



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA
TODD SPITZER

October 14, 2021

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

Re: Officer-Involved Shooting on August 29, 2020
Fatal Incident involving Jesse Nava
District Attorney Investigations Case # SA 20-021
Anaheim Police Department Case # 20-128150
Orange County Crime Laboratory Case # 20-49808
Orange County Coroner's Office Case # 20-04496- CE

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 above-listed incident involving on-duty Anaheim Police Department Officers Jacob Jones and Matthew De La Fuente. Jesse David Nava, age 25, died as a result of his injuries. The incident occurred in the City of Anaheim on August 29, 2020.

OVERVIEW

This letter contains a description of the scope and the legal conclusions resulting from the OCDA's investigation of the August 29, 2020, fatal, officer-involved shooting of Nava. 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 the Anaheim Police Department officers involved in the shooting. 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 August 29, 2020, Investigators from the OCDA Special Assignment Unit (OCDASAU) responded to this incident. During the course of this investigation, 13 interviews were conducted, and 21 additional witnesses were contacted during the supplemental canvass interviews. OCDASAU Investigators also obtained and reviewed the following: Anaheim Police Department reports, audio dispatch and radio traffic recordings; Orange County Crime Laboratory (OCCL) reports, including toxicology, forensic alcohol examination, latent print, officer processing and

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firearms examination reports; crime scene investigation photographs; medical records and photographs related to the injuries sustained by Nava; criminal history records related to Nava including prior incident reports; and other relevant reports and materials including 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 impartially reviewed all evidence and 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 was consistent with the law, on the part of Anaheim Police Department officers or personnel, specifically Officers Jacob Jones and Matthew De La Fuente. 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 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 investigative 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.

When the OCDASAU Investigator has concluded the investigation, the file is turned over to an experienced deputy district attorney for legal review. 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. Throughout the review process, the assigned prosecutor will be in consultation with the Assistant District Attorney supervising the Special Prosecutions Unit, who will eventually review and approve any legal conclusions and resulting memos. The case may often be reviewed by several experienced prosecutors and their supervisors. The District Attorney reviews and approves all officer involved shootings and custodial death letters. If necessary, the reviewing prosecutor may send the case back for further investigation.

An important part of the investigation of an incident such as this is attempting to obtain a statement from the involved officers. Officers Jones and De La Fuente gave voluntary statements to OCDA Investigators on September 3, 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:

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

FACTUAL SUMMARY

On August 5, 2019, a sixteen-year-old Anaheim resident, Jane Doe, reported to Anaheim Police Department that she had been forcibly raped and impregnated by Nava, who was 24 years of age at the time.

On April 29, 2020, Jane Doe gave birth to a baby. Subsequently, the child's DNA profile was compared to Nava's DNA profile. The results confirmed that Nava could not be excluded as the major contributor.

On August 28, 2020, an Orange County Superior Court felony arrest warrant was issued for Nava for PC 261.5(c) Unlawful Sex with a Minor.

On August 29, 2020, Officers Jones and De La Fuente, accompanied by Officers Moyao and Hwang attempted to contact Nava. Officers Jones and De La Fuente were aware of the arrest warrant. Officers attempted to use a ruse in hopes of safely taking Nava into custody. Officer Jones asked Officers Moyao and Hwang to remain parked at a nearby location as to not alert Nava to the ruse. Officers Jones and De La Fuente were wearing department issued class (B) uniforms and were driving marked black and white police vehicles.

Officer Jones researched Nava's criminal background history and gang membership prior to contacting him. Officers Jones and De La Fuente were aware of Nava's criminal history that included involvement in criminal street gangs, attempted murder, and assault with a deadly weapon. As such, Officer Jones made the determination that Nava could be a dangerous person and the situation should be approached carefully. Based on Officer De La Fuente's gang experience he knew that one way to earn respect in the gang culture was to harm a police officer. Officer De La Fuente knew that a person's nickname in a gang was either inherited, based on appearance, or earned. Since Nava's gang moniker was Danger, Officer De La Fuente believed that Nava may have earned it by committing a violent crime.

At approximately 8:34 p.m. Officers Jones and De La Fuente made contact with Nava's mother in Anaheim. Officer Jones told Nava's mother that the Anaheim Police Department had stopped a homeless man who attempted to make purchases with a card in Nava's name. Nava's mother agreed to pick up Nava from Santa Ana and bring him back to speak with Officers Jones and De La Fuente.

