



C A L I F O R N I A

DEPARTMENT OF JUSTICE

Report on the Investigation into the Death of Jory Jamarr Lester on September 11, 2023

San Joaquin County AB 1506

March 2026

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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 of 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 outweighs any public interest in disclosure.

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

- Witness 1 (W-1), Red Roof Inn guest services representative
- Witness 2 (W-2), resident of Red Roof Inn
- Witness 3 (W-3), employee of AM/PM convenience store behind the cash register
- Witness 4 (W-4), employee of AM/PM convenience store cleaning the store

INTRODUCTION

On September 11, 2023, at approximately 9:51 PM, Stockton Police Department (SPD) Officers Marcos Alonso and Jason Rozal responded to a call that a person was kicking down a door and possibly entering the window of a room at a Red Roof Inn. As the officers drove to and arrived at the Inn, police dispatch identified the subject as a Black male wearing a dark-colored hoodie, blue jeans, and backpack, and that the subject had a firearm in his pants that he had brandished at the reporting party before fleeing toward the freeway. The officers made a U-turn to look for the subject.

While driving on Fremont Street, the officers noticed a subject, later identified as Jory Jamarr Lester, who matched the description provided by dispatch. Officer Alonso parked, drew his firearm, and approached Mr. Lester, whom he repeatedly ordered to show his hands and to stop moving. Mr. Lester raised his hands but continued walking away from the officers. Mr. Lester then abruptly turned around and pulled what appeared to be a firearm from his waist area. When Mr. Lester began to raise the object toward the officers, Officer Alonso fatally shot Mr. Lester. After the shooting, investigators discovered that the object held by Mr. Lester was part of a suction dart crossbow and that he did not possess a firearm.

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). This report is the final step in the DOJ's review of the fatal shooting of Mr. Lester, and the scope of this report is limited to determining whether criminal charges should be brought against the shooting officers and offering policy and practice recommendations as required by Government Code section 12525.3, subdivision (b)(2)(B)(iii). 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 Officer Marcos Alonso.

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

SUMMARY OF INCIDENT

The following summary is based on information obtained in the investigation from various sources including body worn camera (BWC) footage, shooting officer interviews, civilian witness interviews, incident reports prepared by law enforcement personnel, dispatch records and logs of the incident, and audio recordings of dispatch calls and radio communications.

On September 11, 2023, at approximately 9:34 PM, Mr. Lester entered the Arco Gas Station AM/PM convenience store located at 1617 Fremont Street in Stockton, picked up several food items and then left the store without paying. As Mr. Lester was leaving the store, he lifted his shirt and put his hand on his hip. When the store employee saw that, he believed Mr. Lester had a gun.

At 9:51 PM, SPD Telecommunications Division 911 Call Center (Dispatch) received a 911 call from W-1, a guest services representative of Red Roof Inn, located at 1707 West Fremont Street in Stockton. W-1 could see on a surveillance camera that a person in black clothing was trying to break into Room 317 by kicking the door and then by climbing in the window. Dispatch advised they were sending someone to the location.

W-1 then left the office of the Red Roof Inn on the first floor, climbed the stairs to the third floor, and observed Mr. Lester sitting on the windowsill of Room 317, with the window broken. W-1 told Mr. Lester, "Hey, I just called 911." Mr. Lester jumped up and responded, "I don't give a fuck." Mr. Lester then "pulled up his shirt a couple of times" revealing what W-1 believed to be a "rifle" that "went down his leg." W-2, a resident at Red Roof Inn, had gone up to the third floor when he heard glass breaking. W-2 was present and saw Mr. Lester lift his shirt and show what looked like an old .22 caliber rifle.

At 9:54 PM, Dispatch reported over the radio to officers:

"415^[1] at the Red Roof Inn, 1707 West Fremont, Room number 317. Unknown race, male, dark clothing, tried to kick in the door to Room 317, on the third floor ... uncooperative. Advised that subject was last seen climbing through the window ... [unintelligible]"

At approximately 9:54 PM, Dispatch received a second 911 call from W-1 reporting that the person who was trying to break into Room 317 had a long-gun in his pants. W-1 described the person as having an "afro" and that he was "now ... across the street heading downtown towards you guys." According to W-1, the young male was "so high. He's all sweaty, wet, bleeding, he's got a green backpack on, blue jeans, white shoes, and a black or a dark blue hoodie, but he's got a long freaking gun all the way down his leg." W-1 added, "He ain't threaten nobody here or nothing like that." Dispatch advised W-1 to stay inside while the person is located.

As 9:58:03 PM, Dispatch provided an update over the radio to officers:

"... Reporting Party calling back, reporting Black male 20s afro dark blue hoody, blue jeans, white shoes, green backpack, has a long gun in his pants, appears to be 11550,^[2] very sweaty,

¹ Penal Code section 415 prohibits disturbing the peace.

² Health and Safety Code section 11550 prohibits using or being under the influence of certain controlled substances.

male dove through the window at the call location, showed RP end of the gun and then fled on foot toward the freeway, subject was bleeding ...”

Officers Alonso and Rozal responded to the initial 9:54 PM dispatch call by driving in their patrol vehicle to the Red Roof Inn. As they drove up to the location, Dispatch was providing the 9:58:03 PM update. Officers Alonso and Rozal then left the Red Roof Inn and drove eastbound on Fremont Street. According to Officer Rozal, the officers located Mr. Lester by the description from Dispatch, “hooded sweatshirt, blue jeans ... white shoes with a backpack,” and Officer Alonso made a U-turn and parked at the curb at the north sidewalk of Fremont Street.

At 10:00:46 PM, Officer Alonso exited the vehicle and drew his firearm. At this time, Mr. Lester was at the bottom of a small embankment off the sidewalk, walking eastbound alongside a building and behind a bridge pillar. Officer Alonso approached the bridge pillar and saw Mr. Lester walking with his hands in his pockets. As seen on BWC footage, Officer Alonso pointed his firearm at Mr. Lester and ordered, “Let me see your hands, man. Let me see your hands.”



