



C A L I F O R N I A

DEPARTMENT OF JUSTICE

**Report on the Investigation into the
Death of Abigail Lopez on October 29, 2023**

Orange County AB 1506

October 2026

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INVESTIGATION OF OFFICER INVOLVED SHOOTING

BACKGROUND—AB 1506

Pursuant to California Assembly Bill 1506 (AB 1506), the California Department of Justice is required to investigate all incidents of an officer-involved shooting resulting in the death of an unarmed civilian in the state. Historically, these critical incidents in California had been primarily handled by local law enforcement agencies and the state's 58 district attorneys.

AB 1506, signed into law on September 30, 2020, and effective July 1, 2021, provides the California Department of Justice (DOJ) with an important tool to directly help build and maintain trust between law enforcement and the communities they serve by creating a mandate for an independent, statewide prosecutor to investigate and review officer-involved shootings of unarmed civilians across California. DOJ investigates and reviews, for potential criminal liability, all such incidents covered under AB 1506, as enacted in California Government Code section 12525.3. Where criminal charges are not appropriate, DOJ is required to prepare and make public a written report, like this one, communicating:

- A statement of facts, as revealed by the investigation;
- An analysis of those facts in light of applicable law;
- An explanation of why it was determined that criminal charges were not appropriate; and
- Where applicable, recommendations to modify the policies and practices of the involved law enforcement agency.

Recommendations to modify policies and practices of the involved law enforcement agency will be based on the facts of the incident, any known policies and practices of the relevant law enforcement agency, and the experience and expertise developed by DOJ personnel.

PRIVACY STATEMENT

This report includes redactions of the names and other identifying information of witnesses and any family members of Abigail Lopez. 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 will be identified as follows:

- Witness 1 (W-1): Unidentified reporting party
- Witness 2 (W-2): Reporting party, driving home
- Witness 3 (W-3): Reporting party
- Witness 4 (W-4): Nearby store security guard
- Witness 5 (W-5): Pedestrian eyewitness
- Witness 6 (W-6): Eyewitness driving to work
- Witness 7 (W-7): Restaurant employee
- Witness 8 (W-8): Pedestrian eyewitness, spoke with Ms. Lopez
- Witness 9 (W-9): Ms. Lopez's mother
- Witness 10 (W-10): Ms. Lopez's aunt
- Witness 11 (W-11): Apartment complex resident

INTRODUCTION

On October 29, 2023, Anaheim Police Department (APD) Officers Banner Wolf and Kenneth Gulley responded to a 911 call regarding an individual with what appeared to be an assault rifle in a public intersection in the City of Anaheim. Upon arrival, they located Ms. Abigail Lopez, at a bus stop and saw that she was holding what appeared to be a gun. They ordered Ms. Lopez to drop the gun, but she did not comply. After a short period of time, Ms. Lopez began pointing the apparent gun in the direction of the officers. When she did so, they fired their own guns, killing Ms. Lopez. After the shooting, it was discovered that Ms. Lopez's apparent firearm was a gel blaster.

DOJ investigated and reviewed this officer-involved shooting (OIS) pursuant to Government Code section 12525.3 (enacted by Assembly Bill 1506 [2019-2020 Reg. Sess.]). This report is the final step in the DOJ's review of the fatal shooting of Ms. Lopez and is limited solely to determining whether criminal charges should be brought against the involved officers, as well as possible policy and practice recommendations. 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, DOJ determined that no criminal charges will be filed because the evidence is insufficient to prove that Officers Wolf and Gulley 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 THE INCIDENT

911 Calls

On Sunday, October 29, 2023, W-1 made a call for service at 7:12 AM. The caller reported a female holding a wooden stick, approaching parked vehicles, and hitting them with the stick while attempting to open gas tanks in the area of 122 E. Wakefield Avenue, City of Anaheim. The female was described as 18 to 26 years old, five feet tall, thin, light-skinned, wearing a blue hooded sweatshirt, and blue jeans. The caller had observed the incident while driving by. An officer went to the location but did not see either the reporting party or the subject.

On October 29, 2023, at 7:36 AM, W-2 called 911 to report “a lady just walking around with ... she’s got a gun ... walking around the street,” near Katella and Haster, which is in the City of Anaheim. W-2 described the gun as “completely black, does not look like a toy.” W-2 described the subject as a Hispanic woman, around 20s, extremely thin, five feet five inches, blue shirt, gray sweatpants, talking to herself, and “she does not look like she’s completely there.”

On October 29, 2023, at 8:57 AM, W-3 called 911 to report a subject (initially identified as male) “walking with gray pants and blue shirt ... has like an assault rifle,” “running in and out of the buildings like he’s waving it around like he’s straight going to let someone have it.” W-3 reported the subject was walking on Anaheim Boulevard and Winston Road with a stick and waving an assault rifle around in the air. W-3 stated that people started running. W-3 described the subject as unknown race, with curly hair, a blue shirt, and gray pants.

APD Dispatch and Officer Arrival

According to the Computer Aided Dispatch (CAD) call log, on October 29, 2023, at 8:57 AM, APD dispatch received a call for service in the area of Anaheim Boulevard and Winston Road and reported, “MALE APPEARS TO HAVE AN ASSAULT RIFLE WALKING IN THE AREA OF NAUTRISTA(sic) ... MALE, UNK RACE, CURLY HAIR BLU SHIRT, GRY PANTS.” At 8:57 AM, dispatch sent the following report: “RP 415 W/QUESTIONS. RP SAID HE HAD A STICK. WHEN ASKED TO CLARIFY IF IT WAS A STICK OR RIFLE RP STARTED ARGUING AND SAID BOTH ... ADVING(sic) MALE IS WALKING AND WAVING IT AROUND RP IS LEAVING THE AREA ... NFD. COULDN’T PROVIDE[] FURTHER W/DUE TO NOT WANTING TO GET CLOSE”

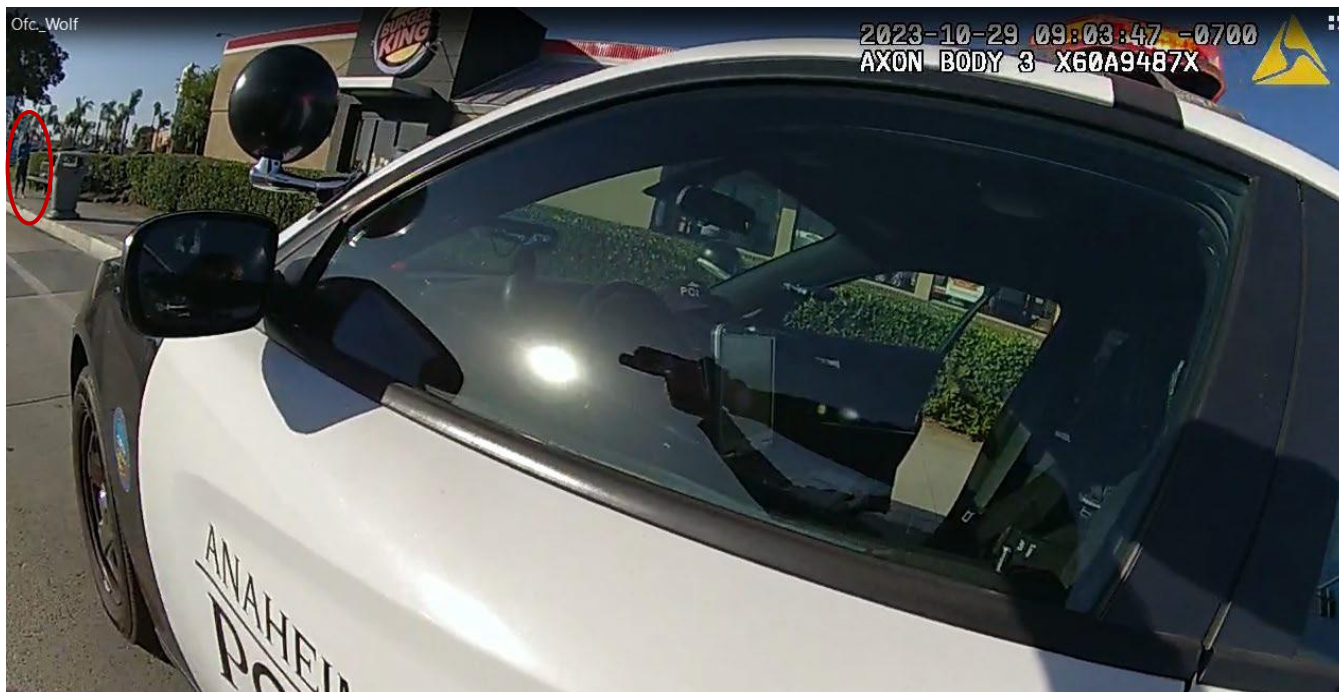
APD Officer Banner Wolf (Trainee), her Field Training Officer (FTO), Officer Kenneth Gulley, as well as Officers King Gabriola and Vanessa Cruz were dispatched to the location. Officers Gulley (passenger) and Wolf (driver) were in the same patrol vehicle and were first to arrive on scene at 9:02 AM, making contact with a subject later identified as Ms. Lopez at a bus stop near 1201 South Anaheim Blvd, Anaheim, CA 92805.