At approximately 9:39 p.m. Nava arrived at the sidewalk in the front of 2550 East Ward Terrace, in the City of Anaheim. He began to speak with Officer Jones. Officer Jones had a clipboard in his hand to make the ruse look like an official investigation. Officer Jones was suspicious that Nava was dressed with a jacket on since it was approximately 80 degrees outside. Both Nava and Officer Jones began to walk towards one another on the sidewalk. Nava asked Officer Jones if they had the suspect in handcuffs and Officer Jones responded that they did. Officer Jones then asked Nava for his ID in order to verify Nava's identity. After reviewing Nava's ID, Officer Jones handed Nava the card back. Officer Jones and Nava were standing within arms' reach of one another.

At this point, Officer Jones requested that Nava come over to his car, and both men stepped toward one another. Nava took a step back and his mother began to walk closer to him. Officer Jones stepped forward to tell Nava's mother to back away so that Officer Jones could speak one on one with Nava. Nava took another step back to calm his mother and told her that he would be right back.

At 9:40 p.m., Nava stepped forward and Officer Jones attempted to secure Nava's right arm with both of his hands. When Officer Jones touched Nava, Nava pushed himself away from Officer Jones and said, "fuck you fool." Officer Jones attempted to grab Nava's right arm again, and Nava backed away towards Officer De La Fuente. Officer De La Fuente struck Nava's back multiple times with a baton without effect. Officer De La Fuente gave Nava a command to stop resisting and Nava refused to comply.

When Officer Jones attempted to place his hands behind Nava's head to pull him to the ground, he saw that Nava began to pull his shirt up and reach towards the left side of his waist. Officer Jones believed Nava was reaching for a weapon, so he put his hands behind Nava's head and pulled Nava as hard as he could to the ground. Nava was pushed down to the ground and balanced himself on his left knee. At this point, Officers Jones and De La Fuente witnessed a large knife with a blade length between 8 to 10 inches in Nava's hand. Nava was pointing the blade directly at Officer Jones' face and began pushing up towards Officer Jones.

Officer De La Fuente shouted "knife" to alert Officer Jones. Officers Jones and De La Fuente both believed Nava was going to stab Officer Jones in the head. As soon as he saw the knife, Officer Jones pushed Nava away from him. Officer De La Fuente had never seen a gang member carry a knife that large and believed that Nava's intent was to kill.

Officers Jones and De La Fuente pulled their guns out. As Nava was in the process of standing up with the knife in his hands, Officer Jones fired two rounds and Officer De La Fuente fired three rounds. Nava was struck by three rounds. Nava fell backwards in the street and landed on his back. Nava soon began to move forward into a sitting position and attempted to stand again with the knife in his right hand. Officer Jones believed Nava to still be aggressive at this point. Officers requested medical aid for Nava.

Officer Jones believed Nava was still a threat and pulled out his Taser in order to get Nava to drop the knife. Officer Jones deployed his Taser darts on Nava, but it was ineffective because Nava continued to brandish the knife. Officer Jones used his Taser approximately three times while giving commands to Nava to drop his weapon.

At 9:41 p.m., Nava was still in the seated position but continued to brandish the knife. Officers gave several commands to drop the knife. Nava refused to drop the knife. Officer Moyao then used a less than lethal shotgun and fired a bean bag shotgun round at Nava. The bean bag struck Nava but he continued to hold the knife. Officers gave multiple commands for Nava to drop the knife and when Nava refused, Officer Moyao fired a second bean bag shotgun round at Nava. The second bean bag shot also struck Nava.

At 9:42 p.m., the knife spontaneously tumbled out of Nava's hand. Officer Jones asked Nava to crawl towards him and Nava responded that he couldn't. Officer Jones requested a shield in order to carefully kick the knife away from Nava's reach. Officer Jones indicated he was still in absolute fear that Nava would attempt to stab him again. An officer approached Nava and kicked the knife away. Shortly thereafter, Nava was handcuffed and lifted towards the curb so that he could be placed in a resting position to receive aid. Once detained, Nava began to receive medical aid from one of the backup officers.

At approximately 9:46 p.m., Anaheim Fire Department and paramedics began administering treatment to Nava. Paramedics noticed that Nava had received gunshot wounds to the lower

abdomen, left mid flank, and the left upper leg/thigh. Nava was conscious and transported to UCI Medical Center (UCIMC) by ambulance at 9:51 p.m.

At 10:00 p.m. Nava arrived at UCIMC and his care was relinquished to the hospital. Soon after his arrival, Nava was taken into surgery. A UCIMC physician pronounced Nava deceased the following morning at 9:32 a.m. on August 30, 2020.

