



C A L I F O R N I A

DEPARTMENT OF JUSTICE

**Report on the Investigation into the
Death of David Couch, III, on February 9, 2023**

Shasta County AB 1506

June 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 and any family members of Mr. David Couch. The public interest in such information is limited as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure clearly outweighs any public interest in disclosure.

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

- Witness 1 (W-1), initial 9-1-1 Caller
- Witness 2 (W-2), Mr. Couch's Mother
- Witness 3 (W-3), Mr. Couch's Stepfather
- Witness 4 (W-4), Mr. Couch's Roommate

INTRODUCTION

On February 9, 2023, California Highway Patrol (CHP) Officer Ryan Cates fatally shot David Couch in Redding, California, following a 911 call alerting law enforcement to a man brandishing a rifle out of the driver's side window of a white Ford sedan. Mr. Couch did not succumb to his injuries until February 17, 2023. From the time of the shooting until Mr. Couch's death eight days later, the Shasta County Multi-Agency Officer Involved Critical Incident Response Team conducted the investigation into the officer-involved shooting (OIS). Upon Mr. Couch's death, DOJ assumed authority of the investigation and reviewed the OIS pursuant to Government Code section 12525.3 (enacted by Assembly Bill 1506 [2019-2020 Reg. Sess.]). This report is the final step in DOJ's review of the fatal OIS of Mr. Couch and is limited solely to determining whether criminal charges should be brought against the involved officer. The review does not encompass or comment on any administrative or civil actions. It does, however, include policy and practice recommendations, as required by Government Code section 12525.3, subdivision (b)(2)(B)(iii). Upon thorough examination, and as discussed in detail below, we conclude that no criminal charges will be filed because the evidence is insufficient to prove that Officer Cates committed a crime.

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 INCIDENT

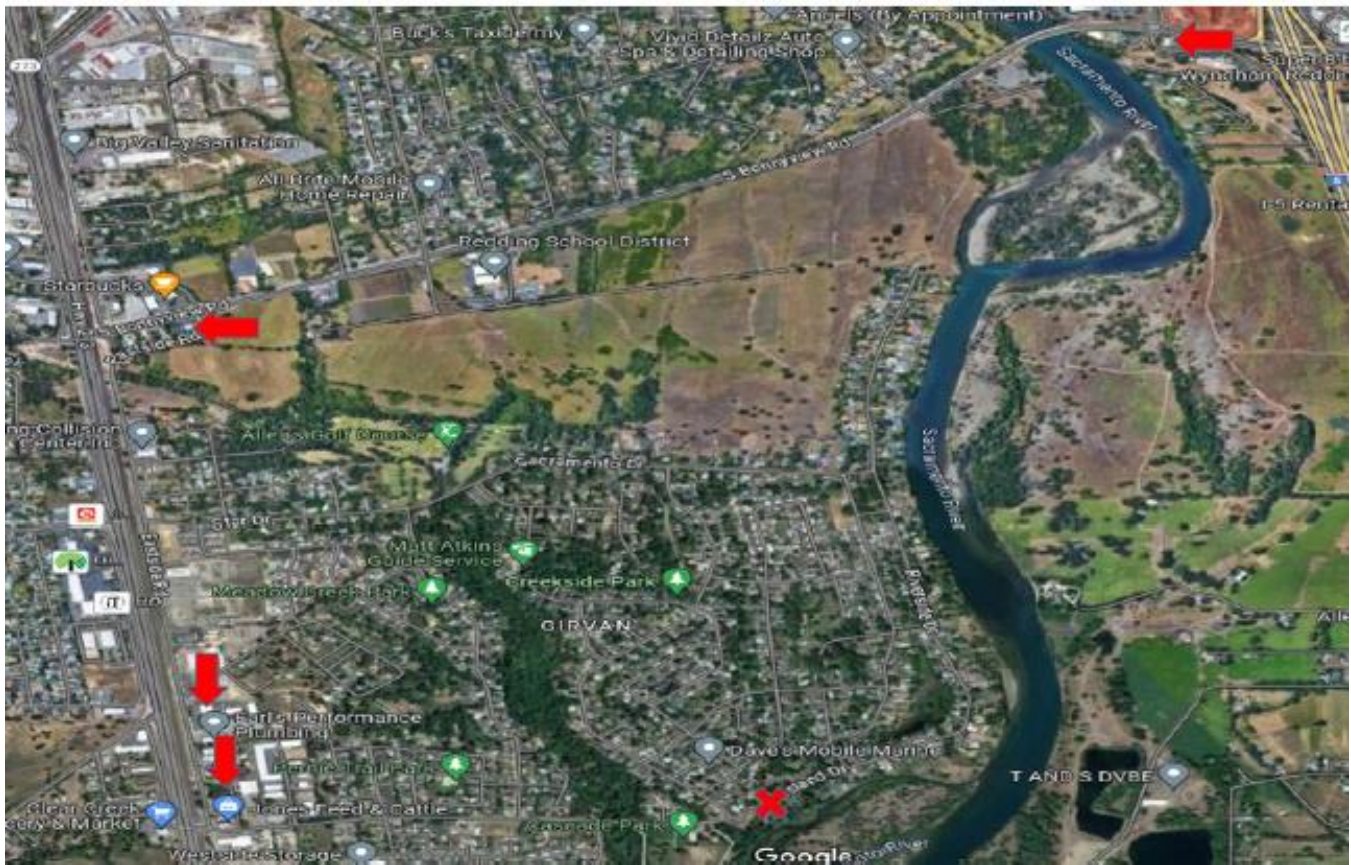
On February 9, 2023, at approximately 5:25 PM, W-1 called 911 to report a male adult brandishing a rifle out the driver's side window of a white Ford sedan on Interstate 5 in Redding, California. While driving behind the sedan, W-1 photographed the vehicle and reported the license plate as 8STM184. W-1 described the firearm pointed at her as an "old school rifle, maybe a .22," and believed it to be real because there was no visible orange tip. W-1 described the rifle as having a wooden handle and a black barrel and described the driver as a slightly bald Caucasian male in a gray hoodie.



Photograph taken by W-1 on February 9, 2023, at 1715 hours.

CHP was dispatched to the call for service, and at 5:30 PM Officer Ryan Cates acknowledged the call. Officer Cates conducted a records check on the license plate and found the vehicle was registered to 3060 Island Drive, in Redding, California.

Law enforcement personnel later obtained video footage from businesses in the area that show the Ford sedan's likely path of travel from the I-5 freeway, shown in the upper right corner of the following diagram, to 3060 Island Drive, marked at the bottom with a red X.



Google maps overview of Couch's path of travel. The red "X" indicates 3060 Island Drive, Redding, CA 96001.

At 5:43 PM, Officer Cates located the white sedan with license plate 8STM184 in the driveway of 3060 Island Drive, and dispatch assigned the call to him.

