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PERSONNEL COMPLAINT OPA 2020-009
INVESTIGATOR: SERGEANT JOSH CLARK

I. INTRODUCTION

Richmond Police Department Sergeant Josh Clark, of the Office of Professional Accountability (OPA), reviewed an in-custody death that occurred on March 17, 2020. The in-custody death involved multiple officers from the Richmond Police Department. The incident began inside a residence located at [REDACTED]. The call for service was made by the victim's child who called the police and told the dispatcher in summary,

"Moms boyfriend Jose Luis... 40-year-old Hispanic male adult...high on crack...blk shirt...jeans...no weapons...is hitting the PR's mother and trying to get her naked.

Numerous officers responded and force was used on the suspect, Jose Luis Lopez, to take him into custody. Lopez would be transported to the Kaiser Hospital Richmond. On March 19, 202 at approximately 1045 hours, Lopez was pronounced deceased by Dr. Kreck.

The Richmond Police Department responded and acted as the primary agency investigating any criminal conduct. The Contra Costa County District Attorney's Office oversaw the criminal investigation. The incident is documented under Richmond PD case # 20-2984.

The Richmond Police Officers who were active participants in the arrest of Lopez were:

Sgt. Carl Dean #1601	Officer Carmen Santana #1645
Officer Douglas Frevele #1765	Officer Douglas Gault #1557
Officer Kenneth Ferraro #1706	Officer Lacquanna Caston #1476
Officer Michael Ricchiuto #1619	Officer Stephen Purcell # 1384
Officer Timothy Parker #1767	Officer Cedric Tagorda #1483
Officer Dan Campos #1486	

As part of OPA's administrative review, the officer-involved in-custody death is viewed from two perspectives: 1) A review of the use of force by the involved officers pursuant to RPD's use of force policy, and 2) a review of potential violations of other RPD policies by any officer pertinent to this investigation.

This report contains factual findings based on the information made available in the course of the investigation and does not draw any legal conclusions. This report does not purport to include every detail as described by the individuals involved, but rather, assesses the important facts as they pertain to the incident being investigated.

II. SUMMARY OF FINDINGS

Use of Force Review – In-Custody Death

After a review of all evidence including investigator's reports, coroner's report, toxicology report, AVR footage, radio log, and statements of witnesses and officers, this investigator concludes that there is evidence to exonerate all officers, **excluding Officer Ferraro**, from any potential allegations that they used unreasonable or excessive force against Lopez on March 17, 2020, and violated the Richmond Police Department Policy 300 – Use of Force. Therefore, this investigator finds the officers involved in the arrest of Lopez on March 17, 2020, are **Exonerated** of any policy violations.

Use of Force Review-Officer Ferraro

Allegation #1: On March 17, 2020, Officer Ferraro used unreasonable force and utilized a prohibited Carotid Control hold in violation of the Richmond Police Department Policy

Finding: **Sustained**

Other Potential Policy Violations

After a review of all evidence to include investigator's reports, coroner's report, ballistics report, AVR footage, radio log, statements of witness officers and statements of involved shooter officers, this investigator concludes that there were no further Policy Violations requiring a separate administrative inquiry.

III. APPLICABLE STANDARDS OF CONDUCT

Richmond Police Department Policy Manual (Adoption Date: 2018/02/23):

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information, and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use reasonable force to effect an 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/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835).

300.3.4 CAROTID CONTROL HOLD

Richmond officers shall not use the carotid control hold. (emphasis added)

308.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys, and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

309.5.1 APPLICATION OF THE CED

The CED may be used in any of the following circumstances when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself, or others. Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

IV. METHODOLOGY OF THE INVESTIGATION

The investigation consisted primarily of interviewing individuals of the Richmond Police Department (RPD), interviewing the victim of the reported crime, and reviewing various records and documents. During the course of the investigation, where possible, the investigator attempted to obtain corroboration of certain facts from multiple sources. The credibility of the information gathered was reviewed using several factors, including, but not limited to:

- Source of the information;
- Witness' basis of knowledge;
- Existence of corroborating information;
- Period of time, if any, between certain events and the date of any reported complaint relating to those events;
- Motivation of those providing information; and
- Ordinary experience and common sense of the investigator.

Additional Tasks Included:

- Review of the City of Richmond Police Department Policy and Procedures;
- Review of the Richmond Police Department Code of Conduct
- Review of IAPro tracking and various IAD case files and process;
- Review of the City of Richmond Police Department Policy on Internal Affairs and Citizens Complaints.

A. Interviews

All witness interviews were digitally recorded and uploaded to the OPA computer server. All interviewees were admonished to keep all aspects of the interview confidential, that responses to investigator questions were required to be complete and truthful, and that City policy prohibited retaliation for cooperating in the investigation.

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Interview Subject	Party	Interview Date
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Interviews by Richmond PD Detectives and Contra Costa County DA

[REDACTED]	Victim	03/17/2020
[REDACTED]	Witness	03/17/2020
[REDACTED]	Witness	03/17/2020
[REDACTED]	Witness	03/17/2020
RFD Capt. Woodards	Witness	03/17/2020
RFD Firefighter Wraa	Witness	03/17/2020
RFD Engineer/Medic James	Witness	03/17/2020
AMR Paramedic Supervisor Ansari	Witness	03/17/2020
AMR Paramedic Hirsch	Witness	03/17/2020
AMR Supervisor Aguilar	Witness	03/18/2020
Officer Michael Ricchiuto	Subject/Witness	03/18/2020
Officer Lacquanna Caston	Subject/Witness	03/17/2020
Officer Carmen Santana	Subject/Witness	03/18/2020
Officer Stephen Purcell	Subject/Witness	03/17/2020
Officer Dan Campos	Subject/Witness	03/17/2020
Officer Ken Ferraro	Subject/Witness	03/17/2020
Officer Doug Frevele	Subject/Witness	03/18/2020
Officer Timothy Parker	Subject/Witness	03/17/2020
Det. Katie Cubit	Written Report	N/A
Sgt. Virgil Thomas	Subject/Witness	03/17/2020
Sgt. Carl Dean	Subject/Witness	03/18/2020
Officer Cedric Tagorda	Subject/Witness	03/17/2020
Officer Doug Gault	Subject/Witness	03/18/2020

OPA Interviews

Sgt. Carl Dean	Subject	07/29/2021
Officer Michael Ricchiuto	Subject	09/23/2021
Officer Lacquanna Caston	Subject	04/08/2021
Officer Carmen Santana	Subject	Pending
Officer Stephen Purcell	Subject	08/24/2021
Officer Dan Campos	Subject	08/18/2021
Officer Timmy Parker	Subject	08/13/2021
Officer Doug Frevele	Subject	Pending

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Officer Doug Gault	Subject	Pending
Officer Ken Ferraro (retired)	Subject	Declined
Officer Cedric Tagorda	Subject	07/21/2021

B. Reviewed Documents

Exhibit No.	Description
1	All AVR
2	RPD Report #2020-2984 and supplements
3	CAD Notes
4	RPD Dispatch Audio
5	POBR form
6	RPD Policy 300
7	Coroner's Report
8	Photo's
9	Contra Costa County District Attorney LEIFI Report

C. EVIDENCE, FINDINGS AND ANALYSIS

The U.S Department of Justice Standards and Guidelines for Internal Affairs Investigations were used to adjudicate this investigation.

- 1) The burden of proof is on the agency.
- 2) The standard of proof is a preponderance of the evidence.
- 3) The standards of evidence are those of administrative law, not criminal law.
- 4) No presumptions of truth are made regarding facts in dispute.
- 5) No presumptions are made regarding witness credibility: all persons are equally credible unless an objective, fact-based evaluation of the witnesses' capacities, testimonial coherence, and other relevant and demonstrable factors justify otherwise.
- 6) Conclusions are logically deduced from the evidence.

The following is a key to the terminology used in reaching findings as specified from the Richmond Police Department Manual:

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- Unfounded:** When the investigation discloses the alleged act(s) did not occur or did not involve Department personnel. (Complaints that are determined to be “frivolous” pursuant to Penal Code § 832.5(c) will fall within the classification of unfounded).
- Exonerated:** When the investigation discloses the alleged act occurred, but the act was justified, lawful, and/or proper.
- Not Sustained:** When the investigation discloses there is insufficient evidence to sustain the complaint or fully exonerate the employee.
- Sustained:** When the investigation discloses sufficient evidence to establish the act occurred and that it constituted misconduct.

Interview Summaries

The Richmond Police Homicide Detectives (RPD) and Contra Costa County District Attorney's Investigators (CCDA) conducted joint interviews of all citizen and officer witnesses. Those statements are summarized below.

The full audio of all interviews was uploaded to IA Pro under OPA# 2020-009.

Statements from Citizen Witnesses

██████████:

██████████ (hereafter referred to as ██████████) was interviewed on March 17, 2020, at approximately 1950 hours. The interview was conducted by Richmond Detective Mauricio Canelo and Contra Costa County District Attorney's Office Inspector Eddie Sousa. The interview was in Spanish. Her statement is summarized as follows:

██████████ said Jose Luis Lopez (hereafter referred to as Lopez) is her fiancée. They have been living together for approximately 8 months and have been at their current residence since January 2020. They rented two rooms at the residence. One room was for her and Lopez and the other room is for her daughter, ██████████, and son, ██████████. ██████████ was at the house at the time of the incident but ██████████ was not.

██████████ said the police were called to her residence by her daughter (██████████) because ██████████ was screaming. She said she was screaming because she was nervous that Lopez was under the influence of drugs. She said Lopez had been using "crack" (cocaine base) and was drinking beer as well. She said he started smoking cocaine base since Saturday and has not stopped smoking since. She said he smoked cocaine base on the day of the incident and he had not had anything to eat the past couple of days and has not slept since Saturday. She explained that Lopez goes out and buys small amounts of cocaine base on the streets and once he consumes it he will go out and buy more. She said he also drinks up to 6 large beers a day, and has been consuming a large amount of beer these last few days. She believes Lopez has smoked cocaine base approximately 20 times since Saturday. She said he also uses cocaine and marijuana and sometimes combines the cocaine base with the marijuana to ingest the drugs. She said she has seen him smoke cocaine base on several occasions because he sometimes smokes it in their bedroom.

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██████████ said the incident began because she told Lopez she wanted to separate from him at approximately 1200 hours on today's date (incident date). She told the investigator that every time Lopez is under the influence of drugs, he becomes a different person and gets extremely paranoid, and follows her around everywhere. She said she has told him in the past she was going to leave him because of his drug problem. She stayed with him because he would convince her to stay and she thought he would change. She said his drug habit has also had a major effect on her emotionally and she has had high blood pressure because of the stress the relationship had put her through.

██████████ said she stepped into her room with Lopez and after telling him she was going to leave him she started to pray for him. She said Lopez did not like that and became angry and aggressive with her like he had a "demon" in him. She said he did not hit her but he started to tell her he was going to "unmask" her because he believed she was cheating on him. ██████████ said Lopez started to take all of her clothes off and smelled her clothes including her underwear. She said he then started to examine her breasts looking for "hickies" marks on her body. She had been sitting on the floor when Lopez first started removing her clothing and then somehow it migrated to the bed where Lopez continued to hold her down on the bed as he took her clothes off.

██████████ said she let Lopez take off her clothes because of nerves because she was afraid and she thought Lopez was going to do something more to her. She said Lopez only kept telling her he was going to "unmask" her because Lopez believes ██████████ was seeing another man. She said she was trying to leave but couldn't because Lopez was holding her down. She started screaming and screaming a lot because she was afraid. She was telling him to stop and let her go but he would not stop. He didn't stop until her daughter ██████████ entered the room and saw her naked. When ██████████ saw what was happening, ██████████ stated out loud she was going to call the police. Lopez responded by asking them not to call the police. ██████████ said she had also already yelled at ██████████ to call the police before ██████████ said she was going to.

██████████ said after ██████████ had called the police, Lopez had already backed off of her and was asking for forgiveness. She stayed in her room wrapped in a blanket because she was naked and Lopez stepped out of the bedroom into the hallway and soon after that police arrived.

██████████ saw when the police arrived and when they did Lopez became angry. When the police tried to handcuff Lopez, he became furious, resisted, and would not let himself get handcuffed by the police. She stayed in the room while this was happening

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but after Lopez resisted being handcuffed, he was somehow taken to the ground and one of the officers was hitting Lopez with his "stick" (baton). She said Lopez was screaming when he was getting hit with the baton. She saw another officer kick Lopez.

██████████ said the altercation with the police started in the hallway, continued past the kitchen, and subsequently into the living room. Because the altercation moved from the hallway to the living room, ██████████ was not able to see everything that happened between Lopez and the police. She said she was also approached by officers who checked on her and got information from her as to what happened.

██████████ said she could hear the police telling Lopez in English to stop resisting. She also heard one male and one female officer tell Lopez in Spanish to stop resisting, but he would not stop.

The investigator asked ██████████ why she thought Lopez was resisting. She said it was because Lopez has had an arrest warrant in the past for domestic violence against another person. She knew he had been accused of domestic violence by another woman approximately 2 years ago and had been arrested. She said Lopez has never hit, pushed, or threatened her, but he has stated in the past he would hurt himself. She said he did not try to sexually assault her.

██████████ explained she felt that Lopez did wrong in resisting, but she did not believe the police responded correctly. She knows Lopez resisted because he was under the influence but with so many officers, she does not believe it was handled correctly. She said during the altercation with the police, Lopez was screaming and asking her and ██████████ for help to talk to the police so the police would not arrest him.

██████████ said she feels very bad with what happened and she believes Lopez "crossed the line" because he should've never acted the way he did with her. She believes she should not have screamed as much but she screamed because she was afraid.

██████████:

On 03/17/2020, at approximately 2100 hours, Det. Canelo and Contra Costa County DA Inspector Eddie Sousa interviewed ██████████ (hereafter referred to as ██████████). The interview was recorded on Det. Canelo's AVR and later uploaded to IAPro under OPA 2020-009. A summary of ██████████'s statement is described below.

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██████████ said she, her friend ██████████, and the two children ██████████ and ██████████ were present at the house at the time of the incident.

██████████ said at approximately 0300 hours on today's date, she heard ██████████ and Lopez arguing outside the residence. She said the arguing lasted quite some time and she heard what sounded like physical contact between ██████████ and Lopez. She said at approximately 0800 hours, ██████████ and Lopez continued arguing and the arguing continued the entire morning and into the afternoon.

██████████ said at approximately 1400 hours, she was in her bedroom, and could hear ██████████ and Lopez arguing. She heard what sounded like a physical altercation in the room because she heard a lot of banging and she heard ██████████ yell, "Don't hit me, you're hurting me". She said ██████████ continued yelling, "He's hitting me, he's hurting me, call the police". ██████████ continued yelling and even yelled, "He's going to kill me". ██████████ heard ██████████ call to her daughter ██████████ to call the police. She heard Lopez even ask for her daughter, ██████████, to call the police. Lopez was also yelling asking for them to come to see that Lopez was hurting her.

██████████ said eventually ██████████ called the police who arrived shortly thereafter. ██████████ said she heard, prior to police arriving, Lopez telling ██████████ to tell the truth and that he was not doing anything to her. ██████████ stepped out of her room and saw the police had arrived and she was told by an officer to stay in her bedroom. She, ██████████, and the two children stayed in the room and did not see what happened.

██████████ said once police arrived, she could hear what sounded like a physical altercation between Lopez and the police. She heard Lopez screaming but was not sure what he was saying. She said she heard the police tell Lopez to calm down, to get down on the ground, and let me see your hands.

██████████ said after Lopez was taken away, ██████████ told her if she went to the police department to not say that Lopez was hitting ██████████ because ██████████ was not going to press charges.

██████████:

On 03/17/2020, at approximately 2138 hours, ██████████ (hereafter referred to as ██████████) was interviewed by Det. Mauricio Canelo and Contra Costa County DA Investigator Eddie Sousa. The interview was recorded on Det. Canelo's AVR and later uploaded to IAPro under OPA 2020-009. ██████████'s statement is summarized below:

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██████████ said he was visiting his friend ██████████ when he heard ██████████ and Lopez arguing. He was in the bedroom with ██████████ and the two children ██████████ and ██████████. He did not see anything and just heard arguing. He heard ██████████ asking for someone to call the police but he did not hear why. He heard what sounded like "banging" in the room.

██████████ said when the police arrived, they came into the bedroom he was in and told him to stay in the room. Once the police made contact with ██████████, ██████████ heard lots of yelling and banging but did not know what was being said and he did not see the interaction Lopez had with the police.

██████████ was unable to provide anything further.

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Statements from Officers and Firefighters

Officer Caston:

On 03/17/2020 at approximately 2302 hours, Officer Caston was interviewed by Richmond PD Det. Michael Sagan and Contra Costa County DA Investigator Erikson. In the room with them was Nicole Pifari with Rains Lucia and Stern (Officer Caston's legal representation). The interview was audio recorded and later uploaded into IAPro under OPA 2020-009.

Officer Caston has been with the Richmond Police Department for 13 years and is currently assigned to dayshift, Team 1, working Monday through Thursday from 0630-1630 hours. On today's date, she was dressed in a full patrol uniform consisting of an external vest with a Richmond Police badge affixed to the left chest area. Officer Caston was wearing her AVR and it was activated at the time of the incident.

