

Police Department

Date of Investigation: June 1, 2016

Incident: Officer Involved Shooting - Fatal via Suicide

Locations: 41000 block of Fremont Blvd.

Suspect: Gerald Villabrille, 44 years old San Jose resident

Suspect's Criminal History included: Multiple arrests for drug violations, Sales of Narcotics, Carrying a Concealed Knife, Possession of a Firearm by a Convicted Felon, Possession of a Dangerous Weapon, Assault on a Peace Officer, Assault with a Deadly Weapon, and much more.

Suspect's Gang Affiliation: Documented Norteño gang member

Officers Involved:

Victim Officer 1 (name withheld), less than 2 years of service as a police officer at the time of the incident

Detective William Johnson (victim 2), 10 year veteran police officer at the time of the incident

Detective Michael Bobbitt (victim 4), 8 year veteran police officer at the time of the incident

Detective Richard Zemlok (victim 3), 15 year veteran police officer at the time of the incident

This is a summary of the findings from the June 1, 2016, Officer Involved Shooting that occurred with suspect Gerald Anthony Villabrille. The investigation was conducted by the Fremont Police Department's Crimes Against Persons Unit. The Alameda County District Attorney's Office was notified and began an independent and parallel investigation into the incident. As of May 1, 2019, the DA's finding has not been released. The Alameda County Coroner's finding was that suspect Gerald Villabrille died from a self-inflicted gun-shot wound.

The criminal investigation completed by the Fremont Police Department determined that our victim officers acted lawfully in defending themselves from immediate harm when suspect Villabrille assaulted Victim Officer 1 with his vehicle and then fired his weapon striking him. Additionally, Detectives Rick Zemlok, William Johnson and Michael Bobbitt acted lawfully in defending themselves from immediate harm when suspect Villabrille fired his weapon multiple times in their direction, striking one of the detectives, approximately 10 minutes after the first shooting incident with our first victim officer. The internal use of force review process concluded this use of force was within department [policy](#).

All critical incidents are closely scrutinized and thoroughly investigated. We value the sanctity of life and place high priority on training to ensure our officers have the skills, tools and resources they need in the performance of their everyday duties.

In 2019, Senate Bill 1421 amended the California Public Records Act and we are providing this detailed summary of the investigation to ensure community members have the opportunity to learn the findings from our investigation. Some of the information provided in the summary is graphic in nature and not appropriate for children. Regardless of the circumstances, the loss of life is tragic. These incidents have a lasting effect on family, friends and loved ones, as well as the officers who are involved and their family members.

The information contained in this summary was developed through investigative techniques including viewing police in-car camera evidence, video surveillance evidence from the businesses, witness cell phone video, interviewing witnesses and victims, physical evidence found at the scene and other extensive police investigative tactics.

Victim Officer 1 (hereafter referred to as Victim 1) was severely injured during the start of this incident when suspect Villabrille shot Victim 1 in the head. Due to these injuries, Victim 1 has no recollection of the confrontation nor what took place leading up to the shooting. Our understanding and interpretation of what happened is based on in-car video, information about what Victim 1 may have known prior to the shooting, facts about Villabrille's actions learned later in the investigation, and an understanding of police tactics.

The Fremont Police Department continues to withhold Victim 1's identity due to the fact that Villabrille was a documented Norteno gang member and the severity of Victim 1's injuries increases his vulnerability.

On June 1, 2016 at 1:31 p.m., Victim 1, a Fremont Police Department police officer was on patrol, driving a fully marked police vehicle and wearing full police uniform. Victim 1 was patrolling the Irvington area, specifically in the area of Fremont Blvd and Washington Blvd when he spotted a suspicious white pick-up truck occupied by three persons driving on Bay St. He had recently been informed during briefing that there was a "Be on the Lookout" bulletin for white rental trucks that had not been returned. Victim 1 prepared to conduct a vehicle stop and followed the vehicle as it travelled southbound on Fremont Blvd and approached the intersection of Irvington Ave.

