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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

December 22, 2025

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

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

Re: In-custody death of Mr. Gabriel Garza detained by San Diego Police Department Officers Jacob Phipps and Noah McLemore on January 25, 2025; San Diego Sheriff's Office Incident No. 25103059; San Diego Police Department Case No. 25003589; DA Special Operations Case 25-013CD; Deputy District Attorney assigned: Mei Owen

Dear Chief Wahl and Sheriff Martinez:

We have reviewed the reports and other materials compiled by the San Diego Police Department and San Diego Sheriff's Office concerning the detention and arrest of Mr. Gabriel Garza on January 25, 2025. The San Diego Sheriff's Homicide Unit conducted the investigation and the District Attorney's Office was briefed on the incident. This case was submitted to the San Diego District Attorney's Office for review on April 15, 2025. We received the Medical Examiner's Report and Toxicology Report on June 25, 2025.

Summary

On the evening of January 25, 2025, Gabriel Garza met with his friend at Star Bar, located in the Gaslamp Quarter of San Diego. While there, Garza and his friend had several alcoholic beverages and talked. Garza was calm and his behavior was normal. However, after several hours, Garza started to display erratic conduct, smashing food with his hands and grabbing his friend. The two became involved in a physical altercation and fell to the ground. When a security guard intervened, Garza grabbed him and ripped off his jewelry. Garza was eventually escorted out of the bar. His friend followed out to the sidewalk.

Once outside, Garza's erratic behavior continued and he bit the security guard. The security guard and Garza's friend held him down on the ground. A civilian passing by stopped to help restrain Garza. Garza remained restrained by the three men for approximately 26 minutes before law enforcement arrived. When Officer Phipps arrived, Garza was speaking incoherently and displaying erratic behavior. The security guard and civilian assisted Phipps in repositioning Garza onto his stomach while medical personnel stood by. Once Garza was handcuffed, medics

approached. Around this time, Officer McLemore arrived on scene. Because Garza's legs were actively moving about, McLemore used his hands to control them. Shortly thereafter, Garza's erratic behavior stopped.

Phipps checked Garza for a pulse and asked Garza for his name. Medics began evaluating him. Two minutes later, Phipps uncuffed Garza and medics placed him onto a gurney and initiated chest compressions. Garza was transported by ambulance to Scripps Mercy Hospital. Medics performed cardiopulmonary resuscitation (CPR) during transport. Upon arrival at the hospital, Garza was in cardiac arrest and had no pulse. Hospital staff took over resuscitation efforts. However, despite their attempts, Garza was pronounced deceased.

Garza's clothing was collected as evidence and a container with a white crystalline substance was removed from his shorts. The substance was later analyzed and results indicated that it was positive for cocaine and had an approximate weight of .047 grams.

An autopsy was performed and the Medical Examiner classified the cause of death as cardiopulmonary arrest due to atherosclerotic and hypertensive cardiovascular disease with ethanol and cocaine intoxication during physical restraint. The manner of death was classified as homicide. Toxicological testing of Garza's blood indicated the presence of alcohol (ethanol) in the peripheral blood of 0.077%, alcohol (ethanol) in the vitreous blood of 0.093%, and showed a presumptive positive reading for cocaine metabolites with benzoylecggonine at 0.89 mg/L, cocaethylene at 0.11 mg/L, and cocaine at 0.85 mg/L.

Persons Involved

Gabriel Garza was a 40-year-old resident of San Diego. At the time of this incident, Phipps and McLemore both had been employed with the San Diego Police for approximately four years.

Statement of Civilian Witness One (CW1)

On January 25, 2025, Garza met his friend CW1 at Star Bar, where they had drinks. CW1 believed it was Garza's first time at the bar. While there, Garza consumed two beers. They talked and planned to play a game of pool. Their conversation was normal and nothing was unusual.

Garza gave CW1 some drugs, which CW1 used by snorting. CW1 did not see Garza do drugs and did not know whether Garza used any cocaine on that date. In the past, Garza had given CW1 cocaine.

CW1 decided to leave for another bar to get food. He invited Garza to come but Garza declined. CW1 went to the other bar, where he ate and drank three alcoholic drinks.

