



PUBLIC RELEASE MEMORANDUM

Subject: Fatal Officer-Involved Shooting

Involved Officers: Officer Lalit Bali
Redlands Police Department

Involved Subject/DOB: Jeffrey Thomas Castillo, 11/07/1980

Subject's Residence: Redlands, California

Incident Date: September 18, 2020

Incident Time: 6:49 p.m.

Case Agent/Agency: Detective David Carpenter
San Bernardino County Sheriff's Department

Agency Report #: DR# 602000170
H# 2020-100

DA STAR #: 2021-00-39926

TABLE OF CONTENTS

PREAMBLE.....3

FACTUAL SUMMARY3

STATEMENTS BY POLICE OFFICERS5

 Officer Lalit Bali6

 Officer Joseph Aguilar9

 Sergeant Claudia Leyden12

 Corporal Joshua Lucas.....14

STATEMENTS BY CIVILIAN WITNESSES16

 Witness #116

 Witness #2.....17

 Witness #3.....17

 Witness #4.....18

INCIDENT AUDIO AND VIDEO20

 911 Call20

 Dispatch Recording21

 Belt Recordings23

 Civilian Video.....28

INCIDENT SCENE INVESTIGATION.....31

DECEDENT34

 Autopsy.....34

 Toxicology35

APPLICABLE LEGAL PRINCIPLES37

ANALYSIS.....44

CONCLUSION.....46

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 3

PREAMBLE

This was a fatal officer-involved shooting by an officer from the Redlands Police Department. The shooting was investigated by the San Bernardino County Sheriff's Department. This factual summary is based on a thorough review of all the investigative reports, photographs, video and audio recordings submitted by the San Bernardino County Sheriff's Department.

FACTUAL SUMMARY

Witness #4 and Witness #5 lived in Redlands together with their adult son, Jeffrey Castillo. On September 18, 2020, in the early evening hours, Witness #4 arrived home from work. When Witness #4 walked into the house, he noticed their couch had been moved. Witness #4 headed for the kitchen, and as he did so, he saw the curtains had been torn. Upon seeing this, he began to wonder where his wife, Witness #5, was. Usually, Witness #4 would find her sitting on the couch when he came home from work, but not on this day. Just then, Witness #4 saw his son, Jeffrey Castillo (hereafter Castillo) walking out the front door. Witness #4 noticed a red spot on his son's bare back but did not think much about it. Witness #4 asked his son, "Where's your mother?" With no emotion, Castillo looked at Witness #4 and answered, "She's dead," before walking out of the house and heading down the street. It was then that Witness #4 found Witness #5 face down on the floor. Witness #4 tried to rouse Witness #5 to no avail. Witness #4 put his hand by her mouth and felt no breath. Believing "something violent" had happened to his wife, Witness #4 called 911 immediately. The time was 6:32 p.m.

Upon receiving Witness #4's call, the 911 operator dispatched the Redlands Fire Department to the Castillo home, located at the 1300 block of North Church Street. Shortly thereafter, the operator dispatched the Redlands Police Department to assist the fire department "reference a reporting party who advised his wife is not breathing, is laying on the floor and not waking up." Officer Lalit Bali was on patrol handling another call for service a couple miles away at the Redlands Sports Park when he heard dispatch broadcast the call to assist the fire department at the Castillo home.

Corporal Joshua Lucas and Officer Joseph Aguilar were assigned to respond to the call at the Castillo home. While Officer Bali closed out his call at the sports park, he listened to the police radio and read the updated information regarding the call for service at the Castillo home. As Corporal Lucas and Officer Aguilar responded to the home, dispatch provided updates over the radio. The first update advised officers the reporting party was shouting, "Get here now!" At 6:36 p.m., another update informed the officers the reporting party was advising there was "blood on the female and when the reporting party showed up, he noticed his son walking away with no shirt and blood on him." At 6:37 p.m., the call was updated to include information that three days earlier, Castillo had told Redlands Police Department officers he "could hear voices in the vents." At 6:38 p.m., dispatch advised the reporting party was saying, "There is blood everywhere." At 6:41 p.m., Officer

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 4

Aguilar advised he was responding to the scene code three.¹ At 6:42 p.m., dispatch advised the subject was 38-year-old Jeffrey Castillo and he was headed southbound on Church Street.

Corporal Lucas was the first to arrive at the Castillo home. Just as he arrived and while still inside his patrol unit, he was met by a firefighter who told him they had already been inside, and "the female was down." The firefighter told him the "potential suspect" was walking in the area of Church Street and Lugonia Avenue. The firefighter described the suspect to Corporal Lucas and told him he was wearing black shorts and no shirt. Corporal Lucas relayed the information he received from the firefighter to dispatch, who in turn broadcasted that the Redlands Fire Department advised the subject was a Hispanic male adult wearing no shirt and black shorts, and he was on the corner of Church Street and Lugonia Avenue. Corporal Lucas drove away from the Castillo residence and headed southbound on Church Street where he saw Castillo walking on the east sidewalk, approximately 20 yards north of Lugonia Avenue. Castillo matched the description given by the firefighter. Corporal Lucas parked his patrol unit on Church Street, facing Castillo and at 6:43 p.m., radioed that he was "out with" Castillo at Church Street and Lugonia Avenue. Corporal Lucas got out of his unit and Castillo immediately placed his right hand into his right front short's pocket. Corporal Lucas was approximately 15 to 20 feet away from Castillo when he saw blood on the left side of Castillo's back. Castillo paced back and forth on the sidewalk and appeared disoriented and aggravated.

Within seconds, Officers Joseph Aguilar and Henry Gomez arrived, stopping their patrol units on Church Street. Corporal Lucas told Castillo to remove his hand from his pocket, but Castillo ignored his command. Officer Gomez used his patrol unit's loudspeaker to broadcast the command to Castillo and Castillo complied. When Castillo pulled his right hand out of his pocket, the officers saw he had a screwdriver. Castillo held the screwdriver in his fist with the metal portion of the screwdriver protruding from in between his fingers. The officers began telling Castillo to drop the screwdriver, but he refused. The officers began attempting to de-escalate the situation by telling Castillo he was not in trouble and reassuring him they only needed to talk to him. Over the police radio, the officers broadcasted they were with an uncooperative subject who was armed with a screwdriver. Officer Bali heard this broadcast and then heard Corporal Lucas ask for additional units to respond to the scene.

Several Redlands Police officers, including Sergeant Claudia Leyden, a trained crisis/hostage negotiator, began to arrive, parking their marked patrol units on Church Street near the other units already on scene. Only a few miles away, Officer Bali began driving to the scene. While driving westbound on Lugonia, Officer Bali heard officers request additional units respond to the scene to block off northbound traffic on Church Street. In response, dispatch asked Officer Bali to block northbound traffic on Church Street. Officer Bali then heard officers at the scene request a 40 mm less-lethal weapon.

¹ Expedited, with lights and sirens.

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 5

Officer Bali arrived at the intersection of Church Street and Lugonia Avenue at 6:46 p.m. Officer Bali stopped his vehicle on Church Street in the northern portion of the intersection of Church Street and Lugonia Avenue, blocking northbound traffic on Church Street and northbound access to Church Street from Lugonia Avenue. Officer Bali activated his patrol unit's emergency lights and got out of his vehicle. Officer Bali walked to the east/west crosswalk of Church Street and immediately saw Castillo, wearing black shorts and no shirt, standing on the sidewalk on the east side of Church Street. Officer Bali saw Castillo's right hand was balled into a fist, holding a screwdriver with the metal end protruding from in between his fingers. Officer Bali saw several officers on foot on Church Street attempting to negotiate with Castillo. The officers were armed with lethal and less-lethal weapons as they gave commands to Castillo to drop the screwdriver. Castillo refused to drop the screwdriver.

Officer Bali began waving traffic around the scene, but because Castillo was armed with a screwdriver and was not complying with the officers orders, Officer Bali decided to retrieve his patrol rifle from his vehicle in the event he needed to protect himself from Castillo. After retrieving his patrol rifle, Officer Bali walked back to the crosswalk so he could continue directing traffic. Upon reaching the crosswalk area, Officer Bali saw Castillo had moved from the sidewalk onto the roadway. Castillo stood on Church Street, closer to Officer Bali. Castillo no longer looked at the other officers who were trying to get him to drop the screwdriver, but instead looked directly at Officer Bali. Castillo made eye contact with Officer Bali and began slowly walking toward Officer Bali. In response, Officer Bali gave several commands to Castillo, ordering him to "drop the screwdriver," "drop it," "get down," and "do not approach me." Castillo ignored Officer Bali's commands and continued slowly stepping closer to Officer Bali. When Castillo was approximately 10 to 15 feet away, Officer Bali raised his patrol rifle, aiming it at Castillo's upper chest and continued ordering Castillo to "get down" and "do not approach me." Suddenly, Castillo lurched forward and began running straight toward Officer Bali. Officer Bali retreated backward and fired two rounds from his rifle, striking Castillo, who immediately fell to the ground. Officers on scene reported shots fired at 6:49 p.m.

Officers quickly approached and began rendering aid to Castillo. Firefighter paramedics, who were staged nearby at the Castillo residence,² transported Castillo to Loma Linda University Medical Center. Castillo underwent emergency surgery but succumbed to his injuries at 9:01 p.m.

STATEMENTS BY POLICE OFFICERS³

All Redlands Police Department officers who responded to the scene on September 18, 2020, wore readily identifiable department approved police uniforms consisting of black

² According to Google Maps, the intersection of Church Street and Lugonia Avenue is 0.1 mile from the Castillo residence at 1300 block of North Church Street.

³ Herein is a summary only. All reports submitted were reviewed, but not all are referenced here.

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 6

battle dress uniform cargo pants, black polo shirts⁴ with Redlands Police patches on both sleeves and black boots. Over their shirts, the officers wore black tactical vests. The tactical vests bore a Redlands Police Department badge on the left chest, the officer's name on the right chest, with the word "Police" in larger white lettering below the officer's name. On the back of the tactical vest, in large white lettering, was the word "POLICE." The officers drove distinctively marked black and white Redlands Police Department Ford Explorer patrol vehicles. The officers wore belt recorders and they were activated during the incident.

On September 22, 2020, at approximately 11:30 a.m., **Officer Lalit Bali** was interviewed by Detectives Josh Guerry and Floyd Stone of the San Bernardino County Sheriff's Department.

Officer Bali was employed as a police officer for the Redlands Police Department. Officer Bali was 5'9", 162 lbs. On September 18, 2020, Officer Bali was on duty and was assigned to patrol. Officer Bali drove a distinctively marked Redlands Police Department patrol unit, unit number 577. Officer Bali's tactical vest was equipped with a tourniquet, a Taser, a baton, police radio, pepper spray, a flashlight, gun magazines, and handcuffs. Officer Bali's duty belt was equipped with his Glock 17, 9 mm handgun, which held 17 rounds in the magazine and one round in the chamber. Officer Bali's department issued patrol rifle was a Colt Defender 5.56 mm rifle, model M4 Carbine, with 28 .223 rounds in the rifle magazine. The patrol rifle had a red dot optic with no magnification. Officer Bali's belt recorder was activated during the incident.

At approximately 6:35 p.m., Officer Bali was at Redlands Sports Park regarding a reported assault when he heard a call over his police radio requesting officers assist Redlands Fire Department on one of their calls. The fire department had seen a subject (later identified as Jeffrey Castillo) at the intersection of Lugonia Avenue and Church Street covered in blood and wearing shorts and no shirt. Officer Bali believed Officer Aguilar and Corporal Lucas were assigned to the call. Officer Bali read the comments in the call and listened to what was broadcasted over the police radio in regard to it and learned a reporting party had arrived home and found his wife unresponsive and covered in blood. The reporting party also advised that when he arrived home, his son left the scene on foot wearing no shirt and covered in blood. Officer Bali called his sergeant to debrief her regarding his call at the sports park.⁵ Officer Bali began to close out his call at the sports park as he continued listening to the police radio and reading the updated information regarding the call for assistance at the intersection of Lugonia Avenue and Church Street.

