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May 9, 2023

Sheriff Kelly Martinez
San Diego Sheriff's Department
9621 Ridgehaven Court
San Diego, CA 92123

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

Re: Fatal shooting of Dr. Yan Li by San Diego Sheriff's Deputies David Williams, Javier Medina, Daniel Nickel and San Diego Police Officer Rogelio Medina on March 3, 2022; SDPD Case No. 22-000904; DA Special Operations Case No. 22-043PS; Deputy District Attorney assigned: Cal Logan

Dear Sheriff Martinez and Chief Nisleit,

We have reviewed the materials compiled by the San Diego Police Department Homicide Unit concerning the shooting of Dr. Yan Li on March 3, 2022. A District Attorney Investigator responded to the scene and was briefed by detectives. This case was submitted to the District Attorney's Office on May 27, 2022, and the Medical Examiner's report was received on March 6, 2023. The purpose of this review is to determine whether those involved bear criminal culpability that can be proven beyond a reasonable doubt.

Summary

The San Diego Sheriff's Court Services Unit received a notice of an order to evict at 425 W. Beech Street condominium #503. On March 3, 2022, a deputy responded to the address to personally serve the notice of eviction. The uniformed deputy knocked on the door and Yan Li answered with a meat cleaver in her right hand. The deputy handed Li the eviction notice and confirmed her name in English. As the interaction continued Li shouted at the deputy and raised the knife to a ninety-degree angle. The deputy pointed his gun at Li, gave her multiple commands to drop the knife and called for "code cover," emergency assistance. Li did not comply with the commands and yelled at the deputy to drop his gun, accusing him of not being a real officer. After approximately 1 minute and 43 seconds of refusing to comply with the deputy's commands to drop the knife, Li threw the eviction notice on the floor and closed the door.

Sheriff's Deputies and San Diego Police Officers responded to the scene to assist the deputy. Staff at the condominium building notified responding officers and deputies Li had charged at several

employees with a knife the previous day when they entered her condominium to try and fix a water leak.

Deputies attempted to negotiate with Li through the door to have her come out of the condominium for 40 minutes. Sheriff's Department command staff on scene developed a plan to have deputies enter the condominium and arrest Li, in part, for their assessment that an assault with a deadly weapon against the building employees occurred the previous day.

Deputies used a key they were provided by the management and entered the condominium armed with a less-lethal bean bag shotgun and a pepper ball gun. The remaining deputies were armed with their duty handguns and a SDPD canine unit initially remained in the hallway. Once they entered the condominium, deputies encountered Li armed with a knife, standing in the doorway of a bedroom at the end of the condominium hallway. Deputies gave Li multiple commands to come out with her hands up. Li did not comply with the deputies' commands. Four bean bag rounds were fired at Li while commands to surrender continued to be given. Li did not comply even after being struck by the bean bag rounds. Deputies called for SDPD canine's assistance. Before the canine could be properly deployed, Li charged at the deputies and officers with the knife. Deputies and officers attempted to retreat away from Li to avoid being stabbed but Li stabbed the canine officer in the chest before he exited the condominium. As they continued to retreat out of the condominium, the canine officer then lost his balance and fell to the floor in the hallway along with another officer and deputy.

Li exited the condominium into the hallway still armed with the knife. Li stood over the injured canine officer as he lay on his back controlling his dog. Li raised the knife up over her head and swung it downward towards the canine officer in an apparent attempt to stab him again. Three deputies and one officer fired their handguns at Li striking her several times. Deputies then immediately provided medical aid to Li until paramedics arrived.

The canine officer suffered a non-life-threatening stab wound to the upper left chest which required five stitches to close. A deputy also suffered a dog bite to his buttocks and right ankle.

Paramedics provided aid to Li but she was pronounced deceased at the scene at 1:45 p.m. An autopsy was conducted on March 4, 2022. No alcohol or commonly abused drugs were detected after toxicological testing. Several injuries consistent with those from a less lethal shotgun were noted. The cause of death was determined as multiple gunshot wounds and the manner of death as homicide.

Persons Involved

Li was a 47-year-old resident of San Diego, California. At the time of the incident, Deputy Williams had been employed by SDSO for 14 years; Deputy Medina had been employed by SDSO for 23 years; Deputy Nickel had been employed by SDSO for 23 years and Officer Medina had been employed by SDPD for 13 years. All were in uniform.

Statement of Civilian Witness 1 (CW1)

During his post-incident interview, CW1 stated he lives in the condominium complex and he's known Li for approximately ten years. CW1, like the other residents interviewed, did not witness the actual shooting incident. A friend called CW1 and told him there was police activity in the lobby of the building. CW1 anticipated something bad was going to happen to Li. He went to Li's condominium and encountered several deputies outside of Li's condominium. CW1 advised the deputies Li was

mentally ill and needed a psychologist. A female deputy asked for CW1's name and he gave it. The deputy called out to Li and told her CW1 was there. Li was yelling something in Chinese. It did not appear to CW1 that Li knew a deputy was trying to talk to her through the door. Li was very excited and worked up. CW1 had never known her to be like that before. He was told by the deputies to get back because Li was armed with a knife.

CW1 wanted to help talk to Li like a friend and tell her to put the knife down. CW1 believed that Li did not see CW1 as a threat, but she saw everyone else as a threat. CW1 felt Li did not understand what was happening with the lien and sale of her condominium. CW1 said Li was very intelligent and she spoke English.

Li was terrified of dogs. There was an incident where Li kicked a neighbor's dog when they tried to get into the elevator with her. Dog owners in the building had to avoid getting in the elevator with Li. There were instances where Li would walk through the garage area of the building yelling at imaginary people. Everyone in the building knew Li needed help. Building security would harass Li by telling her that she couldn't be yelling or that she couldn't do something. CW1 had never heard of instances where Li was violent with someone. CW1 told investigators he believed Li had a mental illness but was not certain if she had been diagnosed with anything. CW1 did not know if there were specific instances where police had interacted with Li or were familiar with her behavior but knew police had been called on her previously. CW1 said Li is a pleasant and nice person but "sometimes she's, ya know, like almost all schizophrenics, they just slip into some other state and they're just not mentally there." CW1 had a neighborly relationship with Li and they would often speak in passing or while on the elevator. When he had conversations with her, "she was perfectly normal to me" and he had never seen her act like she was the day of the shooting.

Statement of Civilian Witness 2 (CW2)

CW2 is the General Manager at the Aqua Vista condominiums. CW2 was interviewed by LE4 regarding an incident the previous day where Li brandished a knife at CW2 and two other people. This interview took place at the scene, and approximately 35 minutes before the shooting.

At around 1:00 p.m. or 2:00 p.m. on March 2, 2022, CW2 along with another condominium employee and a private contracted plumber went to unit #503 for an emergency plumbing repair. CW2 entered the unit and announced himself. It initially did not seem like anyone was in the unit. CW2 and the two others took a step into the unit and Li came out of a bedroom with a knife yelling at them. CW2 could not understand what Li was yelling. Li then charged at them with the knife and CW2 along with the other two employees immediately stepped out of the unit.

Li was holding the knife by the handle with the end of the knife pointed out towards them. Later in the statement, CW2 told LE4 that Li walked towards them with the knife. CW2 believed Li would have stabbed them had they stayed in the unit. Li got to about 6 feet from them with the knife before CW2 was able to close the door to the unit. CW2 did not call law enforcement after the incident because the incident happened inside the unit, and because he felt Li probably had "squatter rights".

CW2 was re-interviewed by SDPD Homicide Detectives. This interview took place at approximately 6:03 p.m., after the shooting incident.

The day before, CW2 received a call from unit 404 regarding a leak in their bedroom. The complex engineer cut an exploratory hole in the ceiling of unit 404 and identified a leak in the supply line. The engineer was not able to reach the leak from unit 404 and needed to access the leak via unit 503. Unit 503 was sold to a new owner approximately one year ago and Li has been squatting in the unit since. CW2 contacted the owner of the unit for permission to enter and have the leak fixed. CW2 along with the engineer and a private contracted plumber went to unit 503 to have the leak fixed. CW2 knocked twice on the front door and walked into the unit. CW2 announced himself by saying "Aqua Vista management," several times before letting the plumber into the unit. As soon as they took a couple of steps into the unit, Li appeared from one of the rooms wearing a robe and holding a large silver kitchen knife. Li was screaming at them, but CW2 could not understand what she was saying and assumed Li was speaking in another language. CW2 and the plumber then immediately exited the unit. CW2 did not contact police regarding the incident because CW2 was not too shaken by the incident because of Li's known behavior. The incident occurred in Li's unit and CW2 did not feel Li had committed a crime against them. It was not until CW2 learned Li had brandished a knife at a deputy that he felt he needed to notify deputies on scene of the incident that took place the previous day.

The investment company that purchased the unit has been going through the eviction process to have Li removed from the unit. A building employee advised CW2 of the knife incident between Li and LE1. CW2 went to unit 503 to provide the deputies with a key to the unit. When CW2 arrived, he observed LE1 with his weapon drawn and pointed at the door of unit 503. Shortly thereafter, several officers and deputies began to arrive. There were probably 15 to 20 officers and deputies. CW2 handed the key to a female deputy. CW2 then provided a statement to LE4 reference the incident that took place the previous day where Li had come at him and other employees with a knife.

