

HALL OF JUSTICE
330 WEST BROADWAY
SAN DIEGO, CA 92101
(619) 531-4040
SanDiegoDA.com

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

DWAIN D. WOODLEY
ASSISTANT DISTRICT ATTORNEY

SUMMER STEPHAN
DISTRICT ATTORNEY

October 28, 2024

Chief Edward Varso
Escondido Police Department
1163 North Centre City Parkway
Escondido, CA 92026

Chief Scott Wahl
San Diego Police Department
1401 Broadway
San Diego, CA 92101

Re: Fatal shooting of Mr. Douglas A. Quinn by Escondido Police Officers M. Statti and A. Lay on November 3, 2023; Escondido Police Department Case No. 23-010550; San Diego Police Department Case No. 23-617312; DA Special Operations Case 23-112PS; Deputy District Attorney assigned: Mei Owen

Dear Chief Varso and Chief Wahl,

We have reviewed the reports and materials compiled by the San Diego Police Department's Homicide Unit concerning the shooting of Mr. Douglas Quinn on November 3, 2023. A District Attorney Investigator responded to the scene and was briefed by detectives. This case was submitted to the District Attorney's Office on February 7, 2024. On August 14, 2024, we received the Medical Examiner's autopsy report as well as the toxicology report.

Summary

On November 3, 2023, at approximately 6:36 a.m., Escondido Police received a 911 call of a male sleeping on the front porch of a mobile home within the mobile home park at 2550 East Valley Parkway. A short time later, the call was updated to reflect the male had awoken and was pushing a blue motorcycle toward the exit gate of the complex. Escondido Police Officers Statti and Lay responded. Upon arrival, Statti observed Douglas Quinn, whose clothing and physical appearance matched the description provided, standing next to a blue motorcycle. Quinn was looking through a bag that was on top of the motorcycle seat.

Statti told Quinn he was not in any trouble and directed him to keep his hands where they could be seen. Statti explained to Quinn that residents had concerns about a person sleeping on a porch and that Statti wanted to make sure there weren't any issues. Statti asked Quinn for identification and whether the motorcycle was registered to Quinn. Quinn responded that his identification was probably buried among his property, that the motorcycle was registered to him, and that he had driven it from Indiana to San Diego. Quinn told Statti his name and date of birth.

Lay conducted a registration check on the motorcycle while Statti ran a check for warrants. At that point, Quinn stated he thought he might have a "low-level" drug warrant out of Indiana. Statti thanked Quinn for being honest. Quinn added he had spent about 20 years in prison and he had not been out for long. Quinn pulled a cigarette from the front pocket of his jacket and started to smoke it. Statti asked if he had any tattoos and Quinn said yes. Both officers were standing approximately eight to ten feet from Quinn.

Statti was informed by dispatch that Quinn had an extraditable felony warrant out of Indiana. With that information, Statti stepped closer to Quinn and told him that until they figured out the situation, they were going to place him in handcuffs. Quinn immediately backed away and reached his right hand into his rear waistband. He repeatedly said, "I ain't going," and began to run. Statti drew his firearm, pointed it toward Quinn, and yelled, "Don't you touch it," as Quinn pulled a firearm from his back waistband. Quinn pointed it toward Statti and fired. Statti and Lay returned fire, striking Quinn. Quinn fell into bushes at the curbside. Lay immediately dispatched that shots were fired.

Quinn lay approximately 30 feet east of his motorcycle. His torso was partially hidden by the bushes while his legs and feet extended onto the curb. His hands were not visible. The officers ordered Quinn to drop his weapon and to not move. However, Quinn raised the firearm and pointed it in Statti's direction. Statti fired additional rounds at Quinn. Lay advised dispatch that paramedics were needed, shots had been fired, and Quinn was down. Both officers continued ordering Quinn to show his hands and drop the gun. Quinn did not respond. The officers kept their firearms pointed at Quinn while maneuvering themselves into tactical positions in case Quinn should turn and try to shoot again.

Within a minute, several Escondido officers arrived, including a K-9 officer, an officer with a ballistic shield, and several supervisors. Because it was unclear where Quinn's firearm was, a plan was formulated to approach him. The K-9 was sent toward Quinn to grab his leg and pull him from the bushes, exposing his hands. Officers then approached, took him into custody and began life-saving measures. Escondido Fire and Escondido paramedics arrived and took over. Quinn was transported to Palomar Hospital where life-saving measures were continued by hospital staff. Quinn was unable to be revived and the time of death was called at 7:39 a.m.