Officer Bali heard officers broadcast they had arrived at the intersection of Lugonia Avenue and Church Street. The officers broadcasted that they were with an uncooperative subject (Castillo) who was armed with a screwdriver. Officer Bali heard Corporal Lucas ask for additional units to respond to the scene. Officer Bali closed out

⁴ Officer Cherpin's, Officer Macias', and Corporal Bryson's polo shirts were green.

⁵ The reporting party was no longer at the sports park and Officer Bali had no phone number for the reporting party.

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 7

his call at the sports park and began responding to Lugonia Avenue and Church Street, which was only a few miles away. While driving to the scene, Officer Bali heard "someone" over the radio say they needed the north and southbound traffic blocked off on Church Street. Officer Bali was driving westbound on Lugonia Avenue and knew he would be in a good position to block off northbound traffic on Church Street. Just then, dispatch asked Officer Bali if he could block the northbound traffic. Officer Bali heard officers at the scene request "a 40, which is a less-lethal weapon."

Officer Bali arrived at the scene, stopping his patrol vehicle facing westbound on Church Street, in the northern portion of the intersection, where he could block the northbound traffic on Church Street and northbound access to Church Street from Lugonia Avenue. Officer Bali activated his patrol unit's emergency lights. It was daylight but nearing sunset. Officer Bali could see Castillo without the use of a flashlight or any other illumination. Officer Bali got out of his patrol unit and walked to the east/west crosswalk of Church Street on the north side of the intersection. Officer Bali immediately noticed Castillo was standing on the sidewalk on the east side of Church Street, approximately 20-25 feet north of Lugonia Avenue. Castillo was also only 20-25 feet north of Officer Bali. Castillo wore a pair of shorts and no shirt. Officer Bali knew from the radio dispatch and call history that Castillo matched the description of the son who had left the scene when his father came home to find his wife unresponsive and covered in blood. Officer Bali saw Castillo had a screwdriver in his right hand, which was balled into fist. The metal end of the screwdriver stuck out approximately two and a half inches from in between Castillo's fingers.

Several officers were on foot on Church Street, north of Officer Bali. Their marked patrol units were parked on Church Street, facing the sidewalk, toward Castillo. The officers were attempting to negotiate with Castillo. Officer Bali saw Corporal Bryson had the less-lethal 40 mm launcher. Officer Aguilar, Officer Shuey, and Officer Gomez were also there, trying to engage in conversation with Castillo. The officers had lethal and less-lethal weapons pointed at or held at the low ready toward Castillo. Officer Bali heard the officers giving commands to Castillo as Castillo looked at them. Officer Bali did not remember the exact commands given by the officers.

Officer Bali was waving traffic around the scene, telling drivers to keep going, however, because Castillo was no more than 20-25 feet away from him and Castillo was armed with a weapon, Officer Bali knew he needed to get all of his tools in hand in the event he needed to protect himself from Castillo. Officer Bali walked back to his unit, got his department issued patrol rifle and charged it, putting a round into the chamber. Officer Bali turned on his rifle's red dot optic and placed his rifle on his tactical holster. Officer Bali armed himself with his rifle because it was a "better platform and a better defending weapon." Officer Bali knew Castillo had just come from a crime scene and did not know exactly what had happened there. Castillo was armed with a screwdriver and was not complying with officers. Officer Bali knew the situation was fluid, so he wanted to have all

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 8

of his tools available. While retrieving his rifle, Officer Bali saw Officer Cherpin and Officer Macias, armed with their rifles, walking towards the patrol units parked on Church Street.

After getting his rifle, Officer Bali walked back to the crosswalk where he could continue doing traffic control and also keep an eye on Castillo. When he did so, Officer Bali saw Castillo was no longer on the sidewalk and was instead standing in the roadway. Castillo was now only about 15 feet away from Officer Bali. Castillo stood in place, looking straight at Officer Bali. Castillo made eye contact with Officer Bali. Castillo was much larger than Officer Bali and his demeanor was aggressive, as if he was about to attack Officer Bali. Castillo began slowly walking toward Officer Bali. Officer Bali described Castillo as follows: "For some reason he was dead-on, just looking at me, he had the stare in his eyes that he just looking at me...and slowly taking like a couple of steps toward me." Officer Bali did not know what Castillo's mind-set was and he grew worried because Castillo was armed with a deadly weapon, was no longer looking at the other officers, and was instead looking at Officer Bali. Officer Bali knew Castillo was not complying with the other officers and that Castillo had just "singled" him out. Castillo began taking a few steps toward Officer Bali. Officer Bali feared Castillo was "about to do something to me, kill me, attack me, so, I was like, okay, I'm worried now. I'm afraid now, okay 'cause he is no longer looking at those officers and I can quite think that he is not complying with those officers, he has just kind of singled me out and he is looking at me and taking a few steps." There were no obstructions in between Castillo and Officer Bali. Officer Bali was about two to three feet away from the rear driver's side of his patrol unit.

Officer Bali ordered Castillo to "put the screwdriver down," "drop it," "get down," and "do not approach me." Officer Bali's commands were loud and clear. Castillo failed to comply with Officer Bali's commands and continued to slowly walk toward Officer Bali. Officer Bali saw Castillo still had the screwdriver in his right fist with the metal end pointed through his fingers. Officer Bali gave a couple more commands, each time ordering Castillo, "Do not approach me. Get down." Castillo took a couple more steps toward Officer Bali, getting to within 10-12 feet of him. Officer Bali aimed his rifle at Castillo's upper thoracic area and began looking at Castillo through the rifle's optic. As he did so, he gave Castillo additional commands telling him to "get down" and "do not approach me." Castillo, still armed with the screwdriver, continued walking toward Officer Bali and when he was approximately eight to ten feet away from Officer Bali, Castillo suddenly started running, in full sprint, lunging straight toward Officer Bali. Castillo still held the screwdriver with the metal end protruding from his fingers pointed at Officer Bali. To Officer Bali, it was clear Castillo was not running to get away but was instead running straight toward Officer Bali. Had Castillo been attempting to flee from the officers, he could have run south or east on Lugonia. Instead, he ran straight toward Officer Bali. Officer Bali knew he was in imminent danger because Castillo "was coming to do harm and kill me." Fearing for his life, Officer Bali took a few steps backwards and discharged two rounds in rapid succession from his rifle. Officer Bali aimed for Castillo's upper chest/thoracic area in order to stop the threat he posed. When Officer Bali stepped backwards, he knew traffic was actively flowing behind

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 9

him at about 55-60 miles per hour. Officer Bali estimated Castillo was only seven to eight feet away from him when he fired.

Officer Bali did not use his Taser because Castillo was armed with a deadly weapon and thus posed a deadly threat. Additionally, Castillo was running and was a moving target, which would have made it difficult to strike Castillo with both Taser prongs. Further, based on his training and experience, Officer Bali knew if he had deployed the Taser at such a close distance, seven to eight feet, Castillo would still have been able to attack him with the screwdriver. Officer Bali also recognized that neither his baton nor his pepper spray would have protected him against the deadly threat posed by Castillo because it would have required him to get too close to Castillo. At such a close range and armed with a screwdriver, Castillo would still have been able to attack and stab Officer Bali. Officer Bali knew that even if he successfully struck Castillo with his baton, Castillo would still have the ability to stab Officer Bali with the screwdriver, potentially in the head or neck.

When Officer Bali fired his rifle, Castillo fell to the ground immediately, coming to a rest face down only one to two feet away from Officer Bali. When Castillo fell, Officer Bali was still ordering him to drop the screwdriver. Officer Bali then saw the screwdriver was on the ground next to Castillo's right hand. Several officers approached immediately after the shooting. Officer Bali put his rifle on safe as the other officers began rendering aid to Castillo. Officer Bali gave a public safety statement to Sergeant Serdenia and put his rifle in the back of his patrol unit. Officer Bali was then taken back to the police annex by Sergeant Serdenia.

On September 22, 2020, at approximately 3:11 p.m., **Officer Joseph Aguilar** was interviewed by Detectives Josh Guerry and David Carpenter of the San Bernardino County Sheriff's Department.

Officer Aguilar was employed as a police officer for the Redlands Police Department. On September 18, 2020, Officer Aguilar was on duty, assigned to patrol, driving unit number 520. Officer Aguilar was dispatched to a call near the 1300 block of North Church Street, Redlands. The reporting party stated his wife was injured and "there was blood everywhere." Due to the nature of the call, it sounded like someone had been violently attacked, Officer Aguilar responded to the scene with his lights and sirens activated. Usually, paramedics prefer to arrive after law enforcement clears the scene and renders it safe.

While Officer Aguilar was on his way to the call, the dispatcher advised that the reporting party believed his son, "Jeff," may have been involved in the incident. Due to the nature of the call, and specifically the large amount of blood reported to be at the scene, Officer Aguilar was concerned because he knew he was potentially going to have to face an armed violent individual. Officer Aguilar used his patrol unit's computer to pull up the call history at the address and obtained a photograph of Jeffrey Castillo from a prior call for service. Officer Aguilar arrived to the location at the same time as Corporal Lucas. Officer

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 10

Aguilar contacted an unidentified Redlands Fire Department firefighter. The firefighter said he believed the son (later identified as Jeffrey Castillo) was involved and had walked away, southbound from the residence. The firefighter pointed toward the northeast corner of Lugonia Avenue and Church Street. Lugonia Avenue and Church Street was a very busy intersection. The firefighter said Castillo was wearing black shorts and no shirt. Officer Aguilar and Corporal Lucas drove their patrol units southbound and found Castillo standing on the sidewalk on the east side of Church Street. Officer Aguilar recognized Castillo as the same person he had seen in the photograph from a prior call for service. Officer Aguilar believed they had reasonable suspicion to detain Castillo because Castillo was named in the call as potential suspect and a firefighter had identified him to the officers.

Officer Aguilar parked his patrol vehicle along the east curb of Church Street, facing south. Corporal Lucas parked his patrol vehicle south of Officer Aguilar, facing Castillo in an east west direction. Officer Gomez arrived at about the same time. Officer Aguilar got out of his vehicle, not knowing whether Castillo was armed. While Corporal Lucas spoke to Castillo, Officer Aguilar attempted to have a responding officer arm themselves with a 40 mm less-lethal weapon in case Castillo was armed. Castillo removed his right hand from his right pocket and was holding a screwdriver with the handle in his palm and the shaft of the screwdriver protruding between his index and middle fingers. Officer Aguilar estimated the length of the shaft to be approximately two inches. Castillo was a larger, heavy set, light skinned Hispanic. Castillo was not wearing a shirt. Castillo appeared to be disoriented, aggravated, irritated, and had an "aggressive stance."

Officer Aguilar moved to the driver's side of Corporal Lucas's patrol vehicle and opened the driver's door in order to "create distance" between the officers and Castillo. Officer Gomez provided less-lethal coverage with his Taser and was positioned north of Officer Aguilar. Officer Aguilar told Officer Gomez he had lethal coverage with his firearm. Officer Aguilar was approximately 15 to 20 feet away from Castillo.

Corporal Lucas was communicating with Castillo, but it did not seem to be "going anywhere." Officer Aguilar began to speak with Castillo, addressing him by his first name, "Jeff." Aguilar asked Castillo what he had in his hand and Castillo replied, "A little screwdriver." Officer Aguilar told Castillo approximately five to seven times to put the screwdriver down and Castillo refused. Corporal Lucas broadcasted on his department radio that Castillo was not complying. Officer Aguilar broadcasted on his department radio that Castillo was armed with a screwdriver. Officer Aguilar told Castillo he wanted to help him but that he needed him to drop the screwdriver. Officer Aguilar told Castillo he did not want to see him get hurt. Officer Aguilar spoke in a calm, but loud manner. Officer Aguilar explained that he had to be loud because he wore a facemask and the engine sound from their patrol vehicles made it difficult to hear. One of the times Officer Aguilar told Castillo to put the screwdriver down, Castillo said, "maybe," and Officer Aguilar believed the negotiations were starting to become effective. Officer Aguilar gave Castillo time to consider the option of putting down the screwdriver, but Castillo appeared to be "staring

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 11

off in space" and staring through the officers like they were not there. Officer Aguilar did not know if Castillo had any prior mental health issues but believed Castillo displayed signs of mental health issues during the incident because Castillo "had long stares out into nowhere." Because Castillo was only 15 to 20 feet away from Officer Aguilar, Officer Aguilar was concerned because he knew Castillo could have stabbed him before Officer Aguilar was able to draw his weapon. Officer Aguilar's goal was to have Castillo place the screwdriver on the ground so he could be safely taken into custody.