At some point all the SDPD officers left and only Sheriff's deputies remained on the floor. The deputies were trying to talk to Li and trying to get her to come out. They identified themselves as deputies multiple times and showed their badge to her through the peep hole. Eventually the deputies entered the unit and began calling out, "Ms. Li" and identifying themselves as San Diego Sheriffs. Shortly after, Li began yelling and there was some "hustling and bustling." Deputies repeatedly ordered Li to drop the knife. He heard the first shots "going off" and the lieutenant told him those were bean bag shots. One of the deputies said he was stabbed and that is when CW2 heard about 5 to 6 gunshots. After this, the lieutenant commented, "Oh, that's not good." CW2 stood in place for approximately 5 to 10 minutes after the shooting until CW2 was asked to leave the floor. CW2 was down a separate hallway about 15 to 20 yards away and did not witness the actual shooting. CW2 only saw Li fall to the ground and deputies handcuffing her.

Li was a homeowner at the Aqua Vistas for a very long time. Li stopped paying her dues back in 2018 or 2019. Li had a history of violent outbursts with building residents. Li once kicked the dog of a building resident. She also assaulted another resident when he and his dog tried to get into an elevator with Li. The resident who was assaulted ultimately decided not to file a report or press charges. At one point, CW2 and the building general manager at the time sat down with Li's ex-husband to see why she was not paying her dues and try to get a better understanding of her mental issues and alarming behavior. Li's ex-husband informed CW2 and the general manager he had not been in contact with Li in several years and was not sure what was wrong with her.

Statement of Law Enforcement Witness 1 (LE1)

LE1 went to serve the notice of eviction. LE1 knocked on the door a couple of times and rang the doorbell. A female opened the door and LE1 asked the female if she was the individual listed on the eviction paperwork. She confirmed in English that she was and LE1 handed the female the paperwork. The woman then began yelling at LE1. The female was animated and hysterical.

The door was partially closed and LE1 could only see one half of the female's body. LE1 stepped to his right and saw the female was holding a meat cleaver in her right hand. The female continued yelling at LE1, telling him she did not believe he was a real police officer. Because the female was so angry and animated, LE1 feared the female would charge at him with the meat cleaver. LE1 unholstered his handgun and pointed it at the female holding the meat cleaver. He told her to drop the knife, but she refused and continued yelling that LE1 was not a real police officer. LE1 and the female were approximately 5 feet from each other as he continued telling her to drop the knife. LE1 believed the female could understand his commands and felt she just did not want to comply. The female did not swing the knife or move towards LE1. He requested cover units to respond to his location. The female eventually closed the door. LE1 took a position of cover and advised responding units the female had barricaded the door.

Several deputies and SDPD officers arrived to assist. LE1 told his sergeants upon their arrival the female in the condominium was armed with a knife. LE1 did not feel there was a crime committed against him and just felt the female was very animated with a knife. Had that been the only thing that happened he would have been comfortable walking away.

Management and maintenance employees of the condominium building arrived at the location and advised a deputy the female had threatened a maintenance employee with a knife the day before while they were doing some maintenance work at the female's condominium. A decision was made to arrest the female once it was learned she had threatened a maintenance worker with a knife. LE1 further explained deputies would have to return to evict the female in 5 to 6 days and it would be a high-risk scenario dealing with the female who appeared unstable and had already shown the potential to hurt someone in the building. LE1 did not want someone from the condominium complex or a deputy getting hurt when they returned to execute the eviction. Law enforcement on scene did not feel comfortable leaving based on the female's recent conduct and they were concerned about the public's welfare.

Sergeant Nickel and LE3 put a plan together and began trying to get background information on the female and get additional resources to the scene, such as a bean bag shotgun, pepper ball gun, and a canine. The plan was to try to get the female to step out of the condominium and arrest her for the assault with a deadly weapon incident from the previous day. If the female did not come out, deputies would go into the condominium and arrest her. LE1's focus was keeping an eye on the condominium door. He did not have a part in gathering background on the female and her previous conduct.

LE3 made several attempts to speak to the female through the door, but she would just yell and scream and was not easy to understand. LE1 could not tell if the female was speaking English or yelling in another language. At one point the female stopped communicating with LE3.

LE3 used a key to open the condominium and LE1 was the first to enter, armed with a bean bag shotgun. LE1 had deputies enter behind him. He visually cleared a living room space upon entering the

condominium. LE1 moved to the right where there was a kitchen and a small den area. The female then opened a bedroom door located beyond the first living room and to the left of the front door. The female was in the bedroom doorway with the door not fully open. The female had a large silver all-metal kitchen knife in her hand, different than the meat cleaver the female initially had. LE1 began giving the female commands to drop the knife and to come out with her hands empty. The female did not comply with commands and continued yelling. LE1 could not understand what the female was saying. LE1 yelled out "bean bag" multiple times then fired one round from about 10 to 15 feet away, striking the female in the torso area. The impact did not appear to affect the female. LE1 gave more commands to the female to drop the knife and to come out with her hands up. LE1 fired another bean bag round striking her in the same torso area with no effect. LE1 continued to give her commands and she still did not comply. LE1 believed he walked forward a bit to within about 10 feet of the female and fired two more bean bag rounds in rapid succession. Both rounds struck the female, again with no effect. The bean bag shotgun was now empty.

The female then immediately raised the knife and charged at the law enforcement officers. The knife was held in her right hand and raised to about ear level with the knife pointing at them. The female was saying something, however, LE1 could not understand what she was saying. LE1 feared he and his partners would be hurt or killed by the female. LE1 started to retreat, and it felt like he was being pulled from behind by someone. As LE1 retreated backwards towards the door, the police dog bit him on the left side of his buttocks. LE1 felt the pain from the bite and as LE1 was exiting through the door, he fell on his back and into the hallway. LE1 had a brief image of the female coming over him and he expected to see her come down with the knife. She was still advancing toward them when she came out the door. LE1 then heard gunshots and realized the police dog was now biting on his right calf. Once the police dog released its hold on LE1's leg, LE5 checked to see if LE1 was struck by gunfire. LE5 then grabbed LE1 and walked him away from the scene and down the hallway. LE1 was treated at the scene by medics but declined to go to the hospital.

LE1 believed the female kept the knife raised above her head as she charged at law enforcement but doesn't recall if she was saying anything. He did not see her thrust or make any stabbing motions with the knife after LE1 fell to the ground. Once the canine bit his buttocks, LE1 took his focus off the female.

Statement of Law Enforcement Witness 2 (LE2)

LE2 is an SDPD canine officer who responded to assist Sheriff's deputies on a "cover now" call of a person armed with a knife and who had barricaded themselves. LE2 met with a Sheriff's sergeant to get the details of the incident. LE2 was initially told that a deputy was at the location to serve an eviction notice when the female answered the door with a knife in her hand. At this point, Edwards felt this was only an eviction and he was going to try and excuse himself from the situation.

LE2 was at the far end of the hallway where three building employees were talking to a deputy. It was learned the female had "swung a knife at a couple of the employees the day before." The deputy began interviewing the employees in order to complete an assault with a deadly weapon case.

Someone from the Sheriff's command relieved all SDPD officers on scene but asked if SDPD canine could remain at the location and assist. Sheriffs also requested a PERT Clinician respond to the scene. LE2's sergeant arrived at the location and met with one of the Sheriff's sergeants. LE2's sergeant later advised LE2 the female was arrestable for two felony charges; assault with a deadly weapon against

the employees and for threatening a law enforcement officer with a weapon, a violation of Penal Code §417.8 (exhibiting a weapon during an arrest or detention.) The Sheriff's deputies came up with a game plan to arrest the female since she had "attempted to 245 the staff and had the knife at the deputy."

Employees of the building provided Sheriff's supervisors with a diagram of the condominium. The plan was to use a key to enter the condominium and position themselves in the kitchen and living room area. If the female retreated into one of the bedrooms while still armed, deputies would call LE2 up to assist with his police dog. Prior to entering, LE2, his sergeant and Officer R. Medina took a position to the left side of the female's door. The deputies were positioned on the right side of the door.

A Sheriff's deputy had been talking to the female through the door and trying to talk her out of the condominium, but she didn't believe they were law enforcement. After 30-40 minutes on scene, the Sheriff's sergeant opened the front door with a key and a group of deputies entered the condominium. There was a lot of screaming and yelling, and deputies then began saying, "dog up, dog up, dog up". LE2 began to move up, however there were deputies blocking the doorway. LE2 and his sergeant began moving deputies out of the way so LE2 could get through. LE2 made it into the condominium and behind the lead deputy who was armed with a bean bag shotgun. The deputy fired two bean bag rounds at the female who was standing partially inside the doorway to one of the bedrooms and holding a knife. LE2 began yelling at the deputy to get out of the way so he could release the dog on the female. The deputy did not get out of the way and the female charged at them with the knife in her hand. The deputy backed into LE2 causing his police dog to bite the deputy on the buttocks. LE2 tried to back up, but he could not due to the other deputies that were behind him. The female came over the top of the deputy holding the bean bag shotgun and stabbed LE2 in the left pectoral muscle. LE2 continued to back out and when he reached the door, he tripped and fell into the hallway, with his back against the wall. The deputy in front of LE2 fell to the right of him. The female was now standing in the doorway and coming at LE2 with the knife extended out with the end of the blade pointed towards him. LE2 feared the female was going to stab him again while he was on the ground trying to control his dog. LE2 used his right foot to kick the female on her abdomen and push her back towards the door. Shots were then fired by other law enforcement officers. The female was struck multiple times and fell to the ground.

