

97-1847

The officer involved shooting occurred in the City of Anaheim. Anaheim Police Department took control over the investigation.

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

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



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ORANGE COUNTY, CALIFORNIA

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CHIEF
BUREAU OF INVESTIGATION

June 25, 1997

John Cleghorn, Chief
Corona Police Department
849 W. 6th Street
Corona, CA 91720

Re: Subject: GONZALES, Juan Hugo
Corona Police Department #97-1847
Orange County District Attorney Case No. SA 97-024
Officer Involved Shooting, Fatal

PLEASE REPLY TO:

CENTRAL OFFICE
700 CIVIC CENTER DR. W.
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3600

NORTH OFFICE
1275 N. BERKELEY AVE.
FULLERTON, CA 92838
(714) 773-4480

WEST OFFICE
8141 13TH STREET
WESTMINSTER, CA 92683
(714) 896-7261

SOUTH OFFICE
30143 CROWN VALLEY PKWY.
LAGUNA NIGUEL, CA 92677
(714) 249-5026

HARBOR OFFICE
4601 JAMBOREE ROAD
NEWPORT BEACH, CA 92660
(714) 476-4650

JUVENILE OFFICE
341 CITY DRIVE SOUTH
ORANGE, CA 92668
(714) 935-7624

MAJOR FRAUD
CONSUMER PROTECTION
105 W. 5TH STREET
SUITE 606
SANTA ANA, CA 92701
(714) 568-1200

Dear Chief Cleghorn:

This office has completed an investigation of the officer involved shooting which occurred in the city of Anaheim on February 11, 1997.

Based on a review of Orange County District Attorney Bureau of Investigation reports, Anaheim Police Department reports, Corona Police Department reports, Orange County Sheriff-Coroner Forensic Sciences Services reports, photographs, and autopsy reports, it is our opinion that there is no evidence of any criminal culpability by any of the police officers involved in this incident.

If we can be of further assistance in this matter, please do not hesitate to call upon us.

Sincerely,

Carolyn Kirkwood
Deputy District Attorney

CORONA POLICE DEPARTMENT
EMPLOYEE'S REPORT

Ref. to CPD # 97-1847
DR: O.C.DA O.I.S. # 97-024

SUBJECT

Administrative Investigation of Officer Involved Incident

DATE & TIME OCCURRED

2/11/97 1158 hrs.

LOCATION OF OCCURRENCE

1440 S. Anaheim, Blvd. Anaheim, Ca.

TO: RANK, NAME, ASSIGNMENT, DIVISION

Lt. Raymond Cota, Investigative Services Division

DATE & TIME REPORTED

2/11/97 1158 hrs.

The attached pages represent the administrative investigation into an officer involved incident involving Sr. Detective Dale Stewart.

DATE & TIME TYPED DIVN. RPTG. CLERK

N/A

EMPLOYEE(S)

ID. NO.

DIVN.

SUPERVISOR APPROVING

ID. NO.

Jim Raasveld
Sgt. Jim Raasveld #7140 F.S.D.

**CORONA POLICE DEPARTMENT
OFFICER INVOLVED SHOOTING
ADMINISTRATIVE INVESTIGATION**

Suspect: Juan Hugo Gonzales
Involved Officer: Sr. Det. Dale Stewart # 8427
Prepared by: Sgt. Jim Raasveld # 7140

Ref. CPD Rept. # 97-1847
Org. Co. DA O.I.S. # 97-024

Date and Time of Occurrence: Tuesday, February 11, 1997 - 1358 hrs.

Location of Occurrence: 1440 S. Anaheim Blvd. (Parking Lot)
Anaheim, California.

Involved Agencies:

Orange County District Attorney's Office (O.C.D.A.) - In charge of officer involved shooting - criminal investigation.

Anaheim Police Department - Assisted O.C.D.A. in officer involved shooting - criminal investigation.

