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OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

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November 16, 2022

Chief Magda Fernandez
San Diego Harbor Police Department
3380 North Harbor Drive
San Diego, CA 92101

Chief David Nisleit
San Diego Police Department
1401 Broadway
San Diego, CA 92101

Re: Officer involved shooting of Mr. Eric Jesus Medina on April 10, 2022, by Officer James MacMaster, Sergeant Scott Ferraioli, and Lieutenant Victor Banuelos; SDPD Case No. 22-015741; DA Special Operations Case No. 22-051PS; Deputy District Attorney assigned: Samira Seidu.

Dear Chief Fernandez and Chief Nisleit,

We have reviewed the reports and other materials compiled by the San Diego Police Department's Homicide Unit and the San Diego Harbor Police Department, concerning the shooting of Eric Jesus Medina by Officer James MacMaster, Sergeant Scott Ferraioli, and Lieutenant Victor Banuelos. A District Attorney Investigator responded to the scene and was briefed by San Diego Police Detectives. This case was submitted to the District Attorney's Office for review on June 17, 2022. On September 13, 2022, we received additional reports from the San Diego Police Department.

Summary

On April 10, 2022, Eric Jesus Medina parked his vehicle next to the front stairs of the San Diego Harbor Police Department on North Harbor Drive. Medina exited his vehicle and used the call box next to the front doors to request assistance. Medina walked away as the dispatcher tried to ask follow-up questions. Medina got into his vehicle, backed it out of the stall, and stopped in front of the stairs leading up to the front entrance.

Officer MacMaster responded from inside the station to assist Medina. MacMaster walked outside, stood at the top of the stairs and asked Medina if he wanted to speak with an officer. MacMaster could not hear Medina's response, so he began to walk towards Medina's vehicle. Medina raised his right hand revealing a semi-automatic handgun.

MacMaster ran back and took cover behind a large pillar in front of the exterior lobby doors. MacMaster gave Medina verbal commands to drop the weapon. Medina pointed the firearm at MacMaster. Believing Medina was going to shoot him, MacMaster fired his weapon at Medina. Sergeant Ferraioli exited the station through the front lobby after hearing gun shots. He took cover behind another pillar and fired his weapon at Medina. From the lobby, Lieutenant Banuelos could see Medina pointing a handgun at the officers and believed they were actively engaged in a gun battle. Banuelos fired at Medina through the glass lobby windows. Medina eventually dropped the handgun and put his hands in the air. He was taken into custody and transported UC San Diego Hospital for treatment.

Persons Involved

Eric Jesus Medina is a 29-year-old resident of San Diego. MacMaster, Ferraioli, and Banuelos are employed by the San Diego Harbor Police Department. MacMaster has been employed by the department for seven years, Ferraioli for twenty-two years, and Banuelos for twenty-four years.

Statement of Officer James MacMaster

MacMaster reviewed his body worn camera video before his interview. He started work at 1:00pm, was in full uniform, and was at headquarters getting ready to start his patrol shift. He received a call to respond to the front regarding someone requesting to speak with an officer. There were no further details. He walked through the station to the front of headquarters. He noticed Medina's vehicle was parked close to the front stairs. The car was not in a parking space but was parallel to the stairs, pointing towards the exit of the parking lot.

MacMaster activated his body worn camera (BWC) and stepped outside. MacMaster felt the situation was odd, so he kept a distance before starting a dialogue with Medina. Medina had a phone up to his ear, but MacMaster could not see his other hand. MacMaster asked Medina, "What's going on? Why do you need to speak with a police officer?" MacMaster could not hear Medina's response, so he started to approach him. As soon as he began to approach, MacMaster saw Medina lower the cell phone and raise a firearm up with his right hand. The firearm was pointed at MacMaster. The firearm appeared to be a semi-automatic handgun. MacMaster was afraid for his life.

MacMaster took cover behind the closest pillar, drew his firearm and put out radio traffic that Medina had a gun. MacMaster gave Medina multiple commands to drop the gun. Medina did not drop his gun. Medina continued to point his gun at MacMaster. MacMaster believed Medina was going to start firing. Fearing for his life, MacMaster fired his weapon at Medina. MacMaster radioed that he fired shots.

