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PAUL J. PFINGST
DISTRICT ATTORNEY

October 29, 1999

Chief David Bejarano
San Diego Police Department
1401 Broadway
San Diego, CA 92101

Re: Fatal shooting of Adolphus Demetrius Dubose by Officers Timothy Keating #5205 and Robert Wills #4558 of the San Diego Police Department, Case # 99-048800; District Attorney Special Operations Case # 99-201PS

Dear Chief Bejarano:

This office has reviewed the fatal shooting of Adolphus Demetrius Dubose that occurred on July 24, 1999. Mr. Dubose was shot by Officers Timothy Keating and Robert Wills. This office was briefed by detectives from your department shortly after the shooting and again at the end of their investigation. A District Attorney investigator visited the scene the night of the incident. We have interviewed witnesses and conducted additional investigation. San Diego City Councilman George Stevens also provided information he had gathered. We have re-interviewed several eyewitnesses and transcribed all tape-recorded witness statements. Although we contacted the attorney for the Dubose family, he has declined to provide any information to this office.

This shooting occurred on Mission Boulevard during a summer evening. As a result the shooting, or the events surrounding it, were observed by an unusually large number of passersby. These people provided tape-recorded statements. The witness statements are for the most part consistent and closely correspond with the statements of Officers Keating and Wills.

A. Initial Contact

Charles Flynn was alone in his Mission Beach home about 8:20 p.m. on the evening of July 24, 1999, when he heard footsteps coming from an upstairs bedroom. Flynn's roommate, who was living in the upstairs bedroom, was out of town. When Flynn went upstairs to investigate, he saw a stranger on the bed. Flynn told the intruder to leave and watched as the man left through the sliding glass door and climbed over a railing onto the lower patio of the building next door. Flynn noticed that the intruder appeared to be under

the influence of either drugs or alcohol. The intruder was Demetrius Dubose, who unknown to Flynn, was staying next door with a friend. Flynn then called the police. (Flynn's roommate had locked the door when she left the day before. However the lock could be forced open with a hard pull.)

A few minutes after Flynn's phone call at 8:28 p.m., Officers Timothy Keating and Robert Wills arrived to investigate. Radio transmissions reveal that the officers were told to investigate a "hot prowler" burglary, a term which applies to the burglary of an occupied home. The dispatcher told the officers that Flynn had found an intruder in his house and described him as a black male, six feet and one or two inches tall, 190 pounds, 27-28 years old and wearing dark clothing. Dispatch reported that the subject was possibly drunk and added that he had entered through a balcony door and left towards a neighbor's balcony.

Other than the officers and Mr. Dubose, there were essentially three witnesses to Officer Keating and Officer Wills's arrival: Charles Flynn, Randy West, 29, with whom Mr. Dubose was staying, and Barbara Beckstrand, 61, who observed the initial contact from her nearby home.

When the officers arrived, Flynn immediately identified Mr. Dubose as the person who was in the bedroom. Mr. Dubose stood six feet, two inches tall and weighed 240 pounds. West was with Mr. Dubose attempting to contact Flynn and excuse Mr. Dubose's entry to Flynn's home. Officer Keating instructed Mr. Dubose and West to sit on some nearby steps while they spoke to Flynn. At around this time one of the officers asked Mr. Dubose if he had ever been arrested. Mr. Dubose said he had been in county jail before for drugs. Officer Keating asked Mr. Dubose which drug, but received a mumbled reply. Based on Mr. Dubose's demeanor, speech and statement about his prior arrest for drugs, both officers said they believed Mr. Dubose was under the influence of drugs. (Testing subsequently revealed both cocaine and "ecstasy" were in his blood at the time of death).

Since Mr. Dubose was identified by Flynn as the intruder and was apparently under the influence of drugs, Officer Wills decided to detain Mr. Dubose in handcuffs while they continued investigating. Wills told Mr. Dubose he was going to be detained while the burglary investigation continued. He was directed to turn around and put his hands behind his back. Officer Keating told Mr. Dubose he wasn't in trouble but they needed to investigate.

Ms. Beckstrand, who watched the contact from near her front door, said that because of a helicopter circling overhead she could not hear the conversation between the officers and Mr. Dubose but said, "[e]verything was calm. I heard no loud talk, I saw no sudden

movements.” West confirmed that the officers were not belligerent or confrontational during this initial encounter.

