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THE DISTRICT ATTORNEY
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August 3, 2022

Interim Chief David Cramer
Escondido Police Department
1163 North Centre City Parkway
Escondido, CA 92026

Re: Fatal shooting of Mr. Roberto Salgado Cazares by Escondido Police Officers Armenta and Velasquez on December 27, 2021; EPD Case No. 21013016; DA Special Operations Case No. 21-139PS; Deputy District Attorney assigned: Jennifer Reischl.

Dear Interim Chief Cramer,

We have reviewed the materials compiled by the Escondido Police Department's Homicide Unit concerning the fatal shooting of Roberto Salgado Cazares on December 27, 2021. A District Attorney Investigator responded to the scene and was briefed by your officers. This case was submitted to the District Attorney's Office for review on May 13, 2022.

Summary

On December 26, 2021, at approximately 8:17 p.m., the San Diego Sheriff's Department disseminated a Special Bulletin/Person of Interest notice and a "Be on the Lookout" (BOL) for Roberto Cazares in relation to a homicide that had been committed earlier that afternoon in Vista. Cazares' vehicle had been seen fleeing from his girlfriend's parents' house in Vista at approximately 5:00 p.m., after a family member there was fatally shot in the chest.

Cazares drove to his cousin's (CW1) residence in Escondido. According to CW1, Cazares was very intoxicated and began yelling. He pulled out a handgun and began aiming it at people at the residence. CW1 talked Cazares into leaving the residence and she walked him to his truck. Cazares told CW1 to get in his truck and she complied. Cazares drove to a parking lot located in Escondido and parked. CW1 wanted to get out of the truck but was afraid.

Escondido patrol officers located and approached Cazares' parked vehicle. As one of the patrol vehicles approached with its emergency lights activated, Cazares drove toward it, forcing the officer to reverse to avoid being struck. Multiple units gave chase. Cazares led the pursuing officers onto State Route 78 through Vista to Oceanside. During the pursuit, Cazares reached speeds of 130 miles per hour, ran red lights, and disregarded stop signs. Officers deployed a spike strip which Cazares ran over. Both passenger tires were punctured. The pursuit continued at a slower pace. During the pursuit, CW1 text messaged her sister, CW2, for help. CW2 called police and relayed information. She confirmed Cazares was in possession of a handgun. She also told dispatchers Cazares had stated he was not going to stop, he was not going to turn himself in, and the police were going to have to kill him.

The pursuit continued at a slow speed for approximately two hours. Officers Armenta and Velasquez were in the "Bear Cat" armored police vehicle. The pursuit reentered Escondido and negotiations between Cazares, CW1, and the police dispatcher continued. Pursuing officers observed Cazares' driving becoming more erratic. On December 27, 2021, at approximately 2:49 a.m. OnStar remotely disabled Cazares' vehicle causing it to come to a slow stop.

As Cazares' vehicle stopped, Cazares exited the driver's door, extended his hand towards the officers while holding a handgun. He began shooting and Velasquez fired at Cazares from the roof hatch of the Bear Cat. Armenta came around from the rear of the Bear Cat and fired from the driver's side of the armored vehicle. Armenta was struck by a round which penetrated his ballistic vest and slightly penetrated his chest.

Cazares was struck and fell to the ground at the driver's door of his vehicle. He dropped the handgun he had been holding. Officers removed a holster and two additional handgun magazines from Cazares' person. Officers began providing medical aid. Cazares later died of his injuries. The autopsy report listed the cause of death as multiple gunshot wounds and classified the manner of death as homicide. Cazares' antemortem blood tested positive for alcohol at a level of 0.19% and methamphetamine at 0.08 mg/L.

Persons Involved:

Cazares was a 39-year-old resident of Escondido. Armenta and Velasquez are officers employed by the Escondido Police Department. Armenta had been an officer for five years. Velasquez had been an officer for two years and was previously an officer with the Santa Barbara Police Department for approximately three years. He is a six-year US Navy veteran.

Civilian Witness 1 (CW1)

CW1, Cazares' cousin, was having a family get-together at her house when Cazares showed up uninvited. Cazares was very drunk. He was yelling and would not leave. He pulled out a gun and started aiming it at others. CW1 attempted to de-escalate the situation by placing herself between Cazares and her family. CW1 described Cazares' gun as a black and metal semi-automatic handgun, possibly a 9mm.