Ferraioli and other supervisors responded almost immediately. Ferraioli took cover behind a pillar next to MacMaster. MacMaster continued to give Medina multiple commands to "drop the gun." Medina again pointed the gun in MacMaster's direction. MacMaster fired more rounds at Medina. MacMaster had to change his magazine during that time. He fired a few more rounds after the magazine change.

MacMaster stopped firing when Medina started following directions and put his hands up. MacMaster and Ferraioli gave him commands to keep his hands up. There was a plan formulated to approach Medina's car with a shield.

Medina followed commands to open the passenger side door. He laid himself out with his hands visible. MacMaster and other officers approached with the shield. MacMaster holstered his firearm and put gloves on. They pulled Medina out of the vehicle, placed him in handcuffs and began to provide medical aid.

MacMaster did not have an opportunity to use less lethal force. The incident happened very quickly. Medina pointed the gun at him almost immediately. MacMaster believed Medina was going to use the firearm on him, so MacMaster believed he had to use his firearm.

Statement of Sergeant Scott Ferraioli

Ferraioli's shift had just started. Ferraioli was in full police uniform and had his BWC in his hand but had not had an opportunity to put it on his uniform at that time. Ferraioli heard somebody say over the radio, "He's got a gun, gun, there's a gun." Ferraioli did not know who put out the radio traffic, or their location. Ferraioli heard other officers go out the back door towards the parking lot. Ferraioli continued to listen and exited through a different door that leads to the administrative offices and lobby area. He immediately heard gunshots coming from directly in front of headquarters. Ferraioli and Banuelos met by the lobby door which leads to the front lobby of the building.

Through a small glass window in the door, Ferraioli could see MacMaster retreating with his gun drawn. Ferraioli saw Medina parked in front of headquarters, with a gun in his right hand, pointing it at MacMaster. Ferraioli made his way out the front door and took cover behind one of the pillars. Ferraioli heard MacMaster yelling commands at Medina to "drop the gun, drop the gun. Get your hands up!" Medina continued to move the gun up and down and side to side, pointing it at the officers. Ferraioli agreed that the way Medina was moving the gun up and down, it appeared to be the recoil of a gun. However, Ferraioli said he did not see muzzle flashes from the gun, so he did not believe it was recoil. Ferraioli said it appeared Medina was trying to track and target the officers. Ferraioli feared for their safety and believed Medina was going to shoot at the three of them or had shot at them already. Ferraioli also believed Medina had already shot at MacMaster because he heard gunshots and believed there was an active gun fight.

Ferraioli believed their lives were in danger. Ferraioli discharged his firearm at Medina. Ferraioli believes he gave commands to Medina during that time. After initially firing, Ferraioli paused and re-assessed a few times. Medina kept waving the gun around. After Ferraioli re-loaded, Medina's hands went down behind the door and Ferraioli couldn't see the firearm anymore. Ferraioli did not fire at this point. Medina raised both hands in the air where Ferraioli could see them. An arrest team began to coordinate a plan to contact Medina. Ferraioli gave Medina commands and Medina opened the passenger side of the vehicle. The arrest team approached from the rear of the vehicle, got Medina out of the vehicle and began providing medical aid.

Ferraioli did not have time to consider less lethal options since he was responding to an active gunfight. It was an immediate deadly threat and Ferraioli felt a firearm was the only option available to address the threat.

Statement of Lieutenant Victor Banuelos

Banuelos was at the end of his shift when this incident occurred. Banuelos was still in full police uniform but had just taken off his BWC to charge it before going home. Banuelos was in his office when he heard over the radio, "He's got a gun, he's got a gun!" Banuelos did not know the location of the incident or recognize the voice. Before Banuelos had an opportunity to look at his radio to see if it was a different agency, Banuelos heard the incident was in front of the lobby. Banuelos' office is directly next to the front lobby. Not knowing what he was running into, Banuelos unholstered his firearm and ran towards the door that goes into the lobby.

