



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

February 19, 2026

Chief Jon Radus
Fullerton Police Department
237 West Commonwealth Avenue
Fullerton, California 92832

Re: Officer-Involved Shooting on March 6, 2024
Fatal Incident involving Alejandro Campos Rios
District Attorney Investigations Case # SA 24-000499
Fullerton Police Department Case # 24-13319
Orange County Crime Laboratory Case FR # 24-41900
Orange County Coroner's Office Case #24-01407-AV

Dear Chief Radus,

Please accept this letter detailing the Orange County District Attorney's Office's (OCDA) investigation and legal conclusion in connection with the above-listed officer-involved shooting (OIS) involving on-duty Fullerton Police Department (FPD) Corporal Nicholas Jarvis. The subject of that shooting, Alejandro Campos Rios, age 50, died as a result of his injuries. The incident occurred in the City of Fullerton on March 6, 2024.

OVERVIEW

This letter contains a description of the scope and the legal conclusions resulting from the OCDA's investigation of the March 6, 2024, fatal OIS of Campos Rios. 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 Corporal Jarvis. 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 March 6, 2024, investigators from the OCDA Special Assignments Unit (OCDASAU) responded to this incident. During their investigation, 18 witness interviews were conducted. OCDASAU Investigators also obtained and reviewed the following: FPD reports and Body Worn Cameras (BWC); audio dispatch and radio traffic recordings; Orange County Crime

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Laboratory (OCCL) reports, including scene processing, evidence collection, officer processing and firearms examination reports; Orange County Coroner's Office (OCCO) reports including autopsy reports and toxicology reports; crime scene investigation photographs; medical records and photographs related to the injuries sustained by Campos Rios; criminal history records related to Campos Rios including prior incident reports; video recordings of the incident; and Fullerton Fire Department (FFD) reports.

The OCDA conducted an independent and thorough investigation of the facts and circumstances of this incident, reviewed all evidence, and impartially applied all pertinent legal standards. The scope and findings of this review are expressly limited to determining whether any criminal conduct occurred, and if the use of force by FPD officers, specifically Corporal Nicholas Jarvis, was consistent with the law. The OCDA will not be addressing any possible issues of policy, training, tactics, or civil liability.

INVESTIGATIVE METHODOLOGY

Among other duties, the OCDASAU is responsible for investigating officer-involved shootings within Orange County when someone has been injured or killed 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, scene processing, evidence collection, 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 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 correspondence. It is also common for the case to be reviewed by several other experienced prosecutors and their supervisors. Ultimately, the District Attorney personally reviews and approves all officer-involved shootings and custodial death letters.

An important part of the investigation of an incident such as this is attempting to obtain a statement from the involved officers. Corporal Jarvis gave a voluntary statement to OCDASAU Investigators on March 12, 2024.

FACTUAL SUMMARY¹

On March 6, 2024, at 2:55 a.m., FPD received a call from Jane Doe 1, who reported that she worked at McDonald's located at 1341 South Brookhurst Road in Fullerton, California, and sought assistance from police at that location. She explained that there were "two homeless men" who appeared to be "actively on drugs" near the front entrance of the building. Jane Doe 1 explained that she was fearful that her coworkers, who were arriving for work and had to use the entrance, might be harmed by the homeless men. She stated she was "scared to tell [the homeless men] anything" because she did not think they would respond well to her. Jane Doe 1 reiterated that they were "actively on drugs" and "didn't know what they were doing." She reported that she did not see any weapons but did see a "small torch" by them.

FPD dispatch told Jane Doe 1 that FPD officers were on their way to assist her. FPD dispatch relayed Jane Doe 1's comments to FPD officers. Officer Kota Ebiko was the first officer on scene at approximately 3:06 a.m. Upon arrival, Officer Ebiko parked his car and approached the McDonald's located at 1341 South Brookhurst Road. As he approached, a shirtless Hispanic adult male (later identified as Campos Rios), was standing near the entrance to the building. Officer Ebiko immediately identified himself as "Fullerton Police Department." Campos Rios was speaking in Spanish in a fast manner, a sign and symptom consistent with narcotic use according to Officer Ebiko. Officer Ebiko asked him "Are you good?" A White adult male (later identified as [REDACTED]) was then seen walking past the shirtless male, also near the entrance of the building. Campos Rios continued talking and singing in a loud manner and picked up a black nylon belt with a metal buckle. As Officer Ebiko approached the men, Campos Rios began swinging the belt around his body. Officer Ebiko attempted to deescalate the situation by asking him, "What are you doing?" and "What is your name, man?" Both men were nonresponsive to Officer Ebiko. Campos Rios continued yelling and singing in Spanish and began thrashing his body and the belt around in a wild manner.

