



PUBLIC RELEASE MEMORANDUM

SUBJECT: Officer Involved Shooting (Fatal)

OFFICERS: Officer Kyle Hanlin, Ontario Police Department
Officer James Hendrickson, Ontario Police Department
Sergeant Joshua Ritchey, Ontario Police Department

DECEASED SUBJECT: Araceli Arias (Female)
Date of Birth 04/19/1972 (age 47)

DATE OF INCIDENT: May 30, 2019

REPORTED TIME: 14:20

INCIDENT LOCATION: 400 Block of W. Maple Street
Ontario, CA 91762

DA STAR #: 2019-56722

AGENCY: Ontario Police Department

CASE AGENT: Detective Jeffrey M. Zeen, Badge #80142

DR #: 190501590

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INTRODUCTION

This was a fatal officer-involved shooting by police officers from the Ontario Police Department. The shooting was investigated by Ontario Police Department. This factual summary is based on a thorough review of all the investigative reports, photographs, video, and audio recordings submitted by the Ontario Police Department, DR# 190501590.

PRINCIPAL INVOLVED PARTIES

Araceli Arias, of Ontario, California was killed during the incident under review.

Officers Kyle Hanlin and James Hendrickson were the police officers who shot Araceli Arias.

Sergeant Joshua Ritchey discharged his firearm and killed a large german shepherd dog at the location moments before the shooting of Ms. Arias.

SCENE

This incident occurred on May 30, 2019. The initial call came in at 2:20pm. Location of occurrence was a residence located on the 400 block of W. Maple Street, Ontario, California.

BACKGROUND INFORMATION

Araceli Arias has a prior criminal history that includes convictions of offenses listed below:

2002: Misdemeanor conviction for Vehicle Code section 20002(A): Hit and Run with Property Damage.

2005: Misdemeanor conviction for Penal Code section 273A (B): Willful Cruelty to a Child.

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I.

FACTUAL SUMMARY

At approximately 2:20pm on May 30th, 2019, a 9-1-1 call was made by Witness #1. Ontario Police Department (hereafter, OPD) dispatch enlisted the aid of a Spanish interpreter to facilitate communications with Witness #1 as he did not speak much English. Witness #1 reported that his daughter, Araceli Arias (hereafter, Arias), was in the backyard with his 9mm handgun. He expressed the fear that she was going to kill herself. "She's mad," is the way he described her. He indicated that she had taken his gun from its place of concealment and the gun was loaded. He indicated she was behind the residence, on top of a chicken coop. Witness #1 indicated that his daughter was on drugs, but he did not know what type of drugs. Witness #1 said that both he and his grandson (Witness #2, Arias' son) were hiding from her at the location. Witness #1 indicated that officers could enter the location from the front gate.

Numerous OPD patrol units and OPD Air (Air30, a helicopter) promptly arrived at the location. The property ran north to south in a rectangular shape. The unpaved grounds behind the residence were covered with small buildings and shacks, some small trailers, several cars, and some fenced-in areas with chickens and other buildings. The front of the residence faced south, and the chicken coop was to the back of the property on the northeast side. Arias was immediately spotted by OPD Air30. They activated their cameras and Arias' subsequent behavior was vividly captured on video for about 14 minutes. The camera did not capture audio. Arias was observed with a handgun in one hand and a machete in another. Arias was pointing the gun in various directions, and wildly swinging the machete. One witness described her as "dancing." She appeared to have been uttering words, but they could not hear her from Air30. Arias' son, Witness #2, arrived at the chicken coop after about one minute, and it appeared he was trying to negotiate with her to come down. The officers in Air30 made numerous announcements through their PA system to Araceli asking and commanding her to drop the weapons. She did not comply. At various times she pointed the gun directly at Air30. At one point she appeared to manipulate the slide on the handgun.

After approximately nine minutes, Witness #2 climbed on top of the chicken coop with his mother. She kept him at bay by swinging the machete, and she continued to wildly swing the machete. At times she pointed the gun at Witness #2, but she did not actively pursue him otherwise. At approximately 14 minutes, Witness #2 rushed his mother and struggled with her to get the gun. Witness #2 succeeded in getting the gun from her, and he retreated to the roof of a smaller adjacent structure with his mother in pursuit. Witness #2 flung the gun from the roof in an attempt to keep it from his mother who was very aggressively trying to get the gun back from him. Arias jumped from the roof

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above the location of the gun, near a tree. Arias appeared frantic and determined as she ran to the area of the tree and searched for the gun. She soon found it and was armed again. She also found a section of pipe, or antenna, which was about four feet long and she brandished that in her other hand.

Numerous officers had congregated at the front of the residence, and their ability to observe Arias from that location was limited due to various obstructions, but Air30 was broadcasting descriptions of the events as they unfolded. At the point where the struggle began between Arias and Witness #2, Sgt. Ritchey gave the order to his React Team to enter the yard through the front south-facing gate. The officers' immediate concern was that Araceli could shoot Witness #2. All the officers were dressed in official uniforms and protective equipment, including badges and insignia. The Team included three officers, a K9 (canine) officer with his dog, and Sgt. Ritchey. The Team breached the front gate and entered the yard.

Within seconds, the police K9 was attacked from behind by a large german shepherd. The attacking dog bit the rear flank of the police K9, and then released its bite and immediately ran towards the React Team which had sought cover behind a parked red SUV on the east side of the drive. The team was facing to the north, the direction where Arias was, and the dog came up behind them. Sgt. Ritchey immediately fired his 9mm handgun four times at the german shepherd to protect his team from attack and to protect them as well from the distraction of attack. The dog immediately went down.

Within six or fewer seconds of the shooting of the dog, Arias appeared from the area of the tree where she had recovered the gun and she ran directly toward the officers. Both before, and while, she was running toward them, the React Team screamed commands for her to drop the gun. She did not comply. The distance between Arias and the Team rapidly closed due to the rapid pace at which Arias was running. Team members Hanlin and Hendrickson both fired shots. Hanlin fired his 9mm handgun three times, and Hendrickson fired his M4 rifle three times. All shots were fired within a two-second time frame. Arias fell to the ground, dropped her gun and the pipe, and appeared to immediately expire. The shots began when Arias was approximately two compact car lengths away from the Team, and her body hit the ground about one and a half car lengths (approximately 25 feet) from the Team. (Vehicles were parked immediately parallel to Arias' path, and they aid us in visualizing this measurement.) Ontario Fire Department paramedics had earlier been called to the scene, and they were promptly ushered into the yard to render aid.

All of the officers were wearing Body-Worn Axon cameras (hereafter, BWC). Some of the cameras had intermittent obstructions during the episode, but at least one camera caught the entire incident from the ground level, and Air30 caught the entire episode as it unfolded. Shell casings were found at the scene which corresponded to Sgt. Ritchey's shooting of the dog, and Hanlin's and Hendrickson's firing at Arias. An expended shell casing was likewise located on top of the chicken coop from Arias'

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earlier discharge of her weapon and live 9mm round was also located on the corrugated tin roof of the chicken coop.

Note: Neither Witness #1 nor Witness #2 were immediately compliant with officers after the shooting. They were understandably upset by what had just occurred, but the officers needed to control the scene in order to preserve evidence and to assure that no other threats were presented. Witness #1 refused to sit down, and Witness #2 refused to come off the roof of the chicken coop for several minutes. As a result, Witness #1 and Witness #2 were detained for violation of PC 148. This memorandum does not address that phase of the event since it does not implicate the propriety of the shooting.

Both Hanlin and Hendrickson were interviewed. They indicated they fired because of fear for their lives and the lives of the other members of the React Team. They saw Arias in possession of the handgun, and they saw that it was at times pointed their direction. She was running directly toward them, there was no time to attempt to communicate further with her. Sgt. Ritchey was also interviewed. He indicated he felt he had to shoot the dog as it had just attacked a police canine and it was running toward his team as they were in a stand-off with an armed suspect.

A sample of blood was taken from Arias's body at the time of autopsy. The blood was examined for illicit substances. Testing showed an extremely high level of methamphetamine in Arias's blood.

Timeline of Events:

- 14:18: 911 call received from Witness #1.
- 14:22: Call is dispatched via radio transmission.
- 14:26: First OPD officer on scene.
- 14:28: OPD Air30 Unit arrives on scene and begins orbiting.
- 14:28: Air Unit advises that they see Arias on roof of chicken coop with handgun and machete. (This structure is toward the rear of the yard.)
- 14:30: Air Unit advises that Witness #2 is arguing with Arias.
- 14:43: Witness #2 is able to gain control of machete and he throws it on ground.
- 14:43: Witness #2 and Arias begin fighting over control of the gun.
- 14:43: Sgt. Ritchey, at the front of the residence on the street, tells his React Team to deploy. The team breaches the front gate and begins heading northward. Commands are given to Arias to drop the gun.
- 14:44:04: The React Team takes cover behind a red SUV in the rear yard.
- 14:44:06: Sgt. Ritchey shoots a german shepherd which had just attacked the OPD canine and was heading aggressively toward the back of React Team which was focused on Arias's location.
- 14:44:12: Arias is observed running directly at the team. She is carrying a handgun and a pipe. Officer Hanlin and Hendrickson fire their weapons. Arias goes down.
- 14:45: Ontario Fire Department medics arrive on scene and begin treating Arias.

