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**THE DISTRICT ATTORNEY**  
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September 25, 2020

Sheriff William Gore  
San Diego County Sheriff's Department  
9621 Ridgehaven Court  
San Diego, CA 92123

**Re: Non-fatal shooting of Mr. Shane Felix by San Diego County Sheriff's Deputies Lisa Crill, Casey Dow and Matthew Poulin on January 6, 2020; SDSA Case No. 20100988; DA Special Operations Case No. 20-009PS; Deputy District Attorney assigned: John B. Dunlap**

Dear Sheriff Gore,

We have reviewed the reports and other materials compiled by the San Diego County Sheriff's Department Homicide Unit concerning the shooting of Shane Felix. District Attorney Investigators responded to the scene and were briefed by San Diego County Sheriff's Department detectives. This case was submitted to the District Attorney's Office for review on April 24, 2020.

***Summary***

On January 6, 2020, at approximately 6:03 p.m., deputies from the Sheriff's Department Lemon Grove Substation received a radio call of a suicidal person located inside a residence in Lemon Grove. The reporting party, who identified herself as the mother of Shane Felix, stated that she had been speaking with her son Shane Felix, who was suicidal, had cut himself and was bleeding.

Deputies Lisa Crill, Casey Dow and Matthew Poulin responded to the location and spoke with Felix's grandmother. The grandmother told deputies Felix had not cut himself. Deputies were granted consent by the grandmother to enter the residence to check on Felix's welfare. Crill found Felix in a bedroom. Felix, along with Crill and Dow moved to the living room where Felix sat on a sofa.

Felix was asked if he was armed and Crill asked if she could check for weapons. Felix said he was not armed as he stood up. He moved away from Crill and removed a large revolver from inside his jacket. Felix had both hands on the revolver as he moved his right hand to grip the weapon and pulled the weapon to his side as if he was going to fire. Crill, Dow and Poulin all fired their department issued handguns, striking Felix multiple times. Deputies provided emergency medical care and requested paramedics, who were staged nearby. Felix was transported to Scripps Mercy Hospital where he underwent surgery to treat multiple gunshot wounds. He survived the shooting. At the time of the shooting, Felix had a blood alcohol concentration of .164 mg/dl.

***Persons Involved***

Shane Felix is a 34-year-old resident of Lemon Grove. Deputy Lisa Crill has been employed by the San Diego County Sheriff's Department for over seven years. Deputies Casey Dow and Matthew Poulin have each been employed by the San Diego County Sheriff's Department for four years.

***Civilian Witness #1 (CW1)***

CW1 provided a statement following the shooting and later called the Sheriff's Department with additional information.

CW1 is the grandmother of Shane Felix. Felix has lived with her for the past 17 years. She briefly saw Felix in the kitchen the morning of the incident when Felix was getting something to eat and went back to his room. She was unaware of what Felix was doing throughout the day because she and her husband had left the residence at around 9:30 a.m. and returned home between 2:30 p.m. and 3:00 p.m. When she arrived home, Felix was still in his room.

CW1 initially thought Felix called 911, but later learned that Felix's mother, CW2, called 911 from Oklahoma and told law enforcement Felix was despondent. CW1 said she had been communicating with CW2 via text message throughout the day but was not aware there was any reason to be concerned about Felix. Another daughter called her and told her Felix was threatening suicide. CW1 and her husband returned home to check on Felix. At about 5:30 p.m., Felix came out of his room to get water from the kitchen. She talked briefly with Felix about a trip she had planned. She did not think Felix was suicidal.

CW1 told Felix to go to his room and "sleep it off" and to call his counselor the following day. She contacted his counselor earlier and attempted to make an appointment for Felix, but was told Felix would have to call for his own appointment. Felix returned to his room. About five minutes later three Sheriff's deputies were on her front porch. Two of the deputies were female and one was male. One of the female deputies asked CW1 if she had called 911 and asked if Shane Felix lived at the residence. She told the deputy Felix was home and the deputy explained they had received a call stating Felix had cut his wrist and was suicidal. The deputy asked her if they could enter the house to check on Felix. She allowed the deputies in and told them Felix was in his room. CW1 directed them to Felix's room. The deputies knocked on the door and asked Felix to come out. Felix stepped into the hallway and walked by CW1 to the living room.