Officer Caston said she was dispatched to [REDACTED] regarding an in-progress domestic violence disturbance. A female caller had stated her mother was being assaulted by her ex-boyfriend. RPD Dispatch advised the subject was possibly high and was actively striking the victim and attempting to remove her clothing. Officer Caston responded Code 3.

Officer Caston said there were multiple RPD units already on scene when she arrived. As she approached the location she could hear officers "tussling" inside. She immediately entered through the home's front door. She could see into the home and down the home's main hallway. She could see multiple officers physically trying to detain the subject who was actively resisting officers. She heard Officer Campos request a K-9. Due to the confined space of the hallway, she stepped out of the house and radioed RPD Dispatch, and requested a K-9 officer respond to the location.

Officer Caston re-entered the house and she saw an officer's baton lying on the floor in the home's living room. She also saw Officer Ferraro sitting on the floor leaning against a wall in the hallway. Officer Ferraro appeared to be injured. She described his face as "flush and pale". At this time she said the suspect was lying on his stomach on the floor in the hallway and the officers were still attempting to detain him.

Officer Caston said she saw Officer Gault and his K-9 partner enter the home. She yelled out, "K-9, K-9, K-9" and the officers disengaged the suspect. Officer Gault began to give verbal commands to the suspect telling him to show his hands and crawl toward him. The

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suspect disregarded the commands given by Officer Gault. At this time, Sgt. Dean advised officers he was going to pull the suspect out of the hallway and into the living room. Officers then re-engaged the suspect and again attempted to detain him. She tried to control the suspect's legs by placing him into a figure four leg lock. After applying the leg-lock, the suspect began to "buck" his legs and she was having a hard time controlling his legs. She described the suspect as being, "ridiculously strong".

Due to the suspect still actively resisting and having a hard time controlling the suspect's legs, Officer Caston yelled for help. Officer Campos came over and assisted her to control the suspect's legs. She said even with both her and Officer Campos putting all of their weight on the suspect's legs he was still able to "buck" them off his legs. She said three other officers were attempting to restrain the suspect upper body and they too were being "bucked" off of the suspect. She said during this time officers were continually giving verbal commands in both English and Spanish to stop resisting, the suspect would just growl and ramble incoherently.

Officer Caston said at one point a WRAP restraint device was brought into the house and officers began to place it on the suspect. As she was applying the upper chest portion of the device onto the suspect, he bit at her left hand and grasped onto the top of her left hand with teeth but was only able to grasp on her glove. It took multiple officers to place the WRAP on the suspect due to him actively resisting. Ultimately the device was placed on the suspect successfully and then a spit hood was placed over his head. Officer Caston said she was physically exhausted at this time and was told by Sgt. Dean to exit the home.

Officer Caston exited the house and saw Officer Ferraro who appeared as if he could not walk. She transported him to the hospital after advising Lt. Smith she was going to do so.

Officer Caston stated, "His strength was ridiculous, I've never seen anything like it before."

Officer Caston believed 12 officers were on scene. She was asked what language the suspect was speaking. She said he was speaking both English and Spanish but was not making sense. She was asked if the suspect was given a chance to comply to which she responded, "Absolutely". She said when the K-9 arrived on scene all the officers disengaged the suspect and he was just lying on the ground and would not follow commands and "nobody was around him". She was asked if at any point the suspect was not resisting. She said he was resisting from "start to finish".

End of interview summary

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Officer Santana:

On 03/18/2020 at approximately 0013 hours, Officer Santana was interviewed by Richmond PD Det. Michael Sagan and Contra Costa County DA Investigator Erikson. In the room with them was Jonathon Murphy with Rains Lucia and Stern (Officer Santana's legal representation). The interview was audio recorded and later uploaded into IAPro under OPA 2020-009.

Officer Santana has been with the Richmond Police Department for 6 years and is currently assigned as a school resource officer, working Monday through Thursday from 0700-1700 hours. On today's date, she was dressed in a full patrol uniform consisting of an external vest with a Richmond Police badge affixed to the left chest area. Officer Santana was wearing her AVR and it was activated at the time of the incident.

Officer Santana said she was dispatched to a domestic disturbance at [REDACTED]. RPD Dispatch advised of an 18-year-old female caller saying she was on-viewing her father hitting her mother. The caller also advised the male was "high". She and Officer Ferraro responded immediately due to them being close to the location. She and Officer Ferraro were the first two units on scene.

Officer Santana said she saw the reporting party standing in the front yard with a blanket wrapped around her body and she pointed toward the home. She and Officer Ferraro entered the home. As they entered, they announced, "Richmond Police Department" multiple times. She also made the announcement in Spanish. She looked down the home's hallway and could see the suspect stick his head out of an open bedroom door. She and Officer Ferraro attempted to detain the suspect at this time in handcuffs.

Officer Santana said as they were attempting to detain the suspect, he began to resist by pulling away from her and Officer Ferraro. At one point Officer Ferraro and the suspect fell to the ground. As they fell to the ground, she saw the victim in the adjacent bedroom. She noticed there were pieces of clothing strewn on the ground and the bed. She saw the victim only had a blanket wrapped around her body. Officer Santana entered the bedroom as the victim was trying to exit the bedroom into the hallway. She kept the victim in the bedroom and out of the way of officers attempting to detain the suspect.

Officer Santana said as she was keeping the victim in the bedroom she could hear the suspect yelling as officers were still attempting to detain the suspect. At one point she heard an officer yell, "He's got my gun". Shortly after hearing the officer yell, K-9 Officer

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Gault arrived on scene. She was then told to get the WRAP restraint from Sgt. Dean's car. She ran out of the home, got the WRAP, and ran back inside.

When she got back in the home, Officer Santana could see the officers were still struggling to detain the suspect. She said the suspect was "very strong" and kept pulling away from officers. As they were putting the WRAP restraint on the suspect, the suspect bit Officer Caston on the hand. Officers were ultimately able to get the suspect in the WRAP restraint.

Officer Santana said officers were continually giving the suspect commands. She described the suspect's resistance as pulling away, kicking, moving his arms, and attempting to head-butt officers. She said it took 6-7 officers to detain the suspect. She was asked if the suspect responded to any of the commands given by the officers. She said the suspect was yelling, grunting, and saying no. She was asked if the suspect ever stopped resisting. She stated, "No, he was fighting the entire time".

End of statement summary

Officer Tagorda:

On 03/17/2020, at approximately 2345 hours, Contra Costa DA Inspector Ritchie and Det. Decious interviewed Officer Tagorda. Below is a summary of Officer Tagorda's statement. Refer to the digital file for details.

Officer Tagorda has worked for the Richmond Police Department for approximately 12 years. Prior to the City of Richmond, he was a police officer with the City of Berkeley for one year. He was also a police officer for the Federal Reserve for 5 years before working for Berkeley.

Officer Tagorda works Team 1, Monday through Thursday from 0630 to 1630 hours. He was dressed in a fully marked Class B uniform and driving a fully marked patrol vehicle. His duty belt consisted of his department-issued handgun, taser, AVR, handcuffs, and flashlight.

Officer Tagorda said he does not take any prescription medication or other medication that would inhibit his sobriety. He had no arrests or other confrontation-type calls prior to this incident.

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Officer Tagorda said he responded to the residence for a domestic violence call for service. He was not initially sent but due to the nature of the call he responded. As he arrived on scene, he observed Officer Ferraro limping away from the residence. Officer Tagorda went inside the residence as he was hearing screaming from inside. He saw Lopez on the floor in the living room. He saw several officers on top of Lopez as Lopez was being combative and not following directions. He said several officers were yelling at Lopez to comply with their directions and stop resisting but Lopez continued to resist.

Officer Tagorda said he attempted to assist in physically restraining Lopez; however, Lopez appeared to be very strong. Officer Tagorda assisted in preparing the WRAP restraint device on the floor and helped officers put the WRAP on Lopez. Officer Tagorda said Lopez attempted to bite his hands so he warned other officers to be careful as well. Officer Tagorda said Lopez was also actively resisting by kicking his legs at the other officers. Officer Tagorda said Lopez continued to resist even while in the WRAP restraint.

Officer Tagorda was asked if he believed Lopez was under the influence. Officer Tagorda stated, "Absolutely". He described Lopez as being very strong and combative during the altercation and did not appear to be responding to any directions that were given to him. Officer Tagorda described Lopez's strength as "Super Human".

Officer Tagorda said he did not see Lopez being struck by any of the officers with any weapons including batons or Tasers. He was aware a Taser had been deployed as he saw the Taser projectiles lying on the floor.

Officer Tagorda said he observed Lopez had been sedated by American Medical Response (AMR) personnel while Lopez was on the floor in the living room. Officer Tagorda escorted Lopez and the ambulance crew to the back of the ambulance. He saw Lopez lose consciousness as he was being placed in the back of the ambulance. Medical staff began resuscitating Lopez. Officer Tagorda followed the ambulance to Kaiser Hospital where he observed the ambulance crew continuing chest compressions on Lopez. Officer Tagorda said while he was at the hospital he never saw Lopez regain consciousness.

Officer Tagorda drove back to the police department and was then sequestered and driven to the [REDACTED].

End of statement summary

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Officer Gault:

On 03/18/2020, at approximately 0010 hours, Contra Costa DA Inspector Ritchie and Det. Decious interviewed Officer Gault. Below is a summary of Officer Gault's statement. Refer to the digital file for details.

Officer Gault has worked for the Richmond Police Department for approximately 11 years. He is currently assigned to the K-9 Unit as a K-9 handler. He works Team 1, Monday through Thursday from 0630 to 1630 hours. He was dressed in a fully marked Class B uniform.

Officer Gault said he heard the call for service at [REDACTED] over the radio. Due to the severity of the call being domestic violence and possible rape in progress, he responded. He arrived on scene and brought his K-9 partner with him to the front door of the residence. He heard several officers yelling at Lopez to stop resisting and comply with their directions. Lopez continued to fight and struggle with officers. Officer Gault walked into the living room of the residence. He yelled several times in English and Spanish for Lopez to stop resisting. He heard Lopez yelling something in English about his wife and children. Officer Gault believed Lopez was aware the K-9 was present due to the K-9 barking. Officer Gault said Lopez also looked at him and his K-9 partner several times. Officer Gault said the presence of the K-9 did not appear to deter Lopez from continuing to fight and struggle.

Officer Gault said at no time did his K-9 make contact with Lopez. Officer Gault said that he never touched Lopez himself. He did not see any officers use any batons or Tasers on Lopez. He stood by while Lopez was placed into the WRAP restraint. After Lopez was detained Officer Gault left the scene.

Officer Gault said he is trained in the martial art of jujitsu and ground fighting. He said that based on his training and experience and the number of officers it took to detain Lopez, Officer Gault believed Lopez was under the influence of an unknown substance.

End of statement summary

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Officer Purcell:

On 03/17/2020, Contra Costa County DA Inspector Erikson and RPD Det. Sagan interviewed Officer Purcell. The interview was conducted at the [REDACTED]. The interview was digitally recorded and later uploaded to IA Pro under OPA 2020-009. Officer Purcell provided the following statement in summary:

Officer Purcell has worked for the Richmond Police Department for approximately 19 years. He is currently assigned to patrol and is a Primary Training Officer.

On 03/17/2020, Officer Purcell and his trainee, Officer Parker, were dispatched to an in-progress domestic battery call on [REDACTED]. He remembered the call broadcasting that a female victim was screaming for help and possibly naked. He believed the call "sounded like an emergency". They arrived on scene as two other officers arrived. They all exited their cars and ran to the residence. Once inside, he saw other officers engaging a male subject in the hallway. He couldn't see Lopez due to other officers in front of him obstructing his view. He heard the officers give Lopez verbal commands repeatedly.

Officer Purcell said he saw three officers wrestle with Lopez but Officer Purcell's attention was directed to a civilian standing in the kitchen. He decided to move the potential witness to the garage to prevent further chaos in the hallway. Once in the garage, he saw three other residents there taking refuge from the physical altercation. From the garage, Officer Purcell could hear the officers yelling, "Get on the ground! Stop resisting! Let me see your hands!" Officer Purcell looked in the hallway and saw the officers still fighting with the non-compliant suspect.

Officer Purcell said he saw an officer try to place the WRAP on Lopez. While the WRAP was being placed on Lopez, a female, later identified as the victim, emerged from one of the bedrooms wearing nothing but a towel around her torso. He ordered the woman to stay in the bedroom so she wouldn't interfere or distract the other officers. Once Lopez was restrained, Officer Purcell told Officer Parker to interview other residents.

Officer Purcell said he did not use any force on Lopez.

End of statement summary

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Officer Campos:

On 03/17/2020, Contra Costa County DA Inspector Erikson and RPD Det. Sagan interviewed Officer Campos. The interview was conducted at the [REDACTED]. The interview was digitally recorded and later uploaded to IA Pro under OPA 2020-009. Officer Campos provided the following statement in summary: Officer Campos has worked for the Richmond Police Department for approximately 12 years. He is currently assigned to the patrol division.

Officer Campos said he heard the call being dispatched of an 18-year-old person saying her mom was being hit by her boyfriend and that her clothes were being taken off. Officer Campos thought the call sounded like in-progress domestic violence or sexual assault. Although out of his beat, Officer Campos responded due to the nature of the call.

Officer Campos said he arrived on scene and entered the residence. He saw Officer Purcell trying to keep other residents away from what appeared to be a physical altercation between officers and Lopez. Officer Campos saw Lopez on the floor and Officer Ricchiuto standing over Lopez. He saw two other officers on top of Lopez. The officers were ordering Lopez to "Turn around" and "Put your hands behind your back". Officer Campos saw Officer Ricchiuto deliver two baton strikes to the suspect's legs. Officer Campos then heard an officer say they were going to discharge a Taser. He heard someone yell, "Taser, Taser!" and heard the Taser fire. He did not see which officer used the Taser or where the probes struck Lopez.

Officer Campos said he heard an officer call for a K-9. Officer Campos ran outside to tell the K-9 officer to deploy his K-9. The K-9 had not yet arrived so Officer Campos ran back inside to assist the officers struggling with Lopez. He began to translate the English commands being given by the other officers to Spanish. He said Lopez did not comply or respond to the commands but began speaking Spanish when referring to "The Devil".

Officer Campos said he heard someone yell, "Dog, dog, dog". He turned around and saw Officer Gault and his K-9 partner. Not wanting to get bit by the K-9, Officer Campos stepped into the bathroom. He lost sight of Lopez but heard officers continue to give commands to Lopez who was still combative. Officer Campos saw Sgt. Dean pull Lopez into the living room. Lopez began kicking at officers. Officer Campos stated, "This guy was strong, really strong".

Officer Campos said he grabbed a hold of Lopez's feet to prevent him from kicking the other officers. Officer Campos saw an unknown officer punch the side of Lopez's body.

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Officer Caston asked for more assistance holding Lopez's feet in place. Sgt. Dean told one of the officers to get the WRAP restraint. Officer Campos saw the officers managed to WRAP Lopez's legs but he continued to actively resist with his arms. Officer Campos said despite 4-5 officers working to restrain Lopez, Lopez continued to resist and couldn't be subdued. At one point, Lopez tried to bite Officer Caston's hand. Officer Campos said he remembers the paramedics arriving on scene and delivering a "shot" to Lopez which caused Lopez to go unconscious.

Officer Campos said he did not any further force on Lopez other than attempting to control Lopez's movements during the struggle.

End of statement summary

RFD Captain Woodards:

On 03/17/2020 at approximately 2007 hours, Contra Costa County DA Inspector Pamploma and Richmond PD Det. Macrenato interviewed Capt. Woodards who provided the following statement in summary.

Capt. Woodards said they had received a call for service and they were told to stage near the scene. They arrived on scene and saw a Richmond officer sitting in a patrol vehicle and the officer was complaining of pain. Capt. Woodards saw that an AMR supervisor was attending to this officer and the officer complained of hip pain but didn't need treatment. Capt. Woodards and his crew waited outside the residence and they could see officers in the home and a K-9 officer with his K-9 at the front door.

Capt. Woodards said his team was called to enter the home and they entered with AMR. Capt. Woodards noticed about 6 RPD officers inside the home. He saw Lopez was handcuffed and placed in a WRAP but was still agitated and fighting with officers and he was aggressive. He heard one of the RPD officers ask AMR to give Lopez something to calm him down. The AMR medic left and returned with Versed which is a sedative. Lopez was given the injection on his right side. Lopez was laying in the WRAP on his left side with a spit mask over his head. Within a minute Lopez calmed down and wasn't aggressive.

Capt. Woodards said Lopez was transferred to a tarp and then transferred to a gurney and was taken out of the residence. He saw Lopez leaning forward on the gurney and he seemed lethargic. Lopez was placed into the back of an ambulance without incident.

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Capt. Woodards contacted his dispatch to advise them he was clearing the scene. His fire engine was blocked in and about a minute later he heard the AMR medic say Lopez was “coding”, in cardiac arrest. The paramedic went to their fire engine and grabbed their LUCAS device (The LUCAS device is a device that does chest compressions for the medics) to start chest compressions. Prior to the chest compressions, Lopez was removed from the WRAP and his handcuffs were removed. Lopez was transported to the hospital.

Capt. Woodards said he did not participate in any of the life-saving measures directly. One of his firefighters went with the ambulance to the hospital while CPR was being performed. Capt. Woodards did not hear Lopez making any statements and said Lopez was making grunting noises. He heard officers on scene say Lopez was tased and he also heard an officer was hit by another officer with a baton and the officer said Lopez had bit him. Capt. Woodards assumed Lopez was the one who bit the officer.