Sergeant Leyden arrived on scene. Sergeant Leyden was a crisis negotiator for the Redlands Police Department and attempted to negotiate with Castillo. Officer Aguilar believed the officers negotiated with Castillo for approximately four to five minutes. Officer Aguilar believed the negotiations started to fail when Castillo looked around and lost his attention on the negotiators.

As additional officers began to arrive, Castillo started getting "a little more agitated" and was "moving around more." Officer Aguilar saw Castillo scanning the scene, looking at all the officers. Officer Aguilar thought Castillo was going to run toward someone, so Officer Aguilar told him, "No, don't do it." Officer Aguilar felt like he had enough rapport with Castillo and that Castillo would listen to him. Castillo moved in a south/southwest direction. Officer Aguilar began moving south to stay with Castillo because he thought Castillo was going to try to hurt one of the officers located south of them. Castillo continued moving south/southwest and stepped out into the street where he took a couple of steps. Officer Aguilar holstered his firearm because Castillo was no longer focused on him and was instead focusing on Officer Bali who was located "at the end," approximately 20 to 25 feet away from Castillo. Officer Aguilar tried to get Castillo's attention and continued telling Castillo, "No. Stop. Don't do that."

Castillo started "picking up the pace." When Castillo was approximately 10 to 15 feet away from Officer Bali, Castillo ran toward Officer Bali. Officer Aguilar heard Officer Bali yell, "Stop." Officer Aguilar maneuvered around one of the stopped patrol units and heard the gunshots. Officer Aguilar did not see Officer Bali pulling the trigger but did see Castillo fall forward onto the ground onto his chest. Officer Aguilar estimated Castillo was approximately 10 feet away from Officer Bali at the time of the shooting. Officer Aguilar believed that Castillo would have "hurt" and would have "kept hurting" Officer Bali had Officer Bali not shot him. Castillo was "a lot bigger" than Officer Bali. Officer Aguilar believed Castillo was "trying to get himself hurt," and that if Officer Bali had not shot, Castillo "would have assaulted him until somebody did."

Officer Aguilar ran to Castillo and saw he still had the screwdriver in his hands. Officer Aguilar yelled out, "Let me see your hands." Officer Aguilar then "hit" the screwdriver out of Castillo's right hand and with the assistance of another officer, secured Castillo into handcuffs. Officer Aguilar immediately rolled Castillo over to his side in the recovery position. Officer Aguilar began looking for wounds and saw Castillo had an injury to his face. Paramedics were close by and were called into the scene. Officer Aguilar removed

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 12

Castillo's handcuffs when the paramedics arrived to treat him. Officer Aguilar rode with Castillo in the ambulance to Loma Linda University Medical Center and stayed at the hospital until he was relieved.

On September 22, 2020, at approximately 8:36 a.m., **Sergeant Claudia Leyden** was interviewed by Detectives Floyd Stone and David Carpenter of the San Bernardino County Sheriff's Department.

Sergeant Leyden was employed as a police officer sergeant for the Redlands Police Department. Sergeant Leyden was a crisis/hostage negotiator for the Redlands Police Department, for which she received specialized and on-going training.

On September 18, 2020, Sergeant Leyden was on duty patrolling the southern section of Redlands. Over the radio, Sergeant Leyden heard Corporal Joshua Lucas and Officer Joseph Aguilar were dispatched to a medical aid call for service. The reporting party, later identified as Witness #4, had called 911 requesting medical aid for his wife who he found unresponsive on the floor and not breathing at home.

Sergeant Leyden heard dispatch provide updates with regard to the call. The first update was that there was blood at the scene. This caused Sergeant Leyden to think the wife had possibly fallen and hit her head. Shortly thereafter, dispatch gave a second update that the husband was reporting there was blood everywhere and he had seen his son walking away from the home with no shirt and with blood on him. Sergeant Leyden thought maybe something had happened to the mother and her son was trying to help her and got blood on him or the son had assaulted his mother. Sergeant Leyden read the notes in the call and saw on September 15, 2020, it was reported that the son was hearing voices coming from the vents. Upon hearing these updates and reading the notes, Sergeant Leyden began responding to the scene.

While driving to the location, Sergeant Leyden continued to listen to the police radio and heard the following updates: Corporal Lucas and Officer Aguilar announced they had arrived on scene. Dispatch advised that the fire department had seen the subject, who was wearing no shirt and black shorts, on the corner of Church and Lugonia. Corporal Lucas advised the subject was on Church and Lugonia. Corporal Lucas then asked for another unit to respond. Officer Gomez advised he was en route. Officer Aguilar advised they needed additional units to block off the streets and that they saw the subject (later identified as Jeffrey Castillo). Officer Aguilar advised Castillo had a screwdriver in his hand and was uncooperative. Sergeant Leyden heard multiple officers report they were shutting down north and south traffic at Church Street and Pennsylvania Avenue as well as Church Street and Lugonia Avenue. Corporal Lucas then asked for an officer with the 40 mm less-lethal launcher⁶ to respond to the scene. Corporal Bryson advised he was en route to the scene with the 40 mm launcher.

⁶ Sergeant Leyden described the 40 mm launcher as a kinetic impact weapon with a rubber bullet designed to be used as a less-lethal force option.

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 13

Within approximately five to seven minutes, Sergeant Leyden arrived on scene. Officers had blocked off Church Street and Lugonia Avenue. Four or five marked Redlands Police Department patrol units were parked facing east at the east curb of Church Street. Sergeant Leyden saw Officer Bali standing near the northeast corner of Church Street and Lugonia Avenue holding a patrol rifle. Sergeant Leyden drove north on Church Street and parked her patrol vehicle at the east curb of Church Street. As Sergeant Leyden parked, she saw Castillo standing approximately 15 feet away on the east sidewalk of Church Street. Castillo was holding a screwdriver in his right hand.

Sergeant Leyden got out of her vehicle and saw Officer Gomez standing on the passenger side of one of the patrol vehicles with a Taser. Sergeant Leyden saw Corporal Lucas standing near the driver's side of a patrol vehicle with a handgun. Corporal Lucas introduced Castillo to Sergeant Leyden and told Castillo she was going to talk to him. Sergeant Leyden's plan was to use her training as a crisis negotiator to talk to Castillo and to convince him to drop the screwdriver. Her goal was to build a rapport, gain Castillo's compliance, and to safely take him into custody so they could help him and ascertain what had occurred. Sergeant Leyden talked to Castillo, addressing him by his first name. Sergeant Leyden told Castillo she was there to help him and asked him to put the screwdriver down. In response, Castillo said, "No," and shook his head side to side.

Within approximately six to eight seconds, Castillo began staring south down Church Street, in the direction of Officer Bali. A female civilian was also located south of Castillo. Suddenly Castillo turned and started to run south on Church Street. For a split second, Sergeant Leyden feared Castillo was "going after" the female civilian, but then Castillo ran southwest straight toward Officer Bali. Castillo still had the screwdriver in his hand and was clearly not running to flee. All the other officers were west of Castillo, so if he had been trying to flee, he could have run south or north. Instead, Castillo intentionally ran straight toward Officer Bali with the screwdriver in his hand. Sergeant Leyden yelled, "No, Jeffrey, stay!" Sergeant Leyden heard Officer Bali yell commands to Castillo but did not recall what specific commands he gave. When Castillo was approximately 10 feet away from Officer Bali, Officer Bali fired two rounds in rapid succession from his patrol rifle at Castillo. Castillo fell face first onto the ground. Sergeant Leyden believed Officer Bali would have been severely injured or killed by Castillo if he had not shot Castillo first.

After Castillo fell to the ground, Sergeant Leyden broadcasted, "Shots fired, suspect down." Sergeant Leyden requested medical aid and Officer Cherpín immediately began administering aid to Castillo. Sergeant Leyden was later informed by Officer Tamayo that he had picked up the screwdriver and placed it into an envelope to collect it as evidence.⁷

⁷ During his interview, Officer Tamayo advised when he and other officers rolled Castillo onto his side into a recovery position after the officer-involved shooting, Officer Tamayo saw the sharp pointed screwdriver, approximately two to three inches in length, underneath Castillo's body. An unknown officer kicked the screwdriver away from Castillo. Officer Tamayo believed Castillo had possibly used the screwdriver as a weapon against his mother, so he collected the screwdriver as potential evidence.

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 14

On September 22, 2020, at approximately 3:11 p.m., **Corporal Joshua Lucas** was interviewed by Detectives Josh Guerry and David Carpenter of the San Bernardino Sheriff's Department.

Corporal Lucas was employed as a police officer for the Redlands Police Department. On September 18, 2020, Officer Lucas was on duty and was assigned to patrol.

At approximately 6:35 p.m., Redlands Police Department Dispatch aired a call regarding a male, later identified as Witness #4, who came home and found his wife on their apartment floor. Witness #4's wife was not breathing. Corporal Lucas assigned himself to the call and began driving to the location. Approximately one to two minutes later, Corporal Lucas received an update from dispatch stating Witness #4's son, Jeffrey Castillo, left the apartment with blood on him. Witness #4 told dispatch there was "blood everywhere." Corporal Lucas knew of prior calls for service at the residence regarding Castillo and Castillo being mentally ill. Corporal Lucas was made aware of the prior calls for service via his patrol unit's mobile computer. Corporal Lucas saw there had been a call for service approximately one week prior wherein officers had evaluated Castillo for Welfare and Institutions Code section 5150.⁸ The officers found Castillo did not meet the criteria at that time.

When Corporal Lucas arrived at the apartment, the Redlands Fire Department was there. While still inside his patrol unit, Corporal Lucas spoke with an unidentified firefighter. The firefighter had already been inside the apartment and told Corporal Lucas the female "was down." The firefighter told Corporal Lucas the potential suspect was walking in the area of Church Street and Lugonia Avenue. The firefighter described the suspect to Corporal Lucas and told him the suspect was wearing black shorts and no shirt. Corporal Lucas relayed this information to dispatch.

Corporal Lucas left the apartment and drove southbound on Church Street. Corporal Lucas found the suspect, later identified as Jeffrey Castillo, walking on Church Street's east sidewalk, approximately 20 yards north of Lugonia Avenue. Castillo matched the description given by the firefighter. Corporal Lucas parked his patrol unit on Church Street facing Castillo. Corporal Lucas got out of his patrol vehicle and Castillo immediately placed his right hand into his right front shorts' pocket. Corporal Lucas was approximately 15 to 20 feet away from Castillo when he saw blood on the left side of Castillo's back. Castillo appeared disoriented and aggravated. Castillo paced back and forth on the sidewalk. Corporal Lucas knew there had potentially been a homicide and that Castillo was the suspect. Corporal Lucas thought Castillo had possibly killed or severely assaulted

⁸ California Welfare and Institutions Code section 5150 (a), "When a person, as a result of a mental health disorder, is a danger to others or himself, or herself, or gravely disabled, a peace officer [...] may, upon probable cause, take, or cause to be taken, the person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention."

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 15

his mother and wondered if Castillo still had a weapon, either a gun or a knife, in his possession.

Officer Joseph Aguilar and Officer Henry Gomez arrived to assist. Officer Aguilar provided lethal coverage with his handgun while Officer Gomez provided less-lethal coverage with a Taser. Corporal Lucas told Castillo to remove his hand from his pocket, but Castillo ignored his command. Corporal Lucas heard Officer Gomez broadcast over his patrol's loudspeaker for Castillo to take his hand out of his pocket. Castillo removed his right hand from his pocket and Corporal Lucas saw what he believed to be either a screwdriver or a corkscrew. Castillo held the weapon in his right hand with the tip protruding from his fingers, near his right side. Corporal Lucas estimated the length of the weapon to be approximately two to four inches. Corporal Lucas believed Castillo was either having a mental health crisis, or under the influence of narcotics or both.

