



C A L I F O R N I A

DEPARTMENT OF JUSTICE

**Report on the Investigation into the
Death of Jay Jackson on July 22, 2022**

Riverside County AB 1506

July 2025

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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. 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, 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 to the names and other identifying information of witnesses. 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 and public interest in disclosure.

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

- Witness 1 (“W-1”), assistant store manager at O’Reilly Auto Parts store
- Witness 2 (“W-2”), sales associate at O’Reilly Auto Parts store
- Witness 3 (“W-3”), delivery driver at O’Reilly Auto Parts store
- Witness 4 (“W-4”), law enforcement ride-along passenger
- Witness 5 (“W-5”), Mr. Jackson’s niece

INTRODUCTION

On July 22, 2022, Riverside County Sheriff’s Department (“RCSD”) Deputy Robert Carrasco responded to a call of an armed subject, later identified as Jay Jackson, entering a retail store and declaring he had a gun and was going to kill someone. Other responding deputies included Deputy Nechelle Reyes, Deputy Isaac Moran, and Deputy Harvey Hixon. During the ensuing encounter with deputies, Mr. Jackson did not follow the deputies’ commands, said he had a gun, brandished a shiny metallic object, and charged towards Deputy Carrasco. In response, Deputy Carrasco fatally shot Mr. Jackson.

The Department of Justice investigated and reviewed the Officer Involved Shooting (OIS) pursuant to Government Code section 12525.3 (enacted by Assembly Bill 1506). This report is the final step in DOJ’s review of the fatal OIS of Mr. Jackson. The scope of this report is limited to determining whether criminal charges should be brought against the involved deputy and offering possible policy and practice recommendations as required by Government Code section 12525.3, subdivision (b)(2). The review does not encompass or comment on any potential administrative or civil actions. Based on the criminal investigation, review of evidence, and evaluation of the case, we have determined that there is insufficient evidence to support the filing of criminal charges against Deputy Carrasco.

CAUTION: The images and information contained in this report may be graphic and disturbing. Therefore, reader discretion is advised, especially for young children and sensitive individuals.

SUMMARY OF INCIDENT¹

On July 22, 2022, shortly after 11:00 AM, Mr. Jackson entered the O'Reilly Auto Parts store, located at 15105 Perris Boulevard in Moreno Valley, California. Mr. Jackson told store employees, "I'm a smoke someone if you want to call the cops, I'll try not to do any innocent people." After Mr. Jackson threatened to kill someone, he left the store. Store employees locked the doors. W-1, the assistant store manager, called 911 at 11:07 AM, and reported that an armed man entered O'Reilly Auto Parts and threatened to "smoke" someone. W-1 did not see a gun, but he said it could have been in the man's pocket. W-1 said that the man had left the store and was in the parking lot. W-1 described Mr. Jackson as a White adult male in his mid-thirties or early forties, five feet eight inches or nine inches tall, shirtless, with a skinny build and many tattoos.

The 911 dispatch operator broadcast to patrol deputies, "Armed subject. Possibly armed with a gun... Negative visuals any weapons. It was just a subject who walked into store. Advised that he had a gun. Advised he was going to kill an unknown subject. Currently in the parking lot." The dispatcher added, "The subject said that he was going to shoot someone. If the RP [Reporting Party, W-1] wanted to call the police, and that he wouldn't try to hurt any innocent parties." The call was assigned to RCSD Deputy Reyes, who had a ride-along passenger, W-4, an intern from the Riverside County District Attorney's Office. Deputy Reyes arrived on scene at approximately 11:13 AM, and Deputies Moran and Carrasco arrived immediately thereafter.

The deputies observed Mr. Jackson in the parking lot of the O'Reilly store. Deputy Reyes positioned herself in the Family Dollar parking lot, just north of Mr. Jackson. Deputy Reyes told W-4 to exit the patrol vehicle and position herself behind it, which she did. At 11:15:22 AM, Deputy Reyes retrieved her 40-millimeter launcher, a non-lethal weapon that fires large foam projectiles, and pointed it at Mr. Jackson.



Photograph from Deputy Reyes' BWC showing her holding a 40-millimeter launcher. Mr. Jackson is shown standing in the center bottom of the image.

¹ This report generally includes information about facts and circumstances leading up to the OIS, even if some of the information was unknown to the officers, in order to explain and give context to the entire incident.

Deputy Moran positioned himself to the south of Mr. Jackson in the O'Reilly store parking lot. He stood behind the door of his patrol vehicle with a pistol pointed at Mr. Jackson. Deputy Carrasco positioned himself to the west and in front of Mr. Jackson and stood behind the hood of his patrol vehicle with a shotgun pointed at Mr. Jackson.



Deputies Carrasco (left) and Moran (right) with weapons pointed at Mr. Jackson (center).²

At 11:15:18 AM, Deputy Moran commanded Mr. Jackson, “don’t do this,” “take your hands out dude.”

At 11:15:28 AM, Deputy Reyes told Mr. Jackson:

“Sir, take your hand out of your pocket. We do not want to hurt you. We’re not going to shoot you. We can give you medical services, mental health services, just do us a favor and take your hands out of your pocket. We do not want to hurt you. Stay where you are.”

Mr. Jackson’s statements in response could not be heard on the deputies’ body-worn cameras. In her later interview, Deputy Reyes said that Mr. Jackson responded to her by saying, “just tell them to shoot me.” According to Deputy Moran, Mr. Jackson stated in response to Deputy Reyes, “I’m not going to do it,” “just kill me,” “I’m not going to listen,” “fuck you, just kill me,” and “you’re gonna kill me.”

At 11:15:50 AM, Deputy Moran told Mr. Jackson, “Do not pull out a gun cause you will be shot.” Deputy Reyes then broadcast her position, made an advisement regarding crossfire, and began moving from behind the door of her patrol vehicle.

² This image and others from the same vantage point are taken from video recorded by W-2 inside the O'Reilly Auto Parts store. Reflections from the front window of the store are visible in the images.

At 11:16:06 AM, Deputy Moran instructed Mr. Jackson, “dude slowly pull your hand out and put it on top of your head or get on your knees.”

Deputy Carrasco was not wearing his body-worn camera (BWC) during the OIS. Deputy Moran’s BWC captured Deputy Carrasco instructing Mr. Jackson, “get your hands out.” Although not captured on body-worn camera, Deputy Carrasco stated in his interview that he also asked Mr. Jackson if he had a gun, and Mr. Jackson said he did. Additionally, Deputy Carrasco radioed to dispatch and reported, “Subject saying he has a gun, hands in his pocket and he’s not complying.” In video taken from inside O’Reilly Auto Parts, Deputy Carrasco is seen changing position, lowering his body and leaning forward on the right fender of his patrol vehicle. The distance between Deputy Carrasco and Mr. Jackson was approximately 32 feet.



Deputy Carrasco taking cover behind his patrol vehicle.



Mr. Jackson standing.

Mr. Jackson then pulled a shiny metallic object from the right pocket of his shorts and raised his arms. W-1 said that Mr. Jackson was standing, and then, “all in one motion,” Mr. Jackson performed a quick movement towards Deputy Carrasco, while possibly taking his right hand out of his pocket. W-2 stated that Mr. Jackson “got aggressive” and “walked fast” towards Deputy Carrasco while taking something out of his pocket.



