



## PUBLIC RELEASE MEMORANDUM

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**Date:** July 14, 2022

**Subject:** Fatal Officer-Involved Incident

**Involved Officers:** Officer Michael Blackwood  
California Highway Patrol, Barstow

Sergeant Ronnie Fredricks  
California Highway Patrol, Victorville

Officer Alex Lugo  
California Highway Patrol, Victorville

Officer Joshua Morales  
California Highway Patrol, Barstow

**Involved Subject:** Cory Allen Latham (DOB 03/30/1985)  
**Subject's Residence:** Pinion Hills, CA

**Incident Date:** October 22, 2020

**Case Agent:** Detective Tony Romero  
San Bernardino County Sheriff's Department

**Agency Report #:** 602000183/H#2020-117

**DA STAR #:** 2021-50837

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**PREAMBLE**

The summary of this fatal incident is drawn from a submission of materials prepared by the San Bernardino County Sheriff's Department (SBCSD). The case agent for this submission was SBCSD Detective Tony Romero.

The submission reviewed included the following: reports of law enforcement witnesses, police dispatch audio recordings, body-worn camera (BWC) video recordings, mobile video/audio recordings (MVAR), audio recordings of law enforcement and civilian witness interviews, law enforcement photographs, and law enforcement scientific investigation reports.

**FACTUAL SUMMARY<sup>1</sup>**

On October 22, 2020, at approximately 3:53 a.m., California Highway Patrol (CHP) Sergeant Ronnie Fredricks and Officers Michael Blackwood, Alex Lugo and Joshua Morales, each fired their duty weapons at Cory Allen Latham while in the northbound lanes of Interstate Freeway 15 ("I-15") in the city of Barstow. Mr. Latham sustained multiple gunshot wounds and died at the scene, as a result. Mr. Latham was armed with a loaded .22 caliber revolver at the time of the officer-involved shooting. Officer Lugo was also struck by gunfire during the incident; Officer Lugo survived his injuries.

The officer-involved shooting occurred after Mr. Latham led officers of the Chino Police Department (CPD) and CHP on a vehicle pursuit for more than an hour, in a stolen 2017 Subaru Crosstrek, traveling from Ontario to Barstow.

In the early evening of October 21, 2020, Mr. Latham's parents confronted Mr. Latham as Mr. Latham was preparing to take their car, a 2017 Subaru Crosstrek. Mr. Latham's parents told Mr. Latham that if he took the Subaru, they would call the police. After Mr. Latham took the Subaru, Mr. Latham's parents called 9-1-1 to report it. After a SBCSD deputy arrived at Mr. Latham's parent's residence to receive the stolen vehicle report, it was discovered that Mr. Latham also took a .22 caliber revolver and ammunition.

On October 22, 2020, approximately nine hours after Mr. Latham's parents reported their car stolen, Mr. Latham was spotted driving the stolen Subaru in the area of Euclid Avenue and Riverside Drive in the city of Chino. By the time the identity of the stolen Subaru was confirmed and officers could assemble, Mr. Latham had continued moving to the eastbound lanes of the 60 Freeway in Ontario. At 2:36 a.m., four marked CPD police units positioned immediately behind Mr. Latham initiated a traffic stop of the Subaru by activating their emergency lights and sirens. Instead of yielding, Mr. Latham led officers on a vehicle pursuit that transitioned to the northbound lanes of the I-15 Freeway.

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<sup>1</sup> Herein is a summary only. All incident-involved officers were employed by the California Highway Patrol. All investigating officers were employed by the San Bernardino County Sheriff's Department.

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At approximately 2:56 a.m., as the pursuit moved through the interchange of the I-15 and Interstate Freeway 215 (I-215) in San Bernardino, CPD handed off the pursuit of Mr. Latham to two San Bernardino CHP units. As the CPD units did before them, the San Bernardino CHP units used their emergency lights and sirens to signal Mr. Latham to yield. Mr. Latham continued to flee, however. As the pursuit proceeded northbound on the I-15 towards Hesperia, all CHP units were advised that the vehicle being pursued was reported stolen and that the suspect was known to be carrying a .22 caliber firearm.

While in pursuit of Mr. Latham, San Bernardino CHP Officer Milien used his unit spotlight and made announcements over his unit public address system to get Mr. Latham's attention. Officer Milien repeatedly and calmly asked "Cory" to slow down and pull over. For example, Officer Milien announced, "Cory, listen, we can talk about everything that's going on. Just pull over." Mr. Latham, instead, accelerated up to speeds of 90 mph while climbing up the I-15 in thickening fog at that dark and early morning hour. The driving conditions became so dangerous that the San Bernardino CHP units called off their pursuit. After a few minutes, however, the fog lifted. As such, the two trailing San Bernardino CHP units re-engaged in the pursuit of Mr. Latham and again used their emergency lights and sirens to signal Mr. Latham to stop. Unfortunately, Mr. Latham *still* did not yield.

As the pursuit of Mr. Latham moved through Victorville at approximately 3:06 a.m., Victorville CHP Sergeant Isaiah Kee and Officers Blackwood and Lugo assumed primary handling of the pursuit of Mr. Latham. Like their predecessors, Sergeant Kee and Officers Blackwood and Lugo were operating marked CHP patrol units with activated emergency lights and sirens; the sergeant operated a one-man unit and Officer Lugo drove a two-man unit with Officer Blackwood as his partner passenger. Mr. Latham neither yielded nor made any indication to the Victorville CHP units that he intended to yield. Mr. Latham continued to drive north towards Barstow and the Victorville CHP units trailed behind him. Meanwhile, Sergeant Kee coordinated with Barstow CHP to have a spike strip deployed to disable the Subaru.

At approximately 3:29 a.m., Barstow CHP Sergeant Fredricks and Barstow CHP Officer Morales successfully deployed a spike strip across the northbound lanes of the I-15, north of Hodge Road in Barstow. Mr. Latham approached the area at approximately 82 mph. Less than two minutes after the spike strip was deployed, Sergeant Kee confirmed that the front two tires of the Subaru were deflated, and Mr. Latham slowed considerably to 10-12 mph. Still, Mr. Latham continued northbound within the city of Barstow. As such, Sergeant Kee yielded supervision of the pursuit to Sergeant Fredricks. Officers Blackwood and Lugo remained in the pursuit at Sergeant Fredricks's request, and they were joined by Officer Morales.

Mr. Latham continued through Barstow at low speeds of 10-12 mph, moving from the #3 (slow) lane to the right shoulder and back into lanes. Even at that slow speed, the three pursuing CHP units maintained the use of their emergency lights and sirens. Officers Morales and Lugo used their respective unit spotlights, in addition.

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At approximately 3:48 a.m., more than an hour after the pursuit of Mr. Latham began, Officer Morales used his patrol unit to execute a pursuit intervention technique (PIT) maneuver to the Subaru's right rear quarter panel. The PIT maneuver caused the Subaru to spin clockwise approximately 90 degrees and come to rest facing east/southeast. The Subaru blocked the #1 (fast) and #2 northbound lanes of the I-15, south of Outlet Center Drive. Officer Morales stopped his unit in the #2 lane, mere feet from the passenger side of the Subaru and facing north. Officer Morales immediately got out of his unit, drew his duty weapon as he stood behind his open driver's door, pointed his weapon at Mr. Latham and yelled, "Get out of the car! Get out of the car!" Meanwhile, Officer Lugo stopped his unit, with Officer Blackwood inside, in the #3 lane, to the right of Officer Morales's unit, facing the hood and front windshield of the Subaru. Officers Lugo and Blackwood also immediately got out of their respective front seats and drew their duty weapons. The officers trained their spotlights on Mr. Latham and saw that Mr. Latham sat in the driver's seat and wore a head covering concealing everything but his eyes. Mr. Latham put both of his hands up in front of him with his open palms facing away from him and towards the officers. Mr. Latham eventually began to put his hands down, causing Officer Morales to repeatedly call out, "Keep your hands up," and "Slowly get out of the vehicle." Officer Morales also called several times for Mr. Latham to throw his keys out of the vehicle. Mr. Latham did not attempt to get out of the vehicle, nor did he throw out his keys. Every time Mr. Latham put his hands down, Officers Blackwood, Lugo and/or Morales would command Mr. Latham to keep his hands up. All of the Subaru windows were up, yet Mr. Latham would immediately put his hands up when the officers so ordered. Mr. Latham had also been displaying the Subaru key fob attached to a large cross, in his hands.

After a few minutes, it appeared to the officers at the scene that Mr. Latham would not voluntarily come out of his vehicle. Sergeant Fredricks confirmed via dispatch radio that a ballistic shield and less-lethal shotgun would take approximately 40 minutes to reach their location. Sergeant Kee had all northbound lanes of the I-15 stopped, approximately a half mile south of where the standoff was occurring. As such, Sergeant Fredricks planned to approach Mr. Latham without the shield. Officer Lugo volunteered to approach with Sergeant Fredricks with a window punch in the event the officers needed to break a window to make contact with Mr. Latham to bring an end to the standoff.

At approximately 3:53 a.m., Sergeant Fredricks and Officer Lugo approached Mr. Latham from the front of the Subaru and on the driver's side. Meanwhile, Officers Blackwood and Morales provided lethal cover of Sergeant Fredricks and Officer Lugo. On their approach, both Sergeant Fredricks and Officer Lugo commanded that Mr. Latham keep his hands up. Both Sergeant Fredricks and Officer Lugo had their weapons drawn and pointed at Mr. Latham. As they arrived at the driver's window, Sergeant Fredricks twice ordered Mr. Latham to "Open the door." Mr. Latham shook his head to indicate "no" and did not open the door. Sergeant Fredricks attempted to open the driver's door by the door's handle. The driver's door was locked. So, Sergeant Fredricks asked Officer Lugo to break the rear passenger door window, behind the driver's seat. As Sergeant Fredricks was doing so and speaking to Officer Lugo, Mr. Latham raised a .22 caliber revolver and pointed it at Sergeant Fredricks. At the time, Sergeant Fredricks was less than a foot away from the gun and only the Subaru's driver's door window was between the

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sergeant and Mr. Latham's gun. Sergeant Fredricks saw Mr. Latham's gun, immediately stepped away from the window and yelled, "Gun, gun, gun, gun." Sergeant Fredricks began to fire his weapon at Mr. Latham. Officers Blackwood, Lugo and Morales also fired their weapons. Gunfire erupted for approximately 6-7 seconds. During the gunfire, Mr. Latham's car lurched forward and struck the front bumper of Sergeant Fredricks's unit.

After gunfire ceased, Sergeant Fredricks announced "shots fired" via dispatch radio. Officer Lugo then alerted Sergeant Fredricks that he had been shot in the leg. Yet, Officer Lugo managed to get to the freeway shoulder and next to Sergeant Fredricks's patrol unit. Sergeant Fredricks began assisting Officer Lugo in the application of a tourniquet and called for medical aid. As Sergeant Fredricks assisted Officer Lugo, Officers Blackwood and Morales were tasked with making contact with Mr. Latham, securing Mr. Latham's weapon and providing Mr. Latham with medical aid. At the time, Mr. Latham was slumped in the Subaru, but still moving.

At approximately 3:57 a.m., Officer Morales opened the Subaru driver's door and retrieved a .22 caliber revolver from Mr. Latham's lap. Officer Morales immediately placed the revolver on the roof of the Subaru. Officers Blackwood and Morales then pulled Mr. Latham out of the Subaru and onto the ground just north of the Subaru, checked Mr. Latham for injuries and began administering first aid and chest compressions.