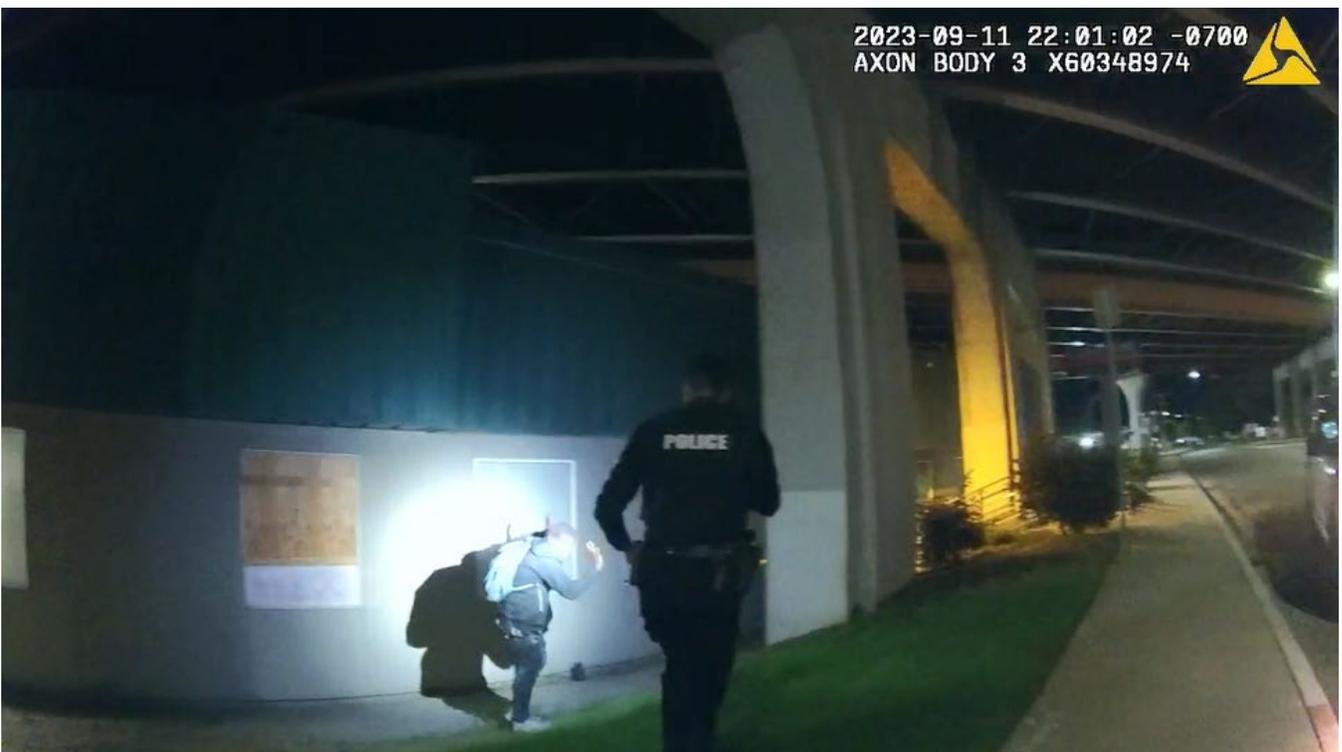
Officer Alonso’s BWC at 10:00:57 PM

Officer Alonso activated the light on his firearm and again ordered, “Let me see your hands. Stop moving!” Mr. Lester raised his empty hands as he continued walking eastbound past Officer Alonso.



Officer Alonso's BWC at 10:00:59 PM.

Officer Alonso repeated his command, "Stop moving!" while he continued to aim his firearm and light at Mr. Lester. Mr. Lester with his hands raised continued walking past and away from Officer Alonso.



Officer Rozal's BWC at 10:01:02 PM. Officer Alonso is pictured.



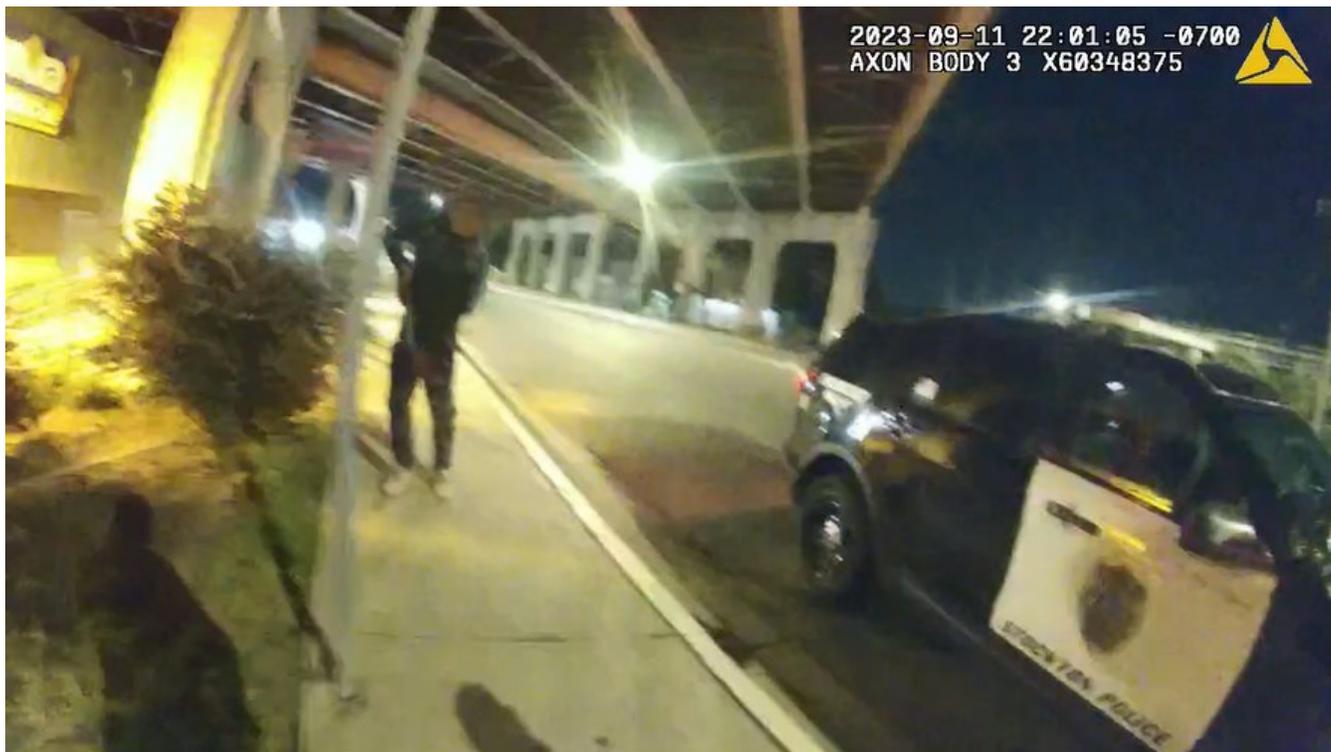
Officer Alonso's BWC at 10:01:02 PM.

At 10:01:03 PM, Mr. Lester stated, "I ain't do nothing" as he lowered his hands. At 10:01:04 PM, Officer Alonso again ordered Mr. Lester, "Stop moving." Mr. Lester continued to walk toward the sidewalk and away from Officer Alonso while stating, "No." Officer Rozal who was positioned on the sidewalk and had finished reporting to Dispatch the officers' location, stated, "Hey, Hey!"



Officer Rozal's BWC at 10:01:04 PM.

At 10:01:05 PM, Mr. Lester reached the sidewalk and abruptly turned around and faced the officers while pulling out what appeared to be a firearm from his waist area with his right hand.



Officer Alonso's BWC at 10:01:05 PM.

BWC footage from both Officer Alonso and Officer Rozal show Mr. Lester then beginning to raise what appeared to be a firearm toward the officers.



Officer Rozal's BWC at 10:01:05 PM.



Officer Rozal's BWC at 10:01:05 PM, zoomed in.



Officer Alonso's BWC at 10:01:05 PM, zoomed in.

Officer Alonso then moved to his left down the embankment with his firearm aiming at Mr. Lester.



Officer Alonso's BWC at 10:01:06 PM.



Officer Alonso's BWC at 10:01:06 PM

Between 10:01:07 PM and 10:01:09, Officer Alonso fired seven gunshots at Mr. Lester in rapid succession. The photographs below are from Officer Alonso's BWC during the time when shots were fired. When Officer Alonso opened fire at 10:01:07 PM, Mr. Lester was facing west. At the same time, Officer Rozal again shouted, "Hey, hey!" as he aimed his firearm at Mr. Lester and moved to his right to a position behind the patrol vehicle. As a result of his movements, Officer Rozal's BWC did not capture the shooting itself. The OIS occurred approximately 11 seconds after Officer Alonso made first contact with Mr. Lester.