Banuelos heard gunshots coming from outside, but he did not know who was shooting. Banuelos ran into Ferraioli at the door leading to the lobby and they both instinctively ran out towards the gunshots. Through a window, Banuelos saw a vehicle stopped in front of headquarters. Medina was in the driver's seat waving a gun around and pointing it towards an officer that was off to Banuelos's left. He did not know who the officer was at the time. Banuelos believed the officer was engaged in a gun battle with Medina. Banuelos did not have a position of cover as there was none in the lobby. Medina was waving his gun around erratically. Banuelos felt extremely open and in fear of his life, his partner's life, and the unknown officer that was to his left.

Banuelos had just gone through training specifically about shooting through windows. Banuelos could see the suspect was still pointing the gun and waving it around. Banuelos could hear commands being given by the officer. Banuelos believed the threat was imminent and it was going to happen at any instant. Fearing for his life and that of his partners, Banuelos fired two to three rounds through the window from inside the lobby at Medina. After Banuelos fired his weapon, Medina moved inside his car and Banuelos could no longer see him. Banuelos took the opportunity and exited the lobby, went to the left pillar and took cover behind MacMaster. MacMaster gave Medina commands. Medina became compliant at that point and was listening to MacMaster's verbal commands. Banuelos began to coordinate the scene. Banuelos said there was no opportunity to use less lethal options.

Civilian Witness 1 (CW1)

CW1 is a dispatcher for the San Diego Harbor Police Department who answered Medina's call from the call box. Medina asked for assistance at the front and said thank you. CW1 asked Medina what type of assistance he needed but did not get a response. CW1 believed Medina walked away from the phone because it was still online but there was no response. CW1 contacted the port camera operator to put the headquarters camera up on their television screen to have a visual of who they were dealing with. CW1 dispatched an officer to respond to the front parking lot to contact Medina. CW1 began watching the surveillance footage and saw Medina in the parking lot while MacMaster responded from inside of headquarters. CW1 observed Medina walking around a parked vehicle which was parked in the parking spaces east of the lobby doors. Medina was talking on his cell phone.

CW1 was also focused on radio traffic so he could not continuously watch the television monitor. CW1 then observed Medina in the driver's seat of the car which was facing westbound in the parking lot. CW1 watched the vehicle move slowly in a "creeping" type movement westbound through the parking lot. CW1 could not see MacMaster in the camera view due to the angle. CW1 focused on Medina. CW1 believes Medina stuck his left arm out and pointed what looked like a gun towards the direction of MacMaster. CW1 heard MacMaster air over the radio that Medina had a gun. Seconds later, MacMaster aired "shots fired." CW1 then focused on radio traffic and didn't look at the camera footage until after the officers had taken Medina into custody.

Civilian Witness 2 (CW2)

CW2 was on the phone with Medina during the shooting. CW2 does not speak English so she did not understand much of what she heard over the phone. CW2 received three calls from Medina between 1:24pm and 1:30 p.m. The last call lasted approximately seven minutes. During the call, CW2 heard a voice yelling something in English. Medina told CW2 to hold on. CW2 heard voices speaking in English but she did not understand the words. CW2 heard the same words loudly being repeated over and over. CW2 heard Medina respond, "nothing." CW2 then heard shots being fired and Medina moaning in pain. CW2 was trying to find out Medina's location, but he would not respond to CW2.

Civilian Witness 3 (CW3)

CW3 was the front seat passenger in a car driven by CW4. They made a turn from Harbor Island Drive onto eastbound North Harbor Drive. CW3 heard three or four "pops" in rapid succession. CW3 believed the sound came from a semi-automatic being fired quickly. CW3 has prior military experience and immediately recognized the sound as gunfire. CW3's right arm was resting on the front passenger door arm rest. On the third or fourth "pop", CW3 felt something impact the car. CW3 yelled to CW4, "We've been hit!" CW4 immediately sped off. CW3 looked at the passenger door side mirror and saw the exterior of the front passenger door had a hole. CW3 did not look around to see where the gunfire originated from. CW3 was focused on getting out of the area. CW3 and CW4 drove on North Harbor Drive for another half a mile and pulled over close to the Coast Guard building. CW3 called 9-1-1.

Civilian Witness 4 (CW4)

CW4 was driving a vehicle with CW3 in the front passenger seat. CW4 made a right turn from Harbor Island Drive onto eastbound North Harbor Drive. Within a few seconds, CW4 heard a "pop, pop, pop." One sound was louder than the others. CW4 knew their vehicle had been hit. CW4 did not know where it came from and did not look around. CW4 just wanted to get away from the area. CW4 pulled over when she thought they were far enough away.

