



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

February 9, 2021

Chief David Valentin
Santa Ana Police Department
20 Civic Center Plaza
Santa Ana, CA 92701

Re: Officer-Involved Shooting on March 1, 2020
Fatal Incident involving Christopher Alvarez
District Attorney Investigations Case # S.A. 20-007
Santa Ana Police Department Case # 20-05364
Orange County Crime Laboratory Case FR # 20-42901

Dear Chief Valentin,

Please accept this letter detailing the Orange County District Attorney's Office's (OCDA) investigation and legal conclusion in connection with the above-listed incident involving on-duty Santa Ana Police Department (SAPD) Officer Joshua Espadas. Christopher Alvarez, age 26, died as a result of his injuries. The incident occurred in the City of Santa Ana on March 1, 2020.

OVERVIEW

This letter contains a description of the scope and the legal conclusions resulting from the OCDA's investigation of the March 1, 2020, fatal, officer-involved shooting of Alvarez. The letter includes an overview of the OCDA's investigative methodology and procedures employed, as well as a description of the relevant evidence examined, witnesses interviewed, factual findings, and legal principles applied in analyzing the incident and determining whether there was criminal culpability on the part of the SAPD officer involved in the shooting. The format of this document was developed by the OCDA, at the request of many Orange County police agencies, to foster greater accountability and transparency in law enforcement.

On March 1, 2020, Investigators from the OCDA Special Assignment Unit (OCDASAU) responded to this incident. During the course of this investigation, eleven interviews were conducted, and eight additional witnesses were contacted during the supplemental canvass interviews. OCDASAU Investigators also obtained and reviewed the following: SAPD reports, officer Body Worn Camera (BWC) footage, audio dispatch and radio traffic recordings; Orange County Crime Laboratory (OCCL) reports, including toxicology, forensic alcohol examination, latent print, officer processing and firearms examination reports; crime scene investigation photographs; medical records and photographs related to the injuries sustained by Alvarez; criminal history records related to Alvarez including prior incident reports; and other relevant reports and materials including audio recordings of the conducted neighborhood canvass.

REPLY TO: ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

WEB PAGE: <http://orangecountyda.org/>

MAIN OFFICE
401 CIVIC CENTER DR W
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3600

NORTH OFFICE
1275 N. BERKELEY AVE.
FULLERTON, CA 92832
(714) 773-4480

WEST OFFICE
8141 13TH STREET
WESTMINSTER, CA 92683
(714) 896-7261

HARBOR OFFICE
4601 JAMBOREE RD.
NEWPORT BEACH, CA 92660
(949) 476-4650

JUVENILE OFFICE
341 CITY DRIVE SOUTH
ORANGE, CA 92668
(714) 935-7624

CENTRAL OFFICE
401 CIVIC CENTER DR. W
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3952

The OCDA conducted an independent and thorough investigation of the facts and circumstances of this incident and has reviewed all evidence and legal standards impartially. The scope and findings of this review are expressly limited to determining whether any criminal conduct occurred, and if the use of force was consistent with the law, on the part of SAPD officers or personnel, specifically Officer Espadas. The OCDA will not be addressing any possible issues relating to policy, training, tactics, or civil liability.

INVESTIGATIVE METHODOLOGY

Among other duties, the OCDASAU is responsible for investigating officer-involved shootings within Orange County when someone has been injured as a result of police gunfire. An OCDASAU Investigator is assigned as a case agent and is supported by other OCDASAU Investigators, as well as Investigators from other OCDA units. Six Investigators are assigned to the OCDASAU on a full-time basis. There are additional OCDA Investigators assigned to other units in the Office trained to assist when needed. On average, eight Investigators respond to an incident within an hour of being called. The Investigators assigned to respond to an incident perform a variety of investigative functions that include witness interviews, neighborhood canvass, crime scene processing and evidence collection, vehicle processing, and hospital investigative responsibilities as needed. The OCDASAU audio records all interviews, and the OCCL processes all physical evidence related to the investigation.