Mr. Jackson holding a shiny metallic object. Deputy Moran is on the right, standing with handgun drawn behind the door of his patrol vehicle.



Mr. Jackson with raised arms holding a metallic object.



Mr. Jackson stepping toward Deputy Carrasco with hands lowered to the right side of his waist.



Mr. Jackson continuing to move toward Deputy Carrasco.

At 11:16:19 AM, in response to Mr. Jackson's statements and movements, Deputy Carrasco fired one shot from his department-issued shotgun, striking Mr. Jackson in the chest. Deputy Reyes exclaimed, "shots fired, shots fired," and Mr. Jackson fell to the ground.



Mr. Jackson falling after being shot.



Photograph from Deputy Moran's BWC video showing Mr. Jackson on the ground after being shot. Deputy Reyes is seen in the background near her patrol vehicle.

During the OIS, W-3, a delivery driver for O'Reilly Auto Parts, was inside her vehicle which was parked in front of the store. W-3 captured the incident with her cell phone.



View from inside W-3's vehicle the moment after Mr. Jackson was shot. Deputies Reyes and Carrasco are on the left. Deputy Moran is standing on the right (partially obscured by markings on the window of W-3's vehicle). Mr. Jackson's legs are visible beyond the door of the patrol vehicle.

Deputy Moran called for an expedited emergency medical response. Deputy Hixon, who had arrived on scene and heard the shot but did not witness the OIS, checked Mr. Jackson for weapons. A metallic shaving razor handle was located on the ground next to Mr. Jackson, but no weapons were found. Immediately thereafter, deputies began rendering medical aid, including the use of a chest kit.

Fire department and paramedic personnel arrived at 11:21 AM and initiated advanced cardiopulmonary life support measures and attempted to control bleeding. An ambulance then transported Mr. Jackson to the Riverside University Health System Medical Center, arriving at 11:39 AM. Mr. Jackson did not respond to further life-saving measures at the hospital, and he was pronounced deceased at 12:04 PM.

Following the OIS, Deputy Carrasco approached Mr. Jackson, then returned to his patrol vehicle, mounted and activated his BWC, ejected a shotgun shell, and secured his shotgun. Statements by involved deputies were also captured on body-worn cameras. At 11:17 AM, Deputy Moran said, "he [Mr. Jackson] said he had a gun on him." Deputy Carrasco stated, "yea he said he has a fucking gun and takes his hand out like he's pointing a fucking gun." Deputy Reyes, gestured towards the shaving handle, "this is what he [Mr. Jackson] had in his right pocket, he pulled out." Deputy Moran replied, "he pulled it out, pointed it at Carrasco, and Carrasco fired." At 11:21 AM, Deputy Carrasco told Sergeant Varela that he shot Mr. Jackson and that Mr. Jackson "said he had a gun" and "charged" at Deputy Carrasco, who had taken cover behind his patrol vehicle.

INVESTIGATION

Overview

At 1:00 PM on July 22, 2022, the DOJ Division of Law Enforcement (DLE) California Police Shooting Investigation Team ("CaPSIT") was notified of the OIS incident in Moreno Valley. The incident involved

deputies of the Riverside County Sheriff's Department and was determined to be a qualifying event within the meaning of Government Code section 12525.3. DLE Special Agent Daniel Foster arrived on-scene at approximately 3:00 PM and made contact with local law enforcement who briefed DOJ on the incident. DOJ subsequently conducted an independent and thorough investigation of the facts and circumstances relating to the shooting of Mr. Jackson.

Over the course of the investigation, DOJ agents interviewed involved deputies and civilian witnesses, and received and reviewed extensive investigation materials, including: law enforcement and civilian video recordings, 3-D FARO scans, photographs of the crime scene (ground and aerial) and of the autopsy, communications evidence (dispatch records and 911 call recordings), physical evidence (shell casing, shaving handle used by Mr. Jackson, shotgun used by Deputy Carrasco), and autopsy and toxicology reports.

Incident Scene Description

The OIS occurred in the O'Reilly Auto Parts parking lot located at 15105 Perris Boulevard in Moreno Valley, California.



The front of the O'Reilly Auto Parts store where Mr. Jackson entered. The parking lot where the officer involved shooting occurred is in the foreground.

During the OIS, Mr. Jackson was standing in the parking lot northeast of the O'Reilly Auto Parts building. Deputy Carrasco was positioned southwest of Mr. Jackson. Deputy Reyes and her ride-along (W-4) were positioned north of Mr. Jackson, and Deputy Moran was positioned to the south of Mr. Jackson. Deputy Hixon arrived on scene and heard a gunshot.



Diagram showing positions of the deputies and Mr. Jackson in the parking lots of O'Reilly Auto Parts and the neighboring business, Family Dollar.

Evidence Recovery

On July 22, 2022, evidence at the crime scene was collected and processed by DOJ's Bureau of Forensic Sciences (BFS). BFS took 549 photographs of the scene and documented the location by creating FARO 3-D digital scans, sketches, and notes. Among the evidence recovered from the scene was a Gillette Fusion razor handle with no blade.



Metallic Gillette shaving handle recovered on the ground near where Mr. Jackson fell.

OFFICER PROCESSING

Prior to BFS's arrival at the incident scene, officer processing (documenting the uniform and equipment of involved officers) had been completed by RCSD. RCSD provided photographs of the processing of Deputies Carrasco, Moran, Reyes, and Hixon, to the Riverside County District Attorney's Office, which in turn, provided the photographs to DOJ. The photographs show that all four of the involved officers wore standard RCSD tan uniforms and green bulletproof vests.

The involved shotgun, a Remington 870, used by Deputy Carrasco remained at the scene. BFS processed the shotgun and recovered: one expended 12-gauge shotshell, one ejected unfired 12-gauge shotshell, two 12-gauge shotshells from the tubular magazine, and three 12-gauge shotshells from an attached shell carrier.



Deputy Carrasco's shotgun.

Video Recordings

Body-worn cameras for the involved deputies were recovered and examined. The BWCs of Deputies Reyes and Moran were activated during the OIS and captured key portions of the incident. Deputy Carrasco activated his BWC after the OIS, as he secured his shotgun in his patrol vehicle. Deputy Hixson's BWC was activated as he walked up to the incident scene immediately after the OIS.

W-2 provided a video recording to DLE that captured the incident from inside the O'Reilly Auto Parts store. W-3, a delivery driver for O'Reilly, provided four cell phone videos to Investigator Ferrer of the Riverside County District Attorney's Office and to a private attorney, both of whom provided the

recordings to DLE. W-3 recorded the videos during the OIS from the front and back seats of her vehicle, which was parked near the front entrance to the O'Reilly store.

Communications Evidence

DOJ obtained and reviewed records of law enforcement communications related to the OIS, including audio recording of the 911 call made by W-1; RCSD Dispatch logs; and audio recordings of communications between RCSD Dispatch and the involved deputies.

