

STATEMENT FROM RICHMOND POLICE CHIEF MAGNUS REGARDING THE OFFICER-INVOLVED SHOOTING ON SEPT 14th #1

September 14, 2014, 2:00 p.m.

One of our patrol officers, assigned to the Southern District, was doing foot patrol at Uncle Sam's Liquor Store..., located 3222 Cutting Blvd. at 12:15 a.m., as part of his problem-solving beat-policing. Uncle Sam's is a liquor store that we closed briefly in February for several violations and it continues to be a problem location that has a negative impact on the surrounding neighborhood.

The officer, who is a Latino, Spanish-speaking 6 year-veteran with our department, made contact with the 24 year-old Latino suspect who displayed obvious signs of being very intoxicated. The suspect was aggressive, belligerent, and uncooperative towards the officer. The officer directed the suspect to sit on the sidewalk so he could conduct a records check. The suspect resisted being detained and attacked the officer when the officer tried to physically control him.

During this fight, the suspect became increasingly aggressive and tried to disarm the officer by attempting to pull the gun out of the officer's holster. The officer unsuccessfully tried to control the suspect and repeatedly directed him to submit to the detention. The officer and the suspect fell to the ground as they grappled with each other. The suspect grabbed and held on to one of the officer's hands, while using his other hand to simultaneously go for the officer's gun. This was seen by at least one independent witness.

As the officer tried to retreat, the suspect continued his assault. The physically exhausted officer, fearing the suspect would overpower him and get his gun, fired three shots at the suspect, striking him in the chest. The suspect succumbed to his injuries at the scene.

Based on established protocols, the Contra Costa County District Attorney's Office is conducting an independent investigation of this shooting and the officer is on paid administrative leave. There is limited CCTV footage of this incident which has assisted the investigators in determining the sequence of events that lead to the officer's use of lethal force.

This is the first fatal officer-involved shooting involving the Richmond Police Department since 2007. As Chief of Police, I am committed to the greatest degree of transparency possible involving this critical incident. I am confident that all aspects of this case will be thoroughly investigated and we will keep you apprised of updates as they become available.

Chief Chris Magnus

**UPDATE (#2) FROM POLICE CHIEF CHRIS MAGNUS ON THE OFFICER-INVOLVED SHOOTING
September 16, 2014**

I want to provide an update regarding the officer-involved shooting (OIS) that occurred over the weekend and provide some general information in response to questions and concerns that have been raised by various people.

Let me start by once again recognizing and fully appreciating that any loss of life is a tragedy. We offer our sincere condolences to the decedent's family, friends, and others affected by his death. No one, least of all the officer involved, takes this lightly. I understand how troubling an incident like this is for everyone involved and I want to reemphasize that the investigation into what happened will be thorough, comprehensive, and fair.

There are actually two distinct investigations taking place. One is conducted by a team of personnel from the Contra Costa District Attorney's Office who work in conjunction with our Homicide Unit investigators. These individuals have been gathering evidence, assuring evidence is properly processed, interviewing witnesses, and interviewing the officer(s) involved. This includes scrutinizing all video footage of the incident, listening to police-radio traffic, sending certain pieces of evidence to the Contra Costa Sheriff's Department Crime Lab for analysis, and attending the autopsy.

The second investigation is internal (within the Richmond Police Department). This investigation is conducted by our Professional Standards Unit (PSU) with the purpose of determining if the department's policies and procedures were followed, if any training issues are identified, and what the department can learn from this incident that might help us in the future.

Although I can't get into the specifics of the current investigation, I can answer some general questions about process and use of force:

Question: How can the public be confident that investigations into officer-involved shootings (OIS) are fair and comprehensive?

Answer: The Richmond Police Department participates in a county-wide protocol that involves a key oversight role for such investigations by the Contra Costa District Attorney's Office. That office serves as a neutral fact-finder and oversight body following any incident of this kind. Ultimately, the District Attorney's Office will make a determination about the shooting and any follow-up actions that office deems appropriate. In addition, a Coroner's Inquest is conducted for any fatal OIS. An inquest is an entirely separate investigation into the cause of death conducted by the County Office of the Coroner.

Question: Why does an investigation into an Officer-Involved Shooting take so long?

