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**OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO**
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September 23, 2025

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

Sheriff Kelly Martinez
San Diego County Sheriff's Office
9621 Ridgehaven Court
San Diego, CA 92123

Re: Fatal shooting of Mr. Nicholas Trammell by San Diego Police Officers Matthew Steinbach, Michael Howells, and Justin Tellam on May 20, 2024; San Diego Police Department Case No. 24607647; San Diego Sheriff's Office Case No. 24120210; DA Special Operations Case 24-050PS; Deputy District Attorney assigned: Kristi Gill

Dear Chief Wahl and Sheriff Martinez:

We have reviewed the reports and other materials compiled by the San Diego Sheriff's Homicide Division concerning the circumstances leading to the shooting of Nicholas Trammell by San Diego Police Officers Matthew Steinbach, Michael Howells, and Justin Tellam on May 20, 2024. A District Attorney Investigator responded to the scene and was briefed regarding the incident. This case was submitted to the San Diego District Attorney's Office for review on August 19, 2024. The final Medical Examiner's report was submitted to the District Attorney's Office on August 28, 2025.

Summary

On the morning of May 20, 2024, the San Diego Police Department (SDPD) received a 911 call of a robbery at the Morena Market located at 1045 Morena Boulevard. The owner of the store reported to 911 that a man, later identified as Nicholas Trammell, took chips and a soda without paying and when she yelled at him to pay, he displayed a knife at her and left. Trammell fled the location on foot, and the caller provided his description to 911.

An officer arrived and spoke to the reporting party. The officer then broadcast Trammell's description and gave his last known direction of travel. Another officer located Trammell in the 5300 block of Napa Street, less than a quarter of a mile away, in the parking lot of an apartment complex next to the trolley station. Uniformed officers attempted to contact and detain him. Trammell had a fixed-blade kitchen knife in his right hand and a pair of scissors in his left hand. Officers commanded him to stop, and he did not comply. Officers twice deployed their tasers,

but the deployments did not make contact. Trammell fled down an embankment toward Friars Road and officers pursued him on foot.

Trammell fled onto a closed portion of Friars Road toward an uninvolved individual. Trammell grabbed the uninvolved adult male from behind and put a knife to his neck. Officers approached as Trammell held the man hostage. As Trammell had the knife pressed against the man's neck, Officers Steinbach, Howells, and Tellam fired at Trammell. Multiple rounds struck Trammell, fatally wounding him.

The Medical Examiner conducted an autopsy and determined Trammell's cause of death was multiple gunshot wounds and classified the manner of death as homicide. Toxicological testing of Trammell's blood showed a positive result for cannabinoids.

Persons Involved

At the time of the incident, Trammell was a 33-year-old resident of San Diego County. The three officers were employed with the San Diego Police Department. Steinbach had been a police officer for twelve years, Howells for four years, and Tellam for six years.

Civilian Witness One (CW1)

CW1 is co-owner of Morena Market and was working as a cashier when she observed a man, later identified as Trammell, walk into the store. Trammell approached the registers with a soda and a bag of chips. Trammell and CW1 had a brief discussion about what forms of payment were accepted, but then Trammell slowly and calmly walked to the exit. CW1 approached Trammell and said, "You have to pay for that!" Trammell said nothing, quickly displayed a knife with a silver blade, and walked out with the merchandise. CW1 walked out to the parking lot and saw Trammell walk south on Morena Boulevard. CW1 feared for her safety and called 911.

Civilian Witness Two (CW2)

CW2 is homeless and travels throughout San Diego County with his two dogs. The night before the incident, CW2 slept on Friars Road.

Just before the shooting incident occurred, CW2 came out of the wooded area on the south side of Friars Road with his dogs. Trammell, whom he did not know and had not seen before, approached and grabbed him from behind, telling him, "Stay right there." CW2 could feel the blade of a knife resting on his right shoulder and as Trammell stepped to the right, he saw the knife in Trammell's right hand. Trammell didn't say anything else.

