

PITTSBURG POLICE DEPARTMENT
65 Civic Ave, Pittsburg, CA 94565

☒ Continuation
☐ Supplemental

Beat 5

☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification ASSAULT WITH DEADLY WEAPON	4. Detail 1. 245(a)(2) 2. 245(c)	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M)		7. Date Orig. Report 05/17/2016	8. Employee No. P324	
9. Address / Location of Occurrence Kingsley Drive, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto		

11. Narrative / Statements

Scene

Kingsly Drive is within a residential neighborhood consisting of single family, single story, detached residential homes. Kingsly drive is a East to West street that is surrounded by sidewalks on both the north and south sides of the street. Each residence on the street has its own driveway and front yard which separates the residence from the street.

Kingsly Drive is a single family home

Personnel

Pittsburg Police Department

- Lieutenant Galer
- Lieutenant Albanese
- Sergeant Deplitch
- Sergeant Galer
- Sergeant Terry
- Officer Creighton
- Officer Palma
- Officer Haller
- Officer Ruff
- Officer Simpson
- Officer Buck
- Officer Taylay
- Officer Oreja
- Officer Barkzi
- Officer Elmore
- Officer Gonzales
- Detective Stage
- Detective Sullivan
- Detective Baker
- Detective Reddoch
- Detective Kessler
- Detective Sanchez
- Detective Law
- CSS Van Rooyen
- CSS Burton

Contra Costa Fire Department

Engine 85

- Captain Woods
- Engineer Geraghty
- Firefighter Skroinsky

13. Additional Routing

12. Distribution

- | | | |
|---|--|---|
| <input type="checkbox"/> Chief | <input type="checkbox"/> Special Services | <input checked="" type="checkbox"/> District Attorney |
| <input type="checkbox"/> Administration | <input checked="" type="checkbox"/> Investigations | <input type="checkbox"/> Narcotics / Gangs |
| <input type="checkbox"/> Evidence | <input type="checkbox"/> Patrol | <input type="checkbox"/> SRO |

14. Reporting Officer (Print) Zachary Haller	15. Date/Time Written 05/18/2016 / 0410	16. Dispo ARR
17. Approving Supv (Print) James Terry	18. Supv No. P287	19. Date 05/18/2016
		20. Suspended <input type="checkbox"/>

☒ Continuation

PITTSBURG POLICE DEPARTMENT

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Beat 5☐ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

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6. Victim Name (L,F,M) [REDACTED]		7. Date Orig. Report 05/17/2016	8. Employee No. P324	
9. Address / Location of Occurrence [REDACTED] Kingsley Drive, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto		
11. Narrative / Statements				
<p>Engine 83 Captain McNamara Engineer Refferty Firefighter Johnson</p> <p>Medic 81 Paramedic Collins Paramedic Juarez</p> <p>Medic 86 Paramedic Boldic Paramedic Reid</p> <p>Medic 14 Paramedic Greene Paramedic Landreth</p> <p>Contra Costa County Sheriff's Office</p> <p>Crime Scene Lab Deputy Finley Deputy Nguyen Deputy Peng</p> <p>Contra Costa District Attorney's Office</p> <p>DA Holcombe Inspector Wiedermeyer Inspector Conaty DA Medina DA Morley DA Hendershot DA Morley</p> <p>Investigation</p> <p>On 5/17/16 at approximately 2105 hours, Officer Creighton and Officer Palma were dispatched to [REDACTED] Kingsly Drive in Pittsburg regarding a domestic disturbance at the residence. During that time, I was dispatched to a separate call for service approximately 4 miles away.</p> <p>Dispatch told responding officers in route to [REDACTED] Kingsly Drive that the reporting party, [REDACTED] was having problems with her son, Rigoberto Gutierrez and he may have a gun in his possession. She further advised dispatch Rigoberto was at the front door of her house and he was armed with a pistol. She said Rigoberto does not live at the house and they had locked the door to the house to prevent him from entering. Rigoberto had brandished the firearm upon contacting them in the doorway. Rigoberto continued to bang on the front door of the residence and was in a heated verbal argument with his father, [REDACTED] though his father was remaining calm. At approximately 2112 hours, and approximately 30 seconds prior to Officer Creighton and Officer Palma's arrival, dispatch advised Rigoberto was pounding on the wall and was holding the gun again.</p>				
13. Additional Routing				
12. Distribution				
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input checked="" type="checkbox"/> District Attorney		
<input type="checkbox"/> Administration	<input checked="" type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs		
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO		
		14. Reporting Officer (Print) Zachary Haller	15. Date/Time Written 05/18/2016 / 0410	16. Dispo ARR
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				20. Suspended <input type="checkbox"/>

☒ Continuation

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65 Civic Ave, Pittsburg, CA 94565

Beat 5☐ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

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6. Victim Name (L,F,M)		7. Date Orig. Report 05/17/2016	8. Employee No. P324	
9. Address / Location of Occurrence Kingsley Drive, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto		

11. Narrative / Statements

At approximately 2112 hours I heard via my department issued radio Officer Palma and Officer Creighton arrived on scene. Shortly thereafter, I heard Officer Palma advise shots had been fired and the suspect was down. Additionally, Officer Palma advised a short time later [REDACTED] and his other son, later identified as [REDACTED] were also struck by gun fire.

I responded Code 3 from Andrew Avenue and North Parkside Drive in Pittsburg and arrived on scene at approximately 2119 hours. Officer Ruff, Officer Simpson, Officer Oreja, and Officer Barkzi arrived with me in separate vehicles. Sergeant Terry, Officer Buck, Officer Taylay, Officer Gonzales, and Officer Elmore had arrived on scene prior to my arrival. Contra Costa Fire Engine 85 and Medic 81 were also on scene prior to my arrival and began caring for the injured.

I activated my TASER body worn camera. As I was walking to the residence I was confronted by [REDACTED] who stated [REDACTED] was [REDACTED] and had received a phone call from [REDACTED] asking [REDACTED] to respond to the house. [REDACTED] did not have any idea of what transpired prior to arrival and wanted to only support the family. I escorted [REDACTED] from the scene while first responders continued caring for the injured and securing the scene.

Sergeant Terry advised me Officer Gonzales had recovered a firearm from the scene and told me to take possession of the firearm. Using latex gloves, I took possession of the firearm and a single magazine from Officer Gonzales. The firearm was a small caliber semi automatic pistol with a chrome colored slide and a brown handle. The Magazine was silver in color and had a yellow follower. I physically and visually checked to ensure there were no live rounds in the magazine well and chamber and determined it was empty. I secured the firearm in my cargo pants pocket. I did not examine the firearm for the make, model, or caliber. It appeared to be a functional firearm.

[REDACTED] was transported to John Muir Walnut Creek by Medic 81. [REDACTED] was transported to Kaiser Antioch by Medic 14. Rigoberto was transported to John Muir Walnut Creek by Medic 86. Officer Oreja sequestered Officer Palma and transported him to the Pittsburg Police Department. Officer Barkzi transported [REDACTED] to the Pittsburg Police Department, refer to her supplemental report for further details. Officer Buck sequestered Officer Creighton and transported him to the department as well, refer to his supplemental report. Officer Elmore was briefly with Rigoberto when he made spontaneous statements regarding the shooting and later followed [REDACTED] to John Muir Walnut Creek, refer to his supplemental report. Officer Ruff followed [REDACTED] to Kaiser in Antioch and obtained a statement from him, refer to his supplemental report. Officer Gonzales followed Rigoberto to John Muir Walnut Creek, refer to his supplemental report regarding the recovery of the firearm.

I performed a preliminary examination of the scene. I located five expended casings in the driveway and street in front of [REDACTED] Kingsly Drive which appeared to be consistent with department issued ammunition. On the front porch of [REDACTED] Kingsly Drive, I located a single small caliber unexpended ball ammunition. Additionally I located several holes in the front security screen door and wall adjacent to the front door. There were several bullet fragments I located on the floor next to the wall and front door as well.

Due to the Officer Involved Shooting, protocol was initiated and the Contra Costa County Crime Lab, consisting of Deputy Finley, Deputy Nguyen, and Deputy Peng as well as Detective Sanchez from the Pittsburg Police Department responded to process the scene for evidence. I later provided the firearm recovered from Rigoberto to Deputy Nguyen and Deputy Peng. Refer to their supplemental reports for further details.

I maintained scene security and a crime scene log of all personnel. The crime scene was taken down at approximately 0208 hours. I later logged the crime scene log into evidence. I later uploaded the digital video from my TASER body worn camera to the media vault.

Nothing further.

13. Additional Routing

12. Distribution

- | | | |
|---|--|---|
| <input type="checkbox"/> Chief | <input type="checkbox"/> Special Services | <input checked="" type="checkbox"/> District Attorney |
| <input type="checkbox"/> Administration | <input checked="" type="checkbox"/> Investigations | <input type="checkbox"/> Narcotics / Gangs |
| <input type="checkbox"/> Evidence | <input type="checkbox"/> Patrol | <input type="checkbox"/> SRO |

14. Reporting Officer (Print)

Zachary Haller

15. Date/Time Written

05/18/2016 / 0410

16. Dispo

ARR

17. Approving Supv (Print)

James Terry

18. Supv No.

P287

19. Date

05/18/2016

20. Suspended

☐

PITTSBURG POLICE DEPARTMENT EVIDENCE/PROPERTY FORM

☐ Supplemental ☐ Suspended

DATE	CRIME(S)	CASE NUMBER
05/17/2016	ASSAULT WITH DEADLY WEAPON	16-3471

PERSON CODES: S=SUSPECT V=VICTIM O=OWNER F=FINDER

PERSON CODE	NAME(LAST FIRST MIDDLE)	DOB	ARR	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ADULT <input type="checkbox"/> JUV
ADDRESS		CITY, STATE, ZIP	PHONE	

PROPERTY CODE:

DS=DESTRUCTION E=EVIDENCE LST=LOST S=STOLEN SR=STOLEN/RECOVERED SK=SAFEKEEPING
 FP=FOUND PROPERTY

FIREARM PROPERTY CODE: USE OF FIREARM

E=EVIDENCE S=STOLEN SK=SAFE KEEPING
 (Use this for firearms used in crime, DV or illegally possessed) SR=STOLEN/RECOVERED (Use this for firearms turned in Destruction, Restraining Order, 5150 or DV)
 FP=FOUND PROPERTY

Property Disposition Codes : Property Division use only D=Destruction A=Auction R=Released

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
1ZH	EVD			05/17/2016	y			TASER	1								
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
Digital video from my TASER body worn camera																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
2ZH	EVD			05/17/2016	y			Log	1								
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
Crime Scene Log																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS:

DISTRIBUTION

☐ Chief ☐ Special Services ☒ District Attorney
☐ Administration ☒ Investigations ☐ Narcotics / Gangs
☐ Evidence ☐ Patrol ☐ SRO

RECEIVING OFFICER & ID#

Z. Haller

P324

DATE

05/17/2016

Property/Evidence Division Use Only:

Property Released:

DATE

☐ Face Page ☐ Felony
☒ Continuation ☐ Misdemeanor
☐ Supplemental ☐ Juvenile

PITTSBURGH POLICE DEPARTMENT

65 Civic Ave, Pittsburgh, CA 94565

☒ Arrest ☒ Gun ☒ Use of Force ☐ Domestic Violence

1. DR No. 16-3471		2. City Code PT46		3. Crime/Classification ASSAULT WITH DEADLY WEAPON		4. Detail 1. 245(a)(2) 2. 245(c)		5. More Persons <input checked="" type="checkbox"/>	
6. Day / Date / Time of Occurrence From TUES 05/17/2016 2112 To TUES 05/17/2016 2112				7. Date / Time Reported 05/17/2016 / 2112		8. Employee No. P324		9. Reclassification <input type="checkbox"/>	
10. Address / Location of Occurrence Kingsley Drive, Pittsburg									
11. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input checked="" type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER									
20. Hair		21. Eyes		22. Ht.		23. Wt.		24. AKA / Maiden Name	
26. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								25. Social Security No.	
26. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								27. Booking or Cite No.	
28. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input checked="" type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER									
29. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested Gutierrez, Rigoberto						29. Race / Sex / Age H / M / 20		30. DOB	
								31. Driver License No.	
32. Address (Zip Code)						33. Home Phone			
34. Employed By or School Unknown						35. Work Phone			
36. Hair		37. Eyes		38. Ht.		39. Wt.		40. AKA / Maiden Name	
BRO		BRO		505		130			
42. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.) TAT L Wrs "Diana"								41. Social Security No.	
42. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								43. Booking or Cite No.	
44. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER									
45. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested						46. Race / Sex / Age / /		47. DOB	
								48. Driver License No.	
49. Address (Zip Code)						50. Home Phone			
51. Employed By or School						52. Work Phone			
53. Hair		54. Eyes		55. Ht.		56. Wt.		57. AKA / Maiden Name	
59. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								58. Social Security No.	
59. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								60. Booking or Cite No.	
62. Veh / Ves <input type="checkbox"/> S <input type="checkbox"/> Vict		63. Lic No. / State /		64. Year		65. Make		66. Model	
67. Body Style		68. Color Top		68. Color Bottom		67. Body Style		68. Color Top	
69. Status <input type="checkbox"/> Left <input type="checkbox"/> Impound <input type="checkbox"/> Stored		70. Registered Owner				71. R.O. Address			
		72. Towed to or Released to				73. Who has Keys?			
74. Evid <input type="radio"/> Yes <input checked="" type="radio"/> No		75. F / P <input type="radio"/> Yes <input checked="" type="radio"/> No		76. Dispo of Evidence Evidence Room		77. Missing None		78. Damaged None	
79. Brief Synopsis of Incident									
CROSS REFERENCE:				IN-CAR VIDEO <input type="radio"/> Yes <input checked="" type="radio"/> No			BODY CAMERA <input type="radio"/> Yes <input checked="" type="radio"/> No		
MARSY'S LAW <input type="radio"/> Yes <input checked="" type="radio"/> No				ELDER ABUSE FORM SOC 341 <input type="radio"/> Yes <input checked="" type="radio"/> No			VICTIM RESPONSE - 293 PC <input type="radio"/> Yes <input checked="" type="radio"/> No		
80. Distribution				81. Additional Routing					
<input type="checkbox"/> Chief <input type="checkbox"/> Special Services <input checked="" type="checkbox"/> District Attorney <input type="checkbox"/> Administration <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> Evidence <input type="checkbox"/> Patrol <input type="checkbox"/> SRO				82. Reporting Officer (Print) Zachary Haller 83. Date/Time Written 05/18/2016 / 0410 84. Dispo ARR					
				85. Approving Supv (Print) James Terry 86. Supv No. P287 87. Date 05/18/2016 88. Suspended <input type="checkbox"/>					

PI Number: [REDACTED] Booking Number: [REDACTED]

Pittsburg 046 16-3471 6/17/2018
Arresting Agency Agency Code Case Number Date

Detain: GUTIERREZ RIGOBERTO DANIEL DOB: [REDACTED] Age: 22
Last First Middle

Sex M Race H Hair Color BLK Eye Color BRO HT 503 WT 145 Glasses ☐ Yes ☒ No
AKA's D.L.# or I.D.# ('s) [REDACTED]

Soc. Sec. # [REDACTED] Scars/Marks/Tattoos TAT R WRIST- ROSES

Address [REDACTED]

Phone [REDACTED] Place of Birth (City) [REDACTED] Are you a US Citizen? ☐ Yes ☐ No
Do you want your consulate notified? ☐ Yes ☐ No Per 834c, did arresting officer notify arrestee's consulate? ☐ Yes ☐ No
Is this person from a mandatory notification country and jurisdiction? ☐ Yes ☐ No See List

Employment: Occupation [REDACTED] Name of Business [REDACTED]
Business Address [REDACTED] Phone [REDACTED]
Emergency Contact: Name [REDACTED] Relationship [REDACTED]
Address [REDACTED] Phone [REDACTED]

I. FELONY: _____ Committed in my presence. (0)
_____ I have reasonable cause to believe arrestee committed the felony listed below.

Be precise in listing charges, degrees. Subsections MUST be given.

SECTION & CODE

CRIME TITLE

ON
VIEW
CHARGES

I. MISDEMEANOR: _____ Committed in my presence. (0)
_____ Citizen's arrest pursuant to 847 PC (Attach Citizen's Arrest Form - S.O. only) (Z)

Be precise in listing charges, degrees. Subsections MUST be given.

SECTION & CODE

CRIME TITLE

II. ☒ Local (W) Felony/Misd. Warrant # (Mis) 05-161236-5-001 # _____
_____ # _____
WARRANTS _____ Foreign (W) Felony/Misd. Warrant # _____ # _____
_____ # _____
_____ Requirements of CVC 40304.5 have been fulfilled

Date _____ Time _____

III. Complete only if Sections I or II do not apply.

OTHER COMMITMENT (C) # _____ # _____ Parole (P)
AUTHORITIES REMAND (R) # _____ # _____ Removal Order (R)

COURT _____ Walnut Creek/Danville (01) _____ Bay (02) _____ Mt. Diablo (03) (Concord) (Martinez)
(Check One _____ Delta (04) _____ Superior Court (05) _____ Court Not Listed: _____

PRINTED BY ARRESTING AGENCY? ☒ YES _____ NO PHOTO ☒ YES _____ NO

ARREST LOCATION: [REDACTED] KINGSLEY DR PITTSBURG 6/17/2018 1214
Address of Field Location City Date Time

Location of Vehicle: _____

Towed/Stored: _____

REMARKS: PC 853.6/OR, Rlsd by: Hector Flores #CSS, Rlsd Date/Time: 6/17/2018 1300

Ofc.Gerrit VanRooyen #355

Ofc.Gerrit VanRooyen #355

Hector Flores #CSS

Arresting Officer/Badge#

Transporting Officer/Badge#

Booking Officer

AH 6/20/18

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RELEASE AND PROMISE TO APPEAR FROM
PITTSBURG POLICE DEPARTMENT
(PENAL CODE SECTIONS 853.5 & 853.6)

The People of the State of California vs.)

Case # 16-3471

GUTIERREZ, RIGOBERTO DANIEL)

Warrant # 05-161236-5-001

In consideration of being released from custody, I hereby agree:
En consideracion de ser libertado, yo estoy de acuerdo que:

1. That I will appear at the:
Yo me presentare al:

- ☒ Pittsburg Superior Court (Arnason Justice Center) - 1000 Center Drive, Pittsburg, CA 94565
☐ Walnut Creek Superior Court - 725 Court Street, Martinez, CA 94553
☐ Richmond Superior Court - 100 37th Street, Richmond, CA 94805
☐ Martinez Superior Court - 725 Court Street, Martinez, CA 94553
☐ Other Court: _____

DATE: 6/31/2018

TIME: 0830 HOURS

On the charge of violating Section(s) PC 148(a) - M, PC 417(a)(2)(c) - M
PC 25400(a)(2) - M

2. That if I fail to appear and am apprehended outside the State of California, I waive extradition.

3. I understand that any court or magistrate of competent jurisdiction may revoke this order of release and either return me to custody or require that I give bail or other assurance for my appearance.

4. I further understand that if I fail to appear when required to do so that I may be charged with the additional crime of a misdemeanor under Section 853.7 of the California Penal Code.

2. Si yo fallo en presentarme y me aprehenden afuera del Estado de California, yo renuncio a la extradición.

3. Yo comprendo que cualquier corte o magistrado de jurisdicción competente puede revocar esta orden de libertad, y puede regresarme a la custodia o requerir que yo de fianza u otra seguridad para mi presentación.

4. Yo tambien comprendo que si yo fallo de presentarme como requerido, que me pueden cargar con el crimen adicional de un delito menor bajo la Sección 853.7 del Código Penal de California.

DATE: 6/17/18

DEFENDANT'S SIGNATURE: Rigoberto Gutierrez

DEFENDANT'S NAME: GUTIERREZ, RIGOBERTO DANIEL

Address: _____

Phone: _____

ARRESTING OFFICER: VANROOYEN 355

RELEASING OFFICER: VANROOYEN 355

USE SEPARATE FORM FOR EACH COURT JURISDICTION

White - Court Canary - Arresting Agency Pink - Defendant

16-2350-7



Forensic Services Division
Contra Costa County Office of the Sheriff
2530 Arnold Drive, Suite 200, Martinez, CA 94553
Telephone: (925) 335-1600 Fax: (925) 335-1601



Restricted

REPORT OF LABORATORY EXAMINATION

Laboratory No.:	16-2350-7	Agency:	Pittsburg Police Department
Issue Date:	7/28/2016	Agency Case No.:	C16-3471
Service:	Function	Requested by:	Terry, James
Request Date:	7/12/2016	Case Type:	Assault
Suspect(s):	Gutierrez, Rigoberto	Complainant(s):	None Listed

Evidence: (Outer package(s) are tape sealed unless otherwise stated)

Submission #

Other ID

2

Cardboard box: Davis Industries pistol, model P-32, .32 Auto caliber, serial number [REDACTED] magazine

2-1

Davis Industries pistol, model P-32, .32 Auto caliber, serial number [REDACTED]

2-1-B

Manila envelope: Test-fired bullets and cartridge cases from Davis Industries pistol

2-2

One empty 6-round capacity pistol magazine

Examination Results and Conclusions:

I examined the submitted firearm. The serial number appeared to have been partially obliterated, however, it was still legible. The firing pin was broken; therefore, the pistol was not functional as received. I replaced the firing pin with one from a Laboratory Reference pistol in order to test-fire the pistol. The firearm functioned normally when test fired with the replaced firing pin, using Laboratory-supplied ammunition and the submitted magazine. The test-fired bullets and cartridge cases were collected.

I entered a representative sample of the submitted cartridge cases into both of the Laboratory's ballistic imaging systems and compared the images to other entries from the indicated regions:

- Evofinder (Contra Costa County)
- IBIS TraxHD3D (National Integrated Ballistics Identification Network Region 1b, which includes Northern California)

There were no ballistic leads found in the Evofinder system at this time. Your Agency will be contacted by ATF if a ballistic lead is found in NIBIN.

Disposition:

The test-fires from the pistol (Lab Item 2-1B) were retained in the Laboratory Test-Fire Collection.

All of the remaining evidence will be placed into Laboratory storage to be returned to Concord PD.

Forensic Services Division
Contra Costa County
Office of the Sheriff



16-2350-7

A. Taflya

7/28/2016

Page 2 of 2

Analyst:

Alex Taflya

Criminalist

Date: July 28, 2016

Technical Reviewer:

Donald Finley

Forensic Supervisor

Date: July 28, 2016

Administrative Reviewer:

Donald Finley

Forensic Supervisor

Date: July 28, 2016

PittsburgPD Controlled Document 2/21/2020 11:00:18 AM

16-2350-6



Forensic Services Division
Contra Costa County Office of the Sheriff
 2530 Arnold Drive, Suite 200, Martinez, CA 94553
 Telephone: (925) 335-1600 Fax: (925) 335-1601



Restricted

REPORT OF LABORATORY EXAMINATION

Laboratory No.: 16-2350-6	Agency: Pittsburg Police Department	
Issue Date: 7/27/2016	Agency Case No.: C16-3471	
Service: Latent Processing	Requested by: Terry, James	
Request Date: 7/12/2016	Case Type: Assault	
Suspects: Gutierrez, Rigoberto	Complainant(s): None Listed	

Summary:

The evidence listed below for latent print processing was evaluated and/or processed. Any developed ridge detail was preserved for further analysis.

Examination Results and Conclusions:

Evidence:

<u>Submission #</u>	<u>Other ID</u>	<u>Evidence from Laboratory #: 16-002350</u>
2		Cardboard box: Davis Industries pistol, model P-32, .32 AUTO cal, serial number [REDACTED] magazine
2-1		<p>Davis Industries pistol, model P-32, .32 AUTO cal, serial number [REDACTED]</p> <p><i>Ridge detail developed. Refer to subsequent latent report for additional details.</i></p> <p>Prior to latent print processing, this item was swabbed for potential DNA.</p> <p>Techniques used: Superglue, Dye Stain.</p> <p>A possible hair/fiber was collected from the pistol, packaged, tape sealed, marked, and placed back into the original packaging. No further examination was conducted at this time.</p>
2-2		<p>One empty magazine</p> <p><i>No prints were developed.</i></p> <p>Prior to latent print processing, this item was swabbed for potential DNA.</p> <p>Techniques used: Superglue, Dye Stain.</p>
2-1-A		<p>Manila envelope: One water blank and four swabs from pistol (Item 2-1)</p> <p>Item 2-1-A was returned to the agency, pending future biological analysis.</p> <p>Please contact the Forensic Biology Unit if biological analysis of Item 2-1-A is required.</p>
2-2-A		<p>Manila envelope: One swab from magazine (Item 2-2)</p> <p>Item 2-2-A was returned to the agency, pending future biological analysis.</p> <p>Please contact the Forensic Biology Unit if biological analysis of Item 2-2-A is required.</p>
5		<p>Manila envelope: One DVD with fourteen digital photographs of latent impressions from pistol (Item 2-1)</p> <p>No examination conducted. Please refer to subsequent latent examination report for further results.</p>

Forensic Services Division
Contra Costa County
Office of the Sheriff

16-2350-6

S. Genove

7/27/2016

Page 2 of 3

Analyst:

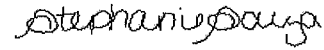


Scott Genove

Criminalist

Date: July 27, 2016

Administrative Reviewer:



Stephanie Souza

Criminalist

Date: July 27, 2016

PittsburgPD Controlled Document 2/21/2020 11:00:19 AM

Forensic Services Division
Contra Costa County
Office of the Sheriff

16-2350-6
S. Genove
7/27/2016
Page 3 of 3

Report Annex

Client Address:

Pittsburg Police Department

65 Civic Ave.
Pittsburg, CA
94565

Compliance Statements:

- Outer package(s) were received tape sealed unless otherwise noted.
- All evidence not pending further examination in the laboratory will be returned to the requesting agency or Contra Costa County Property Services.
- A "No identification" result may be due to the known print not existing in the searched database, the known print may be lacking adequate quality, or the latent print may contain an undetermined feature from smudging or background noise.
- Latent prints searched in the local database that were not identified will be registered to the unsolved latent database.
- Should additional comparison be necessary of any unidentified prints, please submit a laboratory request listing the individual(s) to be compared.
- All latent prints developed during processing will be photographed as a quality assurance measure.

[End of Report]

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16-3471



Forensic Services Division
Contra Costa County Office of the Sheriff
2530 Arnold Drive, Suite 200, Martinez, CA 94553
Telephone: (925) 335-1600 Fax: (925) 335-1601

Restricted

REPORT OF LABORATORY EXAMINATION

Laboratory No.:	16-2350-2	Agency:	Pittsburg Police Department
Issue Date:	5/20/2016	Agency Case No.:	C16-3471
Service:	Function	Requested by:	Terry, James
Request Date:	5/19/2016	Case Type:	Assault
Suspect(s):	Gutierrez, Rigoberto	Complainant(s):	None Listed

Evidence: (Outer package(s) are tape sealed unless otherwise stated)

<u>Submission #</u>	<u>Other ID</u>	
1		Cardboard box: Sig Sauer pistol, model P226, .40 Smith & Wesson caliber, serial number [REDACTED] magazine, 8 unfired cartridges
1-1		Sig Sauer pistol, model P226, .40 Smith & Wesson caliber, serial number [REDACTED]
1-1-C		Envelope: Dry patch from barrel of Sig pistol
1-2		Soil envelope: magazine and (7) unfired "WIN 40 S&W" cartridges (three test-fired for exam, Sub 1-1-B)
1-3		Soil envelope: (1) unfired "WIN 40 S&W" cartridge from the chamber
1-1-B		Envelope: 3 test-fired cartridge cases and bullets, removed from submission 1-2

Examination Results and Conclusions:

I examined Officer Creighton's Sig P226 pistol (submission 1-1) and found no unusual wear, damage, or alterations. The designed controls were functional. I test fired the pistol with three of the submitted cartridges. The test-fired bullets and cartridge cases were retained by the laboratory pending further examination (submission 1-1-B). The firearm functioned normally when test fired. I collected residues from the barrel using a dry patch (submission 1-1-C).

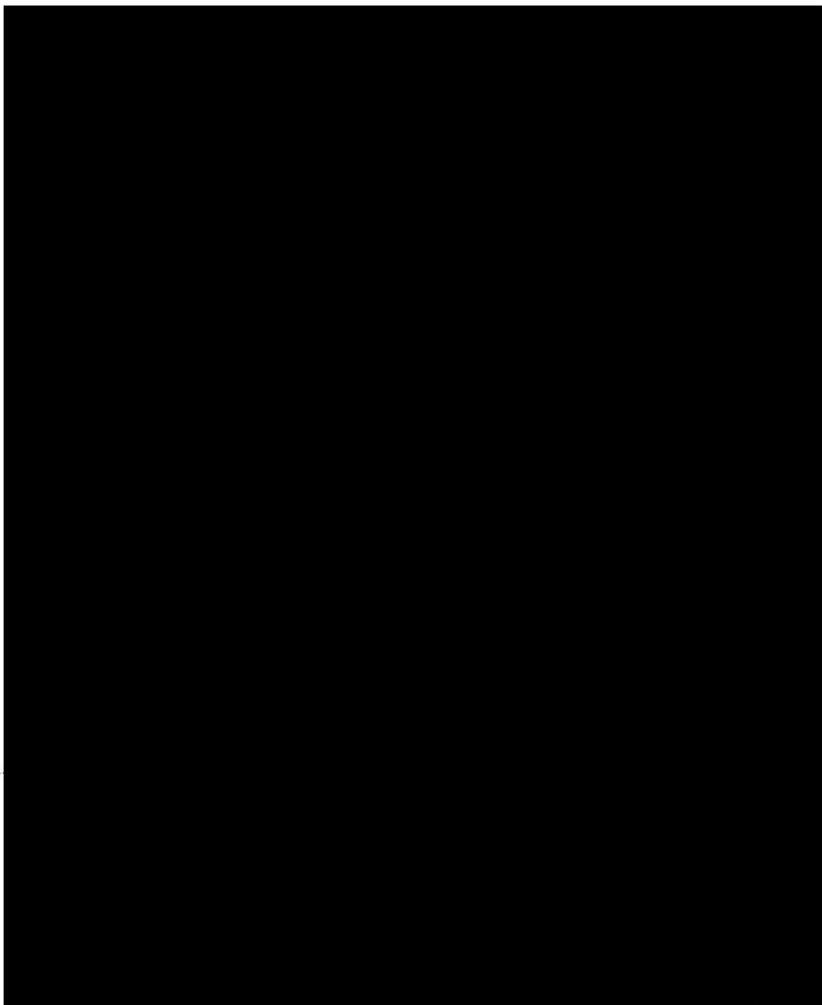
Disposition:

The submitted pistol, magazine, remaining unfired cartridges, and dry patch were placed in laboratory storage to be returned to Pittsburg PD.

The test-fired bullets and cartridge cases were retained by the laboratory pending further examination.

Analyst:	Technical Reviewer:	Administrative Reviewer:
Terence Wong Criminalist	Catherine Currier Criminalist	Donald Finley Forensic Supervisor
Date: May 20, 2016	Date: May 20, 2016	Date: May 20, 2016

16-3471



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☐ Corrected Copy

ADULT DISPOSITION OF ARREST AND COURT ACTION

SUBJECT INFORMATION

Name (Last, First, Middle) GUTIERREZ, RIGOBERTO DANIEL		DOB (mm-dd-yyyy) [REDACTED]	CII Number	
Social Security Number [REDACTED]	Driver's License Number [REDACTED]	FBI Number	Hgt 503	Sex M
			Race H	

A. LAW ENFORCEMENT

Arrest/Cite Date (mm-dd-yyyy) 06-17-2018	Arresting Agency PITTSBURG PD	Booking Agency PITTSBURG PD
LiveScan Booking Number [REDACTED]	Citation Number	Crime Report Number 16-3471
Remarks		

Chrg	Level			Arrest Charge (Section/Code)	On View X	In-County Warrant Number	Out-of-County Warrant Number	Release Date	Reason for Release Code
	I	M	F						
1		X		PC 417(a)(1)		05-161236-5-001			
2		X		PC 148 (a)		05-161236-5-001			
3		X		PC 25400 (a)(2)		05-161236-5-001			
4									

Type of Event: ☒ Arrest ☐ Citation ☐ Letter/Notice to Appear ☐ Court Ordered Booking

B. PROSECUTION

Date (mm-dd-yyyy)	Reason for Rejection/Referred Codes					<input type="checkbox"/> 1203.2 PC - In Lieu of Filing	Original Court Judicial District Number	Original Court Case Number
	Chrg 1	Chrg 2	Chrg 3	Chrg 4	All Chrgs	<input type="checkbox"/> Refiled - Original Case Dismissed		

C. COURT

Date Filed (mm-dd-yyyy)	Judicial District Number		File Number		Consolidated File Number	
-------------------------	--------------------------	--	-------------	--	--------------------------	--

Chrg	File Level			Final Plea	Disposition						Disposition Date (mm-dd-yyyy)	Charges and Enhancements at Disposition (Section/Code)	Degree	Disposition Level				
	I	M	F		G	Nolo	Conv by Trial	Dis Code	Cert Juv	Acq				Not Guilty Insane	I	M	F	
1																		
2																		
3																		
4																		

D. PROCEEDINGS SUSPENDED

Date (mm-dd-yyyy)	<input type="checkbox"/> Bench Warrant Issued	<input type="checkbox"/> 707.2 WI - 90 Day Observation	<input type="checkbox"/> 1368-1370 PC - Found Mentally Incompetent - Committed
	<input type="checkbox"/> Diversion	<input type="checkbox"/> 1203.03 PC - 90 Day Observation	<input type="checkbox"/> 3050 WI - Narcotics Commitment
	<input type="checkbox"/> 1000-1000.5 PC - Drug Court Program / Deferred Entry of Judgment	<input type="checkbox"/> 3051 WI - Narcotics Commitment	

E. SENTENCE

Date (mm-dd-yyyy)	Condition of Probation										Other		Remarks	
	<input type="checkbox"/> Firearms Prohibited - 29815(a) PC <input type="checkbox"/> 290 PC Registration Charge: _____										<input type="checkbox"/> 1170(h) PC			
	<input type="checkbox"/> Drug Treatment Program - 1210.1 PC (Prop 36)													

Chrg	Reduced to Misd. X	290 PC REG		ISS	Prob	Jail		Fine		Rstrn	Jail or Fine		Conc	Cons	Vol Wrk	Costs	DJJ	Prison Sentence Information		
		Mand	Discret			Days	Days Susp	X	Susp X		Days	Susp						Stayed X	Total Fixed Term (All Charges) Years Months	To be served:
1																				<input type="checkbox"/> Concurrently
2																				<input type="checkbox"/> Consecutively
3																				W/Case Number:
4																			<input type="checkbox"/> Suspended	

F. ADMONISHMENTS & WAIVERS

(Required for Conviction)		(Required for "Guilty" or "Nolo" plea)	
<input type="checkbox"/> Defendant waived counsel	<input type="checkbox"/> Defendant represented by counsel	Defendant was advised of and understood:	Yes No

G. CLERK OF THE COURT'S CERTIFICATION

I certify that the foregoing is a correct abstract of the disposition of arrest and court action in this case. (Certification required for conviction)		Date (mm-dd-yyyy)	County	Title	Defense counsel concurred in defendant's admission
Legibly Printed or Typed Name					

Charges and direct consequences of plea	<input type="checkbox"/>	<input type="checkbox"/>
Defendant was advised of, understood, and waived:		
• Privilege against compulsory self incrimination	<input type="checkbox"/>	<input type="checkbox"/>
• Right to confront and cross examine witnesses	<input type="checkbox"/>	<input type="checkbox"/>
• Right to trial by jury	<input type="checkbox"/>	<input type="checkbox"/>
Court found admission was knowledgeable, intelligently made, and voluntary	<input type="checkbox"/>	<input type="checkbox"/>

PROPERTY/CLOTHING RECEIPT

CONTRA COSTA COUNTY

REC. NO.

DATE: 06/17/18

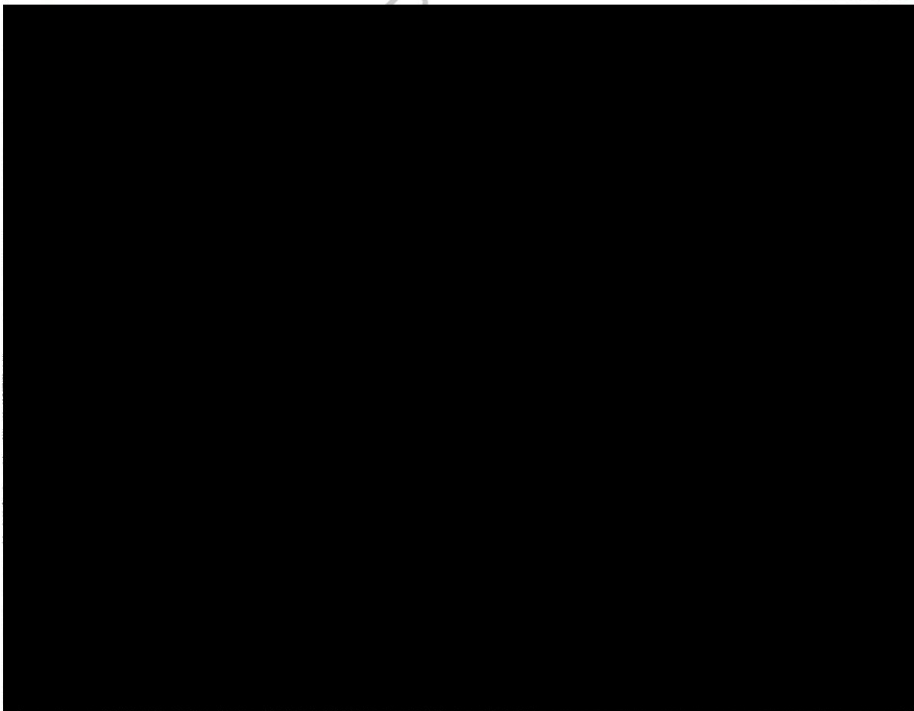
TIME: 12:00

ASSIGNED	
RACK #	
CLH BOX	
PROP. BOX	

FACILITY	
MDF	
MCDF	
WFC	
WCJC	
OTHER	

NAME: GUTIERREZ, RIGOBERTO DANIEL

BOOKING NBR: [REDACTED]



BKG OFC: H. FLORES (X) Rigoberto Gutierrez
INMATE SIGNATURE

RELEASE	
DATE: <u>6/17/18</u>	I have received all of my personal property and clothing.
REL OFC: <u>V/R</u>	
<u>(X) Rigoberto G.</u> INMATE SIGNATURE	

DET: 065 FRM

White - Booking

6/17/2020 11:00:20 AM

PITTSBURG POLICE DEPARTMENT
PRISONER CLASSIFICATION FORM AND QUESTIONNAIRE

NAME: GUTIERREZ, RIGOBERTO D. CASE: # 16-3171

What is your sexual preference?

Have you ever been a police Informant?

Have you ever been a member of a street gang?

Have you ever been a member of a prison gang?

Do you think a prisoner in this jail will harm you?

Have you ever been a Peace Officer?