Medical services arrived at the scene at approximately 4:07 a.m., and assisted Mr. Latham first. Despite advanced life-saving measures being utilized at the scene, Mr. Latham never regained consciousness. Mr. Latham remained in cardiac arrest. Barstow Fire Department, with telephonic advisement from a physician at a hospital, pronounced Mr. Latham deceased at the scene at approximately 4:20 a.m.

After an examination of the scene and the collection of evidence, it was determined that a combined total of 52 shots were fired by Sergeant Fredricks and Officers Blackwood, Lugo and Morales. The weapons used by Sergeant Fredricks and Officers Blackwood, Lugo and Morales were collected and examined by a SBCSD Scientific Investigations Division (SID) criminalist. No damage or malfunction was noted in the shooting officers' weapons. Mr. Latham's weapon was also collected from the scene; the .22 caliber revolver had its hammer cocked back, but it was still fully loaded with six unfired bullets.

**STATEMENTS BY LAW ENFORCEMENT OFFICERS<sup>2</sup>**

**Officer Alex Lugo** gave a voluntary interview to SBCSD Detective David Carpenter on October 26, 2020, five days after the shooting incident and in the presence of two CHP representatives.

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<sup>2</sup>All investigative reports submitted were reviewed, but not all are referenced here. No law enforcement personnel became aware of or used any civilian person's name until investigations revealed it, or as otherwise specified. All references to any witness or Cory Latham by name are made here for ease of reference.

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The following is a summary of relevant information disclosed by Officer Lugo:

At the time of the shooting, Officer Lugo was 27 years old and had been a CHP officer for approximately three and a half years. Officer Lugo also served previously as a military police officer, though it was not disclosed for how long.

On the night of the incident, Officer Lugo drove a two-man marked patrol unit; Officer Blackwood was his partner passenger. Officer Lugo stated he wore a blue CHP utility shirt and pants, black boots and a CHP ballcap. Prior to participating in the pursuit, Officer Lugo was aware that the suspect (Mr. Latham) was possibly armed and driving a stolen car. Officer Lugo explained that he assumed the primary position on the pursuit from a San Bernardino CHP unit in the area south of Ranchero Road (and the I-15). Officer Lugo stated that he knew from the call log that the suspect was possibly armed. Officer Lugo stated that Mr. Latham drove "extremely erratic" and away from pursuing officers at a peak speed of 95 mph, but averaged 75-80 mph. Officer Lugo expanded that Mr. Latham couldn't maintain his lane, would drift from the #1 to the #2 lane, then make a fast "jerky" movement to resume travel in the #1 lane. Officer Lugo described traffic at the time of the pursuit as light to moderate, but that they were passing a lot of semi-truck trailers.

As the pursuit proceeded north, Officer Lugo recalled coordinating with the Barstow CHP units that spiked Mr. Latham's car tires. Officer Lugo also recalled that one of the Barstow units applied "a real perfect soft PIT maneuver" to the right rear of the Subaru, that caused the Subaru to spin, then stop. The Subaru stopped in a position facing southeast in northbound lanes. Officer Lugo saw the same Barstow CHP unit that performed the PIT maneuver, drive up to the area between the passenger side doors of the Subaru. Officer Lugo stopped his patrol unit to the right of the Barstow CHP unit, almost nose-to-nose in front of the Subaru's right headlight. Officer Lugo stated that he got out, drew his duty weapon and started conducting a "high risk stop," which he defined as the stopping and removal of a potentially armed fleeing felon from their vehicle. By this time, Officer Lugo saw Mr. Latham was wearing a black shirt, black mask up to his nose and another black mask down over his head. Only Mr. Latham's eyes were visible. Officer Lugo described Mr. Latham as being "very well illuminated." Officer Lugo explained that he put his spotlight directly on Mr. Latham's face to illuminate him and to keep Mr. Latham from being able to see the officers' position. Officer Lugo recalled that Officer Morales was giving verbal commands initially, but that the other officers (including himself) would chime in when Mr. Latham dropped his hands out of the officers' sight.

Officer Lugo stated that the use of verbal commands was the officers' attempt to de-escalate the situation. Officer Lugo explained that it was not feasible to wait an extended time for Mr. Latham to surrender voluntarily because they were stopped in the middle of the freeway, Mr. Latham's vehicle was facing the wrong way and despite the traffic-break, any inattentive semi-truck driver would pose a risk of fatality to the officers and

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the motoring public. Officer Lugo put on his gloves and brought a window punch to Sergeant Fredricks, and he and the sergeant approached Mr. Latham from the front. Sergeant Fredricks told Mr. Latham to open the door and roll down the window or get out of the car. Mr. Latham did not comply. Sergeant Fredricks tried to open the driver's door, but it was locked. Sergeant Fredricks then told Officer Lugo to break the back window. Just as Officer Lugo raised his window punch, Officer Lugo saw Mr. Latham lower his right hand. Next, Officer Lugo saw Mr. Latham raise a revolver with both of his hands. Mr. Latham pointed the revolver to his left and directly at Sergeant Fredricks. Officer Lugo next recalled hearing the sergeant scream "Gun, gun, gun." Officer Lugo stated he (himself) had started moving backwards in a north/northeast direction and fired his duty weapon at Mr. Latham. Officer Lugo recalled first firing his weapon at Mr. Latham from three to four feet and his last gunshot was fired from approximately 20 feet. During gunfire, Officer Lugo recalled getting shot in the bicep and leg. At the time, Officer Lugo believed that Mr. Latham was firing back at officers. During gunfire, it appeared to Officer Lugo that Mr. Latham "hit the gas." Officer Lugo stated that he fired his last shot to stop Mr. Latham from ramming into or killing Officer Blackwood or Sergeant Fredricks.

After the Subaru stopped, Officer Lugo recalled seeing Mr. Latham slumped in his seat. Officer Lugo dropped his duty weapon and alerted Sergeant Fredricks that he had been shot. Officer Lugo saw that blood gushed from his leg, so he attempted to apply a tourniquet to it and received help from Sergeant Fredricks. Officer Lugo received medical aid at the scene and later learned that Mr. Latham had died. Officer Lugo opined that due to the manner in which the incident unfolded that there was no feasible opportunity to use less-lethal means or issuing warnings prior to officers firing at Mr. Latham.

Based upon Officer Lugo's interview, the examination of his duty weapon and the collection of evidence at the scene, it is approximated that Officer Lugo fired 10 rounds at Mr. Latham during the shooting incident.

**Officer Michael Blackwood** gave a voluntary interview to SBCSD Detectives Floyd Stone and Joshua Guerry on October 26, 2020, five days after the shooting incident and in the presence of two CHP representatives.

Prior to the below-summarized interview and shortly after the incident, Officer Blackwood was photographed in the uniform he wore at the time of the incident and his duty weapon was collected. Officer Blackwood's duty weapon contained a magazine of 14 bullets, plus an additional bullet in the chamber. Officer Blackwood also had one magazine on his duty belt that was loaded to capacity with 15 bullets. During the incident, Officer Blackwood wore a dark blue department-issued CHP uniform consisting of a long-sleeved button-down shirt, dark blue pants and black boots. Officer Blackwood's shirt included "BLACKWOOD" displayed in yellow block letters on the right chest, a CHP cloth badge on the left chest, and CHP insignia patches on both outer shoulders. A hand-held radio transmitter was clipped to Officer Blackwood's shirt to



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the right of his right lapel. Officer Blackwood wore a utility belt with his duty weapon holster positioned on his right hip.

The following is a summary of relevant information disclosed by Officer Blackwood during his interview:

At the time of the shooting, Officer Blackwood was 36 years old and had been a CHP officer for approximately four and a half years. Officer Blackwood had no other law enforcement experience.

Officer Blackwood was Officer Lugo's unit partner on the day of the incident. Officer Blackwood heard the CHP radio broadcast regarding the pursuit of a stolen vehicle and was aware that the driver—the vehicle owner's son, was possibly armed with a .22 caliber weapon. At first, Officer Blackwood and his partner were assigned to deploy a spike strip near Oak Hill Road in Hesperia. However, Officers Blackwood and Lugo were unable to set up in time to do so. Officers Blackwood and Lugo caught up with the pursuit and took over as the primary pursuing unit behind Mr. Latham near Rancho Road in Victorville. Officers Lugo and Blackwood were subsequently joined by their sergeant (Sergeant Kee).

Officer Blackwood recalled coordinating with Barstow CHP units, who ultimately were able to deploy a spike strip that damaged Mr. Latham's front tires. Officer Blackwood recalled that Mr. Latham was unable to keep his vehicle straight after the spiking, and that Mr. Latham kept going to the shoulder like he was going to stop. Officer Blackwood recalled Officer Lugo announcing, "Stop your car," over the unit PA system. However, Mr. Latham did not stop and the Barstow CHP units joined the pursuit.

After Sergeant Kee resumed the traffic break and the Barstow CHP sergeant (Sergeant Fredricks) assumed supervision of the vehicle pursuit of Mr. Latham, Officer Blackwood saw a Barstow CHP unit (Officer Morales) apply a PIT maneuver to the right rear of Mr. Latham's car. After the PIT maneuver, Officer Blackwood saw Mr. Latham's car come to rest facing the "wrong way," on the freeway and posing a hazard to the officers there and the motoring public, in addition to the potential harm posed if Mr. Latham was indeed armed with a firearm. Officer Lugo stopped their patrol unit to the front right of Mr. Latham's car, facing almost windshield to windshield. Officer Blackwood got out of the unit and drew his firearm. This is when Officer Blackwood saw Mr. Latham for the first time. Mr. Latham was wearing a black mask and black long-sleeved shirt. Officer Blackwood recalled ordering Mr. Latham to show his hands or put his hands up. Officer Blackwood explained that Mr. Latham kept putting his hands down into different areas within the Subaru. Based upon his experience, Officer Blackwood believed that the areas where Mr. Latham was reaching were common areas where a person might keep a firearm, such as the driver side door, the center console, on the passenger seat or on their lap.

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Officer Blackwood stated that he stood close to the front (right) of his patrol unit with his door closed, using the lower engine block for cover, approximately 15 feet from where Mr. Latham sat in the Subaru. Officer Blackwood then saw Officer Lugo move from behind the driver's side of the same patrol unit to assist Sergeant Fredricks. After Officer Lugo shifted away, Officer Blackwood asked Officer Morales to move to the driver's side of Officer Blackwood's unit to avoid potential crossfire. While Officers Lugo and Morales repositioned themselves, Officer Blackwood continued to give Mr. Latham verbal commands. Officer Blackwood stated that Mr. Latham never gave any indication that he would surrender.

Officer Blackwood stated that he and Officer Morales had their guns drawn and pointed at Mr. Latham when Sergeant Fredricks and Officer Lugo approached the driver's side of the Subaru. Officer Blackwood recalled Sergeant Fredricks had his gun pointed at Mr. Latham and that the sergeant yelled at Mr. Latham to show his hands. Sergeant Fredricks next told Officer Lugo to break the passenger window of Mr. Latham's car. Then, Officer Blackwood saw Mr. Latham reach down and come back up with a handgun. Sergeant Fredricks yelled, "Gun, gun" and started to step backwards. Next, Officer Blackwood recalled firing his duty weapon at Mr. Latham in a northeast direction, from approximately 15 feet away from Mr. Latham. Officer Blackwood saw Sergeant Fredricks back-pedal to his patrol unit and Officer Lugo moved west, towards the southbound side of the freeway. During gunfire, Mr. Latham accelerated his car into Sergeant Fredricks's patrol unit.