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REPORTING PARTY

Summary of 911 Call:

At 14:18 Witness #1 called 911. The call was recorded. It lasted 26 minutes and 21 seconds. The call came from a cell phone. Public Safety Dispatch Officer (hereafter, PSD) received the call. Witness #1 indicated his daughter was in the backyard with a gun and "she wants to kill." PSD asked who his daughter wanted to kill. "She wants to kill her" was the response. It was immediately apparent to PSD that Witness #1 did not speak adequate English for the PSD to sufficiently understand him, and so she contacted a Spanish translation service for a three-party call. The translator introduced herself to Witness #1 and explained her role. From that point forward, PSD asked the questions through the translator, and responses were likewise given back to PSD through the translator. Most of the information synopsis here was given by Witness #1 pursuant to direct questions from PSD. PSD was simultaneously transmitting relevant information via radio to officers who were responding to the location or already on scene.

Witness #1 indicated the address was on the 400 block of W. Maple in Ontario. His daughter, Araceli Arias, age 46 or 47, was on drugs. He did not know what type of drugs. He said she was wearing orange shorts and a pink shirt. Witness #1 said she had his 9mm handgun. He said, "she is mad." He said she got the gun from the location where he kept it stored. Witness #1 said he did not know what his daughter was doing right at that moment because he did not want to get near her, but he confirmed that she still had the gun. He did not know whether she would hurt him or herself. Witness #1 clarified that she was on the roof of a chicken coop in the rear yard, not on the roof of the house. She did not have a cell phone with her. Witness #1 said his grandson was also at the location. He was 27. PSD asked if Witness #1 and his grandson could meet officers out front. He said no, because they were trying to hide from her, and that the officers could come in through the front.

Witness #1 said he was hiding behind a brown Ford on the west side of the property. He said that she had never done anything like this before. PSD asked if she had shot anything with the gun, and Witness #1 said she had shot into the air before he dialed 911. He said the gun is real, and there were normally five rounds in it, but now there are "about four."

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Witness #1 said his grandson was now under the roof where his daughter was standing. PSD told Witness #1 to tell his grandson to back away. (Yelling can be heard.) Witness #1 then said the grandson was on top with her. PSD asked whether he thought Arias would shoot his grandson. He responded "In these situations you have to respect that..." They then discussed the last time Araceli used drugs. Witness #1 then confirmed that officers were on scene in the backyard. (Announcements can be heard telling the grandson to get off the roof.) Witness #1 then said, "My grandson took the gun away!"

Witness #1 can then be heard yelling "Give me the gun!" There is then a pause, and then some commotion. Multiple shots are heard, and then a man's voice shouts, "My fucking dog!" Seconds later, more gunshots are heard, and a male voice can be heard saying, "Why you do that, man?"

PSD then advises the translator that the call can be terminated.

Interview with Witness #1:

Immediately after the shooting of his daughter Witness #1 was detained. The shooting occurred right in front of him. Officers had asked him to sit down, but he did not comply, and at one point he threw his cane at a parked car. Officers handcuffed him to a chair for his safety and theirs. He was interviewed in Spanish by OPD Detective Melendez at the station later that day. The interview was recorded.

Witness #1 explained that Arias had been depressed ever since she lost custody of her five children about ten years prior. He said she had lived in Las Vegas, but for the past three years she lived at his home in Ontario with him and her son Witness #2. Arias had been helping Witness #2 after he had injured his back. Three other men live in the trailers behind the house, but they are not family.

Witness #1 noticed today that his Beretta handgun was missing. Only the empty case was there. He kept it loaded with five Winchester "ball rounds." He had kept it in a case in his bedroom. He had previously shown Arias where the gun was kept in the event that she needed it for self-protection when he was gone. But he never gave her permission that day to take the gun. He sent Witness #2 out to look for her to recover the gun. Arias did not want to give the gun back to Witness #2 and she appeared suicidal, although she never said she was going to commit suicide. Witness #1 told her to stop fighting with Witness #2, but she told him to mind his own business. That was when he called the police.

Witness #1 said at one-point Witness #2 was able to get the gun back from his mother while they were on the chicken coop. Witness #2 threw it on the ground and Arias

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jumped off the coop to recover the gun. She then "went against the police." He said the officers told her to drop the gun, but she did not comply. They then shot. He said he was close by when this happened right in front of the officers. He was planning on disarming her himself, but he did not have time. He said she was also carrying something that looked like a wooden stick. He said she did not raise the gun against the officers because the officers did not give her a chance to raise it, but she did not drop the gun either.

Witness #1 was not aware of his daughter being under the treatment of any doctor. He was not aware of her taking any medications other than asthma medication. He was unsure of her mental health.

CIVILIAN WITNESSES

Witness #2:

Witness #2 is Araceli Arias' adult son. He was the man observed on the top of the shed talking with Arias and struggling with her during the incident. He remained on the shed after the shooting and refused to come down. Officers pleaded with him to come down and he eventually was pulled down by his arm. He was at Chino Valley Medical Center when he was interviewed by OPD Detective Eric Jordan. He was being treated for the removal of a taser dart and a sprained left ankle. He was handcuffed to the gurney.

Witness #2 indicated he was suicidal. He claimed he would hurt the officers and civilians in the hospital. He indicated he had used methamphetamine two days prior and he still felt the effects. He said he sees a therapist and has a mental disorder.

Witness #2 indicated he was very close to the shooting of his mother. He said his mother had obtained a machete from the chicken coop, and she had his grandfather's gun. He heard two officers telling her to drop the gun. He denied that his mother ran towards the officers prior to being shot. He said she "threw herself on the ground" before being shot.

Witness #2 said he saw the police helicopter and he saw "forty-two police officers" at the scene. Witness #2 said he hurt his ankle when he jumped down from the chicken coop. He indicated he lived at the Maple Street address with his grandfather and a worker. Witness #2 said he was tasered because he tried to trick the officers and it did not work.

Witness #2 made several rambling and incoherent statements. Due to him being a danger to himself and others, he was placed on a *W&I* 5150 hold by Officer Palmer.

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Neighbors:

The neighborhood was canvassed after the shooting for potential witnesses. Numerous people were contacted. Many indicated that they arrived at the location after the incident, and many others said they stayed in their homes as instructed by police.

Witness #3: He lived in a trailer behind the residence on the 400 block of W. Maple. He heard a commotion outside, but he did not look. He heard numerous announcements come from the helicopter telling someone to, "Drop the gun!" Shortly after that he was escorted by the police out of his trailer. He saw a female on the ground who appeared to be shot.

Witness #4: He lived on the 400 block of W. Maple. He also heard the announcements from the helicopter: "Get off the shed, walk down the driveway, put your gun down." The announcements were very clear and lasted approximately five minutes.

Witness #5: She lived on the 400 block W. Maple Street. She heard announcements from the helicopter which said, "Put the gun and pipe down." She later heard gunshots, and she grabbed her grandson and got on the floor.

Witness #6: She lived on the 400 block of W. Maple, the house directly south of where Arias was. She said she was getting into her car to go to the store when she saw the police arriving. She took her kids back into the house. She then went to her front window and she could see Arias standing on the shed holding something in her hand. She saw Arias point that something at the police. She saw the officers enter the backyard and heard gunshots. She said when the gates opened, she could see. Medics were performing CPR on Arias, and she saw that the dog had been shot. She had known Arias for a long time. They called her "Chelly." Witness #6 did not know if Arias had mental health problems, however, knew she did use drugs.

Witness #7: She also lived on the 400 block of W. Maple. She was with her sister, Witness #6, and they were going to the grocery store. She saw all the police show up, and they got the kids back in the house. She went to the front window to see what was going on. She could see Arias holding "something like a gun." The helicopter was telling her to drop the gun. She then saw Witness #2 on the shed with Arias. He was trying to calm Arias down. But they then began to fight, and they fell to the ground. She saw the police rush into the backyard, and she then heard shots.

Witness #8: She lived nearby on the 500 block of W. Maple Street. She heard the commotion outside. She heard the helicopter say, "Drop the gun!" at least four times. She looked outside and saw her friend Chelly "dancing" on the trailer with a two-foot long stick. Witness #8 did not see much else, but there were a lot of cops there. She

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saw Chelly get off the trailer and the cops started to walk into the backyard. She then heard some shots. She could then see that Chelly and a dog were laying on the ground.

LAW ENFORCEMENT WITNESSES

The best and most comprehensive overview of the entire incident was obtained from the video obtained from the OPD helicopter.

Officer Jeff Every was the Tactical Flight Officer in Air30. The pilot was Corporal Gonzales. They were dispatched to the 400 block of W. Maple in reference to a woman who was on a roof with a gun. They arrived on scene and identified the property—a long property with a residence to the front and a rural or agricultural area behind the house with sheds, vehicles, trailers and etcetera scattered around the property to the north. They saw woman on the roof of one of the sheds. She was wearing a pink shirt and orange shorts. Officer Every activated Air30's camera system which was an L3 Wescam MX 10.

The woman was holding a handgun in her left hand and a machete in the right. She was waving the machete and handgun all around. A male subject walked up to the shed and began talking to the woman. The woman pointed the gun at him at several points. The man then ascended to the top of the shed by climbing bales of hay. The two subjects talked for a while, and at several points the woman pointed the gun at the man. Every made several P.A. (public address system) announcements for the male to get off the roof and for the female to drop the gun. Neither of them complied. The female pointed the gun at the helicopter at one point and continued to walk around. The female put the machete down, and the man was able to throw it off the roof. A struggle ensued. At one point the male obtained the gun from the female and he jumped to an adjacent shed with a lower roof on the west side. The female followed and grabbed the man from behind. She tried to grab the handgun, and the man threw it off the roof.