End of statement summary

RFD Firefighter Wraa:

On 03/17/2020, Contra Costa County DA Inspector Pamploma and Richmond PD Det. Macrenato interviewed Richmond Firefighter Wraa who provided the following statement in summary.

Wraa, who is also a paramedic, was dispatched to the call from the station. She did not remember what the call was originally for. They arrived on scene and staged for a short period of time. She described seeing a lot of police cars and an AMR supervisor. She spoke to a police officer who was in his car and complained of pain due to being bit in the stomach and the officer was also hit by a baton. The firefighter crew and AMR were called into the home. She saw Lopez in a full-body harness (WRAP), spit mask, and handcuffs. Lopez was laying on his left side. She described Lopez as still thrashing around. She heard an officer speaking Spanish to Lopez but Lopez wasn't speaking.

Wraa said she saw an AMR medic give Lopez a sedative shot. About 30 seconds later, Lopez calmed down and he was moved to a tarp, then a gurney, and then into the ambulance. She said Lopez seemed to be sleeping. She and her firefighter crew were waiting to leave and she heard Lopez was going into cardiac arrest. She grabbed the LUCAS device and went to assist in the ambulance. An officer was taking the restraints off of Lopez and CPR was started using the LUCAS device. They performed CPR for

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approximately two minutes and the decision was made to transport Lopez to Kaiser Hospital which is approximately a minute and a half away. She traveled with Lopez in the back of the ambulance to the hospital continuing to assist with CPR. Lopez was taken into the Emergency Room at Kaiser and nurses took over CPR duties. About 10 minutes later, Wraa saw Lopez got his pulse back. The LUCAS device was removed and the firefighter crew left the hospital.

Wraa said she did not see any other obvious injuries to Lopez but she did not have a look at his whole body as she was focused on his face and assisting with his breathing.

End of statement summary

RFD Engineer/Paramedic James:

On 03/17/2020 at approximately 2007 hours, Contra Costa County DA Inspector Pamploma and Richmond PD Det. Macrenato interviewed RFD Engineer/Paramedic James (hereafter referred to as James). James provided the following statement in summary.

James said he does not remember what the call was specifically but he thinks it was an assault. He drove and parked the fire engine near the scene. He saw an officer complaining of pain to his leg. The fire crew and AMR were called into the home. He saw Lopez in a full-body restraint (WRAP) laying on his side handcuffed with a spit mask. He described Lopez as still fighting with the officers but restrained. He heard officers giving Lopez directions to stop moving but Lopez was still struggling to try to get free. He stood at the doorway and saw an AMR medic sedate Lopez. Lopez struggled for a couple of minutes and then calmed down. James saw Lopez was breathing but not fighting.

James said he saw Lopez was moved to a tarp, then to a gurney. Lopez was taken to the ambulance and seemed to be sitting up on his own not fully leaning on the gurney. James went back to his fire engine and later heard Lopez was in cardiac arrest. James went to the back of the ambulance and saw that an officer was taking off Lopez's restraints and CPR was started. James did not assist with the CPR. The ambulance left the scene and James drove the fire engine behind the ambulance to pick up Firefighter Wraa from the hospital. James did not hear Lopez say anything during the whole contact but heard him grunting. James did not have any further contact with Lopez.

End of statement summary

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Paramedic Supervisor Ansari:

On 03/17/2020 at approximately 2137 hours, American Medical Response (AMR) Paramedic Supervisor Ansari was interviewed by Richmond PD Det. Byron Macrenato.

Ansari has been employed by AMR for approximately 15 years and has been a paramedic for the last 6 years and a supervisor for 1 year. He was working on the date of this incident and was driving a supervisor's AMR vehicle with Supervisor in Training Enrico Aguilar.

Ansari said they were in the area of [REDACTED] and heard a call come out that their services may be needed for multiple patients. He did not have any knowledge of the details of the incident. They arrived on scene shortly after RFD and RPD officers. He noticed a Richmond PD officer limping out of the residence at [REDACTED]. Ansari instructed Aguilar to check with officers inside the residence while he treated the officer limping. Ansari was told by the officer that the suspect who was still inside, had bit him on the left side of his abdomen. Ansari inspected the bite wound and did not see and breaking of the skin and described the injury as a "rug burn".

Moments later, Ansari saw the transporting ambulance on the south side of the street. Ansari advised the paramedics of a combative subject in the residence. Ansari never entered the residence and was only at the threshold of the door. Ansari said the suspect was in a WRAP and wearing a spit hood. The suspect appeared to be "grossly combative" to Ansari at which time based on treatment guidelines, a 5mg dose of "Versed" was provided via inner muscular injection. Shortly after the injection, the suspect was incredibly calm.

Ansari said the suspect was escorted outside to a gurney where AMR staff began their assessment of the suspect. Ansari said the suspect was in a WRAP with his legs flat and his upper body being at a 40-45 degree angle forward. The suspect was breathing and his vital signs were relatively normal for the suspect's condition.

Ansari said after approximately 5 minutes inside the ambulance, paramedic crews advised the suspect was no longer breathing at which time they immediately started CPR. He said based on the belief the suspect was going through an assumed drug overdose, the suspect may have started a hysteria-induced cardiac arrest. The suspect was immediately administered an intravenous dose of sodium bicarbonate. Based on the suspect's condition, he was immediately transported to the nearest hospital which was Kaiser Richmond. Once at Kaiser, Ansari briefed the staff at which time they took over the medical treatment of the suspect. End of statement summary

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AMR Paramedic Rob Hirsch:

On 03/17/2020 at approximately 2201 hours, Det. Byron Macrenato interviewed AMR Paramedic Rob Hirsch (hereafter referred to as Hirsch). Present in the interview were Contra Costa County District Attorney Investigator Robert Pamploma, Contra Costa County Deputy District Attorney Kevin Bell, and AMR Supervisor Ansari.

Hirsch has been a paramedic for the last 8 years and has been employed by AMR for the last 3 years. He said on 03/17/2020 at approximately 1445 hours, he and his partner were dispatched to an unknown medical issue. He observed several Richmond PD cars responding Code 3 towards the address he had been dispatched to at [REDACTED]. He staged at Richmond Fire Dept. #67 located at 1131 Cutting Blvd until they were directed to enter the scene. Once directed to, they responded to the residence and he walked towards the residence and stood on the sidewalk. While waiting on the sidewalk, an RPD officer walked outside and requested a "spit mask" which was provided. About 45 seconds later, Hirsch was directed to go inside the residence. Once inside, he saw the suspect was on the floor in the WRAP laying on his right lateral side, actively aggressive, agitated, bucking on the floor, and attempting to spit at officers. Hirsch was advised the suspect had bitten, spit, and attempted to grab an officer's firearm. Hirsch was advised by RPD Sgt. Thomas that the situation was a domestic type incident and the suspect may be on PCP. Per AMR protocol, "Versed" was retrieved from the ambulance and brought into the residence.

Moments later, Hirsch said he returned to the residence and injected a 5mg dose of "Versed" into the suspect's buttock. He secured the narcotics back in the ambulance and returned to the residence. He assisted with placing the suspect on a tarp commonly used to transport a patient onto a gurney. He observed the suspect breathing and moving. He estimated the sedative took approximately 1-minute to calm the suspect down. Once in the back of the ambulance, the suspect was being checked for vital at which time Hirsch discovered the suspect had stopped breathing and had no signs of a heartbeat. CPR was immediately started on the suspect and he was administered an intravenous dose of sodium bicarbonate. Based on the fact Hirsch did not know if the suspect was in his condition due to cardiac or trauma issues, the suspect was transported to the nearest hospital which was Kaiser Richmond.

During the transport, Hirsch said he administered the suspect with a dose of epinephrine in an attempt to re-start the heart which produced negative results. Once they arrived at Kaiser, the suspect's condition did not change and Kaiser Staff took custody of the suspect and continued medical treatment. After 10-15 minutes of treating the suspect,

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Kaiser Staff was able to regain a steady rhythm from the suspect's heart and also his breathing.

Hirsch said he has administered "Verse" approximately 15 times in the past and has not had a cardiac arrest from any of the previous patients. He described "Versed" as a safe drug and has assisted medical staff to medically treat violent patients after they have been sedated. He began CPR approximately 10 seconds after he realized the suspect was not breathing.

End of statement summary

Enrico Aguilar (AMR Supervisor in Training):

On 03/18/2020 at approximately 1445 hours, Enrico Aguilar (hereafter referred to as Aguilar) was telephonically interviewed by RPD Det. Byron Macrenato. Aguilar was on-duty at the time but provided a statement.

On 03/17/2020 at approximately 1445 hours, Aguilar and Ansari were at Kaiser Richmond when he heard a call for service requesting additional AMR units for possible multiple victims. He and Ansari responded. He parked at the intersection of [REDACTED]. They walked towards [REDACTED] at which time he saw a Richmond officer exit the house and limping towards a patrol car. The officer sat in the backseat of the patrol car and was grunting in pain. Aguilar attempted to treat the officer but was quickly diverted to the inside of the residence.

When he was at the front door, Aguilar saw several officers in the residence with the suspect on the ground in a WRAP device. He saw Hirsch walk outside to get his narcotic bag from the ambulance. Hirsch came back and told Aguilar he was administering 5mg of "Versed" to the aggressive suspect. After he saw Hirsch administer the injection, the suspect immediately calmed down and the decision to transport the suspect to an ambulance was made. He assisted RFD and RPD to lift the suspect, who was in a transport tarp, to a gurney that was on the sidewalk. The suspect was secured on the gurney and placed in the back of the ambulance.

Aguilar said a few seconds later he heard Hirsch shout out that the suspect had "Coded" which means the patient's heart has stopped requiring immediate CPR. He saw Hirsch begin CPR with the "Lucas" device which is a mechanical chest compression device for coronary intervention during cardiac arrest. Aguilar drove the ambulance to Kaiser

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Richmond while Hirsch and Firefighter Wraa were continuing to treat the suspect in the back of the ambulance. Once at Kaiser, Kaiser medical staff took over care of the suspect.

End of statement summary

Officer Ken Ferraro:

On 03/17/2020 at approximately 2305 hours, RPD Det. Aaron Mandell and Contra Costa County DA Inspector Conaty interviewed Officer Ken Ferraro. Present in the room with them was Julia Fox of Rains Lucia Stern and Contra Costa County Deputy District Attorney K. Bell. The interview was recorded and later uploaded to IAPro under OPA 2020-009.

Officer Ferraro said he was sent as a cover officer for Officer Caston for a felony domestic violence. Richmond Dispatch updated the call and said the suspect was removing the victim's clothing leading Officer Ferraro to believe some type of sexual assault could also be occurring. He arrived on scene along with several other officers.

Officer Ferraro approached the front yard and could hear yelling from inside. He also saw a young lady out front who told him the involved parties were inside. He knocked on the door and announced himself as the police several times. He entered the home followed by Officer Santana. He walked through the living room and toward the narrow hallway at the back of the home. He could see a woman sitting on a bed in a bedroom to his right. The woman was crying hysterically and had a blanket around her shoulders however she was naked from the waist up and her breasts were exposed. Simultaneously, a male subject, later identified as Lopez, exited a door on the left side of the hallway. Officer Ferraro immediately noticed he was sweating profusely and appeared extremely agitated.

Officer Ferraro grabbed Lopez's hands to put them on his head while also giving Lopez instructions in Spanish. He was able to get a handcuff on Lopez's right wrist. Officer Ferraro then noticed Lopez begin to tense up and pull his arms into his chest. Officer Ferraro attempted to move Lopez's hands behind his back to put his other wrist in handcuffs but Lopez tensed up even more and began to rotate away from Officer Ferraro. Officer Ferraro said his first thought was Lopez was preparing to strike him. Officer Ferraro grabbed Lopez by the shoulders and took him to the ground in the hallway. Lopez continued to struggle and resist being detained. Officer Ferraro continued trying to handcuff Lopez's other wrist but Lopez kept fighting and tucking his hands underneath his body. Officer Ferraro became more concerned due to Lopez not being searched and

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he was not sure if Lopez had any weapons on his person. He also thought Lopez could use the handcuffs as a weapon.

Officer Ferraro said he continued to struggle with Lopez who was resisting by tensing up his body. Officer Parker also was on scene trying to help Officer Ferraro. Officer Ferraro was able to wrap his arms around Lopez's upper body and head in an attempt to keep Lopez in control and restrict his movements. Lopez continued to struggle despite numerous commands given for him to show his hands. Several other officers arrived to assist with gaining control of Lopez.

Officer Ferraro said at one point Lopez grabbed a hold of Officer Ferraro's duty weapon which was in its holster. He heard the distinct sound of the primary safety on the holster being disengaged and he could feel his leg holster being twisted out of its position due to Lopez's grip on the firearm. He yelled out something similar to "He's got my gun" or "He's going for my gun". He noticed one of the officers remove Lopez's grip on the firearm and put the safety back into its correct position so it could not be removed.

Officer Ferraro said the struggle with Lopez continued and he felt Lopez bite him on the stomach near his waistline. Officer Ferraro dis-engaged and struck Lopez several times near his face to get him to stop biting him. He said nothing that he or any of the other officers were doing seemed to affect Lopez. He said, based on his training and experience, Lopez was more than likely on some type of central nervous system stimulant or suffered from some type of psychiatric disorder.

During the altercation, Officer Ferraro said he heard an officer yell, "Taser" which he took this to mean a Taser was going to be deployed. He said he grabbed Lopez around the head and shoulders again to expose Lopez's torso to give a more effective target area for the Taser. The Taser was deployed and had absolutely no effect on Lopez. Officer Ferraro knew the K-9 was in route so he yelled, "Get the dog" in hopes the K-9 could assist in gaining control of Lopez. Because other officers were now assisting knowing the K-9 was in route, Officer Ferraro decided to disengage the suspect and attempted to stand up. As he did, he heard his hip "pop" and felt a sharp stabbing pain causing him to collapse to the ground. Due to the apparent injury, he knew he could not assist any longer and crawled to a nearby bedroom, closed the door, and fell to the ground. He made his way out to his patrol car and sat on the seat.

Officer Ferraro said he was also aware that at some point during the struggle Officer Ricchiuto struck Lopez with his baton. During one of those strikes, due to the close quarters within the hallway, Officer Ricchiuto accidentally struck him on the right thigh.

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He said the baton strikes occurred sometime in the middle of the fight and even though Officer Ferraro knew Lopez was getting struck with the baton, it did not appear to have any effect on Lopez.

End of statement summary

Officer Michael Ricchiuto:

On 03/18/2020 at approximately 0015 hours, RPD Det. Aaron Mandell and Contra Costa County DA Inspector Conaty interviewed Officer Michael Ricchiuto. Present in the room with them was Julia Fox of Rains Lucia Stern and Contra Costa County Deputy District Attorney K. Bell. The interview was recorded and later uploaded to IAPro under OPA 2020-009.

Officer Ricchiuto heard the detail broadcast over the radio. The location was in the [REDACTED] and it was domestic violence related. Dispatch also advised the suspect was "ripping" the victim's clothes off. He was not initially dispatched to the call but responded since he was only five or six blocks away. He advised dispatch he was responding to the call. He arrived on scene about the same time as Officer Ferraro. He saw a female Hispanic juvenile in front of the residence who seemed "frantic" and "excited". Officer Ferraro and Officer Parker entered the residence ahead of him. As he entered, he could see Officer Ferraro and Officer Parker were already in the process of detaining a Hispanic male subject (Lopez) in the hallway. He heard Officers Ferraro and Parker giving Lopez commands and trying to place him in handcuffs.

Officer Ricchiuto said Lopez began yelling and becoming more aggressive, at which time Officer Ferraro "leg swept" Lopez and they both fell to the ground. Officer Ricchiuto said before Lopez fell to the ground, Lopez was not actively fighting but was resisting violently. Lopez seemed extremely agitated and appeared to have bladed his stance to put himself in a position of advantage. Officers Parker and Ferraro were giving Lopez instructions to place his hands behind his back but Lopez was not complying.

Officer Ricchiuto said the hallway was very narrow and there was not a lot of room which was why he initially did not assist in getting Lopez into handcuffs. He said at this point the resistance displayed by Lopez turned into more of a "fight". He saw Lopez grabbing onto Officer Ferraro and Officer Parker and they were "rolling around". Lopez was yelling in English and Spanish something similar to "Listen to me". He described the confrontation as, "It started as a struggle and turned into a fight very fast." He clarified the struggle was

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when they initially tried to handcuff Lopez. Once they went to the ground it became a fight with Lopez trying to get on his knees, grabbing the officers, and rolling around on the ground. He thought the officers were doing a good job but Lopez was clearly overpowering them.

The investigator asked Officer Ricchiuto when or if the suspect was placed in handcuffs. He said he looked like they were only able to get one handcuff on but eventually both wrists were in handcuffs but that didn't occur until the end of the struggle. Regarding Lopez only having one handcuff on his wrists, Officer Ricchiuto pointed out that the second handcuff essentially becomes a weapon.

Officer Ricchiuto said even as more officers arrived to assist, Lopez was able to overpower them and the situation became more violent. Seeing that Lopez was continuing to fight and overpower the officers, Officer Ricchiuto said he decided to remove his straight baton, gave Lopez commands to stop resisting, and then delivered strikes to Lopez's lower legs which seemed to not affect Lopez. Officer Ricchiuto said it appeared his baton strikes only made Lopez fight harder. He noticed after his baton strikes, Lopez would just grit his teeth, open his eyes wider, and fight even harder. Because the initial baton strikes had no effect, he delivered a second volley of baton strikes (unknown how many) while continuing to command Lopez to lay on his stomach and submit to handcuffing. Officer Ricchiuto felt all of his baton strikes were below the knees except for one or two which were delivered to Lopez's abdomen area as Officer Ricchiuto used the baton as a "downward punching tool". He said none of these strikes were effective as well.

