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## DA Releases Reviews of Seven Officer-Involved Shooting Incidents

The San Diego County District Attorney has completed reviews of seven officer-involved shooting incidents. The incidents involve ghost guns, murders, two standoffs, multiple shots fired at officers and the killing of a police dog. In five of the incidents, the suspects had illegal drugs in their systems.

### *Son Murders Mother Leading to SWAT Stand Off*

On the evening of August 29, 2023, the San Diego Police Department received several calls from people reporting the sound of gunshots near 500 Iona Drive. An officer responded and found a woman and her dog lying motionless in the driveway of a house. Both had been shot. As the officer approached the woman to render aid, he came under gunfire from within the house. The officer retreated behind his patrol car and returned fire toward the house. The officer radioed for assistance and numerous officers responded. The responding officers performed a tactical rescue of the wounded female and, while doing so, came under additional gunfire from the suspect, later identified as 43-year-old Jesse Nelson, who was inside the home. The officers evacuated the woman to a safe location for treatment, but she died from her injuries. She was later identified as Nelson's mother. SWAT personnel responded to the location and set up a perimeter around the house while evacuating nearby residents. As SWAT attempted to establish contact with Nelson, he continued to indiscriminately fire his weapon from the home, endangering civilians and officers. The Commander of the SWAT unit told officers that if Nelson was seen armed with a firearm and not actively surrendering, he should be shot. A SWAT sniper positioned himself on the roof of an adjacent home. During this time, Nelson set a fire in the converted garage. As the fire grew, it engulfed the home and Nelson emerged from the rear of the garage into the SWAT sniper's view. Nelson was armed with a long rifle and was quickly making his way to a side yard, and toward the front of the house where officers were positioned. The SWAT officer fired two rounds, one of which struck Nelson in the back, fatally wounding him. Toxicological testing of Nelson's blood revealed the presence of a cocaine metabolite, methamphetamine, amphetamine, and alcohol. The District Attorney's review determined that the officer's actions were reasonable in light of the totality of the circumstances. When the officer shot Nelson, Nelson posed an imminent threat of death or serious bodily injury that, from all appearances, had to be instantly confronted and addressed. For these reasons, neither of the officers who fired their weapons bear state criminal liability as a result of their actions.

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## ***Man Shoots and Kills Woman, Leads Officers on High-Speed Chase***

On the evening of June 22, 2023, the Oceanside Police Department received several calls from people reporting the sound of gunshots coming from a nearby apartment. One of the callers reported that a minor came to her apartment and said his mother had been shot. The woman gave her phone to the minor so he could speak to the dispatcher and the minor told the dispatcher his mother's boyfriend, 28-year-old Dorian Larkin, shot his mother. Officers arrived at the apartment and found 34-year-old Kimberly Foster had been shot several times. Paramedics arrived and attempted life saving measures, but Foster died from her injuries. As the investigation progressed, information was broadcast to neighboring law enforcement agencies identifying Larkin as a suspect in the shooting. A description of him and the vehicle he was known to drive were also provided. Approximately two hours later in Temecula, a Riverside County Sheriff's Deputy attempted a traffic stop for an infraction on the vehicle Larkin was driving. Larkin failed to pull over and the deputy began to pursue him. The deputy did not immediately realize Larkin was wanted for the homicide but was notified of the fact by the dispatcher during the pursuit. At times during the pursuit, the vehicles exceeded 100 miles per hour. The pursuit continued to the city of Oceanside where an Oceanside police officer joined in his marked police vehicle. Larkin drove into a shopping center parking lot at 500 Vandegrift Boulevard as the two law enforcement officers followed. Larkin stopped his car, got out, and fired six shots from a handgun at officers. One of the rounds struck the deputy's vehicle and another round struck the OPD officer's vehicle. Both returned fire and Larkin ran north through the parking lot out of sight toward Sol Drive. Other officers were in the area and began looking for Larkin. Larkin was located lying on the ground deceased at the intersection of Gold Drive and Sol Drive. He was holding a handgun in his right hand and had a gunshot wound to his head. The Medical Examiner conducted an autopsy and determined the manner of death was suicide. The District Attorney's review found that the officers both reasonably believed that Larkin had the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to them or others in the area. Because of Larkin's decision to rapidly fire at the officers, neither officer had the time or opportunity to use other resources and techniques. Based on the totality of the circumstances, it was reasonable for the officers to conclude that the imminent harm Larkin presented had to be instantly confronted and addressed. Therefore, they bear no state criminal liability for their actions.

## ***Burglary Suspect Shoots at Officers***

On August 11, 2023, at approximately 3:15 a.m., a San Diego police officer and his field training officer were dispatched to an apartment complex on Lebon Drive in the University Town Center area of San Diego. A security guard at the complex called 911 to report two people trying to burglarize vehicles in the apartment complex parking garage. Officers arrived on scene and observed two men in a vehicle matching the description given to dispatchers by the security guard. The vehicle's tires screeched as it drove around inside the parking garage before coming to a sudden stop. Justin Teague, 39, and a passenger exited the vehicle and fled on foot. Officers chased Teague through the parking structure. Officers identified themselves as police and gave Teague several commands to stop. As Teague was running along the apartment complex pathway, he turned around and fired his semi-automatic handgun four times at the officers. One officer responded by firing his handgun at Teague, striking him four times. Teague fell to the ground and was taken into custody. Teague was transported to Scripps Memorial Hospital. Teague was arrested was charged with ten felony crimes including three counts of attempted murder of a peace officer, three counts of assault with a semi-automatic weapon on a peace