Corporal Lucas attempted to deescalate the situation by telling Castillo he was not in trouble and that he just needed to talk to him. Officer Aguilar began speaking to Castillo. Officer Aguilar had a more compassionate approach while de-escalating the situation with Castillo than Corporal Lucas, who had a more assertive tone. Corporal Lucas thought it would be best for only one person to talk to Castillo rather than several at once. Officer Aguilar took over the negotiations. Castillo was only 15 to 20 feet away from the officers as they attempted to negotiate with him. From his training and experience, Corporal Lucas knew at that distance, an individual armed with a sharp-edged weapon can advance in a matter of seconds and that if an officer did not have his or her gun out and ready to fire, the armed individual can stab the officer faster than an officer can react.

For the safety of the public, Corporal Lucas requested assisting officers to block traffic in order to prevent pedestrian and vehicle traffic from approaching the scene. Corporal Donnie Bryson arrived and stood next to Corporal Lucas. Corporal Bryson was armed with a 40 mm less-lethal munition launcher. Corporal Bryson pointed the less-lethal launcher at Castillo and ordered him to put the weapon down. Several additional Redlands Police Department officers, including Officer Bali, arrived on scene. Officer Bali was south of the initial responding officers. Officer Bali was armed with an AR15 rifle.

Sergeant Claudia Leyden arrived on scene. Sergeant Leyden was a crisis negotiator with the Redlands Police Department. Corporal Lucas introduced Sergeant Leyden to Castillo. Sergeant Leyden began negotiating with Castillo. Corporal Lucas believed the negotiation between Castillo and Sergeant Leyden was not working. Corporal Bryson told the officers near him that he was going to deploy the 40 mm less-lethal launcher. When Corporal Bryson raised the launcher and pointed it at Castillo, Castillo moved his body to a bladed stance. Corporal Lucas believed this caused Corporal Bryson not to deploy the 40 mm less-lethal launcher for fear of missing Castillo and scaring him into running away from

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 16

them.⁹ Corporal Lucas believed officers could not let Castillo leave the scene because he had possibly been involved in a homicide and was a danger to the community. The goal was for Castillo to drop the weapon (later identified as a screwdriver) so they could safely arrest him. Corporal Lucas estimated the entirety of the de-escalation with Castillo lasted five to seven minutes.

Castillo was approximately 12 to 15 feet away from Officer Bali when suddenly he ran straight toward Officer Bali. Castillo was clearly not running in an effort to get away because the "entire sidewalk was open," and Castillo could have run there in order to flee. Instead, Castillo ran at an angle in a southwest direction straight toward Officer Bali. Castillo had the screwdriver in his right hand as he ran. Corporal Lucas believed Castillo was going to kill Officer Bali. Castillo was running faster than Officer Bali could retreat. Officer Bali had no cover or concealment. Corporal Lucas heard Officer Bali say, "Don't come at me." Castillo was approximately six feet from Officer Bali when Corporal Lucas saw Officer Bali fire two rounds from his rifle at Castillo. Castillo fell to the ground and Corporal Lucas ran to Castillo. Other unidentified officers were already rendering aid to Castillo. Corporal Lucas saw the screwdriver on the ground beneath Castillo's body as the officers moved him around to render aid.

Corporal Lucas was afraid for Officer Bali's life when Castillo ran at him. Corporal Lucas was not in a position to fire his gun at Castillo due to the potential crossfire. Corporal Lucas's backdrop was the corner of Lugonia Avenue and Church Street where possible pedestrians were located. As such, Corporal Lucas knew there was a potential for civilian casualties had he fired his gun at Castillo.

STATEMENTS BY CIVILIAN WITNESSES¹⁰

On September 18, 2020, **Witness #1** was interviewed by Officer Daniel Cherpin¹¹ of the Redlands Police Department.

Witness #1 was riding as a passenger in the front seat of a vehicle driven by Witness #2. As their vehicle approached the intersection of Lugonia Avenue and Church Street, she saw several police vehicles on Church Street. Witness #1 initially thought there had been a traffic collision, but as they got closer, she saw a police officer "mounted behind" a police car with his rifle drawn.

⁹ During Corporal Bryson's interview, he indicated he did not deploy the 40 mm less-lethal launcher because when Castillo turned his body south, away from the officers, Corporal Bryson was concerned that a deployment would cause Castillo to run south, creating a danger to the public.

¹⁰ All reports of civilian statements made were reviewed, though not all are summarized here.

¹¹ Officer Cherpin interviewed Witness 1, Witness #2, and Witness #3, witnesses to the officer-involved shooting. The witnesses were interviewed in the same room while they were together. The interviews were recorded on Officer Cherpin's belt-recorder. Each of the interviews were reviewed though not all are summarized herein.

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 17

As they pulled up to make a right turn onto Lugonia to go east, she saw a heavy-set Hispanic male standing "about the curb." The male was wearing no shirt, black shorts, and no shoes. The male "was standing, facing the cops on the curb and he did begin to, in my opinion, act erratic. I saw him kind of do like something with his hands. It looked like he was shouting because he put his hands up in the air and then dropped them, turned to his left-hand side and started going (running) southbound down Church." "When he began to run, he did reach down. At the time, I thought he was losing his drawers, and that was when we heard the two shots and he crumpled, leaning in, to his right-hand side."

On September 18, 2020, **Witness #2** was interviewed by Officer Daniel Cherpin of the Redlands Police Department.

On September 18, 2020, at approximately 6:50 p.m., Witness #2 was driving her truck back to her residence in Redlands. Witness #2 drove north in the right-hand lane on Church Street, toward the intersection of Church Street and Lugonia Avenue. As she approached the intersection, she saw several police vehicles. Witness #2 thought there had been an accident because she is familiar with the area and knows "kids get are getting hit on bikes there all the time" and "that intersection is crazy." Witness #2 explained she has lived in the neighborhood a long time.

Witness #2 saw a "large, heavy-set, at least 240 pounds," Hispanic male adult standing in the street in northeast section of the roadway, approximately three to four feet away from the curb line. The male was wearing dark colored shorts, no shirt and no shoes. The male was "fidgety, like ants in his pants or tweaking." Initially, Witness #2 thought the male was a bystander and thought "something was off, like a father just saw his kid get hit on a bicycle." Witness #2 further explained, "Something was off, like something was going through his head.... like an eight-year-old goes, 'Hmmm, I can escape you, mom.' Like that kind of fidget, like I've got to get away from this situation."

Suddenly, the male "flipped around" and "high-tailed it," running south toward the intersection. Witness #2 heard two loud gunshots. To Witness #2, the gunshots sounded like a shotgun and not a 9 mm because the shots had a deeper sound. The male fell to the ground, never reaching the intersection. Witness #2 quickly drove away and did not see anything else. Witness #2 said "they" did call 911 to report it. Everything she saw happened very quickly, in a matter of approximately three seconds. Witness #2 advised her truck's camera system recorded the entire incident. Witness #2 also provided the recording to law enforcement.

On September 18, 2020, **Witness #3** was interviewed by Officer Daniel Cherpin of the Redlands Police Department.

Witness #3 was riding as a passenger in the front seat of the vehicle driven by Witness #2. Witness #3 was seated in the back on the right side of the vehicle. As they approached

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 18

the intersection to turn onto Lugonia Avenue, Witness #3 saw several police officers and wondered what was occurring. Witness #3 thought there had been a car accident.

Witness #3 then saw a heavy-set male standing on the corner with several police officers looking at him. Witness #3 did not see any weapons drawn by the officers, but Witness #1 told her the police had their weapons drawn. The male stood still at first, but then started moving around. It looked like the male was saying something to the officers, but she could not hear anything that he said. The male started to get more agitated and then he started running "toward us." Witness #3 then heard two shots and saw the male was down on the ground. Upon being asked whether she saw the male run toward an officer, Witness #3 said she did not and that he ran away from the officers. At this point in the interview, Witness #1 interrupted and said, "If I can interject, he was running kind of at an angle and there was [sic] officers in like the half-moon shape. So there [was] some on the outskirts that ended up approaching him from that direction. So, he wasn't running directly at anybody, but he wasn't running this direction either." Hoyle agreed with Witness #1's description and said everything happened "so fast."

On September 18, 2020, at approximately 10:35 p.m., **Witness #4** was interviewed by Detective Josh Guerry of the San Bernardino County Sheriff's Department.

Witness #4 lived at the 1300 block of North Church Street in Redlands with his wife Witness #5 and their son, Jeffrey Castillo. Castillo had been living with them for approximately two years. Prior to that, Castillo had been living in Colorado with his girlfriend. Witness #4 thought Castillo was doing well in Colorado. Castillo told him he was lonely and convinced Witness #4 to let him move in with them. Since Castillo moved back home, Witness #4 and his wife had been supporting Castillo. Witness #4 reported his other two children were fine and doing well on their own, but Castillo "never straightened out."

Witness #4 knew Castillo had a substance abuse problem and struggled with alcohol and drug abuse. According to Witness #4, Castillo had destroyed his liver and had almost died from the abuse. Witness #4 never saw his son abusing alcohol or drugs, but his other Witness #6, told him about Castillo's substance abuse problems. Witness #4 believed "something was always wrong" with Castillo but did not know if Castillo had any mental health diagnoses. Witness #4 did not know if Castillo took any medication. Witness #4's wife and Castillo "hid everything from" Witness #4.

When Castillo was younger, he was physically abusive toward Witness #4. Witness #4 and Castillo argued, but there had been no physical violence recently. Witness #4 knew Castillo had multiple encounters with the police but did not know whether Castillo had ever been violent with the police.

Two days earlier, Castillo reported hearing voices from the ceiling vents telling him Witness #4 was going to hurt him. Witness #4 told Castillo he was "crazy" and warned

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 19

Witness #4 that he had better not come to his bedroom door when Witness #4 “was sleeping and do something.”

On Friday, September 18, 2020, Witness #4 was preparing to leave for work. Witness #4 asked Witness #5 where Castillo was. Witness #5 told him Castillo went out for a walk to get a burrito. Witness #4 thought that was odd and went to look in Castillo’s bedroom. Castillo’s bed was made. Witness #4 left for work.

Witness #4 arrived home from work in the early evening hours. Witness #4 parked his truck but did not go into the house right away as he was listening to the last inning of a baseball game. Witness #4 then went into the house and into the kitchen. Witness #4 saw the “couch was moved way over.” Witness #4 then noticed the curtains were torn and wondered where Witness #5 was. Witness #5 was normally sitting on the couch when he got home. Witness #4 then saw Castillo walking out the front door. Witness #4 noticed a red spot on Castillo’s back but didn’t think much about it. Witness #4 asked Castillo, “Where’s your mother?” Castillo looked at Witness #4 and said, “She’s dead.” Castillo acted very weird and had no emotion. Castillo “didn’t look right” and had a “weird look in his eyes.” Castillo’s eyes were very red and looked like they had looked days earlier when Castillo said he was hearing voices coming from the ceiling vents. Castillo then walked out the door and down the street. Witness #4 did not notice anything in Castillo’s hands.

Witness #4 then saw Witness #5 on the floor. Witness #4 thought Witness #5 was “just knocked out.” Witness #4 tried to wake her, but she did not awaken. Witness #4 put his hand by her mouth and did not feel any breath. Witness #4 believed something violent had happened to Witness #5, so he immediately called 911. When Witness #4 saw the blood on the floor near Witness #5, he realized the red spot on Castillo’s back was probably blood.

Witness #4 told Detective Guerry that if Castillo had murdered Witness #5, then he “needs to go to jail for it” and that “he could spend the rest of his life in jail thinking about what he had done.” Witness #4 said he did not know if Castillo had done it because he was “mental,” but said that he did not want him out of jail because he was a “menace to society” if he was capable of killing his own mother.