CW2 saw several police officers running toward him pointing their guns. The officers were coming from across the street on Friars Road yelling, "Hold it right there!" Initially, CW2 believed the officers were contacting him because he was camping illegally and believed the male behind him was an undercover police officer since he was not wearing a police uniform. CW2 fell to the ground with his hands on his head and heard about five gunshots striking the male with the knife. CW2 said he was not injured during the incident and said that based on the situation, the officers did a good job. CW2 said he realized he was in a threatening situation but was not scared. CW2 believed he would have been stabbed if officers had not shot Trammell.

Civilian Witness Three (CW3)

CW3 was in her apartment above the parking lot in the 5300 block of Napa Street when she heard police officers screaming, "Put your weapon down, we're going to shoot!" CW3 looked out her window and saw seven or eight officers with their guns drawn. They were in the parking lot, right below her balcony. The officers were addressing a man. CW3 could not see any knife in his hands but heard the officers say, "Drop the knife! Drop the weapon!" The officers kept their guns drawn as the man walked away from them toward Morena Boulevard. The officers followed him. CW3 believed that when the man and officers were in the southwest corner of the lot, the officers tried to tase him, but it appeared the tasers were ineffective. The man hopped over fences, and some officers followed while other officers ran back to their patrol vehicles. A few moments after the man and officers were out of her view, CW3 heard six to eight gunshots.

Civilian Witness Four (CW4)

CW4 and his coworker were doing an excavation project in the 5100 block of Friars Road. CW4 heard a helicopter circling overhead and saw a local homeless man, later identified as CW2, walking westbound. CW4 saw the police chasing an unknown male, later identified as Trammell. Trammell grabbed CW2 and stood directly behind him. CW4 couldn't see if Trammell was holding a weapon or another object in his hands. CW4 said Trammell's arms appeared to be around CW2's chest or neck. At least four officers caught up with Trammell and were yelling, but due to the distance, CW4 couldn't hear their commands. During the incident, CW2's dogs bit Trammell or CW2, or both. That created distance between Trammell and CW2, and officers subsequently shot Trammell. CW4 believed multiple officers fired eight to ten rounds from their weapons at Trammell.

Law Enforcement Officer One (LE1)

LE1 was in phase training and his field training officer was Officer Tellam. LE1 and Tellam responded to the call of the armed robbery and searched for the suspect. Dispatch advised them that the suspect had been located in the parking lot in the 5300 block of Napa Street. They arrived at the parking lot, LE1 saw the suspect, later identified as Trammell, with a knife in his hand, and noted that he matched the suspect description provided. The numerous officers on scene ordered Trammell to drop his weapon and attempted to tase Trammell, but those attempts were ineffective. Trammell replied to the officers' commands with "fuck you" and "what's up" and ran from officers, jumping over fences while fleeing. Officers chased Trammell as he ran to the south side of Friars Road where CW2 was standing with two dogs. Trammell grabbed CW2 and put a knife to his throat. LE1 believed Trammell was going to kill CW2. One of CW2's dogs jumped on Trammell, and Trammell pushed or dropped the hostage. As Trammell brought his right arm with the knife back up, as if to stab CW2, officers fired their weapons, striking him. LE1 and other officers handcuffed Trammell and provided medical aid. LE1 believed that had the officers not shot Trammell, CW2 would have been stabbed or killed.

Officer Matthew Steinbach

Steinbach is an acting sergeant assigned to Western Division as well as a sniper on the SDPD SWAT Team. Steinbach responded to the radio call of a male who had stolen items from a convenience store while brandishing a knife. Steinbach heard the suspect description from dispatch, confirmed the suspect's last direction of travel, and drove to look for the suspect.

Steinbach heard over the radio that officers saw the suspect in the shopping center at Napa Street and Linda Vista Road.