Suddenly, the vehicle seemed to try to evade the officer, driving through a red-light while making a right-turn without stopping. The driver cut off several motorists in doing so. The driver turned left against a red light into a parking lot belonging to the AutoZone, located in the 41000 block of Fremont Blvd. Victim 1 advised via police radio that the vehicle was "taking off" from him and additional police units began to respond to assist. Fremont Police dispatch asked Victim 1 for his location and Victim 1 gave the incorrect location, and advised he was behind O'Reilly's, which is an auto parts store across the street from Auto Zone. Victim 1 then advised he had suspects "at gun point" and that the suspect vehicle had crashed into the front of his

vehicle. Video surveillance evidence later confirmed that the suspect vehicle had driven through the Auto Zone parking lot, made a U-turn and drove into the front of Victim 1's police vehicle. The impact from this collision disabled the suspects' truck. It is our belief from watching video evidence that Victim 1 perceived some sort of threat from Villabrille and fired at least one round at him as Villabrille exited the driver's seat of the truck, although the reason is not definitively known. Victim 1's round struck Villabrille in the abdomen. The actual shooting was outside the view of Victim 1's in-car camera, and was not captured on the video.

A few moments later, Victim 1 advised "shots fired" over the police radio. Victim 1 advised that he was "not hit" but that "he" (Villabrille) was "not being compliant" and "lying down in the truck." This was the last radio transmission made by Victim 1.

In one of the surveillance videos, which captured the moments after that first shooting, Villabrille can be heard telling Victim 1, "You got to kill me now." Villabrille moved around the vehicle and continually yelled out, "I don't got nothing!" During this time Victim 1 continually gave commands to Villabrille to "stop moving" and to "put your hands in the air." Villabrille yelled out, "Why did you shoot me? I didn't even do nothing, officer." Villabrille then turned to the two people still sitting inside the suspect vehicle and said, "He shot me, mom" along with additional profanities. Villabrille was wearing an orange Giants baseball jersey. In video surveillance, a blood stained circle can be seen on the bottom portion of the jersey. Villabrille then re-entered the truck on the driver's side and fumbled around in the vehicle for several seconds. It appeared as if he was attempting to retrieve something from the floorboard of the vehicle. While this was occurring Victim 1 continued to command Villabrille to get out of the vehicle.

Without further warning, Villabrille rapidly raised a firearm up to the "V" of his open door and shot twice at Victim 1. Victim 1 fired his service weapon back in the direction of Villabrille but missed. One of Villabrille's shots struck the driver's side window and went through, hitting Victim 1 in the head. The other shot fired, penetrated the frame, approximately 4" away from the first round. Victim 1 was immediately incapacitated and fell to the ground, unable to move. Following the shooting, Villabrille immediately dropped to the ground to look under the patrol car, checking to make sure Victim 1 had fallen. Villabrille jumped up and ran away in the direction of Fremont Blvd. while still holding the gun.

Video surveillance showed that a few moments after Villabrille ran away, two people later identified as Villabrille's mother and father-in-law, Adele Rocha and Manuel Rocha, calmly exited the suspect vehicle. The two slowly walked past Victim 1, who was lying unconscious on the ground, and continued walking towards Fremont Blvd. The Fremont Police Department investigation revealed the two would eventually walk to a nearby restaurant and order some food. They later left the City via cab ride and neither contacted the police.

After minutes without a response from Victim 1 via police radio, additional police officers began to arrive in the area with their lights and siren activated. Villabrille initially ran towards

Fremont Blvd. and then, likely due to hearing sirens in the distance ran back toward Victim 1 and the location of the shooting. He ran past Victim 1 and attempted to jump a fence on the back side of the parking lot. When he was unable to jump the fence, Villabrille ripped down a portion of the slats between Auto Zone and Pakwan restaurant to continue his flight. The first arriving Fremont officers found Victim 1 lying motionless. Officers could see Victim 1 was suffering from a head injury and advised, "Officer down!" over the radio. They summoned immediate medical personnel and began providing life-saving field trauma care while they waited for Fremont Fire and the ambulance to arrive.