Witness #4 did not have any firearms in the residence and did not believe in weapons. They did have kitchen knives. Witness #4 did not believe there were any screwdrivers in the residence but believed there could be some in the garage.

Detective Guerry told Witness #4 that after Castillo left the residence, there had been an encounter with Redlands Police officers, and it had resulted in an officer-involved shooting. Witness #4 told Detective Guerry he had heard “two pops” and wondered what it was. Detective Guerry told Witness #4 that Castillo had been transported to Loma Linda University Medical Center where doctors performed life saving measures, but Castillo had passed away during surgery. Witness #4 asked Detective Guerry why the officers would

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 20

have shot Castillo. Detective Guerry explained the Sheriff's Department was conducting an investigation and that once the investigation was complete, they would know what had happened. Witness #4 told Detective Guerry, Castillo "made them shoot him," and added Castillo "knew what he did and made them shoot him."

INCIDENT AUDIO AND VIDEO¹²

911 CALL

Witness #4 called 911 at 6:32 p.m. Witness #4 was frantic and was yelling his wife's name as the 911 operator answered and asked for the address of the emergency. Witness #4 told the operator he needed someone there right away. Witness #4 provided his address with some difficulty as he spoke in obvious distress. As the 911 operator attempted to speak, Witness #4 repeatedly said he needed someone there "right now." The 911 operator asked whether it was a police or fire matter. Witness #4 told the operator his wife was on the ground and pleaded with the operator to get someone there right away. Witness #4 repeated his address, provided the nearest cross-street as Lugonia, and again pleaded with the operator to get someone there "right now."

The operator asked Witness #4 if he knew why his wife was on the floor. Witness #4 said he did not know and that she "won't wake up." The 911 operator told Witness #4 to stay on the line for the paramedics and said the paramedics would need his address. As the operator connected Witness #4 to the communications center for the paramedics, Witness #4 sobbed in the background. A second operator came on the line and told Witness #4 he had been transferred to the fire department. Witness #4 interrupted the operator and said, "I need to get somebody here, police officers, 911, please hurry up, please." The operator asked for the address and Witness #4 hurriedly provided it. As the operator repeated the address back to Witness #4 to confirm she had it accurately, Witness #4 spoke over the operator, telling her to hurry. The communication became inaudible as Witness #4 and the operator continued speaking at the same time. The operator stopped speaking and Witness #4 pleaded with her to "please get somebody here right now, please."

Once the operator verified the address with Witness #4 and obtained his phone number, she asked Witness #4 to tell her exactly what happened. Witness #4 frantically told her he did not know what had happened and he had just come home from work. Witness #4 told the operator his wife was on the floor. The operator asked him if his wife was breathing and he responded with much distress telling the operator he didn't know. Witness #4 then began sobbing as he addressed his wife, saying her name and pleading her to "wake up." The operator told Witness #4 she needed him to check to see if his wife was breathing. Witness #4 replied, "I don't think so. There's blood everywhere!" Witness #4 yelled and pleaded with the operator to please get someone there. The operator asked

¹² All audio and video recordings were reviewed in their entirety. The summaries of each will only cover the events from the beginning through the point immediately after the incident under review.

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 21

where the blood was. Witness #4 said he didn't know and explained he didn't know what to do and didn't want to move her. The operator told Witness #4 she needed him to tell her from where his wife was bleeding. In response, Witness #4 frantically called out his wife's name repeatedly and pleaded with her to wake up. The operator tried to calm Witness #4 and explained she needed his help. The operator told Witness #4 if there was a defibrillator nearby, to send someone to get it and to let her know once he had it. The operator told Witness #4 help was on the way and he needed to listen to her instructions. Witness #4 sobbed as the operator repeated her instructions. Witness #4 told the operator there was no defibrillator and said, "there's blood on the walls, I don't know what was going on here."

As Witness #4 continued frantically speaking and sobbing, the operator again tried to calm him, explaining help was on the way. The operator asked Witness #4 if he was right next to his wife. He told her he was. The operator asked if there was blood and he said, "Yes." The operator asked him where the blood was and Witness #4 replied, "I don't know, it's in the back. But I think, I don't know what happened here, I walked in the door, I have my son that lives here, he walked right out the door and he had blood on his back. I don't know what he did! I don't know if it was him! I don't know what's going on here." The operator asked Witness #4 if his son was still there and Witness #4 replied, "No, he walked away down the street with no shirt on. I don't know what's going on here." Witness #4 again began pleading with his wife to wake up. As Witness #4 sobbed, the operator asked, "PD, are you on the line?" A male voice answered in the affirmative.

The operator continued speaking to Witness #4, attempting several times to assist him with treating his wife's injuries while awaiting the paramedics arrival. Witness #4 was distraught and sobbed, unable to do as instructed. Witness #4 continued sobbing, telling the operator his wife was on her stomach and he was unable to turn her onto her back. Witness #4 began calling out his wife's name repeatedly, crying and said, "Oh my God, there's blood everywhere." Witness #4 repeated, "My son walked down the street. I don't know what happened here." As Witness #4 continued sobbing and repeating that he didn't know what to do, the operator told him they needed to get her flat on her back so they could start CPR. Sirens were then audible in the background, followed by male voices speaking to Witness #4. Witness #4 then said his son had walked "that way" down the street. The call ended.

DISPATCH RECORDING/CALL HISTORY

The dispatch recording includes radio transmissions between the dispatch operator and the responding officers. The dispatch recording was reviewed in conjunction with the call history¹³ and began with the dispatch operator advising officers of a request to assist Redlands Fire Department (RFD) at a residence located on the 1300 block of North Church Street reference a reporting party who advised his wife is not breathing, is laying on the floor, and not waking up. The dispatcher further informed officers the reporting

¹³ The call history essentially mirrored the dispatch recording.

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 22

party was shouting, "Get here now," and that the call had been transferred to the communications center for the fire department. An unidentified male officer answered, "Copy." Seconds later, the dispatcher advised, "Paul 22 and Charlie 8, further, the RP (reporting party) is advising there is going to be blood on the female and when the RP showed up, he noticed his son walking away with no shirt and blood on him."

The following is a summary of the dispatch recording combined with the call history to show the timeline of events:

18:36:46 Dispatcher, "There is blood. When RP showed up, his son walked away with no shirt on and blood on him."

18:37:22 (Typed notation in call history.) "Ramirez, K. Recent CNTC w/son, Jeff, who advised on 091520 that he could hear voices in the vents."

18:38:53 Dispatcher, "Now RP is saying 'there is blood everywhere.'"

18:41:07 Dispatcher advised RFD was on scene.

18:41:28 Officer Aguilar advised he was responding to the scene code three.

18:42:40 Dispatcher, "38 YO Castillo Jeffrey SB Church St., no shirt, unk pants."

18:43:42 Dispatcher, "RFD advised SUBJ on corner of Church and Lugonia, HMA (Hispanic male adult) no shirt, black shorts.

18:43:51 Officer Lucas, "Out with" Castillo at Church and Lugonia.

18:44:09 Officer Gomez advised Castillo was "not cooperative and has a weapon in his hands."

18:45:38 Officer Aguilar advised Castillo "has a long screwdriver in his right hand."

18:45:52 Officer Lucas, "Need north and southbound Church blocked."

18:46:04 Officer Gomez, "Need unit with a 40."¹⁴

18:46:15 Corporal Bryson advised he was on scene "with the 40."

18:46:56 Officer Bali advised he was blocking NB Church.¹⁵

18:47:09 Officer Shuey, "Verbal commands."

¹⁴ The 40 mm less-lethal kinetic impact weapon.

¹⁵ On the dispatch recording, but not reflected in the call history, the dispatcher was heard asking "Paul 9" (Officer Bali) to block northbound Church at Lugonia.

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 23

18:47:19 Officer Shuey, "So far non-compliant."

18:47:59 Officer Tamayo, "RFD has SB traffic blocked at Pennsylvania."

18:48:52 Officer Cherpin advised Castillo was at Lugonia and Church on the north corner.

18:49:12 Officer Gomez, "Shots fired."

18:49:16 Officer Gomez, "Roll med aid."

BELT RECORDINGS

Multiple Redlands Police officers on scene had their belt recorders activated during their contact with Castillo. All belt recordings were reviewed in their entirety. The summaries of the recordings will only cover the events from the beginning through the point immediately after the incident under review. All videos were reviewed though not all are summarized here. All times noted are those reflected in the media player. Throughout the recordings, emergency vehicle sirens were heard in the background. The sirens grew increasingly louder and then stopped sounding as officers arrived on scene.

Officer Bali

Officer Bali's belt recording was three minutes in length.

00:00- Recording began and multiple emergency vehicle sirens were heard in the background.

00:19- Roadway traffic was heard in the background.

00:33- In the background, a computerized voice said, "CAD update received." A clicking noise was heard.

00:43- The sound of metal sliding, consistent with pulling the receiver bolt back and releasing it to chamber a round into a firearm, was heard.

00:46- In the distance, an unknown male said, "Hey, I need lethal on this side."

00:50- Officer Bali ordered, in a stern voice, "Hey drop it!" Sirens continued in the background.

00:57- Officer Bai ordered, in a stern voice, "Do not approach me!" Multiple additional voices were heard in the background but were unintelligible.

01:03- Officer Bali yelled, "Do not approach me! Drop the screwdriver!"

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 24

01:11- Multiple voices were heard but were unintelligible. A car horn honked several times.

01:15- Officer Bali yelled, "Hey, drop it!" An unknown male voice was heard in the background yelling, "No, no, no, no, no!"

01:16- Two gunshots were heard in rapid succession followed quickly by Officer Bali yelling, "Drop it, drop it!" A male voice was heard in the background yelling.

01:20- Officer Bali yelled, "Drop it!" Another male voice yelled, "Let me see your hands now!"

01:26- A male voice was heard groaning. Multiple officers ordered, "Show me your hands."

01:33- An unknown male told someone to start medical aid.

01:35- Officer Bali advised his weapon was "on safe." A male was heard groaning in the background.

01:38- A male voice said, "Shots fired."

01:42- A female voice said, "Medical aid please."

Officer Henry Gomez

00:00- Recording began and Castillo said, "I'll poke your eye out with this thing." Unknown officer said, "What?" Castillo said, "You heard me."

00:06- Officer Gomez advised, "Subject is not cooperative. He has a weapon in his hand."

00:12- Castillo said, "I have a weapon." Unknown officer responded, "You have a weapon? You better put it down."

00:16- Castillo said, "If you come near me." Unknown officer said, "Put it down."

00:18- Officer Gomez asked, "What's your name, partner?"

00:20- Unknown officer said, "Put the knife down."

00:22- Castillo said, "Let me explain to you guys. Do you really want to know what's going on? Unknown officer replies, "Alright that's fine, but just put it down."

00:26- Officer Gomez said, "I got lethal, on lethal."

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 25

00:31- Unknown officer said, "I just want to talk to you. Put it down."

00:36- Multiple additional voices were heard in the background but were unintelligible.

00:41- Castillo said, "I don't have a gun or nothing. I wish I did."

00:45- Officer Joseph Aguilar asked, "What you got in your hand?"

00:47- Castillo replied, "A screwdriver."

00:48- Officer Aguilar said, "Okay, yeah, you need to put that down, my man."

00:50- Castillo said, "Alright."

00:52- Unknown officer said, "Put the screwdriver down." Officer Aguilar said, "You got to put that down, man. It will make it a lot easier on us."

00:54- Castillo replied, "No, no, I need to tell you something."

00:58- Officer Aguilar said, "Okay, you can tell me, but I need you to put that down." An unknown officer said, "Can we at least talk to you for a minute?" Castillo replied, "Huh?" The officer repeated, "Can we at least talk to you for a minute?" Castillo replied, "Sure." The officer asked, "What's going on?"

01:02- Castillo replied, "Well, I live with a bunch of murderers."

01:07- Unknown officer asked, "Why are you so angry?" Castillo replied, "Because I live with a bunch of murderers."

01:10- Unknown officer said, "You live with a bunch of murderers?" Castillo replied, "Yeah."