At 3:07 a.m., Officer Ebiko requested an additional unit and explained to dispatch that Campos Rios was "extremely 11-5" (a reference to Health and Safety Code section 11550(a) – Under the Influence of a Controlled Substance). Corporal Jarvis heard Officer Ebiko's request and could hear yelling and shouting on the radio during Officer Ebiko's transmission. This indicated to Corporal Jarvis that Officer Ebiko was in an unpredictable, volatile, and dangerous situation. Moreover, because Corporal Jarvis was familiar with Officer Ebiko, when he heard Officer Ebiko's tone and demeanor over the radio, he could tell that "there was stress in his [Officer Ebiko's] voice" and "like a something bad was going on or there's some heightened uh, level of awareness." When Corporal Jarvis arrived at the scene, he saw Campos Rios in front of the doorway to McDonald's, shirtless, swinging a belt around, and yelling. Corporal Jarvis noticed that Campos Rios appeared very agitated and based on his training and experience

¹ The following summary of events was developed after reviewing witness statements, FPD reports, laboratory and identification reports, medical records, incident scene digital images, surveillance and cellular phone video, FPD reports, and other relevant reports and materials. All times are approximate and derived from reports, Body Worn Camera (BWC) video recordings, and surveillance video recordings.

and his observations of Campos Rios' behavior, he believed Campos Rios was under the influence of narcotics which was consistent with Jane Doe 1's observations.

Campos Rios continued yelling and singing while jerking his body and belt in wild directions. Officer Ebiko called out to [REDACTED] and ordered him to approach Officer Ebiko. As [REDACTED] approached Officer Ebiko, Campos Rios began walking towards Officer Ebiko and swinging his belt. Officer Ebiko ordered Campos Rios not to come any closer. Campos Rios continued to approach Officer Ebiko yelling "Puto"² and swinging the belt in Officer Ebiko's direction. Officer Ebiko gave Campos Rios several directions to put the belt down and sit down. Campos Rios ignored Officer Ebiko's directions.

Officer Ebiko directed [REDACTED] to sit down on the curb. [REDACTED] also refused to comply with Officer Ebiko's commands. While Officer Ebiko was attempting to speak to [REDACTED], Campos Rios began yelling at Officer Ebiko and pointing his finger at him. Shortly thereafter, [REDACTED] complied with Officer Ebiko's command and sat on the ground a few feet away from Campos Rios. Campos Rios began wrapping the belt around a nearby pillar and striking the pillar with his hand while continuing to yell and sing.

At 3:09 a.m., Corporal Anthony Valle arrived on scene and approached Officer Ebiko. Corporal Valle could see Officer Ebiko giving orders to Campos Rios and Campos Rios refusing to comply. Campos Rios yelled "Fuck you, puto!" to Officer Ebiko in response to Officer Ebiko's directions. Officer Ebiko told Corporal Valle that he had been giving Campos Rios commands and Campos Rios was noncompliant.

At 3:10 a.m., Corporal Valle removed his taser and pointed it at Campos Rios to gain compliance. Corporal Valle ordered Campos Rios to sit down. Campos Rios continued to yell incoherently and swing the belt wildly around his body. Corporal Valle lowered the taser for a few seconds and then raised it again, pointing it at Campos Rios. [REDACTED] remained seated a few feet from Campos Rios.

At 3:12 a.m., Officer Ebiko gave Campos Rios another order to place the belt down and Campos Rios continued to ignore him. Campos Rios again began swinging the belt wildly around his body, over his head. At one point, Campos Rios asked Officer Ebiko, "Que paso, Sergeant?"³, "You going to shot [sic] me again?", and "You going to shot [sic] me? puto!" Corporal Jarvis and Corporal Alexa Elkabbara arrived at this time and approached Officer Ebiko. Officer Ebiko explained that he had given Campos Rios multiple commands, but Campos Rios was noncompliant. Corporal Jarvis observed the employees inside McDonald's, who were very close to Campos Rios. Corporal Jarvis heard Corporal Valle advise dispatch to instruct the employees to lock the doors.

At 3:13 a.m., Corporal Jarvis retrieved his less lethal bean bag shotgun from the trunk of his patrol car and loaded six non-lethal Defense Tech bean bag rounds into the shotgun. After

² "Puto" is a Spanish term used to derogatorily describe someone as weak or effeminate.