1201 South Anaheim Blvd, Anaheim, CA 92805

Ms. Lopez was observed holding what appeared to be a firearm at the time of the initial contact. At 09:03:05 AM, immediately upon stepping out of the patrol car, Officers Wolf and Gulley issued commands for Ms. Lopez to drop the firearm and get on the ground. Ms. Lopez did not comply with these commands. Instead, she ran back behind a large trash can. Officers Wolf and Gulley repeated commands over 20 times for Ms. Lopez to “drop the gun,” “put it down,” and “get on the ground.” At 9:03:39 AM, Officer Wolf told Ms. Lopez, “Do not reach for it, or you’re gonna get shot,” and at 9:04:33 AM, “Put them down, you’re gonna get shot.” At 9:04:15 AM, Officer Gulley told Ms. Lopez, “Put the gun down or you’re gonna get shot.”

Ms. Lopez kept moving around and dropped an item on the ground but picked it up again. She continued to hold what appeared to be a firearm in her left hand. She threw an unidentified object onto the ground, then reached into her pocket and pulled out an item, later identified as a torch lighter, in her right hand. At 9:04:36 AM, Officer Wolf stated, “He’s got two guns, one in the left hand and one in the right.” At 09:04:40 AM, Ms. Lopez brought both hands together in front of her and lifted her arms in the direction of the officers while holding the apparent firearm in her hand, which the officers later described as a shooting position. Officers Wolf and Gulley subsequently discharged their firearms, striking Ms. Lopez. Ms. Lopez’s arms came down, and she fell back onto the bus stop bench, an object falling from her hand onto the ground and another object onto the bench next to her. Officer Gulley fired four rounds and Officer Wolf fired two rounds.



Officer Wolf's BWC showing Ms. Lopez standing next to the bus stop bench prior to the OIS

Officers Cruz and Gabriola arrived at the scene in the same patrol vehicle and were exiting their vehicle just prior to Officers Gulley and Wolf discharging their firearms.

Officer Gabriola's body-worn camera (BWC) showed that he and Officer Cruz arrived at 9:04:36 AM, as shots were fired at Ms. Lopez. At 9:04:43 AM, Officer Gabriola's BWC shows an object falling from Ms. Lopez's hand.



Officer Gabriola's BWC showing Ms. Lopez standing next to the bus stop bench prior to the shooting.



Officer Gabriola's BWC showing Ms. Lopez standing next to the bus stop bench prior to the shooting (enlarged).



Officer Gabriola's BWC showing Ms. Lopez on the bus stop bench after the shooting.

After the shots were fired and Ms. Lopez dropped the items, Officers Cruz and Gabriola approached Ms. Lopez, handcuffed her, and provided aid until the arrival of Anaheim Fire Department (AFD) paramedics at 9:11 AM. One of the items that fell from Ms. Lopez's hands was a lighter. The other item, located on the bus bench next to her, was later determined to be a gel blaster.

Ms. Lopez was transported to University of California, Irvine Medical Center (UCIMC) by AFD paramedics at 9:24 AM and was pronounced deceased at 9:45 AM.



Still from Officer Gabriola's BWC showing the gel blaster on the bus stop bench as located next to Ms. Lopez directly after the shooting.

INVESTIGATION

APD initially believed Ms. Lopez was in possession of a BB gun, capable of shooting metal projectiles, which is not a qualifying event under AB 1506, and therefore DOJ was not initially contacted. Due to high winds at the time, APD secured any evidence that might blow away, set up a perimeter around the scene with police tape, and notified the Orange County District Attorney's Office (OCDA) Special Investigations Unit at 11:52 AM.

APD and the OCDA conducted a joint investigation into the OIS prior to DOJ involvement. This included area canvassing, officer interviews, witness interviews, evidence collection, digital media download, and attending the autopsy for Ms. Lopez. APD has BWCs but no in-car cameras. Both shooting officers and witness officers had their BWCs activated at the time of the OIS.

On November 3, 2023, the Orange County Crime Lab tested Ms. Lopez's gel blaster and determined that it was not a BB or pellet gun capable of firing a metal projectile. On November 8, 2023, DOJ was notified. On November 9, 2023, DOJ determined that this was a qualifying event and took investigative lead on this case.

DOJ reviewed extensive investigation materials related to this shooting, including reports from investigating officers, the autopsy report, BWC footage, crime scene photographs, surveillance video, interview transcripts and audio recordings of interviews conducted by APD and OCDA, 911 calls, and recovered items of physical evidence.

Incident Scene Description

The incident scene was near 1201 South Anaheim Boulevard, Anaheim, CA 92805 (outside of Burger King), on a public street in a commercial area, located near the intersection of Ball Road and Anaheim Boulevard in Orange County. The scene consisted of the street, a sidewalk and a bus bench. Anaheim Boulevard is an asphalt paved street with lanes of travel in each direction and sidewalks on both sides of the street. Just behind the bus stop, to the north, was a Burger King and a large parking lot for a large supermarket (El Super) located at the opposite corner of the parking lot from the Burger King. Multiple civilian cars were parked in the parking lot and driving on the streets at the time of the shooting.



Aerial view of the OIS Location

Incident Scene Evidence Recovery

The OIS scene was processed for evidence by APD, with Detective John Berkeland in the lead, on October 29, 2023. APD took photographs, downloaded digital media, and collected the following items of physical evidence:

1. Ms. Lopez's gel blaster
2. Black fanny pack, from sidewalk near bus bench
3. Metal rod, from sidewalk near bus bench
4. Lighter torch, from underneath bus bench
5. Spent casing, from street on Anaheim Blvd
6. Spent casing, from street on Anaheim Blvd
7. Spent casing, from street on Anaheim Blvd
8. Spent casing, from west sidewalk
9. Spent casing, from west sidewalk
10. Spent casing, from west dirt area of sidewalk
11. Pink folded envelope, from sidewalk near bus bench
12. Grey pants, cut off from deceased subject



Gel blaster recovered at the scene

Ms. Lopez's gel blaster was tested by personnel at the Orange County Crime Lab, who observed the object was a "replica firearm, no identifying marks of make or manufacture" and made the following determination:

"The replica firearm does not have a rifled barrel. It appears to use a compressed spring to launch a projectile down the barrel. It cannot accept a standard size pellet or BB. It is not a pellet gun or a BB gun. [...] The replica firearm was received unloaded."

In addition, the lighter torch belonging to Ms. Lopez was recovered from the scene.



Lighter recovered at the scene

Video Surveillance Evidence

City-owned traffic camera footage near Haster Street showed a subject wearing a dark hooded sweatshirt, gray pants, and white shoes at 7:12 AM, carrying what appeared to be two long sticks—one in each hand. The subject walked along the passenger side of a parked black SUV towards the front of 108 E. Wakefield Avenue. The subject appeared to strike the parked SUV with the sticks and quickly move away from the vehicle within 13 seconds before disappearing from view.

The same subject reappeared at 7:14 AM, this time holding a long stick in the left hand and a black object resembling a handgun in the right hand. The subject walked from the south curb of Wakefield Avenue to the middle of the intersection of Wakefield Avenue and Haster Street. The subject walked southbound on Haster Street, disappearing from view again. At 7:20 AM, the same individual emerged onto Leatrice Lane from the driveway at 105 E. Leatrice Lane, just after a marked black and white police unit drove past the front of the residence and turned northbound on Haster Street. The person still appeared to have the sticks and dark object in hand and walked toward Haster Street. On the northeast corner of the intersection, the subject stopped, looking in the direction the police unit had driven. The subject then walked back, bent down, and appeared to place the long sticks on the ground near the walkway. However, the subject retained the dark object resembling a handgun and walked back towards Haster Street. The subject went out of view at 7:21 AM.