Officer Ricchiuto said at one point Officer Ferraro said Lopez was trying to get Officer Ferraro's firearm. Officer Ricchiuto removed his firearm in the event he had to address the possible threat of Lopez gaining control of Officer Ferraro's firearm and using it against the officers. He re-positioned himself to get a better vantage point. He noticed a hand on top of Officer Ferraro's firearm. He knew it wasn't Officer Ferraro's hand as Officer Ferraro still had his arms wrapped around Lopez. He saw another person's hand, presumably an officer, remove the hand from the top of the firearm and was able to push the firearm into the holster and Officer Ricchiuto heard a click when it was pushed back inside the holster and the hand moved the safety back into position. He described the hand on the firearm as having a more brown skin tone before the officer's hand, which appeared to be a "white" hand, removed the other hand from the firearm.

Officer Ricchiuto said once he saw Officer Ferraro's firearm safely back in the holster, he removed his Taser. He saw Officer Ferraro was still struggling to maintain control of Lopez

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so he stepped back approximately three feet and yelled, "Taser, Taser." The officers trying to maintain control of Lopez adjusted themselves so Officer Ricchiuto had a larger target area. Officer Ricchiuto deployed his Taser and the darts struck Lopez in the lower abdomen area. He felt it was a successful deployment because he did not hear any "clacking" noise associated with an unsuccessful Taser deployment. He saw the spread of the two darts was only approximately 9 inches rendering it less effective. He allowed the Taser to complete one full cycle. He quickly realized the Taser deployment only seemed to enrage Lopez even more. Officer Ricchiuto removed the cartridge and "drive" stunned Lopez on the stomach over his clothes, just above the belt line. Lopez, with either one or two hands, reached for the area being contacted and tried to grab the Taser. While this was happening, Officer Ricchiuto continued giving loud commands. With the exception of trying to grab the area he was being Tased, it did not seem to deter Lopez enough to stop fighting or listen to commands.

After seeing the drive-stuns had no effect, Officer Ricchiuto said he holstered his Taser. He said it was apparent to him officers were becoming tired and they began to clear an area for the K-9. He felt he could not use his pepper spray because of the confined area. He heard the K-9 was coming inside so he went into an adjoining bedroom and shut the door to give the K-9 more room. He slightly opened the door and saw officers were able to get the second handcuff on Lopez however he was handcuffed in the front. Officer Ricchiuto was concerned about this because it still allowed Lopez the ability to struggle with officers.

Officer Gault had come in with the K-9 but Officer Ricchiuto thought the K-9 was brought inside to get Lopez to comply by the mere presence of the K-9. Lopez looked like he was going to begin to cooperate but wasn't following commands being given to him. Officer Ricchiuto was not positive but believes orders were being given to Lopez in both English and Spanish. He heard Officer Campos speaking to Lopez in Spanish.

Officer Ricchiuto said Sgt. Dean grabbed a hold of Lopez and pulled him out of the hallway into the living room so officers would have more room to control Lopez. Because Lopez was handcuffed in the front and still struggling with officers, they formulated a plan so they could maintain control of Lopez while they moved his handcuffs from the front to the back. While doing this, Officer Ricchiuto said officers said, "He's trying to bite me". Officer Ricchiuto said during the initial struggle with Lopez, Officer Ferraro said Lopez had bitten him.

Once Lopez was handcuffed in the back, he was placed in a WRAP to keep him restrained and under control. While he was being placed in the WRAP, Lopez continuously resisted,

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was sweating profusely, and was very slippery. Officer Ricchiuto felt Lopez probably worked with his hands for a living due to Lopez's forearm, shoulder, and grip strength, and he was much stronger than the average person. Once in the WRAP, Lopez seemed to slightly cooperate. He went outside to check on Officer Ferraro. When he came back into the house, Lopez appeared to be fighting and struggling with officers again. Officer Ricchiuto went out to the ambulance to get a spit hood and it was placed on Lopez.

The investigator asked Officer Ricchiuto, based on his experience and training, what he felt caused Lopez to display that type of behavior. Officer Ricchiuto said he felt Lopez's behavior was caused by some type of stimulant. He said that was based on Lopez's high pain threshold, "super-human strength", profuse sweating, high energy level, and ability to work outside of what the normal body can physically endure.

Officer Ricchiuto was asked if he knew when paramedics were requested. He said approximately six minutes before the struggle was actually over, he asked about paramedics and was advised they had already been requested. He thought AMR had administered some type of medication while Lopez was still inside the house but he did not see it.

End of statement summary

Officer Frevele:

On 03/18/2020 at approximately 0115 hours, RPD Det. Aaron Mandell and Contra Costa County DA Inspector Conaty interviewed Officer Frevele. Present in the room with them was Julia Fox of Rains Lucia Stern and Contra Costa County Deputy District Attorney K. Bell. The interview was recorded and later uploaded to IAPro under OPA 2020-009.

Officer Frevele was wearing his "class D" uniform which included a silver star over his left breast and Richmond Police patches on both shoulders. He was operating a fully marked and equipped Richmond Police patrol vehicle. He was wearing his assigned AVR and it was activated during the incident.

Officer Frevele said he originally noticed the domestic violence call on his onboard computer which had not been dispatched yet. The caller on the detail reported something similar to, "My mom's boyfriend is hitting her and trying to take her clothes off." Two units were then sent to the call, one of which was Officer Caston. Officer Frevele works the southern district, and as this was in the southern district, he decided to respond as well to [REDACTED]. He responded Code 3.

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When Officer Frevele arrived on [REDACTED] he saw that several officers had already arrived on scene as their cars were in the street but he did not see any officers. He parked his car and began walking towards the residence. As he got close, he heard yelling from inside the house through the open front door. He could hear an officer yelling something similar to, "Get on your face, turn around". He was not sure who was giving this command. After hearing the command he ran inside.

Once inside, Officer Frevele said the first thing he noticed was that it was fairly dark and there were three officers on the ground toward the back of the residence in a dark and narrow hallway. He removed his Taser from its holster and walked toward the officers. As he got close, Officer Purcell held his hand out and told Officer Frevele to stand back because Officer Ricchiuto was going to deliver baton strikes. Officer Frevele was able to see both Officer Ferraro and Officer Parker struggling with Lopez on the ground. Officer Ricchiuto was standing near all of their feet between Officer Frevele and the officers on the ground. He could hear a lot of yelling and could see the officers were just trying to hold onto Lopez.

Officer Frevele described the struggle on the ground as Officer Ferraro and Officer Parker trying to hold Lopez in place on the ground and Lopez was struggling against them. He could hear the officers giving Lopez commands similar to, "Stop, turn around, put your hands behind your back." He was not sure at that point if Lopez was in handcuffs or if the officers had even gained enough compliance to get him in handcuffs. Officer Frevele pointed out about the narrow hallway didn't allow for many officers to assist at that point.

Officer Frevele said Officer Ricchiuto delivered several baton strikes to Lopez's lower legs, near his knee and shin area. He wasn't sure how many baton strikes there were but said it was "multiple". Officer Frevele did not feel the baton strikes had any effect on Lopez because he heard Lopez say something like, "Stop hitting me" in English and remembered him trying to block the strikes with his hands. And Lopez wasn't saying "stop punch" like it hurt him but more of a "stop, this is annoying me." As this was happening Lopez continued yelling and did not have any real reaction to the baton strikes.

Officer Frevele was asked if Lopez appeared angry or injured. He stated, "He appeared angry, but at no point did I see him feel injured".

Officer Frevele said he did not want to use his Taser because he did not want to miss Lopez and because the hallway was extremely narrow and did not want to run the risk of hitting an officer. He pointed out again about the baton strikes not having any effect so he decided to just try and overpower Lopez so they could get handcuffs on him. He

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said they tried several control holds to include trying to "twist" Lopez's feet up since he had already tried to kick him. He continued to just try and hold Lopez but that wasn't working. He said Lopez just kept, "wiggling and wiggling" and at some point, he noticed Lopez was getting away from Officer Ferraro. Ultimately, Officer Frevele decided that just trying to hold Lopez down to keep him from struggling was probably the best option because nothing else seemed to be working.

Officer Frevele told investigators he was not positive about the timeline of some of the events because it was a continuous struggle, and he was not paying attention to what each officer was doing. At some point, he remembers Lopez trying to bite Officer Ricchiuto and another officer saying, "He's biting". Officer Frevele said every time his hand was near Lopez's face, Lopez would try biting him and if his hand was near Lopez's hand, Lopez would try to grab his hand. He said he had also held onto Lopez's head to keep him from biting other officers and so the officers could get him in handcuffs. While holding Lopez's head approximately six inches off the ground, Lopez tried to bite Officer Frevele again. Officer Frevele responded by pushing Lopez's head to the ground in hopes it would stun Lopez but had absolutely no effect. Officer Frevele said he remembers elbowing Lopez a couple of times on the back and side and once near his head to get him under control.

Officer Frevele estimated the time from when he got there until Lopez was in handcuffs at ten minutes which did not include the time it took to get Lopez into the WRAP.

Officer Frevele remembered at one point during the struggle in the hallway, he heard Officer Ferraro say something like, "He is grabbing my gun" or "He has got my gun". He heard Officer Ricchiuto respond something similar to, "Really" as if he was surprised Lopez was trying to do that. He wasn't certain but he felt Officer Ricchiuto drew his firearm after hearing Lopez was trying to get his firearm. Officer Frevele redirected his attention to Lopez and Officer Ferraro. Officer Frevele noticed Officer Ferraro's firearm was still in its holster; however, the safety had been moved forward which would allow the firearm to be removed with an additional slight movement. He felt the second lock remained engaged. Officer Frevele remembered hearing the distinct sound of Officer Parker re-engaging the safety (hood).

Officer Frevele said the struggle took so long that they almost had to take breaks and each time try to reassess the situation. He said at one point Officer Ferraro turned Lopez so Lopez's chest was facing Officer Ricchiuto. Officer Ricchiuto removed his Taser and deployed the darts into Lopez's torso. Officer Frevele felt that because the dart "spread" was not very far apart, they had little to no effect on Lopez. He wasn't sure but felt the Taser darts were allowed to cycle one time. Seeing the initial Taser

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deployment had no effect on Lopez, Officer Ricchiuto removed the cartridge and "drive-stunned" Lopez in the torso. This also had no effect. Officer Frevele felt Lopez may have yelled when he was struck with the Taser darts but did not show any signs of complying.

Officer Frevele was asked if at any time during the struggle with Lopez, did Lopez appear to surrender and allow himself to be safely taken into custody. He said that even when the WRAP was being placed on Lopez, Lopez continued to fight with officers. He was asked about the use of a K-9. He said he knew Officer Gault was on-duty but had not initially responded to the scene. He requested the K-9 after seeing the Taser had no effect on Lopez. He made the request over the police radio because he wanted Officer Gault to know they were still struggling with Lopez. He said Officer Gault entered the house and someone yelled, "Dog". Officer Frevele and the other officers responded by separating from Lopez and going into the bedrooms leaving Lopez temporarily alone in the hallway. He could hear Officer Gault giving Lopez commands and instructions that the K-9 would be used if he did not comply. While in the bedroom, Officer Frevele requested two ambulances, one for Lopez and one for Officer Ferraro. Officer Frevele briefly cracked the bedroom door and saw Lopez in the hallway holding his hands up as if he was going to give up. Officer Gault was still giving commands. Believing Lopez was going to allow himself to be taken into custody, Officer Frevele closed the bedroom door. He shut the door because he did not want to be in the way if the dog was used.

Officer Frevele said he waited a second and opened the door again. He saw Sgt. Dean dragging Lopez into the family room where there was more room to take Lopez into custody. Lopez continued to fight and struggle in the family room. Officers got on top of Lopez trying to hold him down on the ground. At this time Lopez was handcuffed but he was handcuffed in the front. Sgt. Dean formulated a plan to move Lopez's handcuffs to the back. It took between 5 to 7 officers to hold Lopez down and maintain control of each of his arms/wrists as they moved the handcuffs to Lopez's back. Once in handcuffs, Lopez was placed in the WRAP.

He backtracked and said during the struggle in the hallway when Officer Ferraro had a hold of Lopez, he remembers seeing that Lopez had one handcuff on one of his wrists. He knew this because he could see the other handcuff, unlatched, flying around in the air. He understood with the second handcuff unattached and with the ratchet open, it could possibly create a weapon for Lopez.

Officer Frevele said after Lopez was placed in the WRAP, AMR personnel came inside the residence and carried Lopez out to a gurney. Lopez was then placed in the

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ambulance. Officer Frevele remembers ambulance personnel talking about giving Lopez some type of sedative so he would calm down.

Officer Frevele was going to follow the ambulance in his patrol car to the hospital. He parked behind the ambulance and saw Lopez in the back still in the WRAP. He got out of his car and walked closer to the ambulance. He heard one of the paramedics say, "He is coding". He thought this meant Lopez was possibly "dying". He immediately requested a supervisor to the scene. He reactivated his AVR and he and Officer Tagorda began to remove Lopez from the WRAP and his handcuffs so medical personnel could continue treating him. He said Lopez was not conscious in the ambulance. AMR Personnel placed Lopez on some type of machine and began CPR. The CPR continued for a short time before the ambulance left for the hospital.

Officer Frevele was asked if Lopez was conscious when he left the residence. He said once Lopez was placed in the WRAP, he was still wriggling around but had calmed down. This led him to believe medical personnel may have given him some type of sedative at that point.

End of statement summary

Sgt. Virgil Thomas:

On 03/17/2020 at approximately 1940 hours, Richmond Police Det. Villalobos and Contra Costa County DA Inspector Garcia interviewed Sgt. Virgil Thomas. The interview was audio recorded and later uploaded to IAPro under OPA 2020-009.

Sgt. Thomas said he was assigned as a street sergeant partnered with Sgt. Dean for patrol team #1. He responded to the scene after hearing officers struggling with Lopez. He arrived on scene and removed the less-lethal shotgun from patrol car #1120 prior to walking to the house. He met up with Officer Santana who requested a WRAP restraint device. He handed Officer Santana the WRAP and she went inside the house. He followed her into the house and saw Lopez on the floor thrashing and resisting four officers as they attempted to restrain him.

Sgt. Thomas said Sgt. Dean was the supervisor on scene with Officer Tagorda, Officer Caston, and Officer Campos. They were all attempting to place Lopez into the WRAP. He saw the officers were having a very difficult time placing Lopez into the WRAP device. He described Lopez as being handcuffed in the front and thrashing about so violently that Sgt. Thomas moved Officer Caston away from Lopez and Sgt. Thomas

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placed more weight on Lopez in order to gain compliance. He placed his right hand on Lopez while kneeling in order to force Lopez to stay still.

Sgt. Thomas said by this time AMR personnel were in the residence. Lopez was so combative and continued to fight and resist while in the WRAP, that AMR personnel gave Lopez an unknown sedative in his buttocks. A few minutes later Lopez

became more placid. Lopez was moved onto a gurney and placed inside the ambulance. Sgt. Thomas confirmed Lopez was in no visual distress and Lopez was acknowledging and responding to Officer Campos's words in Spanish, but not his commands.

End of statement summary

Officer Timothy Parker:

On 03/17/2020 at approximately 2305 hours, Richmond Police Det. Decious and Contra Costa County DA Inspector Ritchie interviewed Officer Parker. Officer Parker was accompanied by his attorney, Jon Murphy, from the law firm Rains Lucia Stern.

Officer Parker has been an officer for approximately five months and is currently assigned to Officer Purcell in the training program. He served 6 years in the United States Air Force. He is currently assigned to patrol team #1 working Monday through Thursday from 0630 to 1630 hours.

Officer Parker was wearing a "Class B" uniform to include Richmond patches on his shoulders and a silver star on his left chest. He was wearing a duty belt that included two pairs of handcuffs, keys, a handgun, pepper spray, a police radio, flashlight, Taser, and magazines. He was wearing an AVR which was activated at the time of the incident. He was driving a fully marked and equipped patrol vehicle with Officer Purcell in the passenger seat.

Officer Parker was handling a different call on the phone when this incident was broadcast over the radio. He described the radio broadcast as a domestic violence in progress. Officer Purcell advised dispatch they would be responding to the call. Officer Parker was parking a safe distance from the house and saw the officer running towards the house. He got out of his car and heard yelling that he described as an officer giving commands.

Once he got to the front door of the house, Officer Parker said he saw Officer Ferraro standing with Lopez in the back hallway. It looked like Officer Ferraro was trying to

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place Lopez in handcuffs but Lopez was resisting. During the resistance, Officer Ferraro and Lopez ended up on the hallway floor but Officer Parker did not know how that happened. He went to assist and saw that only Lopez's left wrist was handcuffed. Officer Ferraro told him they need to get Lopez handcuffed. Officer Parker was on the right side of Lopez and tried to place his right wrist into the handcuff.

