



OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SHASTA



Stephanie A. Bridgett
District Attorney

Benjamin L. Hanna
Chief Deputy District Attorney

November 6, 2019

Chief Bill Schueller
Redding Police Department
777 Cypress Ave.
Redding, CA 96001

Re: December 6, 2018 Officer Involved Shooting
Redding Police Department case 18R086595
Shasta County Sheriff case 18S0423571
Shasta County District Attorney's case 18GC1020
Involved Officers: Officer Travis Williams, #159
Officer Edward McGinnis, #186
Officer Nick Weaver, #119
Involved Person: Benjamin Larson (DOB 10/21/76)

Chief Schueller:

The Shasta County District Attorney's Office has completed an independent review of the above-referenced officer involved shooting incident. For purposes of this review, the district attorney's responsibility is to review the evidence and make a determination as to whether there is sufficient evidence to support the filing of criminal charges. Issues of policy, training, tactics, or civil liability were not considered. For the reasons set forth below, we conclude that the shooting was lawful.

Consistent with countywide officer involved shooting protocol, the lead agency in this investigation was the Shasta County Sheriff's Office with the assistance of the Shasta County District Attorney's Office, the California Highway Patrol, and the Redding Police Department. In conducting the investigation, sheriff's personnel and officers from allied agencies interviewed witnesses and collected physical evidence in an effort to gain a full and complete picture of the events that resulted in the shots being fired in the direction of Benjamin Larson. The findings of the district attorney are based upon a review of the totality of the materials compiled in the multi-agency investigation.

FACTUAL SUMMARY

On December 6, 2018, Redding Police Officer Travis Williams was on routine patrol driving southbound on Hwy 273, near South Bonneyview Drive. Around 5:26 a.m. Officer

Williams observed a vehicle, travelling northbound on Hwy 273 that matched the description of a vehicle that had been reported stolen on December 5, a gray 2013 Honda Civic. Williams turned his patrol vehicle around and got behind the vehicle in order to determine whether it was the stolen Honda. When Williams ran the vehicle's attached license plate it came back to a 2017 Honda Civic. Williams became suspicious because he was familiar with the Honda Civic various body styles and had personal knowledge that the vehicle he was following had the body style that was not consistent with a 2017 Honda Civic. During the time that Williams was following the Honda, the driver, who was later identified as Benjamin Larson, made several abrupt lane changes without signaling and ended up entering southbound I-5 from South Bonneyview Drive.

Once on I-5, Larson travelled a short distance. He then turned the vehicle onto the off-ramp at Knighton Road and started to slow. Officer Williams, who had been waiting for a backup unit to arrive before stopping the suspected stolen vehicle, decided to make an enforcement stop at this time. Williams turned on his patrol vehicle's red and blue lights. Larson slowed his vehicle as it travelled on the off-ramp. Larson's vehicle came to a stop and the passenger door opened. A female, later identified as Brittany Rickard, got out of the Honda. Williams ordered the female to get back into the vehicle. The female attempted to do so, but an argument seemed to ensue between the female and Larson. As Officer Williams began to get out of his patrol vehicle, Larson took off at a high rate of speed and reentered southbound I-5 leaving Brittany Rickard on the off-ramp of Knighton Road.

Officer Williams got back into his vehicle and followed. Larson failed to yield to the lights and siren of Officer Williams' patrol vehicle and continued at a high rate of speed in and out of traffic on I-5. Larson's speed varied between 50 and 120 miles per hour on the freeway. As the vehicle approached the Gas Point Road off-ramp, it was travelling in the left traffic lane. Larson then quickly crossed over two lanes of traffic and exited onto Gas Point Road. He then turned left onto Gas Point Road, travelled over the freeway, and reentered I-5 going north. As the pursuit continued north, other law enforcement officers in the area attempted to deploy spike strips in order to disable Larson's vehicle. There was a successful spike at the Riverside Avenue overpass, but Larson continued to drive on disabled tires, still travelling north. A second successful spike was then deployed, causing more damage to the tires of the Honda.

