



C A L I F O R N I A

DEPARTMENT OF JUSTICE

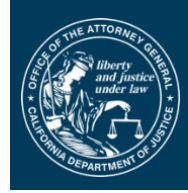
**Report on the Investigation into the
Death of Noe Rodriguez Martinez on December 1, 2024**

Orange County AB 1506

July 2026

TABLE OF CONTENTS

BACKGROUND—AB 1506.....	1
PRIVACY STATEMENT	2
INTRODUCTION.....	2
SUMMARY OF INCIDENT	3
INVESTIGATION.....	8
Overview.....	8
Incident Scene Description	8
Incident Scene Evidence Recovery	10
OFFICER PROCESSING	11
Body-Worn Camera (BWC) Video, Surveillance Video, and Other Recordings.....	11
Firearms and Ballistics Analysis	11
AUTOPSY	11
INTERVIEWS OF POLICE OFFICERS.....	12
INTERVIEWS OF CIVILIAN WITNESSES	12
APPLICABLE LEGAL STANDARDS	19
LEGAL ANALYSIS.....	21
CONCLUSION	23



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 Noe Rodriguez Martinez. 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 identified as follows:

- Witness 1 (W-1) – Passerby driving to grandmother’s house
- Witness 2 (W-2) – Employee at El Viejon Mariscos & Sushi Restaurant
- Witness 3 (W-3) – Employee at Diaz Taco Cart
- Witness 4 (W-4) – Customer at Casa Linda Furniture Store
- Witness 5 (W-5) – Customer at Casa Linda Furniture Store
- Witness 6 (W-6) – Employee at Casa Linda Furniture Store
- Witness 7 (W-7) – Employee at Diaz Taco Cart
- Witness 8 (W-8) – Mr. Martinez’s sibling
- Witness 9 (W-9) – Mr. Martinez’s spouse
- Witness 10 (W-10) – Resident at Artist Village Apartment Complex
- Witness 11 (W-11) – Manager at Casa Linda Furniture Store
- Witness 12 (W-12) – Resident at Artist Village Apartment Complex

INTRODUCTION

On December 1, 2024, Santa Ana Police Department officers responded to a report of a man walking eastbound on 1st Street in downtown Santa Ana with a shotgun. Officers located and attempted to contact Mr. Noe Rodriguez Martinez who was holding what appeared to be a shotgun. During the encounter, Mr. Martinez did not comply with the officers’ commands to drop the weapon. In response, Officers Luis Casillas and Isaac Ibarra fired their weapons, striking Mr. Martinez. Mr. Martinez was fatally wounded. After the shooting, it was discovered that Mr. Martinez’s firearm was a replica pump action shotgun.

The Department of Justice (DOJ) investigated and reviewed this officer-involved shooting pursuant to Government Code section 12525.3 (enacted by Assembly Bill 1506). This report is the final step in DOJ’s review of the fatal shooting of Mr. Martinez. The scope of this report is limited to determining whether criminal charges should be brought against the involved officers and does not encompass or comment on any potential administrative or civil actions. It does, however, include policy and practice recommendations, as required by Government Code section 12525.3, subdivision (b)(2)(B)(iii).

Following a thorough examination and as discussed in detail below, DOJ determined that no criminal charges will be filed, because the evidence is insufficient to prove that Officers Casillas and Ibarra 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

911 Calls and Santa Ana PD Dispatch

At approximately 5:08 PM, Santa Ana Police Department (SAPD) received a 911 call from W-1 who was driving on 1st Street in downtown Santa Ana. W-1 informed SAPD that he saw a Hispanic male with a mustache and a beard “walking down the street with a shotgun” walking eastbound on 1st Street and Spurgeon Street.¹

SAPD officers received the radio call from dispatch at approximately 5:12 PM stating, “Subject seen in the area of 1st and Spurgeon. A male, Hispanic, mustache, beard, forty to fifty years old, about five six to five seven, one-eighty to one-ninety, long hair wearing a blue, dirty jumpsuit. The subject was armed with a black shotgun with a brown handle last seen walking eastbound on the north side of the street about five [sic] ago.” SAPD Officers C. Marin and M. Coleman responded to dispatch and conducted a check around the reported area, but did not locate the individual. Officer Coleman broadcasted over the radio requesting additional units to respond to conduct an area check.



Still image taken from City of Santa Ana surveillance video depicting an individual turning northbound on Broadway from 1st Street. Timestamp not depicted in still image is 5:14:59 PM.

1 Information provided to dispatch indicated a possible location of the subject. However, during the interview of W-1, it was determined that the subject was not at that location and W-1 had utilized the reported intersection as a reference point on his GPS as he was driving westbound on 1st Street when he observed the subject with the shotgun.



Still image taken from the Artist Village Apartment parking structure surveillance video depicting an individual walking northbound on Broadway carrying a dark object with two hands. Timestamp not depicted in still image is 5:15:20 PM.



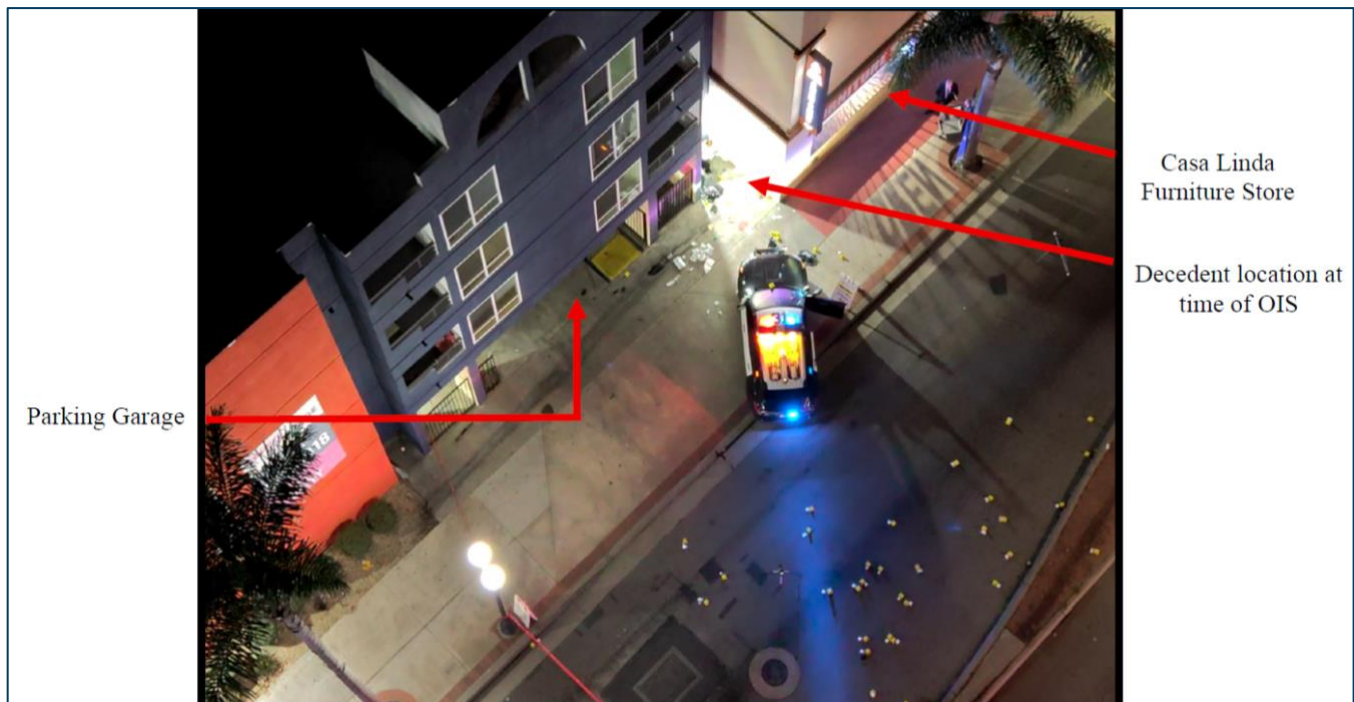
Still image taken from City of Santa Ana surveillance video depicting an individual walking northbound on Broadway between the Artist Village Apartment parking structure and Casa Linda Furniture Store. Timestamp not depicted in still image is 5:15:28 PM.

