

Officer Involved Shooting of Michele Rice

Long Beach Police Department

Officer Richard Wharton, #5771

Officer Eduardo Reinhold, #5572

Officer Brian Neal, #6325

Officer Omar Deleon, #10238

Officer Rudy Rodriguez, #10909

J.S.I.D. File #17-0281



JACKIE LACEY

District Attorney

Justice System Integrity Division

April 3, 2018

MEMORANDUM

TO: CHIEF ROBERT G. LUNA
Long Beach Police Department
400 West Broadway
Long Beach, California 90802

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Michele Rice
J.S.I.D. File #17-0281
L.B.P.D. File #170033750

DATE: April 3, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 7, 2017, fatal shooting of Michele Rice by Long Beach Police Department (LBPB) Officers Richard Wharton, Eduardo Reinhold, Brian Neal, Omar Deleon, and Rudy Rodriguez. It is our conclusion that the officers used reasonable force in self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on June 8, 2017, at approximately 2:03 a.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LBPB Detective Scott Lasch.

The following analysis is based on reports, audio recordings, recorded interviews and photographs submitted to this office by the LBPB. The departmentally compelled statements of the officers were not considered in this analysis.

FACTUAL ANALYSIS

Richard H. and Michele Rice were in a dating relationship and lived together at [REDACTED] Studebaker Road in the City of Long Beach. During the evening of June 7, 2017, Richard and Rice became involved in an argument. The argument became heated and Richard told Rice that he had to go to bed because he had to be at work early in the morning. This made Rice even more upset, and at about 9:00 p.m. Rice told Richard that she was breaking up with him and leaving. She left their home on foot without her house key. Richard and Rice continued to argue via text message and over the phone. Rice walked to a liquor store, purchased a bottle apparently containing alcohol, and continued walking in the neighborhood.¹ Shortly before midnight, Rice and Richard continued to argue on the telephone, and Richard believed Rice was intoxicated. During the

¹ At 9:40 p.m., Rice entered Dick's Palm Tree Liquor and purchased a "pink wine-sized bottle" for \$20.84. While there is surveillance video of Rice making the purchase, it is not possible to tell exactly what she bought.

conversation, Rice told Richard that she wanted to “play a game” with him and that she was “going to give [him] a reason to kill [her].”

Knowing that Rice was armed, and believing that she was suicidal, Richard left his home and got into his pickup truck. As he was driving away from his home, Richard saw Rice on the sidewalk walking toward their home. He slowed down and Rice pulled out a black semiautomatic handgun and fired it two times in his direction.² Richard accelerated away and called 9-1-1 at 11:55 p.m. He reported to the dispatcher that his girlfriend “just shot at [him]” and provided Rice’s location. Richard then drove around the block and awaited the arrival of LBPDP officers.

Officer Richard Wharton was the first officer to locate Richard, who was sitting in his truck approximately half of one block north of his home. Richard told Wharton and Officer Brian Neal, who had arrived shortly after Wharton, that Rice had just shot at him and that she was still armed. While the officers were interviewing Richard, Officer Eduardo Reinhold drove slowly south from their location while a LBPDP helicopter began circling overhead. The observer in the helicopter advised the other responding officers that there was someone sitting on the victim’s front porch, but that he was unable to provide any details about that person’s appearance. Moments later, Reinhold trained his patrol vehicle’s spotlight on the front porch and saw Rice sitting on a stool on the porch. He drew his service weapon, pointed it in her direction, and announced over the radio that he had a suspect at gunpoint.

After hearing Reinhold’s announcement that he was trying to detain Rice, Wharton and Neal quickly drove south to his location. All three officers took cover behind various parked vehicles and told Rice to put up her hands and walk off the porch. In response, Rice slowly stood up, stumbled slightly, and slowly walked off the porch and onto the sidewalk in front of the home.

While Rice was walking off of the porch, Officers Omar Deleon and Rudy Rodriguez arrived at the scene in a LBPDP patrol Jeep. Rodriguez maneuvered the Jeep onto a median on the street such that the vehicle’s headlights and spotlights were illuminating Rice.

