



C A L I F O R N I A

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DEPARTMENT OF JUSTICE

**Report on the Investigation into the  
Death of Scott William Thompson on March 26, 2024**

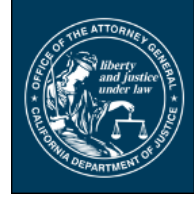
Orange County AB 1506

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July 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 to the officer-involved shooting (OIS) of Scott William Thompson. The public interest in such information is limited as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure outweighs any public interest in disclosure.

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

- Witness 1 (W-1), Bank Employee
- Witness 2 (W-2), Bank Employee
- Witness 3 (W-3), Bank Manager
- Witness 4 (W-4), Bank Employee
- Witness 5 (W-5), Bank Operations Manager
- Witness 6 (W-6), Bank Branch Manager
- Witness 7 (W-7), Bank customer
- Witness 8 (W-8), Witness in connected parking lot
- Witness 9 (W-9), Employee at neighboring business
- Witness 10 (W-10), Thompson's next of kin

## INTRODUCTION

On March 26, 2024, Fullerton Police Department (FPD) Corporal Anthony Vega responded to a bank robbery call requesting all units to respond at a Fullerton branch of Wells Fargo Bank. Dispatch informed officers there was a suspect with a white box, who was demanding money with threats that he would detonate a bomb.

When Corporal Vega responded, he saw the suspect, later identified as Scott William Thompson, holding the white box while exiting the Wells Fargo. Officers, including Corporal Vega, commanded Mr. Thompson to drop the box and surrender. However, Mr. Thompson made movements towards the entrance to the bank, and Corporal Vega fatally shot Mr. Thompson.

DOJ investigated 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. Thompson and is limited solely to determining whether criminal charges should be brought against the involved officer. The review does not encompass or comment on any potential administrative or civil actions. It does, however, include policy and practice recommendations, as required by Government Code section 12525.3, subdivision (b)(2)(B)(iii). Upon thorough examination, and as discussed in detail below, we conclude that no criminal charges will be filed because the evidence is insufficient to prove that Corporal Vega 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<sup>1</sup>

On March 26, 2024, at 4:49:12 PM, Scott William Thompson entered the Wells Fargo Bank located at 141 W. Bastanchury Road in the city of Fullerton. Mr. Thompson entered the bank through the east entrance/exit shortly before the closing time of 5:00 PM.

Several bank employees recalled Thompson arriving just before closing and claiming he needed help with a loan. Mr. Thompson, wearing a mask and holding a white box, walked over to W-2's cubicle.



Surveillance camera captured Mr. Thompson in the waiting lobby of the Wells Fargo Bank at 4:49:31 PM. As seen here, Mr. Thompson is wearing a face covering and holding a white box as he awaits assistance from bank employees.

Mr. Thompson told W-2 he had a bomb and showed her the contents of the white box. W-2 called over W-3 for assistance. W-2 and W-3 recalled that Mr. Thompson threatened to detonate the bomb in the white box if the bank employees did not give him \$58,000 dollars within a few minutes.

According to the 911 call time stamp, at 5:10:05 PM, the Wells Fargo branch manager, W-6, called 911, stating someone was attempting to rob the bank and had a bomb inside a box. At 5:11:46 PM, a silent alarm was activated inside the bank.

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

W-6 relayed the following additional information:

**W-6:** Okay. Give me the -- give me -- give me the description. A navy hat. He has a mask on. He's Caucasian. Caucasian. He said he was former military. What's his age range? He's old and --

**FPD Dispatch:** What color shirt? What color pants, ma'am?

**W-6:** What color -- he -- we didn't see that. He has a dark colored shirt on. We believe he's an older gentleman. How old does he look? Sixties. Late 60's. But he's inside. Our doors are locked but he's at the banker's desk so --

**FPD Dispatch:** Okay.

**W-6:** Um -- he's asking for money. Uh -- how much he's asking for? And he wants \$58,000 and we have three minutes to give it to him so it's --

W-6 explained to dispatch the bank was now locked due to it being closing time. W-6 notified dispatch that there were two customers (including Mr. Thompson) and seven employees (including herself) inside the bank. W-6 and other employees saw Mr. Thompson come in with a box.

**FPD Dispatch:** Okay. Does he have any bags or anything on him, ma'am?

**W-6:** He has a box.

**FPD Dispatch:** He has a box on him?

**W-6:** A little white box. He says he has -- it's a box sitting on his lap, and he says it's a detonator inside of it.

W-6 informed dispatch that Mr. Thompson said if he hears "sirens or sees anything," he will blow up the bomb. She stated he claimed he is listening to police activity with his headphones.

**W-6:** Yes, and he says if he sees anything he's going to destin -- uh --

**FPD Dispatch:** Detonate the bomb?

**W-6:** -- detonate the bomb.

**FPD Dispatch:** Okay.

**W-6:** So if they could not come -- because he can see out the window on --

W-6 later telephonically spoke with FPD Sergeant Luis Garcia and handed the phone to another Wells Fargo employee who continued to update FPD dispatch on what was occurring in the bank.

Concurrently, FPD dispatch had requested all units to respond to this bank robbery, with specific instructions to approach silently. Dispatch relayed the following information and instructions:

**FPD Dispatch:** Station 24 to 24 units at the Wells Fargo, 141 West Bastanchury. We have a male with a dark shirt says he has a bomb on him and is asking for money and he does not want to hear sirens or he'll det off the bomb. 127, 323, 228.

**FPD Dispatch:** The -- we're still on the line with the employee. They received a panic alarm from the alarm company as well at Tellers 3 and 4. The doors are locked to the bank, and he says if he hears sirens, he will detonate the bomb. He has a white box in his lap.

**FPD Dispatch:** And we are still on the line with the bank manager, and she says they're going to comply and give the male what he wants. He has Air Pods on his ears and he's claiming he can hear dispatching.

Multiple officers responded and set up around the outside circumference of the Wells Fargo. FPD Corporal Vega was working on patrol and was one of the officers who responded to the scene.

W-3 subsequently retrieved the money (\$67,500) from the vault and gave it to Mr. Thompson. The money was subsequently placed in a clear bag and then placed in a white box, along with the smaller white box that contained the suspected bomb. When Mr. Thompson attempted to leave through the east entrance/exit, he discovered the doors were locked. He then contacted another employee, W-4, for the keys. W-4 provided the bank vault keys. Mr. Thompson came back a second time and asked W-4 to unlock the doors to let him out. W-4 complied and Mr. Thompson exited the bank at 5:27:55 PM, according to the Wells Fargo surveillance camera.

Mr. Thompson's attempt to exit and actual exit were described to FPD dispatch by W-1.

At this time, a Wells Fargo Security member remotely gave updates to a FPD officer on a different phone line using surveillance cameras. FPD dispatch and the officer receiving updates then relayed the following information to the responding officers regarding Mr. Thompson's exiting of the bank:

**FPD Dispatch:** Subject possibly exiting through the back door.

**Officer Nick Curtis:** Shut down east bound traffic.

**Officer Scott Flynn:** -- the radio, please. We have movement at the front door on the east side.

**FPD Dispatch:** Movement at the front door on the east side.

**Officer Scott Flynn:** Went back down the stairs southbound in the bank. Nobody exited yet.

**FPD Dispatch:** So far, no one exited.

**Officer Luis Garcia:** He's still at the desk.

**FPD Dispatch:** Male still at the desk.

**Officer Luis Garcia:** He's coming out the back door now.

**FPD Dispatch:** Out the back door now.

**Officer Kalscheuer:** East side door is open.

**FPD Dispatch:** Door is open.

**Officer Jon Miller:** (Inaudible), get these cars moved, please.

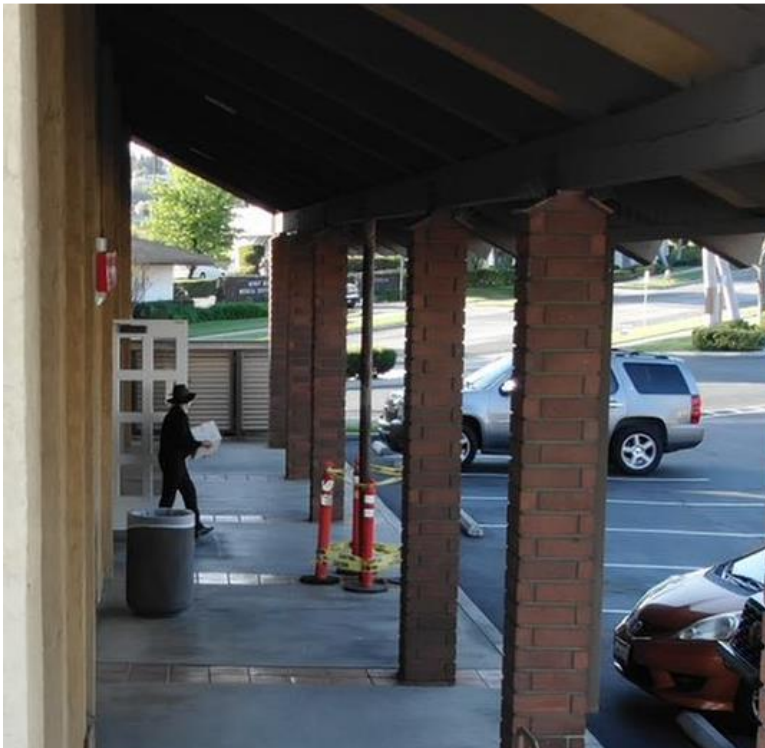
**Officer Jon Munoz:** We have a react team in the bearcat ready to pull in. Just let us know when.

