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#### JUSTICE DEPARTMENT CLOSES INVESTIGATION INTO DEATH OF TYISHA MILLER

WASHINGTON, D.C.-- The Justice Department's Civil Rights Division and the United States Attorney for the Central District of California announced today that they are closing the federal criminal investigation into the 1998 shooting death of Tyisha Miller because there is insufficient evidence to support federal criminal charges against four Riverside (California) Police Department officers.

Assistant Attorney General for Civil Rights Ralph Boyd explained: "This case is a tragedy, but based on all the evidence gathered - witness accounts and forensic evidence - it cannot be established under the relevant federal criminal statute that the subject officers acted willfully and with the needed motivation of violating a constitutionally protected right of the victim. The standard is a rigorous one - mistake, misperception, or even negligence or poor judgment on the part of these officers is not enough to establish a violation."

The federal government has conducted a lengthy investigation into the events of December 28, 1998, when Tyisha Miller, a 19-year-old African-American woman, was fatally shot by four Riverside Police Department Officers who had responded to a call that Ms. Miller was passed out in a locked car and in possession of a gun. The federal government's investigation in this matter examined not only the shooting itself, but also allegations that Riverside police officers celebrated and made racially insensitive comments about Ms. Miller and her family after the shooting.

In 1999, local authorities declined criminal prosecution of the four officers, who were discharged from the police department but have appealed their dismissals. The federal investigation continued after the local investigation was closed. Federal investigators reviewed the results of the local investigation, and then engaged in a lengthy and independent investigation of their own. They interviewed and re-interviewed critical witnesses, gathered and analyzed documentary and other evidence relating to the shooting, and carefully considered all of the forensic evidence, including consulting with the Armed Forces Institute of Pathology to address differences of opinion between the local medical examiner and a pathologist hired by the Miller family. The Miller family and their representatives were kept apprised of the investigation throughout its duration and provided with repeated opportunities to ask questions and provide information. The FBI and a federal grand jury assisted our efforts. (Under federal law, the government is not allowed to disclose evidence or testimony presented to the grand jury.) The decision to decline federal criminal prosecution in this matter was made only after reviewing all evidence and testimony collected.

To prove a federal criminal civil rights violation of the applicable statute, Title 18, United States Code, Section 242, the government must establish beyond a reasonable doubt that the officers used more force than was reasonable under the circumstances, and that they acted "willfully," that is, with the specific bad purpose of depriving Ms. Miller of her constitutional right to be free from unreasonable force. Mistake, misperception, or even negligence or poor judgment by a police officer is not enough to establish a violation of this statute.

Given these standards, the evidence developed by the investigation is not sufficient to meet the rigorous requirements for a federal criminal civil rights prosecution. In this case, the four officers who responded to the scene were confronted with an unresponsive woman with a gun on her lap, locked in a car with its engine running, and who then appeared to suffer a medical emergency. Our investigation did not reveal evidence disproving the officers' claim that they subsequently shot out of fear for their own safety. All eyewitnesses confirm that Ms. Miller had a gun in her lap and the forensic evidence corroborates the claim that she sat up - a perceived movement toward the gun - when one of the officers shattered the window of the locked car to gain entrance and render aid to Ms. Miller. The investigation revealed that the first shots were fired while the officer who had shattered the window was leaning inside the car attempting to reach for the gun on Ms. Miller's lap. The fact that the officers admit firing even while one of their colleagues was leaning into the car is strong evidence that the officers were afraid, rather than acting with an intended bad purpose, when they opened fire. Fear does not amount to willful intent to interfere with the constitutionally protected right not to be subjected to unreasonable force.

Although there is insufficient evidence to proceed criminally in this matter, the Justice Department's civil pattern and practice investigation of the Riverside Police Department is ongoing. In that investigation, the federal government has inquired more broadly into the policies and practices of the Riverside Police Department, including an analysis of policies relating to interactions between officers and the community members they serve.

"Tyisha Miller's death was a terrible tragedy," said Assistant Attorney General Boyd. "Our decision to close this investigation does not signal approval of the conduct of these officers, or indeed any official opinion concerning their conduct, but the bottom line is that our investigation, which was conducted conscientiously, has not revealed enough evidence to support a federal criminal prosecution under the criminal statutes we enforce."

"Tyisha Miller's death was the end result of a tragic series of events," said United States Attorney Debra Yang. "This Office, the Civil Rights Division of the Department of Justice, and the Federal Bureau of Investigation devoted hundreds of hours and significant resources to a complete and thorough investigation of those events. Our decision not to pursue criminal charges is based on the facts developed by that lengthy and thorough investigation. We remain committed to investigations of this kind, and stand ready to devote the resources required to ensure that all allegations of serious civil rights violations are fully and completely investigated. Moreover, we remain committed to criminal prosecution of civil rights violations whenever the evidence developed in these investigations supports criminal charges."

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