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September 9, 2022

Chief David Nisleit
San Diego Police Department
1401 Broadway
San Diego, CA 92101

Re: Fatal shooting of Andrew Farnham on March 30, 2022, by San Diego Police Sergeant Zachary Pfannenstiel; SDPD Case No. 22-013921; DA Special Operations Case No. 22-047PS; Deputy District Attorney assigned: Fiona Dunleavy.

Dear Chief Nisleit:

We have reviewed the reports and other materials compiled by the San Diego Police Department's Homicide Division concerning the circumstances leading to the fatal shooting of Andrew Farnham by Sergeant Zachary Pfannenstiel on March 30, 2022. A District Attorney Investigator responded to the scene and was briefed about the incident. This case was submitted to the District Attorney's Office for review on July 5, 2022. The Medical Examiner's report was received August 2, 2022.

Summary

Farnham lived with his elderly parents. He had been unemployed due to several ministrokes, which caused mobility issues. He had been depressed over the death of a former girlfriend and the loss of his teeth and had expressed to his parents he did not want to live. He had told them he would like to get shot by the police and that he was going to do that someday.

On the morning of March 30, 2022, Farnham purchased a BB pistol that had the appearance of a semi-automatic handgun. There was no orange tip on the barrel. That afternoon, Farnham called 911 and told the dispatcher that 'his son' was waving a gun around and was threatening him and his wife with the gun. Farnham told the dispatcher the pistol 'his son' had was loaded and 'his son' wanted to commit suicide. During Farnham's conversation with the dispatcher, Farnham's actual father joined the conversation. The dispatcher asked that the gun be put away, but Farnham refused. Farnham's father told the dispatcher Farnham still had the gun in his possession and Farnham had told him he wanted to commit suicide.

When police arrived, Farnham walked into the garage holding what appeared to be a black gun. Officers outside of the open garage pointed their firearms at Farnham. An officer yelled at Farnham to drop the gun several times. Pfannenstiel yelled at Farnham to drop the gun or he would be shot.

Farnham waved the gun around, pointed it at his own head and in the direction of the officers while yelling, "Shoot me, shoot me." Farnham raised the gun and pointed it directly at the officers. Pfannenstiel fired three rounds at Farnham. Farnham was transported to Sharp Memorial Hospital. The next day he was declared brain dead.

On April 05, 2022, an autopsy concluded the cause of death was a gunshot wound to the head and the manner of death was homicide. Amphetamine and methamphetamine were detected in Farnham's blood.

Persons Involved
Farnham was a 60-year-old resident of San Diego. Pfannenstiel had been employed by the San Diego Police Department for 14 years. He is assigned to the K-9 unit and was dressed in full uniform.

Civilian Witness 1 (CW1)
CW1, Farnham's father, is 91 years of age and has lived with his wife in the home for 55 years. Farnham had lived in the home with CW1 and his wife for 13 or 14 years. Farnham had experienced ministrokes in the last three to five years which rendered him unemployable. Farnham was undergoing treatment to receive new teeth. CW1 described Farnham as usually very good, but he had periods where he was "unpleasant" and would be angry and irrational.

That morning, Farnham didn't say hello when CW1 came down for breakfast. Farnham was somber and quiet. This was unusual. Farnham did not join the family when his brother and sister-in-law, who live out of state, visited the home around midday. He had been alright the day before, but Farnham's mood would change. Farnham had told family members he felt "useless."

During the afternoon, CW1's wife called CW1 downstairs and said Farnham was "acting crazy." Farnham was on the house phone. CW1 picked up another receiver and heard a 911 dispatcher talking to Farnham. The dispatcher was very calm and trying to calm Farnham down. CW1 later recalled, "He flipped his lid. That's the best way I can explain it. He was not acting normal." CW1 went outside with the intent of greeting the police. CW1 stayed outside in front of the house. Farnham yelled at CW1 and waved the gun around, but he never pointed it at CW1. Farnham went inside the house and yelled at his mother.

