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DEPARTMENT OF JUSTICE

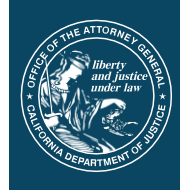
Report on the Investigation into the Death of Shane Holland on June 21, 2022

San Bernardino County AB 1506

APRIL 2024

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INVESTIGATION OF OFFICER INVOLVED SHOOTING

BACKGROUND—AB 1506

Pursuant to California Assembly Bill 1506 (AB 1506), the California Department of Justice is required to investigate all incidents of an officer-involved shooting resulting in the death of an unarmed civilian in the state. Historically, these critical incidents in California had been primarily handled by local law enforcement agencies and the state's 58 district attorneys.

AB 1506, signed into law on September 30, 2020 and effective July 1, 2021, provides the California Department of Justice (DOJ) with an important tool to directly help build and maintain trust between law enforcement and the communities they serve by creating a mandate for an independent, statewide prosecutor to investigate and review officer-involved shootings of unarmed civilians across California. The DOJ investigates and reviews, for potential criminal liability, all such incidents covered under AB 1506, as enacted in California Government Code section 12525.3. Where criminal charges are not appropriate, the DOJ is required to prepare and make public a written report, like this one, communicating:

- A statement of facts, as revealed by the investigation;
- An analysis of those facts in light of applicable law;
- An explanation of why it was determined that criminal charges were not appropriate; and
- Where applicable, recommendations to modify the policies and practices of the involved law enforcement agency.

Recommendations to modify policies and practices of the involved law enforcement agency will be based on the facts of the incident, any known policies and practices of the relevant law enforcement agency, and the experience and expertise developed by DOJ personnel.

PRIVACY STATEMENT

This report includes redactions of the names and other identifying information of witnesses to the officer-involved shooting (“OIS”) of Shane Holland. The public interest in such information is limited as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure clearly outweighs any public interest in disclosure.

For reasons related to privacy, as well as readability of this report, the witnesses are indexed as follows:

- Witness 1 (“W-1”), Driver of Ford Explorer
- Witness 2 (“W-2”), Witness

INTRODUCTION

On June 21, 2022, San Bernardino County Sheriff’s Department (“SBCSD”) Deputy Justin Lopez fatally shot Shane Holland following a foot pursuit after Mr. Holland ran from a vehicle during a traffic stop. The California Department of Justice (“DOJ”) investigated and reviewed the Officer-Involved Shooting (“OIS”) pursuant to Government Code section 12525.3 (enacted by Assembly Bill 1506 [2019-2020 Reg. Sess.]). This report is the final step in the DOJ’s review of the fatal OIS of Mr. Holland and is limited solely to determining whether criminal charges should be brought against the involved officer. The review does not encompass or comment on any potential administrative or civil actions. It does, however, include policy and practice recommendations, as required by Government Code section 12525.3, subdivision (b)(2)(B)(iii). Upon thorough examination, and as discussed in detail below, we conclude that no criminal charges will be filed because the evidence is insufficient to prove that Deputy Lopez committed a crime.

SUMMARY OF INCIDENT

On June 21, 2022, SBCSD Deputy Justin Lopez was working alone driving a SBCSD vehicle patrolling an area that covered the City of Adelanto in the County of San Bernardino. SBCSD is contracted by the City of Adelanto to provide law enforcement services. Deputy Lopez’s patrol vehicle was labeled with a sheriff’s star and “ADELANTO POLICE” in gold letters on both sides. The vehicle was equipped with an overhead emergency light, spotlights, and a front push bar. Additional emergency lights were attached to the push bar and inside the headlights.

Deputy Lopez was not wearing a Body Worn Camera (“BWC”) and his patrol vehicle was not equipped with an in-car camera system. At the time of the OIS, SBCSD did not equip their deputies with BWC or in-car camera systems in their patrol vehicles. Deputy Lopez was equipped with a belt audio recorder, which was activated during this incident.

At approximately 2:41 AM, Deputy Lopez stopped a 1995 Ford Explorer heading south on United States (“US”) Route 395 near Cactus Road in the City of Adelanto, because the Ford Explorer did not appear to have a rear license plate affixed in the appropriate place on the vehicle.¹ A car without a rear license plate is in violation of California Vehicle Code section 5200. A license plate was subsequently located attached to the left side of the tailgate just under the back windshield. However, it did not have a reflective coating, which is required by law so that license plates are visible at night. This lack of reflective coating is a violation of California Vehicle Code section 5201.1(c), which states, “A person shall not erase the reflective coating of, paint over the reflective coating of, or alter a license plate to avoid visual or electronic capture of the license plate or its characters by state or local law enforcement.”

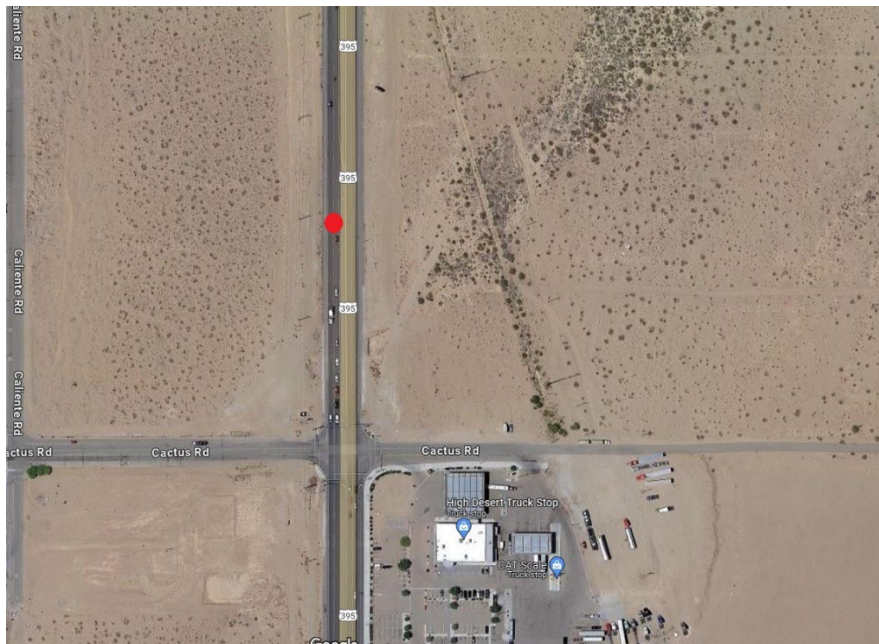


Figure 1 – 2022 Google Map Image of the area of US Route 395 and Cactus Road with a red dot marking the location of the vehicle stop.

¹ According to Deputy Hillebrand, Deputy Lopez broadcast this as part of his notification of the traffic stop.

Deputy Lopez activated the patrol vehicle's forward facing red and blue emergency lights, and the Ford Explorer stopped on the west shoulder of south US Route 395.²



Figure 2 – Picture (facing North) taken during daylight hours after the OIS showing the position of Deputy Lopez's patrol car and W-1's vehicle during the traffic stop.



Figures 3 and 4 – Picture taken inside a lit garage for vehicle processing after the OIS showing W-1's vehicle and the license plate without reflective coating.

² It is unknown whether Deputy Lopez activated his sirens or issued any verbal commands via loudspeaker.

Deputy Lopez walked up to the Ford Explorer and spoke to two individuals in the vehicle, the driver (W-1) and the front passenger, Shane Holland. On this day, Mr. Holland was six feet one inch tall and weighed 190 pounds. He wore a black t-shirt, black pants, a black belt, and white shoes.

As captured on Deputy Lopez's belt recording, Deputy Lopez informed the occupants that he pulled them over because he could not read the license plate since the plate did not have any reflective coating. Deputy Lopez asked W-1 for his driver's license and registration. W-1 responded that he did not have either of those items. Next, Deputy Lopez asked if either of the occupants were on probation or parole. There was no audible response on Deputy Lopez's belt audio recorder to his question by either occupant. However, Deputy Lopez was next heard saying, "No?" Deputy Lopez asked if there was registration inside the vehicle, and whether W-1 was licensed to drive. W-1 could not provide the vehicle's registration, but stated he was licensed to drive. Deputy Lopez next asked where they were coming from. W-1 responded, "I'm coming from Boron and I'm going to San Manuel." Deputy Lopez next asked, "Where do you live?" W-1 responded, "I live in Boron." Deputy Lopez then asked the passenger, Mr. Holland, if he had an identification. Mr. Holland stated that he did not.

Next, Deputy Lopez asked the occupants for their names and dates of birth. W-1 gave his name and date of birth. Mr. Holland provided Deputy Lopez with the name Andrew Atkins and a date of birth of May 31, 1987, both fictitious. Deputy Lopez then asked if they had registration or proof of insurance inside the car and asked if they had anything illegal in the car. W-1 answered "No" to both questions. Deputy Lopez informed the occupants that he would be right back.

According to W-1, after Deputy Lopez left the vehicle, Mr. Holland told W-1, "I'll go to jail for a long time. I'm going to run." Mr. Holland asked W-1 to "take off too so the cops will chase you." W-1 told Mr. Holland that he would not run, and he tried to convince Mr. Holland to stay in the vehicle and "do the right thing." W-1 described Mr. Holland's demeanor as nervous. Mr. Holland repeated to W-1 that he was going to run.



Figure 5 – Picture, taken during daylight hours after the OIS, of the position of Deputy Lopez’s patrol car and W-1’s vehicle during the traffic stop facing South.

According to the computer aided dispatch (CAD) log and Deputy Lopez’s belt recording, Deputy Lopez provided dispatch with the names and dates of birth provided by the occupants at 2:44 AM and 2:45 AM. Approximately seven seconds after providing the names to dispatch, Deputy Lopez stated, “Hey, stay in the car, man. Hey. 24-Robert, 11^[3]. I’ve got one running.” W-1 observed Mr. Holland open the passenger door and take off running. As he left the vehicle, W-1 saw Mr. Holland holding a cellphone in his hand. According to W-1, and corroborated by shoe impressions in the dirt, Mr. Holland ran in a south to southwest direction through a dirt lot towards Cactus Road.

3 Refers to Deputy Lopez’s call sign, “24R11.” A call sign is how a police officer is identified while on duty and over the radio.