**Officer Jon Miller:** Just we need him out of the building. We don't want him going back in.

**Officer Kalscheuer:** Door's opening. White box in hand.

**Officer Jon Miller:** Copy, and shots fired.

Upon exiting, FPD officers gave commands to Mr. Thompson to show his hands and not go back in the bank. These commands are audible on Corporal Vega's body camera footage. Drone and BWC footage show that Mr. Thompson ignored the officers' commands and instead made movements to reenter the bank, including turning back towards the bank, taking several steps towards the bank, and shifting his hands around so he can reach the door. Once Mr. Thompson turned around and took steps towards the bank entrance, FPD Corporal Vega shot Mr. Thompson once with his POF Model P-15 semiautomatic rifle at 5:28:02 PM, fatally striking Mr. Thompson.



Drone footage from the side of the bank entrance/exit captures Mr. Thompson taking a few steps forward, stopping, and then turning back towards the bank entrance doors. The video shows Mr. Thompson slightly shift how he was holding the white box, as if he is trying to get his hand clear to open the door to reenter the bank.

FPD Officers did not approach Mr. Thompson to detain and provide medical aid after he was shot due to the belief he had a bomb. Orange County Sheriff's Department Bomb Squad ("OCSD-BS") personnel arrived on scene at 6:12:51 PM. OCSD-BS personnel used a robot to move the suspected bomb away from Mr. Thompson at 6:54:22 PM and ultimately determined it was fake by 7:05:13 PM. OCSD-BS personnel approached Mr. Thompson at 7:25:45 hours where they determined he was deceased.

## INVESTIGATION

### Overview

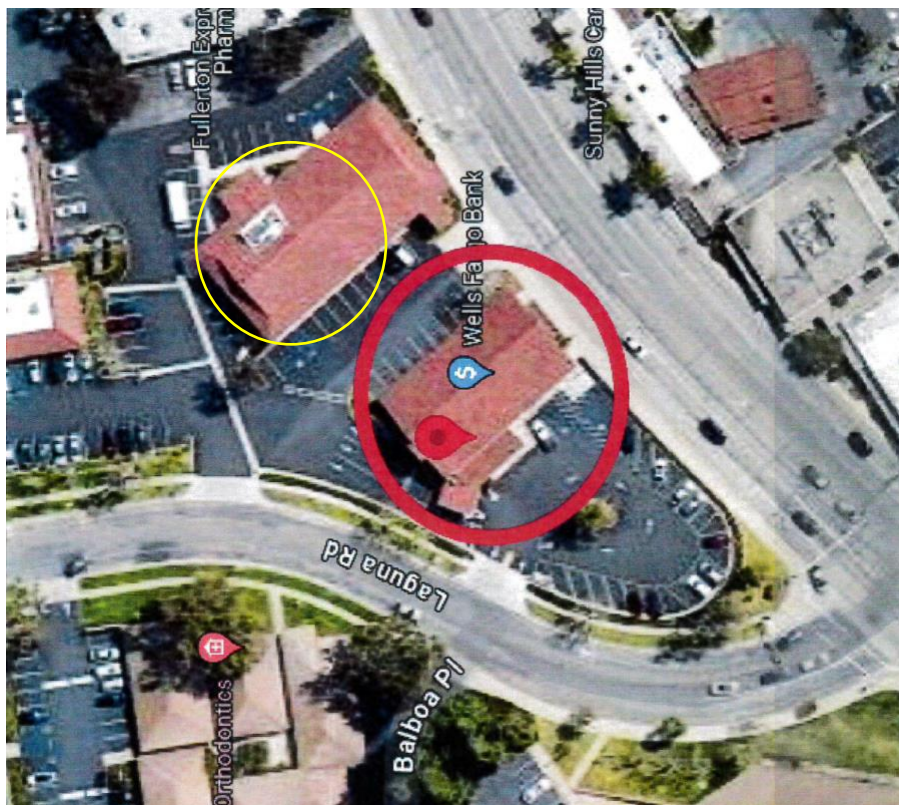
After the OIS occurred, OCSD-BS responded to the Wells Fargo Bank and determined the device Thompson had was a fake bomb. Thereafter, notification was made to DOJ's California Police Shooting Investigation Team (CaPSIT).

DOJ Special Agents, Special Agent Supervisors, and the assigned Deputy Attorney General responded to the scene of the shooting on March 26, 2024. DOJ criminalists from the Bureau of Forensic Services (BFS) also responded to document the scene and to collect and preserve evidence.

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

### Scene Description

The scene of the OIS was at 141 W Bastanchury Road, Fullerton, CA 92835 (Wells Fargo Bank), a commercial area, located at the intersection of W. Bastanchury Road and Laguna Road in Orange County. There is a parking lot that surrounds the Wells Fargo Bank and is utilized by other commercial and office buildings.



Aerial view of the OIS location. Wells Fargo Bank is circled in red. The office building to the east of Wells Fargo where Corporal Vega was positioned at is circled in yellow.

The OIS occurred on a sidewalk immediately outside the northeast entrance to the Wells Fargo Bank. Scott Thompson's body was lying face down on the sidewalk in front of the northeast entrance doors to the bank. There is a parking lot servicing several commercial buildings on the outside perimeter of the bank.

## Evidence Reviewed

DOJ independently reviewed both law enforcement and civilian witness interviews; photographs of the crime scene and other evidence; audio recordings; video recordings (footage from multiple officers' body camera footage, bank surveillance videos, and drone footage); communications evidence (transcripts from the computer aided dispatch system and corresponding radio calls); physical evidence (including items obtained from the scene); an autopsy report; and analyses of firearms.

## Incident Scene Evidence Recovery

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

The OIS scene was processed by BFS starting on March 26, 2024, and finishing on March 27, 2024. The scene was documented in reports, in photographs, and evidence collection. The following items of physical evidence were documented during the processing of the scene:

1. A white box containing \$68,500 located near Mr. Thompson.
2. A suspected bomb or Improvised Explosive Device (IED) located near Mr. Thompson. OCSD-BS ultimately took the bomb out of the box and determined the bomb/IED was fake.
3. Mr. Thompson's clothing, including a fragment of his jacket.
4. A single fired cartridge case.
5. Two sets of bank keys, one found near Mr. Thompson's head and another underneath his body.



White box containing \$68,500.



Fake Improvised Explosive Device (Battery, wires, clay and a vape pen).