The Medical Examiner conducted an autopsy and determined Quinn's cause of death as multiple gunshot wounds and the manner of death as homicide. Toxicological testing of Quinn's blood did not detect the presence alcohol or drugs of abuse.

Persons Involved

Douglas Quinn was a 48-year-old resident of Indiana. Statti and Lay had been employed as police officers with the Escondido Police Department for one year and six years, respectively.

Statement of Civilian Witness One (CW1)

CW1 is a resident of the mobile home complex. Her husband had gone outside of their home in the morning and when he came back in, he told her there was an unfamiliar motorcycle in the

driveway. CW1 then saw a man in a sleeping bag outside of their home. Her husband yelled at the man to leave and CW1 called the police. The unknown male started to push the motorcycle away from their residence. CW1 saw police drive by her residence. A short time later, she heard gunshots.

Statement of Civilian Witness Two (CW2)

CW2 is a resident of the mobile home complex. He noticed his car was blocked in by a couple of police vehicles. He peeked out of his window and saw officers having a conversation with a male in the roadway. The conversation appeared casual and calm. A few minutes later, CW2 heard approximately seven to ten gunshots.

Statement of Civilian Witness Three (CW3)

CW3, a resident of the mobile home complex, woke to the sound of screaming coming from outside. As CW3 got out of bed, he heard approximately four or five gunshots. He saw two police vehicles parked in the street. He exited his home and heard officers saying, "Put the gun down! Put the gun down!" He then heard another series of gunshots come from around the corner. He walked to see where the officers were shooting. He walked further and saw a man on the ground in the bushes.

Statement of Law Enforcement Officer One (LE1)

LE1 is an Escondido Police Canine Officer and was one of several officers that responded to the "shots fired" call. Upon arrival, LE1 saw officers standing in the area of the mobile home park where the incident had occurred. LE1 parked and took his police service dog out of his vehicle. LE1 saw Quinn and asked Statti what had transpired so that LE1 could determine whether to utilize the police dog. Quinn was lying on the ground on his left side in a fetal-like position with his back to the officers. Quinn's torso was in the bushes and his legs were partially exposed. LE1 could not see Quinn's hands and Quinn was not responding to commands.

A plan was formulated to utilize the police service dog to assist in removing Quinn from the area where the handgun might be so officers could make a safe approach to arrest him. LE1 gave multiple canine announcements. Quinn did not respond. LE1 deployed the police dog and it successfully extracted Quinn. Quinn was taken into custody and ultimately transported to Palomar Medical Center.

While LE1 documented the scene, he observed a black semi-automatic firearm on the ground where Quinn had been.

Statement of Officer Michael Statti

Statti responded to a call of a suspicious male sleeping on a mobile home resident's porch at 2550 E. Valley Parkway. The male was described as wearing a white jacket and pushing a blue motorcycle. Statti checked the surrounding area and then pulled into the mobile home complex. Lay was also on scene. After a short time, they saw Quinn standing at a corner tinkering with a blue motorcycle. Statti notified dispatch Quinn had been located and gave their location.

Statti exited his patrol car and identified himself as he approached Quinn. Statti told Quinn he was not in trouble and explained they were there because someone had called about Quinn sleeping on the porch. Lay ran the motorcycle plate and it came back showing no record. Quinn had a screwdriver in his hand and was tinkering with something on the motorcycle seat. Statti asked Quinn to keep his hands where they could see them and Quinn complied. Quinn gave his name and Statti ran a records check. While awaiting an answer on the records check, Quinn stated he was from Indiana and that he might have a drug warrant from there. Meanwhile, Lay was trying to figure out the motorcycle plate issue by now checking the bike's VIN. Statti thanked Quinn for his honesty and explained that the warrant might not be a big deal.

Throughout the encounter, Statti attempted to physically separate himself from Lay and Quinn to have a better visual perspective and in case anything happened, they would be better positioned. However, Quinn appeared to react to Statti's attempts by backing up and continuously looking at both officers. Quinn lit up a cigarette, which Statti thought was strange. Statti believed Quinn knew he was "going to jail" and possibly would be "locked up for a long time." The records check came back showing Quinn had an extraditable felony warrant and dispatch inquired whether Quinn had any tattoos. Statti asked and Quinn confirmed he did. Dispatch continued to have trouble locating records on Quinn's motorcycle and Statti told Quinn that they would need to detain him until they figured it out.