CORONER'S INVESTIGATION

Following the OIS, a deputy coroner was briefed at the incident scene and then proceeded to the Riverside University Medical Center to conduct a preliminary examination and take custody of Mr. Jackson's body. At the time of his death, Mr. Jackson was a 49-year-old White adult male, five feet seven inches tall, and weighed 161 pounds.

On July 26, 2022, Dr. Louis Pena conducted an autopsy. Dr. Pena noted evidence of lifesaving medical treatment, such as defibrillation pads. Also noted were recent superficial "hesitation cuts" on the right and left sides of Mr. Jackson's neck, as well as older "hesitation scars" on the right and left neck and the left forearm.³

The autopsy found shotgun pellet wounds to the upper right chest with internal wounds to the right lung, liver, and ribs. Five pellets were located under the skin of Mr. Jackson's back and were removed. The trajectory of the pellets was "front to back, downward." Dr. Pena opined that Mr. Jackson would have died within minutes of being shot, and he concluded that Mr. Jackson's death was a homicide resulting from a shotgun wound to the torso. A Coroner's Review reached the same conclusion on November 8, 2022, determining that the cause of death was a shotgun wound of the torso, the manner of death was homicide, and the mode of death was a gunshot during a confrontation with law enforcement.

The toxicology report noted that Mr. Jackson had detectable amounts of ethyl alcohol, amphetamines (methamphetamine and amphetamine), Tramadol, Desmethyldramadol, acetaminophen, and opiates (hydrocodone).

INTERVIEWS OF INVOLVED DEPUTIES

Sheriff deputies and 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 [individuals have right to remain silent and decline to answer questions in the face of official questioning]; see generally *Miranda v. Arizona* (1966) 384 U.S. 436, 467.) The deputies involved in this incident provided voluntary statements.

DLE Special Agent Foster and Investigator Ferrer from the Riverside County District Attorney's Office interviewed Deputies Carrasco, Reyes, Moran, and Hixon individually on July 26, 2022, four days after

³ Hesitation cuts are self-inflicted superficial wounds made by individuals considering suicide. In 2021, RCSD deputies interacted with Mr. Jackson in regard to a suicide attempt involving a box cutter that was consistent with producing hesitations marks. CDCR parole records also documented that, in April 2022, Mr. Jackson self-admitted to a hospital for mental health issues.

the OIS. The interviews were conducted at the Riverside Sheriff's Association headquarters and were recorded with the permission of all parties. Attorney Stephen Chulak represented the deputies and was present during the interviews.

The following statements are summaries of the interviews, which describe the incident from the point of view of the individual deputies. Please note that the interviews contain facts relayed by the deputies that may be inaccurate or inconsistent with the facts of this incident as they are currently understood.

Deputy Reyes

At the time of the OIS, Deputy Reyes had been an RCSD deputy for seven years. Prior to that, Deputy Reyes served as a Jail Corrections Officer for RCSD. When she responded to the OIS scene, Deputy Reyes was in full uniform and was driving a marked patrol vehicle.

On July 22, 2022, at around 11:00 AM, Deputy Reyes received a call for service involving an "armed call." It was reported that a White male adult entered a retail store, that he had a gun and would shoot someone, and that he might not kill innocent individuals if the police were called. Deputy Reyes was the primary deputy assigned to the call, but based on the type of call, she requested additional deputies to respond. Also at that time, W-4, an intern at the District Attorney's Office, was on a ride-along with Deputy Reyes.

Upon arrival at the scene, Deputy Reyes entered from the northeast and positioned her patrol vehicle to the north of Mr. Jackson, who at the time stood alone in the parking lot northeast of the O'Reilly Auto Parts store. Deputies Carrasco and Moran arrived and positioned themselves southwest of Mr. Jackson.

Prior to the OIS, Deputy Reyes was unfamiliar with Mr. Jackson, having never seen him before. Deputy Reyes made verbal contact with Mr. Jackson and ordered him to take his hand out of his pocket. Deputy Reyes also offered medical and mental health services to Mr. Jackson. However, Mr. Jackson responded, "just tell them to shoot me" and did not comply with Deputy Reyes's commands.

Deputy Reyes elected to retrieve a 40-millimeter launcher loaded with less than lethal ammunition because Deputies Carrasco and Moran had firearms. Deputy Reyes observed that Mr. Jackson's right hand was in his pocket. Mr. Jackson then took an "aggressive step" towards Deputy Carrasco. When Mr. Jackson stepped forward, he drew his right hand up and pointed an unidentified silver gray object at Deputy Carrasco. Deputy Reyes believed that the item Mr. Jackson pulled out was a pistol, and that Mr. Jackson intended to shoot her and her partner. She stated that Mr. Jackson would have killed her, her partner [Deputy Moran], her ride-along (W-4), and other members of the public. Deputy Carrasco fired one round and Mr. Jackson fell to the ground. Mr. Jackson was cleared for weapons by Deputy Hixon and was provided with medical care by the deputies until the fire department arrived.

When asked to explain why she did not use the 40-millimeter launcher, Deputy Reyes explained that her initial position placed her in a crossfire situation where she could potentially have hit Deputy Moran. When she repositioned herself, Deputy Reyes still did not have a clear shot, because she was obstructed by a tree.

Deputy Moran

At the time of the OIS, Deputy Moran had worked at the Riverside County Sheriff's Office for three years. On July 22, 2022, Deputy Moran was working patrol in the City of Moreno Valley in full uniform and in a marked patrol car. Deputy Moran was already assigned to a call for service when he diverted

to an armed subject call—where the subject stated he was armed and was going to kill someone. While enroute, Dispatch broadcast that the subject had stated, if they did not want people to get hurt, they needed to call the police. Deputy Moran also heard, through dispatch, that his partner [Deputy Reyes] had arrived on scene and had “one at gunpoint.” Upon hearing that, Deputy Moran said, “the hair on the back of my neck stood up” and he rushed to get to the call faster. Deputy Moran believed the armed subject could potentially hurt or kill someone, and he was concerned for the safety of the public and his partners.

Upon arriving at the scene, Deputy Moran positioned himself directly across from his partner (Deputy Reyes), who had her weapon pointed at Jackson. Deputy Moran used his patrol car’s door for cover, drew his gun, and pointed it at Mr. Jackson, who matched the description of the subject. Prior to the OIS, Deputy Moran had not had any contact and was unfamiliar with Mr. Jackson. Deputy Moran’s positioning on scene created a crossfire issue where Deputy Reyes and her ride-along (W-4) were directly behind Mr. Jackson. In this situation, if Deputy Moran had fired at Mr. Jackson and missed, Deputy Moran could have hit Deputy Reyes or W-4.

Deputy Moran stated that during the encounter Mr. Jackson was standing in the parking lot with his right hand in his right pocket and was pacing while he and Deputy Reyes gave commands, including, “remove your hands from your pockets” and “go to your knees.” Deputy Reyes also offered Mr. Jackson services and told Mr. Jackson that they did not want to hurt him. Mr. Jackson responded, “I’m not going to do it,” “just kill me,” “I’m not going to listen,” “fuck you just kill me,” and “you’re gonna kill me.” Mr. Jackson paced back and forth in the parking lot with his hand in his pocket and appeared nervous, agitated, and “probably angry.”

