

**16-8018**

The officer involved shooting occurred in the City of Eastvale. The Riverside County Sheriff's Department took control over the investigation.

The Riverside County District Attorney's Office completed an investigation of the officer involved shooting.

Released records may be found here:

<https://www.riversidesheriff.org/663/Transparency>

The Corona Police Department completed an administrative review into the officer involved shooting.



OFFICE OF  
THE DISTRICT ATTORNEY  
COUNTY OF RIVERSIDE

MICHAEL A. HESTRIN  
DISTRICT ATTORNEY

May 8, 2017

Mike Abel, Chief of Police  
Corona Police Department  
849 W. Sixth Street  
Corona, CA 92882

Dear Chief Abel:

Subject: Officer Phillip Southern, ID # 2350      Agency Report Number: EV161860029

Please be advised that our office has completed its review of the incident involving the above-mentioned officer from your department. After careful review, we have concluded that there is no evidence of criminal liability on the officer's part.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

MICHAEL A. HESTRIN  
District Attorney

BY: JEANNE ROY  
Assistant District Attorney

JR:sh



# Corona Police Department

## MEMORANDUM

*Confidential*



---

To: Sergio Banales, Lieutenant – Officer Involved Shooting Team

From: Andy Bryant, Senior Detective – Officer Involved Shooting Team

Subject: **OIS Administrative Report / Executive Summary with Findings – CR# 16-8018**

Date: March 16, 2017

---

### Incident Summary:

On Monday, July 4, 2016, at about 1607 hours, Corona Police Department Dispatch received a request for emergency assistance from Riverside Police Department unit "Air-1" on behalf of the Riverside County Sheriff's Department. The Tactical Flight Officer (TFO) relaying the request from the Riverside County Sheriff's Department was Corona Police Officer Ryan Hubbard. TFO Hubbard stated that RSO requested five Corona Police Department units to respond "Code 3" to 5720 Westchester in the City of Eastvale. Deputies with the Riverside County Sheriff's Department, responding to a call at that address of a suicidal subject with a gun, who had possibly shot himself, went to render assistance inside the home at the listed address and were fired on by the subject. Deputies were trapped in an upstairs bedroom, unable to access the interior stairs after the suspect shot at them from a nearby bedroom.

Sergeant Paul Gamache, Officer Philip Southern, Officer Nilo Ambriz, Officer Darnell Baxter, and Officer Johnathan Drylie were dispatched to this incident.

During the initial response, Sgt. Gamache broadcast to responding Corona Police Department units to drive carefully because there were five units responding "Code-3" to a meeting point / command post at the end of Westchester. Air-1 also advised that a possible .22 caliber weapon had been fired and suggested the use of tactical helmets. Sgt. Gamache requested for the response of a tactical rescue vehicle (the Bearcat).

Lieutenant Jon Stofila contacted Sergeant Adam Roulston and asked if he wanted additional SWAT trained officers to accompany him in the deployment of the Bearcat. Sgt. Roulston agreed and Officer Eduardo Banuelos, Officer Manuel Montero, and Officer Richard Bartlett joined Sgt. Roulston who drove the Bearcat directly to 5720 Westchester with Officers Banuelos, Montero and Bartlett as passenger officers.

Sgt. Gamache radioed for Sgt. Roulston to bring the armored rescue vehicle directly up to the residence where the suspect was located. The on-scene RSO supervisor coordinated the rescue of the trapped deputies using RSO personnel. Once the RSO deputies exited the suspect's residence,

they waited for the armored rescue vehicle to provide cover as they moved from the front door of the residence to the street. Officer Southern and RSO Deputy Noyes were assigned to provide lethal cover over the stairwell leading upstairs, where the suspect was hiding in a bedroom, so the suspect would not be able to advance on them before the RSO deputies were able to leave the home with the assistance of the rescue vehicle.

A few minutes later, Sgt. Gamache radioed to Sgt. Roulston that he was sending 4 deputies out, under cover of the armored rescue vehicle, while Sgt. Gamache and others held the ground they had established.