A deputy asked her to go into the room adjacent to the master bedroom. CW1 moved into the room as directed and saw one of the deputies go into Felix's bedroom. CW1 heard a female deputy say, "he's got a gun." One second later, she heard the sound of "pop pop pop pop." CW1 ran out of the room and saw the male deputy "pump" five rounds into Felix, who was initially standing but was now on the ground near the fireplace on his right side in a fetal position. The male deputy stopped shooting and then turned around and pointed his gun at CW1. CW1 recalled being between six to eight feet away from the male deputy. CW1 said the deputy could see she was unarmed and one of the female deputies told CW1 to "go away." CW1 asked the deputies on scene if they were going to help her grandson. One of the female deputies responded "yes" and that the deputies had called for help. CW1 went back into her room. When CW1 looked back down the hall, she saw the deputies had moved Felix. Felix was on his back and deputies were taking his jacket off.

When asked if her grandson suffers from depression, CW1 said that Felix has "been good" for over a year and then he stopped going to counseling. Felix was attending a class at Mesa College for a brain injury he suffered 12 years ago. He was on probation for arson as a result of setting fire to his bedroom. As a condition of Felix's probation, CW1 was ordered not to drink alcohol and he has not been prescribed nor does he take any medication. Felix had been drinking alcohol prior to the incident; however, she did not know what Felix had been drinking.

Felix does not have any weapons, but has a nonfiring replica which she described as a "Napoleonic war pistol" she gave Felix as a gift years ago. CW1 recently gave the replica weapon back to Felix. She and Felix were the only people in the home when deputies arrived. After giving her statement to detectives, CW1 called detectives to express concern about the male deputy continuing to shoot Felix after Felix was on the ground.

***Civilian Witness #2 (CW2)***

CW2 is Shane Felix's mother. She contacted the San Diego Sheriff's non-emergency phone number out of concern for her son. Earlier in the day Felix called her twice, however, she was unable to answer his calls because she was working. After she arrived home from work, she called Felix and had a conversation which lasted about two hours. She could tell Felix was depressed and she attempted to keep him on the phone. She believed Felix was depressed over a recent breakup, but she did not know who Felix was dating.

During their conversation Felix told CW2 he had cut himself and made suicidal statements. She attempted to determine if Felix had cut himself deliberately or by accident, but Felix did not tell her how he cut himself. After she and Felix ended their phone conversation, they continued to communicate via text message. She believed law enforcement could detain Felix for 72 hours for a mental health evaluation.

Felix suffered from depression as a teenager which she believed was the result of head trauma. Felix had attended group therapy for his depression. Felix suffered a second head injury in his mid-20s while using methamphetamine. Subsequent to the head injury he was a totally different person. She did not recall either head injury requiring surgery, however, Felix received stitches for both injuries. She was not aware if Felix was then under a doctor's care nor does she know if he is taking any medications.

Felix had been arrested for arson as a result of setting fire to his bedroom. Felix was not diagnosed with mental illness; however, Felix has been attending traumatic head injury counseling since his release from custody.

On the day of the shooting, CW2 said Felix started drinking in the morning and was "out of it at the end of the day." She was unsure what Felix had been drinking but said he "gets blackout drunk and doesn't remember things." She believed the weapon Felix produced during the incident was her mother's Civil War pistol. She noted that the pistol only fires black powder for sound effect and added, "it is not a lethal weapon." She did not know where the gun was kept or how Felix had access to it.

CW2 was questioned about text messages between her and Felix sent the day of the shooting where she had sent Felix photographs of a gun. She said that she sent the image of a gun to Felix because she was interested in buying Felix a gun.

***Deputy Casey Dow's Statement***

Dow said at about 6:20 p.m., while at the Lemon Grove Sheriff's Department Substation, she received a call of a suicidal subject. Dow was aware from the call details that the reporting party was the subject's mother, CW2, and was calling from another state. CW2 reported that her son, Shane Felix, said he had slit his wrists and was bleeding. Dow also learned that Felix was currently on probation for arson after setting fire to his house.

While driving to the location she started to develop a plan to make the scene safe. Dow had no previous contact with Felix and because he wanted to hurt himself, she would likely need to put him on a 5150 W&I Danger-to-Self hold at the hospital. Fire personnel and an ambulance were in front of her and that they pulled over and staged prior to going to the house. Deputy Crill arrived at the residence before Dow. Dow confirmed Felix's name and description with the information provided in the call detail and activated her body worn camera (BWC).

Crill knocked on the front door of the residence and identified herself. CW1 answered the door and the deputies asked CW1 if she called 911. CW1 seemed surprised the deputies were at her residence and denied calling 911. Dow confirmed "Shane" was home and asked CW1 if they could check on Felix. Crill told CW1 that 911 was called and it was reported that Felix wanted to die and had slit his wrists. CW1 told Dow and Crill that Felix did not slit his wrists and pointed to her head, motioning like Felix had mental issues and that it was "b.s."