After gunfire ceased, Officer Blackwood recalled being able to hear Sergeant Fredricks and Officer Lugo talking. Officer Blackwood saw Mr. Latham was still moving and Mr. Latham's gun had not been secured, rendering the situation still, "unsafe." Sergeant Fredricks assigned Officers Blackwood and Morales to get Mr. Latham out of his car to administer medical aid to Mr. Latham. Officers Blackwood and Morales went to the driver's side window of the Subaru, broke it and opened the driver's door. Officer Blackwood watched Officer Morales remove a firearm from the area of Mr. Latham's lap. As Officer Morales began to pull Mr. Latham out, Officer Blackwood stated that the Subaru began to accelerate forward again. Officer Morales had to apply the Subaru's emergency brake to stop it. The officers then pulled Mr. Latham out of the Subaru, placed Mr. Latham on the ground, patted him down for weapons and began first aid. Officer Blackwood found a pulse in Mr. Latham for a few seconds, but the pulse disappeared. Officer Blackwood then administered chest compressions to Mr. Latham until paramedics arrived. Officer Blackwood then went to check on his partner—Officer Lugo, who was with Sergeant Fredricks near the right rear tire of Sergeant Fredricks unit.

Based upon Officer Blackwood's interview, the examination of his duty weapon and the collection of evidence at the scene, it is approximated that Officer Blackwood fired 16 rounds at Mr. Latham during the shooting incident.

**Officer Joshua Morales** gave a voluntary interview to SBCSD Detectives Stone and Guerry on

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October 26, 2020, five days after the shooting incident and in the presence of a CHP representative.

Prior to the below-summarized interview and shortly after the incident, Officer Morales was photographed in the uniform he wore at the time of the incident and his duty weapon was collected. Officer Morales's duty weapon contained a fully loaded magazine of 15 bullets, plus an additional bullet in the chamber. Officer Morales also had two extra magazines on his duty belt; one magazine contained three bullets and the other contained 15 bullets. During the incident, Officer Morales wore a dark blue department-issued CHP uniform consisting of a long-sleeved button-down shirt, dark blue pants and black boots. Officer Morales's shirt included "MORALES" displayed in yellow block letters on the right chest, a CHP cloth badge on the left chest, and CHP insignia patches on both outer shoulders. A hand-held radio transmitter was clipped to Officer Morales's shirt at mid-chest. Officer Morales wore a utility belt with his duty weapon holster positioned on his right hip. Officer Morales wore duty glasses with a BWC device mounted at eye level, near the right temple.

The following is a summary of relevant information disclosed by Officer Morales:

At the time of the shooting, Officer Morales was 24 years old and had been a CHP officer for approximately one year. Officer Morales had no other law enforcement experience but had notable firearm experience due to his prior military service.

Prior to his participation in the actual pursuit of Mr. Latham, Officer Morales was informed via police radio that the pursuit began in the area of the I-15 and 60 freeways and that Mr. Latham was possibly armed and operating a stolen vehicle. As the pursuit of Mr. Latham approached Barstow, Officer Morales was assigned by his sergeant (Sergeant Fredricks) to set up traffic spikes. Officer Morales drove out to the I-15 area north of Hodge Road and waited for the pursuit to approach. When Officer Morales saw the pursuit, he threw a spike strip across freeway lanes. Mr. Latham ran over the spike strip and Officer Morales heard a pop or hissing come from Mr. Latham's tires. Officer Morales called this a "good spike" and knew that Mr. Latham's front two tires deflated as a result. Officer Morales then reeled in the spike strip and joined the traffic pursuit with his unit emergency lights and siren activated.

Officer Morales estimated following Mr. Latham for 12 to 15 minutes, during which Mr. Latham did not yield. Thereafter, Officer Morales applied a PIT maneuver to Mr. Latham's car. At the time Officer Morales performed the PIT maneuver, he estimated that Mr. Latham was traveling approximately 12 to 15 mph. Officer Morales explained that the PIT maneuver was supposed to disable the target vehicle and give the driver an indication to stop. After the PIT maneuver was applied, Officer Morales stated that Mr. Latham's car spun, then stopped facing east.

Immediately after Mr. Latham's car came to rest, Officer Morales stopped his unit, with the nose of his patrol unit at the B-pillar of Mr. Latham's car. Officer Morales got out,

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stood behind his patrol unit driver's door, drew his duty pistol and began giving Mr. Latham commands. Officer Morales recalled saying, "Get out of the vehicle," "Throw the keys out the door," and ordering Mr. Latham to keep his hands up. Officer Morales stated that Mr. Latham put his hands up, but also put his hands down, and repeated this sequence multiple times. Officer Morales recalled Mr. Latham's hands appeared to go to his lap and towards the center console of his car, as if he was looking for something. Officer Morales was aware that Mr. Latham could be looking for a firearm. Therefore, Officer Morales wanted to make sure that Mr. Latham kept his hands up. Officer Morales believed that Mr. Latham could hear his commands because Mr. Latham would put his hands back up immediately after Officer Morales ordered him to.

As the standoff continued, Officer Morales heard Sergeant Fredricks requesting that a shield and less-lethal shotgun be brought to their location. After it was determined the less-lethal tools would be delayed in arriving at the scene, Sergeant Fredricks coordinated a plan to extricate Mr. Latham from the Subaru by force. Officer Morales explained that waiting in the middle of the freeway involved a potential danger to the officers and Mr. Latham. Officer Morales stated that Officer Lugo and Sergeant Fredricks broke cover and approached Mr. Latham from the front and driver's side of the Subaru, with their guns drawn and pointed at Mr. Latham. By the time Officer Lugo and Sergeant Fredricks initiated their approach, Officer Morales had also moved from his unit to a position behind the open driver's side door of Officers Lugo and Blackwood's patrol unit. At the new position, Officer Morales could see Mr. Latham through the front windshield of the Subaru, and estimated standing approximately 20-30 feet away from Mr. Latham.

Officer Morales stated that as Officer Lugo approached to break out the back window of the Subaru that he saw Mr. Latham point a black pistol towards Sergeant Fredricks's head. Sergeant Fredricks backed away and began yelling, "Gun, gun, gun." At this point, Officer Morales began firing his weapon. Officer Morales stated that he believed that Sergeant Fredricks and his fellow officers' lives were in danger. During gunfire, Officer Morales recalled the Subaru moved forward and crashed into another patrol unit. Officer Morales recalled firing from his position and in a northerly direction at Mr. Latham and continued to do so as the Subaru moved. Officer Morales stated that he stopped firing when it appeared to him that Mr. Latham was no longer moving.

After gunfire ceased, Officer Morales maintained his position and assessed the scene. Officer Morales believed that Mr. Latham could still have reached for his gun and still considered Mr. Latham to be an active threat. After approximately two minutes, Officer Morales reloaded his weapon and approached the passenger side of the Subaru with Officer Blackwood. Officer Morales broke open the Subaru's front passenger window and opened the front passenger door but could not see Mr. Latham's firearm. Officer Morales then moved to the driver's side window, broke it and opened the door. Officer Morales immediately saw the revolver in between Mr. Latham's legs or on his lap. Officer Morales took hold of the revolver and placed it on the roof of the Subaru. Next, Officer Morales and Officer Blackwood began to pull Mr. Latham out of the driver's

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seat. Because Mr. Latham had his foot on the gas pedal still, this movement caused the Subaru to move forward. Officer Morales had to reach into the Subaru again to engage the emergency brake.

After Officers Morales and Blackwood were able to remove Mr. Latham from the Subaru, they laid Mr. Latham on the ground and began administering first aid. Officer Morales continued to assist with the medical aid until paramedics assumed care of Mr. Latham. Officer Morales stood by until Mr. Latham was pronounced deceased.

Based upon Officer Morales's interview, the examination of his duty weapon and a review of the submitted media (See *Submitted Media, infra.*), it is approximated that Officer Morales fired 12 rounds at Mr. Latham during the shooting incident.

**Sergeant Ronnie Fredricks** gave a voluntary interview to SBCSD Detectives Stone and Guerry on October 26, 2020, five days after the shooting incident and in the presence of a CHP representative.

Prior to the below-summarized interview and shortly after the incident, Sergeant Fredricks was photographed in the uniform he wore at the time of the incident and his duty pistol was collected. Sergeant Fredricks's duty pistol contained one bullet in the attached magazine, plus an additional bullet in the chamber. During the incident, Sergeant Fredricks wore a dark blue department-issued CHP uniform consisting of a long-sleeved button-down shirt, dark blue pants and black boots. Sergeant Fredricks's shirt included an affixed name plate on the right chest, a CHP cloth badge on the left chest, and CHP insignia patches on both outer shoulders. Sergeant Fredricks wore glasses. Sergeant Fredricks wore a utility belt with his duty weapon holster positioned on his right hip.

The following is a summary of relevant information disclosed by Sergeant Fredricks:

At the time of the shooting, Sergeant Fredricks was 46 years old and had been a CHP officer for approximately 17 and a half years. Sergeant Fredricks had no other law enforcement experience.

On the morning of the incident, Sergeant Fredricks explained that he had been monitoring the radio traffic about the pursuit of Mr. Latham even before San Bernardino CHP took over. As Victorville CHP became involved in the pursuit, Sergeant Fredricks told Officer Morales to get ready. The sergeant and Officer Morales, in separate marked CHP units, drove from the Barstow CHP station to the area north of the Hodge Road Bridge and the I-15 to set up a spike strip. Sergeant Fredricks watched Officer Morales deploy the spike strip across the northbound lanes. Sergeant Fredricks stated that Officer Morales successfully spiked Mr. Latham's front car tires, but that Mr. Latham still did not stop. After Officer Morales reeled in the spike strip, Sergeant Fredricks ran a traffic break and assigned Officer Morales to assist Sergeant Kee in making a felony traffic stop. By that

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time, Sergeant Fredricks heard Sergeant Kee announce that Mr. Latham had slowed to 10 mph.

When Mr. Latham continued to drive into the Barstow area, Sergeant Fredricks assumed supervision of the pursuit from Sergeant Kee. Sergeant Fredricks stated that pursuing units, including his own, used their emergency lights and sirens. Next, Sergeant Fredricks asked Officer Morales to perform a PIT maneuver on Mr. Latham's car. After Officer Morales complied, Sergeant Fredricks saw Mr. Latham's car spin 90 degrees and stop facing east, while blocking the #1 and #2 lanes.

Sergeant Fredricks recalled that Officer Morales and the Victorville CHP unit (Officers Lugo and Blackwood) fronted their units close to the back and front passenger-side fenders of the Subaru, respectively. Officers Morales and Lugo got out of their units and gave Mr. Latham verbal commands. Sergeant Fredricks was initially behind (south of) Officers' Morales and Lugo's CHP units, but the sergeant later moved his unit to the right of Officer Lugo's CHP unit to get a better look at Mr. Latham. The sergeant explained that Mr. Latham was clearly the only occupant of the car; the sergeant could see Mr. Latham well because the officers had their patrol unit spotlights fixed on Mr. Latham. Sergeant Fredricks saw that Mr. Latham was a white male, wearing all black, with a ski mask over his face. Officers shouted at Mr. Latham to put his hands up. Mr. Latham appeared to Sergeant Fredricks to be in a panic or manic state and had a scared look in his eyes. Mr. Latham was asked to drop his keys and open his door. In response, Mr. Latham shook his head indicating "no."

Officers attempted for five to six minutes to de-escalate the situation with verbal commands. Sergeant Fredricks explained that he was concerned about impaired or sleepy drivers approaching the stopped traffic on the freeway at that early morning hour. Since Mr. Latham was not complying with orders and less-lethal munitions were not available for at least 40 minutes, Sergeant Fredricks made a plan to detain Mr. Latham. Sergeant Fredricks's plan was to approach Mr. Latham on the driver's side of the Subaru with Officer Lugo, while Officers Morales and Blackwood maintained lethal cover for the approaching officers. Officer Lugo had a window punch that would be used to break out the rear driver's side window and Mr. Latham would be detained in his seat.