Orange County Sheriff/Coroner Department - Provided crime scene investigation, evidence documentation and collection for the O.C.D.A. The Coroner's Office conducted an autopsy on the remains of Juan Hugo Gonzales.

Garden Grove Police Department - Taking a theft report from [REDACTED] [REDACTED] reported that Gonzales stole his weapon which was later used in the double homicide in Corona and in the officer involved shooting in Anaheim.

Corona Police Department - Conducted criminal investigation at scene of double homicide in Corona California. Conducted an administrative investigation into the officer involved shooting.

Related Report Numbers: Corona Police Department 97-1847
Anaheim Police Department 97-5631
Garden Grove Police Department 97-2276
Orange County District Attorney 97-024

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Suspect/Deceased: Juan Hugo Gonzales, Hispanic male, 8/19/67, 29 yrs. old, who resided at 2285 W. Broadway, Anaheim, Ca. 92804.

Involved Officer: Senior Detective Dale Stewart I.D.# 8427
Investigative Services Division
Detective Bureau. Detective Stewart did not suffer a physical injury during the incident.

Notification:

On Tuesday, February 11, 1996, at approx. 1430 hrs. Sgt. Raasveld was notified by Sgt. Kelly Evans that Detectives following up on a double homicide were led to the suspect in Anaheim. Sgt. Raasveld was told that as detectives attempted to make contact with the suspect, later identified as Juan Hugo Gonzales, he drew a firearm from his waistband and was fatally shot by Detective Dale Stewart. Sgt. Raasveld asked Sgt. Evans to Contact Detective Dennis Wensel and have him meet with Sgt Raasveld at the scene of the officer involved shooting.

Sgt Raasveld arrived at the scene, 1440 S. Anaheim Blvd. Anaheim along with Detective Wensel where they were assigned by Captain Dalzell to conduct an administrative investigation into the incident.

Because the shooting occurred in the city of Anaheim, the Anaheim Police Department took initial control over the investigation. As a matter of protocol in Orange County, all officer involved shootings are investigated by the Orange County District Attorney's Office (O.C.D.A.). Because of this, it was decided that the administrative investigation would trail the criminal investigation that was being conducted by O.C.D.A. The criminal investigation by O.C.D.A. was completed on June 25, 1997 and a copy of their findings was delivered to Sgt. Raasveld on June 27, 1997.

Summary:

On Tuesday, February 11, 1997, at approx. 0945 hrs. Officers from the Corona Police Department responded to 2142 Adrienne, Dr. Corona. When officers arrived they discovered that a double homicide had occurred. The homicide victims were identified as [REDACTED] and [REDACTED]

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During the initial phases of the investigation, Detective Mike Anderson identified Juan Hugo Gonzales, [REDACTED] former boyfriend, as the suspect in the murders. Through investigation, Anderson identified Gonzales' place of employment as the Sav-on Drug Store warehouse, located at 300 East Cerritos in the city of Anaheim. Sgt. Alex Marmolejo and Det. Anderson drove to Anaheim to locate Gonzales.

Upon arrival at the warehouse, [REDACTED], a loss prevention manager of Sav-on told the detectives that Gonzales called in sick at approx. 0600 hrs. Later in the day, he called back and said he was terminating his employment and requested his final paycheck. As is policy of Sav-on, the employee is required to fill out termination papers prior to receiving his final paycheck. Gonzales agreed to fill out the paperwork and return it to the warehouse later in the day so he could collect his paycheck.

Detective Mike Anderson and Sgt. Marmolejo waited at the warehouse for Gonzales to arrive. While they were waiting an employee named [REDACTED] arrived at the warehouse at approx. 1300 hours. [REDACTED] requested the paperwork for Gonzales' final paycheck. Anderson and Marmolejo spoke to [REDACTED] about his contact with Gonzales.

