



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

June 7, 2023

Chief Jorge Cisneros
Anaheim Police Department
425 South Harbor Blvd
Anaheim, CA 92805

Re: Officer-Involved Shooting on November 13, 2020
Non-Fatal Incident involving Raul Sanchez
District Attorney Investigations Case #20-030
Anaheim Police Department Case #20-170112
Orange County Crime Laboratory Case FR #20-53946

Dear Chief Cisneros,

Please accept this letter detailing the Orange County District Attorney's Office's (OCDA) investigation and legal conclusion in connection with the officer-involved shooting of Raul Sanchez by on-duty Anaheim Police Department (APD) Officer Kalid Abuhadwan. Sanchez, 22 years old at the time of the shooting, survived his injuries.

OVERVIEW

This letter contains a description of the scope and the legal conclusions resulting from the OCDA's investigation of the November 13, 2020, non-fatal, officer-involved shooting of Raul Sanchez. The letter includes an overview of the OCDA's investigative methodology and procedures employed, as well as a description of the relevant evidence examined, witnesses interviewed, factual findings, and legal principles applied in analyzing the incident and determining whether there was criminal culpability on the part of APD Officer Abuhadwan. The format of this document was developed by the OCDA, at the request of many Orange County police agencies to foster greater accountability and transparency in law enforcement.

On November 13, 2020, investigators from the OCDA Special Assignments Unit (OCDASAU) responded to this incident. During the course of this investigation, 7 interviews were conducted, and 23 additional witnesses were contacted during the supplemental canvass interviews. OCDASAU Investigators also obtained and reviewed the following: APD reports, body-worn camera recordings, video recordings, audio dispatch and radio traffic recordings; Buena Park Police Department (BPPD) reports, body-worn camera recordings, audio dispatch and radio traffic recordings; Orange County Crime Laboratory (OCCL) reports, including DNA evidence examinations, officer processing, and firearms examination reports; crime scene investigation photographs; medical records and photographs related to the injuries sustained by Sanchez; criminal history records related to Sanchez including prior incident reports; and other relevant

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reports and materials including surveillance videos, cell phone recordings, and audio recordings of the conducted neighborhood canvass.

The OCDA conducted an independent and thorough investigation of the facts and circumstances of this incident and has reviewed all evidence and legal standards impartially. The scope and findings of this review are expressly limited to determining whether any criminal conduct was committed by APD personnel, including Officer Abuhadwan. The OCDA will not be addressing any possible issues of policy, training, tactics, or civil liability.

In a case where there is an officer-involved shooting incident and the OCDA files criminal charges against the individual shot by the police, it is the OCDA's policy not to release the final report regarding the officer-involved shooting incident until after the issue of guilt is decided in the underlying filed criminal case. This policy is in place to ensure that OCDA is not releasing any information that may be viewed as prejudicing the right of a defendant to receive a fair trial while his or her case is still pending.

INVESTIGATIVE METHODOLOGY

Among other duties, the OCDASAU is responsible for investigating officer-involved shootings within Orange County when someone has been injured as a result of police gunfire. An OCDASAU Investigator is assigned as a case agent and is supported by other OCDASAU Investigators, as well as investigators from other OCDA units.

Six investigators are assigned to the OCDASAU on a full-time basis. There are additional OCDA Investigators assigned to other units in the office trained to assist when needed. On average, eight investigators respond to an incident within an hour of being called. The investigators assigned to respond to an incident perform a variety of functions that include witness interviews, neighborhood canvass, crime scene processing and evidence collection, vehicle processing, and hospital investigative responsibilities as needed. The OCDASAU audio records all interviews, and the OCCL processes all physical evidence related to the investigation.

Deputy district attorneys from the Homicide, TARGET/Gangs, and Special Prosecutions Units review fatal and non-fatal officer-involved shootings and custodial death cases, and determine whether criminal charges are appropriate. Thus, when the lead OCDASAU investigator has concluded the investigation, the file is turned over to an experienced deputy district attorney for legal review. If necessary, the reviewing prosecutor will send the case back for further investigation.