Other officers responded to the shopping center and arrived before Steinbach. Those officers advised that the suspect, later identified as Trammell, was holding a knife and walking away from them. Steinbach knew the shopping center had several open businesses, with civilians present, and feared Trammell would potentially harm the officers and the public. When Steinbach arrived at the parking lot, he saw several officers contacting Trammell, but Trammell ignored their commands and kept walking through the parking lot. Steinbach parked his vehicle to the right of Trammell to keep him from walking toward the businesses.

Steinbach exited his vehicle and jumped over a four-foot fence to get to Trammell. As he approached, he could see Trammell was holding a silver-colored knife in one hand and a pair of scissors in the other. Steinbach told Trammell to drop the knife. Trammell looked at Steinbach and walked toward him. Trammell was approximately 15-20 feet from Steinbach. Steinbach drew his firearm, pointed it at Trammell, and backed away from Trammell to create distance. He gave Trammell commands to drop the knife, but Trammell did not comply. Instead, Trammell turned away from Steinbach and walked through the parking lot toward Morena Boulevard. Another officer deployed a taser, but it was ineffective.

Steinbach again ordered Trammell to drop the knife. Another officer deployed his taser, but it was ineffective, and Trammell ran away. Steinbach holstered his weapon and chased Trammell on foot. Steinbach wanted to keep Trammell in sight and prevent him from going to Friars Road, where he could easily get into the riverbed. Steinbach was aware that the riverbed was occupied by multiple transients and feared Trammell could lead officers into an ambush. Additionally, Steinbach was aware that Friars Road only allowed one-way traffic due to construction and knew it would be difficult to get additional resources to the location. Steinbach also knew that a K9 officer was enroute and that ABLE, the SDPD helicopter, was overhead.

Steinbach followed Trammell down a foot path that led to Friars Road. Steinbach saw CW2 with two dogs and a shopping cart in front of them. CW2 was facing away from the roadway. Trammell ran toward CW2, grabbed him from behind, and spun CW2 around. Trammell put one arm around CW2's neck, placed the blade of the knife directly underneath CW2's throat and positioned himself behind CW2 as if to use him as a shield. Steinbach was afraid Trammell was going to cut CW2, so he drew his firearm and pointed it at Trammell. Steinbach told responding officers to approach from the side to try to get a better angle and force Trammell to expose himself, which would allow an officer to shoot or stop the threat without harming CW2.

As officers surrounded Trammell and gave him commands, CW2's two dogs ran at Trammell and jumped on him. Trammell pulled away from CW2, and CW2 bent forward, exposing Trammell's body and head. Trammell pulled CW2 toward him and tried to stab him while CW2's dog tried to bite Trammell. At that moment, Steinbach felt he had an opportunity to stop Trammell and fired his handgun at him. Steinbach also heard other officers fire their handguns.

Trammell fell onto CW2 and kept trying to stab him as Trammell and CW2 were on the ground, so Steinbach fired additional rounds. He estimated that he fired a total of five rounds. Once Trammell stopped moving, Steinbach instructed CW2 to move away. Trammell was still holding a knife, so Steinbach gave Trammell several commands to drop the knife, but Trammell did not comply. CW2 got up and walked toward the riverbed. The officers approached Trammell and moved the knife and scissors away from him. The officers handcuffed Trammell and began to render first aid.

Steinbach believed Trammell posed a public safety risk and needed to be taken into custody. He believed if he didn't fire his weapon, Trammell would have continued to stab CW2 and kill him. Steinbach did not consider using other force options because of his distance from Trammell and the lack of time to react while transitioning from his firearm to another force option. Steinbach was aware that the K9 officer would not have been able to send in their canine partner because CW2's two dogs were present.

Officer Michael Howells

Howells and his partner officer responded in their patrol vehicle to the armed robbery call. As they drove to the parking lot in the 5300 block of Napa Street, they saw the suspect, later identified as Trammell, and they exited their vehicle. Trammell was holding a knife in his hand and officers who were already on scene were holding Trammell at gunpoint. An officer attempted to use a taser, but it was unsuccessful. Trammell ran and Howells pursued him. Howells was concerned Trammell might attack other officers or civilians. Trammell refused to follow commands to stop running and drop the knife. Based on the robbery and Trammell's actions, Howells felt Trammell needed to be in custody for public safety.