Figure 6 – Markers Showing Path Mr. Holland fled from Ford Explorer

Deputy Lopez followed Mr. Holland on foot from his patrol vehicle into the dark dirt lot to the north roadway edge of Cactus Road, west of US Route 395. W-1 described the area as “completely dark,” although he could see Mr. Holland for approximately 50 yards as he moved away from his vehicle. Emergency lights from Deputy Lopez’s patrol vehicle provided some lighting to the immediate area. The foot pursuit lasted one minute and nineteen seconds as captured on Deputy Lopez’s belt recorder. Based on SBCSD’s footprint and evidence analysis of the scene, Mr. Holland ran 846 feet and 2 inches from the passenger door of the Explorer to the north roadway edge of Cactus Road.



Figure 7 –Mr. Holland’s path of travel from the Ford Explorer to the OIS location

During the foot pursuit, Deputy Lopez’s audio recorder captured Deputy Lopez giving Mr. Holland multiple commands including, “Let me see your hands” and “Let me see your fucking hands.” Deputy Lopez also told Mr. Holland, “(Indiscernible) you’re fucking waistband.” The recorder also captured Mr. Holland responding, “I will fucking shoot you” and “I will shoot” multiple times.

Deputy Lopez’s audio recorder captured the entire following interaction between Deputy Lopez and Mr. Holland immediately before the OIS.⁴

Deputy Lopez: Get on the fucking ground. Oh. No—hey. Let me see your hands. Let me see your hands. Let me see your hands. Let me see your hands. Atkins, let me see your fucking hands. Let me see them. Let me see your hands. (Indiscernible) you’re fucking waistband. Atkins, let me see your hands.

(Indiscernible). Let me see your hands. Atkins, let me see your fucking hands.

(Indiscernible) on Cactus.

Let me see your hands. Let me see your fucking hands.

Shane Holland: I will shoot. I will shoot. I will shoot.

Deputy Lopez: Let me see your fucking hands.

⁴ As previously noted, Mr. Holland provided a false name, Aaron Atkins, prior to running from the car.

Mr. Holland: I will fucking shoot you.

Deputy Lopez: Atkins, let me see your fucking hands. Let me see your hands.

Mr. Holland: I will shoot.

Deputy Lopez: Atkins, let me see your hands.

Mr. Holland: I will shoot. I will shoot.

Deputy Lopez: Let me see your fucking hands.

Mr. Holland: I will shoot.

Deputy Lopez: Let me see your hands, Atkins.

Mr. Holland: I will shoot you.

Deputy Lopez: Atkins, let me you fucking hands.

Mr. Holland: I will shoot you. (Indiscernible) –

(Six Gunshots heard)

Deputy Lopez: 24-Robert, 11. Shots fired. Roll meds.^[5] Let me see your hands, Atkins. Let me see your hands. Atkins, put your hands behind your back. Let me see your hands. Atkins, put your hands behind your back.

Deputy Lopez told Mr. Holland to show him his hands a total of 19 times within a period of one minute and nineteen seconds prior to the OIS. Mr. Holland told Deputy Lopez that he was going to shoot him a total of 10 times during the 33 seconds prior to the OIS. Immediately after Mr. Holland stated, “I will shoot you” the tenth time, the OIS occurred.

Since the understanding of the incident is largely based on the audio belt recorder which does not provide location information, it is unclear how the parties were oriented during the OIS. Based on the audible jingling of Deputy Lopez’s gear heard on the recording, it can be inferred that Deputy Lopez and Mr. Holland were running for the first 45 seconds of the foot pursuit, up until Mr. Holland first told Deputy Lopez, “I will shoot you.” For the remaining approximately 30 seconds, Deputy Lopez ordered Mr. Holland to show his hands an additional 7 times. Mr. Holland replied, “I will shoot” or “I will shoot you” to each of those commands. During this time, the parties still sound to be moving, although at a slower pace than the first 45 seconds.

After Mr. Holland stated, “I will shoot you” for the tenth time, the OIS occurred on Cactus Road, between US Route 395 and Caliente Road. Deputy Lopez fired his weapon six times in quick succession striking Mr. Holland four times in his left chest, upper left buttock, back of his left thigh, and the left top of his head. All six gunshots were fired within the span of 1.4785 seconds, according to SBCSD High Tech Crimes Detail’s shot analysis of Deputy Lopez’s audio belt recording. According to his public

⁵ “Roll meds” was a request by Deputy Lopez for medical responders to be dispatched to the scene.

safety statement and confirmed by the location of the casings to Mr. Holland's body, Deputy Lopez stated he was approximately seven to ten yards to the east of Mr. Holland and fired all shots from east to west.

Immediately after firing the six shots, Deputy Lopez alerted dispatch that shots were fired, and he requested medical assistance by stating, "Roll meds." He continued to order Mr. Holland to show his hands and to put his hands behind his back.

SBCSD Deputy Kristopher Hillebrand arrived on scene less than ninety seconds after the shooting, according to Deputy Lopez's belt audio recorder. He saw Mr. Holland lying face down and saw Deputy Lopez facing Mr. Holland with his gun drawn. Deputy Hillebrand immediately asked, "Where's the gun? Did he have a gun?" Deputy Lopez replied, "I don't know. He said he's going to shoot me." Deputy Lopez and Deputy Hillebrand decided to handcuff Mr. Holland for safety and began rendering aid.

About 45 seconds later, Deputy Lopez's audio recorder captured Sergeant Mark Rios' arrival. Deputy Lopez immediately asked Sergeant Rios if he had a medical kit in his car. Sgt. Rios brought the medical kit to Mr. Holland. All three attempted to provide medical care to Mr. Holland but quickly determined that he was no longer breathing and had a severe gunshot wound to the head.

Paramedics arrived at the scene at approximately 2:53 AM. After an assessment, they pronounced Mr. Holland deceased three minutes later.

Following the OIS, investigators located a black cellphone approximately four feet from Mr. Holland's right hand. A patrol unit contacted the driver of the Ford Explorer, W-1. He was still in his vehicle and had not been able to see the shooting.

INVESTIGATION

Overview

After the OIS occurred, the SBCSD Specialized Investigations Division – Homicide Detail was notified and responded to the scene. Thereafter, notification was made to CA DOJ’s California Police Shooting Investigation Team (“CaPSIT”).

DOJ Special Agents, Special Agent Supervisors, and the assigned Deputy Attorney General responded to the scene of the shooting on June 21, 2022. DOJ criminalists from the Bureau of Forensic Services (“BFS”) also responded to document the scene and to collect and preserve evidence.

SBCSD supervisory personnel walked the DOJ team through the shooting scene. The DOJ team was shown the location of Mr. Holland, and shown the evidence. Along with SBCSD, DOJ investigators conducted interviews of civilian and sworn witnesses. On the date of the shooting, and in the weeks and months thereafter, the shooting scene was examined, evidence was collected and analyzed. DOJ conducted an independent and thorough investigation of the facts and circumstances regarding this incident and reviewed all evidence and legal standards impartially.

Scene Description

The scene was a rural area within the City of Adelanto, San Bernardino County, near the intersection of US Route 395 and Cactus Road. The crime scene began with a traffic stop on US Route 395, north of Cactus Road, and ended after a foot pursuit near Cactus Road and Caliente Road. The traffic stop was on the west shoulder of south US Route 395. A large dirt lot was on the west side of US Route 395. The foot pursuit went through the dirt lot to the west of the traffic stop and ended on the north side of Cactus Road, which ran east and west. A residential neighborhood was northwest of Cactus Road and Caliente Road. A shopping center was southwest of Cactus Road and Caliente Road. The shooting occurred during the very early morning hours with poor artificial lighting. While there were streetlights on US Route 395 and on Caliente Road, there were no streetlights in the dirt lot or on Cactus Road where the foot pursuit and OIS occurred.



Figure 8: Description of scene where the traffic stop and OIS occurred

Evidence Reviewed⁶

DOJ independently reviewed four witness interviews (two law enforcement and two civilians); photographs of the crime scene and other evidence; audio recordings; video recordings (footage from nearby surveillance cameras); communications evidence (printouts from the computer aided dispatch system and corresponding radio calls); a digital 3D representation of the scene from the FARO laser scan station; physical evidence (including shell casings, fired bullet projectile, and items obtained from the scene); an autopsy report; and analyses on firearms and fingerprints.⁷

Foot Pursuit Path

Investigators from CA DOJ and SBCSD processed the scene on June 21, 2022. Investigators located a partial shoe impression with a herringbone pattern west of the front passenger door of the stopped Ford Explorer. The shoe impressions matched the same pattern as the shoes Mr. Holland wore. Investigators tracked the shoe impressions south to southwest from the passenger door. The shoe impressions stopped at the north roadway edge of Cactus Road, west of US Route 395 (the actual OIS occurred in the roadway, not on the dirt). The shoe impressions oriented in the direction of Mr. Holland's body and show the path Mr. Holland took when Mr. Holland fled from Deputy Lopez.

⁶ Only evidence relevant to the OIS incident is summarized in this report.

⁷ The fingerprint analysis is not summarized in this report because the evidence that was submitted for testing bore no impressions of value for comparison.

SBCSD measured the distance of the foot pursuit and estimated the path to be approximately 846 feet and 2 inches.



Figure 9 – Close-up Photograph of Mr. Holland’s Left Shoe Impression

Evidence Recovery

Investigators located and collected the following items relevant to this OIS investigation:

- Mr. Holland’s body was originally located face down when Deputy Hillebrand and Sgt Rios arrived on scene. Both stated in their interviews that they rolled Mr. Holland over onto his back.
 - When investigators arrived to process the scene, Mr. Holland was located face up in the middle of the number two lane of Cactus Road. His head was pointed northwest and his feet southwest. Blood covered Mr. Holland’s chest, stomach, and the right side of his face. Blood stains were on the asphalt to the north and south of Mr. Holland’s body. Gunshot wounds were visible on Mr. Holland’s left upper flank and the top of his head.
- One black unknown make and model cellphone in a clear plastic case.
 - The phone was recovered from the north roadway edge of Cactus Road. The cellphone was approximately 4 feet northeast of Mr. Holland’s body.



Figure 10: Black cell phone located at the OIS scene.