Throughout the review process, the assigned prosecutor will consult with the Assistant District Attorney supervising the Special Prosecutions Unit of the OCDA, who will eventually review any legal conclusions and resulting reports and correspondence. It is also common for the matter to be reviewed by several other experienced prosecutors and their supervisors. Ultimately, the District Attorney personally reviews all officer involved shootings and custodial death letters.

An important part of the investigation of an officer-involved shooting incident is attempting to obtain a statement from the involved officers. In this case, Officer Abuhadwan gave a voluntary statement to OCDASAU Investigators on November 23, 2020.

DISCLOSURE OF OFFICER-INVOLVED SHOOTING VIDEO & AUDIO EVIDENCE

The OCDA recognizes that releasing video and audio evidence of officer-involved shooting and custodial death incidents can assist the public in understanding how and why these incidents occur, increase accountability, and build public trust in law enforcement. Consistent with the OCDA's written policy in connection with the release of video and audio evidence relating to officer-involved shooting and custodial death incidents where it is legally appropriate to do so, the OCDA is releasing to the public video/audio evidence in connection with this case. The relevant video/audio evidence is available on the OCDA webpage at:

<http://orangecountyda.org/reports/videoandaudio/default.asp>.

FACTUAL SUMMARY

On November 13, 2020, at 4:15 p.m., APD received a 911 call reporting there was a male subject brandishing a firearm and following the reporting party in a vehicle. APD dispatch personnel were advised the suspect was traveling in a gray Toyota sedan and was last seen pulling into the 7-Eleven parking lot located in the area of Beach Boulevard and Lincoln Avenue. Multiple APD officers proceeded to the reported location. At approximately 4:19 p.m., APD Officer Steven Dahl pulled up to the 7-Eleven parking lot and observed a male, later identified as Sanchez, walking on Lincoln Avenue just north of the parking lot. Immediately upon seeing Officer Dahl, Sanchez ran northbound and was seen entering the Walmart parking lot. Officer Dahl reported his observations over the radio and described the suspect as a Hispanic male with a shaved head, wearing a black jacket with white stripes on the sleeves, and black shorts. Believing Sanchez may be connected to the reported brandishing incident, APD officers began searching the area for Sanchez.

At approximately 4:29 p.m., APD Officer Hunter Richardson and APD Officer Andrew Rothans drove to the residential area of Adams Way and Grand Avenue, where they observed Sanchez walking eastbound on Adams Way. Immediately upon seeing the officers, Sanchez ran and jumped a wall into the yard of the residence located at 7944 Adams Way. Additional APD officers, including the APD police helicopter "Angel," responded to the area and began to establish a perimeter.

As officers were setting up the perimeter, the APD police helicopter and APD officers observed Sanchez jumping fences and running through several backyards in an eastbound direction. APD Sergeant Jonathan McClintock, who was maintaining a perimeter spot on the north side of Adams Way, observed Sanchez climb over a wall near 7812 Adams. As Sanchez looked in Sgt. McClintock's direction, Sgt. McClintock recognized him from a wanted flyer distributed by BPPD earlier that day. The flyer, which had been issued on November 6, 2020, listed Sanchez as a wanted subject in connection with several recent crimes in Buena Park, including an assault and a residential burglary in the same Adams Way neighborhood. Notably, the flyer also described Sanchez as a suspect in an Anaheim Hills residential burglary where two firearms were stolen and were still outstanding. The flyer further cautioned that Sanchez would likely run if located and should be considered armed and dangerous.

At approximately 4:37 p.m., officers within Angel observed Sanchez in the backyard of the residence located at 7896 Adams, but lost sight of him under some trees. At approximately 4:50 p.m., APD Officer Rothans and APD Sergeant Kelly Phillips, who were standing at the southwest corner of the residence at 7896 Adams, observed a subject in dark clothing remove a window screen to the residence and climb inside through the window.

