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August 29, 2023

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

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

**Re: In-custody death of Denny Jazon Jalate, detained by San Diego Police Officers Ryan McIntosh ID #1571, Kyle Becker ID #1134, Mary McCarthy ID #7995, and David Lopez ID #7805 on October 09, 2022; San Diego Sheriff's Department Case No. 22145315; DA Special Operations Case No. 22-114CD; Deputy District Attorney assigned: Frederick Washington**

Dear Chief Nisleit and Chief Martinez:

We have reviewed the reports and other materials compiled by the San Diego Sheriff's Department's Homicide Division concerning the circumstances leading to the in-custody death of Mr. Denny Jalate. 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 February 05, 2023. We received the Medical Examiner's Report on June 5, 2023.

***Summary***

On October 9, 2022, at approximately 10:00 p.m., San Diego Police Officers McIntosh, Becker, McCarthy, Lopez, and LE1 were dispatched to a radio call of a family disturbance where an intoxicated person was fighting and damaging property. The caller later said the subject was being restrained by family members. Prior to being restrained, the subject, Denny Jalate, had set a fire in the backyard, argued with multiple family members, threatened to kill his stepfather, and had thrown bricks through a sliding glass door and a car window. At approximately 10:12 p.m., McCarthy arrived at the residence and was directed to Jalate's location by Jalate's cousin, CW1. McCarthy saw Jalate lying face down on the ground with Jalate's mother, CW2, standing over him, and Jalate's stepfather, CW3, holding his head area. McIntosh and Lopez arrived immediately behind McCarthy. McCarthy identified herself and told Jalate that she was going to place handcuffs on him. Jalate did not respond. Becker arrived as officers were handcuffing Jalate. After Jalate was handcuffed and was still unresponsive, he was rolled into a recovery position. After a weak pulse was initially detected, officers were unable to locate a pulse. Officers noticed Jalate lacked pupil dilation and his tongue was at the front of his mouth.

Officers began chest compressions and called for paramedics. Becker administered Narcan to Jalate with no effect. McIntosh, Becker, and McCarthy continued chest compressions until paramedics arrived. At 10:25 p.m., paramedics arrived and began attending to Jalate.

At 10:38 p.m., Jalate was transported from the scene by San Diego Fire Medics Unit 12 to Scripps Mercy Hospital and at 11:08 p.m., Jalate was pronounced deceased by Doctor Bruner. Postmortem toxicology testing detected alcohol at 0.174% in the peripheral blood and 0.206% in the vitreous fluid.

### ***Persons Involved***

At the time of this incident, Denny Jalate was a 23-year-old resident of the City of San Diego. Ryan McIntosh, Kyle Becker, Mary McCarthy, and David Lopez were police officers with the San Diego Police Department who, at the time of the incident, had one year and nine months, two years, three years, and four years of police experience, respectively.

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

CW1 is Jalate's cousin. Jalate told CW1 two months prior that he was depressed. On October 9, 2022, CW1 drove Jalate to a baby shower where Jalate was acting normal. Jalate drank and took shots of alcohol, eventually becoming intoxicated. CW1 told him it was time to leave and drove them back to Jalate's residence. Once home, Jalate grabbed a broom, took it outside, and lit it on fire. CW1 asked Jalate what he was doing and he responded, "Nothing. Just burning this thing." CW1 asked Jalate to stop and tried to take the broom away, but Jalate said he was going to continue burning the broom. Jalate took a Snap Chat video of himself burning the broom and posted it on social media. Jalate then received a call from his sister, CW4. The phone was on speaker so CW1 could hear the conversation. Jalate told his sister he was burning the broom as part of a ritual, he knew that she didn't care for him, and he could "end" his stepdad or hurt him.