After the shooting, LE2 yelled, "Hey, I'm stabbed, I'm stabbed." He knew he had been stabbed as soon as it happened. He could feel the blood trickling down his chest when he walked away.

Once LE2 was able to get control of his dog and get on his feet, LE2 moved to the left side of the hallway where his sergeant and R. Medina were located. The three of them exited the complex and waited for medics to arrive. While they waited, they applied pressure to the injury. At the hospital, LE2 received five stitches to his upper left chest.

Statement of Law Enforcement Witness 3 (LE3)

LE3 received a call for cover and learned LE1 was at a condominium to serve an eviction posting. A female at the condominium brandished a knife and barricaded herself in the condominium. Sergeant Nickel took the lead in obtaining information on what had occurred.

LE3 started speaking to the female through the condominium door in order to build a rapport with her. LE3 began by telling the female he was a sergeant with the Sheriff's Department. LE3 went on to tell

the female several times they had paperwork for her and they just wanted to talk to her. The female was yelling, but her words were garbled and echoed, so it was difficult to understand what she was saying. LE3 told the female he could not understand her and she needed to stop yelling. It would go quiet in the condominium for a few minutes and LE3 would try talking to her again. The female would begin talking calmly and then would start yelling again when told about the paperwork. The female would speak English and would respond to LE3 when he called her by name so LE3 believed the female understood what he was saying. LE3 did not feel he was making any progress with the female. Having a female deputy speak to the female did not work either. The female was loud, confused and had an angry demeanor. The female may have had some mental issues because she sometimes rambled incoherently.

With the possible mental health issues, LE6 contacted PERT but there wasn't anything mentioning Li's name or showing the female's name with recent issues. There was a "match" from 2009 but it was unclear if it was the same person. Efforts were made to find other options before making entry. LE3 said PERT never responded and probably would not have until Li was detained or in custody because she was armed.

The female said she did not believe LE3 and the others were real law enforcement officers and wanted to see their IDs. LE3 showed his ID to the female through the peephole of the front door, but she still did not believe they were real law enforcement.

As LE3 was attempting to build a rapport with the female, a maintenance worker told deputies the same female had threatened him with a knife the day before. LE3 did not get all the details of the incident directly but the deputy who interviewed the maintenance worker stated the incident was an assault with a deadly weapon.

The decision was made not to walk away from the condominium since the female posed a public safety risk given the threat with the knife from the day before, the brandishing of the knife at LE1 and probable mental health issues. LE3 stated they did not want to be held responsible if the female attacked a neighbor with a knife once they left the condominium. "We felt we had to address the issue with Li for public safety." "If Li was going to brandish a knife on a maintenance man and a deputy, then we could not walk away and hope nothing would come out at a later time." Sgt. Nickel came up with a plan to have deputies enter the condominium and arrest the female for assault with a deadly weapon on the maintenance worker and for brandishing a weapon in a threatening manner towards LE1. The plan was discussed as a team along with the Lieutenant.

The plan was to keep the female occupied, open the front door, and go inside the condominium to take her into custody. Depending on where the female was located in the condominium, her level of compliance and whether she had a weapon would determine if the canine would be used. Deputies had a pepper ball gun, a bean bag shotgun, and taser available as less than lethal options. Because the female had committed at least one felony with a knife, the canine was a useful tool if the female decided not to come out of the condominium.

LE3 was provided a key, opened the front door, stepped back, and deputies went inside. There was a lot of yelling from the female and the deputies. LE3 could not remember what the female was saying. Deputies were giving the female commands to put the knife down, to come out and to show her hands.

LE3 was standing in the hallway about six feet from the door so he could not see if the female was responding to the deputies' commands.

The canine sergeant and officer began entering the condominium. Suddenly deputies began yelling, "get back." Deputies and officers began rapidly backing out of the condominium. A canine officer, and a deputy fell to the ground in the hallway. The female came out of the condominium yelling and advancing towards them with a knife raised above her shoulder. There were officers and deputies within two to three feet of the female as she exited the condominium. LE3 said she could have "absolutely" used the knife against them, "she was that close."

Shots were then fired from both sides of the female. LE3 and LE5 were in a crossfire situation, LE3 felt debris hitting his arm, so they turned and retreated into an open condominium. LE3 and LE5 exited the condominium and went back into the hallway once the shots ended. He didn't believe anyone was inside the condominium at the time the shots were fired. At this point, LE3 got on his police radio and notified shots had been fired and that paramedics were needed. Deputies then began life saving measures on the female.

Statement of Law Enforcement Witness 4 (LE4)

LE4 responded to a code cover call and met with other law enforcement officers "stacked up" watching the condominium door. LE4 learned from Williams that LE1 was at the location to do a posting for an eviction when a female answered the door with a meat cleaver in her hand. LE4 also learned the female had committed an assault with a deadly weapon against the manager of the condominium the day before.

LE4 interviewed the manager and was told that on the previous day he and the building engineer went to the condominium for an emergency plumbing issue. They entered the condominium after knocking on the front door and getting no response. They took a few steps into the condominium when Yan Li began yelling at them with a knife in her hand. Li walked towards them with the knife pointed towards the employees and parallel to the floor. As she held the knife, she didn't lunge at the employees but moved towards them. She came within an estimated distance of six feet when the employees, scared for their safety, left the condominium, and closed the door.

Based on the information provided by the employees, LE4 felt Li had committed an assault with a deadly weapon against the employees. LE4 relayed the information to his sergeant and the lieutenant. The sergeant agreed the incident was an assault with a deadly weapon. Based on this information and the concern for public safety, a plan to enter the condominium was created. "That was a big building with a lot of neighbors and there's only one door keeping her from everyone else." LE4 was not part of the planning process.

LE4 was towards the back of the line of six or seven deputies to enter the condominium. Not all the deputies made it inside of the condominium once entry was made. LE5 stopped near the doorway and LE4 was directly behind her. The woman inside was yelling and screaming incoherently. LE4 could see LE1 with the bean bag shotgun but could not see the woman. LE4 heard someone say, "knife," several times. LE1 then began firing the bean bag shotgun. LE4 kept hearing the woman yelling angrily and not calming down.

At one point, the canine tried to get into the condominium. LE4 began telling everyone to get out of the way to let the canine in. Eventually, the canine entered the condominium but then officers began to backpedal out of the condominium and fell into the hallway. LE4 was not able to see why deputies were backing out of the condominium. LE4 then heard shots fired, recognized there was a crossfire situation, and ran down the hallway away from the crossfire. When LE4 turned around he saw the woman on the ground and Sergeant Nickel dragging her away from officers. The woman still had the long silver butcher knife in her hand. LE4 helped handcuff the woman and assisted with CPR.

Statement of Law Enforcement Witness 5 (LE5)

LE5 responded to assist LE1 who told LE5 he was at the location to post an eviction notice when a female answered the door with a butcher knife. LE5 went down the hall to obtain a different angle and learned the general manager of the condominium had stated the same female had gone after a maintenance employee with a knife a day or a couple of days prior.

At one point, LE5 attempted to talk to the female through the door to get her to calm down. The female responded, but LE5 had difficulty understanding what the woman was saying. It sounded like the female was mumbling or just had a thick accent. LE5 understood when the female said something about an eviction and asked them to slide their police IDs under the door. LE5 felt the female was a little more responsive to a female voice but she was still uncooperative.

A plan was put in place to the arrest the female for assault with a deadly weapon on the maintenance employee and for brandishing a weapon at a law enforcement officer. LE5 was part of the arrest team and was located at the rear of deputies lined up to enter the condominium. LE5's sergeant opened the door to the condominium and deputies went in but LE5 remained in the doorway and did not fully enter the condominium. The female opened a bedroom door but LE5 could not see the left side of the female because she bladed her body while standing in the door frame. Commands were given to the female to show her hands. She did not comply, so deputies began calling for the canine. LE1 fired a bean bag round and the female did not move. LE1 fired three more times until he was all out of bean bag rounds. LE5 thought the bean bag rounds might have missed since the female did not react when the rounds were fired. Even once LE1 fired all his bean bag rounds, he continued getting closer to the female. LE5 felt LE1 was getting too close, within 12 to 15 feet, and needed to back away from the female.