At 4:56 p.m., APD Sgt. McClintock sent a communication to all currently on-duty APD officers which contained a prior booking photograph of Sanchez and the aforementioned wanted flyer distributed by BPPD. Upon seeing the photograph of the subject in the wanted flyer, both APD Officer Rothans and APD Officer Dahl confirmed the subject in the flyer was the same individual they saw running away from them.

APD officers took up various perimeter spots around the residence at 7896 Adams. Officer Abuhadwan and Officer David Montalvan were tasked with taking the perimeter position in the backyard of the residence at 7914 Adams, which is three houses west of 7896 Adams.

From the time that Sanchez was seen entering the residence at 7896 Adams, officers within Angel made multiple public address announcements for Sanchez to come out of the residence with his hands up, and warned that a police canine would be deployed if Sanchez attempted to run. Announcements were made in both English and Spanish and addressed Sanchez by his full name. During this time, Sanchez could be seen inside the residence walking up and down the stairs. At no time during these public address announcements did Sanchez exit 7896 Adams Way with his hands up, or appear to make any effort to comply with the officers' commands.

At approximately 5:37 p.m., Sanchez was observed exiting the rear of the residence. As he exited, he was slightly bent at the waist and hunched over, appearing as if he was attempting to slip out unnoticed. Sanchez then ran in a westbound direction. Officers within Angel broadcasted that Sanchez was running westbound through the backyard and heading in the direction of Officer Abuhadwan and Officer Montalvan. Sanchez scaled the fence between 7896 Adams and 7902 Adams Way, continued westbound through the backyard, and scaled the fence between 7902 Adams and 7908 Adams. Sanchez continued running westbound through the backyard and scaled the fence to enter the backyard of 7914 Adams.

At the time Sanchez was running westbound towards Officer Abuhadwan's and Officer Montalvan's location, Officer Abuhadwan and Officer Montalvan were positioned in the northwest corner of the backyard of 7914 Adams. Due to it being past sunset and a lack of artificial lighting, visibility in the backyard was poor. The only lighting was from a shed located on the northeast corner of the backyard.

Officers Abuhadwan and Montalvan saw Sanchez enter the backyard about 30-35 feet away from them. Both officers immediately yelled at Sanchez to "show me your hands." Sanchez did not comply with the officers' commands and ran towards them, quickly closing the distance. At this point, Officer Abuhadwan drew his firearm.

Sanchez continued running and slipped and fell to the ground approximately 15 to 20 feet away from the officers. Sanchez immediately got back up and as he began running toward the north wall of the backyard, Officer Abuhadwan observed Sanchez' left hand cant toward his waistband. Officer Abuhadwan also observed Sanchez looking directly back at him over his left shoulder. According to Officer Abuhadwan, it appeared to him as if Sanchez was trying to line up a visual sight on him (Officer Abuhadwan). At the time, Officer Abuhadwan could not see Sanchez' right hand.

Believing Sanchez was going to pull out a gun and shoot, Officer Abuhadwan rapidly fired three rounds in the direction of Sanchez' upper torso. Sanchez fell to the ground, at which time Officer Abuhadwan commanded Sanchez to roll over and show his hands. Sanchez complied.

APD officers approached Sanchez and handcuffed him without further incident. Once handcuffed, Sanchez was assessed for injuries. Sanchez sustained multiple gunshot wounds to his back and legs. A tourniquet and blood stopper medical bandages were applied to Sanchez to help slow the bleeding.

At approximately 5:43 p.m., paramedics arrived on scene and took over medical treatment of Sanchez. At approximately 5:55 p.m., Sanchez was transported by ambulance to UCI Medical Center (UCIMC), where medical personnel determined Sanchez had sustained a total of three gunshot wounds, one to each leg and one to his back. Sanchez underwent surgery and survived his injuries.

Sanchez was later interviewed by law enforcement in the hospital, where he admitted to running from the police and jumping from house to house. Sanchez stated that after smoking marijuana earlier in the day he felt paranoid. Sanchez acknowledged he heard the announcements made from the police helicopter and admitted he tried to run instead of complying with the commands.