Deputy Carrasco asked Mr. Jackson if he had a gun, and Mr. Jackson said he did have a gun. Mr. Jackson became fixated on Deputy Carrasco and began advancing towards Deputy Carrasco. Mr. Jackson lunged while removing his hand from his pocket on his right side and pointing his hand toward Deputy Carrasco. Deputy Moran was unable to see what was in Jackson’s hand when it was drawn and pointed towards Deputy Carrasco. Deputy Carrasco fired one round, and Mr. Jackson dropped to the ground. Deputies Moran and Hixon searched Mr. Jackson, rendered the situation safe, and provided medical aid.

Deputy Moran “absolutely” believed that Mr. Jackson had the ability, opportunity, and intent to cause great bodily injury or death, and it was “absolutely” necessary to use deadly force because otherwise someone could have been killed. Deputy Moran further stated that there was no time for additional resources or other options because a delay would have put officers’ lives at risk, making them move from their cover and get in Mr. Jackson’s line of fire.

Deputy Carrasco

At the time of the OIS, Deputy Carrasco had been a law enforcement officer for 18 years. He began working at the Riverside County Sheriff’s Department in 2007, after working at other law enforcement agencies.

On July 22, 2022, Deputy Carrasco was working a patrol assignment in the City of Moreno Valley. Deputy Carrasco was in uniform and was driving his assigned marked patrol vehicle. While he was being dispatched to an unrelated call, Deputy Carrasco heard a radio broadcast regarding an armed subject. The radio broadcast included information regarding a man, later identified as Mr. Jackson,

entering a retail store claiming he was armed and threatening to shoot someone.⁴ Mr. Jackson also told the store retail workers to call the police and that he would not kill anyone innocent. Based upon what Deputy Carrasco heard and the nature of the call, he made the decision to respond to the call involving Mr. Jackson, instead of proceeding to the previously assigned call.

Upon his arrival at the scene, Deputy Carrasco noted where Deputy Reyes was positioned and took a position in front of the O'Reilly Auto Parts store. Deputy Carrasco observed Mr. Jackson, who matched the description given over the radio. When Deputy Carrasco arrived, he armed himself with a Remington 870 department-issued shotgun that was stored in the center rack of his patrol vehicle, between the driver and front passenger seats. The shotgun was loaded with four rounds of ammunition in the "tube"—"2 slugs and 2 bucks."⁵

Deputy Carrasco deployed his shotgun because he needed a weapon more accurate than a pistol. He was aware Deputy Reyes had transitioned to a less than lethal 40-millimeter launcher, and he assumed Deputy Moran was at least armed with a pistol. When asked about less than lethal tools such as a baton and pepper spray, Deputy Carrasco explained that they were inappropriate due to the nature of the call and Mr. Jackson having stating that he had a gun and wanted to kill someone. Additionally, Deputy Carrasco was not carrying a taser or a pepper-ball gun, and he did not have a 40-millimeter launcher.

When Deputy Carrasco first encountered him, Mr. Jackson had his right hand in his shorts pocket. Deputy Carrasco was unable to tell what he was holding. During the encounter, Deputy Carrasco and Deputy Reyes gave Mr. Jackson verbal commands to show his hands, but he did not comply. Deputy Carrasco asked Mr. Jackson if he had a gun and Mr. Jackson said "yes." Deputy Carrasco shared this information over the radio. He and Deputy Reyes continued to give verbal commands to Mr. Jackson to remove his hand from his pocket, slowly and without anything in it. Instead, Mr. Jackson quickly removed his hand from his right front pocket and advanced at a "fast pace" towards Deputy Carrasco while pointing a shiny chrome object. Deputy Carrasco believed the object was a pistol and that Mr. Jackson was preparing to shoot him. In response, Deputy Carrasco fired one round from his shotgun, striking Mr. Jackson at center mass. Deputy Carrasco and the other deputies moved towards Mr. Jackson. Once it was determined that Mr. Jackson no longer posed a threat, the deputies provided medical aid.

Deputy Carrasco stated that during the incident he had used his vehicle for cover, "crouching so low only his eyeballs could be seen," because he believed he would possibly get in a gunfight and might need to defend his life. Deputy Carrasco expressed his belief that Mr. Jackson had the ability, opportunity, and intent to cause great bodily injury or death to himself or others at the time of the OIS. Deputy Carrasco further stated that, had he not fired, Mr. Jackson would have fired the gun, which Deputy Carrasco believed Mr. Jackson had. Deputy Carrasco shot to save his own life. It was not until after Mr. Jackson was down, searched, and provided with medical aid that Deputy Carrasco learned that Mr. Jackson did not actually have a gun. Deputy Carrasco estimated that the entire encounter from when he arrived on scene to when he fired his rifle was about one minute and thirty seconds.

⁴ Deputy Carrasco stated that he was unfamiliar with Mr. Jackson prior to this OIS. However, according to RCSD records, Deputy Carrasco responded to a call in December 2021 (mentioned above), regarding a suicide attempt by Mr. Jackson. Deputy Carrasco's was listed as a backup deputy in the sheriff department's computerized dispatch system, and he did not write a report.

⁵ Shotguns can fire shells with large pellets known as "buckshot" or single projectiles known as "slugs." Shells are held in the "tube" (or "magazine tube") of the shotgun before being fed into the gun and fired.

When he was instructed by upper law enforcement management to leave the scene, Deputy Carrasco placed the shotgun in his vehicle and left the scene.

Deputy Hixon

At the time of the OIS, Deputy Hixon had worked at the Riverside County Sheriff's Office for 15 years. Prior to the OIS, Deputy Hixon had never seen Mr. Jackson and was unfamiliar with the name.

On July 22, 2022, Deputy Hixon was working patrol in the City of Moreno Valley. He was in full uniform and driving a marked patrol car. Deputy Hixon heard a dispatch for an armed call involving an adult male at a retail store who was threatening to shoot. Deputy Hixon assigned himself as a backup due to the nature of the call. A description of the male was broadcast, however, in his interview, Deputy Hixon could not recall the description, or whether Mr. Jackson matched it.

Upon arrival at the scene and while still in his patrol vehicle, Deputy Hixon located Deputies Reyes, Carrasco, and Moran, and saw Mr. Jackson. From his vehicle, Deputy Hixon noticed that traffic was moderate on Perris Boulevard, but he did not see any civilians on the scene. Deputy Hixon parked behind Deputy Moran. As he exited his vehicle, Deputy Hixon heard one shot, but did not see the shot being taken or Mr. Jackson falling to the ground. Based on his position, Deputy Hixon was unable to see what actions prompted the OIS to occur, and he did not arrive in time to hear any communications between the deputies and Mr. Jackson. Deputy Hixon was also unable to comment on Mr. Jackson's behavior prior to the OIS, explaining that Mr. Jackson was already down when Deputy Hixon first saw him.

Following the OIS, Deputy Hixon saw Deputy Carrasco and Deputy Moran approach Mr. Jackson while giving commands. Deputy Hixon moved forward and conducted a pat down on Mr. Jackson for weapons. Deputy Hixon did not find a weapon, but he saw a shaving razor handle on the ground. Deputy Hixon then received instructions from Deputy Reyes to set up crime scene tape to secure the area. After that, Deputy Hixon was instructed to collect potential witness statements. Deputies Moran and Reyes provided medical aid to Mr. Jackson.