As Sergeant Fredricks and Officer Lugo walked up to Mr. Latham's car, the sergeant recalled that Mr. Latham had his hands up with his key fob in-hand. Sergeant Fredricks yelled at Mr. Latham to open the door. Mr. Latham refused to open the door. Sergeant Fredricks then tried to open the driver's door, only to discover it was locked. Officer Lugo tried to open the rear driver's side door and found it too was locked. Next, Sergeant Fredricks stated that as Officer Lugo was just about to break the rear driver-side window that the sergeant saw Mr. Latham's right-hand lift from his right side with a revolver pointed directly at the sergeant. Sergeant Fredricks was approximately a foot away from the Subaru driver-side door when he saw Mr. Latham's gun. Sergeant Fredricks stated that the gun appeared to be a genuine firearm with a black six-inch barrel and brown grip.

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Sergeant Fredricks yelled, “Gun, gun, gun” and fired his own weapon at Mr. Latham as he walked backwards and away from the Subaru. Sergeant Fredricks stated that he could see Officer Lugo also backed away towards the #2 northbound lane.

Sergeant Fredricks stated that by the time he saw Mr. Latham’s weapon, there was no time to give any pre-shooting warning to Mr. Latham. Sergeant Fredricks believed that had he not imminently fired his gun at Mr. Latham, Mr. Latham would have shot and killed the sergeant or one of the other officers at the scene. Sergeant Fredricks estimated he fired approximately ten rounds and stopped firing when he stood approximately 10 feet from Mr. Latham’s car and could no longer see Mr. Latham. However, Sergeant Fredricks heard Officers Morales and Blackwood fire their weapons, as Mr. Latham “released” his vehicle into the front bumper of Sergeant Fredricks’s patrol unit.

At about the time the Subaru hit the sergeant’s patrol unit, Officer Lugo advised Sergeant Fredricks that he had been shot. Sergeant Fredricks assisted Officer Lugo off of freeway lanes and to the rear of the sergeant’s patrol unit. Sergeant Fredricks then advised dispatch that shots had been fired and an officer was hit. Sergeant Fredricks assisted Officer Lugo in applying a tourniquet to Officer Lugo’s leg and assigned Officers Morales and Blackwood to extricate Mr. Latham. Sergeant Fredricks then summoned medical aid, as well as Barstow police and fire departments for reinforcement.

Based upon Sergeant Fredricks’s interview, the examination of his duty weapon and the collection of evidence at the scene, it is approximated that the sergeant fired 14 rounds at Mr. Latham during the shooting incident.

**Additional Law Enforcement Personnel** were interviewed regarding their involvement in the traffic pursuit of Mr. Latham and their associated investigations. All law enforcement who participated in the vehicle pursuit of Mr. Latham, did so while on duty, in department-issued uniform and while operating a marked law enforcement vehicle. All pursuing units were advised that the vehicle being pursued was stolen by the owner’s son, who was believed to be armed with a firearm.

At approximately 2:33 a.m., CPD was alerted by an automated license plate reader that the stolen Subaru was in Chino. Within minutes, CPD Sergeant Carlos Dominguez located the Subaru and coordinated assistance from other marked CPD units before initiating the traffic stop in the eastbound lanes of the 60 Freeway. By the time the traffic stop was initiated, a total of four black and white marked CPD units were trailing Mr. Latham, with their emergency lights and sirens activated. CPD units followed Mr. Latham from eastbound lanes of the 60 Freeway to the northbound lanes of I-15. Mr. Latham never stopped and drove at speeds varying from 62 to 82 mph.

CPD relinquished the pursuit of Mr. Latham to two San Bernardino CHP units on the I-15 near Kenwood Avenue in San Bernardino, at approximately 2:53 a.m. CHP Officer Milien and his partner passenger, Officer Ubaldo Gonzalez, took the primary position behind Mr. Latham in a

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marked CHP Ford Explorer with activated emergency lights and siren. CHP Sergeant Joseph Chavez operated a marked black and white Dodge Charger behind Officer Milien and also had his emergency lights and siren activated. Sergeant Chavez estimated that Mr. Latham drove at speeds varying between 65 and 85 mph. As the pursuit continued into the mountains, fog reduced the officers' visibility to 50 feet and the pursuit was terminated for officer safety. Before the San Bernardino CHP officers reached the next exit off the freeway, the fog lifted. As such, at 3:01 a.m., the San Bernardino CHP units re-initiated their pursuit of Mr. Latham with emergency lights and sirens. However, Mr. Latham still did not yield.

At approximately 3:06 a.m., Victorville CHP units operated by Sergeant Kee and Officers Lugo and Blackwood took over the pursuit of Mr. Latham while Mr. Latham continued northbound on the I-15 near Main Street in Hesperia. Sergeant Kee recalled that Mr. Latham fled from Victorville CHP units at varying speeds topping at 90 mph in light traffic. While in pursuit of Mr. Latham, Sergeant Kee recalled using his unit PA system to announce, "Driver stop your vehicle." However, Mr. Latham did not comply. Sergeant Kee did not see the termination of the traffic pursuit or the officer-involved shooting.

The firearms of all shooting officers were collected and examined by a SBCSD SID Criminalist. All shooting officers used identical model pistols during the incident: a Smith and Wesson, model M&P 40, 40 S&W caliber semi-automatic pistol. All shooting officers' weapons were test-fired and found to operate without malfunction or defect. However, Officer Lugo's pistol was found to contain excessive oil in the firing pin channel and on the firing pin block. Mr. Latham's weapon was also collected, but not test-fired. Swabs taken from Mr. Latham's hands after the incident were examined for gunshot residue (GSR); the swabs were positive for GSR particles.

**STATEMENTS BY CIVILIAN WITNESSES<sup>3</sup>**

Mr. Latham's parents were interviewed by Sergeant Troy Mooradian and Detective Carpenter on October 23, 2020, almost a day after the officer-involved shooting. Mr. Latham had been recently living with his parents. Mr. Latham's parents described Mr. Latham as a troubled individual whom they believed suffered anxiety and an undiagnosed mental disorder. Mr. Latham's mother stated Mr. Latham had been talking about suicide in the prior two weeks. Prior to reporting the car stolen, Mr. Latham's father confronted Mr. Latham about taking the Subaru. Mr. Latham's father asked Mr. Latham to take a different car, instead. Mr. Latham's father recalled telling Mr. Latham at the time Mr. Latham was stealing the Subaru, "If you take this car, I'm calling the cops." Mr. Latham told the officer responding to the stolen vehicle report that a

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<sup>3</sup> Multiple civilian witnesses were interviewed pursuant to the submitted investigation. Every civilian statement and recorded statement submitted was reviewed in totality. However, only selected parts of those statements are included here. No civilian witness used the name of any person involved in the lethal force encounter, unless otherwise indicated. Names are included in this summary for ease of reference only.



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.22 caliber revolver was also missing. Mr. Latham's father identified the gun retrieved from the Subaru as being the gun that was stolen. Mr. Latham's father stated that he (the father) previously fired approximately 10 rounds from the revolver. However, before Mr. Latham took the revolver from the residence, the gun was "stashed," not loaded and had a cylinder lock on it. Mr. Latham's father also stated that a box of .22 caliber bullets went missing with the gun. Mr. Latham's father added that Mr. Latham watched a lot of "cop programs" and opined therefore that Mr. Latham "was aware" of what might happen, inferring that Mr. Latham may have committed "suicide by cop."

**SUBMITTED MEDIA<sup>4</sup>**

**Dispatch Recordings.** The case agent's submission included audio files appearing to be recordings of dispatch radio broadcasts. The submitted CHP dispatch recordings were audibly timestamped. Dispatch logs prepared by the CHP also included similar timestamps for radio communications. San Bernardino and Victorville CHP units began communicating with CHP dispatch regarding the approaching traffic pursuit of Mr. Latham at approximately 2:47 a.m., before any CHP units were involved in the pursuit. The following is a summary of dispatch recordings presumably heard while units proceeded in the northbound lanes of I-15:

At 2:53 a.m., the dispatch operator radioed confirmation that the suspect was known to carry a .22 caliber firearm. At approximately 2:55 a.m., it was announced that CHP units had taken over the pursuit of Mr. Latham. At or around that time, Victorville CHP units went to the area of Oak Hill Road to get ahead of the pursuit and possibly set up a spike strip. However, at 2:58 a.m., while one mile south of Cleghorn Fire Road, San Bernardino CHP units had to terminate the pursuit due to poor visibility. Visibility improved and San Bernardino CHP units re-initiated their pursuit of Mr. Latham with emergency lights and sirens at approximately 3:02 a.m.

At approximately 3:06 a.m., while north of Rancho Road, Sergeant Kee announced that Officers Lugo and Blackwood assumed the primary position behind Mr. Latham, and that Mr. Latham continued to flee at 90 mph in moderate traffic. San Bernardino Officers Milien and Gonzalez took a secondary position in the pursuit until approximately 3:16 a.m., when they exited the freeway at Stoddard Wells Road due to low fuel.

At 3:20 a.m., Sergeant Fredricks announced that he was on the right shoulder, north of the Hodge Road bridge setting up for spike strip deployment. At 3:29 a.m., Sergeant Kee alerted units that the pursuit was one mile south of Hodge Road; Mr. Latham was traveling at approximately 81 mph. Sergeant Kee advised that he would start a traffic break. Subsequently, Sergeant Fredricks alerted, "spike strip deployed."

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<sup>4</sup> All submitted photographs and audio and video recordings were reviewed and considered in the context of the entire submission. Only selected portions of selected items are mentioned here. The submitted video footage was reviewed at slowed speeds.

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At 3:30 a.m., Sergeant Kee confirmed with dispatch that there was a “good spike” north of Hodge Road and that Mr. Latham had slowed to 10 mph. By 3:39 a.m., Sergeant Kee noted that both of Mr. Latham’s front tires had deflated, yet Mr. Latham continued to flee at speeds of 10 to 12 miles per hour.

At 3:48 a.m., Sergeant Kee alerted dispatch that the pursuit was still located south of Outlet Center Drive and Mr. Latham was moving at approximately 15 mph. At that time, Sergeant Fredricks assumed the supervisory role in the pursuit and Sergeant Kee took over the trailing traffic break. At 3:49 a.m., Sergeant Fredricks alerted dispatch that Officer Morales would be attempting a “PIT.” Less than a minute thereafter, Sergeant Fredricks announced that units were engaged in a “felony stop.”

At 3:51 a.m., Sergeant Fredricks radioed that Mr. Latham was blocking lanes and not complying with orders to exit his vehicle. At 3:52 a.m., Sergeant Fredricks advised that he had no “less lethal.” Other radio traffic included that a shield was en route from Hidden Springs. At 3:55 a.m., Sergeant Fredricks radioed, “Shots fired” and “Officer hit.”

**Mobile Video/Audio Device Recordings.** The case agent’s submission included CHP MVAR device recordings collected by some of the involved CHP patrol units. The submitted MVAR recordings were neither date-stamped nor time-stamped but appear to include real-time footage. The identity of the officer whose MVAR device collected each submitted MVAR video was assumed based upon the digital title of the submitted video. The following is a summary of relevant portions of the submitted MVAR video:

Two MVAR videos were attributed to Officer Milien’s unit. The first video appeared to come from the early part of the pursuit. The reflection of flashing emergency lights and the sound of an emergency siren are also noted. During the pursuit, it appeared that Officer Milien and Officer Gonzalez both used their unit spotlights to illuminate the Subaru. There was a visible fog. Officer Milien also used his unit public address system to make the following statements:

“Just slow down and pull over. Slow the car down and pull over.”