CW1 allowed Dow and Crill to enter the house to check on Felix. Dow and Crill walked into the house as CW1 put a dog away. Dow asked CW1 what room Felix was in and was told down the hall and the first door on the right. Crill knocked on the door to the bedroom. Dow could not see because Crill was in front of her. Felix opened the door and Crill asked, "how are you Shane?"

Felix responded, "yeah, I'm fine." Dow did not hear Felix say anything else. Crill said, "why don't we come out here and talk?" Crill walked with Felix from the bedroom down the hallway and into the living room. Felix had a blank stare and did not seem like he was fully comprehending what was going on. Dow estimated that Deputy Poulin entered the residence about 30 seconds after Dow and Crill. Dow could hear Poulin was with Crill in the living room as she went inside Felix's room to look for any knife that Felix may have used to cut his wrists. Dow saw drops of blood on the wall next to the bed. Dow walked out of the room and alerted Crill and Poulin of the blood on the wall.

Dow saw and heard Crill instructing Felix to get up and put his hands behind his back. Felix started backing away from Crill as Crill said, "no, no, no. You are not in trouble. Just put your hands behind your back."

Felix was wearing a jacket and as he was backing up, she saw Felix use his right hand to reach into the left side of his jacket and pull out a gun. Dow described seeing the handle and barrel of a dark colored long barreled revolver. Felix pulled the handgun upwards to get it out from inside his jacket. Felix did not say anything as he moved back and away from the deputies. Dow heard Poulin yell, "gun!" Dow said she drew her weapon, as did Crill and Poulin.

Dow described being positioned behind Crill, however, she saw was able to see Felix pull the gun from his jacket. Crill stepped back away from Felix and drew her weapon from the holster. Dow said that had she raised her firearm, Dow would have been aiming at Crill's back. Poulin moved to the left and Crill moved to the right. Dow stepped to the left side of Crill because she did not have a clear shot. As Crill fired her weapon, Dow, who had drawn her firearm, fired and shot Felix. Dow believed she fired her firearm one time as Felix was going to the ground near the fireplace. Once Felix was on the ground, Dow saw the gun under Felix's shoulder. Dow heard CW1 screaming. Deputies instructed CW1 to stay back. Poulin and Crill stayed with Felix, who was no longer moving, as Dow went to check on CW1.

Dow found CW1 in one of the bedrooms on the phone saying deputies shot her grandson and was asking for other deputies to respond to the house. CW1 told Dow the gun was a replica firearm. Dow returned to the living room area. Felix was not moving and had a blank stare on his face. Dow did not hear anything from Felix as Poulin and Crill moved closer to Felix. Poulin kicked the gun from under Felix's shoulder and Dow assisted Poulin with securing Felix in handcuffs.

Crill cut off Felix's shirt and they moved Felix into the middle of the living room to evaluate his injuries. Dow felt a pulse at Felix's carotid artery. The deputies moved Felix into the "recovery position" on his side. Dow searched Felix for additional weapons as medics entered the house and took over medical care. The handcuffs were removed from Felix and he was transported to the hospital.

When asked if Dow considered any other force options, Dow said she did not because she was presented with a deadly threat and it happened too fast. Dow thought Felix was going to shoot her or one of her partners and her only option was to return with deadly force. She fired her weapon in order to stop the deadly threat. If she had not fired her weapon, Dow said Felix would have shot her or one of her partners.

Dow said while there was a PERT (Psychiatric Emergency Response Team) unit working in Spring Valley, they were on another call and Dow did not request for them to respond.

#### ***Deputy Lisa Crill's Statement***

Crill said just after 6:00 p.m. she was working overtime at the Sheriff's Lemon Grove Substation and heard a radio call for service of a suicidal person who had slashed his wrists. Deputy Dow was the primary unit assigned to the call and Crill was assigned as Dow's cover unit.

Crill was aware that a person who cut their wrists could bleed out quickly and knew if she did not get there as soon as possible the person could die. Due to the nature of the call, Crill drove with her vehicle's emergency lights and siren activated to the scene. While in route, Crill heard the paramedics were also in route and were going to stage until the deputies made the scene safe.

Crill heard dispatch advise that the subject's mother may be at the scene and the mother called back a second time and said the subject had slashed his wrists. Crill also heard radio traffic regarding the subject being on probation for arson. She was previously assigned to Lemon Grove Substation from 2015 to 2017 and recalled responding to a call for service of a person setting a fire outside a house on the same street. Crill thought the subject from the arson call might be the same person who cut his wrists.

Crill was the first deputy to arrive on scene and thought she had gone to the wrong address because she did not hear sirens from the ambulance, fire vehicle or another patrol vehicle. Crill heard Dow advise over the radio that Dow along with paramedics and the fire department had arrived on scene. Crill activated her body worn camera (BWC), looked around, but did not see anyone. Crill confirmed the address on the computer screen in her patrol vehicle. Crill said that thinking she was not at the right address, Crill turned off her BWC. Crill realized she was at the right address and thought Dow may have been staging with the paramedics and fire personnel further down the road. Crill reactivated her BWC and waited outside her patrol vehicle for Dow to arrive.

