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OFFICE OF  
**THE DISTRICT ATTORNEY**  
COUNTY OF SAN DIEGO

DWAIN D. WOODLEY  
ASSISTANT DISTRICT ATTORNEY

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DISTRICT ATTORNEY

May 6, 2021

Chief of Police Roxana Kennedy  
Chula Vista Police Department  
315 Fourth Avenue  
Chula Vista, CA 91910

**Re: Fatal shooting of Mr. David Angulo on July 20, 2020 by Chula Vista Police Officers; CVPD Case No. 20-08507 and 20-01505; DA Special Operations Case No. 20-099PS; Case Submitted: December 3, 2020. Deputy District Attorney assigned: Samira Seidu.**

Dear Chief Kennedy:

David Angulo was a suspect in three shootings and had three active felony warrants for his arrest. The arrest warrants were for assault with a deadly weapon, attempt murder and a probation violation. Angulo was also identified as a suspect in three separate shootings which occurred in June 2020. On July 20, 2020, the Chula Vista Police Department received information on Angulo's possible location.

Angulo was believed to be in possession of two firearms. Angulo was located standing next to a blue Ford F-150 and arguing with a man. A task force officer got out of his vehicle and identified himself as a law enforcement officer. He pointed his handgun at Angulo who in turn pointed a handgun back at the officer. Angulo took the man's Ford F-150 and drove away.

ASTREA provided the location of the vehicle to the surveillance team. LE3 located Angulo and the F-150 and attempted to conduct a traffic stop. Angulo continued to flee. He drove through a red light and collided with a Jeep Renegade. Angulo exited the F-150 and ran towards the front door of a residence. Angulo asked one of the residents to let him inside. The resident shut the door before Angulo could enter. Angulo pointed a handgun at LE3 and a sound similar to a gunshot is heard on surveillance video. Angulo fired once. He continued to point his firearm in the direction of LE3 and other responding officers. The officers fired upon Angulo, killing him.

Angulo's cause of death was multiple gunshot wounds and the manner of death was homicide. Angulo had methamphetamine in his system at the time of his death. Two handguns that belonged to Angulo were recovered at the scene. The incident was captured on body worn camera, ASTREA video and video surveillance which corroborated the officers' account of the incident.

***Persons Involved***

David Angulo was a 33-year-old resident of San Diego. All involved officers were in full police uniform and driving marked patrol cars at the time of the incident. The involved officers have between 16 months and eight years' experience.

***Statement of Civilian Witness One (CW1)***

CW1 was Angulo's girlfriend. CW1 met Angulo in early June 2020. They decided to move to Las Vegas together. Approximately two weeks prior to the incident in question, they drove to Las Vegas and rented an apartment. Angulo was unable to get a job because of his outstanding warrants. He became increasingly angry and wanted to return to San Diego. Angulo and CW1 moved back to San Diego a couple of days before the incident and stayed at a hotel.

On July 20, 2020, the two were in CW1's gold Chevrolet Tahoe. CW1 admitted using methamphetamine and heroin the night prior. She believed Angulo also used heroin and methamphetamine that night. As they were driving around, Angulo became paranoid that someone was following them. He kept saying "they're following us, they're following us." He drove in circles looking for undercovers. He eventually drove to a junkyard area, got out of the vehicle and started running.

CW1 said Angulo got out of the Tahoe because he "knew what he was going to do and didn't want to put [her] in the middle of it." He was scared because he did not want to go back to jail. CW1 got into the Tahoe and followed him. CW1 saw Angulo point a gun at someone and steal his blue truck. She tried to stop him, but he drove off at a high rate of speed. She tried to follow but was pulled over by officers and arrested. CW1 knew Angulo was wanted by the police but denied knowing why. CW1 admitted Angulo was armed with a gun most of the time. She did not know he had one today until she saw him point it at CW2.

On August 5<sup>th</sup>, 2020, CVPD Officers responded to a dead body at a location on Main Street in Chula Vista. The decedent was CW1. A person has been charged with her murder.