The female then came out of the bedroom with the knife in her hand and advanced toward them. She didn't sprint but was going faster and faster at them and "moving with purpose." "I don't know if she wanted to kill us or stab us, but she ended up stabbing one of us anyway." The female had a determined emotionless look on her face and deputies retreated out of the condominium. LE5 screamed, "knife" several times. The deputies and officers in front of LE5 fell to the ground and into the hallway as they were backing out. The female exited the condominium with the knife and was actively trying to stab whoever she could. LE5 unholstered her firearm because she was afraid the female would stab someone but did not fire her weapon fearing she might hit other deputies and officers. Then she heard gunshots, so she took cover in a condominium down the hall to the west. Once the gunfire stopped, LE5 exited the condominium and heard an SDPD officer had been stabbed. The female was now lying on the ground unresponsive with the knife still in her hand. When she realized LE1 had been bit, she took him down the hall and attended to him while deputies began CPR on the female.

Statement of Law Enforcement Witness 6 (LE6)

LE6 is a Lieutenant assigned to the Court Services Bureau Field Services Division. LE6 responded to the call for cover upon realizing Sgt. Nickel had left his phone at the station. LE6 learned from his two sergeants that when LE1 knocked on the door, there was a confrontation with an aggressive female who had armed herself with a butcher knife. LE6 also learned from one of the deputies the same female had threatened employees with a knife the previous day when they entered the condominium to deal with a plumbing issue.

LE4 spoke to the employees and took an assault with a deadly weapon report for the incident that occurred the previous day. LE6 and his two sergeants continually discussed whether it was safe for the community to only document what had occurred and just walk away. At one point, LE6 asked for an update on the PERT inquiry to learn whether the female had a history of mental illness. He heard over the radio SDPD PERT units were unavailable and would respond when they could. Because law enforcement at the scene did not have a date of birth for the female, PERT was unable to find a record of anyone with the female's name which matched her age range. The female they did locate in the system with the same name hadn't been contacted since 2008 or 2009 and the approximate age was off. As a manager at the scene, he felt any information about the female would be helpful. LE6 was hoping to find out whether she had a history of mental illness, and if so, did it reflect whether this was her standard behavior and nothing bad comes from it. They were trying to determine if they could walk away and "feel good" the female wouldn't come out and harm someone.

Based on the female's conduct involving a knife with LE1 and condominium staff, LE6 and his sergeants decided the risk to the community was great enough that they needed to address the concern and arrest the female for the assault with a deadly weapon from the previous day, using the least amount of force necessary. He determined they had probable cause to go into the condominium to arrest the female. LE6 left it up to the sergeants to come up with a tactical plan to enter the condominium and arrest the female. Additional attempts were made to convince the female to exit the condominium. LE6 received a note from a SDPD sergeant containing a potential phone number of the female. Hoping that a new and different voice might be able to convince the female to surrender, he called the number multiple times but it went straight to voicemail.

LE6 was not part of the entry team into the condominium. When deputies made entry into the condominium, LE6 was down the hall and could not hear what was being said by the deputies or the female. He only heard the police dog barking, multiple bean bag rounds being fired, followed by multiple gunshots. Once shots were fired, LE6 looked down the hallway and saw deputies pulling the female away and trying to get her handcuffed.

Statement of Law Enforcement Witness (LE7)

LE7 learned a female in the condominium answered the door holding a meat cleaver and refused to drop it. He did not know what actions the female made with the meat cleaver. Condominium staff also informed deputies the female had pulled a knife out on maintenance workers the day prior when they went in to provide emergency services for a maintenance issue. A neighbor stated they knew the female and she suffered from schizophrenia. LE7 contacted a PERT clinician and informed her of the incident. LE7 provided the clinician with the female's name, but she could not release any information to LE7 due to possible HIPPA violations. LE6 also contacted PERT and may have obtained a "work up" on the female. LE8 was running a firearms check.

The sergeants and lieutenant on scene ultimately made the decision to go into the condominium and arrest the female for the assault with a deadly weapon from the previous day. LE7 stated this decision was made because, "We don't want somebody innocent to get injured by her. She's doing this to maintenance crews. If she's doing this to law enforcement." They "had to act on this." Deputies reviewed a floor plan of the condominium before entering the condominium. The plan was to enter the condominium and hook into the kitchen and hallway. LE7 was second in line to enter the condominium with lethal cover. LE3 opened the door and LE1 entered the condominium first followed by LE7. LE1 went straight into the living room while LE7 turned right into the kitchen. Deputies began announcing, "Sheriff's Department. Where are you?" multiple times. Soon after entering the condominium, the female opened a bedroom door a quarter of the way. The female's left arm was concealed behind the wall, and the other hand was behind the door. Multiple commands of "show me your hands," were given to the female. LE1 fired the bean bag at the female and LE7 believed the pepper ball was also fired. The impacts did not appear to effect the female. LE1 walked closer to the female. LE7 kept telling LE1 to get back because the plan was to use the canine since the bean bag did not appear to have an effect on the female. The canine officer was not able to release the dog because LE1 was approaching the female.

The female stepped out of the room and ran towards the front door where officers and deputies were. LE7 did not see the knife the female was holding because he was focused on getting LE1 out of the crossfire. LE7 began hearing gunshots once the female reached the front door. LE7 felt something hit him on his left ankle. LE7 did not know if it was shrapnel or a bullet ricochet that hit his ankle. LE7 and LE8 ran into the same room the female had come out of. LE7 exited the room once the gunshots stopped and saw the female lying on the ground in the hallway. Deputies then began to render aid to the female and LE2.

Statement of Law Enforcement Witness 8 (LE8)

LE8 had his less lethal bean bag shotgun. At one point a supervisor on scene asked if anyone had a pepper ball gun. LE8 handed the bean bag shotgun to LE1 and went to retrieve his pepper ball gun. Once LE8 returned, deputies had determined the female had committed an assault with a deadly weapon and violation of a court order for the eviction. He was unclear whether the victim of the assault was the deputy or the employees of the complex. Deputies looked at the diagram of the apartment and came up with a plan to enter the condominium and arrest the female for assault with a deadly weapon. Someone contacted PERT and a sergeant was trying to de-escalate everything. LE8 understood the female was Chinese and efforts were made to find someone to help with translation.

LE8 was the third deputy in line to enter the condominium. Deputies visually cleared the kitchen and the living room area upon entering the condominium. A female came out of one of the bedrooms holding a knife in her right hand. LE8 began giving the female commands to show him her hands and to drop the knife. She was holding the knife at shoulder height in an "attack position" with the knife pointed straight up. The female's left hand was concealed behind the door jam. The female did not comply with commands and was yelling at deputies. LE8 did not know what the female was yelling.

LE1 fired his bean bag and struck the female several times but the impacts of the rounds appeared to have no effect on her. LE8 attempted to fire his pepper ball gun at the female but it malfunctioned and would not fire. LE8 began to yell, "dog" several times. At this time the female ran out of the bedroom with the knife in her hand, past LE8 and towards the group of officers in the doorway. LE8 was directly in front of deputies as they pointed their guns at the female. LE8 and LE7 ran into the room to

avoid being struck by gunfire. Once the shooting stopped, LE8 exited the room and saw the female on the ground. Other deputies began performing CPR on the female.

Statement of Law Enforcement Witness 9 (LE9)

LE9 is a SDPD Canine Sergeant. LE2 told him he was responding to a radio call to assist San Diego Sheriff's with a barricaded woman with a knife. LE2 informed LE9 the woman had committed an assault with a deadly weapon the previous day against two employees of the complex. LE9 then spoke to LE6 who confirmed they would be arresting the female for two counts of assault with a deadly weapon. LE9 was told by a sheriff's sergeant a deputy had served an eviction notice when a female in the condominium brandished a meat cleaver and a knife. LE9 thought the current incident could also be a felony crime of brandishing a weapon at a law enforcement officer. Due to the type of crimes involved, they would be able to utilize the dog if the situation called for it.

LE9 explained to the deputies that SDPD would not send the dog off leash into the condominium in case there was someone else inside they were not aware of. The dog would not be able to differentiate between a suspect and another human body. A line of sight would need to be established and if some sort of resistance was made by the female the dog would be called into the condominium.

The SDPD canine team positioned themselves down the hall and away from the line of deputies entering the condominium. The sheriff's plan was to make entry into the condominium and flow into the kitchen to get a clear view inside the condominium. From there deputies could continue calling out to the female to gain compliance.

LE9 suggested to LE1 that he use his bean bag to test for compliance if the female began to actively resist. If the bean bag impacts did not work on the female, the dog would be used, since the female was an armed and dangerous felony suspect resisting arrest. LE9 also informed LE2 that LE1 would utilize the bean bag to test for compliance. LE9 also discussed with LE2 the different contingency plans should the female happen to exit the condominium armed with a knife.

Before entering the condominium, the sergeant tried to verbally have the female exit the apartment, but there was no response. The sergeant used a key to open the door and deputies went in. The entire team of deputies did not make it entirely through the door as was the original plan. There were multiple deputies blocking the doorway. There was a lot of yelling and commotion but LE9 could not see anything that was happening inside the condominium. Deputies were in the condominium for about 7 seconds before they began saying, "dog up." LE9 went to the doorway and began telling deputies to make room for the canine. LE9 physically pulled a female deputy out of the doorway which allowed LE2 and his dog to get in the condominium. As LE9 entered, he saw LE1 firing bean bag rounds at a female while continuing to walk closer to the female. LE9 and other officers yelled at LE1 to "come back." At this point, the dog could not be deployed because it was more than likely he would have bit LE1.