Once Dow arrived, Crill and Dow walked up to the front of the residence and saw a porch light on. Crill did not see lights on inside the residence or anyone outside the residence. Crill saw the front door was covered by bi-folding metal doors which were shut. Crill tried the door handle and found it to be locked. Crill used her expandable baton to knock on the metal door and identified herself as a deputy sheriff. She requested whoever was inside the residence to come to the door. As they waited for someone to answer the door, Crill was concerned the suicidal person may have weapons and moved to a position near the southern corner of the patio and Dow moved to a position of cover closer to the driveway.

The door to the residence opened and she saw an elderly female, CW1, along with a large dog. Crill asked if Shane was home. CW1 told Crill she could not hear her. Crill told CW1 that they received a call of a suicidal person and asked CW1 if there was someone at the residence who needed help. CW1 told Crill she could not hear her and Crill spoke louder asking CW1 if Felix was home because there was a report Felix cut his wrists and wanted to die. Crill asked CW1 if there was someone inside the home who needed help. CW1 told Crill that Felix was home, but he did not slit his wrists or hurt himself. Crill asked CW1 if they could come inside the residence to check on Felix to ensure he was okay. CW1 allowed the deputies to enter the residence.

Once inside the home, CW1 went to the kitchen area to secure the dog and Crill asked where Felix was. CW1 told Crill that Felix was probably in his room. Poulin arrived on scene after they entered the residence. Crill looked to her left and saw a long hallway with several doors and believed Felix's bedroom was probably down that hallway. Crill walked down the hallway with Dow and Poulin behind her. Crill knocked on the closed door to Felix's bedroom and identified herself as being from the Sheriff's Department. Crill told Felix she wanted to talk to him and make sure he was okay.

She opened the door to the bedroom because she knew if Felix was suicidal, he could be armed with a weapon and Crill did not want Felix to come out with a weapon and have the ability to hurt her or her partners. Crill saw Felix standing within arm's reach of her. Crill did not recognize Felix from any previous contact and said he was wearing a dark colored bomber style jacket which was open in the front. Crill saw Felix cradling his hands at his chest. She scanned the area surrounding Felix, as well as his person for weapons, and did not see anything that could be used a weapon in his hands.

Crill asked Felix if she could talk to him to make sure he was okay. Felix mumbled something unintelligible as he separated his hands. Crill saw that Felix was bleeding from a large cut on right wrist which she believed required medical attention. She did not vocalize her observations to her partners because she did not want to excite Felix. Crill asked Felix if he was okay and if he cut himself.

Felix did not respond. Crill asked Felix to come out of his room so he could sit in an open area where she could talk to him and make sure he was okay.

Felix walked out of his room in front of her and behind Dow, as well as Deputy Poulin, who had arrived. Crill told Felix to keep his hands where she could see them. Crill said CW1 was in the kitchen with the dog. Crill told Felix to have a seat in the kitchen. Felix walked past a barstool in the kitchen and went into the living room where he sat down on a large couch facing Crill. Crill again asked Felix if he had any weapons on him and he looked at Crill and said something unintelligible. Crill said Felix did not say if he had a weapon or not, and Crill told him she wanted to pat him down for weapons before she talked to him.

Crill asked Felix to stand up to facilitate searching him. Felix stood up from the couch and Crill reached toward Felix while explaining to him that she was going to pat him down for weapons. Crill said Felix stared at her and she thought Felix was still not complying with her direction. She was concerned Felix might be armed with the knife used to cut his wrist and could quickly access the knife, turn and stab her or her partners.

When Crill attempted to take control of Felix's hands, he withdrew his hands. Crill moved toward Felix because she wanted to make sure Felix did not have access to weapons. She saw Felix reach across his body. Felix's hand was at a weird angle as she watched Felix pull a gun from his jacket. Crill thought the gun Felix removed was a giant revolver. Crill described the gun as being a very large antique wooden-style gun. Crill remembered looking at the barrel of the gun and did not see an orange tip on the gun, nor could she see anything on the gun that would make her believe the gun was fake.

Crill believed when Felix pulled the gun out of his jacket, it was an immediate threat to her life. Crill explained everything happened so fast. Crill saw Felix point the gun at her and she thought she was going to die. Crill thought her life and her partners' lives were going to be over and she explained she needed to stop Felix. Believing Felix was going to shoot her and her partners, Crill removed her firearm from the holster and fired at Felix. Crill estimated Felix was about five feet away from her when she began to shoot. Crill believed she fired a total of three rounds. As Crill was discharging her firearm, she moved to her right and took cover behind a wall. Once behind cover, she could see Poulin and Dow were shooting.

