

**GUAM POLICE DEPARTMENT
IAS Case No. 07-089 & 07-090; USE OF FORCE
GARCIA SHOOTING CASE**

On October 1, 2007, at approximately 1:32 p.m. the Tactical Operations Command (TOC) of the Guam Police Department received a cellular telephone call from a male individual. The caller reported that a male individual in a black colored SUV was shooting a gun at the Veterans Cemetery in Piti.

During the course of investigation, investigators determined that the telephone number recorded on a caller I.D. at TOC was assigned to the cellular telephone of Reynaldo Garcia. In a subsequent interview, one of Reynaldo's family members confirmed that the cellular telephone number, in fact, belonged to Reynaldo.

At the scene of the Piti Cemetery incident, a brother of Reynaldo informed a police officer that it was Reynaldo who had called the police and reported shooting at the cemetery.

Investigators interviewed other family members of Reynaldo. The family members reported that prior to the shooting, Reynaldo had become extremely emotional and distraught during a family viewing at a local mortuary; and that Reynaldo had left the mortuary to seek solitude at the Veterans Cemetery.

A family member telephoned Reynaldo while he was at the Cemetery and told him not to do anything stupid. Reynaldo replied: "Don't worry, I'm not gonna do anything stupid, the cops will."

Investigations further provided that a family member of Reynaldo possessed a black colored revolver pellet gun. He stated that he had found the pellet gun about two years ago and kept it on top of a dresser drawer in a bedroom at an Agafa Gumas home. The family member discovered that the gun was missing a couple of days after the shooting.

A brother-in-law of Reynaldo was at the scene of the shooting prior to the shooting. He stated that he saw Reynaldo standing on the south side of the cemetery holding what appeared to be a handgun; and that Reynaldo was walking back and forth on the roadway within the cemetery. From a distance, he pleaded with and attempted to negotiate with Reynaldo, asking him to surrender. Reynaldo ignored his brother-in-laws' pleas.

Two police sergeants, using a PA system, diligently tried to negotiate with Reynaldo. They asked him to put his weapon down and surrender. Reynaldo failed to respond to any instruction given to him. He just kept pacing back and forth within the cemetery.

Reynaldo approached a nearby police sergeant at the scene of the incident. The sergeant heard Reynaldo say: "Just shoot me." The sergeant noted that nearly all the officers at the scene observed Reynaldo making the "sign of the cross" several times. The officers became extremely cautious as they anticipated that Reynaldo was going to shoot after each "sign of the cross" gesture.

Eventually, Reynaldo confronted an officer near the east gate area at a distance of approximately 30 feet. He pointed the weapon at the officer. At that point, the officer fearing an imminent threat of death, to himself and others, felt that he was left with no other recourse but to shoot Reynaldo.

The approximate time of the shooting was just prior to 2:30 p.m. Immediately thereafter, an officer broadcast that Medic #6 had arrived at the scene to attend to Reynaldo.

Crime Scene Investigators confiscated several expended bullet casings at the scene. The GPD Firearms Examiner also confiscated the black colored revolver, handgun that Reynaldo brandished and had pointed at the officers. The examiner determined that the weapon was a black Crossman 357, .177 caliber pellet gun with a CO2 cartridge in the handgrips. NOTE: The pellet gun as described is an exact replica of a "Colt" 357 Python revolver. Engravings of the "Colt" brand are etched into the metal surface on both sides of the gun (see photo).

Dr. Espinola, Chief Medical Examiner, performed an autopsy of Reynaldo. He indicated that Reynaldo had received three gunshot wounds, one of which was fatal. The Cold Case Unit of the Guam Police Department conducted a criminal investigation into the shooting and concluded that the three officers who were involved in the shooting followed proper departmental procedures regarding the use of deadly force. The officers reacted to what they perceived was an imminent and deadly threat to their safety, the safety of other officers, and the safety of the people at the adjacent school. Several teachers and school aides at Jose Rios Middle School who witnessed the shooting were interviewed and their account of the incident corroborated with the account given by police officers.

The GPD Criminal Investigations Section's death investigation report has been forwarded to the AG's Office since October 16, 2007, for their review and disposition.

The Internal Affairs investigation report has been completed and the case is not sustained. That report has also been forwarded to both the AG's Office and the F.B.I. for their review and disposition as well.

12-20-2007