Officer Alonso's BWC at 10:01:07 PM when the first gunshot is heard on the BWC.



Officer Alonso's BWC at 10:01:07 PM. At this time, Officer Alonso is moving down the embankment.



Officer Alonso's BWC at 10:01:08 PM. The view of Mr. Lester is obscured by a bush.



Officer Alonso's BWC when he stops firing at 10:01:09 PM.

From 10:01:10 PM to 10:01:14 PM, Officer Alonso moved back up the embankment toward the sidewalk, and Mr. Lester was on the ground.



Officer Alonso's BWC at 10:01:14 PM. Officer Rozal is positioned behind the patrol vehicle with his firearm aimed at Mr. Lester.

Officers Alonso and Rozal moved back onto the sidewalk with their firearms pointing at Mr. Lester who was lying on the ground. At 10:01:43 PM, Officer Alonso reloaded his firearm. At 10:02:54 PM, Officer Alonso ordered Mr. Lester, "Roll over on your stomach, man! Roll over on your stomach!" At 10:04:04 PM, Officer Alonso stated, "should we go up [unintelligible] ... he doesn't have the rifle," and Officer Rozal stated, "Let's just hold ... I don't want to put us into any danger."

At approximately 10:04:53 PM, additional police units arrived including SPD Sgt. Kirsten McClure, who observed a long black object that was within two feet of Mr. Lester's feet. She was advised by Officer Alonso that the object appeared to be a rifle. As additional officers arrived, Sgt. McClure formed an arrest team that included several SPD officers including SPD Officer Gabriel Cooper, Officer Jacob Martinez with a ballistic shield, and Officers Alonso and Rozal. The arrest team approached Mr. Lester, handcuffed him, checked and found no pulse, and commenced CPR. SPD Officer Martinez observed a "possible firearm" lying near Mr. Lester's feet, which he picked up and moved onto the sidewalk. The object was later determined to be part of a suction dart crossbow (described below).

At approximately 10:07 PM, an American Medical Response (AMR) Ambulance Unit and Stockton Fire Department personnel arrived and took over providing medical aid and life saving measures to Mr. Lester. At 10:24 PM, Mr. Lester was pronounced deceased at the scene by a paramedic upon telephonic confirmation by a physician. A later autopsy determined that Mr. Lester died at 10:01 PM within seconds of sustaining his injuries.

INVESTIGATION

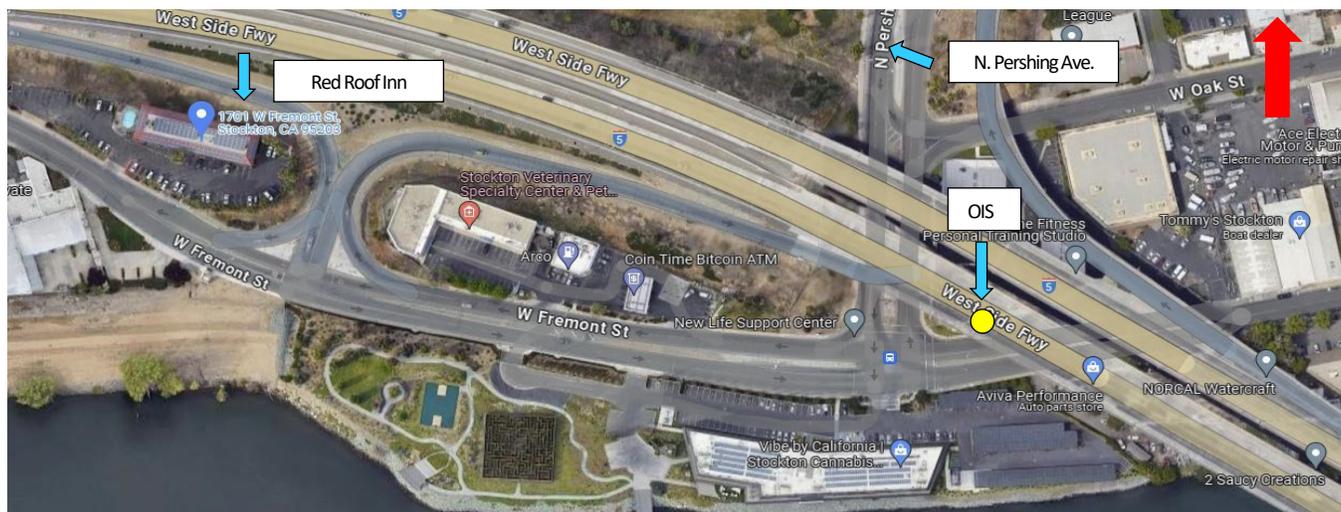
Overview

On September 12, 2023, at approximately 1:05 AM, the DOJ Division of Law Enforcement (DLE) California Police Shooting Investigation Team (CaPSIT) received notification of an AB 1506 qualifying event near Red Roof Inn in the City of Stockton, in San Joaquin County. The incident involved a Stockton Police Department (SPD) officer and was determined to be a qualifying event within the meaning of Government Code section 12525.3. CaPSIT agents responded to the incident location, received a briefing from the Stockton Police Department (SPD), and initiated an independent and thorough investigation of the facts and circumstances relating to the shooting of Mr. Lester.

Over the course of the ensuing investigation, DOJ agents interviewed Officers Alonso and Rozal and civilian witnesses, and received and reviewed extensive investigation materials, including: body worn camera (BWC) and other video footage, 911 calls and dispatch radio recordings, law enforcement reports, physical and photographic evidence, autopsy and toxicology reports, and forensic firearm analysis.