Trammell approached CW2, grabbed him, and put a knife to CW2's neck. The incident was "a textbook hostage situation." Trammell seemed to have a good grip on CW2 and Howells believed Trammell had begun to use the knife at CW2's neck. Howells also believed Trammell had swung the knife at CW2's dogs. Howells heard other officers shoot and saw Trammell go down. While Trammell was on the ground, Trammell rolled toward CW2. Howells believed that Trammell was stabbing CW2. Howells fired his firearm twice at Trammell believing Trammell would either inflict serious injury to CW2 or kill him. After the shooting, the knife was still in Trammell's hand, and the scissors were nearby. Howells holstered his firearm, helped handcuff Trammell, and rendered aid. Howells stated the incident occurred too fast to make a tactical plan.

Officer Justin Tellam

Tellam is a patrol officer, and a Field Training Officer. On the day of the shooting incident, he was assigned to train LE1. Tellam and LE1 responded to the radio call of an armed robbery at a convenience store. While in the area looking for the suspect, another officer radioed that the suspect, later identified as Trammell, was walking into the parking lot located in the 5300 block of Napa Street. Tellam and LE1 arrived and observed Trammell holding a knife and pointing it toward an officer in an aggressive manner. The officer had their firearm pointed at Trammell.

Tellam exited his patrol vehicle and told Trammell to drop the knife or he would be shot. Trammell responded unintelligibly. Tellam and other officers followed as Trammell walked west

through the parking lot. Tellam asked an officer to take out a taser to have a less lethal option available. That officer deployed his taser, but it was ineffective. Steinbach was giving Trammell commands, but Trammell ignored them. Tellam got closer to Trammell to be able to deploy his taser. He announced "taser" repeatedly and deployed his taser, which was also ineffective. Trammell then ran south and jumped over a fence into the next parking lot. Tellam followed Trammell toward Friars Road.

Once on Friars Road, Tellam saw Trammell run behind CW2, an innocent bystander, and hold the knife in his right hand to CW2's throat. Trammell was using CW2 as a barrier between himself and the officers. Tellam was afraid for CW2's safety. CW2 had two off-leash dogs that were nearby. Initially, the dogs were aggressive toward the officers, but then the dogs returned to CW2 and proceeded to go after Trammell, who was still holding CW2 hostage. Trammell pushed CW2, creating a small amount of distance between them, and tried to stab the dogs. When Trammell made an overhand motion as if to stab CW2, Steinbach fired his gun and Trammell fell to the ground. Trammell, now on the ground, made another overhand motion toward CW2 with the knife in his right hand, as if to stab CW2. Tellam saw this and believed there was an immediate threat to CW2's life so he fired his gun three to four times to stop the threat and protect CW2. Trammell did not stop and Tellam fired three to four additional rounds until Trammell fell onto his back. Tellam estimated he was about 15 feet away from Trammell when he fired his gun. Officers created a contact team to disarm and detain Trammell so they could render medical attention until paramedics arrived.

Tellam was concerned that they were confronting Trammell in a very public area at an apartment complex near a trolley station. Tellam felt Trammell was an immediate danger to the public because he had committed an armed robbery and had committed a violent felony in his presence when he pointed a knife at officers.

Investigation

There were two principal locations in this investigation: the commercial parking lot in the 5300 block of Napa Street where officers initially contacted Trammell, and the 5100 block of Friars Road where the shooting took place. The parking lot where officers contacted Trammell is a highly trafficked area that serves an apartment complex, several retail shops, and a trolley station. The Friars Road location was partially under construction at the time of the incident. Both scenes were secured, photographed, and investigated by the San Diego County Sheriff's Homicide Unit. All police officer and deputy reports, crime scene investigators' reports, audio-recorded interviews, body worn camera footage, police helicopter video footage, surveillance video, cell phone video, and available medical reports were reviewed. These items provided evidence corroborating the officers' statements.