At approximately 5:28 PM, W-4 and W-5 were leaving the Casa Linda Furniture Store. As they were walking to their vehicle that was parked at the Artist Village Apartment parking structure, they noticed a male standing in the corner holding a shotgun. W-4 and W-5 both believed the individual was loading the shotgun based on the movements the individual was making. W-4 and W-5 immediately turned around and walked back into the Casa Linda Furniture Store to inform the employees of what they observed.

At approximately 5:31 PM, a second 911 call was made by an employee of Casa Linda Furniture, W-6, located at 116 N. Broadway in Santa Ana. W-6 reported that customers returned to the store because they had seen an individual standing outside of the furniture store loading a shotgun.

Officer Arrival

At approximately 5:32:25 PM, Officers Casillas and Ibarra located Mr. Martinez, who matched the suspect description from the radio call, standing on the west sidewalk of N. Broadway. Officer Casillas was driving the police vehicle and Officer Ibarra was in the passenger seat. Officer Casillas parked the vehicle in the street facing towards Mr. Martinez, who was standing with his back against the south facing wall of the Casa Linda Furniture Store, holding what appeared to be a shotgun with both hands.



Still image taken from CA DOJ drone footage depicting the location of the Artist Village Apartment parking structure, the OIS location, and Casa Linda Furniture Store.



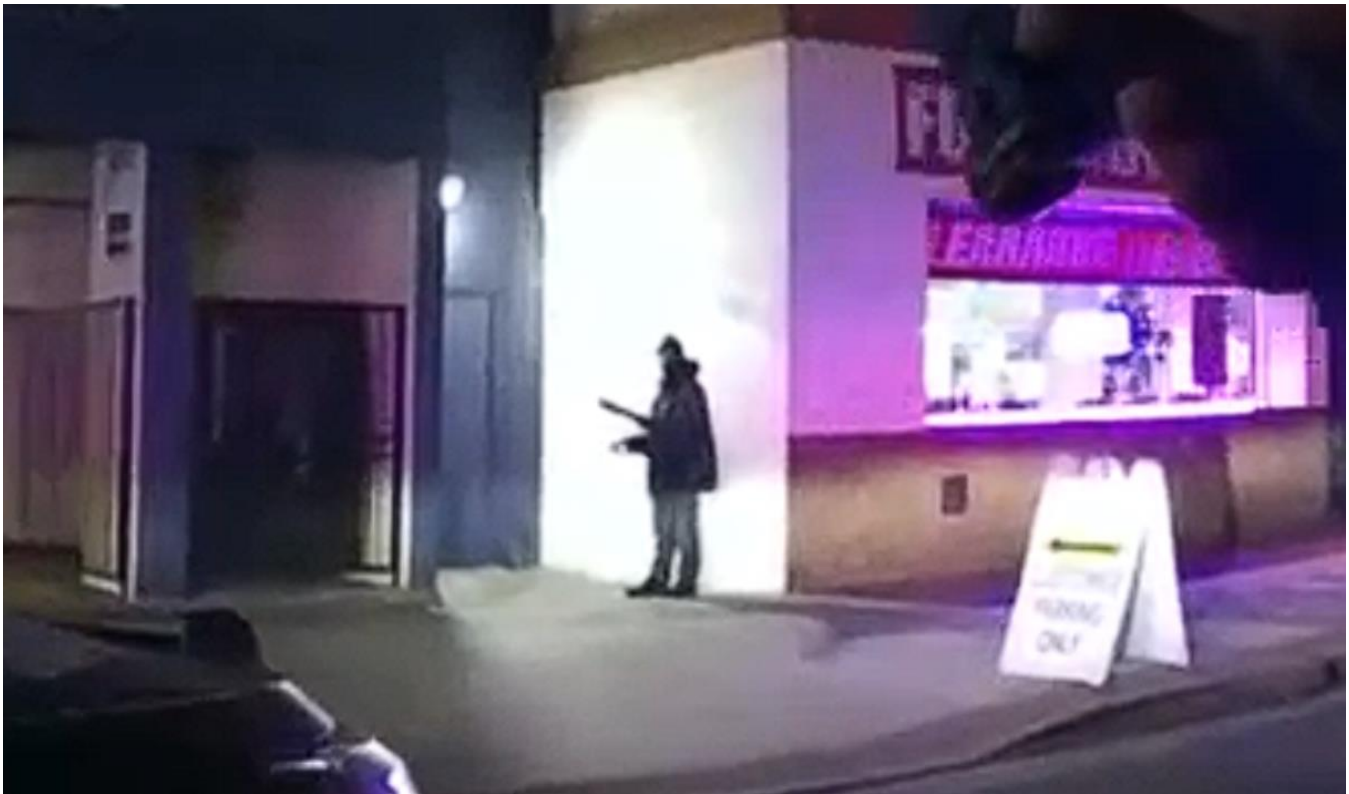
Still image taken from Officer Ibarra's body worn camera video depicting Mr. Martinez holding what appears to be a shotgun with both hands.

Immediately upon arriving, Officers Casillas and Ibarra exited their vehicle and got behind the vehicle doors to maintain a position of cover as they unholstered their firearms. Officer Casillas' body worn camera view was obscured by the driver's side door and Officer Ibarra's body worn camera did not have any audio during the OIS.² At approximately 5:32:32 PM, Officer Casillas ordered Mr. Martinez to "drop the gun or you'll be shot." For the next 15 seconds, Officer Casillas ordered Mr. Martinez to "drop the gun or you'll be shot" two more times.

Mr. Martinez removed what appears to be his left hand from the shotgun. Immediately after Mr. Martinez separated one of his hands from the shotgun, Officers Casillas and Ibarra began shooting at Mr. Martinez, who was struck by gunfire. Officer Casillas' first shot was fired at approximately 5:32:47 PM, and his last shot was fired at approximately 5:32:52 PM. Officer Ibarra's first shot was fired at approximately 5:32:49 PM, and his last shot was fired at approximately 5:32:53 PM.

After the firing began, Mr. Martinez turned his body to the right, facing away from Officers Casillas and Ibarra. Mr. Martinez dropped down to his right knee, followed by his left knee, then collapsed to the ground. The total time between the first shot fired and the last shot fired was approximately six seconds.

² There was a 30 second delay for audio to begin on Officer Ibarra's BWC. Information regarding timestamps and actions of both officers are based on the Multicam video generated by Evidence.com.



Still image taken from Officer Ibarra's body worn camera video depicting Mr. Martinez removing what appears to be his left hand from the shotgun.

At approximately 5:32:57 PM, Officer Ibarra's hand moves from his firearm and radio traffic can be heard. At approximately 5:33:02 PM, someone can be heard stating, "I, I told him, he was about to point that thing at me." The audio on Officer Ibarra's body worn camera turns on at approximately 5:33:04 PM. At approximately 5:34:29 PM, in response to SAPD Officer S. Gonzales, Officer Casillas can be heard stating, "Uh, we're good, bro. So he, he has a shotgun underneath his, uh, body. Uh, it looks like he was loading it." At approximately 5:34:51 PM, Officer Casillas states, "And, uh, 823 Alpha, he's gonna [sic] have the shotgun still under him. He's gonna [sic] be, uh, not moving." At approximately 5:36:00 PM, Officer Casillas states, "Alright, so the shotgun is gonna [sic] be under him." Both Officer Casillas and Ibarra were relieved from their positions at the vehicle at approximately 5:36:14 PM.

