

HALL OF JUSTICE
330 WEST BROADWAY
SAN DIEGO, CA 92101
(619) 531-4040
SanDiegoDA.com

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

SUMMER STEPHAN
DISTRICT ATTORNEY

DAVID P. GREENBERG
ASSISTANT DISTRICT ATTORNEY

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Contact: [Steve Walker](#) (619) 531-3890
[Tanya Sierra](#) (619) 531-3315
En Español [Barbara Medina](#) (619) 531-3305

District Attorney Releases Legal Reviews of Four Officer-Involved Shootings, One In-Custody Death

The District Attorney's Office today released its detailed legal reviews of four officer-involved shootings and one in-custody death. In three of the incidents, drugs and/or mental illness were a factor. Each incident is summarized below and includes a link to the detailed letter provided to law enforcement agencies. The detailed letters are also [posted on the DA's website](#) in their entirety in order to promote transparency and provide the public with information as to the law, facts and evidence that a specialized team at the DA's Office used to reach these decisions. Preserving the sanctity of life is essential to a civilized society. The District Attorney's Office must and has taken extreme care in conducting the reviews of these cases involving loss or serious injury to life.

Suspect in Stolen Car Shot by Officer in El Cajon During 'Suicide by Cop' Scenario

On February 12, 2020, two El Cajon police officers responded to a report of a stolen vehicle and located the car parked on South Johnson Avenue. An officer approached the car, which was occupied by Keith Crenshaw, 21, who appeared to be asleep in the driver's seat. There was no one else in the car. A third El Cajon police officer arrived and also approached the vehicle. A Psychiatric Emergency Response Team (PERT) clinician was with the third officer. The PERT clinician stood behind the patrol vehicle because the scene was not secured.

As Crenshaw appeared to wake up, one of the officers drew his gun and directed Crenshaw to show his hands, put his hands up, and get his hands out of his shirt at least ten times. The other two officers on scene directed Crenshaw to put his hands up or get his hands out of his shirt at least five times. Crenshaw's hands were concealed under his clothing.

Crenshaw did not comply with the officers' orders, instead telling the officers, "Shoot me." Crenshaw moved his right hand towards his waistband and made jolting and jerking movements toward one of the officers through the open passenger door. The officer fired two rounds, striking Crenshaw in the

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upper body and arm. Crenshaw remained conscious after he was shot telling the officer to, “Kill me please.”

The officer continued to give Crenshaw commands to get his hands out of his shirt. Crenshaw complied and was removed from the vehicle. Officers provided medical assistance to Crenshaw until paramedics arrived and Crenshaw was taken to the hospital where he was treated for non-fatal gunshot wounds. A search of Crenshaw and his vehicle revealed that he possessed no weapons at the time of the incident. Fortunately, Mr. Crenshaw survived. He gave a recorded statement confirming the officer’s observations that he simulated actions wanting the officer to believe he had a gun because he wanted the officer to shoot him.

In reviewing the totality of the circumstances, the nature of the call, Crenshaw’s failure to abide by commands to show his hands, Crenshaw reaching for his waistband with right hand and jerking towards the officer, viewing the situation in light of an objectively reasonable officer, the officer would have reason to believe that there was an imminent threat of death or serious bodily harm, either to himself or others, that needed to be instantly confronted. Therefore, the officer was justified in his actions and bears no state criminal liability.

The DA’s detailed review [can be found here](#).

Officers Responding to a Reported Attack are Confronted by Man Wielding a Shovel

On August 24, 2019, San Diego Police received a call from a citizen about her nephew’s erratic behavior. SDPD dispatched two officers, telling them that Dennis Carolino, 52, had thrown a brick at his aunt. Two San Diego police officers responded and interviewed the victim, who told officers Carolino was diagnosed with schizophrenia. Officers attempted to locate Carolino to evaluate him for a mental health referral. As officers made their way into a backyard and toward a shed that Carolino had been living in, the door to the shed suddenly opened and Carolino charged toward officers holding a long-handled shovel.

Officers told Carolino to drop the shovel, but he continued to advance on officers and ignored their commands. Both officers believed Carolino was going to hit them with the shovel. One officer deployed his taser while the second officer fired his handgun, striking Carolino five times. Life saving measures were attempted but Carolino was pronounced dead at the scene. A review by the District Attorney found the officer used his gun in defense of himself, the civilian witness and the other officer. Based on these circumstances, the officer who fired his handgun acted reasonably and bears no state criminal liability for his actions.