Statti started to approach Quinn and Quinn immediately started to walk backward, ignoring commands. He turned away from Statti and started to dig into his waistband. Statti feared Quinn might try to retrieve something to hurt or kill him. In response, he drew his weapon and pointed it at Quinn. Quinn was now running eastbound. Statti yelled to Quinn, "Don't reach for it" or "Don't touch it." Quinn was bent over at the waist with his hand in his waistband. Quinn turned left towards the officer's direction. At that moment, Statti saw the barrel of a handgun pointing in his direction. Statti believed Quinn was going to shoot him or somebody else so he fired his weapon multiple times at Quinn.

Quinn continued running until he fell into some bushes that were against a fence. Quinn's hands were underneath himself and Statti kept his gun pointed at Quinn. Quinn was moving on the ground with his hands under him. Quinn moved back and pivoted his body toward the right, rotating toward Statti and presented his hand with a gun in it. Statti fired again. He did not recall how many times he fired. Quinn's hands went back down under himself. Statti reloaded his handgun and asked Lay whether medics were coming. Lay confirmed they were. Statti continued giving Quinn commands. He advised dispatch Quinn was down, noncompliant, and that he could not see Quinn's hands. Statti kept his firearm pointed at Quinn until other officers arrived. Officers arrived and formulated a plan on how to approach and take Quinn into custody.

Statti was carrying a Taser and OC spray at the time of the shooting. However, he did not utilize his non-lethal options because Quinn was reaching into his waistband, and based on his training and his experience recovering multiple weapons from people's waistbands, he felt if Quinn was going to present a lethal option, he needed to be ready for that lethal option.

Statement of Officer Anthony Lay

Lay volunteered to assist Statti as cover officer on the suspicious person call. Lay and Statti arrived at the location and found Quinn at roughly the same time. They parked their patrol vehicles and approached Quinn. They started to talk with Quinn, asking him why he was there and whether he needed help. Lay immediately noticed Quinn going through the seat area of his motorcycle. Statti asked Quinn basic identifying questions, while Lay ran the motorcycle's license plate and VIN number through dispatch. Statti also ran a warrant check on Quinn. The dispatcher relayed to Lay that Quinn had an active felony warrant from Indiana. Lay asked the dispatcher to confirm whether Indiana was willing to extradite Quinn. While Lay was waiting for dispatch to answer, Quinn pulled out a cigarette and started to smoke. Quinn looked at Lay and told him the motorcycle was not stolen. At that point, Lay and Statti decided to detain Quinn while the warrant inquiry was pending.

Statti walked toward Quinn and Quinn started to back up and walk away from the officers. At the same time, Quinn moved his hands around and used his right hand to pull out something from the front or the side of his body. Statti had already drawn his weapon. When Quinn turned, Lay saw Quinn had a handgun in his hand. As Lay drew his firearm, he heard shots being fired, and realized Quinn was shooting toward Statti. Lay returned fire, shooting approximately five rounds toward Quinn. Quinn stopped at the fence line of the complex and fell. The officers continued to give him commands. Quinn was still moving around, and Officer Lay no longer saw the gun that Quinn was holding. Lay told Statti to relocate to a more strategic position and then aired over the police radio, "Shots fired," and "Start medics." After the shooting, Lay stood by and waited for additional units to arrive.

Lay did not feel comfortable approaching Quinn to provide first aid because the gun Quinn had been holding was not visible and Lay feared Quinn might be lying-in-wait to ambush them. Lay believed if he had not fired his weapon, Quinn would have taken Statti's life and that Lay would have been next. Lay added that although he carried other less-than-lethal force options, he did not have the opportunity or time to use them because Quinn presented them with deadly force. Lay estimated Quinn fired at Statti four times. During the entire exchange, Lay was unsure whether or not Statti had been hit.

Investigation

The shooting took place on a residential street within a mobile home complex. The scene was secured, photographed, and investigated by San Diego Police Department's Homicide detectives. All detectives' reports, crime scene investigators' reports, audio-recorded witness interviews, officer interviews, along with the Medical Examiner autopsy report, and body worn camera footage were reviewed.

The officers involved were wearing clearly identifiable Escondido Police Department uniforms and drove Escondido Police Department patrol vehicles. They were equipped with body worn cameras which were activated prior to the shooting and captured the events leading up to the shooting, as well as the actual shooting.