- One black and gray Nike hat.
 - The hat was located northwest of Mr. Holland’s head.
 - The hat had two gunshot holes. One gunshot hole was on the front top left portion of the hat and the other was on the rear top left portion.
- One SBCSD red trauma kit.
 - The trauma kit was located south of Mr. Holland’s legs. The kit was open and medical supplies were out of the bag.
- Six .45 caliber fired cartridge casings, head-stamped “WINCHESTER 45 AUTO.”
 - The six fired cartridge casings were in three groups of two and were recovered on the north roadway edge of Cactus Road.
 - Group one (Placard 4) was approximately 13 feet 9 inches away from Mr. Holland’s body.
 - Group two (Placard 5) was approximately 17 feet 1 inch away from Mr. Holland’s body.
 - Group three (Placard 6) was approximately 23 feet 4 inches away from Mr. Holland’s body.



Figure 11: Placards 4, 5, and 6 - Three groups of two “WINCHESTER 45 AUTO” shell casings at OIS scene

- One fired bullet.
 - The fired bullet was located approximately 3 feet 6 inches south of Mr. Holland’s head.
 - The fired bullet was deformed, consistent with striking a solid object or surface.
- 1995 Ford Explorer (CA license plate 3NCS091)
 - Parked south of Deputy Lopez’s patrol vehicle on south US Route 395 north of Cactus Road.
 - The rear license plate was not attached to the rear bumper in the area designed to hold the license plate. The license plate was attached to the left side of the tailgate. The license plate appeared worn with the reflective coating and lower portion of “California” scratched off.
 - The front passenger door was opened.
 - Vehicle was secured and transported to SBCSD Crime lab where it was later processed pursuant to a search warrant. No items of significant evidentiary value were located in the vehicle.



Figure 12 – Picture (facing South) taken during daylight hours after the OIS showing W-1’s vehicle and the license plate without reflective coating.

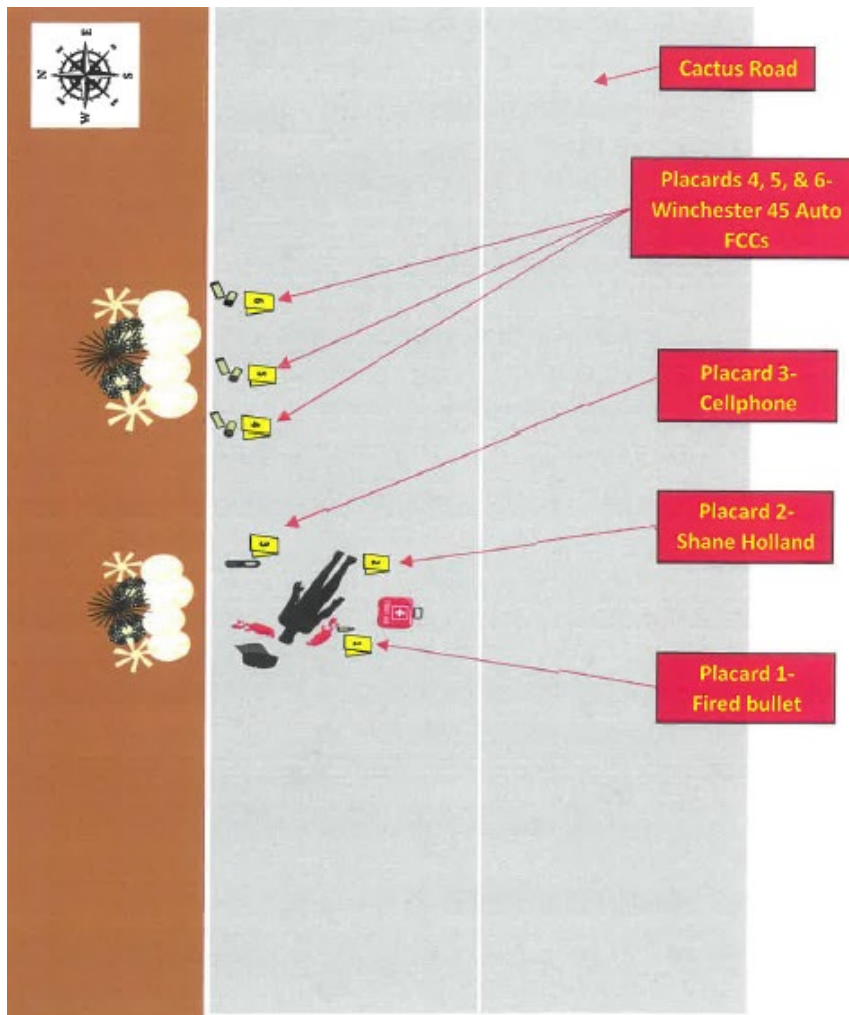


Figure 13: Diagram of evidence at OIS scene

Canine Search

On June 21, 2022, SBCSD K-9 deputy searched the areas around the path of travel from the Ford Explorer to where the OIS occurred with his canine Rambo, who is trained to detect explosive powders, including gun powder and firework powders. Rambo detected a specific scent or substance that it has been trained to recognize and signaled on the Ford Explorer's rear passenger door and on a nearby firework vendor stand located on the northwest corner of US Route 395 and Cactus Road. Investigators did not find any firearms or weapons around or in the firework stand or the Explorer. Rambo did not alert on any other areas within or near the incident scene.

Communications Evidence

Investigators obtained copies of the radio transmissions and printouts of the computer aided dispatch ("CAD") system for calls related to the OIS incident on June 21, 2022. The CAD printouts are consistent with the deputies' radio transmissions. The relevant communications are listed here along with the timing of key events to create a timeline of the information known to deputies:

- 2:41:01 AM: CAD Log: Car stop initiated at 395 Hwy/ Cactus Rd
- 2:41:47 AM: CAD Log: Deputy Lopez provided license plate 3NCS091
- 2:44:52 AM: CAD Log: Deputy Lopez provided name of Witness 1, along with his date of birth
- 2:45:15 AM: CAD Log: Deputy Lopez provided name Atkins, Andrew, date of birth 05/01/1997
- 2:46:11 AM: CAD Log: "Running"
- 2:47:39 AM: "1 Shots fired//1 still in Veh// 1 down"

Video Recordings

Deputy Lopez was not wearing a Body Worn Camera (BWC) and his patrol vehicle was not equipped with an in-car camera system. At the time of the OIS, SBCSD did not equip their deputies with BWC or in-car camera systems in their patrol vehicles.

Surveillance and Other Cameras

On June 21, 2022, investigators canvassed the area surrounding the OIS scene to obtain any surveillance video that may have captured the incident. Investigators collected footage from surveillance cameras installed at two nearby businesses. The first business was located on the southwest corner of Caliente Road and Cactus Road, east of the incident. The business provided videos from two camera angles, but neither angle captured the foot pursuit or the OIS incident. The second business was located near the intersection of Cactus Road and US Route 395, just west of the incident. One of the cameras captured the patrol car's flashing lights at the initial traffic stop from a distance, but did not capture the foot pursuit or the OIS incident.

Officer Processing

A DOJ investigator and criminalist processed Deputy Lopez at approximately 7:30 AM on June 21, 2022.

Deputy Lopez was wearing a tan, long sleeved, shirt with SBCSD cloth patches on both shoulders, green pants, black boots, and a green baseball style hat with the word "SHERIFF" embroidered in gold letters on the front. He had a gold SBCSD badge on the left front of his chest, a black microphone attached to

the front of his shirt, and a black duty belt containing: an audio recorder, oleoresin capsicum (“OC”) spray, duty holster, handcuffs, a collapsible baton, a Taser holster with a yellow Taser, and a double magazine pouch with two magazines.

Deputy Lopez carried his department issued firearm (a semi-automatic, .45 caliber, Gen 4 Glock 41). The firearm had a department issued Streamlight TLR-1HL weapon mounted light attached. As configured, the firearm had a 14-round capacity with one round in the chamber and 13 rounds in the magazine. Deputy Lopez possessed two additional magazines, each with a capacity of 13 rounds.

When examined, the firearm had one live round in the chamber and seven additional live rounds in the magazine, consistent with six rounds being fired during the OIS. The two additional magazines were both loaded with thirteen live rounds. All of Deputy Lopez’s ammunition in the firearm and two additional magazines had the same “WINCHESTER 45 AUTO” headstamp. That ammunition was consistent with department issued ammunition.

Ballistic & Firearm Analysis

Deputy Lopez fired a total of six shots during the incident. Six casings were recovered at the scene in three groups of two. One bullet was located near Mr. Holland’s body. Two additional bullets were recovered from Mr. Holland’s body during the autopsy. No other bullets were located.

Autopsy

Dr. Diana Geli, a Forensic Pathologist employed by the San Bernardino County Sheriff’s Department Coroner Division, conducted the autopsy of Mr. Holland on June 23, 2022. Dr. Geli concluded the cause of death was multiple gunshot wounds. Mr. Holland was 35-years-old, six feet one inch in height, and weighed 190 pounds.

Dr. Geli located four gunshot wounds. It is unknown in what order the gunshot wounds were sustained. However, Dr. Geli described the various shots, including entry and exit, in the order examined, as shown in the diagram below (Figure 21).

The first was a tangential⁸ gunshot wound to the left side of Mr. Holland’s head, towards the top. Dr. Geli determined that the bullet travelled back to front, left to right, and slightly upwards.

The second gunshot wound was a penetrating gunshot wound to the front of Mr. Holland’s left chest. Dr. Geli recovered the jacketed bullet from Mr. Holland’s right chest. Dr. Geli determined the bullet traveled left to right and slightly downwards.

The third gunshot wound was a penetrating gunshot wound to Mr. Holland’s superolateral left buttock. Dr. Geli recovered a jacketed bullet from the soft tissues of Mr. Holland’s right groin.

The final gunshot wound found by Dr. Geli was a perforating gunshot wound to the back of Mr. Holland’s left thigh. Dr. Geli determined that the bullet exited Mr. Holland’s front left mid-thigh and traveled back to front, slightly right to left, and upwards.

⁸ A tangential gunshot wound occurs when a bullet grazes or skims the surface of the body, creating a superficial wound without deeply penetrating the tissues. It is a gunshot injury where the bullet does not directly go into the body but rather slides along the surface, causing damage.

Dr. Geli did not see any evidence of close-range firing for any of the gunshot wounds. The toxicology report showed amphetamine, methamphetamine, fentanyl, and norfentanyl were present in Mr. Holland's system.