As Larson neared the Knighton Road exit, he abruptly drove the Honda off of the roadway and onto the grass shoulder on the east side of the freeway. The vehicle came to a stop near a fence and some tall bushes on the shoulder. Officers observed the driver's door immediately open. At this point, Officer Williams believed that Larson was attempting to flee. The officer opened his door and began to exit his patrol vehicle. As Officer Williams exited, he immediately heard multiple gunshots being fired in his direction from the Honda. Officer Williams observed muzzle flashes and smoke coming from driver side door area where Larson was standing. Officer Williams quickly ran around to the opposite side of his patrol vehicle, drew his duty weapon, and returned fire at Larson. In returning fire, Officer Williams emptied his handgun. He then reloaded his weapon, but did not fire any more rounds.

Around this time, Redding Police Officer Edward McGinnis arrived on scene. Officer McGinnis had been involved in the pursuit of Larson some distance behind Officer Williams. As Officer McGinnis was exiting his patrol vehicle, he heard gunfire and observed Officer Williams running around the backside of his own patrol vehicle. Officer McGinnis then observed Officer Williams return fire at Larson. McGinnis drew his duty weapon. While Officer Williams was reloading his weapon, Officer McGinnis observed furtive movement from the driver's door area of the Honda. In response, Officer McGinnis fired two shots toward the area of the driver's door.

After Officer Williams reloaded his weapon, he and Officer McGinnis took cover and waited for other officers to arrive on scene. Neither officer observed any movement from the Honda. From their vantage point, they were unable to observe Larson, nor did they have any idea of whether there were other individuals inside the vehicle. The two officers stayed in a position of cover until an armored police SWAT utility vehicle arrived on scene.

Officers from the Redding Police SWAT team arrived in an armored vehicle in order to make a safe approach to the Honda. Police made numerous verbal commands to have any individuals exit the Honda; no response was received. A decision was made to utilize a less than lethal shotgun to fire beanbags into the rear window of the Honda to give officers a better view of the interior of the vehicle. Officer Nicholas Weaver was successful in firing through the rear window. At this time, the sun was beginning to illuminate the interior of the vehicle as well. Officer Weaver was able to observe Larson sitting upright in the driver seat of the Honda, with what appeared to be a silver handgun in his lap. Weaver then fired a less than lethal beanbag at Larson, striking him in the left upper extremities area. There was no movement or reaction from Larson. At that point, law enforcement believed that Larson was more than likely deceased.

An arrest team was then formed to approach the vehicle and take Larson into custody. A police canine was used to pull Larson from the vehicle. Officers were then able to confirm that he was deceased. A 9 millimeter Sig Sauer P226 handgun was located on the driver seat where Larson had been seated. A records check of the gun revealed that it had been reported stolen from a vehicle burglary in the city of Redding on November 29, 2018.

As part of the investigation, police interviewed Brittany Rickard. She told investigators that she had been a passenger in the vehicle with Larson that morning. She told the investigators that when police lights went on, Larson told her she was going to have to get out of the vehicle. He then pulled over on the Knighton Road off-ramp. She then exited the vehicle and lay on the ground at Larson's request. Rickard related to investigators that Larson had discussed with her that he was depressed when he was incarcerated and told her that he would do whatever he could in order to not go back to prison.

Following the shooting, an analysis of the crime scene was conducted. Investigators recovered the firearm possessed by Larson lying in the vehicle. The gun was loaded. Police also located a loaded 9 millimeter handgun magazine from a shoulder holster on Larson's body and a box containing 46 live rounds of 9 millimeter ammunition. The search also yielded an unloaded sawed off shotgun under a towel on the rear floorboard of the Honda. Damage consistent with

two bullet strikes was observed in the front area of Officer Williams' patrol vehicle. Empty shell casings consistent with ammunition used by the officers were located in the area from which both Officers Williams and McGinnis fired their weapons.