³ Translated to English, this phrase means, "What's happening, Sergeant?"

loading the shotgun, Corporal Jarvis took a tactical position behind his patrol vehicle but did not point the shotgun at Campos Rios. Corporal Jarvis was approximately 30-40 feet away from Campos Rios. It should be noted that officers are trained that this device can be deployed anywhere from 20-100 feet from the target. Corporal Elkabarra asked Campos Rios to sit down in Spanish and identified herself and the other officers as police officers. Campos Rios responded by thrusting his crotch at Corporal Elkabarra. Corporal Valle ordered Campos Rios to sit and put down the belt. Campos Rios continued to ignore his commands and yelled incoherently. Corporal Valle attempted to deescalate the situation by deploying a compliance tactic known as "dry sparks" with his taser. During this compliance tactic, the taser is not actually deployed but it makes the sounds as if it is being deployed to encourage the subject to comply with verbal commands. That tactic was ineffective.

At 3:14 a.m., Corporal Jarvis, Corporal Valle, Corporal Elkabarra, and Officer Ebiko were all positioned within 30 feet of Campos Rios and facing him. Corporal Elkabarra ordered ██████ to crawl away from Campos Rios to a place of safety. ██████ began to scoot towards the police on his buttocks and Campos Rios began to approach the officers. Corporal Elkabarra ordered ██████ to stand up and walk away and ██████ left the scene.

The officers gave Campos Rios more commands in both Spanish and English to sit down. Campos Rios continued to sing and yell "Orale puto disparale, disparale"⁴ and "Ching tu madre!"⁵ and swung the belt wildly around his body.

At 3:15 a.m., Campos Rios swung the belt around his body and approached Corporal Valle. At this point, Corporal Jarvis raised the less lethal bean bag shotgun and pointed it at Campos Rios. Campos Rios slammed the belt on the ground in front of him in the direction of Corporal Valle while yelling "Puto!". Corporal Valle raised his taser and pointed it at Campos Rios. Corporal Valle told Campos Rios that he was going to tase Campos Rios. Campos Rios nodded his head affirmatively and waved his hand towards himself.

Corporal Valle yelled "Taser!" and deployed the taser. The taser appeared to strike Campos Rios but only appeared to agitate him.

~~Corporal Jarvis yelled "Bean bag! Bean bag!" and discharged the less lethal bean bag shotgun one time. It appeared that Campos Rios' left arm was struck, but Campos Rios continued standing and walked away from Corporal Valle, towards the front entrance of McDonald's.~~

Corporal Jarvis discharged the less lethal bean bag shotgun a second time. Upon review of the BWC and officers' statements, it is unclear whether Campos Rios was struck. Campos Rios continued to yell and swing the belt around his body. Corporal Jarvis discharged the less lethal bean bag shotgun a third time. Once again, it was unclear if Campos Rios was struck, because he remained standing and holding the belt.

⁴ Translated to English, this phrase means, "Come on fucker, shoot, shoot."

⁵ Translated to English, this phrase means, "Fuck your mother!"

Corporal Jarvis then discharged the less lethal bean bag shotgun a fourth time. The bean bag round appeared to strike Campos Rios' left side, however Campos Rios continued to yell, sing, and swing the belt around his body. Corporal Jarvis ordered Campos Rios to the ground, but Campos Rios did not comply.

Corporal Jarvis discharged the less lethal bean bag shotgun a fifth time, striking Campos Rios in the chest. Campos Rios then slowly fell to the ground. Officers approached Campos Rios and discovered that a bean bag round had pierced his chest, causing him to bleed profusely and have difficulty breathing.

At approximately 3:16 a.m., officers requested paramedics and began lifesaving measures.

At 3:22 a.m. Fullerton Fire Department (FFD), Engine 2, arrived on scene. At approximately 3:25 a.m., paramedics took over lifesaving measures. Campos Rios was laying supine on the ground as FPD officers administered cardiopulmonary resuscitation (CPR). Campos Rios was moved to a nearby grassy area for a better working environment due to the amount of blood on the ground.

Paramedics noticed a laceration on Campos Rios' left lower breast region, placed a bandage on it, and checked for a pulse. Campos Rios' heart rhythm showed to be [REDACTED] on the Automated External Defibrillator (AED). An intraosseous line was established on Campos Rios' right leg and given medication. An i-gel airway was established on Campos Rios and ventilations were given while continuing CPR. Campos Rios was placed on a gurney and prepared for transport to the University of California, Irvine-Medical Center (UCIMC). Campos Rios was transported to UCIMC at 3:41 a.m.