When asked what could have occurred if Mr. Jackson had escaped the area, Deputy Hixon stated lives would be at risk due to the fact Mr. Jackson threatened to shoot someone. When he responded to the call, Deputy Hixon felt anxiety and nervousness, based upon the type of call and information known, and felt that he was entering into a life-threatening situation.

INTERVIEWS OF CIVILIAN WITNESSES

The following statements are summaries of the civilian interviews, which describe the incident from the point of view of the individual witnesses. Please note that 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.

W-1

DLE Special Agent Foster interviewed W-1 at the incident scene on July 22, 2022, at approximately 4:18 PM. W-1, an assistant store manager at O'Reilly Auto Parts, arrived to work at about 8:15 AM that day. Sometime around 11:15 AM to 11:20 AM, while W-1 and W-2 were working at the counter, Mr. Jackson entered the store wearing a button-down shirt. Mr. Jackson entered the store and stated, "just to let you guys know I have a gun," and "I'ma smoke somebody," but "I won't do it in your parking lot it

will be outside.” Mr. Jackson also said he would not “get any innocent people injured,” and “you guys can call the cops if you like.”

When questioned about Mr. Jackson’s demeanor, W-1 said Mr. Jackson sounded “worried” but spoke using a normal tone. Mr. Jackson was in the store for no more than a minute. After he left the store, W-1 locked the doors and called 911. W-1 observed Mr. Jackson pacing back and forth, in a circular motion, in the parking lot. Mr. Jackson also shook his head, cupped his ears, was now shirtless, and looked “distracted.”

When law enforcement arrived, Mr. Jackson had his right hand in his right front pocket. Law enforcement commanded Mr. Jackson to put his hands up and remove his hand from his pocket. Mr. Jackson was shaky and nervous. Mr. Jackson went from standing and then “all in one motion,” performed a quick movement where he moved toward the deputy while possibly taking his right hand out of his pocket. W-1 heard one round of a shotgun fired. W-1 then observed Mr. Jackson fall to the floor. After Mr. Jackson was on the floor, W-1 observed the deputies rendering medical aid to Mr. Jackson. The fire department and an ambulance arrived. W-1 estimated that the distance between the shooting officer and Mr. Jackson was 10 to 15 feet, and the shooting deputy was behind his patrol vehicle door.

W-1 did not take any photographs or videos of the OIS, and he stated that the store did not have any security videos.

W-2

DLE Special Agent Foster interviewed W-2 at the incident scene on July 22, 2022. W-2 was a retail sales associate at the involved O’Reilly’s. On the day of the OIS, he arrived to work between 10:50 AM and 11:00 AM. While W-2 was at the front counter, Mr. Jackson entered the store around 11:10 AM. Upon entering about five steps into the store, Mr. Jackson casually stated he had a gun on his person and claimed he was “gonna smoke somebody outside.” W-2 ignored Mr. Jackson, and Mr. Jackson left the store about two minutes later. After Mr. Jackson exited the store, W-2 and W-1 locked the front door. W-1 called 911 to report the incident.

When Mr. Jackson was inside the store, he was wearing a shirt, but when outside, he no longer had a shirt on and was pacing in the parking lot. Law enforcement arrived about five minutes later, and three deputies drew their weapons at Mr. Jackson. Deputy Carrasco had a shotgun pointed at Mr. Jackson and gave Mr. Jackson commands to “show me your hands.” Mr. Jackson did not comply. Following a two to three minute “stand-off,” Mr. Jackson “got aggressive,” and “walked fast” towards Deputy Carrasco in a “stern” manner. Mr. Jackson was walking “all aggressive” and it “looked like he was pulling something out of his pocket.” Deputy Carrasco shot one round at Mr. Jackson, hitting him in the chest, and causing him to fall to the ground. Deputy Carrasco was about 10 feet away from Mr. Jackson when he fired his weapon. Deputy Carrasco was situated behind his vehicle near the driver’s side front fender. The deputies provided medical aid to Mr. Jackson. Then, the fire department and an ambulance arrived and rendered further medical aid to Mr. Jackson and placed him on a gurney.

W-2 took a video of the OIS, which he provided to DLE. The cellphone video provided by W-2 begins with a view from behind the counter inside of the O’Reilly’s store. The video is oriented towards Mr. Jackson standing in the parking lot with Deputy Carrasco and Deputy Moran pointing their weapons at

Mr. Jackson. The Incident Summary section of this report includes descriptions of the incident and photographs taken from W-2's video.

W-4

DLE Special Agent Foster interviewed W-4 at the incident scene on July 22, 2022. W-4 was an intern at the Riverside County District Attorney's Office and was on a ride-along with Deputy Reyes when the OIS occurred. Deputy Reyes was the first unit on the scene. When W-4 arrived with Deputy Reyes, she saw Mr. Jackson pacing with his right hand in his pocket as if he was holding something. W-4 quickly got out of Mr. Jackson's line of sight. Deputy Reyes had a gun pointed at Mr. Jackson. W-4 stated that she observed a shorter stocky deputy walk over and search Mr. Jackson while his hand was in his pocket.

Deputy Reyes directed W-4 to get out of her patrol vehicle and go towards the back of the vehicle. At that point, Deputy Reyes grabbed a weapon that was larger than a handgun. Deputy Reyes went to the right side of her patrol vehicle, and it appeared she may have fired at Mr. Jackson. W-4 was sure that Deputy Reyes was the shooter.⁶ W-4 never observed Mr. Jackson pull anything out of his pocket. After she heard the gunshot, W-4 saw Mr. Jackson fall and saw deputies go over to him and provide medical aid. W-4 was "freaking out" during the OIS, and she was on the phone with her father when Mr. Jackson was shot.

W-5

On July 25, 2022, Special Agent Foster interviewed Mr. Jackson's niece, W-5, by telephone. W-5 last saw Mr. Jackson at her house in Moreno Valley on July 22, less than an hour before the OIS. Mr. Jackson arrived on foot and stayed for 15-20 minutes. He appeared dirty as if he did not have a home. He was also sad and wanted to talk with his father with whom he had a good relationship.

W-5 called Mr. Jackson's father on her phone so Mr. Jackson could speak to him. Their conversation seemed "calm" and Mr. Jackson left the location. W-5 stated that she did not know Mr. Jackson to abuse drugs or alcohol, and he was not under the influence when he was at her house. According to W-5, Mr. Jackson had psychological issues and "was dealing with a lot of things." However, he was a "sweet guy" who did not carry or have access to firearms or weapons.

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. (Cal. Pen. Code, § 187, subd. (a).) Murder is divided into first and second degrees. A willful, deliberate, and premeditated killing is murder in the first degree. (Cal. 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

⁶ W-4's recollections concerning a search of Mr. Jackson and the identity of the shooter differ from the statements of other witnesses, the video evidence, and the physical evidence.

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; *People v. 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.4th 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.)