“We just wanna talk. We just wanna talk. Let’s go. Let’s pull over. Let’s talk about what’s going on.”

“Let’s go. We can pull over. We can talk about it. Just pull over. We can talk.”

“Cory, pull over. Cory. Cory, pull over. We can talk about what’s going on.”

“Cory, listen, we can talk about everything that’s going on. Just pull over.”

Officer Milien’s second MVAR video contained similar announcements and use of unit spotlights; however, there was no longer a fog. As the pursuit proceeded, two other marked CHP units engaged in the pursuit of the Subaru, both with their lights and sirens activated. After continuing to follow the pursuit for approximately 10 more minutes,

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Officer Milien's unit exited off the freeway and his second recording ended.

Officer Lugo's MVAR video started with footage taken before Officers Lugo and Blackwood got behind Mr. Latham. Officer Lugo took the primary position behind the Subaru at the seven minute and 37 second mark (7:37) of the recording. Radio traffic within Officer Lugo's unit could be heard during the recording. At (33:54), "Spikes deployed, tell the units to back off" was heard; Officer Lugo had already slowed back and away from Mr. Latham for approximately 20 seconds by that point. At (34:25), "Good spike" was announced. It took only seconds thereafter for Officer Lugo's unit to resume its position behind Mr. Latham, who appeared to have slowed significantly. At (36:56), Officer Lugo announced via his unit PA system, "Stop your car."

Two MVAR videos were attributed to Officer Morales's unit. The first video included very limited audio, where Officer Morales appeared to be parked off to the right shoulder of the freeway. Officer Morales's and another unit (Sergeant Fredricks) started moving at (1:51). The audio of the first video became available just as "Good spike" was announced over the radio.

Officer Morales's second MVAR video appeared to begin after the spike deployment, as Sergeant Fredricks conducted a traffic break ahead of Officer Morales. At (1:54), Sergeant Fredricks told Officer Morales via radio to move forward and "help with the felony stop." Immediately thereafter, Officer Morales appeared to accelerate his unit past Sergeant Fredricks until he was behind two CHP units flanking the left (Sergeant Kee) and right rear of the Subaru (Officers Lugo and Blackwood). At approximately (23:46) of Officer Morales's second MVAR video and at approximately (53:15) of Officer Lugo's MVAR video, Sergeant Fredricks was heard ordering Officer Morales to conduct a PIT maneuver.

At (53:44) of Officer Lugo's MVAR video, Officer Morales's patrol unit can be seen making contact with the right rear fender of the Subaru. The Subaru spun clockwise, then stopped. Officer Lugo's MVAR video then showed Officer Morales stopping and getting out of his patrol unit. Mr. Latham can also be seen putting his hands up with his palms facing outwards towards Officer Lugo's unit. At (53:53) Officer Lugo parked his unit and opened his unit driver's door. The front end of the Subaru appeared to be in the #2 lane. Officers Lugo and Blackwood then appeared to place their unit white spotlights on Mr. Latham. The commands given to Mr. Latham after the PIT maneuver are described below.

At approximately (58:19), Officer Lugo's MVAR video showed Sergeant Fredricks and Officer Lugo approaching the Subaru. Immediately prior to that Sergeant Fredricks can be heard saying, "He has the keys in his hands so, you ready?" Officer Lugo's BWC video, described below, includes additional detail about what was said immediately before shots rang out.

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At (29:02) of Officer Morales's second MVAR video, as Sergeant Fredricks and Officer Lugo approached, Mr. Latham's hands dropped out of view. Mr. Latham's hands became

visible again at (29:06), when Mr. Latham can be seen holding the barrel of the revolver with his left hand, the grip of the gun with his right hand and pointing the weapon at Sergeant Fredricks.

Both Officer Lugo's MVAR video (58:40-58:45) and Officer Morales's second MVAR video (29:06-29:13) show multiple gunshots fired over a period of about five to seven seconds. Both videos showed the Subaru lurching forward during the gunfire. However, the Subaru moved out of the frame of Officer Lugo's MVAR video during that time. Within three seconds after gunfire ceased as shown in Officer Lugo's MVAR video, Officer Lugo was heard saying, "Aye, I'm hit. I'm hit."

At approximately (1:01:28), Officer Lugo's MVAR video included Sergeant Fredricks saying "I can't believe he lifted that fucking gun up." Within seconds of that, Officers Blackwood and Morales appeared to approach the passenger side of the Subaru. Mr. Latham appeared to be moving his head as he leaned towards the front passenger seat of the Subaru. Next, Officer Morales attempted to open the front passenger door. Officers Blackwood and Morales then moved to the driver's side of the Subaru. Officer Morales opened the driver's side door and at (1:02:36) of Officer Lugo's MVAR video, Officer Morales placed Mr. Latham's revolver on the roof of the Subaru. The Subaru lurched forward again at (1:02:48). Mr. Latham appeared to be pulled out of the Subaru at approximately (1:03:00). Additional officers appeared in Officer Lugo's MVAR video at approximately (1:03:19). Medical personnel appeared in Officer Lugo's MVAR video at approximately (1:16:23).

**Body Worn Camera Video Recording.** The recordings made by Officer Morales's BWC device was submitted by the case agent. Officer Morales's BWC video footage included an opening timestamp of October 22, 2020 at 10:29:46 Zulu or Universal Coordinated Time. The corresponding local time was 3:29:46 a.m. Officer Morales's BWC device did capture the officer-involved shooting. However, the BWC footage cannot recreate what the wearing officer perceived by his combined senses. Officer Morales wore his BWC mechanism at his right temple. The resulting footage was therefore subject to the limitations of the camera mechanism and the view resulting from being worn on the right side of Officer Morales's head, at approximately eye-level. Additionally, the submitted video footage included audio only *after* the 29 second mark. With these parameters in mind and in the context of all other material submitted, the following is a summary of portions of Officer Morales's BWC video footage:

At approximately 3:31:04 a.m., Officer Morales joined Sergeant Kee and Officers Lugo and Blackwood in their pursuit of Mr. Latham, as the third unit behind Mr. Latham. Officer Morales later pulled his unit forward and at approximately 3:48:55 a.m., just as the dispatcher announced over the radio that Officer Morales would be attempting to "PIT" the Subaru. Officer Morales used the left side of his patrol unit to collide with the Subaru's right rear fender. Immediately thereafter, the Subaru spun clockwise,

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approximately 90 degrees in front of Officer Morales. Five seconds later, Officer Morales put his unit in park, opened his unit door, and stepped outside. The BWC footage showed

Officer Morales holding his duty weapon in a two-handed platform when he screamed, "Get out of the car! Get out of the car!" At this time, Mr. Latham was seen in the BWC footage wearing a face covering; only Mr. Latham's eyes were visible. Mr. Latham initially raised both of his hands up in front of him, with his open palms faced toward Officer Morales.

Over the next two and a half minutes (3:49 a.m. – 3:51 a.m.), Officer Morales and other officers at the scene repeatedly issued the following verbal commands to Mr. Latham:

"Keep your hands up."

"Slowly get out of the vehicle."

"Throw your keys out the window"

Officers Blackwood, Lugo, and Morales made repeated commands that Mr. Latham keep his hands up as Mr. Latham repeatedly lowered his hands out of view and into areas of the Subaru front compartment. At approximately 3:50 a.m., Officer Blackwood used his unit PA system and repeatedly ordered, "Driver, open the door!" In response, Mr. Latham shook his head to indicate, "no."

At approximately 3:52:42 a.m., Officer Morales's BWC footage showed Mr. Latham reach down with his right hand to pick up the Subaru's key fob, which was attached to a silver cross. Mr. Latham exhibited the cross in his right hand. Less than a minute after that, Mr. Latham put the key fob in his left hand and reached down again with his right hand.

At approximately 3:53:33 a.m., Officer Morales moved from behind the driver's side door of his unit to the driver's side of Officers Lugo and Blackwood's unit. Sergeant Fredricks and Officer Lugo had already begun their approach to the Subaru with their duty weapons drawn and pointed at Mr. Latham. Next, Sergeant Fredricks ordered, "Hands up! Keep your hands up! Get your hands up!" Mr. Latham momentarily complied.

At 3:53:39 a.m., Sergeant Fredricks reached out with his left hand and pulled at the Subaru's driver's door handle; the driver's door did not open. Sergeant Fredricks immediately yelled, "Open the door." Officer Lugo, who was behind and to Sergeant Fredricks's right side also yelled, "Open it up!" Sergeant Fredricks repeated, "Open the door." Mr. Latham did not open the door. So, the sergeant asked Officer Lugo to break the back window. Officer Lugo questioned, "the back?" Mr. Latham dropped his hands again and Sergeant Fredricks again yelled, "Hands up!" as Officer Lugo lowered his firearm and approached the Subaru's driver-side back passenger window. Mr. Latham lifted his hands but turned his head to the left and behind him to watch Officer Lugo move. As Mr. Latham turned his head, Mr. Latham simultaneously lowered his right

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hand out of view. Officer Lugo again asked the sergeant if he should break out the back window. Mr. Latham then turned his gaze at Sergeant Fredricks, just as Sergeant

Fredricks confirmed for Officer Lugo once more, "Yeah, the back." Mr. Latham then pointed at Sergeant Fredricks with his left index finger extended. Still uncertain, Officer Lugo asked Sergeant Fredricks, "Right here?" Then, Mr. Latham leaned away from his driver's side window and pointed his gun at Sergeant Fredricks, below the windowpane. There was no immediate reaction by either Sergeant Fredricks or Officer Lugo. Officer Lugo asked a second time, "Right here?" and as Officer Lugo was doing so, Mr. Latham brought both of his hands higher into view and appeared to have his left hand on the barrel of the gun and his right hand on the grip. Finally, in a sudden reflexive response, Sergeant Fredricks began stepping backwards then yelled, "Gun, gun, gun, gun." Simultaneously, the sergeant transitioned from a one-handed grip of his duty weapon to a two-handed platform with his gun pointed at Mr. Latham. At approximately 3:53:51 a.m., Sergeant Fredricks began firing his duty weapon at Mr. Latham. Officers Blackwood, Lugo, and Morales appeared to fire their duty weapons, as well. The last shot fired appeared to be taken by Officer Morales at 3:53:58 a.m.

For approximately two and a half minutes, Officers Blackwood and Morales maintained their distance from the Subaru and tried to use a spotlight to see what Mr. Latham was doing. Officer Morales commented that he saw Mr. Latham moving before Officers Blackwood and Morales approached the front passenger door of the Subaru. Officer Morales broke open the front passenger window, reached into the passenger compartment, and opened the door to try to locate Mr. Latham's gun.

At approximately 3:57:20 a.m., Sergeant Fredricks was heard asking Officers Blackwood and Morales to start first aid on Mr. Latham. Next, Officers Morales and Blackwood moved to the driver's side of the Subaru. Officer Morales broke open the driver's side window, reached into the driver's seat area, pulled out Mr. Latham's gun and placed the gun on the roof of the Subaru. Immediately thereafter, at 3:57:57 a.m., Officer Morales holstered his duty weapon and attempted to pull Mr. Latham out, when the Subaru started to lurch forward. Officer Morales immediately stopped pulling on Mr. Latham and instead manipulated the Subaru's gear shifter. Officers Blackwood and Morales were finally able to pull Mr. Latham out of the Subaru and onto the ground at approximately 3:58:17 a.m. and began administering first aid. Officers Blackwood and Morales continued to provide Mr. Latham with chest compressions and bag valve mask ventilation until the first paramedics arrived and assumed care of Mr. Latham at approximately 4:11:48 a.m. Additional medical aid personnel arrived later. Medical aid ceased at approximately 4:26:01 a.m.