When the OCDASAU Investigator has concluded the investigation, the file is turned over to an experienced deputy district attorney for legal review. Deputy district attorneys from the Homicide, Gangs, and Special Prosecutions Units review fatal and non-fatal officer-involved shootings and custodial death cases, and determine whether criminal charges are appropriate. Throughout the review process, the assigned prosecutor will be in consultation with the Senior Assistant District Attorney supervising the Operations IV Division of the OCDA, who will eventually review and approve any legal conclusions and resulting memos. The case may often be reviewed by several experienced prosecutors and their supervisors. The District Attorney personally reviews and approves all officer involved shootings and custodial death letters. If necessary, the reviewing prosecutor may send the case back for further investigation.

An important part of the investigation of an incident such as this is attempting to obtain a statement from the involved officers. On July 23, 2020, the attorney representing Officer Espadas informed OCDA Investigators that Officer Espadas will not be providing a statement to the OCDA investigators regarding this shooting incident.

DISCLOSURE OF OFFICER-INVOLVED SHOOTING VIDEO & AUDIO EVIDENCE

The OCDA recognizes that releasing video and audio evidence of officer-involved shooting and custodial death incidents can assist the public in understanding how and why these incidents occur, increase accountability, and build public trust in law enforcement. Consistent with the OCDA's written policy in connection with the release of video and audio evidence relating to officer-involved shooting and custodial death incidents where it is legally appropriate to do so, the OCDA is releasing to the public video/audio evidence in connection with this case. The relevant video/audio evidence is available on the OCDA webpage

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

FACTUAL SUMMARY

On March 1, 2020, at 1610 hours, Jane Doe, her brother Alvarez, and her two minor children (3 and 4 years old) were driving through the city of Santa Ana to the city of Fullerton. As they approached The Immaculate Heart of Mary Church (the church) located at 1100 South Center Street, Santa Ana,

Alvarez asked Jane Doe to stop. Jane Doe stopped. Alvarez exited the car and took Jane Doe's kids with him. As they walked toward the church, Jane Doe saw that one of her children was crying. Concerned for her children, Jane Doe parked her car and went inside the church.

As Jane Doe entered the church, she saw Alvarez and her children seated on the right side of the church in the front pew. Jane Doe approached Alvarez and told him to give her the kids. He refused and held onto their arms. Jane Doe walked to the rear of the church, called her mother and then returned to the front of the church and took her children back.

Alvarez walked up onto the stage and stared at the ceiling. An unknown female from the church told Alvarez he had to get off the stage. Alvarez began panting and making grunting sounds, but he complied and returned to the front right pew. When John Doe, an unarmed security guard for the church, saw Alvarez, Jane Doe, and the two children enter the church he noticed one of the children was crying. He believed Jane Doe and Alvarez were a couple and the children were theirs. When John Doe got closer to Alvarez, he noticed a handgun protruding from Alvarez's front waistband. John Doe did not say anything, instead he walked outside to call 9-1-1.

At 1615 hours, officers from the Santa Ana Police Department (SAPD) responded to an unrelated call at Jerome Park, across the street from the church. The responding SAPD police officers drove marked black and white police vehicles and were equipped with Body Worn Cameras (BWC). John Doe saw SAPD Police Officer Joshua Espadas near the church and flagged him down. John Doe told Officer Espadas that there was a man with a gun inside of the church and that he had a woman and two small children with him. Officer Espadas notified SAPD dispatch of John Doe's report and followed John Doe into the church through the south doors. Once inside the church, John Doe pointed out Alvarez to Officer Espadas. Alvarez was approximately 100 feet away, seated on the right side of the church, in the front row pew. Multiple individuals were on the stage setting up equipment.

Alvarez turned and looked toward the back of the church in the direction of Officer Espadas, stood up, then walked onto the stage and produced a black and silver handgun. One of the individuals on the stage saw Alvarez remove the handgun from his waistband and rack the slide back as if loading a round into the chamber. Jane Doe saw him initially point the handgun at his stomach, then at his chin. Seeing this, Jane Doe took cover behind a pew. A choir member yelled "he has a gun" and the choir members ran toward the rear of the altar and hid behind a wall before running outside of the church.

One of the individuals inside the church heard Officer Espadas yell at Alvarez and saw Alvarez produce a gun and point it at Officer Espadas. The individual alerted the other church members that Alvarez had a gun. Alvarez then pointed the gun at one of the church members, who, fearing that she would be taken hostage or killed, hid behind the piano behind the altar.