[REDACTED] said he was with Gonzales earlier in the day and recently dropped him off at McDonald's in the area. Marmolejo contacted the Corona police dispatcher and requested additional detectives respond to Anaheim to assist in the investigation. Marmolejo took [REDACTED] outside and continued to gather additional information from him. Anderson remained inside the warehouse and interviewed Sav-on employees about Gonzales.

While Marmolejo interviewed [REDACTED], outside the presence of Anderson, he learned that Gonzales was waiting for [REDACTED] to return to the McDonald's with his final paycheck. Additionally, [REDACTED] said Gonzales admitted to killing his ex-girlfriend and even showed [REDACTED] the gun. According to [REDACTED] Gonzales said he was willing to use the gun if contacted by the police.

As Anderson remained inside the warehouse gathering information about Gonzales from other employees, Detective Dale Stewart and Detective Scott Currie arrived in the Anaheim Indoor Swap Meet parking lot, directly across the street from the Sav-on warehouse. Marmolejo briefed Stewart and Currie about [REDACTED] information and told them to stand by with [REDACTED] while Marmolejo drove south across the street to pick up Det. Anderson.

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Marmolejo called Anderson by phone and told him to meet outside the north door of the warehouse. Detective Stewart and Det. Currie began to put on their bullet proof vests and raid gear while waiting for Marmolejo to return with Det. Anderson. After Det. Stewart put on his vest, he saw a male Hispanic subject walking westbound from the east side of the parking lot toward his location. Stewart asked [REDACTED] what Gonzales was wearing when he last saw him. As [REDACTED] gave the description, Stewart noticed the similarities of the subject that was east of him. Stewart asked [REDACTED] to look at the subject walking in the parking lot. [REDACTED] positively identified the subject as Gonzales.

Stewart entered his vehicle and attempted unsuccessfully to communicate with Marmolejo via his police radio. Det. Stewart said his intention in contacting Gonzales at this point was to prevent Gonzales from entering into the Sav-on factory. He said that he did not want Gonzales around other people and wanted to keep him in the parking lot area. Detective Currie followed Stewart in his unmarked unit. Anderson exited the warehouse building south of the parking lot as Stewart drove eastbound toward Gonzales. Anderson began to run eastbound toward Stewart's direction of travel, as he believed something was wrong. Stewart stopped his unmarked police unit in the driveway west of Gonzales' position. Stewart drew his weapon and identified himself as a police officer, as he stood in the "V" of his open driver's side door. Gonzales immediately faced Stewart, while lifting up the front of his shirt and drawing a dark blue semi-automatic Makarov pistol from his waistband. Stewart yelled at Gonzales, "Don't do it, don't do it". Gonzales retrieved the weapon and began to point it at Stewart. Stewart then fired three rounds from his Smith and Wesson 9mm semi-automatic pistol at Gonzales, striking him in the upper right chest area.

After the shots, Gonzales fell face first onto the pavement of the parking lot. Gonzales' handgun was in close proximity to his body, as Detective Currie and Stewart approached Currie kicked the weapon eastbound away from Gonzales. Currie handcuffed Gonzales, while Stewart covered him.

Once cuffed, Anderson arrived at the shooting scene and checked Gonzales' medical condition. Paramedics and Anaheim police assistance were requested by Det. Currie via his cellular telephone via 911 at 1358 hours. Anaheim police officers arrived at approx. 1400 hrs. Paramedics were dispatched and arrived at approx. 1409 hours. Gonzales was pronounced dead at the scene by Anaheim Fire Department paramedics.

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Autopsy:

On February 12, 1997, Doctor Richard Fukumoto performed an autopsy on Gonzales. During the autopsy, a single bullet was located and collected as evidence by Forensic Scientist Lisa Winter. According to Doctor Fukumoto, the bullet traveled through the right chest wall, through the right lung, heart, left lung, and then lodged in the left arm near the elbow. The preliminary cause of death is the direct result of a gunshot wound to the heart. The toxicology results indicated that at the time of death Gonzales did not have any alcohol or drugs in his system.

