through the intersection, then suddenly veered to the right, colliding with a parked vehicle.

[Question: Intent at Escape](#)

How did Cloud's actions apply to Putnam's determination that the incident was a robbery?

The robbery call had a profound impact on the incident by setting the mental stage for the responding officers.

Evidence would support the following conclusions:

- Cloud demonstrated little regard for the safety of himself or others during the escape.
- Cloud used his vehicle in an aggressive manner to facilitate his escape following a petty theft.
- Putnam never clarified his original dispatch of a robbery to the assisting officers, even after requests were made regarding the use of a weapon. This failure to clarify the incident left the assisting officers at a serious and dangerous disadvantage.

Acura of Riverside Used Car Dealership:

Crash Summary:

Approximately .7 miles west of Home Depot at Jefferson Street St., Cloud lost control of his vehicle and crashed in front of 7973 Indiana Avenue. Cloud was traveling west-bound between 56 and 64.8 mph before breaking at the intersection. He swerved around traffic that was stationary at the red light. His vehicle entered the eastbound lanes traveling through the red light. Cloud swerved back into the west-bound lanes to avoid colliding and lost control. The vehicle skidded into the north curb line on the north side of the intersection. The vehicle jumped the curb turning approximately 180 degrees. The vehicle continued sliding backwards on the sidewalk and its adjoining grass parkway, west-bound. The vehicle struck and sheared off a palm tree and collided with the back of a Ford pickup truck that was parked on display in front of the Acura dealership.

The vehicle came to a halt on the parkway between the sidewalk and a wrought iron fence. The vehicle was facing northeast towards the wrought iron fence that was several feet away.

The impact was severe, causing major driver's side structural damage to the vehicle's undercarriage, rear end (hatchback), and door frame along the entire length of the car into the front wheel well.

The vehicle was stuck and pinned on the palm tree. The palm tree was sheared off flat to the ground, eventually pointing in a north – south direction. The trunk and roots of the tree were under the frame of the vehicle, directly behind the front wheel on the driver's side. The tree extended for several feet behind the wheel and under the frame.

After the incident, it was noted the left rear tire was shredded, and a deep rut was dug out of the dirt where the tire had been spinning. The right rear tire was on cement, and appeared low on air had tire and rim damage.

The driver's window, back seat window driver's side, and hatchback window were all broken and open. The driver's door was jammed shut and would not open.

The passenger side of the vehicle remained relatively intact, sustaining primarily wheel and rim damage. The glass in the passenger door window, rear passenger window, and front windshield were all intact and unbroken. The passenger door was locked but operable.

Cloud was not wearing a seat belt restraint and remained inside the vehicle behind the driver's wheel following the collision.

The Ford pickup truck was just west of Cloud's vehicle. It suffered collision damage to the rear bumper and tailgate area.

Officers began arriving at the scene of the accident almost immediately after the collision. Four officers arrived in three police cars and immediately ran to driver's door of Cloud's vehicle.⁸

Witness Statements:

Angel Munoz: (RPD taped interview)

Munoz stated that he was driving his white Mazda van east-bound on Indiana Avenue approaching a red light at Jefferson Street. Munoz saw west-bound cars stationary at the intersection. Munoz saw Cloud's west-bound vehicle swerve around the stationary west-bound traffic at Jefferson Street and run the red light. Cloud's vehicle was now traveling west-bound in the eastbound lanes, directly towards Munoz, and it appeared to be traveling at high speed. Cloud swerved back into the west-bound lanes to avoid a collision with Munoz and lost control. Cloud began skidding out of control and struck a car parked on display in front of the Acura dealership.

Munoz stated that he made a u-turn and drove back to check on the driver. Munoz parked his van at the curb next to the scene of the accident and Cloud's vehicle. Munoz stepped out of his van and started to approach the car. He could see one person in the car in the driver's seat who appeared "dazed" from the accident. One of the dealership employees was standing at the driver's door talking to the driver (Cloud). Cloud's vehicle's engine was switched off.

Munoz stated that officers began arriving immediately. Officers were getting out of their cars with their guns drawn. Munoz did not approach the car, but turned away and crossed Indiana Avenue to stand on the south side.

Munoz stated that he could hear the officers shouting: "Get out of the car." Munoz heard the car engine start up and rev as if Cloud was "trying to get away", but the car was stuck and therefore could not move. The tires were spinning and there was a lot of smoke.

Frederic Eugene Cagle Jr. (RCPRC taped interview)

Cagle is the Used Car Manager for Acura of Riverside used car dealership.

Cagle stated that he was working in his office at his desk and his attention was drawn to the street in front of the dealership by the loud and distinct sound of skidding tires. He looked up and saw a vehicle skidding backwards on the sidewalk in front of the dealership. The vehicle was facing east, sliding west on the south sidewalk directly in front of the dealership. Cagle watched the vehicle collide with one of his pick-up trucks that was on display and parked on the grass inside the parkway next to the sidewalk. The pick-up truck was moved westward approximately six or seven feet by the impact of the collision. The vehicle in question causing the collision was driven by an individual later identified as Douglas Steven Cloud.

⁸ Tactics are discussed in officer interviews.

Cagle described the vehicle as a Toyota Celica, a mid 80's, two door, hatchback, light green model, with standard transmission, bucket seats and no center console. The steering wheel was intact. Cagle could not recall if the vehicle's engine was running or not. The vehicle came to rest on top of what remained of a palm tree that had been sheered off during the collision. Cagle described the condition of the vehicle as being "high centered" on the palm tree and unable to move. It sustained heavy damage to the rear end, had a jammed and inoperable driver's door, and there was shattered glass everywhere around the site of the crash.

Cagle stated that he ran from his office to the driver's door, a distance he estimated at 25 feet. Cagle stated that he straddled part of the broken palm tree and leaned inside the vehicle through the driver's window. Inside the vehicle he observed several items he believed were associated with construction work, including a white and blue construction type lunch box on the floor board of the front passenger seat. Cagle did not see anything in the vehicle he considered to be a "weapon."

Cloud was in the vehicle alone and in the driver's seat. There was no blood, although Cagle observed a cut above Cloud's left eye. Cloud appeared "dazed" from the collision and spoke in a slurred way and with deliberate speech. He made no attempt to operate the car. Cagle was concerned and believed Cloud was most likely injured. Cagle looked throughout the car and for any possible injuries to Cloud's arms and legs. Cloud was slightly moving "as if he were in pain."

Cagle stated that he watched a white van stop on the street approximately parallel to Cloud's vehicle. It was driven by a male with a mustache wearing sunglasses. This person appeared to be a concerned citizen. At approximately the same moment he saw the first police car arrive. The police car parked at an angle facing east in the west bound lanes of Indiana Avenue, facing Cloud's vehicle.

[Danny Fred Lane: \(RCPRC taped interview\)](#)

Lane is the Fleet and Internet Manager for Acura of Riverside.

Lane stated that he was seated at his desk in front of the window that faces the parking lot and Indiana Avenue. His attention was drawn to the sound of a car breaking and tires squealing close to the dealership. He watched as a vehicle collided with a pick-up truck parked on display in front of the dealership. The pick-up truck was moved approximately 10 feet by the force of collision and stopped in the dealership driveway.

Lane stated that he initially ran out of the office to check on the driver, (later identified as Douglas Steven Cloud), then returned to call 911. He observed Cloud sitting behind the driver's wheel of the vehicle.

Lane stated that the vehicle was severely damaged. The driver's side trunk and fender were pushed back so far that the undercarriage and the tire were visible. The vehicle had come to rest with its rear end facing west and very close to the pick up truck it had collided with. He could hear that the car's engine was running.

[Theodore Brown: \(RCPRC taped interview\)](#)

Brown is a Salesman for Acura of Riverside.

Brown stated that his attention was drawn to the collision when he heard the initial crash. He ran outside towards the vehicle. Fred Cagle was standing and leaning inside the driver's window. Brown said he could see Cagle's hand on the driver's (later identified as Douglas Steven Cloud) chest and could hear Cagle talking and trying to assure Cloud that everything would be alright.

Brown stated that the vehicle was an older model Toyota and had sustained severe collision damage to the rear end. The vehicle was "lodged" between the palm tree and a telephone pole facing a metal fence and was unable to move.

Brown stated that Cloud appeared "dazed" from the accident and looked as if he did not know where he was or what had happened. Cloud's hands were not visible.

[Juan Manual "Manny" Dominquez: \(RCPRC taped interview\)](#)

Dominquez is a Lot Porter for Acura of Riverside

Dominquez stated that his attention was drawn to the front of the business in the area of Indiana Avenue by the sound of screeching tires and that of a collision. He saw smoke coming from across the street on the north side of Indiana in front of the used car lot.

Dominquez stated that the vehicle was half gone, smashed in the rear, and "totaled." Fred Cagle was standing and leaning into the driver's window talking to the driver (later identified as Douglas Steven Cloud). Cloud was "Looking around like he was out of it and didn't know where he was."

[Shawn Daskam: \(RCPRC taped interview\)](#)

Daskam is a Salesman for Acura of Riverside.

Daskam stated that he heard a "crash" and saw Fred Cagle run through the doorway. Daskam followed Cagle from the building towards the vehicle. Cagle leaned inside driver's door window trying to comfort the driver (later identified as Douglas Steven Cloud).

Daskam stated that the vehicle had sustained substantial rear-end damage. It was "high centered" on a portion of a palm tree and wedged against the tail gate of a full size pick-up truck. The windows were out and Cloud was the only person in the car.

Cloud appeared to be in "shock" and "lethargic" while Cagle was attending to him.

[Curtis Neal: \(RCPRC taped interview\)](#)

Neal is the Sales Manager for Riverside Car Store next door to and east of the Acura dealership.

Neal's attention was drawn to the accident when he heard the crash. He left the building and walked to the west end of the parking lot approximately 225 feet east of accident.

Neal stated that he observed Fred Cagle approach the vehicle at the driver's door and attempt to administer some type of aid. Neal stated he could not see the driver (later identified as Douglas Steven Cloud), because of the sun reflecting from the windshield.

Question: Vehicle and Subjects Condition?

1. What was the operational condition of the vehicle following the accident?
2. What were Cloud's physical injuries and symptoms immediately following the accident?

Cloud's vehicle was traveling at speeds calculated between 56 and 64.8 mph before he started to apply the brakes. This is considered the minimum speed and may very well have been much higher. The vehicle spun out of control for approximately 256 feet, striking the north curb line then skidding backward on the sidewalk striking a utility meter cover, a palm tree and ultimately a pick-up truck.

Evidence would support the following conclusions:

- Cloud's vehicle sustained severe damage to the rear and driver's side during the accident.
- The vehicle's engine, transmission, and drive train remained in working order immediately following the accident.
- The vehicle was stuck on the palm tree, pinned, and was not movable.
- The passenger door was locked and the driver's door was jammed shut.
- Cloud was aware he had been involved in an accident and was asking questions.
- Cloud had sustained an injury above his left eye.
- Cloud suffered no broken bones.
- Cloud appeared dazed, talking in a slurred manner, and was showing movements associated with pain immediately following the accident.