Every could see another man on the ground who appeared to be looking for the gun under a tree before the female could get it. This man was later identified as Witness #1. The female emerged from under the tree with a pipe in the right hand and the gun in the left hand. She then ran south, toward Maple Street. She pointed the gun toward Maple Street and towards the officers who were in front of her. She ran at full speed toward the officers. She ran about ten feet and then collapsed. She then fell on her right side, dropping the gun and the pipe.

Air30 remained on scene until the officers on the ground had secured the entire scene.

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An OPD Forensic Technician who was in the OPD Air30 helicopter at the time of the call. She had been taking aerial photographs for another crime scene at the time. She heard the broadcast about the suicidal woman who had a gun. The helicopter responded to that location, and she could see the woman down there on the roof with a machete and a gun. She said the woman was pacing back and forth and acting erratically and swinging the machete around. She said the woman was wearing pink. A man got on the roof with her and they began physically fighting. It appeared the man was trying to disarm the woman. The man threw something off the roof, but she was not sure what it was. Then something else was thrown off, and the female immediately jumped off, it seemed that she was trying to retrieve those things.

The Forensic Technician could hear the helicopter giving commands to the woman to drop the weapons. She knew the situation was not going to end well because the woman was not listening to the commands and was not calming down. The woman seemed to become more erratic as time went on. She did not see the woman point the gun at the helicopter. She was concerned for the safety of the officers on the ground based on the way the woman was acting, and the fact that she was pointing her gun at them. The Forensic Technician said from her vantage point it looked like the woman pointed the gun at the officers four or five times. She could not tell if the woman ever fired the gun. She also saw a dog which was roaming around and that the dog was fighting with the police canine at one point.

After the woman jumped off the shed and retrieved the weapons, she saw her moving south. And she could see the officers had now entered the yard and were headed north. She did not see or hear the shots, but she saw the woman go down. The woman had been running toward the officers with a gun in one hand and something long in the other hand. Soon after she went down the woman was being treated by paramedics.

Officer Ryan Ronveaux was dispatched to the incident on the 400 block of W. Maple Street at 14:23 hours along with his police service dog **Kerel** (hereafter, K9). He arrived at 14:30. The RP had told dispatch that Araceli Arias, his daughter, took a gun from the RP's room. The RP believed she was going to kill herself. The RP described her as wearing a pink shirt and orange shorts. The RP and his grandson were hiding in the backyard and were scared that if they attempted to leave she would shoot them.

Just prior to Ronveaux's arrival, OPD's Air30 arrived on scene. They stated they observed Arias on top of the shed with a gun in one hand and a machete in the other.

Several minutes later, the RP told dispatch that his son was talking with Arias in the backyard. Ronveaux took a position of cover behind a parked car on the south side of

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Maple Street. He could see Arias on top of a structure with a gun in one hand and a machete in the other. Arias was pacing back and forth, and she appeared to be yelling to someone on the ground, but Ronveaux could not hear the words. Arias seemed agitated. Several times she lifted the gun and appeared to be pointing it at something in the yard. Ronveaux deduced she was probably pointing it at the grandson as he talked to her from the ground.

As additional officers began arriving, Ronveaux observed Arias face southbound towards him. She lifted her arm and pointed the gun towards Corporal Munive, Officer Gerber, and Ronveaux for several seconds before she turned and resumed pacing. Ronveaux estimated they were 80 to 90 yards south of Arias at that time.

At 14:37, Air30 advised that the grandson was on top of the shed with Arias. They were arguing. Arias continued pacing. She again pointed the gun at Ronveaux's location, where he was standing with other officers. Air30 was making repeated announcements telling Arias to put the gun down.

The MET/React Team began walking northbound across Maple towards the gate. Ronveaux and his police K9 followed. Ronveaux could see Arias and the grandson still on the roof. They took a momentary position near the gate, and then they heard from Air30 that a struggle was underway between Arias and the grandson. Ronveaux followed behind the team as they entered the gate. He could see only the male on the roof now, and Arias was behind some vehicles swinging a pipe. She appeared to be challenging or threatening the officers. He saw a large german shepherd near Arias.

The dog looked southbound, and Ronveaux could tell the german shepherd saw his police K9. (The K9 dog was a Belgian Malinois.) The dog began running aggressively towards the police K9. Ronveaux feared the dog was going to attack his K9, which was on a leash, and in fact it rapidly approached and bit the K9's right rear leg at the thigh and held on for several seconds. The dog let go and rapidly headed north towards Sgt. Ritchey and the React Team. Sgt. Ritchey then fired several rounds at the german shepherd and it went down.

Immediately after the shots which felled the dog, Ronveaux could hear the React Team shouting commands at Arias to drop the gun. He could see Arias. He could see her hand with the pipe but could not see the other hand. Ronveaux momentarily looked another direction and then he heard shots from the React Team. He instantly looked back. He observed Arias fall to the ground, with a gun falling to the ground just feet away from her.

The RP, Witness #1, stepped out from behind some clutter. He failed to respond to repeated commands. He was detained. The grandson was still on the roof of the chicken coop. He refused commands to come down and he appeared to be under the influence of narcotics. He was eventually pulled down off the roof by officers.

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Keral, the police K9, did not have puncture or abrasion wounds to his rear leg, but he did suffer from swelling and was limping. A veterinarian, prescribed various medications to help avoid infections and recover from the bite.

INTERVIEW OF SERGEANT RITCHEY

Sgt. Joshua Ritchey (hereafter, Ritchey) was interviewed on May 31, 2019 in an OPD conference room. This was the day after the incident. The interview was recorded. He had his attorney, Robert Todd, present for the interview. Sgt. Ritchey was given an opportunity to review his BWC video footage, as well as the video taken from the OPD Air Unit, prior to the interview and he did review those videos. Ritchey was advised at the beginning of the interview that the interview was part of a criminal investigation and giving a statement was voluntary. He indicated his agreement to the interview.

Ritchey indicated he had been a police officer for 13 years. He had been a Sergeant for one and a half years. His current assignment was the MET team, which stands for Multiple Enforcement Team. They handle fugitive apprehensions, critical incidents, and they are members of the SWAT team. They also provide training for the department. Ritchey described the clothing he was wearing at the time of the incident: black boots, blue jean pants, a navy-blue MET uniform shirt, a nylon web belt, and a load-bearing vest. His shoulders had OPD patches with MET insignia. He arrived at the scene by himself, and he was armed with his Glock 17 handgun, which is a 9mm. He kept 17 in the clip, and one round chambered for a total of 18 rounds. He described some of the equipment he was carrying: a flashlight, gloves, three loaded MP5 magazines, two handcuff cases with handcuffs inside. His team members were dressed similarly, but they had ballistic helmets and he did not. He was not wearing one because of "expediency"—he had to "get going" when he arrived on scene.

Upon arrival, he instructed a team member to retrieve breaching equipment, which is used for gaining access into locked doors, gates, and vehicle. One member was already carrying a level-3 ballistic shield which protects against small arms fire. Ritchey had been following the radio broadcasts on channel 1, and he realized it was a rapidly evolving situation, and so he and his team self-deployed to the scene and then notified once they arrived. This call superseded any other calls at the time due to the risk to the public. He was aware that the female at the back of the property was holding a machete and a gun. He knew this situation had the potential to be a critical incident. There was a sense of urgency to the situation.

It was broadcast that a male in a white shirt was now on the roof with the female. This elevated the situation because now there was a potential victim in very close proximity to the armed female. Ritchey said a situation like this is an elevated incident with risks

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far beyond a routine call. He was also aware that the RP would not come out because he was scared the female would shoot him. He was also aware that Air30 had given multiple commands to the female to drop the gun, and she had not complied.

Ritchey said as he and the team were in front of the house the female and the male were approximately 80 yards away. He could clearly see her holding the gun. It was a black semi-automatic. He could also see the machete or pipe which she had in the other hand. Ritchey did not believe that he had ever had previous contacts with Arias or that location.

As they were getting ready to deploy into the yard, the female and the male began fighting. Ritchey knew the team had to intervene with the hope of preventing injury to either party on the shed. The team formed a "modified diamond" formation. This formation is like a wedge composed of four officers. They made entry through the gate and headed northward. As supervisor, Ritchey stayed somewhat behind the team so he could observe to the east and west. The K9 officer was with him. Officer Hanlin was in front of the formation and he had the shield. The goal was to gain containment of the scene so that residents on either side would not be affected.

Air30 had broadcast that there was a large dog roaming the backyard. This concerned Ritchey because he knew dogs are territorial, and if the dog was aggressive it could cause harm to the officers. He also knew from prior experiences that dogs can sometimes interfere with police K9 officers.

When Ritchey first saw the dog, it had just come from around a shed. The dog was headed towards the React Team, which was facing northward towards Arias. The dog, an extremely large german shepherd, was running southeast, and it immediately veered toward Ritchey and Corporal Ronveaux with his K9. The dog appeared to be in "attack mode." The dog was very fast and it instantly made contact with the police K9. The two dogs were too close for either Ritchey or Ronveaux to safely fire. The dog ripped fur out of the backside rear leg of the police K9, and it was shaking its head as it did so.

The dog had disengaged with the police K9 and looked up at the React Team which was huddled behind a red SUV to the north. The dog immediately headed towards the Team. The Team was focused on the north, the apparent location of Arias.

"Now he is headed running toward the back of my React Team. Based on the dog's actions and previous actions there was no doubt in my mind this german shepherd was going to attack the back of my React Team or one of my officers. This in turn would have created...it would have created a number of safety issues and officer safety issues. One, and the obvious one, is they would have been attacked by a dog. But in addition to that, these officers would have had no choice but to use lethal force of firearm on the dog, and in doing so myself, and Corporal Ronveaux the K9 officer, are

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now in the backdrop. The potential for an officer being shot in that process is extremely high."