Following the OIS, additional SAPD officers arrived to assist Officers Casillas and Ibarra to develop a plan to approach and detain Mr. Martinez and secure the scene. Upon review of Officer Casillas' body worn camera video, he fired his weapon until the slide locked back, at which point he performed an emergency reload. Officer Ibarra's body worn camera video shows he performed a tactical reload at approximately 5:36:37 PM.³ At approximately 5:40:05, SAPD Officer J. Gonzalez deployed two 40-millimeter less lethal launchers. Mr. Martinez was hit in the lower extremities by the 40-millimeter less lethal launchers and did not exhibit a reaction from either of those deployments.

3 An emergency reload is a reload technique used when the firearm has had all the rounds expended and goes to slide lock. A tactical reload is a reload technique used when there are still rounds in the chamber and magazine, but it is replaced with a full magazine to ensure the weapon starts the next engagement with maximum ammunition.

At approximately 5:45:26 PM, an arrest team of SAPD officers approached Mr. Martinez and gained control of his right arm. As SAPD Officer C. Miranda approached Mr. Martinez, he saw what appeared to be a brown sawed off shotgun next to Mr. Martinez's left arm. Officer Miranda grabbed the firearm and handed it to Officer T. Raygoza while other SAPD officers continued to secure the scene. Officer P. McClaskey directed Officer Raygoza to place the weapon on the sidewalk south of where Mr. Martinez was positioned and to remain with the weapon.

SAPD officers then rolled Mr. Martinez onto his stomach and Officer T. Holt placed his handcuffs on Mr. Martinez. Officer Holt checked for a pulse in his carotid artery, and checked for a left radial pulse, but did not feel a pulse in either. Officer Holt instructed other officers to obtain a medical kit from a nearby police vehicle. As SAPD officers began medical treatment on Mr. Martinez, Orange County Fire Authority took over patient care at approximately 5:58:17 PM.

At approximately 6:04 PM, Mr. Martinez was transported to Orange County Global Medical Center and was pronounced deceased by Dr. Jin Sui at approximately 6:26 PM.

INVESTIGATION

Overview

Following the initial notifications in accordance with departmental procedures, Special Agent Supervisor S. Richardson with the California Department of Justice (DOJ), Division of Law Enforcement (DLE), Bureau of Investigation (BI), California Police Shooting Investigation Team (CaPSIT) received a notification from Stan Berry, the supervisor from the Orange County District Attorney's Office Officer-Involved Shooting (OIS) Team, that an OIS had occurred in the city of Santa Ana. SAPD Officers responded for backup to arrest and detain Mr. Martinez, during which time it was discovered that the object held by Mr. Martinez was a replica firearm that resembled a pump action shotgun. Because the OIS was a qualifying event under AB 1506, DOJ personnel were notified at approximately 6:02 PM, subsequently responded to the scene, received a briefing on the circumstances of the OIS, and assumed investigative responsibility of the incident at approximately 7:25 PM.

The investigation conducted by DOJ was thorough, objective, and comprehensive. The evidence reviewed in this investigation includes, but is not limited to, reports from investigating officers, interviews of the 911 callers and other witnesses in the surrounding area, interviews of family members not present at the scene, surveillance footage from the surrounding businesses, SAPD body worn camera recordings, communications before and during the incident (911 call, computer aided dispatch (CAD) records, radio traffic communications, etc.), and the autopsy and toxicology reports of Mr. Martinez.

Incident Scene Description

The OIS occurred on the west sidewalk of N. Broadway and 1st Street, north of the driveway into the Artist Village parking structure and south of the Casa Linda Furniture Store located at 116 N. Broadway in Santa Ana. N. Broadway is a paved, black asphalt, roadway that runs north and south with raised sidewalks on both sides of Broadway. West 1st Street is a paved, multi-lane two-way roadway that runs east and west. The intersection of N. Broadway and West 1st Street is controlled by traffic lights and there are marked crosswalks at all four corners of the intersection. The general area is a mixed business and residential area.



Screenshot from Google Maps depicting the location of the OIS incident.

At the time of the OIS, the weather was clear with lighting consisting mainly of nearby storefronts, the parking structure building lighting, and streetlights. The area where Mr. Martinez was standing was partially within an alcove between the Artist Village Apartment parking garage and the Casa Linda Furniture Store; however, surveillance and body worn camera footage revealed Mr. Martinez to be well illuminated by the patrol vehicles' headlights and overhead building lights at the time of the shooting.

The scene perimeter was established with yellow tape and a manned SAPD vehicle was blocking access to Broadway at the intersection. Yellow tape was placed across 2nd Street, both east and west of Broadway blocking any access to Broadway. Yellow tape was also placed across Broadway at 1st Street, along the southern portion of the intersection. Additionally, an inner perimeter was established with yellow tape placed across Broadway from approximately the middle of the building at 116 N. Broadway to the building at 125 N. Broadway, and across Broadway from 117 N. Broadway to the Artist Village Apartment parking structure preventing access onto Broadway. Within the inner perimeter, one SAPD vehicle #860 that was involved in the OIS was parked angled in a northwest direction on the sidewalk in the southbound lane of the roadway. The one vehicle involved in the OIS was a clearly marked black and white police vehicle with SAPD logos, markings, and equipped with emergency lighting.

The investigation revealed SAPD vehicle #860 was moved from its position at the time of the OIS, to its current position as depicted in Figure 4. In the area in front of vehicle #860 was medical debris, a first aid kit, clothing, three cellphones, a knit cap, and a knife on the sidewalk. On the south side wall of the Casa Linda Furniture Store were multiple bullet strikes and what appeared to be dried blood splatter.

Between the inner and outer perimeter, parked along the west curblin of Broadway facing northbound, was SAPD vehicle #805. This vehicle was not involved in the OIS.

When SAPD officers arrived on scene, the firearm was directly next to Mr. Martinez's left arm. The investigation further revealed that the firearm was moved by Officer T. Raygoza approximately 30 feet south of Mr. Martinez's location on the west sidewalk of Broadway prior to the arrival of CA DOJ CaPSIT. Additionally, Mr. Martinez's body had been transported to Orange County Global Medical Center prior to the arrival of CA DOJ CaPSIT.

Incident Scene Evidence Recovery

DOJ Bureau of Forensic Services (BFS) personnel processed the scene: personnel took photographs and 3D scans of the OIS scene, measured distances utilizing the Faro scans, and collected evidence from the OIS location, surrounding areas, and the involved SAPD vehicle. In total, 29 casings in nine-millimeter calibers were recovered, along with numerous fragments and projectiles. All fired cartridge cases were in the southbound lanes of N. Broadway, except for one nine-millimeter cartridge case located in the center median. Two 40-millimeter less lethal cartridge cases and two fired 40-millimeter less lethal foam rounds were located and recovered at the scene.

DOJ BFS processed SAPD vehicle #860 which was involved in the OIS, as well as SAPD vehicle #805. There were no notable observations on either of the vehicles.

A plastic toy replica firearm that resembled a pump action shotgun was recovered from the scene. The replica shotgun was black with a brown stock and brown forearm and did not have an orange tip.



Photo of the replica firearm that resembled a pump action shotgun recovered at the scene.

OFFICER PROCESSING

Both officers were transported to SAPD for processing. CaPSIT and BFS processed the involved officers. All officers were photographed in their uniforms as they appeared at the time of the OIS, and their equipment, uniforms, and loadouts were all documented accordingly. Also present during the processing of both officers were SAPD Detective G. Raya, Corporal N. Guiarro, and Attorney B. Rutkowski, Ferrone Law Group.