At one point Farnham said, "You can't even commit suicide easily." Farnham told CW1 the gun was unloaded, but he also told CW1, "The police are coming. When are they going to get here? I'll point the gun at them, so they'll shoot me." CW1 then asked Farnham, "You want to commit suicide by cop, do ya?" Farnham replied, "Yes." Farnham was intent on committing suicide. CW1 had never seen the gun Farnham was waving. He did not know where Farnham got it or how long he had had it. He did not know if it was real, but he assumed it was.

Farnham had the gun in his hand while talking to 911. He told CW1 he was on the phone with 911 and CW1 picked up the phone to listen in. Farnham kept telling him to get off the line. Farnham said to the dispatcher, "Don't believe him." Farnham wanted to know where the police were. The call taker tried to calm him down.

CW1 tried to interrupt Farnham and explain to the call taker what was going on, but Farnham was listening and yelled at him to get off the phone. CW1 said Farnham "was out of his mind." For the next 30 minutes he waved the gun around, at times pointing it at his own head. CW1 said, "Suicide was what he had on his mind, obviously. I guess he decided on suicide-by-cop." Farnham did not threaten his parents with the gun.

CW1 said it took quite a while for police to respond, but he understood because it seemed like there were 20 patrol cars. CW1 was outside in front of the house. Farnham was in the garage. CW1 went to talk to a police officer. "They grabbed me and said, 'Get out of here for your safety's sake.'" He did not have much of a chance to explain too much to the officers. "For my safety. I understand that and appreciate that fully, since there's a gun out there. I don't have a problem with that."

CW1 said he told the officers, "He's got a gun. He says it's unloaded. He's talking suicide." By then, the officers had taken him across the street. CW1 was afraid for the officers and asked if they were wearing vests. CW1 thought he heard two shots, but his wife told him later three shots were fired.

CW1 did not know if Farnham fired his gun as Farnham had told CW1 the gun was unloaded. CW1 said, "I think it's fairly safe to say he had one thing in mind. He wanted to be gone." CW1 said the best source would be the 911 tape for Farnham's exact words.

CW1 was asked if he felt safe when Farnham was waving the gun around. "I think I did, but how can you ever be completely certain? I mean anybody has a gun and is waving it around in the air, even by accident. … On purpose or on accident, what's the difference if they shoot you?"

CW1 said when he started to go to the officers, one of them said, "We know all about it. The dispatcher…, so I just turned my phone off. You know what's going on." CW1 said at that point he told the officer that Farnham wanted to commit suicide and the gun was empty. He said at least two officers were walking towards the open garage. Then he heard the shots. CW1 said he missed the first part of Farnham's conversation with the dispatcher.

CW1 said he cannot identify handguns but described Farnham's gun as black and new looking. "It looked just like a handgun would. It could have been fake, but I really don't know. It looked real." There were no other colors like orange on it.

Earlier that morning, Farnham had left home between approximately 8:30 and 10:30 a.m. CW1 did not know where he went. He came back with a bag, but CW1 did not know what was in it. CW1 did not think Farnham had used drugs since he was placed on probation for possession of drugs in Arizona. CW1 said, "Today's events? I'm not that surprised that it finally happened. I just, I couldn't have predicted when or how it would go. But now that it's happened, I'm not that surprised."

Civilian Witness 2 (CW2)
CW2 is Farnham's mother and was 89 years old at the time of the incident. She said Farnham was acting strange that morning. He was quiet and didn't speak to his father at all.

Farnham said to CW2, "I love you, but I don't think I'll be here when you get back." CW2 hoped he was going out but told him to lay down and they would talk when she came back. She did not take him seriously because she did not think he had a gun. In the past Farnham had said every so often, "I wish I wasn't here. I'd like to get shot by the police. I'm going to do that someday."

CW2 said Farnham was not sociable with his brother and sister-in-law when they visited. CW2 described Farnham as sometimes very kind and thoughtful, but at other times rude, angry, loud, and out of control. She believed his strokes were the cause of his mood swings. CW2 was careful about what she said to him. She said he had used methamphetamine in the past, but she did not think he was using currently because he was on probation. He could not work because of his strokes, and he had just had all his teeth pulled because methamphetamine use had caused them to decay. He had been having a hard time because of that. In addition, he had been diagnosed with ADD and had other health issues. Also, his girlfriend recently died.