Crill peeked around the corner of the wall and saw Felix was down. Crill kept her weapon pointed at Felix in the event he got back up and tried to shoot her or her partners. Crill could hear CW1 screaming in the background. Crill heard CW1 say the gun was an antique replica. Crill attempted to advise that shots had been fired, but she was unable to transmit. Poulin was able to broadcast there was one person down and shots fired.

Crill continued to point her firearm at Felix as he was lying face down and his hands were beneath his body. Crill told her partners she could see the gun, but Crill could not see Felix's hands. Crill asked Felix if the gun was real, and Felix moaned unintelligibly. Crill asked Felix if he was okay and told Felix that he needed to listen to them, or he would be shot again. Crill told Felix she wanted to help him, but he needed to get rid of the gun. Felix moaned again.

Crill radioed to Sheriff's dispatch that Felix was conscious and breathing. Crill asked Dow to stay with CW1 because she did not know what CW1 was going to do. Crill and Poulin kept their firearms pointed at Felix as they developed a plan to safely secure the gun and provide medical aid to Felix. Crill provided lethal coverage while Poulin was tasked with moving the gun away from Felix. Felix was told they were going to help him. They asked him not to grab the gun or he would be shot. Crill and Poulin moved toward Felix and Crill thought Poulin used his foot to kick the gun out from underneath Felix. Crill believed the gun must have been in Felix's hand because of the amount of force Poulin had to use to kick the gun away. The gun was kicked under a table, but Crill did not see where it ended up.

Crill told her partners they needed to get Felix's jacket off to see where he had been shot. Paramedics were cleared to enter the scene to provide medical aid. Crill used her knife to cut a portion of Felix's shirt because she wanted to see where he had been shot so she could provide medical aid and to allow paramedics quick access to his injuries. Crill described seeing gunshot wounds to Felix's rear upper right torso and lower back. Crill asked Dow to check Felix's carotid artery for a pulse. Felix was breathing and had a pulse.

Felix was handcuffed with his hands behind his back and placed in the recovery position so his airway could be kept open. Crill said paramedics entered the house and she told them Felix was suffering from gunshot wounds, was still breathing and had a pulse. Crill described Felix having agonal respirations and the paramedics requested the handcuffs be removed to facilitate medical aid. She removed the handcuffs from Felix and Crill along with Poulin and Dow assisted firefighters with loading Felix onto a gurney. Crill requested an additional deputy not involved in the incident to ride in the ambulance to the hospital with Felix.

Crill said she did not use her taser in this incident because her taser would not stop a bullet and the bullet would likely hit her first. Crill said she did not consider any other force options because as soon as she saw the gun, the only thing that was going to stop that gun from firing was her gun.

#### ***Deputy Mathew Poulin's Statement***

Poulin heard on the radio other deputies responding with emergency lights and sirens activated to a call. Poulin looked at the details of the call on his computer and learned it was a possible suicidal subject who may have cut his wrists. Poulin requested dispatch send him the call and he turned on his vehicle's overhead emergency lights and his body worn camera (BWC). His thought process while in route to the call was to arrive at the location, ensure the subject was no longer armed, and to talk with him to determine what was going on. Poulin was concerned if Felix had cut his wrists with a knife, he would be more likely to use the knife to assault Poulin or one of his partners.

Crill and Dow arrived at the location before him and he saw them standing at the front door of the residence talking to a female, CW1. Crill and Dow followed CW1 into the residence and as CW1 put a dog in the back yard one of the deputies asked CW1 where Felix's room was located. Crill and Dow contacted Felix in his room and Poulin heard Crill ask Felix to see his hands and to step out into the hallway. Poulin got a chair and moved into the middle of the kitchen to have Felix sit down while they talked with him. Felix did not sit in the chair and walked to the couch located in the living room and sat down on a cushion at the end of the couch.



Poulin heard Crill ask Felix if she could pat him down for weapons and Felix said "nope." Poulin heard Crill tell Felix she was going to pat him down and he saw Felix stand up and start to hesitantly walk backwards. Felix reached into the left side of his jacket with his right hand. Crill told Felix not to reach into his jacket pocket. Poulin was getting ready to rush in and tackle Felix because he was reaching for something. Poulin said he was about five or six yards away from Felix when he saw Felix pull out what Poulin described as a "Clint Eastwood-type revolver." Poulin described the gun as a large six shot revolver, with a ten-inch barrel. It took him a second to realize it was a real gun. Poulin unholstered his firearm and shot seventeen rounds at Felix. When Poulin ran out of ammunition, he changed the magazine in his firearm. Poulin could hear CW1 yelling and Dow went to check on her. Poulin advised dispatch of the shooting and requested additional resources.