Body-Worn Camera (BWC) Video, Surveillance Video, and Other Recordings

The BWCs of both involved officers were activated at the time of the OIS. The BWCs recorded the response to the radio call, Mr. Martinez's actions, and the OIS. The summary of the incident above is primarily based on review of the BWC recordings, which captured the incident from the moment of the officers' arrival up until medical personnel arrived. All body camera recordings were provided to DOJ and reviewed by CaPSIT.

Other recordings reviewed include audio interviews from witnesses, surveillance footage, radio traffic transmissions, and 911 calls. Surveillance video from multiple locations in the surrounding area were reviewed; however, only four locations provided investigative value. All other potential locations with cameras were either inoperable or provided no investigative value.

Firearms and Ballistics Analysis

A physical examination of two SAPD firearms involved in the OIS was conducted. Both firearms used by Officers Casillas and Ibarra are Glock, model 17, nine-millimeter, semiautomatic pistols. A magazine count was conducted, and a round count analysis was completed.

Officer Casillas stated he typically loads 16 rounds in the magazine inserted in his service weapon and one chambered in the firearm for a total of 17 rounds prior to each shift. Officer Casillas had three 17 round capacity magazines on the night of the OIS, one of which was empty and remained at the scene of the OIS. The other two magazines had 17 rounds.

Officer Ibarra stated he typically loads 17 rounds in the magazine inserted in his service weapon and one chambered in the firearm for a total of 18 rounds prior to each shift. Officer Ibarra had three 17 round capacity magazines on the night of the OIS. In one magazine, there was 18 rounds (17 + 1 in the chamber of the firearm), the second magazine had 17 rounds, and the third magazine had six rounds.

AUTOPSY

Mr. Martinez was born on May 19, 1993. At the time of the OIS, he was 31 years old, five feet nine inches tall, and weighed 150 pounds.

Mr. Martinez's autopsy was conducted on December 4, 2024, by Doctor Nicole Ellis.

The coroner's report determined the cause of death to be "multiple gunshot wounds." The report noted:

1. Nine total gunshot wounds involving the face (left jaw), left arm, right posterior shoulder, posterior neck and back.

2. Fatal injuries involving the bilateral lungs and abdominal aorta.
3. Fractures of the mandible.
4. Multiple apparent copper projectile fragments were retrieved from the tongue, posterior neck, and back.

The toxicology report confirmed the presence of amphetamine and methamphetamine in Mr. Martinez's system at the time of death.

INTERVIEWS OF POLICE OFFICERS

Officers Casillas and Ibarra both declined to provide statements. 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.)

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

INTERVIEWS OF CIVILIAN WITNESSES

The following statements are summaries of civilian interviews, which describe the incident from their individual point of view. Please note that the interviews contain facts relayed by the civilians that may be inaccurate or inconsistent with the facts of this incident as they are currently understood. Multiple witnesses were interviewed while canvassing the nearby areas, many of whom relayed they heard gunshots, but did not witness the OIS or the events leading up to the OIS, and therefore did not provide any investigative value.

Interview of W-1

W-1 was interviewed telephonically on December 3, 2024, at approximately 1:55 PM, by SAPD Detective F. Gomez.

W-1 stated he was driving to his grandmother's house in Santa Ana going west on 1st Street. W-1 was not familiar with the streets in Santa Ana but recalled driving past the Food 4 Less grocery store and the McDonalds located on East 1st Street. W-1 stated he drove by what appeared to be an apartment complex when he looked to his right and noticed an individual walking eastbound. W-1 stated that he noticed the individual was holding a shotgun with one of his hands near the trigger area.

Although W-1 did not see the individual approach or point the gun at anyone, he was concerned for the bystanders in the area and decided to call 911 to report the incident. W-1 described the individual as a homeless male with long hair, mustache and beard, 40-50 years old, thin build, approximately five feet eight inches to six feet tall, and wearing dirty blue pants or a jumpsuit. W-1 described the shotgun as black with a brown or tan handle and the shotgun appeared real to him.

Later in the evening, W-1 drove back to his residence and drove by the area. W-1 observed police activity, and the area was blocked off.

Interview of W-2

W-2 is an employee at El Viejon Mariscos & Sushi Restaurant located at 201 N. Broadway in Santa Ana. The restaurant is located on the east side of N. Broadway. On December 1, 2024, at approximately 9:30 PM, W-2 was interviewed at SAPD by DOJ Special Agent M. Wyatt and SAPD Detective F. Gomez.

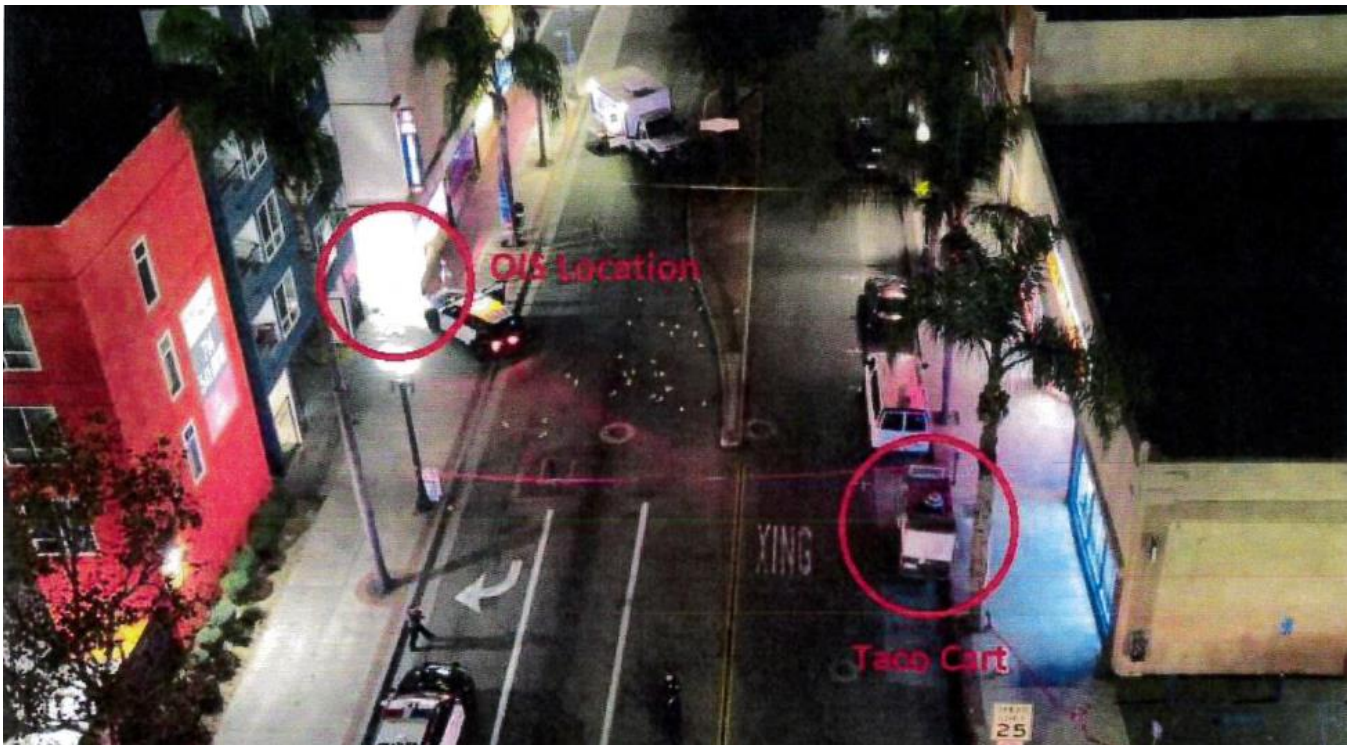
On the night of the incident, W-2 stated he was working and noticed a black and white police vehicle stop in the street in front of the restaurant. W-2 witnessed a police officer standing outside of the vehicle near the front right passenger door. W-2 stated he heard approximately seven to eight gunshots and believed it was more than one person shooting. W-2 did not see Mr. Martinez because there was a tree blocking his view, but he was able to see a police officer holding a firearm. W-2 did not hear if the officers gave any commands due to the loud music playing inside the restaurant. W-2 provided the names of two coworkers⁴ who may have seen the OIS. W-2 provided two cellphone videos, which did not capture the OIS or any use of force. W-2 stated after the OIS, he assisted with evacuating customers away from the location.