Incident Scene Description

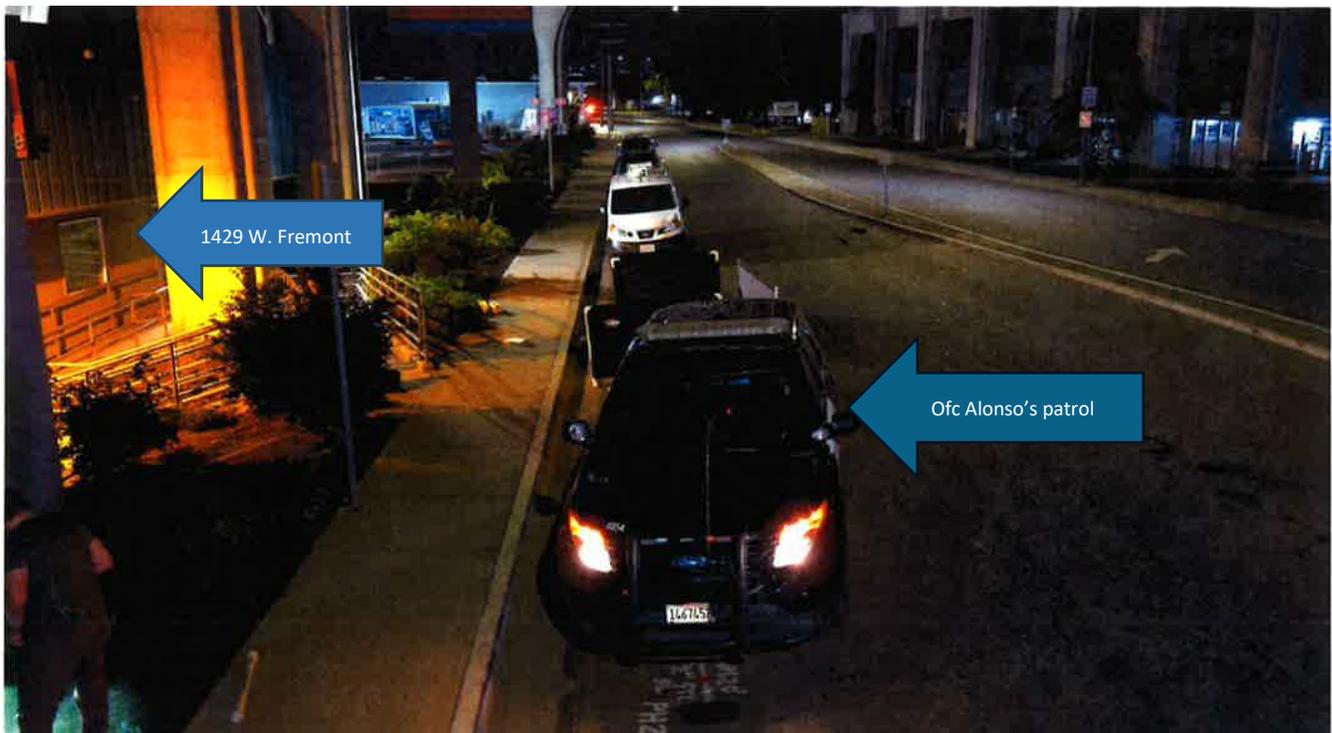
The OIS took place on the north sidewalk of Fremont Street in the City of Stockton, next to a medical building at 1429 West Fremont Street and just east of the intersection with Pershing Avenue. Vehicle and pedestrian traffic were minimal in the area of the OIS, which occurred at night on a Monday.



Overview showing the location of the OIS incident (yellow dot) under Interstate 5 and one-third of a mile from the Red Roof Inn.



The OIS occurred on the north sidewalk of Fremont Street next to a building at 1429 W. Fremont St.



Drone photograph of the incident scene taken after the OIS.

Incident Scene Evidence Recovery

Following the OIS, SPD field evidence technicians (FETs) and DOJ Bureau of Forensic Services (BFS) personnel responded to the incident scene where they documented and collected items of evidence, took photographs and measurements, and electronically scanned the area.

Barnett Phantom Suction Dart Crossbow

While processing the incident scene, SPD FETs took photographs and video of a black and blue colored Barnett Phantom crossbow that was lying on the north sidewalk of Fremont Street next to 1429 West Fremont Street. As described above, the crossbow was initially located in the gutter, next to Mr. Lester's body, before it was moved to the sidewalk by SPD Officer Martinez. The Barnett Phantom crossbow is made to shoot suction cup safety darts that are approximately 2 inches long.



Screenshot from Officer Alonso's BWC approximately five minutes after the OIS. The red arrow points to the "possible" rifle, that SPD identified as a "Phantom Crossbow, Rapid Shot, Barnett, blue/black"



OIS scene photograph taken by SPD FET after medical and life saving measures were conducted. The red arrow points to the Barnett Phantom suction dart crossbow located on the sidewalk.



Closeup photograph of the Barnett Phantom suction dart crossbow part located at the scene.



Image of a Barnett Phantom suction dart crossbow from Google.

Officer Processing

Following the OIS, Officers Alonso and Rozal were transported separately to SPD's Operations Building, where they were sequestered and processed. SPD FETs photographed Officers Alonso and Rozal and examined Officer Alonso's firearm, magazines, and ammunition, all of which were retained by DOJ. SPD documented the condition of Officer Alonso's nine-millimeter Glock model 45 pistol and observed one cartridge in the chamber and 17 cartridges in the attached magazine. One additional magazine contained 10 cartridges, and another additional magazine contained 17 cartridges.

911 Calls and Dispatch Recordings

DOJ obtained and reviewed records of law enforcement communications related to the OIS, including 911 calls received by SPD Telecommunications Division (Dispatch) at 9:51 PM and 9:54 PM on September 11, 2023, and Dispatch radio broadcasts to officers.

Video Recordings

Police Cameras

At the time of the OIS, SPD Officers Alonso and Rozal were each equipped with a BWC that was activated during the incident. Audio and video recordings from the BWCs are incorporated throughout this report. Officer Alonso's patrol vehicle was not equipped with a dash camera.

Arco Gas Station AM/PM

Surveillance video footage from the Arco Gas Station AM/PM convenience store located at 1617 Fremont Street, shows Mr. Lester entering the store at 9:34 PM., picking up several food items and then leaving the store without paying. The recording shows Mr. Lester walking across the store parking lot to the sidewalk at 9:35 PM and then out of view.

Stockton City Camera

Surveillance video footage from the Stockton City camera system provided video footage from the southeast corner of the intersection of Fremont Street and Pershing Avenue. The footage shows the northeast corner intersection and some of the traffic in the area. Immediately after the OIS occurred, the camera pans over to the location of the OIS and captures video of Officers Alonso and Rozal aiming their firearms at Mr. Lester who was lying on the ground. The camera did not capture the OIS itself or Mr. Lester's movements before the OIS.

Aviva Performance

Surveillance video footage was obtained from Aviva Performance located at 1414 West Fremont Street. The footage captured the OIS from a distance. The camera appeared to be positioned on the south side of Fremont Street from a position southeast of the OIS location. Because of the distance, the video footage did not clearly show Mr. Lester's position or his body and hand movements in the moment before the OIS.

Autopsy

On September 13, 2023, Deputy Medical Examiner Dr. Louis Pena of the San Joaquin County Office of the Medical Examiner conducted an autopsy of Mr. Lester. The cause of death was determined to be gunshot wounds, and the manner of death was determined to be homicide. The autopsy report indicated that there were two gunshot wounds to the body. One of the wounds was a penetrating, fatal wound of the left lateral hip. The bullet did not exit and was recovered and released to DOJ BFS criminalists. The other gunshot wound was a penetrating, fatal wound of the head. The entry wound was located at the left posterior parietal scalp and the bullet did not exit. The bullet was recovered and released to DOJ BFS criminalists.

Toxicology analysis of Mr. Lester's blood collected during the autopsy detected methamphetamine and a blood alcohol content of .17 percent.

Forensic Firearms Analysis

DOJ BFS examined and analyzed cartridge cases, bullets, and a bullet jacket collected at the incident scene by SPD FET personnel and from the autopsy and determined the following:

- Seven expended cartridge cases with headstamp FC 9MM Luger were fired in the Glock model 45 pistol associated with Officer Alonso;
- One bullet collected at the scene was fired from the Glock model 45 pistol associated with Officer Alonso;
- A bullet jacket collected at the scene was fired from the Glock model 45 pistol associated with Officer Alonso; and
- The two bullets collected from the autopsy were fired from the Glock model 45 pistol associated with Officer Alonso.

INTERVIEWS OF INVOLVED 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.) The following are summaries of interviews that describe the incident from the point of view of each officer. The interview contains facts relayed by the officer that may be inaccurate or inconsistent with the facts of the incident as they are currently understood.