CW2 was in the living room when Farnham came downstairs. He appeared very angry. He was holding a black gun and yelling that he did not like CW2 talking about him. CW2 thought the gun was fake because the family did not have guns. She thought Farnham was trying to get attention. The gun looked like a revolver. He waved it around but did not point it at CW2.

Farnham became angrier and alluded to committing suicide. CW2 told him he couldn't do that to his father. He went upstairs, got his prescription pain medication, and returned with an empty bottle. CW2 thought there had been about nine pills. She did not know if Farnham took them or dumped them in the trash.

Farnham called 911. CW2 thought he was joking at first, but when she realized he was not, she called to CW1 to come downstairs because Farnham was out of control. She thought Farnham was telling 911 what he was going to do, but she couldn't hear. CW1 got on the phone and told the dispatcher he was Farnham's father. CW1 went outside so Farnham could not hear him. CW2 saw CW1 talking to a neighbor whom CW2 thought may be able to take care of the situation.

Farnham had often said, "I'm going to be killed by police." CW2 never thought he would actually do it. CW2 heard police shouting repeatedly, "Drop the gun! Drop the gun!" CW2 couldn't see everything because there was shrubbery blocking her view. There were a lot of officers outside. She heard three loud shots but didn't know who shot or what had happened.

Farnham would say every so often, "Oh, I wish I could die," or something similar. He did not see a reason for living. He had not tried to commit suicide before as far as CW2 knew. She had told Farnham about a suicide prevention hotline, but he did not want to take her advice. CW2 said, "It is definitely not the police's fault. He brought it all on himself and that's what he wanted." Farnham had mentioned the term "die by police" or if he'd see something on TV, he'd say, "That's the way to go." CW2 said, "That's where he got his ideas of course, is on TV."

Civilian Witness 3 (CW3)
CW3, lives in the neighborhood and saw CW1 standing in his driveway on the phone. CW1 told CW3 Farnham was acting really weird and threatening suicide. CW3 recalled CW1 saying Farnham was threatening CW1 and CW2. CW1 said Farnham had a loaded gun. CW3 asked CW1 if he wanted to come into his home, but CW1 declined. He said he was on the phone with police and they were on their way. CW3 did not see Farnham. He noted CW1 was "rattled."

CW3 went inside his home to make sure his wife and children were not in the backyard. He closed his garage door as the police arrived. He saw officers leading CW1 across the street. CW3 went into his garage and looked through a window. He heard the police give orders but could not make them out. Then he heard three shots. His wife asked if Farnham had been shot. CW3 said, "Probably." He heard an officer say Farnham needed to move the gun away from him and then the officers could give him first aid. It was then obvious to CW3 the officers had shot Farnham.

Civilian Witness 4 (CW4)
CW4 works at a Big 5 Sporting Goods store. CW4 provided a copy of surveillance video from the store to a detective. When he looked at it, CW4 realized he had he assisted Farnham with his selection of a BB gun on March 30, 2022. Farnham handled the BB gun briefly and then said that was the one he wanted. The selection took a matter of seconds. CW4 did not recall Farnham obtaining CO2 or BBs, which struck him as odd. Most people are excited to shoot the BB gun and they need CO2 and BBs to operate it, but sometimes people already have those items at home. However, that was uncommon in CW4's experience.

911 Call
A 911 call was made at 4:10 p.m. from the residence. Farnham stated, "my son has got a gun you know and he's going to do damage." Farnham said the son was waving the gun around and had threatened him with the gun. He provided the dispatcher with a physical description of himself. Farnham said his son had a loaded black pistol and was suicidal.

