

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

November 26, 2025

Chief Jeremiah Larson
El Cajon Police Department
100 Civic Center Way
El Cajon, CA 92020

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

Re: Fatal shooting of Andrea Grube by El Cajon Police Officer Evan Drescher and Sergeant Kevin Maxwell on December 11, 2024; El Cajon Police Department Case No. 24045599; San Diego Police Department Case No. 24619830; DA Special Operations Case No. 24-171PS; Deputy District Attorney assigned: Mei Owen

Dear Chief Larson and Chief Wahl:

We have reviewed the reports and other materials compiled by the San Diego Police Department's Homicide Division and the El Cajon Police Department concerning the circumstances leading to the shooting of Andrea Grube by Officer Evan Drescher and Sergeant Kevin Maxwell on December 11, 2024. A District Attorney Investigator responded to the scene and was briefed on the incident. The investigative case was submitted to the San Diego District Attorney's Office for review on March 10, 2025. The final Medical Examiner's report was submitted to the District Attorney's Office on October 15, 2025.

Summary

On December 11, 2024, at 12:23 p.m., Andrea Grube drove a black Toyota Tundra truck into the front parking lot of the El Cajon Police Department (hereinafter "ECPD"), located at 100 Civic Center Way in El Cajon. Grube parked in a stall in the northeast corner of the lot facing the ECPD building. A short time later, a lieutenant with ECPD exited the building onto the sidewalk area of the front parking lot. As he walked past Grube's truck, Grube partially pulled out of the parking stall. Sergeant Maxwell exited ECPD moments later and joined the lieutenant on the sidewalk.

Grube backed the Toyota Tundra out of the parking stall, turned the truck toward the officers, and then stopped. Maxwell and the lieutenant began to separate due to Grube's movements. Grube suddenly accelerated over the sidewalk curb toward the officers. The officers ran for

cover. However, Grube steered the truck at Maxwell and struck him from behind. The impact caused Maxwell's face to strike the ground and he landed in the mulch near the sidewalk.

LE1 broadcast a call for help and Officer Drescher rushed out of the building to assist. Drescher and Maxwell repeatedly shouted at Grube to stop and get out, but Grube did not respond. Instead, Grube reversed and again drove at Maxwell. Maxwell pointed his weapon at the front of the truck and fired into the front windshield fearing Grube would kill him. Drescher drew his weapon and fired at the truck when he saw Maxwell in the truck's path of travel. Grube's vehicle missed Maxwell and accelerated forward, striking and knocking over a landscape bollard before crashing into a tree on the dirt embankment. Inside the truck, Grube continued to move around and manipulate items. Drescher again fired his weapon at the truck.

Other ECPD officers arrived, removed Grube from the truck, and provided medical aid. Grube suffered multiple gunshot injuries and was transported by paramedics to the hospital. At approximately 1:27 p.m., Grube was pronounced deceased.

Persons Involved

Andrea Grube was a 24-year-old resident of La Mesa. At the time of this incident, Drescher and Maxwell had been employed as ECPD officers for 5 and 25 years, respectively.

Statement of Civilian Witness One (CW1)

CW1 was at a lunch event at ECPD in the outdoor patio area overlooking the parking lot. He heard screeching tires followed by a loud vehicle collision impact. CW1 looked toward the scene and saw a black truck he believed had collided with a trash can or a tree. CW1's attention was drawn to a police officer who jumped up from the ground near the truck. The officer was so close to the truck that the officer could have touched it. The officer shouted to the driver, "Show me your hands," and "Stop the car." The driver reversed and then drove forward. A different officer fired a shot through the truck's windshield. When the driver continued forward, officers opened fire. CW1 ran for cover.

Statement of Civilian Witness Two (CW2)

CW2 was inside the ECPD community room when she heard screeching tires coming from the parking lot. She noticed a large tree shaking. CW2 stepped outside and was approximately 20 to 30 yards from the scene when she saw the truck and a police officer, LE1. At first, LE1 was at the passenger side of the truck, but then he moved to the driver's side. CW2 did not see Maxwell. CW2 heard more screeching tires as the truck accelerated forward. She could not see the driver but believed the driver was trying to hit the officers. LE1 shouted at the driver to put their hands up. CW2 yelled for everyone to get inside and saw Drescher running toward LE1. The truck drove up the embankment toward Drescher. Drescher fired approximately seven to ten shots at the truck's window. CW2 then moved to where she could no longer see the truck.