SPD Officer Marcos Alonso

On September 14, 2023, SPD Officer Marcos Alonso was interviewed by DOJ Special Agent J. Garcia. Officer Alonso's attorney Kathleen Mastagni-Storm and SPD Detective Michael Gandy were also present. Officer Alonso stated that earlier the same day, he viewed video recordings from his BWC and the BWC of his partner, Officer Rozal. Officer Alonso also reviewed computer aided dispatch logs.

At the time of the OIS, Officer Alonso had been in his sworn law enforcement position with SPD for approximately three years. In his time with SPD, he had been assigned to the patrol division and recently to the Unmanned Aerial Surveillance Team.

On the day of the incident, Officer Alonso was assigned to work patrol from 9:00 PM to 7:00 AM, with Officer Rozal as his partner. His assigned vehicle was a black and white marked SPD patrol vehicle with emergency lights on top. The vehicle was not equipped with a recording device. Officer Alonso wore an armored carrier vest with "POLICE" in bold lettering on the front and back. On the day of the OIS, Officer Alonso was armed with a department issued firearm, a Glock 45, nine-millimeter handgun with a department-approved light. He also had pepper spray and a taser on his belt. In his patrol vehicle, he had his baton, a bean bag shotgun, and a rifle.

Prior to the incident, Officer Alonso was getting food at Five Star Burger, when he heard a call for a disturbance on the third floor of the Red Roof Inn. According to Officer Alonso, the call "aired up as a disturbance ... male kicking down a door and then possibly going through ... the window" Officers Alonso and Rozal were dispatched and drove to the Red Roof Inn. As they approached the Red Roof Inn, Dispatch broadcasted a description of "a Black male ... gray hoodie ... or dark hoodie ... blue jeans

and a backpack with an afro.” As the officers were pulling into the Red Roof Inn, there were radio updates saying that the male had a firearm in his pants that he had shown to the reporting party, and that the suspect had “blood on him and had fled towards the freeway.” Based on the update, he and Officer Rozal decided to make a U-turn and look for the suspect.

While traveling eastbound on Fremont Street, Officer Rozal said, “hey I think I see him.” Officer Alonso looked and saw Mr. Lester at Fremont Street and Pershing Avenue on the north sidewalk of Fremont Street “below a little hill, near a building.” Officer Rozal read the description of Mr. Lester again, and Officer Alonso made a U-turn and parked “at a safe distance” from Mr. Lester. Officers Alonso and Rozal exited their vehicle and Officer Alonso immediately drew his firearm “due to reports of [Mr. Lester] having a rifle in his pants and possibly being armed.”

Officer Alonso did not have a “visual” on Mr. Lester who was behind a bridge pillar. According to Officer Alonso, Mr. Lester then “comes eastbound from the bridge pillar.” Officer Alonso pointed his firearm at Mr. Lester and told him “to let me see his hands.” Mr. Lester had his hands up. Officer Alonso told him to stop moving, but he continued to walk and said, “No.”

Officer Alonso stated that Mr. Lester “continues to walk. I tell him to stop. He’s - - I don’t know what he’s saying. ... he walks past me ... as he’s walking eastbound ... we’re both on the sidewalk. He continues. He quickly turns at me, plants his feet, reaches very quickly into his pants with his right hand, and pulls what I identify as a stock from a rifle, continues to pull and I identify as a rail as it had the serrated edges, as my rifle does.^[3] He does pulls [sic] it quickly and points it at me and the direction of my partner.”

Officer Alonso stated that he was in fear for his life and “I start to move left, as I didn’t have any cover to my right or my left, continue down, and begin firing as he’s pointing the rifle at me.” Officer Alonso said he started shooting when Mr. Lester grabbed the rifle and was pointing it upwards toward Officer Alonso and Officer Rozal.

Officer Alonso stated that he fired four to five shots and moved to create time and distance. When Officer Alonso had moved downhill, his view of Mr. Lester was obstructed by a pillar and a bush. Officer Alonso then decided to move back to his patrol vehicle to check on Officer Rozal. As he and his partner were “getting cover,” Officer Rozal had his gun pointed at Mr. Lester and Officer Alonso changed the magazine on his firearm and called for medics to stage in the area. The officers waited and held their positions. Officer Alonso then commanded Mr. Lester to lie on his stomach. At this point, Mr. Lester was approximately 15 to 20 feet from the officers, and “the rifle” was approximately two feet from Mr. Lester.

Officer Alonso stated that there was not enough time for de-escalation attempts or to consider other force options. He estimated that Mr. Lester was approximately 15 to 20 feet away from him when he (Officer Alonso) started firing. When asked if at any point he thought he was being fired upon and

³ Rails are standardized mounting systems either built in or added on to firearms, which are used to attach a wide variety of accessories to customize the firearm to its user. Accessories can include sights, scopes, grips, and lights. Some rails have slotted/scalloped looks while others use modularity.

when, Officer Alonso stated, “Yes ... I saw my partner hunched over ... near – in front of the vehicle. I didn’t know whether he was hit or not.”

Officer Alonso described the setting as a clear, dry night with a few cars passing “here and there” and very light foot traffic. According to Officer Alonso, there was enough light to see each other clearly.

SPD Officer Jason Rozal

On September 14, 2023, SPD Officer Jason Rozal was interviewed by DOJ Special Agent J. Garcia. Officer Alonso’s attorney Kathleen Mastagni-Storm and SPD Detective Michael Gandy were also present. Officer Rozal stated that earlier the same day he viewed the video recordings from his BWC and a city camera. Officer Rozal stated that he also reviewed computer aided dispatch logs.

At the time of the OIS, Officer Rozal was 41 years old, had been in law enforcement for approximately three years, all of which were with SPD as a patrol officer.

On the day of the incident, Officer Rozal was assigned to work patrol from 9:00 PM to 7:00 AM. He was assigned a black and white fully marked SPD patrol vehicle with emergency lights on top. The vehicle was not equipped with a recording device. On the day of the OIS, Officer Rozal was armed with a nine-millimeter Glock 45 firearm with a department-approved light. He was also equipped with a taser on his belt and had pepper spray, a beanbag shotgun, and a rifle in the patrol vehicle.

Officer Rozal stated that “the call ... came out as a disturbance at the Red Roof Inn,” where there are “usually a lot of drugs and prostitution.” Someone was actively vandalizing a room and potentially trying to break in and was possibly armed with a firearm and under the influence of drugs. The officers responded to the call and drove westbound toward the Red Roof Inn. They did not see anyone in the parking lot and made a U-turn. As they did, one of the Red Roof Inn employees ran out and flagged them down. Officer Rozal stated that while he and Officer Alonso made contact with the employee, Dispatch provided additional information that the subject was a Black male, approximately 20 years old, wearing a dark colored hoodie, jeans, white shoes with a backpack, and “possibly armed with a long gun.” The Red Roof Inn employee told the officers where the subject went. Officer Rozal stated, “... we tell her, okay. We’ll come back. We’re just going to make sure that ... we take care of this because he was allegedly armed with a firearm. So, we wanted to handle that first.”

Officer Rozal stated that he and Officer Alonso drove to where the employee said the subject was walking, and the officers located the subject (later determined to be Mr. Lester). Officer Rozal stated, “perfect description ... hooded sweatshirt, blue jeans ... white shoes with a backpack.” At the time, Mr. Lester was the only person on the street. He and Officer Alonso made a U-turn to contact Mr. Lester, who was standing at the northeast corner of Fremont Street and Pershing Avenue. Officer Rozal saw that Mr. Lester had his hands up like he was shaking his fist and looked like he was talking to himself. Mr. Lester looked like he was under the influence of something. Officer Alonso exited the patrol vehicle first. Officer Rozal stated, “I stay back ... to tell dispatch our location ... we’ll be contacting our subject at Fremont and Pershing.” As he is communicating with Dispatch, Officer Rozal exited the patrol vehicle and started to approach Mr. Lester who was still “down in kind of like an embankment ... off of the road.”