At the time of the incident, Steinbach was armed with his personally owned Smith & Wesson Springfield 9mm pistol. Steinbach reported that prior to incident, his pistol was loaded with a 17-round magazine and one additional live round in the chamber. Steinbach carried two additional fully loaded 17-round magazines in a pouch on his duty belt. Following the incident, a San Diego Sheriff's Field Evidence Technician (FET) collected Steinbach's pistol for processing. Steinbach's pistol was received with 13 unexpended cartridges in the firearm.

At the time of the incident, Tellam was armed with his personally owned Smith & Wesson M&P M2.0 9mm pistol. Tellam reported that prior to incident, his pistol was loaded with a 17-round magazine and one additional live round in the chamber. Tellam carried three additional fully loaded 23-round magazines in a pouch on his duty belt. Following the incident, a San Diego Sheriff's FET collected Tellam's pistol for processing. Tellam's pistol was received with 11 unexpended cartridges in the firearm.

At the time of the incident, Howells was armed with a department-issued Glock 17 Gen 5 9mm pistol. Howells reported that prior to the incident, his pistol was loaded with a 17-round magazine and one additional live round in the chamber. Howells carried two additional fully loaded 17-round magazines in a pouch on his duty belt. Following the incident, a San Diego Sheriff's FET collected Howells' pistol for processing. Howells' pistol was received with 16 unexpended cartridges in the firearm.

Based on the number of rounds loaded into each pistol, and the evaluation of each of the firearms and magazines collected, it was determined that Steinbach fired five rounds, Tellam fired seven rounds, and Howells fired two rounds. Consistent with this determination, a San Diego Sheriff's FET identified and collected fourteen 9mm cartridge casings at the scene of the shooting incident. A Sheriff's FET also identified and collected a kitchen knife with a black handle and a pair of scissors in the area where Trammell fell.

ABLE Video

A helicopter from SDPD's Airborne Law Enforcement (ABLE) Unit responded and circled above the two scenes while providing information to the officers. The helicopter's camera recorded the events as they transpired on the ground.

The footage shows SDPD officers contact Trammell in the parking lot in the 5300 block of Napa Street. When the officers arrive, Trammell drops what appears to be the bag of potato chips that he took from the Morena Market and arms himself with a knife in one hand and a pair of scissors in the other. The officers confront Trammell with their weapons drawn and Trammell backs away from them. Another SDPD patrol vehicle arrives, and Trammell turns around and walks through the parking lot away from the officers toward Morena Boulevard. As Trammell walks, he periodically looks over his shoulders at the officers behind him. At the west side of the parking lot, additional officers confront Trammell. Trammell then runs south to Friars Road. Steinbach and other officers run after him from a distance.

Trammell looks back to the officers and continues to run east to the end of a concrete barrier wall near the 5100 block of Friars Road. CW2 is standing near a shopping cart of belongings along the edge of the road. There are two dogs near him. Trammell runs directly to CW2 and grabs him from behind. Trammell places his arms around CW2's upper body and holds a knife to CW2's neck with his right hand. CW2 puts his hands in the air and Trammell turns CW2 and puts CW2 between himself and the approaching officers. When the two dogs run toward Trammell and appear to attack him, CW2 falls to his knees. Trammell stabs at the dogs and at CW2, and Steinbach fires his firearm at Trammell. At this point, the camera is zoomed in and initially only Trammell, Steinbach, and CW2 appear in frame. Trammell falls on top of CW2 and continues to

stab at CW2's torso. The camera zooms out slightly, and Tellam is visible. Tellam fires his firearm at Trammell. Trammell rolls onto his back and a knife can be seen in his right hand and a pair of scissors in his left hand. CW2 moves away from Trammell. Steinbach motions for him to move further away. Steinbach and Tellam approach Trammell, one on each side, and remove the knife and the scissors from his hands. The officers place handcuffs on Trammell and provide medical aid. Radio traffic is heard as officers render medical aid.