Surveillance video from the 7-Eleven Store at 101 W. Katella Avenue showed that on October 29, 2023, at around 7:36 AM, Ms. Lopez was wearing a black hooded sweatshirt, gray pants, and white shoes. She walked westbound in the south crosswalk against traffic, stopped at the southwest corner, and

then ran northbound across the street against traffic while waving her arms. Ms. Lopez was holding what appeared to be a black object resembling a handgun in her right hand. At the time, there were several vehicles on the road, at least one bicyclist riding westbound on the south curb of Katella Avenue, and one pedestrian standing on the northwest corner of the intersection. Ms. Lopez paced back and forth, digging in her pockets for several seconds. Ms. Lopez walked southbound through traffic and immediately turned around northbound while in the middle of the intersection. It appeared Ms. Lopez contacted the pedestrian standing on the northwest corner, but she quickly walked away from the pedestrian, who remained in the same spot. Ms. Lopez paced back and forth on the northwest corner before jogging eastbound across the street near the passing vehicles. Ms. Lopez then walked southbound toward the southeast corner of the intersection against traffic. Ms. Lopez took off her sweatshirt and walked westbound once again on the south end of the intersection, continuing northbound across the street against traffic. Ms. Lopez continued to walk northbound past the 7-Eleven parking lot. Ms. Lopez was now wearing a light blue t-shirt and still holding what appeared to be a black object resembling a handgun in her right hand but then switched it to her left hand as she walked northbound out of view. About 19 seconds later, Ms. Lopez reappeared on camera view and stood just north of the driveway apron. It appeared Ms. Lopez placed an object in her mouth before walking northbound away from the camera view.

Surveillance video from the El Super store showed that at approximately 8:59 AM, Ms. Lopez and W-8 walked northbound on Anaheim Boulevard on the west sidewalk near the southeast corner of the El Super parking lot. W-8 was walking a bike with him. They proceeded northwest into the parking lot. While there, Ms. Lopez separated from W-8, walking northbound through the parking lot while W-8 returned to Anaheim Boulevard, where she continued southbound on the west sidewalk and out of view. Ms. Lopez walked northbound through the parking lot, carrying what appeared to be a stick, a black object, and a fanny pack hanging from her neck. Ms. Lopez did not attempt to enter the store but continued northbound through the parking lot, disappearing from view.

The nearby Burger King, located at 1201 South Anaheim Boulevard, was in the process of switching security cameras so none of the cameras for the business were functioning at the time. Surveillance cameras at the 7-Eleven on 107 W. Ball Road, Anaheim, CA 92805, were not working at the time of the incident.

Officer Processing and Ballistics

On October 29, 2023, an OCDA investigator and APD detective supervised the processing of the involved officers at APD's South Harbor location. The Orange County Crime Lab photographer took photographs of the four officers as they were at the time of the incident. Officer Cruz's and Officer Gabriola's weapons were examined and documented but were not collected by the Orange County Crime Lab. Officers Cruz and Gabriola both had round counts conducted, and all the ammunition was accounted for.

Officer Gulley's nine-millimeter Glock 17 pistol was collected by the Orange County Crime Lab. The round count of Officer Gulley's handgun revealed four missing rounds.

Officer Wolf's nine-millimeter Glock 17 handgun was collected by the Orange County Crime Lab. The round count of Officer Wolf's handgun revealed two missing rounds.

Emergency Medical Response

At 9:11 AM, AFD paramedics arrived and rendered medical assistance to Ms. Lopez. Ms. Lopez was transported to University of California, Irvine Medical Center (UCIMC) by AFD paramedics at 9:24 AM and was pronounced deceased at 9:45 AM.

Autopsy and Toxicology

Ms. Lopez was born on January 30, 2003. At the time of the OIS, she was 20 years old, 5 feet three inches tall, and weighed 135 pounds.

On October 31, 2021, forensic pathologist Dr. Sigmund Menchel performed the autopsy of Ms. Lopez. It was determined that the cause of death was multiple gunshot wounds.

The report noted four apparent gunshot entrance wounds:

- One above the left breast near the shoulder
- One to the left side abdomen
- One to the right upper arm (through and through)
- One to the outer left arm (through and through)

Ms. Lopez sustained injuries to her intestines, left lung, right kidney and her heart.

The toxicology report showed that Ms. Lopez's blood tested positive for THC and amphetamine.

INTERVIEWS OF INVOLVED OFFICERS

Police officers, like all individuals, have the right to remain silent and decline to answer questions in the face of official questioning. (*Spielbauer v. County of Santa Clara* (2009) 45 Cal.4th 704, 714; *see generally Miranda v. Arizona* (1966) 384 U.S. 436.) Both officers who were involved in this incident provided voluntary statements.

On November 3, 2023, OCDA Investigator McCarthy interviewed APD Officers Wolf and Gulley, and witnessing Officers Gabriola and Cruz. 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.

Officer Kenneth Gulley

On Friday, November 3, 2023, at approximately 11:48 AM, OCDA Investigator Claudia McCarthy interviewed Officer Gulley, who provided a voluntary statement. The interview took place in a conference room at the APD station. APD Detectives Jossue Hernandez and Julissa Trapp were present. Also present during the interview was Officer Gulley's attorney, Ken Yuwiler. The interview was audio recorded.

Officer Gulley had been employed by APD since January 2014. He was assigned to patrol as a field training officer. On the morning of the incident, he met his new trainee, Officer Wolf, for the first time. He and Officer Wolf were in their patrol car when they received a high priority call (meaning most likely

to present imminent danger to persons or property) regarding a male subject wearing a blue sweater and grey pants who was seen waving a gun and a stick on Anaheim and Winston.

As they approached Anaheim and Ball Road, the officers noticed Ms. Lopez crawling over the bushes near Burger King on the southwest corner of Anaheim and Ball Road, which was much closer (a quarter of a mile) than where they expected the subject to be. She was holding a stick and matched the description given on the call. As they drove closer, Officer Gulley noticed a black firearm in Ms. Lopez's hands. Officer Wolf stopped the vehicle 10 to 15 feet south of their curb line foundation for Ball Road. They both exited the vehicle and immediately began to yell commands. Ms. Lopez turned her back towards them and ran southbound to a bus bench. There was a trashcan between the officers and the bus bench. Ms. Lopez ran from the trash can to the bus bench, dropped the firearm, and turned around. It looked like a compact rifle and when it fell, Officer Gulley heard "a heavy, heavy metal sound." So he "immediately believed that it was a real firearm."

For the next minute and a half, Officer Gulley continuously yelled varying commands for Ms. Lopez to put the gun down and surrender herself, but she repeatedly put the gun down, "and then returns to it, touches it, picks it up, puts it down." The trash can by the bench intermittently blocked Officer Gulley's view, but he could see Ms. Lopez bend down and "could see movement in between that gap of whether their hands are moving up and down."

When asked what he was thinking during this time, Officer Gulley stated, "I was fearful that they would pick it up and whether they were a good shot or not, you know, injure a bystander, injure myself, injure my partner, ... or kill us, of course. [I] did mention I believe you can even be heard later on camera ... I don't want to shoot this person. And ... honestly, we're, just trying to exhaust our attempts to de-escalate the entire situation."

Officer Gulley saw Ms. Lopez pick up the firearm while he continued to yell to drop the gun. Then, in his direct line of sight, he saw Ms. Lopez bring the firearm from down by her side to up past her waistline, into a firing position toward the officers, "very similar to as if one would ... ready himself at the range."

Officer Gulley believed that subject was going to fire the gun at Officer Wolf and "potentially kill her." He "fired what I believe was three shots. I later learned that it was four shots." Officer Gulley stopped firing when Ms. Lopez dropped her arms and laid backwards onto the bus bench, and there was no longer an imminent threat.

When asked to explain his reasoning for not employing a less than lethal weapon, Officer Gulley stated that it was out of range of his taser and getting a bean bag shotgun would have required him to retreat to the trunk of the police vehicle, open it, and retrieve and ready the shotgun. He believed "*it was too much of a danger at that time,*" and hoped that one of the other responding officers would be able to utilize one of the less lethal options.

Officer Banner Wolf

On Friday, November 3, 2023, at approximately 11:10 AM, OCDA Investigator McCarthy interviewed Officer Wolf, who provided a voluntary statement. The interview took place in a conference room at the APD station. APD Detectives Hernandez and Trapp were present. Also present during the interview was Officer Wolf's attorney, Mr. Yuwiler. The interview was audio recorded.

Officer Wolf was an officer in training. She had prior military experience and had been a military police officer for nearly five years. On the morning of the incident, Officers Wolf and Gulley were in their patrol car when they responded to a call regarding an individual wearing a blue shirt and grey pants who was seen waving a gun and a stick.