***Statement of Law Enforcement Officer One (LE1)***

LE1 had obtained a felony warrant for Angulo's arrest for attempted murder in case San Diego Court Case number CS314549. LE1 located a known female companion of Angulo's, CW1, and her 2001 Gold Chevrolet Tahoe. A male who matched the physical description of Angulo was driving the car. LE1 requested the assistance of other resources from CVPD, the United States Marshals Service and the San Diego Sheriff's helicopter, ASTREA, to assist with surveillance of the gold Tahoe to confirm the identity of the driver. During the surveillance operation, they were able to positively identify the driver as Angulo and learned he was currently armed with at least two handguns. Angulo had made prior statements about his willingness to "shoot it out" with the police. LE1 was not at the scene of the shooting.

***Statement of Law Enforcement Officer Two (LE2)***

LE2 is with the U.S. Marshals Fugitive Task Force. During a briefing they were informed Angulo was armed with two pistols, and was going to shoot it out with police, run, fight, and not go back to jail. They were provided with Angulo's criminal history and information on his outstanding warrants. LE2 knew Angulo was a violent felon.

LE2 saw Angulo arguing with four or five construction workers. LE2 attempted to broadcast the situation over the radio but other patrols were occupying it. LE2 drove by Angulo and the construction workers. He could not hear what they were saying. He could not tell what was in Angulo's hands. LE2 feared for the construction workers lives. LE2 got out of his vehicle and could see Angulo from the

chest level up over the truck bed. LE2 drew his weapon and said, "Police. Stop." As soon as LE2 said that, Angulo raised his right hand and appeared to have a gun in his right hand. Angulo jumped into a truck almost simultaneously. LE2 said, "I had no shot. He didn't shoot at me. I saw the gun and he was in the car." LE2 took cover behind his own vehicle. Angulo drove away in the F-150 going northbound in the southbound lanes of Heritage Road. LE2 broadcast that Angulo carjacked a vehicle. He gave the vehicle description and license plate. LE2 did not see Angulo again. LE1 was not at the scene of the shooting. LE2 and another agent initiated a high-risk vehicle stop on CW1. They gave her commands to get out of the Tahoe. She complied and was handcuffed.

***Statement of Civilian Witness Two (CW2)***

CW2 is a construction worker. He was leaving the job site. He parked his blue Ford F-150 and was about to close and lock a gate. CW2 saw a male running towards the gate saying "let me out, let me out" in Spanish. CW2 waited to lock the gate until after Angulo ran through it. After Angulo ran through the gate, he yelled at a female (CW1) who was sitting in a brown SUV. Angulo told CW1 to "Keep going, keep going." CW1 yelled back at Angulo and told him, "Get in the car." CW2 did not see CW1, he only heard her voice.

Angulo ran to CW2's blue Ford F-150. The engine was running. Angulo had a shirt under his arm. CW2 ran towards Angulo and told him to get away from the truck. CW2 confronted Angulo at the driver's door. Angulo pulled a gun out from within the folded shirt he had under his arm and pointed it at CW2. CW2 feared for his safety and retreated from his truck. CW2 believed the gun was black in color, with a shiny chrome barrel, possibly a 9mm. LE2 parked next to CW2 in an unmarked car and directed Angulo to get out of the truck. CW2 knew that LE2 was a sheriff because he was wearing a vest which said "Sheriff" on it. Angulo pointed the gun at LE2 and did not comply. Angulo fled in CW2's vehicle.

***Statement of Civilian Witness Three (CW3)***

CW3 drove a 2017 Jeep Renegade which Angulo collided with in the intersection of Otay Lakes Road and Rutgers Avenue. CW3's vehicle was knocked onto its side. He was transported to San Diego Mercy Hospital. He sustained a concussion and possibly a traumatic brain injury from the collision. Additionally, CW3 had minor scrapes to the right side of his head and arm and bruising to the left side of his chest and bicep. CW3 does not remember what happened. He was on the phone with his mother and was telling her about possible police activity as he heard sirens approaching. He did not remember anything else. Since the collision, CW3 suffers from frequent headaches and memory loss, he cannot focus on simple tasks, and has noticed he is short tempered.