**INCIDENT SCENE INVESTIGATION**

The incident scene investigation was managed by Detective Carpenter, with the assistance of a SBCSD SID crime scene specialist and criminalist. The shooting occurred in the northbound

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lanes of the I-15 freeway, south of Outlet Center Drive and marked at the following GPS location: 34°48'18" N, 117°6'7" W. There were three marked lanes at that location. An asphalt shoulder abutted the fast (#1) lane. A concrete and gravel shoulder abutted the slow (#3) lane.

The Subaru operated by Mr. Latham was described as a beige or white 2017 Subaru Crosstrek SUV bearing California license plates. At the scene, the front end of the Subaru faced east/southeast across the #2 and #3 lanes. The rubber of both front tires of the Subaru were shredded to the rim. A revolver was recovered from the roof of the Subaru that Detective Carpenter described as a Heritage Rough Rider .22 caliber revolver. The hammer of the revolver was in a pulled back position and the cylinder of the revolver contained six unfired bullets. None of the bullets contained in the revolver's cylinder appeared to have a primer strike.

Mr. Latham was recovered from the scene, laying supine within the #3 lane several feet from the open driver's door of the Subaru, with his head oriented to the north and his feet to the south, closest to the Subaru driver's door.

During an authorized search of the Subaru,<sup>5</sup> an open plastic grocery bag was recovered from the rear passenger-side floorboard. The plastic grocery bag contained 54 unfired .22 caliber rounds and an opened cylinder lock. A black backpack was also recovered from the Subaru's rear passenger seat, containing a box marked "Heritage Manufacturing" with a "Rough Rider Small-Bore Instruction Manual." Detective Romero identified bullet strikes to the front windshield, hood, and both driver and passenger sides of the Subaru. A bullet trajectory analysis completed by a SBCSD SID crime scene specialist included 97 bullet strikes, the majority of which were located on the driver's side, front windshield and front passenger side of the Subaru.

Three black and white marked CHP patrol units were identified as having been present at the scene at the time shots were fired. Those units were operated by Sergeant Fredricks and Officers Lugo and Morales. All three of these patrol units had an overhead emergency light bar and a mounted external spotlight on the A-pillar of both sides of each unit (i.e., two spotlights per unit). No bullet strikes were noted on these patrol units. Officer Morales's patrol unit faced primarily north and straddled the #1 and #2 lanes at the left front fender, several feet west of the rear-end of the Subaru. Officer Lugo's patrol unit was east of Officer Morales's patrol unit. Officer Lugo's patrol unit faced primarily north and straddling the #2 and #3 lanes at the left front tire, within several feet of the front passenger-side of the Subaru. Sergeant Fredricks's patrol unit was northeast of Officer Lugo's patrol unit. Sergeant Fredricks's unit faced northwest, straddled the #3 lane and the freeway shoulder, and faced the Subaru's left front headlight. The middle of the Subaru's front bumper was pushed up against the left front side of Sergeant Fredricks's unit push bumper.

Forty-nine FCC's were recovered from the scene, across all three northbound freeway lanes and both abutted shoulders. One FCC was located on the driver's floorboard of Officer Lugo's patrol unit. The location of the recovered FCC's appears to be consistent with the stated movement of

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<sup>5</sup> The vehicle search was conducted by the case agent on December 8, 2020 at the SBCSD Crime Lab in San Bernardino, with the assistance of a SBCSD SID crime scene specialist.

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each shooting officer. For example, three different fields of FCCs are noted 1) around and to the east of Officer Lugo's patrol unit [*Officers Blackwood and Morales*], 2) north and to the west of the Subaru, in the asphalt shoulder and in the #1 and #2 lanes [*Officer Lugo*], and 3) north and to the east of the front end of the Subaru, in the #3 lane and on the concrete and gravel shoulder [*Sergeant Fredricks*].

**DECEDENT**

Mr. Latham was 35 years old at the time of his death. Following an investigation by a SBCSD-Coroner Division investigator, an autopsy of Mr. Latham's remains was conducted by a SBCSD-Coroner Division forensic pathologist on November 2, 2020. The forensic pathologist identified Mr. Latham as a white male, approximately 69" long, weighing 172 pounds. The forensic pathologist noted that Mr. Latham sustained 14 separate gunshot wounds to the upper body, neck and head. Four of those noted gunshot wounds were determined to be fatal. Each fatal gunshot wound had a left-to-right trajectory. Femoral blood collected at the time of the autopsy was later found to contain measurable amounts of amphetamine, methamphetamine and delta-9 THC. Ultimately, "Multiple gunshot wounds" was listed as Mr. Latham's cause of death. The forensic pathologist estimated that Mr. Latham's death would have occurred within minutes of sustaining the noted injuries.

Mr. Latham was convicted in 2012 of felony hit and run causing death or injury (Calif. Vehicle Code section 20001(a)<sup>6</sup>) and felony driving under the influence of alcohol causing great bodily injury (Vehicle Code sections 23153(a) and (b)), for which Mr. Latham served 88 months in state prison.

**APPLICABLE LEGAL PRINCIPLES**

A peace officer may use objectively reasonable force to effect an arrest, to prevent escape or to overcome resistance. (Penal Code §835a(b)). 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.) 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) A subject who draws or exhibits a firearm with the intent to resist or prevent arrest or detention of himself by a peace officer commits a serious felony. (Penal C. §417.8, 1192.7(c)) 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.)

**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

<sup>6</sup> All referenced code sections herein are California code sections.



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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(c)(1) 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 “defend against an imminent threat of death or serious bodily injury to the officer or another.” 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 using objectively reasonable force to effect the arrest, prevent escape or overcome resistance. (*Id.*)

**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 for a police officer to use lethal force under section 835a(c)(1), as stated *supra*.

Although these principals did not appear in section 835a until 2020,<sup>7</sup> 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 “threatened infliction of serious physical harm” to the officer, 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 state statutory requirements may also be satisfied. (*Martinez v. County of Los Angeles* (1996) 47

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<sup>7</sup> Assem. Bill No. 392 (2019-2020 Reg. Sess.) approved by the Governor, August 19, 2019. [Hereinafter “AB-392”]

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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, California’s pre-2020 caselaw is still relevant.

There is one additional pertinent factor in section 835a that did not appear before 2020, nor was it developed in prior caselaw: deadly force cannot be used against a person who only poses a danger to themselves. (Penal C. §835a(c)(2).)

In addition, the legislature included generalized findings and declarations at subsection (a) of section 835a that are instructive. 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 and consistency with agency policies;<sup>8</sup>
- (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).)

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<sup>8</sup> 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).

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**IMMINENENCE.** “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.4<sup>th</sup> 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 police use of lethal force 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).)

In addition, police officers are not constitutionally required to use all feasible alternatives to avoid a situation where the use of deadly force is reasonable and justified. (*Martinez v. County of Los Angeles, supra*, 47 Cal.App.4th at 348.) The court in *Scott* explained:

Requiring officers to find and choose the least intrusive alternative would require them to exercise superhuman judgment...Imposing such a requirement would inevitably induce tentativeness by officers, and thus deter police from protecting the public and themselves.

(*Scott, supra*, 39 F.3d at 915.)

**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

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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.)

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.)

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* (9<sup>th</sup> Cir. 2011) 661 F.3d 433, 441-442.) An officer may reasonably use deadly force when he confronts an armed suspect in close proximity whose actions indicate an *intent* to attack. (*Id.*) The threatened use of a gun 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* (9<sup>th</sup> Cir. 1994) 858 F.Supp. 1064, 1071-72.) If a subject draws or exhibits a firearm to resist or prevent arrest or detention by an officer, it is not required that the subject point the firearm at the officer, or even draw the weapon in a rude, angry or threatening manner for the subject’s conduct to qualify as a serious felony being committed against that officer. (Penal C. §§245(d), 417.8; *People v. Raviart* (2001) 93 Cal.App.4<sup>th</sup> 258, 266, *People v. Pruett* (1997) 57 Cal.App.4<sup>th</sup> 77, 88.) 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.)

Lastly, 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. 8, *supra.*)

Another key guiding principal when undertaking this analysis is that courts do not engage in *Monday Morning Quarterbacking*, and nor shall we. Our state appellate court has warned,

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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.4<sup>th</sup> at 343, citing *Smith v. Freland* (6th Cir. 1992) 954 F.2d 343, 347.) 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.4<sup>th</sup> at 343-344, citing *Roy v. Inhabitants of City of Lewiston* (1st Cir. 1994) 42 F.3d 691, 695.)

### **ANALYSIS**

This memorandum examines the use of deadly force by Sergeant Ronnie Fredricks and Officers Michael Blackwood, Alex Lugo, and Joshua Morales on October 22, 2020. As indicated above, there are legal bases that must be met before the right to self-defense ripens and a use of lethal force is justified. We draw our conclusion here based upon those principles and the required careful examination of the totality of the circumstances evidenced by the case agent’s submission.

A use of force must be “reasonable” in order to be deemed lawful. When considered in the context of self-defense, whether the shooting officers were justified in employing lethal force involves a two-part analysis: (1) did the officer subjectively and honestly believe he needed to protect himself or others from an apparent, imminent threat of death or great bodily injury; and (2) was the officer’s belief in the need to protect himself from an apparent, imminent threat of death or great bodily injury objectively reasonable.

**Subjective Belief of Imminent Need to Protect.** The subjective belief of each shooting officer is stated here based upon each officer’s statement.

Officers Lugo and Blackwood took the primary position behind Mr. Latham at approximately 3:06 a.m., in the northbound lanes of the I-15, passing through Oak Hills. Officer Lugo drove the two-man unit and Officer Blackwood rode in the front passenger seat. Both Officers Lugo and Blackwood were aware that the vehicle they pursued was reported stolen and that its driver was possibly armed.

Officer Lugo described Mr. Latham’s driving as “extremely erratic,” with a peak speed of 95 mph. Officer Lugo expanded that Mr. Latham could not maintain his lane, i.e., Mr. Latham would drift from the #1 to the #2 lane, followed by a fast “jerky” movement (to resume travel in the #1 lane). Later, Officer Morales deployed a spike strip across freeway lanes and watched Mr.

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Latham run over the spike strip; Officer Morales heard an audible pop or hissing and knew that the front two tires of the Subaru had deflated. Sergeant Fredricks also witnessed the “good spike” and assisted in reeling in the spike strip. Both Sergeant Fredricks and Officer Morales were also

aware that the pursuit started near the I-15 and 60 freeways, the fleeing vehicle was stolen, and the fleeing vehicle’s driver was possibly armed with a gun. During the pursuit, Officer Morales listened to Officers Lugo and Blackwoods’ aired radio announcements regarding pursuit speeds, lanes and locations. After Officer Morales successfully spiked the front tires of the Subaru in Barstow, Officers Lugo and Blackwood saw that Mr. Latham’s driving slowed considerably. Officers Lugo and Blackwood believed that Mr. Latham would stop or crash as they watched the Subaru swerve between the #3 lane and the #3 lane shoulder. Yet, Mr. Latham continued to flee on damaged tires. During the slowed pursuit, Officer Lugo believed that pursuing officers made an “easy target” for Mr. Latham to shoot at, and therefore followed with caution.

