



Union City Police Department

Investigative Summary

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Date of Investigation: September 9th, 2020
Incident: Officer Involved Shooting
Location: Extended Stay Hotel (31900 block of Dyer Street)
Suspect: Rafe Stowers, 33-year-old male, Transient

Rafe Stowers

Criminal History:

R. Stowers had an extensive criminal history with at least 45 prior arrests. R. Stowers had several prior arrests for various types of theft and drug-related crimes. R. Stowers also had well documented history of violence and resisting arrest (specifically fleeing in vehicles with total disregard for public safety and the safety of Peace Officers).

R. Stowers was active to Post Release Community Supervision (PRCS) and had three active felony warrants for his arrest at the time of this incident. The warrants were for the violations of 2800.2 VC (Felony Evasion), 10851VC (Stolen Vehicle), and 3455 PC (PRCS Violation).

Officers Involved:

Officer Eulogio Cota, was a 13-year veteran police officer with the Union City Police Department at the time of this incident.

Summary:

This is a summary of events that took place on September 9th, 2020. The information listed in this summary was obtained through an in-depth investigation which was completed by the Union City Police Department. Officer Cota was cleared of any criminal/policy violations by the Union City Police Department. The UCPD investigation concluded Officer Cota acted within the scope of the law during this incident.

On Wednesday, September 9th, 2020, at approximately 11:08 AM, a Reporting Party called 9-1-1 to report a female friend (who will be referred to as the Victim) was being held hostage by a male subject and that the male physically assaulted the Victim the previous day. The Reporting Party was not with the Victim but the two of them had been communicating through a social media application. The Reporting Party advised that the Victim was unable to call for help, however expressed an urgent need for police assistance. The Reporting Party said the Victim identified the male suspect as Rafe Stowers. The Reporting Party also provided the Extended Stay Hotel as the location where the Victim and Mr. Stowers were possibly located, as well as a probable hotel room number.

While UCPD Officers were responding to the Extended Stay Hotel, a records check on Mr. Stowers was conducted. The records check revealed that Mr. Stowers was active to Post Release Community Supervision (PRCS) out of Contra Costa County and that Mr. Stowers had three active felony warrants. The warrants were for the violations of 2800.2 VC (Felony Evasion), 10851VC (Stolen Vehicle), and 3455 PC (PRCS Violation). Responding officers also located a prior booking photo of Mr. Stowers. Officers later managed to share this photo with each other.

Also, while responding to this call for service, Officer Cota was able to contact the Reporting Party. Officer Cota received screenshots of the Reporting Party's social media conversation with the Victim. During this conversation, the Victim referred to being held hostage by Mr. Stowers. The Victim also advised that Mr. Stowers would flee and wreck her vehicle if he was contacted by the police. According to the Reporting Party, the Victim believed Mr. Stowers would kill her if she were to call the police.

At approximately 11:11 AM, officers arrived at the Extended Stay Hotel in Union City. Officers met to develop a plan in order to safely contact the Victim and Mr. Stowers. Officers were able to confirm with hotel staff that there was a room registered to the Victim.

While officers were developing their plan in the southwest portion of the Extended Stay Hotel parking lot, they saw a male subject exit the south exit door of the hotel. Officers saw this subject holding a large duffel-style bag. Officers believed this male subject matched the description of Mr. Stowers. Officers also believed this subject had the same appearance as the booking photo of Mr. Stowers.

Mr. Stowers quickly walked to a 2013 Honda sedan that was parked nearby. The Honda was backed into a parking stall. The Honda matched the description of the Victim's vehicle which was provided by the Reporting Party. Mr. Stowers then rapidly entered the Honda through the driver's door and sat in the driver's seat.

Based on the fact that officers were investigating a possible hostage situation and the Reporting Party indicated Mr. Stowers had already inflicted harm to the Victim, officers planned to detain Mr. Stowers. Officers planned to detain Mr. Stowers in order to continue their investigation and arrest him for his outstanding felony warrants. It should also be noted that officers were unaware of the Victim's location at this point of the investigation.

Several officers attempted to contact Mr. Stowers on foot in order to prevent Mr. Stowers from fleeing in the Honda. Officer Roberts parked his patrol vehicle in front of the Honda (attempting to block the Honda from moving forward). Officers were concerned that if Mr. Stowers were to flee in the Honda he would become a significant danger to members of the community.

When Mr. Stowers entered the Honda and started it, officers gave him several loud verbal commands to stop and to turn the vehicle off. Mr. Stowers did not comply with the officers' verbal commands and instead began to rev the Honda's engine. Officers advised they could see Mr. Stowers aggressively attempting to put the Honda's manual gear shifter into gear in order to move the vehicle.

Believing Mr. Stowers was attempting to flee and still being unaware of the Victim's location, Officer Cota and Officer Toscano opened the passenger door of the Honda while they continued to give Mr. Stowers verbal commands to stop. As Mr. Stowers continued to manipulate the shifter, Officer Cota and Officer Toscano unholstered their department issued handguns and pointed them directly at Mr. Stowers. Officer Cota saw that Officer Roberts' vehicle was parked in front of the Honda, with the driver door being closest to the front of the Honda. Officer Cota was concerned for Officer Roberts' safety as he believed Mr. Stowers would use the Honda to ram into Officer Roberts' vehicle, while Officer Roberts was still seated inside.