officer, and one count of possession of a stolen vehicle, among other offenses. A toxicology analysis found the following drugs in Teague's system: methamphetamine, amphetamine, and fentanyl. Teague pleaded guilty and was sentenced in July to 20 years plus 14 years-to-life in state prison. The District Attorney's review determined that Teague initiated sudden and lethal force against the officers when he fired multiple rounds at them while fleeing from them. The officers had given Teague multiple commands, which Teague ignored. When Teague fired at the officer, the officer reasonably feared for his life. The officer's decision to respond with deadly force was reasonable given the imminent threat of death or serious bodily injury posed by Teague. As a result, the officer bears no state criminal liability for his actions.

### ***Men Who Shot at Motorist Together are Involved in Separate OIS Incidents***

On August 2, 2023, Xavier LaCosta, 31, was a passenger in a vehicle driven by Benjamin Pickens, 33, when LaCosta and Pickens each fired gunshots at a motorist. At about 1:30 a.m., the San Diego Police Department received a 911 call from the motorist reporting numerous shots being fired at his vehicle by occupants of another vehicle. The vehicle with the suspects fled the scene and officers located it a short time later parked in a nearby apartment complex. Officers contacted Pickens. Officers observed a firearm inside the vehicle and attempted to detain Pickens. Pickens fled in the vehicle and crashed a short distance away. Pickens fled the scene of the crash on foot and was quickly located by officers as he was walking near a college campus. Officers observed Pickens in possession of a firearm and became involved in a standoff with him. For approximately 20 minutes, officers attempted to deescalate the situation by giving Pickens continuous verbal commands to drop the firearm and tum himself in. Pickens refused to comply and continuously manipulated the firearm in his hand. Officers decided to use less than lethal force and a police canine to take Pickens into custody if he approached them or attempted to walk away with the firearm. Pickens was still holding the firearm when he began walking away from officers in a direction where the officers would not be able to clearly observe him, and Pickens would have access to the campus. An attempt by the officers to neutralize Pickens with bean bag rounds was unsuccessful. A police canine was then deployed. As the dog approached Pickens, he turned and pointed the firearm in the direction of officers and the canine. An SDPD officer fired his gun at Pickens, striking him, and Pickens fell to the ground. As Pickens fell to the ground, he fired his weapon, striking the dog which later died. Pickens' firearm was later determined to be a ghost gun. Officers provided medical aid to Pickens on scene. He was transported to the hospital where he was pronounced dead. Toxicological testing of Pickens' blood revealed the presence of methamphetamine, alcohol, cocaine metabolites, and cocaine. The District Attorney's review determined that as the police dog was deployed, Pickens turned toward officers, pointing the firearm in their direction. The officer feared for his life and the lives of other officers when he fired his weapon at Pickens, striking him. Based on the totality of the circumstances, the officer reasonably believed that deadly force was necessary to defend against the imminent threat of death or serious bodily injury posed by Pickens. As a result, the officer bears no state criminal liability for his actions.

LaCosta remained outstanding for more than a week. During that time, San Diego Police detectives identified LaCosta and tracked him to a third-story apartment at 6150 El Cajon Boulevard. On August 15, 2023, detectives working with SDPD's Special Investigations and Special Operations Units planned to serve a search warrant and arrest LaCosta. Officers placed calls to both LaCosta and the resident of the apartment to persuade LaCosta to leave the residence. Neither LaCosta nor the other resident answered the calls. SDPD Special Operations Unit officers entered the apartment building and walked up the stairs to the third floor. A single-

file line of officers, including an officer with a police dog, an officer with a bean bag gun, and an officer with door breaching tools approached the apartment. An officer loudly called out to LaCosta by name, announced that police had a warrant, and ordered LaCosta to exit with nothing in his hands. After a moment, La Costa opened the door and stepped into the doorway, holding a handgun that was later identified as a ghost gun. The officer ordered LaCosta to put the gun on the ground and told him he would shoot him if he did not comply. LaCosta initially complied and placed the gun on the ground in front of his feet. He then placed his hands behind his head and folded them together. The officer ordered LaCosta to put his hands "all the way up." The canine officer ordered LaCosta to comply, or the police service dog would bite him. LaCosta then made a rapid squatting movement toward the floor while reaching toward the gun. As soon as LaCosta's right hand touched the gun, an officer fired seven rounds, fatally wounding LaCosta. Toxicological testing of LaCosta's blood revealed the presence of amphetamine, methamphetamine, buprenorphine and norbuprenorphine. Based on the District Attorney's review of the facts and circumstances in this matter, the officer reasonably believed LaCosta had the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury when LaCosta lunged for the gun on the floor in front of him. Further, the officer reasonably believed that the use of deadly force in that moment was necessary to defend against the imminent threat of death or serious bodily injury posed by LaCosta. As such, the officer bears no state criminal liability for his actions.

**All of the DA's detailed review letters for the above incidents, an OIS incident involving Gene Domine and the non-fatal shooting of a minor can be found on the District Attorney's [public website here](#). The minor's name is not being released in accordance with state law regarding juvenile cases.**

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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.*

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