

CPRC OID RATIONALE WORKSHEET – FELIX MARQUEZ

OID – Name of Deceased
Felix Marquez M 34 years

Date: _____

Commissioner: _____

Date and Time of Incident: May 8, 2021 0821 Hours

Crime Involved: CPC §245(c) – Assault W/Weapon on Police Officer or Fire Fighter

Crime Victim(s): RPD Officer Justin Mann and Officer Jorge Cuevas

Case No: RPD: _____ 1280921000

RSO: MB21-128 - 0001

Location of Incident: _____ 3764 Elizabeth, Riverside

Involved Officer(s): _____ 1. Officer Justin Mann

_____ 2. Officer Jorge Cuevas

TYPE:

In-Custody Death

Traffic Collision

Other: (describe) – Officer Involved Shooting. Two Officers and One suspect

Weapons involved:

CPRC OID RATIONALE WORKSHEET – FELIX MARQUEZ

By Suspect = Powerline by Daisy .177 Cal (4.5 mm) BB Black color Air Soft Gun – See photos from Photo Book 1 – #50, #51 and #52. Photo Book 4 – photo #30, #85, #86 and #87.

By Officer(s):

1. **Officer Cuevas** – Type - Glock 17 (5th generation) 9mm semi-auto pistol. Officer Cuevas fired two shots at Felix Marquez. See photos from Photo Book 1
2. **Officer Mann** – Type – Glock 17 (5th generation) 9mm semi-auto pistol. Officer Mann fired three shots at Felix Marquez. See photos from Photo Book 2.

Both handguns were inspected and analyzed by RSO Firearms Armorer Ruiz. (For details of the inspection and chain of custody for both firearms, See RSO Casebook Section E).

General Notes: (Refer to the fact sheet to navigate your way through this review process).

Cause of Death: (If known) Felix Marquez: Multiple gunshot wounds. The coroner's report by Dr. Rodriguez listed four injuries consistent with gunshot wounds: See RSO Casebook E-3.

- Entry in right temple, with projectile located in left side of the head
- Graze wound on the top of the head
- Superficial graze injury to the left side of shoulder
- Entry into the right lower back with corresponding exit to the abdomen near the belly button.

CPRC OID RATIONALE WORKSHEET – FELIX MARQUEZ

Applicable Law(s):835a. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Graham v. Connor, 490 U.S. 396 (1989), considered the reasonableness of a police officer's use of force, and instructed that the reasonableness must be judged from the perspective of a reasonable officer on scene.

Applicable RPD Policy:

300.4 – Deadly Force Applications

Other Applicable RPD Policy(s): (Refer to RPD Policy Manual)

300.1 – Use of Force – Purpose and Scope
300.1.1 – Definition of force and deadly force
300.2 – Policy

Other Code(s): (If applicable) - **None**

List any issues or concerns of officer(s) actions prior to the actual use of force:

(e.g. Other Policy concerns. Prepare to discuss)

Standard of Proof for Finding:

CPRC OID RATIONALE WORKSHEET – FELIX MARQUEZ

In coming to a finding, the Commission applies a standard of proof of “Preponderance of Evidence.” Preponderance generally means “more likely than not,” or may be considered as just the amount necessary to tip a scale.

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

Finding:

(Check one of the following)

Within Policy _____

Not Within Policy _____

List your “Rationale” for your “Finding”:

(In this section, the Commissioner writes their reasoning for their finding. It is intended as a section for notes that may be used during deliberations. It is also information used for the public report).

Recommendation(s): (If any)

(In this section, the Commissioner may write out recommendations for RPD policy changes, additions or new policy. The Commissioner may also use this section to write recommendations for additional training for RPD officers).

CPRC OID RATIONALE WORKSHEET – FELIX MARQUEZ

UPON COMPLETION OF THE REVIEW OF THIS CASE, PLEASE SUBMIT THIS OID WORK SHEET TO MR. FRANK HAUPTMANN FOR COMPLETION OF THE PUBLIC REPORT AS SOON AS POSSIBLE.

Work Sheet Template prepared by:

Frank Hauptmann
CPRC Independent Consultant