Approximately an hour later, Garza texted CW1. CW1 returned to Star Bar and brought food for Garza. CW1 noticed Garza was acting funny and displaying odd behavior. Garza grabbed and squeezed the food CW1 brought him. Garza then turned his attention to CW1 and grabbed and squeezed CW1. CW1 held Garza's wrists and asked, "What's going on? What's wrong with you?" Garza started grabbing at CW1's pockets. CW1 told Garza to stop and attempted to push Garza away. They got into a scuffle, and both ended up on the ground. CW2 intervened and

dragged Garza outside. CW1 followed. Once outside, Garza was grunting and speaking incoherently. Garza repeatedly grabbed CW1 and CW2. CW1 restrained one of Garza's arms while CW2 restrained the other. They maintained control of Garza until police arrived. The officer arrived and put Garza on his stomach and handcuffed him. Both the officer and CW2 continued to restrain Garza because Garza was still trying to get up. Before CW1 left, he saw Garza moving and believed he was still alive. CW1 then went to another bar and continued drinking.

Statement of Civilian Witness Two (CW2)

At approximately 7:55 p.m., CW2 arrived for his shift as security at Star Bar. He immediately noticed CW1 and Garza holding onto each other at the end of the bar. As CW2 approached, he saw CW1 trying to help Garza leave the bar. Garza and CW1 then fell to the ground. CW2 tried to help Garza, but Garza grabbed and ripped CW2's jewelry off. CW2 tried to speak to Garza, but Garza was verbally unresponsive. When CW2 attempted to lift Garza from the ground, Garza dropped his body weight and fell back down. Eventually, CW2 and an unknown patron grabbed Garza's legs and dragged him out of the bar.

Once outside, Garza continued to ramble and tried to get up. CW1 restrained Garza's left side, and CW2 held Garza's right elbow with his forearm and put his knee on Garza's lower abdomen. Garza then bit CW2's right arm and left index finger, causing CW2 to bleed. When Garza tried to spit at CW2, CW2 covered Garza's mouth with a sweatshirt. A man, CW3, approached and said Garza's legs needed to be restrained because Garza was fluttering and kicking around. CW3 assisted by sitting on Garza's legs. Garza continued displaying erratic conduct and speaking incoherently. Based on CW2's experience with intoxicated individuals, he believed Garza was under the influence of narcotics.

Soon after, an officer arrived. CW2 helped the officer roll Garza over, which took a decent amount of effort. The officer then handcuffed Garza. CW2 returned to Star Bar and tended to the bite injury. CW2 did not see anyone punch or strike Garza during the incident.

Statement of Civilian Witness Three (CW3)

CW3, a former Star Bar employee, was walking home from work when he observed CW1 and CW2 restraining Garza outside the bar. Garza was a large individual and it appeared CW1 and CW2 were struggling to hold him down. CW3 stepped in to help. He assisted by holding down one of Garza's legs for what he estimated to be approximately 45 minutes until police arrived.

CW3 believed Garza may have been under the influence of PCP because he was speaking but was not making any sense. After the police arrived, CW3 continued to assist until officers placed Garza in handcuffs. CW3 then left the scene.

Statement of Civilian Witness Four (CW4)

CW4 is a bartender at Star Bar. During her shift, she saw CW1 enter alone. Garza then joined CW1 at the bar. At some point, CW1 left, and Garza was by himself. CW4 made small talk with Garza. Garza's speech and behavior appeared normal. About an hour later, CW1 returned. CW4 then noticed CW1 and Garza wrestling each other. She told them to take the matter outside.

Garza grabbed CW1 by the collar. CW1 responded, "Dude, what are you doing? You are not like this. What is going on?" CW4 looked closely and noticed Garza had a vacant stare and was chewing on his tongue. Garza exhibited erratic movements, flailed his arms as if attempting to grasp nearby objects, and rambled incoherently. CW4 called 911.

CW2 entered the bar and approached Garza and CW1. CW2 attempted to lift Garza, but Garza dropped his body weight to the floor. CW4 informed the 911 dispatcher that Garza was becoming combative. CW2 then dragged Garza out the bar. Garza continued to ramble incoherently. CW3 then arrived and helped CW2 by sitting on Garza's legs. CW4 went back into the bar.

CW4 said she had served Garza a few beers and did not believe he was intoxicated. She did not see anyone strike Garza during the incident.

