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For Immediate Release

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## DA Releases Reviews and Video Evidence of Officer-Involved Shootings, In-Custody Deaths

The District Attorney's Office today released its detailed reviews of two officer-involved shooting incidents and three in-custody death incidents. Relevant portions of body-worn camera, cell phone and surveillance video evidence connected to all of the incidents was also released. In nearly all the incidents, illegal drug use and/or mental health issues were a component, and individuals shot were armed with a gun in both OIS incidents, consistent with the recent 25-year officer-involved shooting [analysis](#) released recently by the DA's Office.

### *Man Shot While Brandishing a Gun in a Fast Food Restaurant*

On January 5, 2019, three San Diego Sheriff Deputies responded to a call concerning a man with a gun threatening a patron at the Del Taco restaurant at 7060 Broadway Street in Lemon Grove. A witness at the scene provided the deputies with a description of the man who had pointed a gun at him and his family. The deputies entered the restaurant and gave the man, later identified as Adolfo Angel Gonzalez, 28, verbal commands to put his hands up. Gonzalez immediately pulled a handgun from under the table and pointed it at two of the deputies. All three deputies fired at Gonzalez, who was fatally struck.

Following the incident, investigators learned that Gonzalez suffered from mental illness and recently purchased the handgun he used in the incident. Gonzalez's family was aware of his mental health problems and had become increasingly concerned for his welfare as his mental state deteriorated. The day this incident took place, Gonzalez told a family member he wanted to get into a shootout with police. Toxicology testing indicated Gonzalez had a blood alcohol content of .25 percent.

The events leading up to and including the shooting were captured on the closed-circuit video cameras at the Del Taco restaurant, as well as deputies' body-worn cameras. Exterior cameras show Gonzalez arriving at the front entrance on foot and entering the building. Interior cameras show Gonzalez entering the restaurant and then stopping to look at a children's play area, which is separated by floor to ceiling glass. Gonzalez removed a handgun from the right pocket of his hoodie and pointed it at a customer.

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Gonzalez walks out of the video frame and is then captured by another camera as he walks to the counter to order. Gonzalez appears to be waiting to order and while doing so removes the gun from the right pocket of his jacket, looks at it and then places it back in the same pocket.

Another camera captures Gonzalez after he received his food and is seated in the dining room eating. As soon as the deputies enter the restaurant, Gonzalez retrieves a gun from his waist area with his right hand and points it in the direction of the deputies.

After a thorough review, the District Attorney's Office determined the deputies fired at Gonzalez in their own defense and the defense of others, and therefore bear no state criminal liability for their actions.

The DA's detailed analysis [can be found here](#).

### ***Police Respond to Man High on Meth and PCP, Biting Fingers***

On February 26, 2019, San Diego Police responded to a report of a man, who appeared to be on drugs, was partially nude, walking into traffic, and falling down. Additional calls were received by SDPD from other citizens reporting a man, who appeared to be on drugs, and had been struck by a vehicle. Two SDPD officers arrived and found Lawayne Horne, 44, unsteady on his feet and disoriented. A male companion told the officers that Horne was under the influence of PCP. While the officers were assessing the situation, Horne fell backwards and struck his head on the pavement. Horne began rolling around on the ground and screaming. Two additional officers arrived to assist and saw Horne start to bite the flesh from his hands and fingers while he was on the ground. The officers placed Horne in handcuffs until paramedics arrived minutes later.

Paramedics arrived and placed Horne on a gurney, replacing the handcuffs with soft restraints on his hands and feet. While en route to the hospital, Horne went into cardiac arrest. Paramedics performed CPR until they arrived at Scripps Mercy Hospital where additional lifesaving measures were taken. Horne's condition stabilized and he remained in the hospital, but never fully regained consciousness. Doctors diagnosed Horne with non-survivable sepsis and kidney failure.

Horne died in the hospital on March 2. An autopsy, performed by the Deputy Medical Examiner determined the cause of death was methamphetamine and phencyclidine (PCP) intoxication. A contributing factor was listed as hypertensive cardiovascular disease. The manner of death was accident. Based upon a review of the facts and circumstances surrounding Horne's death, the law enforcement personnel involved in his restraint acted reasonably under the circumstances and bear no state criminal liability for their actions.

The DA's detailed analysis [can be found here](#).

### ***Deputies Respond to Trespassing Incident at Fallbrook Gas Station***

On August 16, 2018, an employee of a Circle K gas station in Fallbrook called the San Diego County Sheriff's Department to report a trespasser on their property. A deputy contacted Marco Antonio Napoles-Rosales, 29, and attempted to assist him by allowing Napoles-Rosales to make three phone

calls to relatives on the deputy's cell phone. Eventually, the deputy let Napoles-Rosales know he had to leave the property. Napoles-Rosales left momentarily, but then returned.. He was contacted again by Sheriff's deputies who took him into custody for trespassing.