Poulin and Crill developed a plan to safely approach Felix. The barrel of the gun Felix had was pointing back toward the deputies. Poulin moved forward to Felix while Crill covered him and talked to Felix, Poulin kicked the gun away from Felix. Deputies removed Felix's jacket, cut his shirt, secured him in handcuffs and moved Felix to the center of the room. They moved Felix to allow them more room to provide medical aid. Paramedics arrived on scene immediately and took over medical care responsibility. Poulin noticed one of the rounds had penetrated a window and he requested additional deputies to perform a welfare check on Felix' neighbors. The handcuffs were removed from Felix for the paramedics.

Poulin couldn't remember saying anything to Felix or if Felix said anything. When Felix reached into his jacket, Poulin thought Felix was going to kill him or kill one of his partners. Poulin said, "I was afraid he was going to shoot me, and I was going to die." He felt that if Felix's actions were not stopped, "he was going to kill me."

### ***Shane Felix's Statement***

Felix made no statements to law enforcement regarding this incident.

### ***Investigation***

The crime scene was secured, photographed, and investigated by San Diego Sheriff's Homicide detectives. All detectives' reports, patrol reports, audio-recorded witness interviews, recorded radio traffic, body worn camera (BWC) video, and medical records were reviewed.

Deputies spoke with the occupants of several homes surrounding the incident. These witnesses reported hearing gunshots but did not see the events leading up to or during the shooting.

Crill, Dow and Poulin were each wearing a clearly identifiable San Diego Sheriff's Department approved uniform. Crill, Dow and Poulin each carried additional less lethal weapons with them during the incident.

Crill, Dow and Poulin were each equipped with a BWC. Each activated their BWC prior to arriving at the location and captured the moments leading up to and including the shooting incident in its entirety. The digital clock in the upper right corner of the Axon player is displayed in Zulu / UTC (Universal Time Coordinated) time. A conversion table was used to convert to Pacific Standard Time which is minus eight hours from UTC time.

At 6:27:08 p.m., the footage shows the front door as it is opened by CW1 who initially remained behind the security screen with a large dog. Crill asked if CW1 had called 911, and CW1 replied "No." Crill confirmed the address and Dow asked if Shane was home. CW1 can be seen walking outside while stating, "Shane's in his room." Crill and Dow explained the reason they were there was because Felix called 911 and told dispatch he wanted to kill himself and that he had cut his wrists. CW1 responded by saying, "He's bullshitting." Crill replied, "Okay, can we just come check on him?" CW1 agreed and led them to the front door, telling the deputies she would have to put the dog in the back yard.

Crill and Dow entered the home behind CW1. CW1 placed the dog in the back yard while asking the deputies when the call was made. Crill answered, "Just now." CW1 told the deputies Felix's room was the first room on the right. CW1 is heard in the background stating, "He's not cutting his wrists, [unintelligible] it's just a bunch of bullshit talk."

At 6:28:10 p.m., Crill walked down the hallway to Felix's room, and knocked on the door. Felix answered and Crill greeted him, identifying herself as deputy. Crill asked Felix if she could see his hands and if he was okay and Felix replied, "Yeah." Crill asked Felix to come out of the room so they could talk. As Felix walked out of the bedroom, Crill asked Felix if he cut himself and he replied, "No."

At 6:28:29 p.m., Crill escorted Felix toward the kitchen area where Poulin was standing. Poulin pointed to a chair and told Felix, "Here you go dude, have a seat right here please." Felix walked by Poulin without acknowledging him. Poulin repeated himself stating, "Have a seat right here man." Felix continued walking toward the living room. Crill tried to get Felix's attention to sit in the chair and said, "Right here, right here Shane! Come here. Stop!"

At 6:28:43 p.m., Dow looked inside Felix's room and illuminated an area of the wall with her flashlight. Dow stepped out and walked toward the living room area and told Crill and Poulin, "Hey guys, there's some blood on the wall, so just heads up."

Felix started to sit down on the sofa in the living room and Crill stated, "Okay, over there is fine." Crill asked, "Do you have any weapons on you?" Felix replied, "No." Crill stated, "No? Okay, do you mind if I check real quick?" Felix replied, "Yeah." Crill asked Felix to stand up and put his hands behind his back. Felix stood up with the left side of his body facing Crill.

At 6:26:46 p.m., Crill attempted to grab Felix's left elbow, he quickly pulled his arm away from her, took a step back while reaching toward the left side of his jacket with his right hand. Crill told Felix, "You're okay, I'm just going to make sure you don't have a knife on you."