Statement of San Diego Police Officer Jacob Phipps

Phipps was on patrol in the Gaslamp area when he received a radio call reporting a subject fighting with security. According to the report, the subject was currently pinned to the ground by a security guard. Phipps had immediate safety concerns that a member of the public could become injured while the subject was restrained. His initial plan was to respond, assess, and de-escalate the situation.

Upon arrival, Phipps observed Garza being restrained by someone on the ground. Garza was sweating profusely and making nonsensical statements. Based on Phipps' prior encounters with individuals under the influence of narcotics, he believed Garza displayed symptoms consistent with someone who was under the influence of a controlled substance. He believed there was probable cause to arrest Garza.

Garza continued to struggle on the ground. Phipps instructed Garza to roll onto his stomach, but Garza refused and said, "No." Garza then began to flail his arms, and Phipps believed Garza was trying to stand up. Phipps took Garza's left arm, guided it across Garza's body, and rolled him onto his stomach to position Garza's hands behind his back. Phipps then handcuffed Garza to gain control and minimize Garza's risk of injuring himself or others. Phipps believed this use of force was necessary to gain control and secure Garza's hands. Phipps also had personal safety concerns and knew that Garza had bitten the security guard before his arrival. Phipps feared that if Garza's hands remained free, Garza could become assaultive to Phipps or others. Phipps aimed to use the lowest level of force necessary to take Garza into custody and gain compliance. He chose not to use any additional force options as he felt they were unnecessary under the circumstances.

Phipps believed that if force had not been used, Garza could have harmed bystanders or others in the crowd. Once Garza was in handcuffs, no further force was used. Phipps then cleared the scene for medics to enter. Upon their arrival, medics administered medical aid to Garza. Phipps did not believe he had had any prior encounters with Garza.

Statement of San Diego Police Officer Noah McLemore

McLemore was on duty and assigned to patrol the Gaslamp area. He heard Phipps request over the radio an urgent “code cover.” McLemore recalled Phipps had been dispatched to respond to a report of a male acting violently. McLemore immediately responded to the scene with emergency lights and sirens activated to arrive as quickly as possible. McLemore was concerned for the safety of those involved and promptly proceeded to the scene to aid in de-escalation efforts.

Upon arrival, McLemore saw Phipps in a squatted position next to Garza, who was handcuffed and on the ground. CW2 was assisting Phipps, while CW3 appeared to be struggling with controlling Garza’s legs. McLemore took over restraining Garza’s legs to prevent injury to another officer or to a bystander. Garza tried to kick against McLemore. McLemore used his body weight to restrain Garza’s legs until medics arrived. Although restrained, Garza was actively rolling on the ground and kicking his legs. Garza was also making incoherent statements. McLemore learned that Garza had bitten CW2 prior to his arrival. McLemore heard Garza say, “Yeah, I bit him.”

McLemore did not consider other force options, as he believed only Garza’s legs needed to be controlled. Phipps had control of Garza’s upper body, while McLemore managed the lower body. Once medics were on scene, Garza was rolled onto his side. Medics then began an assessment. At that point, Garza appeared to have calmed down and stopped kicking. McLemore then left the scene.

McLemore believed the level of force used was appropriate and effective. He felt that without intervention, Garza could have injured a bystander or officer with his kicking. McLemore also had personal safety concerns for himself and others because Garza had already bitten CW2.

Investigation

The police had contact with Garza on the sidewalk directly in front of Star Bar, located at 423 “E” Street in the Gaslamp Quarter. The scene was secured, photographed, and investigated by the San Diego Sheriff’s Office. All materials, including police reports, detective reports, crime scene investigator reports, audio-recorded witness interviews, body worn camera footage, surveillance footage, and cellphone video recordings were submitted to and reviewed by the District Attorney’s Office. These items were found to corroborate the witnesses’ and officers’ statements summarized above.

Star Bar Video Surveillance

Video footage was recorded by the interior and exterior cameras at Star Bar. The recording shows Garza arrive at Star Bar shortly after 4:30 p.m. He joins CW1 at the bar counter, where they converse. CW1 orders a clear alcoholic drink and Garza orders a beer from the bartender. At 5:00 p.m., both order another drink. They walk out of camera view for about twenty minutes before returning to the bar counter, where they continue conversing. At 5:20 p.m., both men order another drink. Garza is seen ordering two more drinks over the next hour. At 5:40 p.m., CW1 exits Star Bar.