At a later point in the call Farnham was speaking to CW1, but was barely audible on the recording. Farnham: "No, I just want to bring the cops you know. … I want to get the gun ready. I want to point it at them so they will shoot. … I can't shoot them because the gun's not loaded. I just want to point the gun…"

Radio Communications to Officers
Dispatch relayed to responding officers that a "call with a gun" had been received. The "son has a gun" and is in the garage. The son is Andrew, a white male, 60 years old, 5'10", 200 pounds, wearing a red shirt and black pants. The dispatcher stated the call is a "417 hot call." [Penal Code section for exhibiting a firearm in a rude, angry or threatening manner which is currently occurring.] The officers are told that Andrew is threatening suicide and threatening the reporting party. The dispatcher relays that Andrew's gun is a black pistol and it is loaded. Officers are then told another male is on the line claiming to be [CW1] and the initial caller is Andrew. A female is heard inside the residence in the background. The parties are located outside in the garage.

Andrew has a gun and is threatening suicide and others at the location. Officers are told Andrew is on probation for possession of narcotics. Officers are then told Andrew is back inside the home with his mother and CW1 is outside waiting for officers.

Statement of Law Enforcement Officer 1 (LE1)
LE1 received a radio call of a 60-year-old male who had threatened his elderly parents and possibly had a firearm. LE1 met other officers at a nearby location to plan their approach to the call. The plan involved LE1 driving the first marked unit to the front of the residence with LE2 as the front seat passenger who would communicate with Farnham via the PA (public address) system.

LE1 drove to the Farnham residence and noticed the garage door was open. He stopped his patrol vehicle facing the residence. LE1 exited and held his door open because there was possibly a firearm involved. He drew his firearm. LE1 had the patrol vehicle's PA microphone in his hand and was preparing to give verbal commands to the son in case he was still inside the residence. LE1 noticed an elderly male standing directly in front of the residence and assumed it was the reporting party. LE1 called the male and asked the male to go behind the patrol vehicles so he would be safe in case the son was still inside the house.

LE1 saw Farnham exit from inside of the house into the garage. Farnham was holding a firearm and he pointed it directly at LE1. LE1 said, "Oh my God, that's a gun." LE1 gave Farnham several commands to drop the gun. Farnham continued to point the gun at him and other officers while standing behind a vehicle that was parked in the garage. Farnham started walking towards the officers despite LE1 and other officers giving Farnham commands to drop the gun. Farnham was pointing the gun at himself and waving it around while also pointing it at LE1 and other officers. Farnham's expression was blank. He did not appear afraid. LE1 then heard two gunshots and saw Farnham fall to the ground.

LE1 and other officers moved up approximately ten feet up to the sidewalk to get a better view of Farnham. LE1 took an elevated position behind a small palm tree that was in the front yard, and he was able to look over the cars, while pointing his firearm. LE1 saw Farnham still had the firearm in his right hand, pinched between the crease in his left elbow, as he was lying on his back. LE1 relayed the information that Farnham still had the gun on him to the canine officers who had approached Farnham. LE1 could see that Farnham's arm was still moving and he was still breathing. LE1 continued to give Farnham commands to let go of the gun so they could provide first aid to him. Farnham did not let go of the gun.

LE1 saw a canine approach and bite Farnham. As the canine dragged Farnham, the gun dropped. LE1 approached and kicked the gun away from Farnham's reach. LE1 provided cover as other officers handcuffed Farnham. LE1 and other officers cleared the residence and located CW2, an elderly woman, in the living room.

LE1 said while in the garage, Farnham pointed the gun directly at him and the other officers approximately three to four separate times. LE1 said he yelled at Farnham to "drop the gun," "drop the fucking gun" approximately five times. LE1 described the gun Farnham had as a black handgun, which appeared to be a semi-auto with a black tip, unknown make or model.

Statement of Law Enforcement Officer 2 (LE2)

LE2 is a canine officer and was a passenger in a patrol vehicle driven by LE3. LE2 and LE3 responded to a radio call of a male threatening suicide with a firearm. The dispatcher stated the male was in the garage with a gun but had gone back in the house. LE2 and LE3 staged a couple of blocks away and met with other officers who had been assigned to the call. They put together a plan to park at the residence where the officers could use their cars for cover, and then call the subject on the phone to see if he would be compliant and come out. If he was not compliant, the plan was to use PA announcements and then reassess. LE2 said they received information that the subject's mother was inside and the father would be standing outside.