***Statement of Civilian Witness Four (CW4)***

CW4 heard a loud crash near his residence. He opened the front door to see if the involved parties needed help or emergency services. Traffic collisions are common at the intersection outside his residence. When he opened the door, he saw a shirtless male coming towards him. The man said, "hey, let me in man." CW4 refused. He shut and locked the door. He heard the cops yelling at Angulo to put his hands up. CW4 heard Angulo yell at the police, "I have a gun" and "fuck you." CW4 did not see a gun. He heard a series of shots but was unsure how many. He did not see anyone fire their weapon. CW4 said he believed he heard Angulo fire a gun. CW4 said that he has fired guns in the past and based on the sound of gunfire and the "boom" some of the shots were close to the home and where his

family was hiding, and Angulo was closest to them. He watched the Ring video of the incident prior to being interviewed.

***Statement of Law Enforcement Officer Three (LE3)***

LE3 was working his regular patrol shift when he heard CVPD dispatch ask for patrol units to assist LE1 with a wanted subject who was in a stolen vehicle and armed with two firearms. They also stated that Angulo had previously made comments about “shooting it out with police” if they attempted to arrest him.

LE3 first saw the blue Ford F-150 going westbound on Otay Lakes Road approaching Lane Avenue. LE3 knew there was probable cause to arrest Angulo and planned to make an arrest. LE3 had activated his lights and sirens on his patrol vehicle. Angulo ran a red light at Otay Lakes Road and Lane Avenue. LE3 made a U-turn at that intersection and followed Angulo westbound on Otay Lakes Road. Angulo continued to drive the F-150 at speeds reaching approximately 90 miles per hour. Angulo attempted to make a northbound turn and collided with another vehicle.

LE3 parked his vehicle in front of a home. He saw Angulo run towards the front door of the residence. He then ran behind a vehicle parked in the driveway. Angulo ran behind a second vehicle and lifted his right arm up and pointed a semi-automatic handgun at LE3. LE3 took cover behind his patrol vehicle. LE3 gave Angulo commands to “get on the ground.” LE3 tried to update his position via his radio but couldn’t because of ongoing radio traffic. LE3 feared for his life so he drew his department issued handgun. He looked toward Angulo who began to wave the pistol in the air and said, “I have a gun.” LE3 felt he did not have a clear shot at Angulo because the parked vehicles obstructed his view. LE3 was also mindful of the background which were the windows of the residence directly behind Angulo.

LE3 gave numerous commands for Angulo to get on the ground, but he did not comply. LE3 was able to get on his radio and advise dispatch that Angulo had a gun. Additional patrols responded at this time. LE3 moved from his position of cover and looked towards Angulo. Angulo still had the gun in the air but then ducked down behind the vehicles in the driveway. LE3 lost sight of him. LE3 ran north towards an SUV parked in the driveway but still could not see Angulo. LE3 took cover behind the SUV. He then heard gunshots but does not know who fired and did not know where the shots were coming from. LE3 saw Angulo run towards another dark gray SUV parked in the driveway and take cover behind it. Angulo raised the gun up towards LE3 and then turned it towards LE4 and LE5. LE3 fired a round towards Angulo but doesn’t know if he hit Angulo as he did not get a response. Angulo still had the gun in his hand. LE3 fired two additional rounds and Angulo went out his view. LE3 ran north to an adjacent residence and took cover behind a fence. He could not see Angulo, but he could hear LE4 and LE5 saying, “Don’t touch the gun, don’t touch the gun.” Additional officers arrived. Afterwards LE5 deployed his K-9 and immediately called it back. LE3 was in the back behind everyone so he does not know if the dog made contact with Angulo. LE3 was then asked to assist with the traffic collision and the victim in the vehicle that Angulo collided with.