Mr. Dubose stood up in response to Officer Wills’s request, but then sat back down. Wills told Mr. Dubose again to stand up and put his hands behind his back. Officer Wills told Mr. Dubose that he would be sprayed with pepper spray if he did not follow their instructions. Officer Wills and Mr. West both stated that Mr. Dubose began repeating, “I’m going to go call the police” or “I’m going to get the police.” This statement confused West who told Mr. Dubose that the police were already there. West also told Mr. Dubose that he should comply with the officers’ instructions while the situation was being worked out.

According to both officers and West, Mr. Dubose disregarded the officers’ instructions and began to walk away. In response, Officer Wills sprayed Mr. Dubose in the face with pepper spray. The pepper spray had no effect. Instead Mr. Dubose started down the walkway to Mission Boulevard. Officer Keating told Mr. Dubose to stop and grabbed him by the arm, but Officer Keating was unable to control him. Officer Keating then jumped on Mr. Dubose’s back and tried to restrain him. Mr. Dubose leaned forward, grabbed Officer Keating by his shirt and threw him to the ground. Mr. Dubose ran toward Mission Boulevard with Officer Wills and then Officer Keating in pursuit.

B. Confrontation in front of Little Sam’s Market

Mr. Dubose ran east to Mission Boulevard and turned left on the sidewalk. He was in front of a small market called “Little Sam’s,” which is well lit. There was a struggle as the officer attempted to apprehend and handcuff Mr. Dubose. Officer Wills repeatedly struck Mr. Dubose on his leg with his police nunchaku, but it had no effect. (The police nunchaku is made of two hard polymer plastic clubs connected by a nylon cord and is categorized as a “deadly weapon” by law.)

Mr. Dubose grabbed Officer Wills’s nunchaku and after a struggle, took it from him. During the fight, Officer Keating came around the corner and struck Mr. Dubose with his police nunchaku. Officer Keating then struggled with Mr. Dubose, who had Wills’s nunchaku in his hands. Mr. Dubose eventually flung Officer Keating off and Wills saw that Mr. Dubose now had both sets of nunchakus.

There were numerous civilian witnesses to this part of the fight. They describe the confrontation in varying amounts of detail. Some were pedestrians, while others made their observations from vehicles on Mission Boulevard.

Witness **Sean Milligan**, a 25-year old San Diego resident serving in the U.S. Navy, was riding in a car going south on Mission Boulevard when he saw Mr. Dubose fighting both officers:

“[W]e saw that the officers ah, with the guy and ah, they were getting thrown around pretty good and you know just kind of in disbelief we’re just sitting and watching and pretty much everybody in the car kind of had that feeling, you know, something bad is gonna happen you know like ... you know ‘cause they were getting tossed around pretty big time.... And so my wife it’s kind of trying to find a spot to get out of the way uhm, and ah -- that’s about the time that we saw the one officer get thrown off and ah saw the guy with his nunchuck and stuff like that, you know as we’re trying to get out of the way and everything else, you know, it did, he was still pretty much tossing around the one officer that had a hold of him ... and I saw the, the gentleman that was thrown off, draws his weapon ... And uh-m was hearing him, you know basically telling him to get down, get down and the guy still had his nunchucks and at one point I thought I saw him, you know, he thrown the other officer off and had both sets ... and then ah just at about that time we’ve pulled slightly forward and a parked vehicle was somewhat in the way and that’s when I heard the shots go off.”

Jeanette Martocchio, a 27-year old school teacher, was a passenger in a southbound vehicle. She states:

“Well, and then we get in front of the little liquor store and the first thing I see is there is a very large black man. And, we realized how large he was, because everybody’s like going, oh my gosh, he’s huge. And, he had two officers scuffling with him. But actually the black man was winning.... He took one officer, was on his back, and he flung that officer.... From what I saw the other officer was kind of, not really part of the scuffle to me. I just noticed the one... white officer and the next thing I know he had taken something from the officers. We had to stop the car. He had grabbed some stuff from the officers. And, I think it was the club.”