Jalate's mother (CW2), Jalate's stepdad (CW3), and Jalate's younger sister came home. CW2 and Jalate began arguing and it became very heated. Jalate told CW2 that she always takes CW3's side and chose CW3 over him. Jalate threatened to kill CW3. CW2 slapped Jalate across the face. Jalate responded by pushing CW2 in the chest area. CW1 was able to step between Jalate and CW2 to separate them. CW1 asked Jalate to go on a walk with her to calm the situation down, but Jalate didn't listen and continued to yell. CW1 asked CW2 and CW3 to go into the house to diffuse the situation. After CW2 and CW3 went inside the house, Jalate picked up a brick from the yard, walked to the house, and threw it through a window. CW2 and CW3 did not come out of the house, so Jalate picked up another brick and broke out the driver's side door window of CW3's Toyota Tacoma pickup truck. CW2 and CW3 came out of the residence and asked CW1 to call police. CW3 grabbed Jalate and guided him down to the ground. CW1 couldn't see specifically how CW3 took Jalate to the ground because she was focused on calling 911. Jalate appeared to be on his stomach and CW3 still had a hold of him. CW1 could not tell if Jalate was conscious or not because she was concentrating on the phone call.

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

CW2 is Jalate's mother. CW2, CW3, Jalate, and Jalate's 10-year-old sister live at the back of the property in the 3100 block of 39th Street in San Diego. The landlord lives at the front in a

separate residence. Jalate stays in a shed at the back of the property. Jalate suffers from depression and alcoholism. CW2 believes Jalate uses cocaine since she previously found a baggie of white powder in his room. Jalate smokes marijuana and when he consumes alcohol, he gets angry. Jalate had gained a lot of weight in the last couple months.

CW4, who is CW2's adult daughter, phoned CW2 in the evening and told her Jalate was burning CW2's younger daughter's Halloween broom on the back patio. CW2 headed home with CW3 at about 9:40 p.m., arriving about 10 minutes later. When CW2 arrived home, Jalate was upset. CW2 asked him why he was burning his sister's broom and Jalate told her she didn't love him. They began to argue. CW2 told Jalate he needed help with his alcohol addiction and to stop drinking. Jalate used profanities at CW2, including calling her a "bitch." CW2 slapped Jalate. CW2 and Jalate pushed each other in the chest and shoulder area. CW3 only spoke Spanish but he understood Jalate had called CW2 a "bitch." CW3 tried to interject, but CW2 told him not to and kept herself between Jalate and CW3. CW2 told Jalate to go to bed and they would talk about it in the morning.

After CW2 and CW3 went inside the house, Jalate took a brick and smashed the living room window. Jalate picked up another brick and broke the window to the white truck. CW3 tried holding Jalate around the neck, then they both fell. Jalate may have hit his head but she couldn't see. Jalate was still fighting with them and moving around while CW3 had his arm wrapped around Jalate's neck. Jalate was on his stomach with CW3 controlling his neck with his arms. CW2 was standing over Jalate with one leg on each side of Jalate's body and pushing down on his back. CW2 told Jalate to stop fighting. Jalate stopped moving and CW2 thought Jalate had fallen asleep because he was drunk. Police arrived and took over, placing handcuffs on Jalate. CW2 estimated Jalate was on the ground for about seven minutes.

***Statement of Civilian Witness 3 (CW3)***

CW3 is Jalate's stepfather. On October 9, 2022, CW2 and CW3 were at CW2's father's house having dinner when they were alerted by CW4 that she had seen a video on social media of Jalate burning a broom at their residence. CW3 and CW2 drove home. When they got home, CW3 put the dog inside, and then went back outside and saw Jalate arguing with CW2. Jalate appeared drunk. CW3 and CW2 were trying to get Jalate to go to bed. Jalate started insulting CW3 and CW2. CW3 tried to calm Jalate down, but Jalate told him not to interrupt. CW3 went into the house after CW2 asked him to. CW3 said the incident between CW2 and Jalate was verbal only and not physical. When CW3 was inside the residence, Jalate threw a brick through the living room window and the brick hit the couch, coming close to his legs. CW3 said Jalate picked up another brick and threw it through the window of his truck.

CW3 went outside and grabbed Jalate from behind and tried to toss him. They both fell onto the concrete driveway. They either landed on their side or CW3 landed on top of Jalate. Once CW3 got Jalate on the ground, he held onto him until law enforcement arrived in hopes of calming Jalate down. CW3 believed they were on the ground for two to three minutes. Jalate was still moving his body and making coughing sounds while they were on the ground. Jalate was not saying anything, but was still breathing when police arrived. CW3 held pressure on Jalate's neck for about two minutes and once they hit the ground, he released the pressure on Jalate's neck.

CW3 grabbed Jalate because he was trying to prevent him from smashing more windows and from hurting someone with the bricks.