Another individual who was inside the church saw Alvarez walk up onto the altar and heard another staff member yell at Alvarez to get off the altar and remove his baseball hat. Alvarez complied and walked down to the first row of benches. The individual then saw a uniformed police officer enter the rear of the church (Officer Espadas). Alvarez then walked back up to the altar and produced a handgun. The individual heard someone yell that Alvarez was armed. She looked toward Alvarez and saw he was pointing the handgun at her. She feared she was going to be shot or taken hostage. She, along with all the other individuals who were on the stage, ran toward the rear of the altar.

Officer Espadas took cover behind the pews, drew his handgun, and yelled to the parishioners inside the church, in Spanish, to get on the ground and come toward him. He verbally guided an elderly male out of harm's way while providing him cover. At 1617 hours, Officer Espadas relayed a general description of Alvarez to dispatch and to responding units. Officer Espadas continued to direct the parishioners, in Spanish, to take cover and come his way. Jane Doe, who was closest to Alvarez, could hear Officer Espadas's commands which included ordering Alvarez approximately three times to put his hands up. Alvarez did not comply.

John Doe saw Alvarez walk up to the altar and point his handgun at Espadas. John Doe then saw and heard Alvarez fire a shot (this round struck the piano on the altar). Once the shot was fired, John Doe heard Officer Espadas yell at Alvarez several times to drop the gun, but Alvarez did not comply. Officer Espadas immediately fired three rounds at Alvarez, who, with the gun still in his hand, began to retreat toward the northwest door. John Doe pretended to draw a gun in order to distract Alvarez and give Officer Espadas a clear shot. Officer Espadas fired three more rounds at Alvarez as he fled toward the rear of the stage. Officer Espadas maintained cover, kept his handgun pointed at Alvarez's last known location, and directed parishioners to safety.

Officer Joshua Coleman arrived on scene and found Alvarez lying motionless in the northbound lane of South Center Street with both hands under his body. Officer Antonio Graham gave multiple commands to Alvarez to show his hands, but Alvarez did not respond. Officers approached Alvarez, rolled him over, and discovered a semi-automatic handgun underneath him. They saw Alvarez had sustained what appeared to be multiple gunshot wounds. Officers did not provide medical aid because Alvarez's death was apparent.

At 1620 hours, Orange County Fire Authority (OCFA) Paramedic along with Engine #73 personnel were dispatched to the medical-aid in the area of 2115 McFadden, Santa Ana (Jerome Park). At 1628 hours, OCFA personnel arrived and met with SAPD police officers who escorted them to Alvarez. Alvarez was lying on the street, near the gutter, and there was a hand gun on the ground near him. Alvarez was pulseless and apneic. He was not breathing, and his pupils were fixed. Alvarez was placed on a monitor, which revealed he was asystole. He was immediately pronounced deceased.

During the initial response, Officer Ramiro Vergara relayed the information regarding a possible second suspect over his police radio. It was later determined that while running, Officer Vergara accidentally discharged his patrol rifle striking the asphalt which caused the confusion regarding a possible second suspect. Officer Vergara did not know he had discharged his rifle and advised over his police radio that they were taking gunfire. Officer Vergara advised that he believed the gunfire was coming from the second floor of the church. A larger perimeter was established and several search teams were formed which included deputies from the Orange County Sheriff's Department (OCSD).

While the search for the second possible suspect took place, several witnesses were ordered to shelter in place. At this time, Jane Doe stated that Alvarez suffered from depression and that he was going to kill someone in the church and that is why she wanted to take her children from him. At 1955 hours, Officer Vergara contacted SAPD Sergeant Brian Spencer, and notified him that after reviewing his BWC recording he determined he was the one who fired the gunshot accidentally. Based on Officer Vergara's revelation the search teams were called off.