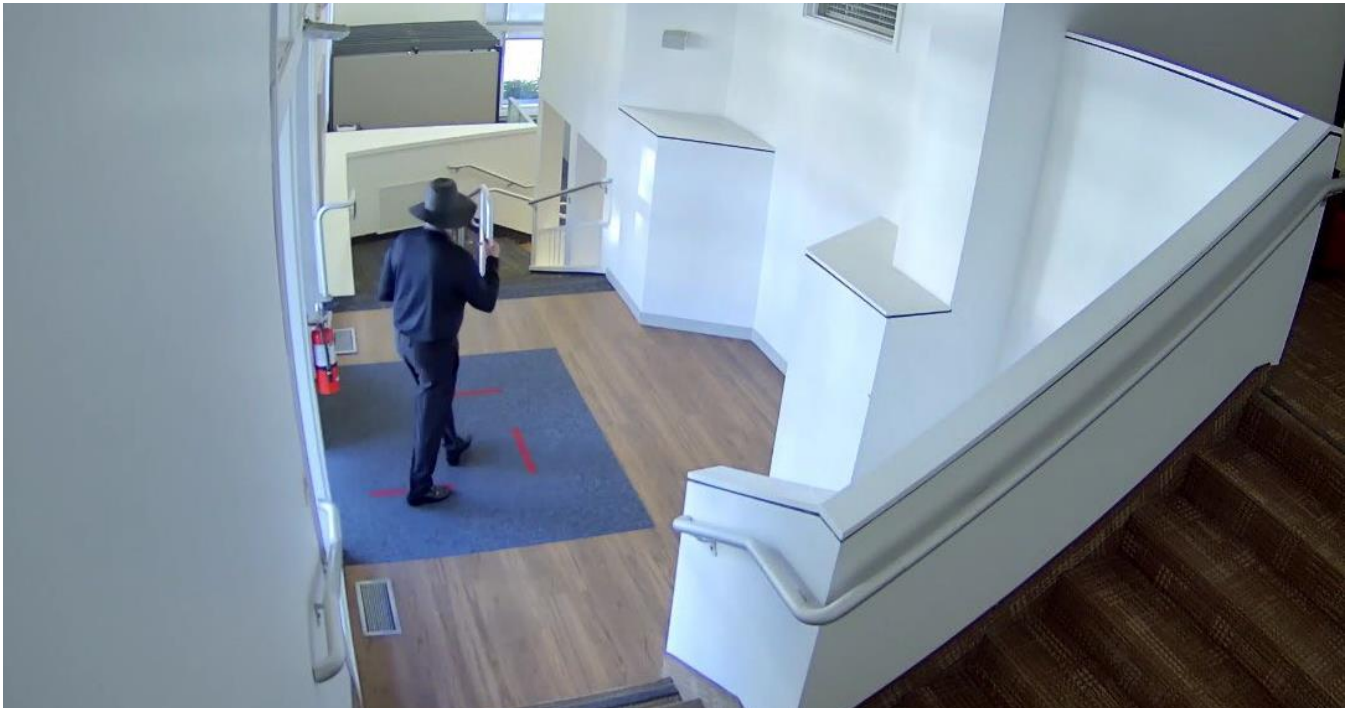
## Communications Evidence

Investigators obtained copies of the radio transmissions and printouts of the computer aided dispatch (CAD) system for calls related to the OIS incident. Relevant communications are listed here along with the timing of key events to create a timeline of the information known to deputies:

- 5:10:05 PM: FPD 911 Call Time Stamp: Branch Manager W-6 calls 911 stating someone was attempting to rob the bank and had a bomb inside a box.
- 5:10:44 PM: FPD 911 Call Time Stamp: Wells Fargo security contacts FPD dispatch and described what was going on inside the bank using the security cameras.
- 5:11:05 PM: CAD Log: Call updated that bank doors are locked and male threatening if he hears sirens he will detonate a bomb.
- 5:11:46 PM: CAD Log: A silent alarm was activated inside the bank.
- 5:12:46 PM: CAD Log: Bank employee reports there are 7 employees and 2 customers stuck inside the bank.
- 5:17:31 PM: CAD Log: Bank manager informs law enforcement that the employees will comply with man's demands for \$58,000.
- 5:27:27 PM: Bank doors opened. Shots fired.

## Video Evidence

The photographs in this section are stills from surveillance cameras, BWC, and drone footage.



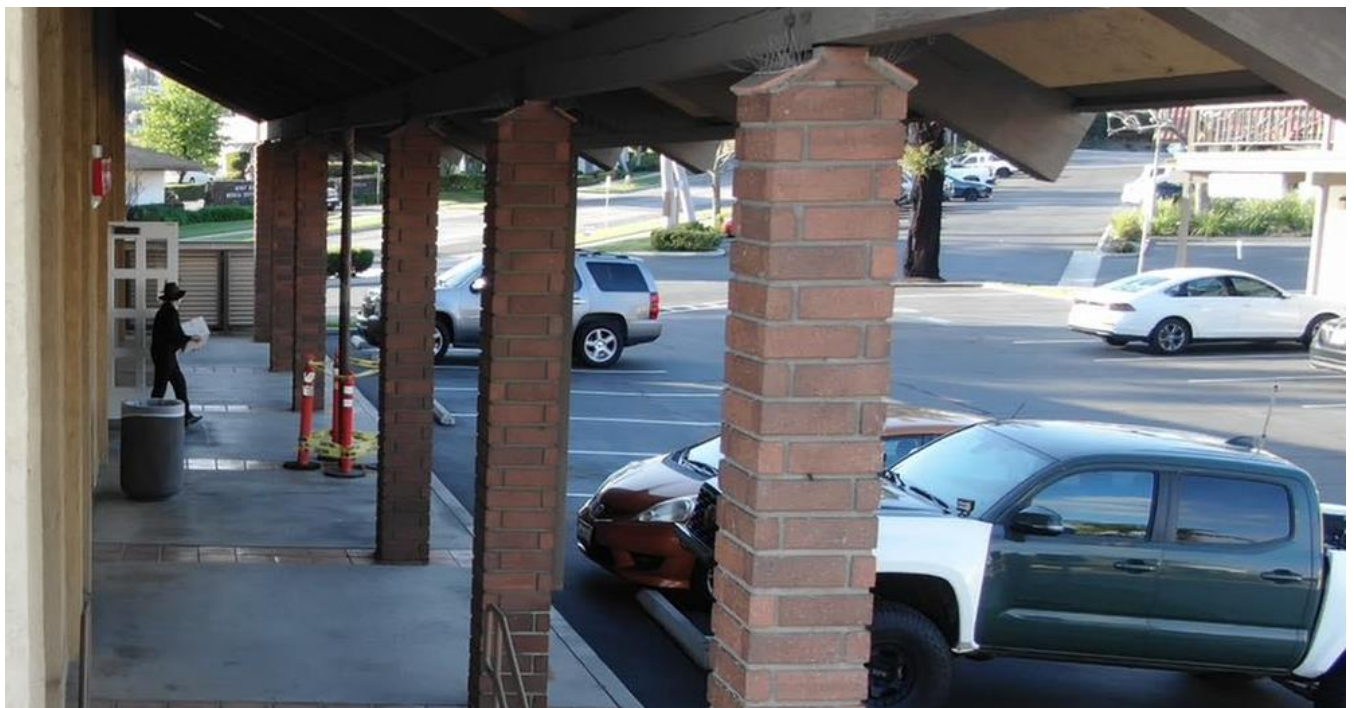
Wells Fargo surveillance cameras show Mr. Thompson entered the Wells Fargo Bank at 4:49:12 PM.



Surveillance camera captured Mr. Thompson, wearing a face mask and holding the white box, in the waiting lobby of the Well Fargo bank at 4:49:31 PM. Mr. Thompson is circled in red.



Surveillance cameras show W-4 and Mr. Thompson approaching the east entrance/exit doors of the Wells Fargo at 5:27:29 PM. Mr. Thompson is circled in red.



FPD drone footage shows Mr. Thompson leaving the bank with the white box in his hands.



Drone footage captures Mr. Thompson taking a few steps forward, stopping, and then turning back towards the bank entrance doors. The video shows Mr. Thompson shift how he was holding the white box, as if he is trying to get his hand clear to open the door.

## **Officer Processing**

A DOJ investigator and criminalist processed Corporal Vega at approximately 12:37 AM on March 26, 2024.

Corporal Vega was wearing a black short-sleeved, t-shirt with official FPD cloth patches on both shoulders, in addition to corporal stripes under each patch. Vega also wore a black tactical load bearing vest with: collapsible baton, OC spray, handcuffs, tactical tourniquet, a sharpie pen, a tactical handcuff key, two 17-round capacity magazines, and a radio. Vega's BWC was attached above his handcuff case on the front of his vest. He wore black tactical pants and black Under Armour brand tactical shoes. Vega also carried a taser in a drop holster along his left leg. This taser was equipped with two sets of darts.

Corporal Vega carried his department issued firearms (a pistol that was not used in the OIS and a rifle that was used in the OIS). Vega's pistol was a Staccato P\*P equipped with an optic and a weapon light. The rifle used in the OIS was a POF USA P-15 equipped with an aimpoint patrol rifle optic, a Steamlight TLR-1, an angled foregrip, and a two-point foregrip. There was an additional 30-round magazine with markings that spelled out VEGA.

When examined, the rifle used in the OIS had a 30-round capacity with one round in the chamber and 26 rounds in the magazine. All of Deputy Vega's ammunition in the firearm magazines had the same "WMA 22 5.56mm" headstamp.

## **Ballistic & Firearm Analysis**

Corporal Vega fired a total of one shot during the incident. One cartridge was discovered near the body of Mr. Thompson. No bullets were recovered from Mr. Thompson's body during the autopsy. No other bullets were located.

# Autopsy

Dr. Sigmund Menchel conducted the autopsy of Mr. Thompson on March 28, 2024, at the Orange County Sheriff's Department, Division of the Coroner. Dr. Menchel concluded the cause of death was from a single gunshot wound. Mr. Thompson was 57 years old, five feet 10 inches in height, and weighed 208 pounds.

Dr. Menchel located one gunshot wound and described the entry and exit point, as shown in the diagram below. The sole gunshot wound was a penetrating, through and through gunshot wound to Mr. Thompson's left backside. The exit point was located on Mr. Thompson's right chest. Dr. Menchel concluded that Mr. Thompson could not have recovered from this gunshot wound.