Officer Parker said Lopez continued to resist. He and Officer Ferraro were able to get Lopez's hands behind his back multiple times but Lopez kept putting his hands under his body. They even tried to handcuff Lopez's hand above Lopez's head just to try and gain control but that didn't work either. At some point during the struggle, Officer Ferraro ended up on his back with Lopez on top of him. Officer Ferraro was trying to control Lopez's upper body while other officers tried to place Lopez in handcuffs. They could not control Lopez.

Officer Parker said he heard Officer Ricchiuto announce, "Watch out" to the officers. Officer Ricchiuto was holding his baton. Officer Ricchiuto struck Lopez with his baton an unknown number of times but the officers were still unable to place Lopez in handcuffs. Officer Parker believed the strikes were below Lopez's knees. He said the baton struck him several times although he was uninjured.

Officer Parker said the officers tried to assist Lopez into a seated position during the struggle. While they were doing this, Officer Parker heard Officer Ferraro say he was being bitten by Lopez. Officer Ferraro backed off because of the bite. Officer Ricchiuto used his Taser on Lopez but Lopez removed the darts and continued to resist by turning over and moving away from the officers. The officers were still unable to place Lopez in handcuffs.

At some point during the struggle, officers were able to get the second handcuff on Lopez. The handcuffs were in front of Lopez which was described by Officer Parker as "not ideal". Just prior to the second handcuff going on, Officer Parker heard Officer Ferraro say Lopez was grabbing at his gun. He heard the "snapping" sound of the holster. Officer Parker pulled Officer Ferraro's gun towards him where he could see the hood on the holster had been slid forward but the gun was still in the holster. Officer Parker pushed the holster hood back into position.

Officer Parker said Lopez was now handcuffed in the front but the handcuffs were not "double-locked". Lopez was still able to grab things with his hands. Officer Gault came into the house with his K-9 in an attempt to control the situation. When Officer Parker heard the announcement he, Officer Ferraro, and Officer Frevele went into a rear bedroom and closed the door. Once in the bedroom, Officer Ferraro disclosed he was in pain and did not feel well and lay on the floor. After a short time, Officer Parker said he

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opened the door and saw Sgt. Dean was in the house and was telling officers to move Lopez to a bigger room in the house.

Officer Parker said with the assistance of additional officers they were able to place Lopez on his stomach. Officers Campos and Caston held Lopez's bent knees and held his heels against his buttocks to keep Lopez from kicking them. Officer Parker was on the right side holding Lopez down. Sgt. Dean was also assisting. Lopez continued to try and twist and get up. At some point, Sgt. Dean asked someone to get the WRAP out of his car. Lopez continued resisting. On three occasions while waiting for the WRAP, Officer Parker said he told the suspect to stop resisting and delivered a knee strike at sixty percent force to Lopez's ribs in an attempt to get Lopez to lay back down. He said this was necessary to maintain what control the officers had established. Officer Parker also gave commands to Lopez on two separate occasions to stop resisting or stop because Lopez was trying to roll toward him. On each occasion, Officer Parker used a fifty to sixty percent force elbow strike to Lopez's ribs to get him to lie back down flat on the floor.

Officer Parker said Sgt. Dean went to set up the WRAP and Officer Ricchiuto took over where Sgt. Dean was with Lopez. When the officer started to move Lopez towards the WRAP, Lopez continued to resist. They were able to strap Lopez's legs in the WRAP and place him in a seated position. Lopez was still handcuffed to the front at this time. Officers were able to move Lopez's handcuffs to his back without much resistance. Lopez appeared to be fatiguing. Officers tried to sit Lopez up to place the shoulder strap on the WRAP and Lopez resisted again. Officer Parker used the back of Lopez's head to push him forward so the harness could be applied correctly. After the WRAP was applied, Officer Parker had no more contact with Lopez.

Officer Parker was asked if he remembers Lopez saying anything during the incident. He said Lopez said something about "You have the wrong guy". He said there were numerous times Officers Ricchiuto and Ferraro gave commands to the suspect for him to give them his hands and to stop resisting. All of the conversations were in English. He said Lopez spoke and understood English.

Officer Parker said the only force he used were the three knee and two elbow strikes. He was unaware of any other force tools used on Lopez other than Officer Ricchiuto's use of his baton and Taser.

Officer Parker described Lopez's behavior and resistance as "inhuman". He said Lopez had more energy than he had ever seen in a person. He could not believe how long Lopez was able to sustain the resistance. Based on his training and experience, he

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thought Lopez was “on something” (drugs) based on Lopez’s level of strength and stamina.

End of statement summary

Sgt. Carl Dean:

On 03/18/2020 at approximately 0030 hours, Richmond Police Det. Decious and Contra Costa County DA Inspector Ritchie interviewed Sgt. Dean. Sgt. Dean was accompanied by his attorney, Nicole Pifari, from the law firm Rains Lucia Stern.

Sgt. Dean has worked for the Richmond Police Department for approximately 10 years. Prior to working in Richmond, he was a sworn officer for the City of Vallejo for approximately 5 years. He is currently assigned as a patrol sergeant for patrol team #1. He works Monday through Thursday from 0600-1600 hours. He is a member of the Richmond PD SWAT team and Mobile Field Force. He is also an instructor for impact munitions and chemical agents (less lethal force options)

Sgt. Dean was wearing a Class D uniform with an RPD patch on both shoulders. A silver star was affixed to the front of his vest carrier. His vest carrier held his AVR, handcuffs, pepper spray, small flashlight, police radio, extra magazines, and a baton. His duty belt consists of a holster with a firearm, Taser, key keeper, and handcuff key. His AVR was activated at the time of the incident.

Sgt. Dean said he heard the radio broadcast of an in-progress domestic violence. The daughter of a woman called to report her mother's boyfriend was ripping the clothes off of the mother and there was screaming in the background. He and several other officers responded Code 3. As he was responding, he heard what sounded like a struggle on the police radio. He heard clicking on the radio and broken radio transmissions from officers who were already on scene.

Once on scene, Sgt. Dean said he heard an officer involved in the struggle request a K-9. Sgt. Dean ran to the house and K-9 Officer Gault was running a short distance behind him. As he got to the house, Sgt. Dean saw several officers struggling with Lopez in the hallway of the house. He yelled into the house to notify the officers the K-9 was going to enter. Officer Gault entered the room with his K-9 and gave the K-9 announcement. Sgt. Dean stood behind Officer Gault in the house. The officers who had been struggling with Lopez moved in response to the presence of the K-9.

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Sgt. Dean said he saw Lopez lying on the floor with his hand handcuffed in front. Officer Gault did not deploy the K-9 due to Lopez being handcuffed. Lopez was sitting up so Sgt. Dean told him to crawl toward him. The living room was a larger area than the hallway so it would be easier to control Lopez. The suspect did not come toward Sgt. Dean. Officer Gault gave commands to Lopez in Spanish. Sgt. Dean does not speak Spanish and assumed Officer Gault was telling Lopez to crawl into the living room. When it was clear Lopez was not going to crawl to the living room, Sgt. Dean told the other officer she would drag Lopez into the living room. He grabbed Lopez by one of his arms and dragged him into the living room. The other officers tried to grab Lopez to help control him but Lopez kicked and pulled away and flipped over on his back.

Sgt. Dean said he told the officers to flip Lopez over on his stomach. While trying to turn Lopez over, Lopez grabbed Sgt. Dean's hands and he continued to struggle. An officer said Lopez was trying to bite one of the officers. He felt Lopez's mouth near his hand so he pulled Lopez's arms further away to keep Lopez from biting him. One of the officers placed Lopez in a figure-4 leg control hold.

Sgt. Dean said he decided a WRAP was necessary. Officer Santana went to Sgt. Dean's car and got the WRAP. Officer got the lower portion of the WRAP on Lopez's legs but his hands were still handcuffed to the front. Sgt. Dean made a plan to take the handcuffs off one at a time to move the handcuffs behind Lopez. They were successfully able to move Lopez's handcuffs from the front to the back. Lopez was rolled into a seated position in order to put the upper portion of the WRAP on Lopez. Lopez immediately started to resist to keep officers from applying the WRAP. Because of Lopez's resistance, the WRAP became twisted and looked like it started to strangle the suspect. Sgt. Dean saw the problem and immediately told Officer Caston to loosen the WRAP so it could be reapplied correctly, which she did. They also put a spit hood on Lopez to keep him from spitting.

Sgt. Dean said Lopez was placed on his side and paramedics were instructed to come inside to check on Lopez. Lopez was still resisting. Sgt. Dean told paramedics about the struggle and Lopez attempting to bite officers. One of the paramedics said they were going to sedate Lopez. Within a few minutes, Lopez appeared to fall asleep. Paramedics and firemen used a blanket to carry Lopez to the ambulance still in the WRAP.

Sgt. Dean said within a few minutes of Lopez being in the ambulance he heard a firefighter say Lopez was going into cardiac arrest. Sgt. Dean notified the watch commander Lt. Smith so proper notifications could be made.

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Sgt. Dean could not remember anything specific Lopez said during the incident. He just remembers Lopez grunting. Sgt. Dean made sure the directions officers were giving Lopez were being done in both Spanish and English. He said when he arrived he saw Taser wires in the hallway so he knew a Taser had been deployed. He was also sure physical force had been used prior to his arrival due to the radio traffic.

Sgt. Dean described Lopez's actions as, "out of control". He said Lopez fought harder and for longer than he had ever seen. He believed Lopez was on a stimulant because of his level of resistance. He added Lopez's body type did not match the level of fight in him.

End of statement summary

Det. Cubit:

Det. Cubit is assigned as the Criminal Investigation Section Crime Scene Technician. She authored a supplemental report regarding her attendance of the autopsy of Lopez. Her report is summarized below.

Det. Cubit was advised the post-mortem exam and autopsy were scheduled for Friday, March 20, 2020, at approximately 0930 hours. She arrived at the Contra Costa County Coroner's Office in Martinez. The post-mortem exam and autopsy were conducted by Dr. Ogan with assistance from B. Ward. The exam began at 0930 hours.

Dr. Ogan advised Lopez had 2 bruises and 2 lacerations on his right leg that were most likely from baton strikes and physical force used by an officer to detain him.

An internal exam was conducted and Dr. Ogan advised Lopez had several serious deadly infections, to include pneumonia, and confirmed Lopez was an alcoholic. A preliminary drug screen was conducted and showed Lopez was positive for cocaine. Dr. Ogan advised that numerous factors contributed to Lopez's death. Refer to Dr. Ogan's report for details.

End of report summary

Office of Professional Accountability Interviews

After reviewing all evidence, AVR's, audios and the joint interviews conducted by Richmond Police Department Homicide Detectives and Contra Costa District Attorney Investigators, the Office of Professional Accountability (OPA) conducted additional interviews. The following are summaries from those interviews. The full audio of all interviews was uploaded to IA Pro under OPA# 2020-009.

Sgt. Carl Dean:

On July 29, 2021, I interviewed Sgt. Dean as a subject officer. He was accompanied by her legal representative Nicole Pafari of RLS. The interview took place at the OPA Office located at 440 Civic Center Drive. The interview was audio-recorded and later uploaded into IAPro under OPA 2020-009.

Prior to going on record, I provided Sgt. Dean with the following documents:

RPD Policies 300 and 340

CAD Notes

POBR Form

Sgt. Dean elected "Miranda Not Waived" by initialing and signing the form which was signed by Mrs. Pafari as a witness. Sgt. Dean and Mrs. Pafari confirmed they were provided an audio file containing his criminal interview and had a chance to review that interview prior to this administrative interview. Sgt. Dean provided the following statement in summary:

Sgt. Dean described his training in use of force as follows; basic use of force training in police academy, refresher training through Advanced Officer School approximately every other year, and specialized training with the Richmond Police Department SWAT Team and Mobile Field Force. He does not speak or understand Spanish.

Sgt. Dean entered the residence and saw several officers and Lopez struggling in the hallway. He heard someone ask for a K9. He stood aside and Officer Gault and his K9 passed by Sgt. Dean into the living room. When he stood aside he could no longer see down into the hallway. He looked and saw it was only Lopez and the K9 and all the officers had gone into nearby bedrooms. Officer Gault was yelling at Lopez who sat up, looked at them, and as he sits up he holds his hands up, and Sgt. Dean could see that his hands are handcuffed in front of him. Officer Gault did not send his K9 because he

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did not want to bite a handcuffed suspect. Sgt. Dean tried to call out to Lopez to have him come to them because at this point Lopez was sitting there. Lopez didn't respond. Officer Gault yelled at Lopez in Spanish but Lopez did not respond to the Spanish commands as well.

While on scene, Sgt. Dean heard someone say Officer Ferraro was injured and in one of the bedrooms. Sgt. Dean decided to get control of Lopez the best thing to do would be to get him out of the hallway and into the open area for more room to work and gain control of Lopez. Sgt. Dean's perception at the time was the officers probably couldn't control Lopez because they were in limited space and Lopez was able to get his back to a wall and fend off several officers because they couldn't move around him. Sgt. Dean grabbed Lopez by his right arm and started to pull Lopez into the living room. The floor was hardwood and Lopez was pulled fairly easy from the hall a couple of feet into the living room area. Officers exited the room and helped him to try and control Lopez's hands and arms. Lopez began to kick and fight at the officers.

Sgt. Dean said while he was kicking and fighting Lopez was able to get onto his back. He remembers telling the officers they were going to roll Lopez over to get him onto his stomach so he is easier to control and can't kick at the officers. They were able to roll Lopez over. Lopez was now face down with his hands handcuffed up over his head. Lopez tried to pull his hands down under himself. Sgt. Dean said this caused him concern because he didn't know if Lopez was armed with any type of weapons or if he was going to try and access anything. With his arms down by his torso, Lopez can also try to stabilize himself and possibly push up to be able to fight them better. At this time he was not aware if Lopez had been searched. He assumed Lopez had not been searched because it sounded like there was a fight as soon as they contacted him. Sgt. Dean was trying to keep Lopez from pulling his arms down. Sgt. Dean heard someone say Lopez had been trying to bite officers or had bit officers before he arrived.

Sgt. Dean said he tried to hold onto Lopez's hands so he couldn't get them under his torso and at the same time he could feel Lopez trying to pull his hands down towards his torso. He said at one point it seemed to him that Lopez was trying to bite him. He decided the best thing to do would be to get a WRAP on Lopez. Even if they could get Lopez's legs restrained he wouldn't be able to kick at them and they could control him a little better. Sgt. Dean instructed Officer Santana to go to his car and retrieve the WRAP. The struggle with Lopez continued while Officer Santana was going to get the WRAP. Officer Santana came back into the house with the WRAP. The WRAP was laid out on the floor in an open area in the living room. They moved Lopez onto the WRAP and they were able to get Lopez's legs restrained. Lopez was still kicking and it took some work by the officers to get the Velcro wrap around Lopez's legs.

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Sgt. Dean described this struggle as the longest struggle he's even been in with anyone. He remembers having to switch out officers because they looked physically exhausted. Officer Caston was trying to hold Lopez's legs but Lopez was able to overpower Officer Caston and was able to push her back. He had a larger officer switch out with her to help hold Lopez's legs down.

Sgt. Dean said even after they put the leg portion of the WRAP on Lopez, Lopez continued to struggle with the officers. He decided this was a good point to try and un-handcuff Lopez from the front and re-handcuff his hands behind his back which will also allow them to properly apply the rest of the WRAP so Lopez could not attack the officers. He made a plan and assigned officers how to take the handcuffs off and reapply them behind his back. They were able to successfully put Lopez's hands behind his back. Then they attempted to put the top chest portion of the WRAP on Lopez. While they were trying to secure this piece Lopez was still resisting and trying to fight the officers from securing it by grabbing at their hands as they were trying to secure Lopez's handcuffs to the carabiner. Lopez was in a seated position at this time. As Lopez was struggling he was also trying to sink his body down to a laying position. Officer tried to hold him and pull him back up to a seated position so they could get the chest portion of the WRAP properly on Lopez.

Sgt. Dean said at one point when Lopez was trying to sink his body low he saw someone was trying to pull him up into a seated position by pulling on the WRAP harness. He could see the chest portion of the WRAP restraint pushing up against Lopez's chin as officers were trying to pull him into a seated position. Sgt. Dean didn't want the officers to inadvertently block Lopez's airway so he verbally told the officers to stop and not pull on the restraint because it was pulling Lopez's chin. He noticed the chest portion of the WRAP was "twisted up" and this was why officers couldn't buckle it together because it won't reach. He told Officer Caston to loosen the buckles of the strap all the way out so it could reach as far as possible so they could get it buckled. They were able to buckle the pieces together and properly secure the WRAP.

I asked Sgt. Dean if at the time he saw the WRAP portion go under Lopez's chin if Lopez couldn't breathe or complained of not being able to breathe. He said he believed when he told the officers to stop it prevented the WRAP from restricting Lopez's airway. It did not appear to Sgt. Dean that Lopez's airway was blocked at the time he saw the strap under Lopez's chin. Lopez did not display any symptoms of choking or not being able to breathe.

Once Lopez was finally secured in the WRAP it had been a long fight. Sgt. Dean said it was several minutes before he got there and for several minutes while he was there

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they were struggling with Lopez. He had the officers place Lopez in the recovery position. He knew from a struggle like the one they just had that Lopez was probably high on drugs. Based on his size and Lopez not looking like a big guy, it didn't seem normal for someone his size to be able to fight off that many officers. He thought there may have been 7-9 officers on scene that at one point helped in trying to detain Lopez. Sgt. Dean estimated Lopez to be 5'7" and 160 pounds while Sgt. Dean is 6'1" and 235 pounds. Sgt. Dean said he wasn't able to control Lopez and there have been very few times in his career he hasn't been able to control people. During the struggle, he thought Lopez had to be high on meth or a stimulant such as cocaine.