At approximately 3:51 a.m., Campos Rios arrived at UCIMC. Campos Rios never regained a pulse or any cardiac activity. Campos Rios was taken into the Trauma Bay and critical resuscitation efforts were performed on him by the Trauma Team. At approximately 3:55 a.m., Campos Rios was pronounced deceased.

AUTOPSY

On March 7, 2024, at approximately 8:54 a.m., OCGO Forensic Pathologist Doctor Sigmund Menchel conducted the post-mortem examination of Campos Rios at the Orange County Sheriff-Coroner Forensic Science Center.

An OCCL Forensic Specialist (FSP) took 112 digital color photographs. An OCCL Forensic Scientist (FS) also collected and retained the following evidence:

- Muscle Standard
- One apparent expended drag-stabilized bean bag round

Dr. Menchel concluded that Campos Rios sustained the following injuries:

- Penetrating injury of left side of the chest wall

- Nonpenetrating injury of right side of the abdominal wall
- Nonpenetrating injury of the right forearm
- Nonpenetrating injury of the left wrist

Dr. Menchel indicated the cause of death was a penetrating chest injury to the heart and bilateral hemothorax and that the manner of death was a homicide.

The National Association of Medical Examiners, the professional society of forensic pathologists and medicolegal death investigators, publishes the Guide for Manner of Death Classification. The Guide is used by the OCCO as a reference when deciding Manner of Death. Non-natural causes of death are homicide, suicide and accident. Homicide occurs when death results from a volitional act committed by another person to cause harm or death. The act does not have to be an illegal act to categorize the death as a homicide.

EVIDENCE COLLECTED

OCCL Forensic Scientist Greg Hogrebe collected the following items of evidence. The items were collected under the following Evidence Markers (EM):

- EM #1 – four 12 gauge stabilized shell casings
- EM #2 – one shotgun wad
- EM #3 – one 12 gauge drag stabilized shell casing
- EM #4 – one taser probe/wire " [REDACTED]"
- EM #5 – one shotgun wad
- EM #6 – one shotgun wad
- EM #7 – one shotgun wad
- EM #8 – one shotgun wad
- EM #9 – one set of handcuffs (SN: [REDACTED])
- EM #10 – one black 5-11 nylon belt
- EM #11 – one pair of black boots and a white watch
- EM #12 – one shotgun wad and one expended drag-stabilized bean bag round
- EM #13 – one shotgun wad
- EM #14 – one expended drag-stabilized bean bag round
- EM #15 – one shotgun wad
- EM #16 – one shotgun wad
- EM #17 – one expended drag-stabilized bean bag round
- EM #18 – one shotgun wad and one broken glass pipe
- EM #19 – two taser cartridges (SN: [REDACTED])
- EM #20 – one shotgun wad
- EM #21 – one unused drag-stabilized 12-gauge shotgun round
- EM #22 – one shotgun wad
- EM #23 – one pair of grey pants with taser probe stuck into the left front thigh area
- EM #24 – one shotgun wad
- EM #25 – one shotgun wad
- EM #26 – one shotgun wad

- EM #27 – one expended drag-stabilized bean bag round
- A – Apparent strike mark on exterior wall of McDonald's building

An OCCL FSP took 160 digital color photographs to document the scene.

OFFICER PROCESSING

At approximately 9:25 a.m., OCCL FSPs processed and photographed the following FPD officers at the FPD:

- Nicholas Jarvis
- Anthony Valle
- Alexa Elkabbara
- Kota Ebiko
- Nicholas Ashman

Corporal Nicholas Jarvis

Corporal Jarvis was dressed in a FPD long-sleeved black uniform polo shirt, black pants, and black boots. His uniform shirt was adorned with Fullerton Police patches on both shoulders and corporal stripes on both upper arms. Corporal Jarvis wore a ballistic vest over his uniform shirt. The vest had a cloth nameplate on the right chest with a cellular telephone in an open pocket below the nameplate. A large cloth "POLICE" patch was on the back of the vest. A cloth FPD police badge was on the left chest. A BWC mounting plate was affixed to the upper front left side of the vest. The BWC had been removed prior to officer processing.

Corporal Jarvis also wore a black nylon duty belt with the following equipment attached:

- Leg holster on the right side containing a Glock 17 Gen5, 9mm, semi-automatic pistol, serial number [REDACTED], with a frame mounted flashlight
- Tourniquet in an open holder
- Pouch with keys
- Two magazines in an open holder
- Empty PR24 baton ring
- Axon Taser 7, serial number [REDACTED], in a holster
- OC spray in an open holder
- Handcuff case
- ASP collapsible baton in an open holder

Corporal Jarvis had apparent blood on his left boot heel.