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 was 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 8305a. (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 another person”; or (2) to apprehend a fleeing person who has committed a felony “that threatened or resulted in death or serious brotherly 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 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 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. Conner* (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 the 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 all of the evidence is available for review, prosecutors filed 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 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 force was necessary or reasonable. (*People v. Banks* (1976) 67 Cal.App.3d 379, 383-384; see *People v. Breverman* (1998) 19 Cal.4th 142, 156 [when defendant claims self-defense or defense of others, or there is substantial evidence supportive of defense, the jury will be instructed that prosecutor bears the burden of disproving this defense beyond

a reasonable doubt].) 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

The DOJ has completed an independent investigation, review, and analysis of the facts and circumstances that led to the death of Mr. Jackson. The analysis is based on the totality of evidence gathered by DOJ in this matter, including voluntary statements from the sheriff deputies who were involved in the incident, witness statements, BWC and civilian witness video footage, the coroner's report and autopsy photographs, law enforcement reports, and 3-D scene compilations.

Because a prosecuting agency would need to affirmatively prove beyond a reasonable doubt that Deputy Carrasco did not act in lawful defense of himself or others, this is the primary issue in determining whether criminal charges should be filed. A detailed analysis of the evidence surrounding the conduct of Deputy Carrasco demonstrates that a prosecution could not establish that he was objectively unreasonable in determining that lethal force was necessary to protect himself or others, or that he did not actually hold this view. Therefore, the evidence is insufficient to support criminal charges.

When interviewed after the incident, Deputy Carrasco told investigators that his use of deadly force was necessary to save his life or the lives of others. Deputy Carrasco stated that he used his vehicle for cover, because he believed he was going to be in a gunfight with Mr. Jackson and needed to protect his life. Deputy Carrasco stated that he believed Mr. Jackson had the ability, opportunity, and intent to kill Deputy Carrasco or others, and that if he had not fired his weapon, Mr. Jackson would have fired the gun that Mr. Jackson said he had.

The evidence is consistent with Deputy Carrasco's subjective understanding. After responding to the report of an armed suspect, deputies positioned themselves in a defensive manner with firearms deployed and tried to negotiate with Mr. Jackson. The situation appears to have changed when Mr. Jackson failed to comply and said he had a gun. Video shows Deputy Carrasco lowering himself to obtain cover behind his vehicle, with the fatal shot being fired after Mr. Jackson brandished a metallic object and moved aggressively at Deputy Carrasco.

Moreover, based on the totality of the circumstances involved in the incident, Deputy Carrasco's belief in the need to use deadly force was not unreasonable. Concerns with a potential deadly threat began when the dispatcher informed Deputies Reyes, Moran, and Carrasco that a man had entered the O'Reilly Auto Parts store and threatened to shoot someone.

After arriving at the O'Reilly parking lot, the deputies positioned their vehicles around Mr. Jackson, took cover behind the vehicles, and prepared lethal and non-lethal weapons. They then attempted to de-escalate the encounter, repeatedly urging Mr. Jackson to remove his hands from his pockets, and telling him that they would not shoot him and that they could provide medical and mental health services. Instead, Mr. Jackson ignored the deputies' directions, became combative, and replied, "I'm not going to listen," "just kill me," "fuck you just kill me," and "you're gonna kill me."

Deputy Moran told Mr. Jackson, "Do not pull out a gun cause you will be shot," "slowly pull your hand out and put it on top of your head or get on your knees," and "get your hands out." When Deputy

Carrasco asked Mr. Jackson if he had a gun, Mr. Jackson said he did. Deputy Carrasco relayed Mr. Jackson's statement to Dispatch and requested that traffic be closed at Perris Boulevard. Deputy Carrasco can be seen on video lowering his body to obtain cover behind his vehicle.

Mr. Jackson then suddenly raised his arms and brandished a shiny metallic object (later identified as a silver shaving handle) in his right hand and then aggressively stepped toward Deputy Carrasco while lowering his hands to the right side of his waist. According to W-2, Mr. Jackson walked "all aggressive" and "looked like he was pulling something out of his pocket." As he did so, Deputy Carrasco fired one shot from his shotgun, striking Mr. Jackson in the chest. The interaction between Mr. Jackson and the deputies evolved quickly, lasting less than two minutes from arrival on scene until the fatal shot was fired.

Under these circumstances, a reasonable law enforcement officer could believe that deadly force was necessary to defend against a lethal threat posed by Mr. Jackson. Indeed, other law enforcement officers at the scene came to the same conclusion as Deputy Carrasco. Deputy Reyes stated in her interview that Mr. Jackson took an "aggressive step" towards Deputy Carrasco and pointed a silver object at him. Deputy Reyes believed that the object was a pistol that Mr. Jackson intended to fire, and that Mr. Jackson would have killed her, another deputy, her ride-along, and members of the public. Deputy Moran stated he "absolutely" believed Mr. Jackson had the ability, opportunity, and intent to cause great bodily injury or death, and it was "absolutely" necessary to use deadly force.

Deputy Carrasco thus faced a situation where Mr. Jackson threatened to shoot someone, said he had a gun, refused to comply with attempts to de-escalate, became aggressive and brandished a metallic object, and suddenly moved in a threatening manner toward Deputy Carrasco. The totality of evidence, therefore, shows that Deputy Carrasco not only held a subjective belief that deadly force was necessary to defend himself and others from imminent deadly force, but that such belief was not objectively unreasonable under the circumstances.

CONCLUSION

Based on the investigation and review of evidence, along with the applicable statutes, legal principles, and subsequent analysis, there is insufficient evidence to support a criminal prosecution of Deputy Carrasco. As such, no further action will be taken in this case.



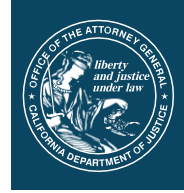
C A L I F O R N I A

DEPARTMENT OF JUSTICE

Policy and Practice Recommendations for the Riverside County Sheriff's Office Related to the Officer-Involved Shooting of Jay Jackson on July 22, 2022

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

July 2025



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 Department of Justice (DOJ) through its Police Practices Section (PPS) 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 officers who are subject to the criminal investigation. PPS uses the review process to identify applicable recommendations, including any recommendations to modify policies 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. PPS’s goal is that these recommendations will assist the agency and the officers involved in the incident in understanding, from an independent perspective, improvements that may be made to address what was observed through this incident.

Because of the nature of this process, the DOJ does not generally obtain additional information from the employing law enforcement agency or conduct independent investigation of the agency’s practices outside of the single incident under review, which makes this process different from the DOJ’s formal Civil Code section 52.3 investigations and oversight reviews of local law enforcement agencies.

The shooting deputy in this case is employed by the Riverside County Sheriff’s Office (RCSO). In 2023, California Attorney General Rob Bonta announced the opening of a civil rights investigation into RCSO concerning whether it has engaged in a pattern or practice of unconstitutional policing relating to excessive force, conditions of confinement in its jail facilities, and other alleged misconduct. DOJ’s report herein is separate and apart from the investigation and will not serve to limit that process.

As background, on July 22, 2022, at approximately 11:07 a.m., RCSO deputies received a radio dispatch after an O’Reilly Auto Parts (O’Reilly) assistant store manager at 15105 Perris Boulevard in Moreno Valley called 911. The caller stated that a man, later identified as Jay Jackson (Mr. Jackson), had entered the store declaring he had a gun and was going to “smoke someone.” In response to the call, deputies arrived on scene at approximately 11:13 a.m.