After Lopez was in the recovery position, he saw medical personnel in front of the house. He called the medics inside the house. Lopez was still struggling and thrashing about while he was in the WRAP. Medics came in and appeared shocked that he was still fighting. Sgt. Dean told them he had been fighting the whole time. Sgt. Dean also told the medics to be careful because Lopez was also trying to bite them. One of the medics told him they were going to sedate Lopez. The medics gave Lopez a shot and after a couple of minutes, he fell asleep. At the time the shot was administered by the medics Lopez was still moving/thrashing about. After the shot, Sgt. Dean believed Lopez was still breathing because firefighters and AMR were standing next to and over Lopez and they weren't doing anything. AMR brought a tarp and medical personnel moved Lopez onto the tarp and carried him out of the house onto a gurney and then into an ambulance.

After Lopez was moved to the ambulance Sgt. Dean said he was trying to figure out what officers were possibly hurt because he knew Officer Ferraro had been hurt. He also was trying to locate the victim of the original call. He heard Officer Frevele on the radio ask for a supervisor to meet at the ambulance. Sgt. Dean walked out of the house to the ambulance and he could see the medical personnel frantically working on Lopez like something bad had happened. He thinks he asked a firefighter what happened and the firefighter said something similar to the fact Lopez was going into cardiac arrest. Sgt. Dean asked if that meant Lopez was going to die and the firefighter told him it was a good chance Lopez could die. Sgt. Dean called for Lt. Smith who was on scene already and Sgt. Dean told Lt. Smith what was happening and Lt. Smith said if there was a chance Lopez would die then they would enact protocol.

Sgt. Dean said there was no force used on Lopez after he was sedated. He said prior to arriving on scene he figured it was obvious force may have been used on Lopez due to the radio transmissions. He said he saw Taser wires in the hallway. He summarized the force he used during this incident as mostly trying to physically restrain and overpower Lopez. He didn't remember specifically using any strikes or Taser. He described his

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force mostly as wrestling around trying to control Lopez and held direct other officers to be on the same page in trying to restrain Lopez. Sgt. Dean did not use any force on Lopez's head, neck, or chest area. He did not notice any force that he was using was causing Lopez not to breathe or to have difficulty breathing. He described Lopez as grunting and yelling.

Sgt. Dean said other than handcuffing techniques he did not see any other force used on Lopez. He remembers someone having Lopez in a figure-4 leg-lock and thought it may have been Officer Caston. He saw someone pushing Lopez's head to the side when Sgt. Dean's hands were by Lopez's mouth and Lopez was trying to bite him. He described this force as a push with a forearm. He said it was not a punch or a strike to Lopez's head but a firm push with a forearm.

Sgt. Dean never heard Lopez complain of any injuries. He never saw any visible injuries on Lopez. He did not recall any other officers using force on Lopez's head during the incident. He did not see any officers using force on Lopez's neck area. He did not remember any officers using force on Lopez's chest area. He did not think that Lopez's ability to breathe was obstructed at any time during the incident.

End of statement.

Officer Lacquanna Caston:

On April 8, 2021, OPA Sgt. Rivera and I interviewed Officer Caston as a subject officer. She was accompanied by her legal representative Nicole Pafari of RLS. The interview took place at the OPA Office located at 440 Civic Center Drive. The interview was audio-recorded and later uploaded into IAPro under OPA 2020-009.

Prior to going on record, I provided Officer Caston with the following documents:

RPD Policies 300 and 340

CAD Notes

POBR Form

Officer Caston elected "Miranda Not Waived" by initialing and signing the form which was signed by Mrs. Pafari as a witness. Officer Caston and Mrs. Pafari confirmed they were provided an audio file containing his criminal interview and had a chance to review that interview prior to this administrative interview. Officer Caston provided the following statement in summary:

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Officer Caston said the only force she used during this incident was when Lopez had been brought into the living room from the hallway and they had more room to work with trying to detain Lopez. She saw the officers were trying to control Lopez's upper body but his legs were not being controlled and were kicking. To avoid any officers getting injured she tried to place Lopez into a figure-4 leg lock. As she was trying to place him into the figure-4, she was not able to control and maintain the figure-4 because Lopez's strength was overpowering hers. When she attempted the leg lock she was not compressing Lopez's chest area or interrupting his ability to breathe. She explained she has received formal training for the application of a figure-4 leg lock.

Officer Caston said the only other force she used was when they were trying to place Lopez in the WRAP. Initially, she was trying to put his legs in the WRAP but other officers took over that duty. She assisted to try and connect the harness buckles but she couldn't get the buckles to clasp.

Officer Caston only used her hands and body and never utilized any impact weapons. She did not use any force on Lopez's head, neck, chest, or stomach area.

Officer Caston does not speak or understand Spanish. She did not hear Lopez complain of any injury or not being able to breathe.

Officer Caston said the only time she saw any other officers use force was when she was trying to apply the figure-4 leg lock she asked Officer Campos to help her. She asked Officer Campos to grab one leg while she grabbed the other. Officers Parker and Frevele were around the upper torso of Lopez trying to control him. She did not see any specific force used by either of those officers. She wasn't paying attention to them because she was concentrating on holding Lopez's legs. She said she also saw Sgt. Dean pull Lopez from the hallway to the living room. She did not know if Sgt. Dean grabbed him with one hand or both hands and she did not see where Lopez was being pulled from.

Officer Caston did not see any officers use force on Lopez's head, neck, chest, or back area. None of the officers talked to Officer Caston about force they used during the incident. She never heard Lopez complain of pain or injury. She saw Taser wires but was not present when the Taser was deployed. She also saw a Taser on the ground but did not know to who it belonged.

Officer Caston was in the hospital with Officer Ferraro when she heard about what happened to Lopez.

End of statement.

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Officer Daniel Campos:

On August 18, 2021, I interviewed Officer Campos as a subject officer. He was accompanied by his legal representative Jonathan Murphy of RLS. The interview took place at the OPA Office located at 440 Civic Center Drive. The interview was audio-recorded and later uploaded into IAPro under OPA 2020-009.

Prior to going on record, I provided Officer Campos with the following documents:

RPD Policies 300 and 340

CAD Notes

POBR Form

Officer Campos elected “Miranda Not Waived” by initialing and signing the form which was signed by Mr. Murphy as a witness. Officer Campos and Mr. Murphy confirmed they were provided an audio file containing his criminal interview and had a chance to review that interview prior to this administrative interview. Officer Campos provided the following statement in summary:

Officer Campos arrived on scene and went inside the residence. He saw officers and Lopez in a narrow hallway. Officers were telling Lopez to “stop resisting” and “put your hands behind your back” several times. He heard an officer yell, “Taser, Taser, Taser” and a Taser was deployed at Lopez. He is not sure which officer deployed the Taser and if it struck Lopez. He saw officer Ricchiuto give two baton strikes to Lopez’s lower leg area. He heard someone say, “Get the K9”. Officer Campos ran outside to tell Officer Gault to bring his K9 inside but Officer Gault was not there. Officer Campos went back inside the residence. Officers are still telling Lopez to stop resisting. Officer Gault arrived and came inside with his K9 and someone yelled, “Dog”.

Officer Campos said where he was standing in the hallway was a door to a small bathroom and he didn’t want to get in the way of the K9 if it was deployed on Lopez. He didn’t think the K9 had been deployed so he opened the door and saw Sgt. Dean grab Lopez by the arms and asked for assistance. Officer Campos came out of the bathroom and started giving Lopez commands in Spanish in case he was not understanding the English commands. Spanish is Officer Campos’s first language and he is certified by the City of Richmond as an interpreter. Even with the commands being said in Spanish, Lopez did not comply.

Officer Campos said an officer went to get the WRAP device while Lopez was still flailing, kicking, and trying to bite officers. Officer Caston had her latex glove bitten off

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by Lopez. Officer Caston asked for help with Lopez's legs because he was kicking. Officer Campos assisted and tried to help hold Lopez's legs. The officers were able to get Lopez in the WRAP. Even with the WRAP applied, Lopez was still moving around. Lopez was placed in the recovery position near a couch in the living room. AMR arrived on scene and gave Lopez an injection. Lopez was placed on a gurney and taken to the hospital. Officer Campos stayed in the house as Lopez was taken outside.

Officer Campos said prior to the shot being administered, Lopez kept screaming and yelling. The one thing that Lopez said that stood out to Officer Campos was the Spanish word for devil. He said Lopez's character was just kicking and screaming and he couldn't make out any of the other things Lopez was screaming. After Lopez was placed in the WRAP and was administered the shot was when his attitude and demeanor changed and he stopped screaming and moving.

Officer Campos said he did not know what happened to Lopez until he returned to the police station and the officers were sequestered.

Officer Campos did not use any other force on Lopez besides trying to hold his legs down to prevent him from kicking. He did not hear Lopez complain of any injury or not being able to breathe. Besides Officer Ricchiuto giving two baton strikes to Lopez, Officer Campos did not see any other impact weapons used on Lopez. He added that the baton strikes did not appear to be effective.

Officer Campos said he saw an officer deliver a couple of distraction blows to Lopez's body. He didn't remember which side of Lopez's body they were delivered because he was focused on Lopez's legs. He described the blows to be closed fists and somewhere to Lopez's body. The body strikes did not appear to affect Lopez. He did not see any other force by any other officers.

Officer Campos did not see any force being used on Lopez's head or neck area. He did not see any force used on Lopez's chest area and did not see any officers compressing Lopez's chest area or inhibiting his ability to breathe. No officers told him about any force they used prior to him arriving on scene. No one talked to him about any force they used that he may or may not have seen. He did not see any visible injuries on Lopez.

End of statement.

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Officer Steve Purcell:

On August 24, 2021, I interviewed Officer Purcell as a subject officer. He was accompanied by his legal representative Jonathan Murphy of RLS. The interview took place at the OPA Office located at 440 Civic Center Drive. The interview was audio-recorded and later uploaded into IAPro under OPA 2020-009.

Prior to going on record, I provided Officer Purcell with the following documents:

RPD Policies 300 and 340

CAD Notes

POBR Form

Officer Purcell elected "Miranda Not Waived" by initialing and signing the form which was signed by Mr. Murphy as a witness. Officer Purcell and Mr. Murphy confirmed they were provided an audio file containing his criminal interview and had a chance to review that interview prior to this administrative interview. Officer Purcell provided the following statement in summary:

Officer Purcell said he entered the home and found several civilians inside the home including the original caller. He wanted to keep track of these people to make sure none of them left, they did not get hurt, and they did not interfere with the arrest of Lopez. He stayed in the garage area of the residence with the civilians. At one point he opened the door and looked down the hallway and saw uniformed officers trying to grab Lopez and they were fighting. He said Lopez was resisting being taken to the ground by the officers. Officers were able to get Lopez on the ground and he thought this was his chance to help. Lopez's legs were in Officer Purcell's direction. Officer Purcell was going to put his knees on Lopez's legs. Officer Ricchiuto told him to "step aside", "I got this" or something similar so Officer Purcell started to walk back towards the garage. Officer Purcell said he heard what sounded like baton strikes.

Officer Purcell said estimated "a few 2 or 3 maybe more" to the number of baton strikes he heard. He did not physically see the baton strikes occurring. He heard Lopez screaming and thought it was a reaction to being struck with the baton.

Officer Purcell went back into the garage with the four civilians. At one point he looked down the hallway again and saw a K9. He stayed close to the garage so he wouldn't get bit. He said at some point he saw Lopez was now in the living room and officers were trying to put him in a WRAP but Lopez was still fighting. He said it was a wild fight and he had never seen a fight like this and the level of resistance by Lopez since he's been

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a cop. He saw a female on the threshold of a door in the hallway and she appeared to be naked minus a towel. Officer Purcell and his trainee, Officer Parker checked on her welfare and instructed her to get dressed. Officer Purcell told Officer Parker to talk to the female but she was Spanish speaking and had limited understanding.

Officer Purcell said while they were tending to the female, Lopez was still fighting. At some point, officers were able to get Lopez in the WRAP. Officer Campos was on scene and able to help with Spanish translation to figure out what was going on.

Officer Purcell said he did not see Lopez get placed in the ambulance. He was about to clear the scene several minutes later and all the officers were ordered back to the scene by Lt. Smith. Officer Purcell did not know what was going on but someone told him Lopez may not make it or may have "coded out".

Officer Purcell did not go hands-on or use any physical force on Lopez. The only physical force he observed the officers using was physical force trying to get Lopez on the ground. He only described several officers trying to grab Lopez to get him on the ground but Lopez was fighting them and not allowing them to take him to the ground. He did not see any other less lethal applications used on Lopez other than what he thought were baton strikes.

Officer Purcell said no one spoke to him about force they used on Lopez prior to his arrival. He did not speak with anyone after the incident regarding any force used against Lopez. He did hear that at some point Lopez had been "tased". He didn't remember who told him or when it was told to him.

Officer Purcell does not speak or understand Spanish. He said Lopez was talking in both Spanish and English. He never heard the suspect say or mention that he was hurt or injured, couldn't breathe, or injured in any way.

Officer Purcell said he never saw any force used by officers on Lopez's head or neck area. He never saw any force being used by officers on Lopez's chest area. He did not see other forces such as body weight or hip pressing that would inhibit Lopez's ability to breathe. He did not remember Lopez complaining about not being able to breathe. He did not see any visible injuries to Lopez.

End of statement.

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Officer Cedric Tagorda:

On July 21, 2021, I interviewed Officer Tagorda as a subject officer. He was accompanied by his legal representative Nicole Pafari of RLS. The interview took place at the OPA Office located at 440 Civic Center Drive. The interview was audio-recorded and later uploaded into IAPro under OPA 2020-009.

Prior to going on record, I provided Officer Tagorda with the following documents:

RPD Policies 300 and 340

CAD Notes

POBR Form

Officer Tagorda elected "Miranda Not Waived" by initialing and signing the form which was signed by Mrs. Pafari as a witness. Officer Tagorda and Mrs. Pafari confirmed they were provided an audio file containing his criminal interview and had a chance to review that interview prior to this administrative interview. Officer Tagorda provided the following statement in summary:

Officer Tagorda arrived on scene and entered the residence at the same time Officer Santana had retrieved the WRAP and was going back inside the house. Once inside the residence, he saw officers trying to control Lopez in the living room. It appeared to Officer Tagorda that Lopez was actively resisting, by punching, kicking, pushing officers off of him, screaming, and yelling. Officers were trying to control his hands and legs to avoid being hit or kicked by Lopez. He started setting up the WRAP to be placed on Lopez. As they were trying to place the shoulder harness of the WRAP on Lopez, Lopez tried to bite his hand.

Officer Tagorda referred to Lopez as having "superhuman strength". He described Lopez as being able to "easily" push the officers off of him. It took several officers just to get Lopez in the WRAP. He did not recall Lopez saying anything during this time other than screaming. Officer Tagorda does not speak or understand Spanish. He said the scene was chaotic and the officers were just trying to control Lopez but Lopez was not having it.

Once Lopez was placed in the WRAP and placed on a gurney, medics administered a shot to Lopez to calm him down. After the shot was administered Lopez calmed down. Lopez appeared to still be breathing after the shot was administered as Officer Tagorda saw a "rise and fall" of Lopez's chest consistent with breathing and his eyes were open.

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When Lopez was placed in the back of the ambulance, Officer Tagorda saw the medics start chest compressions.

Officer Tagorda did not use any force on Lopez. He only physically touched Lopez when he was trying to get the WRAP on him. He was holding Lopez's ankles until the WRAP was placed on his legs. He never saw any force used by officers on Lopez's head or neck area. He never saw any force being used by officers on Lopez's chest area. He did not see other forces such as body weight or compressing that would inhibit Lopez's ability to breathe. He did not remember Lopez complaining about not being able to breathe. He did not see any officers physically on top of Lopez. He did not see any visible injuries to Lopez. Officer Tagorda said he saw evidence of a Taser deployment because he saw Taser wires but he did not see the actual deployment.

Officer Tagorda heard afterward that Lopez had been struck with a baton and that was how Officer Ferraro was injured. He learned Officer Ricchiuto was the officer who was using the baton but he did not hear how many baton strikes there were or any specific areas Lopez was struck.

End of statement.

Officer Michael Ricchiuto:

On November 18, 2021, I interviewed Master Officer Ricchiuto as a subject officer. He was accompanied by his legal representative Julia Fox of RLS. The interview took place in the Fire Admin conference room located at 440 Civic Center Drive. The interview was audio recorded and later uploaded into IAPro under OPA 2020-009.

Prior to going on record, I provided Officer Ricchiuto with the following documents:

RPD Policies 300, 340, and 309

CAD Notes

POBR Form

Officer Ricchiuto elected "Miranda Not Waived" by initialing the form and signing the form which was signed by Mrs. Fox as a witness. Officer Ricchiuto and Mrs. Fox confirmed they were provided an audio file containing Officer Ricchiuto's criminal interview and had a chance to review that interview prior to this administrative interview. Officer Ricchiuto provided the following statement in summary:

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Officer Ricchiuto responded to the [REDACTED] regarding a domestic violence incident and/or someone getting their clothes torn off. He arrived on scene and ran inside the residence. He observed Officer Ferraro and Officer Parker already attempting to detain a subject by giving him commands and telling him to place his hands behind his back. Lopez was actively resisting by pushing and pulling away from them. They were unsuccessful in detaining Lopez. Both Officer Ferraro and Officer Parker were attempting to gain control of Lopez's hands and arms and place them behind his back. Lopez was clearly strong and agitated at the time. He described Lopez's agitation as his facial expressions, body expressions, and the way he was speaking. They were "wrestling" with Lopez in the hallway when Officer Ferraro took Lopez to the ground by a leg sweep.