EVIDENCE COLLECTED

The following items of evidence were collected and examined:

- One (1) cartridge case, head stamp, "WIN 9MM LUGER."
- One (1) black and white Puma sandal (Right Foot).
- One (1) black and white Puma sandal (Left Foot).
- One (1) less-lethal beanbag shotgun cartridge case, head stamp, "12*12*12*12*."
- One (1) black rectangular case.
- One (1) expended Taser cartridge #C410626PH.
- One (1) less-lethal beanbag shotgun cartridge case, head stamp, "12*12*12*12*."
- One (1) cellular telephone charging cord.
- One (1) green Taser blast door.
- Key ring with seven (7) keys and pieces of an electronic key fob.
- One (1) Taser probe with wire, connected to EM #6.
- One (1) cartridge case, head stamp, "WIN 9MM LUGER."
- Blue pants with a belt and one (1) black and white Nike shoe (Left Foot).
- One (1) police baton.
- One (1) baseball hat.
- One (1) Taser probe with wire, connected to EM #6.
- Apparent bullet fragment.
- Black jacket covering two (2) beanbag projectiles and two (2) plastic beanbag waddings.
- Key ring with two (2) keys.
- One (1) green Taser blast door.
- One (1) cartridge case, head stamp, "WIN 9MM LUGER."
- Two (2) black shirts.
- California Identification Card #F7774578 - JESSIE DAVID NAVA.
- One (1) cartridge case, head stamp, "WIN 9MM LUGER."
- One (1) cartridge case, head stamp, "WIN 9MM LUGER."
- Clipboard and wallet.
- Butcher knife.
- Apparent bullet fragment (Matched exterior of 2545 East Ward Terrace, Apartment #A).
- Apparent bullet fragments from Vehicle #16 generator in rear cargo area.
- Rear driver side tire from Vehicle #8 with an apparent bullet fragment in tire wall.

AUTOPSY

On September 2, 2020, Forensic Pathologist Dr. Yong-Son Kim of Orange County Sheriff Coroner's Office conducted an autopsy. Dr. Kim determined that Nava had sustained three gunshot wounds and two beanbag wounds. There was a bullet graze to Nava's left forearm, a sharp laceration wound to Nava's right thigh, and minor cuts to Nava's fingers and right palm. The gunshot wound to Nava's abdomen was a through and through injury. The gunshot wound to Nava's left leg was also a non-life-threatening injury. The gunshot wound to Nava's left back entered and struck the following vital organs: liver, stomach, intestines, spleen, right and left diaphragm, and rib cage.

Dr. Kim concluded that the cause of death was gunshot wounds of the torso and left upper leg.

EVIDENCE ANALYSIS

Firearms Examination

Officer Jones' Glock 17, Gen 4, 9mm pistol was test fired at the Orange County Crime Lab and fired without malfunction.

Officer Jones' Glock 17 Gen 4 pistol was determined to have fired two (2) cartridge cases from the scene.

Officer De La Fuente's Glock 17, Gen 4, 9mm pistol was test fired at the Orange County Crime Lab and fired without malfunction.

Officer De La Fuente's Glock 17 Gen 4 pistol was determined to have fired three (3) cartridge cases from the scene. De La Fuente's Glock magazine was marked with a seventeen (17) round capacity but had the capacity to hold eighteen (18) rounds of ammunition.

The markings of the test fired bullets from both Glock pistols did not reproduce well. Both Glock pistols share the same class characteristics as the two (2) bullets from autopsy, the two (2) bullets from the scene, and the bullet jacket from the tire, but due to inconsistencies with the reproducibility of the markings on the test fired bullets, the test fires are unsuitable for bullet comparisons.

Taser Examinations:

On August 29, 2020, between 21:48:02 and 21:48:54 hours, there were six (6) activations of five (5) seconds each recorded on Officer Jones' Taser. The Taser clock was seven (7) minutes and twenty-six (26) seconds ahead of the computer clock.