Ritchey emphasized the team was focused on the female who was now off the shed, and the male who was still on the shed. "They had their hands full." To protect his team and their operations, Ritchey fired four rounds into the left side of the german shepherd. His backdrop, behind the dog, was an old shed, and behind that, a six-foot cinder wall. Ritchey considered this an adequate backdrop, especially given the angle from which he was shooting. The dog had been running at the time he shot it, and it could have closed the distance to the Team in a second or two.

"As the dog fell, I immediately looked over to my team to now turn my focus over to see what was going on there. I could see the female charging the React Team with a handgun in her left hand, the black handgun in her left hand, and a pipe in her right, a very large pipe in her right hand. She let out a nonverbal scream as she was running towards the officers."

Ritchey could hear his Team giving commands to the female after he shot the dog. He believed they were saying "Drop it! Drop it!" She was holding the gun in her left hand as she ran toward them. "Her actions made it evident what her intentions were. That was to bring the fight to my officers or to me." He explained that he meant "she intended to harm and kill myself and my React Team."

After she was shot, she immediately fell to the ground and dropped her gun. He personally had observed her waving the gun around violently on the roof and behaving in an erratic manner. He personally ordered Air30 to give commands to drop the gun and he heard them give those orders. Ritchey did not personally give commands to the female.

Ritchey did not discharge his gun other than shooting the dog. He identified who the shooters from his team were (Officers Hanlin, and Hendrickson) and asked them to walk out front and not talk to anyone other than their public safety statements. He then made sure the house was cleared and handled some other administrative responsibilities.

Ritchey then explained the efforts used in getting RP Witness #1 (the father) to sit down and Witness #2 (the son) off the roof.

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INTERVIEW OF OFFICER HANLIN

Officer Kyle Hanlin (hereafter, Hanlin) was interviewed on May 31, 2019 in an OPD conference room. This was the day after the incident. The interview was recorded. He had his attorney, Jason Ewert, present for the interview. Hanlin was given an opportunity to review his BWC video footage, as well as the video taken from the OPD Air Unit, prior to the interview and he did review those videos. Hanlin was advised at the beginning of the interview that the interview was part of a criminal investigation and giving a statement was voluntary. He indicated his agreement to the interview.

Hanlin indicated he had been a police officer for four and a half years. His current assignment was MET—Multi Enforcement Team. He said they were a full-time SWAT team and a fugitive apprehension team. At the time of the incident he had been wearing a cover shirt with MET insignia, and which said POLICE on the back. He had a cloth badge on his ballistic vest. He was wearing a ballistic helmet due to the nature of the call. He was wearing a body-worn camera that was on his vest. He carried a variety of equipment on his duty belt. His gun was an STI 2011 9mm. He put 20 rounds in the clip, and one in the chamber, for a total of 21 rounds in the gun. He carried two additional magazines. He had been carrying an AR-15 rifle after he arrived at the scene, but he switched over to a ballistic shield and left his rifle in the car after rendering it safe. The shield was approximately three feet high and two feet wide and it provides semi-cover.

He had responded to the scene by himself. He heard that Air30 verified that the suspect had a handgun and she was waving the gun around. He was monitoring channel one and hearing that the woman was suicidal. The first officer on scene had established a perimeter and he made contact with his supervisor on scene for instructions. Hanlin said he was just trying to stay focused because this call had the potential to turn into something bad. The female had a tactical advantage because she was at a higher location looking down on them. She was intermittently pointing the gun at them. She appeared to be under the influence of drugs. She appeared extremely agitated and was flailing her arms around with the gun in one and a machete in the other. He had received information that she was suicidal.

Hanlin described how the React Team's role was to deal with the suspect if she began shooting or otherwise escalated the situation. The goal is always to save lives. Hanlin had never encountered Arias before and he had never been to the location before.

Hanlin saw the male up on the shed with the female prior to deployment into the yard. The original plan had been to clear the house first, but when the male and female

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started struggling over the gun, the plan changed, and they then went straight into the back yard through the gate. Hanlin was concerned about the officers to his side because his shield was not wide enough to protect all of them.

They worked their way into the yard and took cover behind a red SUV. He was holding the shield with his left arm. He had his gun in his right hand. He could hear his partners yelling commands. He thought the commands were to drop the gun, or possibly to get on the ground, words to that effect. When he first saw Arias from behind the red SUV she was off the roof and on the ground, approximately 25 yards away. In his peripheral vision he saw a dog run past them, and then there were some shots from behind. Someone yelled that it was just the dog, that the dog had been shot. Hanlin said the dog presented another "level of danger." He estimated that the dog weighed over 100 pounds.

Arias almost immediately charged at them. "She seemed really angry. She started to raise...so she had her gun in her left hand and she had some type of pipe or pole in her right hand and she raised it at us and she started running at us." Hanlin estimated the pole or pipe to be almost four feet long. It was made of metal. The handgun was black. "She was very hostile towards us. We are in her backyard, and she seemed really pissed off.... she was very, very angry." Hanlin speculated she might have been mad because her dog had been shot.

Hanlin felt very vulnerable for himself and his team. "All it takes is her to point the gun at us one time and shoot off one round and it could hit myself, my partner, anybody in the front yard." He felt the concealment they had behind the car was lost as she came closer up to them and it left them open to being shot. "So, if she wanted to, she could easily just start shooting in that general direction and hit myself or my partner...it's a very uneasy feeling having someone have a gun pointed at you. I've never had someone point a gun directly at me like that in a situation where you know the gun is loaded. It's not a training scenario."

Interviewing detectives asked him how he knew the gun was loaded. Hanlin then said he did not know the gun was loaded. He was asked if he had heard her discharge the weapon, and he said he had not. He also said that he could not determine whether her finger was on the trigger as she ran toward them, but she was holding it in a way where in milliseconds she could have put her finger on the trigger.

She started running directly at them, and Hanlin discharged his firearm at her. He felt like he had no other options. He was in fear for his life. She was approximately 15 yards away when he shot. He believed he shot two rounds with his STI 9mm handgun. She fell to the ground immediately. He heard another officer from the React Team fire as well.

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The two nearby males then appeared aggravated by the shooting. Hanlin then approached Arias's gun, which had fallen near her, and he guarded it so that her father, who was nearby, did not pick it up. Medical aid was immediately summoned.

Hanlin then described his efforts in controlling the RP Witness #1, and Arias's son Witness #2. Witness #2 was still on the roof of the chicken coop, and he was yelling and upset. He was not compliant in coming down of the roof.

INTERVIEW OF OFFICER HENDRICKSON

Officer James Hendrickson (hereafter, Hendrickson) was interviewed on May 31, 2019 in an OPD conference room. This was the day after the incident. The interview was recorded. He had his attorney, Jason Ewert, present for the interview. Hendrickson was given an opportunity to review his BWC video footage, as well as the video taken from the OPD Air Unit, prior to the interview and he did review those videos. Hendrickson was advised at the beginning of the interview that the interview was part of a criminal investigation and giving a statement was voluntary. He indicated his agreement to the interview.

Hendrickson indicated he was a member of the Multi Enforcement Team, also known as MET. At the time of the incident he was wearing his ballistic helmet, a ballistic vest with police insignia on the front, a cloth Ontario Police Department badge, and his name sewn on the front. Under the vest he was wearing a t-shirt. He was wearing jeans and shoes. He was wearing his duty belt with a magazine pouch and his pistol. All his other gear was mounted on his vest. He was carrying his LWRC M4 rifle which is a .223 caliber. He carried 30 rounds in the clip, and one round in the chamber. He carried an extra full clip, and he also carried a Glock 17 handgun which was a 9mm with a full clip, and three full back-up clips. He also had a taser, a retractable baton, and handcuffs. He was equipped with a BWC which was attached to the right breast portion of his vest.

He arrived at the scene by himself. Officers Hanlin and Lohner were already at the location. Air30 had been broadcasting that there was a female on the roof with a gun. He felt that this was more dangerous than a normal call based on the description of the female and it made him nervous. He had responded to calls like this in the past and he knows they are more dangerous than a normal call. Hendrickson explained what a React Team is: It is a team of four or five officers that deploy if there is a hostage or rescue situation. The idea is to deploy quickly into the situation. The team was composed as follows: Hendrickson and Fugger had rifles, Lohner was the breacher, and Hanlin had the shield. The breacher breaks open doors and locked fences to gain access quickly.

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They had initially planned on clearing the residence, but the RP said, "they were too scared and they thought that they female with the gun would shoot them if they tried to leave." The house was a single-story home on the north side of Maple, and the front door faced south. The driveway was on the east side of the house. Hendrickson had never been to the location before, and he did not recall any prior contacts with Arias, Witness #2 or Witness #1.

Hendrickson could see the female on the roof with the gun and a machete. She was swinging them around. She looked like she was in an erratic, altered state, like she was under the influence of something. He had heard on channel one that she was suicidal. He estimated she was 100 yards away. At some point a male was able to get the machete and throw it off the roof of the shed they were on. The team moved to the front fence gate at that time. The male and female then began fighting over the gun. The team then moved into the yard through the unlocked gate so they could try to prevent any type of hostage situation from developing. He knew the RP was her father, and also a grandson was at the location somewhere. Once the team got into the backyard, he saw both the female and male jump off the roof. He did not know who had the gun. The gun was a semi-auto. He felt the male could be in danger if the female had the gun.