LE2 and LE3 drove to the residence and pulled up to the driveway. The garage door was open. An elderly male was standing outside. LE2 saw a male come out from a door inside of the garage holding a gun. The male moved up a couple of steps. LE2 told him to drop the weapon and the male kept moving towards them. LE2 recognized the male matched the description of the male with the gun. The male was waving the gun saying, "Shoot me." The male was pointing the gun in the officers' direction. The gun looked like a black handgun.

The male continued walking towards the officers. He made it halfway out of the garage when another officer fired. LE2 heard one shot and the male fell immediately. They tried to get the subject to roll away from the gun because the gun was still near his arm. LE2 saw the male's right arm move up after he was on the ground but did not see any further movement.

They sent LE3's canine into the garage. LE3's canine did not bite the subject, so another canine was sent into the garage. That canine grabbed and pulled the male away from the firearm. LE2 said they moved in and moved the firearm away from the subject, which was still near his hand. They placed him in handcuffs and started to perform lifesaving measures.

Statement of Law Enforcement Officer 3 (LE3)

LE3 said Farnham came out of the house into the garage holding a black gun in his hand. Farnham was waving the gun around in front of his body. He pointed the gun towards LE3 and the other officers. LE3 took cover behind his patrol vehicle's door with his canine. LE3 and several other officers yelled at Farnham to drop the gun. There were several other officers that were in a better position to see Farnham. LE3 allowed them to take over verbal commands so everyone wouldn't be shouting at him.

Farnham then pointed the gun at them. Pfannenstiel, who was positioned on the passenger side of his vehicle, shot Farnham. LE3 heard three shots and Farnham dropped to the ground. Officers who had a shield moved closer to Farnham to determine if he still had the gun.

LE3 could not tell if Farnham still had the firearm in his hand but other officers could see that he did. LE3 and other officers moved behind a vehicle in the driveway for cover. Pfannenstiel gave Farnham several commands to come to them so first aid could be provided. Farnham did not come towards the officers. LE3 saw Farnham moving around a bit. LE3 wanted to render aid, but Farnham still had the gun in his possession and LE3 did not know Farnham's intentions.

LE3 stated during the verbal exchange between Farnham and the officers, LE2 had requested a beanbag shotgun be brought in, but then Farnham pointed the gun and it was not feasible to employ less lethal measures. When LE3 saw Farnham come out of the house with the firearm in his hand, he thought that Farnham was going to shoot him. LE3 said he was not in a position to fire at Farnham because he had the dog in his hand, and there were several other officers in a better position with their guns down range. He said if he had not been on the side where the dog was, he would have fired at Farnham.

Statement of Law Enforcement Officer 4 (LE4)

LE4 pulled his gun out when he saw Farnham. Farnham was holding a gun and had his finger on the trigger. He was "fiddling with the trigger." Farnham said once or twice, "Shoot me. Shoot me." Farnham was pointing the black semi-automatic pistol outside of the garage. Farnham was not looking at him as he was pointing the gun out, but he was pointing it in the direction of the officers. LE4 said, "I thought he was going to let go of a round." Pfannenstiel told Farnham he didn't want to shoot him; he just wanted him to drop the gun. LE4 heard two shots. When they had arrived at the residence, an officer called for a beanbag shotgun to come up, but before the beanbag arrived, the shots went off.

Statement of Law Enforcement Officer 5 (LE5)

LE5 and his trainee were assigned as the "hands" team. LE5 could not see anyone in the garage from the passenger side of the vehicle, but he heard LE1 repeatedly yell, "Drop the gun." LE5 ran to grab the ballistic shield he knew was in LE1's vehicle. He used the shield to provide cover for LE1.

LE5 saw Farnham in the garage. Farnham pointed a "black semi-automatic handgun" at them. Officers continued giving Farnham commands. Farnham said something like, "Just shoot me." It appeared Farnham took a couple of steps forward and pointed the gun in the direction of the canine officers to his left. LE5 heard two shots and Farnham fell to the ground. Officers continued to give Farnham commands. When Farnham was on the ground, he wasn't saying anything, but he was making "little movements" with his arm.