Corporal Anthony Valle

Corporal Valle was dressed in a FPD black short-sleeved uniform polo shirt, black pants, and black boots. His uniform shirt was adorned with Fullerton Police patches on both shoulders and corporal stripes on both upper arms. Corporal Valle wore a ballistic vest carrier over his uniform shirt. The vest had a cloth nameplate above a cloth "POLICE" patch on the right chest. A large cloth "POLICE" patch was on the back of the vest. A cloth FPD police badge was on

the left chest. A radio microphone was attached to the center front of the vest, with an earpiece on the right shoulder. A BWC mounting plate was affixed to the front center of the vest. The BWC had been removed prior to officer processing.

Corporal Valle also wore a black nylon duty belt with the following equipment attached:

- Holster on the right side containing a Glock 17 Gen5, 9mm, semi-automatic pistol serial number [REDACTED], with a frame mounted flashlight
- Clip with keys
- Empty PR24 baton ring
- Axon Taser 7, serial number [REDACTED], in a holster
- OC spray in a closed holster
- Handcuff case

Corporal Valle carried a folding knife in the left front pocket of his pants. He also had apparent blood on his right boot.

Corporal Alexa Elkabbara

Corporal Elkabbara was dressed in an FPD black long-sleeve uniform polo shirt, black pants, and black boots. Her uniform shirt was adorned with Fullerton Police patches on both shoulders and corporal stripes on both upper arms. She wore a black baseball cap with "FULLERTON POLICE DEPARTMENT" embroidered on the front. Corporal Elkabbara wore a ballistic vest carrier over her uniform shirt. The vest had a cloth nameplate above a cloth "POLICE" patch on the right chest. A large cloth "POLICE" patch was on the back of the vest. A cloth FPD police badge was on the left chest. A small flashlight was attached to the vest on the right of the badge. A radio microphone was attached to the right front of the vest with an earpiece in the right ear. A BWC mounting plate was affixed to the front of the vest on the lower right. The BWC had been removed prior to officer processing.

Corporal Elkabbara also wore a black Sam Browne leather duty belt with the following equipment attached:

- Holster on the right side containing a Glock 17 Gen5, 9mm, semi-automatic pistol, serial number [REDACTED], with a frame mounted Streamlight TLR-9 flashlight, equipped with a red dot sight.
- Two handgun magazines in an enclosed pouch.
- OC spray canister in an enclosed holder.
- AXON Taser 7, serial number [REDACTED], in a holster.
- ASP collapsible baton in an open holder.
- Radio in an open holder.
- Pouch with keys.
- Closed handcuff case.

Corporal Elkabbara had apparent blood on both boots and her right inner pant leg.

Officer Kota Ebiko

Officer Ebiko was dressed in a FPD black long-sleeve uniform polo shirt, black pants, and black boots. His uniform was adorned with Fullerton Police patches on both shoulders. Officer Ebiko wore a ballistic vest carrier over his uniform shirt. The vest had a cloth nameplate on the right chest below a cloth "POLICE" patch. A large cloth "POLICE" patch was on the back of the vest. A cloth FPD police badge was on the left chest. A BWC mounting plate was affixed to the upper front center of the vest. The BWC had been removed prior to officer processing.

Officer Ebiko wore a black nylon duty belt with the following equipment attached:

- Holster on the right side containing a Glock 17 Gen5, 9mm, semi-automatic pistol, serial number [REDACTED], with a frame mounted flashlight.
- Tourniquet in an open holder.
- Clip with keys.
- AXON Taser 7, serial number [REDACTED] in a holster.
- OC spray in an open holder.
- Two handcuffs in one case holder.

Officer Ebiko carried a flashlight in the cargo pocket of his left pants. He had apparent blood on his left boot.

Officer Nicholas Ashman

Officer Ashman was dressed in a FPD black long-sleeve uniform polo shirt, black pants, and black boots. His uniform shirt was adorned with Fullerton Police patches on both shoulders. He wore a black baseball cap with "FULLERTON POLICE DEPARTMENT" embroidered on the front. Officer Ashman wore a ballistic vest carrier over his uniform shirt. The vest had a cloth nameplate on the right chest. A BWC mounting plate was affixed to the upper front right side of the vest. The BWC had been removed prior to officer processing.

