

JIMENEZ OID FACT SHEET

13-034 | P13-133894

Date Occurred: September 13, 2013
Time of Occurrence: 2108 Hours
Decedent: Hector Enrique Jimenez
Location: 2395 10th Street, Riverside

Officer(s) Involved: Officer Kevin Kauk #1326
Officer Nick Larkin #1721
Officer Trevor Childers #1745
Officer William Outlaw #1754

Officer Witness(s): Sergeant Gary Toussaint #0471
Officer Kevin Feimer #1001
Officer Jarod O'Farrell #1749

Civilian Witnesses: Steven Johnson (Civilian Ride-Along with Officer Childers)

Officer Injuries: None

Suspect's Injuries:

Decedent Hector Jimenez sustained nine gunshot wounds to the body. Jimenez also had marks on his body from the use of a less lethal "bean-bag" shotgun.

Gunshots Fired by Officers Kauk, Larkin, Childers and Outlaw:

The duty weapons of each officer were examined by a forensic specialist at the California State Department of Justice. The examiner found that all weapons functioned properly during the examination. The following evidence is based upon the charting of each officer's duty weapon by RPD Detective Rob Wheeler.

A total of 15 rounds were fired between three officers and four less lethal rounds were fired by one officer.

- **Officer Kevin Kauk fired (8) rounds**
Glock 22 .40 Cal. Seven rounds found in the magazine and one in the chamber. Two additional magazines were loaded to the full capacity of 15 rounds.
- **Officer Nick Larkin fired (3) rounds**
Glock 22 .40 Cal w/tactical light (twelve rounds found in the magazine and one in the chamber. Three additional magazines were loaded to the full capacity of 15 rounds
- **Officer Trevor Childers fired (4) rounds**
Glock 22 .40 Cal with tactical light. Eleven rounds found in the magazine and one in the chamber. Three additional magazines were loaded to the full capacity of 15 rounds.

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- **Officer William Outlaw fired (4) “less lethal” bean bag rounds**

Glock 22 .40 Cal with tactical light. Fifteen rounds found in the magazine and one in the chamber. Three additional magazines were loaded to the full capacity of 15 rounds.

NOTE: Did not fire his duty weapon. The less lethal shotgun had two rounds on the side saddle and no rounds in the magazine tube.

Decedent Jimenez:

- **Hector Enrique Jimenez:**

Black handled knife with 6” blade

FACT SHEET

The fact sheet is numbered and designed to point you to important factual information located in the criminal case book that will help guide you in your review process. It is not designed to take the place of a cover to cover review. It is up to you to review the “fact sheet” data before or after a cover to cover review. Each point of reference is preceded by a TAB number followed by a page number and paragraph number.

TAB 1 – OID Summary, Pages 1 – 15: OID Summary by Detective Ron Sanfilippo, Lead Investigator. The summary provides a detailed overview of the incident.

TAB 2, Pages 1 – 2: Call ticket printout listing the type of call officers are being sent to. On the call ticket, Page 1, 2nd entry, “RP’s dad has a knife and is att to kill himself – Dad outside at the corner of 10th and Sedgwick.” Additional information concerning the call was provided to the responding officers. The information was, “Already cut his face and legs – is bleeding.”

TAB 3 – Original Report, Page 1 Narrative: Detective Sanfilippo. Took the initial crime report listing PC 245 (C) Assault with a Deadly Weapon on a Peace Officer. File #P13-133894. Sanfilippo wrote a brief summary on the incident highlighting the crime where “officers were dispatched to 2395 10th Street at 2108 hours reference a suicidal subject cutting himself with a knife. Officers made contact with Jimenez who was uncooperative and would not comply with commands to drop the knife. When Jimenez became aggressive and moved toward the officers with the knife he was shot and killed.”

TAB 6 – Supplemental Report, Page 1 Narrative: Sgt. Cash. Organized the transportation of the four involved officers to the Magnolia Station and ensured that they remained separate pending interviews and further investigation.

TAB 8 – Supplemental Report, Pages 1 – 2: Officer McMillan. Responded to assist with the investigation. Tasked to canvass the neighborhood for possible witnesses. Officer McMillan spoke to three residents, none of which saw the shooting. Two reported hearing 6 gunshots.

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The other did not see or hear anything. One of the three stated that Jimenez was an alcoholic who gets into 2 – 3 fights each week.

TAB 9 – Supplemental Report, Page 1 Narrative: Officer Mercadefe. He arrived at the scene of the shooting and sealed off the crime scene with “caution tape.” Maintained scene security until relieved by another officer.

