

Date of Investigation: May 29, 2017

Incident: Officer Involved Shooting – Non-fatal

Location: 5000 Mowry Ave, Fremont

Suspect: Rolonte Simril, 27 year old Transient

Suspect's Criminal History: criminal history includes many prior arrests for assault with a deadly weapon, robbery, resisting arrest, burglary, grand theft, disobeying a court order, possession of stolen property, possession of cocaine for sales, carrying a concealed dirk/dagger, possession of a stolen vehicle, trespassing, possession of controlled substances and possession of burglary tools. In Alameda County alone, Simril has had his probations revoked thirty-four separate times and has had nineteen prior failure to appear warrants issued for his arrest (for missing court dates after arrests). Since this incident, Simril has been arrested multiple additional times for felony crimes and at the time of this release, May 8, 2019, he is currently incarcerated.

Officer Involved:

Officer William Gourley, 7 year veteran police officer at the time of the incident.

This is a summary of the findings from the May 29, 2017, Officer Involved Shooting that occurred in the 5000 block of Mowry Ave. with suspect Rolonte Simril. The criminal investigation was conducted by the Fremont Police Department's Crimes Against Persons Unit. This investigation determined Officer William Gourley acted lawfully in defending himself from immediate harm. The Alameda County District Attorney's Office began a parallel and independent investigation immediately after this event. The internal use of force review process concluded this use of force was within department policy. We value the sanctity of life and place a high priority on training to ensure our officers have the skills, tools and resources they need to carry out their mission of providing public safety through professional law enforcement. All critical incidents are closely scrutinized and thoroughly investigated.

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 viewing police in-car camera evidence, video surveillance evidence from the businesses, interviewing officer Gourley as well as 18 witnesses, and physical evidence found at the scene.

This incident occurred on May 29, 2017, in the commercial parking lot in the 5000 block of Mowry Ave. This commercial center contained Lucky's grocery store, the Orchard Supply store, and several smaller commercial establishments. Because this date was the Memorial Day holiday, the shops and parking lot were crowded with people.

Just prior to 3:55 pm, suspect Rolonte Simril was walking through the lot with a metallic, pipe-like object in his hand. He was observed by at least one witness swinging a long, metallic object violently through the air in front of him. These actions were captured on store surveillance video. A female witness leaving the store can be seen in the video watching Simril, and retreating behind her grocery cart upon observing his actions. Several other persons were present in the lot and within Simril's vicinity.

At approximately 3:55 p.m., Fremont Police Department Officer William Gourley was working uniformed patrol, driving his fully marked police vehicle through the same lot. A concerned community member flagged Officer Gourley down and advised of a man, later identified as Simril, walking in the parking lot waving a pipe around and threatening patrons of the shopping center. The community member provided Officer Gourley with a physical description of the man and the last direction he was seen walking.

Officer Gourley immediately relayed the information via police radio and several additional patrol officers began to head towards the location to assist. Officer Gourley located Simril shortly thereafter near the front entrance area of the Orchard Supply Hardware store and activated his in-car camera. He placed his car in park facing south. The in-car camera continued to record while Officer Gourley stepped out of the vehicle. Simril can be seen on the in-car video walking through the parking lot with what appeared to be a metallic, pipe-like object in his right hand. When Officer Gourley attempted to contact Simril, he quickly ran away. Officer Gourley yelled at Simril, "Drop it right now!" Officer Gourley gave chase after Simril in the westbound direction through the parking lot. Simril doubled back and ran in front of the patrol vehicle again. During the entire chase, Simril was running with the pipe held in his hand.

Simril ran along the south side of the Lucky's store while still being chased by Officer Gourley. Officer Gourley continually yelled at Simril to drop the item and, "Stop!" These commands can

be heard on the in-car video. An uninvolved witness independently decided to intervene, pulling his vehicle in front of Simril's flight path in order to stop him. This caused Simril to stop his momentum, fall on the hood of the vehicle and stop running. Per Officer Gourley's statement, coupled with other witness statements, Simril turned back toward Officer Gourley and stood facing him with the metallic pole in his hand. Officer Gourley ordered Simril to drop the object multiple times; Simril did not do so. The two were approximately 8'-10' apart at this time.

Officer Gourley drew his firearm, pointed it at Simril and again ordered him to drop the weapon. Per Officer Gourley's statement, he was concerned Simril was in close enough proximity to strike him with the pipe and was further concerned with the safety for the large number of patrons in the parking lot. Simril was standing in a 'fighting stance' with his hands up in front of him, pipe in his right hand, when he made a movement towards Officer Gourley. Believing he was going to be struck with the metal pipe, Officer Gourley discharged his firearm three times in quick succession. The rounds struck Simril in the torso area. Officer Gourley immediately requested medical personnel via his police radio to respond to the scene. Additional officers arrived on scene, assisted removing the pipe from Simril, and began to render medical aid. After the arrival of Paramedics Plus and Fremont Fire, Simril was transported to Eden Medical Center where he was treated for the gunshot wounds. Simril survived his injuries.

The object/weapon Simril was holding was found to be a metal tent pole with locking pin, 16.5" in length. See below for photo of the pole.

Multiple witnesses were interviewed regarding this incident. No known video surveillance captured the shooting itself, although it can be heard on the in-car video. Video evidence from the front of the grocery store captured Simril violently swinging a metallic object, pointing the object at community members in the parking lot and acting erratically prior to the shooting. At the time this video was captured, several pedestrians and vehicles can be seen in the area.

During Officer Gourley's interview, he advised he was concerned not only for his safety, but also for the community members who helped to intervene. He discharged his weapon after the suspect made a movement towards him while still holding the pipe in a fighting stance.

On May 31, 2017, Fremont detectives attempted to speak with Simril regarding the incident. Simril declined to provide a statement.

Simril was found to have a very lengthy criminal history which included prior arrests and convictions for robbery, battery, battery with serious bodily injury, burglary, possession of a stolen vehicle, escaping a county facility, assault with a deadly weapon, resisting/obstructing a police officer, narcotics possession, providing false info to police officers/probation violation,

disobeying a court order/probation violation, possession of narcotics for sale and other offenses.

The Alameda County District Attorney's Office Officer Involved Shooting Investigations team was contacted at the onset of the investigation and representatives were present during the initial investigation, the walk-through of the scene and the interviews with the involved officer. Once it was determined Simril would survive, the Alameda's District Attorney's Office halted their investigation, as they do not investigate non-fatal officer involved shootings per policy.

On May 31, 2017, the Fremont Police Department presented the case against Rolonte Simril to the Alameda County DA's Office for charging. Upon review, the Fremont DA's Office advised that the facts of the case met the criteria for charging the criminal elements of Penal Code 148(a)(1): willfully resists, delays or obstructs a peace officer, and Penal Code 417(a)(1); brandishing a weapon. In light of the injuries Simril suffered and the extended recovery period that would be required, the DA's office declined to file charges.

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.



Rolonte Simril; 27 years old; Transient



Picture of Simril holding the pole, following the officer involved shooting.



Picture of pole recovered from Simril