Statement of Law Enforcement Officer One (LE1)

LE1 is an ECPD lieutenant and has been employed by the department for 24 years. On the date of the incident, he and Maxwell had both attended a luncheon at ECPD and had agreed to meet to plan an event scheduled at the station for that afternoon.

LE1 walked out of the ECPD entrance to the parking lot's sidewalk area, where he was going to meet Maxwell. LE1 observed a black Toyota Tundra parked in a stall facing the police station. His attention was drawn to Grube, the driver of the truck, who was wearing bright yellow hearing protection earmuffs. Maxwell arrived at LE1's side and the two of them started to discuss event logistics. LE1 saw Grube reverse out of the parking spot and make a multipoint turn to face where he and Maxwell were standing. LE1 initially believed that Grube was a new driver who was fumbling with the gear shifter and having difficulty maneuvering the truck. However, LE1 became concerned and told Maxwell to back up.

Within a split second, Grube accelerated directly toward LE1 and Maxwell. Immediately, LE1 turned away and ran up the nearby stairs. LE1 heard screeching tires as Grube drove over the sidewalk curb and hit an object. LE1 looked and saw that Grube had crashed into a tree. Grube continued to move about, fumbling with the truck's gear shifter.

LE1 yelled out to see if Maxwell was alright, and Maxwell responded, "No." Grube's truck was stopped but the engine was still running. LE1 saw Maxwell in a kneeling position on the dirt embankment at the front of the truck. Maxwell was about eight feet from the driver's side front corner of Grube's truck. He was unable to move and appeared beaten up. LE1 believed Grube intentionally drove at him and Maxwell.

LE1 grabbed handcuffs from Maxwell's duty belt and radioed for cover officers and an ambulance. Just then, Grube reversed and then drove the truck forward. Drescher was now on scene and LE1 was standing behind Maxwell and Drescher. LE1 heard two volleys of gunfire from Maxwell and Drescher. LE1 did not fire any shots. He believed Grube was struck after the second volley of gunfire. After that, responding officers formed a contact team and got Grube out of the truck. Officers then rendered medical first aid to Grube.

Statement of Sergeant Kevin Maxwell

LE1 had asked Maxwell to meet at the front of ECPD to plan an onsite event scheduled for later that day. Maxwell joined LE1 at the sidewalk area of the parking lot by the entrance of ECPD. While they were discussing the event, their attention was drawn to a nearby truck in the parking lot. The truck drove back and forth toward the sidewalk curb directly at the officers. Maxwell found this odd because there was no parking spot, ramp, or roadway ahead of the truck. Maxwell also noticed the driver, later identified as Grube, was wearing industrial hearing protection and was staring at him and LE1. Maxwell commented to LE1 that the situation appeared strange and LE1 cautioned Maxwell to be careful. Maxwell started to back up because he was unsure what Grube would do next.

The truck surged forward, hopped the sidewalk curb, and accelerated toward Maxwell. He ran as soon as he heard the roaring of the truck's engine. Although Maxwell could not specifically recall the moment of impact, he knew the truck hit him. Maxwell's face slammed to the ground as he landed in the mulch next to the sidewalk. He was disoriented but got up, located the truck, and turned toward it. Maxwell thought he was going to die.

Maxwell drew his weapon and had it in his hand when he discovered a “stovepipe malfunction.” This malfunction occurs when a spent casing becomes stuck in a weapon’s ejection port and prevents the weapon from firing. Maxwell cleared the malfunction and got up. Maxwell was approximately six to eight feet from the front of the truck when he heard its engine revving and gears shifting. He realized the truck was still moving and knew he could be hit again. He shouted at Grube to stop and get out, but Grube did not respond.

Maxwell pointed his weapon at the front of the truck. He saw Grube moving inside and manipulating the steering wheel, and believed the truck was positioned to strike him again. Maxwell fired one to three rounds at the front windshield because he feared Grube would hit and kill him or someone else. The truck did not stop. Grube appeared unaffected and continued to move within the truck. Maxwell went to the truck’s left side and commanded Grube to stop and get out. Grube did not respond. Instead, Grube kept moving and manipulating items within the truck. Maxwell fired another volley of rounds at the truck. Again, Grube appeared unaffected and continued to move. Maxwell believed Grube’s actions were intentional, and that Grube would attempt to run him over again. Maxwell fired the remaining rounds of his magazine at the truck. As he stopped to reload his weapon, he noticed Grube was no longer moving. Other officers arrived and formulated a plan to bring Grube out of the truck.