Eventually, CW1 got Cazares to leave the residence. She and Cazares walked to his truck parked in the front of her house. Cazares told CW1 to get in the truck and she complied. Cazares drove from her residence to Walgreens and parked in the rear parking lot. CW1 and Cazares continued to talk and argue. During their conversation, Cazares told CW1 that he was not going back to prison. He repeatedly told CW1 it was her fault and her entire family was going to be dead because of her. CW1 wanted to get out of the truck but was too afraid. CW1 noticed Cazares still had the handgun in his waistband along with two additional magazines.

While parked, Cazares saw a police vehicle's lights and he started the truck. Cazares drove out of the parking lot fleeing from the police. CW1 asked Cazares to let her out, but he refused. While the police were chasing them, Cazares was reaching for beers. Cazares asked CW1 to light a meth pipe for him because it was going to be his last hit. She understood his statement to mean Cazares wanted to die by "suicide by cop." Cazares was waving the handgun around

in the vehicle and making threats that innocent people were going to die. CW1 attempted to get out of the vehicle but Cazares would hit the lock button to stop her.

The truck eventually came to a stop although CW1 did not know how it happened. As the vehicle came to a stop, Cazares opened his door, removed his seatbelt, grabbed his gun, exited the vehicle, and started shooting toward the police officers. CW1 said Cazares did not say anything prior to exiting the truck and shooting at the police. CW1 heard a lot of gunshots from both Cazares and the police but could not recall the sequence of the shots. CW1 then saw Cazares lying on the ground while the police were giving him directions.

Civilian Witness 2 (CW2)

CW2, CW1's sister, started receiving texts from CW1 after CW1 left in the truck with Cazares. CW1 asked CW2 to relay the messages to police. CW2 called the police and told the dispatcher her sister was in the truck with Cazares and the police were chasing them. CW2 relayed a message she received from CW1 stating: "Tell them I'm in the car, I'm scared. Not to shoot." CW2 told the dispatcher Cazares had told her mother he's not going to stop, he's not going to turn himself in, and they were going to have to kill him. CW2 told the dispatcher Cazares does drugs and she was almost positive he was under the influence that night.

Law Enforcement 1 (LE1)

Prior to his shift, LE1 read a BOL regarding a vehicle that was wanted in connection to a homicide which occurred in Vista that day. The vehicle was described as a black Chevrolet with a large "Punisher" sticker on the back window and the driver was described as potentially armed. While on patrol, LE1 noticed a black truck with its headlights illuminated parked in the back corner of a parking lot. The truck had a large "Punisher" sticker in the back window. LE1 checked the license plates and confirmed it was the truck from the BOL.

LE1 remained at a distance and notified dispatch he had located the wanted vehicle. LE1 requested additional units. LE2 arrived at LE1's location with his overhead emergency lights illuminated and started driving towards the front of the truck. As the marked police units approached the truck, the truck pulled forward toward LE2 causing LE2 to have to reverse to avoid a collision. The truck then fled with the officers in pursuit.

During the pursuit, the truck ran red lights and stop signs and drove at speeds of 130 mph while weaving in and out of traffic. LE1 and the other officers pursued the truck from Escondido to State Route 78 and onto northbound I-5. The truck then travelled back toward Escondido. A spike strip was deployed and both passenger side tires of the truck were flattened. The pursuit continued, but now at a much slower speed.

Dispatch communicated that a female passenger in the fleeing vehicle confirmed the suspect driver was armed with a firearm and the driver was going to lethally engage with law enforcement when he stopped. Dispatch further communicated the male driver was possibly using methamphetamine. LE1 could see smoke coming from the driver's window. The truck eventually came to a stop after OnStar remotely shut down the vehicle. When the truck came to a stop, LE1 was positioned to the rear of the Bear Cat. He had a clear view to the driver's side of the truck. LE1 observed the driver immediately step out of the vehicle with a gun in his

right hand and open fire toward the Bear Cat. At the same time, LE1 saw Armenta exit the rear of the Bear Cat and run toward the front driver's side of the Bear Cat. LE1 saw Velasquez on top of the Bear Cat. LE1 said the suspect exited the vehicle extremely fast. LE1 saw the suspect fire at least one round and saw the flash from the muzzle. He also heard multiple other rounds being fired. LE1 then saw the driver fall to the ground and drop the gun from his hand.