Investigation

The scene was secured, photographed, and investigated by SDPD homicide detectives. All reports, audio-recorded officer and witness interviews, calls, radio traffic, photographic evidence, surveillance and Body Worn Camera (BWC) video were reviewed. These items provided evidence corroborating the witnesses' and officers' statements.

MacMaster was armed with his department issued 22 Glock .40 caliber semi-automatic pistol with a Streamlight flashlight attached to it. The firearm was forensically examined following the shooting and found to have one round in the chamber and seven rounds remaining in the seated magazine. MacMaster changed his magazine during the shooting. Based on the forensic analysis, review of the BWC, surveillance video, and MacMaster's statement, it appears he fired twenty-three rounds during the shooting.

Ferraioli was armed with his department issued 35 Gen 4 Glock .40 caliber semi-automatic pistol with a Streamlight flashlight attached to it. The firearm was forensically examined following the shooting and found to have one round in the chamber and fourteen rounds remaining in the seated magazine. Based on the forensic analysis, review of the BWC, surveillance video and Ferraioli's statement, it appears he fired sixteen rounds during the shooting.

Banuelos was armed with his department issued 35 Gen 4 Glock .40 caliber semi-automatic pistol with a Streamlight flashlight attached to it. The firearm was forensically examined following the shooting and found to have one round in the chamber and thirteen in the seated magazine. As described below, surveillance video shows Banuelos fired two shots before exiting the building. He did not fire his weapon again. Based on the forensic analysis, review of the BWC, surveillance video, and Banuelos' statement, he fired two rounds during the shooting.

Forty-one cartridge casings with the headstamp "FEDERAL 40 S&W" were collected at the scene. All rounds recovered were fired by the three officers involved in the shooting. Two Glock .40 gun magazines were collected outside the lobby on the concrete entry way. There were two bullet holes in the glass window directly left of the front lobby doors.

The car Medina was seated in during the shooting was a gray Honda Civic registered to Medina. Following the shooting, it was impounded, processed and searched. The car had multiple bullet holes on the exterior and interior. Inside the car, investigators found the gun Medina armed himself with during the shooting. It was a black FMK 9mm semi-automatic firearm. It had one .380 cartridge stuck in the barrel. There was also another .380 caliber cartridge in the chamber. The seated magazine had seven rounds. Five fired bullets were recovered from the car.

An envelope with handwriting in Spanish was found in the car. The writer named several people and wrote: "Well I don't have much to say. I love you I love you and I love you....Remember me happy like a worm."

CW4 allowed investigators to view her car on April 12, 2022. They found an apparent bullet hole in the top portion of the front passenger side door, approximately four inches below the window. The interior of the door was not damaged and showed no sign of a bullet passing through into the car.

Harbor Police Department's call box audio was reviewed. CW1 answered the call and Medina asked "Yeah, hello, uh, I was wondering, uh, if you could help me right here outside of my car?" CW1 asked, "Yeah, what can we do for ya?" Medina responded, "Thank you." CW1 asked more questions but did not get a response.

Body Worn Camera (BWC)

MacMaster's BWC showed him walking through the secured interior lobby, out through the lobby doors and through the exterior foyer, where he contacted Medina. Medina's vehicle was parked in front of the stairs of the main entrance of the Harbor Police Headquarters. MacMaster asked "Hey, how's it going? You want to talk to an officer?" Medina responded, "Uh, yeah." MacMaster asks, "What's going on?" Medina responded but it is difficult to hear what he said on the video. MacMaster started to go down the stairs but then suddenly yelled, "hey, hey," quickly turned around, ran back towards the front entrance, took cover behind a concrete pillar, and pulled out his firearm. MacMaster aired, "He's got a gun. He's got a gun." MacMaster gave Medina commands to "put your hands up, put your fucking hands up now." Medina raised his hands up but was holding a dark object. Based on the way Medina is holding the object and what appears to be the barrel of a gun, the dark object appears to be a firearm. MacMaster yelled at Medina, "Drop the gun! Drop the gun now! Drop it on the ground!" Medina put his hand out of the car and pointed the apparent firearm at MacMaster. MacMaster fired his weapon and radioed, "shots fired!" MacMaster continued to give Medina commands to drop the gun. MacMaster fired several more rounds at Medina. Ferraioli exited the building, took cover behind a pillar and also gave Medina commands to drop his firearm. Ferraioli fired his weapon at Medina. MacMaster changed the magazine in his gun while Ferraioli fired at Medina. Gunshots continued until Ferraioli changed the magazine in his firearm. No additional shots were fired after this. After several minutes an arrest team moved in to take Medina into custody. Medina was out of camera view for most of the shooting.