Answer: It is understandable members of the media and the public want findings related to incidents of this type as quickly as possible. That said, most reasonable people also want the agencies conducting the investigation(s) to be thorough, accurate, and fair. Not only does it take time to interview (and sometimes re-interview) all the parties involved, as well as all the witnesses; it also takes time to gather evidence, have evidence professionally processed at the Crime Lab, and to evaluate all the information relevant to the case. It is not uncommon sometimes for investigations of this kind to take several months or longer.

Question: What happens to the officer (or officers) involved in a shooting that results in injuries or death?

Answer: It is standard protocol in virtually all California police agencies for the officers directly involved in an OIS to be placed on paid administrative leave. This does not indicate that any conclusion or findings have been reached. It provides the needed time for the involved officers to be interviewed (which usually involves their union representative or attorney being present--as a right entitled to them by law). It also allows time for fact-finding to occur so the Police Department has a basic understanding of what happened and why. Finally, it provides the opportunity for the officers' due-process rights to be protected, and receive any supportive services they need, including peer support and counseling, following the incident.

Question: Do RPD officers have body-cams?

Answer: The department has been testing and evaluating different models and types of body-cameras over the past several months. We are now in the process of purchasing the cameras and developing the policies needed to put them into operation. We are planning on implementing the body-cams by early 2015. All patrol officers and a select group of other personnel (such as officers on a SWAT assignment or involved in serving a search warrant) will utilize the body-cams.

Question: According to news reports and social media, different people claim to have seen different things related to the Officer-Involved Shooting. How can their version of what happened be so different from what the Police Department has reported?

Answer: During any critical incident, different people see or perceive things differently. Sometimes their account of an incident is based on their location, their vantage point, their level of attention, and even their feelings about the parties involved. One of the advantages of video-evidence is that it can help clarify what actually happened, although even video evidence can be misleading or incomplete if it only shows one part of an incident--or shows it from a particular perspective. The job of a good investigator is to evaluate **all** the evidence, assess the credibility of the witnesses, and reach the best possible conclusions. Some people use media interviews or social media to voice their opinions about what happened even if they were not a direct witness to the event. This can cause confusion and lead to rumors based on seriously inaccurate statements. It is not appropriate or reasonable for a police department to try to respond publicly to the many opinions or claims that are made following a critical incident, such as an OIS.

Question: Why can't officers simply "shoot to injure" someone as opposed to using their firearm in a manner that may result in a suspect's death?

Answer: Officers are sometimes faced with a rapidly occurring set of circumstances that force them to make very difficult, often split-second, decisions. When an officer believes

his or her life, or someone else's life, is in danger, the officer has to decide what level of force is most **appropriate to stop the threat**. Although the department provides its officers with as many tools and as much training as possible to deal with resistant or dangerous individuals, there is no "one size fits all" approach to stopping a deadly **threat**. **Extremity** or "warning" shots may be common on TV or in the movies, but in real-life, they are highly discouraged—if not outright prohibited—**by most police departments**. The actual precision of anyone firing a gun under highly stressful circumstances, often in poor lighting, at a distance, or while the parties involved are moving, is almost **impossible to assure**. **Officers are taught to shoot using established firearms techniques** that will "stop the threat." **While no one wants to see a life taken, officers need to be able to protect themselves, as well as others, when lives are in immediate danger**. It is appropriate that any such actions be thoroughly investigated and critiqued after the fact by the District Attorney and Coroner, but many times the "critiquing" is done by individuals and groups with limited or no knowledge of what witnesses actually told the **police, what the evidence shows, and other relevant information**. **At the police department, we just have to accept this as inevitable, but we also understand how this misinformation, deliberate or otherwise, can be very confusing to the public.**

Question: Where can I get more information or stay informed about what 's going on related to the Richmond Police Department or specifically an OIS?

Answer: The Richmond Police Department uses its Facebook page, its website (www.richmondpd.net), and the Chief's Twitter account (@RPDChiefMagnus) to provide information to the community that is as accurate and timely as possible. We also welcome your feedback through these forums, even if it is questioning or critical. We value our relationship with the community and seek to maintain our commitment to transparency and openness.

Chief Chris Magnus