At 6:45 p.m., CW1 returns carrying a plastic bag, which he gives to Garza. CW1 sits down and orders a drink. Garza orders another beer. At 7:41 p.m., Garza opens the plastic bag that CW1 had given him. Garza picks out the food and appears to manipulate it between his palms. Garza then puts down the food and stands up. CW1 places his hand behind Garza's back and rubs it. Garza appears to reach for CW1's cellphone. Shortly after, Garza begins to randomly move barstools and grasp at CW1's jeans.

At 7:45 p.m., Garza and CW1 engage in a physical altercation inside Star Bar. CW1 repeatedly calls Garza's name and asks several times, "What's wrong with you?" Garza separates from CW1 but continues to randomly move barstools. CW1 follows Garza to the rear of the bar and tells Garza multiple times to go outside. CW4 walks toward the men and tells them to go outside. Garza reaches for his water bottle from the bar counter and appears to wrap a metal chain around it. He then grabs CW1 and their physical struggle continues.

At 7:48 p.m., CW2 approaches Garza and CW1 from the front of the bar. As he reaches them, Garza and CW1 fall to the ground. CW1 immediately gets up into a kneeling position. CW1 and CW2 try to lift Garza off the ground but are unsuccessful. CW2 struggles with Garza, who appears to grab and pull CW2's pocket chain from CW2's pants. CW2 takes hold of Garza's legs while Garza is on the ground. CW2 holds onto Garza's legs and drags him toward the entrance. Suddenly, Garza flips onto his stomach and frees himself from CW2's hold. As CW2 attempts to regain control, an unidentified male picks up one of Garza's legs and, along with CW2, drags Garza out the front door. CW1 follows them out.

At 7:50 p.m., CW2 and the unidentified male are seen dragging Garza out the front of the bar. Once outside, they let go of Garza. Garza immediately gets into a kneeling position and begins grabbing at CW2. CW1 is heard telling Garza to go home. CW1 then moves behind Garza, places his arm around Garza's neck, and pulls Garza away from CW2. CW1 and Garza fall to the sidewalk. CW1 repositions himself on Garza's left side, places his upper body on top of Garza, and holds onto Garza's left arm. CW2 is on Garza's right side and holds onto Garza's right arm. Garza is on his back and continues to kick his legs.

CW2 places his right knee on Garza's right pelvis area, then moves his right leg to hook onto Garza's leg. Garza continues to kick. CW1 is now lying on the ground to Garza's left while holding Garza's hands above his head. CW2 maintains his grip on Garza's arm.

At 8:03 p.m., CW3 walks by and begins to assist CW1 and CW2. CW3 kneels over Garza and places his right shin across the top of Garza's thighs while CW1 and CW2 maintain their position over Garza. CW3 then shifts and sits on Garza's legs. The three men maintain their hold on Garza until law enforcement arrives. Garza continues to move during this time.

At 8:17 p.m., Phipps arrives. CW1 releases his hold on Garza. Garza continues to move while making unintelligible statements. Phipps, CW2, and CW3 roll Garza into a prone position. Garza continues kicking while making unintelligible statements. CW3 stays seated on Garza's legs. Phipps then handcuffs Garza. About a minute later, McLemore arrives. CW3 releases his hold and McLemore takes control of Garza's legs. Garza continues to make incoherent statements.

After Garza is handcuffed, Phipps' right knee is positioned across Garza's shoulder blade while his left knee and right foot are on the ground beside Garza. Phipps maintains this position for about four minutes, during which he is communicating with witnesses and officers. He checks Garza's pulse and asks his name. Phipps then changes position and places his right knee on the ground and his left knee across Garza's right upper tricep area. Phipps maintains this position for about one minute and 23 seconds.

At 8:24 p.m., medics arrive and assess Garza. Garza is rolled to his side and uncuffed. Two minutes later, Garza is transported on a gurney into the ambulance.

Phipps' Body Worn Camera Evidence

Phipps arrives at Star Bar. He walks to the sidewalk in front of the bar where Garza is on his back and being held down by CW1, CW2, and CW3. Garza is making unintelligible statements. Phipps moves toward Garza's head. CW1's hand is on Garza's neck. Phipps motions to CW1 and tells him to watch his hand. Phipps announces to Garza that he is going to take Garza's arm and roll him over. Phipps directs CW1 to stand and instructs CW2 to continue holding Garza's other arm. Garza makes an unintelligible statement. Phipps introduces himself to Garza and states that he is with the San Diego Police Department.