Because Maxwell was injured and bleeding from his face and nose, he returned to ECPD. Thereafter, paramedics transported him to the hospital.

Statement of Officer Evan Drescher

Drescher was attending a luncheon at the department when he heard a traffic collision outside ECPD. When he heard LE1 request an ambulance over the radio, Drescher rushed to investigate. Drescher got to the scene, where he saw a truck on the dirt embankment next to the sidewalk. LE1 was behind the truck calling for cover. Maxwell was kneeling about five feet away from the front of the truck with his handgun pointed at the truck. Maxwell appeared disheveled. His uniform was torn and dirty and he looked as if he had fallen.

The driver inside the truck, later identified as Grube, was manipulating the gearshift. Suddenly, Grube reversed but then stopped the truck again. Drescher moved in to help Maxwell get up because he believed Grube posed a lethal threat to Maxwell. Drescher commanded Grube multiple times not to move and to stop the vehicle, but Grube did not respond. Immediately after that, Drescher heard screeching tires as the truck accelerated toward him and Maxwell. Drescher quickly moved away from the truck to avoid being hit. Maxwell fired his weapon at the truck.

When Drescher saw that Maxwell was still in the truck’s path of travel, Drescher drew his weapon and fired at the truck. Drescher believed that had he not fired his weapon, Maxwell would have been run over by Grube. Grube continued to accelerate toward the officers. Drescher fired his weapon again and ceased when the truck stopped.

Grube kept “manipulating the vehicle” and looking toward the officers. Drescher believed Grube was targeting them and would continue to try to run them over. Drescher fired his weapon once

more and Grube stopped moving. Other officers arrived and Grube was removed from the truck. Drescher holstered his weapon and stepped back from the scene.

Investigation

The shooting incident took place in the ECPD parking lot located at 100 Civic Center Way in the City of El Cajon. The scene was secured, photographed, and investigated by the San Diego Police Department's Homicide Unit. All police reports, crime scene investigators' reports, audio-recorded interviews, surveillance video, and body worn camera recordings were received and reviewed by the District Attorney's Office. These items were found to provide corroboration to the witnesses' and officers' statements as summarized above.

Maxwell utilized his department-issued 9mm Glock 17 Gen 5 semiautomatic handgun. The firearm was received and inspected by a crime scene specialist and homicide detectives. When it was received, it was loaded with one live 9mm round in the chamber, and one 17-round capacity 9mm magazine with 16 rounds loaded. One additional fully loaded magazine was received containing 17 rounds. Maxwell left an additional empty magazine at the scene, which was collected by the San Diego Police Department.

Drescher utilized his department issued 9mm Glock 17 Gen 5 semiautomatic handgun. The firearm was received and inspected by a crime scene specialist and homicide detectives. When it was received, it was loaded with one live 9mm round in the chamber, and one 17-round capacity 9mm magazine with two rounds loaded. Two additional fully loaded magazines were received, each containing 17 rounds.

Both firearms were evaluated and were determined to be operable. Based on the number of spent cartridge casings recovered at the scene, it was determined Maxwell fired a maximum of 18 rounds and Drescher fired a maximum of 15 rounds.

Body Worn Camera Evidence

At 12:41:28, Drescher's camera activates as he exits ECPD. He runs toward LE1 and Maxwell, who are on the dirt embankment and at the front driver side of Grube's truck. As Drescher approaches, one of the officers repeatedly yells, "Hands up!" Maxwell is kneeling on the ground and pointing his firearm at Grube, who is seated in the driver's seat. LE1 is behind Maxwell and retrieves handcuffs from Maxwell's duty belt pouch.

As Drescher moves behind Maxwell, Grube reverses the truck. Maxwell fires his weapon at the truck as it continues to reverse. Maxwell stands up and moves behind a landscape bollard. Drescher yells twice to Grube, "Don't move!" Maxwell fires his weapon again as Grube accelerates toward him. Grube nearly misses Maxwell and strikes and knocks over the landscape bollard that Maxwell was standing behind. Both Maxwell and Drescher fire their weapons at Grube. They command Grube to "stop moving." Maxwell reloads his handgun. At 12:41:49, Drescher fires one final round at Grube.

Numerous other ECPD officers arrive to assist. They remove Grube from the truck, handcuff Grube, and immediately begin to render medical aid. Drescher directs an assisting officer to put

the truck into park and to turn its engine off. As other officers render aid to Grube, Drescher moves away from the scene and returns to ECPD.