If the answer is yes to any of the above questions, explain:

IF YES TO ANY QUESTION, NOTIFY SHIFT SUPERVISOR OR WATCH
COMMANDER

House Alone _____ Can mix with others _____ Transport _____

Cell Assignment: Cell # _____

Restraints used: _____ Times of observation (not less than twice every
thirty minutes)

Officer H. Flores Date 06/17/18



Gutierrez, Rigoberto

16-3471

BOOKING PHOTO
RELEASED TO
PRESS

Controlled Document 2/21/2020 11:00:20 AM

116-3471



Pittsburg Police Department, Pittsburg, CA

May 18, 2016 · 6

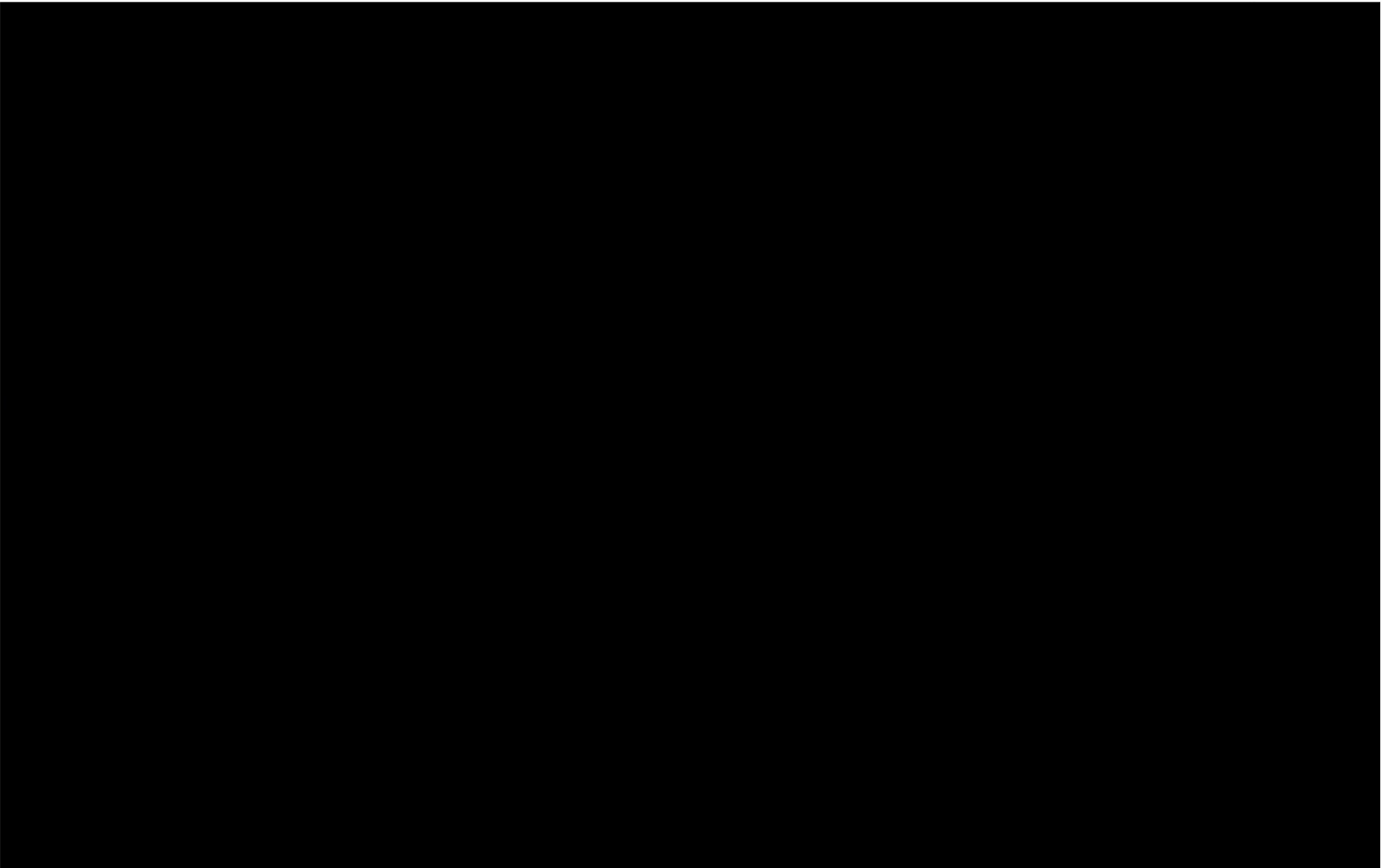
Just after 9:00PM last night, officers responded to the 1500 block of Kingsly Drive for a domestic disturbance call with a subject armed with a firearm. The mother of the suspect called 911 stating that their 20 year old son was acting irrational and was most likely under the influence of drugs. The suspect was on the porch of the residence demanding entry. Through a security screen door they could see he was armed with a firearm and had pointed it at them several times.

Officers arrived on scene and immediately began to give verbal commands to the suspect, the suspect was uncooperative refusing to comply. He was shot and struck in the leg as he reached for his firearm. At least two of the rounds went through the security screen where the suspects father and 17 year old brother were standing; They were struck during the shooting.

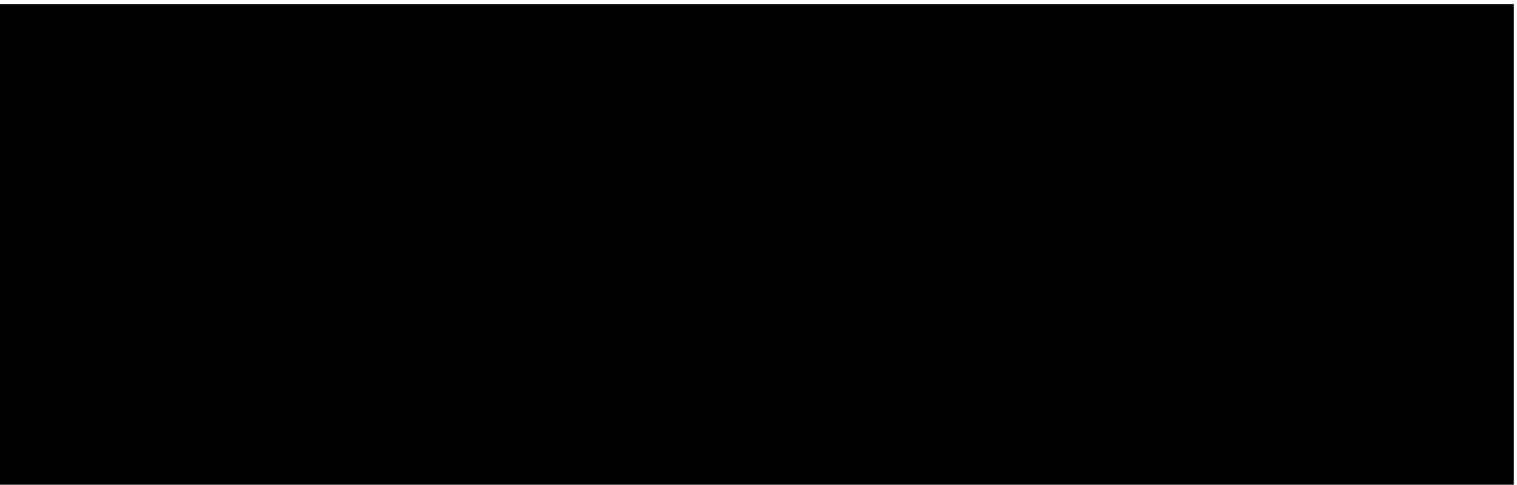
All three were transported to the hospital. The father was treated and released, the 17 year brother is in stable condition recovering from his injuries. The suspect is expected to survive and will be transported to County Jail once he is released from the hospital for assault with a deadly weapon and additional weapons related charges. The suspect's handgun was recovered at the location.

As a part of the Contra Costa Officer Involved Shooting Protocol, this incident is being jointly investigated by Pittsburg Police Department and the Contra Costa District Attorney's Office.

Document 2/21/2020 11:00:21 AM



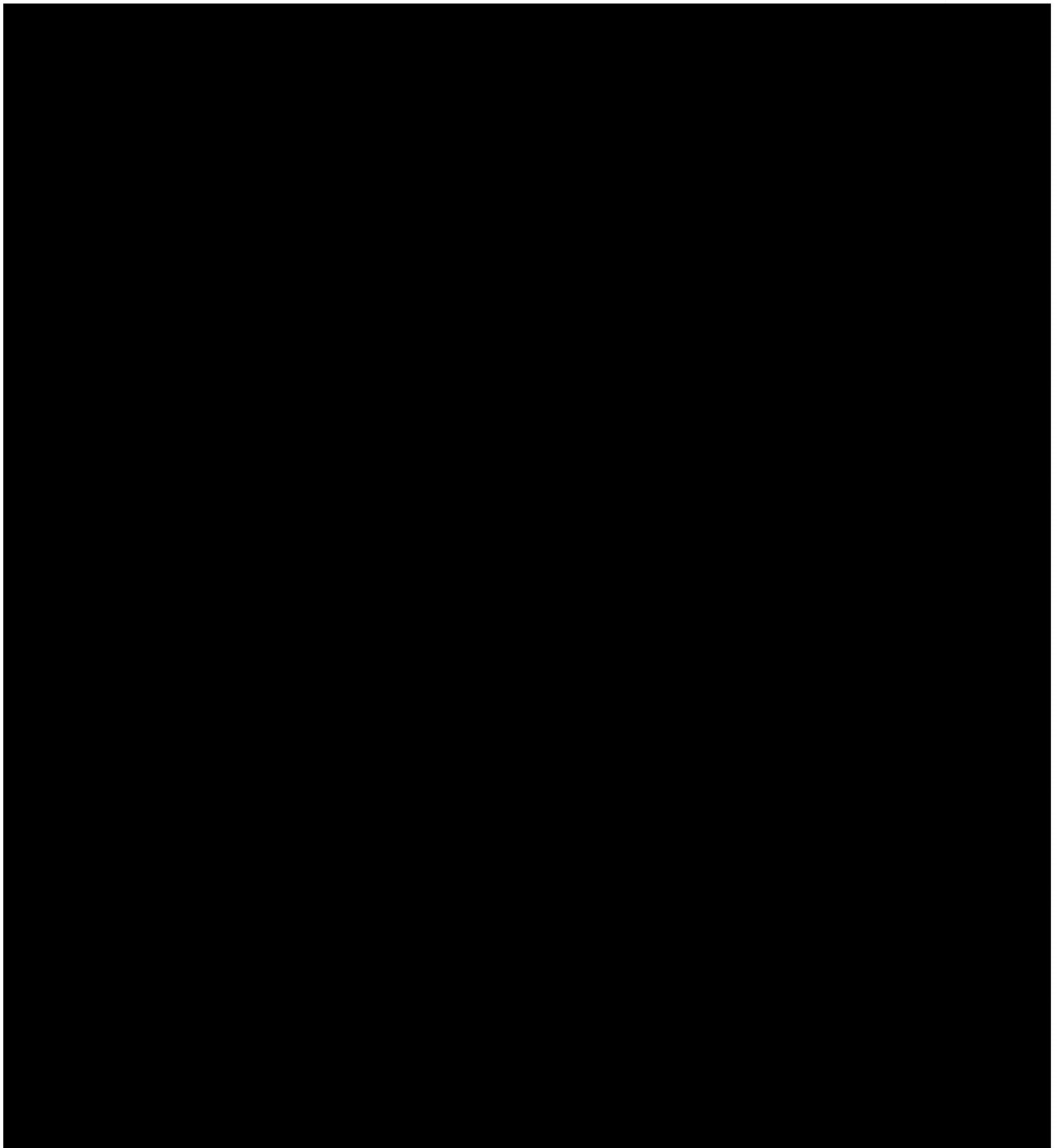
Document 2/21/2020 11:00:21 AM

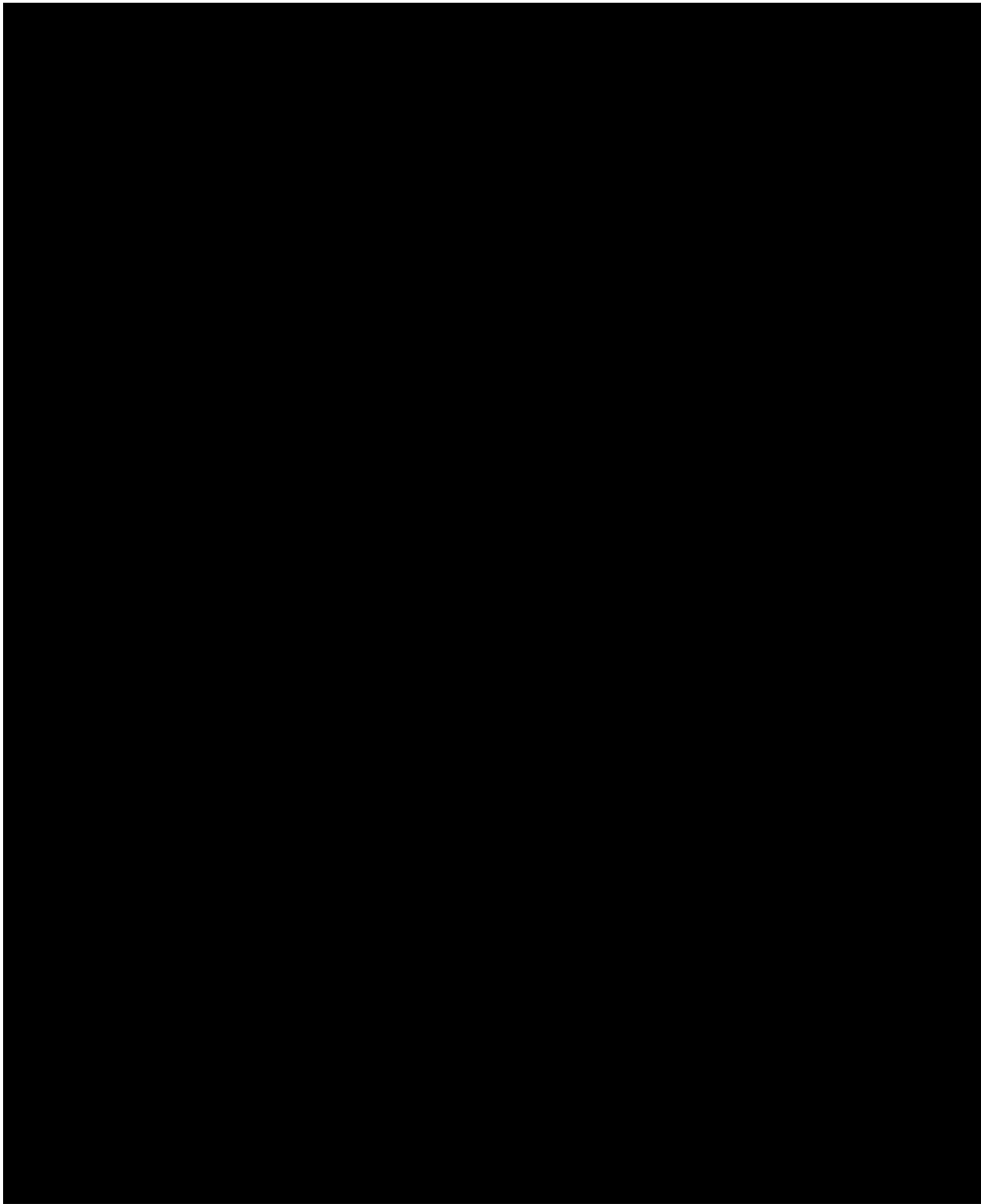


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16-3471

FILED
OCT 20 2016

STEPHAN L. WASH, CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
By: _____ Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

THE PEOPLE OF THE STATE OF CALIFORNIA,

No. 5-161236-5

v.

ORDER FOR RETURN OF
PROPERTY

RIGOBERTO GUTIERREZ,

Defendant. /

TO: THE PITTSBURG POLICE DEPARTMENT:

IT IS HEREBY ORDERED that the following property to wit: All the property, except the
firearm, obtained from the defendant in the above-captioned case, by officers of the Pittsburg Police
Department, case number 16-3471, be returned to Rigoberto Gutierrez, forthwith, upon presentation
of this order.

Dated: 10 20 16

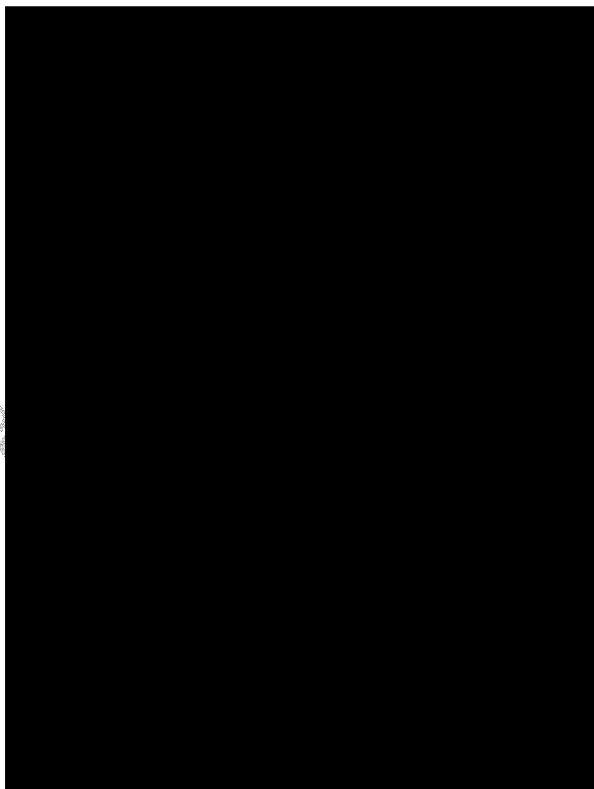
Chun H. Lee
Judge of the Superior Court

JLA 10-20-16

This document is a correct copy of
the original on file in this office.
OCT 20 2016
STEPHAN L. WASH, CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
By: *Kamisha*
Deputy Clerk

order to release property

PittsburgPD Controlled Doc



11:00:24 AM

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**PUBLIC DEFENDER****Contra Costa County**Robin Lipetzky
Public Defender**ALTERNATE DEFENDER OFFICE**Elizabeth Barker
Branch Supervisor1.
16.3471

August 10, 2016

Pittsburg Police Department
Attn: Dispatch
65 Civic Center Drive
Pittsburg, CA 94565

TRANSMITTED BY FACSIMILE TO (925) 252 4882

Re: **People v. Gutierrez, Contra Costa County Superior Court No. 5-161236-5**
Police Incident: P161381157 (case no. 16-3471)

Dear Sir or Madam:

I represent the defendant in the above-titled case. Please preserve any and all recordings and logs of any 911 calls or dispatch communication relevant to this case. This letter is your notice that any such recordings are evidence in pending litigation and must not be destroyed until this case is resolved. (Gov. Code, § 26202.6, subd. (a).)

Please provide me with copies of any such tapes, along with the corresponding logs. I will send you the District Attorney's authorization form as soon as I have it.

If you have questions, please call me at (925) 335-8182.

Thank you for your assistance.

Per pete we have nothing
relative to case.Esteban Alvear
Deputy Public Defender
(925) 335 8182

Public Defender

627 Ferry Street
Martinez, California 94553
(925) 335-8181

Contra
Costa
County

Alternate Defender

Date: August 10, 2016

FAX COVER PAGE

CONFIDENTIALITY NOTICE

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Number of pages (including cover page): 2 pagesTo (FAX number): 925 252 4882Name: Pittsburg Police DepartmentAttn: Dispatch RecordsFrom Esteban Alvear (925) 335-8181

RETURN FAX NUMBER: (925) 335-8125

Comments:



OFFICE OF THE DISTRICT ATTORNEY
CONTRA COSTA COUNTY

Mark A. Peterson
DISTRICT ATTORNEY

Protocol Report Law Enforcement Involved Fatal Incident

Date Occurred: May 17, 2016

Location: [REDACTED] Kingsly Drive, Pittsburg

Suspect(s): Gutierrez, Rigoberto

Involved Agency(s): Pittsburg PD

D.A. Personnel: Senior Inspector Hendershot (On-Call)
Senior Inspector Holcombe
Senior Inspector Wedemeyer
Senior Inspector Ross
Senior Inspector Morley
Senior Inspector Conaty
Senior Inspector Medina

Incident Summary: Suspect attempting to gain entry into parent's residence while brandishing a firearm. As officers arrive on scene, suspect confronts officers while armed with a firearm. Suspect disregards orders from officers and is shot.



OFFICE OF THE DISTRICT ATTORNEY
CONTRA COSTA COUNTY

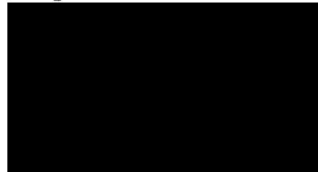
Mark A. Peterson
DISTRICT ATTORNEY

INVESTIGATIVE REPORT

Type of Investigation: LEIFI Protocol – Pittsburg PD	Docket / File / Police Report No. Pittsburg PD – C16-3471
Defendant: Rigoberto Daniel Gutierrez	
Inspector Assigned: A. Ross #76866	5/17/16

Suspect(s):

Rigoberto Daniel Gutierrez

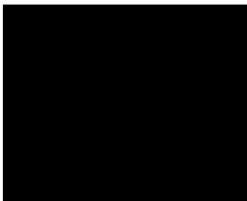


Investigative Team:

Aaron Ross
Sr. Inspector
Contra Costa District Attorney's Office
900 Ward Street
Martinez, Ca. 94553



Witness(es):



(Rigoberto Gutierrez's father)

Orthopedic Doctor Norman Livermore
John Muir Medical Center
Walnut Creek
(925) 708-5587

Written By:
Inspector Aaron Ross

Date: 5/19/2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	XX
Continuation	

Subject / Defendant: Rigoberto Daniel Gutierrez	Docket / Report No. Pittsburg PD # C16-3471
--	--

NARRATIVE:

On 5/17/16 at approximately 2200 hours, I was called by Lieutenant Shawn Pate to respond to Pittsburg PD for a Law Enforcement Involved Fatal Incident (LEIFI) protocol investigation. I was advised that an officer involved shooting had occurred and was told to respond to the Pittsburg Police Department for a briefing.

While driving to the scene, I was rerouted to John Muir Medical Center in Walnut Creek where Lt. Pate advised two involved parties were being treated for gunshot wounds. I arrived at John Muir Medical Center at approximately 2300 hours.

I contacted Pittsburg PD Patrol Officer D. Gonzalez who was in the emergency room with (S) Rigoberto Gutierrez. I was advised to stay with (S) Rigoberto Gutierrez and update the investigative staff on his condition.

Orthopedic Surgeon Norman Livermore advised me that (S) Rigoberto Gutierrez had suffered a gunshot wound to his leg that had broken his femur bone. Dr. Livermore advised that (S) Rigoberto Gutierrez's injury required immediate surgery and he would be performing the surgery. I relayed this information back to the investigative team.

I also checked on the status of [REDACTED] who was in a separate room in the emergency room. Emergency Room nurses advised [REDACTED] had suffered a gunshot wound to his abdomen, but the injury did not appear to be critical in nature. I was advised that [REDACTED] would likely be treated and released. I relayed this information back to the investigative team.

I stood by in (S) Rigoberto Gutierrez's hospital room with Officer Gonzalez until he was taken to surgery. As of 0300 hours, (S) Rigoberto Gutierrez was still in surgery and could not be interviewed. I relayed this information back to the investigative team at Pittsburg PD. I was then released from the scene and was advised another investigative team would be interviewing (S) Rigoberto Gutierrez at a later time.

I received no further assignments.

Written By:
Inspector Aaron Ross

Date: 5/19/2016



OFFICE OF THE DISTRICT ATTORNEY
CONTRA COSTA COUNTY

Mark A. Peterson
DISTRICT ATTORNEY

INVESTIGATIVE REPORT

Type of Investigation:	Docket / File / Police Report No.
LEIFI PROTOCOL	Pittsburg PD # 16-3471
Subject / Defendant:	
Rigoberto Gutierrez	
Inspector Assigned:	Date Assigned:
Don Hendershot #76867	5/17/2016

Investigative Team:

CCFDA Investigator **DON HENDERSHOT**
Contra Costa County DA's Office-Martinez

Detective Jeff Kessler
Pittsburg Police Department

Suspect: **Rigoberto Daniel Gutierrez**

Victim: **Officer Michael Creighton**
Pittsburg Police Department

Victim: **Corporal Gabriel Palma**
Pittsburg Police Department

Written By:
Inspector Don Hendershot

May 17, 2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	X

Subject / Defendant:
Gutierrez, Rigoberto

Docket / Report No.
Pittsburg PD # 16-3471

INVESTIGATIVE SUMMARY

This protocol investigation was a result of Rigoberto Daniel Gutierrez creating a domestic disturbance at [REDACTED] Kingsly Dr in the city of Pittsburg. Rigoberto Gutierrez was trying to gain entry into the residence while armed with a handgun. The parents of Rigoberto Gutierrez fearing for their safety called 911 and Pittsburg police officers Gabriel Palma and Michael Creighton responded. Rigoberto Gutierrez with gun in hand failed to comply with the orders of the police officers to drop the handgun. Fearing for his safety Officer Creighton fired his department issued firearm striking Rigoberto Gutierrez. Also injured in this incident was [REDACTED] father of Rigoberto and [REDACTED] brother of Rigoberto. The incident occurred in the city of Pittsburg. The police officers, suspect and witnesses involved in this incident were interviewed by investigators from the Contra Costa County District Attorney's Office and the Pittsburg Police Department.

The purpose of this supplemental report is to document the interviews done by Detective Kessler and myself.

For additional details refer to the original reports

Narrative:

I was contacted by Chief of Inspectors Paul Mulligan concerning a "LEIFI Protocol" call out. I was asked to respond to the Pittsburg Police Department for a briefing on what had occurred. The location of the incident scene was [REDACTED] Kingsly Drive in the City of Pittsburg, CA.

Investigation:

I arrived at the Pittsburg Police Department at approximately 2255hrs where I participated in the Incident briefing, which included a summary of the incident, identification of the involved parties, we were also assigned to investigative teams and then assignments were given. I was asked to conduct interviews with Detective Kessler. Detective Kessler and I were asked to conduct a neighborhood check of residents for possible witnesses to what had occurred during the incident.

The interviews were recorded via Detective Kessler's body camera. For additional information refer to protocol team member reports.

The interviews of residents were as follows:

[REDACTED]

Spoke with [REDACTED] were in bed when incident occurred. [REDACTED] heard gunshots only. [REDACTED]

Written By:
Inspector Don Hendershot

May 17, 2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	X

Subject / Defendant: Gutierrez, Rigoberto	Docket / Report No. Pittsburg PD # 16-3471
--	---

[REDACTED]

Spoke with [REDACTED] got home after 9:00 PM. [REDACTED] saw [REDACTED]
[REDACTED] being loaded into ambulance. [REDACTED] has never heard anything from the [REDACTED] in the past.
[REDACTED]

[REDACTED]

Spoke with [REDACTED] was not home during the incident but [REDACTED]
[REDACTED] was at home giving their [REDACTED] a bath. Nothing seen nor heard. [REDACTED]
[REDACTED]

Spoke with [REDACTED]
Neither saw anything both heard shots. Both claim that suspect, his brothers hang out on street (Walnut Way)

[REDACTED]

Spoke with [REDACTED] said [REDACTED] didn't see anything but the suspect
and his brother hang out with others on Walnut Way and [REDACTED] believes they are "Nortenos". [REDACTED] said
there are markings of Nortenos on Walnut Way. Myself and Detective Kessler check the area for and
found none.

END OF REPORT

Written By:
Inspector Don Hendershot

May 17, 2016



OFFICE OF THE DISTRICT ATTORNEY
CONTRA COSTA COUNTY

Mark A. Peterson
DISTRICT ATTORNEY

INVESTIGATIVE REPORT

Type of Investigation: OFFICER-INVOLVED SHOOTING	Docket / File / Police Report No. Pittsburg PD 16-3471
Subject / Defendant: GUTIERREZ, Rigoberto	
Michael Morley #2237	Date Assigned: May 17, 2016

Investigative Team:

CCCD A Investigator Mike MORLEY
Contra Costa County District Attorney's Office-Martinez

PPD Detective Kyle BAKER
Pittsburg Police Department

CCCD A Investigator Don HENDERSHOT
Contra Costa County District Attorney's Office – Martinez

PPD Detective Jeff KESSLER
Pittsburg Police Department

Victims:

Officer Gabriel PALMA (No injuries sustained)
Pittsburg Police Department

Officer Michael CREIGHTON (No injuries sustained)
Pittsburg Police Department

[REDACTED] (Father of suspect)
[REDACTED]

(Sustained gunshot wound – stable condition)

[REDACTED] (Brother of suspect)
[REDACTED]

(Sustained gunshot wound – stable condition)

Written By:
Inspector Michael Morley

May 19, 2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	X

Subject / Defendant: GUTIERREZ, Rigoberto Daniel	Docket / Report No. Pittsburg PD 16-3471
--	--

Suspect:

GUTIERREZ, Rigoberto Daniel



(Sustained gunshot – stable condition)

Witness(s):

Officer Dominic GONZALEZ
Pittsburg Police Department



Evidence:

IM-1: CD of interview by Inspector MORLEY

INVESTIGATIVE SUMMARY

This protocol investigation involved an Officer Involved shooting in which the suspect's parents called the police advising their son was brandishing a handgun inside their residence. When the police arrived, the suspect, who was standing in front of the doorway of the residence, refused to comply with the officers' commands to drop the weapon. During the confrontation, one of the officers discharged his weapon striking the suspect. The suspect's father and brother were standing inside the residence when the shots were fired and sustained gunshot wounds as well. Officers recovered a firearm from the suspect's person. All of the victims were in stable condition.

For additional details refer to the original reports

Narrative:

On 05/17/16 at approximately 2200 hours, I was notified by Lieutenant Craig Ojala of the Contra Costa District Attorney Investigations Division regarding an Officer-Involved Shooting which occurred at [REDACTED] Kingsly Drive in Pittsburg, California. I was requested to respond to the crime scene where I was briefed on the incident. I was then directed to respond to the Pittsburg Police Department for a more detailed briefing.

Written By:
Inspector Michael Morley

May 19, 2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	X

Subject / Defendant: GUTIERREZ, Rigoberto Daniel	Docket / Report No. Pittsburg PD 16-3471
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Investigation:

I arrived at the Pittsburg Police Department where I participated in the O.I.S briefing, which included a summary of the incident, identification of the involved parties and a description of the scene. We were also assigned to investigative teams, and our assignments were given to us.

I was assigned to assist in a neighborhood canvass of the crime scene along with Contra Costa District Attorney Investigator Don Hendershot and Pittsburg Police Department Detectives Jeff Kessler and Kyle Baker. The canvass of the crime scene was initiated on 05/18/16 at approximately 0030 hours.

I was partnered up with Detective Kyle Baker who was equipped with a department issued body camera. Baker would activate his body camera while we had contact with the residents in the area. Detective Baker and I canvassed the south side of the 1500 block of Kingsly Drive.

We spoke with resident [REDACTED] who stated they were in their "Sun Room" in the rear of their house when they heard what they believed to be four or five possible gunshots. They did not hear anything before the gunshots and were not aware of any other previous altercations at [REDACTED] Kingsly Drive. They have resided at this location for [REDACTED]

We spoke with resident [REDACTED] who has lived at this location since [REDACTED] stated [REDACTED] was sitting in the "Family Room", which is towards the rear of the house, when [REDACTED] heard what [REDACTED] thought was three possible gunshots and called the police. [REDACTED] did not hear anything else prior to the gunshots. When asked about the residents at [REDACTED] Kingsly Drive, [REDACTED] stated that [REDACTED] was aware that the boys were adopted and started using drugs when they were teenagers.

When we asked if anyone else was present when [REDACTED] heard the possible gunshots, [REDACTED] informed us that [REDACTED] was present along with [REDACTED] also stated that [REDACTED] and [REDACTED] had witnesses something unusual in front of [REDACTED] Kingsly Drive several hours before they heard the gunshots.

Written By:
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May 19, 2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	X

Subject / Defendant: GUTIERREZ, Rigoberto Daniel	Docket / Report No. Pittsburg PD 16-3471
--	--

I then interviewed [REDACTED] inside [REDACTED] residence while Detective BAKER interviewed [REDACTED] in another part of the residence. My interview with [REDACTED] was digitally recorded, and [REDACTED] was also present during the interview. The following is a summary of the interview. See CD of interview for further details.

[REDACTED] stated that [REDACTED] was sitting in the front room of the residence with [REDACTED] when they heard between three and five gunshots coming from outside the residence. [REDACTED] immediately "hit the deck" and took cover on the floor. [REDACTED] said [REDACTED] never looked outside the house and had no further information related to the gunshots.

[REDACTED] did say that at around 1800 – 1900 hours, [REDACTED] were walking towards [REDACTED] car which was parked in front of the house to the right of [REDACTED] Kingsly Drive [REDACTED]. [REDACTED] observed one of the sons who live at [REDACTED] Kingsly hanging out in front his house. [REDACTED] described him as a male wearing a black unzipped hoodie with the hood up, a baseball cap, black t-shirt, jeans and tennis shoes.

[REDACTED] stated that the male was very wobbly on his feet, appeared to be "high", and possibly under the influence of drugs. [REDACTED] then noticed that he had taken his hat and jacket off and thrown them in the gutter. [REDACTED] could hear a woman's voice coming from inside [REDACTED] Kingsly Drive telling the male to come inside. The male responded by saying something to the effect of "I'm cool, I'll stay outside".

The male then started to jog down the driveway into the street and continued to act strangely. The male appeared to be texting on his phone when a male named [REDACTED] who used to live next door to [REDACTED] rode up on a bicycle towards him. [REDACTED] was smiling and saying something to the male, but [REDACTED] couldn't hear what was said.

[REDACTED] then drove to "Winco" and when they returned, [REDACTED] still observed the male acting strangely out in front of his house. [REDACTED] does not know the male personally, but believes the family has lived there for about eight to ten years. [REDACTED] thought that [REDACTED] lives about a block away on [REDACTED] at a house with a lot of cars in the driveway.

Detective Baker interviewed [REDACTED] which was recorded on his body camera. See Detective BAKER's report and video from his body camera for further details of his interview with [REDACTED]

[REDACTED]

We spoke with [REDACTED] who has lived at this location for about [REDACTED]. [REDACTED] stated [REDACTED] was watching the game on television when [REDACTED] heard about five possible gunshots. [REDACTED] thought there was a slight pause in between the shots which sounded louder than firecrackers.

Written By:
Inspector Michael Morley

May 19, 2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	X

Subject / Defendant: GUTIERREZ, Rigoberto Daniel	Docket / Report No. Pittsburg PD 16-3471
--	--

████ stated that there was not anyone else inside █████ residence at the time of the gunshots, and █████ lives alone. █████ does not know the neighbors who reside at █████ Kingsly Drive.

████████████████████
NO RESPONSE TO THE DOOR

Detective BAKER and I then responded to █████ to try to locate the possible █████ witness named █████ who was riding █████ bicycle earlier. **See Detective BAKER's report for further details.**

END OF REPORT

Written By:
Inspector Michael Morley

May 19, 2016



OFFICE OF THE DISTRICT ATTORNEY
CONTRA COSTA COUNTY

Mark A. Peterson
DISTRICT ATTORNEY

INVESTIGATIVE REPORT

Type of Investigation: PC 245(c) – ADW on Peace Officer	Docket / File / Police Report No. Dkt # 4-187194-6
Inspector Assigned: Sgt. D. Wedemeyer	

Suspect(s):

Gutierrez, Rigoberto Daniel [REDACTED]

Victim(s):

Officer M. Creighton, #321
Officer G. Palma, #278

Investigative Team:

Sgt. D. Wedemeyer – Senior Inspector, #52040
Det. J. Reddoch – PPD Detective, #264

Witness(s):

[REDACTED]

Narrative:

On Tuesday, May 17, 2016, at approximately 9:30 pm, I received a call regarding an Officer Involved Shooting in the City of Pittsburg. I was directed to respond to [REDACTED] Kingsley Drive in the City of Pittsburg and meet with the investigative team. I arrived on scene and met with DDA Barry Grove, members of the District Attorney's Investigative Team and Detectives from the Pittsburg Police Department. A walk-through of the scene was done by all investigative members.

As I walked up toward the house, I noticed 5 shell casing near the end of the driveway. As I got closer to the front door, I noticed a small caliber bullet that was not expended approximately 10 feet south of the stairs leading into the house. Close to the bullet was a small pool of blood.

Written By:
Inspector D. Wedemeyer

Date:
5-19-2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Subject / Defendant: Rigoberto Daniel Gutierrez	Docket / Report No. PPD #16-3471
--	-------------------------------------

To the right of the front steps leading to the house was some clothing items that appeared to have been ripped or cut off someone. I did not touch or inspect any of the items, I merely noted their positioning. I looked at the house and noticed two bullet holes in the stucco to the right of the front door. The front metal screen door appeared to have bullet holes in it as well. At the bottom of the steps leading to the front door was a small blue suitcase.

As I entered the house, I saw a bullet lying on the floor near the corner leading down the hallway. In the kitchen, I noticed a pool of blood on the floor that W- [REDACTED] told me was where W- [REDACTED] fell to after being struck by a bullet.

After the walk-through, all investigative members were directed to the Pittsburg Police Department for a briefing. PPD Sgt. James Terry, the on-duty patrol supervisor at the time of the incident, conducted the briefing.

At the conclusion of the briefing, DDA Grove paired me with PPD Det. Reddoch. We were assigned to interview S-Rigoberto's (Rigo) father, W- [REDACTED] and Rigo's brother [REDACTED] both of whom were present at the house at time of the incident and were shot by Officer Crieghton. Det. Reddoch and I drove to John Muir Medical Center in Walnut Creek where we met with [REDACTED] in room # 482.

The following is a summary of the interview with [REDACTED]

[REDACTED] said that Rigo left on his bike early in the morning of May 17, to start a new job at [REDACTED] in either Antioch or Pittsburg. [REDACTED] expected Rigo to return home after and thought Rigo's shift was to start at 7:30 am and end at 2:00 pm.

[REDACTED] said however, that Rigo was dropped off by some friends at about 8:00 pm. [REDACTED] said when Rigo came home; he appeared intoxicated "or high on something. He wasn't acting himself, he was acting crazy." After Rigo came home in that condition, his mother, [REDACTED] told him to have a seat in the kitchen while she made him some food. After [REDACTED] put the food on the table for Rigo, Rigo pushed the plate across the table and said something along the lines of, "I ain't gonna eat this shit!"

[REDACTED] was sitting in the living room and when he heard Rigo say that, he assumed Rigo was "High on something." [REDACTED] said Rigo got up from the table and went to sit by him in the living room. Rigo sat down next to [REDACTED] and began mumbling unintelligibly. [REDACTED] tried to calm Rigo down to find out what the problem was. [REDACTED] confronted Rigo about being high and Rigo got mad.

Written By:
Inspector D. Wedemeyer

Date:
5-19-2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Subject / Defendant: Rigoberto Daniel Gutierrez	Docket / Report No. PPD #16-3471
--	-------------------------------------

After Rigo made a comment about wanting to leave, [REDACTED] stood over him near the couch and tried to keep him from standing up by holding his shoulders down. [REDACTED] did not want Rigo out in public in the condition he was in. Rico suddenly became aggressive, so [REDACTED] let him stand up.

During this encounter in the living room with Rigo, [REDACTED] said [REDACTED] and [REDACTED] were preparing to drive to [REDACTED] to get the bike Rigo left behind. But because of Rigo's demeanor, [REDACTED] asked they stay home because he was not comfortable being alone with him.

Rigo stood up and walked toward his bedroom. [REDACTED] and [REDACTED] followed to see what Rigo was doing. [REDACTED] said as he and [REDACTED] entered the room he heard a "Click, click." [REDACTED] said after Rigo "cocked" a gun, he put it in his pants pocket. [REDACTED] described the gun as "Small and silver."

[REDACTED] confronted Rigo about the gun and Rigo told him he had to leave "to go do something." [REDACTED] told Rigo he was not allowed to leave the house in his condition while armed and asked where he got the gun.

[REDACTED] spoke of another incident a few weeks earlier where a revolver was found under Rigo's mattress. Rigo was warned by both [REDACTED] and [REDACTED] that guns will not be tolerated in their house. Rigo complied and got rid of the gun. He was told at that time, the next time he brought a gun to the house, he would be asked to leave and that his bags would be packed for him.

After [REDACTED] confronted Rigo about the gun on the evening of this incident, Rigo left the house with the gun in his possession. [REDACTED] told [REDACTED] to go pack Rigo's clothes and that Rigo was no longer welcomed in their house. [REDACTED] packed a small suitcase and gave it to [REDACTED]

[REDACTED] put the suitcase outside the front metal screen door and locked the door. [REDACTED] told [REDACTED] that Rigo had worn out his welcome and he was no longer welcomed because of bringing yet another gun in the house and [REDACTED] agreed.

[REDACTED] said Rigo was gone for approximately 5-10 minutes and returned. When Rigo returned, [REDACTED] told him he was not welcomed there with the gun. Rigo denied having the gun with him. Rigo became increasingly upset and began banging on the window directly to the left of the front door with the gun. [REDACTED] tried to stop Rigo from banging on the glass by yelling at him through the metal screen door.

Written By:
Inspector D. Wedemeyer

Date:
5-19-2016

Contra Costa County District Attorney's Office
Continuation/Supplemental Report

Supplemental	
Continuation	XX

Subject / Defendant: Rigoberto Daniel Gutierrez	Docket / Report No. PPD #16-3471
--	-------------------------------------

Rigo asked [REDACTED] if the suitcase outside the front door meant he was being kicked out of the house and [REDACTED] told him, "Yes." He added that he was told on the previous occasion if he brought another gun home, he was no longer welcomed.