As they approached Anaheim and Ball Road, about a quarter mile north of where the report originated, the officers noticed Ms. Lopez crawling over the bushes near a Burger King, carrying a small black bag and a large, long object, like a long pole. Officer Wolf activated the patrol car's overhead lights in order to cross the large intersection and parked. Officer Wolf exited the car and pulled out her firearm. Ms. Lopez quickly ducked behind a large trash can, and Officer Wolf briefly lost sight of her. Officer Wolf closed her car door and leaned left to try to get a better visual. She saw that appellant had a compact rifle in her hand and alerted Officer Gulley of that. The rifle was black and had a pistol grip with a magazine inserted, a short barrel, an upper receiver, and a lower receiver.

Officers Gulley and Wolf gave numerous commands to Ms. Lopez to drop the weapon. Ms. Lopez was moving the rifle between her hands, putting it on the ground, then picking it back up again. She ignored the commands. Officer Wolf saw Ms. Lopez hold the rifle in her left hand, then reach into her right pocket and pull something that looked like pistol out of her right pocket.

Officer Wolf stated she believed Ms. Lopez had two guns, one in each hand, and stated that to Officer Gulley. Officer Wolf also gave continued commands to drop the weapons. Based on her military training, she believed the types of weapons that Ms. Lopez held had longer accuracy and the ability to do more damage and potentially pierce armor. She was also aware that they were standing at a busy intersection, near a Burger King, and there were civilians nearby. Officer Wolf then saw Ms. Lopez raise the guns in the officers' direction, bringing both arms up and *"[c]oming up towards the center, like you're going to take a shooting position."* Officer Wolf believed *"that individual was gonna shoot either myself or my FTO or my partners that were just arriving"* and fired twice; she stopped firing when she saw Ms. Lopez buckle and her arms lower.

Officer King Gabriola

On Monday, October 30, 2023, at approximately 3:27 PM, OCDA Investigator McCarthy interviewed Officer Gabriola, who provided a voluntary statement. The interview took place in a conference room at the APD station. APD Detectives Hernandez and Michael Nguyen, and attorney Yuwiler were present. The interview was audio recorded.

Officer Gabriola stated that he and Officer Cruz arrived on scene just before shots were fired. They were in the same car and responded to the call with lights and sirens. Officer Gabriola pulled up next to Officer Gulley and Wolf's car. As Officer Gabriola exited the car, he heard commands being given to Ms. Lopez. Ms. Lopez was moving around near the bus bench, holding a metal stick in her right hand. Officer Gabriola could not see Ms. Lopez's left hand. Ms. Lopez was waving her arms and moving around while officers were giving commands. Officer Gabriola drew his department issued firearm and as he was raising it, he heard four to five gunshots from the other officers. He saw Ms. Lopez fall and drop the stick that she was holding in her right arm. Officer Gabriola did not fire because he had just arrived on scene and was assessing the situation when shots were fired.

Officers used a shield to approach Ms. Lopez, and Officer Gabriola saw a black gun with an eight- or nine-inch barrel near Ms. Lopez's hand. It looked real to Officer Gabriola. Once another officer secured the gun, Officer Gabriola handcuffed Ms. Lopez and began administering CPR.

Officer Vanessa Cruz

On Monday, October 30, 2023, at approximately 4:29 PM, OCDA Investigator McCarthy interviewed Officer Gabriola, who provided a voluntary statement. The interview took place in a conference room at the APD station. APD Detectives Hernandez and Nguyen, and attorney Yuwiler were present. The interview was audio recorded.

Officer Cruz stated that she and Officer Gabriola arrived on scene just before shots were fired. They were in the same car and responded to the call with emergency lights and sirens. Officer Gabriola was the driver and Officer Cruz was the passenger. As they approached the intersection of Anaheim Boulevard and Ball Road, they were updated that the subject was at that intersection. As they pulled up and parked, Officer Cruz got a quick glimpse of Ms. Lopez standing and holding an object in her hand. Officer Cruz could not tell what the object was.

Officer Cruz exited the car and heard commands being given to Ms. Lopez to drop what she was holding in her hands. She went to the trunk to get the less lethal shotgun but could not get the trunk open. She heard shots fired and continued commands being given but was not able to determine if Ms. Lopez still had a weapon in her hand. Officer Cruz went to where her partner was by the driver side door of the vehicle and took out her firearm.

Officer Cruz could still hear commands being given to Ms. Lopez, so she decided to try again to get the less lethal shotgun because she was not sure if less lethal might still need to be deployed. She holstered her firearm and asked Officer Gabriola for the keys, opened the trunk, got the less lethal shotgun out and positioned so that it was ready to be deployed if needed.

More units arrived on scene, and officers were able to approach Ms. Lopez together with a shield to render aid. As she approached Ms. Lopez, Officer Cruz observed Ms. Lopez laying or in a half-seated position on the bench with objects around her. Once she got closer, Officer Cruz saw the firearm within arm's reach of Ms. Lopez. It looked like a black "mini rifle." It appeared to be a real firearm to Officer Cruz. Officer Cruz secured the firearm as other officers secured Ms. Lopez. Officer Cruz removed the firearm from the scene and took it to the back of the patrol vehicle to render it safe.

INTERVIEWS OF CIVILIAN WITNESSES

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

W-2

W-2 was interviewed on November 3, 2023, by Detective Hernandez. W-2 called the police on October 29, 2023, at 7:36 AM, when he was near Haster Street and Katella Avenue after he observed Ms. Lopez with a gun. W-2 was driving eastbound on Katella Avenue toward the 5 Freeway. While at the red light at the intersection of Katella Avenue and Haster Street, W-2 was in the far right lane, with at least two cars alongside his vehicle. His attention was then drawn to Ms. Lopez, who was walking in the middle of the

intersection, heading southwest toward the southwest corner of Haster Street and Katella Avenue. She appeared to be talking to herself and was waving her arms around. She was holding an object resembling a firearm in her hand. W-2 emphasized that he did not believe the firearm was fake. Ms. Lopez stopped at the southwest corner of the intersection, seemingly waiting for the green light to walk northbound across Katella Avenue. W-2, who as in the first car set to proceed eastbound, was approximately 10 feet away from Ms. Lopez during the entire red-green light cycle. W-2 never saw an orange tip or any other indication suggesting that the firearm might be fake. W-2 noted that his car windows were rolled up, so he could not hear what Ms. Lopez was saying. He described her as appearing “not all there” and completely “unaware” of her surroundings, based on her behavior since she crossed the intersection as cars drove by.

W-2 was concerned for pedestrians, fearing that Ms. Lopez might point the gun at them. However, the only other person he saw nearby was a homeless person sleeping on the bus bench on the northwest corner of the intersection. As he drove away, W-2 did not see Ms. Lopez make contact with anyone. W-2 said he last saw Ms. Lopez as she walked to the northwest corner of the intersection. W-2 stated that his only exposure to guns was seeing them on television and in video games, including what appeared to be fake guns in those same situations. Despite this, W-2 was certain that the gun he saw Ms. Lopez holding was real. He described the handgun as dark gray, approximately 12 inches long, with a “large” clip attached. W-2 did not notice Ms. Lopez holding any other items at that time. W-2 identified Ms. Lopez from a photographic lineup as the person he had seen with the gun on October 29, 2023.

W-3

W-3 was first interviewed over the phone on October 29, 2023, by APD Officer Edgar Ruano, and later in-person around 9:30 AM, by APD Officer Kyle Haasch. As W-3 was driving south in the number three lane of Anaheim Boulevard from Ball Road, he observed a subject with a black “Mac-10” or “Uzi” style firearm. W-3 stated he was familiar with firearms, which was why he recognized the style of the gun. He described the subject as a skinny Hispanic male with curly hair, 16 to 21 years old, between 5’05” and 5’07” tall, around 120 pounds, wearing a blue or turquoise shirt and gray sweatpants. W-3 first observed the subject walking north on the west sidewalk of Anaheim Boulevard near Winston Road. He saw the subject hold the firearm with two hands and point it toward vehicles in the roadway. He also observed the subject hold the firearm in the air with one hand, and “wave it around.” W-3 stated the subject was acting “sporadic” and appeared to be “doped up,” or under the influence of drugs. He believed the subject was yelling, but he did not hear what the subject was saying. W-3 called 911 and continued driving south on Anaheim Boulevard. He turned west on either Midway Drive or Winston Road and lost sight of the subject. W-3 traveled through the neighborhood and eventually turned west in the alley south of El Super (1221 S. Anaheim Blvd), from Iris Street. When W-3 turned south on Anaheim Boulevard, he observed the subject walk into the parking lot of Naturista (1341 S. Anaheim Blvd.), holding the firearm. Multiple transient subjects ran away from the subject with the firearm. W-3 did not hear any gunshots or see the subject directly threaten anyone. W-3 continued to speak with dispatchers and parked his vehicle in the parking lot of 1401 S. Anaheim Blvd. W-3 believed “something bad was going to happen” so he left the area. As he drove south on Anaheim Boulevard, he observed officers traveling north. He left the area and did not observe anything further.