As the initial arriving officers provided medical aid to Victim 1, other Fremont officers began to scour the area for witnesses to the shooting. Witnesses relayed that a male suspect who was involved in the shooting, described as a Hispanic male wearing grey shorts and an orange Giants colored jersey, had fled towards the Safeway parking lot located in the 3900 block of Washington Blvd. Witnesses stated the suspect was running with the gun in his hand. Video surveillance later confirmed that after ripping down the fence, Villabrille ran through the Pakwan restaurant parking lot before continuing to run northbound on Fremont Blvd. and then turned into the Safeway parking lot. Due to the time of day, the area was extremely busy with several shoppers at the time.

After hearing the radio traffic, all available Fremont Police personnel began to descend on the area. Patrol units, traffic units, detectives, intelligence officers and major crimes officers arrived to assist with the search for the suspect, begin the officer involved shooting investigation and to tend to Victim 1. Victim 1 was quickly transported to San Jose Regional Medical Center via ambulance.

One of the first officers to the scene, a sergeant, arrived and witnessed Villabrille running through the Safeway parking lot. Villabrille then entered the Safeway store and the traffic sergeant pursued on foot. Video surveillance would later show that Villabrille was still holding the gun in his hand and he ran through the busy Safeway store. The video would also show employees and patrons ducking and getting on the ground as he ran through the store.

Detective Rick Zemlok, a plain clothes undercover officer, responded to the scene and also entered the Safeway store in an effort to apprehend the suspect. Officers could see the suspect running through the store with a gun in his hand. Villabrille made his way out the back of the southeast corner of Safeway and onto Roberts Ave. After exiting the Safeway, witnesses watched as Villabrille ran to the rear of a residence, located in the 41200 block of Roberts Ave.

Detective Michael Bobbitt, also an undercover plain clothes officer, arrived in the area and was flagged down by witnesses advising of the suspect's location. Detective Bobbitt made his way to the rear fence of the residence and peeked over. Villabrille was lying in wait and immediately fired one round towards Detective Bobbitt's head. Detective Bobbitt was able to jump off the fence and avoided being struck by the round.

Detective William Johnson, assigned to the General Crimes Unit, also wearing plain clothes, arrived at the Roberts Ave. address and teamed up with Detective Zemlok and Detective Bobbitt at the fence where the suspect was last seen. At this time both Detective Zemlok and Detective Johnson were not wearing bullet proof vests due to how fast events were unfolding. However, out of fear the suspect was immediately making his way into a residence to potentially take hostages, both detectives felt they could not delay in their attempt to apprehend the suspect. The officers adhered to their "priority of life" training, which recognizes that innocent persons' safety is paramount to their own. The officers chose not to waste time retrieving their vests from the back of their vehicles and felt that if they delayed community members could potentially be injured, taken hostage, or killed.

Detective Johnson broke down a portion of the fence leading to the backyard. Once officers entered the backyard, Villabrille, who was hiding around the corner of the residence, immediately fired at the officers. One of Villabrille's rounds struck Detective Johnson in the chest. The round struck his right lung and ribs before passing through his body. Detective Johnson and Detective Zemlok immediately returned fire in the direction of the suspect. Detective Johnson was loaded into an unmarked police vehicle and driven to San Jose Regional Medical Center by another detective. Detective Zemlok, Detective Bobbitt and additional officers established a hasty perimeter around the home in an attempt to prevent the suspect from leaving the area.