Officer Ricchiuto described the hallway where this was taking place as approximately 15-20 feet long and three feet wide. He saw that both Officer Ferraro and Officer Ferraro who both are big strong guys have difficulty being able to place Lopez in handcuffs. Lopez was not complying with orders from the officers or their physical attempts to place him in handcuffs. Lopez appeared to be overpowering the officers and Officer Ricchiuto said he began to fear for their safety. It was apparent that Lopez was not going to be placed in handcuffs willingly. The officers repeatedly told Lopez to put his hands behind his back but he failed to do so. At no point did Officer Ricchiuto see Lopez attempt to submit to arrest or place his hands behind his back.

Officer Ricchiuto said Lopez was able to get to his feet and was pushing the officers and fighting them. It appeared to Officer Ricchiuto that Lopez was going to start hitting and punching the officers. He saw Lopez turn towards the officers in a kneeling position where he could've easily used his arms to punch someone. The officers were having a hard time controlling Lopez.

Officer Ricchiuto said he removed his baton from his belt and delivered strikes to Lopez's shins. He did not remember which leg. The strikes were an attempt to gain compliance from Lopez and to protect the officers from harm. He did not know the exact number of strikes he delivered but imagined it was between 3-5. He remembered telling Lopez to stop resisting and to place his hands behind his back prior to delivering the baton strikes. Lopez did not comply with Officer Ricchiuto's orders. He thought he made a good strike to Lopez's shin area and Lopez responded by looking at Officer Ricchiuto, gritting his teeth, and almost growled as if it was not going to affect him. He believes he tried one or two more strikes to Lopez's shin area. He realized the strikes were not going to be effective based on Lopez's reactions. Officer Ricchiuto said he moved to Lopez's abdomen area and performed a downward strike with his baton. He believes he struck Lopez once and struck several other officers. The abdomen strike was ineffective

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as well. His intention was to gain compliance, get Lopez into handcuffs, and get the officers out of harm's way.

Officer Ricchiuto said when he struck Lopez in the shins with his baton, Lopez was laying on his back, had his knees up, and was still wrestling with the officers. The shins were also the body part that was closest to him. He took a "baseball" style swing to Lopez's shins while the officers were trying to gain control of Lopez's hands. He described the strikes as "landing well" but were not effective. The other strikes he described as having your hands together in a downward motion or a downward "jab" with the baton. His intended target was Lopez's abdomen area. He believes he struck Lopez once or twice but also struck Officer Ferraro and likely Officer Parker.

Officer Ricchiuto said he noticed that Officer Ferraro appeared to be pinned against a wall or a door when Lopez was pushing against him. Both Officer Ferraro and Officer Parker looked exhausted as they were breathing through their mouths and the looks they were giving Officer Ricchiuto at the time. He said he saw Officer Ferraro grab Lopez from behind similar to a "rear naked choke". He described Lopez in the seated position on the ground with Officer Ferraro in a seated position behind Lopez. Officer Ferraro used his arm to wrap around Lopez's neck area and pulled back. This is generally used to gain compliance by controlling the shoulders and/or neck area.

Officer Ricchiuto said as this was happening he saw this as an opportunity to use his Taser. He deployed his Taser in what he was hoping to be Lopez's abdomen and lower leg area. He said his distance from Lopez wasn't far enough and the Taser only struck Lopez's abdomen area with what he described as roughly a 9-inch spread area. He believes he likely yelled "Taser" prior to deploying the Taser but he wasn't certain. He thought the Taser was effective with both probes penetrating Lopez and caused partial NMI (Neural Muscular Incapacitation). As Lopez was being Tased, both of his hands went to his abdomen area because of either the pain or to stop the Taser from working. At this point, the other officers attempted to gain control of Lopez's arm again.

Officer Ricchiuto said he realized he wasn't getting the desired effect from the Taser so he removed the cartridge and attempted to drive stun, Lopez. He believes he attempted to drive stun Lopez in the abdomen area in an attempt to gain compliance from Lopez and protect the officers from harm's way.

Officer Ricchiuto said when he initially deployed the Taser probes he saw an effect from Lopez and that Lopez was clearly bothered by the Taser probes but it wasn't enough to cause Lopez's body to lock out where the officers could control his body and place him into handcuffs. He said once he removed the Taser cartridge it turned into pain compliance through discomfort technique. As he drove stun Lopez in the abdomen

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area, Lopez was able to overcome the discomfort the drive stun creates. When he realized this also was not having the desired effect, he holstered his Taser and began to think of a new plan as to how they were going to get Lopez in handcuffs.

At the moment Officer Ricchiuto decided to deploy his Taser, he said he decided to do so to gain control of Lopez and place him into handcuffs and also to protect his fellow officers who were exhausted from the lengthy fight with Lopez. Officer Ricchiuto said he deployed one dart cartridge and utilized the drive stun. He did not reload and deploy a second dart cartridge.

Officer Ricchiuto said more officers were arriving on scene and helping to try and get Lopez into handcuffs. He checked on Officer Ferraro because he knew he had inadvertently struck him with his baton. He said there wasn't a "lull" in the action but other officers had taken over trying to get Lopez in handcuffs. Officer Gault and his K9 partner were on scene. They were going to try and use the K9 in hopes to get Lopez to comply with the officers. When the K9 was there, Officer Ricchiuto said he stepped into a bedroom from the hallway and listened and was able to slightly observe what was going on. The use of the K9 was ineffective and Lopez continued to not follow orders being given.

Officer Ricchiuto said Lopez was pulled by Sgt. Dean out of the hallway into the living room where officers continued attempting to place him into handcuffs behind his back. He thought they were able to handcuff his hands in the front which he considered a "small win" at the time because of his resistance. They were then able to take a handcuff off and properly handcuff Lopez's hands behind his back. He said he had stepped outside a couple of times to check on Officer Ferraro and to get a spit mask. He returned into the house and saw Lopez was still fighting by means of kicking, moving his arms, and grabbing officers. He said Lopez had grabbed his arm and squeezed it really hard to the point Officer Ricchiuto thought Lopez could break his arm. Officer Ricchiuto described Lopez's hand and arm strength as "beyond the normal person" from his own life experiences.

Officer Ricchiuto said he believed Lopez to be under the influence. He said having made over 500 narcotic-related arrests working in the City of Oakland and the City of Richmond he believed Lopez to be under the influence of some type of stimulant.

Officer Ricchiuto said officers were able to get Lopez into a WRAP device. AMR arrived on scene and took control of Lopez. Officer Ricchiuto said he didn't know until Lopez was at the hospital that he "coded" in the AMR. He was still on scene when AMR left with Lopez but no one had told him what had happened. He cleared the scene and went back to the station. He was then sequestered.

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I asked Officer Ricchiuto if, besides the baton strikes, the baton downward jabs to the abdominal area, deployment of the Taser, and Taser drive stuns, if he used any other force. He said he didn't use any other tools on his belt but he may have used a body weapon such as a wrist lock but he could not recall. He did not recall striking Lopez with his hands, arms, elbows, knees, or feet. I asked him if he deployed the Taser for a full cycle. He said when he deployed the Taser darts it was for a full cycle. He also believes it was a full cycle for the drive stun.

I asked Officer Ricchiuto, looking back, what he thought about his decision and tactics to utilize his baton in such an enclosed space. He said he felt it would've been very effective had Lopez not been under his perception to be extremely under the influence of narcotics. He believes that one or two of the baton strikes to Lopez's shins would've "hobbled" a normal person and they would've stopped resisting. Officer Ricchiuto said he has used his baton on a suspect approximately 10-20 times in his career. He said of all the times he has used his baton on a suspect, this was the first time a suspect did not comply after being struck with the baton. He said it was shocking to him that Lopez did not comply after the baton strikes.

Officer Ricchiuto said prior to arriving on scene he was not aware of any force used by the other officers on Lopez. None of the officers on scene spoke to him about any force they used on Lopez. When asked about any force he saw other officers use on Lopez's head or neck area, Officer Ricchiuto said he saw Officer Ferraro briefly place Lopez in what appeared to be a "rear naked choke hold". Officer Ricchiuto said the hold was so brief, less than 5 seconds, and he immediately tased Lopez after that he did not see any reaction by Lopez to the choke hold. He did not recall if the choke hold impaired Lopez's ability to breathe.

Officer Ricchiuto said he also saw Officer Frevele punch or elbow Lopez in the head. He described this force being used more towards the end when officers were trying to get Lopez's hands behind his back. Officer Ricchiuto was on his side and looked over and saw Officer Frevele punch Lopez once or twice in the side of his head. Lopez was not in handcuffs at the time Officer Frevele punched Lopez. I asked If Lopez was still resisting or compliant at the time the strikes were delivered by Officer Frevele. Officer Ricchiuto said at no time was Lopez compliant and he was actively resisting including after the strikes.

Officer Ricchiuto did not see any other force used on Lopez's head or neck area. He did not recall any officers using force or striking Lopez in the chest area. He did not recall Lopez complaining of any injuries or complaining that he could not breathe at any time. He said Lopez appeared able to take deep, undisturbed breaths.

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Officer Ricchiuto said at one point Officer Ferraro said that Lopez had a hand on and grabbed Officer Ferraro's firearm. Officer Ricchiuto drew his firearm and pointed it at Lopez in case Lopez was able to get Officer Ferraro's firearm. Officer Ricchiuto saw Officer Parker remove Lopez's hand from Officer Ferraro's firearm, put the firearm completely back into the holster, and put the safety to the holster back on. Officer Ricchiuto said from his perspective Officer Ferraro's firearm looked like it was coming out of the holster but had not come completely out when Officer Parker put it back in and secured the safety.

Officer Ricchiuto said he did not see any medics administer any medicine or shots to Lopez. He said he has a faint memory of the medics injecting Lopez with something but he is not sure.

Through his attorney, Officer Ricchiuto said he delivered each of the baton strikes and deployed the Taser in a manner consistent with his training.

Officer Ricchiuto and his attorney were allowed to view his AVR from the incident and neither of them had any further statements or questions regarding the AVR.

End of interview.

Officer Timmy Parker:

On August 13, 2021, I interviewed Officer Parker as a subject officer. He was accompanied by his legal representative Jonathan Murphy of RLS. The interview took place at the OPA Office located at 440 Civic Center Drive. The interview was audio-recorded and later uploaded into IAPro under OPA 2020-009.

Prior to going on record, I provided Officer Parker with the following documents:

RPD Policies 300 and 340

CAD Notes

POBR Form

Officer Parker elected "Miranda Not Waived" by initialing and signing the form which was signed by Mr. Murphy as a witness. Officer Parker and Mr. Murphy confirmed they were provided an audio file containing his criminal interview and had a chance to review that interview prior to this administrative interview. Officer Parker provided the following statement in summary:

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Officer Parker said he arrived on scene and as he was entering the house he heard commands being given like the person they were being given to was not listening. He did not remember the exact wording of the commands. He saw Officer Ferraro standing in the hallway with Lopez standing against the wall and Officer Ferraro was trying to handcuff Lopez. Officer Ferraro and Lopez went to the ground at which point Officer Parker went to assist in the handcuffing process. One handcuff was already on Lopez. Lopez continued to resist and wouldn't listen to commands or give his hands. Lopez kept pulling his hands away from the officers and putting them under his body and kept trying to roll his body away from them. Officer Ferraro kept saying they needed to get Lopez in handcuffs so they continued trying to get him into the handcuffs.

Officer Parker kept trying to handcuff Lopez to the rear but he could not. Lopez was putting up a fight and pulling his arms away from them and they could not get his hands together to place the handcuffs on both hands. Officer Ricchiuto arrived on scene and instructed them to move out of the way. Lopez had rolled over to his back and Officer Ricchiuto began to deliver baton strikes to Lopez's knee, and lower shin area. Officer Parker said he was struck by the baton a couple of times as well to both of his legs. He did not know how many baton strikes were delivered by Officer Ricchiuto. He hoped some of the baton strikes would distract Lopez enough to get him into handcuffs. He said the baton strikes he saw were delivered to his knee area and lower shin of Lopez. He did not see any baton strikes higher than the knee. He said Lopez did not react to any of the baton strikes and did not scream when he was being struck. He said, "He didn't seem to be bothered at all". The baton strikes were unsuccessful in assisting with the handcuffing process.

Officer Parker said Officer Frevele arrived and tried to assist with handcuffing. Because they did not have a lot of room in the hallway they tried to turn Lopez around. As they were turning Lopez around Officer Ferraro said Lopez was grabbing at his gun. Officer Parker saw Officer Ferraro's gun and saw that it was still in the holster but the "hood" to the holster was open. Officer Parker was able to re-engage the "hood" to Officer Ferraro's holster. He never saw Lopez grab the holster but because of how Officer Ferraro was turned he would not have been able to see it when Officer Ferraro said Lopez was grabbing his gun. They were eventually able to get both handcuffs on Lopez but the handcuffs were in front of Lopez. Although they were able to get the handcuffs on they were still concerned that Lopez still had the ability to grasp with his hands.

Officer Parker said Officer Gault came inside the residence with his K9 in an attempt to get Lopez to comply. Officers went into side rooms to allow the K9 room in the hallway. Officer Parker went into the same room with Officer Ferraro. When they entered the room Officer Ferraro fell to the floor stating he was in pain. While in the room he could

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hear Officer Gault giving commands. He also heard another officer giving commands. He looked outside the door and saw Sgt. Dean pulling Lopez from the hallway to the living room. Sgt. Dean had grabbed Lopez by one of his ankles/feet and pulled him into the living room.

Once Lopez was brought into the living room, he was rolled over onto his stomach. Lopez had his hands above his head stretched out. Officer Parker was on Lopez's right side and Sgt. Dean was on his right. Sgt. Dean instructed someone to get the WRAP from his patrol vehicle. As they were waiting for the WRAP, Lopez began to roll to his side and push himself off of the floor. When he was rolling he would roll to his left and raise his right rib cage area off the floor. Officer Parker said out of fear of losing what control they had over the situation, Lopez still being able to use his hands to grasp, and the fact he had already grabbed an officer's firearm, Officer Parker delivered a knee strike to Lopez's right ribs with a command of "stop". Lopez laid back down on the ground. Officer Parker said his knee strike was not a full-powered strike meant as a distraction strike to get Lopez to stop what he was doing. Officer Parker said there were three times he kneed Lopez in the ribs. He said there was never any yelling or sounds of pain after the knee strikes. He said the knee strikes got the response he wanted from them which was causing Lopez to lay back down. He said he also elbowed Lopez twice on the left side when Lopez turned and exposed that side. Each time he delivered a strike it was accompanied by a command of "stop".

Officer Parker said the WRAP was brought in and once the WRAP was ready they tried to place Lopez into it but Lopez began pulling away from officers. He wasn't listening to commands and wasn't letting the officers control his legs. Officer Tagorda assisted with holding Lopez's legs until they could get the leg restraint portion of the WRAP on Lopez. They placed the top half of the WRAP on Lopez but were having difficulty buckling the sides due to Lopez stiffening his body or flailing around. After they were able to buckle the WRAP straps, they attempted to move the handcuffs from the front of Lopez to behind his back.

Officer Parker said he felt Lopez had tired from how long the incident had been ongoing. They were able to get the handcuffs behind Lopez. He recalled having to place his hand behind Lopez's neck to keep him bent over to attach the top portion of the WRAP to the lower portion. After moving the handcuffs to the back they rolled Lopez over onto his side. AMR entered the residence and gave Lopez an unknown sedative. Lopez began calming down. Officer Parker did not watch Lopez after he was given the sedative and did not see what happened to him once he was taken outside.

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Prior to the sedative, Officer Parker never saw Lopez lose consciousness. He said Lopez was actively resisting or yelling although he could not remember anything Lopez was saying other than something similar to “kill me” or “you have the wrong person”. Officer Parker does not speak or understand Spanish.

Officer Parker said he continued with the incident on scene regarding the possible assault or rape. He was told to stop his investigation and to go outside and did not know what was happening. He heard Lt. Smith mention the incident could be a protocol situation. Officer Parker stopped his investigation.

Other than the three knee strikes and two elbow strikes, Officer Parker did not use any other force during the incident. He did not use any less lethal or other impact weapons during the incident. Other than the baton, he said Officer Ricchiuto had deployed his Taser on Lopez while in the hallway before Lopez was taken out to the living room. Officer Parker did not think the Taser was effective as Lopez was able to remove the Taser darts. He thought the Taser darts struck Lopez's lower torso area. There was an actual discharge of the Taser but he did not know if there were follow-up drive stuns.

Officer Parker never saw any force being used on Lopez's head or neck area. He did not see any force used on Lopez's chest or back area. He did not see any force used on Lopez that he thought would have impeded Lopez's ability to breathe. No officers spoke to him after the incident about any force they used during the incident. He was not told about any force used on Lopez prior to his arrival. He did not see any visible injuries to Lopez. He did not hear Lopez complain of any pain or injury during the incident.

End of statement.

