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District Attorney's Office Releases Review and Videos of Non-Fatal Officer-Involved Incident

DA Reviewed Officer Use of Force on Marcus Evans for Criminal Liability Upon Request by Community Organization

The San Diego County District Attorney's Office completed a thorough review of a non-fatal incident that occurred on October 24, 2024, to determine whether the San Diego Police officers who responded to a 911 call reporting domestic violence and an assault with a gun by Marcus Evans were criminally liable for using excessive force during his arrest.

This District Attorney review was conducted based on the request of a community association in August 2025. The review was completed on February 12 and on February 20, The DA team who reviewed the case met in person for two hours with the president and another board member of the community association that requested the review.

Considering the concerns of the association, and in an effort to provide transparency, despite being under no legal obligation to do so, our office invited eleven of the group's members and the attorney for Evans to the meeting, to share the relevant video evidence that documented almost every action in question by the police officers, as well as the 911 call, the statements made by the victim of domestic violence, the statements made by the female victims of assault with a gun, and a presentation of the 15-page analysis completed by our office. Only two members of the association arrived to participate in the meeting.

Officer-involved shootings or claims of excessive force are reviewed by the Special Operations Division of the District Attorney's Office for violations of state law. The Special Operations Division consists of prosecutors and investigators experienced in evaluating these complex cases. The results of the review are documented in a detailed public letter that is provided to the law enforcement agencies and accessible by the public. The 15-page letter was prepared in this case pursuant to the protocol and was provided to the police department. It is available [here](#) for public inspection.

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After a thorough review of the facts and evidence, it has been determined that the law enforcement officers involved bear no criminal liability for their actions.

Upon the association's request for review, our office requested and received the case from the San Diego Police Department. The District Attorney's Office conducted a thorough review, taking into consideration police reports and materials, witness statements, body-worn camera footage, witness videos and interviews with those associated with the incident.

In this case, San Diego Police received a 911 call from a woman reporting Marcus Evans had pulled a gun on her. Officers contacted the reporting party and two other victims and learned that Evans had assaulted his then-girlfriend with a metal object and that when the two other women attempted to intervene, Evans racked a gun and pointed it at them. The women identified Evans for police officers, who then responded to his residence.

Officers attempted to arrest Evans on probable cause for domestic violence involving the use of a firearm by a felon in possession of a gun, however he refused to exit the residence, despite commands. Evans already had a felony conviction for domestic violence with injury.

The officers were at a tactical disadvantage due to the raised position of the house. Unidentified individuals were seen moving about inside the home and officers did not know who they were or how they might engage with police.

Domestic violence incidents are among the most volatile and dangerous situations to which police respond, and in this case, officers determined that the safest option for all was to have Evans come to them. Ultimately, the officers arrested Evans by implementing non-lethal force.

The District Attorney's Office is confident in our professional and thorough review of this incident. We welcome the Attorney General to review potential charges against any participants, including the officers or against Marcus Evans, for his felony domestic violence and assault with a gun conduct towards the women that led to the initial police response.

When only a fragment of a story is shared or a brief video clip is released without context, the public is misled and our community is harmed. Our responsibility is to provide the full, relevant video and the detailed reasoning behind our decisions so the public can see the complete and accurate truth that the community deserves. It is troubling that this association, which is supposed to care about justice, showed no concerns over the abuse of women and decided to tell a partial narrative to its members and the public.

An excerpt from our 15-page letter is below.
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Summary of events:

On October 24, 2024, a 911 call was placed by a woman stating a man had pulled a gun on her. San Diego Police Department (SDPD) officers responded to the location and made contact with the caller and two other women, who are referred to herein as Civilian Witness One (CW1),

Civilian Witness Two (CW2), and Civilian Witness Three (CW3). CW1 told police that earlier while she was on a video call with CW3 she saw Marcus Evans hit CW3 with a metal object. After CW1 saw this, CW1 and CW2 drove to CW3's location to help her. CW1 and CW2 tried to get CW3 to leave and Evans responded by racking and pointing a gun at CW1 and CW2. An altercation between the parties ensued, during which Evans pushed CW3 and pushed CW1 to the ground. The three women left in a vehicle. Responding officers met them and were able to identify Evans as the suspect.