Officer Ashman wore a black Sam Browne leather duty belt with the following equipment attached:

- Leg holster on the right side containing a Glock 17 Gen5, 9mm, semi-automatic pistol, serial number [REDACTED] with a frame mounted flashlight.
- Clip with keys on it.
- AXON Taser 7, serial number [REDACTED] in a holster.
- OC spray in an open holder.
- Two handcuff cases in closed holders
- Keys in a closed pouch.

Officer Ashman carried a folding knife in his right front pants pocket, a hobble restraint in his left front pants pocket, and a flashlight in his left rear pants pocket. He had apparent blood on his left boot.

VEHICLE PROCESSING

After officer processing, Corporal Jarvis' assigned FPD police vehicle was processed in the FPD's rear parking lot. Corporal Jarvis' vehicle was a 2021 Dodge Charger, black and white, California exempt license 1671294, FPD Unit #813C. The vehicle had yellow crime scene tape wrapped around the body. The exterior of the vehicle and the interior of the trunk were photographed. The trunk of the vehicle contained a Remington Model 870 Police Magnum, 12 gauge, Less Lethal shotgun, serial number [REDACTED], FPD #813, assigned to Corporal Jarvis. The shotgun trigger safety was on and the action was open. The chamber and tube were empty. It had a Hogue orange fore-end, hand grip, and butt plate. The stock was black with "LESS LETHAL" on both sides in orange letters. It was equipped with a black two-point Blackhawk sling. There was an empty TacStar sidesaddle holder with six round capacity attached to the left side of the receiver. There was a yellow sticker with "813" on top of the barrel.

The shotgun was collected by an OCCL FSP.

EVIDENCE ANALYSIS

FIREARMS EXAMINATION

The Remington, Model 870 Police Magnum (Less Lethal) shotgun, collected from Corporal Jarvis's assigned police vehicle was examined by OCCL Forensic Scientist Allison Flattum and found to operate without malfunction. All shotgun shells found at the scene were the same, Defense Technology 12-gauge drag stabilized rounds.

TOXICOLOGICAL EXAMINATION

A sample of Campos Rios' postmortem blood was collected for the presence of illicit drugs and alcohol.

The following results and interpretations were documented:

Drug	Postmortem Blood
[REDACTED]	

CAMPOS RIOS' PRIOR CRIMINAL HISTORY

Campos Rios [REDACTED]

[REDACTED]

[REDACTED]



STANDARD LEGAL PRINCIPLES IN OFFICER-INVOLVED SHOOTING CASES

Possible criminal charges against an officer involved in a fatal shooting include murder [Penal Code section 187]; manslaughter [Penal Code section 192]; assault with a deadly weapon [Penal Code section 245]; and assault by a police officer [Penal Code section 149]. To convict an officer of any of these charges, however, it would be necessary to prove beyond a reasonable doubt that no legal justifications 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 considered 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 would 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 his efforts by reason of the resistance or threatened resistance of the person being arrested, nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of objectively reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Penal Code section 835a also 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.

Similarly, the relevant criminal jury instruction as written by the Judicial Council of California and set forth in CALCRIM 3470 permits a person being assaulted to defend himself from attack if, as a reasonable person, he had grounds for believing and did believe that bodily injury was about to be inflicted upon him or upon another person. In doing so, such person may immediately use all force and means which he believes 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 which appears to be imminent.

The law as detailed in CALCRIM 3470 and in well-settled case law therefore permits a person, 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, to act in self-defense or defense of others upon such appearances, and from such fear and honest convictions. The appearance of danger can be based on a person's knowledge that the individual they are defending themselves against has threatened or harmed others in the past. Moreover, 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.)

In determining whether a person has acted in lawful self-defense, jurors may also consider whether the alleged victim has threatened or harmed others in the past, even if the person who is claiming self-defense was unaware of the alleged victim's prior acts. (Evid. Code, § 1103(a)(1); CALCRIM 3470.)

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.) Thus, 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 by the United States Supreme Court 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 Corporal Jarvis and Campos Rios.

LEGAL ANALYSIS

The issue is whether the conduct of Corporal Jarvis on March 6, 2024, was criminally culpable and without justification. As stated above, to charge Corporal Jarvis with a criminal violation, it is required that the prosecution be able to prove beyond a reasonable doubt that no legal justification existed for the police officer’s conduct. Therefore, to lawfully charge Corporal Jarvis with a crime, the prosecution must prove beyond a reasonable doubt that he did not act in lawful self-defense or defense of others. If his actions were justifiable as lawful self-defense or defense of others, then criminal charges will not be warranted.