In reviewing MacMaster's BWC, investigators also noted that CW4's car drove past Harbor Police Headquarters approximately two seconds after the first shots were fired. The car is seen driving by after several shots have been fired.

Surveillance Video

Harbor Police Headquarters surveillance video was reviewed. One camera covered the front entrance to Harbor Police Headquarters and shows the front stairs which lead up to the front entrance, the two pillars at the staircase landing, the exterior foyer area including the call box and the front doors, and the front portion of the parking lot. In the video, Medina was seen pulling his vehicle into the parking space closest to the steps and front doors. Medina exited his vehicle, walked up the steps and opened the call box. In his left hand, Medina was holding a cell phone which he moves from chest level to his mouth area throughout the time he is standing on the foyer. He walked from the call box to the front doors and appeared to knock softly on the front door. Medina then walked back to the call box and opened it. Medina still had his cell phone raised to chest level and face up as if he was using the speaker phone. After a few seconds, Medina leaned against the wall adjacent to the call box and appeared to speak into the call box.

Medina closed the call box and walked back down the stairs. He went to the rear bumper area of his car and stood there. Medina appeared to be speaking on his cell phone.

Medina eventually got back into his car, backed out of the parking space, and slowly drove past the front of the station and out of camera view. MacMaster exited through the front doors, waved, and stopped at the top of the stairs. MacMaster's back is to the camera. After a few seconds he started to walk down the stairs but suddenly ran back, took cover behind the left concrete pillar, and unholstered his weapon with his right hand while speaking on his radio with his left hand. MacMaster peeked to the right of the pillar and pointed his firearm towards the parking lot. MacMaster began to fire his weapon about eighteen seconds later. MacMaster continued to take cover behind the pillar while he fired his weapon. As MacMaster fired, two separate blasts of glass came from the lobby window.

Ferraioli exited the front doors with his handgun drawn. Ferraioli took a position of cover behind the right pillar. Ferraioli fired his handgun towards the parking lot and changed the magazine. Banuelos exited the front door and took a position of cover behind MacMaster. Banuelos did not shoot from this position. Additional officers exited the lobby door and took positions next to Ferraioli. The officers ultimately walked down the stairs and to the parking lot out of view of the camera.

Video from the camera inside the lobby of Harbor Police Headquarters showed the interior lobby, the front doors which lead to the exterior foyer, the large windows which provide a clear view to the outside of the station, and the call box affixed to the exterior wall on the foyer. The video showed Medina at the call box and on the foyer as described above. MacMaster walked into the lobby from the interior door. He exited the front doors and temporarily went out of view. Moments later MacMaster, returned to view, pulled his handgun and then went back out of view of the surveillance camera although his leg and foot can be seen at times. Ferraioli exited the interior door into the lobby. Ferraioli immediately pulled his handgun out and pointed it towards the parking lot as he worked his way to the front door. Banuelos entered the lobby from the same interior door. Banuelos fired two shots through the window towards the parking lot. Ferraioli then pushed the lobby door open and exited the lobby. Ferraioli went out of camera view. Banuelos advanced towards the doors and exited the lobby. Additional officers soon followed.

April 7, 2022, Chula Vista Police Department Body Worn Camera and Report

Medina went to the Chula Vista Police Department on April 7, 2022 and asked for protection. The BWC video and the reports from that incident were reviewed. In the BWC, Medina told officers that "they" were trying to kill him. When asked who "they" were, Medina said "it had to do with the cartels." He confirmed he was not involved with any cartels and could not explain why they would be after him. Medina said he did not feel safe, and he had not slept in two days. Medina thought it was the drugs but said he was "seeing the same things" and the voices did not stop after he stopped using drugs a week prior. Medina said people were following him and "they" had cameras in his house. Medina said he did not want to die and he needed protection. Medina was difficult to understand at times in the video.

