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CITY COUNCIL MEETING

MARCH 18, 1981

COUNCIL REQUESTS  
REPORT ON  
WOUNDING OF  
LODI POLICE  
OFFICER

Following introduction of the matter by Council-  
man Hughes, the City Clerk was directed to apprise  
the appropriate persons of the Council's direction  
that it receive from the Chief of Police a  
report on the recent wounding of a Lodi Police  
Officer, and suggestions as to how similar  
accidents could be prevented in the future.

# CITY OF LODI

POLICE DEPARTMENT  
230 WEST ELM STREET  
LODI, CALIFORNIA 95240  
(209) 368-0616



HENRY A. GLAVES  
City Manager

March 27, 1981

MARC YATES  
Chief of Police

To: Henry A. Glaves, City Manager  
From: Marc Yates, Chief of Police  
Subject: Report - Officer Macario Garcia's Injuries

As instructed, the following pertains to the circumstances surrounding the gunshot wound received by Officer Garcia. I must preface this report with the fact that it is an active case and the less publicity it receives prior to trial is in the best interests of all concerned.

In retrospect, the information written in the newspaper is a very close account of the circumstances involved. There are a number of reports of all officers involved, but a short synopsis follows:

Officer Garcia's injury was received on March 14, 1981; the case involving a definite negligence on his part in that he failed to follow proper searching procedures consistent with the training he has received.

The events began with the wife of the suspect coming to LPD, requesting an officer accompany her to her home to pick up some personal belongings, as she was leaving her husband. She proceeded to the home by taxi (leaving the pickup truck she was driving parked on Elm Street). The property she wished to take was obtained with very little problem other than the normal degrading remarks between the two. At this time Officer Garcia observed the man had been drinking but he was in his own home and not creating any problems.

Upon leaving the residence, Officer Garcia observed the car in his rear view mirror leaving the driveway of the home. Knowing the man's intoxicated state, Officer Garcia made a U-turn and went after the car. The suspect lead him on a Code 3 chase around the neighborhood, returning and parking in his own driveway. As the officer approached the car and opened the door, the suspect physically came after the officer.

..continued..

At approximately the same time, Officer Beckman arrived to assist. It took both officers several minutes to overcome his resistance and handcuff him, including Officer Garcia's handcuffs being lost in the mud during the struggle.

Officer Garcia placed the subject in his patrol unit and was in the process of transporting him to LPD when the subject was able to obtain from his person a .22 caliber automatic and, by turning on his side with his hands handcuffed behind him, was able to fire two shots through the back of the front seat. One of the slugs struck Officer Garcia in the right side of the back. Officer Garcia jumped from the still-moving patrol unit to the pavement and the patrol unit veered to the left and struck a parked car.

Sergeant McDaniel heard Officer Garcia's call for help and, within a few seconds, was there to find Officer Garcia on the pavement, the suspect still locked in the back seat and the weapon lying on the floorboards.

As a matter of information, I heard the series of events on my monitor at home and arrived at the scene as they were putting Officer Garcia into the ambulance. I did not talk to him at this time. Upon my arrival at Lodi Community Hospital Emergency Room, the first words spoken to me by Officer Garcia were, "I really blew it, Chief. I failed to search him." He further stated that he and Officer Beckman had such a struggle with him and the neighbors were all coming out making remarks to them as to, "What are you doing to him?", that he had placed the suspect in the patrol unit without a search.

It should also be mentioned that Officer Garcia normally is one of the most cautious officers in the department. He has received hours of training on safety, searches, car stops, officer's survival, search procedure, etc. It is the topic of many training classes and pre-shift briefings. In short, it is a daily part of our lives.

Unfortunately, police work is dangerous and, in today's world, mistakes are not forgiven. Officer Garcia is paying dearly for his error in search and judgment.

A final comment: Officer Garcia was released from the hospital today and is resting at home.

Respectfully submitted,

  
MARC YATES  
Chief of Police