Four deputies, each in a separate patrol vehicle, responded to the 911 call. Deputy Nechelle Reyes and Deputy Isaac Moran had their body-worn cameras activated at the time of the shooting, but the view is obstructed by the deputies’ vehicles and arms. A civilian also videotaped the incident from inside the

O'Reilly store but the view of Mr. Jackson is partially obstructed by a sign in the parking lot, and the front of the store was approximately 70 feet from where Mr. Jackson was standing.

RCSO deputies contacted Mr. Jackson, who was standing in the parking lot east of the O'Reilly store. Deputies positioned themselves and their vehicles surrounding Mr. Jackson. Each of the deputies was positioned using their vehicle as cover. As seen in the body-worn camera video, Deputies Reyes and Moran spoke to Mr. Jackson several times. Deputy Moran said, "Don't do this"; "Don't," "Don't do this;" "Take your hands out dude;" "Do not pull out a gun cuz you will be shot;" "Dude;" "Dude, slowly pull your hand out and put it on top of your head or get on your knees." Deputy Reyes said, "Sir, take your hand out your pocket, we do not want to hurt you;" "We're not gonna shoot you, we do not want to hurt you, we can give you medical services, mental health services, just do us a favor and take your hands out of your pocket we do not want to hurt you;" "Stay where you are;" "Dude." According to Deputy Reyes, during the confrontation Mr. Jackson said, "just shoot me." In his post-shooting interview, Deputy Carrasco said that Mr. Jackson said that he [Jackson] had a gun, but this statement could not be heard on any audio.

Deputy Nechelle Reyes was pointing a less lethal 40-millimeter launcher at Mr. Jackson, while Deputies Carrasco and Moran had their firearms pointed at Mr. Jackson. During this encounter, Mr. Jackson had his right hand in his right front shorts pocket.

Deputy Carrasco's vehicle was parked between Mr. Jackson and O'Reilly, and Deputy Carrasco was standing on the driver's side of his vehicle, using the vehicle as cover. Deputy Carrasco, holding a department-issued shotgun, was approximately 33 feet from Mr. Jackson.

At approximately 11:16 a.m., three minutes after Deputy Carrasco arrived on the scene, Mr. Jackson moved toward Deputy Carrasco. Deputy Reyes later provided a statement in which she stated she saw Mr. Jackson take an "aggressive step" toward Deputy Carrasco with his right hand in his pocket. According to Deputy Carrasco's statement, Mr. Jackson while stepping forward drew his right hand up and pointed a shiny chrome-colored object at Deputy Carrasco. In response, Deputy Carrasco fired one shotgun round, which struck Mr. Jackson in his chest. Mr. Jackson immediately fell to the ground after being shot. After Mr. Jackson fell to the ground, deputies moved forward, searched Mr. Jackson, and found a silver-colored, plastic, disposable razor handle that was approximately five inches long and 1/4 inch wide.¹ Deputies rendered medical aid until emergency medical services arrived. Mr. Jackson was transported by ambulance to Riverside University Health System Medical Center where he died from the gunshot wound to his chest.

PPS evaluated all the facts and available evidence, and pursuant to its obligations under Government Code section 12525.3, subdivision (b)(2)(B)(iii), PPS advises RCSO to review and implement five recommendations:

1 There was no razor blade attached to the plastic handle.

RECOMMENDATION ONE: AMEND USE OF FORCE POLICY TO INCLUDE THE MANDATORY DUTIES TO ENGAGE IN DE-ESCALATION AND CRISIS INTERVENTION WHEN FEASIBLE

California Government Code section 7286, subdivision (b)(1), requires that each law enforcement agency maintain a policy that includes a requirement that officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible.²

Currently, the RCSO Standards Manual, Policy No. 300.3.1, Alternative Tactics – De-escalation, does not *require* that deputies use de-escalation techniques when feasible, as mandated by Government Code section 7286, subdivision (b)(1). While there is a provision in the policy related to de-escalation, that provision only suggests that de-escalation could be employed under certain circumstances, as opposed to the state law that *affirmatively requires* de-escalation when feasible.

Additionally, Policy No. 300.3.1 does not *require* that deputies use crisis intervention tactics and other alternatives to force when feasible as mandated by Government Code section 7286, subdivision (b)(1). There is a provision in the policy related to crisis intervention that *suggests* that crisis intervention could be employed under certain circumstances, but state law *requires* crisis intervention when feasible.

RCSO should amend its current use of force policy to make clear de-escalation is required when feasible, and include a non-exhaustive list of specific de-escalation tactics and techniques that a deputy can employ, including examples such as verbal persuasion, warnings and advisements, the use of other resources, such as crisis intervention teams, and avoiding language or behavior that would tend to escalate the stress or tension in the environment. RCSO should also amend its current use of force policy to ensure that the policy makes it clear that crisis intervention is mandatory when feasible. The revised policy should include a non-exhaustive list of specific crisis intervention tactics and techniques that a deputy can employ. RCSO should further review its other processes, procedures, and training related to crisis intervention to ensure that each is consistent with existing law.

While PPS makes no recommendation regarding the feasibility of de-escalation techniques, crisis intervention tactics, and other alternatives to force in this case, RCSO should amend its current policy as outlined above to comply with state law.

RECOMMENDATION TWO: AMEND POLICIES AND TRAINING TO IMPROVE COMMAND AND CONTROL AND REQUIRE CLEAR COMMUNICATION DURING A CRITICAL INCIDENT

During the incident, three deputies simultaneously gave verbal commands to Mr. Jackson in short succession, sometimes talking over one another. A review of RCSO's Department Standards Manual

² Government Code section 7286, subdivision (a)(3) defines feasible as meaning "reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person."

shows that it lacks provisions regarding the necessity to channel communications to subjects through a single deputy during critical incidents.³

Clear and concise communication is essential for effective command and control, to ensure all personnel are aware of the situation and remain mindful of their specific roles and responsibilities. The senior deputy on scene must immediately establish communication to effectively manage responding and available resources, including personnel and equipment, to ensure they are deployed in the most effective way. The initial law enforcement responders to a potential emergency or major incident must undertake an assessment to determine the scale and nature of the response. The initial moments of a sudden emergency or major incident are often chaotic and can be confusing unless immediate scene control is established and clear communications provided. Initial responders may not be able to clearly determine the scale of the incident at this stage. However, it is important that any assessment commenced by an initial responder should be as accurate as possible to allow for an appropriate response. The first deputy attending the scene of a critical incident should take steps to ensure other emergency service responders attending the scene are briefed and that a joint risk assessment and shared situational awareness is carried out.

RCSO should develop a protocol within its policies on how to handle communications on controlling a scene, especially one with a potentially armed subject. The policy should note the goal of minimizing overwhelming or conflicting information, and instruct deputies that one deputy should be responsible at any given time for reasonable attempts to establish rapport and engage in strategic communication with the subject. Directing communication to a single point of contact with a subject is a best practice and is made more important during a critical incident where multiple stimuli can create mental duress and frustrate a subject that the negotiator is attempting to calm.⁴

The BWC video demonstrates that three deputies were giving commands to Mr. Jackson simultaneously. Mr. Jackson was apparently in a mental health crisis, and Deputy Reyes told Mr. Jackson that they could provide him with mental health services, demonstrating her awareness that he may have difficulty understanding. Multiple commands from various people can be confusing and disorienting, especially when an individual is in crisis.