At approximately 1:45pm, an "11-99" was broadcast over the Fremont Police radio. An 11-99 is a police code which means "Officer Needs Help - Extreme Emergency". This code is not commonly invoked and elicits response from all nearby units and outside agencies. Following the 11-99 broadcast, members of the following surrounding area agencies responded to assist in varying roles and with varying numbers:

- Union City Police Department
- Newark Police Department
- Hayward Police Department
- Oakland Police Department
- San Leandro Police Department
- Alameda County Sheriff's Office
- San Mateo County Sheriff's Office
- Santa Clara County Sheriff's Office
- San Jose Police Department
- Redwood City Police Department
- BART Police Department
- Milpitas Police Department
- Alameda Police Department
- Emeryville Police Department
- Berkeley Police Department
- U.S. Marshal's Office
- Federal Bureau of Investigation

- Homeland Security Investigations
- California Highway Patrol
- East Bay Regional Police Department
- California Department of Corrections
- California Department of Justice
- Sunnyvale Department of Public Safety
- Fremont Fire personnel

Considering the high possibility the suspect was locked down inside the address on Roberts Ave, a tight perimeter was created around the residence. Investigators were able to quickly make telephone contact with the residents of the Roberts Ave address and confirmed they were not home and that no one else should be inside their residence. After inner and outer perimeters were established, and the scene was stabilized, Fremont Police officers surrounding the house were replaced by outside agency tactical units.

At the same time, Fremont Police Department detectives began attempting to identify the suspect. The suspect vehicle was found to be a stolen vehicle taken from U-Haul out of San Jose. Inside the truck was a cell phone, which appeared to be left by the suspect. This was later confirmed by a search of the phone.

The investigation further revealed Villabrille to be a documented Norteño gang member. Villabrille had a violent criminal history that included multiple convictions for firearms possession, possession of deadly weapons and resisting arrest. That criminal history included the following:

- February, 1989: arrest for Assault with a Deadly Weapon and Battery with Serious Injury; disposition showed Villabrille was "Paroled from California Youth Authority."
- May, 1993: arrest for Possession of Cocaine and Possession of Hypodermic Needles; disposition showed felony conviction for drug possession; however it showed that in November of 1996 Villabrille violated probation and was sentenced to 16 months Prison.
- September, 1994: arrest for Possession of a Firearm by a convicted Felon; disposition showed felony conviction for same. However, it showed that in November of 1996 Villabrille violated probation and was sentenced to 16 months Prison (concurrent with the above other violated probation).
- April, 1996: arrest for Possession of a Dangerous Weapon and Possession of Drugs; disposition showed felony conviction for both for which Villabrille was sentenced to 16 months Prison (concurrent).
- October, 1996: arrest for Resisting Arrest and multiple warrants; disposition showed misdemeanor convictions for same.

- December, 1997: arrested for Assault with a Deadly Weapon, Possession of a Firearm by a convicted Felon and Resisting Arrest; disposition showed felony conviction for Assault with a Deadly Weapon for which he received 2 years State Prison.
- March, 1998: arrested for Assault on a Peace Officer and Under the Influence of drugs; disposition showed felony conviction for drug possession and a misdemeanor convictions for Assault on a Peace Officer for which he was sentenced to 16 months State Prison; however this sentence would seem to be concurrent with the above conviction.
- July, 1999: arrested for multiple parole violations; the dispositions on those violations are unclear.
- Between January, 2001 - Sept, 2003: arrested multiple times for drug/possession related offenses. Villabrille was convicted of multiple counts related to the drug possession/use
- January, 2004 and November, 2004: arrested for multiple parole violations; the dispositions on those violations are unclear.
- August, 2005: arrested for Possession of a Firearm by a convicted Felon, being Armed with a Firearm during the commission of a Felony and resisting arrest; disposition showed felony convictions for multiple firearms offenses and received 4 years State Prison.
- July, 2010: arrested for Possession of a Dangerous Weapon, possession of Hypodermic Needles and Resisting Arrest; disposition showed misdemeanor convictions for same.
- April, 2011; arrested for Possession of a Dangerous drugs and Resisting Arrest; disposition showed felony conviction for drug possession.
- January, 2013; arrested for Sales of Narcotics and Carrying a Concealed Knife; disposition showed felony convictions for same for which he received 16 months Prison.
- January, 2016; arrested for multiple drug and vehicle code violations. At the time of this current incident, Villabrille appeared to have active warrants behind this case.