Phipps begins to roll Garza onto his stomach. Garza says, "It's all good. Where is my chain first of all?" Phipps holds Garza's left arm, and Garza moves. Phipps repeats to Garza that he is going to roll Garza onto his stomach. Garza tells Phipps that Phipps is not going to "roll him anywhere." Phipps rolls Garza onto his stomach. Garza does not comply as Phipps attempts to place Garza's left hand behind his back. Phipps broadcasts over the radio that he is struggling with Garza and requests an expedited priority response from the next responding police unit. Phipps repeatedly tells Garza to put his hand behind his back. Garza does not comply and moves his arms away from Phipps. With CW2 and CW3's assistance, Phipps gets Garza's left hand behind his back. Phipps reaches for Garza's right wrist. Garza does not comply and moves his right arm back and forth. Phipps instructs Garza to place his hand behind his back. Eventually, Phipps handcuffs Garza's right wrist. CW2 assists in securing Garza's left wrist in the handcuff.

Phipps asks Garza his name. CW2 responds that Garza's name is Gabriel. Garza asks how he knows Garza's name. McLemore arrives and takes control of Garza's legs from CW3. When Garza begins to move his legs, McLemore places Garza's right ankle in the crook of Garza's left knee, then bends Garza's left leg forward below the knee to apply a leg lock. Phipps learns that Garza bit CW2. Garza verbally acknowledges and says, "Yeah, I bit him, so what?"

Phipps tells Garza to stop. Garza makes an unintelligible statement while continuing to move his torso from side to side. Additional officers arrive and Phipps informs them that medics have been called. Phipps states he believes Garza may be under the influence and suffering from hyperactive delirium. Phipps asks police dispatch for the medics estimated time of arrival. Garza makes an unintelligible statement. Phipps gives on-scene officers instructions to make room for the arriving medics. Phipps checks Garza's pulse and asks Garza his name. Garza does not respond. Medics arrive and check for a pulse. A medic instructs Phipps to roll Garza onto his

side. Medics assess Garza and direct Phipps to remove his handcuffs. Garza is placed on a gurney and medics initiate CPR. Garza is placed into an ambulance for transport to the hospital.

McLemore's Body Worn Camera Evidence

At 8:19 p.m., McLemore arrives at Star Bar. He walks to the front, where Garza is handcuffed and in a prone position on the ground. CW3 is sitting on Garza's legs while Phipps is kneeling next to Garza with his left knee and right foot on the ground. Phipps' right knee is across Garza's shoulder blade. CW2 is on Garza's left side, holding down Garza's left arm.

Garza begins to move. McLemore takes control of his legs and places them in a leg lock. Phipps checks Garza's wrists for a pulse, then adjusts his position and places his right knee on the ground and his left knee across Garza's right upper tricep area. Medics arrive and Garza is rolled onto his side. McLemore releases Garza's legs, stands up, and has no further contact with Garza.

Cell Phone Video

Two uninvolved civilians were parked in front of Star Bar and recorded portions of the incident with their cellphones from within their vehicle. They later provided law enforcement with seven separate video clips. A review of the videos showed consistent events as captured by Star Bar surveillance cameras and officer body worn camera footage.

Injuries

As a result of the incident, CW2 sustained an approximate one-inch diameter bite mark on his right inner wrist and an approximate one-inch laceration to his left index finger. Phipps sustained a small abrasion to his left wrist.

Autopsy Report

On January 27, 2025, an autopsy was performed on Garza at the San Diego County Medical Examiner's Office by Deputy Medical Examiner Dr. J. Tovar and assisted by Forensic Autopsy Specialist F. Worlds.

Garza's clothing was collected as evidence at the autopsy. A clear black container containing a white crystalline substance was located in the right center pocket of his shorts. The substance was sent to a laboratory for testing. The result was positive for cocaine and the substance weighed approximately .047 grams.

Dr. Tovar noted Garza showed multiple bruises throughout his body. There were several scrapes on his forehead, eyebrow area, nose, and chin, along with some bleeding under the skin of the scalp and temple area. There were no broken bones or damage to the brain or skull. There were small areas of bruising in the muscles and soft tissue areas of the neck, but no broken bones. There was mild eye congestion, but no petechial hemorrhaging.