Body Worn Camera Evidence

There were approximately nine SDPD officers on scene at various points during the incident. All officers were equipped with body worn cameras, but Steinbach, Tellam, and Howells' cameras best captured the confrontation and shooting.

Steinbach's body worn camera footage captures him at Morena Market speaking with other officers. He then goes to his patrol vehicle and drives to the 5300 block of Napa Street. After he exits his vehicle, he jumps a fence into the parking lot, unholsters his firearm and points it in the direction of Trammell, who can be seen walking away from other officers. Steinbach and the other officers give numerous orders to Trammell to drop the knife. Trammell quickly walks toward Steinbach with a knife in his right hand.

Tellam and Howells' camera footage show each of them and their respective partners arrive at the parking lot on Napa Street. Tellam arrives first. Tellam follows Trammell through the lot in Steinbach's direction. Howells arrives from behind Steinbach. Other officers are seen confronting Trammell, who is holding a knife. Tellam draws his firearm and orders Trammell to drop the knife, but Trammell continues walking away. Howells, who was initially on the outside of the fence surrounding the lot, jumps over the fence into the lot and joins the pursuit.

At this point, Steinbach's footage captures the audible sound of a taser deployment. Trammell, who does not appear affected, changes direction to walk away from Steinbach. The officers continue towards Trammell, although Steinbach uses his left hand to motion for them to back away and says, "Hey, hold, hold, hold." Trammell can be seen holding a pair of scissors in his left hand. Trammell continues through the parking lot ignoring officers' commands.

Tellam, who is to the left of Steinbach, approaches Trammell. Tellam advises he is going to deploy his taser by saying, "Taser, taser, taser," and then fires it at Trammell. The deployment is ineffective and Trammell turns and runs away. Trammell jumps a metal fence and continues down a dirt path parallel to the roadway. Several officers go over the fence onto Morena Boulevard in pursuit of Trammell.

Steinbach is the first officer behind Trammell. He notifies dispatchers of Trammell's path of travel toward Friars Road. Officers follow Trammell down the dirt path parallel to Friars Road and over concrete construction barriers onto the 5100 block of Friars Road. Once Trammell reaches the end of the line of concrete construction barriers, he turns and runs directly at CW2, who is facing away from Trammell. CW2's dogs and personal belongings are close by. Tellam arrives alongside Steinbach as Trammell grabs CW2 from behind and places his arm around

CW2's neck. Trammell is positioned behind CW2, who Trammell appears to be using as a barrier from the officers.

CW2's two dogs are barking and run toward Steinbach. Steinbach yells, "Hey! Hey! Hey! Hey!" and draws and points his firearm at Trammell. Howells arrives on scene. CW2 falls to his knees with Trammell behind him. Trammell pulls his right arm back and thrusts it toward CW2 in a stabbing motion. CW2's dogs run to Trammell and begin to jump on him in an apparent effort to protect their owner. One of the dogs tries to bite Trammell. Trammell pulls away from the dogs while making a stabbing motion toward them. Trammell, still behind CW2, then pulls his right arm back and thrusts it forward in a stabbing motion toward CW2. Steinbach discharges his firearm. The footage shows additional officers with weapons pointed at Trammell positioned to the left of Steinbach.

Trammell falls on top of CW2 and raises his right arm up into the air, thrusting it downward toward CW2 in another stabbing motion. Tellam and Howells each fire their weapons at Trammell. At this point, Trammell is intertwined with CW2, and Trammell's hands aren't visible. One of CW2's dogs is biting Trammell's buttocks. As Tellam and Howells fire additional shots, Trammell falls on his back away from CW2. Trammell still has the knife in his hand. Body worn camera footage shows that all shots by the three officers were fired within four seconds, between 10:54:40 and 10:54:44, according to the embedded counter on the video.