Hendrickson was on the left side of the formation, Hanlin was in the middle with the shield, Fugger was on the right side. Sgt. Ritchey was behind them as was Detective Shaffer. There was a K9 officer there as well, but he did not know it at the time. He heard someone shouting commands "Drop the gun! Drop the gun!" Hendrickson started shouting the same thing.

"And the next thing I know, I see this female come around the corner and I start hearing gunshots. I didn't know where the gunshots were coming from. Next thing I know the female, she's moving forward. She is running at a full speed sprint toward us. And she had a gun in her hand and I thought she had shot at us already and so I discharged my rifle at her."

Hendrickson repeats that he thought the female had shot at them. "This was the most terrifying thing that I've ever experienced out of anything in my life."

"I saw her come around the tree and she started, like I said running straight toward us. We were kind of behind the SUV a little bit so I couldn't see her until she got closer to the front. Like I couldn't see what she had in her hands until she got towards the front of the SUV."

Hendrickson described the way Arias was running: "She was standing straight up and she was in a full-speed sprint. She was swinging her arms like she was running as fast as she could." He could hear the commands to drop the gun, but she did not drop it. It was in her left hand. She easily could have discharged the weapon at them even as she

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was swinging her arms. The gun was intermittently pointing at them as she swung her arms. Hendrickson estimated that she was 20 feet away at the time he fired his shots. There was no time to retreat or seek cover or concealment. Hendrickson was not behind the shield being carried by Hanlin. Hendrickson said he was afraid for his life and the lives of his partners.

Hendrickson estimated that he fired two or three rounds from his .223 rifle. Arias immediately fell to the ground, and her gun fell three or four feet away from her. He never discharged his handgun. Prior to the shooting, he did drop a live round as he cleared a jam in his rifle, and he picked that round up and put it in his pocket. He surrendered that round along with the rifle when they collected the guns for forensic evaluation.

The backdrop for his shot was a small camping trailer and a bunch of cars, and some 50-gallon barrels, "just a lot of junk." At the time he did not know if any other officers fired at Arias, but he learned afterward that Hanlin had also fired. Hendrickson was asked if he recalled seeing a large german shepherd, and he did. He said of dealing with the vicious dog and an armed person at the same time: "It could be bad."

The interview then moved on to the aftermath of the shooting with Witness #1 screaming in Spanish and throwing his cane, and their efforts to get Witness #2 down from the chicken coop. The officers needed to detain these individuals so they did not themselves become a threat or otherwise disturb the scene.

PHYSICAL EVIDENCE AT SCENE

Given that this shooting was observed by numerous people and was recorded on video from numerous perspectives, an interpretation of physical scene evidence is less necessary than in unwitnessed shootings. The scene physical evidence was preserved and collected, however, and it does correspond to the accounts given by witnesses.

Here is a brief summary:

>Behind the red SUV, the location from which the officers shot Ms. Arias, three 9mm Luger casings were located. Three .223 REM casings were located. The distance between Arias's fallen body and the location from which the officers shot was approximately 25 feet.

>Near the location where Ms. Arias body fell, a metal rod was located, and a semi-automatic 9mm Beretta 92FS firearm was located. It is of significant import to note that

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the Beretta, collected and photographed by two Forensic Specialists, had two live rounds in the magazine and one live round in the chamber. The safety mechanism was "off," meaning the weapon was ready to fire.

>Placard 11, a few feet from where Ms. Arias fell, is labeled as a REM .22 shall casing. This item appears to have been there prior to this event and has no connection. The casing was rusted and corroded. None of the officers were armed with any type of .22 caliber weapon, and no civilians were observed with such a weapon.

>Two bullet perforations were observed several feet behind where Ms. Arias went down. One was on a RV. The bullet entered the RV and lodged in a mattress. The other perforation was on a produce box. The bullet passed through the box and hit a blue barrel behind it. No projectile was located.

>The witnesses referred to Arias and her son standing on the "chicken coop." On the scene diagram, that structure is labeled "goat pen." On the corrugated steel roof of this structure, a live F.C. 9mm bullet was located. An expended F.C. 9mm shell casing was located as well.

>Approximately 30 feet to the direct north of the chicken coop/goat pen structure, a machete was located.

>Approximately ten feet due west of the coop/pen structure a metal rod was located. A pair of sunglasses was located a few feet from the metal rod. (This is a different rod than the one located next to Ms. Arias' body, which is the one she brandished when she was shot.)

>Approximately ten feet behind (to the south of) the red SUV, where the MET/React team sought cover, a deceased large german shepherd was located. A few feet to the northwest of the dog's body, four expended F.C. 9mm Luger casings were located.

>The weapons used by the three officers who fired rounds (Sgt. Ritchey's Glock 17, Officer Hanlin's STI 2011 9mm handgun, and Officer Hendrickson's Colt M4 .223 rifle) were promptly collected after the incident. All three weapons were examined by in-house firearms experts ("armorers"). The weapons were in operable working order with no observable malfunctions. The number of live rounds remaining in each weapon was consistent with the estimates given by the officers of the number of rounds they fired.

>A G.S.R. (gunshot residue) kit was used to collect samples from Arias' hands. The results were negative for her left hand, but her right hand was positive for G.S.R. particles.

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BODY-WORN AND AERIAL CAMERA FOOTAGE

Most of the officers at the scene were wearing body-worn cameras (BWC) which were activated. The cameras from those officers in close proximity to the shooting was collected immediately after the event. Air30 also had a video system, but their recording does not have an audio component. The Air30 video is by far the best and most complete depiction of the entire incident. Some of the officers' video footage was blocked by their gear, weapons, or arms, but the audio aspect still provides a reliable narrative of events. THE BWC units do have a running time stamp (like a stopwatch), but not an actual time stamp. As such, the running time indications are going to be different from officer to officer as they did not activate at the exact same time. This is a summary of what the BWC video clips show.

Air30:

0:00: The helicopter arrives on scene and begins orbiting the location. A female can be seen on the roof of a shed-like structure. She is swinging a machete with her right hand, and she has a handgun in her left hand.

1:00: A male approaches (later identified as Witness #2, Arias's son). He is wearing a white shirt. He talks to Arias from the ground.

6:13: Arias looks at the helicopter and point the gun at it for a few seconds.

8:40: Witness #2 has climbed on top of the structure. He appears to be talking to her. She appears non-responsive to what he is saying, and she faces different directions, seemingly talking to herself or imaginary people. She occasionally points the gun at Witness #2.

11:50: Arias points the handgun at the Air30 for a few seconds.

12:37: Arias pulls the slide back on the handgun. (This is likely when the live round, which was later located, was ejected from the gun.)

13:50, et seq.: After a struggle, Witness #2 has the gun. Arias follows him off the roof to an adjacent structure with a lower roof.

14:07: Witness #2 throws the gun. Arias, in an almost frantic manner, jumps off the roof to go retrieve the gun. She exits the gated area around the shed and runs to a nearby tree.

14:35: Arias finds the gun, and she is now brandishing a pipe.

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14:40: Arias extends her left arm and points the muzzle of the handgun in a southerly direction. Her finger appears to be on the trigger.

14:41: Arias quickly runs directly towards the MET/React team, which is deployed to the south near a red SUV. As she runs, she raises the bar over her head, and the handgun is intermittently pointed at the officers as her arm is in a swinging arc.

14:42: Arias goes down to the ground, having apparently been shot by the officers who were approximately 25 feet away. The RP (Witness #1) can be seen standing nearby. Arias drops the gun as she falls, which lands a few feet away from her body.

Sergeant Ritchey's BWC (Body Worn Camera):

Ritchey arrives on scene at 640 W. Maple. He approaches the gate with other officers (identified as Hanlin, Fugger, Hendrickson, and Detective Shaffer). Corporal Ronveaux is trailing the team. The gate is open and the team enters. The officers head northbound toward the location of Arias. Ritchey and other officers can be heard shouting "Drop the gun." Ritchey is a few feet behind Shaffer. Arias can be seen walking towards the tree to the north. She disappears behind two vehicles.

A large german shepherd runs towards the team from the north. The dog runs by them and towards Ronveaux and his police K9. The german shepherd can be seen attacking the police K9. Roneveaux can be seen trying to pull his dog away. After fighting for approximately five seconds the large german shepherd disengages from the K9 and then runs north, directly toward the React Team. Ritchey points his Glock at the dog and fires four times. Ritchey's camera is still pointed the direction in which he fired when additional shots can be heard. Ritchey then turns back to the north, and Arias can be now be seen on the ground. Within 12 seconds Ritchey broadcasts that OFD was needed for medical aid.

The team approaches Arias, and Sgt. Ritchey contacts RP Witness #1 who appears agitated.

Officer Hanlin's BWC:

Officer Hanlin was carrying the ballistic shield, and as such the video component of his BWC is mostly a close-up of Hanlin's hand holding his 9mm handgun. The audio component is still probative. In the early minutes after Hanlin activates his camera we can hear Air30 giving repeated commands to Arias to drop the gun. At 11 minutes and

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30 seconds we can hear Sgt. Ritchey telling the team to move into the yard. As the React Team reached the red SUV, four shots can be heard from behind the team, and Detective Shaffer reassures the team that was Ritchey shooting the dog. Officers can be heard repeatedly yelling at Arias "Drop the gun!" Approximately six seconds after Sgt. Ritchey's shots are fired, we can hear Hanlin and Hendrickson firing their shots. Arias cannot be seen in the video. Hanlin's video shows shell casings striking the rear window of the SUV. The entire volley of gunshot is approximately 1.5 seconds.