Interview of W-3

W-3 was interviewed on December 8, 2024, by DOJ Special Agent S. Rice and assisted by SAPD Detectives F. Gomez and J. Bruns. Detective Gomez assisted with the translation of the interview from Spanish to English.

On the night of the incident, W-3 was working at the taco cart, Diaz Tacos, located in front of Guadalajara Furniture, 117 N. Broadway in Santa Ana. W-3 stated the taco stand had a window, and she observed a male standing across the street with something in his hands. W-3 was not able to identify what the male was holding, but stated "it was long, and he was manipulating it." W-3 described the individual as "suspicious," as he was also moving around and taking steps back and forth. W-3 did not witness the male point the object at anyone. W-3 heard approximately five gunshots and proceeded to duck behind the taco stand. W-3 stated she did not see the police officers. During the OIS, W-3 experienced an anxiety attack and was taken to the hospital in an ambulance. W-3 indicated she has issues with her eyes that she currently receives treatment for.

⁴ W-2's two coworkers were interviewed and did not provide any investigative value.



Still image from the drone depicting the location of the taco stand in relation to the location of the OIS.

Interview of W-4

W-4 was interviewed on December 19, 2024 at SAPD, by DOJ Special Agent S. Rice, and assisted by Special Agent A. Hernandez and SAPD Detective F. Gomez.

W-4 stated he was with his girlfriend (W-5) and son shopping at the Casa Linda Furniture Store. They exited the store and began walking south to the parking structure towards their car. W-4 stated he saw an individual standing in the corner against the wall, between Casa Linda Furniture Store and the parking structure of an apartment complex, with a shotgun or rifle. W-4 described the individual as dark-skinned, tall, approximately 180 pounds, wearing a black beanie, green jacket, and sweatpants. W-4 described the gun as black and brown having a “big, fat barrel,” like a shotgun. W-4 stated he believed the individual was loading the firearm based on the movements the individual was making with the firearm; however, W-4 did not see any ammunition. W-4 relayed he was standing approximately five feet from the individual, did not see the individual point the rifle at anyone, and did not see the individual speak to anyone. W-4 stated he was scared and thought to himself, “Good thing I didn’t make noise for him to look at me ‘cause [sic] I probably thought he was going to shoot me since I turned the corner and I saw him physically holding that and I was like, he would’ve might [sic] as well lit me up right now.”

W-4 explained that in order to get to his vehicle, they would have had to walk past the individual. W-4 turned around and went back into the furniture store. W-4 told the store employee, W-6, that there was someone standing on the corner with a gun. W-6 showed W-4 and W-5 the exterior surveillance cameras, but they could not see anyone because that specific corner was a blind spot on the camera. W-6 then called 911.

Interview of W-5

W-5 was interviewed on December 19, 2024 at SAPD, by DOJ Special Agent S. Rice, and assisted by Special Agent A. Hernandez and SAPD Detective F. Gomez.

W-5 stated on the night of the incident, she was shopping at Casa Linda Furniture Store with her boyfriend (W-4) and son. When they left the furniture store, they exited south of Broadway to walk back to their car when she saw a male holding a gun. She stated the male was standing between the furniture store and the parking structure, facing the wall. W-5 described the male as tall and wearing a hoodie, sweats or baggy pants, and a backpack.

W-5 stated the male was standing approximately three feet away from her, holding a long gun and it looked like he was doing something to it such as loading it, playing with it, or trying to fix it. W-5 stated the male did not point the gun at them and she did not see him point the gun at anyone else. W-5 relayed that the male did not say anything to them, and she did not see him talk to anyone else. W-5 stated it was approximately 5:00 PM and it was “starting to get dark,” so they went back into the furniture store. W-4 and W-5 told the furniture store employees that they saw a man outside with a gun, but upon review of the exterior cameras, the location of the male was in a blind spot. W-6 then called 911. W-5 stated she heard five to six gunshots, but did not see any portion of the shooting and did not hear police give any commands. W-5 stated she was in fear and thought the male was going to go into the store and start shooting.

Interview of W-6

W-6 was interviewed on December 2, 2024 at approximately 4:15 PM at Casa Linda Furniture Store by DOJ Special Agent S. Rice and assisted by Special Agent M. Wyatt and SAPD Detective F. Gomez.

W-6 stated she was working at Casa Linda Furniture Store with another store manager on the night of the incident. W-6 stated she finished helping customers, W-4 and W-5, who left the store and then returned approximately two minutes later. When W-4 and W-5 returned, W-4 relayed to her and the store manager that there was a Hispanic male, wearing a beanie, standing outside near the parking lot loading a rifle. W-6 looked at the live feed cameras facing the parking structure entrance, just south of the business, and did not see anybody. W-6 stated the other store manager took the customers upstairs to the attic and W-6 immediately locked the front doors and called 911. W-6 relayed she did not witness the OIS, but she did hear 10 gunshots while speaking to dispatch and immediately fled to the basement.

Interview of W-7

W-7 was interviewed on December 1, 2024 at approximately 10:42 PM at SAPD by SAPD Detectives F. Gomez and Bodnar. Detective Gomez assisted with the translation of the interview from Spanish to English.

On the night of the incident, W-7 was working at the taco cart, Diaz Tacos, with W-3. They began their set up around 4:00 PM and were scheduled to work together until midnight. W-7 stated the taco cart is located adjacent to Guadalajara Furniture, as depicted in Figure 9. W-7 stated her attention was drawn to a police vehicle that was traveling north on Broadway and came to an abrupt stop. As the police vehicle came to a stop, W-7 observed an individual standing across the street at the corner of Casa Linda Furniture Store. W-7 described the area as the south corner of the furniture store with very little lighting. W-7 described the individual holding a long object with both hands. The object was dark in

color and looked like a bat. W-7 described the individual as holding the object in an upward position with a slight outward bend as if the individual was getting ready to attack. W-7 stated it appeared like the individual was threatening the officers with the object he was holding as if he was going to strike the officers with it.

W-7 stated that the officer in the front passenger seat exited the vehicle and pointed his firearm towards the direction of the individual. W-7 was afraid something was going to happen, so she ducked behind the taco cart trailer with W-3. As soon as W-7 ducked down, she heard approximately eight gunshots. When the gunshots stopped, W-7 got up and observed the individual on the ground. From her point of view, she did not see the officer on the driver's side of the police vehicle. W-7 stated she could not recall if the officers gave any commands to the individual, but did see the officers approach the individual after the shooting.

W-7 stated that while police officers were approaching the individual, her coworker (W-3) suffered a panic attack which took her attention away from the incident. Both W-7 and W-3 went into Guadalajara Furniture until W-3 was transported to the hospital by medics.

Interview of W-8

On December 2, 2024, at approximately 11:31 AM, DOJ Special Agent S. Rice, assisted by DOJ Special Agent M. Wyatt, DOJ Special Agent J. Genens, and Special Agent Supervisor S. Richardson, met with W-8 at her residence to inform her of the incident.