Timeline of Events:

Radio broadcast regarding the incident was recorded on RPD radio channel (1) between 3:40 PM and 5:30 PM. There is no time reference for events. The recording was analyzed utilizing transmissions and counter times for approximate time references.

Radio Log Analysis:

Channel 1:

Assisting officers were notified via radio of a robbery (211 PC) at the Home Depot by Putnam's radio transmission.

Putnam stated in his initial transmission: "11:10 Home Depot. I have a vehicle that did a 211 leaving the parking lot towards the McDonalds."

Approximately (25) seconds later, Putnam states in a transmission, "Older Datsun, primer, last seen west-bound Indiana." An unknown officer responds to the transmission and asks what color primer. Putnam responds its "Gray primer" and then describes the suspect as a "Hispanic male, 20 to 25 with dark hair." An unidentified officer asks, "Are there any weapons?" No one answers.

Approximately (39) seconds later, Putnam states in a transmission, "The vehicle license plate is 4BLR986." Seven officers advise they are in the area.

Approximately (45) seconds later, unit C320 (Officers Vazquez and Stennett) says, "We got the vehicle at." Units 130 (Johansen) and S159 (Ramirez) say they are "97" (at the scene). Eleven officers in six units arrive on the scene within seconds of each other.

Approximately (20) seconds later, an unknown officer states in a transmission, "29...shots fired, shots fired." Several different officers get on the air, stating, "Shots fired." Several seconds later an unknown officer gives the location as Indiana and Detroit.

Approximately (46) seconds later, Sargent Ramirez asks for medical aid.

Approximately (73) seconds later, Officer Mears states in a transmission, "Everybody just take cover and just stay there."

Approximately (2 minutes; 29 seconds) later, Officer Mears relays in a transmission that a team of four officers and a sergeant will be moving up to the vehicle to check on the suspect.

Approximately (1 minute; 16 seconds) later, Officer Mears advises in a transmission the suspect is "Code 8".⁹

Video Camera Analysis:

The Acura Used Car dealership had surveillance equipment installed and operating during the time of this incident. The system included a recording device and four separate cameras showing various portions of the dealership property from various angles. The camera angles on the recordings are listed as "CAMO1", "CAMO2", "CAM3", and "CAM4". There is no sound.

⁹ Code 8 refers to a death.

Camera 01:

This recording is in black and white, and it is noted on the video that this is the “Side entry” camera. The time stamp notes the date as 10-08-06 and the video time as 04:20:02 PM to 4:40:11 PM. The incident is not captured by this camera and occurs just southeast of the camera angle.

Camera 02:

This camera is color and noted on the video “Main entry.” The time stamp notes the date as 10-08-06 and the times as 04:18:55 to 04:40:55. The video is poor quality and a thick line scrolls vertically up the screen during the entirety of the recording. This is the best camera angle of the incident, and appears the camera is on the roof pointing south towards the main entrance.

- 04:19:55
A truck parked on the sidewalk area is struck by something and moves several feet west.
- 04:20:00
F. Cagle runs out of the building and goes toward the driver’s side of Cloud’s vehicle (Toyota Celica). F. Lane walks toward the Celica, stops prior to reaching the vehicle, turns, and walks back toward the business.
- 04:20:51
Vazquez and Stennett arrive and park in the west bound lanes of Indiana Avenue, facing northeast several yards behind the Celica that is stationary on the sidewalk facing east. They immediately exit their car.
- 04:20:55
Vazquez and Stennett are approaching the Celica with their weapons drawn. Vazquez passes behind the Celica to the driver’s side. Cagle backs away from the driver’s door as Vazquez approaches. Vazquez stops just to the rear of the driver’s door. Stennett approaches the passenger door.
- 04:21:08
Stennett leaves the passenger side and passes behind the Celica on his way to the driver’s side. Cagle is standing approximately (15) feet west of the Celica on the sidewalk.
- 04:21:16
Crawford comes from the east running west along the passenger side of the Celica. Crawford passes behind the Celica on his way to the driver’s side. He appears to be shielding his face with his arm. Crawford reaches Vazquez and Stennett and almost immediately backs away. Sergeant Ramirez is arriving in his patrol unit and parks west of Vazquez.
- 04:21:28

Vazquez, Stennett, and Johansen are seen near the driver's door area walking around. Smoke starts billowing from around the Celica.

- 04:22:16

Smoke stops coming from around the Celica.

- 04:22:27

An officer motions, says something to the other officers, and they all move north towards the Acura building next to a white vehicle. Some of them are brushing off their faces and uniforms. They then back out of camera view.

- 04:30:00

A group of (6) officers lead by Mears with a canine form a line near the Acura building and move south from the building toward the rear of the red pick-up truck behind the Celica. The officers split up around the truck and hold. The canine officer and two additional officers move along the driver's side from the rear to the driver's door of the Celica. After several seconds some of the officers move slowly toward the street. They remain around the vehicle until the recording stops.

Camera 3:

This camera is black and white, and noted on the video, "Far lot" camera. The time stamp notes the date as 10-08-06 and the times as 04:29:31 through 04:32:36. This camera is east of the main entrance, and points west toward the main entrance. This camera angle would have captured a portion of the collision; however, the recording does not start until after the accident and the shooting.

Camera 4:

This camera is black and white, and noted on the video, "Mid lot" camera. The time notes the date as 10-08-06 and the time as 04:21:30 through 04:32:20. This camera appears to point west of the main entrance. Nothing of note is observable.

Shooting Summary:

Cloud was being attended too for possible injuries by Fred Cagle who ran to the driver's window of the Toyota Celica immediately following the collision. Officers Vazquez and Stennett first arrived and parked several yards behind the Celica. Vazquez immediately saw Cloud in the driver's seat of the Celica turning to his right and looking back at the officers. Vazquez did not communicate what he observed to Stennett.

Vazquez believed Cloud to be armed. The radio broadcast reported a 211 robbery that had just occurred. Vazquez, in his experience he has learned that suspects who commit robberies are usually armed with a weapon and on many occasions the weapon is a gun. Nevertheless, Vazquez elected to move immediately from his position of cover at his police unit and into the open. Vazquez crossed the sidewalk and traveled behind the Celica toward the driver's door with his weapon drawn and pointed at Cloud. While moving to the driver's side of

the vehicle, Cloud appeared to Vazquez that he was then going to attempt to flee by running away. Vazquez then moved closer to the driver's door giving verbal commands to Cloud as he did so.

Stennett did not see anyone in the Celica and elected to move directly to the passenger side and look inside. Stennett had his weapon drawn and pointed toward the Celica. The instant that Stennett saw Cloud in the driver's seat he heard Vazquez shouting commands to Cloud. Stennett attempted to open the passenger door but it was locked. The passenger window was up. Stennett elected to move to the driver's side and passed between the Celica and the pick-up truck. Vazquez told Stennett to pull Cloud out of the vehicle. Stennett also believed Cloud was armed because of the radio broadcast describing a robbery that had just occurred. Nevertheless, Stennett holstered his weapon and reached into the Celica and grabbed Cloud by the shoulders and neck. Stennett then engaged in a hand-to-hand struggle with Cloud who was inside the vehicle. Vazquez continued pointing his weapon at Cloud through the driver's window while Stennett struggled as he was trying to pull Cloud out of the window. Vazquez considered that he was "lethal cover" for Stennett during the incident.

Johansen arrived and elected to run to the assistance of Vazquez and Stennett at the driver's door of the Celica. Johansen also believed there was a high probability that Cloud was armed with a weapon, most likely a gun, because of the radio broadcast describing the crime at the Home Depot as a robbery. Nevertheless, Johansen ran directly in front of the Celica even though he could hear the car running and revving at high rpm's. He arrived at the driver's door towards the front of the vehicle.

Vazquez at some point elected to now holster his weapon and assist Stennett in pulling Cloud out of the driver's door window. Vazquez thought it important to remove Cloud from the vehicle so he would not have access to a weapon. During the struggle the vehicle's engine was running, in gear, and accelerating up and down. The driver's side rear tire was spinning and throwing debris to the rear of the vehicle. Vazquez realized his efforts to assist Stennett were not working and he elected to disengage. Vazquez stepped back slightly, drew his weapon and told Stennett to back away.

Meier arrived and elected to run to the driver's door and assist the other officers. He ran between the Celica and pick up truck shielding his face from the flying debris and arrived at the driver's side toward the back of the vehicle.

Vazquez did not give a verbal warning concerning a weapon when telling Stennett to back off.

Stennett released his grip on Cloud and stepped backwards. Stennett started to draw his weapon when Vazquez fired his first round.

Johansen either had his weapon already pointed at Cloud, or was in the process of drawing his weapon.

There was a pause and then Johansen fired one round and Vazquez fired three additional rounds at the same time. Cloud was hit with five rounds in the neck and upper torso. Cloud died at the scene.

The vehicle's engine stopped running after several minutes and the tire stopped spinning. A clearance team with a canine unit was formed and briefed. After they had moved in on the vehicle and had inspected the scene, medical emergency personnel were allowed access to the car. A crime scene was established, evidence was collected and witnesses were interviewed.

Witness Statements:

Frederic Eugene Cagle Jr. (RCPRC taped interview)

Cagle stated that he saw two officers get out of the unit and "charge" toward the vehicle with their guns drawn. They approached across the sidewalk, from the rear of the vehicle, and towards the driver's door.

At approximately the same instant, a second police car arrived and parked facing west bound in the west bound lanes of Indiana Avenue, just slightly east of the first police car and slightly east of the vehicle. Two officers ran towards the vehicle traveling across the sidewalk, in front of the vehicle, to the driver's door. The officers had their guns drawn.

Cagle stepped away from the car and backed approximately six or seven paces. He was standing to the right of the officers with a clear view of Cloud.

Cagle stated that the officers stood in a crescent pattern at the driver's door looking down inside the vehicle. Initially, and for several seconds, all of the officers were shouting commands such as "get out of the car" and "put your hands up." Cloud did not say anything or attempt to get out of the car. An officer attempted to open the driver's door, but it would not open.

Cagle stated that after failing to open the door and seeing no attempt by Cloud to get out of the car; two or three of the officers reached through the driver's window and began pulling him through the window. One officer remained in the same position at the driver's door with his gun in his right hand, in a tactical stance, pointed at Cloud. Cloud's arms were extended over his head and he was pulled through the window from approximately his chest to his belly button. One officer had him around the neck, and he appeared to be either "struggling against the officers" or "writhing in pain".

Cagle stated that Cloud fell back into the driver's seat of the vehicle. The officers then stepped back. Cloud's hands were not on the top half of the steering wheel and he did not appear to be turning the wheel. The engine began to accelerate and the left rear tire began spinning throwing debris consisting of mud and grass behind the car.

Cagle watched as an officer took “about a half of a step back and to his left, then fired one shot into Cloud’s head between the “base of the chin and forehead.” The officer waited an instant, held his position, pointed his gun at Cloud’s chest, and fired two or three more shots. The sequence of shots were described as 1st shot, (short pause 1 to 1.5 seconds), then 2nd shot, 3rd shot, 4th shot, in quick succession.

Cagle stated that other officers had their weapons out but he did not believe any of them fired.

[Danny Fred Lane: \(RCPRC taped interview\)](#)

Lane stated that officers began arriving while he talked to the emergency dispatcher.