CW3 heard Jalate earlier went to a party with CW1 and was drinking alcohol. When Jalate drinks alcohol, he usually behaves, but there was a similar incident about a year ago when Jalate was yelling and trying to fight everyone. CW3 has no martial arts training or experience and had never used headlocks or chokehold-type maneuvers before this incident.

***Statement of Civilian Witness 4 (CW4)***

CW4 is Jalate's adult sister. On October 9, 2022, she saw a "story" on Jalate's Instagram page where he was burning a broom at their residence. CW4 called her mother, CW2, to let her know. She then called Jalate and asked what he was doing. Jalate started arguing with her. CW4 told him he never should have gone to the party to drink alcohol because he has a drinking problem and needs help. Jalate told CW4 that she doesn't care about him and that she always criticizes him. Jalate told her that their mom is the only person who cares about him and threatened that he could make CW3 disappear. CW4 arrived on scene after police were already at the house.

CW4 stated when Jalate consumes alcohol, he becomes angry. Her family tried supporting Jalate but he would take advantage of their mother and refused to undergo treatment for his addiction. Jalate has resentment toward CW3 due to his relationship with CW2 and due to Jalate's issues with his biological father. Jalate's biological father was abusive to CW2, but Jalate felt she never should have left him. When Jalate was 16 years old, he went to live with his biological father and when CW3 asked Jalate to move back home, Jalate punched him in the face. CW4 said there have been numerous arguments between Jalate and CW3. Jalate had prior incidents of depression and recently self-inflicted cuts to his wrists. Jalate has no known medical problems and does not take medication.

***Statement of Law Enforcement Officer One (LE1)***

LE1, the Acting Sergeant at the scene, responded to a radio call of a 415 violent disturbance. LE1 arrived at the scene and observed Jalate shirtless, being placed in handcuffs. Jalate was not responding to officers' attempts to speak to him. Once Jalate was turned over, LE1 observed discoloration in his face. One of the officers checked for a pulse and felt a weak pulse. LE1 instructed officers to start CPR and administer a dose of Narcan. LE1 assisted with securing the area as a potential crime scene. LE1 separated witnesses and moved some family members to the front of the house. LE1 had activated his body worn camera upon arrival at the scene.

***Statement of Officer Mary McCarthy***

McCarthy responded to a 415 violent family disturbance where the family was fighting with the son who had been drinking, throwing things around the house, and threatening family members. The call also stated family members were currently holding down the son. McCarthy was the first officer on scene. She pulled into the back alley and was flagged down by the reporting party. The reporting party pointed toward a truck parked on the property. McCarthy observed two males on the ground next to the truck. She saw broken glass, debris, and a damaged lawn chair next to the truck. McCarthy saw one male, CW3, restraining the other, Jalate. CW3 had his arm wrapped around Jalate's neck. CW3 was "sitting on Jalate's neck area." Becker and

McIntosh arrived immediately after. McCarthy decided to immediately handcuff Jalate based on the nature of the call. She identified herself and told Jalate she was going to handcuff him as she moved CW3 away. Jalate never responded. When Jalate was rolled into a recovery position, McCarthy noticed he was unconscious. McCarthy checked for a pulse and found a weak one. Jalate was shirtless with blood around his nose and mouth and had cuts to his hand.

CW3 only spoke Spanish, appeared calm, and didn't say anything. He did not appear upset or injured. McCarthy went to talk with the family while her partners took over Jalate's care. McCarthy heard her partners asking for an ambulance and was told Jalate was no longer breathing. McCarthy assisted in administering CPR, rotating chest compressions with Becker and McIntosh until medics arrived. Jalate was given two doses of Narcan, but he did not respond.

***Statement of Officer Ryan McIntosh***

McIntosh responded to a radio call of a 415 violent disturbance. The dispatcher relayed a male subject was drinking and fighting with family and was being held down by family members. McIntosh knows people can be aggressive when drinking and because the family was holding him down, he believed the male wanted to fight.