Officer Cates was in full uniform and driving a marked patrol SUV equipped with a video camera, known as a Motor Vehicle Automated Recording Service (MVARs).¹ As seen on the MVARs video, Officer Cates activated his overhead emergency lights and pulled his vehicle into the driveway at 3060 Island Drive behind the white sedan. In his later interview, Officer Cates said he observed that the sedan's driver door was open, and a male occupant was seated in the driver's seat with something in his hands. Officer Cates decided to conduct a high-risk traffic stop, because other CHP officers were busy, and dispatch had reported the suspect was armed and had pointed a rifle at another driver.

1 CHP did not issue body worn cameras to officers at the time of this shooting.



Photograph of OIS scene showing Mr. Couch's white sedan and Officer Cates's patrol vehicle.

The MVARS video shows Officer Cates exiting his patrol vehicle with his firearm drawn and shouting commands to the driver, "Show me your hands!" and "Get your hands up!" The occupant, later identified as Mr. Couch, exits the white sedan while holding what appears to be a cellphone with both hands. Mr. Couch is dressed in a tactical vest with two knives in the front pockets and an empty firearm holster affixed to his right side.



Still frame of Mr. Couch from CHP Officer Cates MVARS video.



Photograph of Mr. Couch's vest.

In the video, Mr. Couch walks toward the end of the driveway where Officer Cates is positioned behind the driver's door of his patrol car with his firearm pointing at Mr. Couch. Mr. Couch continues to focus on the cellphone in his hands and does not respond to the officer's commands to put his hands up. Officer Cates approaches Mr. Couch with his firearm in his right hand and attempts to turn Mr. Couch around with his left hand. Mr. Couch jerks his arm out of the officer's grasp and yells unintelligible statements while advancing toward Officer Cates.



Still frames from the CHP MVARs video depicting Couch (right) as he progressively jerked his arm away from Officer Cates (left), Evidence Item 004-001, 308-3A. The progression of action is from left to right.

At that point, the officer and Mr. Couch leave the view of the MVARs camera. According to Officer Cates, he drew his electronic control device (“ECD” or “taser”) from his holster with his left hand while continuing to point his firearm at Mr. Couch with his right hand. Officer Cates fired the taser toward Mr. Couch’s beltline, but it had no effect as Mr. Couch swiped the prongs away from his body. Officer Cates fired the taser a second time with no effect again. Officer Cates attempted to re-holster the taser, but it fell to the ground instead.

As the two men move in and out of view of the MVARs camera, Officer Cates can be seen attempting to pin Mr. Couch to the front of his patrol vehicle using his body weight. Footage shows Officer Cates attempting to secure Mr. Couch in handcuffs with his left hand while holding his firearm in his right hand. During the struggle, Mr. Couch can be heard on video, yelling, “Pop a 45 faggot ... do it ... do you think I am scared of you bitch ... you ain’t doing shit dirty cop ... you ain’t doing shit bro.”

During his interview, Officer Cates stated that at one point during the struggle on the hood of the patrol vehicle he placed the barrel of his firearm against the right side of Mr. Couch’s head. Officer Cates repeated orders for Mr. Couch to give him his hands. Mr. Couch did not comply and grabbed the top of the officer’s firearm, attempting to take it from him. Mr. Couch made repeated statements as they struggled including, “Give me the 45 and I’m gonna fuck you up.”²

Officer Cates stated that he maintained possession of his firearm and continued to attempt to handcuff Mr. Couch, while pinning Mr. Couch against the patrol vehicle. Mr. Couch then managed to spin away from Officer Cates and picked up the taser that was still lying on the ground nearby. Mr. Couch pointed the taser at Officer Cates, and Officer Cates attempted to fire his firearm, which failed to discharge.

² Mr. Couch’s voice is audible on the MVARs recording saying, “Give me the 45 right now, I’m gonna fuck you up.”

When the firearm failed to discharge, Officer Cates stated he performed a malfunction drill³ and then fired four shots at Mr. Couch, who fell to the ground. One second before shots were fired, Mr. Couch can be heard on the MVARs recording saying, "It's not working." Four shots are then heard in rapid succession within the span of 1-2 seconds. Approximately five seconds later, Officer Cates's voice is audible on the MVARs recording, calling dispatch and reporting shots fired and ordering Mr. Couch to put his hands behind his back.⁴

Officer Cates stated in his interview that he then turned Mr. Couch over, placed him in handcuffs, and began administering medical aid until paramedics arrived. He applied a tourniquet to Mr. Couch's right thigh and bandaged his head wound. An ambulance from Dignity Health arrived on scene at 5:49 PM, and paramedics from American Medical response (AMR) arrived at 5:54 PM. Mr. Couch left the scene in an ambulance at 6:06 PM. He was transported to Mercy Medical Center where he was treated until medical professionals determined on February 14, 2023, that he no longer had brain function. Mr. Couch was pronounced deceased on February 17, 2023.

INVESTIGATION

Overview

On February 14, 2023, the DOJ's Division of Law Enforcement (DLE) California Police Shooting Investigation Team (CaPSIT) received notification of the February 9, 2023, OIS. The Shasta County Multi-Agency Officer Involved Critical Incident Response Team (Shasta County Response Team) initially conducted the investigation into the OIS until February 17, 2023, when CaPSIT assumed authority of the investigation following the death of Mr. Couch. At that point, the incident was determined to be a qualifying event under AB 1506.