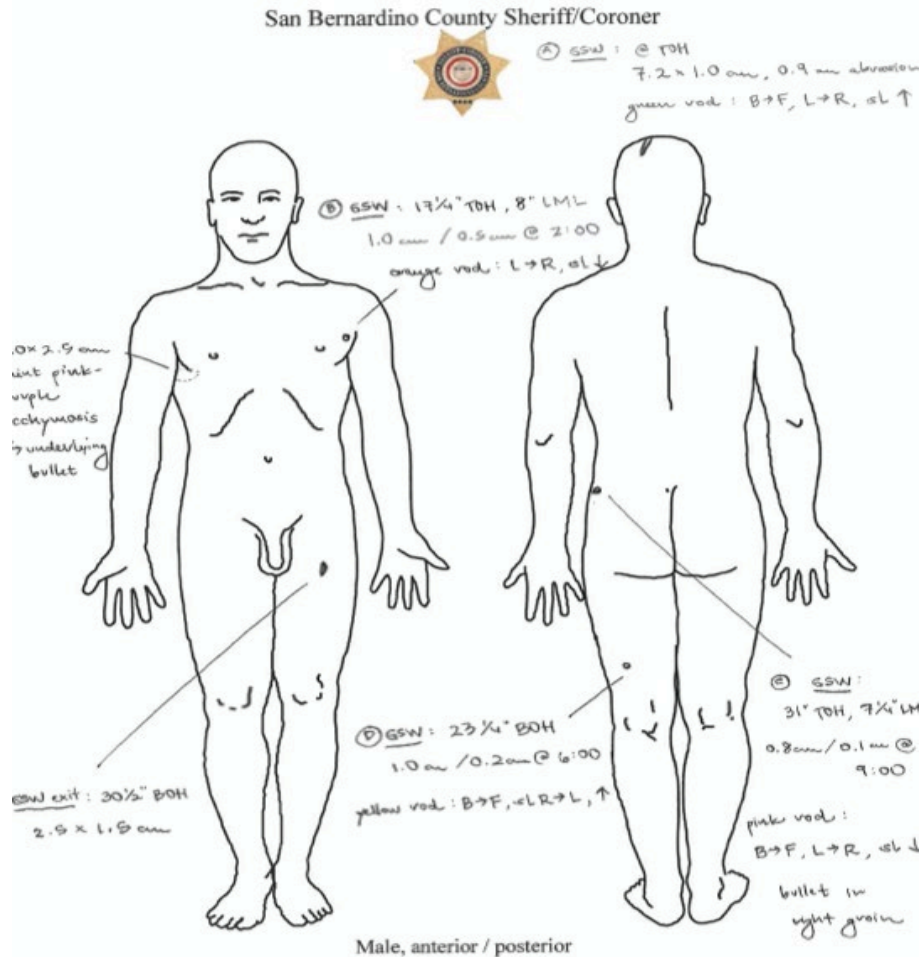


Figure 14: Diagram of the locations of Mr. Holland's gunshot wounds

Interviews of Involved Police Officers

Police officers, like all individuals, have the right to remain silent and decline to answer questions in the face of official questioning. (*Spielbauer v. County of Santa Clara* (2009) 45 Cal.4th 704, 714; see generally *Miranda v. Arizona* (1966) 384 U.S. 436.) Deputy Lopez did not provide a voluntary statement.

Public employees, including police officers, may be compelled by an employer to answer questions for administrative purposes, but the use of such statements in criminal proceedings is prohibited. (*Lybarger v. City of Los Angeles* (1985) 40 Cal.3d 822, 827-828, citing *Lefkowitz v. Turley* (1973) 414 U.S. 70, 77-79, *Garrity v. State of New Jersey* (1967) 385 U.S. 493, 500.) Accordingly, no compelled statements were considered as part of this investigation.

SBCSD Deputy Kristopher Hillebrand and Sergeant Mark Rios, who both arrived after the shooting, did provide voluntary statements. The following statements are summaries of their interviews, which

describe the incident from the point of view of the individual officers. Please note that the interviews contain facts relayed by the officers that may be inaccurate or inconsistent with the facts of this incident as they are currently understood.

Interview of Deputy Kristopher Hillebrand

On June 21, 2022 at approximately 11:20 AM, DOJ Special Agent Michael Wyatt and SBCSD Detective Amy Bilbao interviewed Deputy Kristopher Hillebrand. On June 21, 2022, Deputy Hillebrand was assigned to the night shift, beginning at 7:00 PM on June 20, 2022, and ending at 7:00 AM the next morning. During his shift, Deputy Hillebrand heard one of his patrol partners, Deputy Lopez, call out a traffic stop near US Route 395 and Cactus Road. Originally, Deputy Lopez stated there was no plate, but Deputy Hillebrand later heard Deputy Lopez run a plate. A short time after that, Deputy Hillebrand heard Deputy Lopez say over the radio that someone was running. Deputy Hillebrand notified dispatch that he would also respond to the call and began driving to the location, which was about a minute away. Deputy Hillebrand decided to assist Deputy Lopez because he was in a foot pursuit, his equipment was jingling, and he already was starting to get out of breath. Deputy Hillebrand knew Deputy Lopez would need assistance especially if he was able to make contact with that person.

While on his way, Deputy Hillebrand heard Deputy Lopez broadcast over the radio that shots were fired. This was about thirty to forty seconds after Deputy Hillebrand heard Deputy Lopez broadcast on the radio that he was in a foot pursuit. As Deputy Hillebrand approached southbound on US Route 395, he saw Deputy Lopez's overhead emergency lights activated.

Deputy Hillebrand said that even though there were some streetlights at the intersections and spread-out street lights in the nearby neighborhood, it was dark and difficult to see. Deputy Hillebrand described the area as "pitch black" as he looked for where Deputy Lopez was located.

Deputy Hillebrand then turned westbound on Cactus by the Bingo, which was a shopping center close to the incident. Deputy Hillebrand initially saw the silhouette of Deputy Lopez, who was holding a flashlight. Deputy Hillebrand saw Deputy Lopez standing east of Mr. Holland and facing him. Mr. Holland was lying face down on the ground with his head pointed to the west and his feet pointed toward the east. No one else was present. Deputy Lopez had his firearm out but he was unable to tell if Deputy Lopez's firearm was directly aimed at Mr. Holland or facing the ground.

Deputy Hillebrand approached Deputy Lopez with his firearm pointed at the ground because Deputy Lopez was in his line of fire. He asked Deputy Lopez if he was alright. Deputy Lopez stated he was. Deputy Hillebrand asked, "Where's the gun?" Deputy Lopez responded, "I don't know."⁹ Once Deputy Lopez was out of his line of sight, Deputy Hillebrand pointed his firearm at Mr. Holland. Deputy Lopez told Deputy Hillebrand that he would be placing handcuffs on Mr. Holland and to keep cover for him. As soon as Deputy Lopez placed handcuffs on Mr. Holland, Deputy Hillebrand notified dispatch that one person was detained and to "roll meds."

Deputy Hillebrand did not notice whether Mr. Holland was breathing when he first arrived at the scene. When Deputy Lopez placed handcuffs on him, Deputy Hillebrand saw Mr. Holland take a big, deep breath. Deputy Hillebrand thought for a second that he was trying to get up, since he did not know that Mr. Holland had suffered a head wound at this point. Deputy Hillebrand then saw Mr.

⁹ The statement above is from Deputy Hillebrand's statement to investigators. It should be noted the audio recording from both Deputy Lopez and Deputy Hillebrand captured Deputy Lopez stating, "I don't know. He said he's going to shoot me."

Holland slump back to the ground. Deputy Hillebrand described that Mr. Holland repeated this sequence of taking “a real deep gasp and then just kind of slumped – body kind of go back down” two additional times. Within 45 seconds to one minute after Mr. Holland was handcuffed, Sgt. Rios arrived. Sgt. Rios brought a trauma kit with him.

Next, Deputy Hillebrand notified Deputy Lopez and Sgt. Rios that Mr. Holland had still not been patted down. Sgt. Rios rolled Mr. Holland onto his side, exposing his whole frontal area to conduct a pat down search for weapons. Deputy Hillebrand did not see any weapons. Sgt. Rios then rolled Mr. Holland on his back and said something about conducting life-saving measures. At that point, Deputy Hillebrand noticed an injury to Mr. Holland’s head where he could see the skull and brain matter. There was a lot of blood on Mr. Holland’s chest and head. Sgt. Rios next asked for someone to get gloves on to try to determine if Mr. Holland had a pulse. However, before either deputy could do that, the paramedics arrived. Deputy Hillebrand estimated that the paramedics arrived about four minutes after Deputy Hillebrand did. Once the paramedics arrived, Deputy Hillebrand did not see what they did.

Deputy Hillebrand noticed a cell phone on the ground and stated he believed the cell phone was approximately three feet northeast of Mr. Holland. He also observed a hat on the ground which had a hole at the top of it and observed six fired cartridge casings. He described seeing them “in groups of two...a couple of feet spread apart going from basically east to west.” He saw them in the roadway and a couple in the dirt, matching the location he saw Deputy Lopez standing when he arrived. Deputy Hillebrand also saw a heavily damaged projectile with blood stains on it about a foot south of Mr. Holland’s body.

Deputy Hillebrand canvassed the nearby businesses for witnesses. Three individuals who were inside the Bingo shopping center (approximately 490 feet from the OIS location) at the time of the shooting did not see or hear anything. While canvassing, Deputy Hillebrand did not see any bullet strikes in the area to any structures or objects.

Deputy Hillebrand was asked to describe Deputy Lopez’s demeanor when Deputy Hillebrand arrived. He stated, “He was very shaken up.” He continued, “...not frozen at all, because he was still doing everything that we needed to do, and he’s still communicating with me just fine, but just, you know, he’s a little –uh – shaky. He’s out of breath, like more so than just from running.” Deputy Hillebrand stated that he appeared scared.

Deputy Hillebrand was familiar with the area where the shooting occurred. From his perspective, Deputy Lopez would not have had any cover or concealment from where the traffic stop occurred on US Route 395 to where it ultimately ended on Cactus Road.

While in the Army prior to becoming a police officer, Deputy Hillebrand received multiple training courses on traumatic, life saving measures. Also while in the military, he saw gunshot wounds and head wounds. Based on his training and experience, Deputy Hillebrand believed the injury Mr. Holland sustained to the head was fatal.

Deputy Hillebrand had seen Deputy Lopez earlier in the shift. He described his demeanor as, “Average, normal, good mood, how he normally is.”