Officer Morales joined the pursuit of Mr. Latham at approximately 3:31 a.m. and was initially at the third position behind Mr. Latham, while Sergeant Fredricks conducted the trailing traffic break. Then, at 3:47 a.m., Sergeant Fredricks relieved Sergeant Kee from the pursuit (Sergeant Kee resumed the traffic break) and ordered Officer Morales to conduct a PIT maneuver. By that time Officer Morales had moved his unit forward, abreast with and to the left of Officers’ Lugo and Blackwood’s unit. At 3:48 a.m., Sergeant Fredricks and Officers Lugo and Blackwood saw Officer Morales move forward to the primary position, to the right rear of the Subaru and apply a PIT maneuver to the Subaru’s right rear quarter panel. As a result, the pursuit ended. The Subaru came to rest facing southeast across the #1 and #2 northbound lanes of the I-15 freeway. Immediately thereafter, Officers Lugo and Blackwood assisted Officer Morales in conducting a “high risk felony stop.”

Officer Lugo saw Officer Morales stop his unit facing the front and back right passenger doors of the Subaru. Seconds later, Officer Lugo stopped his own unit just east of Officer Morales’s unit and facing the Subaru’s right headlamp. Initially, Sergeant Fredricks stopped his unit south of Officers Morales and Lugos’ units.

By the time Sergeant Fredricks arrived at the scene, Officers Morales, Lugo, and Blackwood were out of their respective units, had drawn their duty weapons and were pointing them at Mr. Latham. Officer Morales was the first to get out of his unit and draw on Mr. Latham. Officer Morales commanded Mr. Latham to get out of his car. Officer Lugo pointed his spotlight at Mr. Latham’s face to illuminate Mr. Latham, but also to keep the officer’s exact position concealed from Mr. Latham. Officers Morales and Blackwood also used their unit spotlights on Mr. Latham. Officer Morales recalled ordering Mr. Latham to throw his keys out of the car and to keep his hands up. Officers Blackwood, Lugo and Morales recalled Mr. Latham showing his hands, but that Mr. Latham would also drop his hands despite being given repeated orders to keep his hands up. Sergeant Fredricks and Officer Lugo also recalled officers telling Mr. Latham to get out of the car, but that Mr. Latham shook his head to indicate, “no.” Officers Blackwood, Lugo and Morales all believed that Mr. Latham could hear their commands because of the immediate physical responses they observed Mr. Latham make to their commands. Officer Morales also believed that the front passenger window to the Subaru was lowered about an inch.

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Officers Blackwood, Lugo, and Morales stated that each time Mr. Latham dropped his hands, they believed Mr. Latham could be reaching for a gun. Officer Blackwood believed that Mr.

Latham was not going to comply with the officers' commands, and that Mr. Latham never exhibited any intention of surrendering himself. Officer Morales stated similarly, "the way [Mr. Latham] was acting, he wasn't trying to comply; he wasn't trying to give up." Prior to the shooting incident, Officer Blackwood recalled feeling "scared" that Mr. Latham, "was going to do something."

Sergeant Fredricks made efforts over the radio to locate a shield and a less-lethal shotgun. Officer Morales stated that while he was watching Mr. Latham, after the PIT maneuver, that he could hear Sergeant Fredricks doing so. Officer Lugo stated that a ballistic shield or a less-lethal shotgun might have offered the officers additional options at that time, but that the officers had neither, nor was either close to being brought to the scene. Sergeant Fredricks and Officers Blackwood, Lugo, and Morales each observed that Mr. Latham was not complying and refusing to get out of the Subaru. Sergeant Fredricks estimated that based on the information he received back over the radio, that it would have taken 40 minutes for the shield to arrive at their location. Officer Blackwood also understood that a ballistic shield was not close to arriving. Sergeant Fredricks explained that given the early morning hour and the speeds of traffic approaching that location of the I-15 and that Mr. Latham was blocking the #2 lane, it was not feasible for the officers to wait for the shield. As such, Sergeant Fredricks formulated the plan to approach, extricate and take Mr. Latham into custody, to allow traffic to resume. But first, Sergeant Fredricks moved his unit from its initial position to nose into the front hood of the Subaru from the east and pointing west.

Officer Lugo explained that the exigency of getting Mr. Latham out of his car was that Mr. Latham exhibited erratic behavior and driving, he possessed a stolen vehicle and was possibly armed. In addition, Officer Lugo stated that Mr. Latham was blocking lanes and causing the freeway to be shut down. Officer Lugo explained that although a traffic-break was in place, that inattentive drivers (especially semi-truck trailers) at that early morning hour posed a risk of "crunching into families" and "killing people." Officer Morales recognized a similar risk and expanded that the officers and Mr. Latham were also at risk of being hurt by inattentive drivers. Officer Blackwood echoed both Officers Lugo and Morales' concerns. Officer Lugo believed that it was his job to get Mr. Latham out of the Subaru under these circumstances. Officer Lugo stated that he was "ready to get [Mr. Latham] out of his car, place him in custody and get the car off the freeway. That was it. That was my only goal." Officer Morales stated similarly that his goal was "just to get the pursuit over with, stop, stop the suspect, recover the vehicle and get traffic moving again."

At approximately 3:53 a.m., Sergeant Fredricks and Officer Lugo approached the driver's side of the Subaru, walking in a westerly direction from the front of the Subaru. Officer Lugo stated that after Mr. Latham refused to open his door, Sergeant Fredricks also tried to open the driver's door; the driver's door was locked. Sergeant Fredricks watched Officer Lugo try to open the rear passenger door on the driver's side; it was also locked. Sergeant Fredricks then asked Officer

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Lugo to break the rear passenger window behind the driver's seat and just as Officer Lugo brought up his window punch to do so, Officer Lugo saw Mr. Latham raise a revolver and point it at Sergeant Fredricks. Officers Blackwood and Morales stated that they also saw Mr. Latham's

gun. Officer Morales believed Mr. Latham to be pointing the revolver at Sergeant Fredricks's head. Simultaneously, Officers Blackwood, Lugo and Morales also heard Sergeant Fredricks yell, "gun, gun, gun." Sergeant Fredricks stated that he saw Mr. Latham point the revolver directly at him and it appeared that Mr. Latham was trying to kill him. Officers Blackwood, Lugo and Morales each stated that they were afraid that Sergeant Fredricks was going to get shot and killed. In addition, Officer Lugo stated that he was afraid for his own life, as well, because he was right next to Sergeant Fredricks at the time. Sergeant Fredricks stated that he fired his duty weapon in reaction to Mr. Latham pointing his revolver at the sergeant, trying to shoot Mr. Latham before Mr. Latham shot the sergeant. Officers Blackwood, Lugo and Morales also each fired their duty weapons at Mr. Latham, believing the same.

The stated account of Sergeant Fredricks and Officers Blackwood, Lugo and Morales of the circumstances at play *prior* to and culminating with the officer-involved shooting is consistent with the submission. Furthermore, the submission supports each officer's conclusion that Mr. Latham was armed with a gun and intended to shoot and kill Sergeant Fredricks. Based upon the foregoing, it is reasonable to conclude that Sergeant Fredricks and Officers Blackwood, Lugo and Morales each bore an honest and subjective belief that Sergeant Fredricks was under threat of imminent deadly harm or bodily injury at the time each used lethal force.

**Reasonable Belief of Imminent Need to Protect.** Although Penal Code section 835a(c)(1) is the authority for an officer's use of lethal force, the analytical framework for determining what is "reasonable" is included in *Graham* and its progeny. This analysis also overlaps with the second component to a self-defense claim: a finding that each officer had an objectively reasonable belief of the need to use deadly force to protect himself from imminent threat of death or serious injury.

As in *Graham*, we first consider the severity of the crime at issue. By the time any of the shooting officers first engaged in the pursuit of Mr. Latham with a patrol unit, Mr. Latham had already been evading police detention for at least 30 minutes. Mr. Latham was initially being pursued for stealing the Subaru and a firearm. The illegal taking and driving of the Subaru was a violation of Vehicle Code, section 10851. Mr. Latham's flight from officers was also a violation of Vehicle Code, section 2800.1. A violation of either of these vehicle code sections could result in a misdemeanor or felony conviction and as such are both considered low-level offenses. These were the lesser, not the only, crimes attributable to Mr. Latham.

Mr. Latham also engaged in a series of firearm-related crimes. First, Mr. Latham was a felon in possession of a firearm, which is itself a felony pursuant to Penal Code, section 29800(a). Moreover, Mr. Latham could be deemed to have violated Penal Code, section 487(d)(2)—the theft of a firearm, which is a "serious" strike offense pursuant to Penal Code, section 1192.7(c)(26). After Mr. Latham's vehicle was finally disabled, he drew or exhibited a firearm with the intent to prevent detention by a peace officer; this was a violation of Penal Code section



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417.8, another “serious” strike felony pursuant to Penal Code section 1192.7(c). A third “serious” strike felony Mr. Latham could have been deemed to have committed was the assault of an officer engaged in in the performance of his duties—a violation of Penal Code section

245(d)(1). The assault of a peace officer with a firearm could also be deemed a “violent” felony strike pursuant to Penal Code section 667.5(c)(8). Neither sections 417.8, nor 245(d)(1) required that Mr. Latham fire his weapon at any officer, or even point the weapon directly at the involved officers, though that is precisely what Mr. Latham did. It was enough that Mr. Latham armed himself with an operable and loaded firearm and wielded it such that Mr. Latham *could have* used it against Sergeant Fredricks and Officers Blackwood, Lugo and Morales. As such, it was reasonable for each of the shooting officers to believe immediately prior to using lethal force that Mr. Latham was actively engaged in committing especially serious and/or violent felonies against them.

Resistance is another essential consideration in a *Graham* analysis. In order to effectuate Mr. Latham’s arrest or detention, officers were authorized to use reasonable force. Mr. Latham had a duty to refrain from using any force or weapon to resist arrest. Under the circumstances, Mr. Latham was aware or should have been aware that he was being pursued by law enforcement. First, Mr. Latham’s parents told Mr. Latham that the police would be called if he took the Subaru. The evidence submitted shows that each law enforcement officer who participated in the pursuit of Mr. Latham, did so with a marked law enforcement vehicle utilizing emergency lights and sirens. Mr. Latham led 10 different police vehicles on a traffic pursuit for approximately 72 minutes, the last approximately 19 minutes of which took place at low speeds *after* Mr. Latham’s front tires were spiked. Each of the officers who confronted Mr. Latham at the pursuit end, wore a blue department-issued CHP uniform with agency patches and badges. Before officers approached Mr. Latham, officers tried for about four minutes to gain Mr. Latham’s compliance by issuing Mr. Latham verbal commands, to which Mr. Latham was responsive to but not completely compliant. In sum, the submission supports a conclusion that Mr. Latham knew or should have known that officers intended to detain him. Mr. Latham demonstrated a passive resistance by not surrendering or opening his vehicle door for approaching officers. However, the pinnacle of Mr. Latham’s resistance was that Mr. Latham maintained possession of a loaded weapon and wielded it in the presence of armed and approaching officers.