[REDACTED] said Rigo continued to talk unintelligibly and finally put the gun on the ground. After Rigo put the gun on the ground he pulled a cigarette pack out of his pocket. Rigo took a pill from the cigarette pack and told his dad to get him some water to rinse the pill down with. [REDACTED] would not get Rigo any water and did not allow him back in the house.

[REDACTED] said at that point, he could see the blue and red light from two police cars in front of his house. [REDACTED] said after the officers arrived he heard something similar to, "Put that gun down" or "hold". [REDACTED] said shortly after that he heard, "Pop, pop, pop!" [REDACTED] said [REDACTED], who was standing behind him, said he had been struck in the leg. [REDACTED] went to check on [REDACTED] in the kitchen when his wife told him he was also hit. [REDACTED] looked down near his lower left abdomen and saw blood. [REDACTED] sat down in a kitchen chair until medical personnel arrived.

[REDACTED] said that before the officers fired their weapons, he was in fear for his safety believing if Rigo's gun was loaded, he may fire through the metal screen door at him. [REDACTED] said that prior to the officer's arrival to his house while he was trying to negotiate with Rigo to put the gun down, [REDACTED] told him the gun was not equipped with a firing pin. [REDACTED] added, "But how do we know it doesn't have a firing pin?"

I asked [REDACTED] if Rigo ever pointed the gun directly at him and he said Rigo was waving it up and down. [REDACTED] did not remember if Rigo ever pointed to gun directly at him, [REDACTED] or [REDACTED] in a threatening manner.

I asked [REDACTED] to elaborate on why it was he believed Rigo was intoxicated or high and he told me he has seen Rigo intoxicated in the past and he was exhibiting similar behavior. I asked [REDACTED] if he had ever been physical with Rigo in the past and he mentioned one prior occasion where Rigo tried to leave and [REDACTED] tried to grab him but Rigo shoved him and broke free. [REDACTED] said the police were called to their house on that occasion also.

I asked [REDACTED] to explain how he knew it was the police that were arriving to his house. He described seeing red and blue lights but was unable to recall if sirens were audible. [REDACTED] was able to recognize the black and white patrol car also. I asked [REDACTED] if anything else lead him to believe it was the police and he said, "Because they said so, they said 'Police, drop your gun!'" [REDACTED] was unable to describe the uniforms the officers were wearing because his sight was limited by the metal screen door.

Written By:
Inspector D. Wedemeyer

Date:
5-19-2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Subject / Defendant: Rigoberto Daniel Gutierrez	Docket / Report No. PPD #16-3471
---	--

I asked [REDACTED] to describe where Rigo was when the police arrived and he said he was at the front door facing him but turned around and faced the officers. I asked [REDACTED] if it was clear to him standing behind a black metal screen door if it was the police that were arriving to his house and he said, "I knew they were police, yeah."

I asked [REDACTED] if he was aware if Rigo fired his gun at all toward the officers and he said he was not aware if he did or not. I asked [REDACTED] to estimate how many rounds he remembered being fired and esitmaated 2-3 rounds.

[REDACTED] spoke of Rigo's alcohol consumption on prior occasions but was surprised when he saw him take that pill he spoke of earlier. He has not known of him to abuse pills. [REDACTED] mentioned another occasion where Rigo came home drunk and got into a physical fight with [REDACTED] where he had to intervene.

I asked [REDACTED] if he was aware of Rigo's involvement in a gang. [REDACTED] told me that Rigo admitted to him previously (about a year ago) that he was a "Norteno" but he did not believe he was actively involved with them now. [REDACTED] told Rigo to get rid of all of his red clothing and Rigo would challenge him about being able to wear whatever he wants.

Detective Reddoch asked [REDACTED] how he felt while Rigo was acting belligerent and waving the gun around. [REDACTED] said, "Scared! I was scared as hell cuz I didn't know if that gun was loaded or not..." I asked [REDACTED] what he was scared of and he said, "Of him (Rigo) shooting me!" I asked [REDACTED] why he thought Rigo might shoot him and he said, "Comes to the door and points the gun at the door or the window and I'm standing right there? I don't know if that gun's loaded or not! It could have went right through the door and hit me."

[REDACTED] said as recently as a couple of days ago, him and his wife sat Rigo down and told him his conduct had to stop.

I asked [REDACTED] if, based on Rigo's demeanor, Rigo's actions toward him, what he heard the police officer's say upon their arrival, in his opinion did he believe the officer's actions reasonable and he replied, "Yes I do." I asked [REDACTED] what made him feel that way and he said, "Because I didn't know if he had the gun in his hand or not. I didn't know if he picked it up or not and he turned around toward the officers. I didn't know if he had it in his hand or it was on the floor. And if he were to turn around and picked it up, the officer's had the right to shoot him."

Written By:
Inspector D. Wedemeyer

Date:
5-19-2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Subject / Defendant: Rigoberto Daniel Gutierrez	Docket / Report No. PPD #16-3471
--	-------------------------------------

Detective Reddoch asked [REDACTED] if he believed Rigo was capable of hurting one of the officers and he said, "If that gun was loaded, yeah."

I took two photographs of [REDACTED] as he lied in bed and concluded my interview. The interview lasted 54:41 and was copied to a CD.

Refer to Detective Reddoch's supplemental report regarding the interview of [REDACTED]

The following is a summary of my interview with [REDACTED]

On Thursday, May 19, 2016, at approximately 1230 hours I met with [REDACTED] Rigo's [REDACTED] in an employee break room of the third floor of Kaiser on Sand Creek Road in Antioch. I had spoken to [REDACTED] very briefly prior to leaving John Muir in the early morning hours of May 18th and [REDACTED] told me [REDACTED] was at [REDACTED] house earlier in the evening and after [REDACTED] saw Rigo arrive and become disrespectful toward [REDACTED] parents, [REDACTED] left. I asked [REDACTED] if we could meet later and [REDACTED] agreed.

I told [REDACTED] I wanted to talk to [REDACTED] about what [REDACTED] saw in Rigo that forced [REDACTED] to leave the house the evening he was shot by the police and [REDACTED] said, "Oh, I remember that look." I asked [REDACTED] to tell me about what [REDACTED] remembered that night.

[REDACTED] told me [REDACTED] arrived at [REDACTED] house at about 6:30 pm. Prior to arriving to [REDACTED] house, [REDACTED] saw Rigo near the house walking in the street on the passenger side of [REDACTED] car. [REDACTED] said Rigo was stumbling and having difficulty maintaining his balance. [REDACTED] said [REDACTED] stopped to ask Rigo if he was OK because he was unable to walk straight.

[REDACTED] stopped in the middle of the street and watched as Rigo walked away from [REDACTED] (to the rear) toward a nearby friend of his. [REDACTED] waited in the road for Rigo and said he eventually walked back toward [REDACTED] passenger side front door. [REDACTED] rolled down the window and asked Rigo if he was ok and said, "He was gone. Either drunk, wasted....it's like you were looking into a blank space." [REDACTED] said [REDACTED] has seen Rigo intoxicated in the past but [REDACTED] never saw him in the condition he was on during this encounter.

[REDACTED] referred to Rigo as a "mean drunk" but when he is high, he is happier.

Written By: Inspector D. Wedemeyer	Date: 5-19-2016
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**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Subject / Defendant: Rigoberto Daniel Gutierrez	Docket / Report No. PPD #16-3471
--	-------------------------------------

██████ tried to talk Rigo into ██████ car so ██████ could take him home put him in bed. Rigo told ██████ he had things to do and did not want to go home. ██████ pleaded with Rigo and expressed concern for his safety and again asked him to get in ██████ car. ██████ said at times ██████ was having difficulty understanding Rigo because of his slurred speech.

██████ said as ██████ was talking to Rigo, Rigo's friend came up to the car and also asked him to go with ██████. After trying unsuccessfully to get Rigo to get in ██████ car, ██████ told Rigo to be safe and ██████ left to ██████ house.

██████ said ██████ arrived at ██████ house, unloaded some belongings and was spending time with ██████. ██████ mentioned to ██████ during this encounter that ██████ believed the family would be planning a funeral for Rigo if he continues on his current path. I asked ██████ what caused ██████ to say that to ██████ and ██████ said, "I had a sick feeling."

While ██████ was talking to ██████, Rigo came home and went into his bedroom. When ██████ saw Rigo's condition, ██████ tried talking to him. Rigo began to mumble and ██████ told ██████ ██████ was not going to be able to understand him. ██████ went into Rigo's room and tried talking to him. ██████ changed ██████ diaper and began packing ██████ belongings getting ready to leave. ██████ did not want ██████ around Rigo in that condition.

Before leaving the house, ██████ walked down the hallway toward the bathroom. The bathroom and Rigo's room are right across the hall from one another. ██████ saw ██████ talking with Rigo as ██████ went into the bathroom. While ██████ was in the bathroom ██████ heard slam up against the wall behind ██████. ██████ initially thought it could have been ██████ or ██████ being pushed against the wall so ██████ hurried into the kitchen toward where ██████ heard the knock against the wall.

After ██████ got to the kitchen, ██████ saw ██████ making Rigo a plate of food. ██████ left briefly to retrieve a diaper to throw away in the garbage. When ██████ returned, ██████ heard Rigo yell, "I don't want this shit!" ██████ described Rigo's demeanor as "scary" so ██████ told ██████ to grab ██████ stuff so they could leave. ██████ gathered ██████ belongings and left.

At approximately 9:15 pm, ██████ called ██████ and told ██████ what happened. After ██████ was able to get a babysitter, ██████ drove to John Muir Medical Center and joined ██████.

██████ provided additional background information regarding Rigo's alcohol and drug abuse that dated back as far as 5 years ago. For additional information regarding Rigo's history, refer to the audio recording.

Written By:
Inspector D. Wedemeyer

Date:
5-19-2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Subject / Defendant: Rigoberto Daniel Gutierrez	Docket / Report No. PPD #16-3471
---	--

I briefly explained to [REDACTED] that most of the officer's actions were captured on their body worn cameras and how the LEIFI protocol works. As I was wrapping up my interview with [REDACTED] [REDACTED] said, "I praise the Pittsburg PD...I could have been planning a funeral for [REDACTED] because of [REDACTED]"

The interview lasted 30:40.

Written By:
Inspector D. Wedemeyer

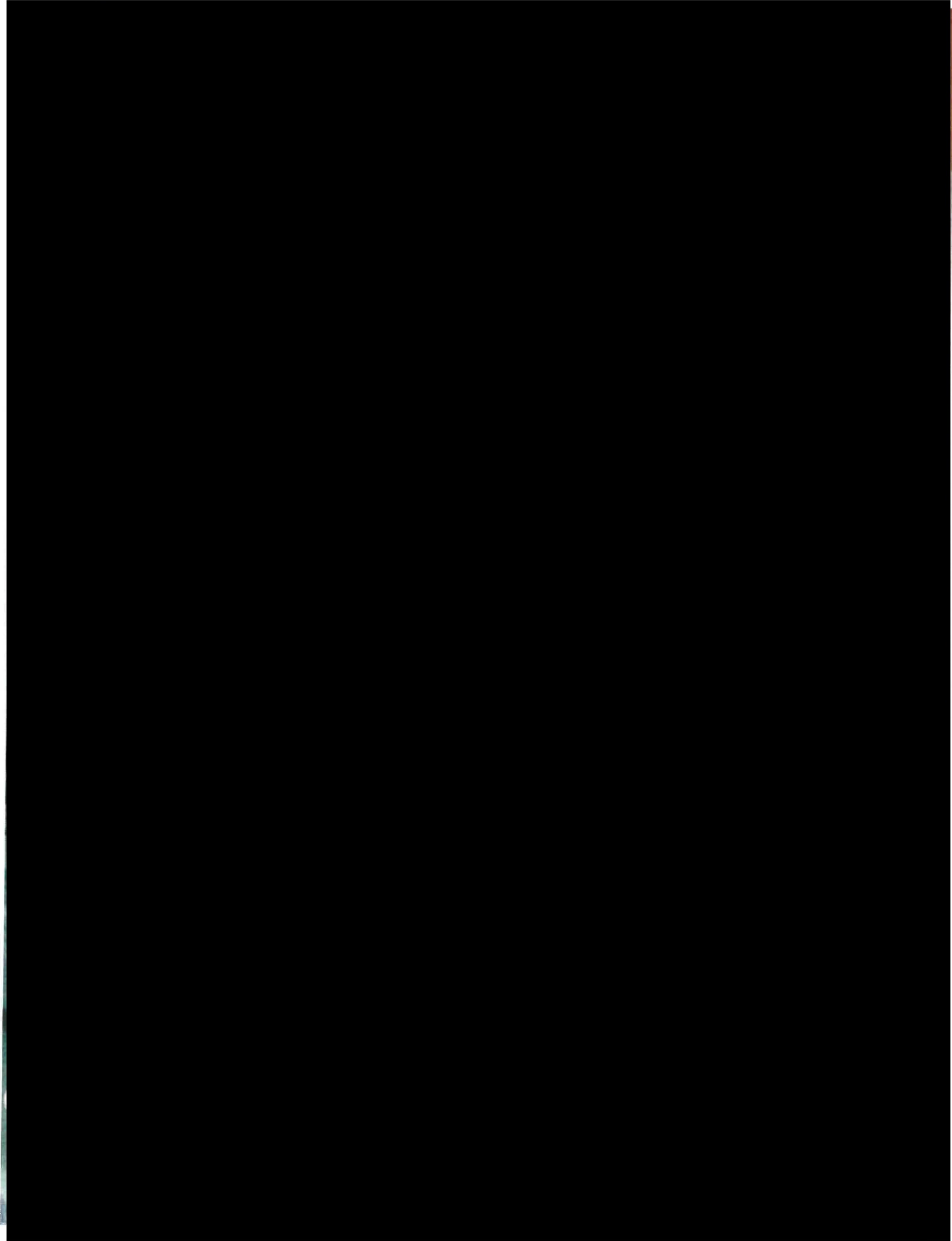
Date:
5-19-2016

The first part of the paper discusses the importance of understanding the cultural context of the research. It highlights the need for researchers to be sensitive to the values and beliefs of the communities they are studying. This is particularly important in the field of education, where cultural differences can significantly impact learning outcomes.

The second part of the paper focuses on the methodology used in the study. It describes the process of selecting participants, collecting data, and analyzing the results. The authors emphasize the importance of using a mixed-methods approach to gain a comprehensive understanding of the research topic.

The third part of the paper presents the findings of the study. It discusses the results of the quantitative data analysis and the insights gained from the qualitative interviews. The authors conclude that there are significant differences in learning outcomes between the two groups, and these differences can be attributed to cultural factors.

The final part of the paper discusses the implications of the findings for future research and practice. It suggests that educators should be aware of the cultural context of their students and tailor their teaching methods accordingly. The authors also recommend further research to explore the underlying reasons for the observed differences.





CONTRA COSTA COUNTY
Office of the District Attorney

INVESTIGATIVE REPORT

Type of Investigation: LEIFI	Docket / File / Police Report No. Pittsburg PD C16-3471
Subject / Defendant: 17 May 2016 Rigoberto Daniel Gutierrez	
Inspector Assigned: Medina, Dominic 74767	Date Assigned: 05-18-2016

Suspect(s):

Rigoberto Daniel Gutierrez
HMA, [REDACTED]

Victim(s):

Michael Creighton
Police Officer
City Of Pittsburg
65 Civic Avenue
Pittsburg, CA 64565
925-252-4980

Investigative Team:

Dominic Medina
Senior Inspector
Office of the District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
[REDACTED]

Written By:
Inspector Dominic Medina

Date: 6/16/2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Rigoberto Daniel Gutierrez	Docket / Report No. C16-3471
----------------------------	------------------------------

Joseph Terry
Detective
City Of Pittsburg
65 Civic Avenue
Pittsburg, CA 64565
925-252-4980

Witness(es):

Gabriel Palma
Police Officer
City Of Pittsburg
65 Civic Avenue
Pittsburg, CA 64565
925-252-4980

Dominic Gonzales
Police Officer
City Of Pittsburg
65 Civic Avenue
Pittsburg, CA 64565
925-252-4980

Evidence:

CD Interview with Michael Creighton item 74767-1

Narrative:

17 May 2016@ 2155 Hours.

Lieutenant Pate called me at home and told me that a Pittsburg Police Officer was involved in a shooting and that my presents was required (Protocol Invoked) at [REDACTED] Kingsly Drive in Pittsburg. I prepared to respond to the scene.

Written By: Inspector Dominic Medina	Date: 6/16/2016
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**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Rigoberto Daniel Gutierrez	Docket / Report No. C16-3471
----------------------------	------------------------------

2251 Hours:

I arrived on scene and parked my car facing east bound at the entrance to crime scene barrier tape blocking the roadway on Kingsly Drive just east of Suzanne Drive. Detective Sullivan of the Pittsburg Police department was on scene and he provided me with a short briefing of the incident. I familiarized myself with the evidence at the scene.

2306 Hours:

I left the scene in route to the Pittsburg Police Department for a further briefing of the incident and team assignments.

2315 Hours:

I arrived at the police station and I was directed to Conference room "B" for the briefing.

2349 Hours

Incident to the briefing I viewed footage from body cameras worn by Officers Creighton and Palma. I listened to the "911" recording from the suspects Mother reporting a disturbance with her son, suspect Gutierrez.

I was teamed with Detective Terry and tasked with interviewing Officers Creighton, Palma and Gonzales.

Detective Terry and I decided he would be the lead and interview Officers Gonzales and Palma with my assistance. Officer Gonzalez was interviewed first and then officer Palma; both interviews were recorded. Detective Terry's investigative report and audio interviews can be referred to for further details.

The following is a synopsis of our interview with Officer Creighton. I recorded the interview on my digital recorder and later transferred the information onto a CD which I have marked as evidence item 74767-1 for record keeping purposes.

The audio recording can be referred to for complete details. The interview was approximately 31 minutes in length and started at 0310 hours in Conference room "B" at the police station.

Written By:
Inspector Dominic Medina

Date: 6/17/2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Rigoberto Daniel Gutierrez	Docket / Report No. C16-3471
----------------------------	------------------------------

Officer Creighton was represented by [REDACTED] attorney at law, with [REDACTED]
[REDACTED]

At the start of the interview I told Officer Creighton that we were conducting a criminal investigation and that he was considered to be a victim in the incident. He confirmed that he had sufficient time to consult with [REDACTED] and he that he was prepared to participate voluntarily in the interview process.

Officer Creighton provided us with a brief description of his training and experience.

Prior to entering law enforcement Officer Creighton served in the U.S. Marine Corps where he was assigned to safe guard nuclear weapons within the borders of United States. He was trained in close quarter combat, convoy reconnaissance, as well as, convoy and dignitary protection.

He has been a patrol officer for approximately seventeen years and began his police career with the Contra Costa County Sherriff's office (CCCSO). During his tenure with the CCCSO he worked in the patrol division assigned to the "Justice Team." The Justice Team focused on reducing violent crimes, gangs, felony warrant arrests and parolee at large apprehension.

He currently is assigned to the patrol division at the Pittsburg Police department and he holds a collateral assignment as a field training officer.

Officer Creighton described the utility uniform he wore at the time of this incident. He was armed with a Sig Sauer .40 caliber pistol with one round in the chamber and an attached magazine loaded to capacity. He carries two additional handgun magazines on his duty belt loaded to full capacity.

After the incident he was photographed in his uniform. He did not reload his handgun and he surrendered his firearm for inspection shortly after the incident.

Officer Creighton works swing shift from 1300 hours to 2300 hours, Monday thru Thursday. His call sign at the time of this event was [REDACTED] and he drove a fully marked (Slick top) patrol car (unit 111).

Officer Creighton wore a body camera on his uniform. He was not sure if he activated the camera during this incident. He had not reviewed video or listen to any dispatch recordings prior to this interview.

Written By:
Inspector Dominic Medina

Date: 6/17/2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Rigoberto Daniel Gutierrez	Docket / Report No. C16-3471
----------------------------	------------------------------

He ended his shift the night before this incident as scheduled and he rested well that evening. The following morning he responded to a 0830 hrs. traffic court appearance at the Pittsburg court building. His patrol assignment started that afternoon as scheduled. He was not under the influence of alcohol or any drug/narcotic that would have impaired his duties.

Officer Creighton had a busy shift prior to this incident but none of his assignments were significant or unusual. He had not made any arrests during the evening and he was not required to use force prior to this incident.

Officer Creighton was dispatched to an auto theft report on Peach Tree Circle. While in route to the call he notice the dash light indicator warn him that he was low on fuel. After completing his assignment he drove to the fuel pump at the police station. As soon as he arrived at the gas pump the dispatcher made a radio broadcast of this incident.

The dispatcher notified all Pittsburg units that there was a domestic argument (415 PC) occurring at the Kingsly Drive residence. A brief moment passed and the dispatcher updated the call reporting that the, "son" was involved in a heated argument and that he was trying to get into the house with a gun.

Officer Creighton knew that the beat officer for Kingsly Drive [REDACTED] was occupied with a traffic stop and that Officer Buck was assisting.

Officer Creighton decided the urgency of the call trumped the necessity to re-fuel and he volunteered to respond to the call. Moments later Officer Palma exits the police station and after a brief discussion they agreed that they would both respond to the call.

Officer Creighton followed Officer Palma to the scene of the disturbance. As they were in route the dispatcher made another broadcast advising the officers that the, "Gun was on the front porch."

Officer Creighton digressed. He told me that it was not unusual for some citizens to falsely report that a gun was involved in an event to invoke a quicker police response.

Officer Creighton considered the facts being reported in this case and he did not feel that the mention of suspect having a weapon was being used as a ploy to receive faster police service.

Written By:
Inspector Dominic Medina

Date: 6/17/2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Rigoberto Daniel Gutierrez	Docket / Report No. C16-3471
----------------------------	------------------------------

He based his opinion on several factors, most notably, that the caller in this case was the suspect's Mother. She initially reported that her son had the gun on his person and then updated the information a short time later telling the dispatcher that he removed the weapon from his person and placed the gun on the porch. This additional detail added credibility to Officer Creighton's assessment of the call and he made a conscious decision to proceed with greater caution.

Officer Creighton made a radio broadcast and asked the dispatcher if the reporting person, "Still had eyes on the suspect?" Officer Creighton explained to me that for safety reasons he wanted as much information as possible on the suspect's actions and current location.

The dispatcher responded that the caller no longer could see the suspect and the location of the weapon was unknown. The dispatcher added that the suspect was known by the caller to carry a gun on previous occasions.

As this radio traffic was occurring Officers Creighton and Palma turned onto Kingsly Drive. Officer Creighton began searching house numbers for the proper address when Officer Palma came to a sudden stop and exited his vehicle. Officer Creighton quickly stopped behind Officer Palma's patrol car and began surveying the situation.

He looked to his left and realized that he had inadvertently stopped directly in front of the suspect's house. He immediately saw the suspect standing with his back toward him on the front porch of the house. Officer Creighton recalled that the suspect was wearing a sweatshirt and he could hear him yelling something unintelligible.

Officer Creighton exited his patrol car and drew his weapon. He saw the suspect pounding on the security door and recalled seeing both of the suspect's hands.

Officer Creighton started walking toward the front porch. He described that there was a light on somewhere in the vicinity of the porch that was illuminating the suspect and the floor around the suspect's feet. Officer Creighton took advantage of the lighting to visually search the porch area around the suspect's feet for the gun. Officer Creighton did not see the gun on the porch and he assumed that the suspect had retrieved the weapon and he was armed.

Officer Creighton yelled at the suspect, "Show me you're fucking hands" as he brought his (Officer Creighton) handgun to a low ready position.

Written By:
Inspector Dominic Medina

Date: 6/17/2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Rigoberto Daniel Gutierrez	Docket / Report No. C16-3471
----------------------------	------------------------------

As Officer Creighton was ordering the suspect to show his hands he saw Officer Palma in his peripheral vision. Officer Palma was moving toward the front porch by walking in a diagonal path across the driveway.

Officer Creighton said the suspect did not follow his order and instead he quickly spun around to face him. As he completed his turn Officer Creighton saw the suspect place one hand in the air and reach into his waist band with his other hand. Officer Creighton could not recall which hand the suspect moved toward his waist band.

The suspect immediately made a tugging motion with the hand at his waist band and Officer Creighton believed he was retrieving a handgun. Officer Creighton described the motion as a "cross draw" type movement. Officer Creighton determined at that moment that the suspect was about to engage him or Officer Palma in gun fire.

Officer Creighton estimated that he was twenty five yards from the suspect's location when he discharged his weapon. He continued ascending the stairs as he discharged his weapon until the suspect fell on the porch and he no longer felt threatened. Officer Creighton thought he fired four rounds at the suspect.

Officer Creighton opined that the suspect placing one hand in the air after being commanded to "show his hands" was a distraction to allow him time to retrieve the pistol undetected. Officer Creighton stated this was a ploy for him to, "Get the drop on me!"

After the shooting Officer Creighton told me he thought he may have asked the suspect, "did I hit you" or "are you shot" and the suspect may have responded, "Yea I am."

Officer Creighton remembered hearing a woman's voice inside the house say, "My husband's shot!" He then heard Officer Palma notify dispatch that shots were fired at the scene. Officer Palma then asked Officer Creighton if he was injured.

Officer Creighton asked Officer Palma to check the suspect for a gun. Officer Creighton heard one of the officers on scene say the suspect had a gun.

Officer Creighton responded "Get it on video." Officer Creighton wanted the recovery of a weapon captured by body camera video.

Written By:
Inspector Dominic Medina

Date: 6/17/2016

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Rigoberto Daniel Gutierrez	Docket / Report No. C16-3471
----------------------------	------------------------------

Officer Creighton recalled that one of the officers on scene moved the suspect on to his back. Officer Creighton watched Officer Gonzales search the suspect and remove a gun from the waist area of the suspect's body.

This was the first time Officer Creighton saw the weapon. He described the weapon as a semi-automatic handgun with a nickel/chrome finish and dark handle.

As the other officers secured the suspect Officer Creighton entered the house. As soon as he entered the house he discovered that the suspect's father was shot. Officer Creighton immediately requested that dispatch send a second ambulance. Officer Palma entered the home a moment later and found a third subject in the kitchen struck by gunfire. Officer Creighton heard officer Palma make a radio broadcast and he notified the dispatcher that there was a third subject wounded inside the home.

Officer Creighton exited the home and was met by Sergeant Terry who subsequently arranged for him to be sequestered.

I asked Officer Creighton if he was able to see what was behind the closed metal security door at the time he first engaged Gutierrez. He told me "No" because the door had a small mesh pattern and he was focused on the suspect and the suspect's actions.

Officer Creighton explained that his ability to see passed the screen door was further obstructed by Gutierrez's position. The suspect was standing in the center of the doorway, approximately one foot from the threshold, immediately perpendicular to officer Creighton's location.

Officer Creighton added that when he first saw the suspect he was exiting his patrol car approximately 35 yards from the suspect standing on the porch. He was approximately 25 yards from the suspect when he perceived the deadly threat and discharged his firearm.

The entire incident occurred quickly. Officer Creighton never became aware of the suspect's family being present until he entered the house after the shooting.

I asked Officer Creighton to discuss his previous training and experience as they relate to encounter individuals armed with a handgun.

Officer Creighton told me he has personally arrested or assisted other officers in arresting 150 to 200 suspects for being in possession of a handgun.

Written By: Inspector Dominic Medina	Date: 6/17/2016
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**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Rigoberto Daniel Gutierrez	Docket / Report No. C16-3471
----------------------------	------------------------------

In all his previous experience with armed suspects all the offenders concealed the handgun in their waistband or waistband area of their trousers.

Officer Creighton was unable to recall one situation that he was involved in where an armed suspect used a holster to carry or conceal a handgun.

Officer Creighton has also participated in firearm simulator training and watched numerous training videos. In many of these training scenarios the role players participating in the training concealed a firearm in the waist band of their trousers.

Officer Creighton acknowledged that his training and experience with armed offenders contributed toward his decision making during this incident.

At the conclusion of the interview [REDACTED] suggested that Officer Creighton view footage from his body camera. Officer Creighton watched the video and had nothing else to add to his statement.

Route for inclusion in case file.


Written By:
Inspector Dominic Medina

Date: 6/17/2016



CONTRA COSTA COUNTY
Office of the District Attorney

INVESTIGATIVE REPORT

Type of Investigation: PC 245 (c) ADW Police Officer Law Enforcement Involved Fatal Incident (L.E.I.F.I.) (Non-Fatal)	Police Report No. Pittsburg Police Department Case # 16-3471 CCFDA Docket # 4-187194-6
Defendant: Gutierrez, Rigoberto 	
Inspector Assigned: John M. Conaty	Date Assigned: 05/17/16

Victim: Creighton, Michael
Police Officer
Pittsburg Police Department

Victim: Palma, Gabriel
Police Officer
Pittsburg Police Department

Witness: 
Suspect's Father

Witness: 
Suspect's Mother

Written By:
Inspector John Conaty

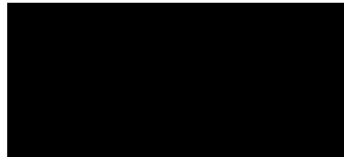
Date:05/17/16

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	X
Continuation	

Defendant: Gutierrez, Rigoberto	Docket / Report No. Dkt# 4-187194-6
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Witness:



Suspect's Brother

Evidence

Item #1JC: One CD containing a recording of the interview with Rigoberto Gutierrez at John Muir Medical Center on 05/18/16.

Investigation

On Tuesday 05/17/16 at approximately 9:30 PM I received a telephone call on my cellular telephone from Lieutenant Pate. He told me that an Officer Involved Shooting had occurred involving a Pittsburg Police Officer in Pittsburg. He further told me that the Contra Costa County Officer Involved Fatal Incident Protocol had been invoked.

I began driving toward Pittsburg. While I drove I telephoned Detective Sergeant Deplitch of the Pittsburg Police Department and in substance he told me the following:

At approximately 9:00 PM Officers Mike Creighton and Gabe Palma were dispatched to a report of a domestic disturbance on [REDACTED] Kingsley Dr. The reporting party was an adult female who said that her adult son had arrived at the home and was causing a disturbance at the front door. She further said that she and her husband and their teenage son were inside the home and they had not let their older son into the house because he was armed with a handgun.

Written By:
Inspector John Conaty

Date: 05/17/16

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	X
Continuation	

Defendant: Gutierrez, Rigoberto	Docket / Report No. Dkt# 4-187194-6
--	--

When Officer Creighton and Officer Palma arrived a few minutes later they confronted the suspect who was still standing at the front door. The suspect was ordered to show his hands and instead he reached into the area of his waistband.

Officer Creighton fired several rounds at the suspect who was struck in the leg. At least two of the other rounds fired by Officer Creighton penetrated the closed security door and struck the suspect's father in the abdomen and the suspect's brother in the leg. The suspect was immediately taken into custody and he was in possession of a semiautomatic handgun. Both victims and the suspect were transported to the hospital and it did not appear that any of their wounds were life threatening. Officer Palma did not fire his weapon.

After being briefed by Sergeant Deplitch I agreed to meet with him and the other Pittsburg Police Detectives at the Kingsley Dr. location.

I arrived on Kingsley Dr. at approximately 10:30 PM. At that time I noted a heavy uniformed police presence in the area. I could see that a cordon had been established in the middle of the block on Kingsley Dr. Both vehicle and pedestrian traffic into the area was being restricted by the presence of yellow crime scene tape, marked police vehicles and uniformed police officers.

I met with DDA Grove who had arrived before me. DDA Grove confirmed what Sergeant Deplitch had told me on the phone. DDA Grove showed me crime scene placards located in the street in front and on the driveway of [REDACTED] Kingsley Dr. They delineated the presence of five

Written By:
Inspector John Conaty

Date: 05/17/16

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	X
Continuation	

Defendant: Gutierrez, Rigoberto	Docket / Report No. Dkt# 4-187194-6
--	--

expended .40 caliber bullet casings. DDA Grove said that their presence was consistent with the public safety statement that Officer Creighton provided immediately following the shooting.

DDA Grove also showed me an unexpended bullet that lay near the front porch of the residence. I did not manipulate the unexpended bullet, but it appeared to be of approximately .32 caliber. I also observed damage to the front of the residence consistent with that which would be caused by gunfire. The damage was located to the metal security screen door attached to the front entry door, as well as to the adjacent structure. When examining the security door I noted that it was of the type of construction that obscured the view from outside of anyone who might be standing inside the residence. The weapon that was taken from the suspect after the shooting was a Davis Arms .32 caliber semiautomatic pistol.

After viewing the crime scene I left the area and drove to the Pittsburg Police Department. At the police department I attended a formal briefing where essentially the same information that I had already obtained was provided.

At the conclusion of the briefing, investigative teams were established pursuant to the L.E.I.F.I. Protocol. I was assigned to work with Detective Thompson of the Pittsburg Police Department. Detective Thompson and I were tasked with interviewing the suspect's mother [REDACTED] who had placed the 911 call requesting police assistance. We were also tasked with interrogating Rigoberto Gutierrez when he was able to talk after treatment.

Detective Thompson and I viewed Officer Creighton's body camera footage of the incident. That footage closely mirrored the information provided by Officer Creighton as the result of his Public Safety Statement.

Written By:
Inspector John Conaty

Date: 05/17/16

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	X
Continuation	

Defendant: Gutierrez, Rigoberto	Docket / Report No. Dkt# 4-187194-6
--	--

Detective Thompson and I met with [REDACTED] in a private meeting room at the police department. For details of that interview refer to Detective Thompson's supplementary report. At the conclusion of the interview with [REDACTED] Detective Thompson and I left the police department and drove to John Muir Medical Center in Walnut Creek. There we contacted the nursing supervisor that was on duty on the surgical recovery floor where Rigoberto Gutierrez was being treated. She advised us that the gunshot wound to Gutierrez's leg had broken his femur and the treatment for that injury required a surgical repair. Gutierrez was still in surgery and would not be available for an interview until the following morning.

Detective Thompson arranged to place a police officer outside Gutierrez's room after the surgical procedure was completed and we left the hospital, agreeing to meet there the following afternoon to speak with Gutierrez.

On Wednesday 5/18/16 at approximately 2:00 PM Detective Thompson, Inspector Medina and I met at John Muir Medical Center. We contacted the nursing supervisor on the floor where Gutierrez was being treated. She told me that Gutierrez was receiving pain medication, but she had just spoken to him and he appeared alert. I then spoke with Officer Mark Lambert of the Pittsburg Police Department. Officer Lambert had been placed outside Gutierrez's room as a guard. In substance Officer Lambert told me the following:

When he arrived to guard Gutierrez he realized that he knew Gutierrez from when Gutierrez was a student at Pittsburg High School, as he had previously worked there as the school resource officer. He had been chatting with Gutierrez all morning and although he intentionally did not discuss the case surrounding Gutierrez's arrest, he found

Written By:
Inspector John Conaty

Date: 05/17/16

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	X
Continuation	

Defendant: Gutierrez, Rigoberto	Docket / Report No. Dkt# 4-187194-6
--	--

Gutierrez to be alert. Additionally Gutierrez was aware that he was in the hospital for treatment of his leg injury and when they spoke Gutierrez responded appropriately.

After talking with Officer Lambert, Detective Thompson, Inspector Medina and I entered Gutierrez's room. Gutierrez immediately looked up and made eye contact with me. I introduced myself as well as the other investigators. I told Gutierrez that we had waited to interview him until the afternoon because he had been groggy earlier in the morning. Gutierrez acknowledged that this was the case and he agreed that he was feeling, 'pretty good now.' He also acknowledged that he knew Officer Lambert from school.

I told Gutierrez that we needed to talk with him about what had occurred at his parent's home, but I explained that I would first need to advise him of his rights, which he acknowledged that he had heard before. I then advised him of his rights per Miranda, which he indicated he understood. In substance he then told us the following:

He had been out with friends drinking when they dropped him off at his residence on Kingsley Dr. When he arrived he saw that his belongings had been packed up and his father would not allow him into the house. He was talking to his father through the closed security screen door and his father told him that he could no longer stay there.

He had the .32 caliber semiautomatic pistol in his right pants pocket. He lifted his shirt and showed a portion of the gun to his father, asking his father if the gun was the reason he was kicking him out. He did this because his father had previously caught him with a .38 caliber revolver. When this occurred his father told him that if he brought another gun into the house he would need to leave.

Written By:
Inspector John Conaty

Date: 05/17/16

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	X
Continuation	

Defendant: Gutierrez, Rigoberto	Docket / Report No. Dkt# 4-187194-6
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When he lifted his shirt and his father saw the gun, his father reacted as if his father felt he was threatening him. When he realized this he told his father, "No, Dad I love you." To reassure his father he put the gun on the ground, but at some point before the police arrived he picked the gun up and put it back in his right front pants pocket. He believes that the gun was fully loaded, but he may have had one round of loose ammunition in the same pocket where the gun was located. That round of ammunition may have fallen out of his pocket when he withdrew the gun. He does not recall ejecting a round of ammunition while cycling the action of the weapon.

He bought the gun on the street for \$200.00. When he bought it, the individual who sold it to him told him that the weapon lacked a firing pin. That same individual demonstrated that the weapon would not fire by pulling the trigger and the weapon failed to discharge. He does not fully understand how a semiautomatic pistol functions. Therefore he is unsure if a live round of ammunition was actually in the chamber of the weapon when the individual demonstrated that the gun did not fire.

While he was arguing with his father he began to suspect that his mother might call the police and he felt that it was just a matter of time before they arrived. The next thing he recalls is turning around and seeing one or two marked police cars in the street. He believes that two police officers got out of the cars and he heard voices yelling from the area of the middle of the street.

He had the gun in his right front pants pocket and he did not want to get caught with it or have the police see it as a threat. He decided to try to take the gun out of his pocket and

Written By:
Inspector John Conaty

Date: 05/17/16

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	X
Continuation	

Defendant: Gutierrez, Rigoberto	Docket / Report No. Dkt# 4-187194-6
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he was either going to put it on the ground or throw it. The next thing he remembers is hearing a bang and he then he was lying on the ground. His recollection of events surrounding the shooting was not clear as he had been drinking to celebrate the start of his new job and he was intoxicated.

For additional details of the suspect's statement please refer to the attached audio recording and transcript.

Case Status: Cleared by Arrest/Complaint

Written By:
Inspector John Conaty

Date: 05/17/16

INTERVIEW WITH RIGOBERTO GUTIERREAZ

Q=Dominic Medina

Q1=John Conaty

Q2=Bobbi Thompson

A=Rigoberto Gutierrez

Q: Thanks.

Q3: (Hello).

Q: For the fifth time today.

Q1: Yeah, (unintelligible). Yeah. Rigo. (Lambert) says he knows ya from school, huh?

A: Yeah.

Q1: My name's John Conaty, I worked at Pittsburgh PD for a long time. I work for the DAs Office now.

A: Mm.

Q1: Um, d- do you know Bobbi Thompson? He's a Pittsburgh cop.

Q2: How ya doin', man?

Q1: And - and...

A: Great.

Q1: ...this is, uh, Dominic Medina.

Q: Hey.

Q1: He works for me at the...

Q: How's it goin'?

46 A: Mm.

47
48 Q1: ...District Attorney's Office. Um, bro, obviously we're not here to add insult
49 to injury, okay? You kinda - you got banged up behind this thing, but...

50
51 A: Okay.

52
53 Q1: ...no - nobody's dead, it's not the end of the world. Do you know what I'm
54 sayin'?

55
56 A: Mm-hm.

57
58 Q1: So - but I gotta talk to ya about what happened, okay?

59
60 A: Okay.

61
62 Q1: Your mom was at - she don't - she get a chance to see ya? 'Cause I told her
63 she could come in and see ya. Um, a- a- actually when I talked to her last
64 night, I said as soon as we were done talking today, she could come in and
65 visit ya, so...

66
67 A: Mm.

68
69 Q1: ...uh, but you were kinda groggy and stuff, ya know, most of the morning -- is
70 what I understand.

71
72 A: Mm.

73
74 Q1: Is that pretty accurate? Feelin' pretty good now?

75
76 A: Yeah.

77
78 Q1: Okay. You seem like you're pretty...

79
80 A: (It's)...

81
82 Q1: ...got your wits about ya.

83
84 A: ...(it's) (unintelligible) (look).

85
86 Q1: Okay, so obviously with all the stuff that happened in front of your house,
87 okay?

88
89 A: Mm.