Hanlin then moves further south to the chicken coop to deal with Witness #2 who was refusing commands to come down.

Officer Hendrickson's BWC:

Due to the positioning of the camera, this video primarily gives us a close-up of Officer Hendrickson's right arm. The video does show the React Team preparing for entry. Hendrickson had retrieved the shield from a vehicle and given it to Hanlin. Sgt. Ritchey confirms that they have the breaching equipment. Lohner runs to get some additional equipment. Ritchey tells the team they will begin by clearing the front of the house on the 400 block of W. Maple. About one minute after Ritchey announced the plan to clear the house, the team received information that the suspect and the male were fighting over the gun. Sgt. Ritchey then modified the plan and the team headed directly into the backyard. The team members at all times sound composed, professional, and serious. Ritchey gives the command to breach the gate. The team heads into the back yard.

The team congregates shortly later behind a red vehicle. Air30 can be heard overhead. A dog can be heard barking. Commands can be heard for Arias to drop the gun. Four shots in quick succession can be heard coming from behind, and then six seconds later additional shots can be heard.

Orders were then given to RP Witness #1 who was wandering in the area of the shooting. Sgt. Ritchey tells both Hendrickson and Hanlin to report to the front of the residence to give a public safety statement. The officers both sound calm and serious. Lt. Birkett arrived on scene to obtain the public safety statement from the two officers.

Detective Shaffer's BWC:

This is the camera which provides the best video perspective from the ground. The first 43 minutes cover much of the preparatory efforts on Maple Street. "Drop the gun" commands can be heard coming from Air30. The entry plan is discussed.

43:14: The team breaches the front gate.

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43:38: A large german shepherd can be seen running by the team, which is in front of Shaffer, and headed south. Sgt. Ritchey can be heard yelling at the dog. Growling and barking can be heard for a few seconds.

43:45: Four shots can be heard as Sgt. Ritchey shoots the dog.

43:49: Shaffer is about three feet behind the React Team. Arias can be seen emerging from behind a white vehicle. She is running directly at the officers. In her raised right hand she had a pipe. In her left hand she had a handgun, which she pointed at the React Team as her hand arced back and forth. Arias is looking directly at the team as she raises the pistol. Arias is closing the distance between herself and the team very quickly. Multiple gunshots are heard. Arias goes down. Her handgun is seen a few feet from her body.

Witness #1 (the RP, Arias's father) approaches the scene and he throws his cane at a car. He is detained by officers and handcuffed to a chair. Officers are speaking to Witness #1 in a calm and reassuring manner in an effort to calm him down.

Corporal Ronveaux's BWC:

Ronveaux's BWC offers a meaningful perspective because he was a little further back from the team, approximately 10 to 15 feet. His camera caught all of the preparatory activities and discussions which took place on Maple Street, as previously mentioned.

44:42: The MET/React Team breaches the gate.

45:10: The large german shepherd can be seen. It is headed toward the team from the north. Ronveaux warns Sgt. Ritchey of this. "Watch out for that dog!" The dog can then be heard, but not seen, from right underneath Ronveaux. Violent growling and squealing sounds can be momentarily heard from both dogs. The german shepherd then can be seen again, running northward towards the team behind the red SUV. Sgt. Ritchey can be observed firing four shots in quick succession at the german shepherd. The dog immediately collapses.

Almost instantly, Ronveaux's camera then captures Arias as she begins to run south toward the officers. Ronveaux tells Sgt. Ritchey to "Watch out!" for Arias. Arias can be seen with the pipe in her hand, held up in striking position, as she runs towards the team.

45:15: The Team fires. Arias can be seen falling to the ground, and her handgun falls from her hand. Ronveaux moves forward towards the Team, and they all move towards Arias, who is on the ground. The handgun can be seen on the ground next to her.

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AUTOPSY

The autopsy of Ms. Arias was performed on June 17, 2019 at the San Bernardino County coroner's office. The body was identified by toe tag as well as by several Ontario Police detectives who observed the procedure and who had been present at the May 30th incident.

The body presented at 104 pounds and 62.5 inches in length. She appeared the stated age of 47 years. There was a plastic mouthpiece inserted in the mouth from an attempted medical intervention. Her clothing had been removed by first responders.

Ms. Arias had been shot three times.

1) **Gunshot Wound of the Chest and Abdomen:** This was the fatal shot. The entry wound was observed on the left chest, superior to the left nipple, 16 inches from the top of the head. The direction of the wound was front to back, left to right, and downward. The bullet perforated the skin, the sternum and associated ribs, the right middle lung lobe, right lower lung lobe, the right posterior/lateral 10th rib, and right flank skin, where the bullet exited. The bullet also inflicted associated injuries to the heart (right ventricle, and right atrium), and other portions of the lungs. No projectile was recovered.

2) **Gunshot Wound of the Left Arm and Pelvis:** The entry wound was noted on the posterior surface of the left forearm, 15 inches from the top of the left shoulder. The entry wound was a ¼ inch circular defect, but the exit wound from the arm was essentially a gaping wound 5" x 2 1/2" with visible bones, veins, and muscle. The bullet then re-entered on the left hip area, inflicting an oval-shaped defect. The direction is from front to back and left to right. There was no second exit wound. A deformed copper jacketed fragmented bullet was recovered.

3) **Gunshot Wound of the Right Leg:** The entry wound was noted on the anterior surface of the right thigh, 22 inches above the right heel. The direction of the bullet was front to back, left to right, and upward. The exit wound was noted on the posterior right thigh, 25 inches from the right heel. No projectile was recovered.

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Toxicology: Chest blood was collected during the autopsy. It was later tested by NMS Labs. The result was:

**>320 ng/mL amphetamine
> 2400 ng/mL methamphetamine**

Cause of Death: Multiple gunshot wounds, minute.

Manner of Death: Homicide

Notes of Interest:

>The Autopsy Protocol does not opine on which bullets (9mm or .223) caused each wound.

>The detectives in the case, who have extended experience with narcotics cases of all types, indicate the level of narcotics in the blood is extraordinarily high.

II.

LEGAL ANALYSIS OF USE OF DEADLY FORCE BY POLICE OFFICERS

A

General Law of Self-Defense

The legal doctrine of self-defense is codified in Penal Code Sections 197 through 199. Those sections state in pertinent part: "Homicide is justifiable when committed by any person in any of the following cases: (1) When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person...(4) When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed,...or in lawfully keeping and preserving the peace." Lawful resistance to the commission of a public offense may be made by the party about to be injured. (Pen. Code §692.) The resistance may be sufficient to prevent injury to the party about to be injured, or the prevent injury to someone else. (Pen. Code §693.)

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Where from the nature of an attack a person, as a reasonable person, is justified in believing that his assailant intends to commit a felony upon him, he has a right in defense of his person to use all force necessary to repel the assault; he is not bound to retreat but may stand his ground; and he has a right in defense of his person to repel the assault upon him even to taking the life of his adversary. (*People v. Collins* (1961) 189 Cal.App. 2d 575, 588.)

Justification does not depend on the existence of actual danger but rather depends upon appearances; it is sufficient that the circumstances be such that a reasonable person would be placed in fear for his safety and the person act out of that fear. (*People v. Clark* (1982) 130 Cal.App.3d 371, 377.) "He may act upon such appearances with safety; and if without fault or carelessness he is misled concerning them, and defends himself correctly according to what he supposes the facts to be, his act is justifiable, though the facts were in truth otherwise, and though he was mistaken in his judgment as to such actual necessity at such time and really had no occasion for the use of extreme measures." (*People v. Collins, supra*, 189 Cal.App.2d at p. 588.)

The jury instruction below illustrates the actual application of the law in the context of a jury trial. The jury would be instructed by the judge as follows:

**CAL CRIM 3470 (REVISED 2012)
RIGHT TO SELF-DEFENSE OR DEFENSE OF ANOTHER**

Self-defense is a defense to the unlawful killing of a human being. A person is not guilty of that/those crimes if he/she used force against the other person in lawful self-defense or defense of another. A person acts in lawful self-defense or defense of another if:

1. The person reasonably believed that he/she or someone else was in imminent danger of suffering bodily injury or was in imminent danger of being touched unlawfully;
2. The person reasonably believed that the immediate use of force was necessary to defend against that danger; AND
3. The person used no more force than was reasonably necessary to defend against that danger.

When deciding whether a person's beliefs were reasonable, consider all the circumstances as they were known to and appeared to the person and consider what a reasonable person in a similar situation with similar knowledge would have believed. If the person's beliefs were reasonable, the danger does not need to have actually existed.

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The person's belief that he/she or someone else was threatened may be reasonable even if he/she relied on information that was not true. However, the person must actually and reasonably have believed that the information was true.

A person is not required to retreat. He or she is entitled to stand his or her ground and defend himself or herself and, if reasonably necessary, to pursue an assailant until the danger of death/bodily injury has passed. This is so even if safety could have been achieved by retreating.

B

Law Relating to Use of Force By Police Officers

Police officers are in a unique position as to self-defense scenarios given their obligation to apprehend persons suspected of criminal conduct and to diffuse potentially dangerous situations. An expansive body of law has developed around use of force issues by police officers.

Authorization of the use of deadly force is analyzed under the Fourth Amendment's "objective reasonableness" standard. (*Brosseau v. Haugen* (2004) 543 U.S.194, 197.) This question is governed by the principles enunciated in *Tennessee v. Garner* (1985) 471 U.S. 1 and *Graham v. Connor* (1989) 490 U.S. 386.