No other officer's body worn camera captured the shooting incident. LE1 and Maxwell were not wearing body worn cameras at the time of the incident since their primary duties on that date did not take them outside the ECPD headquarters or into the field.

El Cajon City Hall Video Surveillance

Video surveillance was retrieved from the El Cajon City Hall building adjacent to ECPD. The camera was located near the City Hall roof and overlooked a portion of the parking lot as well as ECPD's flagpoles and front entrance. There is no audio to the surveillance. The footage is consistent with the timing and events recorded by Drescher's body worn camera.

At 12:23 p.m., Grube arrives in the ECPD parking lot in a black Toyota Tundra. Grube briefly stops in the traffic lane of the parking lot before parking in a stall in the northeast corner of the lot. Approximately six minutes later, Grube exits the driver's side and walks around to the passenger side. Grube opens the passenger door, gets in, and shuts the door. Less than two minutes later, Grube exits and opens the truck's rear door. Grube appears to fall to the ground, gets back up, reenters the front passenger side, and shuts the door.

At 12:39 p.m., LE1 walks toward the parking lot sidewalk and passes the truck. Grube, who is now in the driver's seat, backs halfway out of the parking stall. Maxwell also walks toward the parking lot. Maxwell and LE1 meet on the sidewalk near the stairwell entrance. Grube continues to back out of the stall and positions the truck to face Maxwell and LE1. Immediately, Grube accelerates toward Maxwell and LE1. Maxwell attempts to run away from the truck by running toward the sidewalk. The truck strikes Maxwell from behind. After hitting Maxwell, the truck crashes and comes to a stop. Maxwell is on the ground near the driver's side of the truck. Drescher arrives and LE1 moves next to Maxwell. Grube reverses the truck and accelerates again at Maxwell, who gets up and out of the way. Grube crashes onto the dirt embankment. Other officers exit ECPD and rush to the scene. They remove Grube from the truck and render first aid. Later, Maxwell is seen transported by ambulance from the scene.

Autopsy

On December 12, 2024, Deputy Medical Examiner Jason Tovar, M.D., performed an autopsy on Grube at the San Diego County Medical Examiner's Office. He was assisted by Forensic Autopsy Specialist Jessica Van Sickle. Dr. Tovar noted multiple gunshot wounds on Grube's body, including on the head, face, neck, torso, back and arms. Seven bullets and one bullet fragment were recovered from Grube's body. There were also scattered abrasions and contusions throughout Grube's body. Dr. Tovar determined the cause of death to be multiple gunshot wounds and the manner of death was classified as homicide.

A post-mortem toxicological analysis of Grube's blood was conducted. The results were negative for ethanol and 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. 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).

As defined by statute, "deadly force" means "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).

"A threat of death or serious bodily injury is 'imminent' when, 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).

"'Totality of the circumstances' means 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).

"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(a)(2).

"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." Penal Code section 835a(a)(4).

"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

LE1 and Maxwell were faced with an imminent threat of serious bodily injury or death when Grube suddenly accelerated and drove a Toyota Tundra truck directly at them. LE1 and Maxwell were engaged in a conversation with one another and had not engaged Grube when the truck


unexpectedly barreled toward them. Despite the officers' attempts to escape harm, Officer Maxwell was struck by the truck and thrown into a nearby embankment.

Officer Drescher responded to LE1's call for help and found Maxwell injured and kneeling on the ground just feet in front of Grube's truck. LE1 and Maxwell shouted multiple commands at Grube to stop and get out, but Grube did not respond or comply. Instead, Grube reversed the truck and then drove forward at Maxwell. The truck narrowly missed hitting him a second time. It forcefully collided with a landscape bollard, knocking it over. The officers continued to command Grube to exit the truck, but Grube still did not comply, and instead continued to move about and manipulate items within the truck.

Maxwell and Drescher reasonably believed their lives and the lives of others were in imminent danger. Grube's rapid and unpredictable use of the truck as a lethal instrument did not allow the officers sufficient time or distance to utilize less-than-lethal force options. They fired their weapons at Grube to stop the imminent threat that Grube posed and to prevent Grube from causing death or serious bodily injury to themselves and others.

A reasonable officer in the same situation would also reasonably conclude, based on the totality of the circumstances, that the application of deadly force was necessary to address the imminent threat. Therefore, Officers Maxwell and Drescher 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 Keith MacArthur, El Cajon Police Department
Captain Juan Sancehz, San Diego Police Department