LE3 had knowledge Angulo was wanted and was in possession of a stolen vehicle and two firearms. LE3 was afraid for his life when Angulo pointed a firearm at him. He felt that if he had not moved behind his patrol vehicle for cover, Angulo would have shot him. LE3 feared for the other officers and for any residents inside the home. LE3 believed Angulo was an immediate danger to the public. LE3

believed based on the totality of the situation, his duty weapon was the only appropriate force to engage Angulo.

***Statement of Law Enforcement Officer Four (LE4)***

Detectives who were surveilling a wanted subject asked LE4 to be on standby as the K-9 officer in case there was an arrest. He was briefed about Angulo's warrants, that he was armed, and was willing to shoot it out with police. LE4 was familiar with Angulo and was advised that Angulo was believed to be armed with two handguns. LE4 knew about Angulo's gang affiliation and that Angulo had a tendency to become violent. LE4 was concerned about his safety while enroute to assist with Angulo's arrest.

LE4 listened to the radio and dispatch communications from the surveillance team and ASTREA throughout the day and knew that Angulo carjacked a F-150 and was driving through the city of Chula Vista at high rates of speed and the wrong way on roads. LE4 arrived at the collision site seconds after ASTREA advised Angulo collided with another car and attempted to gain access into a residence. He saw LE3 crouched behind his patrol vehicle with his gun drawn. Angulo was in the northwest corner of the driveway behind a parked vehicle. Angulo was pointing a gun at LE3.

LE4 moved for cover behind LE3's patrol vehicle's open driver's door. Angulo positioned himself behind a parked vehicle and pointed his gun at LE3 and LE4. LE4 fired his Glock .45 caliber firearm at Angulo. The shots did not seem to be effective. LE4 moved to a position of cover behind a small retaining wall. LE4 and gave Angulo verbal commands to "drop the gun" or "get on the ground." LE5 arrived and covered LE4. LE4 moved behind a white vehicle parked in the driveway. Angulo pointed his gun at LE4 again. LE4 fired his firearm several times at Angulo. Angulo dropped to the ground. LE4 moved to the entryway of the residence and took cover behind a wall. LE4 saw Angulo reach for a handgun on the ground. LE4 also had information that Angulo was armed with two guns. LE4 could only see one gun and was concerned Angulo had the other gun concealed on his person. LE4 gave Angulo instructions not to reach for the gun on the ground, but Angulo continued to reach for the gun. LE4 fired at Angulo. Angulo stopped reaching for the gun. An arrest team arrived and assisted them with securing Angulo.

LE4 was scared for his safety and the other officers' safety. He was concerned Angulo would shoot them. He believed they would all be seriously injured or killed by Angulo. LE4 used his firearm in defense of himself and the other officers. LE4 also feared Angulo would injure the residents of the home. Angulo additionally displayed symptoms of being under the influence of narcotics. His movements were animated and he displayed erratic behavior.

***Statement of Law Enforcement Officer Five (LE5)***

LE5, a canine officer, was contacted by LE4 and asked to assist with the possible arrest of a fugitive who was wanted for murder. He was concerned about a high propensity for violence and escalated violent behavior from Angulo. He had received information that Angulo was in possession of two firearms. LE5 was also aware Angulo had previously made statements he would "shoot it out with police." ASTREA was following Angulo and providing updates. LE5's concerns increased when he heard over the radio that Angulo's driving had become erratic. LE5 heard over the radio that Angulo was driving a blue Ford F-150.