W-8 was identified through department resources as well as resources from the Orange County Coroner's office as a potential next of kin to Mr. Martinez. Upon arriving to W-8's residence, SA Rice called a possible phone number of W-8 that was obtained from department resources. W-8 agreed to speak to Special Agent Rice, Detective Gomez and Detective Nunez. Detectives Gomez and Nunez assisted with the translation of the interview from Spanish to English. W-8 was shown a California Department of Motor Vehicle photograph of Mr. Martinez, and she positively identified Mr. Martinez as her brother.

W-8 stated she last saw Mr. Martinez at her residence on Saturday, November 30, 2024. W-8 lives at her residence with Mr. Martinez's parents. Mr. Martinez does not live with them; however, he would visit occasionally to shower or eat. W-8 stated that her parents would welcome Mr. Martinez inside their home, but she did not welcome him. When asked why she did not welcome him, W-8 stated that Mr. Martinez uses drugs such as "crystal," and when he smokes crystal, Mr. Martinez becomes very aggressive and would lock himself in the bathroom. W-8 further explained that she did not want W-8 in the house because of his behavior and drug use, and she did not want him around her small children. W-8 stated Mr. Martinez would hallucinate and see things that were not there. When asked about any mental health issues, W-8 stated Mr. Martinez's mental health was okay prior to using drugs; however, he began to have issues once he started using.

W-8 stated Mr. Martinez has a wife and two daughters, ages six and nine, who both live with Mr. Martinez's wife. W-8 stated she did not have contact information for Mr. Martinez's wife because she only communicated with her via Facebook. She explained that Mr. Martinez and his wife have been estranged for approximately six years. W-8 stated she never witnessed any violence between Mr. Martinez and his wife or daughters.

W-8 stated that when Mr. Martinez and his wife separated, Mr. Martinez lived on the street. She was not aware of any vehicle that Mr. Martinez owned or utilized. Mr. Martinez would often show up to W-8's residence and knock on the door until someone opened the door. W-8 stated she was not aware of Mr. Martinez ever possessing any weapons. She is aware that Mr. Martinez has been in trouble with law enforcement in the past, but did not know why. W-8 explained that if Mr. Martinez was in trouble, he would run from the police.

W-8 provided names and phone numbers of Mr. Martinez's mother and father; however, she stated they were out of state and unavailable for contact. Given this information, Special Agent Rice provided next of kin notification to W-8.

Interview of W-9

On December 2, 2024, at approximately 5:14 PM, DOJ Special Agent S. Rice, assisted by DOJ Special Agent M. Wyatt and Special Agent Supervisor S. Richardson, met with W-9 at her residence to inform her of the incident. SAPD Detective F. Gomez assisted with the translation of the interview from Spanish to English. W-9 was shown a California Department of Motor Vehicle photograph of Mr. Martinez, and she positively identified Mr. Martinez as her spouse.

W-9 was identified through department resources as well as resources from the Orange County Coroner's office as a potential next of kin to Mr. Martinez. W-9 stated that she and Mr. Martinez were married in Mexico and had been married for nine years. However, they had been separated for the last five years and Mr. Martinez did not live in her residence. W-9 explained that she and Mr. Martinez had marital issues after Mr. Martinez stopped working.

After Mr. Martinez moved out of the house, Mr. Martinez would frequently visit with his daughters at his parents' house. W-9 explained Mr. Martinez was not violent or aggressive. She relayed Mr. Martinez did not have any issues with drugs, but he would drink and go out with friends. W-9 stated Mr. Martinez previously attended rehab in Mexico due to his issues with alcohol. When asked if Mr. Martinez suffered any mental health issues, W-9 stated Mr. Martinez was hit in the head with a bottle as a child and had fallen off a roof but was never diagnosed with any mental illness. However, W-9 stated Mr. Martinez would hallucinate sometimes. When further questioned, W-9 stated that the hallucinating started after they had separated. W-9 stated Mr. Martinez never mentioned suicide or hurting himself.

After Mr. Martinez moved out of the house, he appeared thinner, unkept, had grown facial hair, and appeared to be living on the street. In the last six months, Mr. Martinez did not attempt to reach out or provide for W-9 or their children. W-9 stated she was aware that Mr. Martinez was previously arrested for trespassing for sleeping on private property and was afraid of the police. W-9 relayed that while hallucinating, Mr. Martinez would think demons were after him, fought within himself and would punch the air or sometimes throw bottles. However, W-9 had never seen Mr. Martinez with weapons, including guns or knives.

W-9 stated Mr. Martinez was always welcome in her residence and if he were to show up to her house, she would allow him to see their children.

Interview of W-10

On December 1, 2024, at approximately 10:34 PM, DOJ Special Agent M. Beavers and SAPD Detective G. Corona interviewed W-10 while canvassing the nearby residences at the Artist Apartment Complex.

W-10 stated he was home at the time of the incident. However, prior to the OIS, he called the management office at the apartment complex to report he saw a man with a gun inside the apartment building. W-10 stated he was coming back from walking his dog, entered the complex from the Broadway entrance stairwell and saw a man walking up the stairs from the basement/parking lot area. W-10 relayed the man was carrying what appeared to be a shotgun in his hand. W-10 hurried up the stairs and immediately called management. W-10 described the shotgun as black with a brown pump and black stock.

Sometime later, management called W-10 back and asked for a description of the individual. W-10 described the individual as a Hispanic male wearing pants and a jacket, maybe a beanie, approximately in his 30's or 40's, with a stubby beard and appeared to have a dirty face. W-10 stated it was getting dark outside, so he was unable to get a good look at the individual. At the time W-10 saw the individual in the stairwell, the male was holding the stock of the shotgun against one shoulder, in an upwards pointed direction.

W-10 did not witness the OIS and did not hear any gunshots. However, he did witness several police cars arrive to the area.

Interview of W-11

On December 1, 2024, while canvassing the perimeter, SAPD Officer C. Ramirez contacted W-11 who identified himself as the Manager of Casa Linda Furniture Store.

W-11 stated a customer entered the business and advised him that there was a male outside with a rifle. W-11 stated he told W-6 to call the police. While the police were being contacted, W-11 heard "pop" sounds and believed they were gunshots. W-11 could not recall how many shots he heard, but stated it was more than four. W-11 stated there are security cameras near the parking structure of the building but he was not able to access them because he locked his keys inside the business while he was escorted out by officers.⁵

Interview of W-12

On December 8, 2024, at approximately 5:00 PM, Special Agent S. Rice canvassed the area for additional witnesses or evidence which may not have been located during previous attempts.

W-12 is a resident of Artist Village Apartments. W-12 stated he was home at the time of the OIS and heard approximately 12 gunshots. After hearing the gunshots, W-12 looked outside his window and saw police officers shoot an individual with a rubber bullet. W-12 relayed he observed the individual bleeding from the ear and witnessed officers retrieve what appeared to be a rifle. He subsequently witnessed officers take the individual into custody. W-12 did not see officers provide medical attention.

⁵ The surveillance video was reviewed by SAPD Officer T. Holt later that evening, which did not provide any investigative value.

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. Moya* (2009) 47 Cal.4th 537, 549.)

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

Self-Defense

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

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

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

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

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

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

conduct or reputation for dangerousness may provide evidence to support a reasonable belief in imminent harm].)

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

Burden of Proof

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

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

LEGAL ANALYSIS

DOJ has completed an independent investigation and review of the facts and circumstances that led to the death of Mr. Martinez. This analysis is based on all the evidence obtained by DOJ in this matter, including police reports, 911 calls, witness statements, forensic evidence, Coroner's report, BWC video, and surveillance footage from various locations.