90

91 Q1: You're - y- y- ya understand, I gotta give your rights before I talk to ya. Have
92 you heard 'em before?
93

94 A: Yeah.
95

96 Q1: I mean, you don't have much criminal history. You got some petty theft - little
97 bullshit thing, and your mom said you just started a new job and everything?
98

99 A: Yeah.
100

101 Q1: Let's just say focused on that. You're gonna get back to all that, okay? This
102 ain't the end of the world, okay? But, I'd like to talk to you about what
103 happened. Do you know your rights? Have you heard 'em before? You've
104 heard 'em on TV, probably. Right?
105

106 A: Yeah.
107

108 Q1: You know what they are? Can you tell me?
109

110 A: No. I couldn't.
111

112 Q1: You have the right to remain silent, ya know, all that stuff? Okay, let me just
113 give 'em to ya. So you know you don't have to talk to us. We're gonna write a
114 police report about everything that happened and obviously that's kind of a
115 big deal -- in front of your folk's house. We're gonna write a police report
116 about that and I promise you, it's gonna be - nobody's tryin' to screw you
117 over, it's gonna be accurate. Like I said, nobody's dead here. You've kind of
118 got the worst end of the bargain here, with your busted leg.
119

120 A: Is my - is my dad all right?
121

122 Q1: Yeah. You know, honestly, we - we will talk about it. Your dad's fine. Okay?
123 Your dad's in better shape than you are, okay? So you don't have to talk to us,
124 all right? Anything you tell us, we're gonna write that police report and we're
125 gonna put in the police report, okay?
126

127 A: Mm-hm.
128

129 Q1: It could be, (right) - if this goes to court, it could be used against you later on
130 in court, okay? You have the right to have a lawyer and you have a right to
131 have the lawyer before any questioning even takes place, 'kay? And y- y- you
132 - I know you just started a job, but if you can't afford a lawyer, public
133 defender gives you one for free.
134

135 A: Oh.

136
137 Q1: Okay?
138
139 A: All right.
140
141 Q1: And you can decide to do that at any - any point, okay?
142
143 A: Okay.
144
145 Q1: All we're here - is a - w- we're not here to haul you off to jail or anything.
146 We're just here to talk about what happened, okay?
147
148 A: (Um)..
149
150 Q1: All right, are you cool with that?
151
152 A: Yeah.
153
154 Q1: Yeah, you seem like you got your wits about you, dude.
155
156 A: Mm.
157
158 Q1: What happened last night, man?
159
160 A: Uh, basically my dad..
161
162 Q1: Kinda..
163
164 A: Mm..
165
166 Q1: ...have some problems with your folks?
167
168 A: Just family problems.
169
170 Q1: Yeah. Everybody's gone through that.
171
172 A: Yeah. It hasn't happened just, uh, yesterday, like..
173
174 Q1: Been buildin' up?
175
176 A: Yeah. And then I was just (unintelligible), I was thinkin' about it yesterday.
177
178 Q1: Mm-hm.
179
180 A: Uh, I went to the house and I seen my backpack - or my bag, a suitcase

181 outside and then he was - and I was, like, "What is the suitcase doin' outside,
182 Dad?" And then he was all, like, he was, like, "I - I'm - I'm kickin' you out."
183 Basically. Ya know, I said, I was, like - I was, like, "C'mon, dad." I was, like -
184 like, "Don't you love me, bro?" And then he was just, like, he, like, "I love
185 and stuff, but it's time for you to go." Man, I was just, like, I was, like, "You
186 don't love me, bro." And just - and I said, like...

187
188 Q1: Kinda - kinda hurt a little bit?

189
190 A: Yeah.

191
192 Q1: Upset ya?

193
194 A: Yeah.

195
196 Q1: You said you were sippin' on top of that, so you're maybe, like, ya know,
197 sometimes when people sip they get, ya know, quick to anger, or get their
198 feelings hurt easier. That's how bar fights start and shit, right?

199
200 A: Yeah.

201
202 Q1: So...

203
204 A: But it's not the first time it happened.

205
206 Q1: Yeah? So - so what happened as far as, like, when -- I - I know you were
207 standing in front of house, kinda when this all developed, but what - what
208 happened when you were -- I guess the - you tell me. You were interacting
209 with your dad through the door or something? How'd you end up outside? I'm
210 not even really all sure about all that.

211
212 A: Oh, no. I was just outside 'cause I - I was with one of my - I was with one of
213 my friends, just drinking and stuff and he dropped me off.

214
215 Q1: And - and...

216
217 A: And the door's always locked, so...

218
219 Q1: The screen door?

220
221 A: Screen door.

222
223 Q1: So you were standing there talkin' to you dad through the screen door?

224
225 A: Yeah.

226
227 Q1: And your brother was there, too?
228
229 A: I g- I think - I think he was sleeping or something.
230
231 Q1: Okay. Was he, like, um, 'cause he ends up - he ends up gettin' shot, too. Did
232 you know that?
233
234 A: What?
235
236 Q1: Yeah.
237
238 A: What did he...
239
240 Q1: Minor. Just in the leg. Everybody has little minor wounds. You're, like I said,
241 honestly, yours is probably the worst. So, just - it's just 'cause yours was up a
242 little higher. But everybody else is fine. Your dad's cool, he's got - your dad's
243 a big dude.
244
245 A: Did he get shot?
246
247 Q1: And yeah, he got hit in the stomach, but it was a tumbler, I think. It like
248 ricocheted maybe off something. So all it did was go into the fat. So they -
249 they didn't do anything. They just go - it's, like, ya know, like a bad cut. So
250 they just - they didn't even really do anything to him. So he's cool. He's fine.
251 No - no big injuries or anything like that. And your brother, he just caught a
252 little flesh wound in the leg, too. So, no big deal. Like I said, he got the worst
253 end of the - end of the bargain, but how did that happen? So what happened
254 up at the front door with the cops?
255
256 A: Um, nothin'. He just - I was just all, like, like, "Dad." Like, "Why?" Like,
257 "Why you kickin' me out?" And shit like that. And then he was all, like,
258 "Well it's time for you to leave." And stuff like that. Then I told him, "I'm not
259 gonna leave." Like, I was, like, like, "Just open the door." And stuff - and I
260 just started arguin' with him and stuff and then he - and then he was, like,
261 "Oh, 'cause I don't want you to bring guns in my house or anything like that."
262
263 Q1: Now, did he know you had a gun?
264
265 A: No.
266
267 Q1: H- well why is he saying that if he didn't know you had a gun?
268
269 A: Um...
270

271 Q1: He musta known, right?

272
273 A: Yeah, I - I guess. I don't know.

274
275 Q: Was there a previous time that you had a gun over there?

276
277 A: Yeah. There - there was and then I got rid of it and, um, basically I just came
278 back and then, now - I just, like, "Dad, you don't - you don't love me and
279 stuff." And then I was, like, like I showed him the gun and I was, like, "Is this
280 the reason why you're kicking me out?"

281
282 Q1: Oh, 'cause you had it on you?

283
284 A: Yes, like...

285
286 Q1: Is - it was in your - where was it? You're, like...

287
288 A: In my pocket.

289
290 Q1: In your pocket?

291
292 A: Yeah.

293
294 Q1: Like st- was it stickin' out so he could see it?

295
296 A: Yeah.

297
298 Q1: Okay.

299
300 A: And then he was all, like, basically if I bring a gun around the house again, he
301 was gonna just kick me out.

302
303 Q1: He didn't want you stayin' there if you had a gun?

304
305 A: Yeah. And then I was just all, like, "Okay." And then....

306
307 Q1: I'm sorry, bro. I can barely hear ya? I know, it's probably - your throats
308 probably dry or somethin'?

309
310 A: Yeah, and he said, um, (unintelligible), "C'mon Rigo." Like, I guess he
311 thought, like, I was gonna do something and I was, like, "No, Dad. I love
312 you."

313
314 Q1: Like he thought when you showed him the gun, like, you were threatenin' him
315 with it?

316
317 A: Yeah, or somethin'.
318
319 Q1: And what, were you just showin' it 'cause you were sayin' what? So I - I just
320 wanna understand that. Why'd you show it to him?
321
322 A: Oh, I showed it to him 'cause I - I asked him, "Is this the reason why you're
323 kicking me out?"
324
325 Q1: Okay. Okay.
326
327 A: And then, he's, like, (really), he got scared and stuff so now it's all, like, "No,
328 you don't have to worry, dad. I'm not gonna do nothin' to you." I was, like...
329
330 Q1: Oh, he kinda told you he was scared, like, when you showed it to him?
331
332 A: No I could see (his), uh, I could tell.
333
334 Q1: Tell on his face?
335
336 A: Yeah.
337
338 Q1: Okay.
339
340 A: And then he was just like, "C'mon Rigo." And then he was just all, like, I'm,
341 like, "It's not mine." I was, like, "It's not mine. I'm gonna put it down right
342 now (unintelligible)." And I put it on the floor and then I just left there and
343 then he was all sayin', um, I guess my mom was callin' the cops already,
344 like...
345
346 Q1: Yeah, she was. I think she was scared for you dad.
347
348 A: Yeah.
349
350 Q1: She wasn't sure. I think she knew you'd been sippin' a little bit.
351
352 A: Yeah.
353
354 Q1: And she was probably thinkin' maybe you're not in your total right mind?
355
356 A: Yeah, 'cause they always say when I'm - but I wasn't - I - I wasn't in that
357 crazy mind state or nothin'. I just showin' 'em, (unintelligible), ya know? And
358 then, put the gun down and then after that, um, the cops came. Then I got shot.
359
360 Q1: Okay, so let's - let's talk about that for a minutes, so the cops - when the cops

361 - after you go down, after they shoot you?

362

363 A: Mm-hm.

364

365 Q1: He comes up and searches you and it's in - it's in your waistband, so at some
366 point you picked it up, is that -- off the ground?

367

368 A: Yeah.

369

370 Q1: And wh- and did you put it back in your pocket or in your waist, or where was
371 it? Do you remember?

372

373 A: Oh, put in my pocket.

374

375 Q1: In your pocket - pocket of you pants?

376

377 A: Yeah.

378

379 Q1: Do you remember what side it was on? Right side, left side?

380

381 A: Right side.

382

383 Q1: On your right side. 'Cause you're right handed?

384

385 A: Yes, sir.

386

387 Q1: So where, uh, where'd you get the gun?

388

389 A: Uh, actually bought it from - from somebody off the street.

390

391 Q1: Okay.

392

393 A: I don't even really know 'em.

394

395 Q1: That's all right. I don't need th- I'm not - w- w- we - I get it. Ya know? You
396 don't have to tell me the name of the dude you bought it from, but how much
397 you pay for it?

398

399 A: Like, \$200.

400

401 Q1: Two hundred bucks?

402

403 A: Yeah.

404

405 Q1: What kind of - I haven't seen it. I never saw it. What is it?

406
407 A: Uh, it's - it's a little .32.
408
409 Q1: .32 - semi-suto?
410
411 A: Yeah.
412
413 Q1: Now there's a round layin' on the ground right where you were. Did you jack
414 a round out of it? 'Cause when - aw- when they took it off of - of you, the
415 round was already on the ground. What - how did the round get outta the gun?
416
417 A: Uh, I don't know. I think one - one was in my pocket or something.
418
419 Q1: Okay. At one point your mom's on the phone.
420
421 A: Mm.
422
423 Q1: She's talkin' to you. I listened to the recording -- and your - your mom and
424 your - your -- I hear your dad say something about, ya know, "Don't - don't
425 do that with the gun." Or something like that, and your mom says she hears it
426 go, and your mom, ya know, she's a lady, she doesn't know anything about
427 guns, but she says...
428
429 A: Yeah.
430
431 Q1: ...she hears that sound like she's heard on TV, that chu-chu, ya know, like
432 when you rack the action back. Did you maybe - to show your dad it was
433 empty or somethin', rack the slide to show 'em that there was nothin' in
434 there?
435
436 A: Yeah.
437
438 Q1: Or you jacked a round out of it?
439
440 A: No, basically, like I was - I didn't jack nothin', like, I showed him it and I,
441 like, I told him, I was, like, "Fine. You kick - you wanna kick me out, I'm
442 out." So I put it back in my pocket and there - there was already a round in my
443 pocket.
444
445 Q1: So you think when you pulled the gun out, the - the round...
446
447 A1: Yeah.
448
449 Q1: ...came out of the - out of your pocket?
450

451 A: Yeah.
452
453 Q1: How many rounds were in the gun?
454
455 A: It was fully loaded.
456
457 Q1: Fully loaded.
458
459 A: Yes, sir.
460
461 Q1: Okay. Um...
462
463 A: But it didn't have no firing pin.
464
465 Q1: Now how do you know that?
466
467 A: Uh, 'cause the guy that sold it to me said that.
468
469 Q1: That it had no firing pin? What the fuck good is a gun with no firin' pin, bro?
470
471 A: I don't...
472
473 Q1: Did you try - test it out?
474
475 A: No.
476
477 Q1: You didn't see, ya know, take it and just go in the dirt somewhere, wherever
478 you bought it, or whatever, and just see if it went off?
479
480 A: Yeah, he showed me too, and...
481
482 Q1: He pulled the trigger and it didn't go off and there was a round in the
483 chamber?
484
485 A: Yeah.
486
487 Q1: So, i- you seem like, ya know, most guys get guns, but not everybody. You
488 understand how a semi-auto works? You jack a round in from the clip, loads
489 through the bottom, right? There's a little clip, little magazine?
490
491 A: Mm.
492
493 Q1: But you load that with bullet -- that was fully loaded?
494
495 A: Yeah.

496
497 Q1: And then how do you - how do you make it, so let's say you take that empty
498 gun and you gotta clip full of bullets and you stick in in the bottom of the gun,
499 will the gun shoot then?
500

501 A: Uh, if - if it doesn't have a firing pin it won't shoot.
502

503 Q1: Let's say it had a firing pin. Just for the sake of discussion. We'll say it has a
504 firing pin. How do you make it so it's gonna fire? You stick the - that load of
505 bullets up inside of it, if you pull the trigger, will it go off and it's - it's
506 functional?
507

508 A: Yeah, (unintelligible).
509

510 Q1: Okay. Do you know - you don't know about havin' to go like that to put a
511 round in the chamber?
512

513 A: No.
514

515 Q1: 'Kay, so semi-autos, you gotta rack - rack that slide back and that puts a
516 round, actually in the chamber, 'cause there's no round in the chamber 'til you
517 do that.
518

519 A: Oh.
520

521 Q1: So you didn't know that?
522

523 A: No.
524

525 Q1: So when - when you tried it out, no firing pin thing, or he showed you, clicked
526 it.
527

528 A: Yeah.
529

530 Q1: It didn't go off?
531

532 A: Mm-hm.
533

534 Q1: Do you know if, for sure, there was even a round in the chamber when you
535 showed you that?
536

537 A: No, not really.
538

539 Q1: Okay.
540

541 A: He just told me it had no firing pin. And I just figured, well, it's cheap, so.
542
543 Q1: Yeah, 200 bucks. W-, uh, what - do you know what kind of gun it is?
544
545 A: It started at, like, a - start - started with, like, a 'D' and - like, Davis or
546 somethin' like that.
547
548 Q1: Davis, yeah, I'm - there is a Davis. Um, and how long had you had it?
549
550 A: Only had it for, like, two days. A day.
551
552 Q1: A couple days? Day or two days?
553
554 A: Two days. I (didn't)...
555
556 Q2: Now, your mom said she got kind of pissed off at you a while back. She and
557 your sister were tossing your room and they...
558
559 A: Yeah.
560
561 Q2: ...they found, like, another gun. What was that one?
562
563 A: Oh, that one was a .38.
564
565 Q: 'Kay. What did it look like?
566
567 A: It was a long nose.
568
569 Q2: Was it a big frame? Like, ya know, difference of - some of 'em, you can have
570 revolvers that are tiny and you can have ones that are big ass cannons, right?
571 Was it a pretty good sized one?
572
573 A: Yeah. It was just, um...
574
575 Q2: Like, how big was it about?
576
577 A: Um, it's about, like, this big.
578
579 Q2: Okay, so you're showin' me about six inches, the gun? Okay. Was it shiny or
580 was it blue steel or was it stainless, or nickel?
581
582 A: It was shiny, like...
583
584 Q2: Shiny like a car bumper?
585

586 A: No.
587
588 Q2: Like a flat - like a matte - matte finish, like stainless?
589
590 A: Stainless.
591
592 Q2: Stainless. All right, thanks.
593
594 Q1: Okay. And you bought that one from somebody?
595
596 A: No, that one was - that one I was just holding for a friend and then he get -
597 yeah, return it.
598
599 Q1: You gave it back to him?
600
601 A: Yeah, 'cause my mom kinda (flipped out).
602
603 Q1: Yeah, it sounded like she kinda, like, flipped out on ya a little bit about she
604 was pissed you had a gun in the house.
605
606 A: Yeah. But I just told her it was only for protection. I was just tryin' to protect
607 my family, so.
608
609 Q1: Why do you n- why do you need a gun, dude?
610
611 A: Uh, 'cause there's been people - I've been harassed before.
612
613 Q1: By somebody's pissed at you?
614
615 A: Nah, just (unintelligible)...
616
617 Q1: Like, gang bullshit, or? Yeah. Like what? Are - do you claim?
618
619 A: No.
620
621 Q1: Does - does somebody think you claim?
622
623 A: Nah, it's just, uh, it's, like, uh, ya know, ya know Mid-Town?
624
625 Q1: Mm-hm. Like the Bully?
626
627 A: Yeah.
628
629 Q1: Okay. But a lot of those Bully guys are downtown now, right? In (Dime
630 Block), they're down there on 10th Street?

631
632 A: Mm, I don't (unintelligible) Mid-Town.
633
634 Q1: Okay, but you don't claim?
635
636 A: Nah.
637
638 Q1: If you hang out with homeboys, i- South Siders, or North - Northerners?
639
640 A: Northerners.
641
642 Q1: Okay. Um, is anybody say that th- they think that you're a - a gangster?
643
644 A: Nah.
645
646 Q1: What - what are your tats? I know you got some ink, I don't - you don't have
647 to fuck with your arms, just tell me. I'm sure you know what you have.
648
649 A: Well, my birthday years, like, my girl's first and last name.
650
651 Q1: Girl's name, yeah.
652
653 A: And then my mom's initials.
654
655 Q1: Okay. What about the one on your wrist?
656
657 A: Oh, it's, uh, my girl's last name.
658
659 Q1: Okay. You got any other ink on your chest or anything? Okay. So, you seem
660 like a pretty good dude. You made - just make some bad decisions here the
661 other night?
662
663 A: Pretty much.
664
665 Q1: So what happens to you when you drink, dude? You get kinda...
666
667 A: Uh...
668
669 Q1: ...it's okay. It's not - it's okay if you get shitty, just say...
670
671 A: Well...
672
673 Q1: ..."I get shitty when I - when I - when I drink."
674
675 A: Yeah, pretty much.

676
677 Q1: Yeah?
678
679 A: Yeah.
680
681 Q1: What else did you have inside you? Besides booze? I know you're sippin'.
682
683 A: That was pretty much it.
684
685 Q1: Pop any pills?
686
687 A: Nope.
688
689 Q1: Do you pop - take 'em sometimes?
690
691 A: Yeah, uh...
692
693 Q1: Like what do you take?
694
695 A: Xanax.
696
697 Q1: Xanax, Xanies? And what? Mom said somethin' about (Norcos)?
698
699 A: Uh, no that was 'cause I had...
700
701 Q1: Yeah, you got fucked up in a, you know, a fuckin' accident or somethin'?
702
703 A: Yeah.
704
705 Q1: You were fuckin' around with (a pocket bike)?
706
707 A: Yeah.
708
709 Q1: Lucky you didn't split your fuckin' head open.
710
711 A: Yeah.
712
713 Q1: You hurt your neck or your back or somethin'?
714
715 A: My back.
716
717 Q1: So when you're doin', y- y- you know, you're gettin' fuckin' loaded a little
718 bit, what are you - what are you typically doin'? Just drinkin'?
719
720 A: Yeah, pretty much, just...

721
722 Q1: You just not a good drunk?
723
724 A: Yeah, no.
725
726 Q1: Yeah. Probably outta lay off the booze, huh?
727
728 A: Yeah.
729
730 Q1: I mean, here you are layin' in the bed with a fucked up leg, I would say
731 probably cool it with the booze for a while?
732
733 A: Yeah.
734
735 Q1: Now, no Xanies last night or anything?
736
737 A: Nah.
738
739 Q1: Your mom said you just got hooked up with eh-, uh, with a job?
740
741 A: Yeah.
742
743 Q1: Over at, uh, (Puerto Loco)?
744
745 A: Yep.
746
747 Q1: In (Pitt)?
748
749 A: Yeah.
750
751 Q1: What, uh, how long you been workin' there?
752
753 A: Uh, yesterday was my second day or first day.
754
755 Q1: Yesterday was you first day?
756
757 A: No, it was second day.
758
759 Q2: Now, bro were you cooked when you went to work?
760
761 A: Uh, was I cooked?
762
763 Q2: Were you - were you sippin' before you went to work?
764
765 A: No, I don't do that.

766
767 Q2: Did you get cooked at work?
768
769 A: No.
770
771 Q2: Oh, you got (out) after work?
772
773 A: Yeah.
774
775 Q2: And, you kinda celbratin' your first day of work?
776
777 A: Pretty much.
778
779 Q1: Okay. So when you got shot, do you remember that?
780
781 A: Yeah.
782
783 Q1: What were you doin'? You remember? You were banging on the door? You
784 talkin' to you dad?
785
786 A: No, I was just screaming at my dad.
787
788 Q1: You're kinda pissed off?
789
790 A: Pissed. Yeah. Just screamin' at him.
791
792 Q1: Well if - did it - did it hurt a little bit? You kinda felt like your dad was
793 kicking you out? I don't think he wanted to. Believe me, I talked to your old
794 man. Ya know? He was just, like, kinda - he was pissed a little bit, too. Ya
795 know, the whole gun thing and at the end of his rope. I mean, you can kinda
796 see his side of it, too, can't ya?
797
798 A: Yeah.
799
800 Q1: Um, so you were standin' there at the door and you're, kind of, what?
801 Negotiating with your old man? Saying, "Let me - let me back in? Don't do
802 this."?
803
804 A: Yeah.
805
806 Q1: And then, do you remember when you got shot? You remember the cop
807 showin' up?
808
809 A: Uh, I don't remember who shot me. I just felt a big bang and I fell on the
810 floor.

811
812 Q1: Okay. Um, do you remember seein' the cop?
813
814 A: No.
815
816 Q1: You don't remember ever seein' the cop? You remember turning around and
817 seein' a - a police car out in the street?
818
819 A: No.
820
821 Q1: You don't remember turning around and seein' a cop?
822
823 A: Oh, no. I seen, uh, I seen (that thing), uh, (unintelligible) turn and then, I (was
824 all, like), I already knew my mom was gonna call the police. She - it's just a
825 matter of time and then...
826
827 Q1: But weren't you worried about gettin' caught with that fuckin' gun in your
828 pocket?
829
830 A: Eh-.
831
832 Q1: But w- why not - so why - why didn't you (un-ass) yourself from there or
833 throw the gun away or somethin'? Before the cops got there.
834
835 A: I don't know. I was just gonna, actually, just leave it on the floor right...
836
837 Q1: On the ground by the door?
838
839 A: Yeah. So I wasn't, like, a threat or anything.
840
841 Q1: Right.
842
843 A: Pretty much.
844
845 Q1: But it was still in your pocket when the cops showed up.
846
847 A: Yeah, I was gonna - was gonna get - he told me to get it out, of like, to get that
848 outta here and I didn't wanna step in his house with a gun or none of that shit.
849
850 Q1: Your old man was saying, "Get that shit outta here."?
851
852 A: Yeah. So, I just walked away. And, uh, but before I got to walk away, I just
853 heard, "Bang." And then I just hear people sayin', like, oh, I hurt my dad or
854 somethin', so I - I got hit, too or something.
855

856 Q1: Yeah. And, like I said, he's okay. Luckily nobody's hurt real bad here. That's
857 the good thing.
858
859 A: Yeah.
860
861 Q1: You know that?
862
863 A: That's - that's - that's...
864
865 Q1: That's huge.
866
867 A: Yeah, it's (unintelligible).
868
869 Q1: I mean, somebody could be dead here right now. Ya know?
870
871 A: (Unintelligible) dad, (someone's tryin')...
872
873 Q1: So you don't remember turnin' around and seein' a - the uniform cop? It was
874 a patrol guy, ya know, drivin' a - wearin' a uniform and drivin' a black and
875 white. You don't remember seein' him at all?
876
877 A: No.
878
879 Q1: Or two cops or? Do you remember hearing anybody yell anything to you?
880 Like, "Let me see you hands."
881
882 A: No.
883
884 Q1: Nothin' like that?
885
886 A: No.
887
888 Q1: It just happened, like...
889
890 A: Pretty much.
891
892 Q1: ...boom.
893
894 A: Boom.
895
896 Q2: Do you remember puttin' your hands up?
897
898 A: Mm, I'm pretty sure I did.
899
900 Q2: And when did you do that?

901
902 A: Um, I turned around and (saw) and then they - they were, like, actually, I
903 don't even think they even told me. I just seen the police...
904
905 Q2: When you turned around?
906
907 Q1: Oh, wait - wait a minute...
908
909 A: No.
910
911 Q1: ...now, wait a minute. Second ago you didn't see the police. So, did you see -
912 you remember - kinda remember seein' the cop?
913
914 A: The - the - the car.
915
916 Q1: The police car?
917
918 A: Yeah, that's what I...
919
920 Q1: Okay.
921
922 A: I turn around, I see the car and then I'm, like, "Oh, damn." And then I - boom
923 - hit, and I get shot.
924
925 Q1: So here, ya know, they - I'm sure you know this. They all wear cameras now,
926 right? On their chest?
927
928 A: Mm-hm.
929
930 Q1: So when the cop walks up on you, he yells some stuff to you, like, ya know,
931 "Let me see your hands. Get your hands up." That kind of stuff. And you -
932 you - you're facin' the cop - you can tell you're talkin' to your dad. I totally
933 agree with you - you're talkin' to your dad, and then you do this. You turn
934 around, like, to his voice, 'cause he's, ya know...
935
936 A: Yeah.
937
938 Q1: ...ya - ya remember that?
939
940 A: Yeah.
941
942 Q1: Okay. So you turn around, you remember what happens after that?
943
944 A: I get shot.
945

946 Q1: Well, yeah, becau- what - and what you do is you go -- one hand goes up,
947 'cause he's tellin' ya to put your hands up. One hand goes up and one hand
948 goes like this. What were you doin'? Were you - why were you puttin' your
949 hand down here? Like, down here around your waistband?
950
951 Q: Like, were you just holdin' the gun so it didn't fall or?
952
953 A: (No - yeah).
954
955 Q: I mean...
956
957 Q2: (Unintelligible).
958
959 Q: ...(I don't wanna) put words in your mouth, but is that what you were doin'?
960
961 A: Yeah, I wasn't - I wasn't...
962
963 Q: Is that why you didn't put both hands up?
964
965 A: Yeah, (unintelligible). He was right here and I was gonna put it on the ground.
966
967 Q1: Okay.
968
969 A: And...
970
971 Q1: You were gonna take it out and put it on the ground?
972
973 A: Pretty much, and then...
974
975 Q1: Or throw it or something? What happened? I mean, it's no big deal.
976
977 A: (Unintelligible) it.
978
979 Q1: You just didn't wanna get caught with it, right?
980
981 A: Yeah.
982
983 Q: You kinda knew it was up....
984
985 Q1: Pretty...
986
987 Q: ...when - 'cause you knew when you turned around you saw the cop? How
988 many cops did ya see?
989
990 A: I just seen the squad car and then, uh, just a lotta cop cars and I'm on the

991 floor.

992
993 Q: But no - when - when ya hear that - when you hear the cops say, "Put your
994 hands up. Put your hands up." You turn around, right?

995
996 A: Yes, sir.

997
998 Q: And you put your hand up like he asked you to do and then you reach your
999 other hand in to grab the gun, right?

1000
1001 A: Yeah.

1002
1003 Q: How many cops do you see then? 'Cause you're lookin' right at 'em. I mean,
1004 you can see on the camera, you're lookin' right at 'em.

1005
1006 A: I - I didn't see no cops or - I only seen...

1007
1008 Q1: Heard the voice?

1009
1010 A: ...yeah, the s- the voice - the squad car.

1011
1012 Q: Where was the voice comin' from?

1013
1014 A: Out in the middle of the street.

1015
1016 Q: Like, out in front of your house?

1017
1018 A: Yeah.

1019
1020 Q: Like, if you came down your steps, where would it be? Like, straight out from
1021 your steps?

1022
1023 A: Uh, no it's, like, just in the middle of the street.

1024
1025 Q: You thought it was in the middle of the street?

1026
1027 A: Yeah. And I - I knew they, uh, I'm pretty sure a couple people bounced out
1028 the cars and...

1029
1030 Q: You think there were two cops?

1031
1032 A: Yeah. I, um, (my memory is kind of) (unintelligible).

1033
1034 Q: Well you remember it actually pretty good, considering (the horror). It - did
1035 this happen kinda quick?

1036
1037 A: Mm, yeah, pretty much, yeah. Yep. It was very fast.
1038
1039 Q1: Bobbi?
1040
1041 Q2: Just to clarify, you - you start s-, uh, statement that you had went to the house
1042 and your bag was out on the porch?
1043
1044 A: Yes, sir.
1045
1046 Q2: Um, just to clarify, you had gone to your house prior to that, right? Y- you
1047 went in, mom - mom cook ya some food? You remember that?
1048
1049 Q1: She's...
1050
1051 Q2: And somethin' set ya off? You guys - you had a conversation, somethin' set
1052 ya off and you tossed the food and then you took off with your buddy and then
1053 you came back and your stuff was out on the porch, right? You remember
1054 that?
1055
1056 A: My mom didn't give me no food or anything.
1057
1058 Q2: You don't remember that at all? You remember goin' there, your mom tryin'
1059 to cook you some food and you tossed everything? And you took off with you
1060 - your buddy across - who's your - what's your buddy's name, across the
1061 street?
1062
1063 Q1: Guy that lives at the corner?
1064
1065 A: I don't have...
1066
1067 Q2: No? Okay.
1068
1069 A: ...I don't have (nobody I left with).
1070
1071 Q2: (You didn't)...
1072
1073 Q1: Your mom thought you left with a neighbor, (unintelligible).
1074
1075 A: Oh, no I just - I just walked off to, uh, my dad didn't want me...
1076
1077 Q2: I just didn't know if there was an argument with - with your mom...
1078
1079 Q: (Unintelligible).
1080

1081 Q2: ...(when) you come back to that.
1082
1083 Q1: How - do you remember your brother comin' out and talkin' to ya, tryin' to
1084 coax you in the house, sayin', "Come inside."?
1085
1086 A: No.
1087
1088 Q1: You don't remember any of that?
1089
1090 A: No. I wasn't gonna go inside anyway, 'cause my dad pissed me off.
1091
1092 Q1: You just kinda wanted to chill?
1093
1094 A: Yeah, get my head and just (chill).
1095
1096 Q1: All right. All right.
1097
1098 Q: Now, I'm just curious, are - are you pretty cool with your brother?
1099
1100 A: Yeah.
1101
1102 Q: You don't have any beefs with him?
1103
1104 A: No, that's brother.
1105
1106 Q: So, I mean, I'm not tryin' to pit you against your brother and it's not like it's a
1107 real big deal, but your brother says you do claim.
1108
1109 A: Yeah. He's an idiot. He's a - he's a youngster. Just 'cause I kick a little (you
1110 know), the same people.
1111
1112 Q1: Kick it with, like, Bully guys?
1113
1114 A: No, not Bully guys, just Northerners.
1115
1116 Q1: Northerners in general, like, from school-n-shit?
1117
1118 A: Yeah.
1119
1120 Q1: Where do you go to school?
1121
1122 A: [REDACTED]
1123
1124 Q1: Okay, to [REDACTED] or whatever?
1125

1126 A: Mm.
1127
1128 Q1: Okay.
1129
1130 A: And they all bang, so.
1131
1132 Q1: Everybody at [REDACTED], pretty much is bangin', right?
1133
1134 A: Yeah.
1135
1136 Q1: So those are just your friends from school?
1137
1138 A: Yeah. My brother's over there.
1139
1140 Q1: Is he there, too?
1141
1142 A: [REDACTED] yeah.
1143
1144 Q1: Mm-hm.
1145
1146 A: He is just an idiot. Ya know, I (upset him).
1147
1148 Q1: Good?
1149
1150 Q: I - yeah, that's fine.
1151
1152 Q1: Bob? All right, bro. Like I said, y- y- ya know, you're - you're - nobody got
1153 killed here, so it's not the end of the world, ya know. Um...
1154
1155 A: (Unintelligible) my dad and my brother (unintelligible).
1156
1157 Q1: Yeah. Ya know, but luckily your dad, like I'm saying, your dad's a big dude
1158 so the - the bullet didn't even go into him, it just went into the fat. I think it
1159 ricocheted off the wall or somethin' before, so it took a lot of energy out of it
1160 and so it just went in, like, into the f- fat tissue basically, so, ya know, he's not
1161 - he's not in bad shape at all and your brother's got, ya know, he got hit in the
1162 leg, too, so it's not a big deal. He'll be fine.
1163
1164 A: Where'd he get hit in the leg?
1165
1166 Q1: Uh, I'm not even sure. Bobbi? Where's he get hit?
1167
1168 Q2: Um, I think thigh - just the thigh.
1169
1170 Q1: Yeah, just in the thigh.

1171
1172 Q2: (Flesh)...

1173
1174 Q1: Yeah, just in the thigh. I mean, it wasn't - he didn't....

1175
1176 Q2: No bone.

1177
1178 Q1: ...break any bones or anything. You got a broken bone. So yours is a little
1179 more painful. Hurt pretty bad? Does it hurt right now?

1180
1181 A: Yeah.

1182
1183 Q1: Wh- when it happened, did it hurt like a motherfucker?

1184
1185 A: Pretty much, yeah.

1186
1187 Q1: Yeah, that's what I figured. It broke your femur, that's the biggest bone in
1188 your body, so...

1189
1190 A: 'Cause I just remember from, uh, rollin'...

1191
1192 Q1: Mm-hm.

1193
1194 A: ...I was, like, "Damn."

1195
1196 Q1: Hm, yeah, it hurts to get shot, huh?

1197
1198 A: Yeah.

1199
1200 Q1: Yeah.

1201
1202 A: And (to die) (unintelligible).

1203
1204 Q1: Well, luckily everybody's cool. Your mom's all right. Your dad's all right.
1205 Your brother's all right. So, all right. Well, thanks for talkin' to us, dude.
1206 Now, you need anything?

1207
1208 Q2: Let this be a wake-up call for ya, man.

1209
1210 A: Mm.

1211
1212 Q1: Ya cool?

1213
1214 A: I am cool.

1215

1216 Q1: All right. Thanks.

1217
1218 Q2: All right.

1219
1220 Q1: All right.

1221
1222 A: (Unintelligible).

1223
1224
1225 The transcript has been reviewed with the audio recording submitted and it is an accurate
1226 transcription.

1227 Signed _____

Pittsburgh PD Controlled Document 2/21/2020 11:00:54 AM

☐ Continuation

PITTSBURG POLICE DEPARTMENT
65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault with deadly weapon	4. Detail 1. 245(a)(2) 2. 245(c)	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M) [REDACTED]		7. Date Orig. Report 05/17/2016	8. Employee No. P3040	
9. Address / Location of Occurrence Kingsley Drive, Pittsburg		10. Suspect's Name (L,F,M)		
11. Narrative / Statements Victim 2: [REDACTED] Victim 3: Creighton, Michael 65 Civic Avenue Pittsburg, CA 94565 925-252-4980 On 3/8/18 Pittsburg Police Department evidence personnel obtained evidence in this case from the Contra Costa Crime Lab, lab number 16-002350, submission #'s 003 & 001-01-B. The evidence I received was collected and packaged by the Contra Costa Crime lab. The items were marked, tagged and logged into evidence by me. See property page. Nothing Further				
12. Distribution				
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input checked="" type="checkbox"/> District Attorney	13. Additional Routing	
<input type="checkbox"/> Administration	<input checked="" type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs		
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO		
14. Reporting Officer (Print) Dennette Gargalikis		15. Date/Time Written 04/17/2018 / 1200		16. Dispo RTF
17. Approving Supv (Print) Detective Sergeant James Terry		18. Supv No. P287	19. Date 04/23/2018	20. Suspended <input type="checkbox"/>

PITTSBURG POLICE DEPARTMENT

EVIDENCE/PROPERTY FORM

☒ Supplemental ☐ Suspended

DATE	CRIME(S)	CASE NUMBER
03/08/2018	Assault with deadly weapon	16-3471

PERSON CODES: S=SUSPECT V=VICTIM O=OWNER F=FINDER

PERSON CODE	NAME(LAST FIRST MIDDLE)	DOB	ARR	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ADULT <input type="checkbox"/> JUV
ADDRESS		CITY, STATE, ZIP	PHONE	

PROPERTY CODE:					
DS=DESTRUCTION	E=EVIDENCE	LST=LOST	S=STOLEN	SR=STOLEN/RECOVERED	SK=SAFEKEEPING
FP=FOUND PROPERTY					

FIREARM PROPERTY CODE:	USE OF FIREARM
E=EVIDENCE (Use this for firearms used in crime, DV or illegally possessed)	S=STOLEN SR=STOLEN/RECOVERED FP=FOUND PROPERTY
SK=SAFE KEEPING (Use this for firearms turned in Destruction, Restraining Order, 5150 or DV)	

Property Disposition Codes : Property Division use only D=Destruction A=Auction R=Released

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
1DG	EVD		E	05/17/2016	Y												
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			
1 brown paper bag containing firearms related evidence from scene																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
2DG	EVD		E	05/17/2016	Y												
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			
1 manila envelope containing 3 test fired .40 S/W cartridge cases and bullets																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS:

DISTRIBUTION	RECEIVING OFFICER & ID#	DATE
	Dennette Gargalikis 3040	04/17/2018

<input type="checkbox"/> Chief <input type="checkbox"/> Special Services <input checked="" type="checkbox"/> District Attorney	Property/Evidence Division Use Only:	
<input type="checkbox"/> Administration <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> Evidence <input type="checkbox"/> Patrol <input type="checkbox"/> SRO	Property Released:	DATE

☐ Continuation

☒ Supplemental

PITTSBURG POLICE DEPARTMENT
65 Civic Ave, Pittsburg, CA 94565

Beat 5

☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault with deadly weapon	4. Detail 1. PC 245C 2.	5. Reclassi fication <input type="checkbox"/>
6. Victim Name (L,F,M) Creighton, Michael		7. Date Orig. Report 05/17/2016	8. Employee No. P188	
9. Address / Location of Occurrence Kingsley Dr, Pittsburg		10. Suspect's Name (L,F,M) None		

11. Narrative / Statements

On 11/10/16 I obtained one manila envelope containing evidence associated with the original investigation from Contra Costa County Crime Lab Personnel. Lab#16-002350. I logged the item into evidence, see property page.

Nothing Further

12. Distribution			13. Additional Routing		
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input type="checkbox"/> District Attorney	14. Reporting Officer (Print) Peter Cardinale	15. Date/Time Written 11/16/2016 / 1504	16. Dispo RTF
<input type="checkbox"/> Administration	<input checked="" type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs	17. Approving Supv (Print) James Terry	18. Supv No. P287	19. Date 11/16/2016
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO			20. Suspended <input type="checkbox"/>

PITTSBURG POLICE DEPARTMENT EVIDENCE/PROPERTY FORM

☒ Supplemental ☐ Suspended

DATE	CRIME(S)	CASE NUMBER
11/10/2016	Assault with deadly weapon	16-3471

PERSON CODES: S=SUSPECT V=VICTIM O=OWNER F=FINDER

PERSON CODE	NAME(LAST FIRST MIDDLE)	DOB	ARR
V	Creighton, Michael		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> ADULT <input type="checkbox"/> JUV

ADDRESS	CITY, STATE, ZIP	PHONE
65 Civic Ave., Pittsburgh		(925)252-4980

PROPERTY CODE: E

DS=DESTRUCTION	E=EVIDENCE	LST=LOST	S=STOLEN	SR=STOLEN/RECOVERED	SK=SAFEKEEPING
FP=FOUND PROPERTY					

FIREARM PROPERTY CODE:	USE OF FIREARM
------------------------	----------------

E=EVIDENCE (Use this for firearms used in crime, DV or illegally possessed)	S=STOLEN SR=STOLEN/RECOVERED FP=FOUND PROPERTY	SK=SAFE KEEPING (Use this for firearms turned in Destruction, Restraining Order, 5150 or DV)
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Property Dispositon Codes : Property Division use only	D=Destruction	A=Auction	R=Released
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PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
5PC	EVD		E	11/10/2016													

DESCRIPTION(MAKE,MODEL,COLOR,ETC)	SERIAL/NUMBER OWNER APPLIED	FCN NUMBER
Manila envelope containing swab from Sig Sauer pistol subm#001-01-A		

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE

DESCRIPTION(MAKE,MODEL,COLOR,ETC)	SERIAL/NUMBER OWNER APPLIED	FCN NUMBER

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE

DESCRIPTION(MAKE,MODEL,COLOR,ETC)	SERIAL/NUMBER OWNER APPLIED	FCN NUMBER

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE

DESCRIPTION(MAKE,MODEL,COLOR,ETC)	SERIAL/NUMBER OWNER APPLIED	FCN NUMBER

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE

DESCRIPTION(MAKE,MODEL,COLOR,ETC)	SERIAL/NUMBER OWNER APPLIED	FCN NUMBER

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE

DESCRIPTION(MAKE,MODEL,COLOR,ETC)	SERIAL/NUMBER OWNER APPLIED	FCN NUMBER

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS:

DISTRIBUTION	RECEIVING OFFICER & ID#	DATE
<input type="checkbox"/> Chief <input type="checkbox"/> Administration <input type="checkbox"/> Evidence	Cardinale 188 Property/Evidence Divison Use Only: Property Released:	11/10/2016 DATE
<input type="checkbox"/> Special Services <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Patrol	<input type="checkbox"/> District Attorney <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> SRO	

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault w/ A Deadly Weapon	4. Detail 1. PC 245(c) 2.	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M)		7. Date Orig. Report 05/17/2016	8. Employee No. P247	
9. Address / Location of Occurrence Kingsly Drive, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto Daniel		

11. Narrative / Statements

August 25 2016

I requested a copy of the Contra Costa County Communication Center CAD log and audio traffic. I later received a copy of this CAD log and placed into Pittsburg Police Department Evidence.