Officers left their cars with their guns drawn and ran toward Cloud’s vehicle. Three officers approached the vehicle from the rear and ran immediately to the driver’s door. Cagle stepped away from the car and stood a few feet away.

Two officers reached inside the car and grabbed Cloud attempting to pull him through the window. Cloud was struggling slightly and his arms were above his head and crossed as the officers pulled. The officers were able to extract Cloud’s arms and head through the window.

Lane briefly looked away to watch other officers arriving in the parking lot and weaving their way through cars to take up positions next to the building and various vehicles. His attention was drawn back to the vehicle when he heard the first gun shot. An officer was pointing his gun into the vehicle in a downward trajectory into the front seat. After the first shot the car began to accelerate. The officer hesitated for an instant and fired three additional rounds. The car continued accelerating but never moved. The tire suddenly blew out and the car’s engine stopped.

Lane did not see any other officers fire their weapons and only heard four shots. Following the shooting, the officers stood next to the car with their guns drawn pointed inside the vehicle. The officers remained there for an instant and then slowly moved away.

[Theodore Brown: \(RCPRC taped interview\)](#)

Brown stated that he watched as four officers went directly to the driver’s door and were standing facing Cloud. Brown stated that he thought the officers were going to order Cloud to get out of the vehicle and then back away until he complied. However, he was surprised when all the officers reached directly through the vehicle’s window. It appeared the officers were attempting to pull Cloud through the front and back windows all at the same time. One officer was pulling on his neck and other officers were pulling his arms. It appeared the officers did not know what they were doing and were uncoordinated in their actions.

Brown stated that he could not recall exactly when the vehicle began revving but believed it when the officers pulled Cloud in different directions, and he fell back into the driver’s

seat. He did not recall hearing the starter engage the engine. Cloud appeared as though he “was not fighting” and “was not trying to get away.” Brown said Cloud’s hands were not on the steering wheel.

Brown stated that when Cloud fell back into the seat the vehicle was revving and the officers stepped back “slightly.” The officers were standing essentially side-by-side in a slight arch facing the driver’s door. The second officer closest to the back of the car fired at Cloud. Four shots were fired with a short pause between the 1st shot and the remaining three rounds that were fired in quick succession.

[Shawn Daskam: \(RCPRC taped interview\)](#)

Daskam stated that he observed approximately six police cars arriving and parking in various locations and directions around the crash. The officers began leaving their cars and “darted” toward the vehicle. Several officers first arrived at the vehicle on the passenger’s side and “commanded” Cloud to put his “hands on his head.” They moved to the rear of the vehicle still issuing commands and then quickly moved to the driver’s side door. The officers did not attempt to take a cover position before advancing on the vehicle.

Daskam stated that three or perhaps four officers grabbed Cloud and attempted to pull him through the open window. One officer had his arm around Cloud’s neck attempting to pull him free from the car. Cloud appeared to be “writhing and struggling a little bit” but was not trying to “get away.” Cloud fell back into the driver’s seat. The car began to accelerate and the rear tires began to spin out of control but did not move. The vehicle continued to accelerate and the officers stepped back and slightly away from the car. One officer had his gun out and pointed at Cloud. He hesitated slightly and fired one shot. Cloud slumped over in the seat and he was no longer visible. The officer hesitated again and fired three additional shots in rapid succession. Daskam believed only one officer fired.

Daskam stated that all the officers remained at the side of the car for a brief period after the shooting. An officer then said something to the effect that the car was going to “blow” and they began moving away.

[Manny Dominquez: \(RCPRC taped interview\)](#)

Dominquez stated that he saw a police car arrive and park facing east in the west bound lanes of Indiana Avenue slightly behind Cloud’s car. The officer had his gun drawn and went directly to the driver’s side door of Cloud’s vehicle. The officer pointed his gun at Cloud and commanded him several times, “Get out of the car.” Very soon, several more officers arrived and went to the driver’s door of Cloud’s vehicle.

Dominquez stated that one of the officers reached inside the car and tried to pull Cloud from the vehicle. Cloud fell back into the driver’s seat and the car engine started. Cloud’s hands were not on the steering wheel or turning the wheel, but the car immediately started revving and accelerating. The acceleration caused the rear tire to spin causing debris to fly into the air and smoke visibly from the back of the vehicle. The car never moved.

Dominquez stated that the vehicle continued to accelerate and the group of three or four officers stepped slightly away from the car. One officer had his gun pointed at Cloud and fired one shot, paused for an instant, and then fired three more times. The vehicle's engine continued to accelerate and the tire continued spinning creating debris and smoke.

[Officer Nick Vazquez: \(RPD taped interview\)](#)

Vazquez was working a two-man unit with Stennett. Vazquez was driving.

Vazquez stated that they were on routine patrol at Magnolia and Jackson when they heard Putnam on the radio request assistance at the Home Depot for a 211 PC (Robbery) that had just occurred. Putnam then provided a vehicle description and last known direction of travel. He later provided a suspect description. There was no mention of any weapons being used in the robbery.

Vazquez drove to the area traveling east on Indiana Avenue. They encountered civilians attempting to flag them down close to the intersection of Detroit Street. They noticed a vehicle had been involved in a traffic collision on the sidewalk in front of the Acura Used Car dealership. The vehicle was a blue Toyota Celica and generally matched the description of the robbery vehicle. Vazquez parked in the west bound lanes of Indiana facing northeast approximately seven yards behind the crashed vehicle.

Vazquez stated that when he parked he could see the suspect (Douglas Cloud) in the driver's seat through the back window of the Celica. Cloud was looking back at them over his right shoulder. As Vazquez exited the patrol car, Cloud looked back at them again, but this time over his left shoulder, sticking his head out of the driver's window. Vazquez thought that Cloud was getting ready to exit the vehicle and run, so he drew his handgun and ran up to the driver's side, rear corner, of the Celica. When he got there he shouted commands to Cloud to put his "hands up" and said, "don't go anywhere." Cloud was now looking down toward the center console. Cloud initially put his hands up but then put them back down. Cloud appeared to be reaching for something in the center console area. Stennett then came around from the other side of the car and together they moved closer to the driver's window. "The car was not running."

Vazquez said he believed Cloud had a weapon in the car because of the robbery information provided by Putnam. Even though there wasn't any information concerning the use of a weapon he "assumed" a weapon had been used. In his experience, weapons are commonly used in robberies. Vazquez had been a police officer for three years.

Vazquez stated that he was the "lethal cover unit" and told Stennett, "Pull him out, Pull him out of there." Vazquez said he wanted Cloud pulled out of the vehicle so "he wouldn't get his weapon." Stennett reached inside the open window and tried to "pull" Cloud out of the vehicle. Johansen came up and tried to assist Stennett in pulling Cloud out of the window. Cloud was "actively resisting" both officers by moving his arms and pulling his body away.

Although Vazquez considered his job as the “lethal cover officer” he holstered his weapon and reached inside the vehicle to assist Stennett and Johansen. Vazquez said, “It wasn’t working.” They could not pull Cloud through the window.

Vazquez stated that while fighting the officers, and using his right hand, Cloud started the vehicle by turning on the key. The vehicle had an automatic transmission. While still fighting, Cloud used his right hand to put the cars gear shift into reverse, and began pressing on the accelerator with his foot. The engine began revving and the tires began spinning throwing mud and debris into the air. While continuing to fight, Cloud moved his right hand between the center console and the seat as if searching for a weapon to “attack.” The center console was lower than the seat and had the “E-break and gear shift.” At the same time, with his left hand, Cloud began moving the steering wheel in a back and forth fashion attempting to free the car from its stuck position. Vazquez said, by attempting to maneuver the car he thought Cloud was going to “run us over.”

Vazquez stated that there was nothing about Cloud’s facial appearance or his actions to make him believe Cloud did not understand what was happening or the commands the officers were giving him. Cloud did not appear to be under the influence. There was no manner of alcohol around the car. Cloud never spoke at all during the incident.

Vazquez stated that he stepped away from the car, drew his weapon again and fired four or five shots at Cloud. The first round was aimed into the upper torso. Cloud “did not move” and there was not much reaction. In order to stop the threat he then fired three or four more rounds, aiming at the upper torso. Johansen then fired several rounds after Vazquez had fired his first round.

Vazquez stated that officers all backed away from the car approximately fifteen yards north into the car lot, using the cars for cover. The engine on Cloud’s vehicle continued revving while the wheels threw debris into the air. Eventually the tire blew out and the engine stopped revving.

Vazquez stated that officers had a briefing in order to set up a containment team. Vazquez told the team it was a “possible 211 vehicle with a possible weapon.” The containment team had officers Vazquez, Johansen, K-9 unit Mears and perhaps two others. The teams plan was to approach the vehicle, check to make sure the subject was dead, and then back off and set up a crime scene. When they approached the vehicle, Mears announced that Cloud was dead.

[Officer Brett Stennett: \(RPD taped interviews\)](#)

Stennett was working a two-man unit with Officer Nick Vazquez. Vazquez was driving.

Stennett and Vazquez were in the area of Magnolia and Adams when they heard over the radio that a 211 PC (Robbery) had just occurred at the Home Depot on Madison. The transmission provided only a description of the suspect vehicle and direction of travel. Nothing was said about a weapon.

Stennett stated that they traveled east on Indiana from Adams and saw citizens flagging them down in front of the Acura Used Car dealership. The citizens were pointing to a car that had just crashed and they recognized it as the suspect vehicle described in the robbery.

Stennett stated that they exited the car and he approached the passenger door and “peeked” in while Vazquez went behind the vehicle and approached the driver’s door. Stennett said he approached the vehicle because he could not see anyone in the car. He initially thought that the driver may have escaped or was injured inside the vehicle. Stennett is a certified EMT (Emergency Medical Technician) with three years of medical training in the military. Stennett said he was also concerned about the safety of the several civilians standing next to the car.

Vazquez began giving verbal commands once he reached the driver’s side of the car. Stennett saw one person (Douglas Cloud) in the driver’s seat. Vazquez was shouting basic commands, “Show me your hands,” “Stop hitting the accelerator.” Cloud’s hands were in his lap. The passenger window was up and the door was locked. Stennett said, “The vehicle was running and when the driver (Cloud) saw us he started slamming on the accelerator..” The vehicle was “Not going anywhere” and appeared to be “stuck.”¹⁰ Stennett waited an instant before running to the driver’s side because he wanted to make sure he was not going to be “run over..”

Stennett stated that the reason he ran to the driver’s side of the vehicle was to assist Vazquez. Vazquez told Stennett to “grab his [Cloud’s] hands.” Stennett reached into the car and attempted to control Cloud’s hands and pull him out of the vehicle through the window. Stennett said that he tried to get him around the neck. Stennett said that because it was a robbery, “I completely believed that this guy had a weapon..” Stennett said, “When I reached in there to grab his hands he was staring at me in the eyes as he was fighting me..” “He looked like he was under the influence of something and had a glazed look and wasn’t talking..” Stennett said that Cloud appeared sweaty with a blank look on his face. He was non-compliant and struggled with his hands moving them toward the center console at the same time as revving the engine accelerating the car in gear. Cloud did not speak at all during the incident.