In these decisions, the US Supreme Court explained "it is unreasonable for an officer to 'seize an unarmed, non-dangerous suspect by shooting him dead..... However, where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or others, it is not constitutionally unreasonable to prevent escape by using deadly force." (*Tennessee v. Garner, supra*, 471 U.S. at p. 11.)

Reasonableness is an objective analysis and must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. (*Graham v. Conner, supra*, 490 U.S. at p. 396.) It is also highly deferential to the police officer's need to protect himself and others. The calculus of reasonableness 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. (*Id.* at p. 396-397.) The question is whether the officer's actions are "objectively reasonable" considering the facts and circumstances confronting them, without regard to their underlying intent or motivation. (*Id.* at p. 397.)

The US Supreme Court in *Graham* set forth factors that should be considered in determining reasonableness: (1) the severity of the crime at issue, (2) whether the suspect poses an immediate threat to the safety of the officers or others, and (3) whether

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he is actively resisting arrest or attempting to evade arrest by flight. (*Graham v. Connor, supra*, 490 U.S. at p. 396.) The question is whether the totality of the circumstances justifies a particular sort of ... seizure. (*Tennessee v. Garner* (1985) 471 U.S. at p. 8-9. The most important of these factors is the threat posed by the suspect. (*Smith v. City of Hemet* (2005) 394 F.3d 689,702.)

Thus, under *Graham*, the high court advised we must avoid substituting our personal notions of proper police procedure for the instantaneous decision of the officer at the scene. "We must never allow the theoretical, sanitized world of our imagination to replace the dangerous and complex world that policemen face every day. What constitutes 'reasonable' action may seem quite different to someone facing a possible assailant than to someone analyzing the question at leisure." (*Smith v. Freland* (1992) 954 F.2d 343, 347.)

>Reasonableness: The Two Prongs

Penal Code section 197, subdivision (3) requires that one who employs lethal force have a "reasonable ground to apprehend" a design to commit a felony or to do some great bodily injury. Further, Penal Code section 198 requires that such fear be "sufficient to excite the fears of a reasonable person." This is clearly an objective standard. In shorthand, perfect self-defense requires both subjective honesty and objective reasonableness. (*People v. Humphrey* (1996) 13 Cal.4th 1073, 1093.)

When specific conduct is examined under the analytical standard of reasonableness the concepts of apparent necessity and mistake are invariably, and necessarily, discussed, for they are part of the same equation. "Reasonableness," after all, implies potential human fallibility. The law recognizes, as to self-defense, that what is being put to the test is human reaction to emotionally charged, highly stressful events, not mathematical axioms, scientifically provable and capable of exact duplication.

While the test, as mandated by section 198, is objective, reasonableness is determined from the point of view of a reasonable person in the position of one acting in self-defense. (*People v. Minifie* (1996) 13 Cal.4th 1055, 1065.) We must take into consideration all the facts and circumstances that might be expected to operate in the persons mind. (*Ibid.*) Reasonableness is judged by how the situation appeared to the *person claiming self-defense*, not the person who was injured or killed as a result.

>Imminence of Perceived Danger

"Imminence is a critical component of both prongs of self-defense." (*People v. Humphrey, supra*, 13 Cal.4th at p. 1094.) Response with deadly force must be predicated on a danger

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that portends imminent death or great bodily injury. Reasonableness and immediacy of threat are intertwined. Self-defense is based on the reasonable appearance of imminent peril of death, or serious bodily injury to the party assailed.

In *People v. Aris* the trial court clarified that imminent peril means that the peril must have existed, or appeared to the person to have existed, at the very time the shot was fired. (*People v. Aris* (1989) 215 Cal.App.3d 1178, 1188 disapproved on another ground in *People v. Humphrey* (1996) 13 Cal.4th 1073.) This was later cited with approval by the California Supreme Court: "An imminent peril is one that, from appearances, must be instantly dealt with." (*In re Christian S.* (1994) 7 Cal. 4th 768,783 quoting *People v. Aris, supra*, 215 Cal.App.3d at p. 1187.)

The question is whether action was instantly required to avoid death or great bodily injury. In this regard, there is no duty to wait until an injury has been inflicted to be sure that deadly force is indeed appropriate.

>Retreat and Avoidance

Under California law one who is faced with an assault that conveys death or great bodily injury may stand his ground and employ lethal force in self-defense. There is no duty to retreat even if safety could have been achieved by retreating. (CALCRIM No. 3470.) Indeed, in California the retreat rule has been expanded to encompass a reasonably perceived necessity to pursue an assailant to secure oneself from danger. (See *People v. Holt* (1944) 25 Cal.2d 59, 63; *People v. Collins* (1961) 189 Cal. App.2d 575, 588.)

>Nature and Level of Force

The right of self-defense is limited to the use of such force as is reasonable under the circumstances. (See *People v. Gleghorn* (1987) 193 Cal.App.3d 196, 200; *People v. Minifie, supra*, 13 Cal.4th at p. 1065; *People v. Moody* (1943) 62 Cal.App.2d 18,22.)

Case law does not impose a duty to use less lethal options. "Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." (*People v. Collins, supra*, 189 Cal.App.2d at p. 578.)

The rationale for vesting the police officer with such discretion was explained:

Requiring officers to find and choose the least intrusive alternative would require them to exercise superhuman judgment. In the heat of battle with lives potentially in the

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balance, an officer would not be able to rely on training and common sense to decide what would best accomplish his mission. Instead, he would need to ascertain the *least* intrusive alternative (an inherently subjective determination) and choose that option and that option only. Imposing such a requirement would inevitably induce tentativeness by officers, and thus deter police from protecting the public and themselves. It would also entangle the courts in endless second-guessing of police decisions made under stress and subject to the exigencies of the moment.

Scott v. Henrich (1994) 39 F.3d 912, 915.

In summary, an honest and objectively reasonable belief that lethal force is necessary to avoid what appears to be an imminent threat of death or great bodily injury will justify the use of deadly force. This is true even if the person acting in self-defense could have safely withdrawn or had available to him a less lethal means of defense.

C

Laws of Arrest

In this case, the officers were legally obliged to make contact with Ms. Arias and to detain her. Their primary concern was her well-being and the well-being of other people in the neighborhood, but they had a concurrent obligation to detain her for exhibiting the gun in an unlawful fashion and not complying with repeated demands to drop the gun. The officers were authorized by law to use reasonable force, and Ms. Arias was legally obliged to submit to the officers' commands.

California Penal Code section 834a

If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such a person to refrain from using force or any weapon to resist such arrest.

California Penal Code section 835

An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subject to such restraint as is reasonable for his arrest and detention.

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California Penal Code section 835a

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer 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 reasonable force to effect the arrest or to prevent escape or to overcome resistance.

D

The Crime of Assault With A Deadly Weapon

Ms. Arias was armed with a handgun, which she displayed and pointed for an extended period of time, and which she refused to put down despite countless requests by officers. But was her conduct legally “assaultive”? Case law answers this in the affirmative.

Like other types of assault, the crime of assault with a deadly weapon in violation of Penal Code section 245, subdivision (a)(1) (section 245(a)(1)) requires only “the general intent to willfully commit an act the direct, natural and probable consequences of which if successfully completed would be the injury of another.” (*People v. Rocha* (1971) 3 Cal.3d 893, 899; similarly, see *People v. Colantuono* (1994) 7 Cal.4th 206, 214.)

[W]e hold that assault does not require a specific intent to cause injury or a subjective awareness of the risk that an injury might occur. Rather, assault only requires an intentional act and actual knowledge of those facts sufficient to establish that the act by its nature will probably and directly result in the application of physical force against another.

(*People v. Williams* (2001) 26 Cal.4th 779, 790; see also *People v. Golde* (2008) 163 Cal.App.4th 101, 108.) “This defines the mental state as a species of negligent conduct, a negligent assault. Where the negligent conduct involves the use of a deadly weapon ... the offense is assault with a deadly weapon.” (*People v. Wright* (2002) 100 Cal.App.4th 703, 706.)

As to the “deadly weapon” theory of Penal Code section 245(a)(1), some objects,

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such as dirks and blackjacks, are deadly weapons as a matter of law. (*In re D.T.* (2015) 237 Cal.App.4th 693, 698; *People v. Brown* (2012) 210 Cal.App.4th 1, 6.) But any object can be a deadly weapon when used in a manner capable of producing death or great bodily injury. (*People v. Aguilar* (1997) 16 Cal.4th 1023, 1028-1029; *People v. Brown, supra*, 210 Cal.App.4th at pp. 7, 11; *In re Brandon T.* (2011) 191 Cal.App.4th 1491, 1496.) In determining whether an object not inherently deadly becomes so, the trier of fact may look at the nature of the weapon, the manner of its use, and all other factors that are relevant to the issue. (*In re D.T., supra*, 237 Cal.App.4th at p. 699; *In re Jose R.* (1982) 137 Cal.App.3d 269, 276-276.) The question is essentially one for the trier of fact. (*Id.* at p. 277; cf. *People v. Page* (2004) 123 Cal.App.4th 1466, 1473 [sharp pencil held up to neck]; *People v. Henderson* (1999) 76 Cal.App.4th 453, 467-470 [pit bull can be a deadly weapon under Pen. Code, § 417.8]; *People v. Simons* (1996) 42 Cal.App.4th 1100, 1106-1108 [screwdriver can be a deadly weapon under Pen. Code, § 417.8]; but see *In re Brandon T., supra*, 191 Cal.App.4th at pp. 1496-1498 [small rounded butter knife not deadly weapon].)