Rice took several steps away from the porch and looked in the direction of the officers who first arrived to the house. The officers gave Rice multiple commands to keep her hands up, but she slowly dropped her hands to her waist and reached into the hand warmer pocket of the sweatshirt she was wearing. Reinhold yelled out, “Please don’t do this!” and Rice removed a .40 caliber semiautomatic handgun from her jacket and pointed it in the direction of Neal and Reinhold, who were both taking cover behind Reinhold’s patrol car.³

² Richard explained that, while Rice was a good shot, the bullets she fired hit the dirt in front of his truck. He believed she was either so drunk that she was unable to aim or was not actually trying to shoot him. Investigators located two spent .40 caliber shell casings on the sidewalk of Studebaker Road near the intersection of Spring Street. Those casings matched the firearm Rice dropped when she was shot by officers.

³ Alvin S. was watching the scene from his home across the street. He watched as a “guy” walked off the porch with his hands up before suddenly reaching to his waist and pulling something out. As soon as the subject pulled out the object, Alvin heard one volley of gunshots which caused him to retreat into his home.



Figure 1: A loaded Smith and Wesson handgun was located near the front porch. A holster which was designed to fit the gun was recovered from the pocket of Rice's sweatshirt.

In response to Rice's aiming her gun in the direction of Reinhold, five officers opened fire with their service weapons. Neal and Reinhold both fired 16 rounds, Rodriguez and Deleon fired five rounds and two rounds respectively, and Wharton fired five rounds.⁴

Rice was struck by the gunfire multiple times. She dropped the gun and collapsed on the ground in front of the house. Officers immediately called for an ambulance and administered CPR, but Rice was pronounced dead by the responding paramedics.

Deputy Medical Examiner Dr. Scott Luzi conducted an autopsy of Rice. Dr. Luzi determined that Rice was struck by seven bullets, one bullet struck the right side of her head and traveled right to left, two bullets struck the left side of her chest and traveled front to back and left to right. Rice was also struck two times in her left leg and two times in her right leg by bullets which traveled front to back.⁵ Dr. Luzi opined that Rice died due to these wounds.⁶ Her blood alcohol content at the time of autopsy was approximately .21 g%.⁷

LEGAL ANALYSIS

California law permits any person to use deadly force in self-defense or in the defense of others if he actually and reasonably believed that he or others were in imminent danger of great bodily

⁴ Reinhold explained that he shot so many rounds because the "rounds [he] was firing were either missing or having no effect on the suspect" and that he stopped shooting when she fell.

⁵ One of the leg wounds was a "grazing wound" for which wound path could not be determined.

⁶ Dr. Luzi did not offer an opinion as to whether any wound was independently fatal.

⁷ A person's blood alcohol content (BAC) may change after they die. In this case samples taken from Rice's chest showed a BAC of .316. The BAC of samples taken from her femoral artery, which are more likely to correspond to her level of intoxication, were .210.

injury or death. CALCRIM No. 3470; *See also* People v. Randle (2005) 35 Cal.4th 987, 994 (overruled on another ground in People v. Chun (2009) 45 Cal.4th 1172, 1201); People v. Humphrey (1996) 13 Cal.4th 1073, 1082. In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If a person uses force in lawful self-defense, he need not stop using force until the threat has ended. *See* Plumhoff v. Rickard (2014) 134 S.Ct. 2012, 2022.

In this case, the officers responded to a 9-1-1 call regarding a woman who had just shot at her boyfriend and was still armed. They then spoke with Richard and confirmed that Rice was indeed still armed and had shot at him before relaying that information to other responding officers. When Reinhold initially located Rice, she appeared to be responsive to his commands, standing and putting her hands up when ordered. However, her initial apparent compliance changed shortly after she stepped off the porch. Rice's decision to reach into her pocket, retrieve a handgun, and point it at the officers left them no other reasonable option but to respond with deadly force. Because the officers acted reasonably in discharging their weapons at Rice, their use of force was lawful.

CONCLUSION

We conclude that all of the involved officers used lawful force in self-defense and in the defense of others when they shot Michele Rice. We are closing our file and will take no further action in this matter.