After all of the RSO personnel had been able to leave the property, Sgt. Gamache authorized Officer Southern and RSO Deputy Noyes to remain in the home, watching the stairwell, guarding against the suspect coming downstairs and engaging officers further while they were awaiting RSO SWAT's response. At about 1636 hours, Sgt. Gamache radioed they were making suspect contact. About one minute later, Officer Baxter radioed that shots had been fired. Officer Southern and Deputy Noyes both later reported, in separate interviews, that the suspect, who had emerged from the upstairs bedroom he had been in after shooting at deputies, was not fully cooperating with their commands. He would alternate showing his hands to them, but never showed both hands at once. They could not see if he was still armed with a gun. When the suspect abruptly reached downward toward something Officer Southern and Deputy Noyes could not see, both Officer Southern and Deputy Noyes fired in the direction of the suspect. After a brief volley of shots was fired, Sgt. Gamache radioed that no officers were injured and they were checking to see if the suspect was injured. Officer Baxter then requested that AMR, American Medical Response (ambulance), respond to the residence. An arrest team was able to approach the suspect, who complied with instructions to show both his hands at the same time, and took him into custody.

The suspect, Thomas Williams (40 years-old, Eastvale resident) was later interviewed by Investigators with the Riverside County Sheriff's Department. He stated that he would never shoot at deputies and could not recall having done so. No one else was in the home at the time shots were fired at deputies. He is in custody for two counts of attempted murder of a police officer.

#### **INQUIRY OF THE OFFICER INVOLVED SHOOTING:**

I reviewed Officer Southern's training records. He has successfully completed a 24-hour course in patrol rifle tactics, taught by a Corona Police Department Range master. He also successfully completed an 80-hour Special Weapons and Tactics course taught by Riverside County Sheriff's Department personnel. Officer Southern served in the United States Marine Corp in an Active Duty capacity for six years, and in a Reserve capacity for three more years, with one deployment to a war zone. I reviewed Officer Southern's range qualification records, provided by Sgt. Jason Perez. Officer Southern successfully qualified with his assigned AR-15, his handgun and with a shotgun, on May 16, 2016, (the second quarter of 2016 range qualifications, the most recent qualifications event prior to this officer involved shooting). The serial number of the AR-15 assigned to him on the range qualification sign-off sheet on that date matches the serial number on the weapon that Officer Southern used in this officer-involved shooting.

Based on my investigation, Officer Southern's judgment, tactics and actions during this incident were in compliance with the Corona Police Department policies on using lethal/deadly and he performed his duties appropriately. Officer Southern received the appropriate training and was qualified to carry and use the AR-15 used in this incident.

Officer Southern responded to an unfamiliar area to assist personnel from another law enforcement agency after a broadcast that a suspect, Thomas Williams, fired shots at deputies with a firearm. Officer Southern and Riverside County Sheriff's Department K9 Deputy Heath Noyes told Williams to show his hands several times after Williams emerged from a second story bedroom. Williams ignored their direction. Officer Southern saw Williams suddenly reach downward toward something Officer Southern could not see. Officer Southern perceived that movement as an imminent threat, given that deputies had been fired on already. Officer Southern acted in accordance with his training when faced with a deadly threat, firing his assigned patrol rifle at Williams five times. RSO Evidence Technicians collected 5 expended .223 caliber casings near where Officer Southern was positioned at the time he fired his weapon.

Even though Williams was not compliant with their initial instructions prior to the officer-involved shooting, Officer Southern and Deputy Noyes continued giving orders to Williams without firing any shots – until Williams appeared to be reaching downward for something they could not see. Deputy Noyes' near-simultaneous discharge of his shotgun in response to Williams' movement also tends to corroborate that Williams made a threatening movement. Both Officer Southern and Deputy Noyes had been directing Williams to show them his hands prior to both of them firing at Williams. In their separate statements, both Officer Southern and Deputy Noyes believed they were about to be fired upon, thus prompting the officer-involved shooting. Williams was not struck by the gunfire. Officer Southern's shooting backdrop (upward, into the stair railing and dry wall) ensured there was no exposure for accidentally striking either law enforcement or civilian persons in the vicinity.