After the scene was secured, APD and BPPD officers conducted canvass interviews of the residents in the area. Numerous residents confirmed hearing police helicopter announcements being made to a "Raul Sanchez" to come out of the house. Residents also confirmed the commands were given in English and Spanish.

Police officers located a cell phone that appeared to have been dropped by Sanchez as he was jumping into the backyard of 7914 Adams. The cell phone was found in the grass near the shed in the northeast corner of the yard. It was later determined that the cell phone belonged to an individual from the 7896 Adams residence.

Police officers also contacted the party who initially reported the individual brandishing a firearm. Sanchez was determined not to be the suspect involved in that incident.

EVIDENCE COLLECTED

The following items of evidence were collected and examined:

- Three cartridge cases head stamped Winchester 45 Auto (EM 1, 2, 3)
- One Adidas Tennis Shoe (EM 4)
- One pair of Black Shorts (EM 5)
- Cellphone (EM 7)
- One Bullet (EM C3)
- 191 crime scene photos
- 30 suspect's injuries photos
- 91 officer processing photos
- 7 interview recordings
- 23 supplemental canvass interview recordings

EVIDENCE ANALYSIS

Firearms Examination

Officer Abuhadwan's Springfield Armory pistol was test fired at the OCCL and fired without malfunction. It was determined to have fired the three cartridge cases (EM 1, 2, 3) collected from the scene.

Projectile Examinations:

One bullet was recovered by the OCCL at the scene (EM C3). While the bullet shared class characteristics with the pistol, it was too damaged and lacked sufficient correspondence of marks to determine whether it was fired from Officer Abuhadwan's pistol.

Toxicological Examination

A sample of Sanchez' urine was collected at UCIMC. A urinalysis showed a presumptive positive screen for opiates, amphetamines, and tetrahydrocannabinol.

RAUL SANCHEZ' PRIOR CRIMINAL HISTORY

Sanchez' adult criminal history was reviewed and considered. Sanchez has a California criminal history that dates back to 2014. He has been previously arrested for the following charges:

- Criminal Threats
- Brandishing a Replica Firearm
- Exhibiting Deadly Weapon, Not a Firearm
- Resisting and Obstructing a Police Officer
- Taking a Vehicle without Owner's Consent
- Possession of a Stolen Vehicle
- Grand Theft
- Possession of a Controlled Substance for Sale
- Transportation of a Controlled Substance
- Possession of Controlled Substance Paraphernalia
- Driving without a License
- Hit and Run, Property Damage

RAUL SANCHEZ' POST-INCIDENT CONVICTION

On July 15, 2021, OCDA filed criminal charges against Sanchez in Orange County Superior Court case 21NF2207, consisting of first-degree felony burglary of an inhabited dwelling in violation of California Penal Code section 459-460(a); felony identity theft in violation of California Penal Code section 530.5(a); misdemeanor resisting and obstructing a police officer in violation of California Penal Code section 148(a); and misdemeanor receiving stolen property in violation of California Penal Code section 496(a). As part of a plea agreement, Sanchez pled guilty on February 9, 2023, to violating Penal Code sections 459-460(a), 530.5(a), 496(a), and 148(a)(1), and was sentenced to two years in state prison.

STANDARD LEGAL PRINCIPLES IN OFFICER-INVOLVED SHOOTING CASES

Possible criminal charges against an officer involved in a shooting include attempted murder [Penal Code section 664-187]; attempted manslaughter [Penal Code section 664-192]; assault with a deadly weapon [Penal Code section 245]; and assault by a police officer [Penal Code section 149]. In order to convict an officer of any of these charges, however, it is necessary to prove beyond a reasonable doubt that no legal justification existed for the officer's actions. (*People*

v. Adrian (1982) 135 Cal.App.3d 335, 340-342.) Several such justifications may apply in any given case and they are set forth in Penal Code sections 196, 197 and 835a.