Felix continued to back away and turned to face Crill as he brought his hands together at the front of his jacket which was not fastened. At 6:28:48 p.m., Felix reached into the left interior portion of the jacket with his right hand. Crill said, "Don't reach in your jacket!" At 6:28:49 p.m., Felix pulled out a large revolver from the interior of the jacket. Felix can be seen with both hands on the revolver as he moves his right hand to grip the weapon and pulls the weapon to his side as if he is going to fire the weapon. Poulin yelled "Dude - fucking gun, gun!"

At 6:28:50 p.m., Crill stepped back, drew her firearm and multiple gunshots can be heard. Crill moved back and to her right to a position of concealment behind a wall. Crill's BWC captured a view of the hallway showing Dow and Poulin discharging their firearms in the direction of the living room. At 6:28:51 p.m., the gunfire commenced. The shooting ceases by 6:28:55 p.m.

At 6:28:56 p.m., Crill is heard saying, "Shots fired." Crill, as well as Poulin can be heard telling CW1 to stay back as screams are heard in the background. At 6:29:01 p.m., Poulin advised the communication center of the shooting, and requested additional resources along with paramedics. Crill and Poulin remained in the hallway adjacent to living room area and Dow moved to the area of the bedrooms to check on CW1. Crill and Poulin can be heard ordering Felix not to move or touch the gun which they could see was under his shoulder. At 6:29:48 p.m., Poulin tells Felix the paramedics are in route to take care of him and Felix responds, "Okay." Crill and Poulin attempt to speak with Felix, but his responses were unintelligible.

At 6:30:06 p.m., Crill can be seen removing the magazine from her firearm and then inserting a magazine back into the magazine well of her firearm. At 6:30:10 p.m., Crill asked Felix. "Is that a real gun?" Felix can be heard stating, "I don't know. I just...(unintelligible)."

Dow returned to the living room area and CW1 can be heard in the background stating, "It's a non-firing replica." At 6:31:44 p.m., Crill and Poulin approached Felix as he was lying face down adjacent to the fireplace. Poulin kicked the gun away from Felix and assisted Dow in removing Felix's jacket. Crill used a folding knife to cut away Felix's shirt. At 6:33:27 p.m., paramedics entered the residence and began assessing Felix's injuries and rendered medical aid.

Crill, Dow and Poulin followed the paramedics as they walked out of the residence with Felix secured to a gurney. In the driveway, Crill asked a responding deputy if he could ride with the paramedics. Crill told the deputy to document any statements and to retain Felix's clothing at the hospital. Poulin and Dow began to secure the crime scene and direct responding deputies.

An examination of the scene revealed Felix was armed with an operable 44 Magnum black powder Italian revolver. The weapon is not a firearm as defined by Federal Law and is outside of the ATF regulations regarding recordkeeping and licensing. However, an examination and further testing of the revolver determined it functioned properly and expelled a lead projectile through the barrel by means of an explosion and would qualify as a firearm pursuant to the California Penal Code.

Crill, Dow and Poulin were each equipped with a department-issued Glock semi-automatic pistol. Both Crill and Dow were issued the Glock model 22, Generation 4, .40 caliber semi-automatic pistol with a flashlight attached. Crill possessed three magazines at the time of the incident. The magazine in the firearm and the ammunition were collected. One cartridge was in the chamber of the firearm and 12 cartridges were in the magazine which had a capacity of 15 cartridges. Crill possessed two additional magazines containing 15 cartridges in each magazine. Crill stated she may have had 14 cartridges in the magazine and one cartridge in the chamber when she fired her firearm. Dow's firearm, magazines, and the ammunition in the firearm were collected. One cartridge was in the chamber of the firearm and 13 cartridges were in the magazine which was inserted into the weapon and had a capacity of 15 cartridges. Dow possessed two additional magazines containing 15 cartridges in each.

Poulin was issued a Glock 17, Generation 5, 9mm semi-automatic handgun with a flashlight attached. One cartridge was in the chamber of the firearm and 16 cartridges were in the magazine. The magazine capacity for this weapon system is 17 cartridges. Poulin also possessed two additional magazines, one of which was dropped at the scene during a magazine exchange. It did not contain any cartridges. The remaining magazine contained 18 cartridges.

The crime lab forensic evidence technicians found and recovered a total of 17 cartridge casings with a 9mm head stamp from the area surrounding the front entryway, hallway and living room area, consistent with the number of rounds fired by Poulin. Four cartridge casings with .40 caliber head stamp markings were found and recovered from the area surrounding entryway.