Mr. Lester then walked up and away from the building and started “going on the sidewalk,” and Officer Alonso was giving commands. Mr. Lester kept walking away, and Officer Rozal then said, “Hey, hey” because Mr. Lester was not listening to Officer Alonso. Mr. Lester then turned around very quickly and lifted his shirt. Officer Rozal saw what he perceived was the handle of a firearm. Officer Rozal drew and aimed his firearm at Mr. Lester.

Officer Rozal stated that Dispatch had described the subject’s firearm as a long gun, and what he saw on Mr. Lester “kind of looked like the stock of a gun.” Officer Rozal stated that when Mr. Lester lifted his shirt, “and started reaching, I could see his hand coming down towards it.” Officer Rozal “went for cover” in front of the patrol vehicle because he did not want to get shot. Officer Rozal was a few feet behind Officer Alonso. As soon as he got his bearings, Officer Rozal heard shots and communicated over the radio, “Shots fired, shots fired.”

When Officer Rozal looked up, Mr. Lester was on the ground. Officer Rozal went to the side of the patrol vehicle and held Mr. Lester at gunpoint because he saw a black object that appeared to be a rifle on the ground near Mr. Lester. Officer Alonso returned to the patrol vehicle and reloaded his firearm, and they waited for additional officers to arrive so that they could secure Mr. Lester.

When SPD Officer Martinez arrived with a shield, Officer Alonso was designated less-lethal with a taser and Officer Rozal had his firearm out. They approached Mr. Lester who was down, and they handcuffed him. The other officers on scene began providing CPR. Officer Alonso was then told to stand away from the scene and was transported to SPD.

Officer Rozal described the incident area as underneath the freeway with commercial buildings at the northeast corner of Pershing Avenue and Fremont Street. It was nighttime. There was light emanating from the buildings, and there were also streetlights.

Officer Rozal stated that there was not time for de-escalation. Officer Rozal stated that initially, when he exited the patrol vehicle, he could see Mr. Lester’s hands and did not see Mr. Lester as posing a threat. When Mr. Lester abruptly turned on Officers Rozal and Alonso and lifted his shirt, Officer Rozal saw Mr. Lester as a threat and was fearful for the safety of himself and Officer Alonso. When Mr. Lester turned, Officer Rozal believed Mr. Lester had a weapon. Office Rozal could see the handle of the weapon popping up from the waistband and saw Mr. Lester reaching for it. Officer Rozal felt scared in that moment and estimated that he was about 20 feet away from Mr. Lester.

After the OIS when Mr. Lester was on the ground, he and Officer Alonso did not immediately approach Mr. Lester, who could have remained a threat because a firearm was believed to be on the ground nearby. Officer Rozal believed that if Officer Alonso had not fired, he (Officer Rozal) would have been injured, shot, or killed.

INTERVIEWS OF CIVILIAN WITNESSES

Numerous civilian witnesses were interviewed by DOJ and SPD investigators. The following are summaries of the relevant civilian witness interviews, which describe the incident from the point of view of each person. The interviews contain facts relayed by the witnesses that may be inaccurate or inconsistent with the facts of the incident as they are currently understood.

W-1

On September 12, 2023, SPD Detective Gandy interviewed W-1, a Red Roof Inn employee at the time of the OIS. W-1 had worked at Red Roof Inn for nine years and was a guest services representative. On September 11, 2023, she was in the office at the Inn and heard some thumping noises. She checked the video surveillance cameras and looked at “camera 13” and saw a man “kicking the door.” The subject was kicking the door in a forward and backward kicking motion and was also thrusting his shoulder and body into the door repeatedly.

The subject then “started on the window.” W-1 walked out of the office and looked up the stairwell and saw the subject at the top of the stairs. W-1 yelled at the subject, “Hey I’m calling 911 right now” to try to stop him.

W-2, an occupant of Room 207, was on the second floor and yelled to W-1 to see if she was alright. W-1 went back to the office to check the surveillance video cameras because she did not want to go up the stairs “blindly” and contact the subject. W-1 saw on the camera that the subject was still kicking the window to the room. W-2 and an occupant from Room 210 started heading up the stairwell to where the subject was. W-1 went up the stairs to the third floor also. As W-1 rounded the corner, she saw the man (later identified to be Mr. Lester) sitting on the windowsill in the broken window of Room 317.

W-1 said to Mr. Lester, “Hey I just called 911,” and Mr. Lester jumped out of the window and said, “I don’t give a fuck” as he turned around toward her. W-1 said that Mr. Lester pulled up his shirt with his hand, and she simulated the action. W-1 said a portion of a gun was visible when he lifted his shirt; it had a triangle and was black, and something red was in the center of the rifle. She could clearly see the rifle was sideways. She said that Mr. Lester’s pants were skinny and she could see that the rifle went down his leg. She knew it was not a handgun. W-1 said that Mr. Lester had pulled his shirt up a couple times.

W-1 said that Mr. Lester was sweaty, his eyes were wide open, and he was “hella high” on something. Mr. Lester took off and walked through the parking lot and across the street toward 1700 West Fremont St. W-1 described him as a young, Black person, neither skinny nor overweight, wearing blue colored pants, with light brown hair.

W-2

On September 12, 2023, SPD Detective Gandy and DOJ Special Agent J. Garcia interviewed W-2, a resident at Red Roof Inn, Room 207. W-2 stated he was homeless and primarily stayed at Red Roof Inn.

On September 11, 2023, at around 9:50 PM, he was in his room when he heard banging noises. He heard the night manager telling the person creating the disturbance that she had called the police. W-2 then heard glass breaking. He and another unidentified male went to see where the sound came from. They got to the third floor and saw glass on the stairwell and floor. W-2 came around the corner and saw Mr. Lester sitting in a window with broken glass. Mr. Lester kept saying, “I’m homeless. I’m homeless.”

W-1 made it up the stairwell to where they were located, by the stairwell and the door to Room 317. W-1 stated that she was going to call the police. W-2 stated that as soon as W-1 mentioned police, Mr. Lester got very agitated, lifted his shirt and showed his rifle. W-2 stated that he did not know if the rifle was real and that it looked like an old .22 caliber rifle.

W-2 stated, “He went looking for you guys. ... He wanted to fight.” W-2 was looking at the interviewers, Agent Garcia and Detective Gandy, when he said this. W-2 stated that Mr. Lester lifted his shirt up a couple of times. W-2 stated that Mr. Lester never blinked and was under the influence of some kind of drug. W-2 said that when Mr. Lester was lifting his shirt up, Mr. Lester tapped on the rifle. W-2 stated that Mr. Lester was saying he had something for “the cops.” W-2 stated that Mr. Lester said, “I’ll take care of them, where’re they at.” W-2 said Mr. Lester “went downstairs looking to confront you all.”