PittsburgPD Controlled Document 2/21/2020 11:00:57 AM

12. Distribution			13. Additional Routing		
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input type="checkbox"/> District Attorney	14. Reporting Officer (Print) Joseph Terry	15. Date/Time Written 08/25/2016 / 1000	16. Disposition RFT
<input type="checkbox"/> Administration	<input checked="" type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs	17. Approving Supv (Print) Adam Deplitch	18. Supv No. P223	19. Date 08/30/2016
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO	20. Suspended <input type="checkbox"/>		

PITTSBURG POLICE DEPARTMENT

EVIDENCE/PROPERTY FORM

☒ Supplemental ☐ Suspended

DATE	CRIME(S)	CASE NUMBER
08/25/2016	Assault w/ A Deadly Weapon	16-3471

PERSON CODES: S=SUSPECT V=VICTIM O=OWNER F=FINDER

PERSON CODE V	NAME(LAST FIRST MIDDLE) [REDACTED] Look Up	DOB [REDACTED]	ARR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> ADULT <input type="checkbox"/> JUV
------------------	--	-------------------	---

ADDRESS [REDACTED] Kingsley Drive Pittsburg, Ca	CITY, STATE, ZIP	PHONE
--	------------------	-------

PROPERTY CODE:					
DS=DESTRUCTION	E=EVIDENCE	LST=LOST	S=STOLEN	SR=STOLEN/RECOVERED	SK=SAFEKEEPING
FP=FOUND PROPERTY					

FIREARM PROPERTY CODE:	USE OF FIREARM
------------------------	----------------

E=EVIDENCE (Use this for firearms used in crime, DV or illegally possessed)	S=STOLEN SR=STOLEN/RECOVERED FP=FOUND PROPERTY	SK=SAFE KEEPING (Use this for firearms turned in Destruction, Restraining Order, 5150 or DV)
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Property Dispositon Codes : Property Division use only	D=Destruction	A=Auction	R=Released
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PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
4jt	EVD			08/25/2016													
DESCRIPTION(MAKE,MODEL,COLOR,ETC) CAD log										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS:

DISTRIBUTION <input type="checkbox"/> Chief <input type="checkbox"/> Special Services <input type="checkbox"/> District Attorney <input type="checkbox"/> Administration <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> Evidence <input type="checkbox"/> Patrol <input type="checkbox"/> SRO	RECEIVING OFFICER & ID# Joseph Terry P247 Property/Evidence Divison Use Only: Property Released:	DATE 08/25/2016 DATE
--	--	--------------------------------

☐ Continuation**PITTSBURG POLICE DEPARTMENT****65 Civic Ave, Pittsburg, CA 94565**Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault with deadly weapon	4. Detail 1. PC 245C 2. PC 245A2	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M) State Of California		7. Date Orig. Report 05/17/2016	8. Employee No. P188	
9. Address / Location of Occurrence Kingsley Dr, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto		

11. Narrative / Statements

On 08-11-16, I obtained evidence in this case from the Contra Costa Crime Lab, lab number 16-002350. The evidence was obtained and collected by CCC crime scene personnel from the original scene who later gave the items to me. I logged the items into evidence, see property page.

Nothing Further

12. Distribution

☐ Chief ☐ Special Services ☒ District Attorney
☐ Administration ☒ Investigations ☐ Narcotics / Gangs
☐ Evidence ☐ Patrol ☐ SRO

13. Additional Routing

14. Reporting Officer (Print) Peter Cardinale	15. Date/Time Written 08/11/2016 /	16. Dispo RFT
17. Approving Supv (Print) Michael Keefe	18. Supv No. P237	19. Date 08/30/2016
		20. Suspended <input type="checkbox"/>

PITTSBURG POLICE DEPARTMENT

EVIDENCE/PROPERTY FORM

☒ Supplemental ☐ Suspended

DATE	CRIME(S)	CASE NUMBER
08/11/2016	Assault with deadly weapon	16-3471

PERSON CODES: S=SUSPECT V=VICTIM O=OWNER F=FINDER

PERSON CODE	NAME(LAST FIRST MIDDLE)	DOB	ARR
V	State of Cal Look Up		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ADULT <input type="checkbox"/> JUV

ADDRESS	CITY, STATE, ZIP	PHONE
65 Civic Ave., Pittsburg		

PROPERTY CODE: E

DS=DESTRUCTION	E=EVIDENCE	LST=LOST	S=STOLEN	SR=STOLEN/RECOVERED	SK=SAFEKEEPING
FP=FOUND PROPERTY					

FIREARM PROPERTY CODE:	USE OF FIREARM yes
------------------------	--------------------

E=EVIDENCE (Use this for firearms used in crime, DV or illegally possessed)	S=STOLEN SR=STOLEN/RECOVERED FP=FOUND PROPERTY	SK=SAFE KEEPING (Use this for firearms turned in Destruction, Restraining Order, 5150 or DV)
---	--	--

Property Dispositon Codes : Property Division use only	D=Destruction	A=Auction	R=Released
--	---------------	-----------	------------

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
1PC	EVD		E	08/11/2016	y	Y	F	GUNS						P			
DESCRIPTION(MAKE,MODEL,COLOR,ETC)											SERIAL/NUMBER OWNER APPLIED			FCN NUMBER			
Davis Industries, Mod P-32, .32 auto, semi auto, w/mag lab# 16-00																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
2PC	EVD		E	08/11/2016	y												
DESCRIPTION(MAKE,MODEL,COLOR,ETC)											SERIAL/NUMBER OWNER APPLIED			FCN NUMBER			
One gold envelope, containing dvd w/14 photos & cd with latent impressions subm# 005																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
3PC	EVD		E	08/11/2016	y												
DESCRIPTION(MAKE,MODEL,COLOR,ETC)											SERIAL/NUMBER OWNER APPLIED			FCN NUMBER			
One gold envelope w/1 water blank and 4 swabs from pistol subm# 002-01-A																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
4PC	EVD		E	08/11/2016	y												
DESCRIPTION(MAKE,MODEL,COLOR,ETC)											SERIAL/NUMBER OWNER APPLIED			FCN NUMBER			
One gold envelope containing 1 swab from pistol magazine subm# 002-02-A																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)											SERIAL/NUMBER OWNER APPLIED			FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)											SERIAL/NUMBER OWNER APPLIED			FCN NUMBER			

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS:

DISTRIBUTION	RECEIVING OFFICER & ID#	DATE
<input type="checkbox"/> Chief <input type="checkbox"/> Administration <input type="checkbox"/> Evidence	Cardinale 188 Property/Evidence Divison Use Only: Property Released:	08/11/2016 DATE
<input type="checkbox"/> Special Services <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Patrol	<input checked="" type="checkbox"/> District Attorney <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> SRO	

Pittsburg PD
#16-3471

SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v.

RIGOBERTO DANIEL GUTIERREZ,
Defendant.

Docket: 04-187194-6
DA No: 0130909645

COMPLAINT - MISDEMEANOR

Count 1) PC417(a)(2)(A)
Count 2) PC245(c)
Count 3) PC69

COUNT 1 – EXHIBITING A CONCEALABLE FIREARM IN PUBLIC

The undersigned states, on information and belief, that Rigoberto Daniel Gutierrez, Defendant, did commit a Misdemeanor, a violation of PC417(a)(2)(A), Exhibiting A Concealable Firearm In Public, committed as follows:

On or about May 17, 2016, in the County of Contra Costa, State of California, the crime of Exhibiting A Concealable Firearm In Public in violation of PC417(a)(2)(A), a Misdemeanor, was committed in that RIGOBERTO DANIEL GUTIERREZ did unlawfully, in the presence of another, draw and exhibit a firearm, whether loaded or unloaded, in a rude, angry and threatening manner and did use a firearm in a fight and quarrel. It is further alleged that the above offense occurred in a public place and the firearm was a pistol, revolver and firearm capable of being concealed upon the person.

COUNT 2 – ASSAULT UPON PEACE OFFICER OR FIREFIGHTER

The undersigned states, on information and belief, that Rigoberto Daniel Gutierrez, Defendant, did commit a Felony, a violation of PC245(c), Assault Upon Peace Officer Or Firefighter, committed as follows:

On or about May 17, 2016, in the County of Contra Costa, State of California, the crime of Assault Upon Peace Officer Or Firefighter in violation of PC245(c), a Felony, was committed in that RIGOBERTO DANIEL GUTIERREZ did willfully and unlawfully commit an assault with a deadly weapon and instrument and by force likely to produce great bodily injury upon the person of **Michael Creighton** when the defendant, RIGOBERTO DANIEL GUTIERREZ knew and should have known that said person was a Peace Officer then and there engaged in the performance of his/her duties .

COUNT 3 – RESISTING EXECUTIVE OFFICER

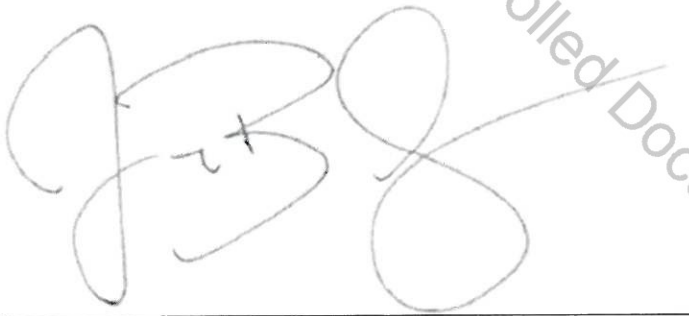
The undersigned states, on information and belief, that Rigoberto Daniel Gutierrez, Defendant, did commit a Felony, a violation of PC69, Resisting Executive Officer, committed as follows:

On or about May 17, 2016, in the County of Contra Costa, State of California, the crime of Resisting Executive Officer in violation of PC69, a Felony, was committed in that RIGOBERTO DANIEL GUTIERREZ did unlawfully attempt by means of threats and violence to deter and prevent **Michael Creighton**, who was then and there an executive officer, from performing a duty imposed upon such officer by law, and did knowingly resist by the use of force and violence said executive officer in the performance of his/her duty.

Complainant requests that the Defendant[s] be dealt with according to the law.

Dated: May 23, 2016, at Martinez, California

MARK A. PETERSON
District Attorney

A handwritten signature in blue ink, appearing to read 'Barry Grove', is written over a horizontal line. The signature is stylized with large loops and a crossbar.

Barry Grove
Deputy District Attorney
BG/sb

Document 2/21/2020 11:00:59 AM

☒ Face Page ☒ Felony
☒ Continuation ☐ Misdemeanor
☒ Supplemental ☐ Juvenile

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5
☒ Arrest ☒ Gun ☒ Use of Force ☐ Domestic Violence

1. DR No. 16-3471		2. City Code PT46		3. Crime/Classification Assault W/ Deadly Weapon-Officer (F)			4. Detail 1. PC245B 2. _____		5. More Persons <input checked="" type="checkbox"/>		
6. Day / Date / Time of Occurrence From TUES 05/17/2016 2113 To TUES 05/17/2016 2113						7. Date / Time Reported 05/17/2016 / 2104		8. Employee No. P220		9. Reclassification <input type="checkbox"/>	
10. Address / Location of Occurrence Kingsly Drive Pittsburg, Ca 94565											
11. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input checked="" type="checkbox"/> OTHER											
12. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested						13. Race / Sex / Age		14. DOB		15. Driver License No.	
18. Employed By or School									19. Work Phone		
20. Hair		21. Eyes		22. Ht.		23. Wt.		24. AKA / Maiden Name		25. Social Security No.	
26. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)									27. Booking or Cite No.		
28. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input checked="" type="checkbox"/> OTHER											
29. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested						29. Race / Sex / Age		30. DOB		31. Driver License No.	
34. Employed By or School									35. Work Phone		
36. Hair		37. Eyes		38. Ht.		39. Wt.		40. AKA / Maiden Name		41. Social Security No.	
42. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)									43. Booking or Cite No.		
44. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input checked="" type="checkbox"/> OTHER											
45. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested						46. Race / Sex / Age		47. DOB		48. Driver License No.	
51. Employed By or School									52. Work Phone		
53. Hair		54. Eyes		55. Ht.		56. Wt.		57. AKA / Maiden Name		58. Social Security No.	
59. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)									60. Booking or Cite No.		
62. Veh / Ves <input type="checkbox"/> S <input type="checkbox"/> Vict		63. Lic No. / State /		64. Year		65. Make		66. Model		67. Body Style	
69. Status <input type="checkbox"/> Left <input type="checkbox"/> Impound <input type="checkbox"/> Stored		70. Registered Owner				71. R.O. Address					
72. Towed to or Released to				73. Who has Keys?							
74. Evid <input checked="" type="radio"/> Yes <input type="radio"/> No		75. F / P <input type="radio"/> Yes <input checked="" type="radio"/> No		76. Dispo of Evidence Media Upload				77. Missing N		78. Damaged N	
79. Brief Synopsis of Incident See Original											
CROSS REFERENCE:				IN-CAR VIDEO <input type="radio"/> Yes <input checked="" type="radio"/> No				BODY CAMERA <input checked="" type="radio"/> Yes <input type="radio"/> No			
MARSY'S LAW <input type="radio"/> Yes <input checked="" type="radio"/> No				ELDER ABUSE FORM SOC 341 <input type="radio"/> Yes <input checked="" type="radio"/> No				VICTIM RESPONSE - 293 PC <input type="radio"/> Yes <input checked="" type="radio"/> No			
80. Distribution <input type="checkbox"/> Chief <input type="checkbox"/> Special Services <input checked="" type="checkbox"/> District Attorney <input type="checkbox"/> Administration <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> Evidence <input type="checkbox"/> Patrol <input type="checkbox"/> SRO						81. Additional Routing					
82. Reporting Officer (Print) Kessler 220						83. Date/Time Written 07/12/2016 / 1600			84. Dispo RFT		
85. Approving Supv (Print) Lester Galer						86. Supv No. P258		87. Date 07/12/2016		88. Suspended <input type="checkbox"/>	

☐ Face Page ☒ Felony
☒ Continuation ☐ Misdemeanor
☒ Supplemental ☐ Juvenile

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5
☒ Arrest ☒ Gun ☒ Use of Force ☐ Domestic Violence

1. DR No. 16-3471		2. City Code PT46		3. Crime/Classification Assault W/ Deadly Weapon-Officer (F)		4. Detail 1. PC245B 2. _____		5. More Persons <input checked="" type="checkbox"/>			
6. Day / Date / Time of Occurrence From TUES 05/17/2016 2113 To TUES 05/17/2016 2113				7. Date / Time Reported 05/17/2016 / 2104		8. Employee No. P220		9. Reclassification <input type="checkbox"/>			
10. Address / Location of Occurrence Kingsly Drive Pittsburg, Ca 94565											
11. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input checked="" type="checkbox"/> OTHER											
12. Name (L, F, M) Type: <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested					13. Race / Sex / Age		14. DOB		15. Driver License No.		
18. Employed By or School											
19. Work Phone											
20. Hair		21. Eyes		22. Ht.		23. Wt.		24. AKA / Maiden Name		25. Social Security No.	
26. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								27. Booking or Cite No.			
28. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input checked="" type="checkbox"/> OTHER											
29. Name (L, F, M) Type: <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested					29. Race / Sex / Age		30. DOB		31. Driver License No.		
34. Employed By or School											
35. Work Phone											
36. Hair		37. Eyes		38. Ht.		39. Wt.		40. AKA / Maiden Name		41. Social Security No.	
42. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								43. Booking or Cite No.			
44. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input checked="" type="checkbox"/> OTHER											
45. Name (L, F, M) Type: <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested					46. Race / Sex / Age		47. DOB		48. Driver License No.		
51. Employed By or School											
52. Work Phone											
53. Hair		54. Eyes		55. Ht.		56. Wt.		57. AKA / Maiden Name		58. Social Security No.	
59. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								60. Booking or Cite No.			
62. Veh / Ves <input type="checkbox"/> S <input type="checkbox"/> Vict		63. Lic No. / State /		64. Year		65. Make		66. Model		67. Body Style	
69. Status <input type="checkbox"/> Left <input type="checkbox"/> Impound <input type="checkbox"/> Stored		70. Registered Owner				71. R.O. Address					
72. Towed to or Released to				73. Who has Keys?							
74. Evid <input checked="" type="radio"/> Yes <input type="radio"/> No		75. F / P <input type="radio"/> Yes <input checked="" type="radio"/> No		76. Dispo of Evidence Media Upload				77. Missing N		78. Damaged N	
79. Brief Synopsis of Incident See Original											
CROSS REFERENCE:				IN-CAR VIDEO <input type="radio"/> Yes <input checked="" type="radio"/> No				BODY CAMERA <input checked="" type="radio"/> Yes <input type="radio"/> No			
MARSY'S LAW <input type="radio"/> Yes <input checked="" type="radio"/> No				ELDER ABUSE FORM SOC 341 <input type="radio"/> Yes <input checked="" type="radio"/> No				VICTIM RESPONSE - 293 PC <input type="radio"/> Yes <input checked="" type="radio"/> No			
80. Distribution <input type="checkbox"/> Chief <input type="checkbox"/> Special Services <input checked="" type="checkbox"/> District Attorney <input type="checkbox"/> Administration <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> Evidence <input type="checkbox"/> Patrol <input type="checkbox"/> SRO				81. Additional Routing							
				82. Reporting Officer (Print) Kessler 220				83. Date/Time Written 07/12/2016 / 1600			
				84. Dispo RFT							
				85. Approving Supv (Print) Lester Galer				86. Supv No. P258		87. Date 07/12/2016	
								88. Suspended <input type="checkbox"/>			

PITTSBURG POLICE DEPARTMENT

EVIDENCE/PROPERTY FORM

☒ Supplemental ☐ Suspended

DATE	CRIME(S)	CASE NUMBER
05/17/2016	Assault W/ Deadly Weapon-Officer (F)	16-3471

PERSON CODES: S=SUSPECT V=VICTIM O=OWNER F=FINDER

PERSON CODE	NAME(LAST FIRST MIDDLE)	DOB	ARR	<input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> ADULT	<input type="checkbox"/> NO <input type="checkbox"/> JUV
S	Gutierrez, R.	[REDACTED]			
ADDRESS			CITY, STATE, ZIP		PHONE
Kingsly Drive Pittsburg, Ca 94565					

PROPERTY CODE:

DS=DESTRUCTION E=EVIDENCE LST=LOST S=STOLEN SR=STOLEN/RECOVERED SK=SAFEKEEPING
 FP=FOUND PROPERTY

FIREARM PROPERTY CODE: USE OF FIREARM

E=EVIDENCE S=STOLEN SK=SAFE KEEPING
 (Use this for firearms used in crime, DV or illegally possessed) SR=STOLEN/RECOVERED (Use this for firearms turned in Destruction, Restraining Order, 5150 or DV)
 FP=FOUND PROPERTY

Property Disposition Codes : Property Division use only D=Destruction A=Auction R=Released

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
JK-1	EVD		E	05/17/2016	Y				1								
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
Body Camera Footage with listed Subjects																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS:

DISTRIBUTION

☐ Chief ☐ Special Services ☒ District Attorney
☐ Administration ☒ Investigations ☐ Narcotics / Gangs
☐ Evidence ☐ Patrol ☐ SRO

RECEIVING OFFICER & ID#

DATE

Property/Evidence Division Use Only:

Property Released:

DATE

☒ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault W/ Deadly Weapon-Officer (F)	4. Detail 1. PC245B 2.	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M) Creighton, Michael		7. Date Orig. Report 05/17/2016	8. Employee No. P220	
9. Address / Location of Occurrence Kingsly Drive Pittsburg, Ca 94565		10. Suspect's Name (L,F,M) Gutierrez,Rigoberto		

11. Narrative / Statements

Summary:

On 5-17-2016 at approximately 2200 hrs, I was off-duty and received a telephone call from Sgt. Galer informing me an officer involved shooting occurred the City of Pittsburg. Sgt. Galer indicated a county LEIFI protocol was being enacted and requested I respond to the station.

I arrived at the station at approximately 2300 hrs and later attended a briefing, which included members of the Contra Costa County District Attorney's Office. The briefing was facilitated by Sgt. Terry and Sgt. Deplitch. Sgt. Terry was the on-duty patrol supervisor at the time of the incident and provided details regarding what had occurred. Sgt. Deplitch supervises the Investigations Division within the department and provided additional information.

Through information obtained at the briefing it was learned Officers Creighton and Palma had responded to a domestic dispute at Kingsly Dr. The suspect was reported to be armed with a firearm and acting irrationally. Upon the officers arrival, the suspect refused to follow commands and was infact armed. As a result, an officer involved shooting ensued.

At the conclusion of the briefing investigative teams were assigned to conduct specific tasks. I was partnered with Inspector Don Hendershot with the Contra Costa County District Attorney's Office. Insp. Hendershot and I were directed to conduct neighborhood contacts at homes in the Kingsly Dr area.

Insp. Hendershot and I responded to the 1500 block of Kingsley Dr and contacted several residents in the area. The locations and the individuals contacted are listed on pages 1 and 2 of this supplement report. Insp. Hendershot documented our contacts and interviews with residents. I utilized my department issued body worn camera to to record and further document the information provided.

I later uploaded the video footage into evidence as item JK-1. Refer to Inp. Hendershot's

12. Distribution

13. Additional Routing

- ☐ Chief
☐ Administration
☐ Evidence
- ☐ Special Services
☒ Investigations
☐ Patrol
- ☒ District Attorney
☐ Narcotics / Gangs
☐ SRO

14. Reporting Officer (Print)

Kessler 220

17. Approving Supv (Print)

Lester Galer

15. Date/Time Written

07/12/2016 / 1600

18. Supv No.

P258

19. Date

07/12/2016

16. Dispo

RFT

20. Suspended

☐

☒ Continuation

PITTSBURG POLICE DEPARTMENT

☒ Supplemental

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault W/ Deadly Weapon-Officer (F)	4. Detail 1. PC245B 2.	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M) Creighton, Michael		7. Date Orig. Report 05/17/2016	8. Employee No. P220	
9. Address / Location of Occurrence Kingsly Drive Pittsburg, Ca 94565		10. Suspect's Name (L,F,M) Gutierrez,Rigoberto		

11. Narrative / Statements

supplement report for further.

PittsburgPD Controlled Document 2/21/2020 11:01:02 AM

12. Distribution

- ☐ Chief
☐ Administration
☐ Evidence
- ☐ Special Services
☒ Investigations
☐ Patrol
- ☒ District Attorney
☐ Narcotics / Gangs
☐ SRO

13. Additional Routing

14. Reporting Officer (Print) Kessler 220	15. Date/Time Written 07/12/2016 / 1600	16. Dispo RFT
17. Approving Supv (Print) Lester Galer	18. Supv No. P258	19. Date 07/12/2016
		20. Suspended <input type="checkbox"/>

☒ Face Page ☒ Felony
☐ Continuation ☐ Misdemeanor
☒ Supplemental ☐ Juvenile

PITTSBURG POLICE DEPARTMENT
65 Civic Ave, Pittsburg, CA 94565

(Page 1 of 5)
Beat 5

☒ Arrest ☒ Gun ☒ Use of Force ☐ Domestic Violence

1. DR No. 16-3471		2. City Code PT46		3. Crime/Classification ASSAULT WITH DEADLY WEAPON		4. Detail 1. 245(a)(2) 2. 245(c)		5. More Persons <input checked="" type="checkbox"/>	
6. Day / Date / Time of Occurrence From TUES 05/17/2016 To TUES 05/17/2016				7. Date / Time Reported 05/17/2016 / 2112		8. Employee No. 264			
10. Address / Location of Occurrence Kingsley Drive Pittsburg, Ca									
11. <input type="checkbox"/> PRI <input checked="" type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER									
12. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested Creighton, Michael						13. Race / Sex / Age W / M /		14. DOB	
16. Address (Zip Code) 65 Civic Avenue, Pittsburg						17. Home Phone			
18. Employed By or School Pittsburg Police Department						19. Work Phone			
20. Hair		21. Eyes		22. Ht.		23. Wt.		24. AKA / Maiden Name	
26. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)						Email Address		25. Social Security No.	
26. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)						Cell Phone		27. Booking or Cite No.	
28. <input type="checkbox"/> PRI <input checked="" type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER									
36. Hair									
37. Eyes									
38. Ht.									
39. Wt.									
40. AKA / Maiden Name						Email Address		41. Social Security No.	
42. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)						Cell Phone		43. Booking or Cite No.	
44. <input type="checkbox"/> PRI <input checked="" type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER									
Sex / Age / M / 17									
53. Hair									
54. Eyes									
55. Ht.									
56. Wt.									
57. AKA / Maiden Name						Email Address		58. Social Security No.	
59. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)						Cell Phone		60. Booking or Cite No.	
62. Veh / Ves <input type="checkbox"/> S <input type="checkbox"/> Vict		63. Lic No. / State /		64. Year		65. Make		66. Model	
67. Body Style		68. Color Top Bottom		69. Status <input type="checkbox"/> Left <input type="checkbox"/> Impound <input type="checkbox"/> Stored		70. Registered Owner		71. R.O. Address	
72. Towed to or Released to		73. Who has Keys?		74. Evid <input checked="" type="radio"/> Yes <input type="radio"/> No		75. F / P <input type="radio"/> Yes <input checked="" type="radio"/> No		76. Dispo of Evidence Evidence Room	
77. Missing None		78. Damaged None		79. Brief Synopsis of Incident See narrative					
CROSS REFERENCE:									
IN-CAR VIDEO <input type="radio"/> Yes <input checked="" type="radio"/> No									
BODY CAMERA <input checked="" type="radio"/> Yes <input type="radio"/> No									
MARSY'S LAW <input type="radio"/> Yes <input checked="" type="radio"/> No									
ELDER ABUSE FORM SOC 341 <input type="radio"/> Yes <input checked="" type="radio"/> No									
VICTIM RESPONSE - 293 PC <input type="radio"/> Yes <input checked="" type="radio"/> No									
80. Distribution <input type="checkbox"/> Chief <input type="checkbox"/> Special Services <input checked="" type="checkbox"/> District Attorney <input type="checkbox"/> Administration <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> Evidence <input type="checkbox"/> Patrol <input type="checkbox"/> SRO									
81. Additional Routing									
82. Reporting Officer (Print) Josh Reddoch				83. Date/Time Written 05/20/2016 / 1435				84. Dispo ARR	
85. Approving Supv (Print) Adam Deplitch				86. Supv No. P223		87. Date 07/07/2016		88. Suspended <input type="checkbox"/>	

☐ Face Page ☐ Felony
☒ Continuation ☐ Misdemeanor
☒ Supplemental ☐ Juvenile

PITTSBURG POLICE DEPARTMENT
 65 Civic Ave, Pittsburg, CA 94565

Beat 5
☒ Arrest ☒ Gun ☒ Use of Force ☐ Domestic Violence

1. DR No. 16-3471		2. City Code PT46		3. Crime/Classification ASSAULT WITH DEADLY WEAPON			4. Detail 1. 245(a)(2) 2. 245(c)		5. More Persons <input type="checkbox"/>		
6. Day / Date / Time of Occurrence From TUES 05/17/2016 To TUES 05/17/2016				7. Date / Time Reported 05/17/2016 / 2112		8. Employee No. 264			9. Reclassification <input type="checkbox"/>		
10. Address / Location of Occurrence Kingsley Drive Pittsburg, Ca											
11. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input checked="" type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER											
12. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested Gutierrez, Rigoberto Daniel						13. Race / Sex / Age H / M / 20					
20. Hair BRO		21. Eyes BRO		22. Ht. 503		23. Wt. 120		24. AKA / Maiden Name		25. Social Security No.	
26. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								Cell Phone		27. Booking or Cite No.	
28. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER											
29. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested						29. Race / Sex / Age / /		30. DOB		31. Driver License No.	
32. Address (Zip Code)								33. Home Phone			
34. Employed By or School								35. Work Phone			
36. Hair		37. Eyes		38. Ht.		39. Wt.		40. AKA / Maiden Name		41. Social Security No.	
42. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								Cell Phone		43. Booking or Cite No.	
44. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER											
45. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested						46. Race / Sex / Age / /		47. DOB		48. Driver License No.	
49. Address (Zip Code)								50. Home Phone			
51. Employed By or School								52. Work Phone			
53. Hair		54. Eyes		55. Ht.		56. Wt.		57. AKA / Maiden Name		58. Social Security No.	
59. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								Cell Phone		60. Booking or Cite No.	
62. Veh / Ves <input type="checkbox"/> S <input type="checkbox"/> Vict		63. Lic No. / State /		64. Year		65. Make		66. Model		67. Body Style	
										68. Color Top Bottom	
69. Status <input type="checkbox"/> Left <input type="checkbox"/> Impound <input type="checkbox"/> Stored		70. Registered Owner				71. R.O. Address					
		72. Towed to or Released to				73. Who has Keys?					
74. Evid <input type="radio"/> Yes <input checked="" type="radio"/> No		75. F / P <input type="radio"/> Yes <input checked="" type="radio"/> No		76. Dispo of Evidence Evidence Room				77. Missing None		78. Damaged None	
79. Brief Synopsis of Incident See narrative											
CROSS REFERENCE:				IN-CAR VIDEO <input type="radio"/> Yes <input checked="" type="radio"/> No				BODY CAMERA <input checked="" type="radio"/> Yes <input type="radio"/> No			
MARSY'S LAW <input type="radio"/> Yes <input checked="" type="radio"/> No				ELDER ABUSE FORM SOC 341 <input type="radio"/> Yes <input checked="" type="radio"/> No				VICTIM RESPONSE - 293 PC <input type="radio"/> Yes <input checked="" type="radio"/> No			
80. Distribution <input type="checkbox"/> Chief <input type="checkbox"/> Special Services <input checked="" type="checkbox"/> District Attorney <input type="checkbox"/> Administration <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> Evidence <input type="checkbox"/> Patrol <input type="checkbox"/> SRO						81. Additional Routing					
						82. Reporting Officer (Print) Josh Reddoch		83. Date/Time Written 05/20/2016 / 1435		84. Dispo ARR	
						85. Approving Supv (Print) Adam Deplitch		86. Supv No. P223		87. Date 07/07/2016	
										88. Suspended <input type="checkbox"/>	

☒ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification ASSAULT WITH DEADLY WEAPON	4. Detail 1. 245(a)(2) 2. 245(c)	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M) Creighton, Michael		7. Date Orig. Report 05/17/2016	8. Employee No. 264	
9. Address / Location of Occurrence Kingsley Drive Pittsburg, Ca		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto		
11. Narrative / Statements				
<p>On the above date at approximately 2105hrs officers with the Pittsburg Police Department were dispatched to Kingsley Drive for the report of a domestic disturbance. Dispatch advised that the R/P was reporting that her son, later identified as (S) Rigoberto Gutierrez, was armed with a firearm and attempting to get inside the residence.</p> <p>Shortly thereafter, Officer Palma and Officer Creighton arrived on scene and made contact with (S) Gutierrez as he stood in the front entryway of the residence. During this initial contact, an officer involved shooting took place, which resulted in (S) Gutierrez sustaining a single gunshot to his left leg. Upon taking (S) Gutierrez into custody officers located a semi automatic handgun, which was secured on scene.</p> <p>As a result of the shooting (S) Gutierrez's father and brother were also struck by gunfire and subsequently transported to hospital for treatment. was determined to have suffered a single gunshot to his left abdomen area and sustained a single gunshot to his left knee.</p> <p>*For complete details regarding the initial response refer to Officer Haller's original report*</p> <p>At approximately 2200hrs I received a phone call from Sergeant L. Galer who requested that I respond to the Police Department to assist with the investigation. I later attended a briefing in the Pittsburg Police Departments investigation division where we discussed the details of the incident and each of our investigative roles.</p> <p>As a result of the briefing I was partnered with Sgt. D Wedemeyer (Contra Costa County Sheriff's Department) and tasked with conducting interviews with and his son. We were advised that was receiving medical treatment at John Muir Medical Center (Walnut Creek) and that had been admitted at Kaiser Hospital (Antioch).</p> <p>Sgt Wedemeyer and I first responded to John Muir Medical Center where we had an opportunity to speak with agreed to speak with us and provided a detailed statement regarding the incident.</p> <p>*For complete details regarding our conversation with refer to Sgt D. Wedemeyer's supplemental report.</p> <p>After speaking with Sgt D. Wedemeyer and I responded to Kaiser Hospital (Deer Valley) where we also had an opportunity to speak with. Upon arrival Sergeant D. Wedemeyer and I introduced ourselves and asked if he would be willing to speak to us. agreed and stated the following regarding the incident:</p> <p>He currently lives at Kingsley Drive with his parents and older brother "Rigo". He and Rigo share a bedroom, which is located down the hallway on the left. He got home this evening between 5PM-6PM and was inside the house when his mom noticed Rigo standing outside. His mom told him that she thought Rigo was drunk and she asked that he go outside and bring him in.</p> <p>When he went outside he spoke to his brother and confirmed that he was intoxicated. He has seen his brother drunk before and he knows that he does not handle his alcohol very well. While speaking to him he noticed that Rigo was staggering and had trouble standing.</p> <p>He tried to ask him to come inside, but Rigo ended up walking away from the residence. He does not know where Rigo went, but he ended up going back inside and Rigo returned approximately ten minutes later.</p> <p>When Rigo returned home he went into the kitchen and began making food, but his mom told him to sit down and offered to make something for him. His mom ended up making spaghetti, but Rigo pushed the plate away and refused to eat it.</p> <p>While Rigo was seated at the table he started crying for unknown reasons. Rigo would not say what was wrong, but he assumed that it had</p>				
12. Distribution		13. Additional Routing		
<input type="checkbox"/> Chief <input type="checkbox"/> Administration <input type="checkbox"/> Evidence		<input type="checkbox"/> Special Services <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Patrol		<input checked="" type="checkbox"/> District Attorney <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> SRO
14. Reporting Officer (Print) Josh Reddoch		15. Date/Time Written 05/20/2016 / 1435		16. Disposition ARR
17. Approving Supv (Print) Adam Deplitch		18. Supv No. P223	19. Date 07/07/2016	20. Suspended <input type="checkbox"/>

☒ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification ASSAULT WITH DEADLY WEAPON	4. Detail 1. 245(a)(2) 2. 245(c)	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M) Creighton, Michael		7. Date Orig. Report 05/17/2016	8. Employee No. 264	
9. Address / Location of Occurrence Kingsley Drive Pittsburg, Ca		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto		

11. Narrative / Statements

to do with the fact that he was intoxicated. His father also tried talking to Rigo, but would not tell them what was wrong.

While attempting to speak with him further, Rigo said he had to leave and walked towards their bedroom. He and his father followed behind and he saw Rigo retrieve a handgun from a shoe box. He had never seen the gun before, but described it as being silver in color. Rigo ended up putting the gun in his pocket and walked outside to the front entryway.

When Rigo walked outside his dad decided to lock him out because he was scared and they did not want him to be inside the house with a gun. While Rigo was standing outside he and his dad were arguing through the front door and he heard his dad say, "come on your scaring me" and "put that thing away."

Although he had never seen the silver gun, Rigo recently told him that he "coped a strap" and he knew that to mean that he got a gun. Rigo never showed him the gun, but he told him that it did not have a firing pin and did not work. He knows that his parents recently caught Rigo with a different gun and they made him get rid of it. He never saw that gun before either, but was not surprised when Rigo said he had one.

He knew that while Rigo and his dad were arguing his mom was on the phone with the police. She was crying on the phone and he was worried about both of his parents because they were scared.

A short time later he noticed headlights outside and assumed it was the police, although he did not see a police car. He then heard the police yelling something similar to, "get down on the ground" or "put it down", but he could not see what was happening. He then heard three gunshots and realized he had been shot in the knee.

Although he was inside and could not see exactly what happened, he does not believe Rigo fired his gun because he did not have a firing pin.

He knows that Rigo smokes marijuana and also saw him take xanax a few weeks ago. Rigo affiliates with the Norteno street gang and he knows that Rigo hangs out with other Norteno gang members. He also knows that Rigo does not like the police, but he is not sure why.

This concluded my interview with [REDACTED] Our conversation was video recorded using my department issued body camera and I later logged the recording into evidence at the Pittsburg Police Department.

For further details regarding this investigation refer to the original report and all supplemental reports.

Nothing further.