The toxicology report showed acetaldehyde, caffeine, metoprolol, mirtazapine, and N-desmethylmirtazapine were detected in Mr. Thompson's system.

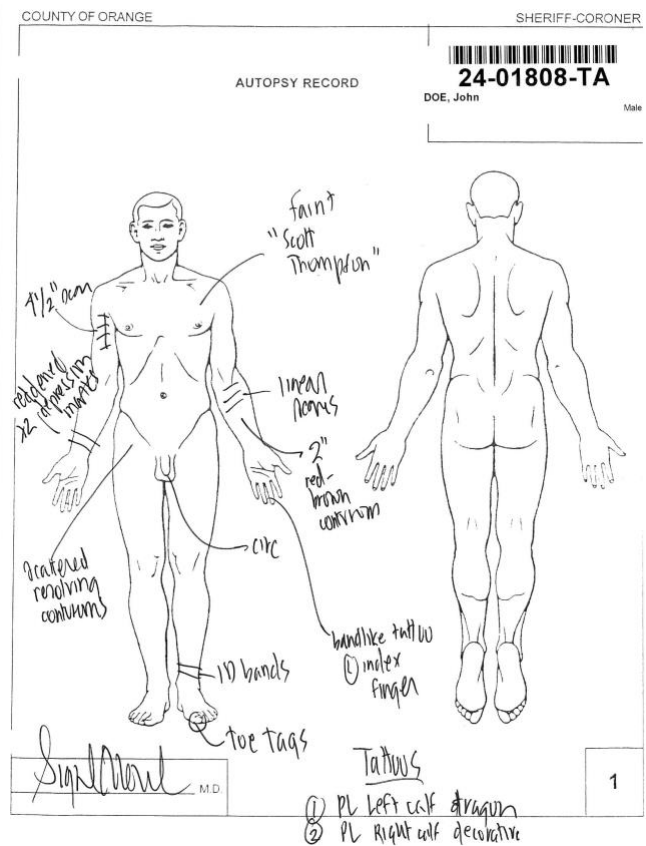
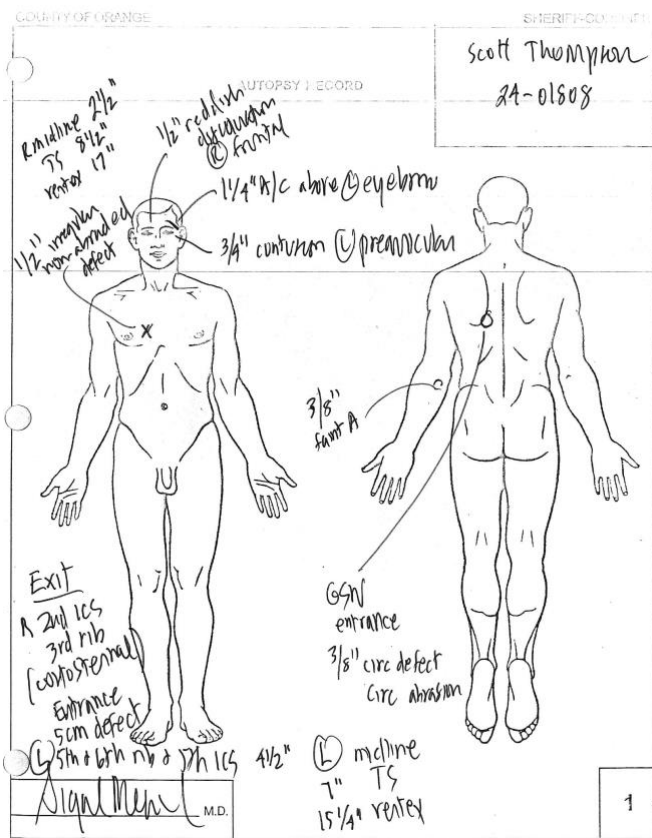


Diagram of the location of Mr. Thompson's gunshot wound.

## INTERVIEWS OF INVOLVED POLICE OFFICERS

Police officers, like all individuals, have the right to remain silent and decline to answer questions in the face of official questioning. (*Spielbauer v. County of Santa Clara* (2009) 45 Cal.4th 704, 714; see generally *Miranda v. Arizona* (1966) 384 U.S. 436.) Officer Vega, the shooting officer, provided a voluntary statement.

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

FPD Officer Richard Akles, Corporal David Maschane, Corporal Travis Kowalec, Corporal Scott Flynn, Corporal Matthew Kalscheuer, Sergeant Donald Blume, and Sergeant Bryan Bybee, who responded to the shooting, provided voluntary statements. The following statements are summaries of their interviews, which describe the incident from the point of view of the individual officers. Please note that the interviews contain facts relayed by the officers that may be inaccurate or inconsistent with the facts of this incident as they are currently understood.

### ***Interview of Shooting Officer – Corporal Anthony Vega***

On April 16, 2024, at 10:31 AM, DOJ Special Agents Alan Oratovsky and Jon Genens interviewed FPD Corporal Vega. On March 26, 2024, Corporal Vega was working a patrol shift scheduled for 9:30 AM until 10:00 PM. Corporal Vega was a field training officer at the time and was training a civilian report rider who sat in the front passenger seat that day. Corporal Vega was on his way to a different call when he heard an unusual tone from the dispatch radio. Vega describes it as a “long beeping sound,” which he had never heard before. Dispatch came on after the sound and ordered all units to the Wells Fargo Bank at 141 West Bastanchury. He remembered that dispatch stated there was a white male at the bank who had a white box claiming that he had a bomb and demanding money.

Based on the nature of the call, Corporal Vega believed it took priority over the other call and attached himself to the Wells Fargo call. While on his way, dispatch stated that if the suspect heard police sirens that he would detonate the bomb. Corporal Vega said silent, code 3 approaches, without noise or lights, are very unusual and the first time he experienced such a call. His goal as he approached was safety and stealth to make sure the suspect did not see or hear him due to the bomb threat.

FPD Corporal Ramek informed Corporal Vega that he was the closest unit to the Wells Fargo and to come up with some sort of game plan. Corporal Vega was familiar with the area around the Wells Fargo and had been at the shopping center where the Wells Fargo was located several times. He knew there was an office building in the same shopping center and contacted all units to respond there. He chose the office building because it is two stories tall and had the ability to conceal law enforcement personnel and vehicles.

Upon arrival, Corporal Vega saw that FPD Corporal Flynn had arrived first. Corporal Flynn had set up at the northwest corner of the office building across the parking lot from Wells Fargo, approximately 45 yards away. Corporal Vega grabbed his department rifle because the nature of the call was a bomb threat, and thus he needed distance, cover, and a way to engage the suspect but still be accurate.

Corporal Vega walked over to Corporal Flynn on the northwest corner of the office building and monitored the east entrance of the Wells Fargo. He had been inside the Wells Fargo before, and was aware that the bank was two stories, with entrances on the west and east side of the building. He started coordinating a containment set-up for the west side of the bank with other responding officers. During this time, he was listening to the dispatch radio through an earpiece. Dispatch told officers they were in contact with a bank employee inside and that civilians inside could not get out because the doors were locked and it would start an audible alarm if they opened the doors. Dispatch relayed the suspect's appearance as wearing dark clothes, some kind of face mask, and holding a white box.

Dispatch also informed officers that the suspect was currently at the south side of the bank. Corporal Vega knew the bank's south side had windows with a view of Bastanchury Road. This information made him believe the suspect was keeping watch for law enforcement. Corporal Vega told Corporal Flynn to advise dispatch to block traffic and not have officers come down Bastanchury Road so that the law enforcement response would remain hidden.

During this time, Corporal Vega contemplated four potential scenarios that could play out. First, he thought through a hostage rescue scenario where the suspect informs police that he is counting down time until he detonates the bomb with the civilians inside the bank. The second scenario was if the suspect exits the bank from the east side, sees himself and other law enforcement personnel, and walks towards law enforcement. In this hypothetical, Corporal Vega pondered how much distance he would allow the suspect to make before engaging him. Similarly, the third scenario was if the suspect exits the west side and encounters the officers on the South end of Bastanchury Road. In this potential situation, Corporal Vega understood there would be a risk to the officers who closed off the road and the general public. In the last scenario, the suspect could exit the bank, see law enforcement, and head back into the bank with the bomb.

Based on these scenarios, Corporal Vega considered if using less than lethal equipment was a viable option. He determined his 40-millimeter sponge gun was not a good option because he would risk hitting the bomb or aggravating the suspect to detonate the bomb. He ruled out using any tasers because law enforcement could not get close enough due to the bomb threat.