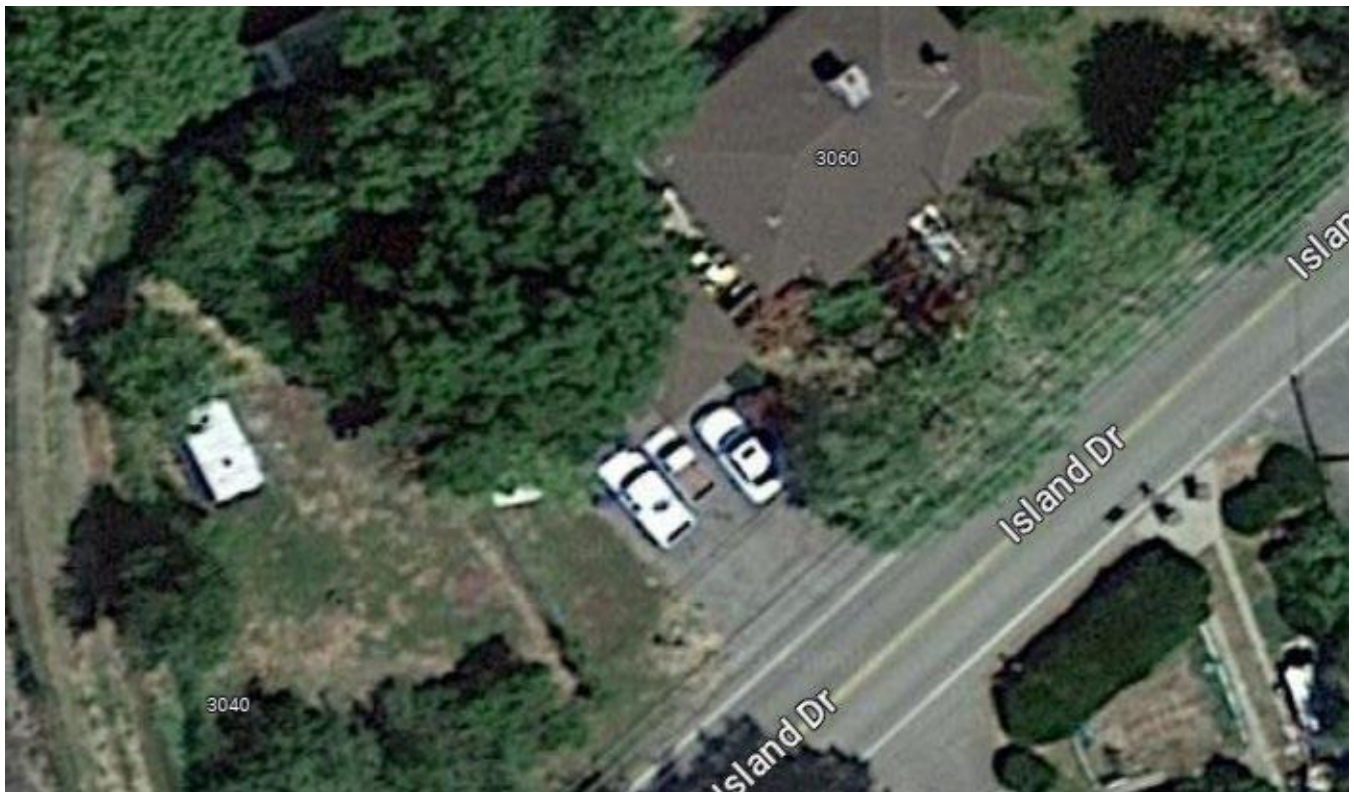
DOJ reviewed extensive investigation materials regarding this incident, including: numerous reports from investigating officers from the Shasta County Response Team, supplemental reports from the on-scene investigation, the Coroner's report, dashcam footage, surveillance videos, interview transcripts and audio recordings from witness interviews, crime scene photographs, 911 calls, and recovered items of physical evidence.

Incident Scene Description

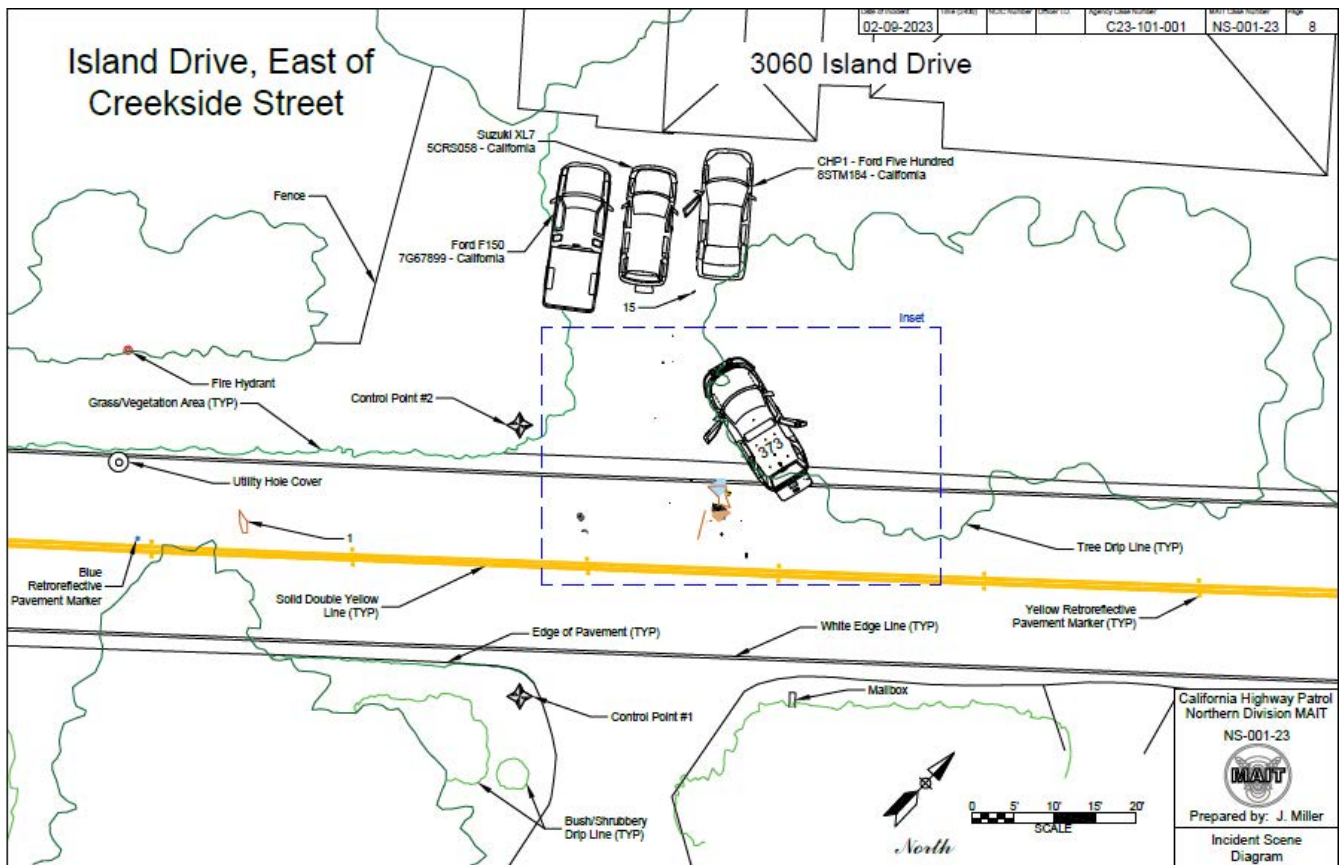
The OIS took place at the single-family residence of 3060 Island Drive, Redding, California, 96001. The incident was isolated to the driveway of the home and the westbound lane of Island Drive, adjacent to the property.

³ When the trigger of a firearm is pulled and no shot fires, officers are trained to complete a malfunction drill. Usually, a malfunction drill consists of hitting the bottom of the handle on a firearm and then racking the gun to manually eject and reload a round.

⁴ The call to dispatch was logged at 5:45 PM.



Google maps overview of 3060 Island Drive, Redding, CA 96001.