When he arrived on scene, McIntosh saw McCarthy talking to the reporting party, who pointed to a truck and said, "He's over there." McIntosh and McCarthy walked to the subject, who was lying face down with his legs partially underneath the truck. The male was shirtless and wearing yellow shorts. The male's stepdad was standing over his left shoulder and over his head. McIntosh had the stepdad move away from the male. McIntosh noticed shattered glass and bricks throughout the area. McIntosh was aware the male had been violent and determined he would be immediately handcuffed. Once the male, Jalate, was handcuffed, he was placed into a recovery position. Jalate was unresponsive so McIntosh started conducting sternum rubs and calling out Jalate's name.

McIntosh noticed minimal blood on the ground and a cut on Jalate's lip. He pulled Jalate away from the truck and checked for a pulse but had difficulty due to Jalate's weight and extra skin. McIntosh checked for pupil dilation and saw none. He opened Jalate's mouth and noticed his tongue was in the front of his mouth. He immediately started chest compressions, rotating with Becker. At least one dose of Narcan was administered to Jalate with no effect. Jalate's family members told McIntosh Jalate had a history of cocaine abuse, but it was unknown if he was currently using. CW1 said Jalate had only had alcohol at a party.

Paramedics took over Jalate's care. McIntosh rode in the ambulance to Scripps Mercy Hospital and stayed with Jalate until he was pronounced deceased.

***Statement of Officer David Lopez***

Lopez and his partner McIntosh responded to a radio call involving a drunk male fighting around his house and damaging property. The call said the male was being restrained on the ground by his stepfather and another female. The male was wearing yellow shorts and no shirt. Lopez and McIntosh arrived on scene immediately behind McCarthy. As Lopez was approaching the residence, he saw two females standing near two males who were on the ground. One of the

males, CW3, had the other male, Jalate, in what appeared to be a headlock. CW3's right arm was around Jalate's neck. CW3 was on the left side of Jalate in a sideways sitting position putting all his weight on top of Jalate until officers arrived. Jalate did not appear to be moving or resisting.

Lopez had CW3 release his hold on Jalate and had CW3 move away. Lopez placed Jalate's arm behind his back and assisted McIntosh in handcuffing Jalate. Due to Jalate's size, two sets of handcuffs were applied by McIntosh and McCarthy. Jalate did not resist as the handcuffs were applied. McCarthy attempted to talk to Jalate, but Jalate did not respond. Jalate was rolled onto his side and officers checked his pulse. LE1 called for an ambulance because Jalate appeared to be unconscious. McIntosh and Becker began administering CPR. One of the officers requested Narcan and Lopez ran back to his patrol vehicle and retrieved two doses. Lopez gave the Narcan to Becker and believed Becker administered it. Lopez believed his partners were doing CPR for a significant amount of time. Lopez went into the alley and moved the police vehicles for the ambulance. Once the ambulance arrived, the paramedics took over chest compressions.

#### ***Statement of Officer Kyle Becker***

Becker responded to a "family 415" disturbance where the relative of the reporting party was intoxicated and was being restrained by other family members. Becker arrived at the residence and saw McIntosh, Lopez, and McCarthy handcuffing a male subject on the ground. There were several family members close by. The male was lying face down next to a truck that had the windows broken out and glass was on the ground. The male had cuts on his arm and was bleeding. Becker believed the male was cut from the broken glass.

Once the male was handcuffed, he was rolled onto his side into a recovery position. Becker checked the male for a pulse on his neck but was unable to locate a pulse. The male was not breathing. Becker, McIntosh, and Lopez moved the male onto his back and continued to check him for a pulse and to see if he was breathing. One of the officers called for a paramedic. Between chest compressions, he administered two doses of Narcan to the male. McCarthy joined in on the rotation of chest compressions. Once paramedics arrived, Becker assisted with getting them to the male's location.

#### ***Investigation:***

The scene was secured, photographed, and investigated by the San Diego Sheriff's Department's Homicide Unit. All detectives' reports, crime scene investigators' reports, audio-recorded witness interviews, BWC, and other video and audio recordings were reviewed. All of these items were found to provide evidence corroborating the officers' statements.