Dispatch then informed the officers that the suspect was attempting to exit the bank. Corporal Vega saw a shadowy figure at the east entrance who was attempting to pull on the door unsuccessfully. The shadow went southbound back into the bank. About a minute later, dispatch advised the suspect was attempting to leave again. Corporal Vega told Corporal Flynn that since he had the patrol rifle, he would lead coverage of the suspect and that Corporal Flynn should be in charge of verbal commands. They planned to let the suspect exit the bank and have the door shut behind the suspect before giving verbal commands, so that they would have at least half a second to control the situation if the suspect was to try to reenter the bank.

When the suspect exited the bank, Corporal Vega noted he matched the description provided by dispatch. The suspect started walking northbound along the bank when Corporal Flynn engaged the suspect with commands, including to "put his hands up." Corporal Vega also gave commands for the suspect to stop. The suspect initially stopped moving, but then turned around and began walking towards the bank doors. When he believed the suspect was two to three feet from the bank doors and making movement to reopen the door, Corporal Vega disengaged the safety from his patrol rifle, aimed at center mass of Mr. Thompson's back, and fired one round. His intent when shooting Mr.

Thompson was to prevent Mr. Thompson from reentering the bank with the suspected bomb and creating a hostage situation.

Corporal Vega's thoughts as Thompson turned around were the following:

"[Y]ou got a person with a bomb making a credible threat to detonate the bomb [when] he hears police sirens -- um -- he comes outside this bank, sees police officers, so now, he knows we're there. I have multiple police officers surrounding this bank within 30, 40 yards of that east entrance exit. So, not only did he pose a threat to the victims inside the bank who were being held hostage, but he posed a threat to me, the team behind me, the innocent civilians that were in the office building right next to me, the cars that were stopped on Bastanchury Road just south of him, the officers that were stopped on Bastanchury Road on the south side perimeter. With a -- with a bomb, not knowing how big the blast radius could be of this potential bomb, everybody that was within, in my opinion, 50, 100 yards was -- uh -- uh -- in -- in grave danger of this -- being hit or being hurt by this bomb."

Mr. Thompson immediately fell to the floor. Corporal Vega started walking over to detain Mr. Thompson and provide medical aid but was reminded by other officers that there was still a potential bomb right next to Mr. Thompson. Responding officers, including Corporal Vega, took cover behind an armored vehicle. FPD Sergeant Blume relieved Corporal Vega of his duties.

#### ***Interview of Officer Richard Akles***

On April 16, 2024, at 12:20 PM, DOJ Special Agents Oratovsky and Genens interviewed FPD Officer Richard Akles. On March 26, 2024, Officer Akles was assigned to a shift, beginning at 3:30 PM and ending at 4:00 AM the next morning. During his shift, Officer Akles was on a call at the eastside of Fullerton until dispatch relayed a call for service at the Wells Fargo on Bastanchury because there was a male, later identified as Mr. Thompson, armed with a bomb demanding money from the bank. Dispatch stated that Mr. Thompson threatened to detonate the bomb if he heard any sirens.

Officer Akles headed to Wells Fargo from the eastside with lights and sirens initially but turned them off as he got closer to the Wells Fargo. He took out his patrol rifle and took a containment spot outside a building approximately 30 to 40 yards east of the Wells Fargo, where he had a view of the bank's entrance. He brought out a rifle because it has long range capabilities which were necessary due to the bomb threat. At the time he responded, the lighting conditions were typical for normal daylight hours.

Dispatch provided an updated description of Mr. Thompson as wearing a dark shirt and face mask. Additionally, Officer Akles heard updates from dispatch about when employees had provided Mr. Thompson money and when Mr. Thompson seemed to be exiting the bank. Officer Akles saw a man in a suit, whom he assumed was a bank teller, unlock and prop open the bank door. Soon after, he saw Mr. Thompson, a male wearing dark clothes and holding a white box, which matched the description provided by dispatch, exit the bank. Mr. Thompson took steps towards the containment building where Akles was set up while other officers were giving orders to Mr. Thompson to put his hands up. Mr. Thompson turned around back towards the bank and took several steps towards the door before another officer fired a single shot at Mr. Thompson.

After the OIS, Officer Akles held his spot at the containment building because of the bomb threat. He did not shoot Mr. Thompson because he did not have a clear line of sight from his containment

position due to an exterior staircase he was using to conceal his placement. While Officer Akles was wearing a tactical vest, he did not believe it could save him from a bomb blast.

### ***Interview of Corporal David MacShane***

On April 16, 2024, at 12:20 PM, DOJ Special Agents Oratovsky and Genens interviewed FPD Corporal David MacShane. On March 26, 2024, Corporal MacShane was working the day shift. MacShane recalls that at around 5:00 PM, he was in his patrol vehicle when he heard a rarely used emergency tone from the dispatch radio that signifies a high priority call. Dispatch informed Corporal MacShane that there was a robbery in progress at the Bastanchury Wells Fargo.

Corporal MacShane responded to that call by pressing the code 3 button in his vehicle. On the way to the bank, he heard from dispatch that there were several people in the bank and that dispatch was getting updates from a bank manager. During the drive, he learned that Mr. Thompson told bank employees that if he heard sirens or saw police lights he would detonate a bomb.

Corporal MacShane pulled into a building to the east of the Wells Fargo but connected in the same parking lot. He exited his patrol vehicle and briefly strategized with Sergeant Miller and Officer Akles. Corporal MacShane ruled out any less than lethal options because they would not reach far enough considering the bomb threat and the need to stay concealed. Corporal MacShane took position on the exterior second story balcony of the building. He learned from dispatch that the suspect was described to be a white male wearing a dark shirt, carrying a white box, and armed with some kind of explosive device. Corporal MacShane believed he saw Mr. Thompson approach the east entrance of Wells Fargo but then go back further into the bank. At that point, Corporal MacShane was concerned Mr. Thompson, had he looked, would be able to see him, so he moved behind a corner into a position where he no longer had a view into the bank.

Approximately thirty seconds later, dispatch relayed that Mr. Thompson was attempting to leave the bank again. Corporal MacShane soon heard officer demands such as to stop and drop the box. Corporal MacShane came from around the corner after other officers had verbally engaged Mr. Thompson. He saw Mr. Thompson turn back towards the bank and then heard a shot ring out and Mr. Thompson fall to the floor. Corporal MacShane did not shoot because by the time he got around the corner and attempted to focus his rifle, Mr. Thompson had already been shot.

### ***Interview of Corporal Travis Kowalec***

On April 16, 2024, at 10:15 AM, DOJ Special Agents Oratovsky and Genens interviewed FPD Corporal Travis Kowalec, a task force officer with ATF. On March 26, 2024, Corporal Kowalec was assigned to a shift, beginning at 10:00 AM and ending at 8:00 PM. Corporal Kowalec was at an ATF task force training at the station when his partner received a call for a bank robbery in progress at the Wells Fargo and Bastanchury.

Corporal Kowalec headed to the bank and saw marked patrol vehicles and uniformed officers starting to set up a perimeter. En route, he learned from dispatch that the suspect, later identified as Mr. Thompson, had a bomb, did not want to see law enforcement, and that he would kill everyone inside if he did. Corporal Kowalec headed to where Corporals Vega and Flynn were standing.

Within 60 seconds of arriving, dispatch told officers that Mr. Thompson was exiting the bank. Corporal Kowalec observed Mr. Thompson exiting the bank approximately 30 yards away, wearing a large hat,

sunglasses, and a medical mask while carrying a large box. Mr. Thompson made it out a few feet from the door, towards the direction of officers. During this time, officers had weapons drawn and were giving commands to Mr. Thompson to stop and put his hands up. Corporal Kowalec saw Mr. Thompson stop walking towards the officers and then turn back around towards the bank. Simultaneously, officers continued to command Mr. Thompson to stop. Officer Vega then fired one shot, and Corporal Kowalec saw Mr. Thompson go down. While Corporal Kowalec initially thought to approach and render aid, he and other officers stopped because of the bomb threat.

### ***Interview of Corporal Scott Flynn***

On April 16, 2024, at 3:00 PM, DOJ Special Agents Oratovsky and Genens interviewed FPD Corporal Scott Flynn. On March 26, 2024, Corporal Flynn was working a shift from 2:00 PM to 10:00 PM. Corporal Flynn was using a single seat police motorcycle.

Corporal Flynn had just finished a traffic stop on a street just north of Bastanchury when he heard dispatch send out an audible tone that is typically saved for priority calls. From his experience, Corporal Flynn recognized that sound usually requires the response of multiple officers. Dispatch notified that there was a bank robbery in progress involving a male suspect, later identified as Mr. Thompson, who had a bomb. Corporal Flynn understood based on dispatch communication that Mr. Thompson would set the bomb off if he heard any sirens or saw police respond. Corporal Flynn was very familiar with the area around the Bastanchury Wells Fargo and had even been in the bank a few months prior. Corporal Flynn parked his motorcycle some distance away from the bank due to the bomb threat.