Overview diagrams of the OIS scene created by CHP Multi-Accident Investigation Team.



Photograph of OIS scene.

Incident Scene Evidence Recovery

The Shasta County Response Team and CHP Multidisciplinary Accident Investigation Team (MAIT) personnel processed the scene for evidence. The scene was documented in reports, photographs, 3D scans, and evidence collection. The following items of physical evidence were collected during scene processing:

1. Taser wire
2. Black sunglasses
3. Black and gray Alpine star hat
4. Four .40 caliber casings
5. One .40 caliber ammunition round
6. Mr. Couch's pants
7. Taser
8. Mr. Couch's shirt and tactical vest
9. Taser probe with wire
10. Bullet
11. Green pocketknife
12. Black cellular phone
13. Tool valve cover hold down
14. Pink Anti-felon Identification from taser cartridge
15. Three taser cartridge doors

- 16. Black cross
- 17. Multiple pieces of taser wire
- 18. Miscellaneous money
- 19. Air gun/rifle Crossman 1077



Photograph of air gun/rifle Crossman 1077, retrieved from Mr. Couch's vehicle.



Photograph green pocketknife, retrieved from the scene.



Photograph of taser, retrieved from the scene.

At the Shasta County Response Team's direction, the Redding Police Department (RPD) and a Crime Scene Evidence technician responded to Mercy Medical Center where Mr. Couch was being treated to recover evidence. RPD took photos of Mr. Couch, collected a buccal swab from his cheek, and took fingernail clippings and scapings. A bullet from Mr. Couch's neck and several personal items, including military-style boots, were also collected.

Officer Processing

On February 9, 2023, an RPD Crime Scene Officer (CSO) performed Officer Cates's processing and took photos of Officer Cates at the CHP Office in Redding, CA.

During the OIS incident, Officer Cates was in full uniform. He wore a blue, standard-issue CHP jumpsuit uniform with a CHP badge on the left side of his chest and CHP patches on each shoulder. Officer Cates still possessed his radio, two extra magazines, handcuffs, baton, a pocketknife, and a department-issued firearm.

Officer Cates used his department-issued semiautomatic, .40-caliber, Smith and Wesson Model M&P handgun during the OIS. The maximum capacity for each of the officer's three ammunition magazines was 15 rounds, plus one round in the chamber of the handgun for a maximum capacity of 46 rounds. Upon examination, the handgun's magazine contained 10 rounds of ammunition with an additional round in the chamber, which was five fewer than full capacity. The additional two magazines were each loaded to full capacity of 15 rounds.

Video Recordings

The MVARS video recording from Officer Cates's patrol vehicle was obtained and examined.

On February 15, 2023, Investigative Technicians from the Shasta County District Attorney's Office canvassed the area surrounding the OIS to obtain video surveillance of Mr. Couch's vehicle on the day of the shooting. The technicians were unable to find any residential video footage that captured the OIS or the involved vehicle. However, footage from multiple businesses captured a white sedan driving on Bonnyview and Eastside roads prior to the incident. Video recordings from Chevron (5001 Bechelli Lane), Win River Mini Mart (2415 S. Bonnyview Road), Ace Mini Storage (6831 Eastside Road), and Coachmaster Collision (6851 Eastside Road) show Mr. Couch's likely path of travel from I-5, as reported by W-1, to 3060 Island Drive (see diagram in the incident summary).

Communications Evidence

Three 911 calls were received in connection with this incident. W-1's call was received at 5:25 PM on February 9, 2023, and is described above. Two additional calls were received after the incident. Both callers reported hearing gunshots, and one observed officers rendering medical aid to a male on the ground.

Radio transmissions and printouts of the dispatch logs for calls related to the OIS incident were reviewed and were consistent with Officer Cates's radio transmissions.

AUTOPSY

Mr. Couch sustained gunshot wounds on the top of his head, right upper thigh, and left lower chest. After several surgeries, a single projectile was recovered from his neck. Despite all life saving measures, Mr. Couch was given a poor prognosis. Medical professionals determined Mr. Couch no longer had brain function on February 14, 2023 at 3:35 PM. Time of death was declared on February 17, 2023 at 10:26 PM.

Doctor James Olsen performed an autopsy on March 2, 2023 at the Shasta County Coroner's Office in Redding, California. The coroner determined that the cause of death was gunshot wounds to the head and neck, left chest, and right thigh. Below are the autopsy findings related to the gunshot wounds:

Gunshot wound #1: Wound to the right temple that had been sutured. Projectile from this wound was recovered during surgery in the left side of the neck.

Gunshot wound #2: Wound in the upper back that had been stapled with 4-5 staples. Difficult to determine if entry or exit wound. No wound identified in the front of the chest but a wound there may have been incorporated in the stapled thoracotomy incision.

Gunshot wound #3: Entrance wound in anterior right thigh appears to be concealed by sutures.

ELECTRONIC CONTROL DEVICE REPORT

During the incident, Officer Cates was equipped with an electronic control device (ECD or taser) produced by AXON, a Taser X2 model with the serial number X3000DMX0. Officer Cates reported triggering the taser twice during the altercation with Mr. Couch. On March 24, 2023, a California DOJ Bureau of Forensic Sciences criminalist generated a Taser report from Officer Cates's taser. The report showed that the taser was armed on February 9, 2023, at 5:43:20 hours, fired at 5:43:21 and 5:43:23, and had the safety mechanism engaged at 5:43:51. This aligns with Officer Cates's recollection of events for deploying his Taser prior to the shooting. Therefore, when Mr. Couch had possession of Officer Cates's taser, it could no longer deploy electrified probes from a distance and would function in a "drive-stun backup" capacity. Drive-stun is only effective if the Taser's electrodes are in direct contact with a subject. AXON Taser X2 operational instructions indicate that the drive-stun mode is not designed to cause incapacitation and is primarily a pain compliance option.

Additionally, scene photographs showed that the two taser deployments initiated by Officer Cates did not eject the cartridges from the taser. Those cartridges would remain connected to the deployed wires, which could be electrified again if the trigger was pulled.

The report further showed that the taser was armed again at 5:54:29 hours and stayed in that state until 6:14:31 when it went into "Powersave" mode. It should be noted that this indicates Officer Cates's taser was not armed again after both cartridges were deployed until 5:54:29 PM, which was nine minutes after the shooting was reported to dispatch.

BALLISTICS ANALYSIS

A California DOJ Bureau of Forensic Sciences Senior Criminalist prepared a report documenting testing and analysis of Officer Cates's firearm, the fired and unfired cartridges, and the fired bullets. The report concluded that Officer Cates's department-issued firearm was functional and that the fired bullets came from his firearm. Additionally, an examination of the unfired cartridge recovered from the scene revealed apparent cycling marks, but no firing pin impression. There were no indications on the unfired cartridge to determine why it was ejected or cycled.