W-4

W-4 was interviewed on October 29, 2023, around 10:45 AM, by APD Detectives Hernandez and Nguyen. W-4 worked as a security guard at El Super. W-4 believed the female involved in the incident was the same woman who had been hanging around the area for the previous three to four days. W-4

did not know her name but stated he believed she may have schizophrenia. W-4 said that earlier that morning, at approximately 6:20 AM, he kicked Ms. Lopez out of the business for attempting to shoplift. When she was kicked out of the store she told W-4, "Fuck you." She had her hands under a poncho she was wearing, so W-4 never saw any unusual items in her hands. At the time of the incident, W-4 was standing on the west sidewalk of Anaheim Boulevard just south of Ball Road, approximately 234 feet from the bus bench. W-4 saw approximately four police units pull up and officers get out of their cars and point guns at Ms. Lopez. W-4 stated he heard yelling from both Ms. Lopez and the officers but could not hear what was being yelled. W-4 believed the officers were giving Ms. Lopez "commands." He believed Ms. Lopez was sitting on the bench but could not remember. He was not able to see if Ms. Lopez was holding anything in her hands. W-4 said the officers then "unloaded on her," and that he heard four shots.

W-5

W-5 was interviewed on October 29, 2023, by APD Officer Ruano. W-5 stated he was standing on the grass area outside of the Burger King, talking on the phone, when the incident occurred. He saw a female and male officer point their weapons at Ms. Lopez, who stood about 30 feet away from W-5. W-5 stated Ms. Lopez acted "like an idiot," continuously moved her hands and body, and was uncooperative with the police. Officers told Ms. Lopez to get on the ground about 10 times. Ms. Lopez continued to move her hands around her waistband and ignored officers' commands. Moments later Ms. Lopez reached inside her front right pocket, and W-5 believed a gun was about to be produced. At that time, both officers shot at Ms. Lopez two times each.

W-6

W-6 was interviewed on October 29, 2023, at 1:41 PM, by Anaheim Police Detective Hernandez and OCDA Investigator McCarthy. W-6 stated that earlier in the day he was driving northbound on Iris Street approaching Ball Road. W-6 made the right turn to go eastbound on Ball Road and then proceeded to get into the outer left turn lane preparing to go northbound on Anaheim Boulevard. W-6 waited at the red light when he observed an APD vehicle drive southbound through the intersection at Ball Road and then stop alongside the west curb line of Anaheim Boulevard just north of the bus stop. W-6 recalled the overhead police lights turned on as soon as the vehicle stopped. W-6 stated he saw two police officers wearing uniforms exit the vehicle and point their weapons in the direction of the bus stop. W-6 saw another police car stop just south of Ball Road on the west side just north of the bus stop. W-6 stated two officers exited their vehicles and pointed their guns towards the bus stop.

W-6 noticed a person possibly sitting on the bus stop holding unknown items in their hands. W-6 was not sure if the person was a male or female and only described the person as being thin. W-6 could not recall what the person was wearing. W-6 did notice the person bend over to drop whatever was in his or her hand as he or she was walking towards the officers. The light phased to green, and W-6 had to drive away north bound on Anaheim Blvd. W-6 could not hear if the officers were giving commands. W-6 stated he did not hear anything else that happened as he drove away.

W-7

W-7 was on his lunch break when he saw multiple police vehicles pull up on the east side of the Burger King restaurant. W-7 saw the officers pull out their guns and point them at "an older lady" wearing a purple sweater. W-7 could not hear anything that was being said outside and he could not see if the lady was holding anything in her hands. W-7 heard gunshots but did not know how many.

W-8

W-8 was located at the scene on October 29, 2023, at 9:18 AM, by APD Officers Ryan Williams and Jorge Sanchez, who canvassed the area for witnesses. At 11:14 AM, APD Detectives Hernandez and Nguyen interviewed W-8 at the El Super parking lot.

W-8 was walking his bike, which had a flat tire, eastbound on Winston Road toward Anaheim Boulevard. He took a shortcut behind a building at 1347 S. Anaheim Boulevard and walked onto Anaheim Boulevard, where he encountered a female, later identified as Ms. Lopez, walking northbound. W-8 immediately observed Lopez holding what appeared to be a gun, similar to an uzi. W-8 was alarmed when he first saw Lopez and he raised his hands when he saw the gun, asking Ms. Lopez what she wanted. Although confused at first, W-8 realized the gun was fake as Ms. Lopez got up close to him. W-8 told Ms. Lopez to put the gun away approximately 10 times. The first time W-8 told her to put the gun away she replied, "Nah!" W-8 warned Ms. Lopez that the police were going to be called because the object she was holding would appear to be a real gun to someone walking by or to the police. W-8, who had a fanny pack around his waist, handed it to Lopez to hide the gun. Before giving her the fanny pack, W-8 removed two dollars, leaving the money and his other belongings on the ground. Ms. Lopez seemed confused and questioned the need to hide the gun, but eventually agreed, placing the gun inside the fanny pack. However, as they walked together toward the El Super grocery market, Ms. Lopez took the gun out two additional times.

Upon reaching the south end of the El Super grocery store parking lot (1221 S. Anaheim Boulevard), Ms. Lopez removed the gun from the fanny pack and headed toward the store's east entrance, intending to buy a drink. As Ms. Lopez walked toward the market, W-8 turned back to get his two dollars he left behind. He did not see whether Ms. Lopez entered the store. After recovering his money, W-8 turned around and headed northbound on Anaheim Boulevard. While walking along Anaheim Boulevard, near the El Super parking lot, W-8 noticed a "cop car" quickly maneuvering onto the street. W-8 immediately believed the car was there because of Ms. Lopez. W-8 estimated he was approximately 75 yards away. He heard as the officers repeatedly instructed Ms. Lopez to "drop the gun," more than five times, but she refused, waving or swinging the gun around. W-8 described how Ms. Lopez kept swinging the gun around while responding to the officers, occasionally lowering her hands down to her side. He noted that the officers were loud enough for him to hear their commands as they ordered Lopez to put the gun down. W-8 heard three to four shots. He couldn't identify which officer fired the shots, but he did observe Lopez after the incident as she fell back to the bus bench.

W-8 explained that Ms. Lopez appeared to be mentally unstable, stating, "She's not all there, but obviously you guys don't know that." He elaborated on her unusual appearance, unusual gait, and what he described as being "smoked out." He believed her erratic behavior was likely due to excessive drug use. W-8 confirmed that he had not witnessed Ms. Lopez using any drugs. Despite understanding that the officers had received a call about Ms. Lopez carrying a gun, W-8 stated that the police were just doing their job and needed to worry about their safety and that of their partners. While W-8 wished the officers had waited a bit longer, he said that officers "Had to do, what they had to do."

After the shooting, W-8 saw officers approaching Ms. Lopez slowly, armed with a shield. W-8 believed the officers did not know whether the gun was real or fake. W-8 witnessed the officers' attempts to revive her, administering CPR, and mentioned the quick arrival of the paramedics at the scene.

Next of Kin Notification

APD spoke with Ms. Lopez's next of kin. On Sunday October 29, 2023, at approximately 6:59 PM, Detectives Nguyen and Hernandez spoke with **W-9**, who is Ms. Lopez's mother, and **W-10**, who is Ms. Lopez's aunt.

W-9 shared an apartment with W-9's father. Ms. Lopez had lived with them until the age of 16, at which point she was placed into the foster system due to Ms. Lopez's drug use. Ms. Lopez returned when she turned 18, and she was 20 years old at the time of her death. According to W-9, Ms. Lopez was in and out of the home due to her struggles with drug use. W-9 stated that Ms. Lopez had been using drugs since the age of 14. W-9, who had been three years sober, had attempted to talk with Ms. Lopez about quitting. However, she acknowledged that Ms. Lopez was still using both marijuana and methamphetamine. She had seen Ms. Lopez with a methamphetamine pipe approximately a week prior to the incident and had warned Ms. Lopez about fentanyl. The last time W-9 saw Ms. Lopez was on Friday morning (October 27, 2023) before leaving for work. They did not have a conversation because Ms. Lopez was sleeping.