Steinbach yells to Trammell, "Drop the knife!" and orders CW2 to move away. CW2 states, "I'm so glad you guys are here!" to the officers as he scrambles away. Steinbach directs officers to form a contact team while he maintains his firearm pointed at Trammell. Howells and Tellam holster their weapons and approach Trammell. Trammell has a pair of scissors in his left hand and a fixed blade knife in his right hand. Tellam removes the knife from Trammell's right hand and Howells secures Trammell in handcuffs. Officers then initiate medical aid to Trammell and continue until paramedics arrive on scene.

Video Surveillance

Video Surveillance was recovered from the Arrive Mission Valley Apartment Complex, located at 5395 Napa Street, and from nine separate camera angles at the MTS Trolley Station, located at 5150 Friars Road. The video footage is consistent with the timing and events observed on both the ABLE helicopter video as well as in the body worn camera footage from the officers.

The video from the Arrive Mission Valley Apartment Complex shows the officers confront Trammell in the parking lot. As officers point their firearms at Trammell, Trammell is backing away from them and is holding something in his left hand. Additional officers arrive and point their firearms at Trammell, who continues to back away. Trammell raises his right arm toward the officers multiple times. Trammell turns and walks between the vehicles parked in the lot and away from the officers. Several officers are present and have their firearms or tasers pointed at Trammell as he heads toward the west end of the parking lot near Morena Boulevard. Trammell flees out of the area covered by the surveillance camera and officers run back to their patrol vehicles and drive out of the parking lot.

The MTS Trolley Station cameras show a portion of the pursuit. Trammell is seen running from Morena Boulevard down onto Friars Road as officers follow. The shooting was not captured by the MTS cameras.

Autopsy and Toxicology

An autopsy was conducted on May 21, 2024. The Deputy Medical Examiner determined that Trammell suffered 13 penetrating gunshot wounds to the head and torso, one graze wound to the head, and abrasions to the right side of his buttocks. During the internal examination, 13 projectiles or projectile 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 a sample of Trammell's blood. The results were positive for the presence of cannabinoids.

Legal Standard

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 should 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

Officers Steinbach, Howells, and Tellam were among several officers who responded to a report of an armed robbery, during which the suspect used a knife. The suspect, Trammell, was located in a nearby parking lot adjacent to an apartment and retail complex and near a trolley station. When officers contacted Trammell, he dropped the stolen merchandise and raised a knife and scissors at them. Trammell did not comply with officers’ commands to drop his weapons. He threatened the officers by brandishing the knife at them and then walked away from them as they continued to give him commands. Tellam and another officer each tried to deploy their department-issued tasers to take Trammell into custody, but Trammell ran away and their efforts to use less-lethal force were unsuccessful. As Trammell fled the several officers pursuing him, he encountered and forcefully grabbed an uninvolved civilian, CW2. Trammell held CW2 from behind and placed a knife to CW2’s neck, using CW2 as a shield against the approaching officers. CW2’s dogs began to attack Trammell and Trammell responded by making stabbing movements at both the dogs and at CW2. In the midst of this rapidly changing situation, Steinbach, Howells, and Tellam identified the imminent threat of death or serious bodily injury posed by Trammell. The three officers discharged their handguns under the reasonable belief that the use of deadly force was necessary to defend against that imminent threat. A reasonable officer in the same situation similarly would have recognized that Trammell had the present ability, opportunity, and apparent intent to immediately cause death or serious bodily harm. Therefore, Steinbach, Howells, and Tellam bear no state liability for their actions. A copy of this letter, along with the materials submitted for our review, will be retained in our files.

Sincerely,


SUMMER STEPHAN
District Attorney

cc: Captain Juan Sanchez, San Diego Police Department
Captain David LaDieu, San Diego Sheriff’s Office