W-3

On September 12, 2023, DOJ Special Agents Hansen and Nelsen interviewed W-3, an employee at the AM/PM convenience store located at 1617 Fremont Street. W-3 stated that Mr. Lester had come into the store at approximately 9:28 PM on September 11. W-3 was working behind the cash register. Mr. Lester took some hot food from the store and left without paying. As Mr. Lester was leaving, he lifted his shirt at his right hip in a threatening manner and said something like “you know about me.” W-3 clarified that when Mr. Lester lifted his shirt, W-3 believed this was to signal that Mr. Lester had a weapon on his person.

W-4

On September 12, 2023, Special Agents Hansen and Nelsen interviewed W-4, an employee at the AM/PM convenience store located at 1617 Fremont Street. W-4 stated that he had been watching Mr. Lester as he was cleaning the store on September 11. W-4 stated that Mr. Lester stole some food and lifted his shirt and put his hand on his hip, giving W-4 the impression that Mr. Lester had a gun.

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.* sets 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

The DOJ has completed an independent investigation and review of the facts and circumstances that led to the death of Mr. Lester. This analysis is based on all the evidence provided to the DOJ in this matter including witness interviews, law enforcement reports, analyses of firearms and ballistics, physical evidence, the autopsy and toxicology reports, BWC camera footage, photographs, and communication evidence.

Because a prosecuting agency would need to affirmatively prove beyond a reasonable doubt that Officer Alonso 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 gathered in this investigation reveals that a prosecution would not be able to prove beyond a reasonable doubt that Officer Alonso did not actually nor reasonably believe that lethal force was necessary to protect himself or Officer Rozal. Therefore, the evidence is insufficient to support criminal charges.

First, the evidence shows that Officer Alonso actually believed in the need to defend against imminent peril or serious bodily injury. Officer Alonso stated that he fired at Mr. Lester because he believed that Mr. Lester was about to shoot him, Officer Rozal, or both. When interviewed, Officer Alonso said he decided to shoot because Mr. Lester "pointed a rifle at me and my partner."

Officer Alonso's actions also reflect an actual belief in the need to defend against imminent peril. When he was firing at Mr. Lester, Officer Alonso was moving to his left down the embankment in effort to take cover from what he believed was Mr. Lester firing at him. When Officer Alonso stopped firing, he returned to the sidewalk to check on Officer Rozal and to "get proper cover." Officer Alonso continued to aim his firearm at Mr. Lester and then reloaded while Officer Rozal kept his firearm aimed at Mr. Lester. The officers continued to point their firearms at Mr. Lester apparently believing that Mr. Lester posed a potential deadly threat.

Second, the evidence shows that it was not unreasonable for Officer Alonso to have believed, based on the totality of the circumstances, that deadly force was necessary to defend against an imminent threat of death or serious bodily injury to himself and Officer Rozal. A reasonable officer in the same situation as Officer Alonso could have believed that Mr. Lester had the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury.

When Officer Alonso and Officer Rozal encountered Mr. Lester, his location and physical appearance matched reports from Dispatch of the man who had tried to kick in a motel room door at the Red Roof Inn. According to Dispatch, the man also dove through a window at the motel, appeared to be under the influence of a drug, and had a long gun in his pants, the end of which he showed the reporting party before fleeing on foot toward the freeway while bleeding. Mr. Lester was first observed by Officers Alonso and Rozal walking underneath the freeway about one-third of a mile away from the

Red Roof Inn, consistent with the report from Dispatch. Moreover, his appearance matched the physical description from Dispatch and there were no other pedestrians in the area.

After receiving Dispatch reports regarding Mr. Lester's erratic behavior at the Red Roof Inn and observing Mr. Lester's actions on the north sidewalk of Fremont Street, a reasonable officer could have believed that Mr. Lester was armed and had the ability to cause death or serious bodily injury. Dispatch reported that Mr. Lester tried to kick in a motel room door, dove through a motel window, appeared to be under the influence, and possessed a long gun in his pants that he showed to the reporting party. Based on these reports, a reasonable officer would have been on heightened alert as to Mr. Lester's ability to immediately cause death or serious bodily injury. Indeed, both officers stated that they left the Red Roof Inn when they heard about the presence of a rifle. Officer Rozal said they left the Red Roof Inn "because he was allegedly armed with a firearm. So, we wanted to handle that first."

When encountered by the officers, Mr. Lester failed to obey repeated commands to stop moving. While he initially showed his hands as ordered by Officer Alonso, he dropped them as he approached the sidewalk. When Mr. Lester reached the sidewalk, Officer Alonso saw him suddenly move in a manner consistent with one preparing to discharge a firearm. Mr. Lester turned abruptly to face the officers, quickly reached into his pants with his right hand, and pulled what appeared to be a rifle from his waist area and began to raise it toward the officers. Officer Alonso stated that he fired when Mr. Lester grabbed the object and pointed it upwards toward Officers Alonso and Rozal. Officer Rozal stated that what he saw on Mr. Lester "kind of looked like the stock of a gun." When Mr. Lester lifted his shirt "and started reaching," Officer Rozal "could see his hand coming down towards it," and Officer Rozal "went for cover" to avoid being shot. He believed that Mr. Lester had a weapon and posed a threat to himself and Officer Alonso.

Although the object held by Mr. Lester, a portion of a suction dart crossbow, was not an actual firearm, based on the totality of the circumstances discussed -- Dispatch report of a man with a long gun with description matching Mr. Lester's appearance, Mr. Lester pulling what appeared to be a rifle from his waist and beginning to raise it toward the officers, and the crossbow's resemblance to a firearm -- a reasonable officer could believe that Mr. Lester was pointing a real firearm.

Video footage from the BWCs of Officer Alonso and Officer Rozal confirms that a reasonable officer could have believed that Mr. Lester had the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officers. BWC footage shows that when Mr. Lester walks from the grassy embankment onto the sidewalk, he turns abruptly to face the officers, quickly reaches into his pants with his right hand, and pulls what appears to be a rifle from his waist area and begins to raise it toward the officers. The footage shows the proximity between Mr. Lester and the officers on the sidewalk and the lack of any barrier between Mr. Lester and the officers.

The BWC video footage also confirms Officer Alonso's statement regarding Mr. Lester's actions leading up to the OIS. The video footage shows Mr. Lester pulling what appears to be a rifle from his waist area and at 10:01:06 PM, beginning to raise it toward the officers. At this time, Officer Alonso moves to his left toward the embankment. The footage shows Officer Alonso firing gunshots at Mr. Lester starting at 10:01:07 PM as he (Officer Alonso) continues to move left and down the embankment. The footage shows Mr. Lester facing west during this time. The footage shows Officer Alonso continuing to fire a total of seven gunshots as he continues to move left down the embankment. As Officer Alonso moves down the embankment, Mr. Lester goes out of view of the BWC. The BWC footage shows Officer Alonso

stopping his gunfire at 10:01:09 PM when he (Officer Alonso) is at the bottom of the embankment. The autopsy report indicated that there were two gunshot wounds to Mr. Lester. One of the wounds was a penetrating, fatal wound of the left lateral hip. The other gunshot wound was a penetrating, fatal wound of the head with the entry wound located at the left posterior parietal scalp. These wounds might indicate that within two seconds after Officer Alonso began firing, as Officer Alonso was moving down the embankment for cover and as Mr. Lester went out of view of the BWC, Mr. Lester moved his body downward or was turning to his right. It is possible that while facing west toward the officers, Mr. Lester was struck with a gunshot first at the left hip, causing his body to fall forward and sustain the second gunshot at the left posterior parietal scalp. The fact remains that as depicted by BWC footage, when Mr. Lester pulled out an apparent rifle and began to raise it toward the officers, he was facing west toward the officers. When Officer Alonso began firing at 10:01:07 PM, Mr. Lester was still facing west.