On October 26, 2023, W-9's friend told her that he had seen Ms. Lopez earlier that day and had given her marijuana, which upset W-9. Later that evening, when Ms. Lopez returned, she appeared hungry. W-9 warmed up leftovers for her, after which Ms. Lopez ate, gave W-9 a kiss, and went to shower. After the shower, Ms. Lopez began giggling without reason. W-9 confronted Ms. Lopez about the marijuana use, and Ms. Lopez began to laugh uncontrollably.

W-9 recalled an incident a few months prior where Ms. Lopez had brandished a knife and refused to put it down. W-9 confirmed that she had seen Ms. Lopez with toy guns in the past. Five to six months before the shooting, Ms. Lopez arrived at an Alcoholics Anonymous (AA) group meeting holding a black handgun. W-9's friends were alarmed, believing the gun was real, and told Ms. Lopez to be careful. It was only later, after closer inspection, that they confirmed it was a toy handgun. Following the meeting, W-9 tossed the toy gun in the trash. Approximately three months later, W-9 discovered Ms. Lopez with another all-black toy handgun, approximately 12-inches long.

After the second incident, W-9 talked to Ms. Lopez about the potential dangers associated with carrying toy guns. She explained to Ms. Lopez that these types of guns could be mistaken for real ones by the police, and Ms. Lopez might be perceived as a threat. W-9 emphasized that even though the gun might be a toy, police officers would not be able to know that. When asked about Ms. Lopez's response to this warning, W-9 mentioned that Ms. Lopez didn't react much and simply responded with, "Oh, okay." W-9 stated that a neighbor, later identified as W-11, had seen Ms. Lopez with a gun the day prior to the shooting (Saturday, October 28, 2023). W-11 told W-9 she saw Ms. Lopez in the apartment's courtyard and noticed the butt of a handgun tucked into Ms. Lopez's rear waistband.

W-11 was interviewed on Tuesday, October 31, 2023, at 12:20 PM, by APD Detective Hernandez. W-11 lived in the same apartment complex as W-9. On the day before the incident, October 28, 2023, W-11 saw Ms. Lopez in the apartment courtyard around 7:00 PM. W-11 noticed a bike blocking the walkway and asked Ms. Lopez if it was hers and if she could move it. Ms. Lopez bent down to adjust the bike, revealing the butt of a handgun tucked into her rear waistband. W-11 immediately asked Ms. Lopez if that was a gun and Ms. Lopez replied, "Yes, but it's fake." Ms. Lopez asked W-11 if she wanted to see it, and W-11 told her "No." W-11 asked Ms. Lopez why she had it and Ms. Lopez said, "Oh, I just have it, but it's fake." W-11 warned her about the potential danger, explaining that if the

police saw her with the gun, they might shoot first without asking questions, to which Ms. Lopez replied, “Yeah, it’s okay, it’s okay.”

W-11 stated that she had not seen Ms. Lopez with other guns but had observed her with knives. W-11 was familiar with firearms due to her father being a police officer. W-11 noted that the gun Ms. Lopez had was dark in color and appeared real. She explained that toy guns typically look “skinnier,” and Ms. Lopez’s constant adjustments to her pants made W-11 doubt the gun was made of plastic. Despite her doubt, W-11 took Ms. Lopez’s word that the gun was not real.

W-11 believed that Ms. Lopez may have struggled with mental health issues.

W-11 recalled a prior incident when Ms. Lopez had a two-hour standoff with police due to her refusal to drop a knife. When W-11 moved into the apartment complex, Ms. Lopez was already struggling with drug use. W-11 had called the police on several occasions due to Ms. Lopez’s altercations with W-9 and threats to harm W-9.

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 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 Ms. Lopez's death. This analysis is based on all the evidence obtained by DOJ in this matter, including police reports, witness statements, forensic evidence, the coroner's report, body-worn camera footage, and surveillance footage from the incident location.

The focus of this review is whether, based on the totality of the circumstances, the evidence demonstrates beyond a reasonable doubt that Officers Gulley and Wolf acted unreasonably in using deadly force against Ms. Lopez. A detailed analysis of the evidence shows that Officers Gulley and Wolf actually and reasonably believed that deadly force was necessary to defend against an imminent threat of death or serious bodily injury to the officers or others. Therefore, we conclude the evidence is insufficient to support criminal charges.

Officers Gulley and Wolf responded to the scene that day because of civilian reports there was an individual walking on public streets and waving around a semiautomatic weapon or rifle. Those civilians did not express any doubt that the gun was real. The officers encountered the individual with a gun somewhat unexpectedly and closer to their location than anticipated and quickly identified Ms. Lopez as the person in question. They immediately saw that she appeared to be holding a firearm and repeatedly told her to drop the gun and get on the ground. Despite their being in full uniform, armed, and having arrived in a marked police car with lights activated, Ms. Lopez ignored their orders. Instead, she continued moving the gun around, dropped and picked the gun back up multiple times, until eventually she started raising her hands to point the gun at the officers, at which time they fired their own guns, killing her.

The totality of the circumstances indicates the shooting officers actually believed in the need to defend against imminent peril or great bodily injury. When interviewed, Officers Gulley and Wolf stated they believed Ms. Lopez was displaying at least one real firearm. Officer Gulley stated that the object sounded heavy and metal the first time Ms. Lopez dropped it on the ground before she picked it back up again. They also each stated that they subjectively believed Ms. Lopez posed an imminent and deadly threat when she brought her hands together and raised the firearm up in their direction. The officers' description of events is largely consistent, and no available evidence undermines their credibility. The officers' statements are also consistent with their body worn camera recordings of the incident.

In addition to the officers' subjective belief in the need to use lethal force against Mr. Lopez, the totality of the circumstances indicates that such force was objectively reasonable. The officers received dispatch notifications that civilian witnesses had seen a person walking and brandishing a semiautomatic firearm. W-2 and W-3, unrelated, were driving by at different times and locations when Ms. Lopez walked by while waving the gun around. They were each alarmed enough to call 911. W-2 saw a dark, approximately 12-inch gun with a large clip, that "does not look like a toy." W-3 saw Ms. Lopez pointing the gun at passing cars and "waving it around like he's straight going to let someone have it." W-3 believed "something bad was going to happen," and so he left the area. All of them believed the gun was real and that they and other people around were in danger.

The BWC recordings show that, despite the officers being in full uniform, armed, and having arrived in a marked police vehicle, Ms. Lopez ignored the officers' commands. Officers Gulley and Wolf gave Ms. Lopez repeated commands, audible on the BWC footage, to drop the gun and to get on the ground. They warned her that she would be shot if she did not comply. She ignored all of the commands and

continued to move around and shift the items she was holding in her hands. This is seen and heard on the BWC footage and is corroborated by W-5 and W-8. As reflected in the videos of the incident (although the view is partially obstructed by a trash can and the officers' patrol car doors) and in the witness interviews, Ms. Lopez waved her gun around in a populated area and moved behind a trash can when officers approached. The 911 calls reveal that multiple civilians believed their lives were in danger. Nevertheless, Officers Gulley and Wolf exercised restraint upon their arrival at the scene. They gave Ms. Lopez orders to drop the gun and time to do so. Ms. Lopez in fact did drop the gun but then picked it back up again multiple times. Then, when Ms. Lopez started to raise her gun in the officers' direction, they fired their own guns.

Based on information that the officers knew at the time of the incident, it was objectively reasonable for them to believe that Ms. Lopez possessed and pointed a real firearm. Only after the shooting did they learn that the gun was not a real firearm. Two civilian witness who spoke with Ms. Lopez before the incident initially believed she was carrying a real firearm. W-8 described it as an "uzi" style gun and when he first saw it, he immediately put his hands up until Ms. Lopez walked up close to him and he could see that the gun might not be real. W-8 warned Ms. Lopez that anyone passing by and police would believe she was brandishing a real gun, and he was so concerned that he gave her a fanny pack to hide the gun in. W-11, a neighbor who saw Ms. Lopez with a gun in her waistband the day before the incident, believed the gun was real. Even after Ms. Lopez told her it was fake, W-11 had her doubts. W-11 stated that the gun did not appear to be made of plastic, which corroborates Officer Gulley's statement that the object sounded heavy and metal the first time Ms. Lopez dropped it on the ground before she picked it back up again. No one reported that the gun was not an operable firearm prior to the incident. Under these circumstances, it would be reasonable for an officer to rely on what he or she was seeing and what had been reported and treat the threat as real. An officer's use of force must be evaluated based upon the information available to him or her at the time, not information later learned with the benefit of hindsight. Therefore, although Ms. Lopez did not have an operable firearm, it was reasonable for a person, whether civilian or police officer, to have believed that Ms. Lopez presented an apparent danger.