TAB 11 – Supplemental Report, Page 2, Paragraphs 5 – 6: Riverside County Sr. D.A. Investigator Robert Kwan. Kwan and a Parole Officer were riding together and working a gang task force assignment in Riverside. Heard the radio call and responded to assist. Upon arrival, he saw several RPD officers in the front yard within a chain link fence with guns drawn and pointed at a subject sitting in a chair holding an unknown object in one of his hands. Kwan changed direction and suddenly heard gunshots. He did not witness the shooting, but saw that Jimenez was no longer on the porch but lying on the ground.

TAB 13 – Supplemental Report, Pages 1 – 3: Officer Hoyos. Interviewed two neighbors as potential witnesses. Neither saw the shooting nor did they hear any conversation between officers and Jimenez. Only heard shots.

TABS 15 & 16: Tab 15 Supplemental Report, Page 1 Narrative & Tab 16 Supplemental Report, Pages 1 – 2: Officer Sears (Tab 15) and Officer Boulrice (Tab 16). Officers Sears and Boulrice responded to the scene and assisted in securing the crime scene. They were also tasked with canvassing the neighborhood. Sears interviewed one person who did not see the shooting. Only heard gunshots. Boulrice interviewed a resident who did not witness the shooting, only heard what sounded like firecrackers.

TAB 17 – Supplemental Report, Page 3: Officer Macias. Tasked with canvassing the neighborhood. Interviewed two residents and neither witnessed the shooting. Gunshots heard by both. One of the residents heard yelling just prior to the gunshots going off, but could not understand what was being said.

TAB 26 – Supplemental Report, Page 3: Officer Stennet. Assigned to the Metro Team and responded to the scene to assist. Was tasked with perimeter security and spoke with four residents. Three heard gunshots only. Two heard someone say “Get down” followed by 5 – 6 gunshots. One did not see or hear anything.

TAB 27 – Supplemental Report, Page 1 Narrative: Officer Smith. Assisted in placing yellow caution tape around the perimeter and spoke with a resident across the street. The resident heard “gunshots,” but did not see or hear anything else. Looked out the window and saw officers in the yard across the street, but nothing else.

TAB 31 – Supplemental Report, Page 2: Officer Crawford. Arrived at the scene and was tasked with contacting a potential witness that may have seen the shooting. Crawford contacted the potential witness, Cindy Covington, who told him that he was only a “pee-on” [sic] and

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wanted to give a statement to a sergeant or captain. Crawford was unable to interview Covington and left.

TAB 40 – Supplemental Report, Pages 2 – 3: Detective Wood. Responded to the scene to assist with the investigation. Wood was accompanied by fellow detectives Collopy and Levesque. Wood was tasked with interviewing family members, but none of them wished to be interviewed since they were upset that the police shot Jimenez. Thalia, the decedent's daughter, initially agreed to speak with Wood although she was visibly upset. Thalia said that Jimenez came home after a stay at Parkview Hospital. Once home, Jimenez began drinking beer and taking his medications. Jimenez then "started going crazy" and began to cut himself with a knife in front of family members. Jimenez went outside and Thalia called the police. After seven minutes of interview time, Thalia said she could not continue and the interview was concluded. Wood recorded the interview. Wood also interviewed the paramedic, Anthony Knittel, who was the first to examine Jimenez and found no signs of life. Knittel pronounced him deceased at the scene.

TAB 41 – Supplemental Report, Pages 2 – 3: Detective Medici. Responded to the location to assist with the investigation. Medici interviewed Carolina Perez whose family rents the apartment next to Jimenez. Carolina's parents, Hector and Rogelia Perez, were present during the interview, but spoke very little English so they were not interviewed at the time. The Perez family members were home when the shooting occurred, but did not witness it. Carolina saw the officers in front of Jimenez' apartment, but she could not see Jimenez or what he was doing. Carolina said police have been to the Jimenez home several times.

TAB 42 – Supplemental Report, Pages 2 – 3: Detective Levesque. Responded to the location to assist with the investigation and was tasked with interviewing family members. Levesque interviewed Hermilo Melendrez-Sigala, the son-in-law of decedent Jimenez. Hermilo is married to Thalia, Jimenez' daughter. Hermilo said Thalia and their son had been staying at the decedent's home for the past couple of days. Thalia called him earlier, before the shooting, and asked Hermilo to pick her and their son up because Jimenez was drunk and she did not want a scene in front of their son. He arrived when officers were at the location. Hermilo said Jimenez had been stressed since they had no money and he was being evicted. Another potential witness, Jasmine Robles, was not at the location but arrived after she learned about the shooting. She did not witness the shooting and was not interviewed.