Additional Background

Mr. Couch was born on August 17, 1991. At the time of the OIS incident, he was 5'10 and weighed 154 pounds.

Mr. Couch's family reported that he was diagnosed with schizoaffective disorder, bipolar type, when he was 21 years of age, for which he reportedly took medication.

INTERVIEW OF OFFICER CATES

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 only officer involved in this incident who discharged his firearm, Officer Cates, provided a voluntary interview. The following statement is a summary of his interview, describing the incident from his point of view. Officer interviews consist of the officer's recollection of the incident. These recollections may be inconsistent with the facts ultimately determined by DOJ's independent review of the evidence, including video footage.

On February 13, 2023, CHP Sergeant Shawn Villano, CHP Officers Mike Cregger and Jack Moser and Shasta County Sheriff's Office Detective Jeremy Ashbee interviewed CHP Officer Ryan Cates with his attorney present. Statements by Officer Cates are summarized below.

On February 9, 2023, at approximately 5:30 PM, Officer Cates was in full uniform, driving a marked patrol vehicle equipped with a fully functioning MVARs system. CHP dispatch broadcast a violation of Penal Code section 417, brandishing a firearm, on I-5 southbound. The vehicle was described as a white Ford sedan with license plate 8STM184. The suspect was described as a bald male possibly wearing a gray hoodie. Officer Cates conducted a DMV record check of the suspect vehicle and found it was registered to 3060 Island Drive in Redding, CA. He drove to that location and observed a vehicle matching the description in the driveway of the residence with the driver's door open. He observed a male seated in the driver's seat with something in his hands.

Officer Cates knew that all other CHP units were busy on other calls or would have extended response times. Based on information from dispatch that the suspect was armed with a rifle and had already pointed it at another driver, Officer Cates decided to conduct a high risk stop. He activated his forward red lights and pulled in behind the white Ford sedan. Once stopped, Officer Cates came out of his

patrol vehicle and stood behind the driver's side door of his patrol vehicle. He drew his pistol, pointed it at the Ford, and yelled at the suspect to show his hands.

The driver got out of his car with a cellphone in his hands. He was wearing a tactical-style vest and was carrying a large bayonet-style knife, and another knife clipped above it. He had an empty pistol holder on the right side of his vest. Based on this, Officer Cates believed the suspect, later identified as Mr. Couch, possessed a pistol and a rifle either on his person or in his car. The officer ordered Mr. Couch to get on the ground, but Mr. Couch refused and walked toward the rear of the Ford and Officer Cates.

As he walked toward the officer, Officer Cates approached Mr. Couch to prevent him from returning to his vehicle, where a firearm may have been located. Officer Cates approached Mr. Couch with his pistol drawn and attempted to put him in a control hold by grasping Mr. Couch's right arm with his left hand. Mr. Couch clenched his fist and jerked his arm away. Officer Cates backed away from him, but Mr. Couch clenched both fists and took a combative stance before walking toward the officer aggressively.

Officer Cates, still holding his pistol in his right hand, removed his ECD from its holster with his left hand and pointed it at Mr. Couch. Based on Mr. Couch's combative stance, his yelling at Officer Cates, his forward progression toward the officer, and because he was armed with knives on his vest, Officer Cates believed Mr. Couch intended to cause him bodily harm and had the ability to do so. Officer Cates fired the ECD toward Mr. Couch's belt line, and Mr. Couch swiped away the ECD prongs, causing it to have no effect. He fired the ECD a second time, and Mr. Couch again swiped away the prongs and continued toward Officer Cates.

Officer Cates attempted to holster his ECD but missed, dropping it to the ground. He then pushed the suspect toward the left front corner of the patrol vehicle and used his body weight to pin Mr. Couch against it. Believing Mr. Couch might have a firearm and knowing that he was still within reaching distance of the knives on his vest, Officer Cates kept his pistol in his right hand and pressed it against the right side of Mr. Couch's head. Officer Cates continued to give Mr. Couch multiple orders to give him his hands, but he refused. Mr. Couch then reached up and grabbed the top of Officer Cates's pistol and tried to pull it away from him. Officer Cates was able to jerk it away from Mr. Couch and maintain control.

As they continued to struggle, the suspect made numerous statements such as "pop a 45" and "kill me." Based on these statements and the suspect's attempt to take his pistol, Officer Cates believed Mr. Couch intended to take his pistol and use it against him. Had he obtained the pistol, Officer Cates believed Mr. Couch would have used it to shoot and kill him.

Officer Cates continued to pin Mr. Couch to the patrol vehicle and attempted to handcuff Mr. Couch with his left hand while maintaining his pistol in his right hand. Mr. Couch spun out from the officer's grasp and said something to the effect of "give me the 45 and I'll fuck you up." Officer Cates believed this meant Mr. Couch was attempting to take his weapon to use it against him. Mr. Couch took a few steps, picked up the fallen ECD, and pointed it at Officer Cates. Officer Cates stated that he saw the flashlight on the front of the ECD was activated which indicated to him that the safety was removed. Officer Cates stated he had been tased before and knew what effect, even a "dry stun," had previously

had on him.⁵ Officer Cates was in fear that Mr. Couch would gain control of his pistol. According to Officer Cates, if Mr. Couch was able to get a drive stun anywhere on his right arm, he was fully aware it could cause him to “lose strength in the arm and lose any chance of retaining my pistol.”

Based on Mr. Couch’s previous aggressive actions toward the officer, his combative resistance, and his successful avoidance of the effects of the ECD, Officer Cates believed Mr. Couch intended to and had the ability to use “the ECD to cause me injury, incapacitate me, and ultimately disarm me of my pistol and use the pistol against me to kill me” Officer Cates was in fear for his own life and fired his service pistol once while approximately 8-10 feet away from Mr. Couch. However, the officer’s pistol did not fire. As Mr. Couch continued advancing toward him, Officer Cates performed a malfunction drill and fired four rounds at the suspect, now at approximately four to six feet away. Mr. Couch landed face down on the roadway. Officer Cates placed his body weight on Mr. Couch, holstered his pistol, and handcuffed Mr. Couch. Officer Cates then requested an ambulance and rendered medical aid until backup arrived.

INTERVIEWS OF CIVILIAN WITNESSES

W-1

CHP Officer Partlow interviewed W-1 on February 10, 2023. W-1 confirmed her report on the 911 call and provided additional details. She stated that she was driving southbound on I-5 in the far-right lane between the Cypress Avenue and South Bonnyview Road exits when she saw the driver of the white Ford approximately five car lengths behind them holding a gun out of the car window. The driver was a white male with short hair wearing a hoodie. W-1 described the firearm as a possible .22 caliber “old school” rifle with a wood stock, black barrel, and no orange tip. She reiterated that the car was a white Ford sedan with damage to the rear passenger door. W-1 said she “freaked out” because the driver had the rifle pointed directly at the back of her vehicle and followed her off the freeway on the exit for South Bonnyview Road. As the white sedan passed W-1’s car heading westbound toward State Route 273, W-1 was able to take a photograph of the sedan’s license plate. The photo was timestamped 5:15 PM on February 9, 2023.