A reasonable officer in the same situation as Officers Wolf and Gulley could have reasonably believed that Ms. Lopez had the apparent intent and ability to immediately cause death or serious bodily injury to officers in the moment before the shooting.

Thus, the totality of the evidence shows that Officers Gulley and Wolf held the subjective belief that deadly force was necessary to defend themselves and others from an imminent threat of death or serious bodily injury and that their belief was not objectively unreasonable. 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 Officer Gulley or Officer Wolf. 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 Anaheim Police Department Related to the Officer-Involved Shooting of Abigail Lopez on October 29, 2023

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

October 2026



POLICY AND PRACTICE RECOMMENDATIONS

The Attorney General is required to include “[r]ecommendations to modify the policies and practices of the law enforcement agency, as applicable” as a component of this report. (Gov. Code, § 12525.3 subd. (b)(2)(B)(iii).) Therefore, the Department of Justice (DOJ) through its Police Practices Section conducts a review of the information obtained through 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. 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 Sunday, October 29, 2023, Anaheim Police Department (Anaheim PD) dispatch received a 911 call at approximately 8:55 a.m. of a “male” subject, wearing a blue top and gray pants waving an “assault rifle” and a stick near Winston and Anaheim Blvd.¹ The dispatcher initially broadcasted the call as a “925,”² but elevated to a Priority One³ call of a subject, who appeared to have an assault rifle near a store located at 1300 block of South Anaheim Blvd.

At approximately 9:03 a.m., Anaheim PD Officer Kenneth Gulley, a Field Training Officer (FTO), and Officer Banner Wolf, a trainee-officer at the time, arrived on scene. They observed a subject, later identified as Abigail Lopez, matching the description near a bus stop by a Burger King. Officer Wolf exited from the driver side of the patrol vehicle and confirmed “he does have a gun.”⁴ Officer Gulley exited from the passenger side of the patrol vehicle and immediately drew his gun at the subject. He repeatedly commanded: “Drop the gun, drop it now!” and “do not reach for it.”

Ms. Lopez initially dropped the weapon near the bus bench. Then she returned and picked up the same weapon and then dropped it about two more times. Both officers repeatedly commanded Ms. Lopez to

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- 1 DOJ was not notified of this incident until November 8, 2023, at which point Anaheim PD had already processed the crime scene. The replica firearm was ultimately determined to be a “gel blaster.” Since DOJ was not notified until 10 days after the incident, the Orange County District Attorney had already begun an investigation into the fatal shooting incident, which included area canvassing, officer interviews, witness interviews, evidence collection, digital media download, and attending the autopsy for Ms. Lopez. Timely notification to DOJ enables consistency in an investigation.
 - 2 “925” is Anaheim PD radio code for a suspicious circumstance.
 - 3 Priority One calls require “immediate emergency response” and is defined as incidents that involve immediate threat to life, violent criminal act in progress, violent criminal act that just occurred and there is a high expectation by the caller of a rapid police response or a likelihood of a suspect apprehension. “925” is a Priority Three call for “Suspicious Circumstances.” (Anaheim PD Communications Manual, p. 62 (May 2022).)
 - 4 Ms. Lopez was at times believed to be a man, and therefore, referred to with male pronouns.
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“get on the ground now or you’re gonna get shot!” At times the officers gave conflicting commands. Officer Gulley saw a bystander behind Ms. Lopez and yelled “Move!” to the bystander while Officer Wolf commanded: “Do not move, freeze, or you’re gonna get shot!” In response, Ms. Lopez asked the officers three times: “Can I cross the street?” Officer Gulley asked Officer Wolf, “Can you see?” Officer Wolf responded: “I can see his hands right now, he’s got two guns, one in the left and one in the right.” Both officers were approximately 60 to 65 feet away from Ms. Lopez.

At 9:04 a.m., and approximately 90 seconds after arriving on scene, Officers Gully and Wolf shot Ms. Lopez, and she slumped down onto the bus bench. Officer Gulley stated in his interview that there were intermittent periods where he could not see Ms. Lopez’s hands because there was a trash bin next to the bus bench on the sidewalk. However, when he saw Ms. Lopez raising the firearm in an upwards motion past the waistband in Officer Wolf’s direction, he discharged his weapon. Officer Gulley’s BWC was activated, but his arms obstructed the view of Ms. Lopez’s movement in the final seconds before Officer Gulley fired four rounds and Officer Wolf fired two rounds.

In the five to ten seconds prior to the shooting, additional units arrived on scene, including Officers King Gabriola and Vanessa Cruz. Officer Cruz stated in her interview that she was retrieving a less lethal rifle from the trunk when she heard shots fired. After the shooting, officers on scene approached Ms. Lopez. Officer Cruz removed what appeared to be a black compact firearm on the bus bench next to Ms. Lopez’s body. A torch lighter was located under the bus bench. Anaheim PD officers rendered medical aid at the scene before the fire department paramedics arrived. Ms. Lopez was transported to a nearby hospital and pronounced deceased.

On the morning of the incident, there were three 911 calls to Anaheim PD reporting Ms. Lopez and her behavior, with the 8:55 a.m. call being the final one. Anaheim PD did not determine that the two earlier 911 calls were related to Ms. Lopez until after the shooting.

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 Anaheim PD to review and implement the following three recommendations:

Recommendation One: Further Training to Improve Dispatcher Communications

Improved communication and handling of the three 911 calls by dispatchers concerning Ms. Lopez would have better informed the officers responding to the shooting scene.

Dispatchers play a critical role in public safety and law enforcement operations. The role of public safety dispatchers is to appropriately process, prioritize, and collect the necessary information from calls for service to effectively assist responding officers. (California Peace Officer Standards and Training (POST), Public Safety Dispatcher’s Basic Course, August 1, 2025.) Dispatchers help identify important information, including mental state of subjects and possible weapons, to ensure proper and prompt identification of a crime in progress.

Anaheim PD policy recognizes: “Operations are more efficient, and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of officers, their locations and the nature of cases.” (Anaheim PD Policy No. 801.7, Radio Communications, July 2025.) Information such as dispatch

history and recent calls for service may be helpful. (Anaheim PD, Communications Manual, December 2017, pp. 38-39.) “All communications should be concise, using proper radio codes/terminology to describe the nature of the activity along with the specific location.” (Anaheim PD Policy No. 801.7.2, Communicating Field Activity.) Dispatchers must obtain pertinent information and determine if multiple calls are related to an incident that is already in progress or a separate incident.

There were three 911 calls related to Ms. Lopez on the morning of the incident: (1) 7:18 a.m., (2) 7:36 a.m., and (3) 8:55 a.m. The same dispatcher answered the first and third calls, and the dispatchers were only aware of the calls they handled. At 7:18 a.m., the first caller told the dispatcher that a woman was “definitely on something,” and randomly hitting parked cars with a wooden stick. The dispatcher assigned this vandalism call as a Priority Two call.⁵ The responding officer could not locate the subject.

At 7:36 a.m., a second 911 caller reported someone who looked “mental,” talking to herself, and walking towards the direction of Disneyland with a black gun in hand. Officers responded at approximately 7:44 a.m., but they were unable to locate the subject of the call.

The dispatcher assigned the second 911 call as a Priority Two call even though the second caller described an armed person who appeared “senile” and “mental.” The dispatcher in the second call asked the caller if the gun was pointed at anyone and the caller said no. The dispatcher should have asked more questions such as whether the person was threatening anyone and follow up on why the caller believed the person was “mental.” Additional questions could have solicited information to warrant assigning the call as Priority One based on Anaheim PD’s Communications Manual.⁶ Instead, the dispatcher reported: “negative 417⁷ at anyone but very 918,⁸ talking to self” Penal Code section 417, subdivision (a)(2), states in relevant part that it is a crime if a “person who, except in self-defense, in the presence of any other person, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner” Thus, the dispatcher’s notation of a “negative 417” and coding it as a Priority Two communicated to officers that Ms. Lopez was not brandishing a weapon in a rude, angry, or threatening manner.

However, where there is potential for weapons to be used, dispatchers are to keep the caller on the line and to assist the officers in understanding the mental state of a subject. (Anaheim PD’s Communications Manual, Call Taking, pp. 37-38.) The dispatcher did not keep the second caller on the line to provide additional information which may have assisted responding officers in locating the subject. The dispatcher also did not issue a “BOLO” or “be on the lookout” alert for public safety

5 Priority Two calls include non-violent criminal offense in progress and require “immediate police response.” (Anaheim PD, Communications Manual, p. 34, December 2017.)