The focus of this review is whether, based on the totality of circumstances, the evidence demonstrates, beyond a reasonable doubt, that Officers Casillas and Ibarra acted unreasonably in using deadly force against Mr. Martinez. We conclude the evidence shows that each of the individual shooting officers actually and reasonably believed that deadly force was necessary to defend against an imminent threat of death or serious bodily injury to himself, other officers, or the public.

The events preceding the shooting are relevant to the determination of whether the officers actually believed Mr. Martinez presented an immediate threat of death or great bodily injury. Officers Casillas and Ibarra responded to the scene that night because of civilian reports and 911 calls regarding a man

walking down 1st Street in downtown Santa Ana carrying a shotgun and manipulating the shotgun as if he was “loading” it. Those witnesses did not express any doubt that the gun was real. When the officers located Mr. Martinez, who appeared to be carrying a shotgun with both hands and matched the description of the suspect, they repeatedly gave commands to Mr. Martinez to drop the gun, or he would get shot. Despite being in full uniform, armed, and having arrived in a marked police vehicle with lights, Mr. Martinez ignored their orders and proceeded to separate his left hand from the shotgun, slightly dropping the barrel of the firearm away from himself horizontally. In response, each officer began shooting his weapon until Mr. Martinez fell to the ground and no longer appeared to pose an immediate threat to the officers or the public. Immediately after the OIS, Officer Casillas can be heard on his BWC stating, “He was about to point that thing at me.”

Although neither Officer Casillas nor Officer Ibarra provided voluntary statements, given the other evidence available for review, it is reasonable to deduce information about their subjective belief at the time of the incident. All 911 callers and witnesses who provided statements believed Mr. Martinez had a real and functional shotgun. W-1 called 911 because a male was holding a shotgun with one of his hands near the trigger and was concerned for the bystanders in the area. Both W-4 and W-5 stated they believed the male was “loading” the shotgun based on the movements the individual was making with his hands. W-4 stated he thought he was going to get shot, and W-5 believed that the male was going to enter the nearby stores and start shooting. This information provided to dispatch and investigators supports a conclusion that the officers, too, reasonably believed Mr. Martinez’s shotgun to be an operable firearm that presented an immediate threat of death or great bodily injury.

In addition to the presumption of the officers’ subjective belief in the need to use lethal force against Mr. Martinez, such force was objectively reasonable under the totality of the circumstances. The shooting officers received dispatch notifications that witnesses had seen a male walking down the street in downtown Santa Ana carrying a shotgun. It was approximately 5:08 PM and the downtown area was heavily populated with families having dinner at nearby restaurants, people walking their dogs on the sidewalks, and people going shopping at nearby stores, which further raised concerns for public safety.

When officers arrived on scene, they immediately saw Mr. Martinez holding what appeared to be a black and brown pump action shotgun, which was consistent with the information provided by W-1, W-4, W-5, and W-10. W-3 described the individual as “suspicious,” holding something in his hands and manipulating it. W-7 described the individual holding the object as if he was getting ready to attack, and it appeared like he was threatening the officers as if he was going to strike the officers with it. Officer Casillas repeatedly told Mr. Martinez to drop the gun, or he would get shot, and Mr. Martinez did not comply. Furthermore, from the time of initial contact with Mr. Martinez until the OIS, 22 seconds had lapsed making it difficult to establish a plan of action or command and control over the situation.

An officer’s use of force must be evaluated based upon the information available to him at the time, not information later learned with the benefit of hindsight. A reasonable person, whether civilian or law enforcement officer, could have reasonably believed that Mr. Martinez presented an imminent threat of death or serious bodily injury. Based on information the shooting officers knew at the time of the incident, it was objectively reasonable for them to believe that Mr. Martinez possessed a real shotgun and, after refusing their commands to drop it, moved in a way that could indicate he was going to point it at the officers. Only after the OIS did they learn that the shotgun was not a real firearm.

The totality of the evidence shows that Officers Casillas and Ibarra held the subjective belief that deadly force was necessary to defend themselves and others from imminent deadly force, and that such belief was objectively reasonable. A prosecution, therefore, could not prove beyond a reasonable doubt that the officers' use of force was unlawful.

CONCLUSION

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



C A L I F O R N I A

DEPARTMENT OF JUSTICE

Policy and Practice Recommendations for the Santa Ana Police Department Related to the Officer-Involved Shooting of Noe Rodriguez Martinez on December 1, 2024

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

July 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 (PPS) 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. PPS uses the review process to identify applicable recommendations, including any recommendations to modify policies and practices that may reduce the likelihood that officers use deadly force, as well as recommendations to address any other deficiency or concern related to the officers’ conduct or the agency’s response. PPS’s goal is that these recommendations will assist the agency and the officers involved in the incident in understanding, from an independent perspective, improvements that may be made to address what was observed through this incident.

Santa Ana Police Department (Santa Ana PD) received two 911 calls regarding a man, later identified as Noe Rodriguez Martinez, brandishing a weapon (Penal Code, § 417). The first call came in at approximately 5:08 p.m. regarding Mr. Martinez walking on First Street in Santa Ana with a shotgun. Santa Ana PD officers responded and conducted an area check but did not locate Mr. Martinez. At approximately 5:28 p.m., an employee at a furniture store on Broadway and First Street in Santa Ana called 911 to report that customers witnessed a man loading a rifle in the area outside the furniture store, next to a parking structure for a residential complex.

At 5:32:25 p.m., Santa Ana PD Officers Casillas (driver) and Ibarra (passenger) arrived on scene in a patrol vehicle and located the subject holding the shotgun in an upright position. They commanded Mr. Martinez to “Drop the gun or you’re gonna be shot” three times. About 22 seconds later, at approximately 5:32:47 p.m., Officer Casillas and Officer Ibarra fired a total of 29 shots within approximately six seconds. Mr. Martinez collapsed onto the ground. Officer Casillas told Officer Ibarra: “He was about to point that thing [shotgun] at me.” Officer Ibarra radioed that Mr. Martinez was “not moving” but had the shotgun underneath his body.

Shortly after the shooting, additional units arrived on scene to provide additional cover, set up a perimeter, block off streets, and canvass adjacent retail businesses for witnesses. With at least ten officers on scene, one sergeant took command and told them: “Everybody hold. There is no rush.” At approximately 5:36 p.m., a canine officer was on scene and another officer confirmed that he had a 40 mm less lethal rifle. For about seven minutes, officers on scene discussed tactical approach, including possibly deploying a canine, firing 40 mm rounds, and using a patrol vehicle as a shield to approach Mr. Martinez. Officers noted that, although Mr. Martinez had fallen atop his shotgun, he had not moved or responded to commands. At approximately 5:40:05 p.m., Officer Gonzalez deployed one 40 mm round, striking Mr. Martinez in the thigh. Officers concluded that Mr. Martinez did not respond to being hit. Approximately one minute after firing the first 40 mm round, Officer Gonzalez deployed another at 5:41:02 p.m., again eliciting no reaction.

About ten minutes after the shooting, Santa Ana PD officers used a patrol vehicle as a shield to approach Mr. Martinez. At 5:43 p.m., officers approached Mr. Martinez and retrieved from under his body the shotgun, later determined to be a replica firearm, and handcuffed Mr. Martinez. At 5:45 p.m., one officer went to retrieve a medical kit but by that time, the fire department arrived and took over Mr. Martinez's care. Mr. Martinez was transported to the hospital and pronounced deceased at 6:26 p.m.