As the Court of Appeal held in 1998, it is well settled that

“unlike 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 effect 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.’”

(*Edson v. City of Anaheim* (1998) 63 Cal.App.4th 1269, 1273 (quoting *Graham v. Connor*, *supra*, 490 U.S. at 396 and *Wirsing v. Krzeminski* (1973) 61 Wis.2d 513, 522.)

Where potential dangerous, emergency conditions or other exigent circumstances exist, the California Court of Appeal has noted that the United States Supreme Court’s definition of reasonableness is comparatively generous to the police. (*Brown v. Ransweiler* (2009) 171 Cal.App.4th 516, 528.) Quoting various United States Supreme Court and California appellate court precedent, the court in *Brown* noted that effectively,

“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.”

(*Brown v. Ransweiler*, *supra*, 171 Cal.App.4th at 528 (internal citations and quotations omitted).)

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.

In this incident, the evidence demonstrates that Corporal Jarvis reasonably believed that Campos Rios posed a significant threat of death or serious physical injury to himself and others. First, the reporting party, Jane Doe 1, indicated in her 911 call that she feared Campos Rios and the potential threat he posed to her and her staff. She believed he was actively under the influence of drugs. She also believed that any contact she had with Campos Rios would lead to violence inflicted upon herself and her staff. These comments were related to the officers via the FPD dispatcher. Any reasonable officer hearing this information would believe that Campos Rios posed a danger to himself and others.

Additionally, Corporal Jarvis' concern was elevated when he heard Officer Ebiko's tone and comments over the radio. Corporal Jarvis explained that he knows Officer Ebiko, and when he heard Officer Ebiko's tone and demeanor over the radio, he could tell that "there was stress in his [Officer Ebiko's] voice" and "like a something bad was going on or there's some heightened uh, level of awareness." Additionally, Officer Ebiko indicated that he needed additional officers to respond to the scene as the subject was noncompliant. Corporal Jarvis stated he could hear yelling and shouting on the radio during Officer Ebiko's transmission. This indicated to Corporal Jarvis that Officer Ebiko was in an unpredictable, volatile, and dangerous situation.

Second, Corporal Jarvis's observations when he arrived on scene corroborated his fear and concern. Corporal Jarvis observed Campos Rios to be shirtless, in an agitated state, and showing objective signs of narcotic use. Campos Rios was not complying with commands from the other officers on scene. As Corporal Jarvis listened to Campos Rios, he heard Campos Rios yelling expletives and shouting at the officers at the scene. Corporal Jarvis also personally observed Campos Rios swinging his belt around wildly and striking the ground and walls of the McDonald's building. During his interview, he explained that he could hear the metal striking the ground and wall when Campos Rios was swinging the belt. This erratic, violent behavior corroborated his fear and concern for the safety of Campos Rios and those around him.

Corporal Jarvis further explained that he was concerned about the employees inside of McDonald's, who were very close to Campos Rios. Corporal Jarvis heard Corporal Valle advise dispatch to tell the employees to lock the doors. Campos Rios could have easily opened the doors to the building and the employees would have been unprotected from his violent and erratic behavior. This could have also quickly led to a situation where Campos Rios was barricaded inside of the building with civilians. Any reasonable officer in this situation would believe that the subject posed a threat to themselves and others. All these factors taken

together led Corporal Jarvis to reasonably believe that Campos Rios posed a threat of death or serious bodily injury to himself and others.

Third, Corporal Jarvis observed Corporal Valle unsuccessfully employ two compliance tactics with his Taser. First, Corporal Valle pointed the Taser at Campos Rios, illuminating a green and red laser on Campos Rios' body. This tactic can be effective if the subject believes the weapon is a firearm or Taser as they will often comply to avoid being shot or electrically stunned. When that failed, Corporal Valle activated his Taser, causing it to emit electrical sparks and a loud clacking sound. This is known as "dry sparks." Like the first tactic, it had no effect in this case. Corporal Jarvis' fear was heightened at this point because Campos Rios had demonstrated a refusal to comply with officers even when threatened with being shot or tased.