Statement of Sergeant Pfannenstiel

Pfannenstiel watched his own BWC video prior to being interviewed by investigators. He stated he answered a call about a suicidal male who had a gun and was threatening his elderly parents. He met with officers at a staging location to discuss tactics. The officers then drove to the home.

The plan was to contain and callout. Patrol cars would be used for cover and a PA system would be used to call Farnham out of the house, making it safer for officers. Two patrol cars were parked in front of the home with officers at each car.

The officers on the right had shields and bean bags. There was a team of officers ready to physically restrain Farnham. There was another canine unit, besides Pfannenstiel, on scene as well. Multiple officers were present.

A male came out. Pfannenstiel called out to him to come to the officers. Pfannenstiel told the officers on the right to continue looking down range. He assumed the worst case scenario would be the suspect would come out and start shooting. Pfannenstiel grabbed the man by the arm and told him to come with him. The man said, "He's off his rocker." The man had a cell phone in his hand. Pfannenstiel intended to move the man over to a patrol officer for a briefing. As he was doing this, he heard, "Drop the fucking gun. He's got a gun."

Pfannenstiel saw Farnham, whom he described as approximately 60 years old, in the garage waving a gun around. He realized, "Oh my God, I'm not behind cover." Pfannenstiel went to the back of his patrol car. He lifted his sunglasses off his head because he wanted to make sure Farnham was waving a gun, and not a cellphone or vape. He wondered if Farnham was doing something to bait the officers. He confirmed Farnham had what appeared to be a gun.

Pfannenstiel announced if Farnham pointed the gun at the officers, he was going to get shot. Farnham pointed the gun at two officers to Pfannenstiel's left. The officers were controlling a canine. Pfannenstiel knew the canine's presence can cause individuals to surrender and can deescalate a situation because people do not want to get bitten by a dog. Farnham continued to wave the gun. He was holding the gun correctly as if he knew how to shoot. The gun was black and there was no orange tip. The gun looked real to Pfannenstiel.

Pfannenstiel knew there was an elderly woman still in the home. He was worried she could walk outside and Farnham would use her as a hostage. Pfannenstiel also considered she would be in the backdrop as Farnham was waving the gun at the officers. Pfannenstiel wanted to deescalate the situation. He moved within 40 to 50 feet of Farnham. His goal was to test for some type of compliance and to initiate a dialogue with Farnham so he could evaluate his mindset. He was hoping Farnham would tell him he wanted something that Pfannenstiel could provide so Farnham would drop the gun. Pfannenstiel said it was his dream that Farnham would do that. Pfannenstiel said, "What do we have to do to make you comply? It doesn't have to be this way." The man said something to the effect of, "You're going to shoot me. You're going to shoot me. You're going to kill me."

Farnham pointed the gun at Pfannenstiel. Pfannenstiel fired three shots. Pfannenstiel believed Farnham was going to pull the trigger and shoot him. He saw the barrel of the gun pointed right at him. Pfannenstiel believed he was on the other end of the target. He also believed that after he was shot, Farnham would shoot at other officers until someone fired at him. "Absolutely fearing for my life. Knowing just his stance, the things that he's saying, the call coming out, the fact that the gun is loaded.

He's a felon. He's on probation. … he's been through this before…His own family who is in the house with them looks and sees the gun. And they even say it's loaded versus, … it looks fake. None of that was there." Pfannenstiel had asked another officer with a beanbag shotgun to move forward but the less lethal option could not be utilized because Farnham had pointed a gun at the officers.

Farnham fell to the ground in the garage. The gun was no longer pointed at Pfannenstiel so he did not continue to fire as he believed Farnham was no longer an immediate threat. Pfannenstiel reminded everyone to slow down because the man still had the gun. Pfannenstiel wanted to provide first aid to Farnham. The officers moved up and Pfannenstiel recommended they use a car parked in the driveway as cover. They could not approach the man because he had not been searched and was concealed. Pfannenstiel viewed him as a felon because he had pointed a gun at officers. Farnham was assaultive, violent, and dangerous in Pfannenstiel's opinion. He was actively resisting the officers and had immediate access to a deadly weapon. Pfannenstiel knew from his training and experience that suspects lie in wait for officers to approach. Pfannenstiel determined Farnham was breathing.