Witness **Cassandra Anderson**, is a 27-year old resident of Oklahoma. She was a passenger in a southbound vehicle on Mission Boulevard. Ms. Anderson saw Mr. Dubose and one officer struggling with a nunchaku:

“[I] [l]ooked out the right side window, and, uh, there was a little convenience store, don’t remember the name of it. Uh, little ... you know, liquor convenience store right there on Mission Boulevard.... And, we saw a black man fighting with two officers.... I saw what, what looked to me like, um, the man had a pair of nunchakus in his hand.... And, one of the policemen were ... was holding on to the nunchakus, and it was kind of like a dog playing tug-of-war.... And he was holding on to the nunchakus, and the black guy was just like whipping him back and forth.... Um, while he kept holding on. And then one of the other policemen I saw, he had his night stick out, and he was trying to, you know, get the guy to release the nunchakus, um, he was hittin’ him on the knee. I saw him hit him on the knee. I saw him hit him on the shoulder. Uh, and then, let me think ... and after that, I saw ... I think I looked away for a minute.”

Another witness, **Edward Hoffman**, a retired resident who lives nearby, saw the confrontation from directly across the street. Mr. Hoffman stated:

“(He) was really fighting the officers. I thought to myself this person must be terribly desperate or on some type of drugs. The officers were not able to contain, subdue or control him. It was a fairly violent struggle.”

Witness **Larry Isaac**, a 33-year-old resident of Pacific Beach, was riding southbound in a car on Mission Boulevard. He described the struggle as “a very scary situation.” He said Mr. Dubose was, “constantly fighting back.” Isaac said:

... they were giving him plenty of time and warning even with physical warnings to get down. The guy just wasn’t going to.”

Mr. Isaac did not see the actual shooting because his car moved forward with traffic.

C. The Shooting

Both officers explained why they shot Mr. Dubose. They stated that Officer Keating was close to the market and Officer Wills was near the street. Wills stated that he eventually backed up into the street. Both officers said Mr. Dubose bent down facing south away from them. Both officers said Mr. Dubose looked back at them, then turned towards them and raised the nunchakus. The officers continued to give commands to Mr. Dubose to put down the nunchakus. Both officers said Mr. Dubose

advanced towards Officer Keating. Officer Keating described Mr. Dubose's advance as a "quick walk." Officer Keating said Mr. Dubose took about three steps and was within 7-10 feet away from him when Officer Keating fired his gun. Keating stated:

"He then turned, raised the sticks up and started swinging them again, come walking at us. I knew at that time that there was an alley behind us, and I didn't know if there was cars coming and I was not going to back up. I knew he was coming to injure my partner or I, and I, I fired my weapon at that time."

Officer Wills said Mr. Dubose advanced toward Officer Keating "quickly." Officer Wills stated Mr. Dubose was approximately five feet from Keating when Officer Wills fired. Officer Wills said he fired because, "I thought he was going to hit Officer Keating with the nunchakus. I didn't want him hitting him in the head and seriously hurting him or killing him."

A review of the communications tapes show that less than a minute passed from Mr. Dubose's initial flight from detention by Officers Wills and Keating until the actual shooting.

Several civilian witnesses also described the events immediately before the shooting.

Leonard Stoltz is a 42-year old resident of Kentucky. He was walking across the street when he observed the police struggling with Mr. Dubose. Stoltz said it appeared the police were trying to control Mr. Dubose but were unable to do so:

"And I saw umm, three men run out of this alley and turn to the south. And uh, these two were police officers and they grabbed a large black man and struggled with him, he got away. They grabbed him again and struggled with him, and he got away. And next thing I know he's standing on the street corner. I know he had a nunchaku in you know uh, martial art weapon in his left hand. And I believe he had one in his right hand but he was in a stance, ready to ... ready to attack. And both officers backed up, one into the street, and one north on, on the sidewalk. And I heard him say, "Come on." And at that uh, there were other people in the—in the areas uh, the two officers opened fire. I believed I counted six or seven shots, uh, he fell, they stood their ground, umm he—he didn't uh, he was still moving, and they didn't approach him and stood there and watched. But in my opinion, the officers were using the appropriate amount of force considering the

conditions of the street. When you had a man there with weapons and he'd already, they'd already tried to subdue him twice. And he got away from them twice. And there were other people on the street and he was standing there with nunchakus in front of, in front of this liquor store. And I, I don't, I don't know what other methods of could, they used to subdue him. But had I been standing there trying to subdue him, I, I think I'd have done the same thing. Cause it was out of control and from what I could tell they'd already tried to use their physical strength to control him. It, he was strong and, and bigger than both."