As he was getting off his motorcycle, Corporal Flynn learned from dispatch that two panic alarms had been pressed and that there were approximately 2 customers and 7 employees inside the bank. He also learned that Mr. Thompson was described as a white male subject with a white box. Corporal Flynn dismounted his patrol rifle from the motorcycle and chambered a round. He walked towards the Wells Fargo until he reached the northwest corner of an office building located east of the bank. This spot, approximately 100 feet from Wells Fargo, gave him a good view of the vehicles parked immediately outside Wells Fargo as well as the east entrance to the bank. Corporal Flynn believed the distance law enforcement had to maintain due to the bomb threat rendered any less than lethal options ineffective. Other FPD officers came and set up around this office building.

From his viewpoint, Corporal Flynn saw a shadow get closer to the bank's east entrance and then retract back. At that point Corporal Flynn told Corporal Vega that he would lead commands while Vega would stand shoulder to shoulder with him with his rifle positioned. Corporal Flynn then saw the east entrance door slightly open, and Mr. Thompson, matching dispatch's description, come out. Corporal Flynn ordered Mr. Thompson to put his hands up and stop. After a few steps, Mr. Thompson stopped, seemed to recognize the police, and then turned back towards the bank. Corporal Flynn believed he yelled at Mr. Thompson to stop twice while Mr. Thompson took steps towards the bank entrance. Corporal Flynn then heard one gunshot fired by Corporal Vega and saw Mr. Thompson fall to the floor. Corporal Flynn did not shoot Mr. Thompson because Corporal Vega reacted faster as Flynn's primary role was to engage verbally.

### ***Interview of Corporal Matthew Kalscheuer***

On April 16, 2024, at 11:29 AM, DOJ Special Agents Oratovsky and Genens interviewed FPD Corporal Matthew Kalscheuer. On March 26, 2024, Corporal Kalscheuer was on the midwatch shift from 3:30 PM to 4:00 AM the next day. He was driving when he heard the emergency tone go off on the radio.

Based on his experience, this tone is unusual and typically reserved for priority 1 calls. Following the emergency tone, dispatch advised that there was a robbery in progress at the Wells Fargo off Bastanchury, and that the suspect, later identified as Mr. Thompson, had a bomb and was threatening to detonate it if he heard or saw police.

Corporal Kalscheuer responded to the call and looked at a map of the area and saw that the bank was near a hospital and school. Corporal Kalscheuer requested the school be placed on lockdown due to the bomb threat. An airship was unavailable at the time to help with containment of the area, so Corporal Kalscheuer decided to use the drones he had available for a view of the situation.

After getting a view of the overhead area of the bank, Corporal Kalscheuer positioned himself on the south side of the office building immediately east of the Wells Fargo. He used an exterior stairwell of the office building for cover, right behind Officer Akles. Corporal Kalscheuer monitored his drone screen as Officer Akles provided lethal coverage with a patrol rifle. From the drone screen, Corporal Kalscheuer looked at both exterior east and west exit doors of Wells Fargo. Corporal Kalscheuer saw the east exit door open, close, and open again. Using both the drone screen and his view of the bank, Corporal Kalscheuer saw Mr. Thompson, wearing dark clothes and carrying a white box, exit the bank at the east entrance towards the office buildings where he and other officers were set up. Corporal Kalscheuer then heard commands being given to Mr. Thompson. Mr. Thompson stopped and turned back towards the bank and moved towards the east entrance. Corporal Kalscheuer saw Mr. Thompson readjust the box as he was facing the entrance, as if to reposition his hands so that he could open the door. Simultaneously, Corporal Kalscheuer heard one shot being fired and saw Mr. Thompson subsequently falling to the ground.

#### ***Interview of Sergeant Donald Blume***

On April 23, 2024, at 11:29 AM, DOJ Special Agents Oratovsky and Genens interviewed FPD Sergeant Donald Blume, who served as the supervisor to the FPD ATF Violent Crime taskforce. On March 26, 2024, Sergeant Blume was working his usual shift from 10:00 AM to 8:00 PM.

Sergeant Blume had wrapped up a training and was at the station debriefing when, at around 5:00 PM, he heard radio dispatch send out a call regarding an in-progress bank robbery involving a bomb. Sergeant Blume stopped the debrief and headed out to the Wells Fargo off of Bastanchury Road. Once he arrived, Sergeant Blume was directed to the northside of the building where Corporals Flynn and Vega were, approximately 30 yards from the Wells Fargo east entrance. By the time he got to where Vega and Flynn were, Sergeant Blume could hear the two strategizing about who would give commands. Sergeant Blume was among other police personnel when he heard someone say that the suspect was out. Sergeant Blume heard Corporal Flynn give commands to the suspect, later identified as Mr. Thompson, about showing his hands. After a few seconds, Sergeant Blume heard a shot being fired.

Sergeant Blume asked Corporal Vega who fired the shot, and Vega told Blume that it was him. At that point Sergeant Blume took Corporal Vega off the call and took the rifle Vega was using.

#### ***Interview of Sergeant Bryan Bybee***

On April 16, 2024, at 12:46 PM, DOJ Special Agents Oratovsky and Genens interviewed FPD Sergeant Bryan Bybee. On March 26, 2024, Sergeant Bybee was working a 10:00 AM to 8:00 PM shift. He was completing paperwork when he heard the dispatch call. Based on his experience, Sergeant Bybee

anticipated that the call was very serious and would require significant resources. He grabbed equipment and headed to the scene.

Sergeant Bybee believes he arrived at the scene five minutes before the OIS. He positioned himself by the office buildings to the east of the Wells Fargo. Sergeant Bybee did not have a clear view of the Wells Fargo as he was positioned behind Corporals Vega and Flynn. Soon after arriving, Sergeant Bybee heard commands given, followed by the sound of a gunshot. Sergeant Bybee ran to the northwest door where people inside the bank were evacuating and led them to safety.

Sergeant Bybee then took Corporal Vega and Vega's patrol rifle that was used in the OIS back to the station.

## **INTERVIEWS OF CIVILIAN WITNESSES**

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

### ***Statement of W-1***

W-1 was interviewed on March 26, 2024, by FPD Officer Garcia. W-1 was working at Wells Fargo near closing time when he saw a man, later identified as Mr. Thompson, standing in the lobby with a white box. W-1 described Mr. Thompson as a white male, approximately 50-60 years old, wearing a black hat and a white covid style mask.

W-1 asked Mr. Thompson how he could help him and that it was nearing closing time. Thompson told W-1 he had an appointment and would wait. W-1 next saw Mr. Thompson at W-2's cubicle. W-1 started closing procedures when they overheard coworkers talk about Mr. Thompson claiming that he had a bomb and was demanding over \$50,000. W-1 pressed the emergency button under his teller station. W-1 believed the threat was real based on the demeanor of his coworkers. W-1 and other coworkers started moving closer to the emergency exit. W-1 heard one gunshot and rushed out of the bank through the emergency exit with other employees.

### ***Statement of W-2***

W-2 was interviewed on March 26, 2024, by FPD Officer Kaprielian. W-2 had just finished with her last customer of the day when a man, later identified as Mr. Thompson, sat down in W-2's cubicle.

Mr. Thompson showed W-2 the white box he was carrying and told her that he was not afraid to die today because they had "killed his wife by not giving out a home equity line for \$68,000." Mr. Thompson told W-2 that he had military experience and experience building bombs. W-2 described the box as a white cardboard box approximately 8 by 6 inches with wires sticking out.

W-2 called over another employee, W-3, and Mr. Thompson showed W-3 the box. W-2 described the box as a white box with wires inside. Mr. Thompson acted like he was talking to someone outside. Mr. Thompson told the other employee to bring the money in three minutes. After the money was brought over, Mr. Thompson instructed W-2 and other employees to go lay down. W-2 heard one gunshot.

W-2 had only seen bombs in movies and could not tell if the bomb was real but did not want to take any chance with what Mr. Thompson showed her.

### ***Statement of W-3***

W-3 was interviewed on March 26, 2024, by FPD Officer Kaprielian. W-3 was working at Wells Fargo when she noticed a man, later identified as Mr. Thompson, right before the bank's 5:00 PM closing time. Mr. Thompson stood out to W-3 because he was wearing a covid style mask and carrying a white box. Mr. Thompson went into W-2's cubicle, and W-2 asked W-3 to come over. Mr. Thompson asked W-3 if she knew what was in the box, and said he wanted \$58,000 or he was going to kill innocent people. Mr. Thompson told W-3 not to call the police, pointed to his earbuds in his ears, and mentioned there was somebody outside watching. Mr. Thompson told W-3 to get the money, or he would blow up the bank.