Multiple officers responded to Evans' residence to arrest him. A perimeter was established and a team moved to the front of the residence loudly identifying themselves as police and ordered Evans to come out. Subsequent warnings were given that if Evans resisted, a canine would be used and Evans would be bitten. Three individuals exited before Evans. When Evans exited, he was directed to show his hands and walk to the officers.

Evans followed commands at first but would not comply when ordered to turn away from officers. Additional commands were given but Evans did not comply with officers' instructions to walk backward toward them. Officers deployed a less-lethal beanbag round at Evans to gain compliance. Evans was struck and fell to the ground. When Evans sat up, he would not comply with further commands to come toward the officers. A second beanbag round was deployed in conjunction with the release of a canine. The second beanbag struck Evans, however the canine did not engage. Evans continued to refuse to surrender and a second canine was brought to the front of the scene.

After Evans refused to comply with additional commands to come to the officers, the second canine was released in a coordinated firing of another beanbag round. The canine bit Evans and officers moved in and took Evans into custody. After Evans' arrest, three more individuals exited the residence. SDPD conducted a cursory visual search of the interior of the residence and garage and did not observe the firearm described by the reporting party. Evans was transported from the scene by police to the hospital for medical treatment.

911 Call

On October 24, 2024, at 11:16 p.m., CW2 called 911 and asked the emergency dispatcher to send police to her location because a male subject "pulled a gun on her" during a domestic violence incident. On the recorded call, CW2 is heard telling the dispatcher she was picking up her friend when the gun was "pulled" by her friend's boyfriend. CW2 states that the male was presently at the rear of her vehicle. An argument can be heard in the background of the recording, wherein CW2 yells out, "Get up off my car" and "Get your hands off my sister and my friend!" At one point, the dispatcher asks CW2 if she saw the actual gun and CW2 answers in the affirmative and elaborates that the male subject "cocked it." CW2 then becomes unresponsive. Voices can be heard shouting and arguing in the background. CW2 does not return to the line, but the call remains open.

A short time later, CW1's voice is heard on the line with the dispatcher. CW1 reports the male subject ran back into his house. CW1 confirms that the male threatened to shoot them with a gun and he "put his hands" on her and her friend. She states they need police to come. CW1 adds that

during a video call with her friend, she saw her friend get struck and almost stabbed with a pole by her friend's boyfriend. Toward the end of the call, CW1 and CW2 can be heard yelling at their friend to get in their car. The call ends with dispatchers requesting CW1 and CW2 to drive out to a nearby cross street and away from the male subject's location to meet with responding officers.

Legal standard:

Penal Code section 835a(a)(4) states "the 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." Under Penal Code section 835a(e)(3), the totality of the circumstances is "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."

Evans was transported from the scene by police to the hospital for medical treatment.

Conclusion:

The force applied by Officers must be examined within the context of the totality of the circumstances known to or perceived by them at the time of the incident. Here, SDPD received a 911 call from a woman reporting Evans had pointed a gun at her. Officers contacted the reporting party and learned that Evans had pointed a gun at CW1 and CW2 and had engaged in domestic violence against CW3. A records check of Evans revealed a criminal history of violent offenses. Officers then responded to the residence on Duluth Avenue to make a lawful probable cause arrest of Evans.

The circumstances of the arrest were complicated when Evans refused to exit the residence. As noted by both, officers on scene were placed at a tactical disadvantage by having to execute Evans' arrest at a house that overlooked the officers' position. Unidentified individuals were seen moving about inside and the officers did not know who they were or how they might engage with police. If the officers moved out of a position of cover to engage Evans, they risked the possibility of a dangerous confrontation with the unknown occupants or Evans himself. The officers determined that the safest option for all was to have Evans come to them.

Law enforcement officers outside of the residence made numerous attempts to gain compliance from Evans through repeated verbal commands and a visual show of force. After their sustained efforts were fruitless, the officers made the decision to use physical force to secure Evans' arrest. When compliance tactics were unsuccessful, the officers increased the level of force in response to Evans' continued noncompliance. When analyzing the tactics applied by the officers, the law requires consideration of the totality of circumstances and requires an acknowledgement that officers are often forced to make quick judgments about using force.

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About the San Diego County District Attorney's Office

The San Diego County DA's Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.