Officer Doug Gault:

Officer Gault is on a medical leave of absence. The OPA interview will occur if/when he returns to full duty.

Officer Kenneth Ferraro (Retired):

Officer Ferraro retired from the City of Richmond and is no longer a sworn officer. An email request for an interview was sent to retired Officer Ferraro who declined to be interviewed.

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Officer Doug Frevele:

Officer Frevele is on a medical leave of absence. The OPA interview will occur if/when he returns to full duty.

Officer Carmen Santana:

Officer Santana is on a medical leave of absence. The OPA interview will occur if/when she returns to full duty.

AVR Review

After a complete review of all AVR's associated with this incident, this investigator finds that all of the footage is consistent with statements given by the officers.

Credibility Determinations

Officer Lacquanna Caston:

Officer Caston has been a police officer for approximately 12 years. Her recollection of the events was good. She was deemed credible.

Officer Ken Ferraro:

Officer Ferraro has been a police officer for approximately 9 years. His recollection of the events was good. He was deemed credible. (Note: Since this incident occurred, he was out of disability leave and retired on June 1, 2021, as a result from his injuries sustained from this incident.)

Officer Cedric Tagorda:

Officer Tagorda has been a police officer for approximately 13 years. His recollection of the events was good. He was deemed credible.

Officer Doug Gault:

Officer Gault has been a police officer for approximately 11 years. His recollection of the events was good. He was deemed credible.

Sgt. Virgil Thomas:

Sgt. Thomas has been a police officer for approximately 26 years. His recollection of the events was good. He was deemed credible.

Officer Daniel Campos:

Officer Campos has been a police officer for approximately 12 years. His recollection of the events was good. He was deemed credible.

Officer Carmen Santana:

Officer Santana has been a police officer for approximately 6 years. Her recollection of the events was good. She was deemed credible.

Officer Steven Purcell:

Officer Purcell has been a police officer for approximately 19 years. His recollection of the events was good. He was deemed credible.

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Officer Michael Ricchiuto:

Officer Ricchiuto has been a police officer for approximately 11 years. His recollection of the events was good. He was deemed credible.

Officer Doug Frevele:

Officer Frevele has been a police officer for approximately 1 year and 3 months. His recollection of the events was good. He was deemed credible.

Officer Timothy Parker:

Officer Parker has been a police officer for approximately 6 months. His recollection of the events was good. He was deemed credible.

*NOTE – Officer Parker resigned as a Richmond Police Officer in December 2021

Sgt. Carl Dean:

Sgt. Dean has been a police officer for approximately 15 years. He has a training background to include SWAT, Mobile Field Force, and less-lethal munitions. His recollection of the events was good. He was deemed credible.

Det. Katie Cubit:

Det. Cubit has been a police officer for approximately 7 years. Her recollection of the events was good. She was deemed credible.

RFD Capt. Woodards:

Capt. Woodard's recollection of the events was good he was deemed credible.

RFD Firefighter Wraa:

Wraa's recollection of the events was good he was deemed credible.

RFD Engineer/Paramedic James:

James' recollection of the events was good he was deemed credible.

AMR Paramedic Supervisor Ansari:

Ansari's recollection of the events was good he was deemed credible.

Use of Force Review – In-Custody Death

Findings and Analysis

On 03/17/2020, a reporting party called Richmond Dispatch to report that Lopez was "high on crack", and was hitting her mother, and trying to get her mother naked. Officers arrived on scene and attempted to detain the suspect who was identified as Lopez.

From the onset of the incident, Lopez resisted officers and did not comply with their lawful orders. Lopez physically resisted the officer's attempts to handcuff and detain him. Officers used several different force options including a Taser, baton, and control holds to detain Lopez. Several officers described Lopez as having, "Superhuman strength" and he was able to overcome and overpower several officers. After a lengthy struggle, Officers were able to place Lopez in handcuffs and then into a WRAP.

Medics arrived on scene and due to Lopez's actions and continued physically resistive behavior, medics decided to administer a shot of "Versed" to Lopez. The shot caused Lopez to calm down and he was transported to an ambulance. Shortly after being placed in the ambulance, Lopez went into cardiac arrest and life-saving measures were started by the medics. Lopez was transported to the hospital for further treatment but ultimately died.

An autopsy was performed on Lopez by Forensic Pathologist Ikechi Ogan. The cause of death was listed as: "Complications of Acute Cocaine Toxicity (Excited Delirium)" due to "Substance Abuse". The report also noted other significant conditions being: "Evolving Acute Pneumonia, Acute Urinary Tract Infection, Subphrenic Abscesses, and Soft Tissue Injuries". Dr. Ogan noted: "Decedent became unresponsive while he was in a struggle with police prehistory, there was no airway occlusion or mechanical obstruction of respiration, although police admit piling on the decedent".

After a review of all evidence including investigator's reports, coroner's report, toxicology report, AVR footage, radio log, and statements of witnesses and officers, this investigator concludes that there is evidence to exonerate all officers, **excluding Officer Ferraro**, from any potential allegations that they used unreasonable or excessive force against Lopez on March 17, 2020, and violated the Richmond Police Department Policy 300 – Use of Force. Therefore, this investigator finds the officers involved in the arrest of Lopez on March 17, 2020, are **Exonerated** of any policy violations.

What follows is a brief summary of the use of force by each officer.

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(See Allegation #1 below concerning the findings from the use of force used by Officer Kenneth Ferraro.)

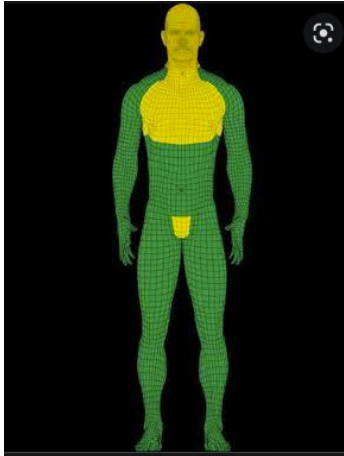
Officer Ricchiuto:

The extent of Officer Ricchiuto's use of force during this incident consisted of delivering several baton strikes and deploying his Taser.

During his primary interview with investigators, Officer Ricchiuto said when he arrived on scene and entered the house he saw that Lopez was yelling and becoming aggressive, and resisting violently. He then described Lopez's resistance turn more into a fight with officers. He saw officers attempt to detain Lopez but Lopez appeared to be overpowering them. He noticed officers got one handcuff onto Lopez but the second was not on which made the second handcuff a potential weapon for Lopez to use against officers. Even with the help of more officers, Lopez was able to overpower them. Ricchiuto decided to use his straight baton, gave commands, and delivered strikes to Lopez's lower legs. The strikes seemed to not affect Lopez as his reactions were to fight even harder. Officer Ricchiuto delivered a second round of baton strikes which he felt all were below the knees except for one or two which were delivered to Lopez's abdomen area when Officer Ricchiuto used the baton as a "downward punching tool". He said none of these strikes were effective as well.

Officer Ricchiuto said he removed his Taser and saw Officer Ferraro was still struggling to maintain control of Lopez. He yelled, "Taser. Taser". The officers trying to control Lopez positioned themselves so there would be a larger target area for the Taser. He deployed his Taser and the darts struck Lopez in the lower abdomen area. He felt it was a successful deployment of the Taser but he saw the spread was only approximately 9 inches apart rendering the Taser less effective. He allowed one full cycle of the Taser to complete. The Taser seemed to enrage Lopez more. Officer Ricchiuto removed the Taser cartridge and "drive" stunned Lopez on his stomach just over the belt line. He realized the drive stuns also appeared to not affect Lopez and he holstered his Taser.

On AVR, Officer Ricchiuto can be seen deploying the Taser darts for one full cycle. He then removes the dart cartridge and conducts three follow-up drive-stuns. The drive stuns are placed on the upper thigh beltline area. One of the drive stun attempts appears to not be successful as the "clacking" sound of the Taser is evidence there is not a successful contact of the cycle. Another of the drive stuns was not a full cycle. The drive stuns and Taser dart deployment are within the suggested target area. The following Taser-provided Target chart displays the preferred target areas in green.



309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

CEDs shall only be used against persons who are actively resisting or exhibiting active aggression or to prevent individuals from harming themselves or others.

- (a) An CED shall not be used against a passive suspect.
- (b) No more than one officer shall activate a CED against a person at a time.
- (c) When activating a CED, an officer shall use it for one standard cycle and stop to evaluate the situation (a standard cycle is five seconds). If a subsequent cycle is necessary, officers shall restrict the duration of that cycle to the minimum activation necessary to place the subject in custody.
- (d) CED deployment against a subject is limited to three successful contacts and cycles.

If after the third successful contact and standard cycle the subject does not submit to verbal commands and/or arrest, an officer must use other force options based on the "Reasonableness Test".

As stated in RPD Policy 309.5.2, an officer is limited to three successful contacts and cycles. The AVR review shows that there was the initial successful deployment and cycle of the darts but only one follow-up drive-stun appears to be successful and for a full cycle.

Officer Ricchiuto described Lopez as having "super-human" strength and believed he was on a stimulant.

Officer Ricchiuto's use of force to arrest an actively combative suspect was reasonable and within policy.

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Officer Frevele:

Officer Frevele's force consisted of trying to hold Lopez down and control his feet since he had already tried to kick the officers. He tried to hold Lopez down but Lopez kept wiggling and getting out of the officers holds. Officer Frevele said Lopez also kept trying to bite the officer's hands when they were close to Lopez's head so Officer Frevele held onto Lopez's head to keep him from biting the officers. While trying to hold Lopez's head, Lopez tried to bite officer Frevele's hand so Officer Frevele pushed Lopez's head to the ground.

Officer Frevele said he remembered elbowing Lopez a couple of times on the back and side and once near his head to get him under control.

Due to Officer Frevele being on an extended leave of absence, this investigator has not had the opportunity to conduct an administrative interview to obtain more specific facts regarding officer Frevele's use of force.

Based on Officer Frevele's statement given to detectives and a review of AVRs, Officer Frevele's use of force was reasonable and within policy.

Officer Parker:

Officer Parker utilized grabs and handcuffing techniques when he first arrived on scene and was trying to assist Officer Ferraro with handcuffing Lopez.

Sgt. Dean:

The extent of Sgt. Dean's use of force during this incident consisted of grabs and holds while attempting handcuffing as well as grabbing a hold of Lopez's leg and pulling him from a small hallway into a larger open living space in an effort to successfully place Lopez in handcuffs.

The grabbing and pulling of Lopez into a larger space was necessary and reasonable and afforded the officers more space and opportunity to successfully place Lopez in handcuffs and then into the WRAP. Sgt. Dean's use of force was reasonable and within policy.

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Officer Caston:

The extent of Officer Caston's use of force during this incident consisted of using her hands to hold Lopez's legs down to keep him from kicking and potentially injuring other officers. Officer Caston attempted to place Lopez's legs into a Figure-4 leg lock but Lopez was overpowering her. Officer Caston also helped holding onto Lopez's legs while he was placed in a WRAP. Officer Caston's use of force was reasonable and within policy.

Officer Tagorda:

Officer Tagorda did not use any force upon Lopez. The only time Officer Tagorda physically touched Lopez was when he held onto Lopez's ankles while officers placed the WRAP on Lopez. Officer Tagorda holding Lopez's ankles while he was being placed in the WRAP was reasonable and within policy.

Officer Campos

The extent of Officer Campos's use of force during this incident consisted of grabbing a hold of Lopez's feet when Officer Caston asked for help with controlling his legs. Officer Campos's force was reasonable and within policy.

Use of Force Review - Officer Ferraro

Allegation #1: On March 17, 2020, Officer Ferraro used unreasonable force and utilized a prohibited Carotid Control hold in violation of the Richmond Police Department Policy

Finding: Sustained

Officer Ferraro:

Officer Ferraro was one of the first officers to arrive on scene and attempt to detain Lopez. Officer Ferraro's first use of force was a handcuffing technique by grabbing Lopez's hands and putting them on his head. Officer Ferraro was able to get one handcuff on Lopez but Lopez tensed up and pulled his arms into his chest. Officer Ferraro tried to pull his hands out and behind his back for handcuffing but Lopez tensed up more and began to rotate away from Officer Ferraro. Officer Ferraro thought Lopez was preparing to strike him so Officer Ferraro grabbed Lopez by the shoulders and took him to the ground where Lopez continued to struggle.

During the struggle, Officer Ferraro wrapped his arms around Lopez in an attempt to control Lopez's movements but Lopez continued to struggle. Officer Ferraro felt Lopez bite him on the stomach near his waistline. Officer Ferraro let go of Lopez and struck him with his hand near his face to get Lopez to stop biting him. Lopez stopped biting Officer Ferraro. According to Officer Ferraro, he heard an officer yell "Taser," so he grabbed Lopez around the head and shoulders to expose Lopez's torso for the Taser deployment.

According to Officer Ricchiuto's OPA interview, both Officer Ferraro and Officer Parker looked exhausted, and they were breathing through their mouths. He said he saw Officer Ferraro grab Lopez from behind similar to a "rear naked choke". He described Lopez in the seated position on the ground with Officer Ferraro in a seated position behind Lopez. Officer Ferraro used his arm to wrap around Lopez's neck area and pulled back. Although Officer Ricchiuto said this is generally used to gain compliance by controlling the shoulders and/or neck area, his AVR clearly depicted the "rear naked choke" hold was by all appearance a carotid control hold.

Officer Ricchiuto deployed the Taser, but it did have any effect on Lopez.

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Officer Ferraro sustained an injury to his hip and could not assist with taking Lopez into custody so he crawled into a nearby bedroom.

A review of Officer Ricchiuto's AVR showed the following:

Officer Ferraro is behind Lopez on the ground in the hallway. At an approximate time stamp of 03:42 in the AVR, Officer Ferraro places his left forearm around the front neck area of Lopez. After placing his left forearm in the front of the neck area of Lopez, Officer Ferraro moves his right arm upwards and appears to "lock" in a hold around Lopez's neck in what appears to be a carotid control hold. The carotid control holds appears to be improperly applied. If applied correctly, it should only apply pressure closing the carotid arteries and not restrict or cause "choking" on a person's windpipe. You can see Officer Ferraro forcefully pulling Lopez backward while still utilizing the control hold around Lopez's neck to expose his chest area for a Taser deployment. At an approximate time stamp of 3:49, Lopez can be heard making a "choking" sound. At an approximate time stamp of 3:51, Officer Ferraro releases his left arm from the front neck area of Lopez and Officer Ricchiuto deploys his Taser.

Based upon the totality of the evidence, Officer Ferraro's improperly applied use of a prohibited hold (carotid) during this incident appears to be improper and not within policy. The Richmond Police Department does not train and is not authorized to use any "choke" holds or to apply any control holds or techniques to the head or neck area. Additionally, when this control hold was applied, there were no life-threatening factors that may have supported the use of a deadly force application, such as a carotid control hold, under RPD PM 300.4.

Officer Ferraro was out of disability leave after this incident occurred and retired on June 1, 2021, as a result from his injuries. This investigator was unable to conduct a follow-up interview with him. The results of this investigation was based upon his initial CCCDA/RPD interview and all evidence including a review of all AVR videos.

Based on this investigation, I recommend there are sufficient facts to support by a preponderance of the evidence of unreasonable force to effect an arrest, therefore, I recommend this allegation to be – **Sustained**.

Policy Violations

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use reasonable force to effect an 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/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835).

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 CAROTID CONTROL HOLD

Richmond officers shall not use the carotid control hold. (emphasis added)

Other Potential Policy Violations

After a review of all evidence to include investigator's reports, coroner's report, AVR footage, radio log, witness statements, statements of witness officers, and statements of officers who used force, this investigator concludes that there were no further Policy Violations requiring a separate administrative inquiry.

Contra Costa County District Attorney's Office Findings

The Contra Costa District Attorney's Office submitted their findings from this incident. Their findings are as follows:

CONCLUSION

In applying the law and the California District Attorney's Uniform Crime Charging Standards to the present case, the force used by Richmond Police Officers Kenneth Ferraro, Carmen Santana, Michael Ricchiuto, Timmy Parker, Douglas Frevele, Lacquanna Caston, Stephen Purcell, Cedric Tagorda, Douglas Galt, Daniel Campos, Carl Dean, and Virgil Thomas was reasonable under the totality of the circumstances. As such, no further action will be taken in this case.

The detailed Contra Costa County District Attorney's Office findings were uploaded and attached to IAPro.

Contra Costa County Coroner's Office Findings

On 03/20/2020, at approximately 0930 hours, The Office of the Sheriff-Contra Costa County Coroner's Division performed an autopsy on Lopez. The report was uploaded into IAPro under case# OPA 2020-009. Refer to report for details.

The autopsy was performed by Forensic Pathologist Ikechi Ogan. The cause of death was listed as: "Complications of Acute Cocaine Toxicity (Excited Delirium)" due to "Substance Abuse". The report also noted other significant conditions being: "Evolving Acute Pneumonia, Acute Urinary Tract Infection, Subphrenic Abscesses, and Soft Tissue Injuries".

Dr. Ogan noted: "Decedent became unresponsive while he was in a struggle with police prehistory, there was no airway occlusion or mechanical obstruction of respiration, although police admit piling on the decedent".

Contra Costa County Toxicology Report

The following substances and toxicology levels were found in the decedent's peripheral blood:

Cocaine	43 ng/mL
Benzoyllecgonine	3,600 ng/mL
Delta-9 THC	0.53 ng/mL

End of Administrative Investigation