Fourth, as Corporal Jarvis continued to observe Campos Rios, he saw Campos Rios taking the nylon belt and smashing the metal belt buckle against the ground, followed by Campos Rios aggressively approaching Corporal Valle. Campos Rios was within 30 feet of Corporal Valle and Officer Ebiko. Corporal Jarvis stated that he knew from training and experience that if a subject is within 30 feet of an officer, the subject can close that distance and engage the officer with his hands or a weapon very quickly. As Campos Rios approached Corporal Valle, Corporal Valle yelled, "Taser! Taser!" indicating that he was deploying the taser. Corporal Valle deployed the taser, but it neither deterred nor incapacitated Campos Rios. Campos Rios was still very close to Corporal Valle and Officer Ebiko and was still standing.

Knowing that less lethal force had been used, that its use was ineffective, and given the posture and position of Campos Rios in relation to Corporal Valle, Corporal Jarvis reasonably feared for the safety of Corporal Valle. Corporal Jarvis knew that when less lethal force was used unsuccessfully, it could escalate the aggression of a subject who was under the influence of narcotics and further exacerbate a dangerous situation for officers.

Fifth, after making all these observations, Corporal Jarvis yelled, "Bean bag! Bean bag!" and deployed the less lethal bean bag shotgun one time to protect the other officers, the employees inside of the McDonald's, and Campos Rios. After firing one round, Campos Rios did not drop the black nylon belt he had previously been using to swing around and strike the ground and walls. Campos Rios did not get on the ground. Campos Rios continued standing, facing Corporal Valle at a close distance. Then, Campos Rios turned and walked towards the front entrance of the McDonald's building.

Knowing that these doors, if not locked, could be easily opened by Campos Rios, and knowing that employees inside would have had no protection by law enforcement from Campos Rios, Corporal Jarvis deployed the less lethal bean bag shotgun for a second time. This proved ineffective as Campos Rios continued standing and facing the front entrance to McDonald's. Campos Rios then turned to face the officers and began shouting.

Campos Rios began swinging the belt around his body again. Corporal Jarvis deployed the less lethal shotgun a third time. This also proved to be ineffective as Campos Rios continued standing, shouting, and swinging the belt around. Corporal Jarvis deployed the less lethal

bean bag shotgun a fourth time. Campos Rios was struck by the bean bag and turned his body towards the front entrance of the McDonald's where the employees were working. Campos Rios continued standing and shouting.

Corporal Jarvis and Corporal Valle both gave a verbal command for Campos Rios to get on the ground. Campos Rios ignored the commands, turned to face the officers, and again swung the belt around. Corporal Jarvis deployed the less lethal bean bag shotgun for a fifth time. This time Campos Rios dropped the belt, fell to his knees, and then fell to the ground. Officers immediately rushed to Campos Rios' aid. They immediately called for paramedics and provided medical aid until paramedics arrived. Campos Rios ultimately succumbed to his injuries.

Finally, Corporal Jarvis' distance from Campos Rios, approximately 30-40 feet, prevented him from using alternate tactics such as another Taser, a baton, or physical force. Approaching Campos Rios was not an option as it would have heightened the risk of substantial physical injury to Corporal Jarvis, other officers, the McDonald's employees, or Campos Rios. Further, Corporal Jarvis' deployment of the less lethal bean bag shotgun at that distance was in accordance with his training and reasonable under the circumstances.

For Corporal Jarvis 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 he did not act in reasonable and justifiable self-defense or defense of another when he shot Campos Rios with the less lethal bean bag shotgun. The prosecution would be unable to carry this burden in this case. Substantial reliable evidence supports the conclusion that at the time of the shooting, Corporal Jarvis reasonably feared for his life and the lives of others. Thus, a jury analyzing these facts, including Campos Rios' history of threats and violence, would justly conclude that Corporal Jarvis' actions were reasonable and justified. Therefore, Corporal Jarvis carried out his duty as a peace officer in a reasonable and justifiable manner.

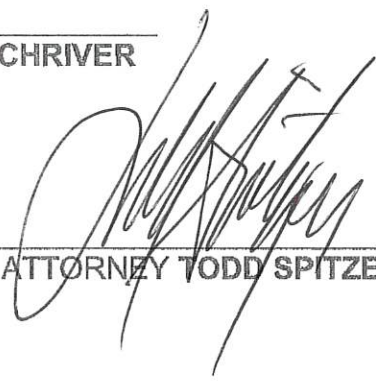
CONCLUSION

Based upon a review of all of the evidence provided to and obtained by the OCDA, and based on the entirety of the facts contained in all the available reports and interviews reviewed, and pursuant to the applicable legal principles, it is our legal opinion that there is no evidence to prove criminal culpability on the part of Corporal Jarvis, and there is substantial evidence that his actions were reasonable and justified under the circumstances when he shot Campos Rios on March 6, 2024.

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



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