01:12- Officer Aguilar said, "I got lethal." Officer Gomez said, "Okay, less-lethal."

01:17- Officer Aguilar said, "Jeff, do me a huge favor and put that thing down, man. I really don't want to have to do this, man."

01:20- Castillo asked, "What's that?"

01:23- Officer Aguilar replied, "What is what? It's a firearm. That's how serious this is." Castillo replied, "Okay."

01:25- Officer Aguilar said, "So I need you to put that down, man, because I don't want to have to do that. Okay?"

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 26

01:26- Castillo replied, "I need you to do that." Officer Aguilar replied, "No, no, no, I'm not going to do that." Castillo interrupted Officer Aguilar and said, "'cause I ain't goin' with you guys no matter what." Officer Aguilar replied, "I need you to put that down, though, my man." An unknown officer said, "If something happened, we can talk about it. It's not a big deal."

01:32- Castillo said, "Naw. No way. No"

01:35- Officer Gomez said, "We need a 40."

01:38- Castillo said, "Sorry guys." Radio traffic was heard as Castillo continued speaking, but his words were unintelligible.

01:45- Officer Aguilar said, "Alright, Jeff. Well, hey, can you at least just sit down?" Radio traffic was heard, drowning out the conversation as Castillo and Officer Aguilar continued to speak.

01:49- Officer Aguilar asked, "Why? Why can't you just sit down?" Castillo said, "Naw."

01:53- Officer Gomez advised, "90, we need a unit with a 40." Radio traffic was heard.

02:00- Loud radio traffic continued.

02:08- Castillo asked, "What was that sound?"

02:10- Unknown officer advised, "We're going to need northbound Church blocked off at Lugonia, southbound blocked off at (inaudible)."

02:16- Officer Aguilar said, "My man, you got to put that down. Come on. Come on."

02:22- Officer Aguilar said, "I'm willing to listen to everything you have to say, but you got to put that thing down. That's the way it's got to be."

02:29- Castillo said, "You guys couldn't help me if you wanted to."

02:32- Officer Aguilar said, "Well, I would like to at least try. Do you want to give me the opportunity? You don't even know me."

02:43- Officer Aguilar said, "Come on man. I can help you out. You got to let us. We got to try. That's what we're here for right?"

02:52- Castillo said, "You guys wouldn't believe me if I told you."

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 27

02:55- Officer Aguilar said, "I'm willing to listen to you, my man. I already told you that. I just got to have you put that down, 'cause I don't want to see you get hurt. Okay? Can you do that for me? Alright man, I appreciate it."

03:08- Officer Aguilar said, "Come on man. When you're ready, okay. Just go ahead and put it down."

03:17- Officer Aguilar said, "Hey man. I know your name, but you don't know mine. My name is Joe, okay. And we are here to help you, but you got to put that thing down, man. Okay? Alright Jeff? Please."

03:37- Officer Aguilar asked, "Why not?" Castillo answered, "Not yet." Officer Aguilar said, "Not yet? Okay." Castillo then said, "Naw." Officer Aguilar said, "Okay."

03:44- Officer Aguilar said, "You feeling bad? I see you going through it."

03:53- Officer Aguilar said, "I tell you what, man, you put that thing down, I'll come up there and you can come talk to me, okay?"

03:59—04:25- No voices heard.

04:26- Officer Aguilar said, "Come on Jeff. Take a deep breath and put it down."

04:31- Corporal Joshua Lucas said, "Jeff, this is my boss, Claudia, and she would like to talk to you."

04:37- Officer Aguilar said, "Hey, hey, I need a lethal on that side. Thank you." Sergeant Claudia Leyden could be heard in the background saying, "We just want to get you help, okay?"

04:44- Officer Aguilar said, "Jeff, hey, hey, hey, stay here, Jeff, stop." Other officers were heard saying "stop" in the background.

04:48- Officer Aguilar advised, "Watch the crossfire. Jeff, hey." An unknown officer said, "Get around, get around." Other officers were heard speaking in the distance, but their words were too faint to understand.

04:55- Officer Aguilar said, "No more rifles."

04:57- Officer Lalit Bali was faintly heard in the background yelling, "Do not approach me! Drop the screwdriver!"

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 28

04:58- In the distance, unknown officers were heard yelling; however, their precise words were too faint in the recording to be understood. An officer was heard yelling, "Drop the screwdriver."

05:04- Multiple officers yelled, "Jeff, put the screwdriver down!" Sergeant Leyden said, "Nobody wants to hurt you, Jeff."

05:08- Unknown officer yelled, "No, no, no, no, no!"

05:09: Two gunshots were heard in rapid succession.

05:13: Multiple officers yelled, "Let me see your hands, let me see your hands!"

05:23: Officer Gomez advised, "Roll medical in, shots fired." Additional officers asked for medical aid.

CIVILIAN VIDEO

Witness #2 witnessed a portion of the incident under review as she drove her vehicle north in the right-hand lane on Church Street, toward the intersection of Church Street and Lugonia Avenue. As she approached the intersection, she saw several police vehicles.¹⁶ Her vehicle was equipped with a dash-camera which recorded the incident under review. The recording did not include audio. The times referenced herein are those displayed on the timestamps shown in the upper left-hand corner.

5:47:16-The beginning of the video shows Witness #2's vehicle heading through a residential neighborhood during daylight. A black Toyota 4Runner travelled several feet ahead of Witness #2's vehicle. Several seconds later, straight ahead in the distance, emergency vehicle lights were faintly visible.

5:48:38- Several feet south of the intersection of Church Street and Lugonia Avenue, Witness #2's vehicle slowed behind the black Toyota 4Runner and other vehicles, also slowing as they approached the intersection. Several marked Redlands Police Department vehicles¹⁷ were seen with emergency lights activated, blocking traffic from traveling northbound beyond the intersection.

5:48:46- Northbound traffic in front of Witness #2's vehicle turned east onto East Lugonia Avenue.

¹⁶ See the summary of Witness #2's interview for further details.

¹⁷ During the crime scene investigation, a total of nine marked Redlands Police Department patrol units were on scene. It should be noted, one of the patrol units was captured in Witness #2's dash-camera video recording as it arrived on scene immediately after the officer-involved shooting.

PUBLIC RELEASE MEMORANDUM

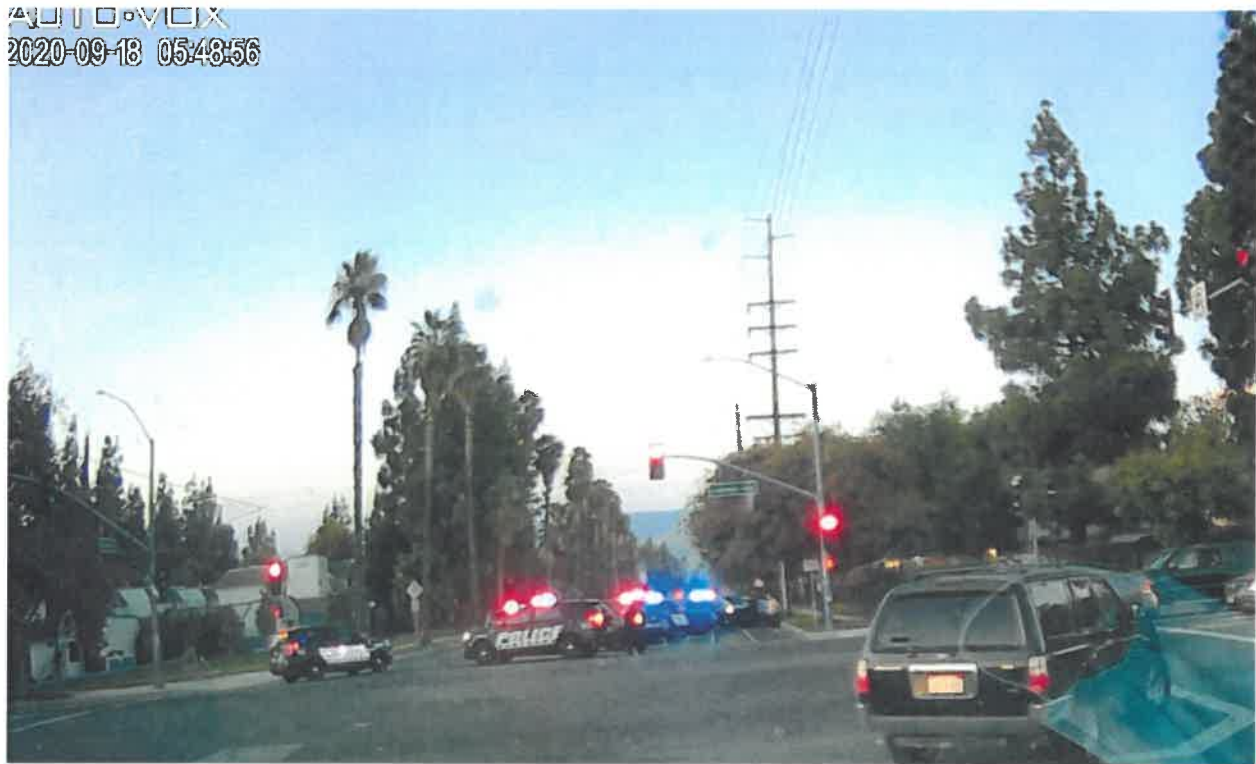
Officer Involved Shooting

STAR No.

August 22, 2022

Page 29

5:48:55- The black Toyota 4Runner turned east onto East Lugonia, leaving no vehicles in front of Witness #2's vehicle. The video camera's view was unobstructed. Multiple marked Redlands Police Department vehicles were seen parked on Church Street, just north of East Lugonia Avenue. The vehicles' emergency lights were activated. A male, later identified as Castillo, wearing black shorts and no shirt could be seen standing on the roadway next to the curb line. Castillo faced west. A marked patrol unit, later identified as Officer Bali's unit, faced west near the crosswalk area of the north intersection of Church Street and East Lugonia Avenue. A uniformed officer, later identified as Officer Bali, could be seen standing to the rear of this patrol unit.



4:48:57- Castillo suddenly lurched forward and ran in a full-sprint southwest toward Officer Bali.

4:48:59- Officer Bali quickly retreated, taking two quick steps backwards and Castillo fell forward to the ground on Church Street, near the intersection with East Lugonia Avenue.

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 30



5:49:00- Momentum carried Castillo forward as he rolled onto his side.

5:49:02- Two Redlands police officers ran to Castillo. A tan sedan drove west on East Lugonia Avenue and turned south on Church Street, momentarily blocking the camera's view of the scene.

5:49:03- A marked Redlands police vehicle with its overhead emergency lights activated passed Witness #2's vehicle on the driver's side. The police vehicle travelled north on Church Street and through the intersection at East Lugonia Avenue, momentarily blocking the camera's view of the scene.

5:49:08- The marked police vehicle parked in a northeast direction near the northeast corner of the intersection of Church Street and East Lugonia Avenue. The camera's view was unobstructed, and an unknown number of uniformed Redlands Police officers stood around Castillo, who appeared to be face down on the ground.

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 31

05:49:09- As Witness #2's vehicle turned east onto East Lugonia Avenue, the officers and Castillo were no longer captured in the camera's view. Witness #2's vehicle continued east on East Lugonia and the camera no longer captured a view of the incident.

INCIDENT SCENE INVESTIGATION

Detective Josh Guerry of the San Bernardino County Sheriff's Department conducted the crime scene investigation. The scene encompassed the intersection of East Lugonia Avenue and Church Street. All evidence found within the scene, unless otherwise noted, was labeled using photographic identification placards and was photographed in place prior to being measured and taken as evidence. All measurements were taken by using a Disto D8 Laser.

The crime scene was located on the northern portion of a residential street intersection. The intersection consisted of East Lugonia Avenue, which ran in an east/west direction and Church Street, which ran in a north/south direction. East Lugonia Avenue consisted primarily of two lanes in each direction and Church Street consisted primarily of one lane in each direction. There were multi-family apartment complexes on the northeast and northwest sides of Church Street. There was a business complex on the southeast side of Church Street and an open field on the southwest side of Church Street.