Deputy Hillebrand described the area of the traffic stop as a “regularly high-crime area.” He stated, “...there’s plenty of weapons, drugs, shootings, robberies, burglaries, just about anything.” He described US Route 395 as a major thoroughfare with heavy traffic.

Deputy Hillebrand was asked, “What would you believe – uh – seeing a vehicle driving on that highway at 2 o’clock in the morning with no plates on it, what would that mean to you?” Deputy Hillebrand responded, “Probably stolen.” He was further asked whether there would be “reasonable suspicion of some other criminal activity afoot?” Deputy Hillebrand responded affirmatively.

Interview of Sergeant Mark Rios

On June 21, 2022 at 8:07 AM, SBCSD Detectives Amy Bilbao and Cory Drost interviewed Sergeant Mark Rios. On June 21, 2022, Sgt. Rios was the watch commander at the Victor Valley station working the night shift from 5:00 PM to 5:00 AM. Around 2:30 AM, Sgt. Rios was in the station when he heard Deputy Lopez call out a traffic stop over the radio. Shortly after, Sgt. Rios heard that Deputy Lopez had a subject running westbound in the desert from the traffic stop. Sgt. Rios left the station and headed towards the location of the traffic stop. Sgt. Rios stated he left because he knew Deputy Lopez was alone and there were many reasons why someone would run from a traffic stop. Sgt. Rios said that Deputy Lopez sounded “incredibly calm” on the radio, and like he was running. While Sgt. Rios was en route, he heard Deputy Lopez broadcast that shots were fired, and also heard Deputy Hillebrand request an ambulance.

When Sgt. Rios arrived, he saw Mr. Holland lying face down in the roadway. Deputy Hillebrand was to the south of Mr. Holland, with his weapon out pointed down, covering Deputy Lopez who was crouched down towards Mr. Holland, appearing to handcuff him. Sgt. Rios stated his focus was on Deputy Hillebrand’s firearm.

As soon as Deputy Lopez stood up from Mr. Holland, he quickly walked to Sgt. Rios, who was exiting his vehicle, and asked him if he had a trauma kit. Sgt. Rios immediately retrieved the trauma kit. Sgt. Rios then went to Mr. Holland to look for entry-exit wounds. While there, Deputy Hillebrand remarked that Mr. Holland had not been patted down. Sgt. Rios helped roll Mr. Holland on his side and patted down his pockets and waistline for a gun or pistol. The pat down was conducted to see “if he had anything on him, to get it off of him and get him to the side as quickly as possible so we can continue treating him.” At this time, Sgt. Rios noticed that Mr. Holland was handcuffed. All three continued to look for wounds until Deputy Hillebrand noticed the wound to Mr. Holland’s head. Sgt. Rios saw his skull and brain matter. While Sgt. Rios saw a lot of blood, he did not know if Mr. Holland had been hit anywhere else.

When Mr. Holland was on his stomach, he had shallow breathing and was gasping for air. Sgt. Rios described the breathing as the type he has seen “usually in people that are dying.” After Sgt. Rios rolled him on his back, there was no further breathing. Given the lack of breathing combined with the head wound, Sgt. Rios did not feel there were any other lifesaving measures they could take. The ambulance arrived two to three minutes later. Sgt. Rios requested that only one paramedic attend to Mr. Holland. Sgt. Rios felt Mr. Holland was dead, since he had stopped breathing and in light of the head injury. Sgt. Rios also considered the preservation of the crime scene. Sgt. Rios stated that if there were any signs of life, he would not have made the same decision, and would have prioritized trying to save Mr. Holland’s life, rather than the preservation of evidence. The paramedic stated they detected a faint pulse after placing “tags” or “leads” on Mr. Holland to get vital signs. After seeing the head wound, Sgt. Rios heard one of the medics state, “I don’t know if we can do anything.” Shortly thereafter, within 30 seconds to one minute, the paramedic pronounced Mr. Holland deceased.

Sgt. Rios did not locate any weapons on Mr. Holland's person. However, he stated he located a cell phone just north and he believed the phone was approximately two to three feet east of the body.

Sgt. Rios stated that Mr. Holland had on a dark colored shirt. He had jeans on, but his jeans were sagging down around his buttocks area as if they were not being worn on his waistline. Sgt. Rios also observed a baseball hat located just west of Mr. Holland. Sgt. Rios observed that the hat seemed to have entry and exit holes as if a bullet hit the cap.

Next, Sgt. Rios set up the scene and directed incoming deputies to block the area and preserve evidence. Sgt. Rios also directed units to the traffic stop location to see if the driver was still present.

Sgt. Rios then moved Deputy Lopez away from the scene to obtain a public safety statement about how many shots were fired and the direction of the bullets. Sgt. Rios asked Deputy Lopez, "Hey, where were you in reference to where he's at?" Deputy Lopez stated he was approximately seven to ten yards to the east of Mr. Holland. Sgt. Rios asked Deputy Lopez how many rounds he fired. Deputy Lopez stated that he fired five to six rounds, firing from east to west. Deputy Lopez stated that they were in the roadway. Sgt. Rios next asked if there were any outstanding suspects. Deputy Lopez responded, "No." Sgt. Rios then asked, "And anybody else hurt?" Deputy Lopez stated, "No." Sgt. Rios also asked Deputy Lopez if he was hurt, and he said he was not. Sgt. Rios described Deputy Lopez's demeanor during this conversation as "shaken" and could tell "he was emotionally moved by this."

Sgt. Rios observed six fired cartridge casings along "the dirt/ roadway's edge asphalt." He described the direction Deputy Lopez indicated he fired as "straight down the roadway, and there was nothing forward as long as I could see." Sgt. Rios stated that he and other deputies looked for impacts or hits from fired rounds along the nearby brick wall that backed up to houses and in the strip mall area. They did not find any impacts. He also described the area as dark.

Sgt. Rios stated that Deputy Lopez had been driving a Ford Explorer patrol vehicle during his shift with lights, sheriff's emblem on the sides, and push bar up front. As Sgt. Rios drove by, he noticed Deputy Lopez's rear red and blue emergency lights on.

Sgt. Rios estimated the distance between Deputy Lopez's patrol vehicle to where Mr. Holland and Deputy Lopez were location to be 150 yards. Sgt. Rios did not see any witnesses or anyone in the area of the OIS. Sgt. Rios described the area of the OIS as an open desert and a roadway. He stated there would not have been any cover or concealment Deputy Lopez could have utilized. There were no trees and no electrical boxes.

At the time of the OIS, Sgt. Rios had 15 years of experience from the United States Air Force, which included combat injury and basic first-aid training. He was also certified by the American Red Cross to become a CPR instructor and first-aid instructor. He had seen injuries before where brain matter was exposed. Based on Sgt. Rios' training and experience, he believed that a severe injury like a gunshot wound to the head, where the head and brain matter are exposed, shows the injury is fatal.

Interviews of Civilian Witnesses

SBCSD detectives and DOJ special agents interviewed two civilian witnesses. The following are summaries of their interviews, which describe the incident from the point of view of each witness. The interviews contain facts relayed by the witnesses that may be inaccurate or inconsistent with the facts of this incident as they are currently understood.

Statement of Witness-1 ("W-1")

On June 21, 2022 at 11:00 AM, SBCSD Detective Cory Drost and DOJ Special Agent Jon Genens interviewed W-1. On June 20, 2022, around 11:00 to 11:30 PM, Mr. Holland called and woke up W-1 to ask W-1 for a ride from the City of Boron to San Manuel Casino. Mr. Holland told W-1 that his current girlfriend needed a ride back to Boron from San Manuel. W-1 knew Mr. Holland because Mr. Holland had previously dated W-1's daughter for nine years. W-1 described Mr. Holland's living situation as "kind of homeless, so he sort of lives around town. He lives with other residents."

Following the phone call, Mr. Holland rode his bicycle to W-1's house. W-1 and Mr. Holland left Boron between 12:00 and 12:30 AM on June 21, 2022. W-1 drove and Mr. Holland was in the front passenger seat. At that time, W-1 recalled Mr. Holland wore dark blue jeans, a black short sleeved shirt, and black shoes. They stopped at a gas station to add oil to the car and to meet with a female who gave them gas money on behalf of Mr. Holland's girlfriend.

While driving on US Route 395 near Adelanto, W-1 noticed a police car behind him with the lights on. W-1 pulled his car over. A deputy came to the passenger side window and identified himself as a deputy. W-1 stated that the deputy "was wearing a regular officer's uniform" that was tan and had tags on the front and shoulder that said San Bernardino County Sheriff. The deputy told W-1 that the reflective material on his license plate was not working. The deputy asked for "the usual stuff." W-1 told the deputy that he lost his wallet about three weeks earlier. The deputy asked W-1 for his name and he provided it to the deputy. Next, the deputy asked Mr. Holland for his information. W-1 stated that Mr. Holland provided a false name, which the deputy wrote down. The deputy walked away. W-1 described the deputy's demeanor as normal and professional.

After Deputy Lopez walked back to his patrol car, W-1 asked Mr. Holland, "Shane, what are you doing?" Mr. Holland responded, "I got warrants out. I'll go to jail for a long time." W-1 then said, "Shane, you can't be doing that anyway." Mr. Holland said, "I'll go to jail for a long time. I'm going to run. Would you take off too, so the cops will chase you." W-1 told Mr. Holland, "No, I'm not. You shouldn't run either. You should just tell the truth. Tell the officer." Mr. Holland said, "No, I'll go to jail for a long time if I get arrested." W-1 then told Mr. Holland to, "Do the right thing." Mr. Holland then repeated, "No, I'll go to jail for a long time." W-1 responded, "Well I'm not going to do anything – I'm not going to do anything that's going to get me in trouble." Mr. Holland then stated, "I'm going to run." W-1 told him not to do it, but Mr. Holland stated that he was going to. W-1 described Mr. Holland's demeanor as nervous during their conversation following the traffic stop. W-1 observed Mr. Holland's hands on the door and holding both his and W-1's phones. W-1 told Mr. Holland to give him back his phone, which Mr. Holland did.