W-2

On February 9, 2023, the RPD spoke with W-2, who is Mr. Couch’s mother. She explained that Mr. Couch had mental health issues since he was 21 years old and was diagnosed with schizoaffective disorder. Mr. Couch was in a manic state when he was off his medications, and W-2 believed he did not have his medication during his incarceration in the Shasta County Jail for about two months prior to the shooting. W-2 described Mr. Couch as non-violent toward people.

On the day of the incident, W-2 returned to her residence at 3060 Island Drive at approximately 4:30 PM. She was inside the home when she heard three or four gunshots and saw the muzzle flash. W-2 went outside to see an officer handcuffing Mr. Couch who was injured on the ground.

5 The officer’s reference to “dry stun” corresponds to the “drive stun” function of a taser, which is the term used by Axon, the taser’s manufacturer. As mentioned in the Electronic Control Device Report section, the drive-stun function is deployed by pushing a taser’s electrodes into the body of a person, rather than discharging electrified wires and prongs.

W-3

On February 9, 2023, the RPD spoke with W-3, Mr. Couch's stepfather. W-3 told investigators that Mr. Couch had a "severe mental illness" and was "a totally different, very aggressive person" while not taking his medication. He believed Mr. Couch did not have his medications while in custody for the previous 45 days. W-3 said that Mr. Couch had a problem with authority. Further, he noted that he saw Mr. Couch take a BB rifle and a sword to his vehicle before he left the residence earlier that day.

W-3 said that he returned to his home at 3060 Island Drive at approximately 5:00 PM and heard four shots shortly after his arrival. He went outside and observed an officer rendering medical aid to Mr. Couch.

W-4

On February 9, 2023, a Shasta County Sheriff's Office detective spoke with W-4, who was Mr. Couch's roommate. W-4 was with Mr. Couch the morning of the incident and remembered Mr. Couch saying that he was planning on shooting "bad guys" with his BB gun.

W-4 was inside the residence at 3060 Island Drive when he heard three or four pops approximately three minutes after he heard Mr. Couch's car pull into the driveway. When W-4 came out of the house, he observed Mr. Couch on the ground in the street.

Interviews of Neighbors

The Shasta County District Attorney's Office Investigators canvassed the neighborhood for witnesses to the shooting on February 9, 2023. In total, 17 neighbors were interviewed, none of whom visually witnessed the shooting. Several of the neighbors reported hearing apparent gunshots and seeing the aftermath of the police presence. None of the neighbors in the vicinity had surveillance cameras that captured any audio or video of the shooting or the struggle prior to the shooting. As a result, details of the neighbors' interviews are not included in this report.

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

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

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

To determine whether deadly force is necessary, “officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” (Pen. Code, § 835a, subd. (a)(2); *People v. Hardin* (2000) 85 Cal.App.4th 625, 629-630 [“only that force which is necessary to repel an attack may be used in self-defense; force which exceeds the necessity is not justified” and “deadly force or force likely to cause great bodily injury may be used only to repel an attack which is in itself deadly or likely to cause great bodily injury”].)

A threat of death or serious bodily injury is “imminent” when, based on the “totality of the circumstances,” a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or to another person. (Pen. Code, § 835a, subd. (e)(2); see *People v. Lopez* (2011) 199 Cal.App.4th 1297, 1305-1306 [imminent peril is “immediate and present” and “must be instantly dealt with”; it is not prospective or even in the near future].)

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

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

Burden of Proof

A prosecutor bears the burden of proving a criminal defendant’s guilt beyond a reasonable doubt. (Pen. Code, § 1096.) Where an investigation is complete, and all of the evidence is available for review, prosecutors should file charges only if they believe there is sufficient admissible evidence to prove the charges beyond a reasonable doubt at trial. (See, e.g., Nat. Dist. Attys. Assn., National Prosecution Standards (3d ed. 2009) Part IV, § 2 pp. 52-53; United States Department of Justice Manual § 9-27.220; Melilli, Prosecutorial Discretion in an Adversary System (1992) B.Y.U. L.Rev. 669, 684-685 [surveying ethical standards used in the exercise of charging discretion by prosecutors]; accord, *People v. Catlin* (2001) 26 Cal.4th 81, 109 [“A prosecutor abides by elementary standards of fair play and decency by refusing to seek indictments until he or she is completely satisfied the defendant should be prosecuted and the office of the prosecutor will be able to promptly establish guilt beyond a reasonable doubt,” quotation and internal quotation marks omitted]; *People v. Spicer* (2015) 235 Cal.App.4th 1359, 1374 [explaining that a prosecutor may have probable cause to charge a crime but reasonably decline to do so if they believe there is a lack of sufficient evidence to prove the charge beyond a reasonable doubt at trial]; cf. Rules Prof. Conduct, Rule 3.8(a) [prosecutor should not initiate or continue prosecution of charge that is not supported by probable cause].)

Further, the prosecution has the burden of proving beyond a reasonable doubt that a killing is not justified. It is not a criminal defendant’s burden to prove that the force was necessary or reasonable. (*People v. Banks* (1976) 67 Cal.App.3d 379, 383-384; 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 the 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

DOJ has completed an independent investigation and review of the facts and circumstances that led to the death of Mr. Couch. This review and analysis is based on the totality of evidence provided to DOJ in this matter, including the voluntary statement from the officer involved in the shooting, forensic evidence, coroner's report, autopsy photographs, patrol car footage, and police reports.

Because a prosecuting agency would need to affirmatively prove beyond a reasonable doubt that Officer Cates did not act in lawful defense of himself or others, this is the primary issue in determining whether his actions should subject him to criminal prosecution. We conclude the evidence does not show that his actions were unreasonable based on the totality of circumstances he faced during the incident.

Subjective Element of Self-Defense

The interview with Officer Cates reveals that he feared Mr. Couch posed a serious threat throughout the incident. When he arrived on scene, Officer Cates believed, based on the dispatch report, that Mr. Couch was in possession of a rifle. As a result, the officer decided to conduct a high risk stop, immediately drew his weapon, and yelled for Mr. Couch to show his hands.

When Mr. Couch exited his vehicle, he was wearing tactical clothing, including a vest containing two knives and an empty pistol holder. Officer Cates stated in his interview that he believed Mr. Couch was in possession of a pistol and a rifle and ordered him to get on the ground. Mr. Couch, instead, moved toward the officer who attempted to physically restrain him. According to Officer Cates, Mr. Couch then pulled away, took an aggressive stance, and walked aggressively at him. Believing that Mr. Couch intended to cause him bodily harm, Officer Cates fired his taser twice at Mr. Couch who brushed off the prongs, after which the taser fell to the ground.