13. Additional Routing

12. Distribution

- | | | |
|---|--|---|
| <input type="checkbox"/> Chief | <input type="checkbox"/> Special Services | <input checked="" type="checkbox"/> District Attorney |
| <input type="checkbox"/> Administration | <input checked="" type="checkbox"/> Investigations | <input type="checkbox"/> Narcotics / Gangs |
| <input type="checkbox"/> Evidence | <input type="checkbox"/> Patrol | <input type="checkbox"/> SRO |

14. Reporting Officer (Print)

Josh Reddoch

15. Date/Time Written

05/20/2016 / 1435

16. Dispo

ARR

17. Approving Supv (Print)

Adam Deplitch

18. Supv No.

P223

19. Date

07/07/2016

20. Suspended

☐

PITTSBURG POLICE DEPARTMENT

EVIDENCE/PROPERTY FORM

☒ Supplemental ☐ Suspended

DATE	CRIME(S)	CASE NUMBER
05/23/2016	ASSAULT WITH DEADLY WEAPON	16-3471

PERSON CODES: S=SUSPECT V=VICTIM O=OWNER F=FINDER

PERSON CODE	NAME(LAST FIRST MIDDLE)	DOB	ARR	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ADULT <input type="checkbox"/> JUV
ADDRESS		CITY, STATE, ZIP	PHONE	

PROPERTY CODE:

DS=DESTRUCTION E=EVIDENCE LST=LOST S=STOLEN SR=STOLEN/RECOVERED SK=SAFEKEEPING
 FP=FOUND PROPERTY

FIREARM PROPERTY CODE: USE OF FIREARM

E=EVIDENCE S=STOLEN SK=SAFE KEEPING
 (Use this for firearms used in crime, DV or illegally possessed) SR=STOLEN/RECOVERED (Use this for firearms turned in Destruction, Restraining Order, 5150 or DV)
 FP=FOUND PROPERTY

Property Disposition Codes : Property Division use only D=Destruction A=Auction R=Released

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
1JR	EVD		E	05/18/2016	Y	E											
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
Body Camera Videos of [REDACTED] Interview																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS:

DISTRIBUTION

☐ Chief ☐ Special Services ☒ District Attorney
☐ Administration ☒ Investigations ☐ Narcotics / Gangs
☐ Evidence ☐ Patrol ☐ SRO

RECEIVING OFFICER & ID#

Reddoch #264

DATE

05/23/2016

Property/Evidence Division Use Only:

Property Released:

DATE

☒ Face Page ☐ Felony
☐ Continuation ☐ Misdemeanor
☒ Supplemental ☐ Juvenile

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat _____

☐ Arrest ☐ Gun ☐ Use of Force ☐ Domestic Violence

1. DR No. 16-3471		2. City Code PT46		3. Crime/Classification ASSAULT WITH DEADLY WEAPON			4. Detail 1. 245 2. _____		5. More Persons <input checked="" type="checkbox"/>		
6. Day / Date / Time of Occurrence From TUES 05/17/2016 2112 To TUES 05/17/2016						7. Date / Time Reported 05/17/2016 / 2112		8. Employee No. 307		9. Reclassification <input type="checkbox"/>	
10. Address / Location of Occurrence Kingsly Dr, Pittsburg											
11. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input checked="" type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER											
26. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								Cell Phone		27. Booking or Cite No.	
28. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input checked="" type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER											
42. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								Cell Phone		43. Booking or Cite No.	
44. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input checked="" type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER											
59. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								Cell Phone		60. Booking or Cite No.	
62. Veh / Ves <input type="checkbox"/> S <input type="checkbox"/> Vict		63. Lic No. / State /		64. Year		65. Make		66. Model		67. Body Style	
										68. Color Top Bottom	
69. Status <input type="checkbox"/> Left <input type="checkbox"/> Impound <input type="checkbox"/> Stored		70. Registered Owner				71. R.O. Address					
		72. Towed to or Released to				73. Who has Keys?					
74. Evid <input checked="" type="radio"/> Yes <input type="radio"/> No		75. F / P <input type="radio"/> Yes <input checked="" type="radio"/> No		76. Dispo of Evidence ER			77. Missing NA			78. Damaged NA	
79. Brief Synopsis of Incident The purpose of this facepage is to add names for neighborhood contacts which I conducted.											
CROSS REFERENCE:				IN-CAR VIDEO <input type="radio"/> Yes <input checked="" type="radio"/> No				BODY CAMERA <input checked="" type="radio"/> Yes <input type="radio"/> No			
MARSY'S LAW <input type="radio"/> Yes <input checked="" type="radio"/> No				ELDER ABUSE FORM SOC 341 <input type="radio"/> Yes <input checked="" type="radio"/> No				VICTIM RESPONSE - 293 PC <input type="radio"/> Yes <input checked="" type="radio"/> No			
80. Distribution						81. Additional Routing					
<input type="checkbox"/> Chief		<input type="checkbox"/> Special Services		<input type="checkbox"/> District Attorney		82. Reporting Officer (Print) Kyle Baker			83. Date/Time Written 05/19/2016 / 0800		
<input type="checkbox"/> Administration		<input type="checkbox"/> Investigations		<input type="checkbox"/> Narcotics / Gangs					84. Dispo		
<input type="checkbox"/> Evidence		<input type="checkbox"/> Patrol		<input type="checkbox"/> SRO		85. Approving Supv (Print) Lester Galer			86. Supv No. P258		87. Date 07/07/2016
									88. Suspended <input type="checkbox"/>		

☐ Face Page ☐ Felony
☒ Continuation ☐ Misdemeanor
☒ Supplemental ☐ Juvenile

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat _____

☐ Arrest ☐ Gun ☐ Use of Force ☐ Domestic Violence

1. DR No. 16-3471		2. City Code PT46		3. Crime/Classification ASSAULT WITH DEADLY WEAPON				4. Detail 1. 245 2. _____		5. More Persons <input type="checkbox"/>	
6. Day / Date / Time of Occurrence From TUES 05/17/2016 2112 To TUES 05/17/2016						7. Date / Time Reported 05/17/2016 / 2112		8. Employee No. 307		9. Reclassification <input type="checkbox"/>	
10. Address / Location of Occurrence Kingsly Dr, Pittsburg											
11. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input checked="" type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER											
28. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input checked="" type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER											
42. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								Cell Phone		43. Booking or Cite No.	
44. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input checked="" type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER											
59. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								Cell Phone		60. Booking or Cite No.	
62. Veh / Ves <input type="checkbox"/> S <input type="checkbox"/> Vict		63. Lic No. / State /		64. Year		65. Make		66. Model		67. Body Style	
										68. Color Top Bottom	
69. Status <input type="checkbox"/> Left <input type="checkbox"/> Impound <input type="checkbox"/> Stored		70. Registered Owner				71. R.O. Address					
		72. Towed to or Released to				73. Who has Keys?					
74. Evid <input type="radio"/> Yes <input checked="" type="radio"/> No		75. F / P <input type="radio"/> Yes <input checked="" type="radio"/> No		76. Dispo of Evidence ER				77. Missing NA		78. Damaged NA	
79. Brief Synopsis of Incident Witness names continued.											
CROSS REFERENCE:				IN-CAR VIDEO <input type="radio"/> Yes <input checked="" type="radio"/> No				BODY CAMERA <input type="radio"/> Yes <input checked="" type="radio"/> No			
MARSY'S LAW <input type="radio"/> Yes <input checked="" type="radio"/> No				ELDER ABUSE FORM SOC 341 <input type="radio"/> Yes <input checked="" type="radio"/> No				VICTIM RESPONSE - 293 PC <input type="radio"/> Yes <input checked="" type="radio"/> No			
80. Distribution						81. Additional Routing					
<input type="checkbox"/> Chief		<input type="checkbox"/> Special Services		<input type="checkbox"/> District Attorney		82. Reporting Officer (Print) Kyle Baker			83. Date/Time Written 05/19/2016 / 0800		84. Dispo
<input type="checkbox"/> Administration		<input type="checkbox"/> Investigations		<input type="checkbox"/> Narcotics / Gangs		85. Approving Supv (Print) Lester Galer			86. Supv No. P258		87. Date 07/07/2016
<input type="checkbox"/> Evidence		<input type="checkbox"/> Patrol		<input type="checkbox"/> SRO							88. Suspended <input type="checkbox"/>

☒ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat _____

☒ Supplemental☐ Arrest ☐ Gun ☐ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification ASSAULT WITH DEADLY WEAPON	4. Detail 1. 245 2.	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M)		7. Date Orig. Report 05/17/2016	8. Employee No. 307	
9. Address / Location of Occurrence Kingsly Dr, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto		

11. Narrative / Statements

Summary

On 5/17/16 at approximately 2112 hours, Officer Creighton and Officer Palma responded to [REDACTED] Kingsly Dr. for a domestic disturbance involving a firearm. Upon responding, an officer involved shooting occurred. I was called in as part of the Contra Costa County Protocol Investigation Team.

Assigned Task

Upon briefing at 2330 hours, I was assigned the task of neighborhood contacts on Kingsly Dr. This was along with Det. Kessler (PPD), Inspector Michael Morley (COCO DA Office), and Don Hendershot (COCO DA Office).

We arrived on Kingsly Dr. at approximately 0015 hours on 5/18/16. Inspector Morley and I partnered together and conducted contacts on the south side of Kingsly Dr. Det Kessler and Inspector Hendershot did the same on the north side of the street.

Neighborhood Contacts

[REDACTED] .- We spoke to [REDACTED] and [REDACTED] at this location. They both heard gun fire, however did not witness the event. Refer to Inspector Morley's report for further.

[REDACTED] .- Inspector Morley and I contacted [REDACTED] at this location. Inspector Morley obtained statements from [REDACTED] while I obtained a statement from [REDACTED] told me the following in summary:

On 5/17/16 [REDACTED] came to [REDACTED] Kingsly Dr. because [REDACTED] was visiting [REDACTED]. At approximately 2000 hours, [REDACTED] walked out to [REDACTED] vehicle which was parked on the north side of the street. While walking towards [REDACTED] car, [REDACTED] saw what appeared to be a white male walking around the driveway area of [REDACTED] Kingsly Dr.

The male subject was wearing a dark hooded sweatshirt with the hood over his head. [REDACTED] was not able to clearly see the subjects face. He appeared, "younger," however [REDACTED] could not tell any other descriptors. He was acting strangely as at one point he dashed into to the street for no apparent reason. [REDACTED] said, "He looks like he is on something."

[REDACTED] did not notice him saying anything, did not see a firearm, or any interaction with anybody at [REDACTED] Kingsly Dr. The only other person [REDACTED] noticed as a [REDACTED] on a bicycle who rode up and spoke with the subject for

12. Distribution			13. Additional Routing		
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input type="checkbox"/> District Attorney	14. Reporting Officer (Print) Kyle Baker	15. Date/Time Written 05/19/2016 / 0800	16. Dispo
<input type="checkbox"/> Administration	<input type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs	17. Approving Supv (Print) Lester Galer	18. Supv No. P258	19. Date 07/07/2016
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO			20. Suspended <input type="checkbox"/>

☒ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat _____

☒ Supplemental☐ Arrest ☐ Gun ☐ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification ASSAULT WITH DEADLY WEAPON	4. Detail 1. 245 2.	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M) [REDACTED]		7. Date Orig. Report 05/17/2016	8. Employee No. 307	
9. Address / Location of Occurrence [REDACTED] Kingsly Dr, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto		

11. Narrative / Statements

at least (1) minute long.

[REDACTED] left at this time to go to the store. When they got back, [REDACTED] did not notice anybody in the front area of [REDACTED] Kingsly Dr. At approximately 2110 hours [REDACTED] heard approximately 5 gunshots. [REDACTED] did not witness the shooting, and by the time [REDACTED] looked outside there were multiple police cars on the street.

This concluded my interview with [REDACTED]. I spoke with Inspector Morley while he was finishing his interview with [REDACTED] said [REDACTED] saw the same subject, and [REDACTED] knew [REDACTED] to be [REDACTED]. She knew [REDACTED] because [REDACTED] used to live next door [REDACTED].

[REDACTED] said that [REDACTED] thought [REDACTED] resides on [REDACTED]. Using the Maps application on my cell phone [REDACTED] pointed out the house on the map [REDACTED]. Inspector Morley and I responded to the location and I spoke with the homeowner [REDACTED] allowed me into the house, and told me that [REDACTED] sometimes stays there, however [REDACTED] had left earlier. I was provided a cell phone number for [REDACTED]. I attempted to contact [REDACTED] using this number however was unable to reach [REDACTED].

[REDACTED] was contacted at this location. [REDACTED] stated [REDACTED] heard approximately 5 gunshots, but did witness the shooting. Refer to Inspector Morley's report for further details.

This concluded my portion of the neighborhood contacts. I did not locate any surveillance cameras on the residences in the area. I activated my body camera at all of the contacts, and later logged the footage into evidence.

On 5/19/2016 I attempted to reach [REDACTED] via telephone in attempt to coordinate an interview however I was unable to reach [REDACTED] to the point [REDACTED] turned [REDACTED] phone off. I spoke to [REDACTED] via telephone and [REDACTED] told me that [REDACTED] does not have a home, and stays at various locations. [REDACTED] has not been able to contact [REDACTED] as well.

Nothing further.

12. Distribution			13. Additional Routing				
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input type="checkbox"/> District Attorney	14. Reporting Officer (Print) Kyle Baker		15. Date/Time Written 05/19/2016 / 0800		16. Dispo
<input type="checkbox"/> Administration	<input type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs	17. Approving Supv (Print) Lester Galer		18. Supv No. P258	19. Date 07/07/2016	20. Suspended <input type="checkbox"/>
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO					

PITTSBURG POLICE DEPARTMENT

EVIDENCE/PROPERTY FORM

☒ Supplemental ☐ Suspended

DATE	CRIME(S)	CASE NUMBER
05/19/2016	ASSAULT WITH DEADLY WEAPON	16-3471

PERSON CODES: S=SUSPECT V=VICTIM O=OWNER F=FINDER

PERSON CODE	NAME(LAST FIRST MIDDLE)	DOB	ARR	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ADULT <input type="checkbox"/> JUV
ADDRESS		CITY, STATE, ZIP	PHONE	

PROPERTY CODE:

DS=DESTRUCTION E=EVIDENCE LST=LOST S=STOLEN SR=STOLEN/RECOVERED SK=SAFEKEEPING
 FP=FOUND PROPERTY

FIREARM PROPERTY CODE: USE OF FIREARM

E=EVIDENCE S=STOLEN SK=SAFE KEEPING
 (Use this for firearms used in crime, DV or illegally possessed) SR=STOLEN/RECOVERED (Use this for firearms turned in Destruction, Restraining Order, 5150 or DV)
 FP=FOUND PROPERTY

Property Disposition Codes : Property Division use only D=Destruction A=Auction R=Released

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
1KB	EVD		E	05/18/2016	y	I	A	OTHER									
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
Taser Body Camera Files																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS:

DISTRIBUTION

- ☐ Chief ☐ Special Services ☐ District Attorney
☐ Administration ☐ Investigations ☐ Narcotics / Gangs
☐ Evidence ☐ Patrol ☐ SRO

RECEIVING OFFICER & ID#

Baker 307

DATE

05/19/2016

Property/Evidence Division Use Only:

Property Released:

DATE

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault w/ A Deadly Weapon	4. Detail 1. PC 245(c) 2. PC 69	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M) [REDACTED]		7. Date Orig. Report 05/17/2016	8. Employee No. P247	
9. Address / Location of Occurrence [REDACTED] Kingsly Drive, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto Daniel		

11. Narrative / Statements

Involved Personnel:**Pittsburg Police Department Personnel**

Officer Michael Creighton
 Officer Gabriel Palma
 Officer Dominic Gonzales
 Officer Zachary Haller
 Officer Ryan Ruff
 Officer Gregory Simpson
 Officer Sahar Barkzi
 Officer Harry Taylay
 Officer Jonathan Elmore
 Officer Rosemarie Oreja
 Sergeant James Terry
 Sergeant William Hatcher
 CSS Gerrit VanRooyen
 CSS Rocco Lucido
 Detective Jo seph Terry
 Detective Robert Thompson
 Detective Josh Reddoch
 Detective Jeff Kessler
 Detective Kyle Baker
 Detective Nick Law
 Detective Ed Sanchez

Contra Costa District Attorney's Office

Inspector Dominic Medina
 Inspector John Conaty
 Inspector Daniel Wedemeyer
 Inspector Darryl Holcombe
 Inspector Mike Morley
 Inspector Don Hendershot

Contra Costa Crime Lab Personnel

Deputy Peng

12. Distribution			13. Additional Routing		
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input checked="" type="checkbox"/> District Attorney	14. Reporting Officer (Print) Det. J M Terry	15. Date/Time Written 06/29/2016 / 1000	16. Dispo ARR
<input type="checkbox"/> Administration	<input checked="" type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs	17. Approving Supv (Print) Adam Deplitch	18. Supv No. P223	19. Date 07/07/2016
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO			20. Suspended <input type="checkbox"/>

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault w/ A Deadly Weapon	4. Detail 1. PC 245(c) 2. PC 69	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M) [REDACTED]		7. Date Orig. Report 05/17/2016	8. Employee No. P247	
9. Address / Location of Occurrence [REDACTED] Kingsly Drive, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto Daniel		

11. Narrative / Statements

Deputy Nguyen
Deputy Finley

Fire Personnel**Engine 85**

Captain Woods
Engineer Geraghty
Firefighter Skroinsky

Engine 83

Captain McNamara
Engineer Refferty
Firefighter Johnson

Medic 81

Paramedic Collins
Paramedic Juarez

Medic 86

Paramedic Boldic
Paramedic Reid

Medic 14

Paramedic Greene
Paramedic Landreth

Synopsis:

On May 15, 2016 at approximately 9:04 P.M., Officer Creighton and Officer Palma responded to [REDACTED] Kingsly Drive, Pittsburg for a resident at the location reporting that the suspect, her estranged son Rigoberto Gutierrez, was at the front door causing a disturbance and he was armed with a firearm.

The reporting party, the mother of Rigoberto, reported that Rigoberto was arguing with her husband [REDACTED] through the locked security screen at the front door. Officer Creighton and Officer Palma arrived on scene and immediately upon exiting their vehicles began to give the suspect commands which the suspect

12. Distribution			13. Additional Routing		
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input checked="" type="checkbox"/> District Attorney	14. Reporting Officer (Print) Det. J M Terry	15. Date/Time Written 06/29/2016 / 1000	16. Dispo ARR
<input type="checkbox"/> Administration	<input checked="" type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs	17. Approving Supv (Print) Adam Deplitch	18. Supv No. P223	19. Date 07/07/2016
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO			20. Suspended <input type="checkbox"/>

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault w/ A Deadly Weapon	4. Detail 1. PC 245(c) 2. PC 69	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,FM)		7. Date Orig. Report 05/17/2016	8. Employee No. P247	
9. Address / Location of Occurrence Kingsly Drive, Pittsburg		10. Suspect's Name (L,FM) Gutierrez, Rigoberto Daniel		

11. Narrative / Statements

did not comply with. As Officer Creighton and Palma continued giving the suspect commands, the suspect reached for his waistband and Officer Creighton fired at the suspect striking him and incapacitating him.

At least two rounds penetrated the screen door and struck the father in the abdomen and the brother of the suspect in the knee; neither of those injuries were deemed life threatening. Officers approached the suspect, handcuffed him and removed a firearm from his waistband. Medical aid was rendered to injured parties on scene and the suspect was transported to John Muir Medical Center for treatment.

The shooting was captured on both Officer Creighton and Officer Palma's body-worn cameras.

Investigation:

-

On Tuesday May 17, 2016 at approximately 9:45 P.M., I received a phone call from Sergeant Deplitch. Sergeant Deplitch advised me there had been an officer involved shooting within the City of Pittsburg involving two (2) Pittsburg Police Officers.

Sergeant Deplitch requested I respond to the Pittsburg Police Department to assist with the investigation. Sergeant Deplitch advised the Contra Costa Officer Involved Shooting Protocol had been initiated and we would be holding a briefing at the Pittsburg Police Department once assisting agencies arrived at the department.

At 11:45 P.M. an initial investigation briefing was held in the Investigations briefing room of the Pittsburg Police Department. The briefing was conducted by Sergeant Deplitch and Sergeant Terry and in attendance were Pittsburg Police Detectives, Contra Costa District Attorney's Office Investigators and Deputy District Attorney Barry Grove. During the briefing, I learned the following:

During the evening of May 17, 2015 at approximately 9:04 P.M., Pittsburg Police Department Officers Creighton and Palma responded to the report of a Domestic Disturbance at Kingsly Drive for the reports of the reporting parties son at the location causing a disturbance. The son Rigoberto Gutierrez possibly was armed with a firearm and was currently outside of the house at the front door trying to get in.

As officers were in route the reporting party advised her son was still in a heated argument with the reporting

12. Distribution			13. Additional Routing		
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input checked="" type="checkbox"/> District Attorney	14. Reporting Officer (Print) Det. J M Terry	15. Date/Time Written 06/29/2016 / 1000	16. Disposition ARR
<input type="checkbox"/> Administration	<input checked="" type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs	17. Approving Supv (Print) Adam Deplitch	18. Supv No. P223	19. Date 07/07/2016
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO			20. Suspended <input type="checkbox"/>

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault w/ A Deadly Weapon	4. Detail 1. PC 245(c) 2. PC 69	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M)		7. Date Orig. Report 05/17/2016	8. Employee No. P247	
9. Address / Location of Occurrence Kingsly Drive, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto Daniel		

11. Narrative / Statements

parties husband and Rigoberto Gutierrez was holding the pistol.

Officer Palma and Creighton were following each other and arrived simultaneously and stopped just east of the residence.

As Officer Creighton and Palma exited their patrol vehicles, they contacted Rigoberto Gutierrez who was still standing on the porch area of the residence and they ordered him to put his hands up. Rigoberto made a movement to his waistband as if he was reaching for a firearm and Officer Creighton fired (5) shots from his duty weapon striking Rigoberto who fell to the ground. Officer Gonzales arrived on scene and assisted in placing Rigoberto Gutierrez into handcuffs.

Officers determined two members of Rigoberto Gutierrez family were struck by rounds during the gunfire and medical was summoned for the injured parties. Rigoberto Gutierrez was transported to John Muir Medical Center. The two other parties struck by gunfire were also transported to local hospitals for treatment.

At the conclusion of the briefing investigators were placed into teams, which included representatives from the Pittsburg Police Department (Host Agency/ Involved Agency) and the Contra Costa District Attorney's Office. I was teamed with Senior Inspector Dominic Medina of the Contra Costa District Attorney's Office. We were assigned the task of interviewing Officer Creighton, Officer Palma and Officer Gonzales. Officer Creighton and Officer Palma had been sequestered and were currently at the Pittsburg Police Department. Ofc. Gonzales was currently with the suspect at John Muir Medical Center (JMMC).

Detective Reddoch of the Pittsburg Police Department was teamed with Inspector Daniel Wedemeyer of the Contra Costa District Attorney's Office. Detective Reddoch and Inspector Wedemeyer were assigned to interview [REDACTED]. During this investigation it was learned [REDACTED] was as the residence prior to the shooting and observed Rigoberto Gutierrez behavior. Detective Reddoch and Inspector Wedemeyer were also talked with contacting [REDACTED]. Refer to their respective supplemental reports for details of their interviews.

Detective RL Thompson of the Pittsburg Police Department was teamed with Inspector John Conaty of the Contra Costa District Attorney's Office. Detective Thompson and Inspector Conaty were assigned to interview [REDACTED] and Rigoberto Gutierrez. Refer to their respective supplemental reports for details of their interviews.

Detective Stage of the Pittsburg Police Department was teamed with Inspector Darryl Holcombe of the Contra Costa District Attorney's Office. Detective Stage and Inspector Holcombe were tasked with interviewing

12. Distribution

13. Additional Routing

- | | | |
|---|--|---|
| <input type="checkbox"/> Chief | <input type="checkbox"/> Special Services | <input checked="" type="checkbox"/> District Attorney |
| <input type="checkbox"/> Administration | <input checked="" type="checkbox"/> Investigations | <input type="checkbox"/> Narcotics / Gangs |
| <input type="checkbox"/> Evidence | <input type="checkbox"/> Patrol | <input type="checkbox"/> SRO |

14. Reporting Officer (Print)

Det. J M Terry

15. Date/Time Written

06/29/2016 / 1000

16. Dispo

ARR

17. Approving Supv (Print)

Adam Deplitch

18. Supv No.

P223

19. Date

07/07/2016

20. Suspended

☐

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault w/ A Deadly Weapon	4. Detail 1. PC 245(c) 2. PC 69	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M) [REDACTED]		7. Date Orig. Report 05/17/2016	8. Employee No. P247	
9. Address / Location of Occurrence [REDACTED] Kingsly Drive, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto Daniel		

11. Narrative / Statements

Contra Costa County Fire (Con-Fire) and American Medical Response (AMR) personnel. Additionally Detective Stage was tasked with authoring a search warrant for a blood sample from Rigoberto Gutierrez. Refer to their respective supplemental reports for details of their interviews.

Detective Kesler of the Pittsburg Police Department was teamed with Inspector Don Hendershot of the Contra Costa District Attorney's Office. Detective Kessler and Inspector Hendershot were assigned locate and interview any neighborhood contacts. Refer to their respective supplemental reports for details of their interviews.

Detective Baker of the Pittsburg Police Department was teamed with Inspector Mike Morley of the Contra Costa District Attorney's Office. Detective Baker and Inspector Morley were assigned to locate and interview any neighborhood contacts. Refer to their respective supplemental reports for details of their interviews.

Detective Sanchez of the Pittsburg Police Department was teamed up with members of the Contra Costa Criminalistics Laboratory to include Da-Shing Peng who was assigned as the lead criminalist. Their duties included the processing of the scene for evidence, photographs, and the collection of evidence. Refer to their supplement report for details.

After receiving the assignments, Inspector Medina and I reviewed both Officer Creighton and Officer Palma's department issued body-worn cameras. Both Officer Creighton [REDACTED] and Officer Palma's [REDACTED] AXON body-worn cameras were later provided to me. It should be noted that Officer Creighton's assigned AXON body-worn camera had malfunctioned earlier and he was using a loaner camera labeled "Loaner Camera #1."

Inspector Medina and I first interviewed Officer Gonzales who was the first Pittsburg Police Officer to respond after the shooting. The interview was conducted in the Pittsburg Police Department Investigations briefing room. The audio was audio recorded and later placed into Pittsburg Police Department Evidence. Officer Gonzales stated in substance the following:

Dominic Gonzales is a Police Officer in the City of Pittsburg and he started work at 8:30 P.M. this evening. He was driving a fully marked Pittsburg Police Department patrol vehicle #114.

He was dispatched to a Domestic Disturbance on Kingsly Drive and he responded from the area of

12. Distribution			13. Additional Routing		
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input checked="" type="checkbox"/> District Attorney	14. Reporting Officer (Print) Det. J M Terry	15. Date/Time Written 06/29/2016 / 1000	16. Dispo ARR
<input type="checkbox"/> Administration	<input checked="" type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs	17. Approving Supv (Print) Adam Deplitch	18. Supv No. P223	19. Date 07/07/2016
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO	20. Suspended <input type="checkbox"/>		

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault w/ A Deadly Weapon	4. Detail 1. PC 245(c) 2. PC 69	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M)		7. Date Orig. Report 05/17/2016	8. Employee No. P247	
9. Address / Location of Occurrence Kingsly Drive, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto Daniel		

11. Narrative / Statements

State Route 4 and Railroad Avenue. While enroute dispatch advised a gun was possibly involved and at one point the gun was put down but then picked back up by one of the involved parties.

As he turned onto Kingsly Drive from Palo Verde Drive the other units arrived on scene and he heard "Shots Fired" on the radio. As he arrived on scene there were two officers, Officer Palma and Creighton with their guns drawn, he ran up and assisted in handcuffing the suspect at the threshold to the doorway.

The suspect was wearing a black zip-up sweatshirt and black pants and he had a gunshot wound to the right leg. He asked the suspect where the firearm was and the suspect said it was under him. He asked again where the firearm was and the suspect said it was either in his waistband or pants. He located a firearm on the suspect in his front waistband, which was covered by his clothing.

The firearm was a silver semiautomatic pistol and he believed it was a .25 caliber. The firearm was unloaded but had a magazine inserted. He rendered the firearm safe and placed it into his cargo pants pocket to maintain control of the firearm and later provided it to Officer Haller. He later observed a live unfired round on the ground where the suspect was lying when he was arrested.

He moved the suspect away from the front door onto the walkway of the residence so additional responding officers and fire personnel would not need to step over the suspect. He provided basic first aid to the suspect and later followed the suspect to John Muir Hospital Walnut Creek where he remained for approximately three hours until he was relieved by Officer Elmore and a District Attorney Investigator.

Upon completion of the interview, Investigator Medina and I realized Officer Gonzales was still in possession of his AXON body-worn camera. I reactivated my audio recording device and ask Officer Gonzales about his body-worn camera when he stated the following:

He was wearing his body-worn camera and activated the camera as he arrived on scene and exited his patrol vehicle. Officer Gonzales continued to record until the suspect was transported from the scene by fire personnel.

He later activated his camera several times while at the hospital while the suspect was talking.

For further details regarding Officer Gonzales' interviews, refer to the audio recording (Item #1jt and Item #2jt)

12. Distribution			13. Additional Routing		
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input checked="" type="checkbox"/> District Attorney	14. Reporting Officer (Print) Det. J M Terry	15. Date/Time Written 06/29/2016 / 1000	16. Dispo ARR
<input type="checkbox"/> Administration	<input checked="" type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs	17. Approving Supv (Print) Adam Deplitch	18. Supv No. P223	19. Date 07/07/2016
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO			20. Suspended <input type="checkbox"/>

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault w/ A Deadly Weapon	4. Detail 1. PC 245(c) 2. PC 69	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M) [REDACTED]		7. Date Orig. Report 05/17/2016	8. Employee No. P247	
9. Address / Location of Occurrence [REDACTED] Kingsly Drive, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto Daniel		
11. Narrative / Statements <p>which were placed into Pittsburg Police Department Evidence.</p> <p>Officer Gonzales' body AXON body-worn camera [REDACTED] was collected and the recorded footage of the incident was later placed into Pittsburg Police Department Evidence.</p> <p>Upon completing the interview with Officer Gonzales, we spoke to Officer Palma who had been sequestered at the Pittsburg Police Department and had been with Officer Rosemarie Oreja in a conference room. We spoke to Officer Palma in the privacy of the Investigations Division conference room without any interruption and/or distractions. Officer Palma was represented by Attorney [REDACTED]. Officer Palma stated in substance the following:</p> <p>He was wearing City of Pittsburg Police Department Officer uniform. The uniform was navy blue in color, with Pittsburg Police patches on both sleeves and corporal stripes. The has a badge on his chest as well as a name tag and swat pin. He was wearing a full duty belt with a department issued Sig Sauer firearm, and other equipment including magazines, Taser, baton, pepper spray and handcuffs .</p> <p>He has been a police officer with the City of Pittsburg for 11 years and he worked for the Contra Costa Sheriff Department for approximately 14 months prior to working for the City of Piitsburg. He graduated from the Police Academy in 2004. He has worked in multiple assignments including Specialized Weapons and Tactics (SWAT), K-9 Handler, Narcotics Detective, and a Field Training Officer (FTO).</p> <p>He was driving a fully marked Pittsburg Patrol vehicle. The vehicle is a Ford Explorer and is unit #119 which is black with white doors that have a Pittsburg Police Department badge on them.</p> <p>His shift started his shift at 1:00 P.M. today and ended his last shift yesterday at 1:30 A.M. yesterday. On today's date he was at the station when he was dispatched to a Domestic on [REDACTED] Kingsly Drive. A female called in reporting her son was at the front door attempting the get into the residence while the female's husband was talking to the son who was armed with a pistol. While enroute there were updates the firearm was on the ground but prior to arriving the firearm was in the son's hand.</p> <p>He drove to the location on Suzanne Drive and drove east on Kingsly Drive. Because it was so dark he was using the spot light on the patrol vehicle to look for house numbers. As he arrived on scene he</p>				
12. Distribution		13. Additional Routing		
<input type="checkbox"/> Chief <input type="checkbox"/> Administration <input type="checkbox"/> Evidence		<input type="checkbox"/> Special Services <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Patrol		<input checked="" type="checkbox"/> District Attorney <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> SRO
14. Reporting Officer (Print) Det. J M Terry		15. Date/Time Written 06/29/2016 / 1000		16. Dispo ARR
17. Approving Supv (Print) Adam Deplitch		18. Supv No. P223	19. Date 07/07/2016	20. Suspended <input type="checkbox"/>

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault w/ A Deadly Weapon	4. Detail 1. PC 245(c) 2. PC 69	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M)		7. Date Orig. Report 05/17/2016	8. Employee No. P247	
9. Address / Location of Occurrence Kingsly Drive, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto Daniel		

11. Narrative / Statements

passed the house and parked a house east of the call. Officer Creighton was behind him as they pulled up on scene and as he passed the house he saw the suspect talking to someone on the inside of the residence through a metal security screen gate.

The front porch light was on but he doesn't remember what other lights were on inside the residence. As he exited his patrol car he had an unobstructed view of the suspect who was alone on the porch, but he could see he was still talking to someone through the metal security gate. He began walking towards the residence at an angle using the garage for cover and the suspect turned around and saw he and Officer Creighton were at the residence.

As he walks up he cannot see Officer Creighton and doesn't know what Officer Creighton is doing but he can see the suspect and he can see the suspect's hands are in his pockets so he orders the suspect, "Remove your hands, Show me your hands." He can also hear Officer Creighton telling the suspect "Show me your hands." As he continues to walk towards the suspect he uses the garage as cover and the suspect continues to have his hands in his pockets and he was approximately 40-50' from the suspect, when he hears Officer Creighton fire approximately 5 shots.

The suspect falls to the ground, at which time he looked back to check on Officer Creighton and contacted dispatch via radio to advised them "Shots fired, and suspect down." He continued to approached the suspect still giving him commands to show him his hands before the suspect was placed into handcuffs. Officer Creighton asks the suspect, "Where are you hit?" and the suspect replied in the leg. He was unsure if he, Officer Creighton or another Officer who arrived on scene asked the suspect where the firearm was located. The firearm was located and removed from under his body.

After the firearm was recovered he entered the house to check on the injuries to subjects inside the residence because someone indicated they were shot as well. As he entered the residence he contacted the father of the suspect in the kitchen sitting on a chair, the father indicated he was hit and shows him a gunshot to the left hip area. The father's other son was stuck in the left knee and was located on the floor of the kitchen. The mother of the suspect was also at the location in the kitchen.

While in the residence the father told him the suspect was under the influence of some type of pill and the father had kicked the suspect out of the residence earlier around 8:00 PM. The father further related that the suspect came back but the father did not want to let him in and the suspect was armed with a firearm.

Once fire and medical personnel arrived he contacted Sergeant Terry when he arrived on scene and

12. Distribution			13. Additional Routing			
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input checked="" type="checkbox"/> District Attorney	14. Reporting Officer (Print) Det. J M Terry	15. Date/Time Written 06/29/2016 / 1000	16. Disposition ARR	
<input type="checkbox"/> Administration	<input checked="" type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs	17. Approving Supv (Print) Adam Deplitch	18. Supv No. P223	19. Date 07/07/2016	20. Suspended <input type="checkbox"/>
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO				

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault w/ A Deadly Weapon	4. Detail 1. PC 245(c) 2. PC 69	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,FM)		7. Date Orig. Report 05/17/2016	8. Employee No. P247	
9. Address / Location of Occurrence Kingsly Drive, Pittsburg		10. Suspect's Name (L,FM) Gutierrez, Rigoberto Daniel		

11. Narrative / Statements

later left with Officer Oreja.

He doesn't remember ever responding to the residence and doesn't know the suspect. Additionally the entire incident from when he arrived, until the shots were fired took no longer than 15 seconds.

He was wearing a body-worn camera at the time of the incident which he was wearing at the time of the incident. He provided that body-worn camera to Sergeant Hatcher.

Upon completing the interview with Officer Palma, we spoke to Officer Creighton who had been sequestered at the Pittsburg Police Department and had been with Officer Buck in a conference room in the Code Enforcement Division. We spoke to Officer Creighton in the privacy of the Investigations Division conference room without any interruption and/or distractions. Officer Creighton was represented by Attorney [REDACTED]. For further on Officer Creighton's statement see Inspector Medina's supplemental report.

It should be noted that during the interview with Officer Palma he was asked if he ever saw the suspect raise his hands. Officer Palma advised he doesn't remember ever seeing the suspect raise one or both of his hands above his head during the incident and Officer Palma stated on numerous occasions that the suspect's hands were in front of his body in what he believed to be the suspect's pockets or waistband. Prior to interviewing Officer Palma and Officer Creighton, Investigator Medina and I reviewed both Officer Palma and Officer Creighton's body-worn cameras. From Officer Palma camera and the angle he approached using the garage as cover, from the video you never see the suspect raise his left hand over his head. From Officer Creighton's body-worn camera however you can see the suspect raise his left hand over his head but appear to grab something and keep his hands at the front of his waistband just prior to Officer Creighton firing his weapon.

On May 19 2016, Detective Thompson and Inspector Conaty responded to John Muir Medical Center, Walnut Creek Campus and spoke to Rigoberto Gutierrez. Refer to their respective supplemental reports for details of their interviews.

On Friday May 20, 2016 Rigoberto Gutierrez was discharged from John Muir Medical Center. Rigoberto Gutierrez was arrested on Probable Cause and transported to the Martinez Detention Facility.

On Monday, May 23, 2016 I presented the case to Deputy District Attorney Barry Grove with the Contra

12. Distribution

13. Additional Routing

- ☐ Chief
☐ Administration
☐ Evidence
- ☐ Special Services
☒ Investigations
☐ Patrol
- ☒ District Attorney
☐ Narcotics / Gangs
☐ SRO

14. Reporting Officer (Print)

Det. J M Terry

17. Approving Supv (Print)

Adam Deplitch

15. Date/Time Written

06/29/2016 / 1000

18. Supv No.

P223

19. Date

07/07/2016

16. Dispo

ARR

20. Suspended

☐

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault w/ A Deadly Weapon	4. Detail 1. PC 245(c) 2. PC 69	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M) [REDACTED]		7. Date Orig. Report 05/17/2016	8. Employee No. P247	
9. Address / Location of Occurrence [REDACTED] Kingsly Drive, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto Daniel		

11. Narrative / Statements

District Attorney's Office. After presenting the facts of the case, a felony criminal complaint was generated charging Rigoberto Gutierrez with a count of PC 245(c) -Assault with a Deadly Weapon, PC 69 -Resisting an Executive Officer and PC 417 (a)(2)(A)- Exhibiting a Concealable Firearm.

The complaint was later signed by the Honorable Laurel S. Brady with the Contra Costa Superior Court, Martinez and filed with the court clerk's office.

This concluded my involvement with this investigation.