At the scene, crime scene investigators observed apparent gunshot wounds to Larson's head. One 9 millimeter shell casing was located in the rear compartment of the Honda. Bodily fluids were observed on the driver's seat, the "B" pillar, the door sill, the interior door panel and arm rest, and the driver's side rear passenger floor. Also observed was a bullet strike in the unbuckled seat belt hanging on the driver's side of the vehicle. Based on the locations of law enforcement officers and the physical evidence inside the Honda, crime scene investigators opined that the bullet travelled in a right to left path through Larson's head while he was seated inside the Honda's driver seat. There were no law enforcement officers that were in a position to fire a shot that could have caused such an injury.

An autopsy was performed on Larson's body on December 11, 2018. Both methamphetamine and amphetamine were detected in Larson's blood. The examining pathologist observed a close contact bullet wound to Larson's head, with the path of travel into the right temple and out the left ear, front to back, with a slightly downward trajectory. Based on the evidence obtained from the autopsy, the pathologist opined that Benjamin Larson died of a self-inflicted gunshot wound.

LEGAL ANALYSIS

California law allows a peace officer to use reasonable force in order to detain or arrest a person, prevent the person's escape, or overcome the person's resistance if the force used is reasonable and if the officer has reasonable cause to believe that the person has committed a public offense or is a danger to others. (California Penal Code §835a, CALCRIM 2670.)

Under certain circumstances, reasonable force includes deadly force. Use of deadly force by a police officer is appropriate when the officer *honestly and reasonably* believes he or she is in danger of death or great bodily injury. (CALCRIM 505, 507, 3470.) A police officer has the same right of self-defense as any other person.

Whether force is reasonable is judged from the perspective of a reasonable officer on the scene. The concept of reasonableness should allow for the often split-second decisions that officers are forced to make in rapidly evolving situations. (*Graham v. Connor* (1989) 490 U.S. 386.)

In this case, officers had been involved in a dangerous high speed vehicle pursuit with Larson, who was driving a recently stolen vehicle. This information, which was known to the involved officers at the time of the shooting, placed them on notice that they were dealing with an unpredictable person who was willing to resist efforts of law enforcement and could resort to violence. When Officer Williams exited his patrol car, Larson immediately started firing his handgun at the officer, hitting his patrol car on two occasions. Officers Williams and McGinnis chose to fire at Larson to end the reasonably perceived threat that Larson posed to them, other

officers at the scene, and the public. Under all of the circumstances of this situation, both of these officers' actions were lawful.

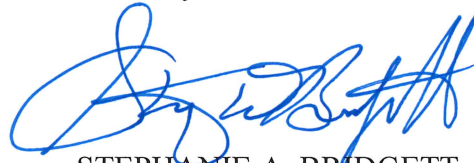
Nor did the threat posed by Larson end when he stopped shooting at the officers. He was still concealed inside of the vehicle with the officers unable to see what he was doing. At this point, Larson still posed a reasonable threat to the officers' and public's safety. He was obscured from view and was ignoring commands. While Larson was likely deceased by this point, officers had no way to know this. It was therefore reasonable for the officers to believe that Larson was still fully capable of inflicting serious harm on them and others. Officer Weaver firing the less-than-lethal shotgun round that struck Larson was done in an appropriate manner to determine the risk that Larson potentially posed.

The choices made by Officers Williams, McGinnis and Weaver to fire at Larson were not unreasonable under the circumstances.

CONCLUSION

Given the circumstances, the officers were justified in their actions. We find the shooting to be lawful and will take no further action in this matter.

Sincerely,



STEPHANIE A. BRIDGETT
DISTRICT ATTORNEY

cc: Tom Bosenko, Shasta County Sheriff
cc: Officer Travis Williams, Redding Police Department
cc: Officer Nicholas Weaver, Redding Police Department
cc: Officer Edward McGinnis, Redding Police Department