LE1 heard Armenta say he had been hit. Other officers were covering the suspect vehicle so LE1 assisted Armenta. Upon the removal of Armenta's vest, LE1 saw a wound on Armenta's side. He immediately transported Armenta for treatment.

Law Enforcement 2 (LE2)

LE2 heard LE1 broadcast he had located a vehicle associated with a homicide. LE2 drove to LE1's location and recognized the suspect vehicle as one described in a BOL. LE2 had to put his vehicle in reverse to avoid being struck by the fleeing suspect vehicle. LE2, LE1, and other officers pursued the vehicle. LE2 was in the number one position as the pursuit reached speeds up to 120 miles per hour. LE2 learned the subject made several statements to dispatchers and negotiators that he was not going to pull over and he would "start shooting." As the pursuit progressed, the suspect's actions grew bolder. He drove faster and swerved into opposite lanes of travel. It was increasingly obvious he was not going to comply. At one point, LE2 saw the vehicle intentionally drive towards a stopped citizen's vehicle, nearly colliding with it.

During the slow-speed pursuit, LE2 and his canine partner climbed into the Escondido Bear Cat tactical vehicle. The officers in the Bear Cat discussed how to utilize the police service dog. LE2 advised if the subject came out with a firearm, his canine would not be sent as a less lethal option. Because the subject was believed to be armed with a handgun and was suspected of having committed a homicide earlier in the day, LE2 had Velasquez remain on the roof hatch with a rifle and Armenta would be first out with a rifle, followed by LE2 and his canine partner. OnStar confirmed they could disable the vehicle. LE2 watched the subject vehicle slowly come to a stop.

Armenta exited the back of the Bear Cat and LE2 followed directly behind him. LE2 turned towards the front of the Bear Cat and heard multiple gun shots coming from the subject vehicle. LE2 looked towards Armenta and saw him shooting from his rifle. Armenta advised LE2 he had been hit and retreated backwards. LE2 radioed "shots fired." LE2 moved up behind another officer that had exited the Bear Cat and noticed the subject on the ground with multiple gunshot wounds. LE2 noticed a firearm to the north of the subject. The subject was detained by officers at the scene and medics arrived shortly after.

Officer Armenta

Armenta is currently assigned as a Field Training Officer and is a member of the Escondido SWAT Team. Armenta was on patrol when he heard the San Diego Sheriff's Department broadcast a BOL regarding details of a homicide suspect's vehicle. Armenta heard LE1 had located the vehicle and a pursuit had begun. Armenta drove to the area in an effort to deploy spike strips. The pursuit was moving too fast and passed him by. Armenta remained in Escondido as the pursuit left the area. Armenta continued to monitor the radio traffic of the pursuit and recalled hearing a San Diego Sheriff's Department Homicide Lieutenant advise

there was probable cause to arrest the driver of the truck for homicide and that the firearm used had not been recovered.

As the pursuit began making its way back toward Escondido, Armenta readied the Escondido Bear Cat tactical vehicle for deployment. Armenta changed into his SWAT gear. Armenta, Velasquez, and several other officers drove to State Route 78 where they waited for the pursuit. They received confirmation the suspect driver was armed with a firearm. Armenta also learned the female passenger was not being allowed to leave the vehicle. The Bear Cat became the primary vehicle in the pursuit as it offered a shield of protection to other pursuing officers. Armenta was initially in the front passenger seat of the Bear Cat utilizing the PA system to communicate with Cazares. Armenta attempted to convince him to release the female passenger and to stop and give up peacefully. Other officers in the Bear Cat formulated a plan of how to position the armored vehicle for ample cover. An officer would use the top hatch as cover.

Armenta knew additional planning and actions were taking place, including contacting the subject's mother. During the pursuit Cazares would request pursuing officers back away. On several occasions, the Bear Cat slowed and stopped to give Cazares room to let the female out, but he would continue driving, leaving pursuing officers to have to catch up. Cazares' driving behavior became more erratic. He began driving on the wrong side of the road and accelerating into the 30-mph range despite having only one working tire. Cazares began swerving into oncoming traffic. Twice he appeared to intentionally nearly collide with other vehicles. Armenta moved to a seat at the back doors of the Bear Cat, which he felt was a better position to respond from. An Oceanside Police Department armored vehicle joined the pursuit. Pedestrians began looking from sidewalks and uninvolved motorists began following the pursuit, creating a separate hazard. A plan was formulated to use the two armored vehicles to pin the subject vehicle. Then, as the pursuit continued, officers utilized OnStar Services to remotely disable the engine of the vehicle.