Toxicological Examination

A sample of Nava's blood was collected at the Orange County Sheriff-Coroner Forensic Science Center. An Orange County Sheriff's Department forensic scientist examined the blood sample for alcohol, prescription drugs, and common drugs of abuse. The following results were obtained:

DRUG	MATRIX	RESULTS & INTERPRETATIONS
Caffeine	Antemortem Blood	Detected
Etomidate	Antemortem Blood	Detected
Ketamine	Postmortem Blood	0.400 + 0.043 mg/L
Lidocaine	Postmortem Blood	Detected
Midazolam	Postmortem Blood	Detected
Naproxen	Antemortem Blood	Detected
Norketamine	Postmortem Blood	Detected

NAVA'S PRIOR CRIMINAL HISTORY

Nava's criminal history was reviewed and considered. Nava had a California Criminal History that dates back to 2008. He has previously been arrested for the following charges:

- Attempted Murder
- Active Participation in a Criminal Street Gang

- False Personation of Another
- Vandalism Committed for the Benefit of a Criminal Street Gang

STANDARD LEGAL PRINCIPLES IN OFFICER-INVOLVED SHOOTING CASES

Possible criminal charges against an officer involved in a 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]. In order 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 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 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 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.) 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 Anaheim Police Department Officers Jones and De La Fuente with Nava.

LEGAL ANALYSIS

The facts in this case are determined by considering statements made by both Officers Jones and De La Fuente to the OCDA investigators, which was supplemented by other relevant material and witnesses present at the incident.

The issue is whether Officers Jones and De La Fuente on August 29, 2020 fired their weapons without justification and are criminally culpable. As stated above, in order to charge Officers Jones and De La Fuente 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 officers' conduct. Therefore, in order to lawfully charge Officers Jones and De La Fuente with a crime, the prosecution must prove beyond a reasonable doubt that they did not act in lawful self-defense. If the actions that day of Officers Jones and De La Fuente were justifiable as lawful self-defense or defense of others, then criminal charges will not be warranted.

As the 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 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.” (*Brown v. Ransweiler, supra*, 171 Cal.App.4th at p. 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.

Officers Jones and De La Fuente were justified in believing that Nava posed a significant threat of death or serious physical injury to himself and others. This conclusion is based on the totality of the circumstances, but mainly based on the conduct of Nava in the moments leading up to the shooting. Nava brandished a knife with a blade between 8 to 10 inches in close proximity to Officer Jones's torso.

Officers Jones and De La Fuente were aware of Nava's criminal history that included involvement in criminal street gangs, attempted murder, and assault with a deadly weapon. As such, Officer Jones made the determination that Nava could be a dangerous person and he would have to approach the situation carefully. Officer De La Fuente's gang experience provided him the knowledge that one way to earn respect in gang culture was to harm a police officer. Officer De La Fuente knew that a person's nickname in a gang was either inherited, based on appearance or earned. Since Nava's gang moniker was Danger, Officer De La Fuente believed that Nava may have earned it by committing a violent crime.

Based on their experience and the circumstances, the evidence supports the conclusion that Officers Jones and De La Fuente exercised reasonable judgment when they decided it was necessary to use deadly force against Nava. When Nava advanced toward the officers with the large knife, Officers Jones and De La Fuente reasonably believed that deadly force was necessary to defend themselves. Nava refused to drop his weapon even after multiple commands and baton strikes. His escalating and dangerous behavior showed his resolve to attack Officer Jones with the knife. It was also reasonable for the officers to believe that less lethal alternatives were either not feasible or would be ineffective due to Nava's close proximity.

Officers Jones and De La Fuente simultaneously fired at Nava in order to protect themselves and the lives of one another. Nava resisted arrest and continued holding onto the knife and refused to drop it even after multiple commands. Therefore, the evidence supports the conclusion that the

officers reasonably believed that Nava still posed an imminent threat of death or serious bodily harm to the officers.

It should also be noted that, in order for Officers Jones and De La Fuente 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 Officers Jones and De La Fuente did not act in reasonable and justifiable self-defense or defense of another when they shot at Nava. As should be apparent from the above-described analysis, the prosecution would be unable to carry this burden in this case. A jury analyzing these facts would justly conclude that it was reasonable for Officers Jones and De La Fuente to believe that their lives and the lives of others were in danger. Therefore, Officers Jones and De La Fuente were justified when they shot at Nava.

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 insufficient evidence to prove criminal culpability on the part of Officers Jones and De La Fuente, and there is substantial evidence that their actions were reasonable and justified under the circumstances when they shot Nava on August 29th, 2020.

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



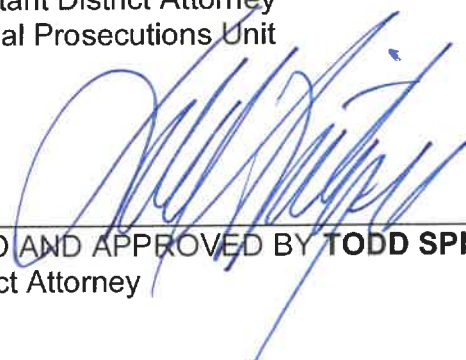
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