Henry Parra, a 42-year old Lieutenant in the San Francisco Police Department, was on vacation. Parra initially observed the incident from the north, but approached to within 3-5 feet from one officer before the shots were fired. Parra described the struggle as "fierce."

"I saw nunchakus and I saw the suspect grab hold of one of nunchakus. And ah, one of the officers looked like he was trying to put a carotid on him. And again, they were beefing pretty good. The guy was bouncing them against the, he knew they were there. I heard somebody say police. Um, it escalated very quickly. Then I watched uh, watched them bounce against a car, I believe it was a car and a sign. Uh, the suspect kind of went down on his knees. And, then I watched him get up and he had, looked like he had two set of, I know for sure I saw in the left hand, I believe it was the left hand, the right hand, nunchakus. I think he had nunchakus on both hands. And, ah, he started swinging them like ah, like a cartoon character, started swinging them. This guy was big. This guy was real big. And the officers weren't small either, but they, they were definitely losing. Ah, and the officer told me to get back. And ah, it looked like the guy was coming forward to them. And, the officer discharged their firearms. I don't know how many, how many rounds were discharged. But there were, few, few rounds got discharged."

Lt. Parra is a field-training officer for patrol officers in the San Francisco Police Department and he is familiar with the standards for the use of force. Parra stated, "...it's my professional opinion that the officers did everything that they could, in light of the given situation, to try to control that suspect."

Witness **David New**, a 28-year old visitor from Kentucky, observed the incident from across the street. New saw the officers fighting with Mr. Dubose. New said Mr. Dubose

had nunchakus in each hand "... kind of in a position that he was getting ready to strike." New said Mr. Dubose was "positioned to do some real damage.":

"I didn't see him have a gun or anything, but at the same time, I really think that those cops acted in the only way they could act. It seemed like that, that they was either, they was either was gonna have to do what they did, or they was gonna have to take the possibility that he wasn't gonna kill them with those, with those club. And you know, so he definitely was goin' to do somethin.' There's no doubt. He was gettin' ready to let them, let those cops have it with, with those. He was definitely gonna hit them with that. And not just to...and it just was so puzzling as to what kind of, what kind of guy would think that would, you know... two cops, definitely trained with guns pulled and pointing at him, was gonna re... you know, be you know, let him hit them with that.... He put those cops in a position where they had no other choice ... but to do what they did."

New concluded by saying, "I didn't see anything that the, that the police did that was anywheres near out of order."

Jeanette Martocchio also observed this part of the conflict:

"When he got flung away, uh, I noticed that he had something in his hands. The Black guy had something in his hands.... And, I assumed it was the billy club because it was long, it was like a stick. It was, it, we were on the street, we were maybe twenty feet from them.... Twenty-five feet from them. Um, at this point another squad car had pulled up behind us. But that squad car had just pulled up right before the, the shots were fired. But anyway, it did just look like you know I said, like a billy club. And that's when he started walking away and it looked like he was shouting like obscenities, you know and just had a really aggravated attitude to his stance and his walk and you know, he was swinging the clubs.... From what I saw, he had two hands and he was swinging them and it just look like one to me (unintelligible).... Right, and then he turned back around and that was when I saw officer reach for his holster. It looked it was from his right hip.... Then, five shots were fired and I covered my face.... I really didn't see where he was shooting, and, and at that point I didn't know if it was the officer who had the gun or ah, the Black man had a weapon other than the club."

Witness **Daniel Berkon**, a 31-year old San Diego native who works for the Public Defender, walked across Mission Boulevard north of the scene. Berkon stated, “[h]e had one of the nunchakus in his hands, and there was another set of the nunchakus on the ground, he bent down, he picked those up and he turned around, and he was looking at one, and like swinging it....” Mr. Berkon didn’t know what else the officers could have done.

Mike B., a 24-year old self-employed resident of San Diego County whose name has been withheld at his request, was driving a large truck southbound on Mission Boulevard. This witness said:

What I saw was the one cop that was on the outside ... okay, holding on up top swinging the nunchuk at the knees ... okay. Which to me is perfect instance that they’re not trying to kill the guy ... okay. Then they go to the ground, and there was a parked car between us.... All three of them ... from what I could tell ... okay and there’s a parked car right there. All three of them were right out of my sight, okay, all of a sudden the two cops jumped back and the guy stands up with their nunchuks in his hands.... I heard on the news, there’s something that they fell out of their holsters or something ... whatever they wanna make sound good, but to me this is what I saw.... He stands up with the nunchuks and starts to turn around and at that point ... Turn to the cops.... He stood up back facing the cops.... From what I saw. He stood up ... back facing the cops and he started to turn to them.... Okay. At that point I ducked my head and nailed the gas ‘cause I was in the line of fire. The officers drew and I go “Huh, that’s coming right at me.”