Rather than obey the officers' clear and lawful commands, Mr. Stowers revved his engine, drove the Honda forward, and rammed the left, front quarter panel of Officer Roberts' (clearly marked) Police vehicle (with Officer Roberts still inside) causing minor damage. After purposefully slamming into the police vehicle, Mr. Stowers continued to rev his engine.

Officer Toscano then ran behind the Honda to the driver's side while Officer Cota continued giving verbal commands. Officer Toscano's intention was to position himself on the driver side to gain a tactical advantage. Officer Toscano also believed he would be in a better position to apprehend Mr. Stowers safely and effectively if Mr. Stowers attempted to exit the vehicle and flee on foot. At this time, Officer Cota continued to point his firearm at Mr. Stowers to protect himself and his partners and to effect the arrest.

After ramming Officer Roberts' patrol vehicle and receiving multiple commands to stop from several uniformed officers, Mr. Stowers reversed the Honda at a high rate of speed backwards over a curb, onto the sidewalk, and continued towards the side walkway/landscaping of the hotel. This area serves as a pedestrian walkway and pool lounge area for residents of the hotel.

Officer Cota later stated during his interview, that he recognized Mr. Stowers had committed an assault with a deadly weapon on Officer Roberts by ramming the Honda into Officer Roberts' police vehicle. Officer Cota additionally believed that Officer Toscano had been struck by the Honda and that Officer Toscano had possibly been severely injured or killed as a result. This was based on the fact that Officer Cota had last seen Officer Toscano situated behind the Honda just before the Honda reversed.

Due to Officer Cota's perceived threat of great bodily injury or death to Officer Toscano, Officer Cota fired his duty handgun at Mr. Stowers as the Honda was reversing in order to stop the threat towards himself and his partners. Officer Cota fired a single round as the vehicle reversed. While the vehicle reversed, it ran over the bag of laundry that had been discarded by Mr. Stowers when he entered his vehicle. The bag of laundry is about 3 or 4 feet in length, mesh style, and contained dark clothing. Officer Cota later explained in his statement that as the Honda reversed and as he fired his duty handgun, he saw the bag flop around in the air and fall to the ground in a manner that led him to believe it was a body. Additionally, Officer Cota believed the bag was Officer Toscano due to the size, color, and motion of the bag. Furthermore, Officer Cota believed Officer Toscano had been struck by the Honda and was now unresponsive while in a curled or collapsed position on the walkway. Neither the Honda, nor Mr. Stowers was struck by gunfire.

Mr. Stowers continued to reverse the Honda but came to an abrupt stop as the Honda crashed into a wall of the hotel. Officers moved closer to the vehicle and continued to give loud verbal commands for Mr. Stowers to stop and to get on the ground. Mr. Stowers continued to manipulate the vehicle and officers commented they could hear the engine being revved.

In his VieVu footage, when Officer Cota fired the round, he appeared to have a firearm malfunction. Officer Cota was observed hitting the bottom of the magazine, forcing the slide of the firearm into a rear position while tilting the firearm in order to eject the round in the chamber to resolve the malfunction. This technique is a standard, department trained and approved practice in clearing a firearm related malfunction. As Officer Cota completed these motions, his magazine ejected from his firearm and the slide remained in a locked position to the rear, essentially rendering it useless.

Mr. Stowers was unsuccessful in moving the Honda after it collided with the hotel and exited the Honda through the driver's side front door. Officer Toscano and Officer Rasmussen later commented in their statements they believed Mr. Stowers exited the Honda in an effort to flee on foot and did not appear to exit as a means of complying with the orders that were still being given by Officer Cota. Mr. Stowers stumbled as he exited the Honda and Officer Cota tackled him to the ground. Mr. Stowers lay prone on the ground while Officer Cota and Officer Toscano took control of his arms. Officers then handcuffed Mr. Stowers without further incident.

Mr. Stowers was arrested for his multiple no bail Felony warrants and for violations of 245 (C) (assault on officers), and 148(A)(1)PC (obstructing, delaying, resisting Officers). Mr. Stowers was later transported to UCPD.

Physical evidence, officers' body worn cameras, officer statements, and witness statements all substantiated that Mr. Stowers was purposely and knowingly driving in a reckless manner as he was trying to flee from officers (which included actively ramming an officers' vehicle and reversing backwards towards officers).

Mr. Stowers had multiple opportunities to stop and obey officers' commands but brazenly disregarded lawful orders.

The Victim was later located unharmed and was provided resources.

This investigation was forwarded to the District Attorney's Office and Mr. Stowers was formally charged for several violent offenses. Mr. Stowers was later convicted of 148 PC (Resisting/Delaying an Officer).

The Union City Police Department is committed to being transparent with those we serve. That commitment includes sharing additional information about critical police incidents that can generate community concerns and questions. We have assembled several links which are accessible via this portal to provide additional context to our community. These links include information pertaining to before, during, and after each of these critical incidents. We do recognize these incidents are delicate in nature and understand the impacts of each incident is sensitive to all those involved. Please consider that some of the materials may be graphic in nature and not suitable for all viewers.