W-3 left to inform other employees who contacted the police. Mr. Thompson called W-3 back and told her the three minutes was up. W-3 said she needed help from W-4 to get the money. W-3 went with W-4 to get the money from the vault. When W-4 returned with the money in a clear plastic bag, Mr. Thompson requested something else to hold it in that was not see through. W-3 returned with a white cardboard box. W-3 watched another employee assist Mr. Thompson with leaving. W-3 heard a gunshot and saw Mr. Thompson fall.

### ***Statement of W-4***

W-4 was interviewed on March 26, 2024, by FPD Officer Ramek. W-4 stated he was working at the Wells Fargo when he was asked by a coworker, W-3, to help. W-3 had W-4 walk towards the bank vault and told W-4 that a customer, Mr. Thompson, was threatening to blow up the bank unless given approximately \$50,000. W-4 and two other bank employees entered the vault and put money inside a plastic bag. W-4 placed the money on the desk where Mr. Thompson was.

Mr. Thompson then requested the money be covered, and another employee retrieved a white box for Mr. Thompson. W-4 recalled that Mr. Thompson made comments, including "this is what you get for killing my wife" and "4415." Mr. Thompson also asked W-4 if he knew what was inside the box, opened the box, and then went on to explain the type of bomb inside the box. W-4 described the box as similar to a cigar box, and the contents as a clay-like item with two wires connecting it to a rectangular shaped item. Mr. Thompson also told W-4 that he would detonate the box if W-4 called the cops.

After Mr. Thompson was given another white box by an employee to carry the money, Mr. Thompson instructed W-4 and other employees to go into an office, lay down, and not call the police until 10 minutes after he left or the bomb would be detonated. Mr. Thompson asked W-4 for a key, and W-4 provided Mr. Thompson the bank vault key. As W-4 was lying down, Mr. Thompson returned and asked W-4 for the entry and exit key to the bank. W-4 then walked with Mr. Thompson to the front doors and provided Mr. Thompson the keys. Mr. Thompson told W-4 to go back down and lay down. W-4 laid back down and heard one gun shot.

### ***Statement of W-5***

W-5 was interviewed on March 26, 2024, by FPD Officer Garcia. W-5 was working at Wells Fargo when a man, later identified as Mr. Thompson, came into the bank near closing time. W-5 saw Mr. Thompson walk into a coworker's cubicle and started her closing procedures of locking the entrance

and exit to the bank. During closing procedures, a coworker, W-3, came up to W-5 and informed her that Thompson was claiming he had a bomb and demanding \$50,000 within three minutes.

W-5 called the Wells Fargo Security Response team. W-5 told two coworkers to retrieve the money Mr. Thompson was asking for from the vault. W-5 remembers the coworkers put the money in a plastic bag and that they also got a box for Mr. Thompson to put the money in. Coworkers told W-5 that Mr. Thompson told the employees not to call the police because Mr. Thompson was listening to police scanners and that if police showed up, he would detonate the bomb. When Mr. Thompson left the bank, W-5 heard a loud bang and left the bank through the emergency exit with others.

Although W-5 never saw the bomb herself or personally interacted with Mr. Thompson, W-5 believed the bomb threat was real based on the reactions of her coworkers. W-5 recalls that W-3 seemed visibly scared, and that W-3 was stuttering when relaying the bomb threat.

#### ***Statement of W-6***

W-6 was interviewed on March 26, 2024, by FPD Officer Kaprielian. W-6 was working at the bank when she saw a white male, wearing a black hat and dark clothes, possibly in his late 60s come in. This man was later identified as Mr. Thompson. W-6 found out something was wrong when another worker reported a bomb threat. W-6 provided updates to an FPD sergeant based on information relayed to her by other employees.

#### ***Statement of W-7***

W-7 was interviewed on March 26, 2024, by FPD Officer Ramirez. W-7 was at Wells Fargo, waiting for help with a wire transfer, when she saw a man, later identified as Mr. Thompson, come into the bank. W-7 saw Mr. Thompson enter employee W-2's cubicle. W-4 was helping W-7 when the employee suddenly stopped and walked away.

Another employee placed a sticky note on the window of the teller's line. W-7 walked up and read the note which read "Come to the back quietly." W-7 followed employees to the back. The employees informed W-7 that there was a bomb threat. W-7 saw Mr. Thompson walk up the stairs towards the bank exit, back down, and then walk up again before she heard a loud bang.

#### ***Statement of W-8***

W-8 was interviewed on March 26, 2024, by FPD Officer Richardson. W-8 was in the parking lot, approximately 200 feet from where Mr. Thompson exited Wells Fargo, when she observed multiple FPD officers arrive. W-8 saw Mr. Thompson exit the bank and heard multiple FPD officers tell Mr. Thompson to "put your hands up." Shortly after, W-8 heard one gunshot.

#### ***Statement of W-9***

W-9 was interviewed on March 26, 2024, by FPD Officer Ramek. W-9 is an employee at a business across the parking lot from the Wells Fargo Bank. W-9 was putting bags into her vehicle when a police officer told her to go back inside and lock the doors immediately. W-9 saw another officer had his rifle pointed towards the Wells Fargo entrance and decided to go back into her workplace. Once inside, W-9 heard statements including: "hands up," "shots fired," and "one shot fired." During this time, she also heard one gunshot fired.

### **Statement of W-10**

CaPSIT also located and spoke with Mr. Thompson's next of kin, W-10. W-10 was interviewed on March 28, 2024, by CaPSIT Special Agents Genens and Oratovsky. W-10 is Mr. Thompson's next of kin who had lived with Mr. Thompson in Orange County since March 2023. Mr. Thompson had been released from federal prison in February 2023, and lived in a halfway home until moving in with W-10. According to W-10, Mr. Thompson had a history of mental illness and a rough childhood that consisted of Mr. Thompson dropping out of school in ninth grade and using drugs.

Mr. Thompson had been employed at an order fulfillment center in Orange County. Mr. Thompson had complained to W-10 about how sick he would feel from the chemotherapy he was receiving for a brain tumor, stating, "I don't think I can live like this." W-10 recalled that prior to the OIS, Mr. Thompson had lost approximately \$5,000 to a girl he met on a dating application. W-10 said according to Ring video footage, Mr. Thompson left the home on March 26, 2024 at around 2:34 PM. Mr. Thompson had told W-10 he was headed out to work.

## **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 evaluated the circumstances involving this incident through all known evidence, including the shooting officer's statement, involved law enforcement officer statements, and civilian witness statements, as well as footage from video surveillance, BWC, and drones. Under the law of self-defense, a prosecuting agency would be required to prove beyond a reasonable doubt that Corporal Vega's use of deadly force was not reasonable under the totality of circumstances. Here, the evidence is insufficient to meet that standard.

### Subjective Belief

Several factors support that Corporal Vega actually believed in the need to defend himself and others against imminent peril or serious bodily injury, and that such a belief was reasonable. Corporal Vega's subjective intent can be determined from his voluntary statement as well as his matching actions. Corporal Vega stated in his interview that he had contemplated a scenario where the decedent would come out of the bank, see officers, and retract into the bank, creating a dangerous hostage scenario. Corporal Vega also considered that he did not know the potential range of the bomb the decedent carried, and that it could potentially hurt all the officers, including himself, who were stationed on the perimeter of the bank, as well as innocent civilians in the neighboring businesses and roads.

The facts of the shooting support that Corporal Vega discharged his firearm in the moment he did because he believed Mr. Thompson posed a credible threat to those inside the bank. The nature of the call, Mr. Thompson's refusal to show hands or comply with other commands, and Mr. Thompson's clear movements towards the entrance of the bank, factually support Corporal Vega's stated belief that he had to shoot at that moment because Mr. Thompson was both armed with an explosive device and preparing to create a hostage situation with those in the bank.

Consistent with his statement, Corporal Vega did not use force until after Mr. Thompson took a few steps to reenter the bank. This is a strong indication that it was Mr. Thompson's attempt to reenter the bank that prompted Corporal Vega's use of force.

Evidence relating to the gunshot wounds also supports a potential claim of self-defense by Corporal Vega. Corporal Vega fired one shot. Mr. Thompson was struck one time in the back that went through his chest. This matches the information relayed by Corporal Vega because it shows Thompson was shot in the back as he turned his back towards law enforcement to reenter the bank. While shooting someone in the back may seem to weigh against a self-defense claim, here the circumstances are different because Mr. Thompson repeatedly stated he would detonate the bomb if he saw or heard any police officers. Turning back towards the bank can reasonably be seen as a first step toward following through on his threat to blow up the bank and everyone in it. As soon as Mr. Thompson headed back towards the bank, Corporal Vega subjectively believed civilians inside the bank were in imminent grave danger.