Mike B. concluded, “[i]f I was a cop, I, I would have shot him without even blinking.”

James J., is a 17-year old senior in high school whose name has been withheld, who saw the shooting as a passenger in a vehicle southbound on Mission Boulevard stated:

“[S]o we drive up and we see a guy running around the corner like totally resisting arrest, he was just uh, you know, running, and they were trying to take him down, you know, and ... he wouldn’t do it and it looked like he pushed one of the cops on the ground and then the other guy, I think, backed off. And then when uh they uh -- they -- when -- he had pushed them away, I think he got a hold of their nunchakus ... and that’s when, like he had picked them up and he had put his arms out and

he started to turn around and then he took one step toward the cop and the cop, it looked it, you know, he had to fire on him.”

Witness **Rita Yancher**, a 42-year old woman employed at a nearby business, was interviewed the night of the incident and twice after that. Initially, Ms. Yancher stated she saw the police struggling with Mr. Dubose and they were unable to control him. Both officers were thrown or became separated from Mr. Dubose. Mr. Dubose bent down and picked up some nunchakus. Yancher originally said Mr. Dubose was facing towards the officer closest to the store when the police fired and struck Mr. Dubose in the stomach. In subsequent interviews, Yancher stated Mr. Dubose was “... jiving down the street, almost dancing like.... Cause he’s swinging, he was swinging the sticks.... Swinging the sticks, like, it was like “I’m cool” and was then shot while facing away from the officers.

Yancher acknowledges the differences between her first statement and her later statements. She accounts for the difference stating that her “... mind fills in stuff.” She has suggested that the account of others might be more reliable.

The purported account of another eyewitness, identified only as “**DZ**,” appeared in the August 12, 1999, issue of the *Voice and Viewpoint*. An interview was arranged through the contact named in the article. **DZ**, who identified himself as “**Dario D’Onofrio**,” denied much of what had been attributed to him in the article. In his oral account, D’Onofrio said that Dubose had the officers’ nunchukas raised by his head and was going to hit one of officers just before the shooting. He claimed that four officers were present at that the shooting. This witness’s memory of the timing of events and direction of the pursuit varied so significantly from other witnesses that whether he actually saw the shooting at all is in question.

D. Past Criminal Justice Contacts

Unknown to the officers, Mr. Dubose has had three encounters with police in other cities during the prior 12 months. In two of these incidents, one in South Bend, Indiana, on August 30, 1998, and one in Mammoth Lakes, California, on February 3, 1999, Mr. Dubose violently resisted arrest requiring numerous officers to bring him under control. In the third incident, near Lake Crowley, California, on June 14, 1999, Mr. Dubose was found along the roadway dazed and confused. Controlled substances were found in his automobile.

E. Ballistics Evidence

This office reviewed the Investigative Report of the Medical Examiner and conducted follow-up interviews with the pathologist who performed the autopsy. Police laboratory reports were also analyzed.

In the present case, Officer Keating fired seven times and Officer Wills fired five times. Their pistols each held 16 rounds. Witnesses agree the shots came quickly and with little break.

The twelve gunshot wound entrances were located as follows: four entry wounds were in the front of the torso; four entry wounds were in the back, two entry wounds were located in the left side; one was located in the right upper arm; and one in the right hand. Eight projectiles were recovered from Mr. Dubose's body and four others from the scene.

Of the eight projectiles recovered from the body, four came from Officer Keating's pistol and four came from Officer Wills's pistol.

At least one of Officer Wills's bullets entered Mr. Dubose in front, one struck him in the left side, and one struck him in the left back. At least one of Officer Keating's bullets entered Mr. Dubose in the front, one struck him in the left back, and one struck him in the right upper back. Since the officers were stationary during the shooting, it appears that Mr. Dubose turned almost 180 degrees during the shooting.

Of the two remaining projectiles recovered from Mr. Dubose's body, one was fired by each officer, resulting in one wound in the chest and one to the side of the torso. The remaining four projectiles recovered from the scene could not be linked to particular wounds.