Placard 1 documented A "Winchester 223 Rem" fired cartridge casing (FCC). Placard 1 was on the ground approximately nine feet east of the rear bumper of Redlands Police Department patrol vehicle number 577,¹⁸ documented under Placard 6. Placard 6 was four feet south of Placard 2, a "Winchester 223 Rem" FCC. Placard 2 was on the ground approximately six and half feet east of the rear bumper of Redlands Police Department patrol vehicle number 577, and four feet north of Placard 1.

¹⁸ Officer Bali's patrol unit.



Placard 3 documented a blood stain in the north crosswalk which traveled east and west across Church Street. The blood stain measured approximately six feet long and one foot wide. Placard 3 was approximately seven feet east of Redlands Police Department patrol vehicle number 511,¹⁹ documented under Placard 7.

¹⁹ Corporal Bryson's patrol unit.

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 33



Placard 4 documented a black bag with a business card with the name of (redacted) in an exposed pouch. There was an unused tourniquet on top of the bag near the opening. The black bag and tourniquet were in the middle of the north crosswalk which travelled east and west across Church Street. Placard 4 was approximately seven feet northeast of Placard 3 and 12 feet east of Placard 7.

Placard 7 documented Redlands Police Department patrol vehicle number 511. It was parked facing west in the middle of the north crosswalk which travelled east and west across Church Street. The patrol vehicle was approximately 17 and a half feet north of Placard 6. Inside the driver compartment of the patrol vehicle, secured in a weapon mount, was a Lewis Machine and Tool Company 40 mm less-lethal munition launcher, serial number FW12707. There were two blue-tipped 40 mm rounds and one orange-tipped 40 mm round attached to the buttstock.

Detective Guerry's scene investigation detailed the positions of six additional Redlands Police Department patrol vehicles parked on Church Street and one additional Redlands Police Department patrol vehicle parked on East Lugonia Avenue. It should be noted, because Officer Tamayo collected the screwdriver as potential evidence in the homicide of Witness #5, it was removed from the scene before Detective Guerry's crime scene investigation. The Sheriff's Department subsequently received the screwdriver from the Redlands Police Department. The screwdriver was a flat head screwdriver with an estimated length of 3.07 inches.

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 34

DECEDENT

Castillo was pronounced deceased at approximately 9:01 p.m. by Dr. Witness #8 at Loma Linda University Medical Center.

AUTOPSY

Witness #7, D.O., Forensic Pathologist for the San Bernardino County Sheriff's Department Coroner Division, conducted the autopsy of Jeffrey Castillo on September 29, 2020. Witness #7 noted two gunshot wounds. Witness #7 determined the cause of death was two gunshot wounds of the torso and death occurred within hours. Castillo's height and weight were noted as 72", 260 lbs.

Gunshot Wound of the Right Shoulder

Entrance: On the superior aspect of the right shoulder, located 9 inches below the top of the head and 4-1/2 inches to the right of the anterior midline, is a 0.3 cm round gunshot wound of entrance with a surrounding 4.0 x 2.0 cm pink ecchymosis and an adjacent surgical incision. No soot or gunpowder stippling is noted on the skin surrounding the gunshot wound.

Path: The bullet injures the skin and subcutaneous tissues of the right shoulder, head of the right humerus, upper and middle lobes of the right lung (status-post wedge resection), the posterior aspects of the right 2nd through 4th ribs, and the right scapula before terminating within the soft tissues of the right upper back.

Recovery: A bullet fragment is recovered from within the soft tissues of the right upper back.

Direction: The direction of the wound path is front to back and downwards with no significant right/left deviation.

Gunshot Wound of the Abdomen

Entrance: On the epigastrium, located 23-1/4 inches below the top of the head and 1/16 inch to the left of the anterior midline, is a 0.3 cm round gunshot wound of entrance with an eccentric marginal abrasion that measures up to 0.1 cm at the 6 o'clock position. No soot or gunpowder stippling is noted on the skin surrounding the gunshot wound.

Path: The bullet injures the skin and subcutaneous tissues of the abdomen, liver (status post-cauterization and suture ligation), antrum of the stomach, transverse colon (status-post partial colectomy), duodenum (status-post suture ligation with resection of proximal jejunum), head of the pancreas (status-post suture ligation), portal vein, small bowel

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 35

mesentery, and left iliacus muscle before terminating within the soft tissues of the lower back.

Recovery: A bullet fragment is recovered from within the soft tissues of the lower back.

Direction: The direction of the wound path is front to back and downwards with no significant right/left deviation.

TOXICOLOGY

Femoral blood, heart blood and vitreous fluid were collected from Castillo during the autopsy.

Toxicology results for the femoral blood sample were as follows:

11-Hydroxy Delta-9 THC	4.2 ng/mL
Delta-9 Carboxy THC	15 ng/mL
Delta-9 THC	4.0 ng/mL

OTHER CRIMES

Assault With A Deadly Weapon

California Penal Code section 245(a)(1)

Any person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.

Like other types of assault, the crime of assault with a deadly weapon 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, emphasis added; see also *People v. Golde* (2008) 163 Cal.App.4th 101, 108.) "This defines the mental state as a species of

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 36

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, 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 a police officer, even though

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 37

there was no round in the firing chamber of his gun, and he did not point the 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.

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.)

APPLICABLE LEGAL PRINCIPLES

A peace officer may use objectively reasonable force to effect an arrest if he believes that the person to be arrested has committed a public offense. (Calif. Penal C. §835a(b).)²⁰ Should an arresting officer encounter resistance, actual or threatened, he need not retreat

²⁰ All references to code sections here pertain to the California Penal Code.

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 38

from his effort and maintains his right to self-defense. (Penal C. §835a(d).) An officer may use objectively reasonable force to effect an arrest, prevent escape or overcome resistance. (Penal C. §835a(d).)

An arrestee has a duty to refrain from using force or any weapon to resist arrest, if he knows or should know that he is being arrested. (Penal C. §834a.) This duty remains even if the arrest is determined to have been unlawful. (*People v. Coffey* (1967) 67 Cal.2d 204, 221.) In the interest of orderly resolution of disputes between citizens and the government, a *detainee* also has a duty to refrain from using force to resist detention or search. (*Evans v. City of Bakersfield* (1994) 22 Cal.App.4th 321, 332-333.) An arrestee or detainee may be kept in an officer's presence by physical restraint, threat of force, or assertion of the officer's authority. (*In re Gregory S.* (1980) 112 Cal. App. 3d 764, 778, *citing, In re Tony C.* (1978) 21 Cal.3d 888, 895.) The force used by the officer to effectuate the arrest or detention can be justified if it satisfies the Constitutional test in *Graham v. Connor* (1989) 490 U.S. 386, 395. (*People v. Perry* (2019) 36 Cal. App. 5th 444, 469-470.)

An officer-involved shooting may be justified as a matter of self-defense, which is codified in Penal Code at §§196 and 197. Both of these code sections are pertinent to the analysis of the conduct involved in this review and are discussed below.

PENAL CODE SECTION 196. Police officers may use deadly force in the course of their duties, under circumstances not available to members of the general public. Penal Code §196 states that homicide by a public officer is justifiable when it results from a use of force that "is in compliance with Section 835a." Section 835a specifies a ***police officer is justified in using deadly force*** when he reasonably believes based upon the totality of the circumstances, that it is necessary:

- (1) to defend against an imminent threat of death or serious bodily injury to the officer or another, or
- (2) to apprehend a fleeing felon who threatened or caused death or serious bodily injury, if the officer also reasonably believes that the fleeing felon would cause further death or serious bodily injury unless immediately apprehended.

(Penal C. §835a(c)(1).) Discharge of a firearm is "deadly force." (Penal C. §835a(e)(1).) The "[t]otality of the circumstances" means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force." (Penal C. §835a(e)(3).) A peace officer need not retreat or desist from efforts to arrest a resistant arrestee. (Penal C. §834a(d).) A peace officer is neither deemed the aggressor in this instance, nor does he lose the right of self-defense by the use of objectively reasonable force to effect the arrest, prevent escape or overcome resistance. (*Id.*)

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 39

While the appearance of these principals was new to section 835a in 2020,²¹ the courts have been defining the constitutional parameters of use of deadly force for many years. In 1985, the United States Supreme Court held that when a police officer has probable cause to believe that the suspect he is attempting to apprehend “has committed a crime involving the infliction or threatened infliction of serious physical harm” to the officer or others, using deadly force to prevent escape is not constitutionally unreasonable. (*Tennessee v. Garner* (1985) 471 U.S. 1, 11-12.) California courts have held that when a police officer’s actions are reasonable under the Fourth Amendment of our national Constitution, that the requirements of Penal Code § 196 are also satisfied. (*Martinez v. County of Los Angeles* (1996) 47 Cal.App.4th 334, 349; *Brown v. Grinder* (E.D. Cal., Jan. 22, 2019) 2019 WL 280296, at *25.) There is also a vast body of caselaw that has demonstrated *how* to undertake the analysis of what is a reasonable use of force under the totality of the circumstances. (See *Reasonableness* discussion, *infra*.) As such, our pre-2020 state caselaw, developed upon the former iteration of section 196, is still instructive.

There are two new factors in section 835a that did not appear in the section previously, nor did they develop in caselaw pertaining to use of deadly force. First, a peace officer must make reasonable efforts to identify themselves as a peace officer and warn that deadly force may be used, prior to using deadly force to affect arrest. (Penal C. §835a(c)(1).) This requirement will not apply if an officer has objectively reasonable grounds to believe that the person to be arrested is aware of those facts. (Penal C. §835a(c)(1).) Second, deadly force cannot be used against a person who only poses a danger to themselves. (Penal C. §835a(c)(2).)

While the codified standards for use of deadly force in the course of arrest are set forth at subsections (b) through (d) of Section 835a, the legislature also included findings and declarations at subsection (a). These findings and declarations lend guidance to our analysis but are distinct from the binding standards that succeed them within the section. In sum, the findings are as follows:

- (1) that the use of force should be exercised judiciously and with respect for human rights and dignity; that every person has a right to be free from excessive uses of force;
- (2) that use of force should be used only when necessary to defend human life and peace officers shall use de-escalation techniques if it is reasonable, safe and feasible to do so;
- (3) that use of force incidents should be evaluated thoroughly with consideration of gravity and consequence, lawfulness

²¹ Assem. Bill No. 392 (2019-2020 Reg. Sess.) approved by the Governor, August 19, 2019. [Hereinafter “AB-392”]

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 40

and consistency with agency policies;²²

- (4) that the evaluation of use of force is based upon a totality of the circumstances, from the perspective of a reasonable officer in the same situation; and
- (5) that those with disabilities may be affected in their ability to understand and comply with peace officer commands and suffer a greater instance of fatal encounters with law enforcement, therefore.

(Penal C. §835a(a).)

PENAL CODE SECTION 197. California law permits *all persons* to use deadly force to protect themselves from the imminent threat of death or great bodily injury. Penal Code §197 provides that the use of deadly force by any person is justifiable when used in self-defense or in defense of others.

The pertinent criminal jury instruction to this section is CALCRIM 505 (“Justifiable Homicide: Self-Defense or Defense of Another”). The instruction, rooted in caselaw, states that a person acts in lawful self-defense or defense of another if:

- (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury;
- (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and
- (3) he used no more force than was reasonably necessary to defend against that danger.

(CALCRIM 505.) The showing required under section 197 is principally equivalent to the showing required under section 835a(c)(1), as stated *supra*.

²² Penal C. §835a (a)(3) conflates a demand for thorough evaluation of a use of force incident with a dictate that it be done “in order to ensure that officers use force consistent with law and agency policies.” On its face, the section is clumsily worded. Nothing included in AB-392 plainly requires that a use of force also be in compliance with agency policies. A provision in the companion bill to AB-392—Senate Bill No. 230 [(2019-2020 Reg. Sess.) approved by the Governor, September 12, 2019] (Hereinafter “SB-230”), does explicitly state that “[a law enforcement agency’s use of force policies and training] may be considered as a factor in the totality of circumstances in determining whether the officer acted reasonably, but shall not be considered as imposing a legal duty on the officer to act in accordance with such policies and training.” (Sen. Bill No. 230 (2019-2020 Reg. Sess.) §1.) It is noteworthy, however, that this portion of SB-230 is uncodified, unlike the aforementioned portion of Penal C. §835a (a)(3).