The area surrounding the fireplace contained numerous defects that appeared to be the result of bullet strikes. A window was situated to the left of the fireplace. The lower left portion of the glass pane contained a defect, that appeared to be the result of a bullet passing through the glass.

Felix sustained several injuries as a result of gunshot wounds he received during this incident. It is unclear how many rounds impacted Felix because there being both entry and exit wounds. Felix had gunshot wounds to his chest, and his right and left arms. Felix underwent surgery at Scripps Mercy Hospital to repair a laceration to both his liver and his lung. Felix had a fractured right ulna, left humerus, and fractured ribs on the right side of his chest. During surgery, one bullet was removed from inside Felix's right chest cavity. Several bullet fragments were visible on x-ray and were not removed. In addition to the bullet removed and the fragments remaining in Felix's chest cavity, all remaining rounds were accounted for during an examination of the scene. Felix also had a laceration to his right hand and other wounds which appear to be graze wounds. Felix survived the shooting and is expected to make a full recovery.

Post-incident toxicology testing was negative for the presence of illicit drugs and Felix had a blood alcohol concentration of .164 mg/dl.

Felix was charged with violations of California Penal code sections 69(a), 417(c), and 29800 (a)(1). A preliminary hearing was held on April 15, 2020, and he was bound over on all counts. A trial date is currently set for October 13, 2020.

### ***Legal Standards of Criminal Liability***

The analysis of use of force and deadly force by peace officers in California has changed as a result of Legislative amendments to Penal Code section 835a, which became effective on January 1, 2020.

Penal Code section 835a(c) sets forth the standard to evaluate a peace officer's use of deadly force. The law provides that "a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary, for either of the following reasons:

(A)To defend against an imminent threat of death or serious bodily injury to the officer or to another person." Penal Code section 835a(c)(1)(A).

“A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not poses an imminent threat of death or serious bodily injury to the peace officer or to another person.” Penal Code section 835a(c)(2). The statute provides definitions for “deadly force,” “imminent” and the “totality of circumstances” in Penal Code section 835a(e)(1) – (3).

“Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.” Penal Code section 835a(e)(1).

“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.” Penal Code section 835a(e)(2).

“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 Code section 835a(e)(2).

“Totality 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 Code section 835a(e)(3).

“In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques, if reasonably safe and feasible to an objectively reasonable officer.” Penal Code section 835a(2).

“[T]he decision by a peace officer 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 or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” Penal Code section 835a(4).

“A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts because of resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right of self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or prevent escape or overcome resistance. For purposes of this section “retreat” does not mean tactical repositioning or other de-escalation tactics.” Penal Code section 835a(d).

Penal Code section 196 was also amended. The statute provides that homicide is justified when committed by peace officers and those acting by their command in their aid and assistance when the homicide results from a peace officer’s use of force that is in compliance with Section 835a.

***Conclusion***

When the deputies encountered Felix, they identified themselves and attempted to determine if he needed medical attention. Based on the nature of the call, the deputies had a heightened awareness and were concerned Felix may have been armed with a knife. Crill was attempting to conduct a pat down search for weapons when Felix pulled away and retrieved a revolver which was concealed inside his jacket. Felix gripped the weapon as if he was going to shoot it. Believing the weapon Felix had was a firearm, Crill, Dow and Poulin each thought they or their fellow deputies would be shot and severely injured or killed by Felix. To protect themselves from being shot by Felix, Crill, Dow, and Poulin each shot at Felix.

In reviewing the totality of the circumstances, the nature of the call, Felix's proximity to the deputies, his retrieval of a concealed firearm from his jacket and manipulation of the firearm as if he intended to shoot, the lack of suitable cover capable of providing protection from gunfire, and viewing the situation in light of an objectively reasonable officer, Crill, Dow, and Poulin would have reason to believe there was an imminent threat of death or serious bodily harm, either to themselves or others in the immediate area, which needed to be instantly confronted. Although Crill, Dow and Poulin were each equipped with additional less lethal force options, the use of any of these was not feasible given the immediacy of the perceived lethal threat.

Felix made statements to a family member before law enforcement was called to the home indicating he was potentially suicidal. A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe that person does not pose an imminent threat of death or serious bodily injury to the police officer or to another person. Felix's action of drawing a firearm from his jacket and the manner in which he manipulated the firearm, caused Crill, Dow and Poulin to independently of one another believe Felix was no longer intent on harming himself but intended to shoot one of the deputies.

Under the totality of circumstances, Crill, Dow, and Poulin were justified in their actions and bear no state criminal liability for their actions. A copy of this letter, along with the materials submitted for our review, will be retained for our files.

Sincerely,



SUMMER STEPHAN

District Attorney

SS:gm

cc: Captain Patrick Gardener