The Bear Cat was positioned behind the subject vehicle. Armenta exited the rear and moved towards the front of the Bear Cat. He observed Cazares standing approximately 5-10 yards in front of the Bear Cat with his right arm raised, holding what appeared to be a gun pointed at him. Cazares was moving toward him. Armenta felt like the gun was pointed directly at his face. He realized that his head was exposed over the hood of the Bear Cat. He heard two distinct gunshots. In response, Armenta fired his rifle at Cazares an estimated 6-10 times. After firing the first 3-4 rounds, Armenta felt something significant impact the left side of his body. Armenta described the impact as similar to being struck by a bat. The area went numb. He felt blood and he believed he had been shot by Cazares. He thought his injury may have been fatal.

After being shot, Armenta fired several more rounds until Cazares fell onto his back on the ground and stopped moving. At that point, Armenta heard other officers moving toward the front of the Bear Cat. He disengaged and evaluated his own injuries. He had been struck on his left side in an area covered by his side soft body armor. Armenta was taken to the hospital. Armenta said the events occurred so fast, there were no other force options to consider, and he reacted to the deadly threat posed by Cazares because he "didn't want to die."

Officer Velasquez

Velasquez and his partner responded to cover an officer who had located a homicide suspect. While responding to the call, Velasquez learned the suspect had fled and officers were now in pursuit of the vehicle.

Velasquez and his partner returned to the Escondido Police station, where he continued to monitor the pursuit on the police radio. During the pursuit radio traffic, Velasquez learned the fleeing suspect was wanted for homicide with a firearm. Velasquez monitored the pursuit as it left and then re-entered the City of Escondido. Velasquez learned a spike strip had been deployed successfully on the suspect vehicle, but the vehicle was still failing to yield. A patrol sergeant requested Velasquez and his partner join a team of officers preparing the Bear Cat to assist in the pursuit and apprehension of the suspect. Velasquez and his partner entered the Bear Cat along with five other officers. The Bear Cat joined in the pursuit as the lead vehicle, directly behind the suspect vehicle. At that time, the estimated speed of the pursuit was 5-10 miles per hour.

Armenta prepared the top hatch of the Bear Cat and instructed others how to operate it. Velasquez took the position at the roof hatch, where he was to constantly monitor the subject driver. Armenta used the loudspeaker to give instructions and warnings to the driver, including ordering him to stop and let the passenger out of the vehicle.

Cazares communicated by telephone and requested the officers give him 100 yards of space so he could stop and surrender. Velasquez felt the request for 100 yards was unreasonable due to the severity of the crimes he had committed, the danger he posed to the community, and the likelihood he may flee on foot if given enough space. Velasquez was also concerned if they gave him too much room, he may attempt to carjack another vehicle, take another hostage, or kill another person. At some point during the pursuit, the Oceanside Police Department's Bear Cat joined and paralleled them. A plan was prepared to box in the suspect vehicle should it stop.

As the pursuit progressed, the subject drove close to and toward other vehicles, causing them to stop and drive in reverse. Eventually, the idea was proposed to use that if the suspect vehicle was equipped with OnStar, it could be shut down remotely. Prior to the vehicle stopping, Velasquez thought through action versus reaction times and how the events would unfold. He recognized that if the subject exited the vehicle and started shooting immediately, he would need his rifle already in the fire position, to prevent any delay in his reaction time. Velasquez readied himself each time the suspect vehicle slowed significantly. Although his assignment was lethal cover from the hatch, Velasquez recognized he may not necessarily be using any force depending on the circumstances dictated by the subject.