LE9 believed LE1 had run out of bean bag rounds because LE1 stopped firing. LE1 took a few steps back and LE9 grabbed LE1 and physically pulled him backwards. The female then charged the officers and deputies with a large knife. LE9 pulled LE1 toward the doorway to give LE2 an avenue to release his dog on the female and avoid an officer involved shooting.

At this point, LE9 along with LE1 and LE2, tripped and fell over each other into the hallway. Multiple shots were then fired. The female fell on top of LE9 while still holding the knife. LE9 rolled the female onto her back and noticed she was bleeding profusely. A deputy grabbed the knife from the female and threw it down the hall. LE9 then heard LE2 had been stabbed and saw his dog was biting a deputy in the leg. LE9 went to assist LE2 with getting out of the condominium complex to receive medical aid. As he did this, LE9 also yelled out, "CPR, CPR," to make sure that was done.

Statement of Deputy Williams

Williams learned LE1 was there to serve a notice of eviction at the condominium when a female opened the door with a large knife in her hand. The female began screaming at LE1. LE1 pointed his handgun at the female and she closed the door on him.

Williams met with a maintenance worker in the hallway and learned of an incident which occurred the day before involving the same female. The maintenance worker along with a plumber went to the condominium to make an emergency plumbing repair. The female charged at them with a knife, and they had to back out and leave the condominium. The incident was not reported to police. He believed the incident from the day before was a felony assault with a deadly weapon against the employees. Williams realized at that point the female was not just upset at his partner for serving the eviction, but she was willing to charge anybody with a knife. When Williams learned these details, he felt this increased the safety issue for the residents and employees in the complex. She was willing to charge unarmed employees of her building with a knife.

Williams' sergeant knocked on the front door trying to talk to the female and get her to calm down. There were two sergeants and a lieutenant present. The supervisors on scene decided the female would be taken into custody for the assault with a deadly weapon incident from the day before. LE1 had a less lethal bean bag and he was first in line to enter the condominium. Another deputy was behind LE1 with lethal cover. LE8 had a pepper ball gun and Williams was behind LE8 assigned as his lethal cover. The plan was to also let the SDPD canine inside of the condominium if it was feasible. LE3 obtained a key and opened the door to the condominium. Williams and other deputies went inside but initially he did not see anything because it was dark inside. Williams looked to his left and saw the female at the threshold of what appeared to be a bedroom door. Williams could not fully see the left side of the female and he was unsure if she still had the knife. LE1 moved ahead of Williams which blocked his vision of the female.

Williams believed the female was told to show her hands, but he was unsure because he was so focused on the female and the potential of her coming at them with a weapon. An unknown amount of bean bag rounds were fired at the female. The female then charged the officers and deputies. Officers and deputies began to retreat out of the threshold area of the front entrance and into the hallway. Williams retreated into the hallway and to the left of the front door. It was tight in the hallway with some deputies' and officers' backs against the wall and others on the ground.

The female crossed the threshold of the doorway and went towards the officers and deputies while holding the knife, which he hadn't seen until that moment. She was "within inches to feet" of law enforcement holding the pointed edge of the knife out away from her body, coming at them with the goal "to stab, kill or injure all of us or any of us or whoever she could." The female posed an "immediate life-threatening threat to all of us," so Williams fired what he believed to be two rounds from his handgun to stop the threat.

Due to the female's close proximity to other officers and deputies, Williams felt he had no other option but to use his firearm. Williams did not know an officer was stabbed until after he fired his weapon. Williams called out to get medics and holstered his handgun. Williams handcuffed the female and deputies began to render first aid. Williams located two gunshot wounds on the female and held pressure to both wounds while chest compressions were being performed. First aid continued until medics arrived and they took over. Once medics arrived, Williams realized his BWC was on the ground. Williams was directed by his sergeant to leave the BWC on the ground where it was.

Statement of Deputy Javier Medina

Medina heard the call for code cover come out on the radio. Medina ran to his patrol vehicle and realized he did not have his body worn camera on his person. Medina stated he did not want to waste time and return to the office for his camera since his partner needed help. Medina arrived at the condominium and noticed his partner with his handgun out and taking cover behind a wall facing the door of the condominium. LE1 told Medina and other officers he was there to post an eviction notice. A female occupant answered the door with a knife in her hand and became verbally aggressive.

Management also advised Medina and the other officers on scene that the day prior they had an incident with the same female approaching them with a knife when they went into her condominium to fix an emergency plumbing issue. The plumber and the manger that entered the home were scared and backed out of the condominium when the female came at them with the knife. Management did not report the incident to the police because they were unsure if it was her right to yell and threaten them with a knife while in her condominium. Based on the incident from the previous day involving management, it was discussed there was an assault with a deadly weapon on the employees.

Deputies were talking to the female through the door, trying to get her to come out. She was responding but kept yelling and was not making any sense. The female would respond in English but would also switch and speak to them in what Medina believed to be Chinese. The female did not believe the officers and deputies on scene were real law enforcement officers. At one point, LE3 showed the female his police identification through the peephole of the door. The female still did not believe LE3 and told him to pass his police identification under the door to her, which he did not do.

A lieutenant, a sergeant and Sergeant Nickel were all on scene. Once all the information was gathered, considering the totality of the circumstances, and the threats and the danger she posed to the other residents and management of the building, it was determined deputies were going to make entry into the condominium to try and contact and apprehend the female for the assault with a deadly weapon incident that occurred with management the day prior. At one point the female stopped responding to officers through the door. A lieutenant on scene also tried calling her but the call went to voicemail. Deputies were lined up to the right side of the door prior to entering the apartment. Less lethal bean bag was to the front followed by lethal cover for the beanbag. There was also a pepper ball gun and someone with lethal cover for the person with the pepper ball. Medina was at the back of the line and assigned to be part of the hands-on team since he did not have his BWC on his person. SDPD canine officers were on the left side of the door opposite the other deputies. LE3 continued making notifications and trying to get the female to come out.

LE3 unlocked and opened the front door and the first deputy with the less lethal bean bag entered the condominium and began announcing, "Sheriff's Department." Lethal cover for the bean bag also went into the condominium. The stack of officers moved up and at some point, the female came out from

one of the back bedrooms. Medina remained at the doorway but could see to the back bedroom. The deputy with the less lethal shotgun started giving commands to the female which Medina believed were, "Let me see your hands." Once officers made entry inside, Medina was standing at the doorway of the apartment and could see to the back room where the female was standing. Medina then heard his partner giving the female commands and LE1 fire his less lethal shotgun. Medina stated, based on his training and experience, his partner would not have engaged the female with the bean bag if she didn't have anything that he considered to be a threat. Medina believed the female was hit a couple of times with the bean bag and it did not appear to phase her.

The deputy with the bean bag continued giving commands to the female as the canine officers were trying to make their way into the condominium. It all happened simultaneously and quickly. There were officers trying to get in through the doorway and there were deputies already in the doorway pulling back or moving to the side to let the canine officer in so they could release the dog on her. As that was occurring, officers began yelling, "Go back, go back, go back, go back." Based on the sound of fear in the officers' voices as they were yelling to go back, how fast they were retreating, the fact that the female had come at employees with a knife the previous day and had opened the door with a knife when being served with the eviction, and knowing commands were given to her and then bean bag rounds had just been fired at the female, Medina believed the female was armed with a weapon.

As deputies were moving to the side to let the canine in, the female came out towards the deputy armed with the bean bag. The deputy with the bean bag tried to run back and yelled for everyone to get back. The canine and other officers tried to get back. It was like a funnel at the front door, and everyone fell to the ground. Medina scooted back and saw the female standing over deputies and officers who had fallen on the ground. Medina knew the female was coming at the officers and deputies with a weapon. He believed the female had a knife and felt she was going to stab the law enforcement officers. Medina stated, "things went blurry" but he could tell "who was who." He did not recall seeing the woman's hands as she was standing over the vulnerable officers and deputies who fell to the ground. Medina realized he was in a tight space and felt he only had one shot. Medina unholstered his handgun and pointed it at the female. He knew the female was coming out to hurt them, "and they're on the ground looking up it just wasn't right. I knew something was wrong." Medina fired his handgun and heard other officers and deputies fire their weapons as well. Medina began to scoot back to get out of the line of fire of other officers and deputies. Medina stated he believed he fired one shot but was unsure.

Medina tried to holster his weapon but realized he was unable to secure it because the gun was jammed and would not fully sit in his holster. The female was hit by gunfire, and she fell to the ground. An officer was yelling that they had been stabbed and the canine was biting another law enforcement officer. Medina's sergeant pulled the female from the doorway and into the hallway area where Medina assisted his sergeant in handcuffing the female. Once the female was handcuffed, officers began performing CPR. Medina checked her pulse while other officers were doing chest compressions and putting pressure onto her wounds. At one point, Medina took over administering chest compressions and continued to do so until paramedics arrived.