Medina said he did not feel safe, “they” were going to go after his family, and there were a lot of cars after him. In the report, officers wrote that Medina displayed paranoid behavior. Medina agreed to go to a hospital to be evaluated.

Injuries

Medina was transported to UC San Diego Hospital for treatment following the shooting. He sustained gunshot wounds to the shoulder, chest, face, and lower extremities including his right and left legs. Medina suffered fractures to his left tibia and fibula, his right femur, one rib, and the manubrium (upper sternum).

Medina has been charged with violations of California Penal Code sections 664(e)(1) and 187(a), 245(d)(2) and 12022.53(b) in San Diego Superior Court case number SCD294253. A jury trial is scheduled on December 12, 2022.

Legal Standards of Criminal Liability

Penal Code section 835a(c) sets forth the circumstances in which a peace officer may use deadly force and the standard to evaluate the use of such 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 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).

The statute defines “deadly force” as 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).

An imminent threat of death or serious bodily injury is one where “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. 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).

The statute defines totality of the circumstances as “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).

The statute further states “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 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).

Additionally, a peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts because of resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right of self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or prevent escape or overcome resistance. For purposes of this section “retreat” does not mean tactical repositioning or other de-escalation tactics.” Penal Code section 835a(d).

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

Officer MacMaster responded to Medina’s call for assistance. As MacMaster approached to speak with him, Medina pointed a gun at MacMaster. Medina ignored multiple commands to drop the gun and instead pointed the loaded firearm at MacMaster. Believing his life was in danger, MacMaster fired his gun at Medina. MacMaster did not have an opportunity to deescalate as Medina produced the firearm almost immediately after the contact began.

Ferraioli and Banuelos heard the shooting and responded to assist MacMaster. Ferraioli and Banuelos saw Medina pointing the firearm at MacMaster and in their direction. Ferraioli believed Medina and MacMaster were engaged in a gun fight and believed Medina would continue firing at them. Ferraioli fired his weapon at Medina because he believed his life and the lives of the other officers were in danger. Banuelos also believed the three officers’ lives were in danger from the threat Medina posed. Banuelos fired at Medina to stop the threat. The three officers fired believing they were defending themselves or the other officers from an imminent threat of serious bodily injury or death. They continued firing until Medina finally followed commands to drop his weapon and put his hands up.

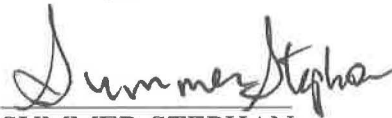
In viewing the circumstances from the perspective of an objectively reasonable police officer, Medina’s possession of a firearm and pointing the gun directly at MacMaster even after being told to drop his weapon, led MacMaster to believe Medina posed an imminent threat of serious bodily injury or death the officer. Medina’s actions of continuing to point the weapon at the officers even after he had been fired upon, again, led MacMaster, Ferraioli, and Banuelos to believe he continued to pose an imminent threat of death or serious bodily injury throughout this shooting incident. The officers did not have time to consider less lethal options as Medina produced a firearm as soon as MacMaster started to approach him. Less lethal options were not sufficient to address the deadly threat Medina’s firearm presented.

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Chief David Nisleit
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CW3 and CW4 were unfortunately caught in the crossfire while the officers were defending themselves against the imminent deadly threat Medina presented. Medina did not give the officers an opportunity to deescalate. The officers also did not have time to consider their backdrop as Medina refused to drop his weapon or follow commands, leading the officers to believe he posed a deadly threat which they needed to instantly address. As soon as Medina dropped his weapon and started following commands, the officers recognized that the threat was over and deadly force was no longer necessary. They immediately stopped firing their weapons at Medina.

Given the totality of circumstances MacMaster, Ferraioli and Banuelos bear no state criminal liability. A copy of this letter, along with the materials submitted for our review, will be retained for our files.

Sincerely,

A handwritten signature in black ink that reads "Summer Stephan". The signature is written in a cursive style with a large initial "S".

SUMMER STEPHAN
District Attorney

cc: Captain Jonathan George
Captain Richard Freedman