TAB 43 – Supplemental Report, Pages 2 – 3 (attached search warrant): Detective Collopy. Responded to the location to assist with the investigation and was initially tasked to conduct interviews. He spoke with Anavel Gomez who resides down the street from Jimenez and is a friend of Thalia Jimenez. She did not witness the shooting. She was contacted by Thalia after the shooting. Gomez commented that Jimenez had medical and alcohol problems. Collopy interviewed AMR paramedic Joel Niehuus who was called in to treat Jimenez. He and his partner found that Jimenez had no signs of life and they pronounced him deceased with the assistance of RPD Fire personnel. Collopy was then tasked with obtaining a search warrant for evidence collection at the crime scene. A copy of the search warrant and affidavit for search warrant is included in this tab.

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TAB 44 – Supplemental Report, Pages 1 Narrative; Pages 2 – 6 Transcript of Thalia Jimenez' 911 call: Detective Sanfilippo.

TAB 45 – Supplemental Report, Pages 2 – 5: Detective David Smith. Conducted recorded interviews with witness officers and police ride-along, Steve Johnson. Pages 2 – 5 provide summaries of the three interviews. The interview summaries are followed by transcripts of each interview.

TAB 46 – Supplemental Report, Pages 2 – 4: Detective Jim Simons. Conducted recorded interviews with Sgt. Gary Toussaint and Parole Agent Steve Webber who was working on a gang task force at the time. Toussaint was the on-scene supervisor. He saw Jimenez sitting in a chair holding a knife. Toussaint maintained negotiations with Jimenez in order to calm him down and get him to drop the knife so he could be helped. Toussaint was not holding his sidearm while speaking with Jimenez so he would not agitate Jimenez. Toussaint directed Officer O'Farrell to get into a position to utilize a Taser. As O'Farrell began to aim the Taser at Jimenez, he (Jimenez) got up from the chair and lunged toward Officers Larkin, Kauk, Outlaw, and Childers. As Jimenez advanced toward the officers with his knife in hand, the officers fired their weapons at him. Outlaw was using a less lethal shotgun.

Agent Webber was standing to the left of the four shooter officers. He saw Jimenez seated in a chair holding a knife. At one point, Jimenez got up and lunged toward officers with a knife in his hand. The officers fired their weapons at Jimenez, who fell to the ground. The interview summaries of Toussaint and Webber were followed by interview transcripts.

TAB 47 – Supplemental Report, Pages 2 – 3: Detective Wheeler. Conducted interview with Officer Jared O'Farrell. O'Farrell responded to the call to assist. While at the scene, he saw Sgt. Toussaint speaking to Jimenez who was sitting in a chair on the porch. Toussaint was trying to calm Jimenez down. At one point, Toussaint asked O'Farrell to come to where he (Toussaint) was at so that O'Farrell could deploy his Taser. O'Farrell was standing next to Toussaint and removed his Taser from its holster and was moving it from his left hand to his right hand when Jimenez suddenly stood up and lunged toward Officers Larkin and Kauk. Jimenez had a knife in his hand at hip level. He was approximately 15' away from Jimenez. O'Farrell suddenly heard shots ring out and Jimenez fell to the ground. The summary of O'Farrell's interview was followed by transcripts.

TAB 48 – Supplemental Report, Pages 2 – 3: Detective Sanfilippo. Conducted a recorded interview with Officer Kauk and wrote a summary of the interview. The summary is followed by a transcript of the interview.

TAB 49 – Supplemental Report, Pages 2 – 3: Detective Medici. Conducted a recorded interview with Officer Trevor Childers and wrote a summary of the interview. The summary is followed by a transcript of the interview.

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TAB 50 – Supplemental Report, Page 2: Detective Sanfilippo. Conducted a recorded interview with Officer William Outlaw and wrote a summary of the interview. The summary is followed by a transcript of the interview.

TAB 51 – Supplemental Report, Pages 2 – 3: Detective Medici. Conducted a recorded interview with Officer Larkin and wrote a summary of the interview. The summary is followed by a transcript of the interview. Larkin said he saw Jimenez walking around in the front yard within a chain link fence carrying a knife. Larkin jumped over the chain link fence and ordered Jimenez to drop the knife. Jimenez did not comply and walked to the south side of the residence and sat down on a bench. Toussaint began to negotiate with Jimenez, trying to get him to drop the knife and comply. Larkin heard Jimenez repeatedly telling the officers he wanted them to kill him. Officer Larkin said he saw a red laser dot from a Taser on Jimenez' torso. Larkin was not aware that there was a Taser deployment requested. At that time, Jimenez told everyone that he was going to walk in a southerly direction. Larkin noticed that officers Kauk and Childers were in the path of where Jimenez wanted to go. Jimenez suddenly stood up and began walking toward Officers Kauk and Childers. Larkin feared for the safety of the officers and the safety of family members in the home and fired his weapon approximately 3 times until he saw Jimenez fall to the ground.