#### ***Cellphone Video from CW2***

CW2 provided a cellphone video of the moments before Jalate was restrained by family members. The video shows Jalate wearing no shirt and yellow shorts, talking to CW2. Jalate is smoking a cigarette and is displaying symptoms consistent with those of someone under the influence. CW1 appears to be standing between Jalate and CW2 in an attempt to keep Jalate from getting to CW2. Jalate says, "I'm done with this shit. I'm fucking done with this shit. Oh, now you want to help me, you fucking cunt. Fuck you. Fuck you and your fucking camera. Call the fucking cops. Call the fucking cops you stupid bitch. Call 'em. Call the fucking cops. I want

them to call the fucking cops because you assaulted me you fucking bitch.” At that point, Jalate lunges toward CW2 and CW1 attempts to hold him back. CW1 holds Jalate back, but Jalate still attempts to reach CW2. Jalate says, “I want them to arrest you and arrest him because you’re fucking on his side. You’re fucking on his side. Why are the fuck you on his side? Huh? I told you long ago you had to pick your fucking side. Okay?” At that point, CW1 walks Jalate back, away from CW2 toward the Toyota truck and the video ends.

### ***Cellphone Video from Jalate’s Phone***

Video footage recovered from Jalate’s phone shows a broom on fire while music plays in the background and a voice sings to the music. The video pans to the right and shows a large dog standing next to the burning broom.

A separate video recovered from Jalate’s phone shows Jalate in the backyard of his residence wearing yellow shorts and no shirt. Jalate is smoking a cigarette and dancing to music. Jalate loses his balance, almost falling.

### ***911 Calls/Dispatch***

On October 9, 2022, at 10:04 pm, CW1 called 911 and reported Jalate was getting violent and had broken all the glass in the house and had broken the windows of a truck. CW1 told the dispatcher that her cousin was intoxicated and her aunt and uncle were holding him down. CW1 told the dispatcher Jalate lives at the address. The 911 dispatcher asked CW1 if Jalate was still fighting and CW1 replied she thought Jalate was relaxing. CW1 told the dispatcher, “I don’t know what’s going on with him, but there’s something like mental.” CW1 said that she would wait in the alley for the police officers to come. After 7 minutes and 42 seconds on the phone with 911, San Diego Police officers arrived and CW1 terminated the call.

### ***Body Worn Camera Evidence***

McCarthy was the first officer on scene, immediately followed by McIntosh and Lopez. McCarthy did not activate her body worn camera until she started chest compressions on Jalate. McIntosh, Lopez, and Becker activated their cameras prior to their arrival at the scene.

Lopez’ body worn camera footage shows Lopez following CW1 and McCarthy into the backyard of the residence. Jalate is visible laying on the ground while CW3 is sitting next to Jalate’s head and CW2 is standing over Jalate near his waist. Jalate does not appear to be moving. McCarthy asks Jalate, “What’s going on tonight?” and tells him she is going to put him in handcuffs. Lopez assists McCarthy in cuffing Jalate. Jalate appears nonresponsive and LE1 asks if he should call for paramedics. McCarthy and McIntosh roll Jalate onto his left side and attempt to verbally revive him. Lopez then goes to the alley to rearrange the police vehicles to allow room for the paramedics.

McIntosh’s body worn camera footage shows McIntosh walking behind McCarthy and Lopez to where Jalate is lying on the ground. CW2 is seen standing over Jalate and CW3 is seen near Jalate’s head area, holding Jalate down. McIntosh moves CW3 away from Jalate and provides a second set of handcuffs to assist McCarthy in cuffing Jalate. McIntosh attempts to revive Jalate by stimulating his back area with his hands. Jalate does not react to the stimulation and appears

unconscious. McIntosh assists McCarthy in rolling Jalate onto his left side. There is blood visible on the sidewalk where his head had been and Jalate appears to be unresponsive. McCarthy and Becker check Jalate's pulse. McCarthy says, "He has a good pulse," and Becker says, "And he is breathing." McIntosh provides sternum rubs to revive Jalate. McIntosh checks Jalate for a pulse and advises Becker he feels a pulse. McIntosh checks Jalate's eyes and tells Becker that there is no dilation. McIntosh advises Becker they should start compressions and McIntosh then starts chest compressions on Jalate. McIntosh advises Becker to update paramedics that Jalate is not breathing. McIntosh continues chest compressions. Becker takes over chest compressions while McIntosh checks Jalate's mouth, pupils, and carotid pulse. LE1 asks for Narcan to be administered to Jalate. Becker administers one dose of Narcan to Jalate and McCarthy takes over chest compressions. McIntosh advises LE1 there is no pupil dilation. McIntosh interviews CW1 who tells him Jalate had been held down for less than four minutes while she was on the phone with dispatchers. She describes how Jalate was taken to the ground and says he did not hit his head. CW1 states Jalate has taken cocaine in the past, but not tonight. McIntosh checks Jalate's pulse and takes over chest compressions for McCarthy. McIntosh checks Jalate's carotid pulse, mouth, and eyes for dilation. McIntosh then continues with chest compressions. Paramedics arrive and check Jalate's carotid pulse while McIntosh continues chest compressions. Jalate is transferred to a stretcher and placed in an ambulance.