California Penal Code section 196 provides that use of deadly force by a public officer is justifiable when done in compliance with California Penal Code section 835a. California Penal Code section 197 provides that the use of deadly force by any person is justifiable when used in self-defense or in defense of others.

California Penal Code section 835a allows a police officer to use reasonable force when necessary in the defense of human life. The decision to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to the officer at the time, rather than with the benefit of hindsight. The totality of the circumstances shall be taken into account when officers are forced to make quick judgments about using force.

California Penal Code section 835a further states that a peace officer is justified in using deadly force when the officer reasonably believes that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or another person. Deadly force may also be used to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believed that person will cause death or serious bodily injury if not immediately apprehended.

Consistent with existing law, Penal Code section 835a maintains the principle that a police officer, acting in compliance under this section, who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. Also, the officer shall not be deemed an aggressor or lose their right to self-defense by the use of objectively reasonable force to effect the arrest, prevent escape, or overcome resistance.

Penal Code section 835a requires that, prior to the use of deadly force, the officer make reasonable efforts to identify themselves and warn that deadly force may be used, when feasible, unless the officer reasonably believes the person is already aware of those facts. In determining whether deadly force is necessary, officers shall evaluate the circumstances of each situation independently, and use other available resources and techniques if reasonably safe and feasible to do so.

In addition, Penal Code section 834a requires that if a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, that person must refrain from using force or any weapon to resist such arrest.

A police officer is also entitled to the same right of self-defense and defense of others held by non-sworn individuals. As described by the Judicial Council of California in California Criminal Jury Instruction (CALCRIM) 3470, a person being assaulted is permitted to defend themselves from attack if, as a reasonable person, they had grounds for believing and did believe that bodily injury was about to be inflicted upon them or another person. In doing so, such person may immediately use all force and means believed to be reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to defend against that danger and to prevent the injury that appears to be imminent.

The law as described in CALCRIM 3470 and in well-settled case law, therefore, permits a person to act in self-defense and the defense of others if confronted by the appearance of danger which arouses in his/her mind, as a reasonable person, an honest fear and conviction that he/she or another person is about to suffer bodily injury. The person's right of self-defense is the same whether the danger is real or merely apparent. (*People v. Jackson* (1965) 233 Cal.App.2d 639, 641-642.)

Nevertheless, the above justifications must be interpreted in light of United States Supreme Court precedent that limits the right of a police officer to use deadly force. (*People v. Martin* (1985) 168 Cal.App.3d 1111, 1124.) In *Tennessee v. Garner* (1985) 471 U.S. 1, 3, the United States Supreme Court ruled that a police officer is entitled to use deadly force only when "the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others."

This limitation was, however, clarified subsequently in the seminal case of *Graham v. Connor* (1989) 490 U.S. 386, wherein the Supreme Court explained that an officer's right to use force [*i.e.*, his/her weapon] is to be analyzed under the Fourth Amendment's "objective reasonableness" standard. The Supreme Court further stated that the determination of the reasonableness of an officer's use of force "must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." (*Id.* at 396-397.)

The United States Supreme Court's analysis and teachings in *Graham* are very much applicable to the circumstances surrounding the interactions of APD Officer Abuhadwan with Sanchez.

LEGAL ANALYSIS

The facts in this case are determined by considering Officer Abuhadwan's statements to the OCDA investigators, Sanchez' account of the incident, statements of witnesses present at the incident, and other relevant material, including body-worn camera footage and helicopter surveillance footage.

The issue is whether the conduct of Officer Abuhadwan on November 13, 2020, was criminally culpable and without justification. As stated above, in order to charge Officer Abuhadwan with a criminal violation, the prosecution must be able to prove beyond a reasonable doubt that no legal justification existed for the police officer's conduct. Therefore, in order to lawfully charge Officer Abuhadwan with a crime, the prosecution must prove beyond a reasonable doubt that he did not act in lawful self-defense. If the actions that day of Officer Abuhadwan were justifiable as lawful self-defense or defense of others, then criminal charges will not be warranted.