Immediately following the officer-involved shooting, Williams was taken into custody when he finally showed both hands to officers, allowing an arrest team to approach him. He was found to be uninjured. Williams was taken by AMR ambulance to Corona Regional Medical Center with a Deputy accompanying him in the ambulance and another deputy following. He was later cleared for booking into the Robert Presley Detention Center.


Given the totality of the facts surrounding this incident, and Officer Southern's state of mind at the moment he discharged his patrol rifle, it is apparent that Officer Southern used sound tactics and reasonable judgment in the moments leading up to, and during, the discharge of his weapon. Officer Southern carried out the plan he and Deputy Noyes (both Officer Southern and Deputy Noyes have SWAT experience) had conceived on-scene, with Sergeant Gamache's concurrence and approval, thus preventing Williams from advancing on officers undetected, while armed. Their plan and subsequent actions directly led to Williams' surrender and arrest.

The Riverside County District Attorney's Office anticipates staffing the facts of this officer-involved shooting incident by mid-March, 2017, according to Deputy District Attorney Jon Brandon (Southwest Office).

The result of this administrative investigation is that the application of deadly force in this incident was reasonable and within department policy.

**DISPOSITION:**

This report is submitted as the Executive Summary of the Corona Police Department's Administrative Investigation Report and may be used by a Use of Force Review Board, in accordance with Department Policy Section 302.

  
\_\_\_\_\_  
OIS Investigator

3-16-17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
OIS Supervisor

3-16-17  
\_\_\_\_\_  
Date

 #001825  
\_\_\_\_\_  
OIS Lieutenant

4-17-17  
\_\_\_\_\_  
Date

\_\_\_\_\_  
ISD Captain

\_\_\_\_\_  
Date

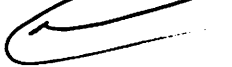
\_\_\_\_\_  
Chief of Police

\_\_\_\_\_  
Date



## **MEMORANDUM**

October 24, 2017

**To:** Chief Michael E. Abel, Chief of Police 

**From:** Captain Brian Cervantes - Investigative Services Division

**Subject:** **COMMANDING OFFICER'S SUMMARY AND DISPOSITION**  
**\*Confidential Memorandum\***

**Involved:** OIS Officer Philip Southern

**Date:** July 4, 2016

### **Commanding Officer's Administrative Insight:**

On July 4, 2016, Riverside County Sheriff's Department conducted the criminal portion of the officer involved shooting investigation #EV161860029. On May 8, 2017, Riverside County District Attorney, Michael Hestrin with assistance from Assistant District Attorney, Jeanne Roy, completed the review of the officer involved shooting investigation and concluded that there is no evidence of criminal liability on the Officer Philip Southern's part.

On July 30, 2015, Senior Detective Andy Bryant submitted a memorandum to Lt. Sergio Banales regarding the OIS Administrative Report #16-8018. After reviewing Senior Detective Bryant's report, I concur with his findings that Officer Phillip Southern was within department policy and procedure as it relates to the use of force, CPDM: Section 300 – Use of Force. Per CPDM 302.2.1, "the Division Commander will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy." The Division Commander of the employee involved in the incident will determine if a need exists for a Force Review Panel. I conferred with Field Services Division Captain James Patton, along with a review of Senior Detective Bryant's administrative report, Sergeant Jim Auck's civil report, and all criminal reports, witness statements, audio / video recordings. We then determined that the officer's actions were reasonable within department policy. Therefore, there was no need to convene a Use of Force Review Board.

**Corrective Action:**

The use of force was determined to be within department policy.

A handwritten signature in black ink, appearing to read "Brian Cervantes". The signature is stylized and written in a cursive-like font.

Brian Cervantes, Captain  
Investigative Services Division