Assault with a deadly weapon does not require that the defendant actually try to use the weapon on the victim's person. The test is whether the defendant demonstrates the "present ability" to complete the attack. The present ability element is satisfied when a defendant has attained the means and location to strike immediately, which means that the defendant must have the ability to inflict injury on the present occasion although the defendant need not have the ability to inflict injury instantaneously. (*People v. Chance* (2008) 44 Cal.4th 1164.) "Numerous California cases establish that an assault may be committed even if the defendant is several steps away from actually inflicting injury, or if the victim is in a protected position so that injury would not be "immediate," in the strictest sense of that term." (*Id.* at p. 1168.)

As this court explained more than a century ago, "Holding up a fist in a menacing manner, drawing a sword, or bayonet, presenting a gun at a person who is within its range, have been held to constitute an assault. So, any other similar act, accompanied by such circumstances as denote an intention existing at the time, coupled with a present ability of using actual violence against the person of another, will be considered an assault." [Citations.]

(*People v. Colantuono* (1994) 7 Cal.4th 206, 219.)

The defendant in *People v. Chance, supra*, 44 Cal.4th 1164 was held to have the "present ability" to inflict injury, as required for the crime of assault on police officer, even though there was no round in firing chamber of his gun and he did not point gun at officer. The defendant hid behind a trailer and pointed the loaded gun at a place where he believed Officer Murdoch would appear. The officer instead approached defendant from behind thwarting the defendant's plan.

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Defendant contends he lacked the present ability to inflict injury not only because he was aiming in the opposite direction from Murdoch, but also because Murdoch had him covered and would have shot him first. However, this argument cannot be squared with cases demonstrating that an assault may occur even when the infliction of injury is prevented by environmental conditions or by steps taken by victims to protect themselves.

(*Id.* at p. 1173.)

Here, defendant's loaded weapon and concealment behind the trailer gave him the means and the location to strike "immediately" at Sergeant Murdoch, as that term applies in the context of assault. Murdoch's evasive maneuver, which permitted him to approach defendant from behind, did not deprive defendant of the "present ability" required by section 240. Defendant insists that ... he never pointed his weapon in Murdoch's direction. That degree of immediacy is not necessary.

(*Id.* at pp. 1175-1176.)

Other case examples also illustrate when a defendant's behavior is sufficient to complete the crime of assault with a deadly weapon. In *People v. Nguyen* (2017) 12 Cal.App.5th 44, the appellate court upheld the defendant's conviction for aggravated assault on a police officer when he wielded a large knife and stepped toward the officer, rejecting the argument that being 10 to 15 feet away deprived the defendant of the present ability to inflict injury. In *People v. Escobar* (1992) 11 Cal.App.4th 502, the appellate court upheld a conviction when the victim heard the defendant cock a loaded firearm, even though the gun was concealed in a leather purse, and the defendant never pointed the weapon. In *People v. Orr* (1974) 43 Cal.App.3d 666, the defendant pointed a loaded rifle at the victim, backed him into a ditch, then fled. The defendant's conviction of assault with a deadly weapon was upheld. In *People v. Thompson* (1949) 93 Cal.App.2d 780, the defendant pointed a loaded pistol towards police officers and said he would not submit to arrest. Again, the conviction of assault with a deadly weapon was affirmed. (Similarly, see *People v. Schwartz* (1992) 2 Cal.App.4th 1319, 1326.)

III.

ANALYSIS

The question of whether the fatal shooting of Ms. Arias was legally justifiable then distills down into a couple of fundamental questions:

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Did Officer Hanlin and Officer Hendrickson *subjectively believe* that Ms. Arias about to inflict great bodily injury on themselves or others? We know they had been at the scene for an extended time, and during that time they knew Ms. Arias was armed and was refusing to drop the handgun. They knew she was acting strange during that time, waving and pointing the gun, and a machete. Her conduct was deranged and deranged for an extended period of time. The officers perceived she may have been under the influence of drugs. They knew the gun had been taken from her and that she aggressively hunted for the gun and retrieved it. They knew she threatened to use the gun, at least on herself, as the nature of the call was a “possible suicide.” This was all information the officers had considerable time to process. Officer Hendrickson actually thought that Ms. Arias had shot her gun at them before she charged. (He possibly interpreted Sgt. Ritchey’s shots at the dog seconds before as coming from the direction of Ms. Arias.) He was mistaken about this, but this fact still made a strong subjective impression of the threat she presented in his mind.

And, they ultimately knew she was running straight towards them with the gun in her hand, and that the gun was intermittently pointed at them. This was legally assaultive conduct. The officers did not have much time to process this final development of events—but the import of her running directly toward them, especially within the context of her earlier conduct—was clear. With each step Ms. Arias came closer and closed the gap between herself and them. Collectively, as they stood grouped near the red SUV, they presented a large sized target that even an amateur shooter could have conceivably hit. Even the risk from an accidental discharge was considerable given her proximity and the collective size of the grouping of officers.

Clearly, the officers had an honest subjective belief that a life-threatening risk was presented by the conduct of Ms. Arias.

Were their subjective beliefs objectively reasonable? Objective reasonableness is required in addition to subjective honesty for the use of lethal force. The fact is clear that Ms. Arias was armed with a handgun, and handguns can be deadly if fired at someone. The officers saw Ms. Arias running, at full speed, directly toward them. She was carrying a handgun. Her proximity to them increased with the passing of each second. It is generally understood that the closer you are to a target, the easier it is to hit that target. The gun was pointed at them intermittently as she ran. It follows that the officer’s vulnerability increased with each second as she ran toward them. The officers did not know (subjectively) that her gun was loaded. But it was certainly objectively reasonable for them to presume it was. (And, in point of fact, the gun was loaded, and there was a live round in the chamber, and the safety was off. This weapon was set and ready to be fired and to kill.)

It does not appear from the interviews that either officer knew that Ms. Arias had actually fired a round into the sky prior to their arrival (as reported by the RP, her father). So, while that may not be considered as part of their subjective awareness, it

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does accrue to the objective reasonableness of their fears of being shot. She knew how to shoot, and had already shot, the gun.

Clearly, the officers' impressions that Ms. Arias presented a grave threat was objectively reasonable.

Was the threat or danger which Ms. Arias presented imminent? The video is perhaps the best source of evidence as to this. Ms. Arias, for a middle-aged woman, could run fast. She appears to have been slender and somewhat athletic for her age—and she used those attributes to charge the officers at noteworthy speed. The considerable quantity of methamphetamine in her system may have further energized her. The officers had no opportunity to retreat, to verbally implore her further, or even to hide behind the SUV. She, and her Beretta, was coming at them—full speed. The danger was imminent.

Could the officers have employed lesser force in their efforts to subdue Ms. Arias? The officers were obliged to use only reasonable force under the circumstances, they were not required to experiment with less lethal means. In this case, there was no time to negotiate, or to see if pepper spray or mace, or a taser, would have had the effect of thwarting her advance. Officers Hanlin and Hendrickson quite simply did not have the luxury of employing alternative strategies or means in disarming or subduing Ms. Arias. She was charging them with a gun, her manner was deranged, her intentions were unclear but certainly hostile in appearance. The only means of protecting themselves and their fellow officers was to discharge their firearms.

Did Sgt. Ritchey precipitate or improperly escalate the stand-off by shooting the german shepherd? The legal authority cited above primarily relates to deadly force as it is employed against human beings. In this case we know the aggressive german shepherd was shot only seconds before Ms. Arias advanced and was shot herself. And so, there appears to be some nexus or cause-and-effect between the two events. It appears likely that the shooting of the dog precipitated Ms. Arias' rage, or some other impulse, and caused her to charge at that particular moment. Another possibility is that Ms. Arias intended "suicide by cop." This latter theory is tenable based on the fact that the RP, her father, indicated she was in fact suicidal. Neither of these possible explanations is mutually exclusive, her motivations in charging may have been a combination of both factors.

What we know for certain is that the MET/React Team was intensely focused on Ms. Arias, her whereabouts and activities, exactly at the time that this large, territorial german shepherd appeared poised to attack the team from behind. Sgt. Ritchey's entire purpose in staying somewhat back from the team was to observe them, guide them, and protect them. Sgt. Ritchey had just been witness to this dog ferociously attacking the OPD K9 dog. The dog then released its hold on the police K9 and went straight for the MET/React Team. Had the team not literally been in a tense encounter

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with an armed and nearby suspect, they may have been in a position to see if they could discourage the dog's conduct by some kicks or some jabs from the butt of a rifle. But in this situation, the potential of injury from the dog's attack was ancillary to the *distraction* the dog's attack presented as the team dealt with Ms. Arias. Sgt. Ritchey was absolutely obliged to protect his team from both--the distraction, and the potential injury, from an attack by a very large, very aggressive dog. The team was focused on a suspect who presented a real risk. A prolonged encounter with a vicious dog was not an acceptable option.

IV.

CONCLUSION

Based on the facts presented in the reports and the applicable law, Officer Hanlin's use of lethal force was a proper exercise of his right of self-defense and defense of others, and therefore his actions were legally justified.

Based on the facts presented in the reports and the applicable law, Officer Hendrickson's use of lethal force was a proper exercise of his right of self-defense and defense of others, and therefore his actions were legally justified.

Based on the facts presented in the reports and the applicable law, Sgt. Ritchey's discharge of his firearm to kill the german shepherd was necessary to defend his MET/React Team from an imminent attack from behind by the dog.

Submitted By:
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Dated: July 27, 2020