Next, Mr. Holland opened the door and took off running. Mr. Holland held onto his own phone as he ran from the car. W-1 saw the deputy chase Mr. Holland and W-1 remained where he was. Within three to five seconds since Mr. Holland left the car, W-1 heard the deputy say, "Stop, stop!" Within the same interview, W-1 later told investigators, "I think he said, 'Stop or I'll shoot.'" W-1 stated that Mr. Holland just kept running. W-1 next heard the deputy say that he's got one running for it. W-1 was able to see Mr. Holland run for about 30 yards in a southwest direction. Mr. Holland then turned

and began running south. W-1 was able to see him for approximately another 20 yards. After that, W-1 did not see anything and did not hear anything until he heard about five gunshots. He estimated the gunshots to be in, at most, two seconds.

W-1 described the lighting conditions of the area as “completely dark” without any streetlights.

W-1 waited in his car until he was later contacted by deputies. While waiting, he saw multiple patrol cars arrive and also saw an ambulance arrive “pretty quick.”

W-1 did not know Mr. Holland to own any weapons and W-1 did not see him with any that night. W-1 described Mr. Holland as six foot, two inches tall and weighing about 190 pounds. W-1 did not believe Mr. Holland to be under the influence of alcohol or drugs when they left his house in Boron. Later in his interview, W-1 stated that Mr. Holland had injected fentanyl around 10:00-11:00 PM, before they left. He stated that he and Mr. Holland used fentanyl a few times a week. That morning, W-1 also saw Mr. Holland smoke fentanyl at the gas station on their way from Boron to San Manuel. About a month prior to the shooting, W-1 heard Mr. Holland state that he felt like killing himself. However, on the day of the shooting, W-1 did not hear Mr. Holland say anything that made him think Mr. Holland wanted to hurt himself.

Statement of Witness 2 (“W-2”)

On June 21, 2022 at 2:08 PM, SBCSD Detective Mauricio Rivas and DOJ Special Agent Ugo Carlos interviewed W-2. Witness 2 (W-2) was home nearby when he heard five or six gunshots at around 1:20 to 1:30 AM. Approximately 15 to 30 seconds later, he heard police sirens. W-2 stated the cadence of the gunshots were all at once.

Holland Criminal History

At the time of the OIS, Mr. Holland had two outstanding arrest warrants for “Flight Escape,” meaning he was a fleeing felon. One of the arrest warrants was for \$10,000, and the other was “no-bail.” Mr. Holland was also on felony probation in Kern County for felony convictions of burglary and vandalism.

While Mr. Holland disclosed to W-1 that he had outstanding warrants, they were not known to Deputy Lopez at the time of the incident. Mr. Holland fled from W-1’s vehicle before Deputy Lopez could determine that Mr. Holland provided a false name and had warrants for his arrest.

APPLICABLE LEGAL STANDARDS

Homicide is the killing of one human being by another. (*People v. Beltran* (2013) 56 Cal.4th 935, 941.) There are two types of criminal homicide, murder and manslaughter.

Murder

Murder is the unlawful killing of a human being with malice aforethought. (Pen. Code, § 187, subd. (a).) Murder is divided into first and second degrees. A willful, deliberate, and premeditated killing is murder of the first degree. (Pen. Code, § 189; *People v. Hernandez* (2010) 183 Cal.App.4th 1327, 1332.)

Second degree murder is the unlawful killing of a human being with malice aforethought but without the additional elements of willfulness, premeditation, and deliberation that would support a conviction of first degree murder. (*People v. Knoller* (2007) 41 Cal.4th 139, 151.) The malice required for second degree murder may be express or implied. (Pen. Code, § 188; *Hernandez, supra*, 183 Cal.App.4th at p.

1332.) Malice is express when there is an “intent to kill.” (Pen. Code, § 188; *People v. Delgado* (2017) 2 Cal.5th 544, 571.) Malice is implied “when the killing results from an intentional act, the natural consequences of which are dangerous to life, which act was deliberately performed by a person who knows that his [or her] conduct endangers the life of another and who acts with conscious disregard for life.” (*People v. Dellinger* (1989) 49 Cal.3d 1212, 1215.)

A homicide may also be reduced to second degree murder if premeditation and deliberation are negated by heat of passion arising from subjective provocation. If the provocation precludes a person from deliberating or premeditating, even if it would not cause an average person to experience deadly passion, the crime is second degree murder. (*People v. Padilla* (2002) 103 Cal.App.4th 675, 678.)

Voluntary Manslaughter

Manslaughter is an unlawful killing without malice. (Pen. Code, § 192; *People v. Thomas* (2012) 53 Cal.4th 771, 813.) Several factors may preclude the formation of malice and reduce a killing that would otherwise be murder to voluntary manslaughter including: (1) heat of passion, and (2) imperfect self-defense. (*People v. Moyer* (2009) 47 Cal.4th 537, 549.)

Imperfect self-defense is the killing of another human being under the actual but unreasonable belief that the killer was in imminent danger of death or great bodily injury and that the use of deadly force is necessary to defend against that danger. Such a killing is deemed to be without malice and thus cannot be murder. (*People v. Cruz* (2008) 44 Cal.4th 636, 664.) The doctrine of imperfect self-defense cannot be invoked, however, by a person whose own wrongful conduct (for example, a physical assault or commission of a felony) created the circumstances in which the adversary’s attack is legally justified. (*People v. Booker* (2011) 51 Cal.4th 141, 182.)

Self-Defense

A homicide is justified and lawful if committed in self-defense. Self-defense is a complete defense to a homicide offense, and, if found, the killing is not criminal. (*People v. Sotelo-Urena* (2016) 4 Cal.App.5th 732, 744.) When a person is charged with a homicide-related crime and claims self-defense, the prosecution must prove beyond a reasonable doubt that the homicide was not committed in self-defense. (*People v. Winkler* (2020) 56 Cal.App.5th 1102, 1167.)

Penal Code sections 196 et. seq. set forth the law of self-defense in homicide cases. Penal Code section 196 provides that a homicide committed by a peace officer is justified when the use of force complies with Penal Code section 835a. (Cf. Pen. Code, § 197 [listing circumstances where homicide committed by “any person” is justifiable, which includes self-defense or the defense of others].)

Under Penal Code section 835a, an officer may use deadly force only when the officer “reasonably believes, based on the totality of the circumstances, that such force is necessary”: (1) “to defend against an imminent threat of death or serious bodily injury to the officer or to another person”; or (2) to apprehend a fleeing person who has committed a felony “that threatened or resulted in death or serious bodily injury,” and the officer “reasonably believes that the person will cause death or serious bodily injury” if not immediately apprehended. (Pen. Code, § 835a, subd. (c)(1); see Pen. Code, § 835a, subd. (a)(2) [peace officers may lawfully use deadly force “only when necessary in defense of human life”]; see *People v. Randle* (2005) 35 Cal.4th 987, 994 [self-defense arises when a person actually and reasonably believes in the necessity of defending against imminent danger of death or great bodily injury], overruled on other grounds by *People v. Chun* (2009) 45 Cal.4th 1172.)

To determine 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.” (Pen. Code, § 835a, subd. (a)(2); *People v. Hardin* (2000) 85 Cal.App.4th 625, 629-630 [“only that force which is necessary to repel an attack may be used in self-defense; force which exceeds the necessity is not justified” and “deadly force or force likely to cause great bodily injury may be used only to repel an attack which is in itself deadly or likely to cause great bodily injury”].)

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 to another person. (Pen. Code, § 835a, subd. (e)(2); see *People v. Lopez* (2011) 199 Cal.App.4th 1297, 1305-1306 [imminent peril is “immediate and present” and “must be instantly dealt with”; it is not prospective or even in the near future].)

“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. (Pen. Code, § 835a, subd. (e)(3).) De-escalation methods, tactics, the availability of less than lethal force, and department policies may be used when evaluating the conduct of the officer. However, when an officer’s use of force is evaluated, it must be considered “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, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” (Pen. Code, § 835a, subd. (a)(4); accord, *Graham v. Connor* (1989) 490 U.S. 386, 396-397 [“The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight”]; *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082-1083 [to determine whether use of force is objectively reasonable for self-defense, trier of fact must consider all the circumstances that were known or appeared to the officer as well as consideration for what a reasonable person in a similar situation with similar knowledge would have believed]; *People v. Bates* (2019) 35 Cal.App.5th 1, 9-10 [knowledge of another person’s prior threatening or violent conduct or reputation for dangerousness may provide evidence to support a reasonable belief in imminent harm].)

Self-defense also has a subjective component. (*Humphrey, supra*, 13 Cal.4th at p. 1082.) The subjective element of self-defense requires that a person actually believes in the need to defend against imminent peril or great bodily injury. (*People v. Viramontes* (2001) 93 Cal.App.4th 1256, 1262.)

Burden of Proof

A prosecutor bears the burden of proving a criminal defendant’s guilt beyond a reasonable doubt. (Pen. Code, § 1096.) Where an investigation is complete and all of the evidence is available for review, prosecutors should file charges only if they believe there is sufficient admissible evidence to prove the charges beyond a reasonable doubt at trial. (See, e.g., Nat. Dist. Attys. Assn., National Prosecution Standards (3d ed. 2009) Part IV, § 2 pp. 52-53; United States Department of Justice Manual § 9-27.220; Melilli, Prosecutorial Discretion in an Adversary System (1992) B.Y.U. L.Rev. 669, 684-685 [surveying ethical standards used in the exercise of charging discretion by prosecutors]; accord, *People v. Catlin* (2001) 26 Cal.4th 81, 109 [“A prosecutor abides by elementary standards of fair play and decency by refusing to seek indictments until he or she is completely satisfied the defendant should be prosecuted and the office of the prosecutor will be able to promptly establish guilt beyond a reasonable doubt,” quotation and internal quotation marks omitted]; *People v. Spicer* (2015) 235 Cal.App.4th 1359, 1374

[explaining that a prosecutor may have probable cause to charge a crime but reasonably decline to do so if they believe there is a lack of sufficient evidence to prove the charge beyond a reasonable doubt at trial]; cf. Rules Prof. Conduct, Rule 3.8(a) [prosecutor should not initiate or continue prosecution of charge that is not supported by probable cause].)

Further, the prosecution has the burden of proving beyond a reasonable doubt that a killing is not justified. It is not a criminal defendant's burden to prove that the force was necessary or reasonable. (*People v. Banks* (1976) 67 Cal.App.3d 379, 383-384.) Thus, in an officer-involved shooting, the prosecution must prove beyond a reasonable doubt that the officer did not have an actual or reasonable belief in the need for self-defense or the defense of others.