Statement of Sergeant Dan Nickel

LE1 told responding deputies he was there to do a posting for an eviction when an Asian female answered the door with a meat cleaver in her hand. LE1 stepped back and called for code cover. The building manager, a maintenance worker and another female building employee were also on scene. The employees advised the deputies the female in the condominium had pulled a knife out on them the

day before when they went in to do some maintenance work. The female advanced towards the employees with the knife and they had to exit out of the condominium. Nickel asked the employees if they had reported the incident to the San Diego Police Department and they stated they did not. It was decided to have a deputy take an assault with a deadly weapon report for the incident involving the building employees.

There were plenty of deputies on scene to handle the call, however Nickel requested only the SDPD canine officers remain at the scene and be available as an additional tool. Nickel met with his lieutenant who was on scene and discussed the situation with him. A decision was made to contact the female in the condominium since she had a knife when contacted by law enforcement, had committed a felony assault with a deadly weapon by pulling a knife out on employees the day before, and because employees had mentioned they have had problems with the female for the last couple of years. There was probable cause for an assault with a deadly weapon and it was decided to handle the situation. Otherwise, deputies would have to return a week later to do the eviction and they would be "right back in the same situation."

Nickel also felt the female was a safety issue for other neighbors, condominium management and others visiting or making deliveries to the complex. Nickel spoke to an SDPD officer on scene to see if they could have one of their area detectives look into any current criminal cases against the female. The SDPD detective was not able to come up with anything since the female's date of birth was unknown at the time. A court services detective was also contacted to look into the female's possible date of birth, criminal history and if she had any firearms registered to her. Deputies called the female's emergency contact that was provided by management, however there was no answer.

Nickel recalled seeing LE3 showing his badge and wallet to the female through the peep hole because she did not believe they were real officers. Nickel formulated a plan and discussed the plan with LE3 and his lieutenant, which the lieutenant approved. The plan was to obtain a key to the condominium and have deputies line up at the door and make entry to contact the female and arrest her for the assault with a deadly weapon incident from the previous day. Nickel decided to have LE2 and his K-9 at the rear and available to go into the condominium if needed. Nickel spoke to the SDPD Canine Sergeant, and they discussed the concern of going in and just releasing the dog into the condominium since it was unknown if there was anyone else inside. It was decided SDPD canine officers would stay in the hallway on the eastside of the door as deputies made entry into the condominium. If a dog was needed in the condominium, deputies would call out, "dog up" to have the canine move forward into the condominium. The condominium manager provided the team of officers with a diagram of the condominium so that they would have an idea of the layout once they made entry. LE1 was located at the front of the line with a less lethal beanbag. Behind LE1 was a deputy with lethal cover. In the third position was LE8 with a pepper ball as an additional less lethal option. Nickel believed Deputies Williams, LE5 and J. Medina followed in line in that order. Nickel's plan was to have deputies stop and clear the kitchen first, try to locate the female and give her instructions to drop the knife, and first use less lethal if she did not comply.

As the plan was being formulated, LE3 continued trying to talk to the female through the door to get her to put down the knife and come out to talk to deputies. At one point, the female stopped communicating with deputies through the door.

LE3 used a key provided by management to open the condominium door. Nickel did not make it into the condominium. When deputies went inside, they stopped and cleared the kitchen area first. LE1 identified themselves by calling out, "Sheriff's Department." There was a lot of yelling trying to get the female to come out. Suddenly, Nickel heard two bean bag rounds being fired. Nickel was in the hallway and could not see inside of the condominium. A few seconds later, there were two more bean bag rounds fired. Nickel then heard someone say, "drop the knife" and "she's coming at us." During this time, the SDPD canine officer came up and were asking to make room in the doorway so they could get in. There was a logjam in the doorway and the canine officer was trying to shuffle people out to make more room. Deputies began to say she was coming out with a knife, and everyone started running backwards. SDPD Officer R. Medina grabbed LE1 and they fell in the doorway of the condominium.

The female exited the threshold of the doorway while holding a knife in her right hand. LE1 and another officer were still on the ground, and she was standing over them with the knife raised up. Nickel was unsure if the female was going to stab or kill LE1 and the other officer. LE1 was still holding the bean bag shotgun and it would have been difficult for him to defend himself.

Nickel heard one gunshot just before he fired one to two rounds at the female. Nickel fired his weapon because he feared the female would stab LE1 and the other officer causing great bodily injury or possibly death. Nickel stopped firing because he recognized there was a potential crossfire since there were officers to the left of the doorway and he and other officers were to the right of the doorway. Nickel did not want to be shot by crossfire, so he began to step back through the hallway to seek cover when he then saw the female fall to the ground. Someone then said they had been stabbed. Nickel and another deputy went over to the female and moved her out of the hallway. Nickel took the knife from the female's right hand and tossed it down the hallway. Nickel and other deputies were able to handcuff the female. Deputies began CPR until paramedics arrived.

Statement of Officer Rogelio Medina

Medina received a radio call of urgent cover to assist San Diego Sheriff's Department with a canine. The details received were that a female had threatened deputies with a butcher knife. Medina, his supervisor (LE9), and canine officer LE2 responded to the scene to assist. The sheriff's sergeant showed Medina and the other SDPD canine handlers a blueprint of the condominium and advised them of the plan to go inside and clear the condominium.

Medina and the other SDPD canine handlers advised the sheriff's supervisor they would be waiting down the hallway should they need the assistance of a dog once they were inside the condominium. Once Sheriff's deputies made entry into the condominium, commands of "show us your hands" were being given to the female inside. The female was yelling, Medina did not believe she was speaking English. At some point, Medina heard deputies ask for a canine by saying, "Dog up."

Medina's sergeant went to the door and began moving deputies who were blocking the hallway to make room for the canine. LE2 and his canine partner went into the condominium and Medina followed behind as his cover officer. As Medina and LE2 walked into the condominium, bean bag rounds were already being fired from the living room to the bedroom where the female was located. Medina began yelling for everyone to get back so that they could have a clear view and position to use the canine.

Suddenly the female exited the room armed with a large butcher knife and ran out charging at the deputies. The group of officers and deputies began stepping backwards to get out of the condominium. Several officers and deputies tripped over themselves on their way out and toppled into the hallway.

Medina was in the hallway just outside of the doorway when the female came into the hallway yelling and holding a knife. The female transferred the knife from her left hand to her right hand, raised the knife up and was standing on top of the officers who had fallen to the ground. Medina perceived the female was swinging the knife in a stabbing motion towards the officers who were falling into the hallway. Medina believed the female was going to stab the officers that were on the ground, and he feared for their safety as well as his own. Medina felt he could not afford to give the female another opportunity to make another stabbing motion towards the officers. In response, Medina fired his handgun at the female. Medina fired his weapon until she fell to the ground and was no longer a threat to the team of officers. Medina believed he fired about six to seven rounds from his handgun. Medina asked out loud if anyone was injured and or shot and LE2 answered he had been stabbed.

Medina holstered his handgun and saw deputies and his supervisor take control of the female and remove the knife from her hand. Medina assisted LE2 in walking him downstairs to be treated by medics. Once downstairs, Medina assisted in rendering first aid to LE2's stab wound to his upper chest area.

Investigation

The Acqua Vista is an 18-story condominium complex containing approximately 382 units. Unit #503 is located on the fifth floor of the complex and is a two-bedroom, 1 bathroom, 877 square foot unit. The crime scene was secured, photographed, and investigated by San Diego Police Department Homicide detectives. All detectives' reports, audio recorded interview of witnesses, and interviews of involved officers and deputies, along with medical examiner's report, Body Worn Camera (BWC) footage were reviewed.

All deputies involved were wearing clearly identifiable San Diego Sheriff's Department uniforms with San Diego Sheriff's shoulder patches. All officers involved were wearing clearly identifiable San Diego Police Department uniforms with San Diego Police shoulder patches. All, but LE6 and Deputy Medina, were equipped with BWC. Investigators interviewed approximately nine residents of the condominium complex. The residents interviewed only heard portions of the event and did not witness the actual shooting incident. The BWC footage generally corroborated the officers', deputies', and witnesses' statements.

Investigators individually spoke with three Acqua Vista employees and an independent plumber who were confronted by Li when they entered her condominium on March 2, 2022. It was confirmed in the interviews they went to Li's condominium to fix a water leak. They knocked on the front door of the condominium and received no answer. The employees along with the plumber entered the condominium and announced their presence. Li exited a bedroom with a knife and began coming at them in a threatening manner. The three employees along with the plumber exited the condominium to avoid a confrontation. The incident was not reported to police until the following day, prior to the shooting incident.