Officer Cates then pushed Mr. Couch against the front of his patrol vehicle. According to Officer Cates, he believed Mr. Couch might have a firearm and could reach for the knives in his vest, so the officer placed his pistol against Mr. Couch's head and attempted to handcuff him with his other hand. However, Mr. Couch grabbed the pistol and unsuccessfully attempted to pull it away from Officer Cates. Mr. Couch made statements such as "pop a 45" and "kill me," and then spun away from the officer's grasp and said, "Give me the 45 and I'll fuck you up." In his interview, Officer Cates said he believed Mr. Couch intended to take his pistol and kill him.

Mr. Couch then picked up the taser and pointed it at Officer Cates. Officer Cates stated he had been tased before and knew that even a drive stun (without probes) could incapacitate his dominant arm holding his pistol. According to Officer Cates, Mr. Couch had the ability to use the taser "to cause me injury, incapacitate me, and ultimately disarm me of my pistol and use the pistol against me to kill me" Officer Cates said he feared for his own life and attempted to fire his pistol, which malfunctioned. As Mr. Couch continued to move closer, the officer quickly corrected the malfunction and fired four shots, fatally wounding Mr. Couch.

At the time of the shooting, the evidence indicates Officer Cates believed that the taser was active, and that he feared Mr. Couch would use the taser's drive-stun function to obtain control of his firearm. Statements by Officer Cates and video from the MVARS camera support Officer Cates's stated belief that Mr. Couch posed an imminent threat of death or serious bodily injury.

Objective Element of Self-Defense

Officer Cates's belief that he was in danger of being incapacitated by the taser was based on his understanding that the taser was armed while in Mr. Couch's possession, and that the drive-stun function had the ability to incapacitate him and cause him to lose control of his firearm. According to the Taser Report, the device was not armed during the timeframe Mr. Couch could have possessed it. Officer Cates's taser was in safe mode from 5:43:51 PM to 5:54:29 PM, and Officer Cates reported the shooting to dispatch at 5:45:12 PM. Additionally, the AXON Taser X2 operational instructions state the drive-stun function is primarily used as pain compliance and is not designed to incapacitate.

In this case, however, Officer Cates stated that he knew the effect a drive stun would have on him, especially if placed on his right arm that held his firearm. According to the officer, a drive stun would cause him to "lose strength in the arm and lose any chance of retaining [his] pistol." The intended purpose of the drive-stun backup as described by the manufacturer, is to cause pain, but does not exclude other results that could include incapacitation. Even though the taser was not specifically designed to incapacitate, it was not unreasonable for Officer Cates, based on his experience, to believe that a drive-stun would cause him to lose control of his firearm and be placed in imminent danger. Additionally, the cartridges remained loaded in the taser, which would allow a trigger-pull to activate the electricity in the attached wires. Officer Cates could have been incapacitated had he come into contact with the deployed electrified wires.

At the time of the shooting, Officer Cates had prior information that Mr. Couch was armed with a rifle, and he observed Mr. Couch to be in possession of two knives, as well as his taser. Based on Mr. Couch's access to weapons, his aggressive actions, as well as his statements showing an intent to gain control over and use Officer Cates's firearm against him, an objective officer in the same situation could have reasonably believed that Mr. Couch appeared to have the present ability, opportunity, and apparent intent to cause death or serious bodily injury.

CONCLUSION

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



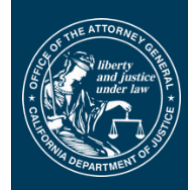
C A L I F O R N I A

DEPARTMENT OF JUSTICE

Policy and Practice Recommendations for the California Highway Patrol Related to the Officer-Involved Shooting of David Couch, III on February 9, 2023

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

June 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 February 9, 2023, at approximately 5:15 p.m., California Highway Patrol (CHP) assigned CHP Officer Cates to a 911 call reporting a man holding a gun out of the driver’s side window of his vehicle. Officer Cates conducted a records check on the vehicle’s license plate and learned the vehicle was registered to an address on Island Drive in Redding, California. At approximately 5:43 p.m., Officer Cates drove to that registered address, slowly drove eastbound past the home, observed a vehicle matching the description parked in the driveway, and saw a male in the driver seat holding an unknown object. Approximately 30 seconds after passing the driveway, Officer Cates made a U-turn and returned to the address. Officer Cates also informed dispatch that he was at the location and requested that dispatch hold the radio channel for emergency radio traffic only.

Officer Cates pulled behind the vehicle in the driveway, activated the patrol vehicle’s overhead emergency lights and driver side spotlight, and initiated a high-risk traffic stop. Officer Cates drew his service weapon with his right hand, pointed it towards the driver, and instructed Mr. Couch to put his hands up. Mr. Couch emerged from the vehicle holding a cell phone with both hands. Officer Cates observed an empty pistol holster on the right side of Mr. Couch’s tactical vest. Officer Cates also observed two knives on Mr. Couch’s vest.

Mr. Couch walked toward Officer Cates, speaking unintelligibly. Officer Cates also walked towards Mr. Couch and ordered him to turn around. While still pointing his gun at Mr. Couch, Officer Cates attempted to grab Mr. Couch with his left hand. A physical altercation ensued. According to Officer Cates, he drew his TASER with his left hand while still holding his gun with his right.¹ Officer Couch twice attempted to

¹ The interaction between Officer Cates and Mr. Couch largely occurred outside the view of the patrol vehicle’s dash camera. As a result, neither the shooting nor the attempted TASER deployments were captured on video. At the time of this incident, California Highway Patrol did not equip all its officers with a body worn camera (BWC). California Highway Patrol’s updated BWC policy, dated April 29, 2025, provides that “Sworn employees working in an enforcement capacity, to include warrant service, shall be equipped with a BWC for the duration of their shift.” Much of the description about what transpired is based on Officer Cates’ interview.

use his TASER on Mr. Couch, but it was ineffective. While attempting to holster the TASER, Officer Cates accidentally dropped it to the ground. Officer Cates attempted to handcuff Mr. Couch while still holding his firearm, but Mr. Couch pulled himself away from Officer Cates. Mr. Couch grabbed for Officer Cates' pistol, but Officer Cates maintained control of the pistol. Officer Cates kept his pistol in his right hand during the entire interaction with Mr. Couch. Officer Cates then observed Mr. Couch pick up the TASER and point it at Officer Cates.

Fearing Mr. Couch would incapacitate him with the TASER and then seriously injure him, Officer Cates fired four rounds at Mr. Couch, who fell to the ground. Officer Cates was able to secure the handcuffs on Mr. Couch and render medical aid. Mr. Couch was transported to Mercy Medical Center, where he was treated until his death eight days later on February 17, 2023.