LEGAL ANALYSIS

Because Deputy Lopez did not provide a voluntary statement, the Department evaluates the circumstances involving this incident through other known evidence, including W-1's statement, the audio from Deputy Lopez's belt recorder, bullet wound evidence, and evidence collected and observed at the scene. Because a prosecuting agency would need to affirmatively prove beyond a reasonable doubt that Deputy Lopez did not act in lawful defense of himself, this is the primary issue in determining whether his actions should subject him to criminal prosecution. Under the law of self-defense, a prosecuting agency would be required to prove beyond a reasonable doubt that Deputy Lopez's subjective belief and use of deadly force was not reasonable under the totality of circumstances. Here, the evidence is insufficient to meet that standard.

Several factors support a reasonable inference that Deputy Lopez actually believed in the need to defend himself against imminent peril or serious bodily injury, and that such a belief was reasonable. Deputy Lopez's subjective intent can be inferred from his interaction with Mr. Holland as captured on his belt audio recorder. The recording reflects Deputy Lopez's mental state at the initial traffic stop, and provides no evidence that Deputy Lopez intended to start a violent confrontation. The vehicle stop and the collection of passenger information proceeded in routine fashion, and Deputy Lopez did nothing to provoke either of the people in the car. W-1 described Deputy Lopez's demeanor as "normal and professional," which is corroborated by the audio recording.

The interaction escalated only when Mr. Holland exited the vehicle and fled. At that point, Deputy Lopez could have reasonably believed that Mr. Holland's flight was connected to unlawful activity, and that he might resist detention by violent means. According to Deputy Hillebrand, this was a high-crime area with "plenty of weapons, drugs, shootings, robberies, burglaries, just about anything."¹⁰

Upon fleeing, Mr. Holland ignored commands to stop, and multiple commands to raise or show his hands. At the beginning of the foot pursuit, and prior to Mr. Holland threatening to shoot, Deputy Lopez can also be heard on the belt audio recorder saying, "Let me see your hands. (Indiscernible) you're fucking waistband." The comment supports a reasonable inference that Deputy Lopez may have seen Mr. Holland reaching for his waistband, and combined with Mr. Holland's later threats to shoot, the deputy may have subjectively believed that Mr. Holland was armed and posed a threat.

¹⁰ The United States Supreme Court has held that individuals may be detained when fleeing police in high-crime areas. "Headlong flight—wherever it occurs—is the consummate act of evasion," and though "[i]t is not necessarily indicative of wrongdoing, . . . it is certainly suggestive of such." (*United States v. Wardlow* (2000) 528 U.S. 119, 124; see also, *Bradley v. Benson* (11th Cir. 2021) 10 F.4th 1232, 1238-1240.)

During the foot pursuit, Deputy Lopez also repeatedly ordered Mr. Holland to “show me your hands.” In fact, Deputy Lopez made this request 19 times during the one minute and nineteen second foot pursuit. The repeated commands indicate that Mr. Holland refused multiple opportunities to comply with the orders, and that Deputy Lopez did not have a clear view of Mr. Holland’s hands, which would have allowed him to confirm whether Mr. Holland was armed.

It cannot be determined from the available evidence what caused Deputy Lopez to discharge his firearm in the moment he did. However, several key facts support a reasonable inference that Deputy Lopez believed Mr. Holland was armed and preparing to fire a weapon. First, we know that the confrontation occurred at approximately 2:45 AM, and based on interviews with witnesses, the foot pursuit took place in a dark, empty dirt lot, with low visibility and no opportunity for Deputy Lopez to take cover. Mr. Holland also verbally threatened Deputy Lopez (stating “I will shoot” and “I will shoot you”) 10 times in the last thirty seconds of the foot pursuit, and just prior to Deputy Lopez firing the fatal shots. Given the nature of the flight, the low visibility, Mr. Holland’s apparent refusal to show his hands, and Mr. Holland’s repeated use of the phrase “I will shoot,” it would not have been unreasonable for Deputy Lopez to believe that Mr. Holland was both armed and willing to shoot him.

Of further note, despite Mr. Holland’s threats, Deputy Lopez did not use force until after the tenth threat was made, giving Mr. Holland several opportunities to comply. This is a strong indication that Deputy Lopez did not approach the incident with an inclination to use lethal force, and that a change of circumstance prompted the use of force.

Notably, a black cell phone was found near Mr. Holland’s right hand at the OIS scene, and W-1 confirmed that Mr. Holland was holding a cell phone when he fled from the Ford Explorer. Based on the phone’s location, it is likely that Mr. Holland was holding the phone in his right hand or was reaching for the phone in his waistband during the foot pursuit or immediately before the OIS occurred. In such a dark environment, and considering Mr. Holland’s verbal threats to shoot and Deputy Lopez’s earlier reference to Mr. Holland’s “waistband,” Deputy Lopez could have regarded the black cell phone, appearing as a dark object, to be a firearm, and may have interpreted some physical movement of Mr. Holland as an attempt to draw or aim a firearm.

Evidence relating to the gunshot wounds could also support a potential claim of self-defense by Deputy Lopez. Deputy Lopez fired six shots within 1.5 seconds, and the order in which the bullets struck Mr. Holland cannot be determined. While Mr. Holland was struck three times in back areas of his body, one penetrating shot struck Mr. Holland on the left front of the chest and traveled to the right side of the chest. Therefore, Mr. Holland’s body was turned slightly toward Deputy Lopez at the time of the shot to the front of the chest. Furthermore, given that Mr. Holland landed face down, the most reasonable interpretation of the available evidence is that Deputy Lopez shot Mr. Holland in the front of the chest first, Mr. Holland began turning away from Deputy Lopez, and as or after Mr. Holland turned, Deputy Lopez fired the remaining shots. Given the short time horizon during which the shots were fired and the known delay in human reaction time, it is a reasonable inference that Deputy Lopez made the decision to fire all of the shots when Mr. Holland was turned toward the officer, and that there was insufficient time to react to Mr. Holland’s action of turning away.

The facts also tend to show that Deputy Lopez could have reasonably believed that the danger was imminent. “Imminent” for the purpose of self-defense requires the present ability, opportunity, and apparent intent to cause death or serious bodily injury. Mr. Holland repeatedly claimed to Deputy Lopez that he was going to shoot after Deputy Lopez demanded to see his hands. This implied that Mr. Holland was armed. These threats, if true, would mean Mr. Holland had the present ability and

apparent intent to use lethal force. Given Mr. Holland's refusal to show his hands (and prove that he was unarmed), the presence of a black cell phone that could be mistaken for a firearm in the dark, and the proximity of Mr. Holland, it would not have been unreasonable for Deputy Lopez to believe that Mr. Holland was armed and capable of inflicting death or serious harm.

In light of the totality of the circumstances as shown by the evidence, a prosecution could not prove beyond a reasonable doubt that the use of lethal force by Deputy Lopez was unreasonable. At the moment when shots were fired, Deputy Lopez could have reasonably believed that Mr. Holland posed an imminent threat of death or serious bodily injury. Mr. Holland fled on foot from a traffic stop holding a black cell phone and ran into a dark desert and refused to stop or show his hands. Deputy Lopez chased Mr. Holland for one minute and nineteen seconds and over 846 feet. Deputy Lopez ordered Mr. Holland to show his hands 19 times. Instead of showing his hands, Mr. Holland told Deputy Lopez, "I will shoot" or "I will shoot you" a total of 10 times. Given such facts, a peace officer, under these circumstances, could reasonably believe that lethal force was necessary to defend against an imminent threat of death or serious bodily injury.

CONCLUSION

Based upon the review of all of the evidence obtained by the Department of Justice, the applicable statutes, legal principles, and totality of the circumstances, there is insufficient evidence to support a criminal prosecution of Deputy Lopez. Therefore, no further action will be taken in this case.



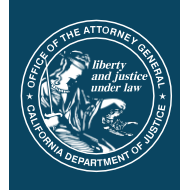
C A L I F O R N I A

DEPARTMENT OF JUSTICE

Policy and Practice Recommendations for the San Bernardino Police Department Related to the Officer-Involved Shooting of Shane Holland on June 21, 2022

ISSUED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 12525.3, SUBDIVISION (B)(2)(B)(III)

April 2024



POLICY AND PRACTICE RECOMMENDATIONS

The Attorney General is required to include “[r]ecommendations to modify the policies and practices of the law enforcement agency, as applicable” as a component of this report. (Gov. Code, § 12525.3 subd. (b)(2)(B)(iii).) Therefore, the DOJ conducts a supplemental review of the information obtained through the criminal investigation, which may include a review of policies concerning body-worn camera footage, interview recordings, video recordings, witness statements and other records, as well as the publicly-available policies of the agency employing the officer(s) who are subject to the criminal investigation. The DOJ uses the review process to identify “applicable” recommendations, including any recommendations to modify policy and practices that may reduce the likelihood that officers use deadly force, as well as recommendations to address any other deficiency or concern related to the officers’ conduct or the agency’s response that the DOJ observes. DOJ’s goal is that these recommendations will assist the agency and the officer(s) involved in the incident in understanding, from an independent perspective, improvements that could be made to address what was observed through this incident.

Pursuant to its obligations under Government Code section 12525.3, subdivision (b)(2)(B)(iii), the DOJ advises that San Bernardino Sheriff’s Department (SBSD) review and implement the four recommendations described below.

As background, SBSBD Deputy Justin Lopez initiated a traffic stop for a violation of Vehicle Code section 5201.1, which prohibits the operation of a vehicle with a product or device that obscures the reading or recognition of a license plate. The facts support that Deputy Lopez’s decision to initiate the stop was based entirely on his observation that he could not see the vehicle’s license plate because it did not have reflective coating. The stop took place at 2:41 a.m. in a rural area in the City of Adelanto, which is described as having poor, artificial lighting. After providing the driver the reason for the stop, the driver gave Deputy Lopez his name and the passenger, later identified as Shane Holland, gave Deputy Lopez a fictitious name. While Deputy Lopez ran records checks on those names, Mr. Holland fled the vehicle. Deputy Lopez pursued Mr. Holland on foot, leaving the driver by himself. During the pursuit, Mr. Holland repeatedly threatened to shoot Deputy Lopez and approximately six minutes after Deputy Lopez initiated the traffic stop, he shot and killed Mr. Holland.