EVIDENCE COLLECTED

The following items of evidence were collected and examined:

- One Smith & Wesson semi-automatic pistol model SD9-VE (Alvarez's weapon)
- One .223 cartridge case, head stamped "Speer 15 REM"
- One cartridge case, head stamped "Hornady 9mm Luger"
- One cartridge case, head stamped "Hornady 9mm Luger"
- One cartridge case, head stamped "Hornady 9mm Luger"
- One cartridge case, head stamped "Hornady 9mm Luger"
- One cartridge case, head stamped "Hornady 9mm Luger"
- One cartridge case, head stamped "Hornady 9mm Luger"
- One 40 mm less than lethal blue projectile
- One piece of dark cloth
- One piece of dark cloth
- Bullet jacket and bullet core from piano

AUTOPSY

On March 3, 2020, Forensic Pathologist Dr. Yong-Son Kim of the Orange County Sheriff-Coroner Forensic Science Center conducted an autopsy on the body of Alvarez. Dr. Kim observed a gunshot wound on the left side of Alvarez's chest with an exit gunshot wound on the right side of his back. Alvarez also had an abrasion to the right side of his head/eyebrow, an abrasion in the center of his chest, an abrasion on the left and right kneecaps, abrasions on both of his hands, and abrasions on his left and right elbows. Dr. Kim concluded that the bullet entered the left chest, perforated the left lung and left chest cavity. Dr. Kim determined this shot to be fatal and the cause of death.

EVIDENCE ANALYSIS

Firearms Examination

Officer Espadas's Glock Model 17, 9mm semi-automatic pistol was test fired at the Orange County Crime Lab and fired without malfunction. It was determined that the six fired cartridge cases from the scene inside the church were fired from Officer Espadas's Glock pistol.

The bullet jacket recovered from the piano inside the church was determined to have been fired from Alvarez's Smith & Wesson SD9-VE semi-automatic pistol.

Toxicological Examination

A sample of Alvarez's blood was collected at the Orange County Crime Lab. An Orange County Sheriff's Department forensic scientist examined the blood sample for alcohol, prescription drugs, and common drugs of abuse. The following results were obtained:

| DRUG | MATRIX | RESULTS & INTERPRETATIONS |
|--|------------------|---|
| Ethanol/Volatiles | Postmortem Blood | Not Detected |
| Barbiturates | Postmortem Blood | Negative |
| Methamphetamine and Related | Postmortem Blood | Negative |
| Cannabinoids | Postmortem Blood | Presumptive Positive (Immunoassay Method) |
| QTOF Drug Identification (Positive Mode) | Postmortem Blood | Not Detected |
| Cannabinoids | Postmortem Blood | Not Detected (LCMSMS Method) |

ALVAREZ'S PRIOR CRIMINAL HISTORY

Alvarez's criminal history was reviewed and considered. Alvarez had a California Criminal History that dates back to 2007. He has previously been arrested for the following charges:

- 594 (A)(1) PC – VANDALISM
- 10851(A) VC - TAKE VEHICLE WITHOUT OWNER'S CONSENT / VEHICLE THEFT
- 11377(A) HS - POSSESS CONTROLLED SUBSTANCE
- 148.9 (A) PC - FALSE IDENTIFICATION TO A PEACE OFFICER
- 12025 (B)(6)(A) PC-CARRY CONCEAL WEAPON ON A PERSON
- 215 (A) PC- CARJACKING
- 459 PC –BURGLARY
- 496(A) PC -RECEIVE / POSSESS KNOWN STOLEN PROPERTY
- 2800.2(A) PC - EVADE PEACE OFFICER
- 245 (A)(1) PC - ASSAULT WITH A DEADLY WEAPON NOT FIREARM
- 240 PC – ASSAULT
- 242 PC – BATTERY
- 417.4 PC - BRANDISHING REPLICHA HANDGUN
- 12500 (A) VC - DRIVE WITHOUT A LICENSE

STANDARD LEGAL PRINCIPLES IN OFFICER-INVOLVED SHOOTING CASES

Possible criminal charges against an officer involved in a fatal shooting include murder [Penal Code Section 187]; manslaughter [Penal Code Section 192]; assault with a deadly weapon [Penal Code Section 245]; and assault by a police officer [Penal Code Section 149]. In order to convict an officer of any of these charges, however, it would be necessary to prove beyond a reasonable doubt that no legal justifications existed for the officer's actions. (*People v. Adrian* (1982) 135 Cal.App.3d 335, 340-342.) Several such justifications may apply in any given case and they are set forth in Penal Code Sections 196, 197 and 835a.

Penal Code Section 196 provides that use of deadly force by a public officer is justifiable when done in compliance with California Penal Code section 835a. Penal Code Section 197 provides that the use of deadly force by any person is justifiable when used in self-defense or in defense of others.