As the suspect vehicle came to a stop, Velasquez positioned himself to have a cover angle of the subject's driver door. The driver's door opened and a male stepped out. As the male turned toward him, Velasquez saw a handgun in the man's right hand partially raised at his side. The male looked toward them briefly, then began raising the handgun toward them. As soon as Velasquez observed the handgun being raised toward them, he perceived it to be a lethal threat against his partners and himself and believed that the male was trying to harm them. Velasquez focused on the gun in the subject's hand. He then focused the red dot sight of his

rifle on the subject's chest and fired. Velasquez believed he had fired five rounds. He fired during two different sequences. He observed the subject begin to fall to the ground. Velasquez briefly paused because he believed that the falling subject was no longer a threat, but then realized the subject was still attempting to present the firearm towards officers. Velasquez fired one more round at the subject's torso. After firing his last round, he saw the firearm was no longer in the subject's hand but was still within the subject's reach. However, he no longer perceived him to be an active lethal threat. At the time he fired his weapon, Velasquez heard other gunshots being fired. He did not know if the sounds of gunfire came from the subject or other police officers.

At some point, Velasquez heard another officer yell out that he was "hit." He also recalled that someone had put out over the radio that the subject was no longer moving, and he corrected that information immediately over the radio as he saw the subject move. After the gunfire, Velasquez transitioned to provide cover while other officers had the passenger safely exit the suspect vehicle. Velasquez then contacted the female passenger and requested additional medics. Velasquez said he believes the suspect would have killed an officer had he not engaged the suspect with lethal force. Velasquez believed that due to the circumstances, there were no other viable force options available to defend against the lethal attack by the subject.

Investigation:

The scene was secured, photographed, and investigated by the Escondido Police Department Homicide Unit. All detectives' reports, crime scene investigators' reports, and audio recorded witness interviews, body worn camera, and audio recordings were reviewed. These items were found to provide evidence corroborating the officers' statements. The events leading up to and the incident itself were captured on body worn camera (BWC).

Scene

Armenta used his department issued Colt AR15, caliber 5.56 rifle. Armenta's rifle contained a fully loaded 30-round capacity magazine. After the shooting, Armenta's rifle had one live round in the chamber and 14 live rounds remaining in the magazine, consistent with 15 rounds fired.

Velasquez used his department issued Colt M4LE caliber 5.56 rifle. Velasquez' rifle contained a fully loaded 30-round capacity magazine. Additionally, Velasquez carried four fully loaded 30-round capacity rifle magazines. After the shooting, Velasquez' rifle contained one live round in the chamber and 23 live rounds in the magazine, consistent with six rounds fired. His additional four rifle magazines were found to contain 30 rounds each.

Cazares was armed with a Smith and Wesson model SD9VE 9mm pistol. The weapon was recovered with one live 9mm round in the chamber and nine live rounds in the 16-round capacity magazine inserted in the handgun. Cazares also had two fully loaded Smith and Wesson, 10-round capacity, 9mm magazines on his person. Both 9mm magazines were loaded with rounds with the headstamp 'Norma 9mm LUGER'. The rounds contained in the magazine inserted in Cazares' handgun also had the headstamp 'Norma 9mm LUGER'. At the shooting scene, Escondido Police Forensic Specialists recovered six 9mm cartridge cases with the headstamp 'Norma 9mm LUGER. The cartridge cases were located between the two police armored vehicles, in the area where Cazares was firing his weapon. Based on the number of unexpended

vehicles, in the area where Cazares was firing his weapon. Based on the number of unexpended rounds possessed by Cazares as well as the expended cartridges located at the scene, it was determined that Cazares fired a total of six rounds at officers.

Forensic Specialists also recovered a total of twenty 5.56 caliber cartridge cases with the headstamps 'WCC 12 5.56 MM', 'WMA 18 5.56 MM', 'WMA 19 5.56 MM', and 'WMA 20 5.56 MM' which are all standard issue for Escondido police officers. These cartridge cases were located on the passenger side of the Escondido Police armored vehicle (6), the driver's side (6), in front of the armored vehicle (7), and one round on the hood of the armored vehicle. Based on the number of unexpended rounds retained by Armenta and Velasquez as well as the expended cartridges located at the scene, it was determined that a total of 21 rounds were fired at Cazares, with one cartridge casing unaccounted for.

Body Worn Camera Evidence

Velasquez' BWC recorded him inside of the Bear Cat standing with his upper body outside of the roof hatch while utilizing the lid as a shield. Armenta is heard giving Cazares commands via the PA system such as, "Stop the car," "Let her jump out," "We don't want to hurt you," and "Don't let her get hurt." When Cazares' vehicle stopped, Velasquez pointed his weapon towards the vehicle from the right side of the roof lid. Cazares' driver's side door opened, and several shots immediately rang out. Cazares fell to the ground at his vehicle's driver's door. Velasquez is heard saying, "Don't reach for the gun." Velasquez then turned his attention to the passenger door of the vehicle until the female passenger was removed by other officers.