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

RECOMMENDATION ONE: TRAINING ON REQUESTING AND WAITING FOR BACKUP

The Police Practices Section recommends that CHP implement training on when to request and wait for backup before engaging in a high-risk traffic stop.

CHP policy provides that a high-risk stop arises when there is reasonable cause to believe the vehicle stopped will create an extraordinary safety risk to the officer, the subject, or the public. Under those circumstances, CHP policy states that officers should request an additional unit, if available.

As outlined above, Officer Cates was responding to a call reporting a subject brandishing a gun out of the window of his vehicle while driving. Officer Cates confirmed that he decided to initiate a high-risk stop without requesting backup because, according to his interview, he believed that all other CHP units were busy on other calls or on extended response times. In this case, Officer Cates did, in fact, face a deadly threat from Mr. Couch. Specifically, Mr. Couch resisted Officer Cates' efforts to place him in handcuffs, Mr. Couch engaged in a physical altercation with Officer Cates, and Mr. Couch gained control of the officer's TASER. This threat could have been greatly reduced or eliminated by the presence of a backup officer.

This incident provides an example of the risks that can be presented when completing a high-risk stop without the support of a backup officer. Numerous officers from the Redding Police Department and a sergeant from the California Highway Patrol arrived on scene shortly after the shooting. Additionally, Mr. Couch was no longer driving on the highway and instead was found in the driveway where his vehicle was registered. As a result, there was no urgent need to confront Mr. Couch immediately, without waiting for backup. The Police Practices Section recommends that CHP provide further training and instruction regarding circumstances under which it is appropriate to request backup units, or to wait to engage a suspect until backup is available, before initiating a high-risk stop.

RECOMMENDATION TWO: TRAINING ON OPERATIONAL SAFETY TACTICS

The Police Practices Section recommends that CHP provide additional training on operational safety tactics when engaging in high-risk stops, including using time, distance, and cover and evaluating the safety risks related to holding a firearm while deploying a TASER or attempting to handcuff an individual.

California Penal Code section 13519.10 mandates that use of force policies and training guidelines include de-escalation techniques and other alternatives to force, “including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence ... ” Agencies are encouraged to provide periodic updates on “use of force scenario training, including simulations of low-frequency, high-frequency, high-risk situations and calls for service, shoot-or-don’t shoot situations, and real-time force option decision-making.” (Pen. Code, § 13519.9, subd. (b)(1); Gov. Code, § 7286, subd. (b)(1).) When officers follow their training by maintaining distance and cover, it can reduce the intensity of the situation, minimize the need to use force, including deadly force, and improve safety outcomes for subjects and officers. (Police Executive Research Forum, *Integrating Communications, Assessment, and Tactics: A Training Guide for Defusing Critical Incidents* (Oct. 2016), p. 49.)

Officers should also consider the risks of closing the distance with a subject or going hands-on while holding a firearm. Doing so may put an officer at a tactical disadvantage. A subject who has both hands free may have an easier time resisting an officer who has one hand—usually their stronger hand—occupied by trying to safeguard the weapon. This situation also presents the risks of unintentional firing or that the subject will gain control of the firearm. Likewise, an officer’s ability to safely deploy a TASER may be limited while holding a firearm. In this situation, the officer is also left with no free hands to control the subject. This situation further risks the officer mistakenly firing their weapon instead of the TASER. Finally, closing the distance with a subject while holding a firearm increases the risk that the subject will be able to gain control of the firearm.

Based upon the video footage and statements by Officer Cates, Mr. Couch ignored multiple orders to show his hands. Instead, he walked toward Officer Cates while holding his cell phone in both hands. Officer Cates noticed Mr. Couch’s tactical vest, knife, and empty holster. At that point, Officer Cates walked toward Mr. Couch with his gun pointed at Mr. Couch. By doing so, Officer Cates reduced the space and distance between himself and Mr. Couch. Officer Cates then grabbed Mr. Couch with his left hand, while still holding his gun in his right hand. This left Officer Cates with a limited ability to control Mr. Couch, who was able to resist with both hands free.

When Mr. Couch quickly escalated his aggression and resistance, Officer Cates was left with limited options. Also, his attempts to deploy his TASER and apply handcuffs on Mr. Couch with one hand while holding his firearm with the other were unsuccessful. According to Officer Cates, Mr. Couch attempted to grab the gun from Officer Cates’ grasp. And ultimately, Mr. Couch gained control of the TASER and pointed it at Officer Cates. By closing the distance, positioning himself directly in front of Mr. Couch, and holding his firearm with one hand while going hands on with the other, Officer Cates diminished his available options, and therefore, did not have time to use distance and cover to further assess the situation, de-escalate, or have alternatives to the use of lethal force.

The Police Practices Section acknowledges that, once Officer Cates engaged Mr. Couch on his own, this was a rapidly unfolding, dynamic incident, and one without backup on the way. The Police Practices Section also acknowledges Officer Cates was responding to Mr. Couch’s decision to fight Officer Cates and point his TASER at him. Given the inherent dangers of high-risk stops and of attempting to arrest combative individuals, CHP should provide further training on operational safety tactics, including using time, distance, and cover and the safety risks of attempting to use other force options while holding a firearm.

RECOMMENDATION THREE: POSTING POLICIES ONLINE

The Police Practices Section recommends that CHP post online its policies, practices, operating procedures, and education and training materials.

Penal Code section 13650, which took effect January 1, 2020, requires POST and all local law enforcement agencies to “conspicuously post on their Internet Web sites all current standards, policies, practices, operating procedures, and education and training materials” (Pen. Code, § 13650.) Penal Code section 13650 does not include state law enforcement agencies, such as CHP and CHP has elected not to post voluntarily these materials on its website. The absence of these posted materials makes it challenging and burdensome for a member of the public to seek out policies for which they would ordinarily be entitled to with most law enforcement agencies throughout the state.

The Police Practices Section first recommended that CHP post these materials onto its website in our May 2023 report on the shooting death of Leonel Chavez.² DOJ then reiterated this recommendation in our July 2024 report on the shooting death of John Alaniz.³ The goal of law enforcement agencies being more transparent with the community they serve and the need for state-level agencies to lead by example, the Police Practices Section reiterates its recommendation that CHP demonstrate leadership by updating its website to include all current standards, policies, practices, operating procedures, and education and training materials.

² [Policy and Practice Recommendations for California Highway Patrol Related to the Officer-Involved Shooting of Leonel Chavez on September 28, 2021](#), California Department of Justice (May 2023)

³ [Policy and Practice Recommendations for California Highway Patrol Related to the Officer-Involved Shooting of John Alaniz on May 4, 2022](#), California Department of Justice (July 2024)