The struggle with Cloud lasted approximately 15 seconds. Stennett said that Vazquez told him to “get back..” Stennett started to draw his weapon and Vazquez fired three times and Johansen fired twice.

Stennett stated that he believed Cloud had a weapon based on the robbery broadcast and believed he was in “mortal danger” while he fought with Cloud at the driver’s door of the vehicle. Stennett said he never saw a weapon.

Stennett stated that after the shooting he went into the dealership for cover. Another group of officers formed a clearing team and approached the vehicle.

¹⁰ Stennett changed these two statements from his original interview on 10/8/2006 during a subsequent interview on 7/5/2007. During the 7/5/2007 interview Stennett stated the vehicle was “not running” when they approached and he did not believe it was “stuck” or “high-centered”.

Officer David Johansen: (RPD taped interviews)

Johansen was working alone. Johansen has been a police officer for six years. He was a SWAT (Special Weapons And Tactics) team member for six months, recently resigned.

Johansen was in the area of Madison and Garden when he heard a radio transmission regarding a 211 PC (Robbery) at the Home Depot. Johansen started towards the Home Depot when a second broadcast stated that assisting officers of a vehicle description and last known direction of travel. There was no information broadcast concerning a weapon used in the robbery.

Johansen traveled west on Indiana Avenue toward Jefferson Street. He noticed other police vehicles close to the intersection at Jefferson Street. There was another radio transmission from a unit advising that they had the vehicle. Johansen saw a vehicle (Toyota Celica) generally matching the description broadcast that had just had a traffic collision with a telephone pole and was on the sidewalk in front of the Acura Used Car dealership. Dust from the accident was still in the air. It had clearly only just occurred. Johansen saw Vazquez and Stennett running toward the Celica. Johansen parked east of the Celica and exited his car.

Johansen saw Vazquez and Stennett running toward the Celica. Vazquez and Stennett ran to the driver's side by going behind the car. Johansen began running toward the Celica to assist Vazquez and Stennett. Johansen said as he ran toward the car, he could see one person (Douglas Cloud) in the drivers seat. No one else appeared to be in the car. The Celica "was still running." He could hear the engine revving up and down. Johansen crossed in front of the Celica in order to reach the driver's side.

Johansen reached the driver's side and Stennett was reaching through the driver's window grabbing Cloud's shoulders. The vehicle was "high-centered" and somehow "stuck." The rear wheels were spinning kicking mud all over and Cloud was trying to "take off" in the vehicle.

Johansen said he saw Stennett trying to pull on Cloud. Vazquez was standing to the left of Stennett and Johansen was to the left of Vazquez. They were all facing the driver's door, pretty much shoulder-to-shoulder. The engine was revving up and down. Stennett was pulling on Cloud but could not get him free and through the window. Stennett would get him part way out of the seat and he would pull himself back down. Johansen said Cloud may have had his legs braced under the steering wheel. At some point Cloud fell back into the seat. Cloud never spoke during the incident.

Johansen said he did not try to assist Stennett pulling Cloud from the vehicle. There was not enough room to maneuver. Johansen did not know if Vazquez reached inside the vehicle.

Johansen said he saw Cloud reach down between the seat and center console area with his right hand. When he brought his hand out it was "very deliberate." Cloud's left hand was

free. Johansen said because the radio call was a robbery he thought, “the chances were pretty darn high” that Cloud was coming up with a weapon. Johansen said it happened so fast, “he was not willing to wait to see a weapon.” Johansen said, “If I would have waited, I would have been shot.” Johansen said his primary concern was a gun and not the vehicle hitting anyone. He said, “I drew my weapon and fired one round.”¹¹ Johansen thought the round hit Cloud in the upper torso. Johansen stopped firing because Cloud’s hand stopped moving. Johansen said he heard Vazquez fire his gun and thought Vazquez had probably fired first. Stennett was not in the way when they fired. Johansen did not hear anyone tell Stennett to disengage.

Johansen said that everyone took take a few steps back and held their weapons on Cloud for a few seconds. Meier showed up and was the senior officer. Meier told everyone to back off and take cover because the car was still revving with the wheels spinning. The car sounded as if it was going to blow up.

When the car stopped running and the tires stopped spinning, officers formed a team to check the vehicle. The team members were Johansen, Vazquez, Stennett, K-9 unit Mears and perhaps one other officer, probably Meier. Johansen and the team followed Mears as he checked the car with his canine. Mears announced that Cloud was dead.

[Officer Brian Crawford: \(RPD taped interviews\)](#)

Crawford was working with trainee Mann in a two man unit. Crawford was driving. Crawford is a FTO (Field Training Officer) and SWAT (Special Weapons Assault Team) officer specifically trained in high risk situations.

Officers Crawford and Mann were at the RPD Lincoln substation when they heard over the radio that a 211 PC (Robbery) had just occurred at the Home Depot on Madison. The transmission did not include information regarding a weapon. Assisting officers were asking but the radio signals were congested. The information only included a description of the vehicle and direction of travel.

Crawford turned west on Indiana from Jefferson Street when he heard on the radio that an officer had the suspect vehicle. He could see a vehicle crashed on the sidewalk, and a police unit parked near it in front of the Acura Used Car dealership.

Crawford saw two officers running to the driver’s side of the vehicle. Crawford parked his unit and when he exited the vehicle he saw Vazquez and Johansen at the driver’s door.

Crawford stated that the vehicle’s engine was running, the engine was revving, and the wheels were spinning. Before running behind the vehicle to get to the driver’s door, he looked under the car and saw it was “high centered” stuck and couldn’t move. Debris from the spinning wheel was being thrown backwards behind the car.

¹¹ Johansen said later in the interview that his gun was out when he observed these actions.

Crawford stated that he ran down the passenger side of the vehicle and around the rear of the car to the driver's window, shielding his face from the flying debris.

Crawford stated that when he reached the driver's side of the vehicle he heard a single gunshot, followed by four or five a second or so later. He saw Vazquez with his gun in his hand, and saw the gun recoiling as the shots were fired. He didn't notice if anyone else had fired. No warnings concerning a weapon were heard and no weapon was seen.

Crawford stated that he saw the suspect (Cloud) fall back into the seat and the vehicle began revving and accelerating faster. Officers stepped away from the car and remained for several seconds eventually retreating to the parking lot and a position of cover.

Crawford stated that three tactical teams were formed after the shooting. There were officers east and west of the location formed up and prepared to clear the vehicle. Following tactical discussions it was decided that officers at the Acura lot would best be suited to approach the car. Ramirez, Officers, Mears, Johansen, Stennett and Crawford approached and cleared the car from the rear. Officer Mears with his dog led the team.

Crawford was asked to describe his tactical approach to the vehicle if he had been the first officer on the scene. Crawford stated that if he had known a suspect was in the car he would have approached as a "high risk stop".¹²

[Officer Eric Meier: \(RPD taped interview\)](#)

Meier was working alone in the area of Madison and Garden. He heard Putnam's radio transmission that a 211 PC (Robbery) had just occurred at the Home Depot. The transmission did not include information regarding a weapon, and did not specify if it was a robbery of a business or a person. The transmission provided a description of the vehicle and direction of travel.

Meier stated that he drove west on Indiana Avenue and saw a crashed vehicle and police units in front of the Acura Used Car dealership. He exited his car and observed Officers Vazquez and Johansen standing outside the driver's window of the crashed vehicle. Both officers had their guns drawn and pointed at the driver (Cloud).

Meier stated that he ran toward the vehicle but could not see anyone in the car. He reached a distance of approximately 60 feet from the vehicle when he heard three or four gunshots. He could see Officer's Vazquez and Johansen holding their guns on the car. The vehicle's engine was revving and the rear wheels were spinning, but the car was not moving.

Meier stated he was on the clearing team that approached the vehicle following the shooting. Officers Vazquez and Johansen were present while the team was being formed.

¹² A high risk stop is a tactical method trained upon and utilized by police officers to enhance safety for themselves and the public during the stopping, approaching, removing and disarming of suspects in vehicles. A high risk stop is normally used when there is an implied presence of a weapon.

Both officers were “shaking” and appeared traumatized. No warnings concerning a weapon were given and no weapon was seen.

[Sargent Rene Ramirez: \(RPD taped interviews\)](#)

Ramirez was working alone as the North Precinct Patrol Supervisor.

Ramirez stated that he was in the area of RPD Lincoln substation when he heard an officer broadcast that a 211 PC (Robbery) had just occurred at the Home Depot on Madison and request an “11-10” (Routine Backup). The transmission did not include information regarding a weapon. The transmission provided a vehicle description and last known direction of travel.

Ramirez stated that he drove north on Adams from Lincoln toward Indiana. He heard an officer broadcast that he had the suspect vehicle but no location was provided. At Indiana Avenue he saw police cars parked in front of the Acura Used Car dealership and a vehicle crashed on the sidewalk.

Ramirez parked approximately four car lengths behind the crashed vehicle facing east bound in the west bound lanes of Indiana Avenue. He could see the vehicle had struck a palm tree, and it appeared to be stuck. He could hear the engine revving, and could see the rear wheels spinning and throwing debris behind the car to the west.

Ramirez exited his vehicle and could see Officer’s Vazquez, Johansen, Stennett, and Crawford standing on the driver’s side of the vehicle. The officers were facing the driver’s door and some of them had their guns drawn. He heard two shots, and believed that Vazquez had fired.

Ramirez moved to the rear of his vehicle, and requested medical aid. The officers moved away from the car and stood several feet away in the open. After several seconds they moved to a position of cover inside the parking lot and behind a white sedan. He moved toward the officers passing behind the suspect vehicle. When he reached the group, one of the officers stated that the suspect (Cloud) was “Code 8”. The vehicle was running at full acceleration with the tires spinning and continued for several minutes.

Once the vehicle stopped running Officer Mears advised via radio that they needed to form a team and “clear” the vehicle. Mears had a dog and agreed to lead the team. The team included Officers Vazquez, Johansen, Crawford, Stennett, Mears, and Ramirez and was lead by Mears. The team’s approach to the car was discussed and Mears agreed to approach the vehicle from the rear with the dog. There were no warnings or discussions concerning a weapon. The team formed in single file and moved on the car with Mears leading. When they arrived at the door, Mears advised that the subject was Code 8.

Ramirez stated that he did not conduct public safety or tactical interviews with the officers.

[Officer Jeff Derouin: \(RPD taped interview\)](#)

Derouin is a Field Training Officer, and was working with a phase one trainee, Navar. Derouin was driving.

Derouin stated that they were in the area of the RPD Lincoln substation when they heard over the police radio a broadcast of a 211 PC (Robbery) that just occurred at the Home Depot. The broadcast did not include information regarding a weapon; it provided a vehicle description and that the last known direction of travel was west-bound on Indiana Avenue.

Derouin stated that they arrived in the area traveling north on Jefferson Street at Indiana Avenue. There were several other police units in front of them trying to clear the intersection and get to the scene in front of the Acura Used Car dealership.

Derouin exited his car and saw a vehicle that had been involved in a traffic collision on the sidewalk in front of the dealership. The vehicle was a “tangled mess.” The engine was revving loudly and the tires were spinning throwing debris. He could not see anyone inside the car. He saw three or four officers on the driver’s side at the window. The officers had their weapons drawn and appeared to be struggling and trying to “pull” someone out of the car. He could not hear anything above the roar of the engine and the spinning of the tires.