Penal Code Section 835a allows a police officer to use reasonable force when necessary in the defense of human life. The decision to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to the officer at the time, rather than with the benefit of hindsight. The totality of the circumstances shall be taken into account when officers are forced to make quick judgments about using force.

Penal Code Section 835a further states that a peace officer is justified in using deadly force when the officer reasonably believes that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or another person. Deadly force may also be used to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believed that the person will cause death or serious bodily injury if not immediately apprehended. Consistent with existing law, Penal Code section 835a maintains the principle that a police officer, acting in compliance under this section, who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of the resistance or threatened resistance of the person being arrested, nor shall such officer be deemed an aggressor or lose his/her right to self-defense by the use of objectively reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Penal Code Section 835a also requires that, prior to the use of deadly force, the officer make reasonable efforts to identify themselves and warn that deadly force may be used, when feasible, unless the officer reasonably believes the person is already aware of those facts. In determining whether deadly force is necessary, officers shall evaluate the circumstances of each situation independently, and use other available resources and techniques if reasonably safe and feasible to do so. In addition, Penal Code section 834a requires that if a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, that person must refrain from using force or any weapon to resist such arrest.

Similarly, the relevant Criminal Jury Instruction as written by the Judicial Council of California and set forth in CALCRIM 3470 permits a person being assaulted to defend himself/herself from attack if, as a reasonable person, he/she had grounds for believing and did believe that bodily injury was about to be inflicted upon him or upon another person. In doing so, such person may immediately use all force and means which he/she believes to be reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to defend against that danger and to prevent the injury which appears to be imminent.

The law as detailed in CALCRIM 3470 and in well-settled case law therefore permits a person, if confronted by the appearance of danger which arouses in his/her mind, as a reasonable person, an honest fear and conviction that he/she or another person is about to suffer bodily injury, to act in self-defense or defense of others upon such appearances, and from such fear and honest convictions. The person's right of self-defense is the same whether the danger is real or merely apparent. (*People v. Jackson* (1965) 233 Cal.App.2d 639, 641-642.)

Nevertheless, the above justifications must be interpreted in light of United States Supreme Court precedent that limits the right of a police officer to use deadly force. (*People v. Martin* (1985) 168 Cal.App.3d 1111, 1124.) Thus, in *Tennessee v. Garner* (1985) 471 U.S. 1, 3, the United States Supreme Court ruled that a police officer is entitled to use deadly force only when "the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others."

This limitation was, however, clarified subsequently by the United States Supreme Court in the seminal case of *Graham v. Connor* (1989) 490 U.S. 386, wherein the Supreme Court explained that an officer's right to use force [*i.e.*, his/her weapon] is to be analyzed under the Fourth Amendment's "objective reasonableness" standard. The Supreme Court further stated that the determination of the reasonableness of an officer's use of force "must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation" (*Id.* at 396-397.)

The United States Supreme Court's analysis and teachings in *Graham* are applicable to the circumstances surrounding the interactions of SAPD Officer Espadas with Christopher Alvarez.

LEGAL ANALYSIS

The facts in this case are determined by considering all statements made to OCDA investigators which were supplemented by other relevant material and witnesses present at the incident. As discussed above, the OCDA did not have the benefit of a statement from Officer Espadas.

The issue is whether the conduct of Officer Espadas on March 1, 2020, was criminally culpable and without justification. As stated above, in order to charge Officer Espadas with a criminal violation, it

is required that the prosecution be able to prove beyond a reasonable doubt that no legal justification existed for the police officers' conduct. Therefore, in order to lawfully charge Officer Espadas with a crime, the prosecution must prove beyond a reasonable doubt that he did not act in lawful self-defense. On the date in question, if Officer Espadas actions were justifiable as lawful self-defense or defense of others, then criminal charges will not be legally or ethically warranted.

As the Court of Appeal held, it is well settled that "unlike private citizens, police officers act under color of law to protect the public interest. They are charged with acting affirmatively and using force as part of their duties, because 'the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effectuate it.' Police officers are, in short, not similarly situated to the ordinary battery defendant and need not be treated the same. In these cases, then, the [] police officer is in the exercise of the privilege of protecting the public peace and order and he is entitled to the even greater use of force than might be in the same circumstances required for self-defense." (*Brown v. Ransweiler* (2009) 171 Cal.App.4th 516, 527.)