In summary, the evidence shows that Officer Alonso held the subjective belief that deadly force was necessary to defend himself and Officer Rozal against imminent peril or serious bodily injury. Also, the totality of the circumstances shows that such belief was not objectively unreasonable. A prosecution, therefore, would not be able to prove beyond a reasonable doubt that Officer Alonso's use of force was unlawful.

CONCLUSION

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



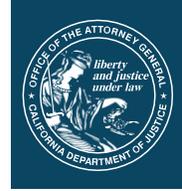
C A L I F O R N I A

DEPARTMENT OF JUSTICE

Policy and Practice Recommendations for the Stockton Police Department Related to the Officer-Involved Shooting of Jory Jamarr Lester on September 11, 2023

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

March 2026



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 conducts a 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. The Police Practices Section 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. The Police Practices Section’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.

As background, on September 11, 2023, at approximately 9:54 p.m., Stockton Police Department (Stockton PD) Officers Marcos Alonso and Jason Rozal responded to a 911 call for service made by the manager of the Red Roof Inn that a person was kicking down a door and possibly entering the window of a room at the motel. While enroute police dispatch updated the officers informing them that the subject was an African American male wearing a dark-colored hoodie, blue jeans, and backpack. Upon arrival at the motel, dispatch made a second update that the subject had a firearm in his pants that he had showed it to the Red Roof manager, that he was bleeding, that he was possibly under the influence of drugs, and had fled toward the freeway. The officers then set out to look for the subject.

While driving on Fremont Street, the officers noticed a man, later identified as Jory Jamarr Lester, who matched the description of the subject provided by dispatch. Officer Alonso parked, drew his firearm, and approached Mr. Lester. He ordered Mr. Lester to show his hands and to stop moving. Mr. Lester raised his hands and said “no,” and continued walking away from the officers, and then said, “I ain’t did nothing.” Mr. Lester then turned around and pulled a long black object from his waist area. As Mr. Lester began to point the object at the officers, Officer Alonso fired his gun at Mr. Lester at approximately 10:01 p.m.

After the shooting, the officers called for back-up and an ambulance and stood behind their patrol vehicle waiting for them to arrive. Mr. Lester lay motionless on the ground, with the long black object in the gutter near his feet. About one minute and 46 seconds after the shooting, Officer Alonso yelled to Mr. Lester, “Roll over on your stomach, man! Roll over on your stomach!” About two minutes and 57 seconds after the shooting, Officer Alonso said, “Should we go up man [unintelligible] ... he doesn’t have the rifle,” and Officer Rozal replied, “Let’s just hold ... I don’t want to put us into any danger alright.” They did not approach Mr. Lester until after approximately four additional officers arrived on scene, or about five minutes after the shooting. As additional officers arrived, Sergeant McClure formed an arrest team that included Stockton PD Officers Gabriel Cooper, Jacob Martinez with a ballistic shield, Alonso and Rozal. The arrest team approached Mr. Lester, grabbed and handcuffed

him, rolled him over, checked and found no pulse, and commenced CPR. CPR was started approximately five minutes and 45 seconds after the shooting. An ambulance and Stockton Fire Department personnel arrived and took over providing medical aid and life saving measures to Mr. Lester. After that time, the investigators discovered that the object held by Mr. Lester was part of a suction dart crossbow and that he did not possess a firearm.

The Police Practices Section has evaluated all the facts and available evidence, and pursuant to its obligations under Government Code section 12525.3, subdivision (b)(2)(B)(iii), advises Stockton PD to review and implement two recommendations:

RECOMMENDATION ONE: EVALUATE TRAINING ON THE DUTY TO RENDER AID

California law requires that, when reasonable and safe to do so, all officers who are properly trained must provide medical assistance to a person injured in a use of force, or if not trained, to otherwise promptly procure medical assistance for persons injured in a use of force incident. (Gov. Code, § 7286, subd. (b)(15).) Stockton PD written policy on rendering medical aid is consistent with the law as it requires that, “[o]nce it is reasonably safe to do so, properly trained officers should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident.” (Stockton PD Policy Manual, § 300.6.) Sworn officers in California are required to undergo an Initial Public Safety First Aid and CPR course of instruction, that at minimum consists of at least 21 hours in First Aid and CPR, and additional content as required in Title 22 of the California Code of Regulations, thus rendering California peace officers sufficiently trained to provide basic medical aid. (Pen. Code, § 13518, subd. (a); Health & Saf. Code, § 1797.183, see also, <https://post.ca.gov/Legislative-Mandated-Training>.)¹

Here, after the shooting, Mr. Lester was lying prone on the street and not moving. Officers Alonso and Rozal waited approximately one minute and 45 seconds to call out to Mr. Lester, ordering him to roll over, but he was non-responsive. Officer Alonso saw that the black object that Mr. Lester had been holding was lying in the street, near Mr. Lester’s feet, and Officer Alonso asked his partner whether they should approach Mr. Lester. Officer Rozal responded that they should maintain their position, near the patrol vehicle. Responding patrol units arrived at the scene approximately three minutes and 22 seconds

1 In addition, California peace officers are required to undergo training include, inter alia, the role of the public safety-first aid provider, personal safety, “scene size-up,” Emergency Medical Services (EMS) access, and integration with EMS personnel to include active shooter incidents. (22 Cal. Code Regs., § 100027.01(c).) POST also requires that, every two years, officers show satisfactory completion of 8 hours of periodic refresher training or appropriate testing in CPR and other first aid as prescribed by EMSA. (22 Cal. Code Regs., §§ 100026.01, 100027.06.) And, POST Learning Domain 34, First Aid, CPR and AED, provides California law enforcement with basic training on first aid including life saving measures. (https://post.ca.gov/portals/0/post_docs/basic_course_resources/workbooks/LD_34-V7.0.pdf.) In this case, Officer Rozal told investigators that 13 years prior to the incident he was also a medic in the Army and he had been Emergency Medical Team certified.

after the shooting. Officers discussed the approach and then approached Mr. Lester just over five minutes after the shooting.

The Police Practices Section recommends that the Stockton PD evaluate its training on the requirement to render aid to injured persons and develop any necessary training to provide officers specific guidance on how to determine when officers can more promptly provide medical care. This incident could serve as an example on how to determine the extent of any risk to officer safety, while also reinforcing the duty to render medical aid.

RECOMMENDATION TWO: AMEND ITS POLICY TO COMPLY WITH THE STATE LAW REQUIREMENTS THAT THE DUTIES TO ENGAGE IN DE-ESCALATION AND CRISIS INTERVENTION ARE MANDATORY WHEN FEASIBLE

California Government Code section 7286, subdivision (b)(1), requires that each law enforcement agency utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible and include this in its policy.

Currently, the Stockton PD Policy Manual, Policy No. 300.3.1, Alternative Tactics – De-escalation, does not require that officers 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 officers 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.

Stockton PD should amend Policy No. 300.3.1 to make clear that:

- De-escalation is required when feasible and include a non-exhaustive list of specific de-escalation tactics and techniques that an officer 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.
- 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.

Stockton PD should further review its other processes, procedures, and training related to crisis intervention to ensure that each is consistent with existing law.