BWC from LE1 shows him knock on the front door of condominium #503 at approximately 12:36 p.m. Moments later, Li answers the door and says, "What is it?" LE1 asks if she is Yan Li and Li responds

she is. LE1 hands Li a document and tells Li it is a notice to evict. Li accepts the document with her left hand, looks at the document and says, "What?" At this time, LE1 notices Li is holding a meat cleaver down by her side in her right hand. LE1 unholsters his handgun, points it at Li and tells her several times to put the knife down. Li responds by yelling, "You put your gun down, put your gun down! How do I know you're not an intruder?" LE1 gets on his police radio and requests "code cover." LE1 continues to yell at Li to put the knife down and at times tells her to "drop the gun." At one point Li bends her elbow and raises the meat cleaver up to a 90-degree angle. As LE1 is radioing he has someone at gunpoint with a knife, Li yells at LE1 several times to call the police. LE1 yells at Li that he will shoot her if she comes at him with the knife. Li responds that she is not afraid and is not a criminal. LE1 continues to yell at Li to put the knife down and to drop the gun, but she refuses and continues yelling back at LE1. Li questions LE1 how he got into her building and yells that he is a fake police officer. Li then throws the document into the hallway and closes the door to the condominium. The interaction between LE1 and Li lasts 1 minute and 43 seconds. LE1 remains at the door with his handgun unholstered and pointed at the door. As LE1 is standing near the door, Li can be heard yelling from inside of the condominium, but it is unintelligible.

BWC from Sergeant Nickel shows he, LE2 and LE3 arrive with other officers and deputies at approximately 12:44 p.m. LE1 briefs Nickel on what occurred and his interaction with Li. CW2 joins the officers and deputies who are responding to the 5th floor. Nickel asks CW2 if they have had problems with Li in the past. The manager tells Nickel and the group of deputies and officers that she pulled a knife out on employees the day prior when they went into the condominium to do emergency maintenance. Nickel asks LE1 if he felt Li had committed an assault with a deadly weapon against him. LE1 tells Nickel that Li was only screaming at him with the knife in her hand and did not believe she had committed an assault.

At approximately 12:47 p.m., LE3 knocks on the front door of the condominium and identifies himself as Sheriff's Department. Li begins to yell while in her condominium. The majority of what Li is saying is unintelligible. The words "underneath the door" and "intruder" can be made out in LE3's BWC. LE3 tells Li they are not intruders and asks Li to put the knife down and open the door. Li responds, "why should I? Put your badge underneath the door." At approximately 12:51 p.m., Li stops yelling from inside of the condominium and communication with Li temporarily stops. At approximately 12:53 p.m., LE6 arrives on scene and meets with Nickel. Portions of the audio of the BWC of the deputies' discussions were muted.

At approximately 12:55 p.m., LE3 again tries to communicate with Li through the front door. Li again begins to yell while inside of her condominium, but it is unintelligible. At approximately 12:58 p.m., LE5 attempts to speak with Li to see if a female voice would help in reasoning with Li. Li again asks to put a police ID under the door. LE5 tells Li that she cannot slide the ID under the door. LE3 places his police ID near the peephole of the door so Li can see it. Li continues yelling from inside of the condominium and does not communicate with the deputies.

At approximately 1:01 p.m., communication with Li stops. LE3 and Nickel discuss their plan to enter the condominium to arrest Li for her assault with a deadly weapon against the condominium employees. After discussing the entry plan with Nickel, LE3 again tries to communicate with Li through the door. At approximately 1:05 p.m., CW1 approaches the group of deputies and tells them he knows Li and can help by trying to talk to her. The neighbor provides his name to the deputies. LE3 uses CW1's name to ask Li if she knows the neighbor. Li does not appear to respond to LE3 and

continues yelling inside of the condominium. CW1 states Li is a paranoid schizophrenic and that nothing they say to Li is reality because she is upset. He tells law enforcement they need a psychologist present because Li's "mental instability is so ferocious right now. She is going to lie to you about everything." LE3 states they have contacted PERT. Deputies advise CW1 Li has a weapon, which CW1 denies, and direct CW1 to leave the area for his safety. LE3 continues trying to communicate with Li through the door.

At approximately 1:11 p.m., BWC from LE3 shows LE9 arrive on scene and meet with both supervisors to discuss the entry plan and the utilization of the canine. At approximately 1:24 p.m., LE6 places a call to Li's phone and advises the deputies the call went to voicemail. LE3 makes several attempts to communicate with Li by knocking on the door and calling out to her, however there is no response. At approximately 1:27 p.m., entry is made into the condominium. A search warrant is not sought.

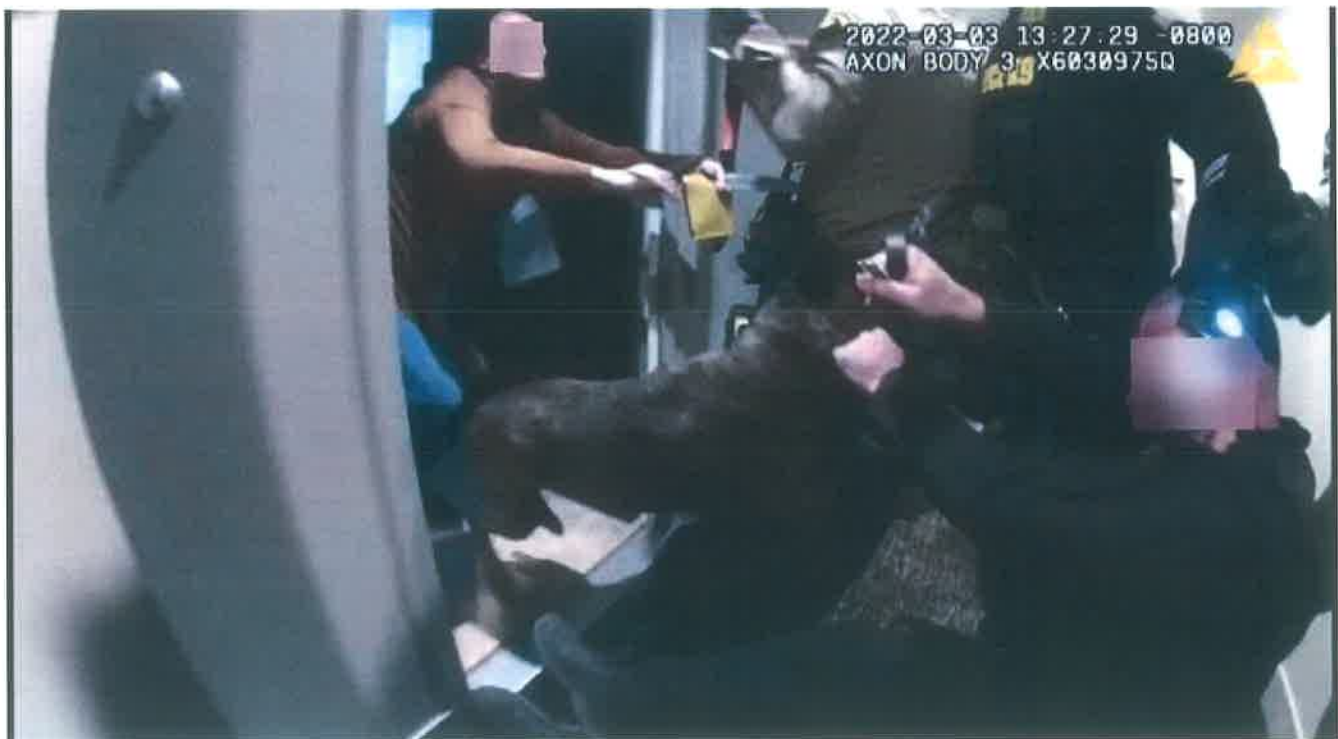
LE1 first enters the condominium with the bean bag shotgun. Deputies follow into the condominium behind LE1. Commands of "where are you at?", "show me your hands" and "sheriff's department" can be heard. Moments later BWC from LE1 captures Li in the doorway of a bedroom on the east end of the unit, about 15 feet from LE1. Li begins yelling at the deputies, however what she says is unintelligible. Multiple commands are given to Li for her to show her hands and come out with her hands up. Li does not comply and remains in the doorway of the bedroom. Approximately 10 seconds after entering the condominium, deputies are heard calling for the dog to come into the condominium. LE1 fires one shot from the bean bag shotgun and takes a step towards Li. LE1 fires another bean bag round and takes several more steps toward Li placing himself between Li and LE2, and within about six feet of Li. Deputies hold their position in the entryway and kitchen. Multiple deputies begin telling LE1 to get back. LE1's BWC shows Li has the knife in her right hand and raises it up to head level. LE2 is now in the condominium but does not release his canine since LE1 is standing in between Li and LE2. LE1 fires two more bean bag rounds at Li as deputies and officers continue yelling at LE1 to get back. After firing the fourth round LE1 begins to back up.

At this point Li exits the bedroom with a knife in her right hand and advances towards LE1, who backs directly into the canine, which bites LE1 in the buttocks. Deputies and officers quickly retreat out of the condominium and into the hallway. LE1, LE2 and LE9 appear to lose their balance while back pedaling into the hallway, where all three fall to the ground. Li exits out of the front doorway with the knife in her left hand and extended outward towards LE1 & LE2. Officer R. Medina's BWC appears to show the knife contacting LE1 in the abdominal area.

[Photographs on page 22]



LE2 was medically treated for a stab wound to the chest inflicted by Li.



Li transfers the knife to her right hand while standing over LE2. LE2 uses his left leg to kick Li to keep her from advancing towards him as he's on the ground. Li raises the knife over her head and begins to swing the knife towards LE2 in a downward motion.