ASTREA advised that Angulo had collided with another vehicle in an intersection. Angulo exited the truck and ran towards a house. LE5 arrived and saw Angulo in the northwest corner of the driveway. Angulo moved between a Chevrolet SUV and a white Toyota truck parked in the driveway. Angulo was pointing a silver handgun at LE3. Angulo turned in LE5's direction. LE5 gave Angulo commands, "put the gun down, get on the ground, let me see your hands," but Angulo did not comply. LE4 was also giving Angulo commands to "put the gun down." LE5 was concerned Angulo would shoot him or LE3. LE5 fired at Angulo. Angulo paced back and forth behind the parked vehicles. LE4 and LE5 "bladed off" to obtain a better view of Angulo. LE5 fired again, this time at Angulo's feet because his body was covered by the cars and LE5 had a better "backstop" aiming at Angulo's feet to try to bring him down.

When Angulo turned towards him, he feared for his own safety as well as LE4's. LE5 stated the amount of force he used was based on his training and experience because Angulo used a firearm against officers. He did not consider any other force options because he used the force necessary to stop Angulo's actions. LE5 feared Angulo would gain entry to the residence to potentially take the family as hostages or kill the other police officers if he was not stopped.

LE5 deployed his dog because there was a second handgun which was not accounted for. They did not know if Angulo was playing dead or unconscious. He gave Angulo several canine warnings. Angulo did not respond. He sent the dog in to see if Angulo would react. Once LE5 saw that Angulo was not responding he immediately called his dog off. LE5 did not remember how many times he fired at Angulo. He saw an officer administering CPR on Angulo.

### ***Investigation***

The scene was secured, photographed, and investigated by Chula Vista Police Department Detectives. All detectives' reports, crime-scene investigators' reports, audio-recorded witness interviews, medical reports, photographic evidence, and Body Worn Camera (BWC) video were reviewed. These items were found to provide evidence corroborating the officers' and witness' statements. LE3's, LE4's and LE5's body worn cameras were activated and captured the events leading up to and including the shooting. ASTREA also video recorded the pursuit and the shooting. Surveillance video also captured a portion of the incident.

ASTREA had maintained surveillance on Angulo and CW1 while they were in the gold Chevrolet Tahoe. A review of ASTREA's video recording began at the City of Chula Vista landfill. The ASTREA video generally corroborated statements provided by LE1 and LE2 as well as the statements provided by LE3, LE4 and LE5. Radio communications can be heard including LE2 advising that Angulo carjacked a blue F-150 and LE1 advising that CW2 confirmed Angulo was armed. The ASTREA video shows the F-150 Angulo carjacked driving erratically through Chula Vista and colliding with the Jeep Renegade. It also shows Angulo running towards a home.

ASTREA video shows LE3 arriving on scene and retreating behind his patrol vehicle. The video shows LE4 and LE5 arriving on scene. LE4 is seen extending his arms. Angulo bends forward. Rounds can be seen hitting the car windows. Angulo straightens and points the gun towards the officers. ASTREA advises that Angulo is flailing his arms. He bends forward again and appears to be bloodied. Angulo staggered backwards while hunched over and then ran toward the front of two other cars in the

driveway, still hunched over. The video does not capture everything the officers were able to see because the helicopter circles above and the camera does not record all of Angulo's movements.

Five videos captured by the surveillance video camera at the residence were reviewed. The first video begins with Angulo running towards the front door. A bulge is seen in a right pocket of his pants on his thigh. CW4 was standing outside the front door, but CW4 moved out of camera view and a sound is heard, presumably the front door being closed. A patrol vehicle drives up to the home with the sirens on. The patrol vehicle stops and the siren ceases. Angulo runs out of the frame with his right arm and hand down on his right side while yelling "I got a gun. I got a gun." A sound similar to a gunshot is heard at 17:25:48 on the video timestamp. [This timestamp is not consistent with the ASTREA video at that time.] Angulo continues, "I got a gun. I got a gun." LE3 had exited the patrol vehicle and can be seen moving. The officer yells something inaudible at Angulo, but then can be heard yelling, "Get on the ground." Angulo responds, "Fuck you. Fuck you." LE3 reappears and disappears several times around his patrol vehicle. He is heard yelling, "Get on the ground." Sirens are heard. Angulo again states, "Fuck you." Sirens and beeping horns are heard. The sirens get louder and then additional patrol vehicles arrive. LE4 is seen on the driver's side of LE3's patrol vehicle. Angulo yells, "Fuck you." LE4 extends his arms and multiple gunshots are then heard.