While multiple outside agency SWAT teams surrounded the Roberts Ave. address, a separate team responded to Villabrille's mother and father-in-law's residence in San Jose (Adele and Manuel Rocha). They were contacted and relayed the three had been in Fremont to buy a vehicle from "101 Auto Sales" located near the shooting scene when the shooting occurred. They relayed that when Victim 1 pulled behind their vehicle, Villabrille "freaked out" and said, "They are not gonna take me in." Both parents stated they did not know Villabrille was armed with a firearm on this date.

For approximately the next ten hours, multiple SWAT teams continued to surround the Roberts Ave address. Many announcements were made for Villabrille to surrender and exit the

residence. He never did. SWAT teams began to add CS gas (2-chlorobenzylidene malononitrile) inside the residence in order to gain cooperation and have Villabrille exit.

At approx. 11:30pm, Fremont Police Dispatch received a 911 call from a subject identifying himself as Villabrille who stated, "I am the individual who did that shooting." Villabrille feigned having a hostage inside the house and stated the gas was irritating his hostage. Villabrille also claimed the officer shot him for no reason.

Negotiations continued throughout the night during the SWAT standoff. Villabrille continued to threaten a hostage's life if the police did not leave. Villabrille also made comments referring to possible suicide. Villabrille advised at one point that he would exit the house, but never did. During his contact with hostage negotiators, Villabrille advised he wanted to exit the residence but his injuries prevented him. However, Villabrille refused to give his exact location inside the house. While SWAT teams were preparing to attempt to rescue Villabrille, they believed he may be again setting them up for an additional ambush. The last phone contact with Villabrille was at approximately 3:31 a.m. on June 2, 2016.

During the standoff with the SWAT teams, the residence caught fire making it unsafe to enter due to the fire and the armed suspect inside, who had already shot at officers on two occasions. The Fremont Fire Department attempted on multiple occasions to extinguish the fire from a safe location but were unable. By early morning, personnel were able to enter the residence. Villabrille's body was almost completely burned and a firearm was located near his legs (9mm Kahr Arms; caliber matching casings found on scene at the first Officer Involved Shooting).

An autopsy of Villabrille was conducted by the Alameda County Coroner's Office. A gunshot entry wound was located under his chin and an exit wound was found at the top of the head. The wound was determined by the coroner to be a self-inflicted gunshot wound. Villabrille had also sustained gunshot wounds to the right rear upper back, lower right portion of his back and his upper right arm. A fixed blade knife was located in Villabrille's rear waistband along with methamphetamine. The official manner of death was listed as "gunshot wound to the head." The pathologist did not find any signs of inhalation of smoke that would have caused Villabrille's death meaning the pathologist believed Villabrille committed suicide prior to being overtaken by the smoke. The toxicology done on Villabrille detected methamphetamine, amphetamine and phencyclidine (PCP) in his system.

The Alameda County District Attorney's Office's Officer Involved Shooting team was contacted at the onset of the investigation and conducted an independent and parallel investigation into the shooting. As of mid-April, 2019 the District Attorney has not yet issued a finding on the shooting. However, District Attorney representatives relayed that if Villabrille had survived, he would have been charged with multiple counts of attempted murder of a police officer and multiple other felony charges related to his possession of a firearm as a convicted felon.

Detective Johnson recovered in the hospital for over two weeks prior to being released. In mid-August, 2016, Detective Johnson was able to return to full duty.

Initially VICTIM 1 received extensive medical treatment and underwent numerous surgeries in order to keep him alive. Further surgeries and rehabilitation occurred over the next months. Approximately seven months after the shooting, VICTIM 1 was finally physically able to speak with investigators. However due to the shooting, VICTIM 1 had suffered a traumatic brain injury and was unable to provide any memory of the shooting due to memory loss. VICTIM 1 was forced to medically retire from the police department due to the injuries he sustained as a result of being shot in the head.

The members of our department deeply value the sanctity of life and dedicate themselves to protecting others at the risk of their own safety. This event highlights the life and death decisions officers must make under rapidly evolving and dangerous situations.



Gerald Villabrille; 44 year old male; San Jose resident