They could not approach Farnham as he remained a threat. He was armed and had said he wanted officers to shoot and kill him. Going into the garage would create a fatal funnel situation where the officers would have to approach single file and could be shot. Pfannenstiel elected to have the officers remain behind the car until it could be determined whether Farnham was dead or until Farnham could be dragged by a canine from the gun. Other officers provided updates that Farnham had the gun in his hand and then the gun dropped from his hand to his bicep. Pfannenstiel felt they could move toward Farnham. The first canine failed to engage so Pfannenstiel's canine was used. It bit Farnham's right calf and dragged him out of the garage. Farnham did not make any movements. The officers were able to get Farnham in handcuffs and Pfannenstiel put his canine away.

Pfannenstiel and other officers checked the residence for the female inside. They encountered an elderly woman, whom Pfannenstiel estimated to be between 80 and 90 years old.

Investigation

The scene was secured, photographed, and investigated by the San Diego Police Department Homicide Unit. All detectives' reports, crime scene investigators' reports, and audio recorded witness interviews, body worn camera and audio recordings were reviewed. The events leading up to and the incident itself were captured on the officers' body worn cameras (BWC). All of these items were found to provide evidence that corroborates the officers' statements.

At the time of this incident, Pfannenstiel was carrying his department issued Glock model 45, 9mm handgun fully loaded with 17 rounds in the seated magazine and one round in the chamber. Following the shooting incident, a San Diego Police Department Crime Scene Specialist retrieved Pfannenstiel's handgun and extra magazines. A magazine containing 14 cartridges was removed from the handgun's magazine well. One additional cartridge was removed from the handgun's chamber. The two additional magazines were loaded to capacity. A criminalist opined it was most likely three cartridges were discharged from Pfannenstiel's pistol.

Farnham was armed with a Crossman C11 Semi-Automatic BB gun. The BB gun held an empty seated magazine. No CO2 cartridge or BBs were in the gun. It was found on the garage floor. The distance between the location Pfannenstiel estimated he was standing to where he estimated Farnham was standing was measured and determined to be 52 feet and 8 inches.

Two expended cartridge casings were found on the street and a third was located on top of a windshield wiper of a patrol unit near where Pfannenstiel had been standing. One bullet was located in the rear passenger side window frame of a vehicle parked in the garage. A second projectile was found the following day during a consent search of the residence. It had entered the west wall of the garage and struck an interior wall. It had passed through the exterior portion of the south wall but did not penetrate to the opposite side of the wall. To recover the projectile, the wall would have to be opened. CW1 did not want the wall cut. The third projectile was not recovered.

A search warrant was obtained to search the residence on March 30, 2022. Packaging for a Crossman C11 Semi-Automatic BB pistol was found in a waste basket in Farnham's bedroom. Two cell phones were recovered. A Big 5 Sporting Goods receipt was found in Farnham's room. The receipt was for the purchase of a Crossman C11 Semi-Automatic BB CO2 on March 30, 2022 at 10:29 a.m. in the amount of $64.99.

Surveillance video was obtained from the Big 5 Sporting Goods store. At 10:22:52 hours on March 30, 2022, Farnham entered the store and went directly to a display case. At 10:26:57 Farnham was assisted by a store clerk who showed him a BB gun from the display case. Farnham briefly handled the BB gun and gave it back to the clerk. At 10:28:24 Farnham approached the checkout counter and purchased the BB gun. At 10:29:49 Farnham exited the store with the BB gun.

Separate surveillance video showed Farnham returning home with a shopping bag at 10:46 a.m.

A total of eight neighbors were interviewed. They heard gunshots but none saw the shooting.

Pfannenstiel recalled hearing from dispatch Farnham was on felony probation. That information was accurate. Farnham had a 2019 felony drug paraphernalia possession case from Arizona.