LE2's BWC appears to show the knife contacting LE2's pants in the shin area. Simultaneously, shots are then fired. Li is struck multiple times and she falls to the floor, still holding the knife. Sgt. Nickel pulls her down the hallway and removes the knife from her hand. Deputies request medics respond to their location. Deputies handcuff Li and begin administering first aid until medics arrive. Li's action with the knife is captured on several different BWCs. As LE2 departs the scene to receive medical assistance he states, "The fuckin' deputy wouldn't get out of the fuckin' way. I couldn't let the dog go that fuckin' guy was in my way."

An examination of the scene revealed Li was armed with a 12-inch stainless steel kitchen knife with a black handle. The blade of the knife measured approximately 8-inches long. Located on the kitchen counter was a large 12-inch meat cleaver knife.

Deputies Medina, Nickel and Williams were equipped with department-issued 9mm Glock 17-semi-automatic pistols. SDPD Officer Medina was equipped with a department issued 9mm Sig Sauer model P226 Elite semi-automatic pistol. The firearms, magazines, and cartridges of each shooting officer were collected and examined by the SDPD Firearms Unit. The examination determined Deputy Medina likely fired one round, Deputy Nickel likely fired two rounds, Deputy Williams likely fired two rounds and Officer Medina likely fired eight rounds, for a total of 13 rounds.

A total of five 9mm cartridge casings with headstamp, "Hornady 9mm Lueger 18" and eight 9mm cartridge casings with headstamp, "FC 9mm Lueger" were located in the hallway outside of unit #503. The eight FC cartridge casings are consistent with the ammunition found in R. Medina's pistol. The five Hornady cartridge casings are consistent with the ammunition found in the pistols belonging to Williams, Nickel and J. Medina.

Autopsy

An autopsy was conducted on March 4, 2022. No alcohol or commonly abused drugs were detected after toxicological testing. Several injuries consistent with those from a less lethal shotgun were noted on her torso, left elbow, buttock and groin area. Li sustained gunshot wounds to the following locations: right cheek, right upper arm and chest, right side of the chest, right upper quadrant of the abdomen, right lower quadrant of the abdomen, right hip, right shoulder, right side of the back, mid right side of the back, right elbow, and left thigh. The cause of death was determined as multiple gunshot wounds and the manner of death as homicide.

Legal Standards of Criminal Liability

Penal Code section 835a(c) sets forth the standard to evaluate a peace officer's use of deadly force and the circumstances upon which an officer may use such force. The law provides, in part, 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 the following reasons:

"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).

"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(a)(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).

Factual Overview

LE1 was wearing a Sheriff’s uniform identifying him as law enforcement when he handed Li the notice of eviction paperwork and explained to her what it was. At this point, LE1 noticed Li was holding a large meat cleaver in her hand. Fearing for his safety, LE1 drew his firearm, pointed it at Li and ordered Li to drop the weapon. She refused to comply and began yelling at LE1, who then requested assistance. LE1 continued ordering Li to drop the weapon and warning her she could be shot. At one point Li raised the meat cleaver up from the side of her leg, holding it at a ninety-degree angle. Li ignored the orders, continued yelling at him and claiming he was a “fake cop,” eventually throwing down the paperwork and slamming the door.

Several deputies and San Diego Police officers arrived on scene to assist. While LE1 explained what had transpired, the building manager arrived on scene and advised them Li had confronted him and several others with a knife the previous day when they accessed Li’s condominium to repair an apparent water leak. Having interviewed the victims of the previous day’s incident, LE4 advised the others a felony assault with a deadly weapon had occurred.

Ongoing efforts to discuss the matter with Li proved futile. With the understanding an assault with a deadly weapon, a knife, against several victims had transpired the day before, and the belief Li brandished a knife at LE1, considering Li’s aggressive and erratic behavior and the impending eviction, the lieutenant on scene authorized the plan to access Li’s condominium and arrest her. It was believed she had committed a felony offense the previous day, and given the totality of the circumstances, posed an ongoing danger to the residents in the building.

Sergeant Nickel and LE3, in consultation with the other deputies, formulated a plan to enter the condominium utilizing less lethal force if necessary to affect the arrest. SDPD’s canine was on hand and available as another less lethal option should it become necessary.

LE1 was first into the condominium holding a bean bag shotgun as a less lethal option and contacted Li as she stood in the doorway of her bedroom armed with a large kitchen knife. She stood partially hidden by the door frame and would not follow orders to drop the knife. LE1 fired a bean bag at Li and then moved closer to her as he and several other uniformed deputies ordered her to show her hands and to come out with her hands up. Again, LE1 fired at Li who did not react when struck by the bean bags. Others called for the canine.

LE2 entered the condominium but did not release the canine because he felt LE1 had advanced too close to Li and stood between the canine and Li. LE2’s BWC confirms LE1 placed himself between LE2 and Li. Had the canine been released, he would have focused on LE1. Li then suddenly and quickly advanced on the deputies while holding the knife out. Law enforcement attempted to retreat out of the condominium and away from Li who was continuing to advance toward them. However, they were unable to exit the condominium to safety quickly enough and Li was able to stab LE2 in the chest. Then he, LE1 and LE9 exited the condominium and fell to the ground in the hallway, as Li then lunged at LE1 with the knife.

Williams and R. Medina backed up several feet from the door and saw Li standing over the peace officers lying on the floor and swinging the knife in a downward stabbing motion. Fearing for the safety of the peace officers on the ground as well as their own safety, Williams and R. Medina shot at Li in an effort to stop the threat she posed. Nickel and J. Medina stood on the other side of the doorway.

J. Medina did not see the knife but based on his knowledge about Li, the firing of the bean bags and the actions of law enforcement, he correctly concluded Li posed an imminent threat to them. Nickel heard commands to drop the knife, then saw law enforcement hastily exiting the condominium and falling to the ground. Nickel saw Li standing over the law enforcement officers with the large knife in hand while they lay in a vulnerable position on the floor. Fearing for the lives of the men on the ground, J. Medina and Nickel shot at Li.

Conclusion

The ultimate question in this inquiry is whether those involved bear criminal liability for their actions. This review does not evaluate or pose any opinion on potential civil or administrative action. The duty and responsibility of this office is to evaluate the facts objectively and apply the relevant law to reach a conclusion. The filing of criminal charges requires evidence that supports the ability to prove charges beyond a reasonable doubt to a jury.

Consideration was given to the legislative finding that mental illness may affect an individual's ability to understand or comply with commands from peace officers. In this case it is reasonable to conclude that Dr. Li was experiencing a mental health crisis, however Dr. Li's actions constituted an imminent threat to the peace officers, resulting in her tragic death.

Deadly force was used because she presented an imminent threat, not because she failed to comply with commands. The deadly force used by the peace officers was in response to Dr. Li's use of a deadly weapon to stab an officer and the imminent threat of death or serious bodily injury Dr. Li posed to the peace officers by lunging at them with the knife.

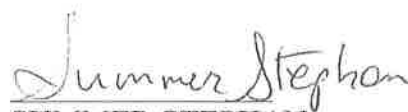
Consideration was also given to the fact that a search warrant was not sought. The law is clear that regardless of whether a search warrant was obtained a person may not use a weapon to attack or assault peace officers even if the peace officers may not be acting within the scope of their duties.

In reaching a conclusion several additional factors were considered including multiple witness statements supported by body worn camera evidence which showed Dr. Li armed with a knife. Nonlethal efforts to gain compliance, including verbal commands, use of a beanbag shotgun, pepper ball gun, and a canine proved ineffective or could not be successfully deployed. Instead of complying, Dr. Li raised the knife up, and attacked the officers and deputies. Law enforcement attempted to safely retreat out of the home without deploying any additional force toward Dr. Li. Unfortunately, Dr. Li stabbed an officer in the chest with the knife piercing through the uniform and penetrating the officer's chest requiring sutures to close the stab wound. Once officers and deputies were out of the home, she continued attacking them in the hallway. BWC confirms she thrust the knife at LE1's abdomen and then swung it at LE2, who was on his back on the floor in a very vulnerable position. Seeing this and recognizing the imminent threat of serious bodily injury or death, the deputies and officer opened fire.

Dr. Li's actions led Deputies Williams, Medina and Nickel, and Officer Medina, to reasonably conclude Dr. Li had the ability, opportunity, and intent to stab and seriously injure the deputies and officer. They had reason to believe there was an imminent threat of death or serious bodily injury to those individuals. Their belief is confirmed by the fact Dr. Li had already stabbed an officer in the chest.

Therefore, given the totality of circumstance, Deputies Williams, Medina and Nickel, and Officer Medina, bear no criminal state liability for their actions. The evidence is clear that the deputies and officer outside the doorway of the condominium were faced with an imminent threat of death or serious bodily injury when deadly force was used. A copy of this letter, along with the materials submitted for our review, will be retained for our file.

Sincerely,

A handwritten signature in cursive script that reads "Summer Stephan".

SUMMER STEPHAN

District Attorney

cc: Captain Richard Freedman, SDPD
Captain James Emig Jr., SDSD