PPS recommends that RCSO incorporate policies to ensure that the deputies involved in a critical incident clearly communicate with a subject through a single deputy and improve training consistent with the recommendations herein.

3 PPS notes that the Minor Misconduct - Response Options Policy, No. 342.5 references a “De-escalation/Tactical Communication” training class, but based upon the examples provided it appears that training is aimed toward interpersonal communication for deputies who engage in discourteous or rude behavior.

⁴ See Lexipol, *Conflicting Commands* (May 7, 2019), at <<https://www.lexipol.com/resources/todays-tips/commands-to-suspects-need-to-be-clear/>>(as of May 29, 2025) (“commands should be given by one officer only”); Wolfe, *Why loud & repetitive verbal commands can hinder compliance*, Police1 (Jan. 16, 2018), at <https://www.police1.com/evergreen/articles/why-loud-repetitive-verbal-commands-can-hinder-compliance-PXizJoAkV8Jllr45/>(as of May 29, 2025) (“Only one officer should do the talking”).

RECOMMENDATION THREE: ADOPT A POLICY TO REQUIRE STANDARDIZED LOADING OF SHOTGUNS AND IMPROVE TRAINING REGARDING LOADING OF SHOTGUNS

Deputy Carrasco used a department-issued Remington Model 870 pump action shotgun. Deputy Carrasco stated during his interview with DOJ that he uses two types of shotgun ammunition, buckshot and slugs. The difference between buckshot and a shotgun slug is the projectiles that each shotshell fires. Buckshot fires multiple, smaller individual pellets at the intended target to maximize damage at close range, while a slug fires a large, single projectile designed for engaging at longer ranges.

Deputy Carrasco's shotgun had the capacity to load four shells in the tubular magazine. In his interview after the shooting, Deputy Carrasco said that he kept his shotgun loaded with four rounds in the tubular magazine, and none in the chamber. He loaded his shotgun with two slugs and two buckshots. Deputy Carrasco also said that he loads it differently each day, and "never load[s] it the same way." He also said that there is no department policy that guides how a deputy is to load their shotgun, but it is left up to deputy preference. Deputy Carrasco stated in his interview that on the morning he shot Mr. Jackson, he had loaded his shotgun so that a slug would enter the chamber first. Deputy Carrasco was incorrect because the first round in the chamber and the one that killed Mr. Jackson was buckshot.

While the RCSO policy manual specifies which types of ammunition are authorized for department use, there are no requirements for which types of shotgun ammunition must be used in any given situation, or which types should be loaded daily into the weapon while on patrol. Without a written policy regarding which type of shotgun shells are permitted in department-issued shotguns, and how the shotguns will be loaded, practices can vary widely among deputies. Additionally, when deputies have complete discretion as to how to load their shotguns, and they load them differently each day, confusion can result regarding the type of shotgun shells that will be discharged from the weapon. Notably, Deputy Carrasco stated he thought that the slug was going to be discharged, when in fact it was the other type, the buckshot, that was discharged.

PPS recommends that RCSO implement a policy regarding the types of shotgun shells that can be loaded into the shotgun, provide clear direction on how the shells should be loaded into the tubular magazine, and under what circumstances a particular type of round should generally be used. If different types of ammunition are going to be permitted, then the type of shell being used should be documented. Additionally, RCSO should provide training on this policy.

RECOMMENDATION FOUR: TRAINING RELATED TO THE ACTIVATION OF BODY WORN CAMERAS

RCSO provides body worn cameras (BWCs) to specified sworn personnel for use while on duty. (RCSO Standards Manual, Policy No. 410.1.) BWCs benefit both officers and members of the public by providing footage of deputies' interactions with the public, including incidents like this one that resulted in the use of deadly force. BWC footage can assist RCSO in evaluating and making necessary determinations regarding administrative violations, civil liability, deficiencies in training, tactics, and equipment, as well as in identifying positive interactions that merit commendation.

Under the RSCO Standards Manual, deputies “shall activate their BWC prior to making contact and at the early stages of” specified situations, including all enforcement and investigative contacts, e.g., traffic stops, pedestrian checks, flag downs, and consensual encounters, Code 3 responses, and uses of force. (RSCO Standards Manual, Policy No. 410.6.) Further, once activated, the BWC device should record continuously until the deputy reasonably believes their direct participation in the incident is complete or the situation no longer fits the criteria for activation, i.e., policy requirements to record or not record particular situations/events. (RSCO Standards Manual, Policy No. 410.7.)

Deputy Reyes did not activate her BWC until approximately 30 seconds after she arrived on scene, after she had Mr. Jackson at gunpoint and issued initial commands to him. Deputy Carrasco also did not activate his BWC as required by RSCO policy. Since Deputy Carrasco fired his weapon, had his camera been activated it may have provided an additional perspective on the shooting. Notably, Deputy Carrasco turned on his BWC after the shooting, indicating that he was aware that it should have been activated. Additionally, Deputy Moran activated his BWC, but he did not turn on the sound, as seen in the video itself, until after he had drawn his weapon and was pointing it at Mr. Jackson. Therefore, any communications he engaged in prior to that time were not recorded.

PPS recommends that RSCO provide re-training on activation of BWCs.

RECOMMENDATION FIVE: ACQUISITION OF DIGITAL IN-CAR VIDEO SYSTEMS

RSCO deputies do not have cameras in their patrol vehicles. Deputy Carrasco did not have his BWC activated, and of those deputies who did have their BWC activated, the footage is mostly obstructed at the time of the shooting by the deputies’ patrol cars because they were standing behind them taking cover. There was also video taken by a community member from inside O’Reilly but the distance and signage from the parking lot also provide a somewhat limited view. Having digital in-car video systems (DICVS) video may have provided an unobstructed view of the encounter and the circumstances that led to the shooting.

DICVS serve to supplement and complement BWC systems because they often provide a wider field of view and are unlikely to be obstructed when peace officers have to physically engage with a subject they are attempting to control. One of the advantages of having this more expansive view of an incident is that it can be of considerable assistance in providing perspective and information needed to evaluate such encounters. As a result, this can contribute to increased transparency and a higher level of trust and confidence in law enforcement officers by the community.

In situations where the shooting officers have not activated their cameras, a DICVS can provide visual and audio recording of what transpires. DICVS systems can be set to automatically activate when the patrol vehicle engages, which alleviates the need for the deputy to manually turn on the video. As a result, an accurate timeline and transcript can be accessed and reviewed. DICVS video footage can also be used for training, court proceedings, and public transparency. Video from law enforcement vehicles can help the public gain a better understanding of the complexity law enforcement faces in various situations. When the public can see what actually happened during an incident, it helps eliminate confusion and misunderstanding.

PPS understands that resources for many law enforcement agencies are limited, but RCSO should determine whether it is a viable option to equip its patrol units with DICVS. Therefore, PPS recommends that RCSO consider equipping and installing DICVS in its patrol units.