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 Santa Ana PD to review and implement the following three recommendations:

Recommendation One:

Evaluate Training on Backdrop Awareness and Bystander Risks

Santa Ana PD should evaluate its training on officer awareness of backdrop to determine whether modifications to its training curriculum are needed to ensure officers are adequately trained on how to minimize potential risks to bystanders in the surrounding area.

Firearms safety, including awareness of backdrop, is an essential aspect of policing. California Peace Officer Standards and Training (POST) Learning Domain 35, states: "All firearms are deadly weapons. Lack of awareness or attention to safety for even a moment can cause deadly consequences. There are four fundamental rules of firearms safety that must be respected and obeyed at all times with no exceptions." (POST Learning Domain 35 at pp. 1-4 to 1-6.) One of these fundamental rules is that officers should be aware of the target and that the projectiles could strike unintended persons or objects. (*Id.*) California law requires that each law enforcement agency shall maintain a use of force policy that includes "[a] requirement that officers consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm." (Gov. Code, § 7286, subd. (b)(5).) Santa Ana PD's use of force policy acknowledges the potential for risk of injury to bystanders and complies with state law. (Santa Ana PD Policy No. 300.3.2, subd. (m).)

The shooting occurred outside of a parking garage entrance next to a furniture store in the backdrop with customers and employees inside it. Officer Casillas fired 18 times and Officer Ibarra fired 11 times in a span of six seconds. Multiple bullet strikes were found on the furniture store's wall. The Police Practices Section acknowledges that this was a dynamic incident with a person believed to be armed with a shotgun and loading it. While no bystanders were struck or injured by stray bullets, the 29 shots fired with a store in the backdrop may have put the public at risk of harm.

The Police Practices Section recommends that Santa Ana PD evaluate its firearms training, including awareness of backdrop, to minimize the risk of harm to bystanders during critical incidents.

Recommendation Two:

Provide Training on Use of Force on Persons Rendered Unconscious or Incapacitated

The Police Practices Section recommends that Santa Ana PD provide training on the use of force on persons who appear to have been rendered unconscious or incapacitated by bullets, including the use of less lethal launchers on such persons.

According to Santa Ana PD's Procedures Manual on 40 mm less lethal launchers, once the subject is down and appears to be incapacitated, the officers can approach the subject and take him into custody. (Procedure 3004, 40 mm Less Lethal Launcher Guidelines.) Santa Ana PD procedure further provides: "If the subject attempts to resume violent activity prior to being restrained, additional projectiles may be fired at the suspect." (Procedure 3004.7, Tactical Deployment and Operation of the 40 mm Launcher.)

Based on the body worn cameras (BWC) reviewed, Mr. Martinez appeared to be incapacitated after being struck by gunfire, even if the apparent shotgun was underneath his body.¹ In the immediate aftermath of the gunfire, Santa Ana PD officers took cover behind a patrol vehicle and observed Mr. Martinez. The officers noted that Mr. Martinez was not moving, and none expressed any observation of him attempting to grab anything with his hands.

Even though Mr. Martinez was immobile and unresponsive, officers discussed deploying a 40 mm less lethal launcher or a canine prior to approaching Mr. Martinez. At 5:38 p.m., an officer repeatedly commanded: "If you can hear us, turn on your belly and roll towards us." The commanding officer mentioned getting a shield, and officers on scene verbally acknowledged that Mr. Martinez did not move or respond to their commands after the shooting. Then, before approaching Mr. Martinez, officers opted to deploy the 40 mm less lethal launcher. At 5:40:05 p.m., over seven minutes after Mr. Martinez was shot, Officer Gonzalez deployed one 40 mm round at Mr. Martinez's thigh. Mr. Martinez did not flinch or move after this first less lethal round, which officers verbally confirmed. Nonetheless, the officers discussed deploying another less lethal round, and Officer Gonzalez then deployed a second 40 mm round. In response, Mr. Martinez did not move.

Although officers can reasonably protect themselves from an injured suspect who continues to present a threat, officers should not use significant force on an injured person who does not reasonably present a continued threat of violence.² A review of the BWC footage reflects that Mr. Martinez was no longer a threat to the officers or the public after being shot by Officers Casillas and Ibarra to necessitate the subsequent two less-lethal 40mm rounds. Ultimately, Santa Ana PD officers took cover behind the patrol car and slowly advanced the car towards Mr. Martinez. Then, officers approached Mr. Martinez from behind a ballistic shield while some of the officers had lethal force pointed at him and others retrieved the apparent shotgun. These tactics appropriately ensured officers were prepared to use reasonable force, if necessary, to address any imminent threat if one arose, and illustrate that using projectiles on Mr. Martinez did not appear to have been necessary in this incident.

The Police Practices Section recommends Santa Ana PD provide training that adequately guides officers on the continued use of force, particularly the use of projectile weapons, on persons who have been rendered unconscious or incapacitated.

1 The Police Practices Section relied on video footage, the statements heard on the BWC, and available reports because no officers provided voluntary statements.

2 In *Zion v. County of Orange* (9th Cir. 2017) 874 F.3d 1072, 1076), the court held that, even where a subject initially presents a threat that justifies the use of deadly force, "[i]f the suspect is on the ground and appears wounded, he may no longer pose a threat" and officers cannot continue to use significant force in the absence of an ongoing immediate threat. The court explained: "Continued force against a suspect who has been brought to the ground can violate the Fourth Amendment." (*Ibid.*) The use of 40 mm projectiles is considered significant force. (*Sanderlin v. Dwyer* (9th Cir. 2024) 116 F.4th 905, 914 [40mm rounds]; *Deorle v. Rutherford* (9th Cir. 2001) 272 F.3d 1272, 1279-80 [less-lethal beanbag round akin to rubber bullet].)

Recommendation Three: Evaluate Training on Officer's Post-Shooting Duty to Render Medical Aid

Santa Ana PD officers did not render any medical aid to Mr. Rodriguez until 13 minutes after the shooting. 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).)

After the shooting, the available video footage shows Mr. Martinez was lying on the ground motionless. However, officers were concerned that Mr. Martinez was still within reach of a shotgun which was under his body. Even though officers acknowledged that Mr. Martinez was not moving, the sergeant who took command instructed: "Everybody hold. There is no rush." Then, officers discussed a tactical response for several minutes. One officer called out to Mr. Martinez several times to roll over on his belly, but he did not respond or move. At 5:36 p.m., four minutes after the shooting, a canine officer arrived on scene while another officer retrieved the 40 mm less lethal rifle. At 5:39 p.m., one officer asked for the sergeant's key to grab a shield from the sergeant's patrol car, which was parked a few blocks away.³ Other officers discussed using the 40 mm rounds and deployed the first of two rounds at 5:40 p.m., and a second round almost a minute later. Mr. Martinez remained motionless. At 5:42 p.m., about ten minutes after the shooting, a team of officers approached Mr. Martinez behind the cover of a patrol vehicle, with a shield. When the officers reached Mr. Martinez, the shotgun was next to his left arm and one officer immediately secured the shotgun. At 5:43 p.m., a team of officers placed Mr. Martinez in handcuffs before cutting his clothes off while another officer went to his patrol car to retrieve a medical kit. At 5:45 p.m., the fire department arrived and took over Mr. Martinez's care. Although it is appropriate for officers to engage in tactical discussions and ensure adequate coverage, it appears here that there was significant delay in rendering medical aid given the circumstances.

The Police Practices Section recommends that Santa Ana PD evaluate its training on the requirement to render medical aid to injured persons and develop any additional training necessary to provide officers specific guidance on how to determine when officers can more promptly provide medical care when reasonable and safe to do so following a use of force incident with an armed individual.

³ According to his BWC, the officer ran a few blocks away to retrieve the shield from the sergeant's patrol car and returned to the scene at 5:41 p.m. where a team of officers discussed tactical approach.