12. Distribution			13. Additional Routing		
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input checked="" type="checkbox"/> District Attorney	14. Reporting Officer (Print) Det. J M Terry	15. Date/Time Written 06/29/2016 / 1000	16. Dispo ARR
<input type="checkbox"/> Administration	<input checked="" type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs	17. Approving Supv (Print) Adam Deplitch	18. Supv No. P223	19. Date 07/07/2016
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO	20. Suspended <input type="checkbox"/>		

PITTSBURG POLICE DEPARTMENT

EVIDENCE/PROPERTY FORM

☒ Supplemental ☐ Suspended

DATE	CRIME(S)	CASE NUMBER
05/17/2016	Assault w/ A Deadly Weapon	16-3471

PERSON CODES: S=SUSPECT V=VICTIM O=OWNER F=FINDER

PERSON CODE V	NAME(LAST FIRST MIDDLE) [REDACTED] Look Up	DOB [REDACTED]	ARR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ADULT <input type="checkbox"/> JUV
ADDRESS [REDACTED] Kingsley Drive Pittsburg, Ca 94565		CITY, STATE, ZIP	PHONE [REDACTED]

PROPERTY CODE:

DS=DESTRUCTION E=EVIDENCE LST=LOST S=STOLEN SR=STOLEN/RECOVERED SK=SAFEKEEPING
FP=FOUND PROPERTY

FIREARM PROPERTY CODE: USE OF FIREARM

E=EVIDENCE S=STOLEN SK=SAFE KEEPING
(Use this for firearms used in crime, DV or illegally possessed) SR=STOLEN/RECOVERED (Use this for firearms turned in Destruction, Restraining Order, 5150 or DV)
FP=FOUND PROPERTY

Property Disposition Codes : Property Division use only D=Destruction A=Auction R=Released

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
1jt	EVD			05/18/2016													
DESCRIPTION(MAKE,MODEL,COLOR,ETC) Audio Interview W/ Dominic Gonzales										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
2jt	EVD			05/18/2016													
DESCRIPTION(MAKE,MODEL,COLOR,ETC) Audio Interview W/ Dominic Gonzales										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
3jt	EVD			05/18/2016													
DESCRIPTION(MAKE,MODEL,COLOR,ETC) Audio Interview W/ Gabriel Palma										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS:

DISTRIBUTION

☐ Chief ☐ Special Services ☒ District Attorney
☐ Administration ☒ Investigations ☐ Narcotics / Gangs
☐ Evidence ☐ Patrol ☐ SRO

RECEIVING OFFICER & ID#

Det. Joseph Terry P247

DATE

05/30/2016

Property/Evidence Division Use Only:

Property Released:

DATE

☐ Face Page ☐ Felony
☒ Continuation ☐ Misdemeanor
☒ Supplemental ☐ Juvenile

PITTSBURG POLICE DEPARTMENT
 65 Civic Ave, Pittsburg, CA 94565

Beat 5
☒ Arrest ☒ Gun ☒ Use of Force ☐ Domestic Violence

1. DR No. 16-3471		2. City Code PT46		3. Crime/Classification Assault w/ A Deadly Weapon				4. Detail 1. PC 245(c) 2. PC 69		5. More Persons <input type="checkbox"/>	
6. Day / Date / Time of Occurrence From TUES 05/17/2016 2112 To TUES 05/17/2016 2112						7. Date / Time Reported 05/17/2016 / 2112		8. Employee No. P247		9. Reclassification <input type="checkbox"/>	
10. Address / Location of Occurrence Kingsly Drive, Pittsburg											
11. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input checked="" type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER											
12. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested Gonzales, Dominic						13. Race / Sex / Age H / M /		14. DOB		15. Driver License No.	
16. Address (Zip Code) 65 Civic Avenue, Pittsburg								17. Home Phone			
18. Employed By or School City of Pittsburg (Police Officer)								19. Work Phone (925)252-4980			
20. Hair		21. Eyes		22. Ht.		23. Wt.		24. AKA / Maiden Name		25. Social Security No.	
26. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								Cell Phone		27. Booking or Cite No.	
28. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER											
29. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested						29. Race / Sex / Age / /		30. DOB		31. Driver License No.	
32. Address (Zip Code)								33. Home Phone			
34. Employed By or School								35. Work Phone			
36. Hair		37. Eyes		38. Ht.		39. Wt.		40. AKA / Maiden Name		41. Social Security No.	
42. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								Cell Phone		43. Booking or Cite No.	
44. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input checked="" type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER											
45. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested						46. Race / Sex / Age / /		47. DOB		48. Driver License No.	
49. Address (Zip Code)								50. Home Phone			
51. Employed By or School								52. Work Phone			
53. Hair		54. Eyes		55. Ht.		56. Wt.		57. AKA / Maiden Name		58. Social Security No.	
59. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								Cell Phone		60. Booking or Cite No.	
62. Veh / Ves <input type="checkbox"/> S <input type="checkbox"/> Vict		63. Lic No. / State /		64. Year		65. Make		66. Model		67. Body Style	
										68. Color Top Bottom	
69. Status <input type="checkbox"/> Left <input type="checkbox"/> Impound <input type="checkbox"/> Stored		70. Registered Owner				71. R.O. Address					
		72. Towed to or Released to				73. Who has Keys?					
74. Evid <input type="radio"/> Yes <input checked="" type="radio"/> No		75. F / P <input type="radio"/> Yes <input checked="" type="radio"/> No		76. Dispo of Evidence Collected				77. Missing None		78. Damaged None	
79. Brief Synopsis of Incident											
CROSS REFERENCE:				IN-CAR VIDEO <input type="radio"/> Yes <input checked="" type="radio"/> No				BODY CAMERA <input checked="" type="radio"/> Yes <input type="radio"/> No			
MARSY'S LAW <input type="radio"/> Yes <input checked="" type="radio"/> No				ELDER ABUSE FORM SOC 341 <input type="radio"/> Yes <input checked="" type="radio"/> No				VICTIM RESPONSE - 293 PC <input type="radio"/> Yes <input checked="" type="radio"/> No			
80. Distribution <input type="checkbox"/> Chief <input type="checkbox"/> Special Services <input checked="" type="checkbox"/> District Attorney <input type="checkbox"/> Administration <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> Evidence <input type="checkbox"/> Patrol <input type="checkbox"/> SRO						81. Additional Routing					
						82. Reporting Officer (Print) Det. J M Terry		83. Date/Time Written 06/29/2016 / 1000		84. Dispo ARR	
						85. Approving Supv (Print) Adam Deplitch		86. Supv No. P223		87. Date 07/07/2016	
										88. Suspended <input type="checkbox"/>	

☐ Face Page ☒ Felony
☐ Continuation ☐ Misdemeanor
☒ Supplemental ☐ Juvenile

PITTSBURGH POLICE DEPARTMENT
65 Civic Ave, Pittsburgh, CA 94565

(Page 1 of 3)
Beat 5

☒ Arrest ☒ Gun ☒ Use of Force ☐ Domestic Violence

1. DR No. 16-3471		2. City Code PT46		3. Crime/Classification ASSAULT WITH DEADLY WEAPON		4. Detail 1. 245(a)(2) 2. 245(c)		5. More Persons <input type="checkbox"/>					
6. Day / Date / Time of Occurrence From TUES 05/17/2016 2112 To TUES 05/17/2016 2112				7. Date / Time Reported 05/17/2016 / 2112		8. Employee No. P281		9. Reclassification <input type="checkbox"/>					
10. Address / Location of Occurrence Kingsley Drive, Pittsburgh													
11. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input checked="" type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER													
12. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested Gutierrez, Rigoberto Daniel						13. Race / Sex / Age H / M / 20							
20. Hair BRO 21. Eyes BRO 22. Ht. 503 23. Wt. 120 24. AKA / Maiden Name Email Address 25. Social Security No.													
26. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)						Cell Phone		27. Booking or Cite No.					
28. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER													
29. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested						29. Race / Sex / Age / /		30. DOB 31. Driver License No.					
32. Address (Zip Code)						33. Home Phone							
34. Employed By or School						35. Work Phone							
36. Hair		37. Eyes		38. Ht.		39. Wt.		40. AKA / Maiden Name		Email Address		41. Social Security No.	
42. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)						Cell Phone		43. Booking or Cite No.					
44. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER													
45. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested						46. Race / Sex / Age / /		47. DOB		48. Driver License No.			
49. Address (Zip Code)						50. Home Phone							
51. Employed By or School						52. Work Phone							
53. Hair		54. Eyes		55. Ht.		56. Wt.		57. AKA / Maiden Name		Email Address		58. Social Security No.	
59. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)						Cell Phone		60. Booking or Cite No.					
62. Veh / Yes <input type="checkbox"/> S <input type="checkbox"/> Vict		63. Lic No. / State /		64. Year		65. Make		66. Model		67. Body Style		68. Color Top Bottom	
69. Status <input type="checkbox"/> Left <input type="checkbox"/> Impound <input type="checkbox"/> Stored		70. Registered Owner				71. R.O. Address				73. Who has Keys?			
72. Towed to or Released to													
74. Evid <input checked="" type="radio"/> Yes <input type="radio"/> No		75. F / P <input type="radio"/> Yes <input checked="" type="radio"/> No		76. Dispo of Evidence Evidence Room				77. Missing None		78. Damaged None			
79. Brief Synopsis of Incident On 05/20/16, I transported (S) Rigoberto Daniel Gutierrez from John Muir Medical Center in Walnut Creek, CA to the Martinez Detention Facility. See narrative.													
CROSS REFERENCE:				IN-CAR VIDEO <input type="radio"/> Yes <input checked="" type="radio"/> No				BODY CAMERA <input checked="" type="radio"/> Yes <input type="radio"/> No					
MARSY'S LAW <input type="radio"/> Yes <input checked="" type="radio"/> No				ELDER ABUSE FORM SOC 341 <input type="radio"/> Yes <input checked="" type="radio"/> No				VICTIM RESPONSE - 293 PC <input type="radio"/> Yes <input checked="" type="radio"/> No					
80. Distribution <input type="checkbox"/> Chief <input type="checkbox"/> Special Services <input checked="" type="checkbox"/> District Attorney <input type="checkbox"/> Administration <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> Evidence <input type="checkbox"/> Patrol <input type="checkbox"/> SRO						81. Additional Routing							
82. Reporting Officer (Print) Heidi Maguire						83. Date/Time Written 05/23/2016 / 1153		84. Dispo ARR					
85. Approving Supv (Print) James Terry						86. Supv No. P287		87. Date 06/20/2016		88. Suspended <input type="checkbox"/>			

☒ Continuation**PITTSBURG POLICE DEPARTMENT**

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification ASSAULT WITH DEADLY WEAPON	4. Detail 1. 245(a)(2) 2. 245(c)	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M)		7. Date Orig. Report 05/17/2016	8. Employee No. P281	
9. Address / Location of Occurrence Kingsley Drive, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto Daniel		

11. Narrative / Statements

On 05/20/16 at approximately 1757 hours, I responded to John Muir Medical Center (JMMC) in Walnut Creek to relieve Officer Lambert who was providing security of (S) Rigoberto Daniel Gutierrez in room number 478. Upon my arrival, Officer Lambert advised that Rigoberto had just been discharged from JMMC and was ready to be transported to the Martinez Detention Facility (MDF).

I notified Sgt. Severe that Rigoberto had been discharged from JMMC. Sgt. Severe advised that he would have an additional officer to respond to assist with loading Rigoberto in a patrol vehicle for transport. Officer Montalvo arrived at JMMC. Rigoberto was subsequently arrested for PC 245(a)(2) and PC 245(c). Officer Montalvo assisted with placing Rigoberto in the rear of my patrol vehicle, #106. Due to Rigoberto's injuries, he was not handcuffed as he was placed in the rear of my patrol vehicle so that he was let to use his hands to support and balance himself. Once inside the rear of my patrol vehicle, Rigoberto was handcuffed in the front of his stomach. I checked the handcuffs for tightness and double locked them.

On 05/20/16 at approximately 1912 hours, I departed JMMC for MDF. Rigoberto was seated in seat position number six and my starting mileage was 88,559.5. I arrived at MDF on 05/20/16 at approximately 1933 hours with Rigoberto seated in the same position. My ending mileage was 88,571.9. Upon my arrival at MDF, I alerted the intake deputies that a wheel chair or crutches would be necessary for Rigoberto once he exited my patrol vehicle.

The intake nurse provided a set of crutches for Rigoberto to use as he exited my patrol vehicle and entered the intake area at MDF. Rigoberto had not made any statements during the transport from JMMC to MDF, however, I did hear Rigoberto tell the intake deputy that he preferred to be housed with "Northerners".

Rigoberto was booked, without incident, into the Martinez Detention Facility on the above charges. I utilized my Taser body worn camera while transporting Rigoberto from JMMC to MDF. This video was later uploaded to the Pittsburg Police Department media vault. This concludes my involvement in this investigation.

-Nothing Further-

13. Additional Routing

12. Distribution

- | | | |
|---|--|---|
| <input type="checkbox"/> Chief | <input type="checkbox"/> Special Services | <input checked="" type="checkbox"/> District Attorney |
| <input type="checkbox"/> Administration | <input checked="" type="checkbox"/> Investigations | <input type="checkbox"/> Narcotics / Gangs |
| <input type="checkbox"/> Evidence | <input type="checkbox"/> Patrol | <input type="checkbox"/> SRO |

14. Reporting Officer (Print)

Heidi Maguire

15. Date/Time Written

05/23/2016 / 1153

16. Dispo

ARR

17. Approving Supv (Print)

James Terry

18. Supv No.

P287

19. Date

06/20/2016

20. Suspended

☐

PITTSBURG POLICE DEPARTMENT EVIDENCE/PROPERTY FORM

☒ Supplemental ☐ Suspended

DATE	CRIME(S)	CASE NUMBER
05/23/2016	ASSAULT WITH DEADLY WEAPON	16-3471

PERSON CODES: S=SUSPECT V=VICTIM O=OWNER F=FINDER

PERSON CODE	NAME(LAST FIRST MIDDLE)	DOB	ARR	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> ADULT <input type="checkbox"/> JUV
S	Gutierrez, Rigoberto Daniel	Look Up		
ADDRESS		CITY, STATE, ZIP		PHONE
Kingsly Drive, Pittsburg				

PROPERTY CODE:

DS=DESTRUCTION E=EVIDENCE LST=LOST S=STOLEN SR=STOLEN/RECOVERED SK=SAFEKEEPING
 FP=FOUND PROPERTY

FIREARM PROPERTY CODE: USE OF FIREARM

E=EVIDENCE S=STOLEN SK=SAFE KEEPING
 (Use this for firearms used in crime, DV or illegally possessed) SR=STOLEN/RECOVERED (Use this for firearms turned in Destruction, Restraining Order, 5150 or DV)
 FP=FOUND PROPERTY

Property Disposition Codes : Property Division use only D=Destruction A=Auction R=Released

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
1HM	EVD		E	05/20/2016	Y			Video	1								
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
Taser body worn camera video of (S) transport																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS:

DISTRIBUTION

☐ Chief ☐ Special Services ☒ District Attorney
☐ Administration ☒ Investigations ☐ Narcotics / Gangs
☐ Evidence ☐ Patrol ☐ SRO

RECEIVING OFFICER & ID#

Heidi Maguire P281

DATE

05/23/2016

Property/Evidence Division Use Only:

Property Released:

DATE

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat _____

☒ Supplemental☐ Arrest ☐ Gun ☐ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault with deadly weapon	4. Detail 1. PC 245(a)(2) 2.	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,FM)		7. Date Orig. Report 05/17/2016	8. Employee No. P242	
9. Address / Location of Occurrence Kingsly Drive, Pittsburg, Ca.		10. Suspect's Name (L,FM) Gutierrez, Rigoberto		

11. Narrative / Statements

Witness:

On 5/17/16 at approximately 2200 hours, I recieved a telephone call from Sergeant Deplitch informing me that Officer Creighton was involved in a shooting and an Officer Involved Protocol was enacted. I was asked to respond the Pittsburg Police Department to assist with the investigation.

At approximately 2345 hours, I arrived at the Pittsburg Police Department and attended a briefing with members of the Contra Costa District Attorney's Office and Pittsburg Police Detectives. The briefing was given by Sergeant James Terry who was the on-duty supervisor at the time of the incident.

I learned that at approximately 2104 hours, Officer Creighton and Officer Palma responded to [REDACTED] Kingsly Drive regarding a domestic distrubance. A 9-1-1 call was recieved by dispatch from [REDACTED] saying that her son, Rigoberto Guterrez, was at the front door trying to get inside and that he was in possession of a gun. Upon arrival, Officer Creighton and Officer Palma engaged Rigoberto, who was still at the front door, and began giving him verbal commands. During the course of this contact, Rigoberto failed to comply and he reached towards his waistband when Officer Creighton fired his duty weapon, striking Rigoberto and incapacitating him. I learned that Officer Creighton shot his duty weapon five times, striking Rigoberto once in the leg. It was also learned that as a result of the shooting, [REDACTED] were each shot once while inside the residence and sustained non life threatening injuries. For additional information, refer to Officer Haller's original report and additional supplemental reports.

After the briefing was concluded, Sergeant Deplitch assigned me with Inspector John Conaty with the Contra Costa District Attorney's Office. We were assigned to interview [REDACTED] and Rigoberto Guterrez.

On 5/18/16 at approximaetly 0030 hours, Inspector John Conaty and I interviewed [REDACTED] at the Pittsburg Police Department. The interview was audio recorded and placed into evidence at the Pittsburg Police Department. It should be noted that Rigoberto Guterrez was referred to as "Rigo" during the interview. The following is a summary of my interview with [REDACTED]

Tonight, Rigo came home from work and she could tell that he was "high" and had been drinking. Rigo was outside and she asked his brother, [REDACTED] to go try and get Rigo to come inside the house in hopes Rigo would go to sleep. [REDACTED] told her that Rigo wasn't ready to come inside the house and she saw Rigo leave with a neighborhood friend.

About 20 minutes later, Rigo came back and came into the house. Rigo was "bouncing" around the house and she told him to sit down. She warmed him up some leftover dinner for him and set a plate in front of him. Rigo said, "I don't want this!" and aggressively shoved the plate across the table. Rigo took out his cell phone and dropped it causing it to break into pieces. She asked Rigo what was wrong and he said, "Nothing!"

She cleaned up the mess that Rigo made and he kept "mummbing" to himself. Rigo got up and went over to where her husband was sitting and started crying. She noticed that Rigo didn't have his bike and had left it at work. She was going to get it for him and as she was leaving, she heard a loud noise from inside the residence. She went back inside and saw her husband, [REDACTED] physcally trying to hold Rigo down. Rigo was saying that he "had to go" but didn't say where of for what reason. Finally her husband let Rigo get up and Rigo went into his

12. Distribution			13. Additional Routing		
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input checked="" type="checkbox"/> District Attorney	14. Reporting Officer (Print) Robert Thompson	15. Date/Time Written /	16. Dispo ARR
<input type="checkbox"/> Administration	<input checked="" type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs	17. Approving Supv (Print) adam deplitch	18. Supv No. p223	19. Date 06/09/2016
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO			20. Suspended <input type="checkbox"/>

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat _____

☒ Supplemental☐ Arrest ☐ Gun ☐ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault with deadly weapon	4. Detail 1. PC 245(a)(2) 2.	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M)		7. Date Orig. Report 05/17/2016	8. Employee No. P242	
9. Address / Location of Occurrence Kingsly Drive, Pittsburg, Ca.		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto		
11. Narrative / Statements				
<p>bedroom then he left.</p> <p>Once Rigo had walked out the front door, ██████ told her that Rigo had a gun. She closed the door and locked the screen door. She told Rigo that he could not come back and she told him his clothes will be waiting for him on the porch and he left.</p> <p>Rigo came back a short time later and started banging on the front door. Her husband told Rigo that he could'nt come in until he gets rid of the gun. Rigo refused and started cussing at ██████. She was unable to hear everything Rigo was saying and then she heard a "click" (referring to the gun being cycled) and that's when ██████ told her to call the police.</p> <p>She called the police and while she was trying to stay calm talking with the dispatcher, her husband was trying to talk to Rigo in attempt to calm him down. ██████ was trying to get Rigo to put the gun down, which at one point he did. As she stayed on the phone with the dispatcher, she was in the kitchen area and ██████ was still at the front door when she suddenly heard gunshots.</p> <p>Her husband came to her and said he had been shot. Then her other son, ██████ came into the kitchen stumbling and fell to the floor and she noticed he had also been shot. Both ██████ told her, "they shot Rigo". She asked if he (Rigo) was alright and she was told that Rigo was only shot in the leg.</p> <p>██████ continued to provide additional information regarding Rigo. Both ██████ and Rigo are biological brothers that were adopted when Rigo was 3 years old. Both ██████ and Rigo share a bedroom and they both have problems with drugs and alcohol. She knows Rigo to take pills (Xanax and Narco); smoke marijuana and alcohol. Rigo had recently injured himself on a motorized bike that caused a back injury and he was prescribed pain medication. ██████ described a history of violent behavior, one time involving Rigo having a knife. She said she has had to call the police several times regarding Rigo's behavior.</p> <p>██████ continued to say that when Rigo was at the door just prio to the gunshots, she overheard her husband telling Rigo to "put the gun down". Rigo was saying, "I love you Dad...I have to do this!" ██████ said she didn't know what Rigo was talking about other than he just wanted to come inside but they would'nt let him.</p> <p>██████ said that Rigo finally put the gun down and while they were waiting for the police to arrive, Rigo started crying. She didn't know what made Rigo start crying. ██████ believes that whatever combination of drugs / alcohol he was on today made him violent and emotional. ██████ stated that Rigo's behavior was very abnormal.</p> <p>██████ said she didn't know that Rigo had a gun in the house, but two weeks ago ██████ found a gun underneath Rigo's mattress in his bedroom. ██████ said she took it from ██████ and could tell it was loaded. She described the gun as a silver revolver.</p> <p>██████ confronted Rigo when he returned home and told him to, "get rid of it!" ██████ told Rigo that he ever brings another weapon into the house that he was gone (kicked out). Rigo took the gun somewhere and got rid of it.</p> <p>When Rigo got the gun today, she asked her husband if it was the same gun as the one a few weeks ago and her husband said it was not.</p> <p>Inspector Conaty asked ██████ a few questions about Rigo's mood and why she said he was acting "crazy" during the 911 call. ██████ said that Rigo was acting violent and his mood was changing from being vioelnt to being emotional. ██████ said it didn't appear that Rigo was hullycinating but did say that whenever he drinks alot he has blackouts.</p> <p>██████ was asked if Rigo was involved in any gang affiliation. ██████ said that when Rigo was 13 years old, she had seen him with red attire and what she thought was gang paraphernalia associated with Norteno's, however she doesnt beleive he was involved only that he</p>				
12. Distribution		13. Additional Routing		
<input type="checkbox"/> Chief <input type="checkbox"/> Administration <input type="checkbox"/> Evidence		<input type="checkbox"/> Special Services <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Patrol		<input checked="" type="checkbox"/> District Attorney <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> SRO
14. Reporting Officer (Print) Robert Thompson		15. Date/Time Written /		16. Disposition ARR
17. Approving Supv (Print) adam deplitch		18. Supv No. p223	19. Date 06/09/2016	20. Suspended <input type="checkbox"/>

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat _____

☒ Supplemental☐ Arrest ☐ Gun ☐ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault with deadly weapon	4. Detail 1. PC 245(a)(2) 2.	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M) [REDACTED]		7. Date Orig. Report 05/17/2016	8. Employee No. P242	
9. Address / Location of Occurrence [REDACTED] Kingsly Drive, Pittsburg, Ca.		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto		

11. Narrative / Statements

associated with them.

Tonight, [REDACTED] stated she was affraid of Rigo because he had a gun. She said she can't physically defend herself when Rigo gets violent because she has arthritis. So when Rigo acts out she tends to stay away from him. [REDACTED] said she was very affraid for her husband because if he falls, he would not be able to get up quick enough to defend himself due to recent surgery.

[REDACTED] said she couldn't see outside when the police arrived but distinguished the voices she heard as the police. She heard the police say, "Where's the gun" and "Put it down" and she became scared. [REDACTED] remembers saying, "Don't shoot him!" After the gunshots, the officers came inside her residence and started to render first aid to her husband and son.

Inspector Conaty and I later interviewed Rigoberto Guterrez at John Muir Hospital in Walnut Creek. For details, refer to Inspector Conaty's supplemental report.

This concluded my portion of this investigation.

Nothing Further.

13. Additional Routing

12. Distribution

- | | | |
|---|--|---|
| <input type="checkbox"/> Chief | <input type="checkbox"/> Special Services | <input checked="" type="checkbox"/> District Attorney |
| <input type="checkbox"/> Administration | <input checked="" type="checkbox"/> Investigations | <input type="checkbox"/> Narcotics / Gangs |
| <input type="checkbox"/> Evidence | <input type="checkbox"/> Patrol | <input type="checkbox"/> SRO |

14. Reporting Officer (Print)

Robert Thompson

15. Date/Time Written

/

16. Dispo

ARR

17. Approving Supv (Print)

adam deplitch

18. Supv No.

p223

19. Date

06/09/2016

20. Suspended

☐

PITTSBURG POLICE DEPARTMENT

EVIDENCE/PROPERTY FORM

☒ Supplemental ☐ Suspended

DATE	CRIME(S)	CASE NUMBER
05/17/2016	PC 245(a)(2) Assault with deadly weapon	16-3471

PERSON CODES: S=SUSPECT V=VICTIM O=OWNER F=FINDER

PERSON CODE	NAME(LAST FIRST MIDDLE)	DOB	ARR	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ADULT <input type="checkbox"/> JUV
ADDRESS		CITY, STATE, ZIP	PHONE	

PROPERTY CODE:

DS=DESTRUCTION E=EVIDENCE LST=LOST S=STOLEN SR=STOLEN/RECOVERED SK=SAFEKEEPING
 FP=FOUND PROPERTY

FIREARM PROPERTY CODE: USE OF FIREARM

E=EVIDENCE S=STOLEN SK=SAFE KEEPING
 (Use this for firearms used in crime, DV or illegally possessed) SR=STOLEN/RECOVERED (Use this for firearms turned in Destruction, Restraining Order, 5150 or DV)
 FP=FOUND PROPERTY

Property Disposition Codes : Property Division use only D=Destruction A=Auction R=Released

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
1RT	EVD			06/08/2016													
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
Witness [REDACTED] interview 2/2																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS:

DISTRIBUTION

☐ Chief ☐ Special Services ☒ District Attorney
☐ Administration ☒ Investigations ☐ Narcotics / Gangs
☐ Evidence ☐ Patrol ☐ SRO

RECEIVING OFFICER & ID#

DATE

Property/Evidence Division Use Only:

Property Released:

DATE

PITTSBURG POLICE DEPARTMENT

EVIDENCE/PROPERTY FORM

☒ Supplemental ☐ Suspended

DATE	CRIME(S)	CASE NUMBER
05/17/2016	Assault with a Firearm	16-3471

PERSON CODES: S=SUSPECT V=VICTIM O=OWNER F=FINDER

PERSON CODE S	NAME(LAST FIRST MIDDLE) [REDACTED]	DOB [REDACTED]	ARR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> ADULT <input type="checkbox"/> JUV
ADDRESS Kingsly Drive Pittsburg CA		CITY, STATE, ZIP	PHONE

PROPERTY CODE:					
DS=DESTRUCTION	E=EVIDENCE	LST=LOST	S=STOLEN	SR=STOLEN/RECOVERED	SK=SAFEKEEPING
FP=FOUND PROPERTY					

FIREARM PROPERTY CODE:	USE OF FIREARM
E=EVIDENCE (Use this for firearms used in crime, DV or illegally possessed)	S=STOLEN SR=STOLEN/RECOVERED FP=FOUND PROPERTY
SK=SAFE KEEPING (Use this for firearms turned in Destruction, Restraining Order, 5150 or DV)	

Property Disposition Codes : Property Division use only D=Destruction A=Auction R=Released

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
1ees	EVD		E	05/17/2016													
DESCRIPTION(MAKE,MODEL,COLOR,ETC) Four-Blood Swabs + two control at Placard 6 and Kitchen Floor										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
2ees	EVD		E	05/17/2016													
DESCRIPTION(MAKE,MODEL,COLOR,ETC) One-"Avia" pair of black Athletic shoes, size 7.5 + socks Placard 8										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
3ees	EVD		E	05/17/2016													
DESCRIPTION(MAKE,MODEL,COLOR,ETC) Bloody Clothing and wallet at Placard 10										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
4ees	EVD			05/17/2016													
DESCRIPTION(MAKE,MODEL,COLOR,ETC) One-Dollar US paper currency										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
5ees	EVD		E	05/17/2016													
DESCRIPTION(MAKE,MODEL,COLOR,ETC) One-Suitcase containing clothing at Placard 11										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
6ees	EVD		E														
DESCRIPTION(MAKE,MODEL,COLOR,ETC) Bloody Clothing belonging to [REDACTED] at Kitchen										SERIAL/NUMBER OWNER APPLIED				FCN NUMBER			

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS:																	
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

DISTRIBUTION	RECEIVING OFFICER & ID# Edgar Sanchez P216	DATE
<input type="checkbox"/> Chief <input type="checkbox"/> Special Services <input type="checkbox"/> District Attorney <input type="checkbox"/> Administration <input type="checkbox"/> Investigations <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> Evidence <input type="checkbox"/> Patrol <input type="checkbox"/> SRO	Property/Evidence Division Use Only: Property Released: _____ DATE _____	

☒ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 4☒ Supplemental☒ Arrest ☒ Gun ☐ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault with a Firearm	4. Detail 1. PC 245(a)(2) 2.	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M) Creighton, Michael		7. Date Orig. Report 05/17/2016	8. Employee No. P216	
9. Address / Location of Occurrence Kingsly Drive		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto		

11. Narrative / Statements

On Tuesday May 17th 2016 at about 10:30PM Detective A. Deplitch telephoned me at my residence and told me there had been an Officer Involved Shooting (OIS) as a result of a suspect reaching for a firearm. Detective Deplitch went on to say that Officer Creighton fired several rounds with one round striking the suspect. The gunshot wound was not life-threatening for the suspect, who did not return fire. County Protocol had been enacted with the Contra Costa County Crime Laboratory enroute.

I arrived at PPD and attended the protocol briefing. The briefing included the Pittsburg PD Investigative team and members from the Contra Costa County District Attorney's Office. Detective J. Terry was the lead investigator for the Pittsburg Police Department. *Refer to the Protocol Investigation Roster for the investigative participants of this OIS protocol. Refer to PPD Detective J. Terry's report for the details of the briefing.*

I am a Detective with the Pittsburg Police Department (PPD), assigned to Crime Scene Investigation (CSI). This report involves the documentation and collection of evidence. The Contra Costa County Crime Laboratory (CCCCL) photographed the scene and evidence collected. (CCCCL) mapped the scene by using a digital scanning device. During the briefing I was assigned to the crime scene investigation team which included Criminalist Tony Nguyen and Criminalist Da-Shing Peng. Criminalist Don Finnley was assigned the lead of the crime scene investigations team. The CCCCL case number assigned to this investigation is 16-2350-1.

I changed locations to the Kingsly Crime Scene, where the CCCCL had already commenced. The scene had been cordoned-off with yellow barrier tape by patrol officers. *Refer to the crime scene log for the list of officers assigned to crime scene security.*

The CCCCL collected the ballistic evidence, which were to be examined and returned to PPD. Contra Costa County Crime Laboratory members asked that I collect the following items of evidence:

I was asked to collect blood swabs from placard 6 and the kitchen flooring.

Collected as item 1ees: Four-Blood Swabs + two control

Collected from Placard 6

Collected from Kitchen Floor

I was asked to collect the pair of athletic shoes at placard 8.

Collected as item 2ees: One-"Avia" pair of black athletic shoes, size 7.5 + socks

Collected from Placard 8

I was asked to collect the bloody clothing and wallet at placard 10.

Collected as item 3ees: Bloody Clothing and Wallet

Collected from Placard 10

I separated the cash from the wallet (3ees)

Collected as item 4ees: One-US Dollar Bill, paper currency

Collected from Wallet (3ees)

I was asked to collect the suitcase at placard 11.

12. Distribution			13. Additional Routing		
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input type="checkbox"/> District Attorney	14. Reporting Officer (Print) Det. E. Sanchez P216		15. Date/Time Written 06/06/2016 /
<input type="checkbox"/> Administration	<input type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs	17. Approving Supv (Print)		16. Dispo ARR
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO	18. Supv No.		19. Date
					20. Suspended <input type="checkbox"/>

☒ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 4☒ Supplemental☒ Arrest ☒ Gun ☐ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault with a Firearm	4. Detail 1. PC 245(a)(2) 2.	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M) Creighton, Michael		7. Date Orig. Report 05/17/2016	8. Employee No. P216	
9. Address / Location of Occurrence Kingsly Drive		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto		

11. Narrative / Statements

Collected as item 5ees: One-Suitcase

Collected from Placard 11

I was asked to collect the bloody clothing from the Kitchen floor.

Collected as item 6ees: Bloody Clothing

Collected from the Kitchen Floor

Consent to search the residence had been granted by the homeowners by Contra Costa County Inspector Holcomb and PPD Patrol Officer S. Barkzi. Refer to PPD Patrol Officer S. Barkzi's report for details regarding the consent to search the residence.

A search of the suspect's bedroom produced the following items:

Collected as item 7ees: Indicia, One-Holster and One-Pistol replica

Collected from the Suspect's bedroom

Collected as item 8ees: Two-Cellular Telephones (ZTE and iPhone)

Collected from the Suspect's bedroom

This concluded the evidence that I collected from this scene.

On Wednesday May 18th 2016 Community Service Specialist (CSS) R. Lucido gave me custody of three bullet fragments that were removed from [REDACTED] who is the suspect's brother. CSS Lucido had collected the fragments from the hospital staff that had treated [REDACTED]

Collected as item 9ees: Bullet Fragments Recovered from [REDACTED]

Collected from CSS Lucido at PPD

On May 23rd 2016 I went to the CCCCL to take custody of Officer Creighton's pistol. After taking custody I entered the pistol as PPD evidence.

Collected as item 10ees: One-Sig Sauer P226 .40 caliber Pistol / [REDACTED]

Collected from the Contra Costa County Crime Laboratory

I photographed the evidence that I had collected, producing the following images.

Collected as item 11ees: Thirty Four-Photographs

Images of the evidence items collected

12. Distribution			13. Additional Routing		
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input type="checkbox"/> District Attorney	14. Reporting Officer (Print) Det. E. Sanchez P216		15. Date/Time Written 06/06/2016 /
<input type="checkbox"/> Administration	<input type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs	17. Approving Supv (Print)		16. Disposition ARR
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO	18. Supv No.		19. Date
					20. Suspended <input type="checkbox"/>

☒ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 4☒ Supplemental☒ Arrest ☒ Gun ☐ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault with a Firearm	4. Detail 1. PC 245(a)(2) 2.	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M) Creighton, Michael		7. Date Orig. Report 05/17/2016	8. Employee No. P216	
9. Address / Location of Occurrence Kingsly Drive		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto		

11. Narrative / Statements

This concluded my participation in this investigation, at this time.

-Nothing Further-

PittsburgPD Controlled Document 2/21/2020 11:01:19 AM

12. Distribution

13. Additional Routing

- ☐ Chief ☐ Special Services ☐ District Attorney
☐ Administration ☐ Investigations ☐ Narcotics / Gangs
☐ Evidence ☐ Patrol ☐ SRO

14. Reporting Officer (Print)
Det. E. Sanchez P216

17. Approving Supv (Print)

15. Date/Time Written
06/06/2016 /

18. Supv No.

19. Date

16. Dispo
ARR

20. Suspended
☐

PITTSBURG POLICE DEPARTMENT

EVIDENCE/PROPERTY FORM

☒ Supplemental ☐ Suspended

DATE	CRIME(S)	CASE NUMBER
05/17/2016	Assault with a Firearm	16-3471

PERSON CODES: S=SUSPECT V=VICTIM O=OWNER F=FINDER

PERSON CODE S	NAME(LAST FIRST MIDDLE) Gutierrez	DOB Look Up	ARR <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ADULT <input type="checkbox"/> JUV
ADDRESS		CITY, STATE, ZIP	PHONE

PROPERTY CODE:

DS=DESTRUCTION E=EVIDENCE LST=LOST S=STOLEN SR=STOLEN/RECOVERED SK=SAFEKEEPING
FP=FOUND PROPERTY

FIREARM PROPERTY CODE: USE OF FIREARM

E=EVIDENCE S=STOLEN SK=SAFE KEEPING
(Use this for firearms used in crime, DV or illegally possessed) SR=STOLEN/RECOVERED (Use this for firearms turned in Destruction, Restraining Order, 5150 or DV)
FP=FOUND PROPERTY

Property Disposition Codes : Property Division use only D=Destruction A=Auction R=Released

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
7ees	EVD		E	05/17/2016													
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
Indicia, holster and replica gun from Suspect's bedroom																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
8ees	EVD		E	05/17/2016													
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
Two-Cellular Telephones from Suspect's bedroom																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
9ees	EVD		E	05/18/2016					One								
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
Bullet recovered from [REDACTED]																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
10ees	EVD		E	05/23/2016					One								
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
Sig Sauer P226 .40 cal [REDACTED] barrel 4.25 inches																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
11ees	EVD		E	05/23/2016					34								
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
Photographs of Evidence collected by PPD																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)																	
SERIAL/NUMBER OWNER APPLIED										FCN NUMBER							

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS:

DISTRIBUTION

- ☐ Chief ☐ Special Services ☐ District Attorney
☐ Administration ☐ Investigations ☐ Narcotics / Gangs
☐ Evidence ☐ Patrol ☐ SRO

RECEIVING OFFICER & ID#

DATE

Property/Evidence Division Use Only:

Property Released:

DATE

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat _____

☒ Supplemental☐ Arrest ☐ Gun ☐ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification ASSAULT WITH DEADLY WEAPON	4. Detail 1. 245(a)(2) 2.	5. Reclassification <input type="checkbox"/>
9. Address / Location of Occurrence Kingsly Drive Pittsburg		7. Date Orig. Report 05/17/2016	8. Employee No. p185	
		10. Suspect's Name (L,FM) Gutierrez, Rigoberto Daniel		
11. Narrative / Statements On 5-20-16 at 1200 hrs I responded to John Muir Medical Center at 1601 Ygnacio Valley Road in Walnut Creek to relieve Officer McCray in room 478 where (S) Gutierrez was recovering from his injuries. I arrived at room 478 at approximately 1200 hrs and remained in the room with Gutierrez until approximately 1830 hrs when Officer Maguire arrived to relieve me. Nothing Further				
13. Additional Routing				
12. Distribution		14. Reporting Officer (Print) Mark Lambert		
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input checked="" type="checkbox"/> District Attorney	15. Date/Time Written 05/23/2016 / 0745	
<input type="checkbox"/> Administration	<input checked="" type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs	16. Dispo ARR	
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO	17. Approving Supv (Print) Cassandra Simental	18. Supv No. P254
			19. Date 05/25/2016	20. Suspended <input type="checkbox"/>

PI Number: 01 Booking Number: [REDACTED]

Pittsburg 046 16-3471 5/20/2016

Arresting Agency Agency Code Case Number Date

Detain: GUTIERREZ RIGOBERTO DANIEL DOB: [REDACTED] Age: 20

Last First Middle

Sex M Race H Hair Color BRO Eye Color BRO HT 505 WT 130 Glasses ☐ Yes ☒ No

AKA's D.L.# or I.D.# ('s) [REDACTED]

Soc. Sec. # [REDACTED] Scars/Marks/Tattoos TAT R WRIST "RIOS" L WRIST "DIANA"

Address [REDACTED] City [REDACTED] Zip [REDACTED]

Phone [REDACTED] Place of Birth (City) [REDACTED] Are you a US Citizen? ☒ Yes ☐ No

Do you want your consulate notified? ☐ Yes ☐ No Per 834c, did arresting officer notify arrestee's consulate? ☐ Yes ☐ No

Is this person from a mandatory notification country and jurisdiction? ☐ Yes ☐ No See List

Employment: Occupation UNKNOWN Name of Business ---

Business Address --- Phone ---

Emergency Contact: Name [REDACTED] Relationship [REDACTED]

Address [REDACTED] Phone [REDACTED]

I. FELONY: _____ Committed in my presence. (0)
_____ I have reasonable cause to believe arrestee committed the felony listed below.

Be precise in listing charges, degrees. Subsections MUST be given.

SECTION & CODE

CRIME TITLE

PC 245 (a) (2)

A.D.W. WITH FIREARM

PC 245(c)

A.D.W. ON A PEACE OFFICER

ON
VIEW
CHARGES

I. MISDEMEANOR: _____ Committed in my presence. (0)
_____ Citizen's arrest pursuant to 847 PC (Attach Citizen's Arrest Form - S.O. only) (Z)

Be precise in listing charges, degrees. Subsections MUST be given.

SECTION & CODE

CRIME TITLE

Clear

WARRANTS

II. _____ Local (W) Felony/Misd. Warrant # _____ # _____
_____ # _____
_____ Foreign (W) Felony/Misd. Warrant # _____ # _____
_____ # _____
_____ Requirements of CVC 40304.5 have been fulfilled

Date _____ Time _____

OTHER
AUTHORITIES

III. Complete only if Sections I or II do not apply.

_____ Commitment (C) # _____ # _____ Parole (P)
_____ Remand (R) # _____ # _____ Removal Order (R)

COURT
(Check One)

_____ Walnut Creek/Danville (01) _____ Bay (02) _____ Mt. Diablo (03) (Concord) (Martinez)
_____ Delta (04) _____ Superior Court (05) _____ Court Not Listed: _____

PRINTED BY ARRESTING AGENCY?

_____ YES

☒ NO

PHOTO

_____ YES

☒ NO

ARREST LOCATION:

[REDACTED] KINGSLEY DRIVE

PITTSBURG

5/17/2016

2114

Address of Field Location

City

Date

Time

Location of Vehicle: _____

Towed/Stored: _____

REMARKS: S-MDF, Rlsd by: Ofc.Heidi Maguire #281, Rlsd Date/Time: 5/20/2016 2000, DIRECT TRANSPORT FROM CCRM

Ofc.Michael Creighton #321

Ofc.Heidi Maguire #281

Arresting Officer/Badge#

Transporting Officer/Badge#

Booking Officer

C
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Bail Set Form For: Contreras, RIGOBERTO, DOB: [REDACTED]

**DETERMINATION OF BAIL IS
THE RESPONSIBILITY
OF THE ARRESTING AGENCY!**

THE UNDERSIGNED REQUESTS THAT BAIL BE SET:

1) LIST EACH SEPARATE FELONY AND THE CORRESPONDING BAIL SCHEDULE AMOUNT.

Crimes committed on different days and crimes against different persons are generally separate crimes. However, a criminal act arrestable under more than one code section such as PC 499 (b)/CVC 10851 or attempted PC 187/PC 245(a), creates only one bailable event.

<u>CODE SECT.#</u>	<u>DESCRIPTION</u>	<u>BAIL</u>
PC 245(a)(2)	A.D.W. W/ FIREARM	\$ 50.000
PC 245(c)	A.D.W. ON A PEACE OFFICER	\$ 75.000
		\$.000
		\$.000
		\$.000

2) LIST EACH ENHANCEMENT AND THE CORRESPONDING BAIL AMOUNT APPLICABLE TO ANY OF THE ABOVE CRIMES.

When listing enhancements, remember they often have substantially higher bails than the underlying crimes themselves. Some significant common enhancements: Armed/Used firearm = \$50,000; GBI = \$50,000; while on bail or O.R. = \$25,000; Two Strikes = double bail plus \$20,000; Three Strikes = no bail; prior felony = minimum of \$25,000.

<u>CODE SECT.#</u>	<u>DESCRIPTION</u>	<u>BAIL</u>
		\$.000
		\$.000
		\$.000
		\$.000

BAIL TOTAL \$ 125.000

3) LIST ALL WARRANTS AND BAIL AMOUNTS.