During this incident, Statti was armed with a Glock Gen5, model 34, 9mm handgun. The firearm was seated with a fully loaded 17-round magazine with an additional live round in the chamber. Statti carried two additional fully loaded 17 round magazines in a pouch on his tactical vest.

Lay was armed with a Sig Sauer model P320 9mm handgun. The firearm was seated with a modified magazine with a maximum capacity of 20 rounds. The magazine was fully loaded with one additional live round in the chamber. Lay carried two additional fully loaded modified magazines containing 20 rounds each in a pouch on his tactical vest.

Following the shooting incident, a San Diego Police Department Crime Scene Specialist collected Statti and Lay's firearms and magazines for analysis, including the magazines that were dropped at the scene during a reloading magazine change.

Statti's Glock was received with a seated magazine containing 17 rounds and one round in the chamber. An additional magazine was received with 17 rounds and the magazine located at the scene was found to contain two rounds. The maximum capacity of the firearm, including the three magazines, is 52 rounds. The number of live rounds recovered inside of the firearm including the magazines was 37. Based on the difference between the number of rounds recovered and the maximum capacity of the firearm, it was determined Statti fired a maximum of 15 rounds. This number was corroborated by the number of shell casings located at the scene.

Lay's Sig Sauer was received with a seated magazine containing 20 rounds and no round in the chamber. An additional magazine was received with 20 rounds and the magazine located at the scene was found to contain 16 rounds. The maximum capacity of the firearm including the three magazines is 61 rounds. The number of live rounds recovered inside the firearm, including the magazines, was 56. Based on the difference between the number of rounds recovered and the maximum capacity, it was determined that Lay fired a maximum of five rounds. This number of rounds fired was corroborated by the number of shell casings located at the scene.

A San Diego Police Department Firearms Criminalist examined both Statti and Lay's firearms for condition and functionality and determined both to be operable and functional.

During the incident, Quinn was armed with a black Palmetto Arms "Dagger" 9mm semi-automatic handgun. The firearm was seated with a 17-round capacity magazine containing 11 live rounds with one live round in the chamber. An additional magazine containing 17 live 9mm rounds was located among Quinn's possessions.

Following the shooting incident, a San Diego Police Department Crime Scene Specialist collected Quinn's firearm and magazines for analysis, including the magazine that was located among his personal property. The maximum capacity of Quinn's firearm including his magazines was 35. The number of rounds recovered with the firearm was 29. It was determined Quinn could have fired a maximum of six rounds.

A San Diego Police Department Firearms Criminalist examined Quinn's Palmetto Arms 9mm handgun for condition and functionality. It was determined to be operable and functional.

Investigators located evidence of damage caused by Quinn's gunfire on the south side of an unoccupied mobile home unit. The unit was directly behind Statti when Quinn shot at him. There were four apparent bullet impact marks on the wall of the unit. All four bullets went through the entire mobile home, out the north wall, and struck an unoccupied vehicle.

Body Worn Camera Footage

Statti's body worn camera captured his arrival on scene and his initial contact with Quinn, who appears concentrated on his motorcycle seat. Statti tells Quinn he is not in trouble, that he just wants to talk and to "just keep your hands where we can see them." Statti asks Quinn for identification. Quinn states it is likely buried among his property, then proceeds to provide his name and date of birth. Statti runs a warrant check and Quinn says he believes he has a warrant out of Indiana. Quinn adds that he spent his whole life in prison and wants to get away from Indiana. He then reaches into his right jacket pocket and pulls out and lights a cigarette. Statti asks Quinn whether he has tattoos and Quinn replies that he does. Quinn then looks at Lay and tells him his motorcycle is not stolen.

Moments later, Statti steps toward Quinn and tells him until they figure out the situation, he will need to place Quinn in cuffs. Quinn steps back and repeatedly says, "No, I ain't going." At the same moment, Quinn reaches back with his right hand to his rear waistband and starts to run. Statti pulls out his firearm and yells, "Don't you touch it." Quinn pulls a handgun from his waistband, points, and fires it toward Statti. Statti fires his handgun toward Quinn. Lay also fires his handgun toward Quinn. Quinn falls into nearby bushes. Statti yells at Quinn not to move. While Quinn is on the ground, he is seen raising his hand up holding his gun. Statti fires additional rounds at Quinn and Quinn drops his hand. Lay radios, "Shots fired, suspect down, start medics." Statti continues to yell at Quinn to show his hands and not to move. Statti reloads his firearm and Lay tells him to move to a different angle so Quinn would be at a disadvantage. Statti airs that Quinn is down, that he is non-compliant and that they cannot see his hands. Statti then requests a backup unit with a shield.