Autopsy
An autopsy was conducted on April 5, 2022. Prior to autopsy several of Farnham's organs were harvested for donation. The cause of death was a gunshot wound to the head and the manner of death was homicide. Abrasions, contusions and lacerations were noted on the lower right leg consistent with canine bites. Amphetamine (0.02 mg/L) and methamphetamine (0.03 mg/L) were detected in Farnham's blood collected on March 30, 2022, at 5:33 p.m.

Body Worn Camera:
BWC at timestamp 16:36:38 shows Pfannenstiel arriving at the Farnham residence and walking toward the police vehicle that is directly in front of the Farnham residence's driveway.

At 16:36:49 CW1 walks from the front of his residence towards Pfannenstiel and Pfannenstiel tells CW1, "Come on back towards me." CW1 is holding a portable phone in his hand. CW1 tells Pfannenstiel, "He's flipped his lid.... My bike is in there... I just want everything to... The last thing he told me was..." At 16:37:02 LE1 is heard asking, "Is that him?" and then yells, "Drop the fucking gun! Drop the gun!" At 16:37:12 Pfannenstiel says, "If he points it at us again, he's getting shot."

The BWC footage shows LE1 continuing to yell for Farnham to drop the gun, while another officer retrieves the ballistic shield from the backseat of LE1's vehicle. At 16:37:23 officers call for a beanbag to be brought up.

Farnham emerges from inside of the garage. Pfannenstiel tells Farnham if he doesn't drop the gun, he's going to get shot. Farnham is seen slowly coming out of the garage towards the officers in front. Farnham is heard saying "Shoot me. Shoot me." Pfannenstiel says, "I don't want to shoot you. It doesn't have to be this way. Just tell us what we have to do to make you comply." At 16:37:36 Farnham raises his right hand holding the gun and points it at the officers in the front of his residence. At 16:37:38 Sergeant Pfannenstiel fires three rounds in the direction of Farnham. Farnham falls to the ground.

Legal Analysis

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(b) provides that "any peace officer who has reasonable cause to believe that a person they intend to arrest has committed a public offense, may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance."

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).

The statute provides definitions for "deadly force," "imminent" and the "totality of circumstances" in Penal Code section 835a(e)(1) – (3).

"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 pose an imminent threat of death or serious bodily injury to the peace officer or to another person." Penal Code section 835a

""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).

Conclusion

Farnham was intent on having officers kill him on March 30, 2022. He had been depressed over several aspects of his life. He purchased a semi-automatic BB gun, a replica of a real firearm. He called 911, posed as his father, and told the dispatcher his son had a loaded gun. Due to the nature of the call, a person threatening suicide and threatening others with a gun, officers met at a location a block away to develop a plan to approach the residence safely and tactically. The officers had two canines, beanbag shotguns, a ballistic shield, tasers, and OC spray as less lethal options.

When the officers arrived, Farnham pointed the gun at them, at himself, and waved it around the garage. Pfannenstiel tried to persuade Farnham to drop the gun and tried to engage with Farnham by speaking to him and asking what the officers could do for him.

Farnham raised the gun and pointed it towards Pfannenstiel and the other officers. Pfannenstiel found himself staring at the barrel of the gun and feared for his life and the lives of the other officers. He fired three rounds at Farnham.

Farnham did not only appear to pose a threat to his own safety, but the safety of the officers and civilians inside and outside the home. Farnham's actions presented a deadly force situation where less lethal force options would have been ineffective.

Farnham continued to refuse commands to drop his gun and started to advance towards the officers while pointing the gun in their direction. It was reasonable for Pfannenstiel to believe the gun that Farnham was pointing at them was loaded, real, and capable of causing serious bodily injury or death. Based on the totality of circumstances Sergeant Pfannenstiel's actions in shooting Mr. Farnham do not meet the standard for state criminal liability. A copy of this letter, along with the materials submitted for our review, will be retained for our files.

Sincerely,

Summer Stephan

SUMMER STEPHAN
District Attorney

cc: Captain Richard Freedman
San Diego Police Department