The second video shows officers standing with their guns pointed. One officer is telling the others "He's got one gun at his feet. He's got one gun at his feet." Officers continue to communicate with each other for the remainder of the video.

The remaining videos show the aftermath of the shooting including paramedics providing medical assistance to Angulo and officers investigating and assessing the scene.

LE3's BWC generally corroborated his statement. However, although LE3 indicated he drew his weapon after taking cover behind his patrol vehicle, the video shows LE3 getting out of his car, pointing his firearm at Angulo with his right hand and then moving behind his patrol vehicle to take cover. As LE3 is moving behind his patrol vehicle, Angulo can be seen running along the front of the house behind three parked cars in the driveway with his right arm and hand down at his right side. Just as the sound on LE3's video is audible, LE3 has run from the left side to the right rear of the patrol vehicle and he steps out from the right rear of the patrol vehicle. LE3 moves quickly behind the patrol vehicle and shouts, "Get on the ground." Angulo is heard saying, "Fuck you." LE3 repeats the command, while moving around the rear of his patrol vehicle and Angulo is again heard saying, "Fuck you." As the other patrol vehicles arrive, LE3 repeatedly warns, "He's got a gun. He's got a gun. He's got a gun." Repeated gunshots are then heard after the other officers arrive. LE3 runs over to a vehicle parked on the curb and is seen shooting in Angulo's direction three times.

Three cartridge casings were found in the location near where LE3 stood when he fired at Angulo. LE3 recalled firing three shots. Prior to the arrival of LE4 and LE5, LE3 had not fired his weapon. After LE4 and LE5 began shooting Angulo appeared to have been disabled, although he was able to point his firearm at the officers. Given that Angulo fired on one occasion the evidence supports that Angulo fired at LE3 just after he got out of his patrol vehicle before LE3 fired any shots at him.

LE4's BWC corroborated his statement. Angulo did attempt to reach for his gun after falling to the ground between two cars before LE4 shot at him again. LE5's BWC corroborated his statement.

None of the other residents who were home at the time saw the shooting or had additional information.

LE3's firearm was examined. It was a department issued Sig Sauer, 9mm Luger caliber semi-automatic pistol. LE3's pistol and magazine had a total of 49 cartridges remaining. A total of three 9mm Luger caliber cartridge casings were collected at the scene in proximity to where LE3 had been standing when he fired his weapon.

LE4's firearm was examined. It was his personal Glock .45 caliber semi-automatic pistol. LE4's pistol and magazines had a total of 18 cartridges remaining. A total of twenty-one .45 caliber Federal cartridge casings were collected at the scene in proximity to where LE4 had been positioned.

LE5's firearm was examined. It was his personal Glock 40 semi-automatic pistol. LE5's firearm and magazines had a total of 22 cartridges remaining. A total of twenty-four .40 caliber cartridge casings were collected at the scene in proximity to where LE5 had been positioned.

Angulo's handguns were examined. Angulo was armed with a silver colored Sig Sauer P238 .380 semi-automatic model pistol during the shooting. It was compared to a .38 cartridge case that was found on scene. The cartridge case was identified as having been fired from the Sig Sauer weapon Angulo was armed with. The examination of the firearm found it capable of firing but does not cycle through due to a malfunction with the slide lock/takedown pin that locked once the slide moves forward. The examination found that the pistol was capable of firing in semi-automatic mode if the pin was manually depressed while firing.

A black semi-automatic Polymer80 PF940C 9mm pistol loaded with a round in the chamber and another in the magazine was recovered from the blue Ford F-150. Angulo's fingerprint was lifted from the magazine loaded into the 9mm pistol. The serial number of the weapon had been ground off.