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 41

IMMINENCE. “Imminence is a critical component” of self-defense. (*People v. Humphrey* (1996) 13 Cal.4th 1073, 1094.) A person may resort to the use of deadly force in self-defense, or in defense of another, where there is a reasonable need to protect oneself or someone else from an apparent, *imminent* threat of death or great bodily injury. “An imminent peril is one that, from appearances, must be instantly dealt with.” (*In re Christian S.* (1994) 7 Cal.4th 768, 783.) The primary inquiry is whether action was instantly required to avoid death or great bodily injury. (*Humphrey, supra*, 13 Cal.4th at 1088.) What a person knows, and his actual awareness of the risks posed against him are relevant to determine if a reasonable person would believe in the need to defend. (*Id.* at 1083.) In this regard, there is no duty to wait until an injury has been inflicted to be sure that deadly force is indeed appropriate. (*Scott v. Henrich, supra*, 39 F. 3d at 915.)

Imminence more recently defined in the context of use of force to effect an arrest, is similar:

A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

(Penal C. §835a(e)(2).)

REASONABLENESS. Self-defense requires both subjective honesty and objective reasonableness. (*People v. Aris* (1989) 215 Cal.App.3d 1178, 1186.) The United States Supreme Court has held that an officer’s right to use force in the course of an arrest, stop or seizure, deadly or otherwise, must be analyzed under the Fourth Amendment’s “reasonableness” standard. (*Graham v. Connor, supra*, 490 U.S. at 395.)

The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than with the 20/20 vision of hindsight....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 in a particular situation.

(*Id.* at 396-397, citations omitted.)

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 42

The “reasonableness” test requires an analysis of “whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” (*Id.* at 397, citations omitted.) What constitutes “reasonable” self-defense or defense of others is controlled by the circumstances. A person’s right of self-defense is the same whether the danger is real or merely apparent. (*People v. Jackson* (1965) 233 Cal.App.2d 639.) If the person’s beliefs were reasonable, the danger does not need to have actually existed. (CALCRIM 505.) Yet, a person may use no more force than is reasonably necessary to defend against the danger they face. (CALCRIM 505.)

When deciding whether a person’s beliefs were reasonable, a jury is instructed to consider the circumstances as they were known to and appeared to the person and considers what a reasonable person in a similar situation with similar knowledge would have believed. (CALCRIM 505.) It was previously held that in the context of an officer-involved incident, this standard does not morph into a “reasonable police officer” standard. (*People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147.)²³ To be clear, the officer’s conduct should be evaluated as “the conduct of a reasonable person functioning as a police officer in a stressful situation.” (*Id.*)

The *Graham* court plainly stated that digestion of the “totality of the circumstances” is fact-driven and considered on a case-by-case basis. (*Graham v. Connor, supra*, 490 U.S. at 396.) As such, “reasonableness” cannot be precisely defined nor can the test be mechanically applied. (*Id.*) Still, *Graham* does grant the following factors to be considered in the “reasonableness” calculus: the severity of the crime committed, whether the threat posed is immediate, whether the person seized is actively resisting arrest or attempting to flee to evade arrest. (*Id.*)

Whether the suspect posed an immediate threat to the safety of the officer or others has been touted as the “most important” *Graham* factor. (*Mattos v. Agarano* (9th Cir. 2011) 661 F.3d 433, 441-442.) The threatened use of a gun or knife, for example, is the sort of immediate threat contemplated by the United States Supreme Court, that justifies an officer’s use of deadly force. (*Reynolds v. County of San Diego* (9th Cir. 1994) 858 F.Supp. 1064, 1071-72 “an officer may reasonably use deadly force when he or she confronts an armed suspect in close proximity whose actions indicate an intent to attack.”) Again, the specified factors of *Graham* were not meant to be exclusive; other factors are taken into consideration when “necessary to account for the totality of the circumstances in a given case.” (*Mattos v. Agarano, supra*, 661 F.3d at 441-442.)

²³ The legislative findings included in Penal C. section 835a(a)(4) suggest to the contrary that “the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation”. As such, if the officer using force was acting in an effort to *effect arrest*, as is governed by section 835a, then it appears the more generous standard included there would apply.

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 43

The use of force policies and training of an involved officer's agency *may* also be considered as a factor to determine whether the officer acted reasonably. (Sen. Bill No. 230 (2019-2020 Reg. Sess.) §1. See fn. 3, *infra*.)

When undertaking this analysis, courts do not engage in *Monday Morning Quarterbacking*, and nor shall we. Our state appellate court explains,

under *Graham* 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.

(*Martinez v. County of Los Angeles*, *supra*, 47 Cal.App.4th at 343, citing *Smith v. Freland* (6th Cir. 1992) 954 F.2d 343, 347.) Specifically, when a police officer reasonably believes a suspect may be armed or arming himself, it does not change the analysis even if subsequent investigation reveals the suspect was unarmed. (*Baldrige v. City of Santa Rosa* (9th Cir. 1999) 1999 U.S. Dist. LEXIS 1414 *1, 27-28.)

The Supreme Court's definition of reasonableness is, therefore, "comparatively generous to the police in cases where potential danger, emergency conditions or other exigent circumstances are present." (*Martinez v. County of Los Angeles*, *supra*, 47 Cal.App.4th at 343-344, citing *Roy v. Inhabitants of City of Lewiston* (1st Cir. 1994) 42 F.3d 691, 695.) In close-cases therefore, the Supreme Court will surround the police with a fairly wide "zone of protection" when the aggrieved conduct pertains to on-the-spot choices made in dangerous situations. (*Id.* at 343-344.) One court explained that the deference given to police officers (versus a private citizen) as follows:

Unlike private citizens, police officers act under color of law to protect the public interest. They are charged with acting affirmatively and using force as part of their duties, because 'the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it.'

(*Munoz v. City of Union City* (2004) 120 Cal.App.4th 1077, 1109, citing *Graham v. Connor*, [*supra*] 490 U.S. 386, 396.)

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 44

ANALYSIS

On September 18, 2020, at approximately 6:46 p.m., Officer Bali responded to the intersection of Church Street and East Lugonia Avenue to block traffic in an effort to keep the public safe while fellow officers negotiated with Castillo. Only three minutes later, Officer Bali found himself retreating from and firing his rifle at Castillo as Castillo charged at him with a screwdriver.

Under Penal Code section 835a, Officer Bali's use of deadly force was justified if he reasonably believed, based on the totality of the circumstances, that it was necessary to defend against the imminent threat of death or serious bodily injury to himself or another. Under Penal Code section 835a (e)(3), the "totality of the circumstances" are all facts known to Officer Bali at the time, including the conduct of Officer Bali and the subject leading up to the use of deadly force.

Before Officer Bali responded to the scene, he knew Redlands Police Department officers had been summoned to assist the fire department with one of their calls. Officer Bali heard dispatch assign the call to Officer Aguilar and Corporal Lucas. Officer Bali read the comments in the call and listened to what was broadcasted over the radio in relation to it. In so doing, Officer Bali learned the fire department had seen Castillo at the intersection of Lugonia Avenue and Church Street, covered in blood and wearing shorts and no shirt. Officer Bali learned the reporting party (Witness #4) had arrived home and found his wife (Witness #5) unresponsive and covered in blood.

Officer Bali kept himself apprised of the details as the call progressed and dispatch provided updates. The additional details revealed there was blood on Witness #5 and that when Witness #4 "showed up," he had noticed his "son walking away with no shirt and blood on him." Updates to the call also included information that Redlands Police Department officers, only three days earlier, had contact with Witness #4's son, Jeffrey Castillo, who had advised he "could hear voices in the vents." Dispatch also broadcasted Witness #4's report that "there is blood everywhere."

These additional details revealed this was not just a call for medical aid but was instead potentially a call to the scene of a violent crime. Because of these details, every officer who responded to the scene, including Officer Bali, suspected Castillo had committed a violent attack and was leaving the scene of the crime. Their suspicions were reasonable.

Officer Bali knew officers had located Castillo near the intersection of Lugonia Avenue and Church Street, that Castillo was armed with a screwdriver and he was being uncooperative. In response to Corporal Lucas' request for additional officers to respond, Officer Bali, who was only a few miles away, began driving to the scene. On his way, Officer Bali heard an officer say they needed north and southbound traffic on Church Street blocked. Shortly thereafter, dispatch asked Officer Bali to block northbound traffic on Church Street. Officer Bali then heard officers at the scene request a 40 mm less-lethal launcher.

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 45

When Officer Bali arrived at the intersection of Lugonia Avenue and Church Street, he stopped his patrol unit facing westbound on Church Street, in the northern portion of the intersection in order to block northbound traffic on Church Street. After activating his unit's emergency lights, Officer Bali got out his unit and walked to the east/west crosswalk of Church Street on the north side of the intersection. Officer Bali immediately saw Castillo standing on the sidewalk on the east side of Church Street, approximately 20-25 feet north of Lugonia Avenue. Officer Bali estimated Castillo was approximately 20-25 feet away from him. Officer Bali saw Castillo had a screwdriver in his right hand, which was balled into a fist. Officer Bali saw the sharp metal end of the screwdriver protruding from in between Castillo's fingers. Upon seeing the way Castillo held the screwdriver, all officers at the scene, including Officer Bali, reasonably understood the danger. If Castillo charged and punched an officer in the head or neck with the screwdriver, the injury could be fatal. Because of this, the officers ordered Castillo to drop the screwdriver. However, despite repeated commands to drop the screwdriver, Castillo refused to do so.

Officer Bali began directing traffic, but because Castillo was armed with a screwdriver and was so close to him, Officer Bali returned to his unit to get his patrol rifle in case he needed to protect himself from Castillo. Officer Bali reasonably believed Castillo had just come from a crime scene, and while Officer Bali did not know exactly what had happened at the Castillo residence, it was reasonable for him to believe Castillo was a suspect in that crime. Armed with his rifle, Officer Bali returned to the crosswalk to continue directing traffic. However, upon reaching the crosswalk, Officer Bali quickly found himself in a precarious position as Castillo was no longer standing on the sidewalk and was instead standing on the roadway, closer to Officer Bali. Castillo looked straight at Officer Bali and made eye contact with him. At a height of six feet and a weight of 260 pounds, Castillo was considerably larger than Officer Bali, who was 5'9" and 162 pounds.

Officer Bali saw Castillo had turned his focus to Officer Bali and was no longer paying any attention to the other officers. Castillo was armed with a screwdriver, had ignored multiple commands to drop it, and had singled out Officer Bali. Officer Bali saw Castillo's demeanor was aggressive and reasonably believed Castillo was about to attack him. Castillo, still armed with the screwdriver, began slowly walking toward Officer Bali. In response, Officer Bali began giving loud and clear commands to Castillo, telling him to drop the screwdriver and to not approach him. Castillo ignored Officer Bali's commands. Suddenly, Castillo lurched forward and began running straight toward Officer Bali. Castillo was still armed with the screwdriver as he charged at Officer Bali. Fearing for his life, Officer Bali retreated backwards and fired two rounds from his rifle at Castillo.

Officer Bali was in imminent danger when Castillo ran toward him with the screwdriver. Before Castillo started running, he was already dangerously close to Officer Bali and although Officer Bali retreated backwards, Castillo was sprinting forward at a much faster pace. By all accounts, Castillo was only seven to 10 feet away from Officer Bali when Officer Bali fired his weapon. Other officers at the scene also feared for Officer Bali's life,

PUBLIC RELEASE MEMORANDUM

Officer Involved Shooting

STAR No.

August 22, 2022

Page 46

but positioned north of both Castillo and Officer Bali, they were unable to safely fire their weapons. Officer Bali's fear for his life was both honest and objectively reasonable.

CONCLUSION

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

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