Derouin stated that because the officers were involved in a struggle he was “racing” toward the car on foot. When he got to within 10 to 15 feet of the vehicle he heard four gun shots. There was a slight pause between the first two shots and the second two shots. It sounded as if two officers fired.

Derouin stated that a K-9 arrest team was formed very quickly and approached the vehicle after the engine stopped running. He went inside the business and talked with Acura employees and did not approach the vehicle.

Derouin stated that several of the employees were upset following the shooting and he turned on his belt recorder during those conversations. One employee, Fred Cagle, was especially upset; he had been at the car trying to assist the suspect (Cloud).

[Officer Phillip Sears: \(RPD taped interview\)](#)

Sears was working alone.

Sears stated that he was driving south on Madison at Lincoln when he heard Putnam on the radio put out that a 211 PC (Robbery) had just occurred at the Home Depot.

Sears stated that he heard other officers had found the car at Indiana Avenue and Detroit. When he arrived at the scene of the crash he exited his car and began running toward the officers. As he ran past the suspect vehicle on the passenger side he saw three officers standing on the driver’s side of the vehicle at the driver’s door. Some of the officers appeared to be trying to “pull” the suspect (Cloud) out of the car. He could not identify the officers.

Sears stated that the vehicle's engine was revving loudly, as if it would soon "blow up." The rear wheels were spinning throwing debris and creating a lot of smoke. Sears took cover behind a red pick-up truck behind the suspect vehicle and waited. He heard three gun shots. When the engine stopped running, he saw other officers arriving with their guns drawn and pointed toward the suspect's car. Sears retreated into the dealership building to avoid a cross-fire situation.

Officer Alfonso Navar: (RPD taped interview)

Navar is a phase-one trainee, and it was his second day on the job. His training officer was Derouin.

Navar stated that they were west-bound to Lincoln from Madison when the robbery call went out over the radio. He did not hear the broadcast, but Derouin did.

Navar stated that when they arrived at the scene he could see a vehicle had been involved in a traffic collision and was on the sidewalk in front of the Acura Used Car dealership. He got out of the car and began to approach the suspect vehicle from the front. He saw several officers with their weapons drawn and struggling with the driver (Cloud) attempting to "pull" him out of the car. The vehicle's engine was revving very high.

Navar stated that he got within 10 to 15 feet of the vehicle when he heard gun shots. He saw an officer who had been struggling with the driver lean back away from the car and fire a single gunshot at the driver. He believed the fired round hit the driver in the upper body, possibly the head.

Navar took cover and heard two more gunshots. The suspect vehicle's engine noise dropped initially, and then returned to a high rev.

Officer Nay Mann: (RPD taped interview)

Mann was working his first day as an officer, riding with Crawford.

Mann stated that they heard a 211 PC (Robbery) call over the radio. When they arrived at Indiana Avenue, they saw a vehicle crashed on the sidewalk in front of the Acura Used Car dealership. The vehicle's engine was running and the tires were spinning, throwing debris and creating smoke.

Mann stated that he could see three officers shouting at the driver (Cloud) and trying to pull him out of the car. He took cover behind a parked police car. Two or three seconds later he saw an officer fire three or four rounds at Cloud.

Vehicle Search Summary:

Officer Shumway searched the entire interior of the Toyota Celica following the incident. Shumway reported the vehicle contained numerous tools and items that were consistent with

construction work. A glass pipe that is used to smoke narcotics was found wrapped in a white towel inside the driver's door panel where a speaker would normally be placed. The pipe appeared not to have been used. A Nokia Cell Phone was found on the left rear passenger floorboard. The phone had been dropped by a witness at the Home Depot. No firearms were found inside the vehicle. A utility knife was found near the center console; however, none of the blades were exposed.

APPENDIX:

RCPRC Witness Statements:

1. Frederick Eugene Cagle Jr.
2. Danny Fred Lane
3. Theodore A. Brown
4. Shawn Daskam
5. Juan Manual Dominquez
6. Angel Munoz
7. Curtis Neal
8. James Taliaferro
9. Michael Allen
10. Dalyn Backes
11. Ola Bawardi

Report of Interview

Person Interviewed: Frederic Eugene Cagle Jr.
Date of Interview: October 11, 2006
Recorded: Yes
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

Frederic Eugene Cagle Jr. was advised on the identity of the interviewing investigator and the purpose of the interview. Cagle is the Used Car Manager for Acura of Riverside car dealership. Cagle witnessed the car accident and the subsequent death by shooting of Douglas Steven Cloud by Riverside Police Officers on October 8, 2006. Cagle did not know Cloud prior to the incident. The interview was conducted at the dealership, 7973 Indiana Ave, Riverside, CA between 11:46 AM and 12:40 PM. The interview was recorded. Cagle told the interviewing investigator the following information.

Cagle stated that he was working in his office on October 8, 2006 at approximately 4:15 PM. The used car dealership is located on the north side of 7900 Indiana Avenue directly across from the new car dealership. Cagle's office has a large window on the east end of the building. His desk is arranged in front of the window and his chair faces Indiana Avenue allowing full view of the dealership's driveways and parking lot. Cagle stated that the weather was clear and sunny and described it as a "nice day." Cagle's daughter was seated at his desk, playing a game on his computer.

Cagle stated that his attention was drawn to the street in front of the dealership by the loud and distinct sound of skidding tires. Cagle stated that he looked up and saw a vehicle skidding backwards on the sidewalk in front of the dealership. The vehicle was facing east, sliding west on the south sidewalk directly in front of the dealership. Cagle watched the vehicle collide with one of his displayed pick-up trucks parked on the grass inside the parkway next to the sidewalk. The pick-up truck was moved westward approximately six or seven feet by the impact of the collision. The vehicle that was being driven by Cloud came to rest on top of what remained of a palm tree that had been sheered off during the collision. Cagle described the condition of Cloud's vehicle as being "high centered" on the palm tree and unable to move. It sustained heavy damage to the rear end, had a jammed and inoperable driver's door, and there was shattered glass everywhere around the crash site.

Cagle stated that at the instant of impact he was standing at his desk watching the collision. Cagle ran from his office to the driver's door of Cloud's vehicle, a distance he estimated at 25 feet. He described the vehicle as a two-door, mid 80s, Toyota Celica hatchback, light green in color, with standard transmission, bucket seats and no center console. The steering wheel was intact. Cagle could not recall if the vehicle's engine was running or not. Cagle said he closely looked inside the vehicle and observed several items he believed were associated with construction work, and a white and blue construction type lunch box on the floor-board of the front passenger seat. Cagle stated that he did not see anything in the vehicle he considered to be a "weapon."

Cagle stated that he straddled part of the broken palm tree and leaned inside the vehicle through the driver's window. Cagle stated that Cloud was in the vehicle alone and seated in the driver's seat. There was no blood, although he observed a cut near Cloud's left eye. Cagle described Cloud as being a white male adult in his mid 20s with brown hair and blue eyes. Cloud was small in build with a tanned complexion. Cagle stated that Cloud appeared "dazed" from the collision and made no attempt to operate the car.

Cagle stated that he initially asked Cloud if he was alright and told him to remain still and to try not to move. Cagle said he put his hand on Cloud's chest and tried to assure him that everything would be alright. Cagle said he was concerned because he knew it was a very bad accident and that Cloud was most likely injured. Cagle said that Cloud also knew it was a bad accident and asked what he hit or if he had hit Cagle. Cagle said he noted a slight speech distortion and asked Cloud if he had been drinking. Cagle stated that he had not smelled or seen any evidence of alcohol and then realized that Cloud's "bell had been rung" from the accident which was affecting his speech. Cloud responded to the question and said "no" he had not been drinking.

Cagle stated that he began to inspect Cloud's arms, legs and feet to make sure they were all "pointed in the right direction." Cagle stated that that Cloud began to move around a little, "as if he were in pain." Cagle said Cloud's right hand was on the edge of the passenger seat and his left hand was on the steering wheel for an instant and then dropped into his lap. Cagle stated that that Cloud did not attempt to operate or get out of the vehicle during this time. Cagle stated that he briefly turned and shouted at salesman (Shawn Daskan) to call 911. Mr. Daskan was standing at the rear of Cloud's car.

Cagle stated that he watched a white van stop on the street approximately parallel to Cloud's vehicle. It was driven by a male with a mustache wearing sunglasses. This person appeared to be a concerned citizen. Cagle said he did not see this man get out of the van. Cagle stated that at approximately the same moment he saw the first police car arrive. The police car parked at an angle facing east in the west-bound lanes of Indiana Avenue facing Cloud's vehicle. Cagle stated that he saw two officers get out of the unit and "charge" toward Cloud's vehicle from the rear, across the sidewalk, and to the driver's door of Cloud's vehicle. Cagle stated that he saw the driver (officer #1) leave his car with his gun drawn. An instant later, Cagle saw the passenger (Officer #2) with his gun drawn approaching Cloud's vehicle. At approximately the same instant, a second police car arrived and parked facing west in the west-

bound lanes of Indiana Avenue, just slightly east of the first police car and slightly east of Cloud's vehicle. Cagle stated that two officers (officers #3 and #4) approached Cloud's vehicle from the front, across the sidewalk and onto the parkway directly to the driver's door of the car. All four officers arrived at the driver's door of Cloud's vehicle at about the same time. All four officers had their guns drawn and were pointing them at Cloud. Cagle stated he stepped away from the car and towards the back of the vehicle approximately six or seven paces and was standing to the right of the officers. Cagle estimated his distance from the officers at seven to ten feet with a clear view of Cloud.

Cagle stated that the officers were all standing in a crescent pattern at the driver's door looking down into the vehicle. Initially, and for several seconds, all of the officers were shouting at Cloud to "get out of the car" and "put your hands up." Cagle stated that Cloud was looking at the officers and still appeared "dazed" and in a "state of confusion from the accident." Cagle stated that he did not hear Cloud say anything to the officers. Cagle stated that after several seconds Officer #2, who was standing toward the middle of the car and by the back door post of the vehicle, attempted to open the driver's door. The door would not open and the officers again shouted to Cloud to get out of the car.

Cagle stated that after failing to open the door and seeing no attempt by Cloud to get out of the car, two or three of the officers reached through the driver's window and began an attempt to pull him through the window. None of the officers moved to other positions around the car. Cagle stated that Officer #1 remained in the same position at the driver's door in a tactical stance with his gun in his right hand pointed at Cloud. Cloud's arms were extended over his head and the officers had pulled him out of the window from approximately his chest to his belly button. One of the officers had him around the neck. Cagle stated that Cloud appeared to be moving around while the Officer pulled him. Cagle stated that he did not know if Cloud was "struggling against the officers" or "if he was just writhing in pain."