At some point after Mr. Latham stole his father’s revolver, Mr. Latham removed the weapon’s cylinder lock and loaded the cylinder with its maximum capacity of ammunition—six .22 caliber bullets. Mr. Latham also cocked the hammer of the revolver back to ready it for fire. Mr. Latham made the distinct choice to maintain immediate possession of the fully loaded and cocked firearm as officers approached him. Additional .22 caliber rounds were also found within Mr. Latham’s reaching distance, on the floorboard behind the front passenger seat. From the time CPD Officers first attempted to pull Mr. Latham over to the time that Mr. Latham’s vehicle finally came to rest, Mr. Latham had the opportunity to disarm himself or otherwise disassociate himself from the weapon. For example, Mr. Latham could have placed the weapon anywhere else in the vehicle, including the trunk or backseat, which was accessible from the front of the passenger compartment of the Subaru. If nothing else, Mr. Latham could have un-cocked the weapon or ejected its rounds. Mr. Latham was also asked to step out of the vehicle; had he done

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so, he could have left the weapon anywhere *inside* of the vehicle. Instead of complying with the officers' demands, Mr. Latham specifically chose to *maintain hold* of the loaded and cocked firearm. Mr. Latham also waited until Sergeant Fredricks and Officer Lugo were immediately

outside the Subaru's driver's side window before Mr. Latham raised his gun up and towards Sergeant Fredricks. As such, it appears that not only was Mr. Latham aware he would be facing immediate contact with law enforcement officers, but that he also intended on engaging in an armed confrontation. Mr. Latham made clear that he did *not* want to be detained by virtue of his extended flight. He also sought to conceal his identity from officers by using a facemask. Self-armament with a loaded firearm in the face of detainment by uniformed and armed law enforcement contact is an extreme level of resistance. Sergeant Fredricks and Officers Blackwood, Lugo and Morales were not obligated to retreat, nor did each man forfeit the right to defend himself or his fellow officer from the lethal threat posed by Mr. Latham. The submission supports a finding that Mr. Latham was engaged in active resistance using a firearm to avoid detention at the time Sergeant Fredricks and Officers Blackwood, Lugo and Morales used lethal force.

Immediacy is the "most important" *Graham* factor. A qualifying imminent threat is one that would cause a reasonable person to believe that action was instantly required to avoid death or great bodily injury. Here, after all his attempts to avoid law enforcement contact, beginning with the traffic pursuit and ultimate refusal to surrender, Sergeant Fredricks and Officer Lugo approached Mr. Latham on foot. Mr. Latham's observed movements after the Subaru was disabled suggests that Mr. Latham already had the revolver within reach during the entirety of his standoff with officers at the scene. Mr. Latham's hands were never out of view for any extended period of time, nor did Mr. Latham try to reach anywhere in the backseat, nor did he move from the driver's seat. Mr. Latham could have raised his weapon towards officers at any time while officers were issuing him commands. Mr. Latham's partial compliance in raising his hands at times during the standoff and in direct response to commands that he do so, could be seen as an attempt on Mr. Latham's part to coax the officers into believing that he was not a threat to them. In addition, the fact that the Subaru was still capable of accelerating forward showed that Mr. Latham posed a greater threat to officers than even the officers appreciated at the time. Mr. Latham could have used the Subaru to accelerate into Sergeant Fredricks and Officer Lugo as they approached. Instead, once Sergeant Fredricks and Officer Lugo were close, Mr. Latham raised the loaded and cocked revolver and pointed it at Sergeant Fredricks's head. Mr. Latham did not make his weapon visible until officers were most vulnerable to being shot by Mr. Latham. Not only did Mr. Latham choose to arm himself, he took the further step to conceal his weapon until he was in the best position to shoot at officers. As a result, Mr. Latham's conduct, in total, demonstrated that Mr. Latham had the present ability, opportunity and *apparent* intent to immediately cause death or serious bodily injury to Sergeant Fredricks. Sergeant Fredricks and Officers Blackwood, Lugo and Morales were forced to make a split-second choice at that moment to defend against the perceived imminent danger. As such, the necessity of the use of deadly force by Sergeant Fredricks and Officers Blackwood, Lugo and Morales cannot be second-guessed. Each officer reasonably believed that his action was instantly required to avoid immediate death or great bodily injury to the sergeant and to themselves.

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Based on the foregoing, each of the primary *Graham* factors as applied support a finding that the use of lethal force by Sergeant Fredricks and Officers Blackwood, Lugo and Morales was

reasonable. As such, the use of lethal force by Sergeant Fredricks and Officers Blackwood, Lugo and Morales is also justifiable under Penal Code §197.

**Pre-Shooting De-escalation.** Section 835a(a) does advise that lethal force be used only “when necessary to defend human life” and that safe and feasible de-escalation should be employed. There is no question here that the sudden pointing of a weapon at an officer’s head by a person intent on evading police capture, would give rise to an immediate and necessary lethal force response to defend Sergeant Fredricks’s life. Under these circumstances, it does not appear that any safe and feasible de-escalation could be employed. Any delay in administering lethal force would only afford Mr. Latham an opportunity to complete his lethal action, which of course could have resulted in the death of or serious bodily injury to Sergeant Fredricks.

With that said, CHP personnel did make repeated efforts to de-escalate their encounter with Mr. Latham prior to the time Mr. Latham presented his weapon. For example, CHP Officer Milien used his unit PA system to repeatedly and calmly ask “Cory” to slow down and pull over to talk about what was happening. By that time, multiple marked law enforcement vehicles had attempted to pull Mr. Latham over using their unit emergency lights and sirens. Normally, the mere presence multiple law enforcement vehicles and the issuance of verbal commands can serve as a de-escalation technique. In addition, the Subaru’s front tires had been deflated and appeared to be significantly disabled. One faced with such a law enforcement response might reasonably find there is no likely escape and choose to surrender. Mr. Latham, however, was not intimidated and did not surrender. Even after the PIT maneuver and the Subaru came to rest, Sergeant Fredricks and Officers Blackwood, Lugo and Morales each continued to give Mr. Latham commands to facilitate his surrender. However, Mr. Latham’s behavior prior to presenting his weapon negated a reasonable conclusion that Mr. Latham intended either to comply or peaceably surrender. Ultimately, Mr. Latham chose to maintain and conceal his firearm until Sergeant Fredricks was most vulnerable to being shot and killed.

Prior to the time that Sergeant Fredricks and Officer Lugo approached Mr. Latham at the Subaru driver’s side window, Sergeant Fredricks did make inquiries into whether a ballistic shield or less-lethal shotgun was available to be brought to the scene. After the sergeant concluded it would take approximately 40 minutes for the shield to be brought to the scene, Sergeant Fredricks planned instead to approach Mr. Latham without the shield given the present risk to the motoring public and the officers present. In any event, the presence of a shield or less-lethal shotgun would not have changed the lethal and immediate character of the threat Mr. Latham met Sergeant Fredricks with. Moreover, the submission as a whole supports a reasonable conclusion that Mr. Latham acted despite knowing that armed and uniformed officers were approaching him to detain him and that deadly force could be used against him. Had any officer taken the time to transition to available less-lethal munitions, that officer would have done so at his own or Sergeant Fredricks’s peril as it would have left that officer ill-equipped to defend against the immediate lethal threat Mr. Latham posed. Simply put, Mr. Latham’s actions dictated

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a circumstance where there was no further feasible, safe or reasonable opportunity for officers to de-escalate.

**Other Statutory Considerations.** The additional considerations mentioned in §835a(a) further support a conclusion that the use of deadly force by Sergeant Fredricks and Officers Blackwood, Lugo and Morales was lawful.<sup>9</sup> First, the submission in total does not support a conclusion that Sergeant Fredricks and Officers Blackwood, Lugo and Morales acted excessively. Deadly force was not employed as a knee-jerk reaction. Sergeant Fredricks and Officers Blackwood, Lugo and Morales were each aware that Mr. Latham was potentially armed with a concealable firearm. After the PIT maneuver, each shooting officer witnessed Mr. Latham drop his hands out of sight several times. Each time Mr. Latham dropped his hands out of sight and into areas of the passenger compartment around him, the officers would have reasonably concluded that Mr. Latham was dropping his hands to arm himself. Yet, the most that the shooting officers did when Mr. Latham dropped his hands was to order Mr. Latham to show his hands once more. Even when Mr. Latham's hands dropped while Sergeant Fredricks and Officer Lugo approached Mr. Latham on foot and outside of cover, the officers did nothing more than give verbal commands. It was not until Mr. Latham raised the revolver and pointed it at Sergeant Fredricks that Sergeant Fredricks and Officers Blackwood, Lugo and Morales actually fired their duty weapons.

An inventory of each of the shooting officers' weapons and spare ammunition magazines on their duty belts indicated that each officer could have fired many more rounds at Mr. Latham, but did not. During gunfire, the Subaru accelerated forward to collide with Sergeant Fredricks's patrol unit. The submitted evidence supports a conclusion that gunfire did not continue after the Subaru stopped moving. Sergeant Fredricks and Officer Lugo stopped firing when they could no longer see Mr. Latham. Officers Blackwood and Morales stopped firing their weapons when the Subaru stopped moving. Therefore, the sergeant and officers appeared to have stopped utilizing lethal force when it appeared to them that the lethal threat, at least as to Sergeant Fredricks, had been stopped. Even after gunfire ceased, both Officers Blackwood and Morales still considered Mr. Latham an active threat because they were uncertain of Mr. Latham's condition or of the location of Mr. Latham's firearm. As such, Sergeant Fredricks and Officers Blackwood, Lugo and Morales can each be found to have well-appreciated the gravity and consequence of his use of lethal force evidenced by the judicious way he employed lethal force in this instance.

Mr. Latham's parents did indicate to investigators that Mr. Latham may have suffered an undiagnosed mental condition and may have been experiencing suicidal ideation in the weeks prior to this incident. There was nothing in the case agent's submission that supports a finding that whatever Mr. Latham's mental condition, Mr. Latham was prevented from understanding that he was being pursued by law enforcement or from complying with the commands he was given. At a minimum, Mr. Latham knew that the officers at the scene wanted his hands visible,

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<sup>9</sup> This review is based on a totality of the circumstances from the perspective of a reasonable officer in the same situation. (Penal C. §§835a(a)(3)-(4).) However, this review does not undertake additional examination of whether agency use of force policies were violated because (1) no law requires it, and (2) the submitted materials do not indicate or otherwise suggest that any use of force policy was violated.

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as Mr. Latham did raise his hands up in response to those commands. Mr. Latham also had the capacity to choose to refuse certain commands and communicated his refusal. Mr. Latham's criminal record would also support an inference that he has had multiple contacts with law enforcement such that he might readily identify when he was being contacted by law enforcement and how he might be expected to respond to the presence of law enforcement. Instead, Mr. Latham intentionally armed himself knowing he was being pursued, and brandished his gun when he had the best chance to shoot an officer. Mr. Latham's father believed that Mr. Latham knew what was going to happen in this instance based on his experience of watching "cop shows" with Mr. Latham. Indeed, Mr. Latham dictated the use of force that occurred here. Any reasonable opportunity the officers had to show deference to Mr. Latham due to his mental condition was supplanted when Mr. Latham raised the loaded revolver at Sergeant Fredricks's head.

It bears mention that Mr. Latham had a measurable amount of amphetamine, methamphetamine and delta-9 THC (the narcotic component of marijuana) in his blood at the time of the autopsy, and therefore the same is likely to be true at the time of the shooting incident. Even if it might be inferred that Mr. Latham's decision-making was impacted by his recent narcotic use, Mr. Latham's physical conduct towards approaching officers was all that could be instantly appreciated by the shooting officers under the circumstances. Ultimately, Mr. Latham's choice to point a loaded firearm at Sergeant Fredricks was a perilous one and proved that irrespective of whatever may have been going on with Mr. Latham, physically and mentally, that Mr. Latham was a danger to more than himself. Specifically, Mr. Latham presented himself as an immediate lethal threat to Sergeant Fredricks.

**CONCLUSION**

Under the facts, circumstances and applicable law in this matter, the use of deadly force by Sergeant Ronnie Fredricks and Officers Michael Blackwood, Alex Lugo, and Joshua Morales was exercised in self-defense and in a reasonable manner. Accordingly, no criminal liability based on each officer's conduct attaches in this incident.

**Submitted By:  
San Bernardino County District Attorney's Office  
303 West Third Street  
San Bernardino, CA 92415**