TAB 52 – Supplemental Report, Pages 2 – 6: Detective Rowe. Service of search warrant, processing of the crime scene and photographs. The crime scene was described and photographed. Evidence was located, identified, and photographed. Rowe was assisted in the service of the search warrant and processing of the crime scene by the following personnel: Sgt. Spencer, Sgt. Toussaint, Detective Sanfilippo, Detective Medici, Detective Simons, ID Tech Fuller, ID Tech Susan Lane, ID Tech Selena McKay-Davis, DDA Michelle Paradise, DA Investigator Paul Edwards, Deputy Coroner Denise Ferris, and Coroner Transport personnel Ron and Quincy Moore. The Deputy Coroner processed Jimenez' body for transportation to the Coroner's office pending an autopsy. Deputy Coroner Ferris noted several gunshot wounds to Jimenez' torso and head.

TAB 53 – Supplemental Report, Pages 1 – 7: Supervising ID Tech Fuller. Fuller assigned Sr. ID Techs Selena McKay-Davis and Susan Lane to process the scene by locating and labeling evidence, taking measurements, and completing a rough sketch. Fuller assigned Sr. Tech Liane Velin to process and chart the officers involved in the shooting. This tab includes all evidence seized and the crime scene sketch.

TAB 54 – Supplemental Report, Pages 1 – 7: Sr. Tech Lane. Evidence collection, charting and processing. Aerial photographs taken.

TAB 55 – Supplemental Report, Pages 1 – 18: Sr. Tech McKay-Davis. Processing of crime scene, evidence collection and photographs, including photographs of Jimenez' body. Took 344 digital photographs. Measured bullet trajectories and booked evidence into evidence storage.

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TAB 57 – Supplemental Report, Pages 1 – 11: Detective R. Wheeler & Sr. Tech Liane Velin. Charting of the officers weapons. The officers that fired weapons in this incident are Kauk, Larkin, and Childers. Officer Outlaw fired a less lethal shotgun. Velin took overall photographs of the officers involved.

Officer Kauk: Fired (8) rounds
Officer Larkin: Fired (3) rounds
Officer Childers: Fired (4) rounds
Officer Outlaw: Fired (4) less lethal rounds from a less lethal shotgun

Sgt. Toussaint and Officers Feimer, O'Farrell, and Quinn had their weapons charted. It was determined that none of them fired weapons during this incident.

TAB 58 – Supplemental Report, Pages 1 – 20: Sr. Tech Velin. Provided her report on evidence collection, booking and processing evidence, and charting of officers weapons. Submitted all photographs that she took.

TAB 59 – Department of Justice Examination Report, Pages 1 – 2: Sr. Criminalist Richard Takenaga. Takenaga examined the weapons of all four officers involved in the shooting. He found that all weapons functioned properly.

TAB 60 – Supplemental Report, Pages 1 – 3: Detective Sanfilippo. Sanfilippo attended the autopsy of Jimenez. The pathologist was Dr. J. Park. RPD ID Techs and a Coroner's Office Tech were present as well. Photographs were taken. Sanfilippo reported on several gunshot wounds sustained by Jimenez. Less lethal strikes to the body were documented. One of the less lethal bean bag rounds penetrated Jimenez' body.

TAB 61 – Supplemental Report, Pages 1 – 7: Sr. ID Tech T. Ellis. Ellis reported on all digital photographs that he took. This tab contains Ellis' photo log.

TAB 62 – Riverside County Coroner's Report, Pages 1 – 10: Dr. Park. This tab contains the pathologist's report on the autopsy of Jimenez. Cause of Death: Multiple Gunshot Wounds

- I. Shotgun wound of left upper chest
- II. Four entrance type gunshot wounds on top of left shoulder
- III. Gunshot wound of left posterior neck
- IV. Gunshot wound of right anterior thigh
- V. Gunshot wound of right proximal lower leg
- VI. Gunshot wound of left upper back
- VII. Gunshot wound of right mid-back
- VIII. Graze gunshot wound of occipital scalp
- IX. Blunt force trauma
- X. Cardiomegaly (440 grams)
- XI. Cirrhosis of the liver

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TAB 64 – Crime Scene Photographs, Pages 1 – 151

TAB 65 – Search Warrant Photographs, Pages 1 – 31

TAB 66 – Aerial Photographs, Pages 1 – 22

TAB 68 – Audio logs: COBAN audio and radio traffic audio

TAB 73 – Riverside County D. A. Staffing Review Letters: Letters from the Office of the District Attorney, Riverside County, to RPD Chief Sergio Diaz, dated May 6, 2015, reporting that upon review of this officer-involved shooting, there is no criminal culpability on behalf of any of the four officers involved.

By Frank Hauptmann