Cagle stated that the officers appeared to lose their grip on Cloud and he fell back into the driver's seat of the vehicle. Cloud had not been wearing a seat belt. The officers then stepped back and Cagle stated that he could clearly see the top half of the steering wheel. Cloud's hands were not on the top half of the steering wheel and he did not appear to be turning the wheel. Cagle stated that when Cloud fell back into the vehicle the engine began to accelerate and the left rear tire began spinning throwing up mud and grass. Cagle stated that he did not hear the vehicle start up and did not see movement suggesting Cloud was manipulating the gear shift. Cagle said he knew the vehicle was "high center", restricting the rear tire traction. Cagle said even with the tire spinning he believed the vehicle would not have been able to move without a "wrecker."

Cagle stated that he watched as Officer #1 took "about a half of a step back and to his left, then fire one shot into Cloud's head between the "base of the chin and forehead." Cagle stated that Officer #1 waited an instant, held his position, pointed his gun at Cloud's chest, and fired two or three more shots. The sequence of shots were described as 1st shot, (short pause 1 to 1.5 seconds), then 2nd shot, 3rd shot, 4th shot, in quick succession. Cagle stated that officer's #2, #3, and #4 had their weapons out but he did not believe any of them fired.

Cagle stated that he instantly yelled at the Officer, "Oh my god, you guys just killed this guy"; "I can't believe you killed him." Cagle said he then turned and ordered Shawn Daskan to use his truck, leave the lot, and take his daughter home. Cagle said he was then quickly escorted into the building with another salesman, (Ted Brown) by other the officers who had arrived at the scene. Cagle stated that he saw approximately four or five additional the officers inside the building with their guns drawn and pointing toward Cloud's vehicle. Cagle stated that by this time the tire of Cloud's car was spinning out of control and smoke was billowing from the rear of the vehicle. Cagle said he continued shouting at the officers that "they didn't have to kill him." Cagle stated that one of the officers then yelled back at him that "he (Cagle) did not know the whole story."

Cagle stated to this investigator that he has several personal concerns regarding the shooting. Cagle said he believes some police statements as reported in the newspaper were intentionally inaccurate. Cagle cited an example where it was reported by the police that Cloud reached for the center console and from his observation there was no center console. It was also reported by the police that Cloud grabbed and was moving the steering wheel. Cagle said he never saw Cloud either grab the steering wheel nor did he see the steering wheel move during the incident. Cagle stated that he is also concerned for his personal safety and believes he may become the target of police harassment because he has stated openly the shooting was not justified in his judgment.

Cagle assisted in preparing a diagram of the vehicle, and the officer and witness positions following the taped interview.

Report of Interview

Person Interviewed: Danny Fred Lane
Date of Interview: October 11, 2006
Recorded: Yes
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

Danny Fred Lane was advised on the identity of the interviewing investigator and the purpose of the interview. Lane is the Fleet and Internet Manager for Acura of Riverside. Lane witnessed the car accident and subsequent shooting death of Douglas Steven Cloud by Riverside Police Officers on October 8, 2006. Lane did not know Mr. Cloud prior to this incident. The interview was conducted in the offices of Acura of Riverside, 7973 Indiana Avenue between 1:10 PM and 1:48 PM on October 11, 2006. The interview was recorded. Lane told the interviewing investigator the following information.

Lane stated that he was working on the afternoon of October 8, 2006. Lane and Mr. Cagle share weekend supervisory duties at the dealership. Mr. Cagle works the Saturday shift and Lane works the Sunday shift. Lane stated that Mr. Cagle also just happened to be in the office at the time of the incident despite it being his day off. Lane stated that he was seated at his desk in front of the window that faces the parking lot and Indiana Avenue. He just happened to be looking outside. The weather was clear and sunny. Lane estimated the time at 4:20 PM.

Lane stated that his attention was drawn to the sound of a car breaking and tires squealing close to the dealership. As is often common, he paused and then began to anticipate the sound of a collision. Lane said he then realized there had been a collision when he watched as a pick-up truck moved approximately 10 feet then stopped in the driveway. The pick-up truck had been on display. It had been parked on the parkway grass between the sidewalk and the dealerships fence.

Lane stated that he ran out of the office to check on the driver, (Douglas Cloud), and began yelling for someone to call 911. Lane said that as he left the building after Mr. Cagle, he realized all the employees were outside. Lane ran back into the office and called 911. Lane said that he talked briefly with a dispatcher who asked him if there were any injuries and the condition of the vehicle. Lane said that he told the dispatcher he was uncertain about injuries

but the vehicle was badly damaged and missing its entire rear end. Lane stated that while he talked to the dispatcher he saw police cars arrive. The officers got out of their cars with their guns drawn. Lane told the dispatcher that officers had arrived and had their guns drawn. The dispatcher told Lane, "Yes, that is our suspect." Lane said he then hung up the telephone.

Lane stated that when he initially ran toward the vehicle, he observed Mr. Cloud sitting behind the driver's wheel. He estimated that he was approximately 35 feet away. Mr. Cloud appeared to be in his early 20's, very thin, perhaps 140 pounds. His hands were placed on the steering wheel and he appeared "stunned" from the accident. The back end of the car was "completely wiped out." The driver's side trunk and fender were pushed back so far the undercarriage and the tire were visible. The vehicle had come to rest with its rear end facing west and very close to the pick-up truck with which it had collided. Lane said that he could hear the car still running and idling. Lane said the damage was so severe he did not think the car would be able to be driven from that position.

Lane said that he watched from the office as the arriving officers left their cars with their guns drawn and ran toward Mr. Cloud's vehicle. Lane said that he recalls three officers approaching Mr. Cloud's vehicle from the rear and running immediately to the driver's door. Lane said he could not hear any of their commands or conversations. Lane said that he watched Mr. Cagle step away from the car as the officers arrived and then watched them stand a few feet away. Lane said there were no officers in front of or behind the vehicle.

Lane said that two officers reached inside the car and grabbed Mr. Cloud. Lane said that the officers were attempting to pull Mr. Cloud through the window. Mr. Cloud was struggling slightly and his arms were above his head and crossed as the officers pulled. Lane said he watched as the officers were able to extract Mr. Cloud's arms and head through the window. Lane believed that the officers were going to be successful.

Lane briefly looked away to watch other officers arriving in the parking lot and weaving their way through cars to take up positions next to the building and various vehicles. Lane said one of the officers had a dog and took up position in front of the window of the building.

Lane said his attention was drawn back to Mr. Cloud's vehicle when he heard the first gun shot. Lane looked back towards the car and realized that Mr. Cloud had not been pulled from the vehicle. One Officer was pointing his gun into the vehicle in a downward trajectory into the front seat. Lane said immediately after the first shot, the car began to accelerate and rev up. The Officer hesitated for an instant and fired three additional rounds. Lane said he could not see Mr. Cloud's position in the car at that instant. The car continued accelerating and screeching to a point at which Lane thought the car was going "blow up". Lane said the car never moved. The tire suddenly blew out and the car engine stopped.

Lane stated that he not see any other officers fire their weapons and only heard four shots. Lane said that after the shooting the officers stood next to the car with their guns drawn and pointing inside the vehicle. The officers remained there for an instant and then slowly moved away.

Report of Interview

Person Interviewed: Theodore A Brown
Date of Interview: October 12, 2006
Recorded: Yes
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

Theodore A. Brown was advised on the identity of the interviewing investigator and the purpose of the interview. Brown is a Salesman for Acura of Riverside. Brown witnessed the car accident and subsequent shooting death of Douglas Steven Cloud by Riverside Police Officers on October 8, 2006. Brown did not know Cloud prior to this incident. The interview was conducted at a location away from Acura of Riverside between 12:15 PM and 12:51 PM on October 12, 2006. The interview was recorded. Brown told the interviewing investigator the following information.

Brown stated that he was working at his desk on the afternoon of October 8, 2006. His desk is located inside the building of the used car dealership for Acura of Riverside, 7973 Indiana Avenue. Brown stated that his desk is arranged in front of a window and that his chair faces the Indiana Avenue almost in a direct line from where Cloud's vehicle stopped following the collision.

Brown stated that he looked up from his desk when he heard the initial crash. Brown stated that Cloud's vehicle was traveling backwards, west-bound on the south sidewalk of Indiana Avenue, directly in front of the dealership. Brown stated that Cloud's vehicle collided with a palm tree and then hit a displayed pick-up truck on the parkway between the sidewalk and the metal fence.

Brown stated that he picked up his telephone and dialed 911 to report the accident. After dialing the number and speaking with the operator, Brown said that he ran outside toward Cloud's car. Brown advised that Fred Cagle was standing and leaning inside the driver's window. Brown said that he could see Cagle's hand on Cloud's chest and could hear Cagle talking and trying to assure Cloud that everything would be alright. Brown said that he could see Cloud's facial expressions and inside the vehicle including the steering wheel. Brown estimated that he was standing about ten feet from Cagle when he saw the police cars arriving.

Brown stated that the vehicle was an older model Toyota and had sustained collision damage to the rear end of the vehicle. He said that the vehicle was “lodged” between the palm tree and a telephone pole facing a metal fence. Brown said that in his opinion Cloud’s vehicle could not have moved from its location. It was not removable from its stationary position and was pointing directly towards the fence. Brown stated that he did not know if the vehicle was running or if the driver’s door would open.

Brown stated that Cloud appeared “dazed” from the accident and looked as if he did not know where he was or what happened. Cloud’s hands were not visible.

Brown stated that he watched as four officers go directly to the driver’s door and were standing facing Cloud. Brown stated that he thought the officer’s were going to order Cloud to get out of the vehicle and then back away until he complied. However, Brown said that he was surprised when all the officers reached through the windows of the vehicle and began pulling Cloud. Brown said it appeared that the officer’s were attempting to pull Cloud through the front, back and driver’s windows all at the same time. One officer had Cloud by the neck and other officers were pulling his arms. Brown said the officers: “didn’t know which way they were going”. At the same time, the officers were shouting at Cloud to get out of the car.

Brown stated that he could not recall exactly when the vehicle began revving, but believed it began as the officers pulled on Cloud from different angles. Brown said he did not recall ever hearing the starter engage and then hear the engine start. Brown theorized that when the officers pulled Cloud’s head, arms and chest from the window, his legs began to straighten beneath the steering wheel, forcing his foot upon the accelerator. Brown said that when the vehicle began revving, the officers lost their grip and Cloud fell back into the driver’s seat. Brown said that Cloud “was not fighting” and “was not trying to get away.” Brown said that Cloud’s hands were not on the steering wheel.

Brown stated that when Cloud fell back into the seat, the vehicle was revving and the officers stepped back “slightly.” The officers were standing essentially side-by-side in a slight arch facing the driver’s door. The second officer closest to the back of the car fired at Cloud. Brown described the officer as a male with Asian features and short black hair. Brown said he could not describe any of the other officers. Brown said four shots were fired with a short pause between the 1st shot and the remaining three rounds that were fired in quick succession. Brown stated that he saw Cloud’s body first go “up” and then “over” toward the passenger seat.

Brown stated that immediately after the shooting, the officers just stood there. The Asian officer looked very pale and the other officers were looking at him in a way that Brown believed suggested the shooting was not right. Brown said he initially thought the officers must have seen a gun. Brown said he and Fred Cagle began asking the Officers why they had shot him.

Brown stated that that he never witnessed anything he believed to be of any danger to the Officers. Brown questioned why the officers approached the car in the fashion they did and why they initially attempted to pull Cloud through the window. Brown said that he believed the officers “over reacted” and they “had no right to shoot that guy.”