Becker's body worn camera footage shows Becker walking up to McCarthy, McIntosh, and Lopez as they are handcuffing Jalate. LE1 requests paramedics and McCarthy checks Jalate's pulse and states, "He's got a good pulse." LE1 advises dispatch Jalate is breathing. Becker checks Jalate's carotid artery for a pulse but is unable to find one. Becker then repositions Jalate on the pavement and McIntosh checks Jalate again for a pulse. McIntosh states Jalate has a weak pulse. McIntosh then checks Jalate's eyes and observes there is no dilation. Becker asks CW1 if Jalate uses heroin, and CW1 says he does not. LE1 then advises McIntosh to start compressions. Becker takes over chest compressions from McIntosh and McIntosh checks for a pulse. Then, McIntosh takes over chest compressions from Becker. A short time later, Becker administers one dose of Narcan to Jalate while McIntosh continues to perform chest compressions. McCarthy takes over chest compressions from McIntosh and Becker administers a second dose of Narcan. Officers continue administering chest compressions until paramedics arrive and start working on Jalate. The handcuffs are removed from Jalate who has not regained consciousness.

### ***Autopsy***

On October 11, 2022, an autopsy was performed on Jalate by Forensic Pathology Fellow Dr. Conner and Deputy Medical Examiner Dr. D. Berry. The autopsy report identifies the manner of death as homicide and the cause of death as strangulation. Further, acute ethanol toxicity, hypertensive cardiovascular disease, and obesity are listed as significant contributing factors. Postmortem toxicology detected ethanol (alcohol) in the peripheral blood, 0.174% (w/v) and in his vitreous fluid, 0.206% (w/v). Toxicology was negative for screened drugs of abuse and select therapeutic medications.

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

In analyzing the potential criminal liability of the officers involved in the contact with Jalate, there must first be a determination of causation. For charges of either murder or manslaughter,



there must be an act or acts that cause the death of another. The Medical Examiner's Office determined the cause of death was strangulation with contributing factors of acute ethanol toxicity, hypertensive cardiovascular disease, and obesity. The evidence in this case clearly shows the officers did not cause or contribute to Jalate's strangulation. The entirety of the officers' interactions with Jalate was captured on video. Their limited physical contact with him consisted of placing him in handcuffs and then providing him life-saving efforts. Any actions that caused or contributed to Jalate's strangulation were committed prior to the involvement of the responding officers.


When the officers arrived on scene, CW3 was physically restraining Jalate in the aftermath of a physical confrontation that had taken place between CW3 and Jalate. Multiple witnesses observed the manner in which CW3 maintained physical control over Jalate. A separate criminal investigation was opened to review the actions of certain civilians to determine if they were criminally liable for Jalate's death. That investigation was thoroughly reviewed by a different division within The District Attorney's Office. Ultimately, it was determined that there was insufficient evidence in that case to support the filing of criminal charges against the named civilians.

Based on the information the officers had been provided prior to and upon arrival at the scene, they placed Jalate in handcuffs. As soon as the officers detected Jalate was possibly under physical distress, they began to evaluate him and provide medical attention. The officers placed Jalate in a recovery position, monitored his pulse, initiated CPR, called for paramedics, and administered Narcan. The officers acted quickly and in a coordinated fashion to provide medical care until paramedics were able to take over.

***Conclusion***

Based upon our review of the facts and circumstances surrounding Jalate's death, the law enforcement personnel involved acted reasonably and bear no state criminal liability for their actions. A copy of this letter, along with the materials submitted for our review, will be retained in our files.

Sincerely,

  
SUMMER STEPHAN  
District Attorney

cc: Captain Richard Freedman  
San Diego Police Department  
Captain James Emig, Jr.  
San Diego Sheriff's Department