As the California Court of Appeal held in a recent case, it is well settled that

"[u]nlike private citizens, police officers act under color of law to protect the public interest. They are charged with acting affirmatively and using force as part of their duties, because 'the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effectuate it.' Police officers are, in short, not similarly situated to the ordinary battery defendant and need not be treated the same. In these cases, then, the [] police officer is in the exercise of the privilege of protecting

the public peace and order and he is entitled to the even greater use of force than might be in the same circumstances required for self-defense.”

(*Brown v. Ransweiler* (2009) 171 Cal.App.4th 516, 527.)

Where potential dangerous, emergency conditions or other exigent circumstances exist, the California Courts of Appeal have noted that the United States Supreme Court's definition of reasonableness is comparatively generous to the police. The appellate court in *Brown* noted that in effect,

“the Supreme Court intends to surround the police who make these on-the-spot choices in dangerous situations with a fairly wide zone of protection in close cases. A police officer's use of deadly force is reasonable if the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others. Thus, an officer may reasonably use deadly force when he or she confronts an armed suspect in close proximity whose actions indicate an intent to attack.”

(*Id.* at 528.)

Additional analysis, pursuant to California Penal Code section 835a, permits deadly force when the officer reasonably believes it is necessary, based upon a totality of the circumstances, to defend themselves or others against an imminent threat of death or serious bodily injury.

Officer Abuhadwan was justified in believing that Sanchez posed an imminent threat of death or serious bodily injury to himself and others. This conclusion is based on the totality of the circumstances, including Sanchez' actions in the moments prior to the shooting. The initial call for service concerned a suspect who brandished a firearm at a victim. Officers responded to the area and observed Sanchez, who immediately ran away. From the very first interaction between Sanchez and the police, Sanchez' actions already indicated a deliberate and concentrated effort to evade capture.

As Sanchez entered the residential neighborhood and was again spotted by the police, he immediately trespassed into several residences, jumping fences and running across multiple backyards. Despite the risk of encountering residents who may have chosen to defend their homes, Sanchez showed no hesitation in entering private property to avoid being apprehended. Sanchez' willingness and readiness to put himself in danger further indicated his tremendous desire to avoid being caught.

Perhaps most significantly, as officers began to learn the identity of Sanchez, it was discovered that he was the subject of a wanted flyer that had been posted one week earlier, in which Sanchez was classified as armed and dangerous. Notably, the flyer described Sanchez as a suspect in a recent residential burglary in which two firearms were stolen and were still outstanding. With officers confirming the individual who was running away from them as the same person in the wanted flyer, an APD sergeant electronically disseminated the wanted flyer to all on-duty APD officers so that all police officers were made aware of Sanchez' status.

All of these facts led to Officer Abuhadwan's reasonable belief that Sanchez posed a significant risk of danger, not only to himself and his fellow officers, but to the public as well. By his actions,

Sanchez had already demonstrated that he was willing to resort to dangerous and reckless measures to elude the police. Further compounding this sense of desperation to evade capture and adding to Officer Abuhadwan's reasonable belief that Sanchez posed a significant risk of danger was the high likelihood that Sanchez was armed with a firearm based on the information contained in the wanted flyer. Prior to ever encountering Sanchez that night, Officer Abuhadwan certainly was aware of the potentially dangerous and emergency conditions that elevated the circumstances beyond an ordinary evading case.

Additionally, Sanchez' steadfast refusal to peacefully submit to the police and comply with numerous commands, only amplified Officer Abuhadwan's perception of Sanchez' desperation to evade capture. As Officer Abuhadwan took a perimeter position in the backyard of 7914 Adams, he could hear announcements from Angel directing Sanchez to come out of the residence with his hands up. The public address announcements also warned Sanchez that a canine dog would be utilized if Sanchez were to run. Despite giving Sanchez ample opportunity to comply without incident, at no time did Sanchez indicate he was willing to surrender. Sanchez' continued non-compliance led Officer Abuhadwan to reasonably suspect that it was motivated by a more dangerous and unknown reason.