Consequently, the evidence supports Corporal Vega's statement that he fired one shot because he believed that Mr. Thompson was reentering the bank to create a hostage situation, and thus, he fired in defense of others.

## **Objectively Reasonable Belief in Need for Deadly Force**

The facts also show that it was objectively reasonable for Corporal Vega to have believed that the danger was imminent and therefore the use of deadly force was needed. “Imminent” for the purpose of self-defense requires the present ability, opportunity, and apparent intent to cause death or serious bodily injury. Mr. Thompson repeatedly claimed to bank employees that he would detonate a bomb and kill everyone if he saw police or heard sirens. This implied that Mr. Thompson was armed. These threats, if true, would mean Mr. Thompson had the present ability and apparent intent to use lethal force. Given Mr. Thompson’s refusal to show his hands, that he was carrying a cardboard white box perceived to be a bomb, and the proximity of Mr. Thompson to the entrance of the bank, it was reasonable for Corporal Vega to believe that Mr. Thompson was armed and capable of inflicting death or serious harm.

Additionally, other officers who responded to the scene assessed the situation similarly. Based on the fact that this bank robbery involved a potential bomb, other officers also decided to bring their patrol rifles to the scene. A potential bomb posed a fatal threat that required the officers to maintain a distance while still being accurate when engaging the suspect. Officers, including Corporal Vega, contemplated non-lethal options such as tasers or sponge guns, but ruled those out because they would be ineffective in a bomb situation.

In light of the totality of the circumstances as shown by the evidence, a prosecution could not prove beyond a reasonable doubt that the use of lethal force by Corporal Vega was unreasonable. Mr. Thompson repeatedly told bank employees that he was experienced in making bombs, had actually brought the bomb in, and was willing to kill everyone if he saw or heard police. Law enforcement was advised of such threats, and approached silently to mitigate the threat of Mr. Thompson detonating the bomb. Immediately after seeing police presence outside of the bank, Mr. Thompson made clear movements to reenter the bank where civilians were located. Law enforcement could reasonably believe that since Mr. Thompson had just seen police, and by moving towards the bank, Mr. Thompson was taking steps to effectuate his threat to blow up the bank for calling the police. At the moment when the single shot was fired, the evidence shows that Corporal Vega reasonably and actually believed that Mr. Thompson posed an imminent threat of death or serious bodily injury and that Corporal Vega used deadly force to defend himself or others from this threat.

## **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 Corporal Vega. Therefore, no further action will be taken in this case.



C A L I F O R N I A

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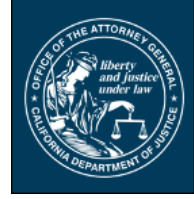
# DEPARTMENT OF JUSTICE

## **Policy and Practice Recommendations for the Fullerton Police Department Related to the Officer-Involved Shooting of Scott Thompson on March 26, 2004**

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

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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 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 March 26, 2024, Fullerton Police Department (Fullerton PD) responded to a call for service regarding a bank robbery in progress in Fullerton. Scott William Thompson entered the bank at 4:49 p.m., approximately 10 minutes before the branch was going to close. Mr. Thompson was holding a small white box. He approached one of the bank tellers, stated he had a bomb inside his box, and demanded \$58,000. At 5:10 p.m., the branch manager called 911, stating someone was attempting to rob the bank and had a bomb. Because tellers also activated the silent alarm, remote bank security called 911 and relayed to dispatch what was occurring inside the bank using the security cameras.

One bank employee retrieved the money from the vault and gave it to Mr. Thompson. The money was placed in a clear bag and then in a white box, along with the smaller white box that allegedly contained the bomb. With the box in hand, Mr. Thompson exited the bank at about 5:27 p.m. and began walking alongside the bank.

Fullerton PD Corporal Anthony Vega coordinated a plan with other responding units to set up a containment perimeter around the bank and engage Mr. Thompson once he exited the bank. Corporal Scott Flynn and Corporal Vega positioned themselves around the corner of an office building adjacent to the bank, behind which they concealed themselves, about 100 feet away from the bank doors. They decided Corporal Flynn would give verbal commands, and Corporal Vega would provide lethal cover. Corporal David MacShane positioned himself on the second-floor balcony of the same office building. Officer Richard Akles positioned himself on the opposite side of that office building, providing lethal cover for Corporal Matthew Kalscheuer, who operated a drone to get another view of the bank building.

Upon Mr. Thompson exiting the bank, Corporal Flynn commanded Mr. Thompson to stop and show his hands. Mr. Thompson turned around to face the bank and appeared to attempt to re-enter the bank.

At 5:28 p.m., Corporal Vega fired one shot from his rifle, striking Mr. Thompson in the back. Mr. Thompson fell to the ground.<sup>1</sup> No other force was used.

Fullerton PD officers did not immediately approach Mr. Thompson to render medical aid due to the belief he had a bomb and waited for the arrival of the bomb squad. After determining the bomb was fake, the bomb squad approached Mr. Thompson and determined he was deceased.

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 Fullerton PD to review and implement the following two recommendations:<sup>2</sup>

## **Recommendation One: Body-Worn Camera Policy and Training**

Fullerton PD provides body worn cameras to specified sworn personnel for use while on duty. (Fullerton PD Policy Manual (Mar. 5, 2024), § 424; Fullerton PD Policy Manual (May 5, 2026), § 434.) Body worn cameras benefit both officers and members of the public by providing footage of deputies' interactions with the public, including incidents like this one that resulted in the use of deadly force. Body worn camera footage can assist Fullerton PD in evaluating and making necessary determinations regarding administrative violations, civil liability, deficiencies in training, tactics, and equipment, as well as in identifying positive interactions that merit commendation.

Under the Fullerton PD Policy Manual at the time of the incident, officers are responsible for ensuring they are equipped with body worn cameras that are in good working order. The policy states that officers "should" activate their body worn cameras during specified situations including enforcement and investigative contacts, and code 3 responses. Further, once activated, the body worn camera "should" record continuously until the officer's participation in the incident is complete. Any malfunction or deactivation should be documented in officer reports. Finally, the policy in effect at the time stated that carrying a body worn camera is optional for *non-uniformed* officers. (Fullerton PD Policy Manual (Mar. 5, 2024), §§ 424.5, 424.6, 424.6.1.) Fullerton PD has since updated its body worn camera policy and maintained similar requirements, but removed language about the optional use for non-uniformed officers and is now silent on use for non-uniformed officers. (Fullerton PD Policy Manual (May 5, 2026), §§ 434.3.2, 434.5, 434.5.4.) Fullerton PD's website has a separate standalone directive in effect since 2019 that any officer "assigned to a non-uniformed position may carry and activate a [body worn camera] at any time the employee believes such a device may be beneficial[.]" (Fullerton PD Directive #19-1 – Use of Body Worn Camera Recorders (Oct. 21, 2019).)

In this case, the shooting officer (Corporal Vega) and several witness officers had their body-worn cameras properly activated during the incident. However, four witness officers who were on scene during the incident had issues with their body worn cameras. One uniformed corporal inadvertently turned off his body worn camera during the incident, though he turned it back on once he noticed.

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<sup>1</sup> Corporal Vega stated in his interview that he never prepared for an incident like this and never had a scenario like this during training. While the officers responded effectively based on the training they did have, it would be beneficial for Fullerton PD to use this incident as an example in scenario-based training for officers going forward.

<sup>2</sup> The Police Practices Section commends Fullerton PD officers for the manner in which they handled this volatile situation, by maintaining scene control and strategically deploying their resources while remaining calm and collected.

Another corporal and one sergeant—who were in plain clothes but wearing tactical vests with body worn camera mounts, other gear, and the word “police” on the front and back—were not wearing body worn cameras. Another sergeant in plain clothes who was wearing a body worn camera on his vest did not activate his body worn camera because it was not functioning at the time, according to his interview. Thus, any additional evidence that would have been captured by their cameras was not recorded.

The Police Practices Section recommends that Fullerton PD revise its policy on body worn cameras to state that uniformed officers “shall” activate their body worn cameras rather than state they “should” activate them and clarify the circumstances in which officers who are in plain clothes or otherwise not in uniform can and must activate body worn cameras. Fullerton PD should also provide re-training on activation and maintenance of body worn cameras.

## **Recommendation Two: Website Posting of Agency Policies**

Fullerton PD’s current Policy Manual, dated May 5, 2026, is not available on Fullerton PD’s website. Rather, the prior August 20, 2025, policy manual is posted. California law requires Fullerton PD to “conspicuously post on [its] internet websites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public if a request was made pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).” (Pen. Code, § 13650.) The Police Practices Section recommends that Fullerton PD ensure the policies in its manual are updated to include the most recent versions of the policies, and that it “conspicuously post” the current manual on its website, as required by law.