Evidence at the scene:

During the investigation, members of the Orange County Crime Lab collected Gonzales' semi-automatic pistol, Detective Stewart's pistol, and various other items of evidence from the shooting scene and autopsy of Gonzales. According to the lab reports, the following bullet and casing evidence were documented and collected by members of the lab.

- Three 9mm expended casings (shooting Scene)
- One bullet (from the autopsy)
- One bullet jacketing (from the scene)

Forensic Scientist Dennis Fuller examined the aforementioned bullet and casing items. All three casings recovered at the scene were identified to Stewart's pistol. The bullet jacketing from the scene and the bullet from the autopsy were analyzed and identified to Stewart's pistol.

Detective Stewart's Weapon:

Stewart's weapon, a Smith and Wesson, model #669, 9mm semi-automatic pistol, serial # TBS4480, was examined by Fuller for function and distance determination. According to Fuller, the weapon was received with a loose 9mm cartridge and nine 9mm cartridges in the magazine. The magazine has a capacity of twelve cartridges. The weapon functioned normally, during the test fire procedure. Stewart's weapon was loaded to capacity (12 in magazine 1 in the chamber) with Corona Police Department approved ammunition at the time of the shooting. The ammo was Winchester brand 9mm jacketed hollow points. Det. Stewart last qualified with the weapon on 12/5/96 with a passing grade. This was verified with Cpl. Mike Tripet of the Personnel/Training section.

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Suspect's Weapon:

Gonzales' weapon was a Makarov 9mm semi-automatic pistol, serial # J029357, This weapon was reported stolen from the city of Garden Grove on February 11, 1997 at approx. 1800 hrs. by the owner, [REDACTED]. According to Garden Grove Police Department reports, [REDACTED] heard from a co-employee of Sav-on that Gonzales was shot after he killed his ex-girlfriend and her grandmother in Corona. The weapon was examined by Fuller for function and distance determination. According to Fuller, the weapon was received loaded with one cartridge in the chamber and seven cartridges in the eight round capacity magazine. The weapon functioned normally, during the test fire procedure. A magazine containing 8 live rounds was located in Gonzales' rear left pocket.

Supervision at the Scene:

Sgt. Alex Marmolejo was the supervisor in charge of the detail that responded to the Anaheim area. He remained the supervisor up to and through the officer involved shooting.

Involved Officer's Clothing:

Prior to Det. Stewart and Det Currie contacting Gonzales, they put on their raid vests that are clearly marked "police" as well as their body armor.

Involved Officer's Blood Results:

Detective Stewart voluntarily submitted to a blood sample during the criminal investigation by the O.C.D.A. on 2/11/97 at 1700 hrs. The results indicated that Det. Stewart did not have any narcotics or alcohol in his system at the time of the blood draw.

Noted Training/Equipment Issue:

During the review of this incident, it was noted that Det. Stewart attempted to communicate with his supervisor, Alex Marlolejo, just prior to Det. Stewart coming into contact with the Gonzales. According to Stewart's interview, Corona detectives in Anaheim were operating C.P.D. hand held radios and were on channel 3. Apparently channel 3 only works between car to car on some detective units. This forces personnel to use hand held radios. This could cause some confusion in an emergency situation and could result in units not communicating effectively.

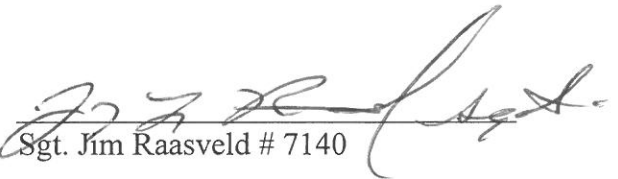
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Disposition:

This report will be submitted as the Corona Police Department Administrative Investigation Report. This report will be used in the shooting review board where it will be determined if the shooting is within policy, outside policy, or accidental. It will also be the job on the board to consider any training issues and make recommendations on them.


Sgt. Jim Raasveld # 7140