Virtually all witnesses agree that Mr. Dubose was facing the officers when they first fired. The ballistics evidence cannot prove which bullets were fired first or whether Mr. Dubose's subsequent movements were voluntary or involuntary. However, the presence of bullet wounds in the front, back, left and right sides of the deceased's torso is most likely the result of his having rotated during the shooting.

F. Training

We interviewed Sergeant Reggie Frank, Officer Safety Instructor and Rangemaster for the San Diego Police Department, about the training of local police officers. He said that police officers are taught to use deadly force when it is necessary to protect themselves or others from the threat of death or serious injury. Police officers are trained to "shoot to stop the threat" and to aim for "center mass," referring to the center chest and torso area. Police officers are trained to continue shooting until there

ceases to be a threat. If there is a safe opportunity to do so, officers are trained to assess the situation after the initial rounds are fired. Because the average police officer shooting occurs in two to two-and-a half seconds, such reassessment is often not possible.

A police officer of average proficiency should be able to fire seven rounds in less than two seconds. Sgt. Frank also explained that bullets often strike portions of the body other than center mass because of the voluntary movement of the subject's body and involuntary movements caused by the impact of other bullets.

G. Findings of the Medical Examiner

The Toxicology Report stated Mr. Dubose's blood sample revealed the following: .21µg/ml (micrograms per milliliter) of cocaine; .60µg/ml of Methylenedioxymethamphetamine (also known as MDMA and "ecstasy"); and .02% alcohol.

The pathologist, Dr. Christina Stanley, described the level of cocaine in Mr. Dubose's blood as "significant." Also detected was an active psychotropic metabolite that is produced from the combination of cocaine and alcohol.

The use of ecstasy as a drug is much more recent, and its effects are now being studied. The National Institute on Drug Abuse of the National Institutes of Health, describes ecstasy as a "synthetic ... mind-altering ... drug with hallucinogenic and amphetamine-like properties," whose chemical structure is similar to methamphetamine. The symptoms of ecstasy include confusion, anxiety and paranoia.

The combined effects of cocaine, ecstasy and alcohol are not known.

H. Conclusions

It is clear that the officers were investigating a reported home burglary. Mr. Dubose was correctly identified as the intruder and the officers had legal cause to detain him while they investigated. When Mr. Dubose exhibited symptoms of being under the influence of drugs, the officers had legal authority to handcuff him while the investigation took place. The officers desire to detain Mr. Dubose in handcuffs was reasonable to protect themselves from a possible felon who was under the influence of drugs as well as to prevent him from fleeing the scene while they investigated. When Mr. Dubose resisted, the officers were authorized to use reasonable force to control him. Unfortunately, the officers' use of non-deadly force didn't work, and Mr. Dubose overpowered them. Virtually all witnesses who observed the shooting agree that Mr. Dubose took the officers' weapons, and turned and faced the officers. Many stated he was swinging the nunchakus.

Several saw him advance on the officers. Under these circumstances the officers were legally authorized to respond with deadly force if they reasonably believed that they were in danger of great bodily harm. Great bodily harm means a "significant or substantial physical injury." Given the size and physical strength of Mr. Dubose, as evidenced by the struggle, the nunchakus in his hands posed a genuine risk of serious injury to the officers. Thus, Officers Keating and Wills reasonably feared for their own safety when they shot Mr. Dubose. Many civilian witnesses who believe the officers acted reasonably support the officers' assessment of risk. Therefore, the evidence establishes that, however tragic, the shooting was legally justified and not unlawful.

As you are aware, this review was conducted pursuant to the joint protocol between this office and all San Diego County law enforcement agencies calling upon the District Attorney to conduct an independent assessment of the circumstances surrounding the use of deadly force by peace officers. Compliance with your department's policies and procedures, tactical considerations, possible ways to improve training and issues involving potential civil liability were not considered in our review. Accordingly, our decision should not be interpreted as expressing any opinion on the propriety, if any, of further action by you in these or other related areas.

The Office of the District Attorney anticipates no further action. I am providing you a copy of transcripts prepared by my office of the witness interviews. A copy of this letter, along with the materials submitted for our review, will be retained in our files.

Very truly yours,

PAUL J. PFINGST
District Attorney

PJP:jh
cc: Capt. Ronald Newman, Investigations II