Finally, when Sanchez entered the yard where Officer Abuhadwan was positioned, he continued to attempt to evade officers. Immediately upon seeing Sanchez entering the yard, Officer Abuhadwan and Officer Montalvan shouted for Sanchez to show his hands. Sanchez did not comply. Instead, Sanchez charged forward and within seconds closed the gap between himself and Officer Abuhadwan. As Sanchez ran forward, he disobeyed commands to show his hands and submit, and came within 10 to 15 feet of Officer Abuhadwan. In these moments, Sanchez' actions quickly and definitively demonstrated to Officer Abuhadwan that Sanchez was not going to give himself up and was willing to continue resorting to dangerous measures to escape.

When Sanchez fell to the ground and was in the process of getting back up, he made a series of movements that led Officer Abuhadwan to reasonably believe Sanchez was going to shoot him with a firearm. This included canting his left hand toward his waistline, and turning back and looking directly at Officer Abuhadwan, which was perceived as Sanchez trying to sight Officer Abuhadwan to shoot him. Further, Sanchez' right hand was not visible to the officers.

Sanchez' quick movements indicated to Officer Abuhadwan that Sanchez had a gun and was going to fire at him. In response, Officer Abuhadwan made the decision to shoot Sanchez before he or Officer Montalvan could be shot. Given all of the surrounding circumstances, including Sanchez' likelihood that he was armed with a firearm from a recent residential burglary, his continuous and repeated efforts to run from the police, his unwavering refusal to submit peacefully, and his movements in the yard where he encountered the officers, Officer Abuhadwan was reasonable in his belief that Sanchez posed an imminent risk of death or serious bodily injury to himself or his fellow officer.

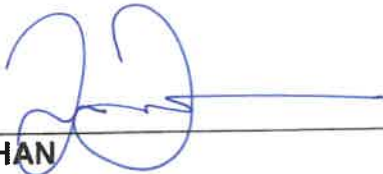
It should also be noted that in order for Officer Abuhadwan to be justly and lawfully charged and convicted with a crime in this incident, it is the OCDA's burden to prove beyond a reasonable doubt that Officer Abuhadwan did not act in reasonable and justifiable self-defense or defense of another. Based on the above-described analysis, the prosecution would be unable to carry the burden of proof in this case. A jury analyzing these facts would justly conclude that it was reasonable for Officer Abuhadwan to believe that his life and the lives of others were in danger.

Therefore, Officer Abuhadwan was justified when he shot at Sanchez. Simply stated, the evidence shows Officer Abuhadwan carried out his duties as a peace officer in a reasonable and justifiable manner.

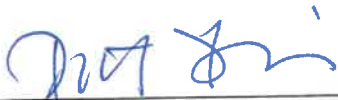
CONCLUSION

Based upon a review of all of the evidence provided to and obtained by the OCDA, including the information obtained from all available reports and interviews, and pursuant to the applicable legal principles, it is our legal opinion that there is no evidence of criminal culpability on the part of Officer Abuhadwan. There is substantial evidence that his actions were reasonable and justified under the circumstances when he shot Raul Sanchez on November 13, 2020.

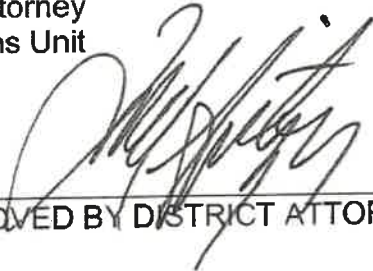
Accordingly, the OCDA is closing its inquiry into this incident.



TOM PHAN
Deputy District Attorney
Gang / TARGET Unit



READ AND REVIEWED BY BRETT BRIAN
Assistant District Attorney
Special Prosecutions Unit



READ AND APPROVED BY DISTRICT ATTORNEY TODD SPITZER