Where potential dangerous, emergency conditions or other exigent circumstances exist, the California Courts of Appeal have noted that the United States Supreme Court's definition of reasonableness is comparatively generous to the police. The court in *Brown* noted that in effect, "the Supreme Court intends to surround the police who make these on-the-spot choices in dangerous situations with a fairly wide zone of protection in close cases. A police officer's use of deadly force is reasonable if the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others. Thus, an officer may reasonably use deadly force when he or she confronts an armed suspect in close proximity whose actions indicate an intent to attack." (*Brown v. Ransweiler, supra*, 171 Cal.App.4th at p. 528.) Additional analysis, pursuant to Penal Code section 835a, permits deadly force when the officer reasonably believes it is necessary, based upon a totality of the circumstances, to defend themselves or others against an imminent threat of death or serious bodily injury.

The available evidence indicates that Officer Espadas was justified in believing that Alvarez posed a significant threat of death or serious physical injury to himself and others. This conclusion is based on the totality of the circumstances and significantly on the conduct of Alvarez in the moments leading up to the shooting. Alvarez behaved erratically, grabbing onto the children's arms, refusing to let their mother take them back, walking up to the altar, panting, and making grunting noises. Alvarez pulled out a handgun, racked the slide, and pointed the weapon at himself as well as at other individuals who were present inside the church, and at Officer Espadas, before firing a round into the piano. Alvarez also failed to drop his gun after several warnings from Officer Espadas.

Upon arrival, Officer Espadas was informed that Alvarez was carrying a gun and had a woman and two children with him. Upon entering the church, it is reasonable to conclude that Officer Espadas saw Alvarez stand up, draw his pistol, and point it at himself and two other civilians. Based on witness statements and the BWC footage, Officer Espadas yelled several commands for Alvarez to drop the gun, all of which he ignored. Finally, Alvarez fired his pistol. Only then did Officer Espadas shoot at Alvarez. This factual conclusion is supported by the BWC footage. Based on these circumstances and under an "objective reasonableness" standard, Officer Espadas's use of deadly force could not be proven beyond a reasonable doubt to be unreasonable.

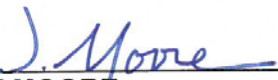
Certainly, it would have been preferable if the OCDA were able to obtain a voluntary statement from Officer Espadas regarding his state of mind at the time of the shooting. However, Officer Espadas' decision to decline to give the OCDA a voluntary statement may not legally and ethically be used to draw negative evidentiary inferences regarding the conduct and the state of mind of Officer Espadas.

It should also be noted that, in order for Officer Espadas to be justly and lawfully charged and convicted with a crime in this incident, it is the OCDA's burden to prove beyond a reasonable doubt that Officer Espadas did not act in reasonable and justifiable self-defense or defense of another when he shot Alvarez. As should be apparent from the above-described analysis, the prosecution would be unable to carry this burden in this case. A jury analyzing these facts would justly conclude that it was reasonable for Officer Espadas to believe that his life and the lives of others were in danger.


CONCLUSION

Based upon a review of all of the evidence provided to and obtained by the OCDA, and based on the entirety of the facts contained in all the available reports and interviews reviewed, and pursuant to the applicable legal principles, it is our legal opinion that there is a lack of sufficient evidence to prove beyond a reasonable doubt criminal culpability on the part of Officer Espadas, and there is substantial evidence that his actions were justified and necessary under the circumstances when he shot Alvarez on March 1, 2020.

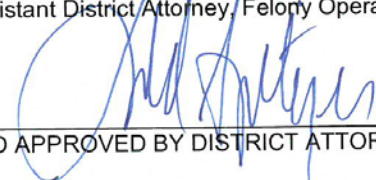
Accordingly, the OCDA is closing its inquiry into this incident.



JEFF MOORE
SENIOR DEPUTY DISTRICT ATTORNEY
GANG UNIT



READ AND APPROVED BY **EBRAHIM BAYTIEH**
Senior Assistant District Attorney, Felony Operations IV



READ AND APPROVED BY DISTRICT ATTORNEY **TODD SPITZER**