Armenta's BWC shows Armenta inside the Bear Cat giving Cazares commands via the PA system. Armenta exited from the rear of the Bear Cat and moved towards the front driver's side. Armenta raised his arm holding his rifle. This motion partially blocked the view of the BWC. As Armenta neared the front of the Bear Cat, shots are heard. Casings can be seen hitting the ground in the lower left corner of the video. Armenta said, "I'm hit," as he moved to the rear of the Bear Cat. Other officers provided medical aid and Armenta was transported to the hospital.

San Diego Sheriff's helicopter ASTREA recorded the pursuit. The video shows the Bear Cat directly behind Cazares' vehicle as the vehicle came to a stop. Cazares opened his driver's door, stepped out and raised a gun towards Armenta. who had exited from the back of the Bear Cat and moved up to the front driver's side of the Bear Cat. Velasquez was positioned in the open roof hatch of the Bear Cat and had his rifle pointed towards the driver's side door of Cazares' vehicle. As soon as Cazares pointed a handgun towards officers, Velasquez fired several rounds at Cazares. Cazares fell to the ground, dropping his weapon. Armenta backed away from the front of the Bear Cat as Cazares fell. Other officers took Cazares into custody.

Autopsy

Cazares sustained six gunshot wounds to his torso, superficial penetrating gunshot wounds of the right arm, and two graze gunshot wounds to the left arm. Projectiles were recovered from Cazares' right and left back. An additional bullet fragment was recovered from his left abdomen. Cazares also suffered from mild steatosis of the liver, consistent with alcohol use. The cause of death was identified as multiple gunshot wounds and the manner of death was

classified as homicide. Toxicological testing showed Cazares' antemortem blood was positive for alcohol at 0.19% and methamphetamine at 0.08 mg/L.

Legal Analysis

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).

The statute defines "deadly force" as any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm." Penal Code section 835a(e)(1).

An imminent threat of death or serious bodily injury is one where "based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed." Penal Code section 835a(e)(2).

The statute defines totality of the circumstances as "all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force." Penal Code section 835a(e)(3).

The statute further states "In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques, if reasonably safe and feasible to an objectively reasonable officer." Penal Code section 835a(2). "[T]he decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of circumstances shall account for occasions when officers may be forced to make quick judgments about using force." Penal Code section 835a(4).

Additionally, a peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts because of resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right of self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or prevent escape or overcome resistance. For purposes of this section "retreat" does not mean tactical repositioning or other de-escalation tactics." Penal Code section 835a(d).

Penal Code section 196 provides homicide is justified when committed by peace officers and those acting by their command in their aid and assistance when the homicide results from a peace officer's use of force that is in compliance with section 835a.

Conclusion

Cazares held a civilian against her will and led officers on a dangerous vehicle pursuit for over two hours. Officers were informed that Cazares was armed and wanted for a murder. The pursuit reached speeds exceeding 125 miles an hour and spanned across the cities of Escondido, Vista, and Oceanside. Negotiators attempted to convince Cazares to stop and surrender, but Cazares refused. Cazares told CW1 he would shoot innocent people. Once Cazares' vehicle had been remotely disabled, Cazares quickly stepped out, raised his hand, and pointed a handgun toward Armenta. Velasquez and Armenta recognized the lethal threat towards themselves and other officers. They fired at Cazares. Cazares fired upon the officers. Armenta was struck once in the chest area. Cazares was struck multiple times.

Cazares created an extremely volatile situation over an extended period of time and endangered many civilians and officers. Armenta and Velasquez reasonably believed that Cazares posed an imminent threat and intended to cause serious bodily harm or death when he raised a handgun and fired at officers. The use of a less lethal option by the officers in this situation was not reasonably feasible or safe. The District Attorney's Office has carefully examined this situation to determine whether the officers bear state criminal liability and whether any criminal charges against them could be proven beyond a reasonable doubt. That high standard is not met in these circumstances. Armenta and Velasquez bear no state criminal liability for their actions and acted in self-defense and defense of others. A copy of this letter, along with the materials submitted for our review, will be retained for our files.

Sincerely,


SUMMER STEPHAN
District Attorney

cc: Captain Kevin Toth
Homicide Division