Lay's body worn camera captured the same incidents from a different perspective. Lay arrives on scene and parks behind Statti. Statti is standing toward the rear of Quinn's motorcycle talking to Quinn, who is standing next to the motorcycle and appears focused on the motorcycle seat. Statti tells Quinn that he does not have to reach and that they are just talking. Lay runs Quinn's motorcycle license plate. Quinn tells Statti he rode his motorcycle from Indiana. Statti asks Quinn for his name and date of birth and Quinn tells Lay he rode five days on his bike. Statti then tells Quinn, "We just want to make sure you're not America's most wanted and we'll be on our way."

Quinn steps slightly away from Statti and then tells the officer he may have a warrant for low level drugs. Quinn adds that he has spent his whole life in prison. Statti moves to Quinn's left. Quinn reaches in his right jacket pocket, pulls out a cigarette, and lights it. Quinn is looking at Lay while he is talking to Statti. Statti asks Quinn if he has any tattoos and Quinn confirms. Quinn looks at Lay and tells him that his motorcycle is not stolen. Statti then steps toward Quinn and tells Quinn that until they figure out the situation, they would need to handcuff and detain

him. Quinn backs away from Statti, starts to move to his right, and repeatedly says, "I ain't going." Quinn reaches into his rear waistband while looking at Statti. Statti pulls out his firearm and yells at Quinn, "Don't you touch it." Quinn ignores the commands, pulls out a handgun, points it at Statti, and fires. Statti returns fire and Quinn falls into bushes. Lay airs, "Shots fired, shots fired." Statti yells for Quinn to drop his weapon. From a lying position on the ground partially obscured by the bushes, Quinn is seen raising his gun. Statti fires four rounds at Quinn and Lay is heard communicating to dispatch, "Shots fired, start medics, suspect down."

Autopsy and Toxicology

An autopsy was conducted on November 4, 2023. The Deputy Medical Examiner determined that Quinn suffered seven gunshot wounds to his body, specifically to his chest, arm, back, leg, and toe. During the internal examination, four bullet fragments were recovered and collected as evidence by a Forensic Evidence Technician, who was present during the autopsy. The cause of death was classified as multiple gunshot wounds, and the manner of death was classified as homicide. Toxicological testing was conducted on samples of Quinn's peripheral and central blood. The testing did not detect the presence of alcohol or drugs of abuse.

Legal Standard of Criminal Liability

Penal Code section 835a(c) sets forth the standard to evaluate a peace officer's use of deadly force and the circumstances upon which an officer may use such force. The law provides, in part, 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... [t]o 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).

Conclusion

Statti and Lay made contact with Quinn in response to a call of a suspicious person outside of a residence. During the contact, the officers learned Quinn had an active extraditable felony warrant out of Indiana. When Statti informed Quinn he would be detained, Quinn suddenly escalated the situation. He backed away, saying he wasn’t going. He began to flee while quickly producing a handgun from his back waistband. He pointed the firearm toward Statti and fired multiple rounds. There was no immediate cover or protection against Quinn’s shots. Less-than-lethal force options were not feasible and would not have been effective under the circumstances.

Statti was faced with an imminent threat of death or serious bodily injury. He responded by discharging his firearm at Quinn. Lay observed that Quinn had the present ability, opportunity, and intent to immediately cause death or serious bodily injury to both officers. In response, Lay fired his weapon at Quinn. Once Quinn had fallen into nearby bushes, he again raised his firearm. Statti immediately addressed the lethal threat and fired more rounds. Later investigation would reveal Quinn had fired at least four shots toward Statti.

The officers reasonably believed, based on the totality of circumstances, that the use of deadly force was necessary to defend against the imminent threat of death or serious bodily injury. Therefore, Officer Statti and Officer Lay bears no state criminal liability for their actions. A copy of this letter and the materials submitted for our review will be retained in our files.

Sincerely,

A handwritten signature in blue ink that reads "Summer Stephan". The signature is fluid and cursive, with the first name "Summer" and last name "Stephan" clearly distinguishable.

SUMMER STEPHAN
District Attorney

cc: Captain Kevin Toth, Escondido Police Department
Captain Manuel Del Toro, San Diego Police Department