Samples taken from Angulo's hands were also examined for gunshot residue (GSR). The examination found particles which indicated Angulo may have discharged a firearm, been in the vicinity of the discharge of a fireman or touched a surface with GSR on it.

CVPD Detectives located two Facebook profiles that belonged to Angulo. One was under the name "Sidreno Malos" and the other "David Angulo." A search warrant was obtained to access the accounts. In a review of the accounts, detectives found messages from Angulo discussing some of the crimes he had recently committed as well as his desire to not go back into custody and to "hold court in the streets." The Urban Dictionary definition of this statement is "to shoot it out with the police." Between February 2020 and July 7, 2020, Angulo told multiple people over Facebook that he was "not going back," "he was on the run looking at life," and he "would hold court in the streets fuck doing life."

An autopsy on Angulo found he sustained a total of six gunshot wounds to his torso, arms, legs and a foot. The cause of death was determined to be multiple gunshot wounds and the manner of death was homicide. Toxicology results of Angulo's blood revealed the presence of methamphetamine and amphetamine.



### ***Legal Standards of Criminal Liability***

The analysis of use of force and deadly force by peace officers in California has changed as a result of Legislative amendments to Penal Code section 835a, which became effective on January 1, 2020.

Penal Code section 835a(b) provides that “any peace officer who has reasonable cause to believe that a person they intend to arrest has committed a public offense, may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.”

Penal Code section 835a(c) sets forth the standard to evaluate a peace officer’s use of deadly force. The law provides that “a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary:

(A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person.” Penal Code section 835a(c)(1)(A).

(B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury to another, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

The statute provides definitions for “deadly force,” “imminent” and the “totality of circumstances” in Penal Code section 835a(e)(1) – (3).

““Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.” Penal Code section 835a(e)(1).

“A threat of death or serious bodily injury is “imminent” when based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person.” Penal Code section 835a(e)(2).

“An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.” Penal Code section 835a(e)(2).

““Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.” Penal Code section 835a(e)(3).

“In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques, if reasonably safe and feasible to an objectively reasonable officer.” Penal Code section 835a(2).

“[T]he decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the

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officer at the time, rather than with the benefit of hindsight. The totality of circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” Penal Code section 835a(4).

Penal Code section 196 was also amended. The statute provides that homicide is justified when committed by peace officers and those acting by their command in their aid and assistance when the homicide results from a peace officer’s use of force that is in compliance with Section 835a.

***Conclusion***

When LE3 attempted to detain Mr. Angulo, Angulo repetitively stated he had a gun. He removed the gun from his pocket. The evidence supports he fired his gun at LE3. The officers on scene at the time were all in their police department uniforms and driving marked patrol vehicles. Angulo had been identified as the shooter in three separate shootings in the month of June 2020 and had committed multiple crimes including carjacking and evading just before the officers attempted to detain and arrest him. Each officer knew Angulo had threatened to shoot it out with officers. The officers knew Angulo had access to two firearms. When Angulo pointed his firearm they responded by firing at Angulo.

In reviewing the totality of the circumstances, the officers’ actions at the time of the shooting were reasonable based on the circumstances known and perceived by them at the time. Pointing a gun posed an imminent threat of serious bodily harm or death to all in the immediate range of Angulo’s weapon. Based on the totality of the circumstances all three officers reasonably believed that Angulo posed an imminent threat and intended to cause death or serious bodily harm by shooting them. LE3, LE4 and LE5 fired their weapons striking Angulo multiple times. Less lethal alternatives were not feasible or safe against the lethal threat of Angulo firing a gun. LE3, LE4 and LE5 bear no state criminal liability for their actions. A copy of this letter, along with the materials submitted for our review, will be retained for our files.

Sincerely,



SUMMER STEPHAN

District Attorney

SS:gm

cc: Captain E. Thunberg