PPS evaluated all these facts and available evidence, which resulted in four recommendations:

1. FOOT PURSUIT POLICY

After Mr. Holland fled, Deputy Lopez pursued him on foot, early in the morning, in a rural area with poor artificial lighting and faced deadly threats from him. Deputy Lopez could have rendered himself vulnerable to mortal danger had those threats been real. Moreover, Deputy Lopez pursued a passenger who was not suspected of any crime at the time the vehicle’s driver was stopped, leaving the stopped driver alone without any other deputy present, and without knowing if the driver posed a greater risk of danger. This incident is illustrative of the inherent danger in foot pursuits, which put the deputy and the members of the public at risk of physical harm. (Kaminski, Police Foot Pursuits and Officer Safety (2007) Law Enforcement Executive Forum

www.researchgate.net/publication/249009937_Police_Foot_Pursuits_and_Officer_Safety.)

The decision as to whether and when to engage in a foot pursuit will depend on a multitude of factors. However, SBSB's Policy Manual is silent on these factors, providing no guidance to deputies as they evaluate a decision of whether to engage in a foot pursuit. To reduce risks of physical harm to deputies and members of the public, SBSB should develop a foot pursuit policy that includes the criteria a deputy should consider in deciding whether or not to pursue a person on foot, and when to abandon a pursuit. SBSB can borrow some of the criteria from its existing policy on vehicle pursuits, which requires deputies to "continually weigh the risk to public safety against law enforcement's duty to enforce the law and apprehend violators," and requires deputies to consider, among other factors, the seriousness of the crime, the time of day, the type of area involved in the pursuit. (SBSB Department Manual Policy 3.166.10.) SBSB should also consider other criteria, including whether the deputy is acting alone, whether there are conditions, such as poor lighting that would reduce visibility, and whether the area is "hostile," such as a drug trafficking location. (International Association of Chiefs of Police, Considerations Document: Foot Pursuits (Jul. 2019) <www.theiacp.org/sites/default/files/2019-07/Foot%20Pursuits%20Considerations%20-%202019.pdf>.) Faced with a similar situation to this one in the future, a deputy may use the guidance from a foot pursuit policy and decide not to pursue and instead broadcast that a person has fled the scene of a stop. In turn, a foot pursuit policy may prevent similar high-risks incidents, which equally benefits both deputies and members of the public.

2. POLICY ON TRAFFIC STOPS FOR MINOR OFFENSES

SBSB's policy on Traffic Enforcement, SBSB Department Manual Policy 3.502, does not provide criteria for the types of traffic stops deputies should prioritize. A related policy, SBSB Department Manual Policy 3.504, Traffic Enforcement in Contract Cities, states broadly that deputies are responsible for "appropriately warn[ing], cit[ing], or arrest[ing] traffic law violators" for the purpose of "enforc[ing] compliance with traffic laws and [] develop[ing] driver awareness of the causes of traffic accidents. . . ." Neither of these policies provide guidance as to whether a deputy should initiate a stop when they observe a minor traffic violation, while alone on a night shift in a rural, poorly lit area. Absent guidance or limitations from SBSB policies, Deputy Lopez exercised his discretion to initiate a stop, which led to a high-risk incident, involving the pursuit of a person on foot who repeatedly threatened to shoot Deputy Lopez.

While it is critical that deputies have discretion to initiate stops, deputies should exercise that discretion in a manner that promotes deputy safety and prioritizes addressing criminal and traffic violations that have an impact on public safety. Given the potential risks to the deputy and public safety, SBSB should consider and delineate the factors and circumstances when deputies should consider when to initiate stops for minor traffic offenses. Those factors should include whether or not the traffic offense significantly interferes with public safety, the time of day, and the area in which the deputy is patrolling.¹

1 Limitations on low-level traffic offenses is an practice in other states and cities, including the State of Virginia, and the cities of Los Angeles, Minneapolis, Philadelphia, San Francisco, and Seattle. (Raim, Police are Stopping Fewer Drivers – and It's Increasing Safety, Vera Institute (Jan. 11, 2024) <www.vera.org/news/police-are-stopping-fewer-drivers-and-its-increasing-safety>; Kirkpatrick, et al., Cities Try to Turn the Tide on Police Traffic Stops, N.Y. Times (April 15, 2022) <www.nytimes.com/2022/04/15/us/police-traffic-stops.html>; Va. Sen. Bill No. 123 (2020-2021 Special Sess.) § 5029 <<https://lis.virginia.gov/cgi-bin/legp604.exe?202+ful+SB5029+pdf>>; Los Angeles Police Dept., Department Manual (May 2023) § 240.06 <https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/VOLUME_1_word.pdf>; Penn. Civ. Code, §§ 12-1702-03 <https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-285774#JD_12-1702>; San Francisco Police Dept., Department General Order § 9.07 <www.sf.gov/sites/default/files/2023-03/DGO%209.07_03.15.23_0.pdf>; Seattle Police Dept.,

SBSD can use its stop, collision, and crime data to identify the specific policy or guidance that works for its jurisdiction, and whether enforcement of minor traffic offenses through mechanisms other than a stop, such as a mailed citation, would maintain or improve statistics on crime and traffic collisions, injuries, and fatalities.

It is important to note that deputies would still retain discretion to initiate stops for traffic offenses or for criminal activity for which they have reasonable suspicion or probable cause.

3. BACKUP OR PARTNERS DURING CERTAIN STOPS

In addition to the inherent concerns about foot pursuits, Deputy Lopez’s decision to engage in a foot pursuit without a partner or backup at the scene could have had serious implications for both Deputy Lopez and the public. For example, the stopped person could have left the scene and harmed members of the public, or followed the foot pursuit and attacked Deputy Lopez.

This incident provides SBSB an opportunity to consider guidance, policies, and resources for deputies acting in a one-deputy patrol unit. Specifically, SBSB should consider the following:

- (1) Requiring two-deputy patrol units for certain shifts, such as nighttime shifts, and/or neighborhoods with higher crime. Here, Deputy Lopez was by himself at night in a poorly lit area, which decreases his situational awareness. Additionally, Deputy Hillebrand, who arrived at the scene after the shooting, described the area as a “high-crime area.” SBSB could consider using two-deputy patrol units with the same purpose of protecting deputy safety because a two-deputy patrol unit could work together to offset the challenges posed by conducting stops at night;
- (2) Permitting stops by one-deputy patrol units during certain shifts, such as nighttime shifts, only when backup is present, unless exigent circumstances require the deputy to make the stop immediately. This requirement would improve deputy safety while also having the added benefit of incentivizing deputies to prioritize stops for serious crimes, where backup would be beneficial, and not a waste of resources; and/or
- (3) Providing guidance about when a deputy can retreat from a stop, such as when the deputy realizes that there are multiple people in a vehicle and the deputy requires backup, but such backup is unavailable, and the underlying suspected crime is not significant risk to public safety.

The DOJ understands that resources for many law enforcement agencies are limited, but it is worthwhile for SBSB to undergo the exercise of determining whether any of these options are feasible. SBSB can use crime and stop data to identify specific shifts or neighborhoods that are statistically considered high-crime and could benefit from either two-deputy units, or a requirement that stops may only be conducted with backup present, with exceptions. This type of reallocation of resources may in turn improve deputy and public safety, by ensuring another person is present to coordinate tactics and to provide cover, among other benefits. (Griffith, *Two-Officer Cars: The Buddy System* (Oct. 16, 2015) Police < <https://www.policemag.com/patrol/article/15346856/two-officer-cars-the-buddy-system>>.) Policies and guidance of this kind, coupled with the policy described above, may prevent the scenario presented here from occurring again and in turn, reduce risks of harm to deputies and the public.

SPD Blotter, SPD Updates Traffic Stop Guidelines (Jan. 14, 2022) <<https://spdblotter.seattle.gov/2022/01/14/spd-updates-traffic-stop-guidelines/>>.

4. BODY-WORN CAMERA POLICY

Deputy Lopez was equipped with a belt audio recorder, which was activated at the time of this incident. The belt audio recorder captured Mr. Holland threatening to shoot Deputy Lopez, which was among the facts that the DOJ concluded as tending to show that Deputy Lopez could have reasonably believed that the danger was imminent. However, had the belt audio not captured Mr. Holland's threats, the reasonableness of Deputy Lopez's belief that danger was imminent might not be as clear.

The DOJ credits San Bernardino County for approving, in February 2023, a contract to provide body-worn cameras (BWC) to SBSB deputies. BWCs benefit both deputies and members of the public by providing footage of deputy-public interactions, including incidents like this one that led to deadly force. BWC footage will assist SBSB, the public, and deputies in determining administrative violations, civil liability, deficiencies in training, tactics, and equipment, and positive interactions that merit commendation.

SBSB's BWC policies (SBSB Policy Manual Policy Nos. 3.142.25-3.142.95) includes some components aligned with best practices, including requirements for when deputies should activate their cameras, and when deputies can review footage. However, SBSB should revise its policies to include the following components:

- (1) The specific scenarios when a deputy should not activate their BWC, including sensitive areas like restrooms or when talking to a minor. SBSB should permit exceptions to the general rule prohibiting activation during certain scenarios when there is a specific law enforcement reason to record, including conducting an interview of a suspect or victim, capturing a deputy's use of force, and observing a crime in progress;
- (2) A review process by which SBSB will review samples of BWC footage on a regular and consistent basis. SBSB's Policy No. 3.142.80 (BWC Audits) states that the Commander of the Professional Standards Division, or their designee, serves as the BWC Administrator and "may audit two random recordings from each station or division per month to ensure members are in compliance with BWC policies." (Emphasis added.) SBSB should require, rather than permit, BWC Audits for purposes of ensuring not just compliance with BWC policies, but also with other SBSB policies. The BWC Administrator should also use the BWC Audits to evaluate the sampled incident for appropriate use of tactics, techniques, and equipment for both training and commendation purposes and accurate and complete incident reporting. SBSB should include a provision requiring the BWC Administrator to elevate, through SBSB's normal channels, any noncompliance with policy, or any commendable conduct that is revealed through the BWC Audits process; and
- (3) SBSB should permit supervisors, field training deputies, and any personnel involved in training to view BWC footage for training purposes, and to use that footage in training classes and briefings. Regular use of BWC footage in training and briefings will provide deputies with real world examples of commendable tactics or techniques, or ones that require improvement which, in turn, will improve deputies' skills.