Napoles-Rosales immediately became violent and combative leading to a extended physical altercation with deputies. During the altercation, the deputies' body-worn cameras were knocked off and Napoles-Rosales bit down on a deputy's thumb and wouldn't let go, resulting in an open wound. A deputy used a Taser on Napoles-Rosales, but it was ineffective. After a significant struggle, Napoles-Rosales was eventually placed in a safety restraint commonly known as a "wrap."

A deputy requested the fire department respond because Napoles-Rosales was exhibiting signs of [excited delirium](#) and extreme strength. Paramedics arrived and noted that Napoles-Rosales was talking and in spite of being restrained, remained combative. Napoles-Rosales was lifted onto a gurney and placed in the rear of an ambulance. While in the ambulance Napoles-Rosales was found by paramedics to be unresponsive. CPR was initiated and he was transported to Tri-City Medical. En route to the hospital, Rosales regained vital signs. A CT scan of the head later diagnosed him with an anoxic brain injury. He was admitted to the hospital, his condition declined and he died one day later.

Napoles-Rosales' drug screen was positive for amphetamine, methamphetamine and cannabinoids. The San Diego County Medical Examiner found that Napoles-Rosales exhibited signs of excited delirium syndrome and determined the cause of death was due to sudden cardiopulmonary arrest associated with methamphetamine intoxication and physical exertion during law enforcement restraint.

After a thorough review of the facts and circumstances surrounding Napoles-Rosales' death, the District Attorney's Office determined the law enforcement personnel involved in his restraint acted reasonably under the circumstances and bear no state criminal liability for their actions.

The DA's detailed analysis [can be found here](#).

## ***Officers Respond to Man Running Naked in Little Italy***

On October 5, 2018, Vito Vitale, 39, checked in to a Little Italy motel without incident. A few hours later, several people called 911 to report a man running naked in the street through traffic in the neighborhood. A San Diego police officer responded to the area and made contact with Vitale, 39. The officer noted Vitale was sweating profusely, very animated, and disoriented. Fearing Vitale would run back into heavy traffic or attempt to fight, the officer handcuffed him without incident.

Vitale pulled away from the officer toward traffic and both men fell onto the sidewalk. On the ground, Vitale continued to physically resist. Two civilians witnessed the officer struggling to control Vitale and intervened by attempting to hold Vitale's legs in place. Two additional officers arrived and attempted to control Vitale as he kicked and flailed. Vitale exhibited significant strength, pushing one officer up with his legs. The officers placed Vitale in leg restraints.

Officers requested paramedics since Vitale had sustained an injury in the fall. The officers continued to monitor Vitale's breathing and pulse while awaiting medics. Vitale's pulse became weak and his breathing was shallow as paramedics arrived. Paramedics initiated CPR and Vitale was transported by ambulance to UCSD hospital where he died later that night.

Toxicology reports detected the presence of cocaine and cannabinoids in Vitale's blood. The Medical Examiner noted that Vitale had displayed agitated and paranoid behavior as well as other features consistent with "excited delirium syndrome" when he struggled with police. The cause of death was determined to be the toxic effects of cocaine and the physiologic stress of restraint was a contributing factor. The District Attorney's Office has concluded that the officers involved employed a reasonable amount of force when they lawfully detained Vitale and they took appropriate steps in addressing Vitale's medical state. The officers bear no state criminal liability for their actions.

The DA's detailed analysis [can be found here](#).

## ***Deputies Shoot Man Brandishing Gun at Del Mar Fairground***

On September 2, 2018, members of the San Diego Sheriff's Department were on patrol during the horse races and "Ice Cube" concert at the Del Mar Fairgrounds. At some point, fairground employees announced to the crowd the concert was sold out and began turning away concert attendees at the entrance. The crowd became increasingly frustrated and began assaulting fairground employees and Elite Security personnel.

A Sheriff's deputy observed Daniel Elizarraras, 22, approximately six to seven feet away from him holding a silver handgun in his right hand pointed upward. Elizarraras fired two rounds into the air. The deputy used less-lethal force, deploying his Taser on Elizarraras with negative results. Another deputy told Elizarraras to drop his gun, but Elizarraras ignored the command. The first deputy was now face-to-face with Elizarraras and saw Elizarraras lowering the silver gun in his right hand from holding it above his head to below his shoulder. The deputy drew his firearm and shot Elizarraras in the abdomen and shoulder.

Elizarraras survived the shooting, was prosecuted and pled guilty to discharging a firearm in a grossly negligent manner, as well as using a firearm in the commission of a crime. Elizarraras was sentenced to three years in prison.

After a thorough review, the District Attorney's Office determined the deputy fired at Elizarraras in his own defense and the defense of others and therefore bears no criminal liability for his actions.

No deputy body-worn camera footage captured the shooting. Civilian cell phone video footage depicts chaos at the gates of the Del Mar Fairgrounds. The DA's detailed analysis [can be found here](#).

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