The District Attorney’s detailed review [can be found here](#).

Man Dies from Methamphetamine Toxicity After Being Detained by Police

On June 11, 2019, a man called San Diego Police to report a burglary, saying he found a man he did not know inside his home who had apparently broken in.

The first responding officer arrived with a civilian PERT Clinician and contacted Buddie Nichols, 40. The officer attempted to handcuff Nichols, but he began to resist the officer's handcuffing efforts. Two more officers arrived, and it took all three officers to handcuff Nichols. Nichols resisted enough that the officers used physical force in order to take him into custody by hitting him with a flashlight on his shoulder. During the time the officers were handcuffing Nichols, he displayed symptoms of being under the influence of a controlled substance and continued to do so after he was handcuffed. Nichols was screaming and thrashing about and the officers held him in place on the ground to limit his movements.

The officers requested paramedics respond to the location. As the paramedics arrived, the officers noticed Nichols appeared to be unconscious. Fearing he may be in medical distress, the officers removed the handcuffs. Paramedics could not detect a pulse from Nichols and began CPR. Nichols was transported by ambulance to UCSD hospital where he was pronounced deceased.

The medical examiner determined Nichols' cause of death was resuscitated arrest due to sudden cardiac arrhythmia due to excited delirium while intoxicated on methamphetamine. He also stated the manner of death was accident.

Based upon a review of the facts and circumstances surrounding Nichol's death, the law enforcement personnel involved in his restraint acted reasonably under the circumstances and bear no state criminal liability for their actions.

The DA's detailed review [can be found here](#).

Man who Grabs Officer's Gun During Struggle is Fatally Shot

On January 24, 2020, two San Diego Police Officers observed Toby Diller, 31, illegally holding an open container of alcohol. Officers stopped the patrol vehicle to speak to Diller who immediately began running away and into lanes of busy traffic on 54th Street. The officers chased Diller on foot, giving him multiple commands to stop. Diller tripped while running through a planter, got back up and was tackled in the middle of a frontage road. Both officers were positioned over Diller as a violent struggle ensued.

During the struggle, Diller grabbed the holstered gun on an officer's duty belt. Diller managed to break the gun from the officer's duty belt. The officer saw the holster in Diller's hand, and it appeared Diller was trying to remove the gun from the holster. The officer yelled, "He has my gun, shoot him." Another officer fired one shot striking Diller on the left side of his cheek. Diller was pronounced dead at the scene by medics. An autopsy showed methamphetamine in Diller's system.

Due to the imminent nature of the threat posed by Diller's possession of the loaded handgun, it is objectively reasonable that an officer in the same situation would believe that Diller had the present ability, opportunity, and apparent intent to cause death or serious bodily injury to the officer and his partner.

Based on these circumstances, Officer Johnson acted reasonably and bears no state criminal liability for his actions.

The DA's detailed review [can be found here](#).

Non-Fatal Shooting of a Man in a Homeless Encampment

On February 27, 2020, San Diego Police Officers were working a joint operation with the Chula Vista Police Department, San Diego Park Rangers and Environmental Services. Officers and Park Rangers went into the encampment and located Carlos Soto, 70, the only person in the encampment, inside one of the structures. San Diego Police Officers identified themselves and told Soto to come out of the structure. As Soto was coming out the officer could see the butt of a handgun in Soto's right front jacket pocket. A second officer also saw the gun, which later was determined to be a "BB" air pistol. Both officers gave Soto multiple commands to get on the ground. Instead, Soto grabbed the gun from his jacket pocket and both officers fired. Soto sustained three gunshot wounds which were non-life threatening.

Based on the totality of the circumstances the officers reasonably believed Soto presented an imminent threat of death or serious bodily injury to each of the officers. He removed what appeared to be a firearm from his pocket after they had given him several opportunities to come out of the tent and get down on the ground. In light of all the facts, the officers were justified in their actions and bear no state criminal liability for them.

A copy of the DA's detailed analysis [can be found here](#).

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About the San Diego County District Attorney's Office

The San Diego County DA's Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.