<u>NUMBER</u>	<u>COURT</u>	<u>BAIL</u>
		\$
		\$
		\$

4) CHECK BOX IF BAIL INCREASE FORM ATTACHED:



OFC. CRIGHTON # P321

Arresting Officer and Badge Number

Date:

05/20/14

Pittsburg P.D. 16-3471

Agency and Case Number

PITTSBURG POLICE DEPARTMENT
65 Civic Ave, Pittsburg, CA 94565

☐ Continuation
☒ Supplemental

Beat 5

☐ Arrest ☐ Gun ☐ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification ASSAULT WITH DEADLY WEAPON	4. Detail 1. 245(a)(2) 2.	5. Reclassification <input type="checkbox"/>
6. Victim Name (L, F, M)		7. Date Orig. Report 05/18/2016	8. Employee No. P343	
9. Address / Location of Occurrence Kingsley Way, Pittsburg		10. Suspect's Name (L, F, M) Gutierrez, Rigoberto Daniel		

11. Narrative / Statements

On 05/18/16 at approximately 2113 hours, I responded to assist Officers with a Domestic Disturbance involving a firearm. Officers advised that shots had been fired and that a firearm was recovered from the suspects waistband. I arrived on scene and Sgt. Terry tasked me with the job of sequestering Officer Palma and bringing him back to the Pittsburg Police Department. At 2140 hours, Officer Palma and I left the scene. At 2153 hours, Officer Palma and I arrived at the Pittsburg Police Department. I remained sequestered with Officer Palma until I was relieved by Officer Mejia. During my time with Officer Palma, he made no statements regarding this incident.

Nothing further.

PittsburgPD Controlled Document 2/21/2020 11:01:21 AM

13. Additional Routing

12. Distribution

☐ Chief
☐ Administration
☐ Evidence
☐ Special Services
☒ Investigations
☐ Patrol
☒ District Attorney
☐ Narcotics / Gangs
☐ SRO

14. Reporting Officer (Print) Rosemarie Oreja P343	15. Date/Time Written 05/19/2016 / 0544	16. Disposition ARR
17. Approving Supv (Print) Cassandra Simental	18. Supv No. P254	19. Date 20. Suspended <input type="checkbox"/>

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5

☒ Supplemental☐ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification ADW / Firearm	4. Detail 1. PC 245(a)(2) 2.	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M)		7. Date Orig. Report 05/17/2016	8. Employee No. P10608	
9. Address / Location of Occurrence Kingsly Drive, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez,Rigoberto Daniel		

11. Narrative / Statements

Victim #1:

Victim #2:

Victim #3: Officer Creighton
65 Civic Ave, Pittsburg

Suspect #1: Gutierrez,Rigoberto Daniel

Initial Investigation:

On Tuesday 05/17/16 at approximately 2104 hours, Officers were dispatched to a report of a domestic disturbance at Kingsly Drive, located in the City of Pittsburg, where an involved party possibly had a firearm.

Supplemental Investigation:

On Tuesday 05/17/16, I was employed as a Community Service Specialist by the Pittsburg Police Department. During this incident, I was directed by Sergeant Terry to obtain copies of the certified dispatch recordings from the Contra Costa County Sheriff's Communication Center. I was provided the dispatch recordings by Communications Supervisor Erinn Riley. I subsequently provided the recordings to Detective Joe Terry (refer to Detective Terry's supplemental report for details).

This concluded my involvement in this investigation.

Nothing further.

13. Additional Routing

12. Distribution

☐ Chief
☐ Administration
☐ Evidence
☐ Special Services
☒ Investigations
☐ Patrol
☒ District Attorney
☐ Narcotics / Gangs
☐ SRO

14. Reporting Officer (Print)

Gerrit VanRooyen

17. Approving Supv (Print)

Thomas Haase

15. Date/Time Written

05/18/2016 / 0500

18. Supv No.

P235

19. Date

05/18/2016

16. Dispo

ARR

20. Suspended

☐

☒ Face Page ☒ Felony
☐ Continuation ☐ Misdemeanor
☒ Supplemental ☐ Juvenile

PITTSBURG POLICE DEPARTMENT
65 Civic Ave, Pittsburg, CA 94565

(Page 1 of 4)
Beat 4

☒ Arrest ☒ Gun ☒ Use of Force ☐ Domestic Violence

1. DR No. 16-3471		2. City Code PT46		3. Crime/Classification ASSAULT WITH DEADLY WEAPON		4. Detail 1. 245(a)(2) 2. 245(c)		5. More Persons <input checked="" type="checkbox"/>		
6. Day / Date / Time of Occurrence From TUES 05/17/2016 2112 To WED 05/18/2016 0208				7. Date / Time Reported 05/17/2016 / 2112		8. Employee No. P346		9. Reclassification <input type="checkbox"/>		
10. Address / Location of Occurrence Kingsly Dr., Pittsburg										
11. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input checked="" type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER										
28. <input type="checkbox"/> PRI <input checked="" type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER										
44. <input type="checkbox"/> PRI <input checked="" type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER										
Sex / Age / M / 17										
59. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)						Cell Phone		60. Booking or Cite No.		
62. Veh / Ves <input type="checkbox"/> S <input type="checkbox"/> Vict		63. Lic No. / State /		64. Year		65. Make		66. Model		
67. Body Style		68. Color Top		68. Color Bottom						
69. Status <input type="checkbox"/> Left <input type="checkbox"/> Impound <input type="checkbox"/> Stored		70. Registered Owner				71. R.O. Address				
72. Towed to or Released to		73. Who has Keys?								
74. Evid <input checked="" type="radio"/> Yes <input type="radio"/> No		75. F / P <input type="radio"/> Yes <input checked="" type="radio"/> No		76. Dispo of Evidence PPD Evidence		77. Missing N		78. Damaged N		
79. Brief Synopsis of Incident										
CROSS REFERENCE:										
MARSY'S LAW <input type="radio"/> Yes <input checked="" type="radio"/> No		ELDER ABUSE FORM SOC 341 <input type="radio"/> Yes <input checked="" type="radio"/> No		IN-CAR VIDEO <input type="radio"/> Yes <input checked="" type="radio"/> No		BODY CAMERA <input checked="" type="radio"/> Yes <input type="radio"/> No		VICTIM RESPONSE - 293 PC <input type="radio"/> Yes <input checked="" type="radio"/> No		
80. Distribution <input type="checkbox"/> Chief <input type="checkbox"/> Special Services <input checked="" type="checkbox"/> District Attorney <input type="checkbox"/> Administration <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> Evidence <input type="checkbox"/> Patrol <input type="checkbox"/> SRO					81. Additional Routing					
82. Reporting Officer (Print) Gregory Simpson					83. Date/Time Written 05/18/2016 / 0409			84. Dispo ARR		
85. Approving Supv (Print) James Terry					86. Supv No. P287		87. Date 05/18/2016		88. Suspended <input type="checkbox"/>	

☐ Face Page ☒ Felony
☒ Continuation ☐ Misdemeanor
☒ Supplemental ☐ Juvenile

PITTSBURG POLICE DEPARTMENT
65 Civic Ave, Pittsburg, CA 94565

(Page 2 of 4)

Beat 4

☒ Arrest ☒ Gun ☒ Use of Force ☐ Domestic Violence

1. DR No. 16-3471		2. City Code PT46		3. Crime/Classification ASSAULT WITH DEADLY WEAPON		4. Detail 1. 245(a)(2) 2. 245(c)		5. More Persons <input type="checkbox"/>							
6. Day / Date / Time of Occurrence From TUES 05/17/2016 2112 To WED 05/18/2016 0208						7. Date / Time Reported 05/17/2016 / 2112		8. Employee No. P346							
10. Address / Location of Occurrence Kingsly Dr., Pittsburg										9. Reclassification <input type="checkbox"/>					
11. <input type="checkbox"/> PRI <input checked="" type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER															
12. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested Creighton, Michael						13. Race / Sex / Age W / M /		14. DOB		15. Driver License No.					
16. Address (Zip Code)								17. Home Phone							
18. Employed By or School Pittsburg Police Department								19. Work Phone (925)252-4980							
20. Hair		21. Eyes		22. Ht.		23. Wt.		24. AKA / Maiden Name		Email Address		25. Social Security No.			
26. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)										Cell Phone		27. Booking or Cite No.			
28. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input checked="" type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER															
29. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested Gutierrez, Rigoberto, Daniel						29. Race / Sex / Age H / M / 20									
42. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)										Cell Phone		43. Booking or Cite No.			
44. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER															
45. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested						46. Race / Sex / Age / /		47. DOB		48. Driver License No.					
49. Address (Zip Code)								50. Home Phone							
51. Employed By or School								52. Work Phone							
53. Hair		54. Eyes		55. Ht.		56. Wt.		57. AKA / Maiden Name		Email Address		58. Social Security No.			
59. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)										Cell Phone		60. Booking or Cite No.			
62. Veh / Ves <input type="checkbox"/> S <input type="checkbox"/> Vict		63. Lic No. / State /		64. Year		65. Make		66. Model		67. Body Style		68. Color Top Bottom			
69. Status <input type="checkbox"/> Left <input type="checkbox"/> Impound <input type="checkbox"/> Stored		70. Registered Owner				71. R.O. Address									
		72. Towed to or Released to						73. Who has Keys?							
74. Evid <input checked="" type="radio"/> Yes <input type="radio"/> No		75. F / P <input type="radio"/> Yes <input checked="" type="radio"/> No		76. Dispo of Evidence PPD Evidence				77. Missing N		78. Damaged N					
79. Brief Synopsis of Incident															
CROSS REFERENCE:															
MARSY'S LAW <input type="radio"/> Yes <input checked="" type="radio"/> No				ELDER ABUSE FORM SOC 341 <input type="radio"/> Yes <input checked="" type="radio"/> No				BODY CAMERA <input checked="" type="radio"/> Yes <input type="radio"/> No							
VICTIM RESPONSE - 293 PC <input type="radio"/> Yes <input checked="" type="radio"/> No															
80. Distribution <input type="checkbox"/> Chief <input type="checkbox"/> Special Services <input checked="" type="checkbox"/> District Attorney <input type="checkbox"/> Administration <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> Evidence <input type="checkbox"/> Patrol <input type="checkbox"/> SRO								81. Additional Routing							
								82. Reporting Officer (Print) Gregory Simpson		83. Date/Time Written 05/18/2016 / 0409		84. Dispo ARR			
								85. Approving Supv (Print) James Terry		86. Supv No. P287		87. Date 05/18/2016		88. Suspended <input type="checkbox"/>	

PITTSBURG POLICE DEPARTMENT EVIDENCE/PROPERTY FORM

☒ Supplemental ☐ Suspended

DATE	CRIME(S)	CASE NUMBER
05/17/2016	ASSAULT WITH DEADLY WEAPON	16-3471

PERSON CODES: S=SUSPECT V=VICTIM O=OWNER F=FINDER

PERSON CODE	NAME(LAST FIRST MIDDLE)	DOB	ARR	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> ADULT <input type="checkbox"/> JUV
S	Gutierrez, Rigoberto Daniel	Look Up		
ADDRESS		CITY, STATE, ZIP		PHONE
Kingsly Dr., Pittsburg CA 94565				

PROPERTY CODE:

DS=DESTRUCTION E=EVIDENCE LST=LOST S=STOLEN SR=STOLEN/RECOVERED SK=SAFEKEEPING
 FP=FOUND PROPERTY

FIREARM PROPERTY CODE: USE OF FIREARM

E=EVIDENCE S=STOLEN SK=SAFE KEEPING
 (Use this for firearms used in crime, DV or illegally possessed) SR=STOLEN/RECOVERED (Use this for firearms turned in Destruction, Restraining Order, 5150 or DV)
 FP=FOUND PROPERTY

Property Disposition Codes : Property Division use only D=Destruction A=Auction R=Released

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
1GS	EVD		E	05/17/2016	Y	Y	A	PHOTOS									
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
Photographs of (V) on scene																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
2GS	EVD		E	05/17/2016	Y	R	A	CAMCOR									
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
Taser body camera footage																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS:

DISTRIBUTION

☐ Chief ☐ Special Services ☒ District Attorney
☐ Administration ☒ Investigations ☐ Narcotics / Gangs
☐ Evidence ☐ Patrol ☐ SRO

RECEIVING OFFICER & ID#

Gregory Simpson P346

DATE

05/17/2016

Property/Evidence Division Use Only:

Property Released:

DATE

☒ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 4☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification ASSAULT WITH DEADLY WEAPON	4. Detail 1. 245(a)(2) 2. 245(c)	5. Reclassification <input type="checkbox"/>
6. Victim Name (L, F, M)		7. Date Orig. Report 05/17/2016	8. Employee No. P346	
9. Address / Location of Occurrence Kingsly Dr., Pittsburg		10. Suspect's Name (L, F, M) Gutierrez, Rigoberto, Daniel		

11. Narrative / Statements

On 05/17/16, Officer Ruff and I were on patrol in the City of Pittsburg wearing full Pittsburg police uniforms and driving a fully marked Pittsburg police vehicle. At approximately 2118 hours, we arrived on scene at [REDACTED] Kingsly Dr. to assist with the investigation of an officer involved shooting.

We entered the residence through the front door and proceeded into the kitchen. Officer Ruff contacted (V) [REDACTED] and interviewed him, see Officer Ruff's supplement report for further details. I took photographs of [REDACTED] injury, overall body position, and face. I later booked the three photos into evidence.

Sergeant Terry tasked me to stay with the mother, witness [REDACTED] while the investigation proceeded. While with [REDACTED] I spoke with her and obtained a brief statement which was recorded on my Taser body camera:

(S) Rigoberto Gutierrez arrived home in front of the residence at approximately 7:00 pm. Rigoberto was intoxicated and refused to come inside the residence even when (V) [REDACTED] attempted to get him inside. Rigoberto left for approximately ten minutes before he returned and entered the residence through the front door into the kitchen. Rigoberto was upset, went into the living room where he sat next to (V) [REDACTED] and [REDACTED] attempted to find out why Rigoberto was upset. Rigoberto then went into his bedroom for approximately three minutes. Rigoberto started to walk to the front door south down the hallway. [REDACTED] stopped Rigoberto at the front door and saw Rigoberto had a gun. Rigoberto left for approximately thirty minutes. Rigoberto returned and knocked on the front door. [REDACTED] and Rigoberto got in an argument at the front door, [REDACTED] notified her Rigoberto had a gun in his hand, and stated to call the police. She was in front of the door to the garage and could not see what occurred at the front door. While she was on the phone with dispatch she heard at least three gun shots. Rigoberto had been caught with guns before in the past.

[REDACTED] had nothing further to add. [REDACTED] was transported to the station by Officer Barkzi. I remained on scene and assisted Officer Haller with scene security until the scene was cleared at 0208 hours.

Nothing further.

13. Additional Routing

12. Distribution

- | | | |
|---|--|---|
| <input type="checkbox"/> Chief | <input type="checkbox"/> Special Services | <input checked="" type="checkbox"/> District Attorney |
| <input type="checkbox"/> Administration | <input checked="" type="checkbox"/> Investigations | <input type="checkbox"/> Narcotics / Gangs |
| <input type="checkbox"/> Evidence | <input type="checkbox"/> Patrol | <input type="checkbox"/> SRO |

14. Reporting Officer (Print)

Gregory Simpson

15. Date/Time Written

05/18/2016 / 0409

16. Dispo

ARR

17. Approving Supv (Print)

James Terry

18. Supv No.

P287

19. Date

05/18/2016

20. Suspended

☐

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5

☒ Supplemental☐ Arrest ☐ Gun ☐ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault W/ Deadly Weapon	4. Detail 1. PC 245(a)(2) 2.	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M)		7. Date Orig. Report	8. Employee No. P10670	
9. Address / Location of Occurrence Kingsly Drive, Pittsburg		10. Suspect's Name (L,F,M)		
11. Narrative / Statements				
<p>On 5/18/2016, I was fully uniformed as a Community Services Specialist working in the City of Pittsburg. I was notified by Sgt. Haase I needed to retrieve evidence from Kaiser Permanente in the City of Antioch.</p> <p>At approximately 1126 hours, I arrived at Kaiser Permanente in the City of Antioch to retrieve a bullet fragment from [REDACTED] operation. I met with Rosalyn Vidal who is the Assistant Operating Room Manager and she advised me that [REDACTED] was still being operated on.</p> <p>When the operation was finished, Vidal escorted met to operating room #13. I spoke with Doctor Sandhu Abhindrajeet and he advised me he removed the bullet fragment from [REDACTED] left distal femer. I met with Tracy Sellstrom who handed me the expended bullet at approximately 1225 hours.</p> <p>I returned back to the station at approximately 1313 hours. I placed the bullet in temporary locker #7 and handed the key to Sgt. Terry who provided it to Detective Sanchez.</p> <p>This concludes my involment.</p> <p>Nothing further.</p>				
13. Additional Routing				
12. Distribution			14. Reporting Officer (Print) Rocco Lucido	
<input type="checkbox"/> Chief <input type="checkbox"/> Administration <input type="checkbox"/> Evidence			<input type="checkbox"/> Special Services <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Patrol	
<input checked="" type="checkbox"/> District Attorney <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> SRO			<input type="checkbox"/> Disposition RTF	
17. Approving Supv (Print) James Terry			18. Supv No. P287	19. Date 05/18/2016
20. Suspended <input type="checkbox"/>				

☒ Face Page ☒ Felony
☐ Continuation ☐ Misdemeanor
☒ Supplemental ☐ Juvenile

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5
☒ Arrest ☒ Gun ☒ Use of Force ☐ Domestic Violence

1. DR No. 16-3471		2. City Code PT46		3. Crime/Classification ASSAULT WITH DEADLY WEAPON		4. Detail 1. 245(a)(2) 2. 245(c)		5. More Persons <input type="checkbox"/>					
6. Day / Date / Time of Occurrence From TUES 05/17/2016 2113 To TUES 05/17/2016 2113				7. Date / Time Reported 05/17/2016 / 2104		8. Employee No. P318		9. Reclassification <input type="checkbox"/>					
10. Address / Location of Occurrence Kingsly Dr, Pittsburg													
11. <input type="checkbox"/> PRI <input checked="" type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER													
28. <input type="checkbox"/> PRI <input checked="" type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER													
Sex / Age /M / 17													
44. <input type="checkbox"/> PRI <input checked="" type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER													
45. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested Creighton, Michael					46. Race / Sex / Age W / M /		47. DOB		48. Driver License No.				
49. Address (Zip Code)							50. Home Phone						
51. Employed By or School 65 Civic Avenue, Pittsburg							52. Work Phone (925)252-4980						
53. Hair		54. Eyes		55. Ht.		56. Wt.		57. AKA / Maiden Name		Email Address		58. Social Security No.	
59. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)								Cell Phone		60. Booking or Cite No.			
62. Veh / Ves <input type="checkbox"/> S <input type="checkbox"/> Vict		63. Lic No. / State /		64. Year		65. Make		66. Model		67. Body Style		68. Color Top Bottom	
69. Status <input type="checkbox"/> Left <input type="checkbox"/> Impound <input type="checkbox"/> Stored		70. Registered Owner				71. R.O. Address				73. Who has Keys?			
72. Towed to or Released to													
74. Evid <input checked="" type="radio"/> Yes <input type="radio"/> No		75. F / P <input type="radio"/> Yes <input checked="" type="radio"/> No		76. Dispo of Evidence Evidence Room				77. Missing N/A		78. Damaged N/A			
79. Brief Synopsis of Incident Supplement - See Narrative													
CROSS REFERENCE:				IN-CAR VIDEO <input type="radio"/> Yes <input checked="" type="radio"/> No				BODY CAMERA <input checked="" type="radio"/> Yes <input type="radio"/> No					
MARSY'S LAW <input type="radio"/> Yes <input checked="" type="radio"/> No				ELDER ABUSE FORM SOC 341 <input type="radio"/> Yes <input checked="" type="radio"/> No				VICTIM RESPONSE - 293 PC <input type="radio"/> Yes <input checked="" type="radio"/> No					
80. Distribution <input type="checkbox"/> Chief <input type="checkbox"/> Special Services <input checked="" type="checkbox"/> District Attorney <input type="checkbox"/> Administration <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> Evidence <input type="checkbox"/> Patrol <input type="checkbox"/> SRO				81. Additional Routing									
				82. Reporting Officer (Print) Jonathan Elmore				83. Date/Time Written 05/18/2016 / 1610				84. Dispo ARR	
				85. Approving Supv (Print) James Terry				86. Supv No. P287		87. Date 05/18/2016		88. Suspended <input type="checkbox"/>	

☐ Face Page ☒ Felony
☒ Continuation ☐ Misdemeanor
☒ Supplemental ☐ Juvenile

PITTSBURG POLICE DEPARTMENT
65 Civic Ave, Pittsburg, CA 94565

(Page 2 of 6)
Beat 5

☒ Arrest ☒ Gun ☒ Use of Force ☐ Domestic Violence

1. DR No. 16-3471		2. City Code PT46		3. Crime/Classification ASSAULT WITH DEADLY WEAPON		4. Detail 1. 245(a)(2) 2. 245(c)		5. More Persons <input type="checkbox"/>					
6. Day / Date / Time of Occurrence From TUES 05/17/2016 2113 To TUES 05/17/2016 2113						7. Date / Time Reported 05/17/2016 / 2104		8. Employee No. P318		9. Reclassification <input type="checkbox"/>			
10. Address / Location of Occurrence Kingsly Dr, Pittsburg													
11. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input checked="" type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER													
12. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested Gutierrez, Rigoberto Daniel						13. Race / Sex / Age H / M / 20							
20. Hair BRO 21. Eyes BRO 22. Ht. 503 23. Wt. 120 24. AKA / Maiden Name Email Address 25. Social Security No.													
26. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)						Cell Phone			27. Booking or Cite No.				
28. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER													
29. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested						29. Race / Sex / Age / /		30. DOB		31. Driver License No.			
32. Address (Zip Code)						33. Home Phone							
34. Employed By or School						35. Work Phone							
36. Hair		37. Eyes		38. Ht.		39. Wt.		40. AKA / Maiden Name		41. Social Security No.			
42. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)						Cell Phone			43. Booking or Cite No.				
44. <input type="checkbox"/> PRI <input type="checkbox"/> VIC <input type="checkbox"/> WIT <input type="checkbox"/> MSP <input type="checkbox"/> RUN <input type="checkbox"/> SUS <input type="checkbox"/> LEAD <input type="checkbox"/> OTHER													
45. Name (L, F, M) Type : <input type="radio"/> Business <input checked="" type="radio"/> Individual <input type="radio"/> Government <input type="radio"/> Arrested						46. Race / Sex / Age / /		47. DOB		48. Driver License No.			
49. Address (Zip Code)						50. Home Phone							
51. Employed By or School						52. Work Phone							
53. Hair		54. Eyes		55. Ht.		56. Wt.		57. AKA / Maiden Name		58. Social Security No.			
59. Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)						Cell Phone			60. Booking or Cite No.				
62. Veh / Ves <input type="checkbox"/> S <input type="checkbox"/> Vict		63. Lic No. / State /		64. Year		65. Make		66. Model		67. Body Style		68. Color Top Bottom	
69. Status <input type="checkbox"/> Left <input type="checkbox"/> Impound <input type="checkbox"/> Stored		70. Registered Owner				71. R.O. Address							
		72. Towed to or Released to				73. Who has Keys?							
74. Evid <input type="radio"/> Yes <input checked="" type="radio"/> No		75. F / P <input type="radio"/> Yes <input checked="" type="radio"/> No		76. Dispo of Evidence Evidence Room				77. Missing N/A		78. Damaged N/A			
79. Brief Synopsis of Incident													
CROSS REFERENCE:													
MARSY'S LAW <input type="radio"/> Yes <input checked="" type="radio"/> No				IN-CAR VIDEO <input type="radio"/> Yes <input checked="" type="radio"/> No				BODY CAMERA <input checked="" type="radio"/> Yes <input type="radio"/> No					
				ELDER ABUSE FORM SOC 341 <input type="radio"/> Yes <input checked="" type="radio"/> No				VICTIM RESPONSE - 293 PC <input type="radio"/> Yes <input checked="" type="radio"/> No					
80. Distribution <input type="checkbox"/> Chief <input type="checkbox"/> Special Services <input checked="" type="checkbox"/> District Attorney <input type="checkbox"/> Administration <input checked="" type="checkbox"/> Investigations <input type="checkbox"/> Narcotics / Gangs <input type="checkbox"/> Evidence <input type="checkbox"/> Patrol <input type="checkbox"/> SRO						81. Additional Routing							
						82. Reporting Officer (Print) Jonathan Elmore		83. Date/Time Written 05/18/2016 / 1610		84. Dispo ARR			
						85. Approving Supv (Print) James Terry		86. Supv No. P287		87. Date 05/18/2016		88. Suspended <input type="checkbox"/>	

PITTSBURG POLICE DEPARTMENT

EVIDENCE/PROPERTY FORM

☒ Supplemental ☐ Suspended

DATE	CRIME(S)	CASE NUMBER
05/17/2016	ASSAULT WITH DEADLY WEAPON	16-3471

PERSON CODES: S=SUSPECT V=VICTIM O=OWNER F=FINDER

PERSON CODE	NAME(LAST FIRST MIDDLE)	DOB	ARR	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> ADULT <input type="checkbox"/> JUV
ADDRESS		CITY, STATE, ZIP	PHONE	

PROPERTY CODE:

DS=DESTRUCTION E=EVIDENCE LST=LOST S=STOLEN SR=STOLEN/RECOVERED SK=SAFEKEEPING
 FP=FOUND PROPERTY

FIREARM PROPERTY CODE: USE OF FIREARM

E=EVIDENCE S=STOLEN SK=SAFE KEEPING
 (Use this for firearms used in crime, DV or illegally possessed) SR=STOLEN/RECOVERED (Use this for firearms turned in Destruction, Restraining Order, 5150 or DV)
 FP=FOUND PROPERTY

Property Disposition Codes : Property Division use only D=Destruction A=Auction R=Released

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
1	JE	EVD	E	05/17/2016	Y	J	A	OTHER									
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
(4) digital video files recorded via Officer Elmore body camera																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
2	JE	EVD	E	05/17/2016	Y	J	A	OTHER									
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
(3) digital photographs of (V) [REDACTED]																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS:

DISTRIBUTION

☐ Chief ☐ Special Services ☒ District Attorney
☐ Administration ☒ Investigations ☐ Narcotics / Gangs
☐ Evidence ☐ Patrol ☐ SRO

RECEIVING OFFICER & ID#

Jonathan Elmore P318

DATE

05/18/2016

Property/Evidence Division Use Only:

Property Released:

DATE

☒ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification ASSAULT WITH DEADLY WEAPON	4. Detail 1. 245(a)(2) 2. 245(c)	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M)		7. Date Orig. Report 05/18/2016	8. Employee No. P318	
9. Address / Location of Occurrence Kingsly Dr, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto Daniel		

11. Narrative / Statements

****This report shall serve as a supplemental to Officer Haller's original report****

On 5/17/16 I was working patrol in the City of Pittsburg. I was wearing a full Pittsburg Police patrol uniform, and driving a fully marked Pittsburg Patrol vehicle. At approximately 2104 hrs, dispatch advised of a domestic disturbance at [REDACTED] Kingsly Drive, Pittsburg. The reporting party, later identified as (V) [REDACTED], was calling advising his son, later identified as (S) Rigoberto Gutierrez, was outside of his residence with a gun in his hand.

Officer Creighton, Officer Palma and Officer Gonzales all responded to the location. As officers were enroute, [REDACTED] was providing dispatch with updates. [REDACTED] related that Rigoberto was drunk and had brandished the gun at him when he arrived at the front door.

Officer Creighton and Officer Palma arrived on scene at approximately 2112 hrs. At approximately 2113 hrs, Officer Palma advised shots had been fired and the suspect was down. I immediately responded from the Pittsburg Police Department to assist. As I was enroute, Officer Palma further updated that a total of (3) subjects were hit by gunfire and Rigoberto was detained. For further details, refer to Officer Haller's original report.

I arrived on scene at approximately 2119 hrs. I entered the residence at [REDACTED] Kingsly Drive and located [REDACTED] who was suffering from a single gunshot wound to his left abdomen area. [REDACTED] was being treated by medical personnel. [REDACTED] was prepped and transported to John Muir Hospital - Walnut Creek (JMWC) by ConFire Medic #81. Upon arrival at JMWC, [REDACTED] was treated by Dr. Cooper, M.D. and Dr. Leonard, M.D. I was advised that [REDACTED] would most likely need surgery to remove the bullet from inside his left abdomen area. The bullet had not penetrated far enough to damage any internal organs or do any life threatening damage. [REDACTED] was expected to make a full recovery.

While at JMWC, I asked if [REDACTED] would be willing to speak to me about the incident. [REDACTED] agreed and related the following in substance:

Rigoberto came home from work after getting a ride home with some friends. Rigoberto was acting crazy, yelling and cursing and acting like he was drunk. Rigoberto was at the table eating dinner when he suddenly threw his dinner across the table. He believes Rigoberto was on some type of drug or he was drunk. Every time Rigoberto drinks he acts crazy and will start yelling, throwing objects around and make a scene.

Rigoberto was walking around, acting stupid and acting like he was going to kill someone. Rigoberto went out of the living room and went into his bedroom. Rigoberto appeared minutes later and had a gun in his hand. The gun was silver and he doesn't know what type of gun it was, only that it was small.

13. Additional Routing

12. Distribution

- ☐ Chief
☐ Administration
☐ Evidence
- ☐ Special Services
☒ Investigations
☐ Patrol
- ☒ District Attorney
☐ Narcotics / Gangs
☐ SRO

14. Reporting Officer (Print)

Jonathan Elmore

17. Approving Supv (Print)

James Terry

15. Date/Time Written

05/18/2016 / 1610

18. Supv No.

P287

19. Date

05/18/2016

16. Dispo

ARR

20. Suspended

☐

☒ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5

☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification ASSAULT WITH DEADLY WEAPON	4. Detail 1. 245(a)(2) 2. 245(c)	5. Reclassification <input type="checkbox"/>
6. Victim Name (L, F, M)		7. Date Orig. Report 05/18/2016	8. Employee No. P318	
9. Address / Location of Occurrence Kingsly Dr, Pittsburg		10. Suspect's Name (L, F, M) Gutierrez, Rigoberto Daniel		

11. Narrative / Statements

When Rigoberto had the gun in his hand, he didn't want to let him leave the house so he wrapped his arms around his body and told him, "You're not leaving the house with that, gimme that!" Rigoberto was able to overpower him and managed to free himself from his grasp, and Rigoberto left the house. His wife, [REDACTED] was also present during all of this, and they decided that they wanted Rigoberto to leave. They had spoken with Rigoberto in the past on several other occasions about his behavior and if he didn't change, they were going to kick him out. They also have several [REDACTED] who also were at the residence at the time, and didn't want that type of behavior around them. While Rigoberto was gone, himself and [REDACTED] packed a bag for Rigoberto, placed it on the front porch, and locked the door.

Approximately 5-10 minutes passed, and Rigoberto returned at the front door. Rigoberto was trying to get into the residence. They have a black metal security screen which is affixed at their front door. Rigoberto was pounding on the front security screen, yelling and making a scene in front of their residence. He was standing on the inside of his residence, approximately (1) foot behind the security screen. His view was somewhat obstructed, but he had a clear enough view to see Rigoberto. He noticed Rigoberto had the small silver handgun in his right hand at this time. Rigoberto was waving the gun in the air, and pointing it at himself and towards the other windows and doors of the residence. Rigoberto never made any statements indicating he would shoot anyone, but he felt very threatened by the mere presence of the gun and the manner in which Rigoberto was waving and pointing it at him.

He told Rigoberto that he's not coming inside the residence with a gun, because they have [REDACTED] in the house. He told Rigoberto to get rid of the gun. Rigoberto put the gun down on the floor next to his feet, approximately (1) foot away from himself. Rigoberto continued acting crazy, cussing, and pounding on the door trying to get in to the residence.

Rigoberto suddenly took out a package from his pocket, and took out an unknown pill and appeared to have put it in his mouth. He doesn't know what the pill was. He knows Rigoberto to smoke weed and to drink alcohol often, but he doesn't know what type of pills, if any, he would take.

A few moments later, he noticed white spotlights on his residence near the door where he was standing. He lost sight of Rigoberto and wasn't really able to see things very clearly. He was looking towards the street and noticed police vehicles with blue and red overhead lights and the spotlights on his house. He saw several (unknown amount) police officers approaching his house and heard an officer shout, "Drop the gun!" Almost immediately after the officer said that, he heard (3) "pop" sounds. After that, he remembers feeling a burning sensation on his abdomen. His wife said, "You're hit!" and he looked down and saw the blood on his shirt and realized he had been shot. He walked over into his kitchen and sat down in the chair. He noticed his younger son, (V#2) [REDACTED] was also on the ground and was shot as well. Officers came into the residence moments later to assist.

12. Distribution			13. Additional Routing		
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input checked="" type="checkbox"/> District Attorney	14. Reporting Officer (Print) Jonathan Elmore	15. Date/Time Written 05/18/2016 / 1610	16. Disposition ARR
<input type="checkbox"/> Administration	<input checked="" type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs	17. Approving Supv (Print) James Terry	18. Supv No. P287	19. Date 05/18/2016
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO			20. Suspended <input type="checkbox"/>

☒ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☒ Gun ☒ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification ASSAULT WITH DEADLY WEAPON	4. Detail 1. 245(a)(2) 2. 245(c)	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M)		7. Date Orig. Report 05/18/2016	8. Employee No. P318	
9. Address / Location of Occurrence Kingsly Dr, Pittsburg		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto Daniel		
11. Narrative / Statements				
<p>He doesn't know if Rigoberto picked up the gun or not, he wasn't able to see, so he thinks its possible.</p> <p>He has seen Rigoberto with other firearms in the past. The last time he saw him with a gun was approximately (2) weeks ago, and he saw him with a black long pistol. He doesn't know where that gun is now, or where he got it from. He told Rigoberto to get rid of the gun, and he doesn't know what happened to it from there.</p> <p>He has seen Rigoberto with guns in the past and has had several conversations with him regarding this. He warned Rigoberto that he shouldn't carry guns because the if the police catch him with it, he could be shot. He agrees with the actions of police and holds Rigoberto responsible for his actions.</p> <p>related nothing further. I recorded statement via body camera.</p> <p>While I was at JMWC, I was assisting Officer Gonzales by watching Rigoberto in his hospital room while Officer Gonzales attended to another matter in the hospital. I was standing near Rigoberto's bed, where he was laying. Suddenly, and unprovoked, Rigoberto made several spontaneous statements to me. Rigoberto looked over towards me and stated, "I tried to pull out and show him I was banging and he shot me." Rigoberto was mumbling and it was hard to make out what he was saying. Rigoberto asked me, "You hear me?" I was having difficulty hearing him and so I said, "No, what did you say?" He said, "Just whip out the gun". I stepped back to take notes, and Rigoberto began speaking again. He stated, "Don't say I was trying to shoot him. I was just putting the gun down and then... You feel me?" I recorded this spontaneous statement via my body camera.</p> <p>I also recorded other contacts and later uploaded a total of (4) digital video files to the PPD digital evidence vault. I photographed gun shot wound at the hospital and later uploaded (3) digital photographs to the PPD digital media vault.</p> <p>I remained at JMWC with until I was relieved by Detective Reddoch, who re-interviewed at the hospital.</p> <p>This concludes my involvement in this investigation.</p> <p>Nothing further.</p>				
13. Additional Routing				
12. Distribution				
<input type="checkbox"/> Chief	<input type="checkbox"/> Special Services	<input checked="" type="checkbox"/> District Attorney		
<input type="checkbox"/> Administration	<input checked="" type="checkbox"/> Investigations	<input type="checkbox"/> Narcotics / Gangs		
<input type="checkbox"/> Evidence	<input type="checkbox"/> Patrol	<input type="checkbox"/> SRO		
		14. Reporting Officer (Print) Jonathan Elmore	15. Date/Time Written 05/18/2016 / 1610	16. Disposition ARR
		17. Approving Supv (Print) James Terry	18. Supv No. P287	19. Date 05/18/2016
				20. Suspended <input type="checkbox"/>

☐ Continuation

PITTSBURG POLICE DEPARTMENT

65 Civic Ave, Pittsburg, CA 94565

Beat 5☒ Supplemental☒ Arrest ☐ Gun ☐ Use of Force

1. DR No. 16-3471	2. City Code PT46	3. Crime / Classification Assault With A Deadly Weapon (F)	4. Detail 1. PC245A 2. PC245C	5. Reclassification <input type="checkbox"/>
6. Victim Name (L,F,M)		7. Date Orig. Report 05/17/2016	8. Employee No. P315	
9. Address / Location of Occurrence Kingsly Drive - Pittsburg, CA 94565		10. Suspect's Name (L,F,M) Gutierrez, Rigoberto, Daniel		

11. Narrative / Statements

On 05/17/16, I was working patrol in the City of Pittsburg. At approximately 2137 hours, I responded to Kingsly Drive to assist with this investigation. While on scene, Inspector Holcombe spoke with [REDACTED] and obtained her consent to search her residence located at Kingsly Drive. Inspector Holcombe then asked me if I had a Consent to Search form for [REDACTED] to sign.

I retrieved a Pittsburg Police Department Consent to Search form from my vehicle and handed to Inspector Holcombe at which time he completed the form. Inspector Holcombe explained the form and [REDACTED] signed the form as both Inspector Holcombe and I witnessed (See attached form).

Attach this supplemental report to Officer Haller's original report.

Nothing further.

12. Distribution

☐ Chief
☐ Administration
☐ Evidence
☐ Special Services
☒ Investigations
☐ Patrol
☒ District Attorney
☐ Narcotics / Gangs
☐ SRO

13. Additional Routing

14. Reporting Officer (Print) Sahar Barkzi	15. Date/Time Written 06/10/2016 / 0600	16. Dispo ARR
17. Approving Supv (Print) Bruce Brown	18. Supv No. P187	19. Date 06/10/2016
		20. Suspended <input type="checkbox"/>

PITTSBURG POLICE DEPARTMENT

EVIDENCE/PROPERTY FORM

☒ Supplemental ☐ Suspended

DATE	CRIME(S)	CASE NUMBER
06/10/2016	Assault With A Deadly Weapon (F)	16-3471

PERSON CODES: S=SUSPECT V=VICTIM O=OWNER F=FINDER

PERSON CODE	NAME(LAST FIRST MIDDLE)	DOB	ARR	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> ADULT <input type="checkbox"/> JUV
S	Gutierrez, Rigoberto Daniel	Look Up		
ADDRESS		CITY, STATE, ZIP		PHONE
Kingsly Drive - Pittsburg, CA 94565				

PROPERTY CODE: E

DS=DESTRUCTION E=EVIDENCE LST=LOST S=STOLEN SR=STOLEN/RECOVERED SK=SAFEKEEPING
 FP=FOUND PROPERTY

FIREARM PROPERTY CODE: USE OF FIREARM

E=EVIDENCE S=STOLEN SK=SAFE KEEPING
 (Use this for firearms used in crime, DV or illegally possessed) SR=STOLEN/RECOVERED (Use this for firearms turned in Destruction, Restraining Order, 5150 or DV)
 FP=FOUND PROPERTY

Property Disposition Codes : Property Division use only D=Destruction A=Auction R=Released

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
SB5	EVD		E	06/10/2016	Y	J	A	OTHER01									
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				
Other Document - Consent to search form																	

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

PROPERTY

ITEM#	P INV	INV#	CODE	INV DATE	IC	CAT	TY	ARTICLE	QNTY	J-TYP	D-TYP	UNIT	F-MAKE	F-TYPICAL	A-MAKE	A-MODEL	TOTAL VALUE
DESCRIPTION(MAKE,MODEL,COLOR,ETC)										SERIAL/NUMBER OWNER APPLIED			FCN NUMBER				

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS:

DISTRIBUTION

☐ Chief ☐ Special Services ☒ District Attorney
☐ Administration ☒ Investigations ☐ Narcotics / Gangs
☐ Evidence ☐ Patrol ☐ SRO

RECEIVING OFFICER & ID#

S. Barkzi P315

DATE

Property/Evidence Division Use Only:

Property Released:

DATE

06/10/2016

PITTSBURG POLICE DEPARTMENT
65 Civic Avenue
Pittsburg, California

CONSENT TO SEARCH

Date: 5/17/16

Place: [Redacted] Kingsley

I, [Redacted], having been informed of my
(PRINT NAME)
constitutional right not to have a search made of these premises without a search warrant, and
of my right to refuse consent for such a search, hereby authorize these officers:

Pittsburg Police

District Attorney's Office

Contra Costa Crime Lab / Sheriff's Office

to conduct a complete search of these premises, including all structures and rooms adjoining or
used in connection with said premises, which are located in California at _____

[Redacted] Kingsley Dr Pittsburg
Kingsley

and I authorize these officers to take from said premises any things, letters, papers, materials,
or other property which they may desire for their official use.

I give this permission to the above named officers voluntarily and without threats, coercion, or
promises of any kind.

Witnesses

[Signature] Inspector Holcombe
#26797

[Signature] #315