Brown assisted in preparing a diagram of the vehicle, officer, and witness positions during the taped interview.

The interview was concluded at 12:51 PM.

Report of Interview

Person Interviewed: Shawn Daskam
Date of Interview: October 13, 2006
Recorded: Yes
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

Shawn Daskam was advised on the identity of the interviewing investigator and the purpose of the interview. Daskam is a Salesman for Acura of Riverside. Daskam witnessed the car accident and subsequent shooting and death of Douglas Steven Cloud by Riverside Police Officers on October 8, 2006. Daskam did not know Cloud prior to this incident. The interview was conducted at a location away from Acura of Riverside between 12:20 PM and 12:55 PM on October 13, 2006. The interview was recorded. Daskam told the interviewing investigator the following information.

Daskam stated that he was working at 4:00 PM on October 8, 2006, and was standing inside the building next to the outside doorway of the used car dealership's sales office located at 7973 Indiana Avenue. Daskam stated that he heard a "crash" and saw Fred Cagle run through the doorway. Daskam said he followed Cagle from the building and into the parking lot. Cagle told Daskam to call an ambulance and Daskam said that he ran back into the building. Daskam said that he instructed another employee to call the ambulance and he ran back outside to attempt to assist Cagle. Daskam stated that he saw Cagle standing at the driver's door, leaning inside the car and trying to comfort the driver, identified as Cloud.

Daskam stated that Cloud's vehicle had sustained rear end damage, was "high centered" on a portion of a palm tree and wedged against the tail gate of a full size pick-up truck. The windows were out and Cloud was the only person in the car. Daskam stated that he did not know if the vehicle was running. Daskam said that when he saw the condition and position of the vehicle he did not think it could not be driven away.

Daskam stated that Cagle told him to check on the ambulance. Daskam said that he ran back into the offices and was advised that the ambulance was on its way. As he returned, he

observed approximately six police cars arriving from different directions and parking in various locations around the crash.

Daskam stated that he was standing towards the rear of Cloud's vehicle on the driver's side, approximately ten feet from the driver's door. Daskam stated that Cloud appeared to be in "shock and lethargic" while Cagle attended to him.

Daskam stated that the officers began leaving their cars and "darted" toward Cloud's vehicle. Several officers first arrived at the vehicle on the passenger's side and "commanded" Cloud to put his "hands on his head". They moved to the rear of the vehicle still issuing commands and then quickly moved to the driver's side next to the door. Daskam stated that Cloud still appeared to be in shock and lethargic, he was making no attempts to struggle or escape.

Daskam stated that three, or perhaps four, officers grabbed Cloud and attempted to pull him through the open window of the driver's door. One of the officers had his arm around Cloud's neck in an attempt to pull him free from the car. Daskam stated that Cloud was "writhing and struggling a little bit" but was not trying to "get away". The officers were unsuccessful in lifting Cloud from the vehicle and he fell back into the driver's seat. Daskam stated that, at that instant, the car began to accelerate and the rear tires began to spin out of control. The car did not move from its high centered position. Daskam said he did not know if the car engine was running during the struggle.

Daskam stated that as the vehicle continued to accelerate the officers stepped backwards and slightly away from the car. One of the officers had his gun out and it was pointing at Cloud. Daskam said his attention became focused on that Officer. He described the Officer as slightly shorter than the others, clean-shaven and with dark hair. Daskam said he could also see Cloud's head and upper body. Daskam said he could not see Cloud's hands. Cloud's hands were not on the steering wheel and the steering wheel was not moving.

Daskam stated that once the officers had stepped away from the car, the one Officer directly in-line with the driver's door, hesitated slightly and fired one shot. Daskam said that Cloud slumped over in the seat and he was no longer visible. The Officer hesitated again and fired three additional shots in rapid succession. Daskam said that he believed only one Officer fired.

Daskam stated that all the officers remained at the side of the car for a brief period after the shooting, and then one of the officers said something to the effect that the car was going to "blow" and they began to move away.

Daskam said that Fred Cagle was very excited and angry following the shooting and began yelling and asking the officers why they had needed to kill the guy.

Daskam said that he did not see any threat to the officers and never felt as though he was in danger from Cloud's vehicle. Although the cars tires were spinning, throwing debris, and creating smoke and noise, Daskam said he did not believe this was a threat to the officers or to civilians.

Daskam said that he did not witness any “justification” for the shooting and said that he believes that the officers “assassinated the guy”.

Report of Interview

Person Interviewed: Juan Manual "Manny" Dominguez
Date of Interview: October 11, 2006
Recorded: Yes
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

Juan Manual Dominguez was advised on the identity of the interviewing investigator and the purpose of the interview. Dominguez is a Lot Porter for Acura of Riverside, 8001 Auto Drive, Riverside, CA 92504. Dominguez witnessed the car accident and the subsequent death by of Douglas Steven Cloud by Riverside Police Officers on October 8, 2006. Dominguez did not know Cloud prior to this incident. The interview was conducted at the dealership between 12:15 PM and 12:51 PM on October 12, 2006. The interview was recorded. Dominguez told the interviewing investigator the following information.

Dominguez stated that he was working on the afternoon of October 8, 2006 in the afternoon at around 4:00 PM. Dominguez is a Lot Porter for the dealership and his duties include the detailing and waxing of vehicles. Dominguez was working in the area of the "back lot" of the new car dealership on the south side of Indiana Avenue. Dominguez said his co-worker, Justin, was also present.

Dominguez said his attention was drawn to the front of the business in the area of Indiana Avenue by the sound of screeching tires and a collision. Dominguez said he told Justin that someone had had an accident and suggested that they go to the front to see if they could assist. Dominguez said that they could tell the accident had happened at the dealership because they could see smoke coming from across the street on the north side of Indiana in front of the used car lot. Dominguez stated that they ran to the sidewalk on the north side of Indiana, almost in line with the vehicle involved in the accident and slightly to the east. Dominguez said they were going to cross the street but because the traffic was so heavy, they could not cross safely, and so remained on the sidewalk. Dominguez estimated their distance from the wrecked vehicle at approximately sixty feet or slightly fewer.

Dominquez stated that the vehicle involved in the accident was an old model Toyota. The car had stopped on the parkway of the south sidewalk of Indiana Avenue pointing in a northeasterly direction. The car was half gone, smashed in the rear, and "totaled." Dominquez initially stated that he did not think the car was running when he first saw it, but later stated, "It was difficult to tell" and said that he seemed to recall hearing the ignition start prior to the car revving out of control and prior to the shooting.

Dominquez stated that Fred Cagle was standing and leaning into the driver's window talking with the driver (Douglas Steven Cloud). Dominquez said he could see the back of the Cloud's head. Dominquez said it appeared as though the Cloud was "Looking around like he was out of it and didn't know where he was." Cloud had one hand on the steering wheel but he was not moving and did not appear to be trying to get away. Dominquez said he could not hear any of the conversation between Cloud and Mr. Cagle.

Dominquez stated that before he and Justin could cross the street he saw a police car arrive and park facing east in the west-bound lanes of Indiana Avenue, slightly behind Cloud's car. Dominquez recalls seeing only one officer step out of the police car. The officer had his gun drawn and went directly to the driver's door side of Cloud's vehicle. The officer pointed his gun at Cloud and commanded him several times to "Get out of the car." Dominquez said that Cloud was not paying any attention to the Officer but was moving his head around inside the car. Dominquez stated that several additional police cars arrived and at least four or five more officers ran to the driver's side of the car next to the door. Dominquez said he saw Mr. Cagle move several steps away from the door and towards the back of Cloud's vehicle.

Dominquez stated that he watched as at least one of the officers reached inside the car and tried to pull Cloud from the vehicle through the window but this did not work and Mr Cloud fell back inside. Dominquez stated that it was at that instant he believes he heard the ignition and the car start. Dominquez said he could see the steering wheel. Cloud's hands were not on the wheel or turning the wheel, but the car immediately started revving and accelerating. Dominquez said that as the car began to accelerate, he believed that Cloud was trying to get away. The acceleration caused the rear tire to spin causing debris to fly into the air and smoke was visibly emitting from the back of the vehicle. Dominquez said that the car did not move at all.

Dominquez stated that the vehicle continued to accelerate and the entire group of officers stepped slightly away from the car. One Officer had his gun pointed at Cloud and fired one shot, paused for an instant, and then fired three more times. Cloud's foot remained on the accelerator and the tire continued to spin throwing debris and creating smoke. Dominquez said that after the shooting, he backed away and took cover. Dominquez said that he believed only one officer fired and described the officer as possibly Hispanic and as wearing sunglasses.

Report of Interview

Person Interviewed: Angel Munoz
Date of Interview: October 20, 2006
Recorded: No
Interview Topic: Shooting death of Douglas Steven Cloud

On October 20, 2006 I contacted Angel Munoz by telephone. I identified myself and told Mr. Munoz the purpose of my telephone call.

Mr. Munoz told me that he was at the scene when Douglas Cloud was shot by Riverside Police Officers. Mr. Munoz initially stated that he would meet with me and agreed to be interviewed on October 21, 2006.

Mr. Munoz later called back and explained that he had thought about it and no longer would agree to an interview. Mr. Munoz said he was in the wrong place at the wrong time. He said he had already told everything he had witnessed to the Police Department.

Report of Interview

Person Interviewed: Curtis Neal
Date of Interview: October 13, 2006
Recorded: Yes
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

Curtis Neal was advised on the identity of the interviewing investigator and the purpose of the interview. Neal is the Sales Manager for Riverside Car Store. Neal witnessed the car accident and subsequent shooting death of Douglas Steven Cloud by Riverside Police officers on October 8, 2006. Neal did not know Cloud prior to this incident. The interview was conducted at the Riverside Car Store, 7925 Indiana Avenue between 1:30 PM and 1:43 PM on October 13, 2006. The interview was recorded. Neal told the interviewing investigator the following information.

Neal was working in his office on the afternoon of October 8, 2006 and heard the car accident involving Cloud in front of the Acura dealership. The Car Store is located next door to the Acura used car dealership on the north side of 7900 Indiana Avenue.

Neal stated that he left the building and walked to the west end of the parking lot. Neal said he stood approximately 225 feet east of Cloud's car and watched the events immediately following the accident.

Neal described the day as clear. The sun was in the west and created a glare from the windshield of Cloud's vehicle. The vehicle had spun out during the accident and was turned to face east on the south sidewalk of Indiana Avenue in front of the Acura store. Neal stated that he did not know if Cloud's vehicle was running immediately following the accident. Neal stated that he later recalled the tires on the car spinning, throwing debris, and creating a lot of smoke although he did not recall if that happened before or after the shooting.

Neal stated that he initially observed "a gentleman" (Fred Cagle) from the Acura dealership approach Cloud's vehicle from the driver's door and attempt to administer some type of aid. Neal stated that he could not see Cloud inside the car because of the glare upon the windshield. Shortly after, the first officer arrived and approached the car from the rear with his

gun drawn. Neal said the civilian moved slightly away and towards the rear of the car. Additional officers then began arriving and searching for a second suspect. Neal stated that he went back inside and locked the dealership doors. Neal said he remained there for several minutes and then went back outside.