6 Anaheim PD Communications Manual, Type Code, 417 Brandish Firearm, Priority One, p. 60 (May 2022); Call Taking, p. 61, (December 2017). Displaying a weapon is a crime in progress and affects public safety (POST Public Safety Dispatchers’ Basic Course, Learning Domain 110 “Radio Technology and Procedures” and Learning Domain 112 “Critical Incidents,” pp. 110-1 to 112-3, August 1, 2025.)

7 Negative 417 refers to Penal Code section 417, which in general, criminalizes the drawing, exhibiting, or brandishing a deadly weapon in a rude, angry, or threatening manner, other than for self-defense.

8 “918” is Anaheim PD radio code for contact with someone who may be experiencing a psychiatric emergency.

awareness for other officers when the responding officers could not locate an armed person in a possible mental health crisis.

In addition, with regard to all three calls, the dispatchers did not ask the callers for pertinent information. In the first and third 911 calls, the dispatcher did not ask the subject's direction of travel. Details such as location and direction of travel can assist or place an officer or citizen in danger.⁹ (Anaheim PD Communications Manual, Call Taking, p. 30, December 2017.) In the third 911 call, the caller reported a "male" subject waving an assault rifle and a stick walking, and the call was assigned as Priority One, which summoned all units to respond. When the dispatcher asked for clarification regarding whether the subject was armed with a rifle or a stick, the caller responded in a heightened tone of voice: "He's walking around with a stick and an assault rifle!" The dispatcher responded, "Ok sir, please don't yell at me, I'm just trying to clarify for the officers," and the caller said, "You're yelling at me!" When the caller repeated the location information, the dispatcher then abruptly cut off the caller and stated, "I understand that sir, you've told me that three times already!"

Anaheim PD's Communications Manual requires dispatchers to remain courteous and professional at all times. The third 911 call was about two minutes long and the tone of the verbal exchange unnecessarily affected the quality of the information relayed to the responding officers. The dispatcher initially broadcasted out the call as a "925" suspicious male subject, unknown race, with an apparent assault rifle and a stick. When the responding officer asked for the person's direction of travel, the dispatcher could not provide specifics because she did not ask for that pertinent information. The dispatcher informed the officers that the caller had already left the area. The dispatcher did not mention to officers that the caller said that "people started running away."

The dispatcher also did not ask the caller questions related to Ms. Lopez's behavior and possible mental state.

The Police Practices Section recommends further training on dispatch communication to ensure dispatchers: (1) remain courteous and professional at all times and (2) obtain and relay pertinent information to officers and determine appropriate priority coding or other alerts for an armed subject and for subjects who may be experiencing a mental health crisis.

Recommendation Two: Additional Training on Communication as a De-Escalation Strategy

The Police Practices Section recommends further training on using communication as an effective de-escalation strategy.

A core principle of de-escalation is creating more time and opportunities to ensure safety for individuals, especially those with cognitive impairment and behavioral health conditions. Another de-escalation tactic is providing clear and effective communication. De-escalation is especially important

⁹ Anaheim PD currently has real time 911 capability that allows officers to hear 911 calls at the same time as the call taker and enables officers to obtain immediate situation updates, location changes, and precise caller location displayed on a map. However, the technology was not available at the time of this incident. (FTO Manual, Vol. 2, August 2025.)

when police officers interact with individuals who may be in crisis due to mental illness, developmental disabilities, or substance abuse.¹⁰

Using effective communication strategies while maintaining a safe distance can help resolve a situation rather than escalate it. Officers should be trained to make critical decisions by integrating communications, assessment, and tactics.¹¹ Repeatedly shouting commands, sometimes called a “command loop,” may increase a person’s stress and agitation, impede a person’s ability to process information, and undermine efforts to de-escalate. De-escalation communication training may emphasize that officers should abandon rigid command-style communication if it initially fails and consider shifting to a calmer, negotiation-based approach.¹²

In this incident, Anaheim PD officers shouted repeated commands at Ms. Lopez, but they did not attempt to adjust their verbal engagement with Ms. Lopez. Officer Gulley shouted, “Do not reach for it, drop it now!” multiple times, and Ms. Lopez appeared to be initially compliant. Then, Officer Gulley commanded Ms. Lopez to “put the gun down,” “get on the ground,” “lay down on the ground,” and “put it down!” Officer Gulley stated in his interview that he saw a bystander walking in the backdrop, so he told the man to “move.” In response, Ms. Lopez asked, “Can I cross the street?” three times. Both officers did not adjust their communication approach or tactics, and they continued to shout, “Put it down now or you’re gonna get shot!” multiple times.

Although the Police Practices Section recognizes that officers were encountering an armed subject with an apparent firearm who would not comply with orders, officers did not adjust their communication tactics after repeated, and sometimes contradictory or confusing, commands did not work. The Police Practices Section recommends further training on using communication as an effective de-escalation strategy. The training should provide opportunities for scenario-based learning and should focus on active listening skills, using proper tone and pace when asking questions or issuing commands, using

10 International Association of Chiefs of Police, [National Consensus Policy and Discussion Paper on Use of Force](#) (July 2020) p. 6; Police Executive Research Forum (PERF), [Integrating Communications, Assessment, and Tactics—A Training Guide for Defusing Critical Incidents](#) (Oct. 2016), pp. 33-38.

11 PERF, [Integrating Communications, Assessment, and Tactics—A Training Guide for Defusing Critical Incidents](#) (Oct. 2016) pp. 11, 31; PERF, [Guiding Principles on Use of Force](#) (March 2016), pp. 54-55.

12 PERF, [Guiding Principles on Use of Force](#) (March 2026), p. 55 (“In difficult situations, communications often are more effective when they begin at a “low level,” e.g., officers speaking calmly and in a normal tone of voice, and asking questions rather than issuing orders.”); PERF, [ICAT: Integrating Communications, Assessment, and Tactics—A Training Guide for Defusing Critical Incidents](#) (Oct. 2016), pp. 41 (“Don’t talk yourself into a corner or give ultimatums, such as ‘Drop the knife or I will shoot you.’ The person may not understand or be able to comprehend what you are saying, so ultimatums are counter-productive. Offer reassurance Give the subject options [such as] ‘If you sit down on that bench, we can talk about what’s bothering you.’”); PERF, [ICAT Module #4: Tactical Communications, Five Steps Toward Voluntary Compliance: Introduction, Empathy, Rapport, Influence, Behavioral Change](#) (June 2018), p. 1 (describing that a training objective is to “[d]evelop and use a variety of alternatives to shouting ‘drop the knife’ if that command does not generate compliance after repeated uses”); International Association of Chiefs of Police, [National Consensus Policy and Discussion Paper on Use of Force](#) (July 2020), p. 6 (explaining that part of de-escalation is speaking in a calm manner); National Policing Institute, [Slowing It Down: How De-Escalation Is Changing Policing](#) (Nov. 2025) (explaining de-escalation can include maintaining a calm tone, active listening, and issuing clear warning or advisements while allowing time to comply).

calm and clear language, using communication skills to defuse tense situations, and developing alternatives to repeating seriatim commands if a command does not generate compliance.

Recommendation Three: Amend De-Escalation Policy and Training to Comply with Current State Law

Anaheim PD should amend its de-escalation policy and crisis intervention tactics and training to comply with state law.

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

Currently Anaheim PD's Policy No. 300.3.1, on de-escalation does not require that officers use de-escalation techniques when feasible, as mandated by Government Code section 7286, subdivision (b)(1). While there is a provision in the policy related to de-escalation, that provision only suggests that de-escalation could be employed under certain circumstances, as opposed to the state law that affirmatively requires de-escalation when feasible.

Additionally, Anaheim PD's policy does not mention or require that officers use crisis intervention tactics and other alternatives to force when feasible as mandated by Government Code section 7286, subdivision (b)(1). There is a provision in the policy related to crisis intervention that suggests that crisis intervention could be employed under certain circumstances, but state law requires crisis intervention when feasible.

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

- De-escalation is required when feasible and include a non-exhaustive list of specific de-escalation tactics and techniques that an officer can employ, including examples such as verbal persuasion, warnings and advisements, the use of other resources, such as crisis intervention teams, and avoiding language or behavior that would tend to escalate the stress or tension in the environment.
- Crisis intervention is mandatory when feasible. The revised policy should include a non-exhaustive list of specific crisis intervention tactics and techniques that a deputy can employ.

Anaheim PD should further review its other processes, procedures, and training related to crisis intervention to ensure they are consistent with existing law.