There were several bruises and small broken blood vessels on Garza's back. A bruise was found on the left side of the abdomen, and there was bleeding under the skin near the right shoulder. There was a four-inch bruise on the inner side of Garza's right arm and several scrapes and

bruises around the elbow, forearm, wrist, and hand. The back of the right hand and the knuckles had multiple scrapes. Similar scrapes were also found on the left hand and knuckles.

There were several scrapes and bruises ranging from one to four inches on Garza's right thigh, knee, and calf. There was also bleeding in the soft tissue behind the right leg. There were two scrapes on the right foot and a bruise near the big toe. There were scrapes and bruises ranging from a quarter of an inch to four and a half inches on Garza's left leg from the knee to the ankle.

The examination of Garza's heart revealed that it was enlarged and that the coronary artery showed up to 80% stenosis. Additionally, Garza's myocardium showed hypertrophic changes with focal interstitial fibrosis.

According to Dr. Tovar, Garza "had significant cardiovascular disease which could lead to sudden death at any time. He was also using cocaine and drinking ethanol, a combination that can lead to sudden death alone in combination with his underlying heart disease. [Garza] was physically restrained in a prone position prior to going unresponsive. This is not necessarily lethal by itself. However, physical restraint does have effects on the body including physiologic stress due to not being able to move and fighting the restraint. Restraint in the prone position is not ideal for extended periods of time as breathing becomes difficult. [Garza] was obese and had a large pannus, which would have contributed to increased difficulty of breathing in the prone position. The physiological stress of being restrained can cause changes in blood pressure, heart rate, respiration, and physical exhaustion. In a susceptible individual, such as [Garza], due to his heart disease compounded by acute cocaine and alcohol intoxication, the stress of physical restraint would be additive to development of a fatal cardiac event and respiratory compromise. It is not possible to isolate out his heart disease, ethanol and drug intoxication and the physical restraint as a sole cause of death and it is my opinion that they were all playing a role leading to the terminal event."

Dr. Tovar determined the cause of death as cardiopulmonary arrest due to atherosclerotic and hypertensive cardiovascular disease with ethanol and cocaine intoxication during physical restraint. The manner of death was classified as homicide.

Toxicology

Toxicological testing of Garza's blood indicated the presence of alcohol (ethanol) in the peripheral blood of 0.077%, alcohol (ethanol) in the vitreous blood of 0.093%, and showed a presumptive positive reading for cocaine metabolites with benzoylecgonine at 0.89 mg/L, cocaethylene at 0.11 mg/L, and cocaine at 0.85 mg/L.

Legal Standards of Criminal Liability

In analyzing the potential criminal liability of the law enforcement officers involved in the detention of Garza, there must first be a determination of causation. For charges of either murder or manslaughter, there must be an act or acts that result in the death of another. In this situation, the Medical Examiner determined the cause of Garza's death was cardiopulmonary arrest due to atherosclerotic and hypertensive cardiovascular disease with ethanol and cocaine intoxication during physical restraint.

Under the circumstances, the involved officers had an obligation to detain Garza. Garza was reported to have been acting violently and fighting with security. When officers arrived, Garza appeared to be under the influence of a narcotic. The officers also learned that Garza had bitten someone. Although Garza had been physically restrained by three civilian individuals for a total of 26 minutes prior to the officers' arrival, Garza continued to be physically combative, making incoherent statements, and trying to get up.

The officers tried to de-escalate the situation by calmly speaking to Garza. When Garza continued to roll around and kick, officers were within their right to use reasonable force to restrain him. Further, this reasonable application of force was to prevent Garza from injuring himself, bystanders, or other officers until medics could arrive to conduct a medical assessment. Garza was awake, breathing, and able to speak to officers during this time. There were no obvious signs of medical distress until he was being evaluated by the medics.

Conclusion

Based upon our review of the facts and circumstances surrounding Garza's death, the law enforcement officers involved in his detention acted reasonably under the circumstances and used only the minimal amount of force necessary in the situation. Therefore, Officers Phipps and McLemore bear no state criminal 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 David LaDieu, San Diego Sheriff's Office
Captain Juan Sanchez, San Diego Police Department