Neal stated that initially officers were on both sides of Cloud's car. At least three or four officers were on the driver's side of the car and were attempting to get Cloud out of the vehicle. Neal said he did not see any of the officers pulling on Cloud but reasoned they had at least attempted to open the doors. Neal said he could not hear any of the commands or conversations between the officers and Cloud.

Neal stated that the officers had spent "many minutes" attempting to get Cloud out of the car and then one of the officers towards the rear of the car fired several shots. Neal said he initially thought it was eight or nine shots but then said that some of the sounds may have been echoes from the buildings. Neal said the shots sounded like there was a short pause between the first round and subsequent rounds that came in quick succession. Neal said once the shooting started he "took cover" and did not see the events that followed the shooting.

Neal concluded that in his opinion the officers did "everything right other than shooting the guy." Neal said the officers made numerous attempts for a long period of time to get Cloud out of the car. Neal said he could not see if Cloud had made any sudden moves but he clearly was not getting out of the car. Neal said, "If the guy (Cloud) had a gun or had gone for a weapon then I would say it was justified."

Report of Interview

Person Interviewed: James Taliaferro
Date of Interview: October 21, 2006
Recorded: Yes
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

James Taliaferro was advised on the identity of the interviewing investigator and the purpose of the interview. J. Taliaferro was a customer at the Home Depot on October 8, 2006. J. Taliaferro witnessed the theft of property and assisted in the attempted arrest of a person later identified as, Douglas Steven Cloud, by Home Depot employees. J. Taliaferro did not know Cloud prior to this incident. The interview was conducted at J. Taliaferro's residence between 3:35 PM and 4:01 PM on October 21, 2006. The interview was recorded. J. Taliaferro told the interviewing investigator the following information.

On October 8, 2006, J. Taliaferro was a customer at the Home Depot Store, 3323 Madison Street, Riverside, CA 92504. J. Taliaferro had just completed his shopping with his two sons, Vincent and Nicholas Taliaferro. J. Taliaferro was leaving the store through the garden exit and noticed a Riverside Police car parked in front of the store along the sidewalk. It appeared to J. Taliaferro that the officer had arrested a person who was seated in the back seat of the police car. J. Taliaferro said he commented to his sons that it looked as though the officer had arrested a shoplifter.

J. Taliaferro stated that as soon as he made the comment to his sons, a person (Cloud) ran past him carrying a large box. Cloud was running from the store's cash register area in the garden shop where J. Taliaferro had just completed his purchases.

J. Taliaferro stated that he saw two Home Depot security employees chasing Cloud and shouting for him to stop. J. Taliaferro said he told his two sons to help the security officers "catch the guy" (Cloud). J. Taliaferro stated that he followed his sons through the parking lot to Cloud's vehicle. Cloud had opened the back of his Toyota hatchback and had put the box inside his vehicle. The box was large enough to prevent the vehicle's lid from closing and it remained partially open. J. Taliaferro stated that everyone was struggling and he initially thought Cloud had been restrained. However, Cloud managed to struggle free, unlock the

driver's door, enter the car and then lock the door. J. Taliaferro stated that he opened the vehicle's hatchback lid, removed the box from the car, and threw it onto the ground toward the bushes on his left.

J. Taliaferro stated that after he threw the box to the ground, he heard Cloud start the engine. J. Taliaferro stated that he watched as Vincent Taliaferro grabbed the partially open driver's window. J. Taliaferro said the window shattered as his son pulled on it, creating the sound of shattering glass. J. Taliaferro stated that he heard Cloud shifting the car into reverse gear. J. Taliaferro said he believed that the vehicle had a manual transmission by the sound of the car being manipulated by Cloud.

J. Taliaferro stated that he could not hear any of the conversation or comments made by Cloud during the struggle at the car. J. Taliaferro said he was later told by his sons that Cloud was telling them to "leave him alone." J. Taliaferro said he did not believe that Cloud made any verbal threats and did not see any weapons displayed during the struggle. J. Taliaferro stated that he was later told during an interview by Riverside Police Detectives that Cloud "pulled a shotgun and is now under a sheet." J. Taliaferro said he and his sons did not see a shotgun.

J. Taliaferro stated that he was surprised his sons and the security officers were unable to restrain Cloud at the car. J. Taliaferro said his sons told him that Cloud struggled hard, was "very slippery" and difficult to hold onto.

J. Taliaferro stated that he realized he needed to move free of the vehicle when the car began to move in reverse out of the parking space. J. Taliaferro stated that he was between the car, the curb and hedges as the car started moving. J. Taliaferro said he used his hands to push away from the car and stumbled while moving backwards. J. Taliaferro said he fell to his knees and made "eye contact" with Cloud. Cloud backed out of the parking space turning the vehicle toward the exit and pointed directly at J. Taliaferro at a distance estimated at eight to ten feet. J. Taliaferro said there was no doubt that Cloud saw him on the ground in front of the vehicle. J. Taliaferro said that he believed Cloud was "desperate" to get away and would have "run over him" had he not got out of the way. J. Taliaferro stated that he heard the engine of the car begin to rev and the tires squeal on the pavement while he was looking at Cloud. J. Taliaferro stated that he was just preparing to "roll" to his left to avoid the car when he felt hands grab him by the shirt and trousers. J. Taliaferro stated that the two Home Depot security officers grabbed him and pulled him from the path of the car. J. Taliaferro said the vehicle missed hitting him by only one or two feet. J. Taliaferro stated that he sustained an abrasion to his left knee during the incident.

J. Taliaferro stated that Cloud left the parking lot at high speed towards Indiana Avenue.

Report of Interview

Person Interviewed: Michael Allen
Date of Interview: October 21, 2006
Recorded: Yes
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

Michael Allen was advised on the identity of the interviewing investigator and the purpose of the interview. Allen is an Investigator with Home Depot Loss Prevention. Allen witnessed the theft of property and assisted in the attempted arrest of Douglas Steven Cloud by Home Depot employees on October 8, 2006. Allen did not know Cloud prior to this incident. The interview was conducted at Home Depot, 3323 Madison Street, Riverside, CA between 11:35 AM and 12:06 PM on October 21, 2006. The interview was recorded. Allen told the interviewing investigator the following information.

On October 8, 2006, at approximately 3:55 PM Allen and his partner, Jason Nourse, were outside the Home Depot processing a shoplift suspect arrested earlier. Riverside Police Officer Putnam had arrived to take custody of the suspect.

Allen stated that he saw Cloud, running from the garden store exit and into the parking lot being chased by Home Depot Associate / Head Cashier James Blake. Cloud was carrying a large box containing a paint sprayer.

Allen stated that he began chasing after Blake and Nourse followed him. Allen stated that it is against company policy for security employees to chase shoplifters into the parking lot and that company associates are not normally supposed to become involved in such situations. Allen stated it was his original intention, for safety purposes, to "deescalate" the event by having employees back away and let Cloud escape.

Allen stated that by the time he reached the vehicle the situation was chaotic. There were four or five people including several customers and Blake gathered around the driver's side of the vehicle struggling with Cloud. They were all grabbing and pulling attempting to stop

Cloud from getting into the car. Cloud had already managed to put the box containing the paint sprayer into the back of his vehicle and was attempting to get into the car.

Allen described the vehicle as a 1980's Toyota, Celica, hatchback, bluish-silver in color.

Allen stated that he was standing behind a hedge and across from the driver's side of the car. Allen stated that he began shouting at people to "stop, let him go". Allen stated that at some point Blake stopped, left the area, and went back into the store. Several customers continued struggling with Cloud and Nourse remained in the parking lot away from the car. Allen stated that from his position behind the hedge he could see Cloud but could not see items that may have been in the car. Allen said he did not see any weapons or hear anything that Cloud may have said during the struggle.

Allen stated that Cloud managed to struggle free, open the car door and get inside. While Cloud attempted to pull the car door closed, one of the customers grabbed the door window attempting to pull it open. Allen stated the window shattered and he (Allen) was cut on the cheek from the flying glass. Allen stated that at about the same time, another customer, later identified as James Taliaferro, opened the hatchback and removed the paint sprayer throwing it into the bushes next to the car.

Allen stated that Cloud started the car and put it reverse. As the car began to move, James Taliaferro was pulled and dragged by the car. Cloud backed out of the parking space and Mr. Taliaferro fell to the ground on the pavement in front of the car. Allen stated that Cloud put the car into a forward gear at the same time accelerating causing the tires to spin. Allen stated that Jason Nourse was in a position to reach down and pull J. Taliaferro out of the path of the car, missing him by several feet.

Allen stated that Cloud left the parking lot towards McDonalds at high speed. Cloud drove in complete disregard for the safety of other customers and traffic in the parking lot

Allen stated that he ran toward the exit on foot and observed Officer Putnam leaving the parking lot at high speed. Putnam was using his red lights and siren while leaving. Allen stated did not know in which direction Cloud drove after leaving the parking lot.

Report of Interview

Person Interviewed: Dalyn Backes

Date of Interview: January 16, 2008

Recorded: No

Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

On January 16, 2008, Dalyn Backes was interviewed by telephone regarding Douglas Steven Cloud. Ms. Backes was advised on the identity of the interviewing investigator and the purpose of the interview. Ms. Backes is a Supervising Clerk for the Riverside County Coroner's Office, 800 S. Redlands Ave, Perris, CA 92570. During the interview Ms. Backes reviewed internal documents associated with Douglas Steven Cloud and provided the following information to the interviewing investigator.

The contents of Mr. Cloud's wallet were inventoried and recorded on Personal Property Inventory tag #38092. (Copy attached to this report)

The contents included the following:

1. CDL #B6862529 (Returned to DMV)
2. Miscellaneous cards and papers.
3. (1) Visa card xxxx5368 (keychain)
4. (1) Visa card xxxx5368
5. (1) Visa card xxxx5288
6. (1) yellow metal token.
7. (1) book of matches

Report of Interview

Person Interviewed: Ola Bawardi
Date of Interview: January 15, 2008
Recorded: No
Interview Topic: Shooting Death of Douglas Steven Cloud by Riverside Police

On January 15, 2008 Ola Bawardi was interviewed by telephone regarding Douglas Steven Cloud. Bawardi was advised on the identity of the interviewing investigator and the purpose of the interview. Bawardi is a Toxicologist with Bio-Tox Laboratories, 3357 Chicago Ave, Riverside, California 92507. During the interview Bawardi reviewed toxicology reports submitted in the Cloud case and provided the following information.

The best indicators for methamphetamine levels in Cloud's system are recorded in report 6-80348-7 (FEM BLD) collected on 10/9/2006. This was the earliest blood sample collected following his death and was less susceptible to the effects of post mortem redistribution. The subsequent tests performed with blood, urine, vitreous and brain samples collected on 10/10/2006 appear to demonstrate some of the effects of post mortem redistribution.

Bawardi advised that the (FEM BLD) levels in this case of 0.103 mg/L would generally be considered to be within an "abuse range". Bawardi advised that levels above 0.100 mg/L and up to 0.500 mg/L are considered within abuse range.

Bawardi advised methamphetamine breaks down in the system over time into amphetamine. The amphetamine level recorded in this case as 0.012 mg/L would suggest a recent use of the drug.